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Shire of Kalamunda

# Ordinary Council Meeting Agenda

Monday 18 June 2012

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Agenda for Ordinary Council Meeting 18 June 2012

### **Separate Document**

Minutes of Ordinary Council Meeting 21 May 2012

Minutes of Special Council Meeting 28 May 2012

Report of Development & Infrastructure Services  
Committee Meeting 5 June 2012

Report of Corporate & Community Services  
Committee Meeting 11 June 2012



## **NOTICE OF MEETING ORDINARY COUNCIL MEETING**

Councillors

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

**18 June 2012 commencing at 6.30pm**

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

### **Open Council Meetings – Procedures**

1. All Council Meetings are open to the public, except for matters raised by Council under Item 15.0 of the Agenda.
2. Members of the public may ask a question at an Ordinary Council Meeting under Item 3.0 of the Agenda.
3. Members of the public who are unfamiliar with meeting procedures are invited to seek advice at the meeting. If unsure about proceedings, just raise your hand when the Shire President opens *'question time'* under Item 3.0 of the Agenda.
4. All other arrangements are in accordance with Council's Standing Orders, Policies and decision of the Shire or Council.

James Trail  
**Chief Executive Officer**  
14 June 2012

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



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## **AGENDA**

### **1.0 OFFICIAL OPENING**

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

### **3.0 PUBLIC QUESTION TIME**

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

### **4.0 PETITIONS/DEPUTATIONS**

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

#### **5.1 Application for Leave of Absence – Cr Geoff Stallard**

That Cr Geoff Stallard be granted Leave of Absence for the Corporate & Community Services Committee of 9 July 2012 and Ordinary Council Meeting of 16 July 2012.

Moved:

Seconded:

Vote:

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

#### **6.1 That the Minutes of the Ordinary Council Meeting held on 21 May 2012 are confirmed as a true and accurate record of the proceedings.**

Moved:

Seconded:

Vote:

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

"On the basis of the above Motion, I now sign the Minutes as a true and accurate record of the meeting of 21 May 2012".

- 6.2 That the Minutes of the Special Council Meeting held on 28 May 2012 are confirmed as a true and accurate record of the proceedings.

Moved:

Seconded:

Vote:

### **Statement by Presiding Member**

"On the basis of the above Motion, I now sign the Minutes as a true and accurate record of the meeting of 28 May 2012".

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

## **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.



**10.1 Development & Infrastructure Services Committee Report**

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

That the recommendations contained in the Development & Infrastructure Services Committee of 5 June 2012, except withdrawn item D&I 50, be adopted.

Moved:

Seconded:

Vote:

**10.1.2 D&I 45 Fourteen Multiple Dwellings – Lot 106 (4) Heath Road, Kalamunda**

COMMITTEE RECOMMENDATION TO COUNCIL (D&I 45/2012)

That Council:

1. Determines that the use is consistent with the objectives of the particular zone and is therefore permitted.
2. Approves the application dated 8 February 2012 to build 14 multiple dwellings at Lot 106 (4) Heath Road, Kalamunda, subject to the following conditions:
  - a. The access way shall be suitably constructed, sealed and drained to the satisfaction of the Shire.
  - b. The crossover shall be designed and constructed to the satisfaction of the Shire.
  - c. Vehicle parking, manoeuvring and circulation areas to be suitably constructed, sealed, kerbed, line marked and drained to the satisfaction of the Shire.
  - d. The redundant crossover is to be removed, and the verge and kerbing reinstated satisfaction of the Shire.
  - e. The balcony screening being maintained by the owner to the Shire's satisfaction.
  - g. The proposed landscaping being planted within 28 days of the proposed development's completion, and maintained thereafter by the landowner (Strata management group) to the satisfaction of the Shire.
  - h. A geo-technical report being submitted to and approved

by the Shire prior to the building licence being issued.

- i. Stormwater being contained on site to the satisfaction of the Shire.
- j. The applicant making the necessary arrangements for a waste bin contractor to enter the property and service the receptacles from the designated bin storage enclosures.
- k. The external colour and material details of the proposed dwellings being provided to, and approved by the Shire prior to the building licence being issued.
- l. A Construction Management Plan be prepared by the applicant addressing the following, but not limited to:
  - Construction Workers' Parking
  - Material Delivery and Storage
  - Workers' toilets.

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

**10.1.3.**

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

COMMITTEE RECOMMENDATION TO COUNCIL (D&I 46/2012)

That Council:

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

**10.1.4. D&I 47 The Parking of Four Commercial Vehicles – Lot 13 (50)  
Brentwood Road, Wattle Grove**COMMITTEE RECOMMENDATION TO COUNCIL (D&I 47/2012)

That Council:

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

**10.1.5. D&I 48 The Parking of One Commercial Vehicle – Lot 57 (5B)  
Goodall Street, Lesmurdie**

COMMITTEE RECOMMENDATION TO COUNCIL (D&I 48/2012)

That Council:

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

**10.1.6. D&I 49 The Parking of One Commercial Vehicle – Lot 100 (17)  
Emanuel Court, Wattle Grove**

COMMITTEE RECOMMENDATION TO COUNCIL (D&I 49/2012)

That Council:

1. Approves the proposal for John Birch to continue to park one commercial vehicle, a Scania Prime Mover (registration number 1BLL 199) at Lot 100 (17) Emanuel Court, Wattle Grove, subject to the following conditions:
  - a. The vehicle must, at all times, be parked in the location shown on the approved site plan (Attachment 2).
  - b. The commercial vehicle is only to be operated between the hours of 7.00am and 7.00pm Monday to Saturday and 7.00am to 5.00pm Sundays and public holidays.
  - c. Approval of the parking activity does not include approval for the loading of the commercial vehicle, or the storage of goods and materials in transit.
  - d. Only maintenance of a minor nature, such as servicing or wheel changing, is to be carried out on the subject

	<p>property between the hours designated in condition b. No panel beating, spray painting, welding or the removal of major body or engine parts is permitted.</p>
e.	<p>The idling time for the start-up and cool down of the vehicle being a maximum of five minutes.</p>
f.	<p>Washing of the commercial vehicle on the subject lot is to be limited to the use of water and mild detergent, but not involve the use of any solvents, degreasing substances, steam cleaning and any other processes which may cause pollution or degradation of the environment.</p>
g.	<p>The approval is personal to the landowner and shall not be transferred or assigned to any other person, property or commercial vehicle.</p>
h.	<p>The existing entrance gate adjacent to the outbuilding being removed within 28 days of this approval.</p>

**10.1.7.**

**D&I 51 Annual Caravan Park Licence Renewals**

COMMITTEE RECOMMENDATION TO COUNCIL (D&I 51/2012)

That Council:

1. Approves the renewal of the caravan park licences, subject to receipt of the required licence fees, for:
  - Discovery Holiday Park, 186 Hale Road Forrestfield.
  - Forrestfield Caravan N Park Home Village, 353 Hawtin Road Forrestfield.
  - Hillview Lifestyle Village, 597 Kalamunda Road High Wycombe.
  - Advent Park, 345 Kalamunda Road Maida Vale.

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**For Separate Consideration**

**10.1.8. D&I 50 Orchard Tours – Lot 3 (35) Merrivale Road, Pickering Brook**

COMMITTEE RECOMMENDATION TO COUNCIL (D&I 50/2012)

That Council:

1. Defer a decision to the Ordinary Council Meeting 18 June 2012 to receive further information from staff.

The Officer Recommendation is represented to Council for consideration following the provision of additional information as requested at the Development & Infrastructure Committee of 5 June 2012. An additional condition Point “d” has been added.

OFFICER RECOMMENDATION

That Council:

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

Moved:

Seconded:

Vote:

**10.2 Corporate & Community Services Committee Report**

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

That the recommendations contained in the Corporate & Community Services Committee of 11 June 2012, except withdrawn item C&C 48 and C&C 49, be adopted.

Moved:

Seconded:

Vote:

**10.2.2. C&C 41 Creditors' Accounts Paid During the Period -27 April – 25 May 2012**

COMMITTEE RECOMMENDATION TO COUNCIL (C&C 41/2012)

That Council:

1. Receives the list of creditors paid during the period 27 April – 25 May 2012 (Attachment 1) in accordance with the requirements of the *Local Government (Financial Management) Regulations 1996 (Regulation 12)*.

**10.2.3. C&C 42 Monthly Financial Statements for the Ten Months to 30 April 2012**

COMMITTEE RECOMMENDATION TO COUNCIL (C&C 42/2012)

That Council:

1. Receives the monthly financial statement for the period ended 30 April 2012, which comprises:
  - Statement of Financial Position
  - Equity Statement
  - Statement of Comprehensive Income by Nature and Type
  - Statement of Comprehensive Income by Program
  - Rate Setting Statement
  - Reserve Balances Statement

**10.2.4. C&C 43 Debtors and Creditors Reports for the Period Ended 30 April 2012**

COMMITTEE RECOMMENDATION TO COUNCIL (C&C 43/2012)

That Council:

1. Receives the outstanding debtors (Attachment 1) and creditors (Attachment 2) reports for the period ended 30 April 2012.

**10.2.5. C&C 44 Debtors and Creditors Reports for the Period Ended 30 April 2012**

COMMITTEE RECOMMENDATION TO COUNCIL (C&C 44/2012)

That Council:

1. Receives the rates debtors report for the period ended 30 April 2012 (Attachment 1).

**10.2.6. C&C 45 Proposal for the development of a Community Garden at the Overflow Cottage, Lindsay Street, Kalamunda.**

COMMITTEE RECOMMENDATION TO COUNCIL (C&C 45/2012)

That Council:

1. Provides in principle support to the establishment of a community garden at the Overflow Cottage, 8 Lindsay Street in Kalamunda, to the value of \$10,000, per year over two financial years subject to approval through the 2012/2013 budget deliberation process.
2. Consult with residents of Lindsay Street and a suitable surrounding catchment so as to provide a public comment period for the proposed development.
3. Requests more extensive investigations and discussions to ensure Grow It Yourself Kalamunda has capacity to be self-sufficient beyond an initial two year period, with a relevant agreement put in place to reflect such a requirement.
4. Develop and agreement between the Shire of Kalamunda and Grow It Yourself Kalamunda that covers issues such as, but not limited to:
  1. The development of a business plan.
  2. A constitution for incorporation.
  3. Funding strategies.
  4. Agreement of costs to be borne by the group.
  5. A future lease or licence agreement.
  6. Insurance cover.



**10.2.7. C&C 46 Hartfield Park Masterplan Implementation and Community Sport and Recreation Facilities Funding Applications**

COMMITTEE RECOMMENDATION TO COUNCIL (C&C 45/2012)

That Council:

1. Receives the update on the Hartfield Park Master plan implementation.
2. Provides in-principle support for two projects to be submitted as part of the 2012/2013 Annual and Forward Planning Community Sport and Recreation Facilities Funding Round. These projects being:
  - Hartfield Park Alternative Water Source
  - Forrestfield Skate Park.

**10.2.8. C&C 47 Disability Access and Inclusion Plan 2012 – 2017**

COMMITTEE RECOMMENDATION TO COUNCIL (C&C 47/2012)

That Council:

1. That Council endorse the Disability Access and Inclusion Plan 2012 – 2017.
2. That an Implementation Action Plan be developed and funded in line with the annual budget deliberations.

**For Separate Consideration**

**10.2.9 C&C 48 Disability Access and Inclusion Advisory Committee – Nomination for Membership**

COMMITTEE RECOMMENDATION TO COUNCIL (C&C 48/2012)

That Council:

1. Appoints Cr Sue Bilich as Deputy to the Councillor Delegate to the Disability Access and Inclusion Advisory Committee.

Moved:

Seconded:

Vote: **ABSOLUTE MAJORITY REQUIRED**

**10.2.10. C&C 49 Review of Delegations**

COMMITTEE RECOMMENDATION TO COUNCIL (C&C 49/2012)

That Council:

1. Notes the review of the Delegation Register.
2. Endorses the delegations to the Chief Executive Officer and other staff as contained in (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 Monitoring Development (Cr Stallard)**

Q. Does the Shire have the power and the capacity to monitor what happens with developments?

A. Local Planning Scheme No. 3 states that a person must not use land otherwise than in accordance with any conditions imposed by the granting of a development consent. Breaches of planning consents are often brought to the attention of the Shire by complaints or by observation of staff. Given the volume of approvals granted and conditions applied over many years it is not possible to monitor all developments for compliance.

Q. What actions, if any, are available to the Shire if development approvals are breached?

A. Any breach of a planning consent is an offence under *the Planning and Development Act*. Depending on the severity of the breach, a land owner would be required address the matter to the satisfaction of the Shire. In severe cases, the owner may be given a Directions Notice to comply, a Planning Infringement Notice or legal action could be initiated.

**13.2 Consultation on Development (Cr McKechnie)**

Q. What influence can neighbours have during the public consultation period before a development is approved?

A. When considering an application, there are a number of matters that must be taken into account, including any relevant submissions received on the proposal. Submissions should be on planning grounds and relevant to the subject proposal. What influence a submission has is based on the matters required to be considered in the Local Planning Scheme.

**13.3 Public Open Space (Cr Whitten)**

Q. When development applications are received does the Shire liaise with the Developer in relation to the provision of Public Open Space?

A. When Public Open Space is created as part of a subdivision, the developer liaises with staff to determine how the POS will be developed.

13.4 Changing Shire Policy (Cr Bob Emery)

- Q. Where a Shire policy is in conflict with State or Federal legislation what the process for updating the policy?
  
- A. If a conflict between legislative requirements and a Council policy is identified an assessment of the issues is undertaken by staff and appropriate amendments are inserted into the policy and then submitted to Council through the normal report process to seek approval for the revised policy.

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

**15.0 MEETING CLOSED TO THE PUBLIC**

**16.0 CLOSURE**