
Shire of Kalamunda

Planning Services Committee

Minutes for 1 November 2010



SHIRE OF KALAMUNDA

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**Minutes of Planning Services Committee
Held in the Council Chambers
2 Railway Road, Kalamunda
Monday 1 November 2010**

1.0 OFFICIAL OPENING

- 1.1 The Chairman opened the meeting at 6.30 pm and welcomed Councillors, Staff and Members of the Public Gallery.

2.0 ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE PREVIOUSLY APPROVED

2.1 Attendance

Councillors

Donald McKechnie	(SHIRE PRESIDENT) NORTH WARD
Sue Bilich	NORTH WARD
Margaret Thomas	NORTH WARD
Allan Morton	SOUTH WEST WARD
Noreen Townsend	SOUTH WEST WARD
Geoff Stallard	SOUTH EAST WARD
Frank Lindsey	SOUTH EAST WARD
Carol Everett	SOUTH EAST WARD
Martyn Cresswell	(CHAIRMAN) NORTH WEST WARD
Dylan O'Connor	NORTH WEST WARD

Members of Staff

James Trail	CHIEF EXECUTIVE OFFICER
Hazel Smallwood	A/DIRECTOR OF CORPORATE SERVICES
Kevin O'Connor	DIRECTOR OF COMMUNITY DEVELOPMENT
Clayton Higham	DIRECTOR OF PLANNING & DEVELOPMENT SERVICES
Michelle Clark	EXECUTIVE ASSISTANT CHIEF EXECUTIVE OFFICER
Darrell Forrest	MANAGER GOVERNANCE
Donna McPherson	MINUTE SECRETARY
Sara Slavin	MINUTE SECRETARY
Michael O'Regan	RANGERS

Members of Public 40

Members of Press 1

2.2 Apologies

Councillors

Maureen Robinson

Peter Heggie

SOUTH WEST WARD

NORTH WEST WARD

2.3 Leave of Absence Previously Approved

Nil.

3.0 PUBLIC QUESTION TIME

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

3.1 Iris Jones, Lesmurdie

Q. Regarding Item 65 on the Agenda, in relation to the submissions in the staff reports after almost a year, have they been analysed as to how they are made up ie groups, individuals, petitions, final tally figures etc and, if so, what are the results of this analysis?

A. Taken on notice.

Q. Is there any reason this matter cannot move ahead independently of the Local Planning Strategy if Council votes yes to the recommendation

A. Director Planning & Development Services replied, if the Council were to support the amendment that will be a decision for the Minister. The Local Planning Strategy has been sent to the WA Planning Commission and they will be deciding when and how we can advertise it. It will then be up to the Minister to look at those submissions in order to assist him in making a decision on an amendment to the Scheme.

3.2 Candy Gordan, Mundaring Weir Road, Kalamunda

Q. Regarding Item 65 on the Agenda, has the Shire received any other applications of this nature for a fully integrated Aging-in-place complex or is this proposed development of Gavour Road the only one?

A. Taken on notice.

Q. If there are any initiatives of this nature, comprising low and high care, where and when are they to be developed and by whom?

A. Taken on notice.

3.3 Marcia Maher, 52 Temby Avenue, Kalamunda

Q. Regarding Item 65 on the Agenda, if the Wattle Grove initiative is agreed by Council tonight could the community please be informed via a media release of the likely timeframe before the development would actually begin?

A. Taken on notice.

3.4 Richard Tesh (speaking on behalf of his parents at 48 Gavour Road, Wattle Grove)

Q. Regarding Item 65 on the Agenda. With reference to Attachment 2, was a response received from Western Power, are they ok with the scheme and is no upgrade required?

A. Manager Statutory Planning & Building advised the Shire was not aware that Western Power made a response once the submissions had been sent out.

Q. Can you explain what it is meant by the term that the sewer was "technically unavailable"?

A. Manager Statutory Planning & Building reports that this was a term used by the applicant in providing additional information regarding the ability to connect to the sewer.

Q. Is Sewerage available?

A. Chief Executive Officer advised that the recommendation states that it is a requirement for the development to be connected to a reticulated sewer service or alternative system.

3.5 Ken Abbotsford, 29 Johnson Place, Wattle Grove

Q. Will Council change the policy in future to give residents more notice of Council Meetings? As a legal document residents need more notice.

A. Director of Planning & Development Services replied, the letter is not a legal document, it advises people of the meeting but does not ask for comment. It is not possible to send the letter until the agenda has been finalised which is only done the week prior to the meeting.

3.6 Robert Vletter, 47 Gavour Road, Wattle Grove

Q. Regarding Item 65 on the Agenda, if sewer is not available and alternatives will considered, what are those alternatives?

A. Taken on notice.

3.7 Bernie Mouritz, 37 Victoria Road, Wattle Grove

Q. Can the Shire have more staff to answer the telephone? I was unable to contact anyone at the Shire on the day of the meeting to register my attendance.

A. Chief Executive Officer replied that this request will be taken on board.

4.0 PETITIONS/DEPUTATIONS

4.1 Nil.

5.0 APPLICATIONS FOR LEAVE OF ABSENCE

5.1 Nil.

6.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

6.1 That the Minutes of the Planning Services Committee Meeting held on 4 October 2010 be confirmed as a true and correct record of the proceedings.

Moved: Cr Martyn Cresswell

Seconded: Cr Donald McKechnie

CARRIED UNANIMOUSLY (10/0)

7.0 ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION

7.1 Nil.

8.0 MATTERS FOR WHICH MEETING MAY BE CLOSED

8.1 Item 65, Lot 500 (32) Gavour Road, Wattle Grove – Rezoning from Special Rural to Special Use (Aged Residential Care) has two confidential attachments, If these attachments need to be discussed the meeting will be closed.

9.0 DISCLOSURE OF INTERESTS

Disclosure of Financial and Proximity Interests

- (a) Members must disclose the nature of their interest in matters to be discussed at the meeting. (Sections 5.60B and 5.65 of the *Local Government Act 1995*).
- (b) Employees must disclose the nature of their interest in reports or advice when giving the report or advice to the meeting. (Sections 5.70 and 5.71 of the *Local Government Act 1995*)

9.1 Nil.

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.
- 9.2 Cr Dylan O'Connor declared a Interest affecting impartiality on Item 67 Townscape Improvement Plans - Maida Vale Shopping Centre and Item 70 Kenneth Road Shopping Centre and Local Planning Scheme No. 3 Amendment – Additional Use (Consulting Rooms) Lot 17 (484) Kalamunda Road, High Wycombe.

10.0 REPORT TO COUNCIL**Please Note:**

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

65.	Lot 500 (32) Gavour Road, Wattle Grove – Rezoning from Special Rural to Special Use (Aged Residential Care)	8
66.	Proposed Policies for the Planning & Development Services Directorate	15
67.	Townscape Improvement Plans - Maida Vale Shopping Centre and Kenneth Road Shopping Centre	18
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10.0 REPORTS

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

65. Lot 500 (32) Gavour Road, Wattle Grove – Rezoning from Special Rural to Special Use (Aged Residential Care)

Previous Items: 106/04, 42/07, 43/10
Responsible Officer: Director Planning & Development Services
Service Area: Planning & Development Services
File Reference: GV-01/032
Applicant: Peter Webb & Associates
Owner: R Leighton

Attachment 1: Council report May 2009 (Page 1)
Attachment 2: Submission Table (Page 11)
Attachment 3: Confidential Draft Local Planning Strategy Item 12.2 comments of Local Planning Strategy (Under separate cover)
Attachment 4: Confidential Local Planning Strategy - Spatial Plan 2031 (Under separate cover)

PURPOSE

1. To consider whether or not to recommend final adoption of Amendment No. 18 (the Amendment) to Local Planning Scheme No. 3 (the Scheme) to the Minister for Planning.

BACKGROUND

2. Council, at its Ordinary meeting of May 2009 resolved to initiate an amendment to the Scheme to rezone Lot 500 (32) Gavour Road, Wattle Grove from Special Rural to Special Use (Aged Residential Care).
3. A copy of the May 2009 report outlining the issues and history of the proposal is attached and should be read in conjunction with this report. Refer **(Attachment 1)** Council report May 2009.
4. Following the Council resolution, the Amendment was forwarded to the Western Australian Planning Commission (the Commission), which subsequently advised that the Minister for Planning consented to the Amendment, with the following advice:
 1. *Intensification of land use and development in the Wattle Grove locality will only be considered following comprehensive planning for the wider locality which has been the subject of appropriate consultation and review, including assessment by agencies responsible for the provision of infrastructure, services and utilities.*
 2. *Council, through the review of its Local Planning Strategy should investigate alternative sites for aged persons development and clearly rank the sites which are best suited for such development.*

3. *Consent to advertise should not be construed as support for the proposed rezoning as the proposal is still to be assessed against wider planning considerations and metropolitan planning strategy.*

DETAILS

5. The applicant is seeking Council support for final adoption of the Amendment to rezone the subject land from Special Rural to Special Use (Aged Residential Care). Refer to **(Attachment 1)** Council report May 2009.

STATUTORY AND LEGAL IMPLICATIONS

6. Consideration of the Amendment is to be in accordance with the *Planning & Development Act 2005*. Irrespective of the Councils resolution as to whether or not to finally adopt the Amendment, it will be forwarded to the Minister for Planning for final determination.

POLICY IMPLICATIONS

7. Nil

PUBLIC CONSULTATION/COMMUNICATION

8. Following initiation of the Amendment, the process of public consultation followed the procedure set out in the *Town Planning Regulations (1967, as amended)*. The Amendment was formally advertised by way of nearby land owners being contacted in writing, a sign being placed on site and a notice being placed in a newspaper circulating in the district.
9. Both prior to and after formal advertising, the Amendment has attracted a substantial amount of public interest. At the end of the advertising period a substantial amount of submissions had been received. Many submissions, both in support of and objecting to the amendment, are on pro-forma documents. Refer **(Attachment 2)** Public Consultation.
10. In respect to objections to the proposal, there were a number of recurring issues, including, but not limited to:

- The proposal is contrary to the current zoning under the Local Planning Scheme and Metropolitan Region Scheme and current strategic planning for the locality.
- The site is inappropriately located for aged persons as it is remote from retail, social and health services and is contrary to locational criteria set out in the Shire's Aged Accommodation Strategy.
- The Shire has not actively pursued alternative sites for this type of development
- The site is remote from necessary infrastructure, particularly reticulated sewer and appropriate public transport.
- The proposal is expressly against the wishes of residents in the locality as evidenced in land vision workshops and when the application has previously been before Council.

- The proposal will unduly impact on the rural amenity of the locality and impact on flora and fauna.

FINANCIAL IMPLICATIONS

11. Costs associated with processing and advertising of the Amendment will be recouped from the land owner in accordance with the adopted budget.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

12. Strategic Planning Implications

12.1 Directions 2031 and Beyond, Outer Metropolitan Perth and Peel Sub Regional Strategy.

- Since Council initiated the Amendment, the Commission released *Directions 2031 and beyond* a high level spatial framework and strategic plan that establishes a vision for future growth of the Perth Metropolitan Region. The Strategy provides a framework to guide detailed planning and delivery of housing, infrastructure and services necessary to accommodate potential growth of 2.2 million by 2031.
- In August 2010 the WA Planning Commission released the *outer metropolitan perth and peel sub-regional strategy* in conjunction with *directions 2031*. The strategy provides a framework to guide State and Local government for achieving the objectives outlined in Directions 2031. The strategy introduces an urban expansion programme for each of the sub regions to ensure that there is sufficient land available for development at all times. The Strategy will link state and local government strategic planning to guide the preparation and review of local planning strategies and structure plans.
- For the north-east sub region and in particular the Shire of Kalamunda, the strategy considers:
 - population and household characteristics;
 - Activity Centres;
 - metropolitan attractors, i.e. tourism;
 - future growth and planed urban growth areas;
 - dwelling supply;
 - economic development; and growth and planned and required infrastructure.
- The sub regional strategy notes that several areas around Forresterfield and High Wycombe have the potential for increased residential development through a combination of urban infill and investigation of new urban areas to accommodate the expected high growth associated with the expansion and development of Perth Airport, freight rail and container handling facility development. In addition, the strategy identifies the Wattle Grove area including the site of the Gavour Road proposal as having potential for future consideration as an urban investigation area due to its proximity to the urban front and employment opportunities around Perth Airport.
- The strategy estimates a supply of 14,100 dwellings as a result of infill and Greenfield development, with an estimated 400 hectares of land available for Greenfield development in the Shire of Kalamunda.

12.2 Draft Local Planning Strategy – Refer Confidential Attachment 3

13. Sustainability Implications

Social Implications

- The Aged Accommodation Strategy (June 2008) was developed to provide a strategic framework for addressing the current and future housing, home and community care and residential care needs of older people in the Shire of Kalamunda. The Strategy identified a number of Strategies and Actions in respect aged accommodation. Pertinent to the subject Amendment:

Housing Choice Actions:

Identify opportunities and suitable sites to develop seniors units in Rural areas, focusing on Pickering Brook as a priority.

Residential Care Actions:

Identify suitable land sites in the foothills that have the capacity to cater for a total 225 and 88 low care places over the next 20 years.

It is noted that the site does not satisfy all locational criteria suggested in the Aged Accommodation Strategy, particularly in relation to transport, social, health and retail amenities.

Economic Implications

- Refer to ***(Attachment 1)***

Environmental Implications

- In accordance with the Planning Regulations, the Amendment was forwarded to the Environmental Protection Authority. Advice from the EPA was that the Amendment would not be assessed under Part IV Division 3 of the *Environmental Protection Act 1986*. Advice was also given in respect to retention of riparian vegetation abutting Crystal Brook and management of water quality and quantity. If the Amendment is finally approved, these matters would be addressed at the development assessment stage.
- In respect to the issue of effluent disposal from the proposed facility, the applicant has advised that in the event that connection to sewer is “technically unavailable”, then discussions will be held with the Department of Health of Western Australia regarding an alternative (on site) effluent disposal system. Whilst it is the preference of the Shire for the applicant to connect to sewer, ultimately the decision as to what effluent disposal system should be approved for the site rests with the Department of Health.
- Further details, such as vegetation retention, storm water management and protection of water courses would be addressed at the development stage if the matter proceeds.

OFFICER COMMENT

-
14. Progression of strategic long term planning initiatives at a state and local level with reference to Directions 2031 and beyond, outer growth metropolitan perth and peel sub regional strategy and the Draft Local Planning Strategy have provided an appropriate context for the proposed Scheme amendment. If Council recommends final adoption of the Amendment it will be forwarded to the Minister for Planning for determination.
15. It is recommended that Council finally adopt the Amendment with a modification that a provision be included requiring future development being served by a reticulated sewer system or in alternatively to the satisfaction of the Department of Health, a modifications removing the word "generally" in the condition, which is ambiguous, and correcting point c) in the Special Use column.

COMMITTEE RECOMMENDATION TO COUNCIL PS- 65/2010

That Council:

1. Notes the overwhelming response of 82% public submissions received in favour of the proposed Scheme Amendment No. 18 to Local Planning Scheme No.3
2. Notes the State Government's *Directions 2031 and Beyond*, Outer Metropolitan Perth and Peel Sub-Regional Strategy has identified Wattle Grove as having "potential for future consideration as a urban investigation area this is due to its proximity to the urban front and employment around the airport" and believes this provides an appropriate context for the proposed Scheme Amendment
3. Notes that, of the six sites identified by the Shire as being suitable for aged residential accommodation and care, Council re-endorse the Officers Report of May 2009 that "...there is no other single landholding (within the Shire) that is better suited to this type of facility".
4. Adopts Scheme Amendment No. 18 relating to Lot 500 Gavour Road, Wattle Grove from "Special Rural" to "Special Use (Aged Residential Care)" zone, subject to the following modifications:
 - a) Including a provision requiring that development be connected to a reticulated sewer service or an alternative system to the satisfaction of the Department of Health of Western Australia.
 - b) In the conditions, deleting the word "generally" in respect to the minimum age of at least one of the occupants of each dwelling.
 - c) Under the Special Use column under point (c), delete reference to point (b) and (c) and replace with point (a) and (b).

Including the "Special Use" site in Schedule 4, "Special Use Zones" as follows:

No.	Description of Land	Special Use	Conditions
	<p>Lot 500 (32) Welshpool and Gavour Roads, Wattle Grove</p>	<p>Aged Residential Care</p> <p>(a) Within this zone, the following uses are permitted (P):</p> <ul style="list-style-type: none"> • Aged Residential Care; • Caretaker’s dwelling; • Consulting Rooms; • Grouped Dwelling; • Single House <p>(b) Council may approve other ancillary or incidental uses on this site, provided that they form part of the operational business of the facility and which uses might complement or enhance the usual living standards and requirements of residents living in and staff serving a facility of this nature.</p> <p>(c) All other uses not mentioned under Sub Clauses (a) and (b) of this Clause are not permitted (X).</p>	<p>At least one occupant of any dwelling must have reached the age of 55 years.</p> <p>Development on the site shall be connected to a reticulated sewer service or alternative system to the satisfaction of the Department of Health of Western Australia.</p>

5. Duly executes the Amendment documents and forwards them to the Minister for Planning requesting that final approval be granted.

6. Advises the Minister for Planning that it strongly recommends approval of the Scheme Amendment as it will address the recognised shortfall of aged care accommodation, by facilitating the development of high and low care nursing home accommodation within the Shire of Kalamunda.

Moved: Cr Frank Lindsey

Seconded: Cr Sue Bilich

For

Cr Frank Lindsey

Cr Geoff Stallard

Cr Allan Morton

Cr Noreen Townsend

Cr Martyn Cresswell

Cr Dylan O'Connor

Cr Sue Bilich

Cr Donald McKechnie

Cr Margaret Thomas

Against

Cr Carol Everett

CARRIED

Following the Resolution for Item 65 the following Motion was put.

MOTION

PS 65/2010

Moved, that the Committee Meeting adjourn for 10 minutes to allow the gallery to vacate.

Moved: Cr Donald McKechnie

Seconded: Cr Allan Morton

CARRIED UNANIMOUSLY (10/0)

The Committee adjourned at 7.24 pm and reconvened at 7.30, all Councillors and Staff who were in attendance prior to the adjournment returned.

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

66. Proposed Policies for the Planning & Development Services Directorate

Previous Items: N/A
 Responsible Officer: Director Planning and Development Services
 Service Area: Planning Development Services
 File Reference: OR-CMA-016
 Applicant: N/A
 Owner: N/A

Attachment 1: Proposed Local Planning Policy DEV 42 – Water Sensitive Urban Design (Page 316)

Attachment 2: Proposed Local Planning Policy DEV 43 – Uniform Fencing (Page 319)

PURPOSE

1. To consider advertising proposed policies that seek to provide guidance on water sensitive urban design principles and uniform fencing which abuts public places (such as open space and road reserves).

BACKGROUND

2. Local Planning Scheme No. 3 (the Scheme) foreshadows the development of policies to guide decision-making.
3. The Policy Register is currently being reviewed and, where considered necessary, amendments and draft policies are being presented for Council consideration.
4. Amended and draft policies are being considered for a number of reasons including consistency with updated legislation and Shire functions, recognition of the changing needs of the community and potential ambiguity or interpretation issues.

DETAILS

5. Council is requested to consider proposed:
 - Local planning policy DEV 42 – Water Sensitive Urban Design; and
 - Local planning policy DEV 43 – Uniform Fencing. Refer to ***(Attachment 1 and 2)*** for the proposed policies.
6. Local Planning Policy DEV 42 – Water Sensitive Urban Design

The objective of this policy is to provide guidance on strategies involving the following issues, which should be applied in planning proposals to achieve improved water management outcomes:

- Stormwater management;
- Water conservation and reuse;
- Water efficiency;
- Retention of bush land;

- Landscaping techniques;
- Water quality;
- Urban Designing; and
- Acid Sulfate Soils.

7. Local Planning Policy DEV 43 – Uniform Fencing

The proposed policy will require uniform fencing abutting public open space and road reserves to be designed to provide opportunities for passive surveillance and maintain a screening function to the most private areas of dwellings (such as clothes drying areas).

8. Fencing which abuts private land shall be required to comply with the Fencing Local Laws and the *Dividing Fences Act 1961*.

STATUTORY AND LEGAL IMPLICATIONS

9. The Scheme allows the Shire to prepare policies in respect to any matter related to the planning and development of the Shire. Policies may apply to a particular case or matter and throughout the Scheme area or in one or more parts of the Scheme area.
10. A Local Planning Policy is not part of the Scheme and does not bind the Council in its decision making, however, Council is to have due regard to the policy when making a decision.

POLICY IMPLICATIONS

11. If Council adopts the local planning policies it will be included in the Shire's Policy Register.

PUBLIC CONSULTATION/COMMUNICATION

12. The Scheme prescribes the procedure for advertising a Local Planning Policy. It will be necessary to advertise the policies once a week for two consecutive weeks in a newspaper circulating in the Scheme area with a submission period of 21 days. The policies will also be on display at the Administration office and libraries.
13. Following the advertising period, the policies will be presented to Council for consideration of adoption, with or without modification.

FINANCIAL IMPLICATIONS

14. There will be a cost involved in the advertising of the proposed policies, however this is covered in the adopted budget.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

15. **Strategic Planning Implications**
- The proposed policies will assist in the procedural and governance aspects of the Shire's development control responsibilities, in particular guidelines for a water sensitive urban design will be important when planning for a new urban area in ensuring more sustainable water management practices are employed from the outset.
16. **Sustainability Implications**

Social implications

- Nil

Economic Implications

- Nil

Environmental Implications

- Water sensitive urban design management practices will assist with the protection and enhancement of the Shire's natural waterways.

OFFICER COMMENT

17. The proposed policies will assist in the procedural and governance aspects of the Shire's development control responsibilities, and include provisions which are required by the Scheme to be considered in determining planning proposals. It is therefore recommended that the policies be advertised for public comment.

COMMITTEE RECOMMENDATION TO COUNCIL PS-66/2010

1. That Council advertises the following policies in accordance with provision 2.4 of Local Planning Scheme No. 3:
 - Local Planning Policy DEV 42 – Water Sensitive Urban Design
(Attachment 1)
 - Local Planning Policy DEV 43 – Uniform Fencing *(Attachment 2)*

Moved: Cr Noreen Townsend

Seconded: Cr Martyn Cresswell

CARRIED UNANIMOUSLY (10/0)

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

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.

Cr Dylan O'Connor declared an interest affecting impartiality as father owns the Medical Practice in which the applicant is currently a tenant.

67. Townscape Improvement Plans - Maida Vale Shopping Centre and Kenneth Road Shopping Centre

Previous Items: N/A
 Responsible Director Planning & Development Services
 Officer:
 Service Area: Planning & Development Services
 File Reference: PG-STU-016, PG-STU-018
 Applicant: N/A
 Owner: N/A

Attachment 1: Maida Vale Shopping Centre Locality Plan (Page 321)
 Attachment 2: Kenneth Road Shopping Centre Locality Plan (Page 322)
 Attachment 3: Maida Vale Shopping Centre Draft Issues and Opportunities Plan (Page 323)
 Attachment 4: Maida Vale Shopping Centre Draft Concept plan. (Page 324)
 Attachment 5: Kenneth Road Shopping Centre Draft Issues and Opportunities Plan (Page 325)
 Attachment 6: Kenneth Road Shopping Centre Draft Concept Plan (Page 326)

PURPOSE

1. To consider the Townscape Improvement Plans for Maida Vale Shopping Centre and the Kenneth Road Shopping Centre.

BACKGROUND

2. In March 2008 the Shire obtained feedback from the community on a broad range of planning matters as part of the Land Vision Planning Workshops. The generally poor planning and aesthetics of the Maida Vale and Kenneth Road Shopping Centres was identified at that time.
3. In January 2010, the Shire commissioned an urban design consultant to prepare a Townscape Improvement Plan for a number of shopping centres in the Shire including the Maida Vale and Kenneth Road shopping centres.

DETAILS

-
- 4.
- The Townscape Improvement Plan comprises land wholly occupied by the Maida Vale Shopping Centre situated between Berle Way & Kalamunda Road. Refer to **(Attachment 1)** Locality Plan.
 - The Townscape Improvement Plan for the Kenneth Road Shopping Centre comprises land located on the corner of Kenneth and Kalamunda Roads **(Attachment 2)** locality plan.
5. **Townscape Improvement Plan; Maida Vale Shopping Centre**
- The consultant has prepared a ' Draft Issues and Opportunities Plan' for the Maida Vale Shopping Centre that identifies a number of aspects to enhance the shopping centre including the profile of the centre on Kalamunda Road, tenancy mix and poor aesthetic appearance. Refer **(Attachment 3)** Issues and Opportunities Plan.
 - A Draft Concept Plan has also been prepared which makes a number of recommendations to improve:
 - The visual appearance and operation of the centre;
 - Covered walkways linked to the arcade to allow for alfresco dining;
 - Car parking layout and circulation;
 - Lighting to the arcade area ;
 - Development opportunities for the centre;
 - Greater entrance to Berle Way and;
 - Improvement to the arcade including to make it more attractive and welcoming. Refer **(Attachment 4)** Concept Plan.
6. **Townscape Improvement Plan; Kenneth Road Shopping Centre**
- The consultant prepared an 'Issues and Opportunities Plan' for the Kenneth Road Shopping Centre that identified the following key issues; appearance, traffic circulation and lack of amenity. Refer **(Attachment 5)** Draft Issues and Opportunities Plan.
 - A Draft Concept Plan for the shopping centre was also prepared to improve:
 - Traffic circulation;
 - Improve the façade and;
 - Improve signage, making the centre more user friendly, adding elements of street furniture that improve amenity for shoppers and integrating the various elements better. Refer **(Attachment 6)** Draft Concept Plan.

STATUTORY AND LEGAL IMPLICATIONS

7. Townscape Improvement Plans are essentially strategic planning tools. Part 6 of Local Planning Scheme No 3, Special Control Areas, will be required to be amended to reflect recommendations pertaining to design criteria contained in the improvement plans.

POLICY IMPLICATIONS

8. The Townscape Improvement Plan may require new planning policies to be drafted to reflect the proposed recommendations.

PUBLIC CONSULTATION/COMMUNICATION

9. In addition to the standard advertising procedure in the local community newspaper it is intended to hold a Maida Vale and Kenneth Road Shopping Centre Development presentation for business/landowners. It is also intended to have Public Displays of the proposals at both shopping centres and nearest public library as a means of inviting public submissions on the Maida Vale and Kenneth Road Shopping Centre improvement plans.

FINANCIAL IMPLICATIONS

10. Implementation of the recommendations contained in each of the improvement plans will require financial commitments from Council through the annual budgeting process. Implementation will also require financial commitments from landowners/businesses to ensure the private domain embraces the philosophy behind the improvement plans. It is likely that the financial commitments will extend over at least a 5 year period. A business plan/case will be prepared to that effect. Recommendations from the improvement plans will allow for additional commercial development in the private domain thus increasing the potential for Rates revenue.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS**11. Strategic Planning Implications**

- The Townscape Improvement Plan is a strategic planning tool that will guide future development consistent with the values, concerns and visions expressed by the community of both the private and public domain for the next 20 years.
- Refer Strategy 2.3.1 – Undertake revitalisation of town centres through the implementation of Town Centre Improvement Action Plans.

12. Sustainability Implications**Social Implications**

- The proposed improvements to the Maida Vale and Kenneth Road Shopping Centres and will make both areas more attractive and provide better amenity for local residents and those living outside the Shire.

13. Economic Implications

- Recommendations contained in both improvement plans will assist local businesses in attracting people to the centres and improve the commercial viability of their businesses.

14. Environmental Implications

- The identification and planting of suitable native and exotic trees will improve the visual amenity of the centres and provide suitable shade in the summer and sunlight in the winter.

OFFICER COMMENT

15. The improvement plans are consistent with and complimentary to the values, concerns and visions expressed by the High Wycombe community in the Land

Planning Vision Workshop which formed the basis for the preparation of the improvement plans.

16. Recommendations contained in the improvement plans will provide opportunities for future development in the public and private domain to target areas which have poor amenity in terms of the built form, pedestrian access and permeability and landscaping. Conversely, those areas with opportunities for development due to their location and site conditions have also been identified.
17. It is therefore recommended that the Townscape Improvement Plans for the Maida Vale Shopping Centre and Kenneth Road Shopping Centre be approved for public consultation.

COMMITTEE RECOMMENDATION TO COUNCIL PS - 67/2010

1. That Council approves the Townscape Improvement Concept Plans for the Maida Vale Shopping Centre and the Kenneth Road Shopping Centre for the purpose of public consultation.

Moved: Cr Martyn Cresswell

Seconded: Cr Donald McKechnie

CARRIED UNANIMOUSLY (10/0)

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

68. Townscape Improvement Plans - Edinburgh Road Shopping Centre-Forrestfield

Previous Items:	N/A
Responsible Officer	Director Planning & Development Services
Service Area:	Planning & Development
File Reference:	PG-STU-016, PG-STU-018
Applicant:	N/A
Owner:	N/A
Attachment 1:	Edinburgh Road Shopping Centre Draft Key Issues Plan (Page 327)
Attachment 2:	Edinburgh Road Shopping Centre Draft Opportunities Plan (Page 328)
Attachment 3:	Edinburgh Road Shopping Centre Draft Concept Plan (Page 329)

PURPOSE

1. To consider the Townscape Improvement Plans for Edinburgh Road Shopping Centre, Forrestfield.

BACKGROUND

2. In March 2008 the Shire obtained feedback from the community on a broad range of planning matters as part of the Land Vision Planning Workshops. The generally poor planning and aesthetics of the Edinburgh Road Shopping Centre was identified at the time.
3. January 2010, the Shire commissioned an urban design consultant to prepare a Townscape Improvement Plan for a number of shopping centres in the Shire including the Edinburgh Road Shopping Centre.

DETAILS

4. The Townscape Improvement plan for the Edinburgh Road Shopping Centre comprises land wholly occupied by the Centre, tavern/bottle shop and service station on Edinburgh Road, Lincoln Road and Cumberland Road.
5. The consultant has prepared a plan identifying key issues relating to this shopping centre, namely:
 - Poor street addresses;
 - Fragile business viability; and
 - Fragmented vehicular and pedestrian access and circulation.

Refer (**Attachment 1**) Key Issues Plan.

6. The draft Opportunities Plan (**Attachment 2**) identifies 4 areas that offer an opportunity to address issues of land use, access and circulation and potential environmental improvements. For example, Area 2 is currently an under utilised car park area. The area could be developed for medium density residential development that would assist with the ongoing viability of the Shopping centre, provide passive surveillance over the adjoining homes and visually improve the area.
7. Draft Concept Plan (**Attachment 3**) illustrates key redevelopment and enhancement options for the Centre, including rezoning of part of the Centre, clarifying pedestrian and vehicular movements within the parking area of the Centre and proposed tree planting within the parking and landscaped areas to provide shade and improve visual amenity of the area. The concept plan also identifies the potential for additional development of the Shopping Centre on the corner of Edinburgh and Lincoln Roads. The development would provide an improved street front presence to the Shopping Centre.

STATUTORY AND LEGAL IMPLICATIONS

8. Townscape Improvement Plans are essentially strategic planning tools. Part 6 of Local Planning Scheme No 3, Special Control Areas, will be required to be amended to reflect recommendation pertaining to design criteria contained in the improvement plans.

POLICY IMPLICATIONS

9. Nil.

PUBLIC CONSULTATION/COMMUNICATION

10. In addition to the standard advertising in the local community newspaper and notification of local residents. It is also intended to have Public Displays of the proposal in the shopping centre and nearest public library as a means of inviting public submissions.

FINANCIAL IMPLICATIONS

11. Implementation of the recommendations contained in improvement plans will require financial commitments from Council through the annual budgeting process. Implementation will also require financial commitment from landowners/businesses to ensure the private domain embraces the philosophy behind the improvement plans. It is likely that the financial commitments will extend over at least a 5 year period. A business plan detailing a schedule of works and costs will be prepared to that effect. Recommendations from the improvement plans will allow for additional commercial development in the private domain thus increasing the potential for Rates revenue.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

12. **Strategic Planning Implications**
 - The Townscape Improvement Plan is a strategic planning tool that will guide future development consistent with the values, concerns and visions expressed by the community of both the private and public domain for the next 20 years.

- Refer Strategy 2.3.1- Undertake revitalisation of town centres through the implementation of Town Centre Improvement Action Plans.

13. **Sustainability Implications**

Social Implications

- The proposed improvements to the Edinburgh Road Shopping Centre will make the area more attractive and provide better amenity for local residents and those visiting from outside the Shire.

Economic Implications

- Implementation of the recommendations contained in the improvement plan will assist local businesses in attracting people to the centre and improve the commercial viability of their business.

Environmental Implications

- The identification and planting of suitable native and exotic trees will improve the visual amenity of the centres and provide suitable shade in the summer and sunlight in the winter.

OFFICER COMMENT

14. The improvement plans are consistent with and complimentary to the values, concerns and visions expressed by the Forrestfield community in the Land Planning Vision Workshop which formed the basis for the preparation of the improvement plans.
15. Recommendations contained in the improvement plans will provide opportunities for future development in the private domain to target areas which have poor amenity in terms of the built form, pedestrian and vehicle access and landscaping.
16. It is therefore recommended that the Townscape Improvement Plans for the Edinburgh Road Shopping Centre be approved for public consultation.

COMMITTEE RECOMMENDATION TO COUNCIL PS- 68/2010

1. That Council approves the Townscape Improvement Concept Plans for Edinburgh Road Shopping Centre for the purpose of public advertising.

Moved: Cr Noreen Townsend

Seconded: Cr Allan Morton

CARRIED UNANIMOUSLY (10/0)

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

69. Modification to Structure Plan - Forrestfield Urban Area U7- Agreement Area 2D - Lots 527 & 528 Berkshire Road, Forrestfield

Previous Items: N/A
 Responsible Officer: Director Planning and Development Services
 Service Area: Planning and Development
 File Reference: PG-TPS-002/166
 Applicant: Gray and Lewis Planning Consultants
 Owner: Nylund

Attachment 1: Locality Plan(Page 330)
 Attachment 2: Public Consultation (Page 331)
 Attachment 3: Adopted Structure Plan (Page 332)
 Attachment 4: Modified Structure Plan (Page 333)
 Attachment 5: Submission Table (Page 334)

PURPOSE

1. To consider a proposal to modify the structure plan for Forrestfield Urban Area U7 (Agreement Area 2D) to facilitate the subdivision of Lots 527 & 528 Berkshire Road, Forrestfield. Refer **(Attachments 1 & 2)** for Locality Plan and Public Consultation.
2. The proposed modification will have to be endorsed by the Western Australian Planning Commission (WAPC).

BACKGROUND

3. The subject lots are zoned Urban Development under the provisions of Local Planning Scheme No. 3 (the Scheme) and comprise of a total area of 8.07 ha. The subject lots are located within Agreement Area 2D of the adopted structure plan for the Forrestfield Urban Area U7.
4. The Structure Plan for the Agreement Area 2 of the Forrestfield urban Area U7 was originally adopted by the WAPC in July 1999. Following the purchase of a large portion of the land in that area by the Western Power, a modified Structure Plan was adopted in March 2003. Refer **(Attachment 3)** for adopted Structure Plan.
5. The land in question falls gently towards Berkshire Road and has some remnants of the original vegetation. The land is bound by the Walridge Village- aged person's home to the East, Darling Range College to the West and Western Power land to the North.
6. The adopted Structure Plan provides 73 single lots at a density of R20 and one R30 group housing lot.

DETAILS

7. The proposed modification seeks to expand the existing R30 coded portion of the site comprising a single grouped housing site of 2782sqm to allow for 21 single residential lots at R30 and a single group housing site. The remainder of the development would remain at a density of R20.
8. The proposal will result in a total yield of 94 lots, with 71 single lots at a density of R20, and 23 lots at an R30 density, resulting in 20 additional lots. The modification also proposes a minor change to the road design with the removal of a 15m cul-de-sac road, and introduction of a 6m wide access laneway servicing the rear of the proposed R30 lots.
9. The area of Public Open Space will increase by 155sqm to 6,945sqm and remain in the same location as shown on the adopted Structure Plan. Refer **(Attachment 4)** for proposed modified Structure Plan.

STATUTORY AND LEGAL IMPLICATIONS

10. The design and assessment of structure plans are dealt with under the provisions of Clause 6.2 *Development Areas* of Local Planning Scheme No.3, in particular Clause 6.2.5 *Change or Departure from Structure Plan*. This modification has been assessed under the provision of Clause 6.2.5.3.
11. The WAPC will determine this application.

POLICY IMPLICATIONS

12. *Draft Liveable Neighbourhoods Policy 3* 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.

PUBLIC CONSULTATION/COMMUNICATION

13. The proposed modification was referred to surrounding landowners for comment. The advertising period was two weeks and during that time four (4) submissions were received comprising one (1) non objection, one (1) conditional objection and two (2) objections. Refer **(Attachment 5)** for Submission table.
14. Issues raised in the submissions were:
 - Loss of semi-rural feel to the area and effect on the fauna;
 - Removal of trees that are home for wildlife- loss of areas for walking and enjoying the nature;
 - Roads that access Berkshire Road from the development- how they will affect the properties across the road;
 - Possible upgrade of Berkshire Road; and
 - Drainage from the development to be managed so as not to enter Berkshire Road.
15. This area is already zoned urban development with a mix of R20 and R30 coded areas. The proposed modification is therefore consistent with the current situation. Concerns regarding the loss of the semi-rural feel are noted, however the land is

zoned urban and therefore appropriate for residential land use.

16. Issues of removal of trees on Berkshire Road, treatment of new intersections, possible upgrade of Berkshire Road and drainage will all be dealt at the subdivision stage. A Detailed Area Plan will be requested at the subdivision stage for the R30 coded properties to ensure the layout and visual impact of the development are determined to the satisfaction of the Council.

FINANCIAL IMPLICATIONS

17. Nil

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

18. Strategic Planning Implications

- Directions 2031 through its Connected City model promotes increased residential densities in planned urban areas as a key strategy in accommodating the projected population growth for Perth. The proposed R30 coding is considered consistent with the objective.

19. Sustainability Implications

Social Implications

- Diverse land sizes should promote a mix of housing options and allow for more dynamic community mix as part of a planned urban area. Walking distance to bus stops, local schools and shops is likely to promote more social interaction.

Economic Implications

- A need for varied lot sizes and prices is well documented. The proposed development satisfies this criterion in an area that shows a sustained growth in demand for land.

Environmental Implications

- The provision of medium density development will maximise land efficiency by utilising existing services and promoting affordable housing. Urban infill is considered to be appropriate tool for reducing ecological footprint.

OFFICER COMMENT

20. The subject land is zoned and positioned appropriately to facilitate residential development of low to medium residential (R20, R30, R40) densities. The proposed modification is consistent with the intent of the adopted Structure Plan.
21. Increasing the R30 coded portion of the site will result in a need for a Detailed Area Plan (DAP). The DAP will address design elements of the R30 coded area to ensure that the built form and visual impact of the development on Berkshire Road is appropriate.
22. The proposal is consistent with the intent of providing a mix of residential densities located in proximity of Public Open Space, commercial and community facilities and public transport. Importantly the proposed modification is consistent with the intent of the state government's key strategic document *Directions 2031 and beyond* to make more efficient use of land and infrastructure through appropriately zoned land.

On this basis, it is recommended that the proposed modification be supported.

COMMITTEE RECOMMENDATION TO COUNCIL PS- 69/2010

1. That Council supports the proposed modification to the adopted Structure Plan for Forrestfield Urban Area U7 - Agreement area 2D, to allow a minor road layout change and expansion of the R30 area adjacent to Berkshire Road.
2. That the proposed modification be forwarded to the WA Planning Commission for endorsement.

Moved: Cr Donald McKechnie

Seconded: Cr Allan Morton

CARRIED UNANIMOUSLY (10/0)

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

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.

Cr Dylan O'Connor declared an interest affecting impartiality as father owns the Medical Practice in which the applicant is currently a tenant.

Cr Dylan O'Connor

70. Local Planning Scheme No. 3 Amendment – Additional Use (Consulting Rooms) Lot 17 (484) Kalamunda Road, High Wycombe

Previous Items: Nil
Responsible Officer: Director Planning and Development Services
Service Area: Planning and Development Services
File Reference: KL-02/484
Applicant: K and A Brennan
Owner: K and A Brennan

Attachment 1: Locality Plan (Page 335)

Attachment 2: Scheme Zoning Map (Page 336)

PURPOSE

1. To consider an amendment to Local Planning Scheme No. 3 (the Scheme) to allow for an additional use (Consulting Rooms) at Lot 17 (484) Kalamunda Road, High Wycombe. Refer **(Attachment 1)** for the locality plan.

BACKGROUND

2. The subject lot is zoned Residential R25, contains a single storey dwelling which is to be retained and has direct access onto Kalamunda Road via a single crossover.
3. The subject lot is located adjacent to the Kenneth Road Shopping Centre a small local centre on Kalamunda Road which contains a small number of retail and commercial land uses.

DETAILS

4. The applicant has requested that Council considers allowing consulting rooms to operate on the subject lot. The applicant currently works in consulting rooms which exist on the adjoining property (486 Kalamunda Road) comprising part of the Kenneth Road Local Shopping Centre and want to move their business onto

484 Kalamunda Road which they have recently purchased.

5. Should the amendment be approved two practitioners and one receptionist will be employed on the subject lot.

STATUTORY AND LEGAL IMPLICATIONS

6. The *Town Planning Regulations 1967* establish procedures relating to amendments to local planning schemes. If Council decides to initiate the proposed amendment, then ultimately the amendment will be determined by the Minister for planning (the Minister).
7. If Council does not initiate the amendment, the process ceases and there is no Right of Review (appeal) to the State Administrative Tribunal. If the proposal progresses to the Minister's determination, irrespective of the Minister's decision, there is no Right of Review.
8. Under the Zoning Table of the Scheme the use Consulting Rooms is listed as an 'X' use in the Residential zone, meaning the use is not permitted. Refer ***(Attachment 2)*** for current Scheme Zoning Map.
9. Should the amendment be approved by the Minister a change of use development application will be required to be approved by the Shire prior to the business commencing on the subject lot. Issues such as car parking and potential impacts on the amenity of the locality will be taken into account at this stage.
10. Whilst no concept plans are currently available for the proposed business on the subject lot, it should be noted that there is enough space on the subject lot to provide the required 9 car bays under the Scheme and allow vehicles to enter and leave the property in a forward motion.

POLICY IMPLICATIONS

11. State Planning Policy 4.2 – Activities Centre for Perth and Peel Region
State Planning Policy 4.2 – for Perth and Peel Regions sets guidelines for the location of commercial activities at a district level.
12. Community facilities are encouraged to be centrally located to meet needs of the community.
13. Being more centrally located means that such uses are more easily accessible by a larger number of residents.
14. *Directions 2031 and beyond*
Directions 2031 and beyond is a high level strategic plan that establishes a vision for future growth of the Perth metropolitan area.
The objectives of which include the following:
1. Reducing greenhouse gas emissions.
 2. Developing and revitalising activity centres as attractive places in which to invest, live and work.

3. Ensuring that economic development and accessibility to employment inform urban expansion.
4. Encourage reduced vehicle use.

PUBLIC CONSULTATION/COMMUNICATION

15. If the amendment is initiated by Council, the amendment would be formally advertised for 42 days in accordance with the provisions of the *Town Planning Regulations 1967*.
16. The amendment would be required to be advertised in the form of a notice being published in a district newspaper. The applicant would also be requested to arrange for a sign advertising the proposal, to be erected on the subject lot.

FINANCIAL IMPLICATIONS

17. If the amendment is adopted there will be a cost involved, however this would be recouped from the applicants.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

18. Strategic Planning Implications

5. The subject lot adjoins the Kenneth Road Shopping Centre a small local centre which contains a mixture of retail shops and consulting room uses. The subject site is also within close proximity to the High Wycombe Shopping Centre, which contains commercial activities.

19. Sustainability Implications

Social implications

- The consulting rooms would be easily accessible by a large number of residents due to the property being within close proximity to the High Wycombe Shopping Centre and being on a bus and cycle path route.

Economic Implications

- Nil.

Environmental Implications

- Nil.

OFFICER COMMENT

20. It is considered that the proposal is consistent with the uses currently operating in the Kenneth Road Shopping Centre. The nature of the use it is unlikely affect the amenity of surrounding residential properties. The proposal is also in keeping with proper and orderly planning of commercial developments, and is consistent with the objectives of State Government legislation.
21. To address any concerns regarding car parking a condition will be imposed stating that a minimum of nine car parking bays are to be provided on site.
22. Considering the above, it is recommended that the request for the additional use

Consulting Rooms at the subject lot, be supported by Council.

COMMITTEE RECOMMENDATION TO COUNCIL PS-70/2010

1. That Council initiates an 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.

That Council in pursuance of Part 5 of the *Planning and Development Act 2005*, amends Local Planning Scheme No. 3 by inserting into Schedule 2 (Additional Uses) of the Scheme Text, the following:

No.	DESCRIPTION OF LAND	ADDITIONAL USE	CONDITIONS
46	484 Kalamunda Road, High Wycombe (Lot 17)	Consulting Rooms	(a) Consulting rooms are not permitted unless approval is granted by Council ("A"). (b) A minimum of nine car parking bays are to be provided on site.

Subject to amendment documents and the required administration fee 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*, without reference to the Western Australian Planning Commission.

Moved: Cr Martyn Cresswell

Seconded: Cr Carol Everett

CARRIED UNANIMOUSLY (10/0)

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

71. Local Planning Scheme No. 3 – Text Amendment Relating to Special Rural and Rural Composite Zone Development Requirements

Previous Items:	OCM 100/2010
Responsible Officer:	Director Planning and Development Services
Service Area:	Planning and Development Services
File Reference:	PG-LPS-003/030
Applicant:	N/A
Owner:	N/A
Attachment:	Nil

PURPOSE

1. To consider whether to recommend final approval for Amendment No. 30 to Local Planning Scheme No. 3 (the Scheme) relating to the development requirements for Special Rural and Rural Composite zoned properties.

BACKGROUND

2. Matters dealing with the development requirements of Special Rural and Rural Composite zoned properties are dealt with under clause 5.10.2 and 5.14.2 of the Scheme.
3. Currently the Scheme exempts the need to gain planning consent for single dwellings, including extensions, ancillary outbuildings and swimming pools (with certain savings) in zones where a dwelling can be considered, except within a Special Rural and Rural Composite zone.
4. In July 2010 Council resolved (Resolution OCM 100/2010) to initiate Amendment No. 30 to the Scheme to:
 - a) Delete the following clauses:

“5.10.2 Land Use and Development

(ii) Planning approval is required for all developments including a dwelling house and outbuildings.

(iii) No building shall be constructed unless the external materials shall be of colour and material as approved by the local government.

5.14.2 Land Use and Development

(ii) Planning approval is required for all developments including a dwelling house and outbuildings.

(iii) No building shall be constructed unless the external materials shall be of colour and texture as approved by the local government.”
 - b) The remaining clauses be renumbered accordingly.

DETAILS

5. In order to be consistent across all relevant zones, it is proposed that the Scheme be amended to exempt the need to gain planning consent for single dwellings and outbuildings in Special Rural and Rural Composite zones.
6. Should this occur then planning approval will only be required for single dwellings, including extensions, ancillary outbuildings and swimming pools if they do not comply with other Scheme provisions such as setbacks.

STATUTORY AND LEGAL IMPLICATIONS

7. The *Town Planning Regulations 1967* establish procedures relating to amendments to Local Planning Scheme amendments. If Council resolves to adopt the amendment, then it will be ultimately determined by the Minister for Planning.

POLICY IMPLICATIONS

8. Nil.

PUBLIC CONSULTATION/COMMUNICATION

9. As the amendment is to the Scheme text and is not site specific, the formal advertising (which lasted 42 days) was limited to a local public notice in a paper circulating in the District.
10. During the formal advertising period no submissions were received by the Shire.

FINANCIAL IMPLICATIONS

11. There will be a cost involved in the advertising of the proposed amendment; however this is covered in the adopted budget.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

12. **Strategic Planning Implications**
 - The amendment will assist in the procedural aspects of the Shire's development control responsibilities.
13. **Sustainability Implications**
 - Social Implications**
 - Nil.
 - Economic Implications**
 - Nil.
 - Environmental Implications**
 - Nil.

OFFICER COMMENT

14. Deletion of the clauses would mean that planning consent would not be needed for the erection of a single dwelling, including any extension, ancillary outbuildings and swimming pools subject to the proposal complying with the provisions of the Scheme.

-
15. Should a development require planning approval, it will be assessed in accordance with the provisions of the Scheme, including clause 10.2 which includes the impact a development will have on the amenity of an area.
16. Given the above, it is recommended that Council adopts the amendment.

COMMITTEE RECOMMENDATION TO COUNCIL PS- 71/2010

1. That Council:

- (a) Adopts Amendment No. 30 to Local Planning Scheme No. 3 without modification, to delete the following provisions:

“5.10.2 Land Use and Development

- (ii) *Planning approval is required for all developments including a dwelling house and outbuildings.*
- (iii) *No building shall be constructed unless the external materials shall be of colour and material as approved by the local government.*

5.14.2 Land Use and Development

- (ii) *Planning approval is required for all developments including a dwelling house and outbuildings.*
- (iii) *No building shall be constructed unless the external materials shall be of colour and texture as approved by the local government.”*

- (b) Duly executes the Amendment documents and forwards them to the Minister for Planning requesting that final approval be granted.

Moved: Cr Martyn Cresswell

Seconded: Donald McKechnie

CARRIED UNANIMOUSLY (10/0)

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

72. Local Planning Scheme No. 3 Amendment – Rezone from Special Use to Light Industry, Lots 724 (2) to 734 (38) Sultana Road West and Lots 753 (110) to 756 (122) Milner Road, High Wycombe

Previous Items: PS 08/2002, PS 71/2002
 Responsible Officer: Director Planning and Development Services
 Service Area: Planning and Development Services
 File Reference: PG-LPS-003
 Applicant: N/A
 Owners: Various

Attachment 1: Locality Plan (Page 337)
 Attachment 2: Scheme Zoning Map (Page 338)
 Attachment 3: Proposed Forrestfield/High Wycombe Industrial Area (Page 339)

PURPOSE

1. To consider initiating an amendment to Local Planning Scheme No. 3 (the Scheme) to rezone Lots 724 (2) to 734 (38) Sultana Road West and Lots 753 (110) to 756 (122) Milner Road, High Wycombe from Special Use (Business) to Light Industry. Refer to (***Attachments 1 and 2***) for Locality Plan and Current Zoning Map.

BACKGROUND

2. In February 2002 Council resolved (Resolution PS 71/2002) to adopt District Planning Scheme No. 2 Amendment No. 211 to rezone the subject lots from Mixed Use and Light Industry to Special Purpose – Home Business, and to impose the following conditions:
 1. *“Within this zone, the following uses are permitted (P): single house.*
 2. *Within this zone the following uses are not permitted unless Council grants specific approval (D): commercial vehicle parking, home business, office, veterinary centre.*
 3. *The Council may grant approval for a home business subject to the use, if conducted in a separate building, being at the rear of the dwelling.*

The Council may grant planning approval for not more than one commercial vehicle to be parked on the lot subject to a dwelling first being developed on the lot and the commercial vehicle being parked at the rear of the dwelling. Clause 5.20 applies.”
3. The amendment was subsequently approved by the then Minister for Planning (the Minister) in December 2003.
4. The zoning Special Purpose changed to Special Use when the Minister approved the Scheme in March 2007.
5. Some of the subject lots contain single storey dwellings and associated outbuildings which have been approved by the Shire and will be permitted to remain on the lots

as non-conforming uses should the subject amendment be approved. Some of the lots remain vacant, and some have been developed to allow for a small business to operate in accordance with the requirements of the current Special Use zone.

DETAILS

6. The subject lots were rezoned to Special Use to provide a buffer at the time, between the Light Industry zoned lots to the south west and the possible future Residential development of land to the north of Sultana Road West, as well as to the existing Special Rural lots on the eastern side of Milner Road.
7. Lots to the north of Sultana Road West and those on the eastern side of Milner Road are now proposed to be rezoned to Light Industry as part of the expansion to the Forrestfield/High Wycombe Industrial Area, therefore there is no longer the need for the Special Use zone to provide the buffer. Refer to **(Attachment 3)** for a plan of the proposed Forrestfield/High Wycombe Industrial Area.
8. It is proposed that lots 724 (2) to 734 (38) Sultana Road West and Lots 753 (110) to 756 (122) Milner Road, High Wycombe from Special Use (Business) to Light Industry to be consistent with the existing and future zoning of surrounding properties.

STATUTORY AND LEGAL IMPLICATIONS

9. The *Town Planning Regulations 1967* establish procedures relating to amendments to local planning schemes. If Council decides to initiate the proposed amendment, then ultimately the amendment will be determined by the Minister for Planning.
10. The objectives for the Light Industry zone under the Scheme is the following:
 1. To provide for predominantly light industry in proximity to residential areas.
 2. To ensure that industries are environmentally compatible with surrounding zones and activities.
 3. 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 IMPLICATIONS

11. Nil

PUBLIC CONSULTATION/COMMUNICATION

12. The proposed amendment was advertised to affected landowners for preliminary comments and no submissions were received.
13. Should the amendment documents be adopted by Council, the Amendment will be formally advertised for 42 days in accordance with the provisions of the *Town Planning Regulations 1967*, without reference to the Western Australian Planning Commission.
14. The amendment will be advertised in the form of a notice being published in a newspaper circulated within the district only.

FINANCIAL IMPLICATIONS

15. There will be a cost involved in the advertising of the proposed amendment;

however this is covered in the adopted budget.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

16. Strategic Planning Implications

- The proposed Light Industry zoning of the subject lots would be consistent with the existing and future zoning of surrounding properties. Identified under the proposed Forrestfield/High Wycombe Industrial area.

17. Sustainability Implications

Social Implications

- It is acknowledged that there are a number of lots that have been developed as residential properties or have a small business operating to the rear of the site in accordance with the Special Use zoning. The proposed Light Industry zoning, however will provide for uses that can utilise the existing residential dwellings as consulting room or offices.

Economic Implications

- Allowing for a variety of uses on the properties would potentially create more local jobs thereby providing a stimulus for the local economy.

Environmental Implications

- An objective of Light Industry zones is to ensure that industries are environmentally compatible with surrounding zones and activities.

OFFICER COMMENT

18. The current Special Use zoning of the subject lots is no longer required to act as a buffer due to the future proposed rezoning of surrounding properties as part of the proposed Forrestfield / High Wycombe Industrial Area. The proposed zoning is considered consistent with the future industrial development zone proposed for the surrounding area. On this basis it is recommended that Council initiate the proposed rezoning.

COMMITTEE RECOMMENDATION TO COUNCIL PS- 72/2010

- 1 That Council initiates:
1. The amendment to Local Planning Scheme No. 3 in accordance with the following:

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

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

1. Rezoning Lots 724 (2) to 734 (38) Sultana Road West and Lots 753 (110) to 756 (122) Milner Road, High Wycombe from Special Use (Business) to Light Industry.

In accordance with the Scheme Amendment Map.

2. Delete item 7 of the Scheme's Schedule 4 (Special Uses) and renumber the remaining items accordingly.
2. 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 Martyn Cresswell

Seconded: Cr Donald McKechnie

CARRIED UNANIMOUSLY (10/1)

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

73. Extension to agreed timeframes for Medical Centre and Lifestyle Village - Lots 23, 50 and 9001 Kalamunda Road, High Wycombe

Previous Items:	OCM September 2004, September 2006, February 2008, March 2008, December 2009 and April 2010
Responsible Officer:	Director Planning & Development Services
Service Area:	Planning & Development Services
File Reference:	KL-02/530
Applicant:	P Cinnani
Owner:	As above
Attachment:	Nil.

PURPOSE

1. To consider an extension to the previously agreed date for the finalisation of the Medical Centre and Lifestyle Retirement Village proposed for Lot 9001 Kalamunda Road, High Wycombe (the site).

BACKGROUND

2. Council at its Ordinary Meeting in April 2010 considered matters relating to the development of Public Open Space, expenditure of cash-in-lieu and extensions to the previously approved time frames for the completion of the medical centre/restaurant/public toilets and Lifestyle Retirement Village as required under the legal agreement.
3. In relation to this request, Council resolved that it:
 2. *Extends the time stipulated in clause 2.3.4 (a) of the Shire agreement for completion of the following works and development forming part of the town centre concept:*
 - *The following components of the village centre, namely the medical centre, one restaurant and public toilets are to be completed by 24 April 2012.*
 3. *Extending the time in clause 2.3.4(b) of the Shire agreement for completion of the following works and development involved in the lifestyle retirement village:*
 - *32 aged persons' dwellings for which planning approval was granted on 7 February 2008, are to be completed by 24 October 2011; and*
 - *A further 32 aged persons' dwellings, for which planning approval was granted on 7 February 2008, are to be completed by 24 October 2012.*
 4. *Under clause 10.5.2 of the Local Planning Scheme No. 3, Council extends the last day of the period stipulated in the planning approval granted on 7 February 2008 within which the lifestyle retirement village is to be substantially commenced by 6 February 2011;*

5. *Reserves all of its rights to draw on the bank guarantee provided under the Shire agreement, both in respect to the failure to complete works and development by the dates stipulated in the shire agreement and the extended dates provided above.*

DETAILS

5. The applicant has requested Council support to further extend the completion dates mentioned above for the lifestyle retirement village and the medical centre/restaurant/public toilets. Specifically, the applicant has requested that the completion date for the overall development be extended to **24 October 2014**.
6. The applicant has advised that due to delays finalising the access road to the proposed retirement village and medical centre have pushed back the time required to achieve completion of the development. Additionally, the applicant advises that from market perspective there is nation-wide shortage of medical practitioners, which means development ahead of time may not be economically feasible. The applicant has advised that, whilst the first stage of the aged persons' units will be substantially commenced by February 2011, they may not be completed by October 2011.

STATUTORY AND LEGAL IMPLICATIONS

7. The implications from a legal perspective were outlined in the report to Council at its Ordinary Meeting of April 2010. The legal and planning issues have not altered, only the explicit dates initially requested and agreed to for completion of the developments.
8. In terms of an extension to the planning consents, as distinct from the dates set out in the legal agreement, clause 10.5.2 of the Scheme allows Council to extend the term of validity of a planning consent prior to it expiring.
9. It is recommended that the term for the validity of the approval be consistent with the dates agreed to in the legal agreement.

POLICY IMPLICATIONS

10. Nil

PUBLIC CONSULTATION/COMMUNICATION

11. Nil

FINANCIAL IMPLICATIONS

12. It is recommended at this stage that Council not draw down on the funds available in the bank guarantee.
13. The applicant has paid cash in lieu funds for the development of the public open space area to the rear of the shopping centre in accordance with the legal agreement.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

14. **Strategic Planning Implications**

15. Sustainability Implications**Social Implications**

- The development will provide housing choice and social infrastructure for local community.

Economic Implications

- Continued development of the High Wycombe Town Centre will provide employment opportunities.

Environmental Implications

- Nil

OFFICER COMMENT

16. The Scheme does not identify any particular considerations which Council must take into account when considering such an application. However, factors relevant to a consideration of a requested extension would include:
- Whether the planning framework had changed in any material way;
 - Whether the locality has changed so that the lifestyle retirement village is no longer appropriate development;
 - Whether the proposed lifestyle retirement village would be approved today; and
 - The reason why the approval has not been implemented to date.
17. From a planning perspective, there is no change to the planning frameworks and considerations noted above since initially determined at the April 2010 Ordinary Council meeting. It is recommended that an extension be granted for the previously agreed to completion date and to the validity of the planning consent.

COMMITTEE RECOMMENDATION TO COUNCIL PS- 73/2010

That Council:

1. Extends the time stipulated in clause 2.3.4 (a) of the Shire agreement for completion of the following works and development forming part of the town centre concept:
 - The following components of the village centre, namely the medical centre, one restaurant and public toilets are to be completed by 24 October 2014.
2. Extends the time in clause 2.3.4(b) of the Shire agreement for completion of the following works and development involved in the lifestyle retirement village:
 - 32 aged persons' dwellings for which planning approval was granted on 7 February 2008, are to be completed by 24 October 2014; and
 - A further 32 aged persons' dwellings, for which planning approval was granted on 7 February 2008, are to be completed by 24 October 2014.

-
3. Under clause 10.5.2 of the Local Planning Scheme No. 3, extends the last day of the period stipulated in the planning approval granted on 7 February 2008 within which the lifestyle retirement village is to be completed by 24 October 2014

Moved: Cr Dylan O'Connor

Seconded: Cr Martyn Cresswell

CARRIED UNANIMOUSLY (10/0)

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

74. Policy Review: Appointment of Deputies under the *Health Act 1911*

Previous Items:	PSC 53/10 and GSC 61/09
Responsible Officer:	Director Planning and Development Services
Service Area:	Planning and Development Services
File Reference:	FI-RST-010
Applicant:	N/A
Owner:	N/A
Attachment 1:	Amended policy HLTH1 – Appointment of Deputies under <i>Health Act 1911</i> . (Page 340)
Attachment 2:	Previous Policy HLTH1 - Appointment of Deputies under <i>Health Act 1911</i> . (Page 341)

PURPOSE

1. To consider amending the existing policy (HLTH1) Appointment of Deputies under the *Health Act 1911* (***Attachment 2***).

BACKGROUND

2. A review of the operational procedure relating to the approval of onsite waste water disposal systems revealed that the relevant delegation was not valid. In order to allow Environmental Health Officers to continue to approve such applications and installations it is recommended that the policy is amended.

DETAILS

3. The objective of this policy is to allow nominated deputies to discharge the powers and functions of the local government under the *Health Act 1911*.

STATUTORY AND LEGAL IMPLICATIONS

4. *Health Act 1911*, section 26.

POLICY IMPLICATIONS

5. Recommendation is to amend Policy (HLTH1) Appointment of Deputies under the *Health Act 1911*.

PUBLIC CONSULTATION/COMMUNICATION

6. Nil.

FINANCIAL IMPLICATIONS

7. Nil.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

8. **Strategic Planning Implications**
 - Nil.

9. **Sustainability Implications**
Social Implications

- Nil.

Economic Implications

- Nil.

Environmental Implications

- Nil

OFFICER COMMENT

10. The purpose of this policy is to appoint the Chief Executive Officer, Director Planning and Development Services and the Manager Health Service as the local government's deputies so that Council does not need to deliberate on every action taken under the *Health Act 1911*.
11. Currently the Chief Executive Officer, Director Planning and Development and the Manager Health Service are nominated as deputies.
12. The delegation to issue approvals under regulations 4 and 10 of the *Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974* by Environmental Health Officers has been found to be invalid.
13. It is proposed to include the positions of Environmental Health Officers as local government deputies for the purposes of approving onsite waste water disposal system applications and installations.

The additions to the existing policy are shown in red. (**Attachment 1**).

COMMITTEE RECOMMENDATION TO COUNCIL PS- 74/2010

1. That Council adopts the revised Policy (HLTH1) Appointment of Deputies under the *Health Act 1911* as shown in (**Attachment 1**).

Moved: Cr Martyn Cresswell

Seconded: Cr Noreen Townsend

CARRIED UNANIMOUSLY (10/0)

11.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

11.1 Nil.

12.0 QUESTIONS BY MEMBERS WITHOUT NOTICE**12.1 Cr Sue Bilich**

Q. Would like to know who proofreads the Shire publications such as "Council Meeting Information" document? There are errors in the publication and some of the information is misleading.

A. Chief Executive Officer thanks Cr Sue Bilich and advises he will take comments on board and look into issues.

12.2 Cr Dylan O'Connor

Q. With regard to Item 67 why was it referred to as Kenneth Road Shopping Centre when it is known as High Wycombe Shopping Centre.

A. Manager Strategic Planning & Sustainability reports that it was referred to as Kenneth Road Shopping Centre in the report. This is to distinguish it from the Peter Cinanni Development which is often referred to as High Wycombe Shopping Centre.

Q. What are the rules with the public gallery electronically recording the meeting?

A. Manager of Governance advised that the Standing Orders prohibit recording the meeting. Any Councillor who believes recording is taking place should advise the Chairman immediately.

13.0 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

13.1 Nil.

14.0 URGENT BUSINESS APPROVED BY THE PERSON PRESIDING OR BY DECISION

14.1 Nil.

15.0 MATTERS CLOSED TO THE PUBLIC

15.1 Nil.

16.0 CLOSURE

There being no further business, the Chairman declared the meeting closed at 7:41pm.

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

Signed.....Chairman

Dated thisday of.....2010