
Shire of Kalamunda

Planning Services Committee

Minutes for 3 October 2011

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MINUTES

1.0 OFFICIAL OPENING

1.1 The Chairman opened the meeting at 6:30pm and welcomed Councillors, Staff and Members of the Public Gallery.

2.0 ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE PREVIOUSLY APPROVED

2.1 Attendance

Councillors

Donald McKechnie	(Shire President) North Ward
Margaret Thomas	(Chairman) North Ward
Sue Bilich	North Ward
Noreen Townsend	South West Ward
Allan Morton	South West Ward
Maureen Robinson	South West Ward
Frank Lindsey	South East Ward
Carol Everett	South East Ward
Geoff Stallard	South East Ward
Justin Whitten	North West Ward
Dylan O'Connor	North West Ward
Martyn Cresswell	North West Ward

Members of Staff

James Trail	Chief Executive Officer
Clayton Higham	Director Planning & Development Services
Rhonda Hardy	Director of Corporate Services
Kevin O'Connor	Director of Community Development
Sara Slavin	Minute Secretary
Sarah Griffiths	Personal Assistant Director Engineering Services
Andrew Fowler-Tutt	Manager Strategic Planning & Sustainability
David Tomlinson	Manager Statutory Planning
John Jutras	Planning Officer

Members of the Public 1

Members of the Press 0

2.2 Apologies

Mahesh Singh Director of Engineering Services

2.3 Leave of Absence Previously Approved

Nil.

3.0 PUBLIC QUESTION TIME

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

3.1 Mr Clifford Murray Richards

- Q. Can the Chief Executive Officer please advise if he was notified that I have been trying to contact him to make an appointment on several occasions without success?
- A. The Chief Executive Officer responded: No I was not aware.
- Q. Were you aware that last week I had a meeting which I thought was with you, however the Director Engineering Services attended instead?
- A. The Chief Executive Officer responded: Any person who rings my office is requested to supply information for the reasons they require to meet. This is applied to every person who rings my office. This assists to determine if I need to see the person or if an Officer or Director can assist. If that meeting is unsatisfactory then they would ring my office, provide the relevant details and request a meeting with me. I would then arrange a mutual time to meet. If Mr Richards rings my office and provides the details to either me or my Executive Assistant then I would be happy to meet with him.

MOTION

Moved, that the Committee Meeting be adjourned at 6.39pm to request a member of the gallery to leave, as they were constantly interjecting during the meeting.

Moved: **Cr Donald McKechnie**

Seconded: **Cr Frank Lindsey**

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

MOTION

The Committee reconvened and re-opened the meeting at 6.41pm, all Councillors and Staff who were in attendance prior to the adjournment returned.

Moved: **Cr Donald McKechnie**

Seconded: **Cr Justin Whitten**

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

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 5 September 2011 with removal of Item 37 are confirmed as a true and correct record of the proceedings.

Moved: **Cr Martyn Cresswell**

Seconded: **Cr Sue Bilich**

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

7.0 ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION

7.1 Nil.

8.0 MATTERS FOR WHICH MEETING MAY BE CLOSED

8.1 Nil.

9.0 DISCLOSURE OF INTERESTS

9.1 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*.)

9.1.1 Nil.

9.2 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.

9.2.1 Cr Justin Whitten declared an interest affecting impartiality for Item 41 "Referral from the City of Swan for a Proposed Mobile Phone Tower" as Optus is a client of his employer. He left the chamber at 6.48pm and returned at 6.49pm and was not present for the vote.

10.0 REPORT 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.
39. Lot 16 (8) Stirk Street, Kalamunda - Local Planning Scheme No. 3 Amendment No. 40 – Additional Use (Office)

Previous Items	OCM 55/2011
Responsible Officer	Director Planning and Development Services
Service Area	Planning and Development Services
File Reference	ST-11/008
Applicant	P Jebb
Owner	J Woods
Attachment 1	Locality Plan
Attachment 2	Scheme Zoning Map

PURPOSE

1. To consider the public submissions received and whether to adopt Amendment No. 40 to Local Planning Scheme No. 3 ("the Scheme") to allow for an additional use (Office) at Lot 16 (8) Stirk Street, Kalamunda. Refer to the locality plan (Attachment 1).

BACKGROUND

2. In April 2011 Council resolved (Resolution OCM 55/2011) to initiate Amendment No. 40 to the Scheme.
3. The subject lot is zoned Residential R20, has direct access onto School Street and contains a single dwelling which is to be retained.
4. Stirk Street forms the northern boundary of the Kalamunda Town Centre. Refer to the current Scheme Zoning Map (Attachment 2).

DETAILS

5. The applicant has requested that Council amend the Scheme to allow the additional use (Office) on the subject property.
6. Those associated with the proposed use would not reside at the property, and the entire dwelling would be used for office purposes.

STATUTORY AND LEGAL IMPLICATIONS

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

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8. Under the Zoning Table of the Scheme the use Office is listed as an 'X' use in the Residential zone, meaning the use is not permitted.
 9. Clause 4.2 of the Scheme states that the objectives of Residential zoned areas are the following:
 - a. To provide primarily for single residential development whilst allowing for a range of residential densities in order to encourage a wide choice of housing types within the Shire.
 - b. To facilitate a range of accommodation styles and densities to cater for all community groups inclusive of the elderly, young people in transition and the handicapped.

POLICY IMPLICATIONS

Liveable Neighbourhoods (January 2009)

10. *Liveable Neighbourhoods (January 2009)* 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.
11. The Policy requires commercial and business uses to be integrated into mixed use centres to provide improved environmental, economic and social outcomes.

Directions 2031 and Beyond

12. *Directions 2031 and Beyond* is a high level strategic plan that establishes a vision for future growth of the Perth metropolitan area.
13. The objectives of which include the following:
 - Developing and revitalising activity centres as attractive places in which to invest, live and work.
 - Ensuring that economic development and accessibility to employment inform urban expansion.

PUBLIC CONSULTATION/COMMUNICATION

14. The proposal was advertised for 42 days in accordance with the provisions of the *Town Planning Regulations 1967*, which involved a local public notice in a paper circulating the District, a sign being erected on the property and the proposal being referred to affected landowners for comment.
15. During the formal advertising period two non-objections were received by the Shire.

FINANCIAL IMPLICATIONS

16. Nil.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

Strategic Planning Implications

17. The subject property falls outside of the Kalamunda Town Centre which operates as an 'Activity Centre' in *Directions 2031 and Beyond*, accommodating a range of commercial uses including the proposed office activities.

Sustainability Implications

Social implications

18. Nil.

Economic Implications

19. Nil.

Environmental Implications

20. Nil.

OFFICER COMMENT

21. Conditions relating to the operation of the office, such as the hours of operation and whether clients will visit the property by prior appointment, will be determined at the development application stage.
22. Considering that Council initiated the amendment and no objections were received during the advertising period it is recommended that Council adopts the amendment.

COMMITTEE RECOMMENDATION TO COUNCIL (PS 39/2011)

That Council:

1. Notes the submissions received in respect to Amendment No. 40 to Local Planning Scheme No. 3.
2. Adopts the amendment to Local Planning Scheme No. 3 without modification, in accordance with the following:

<p>PLANNING AND DEVELOPMENT ACT 2005 RESOLUTION DECIDING TO AMEND A LOCAL PLANNING SCHEME SHIRE OF KALAMUNDA LOCAL PLANNING SCHEME NO. 3 AMENDMENT NO. 40</p> <p>That Council, in pursuance of Part 5 of the <i>Planning and Development Act 2005</i>, amends Local Planning Scheme No. 3 by inserting into Schedule 2 (Additional Uses) of the Scheme Text, the following:</p>			
No.	Description of Land	Additional Use	Conditions
46	8 Stirk Street, Kalamunda (Lot 16)	Office	An office is not permitted unless approval is granted by Council ("A").

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

Moved: **Cr Maureen Robinson**

Seconded: **Cr Noreen Townsend**

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

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

40. Lot 263 (39) Maida Vale Road, Maida Vale – Modification to Maida Vale Urban Area U6 Structure Plan

Previous Items	Nil
Responsible Officer	Director Planning and Development Services
Service Area	Planning and Development Services
File Reference	PG-TPS-008/069
Applicant	Gray & Lewis Land Use Planners
Owner	Shire of Kalamunda
Attachment 1	Locality Plan and Public Consultation
Attachment 2	Existing Structure Plan
Attachment 3	Proposed Modified Structure Plan

PURPOSE

1. To consider a proposal to modify the Maida Vale Urban Area U6 Structure Plan (“the Structure Plan”) to allow for a Residential R40 coding to replace the “Community Centre” designation on Lot 263 (39) Maida Vale Road, Maida Vale. Refer to the Locality Plan (Attachment 1).

BACKGROUND

2. The Structure Plan for Maida Vale Urban Area U6 was adopted by the Council in 1994 and endorsed by the WA Planning Commission in December 1995.
3. The Shire of Kalamunda is the owner of the property. Although originally set aside for a community purpose, the property is no longer considered as being able to accommodate a viable community facility. Therefore, the Shire engaged a planning consultant to draft a modification to the adopted Structure Plan.
4. The subject property is vacant, with frontage to the Maida Vale Road and Priory Roads. Adjoining properties are identified on the Structure Plan as being Residential R20 and R30, and a Neighbourhood Supermarket. Refer to the adopted Structure Plan (Attachment 2).
5. An application to modify the Structure Plan on the adjoining Lot 998 to allow for a portion of the Neighbourhood Supermarket site to be developed as residential R30 is currently with the WA Planning Commission for its determination.

DETAILS

6. It is proposed to modify the Structure Plan to replace the “Community Centre” use with Residential R40. Refer to the proposed modified Structure Plan (Attachment 3).
7. The lot has an area of 2,000sqm, which was identified under the Community Facilities Plan as insufficient to accommodate a reasonable sized building, amenities, landscaping and adequate on site car parking for a community facility. If the Structure Plan is amended, the site would be capable of containing nine standard dwellings at the R40 density.

STATUTORY AND LEGAL IMPLICATIONS

8. Under the provisions of Local Planning Scheme No. 3 (“the Scheme”) the property is zoned Urban Development. The adopted Structure Plan identifies the subject site as Community Centre.
9. The design and assessment of structure plans are dealt under Clause 6.2 – *Development Areas* of the Scheme. In particular Clause 6.2.3 – *Preparation of Structure Plans* and 6.2.4 – *Adoption and Approval of Structure Plans*.
10. If adopted by Council, the modified structure plan will be forwarded to the WA Planning Commission (“WAPC”) for endorsement. In the event that the WAPC refuses the request, there is a right of review (appeal) to the State Administrative Tribunal.

POLICY IMPLICATIONS**11. 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:

- Reducing greenhouse emissions.
- Ensuring that economic development and accessibility to employment inform urban expansion.
- Encourage reduced vehicle use.

The increased residential density and close proximity to the proposed “neighbourhood supermarket” are consistent with the principles of *Directions 2031 and Beyond*. To ‘provide for the incidental shopping needs of people within a walkable catchment area, and as such contribute to a decrease in daily car use and increase in the health of the community within the walkable catchment.’

PUBLIC CONSULTATION/COMMUNICATION

12. The proposal was advertised for 42 days in accordance with the provisions of the Local Planning Scheme No. 3. This involved a notice in a newspaper circulating the District, a sign being erected on the subject property and the proposal being referred to the affected landowners for comment.
13. During the advertising period, two submissions were received, one being a non-objection and the other simply a comment on the proposal.
14. The two issues raised in the submissions are:
- Concern over the traffic that is allegedly already congested at all hours with a lack of signage. The submitters were both concerned that there is no plan to alleviate Pinker, Maida Vale, and Priory Road of increased traffic.
 - Concerned over potential height of buildings with the proposed R40 density and would prefer restrictions to single storey dwellings.

FINANCIAL IMPLICATIONS

15. Nil.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

Strategic Planning Implications

16. The modification is consistent with the intent of the structure plan in regard to the potential land uses.

Sustainability Implications

Social implications

17. Nil.

Economic Implications

18. Nil.

Environmental Implications

19. Nil.

OFFICER COMMENT

20. The proposed modification is consistent with the intent of the Structure Plan in providing for a range of housing types in close proximity to commercial activities.
21. In response to the concerns regarding traffic issues, the road hierarchy of Maida Vale Road is a District Distributor B and it carries an average traffic volume of 7,500 vehicles per day. Due to the hierarchy of the road and its connectivity with Roe Highway, Hawtin Road and Kalamunda Road, it is not recommended to install any traffic calming devices.
22. At the development application stage, it will be conditioned for the applicant to install proper intersection treatments to ensure there are adequate safety measures in place for all road users including pedestrians.
23. Future development of the site will be restricted to a single vehicle crossover onto Maida Vale Road.
24. The applicant will be required to submit an independent traffic impact study at the development application stage and ask the applicant to implement the recommendations to ensure public safety and appropriate vehicle access.
25. In respect to building heights, this will be governed by the Residential Design Codes which takes into matters such as privacy/overlooking and overshadowing. As such it is not considered necessary to impose a restriction requiring that development be limited to single story.
26. Given that the site is no longer considered appropriate for its originally intended purpose, it is recommended that Council adopt the modified Structure Plan.

COMMITTEE RECOMMENDATION TO COUNCIL (PS 40/2011)

That Council:

1. Adopts the proposed modification to the Structure Plan by removing the "Community Centre" designation for Lot 263 (39) Maida Vale Road, Maida Vale and replacing it with a Residential Density Code of R40 and forward the modification to the WA Planning Commission for endorsement.

Moved: **Cr Donald McKechnie**

Seconded: **Cr Dylan O'Connor**

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

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

Cr Justin Whitten declared an interest affecting impartiality in this item as Optus is a client of his employer. Cr Whitten left the chamber at 6.48pm and returned at 6.49pm and was not present for the vote.

41. Referral from the City of Swan for a Proposed Mobile Phone Tower

Previous Items	N/A
Responsible Officer	Director Planning and Development Services
Service Area	Planning and Development Services
File Reference	OR-IGR-038
Applicant	Aurecon Pty Ltd
Owner	Panache Investments Pty Ltd
Attachment 1	Locality Plan (City of Swan area)
Attachment 2	Locality Plan (Shire of Kalamunda area)
Attachment 3	Site Plan and Enlarged Site Plan
Attachment 4	Elevation
Attachment 5	Optus Environmental EME Report

PURPOSE

1. To provide comment to the City of Swan ("the City") for a proposed mobile phone tower ("the tower") on Lot 501 Adelaide Street, Hazelmere. Refer to the Locality Plans (Attachments 1 and 2), Site Plan and Site Plan (Attachment 3) and Elevation (Attachment 4).

BACKGROUND

2. The property abuts the boundary with the Shire and is approximately 260m from residential areas, 190m from the Hillview Golf Course and opposite a Regional Reserve (Parks and Recreation) within the Shire. It is the policy of the City to refer such an application to nearby and affected landowners for comment.

DETAILS

3. The proposed development includes the following:
 - A 35m high monopole (mast) to accommodate six panel antennas.
 - An equipment shelter which will store cable trays to accommodate the electronic equipment, air conditioning units, back up sealed batteries and electrical cabling.
 - Security (cyclone) fencing around the perimeter of the compound.
 - Existing trees are proposed to be retained to screen the facility.

STATUTORY AND LEGAL IMPLICATIONS

4. The proposed tower falls outside of the Shire's area therefore the provisions of Local Planning Scheme No. 3 ("the Scheme") and Local Planning Policy DEV26 – Radio, Television and Communication Facilities/Masts ("the Policy") do not apply. The City will base its recommendation to the Commission on its Local Planning Scheme No. 17 and relevant policy.
5. As the property falls within the 'Hazelmere Clause 32 Precinct' under the Metropolitan Region Scheme, the application will be determined by the Commission. Council is to provide the City with comments, and subsequently the City will provide the Commission with its recommendation.
6. If the Commission refuses the development, or imposes conditions that are not acceptable to the applicant, there is a Right of Review (appeal) to the State Administrative Tribunal. The Commission will be the respondent to any appeal.

POLICY IMPLICATIONS

Telecommunications (Low-impact Facilities) Determination 1997

7. The proposed mobile phone tower is not defined as being a low impact facility under the *Telecommunications (Low-impact Facilities) Determination 1997* due to its height. Therefore planning approval is required to be obtained.

State Planning Policy No. 5.2 – Telecommunication Infrastructure

8. State Planning Policy No. 5.2 – Telecommunication Infrastructure (SPP 5.2) stipulates when planning approval is required to be obtained for telecommunication infrastructure when determined not to be low impact under the *Telecommunications (Low Impact Facilities) Determination 1997*.
9. Section 2.3 of SPP 5.2 requires all carriers to comply with the Australian Communications Authority's *Radio communications (Electromagnetic Radiation - Human Exposure) Standard (2003)*.

PUBLIC CONSULTATION/COMMUNICATION

10. The proposal is being advertised by the City to all landowners within a 200m radius of the proposed tower's location, for 21 days in accordance with its Council Policy No. Pol-C-059 – Telecommunication (Mobile Phones) Facilities Policy.
11. As the property where the tower is proposed to be located abuts the boundary with the Shire, Council is being given the opportunity to provide

comment.

12. The only properties within the Shire which fall within 200m of the proposed tower's location are the Hillview Golf Course and Regional Reserve on the southern side of Adelaide Street.

FINANCIAL IMPLICATIONS

13. Nil.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

Strategic Planning Implications

14. Nil.

Sustainability Implications

Social implications

15. It should be noted that when other such applications have been advertised by the Shire, residents have expressed concerns regarding potential health implications around the location of the proposed tower, particularly in relation to its proximity to residential areas.

Economic Implications

16. Nil.

Environmental Implications

17. Nil.

OFFICER COMMENT

18. As the proposal is located outside of the Shire of Kalamunda the provisions of the Scheme and the Policy do not apply, however can be used as a guide by Council in determining its response to the City.
19. Council has not supported mobile phone tower applications previously due to non-compliance with certain aspects of its Telecommunications Policy, specifically that mobile phone towers are not to be located within 500m from sensitive areas that include residential, schools and other similar uses as determined by Council.
20. The proposed tower will be approximately 260m from residential areas within the Shire.

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21. The City forwarded an Optus Environmental EME Report for the proposed tower, which confirms that the tower will comply with the Australian Communications and Media Authority regulatory requirements with respect to electromagnetic energy exposure levels. Refer to the Optus Environmental EME Report (Attachment 5).
 22. The Optus Environmental EME Report concludes that electromagnetic energy levels from the proposed tower are estimated to be 0.32% of the Australian Radiation Protection and Nuclear Safety Agency at 1.5m above ground level.
 23. Given that the proposal does not comply with the standards the Shire would impose in respect to its proximity to residential areas, it is recommended that Council advise the City of Swan that it does not support the application.

COMMITTEE RECOMMENDATION TO COUNCIL (PS 41/2011)

That Council:

1. Advises the City of Swan that it objects to the proposal for a mobile phone tower at Lot 501 Adelaide Street, Hazelmere for the following reasons:
 - a. Shire's Local Planning Policy DEV 26 – Radio, Television and Communication Facilities/Masts requires mobile phone towers to be at least 500m from sensitive land uses. The proposed mobile phone tower shall be 260m from the residential area, which constitutes a 48 per cent reduction in the minimum 500m distance.
 - b. The proposed mobile phone tower possibly having an unacceptable impact on the health of the local community with respect to radiation emissions.

Cr Whitten left the chamber at 6.48pm and was not present for the vote.

Moved: **Cr Martyn Cresswell**

Seconded: **Cr Dylan O'Connor**

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

Cr Whitten returned to the chamber at 6.49pm.

11.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

11.1 Nil.

12.0 QUESTIONS BY MEMBERS WITHOUT NOTICE

12.1 Cr Dylan O'Connor

Q. Can the Chief Executive Officer please provide an update on the Aged Care Facility on the old Activ plans?

A. The Chief Executive Officer reports that he will provide Councillors with an update on the project.

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 MEETING CLOSED TO THE PUBLIC

15.1 Nil.

16.0 CLOSURE

There being no further business, the Chairman declared the meeting closed at 6.53pm.

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

Signed: _____
Chairman

Dated this _____ day of _____ 2011