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Shire of Kalamunda

# Planning Services Committee

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Minutes for 10 May 2010



# SHIRE OF KALAMUNDA

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**Minutes of Planning Services Committee  
Held in the Council Chambers  
2 Railway Road, Kalamunda  
Monday 10 May 2010**

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**1.0 OFFICIAL OPENING**

- 1.1 The Chairman opened the meeting at 7:04 pm and welcomed Councillors, Staff and Members of the Public Gallery.

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

**2.1 ATTENDANCE**

**Councillors**

Donald McKechnie	(SHIRE PRESIDENT) NORTH WARD
Sue Bilich	NORTH WARD
Margaret Thomas	(CHAIRMAN) NORTH WARD
Maureen Robinson	(left meeting at 7:30pm) SOUTH WEST WARD
Allan Morton	SOUTH WEST WARD
Geoff Stallard	SOUTH EAST WARD
Frank Lindsey	SOUTH EAST WARD
Carol Everett	SOUTH EAST WARD
Peter Heggie	NORTH WEST WARD
Martyn Cresswell	NORTH WEST WARD
Dylan O'Connor	NORTH WEST WARD

**Members of Staff**

James Trail	CHIEF EXECUTIVE OFFICER
Kevin O'ConnoR	DIRECTOR OF COMMUNITY DEVELOPMENT
Clayton Higham	DIRECTOR OF PLANNING & DEVELOPMENT SERVICES
Darrell Forrest	MANAGER GOVERNANCE
Andrew Fowler-Tutt	MANAGER STRATEGIC PLANNING
Jonathon Smith	MANAGER HEALTH SERVICES
Andrew Bratley	SENIOR PLANNING OFFICER
Donna McPherson	MINUTE SECRETARY

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**Members of Public** 12

**Members of Press** Nil

2.2 Apologies

Noreen Townsend

Bob Searle

Mahesh Singh

SOUTH WEST WARD

DIRECTOR OF CORPORATE SERVICES

DIRECTOR OF ENGINEERING SERVICES

2.3 Leave of Absence Previously Approved

Nil

**3.0 PUBLIC QUESTION TIME**

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

3.1 Nil.

**4.0 PETITIONS/DEPUTATIONS**

4.1 Nil.

**5.0 APPLICATIONS FOR LEAVE OF ABSENCE**

5.1 Nil.

**6.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETING**

6.1 That the Minutes of the Planning Services Committee Meeting held on 12 April 2010 be confirmed as a true and correct record of the proceedings.

Moved: Cr Maureen Robinson

Seconded: Cr Donald McKechnie

**CARRIED UNANIMOUSLY**

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

7.1 Nil.

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

8.1 Nil.

**9.0 DISCLOSURE OF INTERESTS**

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Disclosure of Financial and Proximity Interests

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

9.1 Nil.

Disclosure of Interest Affecting Impartiality

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

9.2 Item 32 Nominations for Membership to the Shire of Kalamunda community Sustainability Advisory Committee

Cr Carol Everett declared an interest affecting impartiality as she sits on this Committee as the Shire's representative.

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## 10.0 REPORT TO COUNCIL

### Please Note:

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

<u>Item No.</u>	<u>Page No</u>
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*Declaration of financial/conflict of interests to be recorded prior to dealing with each item.*

**26. Lot 1 (100) Wittenoom Road, High Wycombe - Scheme Amendment Initiation (Rezoning from Special Use - Business to Residential R30)**

Previous Items: N/A  
Service Area: Planning Development Services  
File Reference: WT-05/100  
Applicant: Penex Pty Ltd  
Owner: Penex Pty Ltd

**PURPOSE**

1. For Council to consider a proposal to initiate an amendment to Local Planning Scheme No. 3 (LPS 3) to rezone the north-west portion of Lot 1 (100) Wittenoom Road, High Wycombe from Special Use (Business) to Residential R30. Refer ***(Attachments 1 and 2)*** for Locality Plan and Current Zoning Map.

**BACKGROUND**

2. Under the provisions of the Scheme, the majority of the subject lot is zoned Residential R30 with the north-west portion of the property zoned Special Use (Business).
3. The subject lot comprises a land area of 5,535sqm and contains a single storey dwelling and mature vegetation. Surrounding lots contain a drainage basin, grouped dwellings and commercial premises.
4. In October 2005 planning approval was issued by the Shire for fourteen (14) grouped dwellings on the lot. The approved development has not commenced, and therefore is now invalid. Should the lot be rezoned, planning approval will be sought again from the Shire for the grouped dwellings.

**DETAILS**

5. Currently the north-west area of the lot is zoned Special Use (Business), the purpose of which is to facilitate the development of a business Park which will incorporate a range of business and service trade activities. Residential development is not permitted in this portion of the lot.
6. The applicant is seeking approval to rezone the north-west area of the subject lot to Residential R30 so that it is consistent with the remainder.
7. The proposed R30 density would allow for a maximum of eighteen (18) grouped dwellings or sixteen (16) multiple dwellings on the lot.

**STATUTORY AND LEGAL IMPLICATIONS**

8. The *Town Planning Regulations 1967* establish procedures relating to amendments to local planning schemes. If Council decides to initiate the proposed amendment,



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then ultimately the amendment will be determined by the Minister for Planning.

9. If Council does not initiate the amendment, the process ceases and there is no Right of Review (appeal) to the State Administrative Tribunal. If the proposal progresses to Ministerial determination, irrespective of the Minister's decision, there is no Right of Review.

### **POLICY IMPLICATIONS**

10. *Draft Liveable Neighbourhoods Policy 3* 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.
11. The Shire's Local Planning Policy DEV30 – Rezoning of Properties to Residential R20 or Higher, outlines matters to be taken into consideration when assessing a request to rezone a property to Residential R20 or higher, these include:
- i. Distance/relationship to similarly classified sites;
  - ii. The lot area and number of units to be developed;
  - iii. Existing development in the locality and effect on amenity of the locality;
  - iv. Location of the proposed development, for example, access to community facilities;
  - v. Whether the proposed development would be single storey, double storey or a combination of both, and how that relates to existing development in the locality; and
  - vi. The Government Sewerage and Water Corporation policies.

### **PUBLIC CONSULTATION/COMMUNICATION**

12. Should the amendment documents be adopted by Council, the Amendment will be formally advertised for 42 days in accordance with the provisions of the *Town Planning Regulations 1967*, without reference to the Western Australian Planning Commission.

### **FINANCIAL IMPLICATIONS**

13. Nil.

### **STRATEGIC AND SUSTAINABILITY IMPLICATIONS**

14. **Strategic Planning Implications**
- The subject property abuts other Residential zoned properties and is within close proximity to commercial premises (shops).

**Sustainability Implications****Social implications**

- The proposed rezoning will allow for an increased number of dwellings and potentially housing choice located in close proximity to existing and planned shops, schools and community facilities in existence or planned for the area.

**Economic Implications**

- Development of the subject lot for residential purposes has the potential to increase the residential population and local jobs thereby providing a stimulus for the local economy.
- The use of existing infrastructure will also be of benefit. Costs will be incurred with the provision of reticulated sewer to the property associated with any future residential development of the site.

**Environmental Implications**

- Mature vegetation will be removed as part as any future development of the site.
- The subject lot adjoins land used for drainage purposes. Future development on the lot will be required to dispose of stormwater on site.

**OFFICER COMMENT**

15. The proposed amendment is consistent with the intent of *Draft Liveable Neighbourhoods Policy 3* and *Network City* which were prepared by the Western Australian Planning Commission, in providing for a range of housing types in close proximity to commercial and community activities, and has no impact on the surrounding area.
16. The proposed zoning will allow for all of the subject lot to be developed for residential purposes.
17. Should the north-west area of the lot remain for business purposes only, traffic associated with the uses would only have access from Wittenoom Road through the Residential zoned portion of the lot resulting in an unacceptable impact on resident safety and amenity.
18. Taking into consideration the above, it is recommended that the proposed rezoning be supported.

**MEETING COMMENT**

19. Nil.

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**COMMITTEE RECOMMENDATION TO COUNCIL**

**PS 26/2010**

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

1. Rezoning the north-west portion of Lot 1 (100) Wittenoom Road, High Wycombe from Special Use (Business) to Residential R30.

In accordance with the Scheme Amendment Map.

Subject to amendment documents and the required administration fee being submitted, the documents being adopted by Council and the Amendment being formally advertised for 42 days in accordance with the provisions of the *Town Planning Regulations 1967*, without reference to the Western Australian Planning Commission.

Moved: Cr Maureen Robinson

Seconded: Cr Martyn Cresswell

**CARRIED UNANIMOUSLY (11/0)**

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

**27. Lot 23 (131) Milner Road and 551 (371) Dundas Road, High Wycombe – Scheme Amendment No. 22 – Final Adoption**

Previous Items: PS 70/2009  
Service Area: Planning and Development Services  
File Reference: PS-LPS-003/022  
Applicant: Shrapnel Urban Planning  
Owner: I & A Bacchion and Rural Corp Ltd.

**PURPOSE**

1. To consider whether to recommend final approval for Amendment No. 22 to Local Planning Scheme No.3 to rezone a portion of Lots 23 (131) Milner Road and 551 (371) Dundas Road, High Wycombe from Mixed Use to Light Industry. Refer **(Attachment 1.)** Locality Plan.

**BACKGROUND**

2. The subject lots comprises an area of 22,790 sqm and 29, 651 sqm respectively. The bulk of the land subject to this amended is zoned Light Industry and a portion abutting Milner Road is zoned Mixed use. Refer **(Attachment 2.)** Local Planning Scheme No.3 zoning.
3. In August 2009, Council resolved to initiate Amendment No. 22 to Local Planning Scheme No.3 to change the zoning of the portion of the lots currently Mixed Use to Light Industry.
4. The Light Industry and Mixed Use zonings were created as part of an amendment to District Planning Scheme No.2 with the intent of having the Mixed Use zone providing a transition of land uses between the Light Industry at the rear (north-west) and the Special Rural land holdings on the opposite side of Milner Road (south-east).
5. The purpose of the Mixed Use zone is to provide for limited business and commercial uses (excluding shopping) which are compatible with residential uses. At the time of zoning it was anticipated that development would likely be limited to a dwelling and low scale commercial activity operated by the resident.
6. Since the creation of the Mixed Use zone, there has been strategic planning undertaken in this area. Council has supported an amendment to the Metropolitan Region Scheme from Rural to Urban, which would allow for Special Rural lots on the south-east side of Milner Road to be considered for Light Industry.
7. If the Light Industry zoning proceeds on the south-east side of Milner Road, the necessity for the Mixed Use zone to act as a buffer would become redundant and the likely land uses (residential and low scale commercial uses) would be inappropriately located between two industrial zones.

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## DETAILS

8. The applicant is seeking Council approval to delete the Mixed Use zone and zone the land holdings Light Industry up to Milner Road (the entirety of the lots).
9. Whilst the subdivision of the subject land has been approved, it has yet to be acted on (WAPC Ref 136984). If the subdivision proceeds, the proposed zoning would apply to twelve lots abutting Milner Road ranging in area from 1418sqm to 1804sqm. Refer (***Attachment 3.***) approved subdivision.

## STATUTORY AND LEGAL IMPLICATIONS

10. The Town Planning Regulations 1967 establish procedures relating to amendments to Local Planning Schemes. Council is to provide a final recommendation to the Minister for Planning who ultimately determines the amendment. There is no Right of Review (appeal) to the State Administrative Tribunal should the amendment be refused by the Minister.

## POLICY IMPLICATIONS

11. Nil.

## PUBLIC CONSULTATION/COMMUNICATION

12. Subsequent to Council resolving to initiate the Amendment the proposal was forwarded to the Western Australian Planning Commission and the Environmental Protection Authority for their consideration. No objection and acknowledgement of intent to advertised was received from these agencies.
13. The Scheme Amendment was referred to the public for comment by way of two signs on site and newspaper advertisements in the West Australian and the local Echo newspaper over a consultation period of over 42 days.
14. During the formal advertising period 1 submission was received from a resident opposite the site, objecting to the proposal:
  - rezoning would negatively affect property value,
  - concerned about adherence to light industry zoning provisions and the Shire's willingness to address non adherence,
  - rezoning of area bounded by Milner Road, Sultana Road and Berkshire road being considered, not yet finalised. This proposal should wait until approval by WAPC is granted, and
  - both properties are currently being used for a level of light industry not allowed in the current zoning.

## FINANCIAL IMPLICATIONS

15. Nil.

## STRATEGIC AND SUSTAINABILITY IMPLICATIONS

16. **Strategic Planning Implications**

- 
- This proposal is in the context of future scheme amendments in this area, whilst this is very likely to go ahead it cannot be guaranteed, and so this application must be assessed on its own merits.
  - The proposed rezoning will effectively remove the 'buffer' strip between the light industrial area and the special rural area on the opposite side of Milner Road.
  - The Mixed Use zone is primarily for administrative businesses (in particular; professional, civic uses, medical and health related uses), and could be considered to be out of place, given the current strategic planning for the area.

17. **Sustainability Implications**

**Social implications**

- Should there be a delay between the implementation of this zoning change and the scheme/MRS amendment to the Special Rural area opposite, there may be short term impacts on the residents in the Special Rural area.

**Economic Implications**

- The proposed amendment will provide a higher level of likelihood of development potential.

**Environmental Implications**

- The Environmental Protection Authority advised there are no environmental implications with this proposal.

**OFFICER COMMENT**

18. Council has given its support to an amendment to the Metropolitan Region Scheme and Local Planning Scheme No.3 which proposes that the Special Rural lots on the south-east side of Milner Road be zoned Light Industry. This proposal is currently being considered by the Western Australian Planning Commission.
19. The 'buffer' strip between the Light Industry and Special Rural area is not of high strategic importance and the perceived impact of its rezoning on the local community is low.
20. In respect to comments received, the proposal is appropriate in terms of long term strategic planning activities irrespective of the result of the amendment to the area to the south-east of Milner Road. Current and future land uses to comply with Local Planning Scheme No 3.
21. This proposal, together with the amendment to the Special Rural area will be considered by the Minister for Planning and therefore it is appropriate for Council to support the proposal, in line with previous decisions. It is recommended that Council support the proposal, without modification.

**MEETING COMMENT**

22. Nil.

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**COMMITTEE RECOMMENDATION TO COUNCIL      PS 27/2010**

1. That Council:

- a) Notes the submission received in respect to Amendment No. 22 to Local Planning Scheme No. 3.
- b) Adopts Scheme Amendment No. 22 relating to Lots 23 (131) Milner Road & 551 (371) Dundas Road, High Wycombe.
- c) Duly executes the Amendment documents and forwards them with submissions received to the Minister for Planning requesting that final approval be granted.

Moved: Cr Dylan O'Connor

Seconded: Cr Martyn Cresswell

**CARRIED UNANIMOUSLY (11/0)**

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

**28. Local Planning Scheme No. 3 Amendment No. 20 - Provision Relating to Unkempt Land - Final Adoption**

Previous Items: PS 98/2008  
Service Area: Planning Development Services  
File Reference: PG-LPS-003  
Applicant: N/A  
Owner: N/A

**PURPOSE**

1. For Council to consider whether to recommend final approval for Amendment No. 20 to Local Planning Scheme No. 3 (LPS 3) by inserting a provision related to unkempt land.

**BACKGROUND**

2. In November 2008 Council resolved to instruct staff to prepare a report relating to a Scheme Amendment to include a provision on unkempt land for its consideration (Resolution 157/2008).
3. In December 2008 Council resolved to initiate Amendment No. 20 to LPS 3, to insert into the Scheme the following provision:

*"5.23 Unkempt Land*

- i) For any land within the district, where in the opinion of the Council, any refuse, rubbish, derelict vehicles or disused material is likely to adversely affect the amenity of an area, or the health, comfort or convenience of the inhabitants thereof, the Council may cause a notice to be served on the owner or occupier of such land requiring within a specified time the removal from the land of such refuse, rubbish, derelict vehicles or disused materials.*
- ii) Every owner or occupier of land to whom a notice is served shall comply with it within the time period specified; and*
- iii) Any person who fails to comply with any notice served commits an offence and is liable to action under clause 11.4 of the Scheme."*

**DETAILS**

4. The amendment provision will allow Council to consider taking action against landowners for sites which are visually obtrusive and detract from the general amenity of the area.



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## STATUTORY AND LEGAL IMPLICATIONS

5. The *Town Planning Regulations 1967* establish procedures relating to amendments to Local Planning Scheme amendments. If Council resolves to adopt the amendment, then it will be ultimately determined by the Minister for Planning.
6. If the amendment is finalised it will become an enforceable provision of the Local Planning Scheme. LPS 3 sets out the penalties for non-compliance by reference to Section 218 of the *Planning and Development Act (2005)*. Presently, if the Shire wishes to enforce action under the Scheme, it is via Court action. In the future however, the issue of non-compliance may be dealt with by way of fines administered by the Council once the WA Planning Commission has introduced uniform fines Regulations.

## POLICY IMPLICATIONS

7. Nil, however, it may be prudent to develop a policy and procedure as to how the provision shall be interpreted and administered.

## PUBLIC CONSULTATION/COMMUNICATION

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

## FINANCIAL IMPLICATIONS

10. Nil.

## STRATEGIC AND SUSTAINABILITY IMPLICATIONS

11. **Strategic Planning Implications**
  - Nil.
12. **Sustainability Implications**
  - Social implications**
    - There is the potential for animosity amongst land owners if neighbours seek Council intervention.
  - Economic Implications**
    - Nil.
  - Environmental Implications**
    - Unkempt sites may include fire hazards or environments which harbour vermin.

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**OFFICER COMMENT**

13. The issue of amenity is a subjective matter, particularly in relation to unkempt land, therefore there is a potential for varying interpretations.
14. The amendment will assist in the governance aspects of the Shire's land control responsibilities therefore it is recommended that it be adopted.

**MEETING COMMENT**

15. A Councillor sought clarification as to a definition of the terms "derelict vehicles" and "disused materials". This is taken on notice.

**COMMITTEE RECOMMENDATION TO COUNCIL****PS 28/2010**

1. That Council:
  - a) Adopts Scheme Amendment No. 20 without modification, to insert the following provision into the Scheme:

*"5.23 Unkempt Land*

    - i) For any land within the district, where in the opinion of the Council, any refuse, rubbish, derelict vehicles or disused material is likely to adversely affect the amenity of an area, or the health, comfort or convenience of the inhabitants thereof, the Council may cause a notice to be served on the owner or occupier of such land requiring within a specified time the removal from the land of such refuse, rubbish, derelict vehicles or disused materials.*
    - ii) Every owner or occupier of land to whom a notice is served shall comply with it within the time period specified; and*
    - iii) Any person who fails to comply with any notice served commits an offence and is liable to action under clause 11.4 of the Scheme."*
  - b) Duly executes the Amendment documents and forwards them to the Minister for Planning requesting that final approval be granted.

Moved: Cr Maureen Robinson

Seconded: Cr Donald McKechnie

**CARRIED UNANIMOUSLY (11/0)**

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

**29. Lot 244 (53) Chisholm Crescent, Kewdale - Warehouse**

Previous Items: Nil  
Service Area: Planning Development Services  
File Reference: CH-08/053  
Applicant: Highline Ltd  
Owner: G Craddock

**PURPOSE**

1. For Council to consider an application for a warehouse on Lot 244 (53) Chisholm Crescent, Kewdale. Refer **(Attachment 1)** for Locality Plan.
2. The application is referred to Council on the basis that the applicant is seeking dispensation for the required number of car bays under the provisions of Local Planning Scheme No. 3 (LPS 3).

**BACKGROUND**

3. The subject site is zoned General Industry under the provisions of LPS 3, and contains a warehouse (which is to be retained) that is used to manufacture and predominantly store furniture. Commercial vehicles collect the furniture and deliver to other premises.
4. No approvals could be found for the existing warehouse, which has been in place since at least the late 1980s with the provision of 13 parking bays being available. There are no records of any complaints being received by the Shire, regarding car parking associated with the business operating from the property.

**DETAILS**

5. The proposal is for an additional warehouse to be constructed adjacent to the south (side) boundary of the subject lot, and be used to store furniture being manufactured in the existing warehouse on site. Refer **(Attachments 2 and 3)** for the site plan and front elevation.
6. The applicant is proposing a total of thirteen (**13**) parking bays in lieu of nineteen (**19**) bays required under the provisions of LPS 3, a shortfall of **6** bays.
7. The proposed car parking bay and building layout is designed so as to allow the largest commercial vehicle to use the premises, to enter and leave in a forward motion without impeding parked vehicles. Refer **(Attachment 4)** for truck movement plan.

## STATUTORY AND LEGAL IMPLICATIONS

8. The use Warehouse is a “P” use in the General Industry zone, meaning the use is permitted providing the use complies with LPS 3 requirements.
9. Clause 5.6 of LPS 3 - Variations to Site and Development Standards and Requirements of the Scheme, provides Council with the necessary discretion to approve such variations where appropriate.
10. Under clause 5.8.2 of LPS 3 Council may, at its discretion, apply a greater or lesser requirement for parking that that stipulated in the Scheme, if the proposed use is likely to demand a greater or lesser need for car parking bays, having regard to the scale and nature of intended use.
11. In considering an application for planning approval, clause 10.2 of LPS 3 requires the Shire to have due regard to the following matters:
- “(i) the compatibility of a use or development within its settings;*
  - (o) relationship of the proposal to development on adjoining land or on other land in the locality including but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the proposal;*
  - (p) whether the proposed means of access to and egress from the site are adequate and whether adequate provision has been made for the loading, unloading, manoeuvring and parking of vehicles.”*
12. LPS 3 parking standards for the use Warehouse are as follows:

<b>LPS 3 Parking Requirements</b>	<b>Net Lettable Area (NLA)</b>	<b>Bays Required</b>	<b>Bays Provided</b>
3 bays per 100sqm NLA.	633sqm	19	13

Based on LPS 3 car parking requirements, the proposed development requires nineteen (19) parking bays on the subject lot. The applicant has provided thirteen (13) bays, which results in a shortfall of 6 bays.

13. LPS 3 requirements for properties zoned as General Industry are as follows:

<b>Site Requirements</b>	<b>Required</b>	<b>Provided</b>
Primary Street setback	15m	15m
Side Setbacks	0m	0m and 12m
Rear Setbacks	0m	27m
Site Coverage	60% maximum	49%
Landscaping	3m	3m

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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. Council, at its meeting of September 2008, adopted the policy *“Framework for Assessing requests for Variation of the Number of Car Parking Bays”*. A provision of the Policy is that Council will generally not accept a reduction of parking on speculative developments.

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

16. Nil

#### **FINANCIAL IMPLICATIONS**

17. Nil

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

18. **Strategic Implications**
- In August 2006 the Kewdale-Hazelmere Masterplan identified the Kewdale industrial area as having a strategic importance to Perth and Western Australia due to it being strategically located to take advantage of its proximity to the airport, railway and major vehicle transport routes. There is a need in industrial areas like Kewdale, for strategic management to ensure that specialist industries such as the one currently operating from the subject site can be accommodated close to freight transport infrastructure
19. **Sustainability Implications**
- Social**
- Nil
- Economic**
- Nil
- Environmental**
- Nil

#### **OFFICER COMMENT**

20. The applicant is seeking Council approval for dispensation for the prescribed car parking requirement under the Scheme. The applicant is proposing 13 bays in lieu of 19 bays required under the Scheme. With the exception of the requisite parking bays, the proposed development is compliant with Scheme provisions.

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21. The Scheme allows Council to consider a lesser parking requirement if, in its opinion, the proposed use is likely to demand a lesser need for parking bays having due regard to the nature of the intended use and potential impact on future development of the locality. Given that the proposed development falls within the Kewdale industrial area, the proposed variation to the car parking requirements was considered unlikely to affect the surrounding landowners and therefore the proposal was not advertised.
  22. Under the provisions of the Scheme as well as the policy for the framework for assessing requests for variation of the number of car parking bays, it is stipulated that the applicant needs to provide advice about the prospective tenant as to their current and future parking needs whilst seeking a dispensation.
  23. The applicant's argument in favour of dispensation is that a maximum of 5 employees will be on site at any one time, and that no clients are to visit the premises.
  24. Considering that the Council adopted Amendment No. 7 to LPS 3 in February 2009, to modify the parking requirements for Warehouses, it can be argued that the Council has recognised that the Warehouse use in general requires a lesser number of parking bays than prescribed by the Scheme.
  25. Under the proposed new requirements for parking for warehouses, presently being advertised, the proposed development would need seven (7) parking bays. The applicant will provide thirteen (13) parking bays.
  26. Given the above, it is recommended that the request for dispensation for the required number of car bays under the Scheme be supported.

#### **MEETING COMMENT**

27. Nil

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**COMMITTEE RECOMMENDATION TO COUNCIL      PS 29/2010**

1. That Council approves the application for a warehouse on Lot 244 (53) Chisholm Crescent, Kewdale, dated 22 March 2010, subject to the following conditions:

*The provision and maintenance of a total of 13 car spaces including a minimum of one (1) disabled bay.*

*No storage or carrying out of industrial activities is permitted in open yard areas visible from any adjoining street or within the proposed covered area.*

*No loading or unloading of vehicles is to occur that interferes with the parking of vehicles in the car park by visitors and employees. All car parking bays in the car park are to be made available at all times for the parking of vehicles by visitors and employees.*

Moved: Cr Allan Morton

Seconded: Cr Carol Everett

**CARRIED UNANIMOUSLY (11/0)**

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

### **30. Annual Caravan Parks Licence Renewals**

Previous Items: N/A  
Service Area: Planning & Development Services  
File Reference: LE-LIC-001  
Applicant:  
Owner:

#### **PURPOSE**

1. For Council to approve the renewal of annual Caravan Park Licences for all the caravan parks located within the Shire.

#### **BACKGROUND**

2. The Caravan Parks and Camping Grounds Act 1995(Act) and the Caravan Parks and Camping Ground Regulations 1997(Regulations) requires that the Local Government annually inspects and licences all caravan parks within its municipality.

#### **DETAILS**

3. All Shire Environmental Health Officers are authorised persons under the Act and Regulations. An authorised person has the authority to inspect caravan parks but not to issue licences.
4. Currently there are five approved caravan parks located within the Shire of Kalamunda:
  - a. Discovery Holiday Park 186 Hale Road Forrestfield
  - b. Forrestfield Caravan N Park Home Village 351 Hawtin Road Forrestfield
  - c. Springvale Village 161 Maida Vale Road High Wycombe
  - d. Hillview Lifestyle Village 597 Kalamunda Road High Wycombe
  - e. Advent Park 345 Kalamunda Road Maida Vale

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

5. The Caravan Parks and Camping Grounds Act 1995 and the Caravan Parks and Camping Ground Regulations 1997.



**POLICY IMPLICATIONS**

6. Nil.

**PUBLIC CONSULTATION/COMMUNICATION**

7. Nil.

**FINANCIAL IMPLICATIONS**

8. Licence fees are based upon the number of sites and are set under the Act and Regulations.

**STRATEGIC AND SUSTAINABILITY IMPLICATIONS**

9. Nil.

**OFFICER COMMENT**

10. All of the above mentioned caravan parks have been inspected by Shire Officers. In the case of Springvale Village a works order has been issued. Shire officers will follow up this order to ensure compliance.
11. It is noted that the owner of Springvale Village has submitted an application to subdivide the property. Once the subdivision works commence this caravan park will cease to operate.
12. It is recommended that Council approve the renewal of the caravan park licences for the above mentioned caravan parks for the period of 2009/2010.

**MEETING COMMENT**

13. A Councillor queried if there was any update on the development of the Springvale Village site. The Director Planning Services advised there is no additional information as to the proposed development.

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**COMMITTEE RECOMMENDATION TO COUNCIL PS 30/2010**

1. That Council approves the renewal of caravan park licences, subject to the receipt of the required licence fees, for:
  - a. Discovery Holiday Park 186 Hale Road Forrestfield
  - b. Forrestfield Caravan N Park Home Village 351 Hawtin Road Forrestfield
  - c. Springvale Village 161 Maida Vale Road High Wycombe
  - d. Hillview Lifestyle Village 597 Kalamunda Road High Wycombe
  - e. Advent Park 345 Kalamunda Road Maida Vale

Moved: Cr Maureen Robinson

Seconded: Cr Martyn Cresswell

**CARRIED UNANIMOUSLY (11/0)**

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**Councillor Maureen Robinson left the meeting at 7:30pm.**

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

**31. Shire of Kalamunda Health Local Laws 2001 Review**

Previous Items: 9.10 December 2009 GSC  
Service Area: Health Services  
File Reference: LE-LOL-026  
Applicant: Shire of Kalamunda  
Owner:

**PURPOSE**

1. For Council to consider amending the Shire of Kalamunda Health Local Laws 2001 and adopting the Shire of Kalamunda Keeping and Control of Animals and Nuisance Local Law 2010.

**BACKGROUND**

2. In December Council resolved that "Statewide and local public notice be given that the Shire is proposing to review the Shire of Kalamunda Health Local Laws".
3. The intention to review the Health Local Laws was advertised in the Western Australian and the Gazette on 16 January 2010 inviting comments. The public comment period closed on 2 March 2010.

**DETAILS**

4. The aim of this review is to ensure that community expectations of this local government in providing good governance of persons within the district and in order to enhance the amenity and quality of life of its residents and the community are met.
5. It is recommended that the Local Law be amended, and where possible to be, on a risk basis rather than prescriptive, and to take into account that the intent of the local laws is to address relevant issues today.
6. It is noted that the imminent new Public Health Act will not provide powers to make local laws. Within two years of gazettal of this Act local governments will be required to remake health local laws under the Local Government Act 1995 if permitted. It is proposed, where permitted, to make a portion of the revised Health Local Laws under the Local Government Act and the balance under the Health Act 1911. Refer to **(Attachment 1.)** for a copy of the Shire of Kalamunda Health Local Laws 2001.
7. It is proposed to delete a number of the clauses that exist in the current local laws as they are out of date, no longer applicable and in some cases covered by other existing statutes. It is proposed to revoke all the waste provisions as a further report will be prepared for Council to consider adopting Waste Local Laws made under the Waste Avoidance and Resource Recovery Act 2007. Refer to **(Attachment 2.)** for a summary of proposed changes.

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## STATUTORY AND LEGAL IMPLICATIONS

8. Local Government Act 1995 Health Act 1911

## POLICY IMPLICATIONS

9. Strategy 1.6.8 provide quality environmental and public health services which comply with and exceed relevant legislation.  
Outcome 5.2 excellence in customer service and community consultation.

## PUBLIC CONSULTATION/COMMUNICATION

10. The intention to review the local laws was advertised in the West Australian and Gazette.
11. A total of 23 submissions were received. All submissions related to the keeping of poultry, and a number specifically related to the keeping of roosters. Refer to **(Attachment 3.)** for a list of all submissions. 17 were in favour of allowing roosters and relaxing current conditions related to the keeping of poultry and 5 submissions favoured retaining the rooster amendment. It is noted that 12 submissions were from people residing outside of the Shire and a number were similar in content.

## FINANCIAL IMPLICATIONS

12. The review allows Council to alter the amount of fee, charge or penalty that is set in the local law. Noted that the fees for catteries and lodging houses have not been increased for many years.

## STRATEGIC AND SUSTAINABILITY IMPLICATIONS

- 13.

## OFFICER COMMENT

14. This is a timely opportunity to amend the local laws and to bring them into line with current legislation and community expectations. In the case with the keeping of animals the approach has been to provide local laws that relate to nuisances rather than been over prescriptive – i.e. take measures to deal with odours and vermin.
15. The proposed new Health Local Laws are shown in **(Attachment 4.)**. The proposed Keeping and Control of Animal & Nuisance Local Laws are shown in **(Attachment 5.)**.
16. It is proposed that the local law amendment be adopted through the following process
  - That the summary of the purpose and effect of the proposed amended Health Local Laws and of the proposed Keeping and Control of Animal and Nuisance Local Laws be recorded in the Agenda and minutes.
  - State wide and local public notice of the proposals be given, summarising the purpose and effect of the proposed amendments to the Health Local Laws and of the new Animal and Nuisance Local Laws.

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- A copy of the state wide notice and proposed amendments and new local law is sent to the Minister for Local Government and to the Minister for Health
  - Approval for the amended Health Local Laws must be obtained from the Executive Director Public Health
  - Following a period of at least 6 weeks from the date of the newspaper notice, all submissions must be considered and a report provided to Council.
  - Council considers and resolves to adopt the proposed Health Local Laws amendments and the proposed Animal and Nuisance Local Law
  - The amendments to the Health Local Laws and the proposed Animal and Nuisance Local Law are published in the Government Gazette.

### MEETING COMMENT

17. Three speakers spoke against the Officer Recommendation and two speakers spoke for the recommendation.
18. Cr Frank Lindsey proposed an amendment to the Officer Recommendation which was accepted by the mover and seconder.
19. The Committee recommended the item be amended for Council consideration and sought advice as to the impact of amending points within the Local Law.

### OFFICER RECOMMENDATION

That Council:

1. Resolves to give state-wide public notice of its intention to amend the Shire of Kalamunda Health Local Laws 2001 and to create the Shire of Kalamunda Keeping and Control of Animals and Nuisance Local Law 2010, and invite comment pursuant to Section 3.12 of the Local Government Act 1995.
2. Notes in relation to the Shire of Kalamunda Health Local laws that:
  - (1) the purpose is to provide for the regulation control and management of sanitation, housing, waste food, nuisances, lodging houses and offensive trades as part of the function of local governments to provide good governance of persons within its district and in order to enhance the amenity and quality of life of its residents and the community and;
  - (2) the effect is to establish requirements relating to the matters referred to in subsection one on land within the district.
3. Notes in relation to the Shire of Kalamunda Keeping and Control of Animals and Nuisance Local Laws that;
  - (1) the purpose is to provide for the regulation, control and management of -
    - (i) the keeping of animals;
    - (ii) sand drift, rubbish and litter control on building and construction sites;and
  - (iii) nuisances;

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as part of the Local Governments function to provide good governance of persons within its district and in order to enhance the amenity and quality of life of its citizens and;

- (2) the effect is to establish requirements relating to the matters referred to in subsection one on land within the district.

Moved: Cr Donald McKechnie

Seconded: Cr Margaret Thomas

### **Absolute majority**

Cr Frank Lindsay proposed the following amendment to the Control of Animals and Nuisance Local Law 2010.

That Council:

- 1 (a) Inclusive of the following amendments to the draft Control of Animals and Nuisance Local Law 2010:

- (i) to delete the word "mental" from the definition of 'Nuisance' in part 1, page 2 of attachment 5;
- (ii) to delete the second paragraph defining a "nuisance" in part 1 above;
- (iii) to insert the words "over the age of three (3) months" after the words "domestic fowls" in part 11, defining "poultry";

- 1 (b) retention of the existing part 1 of the Officers Recommendation.

The Chairman brought to the attention of the meeting that this was a local law and it is essential to ensure that it is correct before accepting. The Chairman proposed that the draft be amended and presented to council at the Ordinary Council meeting of 17 May 2010.

### **COMMITTEE RECOMMENDATION TO COUNCIL**

**PS-31/2010**

1. That Officers amend the draft Control of Animals and Nuisance Local Law 2010 for the Ordinary Council Meeting of 17 May 2010, and provided advice of any consequential impacts on the intent of the Local Law.

Moved: Cr Donald McKechnie

Seconded: Cr Margaret Thomas

**CARRIED UNANIMOUSLY (10/0)**

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

*Cr Carol Everett declared an interest affecting impartiality as she sits on this Committee as the Shire's representative.*

### **32. Nominations for Membership to the Shire of Kalamunda Community Sustainability Advisory Committee**

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

#### **PURPOSE**

1. To consider community members who have nominated for membership to the Shire of Kalamunda Community Sustainability Advisory Committee (CSAC).

#### **BACKGROUND**

2. At its OCM in February 2010 Council resolved unanimously to adopt the revised Terms of Reference for CSAC; to readvertise for community membership to ensure a wider representation covering the social, economic and environmental aspects of sustainability; note the list of nominees for CSAC and consider these persons for membership on the Committee along with nominations received as a result of the readvertising and advise the current nominees of Council's actions.
3. In line with the February resolution the persons noted in the list of nominees for CSAC will be considered for membership upon the Committee along with the nominations received as a result of the readvertisements.

#### **DETAILS**

4. The following nominations have been received for membership on CSAC.
  - Mr Steve Gates
  - Mr Wes Bancroft
  - Mr Barry Goldspink
  - Mrs Aileen Reid
  - Mrs Sharon Arasi
  - Mr Annie Mitchell
  - Mrs May Carter
  - Mr Max Jones
  - Mr Brendan McKenzie
  - Mrs Elise Clegg
5. CSAC will resume as the primary Community Sustainability Advisory Committee to Council in regard to community perception and attitudes pertaining to sustainability issues.

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6. Council will recognise the important function of CSAC in this role and will refer matters of relevance to the Committee for their important comment as required.
  7. Councillors will receive a copy of the confirmed minutes at the next available Council Meeting following a meeting off CSAC.

### **STATUTORY AND LEGAL IMPLICATIONS**

8. New membership nominations have been made in accordance with the Local Government Act 1995.
9. A quorum will consist of at least one half (6) of the appointed members being present.

### **POLICY IMPLICATIONS**

10. Nil

### **PUBLIC CONSULTATION/COMMUNICATION**

11. Membership for CSAC was formally advertised in the ECHO newspaper and promotional fliers were displayed at the front counter of the Shire Administration Building and in the four Libraries.
12. The advertising period lasted from the 24<sup>th</sup> of March, 2010 to the 24<sup>th</sup> of April, 2010.

### **FINANCIAL IMPLICATIONS**

13. Facility hire is nil, if the Committee continues to meet in the Function Room at the Administration Building. Minor costs are incurred for catering of the meetings which are internalised in the operating budget of Environmental Services.

### **STRATEGIC AND SUSTAINABILITY IMPLICATIONS**

14. **Strategic Implications**
  - Will provide benefit in so much as aiding in planning for the future development of sustainability projects to be undertaken in the Shire.
15. **Sustainability Implications**
  - Social Implications**
    - It is important to endorse CSAC to maintain a strong link between the activities undertaken in the Shire and what the community wants to achieve.
  - Economic**
    - The level of expenditure will be dependant on current budgeting and external funds.
  - Environmental**
    - It is important to provide support CSAC as the committee provides valuable information to the Shire about community perceptions and ideas. CSAC are also able to report significant issues that may arise.





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**OFFICER COMMENT**

16. To establish CSAC as an operational entity it is appropriate that the nominations for membership provided by the community members are endorsed by Council.
17. Prospective nominees are representative of a diverse cross section of the local community.

**MEETING COMMENT**

18. A Councillor sought information as to whether the nominees were representative of a cross section of the community. The Director of Planning and Development Services advised he would provide information regarding the nominees.

**COMMITTEE RECOMMENDATION TO COUNCIL PS 32/2010**

1. That Council endorses the following list of nominees as members of the Community Sustainability Advisory Committee.

Mr Steve Gates  
Mr Wes Bancroft  
Mr Barry Goldspink  
Mrs Aileen Reid  
Mrs Sharon Arasi  
Mr Annie Mitchell  
Mrs May Carter  
Mr Max Jones  
Mr Brendan McKenzie  
Mrs Elise Clegg

Moved: Cr Geoff Stallard

Seconded: Cr Martyn Cresswell

**CARRIED UNANIMOUSLY/ABSOLUTE MAJORITY (10/0)**

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

### 33. Quarterly Progress Report

Previous Items: N/A  
Service Area: Chief Executive's Office  
File Reference: OR-CMA-009  
Applicant: N/A  
Owner: N/A

#### PURPOSE

1. To report to Council on the Shire's progress towards achieving its strategic goals.

#### BACKGROUND

2. In July 2009, the Shire implemented an integrated planning software package, "interplan". Interplan links the actions that each staff member works on within their business unit to the Strategic Plan. This ensures that each employee is working towards achieving the strategic direction of the Council.
3. Actions within interplan may be ongoing (continuous or recurring), or may have defined start and finish dates. The person responsible for an action is required to update that action each month, giving an indication of how the action is progressing. Key Performance Indicators (KPIs) are also updated. This information is collected by interplan to provide an overview of how the organisation is performing.

#### DETAILS

4. The third quarterly progress report, for January to March 2010, is presented at ***(Attachment 1.)*** This report shows the progress of certain major projects and capital works for 2009/2010; budget summaries; KPI performance; and the progress of the Shire against the five goals set out in the Strategic Plan.
5. **Quarterly Progress Against Goals**  
Each business unit in the Shire has a business plan, which contains the actions to be achieved in the 2009/10 year. Each of these actions is linked to a strategy, outcome and goal in the Strategic Plan adopted by Council.  
All goals are progressing well. On average, the actions related to the five goals are at 90% or more of their target.
6. **Key Performance Indicators**  
Performance against the Shire's corporate KPIs is improving. Last quarter around half were off track, while it is one third for the current quarter. It should also be noted that very high targets have been set (for example 98% of all incoming correspondence is to be responded to within 5 working days). These KPIs are monitored and reported on monthly.

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7. **Major Projects**  
The progress of a number of major projects for 2009/10 is shown. All are at 70% or more of their target, or are ongoing processes. More detailed comments regarding the progress of each project are shown following the summary page.
  8. **Divisional Summary**  
A summary of progress for the quarter is presented for each of the Directorates.
  9. **Directorate Budgets**  
The actual and budgeted year-to-date figures are shown for each Directorate. In general, expenditure is below budget.
  10. **Organisation Budget**  
The actual and budgeted year-to-date expenditure figures are shown for the Shire as a whole. Expenditure is below budget.
  11. **Operating Expenditure by Business Unit**  
Actual and budgeted operating income and expenditure is shown for each business unit. The variance is also shown. This table shows that revenue is currently 14.78% more than budgeted, and expenditure is 22.06% less than the budgeted amount.
  12. **Engineering Financial Summary**  
The major engineering projects for 2009/10 are shown in a table, following the budget summary graph. Budgeted and actual amounts, and the variance, are shown for each of the projects.
  13. **Asset Financial Summary**  
The major asset-related projects for 2009/10 are shown in a table, following the budget summary graph. Budgeted and actual amounts, and the variance, are shown for each of the projects. A more detailed list, outlining the progress of each project, follows the table.
  14. **Capital Works**  
A graph showing budgeted and actual expenditure on capital works is shown. Expenditure is currently below budget. Following the graph, a table of the major capital works projects for 2009/10 is presented, showing budgeted and actual amounts, and the variance, for each project. A summary of the progress of these projects follows, and then a more detailed list including progress comments.

## **STATUTORY AND LEGAL IMPLICATIONS**

15. Nil.

## **POLICY IMPLICATIONS**

16. Nil.

**PUBLIC CONSULTATION/COMMUNICATION**

17. Nil.

**FINANCIAL IMPLICATIONS**

18. Nil. The interplan system allows expenditure to be monitored continuously through the year.

**STRATEGIC AND SUSTAINABILITY IMPLICATIONS**

19. All actions within interplan are linked to the Strategic Plan. This ensures that all projects and tasks that are carried out are done so with the strategic direction of Council in mind.

**OFFICER COMMENT**

20.

**MEETING COMMENT**

21.

**COMMITTEE RECOMMENDATION TO COUNCIL PS 33/2010**

1. That the Quarterly Progress Report for January – March 2010 be received.

Moved: Cr Carol Everett

Seconded: Cr Frank Lindsey

**CARRIED UNANIMOUSLY (10/0)**

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

11.1 Nil.

**12.0 QUESTIONS BY MEMBERS WITHOUT NOTICE**

12.1 Following up Motion concerning amending Local Planning Scheme No. 3 (Sexual Service Businesses) (Cr Lindsey)

Q. Some twelve to eighteen months ago the Council proposed a motion in relation Sexual Service Businesses and amending Local Planning Scheme No. 3. Has there been any advice from the Minister of Planning as to whether the proposed changes have been accepted?

A. Taken on notice.

12.2 Age Friendly Cities Grants (Cr Thomas)

Q. Has the Shire of Kalamunda looked into the possibility of receiving grant funding for the establishment of Age Friendly Cities?

A. Taken on notice.

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

13.0 Nil.

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

14.1 Citizenship Ceremony

Councillors are advised there is a Citizenship Ceremony on Wednesday 12 May 2010.

**15.0 MATTERS CLOSED TO THE PUBLIC**

15.0 Nil.

**16.0 CLOSURE**

There being no further business, the Chairman declared the meeting closed at 8:00pm.

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

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Signed.....Chairman

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