
Shire of Kalamunda

Planning Services Committee

Minutes for 6 February 2012

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MINUTES

1.0 OFFICIAL OPENING

1.1 The Chairman opened the meeting at 6.50pm and welcomed Councillors, Staff and Members of the Public Gallery to the first Planning Meeting for the year.

2.0 ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE PREVIOUSLY APPROVED

2.1 Attendance

Councillors

Donald McKechnie	(Shire President) North Ward
Margaret Thomas	(Chairman) North Ward
Geoff Stallard	South East Ward
Justin Whitten	South West Ward
Allan Morton	South West Ward
Noreen Townsend	South West Ward
Bob Emery	North West Ward
Martyn Cresswell	North West Ward
Dylan O'Connor	North West Ward

Members of Staff

James Trail	Chief Executive Officer
Rhonda Hardy	Director Corporate and Community Services
Clayton Higham	Director of Development and Infrastructure Services
Darrell Forrest	Manager Governance
Andrew Fowler-Tutt	Manager Strategic Planning and Sustainability
David Tomlinson	Manager Statutory Planning and Building
Gerard Thomas	Manager Technology and Corporate Support
Tamara Wilkes-Jones	Coordinator Environmental Services
Michelle Clark	Executive Assistant
Meri Comber	Minute Secretary

Members of the Public 4

Members of the Press Nil

2.2 Apologies

Councillors

Sue Bilich	North Ward
Frank Lindsey	South East Ward
John Giardina	South East Ward

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 5 December 2011 are confirmed as a true and correct record of the proceedings.

Moved: **Cr Donald McKechnie**

Seconded: **Cr Noreen Townsend**

Vote: **CARRIED UNANIMOUSLY (9/0)**

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**9.1 Disclosure of Financial and Proximity Interests**

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

9.1.1 Nil.

9.2 **Disclosure of Interest Affecting Impartiality**

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

9.2.1 Nil.

10.0 REPORT 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.**01. Local Planning Scheme No. 3 Amendment No. 41 –Rezone from Residential Bushland and Special Rural to Residential, Changing the density from R2.5 to R5 and Deleting the Additional Use – Lot 51 (118) Lawnbrook Road West, Walliston**

Previous Items	OCM 108/2011
Responsible Officer	Director Development and Infrastructure Services
Service Area	Development and Infrastructure Services
File Reference	PG-LPS-003/041
Applicant	Gray and Lewis Planning Consultants
Owner	A Conti
Attachment 1	Locality Plan
Attachment 2	Current Scheme Zoning Map

PURPOSE

- To consider the public submissions received and whether to adopt Amendment No. 41 to Local Planning Scheme No. 3 (“the Scheme”) to allow for the rezoning (from Residential Bushland and Special Rural to Residential), increase in density (from R2.5 to R5). The amendment will also remove the additional use (firewood yard) for Lot 51 (118) Lawnbrook Road West, Walliston. Refer to the Locality Plan (Attachment 1) and Current Scheme Zoning Map (Attachment 2).

BACKGROUND**2. Land Details:**

Land Area:	10.5 hectares
Local Planning Scheme Zone:	Residential Bushland, Special Rural and Additional Use (fire wood yard)
Metropolitan Regional Scheme Zone:	Rural

- In March 2011 the WA Planning Commission (“the WAPC”) initiated an MRS Amendment to rezone the property from Rural to Urban. The amendment to the Scheme can be considered concurrently with this.
- In August 2011 Council resolved (Resolution OCM 108/2011) to initiate Amendment No. 41 to the Scheme.

DETAILS

5. It is proposed that the subject property be rezoned from Residential Bushland and Special Rural to Residential, and the density be increased from R2.5 to R5.
6. As the property is proposed to be rezoned for Residential purposes, it is also proposed that the additional use provisions for the property, under Schedule 2 of the Scheme, be removed.
7. The proposed Amendment would retain the Local Open Space reservation and zone the balance of the land to Residential R5 (minimum 2,000sqm lots).
8. Reticulated water is currently available to the subject property and an effluent disposal system will be required on site.
9. It should be noted that issues relating to lot and road configurations, public open space and the retention of native vegetation will be addressed at the subdivision stage if the amendment is approved by the Minister for Planning.

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. Nil.

PUBLIC CONSULTATION/COMMUNICATION

12. 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 affected landowners for comment.
13. During the formal advertising period nine non-objections were received by the Shire. Two of which came from the same property.
14. The Water Corporation advised that it has no objection to the proposal, however made the following comments:
“During building or development application, consideration is to be given to the uppermost levels of the lot to maintain servicing ability to the Corporation’s Operating Licence requirements.
A DN150 reticulation main and a DN300 headworks size main are located in Lawnbrook Road. The development area is to be served off the DN150 main.”

FINANCIAL IMPLICATIONS

15. Nil.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

Strategic Planning Implications

16. Nil.

Sustainability Implications

Social Implications

17. Nil.

Economic Implications

18. The proposed change in residential density will enable the owner to subdivide the property.

Environmental Implications

19. If the amendment proceeds, the assessment of the subdivision would include the assessment of any environmental impacts. Including the retention of vegetation on the property.

OFFICER COMMENT

20. Issues relating to lot and road configurations, public open space and the retention of native vegetation will be addressed at the subdivision stage if the amendment is approved by the Minister for Planning.
21. Considering that Council initiated the amendment and no objections were received during the advertising period, it is recommended that Council adopts the amendment.

COMMITTEE RECOMMENDATION TO COUNCIL (PS 01/2012)

That Council:

1. Notes the submissions received in respect to Amendment No. 41 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. 41

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 51 (118) Lawnbrook Road West, Walliston from Residential Bushland and Special Rural to Residential, and increase in density from R2.5 to R5.
2. Delete item 16 of the Scheme's Schedule 2 (Additional Uses) and renumber the remaining items accordingly.

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: **Cr Bob Emery**

Seconded: **Cr Geoff Stallard**

Vote: **CARRIED UNANIMOUSLY (9/0)**

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

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

Previous Items	Nil
Responsible Officer	Director Development and Infrastructure Services
Service Area	Development and Infrastructure Services
File Reference	MR-15/035
Applicant	E Lyons & J Della Franca
Owner	G & J Della Franca
Attachment 1	Locality Plan
Attachment 2	Aerial Photograph
Attachment 3	Site Plan
Attachment 4	Floor Plan

PURPOSE

- To consider initiating an amendment to Local Planning Scheme No. 3 (“the Scheme”) to include the Additional Uses of Restaurant, Reception Centre and Chalets on Lot 3 (35) Merrivale Road, Pickering Brook (“the Site”).

BACKGROUND

2. Land Details:

Land Area:	7.3703 hectares
Local Planning Scheme Zone:	Rural Agriculture
Metropolitan Regional Scheme Zone:	Rural

- The property contains a dwelling and outbuildings and an orchard. The site has also been approved for the production of cider and cellar door sales for the produce and currently operates as CORE Cider House.

DETAILS

- The applicant wishes to initiate an amendment to the Scheme by adding the following uses to Schedule 2 - Additional Uses:
 - Restaurant
 - Reception Centre
 - Chalets

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5. If the amendment is successful, this would allow a Restaurant and Reception Centre to operate from the current premises (and any future expansion).

The Restaurant would allow for the serving of substantial meals rather than incidental food for patrons of the Cellar Door Sales tastings. The applicant has advised that it is envisaged that the Restaurant could cater for up to 150 patrons. The maximum number would be determined at development application stage and take into account the provisions of the Building Code of Australia in consultation with the Department of Water to determine floor space and ablutions requirements.
 6. The Reception Centre would allow for the hosting of functions on formal or ceremonial occasions, such as weddings. As with the Restaurant use, this would operate from the current premises (and any future expansion).
 7. The use of Chalets would allow for development of self-contained short term accommodation.
 8. The applicant wishes to have the option of developing the Additional Uses to diversify the tourist potential over the long term.
 9. If the amendment is successful, it would still be necessary for the applicant to seek planning consent prior to the uses being undertaken. All matters considered when assessing a proposal, including public consultation where necessary and referral to statutory authorities, would be undertaken at the development application stage. The Uses would be listed as "D" uses, meaning that they would not be permitted unless planning approval is granted.

STATUTORY AND LEGAL IMPLICATIONS

8. The *Town Planning Regulations 1967* and *Planning and Development Act 2005* establish procedures relating to amendments to Local Planning Schemes. If Council initiates the Amendment it will ultimately be determined by the Minister for Planning.

POLICY IMPLICATIONS

9. Nil.

PUBLIC CONSULTATION/COMMUNICATION

10. If the Amendment is initiated, it will be forwarded to the WA Planning Commission for information and the Environmental Protection Authority seeking consent to advertise.

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11. If there is no objection from these authorities, the Amendment would be formally advertised for 42 days in accordance with the provisions of the *Town Planning Regulations* and the *Planning and Development Act 2005*.
 12. The Amendment would be referred in writing to nearby and affected land owners. It would also be advertised by a notice being placed in a newspaper circulating in the District and a sign being placed on site.

FINANCIAL IMPLICATIONS

13. 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

14. The Draft Local Planning Strategy adopted by Council in October 2011 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.
15. The Strategy stated that the Scheme should be amended to allow for chalets and tearooms in the Rural Agriculture zone. These uses would be seen as complementing, rather than replacing, the rural activity.

Sustainability Implications

Social Implications

16. If approved, the activities may provide for local employment opportunities.

Economic Implications

17. 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

18. 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.
19. Specific land uses under the Strategy are assessed in the Department of Water *Water Quality Protection Note – Land use compatibility in Public Drinking Water Source Areas*.

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20. In the Priority 2 Area, Chalets and Restaurants are considered to be compatible uses, subject to conditions (to be applied at the development stage).
 21. A Reception Centre is deemed to be incompatible; however at this stage it is considered that the scale and intensity of the use would be no greater than the Restaurant. If the Amendment is approved, the use would be discretionary and advice would be sought from the Department of Water at the development stage.
 22. Ultimately the scale and intensity of the development would be determined in consultation with the Department of Water and the Department of Health, primarily in relation to impacts of effluent disposal.

OFFICER COMMENT

23. The proposed Amendment is consistent with the intent of the Local Planning Strategy to allow for tourist uses in the Rural Agriculture zone, without impacting on the primary production values. The existing development (CORE Cidery) is of a high quality and it is considered that the proposed uses will integrate well with this activity and the locality. It is recommended that Council initiate the amendment.

The applicant, Emily Lyons, spoke in favour of the Officer Recommendation, her husband John Della-Franca was also in support.

The Chief Executive Officer requested and received confirmation from Officers that should this recommendation be passed by the full Council Meeting the applicants may have restrictions placed on their business from the Water and Health Authorities. The Chief Executive Officer wished the applicants to know that constraints had been applied by these authorities to other businesses in a similar setting restricting the number of people who may attend the venue in a single day.

COMMITTEE RECOMMENDATION TO COUNCIL (PS 02/2012)

That Council:

1. Initiates the amendment to Local Planning Scheme No. 3 in accordance with the following:

PLANNING AND DEVELOPMENT ACT 2005

RESOLUTION DECIDING TO AMEND A LOCAL PLANNING SCHEME

SHIRE OF KALAMUNDA

LOCAL PLANNING SCHEME NO. 3

AMENDMENT NO.

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

Amending Schedule 2 – Additional Use, as follows:

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

2. 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.

Moved: **Cr Bob Emery**

Seconded: **Cr Justin Whitten**

Vote: **CARRIED UNANIMOUSLY (9/0)**

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

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

Previous Items	Nil
Responsible Officer	Director Development and Infrastructure Services
Service Area	Development and Infrastructure Services
File Reference	SL-01/003
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	Draft Forrestfield District Centre Structure Plan

PURPOSE

1. To consider an amendment 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 Current Scheme Zoning Map (Attachment 2).

BACKGROUND

2. **Land Details:**

Land Area:	5064sqm
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 Woodlupine Community Centre.
4. Surrounding properties contain the Forrestfield Forum Shopping Centre, Forrestfield Police Station and low density residential R20 development.

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5. 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 Draft Local Planning Strategy Spatial Plan (Attachment 3).
 6. The Shire has prepared a draft 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 Draft Forrestfield District Centre Structure Plan (Attachment 4).

DETAILS

7. It is proposed to rezone the property from Public Purpose to Residential R60.
8. At the R60 density, the land could potentially be subdivided into twenty eight (28) lots at an average lot size of 180sqm with a minimum lot area of 160sqm.

STATUTORY AND LEGAL IMPLICATIONS

9. 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

10. *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.

PUBLIC CONSULTATION/COMMUNICATION

11. If the amendment was initiated by Council, the Amendment would be formally advertised for 42 days in accordance with the provisions of the *Town Planning Regulations 1967* and *Planning and Development Act 2005*.
12. The amendment would be required to be advertised in the form of a notice being published in a district newspaper. A sign advertising the proposal would also be required to be erected on the subject property.

FINANCIAL IMPLICATIONS

13. Nil.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS**Strategic Planning Implications**

14. The proposal conforms to the Shire's Draft Local Planning Strategy and Draft Forrestfield District Centre Structure Plan for potential increases in residential densities.
15. The 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 Local Planning Strategy.

Sustainability ImplicationsSocial Implications

16. Nil.

Economic Implications

17. Nil.

Environmental Implications

18. Nil.

OFFICER COMMENT

19. The subject lot has been identified under the Shire's Draft Local Planning Strategy and Draft Structure Plan for the Forrestfield District Centre with the latter as an "opportunity site" with a range of land use options. The proposed Residential R60 density coding is considered appropriate for the District Centre, close to transport and community facilities. Importantly the R60 density coding will complement the range of densities that will be covered as part of the Local Housing Strategy for the surrounding residential area.
20. Issues relating to lot and road configurations, and public open space, will be addressed at the subdivision stage if the amendment is ultimately approved by the Minister for Planning.
21. It is recommended that Council initiates the amendment.

COMMITTEE RECOMMENDATION TO COUNCIL (PS 03/2012)

That Council:

1. Initiates the amendment to Local Planning Scheme No. 3, in accordance with the following:

PLANNING AND DEVELOPMENT ACT 2005

RESOLUTION DECIDING TO AMEND A LOCAL PLANNING SCHEME

SHIRE OF KALAMUNDA

LOCAL PLANNING SCHEME NO. 3

AMENDMENT NO.

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.

The amendment 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 Noreen Townsend**

Seconded: **Cr Justin Whitten**

Vote: **CARRIED UNANIMOUSLY (9/0)**

Declaration of financial / conflict of interests to be recorded prior to dealing with each item.**04. The Parking of Two Commercial Vehicles – Lot 46 (69) Milner Road, High Wycombe**

Previous Items	Nil
Responsible Officer	Director Development and Infrastructure Services
Service Area	Development and Infrastructure Services
File Reference	ML-10/069
Applicant	S Savory and V Kraft
Owner	S Savory and V Kraft
Attachment 1	Locality Plan
Attachment 2	Site Plan
Attachment 3	Photograph of the Commercial Vehicles
Attachment 4	View of Proposed Commercial Vehicle Parking Area from Milner Road
Attachment 5	Plan of the Proposed Forrestfield/High Wycombe Industrial Area

PURPOSE

- To consider a retrospective planning application to continue to park two commercial vehicles (a prime mover and a trailer) at Lot 46 (69) Milner Road, High Wycombe. Refer to the Locality Plan (Attachment 1), the Site Plan (Attachment 2), the photograph of the commercial vehicles (Attachment 3) and view of the proposed commercial vehicle parking area from Milner Road (Attachment 4).

BACKGROUND**2. Land Details:**

Land Area:	1 hectare
Local Planning Scheme Zone:	Special Rural
Metropolitan Regional Scheme Zone:	Rural

- The subject property is 1ha, zoned Special Rural, contains a single dwelling, two approved outbuildings (sheds) and has direct access onto Milner Road, which is approximately 10m wide, via a single crossover.
- In October 2011, a complaint was received by the Shire that commercial vehicles were being parked on the property.

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5. In November 2011, a retrospective planning application was received by the Shire to continue to park two commercial vehicles (a prime mover and a trailer) on the subject property.
 6. 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 subject application cannot be determined under delegation.
 7. Since receiving the planning application up to six additional commercial vehicles (five trailers and one prime mover) have been seen parked on the property on a regular basis. The applicant has advised that only two of these additional vehicles are 3.5 tonnes or greater and are in the process of being sold. The other four non-commercial vehicles (trailers) will remain on site.

DETAILS

8. Details of the application are as follows:
 - The applicant who resides at the property is to drive the commercial vehicles as part of their employment.
 - The commercial vehicles are proposed to operate between Monday and Friday 7.00am to 7.00pm, and weekends and public holidays 7.00am to 4.00pm.
 - The commercial vehicles are proposed to be parked on an existing hardstand area which is 12m from the nearest side boundary and partially screened from the street by existing mature landscaping.
 - The commercial vehicles will idle for up to five minutes, prior to leaving the site and upon arrival.
 - The vehicles will be cleaned on site. Oil changes and greasing of vehicles will occur in an existing shed on site.
 - The vehicles will not be loaded or unloaded on site.
 - The applicant has advised that two commercial vehicles (a prime mover and trailer) not forming part of this application are in the process of being sold. No date was provided as to when the other commercial vehicles would be relocated. All the other vehicles (trailers) are to continue to be parked on the property.
 - Details of the prime mover and trailers not being applied for were requested by the Shire to be provided to confirm their individual weights but were not received.

- Confirmation was also requested by the Shire on who collects and returns the vehicles not forming part of this application, and where the business operates from which the vehicles are used in conjunction with, but was not received.

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

	TRUCK	TRAILER	POLICY REQUIREMENTS (ARTICULATED TYPE)
MAKE	Kenworth	Freighter	
TYPE	Prime Mover	Country Carriers Trailer	
YEAR	2007	2002	
LENGTH	8m	13.5m	
HEIGHT	4.3m	4.3m	4.3m Maximum
WIDTH	2.5m	2.5m	2.5m Maximum
TARE WEIGHT	8.7 tonnes	8.2 tonnes	
LICENCE NO.	1DJZ 271	1TGT 598	
COMBINED LENGTH (WHEN ATTACHED)	19m		17.5m Maximum

STATUTORY AND LEGAL IMPLICATIONS

10. Under the Zoning Table (Table 1) of the Scheme the use "Commercial Vehicle Parking" is classed as a 'D' use in a Special Rural zoning meaning that it is not permitted, unless Council has granted planning approval.
11. Under Table 2 (Site Requirements) of the Scheme, development on Special Rural zoned properties is to be setback 10m from side and rear boundaries and 15m from front boundaries unless otherwise approved 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 4.2.2 of the Scheme (Objectives of the Zone – Special Rural) an objective of the Special Rural zoning is to retain amenity and the rural landscape in a manner consistent with orderly and proper planning.

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14. 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.
 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, and any relevant submissions received on the application.
 16. If Council refuses the development, or imposes conditions that are not acceptable to the applicant, there is a Right of Review (appeal) to the State Administrative Tribunal.

POLICY IMPLICATIONS

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

17. In assessing the application, Council is to give consideration to the Policy which stipulates the following provisions applicable to parking commercial vehicles on Special Rural zoned properties:
 - Applications for a maximum of two commercial vehicles will be considered where the existence of a lawfully established business generates the need for more than one commercial vehicle; in these cases applications will be dealt with on their merits.
 - The commercial vehicle shall not exceed (articulated type) 17.5m 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.
 - 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.
 - 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.

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- Standard vehicle movement and start up times of between 7.00am and 7.00pm Monday to Saturday and 9.00am to 5.00pm on Sundays and public holidays.
 - The idling times for start up and cool down being restricted to five minutes.

PUBLIC CONSULTATION/COMMUNICATION

18. The proposal was advertised for 14 days to nearby property owners for comment in accordance with clause 9.4.3 of the Scheme. Three non-objections and one of comment on the proposal were received.
19. The submitter who provided comment questioned why the application was being considered when other sites in the locality were not permitted to park commercial vehicles. It was not clear from the submission what the circumstances of the other sites were, however the subject application can only be considered on its merit.

FINANCIAL IMPLICATIONS

20. Nil.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

Strategic Planning Implications

21. The property falls within an area identified in the Shire's Draft Local Planning Strategy as being considered to be rezoned to Industrial Development. (Attachment 5).

Sustainability Implications

Social Implications

22. Impacts the commercial vehicle has on the amenity of the local area will be addressed through the inclusion of conditions, should Council approve the application. These relate to the hours of operation, the area where the vehicles are to be parked and the type of maintenance which can be carried out on the vehicles.

Economic Implications

23. Nil.

Environmental Implications

24. Poison Gully Creek traverses the property therefore if Council approves the proposal no oil or grease will be permitted to enter the gully. Bunding will be required to prevent this from occurring.

OFFICER COMMENT

25. The existence of mature vegetation and buildings on the property and distance of the proposed parking area from the property means that the two commercial vehicles would not have a detrimental visual impact on the amenity of the local area despite being located in front of the dwelling.
26. Despite not being provided the details of all the vehicles not forming part of this application, the appearance of these vehicles is similar to the commercial vehicles being applied for and therefore their tare weight is likely to be 3.5 tonnes or more.
27. Whilst there is evidence that on occasion more than two commercial vehicles (trailers) are parked on the site, the application has to be taken on face value ie for one prime mover and one trailer. If Council approves the development and the activity is not in accordance with the planning consent, then the approval can be revoked. Alternatively, compliance action, such as the issuing of a Planning Infringement Notice can be considered.
28. In respect to the combined length of the prime mover and trailer exceeding the policy requirement of 17.5 metres, it is considered that the non-compliance (1.5 metres) is minimal and would not impact on the amenity of the locality.
29. It is recommended that the application is approved.

OFFICER RECOMMENDATION (PS 04/2012)

That Council:

1. Approves the proposal for Scott Savory and Vanessa Kraft to continue to park two commercial vehicles, a Kenworth prime mover (registration number 1DJZ 271) and a Freighter trailer (registration number 1TGT 598) at Lot 46 (69) Milner Road, High Wycombe, subject to the following conditions:
- The vehicles must, at all times, be parked in the location shown on the approved site plan (Attachment 2).
 - The commercial vehicles are only to be operated between the hours of 7.00am and 7.00pm Monday to Saturday and 9.00am to 5.00pm Sundays and public holidays.

- c. Approval of the parking activity does not include approval for the loading of the commercial vehicles, or the storage of goods and materials in transit.
- d. Only maintenance of a minor nature, such as servicing or wheel changing, is to be carried out on the subject property. No panel beating, spray painting or the removal of major body or engine parts is permitted.
- e. The idling time for the start-up and cool down of the vehicles being a maximum of five minutes.
- f. Washing of the commercial vehicles on the subject lot is to be limited to the use of water and mild detergent, but not involve the use of any solvents, degreasing substances, steam cleaning and any other processes which may cause pollution or degradation of the environment.
- g. The approval is personal to the landowner and shall not be transferred or assigned to any other person, property or commercial vehicle.
- h. All other commercial vehicles not subject to this application must be removed from the site within 28 days of this approval.

Moved: **Cr Dylan O'Connor**

A Councillor noted that at Point 24 under Environmental Implications the Report stated "Poison Gully Creek traverses the property therefore if Council approves the proposal no oil or grease will be permitted to enter the gully. Bunding will be required to prevent this from occurring." and asked if this should be a condition of the approval. Director Development and Infrastructure Services agreed that it should, the Mover accepted that this change be made to the Recommendation.

COMMITTEE RECOMMENDATION TO COUNCIL (PS 04/2012)

That Council:

1. Approves the proposal for Scott Savory and Vanessa Kraft to continue to park two commercial vehicles, a Kenworth prime mover (registration number 1DJZ 271) and a Freighter trailer (registration number 1TGT 598) at Lot 46 (69) Milner Road, High Wycombe, subject to the following conditions:
 - a. The vehicles must, at all times, be parked in the location shown on the approved site plan (Attachment 2).
 - b. The commercial vehicles are only to be operated between the hours of 7.00am and 7.00pm Monday to Saturday and 9.00am to 5.00pm Sundays and public holidays.

- c. Approval of the parking activity does not include approval for the loading of the commercial vehicles, or the storage of goods and materials in transit.
- d. Only maintenance of a minor nature, such as servicing or wheel changing, is to be carried out on the subject property. No panel beating, spray painting or the removal of major body or engine parts is permitted.
- e. The idling time for the start-up and cool down of the vehicles being a maximum of five minutes.
- f. Washing of the commercial vehicles on the subject lot is to be limited to the use of water and mild detergent, but not involve the use of any solvents, degreasing substances, steam cleaning and any other processes which may cause pollution or degradation of the environment.
- g. The approval is personal to the landowner and shall not be transferred or assigned to any other person, property or commercial vehicle.
- h. All other commercial vehicles not subject to this application must be removed from the site within 28 days of this approval.
- i. **Bundling will be required to prevent oil or grease from entering the gully.**

Moved: **Cr Dylan O'Connor**

Seconded: **Cr Martyn Cresswell**

Vote: **CARRIED UNANIMOUSLY (9/0)**

Declaration of financial / conflict of interests to be recorded prior to dealing with each item.**05. Shopping Centre - Lot 33 (332) Hale Road, Wattle Grove**

Previous Items	Nil
Responsible Officer	Director Development and Infrastructure Services
Service Area	Development and Infrastructure Services
File Reference	HL-01/332
Applicant	Hodge Collard Preston Architects
Owner	Everdew Pty Ltd
Attachment 1	Locality Plan
Attachment 2	Site Plan
Attachment 3	Elevations
Attachment 4	Perspective Plan

PURPOSE

1. To consider an application for a Shopping Centre at Lot 33 (332) Hale Road, Wattle Grove (the Site) refer (attachment 1) locality plan.

BACKGROUND**2. Land Details:**

Land Area:	1.0623 hectares
Local Planning Scheme Zone:	Urban Development
Metropolitan Regional Scheme Zone:	Urban

3. The Site is zoned Urban Development in the Local Planning Scheme (the Scheme) and has a land area of 1.0623 hectares. The subject lot comprises part of the Wattle Grove Urban Area U9.
4. The Site is flat and contains a dwelling and outbuildings and scattered mature vegetation.

DETAILS

5. The applicant wishes to develop a Shopping Centre consisting of a supermarket of 1,220sqm Net Leasable Area and eight retail tenancies with floor areas ranging between 105sqm and 173sqm. The total retail floor space is 2,136sqm. The building will be constructed with concrete tilt-up panels with feature rebates and with a textured paint finish. The roof will be constructed of Colorbond roof sheeting. (Refer Attachment 2 – Site Plan and Attachment 3 Elevations).

-
6. The building will be centrally located on the site, with a parapet wall proposed on the northern boundary. The parapet wall will have a feature rebate and textured paint finish.
 7. The applicant proposes 137 parking bays in lieu of the 149 required in the Scheme, based on seven bays per 100sqm Net Leasable Area. The car park has been designed to allow for integrated vehicle access to the sites to north and south when these are developed in the future.
 8. The site set out has incorporated development requirements in the Structure Plan, being a 3 metre road widening to Hale Road and 38.4 metre wide portion of Public Open Space at the rear of the Site, giving an overall redevelopment area of 8413sqm available.

STATUTORY AND LEGAL IMPLICATIONS

9. The Site is identified as “Neighbourhood Centre” under the adopted Structure Plan for the Cell 9 Urban Development zone. The Scheme states that where a designation is shown on a Structure Plan, the permissibility of the use would be as if the land is zoned for that purpose.
10. The Scheme does have a designation of “Neighbourhood Centre”, however since the development of the Structure Plan, it has been the intent that site be developed for commercial facilities serving the local area. At the time of development of the Structure Plan, it was identified that the “Neighbourhood Centre” being the Site and adjacent property, could sustain 4,500m² of retail floor space.
11. 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

12. Nil.

PUBLIC CONSULTATION/COMMUNICATION

13. The proposal was not publicly advertised, however the Site has been identified for commercial purposes since adoption of the Structure Plan in March 2011.

FINANCIAL IMPLICATIONS

14. The application fee was submitted in accordance with the adopted budget. If approved, the proposal will incur developer contributions in accordance with the Cell 9 provisions contained in Schedule 11 of the Scheme.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

Strategic Planning Implications

15. Nil.

Sustainability Implications

Social Implications

16. Development of the site will provide a focal point for the Wattle Grove urban area and allow for access to facilities for residents, which are currently accessed outside of the locality. As the site is centrally located, it provides the best possible walkable catchment.

Economic Implications

17. Development may provide local employment opportunities.

Environmental Implications

18. The site will be connected to a reticulated sewer system. Some vegetation will need to be removed to facilitate the development. Discussion will be held with the owner of the property to ensure where practically possible that mature vegetation is retained as shade trees for the car parking areas. The vegetation in the proposed future Public Open Space will not be removed as part of this proposal.

OFFICER COMMENT

19. In respect to the shortfall of 12 parking bays, there is no objection to this from a planning perspective for the following reasons:
- Whilst operating as a Neighbourhood Centre, the development will have a discrete catchment, potentially the Wattle Grove urban area and rural hinterland, due to the relatively close proximity of the Forrestfield District Centre.
 - Due to the central location in the urban cell, the site lends itself to a broad walkable catchment, including via the adjacent Public Open Space (when developed).
 - It is anticipated that as the commercial area is developed there will be opportunity for shared utilization of the car parking area, thus allowing for some flexibility with the total number of car parking bays required.

-
20. The adopted Structure Plan for the Cell 9 urban area identifies the site as a neighbourhood centre and therefore suitable for a range of commercial / retail land use activities.
21. The proposal for a shopping centre is therefore entirely consistent with the adopted structure plan.

COMMITTEE RECOMMENDATION TO COUNCIL (PS 05/2012)

That Council:

1. Approves the proposed Shopping Centre on Lot 33 (332) Hale Road, Wattle Grove, subject to the following conditions:
- a. The Development shall be connected to reticulated sewer.
 - b. The provision and maintenance of a total of 137 car spaces including a minimum of two disabled car bays. All car parking and vehicle access ways being line marked, sealed and drained prior to the occupation of the building and maintained thereafter.
 - c. Vehicle parking, manoeuvring and circulation areas to be suitably constructed, sealed, kerbed, line marked and drained. The parking areas to include the provision of shade trees.
 - d. A detailed landscaping plan for the landscape area and shade trees, depicted on the approved plan shall be submitted and approved by the Shire prior to issue of a building licence.
 - e. Landscaping areas shall be planted within two months of practical completion of the proposed development and being maintained thereafter.
 - f. All existing vegetation within the proposed area of Public Open Space and road reserves to be maintained.
 - g. Measures being taken to ensure the identification and protection of any vegetation on the site worthy of retention prior to commencement of site work.
 - h. A separate sign licence application pursuant to the Shire's Local Laws is required to be lodged and approved prior to the erection of any signage on the lot.
 - i. The provision of a colours and texture schedule prior to the issue of a building licence.

-
- j. A three metre portion of land abutting Hale Road along its entire frontage for the purpose of road widening being surrendered to the Shire of Kalamunda free of cost. This is to occur prior to practical completion of the building.
 - k. A contribution to the Shire of Kalamunda in accordance with Schedule 11 of the Shire of Kalamunda Local Planning Scheme No. 3 shall be paid for cell infrastructure costs for Wattle Grove Cell 9. The contribution shall be paid in full prior to the issue of a Certificate of Occupancy.
 - l. Drainage for the development is to be in accordance with the overall drainage strategy adopted as part of the Cell 9 Structure Plan.
 - m. The provision and installation of turning pockets on Hale Road to access the crossovers to the specifications and satisfaction of the Shire of Kalamunda.

Moved: **Cr Donald McKechnie**

Seconded: **Cr Justin Whitten**

Vote: **CARRIED UNANIMOUSLY (9/0)**

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

06. Recommendations from the Community Sustainability Advisory Committee (CSAC) Meetings

Previous Items	P/S 65/08; P/S 74/08; PS 17/11
Responsible Officer	Director Development and Infrastructure Services
Service Area	Development and Infrastructure Services
File Reference	EV-EPP-014
Applicant	N/A
Owner	N/A
Attachment 1	CSAC Unconfirmed Summarised Minutes – 29 September 2011

PURPOSE

1. To receive the unconfirmed summarised minutes of the Community Sustainability Advisory Committee ("CSAC") meeting held on 29 September 2011.

BACKGROUND

2. CSAC is a Council endorsed Committee with the purpose of:
 - Advising on sustainable practices within the Shire of Kalamunda and across the community.
 - Providing advice or making recommendations to Council on a range of sustainability issues impacting on the community.
 - Providing a forum for Community Representatives and Councillors to focus on issues related to sustainability within the Shire.

DETAILS

3. Two motions were put forward from the meeting held on 29 September 2011. The remaining discussion during the meeting focused on ongoing assigned tasks and environmental matters including the review of the District Conservation Strategy.
 - **Motion 1** - Request that Council considers during the Local Planning Scheme review an amendment to achieve protection and the preservation of vegetation and significant trees within the Shire.
 - **Motion 2** - Future CSAC meeting dates to be defined and secretarial support to be provided at each meeting by the Council to take minutes.

STATUTORY AND LEGAL IMPLICATIONS

4. CSAC is not obliged to submit the minutes of its meetings to Council under any local policy or law. However the Committee wishes to do so in order to provide Council with an account of its undertakings. As a Committee of the Council this is considered to be good practice.

POLICY IMPLICATIONS

5. Nil.

PUBLIC CONSULTATION/COMMUNICATION

6. Nil.

FINANCIAL IMPLICATIONS

7. Nil.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS**Strategic Planning Implications**

8. Nil.

Sustainability ImplicationsSocial Implications

9. Improved mechanism of communication between CSAC and the Council.

Economic Implications

10. Nil.

Environmental Implications

11. Improved communication between Environmental Services and the local community thus resulting in enhanced environmental outcomes.

OFFICER COMMENT

12. CSAC is a proactive advisory committee composed of members of the local community. The minutes of their meetings relate to operational and functional issues as well as the Committee's areas of greatest environmental and sustainable interest.

-
13. The Shire is renowned for being a home in the forest and the presence and aesthetics of trees and vegetation on private property, Shire owned and vested lands including verges and nearby regional parks provides a sense of place which the community and CSAC value.
 14. The current provisions in the Local Planning Scheme No.3 are limited and need to be revised and amended to ensure native vegetation is afforded the appropriate level of protection.
 15. The Secretary in the past has taken minutes at each meeting, which at times has been difficult as topics and updates require communication by the Secretary. The appropriate level of administrative support can be provided to the Secretary from planning and administration staff if and when required.

COMMITTEE RECOMMENDATION TO COUNCIL (PS 06/2012)

That Council:

1. Receives the unconfirmed minutes of the Community Sustainability Advisory Committee (“CSAC”) meeting held on 29 September 2011 (Attachment 1).

Moved: **Cr Noreen Townsend**

Seconded: **Cr Donald McKechnie**

Vote: **CARRIED UNANIMOUSLY (9/0)**

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

07. Concept Development Plan - Old Road Board Street Block

Previous Items	Nil
Responsible Officer	Director Development and Infrastructure Services
Service Area	Development and Infrastructure Services
File Reference	PG-STU-004
Applicant	Shire of Kalamunda
Owner	Various
Attachment 1	Locality Plan
Attachment 2	Old Road Board Street Block Concept Development Plan

PURPOSE

1. To consider approving the Concept Development Plan for the Old Road Board Street Block for the purpose of public advertising.

BACKGROUND

2. In September 2010 the Shire commissioned an urban design consultant to prepare a study on issues and opportunities related to the area bounded by Burt Street, Central Road, Mead Street and Canning Road, commonly referred to as the Old Road Board Street Block. Refer (Attachment 1) Locality Plan.

DETAILS

3. The Concept Development Plan covers the area comprising the following properties:
 - Jack Healey Centre,
 - Perth Transport Authority Bus Terminus
 - Former Traffic Office
 - Former Road Board Office
 - Toy Library
 - RSL Hall
 - Child Health Centre
 - CWA Op shop and six privately owned residential properties to the South.
4. Most of the block is reserved for Public Purposes under the Local Planning Scheme No.3. The former Traffic Office is reserved for Community Purpose. The lots which are privately owned are zoned Mixed Use / R20.

-
5. The main issues and development opportunities identified for the street block are:
- Four properties have varying heritage significance (former Road Board Office, Kalamunda Toy Library, former RSL Hall and former Doctor's Residence on 26 Central Road).
 - The Bus Terminus poses a significant impediment to upgrading and future development of street block.
 - Canning Road and Mead Street streetscapes need upgrading.
 - There are large areas of vacant land and car parking areas within the block that are inefficiently laid out and connected.
 - Many large, mature trees are scattered throughout the area. They have a strong visual presence and give the street block a distinct landscape character.
6. In order to upgrade the area and integrate its best heritage and natural attributes for the Old Road Board Street Block the following main upgrades are proposed (Attachment 2)- Concept Development Plan:
- Relocation of the bus Terminus by converting the existing cul-de-sac to a low speed public road linking Mead Street with Central Road.
 - Redevelopment of the old Traffic Office site with a mixed use development comprising residential / commercial with limited retail.
 - Acquisition of the old RSL Hall site, demolition of the building and the Toy Library and construction of the new Jack Healey District Community Centre over both properties.
 - Removal of the existing Jack Healey Centre and redevelopment of the site as a mixed use development comprising residential/commercial with limited retail.
 - Redevelopment of the former Road Board Office site for use as a Dome café.
 - Encouragement of future private development as mixed use at the southern end of the street block.
 - The introduction of parking areas to accommodate the proposed new development.
-

STATUTORY AND LEGAL IMPLICATIONS

7. The Concept Development Plan for the Old Road Board Street Block is essentially a planning tool. Part 6 of Local Planning Scheme No 3, Special Control Areas may be required to be amended to reflect recommendations relating to the design criteria contained in this plan.

POLICY IMPLICATIONS

8. Nil.

PUBLIC CONSULTATION/COMMUNICATION

9. It is proposed to advertise this plan for public comment for the period of 28 days.

FINANCIAL IMPLICATIONS

10. Implementation of the recommendations will require financial commitment from the Council through the annual budgeting process. Implementation can also require financial commitment from the private landowners should they become part of the redevelopment of the street block.
11. Should the Council endorse the development plan; a Schedule of Works Programme will be prepared, detailing the extent of the proposed works, costs and timeframes. It is likely that the financial commitments will extend over a considerable period of time.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS**Strategic Planning Implications**

12. The Concept Development Plan is a strategic planning tool that will guide future development consistent with the values, concerns and visions expressed by the community and embraced by the Council for the next 20 years.
13. Draft Local Planning Strategy identifies Urban Design and Streetscape of the Kalamunda Town Centre as one of the Key Strategic Issues.
14. The proposed recommendations in relation to the community facilities are consistent with the recommendations contained in the Shire's Community Facilities Plan.

Sustainability Implications

Social Implications

15. The proposed improvements to the Old Road Board Street Block aim to centralise the existing community uses and improve connectivity with future commercial and residential land uses, thus making them more easily accessible and attractive for the community.

Economic Implications

16. Proposed improvements will contribute to the overall attractiveness of Kalamunda Centre which will result in better commercial viability of businesses in the centre.

Environmental Implications

17. Careful landscaping with retention of a number of mature trees will result in the improved visual amenity as well as a shaded, comfortable environment, particularly in the areas identified for future car parking.

OFFICER COMMENT

18. Relocation of the Bus Terminus and creation of the road connecting Mead Street and Central Road would allow for improved access which will in part provide additional parking for the Kalamunda Town Centre. Staff have met with representatives from Transperth who have some initial reservations regarding the relocation of the terminus. They have however expressed a willingness to work with the Shire in the proposed plans. The relocation of the Terminus will require further negotiations with Transperth.
19. Mixed use redevelopment of the lots fronting Mead Street, Central Road and Canning Road would allow a range of commercial/residential land uses and a built form that would improve the visual amenity along those roads.
20. Consolidation of a number of community uses in one new district community centre over the two properties on Canning Road will allow for a better quality, modern community facility that would accommodate a range of ages and needs. That would create more vibrant and viable meeting place for community members.
21. The potential redevelopment of the residential lots on the southern end of the street block would complete the vision of a vibrant urban street block that will contribute to community and commercial activity in Kalamunda township.
22. It is therefore recommended that the Concept Development Plan for Old Road Board Street Block is approved for public consultation.

Cr Bob Emery left the Chambers at 7.12pm and returned at 7.13pm.

COMMITTEE RECOMMENDATION TO COUNCIL (PS 07/2012)

That Council:

1. Approves the Concept Development Plan for Old Road Board Street Block for the purpose of public consultation.

Moved: **Cr Donald McKechnie**

Seconded: **Cr Martyn Cresswell**

Voted: **CARRIED UNANIMOUSLY (9/0)**

Declaration of financial / conflict of interests to be recorded prior to dealing with each item.**08. Application to Keep More Than Two Dogs - Lot 79 (23) Corella Street, Lesmurdie**

Previous Items	Nil
Responsible Officer	Director Development and Infrastructure Services
Service Area	Ranger Services
File Reference	RA-ANC-011: ICS 36080
Applicant	Heather Lamprey - 23 Corella Street, Lesmurdie
Owner	Bernard and Elizabeth Doherty

Attachment 1 Location Map

PURPOSE

1. To consider an application for an exemption under Section 26(3) of the *Dog Act 1976* to keep more than two dogs.

BACKGROUND

2. The applicants at 23 Corella Street, Lesmurdie have recently applied to Council requesting permission to keep more than two dogs on the property.

DETAILS

3. The applicants are requesting approval to keep the following dogs at the above property.

	Breed	Sex	Sterilised	Colour	Name	Registration Number	Age	Local Authority
1.	Siberian Husky	F	Yes	Grey/White	Tasha	12-2917	13yrs 6 mths	Kalamunda
2.	Siberian Husky	F	No	Tri Colour	Maluka	12-2916	8 mths	Kalamunda
3.	Siberian Husky	M	No	Grey/White	Tiquana	12-2915	6 mths	Kalamunda

4. In considering the merit of the application, an inspection was undertaken by Ranger and Emergency Services to ensure the premises are appropriately sized so as to be capable of effectively and comfortably housing three dogs and to confirm that the fences and gates are compliant with the *Dog Act 1976*.
5. The property at 23 Corella Street, Lesmurdie, is 1019sqm and zoned Residential R10.

STATUTORY AND LEGAL IMPLICATIONS

6. The application for exemption to the Shire's Dogs Local Law 2010 is made under Section 26(3) of the *Dog Act 1976*.

-
7. Clause 3.2 of the Local Law reads:
- “3.2 Limitation on the number of dogs**
1. This clause does not apply to premises which have been –
- (a) licensed under part 4 as an approved kennel establishment; or
- (b) granted an exemption under section 26(3) of the Dog Act, 2 dogs over the age of 3 months and the young of those dogs under that age.”
8. If Council refuses to permit three dogs on this property, the applicant has the right to appeal the decision through the State Administrative Tribunal within 28 days of notification in writing by the Shire.

POLICY IMPLICATIONS

9. Nil.

PUBLIC CONSULTATION/COMMUNICATION

10. When applications are received by the Shire to keep more than two dogs, a Ranger will attend the properties immediately adjoining the applicant's property to ascertain if they have any objections. This process is undertaken by interview or, if the resident is not home at the time, a standard letter is left in their letterbox advising of the application.
11. There are seven adjoining properties within the vicinity of the applicant's property that may be directly affected (Attachment 1). The occupants of these properties have been contacted by the attending Ranger, and all seven have supported the application.

FINANCIAL IMPLICATIONS

12. Nil.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

Strategic Planning Implications

13. Nil.

Sustainability Implications

Social Implications

14. Council needs to consider that having more than two dogs may create excessive dog barking noise that can interfere with the peace, comfort or convenience of neighbours within the immediate vicinity of the property concerned.

Economic Implications

15. Nil.

Environmental Implications

16. Nil.

OFFICER COMMENT

17. In considering this application for exemption, the following two options are available:
- a. Council may grant an exemption pursuant to Section 26(3) of the *Dog Act 1976* subject to conditions.
 - b. Council may refuse permission to keep more than two dogs.
18. As part of the assessment process, Officers have not recorded any issues regarding the dogs kept at this property.
19. It is in the opinion of the inspecting Ranger that the property is appropriately sized and capable of effectively and comfortably housing three dogs. The Ranger can also confirm that the fences and gates are compliant with the *Dog Act 1976*.
20. It is recommended that the application to keep more than two dogs is supported and is noted that this approval may be varied or revoked should any dog complaints be received which are considered reasonable.

COMMITTEE RECOMMENDATION TO COUNCIL (PS 08/2012)

That Council:

1. Pursuant to Clause 3.2 of the Shire of Kalamunda Dogs Local Law 2010 made under Section 26(3) of the *Dog Act 1976*, grants an exemption to the applicant of 23 Corella Street, Lesmurdie to keep three dogs on this property.

Moved: **Cr Noreen Townsend**

Seconded: **Cr Geoff Stallard**

Vote: **CARRIED UNANIMOUSLY (9/0)**

Declaration of financial / conflict of interests to be recorded prior to dealing with each item.**09. Application to Keep More Than Two Dogs - Lot 400 (51) Reserve Road, Pickering Brook**

Previous Items	Nil
Responsible Officer	Director Development and Infrastructure Services
Service Area	Ranger Services
File Reference	RA-ANC-011: ICS 35561
Applicant	Anita Ann Peters - 51 Reserve Road, Pickering Brook
Owner	Piran Mining
Attachment 1	Location Map

PURPOSE

1. To consider an application for an exemption under Section 26(3) of the *Dog Act 1976* to keep more than two dogs.

BACKGROUND

2. The applicants at 51 Reserve Road, Pickering Brook have recently applied to Council requesting permission to keep more than two dogs on the property.

DETAILS

3. The applicants are requesting the approval to keep the following dogs at the above property.

	Breed	Sex	Sterilised	Colour	Name	Registration Number	Age	Local Authority
1.	Maltese	F	Yes	White and Fawn	Lily	14-1566	5	Kalamunda
2.	Collie Cross	F	Yes	Black and White	Jeda	14-1565	10	Kalamunda
3.	Border Collie Cross	F	Yes	Black and White	Sprocket	14-1567	3	Kalamunda

4. In considering the merit of the application, an inspection was undertaken by Ranger and Emergency Services to ensure the premises are appropriately sized so as to be capable of effectively and comfortably housing three dogs and to confirm that the fences and gates are compliant with the *Dog Act 1976*.
5. The property at 51 Reserve Road, Pickering Brook is 22953sqm and zoned Rural Agriculture.

STATUTORY AND LEGAL IMPLICATIONS

6. The application for exemption to the Shire's Dogs Local Law 2010 is made under Section 26(3) of the *Dog Act 1976*.
7. Clause 3.2 of the Local Law reads:
"3.2 Limitation on the number of dogs
 1. This clause does not apply to premises which have been –
 - (a) licensed under part 4 as an approved kennel establishment; or
 - (b) granted an exemption under section 26(3) of the Dog Act, 2 dogs over the age of 3 months and the young of those dogs under that age."
8. If Council refuses to permit three dogs on this property, the applicant has the right to appeal the decision through the State Administrative Tribunal within 28 days of notification in writing by the Shire.

POLICY IMPLICATIONS

9. Nil.

PUBLIC CONSULTATION/COMMUNICATION

10. When applications are received by the Shire to keep more than two dogs, a Ranger will attend the properties immediately adjoining the applicant's property to ascertain if they have any objections. This process is undertaken by interview or, if the resident is not home at the time, a standard letter is left in their letterbox advising of the application.
11. There are two adjoining properties within the vicinity of the applicant's property that may be directly affected (Attachment 1). The occupants of these properties have been contacted by the attending Ranger, the two properties have supported the application.

FINANCIAL IMPLICATIONS

12. Nil.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS**Strategic Planning Implications**

13. Nil.

Sustainability Implications

Social Implications

14. Council needs to consider that having more than two dogs may create excessive dog barking noise that can interfere with the peace, comfort or convenience of neighbours within the immediate vicinity of the property concerned.

Economic Implications

15. Nil.

Environmental Implications

16. Nil.

OFFICER COMMENT

17. In considering this application for exemption, the following two options are available:
- a. Council may grant an exemption pursuant to Section 26(3) of the *Dog Act 1976* subject to conditions.
 - b. Council may refuse permission to keep more than two dogs.
18. As part of the assessment process, Officers have not recorded any issues regarding the dogs kept at this property.
19. It is in the opinion of the inspecting Ranger that the property is appropriately sized and capable of effectively and comfortably housing three dogs. The Ranger can also confirm that the fences and gates are compliant with the *Dog Act 1976*.
20. It is recommended that the application to keep more than two dogs is supported and is noted that this approval may be varied or revoked should any dog complaints be received which are considered reasonable.

COMMITTEE RECOMMENDATION TO COUNCIL (PS 09/2012)

That Council:

1. Pursuant to Clause 3.2 of the Shire of Kalamunda Dogs Local Law 2010 made under Section 26(3) of the *Dog Act 1976*, grants an exemption to the applicant of 51 Reserve Road, Pickering Brook to keep three dogs on this property.

Moved: **Cr Noreen Townsend**

Seconded: **Cr Justin Whitten**

Vote: **CARRIED UNANIMOUSLY (9/0)**

Declaration of financial / conflict of interests to be recorded prior to dealing with each item.**10. Application to Keep More Than Two Dogs - Lot 844 (400) Pickering Brook Road, Pickering Brook**

Previous Items	Nil
Responsible Officer	Director Development and Infrastructure Services
Service Area	Ranger Services
File Reference	RA-ANC-011: ICS 35985
Applicant	Wilma Matthews - 400 Pickering Brook Road, Pickering Brook
Owner	Charles Trevor Matthews
Attachment 1	Location Map

PURPOSE

1. To consider an application for an exemption under Section 26(3) of the *Dog Act 1976* to keep more than two dogs.

BACKGROUND

2. The applicants at 400 Pickering Brook Road, Pickering Brook have recently applied to Council requesting permission to keep more than two dogs on the property.

DETAILS

3. The applicants are requesting the approval to keep the following dogs at the above property.

	Breed	Sex	Sterilised	Colour	Name	Registration Number	Age	Local Authority
1.	Poodle	M	Yes	Champagne	Portabello	14-0408	4yrs 1mth	Kalamunda
2.	Poodle	M	No	Champagne	Shitake	14-0409	1yr 7mth	Kalamunda
3.	Poodle	F	Yes	White	Button	14-1761	5	Kalamunda
4.	Poodle	M	Yes	Champagne	Champignon	14-1762	2yrs 6mth	Kalamunda

4. In considering the merit of the application, an inspection was undertaken by Ranger and Emergency Services to ensure the premises are appropriately sized so as to be capable of effectively and comfortably housing four dogs and to confirm that the fences and gates are compliant with the *Dog Act 1976*.
5. The property at 500 Pickering Brook Road, Pickering Brook is 59861sqm and zoned Rural Agriculture.

STATUTORY AND LEGAL IMPLICATIONS

6. The application for exemption to the Shire's Dogs Local Law 2010 is made under Section 26(3) of the *Dog Act 1976*.
7. Clause 3.2 of the Local Law reads:
"3.2 Limitation on the number of dogs
 1. This clause does not apply to premises which have been –
 - (a) licensed under part 4 as an approved kennel establishment; or
 - (b) granted an exemption under section 26(3) of the Dog Act, 2 dogs over the age of 3 months and the young of those dogs under that age."
8. If Council refuses to permit four dogs on this property, the applicant has the right to appeal the decision through the State Administrative Tribunal within 28 days of notification in writing by the Shire.

POLICY IMPLICATIONS

9. Nil.

PUBLIC CONSULTATION/COMMUNICATION

10. When applications are received by the Shire to keep more than two dogs, a Ranger will attend the properties immediately adjoining the applicant's property to ascertain if they have any objections. This process is undertaken by interview or, if the resident is not home at the time, a standard letter is left in their letterbox advising of the application
11. There is one adjoining property within the vicinity of the applicant's property that may be directly affected (Attachment 1). The occupants of this property have been contacted by the attending Ranger, and have supported the application.

FINANCIAL IMPLICATIONS

12. Nil.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

Strategic Planning Implications

13. Nil.

Sustainability Implications

Social Implications

14. Council needs to consider that having more than two dogs may create excessive dog barking noise that can interfere with the peace, comfort or convenience of neighbours within the immediate vicinity of the property concerned.

Economic Implications

15. Nil.

Environmental Implications

16. Nil.

OFFICER COMMENT

17. In considering this application for exemption, the following two options are available:
- a. Council may grant an exemption pursuant to Section 26(3) of the *Dog Act 1976* subject to conditions.
 - b. Council may refuse permission to keep more than two dogs.
18. As part of the assessment process, Officers have not recorded any issues regarding the dogs kept at this property.
19. It is in the opinion of the inspecting Ranger that the property is appropriately sized and capable of effectively and comfortably housing four dogs. The Ranger can also confirm that the fences and gates are compliant with the *Dog Act 1976*.
20. It is recommended that the application to keep more than two dogs is supported and is noted that this approval may be varied or revoked should any dog complaints be received which are considered reasonable.

COMMITTEE RECOMMENDATION TO COUNCIL (PS 10/2012)

That Council:

1. Pursuant to Clause 3.2 of the Shire of Kalamunda Dogs Local Law 2010 made under Section 26(3) of the *Dog Act 1976*, grants an exemption to the applicant of 400 Pickering Brook Road, Pickering Brook to keep four dogs on this property.

Moved: **Cr Dylan O'Connor**

Seconded: **Cr Geoff Stallard**

Vote: **CARRIED UNANIMOUSLY (9/0)**

Declaration of financial / conflict of interests to be recorded prior to dealing with each item.**11. Application to Keep More Than Two Dogs - Lot 88 (8) View Way, Kalamunda**

Previous Items	Nil
Responsible Officer	Director Development and Infrastructure Services
Service Area	Ranger Services
File Reference	RA-ANC-011: ICS 37133
Applicant	Rosemary Bailey – 8 View Way, Kalamunda
Owner	Rosemary Bailey
Attachment 1	Location Map

PURPOSE

1. To consider an application for an exemption under Section 26(3) of the *Dog Act 1976* to keep more than two dogs.

BACKGROUND

2. The applicant at 8 View Way, Kalamunda has recently applied to Council requesting permission to keep more than two dogs on the property.

DETAILS

3. The applicants are requesting the approval to keep the following dogs at the above property.

	Breed	Sex	Sterilised	Colour	Name	Registration Number	Age	Local Authority
1.	Chinese Crested Powder Puff	M	Yes	White	Bill	13-0149	3	Kalamunda
2.	Chinese Crested Powder Puff	M	Yes	White	Ben	13-0150	3	Kalamunda
3.	Labrador	F	Yes	Black	Zulu	14-1779	4	Kalamunda

4. In considering the merit of the application, an inspection was undertaken by Ranger and Emergency Services to ensure the premises are appropriately sized so as to be capable of effectively and comfortably housing three dogs and to confirm that the fences and gates are compliant with the *Dog Act 1976*.
5. The property at 8 View Way, Kalamunda is 6603sqm and zoned Residential R5.

STATUTORY AND LEGAL IMPLICATIONS

6. The application for exemption to the Shire's Dogs Local Law 2010 is made under Section 26(3) of the *Dog Act 1976*.
7. Clause 3.2 of the Local Law reads:
"3.2 Limitation on the number of dogs
 1. This clause does not apply to premises which have been –
 - (a) licensed under part 4 as an approved kennel establishment; or
 - (b) granted an exemption under section 26(3) of the Dog Act, 2 dogs over the age of 3 months and the young of those dogs under that age."
8. If Council refuses to permit three dogs on this property, the applicant has the right to appeal the decision through the State Administrative Tribunal within 28 days of notification in writing by the Shire.

POLICY IMPLICATIONS

9. Nil.

PUBLIC CONSULTATION/COMMUNICATION

10. When applications are received by the Shire to keep more than two dogs, a Ranger will attend the properties immediately adjoining the applicant's property to ascertain if they have any objections. This process is undertaken by interview or, if the resident is not home at the time, a standard letter is left in their letterbox advising of the application
11. There are six adjoining properties within the vicinity of the applicant's property that may be directly affected (Attachment 1). The occupants of these properties have been contacted by the attending Ranger, and five have supported the application and one did not respond.

FINANCIAL IMPLICATIONS

12. Nil.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS**Strategic Planning Implications**

13. Nil.

Sustainability Implications

Social Implications

14. Council needs to consider that having more than two dogs may create excessive dog barking noise that can interfere with the peace, comfort or convenience of neighbours within the immediate vicinity of the property concerned.

Economic Implications

15. Nil.

Environmental Implications

16. Nil.

OFFICER COMMENT

17. In considering this application for exemption, the following two options are available:
- a. Council may grant an exemption pursuant to Section 26(3) of the *Dog Act 1976* subject to conditions.
 - b. Council may refuse permission to keep more than two dogs.
18. As part of the assessment process, Officers have not recorded any issues regarding the dogs kept at this property.
19. It is in the opinion of the inspecting Ranger that the property is appropriately sized and capable of effectively and comfortably housing four dogs. The Ranger can also confirm that the fences and gates are compliant with the *Dog Act 1976*.
20. It is recommended that the application to keep more than two dogs is supported and is noted that this approval may be varied or revoked should any dog complaints be received which are considered reasonable.

COMMITTEE RECOMMENDATION TO COUNCIL (PS 11/2012)

That Council:

1. Pursuant to Clause 3.2 of the Shire of Kalamunda Dogs Local Law 2010 made under Section 26(3) of the *Dog Act 1976*, grants an exemption to the applicant of 8 View Way, Kalamunda to keep three dogs on this property.

Moved: **Cr Justin Whitten**

Seconded: **Cr Bob Emery**

Vote: **CARRIED UNANIMOUSLY (9/0)**

Declaration of financial / conflict of interests to be recorded prior to dealing with each item.**12. Application to Keep More Than Two Dogs - Lot 465 (73) The Promenade, Wattle Grove**

Previous Items	Nil
Responsible Officer	Director Development and Infrastructure Services
Service Area	Ranger Services
File Reference	RA-ANC-011: ICS-36940
Applicant	Katrina Mason – 73 The Promenade, Wattle Grove
Owner	K Mason and KJ Smith
Attachment 1	Location Map

PURPOSE

- To consider an application for an exemption under section 26(3) of the *Dog Act 1976* to keep more than two dogs.

BACKGROUND

- The applicant at 73 The Promenade, Wattle Grove has recently applied to Council requesting permission to keep more than two dogs on the property.

DETAILS

- The applicant is requesting the approval to keep the following dogs at the above property.

	Breed	Sex	Sterilised	Colour	Name	Registration Number	Age	Local Authority
1.	Beagle	M	Yes	Tri	Oscar	13-0986	5	Kalamunda
2.	Beagle	F	Yes	Tri	Emily	13-0987	5	Kalamunda
3.	Chihuahua X Shih Tzu	M	Yes	Black	Ollie	14-1670	11mths	Kalamunda

- In considering the merit of the application, an inspection was undertaken by Ranger and Emergency Services to ensure the premises are appropriately sized so as to be capable of effectively and comfortably housing three dogs and to confirm that the fences and gates are compliant with the *Dog Act 1976*.
- The property at 73 The Promenade, Wattle Grove is 648sqm and zoned Urban Development.

STATUTORY AND LEGAL IMPLICATIONS

- The application for exemption to the Shire's Dogs Local Law 2010 is made under Section 26(3) of the *Dog Act 1976*.

-
7. Clause 3.2 of the Local Law reads:
- “3.2 Limitation on the number of dogs**
1. This clause does not apply to premises which have been –
- (a) licensed under part 4 as an approved kennel establishment; or
- (b) granted an exemption under section 26(3) of the Dog Act, 2 dogs over the age of 3 months and the young of those dogs under that age.”
8. If Council refuses to permit three dogs on this property, the applicant has the right to appeal the decision through the State Administrative Tribunal within 28 days of notification in writing by the Shire.

POLICY IMPLICATIONS

9. Nil.

PUBLIC CONSULTATION/COMMUNICATION

10. When applications are received by the Shire to keep more than two dogs, a Ranger will attend the properties immediately adjoining the applicant's property to ascertain if they have any objections. This process is undertaken by interview or, if the resident is not home at the time, a standard letter is left in their letterbox advising of the application.
11. There are seven adjoining properties within the vicinity of the applicant's property that may be directly affected (Attachment 1). The occupants of these properties have been contacted by the attending Ranger, five properties have supported, and two have not responded regarding the application.

FINANCIAL IMPLICATIONS

12. Nil.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

Strategic Planning Implications

13. Nil.

Sustainability Implications

Social Implications

14. Council needs to consider that having more than two dogs may create excessive dog barking noise that can interfere with the peace, comfort or convenience of neighbours within the immediate vicinity of the property concerned.

Economic Implications

15. Nil.

Environmental Implications

16. Nil.

OFFICER COMMENT

17. In considering this application for exemption, the following two options are available:
- (a) Council may grant an exemption pursuant to Section 26(3) of the *Dog Act 1976* subject to conditions.
 - (b) Council may refuse permission to keep more than two dogs.
18. As part of the assessment making process, Officers have not recorded any issues regarding the dogs kept at this property.
19. It is in the opinion of the inspecting Ranger that the property is appropriately sized and capable of effectively and comfortably housing three dogs. The Ranger can also confirm that the fences and gates are compliant with the *Dog Act 1976*.
20. It is recommended that the application to keep more than two dogs is supported and is noted that this approval may be varied or revoked should any dog complaints be received which are considered reasonable.

COMMITTEE RECOMMENDATION TO COUNCIL (PS 12/2012)

That Council:

1. Pursuant to Clause 3.2 of the Shire of Kalamunda Dogs Local Law 2010 made under Section 26(3) of the *Dog Act 1976*, grants an exemption to the applicant of 73 The Promenade, Wattle Grove to keep three dogs on this property.

Moved: **Cr Allan Morton**

Seconded: **Cr Justin Whitten**

Vote: **CARRIED UNANIMOUSLY (9/0)**

Declaration of financial / conflict of interests to be recorded prior to dealing with each item.**13. Application to Keep More Than Two Dogs - Lot 108 (23) Coolinga Road, Lesmurdie**

Previous Items	Nil
Responsible Officer	Director Development and Infrastructure Services
Service Area	Ranger Services
File Reference	RA-ANC-011: ICS-34891
Applicant	Donna Smith – 23 Coolinga Road, Lesmurdie
Owner	DL & MC Smith
Attachment 1	Location Map

PURPOSE

- To consider an application for an exemption under section 26(3) of the *Dog Act 1976* to keep more than two dogs.

BACKGROUND

- The applicant at 23 Coolinga Road, Lesmurdie has recently applied to Council requesting permission to keep more than two dogs on the property.

DETAILS

- The applicant is requesting the approval to keep the following dogs at the above property.

	Breed	Sex	Sterilised	Colour	Name	Registration Number	Age	Local Authority
1.	Labrador	F	Yes	Black	Bebe	13-0023	14yrs	Denham
2.	Chihuahua	M	No	Brown	Ren	13-0024	10yrs	Denham
3.	Chihuahua	F	Yes	Blonde	Gypsy	12-3278	8yrs	Kalamunda
4.	Chihuahua	F	Yes	Black	Charles	12-3279	5yrs	Kalamunda
5.	Chihuahua	M	No	Blonde	Lucky	12-3280	5yrs	Kalamunda

- In considering the merit of the application, an inspection was undertaken by Ranger and Emergency Services to ensure the premises are appropriately sized so as to be capable of effectively and comfortably housing five dogs and to confirm that the fences and gates are compliant with the *Dog Act 1976*.
- The property at 23 Coolinga Road, Lesmurdie is 2275sqm and zoned Residential R5.

STATUTORY AND LEGAL IMPLICATIONS

6. The application for exemption to the Shire's Dogs Local Law 2010 is made under Section 26(3) of the *Dog Act 1976*.
7. Clause 3.2 of the Local Law reads:
"3.2 Limitation on the number of dogs
 1. This clause does not apply to premises which have been –
 - (a) licensed under part 4 as an approved kennel establishment;
or
 - (b) granted an exemption under section 26(3) of the Dog Act, 2 dogs over the age of 3 months and the young of those dogs under that age."
8. If Council refuses to permit five dogs on this property, the applicant has the right to appeal the decision through the State Administrative Tribunal within 28 days of notification in writing by the Shire.

POLICY IMPLICATIONS

9. Nil.

PUBLIC CONSULTATION/COMMUNICATION

10. When applications are received by the Shire to keep more than two dogs, a Ranger will attend the properties immediately adjoining the applicant's property to ascertain if they have any objections. This process is undertaken by interview or, if the resident is not home at the time, a standard letter is left in their letterbox advising of the application.
11. There are four adjoining properties within the vicinity of the applicant's property that may be directly affected (Attachment 1). The occupants of these properties have been contacted by the attending Ranger, three properties have supported, and one has not responded regarding the application.

FINANCIAL IMPLICATIONS

12. Nil.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

Strategic Planning Implications

13. Nil.

Sustainability Implications

Social Implications

14. Council needs to consider that having more than two dogs may create excessive dog barking noise that can interfere with the peace, comfort or convenience of neighbours within the immediate vicinity of the property concerned.

Economic Implications

15. Nil.

Environmental Implications

16. Nil.

OFFICER COMMENT

17. In considering this application for exemption, the following two options are available:
- (a) Council may grant an exemption pursuant to Section 26(3) of the *Dog Act 1976* subject to conditions.
 - (b) Council may refuse permission to keep more than two dogs.
18. As part of the assessment process, Officers have recorded an alleged incident of a dog barking. The incident has now been resolved.
19. It is in the opinion of the inspecting Ranger that the property is appropriately sized and capable of effectively and comfortably housing five dogs. The Ranger can also confirm that the fences and gates are compliant with the *Dog Act 1976*.
20. It is recommended that the application to keep more than two dogs is supported and is noted that this approval may be varied or revoked should any dog complaints be received which are considered reasonable.

A Councillor asked if there had been a response from the owner of 398 Lesmurdie Road, this property is next to the dog owner but the attachment does not indicate if the owner of the property had been approached. Director Development and Infrastructure Services took this question on notice.

COMMITTEE RECOMMENDATION TO COUNCIL (PS 13/2012)

That Council:

1. Pursuant to Clause 3.2 of the Shire of Kalamunda Dogs Local Law 2010 made under Section 26(3) of the *Dog Act 1976*, grants an exemption to the applicant of 23 Coolinga Road, Lesmurdie to keep five dogs on this property.

Moved: **Cr Justin Whitten**

Seconded: **Cr Noreen Townsend**

Vote: **CARRIED UNANIMOUSLY (9/0)**

Declaration of financial / conflict of interests to be recorded prior to dealing with each item.**14. Application to Keep More Than Two Dogs - Lot 104 (32) Curtis Street Lesmurdie**

Previous Items	Nil
Responsible Officer	Director Development and Infrastructure Services
Service Area	Ranger Services
File Reference	RA-ANC-011: ICS-34846
Applicant	Maria Garde - 32 Curtis Street, Lesmurdie
Owner	Maria Garde
Attachment 1	Location Map

PURPOSE

- To consider an application for an exemption under section 26(3) of the *Dog Act 1976* to keep more than two dogs.

BACKGROUND

- The applicant at 32 Curtis Street, Lesmurdie has recently applied to Council requesting permission to keep more than two dogs on the property.

DETAILS

- The applicant is requesting the approval to keep the following dogs at the above property.

	Breed	Sex	Sterilised	Colour	Name	Registration Number	Age	Local Authority
1.	Kelpie	F	Yes	Brown	Foxy	12-2861	2	Kalamunda
2.	Staffy	F	Yes	Brown	Stella	12-2862	14	Kalamunda
3.	Staffy	M	No	Brindle	Dingo	12-2863	8	Kalamunda

- In considering the merit of the application, an inspection was undertaken by Ranger and Emergency Services to ensure the premises are appropriately sized so as to be capable of effectively and comfortably housing three dogs and to confirm that the fences and gates are compliant with the *Dog Act 1976*.
- The property at 32 Curtis Street, Lesmurdie is 972sqm and zoned Residential R10.

STATUTORY AND LEGAL IMPLICATIONS

- The application for exemption to the Shire's Dogs Local Law 2010 is made under Section 26(3) of the *Dog Act 1976*.

-
7. Clause 3.2 of the Local Law reads:

“3.2 Limitation on the number of dogs

1. This clause does not apply to premises which have been –
- (a) licensed under part 4 as an approved kennel establishment; or
 - (b) granted an exemption under section 26(3) of the Dog Act, 2 dogs over the age of 3 months and the young of those dogs under that age.”
8. If Council refuses to permit three dogs on this property, the applicant has the right to appeal the decision through the State Administrative Tribunal within 28 days of notification in writing by the Shire.

POLICY IMPLICATIONS

9. Nil.

PUBLIC CONSULTATION/COMMUNICATION

10. When applications are received by the Shire to keep more than two dogs, a Ranger will attend the properties immediately adjoining the applicant's property to ascertain if they have any objections. This process is undertaken by interview or, if the resident is not home at the time, a standard letter is left in their letterbox advising of the application.
11. There are seven adjoining properties within the vicinity of the applicant's property that may be directly affected (Attachment 1). The occupants of these properties have been contacted by the attending Ranger, five properties have supported, one has not supported, and one did not respond regarding the application.

FINANCIAL IMPLICATIONS

12. Nil.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

Strategic Planning Implications

13. Nil.

Sustainability Implications

Social Implications

14. Council needs to consider that having more than two dogs may create excessive dog barking noise that can interfere with the peace, comfort or convenience of neighbours within the immediate vicinity of the property concerned.

Economic Implications

15. Nil.

Environmental Implications

16. Nil.

OFFICER COMMENT

17. In considering this application for exemption, the following two options are available:
- (a) Council may grant an exemption pursuant to Section 26(3) of the *Dog Act 1976* subject to conditions.
 - (b) Council may refuse permission to keep more than two dogs.
18. As part of the assessment process, Officers have recorded an alleged incident of a visiting dog escaping and menacing people in the street.
19. One resident surveyed did not support the application due to concerns over barking dogs in the area. The Shire of Kalamunda has not received any formal barking complaints at this property.
20. It is in the opinion of the inspecting Ranger that the property is appropriately sized and capable of effectively and comfortably housing three dogs. The Ranger can also confirm that the fences and gates are compliant with the *Dog Act 1976*.
21. It is recommended that the application to keep more than two dogs is supported and is noted that this approval may be varied or revoked should any dog complaints be received which are considered reasonable.

COMMITTEE RECOMMENDATION TO COUNCIL (PS 14/2012)

That Council:

1. Pursuant to Clause 3.2 of the Shire of Kalamunda Dogs Local Law 2010 made under Section 26(3) of the *Dog Act 1976*, grants an exemption to the applicant of 32 Curtis Street, Lesmurdie to keep three dogs on this property.

Moved: **Cr Allan Morton**

Seconded: **Cr Justin Whitten**

Vote: **CARRIED UNANIMOUSLY (9/0)**

11.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

11.1 Nil.

12.0 QUESTIONS BY MEMBERS WITHOUT NOTICE

12.1 Cr Dylan O'Connor – Noisy Inspection Hole on Kalamunda Road

Q. There was an Inspection Hole on Kalamunda Road which was proving to be very noisy for a resident, has this problem been resolved?

A. Director Development and Infrastructure Services noted that graphite had been applied and the lid repositioned to aid quietening this for the resident.

12.2 Cr Justin Whitten – Hartfield Park

Q1. At a recent Advisory Committee Meeting it was noted that the toilets at this facility do not seem to be in a very clean state. Is the Shire paying someone to clean these and if so how often should they be cleaned?

A1. Taken on notice.

Q2. The Cricket Club have reported the poor state of the guttering at the club, some of which is falling down and could be an OHS issue for the Shire. Has anything happened regarding rectifying this?

A2. Taken on notice.

12.2 Cr Townsend – Environmental Levy

Q1. Are we sure that whenever appropriate the environmental levy is being paid into the Reserve Fund set aside for this?

A. The Chief Executive Officer confirmed that this is happening as per the Resolution of Council.

12.3 Cr Townsend – Development on Berkshire Road

Q. I have been contacted by several residents regarding a dust problem on Berkshire Road, which I did refer through to the Shire during the week, is there an update on this situation.

A. The Director of Development and Infrastructure answered that there is ongoing communications with the land owners to request that they try and suppress the dust problem.

12.4 Cr Geoff Stallard – Road Works

Q. On the first day back at school there were road works outside St Brigid's College, could this be avoided in the future?

A. Taken on notice.

13.0 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

13.1 Nil.

14.0 URGENT BUSINESS APPROVED BY THE PERSON PRESIDING OR BY DECISION

14.1 Nil.

15.0 MEETING CLOSED TO THE PUBLIC

15.1 Nil.

16.0 CLOSURE

There being no further business, the Chairman declared the meeting closed at 7.32pm.

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

Signed: _____
Chairman

Dated this _____ day of _____ 2012