



## **MINUTES OF THE SPECIAL MEETING OF COUNCIL HELD ON 6 APRIL 2010**

I hereby certify that the Special Meeting of Council held are a true and accurate record of the proceedings contained therein.

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**Shire President Confirmed**

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# SHIRE OF WYNDHAM EAST KIMBERLEY

## MINUTES

OF THE SPECIAL COUNCIL MEETING  
HELD ON, 6 APRIL 2010, AT 6:00 PM

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### 1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The Deputy Shire President declared the meeting open at 6:03pm.

### 2. RECORD OF ATTENDANCE

Cr J Moulden	Deputy Shire President (Chair)
Cr J McCoy	Councillor
Cr D Ausburn	Councillor
Cr R Addis	Councillor
Cr J Parker	Councillor
Cr K Wright	Councillor

G Gaffney	Chief Executive Officer
J Ellis	Executive Manager Corporate Services
A Douglas	Executive Manager Engineering and Regulatory Services
I D'Arcy	Executive Manager Development Services
K Cripps	Senior Environmental Health Officer
J Ninnette	Town Planning Officer
D Cox	Building Surveyor
R Morrall	Payroll Officer
F Kuiper	Executive Support Officer (Minutes)

### APOLOGIES

Cr F Mills	Shire President
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### 3. DECLARATION OF:

- **Financial Interest** - Nil
- **Members Impartiality Interest** - Nil
- **Proximity Interest**  
Cr K Wright declared a Proximity Interest in Item 4.3 Proposed Amendment 35 TPS 7 Bull Run Road Rezoning as he is a Director of a company that is a contiguous owner of land.

## 4. BUSINESS OF MEETING

### 4.1 ENQUIRY BY DESIGN

<b>DATE:</b>	6 April 2010
<b>PROPONENT:</b>	Shire Of Wyndham East Kimberley
<b>LOCATION:</b>	Kununurra Town Site
<b>AUTHOR:</b>	Ian D'arcy, Executive Manager Development Services
<b>REPORTING OFFICER:</b>	Ian D'arcy, Executive Manager Development Services
<b>FILE NO:</b>	43.04.44
<b>ASSESSMENT NO:</b>	N/A

#### **PURPOSE**

For Council to formally consider and endorse modifications to the Enquiry by Design (EbD) as previously discussed at the 15 March 2010 Briefing Session.

#### **BACKGROUND**

In February 2009, the Council met with members of LandCorp as part of a Briefing Session, where it was suggested that an EbD process be held in Kununurra with a focus on investigating the dynamics of the town centre, in consideration of preparing a new Town Planning Scheme and coinciding with the rapid development expected to occur by virtue of the Ord Development Project and the East Kimberley Investment Package.

With expressed support from the Council, LandCorp engaged Urbis planning consultants to prepare the Development Concept Plan and Strategy Plan over the town centre through the EbD process.

As the Council is aware the EbD workshops were conducted by Urbis from the 2 – 4 July 2009. This was followed by a display of the conceptual plans as a culmination of the outcomes of the workshops at the Kununurra Agricultural Show, where broader public input was sought.

The plans and an outcomes report was then advertised in August 2009, to enable further community input and modifications were undertaken in light of the submissions that were received.

In late November 2009, a draft of the EbD document and associated plans were forwarded to the Shire for consideration and amendment by the Council. Due to other priorities this matter has taken a couple of months to be presented to Council.

The EbD findings and recommendations from the consultant have been informally discussed by Council at the 15 March 2010 Briefing Session with a series of modifications being identified.

A copy of the complete draft document has previously been presented to each Councillor for consideration.

### **STATUTORY IMPLICATIONS**

There are no specific statutory implications that apply to the EbD process.

### **POLICY IMPLICATIONS**

There are no specific policy implications that apply to the EbD process, although the document itself, once finally adopted, will represent a strategic direction for the preparation of a number of policies.

### **FINANCIAL IMPLICATIONS**

Although the Council is not committed to funding for the EbD workshop, additional works not included in this process may need to be independently funded by the Council.

### **STRATEGIC IMPLICATIONS**

The EbD process is a strategic planning exercise that will provide a specific focus on the dynamics of the Kununurra Town Centre and provide valuable information and direction for future development and land use.

Additionally, this information will also be used to inform a new Local Planning Scheme, which will assign changes in zoning to facilitate future town centre and town site growth.

### **COMMUNITY CONSULTATION**

As indicated in the background section of this report, the EBD process has provided extensive consultation with key stakeholders and members of the public, through a range of forums, workshops and public display. Upon modification to the document and associated plans, further consultation will be undertaken with the local community through a 30 day advertising period, before being presented to Council for final adoption.

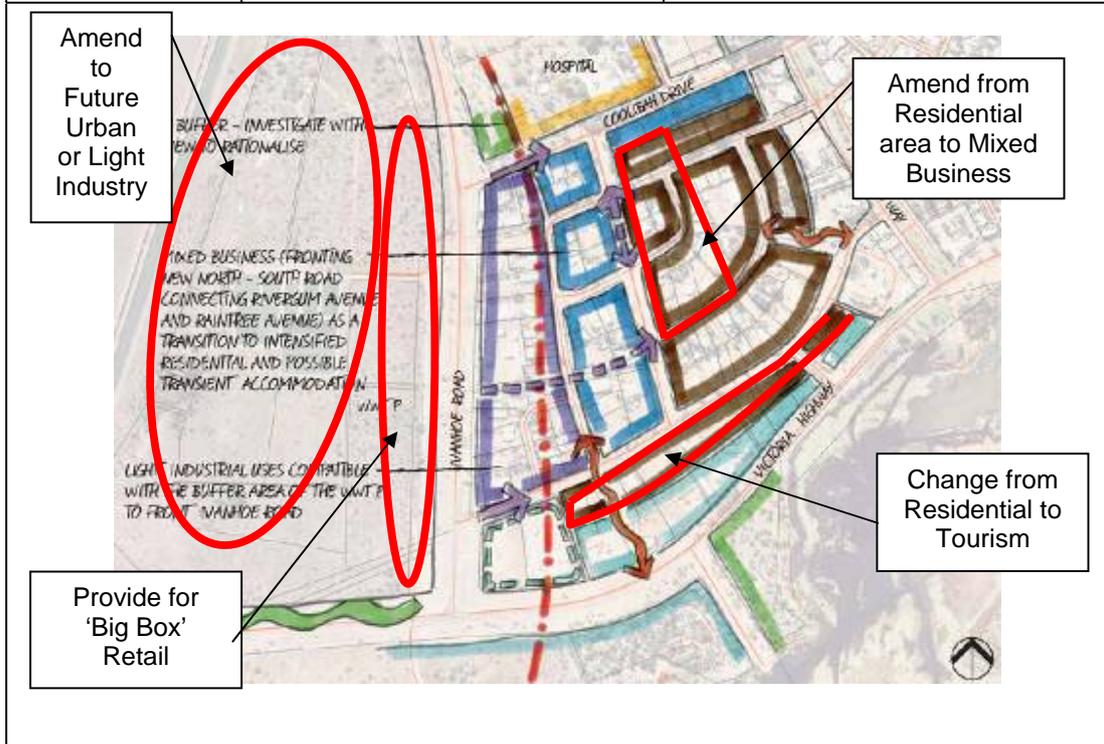
### **COMMENT**

Based on the discussion with the Council at the special Briefing Session on 15 March 2010, which considered the consultants findings and recommendations for both the Concept Plan and Strategy Plan for the Kununurra Townsite, the following Tables 1 and 2 outline the consultant's recommendations, based on initial public consultation and a series of modifications, before the document is again presented to the community for further comment.

**1. Development Concept Plan**

NOTE – This Table is to be read in conjunction with Development Concept Plan

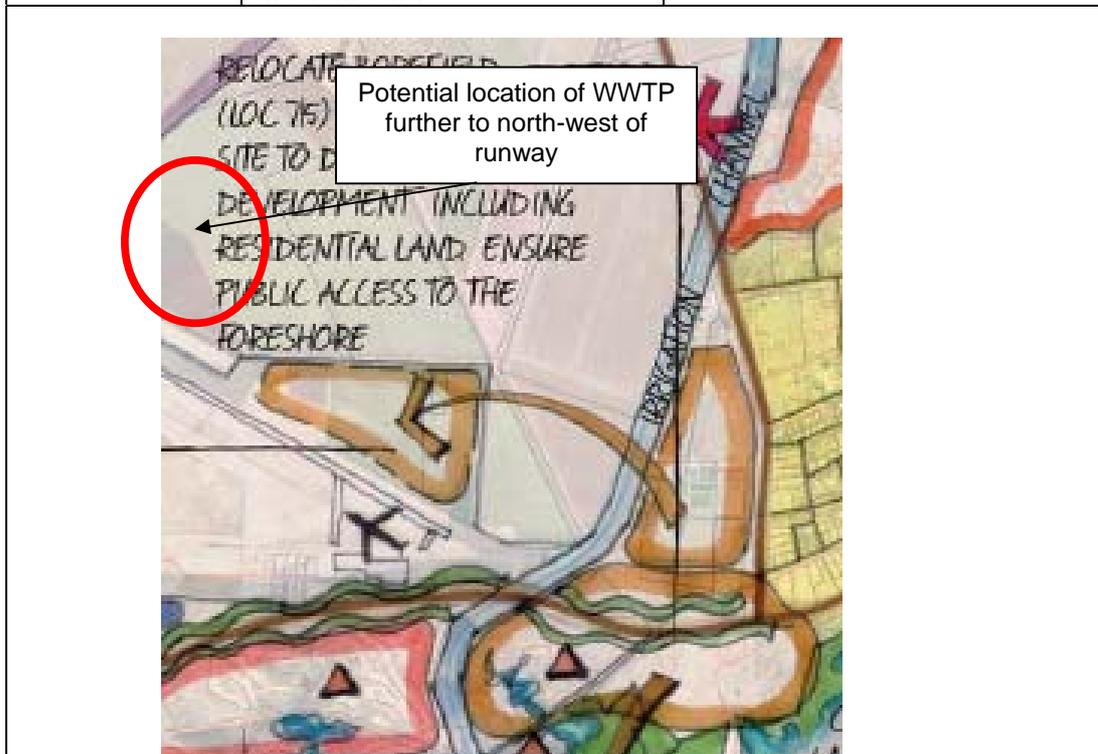
Description	Consultant's Recommendation	Modification
<p><b>1. Mixed Business</b></p>	<p>Prepare a <b>Structure Plan</b> for the Mixed Business Precinct to facilitate land use transition and redevelopment.</p> <p>Prepare <b>Scheme Provisions and an associated Local Planning Policy</b> which clearly outline the type and form of development and land uses envisaged for the Mixed Business area.</p> <p>Prepare a <b>Strategy</b> for the staged relocation of industrial uses from the Mixed Business area into other identified industrial areas, including the use of incentives as appropriate.</p> <p>Priority – <b>High</b> Short term</p>	<p>Support Consultants Interim Plan for Mixed Business Precinct.</p> <p>Additionally, incorporate mixed business 'Big Box' and showroom development fronting both sides of Ivanhoe Road.</p> <p>Western side of Ivanhoe Road to be identified for future development that may include a number of uses subject to further investigation once sewerage ponds are relocated. Refer to this area as future urban or light industry.</p>



<p><b>2. Visitors Centre</b></p>	<p>Resolve the relocation of the Visitors Centre and facilitate its development.</p> <p>Priority – <b>High</b> Short term</p>	<p>Amend Visitor Centre to Future ‘Cultural Centre’.</p> <p>Support a detailed Outlined Development Plan for Water Lily Lagoon to determine appropriate type, level and scale of use and development in harmony with the surrounding environs.</p> <p>Commence negotiation with Main Roads WA to transfer land from Victoria Highway Road Reserve and create a separate reserve with a Management Order granted in favour of the Shire.</p>
<p><b>3. Transient Workforce Accommodation</b></p>	<p><b>Finalise TWA Policy development</b> Develop a <b>Strategy</b> for the delivery of transient workers accommodation in a consolidated and coordinated manner.</p> <p>Priority – <b>High</b> Short term</p>	<p>TWA Policy already completed with provisions being considered for incorporation in new Local Planning Scheme – remove recommendation from the document.</p>
<p><b>4. Victoria Highway Tourism Precinct</b></p>	<p>Prepare <b>Design Guidelines</b> for the tourism precinct with <b>Detailed Area Plans</b> for iconic and prominent sites.</p> <p>Priority – <b>High</b> Short to Medium term</p>	<p>Support the Consultants recommendation with the ‘Kimberleyland’ Caravan Park area to be amended to Residential / Tourism Precinct.</p>
<p><b>5. Landscape Streetscape</b></p>	<p>Prepare a <b>Landscaping/Streetscape Master Plan</b> for the retail core, civic precinct and Messmate Way which:</p> <ul style="list-style-type: none"> <li>– Establishes a strong theme of materials and colours.</li> <li>– Provides an identity.</li> </ul> <p>Improves water quality of stormwater entering Lily Creek.</p> <p>Priority – <b>High</b> Short to Medium term</p>	<p>Support the Consultants recommendation and merge with recommendation 8 to prepare Landscaping/Streetscape Master plan with design guidelines to establish unique Kununurra identity.</p> <p>Remove reference in the document to installation of a living stream.</p>

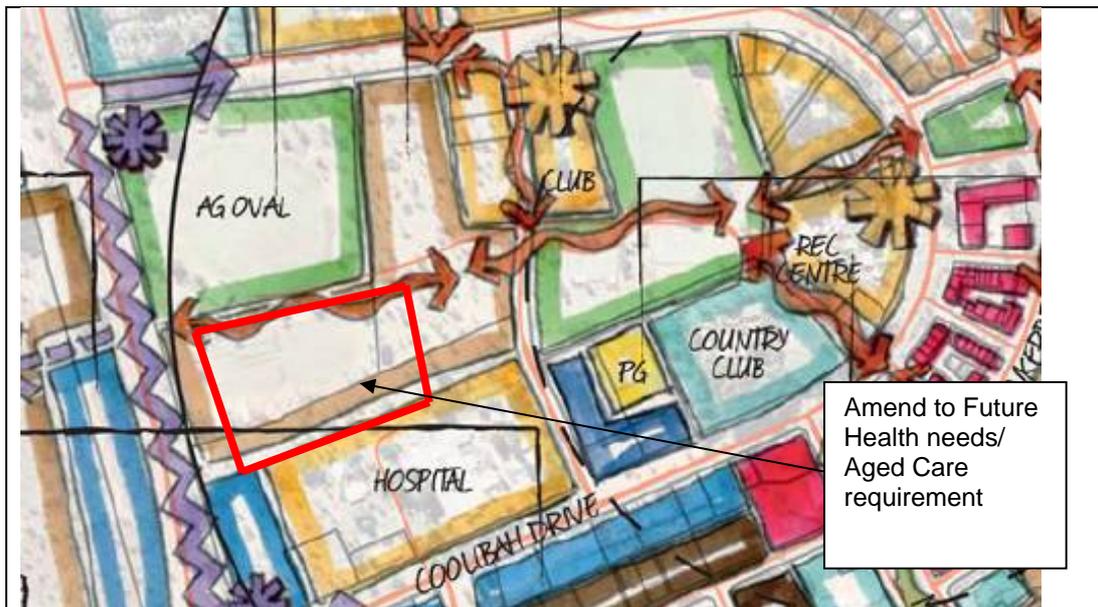
<p><b>6. Tourism Strategy</b></p>	<p>Develop a <b>Tourism Strategy</b> for Kununurra. Prepare <b>Concept Plan and Strategy</b> for development of experiential precinct along Weaber Plain Road which includes the Australia Movie 'Faraway Downs' Homestead and natural cultural assets.</p> <p>Priority – <b>High</b> Short to Medium term</p>	<p>Remove recommendation from document based on the view a Tourism Strategy should be prepared for the whole Shire as a separate strategic exercise inclusive of Kununurra.</p>
<p><b>7. Youth</b></p>	<p>Address opportunities for greater youth employment, increased use of Youth Centre, improved and increased youth activities including indoor activities for the wet season.</p> <p>Priority – <b>High</b> Short to Medium Term</p>	<p>Remove recommendation from document as not applicable to future land-use and development.</p>
<p><b>8. Design Guidelines</b></p>	<p>Develop design guidelines for relevant areas of Kununurra. Work to develop a set of design principles for local development to be used as an education/promotional tool and a basis for new development proposals.</p> <p>Priority – <b>High</b> Short to Medium term</p>	<p>Support the Consultants recommendation – refer to Condition 5.</p>
<p><b>9. Future Primary School Location</b></p>	<p><b>Provide schools in line with demand</b> Develop an <b>Educational Precinct Master Plan</b> to clearly set out the development framework for the site.</p> <p>Priority – <b>High</b> Medium to Long Term</p>	<p>Amend recommendation to 'Future Education and Child Care Facilities'</p> <p>Include reference to provision of future Primary and Senior High School sites in Lakeside area.</p>
<p><b>10. Waste Water Treatment Plant (WWTP)</b></p>	<p>Requires consideration of:</p> <ul style="list-style-type: none"> <li>– Wind-roses in determining buffers.</li> <li>– Feasibility and cost of relocating the WWTP and the cost of extending infrastructure to</li> </ul>	<p>Support the Consultants recommendation to relocate sewerage ponds, but remove reference to future residential development in favour of investigation of future urban development including light industry.</p>

	<p>serviced/unserved areas.</p> <ul style="list-style-type: none"> <li>- The new WWTP buffer should not impinge on the location of the airport terminal building.</li> <li>- Appropriate interface between residential development and adjacent Mixed Business area and interface with Ivanhoe Road.</li> <li>- Appropriate landscape and built form interface between Mixed Business and Victoria Highway to be addressed.</li> <li>- Opportunity for Mixed Use along Ivanhoe Road adjacent to major entry points to Town Centre.</li> </ul> <p>Priority – <b>Medium-High</b>  Buffer and relocation studies -  Short Term Relocation –  Medium term</p>	<p>Also, in consideration of a new location for the WWTP consultation to be conducted with Water Corporation over potential impacts, particularly with runway operations and other airside uses (i.e. birds, odours, etc). Investigate other locations, possibly to NW of runway.</p>
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<p><b>11. Existing Concept Plans</b></p>	<p><b>Amend/modify/replace existing Structure Plans</b> if affected by DCP Concept Plan and/or Strategy Plan. Investigate possibilities of developing <b>additional Structure Plans</b> for identified precincts.</p> <p>Priority – <b>Medium-High</b> Short - Medium Term</p>	<p>Support the Consultants recommendation.</p>
<p><b>12. Shire Office Relocation</b></p>	<p>Resolve the location of the expanded Shire offices and commence planning for the redevelopment of the existing site.</p> <p>Priority – <b>Medium</b> Short Term</p>	<p>Support the Consultants recommendation.</p> <p>Include favourable consideration be granted to two sites - existing office site and East Lily Creek - with preliminary analysis of each site before furthering consultation with the community.</p> <p>Change priority status to <b>High</b></p>
		
<p><b>13, Entry Statements and Way Finding</b></p>	<p>Develop an <b>Entry Statement and Way finding Strategy</b> to determine the locations of, and create designs for, entry statements and way finding signage into the district.</p> <p>Priority - <b>Medium</b> Short to Medium Term</p>	<p>Support the Consultants recommendation.</p> <p>Include reference to current progress on entry statements.</p>

<p><b>14. Crime Prevention Through Environmental Design</b></p>	<p>Application of CPTED principles in Kununurra (Crime Prevention Through Environmental Design) in all developments. Encourage residential components or tourist accommodation with the Town Centre core to increase activity.</p> <p>Priority - <b>Medium</b> Short to Medium Term</p>	<p>Support the Consultants recommendation.</p> <p>Include reference to development of a Policy to guide development in incorporating CPTED principles.</p>
<p><b>15. Pedestrian &amp; Cycle Connections</b></p>	<p>Develop <b>Concept Plan</b> outlining improved connections.</p> <p>Priority - <b>Medium</b> Short to Medium Term</p>	<p>Support the Consultants recommendation.</p>
<p><b>16. Ensuring Public Access to Water Front</b></p>	<p>Ensure <b>through Policy</b> that all future development maintains or enables public access to waterfront areas. Prepare Lily Creek Landscape Master Plan.</p> <p>Priority - <b>Medium</b> Short, Medium and Long Term</p>	<p>Support the Consultants recommendation.</p> <p>Include reference to review of Lake Kununurra Foreshore Management Plan and preparation of aquatic use plan through formation of Technical Advisory Group.</p> <p>Change priority status to <b>High</b></p>
<p><b>17. Civic Horseshoe Precinct</b></p>	<p>Revise the existing <b>Structure Plan</b> in accordance with the DCP to guide future development and rezoning of land within the precinct in line with the vision.</p> <p>Priority - <b>Medium</b> Medium Term</p>	<p>Support the Consultants recommendation, with exception of Polo Cross Grounds to be set aside for future health needs including a range of aged care facilities/accommodation.</p>



<p><b>18. Traffic, Parking &amp; Pedestrian Accessibility</b></p>	<p>Prepare <b>Traffic, Parking and Pedestrian Accessibility Study</b> to address these concerns and outlines possible improvement in the Town Centre.</p> <p>Priority - <b>Low</b> Short to Medium Term</p>	<p>Support the Consultants recommendation.</p> <p>Include reference to review of existing car parking strategy plans.</p> <p>Change priority status to <b>High</b></p>
<p><b>19. Picture Gardens</b></p>	<p>Work with the Picture Garden operators and Kununurra Progress Association to investigate options for the site, including the option for longer term relocation or redevelopment of the existing site if there are obvious benefits to the organisation. If theatre remains in existing location, rationalise land holdings and reconfigure to a pedestrian oriented facility and develop associated <b>Design Guidelines</b>. If the theatre is relocated, prepare a <b>Concept Plan and Design Guidelines</b> for the existing site.</p> <p>Priority - <b>Low</b></p>	<p>Support the Consultants recommendation.</p>

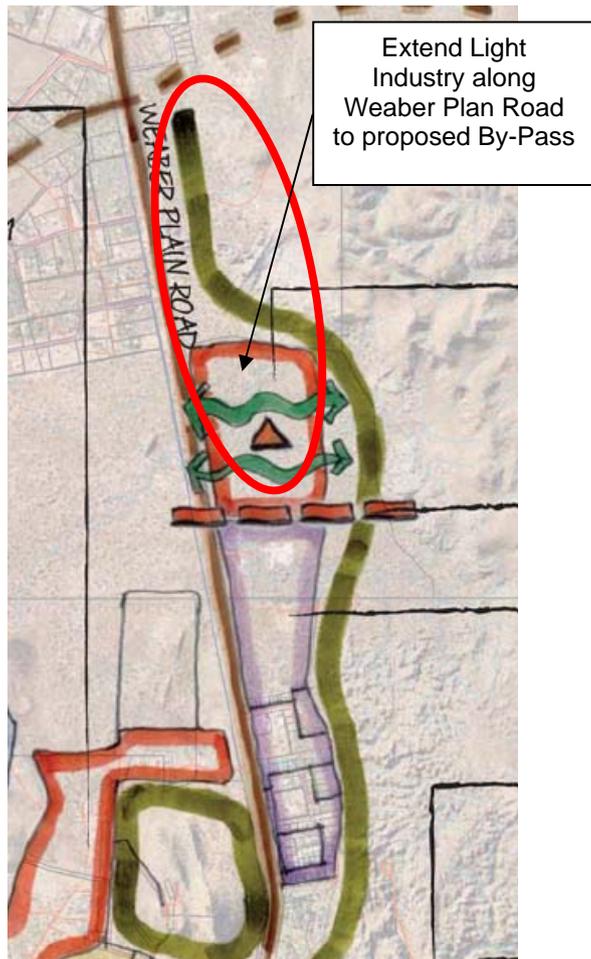
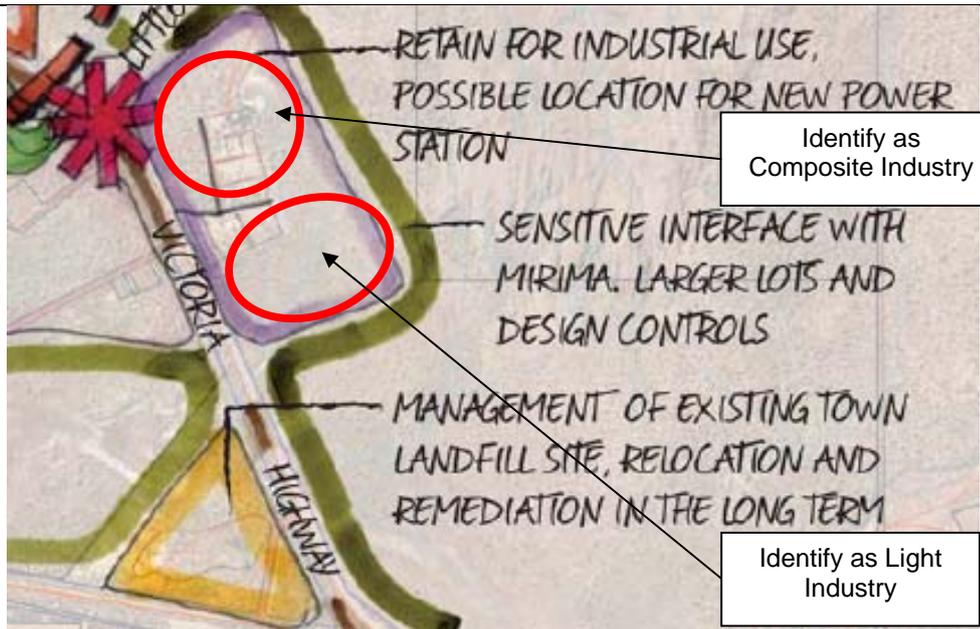
	Medium to Long Term	
<b>20. Shire Depot</b>	Investigate the relocation of the Shire Works Depot form Mixed Business area to co-locate with Airport Depot.	Request this recommendation be included in the EbD document.  Notate priority status as <b>High</b> Short to Medium Term
<p>The image is an aerial photograph of a rural area. A red circle on the left side of the image is labeled 'Proposed Depot Location' with an arrow pointing to a cleared area. Another red circle on the right side of the image is labeled 'Existing Depot Location' with an arrow pointing to a building complex. The surrounding area includes fields, roads, and a river or creek.</p>		

## 2. Strategy Plan

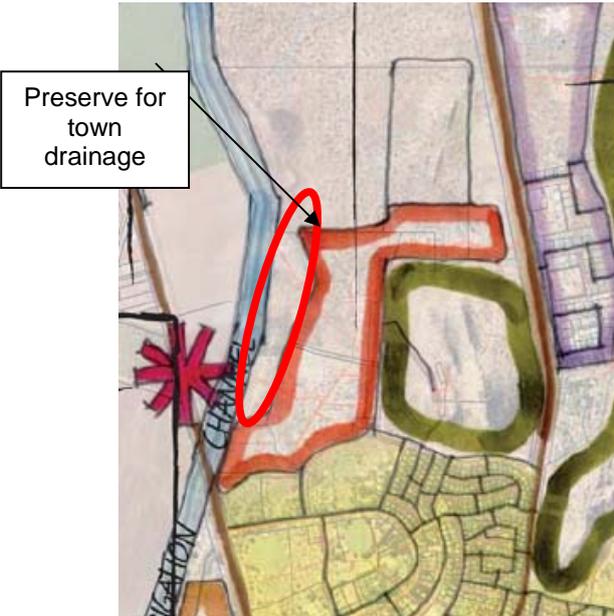
NOTE – This table is to be read in conjunction with Strategy Plan

Description	Consultant's Recommendation	Modification
<b>1. Drainage Management</b>	Conduct a <b>Drainage and Environmental Study</b> to determine the health of Lily Creek Lagoon and the factors affecting its health and possible remedies and mitigating actions Investigate drainage of other locations as appropriate.  Priority – <b>High</b> Short term	A number of studies and data already completed/collected in relation to drainage and environmental condition of Lily Creek Lagoon.  Amend recommendation to conduct desktop study/literature review to collate information and provide holistic understanding of issues and recommend remedial actions of priority basis.
<b>2. Residential Growth</b>	Prepare a <b>Residential Development Strategy</b> to outline future growth areas for residential development and consolidation. All residential areas require the preparation	Support the Consultants recommendation.  Change 'Short to Medium term' to read 'Short Term' only.

	<p>of a <b>Structure Plan</b>. Prepare and implement <b>Design Guidelines</b> for those sites adjacent to sensitive landscape locations such as marina and waterways to minimise visual and land use conflict.</p> <p>Priority – <b>High</b></p> <p>Short to Medium term</p>	
<p><b>3. Industrial Land</b></p>	<p>Develop an <b>Industrial Development Strategy</b> to identify suitable sites for industrial expansion and pre-feasibility</p> <p>Priority – <b>Medium to High</b></p> <p>Short to Medium term</p>	<p>Support the Consultants recommendation for Industrial Development Strategy. Maintain consistency with Kununurra Strategic Land Use Plan with consideration to:</p> <ol style="list-style-type: none"> <li>1. Composite Industry to the north of Stockman Road and Light Industry on the southern side with appropriate buffers from National Park.</li> <li>2. Clarification from utility providers on the capacity to service new or expanded industrial areas and other uses as a high priority.</li> <li>3. Support for continuation of Light Industry along eastern side Weaber Plain Road to proposed By-pass Road.</li> </ol> <p>Area 26 on Strategy Plan to be considered as future Special Residential or Rural Residential as opposed to Industry.</p>



<p><b>4. Rural Residential Zone</b></p>	<p>Review the rural residential section of the <b>Local Planning Strategy</b> to guide the location and development requirements of rural residential development.</p> <p>Include provisions for <b>Structure Planning</b> of rural residential areas within the Scheme.</p> <p>Review provisions and recommendations regarding rural residential development in the <b>Local Planning Strategy</b>.</p> <p>Priority – <b>Medium</b> Short term</p>	<p>Support the Consultants recommendation.</p> <p>Include reference to review of LPS - already in progress to qualify some future Rural Residential areas.</p> <p>Amend priority status to <b>High</b></p>
<p><b>5. Protect Visual &amp; Environmental Integrity</b></p>	<p>Develop a <b>Local Planning Policy</b> or design guidelines for lots adjacent to the national park (also see Residential Development item).</p> <p>Priority – <b>Medium</b> Short term</p>	<p>Support the Consultants recommendation.</p>
<p><b>6. Bore field</b></p>	<p>Determine the <b>feasibility of relocating</b> the town water supply bore field and, if found feasible and a new site identified, develop a <b>Structure Plan</b> or similar for the redevelopment of the existing site.</p> <p><b>Identification of appropriate funds</b> (\$2-\$3M) to undertake feasibility and testing of bore relocation.</p> <p>Priority – <b>Medium</b> Short term</p>	<p>Amend recommendation to remove reference to relocation of bore fields in favour of feasibility study to extract town water supply from Lake Kununurra with treatment plant to be sited east side town.</p> <p>Amend priority status to <b>High</b></p>
<p><b>7. Power Station Relocation</b></p>	<p>Investigate alternative locations for power stations with the possibility of locating the station within the Bull Run Road industrial area.</p> <p>Priority – <b>Medium</b> Short to medium term</p>	<p>Support the Consultants recommendation.</p> <p>Include the need to initiate discussion with major stakeholders over capacity, alternate supplies and location of facilities.</p>

		Amend priority status to <b>High</b>
<b>8. Aboriginal Lands Trust Land</b>	Upon determination of the future of the A.L.T lands in the Residential Development Strategy, commence <b>Structure Planning</b> to begin the normalisation process.  Priority – <b>Medium</b> Short to medium term	Support the Consultants recommendation.
<b>9. Drainage Reserve adjacent to ALT Land</b>	Investigate purpose of land. <b>Review zoning</b> of land to determine if the zoning is appropriate and commence <b>Scheme Amendment</b> if necessary.  Priority – <b>Medium</b> Short to medium term	Amend recommendation to reference the subject land as integral to town drainage system and needs to be secured, improved and protected for this purpose.
		
<b>10. Lakeside Facilities and Amenities</b>	Investigate the potential for and feasibility of a combined local store and postal agency within the Lakeside Precinct  Priority – <b>Medium</b> Medium term	Support the Consultants recommendation. Provision also to apply to future greenfield residential subdivision such as East Lily Creek area and Drovers Rest.
<b>11. Future Location of</b>	Prepare <b>Strategy</b> for expansion and ultimate relocation of	Support the Consultants recommendation.

<b>Land Fill Facility</b>	<p>facility.</p> <p>Priority – <b>Medium</b> Medium term</p>	
<b>12. Events Precinct - Racecourse</b>	<p>Prepare adequate <b>Concept Plans</b> and undertake appropriate investigation for the development Events Precinct.</p> <p>Prepare a <b>Business Case</b> and <b>Structure Plan</b> for the precinct.</p> <p>Priority – <b>Medium</b> Medium to Long term</p>	<p>Support the Consultants recommendation.</p> <p>Include reference that investigation be conducted through a sport and recreation master plan process presently in progress.</p> <p>Amend priority status to <b>High</b></p>
<b>13. Others</b>		<p>Include –</p> <ol style="list-style-type: none"> <li>1. Investigate future caravan park sites on UCL to be vested in the Shire and zoned 'Caravan Park' in new Local Planning Scheme.</li> <li>2. Investigate possible incorporation of residential with existing Golf Course</li> </ol> <p>Priority – <b>Medium</b> Medium to Long term</p>

## **ATTACHMENTS**

Nil

## **VOTING REQUIREMENT**

Simple Majority

## **OFFICER'S RECOMMENDATION**

That Council:

1. Endorse the schedule of modifications to the Enquiry by Design Concept Plan and Strategy Plan as provided in the comment section of this report;
2. Forward a copy of the schedule of modifications to LandCorp and Urbis Planning Consultants requesting the Enquiry by Design document and respective Concept and Strategy Plans be amended in accordance with the endorsed modifications;

3. Upon completion of the modifications proceed to re-advertise the Enquiry by Design document for a period of 30 days by way of a notice in the local newspaper and display of the plans at the Kununurra Shire Office and Library, seeking public comment, with all submissions to be presented to Council for final consideration prior to adoption of the Enquiry by Design document.

Moved: Cr R Addis

Seconded: Cr J Parker

That Council:

1. Endorse the schedule of modifications to the Enquiry by Design Concept Plan and Strategy Plan as provided in the comment section of this report;
2. Forward a copy of the schedule of modifications to LandCorp and Urbis Planning Consultants requesting the Enquiry by Design document and respective Concept and Strategy Plans be amended in accordance with the endorsed modifications; and
3. Upon completion of the modifications proceed to re-advertise the Enquiry by Design document for a period of 30 days by way of a notice in the local newspaper and display of the plans at the Kununurra Shire Office and Library, seeking public comment, with all submissions to be presented to Council for final consideration prior to adoption of the Enquiry by Design document.

Cr K Wright foreshadowed a motion:

That the prepared document be returned to Council for approval prior to forwarding to LandCorp and Urbis planning consultants.

Cr D Ausburn proposed an amendment to the Officer's Recommendation:

That at page 5 indication of the extension of bloodwood drive be removed.

With the consent of the mover and seconder the following amendments were made to the Officer's Recommendation:

- p5 indication of the extension of bloodwood drive be removed; and
- inserted in dot point three after modification then provide the revised document for council consideration prior to proceeding to readvertise

The substantive motion therefore became:

Moved: Cr R Addis

Seconded: Cr J Parker

That Council:

1. Endorse the schedule of modifications to the Enquiry by Design Concept Plan and Strategy Plan as provided in the comment section of this report;
2. Forward a copy of the schedule of modifications to LandCorp and Urbis Planning Consultants requesting the Enquiry by Design document and respective Concept and Strategy Plans be amended in accordance with the endorsed modifications; and
3. Upon completion of the modifications the revised document will be provided to Council for consideration prior to proceeding to re-advertise the Enquiry by Design document for a period of 30 days by way of a notice in the local newspaper and display of the plans at the Kununurra Shire Office and Library, seeking public comment, with all submissions to be presented to Council for final consideration prior to adoption of the Enquiry by Design document.

Cr K Wright withdrew his Foreshadowed Motion.

The substantive motion was put.

### **COUNCIL DECISION**

***Minute No 9081***

***Moved: Cr R Addis***

***Seconded: Cr J Parker***

***That Council:***

1. ***Endorse the schedule of modifications to the Enquiry by Design Concept Plan and Strategy Plan as provided in the comment section of this report;***
2. ***Forward a copy of the schedule of modifications to LandCorp and Urbis Planning Consultants requesting the Enquiry by Design document and respective Concept and Strategy Plans be amended in accordance with the endorsed modifications;***
3. ***Upon completion of the modifications the revised document will be provided to Council for consideration prior to proceeding to re-advertise the Enquiry by Design document for a period of 30 days by way of a notice in the local newspaper and display of the plans at the Kununurra Shire Office and Library, seeking public comment, with all submissions to be presented to Council for final consideration prior to adoption of the Enquiry by Design document.***

***Carried Unanimously 6/0***

Note: Council wanted the opportunity to consider the revised Enquiry by Design Document in its entirety prior to its re-advertisement.

## 4.2 AMENDMENT 30 - TOWN PLANNING SCHEME NO. 7

<b>DATE:</b>	6 April 2010
<b>PROPONENT:</b>	Shire Of Wyndham East Kimberley
<b>LOCATION:</b>	Lot 501 Water Lily Place, Kununurra
<b>AUTHOR:</b>	Ian D'arcy, Executive Manager Development Services
<b>REPORTING OFFICER:</b>	Ian D'arcy, Executive Manager Development Services
<b>FILE NO:</b>	43.31.30
<b>ASSESSMENT NO:</b>	N/A

### **PURPOSE**

The purpose of this report is for Council to consider the submissions to Scheme Amendment No. 30, to rezone Lot 501 from "Special Foreshore" to the "Residential R30" zone under the Shire of Wyndham-East Kimberley TPS No. 7.

### **BACKGROUND**

RPS Koltasz Smith Town Planning and Urban Design Consultants, acting on behalf of Council, submitted a Scheme Amendment request for Part Lot 2466 Water Lily Place, Kununurra to rezone the Lot from "Special Foreshore" to the "Residential R30" zone. Scheme Amendment No. 30 was prepared following Council's successful efforts to seek acquisition of a portion of the existing Lily Creek foreshore reserve and a subsequent resolution at the 21 April 2009 Council Meeting, to accept an offer to purchase the site from the State Government.

In summary, the rezoning is needed to facilitate the provision of grouped housing, with the potential to construct approximately sixteen 3 x 2 dwelling units, under the proposed R30 residential density. Whilst the ultimate form of development has not yet been finalised, the Council has called for Expressions of Interest to form a Joint Venture with an experienced building company in anticipation of the finalisation of the Amendment.

Accordingly formal documentation was prepared and forwarded to the Environmental Protection Authority (EPA) for assessment. With no formal assessment set, the proposal was advertised seeking public and agency comment. This report now seeks to present the submissions received from the formal advertising.

Figure 1 below provides an understanding of the area of Lakeside the subject of rezoning.



Figure 1 – Area subject to rezoning

### **STATUTORY IMPLICATIONS**

Amendments to Town Planning Schemes are required to be undertaken in accordance with the provisions of the *Planning and Development Act, 2005 (as amended)* and the *Town Planning Regulations, 1967 (as amended)*.

### **POLICY IMPLICATIONS**

Nil

## **FINANCIAL IMPLICATIONS**

A lodgement fee as per the Council Schedule of Fees is not applicable given that the amendment is Council's. However, the Council has incurred a cost associated with:

1. Advertising of the amendment of approximately \$600 which includes publication in the local newspaper and erection of a sign on site;
2. Preparation of the scheme amendment documentation and processes, in the order of \$8,000 which is being covered by the Royalties for Regions funding.

## **STRATEGIC IMPLICATIONS**

The amendment facilitates the provision of additional housing to aid in alleviating the increasing demand for diversity in housing options as detailed the Local Planning Strategy. A higher density of development within the established residential areas is encouraged as there is an opportunity for the extension of the existing service infrastructure. This reflects the objectives of the Western Australian Planning Commission's Liveable Neighbourhoods document.

## **COMMUNITY CONSULTATION**

In accordance with the Council's resolution, the Scheme Amendment was referred to the Environmental Protection Authority for comment, and the Western Australian Planning Commission for information.

The Environmental Protection Authority advised that Amendment No. 30 did not require environmental assessment and did not provide any additional advice or recommendations.

The Scheme Amendment was subsequently advertised for 42 days which closed 14 January 2010.

A total of four submissions were received, and Shire staff comments thereon are provided in the following schedule of submissions.

### Schedule of Submissions

<b>No.</b>	<b>Submitter</b>	<b>Summary of Content</b>	<b>Staff Response and Comment</b>	<b>Action</b>
1	Department of Education	No objection to the Scheme Amendment	Comment is noted.	No action required
2	Department of Water	No objection to the Scheme Amendment  Advice offered on future development of the site:  (a) Must adopt best practice management of stormwater disposal to prevent decline in water quality of Lily Creek	Comment and recommendations are noted.	No action required in relation to the Scheme Amendment.

		<p>Lagoon.</p> <p>(b) Should minimise vegetation removal where possible to prevent erosion and subsequent decline in water quality in Lily Creek Lagoon and native species should be used to rehabilitate or landscape the site after development.</p> <p>(c) It is recommended significant species such as Boab trees should be relocated to an appropriate location.</p>		
3	Horizon Power	No objection to the Scheme Amendment	Comment is noted.	No action required
4	Water Corporation	<p>No objection to the Scheme Amendment in principle.</p> <p>Note, water and wastewater services are adjacent to the subject property and will require access through private property and dependent on connection point to system some fill may be required for this site.</p>	Comment and advice is noted.	No action required in relation to the Scheme Amendment.

A copy of each submission can be provided on request.

### **COMMENT**

As reflected above, the Scheme Amendment is needed to change the zoning. That in turn will facilitate the opportunity for the Council to progress the construction of a grouped dwelling development, for additional staff housing and assist in meeting market demand for a greater diversity of quality and affordable residential housing in Kununurra, in response to considerable growth.

In regards to the submissions received, it is noted that there are no objections and no required changes to the Amendment.

### **ATTACHMENTS**

Attachment 1 – Scheme Amendment Map

### **VOTING REQUIREMENT**

Simple Majority

## **OFFICER'S RECOMMENDATION**

That Council

1. Direct Shire staff to undertake the actions detailed within the table of submissions contained within the Community Consultation section of this report.
2. Pursuant to Regulation 17(1) of the Town Planning Regulations, 1967 (as amended), note the submissions received and endorse the response to those submissions prepared by Shire staff.
3. Pursuant to Section 75 of the *Planning and Development Act, 2005 (as amended)* and Regulation 17(2)(a) of the Town Planning Regulations, 1967 (as amended), adopt Amendment No. 26 to Town Planning Scheme No. 7 – Kununurra and Environs, with modifications as follows:
  - a. Rezoning Lot 501 Water Lily Place, Kununurra from “Special Foreshore” to the “Residential R30” zone under the Shire of Wyndham-East Kimberley TPS No. 7;
  - b. Amending the Scheme Maps accordingly.
4. Authorise the Shire President and the Chief Executive Officer to execute the relevant documentation pursuant to Regulation 22(1) of the Town Planning Regulations, 1967 (as amended).
5. Forward the Schedule of Submissions and a copy of each submission to the Western Australian Planning Commission together with three copies of the signed and sealed Amendment documents for endorsement pursuant to Regulation 22(2) of the Town Planning Regulation, 1967 (as amended).
6. Request the Honourable Minister for Planning to grant final approval to Amendment No. 26 to Town Planning Scheme No. 7 – Kununurra and Environs.
7. Inform those agencies and persons who made a submission on Amendment No. 26 to Town Planning Scheme No. 7 – Kununurra and Environs of its decision.

## **COUNCIL DECISION**

**Minute No 9082**

**Moved: Cr D Ausburn  
Seconded: Cr R Addis**

**That Council:**

- 1. Direct Shire staff to undertake the actions detailed within the table of submissions contained within the Community Consultation section of this report.**
- 2. Pursuant to Regulation 17(1) of the Town Planning Regulations, 1967 (as amended), note the submissions received and endorse the response to those submissions prepared by Shire staff.**
- 3. Pursuant to Section 75 of the Planning and Development Act, 2005 (as amended) and Regulation 17(2)(a) of the Town Planning Regulations, 1967 (as amended), adopt Amendment No. 26 to Town Planning Scheme No. 7 – Kununurra and Environs, with modifications as follows:**
  - a. Rezoning Lot 501 Water Lily Place, Kununurra from “Special Foreshore” to the “Residential R30” zone under the Shire of Wyndham-East Kimberley TPS No. 7; and**
  - b. Amending the Scheme Maps accordingly.**
- 4. Authorise the Shire President and the Chief Executive Officer to execute the relevant documentation pursuant to Regulation 22(1) of the Town Planning Regulations, 1967 (as amended).**
- 5. Forward the Schedule of Submissions and a copy of each submission to the Western Australian Planning Commission together with three copies of the signed and sealed Amendment documents for endorsement pursuant to Regulation 22(2) of the Town Planning Regulation, 1967 (as amended).**
- 6. Request the Honourable Minister for Planning to grant final approval to Amendment No. 30 to Town Planning Scheme No. 7 – Kununurra and Environs.**
- 7. Inform those agencies and persons who made a submission on Amendment No. 30 to Town Planning Scheme No. 7 – Kununurra and Environs of its decision.**

**Carried Unanimously 6/0**

**ATTACHMENT 1**

**SCHEME AMENDMENT**

**SHIRE OF WYNDHAM - EAST KIMBERLEY  
TOWN PLANNING SCHEME No. 7  
AMENDMENT No. 30**



**EXISTING ZONING**

**LEGEND**

**LOCAL SCHEME RESERVES**

MAJOR ROAD

SPECIAL FORESHORE

**ZONES**

RESIDENTIAL

GENERAL RURAL

**OTHER**

R20 R CODES



**PROPOSED ZONING**



0 50 100 150 200 250m

Scale 1:5000@A4  
28 Aug 2009 3575-7-001.dgn

#### **4.3 PROPOSED AMENDMENT 35 TO TPS NO. 7 - BULL RUN ROAD REZONING**

<b>DATE:</b>	6 April 2010
<b>PROPONENT:</b>	Urbis Pty Ltd
<b>LOCATION:</b>	Bull Run Road, Kununurra
<b>AUTHOR:</b>	Jennifer Ninyette, Town Planning Officer
<b>REPORTING OFFICER:</b>	Ian D'arcy, Executive Manager Development Services
<b>FILE NO:</b>	43.31.35
<b>ASSESSMENT NO:</b>	N/A

Cr K Wright declared a Proximity Interest in Item 4.3 Proposed Amendment 35 TPS 7 Bull Run Road Rezoning as he is a Director of a company that is a contiguous owner of land. He left the meeting at 6:15pm.

#### **COUNCIL DECISION**

**Minute No. 9083**

**Moved: Cr D Ausburn  
Seconded: Cr R Addis**

**That Cr K Wright be asked to return to the meeting.**

**Carried 4/1**

**For: Cr J McCoy, Cr D Ausburn, Cr R Addis and Cr J Parker  
Against: Cr J Moulden**

Cr K Wright returned to the meeting at 6:17pm.

#### **PURPOSE**

For Council to consider initiating an amendment to the Shire of Wyndham East Kimberley Town Planning Scheme No. 7 (TPS 7) – Kununurra and Environs, to:

1. Rezone a portion of Unallocated Crown Land (UCL) which is described as Land Identification No. 3094059 from Rural Living to Light Industry and Composite Industry, with the alignment of Stockman Road providing delineation between the two zones.
2. Amend Scheme provisions for the Composite Industry zone to facilitate an orderly and proper subdivision and development outcome.
3. Amend Scheme provisions for Overall Planning Area No. 3 to reflect the proposed development intentions for the site.
4. Insert a new Scheme provision addressing the statutory status of a structure plan.

The proposed Scheme Amendment shall be known as Amendment No. 35.

## **BACKGROUND**

### **Context**

LandCorp has requested Council to initiate an Amendment to TPS 7 to rezone a portion of UCL which is described as Land Identification No. 3094059, from Rural Living to Light Industry and Composite Industry. The Amendment is proposed to facilitate the creation of sites for the development of light/service industry and residential dwellings, and sites for the development of industry alone.

Initial discussions between LandCorp, Shire staff and consultants have indicated a need for an amendment to Scheme provisions for the Composite Industry zone to achieve an orderly and proper subdivision and development outcome. Revised provisions have also been requested for Overall Planning Area No. 3 to reflect the revised development intentions for the Bull Run Road precinct and a new provision is proposed to address the statutory status of a structure plan.

The proposed Scheme Amendment accords with the outcome of these initial discussions.

### **Location**

The subject site is located on the periphery of the Kununurra townsite in the Shire of Wyndham East Kimberley. The site is bounded by Victoria Highway to the west, Mirima (Hidden Valley) National Park to the north and east and General Rural zoned land to the south. The Highway access affords good connections to the region and represents a major gateway to Kununurra.

### **Site Details**

The site consists of a portion of UCL described as Land Identification No. 3094059, Kununurra.

The proposed Scheme Amendment area is approximately 83.9 hectares in size, comprising of approximately 40.4 hectares of proposed light industry and 43.5 hectares of proposed Composite Industry.

### **Land Tenure**

The portion of land subject to this Scheme Amendment is part of a wider land area described as UCL, Land Identification No. 3094509. The site is proposed to be acquired by LandCorp prior to development.

### **Physical Condition**

The subject land is generally in a natural state, although some clearing has occurred on the northern portion of the site. There are currently no buildings on the site.

The site surrounds existing large Composite Industry zoned lots fronting Bull Run Road. The majority of these lots have been cleared, however the northern-most lot is well vegetated. Various sheds are located upon these lots and a homestead is located upon the northern-most lot.

A fuel depot is located on the corner of Victoria Highway and Bull Run Road and is zoned Special Site (Fuel Depot).

## **Envisaged Development**

### Light Industry

Approximate half of the Scheme Amendment area is proposed to be developed as light industry. The types of land use within this area are expected to be similar to that found within the existing light industry area abutting Weaber Plains Road.

Land for light industrial purposes is in high demand, based on existing LandCorp sales data. This demand is expected to increase in parallel with the expansion of agricultural land associated with the Ord 2 project. Industries to service and complement the agricultural sector are likely to site within the proposed Bull Run Road precinct given its readily accessible location on Victoria Highway.

Residential land uses are not considered appropriate within the Light Industry zone and may preclude some uses from operating. The scale and nature of industrial development in the Light Industry zone should preclude residential development.

In restricting residential development in the Light Industry zone, it is important for Council to impose its planning controls and ensure orderly and proper development outcomes are achieved.

### Composite Industry

The remaining half of the Scheme Amendment area is proposed to be developed for composite industry purposes. This form of development generally consists of lots entailing a light/service industry use and a supporting residential dwelling.

The intent for this form of development is to allow for a person or persons directly involved in a business, including their family and/or dependents, to reside on the same land as that business.

From an urban design perspective, the manner in which composite industry develops varies from site to site depending on the surrounding environment and land uses. One development outcome may include locating the industrial use to the rear and the residential dwelling to the front. In this way, the development of the area achieves a low density residential streetscape, with the industry mostly screened from public view.

This development outcome can however be varied in the instance of lots with dual-frontages. In such situations, it is necessary to determine the most appropriate frontage for the industrial component and residential use. Having an industrial use fronting a major road may prove beneficial in terms of exposure and for noise buffering of the residential use. The residential use can then be provided on a lower-scale internal road to ensure a consistent and low residential density streetscape is maintained.

The development form could also vary within a site, with residential dwellings being sited to the rear of a lot where it abuts a sensitive interface such as other residential development and/or a significant landscape or environmental feature. In a similar

regard, an interface between light industry development and composite industry development could be achieved through locating the industrial use to the front of the lot.

It is likely that a combination of design outcomes will be required to respond to the nature of the Bull Run Road Precinct, which is proposed for light and composite industry and is bounded by a major highway and National Park.

The Shire's existing TPS 7 sets out planning controls for this form of development. The Scheme Amendment proposes to update these controls to facilitate an enhanced composite industry development outcome. Further discussion on the revised controls is contained in subsequent sections of this report.

LandCorp has identified an immediate demand for this form of development. This demand is expected to increase given the economic expansion associated with the Ord 2 project and proposals to encourage and facilitate the relocation of residential components from existing Light Industry and Mixed Business zoned land within Kununurra.

### **Strategic Context and Planning Framework**

The subject site is located within the Kununurra townsite of the Shire. The following are key elements of the planning framework applicable to the site:

#### Kununurra Wyndham Area Development Strategy

The Kununurra Structure Plan, contained within the Kununurra Wyndham Area Development Strategy (KWADS), identifies the subject site for Future Rural Residential. Given the nature of existing composite and industrial land uses in proximity to the Scheme Amendment area, this designation is not considered appropriate.

The Structure Plan was finalised in 2000 and has since been superseded by the Shire's Local Planning Strategy and the recent Kununurra Enquiry By Design outcomes.

#### Shire of Wyndham East Kimberley Local Planning Strategy

With regard to Bull Run Road and industrial development, the Local Planning Strategy (LPS):

- Identifies constraints on the land due to the close proximity of exhausted extractive industry pits and intermittent creek beds, making it inadequate for Rural Living purposes.
- Identifies the land as being constrained by non-exclusive Native Title rights.
- Recognises the likely long term presence of the fuel depot and proposes that development at Bull Run Road be consolidated and be zoned Composite Industry, to provide a buffer to the fuel depot.
- Identifies the need for an Outline Development Plan (Structure Plan) prior to development of the land.

- Recognises that the area is located outside of land identified for Priority Agricultural Land, and has good accessibility to power, water and transportation via Victoria Highway. However the site is not considered appropriate for General Industry as:
  - a. Proximity to Victoria Highway has the potential to visually impact the natural bushland that provides a key entry statement into town;
  - b. The site is not strategically located near the Ord River Irrigation Area Stage 2. Until such time as the Heavy Haulage Route is built, the location will draw heavy vehicle traffic through the town; and
  - c. There is potential for conflict with proposed residential areas to the west of Victoria Highway.

The Strategy recognises that an appropriately designed Composite zone can allow for the protection of the natural bushland values at a major entry into town, while ensuring a higher and better use of the land.

The Land Use Plan contained within the LPS provides the following recommendations for Bull Run Road:

- Retain existing fuel depot and composite industry;
- Land currently zoned rural living to become composite industry allowing low key industry and a single residence on lots greater than 2,000 m<sup>2</sup>; and
- Land uses consistent with this zoning would be transport depot, light industry, cottage industry or service industry.

The proposed Amendment is generally consistent with the recommendations of the LPS in providing for composite industry development. It is however proposed that the southern portion of the site be zoned for light industry. This proposal is in response to current demand for light industrial land and the need for an appropriate land use to site in proximity to the existing fuel depot.

#### Town Planning Scheme No. 7 – Kununurra and Environs

The site is currently zoned Rural Living under TPS 7. The proposed Scheme Amendment will see this land rezoned to Light Industry and Composite Industry.

Objectives for the Light Industry zone are set out in Clause 5.13.1 of the Scheme:

*‘To provide for areas for the establishment of light industrial pursuits such as small scale manufacturing, service industry pursuits, prefabrication and vehicle repairs and storage;*  
*‘To ensure that residential uses are not established in the area unless the residential use is a caretaker’s dwelling associated with an established industrial use, and that the Council is satisfied that the proposed residential use will not compromise existing industrial activity both on the site and any adjoining site and that it is contained on land zoned Light Industry zone at the date of the gazettal of Town Planning Scheme No. 7.’*

Clause 5.15.1 of TPS 7 sets out the objective for the Composite Industry zone:

*'To provide for the establishment of minor industrial pursuits and single residential development on the same lot with particular regard being given to operating hours, levels of development, and potential impact of the development on adjoining composite industrial lots and future rural residential uses in the locality.'*

The Amendment proposes to update the Scheme provisions relating to the Composite Industry zone to improve subdivision and development outcomes. Further discussion on this matter is contained within subsequent sections of this report.

TPS 7 is currently being reviewed, along with the Shire's Town Planning Scheme No. 6 (TPS 6), relating to the Wyndham Townsite. The implications of the review on this proposal are discussed within subsequent sections of this report.

### Kununurra Enquiry By Design Draft Development Concept Plan and Strategy Plan

The Kununurra Enquiry-By-Design Draft Development Concept Plan and Strategy Plan identify the potential for the Bull Run industrial precinct to accommodate a future power station (based on the relocation of the existing power station on Messmate Way) and associated industry. It was acknowledged that should this option be pursued, appropriate controls and buffers would need to be put in place to ensure the power station would have minimal impact on sensitive uses.

A decision for the relocation of the power station is yet to be made. Should this occur however, it could be accommodated in the proposed Light Industry portion of the proposed Scheme Amendment area.

### **Issues for Consideration**

#### Interfaces

The Bull Run Road precinct is bound by a National Park to the north and west and Victoria Highway to the east. The National Park entails landscape, environmental and cultural values and Victoria Highway forms a gateway to the Kununurra townsite; catering for much tourism traffic. As such, development of the site needs to be carefully planned and designed to ensure interfaces with these bounding land uses are appropriately treated.

Appropriate interface treatments may include:

- Increased development setbacks;
- Vegetated buffers;
- Appropriate building placement requirements; and
- Building design requirements.

The application of these and various other treatment methods will be explored in further depth at the more detailed structure planning and subdivision and development stages.

It will also be necessary to address the interface between composite industry and light industry development; ensuring an adequate separation of residential uses from

larger-scale light industrial uses. This separation could be achieved through the methods outlined above or through the provision site specific larger lots and increased setbacks at the land use transition area. Additional investigations will be required in this regard.

#### Contamination

LandCorp has advised that there may be issues of contamination on the subject site. These matters will be further investigated at the structure planning and subdivision and development stages.

#### Infrastructure/Engineering

It is understood that existing infrastructure and services within Kununurra, including sewer, water and electricity have capacity to cater for the proposed development. Through the Enquiry-By-Design process, the Water Corporation has advised that proposed growth in Kununurra is catered for by the current sewer and water system. Local upgrades may however be required as a result of unplanned development and redevelopment. The Water Corporation will assess the Scheme Amendment to determine any infrastructure capacity issues.

On this basis it is expected that the proposed development will be supported through standard extensions and upgrade measures to existing services and utilities.

#### Environmental

LandCorp has engaged environmental consultants to undertake spring surveys for the site. The results of these surveys will feed into subsequent more detailed planning stages; structure planning in particular.

#### Aboriginal Heritage/Native Title

An Aboriginal heritage enquiry has been conducted which has revealed that there are two (2) sites of significance within the immediate area of the subject site. These sites are contained within the permanent register of the Register of Aboriginal Sites. Further investigation will be required to understand the exact location and significance of each of these sites and the implications for the subject proposal.

On this basis, the Amendment be referred to the Department of Indigenous Affairs for comment during the formal advertising period.

#### Zoning Boundaries

LandCorp has expressed an interest to provide for a mix of light industry and composite industry development on the subject site. This approach is supported by Shire staff. The reasons behind providing this variety have been previously explained in the envisaged development section of this Council report.

Based on the advice of Shire staff, LandCorp have utilised the existing alignment of Stockman Road to differentiate between the areas of Composite Industry and Light Industry zoning. The utilisation of Stockman Road primarily responds to the existing land use on the site, with composite industry development to the north of Stockman Road and light industry development (the fuel depot) to the south.

### Concept Plan

A concept plan has been prepared to provide Council with a graphical indication of how the subject site may be developed and the issues which will need to be considered in more detailed planning. The concept plan has been prepared as an indicative plan only and will not be formally adopted by the Shire or the State Government. The concept plan does not bind the Shire or LandCorp to a certain development outcome or prejudice future decision making.

The concept plan reflects the Composite Industry and Light Industry zonings proposed by the Scheme Amendment and envisage the re-subdivision of existing composite industry lots in the precinct. The plan proposes numerous interface treatments with the surrounding National Park and highway including roads and lots.

In the instance of lots abutting the National Park, it will be necessary to consider appropriate interface treatments at the detailed planning stages. Such treatments may include vegetated buffers, increased development setbacks and appropriate building design.

### Revised Scheme Provisions for Composite Industry

This Scheme Amendment proposes to amend the existing development control provisions relating to the Composite Industry Zone. These revised provisions seek to:

- Ensure that lots are developed with both a residential and industrial component.
- Stipulate occupancy requirements for the residential component.
- Stipulate employee requirements for the associated industrial use.
- In recognition of the residential use of the land; ensure land use compatibility.
- Set requirements for the size of outbuildings.
- Require a minimum standard of landscaping.
- Set noise and hours of operation requirements and restrictions for the industry use.

In addition, changes to the zoning table are proposed to minimise land use conflict with residential uses and to preclude industrial and other uses which are considered to be more appropriate for other zones.

The revised Scheme provisions are proposed to ensure that any composite industrial subdivision and development which occurs prior to the new Scheme coming into force is appropriately controlled to ensure the best development outcome.

### New Local Planning Scheme

The Shire is currently in the process of preparing a new Local Planning Scheme. The aim of the project is to consolidate the Shire's two existing Schemes (TPS 6 and TPS 7) and prepare a comprehensive Scheme covering the entire Shire. Given the scale of this project, it is assumed that Amendment No. 35 will be finalised first and in turn be incorporated into the new Scheme.

This approach is not envisaged to have any adverse implications for the subdivision and development of the site or for the drafting and finalisation of the Shire's new Local Planning Scheme.

The Light Industry and Composite Industry zones are proposed to be retained under the new Local Planning Scheme.

### Structure Planning

Under TPS 7, the Scheme Amendment area is contained within Overall Planning Area No. 3 – Stockman Road Rural Residential Area. The Scheme provisions of this overall planning area address various aspects related to the development of the site for rural-residential purposes; reflective of its current Rural Living zone. A key provision applicable to the Overall Planning Area is the preparation of a structure plan to guide and facilitate subdivision and development.

The Amendment proposes to retain Overall Planning Area No. 3, but revise its provisions to more appropriately reflect the proposed development of the site for composite industry and light industry uses. The requirement for structure planning will be retained given the size of the development site and the need to address various planning and development matters on a holistic basis prior to the subdivision and development stages.

In summary, the revised Overall Planning Area provisions require:

- The area to be subdivided and development for composite and light industry.
- Subdivision and development to be generally in accordance with a structure plan.
- Structure planning to address interface treatments between development and the National Park, Victoria Highway and the between composite and light industrial development.
- The achievement of an orderly and proper composite industry subdivision and development outcome.
- The consideration of lot sizes and development configuration for the composite lots in structure planning.

### Structure Plan Operation

LandCorp have requested a new provision be inserted into the Scheme regarding the operational aspects of a structure plan. This provision clarifies the statutory status of the provisions of a structure plan and works to ensure their effective implementation.

### Timeframes

The provision of land for composite and light industrial purposes is considered vital in servicing economic expansion likely to result from the Ord 2 project.

To this extent, LandCorp has advised of its intentions to commence works on the subject site in the dry season of 2011. Given that Scheme Amendment processes can sometimes take in excess of twelve months to finalise, it is prudent that the Amendment be expedited.

## **STATUTORY IMPLICATIONS**

The Scheme Amendment must be progressed in accordance with the requirements of the Planning and Development Act (2005) and relevant subsidiary legislation and regulations.

## **POLICY IMPLICATIONS**

Nil

## **FINANCIAL IMPLICATIONS**

There are no direct financial implications for the Shire. Costs associated with the amendment will be borne by the proponent (LandCorp).

## **STRATEGIC IMPLICATIONS**

The proposed amendment is consistent with the general strategic intentions identified within Council's LPS and the outcomes of the Kununurra EBD. The proposal is also consistent with the intentions for economic development.

## **COMMUNITY CONSULTATION**

Should Council resolve to adopt the proposed Scheme Amendment, Shire staff will request the applicant to prepare formal Scheme Amendment documentation and subsequently forward the Amendment to the Environmental Protection Authority for comment, and Western Australian Planning Commission for information. Subject to no objections being received from the Environmental Protection Authority and acknowledgement being received from then Western Australian Planning Commission, Shire staff will advertise the proposed Amendment. Following the advertising period, the matter will be referred back to Council for consideration.

## **COMMENT**

The proposed Scheme Amendment will facilitate the subdivision and development of the subject site for light industry and composite industry purposes. These forms of development are experiencing high demand and this is only expected to increase with the progression of the Ord 2 project. On this basis, LandCorp have indicated a necessity to progress planning for this site.

This Scheme Amendment is the first stage in a planning process for the subject site. A structure plan will also be required to guide and facilitate subdivision and development. The structure plan will investigate and address many of the matters raised within this report.

Shire staff recommend that Council resolves to initiate the Scheme Amendment as per the officer recommendation.

## **ATTACHMENTS**

Attachment 1 – Proposed Scheme Amendment Map  
Attachment 2 – Concept Plan

## **VOTING REQUIREMENT**

Simple majority

## **OFFICER'S RECOMMENDATION**

That Council:

1. In pursuance of Section 75 of the Planning and Development Act (2005) (as amended), amend Town Planning Scheme No. 7 – Kununurra and Environs by:
  - (a) Rezoning the portion of Unallocated Crown Land (Land Identification No. 3094059) corresponding with Overall Planning Area 3, from Rural Living to Light Industry and Composite Industry, as indicated on the Scheme Amendment Map; and
  - (b) Deleting Clauses 5.15.2 and 5.15.3 of the Scheme and replacing them with the following text:

### *5.15.2 General Development Requirements*

*Within a lot situated within the Composite Industry zone, a person may only:*

- (b) Progress development which incorporates both an industrial and residential component.*
- (c) Allow a residence to be occupied by either the owner, manager or employee (and their family and/or dependents) of the industrial pursuit.*
- (d) Other than family or dependents, not more than 4 persons may be employed in the industrial pursuit.*
- (e) Establish an industry that is of a nature, as determined by the local government that can operate compatibly with residential living and with minimal impact on adjoining properties.*

### *5.15.3 Detailed Development Standards*

*The following development standards for the Composite Industry zone take precedence over the standards prescribed for a specific use classification in Table 1 – Zoning Table or in an adopted Local Planning Policy:*

- (a) A minimum of 20 percent landscaping coverage of the lot area shall be provided in accordance with an approved landscaping plan, and this landscaping shall be installed and maintained to the satisfaction of the local government.*
- (b) The maximum aggregate area for all outbuildings (including residential outbuildings and the industrial building[s]) shall be no greater than 10 percent of the lot area, and any industrial building(s) shall not be greater than 250m<sup>2</sup>, with an overall height of no greater than five metres measured from natural ground level.*
- (c) All machines used in conducting a business or industrial activity shall be dampened or muffled for noise and suppressed to eliminate interference with electronic devices.*

(e) *All business and industrial activities shall operate within reasonable hours as prescribed by the Local Government.*

- a) Amending Table 1 – Zoning Table of the Scheme by changing the permissibility of the following land uses within the Composite Industry zone from SA or AA to X, as indicated in the table below:

<i>Use Classes</i>	9
<i>Bakery – Retail</i>	X
<i>Brewery</i>	X
<i>Farm Supply Centre</i>	X
<i>Lunch Bar</i>	X
<i>Market</i>	X
<i>Public Amusement</i>	X
<i>Service Station</i>	X
<i>Showroom</i>	X
<i>Wayside Stall</i>	X
<i>Winery</i>	X
<i>Transient Accommodation</i>	X
<i>Fuel Depot</i>	X'

- (d) Deleting Clause 6.4 of the Scheme and replacing it with the following text:

*6.4 Overall Planning Area No. 3 – Bull Run Road Precinct*

*6.4.1 The Overall Planning Area is to be subdivided and developed for light industry and composite industry.*

*6.4.2 Subdivision and development shall be generally in accordance with an endorsed structure plan for the Overall Planning Area.*

*6.4.3 A structure plan will need to address the following specific matters in addition to those required by Clause 6.6.3 of the Scheme:*

- (a) Interface treatments between development and the abutting National Park, development and Victoria Highway, and between composite and light industrial development.*
- (b) Achieving an orderly and proper composite industry subdivision and development outcome.*
- (c) Lot sizes.*
- (d) Land use and development configuration for composite industry lots.*

- (e) Adding a new Clause 6.6.7 to the Scheme as follows:

*'6.6.7 Any provision, standard or requirement of a structure plan is to be given the same force and effect as if it were a provision, standard or requirement of the Scheme.'*

2. That Council advise the applicant of its resolution and request formal Scheme Amendment documentation to be prepared to enable referral to the Environmental Protection Authority and Western Australian Planning Commission.
3. That the Council forward Amendment No. 35 to Town Planning Scheme No. 7 to the Environmental Protection Authority for comment, pursuant to Section 81 of

the Planning and Development Act (2005) and the Western Australian Planning Commission for information, and subject to no objections being received from the Environmental Protection Authority and acknowledgement being received from the Western Australian Planning Commission, the amendment be advertised for public comment pursuant to Regulation 25(2) of the Town Planning Regulations (1967) for a period of 42 days to the satisfaction of the Executive Manager Development Services.

Cr K Wright foreshadowed a motion:

That Council defer this item to a briefing and then a subsequent Council Meeting.

The Chair asked for a mover and seconder for the Officer's Recommendation.

The Officer's Recommendation lapsed for want of mover.

The Foreshadowed Motion became the substantive motion.

### **COUNCIL DECISION**

*Minute No. 9084*

*Moved: Cr K Wright*

*Seconded: Cr D Ausburn*

*That Council defer this item to a briefing and then a subsequent Council meeting.*

***Carried Unanimously 6/0***

Note: The Council decision varied from the Officer's Recommendation because Council required further information from LandCorp as the area included land that is susceptible to inundation by water.

#### 4.4 TENDER 13 09/10 UPGRADE OF RPT TAXIWAYS A, B & C AT EAST KIMBERLEY REGIONAL AIRPORT

<b>DATE:</b>	6 April 2010
<b>PROPONENT:</b>	Shire Of Wyndham East Kimberley
<b>LOCATION:</b>	East Kimberley Regional Airport
<b>AUTHOR:</b>	Jo-Anne Ellis, Executive Manager Corporate Services
<b>REPORTING OFFICER:</b>	Jo-Anne Ellis, Executive Manager Corporate Services
<b>FILE NO:</b>	66.58.13
<b>ASSESSMENT NO:</b>	N/A

#### PURPOSE

To recommend to Council the preferred tender to construct the upgrade of taxiways A, B and C at the East Kimberley Regional Airport.

#### BACKGROUND

A RADS grant has been received for this project.

Council adopted the following tender selection criteria on 9 March 2010.

1. That Tenders are evaluated based on the capacity of the Tenderers to complete the requirements of the tender including:
  - 1.1. Compliance Criteria (must comply)
    - a) Completion of Tenderers Offer;
    - b) Compliance with Conditions of Tendering;
    - c) Compliance with Specification;
    - d) Corporate Information;
    - e) Financial Information;
    - f) Conflict of Interest; and
    - g) Insurance.
  - 1.2 Qualitative Criteria (used to Rank Tenders)
    - a) Relevant Experience - 50%;
    - b) Indigenous Employment Outcomes - 20%; and
    - c) Meeting Construction Deadline - 30%.
  - 1.3. Price Submitted for Tender  
The tendered price along with the qualitative ranking will be used to determine the most advantageous tender to Council.

Thursday 11 March 2010

Advertised tender in Kimberley Echo

Saturday 13 March 2010

Advertised tender in West Australian

Thursday 1 April 2010

Tenders close 4pm

## **SITE AND SURROUNDS**

The site is airside airport land.

## **STRATEGIC IMPLICATIONS**

The East Kimberley Regional Airport is vital infrastructure supporting the needs of the East Kimberley region. Strengthening taxiways A, B and C follows the upgrade of taxiway F in 2008/09 and precedes works required on the runway.

## **STATUTORY IMPLICATIONS**

The Local Government (Functions and General) Regulations 1996, Part 4 applies with the relevant extract provided as follows:

Division 2 — Tenders for providing goods or services (s. 3.57)

11. Tenders to be invited for certain contracts:

- (1) Tenders are to be publicly invited according to the requirements of this Division before a local government enters into a contract for another person to supply goods or services if the consideration under the contract is, or is expected to be, more, or worth more, than \$100 000 unless sub-regulation (2) states otherwise.

## **POLICY IMPLICATIONS**

Nil

## **FINANCIAL IMPLICATIONS**

This project is funded by 50% RADS funding and 50% transfer from Airport Reserve.

## **COMMUNITY CONSULTATION**

Community Consultation is not required in relation to this item.

## **CONCLUSION/COMMENT**

Tender assessment had not been completed at the time of writing this agenda.

The Officers Recommendation and Tender Recommendation Report will be made available to Councillors under separate cover once the assessment process has been completed.

## **ATTACHMENTS**

Tender Recommendation Report – provided to Council under Confidential Cover

### **VOTING REQUIREMENT**

Simple Majority

### **OFFICER'S RECOMMENDATION**

To be provided under separate cover.

The Officer withdrew this item as the matter requires further consultation with Regional Airport Development Scheme because further technical information was required before a recommendation could be made.

### **5. MEETING CLOSURE**

With all matters of business complete, the Deputy Shire President closed the meeting at 6:22pm.