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Shire of Kalamunda

# Planning Services Committee

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Minutes for 6 December 2010





# SHIRE OF KALAMUNDA

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## Minutes of Planning Services Committee Held in the Council Chambers 2 Railway Road, Kalamunda Monday 6 December 2010

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### 1.0 OFFICIAL OPENING

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

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

#### 2.1 Attendance

##### **Councillors**

Donald McKechnie	(SHIRE PRESIDENT) NORTH WARD
Sue Bilich	NORTH WARD
Margaret Thomas	(CHAIRPERSON) NORTH WARD
Maureen Robinson	SOUTH WEST WARD
Allan Morton	SOUTH WEST WARD
Noreen Townsend	SOUTH WEST WARD
Geoff Stallard	SOUTH EAST WARD
Frank Lindsey	SOUTH EAST WARD
Carol Everett	SOUTH EAST WARD
Peter Heggie	NORTH WEST WARD
Martyn Cresswell	NORTH WEST WARD

##### **Members of Staff**

Steve Leeson	A/DIRECTOR OF CORPORATE SERVICES
Kevin O'Connor	DIRECTOR OF COMMUNITY DEVELOPMENT
Clayton Higham	DIRECTOR OF PLANNING & DEVELOPMENT SERVICES
Mahesh Singh	DIRECTOR OF ENGINEERING SERVICES
Michelle Clark	EXECUTIVE ASSISTANT CHIEF EXECUTIVE OFFICER
Darrell Forrest	MANAGER GOVERNANCE
Sara Slavin	MINUTE SECRETARY
David Tomlinson	MANAGER STATORUTY PLANNING AND BUILDING
Andrew Fowler-Tutt	MANAGER STRATEGIC PLANNING AND SUSTAINABILITY
Mary Hutter	CUSTOMER ADVOCATE COORDINATOR

**Members of Public** 60

**Members of Press** 0

2.2 Apologies

**Councillors**

Dylan O'Connor

NORTH WEST WARD

**Staff**

James Trail

CHIEF EXECUTIVE OFFICER

2.3 Leave of Absence Previously Approved

Nil.

**3.0 PUBLIC QUESTION TIME**

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

**3.1 James Dean - 8 Flora Terrace, Lesmurdie**

Q. Regarding Item 75 on the Agenda, I would just like to know if the Council is aware that the State Administrative Tribunal Act 2004 was never acted, in accordance with the 1889 West Australian Constitution, and therefore that Act is illegal. It is not binding on this Council. This Council can take this to task under Section 73.6 of the 1889 West Australian Constitution and you can challenge the State Administrative Tribunal.

A. Director of Planning Development Services advised that Council are acting within the law.

**3.2 Alan Warner - 17 Palmateer Drive, Carmel**

Q. I would like to know how the group outside are meant to involve ourselves in this meeting when we didn't hear the opening speech.

A. Councillor Margaret Thomas replied, I apologise for the inconvenience as there are some problems with the sound system this evening and I will repeat the opening speech.

**4.0 PETITIONS/DEPUTATIONS**

4.1 Nil.

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**5.0 APPLICATIONS FOR LEAVE OF ABSENCE**

5.1 Nil.

**6.0 CONFIRMATION OF MINUTES OF THE PREVIOUS MEETING**

6.1 That the Minutes of the Planning Services Committee Meeting held on 1 November 2010 be confirmed as a true and correct record of the proceedings.

Moved: Cr Martyn Cresswell

Seconded: Cr Donald McKechnie

**CARRIED UNANIMOUSLY (11/0)**

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

7.1 Nil.

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

8.1 Nil.

**9.0 DISCLOSURE OF INTERESTS**Disclosure of Financial and Proximity Interests

(a) Members must disclose the nature of their interest in matters to be discussed at the meeting. (*Local Government Act 1995* Sections 5.60B and 5.65).

(b) Employees must disclose the nature of their interest in reports or advice when giving the report or advice to the meeting. (*Local Government Act 1995* Sections 5.70 and 5.71)

9.1 Nil.

Disclosure of Interest Affecting Impartiality

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

9.2 Nil.





## 10.0 REPORT TO COUNCIL

### Please Note:

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

<u>Report Number</u>	<u>Page Number</u>
75. Lot 117 (159) Canning Road, Kalamunda – Redevelopment of Hare Krishna Temple.....	5
76. Townscape Improvement Plans – Kalamunda Town Centre and Lesmurdie Shopping Centre .....	15
77. Local Planning Scheme No. Amendment No. 26 – Rezoning from Urban Development to Private Clubs and Institution Lot 1 (33) Berkshire Road, Forrestfield.....	22
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84. Modification to Structure Plan- High Wycombe Urban Area Larwood Crescent Lot 9 Larwood Crescent- Stage 2 .....	52



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**75. Lot 117 (159) Canning Road, Kalamunda – Redevelopment of Hare Krishna Temple**

Previous Items:	101/2010 (July 2010)
Responsible Officer:	Director, Planning & Development Services
Service Area:	Planning & Development Services
File Reference:	CN-01/159
Applicant:	S R M Bhamidipati
Owner:	Haladhar Holdings
Attachment 1:	Council minutes July 2010 for subject proposal (Page 1)
Attachment 2:	Revised development plans (Page 31)
Attachment 3:	Schedule of revisions and additional information (Page 39)

**PURPOSE**

1. For Council to consider the modified proposal for the Hare Krishna Temple located at Lot 117 (159) Canning Road, Kalamunda (the Site) following the State Administrative Tribunal (the Tribunal) mediation process.

**BACKGROUND**

2. Council at its Ordinary meeting of July 2010 considered an application for the above where it was resolved that it be refused for the following reasons:
  - (a) An insufficient number of parking bays as required under Local Planning Scheme No. 3 are provided on site.
  - (b) The bulk, colours, scale and height of the proposal is incompatible with the built form of surrounding development and would not preserve the amenity of the locality by virtue of:
    - (i) The potential increase in traffic as a result of the increased capacity of the proposed building and the attendant vehicle access and circulation problems as a result of the increased capacity and lack of on site parking;
    - (ii) The additional noise as a result of the potential increase in activity on the site;
    - (iii) The proposed balconies along the northern, southern and western perimeter of the second floor of the temple will adversely affect the amenity of the area by reducing the privacy presently enjoyed by neighbouring properties
    - (iv) The imposing nature of the building and spiral towers by comparison with adjoining buildings and streetscape.

- (c) Any proposed use of the commercial kitchen for the preparation of food for selling off premises is not in accordance with the reserve status and permitted use of the site.
2. Note the petition and advise the main petitioner of the Council's decision.
3. Invite the applicants to submit a fresh application addressing the planning issues raised.

Refer (**Attachment 1.**) - Council minutes July 2010.

3. Following the refusal, the applicant exercised their prerogative to lodge an application against the decision with the State Administrative Tribunal (the Tribunal).

#### **DETAILS**

4. The Tribunal has issued orders that the Council be invited to reconsider its decision. Following the application to the Tribunal, the applicants have met with Shire staff and elected members to address the reasons for the refusal. Consequently the applicant has provided additional detailed information and revised plans for consideration. Refer (**Attachment 2.**) - Revised Plans. The modifications include:
  - reducing the height of the proposed domes;
  - reconfiguring the car park to achieve more bays;
  - additional landscaping for screening purposes;
  - reducing the height of the entry columns;
  - identification of finishes for the building
  - narrowing of the upper floor balconies and restricting access for maintenance purposes only.

The modifications address the reasons for the refusal by Council at the July 2010 Ordinary meeting of Council. Refer (**Attachment 3.**) - Schedule of revisions and additional information.

#### **STATUTORY AND LEGAL IMPLICATIONS**

5. The matter is still before the Tribunal. Following two mediation sessions, the Tribunal has invited the Council to reconsider its decision under section 31 (1) of the *State Administrative Tribunal Act 2004*. The Tribunal has adjourned the matter for further mediation in January 2011; however this may be vacated depending on the decision of Council.
6. Under normal circumstances matters before the Tribunal are to remain confidential. Given the extensive public interest in this matter the Tribunal agreed to allow the item to be presented and determined in open Council.

#### **POLICY IMPLICATIONS**

7. Nil

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**PUBLIC CONSULTATION/COMMUNICATION**

8. There has been no further public consultation since the application was lodged with the Tribunal. Those people who originally lodged a submission have been invited to attend the Planning Services Committee meeting.

**FINANCIAL IMPLICATIONS**

9. Nil

**STRATEGIC AND SUSTAINABILITY IMPLICATIONS****10. Strategic Planning Implications**

The current and intended use is compliant with the purpose and intent of the Local Reserve – Place of Worship.

**11. Sustainability Implications  
Social Implications**

Potential impacts on surrounding land owners in terms of traffic and visual impacts can be addressed by specific conditions.

**Economic Implications**

Nil

**Environmental Implications**

Nil

**OFFICER COMMENT**

12. The modified proposal has been subject to a number of meetings between the applicant, Shire staff and elected members. Comments and details relating to each reason for refusal are contained in **(Attachment 3.)** Detailed advice has been received on current and future use of the building which has allowed for a clearer assessment of potential impacts. On balance the applicant has reasonably addressed the reasons for refusal. As such, it is recommended that Council grant approval to the proposal.

**OFFICER RECOMMENDATION****PS-75/2010**

That Council:

1. Notes the revised plans received a result of the State Administrative Tribunal mediation process.
2. Grants approval for the redevelopment of the existing place of worship on Lot 117 (159) Canning Road, Kalamunda with revised plans received on 27 November 2010, **(Attachment 2)** subject to the following conditions:
  - a) The applicant is to prepare and submit a Traffic Impact Statement prepared by a suitably qualified person in relation to the adequacy of the number of parking bays based on the potential activities on site and access to Canning Road. The Traffic Impact Statement shall include conclusions and recommendations which are to be implemented by the applicant to the satisfaction of the Director of Engineering Services. The Traffic Impact Statement is to be submitted prior to the issue of a building licence.

- b) The applicant is to prepare and submit a traffic management plan for each of the major events. The report shall include, but not be limited to, a description of the event including the date, commencement time and duration, the content, extent and method of public notification to be undertaken prior to the event, the identification of alternated off-site parking areas, transportation to and from the site and the proposed localised on site traffic management. The management plans are to be submitted to the Shire 28 days prior to the event for endorsement by the Director Planning and Development Services. The endorsed plan shall be implemented to the satisfaction of the Director Planning and Development Services.
- c) Provision of 74 marked parking bays on site.
- d) The applicant is to install and maintain mature screen planting on the southern, eastern and western boundaries and within the rear parking area to the satisfaction of the Director Planning and Development Services.
- e) Provision of a colours and textures schedule to the satisfaction of the Director Planning and Development Services.

Moved: Cr Donald McKechnie

Seconded: Cr Maureen Robinson

The Chairperson warned a member of the public to cease interjecting and disrupting the proceedings of the meeting or he would be asked to leave the meeting. Following further interjections, Motion was moved to adjourn the meeting.

#### **MOTION**

Moved, that the Committee Meeting adjourn the meeting to allow a member of the public to leave the gallery, after constantly interjecting and disrupting the meeting.

Moved: Cr Donald McKechnie

Seconded: Cr Maureen Robinson

#### **For**

Cr Carol Everett  
Cr Geoff Stallard  
Cr Allan Morton  
Cr Maureen Robinson  
Cr Noreen Townsend  
Cr Peter Heggie  
Cr Martyn Cresswell  
Cr Donald McKechnie  
Cr Margaret Thomas

#### **Against**

Cr Frank Lindsey  
Cr Sue Bilich

**CARRIED (9/2)**

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*The Committee adjourned at 7.27pm and reconvened at 7.29pm following the departure of a member of the public who had been asked to leave the meeting, all Councillors and Staff who were in attendance prior to the adjournment returned.*

**MOTION**

Moved, that the Committee Meeting recommence following the departure of the member of the public who had been requested to leave the meeting.

Moved: Cr Donald McKechnie

Seconded: Cr Maureen Robinson

**CARRIED UNANIMOUSLY (11/0)**

**For**

Cr Carol Everett  
Cr Allan Morton  
Cr Maureen Robinson  
Cr Noreen Townsend  
Cr Donald McKechnie

**LOST (5/6)**

**Against**

Cr Frank Lindsey  
Cr Geoff Stallard  
Cr Peter Heggie  
Cr Martyn Cresswell  
Cr Sue Bilich  
Cr Margaret Thomas

***For Item 75 the following "Alternate Motion" was put.***

**Cr Frank Lindsey proposed the following motion which would provide additional conditions for the extension of the Hare Krishna Temple.**

### **MOTION 1**

That Council:

1. Notes the revised plans received a result of the State Administrative Tribunal mediation process.
2. Grants approval for the redevelopment of the existing place of worship on Lot 117 (159) Canning Road, Kalamunda with revised plans received on 27 November 2010, (***Attachment 2***) subject to the following conditions:
  - a) The applicant is to prepare and submit a Traffic Impact Statement prepared by a suitably qualified person in relation to the adequacy of the number of parking bays based on the potential activities on site and access to Canning Road. The Traffic Impact Statement shall include conclusions and recommendations which are to be implemented by the applicant to the satisfaction of the Director of Engineering Services. The Traffic Impact Statement is to be submitted prior to the issue of a building licence.
  - b) The applicant is to prepare and submit a traffic management plan for each of the major events. The report shall include, but not be limited to, a description of the event including the date, commencement time and duration, the content, extent and method of public notification to be undertaken prior to the event, the identification of alternated off-site parking areas, transportation to and from the site and the proposed localised on site traffic management. The management plans are to be submitted to the Shire 28 days prior to the event for endorsement by the Director Planning and Development Services. The endorsed plan shall be implemented to the satisfaction of the Director Planning and Development Services.
  - c) ~~Provision of 74 marked parking bays on site.~~  
*Before the subject re-development is re-occupied, 74 car parking bays, which meet the relevant Australian standard for access and manoeuvring, are to be clearly marked".*
  - d) The applicant is to install and maintain mature screen planting on the southern, eastern and western boundaries and within the rear parking area to the satisfaction of the Director Planning and Development Services.
  - e) Provision of a colours and textures schedule to the satisfaction of the Director Planning and Development Services.
3. *That prior to the issue of a Building Licence, pursuant to clause 5.8.4(a) of Local Planning Scheme No. 3, Council requires the applicant/owner to pay cash in lieu for the deficiency of 36 car parking bays as per the calculations in clause 5.8.4(b) of Local Planning Scheme No.3".*
4. *The maximum total occupancy for the premises is 450 people at any one time.*
5. *The kitchen facilities approved as part of this facility may only be used for on site activities and shall not be used for the preparation of food to be consumed off site.*



- 
6. *Submission of a plan detailing the location of all external lighting, to the satisfaction of the Director of Planning Services. The lighting plan and subsequent lighting installed must demonstrate that any light spill to adjoining properties is minimised to acceptable levels.*
  7. *Noisy Construction Work outside the period 7.00am to 7.00pm Monday to Saturday and at any time on Sundays and Public Holidays is not permitted.*
  8. *Operating hours are from 8:00am to 11:00am and 5:00pm to 8:00pm weekdays and from 7:00am to 9:30pm on Sundays. If the premise is to extend operating hours, further approval by the Council is required.*
  9. *The proposed front fence be treated with an anti-graffiti coating upon completion.*

Moved: Cr Frank Lindsey

Seconded: Cr Geoff Stallard

**For**

Cr Frank Lindsey  
Cr Geoff Stallard  
Cr Peter Heggie  
Cr Martyn Cresswell

**Against**

Cr Carol Everett  
Cr Allan Morton  
Cr Maureen Robinson  
Cr Noreen Townsend  
Cr Sue Bilich  
Cr Donald McKechnie  
Cr Margaret Thomas

**LOST (4/7)**

Cr Donald McKechnie moved the below Motion, as he requested Point 3 from the previous Motion be removed.

***For Item 75 the following "alternate Motion" was put.***

## **MOTION 2**

That Council:

1. Notes the revised plans received a result of the State Administrative Tribunal mediation process.
2. Grants approval for the redevelopment of the existing place of worship on Lot 117 (159) Canning Road, Kalamunda with revised plans received on 27 November 2010, (***Attachment 2***) subject to the following conditions:
  - a) The applicant is to prepare and submit a Traffic Impact Statement prepared by a suitably qualified person in relation to the adequacy of the number of parking bays based on the potential activities on site and access to Canning Road. The Traffic Impact Statement shall include conclusions and recommendations which are to be implemented by the applicant to the satisfaction of the Director of Engineering Services. The Traffic Impact Statement is to be submitted prior to the issue of a building licence.
  - b) The applicant is to prepare and submit a traffic management plan for each of the major events. The report shall include, but not be limited to, a description of the event including the date, commencement time and duration, the content, extent and method of public notification to be undertaken prior to the event, the identification of alternated off-site parking areas, transportation to and from the site and the proposed localised on site traffic management. The management plans are to be submitted to the Shire 28 days prior to the event for endorsement by the Director Planning and Development Services. The endorsed plan shall be implemented to the satisfaction of the Director Planning and Development Services.
  - c) ~~Provision of 74 marked parking bays on site.~~  
*Before the subject re-development is re-occupied, 74 car parking bays, which meet the relevant Australian standard for access and manoeuvring, are to be clearly marked".*
  - d) The applicant is to install and maintain mature screen planting on the southern, eastern and western boundaries and within the rear parking area to the satisfaction of the Director Planning and Development Services.
  - e) Provision of a colours and textures schedule to the satisfaction of the Director Planning and Development Services.
3. Deleted
4. *The maximum total occupancy for the premises is 450 people at any one time.*
5. *The kitchen facilities approved as part of this facility may only be used for on site activities and shall not be used for the preparation of food to be consumed off site.*
6. *Submission of a plan detailing the location of all external lighting, to the satisfaction of the Director of Planning Services. The lighting plan and subsequent lighting installed must demonstrate that any light spill to adjoining properties is minimised to*

*acceptable levels.*

7. *Noisy Construction Work outside the period 7.00am to 7.00pm Monday to Saturday and at any time on Sundays and Public Holidays is not permitted.*
8. *Operating hours are from 8:00am to 11:00am and 5:00pm to 8:00pm weekdays and from 7:00am to 9:30pm on Sundays. If the premise is to extend operating hours, further approval by the Council is required.*
9. *The proposed front fence be treated with an anti-graffiti coating upon completion.*

Moved: Cr Donald McKechnie

Seconded: Cr Noreen Townsend

**For**

Cr Carol Everett  
Cr Allan Morton  
Cr Noreen Townsend  
Cr Peter Heggie  
Cr Donald McKechnie

**Against**

Cr Frank Lindsey  
Cr Geoff Stallard  
Cr Martyn Cresswell  
Cr Maureen Robinson  
Cr Sue Bilich  
Cr Margaret Thomas

**LOST (5/6)**

***As the two above Motions were lost, Cr Carol Everett put forward the following recommendation to give Councillors more time to come to a decision.***

***For Item 75 the following "Procedural Motion" was put.***

**COMMITTEE RECOMMENDATION TO COUNCIL PS 75/2010**

**To refer Item 75 to the Ordinary Council Meeting on Monday 20 December 2010.**

Moved: Cr Carol Everett

Seconded: Cr Frank Lindsey

**For**

Cr Carol Everett  
Cr Frank Lindsey  
Cr Geoff Stallard  
Cr Allan Morton  
Cr Noreen Townsend  
Cr Donald McKechnie

**Against**

Cr Martyn Cresswell  
Cr Maureen Robinson  
Cr Peter Heggie  
Cr Sue Bilich  
Cr Margaret Thomas

**CARRIED (6/5)**

**MOTION**

Moved, that the Committee Meeting adjourn for 5 minutes to allow the gallery to vacate.

Moved: Cr Margaret Thomas

***The Committee adjourned at 7.34pm and reconvened at 7.40pm, all Councillors and Staff who were in attendance prior to the adjournment returned.***

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

## **76. Townscape Improvement Plans – Kalamunda Town Centre and Lesmurdie Shopping Centre**

Previous Items:	PS 85/08, PS 36/10
Responsible Officer:	Director, Planning & Development Services
Service Area:	Planning & Development Services
File Reference:	PG-STU-016, PG-STU-018
Applicant:	N/A
Owner:	N/A
Attachments 1:	Kalamunda Town Centre Locality Plan (Page 42)
Attachments 2:	Lesmurdie Shopping Centre Locality Plan (Page 43)
Attachments 3:	Kalamunda Town Centre Issues & Opportunities (Page 44)
Attachments 4:	Kalamunda Town Centre Enhancement Principles (Page 45)
Attachments 5:	Kalamunda Streetscape Master Plan (Page 46)
Attachments 6:	Kalamunda Development Opportunities Railway Road (Page 47)
Attachments 7:	Kalamunda Canning Road Frontage Enhancement (Page 48)
Attachments 8:	Kalamunda Haynes Street Detail (Page 49)
Attachments 9:	Kalamunda Landscape Master Plan (Page 50)
Attachments 10:	Lesmurdie Issues and Opportunities (Page 51)
Attachments 11:	Lesmurdie Concept Plan (Page 52)
Attachments 12:	Lesmurdie Main Entry Enhancement (Page 53)
Attachments 13:	Lesmurdie Centre Extension and Pocket Park (Page 54)
Attachments 14:	Public submissions on Kalamunda Town Centre Proposals (Page 55)
Attachments 15:	Public submissions on Lesmurdie Shopping Centre Proposals (Page 73)

### **PURPOSE**

1. To consider the endorsement of the Townscape Improvement Plans for Kalamunda Town Centre and the Lesmurdie Shopping Centre.

### **BACKGROUND**

2. In 1987, the Shire commissioned an Improvement Plan for the Kalamunda Town Centre. The aim of the study was to formulate a preferred development strategy, which addressed problems inherent in the centre and established development guidelines in order to retain the character of the town centre. These development guidelines were incorporated into the Shire's Town Planning Scheme.
3. In October 2008, Council resolved to adopt the Kalamunda Town Centre Improvement Action Plan. The plan identified a number of actions to be undertaken to improve the visual appearance relating to the natural and built environment and the commercial viability of the town centre. The actions were a result of a public workshop held to examine community values, concerns and visions for the

Kalamunda town centre.

4. In April 2009, the Shire commissioned an urban design consultant to prepare a Townscape Improvement Plan for the Kalamunda Town Centre and the Lesmurdie Shopping Centre.
5. In June 2010, Council adopted the Townscape Improvements Plans for the Kalamunda Town Centre and the Lesmurdie Shopping Centre for the purpose of public advertising.

## DETAILS

6. The Townscape Improvement Plan for the Kalamunda Town Centre comprises land bounded by Canning Road, Stirk Street, Railway Road and Mead Street. Refer **(Attachment 1.)** Locality Plan. The Townscape Improvement Plan for the Lesmurdie Shopping Centre comprises land wholly occupied by the shopping centre on Sanderson Road. Refer **(Attachment 2.)** Locality Plan.
7. **Townscape Improvement Plan – Kalamunda Town Centre**
  - The Improvement plan identifies a number of issues and opportunities to enhance the town centre relating to land use, built form and development; landscape and Village Life. Refer **(Attachment 3.)** Issues and Concepts. Recommendations to enhance the town centre are based on a number of planning design principles, including new development and redevelopment, special sites, pedestrian access and permeability, active shop frontages and preservation of the town's setting. Refer **(Attachment 4.)** Enhancement Principles. Examples of these enhancement principles are explained in **(Attachment 5.)** Streetscape Master Plan, **(Attachment 6.)** Development Opportunities Railway Road, **(Attachment 7.)** Canning Road Frontage Enhancement and **(Attachment 8.)** Haynes Street Detail.
  - In regard to new development opportunities, **(Attachment 6.)** illustrates the potential for a mixed use development on the corner of Railway Road and Stirk Street which can take advantage of the elevated land providing views to the coastal plain.
  - The Improvement Plan provides recommendations on improved landscaping with particular emphasis on suitable street trees for both the verge and car parking areas for the town centre. The recommended trees were selected for their tolerance of the Kalamunda soil and climate conditions and their suitability for the character of the Kalamunda town centre. They include a mixture of Australian natives and deciduous exotic trees. Refer **(Attachment 9.)** Landscape Master Plan.
  - Recommendations are also provided on street furniture including seating, litter bins, tree guards, hand rails, street and park lighting, road and pedestrian paving and colour, information signage, and appropriate "colour palette" for use with the private and public domain.

## 8. Townscape Improvement Plan – Lesmurdie Shopping Centre

- The key issues and opportunities facing the shopping centre are categorised as land use, built form and development, landscape and community life. Refer **(Attachment 10.)** Issues and Opportunities.
- Recommendations to improve and enhance the shopping centre are described in **(Attachment 11.)** - Concept Plan; **(Attachment 12.)** – Main Entry Enhancement and **(Attachment 13.)** – Centre Extension and Pocket Park.
- **(Attachment 11.)** identifies a number of potential improvements to the shopping centre including the upgrading of vehicle and pedestrian access to the shopping centre with improved landscaping, widening of Sanderson Road and creation of median islands to create a defined entry to the shopping centre, and upgrading of existing bush reserves and options for community facilities on the degraded areas of the bush reserves.
- **(Attachment 12.)** focuses specifically on improving the visual appearance of the main entry to the shopping centre with recommendations on improving the landscaping, lighting arrangements and colour schemes of the buildings.
- **(Attachment 13.)** provides recommendations to improve existing Shire reserves which adjoin the shopping centre which are considered an under-utilised resource and potential for new retail development on redundant car parking areas.
- The Improvement Plan includes recommendations on landscaping of the centre including a suitable mix of Australian and native street trees and plantings to median islands.
- Recommendations are also provided on street furniture including seating, litter bins, tree guards, hand rails, street and park lighting, road and pedestrian paving and colour, information signage, and appropriate “colour palette” for use with the private and public domain.

## STATUTORY AND LEGAL IMPLICATIONS

9. The Townscape Improvement Plans are essentially strategic planning tools. Part 6 of Local Planning Scheme No 3, Special Control Areas, will be required to be amended to reflect recommendations proposed as part of the Local Planning Policy – Planning and Urban Design Guidelines.

## POLICY IMPLICATIONS

10. A new Local Planning Policy for the Kalamunda Town Centre detailing planning and urban design guidelines has been drafted. The purpose of the Policy is to provide guidance on the design of new private buildings and spaces within the town centre in accordance with the recommendations contained in the Improvement Plans to achieve an enhanced urban environment. The Policy consists of general objectives and principles that provide overall development guidance on the following primary elements of:
- Built form.
  - Development interface and interaction.

- 
- Access, traffic and movement.
  - Safety and security.
  - Environment.
  - Advertising signage.
11. The Local Planning Policy is currently being reviewed by staff and will be referred to Council seeking approval to advertise in February 2011.

### **PUBLIC CONSULTATION/COMMUNICATION**

12. In addition to the standard advertising procedure in the local community newspaper, a Kalamunda Town Centre Development Breakfast was held for the Business/landowners on 28 July 2010, a similar business/landowner workshop was held with the Sanderson road shopping centre stakeholders, Public Displays of the proposals were also held at both shopping centres and Public Libraries as a means of inviting public submissions on the Kalamunda and Lesmurdie improvement plans. By the closing date for public submissions 59 submissions were received on Kalamunda and 36 submissions were received on Lesmurdie. All the submissions have been responded to in ***(Attachments 14 and 15)***.
13. A summary of the comments received to the Kalamunda Town Centre Improvement Plans are described below:
- There is clear community support for the proposed plans, with desire to see the proposed improvements implemented as quickly as possible.
  - Community support for the under grounding of power lines along Haynes Street.
  - The issue of parking and traffic management for the town centre needs further consideration to address community concerns in respect traffic safety, parking and circulation.
  - Community engagement needs to continue in respect to design elements of the town centre.
  - The need for appropriate mix of suitable trees and landscaping that reflects the village theme of Kalamunda.
14. A summary of the principal issues raised in the submissions received to the Lesmurdie Shopping Centre are summarised below:
- The community are very supportive of the proposed plans, the shopping centre is looking very tired and in need of improvement.
  - The relocation of the service area to the rear of the shopping centre with delivery access via Northolt Street, may cause problems for existing residents along Northolt Street.
  - The appropriateness of a community facility adjacent to the shopping centre.
  - The need for a roundabout on Sanderson Road and Willoughby Road was considered by some residents as unnecessary.



- The location of the proposed children's play area may attract undesirables at night.
- The redesign entry point to the shopping centre may cause pedestrian/vehicle conflict.

## **FINANCIAL IMPLICATIONS**

15. Implementation of the recommendations contained in each of the improvement plans will require financial commitments from Council through the annual budgeting process. Implementation will also require financial commitments from landowners/businesses to ensure the private domain embraces the philosophy behind the improvement plans
16. Following Council's endorsement of the Improvement Plans, a Schedule of Works Programme will be prepared detailing the extent of the proposed works, costs and timeframes. It is anticipated the financial commitments could extend over a 5-year period. A project group will be formed comprising senior staff from each of the key service areas to prepare the works programme. Preliminary costs for the required works have been included in the 10 year Financial Plan projections.
17. In respect to costs incurred, a funding model will be prepared detailing how costs will be recouped for works undertaken.

## **STRATEGIC AND SUSTAINABILITY IMPLICATIONS**

18. **Strategic Planning Implications**
  - The Townscape Improvement Plan is a strategic planning tool that will guide future development consistent with the values, concerns and visions expressed by the community of both the private and public domain for the next 20 years.
  - Refer Strategy 2.3.1 – Undertake revitalisation of town centres through the implementation of Town Centre Improvement Action Plans.
19. **Sustainability Implications**  
**Social Implications**
  - The proposed improvements to the Kalamunda Town Centre and Lesmurdie Shopping Centre will make both areas more attractive for local residents and those living outside the Shire.
20. **Economic Implications**
  - Recommendations contained in both improvement plans will assist local businesses in attracting people to the centres and improve the commercial viability of their businesses.
21. **Environmental Implications**
  - The identification and planting of suitable native and exotic trees will improve the visual amenity of the centres and provide suitable shade in the summer and sunlight in the winter.

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**OFFICER COMMENT**

22. The Townscape Improvement Plans for the Kalamunda Town Centre and Lesmurdie Shopping represent a comprehensive review of the previous Kalamunda Town Centre Study commissioned in 1987 and is consistent with the Strategic vision endorsed by Council in its Strategic Plan 2009-2014.
23. Importantly, the Townscape Improvement Plans are consistent with and complimentary to the values, concerns and visions expressed by the Community in the Kalamunda Town Centre Improvement Action Plan, which formed the basis for the preparation of the Townscape Improvement Plans.
24. Recommendations contained in the Townscape Improvement Plans will provide opportunities for future development in the public and private domain to target areas which have poor amenity in terms of the built form, pedestrian access and permeability and landscaping. Conversely, those areas with opportunities for development due to their location and site conditions have also been identified.
25. It is evident from the submissions received for both the Kalamunda Town Centre and the Lesmurdie Shopping Centre that there is overwhelming community support for the plans with a constant theme that the community wish to see the plans implemented as quickly as possible.
26. Implementation of the plans will require significant funding over a period of a minimum 5 years. Importantly the preparation of a Schedule of Works including detailed costing and timeframes will provide Council with the necessary framework to ensure structured approach to the implementation of the works.
27. There were a number of issues raised in the submissions received and these have been individually addressed in the submission table. These included traffic management in the Kalamunda Town Centre and the need for a community facility adjacent to the Lesmurdie Shopping Centre.
28. In respect to the matter of traffic management, a study will be commissioned by the Shire to consider matters such as parking and vehicle circulation and access. The report will provide context to the issues raised by the community and build on the recommendations contained in the Improvement Plans.
29. In respect to the Community facility at Lesmurdie, was identified as highly degraded and therefore suitably for a range of community related activities. Ultimately, however, the final use of the site will be determined following further consultation with the community and the findings of the Community Development Plan currently being prepared for the Shire.
30. It is recommended that the Townscape Improvement Plans for the Kalamunda Town Centre and Lesmurdie Shopping Centre be endorsed.

**COMMITTEE RECOMMENDATION TO COUNCIL PS - 76/2010**

1. That Council endorses the Townscape Improvement Plan for the Kalamunda Town Centre (**Attachments 1-9**) and for the Lesmurdie Shopping Centre (**Attachments 10-13**).
2. That a schedule of works be prepared detailing the extent of the works, projected costs and timeframe for the implementation of the works programme.

3. That a funding model be prepared detailing the funding arrangements of the proposed works with a view to recoup costs incurred.

Moved: Cr Donald McKechnie

Seconded: Cr Maureen Robinson

**CARRIED UNANIMOUSLY (11/0)**



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

**77. Local Planning Scheme No. 3 Amendment No. 26 – Rezoning from Urban Development to Private Clubs and Institution Lot 1 (33) Berkshire Road, Forrestfield**

Previous Items:	PS 2/2010, PS 44/2010
Responsible Officer:	Director Planning and Development Services
Service Area:	Planning and Development Services
File Reference:	BR-08/033
Applicant:	Gray and Lewis
Owner:	Hillside Church Care Services
Attachment 1:	Locality Plan (Page 83)
Attachment 2:	Current Zoning Map (Page 84)
Attachment 3:	Consultation Plan (Page 85)
Attachment 4:	Current Forrestfield U7 Structure Plan (Page 86)

**PURPOSE**

1. To consider whether to recommend final approval for Amendment No. 26 to Local Planning Scheme No. 3 (the Scheme) to rezone Lot 1 (33) Berkshire Road, Forrestfield, from Urban Development to Private Clubs and Institutions. Refer ***(Attachments 1 and 2)*** for Locality Plan and Current Zoning Map.

**BACKGROUND**

2. In July 2010 Council resolved (Resolution PS 44/2010) to initiate Amendment No. 26 to the Scheme, to rezone the subject lot from Urban Development to Private Clubs and Institutions to facilitate the future expansion of the retirement village on Lot 301.

**DETAILS**

3. The applicant is seeking approval to rezone the subject lot from Urban Development to Private Clubs and Institutions to facilitate the future expansion of the retirement village on Lot 301. The number of additional aged person dwellings will be determined at the development and subdivision stages of the planning process.

**STATUTORY AND LEGAL IMPLICATIONS**

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

**POLICY IMPLICATIONS**

5. Nil.

**PUBLIC CONSULTATION/COMMUNICATION**

6. The proposal was advertised for 42 days, which involved a local public notice in a paper circulating the District, a sign being erected on the subject property and the

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proposal being referred to affected landowners for comment.

7. During the formal advertising period one non-objection and one objection were received from nearby landowners and one conditional non-objection was received from the Water Corporation. Refer to (**Attachment 3**) for the Consultation Plan.
8. The reasons given for the objection are the following:  
No plan being provided for the subject property outlining road access or parks.  
The proposed amendment locking off the access road to neighbouring properties.  
The public open space (POS) shown on the original plan on the subject property being apparently unfairly forced on other landowners.  
Concerns that the current reticulated sewerage system will not have the capacity for future development.
9. The Water Corporation's conditional non-objection is subject to appropriate protection arrangements being implemented over land within which a sewer main has recently been constructed along the northern and eastern boundaries of the subject lot.
10. Should the lot be subdivided in future, the sewer main concerned will be protected through the implementation of an easement along the north and east boundaries.

#### **FINANCIAL IMPLICATIONS**

11. Nil.

#### **STRATEGIC AND SUSTAINABILITY IMPLICATIONS**

12. **Strategic Planning Implications**  
The subject property abuts a Private Clubs and Institutions zoned property and is within close proximity to commercial premises (shops).
13. **Sustainability Implications**  
**Social implications**
  - The proposed rezoning will allow for the additional development of aged person dwellings associated with the Waldrige Retirement Village, which will help address a well documented need for such housing within the Shire.**Economic Implications**
  - It is efficient to use existing infrastructure to accommodate new development.**Environmental Implications**
  - Some vegetation may be removed as part of any future development of the site. The extent of the vegetation will be assessed at the development or subdivision stage.

#### **OFFICER COMMENT**

14. The proposed amendment is consistent with the intent of *Draft Liveable Neighbourhoods Policy 3* prepared by the WA Planning Commission and the structure plan, in providing for a range of housing types in close proximity to commercial and community activities, and has no impact on the surrounding area.
15. The proposed zoning will allow for all of the subject lot to be developed for aged person dwellings.

16. In response to the objection, the following should be noted:
- The amendment is proposing to rezone the subject property, therefore it is not necessary to show road access. This will be dealt with at the development application stage should the amendment be approved by the Minister.
  - Due to the original structure plan not allowing for access to 350 Hawtin Road through 33 Berkshire Road and subsequent modifications to the structure plan, a cul-de-sac will now exist on 350 Hawtin Road should the property be redeveloped. An access road through 33 Berkshire Road is no longer possible due to the use and layout proposed on the property. Refer to (**Attachment 4**) for the current Forrestfield U7 Structure Plan.
  - Public open space (POS) will not be unfairly forced upon other landowners due to none being shown on the subject property. It is a statutory requirement that for subdivision creating in excess of five lots, at least 10% of the parent lot is to be set aside for POS. The amendment proposes to amalgamate the subject property with Lot 301 Berkshire Road, therefore POS is not required.
  - Should the submitter want to subdivide their property in future and not provide any POS (if required), then they do have the option to make a cash in lieu payment to the Shire instead.
  - The amendment was referred to the Water Corporation for comments, and no concerns were raised with regards to the capacity of the existing reticulated sewerage system being inadequate.
  - The future redevelopment of the property will be required to comply with the Government Sewerage Policy.
17. In summary, the proposed rezoning readily integrates with the adjoining development on Lot 301, and will help address a well documented need for aged person dwellings within the Shire. On this basis, it is recommended that the proposed rezoning be adopted.

**COMMITTEE RECOMMENDATION TO COUNCIL****PS- 77/2010**

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

PLANNING AND DEVELOPMENT ACT 2005

RESOLUTION DECIDING TO AMEND A LOCAL PLANNING SCHEME

SHIRE OF KALAMUNDA

LOCAL PLANNING SCHEME NO. 3

AMENDMENT NO. 26

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

Rezoning Lot 1 (33) Berkshire Road, Forrestfield, from Urban Development to Private Clubs and Institutions.

In accordance with the Scheme Amendment Map.

Moved: Cr Martyn Cresswell

Seconded: Cr Allan Morton

**CARRIED UNANIMOUSLY (11/0)**



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

**78. Local Planning Scheme No. 3 Amendment No. 31 - Text Amendment Relating to the Use of Street Setback Areas in Commercial and Industrial Zones**

Previous Items: PS 52/2010  
Responsible Officer: Director Planning and Development Services  
Service Area: Planning and Development Services  
File Reference: PG-LPS-003/031  
Applicant: Nil  
Owner: N/A

Attachments: Nil

**PURPOSE**

1. To consider whether to recommend final approval for Amendment No. 31 to Local Planning Scheme No. 3 (the Scheme) text relating to the use of street setback areas.

**BACKGROUND**

2. Clauses 5.15.3 and 5.16.1 of the Scheme currently do not permit trade display to occur in street setback areas despite being a common occurrence in Commercial and Industrial zoned areas due to the type of businesses permitted there (such as motor vehicle sales).
3. In August 2010 Council resolved (Resolution PS 52/2010) to initiate Amendment No. 31 to the Scheme.
4. Should the Scheme be amended and trade display be permitted in the street setback areas of properties within a zone where such a use can be considered under Table 1 (Zoning Table), any planning application will be assessed in accordance with the provisions of the Scheme.

**DETAILS**

5. It is recommended that the following purpose for setback areas be added to clause 5.15.3 and 5.16.1 in LPS 3:  
*"(v) trade display."*
6. It is also recommended that the following paragraph be deleted from clause 5.16.1:  
*"No such area shall be used for the parking of vehicles displayed for sale or which are being wrecked or repaired, or for the stacking or storage of fuel, raw materials, products, or by-products, or wastes of manufacture."*

7. The following provision be included under clause 5.16.1 in place of the above paragraph:

*"No such area shall be used for the storage of motor vehicles, machinery, equipment or materials which are being wrecked or repaired, or for the stacking or storage of fuel, raw materials, products or by-products or wastes of manufacture, other than as provided for under sub-paragraph (v) above."*

#### **STATUTORY AND LEGAL IMPLICATIONS**

8. The *Town Planning Regulations 1967* establish procedures relating to amendments to local planning schemes. If Council resolves to adopt the proposed amendment, then ultimately the amendment will be determined by the Minister for Planning.
9. The use Trade Display is defined under Schedule 1 (Land Use Definitions) of the Scheme as being:  
*"Premises used for display of trade goods and equipment for the purpose of advertisement."*
10. Table 1 (the Zoning Table) of the Scheme indicates that trade display would be considered by the Shire on District Centre, Commercial, Mixed Use, Light Industry or General Industry zoned properties.

#### **POLICY IMPLICATIONS**

11. Nil.

#### **PUBLIC CONSULTATION/COMMUNICATION**

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

#### **FINANCIAL IMPLICATIONS**

14. Nil.

#### **STRATEGIC AND SUSTAINABILITY IMPLICATIONS**

##### **15. Strategic Planning Implications**

- The amendment will assist in the procedural aspects of the Shire's development control responsibilities.

##### **16. Sustainability Implications**

###### **Social Implications**

- The proposed amendment will be applied so that the amenity of an area is not significantly impacted by a proposed land use.

###### **Economic Implications**

- Nil.

### Environmental Implications

- Nil.

### OFFICER COMMENT

17. Clauses 5.15.3 and 5.16.1 of the Scheme currently do not permit trade display to occur in street setback areas despite being a common occurrence in Commercial and Industrial zoned areas due to the type of businesses permitted there (such as motor vehicle sales).
18. Should the Scheme be amended and trade display be permitted in the street setback areas of properties within a zone where such a use can be considered under Table 1 (Zoning Table), any planning application will be assessed in accordance with the provisions of the Scheme.
19. Such applications include those for the use class Trade Display and any business for which trade display is an incidental use (such as Motor Vehicle Sales), and these will be assessed against the provisions outlined under clause 10.2 of the Scheme amongst others.
20. Only those purposes listed under clause 5.15.3 of the Scheme will be permitted within street setback areas, and items such as wrecked vehicles will be required to be relocated so as to be out of view from the street.
21. The proposed amendment will assist with the Shire's development control responsibilities, it is therefore recommended that Council adopts the amendment.

### COMMITTEE RECOMMENDATION TO COUNCIL

**PS- 78/2010**

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

PLANNING AND DEVELOPMENT ACT 2005  
RESOLUTION DECIDING TO AMEND A LOCAL PLANNING SCHEME  
SHIRE OF KALAMUNDA  
LOCAL PLANNING SCHEME NO. 3  
AMENDMENT NO. 31

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

- (a) Include the following purpose as highlighted, in clause 5.15.3 and 5.16.1:
  - “(i) a means of vehicular or pedestrian access;*
  - “(ii) the daily parking of vehicles used by employees and customers;*
  - “(iii) the loading and unloading of vehicles;*
  - “(iv) landscaping; and*
  - “(v) trade display.”*

- (b) Delete the following provision from clause 5.16.1 of Local Planning Scheme No. 3:

*"No such area shall be used for the parking of vehicles displayed for sale or which are being wrecked or repaired, or for the stacking or storage of fuel, raw materials, products, or by-products, or wastes of manufacture."*

- (c) Include the following provision in clause 5.16.1:

*"No such area shall be used for the storage of motor vehicles, machinery, equipment or materials which are being wrecked or repaired, or for the stacking or storage of fuel, raw materials, products or by-products or wastes of manufacture, other than as provided for under sub-paragraph (v) above."*

Moved: Cr Frank Lindsey

Seconded: Cr Martyn Cresswell

**For**

Cr Carol Everett  
Cr Frank Lindsey  
Cr Geoff Stallard  
Cr Allan Morton  
Cr Noreen Townsend  
Cr Peter Heggie  
Cr Martyn Cresswell  
Cr Sue Bilich  
Cr Donald McKechnie  
Cr Margaret Thomas

**Against**

Cr Maureen Robinson

**CARRIED (10/1)**

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

**79. Parking of Two Commercial Vehicles - Lot 1 (200) Crystal Brook Road, Wattle Grove**

Previous Items: Nil  
Responsible Officer: Director Planning and Development Services  
Service Area: Planning and Development Services  
File Reference: CR-27/200  
Applicant: B Embrey and P Wainwright  
Owner: As above

Attachment 1: Locality Plan (Page 87)  
Attachment 2: Site Plan (Page 88)  
Attachment 3: Photograph of Commercial Vehicles on Subject Property (Page 89)  
Attachment 4: Consultation Plan (Page 90)

**PURPOSE**

1. To consider an application for retrospective planning approval to park two commercial vehicles (two prime movers) at Lot 1 (200) Crystal Brook Road, Wattle Grove. Refer to (***Attachment 1, 2 and 3***) for the Locality Plan, Site Plan and a photograph of the commercial vehicles.
2. The application is referred to Council on the basis that an objection was received during advertising. Local Planning Policy DEV22 – Parking of Commercial Vehicles on Private Property (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.

**BACKGROUND**

3. The subject lot is 3,729sqm, zoned Special Rural, contains a single dwelling and has direct access onto Crystal Brook Road and Kelvin Road via three separate crossovers. Mature vegetation exists along both street frontages.
4. In August 2010 a complaint was received that four commercial vehicles (two prime movers and two trailers) were being parked on the property without planning approval having been obtained.
5. In September 2010 a planning application to park four commercial vehicles (two prime movers and two trailers) was refused by the Shire as, by definition, this constituted a "Transport Depot", a use not permitted under Local Planning Scheme No. 3 (the Scheme), and is in excess of the maximum number of commercial vehicles permitted under the Policy.
6. In October 2010 an amended planning application was received by the Shire to park two commercial vehicles (two prime movers) on the property.

## DETAILS

7. Retrospective planning approval is being sought to park two commercial vehicles (prime movers) on the subject property. Details of the application are as follows:
- The drivers of the vehicles do not reside on the property.
  - The commercial vehicles will not bring any loads onto the property.
  - The commercial vehicles will be used between 5am and 7pm Monday to Friday and sometimes moved for the purpose of re-fuelling over the weekend.
  - All major maintenance on the vehicles is done off site. Only washing of the vehicles and tyre changes are done on site.
  - Idling of the vehicles is approximately 5 minutes.
  - The commercial vehicles are parked behind the front alignment of the dwelling.
8. Details of the commercial vehicles parked on the property are as follows:

	TRUCK	TRUCK
MAKE	Western Star	Western Star
TYPE	Prime Mover	Prime Mover
YEAR	1996	1988
LENGTH	7.5M	7.5M
HEIGHT	3.75M	3.45M
WIDTH	2.5M	2.5M
TARE WEIGHT	9.2 tonnes	10.1 tonnes
LICENCE NO.	KM 3115	1AHC 555

## STATUTORY AND LEGAL IMPLICATIONS

9. Under the Zoning Table 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.
10. 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."*
11. Clause 5.20 of the Scheme stipulates that the determination of commercial vehicle parking applications shall be generally in accordance with the Policy, and 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.

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12. In considering an application for planning approval, the Scheme requires the Shire 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 height, bulk, scale, orientation and appearance of the proposal, whether the proposed means of access and egress from the property are adequate, and 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.

#### **POLICY IMPLICATIONS**

14. In assessing the application, Council is to give consideration to the Policy which stipulates the following provisions applicable to parking commercial vehicles on Special Rural zoned properties:
  - The commercial vehicle shall not exceed (articulated type) 17.5m in length, 2.5m in width and 4.3m in height.
  - 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.
  - 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.

#### **PUBLIC CONSULTATION/COMMUNICATION**

15. The proposal was advertised to nearby property owners for comment due to potentially having an impact on the amenity of the local area, and two non-objections and three objections were received. Refer **(Attachment 4)** for the Consultation Plan.
16. Concerns raised during advertising included:
  - The operation being a transport depot.
  - The vehicles being used early in the morning and idling for a long time.
  - The visual impact of the parked vehicles is one of an industrial nature.

#### **FINANCIAL IMPLICATIONS**

17. Nil.

#### **STRATEGIC AND SUSTAINABILITY IMPLICATIONS**

18. **Strategic Implications**
  - Nil.
19. **Sustainability Implications**

**Social**

- Impacts the commercial vehicles 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 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**

- Nil.

**Environmental**

- Nil.

**OFFICER COMMENT**

20. The proposal complies with the requirements of the Policy and the Scheme with the exception of the operating times. However this can be addressed through the inclusion of appropriate conditions.
21. The applicant has advised that the vehicle idles for approximately 5 minutes which complies with the Shire's commercial vehicle parking policy.
22. Should Council approve the application it will be recommended that the operating times of the commercial vehicles be restricted to between the hours of 6.00am and 7.00pm Monday to Saturday.
23. The commercial vehicles will not have a significant impact on the area's amenity due to the use, size and location of the vehicles being considered acceptable. The vehicles are screened by mature landscaping and are parked approximately 47m from the nearest dwelling on an adjoining property. The dwelling on the objector's property is approximately 79m from where the vehicles will be parked.
24. The proposed use is not considered to be a transport depot due to no more than two commercial vehicles being proposed to be parked on the property.
25. It is therefore recommended that the application be approved by Council. The applicant will be advised that the two trailers currently parked on the property will be required to be removed within 28 days from the date of the approval.

**COMMITTEE RECOMMENDATION TO COUNCIL****PS-79/2010**

That Council approves the application dated 21 September 2010 to park two Western Star prime movers (registration numbers KM 3115 and 1AHC 555) on Lot 1 (200) Crystal Brook Road, Wattle Grove (as shown on **Attachment 2**), subject to the following conditions:

1. When parked on the property the vehicles must, at all times, be parked in the approved location as shown on the approved site plan.
2. The commercial vehicles are only to be operated between the hours of 6.00am and 7.00pm Monday to Saturday.



3. Approval of the parking activity does not include approval for the loading or unloading of the commercial vehicles, or the storage of goods in transit.
4. Only maintenance of a minor nature, such as servicing or wheel changing, is to be carried out on the subject property. No panel beating, spray painting or the removal of major body or engine parts is permitted.
5. 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.
6. The approval is personal to the applicant and shall not be transferred or assigned to any other person, property or commercial vehicle.

Moved: Cr Noreen Townsend

Seconded: Cr Martyn Cresswell

**For**

Cr Frank Lindsey  
Cr Geoff Stallard  
Cr Allan Morton  
Cr Noreen Townsend  
Cr Martyn Cresswell  
Cr Sue Bilich  
Cr Margaret Thomas

**Against**

Cr Carol Everett  
Cr Maureen Robinson  
Cr Peter Heggie  
Cr Donald McKechnie

**CARRIED (7/4)**



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

**80. Parking of Two Commercial Vehicles - Lot 80 (21) Kelvin Road, Wattle Grove**

Previous Items: Nil  
Responsible Officer: Director Planning and Development Services  
Service Area: Planning and Development Services  
File Reference: KL-07/021  
Applicant: S Mullen  
Owner: Rowson Nominees

Attachment 1: Locality Plan (Page 91)  
Attachment 2: Site Plan (Page 92)  
Attachment 3: Photograph of Commercial Vehicles on Subject Property (Page 93)  
Attachment 4: Consultation Plan (Page 94)

**PURPOSE**

1. To consider an application for retrospective planning approval to park two commercial vehicles (one prime mover and one semi-trailer) at Lot 80 (21) Kelvin Road, Wattle Grove. Refer to (**Attachment 1, 2 and 3**) for the Locality Plan, Site Plan and a photograph of the commercial vehicles.
2. The application is referred to Council on the basis that an objection was received during advertising. Local Planning Policy DEV22 – Parking of Commercial Vehicles on Private Property (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.

**BACKGROUND**

3. The subject lot is 1.1 hectares, contains a single dwelling and associated outbuildings and has direct access onto Kelvin Road via two separate crossovers. Mature vegetation exists throughout the property.
4. In July 2010 it was noted that two commercial vehicles (one prime mover and one semi-trailer) were being parked on the property without planning approval having been obtained.
5. In October 2010 a planning application was received by the Shire to park two commercial vehicles on the property.

**DETAILS**

6. Retrospective planning approval is being sought to park two commercial vehicles (one prime mover and one semi-trailer) on the subject property. Details of the application are as follows:
  - The driver of the vehicles does not reside on the property.
  - The commercial vehicles will not bring any loads onto the property.

- The commercial vehicles will be used between 7am and 5.30pm Monday to Friday, and 7am to 1pm Saturdays.
- All major maintenance on the vehicles is done off site.
- Idling of the vehicles is approximately 5 minutes.
- The commercial vehicles are parked behind the rear alignment of the dwelling.

7. Details of the commercial vehicles parked on the property are as follows:

	<b>TRUCK</b>	<b>TRAILER</b>
MAKE	Ford	H Port
TYPE	Prime Mover	Semi-trailer
YEAR	1987	1993
LENGTH	7.5M	7.5M
HEIGHT	3.4M	3.4M
WIDTH	2.5M	2.4M
TARE WEIGHT	9.4 tonnes	6.7 tonnes
LICENCE NO.	1BCF 239	1TJI 686
COMBINED LENGTH (WHEN STTACHED)	15M	

#### **STATUTORY AND LEGAL IMPLICATIONS**

8. Under Schedule 1 (Land Use Definitions) of Local Planning Scheme No. 3 (the Scheme) 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."*

9. Under the Zoning Table of the Scheme the use Commercial Vehicle Parking is classed as a 'D' use and is not permitted, unless Council has granted planning approval.
10. Clause 5.20 of the Scheme stipulates that the determination of commercial vehicle parking applications shall be generally in accordance with the Policy, and 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.
11. In considering an application for planning approval, the Scheme requires the Shire 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 height, bulk, scale, orientation and appearance of the proposal, whether the proposed means of access and egress from the property are adequate, and any relevant submissions received on the application.
12. 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.

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## POLICY IMPLICATIONS

13. In assessing the application, Council is to give consideration to the Policy which stipulates the following provisions applicable to parking commercial vehicles on Special Rural zoned properties:
- The commercial vehicle shall not exceed (articulated type) 17.5m in length, 2.5m in width and 4.3m in height.
  - 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.
  - 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.

## PUBLIC CONSULTATION/COMMUNICATION

14. The proposal was advertised to nearby property owners for comment due to potentially having an impact on the amenity of the local area, and three objections and one non-objection were received. Refer **(Attachment 4)** for the Consultation Plan.
15. Concerns raised during advertising included:
- The vehicles leaving the property before 6am.
  - The position of the vehicles indicated on the site plan is not adhered to.
  - There is a smaller truck parked on the property.
  - The trucks are visible from the road most of the time.
  - Major maintenance is performed on the vehicles.
  - An unauthorised shed existing on the property.
  - The vehicle poses a traffic hazard.

## FINANCIAL IMPLICATIONS

16. Nil.

## STRATEGIC AND SUSTAINABILITY IMPLICATIONS

17. **Strategic Implications**
- Nil.
18. **Sustainability Implications**
- Social**
- Impacts the commercial vehicles 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 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**

- Nil.

**Environmental**

- Nil.

**OFFICER COMMENT**

19. The proposal complies with the requirements of the Policy and the Scheme.
20. The commercial vehicles are screened from public view sufficiently due to existing mature vegetation, and are approximately 49m from objector's dwelling on the adjoining property.
21. Concerns raised during advertising regarding another commercial vehicle being parked on the property were investigated, and having visited the property and contacted the applicant there is evidence to suggest that this is occurring. The applicant will be advised that this is to cease within 28 days of the approval date.
22. With regards to an unauthorised shed on the property, further investigation was undertaken and it was found that an existing carport abutting the north-east boundary does not have planning approval from the Shire. A planning application will therefore be requested to be provided within 28 days of the approval.
23. Should Council approve the application it will be recommended that a condition be included allowing only minor maintenance to be carried out on the commercial vehicles subject of this application.
24. It is recommended that the application be approved by Council.

**COMMITTEE RECOMMENDATION TO COUNCIL PS- 80/2010**

That Council approves the application dated 13 September 2010 to park two commercial vehicles, a Ford prime mover (registration number 1BCF 239) and one H Port semi-trailer (registration number 1TJI 686) on Lot 80 (21) Kelvin Road, Wattle Grove (as shown on **Attachment 2**), subject to the following conditions:

1. The vehicles must, at all times, be parked in the approved location as shown on the approved site plan.
2. The commercial vehicles are only to be operated between the hours of 6.00am and 5.30pm Monday to Friday and 7.00am to 1.00pm Sundays.
3. Approval of the parking activity does not include approval for the loading or unloading of the commercial vehicles, or the storage of goods in transit.

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4. Only maintenance of a minor nature, such as servicing or wheel changing, is to be carried out on the subject property. No panel beating, spray painting or the removal of major body or engine parts is permitted.
  5. 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.
  6. The approval is personal to the applicant and shall not be transferred or assigned to any other person, property or commercial vehicle.

Moved: Cr Noreen Townsend

Seconded: Cr Allan Morton

**For**

Cr Frank Lindsey  
Cr Geoff Stallard  
Cr Allan Morton  
Cr Noreen Townsend  
Cr Martyn Cresswell  
Cr Sue Bilich  
Cr Margaret Thomas

**Against**

Cr Carol Everett  
Cr Maureen Robinson  
Cr Peter Heggie  
Cr Donald McKechnie

**CARRIED (7/4)**





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

**81. Proposed Outbuilding (Garage) - Lot 60 (15) Ash Road, Carmel**

Previous Items: PS 60/06, PS 113/2006  
Responsible Officer: Director Planning and Development Services  
Service Area: Planning and Development Services  
File Reference: AS-01/015  
Applicant: D Martin  
Owner: D Martin

Attachment 1: Locality Plan (Page 95)  
Attachment 2: Site Plan (Page 96)  
Attachment 3: Elevations and Floor Plan (Page 97)  
Attachment 4: Current Scheme Zoning Map (Page 98)

**PURPOSE**

1. To consider a retrospective planning application for a 144sqm outbuilding (garage) on Lot 60 (15) Ash Road, Carmel. Refer **(Attachments 1-3)** for the Locality Plan, Site Plan, and Elevations/Floor Plan.

**BACKGROUND**

2. In June 2006 Council resolved (Resolution PS 60/08) to not support an application to build a dwelling, outbuilding (garage) and swimming pool outside of the building envelope on the subject property.
3. As the property is partially located in a Regional Reserve (Water Catchment) the application was referred to the WA Planning Commission for determination and was subsequently refused. Refer **(Attachment 4)** for the current Scheme Zoning Map.
4. A review was lodged by the applicant with the State Administrative Tribunal (the SAT) and the matter was reconsidered by Council in November 2006, where it resolved (Resolution PS 113/2006) to advise the WA Planning Commission that it supports the proposed dwelling, outbuilding (garage) and swimming pool on the subject property.
5. In December 2006 the SAT approved the application; the plans for which showed the outbuilding (garage) as being 8m from the rear boundary.
6. In January 2010 a complaint was received by the Shire that the outbuilding had been constructed closer to the rear boundary than what was approved. Having inspected the property it was found out that the outbuilding had been built 6.5m from the rear boundary therefore an amended application was requested, but not received by the Shire.

7. In June 2010 a Directions Notice was served under Section 401 Notice of the *Local Government (Miscellaneous Provisions) Act 1960* and Section 214 of the *Planning and Development Act 2005*, by the Shire's Solicitors on the property owners to remove the outbuilding due to not being constructed in accordance with the approved plans.
8. An application was lodged with the SAT to review the Shire's decision to issue the Notices and a Directions Hearing was held in September 2010. At that hearing, the applicant was ordered by the SAT that an amended planning application was to be submitted to the Shire for its consideration.

#### **DETAILS**

9. Retrospective planning approval is being sought to retain a 144sqm outbuilding (garage) which has a wall height of 3m and a ridge height of 3.5m.
10. When previously approved by Council the outbuilding was to be setback 8m from the rear boundary, it was subsequently built 6.5m from the rear boundary.
11. Despite not being shown clearly on the site plan, the outbuilding is supported by approximately 1.6m of fill at the rear due to the topography of the land, which falls towards the rear boundary.

#### **STATUTORY AND LEGAL IMPLICATIONS**

12. Clause 8.4.1 of Local Planning Scheme No. 3 (the Scheme) stipulates the following with regard to unauthorised existing developments:  
*"The local government 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, the Scheme requires the Shire 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 height, bulk, scale, orientation and appearance of the proposal, and any relevant submissions received on the application.
14. The outbuilding is setback approximately 40m from the portion of the property that is located within the Regional Reserve for the Bickley Brook Water Catchment Area, therefore the application is not required to be determined by the WA Planning Commission.
15. If Council refuses the development, a further Directions Hearing will be held at the SAT.

## POLICY IMPLICATIONS

16. Residential Design Code (R-Code) requirements for properties zoned Residential Bushland are as follows:

Site Requirements	Required	Provided
Floor area	60sqm in area or 10% of the lot area whichever is the lesser.  The property is 2,040sqm therefore a maximum floor area of 60sqm applies.	144sqm
Wall Height	2.4m maximum	3m
Ridge Height	4.2m maximum	3.5m
Side Setbacks	6m minimum	6m and 8m
Rear Setback	6m minimum	6.5m

17. The performance criteria of the R-Codes stipulate that the above requirements can be varied subject to the outbuilding not detracting from the streetscape or the visual amenity of residents or neighbouring properties.
18. A building envelope exists over the front portion of the dwelling due to falling within a Regional Reserve (Water Catchment), and approval has already been granted by the SAT in December 2006 for development to occur outside of this area. As such it is considered appropriate to base the development on Residential R5 standards.

## PUBLIC CONSULTATION/COMMUNICATION

19. The proposal was advertised to nearby property owners for comment due to the floor area of the proposed outbuilding being in excess of 60sqm and the wall height being in excess of 2.4m. Four objections were received.
20. All but one of the submitters has requested that their details be kept confidential.
21. The reasons for the objections are as follows:
- The applicant allegedly misled the neighbours as to where they were intending to build the structure.
  - How the outbuilding is being retained.
  - The building being not in keeping with the area.
  - The floor area, overall height and setbacks being inappropriate.
22. It should also be noted that prior to the application being received by the Shire complaints were received regarding the visual impact the outbuilding was having on properties to the rear.

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**FINANCIAL IMPLICATIONS**

23. Nil.

**STRATEGIC AND SUSTAINABILITY IMPLICATIONS****24. Strategic Planning Implications**

- Nil.

**25. Sustainability Implications  
Social Implications**

- Nil.

**Economic Implications**

- Nil.

**Environmental Implications**

- Stormwater will be contained on site so as not to enter the adjoining properties.

**OFFICER COMMENT**

26. The Scheme, Residential Design Code and Outbuilding Policy provisions have been complied with except for the outbuilding's height and floor area,
27. Despite the scale and appearance of the outbuilding being excessive when compared with development on nearby properties, it is considered that the outbuilding does not have a detrimental impact on the amenity of the local area due to the following:
- The setbacks of the outbuilding complying with Residential Design Code and Scheme provisions.
  - The outbuilding occupying 7% of the property.
  - The nearest dwelling on an adjoining property being approximately 17m from the outbuilding.
  - The colour of the materials blending with existing development on the property.
28. Should Council approve the application, a landscaping plan will be required to be submitted with the building licence application showing vegetation screening the outbuilding from adjoining properties. The applicant will be provided with details of appropriate vegetation species for the property.
29. Details on how the outbuilding is retained will be dealt with when a Structural Engineer's Certificate is submitted with the building licence application to the Shire.
30. It is therefore recommended that the application be approved by Council.

**OFFICER RECOMMENDATION****PS- 81/2010**

1. That Council approves the retrospective planning application dated 13 October 2010 to retain a 144sqm outbuilding (garage) on Lot 60 (15) Ash Road, Carmel, subject to the following conditions:
  1. The approved outbuilding is not to be used for commercial or industrial purposes.
  2. A landscaping plan is to be submitted and approved by the Shire prior to the building licence being issued.
  3. Landscaping which screens the approved outbuilding is to be planted within 28 days of the building licence being issued, and maintained thereafter by the landowner to the satisfaction of the Shire's Director Planning and Development Services.
  4. A certified Structural Engineer's Certificate is to be provided with the building licence application confirming whether the retention method used for the outbuilding is acceptable.

Moved: Cr Donald McKechnie

Seconded: Cr Frank Lindsey

**As a consequence of the debate, no vote was taken on the Officer Recommendation and Cr Carol Everett put forward a Procedural Motion to defer the item to the Ordinary Council Meeting to give the Director of Planning and Development Services the opportunity to look at the retaining wall situation.**

***For Item 81 the following "Motion" was put.***

**COMMITTEE RECOMMENDATION TO COUNCIL****PS 81/2010**

**To defer Item 81 to the Ordinary Council Meeting on Monday 20 December 2010.**

Moved: Cr Carol Everett

Seconded: Cr Noreen Townsend

**For**

Cr Carol Everett  
Cr Frank Lindsey  
Cr Geoff Stallard  
Cr Allan Morton  
Cr Maureen Robinson  
Cr Noreen Townsend  
Cr Peter Heggie  
Cr Martyn Cresswell  
Cr Margaret Thomas

**Against**

Cr Sue Bilich  
Cr Donald McKechnie

**CARRIED (9/2)**



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

**82. Parking of One Commercial Vehicle - Lot 26 (22) Wyuna Crescent, Lesmurdie**

Previous Items:	Nil
Responsible Officer	Director Planning and Development Services
Service Area:	Planning and Development Services
File Reference:	WY-03/022
Applicant:	G and E York
Owner:	G and E York
Attachment 1:	Locality Plan (Page 99)
Attachment 2:	Site Plan (Page 100)
Attachment 3:	Photograph of Commercial Vehicle (Page 101)
Attachment 4:	Consultation Plan (Page 102)
Attachment 5:	Photograph of parking location from the street (Page 103)

**PURPOSE**

1. To consider an application for retrospective planning approval to park one commercial vehicle (a bus) at Lot 26 (22) Wyuna Crescent, Lesmurdie. Refer to (**Attachment 1, 2 and 3**) for the Locality Plan, Site Plan and a photograph of the commercial vehicle.
2. The application is referred to Council on the basis that an objection was received during advertising. Local Planning Policy DEV22 – Parking of Commercial Vehicles on Private Property (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.

**BACKGROUND**

3. The subject lot is 1,965sqm, zoned Residential R5, contains a single dwelling and an outbuilding (double garage) and has direct access onto Wyuna Crescent via two separate crossovers. Mature vegetation exists throughout the property.
4. In September 2010 a complaint was received that a commercial vehicle (a bus) was being parked on the property without planning approval having been obtained.
5. In October 2010 a planning application was received by the Shire to park one commercial vehicle on the property.

**DETAILS**

6. Retrospective planning approval is being sought to park one commercial vehicle (a bus) on the subject property. Details of the application are as follows:
  - The commercial vehicle is currently being restored by those residing at the

property.

- Once restored the commercial vehicle will be used as a holiday bus by those residing on the property;
- It is currently unlicensed and therefore does not start up or go anywhere.
- The applicant has advised that no mechanical maintenance is being done on the vehicle. The only work being carried out is an internal fit out. This is done on the weekend, not before 8am and not after 6pm.
- The commercial vehicle is parked behind the front alignment of the dwelling.

7. Details of the commercial vehicle parked on the property are as follows:

	<b>BUS</b>
MAKE	Mercedes
TYPE	Bus
YEAR	1984
LENGTH	12M
HEIGHT	2.8M
WIDTH	2.4M
TARE WEIGHT	12 tonnes
LICENCE NO.	Unlicensed

#### **STATUTORY AND LEGAL IMPLICATIONS**

8. Under the Zoning Table of Local Planning Scheme No. 3 (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 application has been advertised to affected landowners.
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 5.20 of the Scheme stipulates that the determination of commercial vehicle parking applications shall be "*generally*" in accordance with the Policy, and 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.
11. In considering an application for planning approval, the Scheme requires the Shire 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 height, bulk, scale, orientation and appearance of the proposal, whether the proposed means of access and egress from the property are adequate, and any relevant submissions received on the application.
12. 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.



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## POLICY IMPLICATIONS

13. In assessing the application, Council is to give consideration to the Policy which stipulates the following provisions applicable to parking commercial vehicles on Residential zoned properties:
- The commercial vehicle not exceeding (rigid type) 11m in length, 2.5m in width and 4.3m in height.
  - 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.
  - 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.

## PUBLIC CONSULTATION/COMMUNICATION

14. The proposal was advertised to nearby property owners for comment due to potentially having an impact on the amenity of the local area, and two non-objections, two conditional non-objections and one objection were received. Refer **(Attachment 4)** for the Consultation Plan.
15. Concerns raised during advertising included:
- What the intentions were with the bus upon completion of a proposed trip around the country.
  - The proposed location where the bus is to be parked.
  - The ability of the vehicle to access the property.
16. The conditional non-objections were subject to the commercial vehicle always being parked on the location shown on the site plan, restoration work being conducted at reasonable hours of the day and the vehicle being adequately screened.

## FINANCIAL IMPLICATIONS

17. Nil.

## STRATEGIC AND SUSTAINABILITY IMPLICATIONS

18. **Strategic Implications**
- Nil.
19. **Sustainability Implications**
- Social**
- 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 vehicle is to be parked and the type of maintenance which can be carried out on the vehicle.

**Economic**

- Nil.

**Environmental**

- Nil.

**OFFICER COMMENT**

20. The proposal complies with the requirements of the Policy and the Scheme with the exception of the vehicle's length (12m in lieu of 11m).
21. The commercial vehicle will be screened from public view sufficiently due to existing mature vegetation on the property and being parked 9m from the nearest dividing boundary which has a 1.8m high fence along it. It will be parked behind the front alignment of the dwelling and will be approximately 22m from the nearest dwelling on the adjoining property. Therefore when parked it will not have a significant impact on the visual amenity of the area. Refer to (**Attachment 5**) for a photograph of a view of the parking location from the street.
22. The property is situated half way along a cul-de-sac where vehicle and pedestrian volumes are low, due to the size of the property and road reserve the vehicle can enter and leave the property in a safe manner which does not impact the flow of vehicular and pedestrian movement.
23. As the commercial vehicle will be used as a holiday bus by those on the property, there will be occasions when the vehicle is either not used or is off site for long periods.
24. It is therefore recommended that the application be approved by Council.

**COMMITTEE RECOMMENDATION TO COUNCIL****PS- 82/2010**

That Council approves the application dated 11 October 2010 to park one commercial vehicle, an unlicensed Mercedes Bus, on Lot 26 (22) Wyuna Crescent, Lesmurdie (as shown on **Attachment 2**), subject to the following conditions:

1. When parked on the property the vehicle must, at all times, be parked in the approved location as shown on the approved site plan.
2. The commercial vehicle is only to be operated and restored between the hours of 7am and 7pm Monday to Saturday and 9am to 5pm on Sundays and public holidays.
3. Approval of the parking activity does not include approval for the vehicle to be used for carrying persons for hire or reward.
4. Only maintenance of a minor nature, such as servicing or wheel changing, is to be carried out on the subject property. No panel beating, spray painting or the removal of major body or engine parts is permitted.
5. 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,

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degreasing substances, steam cleaning and any other processes which may cause pollution or degradation of the environment.

6. The approval is personal to the applicant and shall not be transferred or assigned to any other person, property or commercial vehicle (including trailers).

Moved: Cr Martyn Cresswell

Seconded: Cr Frank Lindsey

**CARRIED UNANIMOUSLY (11/0)**



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

**83. Quarterly Report from the Community Sustainability Advisory Committee (CSAC)**

Previous Items:	P/S 65/08; P/S 74/08
Responsible Officer:	Director of Planning and Development Services
Service Area:	Planning and Development Services
File Reference:	EV-EPP-014
Applicant:	N/A
Owner:	N/A
Attachments:	Nil

**PURPOSE**

1. To inform Council of the undertakings of the Community Sustainability Advisory Committee (CSAC) for the first three months of its operation.

**BACKGROUND**

2. The CSAC is a Council endorsed Committee to advise on sustainable practices within the Shire of Kalamunda and across the community. It provides advice or makes recommendations to Council on a range of sustainability issues impacting on the community within the Shire of Kalamunda and provides a forum for Community Representatives and Councillors to focus on issues related to sustainability within the Shire of Kalamunda.

**DETAILS**

3. The CSAC has met three times since its establishment in July 2010 and wishes to submit an initial quarterly report to Council detailing the major activities of the Committee.

The major activities of the first three meetings are as follows:

- Election of the Committee Chairperson.
- Confirmation of the Terms of Reference.
- Exploration of Kalamunda Community Transition Initiative.
- Provision of assistance to the Nature Reserves Preservation Group.
- Ongoing review of the Shire's District Conservation Strategy (1995). This review is the major undertaking of the Committee for its first year of operation. Any recommendations identified from the review will be provided to Council for consideration.

**STATUTORY AND LEGAL IMPLICATIONS**

4. Nil.

**POLICY IMPLICATIONS**

5. Nil.

**PUBLIC CONSULTATION/COMMUNICATION**

6. Nil.

**FINANCIAL IMPLICATIONS**

7. Nil.

**STRATEGIC AND SUSTAINABILITY IMPLICATIONS****8. Strategic Planning Implications**

- The activities of the CSAC align with the Strategic Plan 2009 - 2014 and associated activities of the Shire.

**9. Sustainability Implications****Social Implications**

- Improved mechanism of communication between the CSAC and Council.

**Economic Implications**

- Nil

**Environmental Implications**

- Improved mechanism of communication between the Shire and its Environmental initiatives and the local community.

**OFFICER COMMENT**

10. The CSAC has indicated its desire to inform Council of its activities on a quarterly basis. This is the first of such reports.

**COMMITTEE RECOMMENDATION TO COUNCIL****PS- 83/2010**

1. That Council notes the quarterly report of the activities of the Community Sustainability Advisory Committee.

Moved: Cr Donald McKechnie

Seconded: Cr Carol Everett

**CARRIED UNANIMOUSLY (11/0)**

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

**84. Modification to Structure Plan- High Wycombe Urban Area Larwood Crescent Lot 9 Larwood Crescent- Stage 2**

Previous Items: N/A  
Responsible Officer: Director Planning and Development Services  
Service Area: Planning and Development  
File Reference: PG-TPS-002/165  
Applicant: Master Plan Consultants WA Pty Ltd  
Owner: Lawson

Attachment 1: Locality Plan (Page 104)  
Attachment 2: Adopted Structure Plan (Page 105)  
Attachment 3: Modified Structure Plan (Page 106)

**PURPOSE**

1. To consider a proposal to modify the Structure Plan for Larwood Crescent (Stage 2) to facilitate the subdivision of Lot 9 Larwood Crescent, High Wycombe. Refer **(Attachment 1.)** for Locality Plan.

**BACKGROUND**

2. The subject lot is zoned Urban Development under the provisions of Local Planning Scheme No. 3 (the Scheme) and comprise of a total area of 1.2067 ha. Lot 9 is located within Stage 2 of Larwood Crescent Structure Plan.
3. The Structure Plan for Lots 9, 10, 11, 12 & 13 Larwood Crescent (Stage 2) was adopted by the WA Planning Commission in May 2009. Refer **(Attachment 2.)** for adopted Structure Plan.
4. The adopted Structure Plan allows for creation of 11 lots at a density of R20, 6 lots at a density of R30 and a grouped dwelling lot that can accommodate 8 dwellings at a density of R30, being an overall yield of 25 dwellings.

**DETAILS**

5. The modification to the Structure Plan proposes to change the density of the existing house lot and two adjoining battleaxe lots from R20 and R30 respectively to an overall R40 density. The remainder of the development would remain at densities of R20 and R30 as per the adopted Structure Plan. Refer **(Attachment 3.)** for proposed modified Structure Plan.
6. Overall, the new proposal will result in a yield of 28 lots, an increase of three (3) lots on the current lot yield.
7. The reasons for the requested modification are:
  - Market demand for smaller dwelling and lot sizes than those capable under R20 and R30 densities;

- Ability to produce all the lots with the street frontages rather than less attractive battleaxe lots.
- Affordability and choice in the existing urban setting.
- The gradient between Norwich Way and two battleaxe lots that will present substantial financial and engineering challenges in terms of infrastructure and access.

### **STATUTORY AND LEGAL IMPLICATIONS**

8. The design and assessment of structure plans are dealt with under the provisions of Clause 6.2 *Development Areas* of Local Planning Scheme No.3, in particular Clause 6.2.5 *Change or Departure from Structure Plan*. This modification has been assessed under the provision of Clause 6.2.5.1. as a minor change or departure from Structure Plan.
9. The modification will be determined by the Council unless the WA Planning Commission determines that the change alters the intent of the Structure Plan.

### **POLICY IMPLICATIONS**

10. *Liveable Neighbourhoods* is an integrated planning and assessment policy to assist with the design and assessment of structure and subdivision plans to guide urban development within metropolitan and regional Western Australia.

### **PUBLIC CONSULTATION/COMMUNICATION**

11. Given the minor nature of the modification and with no perceived impact on adjoining landowners the modification was not referred to adjoining owners.

### **FINANCIAL IMPLICATIONS**

12. Nil.

### **STRATEGIC AND SUSTAINABILITY IMPLICATIONS**

#### **13. Strategic Planning Implications**

*Directions 2031- draft spatial framework for Perth and Peel* emphasises a need to limit urban expansion at the same time as addressing a population growth. Increasing residential densities in the areas that can sustain the increase and can provide necessary infrastructure within acceptable distance is encouraged.

14. Provision of a variety of lot sizes and dwelling sizes in the established area of Larwood Crescent, within the existing infrastructure, services and uses is consistent with the objectives of Directions 2031 and beyond.

#### **15. Sustainability Implications** **Social Implications**

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



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**Economic Implications**

- A need for varied land hold sizes and prices is well documented. A development like this satisfies this criterion in the area that shows a sustained growth in demand for land.

**Environmental Implications**

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

**OFFICER COMMENT**

16. The subject land is positioned appropriately to facilitate residential development of low to medium densities. The proposed modification has been prepared without changing the general intent of the adopted Structure Plan.
17. The proposed R40 coded area will result in a need for a Detailed Area Plan (DAP). A DAP in turn can provide appropriate design criteria to ensure the quality of the development.
18. The proposed modification addresses the issues of a need for variety of land sizes, inefficiency of a battleaxe lots in this development, benefits of providing traditional and uniform streetscape and introducing more affordable product to homebuyers.
19. The proposal is consistent of the intent of providing a mix of residential densities located in proximity of Public Open Space, commercial facilities and public transport.
20. The modification offers a better planning solution than the previous plan, particularly in terms of avoiding battleaxe lots and is consistent with the State Government key strategic planning document in providing for varied residential densities with access to key infrastructure and services. On this basis, it is recommended that the proposed modification be supported.

**COMMITTEE RECOMMENDATION TO COUNCIL****PS- 84/2010**

1. That Council supports the proposed modification to ***(Attachment 2)***, the adopted Structure Plan for Stage 2 Larwood Crescent, High Wycombe to allow for a change in density for a portion of Lot 9 from R20 and R30 to R40.
2. That the proposed modification be forwarded to the WA Planning Commission for their information.

Moved: Cr Martyn Cresswell

Seconded: Cr Peter Heggie

**CARRIED UNANIMOUSLY**



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

11.1 Nil.

**12.0 QUESTIONS BY MEMBERS WITHOUT NOTICE**

12.1 Nil.

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

13.0 Nil.

**14.0 URGENT BUSINESS APPROVED BY THE PERSON PRESIDING OR BY DECISION**

14.1 Nil.

**15.0 MATTERS CLOSED TO THE PUBLIC**

15.1 Nil.

**16.0 CLOSURE**

There being no further business, the Chairman declared the meeting closed at 8:42pm.

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

Signed.....Chairman

Dated this .....day of.....2010