
Shire of Kalamunda

Development & Infrastructure Services Committee

Agenda for 5 June 2012

NOTICE OF MEETING DEVELOPMENT & INFRASTRUCTURE SERVICES COMMITTEE

Councillors

Notice is hereby given that the next meeting of the Development & Infrastructure Services Committee will be held in the Council Chambers, Administration Centre, 2 Railway Road, Kalamunda on:

5 June 2012 commencing at 6.30pm

For the benefit of Committee Members, staff and members of the public, attention is drawn to the following requirements as adopted by Council.

Open Committee Meetings – Procedures

1. Standing Committees are open to the public, except for Confidential Items listed on the Agenda.
2. Standing Committees have a membership of all 12 Councillors.
3. Unless otherwise advised a Committee makes recommendations only to Full Council (Held on the third Monday of each month at 6.30 pm).
4. Members of the public are able to ask questions at a Committee Meeting, however, the questions should be related to the functions of the Committee.
5. Members of the public wishing to make a comment on any Agenda item may request to do so by advising staff prior to commencement of the Committee Meeting.
6. Comment from members of the public on any item of the Agenda is usually limited to 3 minutes and should address the recommendations (at the conclusion of the report).
7. It would be appreciated if silence is observed in the gallery at all times except for Question Time.
8. All other arrangements are in general accordance with Council's Standing Orders, the Policies and decision of person Chairing the Committee Meeting.
9. Members of the public who are unfamiliar with meeting proceedings are invited to seek advice at the meeting by signalling to a staff member.

James Trail
Chief Executive Officer
30 May 2012

** Dinner will be served at 5.30pm **

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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 this Committee. For the purposes of Minuting, these questions and answers are summarised.

4.0 PETITIONS/DEPUTATIONS

5.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

5.1 That the Minutes of the Development & Infrastructure Services Committee Meeting held on 7 May 2012 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 7 May 2012 ".

6.0 ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION

6.1 Nil.

7.0 MATTERS FOR WHICH MEETING MAY BE CLOSED

7.1 Nil.

8.0 DISCLOSURE OF INTERESTS

8.1 Disclosure of Financial and Proximity Interests

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

8.2 Disclosure of Interest Affecting Impartiality

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

9.0 REPORT TO COUNCIL

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

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

45. Fourteen Multiple Dwellings – Lot 106 (4) Heath Road, Kalamunda

Previous Items	Nil
Responsible Officer	Director Development and Infrastructure Services
Service Area	Development and Infrastructure Services
File Reference	HT-02/004
Applicant	Greg Rowe and Associates
Owner	Tutor Holding Pty Ltd
Attachment 1	Locality Plan
Attachment 2	Site Plan
Attachment 3	Landscape Plan
Attachment 4	Elevations
Attachment 5	Ground Floor Plan
Attachment 6	First Floor Plan
Attachment 7	Consultation Plan
Attachment 8	Submission Table
Attachment 9	The Kalamunda Dwelling Unit Reticulation Equivalent (DURE) Sewerage Area

PURPOSE

- To consider a planning application to build 14 multiple dwellings at Lot 106 (4) Heath Road, Kalamunda. Refer to (Attachments 1 to 6).

BACKGROUND

2. Land Details:

Land Area:	1,738sqm
Local Planning Scheme Zone:	Residential R30
Metropolitan Region Scheme Zone:	Urban

- The subject property contains a single dwelling and has direct access to Heath Road via a single crossover.
- Properties to the north and west contain single dwellings and are also zoned Residential R30 under Local Planning Scheme No. 3 (“the Scheme”). Opposite of the property (south) is the Kalamunda Uniting Church, and adjoining the east boundary are commercial properties (shops and vacant building).

DETAILS

5. Details of the application are as follows:
- The existing single dwelling is proposed to be demolished, and two residential buildings are proposed to be built in its place which will be two storey and will contain 14 units in aggregate.
 - The development is proposed to consist of two, one bedroom units and 12, two bedroom units, with individual floor areas ranging from 53sqm to 68sqm.
 - Access to the dwellings is proposed via a common property, which has been designed so that vehicles can enter and leave the property in forward gear, and allow for the two way movement of vehicles on site.
 - Fourteen car spaces are proposed on site for the tenants, and three visitor bays are also proposed on site.
 - Seven bicycle parking spaces are proposed on site for tenants and visitors.
 - Storerooms, 4sqm in area, are proposed to be available for each tenancy.
 - Screened communal clothes drying areas and bin storage areas are proposed.
 - A Traffic Impact Statement submitted as part of the application concludes that the anticipated traffic impacts associated with the development on the local road system will be minimal; and the anticipated site generated traffic can be comfortably accommodated within the existing capacity of the local road network.

STATUTORY AND LEGAL IMPLICATIONS**Local Planning Scheme No. 3**

6. Under the Zoning Table (Table 1) of the Scheme the use “Multiple Dwellings” is a use not listed.
7. Clause 4.4.2 of the Scheme stipulates that where a use not listed is proposed, and cannot reasonably be determined as falling within the type, class or genus of activity of any other use category, the Shire may:
- a. Determine that the use is consistent with the objectives of the particular zone and is therefore permitted;
 - b. Determine that the use may be consistent with the objectives of the particular zone and therefore follow the advertising procedures of Clause 9.4 in considering an application for planning approval; or

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- c. Determine that the use is not consistent with the objectives of the particular zone and is therefore not permitted.
8. Clause 4.2.1 of the Scheme (Objectives of the Zone – Residential) includes the following:
- To provide primarily for single residential development whilst allowing for a range of residential densities in order to encourage a wide choice of housing types within the Shire.
 - To facilitate a range of accommodation styles and densities to cater for all community groups inclusive of the elderly, young people in transition and the handicapped. Such accommodation is supported where it is appropriately situated in proximity to other services and facilities.
 - To encourage the retention of remnant vegetation.
9. In considering an application for planning approval, Clause 10.2 of the Scheme (Matters to be Considered by Local Government) requires Council to have due regard to number of matters, including:
- The compatibility of the development within its settings.
 - The likely effect of the scale and appearance of the proposal.
 - Whether the proposed means of access and egress from the property are adequate.
 - Any State Planning Policy.
 - Any relevant submissions received on the application.
10. If Council refuses the development, or imposes conditions that are not acceptable to the applicant, there is a Right of Review (appeal) to the State Administrative Tribunal.

Draft Local Planning Strategy

11. The Draft Local Planning Strategy (“the Strategy”) recommends a population growth scenario of the Shire will increase by 25,000 by 2031, with the potential to accommodate population growth in excess of 80,000 within this timeframe.
12. Objectives of the Strategy include providing appropriate density housing to:
- Support the town centre.
 - Provide a range of housing options.

- Support activity centres such as Kalamunda with appropriate housing.
- Encourage compact housing within walking distance of the town centre and commercial hubs.

POLICY IMPLICATIONS

Residential Design Codes

13. The objectives of the 2008 Residential Design Codes (“the R Codes”), include the following:
- a. To provide for a full range of housing types and densities that meet the needs of all people.
 - b. To provide for local variations in neighbourhood character.
14. Under Appendix 1 (Definitions) of the R Codes, the use “Multiple Dwellings” is defined as:
- “A dwelling in a group of more than one dwelling on a lot where any part of a dwelling is wholly or predominantly vertically above part of any other.”*
15. The R Codes allow multiple dwellings to be considered on properties zoned Residential R30.
16. The R-Code requirements for Multiple Dwellings on properties zoned Residential R30 are the following:

Site Requirements	Required	Proposed
Maximum Plot Ratio	0.5	0.49
Minimum Open Space	45%	51%
Primary street setback	4m or satisfy the Performance Criteria of the R Codes. Refer to point 17 of this report.	2.68m
Side and rear setbacks (walls with major openings) Wall Height of up to 6m and Wall Length of 9m or Less	2.8m or satisfy the Performance Criteria of the R Codes. Refer to point 18 of this report.	1.7m

Side and rear setbacks (walls with no major openings) Wall Height of up to 5.5m and Wall Length of 9m or Less	1.2m or satisfy the performance criteria.	Nil to 1.5m
Maximum Building Height: - Top of External Wall - Top of Pitched Roof	6m 9m	5.8m 9m
Enclosed, lockable storage areas with a minimum dimension of 1.5m and an internal area of at least 4sqm for each multiple dwelling.	14 storerooms minimum	14
Visual privacy setbacks (where active habitable spaces have a floor area more than 0.5m above natural ground level): Bedrooms Balconies Living Rooms and Kitchens	 4.5m or 1.6m high screening or fixed obscure glazing 7.5m or 1.6m high screening 6m or 1.6m high screening or fixed obscure glazing	 1.5m and 1.6m high obscure glazed screening 1m and 1.6m high obscure glazed screening 1.5m and 1.6m high obscure glazed screening

17. The performance criteria under Clause 7.1.3 (Street Setback) of the R Codes stipulate that the primary street setback can be varied subject to contributing to the desired streetscape and is appropriate to its location, respecting the adjoining development and existing streetscape.
18. The performance criteria under Clause 7.1.4 (Side and Rear Boundary Setback) of the R Codes stipulate that the side setbacks can be varied subject to ensuring adequate daylight and ventilation for buildings on adjoining properties, and assisting with protecting privacy between adjoining properties.
19. The acceptable criteria of Clause 7.4.1 (Visual Privacy) of the R Codes stipulates that major openings to active habitable spaces or their equivalent, more than 0.5m above natural ground level and positioned so as to potentially overlook adjoining properties, are to comply with at least one of the following:
 - a. The visual privacy setbacks (stipulated in the table on the previous page of this report); or

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- b. Are provided with permanent vertical screening to a height of 1.6m to restrict views from any major openings of an active habitable space (such as balconies, decks, verandahs and the like).
20. Appendix 1 (Definitions) of the R Codes stipulates that a major opening is a window, door or other opening in the exterior wall of a habitable room (bedroom, living room or kitchen), that provides an external means of light or view for that room or space, but does not include an opening(s) that:
- a. In aggregate do not exceed 1sqm in any such wall; or
- b. Are glazed in an obscure material and are not able to be opened, or have a sill height not less than 1.6m above floor level.
21. Clause 7.4.2 (Solar Access for Adjoining Properties) of the R Codes stipulates that development is to be designed with regard for solar access for neighbouring properties taking account the potential to overshadow outdoor living areas, major openings to habitable rooms, solar collectors; or balconies or verandahs.
22. Development on properties with an R30 coding is not to overshadow more than 35% of an adjoining property at midday, 21 June (the shortest day of the year).
23. Clause 7.4.3 (Dwellings Size) of the R Codes stipulates development that contains more than twelve (12) dwellings is to provide diversity in unit types and sizes as follows:
- Minimum 20% one bedroom dwellings, up to a maximum of 50 per cent of the development;
 - Minimum of 40% two bedroom dwellings, and
 - The development does not contain any dwellings smaller than 40sqm plot ratio area, excluding outdoor living areas and external storage.
24. Clause 7.4.7 of the R Codes stipulates that multiple dwelling developments are to be provided with an adequate communal area set aside for clothes drying, screened from the primary street.
25. The R-Code car parking requirements for Multiple Dwellings on properties zoned Residential R30 or greater, and within 250m of a high frequency bus route, are
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the following:

Size of Dwelling	Required	Proposed
Small (up to 75sqm or 1 bedroom)	0.75 per dwelling = 10.5 car spaces	14 car spaces
Visitors	0.25 per dwelling minimum = 3.5 car spaces	3 car spaces

26. The performance criteria under Clause 7.3.3 (On-Site Parking Provision) of the R Codes stipulates that the on site car parking provisions can be varied subject to adequate car and bicycle parking being provided on site in accordance with the projected need related to the type, number and size of dwellings; the availability of on street and other off street parking; and the location of the proposed development in relation to public transport and other facilities.
27. Clause 2.5.4 of the R Codes stipulates that a Council shall not refuse to grant approval to an application in respect of any matter where the application complies with the relevant acceptable development provision and the relevant provisions of the Scheme or a local planning policy.
28. The Explanatory Guidelines of the R Codes stipulate that the appropriateness of a particular development form for a site can be identified, based upon the existing and likely future development in the locality.

Directions 2031 and Beyond

29. *Directions 2031 and Beyond* is a high level strategic plan that establishes a vision for future growth of the Perth metropolitan area.
30. The objectives of *Directions 2031 and Beyond* include the following:
- Reducing greenhouse gas emissions.
 - Developing and revitalising activity centres as attractive places in which to invest, live and work.
 - Ensuring that economic development and accessibility to employment inform urban expansion.
 - Encourage reduced vehicle use.
 - Provide high standards of affordable and diverse housing forms.

Draft Liveable Neighbourhoods

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31. Liveable Neighbourhoods is a State Government sustainable cities initiative which aims to:
- Increase support for efficiency, walking and cycling.
 - Achieve more compact and sustainable urban communities.
 - To provide a variety of housing types to cater for the diverse housing needs of the community at a density that can ultimately support the provision of local services.

PUBLIC CONSULTATION/COMMUNICATION

32. The proposal was advertised for 14 days to nearby property owners for comment in accordance with Clause 9.4.1 and 9.4.3 of the Scheme. Three non-objections, and two objections were received. A single submission was also received which made a general comment on the proposal. Refer to the Consultation Plan (Attachment 7) and Submission Table (Attachment 8).
33. The following concerns were raised during advertising:
- The Shire requirements being eroded as a result of the proposed land use, proposed reduced front setback and shortfall in visitor car parking bays.
 - Noise and light emissions from nearby commercial properties having an impact on the first floor residents of the proposed development, due to a lack of screening.
 - An increase in traffic volume being of real concern and which will potentially create tension in the community.
 - The density not being in keeping with the amenity and character of the area.
34. The following general comments on the proposal were received during the submission period:
- This type of development forms part of the State Government's *Directions 2031 and Beyond* strategy.
 - The property being adjacent to the town centre and being where people need to live to be close to public transport, community facilities and local amenities.
 - More housing being required in the town centre, to increase the vibrancy of the town centre with more people and activity.
 - An increase in population near the town centre will provide an additional retail catchment.

35. The following were provided in the submission which provided comments on the proposal:
- A suggestion that Heath Road be widened from Brooks Street to Canning Road, as the extra road side parking provided would hopefully ease any visitor parking problems and assist with the overall traffic flow down Heath Road.
 - Thought being given to the unavoidable noise that will be created from the adjoining commercial properties.

FINANCIAL IMPLICATIONS

36. Nil.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

Strategic Planning Implications

37. The proposal is consistent with the objectives of the Strategy and *Directions 2031 and Beyond* and the Shire's Draft Local Planning Strategy.

Sustainability Implications

Social Implications

38. Impacts the multiple dwellings may have on the amenity of the local area will be addressed through the inclusion of conditions, should Council approve the application. These relate to the maintenance of the proposed landscaping and screening along the edge of the balconies facing the adjoining properties.

Economic Implications

39. Nil.

Environmental Implications

40. Nil.

OFFICER COMMENT

41. The proposal complies with the Scheme, the Policy, the Strategy, the Draft Liveable Neighbourhoods document, and *Directions 2031 and Beyond*.
42. The proposal complies with the R Codes with the exception of the proposed front setback, amount of visitor car bays and the proposed side setbacks from the east

(side) boundary). With regard to these proposed variations, the following should be noted:

- Existing grouped dwellings on nearby properties are setback between 1.9m and 3m from the Heath Road boundary. Existing commercial development on the property abutting the east (side) boundary has a nil setback from Heath Road. Therefore the proposed primary street setback of 2.68m in lieu of 4m from the Heath Road boundary is considered consistent with the existing streetscape.
- The proposed side setback variations from the east boundary are considered acceptable as access to daylight and direct sun for adjoining properties will not be detrimentally compromised because of the property facing south and adjoining a car park and commercial development to the east.
- No objections were received during advertising regarding the proposed side setback variations.
- Three visitor bays are proposed to be available on site in lieu of the four visitor bays required. This shortfall is considered acceptable as a surplus of three car bays is proposed on site for tenants and seven bicycle parking spaces are proposed to be available on site for tenants and visitors. The property is also within walking distance of the Kalamunda town centre and high frequency bus routes (along Canning Road) and on street parking is available on the opposite side of Heath Road.

43. During advertising it was suggested that Heath Road be widened to improve traffic flow in the locality, and provide additional on street car parking. This is deemed to be not necessary as:

- A Traffic Impact Statement submitted as part of the application concludes that the anticipated traffic impacts associated with the development on the local road system will be minimal.
- An adequate amount of car parking bays will be available on the property as mentioned above.

44. From a planning perspective the proposed development is considered to be appropriate for the locality as the development is providing for a different housing type within walking distance of the Kalamunda town centre and transport routes. The development will also assist with accommodating the increase in local population and offer housing choice aside from aged person dwellings. It can also be argued that the provision of single bedroom units will offer the opportunity for affordable housing close to the Kalamunda town centre.

45. The proposed development is considered to be appropriate for the locality due to the following reasons:

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- The residential density of the property is currently R30, and the locality is shown on the proposed plan for the Kalamunda Dwelling Unit Reticulation Equivalent (DURE) Sewerage Area as remaining R30. The R Codes allow medium density development such as multiple dwellings to be considered on properties zoned Residential R30. Refer to the Kalamunda Dwelling Unit Reticulation Equivalent (DURE) Sewerage Area Plan (Attachment 9).
 - If the landowners chose to do so, the adjoining properties could also be redeveloped into multiple dwellings subject to complying with the R Code requirements.
 - The development is providing for a different housing type, and possible more affordable housing, within walking distance of the Kalamunda town centre and transport routes, and such development will assist with accommodating the increase in local population and offer housing choice aside from aged person dwellings. It can also be argued that the provision of single bedroom units will offer the opportunity for affordable housing close to the Kalamunda Town Centre.
 - The built form of the development from a streetscape perspective is the same as a two storey single or grouped dwelling.
46. The application would not set a precedent if approved as future multiple dwelling developments will be assessed on their individual merit against the Scheme and R Code requirements.
47. Adjoining commercial properties will be subject to noise regulations given their proximity to surrounding residential land uses.
48. It is recommended that Council approves the application.

OFFICER RECOMMENDATION (D&I 45/2012)

That Council:

1. Determines that the use is consistent with the objectives of the particular zone and is therefore permitted.
2. Approves the application dated 8 February 2012 to build 14 multiple dwellings at Lot 106 (4) Heath Road, Kalamunda, subject to the following conditions:
 - a. The access way shall be suitably constructed, sealed and drained to the satisfaction of the Shire.
 - b. The crossover shall be designed and constructed to the satisfaction of the Shire.
 - c. Vehicle parking, manoeuvring and circulation areas to be suitably

constructed, sealed, kerbed, line marked and drained to the satisfaction of the Shire.

- d. The redundant crossover is to be removed, and the verge and kerbing reinstated satisfaction of the Shire.
- e. The balcony screening being maintained by the owner to the Shire's satisfaction.
- g. The proposed landscaping being planted within 28 days of the proposed development's completion, and maintained thereafter by the landowner (Strata management group) to the satisfaction of the Shire.
- h. A geo-technical report being submitted to and approved by the Shire prior to the building licence being issued.
- i. Stormwater being contained on site to the satisfaction of the Shire.
- j. The applicant making the necessary arrangements for a waste bin contractor to enter the property and service the receptacles from the designated bin storage enclosures.
- k. The external colour and material details of the proposed dwellings being provided to, and approved by the Shire prior to the building licence being issued.
- l. A Construction Management Plan be prepared by the applicant addressing the following, but not limited to:
 - Construction Workers' Parking
 - Material Delivery and Storage
 - Workers' Toilets

To the satisfaction of the Manager Development Services, prior to the issue of a Building Licence.

- m. The applicant making necessary arrangements for a waste bin contractor to enter the property and service the receptacles from the designated bin storage enclosures.

Moved:

Seconded:

Vote:

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

46. Local Planning Scheme No. 3 Amendment – Increasing the Residential Density Coding from R10 to R30 – Lot 2 (87) and Lot 3 (85) Canning Road, Kalamunda

Previous Items	OCM 12707 and OCM 143/09
Responsible Officer	Director Development and Infrastructure Services
Service Area	Development and Infrastructure Services
File Reference	CN-01/085 and CN-01/087
Applicants	M and I Rintoul and S and N Leotta
Owners	M and I Rintoul and S and N Leotta
Attachment 1	Locality Plan
Attachment 2	Existing Scheme Zoning Map
Attachment 3	The Kalamunda Dwelling Unit Reticulation Equivalent (DURE) Sewerage Area Plan

PURPOSE

- To consider an amendment to Local Planning Scheme No. 3 (“the Scheme”) to increase the Residential Density Coding of Lot 2 (87) and Lot 3 (85) Canning Road, Kalamunda, from R10 to R30. Refer to the Locality Plan (Attachment 1) and the existing Scheme Zoning Map (Attachment 2).

BACKGROUND

2. Land Details:

Individual Land Area:	2,031sqm (Both properties)
Local Planning Scheme Zone:	Residential R10
Metropolitan Regional Scheme Zone:	Urban

- Lot 2 is currently vacant and Lot 3 contains a single dwelling which has direct access from Canning Road.
- Surrounding properties contain single and grouped dwellings, and adjoining the north west (side) boundary of Lot 3 is the health and fitness centre “Gym Tonic”.
- Surrounding residential zoned properties on the north side of Canning Road currently have an R20 density, and lots sizes ranging from 1,051sqm to 2,261sqm. Whereas residential zoned properties on the opposite side of Canning Road currently have an R10 or R20 density, and lot sizes ranging from 551sqm to 2,575sqm.
- In November 2007, Council resolved (Resolution OCM 127/07) not to initiate an amendment to increase the Residential density of Lot 3 (85) Canning

Road, Kalamunda, from R10 to R20 as it was premature in relation to activity corridors precinct planning, road widening plans and the commitment to community consultation.

7. Central Kalamunda has a Special Developer Contribution area managed by the Water Corporation referred to as the Dwelling Unit Reticulation Equivalent (“DURE”) scheme.
8. The DURE was established in 1988, representing an agreement between the Shire and the Water Corporation. Within this area, the high cost of providing wastewater reticulation is shared by a contribution cost called the DURE.
9. In November 2009, Council resolved (Resolution OCM 143/2009) to consider a proposal for increases in residential densities based on the DURE plan. In the proposal, it was recommended that the subject lot be considered for an increase in residential density from R10 to R20. Refer to the Kalamunda Dwelling Unit Reticulation Equivalent Sewerage Area Plan (Attachment 3).
10. Details of the DURE Sewerage Area and proposed costing changes were included in the Draft Local Planning Strategy (“the Strategy”) when advertised by the Shire between July and August 2011. It was evident from the lack of response to this proposal during the advertising of the LPS and the nature of the comments received that perhaps the interest of affected residents would be better served by having the proposal advertised again. This would allow affected residents to comment directly on the DURE proposal.
11. In April 2012, Council were advised by Shire Officers at a Council Forum that the DURE Plan would be included in the Draft Local Housing Strategy currently being prepared and advertised in the near future.

DETAILS

12. It is proposed to increase the Residential Density Coding of the properties from R10 to R30.
13. At the R30 density each property could potentially be subdivided into six lots at an average lot size of 330sqm. Alternatively each site could potentially be developed with six standard grouped dwellings, or multiple dwellings.

STATUTORY AND LEGAL IMPLICATIONS

14. The *Town Planning Regulations 1967* and *Planning and Development Act 2005* establish procedures relating to amendments to local planning schemes. If Council resolves to adopt the proposed amendment, then ultimately the amendment will be determined by the Minister for Planning.

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15. If Council does not initiate the amendment, the process ceases and there is no Right of Review (appeal) to the State Administrative Tribunal. If the proposal progresses to the Minister's determination, irrespective of the Minister's decision, there is no Right of Review.

Draft Local Planning Strategy

16. The Strategy envisages that the population of the Shire will increase by approximately 25,000 by 2031.
17. Objectives of the Strategy include providing appropriate density housing to support the town centre, provide a range of housing options, supporting Activity Centres such as Kalamunda with appropriate housing, and encouraging compact housing within walking distance of the town centre and commercial hubs.

POLICY IMPLICATIONS

18. *Liveable Neighbourhoods (January 2009)* is an integrated planning and assessment policy to assist with the design and assessment of structure and subdivision plans to guide urban development within metropolitan and regional Western Australia.
19. The purpose of the policy is to improve the structure of the new urban development on urban infill sites. The policy aims to increase support for efficiency, walking, cycling and public transport and achieving density targets.

PUBLIC CONSULTATION/COMMUNICATION

20. If the amendment was initiated by Council, the Amendment would be formally advertised for 42 days in accordance with the provisions of the *Town Planning Regulations 1967* and *Planning and Development Act 2005*.
21. The amendment would be required to be advertised in the form of a notice being published in a district newspaper. A sign advertising the proposal would also be required to be erected on the subject properties.

FINANCIAL IMPLICATIONS

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

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

Strategic Planning Implications

23. The proposed residential R30 coding is not consistent with the proposed DURE Plan which forms part of the Shire's Draft Local Planning Strategy.

Sustainability Implications

Social Implications

24. Nil.

Economic Implications

25. Nil.

Environmental Implications

26. Nil.

OFFICER COMMENT

27. It is noted that the DURE Plan was advertised to the community as part of the Draft Local Planning Strategy. The lack of response to the proposal suggests that the planning implications of the plan may have been lost amongst a number of planning initiatives proposed in the document.
28. From a planning perspective it is considered premature to proceed with the proposal until the DURE Plan has been formally advertised to the public and assessed in more detail as part of the Draft Local Housing Strategy.
29. Whilst it is acknowledged that the subject lots are suitable for potential development at a higher density, the current DURE Plan identifies the site as the density R20 not medium density R30 as proposed. This can be reviewed however once the DURE Plan is advertised to the community.
30. In light of the above it is recommended that Council does not support initiating the amendment.

OFFICER RECOMMENDATION (D&I 46/2012)

That Council:

1. Does not initiate the amendment to Local Planning Scheme No. 3, for the following reasons:
 - a. The proposed Residential Density Coding increase being inconsistent with the Kalamunda Dwelling Unit Reticulation Equivalent Sewerage Area Plan.
 - b. The proposal being premature as the Kalamunda Dwelling Unit Reticulation Equivalent Sewerage Area Plan is yet to be advertised and finalised.
 - c. The initiation of the proposed amendment setting an undesirable precedence, allowing for the Residential Density Coding of other properties in Central Kalamunda to be considered prior to the Kalamunda Dwelling Unit Reticulation Equivalent Sewerage Area Plan being finalised.

Moved:

Seconded:

Vote:

Declaration of financial / conflict of interests to be recorded prior to dealing with each item.**47. The Parking of Four Commercial Vehicles – Lot 13 (50) Brentwood Road, Wattle Grove**

Previous Items	OCM 36/93
Responsible Officer	Director Development and Infrastructure Services
Service Area	Development and Infrastructure Services
File Reference	BR-24/050
Applicant	S Chick
Owner	R and S Chick
Attachment 1	Locality Plan
Attachment 2	Site Plan
Attachment 3	Photograph of the Commercial Vehicles
Attachment 4	Photograph of the Commercial Vehicles
Attachment 5	Consultation Plan
Attachment 6	Photograph of the Proposed Commercial Vehicle Parking Area from Brentwood Road
Attachment 7	Photograph from the Proposed Commercial Vehicle Parking Area to the West Boundary

PURPOSE

- To consider an application for retrospective planning consent to continue to park four commercial vehicles (two prime movers and two trailers) at Lot 13 (50) Brentwood Road, Wattle Grove. Refer to (Attachments 1 to 4).

BACKGROUND**2. Land Details:**

Land Area:	1.4ha
Local Planning Scheme Zone:	Rural Composite
Metropolitan Region Scheme Zone:	Rural

- The subject property is located towards the end of Brentwood Road which is a cul-de-sac and backs onto Tonkin Highway. The property contains a single dwelling, a decommissioned dwelling which is to be demolished and associated outbuildings.
- Surrounding properties contain single dwellings, associated outbuildings and mature vegetation.

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5. Within close proximity to the property are businesses such as a turf farm and arbor centre, which were approved under District Planning Scheme No. 2 and include the parking of numerous commercial vehicles.
 6. In March 1993, Council resolved (Resolution OCM 36/93) to refuse an application to park four commercial vehicles (two trucks and two trailers) on the property as the use was deemed to be a transport depot, which was a use not permitted on a property zoned Rural under the then District Planning Scheme No. 2.
 7. When Local Planning Scheme No. 3 (“the Scheme”) was approved by the Minister for Planning in March 2007, the Rural zoning was replaced with the Rural Composite zoning.
 8. In March 2012, the Shire received an application for retrospective planning approval to continue to park four commercial vehicles on the property.
 9. Local Planning Policy DEV22 – Parking of Commercial Vehicles on Private Property (“the Policy”) stipulates that where objections and/or complaints have been received the application will be referred to Council for determination; therefore the subject application cannot be determined under delegation.

DETAILS

10. Details of the application are as follows:
 - The landowners are to drive the commercial vehicles as part of their employment.
 - The application is for the parking of two prime movers and two attached trailers.
 - The commercial vehicles are proposed to operate between Monday and Friday 7.00am to 7.00pm.
 - The vehicles are proposed to be parked behind the existing dwelling, adjacent to an existing outbuilding towards the rear of the property. The vehicles will be screened from the street and adjoining landowners by existing mature vegetation, 1.8m high shade cloth and outbuildings on the subject and adjoining properties.
 - The proposed parking location will be 4m in lieu of 10m from the west (side) boundary.
 - Any major maintenance to the commercial vehicles will be conducted off site.

- The commercial vehicles will idle for up to five minutes, prior to leaving the site and upon arrival.
- The vehicles are used in conjunction with a transport business called “Haulcraft Transport” which transports boats around Western Australia.
- The applicant has advised that the commercial vehicles occasionally brought boats onto the property whilst being transported from one location to another but not off loaded. The applicant has advised that this will no longer occur.
- The applicant has advised that only boats owned by them will be brought onto the property if minor maintenance is required on them, of which there will be a maximum of four on the property at any one time.

11. Details of the commercial vehicles proposed to be parked on the property are as follows:

	TRUCK	TRAILER	POLICY REQUIREMENTS (ARTICULATED TYPE)
MAKE	Volvo	BMRang	
TYPE	Prime Mover	Semi Trailer	
YEAR	1988	1975	
LENGTH	7.3m	12.4m	
HEIGHT	3.2m	1.6m	4.3m Maximum
WIDTH	2.5m	2.5m	2.5m Maximum
TARE WEIGHT	8.3 tonnes	4.9 tonnes	
LICENCE NO.	7PA 170	8WE 459	
COMBINED LENGTH (WHEN ATTACHED)	17.4m		17.5m Maximum

	TRUCK	TRAILER	POLICY REQUIREMENTS (ARTICULATED TYPE)
MAKE	Volvo	Nolist	
TYPE	Prime Mover	Loader	
YEAR	2000	1980	
LENGTH	6.1m	13.5m	
HEIGHT	2.9m	2.2m	4.3m Maximum
WIDTH	2.5m	2.5m	2.5m Maximum
TARE WEIGHT	7 tonnes	5.8 tonnes	
LICENCE NO.	1ATT 124	1TCH 761	
COMBINED LENGTH (WHEN ATTACHED)	17.4m		17.5 Maximum

STATUTORY AND LEGAL IMPLICATIONS

12. Under Table One (Zoning Table) of the Scheme the use "Commercial Vehicle Parking" is classed as a 'D' use in a Rural Composite zoning meaning that it is not permitted, unless Council has granted planning approval.
13. Under Table Two (Site Requirements) of the Scheme, development on Rural Composite zoned properties is to be setback 10m from side and rear boundaries and 20m from front boundaries unless otherwise approved by the Shire.
14. Under Schedule 1 of the Scheme (Land Use Definitions) commercial vehicles are defined as being:

"a vehicle whether licensed or not, and include propelled caravans, trailers, semi-trailers, earth moving machines whether self-propelled or not, motor wagons, buses and tractors and their attachments but shall not include any motor car or any vehicle whatsoever the weight of which is less than 3.5 tonnes."
15. Clause 4.2.2 of the Scheme (Objectives of the Zone – Rural Composite) the objective of the Rural Composite zoning is to provide for small semi-rural lots that can accommodate a limited range of rural and low scale commercial land uses in a manner that will not adversely affect the landscape and environmental qualities of the land and are appropriate to the area.

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16. Clause 5.20 of the Scheme (Commercial Vehicle Parking) stipulates that the determination of commercial vehicle parking applications shall be "*generally*" in accordance with the Policy. The Shire reserves the right to amend the conditions of an approval or revoke an approval to park a commercial vehicle as a result of a justified complaint being received.
17. Clause 8.4 of the Scheme (Unauthorised Existing Developments) stipulates that the Shire may grant planning approval to a use or development already commenced or carried out regardless of when it was commenced or carried out, if the development conforms to the provisions of the Scheme.
18. In considering an application for planning approval, Clause 10.2 of the Scheme (Matters to be Considered by Local Government) requires Council to have due regard to a number of matters, including:
- The compatibility of the development within its settings.
 - The preservation of the amenity of the locality.
 - The likely effect of the scale and appearance of the proposal.
 - Whether the proposed means of access and egress from the property are adequate.
 - Any relevant submissions received on the application.
19. If Council refuses the application, or imposes conditions that are not acceptable to the applicant, there is a Right of Review (appeal) to the State Administrative Tribunal.

POLICY IMPLICATIONS

Local Planning Policy DEV22 – Parking of Commercial Vehicles on Private Property.

20. In assessing the application, Council is to give consideration to Local Planning Policy DEV22 – Parking of Commercial Vehicles on Private Property ("the Policy") which stipulates the following provisions applicable to parking commercial vehicles on Rural Composite zoned properties:
- The commercial vehicle shall not exceed (articulated type) 17.5m in length and 4.3m in height.
 - Approval to park a commercial vehicle on a lot shall apply to the applicant only on the lot the subject of the application and shall not be transferred to any other person.

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- The commercial vehicle shall be parked entirely on the lot behind the alignment of the front of the house.
 - The commercial vehicle must be parked on the lot so that it does not interfere with the normal access and egress of other vehicles, and does not cause damage to the road, kerb or footpath.
 - Spray painting, panel beating and major servicing on the commercial vehicles is not permitted. Maintenance limited to oil and grease changes, and changes of wheels (but not repairs to tyres) and other minor maintenance as approved by Council.
 - Standard vehicle movement and start up times of between 7.00am and 7.00pm Monday to Saturday and 9.00am to 5.00pm on Sundays and public holidays.
 - The idling times for start up and cool down being restricted to five minutes.
21. The Policy stipulates that where objections and/or complaints have been received the application will be referred to Council for determination; therefore the subject application cannot be determined under delegation.
22. The Policy does not stipulate the maximum number of commercial vehicles able to be considered to be parked on a property zoned Rural Composite.

PUBLIC CONSULTATION/COMMUNICATION

23. The proposal was advertised for 14 days to nearby property owners for comment in accordance with Clause 9.4.3 of the Scheme. One non-objection and one objection were received.
24. The submitter who raised no objections to the proposal has requested that their response be kept confidential and is therefore not shown on the Consultation Plan. Refer to the Consultation Plan (Attachment 5).
25. The following concerns were raised during advertising:
- An industrial business is taking place on the property which involves the repairing and construction of boats.
 - Fibre glass resins and chemicals from the activity posing a risk to the health of neighbours and livestock.
 - The commercial vehicles operating outside of the proposed hours of between 7.00am and 7.00pm.
 - Noise emitted by machinery associated with the activity being excessive.

- Structures exist which are not shown on the site plan submitted.

FINANCIAL IMPLICATIONS

26. Nil.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

Strategic Planning Implications

27. Nil.

Sustainability Implications

Social Implications

28. Nil.

Economic Implications

29. Nil.

Environmental Implications

30. Nil.

OFFICER COMMENT

31. An inspection of the property revealed that two boats were currently being stored on site. The applicant has advised that the boats are for private use, one of which is being restored by them and the other is being kept inside an approved outbuilding. The applicant has advised that the boats associated with the business will not be kept on site.
32. A large quantity of mature landscaping exists throughout the property, the vehicles and boats are located towards the rear of the property and there is an approximate distance of 50m from the nearest dwelling to the proposed commercial vehicle parking area and where the boats are kept. The vehicles and boats are therefore having little visual impact on neighbouring properties and the streetscape. Refer to the photograph of the proposed commercial vehicle parking area from Brentwood Road (Attachment 6) and the photograph from the proposed commercial vehicle parking area to the west boundary (Attachment 7).
33. During advertising concerns were received regarding boats being repaired and constructed on the property, and the noise emitted by the machinery used being excessive. With regard to these concerns the following should be noted:

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- The types of machinery used on the boats are wood planers, drills, lathes and hand tools. The chemicals also used are paint, wood varnish, epoxy resin and alcohol thinner, of which there is a small quantity on the property. All chemicals are kept within the enclosed outbuilding.
 - If any noise complaints are received in future, the matter will be dealt with by the Shire in accordance with the *Environmental Protection (Noise) Regulations 1997*.
34. The proposal is compliant with the Policy requirements and considered to be low scale and is therefore consistent with the Scheme objectives of the zone.
35. In summary it is considered that the proposal is consistent with Policy and Scheme requirements and therefore it is recommended that Council approves the application.

OFFICER RECOMMENDATION (D&I 47/2012)

That Council:

1. Approves the proposal for Susan Chick to continue to park four commercial vehicles, two Volvo prime movers (registration numbers 7PA 170 and 1ATT 124), a BM Rang semi trailer (registration number 8WE 459) and a Nolist trailer (registration number 1TCH 761), at Lot 13 (50) Brentwood Road, Wattle Grove, subject to the following conditions:
 - a. The vehicles must, at all times, be parked/stored in the locations shown on the approved site plan (Attachment 2).
 - b. The commercial vehicle is only to be operated between the hours of 7.00am and 7.00pm Monday to Friday and public holidays.
 - c. Approval of the parking activity does not include approval for the storage of goods, materials and boats in transit.
 - d. Only maintenance of a minor nature, such as servicing or wheel changing, is to be carried out on the commercial vehicles on the subject property between the hours designated in condition b. No panel beating, spray painting or the removal of major body or engine parts is permitted.
 - e. The idling time for the start-up and cool down of the vehicles being a maximum of five minutes.
 - f. Washing of the commercial vehicles on the subject lot is to be limited to the use of water and mild detergent, but not involve the use of any solvents, degreasing substances, steam cleaning and any other processes which may cause pollution or degradation of the environment.

- g. The approval is personal to the landowner and shall not be transferred or assigned to any other person, property or commercial vehicle.
- h. Landscaping being maintained by the landowner to screen the commercial vehicles and boats from the adjoining properties to the Shire's satisfaction.

Moved:

Seconded:

Vote:

Declaration of financial / conflict of interests to be recorded prior to dealing with each item.
48. The Parking of One Commercial Vehicle – Lot 57 (5B) Goodall Street, Lesmurdie

Previous Items	Nil
Responsible Officer	Director Development and Infrastructure Services
Service Area	Development and Infrastructure Services
File Reference	GD-03/005
Applicant	W Barnes
Owner	P and S Arasi
Attachment 1	Locality Plan
Attachment 2	Site Plan
Attachment 3	Photograph of the Commercial Vehicle in the Proposed Parking Area
Attachment 4	Consultation Plan
Attachment 5	View of the Proposed Commercial Vehicle Parking Area along Goodall Street
Attachment 6	Photograph of the Proposed Commercial Vehicle Parking Area From Goodall Street
Attachment 7	Photograph of the View from 9 Goodall Street of the Commercial Vehicle Parked in the Proposed Parking Location
Attachment 8	Photograph of the Rear of 5B Goodall Street

PURPOSE

- To consider an application for retrospective approval to continue to park one commercial vehicle (a bus) at Lot 57 (5B) Goodall Street, Lesmurdie. Refer to the Locality Plan (Attachment 1), the Site Plan (Attachment 2) and the photograph of the commercial vehicle in the proposed parking area (Attachment 3).

BACKGROUND**2. Land Details:**

Land Area:	2,269sqm
Local Planning Scheme Zone:	Residential R5
Metropolitan Region Scheme Zone:	Urban

- The subject property contains a single dwelling and has direct access to Goodall Street via an unsealed driveway and crossover.
- Surrounding properties contain single dwellings, mature vegetation and associated outbuildings.

5. In February 2012, a complaint was received by the Shire that a commercial vehicle was being parked on the property.
6. In March 2012, an application was received for retrospective approval to continue to park one commercial vehicle (a bus) on the subject property.
7. Local Planning Policy DEV22 – Parking of Commercial Vehicles on Private Property (“the Policy”) stipulates that where objections and/or complaints have been received the application will be referred to Council for determination; therefore the application cannot be determined under delegation.

DETAILS

8. Details of the application are as follows:
 - Those residing at the property are restoring the commercial vehicle and converting it into a holiday bus.
 - The applicant has advised that no mechanical maintenance or changes to the vehicle’s external appearance is being done. The only work being carried out is an internal fit out.
 - No one is to reside in the vehicle whilst parked on the property.
 - Once restored the applicant has advised that the vehicle will be sold and removed off site. Confirmation of when this is likely to occur was requested but not provided.
 - The commercial vehicle is proposed to be parked on an unsealed area behind the front alignment of the dwelling.
 - The proposed commercial vehicle parking area is 1m from the side (east) boundary, approximately 17m from the side (west) boundary and approximately 27m from the front boundary. The landowner also owns the adjoining property to the west, being 5A Goodall Street.
9. Details of the commercial vehicle proposed to be parked on the property are as follows:

	BUS	POLICY REQUIREMENTS (RIGID TYPE)
MAKE	Bedford	
TYPE	Mobile Caravan	
YEAR	1973	
LENGTH	11m	11m Maximum
HEIGHT	3m	4.3m Maximum

WIDTH	2.5m	2.5m Maximum
TARE WEIGHT	8.8 tonnes	
LICENCE NO.	1CPU 256	

STATUTORY AND LEGAL IMPLICATIONS

10. Under the Zoning Table (Table 1) of the Scheme the use "Commercial Vehicle Parking" is classed as an 'A' use in a Residential zoning meaning that it is not permitted, unless Council has granted planning approval after the proposal has been advertised to affected landowners by the Shire.
11. Under Schedule 1 of the Scheme (Land Use Definitions) commercial vehicles are defined as being:
- "a vehicle whether licensed or not, and include propelled caravans, trailers, semi-trailers, earth moving machines whether self-propelled or not, motor wagons, buses and tractors and their attachments but shall not include any motor car or any vehicle whatsoever the weight of which is less than 3.5 tonnes."*
12. Clause 5.20 of the Scheme (Commercial Vehicle Parking) stipulates that the determination of commercial vehicle parking applications shall be "*generally*" in accordance with the Policy. The Shire reserves the right to amend the conditions of an approval or revoke an approval to park a commercial vehicle as a result of a justified complaint being received.
13. Clause 8.4 of the Scheme (Unauthorised Existing Developments) stipulates that the Shire may grant planning approval to a use or development already commenced or carried out regardless of when it was commenced or carried out, if the development conforms to the provisions of the Scheme.
14. In considering an application for planning approval, clause 10.2 of the Scheme (Matters to be Considered by Local Government) requires Council to have due regard to the compatibility of the development within its settings; the preservation of the amenity of the locality; the likely effect of the scale and appearance of the proposal; whether the proposed means of access and egress from the property are adequate; any local planning policy adopted by Council; and any relevant submissions received on the application.
15. A Scheme objective for Residential zones is to encourage the retention of remnant vegetation.
16. If Council refuses the application, or imposes conditions that are not acceptable to the applicant, there is a Right of Review (appeal) to the State Administrative Tribunal.
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POLICY IMPLICATIONS**Local Planning Policy DEV22 – Parking of Commercial Vehicles on Private Property**

17. In assessing the application, Council is to give consideration to Local Planning Policy DEV22 – Parking of Commercial Vehicles on Private Property (the Policy) which stipulates the following provisions applicable to parking commercial vehicles on Residential zoned properties:
- Only one commercial vehicle will be permitted.
 - The commercial vehicle shall not exceed (rigid type) 11m in length and 4.3m in height.
 - Approval to park a commercial vehicle on a lot shall apply to the applicant only on the lot the subject of the application and shall not be transferred to any other person.
 - The commercial vehicle shall be parked entirely on the lot behind the alignment of the front of the house. If the vehicle is parked alongside the residence then gates/fencing of a minimum of 1.8m in height are to be erected to screen the vehicle from the street. It shall be screened from the view of the street and from neighbours to Council's satisfaction.
 - The commercial vehicle must be parked on the lot so that it does not interfere with the normal access and egress of other vehicles, and does not cause damage to the road, kerb or footpath.
 - Standard vehicle movement and start up times of between 7.00am and 7.00pm Monday to Saturday and 9.00am to 5.00pm on Sundays and public holidays.
 - The idling times for start up and cool down being restricted to five minutes.
 - Spray painting, panel beating and major servicing on the commercial vehicles is not permitted. Maintenance limited to oil and grease changes, and changes of wheels (but not repairs to tyres) and other minor maintenance as approved by Council.

PUBLIC CONSULTATION/COMMUNICATION

18. The proposal was advertised for 14 days to nearby property owners for comment in accordance with Clause 9.4.3 of the Scheme. One non objection and two objections were received. Refer to the Consultation Plan (Attachment 4).
19. One of the submitters who objected to the proposal has requested that their response be kept confidential and is therefore not shown on the Consultation Plan.

20. The following concerns were raised during advertising:
- Commercial vehicles should not be allowed to be parked in residential areas.
 - The size of the bus is large and is an unsightly feature.
 - There being no time frame as to how long the commercial vehicle will stay parked at the property or be restored by, before those residing at the property decide to do anything with it.
 - The bus can clearly been seen from neighbouring properties and the street.
 - No time period has been given for the fit-out works to be completed by or for the vehicles removal.
 - Additional screening of such a large bus would be more unsightly than the bus itself.

FINANCIAL IMPLICATIONS

21. Nil.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

Strategic Planning Implications

22. Nil.

Sustainability Implications

Social Implications

23. The commercial vehicle is having an impact on the amenity of the locality. The impact the vehicle is having on those landowners on the opposite side of Goodall Street can be addressed through the installation of a 1.8m high solid gate across the driveway if Council approves the application.

Economic Implications

24. Nil.

Environmental Implications

25. Nil.

OFFICER COMMENT

26. The proposal complies with the Policy with the exception of the requirement for the vehicle to be screened from view from the street and neighbouring properties.
27. When parked in the proposed location on the property the commercial vehicle will have no impact on the streetscape when viewed along Goodall Street because of its distance from the front boundary. Refer to the view of the proposed commercial vehicle parking area along Goodall Street (Attachment 5).
28. The Policy stipulates that if the vehicle is parked alongside the residence then gates/fencing of a minimum of 1.8m in height are to be installed. The vehicle is not parked alongside the residence however, the lack of screening and the distance of the vehicle from the nearest side boundary means that the vehicle will be visible from some of the adjoining properties and from directly in front of the property. Refer to the photograph of the proposed commercial vehicle parking area From Goodall Street (Attachment 6).
29. A solid 1.8m high Colorbond fence exists across portion of the unsealed driveway abutting the dwelling, and during an inspection of the property the applicant advised that a gate did exist along the driveway but got damaged during strong winds and was removed. If Council was to approve the application, a 1.8m high solid gate could be installed to screen the vehicle sufficiently from the street.
30. A 1.7m high fibro-cement fence exists along the east (side) boundary, and the area on the neighbour's side of the boundary (9 Goodall Street) is used as an outdoor living area and for storage purposes. Refer to the photograph of the view from 9 Goodall Street of the commercial vehicle parked in the proposed parking location (Attachment 7).
31. The existence of mature vegetation and the location of the dwelling and raised outdoor living area on 5B Goodall Street mean that the vehicle cannot be relocated elsewhere on the property. Refer to the photograph of the rear of 5B Goodall Street (Attachment 8).
32. If the mature vegetation was to be removed to allow the vehicle to be parked elsewhere on the property, it could result in the vehicle having more of a visual impact on properties adjoining the rear boundary.
33. Given the height and length of the commercial vehicle; the lack of screening and the distance of the proposed parking location from the east (side) boundary (being 1m) and from the dwelling on 9 Goodall Street (being approximately 6m), it is considered that the vehicle is having an unacceptable impact on the amenity of the adjoining landowners. It is therefore recommended that Council refuses the application.

OFFICER RECOMMENDATION (D&I 48/2012)

That Council:

1. Refuses the proposal for William Barnes to continue to park one commercial vehicle, a Bedford Bus (registration number 1CPU 256) at Lot 57 (5B) Goodall Street, Lesmurdie, for the following reasons:
 - a. The appearance of the vehicle having an unacceptable impact on the visual amenity of the adjoining property nearest to the proposed parking location.
 - b. The application failing to comply with Local Planning Policy DEV22 – Parking of Commercial Vehicles on Private Property, which stipulates that commercial vehicles are to be screened from the view of the street and from neighbouring properties to Council's satisfaction.
2. Advises the applicant that the Bus is to be removed from the property within 35 days of the date of this resolution.

Moved:

Seconded:

Vote:

Declaration of financial / conflict of interests to be recorded prior to dealing with each item.**49. The Parking of One Commercial Vehicle – Lot 100 (17) Emanuel Court, Wattle Grove**

Previous Items	OCM 31/2012
Responsible Officer	Director Development and Infrastructure Services
Service Area	Development and Infrastructure Services
File Reference	EM-01/017
Applicant	J Birch
Owner	J and J Birch
Attachment 1	Locality Plan
Attachment 2	Amended Site Plan
Attachment 3	Photograph of the Commercial Vehicle
Attachment 4	Photograph of the Proposed Commercial Vehicle Parking Area
Attachment 5	Consultation Plan
Attachment 6	Photograph of the Existing Driveway from Emanuel Court

PURPOSE

- To reconsider a retrospective planning application to continue to park one commercial vehicle (a prime mover) at Lot 100 (17) Emanuel Court, Wattle Grove. Refer to the Locality Plan (Attachment 1), the Amended Site Plan (Attachment 2) and the photograph of the commercial vehicle (Attachment 3) and the photograph of the proposed commercial vehicle parking area (Attachment 4).

BACKGROUND**2. Land Details:**

Land Area:	1ha
Local Planning Scheme Zone:	Special Rural
Metropolitan Region Scheme Zone:	Rural

- The subject property contains a single dwelling and has access to Emanuel Court, which is a cul-de-sac.
- Surrounding properties contain single dwellings, mature vegetation and associated outbuildings.

5. In April 2012, Council resolved (Resolution OCM 31/2012) to defer the application to park one commercial vehicle at the property pending the applicant providing legal documentation that they are entitled to share the driveway with the owners of 18 Emanuel Court, Wattle Grove.

DETAILS

6. Details of the application are as follows:
- The applicant who resides at the property is to drive the commercial vehicles as part of their employment.
 - The commercial vehicle will be driven between 7.00am and 7.00pm Monday to Saturday and 9.00am to 5.00pm Sundays and public holidays.
 - The commercial vehicle will idle for up to three minutes prior to leaving the site and upon arrival.
 - The vehicle is proposed to be parked on an existing sealed concrete slab at the side of an existing outbuilding (shed), which abuts the shared driveway and is screened by vegetation and 1.8m high, 20m long solid fencing.
 - The vehicle will not be loaded or unloaded on site.
 - All major maintenance is to occur off site.
7. Details of the commercial vehicle proposed to be parked on the property are as follows:

	TRUCK	POLICY REQUIREMENTS (ARTICULATED TYPE)
MAKE	Scania	
TYPE	Prime Mover	
YEAR	2003	
LENGTH	6m	17.5m Maximum
HEIGHT	4.2m	4.3m Maximum
WIDTH	2.4m	2.5m Maximum
TARE WEIGHT	9 tonnes	
LICENCE NO.	1BLL 199	

STATUTORY AND LEGAL IMPLICATIONS

8. Under the Zoning Table (Table 1) of the Scheme the use “Commercial Vehicle Parking” is classed as a ‘D’ use in a Special Rural zoning meaning that it is not permitted, unless Council has granted planning approval.
9. Under Schedule 1 of the Scheme (Land Use Definitions) commercial vehicles are defined as being:

“a vehicle whether licensed or not, and include propelled caravans, trailers, semi-trailers, earth moving machines whether self-propelled or not, motor wagons, buses and tractors and their attachments but shall not include any motor car or any vehicle whatsoever the weight of which is less than 3.5 tonnes.”
10. Clause 4.2.2 of the Scheme (Objectives of the Zone – Special Rural) an objective of the Special Rural zoning is to retain amenity and the rural landscape in a manner consistent with orderly and proper planning.
11. Clause 5.20 of the Scheme (Commercial Vehicle Parking) stipulates that the determination of commercial vehicle parking applications shall be “*generally*” in accordance with the Policy. The Shire reserves the right to amend the conditions of an approval or revoke an approval to park a commercial vehicle as a result of a justified complaint being received.
12. Clause 8.4 of the Scheme (Unauthorised Existing Developments) stipulates that the Shire may grant planning approval to a use or development already commenced or carried out regardless of when it was commenced or carried out, if the development conforms to the provisions of the Scheme.
13. In considering an application for planning approval, Clause 10.2 of the Scheme (Matters to be Considered by Local Government) requires Council to have due regard to the compatibility of the development within its settings, the preservation of the amenity of the locality, the likely effect of the scale and appearance of the proposal, whether the proposed means of access and egress from the property are adequate, any local planning policy adopted by Council and any relevant submissions received on the application.
14. If Council refuses the application, or imposes conditions that are not acceptable to the applicant, there is a Right of Review (appeal) to the State Administrative Tribunal.

POLICY IMPLICATIONS

Local Planning Policy DEV22 – Parking of Commercial Vehicles on Private Property

15. In assessing the application, Council is to give consideration to Local Planning Policy DEV22 – Parking of Commercial Vehicles on Private Property (“the Policy”) which stipulates the following provisions applicable to parking commercial vehicles on Special Rural zoned properties:

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- Applications for a maximum of two commercial vehicles will be considered where the existence of a lawfully established business generates the need for more than one commercial vehicle; in these cases applications will be dealt with on their merits.
 - The commercial vehicle shall not exceed (articulated type) 17.5m in length and 4.3m in height.
 - Approval to park a commercial vehicle on a lot shall apply to the applicant only on the lot the subject of the application and shall not be transferred to any other person.
 - The commercial vehicle shall be parked entirely on the lot behind the alignment of the front of the house.
 - The commercial vehicle must be parked on the lot so that it does not interfere with the normal access and egress of other vehicles, and does not cause damage to the road, kerb or footpath.
 - Spray painting, panel beating and major servicing on the commercial vehicles is not permitted. Maintenance limited to oil and grease changes, and changes of wheels (but not repairs to tyres) and other minor maintenance as approved by Council.
 - Standard vehicle movement and start up times of between 7.00am and 7.00pm Monday to Saturday and 9.00am to 5.00pm on Sundays and public holidays.
 - The idling times for start-up and cool down being restricted to five minutes.
16. The Policy stipulates that where objections have been received the application will be referred to Council for determination; therefore the subject application cannot be determined under delegation.

PUBLIC CONSULTATION/COMMUNICATION

17. The proposal was advertised for 14 days to nearby property owners for comment in accordance with Clause 9.4.3 of the Scheme. Two non-objections and two objections were received.
18. One of the submitters who objected to the proposal has requested that their response be kept confidential and has therefore not been included on the Consultation Plan. Refer to the Consultation Plan (Attachment 5).
19. Concerns raised during advertising include the following:
- More than one commercial vehicle being parked at the property.

- Major maintenance (such as welding and body part repairs) being conducted on the commercial vehicles.
- The maintenance of the commercial vehicles being conducted late at night and the noise emitted being excessive.
- The commercial vehicles causing damage to the shared driveways.

FINANCIAL IMPLICATIONS

20. Nil.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

Strategic Planning Implications

21. Nil.

Sustainability Implications

Social Implications

22. Impacts the commercial vehicle has on the amenity of the local area will be addressed through the inclusion of conditions, should Council approve the application. These relate to the hours of operation, the area where the vehicles are to be parked and the type of maintenance which can be carried out on the vehicles.

Economic Implications

23. Nil.

Environmental Implications

24. Nil.

OFFICER COMMENT

25. The applicant has provided the Shire with documentation from Landgate showing an easement in gross, allowing for reciprocal access, existing only along the first 12m of the driveway to 19 Emanuel Court. As this distance is short of the access point originally proposed, an amended site plan has been provided showing access to the property only being obtained direct from Emanuel Court. The proposal complies with the Scheme and the Policy requirements.

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26. The commercial vehicle will not have any visual impact on adjoining landowners because of the existing outbuilding, fencing and vegetation screening the proposed parking area. Refer to the photograph of the proposed commercial vehicle parking area (Attachment 4) and the photograph of the existing driveway from Emanuel Court (Attachment 6).
 27. Following the advertising period, inspections of the property revealed that a commercial trailer was being parked on the property. However, the applicant has advised that it has now been sold and will be moved off site. In the event that Council supports the application shire staff will monitor the site to ensure the trailer is removed.
 28. The applicant has advised that no additional commercial vehicles will be parked on the property and only minor maintenance to the subject commercial vehicle will occur on site.
 29. If any noise complaints are received in future, the matter will be dealt with by the Shire in accordance with the *Environmental Protection (Noise) Regulations 1997*.
 30. In light of the above comments, it is recommended that Council approves the application.

OFFICER RECOMMENDATION (D&I 49/2012)

That Council:

1. Approves the proposal for John Birch to continue to park one commercial vehicle, a Scania Prime Mover (registration number 1BLL 199) at Lot 100 (17) Emanuel Court, Wattle Grove, subject to the following conditions:
 - a. The vehicle must, at all times, be parked in the location shown on the approved site plan (Attachment 2).
 - b. The commercial vehicle is only to be operated between the hours of 7.00am and 7.00pm Monday to Saturday and 7.00am to 5.00pm Sundays and public holidays.
 - c. Approval of the parking activity does not include approval for the loading of the commercial vehicle, or the storage of goods and materials in transit.
 - d. Only maintenance of a minor nature, such as servicing or wheel changing, is to be carried out on the subject property between the hours designated in condition b. No panel beating, spray painting, welding or the removal of major body or engine parts is permitted.
 - e. The idling time for the start-up and cool down of the vehicle being a maximum of five minutes.

- f. Washing of the commercial vehicle on the subject lot is to be limited to the use of water and mild detergent, but not involve the use of any solvents, degreasing substances, steam cleaning and any other processes which may cause pollution or degradation of the environment.
- g. The approval is personal to the landowner and shall not be transferred or assigned to any other person, property or commercial vehicle.
- h. The existing entrance gate adjacent to the outbuilding being removed within 28 days of this approval.

Moved:

Seconded:

Vote:

Declaration of financial / conflict of interests to be recorded prior to dealing with each item.**50. Orchard Tours – Lot 3 (35) Merrivale Road, Pickering Brook**

Previous Items	OCM 02/2012
Responsible Officer	Director Development and Infrastructure Services
Service Area	Development and Infrastructure Services
File Reference	MR-15/035
Applicant	E Lyons
Owner	J Della Franca
Attachment 1	Locality Plan
Attachment 2	Site Plan
Attachment 3	Consultation Plan

PURPOSE

- To consider a retrospective planning application to continue to conduct tours at Lot 3 (35) Merrivale Road, Pickering Brook. Refer to the Locality Plan (Attachment 1) and the Site Plan (Attachment 2).

BACKGROUND**2. Land Details:**

Land Area:	7.2ha
Local Planning Scheme Zone:	Rural Agriculture
Metropolitan Region Scheme Zone:	Rural

- The subject property contains a single dwelling, associated outbuildings, an unsealed car park and an orchard, and falls within a Priority 2 Area in the *Middle Helena Catchment Area Land Use and Water Management Strategy (2010)*.
- The surrounding properties contain single dwellings and associated outbuildings used for agricultural purposes.
- The property has also been approved for the production of cider and cellar door sales for the produce, and currently operates as the CORE Cidery House.
- In February 2012, Council resolved (Resolution OCM 02/2012) to initiate an amendment to Local Planning Scheme No. 3 ("the Scheme") to include the Additional Uses of Restaurant, Reception Centre and Chalets on the property. The Amendment will be dealt with separately from this application.

DETAILS

7. Details of the application are as follows:
- The primary purpose of the orchard tours is for education purposes.
 - Tours will be for coach groups by prior appointment only, and cater for up to 55 students.
 - The duration of the tours will be for up to two hours and occur between 9.00am and 2.00pm Monday to Friday, which is when the Cidery House is not open to the public.
 - The existing unsealed car parking area can accommodate up to approximately 40 cars or up to approximately five coaches.
 - No additional buildings are proposed as part of the application.
 - At any one time there will be up to four employees on site for the proposed tours and activities associated with the orchard.
 - The tours will be advertised through the distribution of pamphlets, however it should be noted that they are already being advertised on the internet.

STATUTORY AND LEGAL IMPLICATIONS**Local Planning Scheme No. 3**

8. Under the Zoning Table (Table 1) of the Scheme the proposed use (orchard tours) is a land use not listed.
9. Clause 4.4.2 of the Scheme stipulates that where a use not listed is proposed, and cannot be reasonably be determined as falling within the type, class or genus of activity of any other use category, the Shire may:
- a. Determine that the use is consistent with the objectives of the particular zone and is therefore permitted;
 - b. Determine that the use may be consistent with the objectives of the particular zone and therefore follow the advertising procedures of clause 9.4 in considering an application for planning approval; or
 - c. Determine that the use is not consistent with the objectives of the particular zone and is therefore not permitted.

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10. Clause 4.2.2 of the Scheme (Objectives of the Zone – Rural Zones) stipulates that the objectives of the Rural Agriculture zoning includes the following:
 - To protect and maintain the hills horticultural industry.
 - Ensure that land uses, activities and land management practices are consistent with natural resources conservation and are compatible with public water supply objectives.
 - To conserve the physical and visual environment of the area.
 11. Clause 8.4 of the Scheme (Unauthorised Existing Developments) stipulates that the Shire may grant planning approval to a use or development already commenced or carried out regardless of when it was commenced or carried out, if the development conforms to the provisions of the Scheme.
 12. In considering an application for planning approval, Clause 10.2 of the Scheme (Matters to be Considered by Local Government) requires Council to have due regard to a number of matters, including:
 - The compatibility of the development within its settings.
 - The likely effect of the scale of the proposal.
 - Whether the proposed means of access and egress from the property are adequate.
 - Any State Planning Policy.
 - Any relevant submissions received on the application.
 13. If Council refuses the development, or imposes conditions that are not acceptable to the applicant, there is a Right of Review (appeal) to the State Administrative Tribunal.

Draft Local Planning Strategy

14. The Draft Local Planning Strategy (“the Strategy”) identified sustainable tourist development as a key goal of the Shire as it can make a significant contribution to the local economy and the well-being of the community.
 15. Objectives of the Strategy include promoting the unique characteristics and attractions in the Shire, and provide for the diversification of rural land use to support tourism in rural areas subject to environmental sustainability.
 16. The Strategy stipulates that tourism related activities should be seen as complementing rather than replacing rural activities on Rural Agriculture zoned properties.
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POLICY IMPLICATIONS

Directions 2031 and Beyond

17. *Directions 2031 and Beyond* is a high level strategic plan that establishes a vision for future growth of the Perth metropolitan area.
18. Key features include that the Perth Hills are identified as a “metropolitan attractor” that entices tourists and is highly valued by local and regional residents.

Water Quality Protection Note – Land Use Compatibility in Public Drinking Water Source Areas

19. The Site is located in a Priority 2 Area in the *Middle Helena Catchment Area Land Use and Water Management Strategy (2010)*.
20. Specific land uses in such areas are assessed in the Department of Water *“Water Quality Protection Note – Land use compatibility in Public Drinking Water Source Areas”* (“the Protection Note”).
21. The Protection Note stipulates that Priority 2 classification areas are managed to ensure that there is no increased risk of water source contamination. For Priority 2 areas, the guiding principle is risk minimisation.
22. The proposed use is a land use not listed in the Protection Note being either compatible or incompatible in a Priority 2 Area.

PUBLIC CONSULTATION/COMMUNICATION

23. The proposal was advertised for 14 days to nearby property owners for comment in accordance with Clause 9.4.1 and 9.4.3 of the Scheme. One objection and two submissions which provided comments on the proposal were received during advertising, both from the same property. Refer to the Consultation Plan (Attachment 3).
24. The following concerns were raised during advertising:
 - The operation of farming businesses on adjoining properties being hindered by the proposal.
 - Farming businesses being expected to cease or delay their work as a consequence of the proposal.
 - Car parking becoming an issue, as it is apparently on Friday, Saturday and Sundays already.
 - The proposed tour area expanding in future.

- The location of the existing car park inhibiting farming activities on adjoining properties when spraying and mowing is occurring. A buffer zone between the boundary and car park being implemented to overcome this issue.
- The tours already being conducted on the property.

25. The following comments were received during advertising:

- No objection to the tour walks. Any future applications for tourism we will be objecting to.
- As a running orchard we use gas guns, use noisy equipment and spray regularly. This will lead to conflict with customers that go to the tours and Cidery House.
- All properties in the area are zoned Rural and an increased use of tourism will always end in conflict.
- The tour route is far enough away from the property boundaries but would like assurance that this will not be expanded in future.

FINANCIAL IMPLICATIONS

26. Nil.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

Strategic Planning Implications

27. The Strategy stipulates that planning for sustainable tourist development is one of the key goals of the Shire as it can make a significant contribution to the local economy of the Shire and the well-being of the community.
28. There are a number of potential business attractions, natural and historical sites within the Shire that need to be identified and promoted. It is the aim of the Strategy to ensure the sustainable growth of the industry continues into the future without compromising such businesses and attractions.

Sustainability Implications

Social Implications

29. If approved, the tours may provide for local employment opportunities.

Economic Implications

30. Allowing for the diversification of land uses will reduce reliance on primary production as an income stream. This in turn will contribute to the maintenance of the viability of primary production as stated in the Strategy.

Environmental Implications

31. The Site is located in a Priority 2 Area in the *Middle Helena Catchment Area Land Use and Water Management Strategy (2010)*. The purpose of this Strategy, amongst other matters, is to provide a planning framework for land use decision-making that promotes water resources, and particularly public drinking water source protection.
32. As the property falls within a Priority 2 Area in the *Middle Helena Catchment Area Land Use and Water Management Strategy*, the application was referred to the Department of Water for comment. The Department of Water advised that it had no objections to the proposal.

OFFICER COMMENT

33. The proposal is consistent with the intent of the Draft Local Planning Strategy to allow for tourist uses in the Rural Agriculture zone, without impacting on the primary production values.
34. The existing development (CORE Cidery House) is of a high quality and it is considered that the proposed uses will integrate well with this activity and the locality.
35. There will be an ample amount of car/coach parking spaces available on the property as:
- Tours will be by prior appointment only.
 - There will only be four employees on site when the tours are conducted.
 - The tours will be conducted when the CORE Cidery House is closed.
 - The existing unsealed car parking area can accommodate up to approximately 40 cars, and when tours are conducted at the most there will be four cars and two coaches on site.
36. All car and coach parking will be required to be contained on site if Council approves the application.
37. If the applicant wants to expand tourism activities on the property in future a separate application will be required to be submitted to and approved by the Shire prior to commencing. This will be assessed on its individual merit.
38. If any noise complaints are received in future, the matter will be dealt with by the Shire in accordance with the *Environmental Protection (Noise) Regulations 1997*.
39. The proposed use is unlikely to have an impact on the orcharding operations of surrounding land uses, rather the tours will provide a valuable insight for people into the operations of a working orchard.

40. In regard to the above it is recommended that Council approves the application.

OFFICER RECOMMENDATION (D&I 50/2012)

That Council:

1. Determines that the use is consistent with the objectives of the particular zone and is therefore permitted.
2. Approves the retrospective planning application dated 26 March 2012 for orchard tours at Lot 3 (35) Merrivale Road, Pickering Brook, subject to the following conditions:
 - a. The tours only being permitted to be conducted between 9.00am and 2.00pm Monday to Friday.
 - b. Patrons attending the tours by prior appointment only.
 - c. All car and coach parking being contained on site.

Moved:

Seconded:

Vote:

Declaration of financial / conflict of interests to be recorded prior to dealing with each item.
51. Annual Caravan Park Licence Renewals

Previous Items	PSC 20/2011
Responsible Officer	Director Development & Infrastructure Services
Service Area	Health & Ranger Services
File Reference	LE-LIC-001
Applicant	N/A
Owner	N/A

PURPOSE

1. For Council to approve the renewal of annual Caravan Park Licences for all caravan parks located within the Shire.

BACKGROUND

2. The *Caravan Parks and Camping Grounds Act 1995* (Act) and the *Caravan Parks and Camping Grounds Regulations 1997* (Regulations) requires that the Local Government annually inspects and licences all caravan parks within its municipality.

DETAILS

3. All Shire Environmental Health Officers are authorised persons under the Act and Regulations to inspect caravan parks but not to issue annual licences.
4. Currently there are four approved caravan parks operating within the Shire of Kalamunda:
 - Discovery Holiday Park 186 Hale Road Forrestfield – approved late 1960's and comprises 148 sites – mix of caravans, park homes and cabins.
 - Forrestfield Caravan N Park Home Village 353 Hawtin Road Forrestfield approved in 1968 and comprises 53 park home sites.
 - Hillview Lifestyle Village 597 Kalamunda Road High Wycombe approved in 2006 and comprises 272 park home sites.
 - Advent Park 345 Kalamunda Road Maida Vale – approved in 2008 and comprises 35 caravan sites.

STATUTORY AND LEGAL IMPLICATIONS

5. *Caravan Parks and Camping Grounds Act 1995*
Caravan Parks and Camping Grounds Regulations 1997

POLICY IMPLICATIONS

6. Nil.

PUBLIC CONSULTATION/COMMUNICATION

7. Nil.

FINANCIAL IMPLICATIONS

8. Licence fees are based upon the number of sites and set under the Act and Regulations. The current fee is \$6 per site and the annual fees applicable are as listed below:

- Discovery Holiday Park - licence fee \$888.
- Forrestfield Caravan N Park Home Village - licence fee \$318.
- Hillview Lifestyle Village - licence fee \$1632.
- Advent Park - licence fee \$210.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

Strategic Planning Implications

9. Nil.

Sustainability Implications

Social Implications

10. Nil.

Economic Implications

11. Nil.

Environmental Implications

12. Nil.

OFFICER COMMENT

13. The above four operating caravan parks have been inspected by Shire Officers and, with the exception of some minor items and one building non-compliance, found to be compliant. These matters will be addressed with the respective park operators.
14. It is recommended that Council approve the renewal of the caravan park licences for the four operating caravan parks.

OFFICER RECOMMENDATION (PS 51/2012)

1. That Council approves the renewal of the caravan park licences, subject to receipt of the required licence fees, for:

- Discovery Holiday Park, 186 Hale Road Forrestfield.
- Forrestfield Caravan N Park Home Village, 353 Hawtin Road Forrestfield.
- Hillview Lifestyle Village, 597 Kalamunda Road High Wycombe.
- Advent Park, 345 Kalamunda Road Maida Vale.

Moved:

Seconded:

Vote:

10.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

10.1 Nil.

11.0 QUESTIONS BY MEMBERS WITHOUT NOTICE

11.1 Nil.

12.0 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN12.1 Cr John Giardina – Canning Road Resurfacing

Q. I notice the next section of Canning Road is being prepared for resurfacing, when will the poor surface on the first section be rectified?

A. Director Development & Infrastructure Services indicated that the second section is currently being negotiated with the contractor and is due to commence soon. Once complete the surface of the first section will be skimmed to take out the roughness where necessary.

12.2 Cr John Giardina – Top of Haynes Street

Q. There appears to be some damage to the median island at the top of Haynes Street with bricks coming loose could this be investigated and repaired?

A. The kerbing will be replaced by the end of the financial year.

12.3 Cr Justin Whitten – Garbage Trucks Leaving Skid Marks in Forrestfield

Q I have previously reported that garbage trucks are leaving skid marks on roads in Forrestfield to the Chief Executive Officer, has there been any follow-up?

A. The Chief Executive Officer reported that Officers had spoken to our Contractor, Cleanaway, who will ensure that this does not happen again.

12.4 Cr Martyn Cresswell – Newburn Road, Bollards Missing

Q. Could the Shire please inspect as there appear to be bollards missing on Newburn Road, could these please be replaced?

A. The bollards that are around the trees will be replaced.

12.5 Cr Martyn Cresswell – Edney Road, Surface Damage

Q. There is surface damage on the median strip on Edney Road, please could this be rectified?

A. The contractor has been requested to repair/replace the median strip.

12.6 Cr Dylan O'Connor – Good Neighbour Policy

Q. Does the Shire have a Good Neighbour Policy with regard to neighbours of reserves and more specifically with regard to branches and leaf litter?

A. The Director Development & Infrastructure Services noted that there was no policy; however the Shire does try to do the right thing and prune trees along those boundaries. Inevitably, however with the Easterly winds there are always leaf litter issues.

Q. Is the way the Shire of Kalamunda deals with this matter the same as other local governments deal with neighbours of reserves or Shire land in terms of clean up, ownership of branches etc?

A. Director Corporate & Community Services will look into this and provide some clarity for Councillors.

12.7 Cr Sue Bilich – Jack Healey Centre, Building Maintenance

Q. I was told by the Jack Healey Advisory Committee last week that the building maintenance is not being carried out on this building as it may be demolished in the future?

A. The Chief Executive Officer noted that each Shire building has a building maintenance budget allocated by Council and will continue to be maintained until Council makes a decision to do otherwise.

12.8 Cr Geoff Stallard – Speeding on Local Road

Q. What is the due process regarding preventing speeding on local roads?

A. In the event of hoon behaviour, it is recommended that the resident contact the police directly. Alternatively, the Shire has just launched a page on the website for reporting hoon behaviour. Once the form has been completed, Shire officers collate the information and forward onto the police.

12.9 Cr Geoff Stallard – Smaller Rubbish Bins

- Q. Can residents have a choice of a smaller rubbish bin as some find the large bins difficult to handle?
- A. Smaller bins are available at request. There is no discount for the use of these bins. The Contractor also provides a service where they collect the residents bins from the house for those unable to take to the road edge

12.10 Cr Geoff Stallard – RSL Building

- Q. Some residents believe that the RSL are having to move out of their building due to the completion of a deal regarding the “super block”, is this correct?
- A. The Chief Executive Officer noted that the last discussion with the RSL was 12 months ago, the State Body of the RSL are keen to hear about opportunities that may arise from the superblock and negotiations will be directed to the State Body of the RSL but there have been no further talks.

12.11 Cr Sue Bilich – Smaller Rubbish Bins

- Q. I recollect this question being asked previously, could the Director please confirm that this was the case and that a supply of small bins was ordered for stock so that residents could request a smaller bin?
- A. Yes the bins are available on request.

13.0 URGENT BUSINESS APPROVED BY THE PERSON PRESIDING OR BY DECISION

13.1 Nil.

14.0 MEETING CLOSED TO THE PUBLIC

14.1 Nil.

15.0 CLOSURE