

# Ordinary Council Meeting

Agenda for Monday 26 June 2017



**shire of  
kalamunda**

## NOTICE OF MEETING ORDINARY COUNCIL MEETING

Dear Councillors

Notice is hereby given that the next ordinary meeting of the Council will be held in the Council Chambers, Administration Centre, 2 Railway Road, Kalamunda on **Monday 26 June 2017 at 6.30pm.**

Dinner will be served prior to the meeting at 5.30pm.

  
Rhonda Hardy  
**Chief Executive Officer**  
22 June 2017

## Our Vision and Our Values

### Our Vision

The Shire will have a diversity of lifestyle and people. It will take pride in caring for the natural, social, cultural and built environments and provide opportunities for people of all ages.

### Our Core Values

**Service** – We deliver excellent service by actively engaging and listening to each other.

**Respect** – We trust and respect each other by valuing our difference, communicating openly and showing integrity in all we do.

**Diversity** – We challenge ourselves by keeping our minds open and looking for all possibilities and opportunities.

**Ethics** – We provide honest, open, equitable and responsive leadership by demonstrating high standards of ethical behavior.

### Our Aspirational Values

**Prosperity** – We will ensure our Shire has a robust economy through a mixture of industrial and commercial development.

**Harmony** – We will retain our natural assets in balance with our built environment.

**Courage** – We take risks that are calculated to lead us to a bold new future.

**Creativity** – We create and innovate to improve all we do.

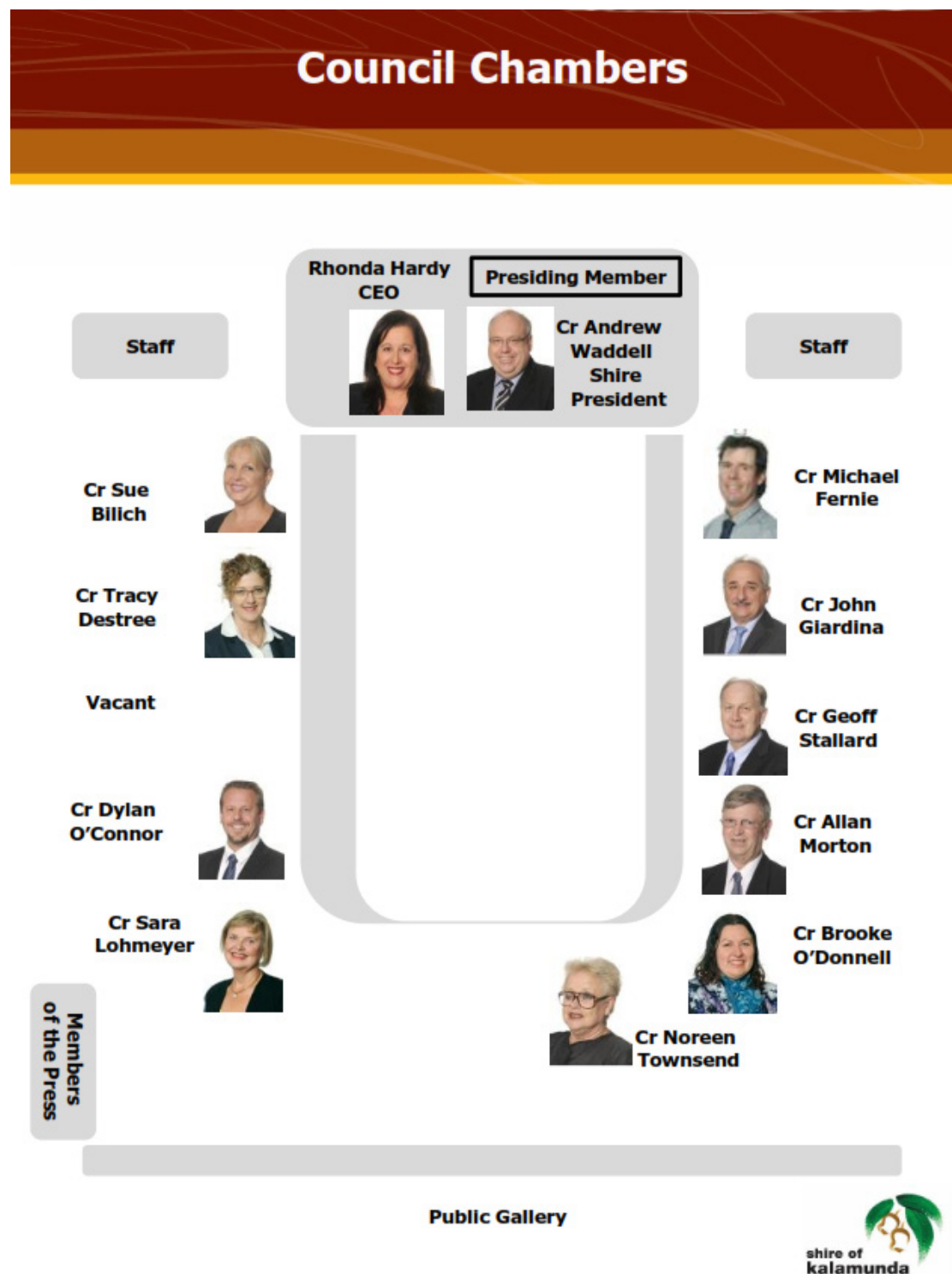


## INFORMATION FOR THE PUBLIC ATTENDING COUNCIL MEETINGS

Welcome to this evening's meeting. The following information is provided on the meeting and matters which may affect members of the public.

If you have any queries related to procedural matters, please contact a member of staff.

### Council Chambers – Seating Layout



## **Ordinary Council Meetings – Procedures**

1. Council Meetings are open to the public, except for Confidential Items listed on the Agenda.
2. Members of the public who are unfamiliar with meeting proceedings are invited to seek advice prior to the meeting from a Shire Staff Member.
3. Members of the public are able to ask questions at an Ordinary Council Meeting during Public Question Time.
4. To facilitate the smooth running of the meeting, silence is to be observed in the public gallery at all times except for Public Question Time.
5. All other arrangements are in general accordance with Council's Standing Orders, the Policies and decision of the Shire or Council.

## **Emergency Procedures**

**Please view the position of the Exits, Fire Extinguishers and Outdoor Assembly Area as displayed on the wall of Council Chambers.**

**In case of an emergency follow the instructions given by Shire Personnel.**

**We ask that you do not move your vehicle as this could potentially block access for emergency services vehicles.**

**Please remain at the assembly point until advised it is safe to leave.**

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## **AGENDA**

### **1.0 OFFICIAL OPENING**

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

### **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 Council. For the purposes of Minuting, these questions and answers will be summarised.

### **4.0 PETITIONS/DEPUTATIONS**

### **5.0 APPLICATIONS FOR LEAVE OF ABSENCE**

- 5.1 A request has been received from Cr Geoff Stallard for a leave of absence for the period 10 July 2017 until 22 August 2017 inclusive (this covers the July & August round of Committee and Council Meetings).

#### **RECOMMENDATION:**

That Council:

Grants the leave of absence for Cr Geoff Stallard for the period 10 July 2017 until 22 August 2017 inclusive.

Moved:

Seconded:

Vote:

### **6.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETING**

- 6.1 That the Minutes of the Ordinary Council Meeting held on 22 May 2017, as published and circulated, are confirmed as a true and accurate record of the proceedings.

Moved:

Seconded:

Vote:

#### **Statement by Presiding Member**

"On the basis of the above Motion, I now sign the Minutes as a true and accurate record of the meeting of 22 May 2017".

- 6.2 That the Minutes of the Special Council Meeting held on 29 May 2017, as published and circulated, are confirmed as a true and accurate record of the proceedings.

Moved:

Seconded:

Vote:

**Statement by Presiding Member**

"On the basis of the above Motion, I now sign the Minutes as a true and accurate record of the meeting of 29 May 2017".

- 6.3 That the Minutes of the Special Council Meeting held on 12 June 2017, as published and circulated, are confirmed as a true and accurate record of the proceedings.

Moved:

Seconded:

Vote:

**Statement by Presiding Member**

"On the basis of the above Motion, I now sign the Minutes as a true and accurate record of the meeting of 12 June 2017".

**7.0 ANNOUNCEMENTS BY THE MEMBER PRESIDING WITHOUT DISCUSSION**

**8.0 MATTERS FOR WHICH MEETING MAY BE CLOSED**

- 8.1 **10.1.14 - D&A 40. CONFIDENTIAL ITEM – Consideration of Tenders – Provision of Verge Vegetation Management Services (RFT1707) - Reason for Confidentiality** *Local Government Act 1995 S5.23 (2) (c) – "a contract entered into, or which may be entered into, by the local government which relates to a matter to be discussed at the meeting."*

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

**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.

## **10.0 REPORTS TO COUNCIL**

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

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

**10.1 Development & Asset Services Committee Report**

**10.1.1 Adoption of Development & Asset Services Committee Report**

**Voting Requirements: Simple Majority**

That recommendations D&A 29 to D&A 40 inclusive, contained in the Development & Asset Services Committee Report of 6 June 2017, be adopted by Council en bloc.

Moved:

Seconded:

Vote:

**10.1.2 D&A 29 Guidelines for Subdivisional Development**

**COMMITTEE RECOMMENDATION TO COUNCIL (D&A 29/2017)**

That Council:

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

**10.1.3 D&A 30 Restoration of Alan Anderson Park, Walliston**

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

That Council:

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

**10.1.4 D&A 31 Hartfield Park Redevelopment – Final Clubroom Design Concept for the Proposed Hockey Facility**

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

That Council:

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

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

**COMMITTEE RECOMMENDATION TO COUNCIL (D&A 32/2017)**

That Council:

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

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

**COMMITTEE RECOMMENDATION TO COUNCIL (D&A 33/2017)**

That Council:

1. Defer the item to the Ordinary Council Meeting.

**This item is presented at 10.4.1 of this Agenda.**

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

**COMMITTEE RECOMMENDATION TO COUNCIL (D&A 34/2017)**

That Council:

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

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

**COMMITTEE RECOMMENDATION TO COUNCIL (D&A 35/2017)**

That Council:

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

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

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

**COMMITTEE RECOMMENDATION TO COUNCIL (D&A 36/2017)**

That Council:

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

**10.1.10 D&A 37 Caravan Park Annual Licences 2017/2018**

**COMMITTEE RECOMMENDATION TO COUNCIL (D&A 37/2017)**

That Council:

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

**10.1.11 D&A 38 Review of Local Planning Policy P-DEV45 - Public Notification of Planning Proposals**

**COMMITTEE RECOMMENDATION TO COUNCIL (D&A 38/2017)**

That Council:

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

**10.1.12 D&A 39 Consent to advertise new Local Planning Policy P-Dev 54 – Dual Density Design Guidelines**

**COMMITTEE RECOMMENDATION TO COUNCIL (D&A 39/2017)**

That Council:

1. Pursuant to Clause 3 (1) of Schedule 2 of the *Planning and Development (Local Planning Scheme) Regulations 2015* and 2.4.2 of Local Planning Scheme No. 3, endorses the following proposed policy for the purpose of advertising for a period of 28 days:
  - Draft Planning Policy P-Dev. 54 – Dual Density Design Guidelines

**10.1.13 D&A 40 CONFIDENTIAL ITEM – Consideration of Tenders – Provision of Verge Vegetation Management Services (RFT1707)**

**COMMITTEE RECOMMENDATION TO COUNCIL (D&A 40/2017)**

That Council:

1. Accepts the recommendation of the Tender Evaluation Panel to appoint Beaver Tree Services Australia Pty Ltd as the

contractor for the Provision of Vegetation Management Services (RFT1707) for a period of fourteen (14) months in accordance with the Price Schedule in Confidential Attachment 2, subject to the provision of their certificate of currency for Public Liability Insurance for a sum not less than \$20,000,000.

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**10.2 Corporate & Community Services Committee Report**

**10.2.1 Adoption of Corporate & Community Services Committee Report**

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

That the recommendations C&C 44 to C&C 52 inclusive, contained in the Corporate & Community Services Committee Report of 19 June 2017, except withdrawn items C&C 47, C&C 48, C&C 49 and C&C 50 be adopted by Council en bloc.

Moved:

Seconded:

Vote:

**10.2.2 C&C 44 Rates Debtors Report for the Period Ended 31 May 2017**

**COMMITTEE RECOMMENDATION TO COUNCIL (C&C 44/2017)**

That Council:

1. Receives the rates debtors report for the period ended 31 May 2017 (Attachment 1).

**10.2.3 C&C 45 Debtors and Creditors Report for the Period Ended 31 May 2017**

**COMMITTEE RECOMMENDATION TO COUNCIL (C&C 45/2017)**

That Council:

1. Receives the list of payments made from the Municipal Accounts in May 2017 (Attachment 1) in accordance with the requirements of the *Local Government (Financial Management) Regulations 1996 (Regulation 12)*.
2. Receives the list of payments made from the Trust Accounts in May 2017 as noted in point 15 above in accordance with the requirements of the *Local Government (Financial Management) Regulations 1996 (Regulation 12)*.
3. Receives the outstanding debtors and creditors reports (Attachment 2 & 3) for the month of May 2017.



**10.2.4 C&C 46 Draft Monthly Financial Statements to 31 May 2017**

**COMMITTEE RECOMMENDATION TO COUNCIL (C&C 46/2017)**

That Council:

1. Receives the draft Monthly Statutory Financial Statements for the period to 31 May 2017, which comprises:
  - Statement of Financial Activity (Nature or Type).
  - Statement of Financial Activity (Statutory Reporting Program).
  - Net Current Funding Position, note to financial statement.

**10.2.5 C&C 51 Adoption of Kalamunda Engages – Community Engagement Strategy**

**COMMITTEE RECOMMENDATION TO COUNCIL (C&C 51/2017)**

That Council:

1. Adopts Kalamunda Engages – Community Engagement Strategy 2017 shown at Attachment 1.

**10.2.6 C&C 52 Australian Mayoral Aviation Council 2017 Annual Conference**

**COMMITTEE RECOMMENDATION TO COUNCIL (C&C 52/2017)**

That Council:

1. Notes the Australian Mayoral Aviation Council 2017 Annual Conference Report.

***Withdrawn for separate consideration***

*C&C 47 has been withdrawn for separate consideration as it requires an Absolute Majority.*

<b>Voting Requirements: Absolute Majority</b>
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**10.2.7 C&C 47 Council Meetings Structure**

**COMMITTEE RECOMMENDATION TO COUNCIL (C&C 47/2017)**

That Council:

1. Abolishes the Development and Asset Services and Corporate and Community Services Committees effective from 21 October 2017.
2. Introduces and Agenda Briefing meeting from 1 November 2017 that will be held 2 weeks prior to the Ordinary Council meeting.
3. Considers introducing a rotating Chair for the Agenda Briefing Sessions.

Moved:

Seconded:

Vote:

***Withdrawn for separate consideration***

*C&C 48 has been withdrawn for separate consideration as it requires an Absolute Majority.*

<b>Voting Requirements: Absolute Majority</b>
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**10.2.8 C&C 48 Review of Delegations for 2017**

**COMMITTEE RECOMMENDATION TO COUNCIL (C&C 48/2017)**

That Council:

1. Notes the review of the delegations.
2. Adopts the delegations as detailed in the draft Delegations Register, (Attachment 1).

Moved:

Seconded:

Vote:

***Withdrawn for separate consideration***

*C&C 49 has been withdrawn for separate consideration as it requires an Absolute Majority.*

**Voting Requirements: Absolute Majority**

**10.2.9 C&C 49 Adoption of Kalamunda Advancing - Strategic Community Plan 2017-2027**

**COMMITTEE RECOMMENDATION TO COUNCIL (C&C 49/2017)**

That Council:

1. Notes the Community Comment Report shown at Attachment 1 and the recommended changes to the draft Kalamunda Advancing: Strategic Community Plan 2017-2027.
2. Adopts Kalamunda Advancing: Strategic Community Plan 2017-2027 shown as Attachment 2.
3. In accordance with Regulation 19C of the *Local Government (Administration) Regulations 1996* authorises local public notice to be given of the adoption of the Kalamunda Advancing: Strategic Community Plan 2017-2027.

Moved:

Seconded:

Vote:

***Withdrawn for separate consideration***

*C&C 50 has been withdrawn for separate consideration as it requires an Absolute Majority.*

**Voting Requirements: Absolute Majority**

**10.2.10 C&C 50 Adoption of Kalamunda Achieving – Corporate Business Plan 2017-2021**

**COMMITTEE RECOMMENDATION TO COUNCIL (C&C 50/2017)**

That Council:

1. Adopts Kalamunda Achieving: Corporate Business Plan 2017 to 2021 shown as Attachment 1.
2. Refers the Corporate Business Plan to the Chief Executive Officer's Performance Review Committee for determination and recommendation of key performance actions and projects to be approved by the Council that will be reported to the Community through the Quarterly Progress Report.

Moved:

Seconded:

Vote:

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

**10.3            Audit & Risk Committee Report**

**10.3.1        Adoption of Audit & Risk Committee Report**

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

That recommendations A&R 03 to A&R 06 inclusive, contained in the Audit & Risk Committee Report of 19 June 2017 be adopted by Council en bloc.

Moved:

Seconded:

Vote:

**10.3.2        A&R 03 Financial Management Review 2017**

**COMMITTEE RECOMMENDATION TO COUNCIL (A&R 03/2017)**

That Council:

1.            Receives and notes the findings and recommendations contained in the Internal Auditors Financial Management Review for the period July 2014 to June 2017 (Attachment 1).

**10.3.3        A&R 04 Adoption of Policy – Related Party Disclosures**

**COMMITTEE RECOMMENDATION TO COUNCIL (A&R 04/2017)**

That Council:

1.            Adopts the Related Party Disclosures Policy and relevant templates (Attachment 1).
2.            Notes the Related Party Disclosures Management Procedure (Attachment 2).

**10.3.4        A&R 05 Sundry Debtor Write-Off 2016/17**

**COMMITTEE RECOMMENDATION TO COUNCIL (A&R 05/2017)**

That Council:

1.            Authorises the write off of debts totalling \$21,504.60 consisting of:
  - High Wycombe Markets, \$3,022.88; and
  - 1 Union Rd, Carmel for \$18,481.72.

**10.3.5 A&R 06 Completion of Probity Audit – Procurement**

**COMMITTEE RECOMMENDATION TO COUNCIL (A&R 06/2017)**

That Council:

1. Notes that an allocation of \$30,000 for the Probity Audit will be sought in the 2017/18 Budget.
2. Notes the timelines reported in point 9 above are dependent upon the Consultants availability.

## 10.4 CHIEF EXECUTIVE OFFICER REPORTS

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

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

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

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

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

### EXECUTIVE SUMMARY

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

### BACKGROUND

3. Land Details:

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

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

## Locality Plan

5.



## DETAILS

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

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

## STATUTORY AND LEGAL CONSIDERATIONS

### Local Planning Scheme No.3

7. In accordance with Table 1 of Local Planning Scheme No.3 (the Scheme) the proposed land use of 'Commercial Vehicle Parking' is identified as an "A" use, which means that the use is not permitted unless Council has granted permission following public advertising.
8. In accordance with Schedule 1 of the Scheme, Commercial Vehicle Parking is defined as:
- "commercial vehicle parking" means the parking of a commercial vehicle(s) for any period which is longer than necessary to load and unload or to complete a service being rendered to the property.*

9. Clause 5.19 of the Scheme establishes a number of provisions relating to Commercial Vehicle Parking, these include:

*'5.19.6 Approval for parking a commercial vehicle may only be granted where an occupier of the lot on which the commercial vehicle is to be parked is also:*

- a) the owner of;*
- b) the driver of; or*
- c) the proprietor of a business which owns or operates the commercial vehicle in respect of which the approval is sought.*

*5.19.7 An approval for the parking of a commercial vehicle is –*

- a) personal to the applicant for approval; and*
- b) specific to the commercial vehicle which is the subject of the application for approval.*

*5.19.8 Council may revoke any approval granted for parking of a commercial vehicle(s) if there is failure to comply with any condition of approval.'*

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

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

### **POLICY CONSIDERATIONS**

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

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



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

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

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## COMMUNITY ENGAGEMENT REQUIREMENTS

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

## FINANCIAL CONSIDERATIONS

17. Nil.

## STRATEGIC COMMUNITY PLAN

### Strategic Planning Alignment

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

## SUSTAINABILITY

### Social Implications

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

### Economic Implications

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

## Environmental Implications

21. Nil.

## RISK MANAGEMENT CONSIDERATIONS

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

## OFFICER COMMENT

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

<b>Voting Requirements: Simple Majority</b>
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**RECOMMENDATION**

That Council:

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

Moved:

Seconded:

Vote:

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

## **Attachment 2**

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









**Site Photos taken on 8 May 2017**











### Attachment 3

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

#### Submission Table

Comment		Staff Comment
1.	<p>No objection to the proposal.</p> <p>a) The proposed time of operation of the refrigeration unit is under proposed.</p> <p>b) It runs on and off all day and night particularly in the hotter months.</p>	<p>Noted.</p> <p>a) Noted.</p> <p>b) Noted.</p>
2.	<p>Objection to the proposal.</p> <p>a) Cul-de -sac location where noise cannot be absorbed.</p> <p>b) Truck is parked in the front garden along with three other cars.</p> <p>c) Refrigeration unit is often charged late at night and in longer increments than stated.</p> <p>d) Property is a rental not owner occupied.</p> <p>e) Noisy when reversing at 5am.</p>	<p>Noted.</p> <p>a) Noted.</p> <p>b) Noted.</p> <p>c) The owners have mentioned to the Shire's staff that the refrigeration unit wasn't working properly and was running longer than normal. They have since repaired the unit. But operation of refrigeration unit while parked is not in accordance with the P DEV 22 policy.</p> <p>d) Under the Local Planning Scheme No 3, the applicant can apply for the use with the consent of the owner.</p> <p>e) Noted.</p>

	<p>f) Noisy when truck is being loaded at night.</p> <p>g) Believe they have access to parking at a rural location.</p> <p>h) What happens if they decide to work 5 days a week with the truck.</p> <p>i) By giving permission to one truck, it will allow others to park trucks on their property.</p>	<p>f) Noted.</p> <p>g) Noted.</p> <p>h) Every proposal is assessed in accordance with the information provided in the proposal.</p> <p>i) Every proposal is assessed in accordance with the Local Planning Scheme No 3 and the Shire's Policies and a determination is made based on the merits of each case</p>
3.	No objection to the proposal.	Noted.
4.	No objection to the proposal.	Noted.
5.	<p>Objection to the proposal.</p> <p>a) A noise complaint due to the running of refrigeration unit has been registered with the Shire's Health Department.</p> <p>b) The proposed time of operation of the refrigeration unit is under stated. From August 2016 till the Shire intervened, it was running 24/7. The noise is loud enough to disturb the sleep of the neighbours and result in health problems.</p> <p>c) The hours of operation are proposed at 5 am which means the noise starts at 4.30am, like slamming doors, idling, etc.</p>	<p>Noted.</p> <p>a) The complaint has been dealt with the Shire's staff and a letter was sent requesting either removing or applying for the parking of commercial vehicle under Clause 8.4 of the Local Planning Scheme No 3.</p> <p>b) Noted.</p> <p>c) The hours of operation are not in accordance with the policy P DEV 22.</p>

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	d) The sheer presence of the truck in the neighbourhood is an eyesore that will lower house values.	d) Noted.
6.	<p>Comment on the proposal.</p> <p>a) The proposal of refrigeration unit being operated for 1- 2 hours in a day is no problem, but the refrigeration unit has been operated all night and has affected the neighbours.</p> <p>b) If the Shire allows the parking of commercial vehicle, there is a concern about monitoring the operation of the refrigeration unit while parked on site.</p>	<p>Noted.</p> <p>a) Noted.</p> <p>b) The operation of refrigeration unit while the commercial vehicle is parked is not in accordance with the policy P DEV 22- Parking of Commercial Vehicles on Private Property.</p>

**Confidential Attachment 4**

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

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

## **11.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

### **11.1 Rationalisation of Lesmurdie Library**

<b>Voting Requirements: Simple Majority</b>
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That Council:

1. Request that the Chief Executive Officer submit a report to the July 2017 Corporate & Community Services Committee meeting outlining a plan for the rationalisation of the Lesmurdie Library, including:-
  - Community consultation strategy and timeline
  - Improvements to other Shire libraries to cater for current users of the Lesmurdie Library
  - Impacts on staff Financial impacts

Moved: **Cr Dylan O'Connor**

Seconded:

Vote:

### **11.2 Stirk Park Masterplan Implementation**

<b>Voting Requirements: Simple Majority</b>
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That Council:

1. Approves inclusion in the 2017/18 draft Budget an amount \$100,000 (Budget Item 4465) to enable completion of design and documentation and estimated costings for implementation of the Stirk Park Master Plan – Stage 1.
2. Request the Chief Executive Officer to present a Report to Council after completion of the documents referred to in point (1) above, providing a full evaluation and defined schedule of works.
3. Considers a schedule of works timeframe following receipt of the report to be presented under point (2) above.
4. Considers the outcomes of points (1-3) for inclusion within the Shire of Kalamunda's Long Term Financial Plan.

Moved: **Cr Michael Fernie**



Seconded:

Vote:

**Rationale:**

The community first raised the need to investigate Stirk Park in 2010.

The Community Facilities Plan was developed and adopted by Council identifying a desire to upgrade the standard of the park and bring it in line with what could be expected from a District level facility.

Due to a number of reasons primarily based around the ability to fund this development it was shelved until 2016 upon which consultants were engaged to develop a Master Plan.

Extensive community consultation was commenced and council now has a final draft available for public comment.

The Stirk Park development can be linked back to the Shire's Strategic Community Plan developed in 2010 and the Corporate Business Plan that followed.

These are our two highest level documents that outline what the community's priorities and aspirations are and the actions required to achieve these visions leading into the future.

The Shire is reviewing both these documents at present and developing Stirk Park is still considered to be a priority.

By maintaining budget item 4465 within this forthcoming budget the Shire will be able to produce the design and documentation required for this project. It will also enable detailed costings as required to enter and apply for outside funding.

With this available information Council will be able to consider this project in line with the Long Term Financial Plan. Delivery or implementation and time frames can be then balanced with other competing priorities within the Shire.

**Staff Comment**

In recent times the Shire has asked for, and received a considerable amount of community feedback about Stirk Park, both as it currently is and how they would like it to be. Officers note that the volume of surveys was high (650+) and, unusually, respondents had taken the extra time to contribute extended commentary where space was allowed for free comment. A number of workshops were also well-attended.

Commentary from the workshops indicated that the park was very important to residents from across the Shire and that it had the potential to attract more visitors from further afield if it could offer better facilities, in particular enhanced infrastructure such as a youth precinct, playground, toilets,



lighting, BBQ, seating etc. Also that linkages between the heritage aspects (Stirk Park Cottage) and rest of the park, as well as up to the town centre would make for a more connected town centre. Many references were made to other local government parks that they would like to see the Shire emulate.

Council has recently authorised an 80 day public comment period (ending 15 August) and feedback to date reflects that they are positive about proposed improvements.

Pending Council support to include \$100,000 within the 2017/18 budget for the purpose of developing detailed design and documentation for the initial priority implementation (Stage 1, up to 3yrs), it is proposed that the final plans would then be utilised to seek external funding (i.e. Lotterywest, CSRFF) to leverage costs associated with Stage 1. Proposed Stage 1 priority works include:

- Playground Upgrade (includes modular toilet block facilities)
- Youth Precinct (Pump Track, Mini Basketball)
- Path Network Upgrade
- Amphitheatre Upgrade
- Entry Statement
- Roundabout Upgrade

### 11.3

#### **Aged Care – Wilkins Road**

<b>Voting Requirements: Simple Majority</b>
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That Council:

1. Requests the Shire President issue a media release to the public and letters to both the Minister for Planning and the Member for Kalamunda Mathew Hughes immediately to correct the inaccuracies made in Parliament by both the Minister and the Member for Kalamunda regarding the Wilkins Road site being inappropriate and only pursued because Gavour Road would not be approved.

Moved: **Cr Sue Bilich**

Seconded:

Vote:

#### **Rationale:**

I read with interest commentary made recently in Parliament about aged care sites in Kalamunda. Of concern is some of the incorrect facts stated by Local member Mathew Hughes and Minister Saffioti. These include statements as follows:

MLA Mathew Hughes stated - "*The other contentious issue is the Wilkins Road amendment. Surprisingly, during the course of the election campaign,*

*the former minister was quite able on the death knock to advise that she was going to recommend that the government change a conservation area under the Department of Parks and Wildlife to be an urban zone. I recognise that the Shire put forward that proposition in 2011, given that it was highly unlikely that the Gavour Road development would proceed."*

I say that this is inaccurate. The Shire did not put forward Wilkins Road because it believed that Gavour Road would not go ahead. This Council has stridently supported Gavour Road and it firmly believed that the impediment put forward by the State Department in its 2011 refusal could be addressed. The Amendment approved by the Shire in 2015 showed this to be the case and I say the record should be corrected and these facts stated.

Furthermore the Shire has pursued the Wilkins Road site for only one good reason and that was to address the significant shortage in aged care beds in the hills districts. The Shire has always recognised that it needs both Gavour Road and Wilkins Road and it was never a case of one over the other. Again I say the facts need to be stated accurately.

MLA Mathew Hughes further states "*I also asked the minister to take stock of the appropriateness of the recommendation to move the land at Wilkins Road, Walliston, from the Department of Parks and Wildlife into the urban zone, given that this is a controversial recommendation. It has divided my community between those who wish to conserve the environment and the availability of regional parks, and the aged-care community, which very much wishes something had been done earlier and which sees this as being the only viable alternative should the Gavour Road development not proceed."*

Minister Saffioti states "*I understand that the Minister for Health will be visiting Kalamunda tomorrow with the member for Kalamunda to look at the Kalamunda hospital site and what can be facilitated on that site more generally. That makes a lot of sense when we have excess land around an institution."*

I say again that Mathew Hughes mentions that Wilkins Road is a controversial issue within the community, due to the environmental concerns expressed by Environmental groups, yet the Minister mentioned the consideration of the utilising 'lazy' land to the rear of Kalamunda hospital. The Shire has provided details of these parcels of land and they are also constrained with significant environmental value and also aboriginal heritage sites. They are a part of our wildlife corridors and extremely bushfire prone. It is ironic that our State representatives would choose these sites over Wilkins Road without doing any research on this land.

Minister Saffioti goes on to state "*Some significant concerns were raised with me that highlighted the fact that even if the approval goes ahead, it is unlikely that such a facility would be constructed. We did not want to go through a process whereby we create expectations. This site comes with a number of outstanding issues— for example, native title issues that are still unresolved and other new constraints due to bushfire management. All these constraints would create further delays and result in not delivering the aged care that people want"*.

I say the Minister has been ill informed, the Shire has had an Expression of Interest in place with the Bethanie Group since 2011. The Shire recently met with the Bethanie Group in January 2017 who advised they still are very keen to see Wilkins Road go ahead because the size of the site meets the Bethanie Group model for integrated aged care.

This Council needs to be strong in its resolve to ensure the new State Government has its facts correct and are being properly informed by those parties who have the correct information. The elderly in this community should not be used as a political football for point scoring. The Shire has now spent over \$200,000 of ratepayer funds to progress Wilkins Road which was fully supported up until now by the previous State government.

So I ask the Shire President as our spokesperson to set the record straight.

### **Officer Comments**

The Shire administration continues to support the resolution of Council which is to pursue aged care on Wilkins Road. The Shire has worked closely with the Department of Planning in addressing all the statutory planning requirements relating to the Wilkins Road amendment and has acted in good faith believing the State Government was supportive.

The alternative site being proposed as a potential site by the State, namely Lot 30 and Lot 25 Chaucer Road Kalamunda, is land owned by the Department of Health. These two sites have the same constraints as Wilkins Road including significant environmental value and aboriginal heritage sites.

These sites together total 2.5 hectares. It is unknown if an aged care provider would be able to invest in these sites without market testing through an Expression of Interest process.

The Shire has written to the Minister outlining the processes required and requested that the State provide details of who will fund the processes and what are the indicative timeframes for delivery of suitable land parcels.

## **12.0 QUESTIONS BY MEMBERS WITHOUT NOTICE**

## **13.0 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN**

## **14.0 URGENT BUSINESS APPROVED BY THE PRESIDING MEMBER OR BY DECISION**

## **15.0 MEETING CLOSED TO THE PUBLIC**

## **16.0 CLOSURE**