

Development & Infrastructure Services Committee Meeting

Agenda for Monday 6 August 2012



**shire of
kalamunda**

NOTICE OF MEETING DEVELOPMENT & INFRASTRUCTURE SERVICES COMMITTEE

Dear Councillors

Notice is hereby given that the next meeting of the Development & Infrastructure Services Committee will be held in the Council Chambers, Administration Centre, 2 Railway Road, Kalamunda on **Monday 6 August 2012 at 6.30pm.**



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.

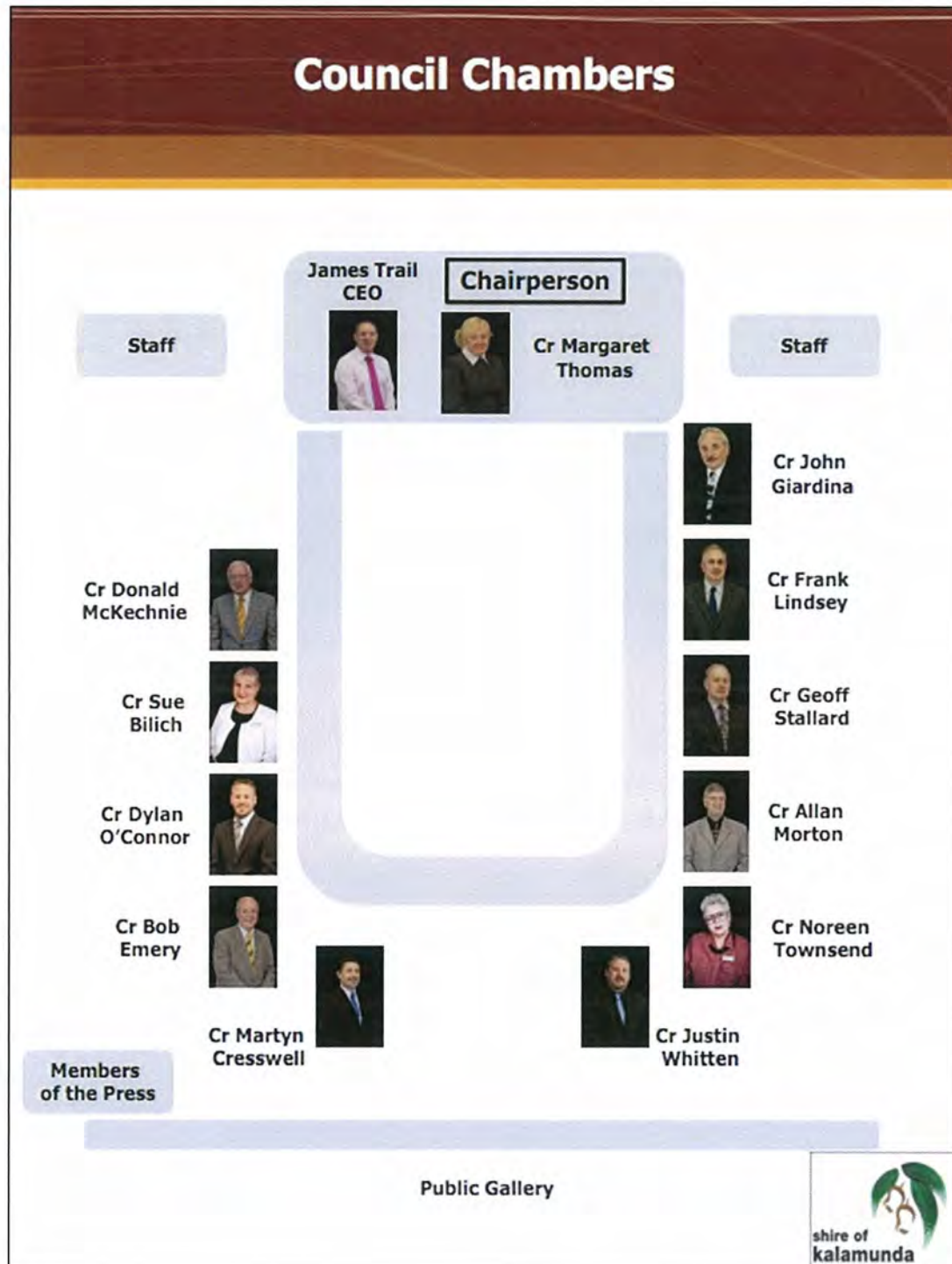


INFORMATION FOR THE PUBLIC ATTENDING COMMITTEE OR COUNCIL MEETINGS

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



Standing Committee Meetings – Procedures

1. Standing Committees are open to the public, except for Confidential Items listed on the Agenda.
2. Shire of Kalamunda Standing Committees have a membership of all 12 Councillors.
3. Unless otherwise advised a Standing Committee makes recommendations only to the next scheduled Ordinary Council Meeting.
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 Standing Committee Meeting during Public Question Time. The questions should be related to the purposes of the Standing Committee.
- 6.. 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 Standing Committee Meeting.
7. Comment from members of the public on any item of the Agenda is usually limited to three minutes and should address the Recommendations at the conclusion of the report.
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 person chairing the Committee Meeting.

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AGENDA

1.0 OFFICIAL OPENING

2.0 ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE PREVIOUSLY APPROVED

3.0 PUBLIC QUESTION TIME

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

4.0 PETITIONS/DEPUTATIONS

5.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

- 5.1 That the Minutes of the Development & Infrastructure Services Committee Meeting held on 2 July 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 2 July 2012".

6.0 ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION

7.0 MATTERS FOR WHICH MEETING MAY BE CLOSED

- 7.1 **69. Consideration of Tenders – Supply and Delivery of Concrete Drainage Products (RTF 1205)** - (Attachment 1) Provided under separate cover.
Reason for Confidentiality – *Local Government Act 1995*: Section 5.23 (2) (c), "a contract entered into, or which may be entered into, by the local government which relates to a matter to be discussed at the meeting."
- 7.2 **70. Consideration of Tenders – Provision of Plant Hire and Auxiliary Plant Hire Services (RTF 1203)**) - (Attachment 1) Provided under separate cover.
Reason for Confidentiality – *Local Government Act 1995*: Section 5.23 (2) (c), "a contract entered into, or which may be entered into, by the local government which relates to a matter to be discussed at the meeting."
- 7.3 **71. Consideration of Tenders for the Construction of Concrete Footpaths (RTF 1204)** - (Attachment 1) Provided under separate cover.
Reason for Confidentiality – *Local Government Act 1995*: Section 5.23 (2) (c), "a contract entered into, or which may be entered into, by the local government which relates to a matter to be discussed at the meeting."

8.0 DISCLOSURE OF INTERESTS

8.1 Disclosure of Financial and Proximity Interests

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

8.2 Disclosure of Interest Affecting Impartiality

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

9.0 REPORTS TO COUNCIL

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

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

61. The Parking of One Commercial Vehicle – Lot 57 (5B) Goodall Street, Lesmurdie

Previous Items	OCM 56/2012
Responsible Officer	Director Development & Infrastructure Services
Service Area	Development & Infrastructure Services
File Reference	GD-03/005
Applicant	W Barnes
Owner	P and S Arasi
Attachment 1	Locality Plan
Attachment 2	Amended Site Plan
Attachment 3	Photograph of the Proposed Commercial Vehicle Parking Area
Attachment 4	Consultation Plan
Attachment 5	Petition
Attachment 6	Photograph of the View from 9 Goodall St of the Commercial Vehicle Parked in the Proposed Location
Attachment 7	Photograph of the Proposed Commercial Vehicle Parking Area From Goodall Street

PURPOSE

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

BACKGROUND

2. Land Details:

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

3. The subject property contains a single dwelling and has direct access to Goodall Street via an unsealed driveway and crossover.
4. Surrounding properties contain single dwellings, mature vegetation and associated outbuildings.
5. In February 2012, a complaint was received by the Shire that a commercial vehicle was being parked on the property.

6. In March 2012, an application was received for retrospective approval to continue to park one commercial vehicle (a bus) on the subject property.
7. In June 2012, Council resolved (Resolution OCM 56/2012) to defer the item to enable staff to investigate and report alternative options for the parking of the commercial vehicle.
8. In July 2012, an amended site plan was submitted by the applicant showing a proposed alternative location where the commercial vehicle could be parked on the property, this new parking location on the property was subsequently inspected. Refer to the Amended Site Plan (Attachment 2) and the photograph of the commercial vehicle in the proposed parking area (Attachment 3).

DETAILS

9. Details of the application are as follows:
 - Those residing at the property are restoring the commercial vehicle and converting it into a holiday bus.
 - The applicant has advised that no mechanical maintenance or changes to the vehicle's external appearance is being done. The only work being carried out is an internal fit out.
 - No one is to reside in the vehicle whilst parked on the property.
 - Once restored the applicant has advised that the vehicle will be sold and removed off site. Confirmation of when this is likely to occur was requested but not provided.
 - The commercial vehicle is proposed to be parked on an unsealed area behind the front alignment of the dwelling.
 - The commercial vehicle when previously considered by Council, was proposed to be 1m from the east (side) boundary and parked at the end of the driveway where it was visible from Goodall Street.
 - An amended site plan has since been submitted which shows the commercial vehicle parking area as being proposed to be 5.2m from the side (east) boundary, approximately 5.5m from the side (west) boundary and approximately 14m from the rear boundary.
 - The landowner also owns the adjoining property to the west, being 5A Goodall Street.

10. Details of the commercial vehicle proposed to be parked on the property are as follows:

	BUS	POLICY REQUIREMENTS (RIGID TYPE)
MAKE	Bedford	
TYPE	Mobile Caravan	
YEAR	1973	
LENGTH	11m	11m Maximum
HEIGHT	3m	4.3m Maximum
WIDTH	2.5m	2.5m Maximum
TARE WEIGHT	8.8 tonnes	
LICENCE NO.	1CPU 256	

STATUTORY AND LEGAL IMPLICATIONS

11. Under the Zoning Table (Table 1) of the Scheme the use "Commercial Vehicle Parking" is classed as an 'A' use in a Residential zoning meaning that it is not permitted, unless Council has granted planning approval after the proposal has been advertised to affected landowners by the Shire.
12. 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."*
13. Clause 5.20 of the Scheme (Commercial Vehicle Parking) stipulates that the determination of commercial vehicle parking applications shall be "*generally*" in accordance with the Policy. The Shire reserves the right to amend the conditions of an approval or revoke an approval to park a commercial vehicle as a result of a justified complaint being received.
14. Clause 8.4 of the Scheme (Unauthorised Existing Developments) stipulates that the Shire may grant planning approval to a use or development already commenced or carried out regardless of when it was commenced or carried out, if the development conforms to the provisions of the Scheme.
15. In considering an application for planning approval, clause 10.2 of the Scheme (Matters to be Considered by Local Government) requires Council to have due regard to the compatibility of the development within its settings; the preservation of the amenity of the locality; the likely effect of the scale and appearance of the proposal; whether the proposed means of access and egress from the property are adequate; any local planning policy adopted by Council; and any relevant submissions received on the application.

16. A Scheme objective for Residential zones is to encourage the retention of remnant vegetation.
17. If Council refuses the application, or imposes conditions that are not acceptable to the applicant, there is a Right of Review (appeal) to the State Administrative Tribunal.

POLICY IMPLICATIONS

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

18. Local Planning Policy DEV22 – Parking of Commercial Vehicles on Private Property ("the Policy") stipulates that where objections and/or complaints have been received the application will be referred to Council for determination; therefore the application cannot be determined under delegation.
19. 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:
 - Only one commercial vehicle will be permitted.
 - The commercial vehicle shall not exceed (rigid type) 11m in length and 4.3m in height.
 - Approval to park a commercial vehicle on a lot shall apply to the applicant only on the lot the subject of the application and shall not be transferred to any other person.
 - The commercial vehicle shall be parked entirely on the lot behind the alignment of the front of the house. If the vehicle is parked alongside the residence then gates/fencing of a minimum of 1.8m in height are to be erected to screen the vehicle from the street. It shall be screened from the view of the street and from neighbours to Council's satisfaction.
 - The commercial vehicle must be parked on the lot so that it does not interfere with the normal access and egress of other vehicles, and does not cause damage to the road, kerb or footpath.
 - Standard vehicle movement and start up times of between 7.00am and 7.00pm Monday to Saturday and 9.00am to 5.00pm on Sundays and public holidays.
 - The idling times for start-up and cool down being restricted to five minutes.
 - Spray painting, panel beating and major servicing on the commercial vehicles is not permitted. Maintenance limited to oil and grease changes, and changes of wheels (but not repairs to tyres) and other minor maintenance as approved by Council.

PUBLIC CONSULTATION/COMMUNICATION

20. The amended site plan was not advertised, however the original site plan was advertised for 14 days to nearby property owners for comment in accordance with Clause 9.4.3 of the Scheme. One non objection and two objections were received. Refer to the Consultation Plan (Attachment 4).
21. One of the submitters who objected to the proposal requested that their response be kept confidential and is therefore not shown on the Consultation Plan.
22. The following concerns were raised during advertising:
- Commercial vehicles should not be allowed to be parked in residential areas.
 - The size of the bus is large and is an unsightly feature.
 - There being no time frame as to how long the commercial vehicle will stay parked at the property or be restored by, before those residing at the property decide to do anything with it.
 - The bus can clearly been seen from neighbouring properties and the street.
 - No time period has been given for the fit-out works to be completed by or for the vehicles removal.
 - Additional screening of such a large bus would be more unsightly than the bus itself.
23. With the amended site plan the applicant also provided a petition containing 11 signatures in favour of the application. Three of which are from the same property, being 5A Goodall Street, and two are the applicants who owns 5A and 5B Goodall Street. Refer to the Petition (Attachment 5).

FINANCIAL IMPLICATIONS

24. Nil.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

Strategic Planning Implications

25. Nil.

Sustainability Implications

Social Implications

26. Nil.

Economic Implications

27. Nil.

Environmental Implications

28. Nil.

OFFICER COMMENT

29. The proposal complies with the Policy and Scheme requirements.

30. The site plan originally submitted was advertised shows the commercial vehicle being 1m from the east (side) boundary and parked at the end of the driveway where it was visible from Goodall Street. During advertising concerns were received regarding the visual impact the commercial vehicle was having on the adjoining landowners at 9 Goodall Street and when viewed from the street.

31. Subsequently an amended site plan was submitted which shows the vehicle being 5.2m from the east (side) boundary. This is considered acceptable for the following reasons:

- Existing vegetation on the property will screen the commercial vehicle sufficiently from adjoining properties.
- A 1.7m high fibro-cement fence exists along the east (side) boundary. Refer to the photograph of the proposed commercial vehicle parking area from 9 Goodall Street (Attachment 6).
- The increased side setback means that the commercial vehicle will not be fully visible from Goodall Street. Refer to the photograph of the proposed commercial vehicle parking area from Goodall Street (Attachment 7).

32. The vehicle will still be partially visible to the landowners of 9 Goodall Street. So that the vehicle is sufficiently screened from the adjoining property latching of at least 0.8m height will be required to be placed along the dividing fence if the application is approved by Council.

33. Considering the above, it is recommended that Council approves the application.

Voting Requirements: Simple Majority

OFFICER RECOMMENDATION (D&I 61/2012)

That Council:

1. Approves the retrospective planning application dated 29 February 2012 for William Barnes to continue to park one commercial vehicle, a Bedford Bus (registration number 1CPU 256) at Lot 57 (5B) Goodall Street, Lesmurdie, 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. Maintenance and cleaning of the commercial vehicle is only permitted between 8.00am and 6.00pm Monday to Saturday, and 9.00am to 6.00pm on Sundays.
- c. The vehicle is not to be used for habitation purposes whilst parked on the property.
- d. Only maintenance of a minor nature, such as servicing or wheel changing, is to be carried out on the subject property between the hours designated in condition b. No panel beating, external spray painting, external welding or the removal of major body or engine parts is permitted.
- e. The idling time for the start-up and cool down of the vehicle being a maximum of five minutes.
- f. Washing of the commercial vehicle on the subject lot is to be limited to the use of water and mild detergent, but not involve the use of any solvents, degreasing substances, steam cleaning and any other processes which may cause pollution or degradation of the environment.
- g. Latticing of at least 0.8m in height being placed along the top of the dividing fence between 5B and 9 Goodall Street, Lesmurdie, within 35 days from the date of this decision, and maintained thereafter by the landowner of 9 Goodall Street to the Shire's satisfaction.

Moved:

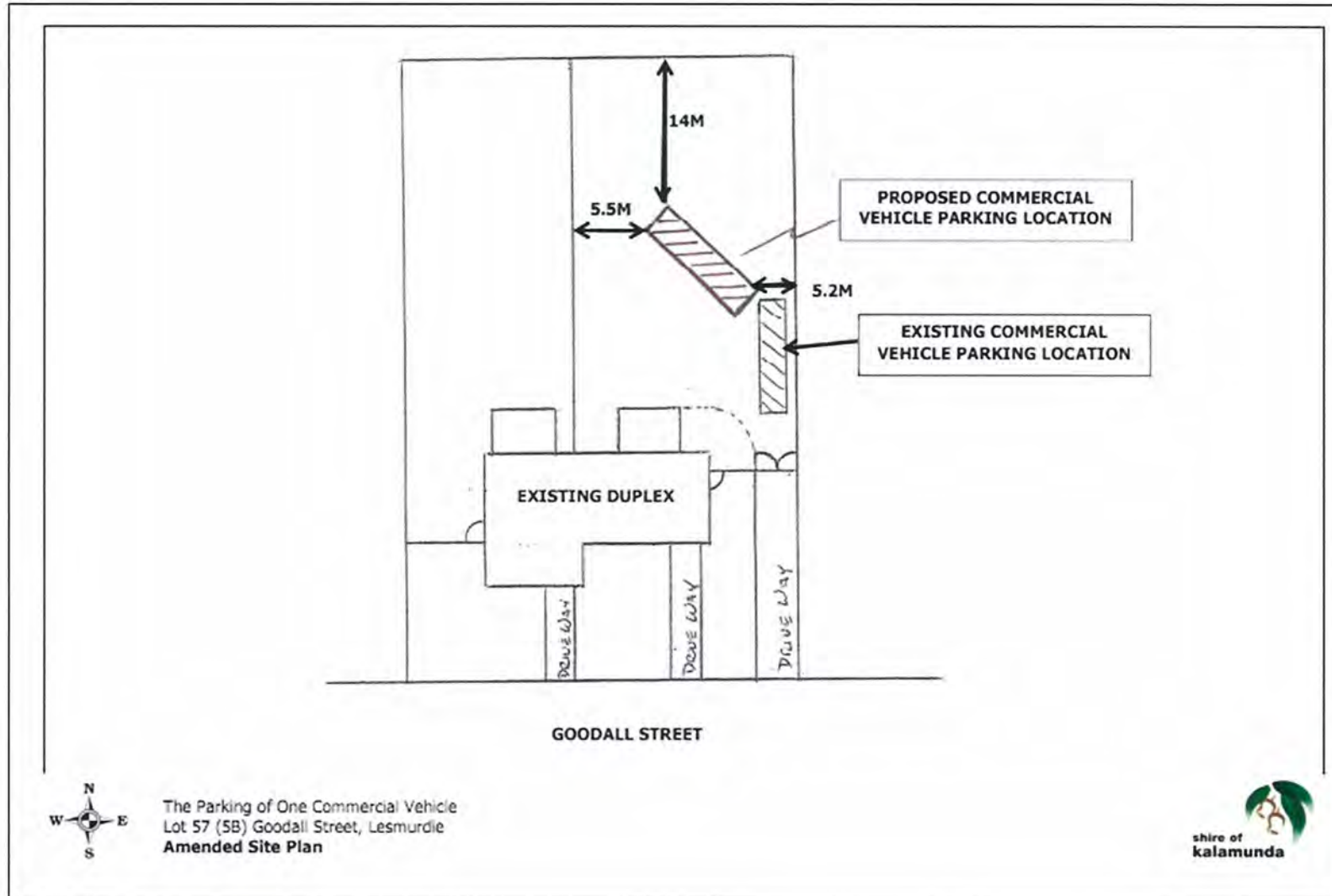
Seconded:

Vote:

Attachment 1



Attachment 2



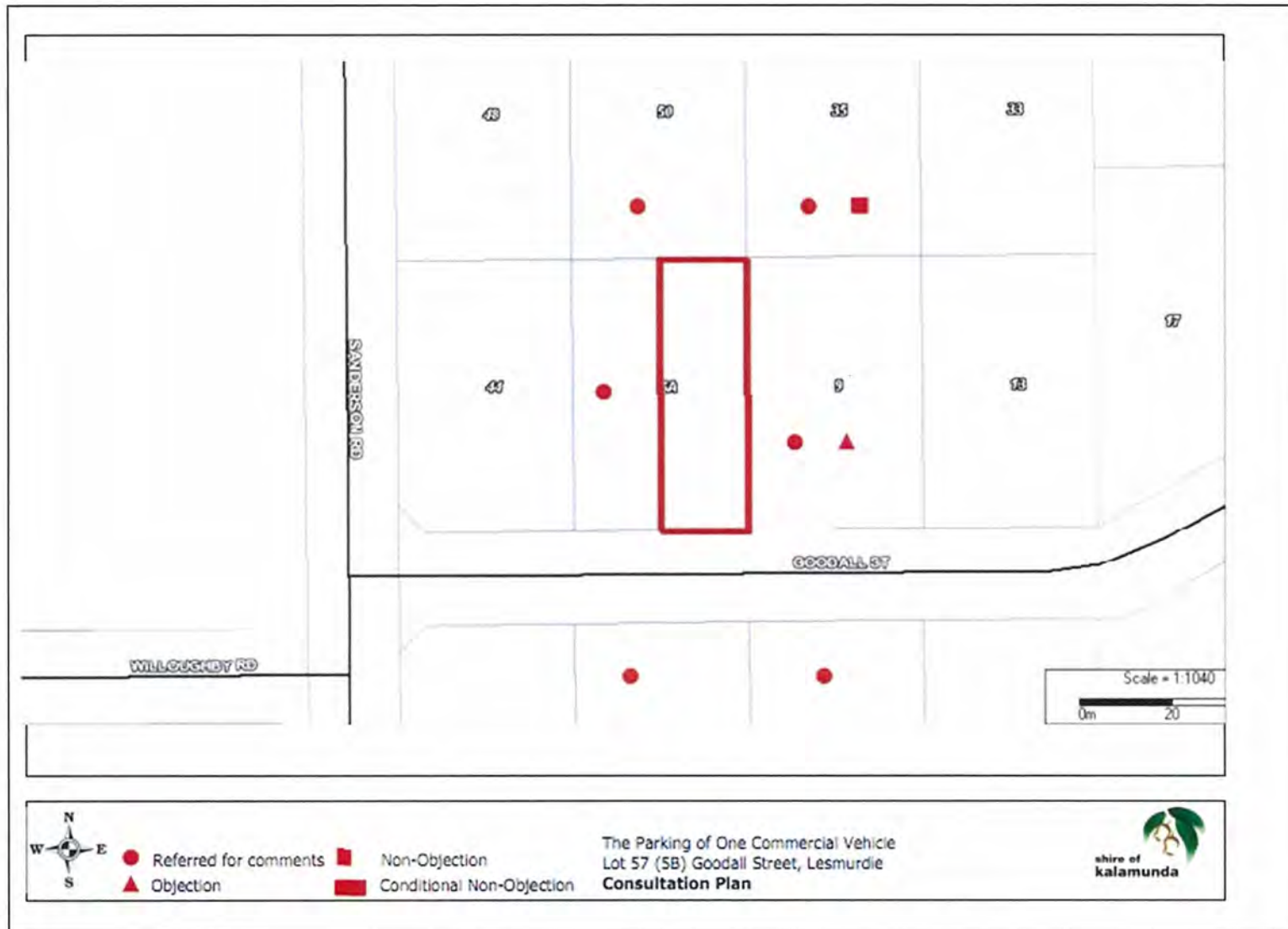
Attachment 3



The Parking of One Commercial Vehicle
Lot 57 (5B) Goodall Street, Lesmurdie
Photograph of the Proposed Commercial Vehicle Parking Area



Attachment 4



Attachment 5

This partition is signed by residents of Goodall Street,
LESMURDIE WA 6076 who **DO NOT** object to the bus being
parked in the back yard of 5b Goodall Street, Lesmurdie.

16th June 2012

Number Goodall Street	Name	Signature	Comments
5a	Karl Charleton	Karl	
5a	Caroline Maffei	Caroline Maffei	
5a	Sam Richards	Sam Richards	
11	Kat Thomson	Kat Thomson	
13	Ferry Gelmi	Ferry Gelmi	
25	John Bussanich	John Bussanich	
29	Jerry Simpson	Jerry Simpson	
30	Kraka Willis	Kraka Willis	
35 (Guest Unit Lesmurdie)	S. Lopast	S. Lopast	NO PROBLEM
5a	Sharon Arisi	Sharon Arisi	owner of property
5b	Sharon Arisi	Sharon Arisi	owner of property

Attachment 6



The Parking of One Commercial Vehicle

Lot 57 (5B) Goodall Street, Lesmurdie

Photograph of the View from 9 Goodall Street of the Commercial Vehicle Parked in the Proposed Parking Location



Attachment 7



The Parking of One Commercial Vehicle
Lot 57 (5B) Goodall Street, Lesmurdie
Photograph of the Proposed Commercial Vehicle Parking Area From Goodall Street



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

62. The Parking of One Commercial Vehicle – Lot 142 (10) Moonglow Rise, Maida Vale

Previous Items	OCM 37/07, OCM 118/08, OCM 68/09
Responsible Officer	Director Development & Infrastructure Services
Service Area	Development & Infrastructure Services
File Reference	MN-04/010
Applicant	P Gilham
Owner	P Gilham
Attachment 1	Locality Plan
Attachment 2	Site Plan
Attachment 3	Photograph of the Proposed Commercial Vehicle
Attachment 4	Photograph of the Proposed Commercial Vehicle Parking Area
Attachment 5	Consultation Plan
Attachment 6	Photograph of the Property from Moonglow Rise

PURPOSE

1. To consider a retrospective planning application to park one commercial vehicle (a bus) at Lot 142 (10) Moonglow Rise, Maida Vale. Refer to (Attachments 1 and 2).

BACKGROUND

2. Land Details:

Land Area:	4,291sqm
Local Planning Scheme Zone:	Residential Bushland R2.5
Metropolitan Region Scheme Zone:	Rural

3. The subject property contains a single dwelling and has direct access to Moonglow Rise, which is a cul-de-sac.
4. Surrounding properties contain single dwellings, mature vegetation and associated outbuildings.
5. In May 2007, Council resolved (Resolution OCM 37/07) to temporarily approve an application to park one commercial vehicle (a bus) at the property, for a period of 12 months. The vehicle was 3.5m in height, 2.5m in width and 6.2m in length.
6. In September 2008, Council resolved (Resolution OCM 118/08) to approve the renewal application to park the commercial vehicle at the property for a further 12 months.

7. In June 2009, Council resolved (Resolution OCM 68/09) to approve the application, with a variation in the vehicle's length to 12.3m, to park the commercial vehicle on the property without the need to apply for further renewals from Council.
8. A condition of Council's last approval was the following:

"c. The approval authorises Paul David Gilham and no other operator to park commercial vehicle 1CMI 595 on the subject property."
9. In March 2010, the applicant requested that the above condition be modified so as to allow "back up" drivers to drive the bus when he was sick or on holiday. The Shire sought legal advice and was advised that if it was still the same vehicle parked under the same conditions the condition did not need to be modified or deleted to allow this to occur.
10. In June 2012, the applicant advised the Shire that the authorised commercial vehicle has been removed from the property on a permanent basis and replaced with the proposed commercial vehicle.

DETAILS

11. Details of the application are as follows:
 - The existing authorised commercial vehicle (a bus) has been removed from the property and replaced by another commercial vehicle (a bus). Refer to the photograph of the proposed commercial vehicle (Attachment 3).
 - The applicant who resides at the property and two other people who do not reside at the property, are proposed to drive the commercial vehicle as part of their employment. The two drivers who do not reside at the property will be used as "back up drivers".
 - Initially the applicant was proposing to operate the commercial vehicle between Monday and Saturday 6.30am to 8.00pm, and Sunday 9.00am to 5.00pm. The applicant has since advised that the commercial vehicle will be operated and maintenance conducted on the vehicle during the same times approved by Council previously.
 - Considering the previous point, the commercial vehicle is proposed to be operated between 6.30am and 7.00pm Monday to Saturday, and 9.00am to 5.00pm on Sundays and public holidays. Maintenance and cleaning of the commercial vehicle is proposed between 8.00am and 7.00pm Monday to Saturday, and 9.00am to 6.00pm on Sundays.
 - The commercial vehicle is proposed to be parked on an unsealed area behind the front alignment of the dwelling, in the same location where the previous commercial vehicle was approved by Council.
 - The commercial vehicle will idle for up to three minutes, prior to leaving the site and upon return.

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

	BUS	POLICY REQUIREMENTS (RIGID TYPE)
MAKE	Volvo	
TYPE	Bus	
YEAR	2012	
LENGTH	12.5m	11m Maximum
HEIGHT	3.5m	4.3m Maximum
WIDTH	2.5m	2.5m Maximum
TARE WEIGHT	12 tonnes	
LICENCE NO.	1DXT 503	

STATUTORY AND LEGAL IMPLICATIONS

13. Under the Zoning Table (Table 1) of the Scheme the use "Commercial Vehicle Parking" is classed as an 'A' use in a Residential Bushland zoning meaning that it is not permitted, unless Council has granted planning approval after the proposal has been advertised to affected landowners by the Shire.
14. Under Schedule 1 of the Scheme (Land Use Definitions) commercial vehicles are defined as being:
- "a vehicle whether licensed or not, and include propelled caravans, trailers, semi-trailers, earth moving machines whether self-propelled or not, motor wagons, buses and tractors and their attachments but shall not include any motor car or any vehicle whatsoever the weight of which is less than 3.5 tonnes."*
15. Clause 4.2.1 of the Scheme (Objectives of the Zone – Residential Bushland) an objective of the Residential Bushland zone is to give due consideration to land uses that are compatible with the amenity of surrounding residential development.
16. Clause 5.20 of the Scheme (Commercial Vehicle Parking) stipulates that the determination of commercial vehicle parking applications shall be "*generally*" in accordance with the Policy. The Shire reserves the right to amend the conditions of an approval or revoke an approval to park a commercial vehicle as a result of a justified complaint being received.
17. In considering an application for planning approval, Clause 10.2 of the Scheme (Matters to be Considered by Local Government) requires Council to have due regard to:
- The compatibility of the development within its settings.
 - The preservation of the amenity of the locality.
 - The likely effect of the scale and appearance of the proposal.

- Whether the proposed means of access and egress from the property are adequate.
- Any local planning policy adopted by Council.
- Any relevant submissions received on the application.

18. If Council refuses the application, or imposes conditions that are not acceptable to the applicant, there is a Right of Review (appeal) to the State Administrative Tribunal.

POLICY IMPLICATIONS

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

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

- Only one commercial vehicle will be permitted.
- The commercial vehicle shall not exceed (rigid type) 11m in length, 2.5m in width and 4.3m in height.
- Approval to park a commercial vehicle on a lot shall apply to the applicant only on the lot the subject of the application and shall not be transferred to any other person.
- The commercial vehicle shall be parked entirely on the lot behind the alignment of the front of the house. If the vehicle is parked alongside the residence then gates/fencing of a minimum of 1.8m in height are to be erected to screen the vehicle from the street. It shall be screened from the view of the street and from neighbours to Council's satisfaction.
- The commercial vehicle must be parked on the lot so that it does not interfere with the normal access and egress of other vehicles, and does not cause damage to the road, kerb or footpath.
- Standard vehicle movement and start up times of between 7.00am and 7.00pm Monday to Saturday and 9.00am to 5.00pm on Sundays and public holidays.
- The idling times for start up and cool down being restricted to five minutes.
- Spray painting, panel beating and major servicing on the commercial vehicles is not permitted. Maintenance limited to oil and grease changes, and changes of wheels (but not repairs to tyres) and other minor maintenance as approved by Council.

20. The Policy stipulates that where objections have been received the application will be referred to Council for determination. During advertising objections were received and therefore the application cannot be determined under delegation.

21. The Policy does not stipulate that a commercial vehicle can only be driven by those residing on the property where the commercial vehicle is to be parked.

PUBLIC CONSULTATION/COMMUNICATION

22. 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, two of which provided comment, and two objections were received.
23. One of the submitters who objected to the proposal has requested that their response be kept confidential and therefore is not shown on the Consultation Plan. Refer to the Consultation Plan (Attachment 5).
24. Concerns raised during advertising include the following:
- The vehicle exceeds the Policy requirements.
 - The applicant having an alternative property which the vehicle is occasionally parked at, not in Moonglow Rise.
 - The applicant having a history of breaking conditions of previous approvals.
 - The bus posing a risk to the safety of residents.
 - The noise of the vehicle disturbing local residents.
 - The Policy which the application is being assessed against being out dated.
 - There being another vehicle parked on the property, a Toyota Coaster, which is also used in conjunction with the applicant's bus company.
 - There being no restrictions in the Policy regarding the frequency which the bus can leave and arrive at the property during the hours of operation.
25. The submitters who have no objections to the proposal, advised the following:
- They have had no problems with the bus currently parked at the property when it is driven along the road.
 - They live next to the property where the vehicle will be parked, and never hear the bus currently parked there leave and return.
 - The bus will not be visible where it will be parked.

FINANCIAL IMPLICATIONS

26. Nil.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

Strategic Planning Implications

27. Nil.

Sustainability Implications

Social Implications

28. Any potential impacts the commercial vehicle may have on the amenity of the local area can be addressed through the inclusion of conditions. 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 Implications

29. Nil.

Environmental Implications

30. Nil.

OFFICER COMMENT

31. The proposal complies with the Scheme requirements.
32. The proposal complies with the Policy requirements with the exception of the vehicle's length, being 12.5m in lieu of a maximum of 11m, and the proposed hours of operation. It is considered that the additional 1.5m length does not have any greater impact than if it had complied with the prescribed 11.0m length.
33. It should be noted that the proposed commercial vehicle is only 0.2m longer, the same width and height, and parked in the same location as the commercial vehicle (bus) approved by Council previously.
34. The commercial vehicle will not have any visual impact on the locality because it is parked behind the dwelling, screened by vegetation on the property and 1.8m high solid fencing along the dividing boundaries. Refer to the photograph of the proposed commercial vehicle parking area (Attachment 4) and the photograph of the property from Moonglow Rise (Attachment 6).
35. There is an ample amount of space on the property for the vehicle to enter and leave the property in a safe manner.
36. The property is located at the end of a cul-de-sac and therefore pedestrian and traffic volumes and movements will be low. In these circumstances it is unlikely that the safety of pedestrians and other road users will be detrimentally impacted.
37. No objections were received during the advertising period regarding the visual impact the proposed commercial vehicle may have on the locality, or regarding the ability to be able to enter and leave the property in a safe manner.

38. The applicant has advised the following to address the concerns raised during advertising:

"I am contracted to the Public Transport Authority to supply transport to and from school for students residing in the Kalamunda Shire. On school days to service the contract I will be leaving between 6.30am to 7.00am and coming back home around 4.30pm.

Most days I am out all day doing charter for the local schools, swimming lessons, trips to the zoo and Art Gallery. On some occasions when there is no charter work I would come home after the morning run around 8.45am and the leave in the afternoon around 2.30pm for the afternoon run.

I do rent some land where I do park my other buses, but there is no security and to leave a brand new \$450,000 bus parked in a paddock I am not comfortable with. Also having the bus parked at home allows me leave home later than if I had to drive there.

Most of the work I do after school hours is actually for schools. Mazenod College and also St Brigid's College has a boarding section. They do excursions in the evening of the likes of movies, concerts and shopping. Also a lot of the primary schools have sing fest competitions which are held either at Perth Concert Hall or the Burswood Theatre."

39. After the advertising period had concluded a nearby landowner raised concerns that the proposed vehicle's actual height is higher than that advised by the applicant.
40. During an inspection of the vehicle the applicant advised, and demonstrated, that the commercial vehicle has two settings which affects its height depending on whether it is parked or being driven or idling. When parked the vehicle is 3.5m in height and when driven or idling it is 3.6m in height. The height of the vehicle was measured, from ground level to the air conditioning unit on the roof, and found to be 3.5m in height when parked. Manufacturer's details inside the commercial vehicle confirmed that it is a maximum height of 3.6m when being driven or idling.
41. During advertising concerns were raised that another vehicle used in conjunction with the bus company was also being parked on the property.
42. The second vehicle is not considered to be a commercial vehicle by way of definition under the Scheme as it is not greater than 3.5 tonnes, however it is being used to carry persons for hire or reward, the same as the bus subject of this application.
43. The parking of more than one vehicle which is being used for such purposes, on a property zoned Residential Bushland, is deemed to be the use Transport Depot which is not permitted on the property. Effectively, irrespective of whether or not a vehicle is a "commercial vehicle" if it is used for hire or reward in conjunction with other such vehicles, the use would be considered a Transport Depot.

44. Considering the above, it is recommended that Council approves the application, and advises the applicant that all other vehicles used in conjunction with their bus company be removed from the property.

Voting Requirement – Simple Majority

OFFICER RECOMMENDATION (D&I 62/2012)

That Council:

1. Approves the application for Paul Gilham to park one commercial vehicle, a Volvo bus (registration number 1DXT 503) at Lot 142 (10) Moonglow Rise, Maida Vale, 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 permitted to be operated between 6.30am and 7.00pm Monday to Saturday, and 9.00am to 5.00pm on Sundays and public holidays.
 - c. Maintenance and cleaning of the commercial vehicle is only permitted between 8.00am and 7.00pm Monday to Saturday, and 9.00am to 6.00pm on Sundays.
 - d. Approval of the parking activity does not include approval for having clients on the bus brought to and/or from the property.
 - e. Only maintenance of a minor nature, such as servicing or wheel changing, is to be carried out on the subject property between the hours designated in condition b. No panel beating, spray painting, welding or the removal of major body or engine parts is permitted.
 - f. The idling time for the start-up and cool down of the vehicle being a maximum of five minutes.
 - g. 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.
2. Advises the applicant that all other vehicles used in conjunction with their bus company be removed from the property within 35 days from the date of this decision.
3. Advises the applicant that the bus (registration number 1CMI 595) that was approved by Council previously, is no longer permitted to be parked on the subject property.

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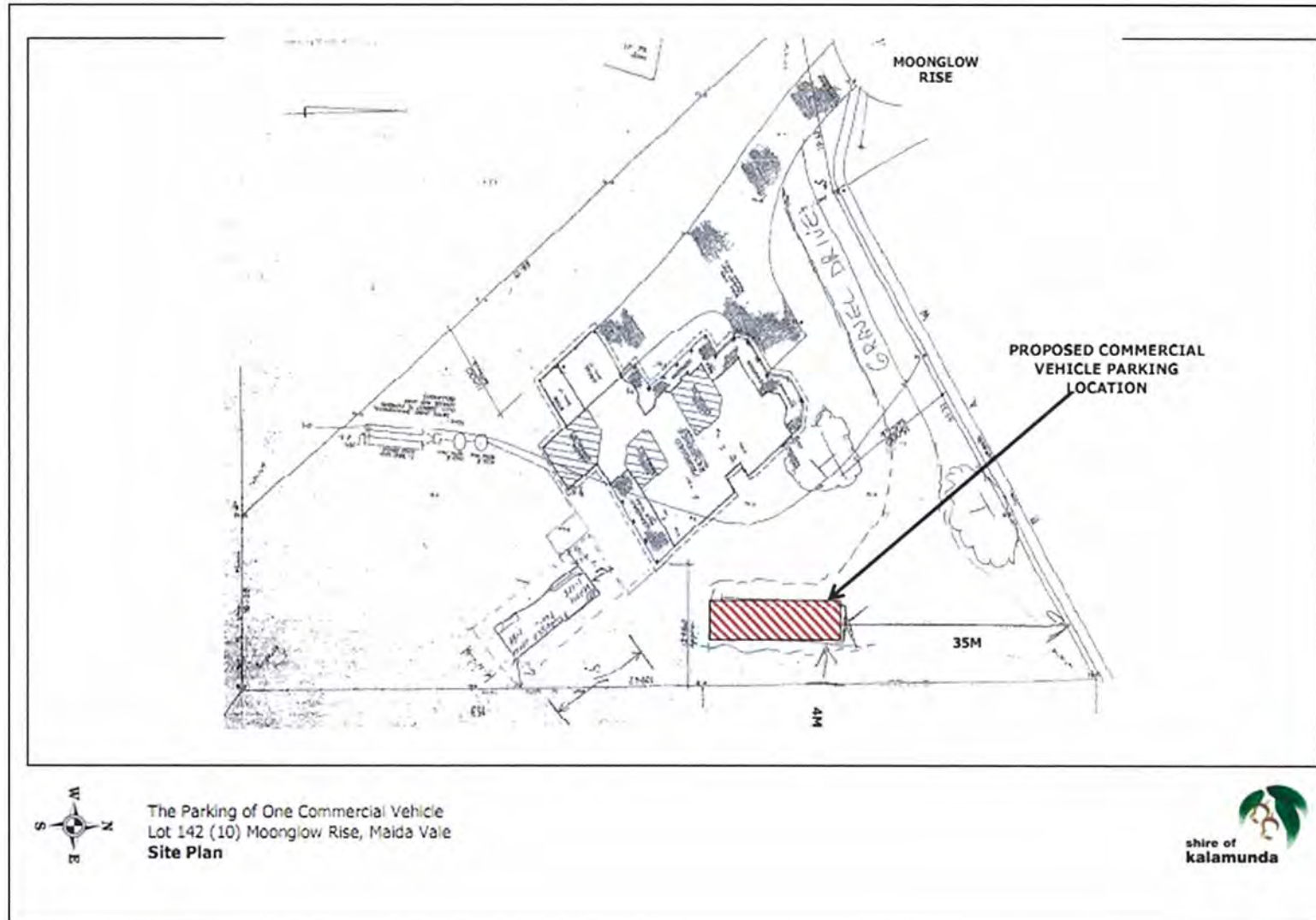
Seconded:

Vote:

Attachment 1



Attachment 2



Attachment 3



The Parking of One Commercial Vehicle
Lot 142 (10) Moon Glow Rise, Maida Vale
Photograph of the Proposed Commercial Vehicle



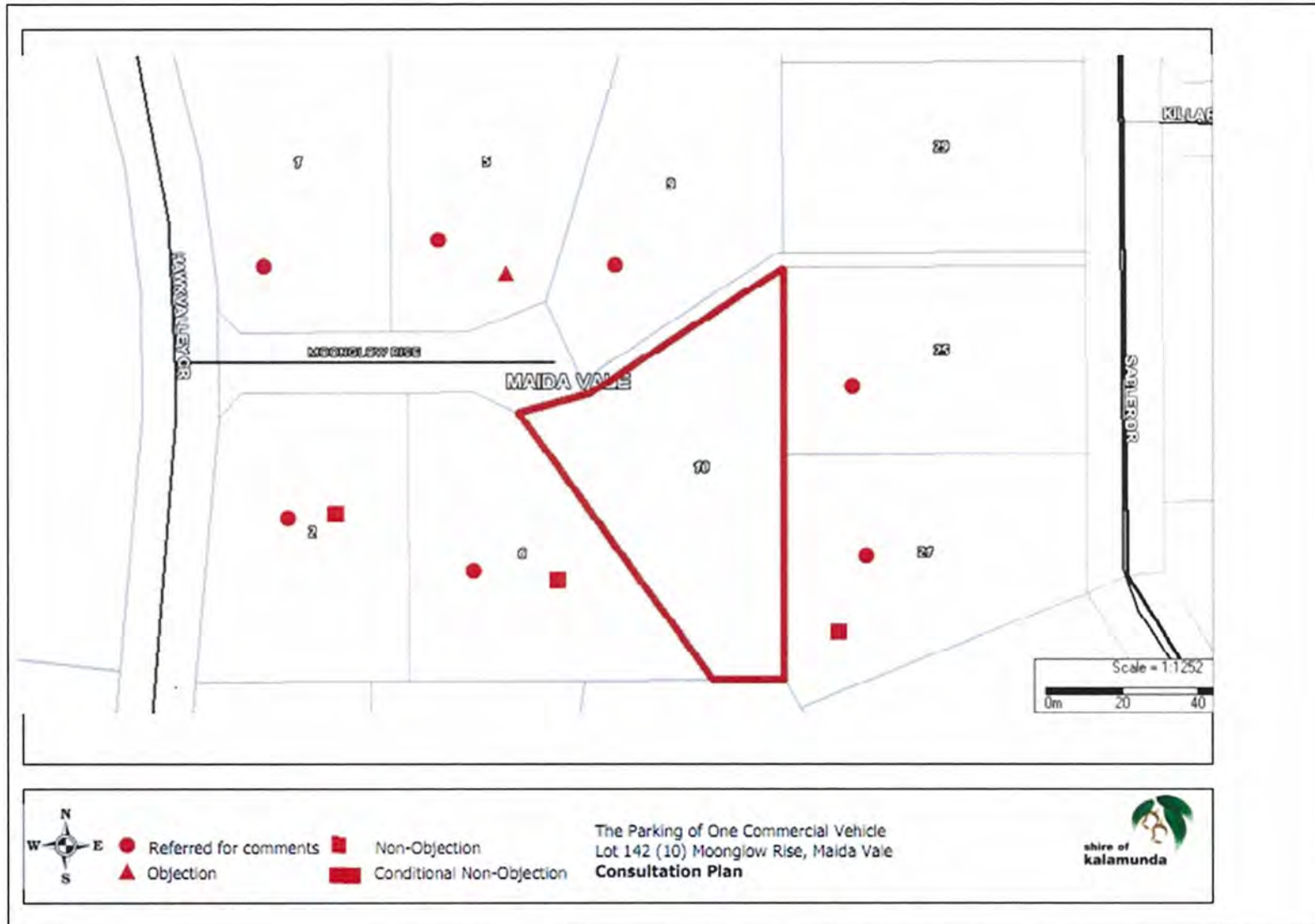
Attachment 4



The Parking of One Commercial Vehicle
Lot 142 (10) Moonglow Rise, Maida Vale
Photograph of the Proposed Commercial Vehicle Parking Area



Attachment 5



Attachment 6



The Parking of One Commercial Vehicle
Lot 142 (10) Moonglow Rise, Maida Vale
Photograph of the Property from Moonglow Rise



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

63. Local Planning Scheme No. 3 Amendment No. 45 – Provisions Relating to the Middle Helena Catchment Area

Previous Items	OCM 19/2012
Responsible Officer	Director Development & Infrastructure Services
Service Area	Development & Infrastructure Services
File Reference	PG-LPS-003
Applicant	Nil
Owner	N/A
Attachment 1	Middle Helena Catchment Area Locality Plan
Attachment 2	Special Control Areas Plan

PURPOSE

1. To consider submissions received and whether to adopt Amendment No. 45 to Local Planning Scheme No. 3 ("the Scheme") to include provisions relating to Special Control Areas for the Middle Helena Catchment Area ("the MHCA") in the Scheme, and to amend the Scheme Zoning Map to reflect the three priority classifications proposed by the Strategy. Refer to the Middle Helena Catchment Area Locality Plan (Attachment 1).

BACKGROUND

2. The MHCA covers the Piesse Brook Water Catchment to the east of Kalamunda. A Draft Management Strategy ("the Draft Strategy") was released by the Department of Water ("the DOW") and the Western Australian Planning Commission ("the WAPC") in 2003 with the overall aim to provide a framework for sustainable and integrated land use and water management for the catchment area by way of integrating the land use planning process, public drinking water source protection and catchment management.
3. The Draft Strategy divided the catchment area into three risk based priority classifications, namely Priority Areas P1, P2 and P3. The Strategy recommends two amendments to the Metropolitan Region Scheme for priority areas within the gazetted boundary of the Middle Helena Catchment Area, namely:
 - To place a *Water Catchment Reservation* over areas designated as Priority 1. All developments applications received for this area must be forwarded to the Western Australian Planning Commission for determination.
 - To place a *Rural Water Protection Zone* over areas designated as Priority 2 areas. All land identified in the land use compatibility table as being conditional or incompatible will require referral to the DoW for comment.

4. A further recommendation of the Draft Strategy is to establish a *Special Control Area* ("SCA") in the Scheme the purpose of which would be to identify the MHCA boundary and to guide future land use or development that may affect the quality of public drinking water sourced from Priority 1, Priority 2 and Priority 3 areas.
5. In March 2010 Council resolved (Resolution OCM 31/2010) to adopt the Middle Helena Catchment Area – *Land Use and Water Management Strategy* ("the Strategy").
6. In June 2010 the Strategy was approved by the Minister for Planning.
7. The SCA will be shown on the Shire's Scheme Zoning Map if the amendment is approved by the Minister for Planning.
8. In March 2012, Council resolved (Resolution OCM 19/2012) to initiate Amendment No. 45 to the Scheme.

DETAILS

9. The Strategy recommends that the MHCA be shown as SCAs on the Shire's Scheme Zoning Map to guide future land use or development that may affect the quality of public drinking water sourced from priority 1, 2 and 3 areas. Refer to the Special Control Areas Plan (Attachment 2).
10. It is proposed that the Scheme map be modified to identify the Middle Helena Catchment area with the annotation 'SCA' and the following provision be included under Clause 6.1.1 of the Scheme:

"(g) *The Middle Helena Catchment Area shown on the Scheme Map as SCA shall be in accordance with Clause 6.5.*"
11. To be consistent with the Strategy it is also recommended that provisions be included under Section 6.5 of the Scheme relating to the following:
 - That the MHCA is subject to the Strategy which identifies three priority classification areas.
 - The objectives and purpose of the SCA.
 - The requirements with regard to referring planning applications to the Department of Water for comment.
 - Matters which the Shire is to have due regard to when determining applications which fall within the SCA.

STATUTORY AND LEGAL IMPLICATIONS

12. The *Town Planning Regulations 1967* establish procedures relating to amendments to local planning schemes. Ultimately it will be determined by the Minister for Planning.

POLICY IMPLICATIONS

13. Nil.

PUBLIC CONSULTATION/COMMUNICATION

14. The proposal was advertised for 42 days in accordance with the provisions of the *Town Planning Regulations 1967*, which involved only a local public notice in a paper circulating the District, due to not being related to any specific lot.
15. During advertising one non-objection was received.

FINANCIAL IMPLICATIONS

16. Nil.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

Strategic Planning Implications

17. The Strategy describes key planning issues associated with the protection and management of the water source within the MHCA and recommends provisions to be incorporated into the Metropolitan Region Scheme and the Scheme. These provisions will enable future planning of the catchment to be undertaken in a manner cognisant of broader strategic planning issues for the Shire such as tourism and protection of the Shire's orcharding and viticulture industries.

Sustainability Implications

Social Implications

18. There are a number of social activities that occur in the Middle Helena catchment that could be affected by the Strategy with the imposition of more restrictive land controls. This includes the proposed closure of the section of the Helena Pipehead Walk Trail which the Shire remains opposed to.

Economic Implications

19. The Middle Helena Catchment is facing pressure from urban development, agricultural degradation from farming related uses and an increasing need for recreational opportunities. Careful planning will be required to encourage future activities that protect water quality and maintain the area.

Environmental Implications

20. The Strategy will require future development of land use activities to incorporate best environmental management practises to ensure that water quality in the catchment is not compromised.

OFFICER COMMENT

21. Considering that Council initiated the amendment and no objections were received during the advertising period, it is recommended that Council adopts the amendment.

Voting Requirement – Simple Majority

OFFICER RECOMMENDATION (D&I 63/2012)

That Council:

1. Notes the submission received in response to Amendment No. 45 to Local Planning Scheme No. 3.
2. Adopts the amendment to Local Planning Scheme No. 3 without modification, 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. 45

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

- a) Amending the Scheme Zoning Map to show the priority classification areas identified by the Middle Helena Catchment Area Land Use and Water Management Strategy, and adding the annotation SCA over the Middle Helena Catchment Area.
- b) Inserting the following provision under clause 6.1.1 of the Scheme:
"(g) *The Middle Helena Catchment Area shown on the Scheme Map as SCA shall be in accordance with Clause 6.5.*"
- c) Inserting the following provisions in the Scheme for the Middle Helena Catchment area:

"6.5 MIDDLE HELENA CATCHMENT AREA

- 6.5.1** *The Middle Helena catchment area is the catchment for that section of the Helena River from the Mundaring Weir downstream to the Helena Pumpback Dam (also known as the Lower Helena Diversion Dam). The portion of the Middle Helena catchment area that falls in the Shire of Kalamunda is shown on the scheme map. The area is subject to the Middle Helena Catchment Area Land Use and Water Management Strategy, which identifies three priority classification areas (priority 1, priority 2 and priority 3). These priority classifications are also shown on the scheme map.*

6.5.2 The purpose of this special control area is to implement the Middle Helena Catchment Area Land Use and Water Management Strategy. The objectives of this special control area are to:

- (a) Ensure that the long-term quality of the Middle Helena catchment as a public drinking water source is not compromised;*
- (b) Reduce potential nutrient, contaminant and sediment export into the Helena River; and*
- (c) Provide a planning framework for land use decision-making for landowners and local and state government.*

6.5.3 All development in the special control area requiring planning approval shall be subject to the Shire's discretion, despite the use being designated a 'permitted' use under the Scheme.

6.5.4 The Shire may refer all applications for planning approval to the Department of Water for comment where that application is for a use which is identified as 'compatible with conditions' or 'incompatible' in the relevant priority classification on the Department of Water's land use compatibility table in the water quality protection note Land Use Compatibility in Public Drinking Water Source Areas, incorporating the following variations to that table, which are specific to the Middle Helena catchment area:

- (a) In priority 2 areas, the land use Restaurants (including cafes and tea rooms) shall be compatible with conditions; and*
- (b) In priority 2 areas, the land use Exhibition Centre shall be compatible with conditions.*

6.5.5 Except where a proposed use is for extension or replacement of a non-conforming use, which is non-conforming in terms of this clause, a use which is identified as incompatible in the relevant priority classification on the Department of Water's land use compatibility table in the water quality protection note, 'Land Use Compatibility in Public Drinking Water Source Areas' and incorporating the variations to that table specific to the Middle Helena catchment area, shall not be approved.

6.5.6 In determining or making recommendation on an application for planning approval in the Special Control Area, or making recommendation on an application for subdivision in the Special Control Area, the shire shall have particular regard to:

- (a) Any advice received from the Department of Water;*
- (b) The Department of Water's land use compatibility table in the water quality protection note, 'Land Use Compatibility in Public Drinking Water Source Areas', incorporating the variations to that table specific to the Middle Helena catchment area (clause 6.5.4);*

- (c) The recommendations of the Middle Helena Catchment Area Land Use and Water Management Strategy, particularly those specific to the relevant priority classification area;*
- (d) The requirements of State Planning Policy 2.7 Public Drinking Water Source Policy;*
- (e) The potential impact of the proposal on the quality of the water resource; and*
- (f) The drainage characteristics of the land, including surface and groundwater flow, and the adequacy of proposed measures to meet water quality targets and manage run-off and drainage.”*

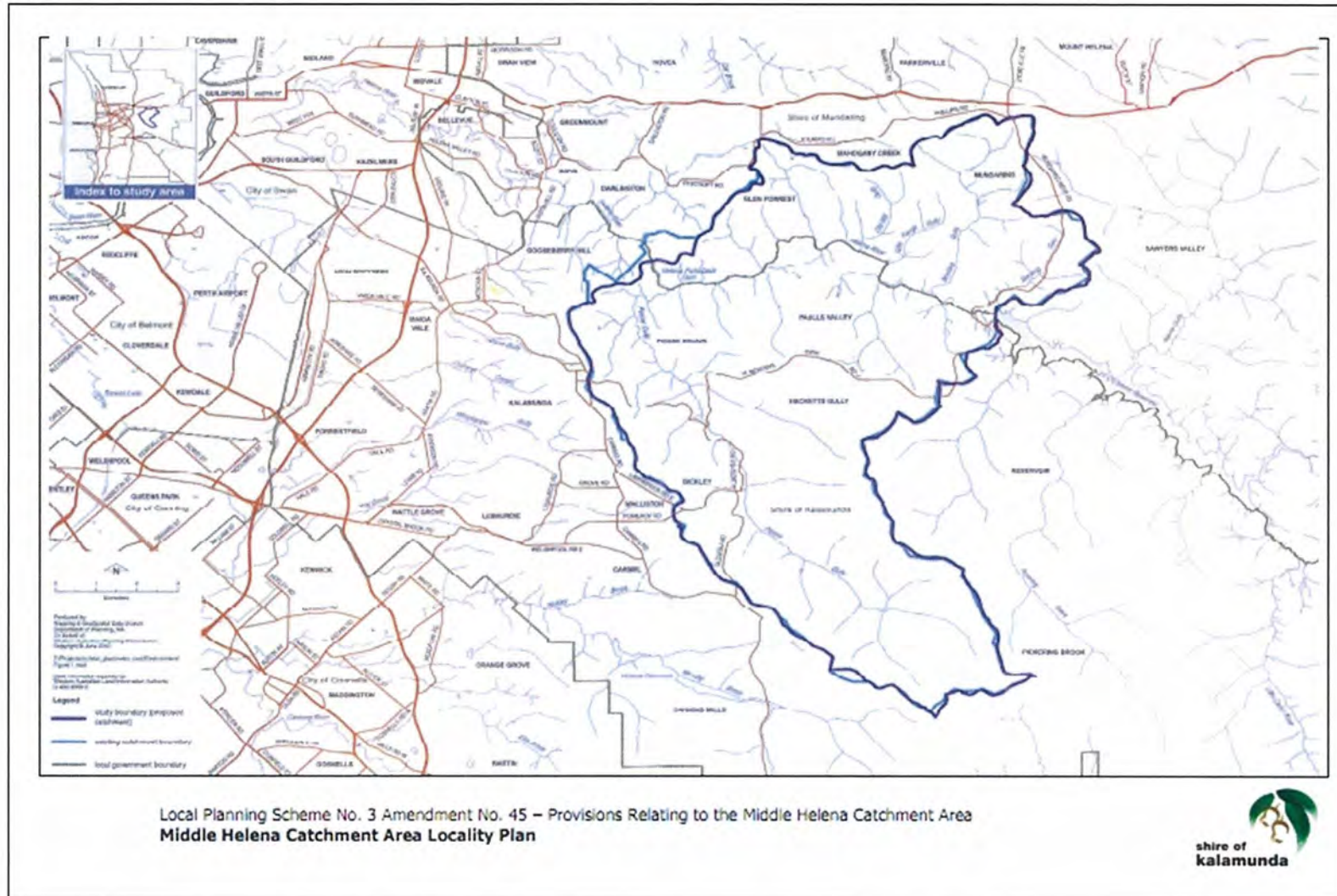
3. Amends the Scheme Zoning Map accordingly.
4. Duly executes the Amendment documents and forwards them and submissions received to the Minister for Planning requesting final approval be granted.

Moved:

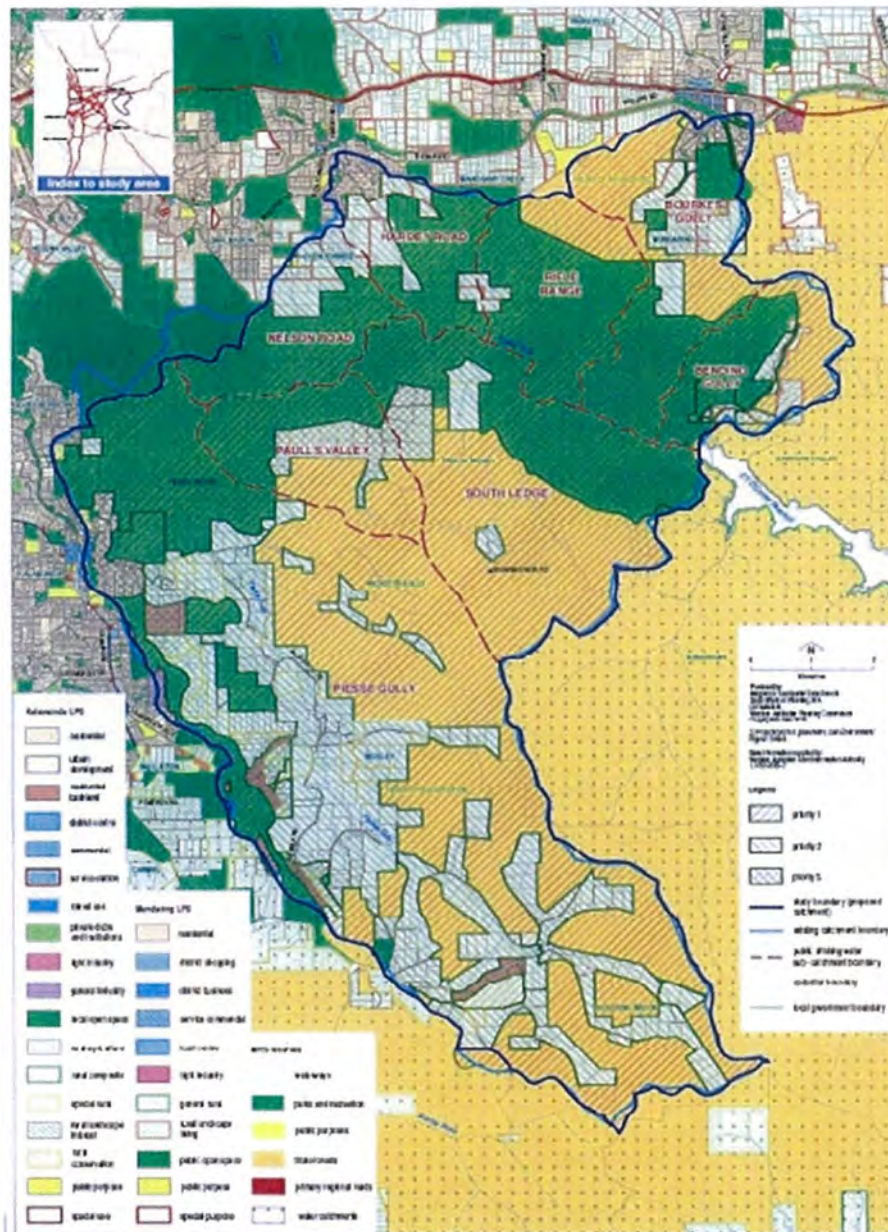
Seconded:

Vote:

Attachment 1



Attachment 2



Local Planning Scheme No. 3 Amendment No. 45 – Provisions Relating
to the Middle Helena Catchment Area
Special Control Areas Plan



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

64. Local Planning Scheme No. 3 Amendment No. 43 - Rezone from Public Purpose to Residential R60 - Lot 201 (3) Salix Way, Forrestfield

Previous Items	OCM 02/2012
Responsible Officer	Director Development & Infrastructure Services
Service Area	Development & Infrastructure Services
File Reference	PG-LPS-003/043
Applicant	Nil
Owner	Shire of Kalamunda

Attachment 1	Locality Plan
Attachment 2	Local Planning Scheme Existing and Proposed
Attachment 3	Draft Local Planning Strategy Spatial Plan
Attachment 4	Forrestfield District Centre Structure Plan
Attachment 5	Submission Table

PURPOSE

1. To consider submissions received and decide whether to adopt Amendment No. 43 to Local Planning Scheme No. 3 ("the Scheme") to rezone Lot 201 (3) Salix Way, Forrestfield, from Public Purpose to Residential R60. Refer to the Locality Plan (Attachment 1) and the existing and proposed Scheme Zoning Map (Attachment 2).

BACKGROUND

2. Land Details:

Land Area:	5,064sqm
Local Planning Scheme Zone:	Local Reserve – Public Purpose (Library)
Metropolitan Regional Scheme Zone:	Urban

3. The subject property is currently zoned Public Purpose and is occupied by the Forrestfield Library which, if the amendment is approved, will be retained until the site is redeveloped. If the Library is demolished in the long term it is proposed that a library be constructed within close proximity to the Woodlupine Community Centre, to comprise part of a future Digital Community Precinct.
4. The area surrounding the property has been identified in the Shire's Draft Local Planning Strategy ("the Strategy") as a proposed residential infill area. If the Strategy is endorsed by the WA Planning Commission a Local Housing Strategy will be prepared by the Shire which will propose to increase the residential density coding of some of the nearby properties depending on their proximity to transport routes, shops and local open space amongst other matters. Refer to the Strategy Spatial Plan (Attachment 3).

5. The proposal is consistent with the adopted Structure Plan for the Forrestfield District Centre which identifies the property as being an "Opportunity Site" which may be used for residential, commercial or mixed uses, and falls within a catchment area identified as being suitable for residential development with a density coding of up to R80. Refer to the Forrestfield District Centre Structure Plan (Attachment 4).
6. In February 2012 Council resolved (En Bloc Resolution 02/2012) to initiate Amendment No. 43 to the Scheme.
7. In May 2012, Council was provided various development options for the property at a Council Forum. The preferred built form and layout for the property can be decided upon at a later date, but does not form part of this amendment.

DETAILS

8. It is proposed to rezone the property from Local Reserve - Public Purpose (Library) to Residential R60.
9. At the R60 density, the land could potentially be subdivided or developed for a range of residential options, including individual lots, grouped or multiple dwellings.

STATUTORY AND LEGAL IMPLICATIONS

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

POLICY IMPLICATIONS

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

PUBLIC CONSULTATION/COMMUNICATION

13. The proposal was advertised for 42 days in accordance with the provisions of the *Town Planning Regulations 1967*, which involved a local public notice in a paper circulating the District, a sign being erected on site and the proposal being referred to affected landowners for comment.
14. During the formal advertising period four non-objections, four objections and one which provided comments on the proposal were received by the Shire. Refer to the Submission Table (Attachment 5).

-
15. The following concerns were raised during advertising:
- Trees on the property being used by birds such as Pink and Grey Galahs, Black Cockatoos and other bird species.
 - The redevelopment of the property creating increased anti-social behaviour, and increased traffic volumes and noise.
 - The redevelopment of the property creating dust, sand and noise problems for nearby properties, affecting the health of those residing there.
 - The possibility of the property not being privately sold and becoming owned by Homeswest.
 - The proposal having an impact on ANZAC Day dawn services being held at 7 Salix Way, the only war memorial location in Forrestfield.
 - Good public amenity responding to sight lines, and the redevelopment of the property resulting in St Stephen's Church not being visible from a distance.
 - Any reduction of service to the growing population base, becoming problematic beyond immediate and short term considerations.
 - An unsuitable alternate location for the library will result from this proposal.
 - Forrestfield being deprived of the public purpose area.
 - The proposal being a disadvantage to the residents of Forrestfield.
16. One of the submitters who had no objection to the amendment provided the following comments:
- Public access to the shopping centre alongside the church and police station should be retained.
 - The future redevelopment of the property hopefully resulting in the removal of the trees on the property due to apparently having no place in an urban area.
17. Telstra advised that it had no objection to the proposal, however a network extension will be required for any development on the property an application for which will need to be submitted prior to construction commencing.

FINANCIAL IMPLICATIONS

18. Costs incurred through advertising of the amendment are covered in the current budget.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

Strategic Planning Implications

19. The proposal conforms to the Shire's Strategy and adopted Forrestfield District Centre Structure Plan for potential increases in residential densities.
20. The future subdivision and development of the land assists the Shire in addressing its strategic goal to effectively plan for future community needs by providing higher density housing. It also addresses the anticipated increase in population identified in *Directions 2031 and Beyond* prepared by the WA Planning Commission, and included in the Strategy.

Sustainability Implications

Social Implications

21. The proposal is in accordance with *Directions 2031 and Beyond* which, amongst other matters, provides for affordable and diverse housing forms. The medium density coding will allow for a variety of housing types which will meet the objective.

Economic Implications

22. Nil.

Environmental Implications

23. The site contains a number of mature trees on the property. The Structure Plan for the Forrestfield District Centre recommends that consideration be given to the retention of the trees if possible.

OFFICER COMMENT

24. Community concerns raised regarding the loss of mature trees on the site are noted. From a planning perspective the R60 coding will provide an opportunity for multiple dwelling development and therefore a smaller building footprint. This in turn would enable some of the existing trees to be retained and incorporated into the design of any future residential development. This matter will be addressed at the appropriate development application stage.
25. Issues relating to built form, the layout of the dwellings, traffic volumes, dust management and noise emissions will be dealt with at either the subdivision or development stage if the amendment is approved by the Minister for Planning.
26. If the amendment is approved, Forrestfield Library will be retained until the site is redeveloped. If the library is demolished in the long term, it is proposed that a library be constructed within close proximity to the Woodlupine Community Centre.

27. During advertising concerns were received related to the potential for increased anti-social behaviour. It should be noted that such matters are dealt with by the police.
28. The proposal will provide opportunities for affordable housing and housing options in an appropriate location adjacent to a designated Activity Centre, close to transport and within walking distance to the Forrestfield Shopping Centre and nearby to community facilities.
29. The development will also support the ongoing viability of the Commercial Centre. These attributes are consistent with the recommendation contained in the Shires key strategic planning document the Strategy and the State government strategy *Directions 2031 and Beyond*.
30. The future ownership of a property is not a matter which is required to be taken into consideration when determining planning proposals.
31. Given the above it is recommended that Council adopts the amendment.

Voting Requirement – Simple Majority

OFFICER RECOMMENDATION (D&I 64/2012)

That Council:

1. Notes the submissions received in response to Amendment No. 43 to Local Planning Scheme No. 3.
2. Adopts the amendment to Local Planning Scheme No. 3 without modifications, in accordance with the following:

<p>PLANNING AND DEVELOPMENT ACT 2005</p> <p>RESOLUTION DECIDING TO AMEND A LOCAL PLANNING SCHEME</p> <p>SHIRE OF KALAMUNDA</p> <p>LOCAL PLANNING SCHEME NO. 3</p> <p>AMENDMENT NO. 43</p>

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

1. Rezoning Lot 201 (3) Salix Way, Forrestfield from Public Purpose to Residential R60.
3. Amends the Scheme Zoning Map accordingly.

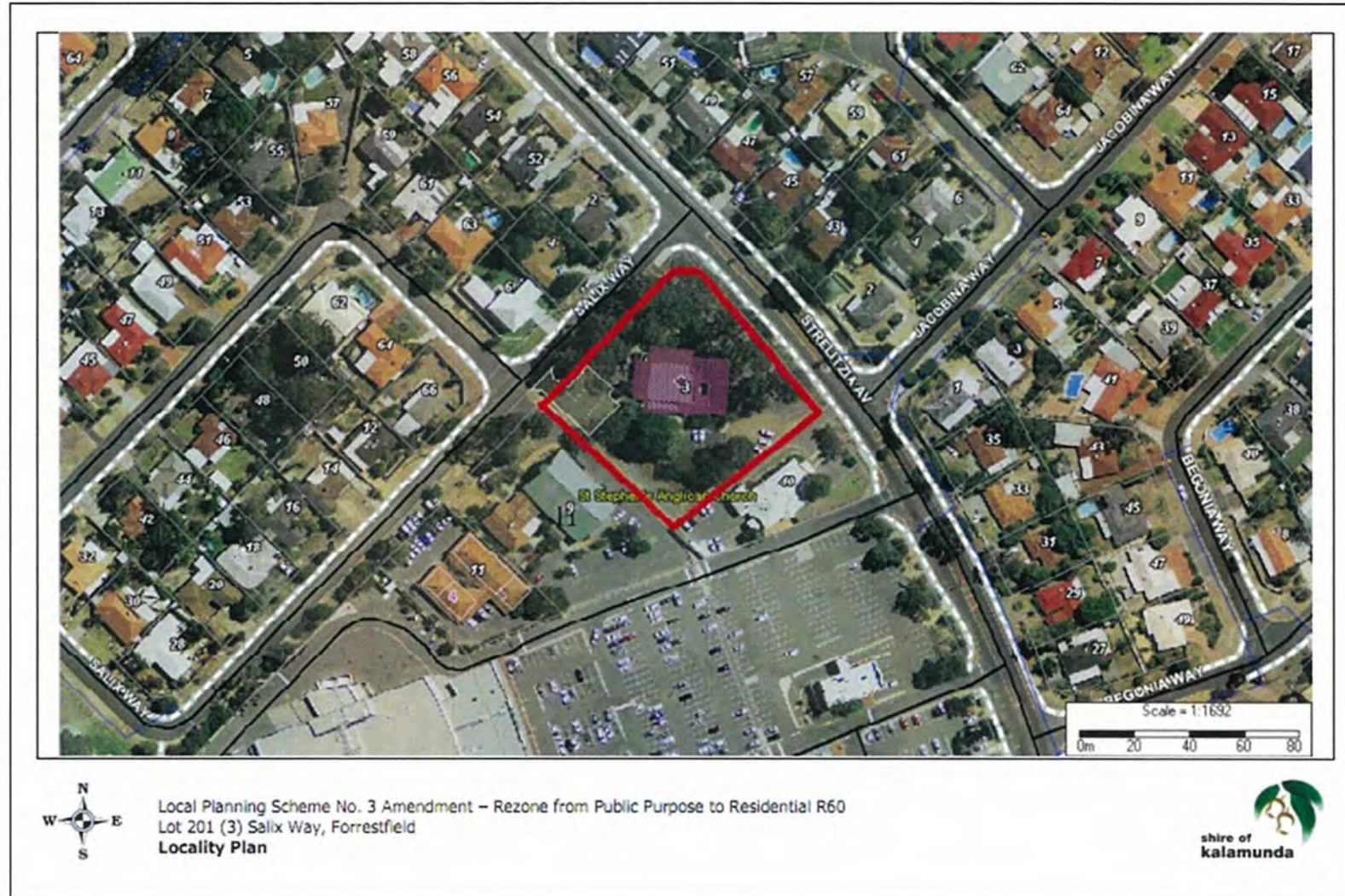
4. Duly executes the Amendment documents and forwards them and submissions received to the Minister for Planning requesting final approval be granted.

Moved:

Seconded:

Vote:

Attachment 1



Attachment 2

Shire of Kalamunda, Local Planning Scheme No 3, Amendment No 43



Existing Zoning: Public Purposes Library



Proposed Zoning: Residential R60

Land bounded by: Salix Way and Strelitzia Avenue

Local Planning Scheme Existing and Proposed

LEGEND

METROPOLITAN REGION SCHEME RESERVES

1	PARK RECREATION	11	PRIMARY REGIONAL RESERVE
2	RECREATION	12	OTHER REGIONAL RESERVE
3	SPORT AND RECREATION	13	PUBLIC PURPOSES
4	WATER RESERVE	14	WATER RESERVE
5	WATER RESERVE	15	WATER RESERVE
6	WATER RESERVE	16	WATER RESERVE
7	WATER RESERVE	17	WATER RESERVE
8	WATER RESERVE	18	WATER RESERVE
9	WATER RESERVE	19	WATER RESERVE
10	WATER RESERVE	20	WATER RESERVE

LOCAL SCHEME RESERVES

1	LOCAL OPEN SPACE
2	PUBLIC PURPOSES
3	PUBLIC PURPOSES
4	PUBLIC PURPOSES
5	PUBLIC PURPOSES
6	PUBLIC PURPOSES
7	PUBLIC PURPOSES
8	PUBLIC PURPOSES
9	PUBLIC PURPOSES
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16	PUBLIC PURPOSES
17	PUBLIC PURPOSES
18	PUBLIC PURPOSES
19	PUBLIC PURPOSES
20	PUBLIC PURPOSES

ZONES

1	RESIDENTIAL	11	GENERAL RESIDENTIAL
2	RESIDENTIAL (RURAL)	12	LEIGH RESIDENTIAL
3	URBAN DEVELOPMENT	13	RURAL AGRICULTURE
4	COMMERCIAL	14	RURAL COMBINATION
5	SUBSISTENCE	15	RURAL CONSERVATION
6	INDUSTRIAL	16	RURAL LANDSCAPE INTEREST
7	INDUSTRIAL	17	SPECIAL RURAL
8	INDUSTRIAL	18	INDUSTRIAL DEVELOPMENT
9	INDUSTRIAL		
10	INDUSTRIAL		

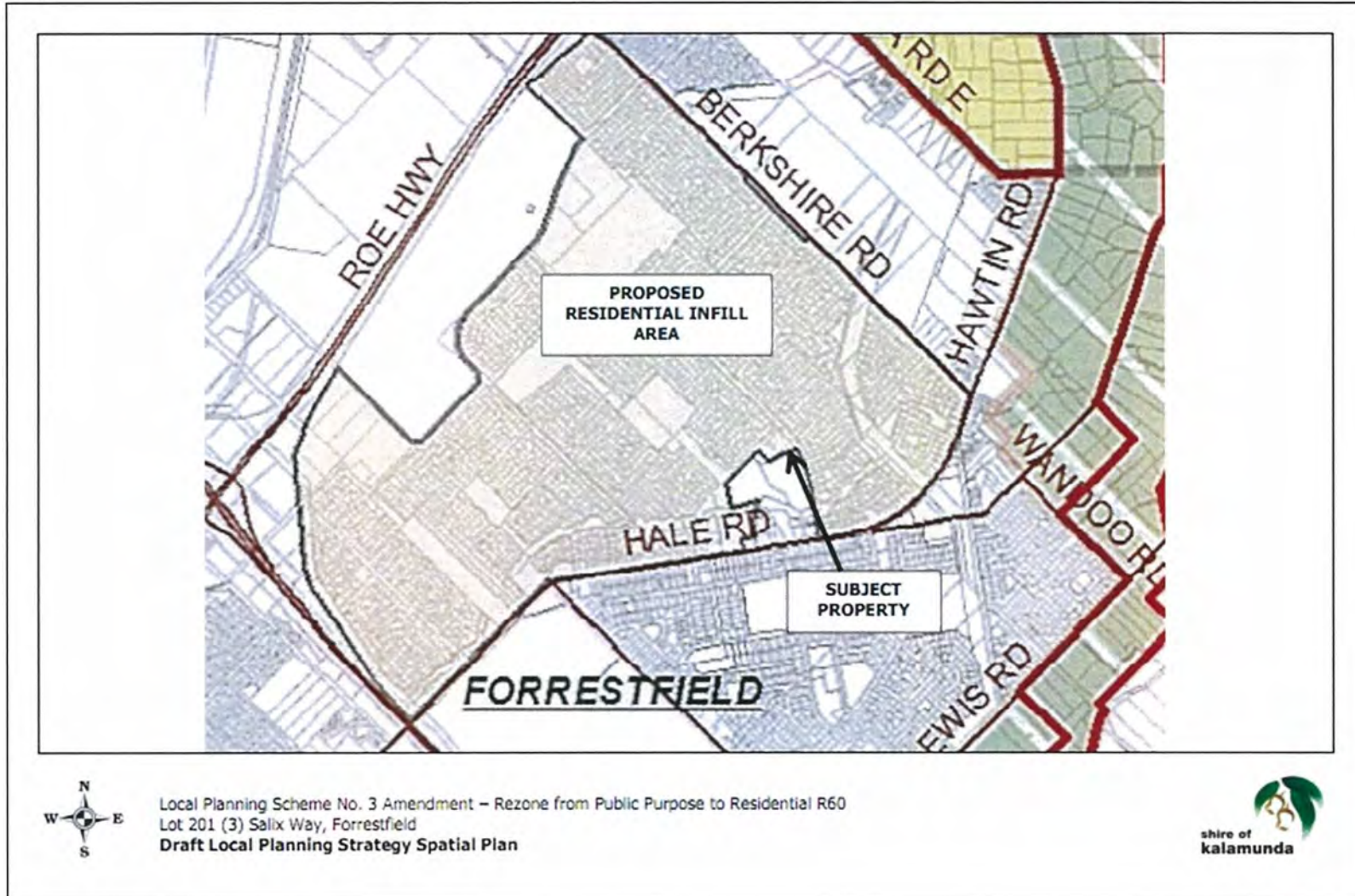
OTHER

1	POD	11	POD
2	POD	12	POD
3	POD	13	POD
4	POD	14	POD
5	POD	15	POD
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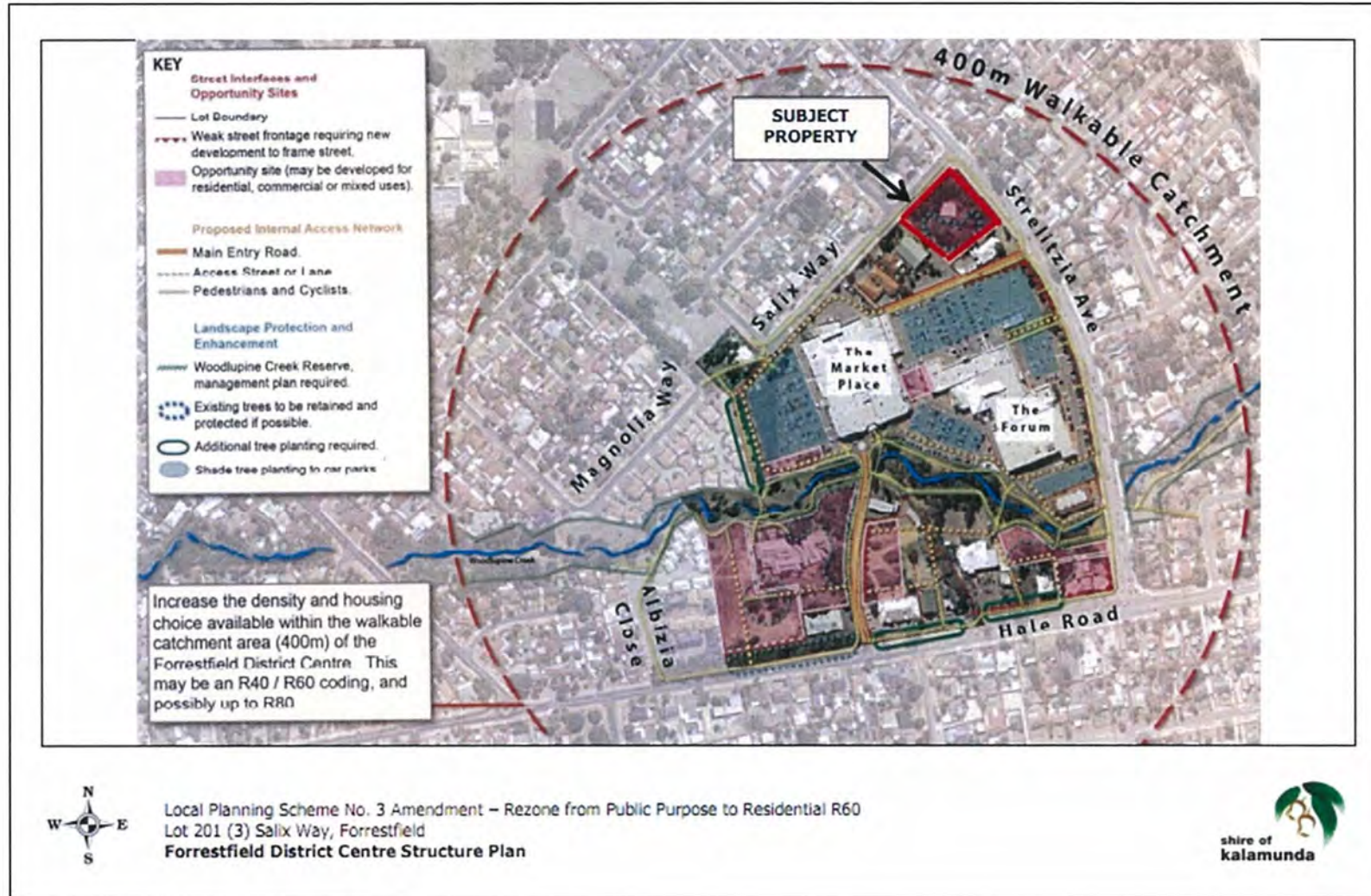
VERSION No 1

SHIRE OF KALAMUNDA
LOCAL PLANNING SCHEME NO. 3
(DISTRICT SCHEME)

Attachment 3



Attachment 4



Attachment 5

**Local Planning Scheme No. 3 Amendment No. 43 –
Lot 201 (3) Salix Way, Forrestfield –
Rezone from Public Purpose to Residential R60
Submission Table**

	Details	Comment	Staff Comment
1.	P Hotinski 43 Strelitzia Avenue FORRESTFIELD WA 6058	<p>Objection</p> <p>a) Trees on the property being used by birds such as Pink and Grey Galahs, Black Cockatoos and other bird species.</p> <p>b) The redevelopment of the property creating increased anti-social behaviour and traffic volumes.</p> <p>c) The redevelopment of the property creating dust, sand and noise problems for nearby properties, affecting the health of those residing there.</p>	<p>a) Issues relating to the retention of vegetation on the property will be dealt with at either the subdivision or development stage if the amendment is approved by the Minister for Planning.</p> <p>b) Issues relating to traffic volumes will be dealt with at the development stage if the amendment is approved by the Minister for Planning. Anti-social behaviour is a matter dealt with by the police.</p> <p>c) Issues relating to dust management and noise emissions will be dealt with at either the subdivision or development stage if the amendment is approved by the Minister for Planning.</p>

		d) The upgrading of Hartfield Park should be given priority over the redevelopment of the Forrestfield library property.	d) Noted.
2.	K Elvish St Stephen's Anglican Church 9 Salix Way FORRESTFIELD WA 6058	<p>Objection</p> <p>a) The redevelopment of the property creating increased traffic volumes and noise.</p> <p>b) Avoiding future religious persecution and seeking to preserve the benefits of the existing insights of established and functional local town planning.</p> <p>c) The proposal having an impact on ANZAC Day dawn services being held at 7 Salix Way, the only war memorial location in Forrestfield.</p> <p>d) Good public amenity responding to sight lines, and the redevelopment of the property resulting in St Stephen's Church not being visible from a distance.</p>	<p>a) Issues relating to traffic volumes will be dealt with at the development stage if the amendment is approved by the Minister for Planning.</p> <p>Any future noise complaints received by the Shire will be dealt with in accordance with the <i>Environmental Protection (Noise) Regulations 1997</i>.</p> <p>b) Not a planning consideration.</p> <p>c) Not a planning consideration.</p> <p>d) Noted.</p>

		<p>e) Any reduction of service to the growing population base, becoming problematic beyond immediate and short term considerations.</p> <p>f) An unsuitable alternate location for the library will result from this proposal.</p>	<p>e) Noted.</p> <p>f) If the amendment is approved, the library will be retained until the site is redeveloped. If the library is demolished in the long term, it is proposed that a library be constructed within close proximity to Woodlupine Community Centre.</p>
3.	<p>M Selvey 57 Virgilie Way FORRESTFIELD WA 6058</p>	<p>Objection</p> <p>a) Forrestfield being deprived of the public purpose area.</p> <p>b) The proposal will disadvantage the residents of Forrestfield.</p>	<p>a) Noted.</p> <p>b) Noted.</p>
4.	<p>H Gindl 12 Salix Way FORRESTFIELD WA 6058</p> <p>M Laver 14 Salix Way FORRESTFIELD WA 6058</p>	<p>Objection</p> <p>a) The redevelopment of the property creating increased traffic volumes and noise.</p>	<p>a) Issues relating to traffic volumes will be dealt with at the development stage if the amendment is approved by the Minister for Planning.</p> <p>Any future noise complaints received by the Shire will be dealt with in</p>

		b) Trees on the property being used by birds.	accordance with the <i>Environmental Protection (Noise) Regulations 1997</i> . b) Issues relating to the retention of vegetation on the property will be dealt with at either the subdivision or development stage if the amendment is approved by the Minister for Planning.
5.	J Stewart 1 Jacobina Way FORRESTFIELD WA 6058	Comment on the proposal I really hope it will be sold privately and not to Homewest. I would like to know what will be there.	It is not known who the property will be sold to if Forrestfield library is demolished in the long term, and it is not a matter which has to be taken into consideration when determining planning proposals.
6.	Telstra Locked Bag 2525 PERTH WA 6001	No Objection A network extension for any development within the area concerned.	Noted.
7.	Water Corporation PO Box 100 LEEDERVILLE WA 6902	No objection	Noted.
8.	K Edmonds 72 Valcan Road ORANGE GROVE WA 6109	No objection Great idea.	Noted.

9.	A Heal PO Box 146 FORRESTFIELD WA 6058	No objection a) Public access to the shopping centre along side of the church and behind the Police station will need to be maintained. b) I would hope that if developed it will include the removal of all the trees currently on the library grounds, as they have no place in an urban development.	a) Noted. b) Noted.
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Declaration of financial / conflict of interests to be recorded prior to dealing with each item.

65. Amendment No. 49 to Local Planning Scheme No. 3 – Additional Uses (Restaurant, Reception Centre and Chalets) – Lot 3 (35) Merrivale Road, Pickering Brook

Previous Items	OCM 02/2012
Responsible Officer	Director Development & Infrastructure Services
Service Area	Development & Infrastructure Services
File Reference	PG-LPS-003/049
Applicant	E Lyons and J Della Franca
Owner	G and J Della France
Attachment 1	Locality Plan
Attachment 2	Consultation Plan
Attachment 3	Submission Table

PURPOSE

1. To consider submissions received and whether to adopt Amendment No. 49 to include the Additional Uses of Restaurant, Reception Centre and Chalets on Lot 3 (35) Merrivale Road, Pickering Brook. Refer to the Locality Plan (Attachment 1).

BACKGROUND

2. Land Details:

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

3. The subject property contains dwellings, associated outbuildings, an unsealed car park and an orchard, and falls within a Priority 2 Area in the *Middle Helena Catchment Area Land Use and Water Management Strategy (2010)*.
4. The surrounding properties contain single dwellings and associated outbuildings used for agricultural purposes.
5. The property has also been approved for the production of cider and cellar door sales for the produce, and currently operates as the CORE Cider House.
6. In February 2012, Council resolved (Resolution OCM 02/2012) to initiate Amendment No. 49 to Local Planning Scheme No. 3 ("the Scheme").

DETAILS

7. It is proposed that the uses Restaurant, Reception Centre and Chalets be included under Schedule 2 (Additional Uses) of the Scheme.

8. If the amendment is approved by the Minister for Planning, the applicant will be required to obtain planning consent from the Shire prior to the uses commencing.

STATUTORY AND LEGAL IMPLICATIONS

Local Planning Scheme No. 3

9. 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.

Draft Local Planning Strategy

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

POLICY IMPLICATIONS

Directions 2031 and Beyond

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

PUBLIC CONSULTATION/COMMUNICATION

15. The proposal was advertised for 42 days in accordance with the provisions of the *Town Planning Regulations 1967*, which involved a local public notice in a paper circulating the District, a sign being erected on the property and the proposal being referred to nearby landowners for comment.
16. During the formal advertising period one non-objection and two objections were received by the Shire. One of the submitters falls outside of the advertising area and therefore has not been included on the Consultation Plan. Refer to the Consultation Plan (Attachment 2) and the Submission Table (Attachment 3).

-
17. The following concerns were raised during advertising:
- There being conflict between those using the restaurant and chalets, and agricultural activities on adjoining properties.
 - Approval of the amendment setting precedent in the area, and subsequently the area ceasing to be a fruit producing area.
 - The potential impact the uses having on surrounding properties used for primary production in respect to management practices.
 - Patrons causing traffic hazards by parking on the road reserve.
18. The Water Corporation advised that it has no objections to the amendment however information on the extent of the development was not provided therefore specific comment on water supply capacity was not able to be provided.
19. The amendment was also referred to the Department of Water for comment because of the property falling within a Priority 2 Area in the *Middle Helena Catchment Area Land Use and Water Management Strategy (2010)*.
20. The Department of Water advised that insufficient information had been provided for the assessment of the proposed activities, and that information on the number of buildings proposed, maximum number of people on site at any one time, the hours of operation, number of chalets and details on the domestic wastewater system were to be provided.

FINANCIAL IMPLICATIONS

21. Nil.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

Strategic Planning Implications

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

Sustainability Implications

Social Implications

24. If the amendment, and subsequently the proposed uses are approved, they may provide employment opportunities for the local population.

Economic Implications

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

Environmental Implications

26. The Site is located in a Priority 2 Area in the *Middle Helena Catchment Area Land Use and Water Management Strategy (2010)*. The purpose of this Strategy, amongst other matters, is to provide a planning framework for land use decision-making that promotes water resources, and particularly public drinking water source protection.

OFFICER COMMENT

27. The proposal is consistent with the intent of the Draft Local Planning Strategy to allow for tourist uses in the Rural Agriculture zone.
28. Issues relating to the appearance and location of future buildings on the property, the hours of operation and the maximum number of people on the property at any one time, will be dealt with at the development application stage. As part of the assessment process, the development application will be required to be referred to the Department of Water for comment.
29. The existing development on the property (the CORE Cider House) is of a high quality and it is considered that the proposed uses will integrate well with this activity and the locality.
30. Future development on the property will be required to be designed in a way so as to be compatible with agricultural activities on nearby properties.
31. Considering the above and that Council initiated the amendment, it is recommended that Council adopts the amendment.

Voting Requirement – Simple Majority

OFFICER RECOMMENDATION (D&I 65/2012)

That Council:

1. Notes the submissions received in response to Amendment No. 49 to Local Planning Scheme No. 3.

2. Adopts the amendment to Local Planning Scheme No. 3 without modification, 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. 49

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

- (a) Amending Schedule 2 (Additional Uses) by including the following provision:

NO.	DESCRIPTION OF LAND	ADDITIONAL USE	CONDITIONS
47.	Lot 3 (35) Merrivale Road, Pickering Brook	Restaurant Reception Centre Chalets	The uses are not permitted unless approval is granted by the Local Government ("D")

3. Duly executes the Amendment documents and forwards them and submissions received to the Minister for Planning requesting final approval be granted.

Moved:

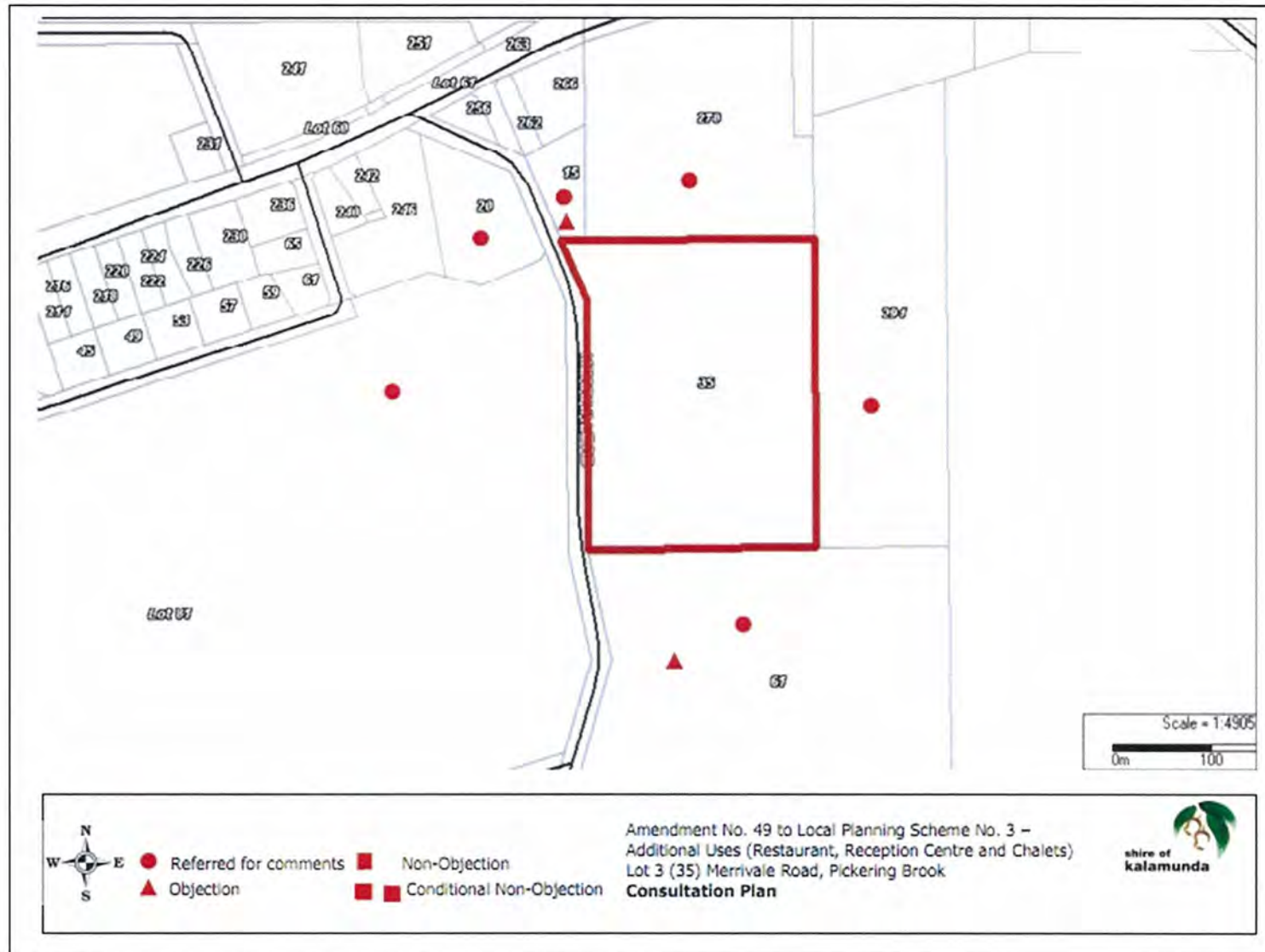
Seconded:

Vote:

Attachment 1



Attachment 2



Attachment 3

**Amendment No. 49 to Local Planning Scheme No. 3 –
Additional Uses (Restaurant, Reception Centre and Chalets)
Lot 3 (35) Merrivale Road, Pickering Brook
Submission Table**

	Details	Submission	Officer Comment
1.	F Della-Franca 331 Pickering Brook Road PICKERING BROOK WA 6076	<p>Objection</p> <p>a) I have no objection to a restaurant being added to the CORE Cider House as this goes hand in hand with the business.</p> <p>b) I share boundaries on two sides of the subject property and as a commercial producing fruit grower fear that if the proposal goes ahead there will be conflicts between agricultural activities of the proposed additional uses.</p> <p>c) Any further development on the property opens the door for others to do the same and Pickering Brook will cease to be a fruit producing area.</p>	<p>a) Noted.</p> <p>b) Future development on the property will be required to designed in a way so as to be compatible with agricultural activities on nearby properties.</p> <p>c) If the amendment, and subsequently the proposed uses are approved, it will not set a precedent as each such proposal will be assessed on its individual merit.</p>
2.	P & N Depiazzi 60 Merrivale Road PICKERING BROOK WA 6076	<p>Objection and Comment</p> <p>a) There are currently four houses on the site.</p>	<p>a) This is not relevant to the amendment, but</p>

		<p>h) We often have patrons walking on to our property uninvited; who would be responsible and liable if a patron was injured?</p> <p>i) If the amendment is passed, will this set a precedent for surrounding properties to have the same opportunity in relation to subdivision? i.e. 5 acre blocks</p> <p>j) The amendment is ad hoc and does not consider the local land use. If the Council was serious about changing the land use the amendment should reflect the process of rezoning the land for orchardists in the area.</p> <p>k) The Council should put conditions on that they need to consider the neighbours.</p> <p>l) The current owner may sell this to a third party who may have no experience in fruit growing but these conditions will be locked in.</p> <p>m) Adjoining property is used for orcharding and the processes involved should not be impacted on by the activities associated with the amendment.</p>	<p>aforementioned activities would be subject to prevailing legislation.</p> <p>h) Not a planning consideration. Submitter should seek independent advice on this matter.</p> <p>i) The amendment does not relate to minimum lot areas. Any changes to minimum lot areas will be addressed in the review of the Hills Orchard Study.</p> <p>j) Additional Use amendments are invariably for specific properties and therefore are not ad hoc.</p> <p>k) Refer to point f). Any development proposal will need to take into account surrounding land uses.</p> <p>l) Not a valid planning concern.</p> <p>m) Noted.</p>
3.	Department of Water	Comment on the proposal.	

	Swan Avon Region – Land Use Planning 7 Ellam Street VICTORIA PARK WA 6100	<p>Insufficient information has been provided for the assessment of the proposed activities. More information is required on the following:</p> <ul style="list-style-type: none"> • Number of buildings proposed; • Maximum number of people on the site at any one time; • Operating hours of the proposed development; • Number of chalets; and • Domestic wastewater systems to be used on site. 	<p>The amendment proposes additional provisions in the Scheme text only.</p> <p>Issues relating to the appearance and location of future buildings on the property, the hours of operation and the maximum number of people on the property at any one time, will be dealt with at the development application stage if the amendment is approved by the Minister for Planning. As part of the assessment process, the development application will be required to be referred to the Department of Water for comment.</p>
4.	Water Corporation PO Box 100 LEEDERVILLE WA 6902	<p>No objection</p> <p>No specific comment on water supply capacity is able to be given as no information was included on the extent of the development.</p>	<p>Noted.</p> <p>The amendment proposes additional provisions in the Scheme text only.</p> <p>Information relating the development shall be referred to the Water Corporation if the amendment is approved and a development application is received.</p>
5.	E and L Radice 213 Merrivale Road PICKERING BROOK WA 6076	<p>No objection.</p> <p>a) The CORE Cidery House, being the first tourism entity in Pickering Brook, has</p>	<p>a) Noted.</p>

		<p>demonstrated that there is a strong need for agritourism in Pickering Brook and surrounding area.</p> <p>b) It has also clearly illustrated that a sustainable and financially viable alternative for orchardists to combine farming with tourism exists.</p>	<p>b) Noted.</p>
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Declaration of financial / conflict of interests to be recorded prior to dealing with each item.

66. Amendment to Local Planning Scheme No. 3 – Additional Uses (Industry – Light and Storage) – Lot 164 (1350) Canning Road, Canning Mills

Previous Items	Nil
Responsible Officer	Director Development & Infrastructure Services
Service Area	Development & Infrastructure Services
File Reference	PG-LPS-003/
Applicant	E Ghilarducci
Owner	E and S Ghilarducci
Attachment 1	Locality Plan
Attachment 2	Scheme Zoning Map

PURPOSE

1. To consider whether to initiate an amendment to Local Planning Scheme No. 3 (“the Scheme”) to include the Additional Uses of Industry – Light and Storage on Lot 164 (1350) Canning Road, Canning Mills. Refer to the Locality Plan (Attachment 1) and Scheme Zoning Map (Attachment 2).

BACKGROUND

2. Land Details:

Land Area:	17.5ha
Local Planning Scheme Zone:	Rural Agriculture
Metropolitan Region Scheme Zone:	Rural Regional Reserve – Water Catchment

3. The subject property contains a single dwelling, associated outbuildings and an orchard, and falls within a Priority 2 Area in the *Middle Helena Catchment Area Land Use and Water Management Strategy (2010)*.
4. The surrounding properties contain single dwellings and associated outbuildings used for agricultural purposes.
5. Adjoining the south boundary are properties which fall within the City of Armadale, and are zoned General Rural under its Town Planning Scheme No. 4.

DETAILS

6. The applicant has requested that the Scheme be amended to include the uses Industry – Light and Storage under Schedule 2 (Additional Uses) of the Scheme for the property.

7. If the amendment is ultimately approved by the Minister for Planning, the applicant will be required to obtain planning consent from the Shire prior to the uses commencing.
8. The applicant has advised the following with regard to the proposed uses:
 - The area of land to be used for storage and light industrial purposes will be a total of 1 hectare.
 - The area will be used for the storage and handling of gravel, rock and sand, for wholesale purposes.
 - Materials taken from earthworks conducted at other properties will be crushed on site and processed into three products, being pea gravel, "general" gravel and "course grade" used for leach drains.
9. The approximate volume of materials to be stored on the property, and the proposed location on the property, is currently not known.

STATUTORY AND LEGAL IMPLICATIONS

Local Planning Scheme No. 3

10. 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.
11. Clause 4.2.2 (Objectives of the Zones – Rural Zones) of the Scheme stipulates the following are objectives of the Rural Agriculture zone:
 - *"To protect and maintain the hills horticultural industry.*
 - *To ensure the conservation of soil and water resources important to the well being of the horticulture industry.*
 - *Ensure that land uses, activities and land management practices are consistent with natural resources conservation and are compatible with public water supply objectives.*
 - *To conserve the physical and visual environment of the area.*
 - *Encourage the reduction of bush fire hazard."*
12. Table 1 (Zoning Table) of the Scheme stipulates that the uses Industry – Light and Storage are 'X' uses on Rural Agriculture zoned properties, and are therefore not permitted.

13. Clause 5.13.2 (Rural Agriculture – Land Use and Development) of the Scheme stipulates the following:

"The local government does not support any development where in the opinion of the local government such development will encourage the establishment of land uses considered not compatible with Rural Agriculture pursuits."

14. The property is located within a Regional Reserve - Water Catchment under the Metropolitan Region Scheme Area for Victoria Reservoir therefore if the amendment is approved by the Minister for Planning, any future application for the uses Industry – Light and Storage will be determined by the WA Planning Commission.

POLICY IMPLICATIONS

Middle Helena Catchment Area Land Use and Water Management Strategy (2010)

15. The *Middle Helena Catchment Area Land Use and Water Management Strategy* ("the Strategy") covers the Piesse Brook Water Catchment to the east of Kalamunda.
16. The Strategy divides the catchment area into three risk based priority classifications, namely Priority Areas P1, P2 and P3.
17. The property falls within a Priority 2 ("P2") Area in the Strategy which means that there is to be no increased risk of water source contamination/pollution, and that the guiding principle is risk minimisation.

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

18. The Department of Water's Water Quality Protection Note: Land Use Compatibility in Public Drinking Water Source Areas ("the Protection Note") provides advice on the acceptability of land uses and activities within specific catchments which are the water source for schemes supplying urban areas.
19. The Protection Note stipulates that the uses Industry – Light and Storage are incompatible in Priority 2 areas.

PUBLIC CONSULTATION/COMMUNICATION

20. Should Council initiate the amendment, the formal advertising (which will last 42 days) will involve a local public notice in a paper circulating the District, a sign being erected at the property and letters being sent to all affected landowners, the Department of Water and the Department of Environment and Conservation.

FINANCIAL IMPLICATIONS

21. If the Amendment is initiated there will be costs involved, however this will be recouped from the applicant in accordance with the adopted budget.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

Strategic Planning Implications

22. Nil.

Sustainability Implications

Social Implications

23. If the Amendment and subsequent application is approved, the proposed uses have the potential to have an unacceptable impact on the amenity of the local area.

Economic Implications

24. Nil.

Environmental Implications

25. The Site is located in a Priority 2 Area in the *Middle Helena Catchment Area Land Use and Water Management Strategy (2010)*. The purpose of this Strategy, amongst other matters, is to provide a planning framework for land use decision-making that promotes water resources, and particularly public drinking water source protection.

OFFICER COMMENT

26. The proposed uses are not permitted on Rural Agriculture zoned properties and would not satisfy the objectives of the zoning.
27. The Department of Water's Water Quality Protection Note: Land Use Compatibility in Public Drinking Water Source Areas stipulates that the uses Industry – Light and Storage are incompatible in Priority 2 areas.
28. The proposed uses will increase the potential for soil and nearby water sources to become polluted, because of the materials being stored on the property being brought on site from other properties which could be contaminated.
29. Considering the above, it is recommended that Council does not initiate the Amendment.

Voting Requirement – Simple Majority

OFFICER RECOMMENDATION (D&I 66/2012)

That Council:

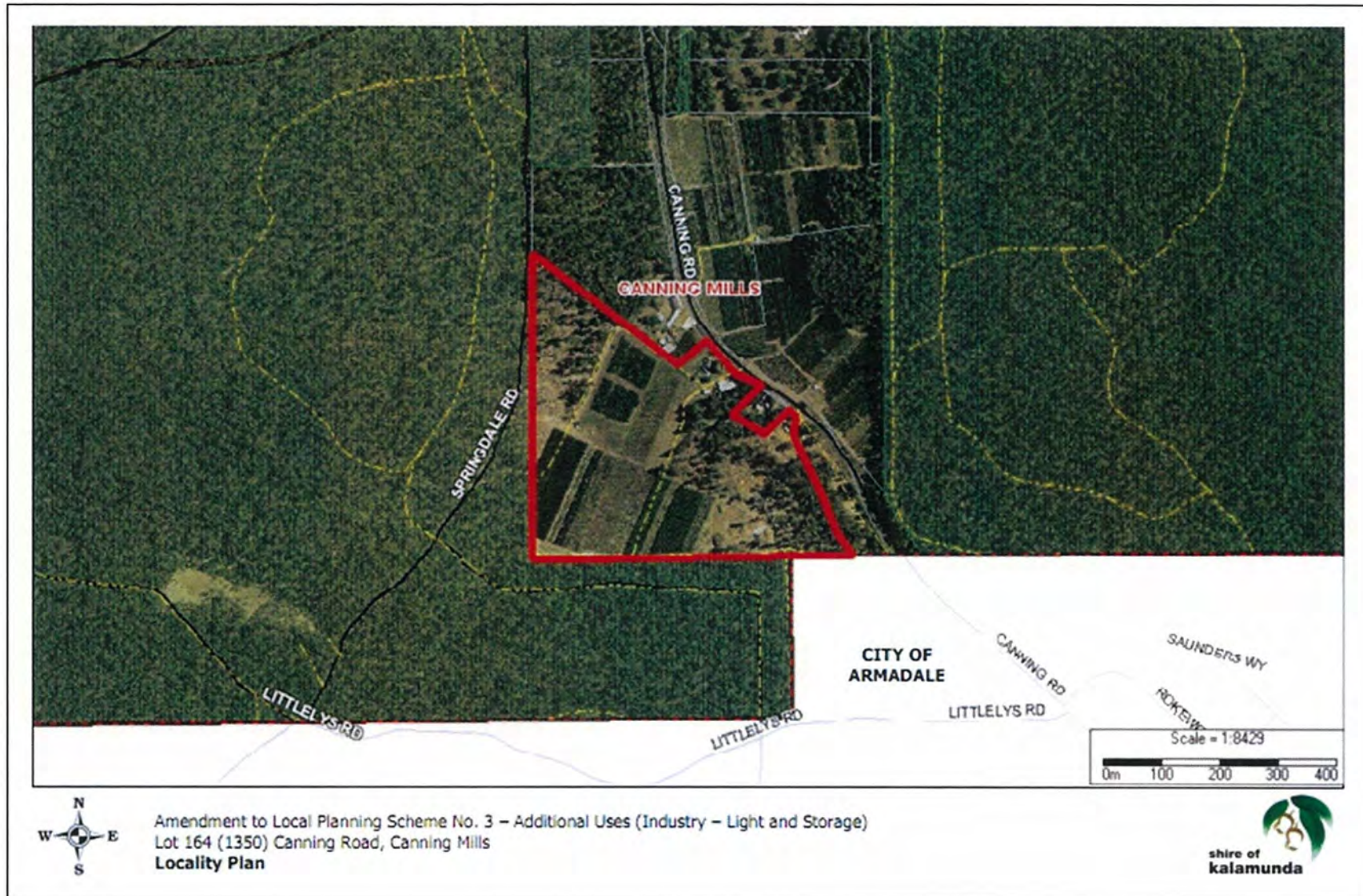
1. Does not initiate the amendment to include the Additional Uses of Industry – Light and Storage on Lot 164 (1350) Canning Road, Canning Mills, for the following reasons:
 - a. The proposed uses not satisfying the Local Planning Scheme No. 3 objectives for the Rural Agriculture zone.
 - b. The proposed uses being incompatible within Priority 2 areas, as stipulated in the Department of Water's Water Quality Protection Note: Land Use Compatibility in Public Drinking Water Source Areas.

Moved:

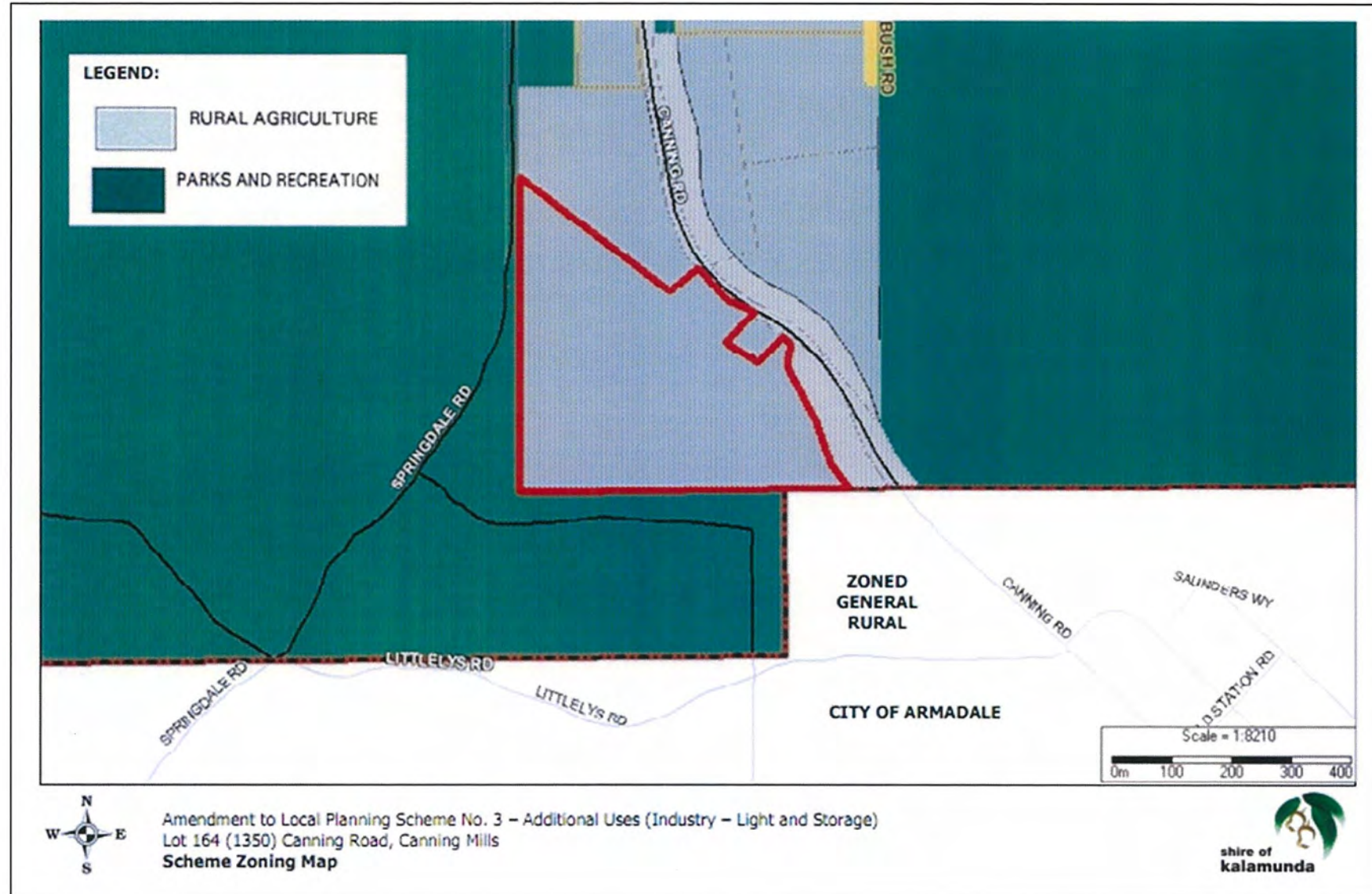
Seconded:

Vote:

Attachment 1



Attachment 2



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

67. Proposed Workshop and Office – Lot 800 (350) Kalamunda Road, Maida Vale

Previous Items	Nil
Responsible Officer	Director Development & Infrastructure Services
Service Area	Development & Infrastructure Services
File Reference	KL-02/350
Applicant	Activ Foundation Incorporated
Owner	As above
Attachment 1	Public Consultation Plan
Attachment 2	Locality Plan
Attachment 3	Site Plan
Attachment 4	Floor Plan
Attachment 5	Elevations
Attachment 6	Landscaping Plan

PURPOSE

1. To consider an application to build an office and additional workshop at Lot 800 (350) Kalamunda Road, Maida Vale. Refer to (Attachments 1 to 6).

BACKGROUND

2. **Land Details:**

Land Area:	72.05 ha
Local Planning Scheme Zone:	Private Clubs & Institutions
Metropolitan Region Scheme Zone:	Rural

3. The property contains the Hillview Golf Course, and an existing workshop occupied by the Property Care Division which consists of mobile work crews performing property care and maintenance on and off site. Access to the existing workshop is obtained from Midland Road via a single crossover.
4. On the opposite side of Midland Road to the proposal are properties zoned Residential Bushland under Local Planning Scheme No. 3 ("the Scheme").

DETAILS

5. It is proposed that an additional workshop and office be constructed on the property. Details of the application are as follows:
 - An office and workshop are proposed which will have an aggregate floor area of 933sqm.

- The structure will have a wall height of 3.20m, with the finish floor level being 0.70m lower than Midland Road.
- The structure will be setback 14.87 metres from the front (Midland Road) boundary.
- The proposed workshop will be adjacent to an existing maintenance workshop which is to be retained.
- The proposed workshop and office are proposed to be constructed of Colorbond 'Cottage Green'.
- A 3 metre wide landscaping strip is proposed along the Midland Road frontage to alleviate potential impacts on visual amenity.
- The proposed workshop and office will be used by the Property Care Division ("the occupants") which has 35 employees who work off site during the day, using the property mainly as a gathering point at 7.30am and 3.30pm Monday to Friday.
- The occupants are proposing to use the workshop to train disabled employees for the purpose of maintaining the Hillview golf course.
- The proposed development also contains a training room which will only be used by the occupants.
- Ten car parking bays, as well as two visitor bays are to be provided. The applicant has advised that the majority of the employees with disabilities do not have drivers licences.

STATUTORY AND LEGAL IMPLICATIONS

6. Under Table 1 (the Zoning Table) of the Scheme, the use Workshop is a use not listed.
7. Under Table 1 (the Zoning Table) of the Scheme, the use Office is a 'D' use on properties zoned Private Clubs and Institutions meaning the use is not permitted unless the council has granted planning approval.
8. Clause 4.4.2 of the Scheme stipulates that where a use not listed is proposed, and cannot reasonably be determined as falling within the type, class or genus of activity of any other use category, the Shire may:
 - a. Determine that the use is consistent with the objectives of the particular zone and is therefore permitted.
 - b. Determine that the use may be consistent with the objectives of the particular zone and therefore follow the advertising procedures of Clause 9.4 in considering an application for planning approval.
 - c. Determine that the use is not consistent with the objectives of the particular zone and is therefore not permitted.

9. Table 2 (Site Requirements) of the Scheme stipulates the following for development on properties zoned Private Clubs & Institutions:

	Scheme Requirement	Proposed
Front Setback	15 metres	14.87 metres
Landscaping Strip (Road Frontage)	3 metres	3 metres

10. Table 3 (Car Parking Requirements) of the Scheme stipulates the following for the use Office:

	Scheme Requirement	Proposed
Office	4 bays per 100 sqm Net Lettable Area = 8 parking bays minimum	12 parking bays

11. There are no parking provisions for the use "workshop" in the Scheme, as it is considered as a use not listed. Where a use is not listed the standard will be at the discretion of the local government.
12. The applicant has advised that 10 of the staff have drivers licences, while those with a disability will use public transport. Twelve car parking bays are proposed on site.
13. In considering an application for planning approval, Clause 10.2 of the Scheme (Matters to be Considered by Local Government) requires Council to have due regard to the compatibility of the development within its settings, the likely effect of the scale and appearance of the proposal, whether the proposed means of access and egress from the property are adequate, any State Planning Policy 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

15. Nil.

PUBLIC CONSULTATION/COMMUNICATION

16. The proposal was advertised for 14 days to nearby property owners for comment in accordance with Clauses 9.4.1 and 9.4.3 of the Scheme. Two objections were received on the proposal.
17. The following concerns were raised during advertising:
- The development having an unacceptable impact on the area's visual amenity.
 - The choice of Colorbond being undesirable.
 - The landscaping not alleviating the visual impact of the development on nearby residences.
 - The proposed development being too close to Midland Road.
 - Noise created from machines, chain saws, and alarms being excessive.
 - The potential need to construct a solid fence (on the objectors property) to visually screen the structure from residence.

FINANCIAL IMPLICATIONS

18. Nil.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

Strategic Planning Implications

19. Nil.

Sustainability Implications

Social Implications

20. Nil.

Economic Implications

21. The use may provide more employment opportunities for local residents if the application is approved.

Environmental Implications

22. Nil.

OFFICER COMMENT

23. The proposed office and additional workshop are proposed to be used to train employees who are involved in the maintenance of the golf course, and is therefore considered to be an ancillary use.
24. Concerns were raised during advertising regarding the visual impact the proposed development may have on nearby residents because of the lack of landscaping proposed, the external colours and materials chosen and because of the proposed front setback of 14.87m in lieu of 15m.
25. Whilst the façade of the building is quite long as it presents to Midland Road (62m) it is considered that it will not have a detrimental impact on the visual amenity of nearby residents or the streetscape, for the following reasons:
- The proposed front setback variation is considered to be minimal.
 - The location and amount of landscaping, which will reach up to approximately 2m in height at full maturity, will screen the proposed development sufficiently.
 - The proposed external colour and materials of the proposed development will blend with the existing workshop on the property.
26. Considering the above, it is recommended that Council approves the application.

Voting Requirement – Simple Majority

OFFICER RECOMMENDATION TO COUNCIL (D&I 67/2012)

That Council:

1. Approves the application dated 22 December 2011 to construct an office and additional workshop at Lot 800 (350) Kalamunda Road, Maida Vale, subject to the following conditions:
- a. The proposed landscaping being planted within 28 days of the proposed development's completion, and maintained thereafter by the landowner to the Shire's satisfaction.
 - b. Crossovers being designed and constructed to the satisfaction of the Shire.
 - c. Vehicle access ways being suitably constructed sealed drained to the satisfaction of the Shire.
 - d. Storm water drainage from roofed and paved areas being disposed to the satisfaction of the Shire.

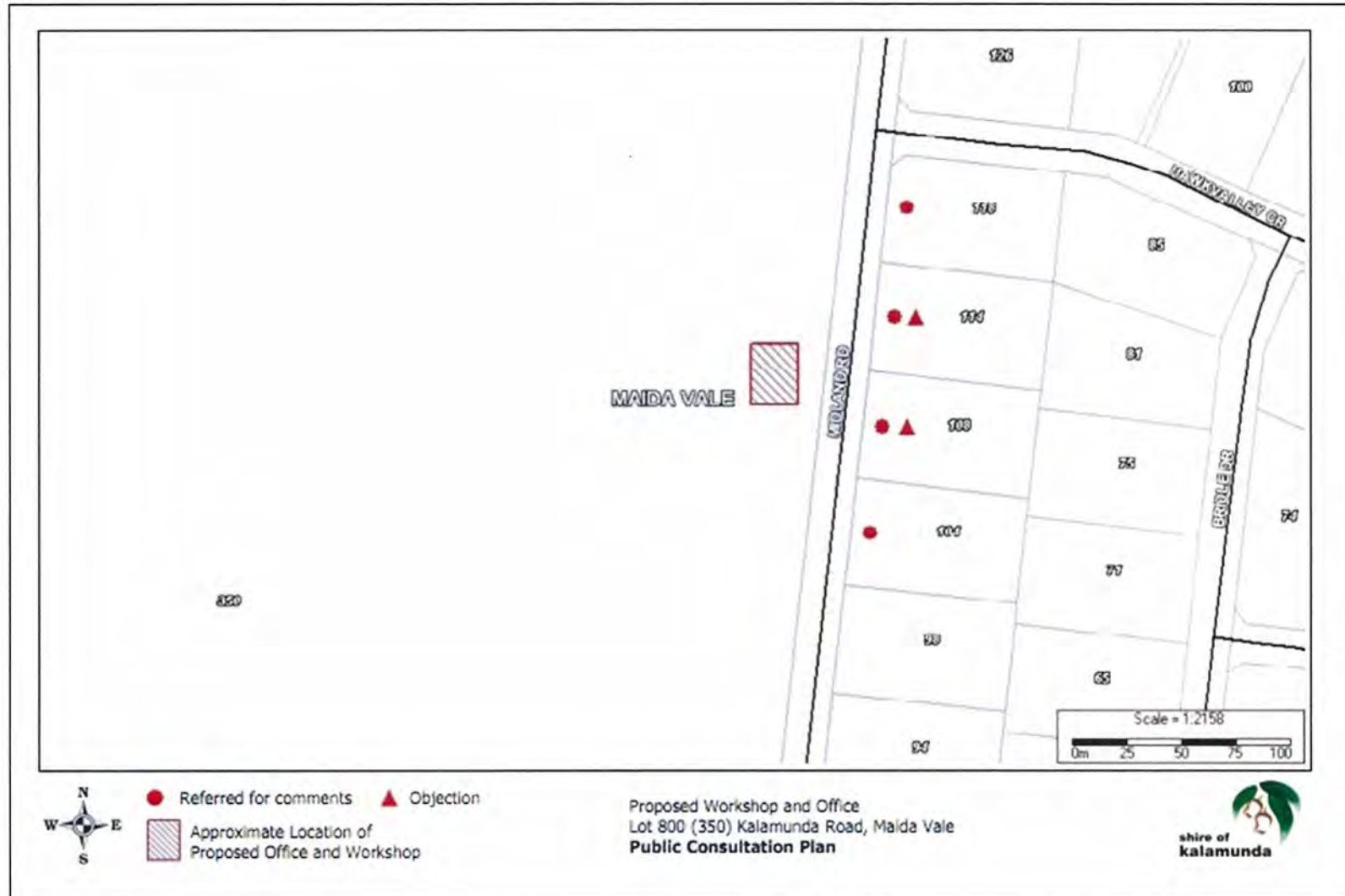
- e. The applicant shall be responsible for organising and submitting an independent traffic impact assessment for the proposed development regarding the need for left turn slip lane and passing lane to ensure safety and preserve the amenity of the area. This will need to be submitted to and approved by the Shire prior to the building licence being issued.
- f. The provision and maintenance of a total of 12 car spaces including a minimum of one disabled bay. All car parking and vehicle access ways being line marked, sealed, and drained prior to the occupation of the building and maintained thereafter to the satisfaction of the Shire.
- g. The proposed use is to only operate between the hours of 7.30am and 3.30pm Monday to Friday.

Moved:

Seconded:

Vote:

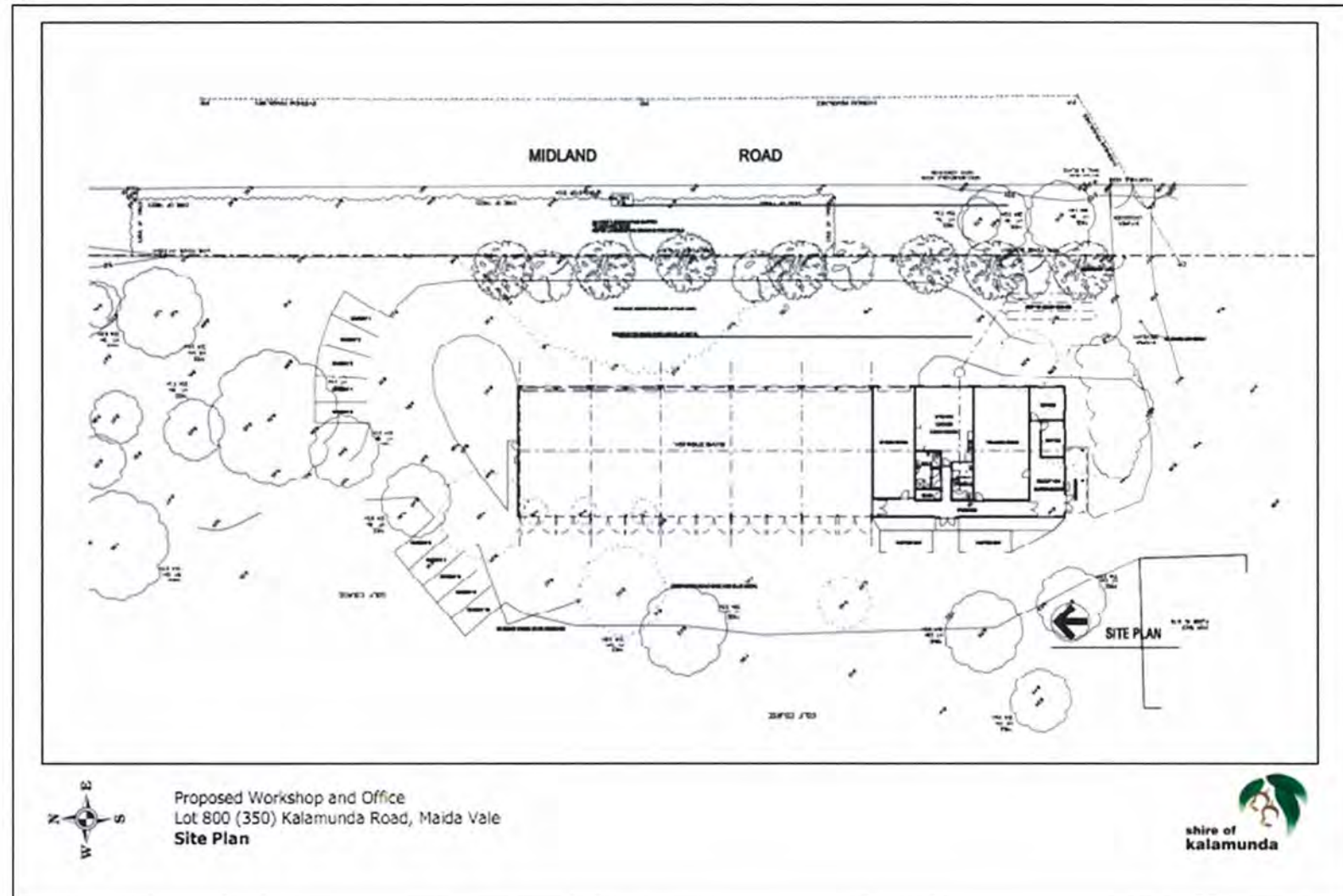
Attachment 1



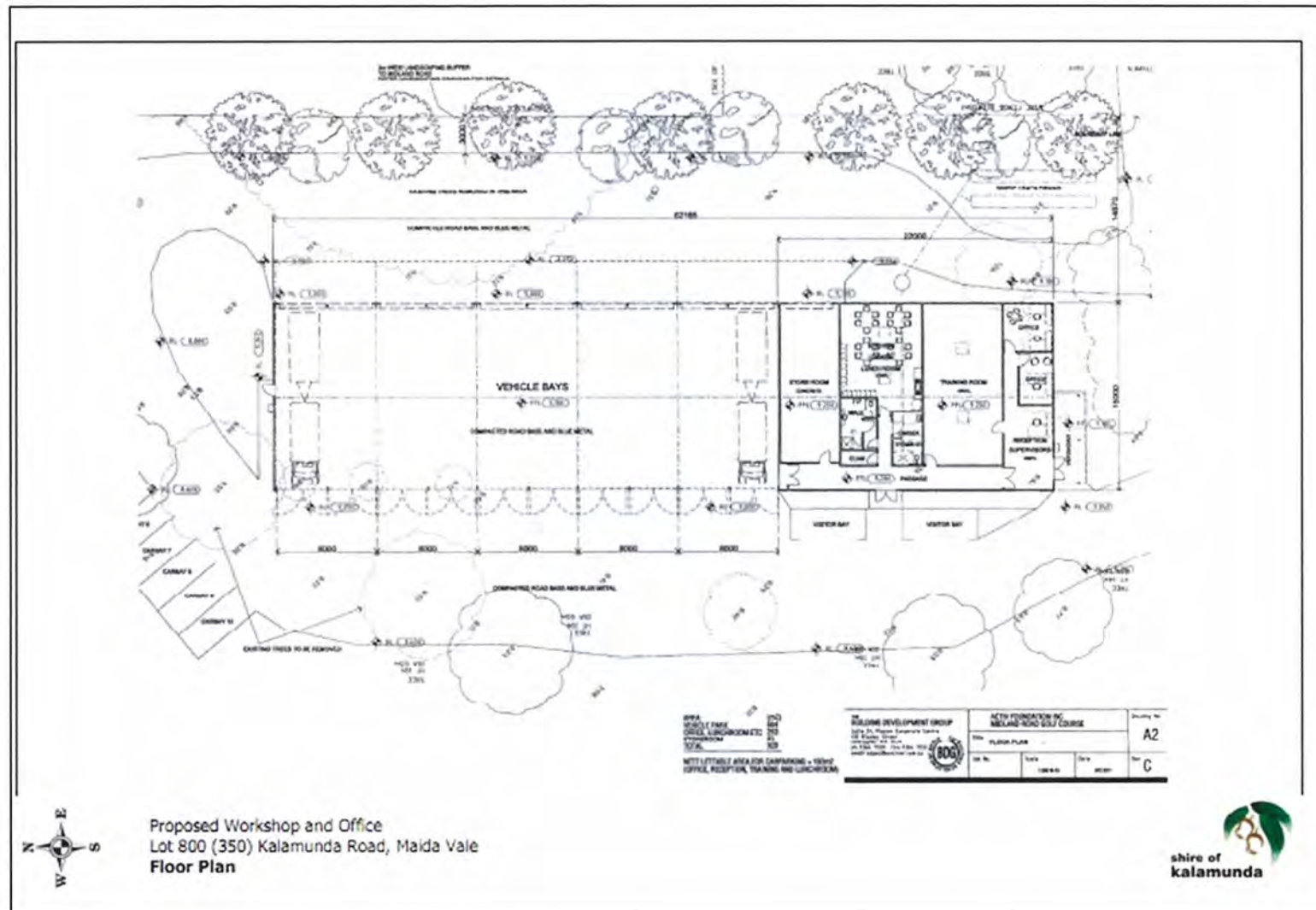
Attachment 2



Attachment 3



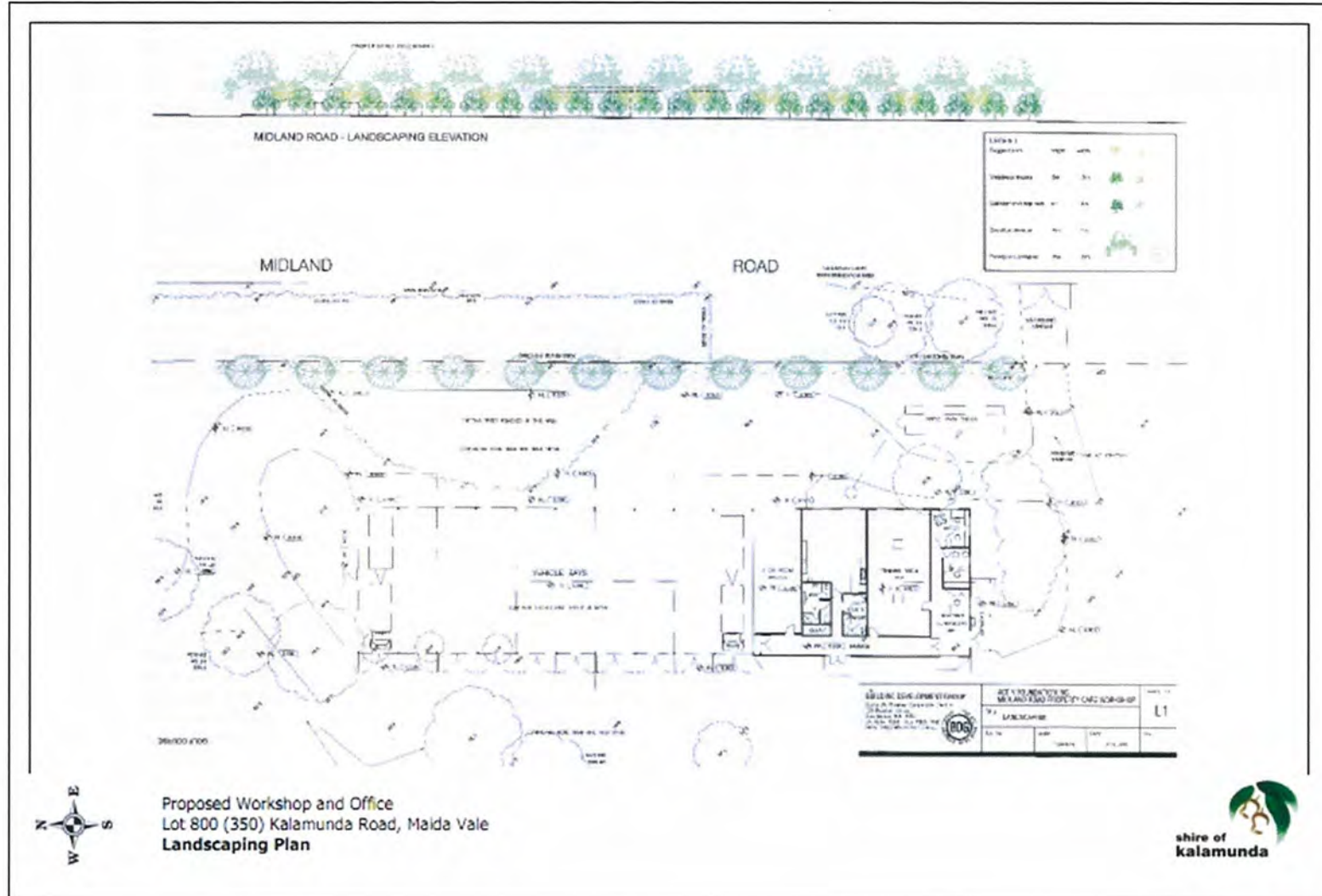
Attachment 4



Proposed Workshop and Office
 Lot 800 (350) Kalamunda Road, Maida Vale
Elevations

shire of kalamunda

Attachment 6



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

68. Two Outbuildings (Sheds) – Lot 57 (453) Canning Road, Carmel

Previous Items	Nil
Responsible Officer	Director Development and Infrastructure Services
Service Area	Development and Infrastructure Services
File Reference	CN-01/453
Applicant	RaHa Plantations Pty Ltd
Owner	G Credaro
Attachment 1	Locality Plan
Attachment 2	Site Plan
Attachment 3	Elevations of Proposed Outbuilding
Attachment 4	Elevations of Existing Outbuilding
Attachment 5	Consultation Plan
Attachment 6	Submission Table

PURPOSE

1. To make a recommendation to the WA Planning Commission for an application to construct a 200sqm extension to an existing 189sqm outbuilding (shed) at Lot 57 (453) Canning Road, Carmel. Refer to (Attachments 1 to 4).

BACKGROUND

2. Land Details:

Land Area:	4.4ha
Local Planning Scheme Zone:	Rural Landscape Interest
Metropolitan Region Scheme Zone:	Rural Regional Reserve – Water Catchment

3. The property contains a single dwelling, a 189sqm outbuilding (shed) and mature vegetation, and falls within a Priority 2 Area in the *Middle Helena Catchment Area Land Use and Water Management Strategy (2010)*.
4. As part of the application, it has been brought to the attention of staff that an unauthorised steel fabrication business operates from the property.
5. Surrounding properties contain single dwellings and associated outbuildings, a tea room and winery.
6. In May 1985, the Shire approved a 189sqm outbuilding (shed) on the property, however it would appear that the shed was not constructed in the approved location on the site. Notwithstanding this, there is no issue given the passage of time and that the location meets the previous and current Scheme setbacks.

DETAILS

7. Details of the application are as follows:

- A 200sqm outbuilding (shed), with a wall height of 3.3m and a roof height of 4.2m is proposed to be built 76m from the west boundary and 46m from the north boundary.
- The outbuildings are to be used in conjunction with a steel fabrication business which operates at the property, for which no approval has been granted.
- The proposed outbuilding is proposed to be used to store various steel products such as steel beams. The products are then relocated into the existing outbuilding where it is cut to length and welded to make trusses, support frames and storage tank bases.

STATUTORY AND LEGAL IMPLICATIONS

Local Planning Scheme No. 3

8. Clause 4.2.2 (Objectives of the Zones – Rural Zones) of Local Planning Scheme No. 3 ("the Scheme") stipulates the following are objectives of the Rural Landscape Interest zone:

- *"Ensure development is in harmony with the natural environment.*
- *Ensure that land uses, activities and land management practices are consistent with natural resources conservation and are compatible with public water supply objectives.*
- *Conserve water quality and water course capacity to enable appropriate beneficial land use activities to be undertaken.*
- *Encourage the reduction of bush fire hazard."*

9. Table 2 of the Scheme stipulates the following for properties zoned Rural Landscape Interest:

	Scheme Requirement	Proposed
Front Setback	20m Minimum	Approximately 720m
Side Setback	15m	46m from the nearest side boundary, being the north boundary.
Rear Setback	15m	Approximately 170m

10. In considering an application for planning approval, Clause 10.2 of the Scheme (Matters to be Considered by Local Government) requires Council to have due regard to number of matters, including:
 - The compatibility of the development within its settings.
 - The likely effect of the scale and appearance of the proposal.
 - Any relevant submissions received on the application.
11. The property is located in a Regional Reserve - Water Catchment Area for Bickley Reservoir therefore the WA Planning Commission ("the Commission") determines the application. Council is to provide a recommendation to the Commission on the proposal.
12. If the Commission 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. If this occurs, the Commission will be the respondent, but the Shire would be actively involved in the appeal.

POLICY IMPLICATIONS

Local Planning Policy DEV20 - Outbuildings

13. Local Planning Policy DEV20 – Outbuildings ("the Policy") stipulates that rural outbuildings will be assessed on their individual merits, but shall be referred to Council if the floor area exceeds 300sqm. If approved, the aggregate floor area of the outbuildings on the property will be 389sqm.

PUBLIC CONSULTATION/COMMUNICATION

14. The proposal was advertised for 14 days to nearby property owners for comment in accordance with Clause 9.4.3 of the Scheme. One non-objection, two objections and one which provided comment on the proposal were received.
15. One of the objectors has requested that their details remain confidential. Therefore their response has not been included on the Consultation Plan and their details have not been included in the Submission Table. Refer to the Consultation Plan (Attachment 5) and the Submission Table (Attachment 6).
16. The submitter who provided comments on the proposal advised the following:
 - They have reservations regarding the outbuildings being used in conjunction with a steel fabrication business operating from the property.
 - The business, and noise emitted by its operation, having an unacceptable impact on the rural lifestyle of the area.
17. The following concerns were raised during advertising:
 - That a steel fabrication business is not suited to the rural nature of the area.
 - The steel fabrication business not having the necessary approvals.

- The integrity of the rural location, its ambience and its unique nature being important.
- Noise emitted by the business being excessive, and becoming potentially creating higher noise levels if the proposed outbuilding is approved.

18. The proposal was also referred to the Department of Water ("DoW") due to the property falling within a Priority 2 ("P2") drinking water area in the Middle Helena Catchment Area. The Department of Water provided the following comment:

"The current land use is incompatible in P2 areas. The DoW considers "steel fabrication" as light industry and/or service industry, both of which are incompatible in the Department's Water Quality Protection Note: Land Use Compatibility in Public Drinking Water Source Areas. The DoW therefore does not support the expansion of this land use."

FINANCIAL IMPLICATIONS

19. Nil.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

Strategic Planning Implications

20. Nil.

Sustainability Implications

Social Implications

21. Impacts the proposal may have on the amenity of the local area can be addressed through the inclusion of conditions, should the WA Planning Commission approve the application. These relate to the colour and material details of the proposed outbuilding.

Economic Implications

22. Nil.

Environmental Implications

23. The use of the outbuildings is incompatible in the Department's Water Quality Protection Note: Land Use Compatibility in Public Drinking Water Source Areas.

OFFICER COMMENT

Appearance of the Outbuildings

24. If approved by Council, the proposed outbuilding will result in an aggregate floor area of 389sqm on the property.
25. The existing outbuilding is approximately 160m from the nearest dwelling on an adjoining property, being on 41 Carmel Road, and is partially screened by mature vegetation.
26. Considering the above, the location of the outbuilding is considered acceptable.

The Use of the Outbuildings

27. Whilst the applicant is applying to extend an existing building, the use of the outbuilding has also been taken into consideration as part of the application.
28. The outbuildings are to be used in conjunction with an unauthorised steel fabrication business which operates on the property.
29. During advertising concerns were raised from nearby landowners and the DoW regarding the use of the outbuildings.
30. Whilst no objections were received during advertising regarding the visual impact of the outbuildings, the sole purpose for requiring the outbuildings on the property is to be used in conjunction with a steel fabrication business.
31. The proposed outbuilding will be used to store various steel products such as steel beams. The products are then proposed to be relocated into the existing outbuilding where it is cut to length and welded to make trusses, support frames and storage tank bases.
32. The proposed use of the outbuildings is considered to be the land uses Storage or Industry – Light, as defined under the Scheme, both of which are uses not permitted on properties zoned Rural Landscape Interest.
33. There is the potential for the site to become contaminated because of chemicals and oils being stored on site, with no bunding provided.
34. Considering the above, it is recommended that Council advise the WA Planning Commission that it does not support the proposed outbuilding, and advises the landowner that the existing steel fabrication business is to cease.

Voting Requirement – Simple Majority

OFFICER RECOMMENDATION (D&I 68/2012)

That Council:

1. Recommends to the WA Planning Commission that the application to build a 200sqm outbuilding (shed) at Lot 57 (453) Canning Road, Carmel, be refused for the following reasons:
 - a. The proposed use of the outbuilding, being the use Storage or Industry - Light, are not permitted on properties zoned Rural Landscape Interest.
 - b. The proposed use of the outbuilding being incompatible within Priority 2 areas, as stipulated in the Department of Water's Water Quality Protection Note: Land Use Compatibility in Public Drinking Water Source Areas.
2. Advises the landowner that the steel fabrication business currently operating from the property is to cease immediately, and materials stored on the property associated with the unauthorised business be removed within 35 days of this decision.

Moved:

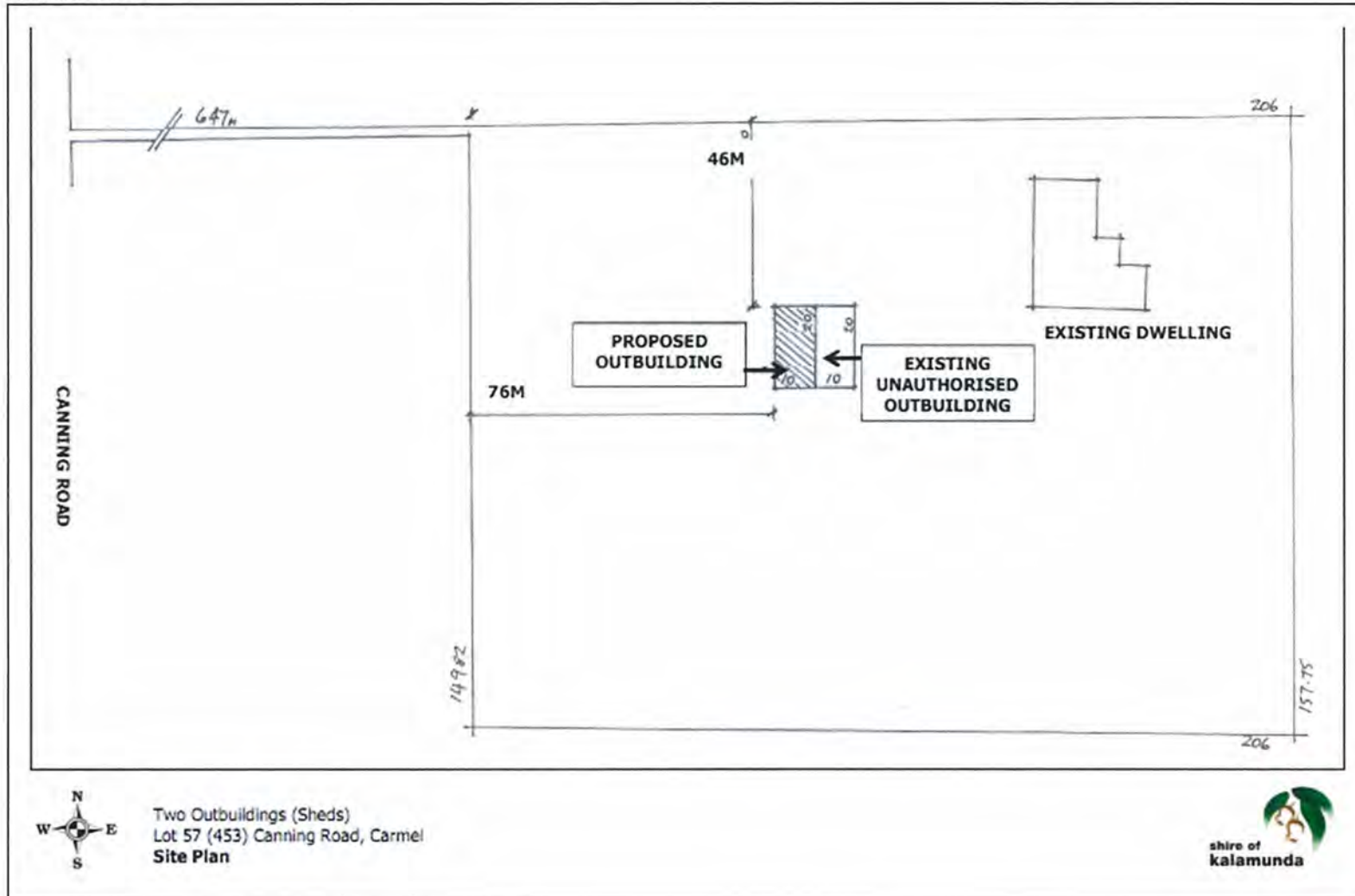
Seconded:

Vote:

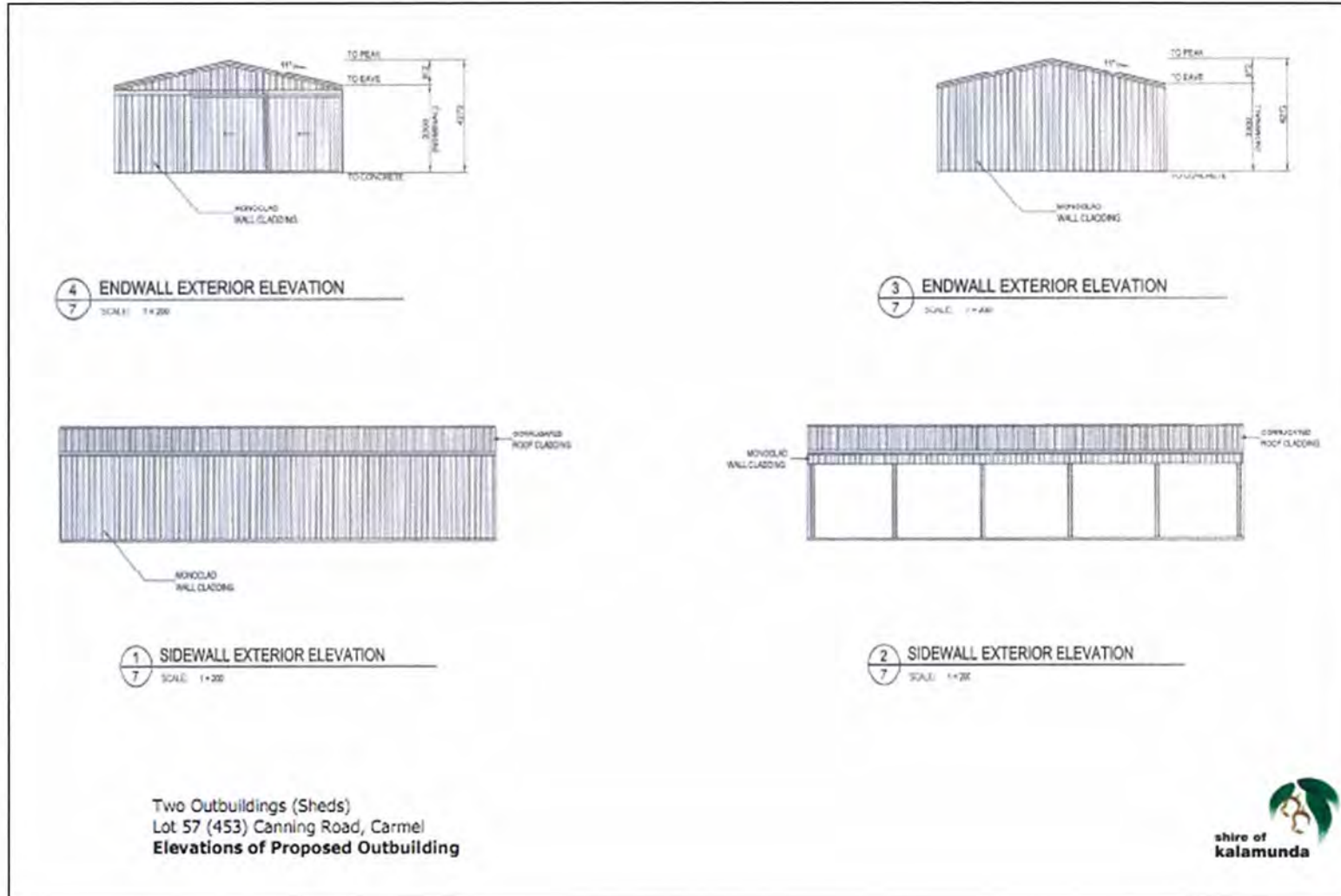
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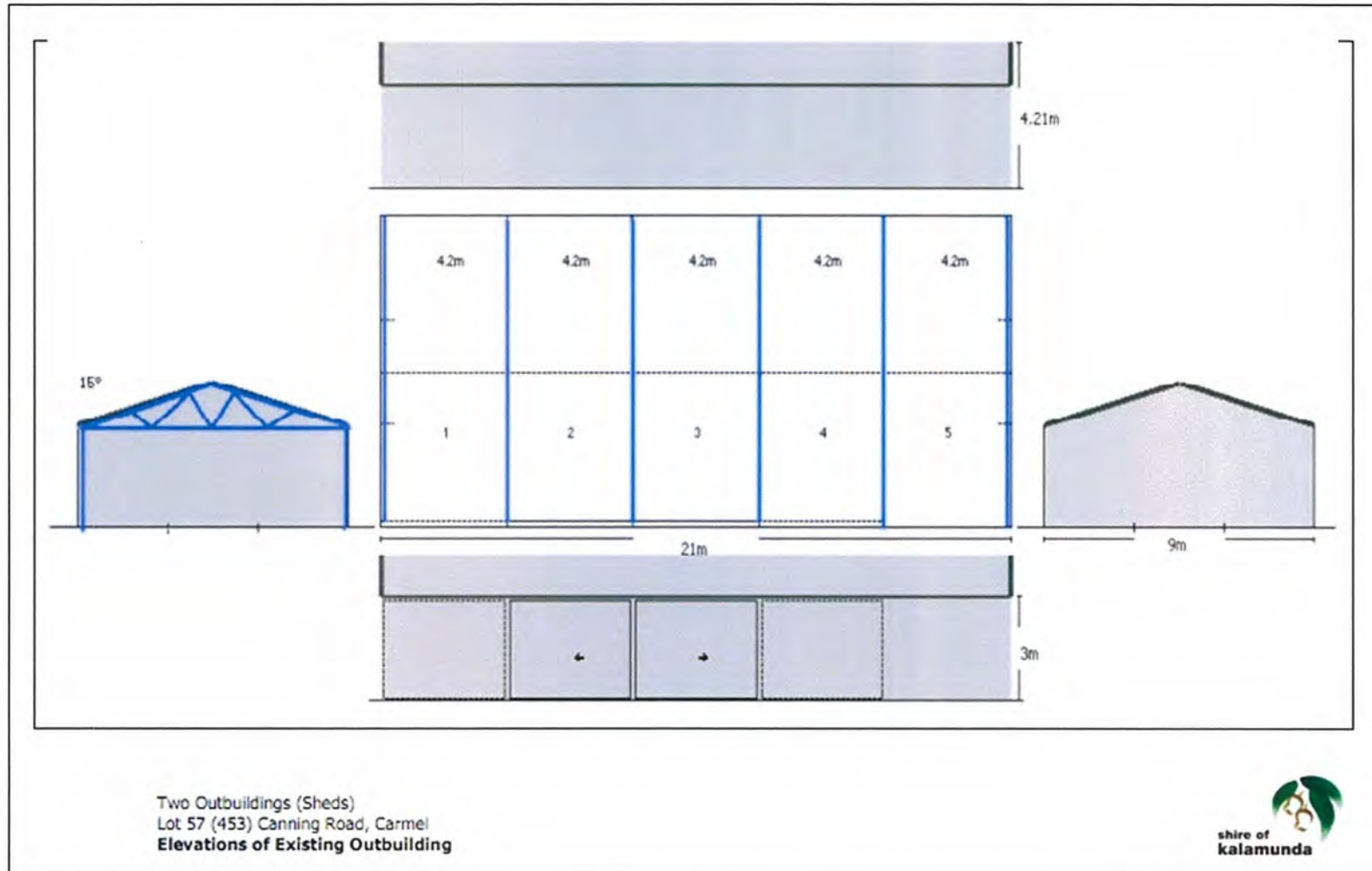
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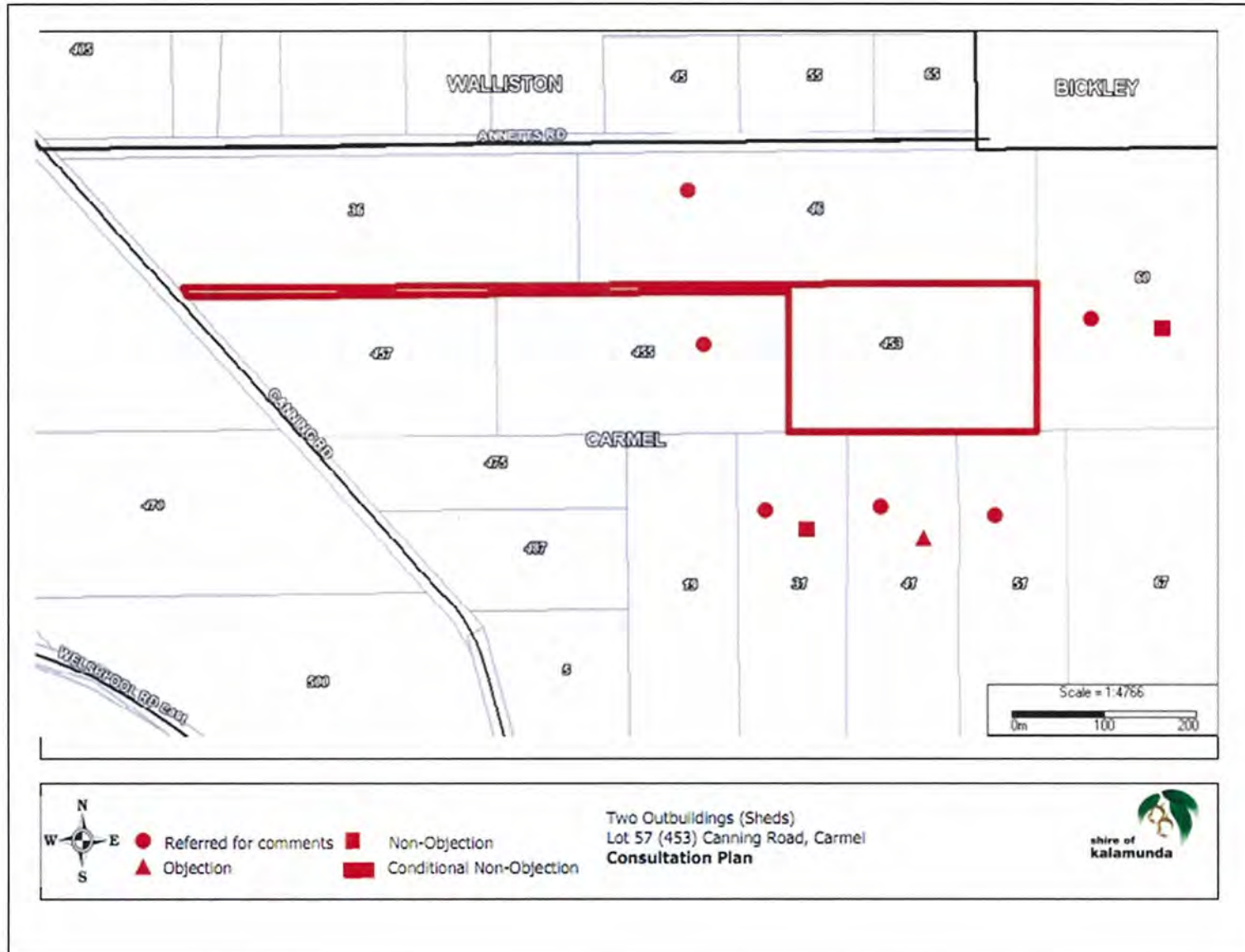
Attachment 3



Attachment 4



Attachment 5



Attachment 6

**Two Outbuildings (Sheds)
Lot 57 (453) Canning Road, Carmel
Submission Table**

	Details	Comment	Staff Comment
1.	Name and Address Withheld	<p>Objection</p> <p>a) We do not believe that a steel fabrication business suits the rural nature of the area. Such an alternative location would be a light industrial area.</p> <p>b) We question whether there is approval to run this steel fabrication business.</p> <p>c) We believe in the integrity of the rural location, its ambience and its unique nature.</p>	<p>a) Noted.</p> <p>b) No record of any approval having been obtained for the steel fabrication business could be found.</p> <p>c) Noted.</p>
2.	R McMahon 41 Carmel Road CARMEL WA 6076	<p>Objection</p> <p>a) There has already been an increase in noise associated with the steel fabrication business.</p> <p>b) We would have thought that this business is more suited to an industrial area.</p>	<p>a) Noted.</p> <p>b) Noise.</p>

		c) The proposed shed has the potential to store a large amount of steel products and will potentially result in increased noise levels.	c) Noted.
3.	Department of Water Swan Avon Region – Land Use Planning 7 Ellam Street VICTORIA PARK WA 6100	<p>Do not support.</p> <p>a) The proposal is located within the Bickley Brook Catchment Area and is managed for Priority 2 (P2) source protection. P2 source protection areas are defined to ensure that there is no increase in risk of pollution to the water source. P2 areas are declared over land where low intensity development (such as rural) already exists. Protection of public water supply sources is a high priority in these areas. P2 areas are managed in accordance with the principle of risk minimisation and some development is allowed under specific guidance.</p> <p>b) The current land use is incompatible in P2 areas. The DoW considers "steel fabrication" as light industry and/or service industry, both of which are incompatible in the Department's <i>Water Quality Protection Note: Land Use Compatibility in Public Drinking Water Source Areas</i>. The DoW therefore does</p>	<p>a) Noted.</p> <p>b) Noted.</p>

		not support the expansion of this land use.	
4.	J DeRoost 60 Reeds Road CARMEL WA 6076	No objection	Noted.
5.	P and C Longley 31 Carmel Road CARMEL WA 6076	<p>Comment on the proposal</p> <p>a) No objection to the proposed outbuilding per se.</p> <p>b) We have deep reservations about the use of the outbuildings in conjunction with a steel fabrication business operating from the property.</p> <p>c) Noise associated with such a business is incompatible with our quiet enjoyment of the area's rural lifestyle.</p>	<p>a) Noted.</p> <p>b) Noted.</p> <p>c) Noted.</p>

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

69. Consideration of Tenders - Supply and Delivery of Concrete Drainage Products (RFT-1205)

Previous Items	
Responsible Officer	Director Development & Infrastructure
Service Area	Infrastructure Operations
File Reference	
Applicant	Shire of Kalamunda
Owner	Shire of Kalamunda
Attachment 1	Confidential Attachment – Tender Evaluation Panel Report <u>Reason for Confidentiality:</u> <i>Local Government Act 1995</i> <i>55.23(2)(c) – "a contract entered into, or which may be entered into, by the local government which relates to a matter to be discussed at the meeting."</i>

PURPOSE

1. To consider awarding the Tender for the Supply and Delivery of Concrete Drainage Products.
2. The current suppliers are Humes Wembley Cement, Icon-Septech Pty Ltd and Rocla Pipeline Products.

BACKGROUND

3. The Shire undertakes a significant number of drainage projects and drainage maintenance each year. It is anticipated that the cost of concrete drainage products will be \$290,000 in 2012/13.

DETAILS

4. Request for Tenders for this project were advertised on 28 April 2012, in the Local Government Tender section of *The West Australian*, and closed on 18 May 2012.
5. The tender request contains the following clause relating to the selection criteria.

"The Contract will be awarded to a sole or panel of Tenderer(s), who best demonstrates the ability to provide quality products at a competitive price. The Tendered prices will be assessed with the following qualitative and compliance criteria to determine the most advantageous outcome to the Principal.

This means that, although price is considered, the Tender containing the lowest price will not necessarily be accepted, nor will the Tender ranked the highest on the qualitative criteria."

6. A total of three tenders were received from the following companies in the appropriate format by the allotted time:

Tenderer
Humes Wembley Cement
Rocla Pipeline Products
Agcrete

7. Regulation 18 of the *Local Government (Functions and General) Regulations 1996*, states that tenders

“...are to be assessed by the local government by means of a written evaluation of the extent to which each tender satisfies the criteria for deciding which tender to accept and it is to decide which of them it thinks it would be most advantageous to the local government to accept.”

8. A Tender Evaluation Panel assessed each submission based on the following criteria:

i. Qualitative	
• Experience	15%
• Skills	25%
• Past compliance to time and cost requirements	20%
ii. Price	40%

9. An arithmetic calculation is then applied to the raw scores to obtain the weighted score.

The weighted tender evaluation scores are shown below:

Tenderer	Weighted Qualitative Score	Weighted Price Score	Weighted Total Score	Ranking
Humes Wembley Cement	47.7	40.0	87.7	1
Rocla Pipeline Products	45.0	29.0	74.0	2
Agcrete	38.3	15.0	53.3	3

STATUTORY AND LEGAL IMPLICATIONS

10. Section 3.57 of the *Local Government Act 1995*, requires tenders to be called for all goods and services in excess of \$100,000.

POLICY IMPLICATIONS

11. Policy PUR1 – Purchasing Policy has been followed and complied with.

PUBLIC CONSULTATION/COMMUNICATION

12. Nil.

FINANCIAL IMPLICATIONS

13. The cost of this supply is built into project and maintenance budgets.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

Strategic Planning Implications

14. Nil.

Sustainability Implications

Social Implications

15. Nil.

Economic Implications

16. Nil.

Environmental Implications

17. Nil.

OFFICER COMMENT

18. Humes Wembley Cement was scored significantly higher in the qualitative assessment as well as providing the lowest overall price.
19. The tender will be for a period of three years with two 12 month options. A standard rise and fall clause is provided.

Voting Requirement – Simple Majority

OFFICER RECOMMENDATION (D&I 69/2012)

That Council:

1. Accepts the recommendation of the Tender Assessment Panel to appoint Humes Wembley Cement as preferred tenderer for the Supply and Delivery of Concrete Drainage Products.

Moved:

Seconded:

Vote:

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

70. Consideration of Tenders – Provision of Plant Hire and Auxiliary Plant Hire Services (RFT 1203)

Previous Items	
Responsible Officer	Director Development & Infrastructure Services
Service Area	Infrastructure Operations
File Reference	
Applicant	
Owner	
Attachment 1	Confidential – Tender Evaluation Panel Report <u>Reason for Confidentiality:</u> <i>Local Government Act 1995</i> <i>S5.23(2)(c)</i> – “a contract entered into, or which may be entered into, by the local government which relates to a matter to be discussed at the meeting.”
Attachment 2	Allocation of Plant Hire Elements to Tenderers

PURPOSE

1. To consider awarding the Tender for the Provision of Plant Hire and Auxiliary Plant Hire Services.
2. The current suppliers are McKay Earthmoving Pty Ltd, Mayday Earthmoving, Hawley's Bobcat Service, Kala Bob Kats Pty Ltd, Brooks Hire and Coates Hire.

BACKGROUND

3. The Shire undertakes a significant number of capital and maintenance projects each year.
4. There is a need to utilise a wide range of plant and auxiliary plant to deliver these works.
5. It is not efficient to purchase each type of plant that is required due to the low utilisation and high internal hire rates that would result.
6. A mix of wet hire (with operator) and dry hire (without operator) is required and depends on the specific nature of the activity.

DETAILS

7. Request for Tenders for this project were advertised on 28 April 2012, in the Local Government Tender section of *The West Australian*, and closed on 18 May 2012.

8. The tender request contains the following clause relating to the selection criteria

"The Contract will be awarded to a sole or panel of Tenderer(s), who best demonstrates the ability to provide quality products at a competitive price. The Tendered prices will be assessed with the following qualitative and compliance criteria to determine the most advantageous outcome to the Principal.

This means that, although price is considered, the Tender containing the lowest price will not necessarily be accepted, nor will the Tender ranked the highest on the qualitative criteria."

9. A total of seven tenders were received from the following companies in the appropriate format by the allotted time:

Tenderer
Trenchbusters Pty Ltd
Mayday Earthmoving
McKay Earthmoving Pty Ltd
Sherrin Rentals Pty Ltd
Hawley's Bobcat Services
Fonz's Bobcat & Truck Hire
HAS Earthmoving

10. Regulation 18 of the Local Government (Functions and General) Regulations 1996, states that tenders:

...are to be assessed by the local government by means of a written evaluation of the extent to which each tender satisfies the criteria for deciding which tender to accept and it is to decide which of them it thinks it would be most advantageous to the local government to accept."

11. A Tender Evaluation Panel assessed each submission based on the following criteria:

i. Qualitative

- | | |
|-------------------------------------------------|-----|
| • Experience | 15% |
| • Skills | 25% |
| • Past compliance to time and cost requirements | 20% |

ii. Price 40%

12. Due to the number and type of plant items and the variations in submissions, the qualitative and Price assessments were undertaken separately.

13. An arithmetic calculation is applied to the raw qualitative score to obtain the weighted score. The weighted tender evaluation scores are shown below:

Tenderer	Weighted Qualitative Score (max 60)	Total Weighted Score	Ranking
Trenchbusters Pty Ltd	46.0	46.0	4
Mayday Earthmoving	39.4	39.4	6
McKay Earthmoving Pty Ltd	51.3	51.3	2
Sherrin Rentals Pty Ltd	46.1	46.1	3
Hawley's Bobcat Services	35.2	35.2	7
Fonz's Bobcat & Truck Hire	40.1	40.1	5
HAS Earthmoving	54.8	54.8	1

14. Based on the qualitative assessments, each item of plant hire was allocated to the highest ranked supplier. The allocation of items to each tenderer is provided in (Attachment 2).

STATUTORY AND LEGAL IMPLICATIONS

15. Section 3.57 of the *Local Government Act 1995*, requires tenders to be called for all goods and services in excess of \$100,000.

POLICY IMPLICATIONS

16. Policy PUR1 – Purchasing Policy has been followed and complied with.

PUBLIC CONSULTATION/COMMUNICATION

17. Nil.

FINANCIAL IMPLICATIONS

18. The cost of this supply is built into project and maintenance budgets.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

Strategic Planning Implications

19. Nil.

Sustainability Implications

Social Implications

20. Nil.

Economic Implications

21. Nil.

Environmental Implications

22. Nil.

OFFICER COMMENT

23. Due to the variations in responses and the number of individual items which form part of this tender, it has been determined that a pool of tenderers should be created.
24. Each tenderer will be allocated a list of items based on their price relative to the minimum price for that item. The tenderer with the highest qualitative score will be allocated to first preference for that item.
25. Wherever possible a second preference supplier will be allocated to allow council to meet operational needs.
26. Some items were not tendered.

Voting Requirement – Simple Majority

OFFICER RECOMMENDATION (D&I 70/2012)

That Council:

1. Accepts the recommendation of the Tender Assessment Panel to appoint a panel of preferred tenderers, in order HAS Earthmoving, McKay Earthmoving Pty Ltd, Sherrin Rentals Pty Ltd, Trenchbusters Pty Ltd, Mayday Earthmoving, for the Provision of Plant Hire and Auxiliary Plant Hire Services.
2. Approves the allocation of Plant Hire Elements to Tenderers as identified in (Attachment 2).

Moved:

Seconded:

Vote:

Attachment 2



Shire of Kalamunda

Attachment 2 **Allocation of Plant Hire Elements to Tenderers**

Wet Hire Item	HAS Earthmoving	McKay Earthmoving Pty Ltd	Sherrin Rentals Pty Ltd	Trenchbusters Pty Ltd	Mayday Earthmoving
1	Preferred			Secondary	
2	Preferred			Secondary	
3	Preferred			Secondary	
4	Preferred			Secondary	
5	Preferred				
6		Preferred			
7					Preferred
8		Preferred			Secondary
9		Preferred		Secondary	
10	Preferred	Secondary			
11		Preferred			
12	Preferred	Secondary		Secondary	
13		Preferred			
14		Preferred			
15	Preferred				
16		Preferred			
17		Preferred			
18		Preferred			
19		Preferred			
20		Preferred			
21		Preferred			
22		Preferred			
23	Preferred				Secondary

Dry Hire Item	HAS Earthmoving	McKay Earthmoving Pty Ltd	Sherrin Rentals Pty Ltd	Trenchbusters Pty Ltd	Mayday Earthmoving
1					Preferred
2					Preferred
3				Preferred	Secondary
4				Preferred	Secondary
5			Preferred		
6			Preferred		
7			Preferred		
8				Preferred	
9			Preferred		Secondary
10			Preferred		
11			Preferred		
12			Preferred		
13			Preferred		
14			Preferred		
15					Preferred
16				Preferred	
17					Preferred
18			Preferred		
19			Preferred		Secondary
20				Preferred	Secondary
21					
22			Preferred		
23					Preferred
29			Preferred		
30			Preferred		
38			Preferred		

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

71. Consideration of Tenders for the Construction of Concrete Footpaths (RFT1204)

Previous Items

Responsible Officer

Service Area

File Reference

Applicant

Owner

Director Development & Infrastructure

Infrastructure Operations

Attachment 1

Confidential Attachment – Tender Evaluation Report

Reason for Confidentiality: *Local Government Act 1995*

S5.23(2)(c) – "a contract entered into, or which may be entered into, by the local government which relates to a matter to be discussed at the meeting."

PURPOSE

1. To consider awarding the Tender for the Construction of Concrete Footpaths.

BACKGROUND

2. The Shire undertakes a significant number of concrete footpath projects and footpath maintenance each year. It is anticipated that the cost of concrete footpath and ancillary works will be \$380,000 in 2012/13.
3. The current suppliers are WA Concreters and PH Concrete.

DETAILS

4. Request for Tenders for this project were advertised on 28 April 2012, in the Local Government Tender section of *The West Australian*, and closed on 18 May 2012.
5. The tender request contains the following clause relating to the selection criteria:

"The Contract will be awarded to a sole or panel of Tenderer(s), who best demonstrates the ability to provide quality products at a competitive price. The Tendered prices will be assessed with the following qualitative and compliance criteria to determine the most advantageous outcome to the Principal.

This means that, although price is considered, the Tender containing the lowest price will not necessarily be accepted, nor will the Tender ranked the highest on the qualitative criteria."

6. A total of six tenders were received from the following companies in the appropriate format by the allotted time:

Tenderer
WA Concreters
Contemporary Surfaces
PH Concrete
HAS Earthmoving
Nextside Pty Ltd
Dowsing Concrete

7. Regulation 18 of the *Local Government (Functions and General) Regulations 1996*, states that tenders:

..are to be assessed by the local government by means of a written evaluation of the extent to which each tender satisfies the criteria for deciding which tender to accept and it is to decide which of them it thinks it would be most advantageous to the local government to accept."

8. A Tender Evaluation Panel assessed each submission based on the following criteria:

i. Qualitative	
Experience	15%
Skills	25%
Past compliance to time and cost requirements	20%
ii. Price	40%

9. An arithmetic calculation is then applied to the raw scores to obtain the weighted score.

The weighted tender evaluation scores are shown below -

Tenderer	Weighted Qualitative Score (max 60)	Weighted Price Score (max 40)	Total Weighted Score	Ranking
WA Concreters	43.5	40.0	83.5	2
Contemporary Surfaces	28.3	20.0	48.3	5
PH Concrete	44.1	40.0	84.1	1
HAS Earthmoving	52.2	10.0	62.2	4
Nextside Pty Ltd	47.0	0.0	47.0	6
Dowsing Concrete	54.2	10.0	64.2	3

STATUTORY AND LEGAL IMPLICATIONS

10. Section 3.57 of the *Local Government Act 1995*, requires tenders to be called for all goods and services in excess of \$100,000.

POLICY IMPLICATIONS

11. Policy PUR1 – Purchasing Policy has been followed and complied with.
PUBLIC CONSULTATION/COMMUNICATION

-
12. Nil.

FINANCIAL IMPLICATIONS

13. The cost of this supply is built into project and maintenance budgets.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

Strategic Planning Implications

14. Nil.

Sustainability Implications

Social Implications

15. Nil.

Economic Implications

16. Nil.

Environmental Implications

17. Nil.

OFFICER COMMENT

18. All tenderers except Contemporary Surfaces scored well in the qualitative assessments.
19. PH Concrete and WA Concreters scored significantly higher in the total assessment as they provided the lowest overall price.
20. The size, duration and timing of concrete footpath and ancillary works is such that it is beneficial to have two suppliers to ensure the project is completed on-time. This has been the case in the past.
21. As there is a minimal difference in the scores between PH Concrete (84.1) and WA Concreters (83.5) and due to the nature of these works, it would be beneficial for both suppliers to be awarded tender status.
22. Allocation of projects to each supplier is based on existing commitments, ability and capacity to meet the project deliverables.
23. The tender will be for a period of three years with two 12 month options. A standard rise and fall clause is provided.
-

Voting Requirement – Simple Majority

OFFICER RECOMMENDATION (D&I 71/2012)

That Council:

1. Accepts the recommendation of the Tender Assessment Panel to appoint both PH Concrete (preferred tenderer) and WA Concreters (secondary tenderer) as preferred tenderers for the Construction of Concrete Footpaths.

Moved:

Seconded:

Vote:

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

72. Gateway WA – Perth Airport and Freight Access Project Acquisition of Land for Road Reserve Purposes

Previous Items	
Responsible Officer	Director Development & Infrastructure Services
Service Area	Development & Infrastructure
File Reference	PG-STU-026
Applicant	Main Roads Western Australia
Owner	
Attachment 1	Main Roads Drawing 1260-008-1
Attachment 2	Aerial photograph

PURPOSE

1. For Council to consider giving concurrence to a request by Main Roads Western Australia ("MRWA") for the dedication of land to road reserve as a requirement of Section 56 of the *Land Administration Act 1997*.

BACKGROUND

2. As Part of the Gateway WA Perth Airport and Freight Access project, MRWA is planning for a major upgrade of Tonkin Highway and Leach Highway to improve the safety and efficiency of the road network servicing Perth Airport and Kewdale freight precinct.

DETAILS

3. The project focuses on a stretch of Tonkin Highway between Great Eastern Highway and Roe Highway, as well as Leach Highway from Orrong Road to the Perth Airport.
4. To accommodate the works it is necessary for MRWA to acquire the land shaded on Main Roads Drawing 1260-008-1 (Attachment 1)
5. The MRWA will indemnify the Shire against all costs and charges that relate to this dedication action.

STATUTORY AND LEGAL IMPLICATIONS

6. Compliance with Section 56 of the *Land Administration Act 1997*.

POLICY IMPLICATIONS

7. Nil.

PUBLIC CONSULTATION/COMMUNICATION

8. Nil .

FINANCIAL IMPLICATIONS

9. Nil.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

Strategic Planning Implications

10. Nil.

Sustainability Implications

Social Implications

11. The subject land has not been identified for any future purposes, therefore there is no social impact on the Shire.

Economic Implications

12. The subject land has not been identified for any future purposes, therefore there is no economic impact on the Shire.

Environmental Implications

13. Nil.

OFFICER COMMENT

14. To enable the land to be dedicated as road reserve it is a requirement of the *Land Administration Act 1997* that Local Authority concurrence be given to the dedicated action.
15. The MRWA have requested for Council to consider the matter and provide the following statement in its letter of concurrence to satisfy State Land Services requirements:
- "Council at its meeting of xxxx 20xx concurred with the dedication of the land, the subject of Main Roads Drawing numbered 1260-008-1 as road under Section 56 of the Land Administration Act"*
-

Voting Requirement – Simple Majority

COMMITTEE RECOMMENDATION TO COUNCIL (D&I 72/2012)

That Council:

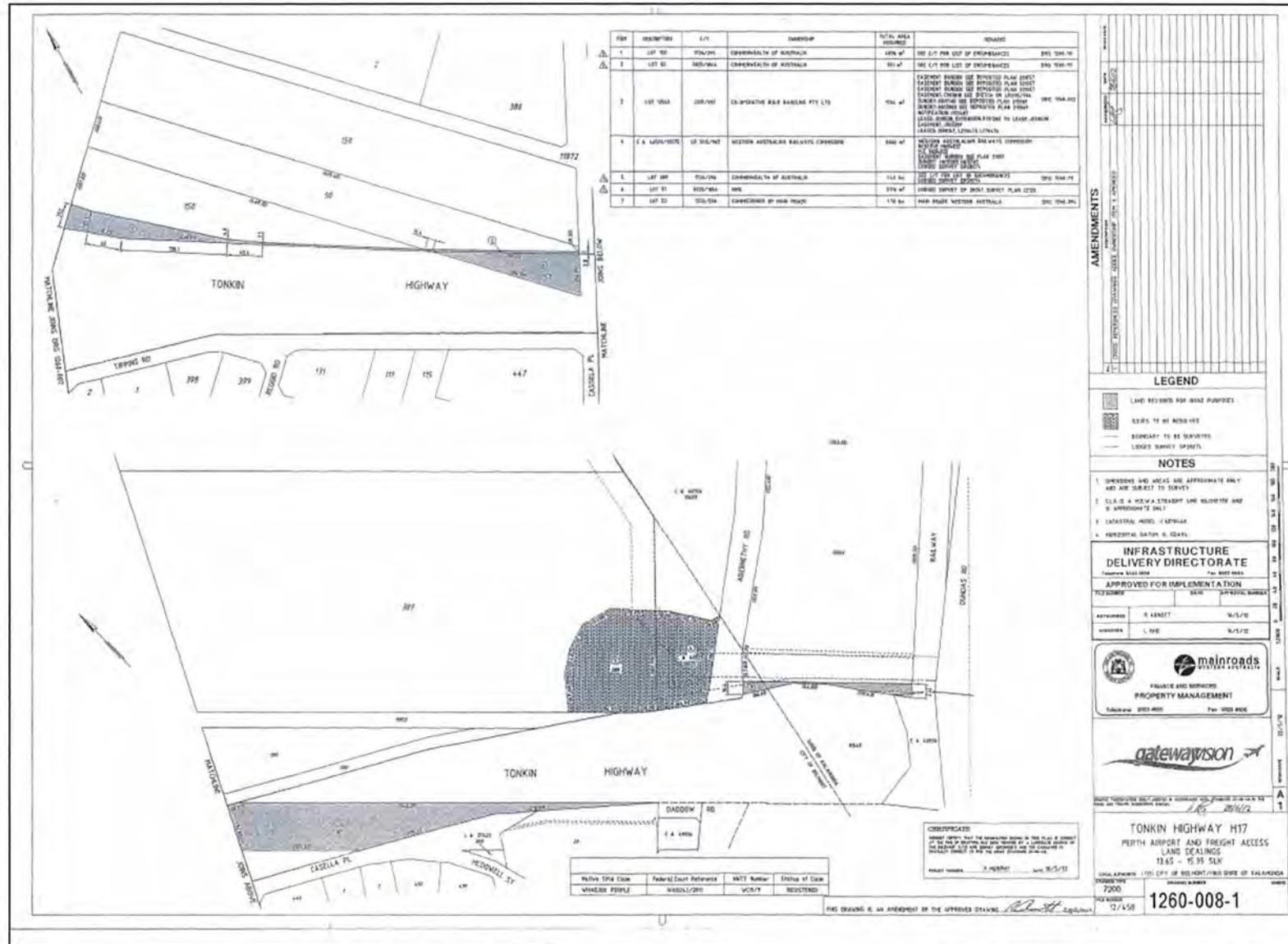
1. Concurs with the dedication of the land, the subject of Main Roads Drawing numbered 1260-008-1 (Attachment 1) as road under Section 56 of the *Land Administration Act 1997*.

Moved:

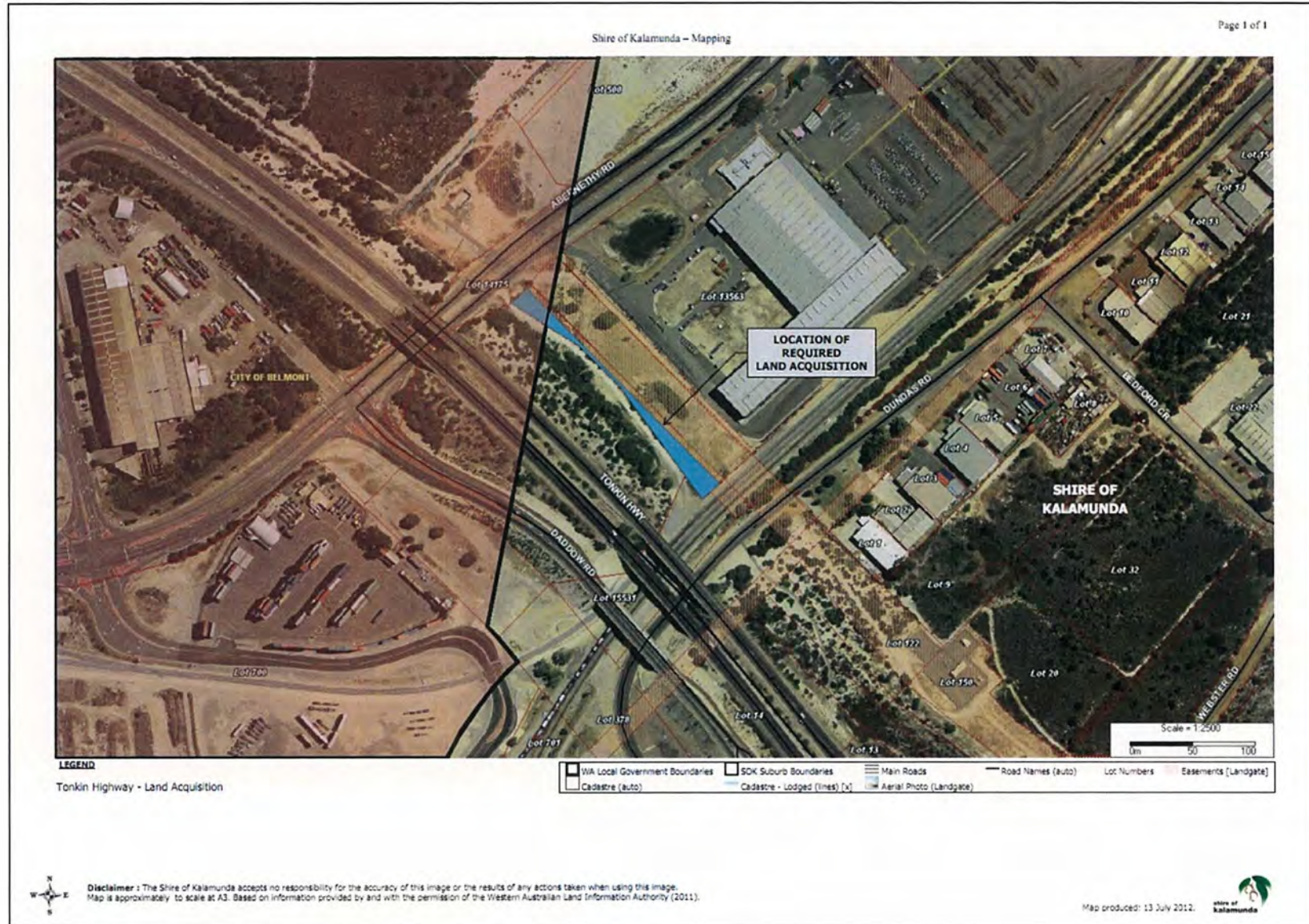
Seconded:

Vote:

Attachment 1



Attachment 2



10.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

11.0 QUESTIONS BY MEMBERS WITHOUT NOTICE

12.0 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

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

14.0 MEETING CLOSED TO THE PUBLIC

15.0 CLOSURE

Development Applications Determined Under Delegated Authority June-July 2012

APPLIC NO.	DATE LODGED	DESCRIPTION	PROPERTY ADDRESS	DECISION	DECISION DATE	REASON FOR DELEGATION
DA12/0336	25.06.12	Shop Front Fencing and External Alterations to Existing Building	10 CANNING ROAD	Conditionally approved	05.07.12	A
DA12/0338	28.06.12	Home Business (Acupuncture Kinesiology and Spiritual Healing)	12 ROACH ROAD KALAMUNDA WA 6076	Conditionally approved	04.07.12	A
DA12/0347	02.07.12	Flat Roofed Patio	7A JARABA AVENUE GOOSEBERRY HILL WA 6076	Conditionally approved	09.07.12	B
DA12/0348	02.07.12	Below Ground Swimming Pool	20 KEANE STREET LESMURDIE WA 6076	Conditionally approved	11.07.12	B
DA12/0349	02.07.12	Outbuilding (Shed)	18 BOLT COURT LESMURDIE WA 6076	Conditionally approved	16.07.12	B
DA12/0350	02.07.12	Outbuilding (Garage)	64 RAILWAY ROAD KALAMUNDA WA 6076	Conditionally approved	02.07.12	B
DA12/0357	04.07.12	One Grouped Dwelling	112 SUSSEX ROAD FORRESTFIELD WA 6058	Conditionally approved	24.07.12	A
DA12/0361	04.07.12	Outbuilding (Studio)	9 MCNABB PLACE LESMURDIE WA 6076	Conditionally approved	04.07.12	B
DA12/0364	05.07.12	Non-Illuminated Pylon Sign	290 BERKSHIRE ROAD FORRESTFIELD WA 6058	Conditionally approved	06.07.12	A
DA12/0367	10.07.12	Gable Roofed Carport	64 FIRST AVENUE BICKLEY WA 6076	Conditionally approved	16.07.12	B

Development Applications Determined Under Delegated Authority June-July 2012

APPLIC NO.	DATE LODGED	DESCRIPTION	PROPERTY ADDRESS	DECISION	DECISION DATE	REASON FOR DELEGATION
DA12/0375	11.07.12	Enclosure of Existing Outbuilding (Shed)	700 ABERNETHY ROAD FORRESTFIELD WA 6058	Conditionally approved	11.07.12	A
DA12/0376	11.07.12	One Grouped Dwelling	9 Anderson Road FORRESTFIELD WA 6058	Conditionally approved	11.07.12	A
DA12/0377	11.07.12	Gable Roofed Patio	15 GRAY ROAD GOOSEBERRY HILL WA 6076	Conditionally approved	20.07.12	B
DA12/0378	11.07.12	Extension to Existing Dwelling and Verandah	21 MARCHETTI ROAD PICKERING BROOK WA 6076	Conditionally approved	18.07.12	B
DA12/0379	06.07.12	Outbuilding (Shed)	5 GIRRAWHEEN DRIVE GOOSEBERRY HILL WA 6076	Conditionally approved	26.07.12	B
DA12/0381	12.07.12	Outbuilding 'Lean-to' Structure and Rainwater Tank	24 ENID ROAD KALAMUNDA WA 6076	Conditionally approved	27.07.12	B
DA12/0382	12.07.12	Single Dwelling	18 NEWLANDS GROVE GOOSEBERRY HILL WA 6076	Conditionally approved	27.07.12	B
DA12/0383	13.07.12	Outbuilding (Shed)	22 KEANE STREET LESMURDIE WA 6076	Conditionally approved	27.07.12	B
DA12/0387	16.07.12	Outbuilding (Shed)	88 GOOSEBERRY HILL ROAD GOOSEBERRY HILL WA 6076	Conditionally approved	31.07.12	B
DA12/0397	18.07.12	Proposed x 2 Gable Patios Units 8 & 5	138 LEWIS ROAD FORRESTFIELD WA 6058	Conditionally approved	20.07.12	A

Development Applications Determined Under Delegated Authority June-July 2012

APPLIC NO.	DATE LODGED	DESCRIPTION	PROPERTY ADDRESS	DECISION	DECISION DATE	REASON FOR DELEGATION
DA12/0403	20.07.12	Ancillary Accommodation	105 GLADYS ROAD LESMURDIE WA 6076	Conditionally approved	23.07.12	A
DA12/0408	18.07.12	Proposed Retaining Walls - Setback Less than 6m from the side boundary	1 HOBBS ROAD GOOSEBERRY HILL WA 6076	Conditionally approved	19.07.12	B
DA12/0419	25.07.12	One Grouped Dwelling	37 MALLOW WAY FORRESTFIELD WA 6058	Conditionally approved	27.07.12	A

A	Compliant Development
B	Delegated Approval - Variation to Policy
C	Subdivision Response - Compliant/Non Compliant
D	Refused
Delegated matters in accordance with Adopted Policy PS 1.0	
Delegation, consultation & development matters and subsidiary policies	

Subdivision Applications Referred to WAPC for Determination -June - July 2012

APPLIC NO.	DATE LODGED	DESCRIPTION	PROPERTY ADDRESS	RECOMMENDATION	DATE RECOMMENDED	REASON FOR DELEGATION
146141	13.06.2012	Boundary Realignments	512 KALAMUNDA ROAD HIGH WYCOMBE WA 6057	Approval	15.06.12	C
146195	11.06.2012	Two lot freehold subdivision	16 ROSEA CLOSE MAIDA VALE WA 6057	Approval	13.06.12	C
146206	13.06.2012	Proposed Two Lots Freehold Subdivision	49 MOIRA AVENUE FORRESTFIELD WA 6058	Approval	16.07.12	C
146292	02.07.2012	Two lot freehold subdivision	63 LENORI ROAD GOOSBERRY HILL WA 6076	Approval	09.07.12	C
493-12	26.06.2012	Two Lot Survey Strata Subdivision	18 FERNAN ROAD HIGH WYCOMBE WA 6057	Approval	27.06.12	C
509-12	29.06.2012	Two Lot Survey Strata Subdivision	7 HUME ROAD HIGH WYCOMBE WA 6057	Approval	04.07.12	C
425-12	13.06.2012	Two Lot Survey Strata Subdivision	8 STEVENS ROAD HIGH WYCOMBE WA 6057	Approval	13.06.12	C
426-12	08.06.2012	Seven Lot Strata Subdivision	39 MAIDA VALE ROAD MAIDA VALE WA 6057	Approval	13.06.12	C

A	Compliant Development
B	Delegated Approval - Variation to Policy
C	Subdivision Response - Compliant/Non Compliant
D	Refused

Delegated matters in accordance with Adopted Policy PS 1.0
Delegation, consultation & development matters and subsidiary policies