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Shire of Kalamunda

Planning Services  
Committee

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Agenda for 8 March 2011



## **NOTICE OF MEETING PLANNING SERVICES COMMITTEE**

Councillors

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

**8 March commencing at 6.30pm**

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

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

1. Standing Committees are open to the public, except for Confidential Items listed on the Agenda.
2. Standing Committees have a membership of all 12 Councillors.
3. Unless otherwise advised a Committee makes recommendations only to Full Council (Held on the third Monday of each month at 6.30 pm).
4. Members of the public are able to ask questions at a Committee Meeting, however, the questions should be related to the functions of the Committee.
5. Members of the public wishing to make a comment on any Agenda item may request to do so by advising staff prior to commencement of the Committee Meeting.
6. Comment from members of the public on any item of the Agenda is usually limited to 3 minutes and should address the recommendations (at the conclusion of the report).
7. It would be appreciated if silence is observed in the gallery at all times except for Question Time.
8. All other arrangements are in general accordance with Council's Standing Orders, the Policies and decision of person Chairing the Committee or Council Meeting.
9. Members of the public who are unfamiliar with meeting proceedings are invited to seek advice at the meeting by signalling to a staff member.

James Trail  
**Chief Executive Officer**  
2 March 2011

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



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## AGENDA

### 1.0 OFFICIAL OPENING

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

### 3.0 PUBLIC QUESTION TIME

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

### 4.0 PETITIONS/DEPUTATIONS

### 5.0 APPLICATIONS FOR LEAVE OF ABSENCE

### 6.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

6.1 That the Minutes of the Planning Services Committee Meeting held on 7 February 2011 are confirmed as a true and correct record of the proceedings.

#### Statement by Presiding Member

"On the basis of the above Motion, I now sign the minutes as a true and accurate record of the meeting of 7 February 2011".

### 7.0 ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION

### 8.0 MATTERS FOR WHICH MEETING MAY BE CLOSED

### 9.0 DISCLOSURE OF INTERESTS

#### 9.1 Disclosure of Financial and Proximity Interests

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

#### 9.2 Disclosure of Interest Affecting Impartiality

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

**10.0 REPORT TO COUNCIL**

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





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

**06. Lot 301 (384) Holmes Road, Forrestfield - Local Planning Scheme No. 3 Amendment No. 36 – Additional Uses – Veterinary Centre and Consulting Rooms**

Previous Items	PS 64/2010
Responsible Officer	Director Planning and Development Services
Service Area	Planning and Development Services
File Reference	PG-LPS-003/036
Applicant	R Spiccia
Owner	R Spiccia
Attachment 1	Locality Plan
Attachment 2	Scheme Zoning Map
Attachment 3	Site Plan

**PURPOSE**

1. To adopt Amendment No. 36 to Local Planning Scheme No. 3 (“the Scheme”) to allow for the additional uses of Veterinary Centre and Consulting Room to be considered on Lot 301 (384) Holmes Road, Forrestfield. Refer to the locality plan (Attachment 1), Scheme Zoning Map (Attachment 2) and Site Plan (Attachment 3).

**BACKGROUND**

2. In October 2010 Council resolved (Resolution PS 64/2010) to initiate Amendment No. 36 to the Scheme, to allow for the use of a Veterinary Centre and Consulting Room to be considered on Lot 301 (384) Holmes Road, Forrestfield.

**DETAILS**

3. The applicants are seeking approval to allow for the uses Veterinary Centre and Consulting Room to be considered on the subject property, in addition to those already able to be considered (Office and Shop).
4. Prior to development occurring on the property, the following condition was included in Schedule 4 of the Scheme so that the amenity of the local area was not detrimentally impacted:
 

“(a) *The development of the site shall be limited to a total of 580sqm gross leasable area, comprising an Office 340sqm and a Delicatessen Shop 240sqm.*”

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5. As development has already occurred on the property, it is proposed that this condition be deleted and replaced with the following:
- “The development of the site shall be limited to a total of 580sqm gross leasable area.”*
6. The applicant’s justification in support of a consulting room and veterinary centre being considered as a additional uses on the property, is as follows:
- *“At the present time, there are various professionals who are looking at the property. In particular, a vet and doctor are interested as they feel there is a lack of these services in the Forrestfield area.*
  - *The property is well located, easily accessible, modern, tidy and with good facilities.”*

### **STATUTORY AND LEGAL IMPLICATIONS**

7. The *Town Planning Regulations 1967* establishes 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**

8. Nil.

### **PUBLIC CONSULTATION/COMMUNICATION**

9. The proposal was advertised for 42 days in accordance with the provisions of the *Town Planning Regulations 1967*. This involved a local public notice in a paper circulating the District, a sign being erected on the subject property and the proposal being referred to affected landowners for comment.
10. During the formal advertising period, six non-objections were received from nearby landowners.

### **FINANCIAL IMPLICATIONS**

11. Nil.

### **STRATEGIC AND SUSTAINABILITY IMPLICATIONS**

#### **Strategic Planning Implications**

12. The subject property abuts Residential zoned properties and is within close proximity to other commercial premises.

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## **Sustainability Implications**

### Social Implications

13. The proposed uses are services required frequently by residents and will not have a detrimental impact on the amenity of the local area.

### Economic Implications

14. Allowing for additional uses on the property would potentially create more local jobs, thereby providing a stimulus for the local economy.

### Environmental Implications

15. Due to its proximity to residential properties and bus routes, there will be less need for residents to use private vehicles when visiting the property.

## **OFFICER COMMENT**

16. It is considered that the proposed additional uses will not have a detrimental impact on the amenity of the local area due to:
- No additional buildings being permitted.
  - The proposed uses being small scale in nature.
  - There being space for an adequate amount of car parking on site.
17. Matters relating to issues such as noise will be addressed when development applications are received for the uses.
18. Taking into consideration the above, it is recommended that the proposed amendment be supported and finally adopted.

## **OFFICER RECOMMENDATION (PS 06/2011)**

1. That Council notes the submissions received and 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. 36

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

1. Including Consulting Rooms and Veterinary Centre under item 4 of Schedule 4 (Special Uses).
2. Delete condition (a) currently under item 4 of the Scheme's Schedule 4 as follows:  
*"(a) The development of the site shall be limited to a total of 580sqm gross leasable area, comprising an Office 340sqm and a Delicatessen Shop 240sqm."*
3. replace condition (a) under item 4 of the Scheme's Schedule 4 with the following:  
*"(a) The development of the site shall be limited to a total of 580sqm gross leasable area"*

Moved:

Seconded:

Vote:

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

**07. Lot 49 (199) Crystal Brook Road, Wattle Grove – Parking of Two Commercial Vehicles**

Previous Items	N/A
Responsible Officer	Director Planning and Development Services
Service Area	Planning and Development Services
File Reference	CR-27/199
Applicant	A and J McHugh
Owner	A and J McHugh
Attachment 1	Locality Plan
Attachment 2	Site Plan
Attachment 3	Photograph of parking location from Crystal Place
Attachment 4	Photograph of parking location from Crystal Brook Road
Attachment 5	Consultation Plan

**PURPOSE**

1. To consider an application for retrospective planning approval to park two commercial vehicles (school buses) at Lot 49 (199) Crystal Brook Road, Wattle Grove. Refer to the Locality Plan (Attachment 1), Site Plan (Attachment 2) and photographs of the commercial vehicle parking area from Crystal Place (Attachment 3) and Crystal Brook Road (Attachment 4).
2. The application is referred to Council on the basis that a complaint has been received regarding commercial vehicles being parked on the subject property. Local Planning Policy DEV22 – “Parking of Commercial Vehicles on Private Property” (“the Policy”) stipulates that, where complaints have been received, the application will be referred to Council for determination. Therefore the subject application cannot be determined under delegation.

**BACKGROUND**

3. The subject property is 1.1ha, zoned Special Rural, contains a single dwelling and has direct access onto Crystal Place. Mature vegetation exists throughout the property.
4. In December 2010, a complaint was received that three commercial vehicles (all school buses) were being parked on the property without planning approval having been obtained.
5. In January 2011, a planning application was received by the Shire to park two commercial vehicles on the property. The applicant advised that the third commercial vehicle was in the process of being sold and would be removed from the subject property by the end of March 2011.

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**DETAILS**

6. Details of the commercial vehicles parked on the property are as follows:

	<b>BUS 1</b>	<b>BUS 2</b>	<b>POLICY REQUIREMENTS (RIGID TYPE)</b>
MAKE	Scania	Scania	
TYPE	Bus	Bus	
YEAR	1997	2009	
LENGTH	12.5m	12.5m	11m
HEIGHT	3.6m	3.6m	4.3m
WIDTH	2.5m	2.5m	2.5m
TARE WEIGHT	11.6 tonnes	11.6 tonnes	
LICENCE NO.	9KH 867	1DEK 006	

**STATUTORY AND LEGAL IMPLICATIONS**

7. Under the Zoning Table 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.
8. 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."*
9. Clause 5.20 of the Scheme 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.
10. In considering an application for planning approval, the Scheme requires the Shire to have due regard to the following:
- The compatibility of the development within its settings.
  - The preservation of the amenity of the locality.
  - The likely effect of the height, bulk, scale, orientation and appearance of the proposal.

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- Whether the proposed means of access and egress from the property are adequate.
  - Any relevant submissions received on the application.
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. 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:
- The parking of a maximum of two commercial vehicles can be considered on Special Rural zoned properties.
  - The commercial vehicle shall not exceed (rigid type) 11m in length, 2.5m in width and 4.3m in height.
  - 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.
  - 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.

### **PUBLIC CONSULTATION/COMMUNICATION**

13. The proposal was advertised for 14 days to nearby property owners for comment in accordance with clause 9.4.3 of the Scheme, due to potentially having an impact on the amenity of the local area. Five non-objections and one objection were received. Refer to the Consultation Plan (Attachment 5).
14. Concerns raised during advertising included:
- Noise issues.
  - Diesel fumes.
  - Inadequate screening.
15. The submitter objecting to the application has requested that their details be kept confidential and are therefore not shown on the Consultation Plan.

### **FINANCIAL IMPLICATIONS**

16. Nil.

## **STRATEGIC AND SUSTAINABILITY IMPLICATIONS**

### **Strategic Planning Implications**

17. Nil.

### **Sustainability Implications**

#### Social implications

18. Any potential impacts the commercial vehicles may have on the amenity of the local area can be addressed through the inclusion of conditions.

#### Economic Implications

19. Nil.

#### Environmental Implications

20. Nil.

## **OFFICER COMMENT**

21. The proposal complies with the requirements of the Policy and the Scheme with the exception of the vehicles' length (12.5m in lieu of 11m) and the time the vehicles will be used from (6.40am in lieu of 7am).

22. The commercial vehicles will be screened from public view sufficiently due to the following:

- Existing mature vegetation being retained along the Crystal Brook Road frontage.
- Existing 3.5m high shade cloth along the Crystal Brook Road frontage being retained and additional screening (shade cloth) to be installed adjacent to the Crystal Place frontage.
- The commercial vehicles being parked approximately 12m from the nearest dividing boundary which has a 1.8m high solid fence along it.
- The commercial vehicles being parked behind the front alignment of the dwelling.
- The commercial vehicles being parked approximately 34m from the Crystal Place road reserve and 47m from the Crystal Brook Road reserve, and will be approximately 60m from the nearest dwelling on the adjoining property.



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23. A recommended condition of approval is that the additional screening be in place within 28 days from the date of the approval.
  24. The property is situated along a cul-de-sac where vehicle and pedestrian volumes are low. The design of the parking area, the size of the property and road reserve will mean that the vehicles can enter and leave the property in a safe manner and not impact the flow of vehicular and pedestrian movement.
  25. As the commercial vehicles will only be used during school term there will be occasions when the vehicles are not used.
  26. Considering the above it is recommended that the application be approved by Council.

#### **OFFICER RECOMMENDATION (PS 07/2011)**

1. That Council approves the application dated 21 December 2010 to park two commercial vehicles (Scania school buses registration numbers 9KH 867 and 1DEK 006) on Lot 49 (199) Crystal Brook Road, Wattle Grove, subject to the following conditions:
  - a. When parked on the property the vehicles must, at all times, be parked in the approved location as shown on the approved site plan.
  - b. The commercial vehicles are only to be operated between the hours of 6.40am and 6.00pm Monday to Friday during school term.
  - c. 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.
  - d. The approval is personal to the applicant and shall not be transferred or assigned to any other person, property or commercial vehicle (including trailers).
  - e. The additional screening is to be installed in the approved location shown on the site plan within 28 days of the approval date, and maintained by the landowner thereafter to the satisfaction of the Shire's Director Planning and Development Services.

Moved:

Seconded:

Vote:



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

**08. Public Art Strategy-Kalamunda Town Centre**

Previous Items	PC37- 2010
Responsible Officer	Director Planning and Development Services
Service Area	Planning and Development Services
File Reference	PG-STU-019
Applicant	N/A
Owner	N/A
Attachment 1	Locality plans (A-J)
Attachment 2	Public Art Strategy Document
Attachment 3	Submission Table

**PURPOSE**

1. To consider the endorsement of the Public Art Strategy (“the Strategy”) for Kalamunda Town Centre.

**BACKGROUND**

2. The Strategy was commissioned in 2010 with the intent to build and expand on a number of key art opportunities identified in the Townscape Improvement Plan for Kalamunda Town Centre.
3. In June 2010, Council resolved to adopt the Strategy for the purpose of public advertising. It was initially advertised in August 2010, together with the Town Centre Improvement Plan, but did not seem to have been recognised as a separate document. This resulted in few responses and acknowledgment of the document. As a consequence, the document was readvertised in December 2010 to allow for further opportunity for the public to consider the document.

**DETAILS**

4. The Strategy builds on and expands on a number of key areas of opportunity identified in the Townscape Improvement Plan for Kalamunda Town Centre. It also identifies additional opportunities for public art commissioned by the Shire of Kalamunda and private developers.
5. In addition to the Strategy building on the Townscape Improvement Plan, preparation of the Strategy included consideration of a number of local factors, namely:
  - The forest location and natural environment.
  - Scale of the art works not detracting from the character of the town centre.
  - Materials and colours suitable for the climate.

- Public safety and access.
- Art work themes.

6. The Strategy separates the proposed artworks into three commissions, with each commission linked to a particular theme. The Strategy also provides a costing to commission each of the works. The location of each of the proposed artworks is identified in Locality Plan (Attachment 1).

### **Stage 1 Commissions:**

7. These are linked thematically to the Kalamunda forest environment.

Location a: Intersection of Haynes Street and Railway Roads

- This commission is for a tall stand-alone three dimensional artwork of approximately 4 m which will provide a strong focal point at the top of Haynes Street. The artwork will provide a link to the artwork leading to the entry point of the Zig Zag Cultural Centre.
- Commission value: \$60,000.

Location b: Small artworks integrated into and on the planter boxes in Haynes Street

- This commission is for an artist to work in collaboration with the builder contracted to make the planter boxes recommended as part of the Townscape Improvement Plan for the Town Centre. The artwork may take the form of a variety of small metal artworks.
- Commission value: \$70,000.

Location c: Seat and pavement artworks on the corner of Barber and Haynes Streets

- Utilising an existing mature marri tree, the proposal is to build on the seating proposal identified in the Kalamunda Townscape Improvement Plan; artwork could be included in the paving surrounding the seat the intention is to provide. One or more small to medium scale sculptures could also be included.
- Commission value: \$50,000.

Location d: Medium scale sculpture, corner of Canning and Haynes Street

- The commission is for a medium scale, three dimensional artwork of no more than 1.6m high, positioned on the corner of Canning Road and Haynes Street. The work should be more abstract than the gum nuts sculpture located at the roundabout on Canning and Kalamunda Roads,

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focusing on shape texture and pattern.

- Commission value: \$30,000.

Location e: Temporary Artworks

- These have a lifespan of up to five years and provide opportunities for activating blank building façades such as Coles Supermarket and Bunnings. These and other blank walls could be activated by a festival of wall art where artists are invited to paint designs onto large bland, flat surfaces. The design can be big, bold, colourful and fun and represent a particular theme.
- Cost: \$10,000 for 8 sqm, including stencils, designs and spray time

### **Stage 2 Commissions:**

8. Stage 2 and 3 Commissions are more playful and although two of the sculptures do focus on the environment, others respond more to user needs and human activity.

Location f: The northern entrance to the Bibbulmun Track at the intersection of Mead and Railway Road

- Artwork at this location is intended to celebrate the beginning or end of the track. The artwork can be playful and interactive and could include a sound element. It should be strongly linked to the forest, but should intrigue not replicate.
- Commission value: \$60,000.

Location g: Interactive play sculptures, Public Open Space between Haynes Street, Barber Street and the back of the Central Mall

- There are two distinct but adjoining spaces in this location. The location selected for this artwork is located closest to the community hall. The location is already used as a seating spot for families and workers having lunch.
- The commission is for a series of interactive play sculptures that children can safely climb over, through and on. The artwork should continuously engage and intrigue children. Tough materials such as bronze are recommended.
- Commission value: \$80,000.

Location h: Small to medium scale artworks in Haynes Street – Banks and Coffee Shops.

- Half way along Haynes Street there is an opportunity to position two small to medium scale artworks no more than 1.2m high on both sides of the street. The theme of the artworks should reflect the current uses that people make of the space, for example buskers often perform outside the banks, and the artwork could reflect this activity.
- Commission value: \$50,000.

### Stage 3 Commissions:

#### 9. Location i: Seat on the corner of Railway Road and Haynes Street

- There is a wide pavement edge on the corner of Haynes Street and Railway Road directly opposite the existing library and small park. This spot cannot be easily seen from Haynes Street and does not conflict visually with the line of sight up Haynes Street to the proposed artwork at the top of Haynes Street. The commission is for a small sculptured seat and/or resting spot for pedestrians.
- Commission value: \$30,000.

#### Location j: Barber Street

- When Barber Street is improved as part of the Townscape Improvement Plan, artworks should form part of the new streetscape. There will be one commission for the whole of Barber Street. This will comprise a series of up to 6 small to medium scale artworks integrated into small pocket parks, gardens and setbacks from the footpath. In addition two larger works, or one straddling both corners, should herald the entrance to Mead Street.
- There are no themes for these artworks. Artists should respond to the built environment and the use of the street, in particular during market days.
- Commission value: \$150,000.

### STATUTORY AND LEGAL IMPLICATIONS

10. Nil.

### POLICY IMPLICATIONS

11. Nil.

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**PUBLIC CONSULTATION/COMMUNICATION**

12. In December 2010, the Strategy was advertised for four weeks. Five submissions were received, the main issues raised in the submissions were:
- Activating blank façades such as the Coles façade is a positive idea.
  - Aboriginal heritage should be acknowledged through this process.
  - The considerable artist community in the Shire should be used to generate ideas.
  - School children art work might be used.
  - This proposal will only benefit Kalamunda whereas the majority of rate payers are outside of Kalamunda.
  - Proposed 1% levy for art should not be imposed onto developments outside of Kalamunda if only Kalamunda benefits.
  - If the art is too sophisticated not many residents will be able to enjoy it.
  - The strategy is sound, the actual choice of art work will have to be done with considerable effort to ensure an appropriate standard.
  - The balance between bringing tourists to the town centre and the amenity enjoyed by residents of Kalamunda has to be maintained.
  - Establishing a selection panel including local artists and community is important.
13. Responses to each of the submissions are provided in the Submission Table (Attachment 3). Overall the response to the proposed strategy was very positive. It is acknowledged that the selection of the actual art works will be a crucial element of implementing this strategy and that suitably qualified and experienced persons need to be included in the reference group.
14. The concern expressed about Shire-wide funds and rates being used to upgrade only Kalamunda township area are noted. If a Percent for Art Policy was to be adopted, the Policy could operate on the same principle as Public Open Space contribution, in that the funds will have to be spent within the area they are generated. However, this requires further investigation. Importantly, this levy could also be used for public art work outside the Kalamunda Town Centre.

**FINANCIAL IMPLICATIONS**

15. Implementation of the proposed art work commissions will require financial commitments from Council through annual budgeting process over a

considerable period. Other sources of funding would have to be investigated.

The value of the art work listed in the report has been calculated at 2010 costs and therefore is subject to change. The commissioning of art work for

the Town Centre area is included in the schedule of works and costing to be prepared for the implementation of the Town Centre Improvement Plan and budgeted accordingly.

Additional costs likely to be incurred include those applicable to consultants assisting with the coordination of the commissioned artwork.

## **STRATEGIC AND SUSTAINABILITY IMPLICATIONS**

### **Strategic Planning Implications**

16. Outcome 1.2 - Vibrant Arts and Cultural Life Community.

Outcome 2.2 - Development of Urban Design to meet community aspirations of history, heritage and lifestyle values.

### **Sustainability Implications**

#### Social Implications

17. The proposed artwork commissions will make the Kalamunda Town Centre more attractive to local residents and those living outside the Shire.

#### Economic Implications

18. The strategy will offer opportunities for local businesses to improve their active shop fronts, such as Bunnings and Coles. As recommended in the Townscape Improvement Plan for the Town Centre. Such improvements should improve the visual amenity of the area thus attracting more people to shop in the Town Centre.

#### Environmental Implications

19. Nil.

## **OFFICER COMMENT**

20. The placement of artworks as proposed in the Strategy will stimulate interest and pride in the Town Centre from both the community and local businesses. It will contribute to increased levels of pedestrian activity, making public spaces pleasant, attractive and safe.

21. It is evident from the submission received, that the community is generally supportive of the Strategy.



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22. Critical to the process will be the selection of a Project Reference Group comprising Shire staff and suitably experienced and qualified members of the art community. The Group will manage and make recommendations on the art work to be commissioned. The Project Reference Group will require a terms of reference to ensure the requirements of the Group are fully understood.
23. It is therefore recommended that the Public Art Strategy for the Kalamunda Town Centre be endorsed. It is also recommended that the work on the selection of the members of the Group commence as soon as the Strategy is supported by the Shire's annual budget.

**OFFICER RECOMMENDATION (PS 08/2010)**

1. That Council endorses the Public Art Strategy for the Kalamunda Town Centre.
2. That a Project Reference Group be formed comprising Shire staff and suitably qualified and experienced members of the art community to manage each of the proposed art work commissioned.
3. The Project Reference Group to prepare a schedule of the commissioned works detailing the concept proposal, projected costs and time frames for the completion of the art work for Council consideration and endorsement.

Moved:

Seconded:

Vote:



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

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

Previous Items	9.31 May 2001 PSC
Responsible Officer	Director Planning & Development Services
Service Area	Health
File Reference	LE-LOL-026
Applicant	N/A
Owner	N/A
Attachment 1	<i>Health Act 1911: Shire of Kalamunda Health Local Laws 2011</i>
Attachment 2	<i>Local Government Act 1995: Shire of Kalamunda Keeping and Control of Animals and Nuisance Local Law 2011</i>

**PURPOSE**

1. For Council to reconsider amending the Shire of Kalamunda Health Local Laws 2001 and adopting the Shire of Kalamunda Keeping and Control of Animals and Nuisance Local Law 2011.

**BACKGROUND**

2. Council considered this matter in the May 2010 round of meetings and it was resolved:
 

*“That the item be deferred to the July Planning Services Committee meeting subject to further advice being obtained and a Councillor forum being held.”*
3. Council raised concerns with the clauses relating to the keeping of poultry and roosters.
4. Council again considered this matter in the July 2010 round of meetings and endorsed the proposed actions:
  - a. To prepare a discussion paper for Councillors.
  - b. Hold a Councillor Forum.
  - c. Provide the information from the Forum to the Shire solicitors to prepare draft local laws.
  - d. Prepare a further report for Council to reconsider the Shire of Kalamunda Health Local Laws 2001 review.

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**DETAILS**

5. A briefing paper was provided to all Councillors to consider aspects of the local law relating to the keeping of poultry and roosters and smoke nuisances.
6. A Councillor Forum was held on 26 July 2010 and consensus was reached on the required elements of the local laws relating to the keeping of poultry and roosters and smoke nuisances.
7. The information gained from the Forum was provided to the Shire solicitors, McLeod's, who were briefed to prepare draft clauses and review the proposed draft local laws.
8. McLeod's have provided these clauses and made recommendations regarding the local laws generally.

**STATUTORY AND LEGAL IMPLICATIONS**

9. *Local Government Act 1995*  
*Health Act 1911*  
Legal advice and work provide by McLeod's.

**POLICY IMPLICATIONS**

10. Strategy 1.6.8 - provide quality environmental and public health services which comply with and exceed relevant legislation.

**PUBLIC CONSULTATION/COMMUNICATION**

11. The intention to review the local laws was advertised in January 2010.

**FINANCIAL IMPLICATIONS**

12. The review allows Council to alter the amount of the fee, charge or penalty that is set in the local law.

**STRATEGIC AND SUSTAINABILITY IMPLICATIONS****Strategic Planning Implications**

13. Nil.

**Sustainability Implications**Social Implications

14. Local law may impact upon the keeping of poultry in residential areas.

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Economic Implications

15. Nil.

Environmental Implications

16. Nil.

**OFFICER COMMENT**

17. The recommendations from McLeod's have been considered in preparing a revised draft version of the Shire of Kalamunda Health Local Laws 2011 and the Shire of Kalamunda Keeping and Control of Animals and Nuisance Local Law 2010 for Council's consideration.
18. The proposed new Health Local Laws are shown in (Attachment 1). The proposed Keeping and Control of Animal & Nuisance Local Laws are shown in (Attachment 2).
19. It is proposed that the local law amendment be adopted through the following process
- b. That the summary of the purpose and effect of the proposed amended Health Local Laws and of the proposed Keeping and Control of Animal and Nuisance Local Laws be recorded in the Agenda and Minutes.
  - c. State-wide and local public notice of the proposals be given, summarising the purpose and effect of the proposed amendments to the Health Local Laws and of the new Animal and Nuisance Local Laws.
  - d. A copy of the state-wide notice and proposed amendments and new local law is sent to the Minister for Local Government and to the Minister for Health.
  - e. Approval for the amended Health Local Laws must be obtained from the Executive Director Public Health.
  - f. Following a period of at least six weeks from the date of the newspaper notice, all submissions must be considered and a report provided to Council.
  - g. Council considers and resolves to adopt the proposed Health Local Laws amendments and the proposed Animal and Nuisance Local Law.
  - h. The amendments to the Health Local Laws and the proposed Keeping and Control of Animal and Nuisance Local Laws are published in the Government Gazette.

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**OFFICER RECOMMENDATION (PS 09/2011)**

That Council:

1. Resolves to give state-wide public notice of its intention to amend the Shire of Kalamunda Health Local Laws 2001 and to create the Shire of Kalamunda Keeping and Control of Animals and Nuisance Local Law 2011, and invite comment pursuant to Section 3.12 of the *Local Government Act 1995*.
2. Notes in relation to the Shire of Kalamunda Health Local laws that:
  - a. The purpose is to provide for the regulation, control and management of sanitation, housing, waste, food, nuisances, lodging houses and offensive trades as part of the function of local governments to provide good governance of persons within its district and in order to enhance the amenity and quality of life of its residents and the community.
  - b. The effect is to establish requirements relating to the matters referred to in recommendation 2.a. on land within the district.
3. Notes in relation to the Shire of Kalamunda Keeping and Control of Animals and Nuisance Local Laws that:
  - a. the purpose is to provide for the regulation, control and management of:
    - i. The keeping of animals
    - ii. Sand drift, rubbish and litter control on building and construction sites
    - iii. Nuisancesas part of the Local Governments function to provide good governance of persons within its district and in order to enhance the amenity and quality of life of its citizens.
  - b. The effect is to establish requirements relating to the matters referred to in subsection one on land within the district.

Moved:

Seconded:

Vote:

- 11.0            MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**
- 12.0            QUESTIONS BY MEMBERS WITHOUT NOTICE**
- 13.0            QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN**
- 14.0            URGENT BUSINESS APPROVED BY THE PERSON PRESIDING OR BY  
DECISION**
- 15.0            MEETING CLOSED TO THE PUBLIC**
- 16.0            CLOSURE**