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Shire of Kalamunda

# Planning Services Committee

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Agenda for 7 November 2011



## **NOTICE OF MEETING PLANNING SERVICES COMMITTEE**

Councillors

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

**7 November 2011 commencing at 6.30pm**

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

### **Open Committee Meetings – Procedures**

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

James Trail  
**Chief Executive Officer**  
2 November 2011

\*\* Dinner will be served at 5.30pm \*\*



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## **AGENDA**

**1.0 OFFICIAL OPENING**

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

**3.0 PUBLIC QUESTION TIME**

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

**4.0 PETITIONS/DEPUTATIONS**

**5.0 APPLICATIONS FOR LEAVE OF ABSENCE**

**6.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETING**

- 6.1 That the Minutes of the Planning Services Committee Meeting held on 3 October 2011 are confirmed as a true and correct record of the proceedings with the removal of the following words: with removal of Item 37.

**Statement by Presiding Member**

"On the basis of the above Motion, I now sign the minutes as a true and accurate record of the meeting of 3 October 2011 ".

Moved:

Seconded:

Vote:

- 6.2 That the Minutes of the Special Planning Services Committee Meeting held on 17 October 2011 are confirmed as a true and correct record of the proceedings.

**Statement by Presiding Member**

"On the basis of the above Motion, I now sign the minutes as a true and accurate record of the meeting of 17 October 2011 ".

Moved:

Seconded:

Vote:

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

7.1 Service Clubs Meeting – 9 November 2011

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

**9.0 DISCLOSURE OF INTERESTS**

**9.1 Disclosure of Financial and Proximity Interests**

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

**9.2 Disclosure of Interest Affecting Impartiality**

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

**10.0 REPORT TO COUNCIL**

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

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

**42. Lot 31 (16) and 32 (20) Halleendale Road and Lot 33 (10) and Lot 9000 (20) Dan Close, Walliston - Local Planning Scheme No. 3 Amendment No. 35 – Density Increase (From R 2.5 to R5) and Rezoning (From Special Rural to Residential Bushland R5)**

Previous Items	OCM 193/94 and OCM 144/2010
Responsible Officer	Director Planning and Development Services
Service Area	Planning and Development Services
File Reference	PG-LPS-003/035
Applicant	Algeri Planning and Appeals
Owner	F Carameli, D Wallace and K Elmy
Attachment 1	Locality Plan
Attachment 2	Scheme Zoning Map

**PURPOSE**

1. To consider a modification to Amendment No. 35 to Local Planning Scheme No. 3 ("the Scheme") to allow for the residential density of Lot 31 (16) and 32 (20) Halleendale Road and Lot 33 (10) Dan Close, Walliston, to be increased from R2.5 to R5. Also to allow for the north-west portion of Lot 9000 (20) Dan Close, Walliston, to be rezoned from Special Rural to Residential Bushland R5. Refer to the Locality Plan (Attachment 1) and the Scheme Zoning Map (Attachment 2).

**BACKGROUND**

2. In October 2010 Council resolved (Resolution OCM 144/2010) to initiate Amendment No. 35 to the Scheme, to increase the residential density of Lot 31 (16) and 32 (20) Halleendale Road and Lot 33 (10) Dan Close, Walliston, from R2.5 to R5.

3. The applicant has since advised the Shire of the following:

*"Whilst the initial amendment would facilitate each individual lot owner to subdivide their respective lots into two, there would be no net benefit in pursuing the amendment if any of the existing dwellings are required to be demolished. More specifically, the position of the dwelling on Lot 31 would be problematic and the owners of Lot 31 and 33 have long since discussed a land swap situation that also involves land being amalgamated from Lot 9000.*

*It is for this reason that the initial amendment, determined by Council at its Ordinary Meeting on 4 October 2010 was not proceeded with."*



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4. Lot 31 (16) and 32 (20) Halleendale Road and Lot 33 (10) Dan Close are zoned Residential Bushland R2.5 under the Scheme, and Lot 9000 (20) Dan Close is zoned Special Rural under the Scheme. All of the subject properties are zoned Rural under the Metropolitan Region Scheme ("the MRS").
  5. The WA Planning Commission ("the Commission") has advised the applicant that if the amendment was reinitiated by Council, the Commission will hold the amendment until the MRS zoning is changed to Urban to facilitate a Residential zoning.

#### **DETAILS**

6. The applicants are seeking approval to rezone the north-west portion (1,409sqm in area) of Lot 9000 (20) Dan Close from Special Rural to Residential Bushland R5, and have the residential density of Lot 31 (16) and 32 (20) Halleendale Road and Lot 33 (10) Dan Close increased from R2.5 (minimum lot sizes of 4,000sqm) to R5 (minimum lot sizes of 2,000sqm).

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

7. The *Town Planning Regulations 1967* establish procedures relating to amendments to local planning schemes. If Council resolves to adopt the proposed amendment, then ultimately the amendment will be determined by the Minister for Planning.
8. If Council does not initiate the modified amendment the process ceases but the current amendment can still proceed. There is no Right of Review (appeal) to the State Administrative Tribunal. If the proposal progresses to the Minister's determination, irrespective of the Minister's decision, there is no Right of Review.
9. Clause 4.2 of the Scheme states that the objectives of Residential Bushland zoned areas are the following:
  - a. To promote the development and use of land primarily for single detached houses, ensuring that development is designed and sited in a manner which is sensitive to the environmental characteristics of the land.
  - b. To give due consideration to land uses that are compatible with the amenity of surrounding residential development.
  - c. Encourage the retention and rehabilitation of native vegetation and the minimisation of bush fire hazard.

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## **POLICY IMPLICATIONS**

10. Clause 5.2.2 of the Government Sewerage Policy stipulates that large lot residential subdivision can be supported where it results in lots of at least 2,000sqm and connection to reticulated sewerage is available.

## **PUBLIC CONSULTATION/COMMUNICATION**

11. If the modified amendment was initiated by Council, the Amendment would be formally advertised for 42 days in accordance with the provisions of the *Town Planning Regulations 1967*.
12. The amendment would be required to be advertised in the form of a notice being published in a district and State wide newspaper, and affected landowners will be written to by the Shire. The applicant would also be requested to arrange for a sign advertising the proposal, to be erected on the subject lots.

## **FINANCIAL IMPLICATIONS**

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

## **STRATEGIC AND SUSTAINABILITY IMPLICATIONS**

### **Strategic Planning Implications**

14. The current density of the subject properties acts as a buffer between the Residential properties with higher densities (R10 with an average lot size of 1,000sqm) to the north of Halleendale Road, and Special Rural (1 hectare) zoned properties to the south.

### **Sustainability Implications**

#### Social implications

15. Nil.

#### Economic Implications

16. The proposed change in zoning and residential density will enable the owners to subdivide their lots.

#### Environmental Implications

17. Nil.

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**OFFICER COMMENT**

18. The modified amendment request is supported for the following reasons:
- Lot 31 (16) and 32 (20) Halleendale Road and Lot 33 (10) Dan Close were rezoned for Residential purposes on the basis that development would have a rural residential theme in accordance with State Planning Policy No. 2.5. The rezoning of the north-west portion of Lot 9000 (20) Dan Close and development on the properties at a density of R5 would still comply with the provisions of the policy.
  - The subject properties would still act as a buffer between the Residential zoned properties to the north, and the Special Rural zoned properties to the south due to the lot sizes permitted under the R-Codes (a minimum of 2,000sqm).
  - The proposal would comply with the Government Sewerage Policy which, irrespective of the density coding, would allow the subject properties only to be subdivided to a minimum area of 2,000sqm due to the lack of sewer in the area.
19. Issues relating to the retention of native vegetation will be addressed at the subdivision stage if the amendment is approved by the Minister for Planning.
20. Given the above, it is therefore recommended that the modified amendment be initiated by Council.

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**OFFICER RECOMMENDATION (PS42/2011)**

That Council:

1. Initiates modified Amendment No. 35 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. 35

That Council in pursuance of Part 5 of the *Planning and Development Act 2005*, amends Local Planning Scheme No. 3 by:

1. Changing the density Lot 31 (16) and 32 (20) Halleendale Road and Lot 33 (10) Dan Close, Walliston, from Residential Bushland R2.5 to Residential Bushland R5.
2. Rezoning the north-west portion of Lot 9000 (20) Dan Close, Walliston, from Special Rural to Residential Bushland R5.

In accordance with the Scheme Amendment Map.

Subject to amendment documents and the required administration fee being submitted, the documents being adopted by Council and the Amendment being formally advertised for 42 days in accordance with the provisions of the *Town Planning Regulations 1967*, with reference to the Western Australian Planning Commission.

Moved:

Seconded:

Vote:



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**Declaration of financial / conflict of interests to be recorded prior to dealing with each item.**
**43. The Parking of Two Commercial Vehicles – Lot 40 (12) Kent Road, Maida Vale**

Previous Items	Nil
Responsible Officer	Director Planning and Development Services
Service Area	Planning and Development Services
File Reference	KN-04/012
Applicant	D Copley and A Geohler
Owner	D Copley and A Geohler
Attachment 1	Locality Plan
Attachment 2	Site Plan
Attachment 3	Photograph of the Commercial Vehicles in the Proposed Parking Location

**PURPOSE**

1. To consider a retrospective planning application to continue to park two commercial vehicles (two trucks) at Lot 40 (12) Kent Road, Maida Vale. Refer to the Locality Plan (Attachment 1), the Site Plan (Attachment 2) and the photograph of the commercial vehicles in the proposed parking location (Attachment 3).

**BACKGROUND**

2. The subject property is 1.1ha, zoned Special Rural, contains a single dwelling, two outbuildings (a shed and sea container) and ancillary accommodation, and has direct access onto Kent Road via two separate crossovers. Mature vegetation exists throughout the property.
3. In December 1988 planning approval was issued by the Shire to park one commercial vehicle (a truck) at the property as part of the occupant's home occupation. The property has since been sold and therefore this approval has become invalid.
4. In March 2011, a complaint was received that two commercial vehicles (both trucks) were being parked on the property without planning approval having been obtained. It was also brought to the Shire's attention that an unauthorised sea container exists on the property, which does not require planning approval but is subject to building approval being obtained from the Shire and will be dealt with under delegation.
5. In September 2011, a retrospective planning application was received by the Shire to continue to park two commercial vehicles on the property.

6. Local Planning Policy DEV22 – Parking of Commercial Vehicles on Private Property (“the Policy”) stipulates that where complaints have been received the application will be referred to Council for determination, therefore the subject application cannot be determined under delegation.

## DETAILS

7. Details of the application are as follows:
- Those residing at the property are to drive the commercial vehicles.
  - The commercial vehicles are to be used primarily off-site as part of the applicant’s employment.
  - The commercial vehicles are proposed to operate from Monday to Saturday 6.30am to 5.00pm.
  - All major maintenance on the commercial vehicles will be done off-site.
  - The vehicles are proposed to be parked behind the existing dwelling, outbuilding and ancillary accommodation so as to be screened from the street and adjoining landowners.
  - The commercial vehicles will idle for up to five minutes prior to leaving the site and upon arrival.
8. Details of the commercial vehicles proposed to be parked on the property are as follows:

**Table 1**

	TRUCK	TRUCK	POLICY REQUIREMENTS (RIGID TYPE)
MAKE	Izuzu	Volvo	
TYPE	Tip tray	Flat Bed	
YEAR	1995	1986	
LENGTH	6.6m	10m	11m Maximum
HEIGHT	2.6m	2.5m	4.3m Maximum
WIDTH	2.4m	2.4m	2.5m Maximum
TARE WEIGHT	6.1 tonnes	11.9 tonnes	
AGGREGATE WEIGHT	13 tonnes	22.5 tonnes	
LICENCE NO.	1AGD 057	1BMD 560	

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## STATUTORY AND LEGAL IMPLICATIONS

9. Under the Zoning Table of the Scheme (Table 1) 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.
12. Clause 2.3.2 of the Scheme stipulates that a Local Planning Policy is not part of the Scheme and does not bind the Shire in respect to any application for planning approval but due regard to the Policy is to be given before determining.
13. In considering an application for planning approval, the Scheme requires Council to have due regard to the compatibility of the development within its settings, the preservation of the amenity of the locality, the likely effect of the scale and appearance of the proposal, whether the proposed means of access and egress from the property are adequate, and any relevant submissions received on the application.
14. 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

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

15. 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:
  - Applications for a maximum of two commercial vehicles will be considered where the existence of a lawfully established business generates the need for more than one commercial vehicle; in these cases applications will be dealt with on their merits.



- The commercial vehicle shall not exceed (rigid type) 11m in length 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.
- The idling times for start up and cool down being restricted to five minutes.

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

16. The proposal was advertised for 14 days to nearby property owners for comment in accordance with clause 9.4.3 of the Scheme. Three non-objections and one comment on the proposal were received.
17. The submitter who provided comments on the proposal, advised that they had no objections to the proposal subject to the following:
- a. That approval was just being sought for only two commercial vehicles.
  - b. The applicant complying with clause e) iv) of the Policy, which stipulates *"It shall be screened from view of the street and from neighbours to Council's satisfaction"*.

#### **FINANCIAL IMPLICATIONS**

18. Nil.

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

##### **Strategic Planning Implications**

19. Nil.

##### **Sustainability Implications**

##### Social implications

20. Nil.

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Economic Implications

21. Nil.

Environmental Implications

22. Nil.

**OFFICER COMMENT**

23. The proposal to continue to park commercial vehicles on the property complies with the Policy apart from the hours of operation proposed as the applicant is seeking approval to leave prior to 7.00am (6.30am) Monday to Saturday.
24. During the advertising period, no objections were received regarding the proposal.
25. When parked in the location shown on the site plan, the vehicles will not have a significant visual impact on adjoining properties because of the existence of semi-mature vegetation, the vehicles being parked behind the existing dwelling and ancillary accommodation on the subject property, and the proposed parking location being 34m from the nearest boundary and approximately 60m from the nearest dwelling on an adjoining property.
26. It is recommended that Council approves the proposal to continue to park two commercial vehicles on the property.

**OFFICER RECOMMENDATION (PS43/2011)**

That Council:

1. Approves the proposal for David Copley to continue to park two commercial vehicles, an Izuzu tip tray truck (registration number IAGD 057) and a Volvo flat bed truck (registration number 1BMD 560) on Lot 40 (12) Kent Road, Maida Vale, subject to the following conditions:
- a. The vehicles must, at all times, be parked in the location shown on the approved site plan (Attachment 2).
  - b. The commercial vehicles are only to be operated between the hours of 6.30am and 5.00pm Monday to Saturday.
  - c. Approval of the parking activity does not include approval for the loading of the commercial vehicles, or the storage of goods and materials in transit.

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- d. 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.
  - e. The idling time for the start-up and cool down of the vehicles being a maximum of five minutes.
  - f. Washing of the commercial vehicles on the subject lot is to be limited to the use of water and mild detergent, but not involve the use of any solvents, degreasing substances, steam cleaning and any other processes which may cause pollution or degradation of the environment.
  - g. The approval is personal to the landowner and shall not be transferred or assigned to any other person, property or commercial vehicle.

Moved:

Seconded:

Vote:

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

**44. Nominations for the Community Sustainability Advisory Committee (CSAC) Meetings**

Previous Items	PS 65/08; PS 74/08; PS 17/11
Responsible Officer	Director Planning & Development Services
Service Area	Planning and Development Services
File Reference	EV-EPP-014
Applicant	N/A
Owner	N/A
Attachment 1	CSAC Terms of Reference

**PURPOSE**

1. To consider the appointment of members to the Community Sustainability Advisory Committee following the 2011 Council Ordinary Elections and the minor amendment made to the Terms of Reference.

**BACKGROUND**

2. CSAC is a Council endorsed Committee with a purpose to advise on:
  - Sustainable and environmental practices within the Shire of Kalamunda and across the community.
  - To provide advice or make recommendations to Council on a range of sustainability issues impacting on the community within the Shire of Kalamunda.
  - To provide a forum for Community Representatives and Councillors to focus on issues related to sustainability within the Shire of Kalamunda.
3. In accordance with Council Policy and the *Local Government Act 1995*, when a person is appointed as a member to an Advisory or Management Committee, the tenure of the person's membership expires after the next Council Ordinary Election Day.

**DETAILS**

4. The Terms of Reference have been amended slightly to represent the most up to date environmental terms and issues; these are listed under "Objectives" in (Attachment 1).
5. Seven community members nominated for CSAC. Three people as indicated by the astrix have re-nominated and Mr Steve Gates and Ms Aileen Reid remain representatives for the Nature Reserves Preservation Group. The following nominations have been received:

- Mr Wesley Bancroft \*
- Mr Peter Charles
- Mr Steve Gates \*
- Mr Milan Kucera
- Ms Alieen Reid \*
- Mr Brad Saracik
- Mr Mark Simpson

### **STATUTORY AND LEGAL IMPLICATIONS**

6. Section 5.11 (2) (d) of the *Local Government Act 1995* – Tenure of Committee Membership.
7. CSAC is required to comprise at least six community members to proceed with committee meetings.

### **POLICY IMPLICATIONS**

8. Policy CTEE3, Management and Advisory Committees – Representation, Review and Procedures.
9. As per Council Policy CTEE3: *Council may elect to appoint members of a Management/Advisory Committee for a further term without necessarily calling for nominations.*

### **PUBLIC CONSULTATION/COMMUNICATION**

10. Current Committee members were encouraged to re-nominate and advertisements appeared on the Councils website and local newspapers the: Hills Gazette and Echo in early September. Nominations closed on 3 October 2011.

### **FINANCIAL IMPLICATIONS**

11. A small financial cost of \$537.93 was required for the advertising of new committee members, this was retrieved from the 510. Sustainability Management budget.
12. Currently there is no specific budget to support CSAC and costs may be required if workshops and displays are undertaken in support of the Committee's activities.

## **STRATEGIC AND SUSTAINABILITY IMPLICATIONS**

### **Strategic Planning Implications**

13. Sustainability challenges are recognised in the Shire's Strategic Plan 2009 – 2014 and the fostering of community ideas through consultation with CSAC and link to Council will encourage the transference of communication and concepts to achieve best Environmental consideration.

### **Sustainability Implications**

#### Social implications

14. It is important to endorse and provide support to community advisory committees such as CSAC as it maintains a link between Shire operations and community aspirations.

#### Economic Implications

15. Nil.

#### Environmental Implications

16. The Committee through this forum is also able to report significant issues and work through specific projects providing valuable environmental input.

## **OFFICER COMMENT**

17. All nominations meet the criteria for membership of CSAC and are considered suitable for appointment.
18. The Environmental Coordinator will initiate the first Committee meeting for November 2011 upon Council endorsement of the members.
19. The amendments to the Terms of Reference best meet the current environmental and sustainability terms used throughout the industry.

**OFFICER RECOMMENDATION (PS44/2011)**

That Council:

1. Appoints the following nominees as members to the Community Sustainability Advisory Committee:
  - Mr Wesley Bancroft
  - Mr Peter Charles
  - Mr Steve Gates
  - Mr Milan Kucera
  - Ms Alieen Reid
  - Mr Brad Saracik
  - Mr Mark Simpson
  
2. Endorses the modified Terms of Reference (Attachment 1).

Moved:

Seconded:

Vote:

**Absolute Majority Required.**

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

**12.0 QUESTIONS BY MEMBERS WITHOUT NOTICE**

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

**13.1 Cr Dylan O'Connor – Aged Care Facility**

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

A. On 20 October 2008 Council approved an Aged Care Facility on Lot 427 Lambertia Crescent and Lots 425 & 428 Calophylla Way, High Wycombe. Approval was valid for two years (October 2010) however the applicant requested, and was granted, an extension of the validity of the approval until 29 October 2012.

No building application has been lodged.

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

**15.0 MEETING CLOSED TO THE PUBLIC**

**16.0 CLOSURE**