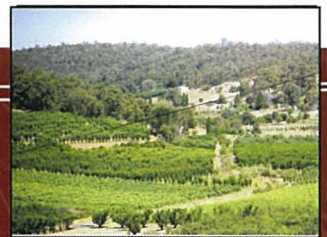


# Special Council Meeting

Agenda for Thursday 2 August 2012



**shire of  
kalamunda**

## NOTICE OF MEETING SPECIAL COUNCIL MEETING

Dear Councillors

Notice is hereby given that a Special Meeting of Council will be held in the Council Chambers, Administration Centre, 2 Railway Road, Kalamunda on **Thursday 2 August 2012 at 6.00pm.**



James Trail  
**Chief Executive Officer**  
1 August 2012

### Our Vision, Mission and Organisational Values

#### Vision

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

#### Mission

Working together to provide effective and efficient leadership and services our whole community.

#### Organisational Values

The organisational values of the Shire of Kalamunda assist in driving the behaviour of staff in implementing our strategic plan:

- **Customer Service Focus** – Deliver consistent excellent customer service through being timely and courteous.
- **Innovation** – Pursue excellence through innovative improvements.
- **Leadership** – Provide responsive leadership and excellent governance demonstrating high standards of ethical behaviour.
- **Mutual Respect** – Value each other's differences and demonstrate mutual respect.
- **Trust** – Communicate and collaborate openly and with integrity generating a strong culture of trust.

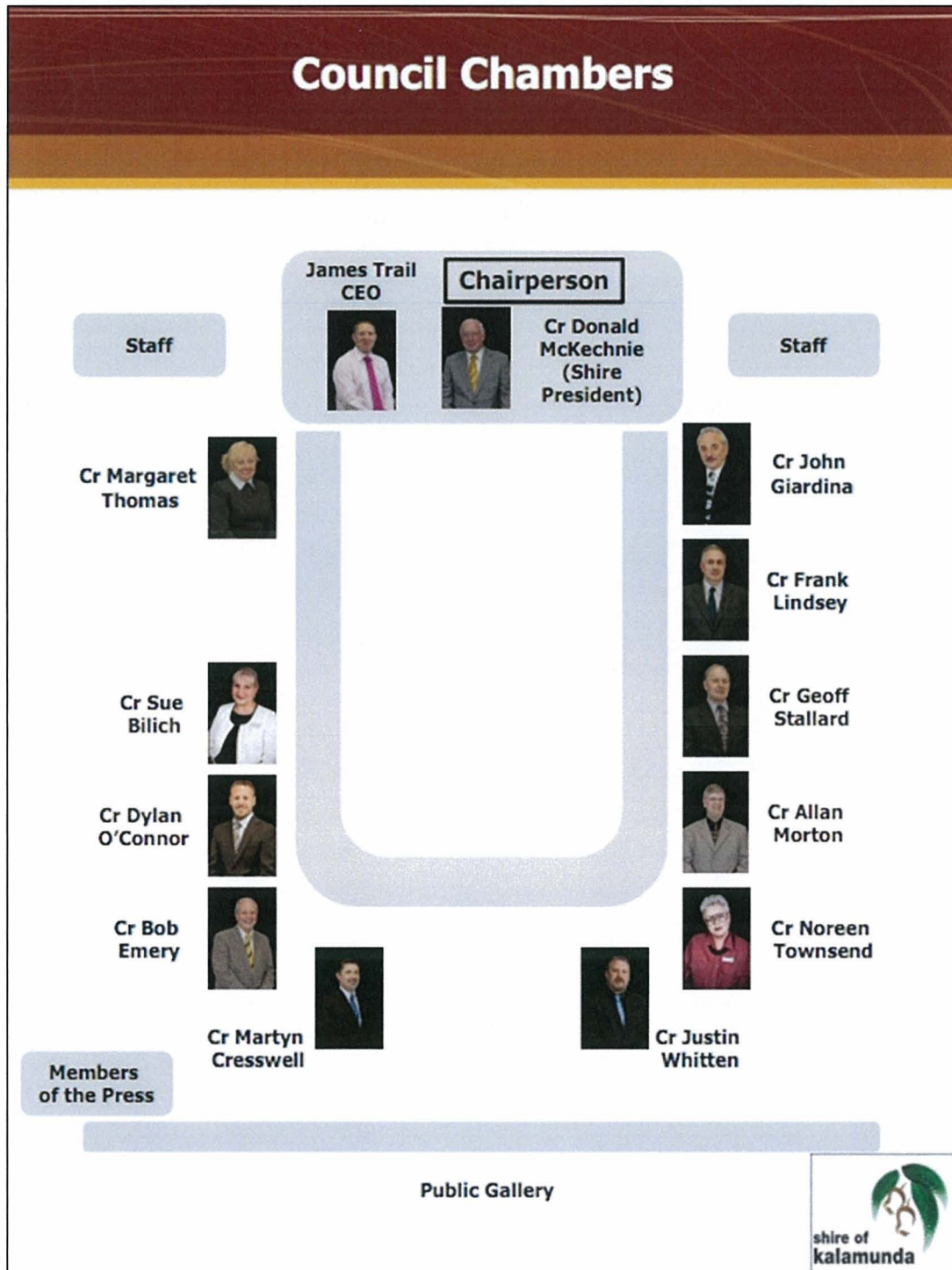


## INFORMATION FOR THE PUBLIC ATTENDING COUNCIL MEETINGS

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

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

### Council Chambers – Seating Layout



## **Special Council Meetings – Procedures**

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



## INDEX

1.0	OFFICIAL OPENING .....	1
2.0	ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE PREVIOUSLY APPROVED.....	1
3.0	PUBLIC QUESTION TIME .....	1
4.0	MATTERS FOR WHICH MEETING MAY BE CLOSED .....	1
5.0	DISCLOSURE OF INTERESTS .....	1
6.0	REPORTS TO COUNCIL .....	1
	1.    LOT 117 (159) CANNING ROAD, KALAMUNDA - HALADHAR HOLDINGS (HARE KRISHNA) – RECOMMENDED CONDITIONS TO THE STATE ADMINISTRATIVE TRIBUNAL .....	2
7.0	CLOSURE.....	28

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

### **4.0 MATTERS FOR WHICH MEETING MAY BE CLOSED**

### **5.0 DISCLOSURE OF INTERESTS**

#### **5.1 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*.)

#### **5.2 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.

### **6.0 REPORTS 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.**

**1. Lot 117 (159) Canning Road, Kalamunda - Haladhar Holdings (Hare Krishna) – Recommended Conditions to the State Administrative Tribunal**

Previous Items	OMC July 2010, December 2010 & March 2011
Responsible Officer	Director Development & Infrastructure Services
Service Area	Development Services
File Reference	CN-02/159
Applicant	S R M Bhamidipati
Owner	Haladhar Holdings
Attachment 1	Locality Map
Attachment 2	Approved Plans
Attachment 3	Conditions of consent granted by Council December 2010
Attachment 4	Draft Conditions recommended by the applicant's Solicitor
Attachment 5	Draft Conditions recommended by the Shire's Solicitor

**PURPOSE**

1. To consider draft conditions for the approved redevelopment of the Place of Worship at Lot 117 (159) Canning Road, Kalamunda (the Site). Refer to (Attachments 1 and 2). The conditions will be forwarded to the State Administrative Tribunal ("the Tribunal") for its consideration.

**BACKGROUND**

2. At its Ordinary meeting of July 2010 Council resolved to refuse the redevelopment of the Hare Krishna temple at the Site due to insufficient parking being provided and the impact the building would have on the amenity of the locality.
3. The applicant subsequently exercised their prerogative to appeal the decision to the Tribunal. Through mediation, the Tribunal issued orders that Council be invited to reconsider its decision. Following submission of revised plans, Council approved the proposal, subject to conditions, at its December 2010 meeting. Refer (Attachment 3).
4. The applicant then appealed to the Tribunal in respect to specific conditions of the approval in relation to amalgamation of adjoining sites to provide additional parking, or as an alternative provide a legal agreement in respect to cash in lieu of parking and use of kitchen facilities. The Tribunal has upheld the appeal and asked the parties to produce a draft set of consolidated conditions.

- 
5. In general terms, the Tribunal's decision is:
- a. The site is capable of accommodating sufficient visitors parking on site, and the amalgamation of the two adjoining lots owned by the applicant will not be necessary. As such a cash in lieu contribution for parking will not be required.
  - b. The applicant will be required to prepare a comprehensive Traffic Management Plan which will include notification to neighbours of high traffic demand.
  - c. Other additional conditions will be imposed confining the use of the land to the religious, related and incidental activities of the Hare Krishna movement, prohibiting simultaneous dual use of the hall and function room (without prior approval of the Shire) and regulating the number of weddings that may be held on site.
  - d. The kitchen facilities may only be used for on-site activities and may only be used for preparation of food for consumption off-site at no more than five local events per calendar year.

#### **DETAILS**

6. The applicant's solicitor has provided a draft set of conditions for consideration. Refer to (Attachment 4). The Shire's solicitor has reviewed the draft conditions and recommended modifications. Refer (Attachment 5).

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

7. If there is disagreement between the parties on the draft set of consolidated conditions, then the final form will be determined by the Tribunal.

#### **POLICY IMPLICATIONS**

8. Nil.

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

9. Public consultation was undertaken prior to the proposal being considered by Council and some members of the community participated in the appeal process. There has not been any public consultation in respect to the draft set of consolidated conditions.

#### **FINANCIAL IMPLICATIONS**

10. Substantial funds have been expended in the defence of the appeal. As the appeal has been determined, there is likely to be minimal additional legal costs in respect to finalising the matter.



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## **STRATEGIC AND SUSTAINABILITY IMPLICATIONS**

### **Strategic Planning Implications**

11. Nil.

### **Sustainability Implications**

#### Social Implications

12. Conditions have been included in respect to amenity issues including lighting, construction work and traffic management.

#### Economic Implications

13. Nil.

#### Environmental Implications

14. Nil.

### **OFFICER COMMENT**

15. Draft Conditions 1-12 are considered acceptable as they include conditions applied by the Council which were not disputed by the applicant, conditions previously agreed by consent orders and some additional conditions consistent with the Tribunal decision.
16. Effectively, issues in relation to the design and use of the building were dealt with through mediation and recommended conditions. Substantive issues of contention related to the adequacy of parking and traffic management have been determined by way of:
- a. That parking should be provided based on normal use rather than peak demands on special occasions. As such, the Tribunal determined that the parking provided on Lot 117 was adequate.
  - b. The applicant providing a traffic management plan addressing the manner in which additional parking is to be managed, that is for peak use such as festivals and weddings. This will include a letter drop in advance to nearby land owners. The consultation plan is shown in (Attachment 4), with properties proposed to be advised of events indicated by a red dot.
17. The Shire's solicitor has recommended a slight variation to the conditions recommended by the applicant. The changes are:
- a. Condition 13 – included reference that the Traffic Management Plan is to be approved by the Shire and that weddings would be included along with the festivals. Also, that the applicant is to comply with the Traffic Management Plan, rather than simply submit it.

- b. Condition 14 – Reducing the proposed number of weddings per annum for 12 to one. The solicitor has recommended that the numbers of weddings be reduced based on evidence presented at the Tribunal hearing. The condition has been modified to cater for additional weddings subject to approval in advance from the Shire.
  - c. Condition 15 – The applicant’s solicitor included a condition in relation to public consultation in respect of weddings. The Shire’s solicitor has recommended that this be deleted as the reference to consultation in respect to weddings has been included in Condition 13.
18. It is recommended that Council instruct the Shire’s solicitor to present the draft set of consolidated conditions to the Tribunal for its consideration.

### **RECOMMENDATION**

That Council:

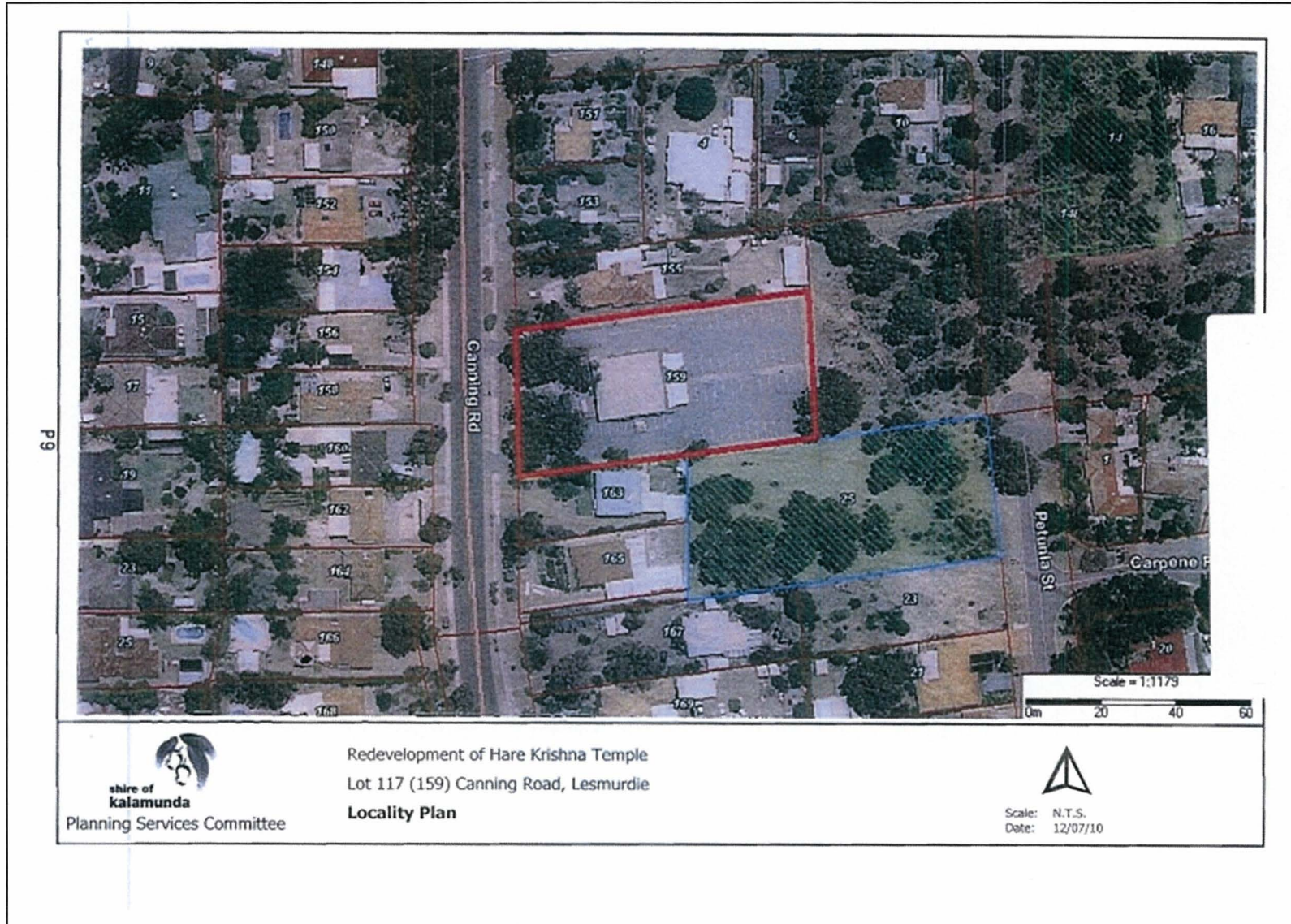
1. In respect to the appeal to the State Administrative Tribunal for Lot 117 (159) Canning Road, Kalamunda - Haladhar Holdings (Hare Krishna) instructs McLeods Solicitors to provide the State Administrative Tribunal with the draft set of consolidated conditions as contained in (Attachment 5) of this report.

Moved:

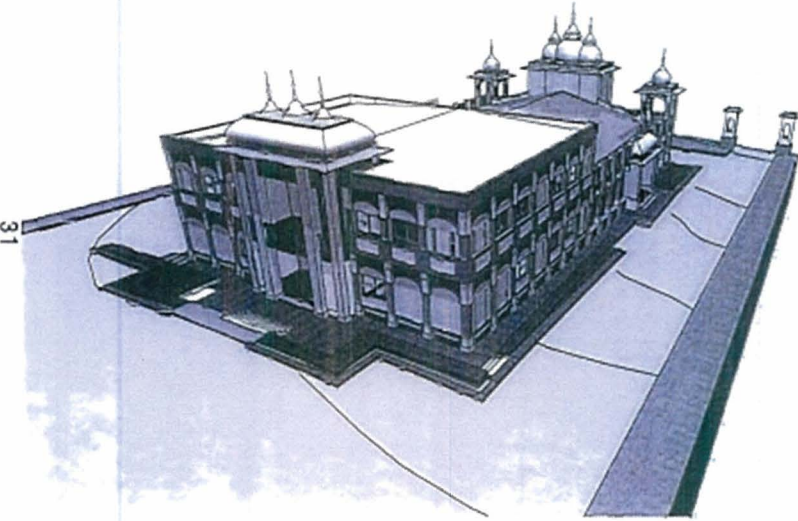
Seconded:

Vote:

Attachment 1



Attachment 2



**PERTH HARE KRISHNA TEMPLE**  
159 CANNING ROAD, KALAMUNDA

**Contents**

DA 0.00	Cover
DA 0.03	Site & Landscape Plan
DA 0.04	Existing Plan - Survey
DA 1.01	Ground Floor Plan
DA 1.02	Level 2 Plan
DA 1.03	Roof Plan
DA 2.01	Elevations North & East
DA 2.02	Elevations South & West

**REVISIONS (ISSUE ID)**

1. ADDITIONAL CAR PARKING & LANDSCAPING ELEMENTS, ADDITIONAL SCREENING TREES
2. SQUARING SOUTH WEST CORNER, MODIFY EXIT GATE
3. GAZEBO IN FRONT LANDSCAPE AREA
4. WATER FEATURE IN NORTH EAST LANDSCAPE
5. GENERAL DIMENSIONING
6. REDUCE KITCHEN, CREATING SITTING NOOK IN VESTIBULE
7. CHANGED ACCESS TO TOILETS TO COME FROM VERANDAS
8. LEVEL 2 DELETE SECONDARY PARAPETS FORMING BALCONIES, RETAIN EAVES OF EXISTING ROOF, RESTRICTED ACCESS
9. CHANGE DOWNS OVER ENTRY PORTICO, 350mm HEIGHT REDUCTION
10. REDUCE DOWNS OVER ALTAR, TOTAL HEIGHT REDUCTION 1850mm
11. ADD NOTES & DIMENSIONS TO ELEVATIONS
12. REMOVE DOWNS FROM ENTRY TOWERS, LOWER PLINTH, TOTAL HEIGHT REDUCTION 2800mm
13. MOVE STAIRS, ADD OFFICE TO LEVEL 2

PERTH HARE KRISHNA TEMPLE  
159 Canning Road, KALAMUNDA

APPLICATION FOR DEVELOPMENT APPROVAL

ISKCON PERTH, HALADHAR HOLDINGS

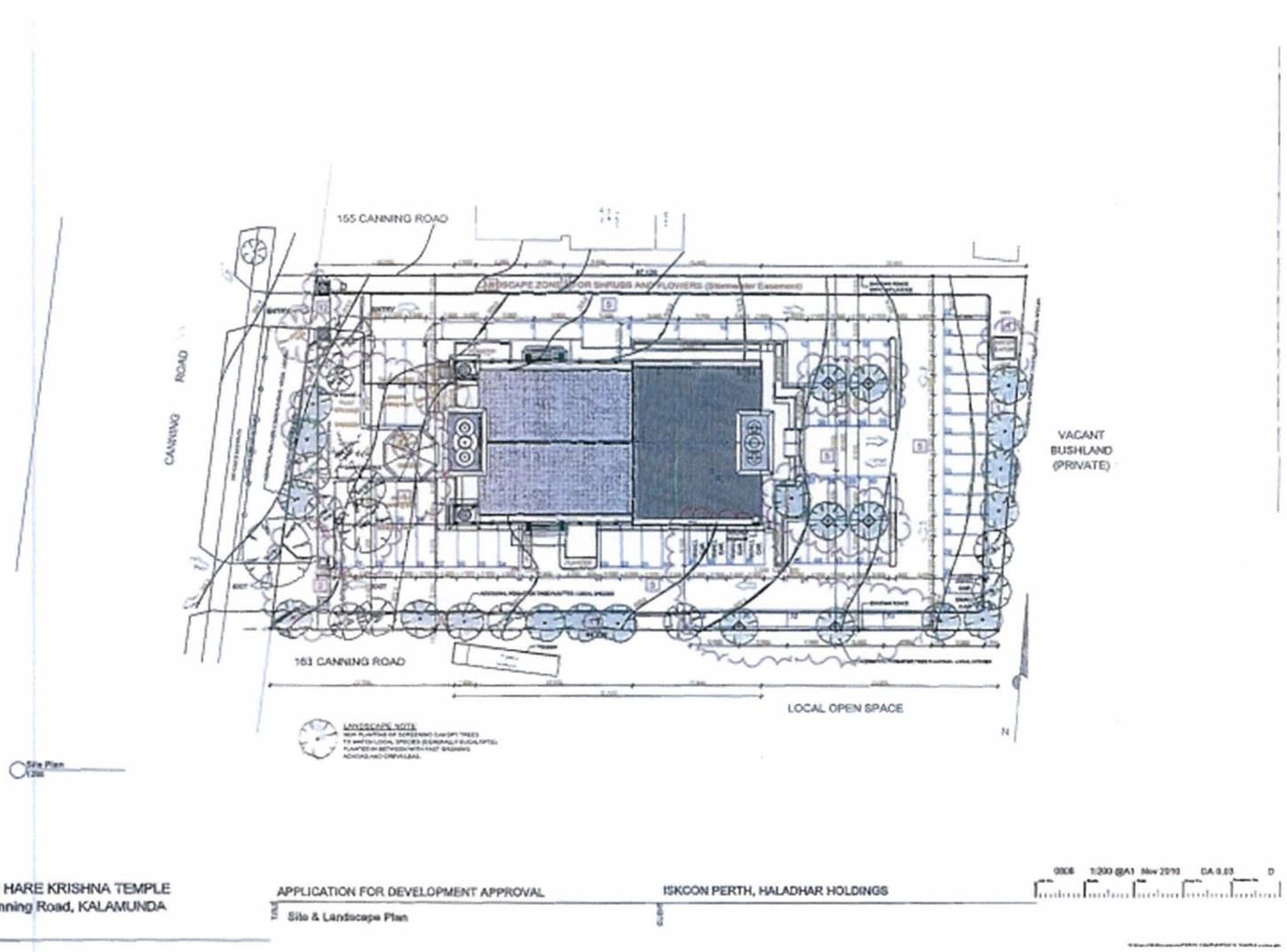
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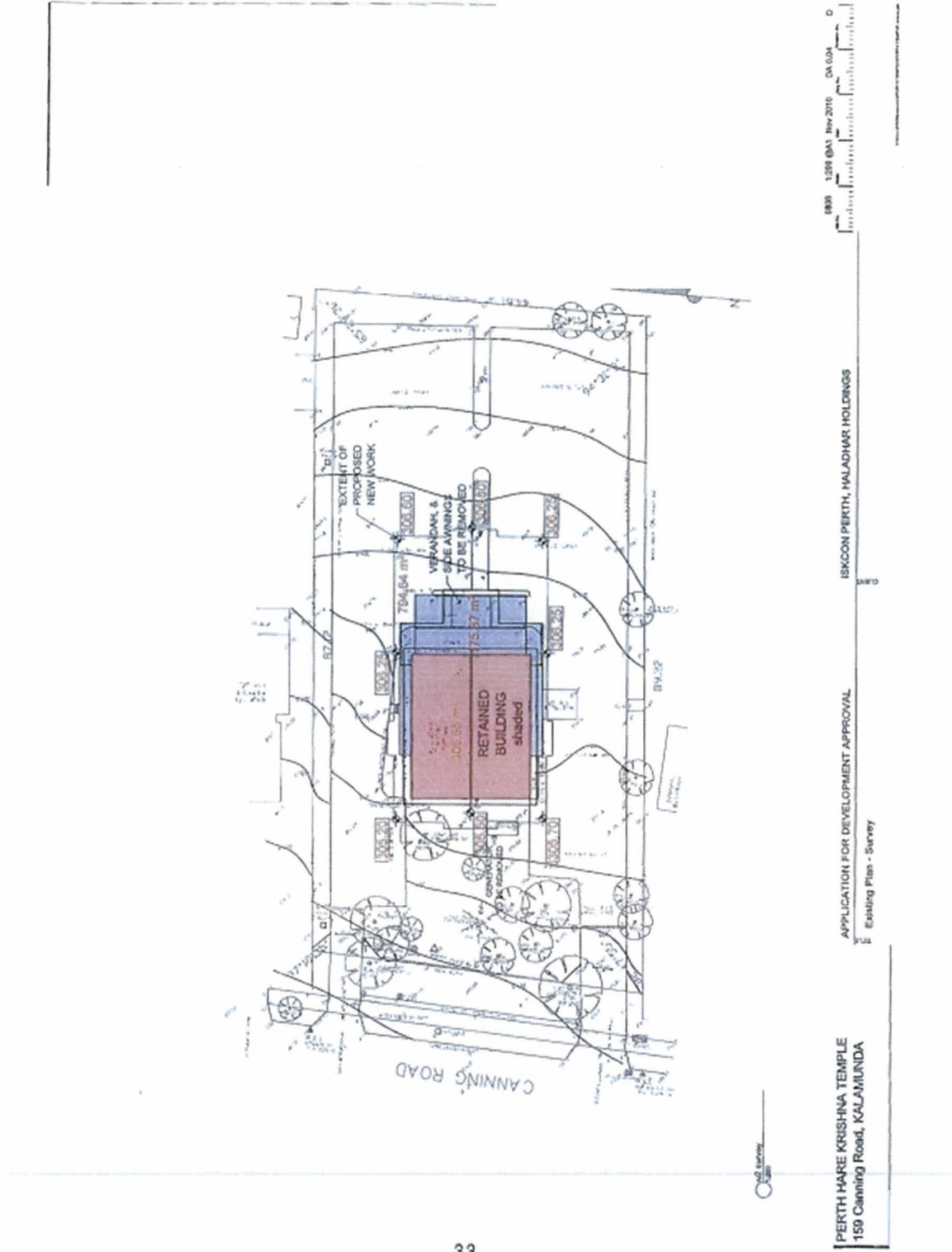
Cover

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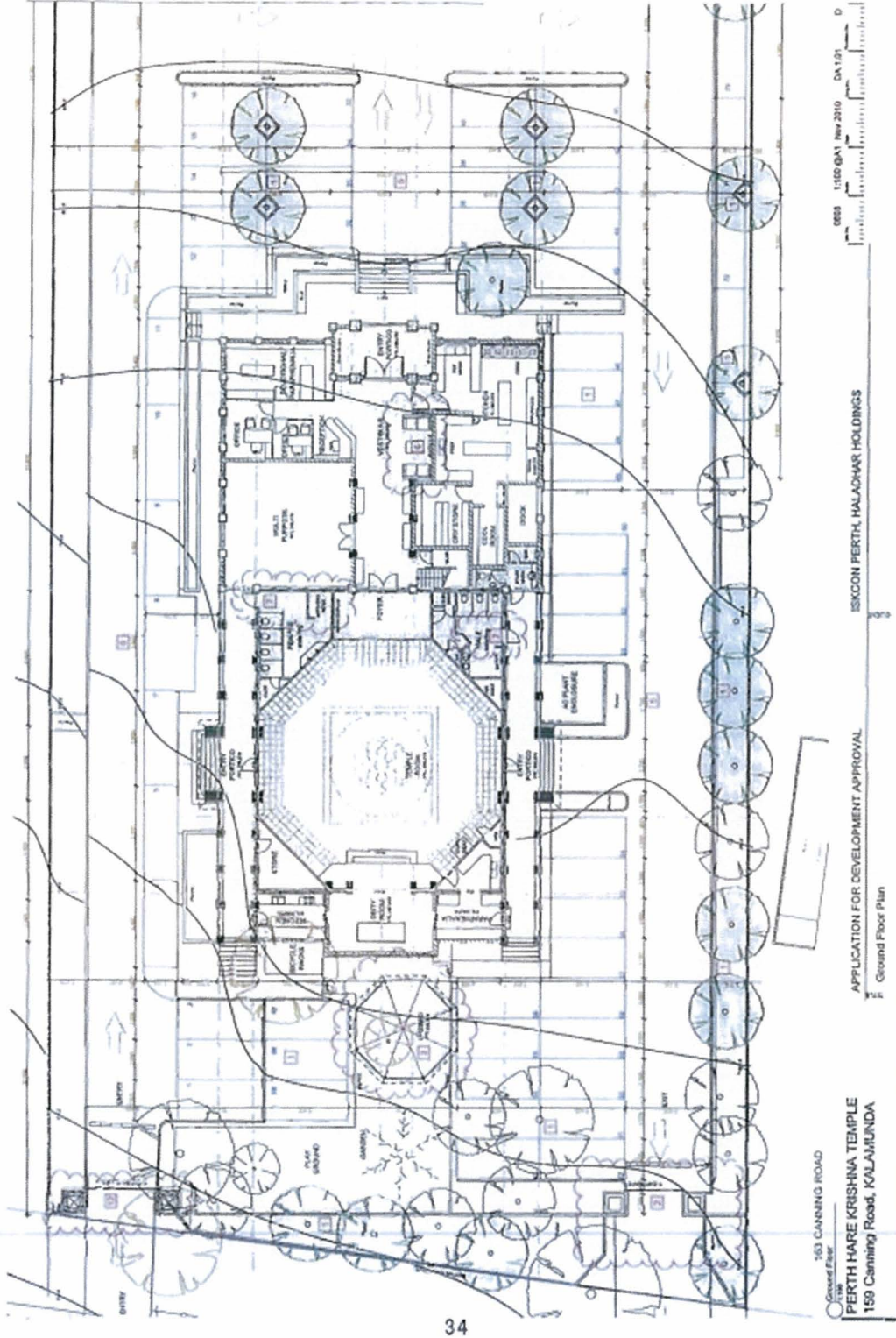


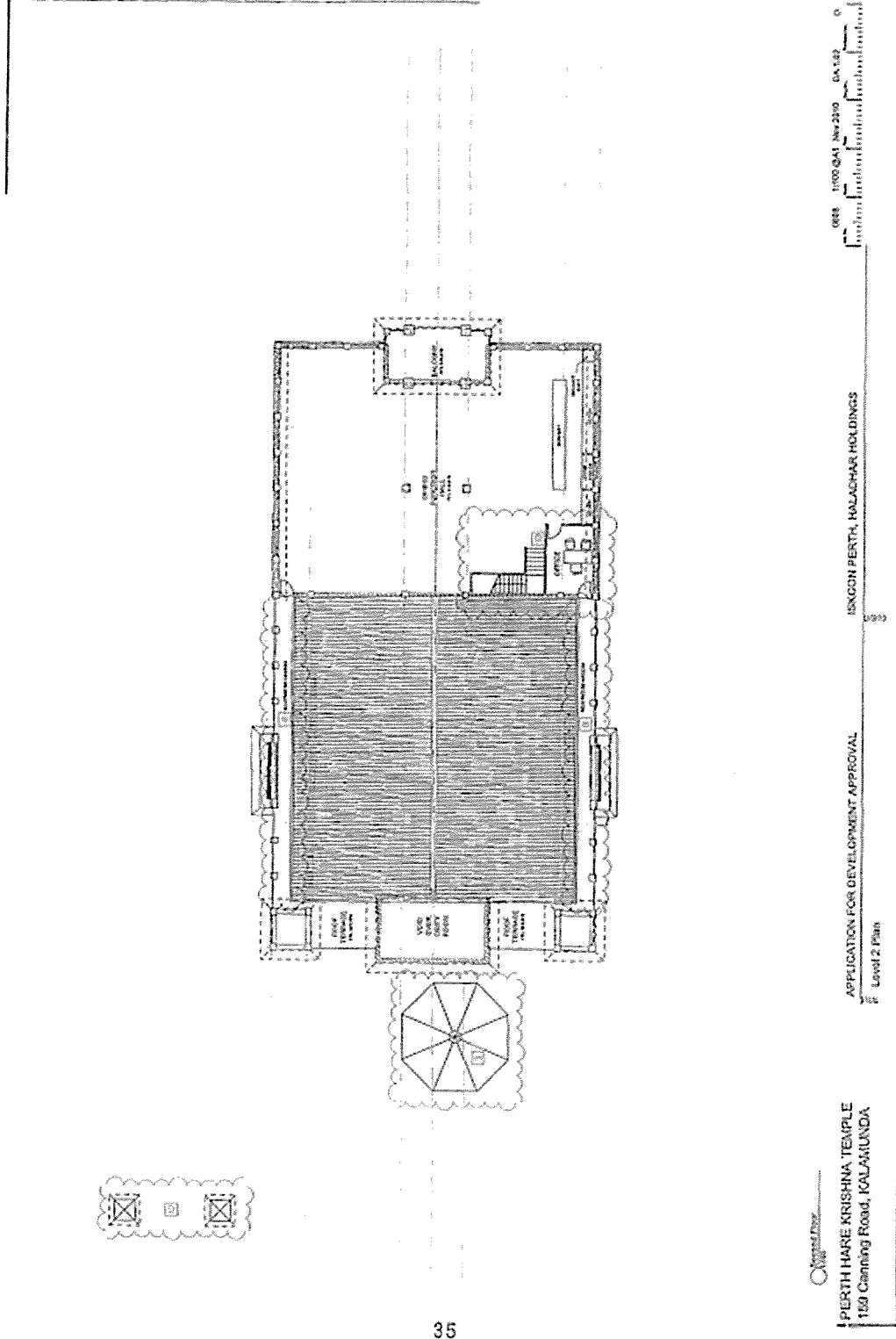
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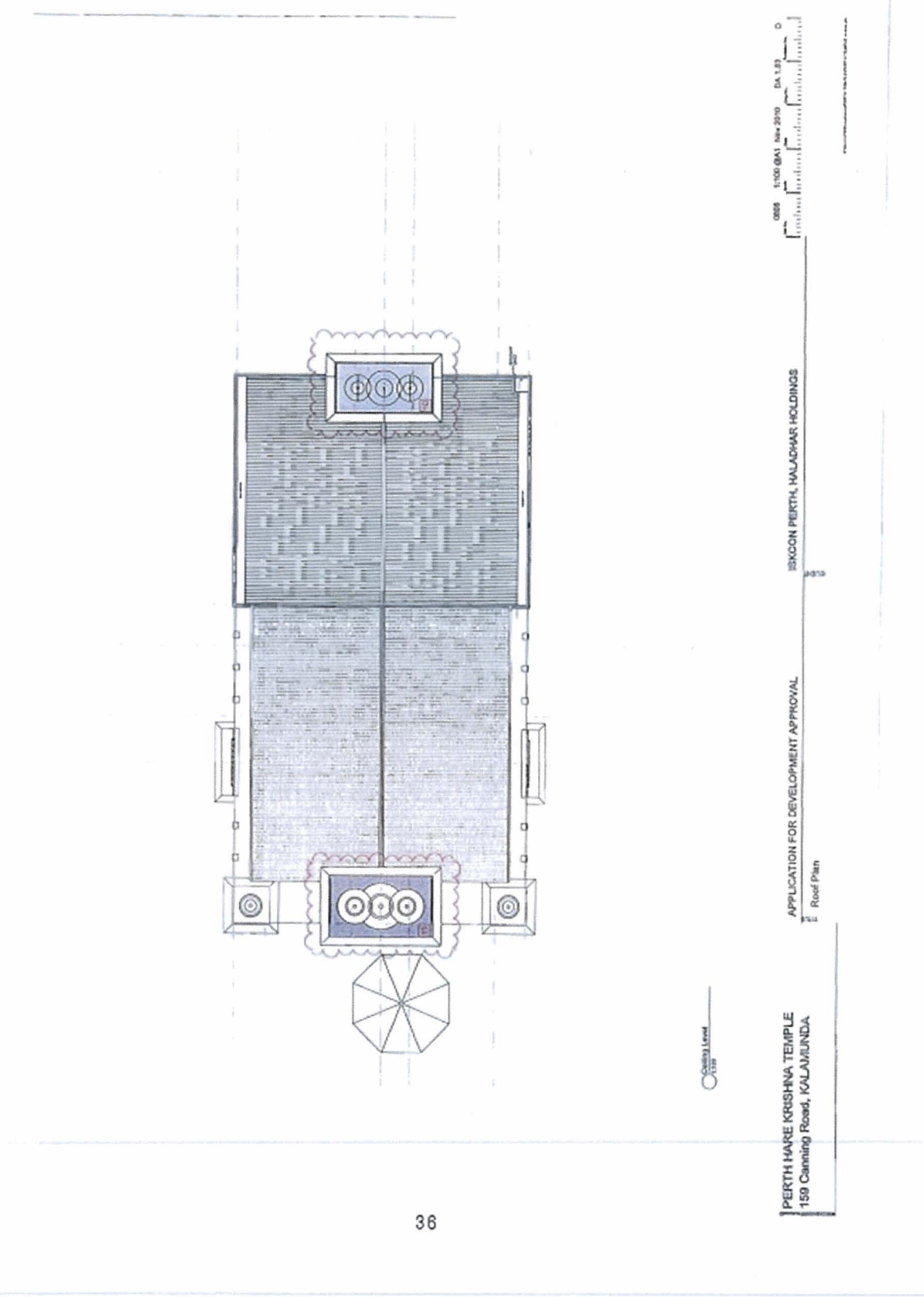


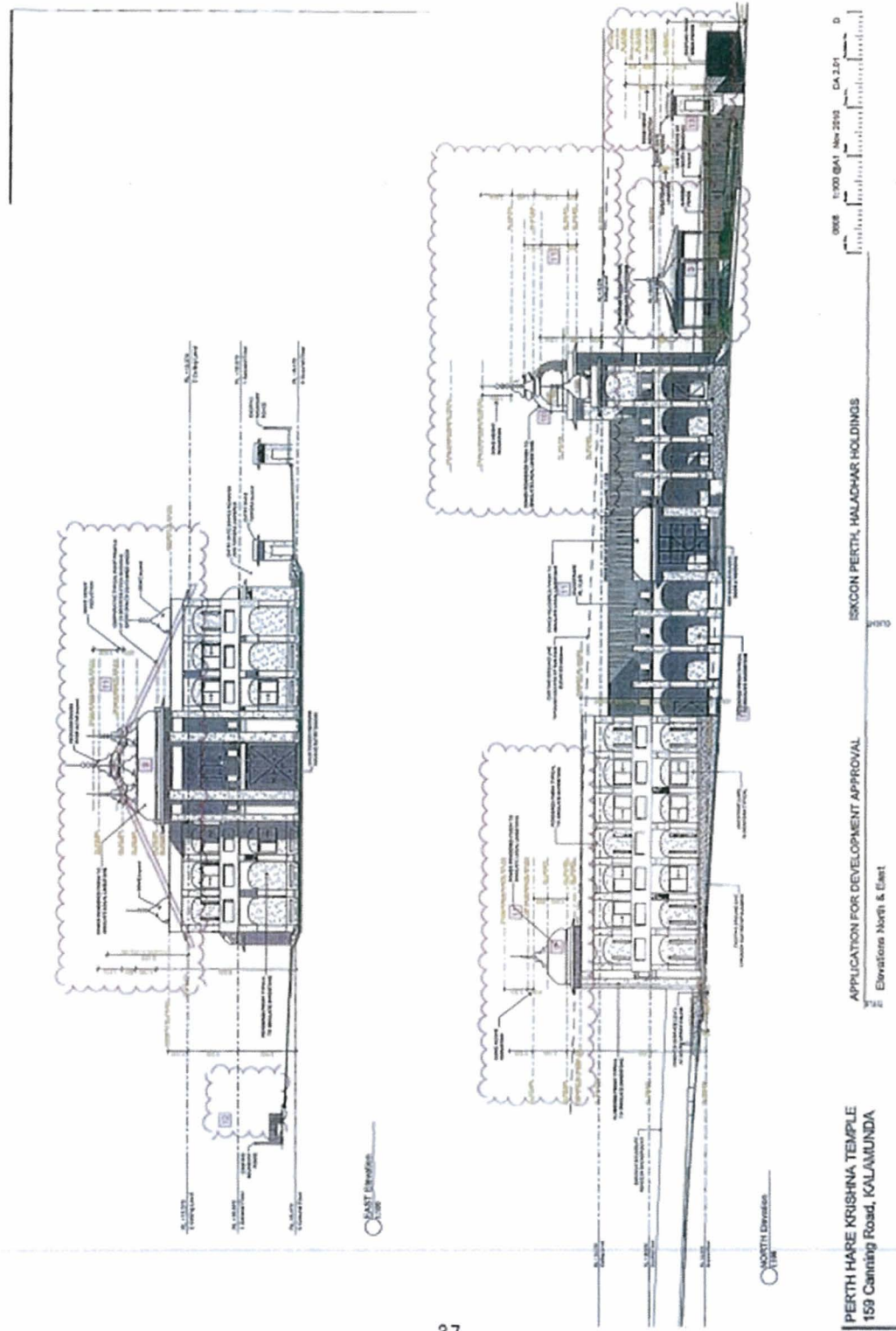




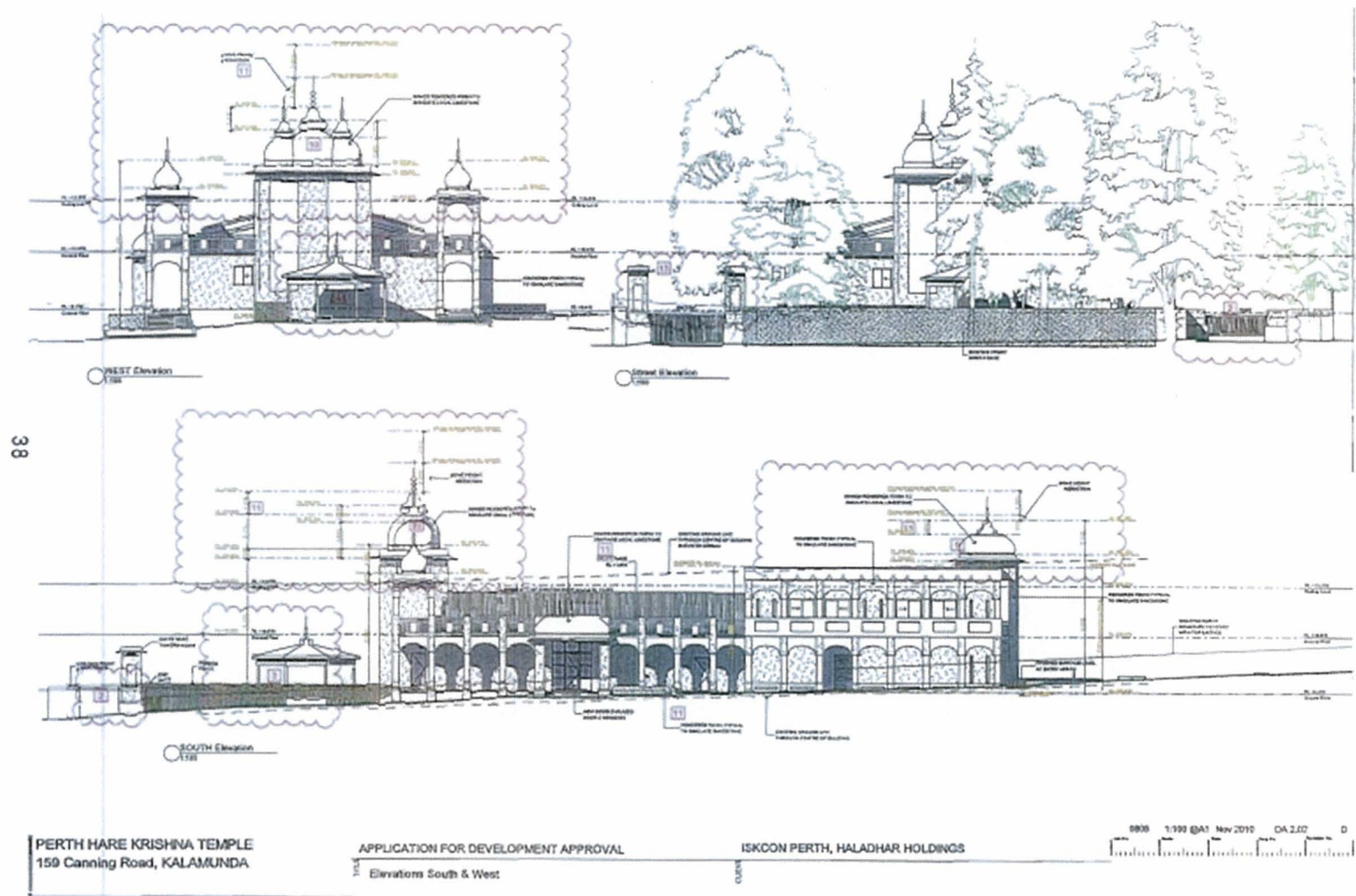












## Attachment 3

Minutes - Ordinary Council Meeting – 20 December 2010

9

2. That the proposed modification be forwarded to the WA Planning Commission for their information.

Moved: Cr Margaret Thomas

Seconded: Cr Martyn Cresswell

**CARRIED UNANIMOUSLY (11/0)**

### 10.1.8 PSC75 Lot 117 (159) Canning Road, Kalamunda – Redevelopment of Hare Krishna Temple

#### COMMITTEE RECOMMENDATION TO COUNCIL

PS 75/2010

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

No recommendation was made by Committee to Council. Further information has now been provided to Councillors and a motion is presented for Council's consideration.

The Chairman advised the meeting, moved and received a seconder for the Officer Recommendation to the Planning Committee Meeting of 6 December 2010. Council debated the recommendation before it was put to the vote.

#### OFFICER RECOMMENDATION PLANNING COMMITTEE 6 DECEMBER 2010

That Council:

1. Notes the revised plans received a result of the State Administrative Tribunal mediation process.
2. Grant 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.

Shire of Kalamunda



- 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: Maureen Robinson

**For**

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

**Against**

Cr Frank Lindsey  
Cr Geoff Stallard  
Cr Allan Morton  
Cr Martyn Cresswell  
Cr Dylan O'Connor  
Cr Sue Bilich  
Cr Margaret Thomas

**LOST (4/7)**

A Councillor proposed an alternative motion which received a seconder and was debated by Council before being put to the vote.

RESOLVED OCM 171/2010

That Council:

1. Notes the revised plans received a result of the State Administrative Tribunal mediation process.
2. Grant approval for the redevelopment of the existing place of worship on Lot 117 (159) Canning Road, Kalamunda (**Lot 117**) with revised plans received on 27 November 2010, attachment 2 subject to the following conditions:
  - a) Prior to the issue of a building licence 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 intended to address any issues identified. Any recommendations in the Traffic Impact Statement are to be implemented by the applicant to the satisfaction of the Director of Engineering Services before the use of the re-developed place of worship may commence.
  - (b) The applicant is to prepare and submit a traffic management plan for each major event to be held on Lot 117. 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

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Shire of Kalamunda

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) Before the use of the re-development commences, 74 car parking bays, which meet the relevant Australian standard for access and manoeuvring, are to be constructed on Lot 117 and clearly marked.
- d) (i) Prior to the commencement of the development, Lot 117 is to be amalgamated with Lot 116 (No 155) Canning Road, Kalamunda (**Lot 116**) to create a single lot, and 36 car parking bays are to be constructed on the land presently comprising Lot 116 in addition to the 74 bays required by the preceding condition.
- The 36 bays shall be constructed and marked out in accordance with a design approved by the Shire and the relevant Australian Standard.
- (ii) As an alternative to the requirements of the preceding paragraph the owner of Lot 117 and Lot 116 may enter into a legal agreement with the Shire, prepared by the Shire's solicitors at the owner's cost, which shall include provisions which:
- allow a period of 12 months for the amalgamation of Lot 117 and Lot 116 to be effected;
  - allow the deferral of the requirement to construct 36 bays until a reasonable time specified by the Shire after the completion of the amalgamation;
  - authorise the Shire to do all things necessary to complete the amalgamation process, or to construct the car bays, at the cost of the owner in the event of the owner's default;
  - require the owner to provide to the Shire before a building licence is issued an unconditional and irrevocable bank guarantee from an institution satisfactory to the Shire in the sum of \$581,040, being equivalent to the payment of cash-in-lieu of providing 36 car parking bays;
  - allow the Shire to draw on the bank guarantee in the event the amalgamation is not effected in accordance with the deed, and to place that money in the car parking trust fund kept pursuant to clause 5.8.4(c) of the Shire of Kalamunda Local Planning Scheme No. 3;
  - charge Lot 116 and Lot 117 in favour of the Shire and authorise the Shire to lodge an absolute caveat over those lots in order to protect the Shire's interests under the deed.

The deed must be executed prior to the grant of a building licence.

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Shire of Kalamunda

- e) 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.
- f) Provision of a colours and textures schedule for approval by the Director Planning and Development Services. The development shall subsequently be carried out in accordance with the approved schedule.
- g) The maximum total occupancy for the premises is 450 people at any one time.
- h) 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.
- i) Submission of a plan detailing the location of all external lighting, for approval by 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. All external lighting must be installed in accordance with the approved plan.
- j) 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.
- k) 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.
- l) The proposed front fence is to be treated with anti-graffiti coating upon completion.

Moved: Cr Frank Lindsey

Seconded: Cr Geoff Stallard

**For**

Cr Frank Lindsey  
Cr Geoff Stallard  
Cr Allan Morton  
Cr Martyn Cresswell  
Cr Dylan O'Connor  
Cr Sue Billich  
Cr Margaret Thomas

**Against**

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

**CARRIED (7/4)**

Attachment 4

State Administrative Tribunal

PLANNING AND DEVELOPMENT ACT 2005

IN THE STATE ADMINISTRATIVE  
TRIBUNAL OF WESTERN AUSTRALIA

Application No. DR 253 of 2010

BETWEEN:

**HALADHAR HOLDINGS PTY LTD**  
Applicant

and

**SHIRE OF KALAMUNDA**  
Respondent

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DRAFT DEVELOPMENT APPROVAL PURSUANT TO ORDER 2 MADE BY  
SENIOR MEMBER MR MCNAB ON 11 JULY 2012

---

Date of Document: ## July 2012  
Filed on behalf of: Applicant and Respondent  
Date of Filing: ## July 2012  
Prepared by:  
Flint Moharich Telephone: 08 9367 5559  
Suite 3 Facsimile: 08 6313 0668  
70 Angelo Street Email: martin@flintmoharich.com.au  
SOUTH PERTH WA 6151 Reference: 11-044

Pursuant to order 2 made by Senior Member Mr McNab on 11 July 2012, the parties to this application for review provide the following draft development approval:

Development approval is granted for the redevelopment of the existing place of worship on Lot 117 Canning Road, Kalamunda (**Lot 117**) as depicted in the attached plans dated November 2010 and marked as DA 0.03, DA 1.01, DA 1.02, DA 1.03, DA 2.01 and DA 2.02, and subject to the following conditions:

- 1 Before the use of the redevelopment commences, 73 car parking bays, which meet the relevant Australian standard for access and manoeuvring, are to be constructed on Lot 117 and clearly marked.
- 2 The Applicant is to install and maintain mature screen planting on the southern, western and eastern boundaries and within the rear parking area in accordance with the attached plan marked DA 0.03. The initial screen planting is to be with advanced trees with a minimum 100 litre root bag.
- 3 The development is to be carried out in accordance with the colours and textures identified on the attached plans marked DA 2.01 and DA 2.02.
- 4 The maximum total occupancy for the premises is 450 people at any one time.
- 5 The kitchen facilities approved by this development approval may only be used for on-site activities and shall not be used for the preparation of food to be consumed off-site, with the exception of not more than 5 local events per calendar year advised at least 14 days in advance to the Shire.
- 6 A plan for external lighting is to be prepared by the Applicant and approved by the Director of Planning and Development Services in accordance with the following criteria:
  1. All lighting shall be designed and installed so that as far as reasonably possible, by way of hooding and orientation, minimal light will be cast onto any adjoining property or road reserve.
  2. Lighting shall not cause a nuisance to adjoining residents or the travelling public and shall comply at all times with the requirements stipulated under Australian Standard AS4282-1997 'Control of the Obtrusive Effects of Outdoor Lighting'.
  3. Light cast onto the parking area shall be limited to a maximum of 125 Lux measured at any specific point on the parking area, with an average of 30 Lux.

Any proposed increase in the illuminance of external lighting shall be approved in writing by the Director of Planning and Development Services.

- 7 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 The proposed front fence is to be treated with anti-graffiti coating upon completion.
- 9 The festival float is not to be located on either Lot 116 Canning Road, Kalamunda (**Lot 116**) or Lot 117.
- 10 Upon completion of the development the subject of this approval, the mobile kitchen van is not to be located on either Lot 116 or Lot 117.
- 11 The development is only to be used by adherents of the Hare Krishna faith for religious and related and incidental activities of the Hare Krishna faith.
- 12 The dining function hall is not to be used at the same time as the temple, except in the circumstance that the Shire has provided in advance written approval to do so.
- 13 On an annual basis the Applicant is to submit to the Shire a traffic management plan, in respect of the annual festivals known as Janmastami, Gaura Purnima, Nityananda Trayodasi, Balaram Purnima, and Nrshima Caturdasi, that deals with the following:
  - 13.1 The manner in which additional parking demand is to be managed.
  - 13.2 Recognition of the informal parking arrangements on Lot 116 for so long as Lot 116 is owned by the Applicant.
  - 13.3 The manner and timing in which the properties identified by a red dot on the attached plan entitled '*Leaflet Drop to Properties with Red Dots*' are to be notified of each festival event.
- 14 There is to be a maximum of 12 weddings held at Lot 117 per annum.
- 15 The properties identified by a red dot on the attached plan entitled '*Leaflet Drop to Properties with Red Dots*' are to be notified 7 days in advance of a wedding on Lot 117 by leaflet drop.



---

Flint Moharich  
Solicitors for the Applicant

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McLeods  
Solicitors for the Respondent

DRAFT



Attachment 5

State Administrative Tribunal

PLANNING AND DEVELOPMENT ACT 2005

IN THE STATE ADMINISTRATIVE  
TRIBUNAL OF WESTERN AUSTRALIA

Application No. DR 253 of 2010

BETWEEN:

**HALADHAR HOLDINGS PTY LTD**  
Applicant

and

**SHIRE OF KALAMUNDA**  
Respondent

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DRAFT DEVELOPMENT APPROVAL PURSUANT TO ORDER 2 MADE BY  
SENIOR MEMBER MR MCNAB ON 11 JULY 2012

---

Date of Document: ## July 2012  
Filed on behalf of: Applicant and Respondent  
Date of Filing: ## July 2012  
Prepared by:  
Flint Moharich Telephone: 08 9367 5559  
Suite 3 Facsimile: 08 6313 0668  
70 Angelo Street Email: martin@flintmoharich.com.au  
SOUTH PERTH WA 6151 Reference: 11-044

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- 3 The development is to be carried out in accordance with the colours and textures identified on the attached plans marked DA 2.01 and DA 2.02.
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- 6 A plan for external lighting is to be prepared by the Applicant and approved by the Director of Planning and Development Services in accordance with the following criteria:
  1. All lighting shall be designed and installed so that as far as reasonably possible, by way of hooding and orientation, minimal light will be cast onto any adjoining property or road reserve.
  2. Lighting shall not cause a nuisance to adjoining residents or the travelling public and shall comply at all times with the requirements stipulated under Australian Standard AS4282-1997 'Control of the Obtrusive Effects of Outdoor Lighting'.
  3. Light cast onto the parking area shall be limited to a maximum of 125 Lux measured at any specific point on the parking area, with an average of 30 Lux.

Any proposed increase in the illuminance of external lighting shall be approved in writing by the Director of Planning and Development Services.

- 7 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 The proposed front fence is to be treated with anti-graffiti coating upon completion.
- 9 The festival float is not to be located on either Lot 116 Canning Road, Kalamunda (Lot 116) or Lot 117.
- 10 Upon completion of the development the subject of this approval, the mobile kitchen van is not to be located on either Lot 116 or Lot 117.
- 11 The development is only to be used by adherents of the Hare Krishna faith for religious and related and incidental activities of the Hare Krishna faith.
- 12 The dining function hall is not to be used at the same time as the temple, except in the circumstance that the Shire has provided in advance written approval to do so.
- 13 On an annual basis the Applicant is to submit to the Shire for approval a traffic management plan, in respect of the annual festivals known as Janmastami, Gaura Purnima, Nityananda Trayodasi, Balaram Purnima, and Nrsihma Caturdasi, and with any wedding that may take place on Lot 117, that deals with the following:
  - 13.1 The manner in which additional parking demand is to be managed.
  - 13.2 Recognition of the informal parking arrangements on Lot 116 for so long as Lot 116 is owned by the Applicant.
  - 13.3 The manner and timing in which the properties identified by a red dot on the attached plan entitled 'Leaflet Drop to Properties with Red Dots' are to be notified of each festival event and wedding.

The Applicant must comply with the traffic management plan approved by the Shire from time to time.

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- 14 There is to be a maximum of 42\_1 weddings held at Lot 117 per annum, unless otherwise approved in advance by the Shire.

- 15 The properties identified by a red dot on the attached plan entitled 'Leaflet Drop to Properties with Red Dots' are to be notified 7 days in advance of a wedding on Lot 117 by leaflet drop.

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Flint Moharich  
Solicitors for the Applicant

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McLeods  
Solicitors for the Respondent

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**7.0 CLOSURE**