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Shire of Kalamunda

# Development and Infrastructure Services Committee

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Minutes for 6 March 2012



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## MINUTES

### 1.0 OFFICIAL OPENING

1.1 The Chairman opened the meeting at 6.30pm and welcomed Councillors, Staff and Members of the Public Gallery.

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

#### 2.1 Attendance

##### Councillors

Donald McKechnie	(Shire President) North Ward
Sue Bilich	North Ward
Margaret Thomas	(Chairman) North Ward
Justin Whitten	South West Ward
Allan Morton	South West Ward
Noreen Townsend	South West Ward
Geoff Stallard	South East Ward
Frank Lindsey	South East Ward
John Giardina	South East 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 Planning and Development Services
Andrew Fowler-Tutt	Manager Development Services
Darrell Forrest	Manager Governance
Gerard Thomas	Manager Technology and Corporate Support
Meri Comber	Minute Secretary

**Members of the Public** 6

**Members of the Press** 1

#### 2.2 Apologies

Nil.

#### 2.3 Leave of Absence Previously Approved

Nil.

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**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 Development and Infrastructure Services Committee Meeting held on 6 March 2012 are confirmed as a true and correct record of the proceedings.

Moved: **Cr Bob Emery**

Seconded: **Cr Noreen Townsend**

Vote: **CARRIED UNANIMOUSLY (12/0)**

**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.****21. Lot 13 (562) Kalamunda Road, Kalamunda - Application to Keep More Than Two Dogs**

Previous Items	N/A
Responsible Officer	Director Development and Infrastructure Services
Service Area	Health and Ranger Services
File Reference	RA-ANC-011: ICS-38263
Applicant	Antonio Capizzi – 562 Kalamunda Road, High Wycombe
Owner	F & N Capizzi
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 562 Kalamunda Road, High Wycombe has recently applied to Council requesting permission to keep more than two dogs on the property.
- Clause 3.2.(2) of the Shire of Kalamunda Dogs Local Law 2010 stipulates:  

“The limit on the number of dogs which may be kept on any premises is, for the purpose of section 26(4) of the *Dog Act 1976*, 2 dogs over the age of 3 months and the young of those dogs under that age.”

**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.	Bull Arab Cross	F	Yes	Black/Brown	Sheba	12-3516	7yrs	Kalamunda
2.	Bull Arab Cross	M	No	Brindle	Tiger	12-3508	10 Mths	Kalamunda
3.	Bull Arab Cross	M	No	Black/Brown	Oscar	12-3532	10 Mths	Kalamunda

- In considering the merit of the application, an inspection was undertaken by Ranger 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*.

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6. The property at 562 Kalamunda Road, High Wycombe is 2 hectares and Zoned Urban Development.

### **STATUTORY AND LEGAL IMPLICATIONS**

7. The application for exemption to the Shire's Dogs Local Law 2010 is made under Section 26(3) of the *Dog Act 1976*.
8. 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."
9. 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**

10. Nil.

### **PUBLIC CONSULTATION/COMMUNICATION**

11. 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.
12. There are twenty 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, one property has supported, two have not supported and seventeen did not respond to the application.

### **FINANCIAL IMPLICATIONS**

13. Nil.

### **STRATEGIC AND SUSTAINABILITY IMPLICATIONS**

#### **Strategic Planning Implications**

14. Nil.

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## **Sustainability Implications**

### Social Implications

15. 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

16. Nil.

### Environmental Implications

17. Nil.

## **OFFICER COMMENT**

18. 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; or
  - (b) Council may refuse permission to keep more than two dogs.
19. Two residents surveyed have not supported the application due to the breed of dogs. The Shire of Kalamunda has recorded a previous wandering history from one of the dogs (Sheba) 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.

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**COMMITTEE RECOMMENDATION TO COUNCIL (D&I 21/2012)**

1. That Council, pursuant to Clause 3.2 of the Shire of Kalamunda Dogs Local Law 2010 made under Section 26(3) of the *Dog Act 1976*, grant the exemption to the applicant of 562 Kalamunda Road, High Wycombe to keep three dogs on this property.

Moved: **Cr John Giardina**

Seconded: **Cr Martyn Cresswell**

Vote: **CARRIED UNANIMOUSLY (12/0)**

**Declaration of financial / conflict of interests to be recorded prior to dealing with each item.****22. Lot 754 (14) Pavetta Crescent Forrestfield - Application to Keep More Than Two Dogs**

Previous Items	Nil
Responsible Officer	Director Development and Infrastructure Services
Service Area	Health and Ranger Services
File Reference	RA-ANC-011: ICS - 35895
Applicant	Richard and Wendy Foote – 14 Pavetta Crescent, Forrestfield
Owner	Richard & Wendy Foote
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 14 Pavetta Crescent, Forrestfield has recently applied to Council requesting permission to keep more than two dogs on the property.

**DETAILS**

3. 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.	Finnish Lapphund	M	No	Black/Tan	Zeke	14-1676	6½	Kalamunda
2.	Finnish Lapphund	F	No	Black/Tan	Zana	14-1675	6½	Kalamunda
3.	Finnish Lapphund	M	No	Sable	Modi	14-1678	1½	Kalamunda
4.	Finnish Lapphund	F	No	Sable	Inka	14-1679	1½	Kalamunda

4. In considering the merit of the application, an inspection was undertaken by Ranger 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 14 Pavetta Crescent, Forrestfield is 700 sqm and zoned Residential R20.

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## 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 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, six properties have supported, and one has not supported the application.

## FINANCIAL IMPLICATIONS

12. Nil.

## STRATEGIC AND SUSTAINABILITY IMPLICATIONS

### Strategic Planning Implications

13. Nil.

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## 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; or
  - 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 barking complaint, however this was never proven or continued.
19. One resident surveyed did not support the application but did not give an explanation.
20. 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*.
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 (D&I 22/2012)**

1. That Council, pursuant to Clause 3.2 of the Shire of Kalamunda Dogs Local Law 2010 made under Section 26(3) of the *Dog Act 1976*, approve the exemption to the applicant of 14 Pavetta Crescent, Forrestfield to keep four dogs on this property.

Moved: **Cr Allan Morton**

Seconded: **Cr Justin Whitten**

Vote: **CARRIED UNANIMOUSLY (12/0)**



**Declaration of financial / conflict of interests to be recorded prior to dealing with each item.****23. Lot 21 (160) Carmel Road, Carmel - Application to Keep More Than Two Dogs**

Previous Items	N/A
Responsible Officer	Director Development and Infrastructure Services
Service Area	Health and Ranger Services
File Reference	RA-ANC-011: ICS-39536
Applicant	Gary and Robyn Searle – 160 Carmel Road, Carmel
Owner	Gary and Robyn Searle

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 160 Carmel Road, Carmel has recently applied to Council requesting permission to keep more than two dogs on the property.
- Clause 3.2.(2) of the Shire of Kalamunda Dogs Local Law 2010 stipulates:

“The limit on the number of dogs which may be kept on any premises is, for the purpose of section 26(4) of the *Dog Act 1976*, 2 dogs over the age of 3 months and the young of those dogs under that age.”

**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 X	M	Yes	Black / Tan	Diego	13-2166	6 yrs	Kalamunda
2.	Maltese x	M	Yes	Black	Banjo	13-2167	6 1/2 yrs	Kalamunda
3.	Beagle	F	Yes	Tan / Black	Lilly	13-2880	3 1/2 yrs	Kalamunda

- In considering the merit of the application, an inspection was undertaken by Ranger 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*.

- 
6. The property at 160 Carmel Road, Carmel is 2494sqm and Zoned Residential Bushland.

### **STATUTORY AND LEGAL IMPLICATIONS**

7. The application for exemption to the Shire's Dogs Local Law 2010 is made under Section 26(3) of the *Dog Act 1976*.
8. 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."
9. 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**

10. Nil.

### **PUBLIC CONSULTATION/COMMUNICATION**

11. 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.
12. 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, all four properties have supported the application.

### **FINANCIAL IMPLICATIONS**

13. Nil.

### **STRATEGIC AND SUSTAINABILITY IMPLICATIONS**

#### **Strategic Planning Implications**

14. Nil.

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## Sustainability Implications

### Social Implications

15. 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

16. Nil.

### Environmental Implications

17. Nil.

## OFFICER COMMENT

18. 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; or
  - (b) Council may refuse permission to keep more than two dogs.
19. This application is submitted due to a change in address by the applicants. They have previously held an approved Multiple dog application for the same three dogs at 8 James Road, Kalamunda. The Shire of Kalamunda has not received any formal complaints in relation to these dogs.
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 (D&I 23/2012)**

1. That Council, pursuant to Clause 3.2 of the Shire of Kalamunda Dogs Local Law 2010 made under Section 26(3) of the *Dog Act 1976*, grant the exemption to the applicant of 160 Carmel Road, Carmel to keep three dogs on this property.

Moved: **Cr Noreen Townsend**

Seconded: **Cr John Giardina**

Vote: **CARRIED UNANIMOUSLY (12/0)**

**Declaration of financial / conflict of interests to be recorded prior to dealing with each item.****24. Lot 79 (136) Midland Road, Maida Vale -Application to Keep More Than Two Dogs**

Previous Items	N/A
Responsible Officer	Director Development and Infrastructure Services
Service Area	Ranger Services
File Reference	RA-ANC-011: ICS-38656
Applicant	Lynley Blokker – 136 Midland Road, Maida Vale
Owner	LM & PJ Blokker

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 136 Midland Road, Maida Vale has recently applied to Council requesting permission to keep more than two dogs on the property.
- Clause 3.2.(2) of the Shire of Kalamunda Dogs Local Law 2010 stipulates:  
  
"The limit on the number of dogs which may be kept on any premises is, for the purpose of section 26(4) of the *Dog Act 1976*, 2 dogs over the age of 3 months and the young of those dogs under that age."

**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.	Doberman	F	Yes	Black & Tan	Greta	14-1078	10 yrs	Kalamunda
2.	Doberman	F	No	Black & Tan	Ruby	12-1542	2 yrs	Kalamunda
3.	Doberman	F	No	Black & Rust Red	Elle	14-1890	3 mths	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 136 Midland Road, Maida Vale is 4000 sqm and Zoned Residential Bushland.

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## STATUTORY AND LEGAL IMPLICATIONS

7. The application for exemption to the Shire's Dogs Local Law 2010 is made under Section 26(3) of the *Dog Act 1976*.
8. 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."
9. 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

10. Nil.

## PUBLIC CONSULTATION/COMMUNICATION

11. 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.
12. 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 supported the application.

## FINANCIAL IMPLICATIONS

13. Nil.

## STRATEGIC AND SUSTAINABILITY IMPLICATIONS

### Strategic Planning Implications

14. Nil.

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## Sustainability Implications

### Social Implications

15. 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

16. Nil.

### Environmental Implications

17. Nil.

## OFFICER COMMENT

18. 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; or
  - (b) Council may refuse permission to keep more than two dogs.
19. Two residents surveyed have not supported the application due to the size of the dogs and the number of dogs barking 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.

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**COMMITTEE RECOMMENDATION TO COUNCIL (D&I 24/2012)**

1. That Council, pursuant to Clause 3.2 of the Shire of Kalamunda Dogs Local Law 2010 made under Section 26(3) of the *Dog Act 1976*, grant the exemption to the applicant of 136 Midland Road, Maida Vale to keep three dogs on this property.

Moved: **Cr Bob Emery**

Seconded: **Cr Martyn Cresswell**

Vote: **For**  
**Cr John Giardina**  
**Cr Geoff Stallard**  
**Cr Noreen Townsend**  
**Cr Dylan O'Connor**  
**Cr Martyn Cresswell**  
**Cr Allan Morton**  
**Cr Justin Whitten**  
**Cr Bob Emery**  
**Cr Sue Bilich**  
**Cr Donald McKechnie**  
**Cr Margaret Thomas**

**Against**  
**Cr Frank Lindsey**

**CARRIED (11/1)**



**Declaration of financial / conflict of interests to be recorded prior to dealing with each item.****25. Lot 114 (27) Regency Ramble, Wattle Grove - Application to Keep More Than Two Dogs**

Previous Items	N/A
Responsible Officer	Director Development and Infrastructure Services
Service Area	Health and Ranger Services
File Reference	RA-ANC-011: ICS-39465
Applicant	Eamon O'Brien – 27 Regency Ramble, Wattle Grove
Owner	Eamon O'Brien

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 27 Regency Ramble has recently applied to Council requesting permission to keep more than two dogs on the property.
- Clause 3.2.(2) of the Shire of Kalamunda Dogs Local Law 2010 stipulates:  
  
"The limit on the number of dogs which may be kept on any premises is, for the purpose of section 26(4) of the *Dog Act 1976*, 2 dogs over the age of 3 months and the young of those dogs under that age."

**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.	Jack Russell	F	Yes	White / Tan/ Black	Pickles	12-3159	1 yr	Kalamunda
2.	Jack Russell	F	Yes	White / Tan/ Black	Scout	12-3168	8 mths	Kalamunda
3.	Terrier Cross	M	No	Cream /Tan	Scruffy	12-3671	1 yr	Kalamunda

- In considering the merit of the application, an inspection was undertaken by Ranger 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*.

- 
6. The property at 27 Regency Ramble, Wattle Grove is 610 sqm and Zoned Urban Development.

### **STATUTORY AND LEGAL IMPLICATIONS**

7. The application for exemption to the Shire's Dogs Local Law 2010 is made under Section 26(3) of the *Dog Act 1976*.
8. 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."
9. 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**

10. Nil.

### **PUBLIC CONSULTATION/COMMUNICATION**

11. 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.
12. There are three 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 three properties have supported the application.

### **FINANCIAL IMPLICATIONS**

13. Nil.

### **STRATEGIC AND SUSTAINABILITY IMPLICATIONS**

#### **Strategic Planning Implications**

14. Nil.

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## Sustainability Implications

### Social Implications

15. 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

16. Nil.

### Environmental Implications

17. Nil

## OFFICER COMMENT

18. 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; or
  - (b) Council may refuse permission to keep more than two dogs.
19. The Ranger has noted that there is an exercise area directly next to the property and no prior history has been recorded against any of the three dogs.
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 (D&I 25/2012)**

1. That Council, pursuant to Clause 3.2 of the Shire of Kalamunda Dogs Local Law 2010 made under Section 26(3) of the *Dog Act 1976*, grant the exemption to the applicant of 27 Regency Ramble, Wattle Grove to keep three dogs on this property.

Moved: **Cr Allan Morton**

Seconded: **Cr Justin Whitten**

Vote: **CARRIED UNANIMOUSLY (12/0)**

## 26. Shire of Kalamunda Keeping and Control of Animals and Nuisance Amendment Local Law 2012

Previous Items	GS 145/2011
Responsible Officer	Director Development & Infrastructure
Service Area	Health & Rangers
File Reference	LE-LOL-026
Applicant	N/A
Owner	N/A
Attachment 1	Shire of Kalamunda Keeping and Control of Animals and Nuisance Amendment Local Law 2012 – tracked changes
Attachment 2	Shire of Kalamunda Keeping and Control of Animals and Nuisance Amendment Local Law 2012

### PURPOSE

1. For Council to consider making the Shire of Kalamunda Keeping and Control of Animals and Nuisance Amendment Local Law 2012.

### BACKGROUND

2. Council resolved on 15 August 2011 to make the Shire of Kalamunda Keeping and Control of Animals and Nuisance Local Law 2011. The local law was printed in Government Gazette number 169 on 5 September 2011.
3. The Joint Standing Committee on Delegated Legislation reviewed the Shire of Kalamunda Keeping and Control of Animals and Nuisances Local Law 2011 and advised of their intention to recommend disallowance of the Local Law unless they received by Tuesday 22 November 2011 the following undertakings from the Shire of Kalamunda Council:
  - clause 3.1 and 3.2 be amended to include the provision for 'reasonable steps or measures' (or words to that effect) to be taken before an owner/occupier will be liable for escape of sand or other materials from their land;
  - clause 3.4(2)(b) be amended to delete the words "*green garden materials*" from the clause;
  - clause 2.1, 4.7 and 4.8 be amended to remove the inconsistency in the number of cats permitted for the purpose of breeding; and
  - clause 4.5(1)(e) be amended to refer to the relevant Industry Codes if Practice or Australian Standards being in force either as at a particular date or "*as amended from time to time*" and to list the specific documents, either by their full reference or by attaching them in their

entirety as a schedule to the Local Law. Copies of the relevant documents are also to be provided to the Committee.

In addition the Committee is seeking the following standard undertakings:

- all consequential undertakings arising from the undertakings above will be made;
- clauses 3.1, 3.2, 3.4(2)(b), 2.1, 4.5(1)(e) and 4.7 will not be enforced in a manner contrary to the undertakings that Council gives;
- the undertakings will be completed within six months of the date of the Shire's letter giving the undertakings;
- the Shire of Kalamunda will provide a copy of the minutes of the meeting at which the Kalamunda Council resolves to provide the undertakings above; and
- where the Local Law is made publicly available, whether in hard copy or electronic form, it be accompanied by a copy of these undertakings.

4. Council considered this matter in the November 2011 round of meetings and it was resolved:

*"That Council:*

*1. Resolves to amend the Shire of Kalamunda Keeping and Control of Animals and Nuisance Local Law 2011 as follows –*  
*Contents, "4.7. Keeping of more than 3 cats prohibited", be deleted and in its place is inserted "4.7. Keeping of cats"; "4.8 Keeping of more than 3 cats for the purpose of breeding or a cattery", be deleted and in its place is inserted "Keeping of more than 3 cats for the purpose of breeding or boarding";*

*Part 2, clause 2.1, "cattery means a place where more than 3 cats are kept for the purposes of boarding or more than 6 cats are kept for the purpose of breeding;", be deleted;*

*Part 3, clause 3.1, "not cause or permit", be deleted and in its place is inserted "take reasonable and effective measures to prevent";*

*Part 3, clause 3.2, "not cause or permit", be deleted and in its place is inserted "take reasonable and effective measures to prevent"; "to be" , be deleted and in its place is inserted "being"; "to escape" , be deleted and in its place is inserted "escaping";*

*Part 3, clause 3.4(2)(b), "green garden materials" , be deleted;*

*Part 4, Division 1, clause 4.5(1)(e), be delete completely;*

*Part 4, Division 1, clause 4.5 “(f)”, be deleted and in its place is inserted “(e)”; “(g)”, be deleted and in its place is inserted “(f)”; “(h)”, be deleted and in its place is inserted “(g)”;*

*Part 4, Division 3, clause 4.7 and clause 4.8, be deleted completely and in their places is inserted –*

*“4.7. Keeping of cats*

*(1) A person may keep up to 3 cats without obtaining approval of the local government.*

*(2) A person shall not keep more than 3 cats unless -*

*(a) it is for the purpose of boarding or breeding; and*

*(b) the person has approval from the local government in accordance with clause 4.8.*

*(3) For the purposes of this clause, the number of cats kept does not include any cats less than 4 months in age.*

*4.8. Keeping of more than 3 cats for the purpose of breeding or boarding*

*(1) An owner or occupier of land who intends to keep more than 3 cats and not more than 6 cats for the purpose of breeding must first obtain approval of the local government in accordance with clause 4.5.*

*(2) An owner or occupier of land who intends to keep more than 3 cats for the purpose of boarding or more than 6 cats for the purpose of breeding, must first obtain approval of the local government to register a cattery in accordance with clause 4.10.”;*

*Schedule 2, column 1 of the table, “4.7”, be deleted and in its place is inserted “4.7(2)”.*

*Resolves to give state-wide public notice of its intention to amend the Shire of Kalamunda Health Local Law 2011, and invites comment pursuant to Section 3.12 of the Local Government Act 1995.”*

5. Gives an undertaking to the Joint Standing Committee on Delegated Legislation that:

- all consequential undertakings arising from the amendments to the Shire of Kalamunda Keeping and Control of Animals and Nuisance Local Law 2011 will be made;
- until such time as the amendments take effect clauses 3.1, 3.2, 3.4(2)(b), 2.1, 4.5(1)(e) and 4.7 of the Shire of Kalamunda Keeping and Control of Animals and Nuisance Local Law 2011 will not be enforced in a manner contrary to the intent of the amendments;

- the amendments will be completed within six months of the date of this resolution;
- where the Local Law is made publicly available, whether in hard copy or electronic form, it will be accompanied by a copy of the proposed amendments and these undertakings.

## **DETAILS**

6. The intention of Council to amend the local law was advertised calling for public submissions in December 2011. The public comment period closed on 10 February 2012.
7. One submission was received from the Department of Local Government (DLG). No public submissions were received.
8. In summary:
  - a. DLG submission requesting a number of minor changes – which are incorporated into the amendment.
  - b. DLG expressed concern as to whether the proposed changes met the requirements of the Joint Standing Committee on Delegated Legislation

## **STATUTORY AND LEGAL IMPLICATIONS**

9. *Local Government Act 1995*

## **POLICY IMPLICATIONS**

10. Nil.

## **PUBLIC CONSULTATION/COMMUNICATION**

11. The intention to consider amending the local law was advertised in January 2012.

## **FINANCIAL IMPLICATIONS**

12. Nil.

## **STRATEGIC AND SUSTAINABILITY IMPLICATIONS**

### **Strategic Planning Implications**

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



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## Sustainability Implications

### Social implications

14. Nil.

### Economic Implications

15. Nil.

### Environmental Implications

16. Nil.

## OFFICER COMMENT

17. A copy of the proposed amendments was forwarded to the Joint Standing Committee on Delegated Legislation for comment. Comment has been received advising that the proposed amendments are satisfactory. One additional change is required relating to clause 4.7(3). Amended to refer to cats "less than 6 months of age", to be consistent with the *Cat Act 2011*.
18. It was noted that the original definition of animal did not include restricted poultry. This oversight has been corrected in the proposed amendment.
19. Recommendations and suggestions from the DLG have been considered and incorporated in the draft local law. (Attachment 1) tracks all proposed changes to the draft local law and (Attachments 2) shows the untracked version of the local law.
20. The approval process now is as follows;
- a. Council resolves to make the local law.
  - b. The local law is published in the Government Gazette. The Shire of Kalamunda Keeping and Control of Animals and Nuisance Amendment
  - c. Local Law 2012 comes into effect 14 days after the date of gazettal.
  - d. Copies of the amendment sent to the DLG.
  - e. Copy of the local law sent to the Joint Standing Committee on Delegated Legislation.
22. Recommend that Council resolves to make the Shire of Kalamunda Keeping and Control of Animals and Nuisance Amendment Local Law 2012 as shown in (Attachment 2).

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**COMMITTEE RECOMMENDATION TO COUNCIL (D&I 26/2012)**

1. That Council resolves to make the Shire of Kalamunda Keeping and Control of Animals and Nuisance Amendment Local Law 2012 as shown in (Attachment 2).

Moved: **Cr Martyn Cresswell**

Seconded: **Cr Frank Lindsey**

Vote: **CARRIED UNANIMOUSLY / ABSOLUTE MAJORITY (12/0)**

**Declaration of financial / conflict of interests to be recorded prior to dealing with each item.****27. The Parking of One Commercial Vehicle – Lot 30 (86) Lesmurdie Road, Lesmurdie**

Previous Items	Nil
Responsible Officer	Director Development and Infrastructure Services
Service Area	Development and Infrastructure Services
File Reference	LS-03/086
Applicant	A De Jager
Owner	W and A De Jager
Attachment 1	Locality Plan
Attachment 2	Site Plan
Attachment 3	Photograph of the Commercial Vehicle in the Proposed Parking Area
Attachment 4	Photograph of the Proposed Commercial Vehicle Parking Area Looking East along Lesmurdie Road

**PURPOSE**

1. To consider a retrospective planning application to continue to park one commercial vehicle (a prime mover) at Lot 30 (86) Lesmurdie Road, Lesmurdie. Refer to the Locality Plan (Attachment 1), the Site Plan (Attachment 2) and the photograph of the commercial vehicle in the proposed parking area (Attachment 3).

**BACKGROUND****2. Land Details:**

Land Area:	1,739sqm
Local Planning Scheme Zone:	Residential R10
Metropolitan Region Scheme Zone:	Urban

3. The subject property contains a single dwelling and has direct access to Lesmurdie Road via two unsealed crossovers.
4. Surrounding properties contain single dwellings, mature vegetation and associated outbuildings. On the opposite side of Lesmurdie Road is a service station at the intersection of Lesmurdie Road and Canning Road.
5. In February 2012, a complaint was received by the Shire that a commercial vehicle was being parked on the property.

6. In February 2012, a retrospective planning application was received to continue to park one commercial vehicle (a prime mover) on the subject property.
7. 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.

## 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 vehicle is proposed to be parked at the property on an irregular basis, dependent on when the applicant is required to take their 24 hour break from driving long distances.
  - The commercial vehicle is proposed to be parked on an unsealed area behind the front alignment of the dwelling, which abuts the east (side) boundary and is 18m from the front boundary.
  - The commercial vehicle will idle for up to one minute, prior to leaving the site and upon arrival.
  - The vehicle will not be loaded or unloaded on site.
  - All major maintenance is to occur off site.
9. Details of the commercial vehicles proposed to be parked on the property are as follows:

	<b>TRUCK</b>	<b>POLICY REQUIREMENTS (ARTICULATED TYPE)</b>
MAKE	International	
TYPE	Prime Mover	
YEAR	2005	
LENGTH	8.1m	17.5m Maximum
HEIGHT	4m	4.3m Maximum
WIDTH	2.45m	2.5m Maximum
TARE WEIGHT	9.8 tonnes	
LICENCE NO.	1DTG 184	

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## STATUTORY AND LEGAL IMPLICATIONS

10. Under the Zoning Table (Table 1) of the Scheme the use "Commercial Vehicle Parking" is classed as an 'A' use in a Residential zoning meaning that it is not permitted, unless Council has granted planning approval after the proposal has been advertised to affected landowners by the Shire.
11. 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."*
12. 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.
13. In considering an application for planning approval, clause 10.2 of the Scheme (Matters to be Considered by Local Government) requires Council to have due regard to:
  - The compatibility of the development within its settings.
  - The preservation of the amenity of the locality.
  - The likely effect of the scale and appearance of the proposal.
  - Whether the proposed means of access and egress from the property are adequate.
  - Any local planning policy adopted by Council.
  - Any relevant submissions received on the application.
14. If Council refuses the application, or imposes conditions that are not acceptable to the applicant, there is a Right of Review (appeal) to the State Administrative Tribunal.

## POLICY IMPLICATIONS

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

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

## **PUBLIC CONSULTATION/COMMUNICATION**

16. 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 submission which provided comment were received.
17. The submitter which provided comment on the proposal advised that if the area is to stay residential then no commercial or other businesses should be permitted.

## **FINANCIAL IMPLICATIONS**

18. Nil.

## **STRATEGIC AND SUSTAINABILITY IMPLICATIONS**

### **Strategic Planning Implications**

19. Nil.

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## **Sustainability Implications**

### Social Implications

20. 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.
21. 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

22. Nil.

### Environmental Implications

23. Nil.

## **OFFICER COMMENT**

24. The proposal complies with the Scheme and the Policy, with the exception of the requirement for a fence or gate with a minimum height of 1.8m to be installed to screen the commercial vehicle from view.
25. When parked in the proposed location on the property the commercial vehicle will have no impact on the streetscape when viewed along Lesmurdie Road, and on the amenity of adjoining landowners. However, the vehicle will be partially visible when viewed from directly in front of the property. Refer to the photograph of the commercial vehicle in the proposed parking area (Attachment 3) and the photograph of the proposed commercial vehicle parking area looking east along Lesmurdie Road (Attachment 4).
26. The distance of the proposed parking area from the front boundary, the existence of semi-mature vegetation in the front setback area of the property, that no objections were received during the advertising period and the size of the commercial vehicle means that the vehicle will have little visual impact when viewed from the street. It therefore considered that a 1.8m high gate or fence is inappropriate.
27. It is recommended that Council approves the application.

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**COMMITTEE RECOMMENDATION TO COUNCIL (D&I 27/2012)**

That Council:

1. Approves the proposal for Alexander De Jager to continue to park one commercial vehicle, an International Prime Mover (registration number 1DTG 184) at Lot 30 (86) Lesmurdie Road, Lesmurdie, subject to the following conditions:
  - a. The vehicle must, at all times, be parked in the location shown on the approved site plan (Attachment 2).
  - b. The commercial vehicle is 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 vehicle, 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 vehicle being a maximum of five minutes.
  - f. Washing of the commercial vehicle on the subject lot is to be limited to the use of water and mild detergent, but not involve the use of any solvents, degreasing substances, steam cleaning and any other processes which may cause pollution or degradation of the environment.
  - g. The approval is personal to the landowner and shall not be transferred or assigned to any other person, property or commercial vehicle.

Moved: **Cr John Giardina**

Seconded: **Cr Geoff Stallard**

Vote: **CARRIED UNANIMOUSLY (12/0)**



**Declaration of financial / conflict of interests to be recorded prior to dealing with each item.****28. The Parking of One Commercial Vehicle – Lot 100 (17) Emanuel Court, Wattle Grove**

Previous Items	Nil
Responsible Officer	Director Development and Infrastructure Services
Service Area	Development and Infrastructure Services
File Reference	EM-01/017
Applicant	J Birch
Owner	J and J Birch
Attachment 1	Locality Plan
Attachment 2	Site Plan
Attachment 3	Photograph of the Commercial Vehicle
Attachment 4	Photograph of the Proposed Commercial Vehicle Parking Area
Attachment 5	Consultation Plan
Attachment 6	Photograph of the Proposed Commercial Vehicle Parking Area from the Shared Driveway

**PURPOSE**

- To consider a retrospective planning application to continue to park one commercial vehicle (a prime mover) at Lot 100 (17) Emanuel Court, Wattle Grove. Refer to the Locality Plan (Attachment 1), the Site Plan (Attachment 2) and the photograph of the commercial vehicle (Attachment 3).

**BACKGROUND****2. Land Details:**

Land Area:	1ha
Local Planning Scheme Zone:	Special Rural
Metropolitan Region Scheme Zone:	Rural

- The subject property contains a single dwelling and has access to Emanuel Court, which is a cul-de-sac, via a driveway shared with 19 Emanuel Court.
- Surrounding properties contain single dwellings, mature vegetation and associated outbuildings.
- No complaints were received regarding the commercial vehicle being parked on the property prior to receiving the application, however during the advertising period objections were received.

6. Local Planning Policy DEV22 – Parking of Commercial Vehicles on Private Property (“the Policy”) stipulates that where objections have been received the application will be referred to Council for determination; therefore the subject application cannot be determined under delegation.

## DETAILS

7. 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 vehicle will be driven between 7.00am and 7.00pm Monday to Saturday and 7.00am to 5.00pm Sundays and public holidays.
  - The commercial vehicle will idle for up to three minutes prior to leaving the site and upon arrival.
  - The vehicle is proposed to be parked on an existing sealed concrete slab at the side of an existing outbuilding (shed), which abuts the shared driveway and is screened by vegetation and 1.8m high, 20m long solid fencing.
  - The vehicle will not be loaded or unloaded on site.
  - All major maintenance is to occur off site.
8. Details of the commercial vehicles proposed to be parked on the property are as follows:

	TRUCK	POLICY REQUIREMENTS (ARTICULATED TYPE)
MAKE	Scania	
TYPE	Prime Mover	
YEAR	2003	
LENGTH	6m	17.5m Maximum
HEIGHT	4.2m	4.3m Maximum
WIDTH	2.4m	2.5m Maximum
TARE WEIGHT	9 tonnes	
LICENCE NO.	1BLL 199	

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## STATUTORY AND LEGAL IMPLICATIONS

9. 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.
10. 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."*
11. 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.
12. 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.
13. In considering an application for planning approval, clause 10.2 of the Scheme (Matters to be Considered by Local Government) requires Council to have due regard to the compatibility of the development within its settings, the preservation of the amenity of the locality, the likely effect of the scale and appearance of the proposal, whether the proposed means of access and egress from the property are adequate, any local planning policy adopted by Council and any relevant submissions received on the application.
14. If Council refuses the application, or imposes conditions that are not acceptable to the applicant, there is a Right of Review (appeal) to the State Administrative Tribunal.

## POLICY IMPLICATIONS

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

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.
  - 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**

16. The proposal was advertised for 14 days to nearby property owners for comment in accordance with clause 9.4.3 of the Scheme. Two non-objections and two objections were received.
17. One of the submitters who objected to the proposal has requested that their response be kept confidential and have therefore not be included on the Consultation Plan. Refer to the Consultation Plan (Attachment 5).
18. Concerns raised during advertising include the following:
  - More than one commercial vehicle being parked at the property.
  - Major maintenance (such as welding and body part repairs) being conducted on the commercial vehicles.
  - The maintenance of the commercial vehicles being conducted late at night and the noise emitted being excessive.
  - The commercial vehicles causing damage to the shared driveways.

#### **FINANCIAL IMPLICATIONS**

19. Nil.

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## STRATEGIC AND SUSTAINABILITY IMPLICATIONS

### Strategic Planning Implications

20. Nil.

### Sustainability Implications

#### Social Implications

21. 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

22. Nil.

#### Environmental Implications

23. Nil.

## OFFICER COMMENT

24. The proposal complies with the Scheme and the Policy requirements.
25. The commercial vehicle will not have any visual impact on adjoining landowners because of the existing outbuilding, fencing and vegetation screening the proposed parking area. Refer to the photograph of the proposed commercial vehicle parking area from the shared driveway (Attachment 6).
26. Following the advertising period and having inspected the property because of the concerns raised during the advertising period, a commercial trailer was being parked on the property. However, the applicant has advised that it has now been sold and will be moved off site. In the event that Council supports the application shire staff will monitor the site to ensure the trailer is removed.
27. The applicant has advised that no additional commercial vehicles will be parked on the property and only minor maintenance to the subject commercial vehicle will occur on site.
28. If any noise complaints are received in future, the matter will be dealt with by the Shire in accordance with the *Environmental Protection (Noise) Regulations 1997*.
29. There is no evidence to suggest that any damage to the shared driveway that does exist was caused by the commercial vehicle.

30. In light of the above comments, it is recommended that Council approves the application.

**OFFICER RECOMMENDATION (D&I 28/2012)**

That Council:

1. Approves the proposal for John Birch to continue to park one commercial vehicle, a Scania Prime Mover (registration number 1BLL 199) at Lot 100 (17) Emanuel Court, Wattle Grove, subject to the following conditions:
  - a. The vehicle must, at all times, be parked in the location shown on the approved site plan (Attachment 2).
  - b. The commercial vehicle is only to be operated between the hours of 7.00am and 7.00pm Monday to Saturday and 7.00am to 5.00pm Sundays and public holidays.
  - c. Approval of the parking activity does not include approval for the loading of the commercial vehicle, 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 between the hours designated in condition b. No panel beating, spray painting, welding or the removal of major body or engine parts is permitted.
  - e. The idling time for the start-up and cool down of the vehicle being a maximum of five minutes.
  - f. Washing of the commercial vehicle on the subject lot is to be limited to the use of water and mild detergent, but not involve the use of any solvents, degreasing substances, steam cleaning and any other processes which may cause pollution or degradation of the environment.
  - g. The approval is personal to the landowner and shall not be transferred or assigned to any other person, property or commercial vehicle.

*Mr Winston Mullan spoke against the Officer Recommendation and Jacquie and John Birch spoke in favour of the Officer Recommendation. Councillors asked questions of each speaker.*

*The ownership of a shared driveway came under question and in order to seek clarity a Councillor requested that the item be deferred to the Ordinary Council Meeting on 16 April 2012. No vote was taken on the Officer's Recommendation.*

**COMMITTEE RECOMMENDATION TO COUNCIL (D&I 28/2012)**

That Council:

1. Defer a decision to the Ordinary Council Meeting 16 April 2012

Moved: **Cr Sue Bilich**

Seconded: **Cr Martyn Cresswell**

Vote: **CARRIED UNANIMOUSLY (12/0)**





**Declaration of financial / conflict of interests to be recorded prior to dealing with each item.****29. Draft Structure Plan – Forrestfield District Centre**

Previous Items	N/A
Responsible Officer	Director Development and Infrastructure Services
Service Area	Development and Infrastructure Services
File Reference	PG-STU-028
Applicant	N/A
Owner	N/A
Attachment 1	Locality Plan and Public Consultation
Attachment 2	Draft Structure Plan
Attachment 3	Submission Table

**PURPOSE**

1. To adopt the Draft Structure Plan for the Forrestfield District Centre. Refer (Attachment 1) Locality Plan and Public Consultation.

**BACKGROUND**

2. The Forrestfield Shopping Centre is classified as a 'District Centre' in the Activity Centres Hierarchy under the State Governments State Planning Policy 4.2 – Activity Centres or Perth and Peel. The classification highlights the important role the Forrestfield Shopping Centre currently performs in the day to day functioning of the Forrestfield area.
3. The Forrestfield Shopping Centre currently contains approximately 17,060sqm of commercial floor space. Of this approximately 12,044sqm is classified as shop retail.
4. The Draft Structure Plan has been endorsed for the purpose of public advertising in December 2011.

**DETAILS**

5. The Draft Structure Plan will manage change and guide the form of development for the Forrestfield Activity Centre with particular emphasis on the location, distribution of land use and design criteria. Refer (Attachment 2) Draft Structure Plan.
6. The objectives of the Draft Structure Plan are described as follows:

**Land Uses and Activities:**

- To support a wide range of retail and commercial premises and to promote a competitive retail and commercial market.
- To support the provision of appropriate civic and community facilities

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which will increase the broad appeal and multi-faceted nature of the Centre.

- To increase the range of employment opportunities, this will in turn contribute to the achievement of sub-regional employment self-sufficiency.
- To increase the density and diversity of housing in and around the centre to improve the land use efficiency, housing variety and choice, to support Centre facilities.
- To ensure the Centre provides sufficient development intensity and land use mix to support higher frequency public transport.

**Built Form Urban Design:**

- To improve the layout of the Centre in terms of its legibility and character.
- To encourage respect for human scale and user amenity when new buildings are designed and located.
- To preserve and enhance the Centres natural assets.
- To improve the quality and character of the open spaces between buildings and the public open spaces set aside exclusively for non-vehicular use.

**Movement, Access and Parking:**

- To improve the safety and amenity of those visitors, customers and employees moving around the Centre.
- To increase the access options available to development sites.
- To improve the layout, design and amenity of car parking areas.
- To maximise access to the Centre by walking, cycling and public transport to encourage reduced private car trips.

**Resource Conservation:**

- To encourage environmentally sustainable outcomes by incorporating innovative design, construction and management principles.
- To discourage wasteful uses of resources and infrastructure through more efficient and intensive use of land.

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## STATUTORY AND LEGAL IMPLICATIONS

7. State Planning Policy 4.2 – Activity Centres or Perth and Peel (SPP 4.2) identifies the Forrestfield Centre as a District Centre under the Activity Centres Hierarchy.
8. Clause 6.4 (2) of SPP 4.2 states:  
*“Activity centre structure plans should be endorsed prior to a major development being approved to ensure a centre’s development is integrated, cohesive and accessible.”*

Under the interpretations included in SPP 4.2 a major development is defined as:

*“Development of any building or extension/s to an existing building where the building or extensions are used or proposed to be used for shop retail purposes and where the shop-retail NLA of the proposed building is more than 10,000sqm or extension/s is more than 5,000sqm.*

9. Clause 6.4.1 of SPP 4.2 states that the relevant local authority is the approval authority for District Centres of less than 20,000sqm shop-retail Net Lettable Area (NLA). The Western Australian Planning Commission (WAPC) must endorse a District Structure Plan if the floor space exceeds 20,000sqm shop-retail NLA. The current allocated floor space for the Forrestfield Centre is below this figure therefore does not have to be referred to the WAPC. In the event that the shop retail NLA exceeds 20,000, then the structure plan along with a Detail Sustainability Needs Assessment Study to be prepared by the applicant will require referral to the WAPC for endorsement.

## POLICY IMPLICATIONS

10. SPP 4.2 should be considered in conjunction with Directions 2031 and beyond Spatial Framework for Perth and Peel and other elements of the State Planning Framework including State Planning Policy 3.1 Urban Growth and Settlements and Liveable Neighbourhoods (Element 7).

## PUBLIC CONSULTATION/COMMUNICATION

11. The Draft Structure Plan was advertised between 10 January and 16 February 2012.
12. Twenty five submissions were received in response to the draft Structure Plan. The following principal issues were raised by submitters:
  - The proposed increases in the residential coding around the District Centre. What form will the housing stock take? Will this create potential for social and traffic problems?
  - The relocation of the library building and loss of trees on the site.

- Improvements to and management of the Woodlupine Creek.
- The vehicle movement network, in particular the main access points into the Centre and need for improvement of traffic flows around and in the Centre, and Woolworths Drive and intersection with Hale Road.

### **FINANCIAL IMPLICATIONS**

13. Costs associated with the advertising of the Structure Plan were provided from the Strategic Planning Services budget.
14. Actions recommended in the Draft Structure Plan will have financial implications particularly in relation to improvements to the Woodlupine Creek and road network around the centre. All works resulting from the adoption of the Draft Structure Plan will be subject to budgetary constraints.

### **STRATEGIC AND SUSTAINABILITY IMPLICATIONS**

#### **Strategic Planning Implications**

15. The preparation of the Structure Plan for the Forrestfield Centre is consistent with the Shire's Strategic Plan 2009-2014, draft Local Planning Strategy and Community Facilities Plan. All three strategic documents recognise the importance of having an integrated built environment which recognises the importance of good urban design outcomes.

#### **Sustainability Implications**

##### Social Implications

16. The Draft Structure Plan will assist in improving the safety and amenity of those people visiting and working in the centre.

##### Economic Implications

17. The Draft Structure Plan will promote a competitive retail and commercial market and increase employment opportunities.

##### Environmental Implications

18. The Draft Structure Plan will assist in improving the quality of the public open space and the natural assets such as the creek line. The plan will also encourage environmentally sustainable outcomes in the building design and construction.

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**OFFICER COMMENT**

19. Advertising of the draft Structure Plan revealed a diverse range of issues which the community would like to see included and importantly addressed by Council. The principal planning issues raised focussed on:
- Increased residential densities – Built form outcomes;
  - Movement/traffic networks;
  - Management of the Woodlupine Creek reserve; and
  - The current Forrestfield Library site
20. The State Planning Policy 4.2 (“Activity Centres” for Perth and Peel) has identified the Forrestfield Centre as a “District Centre”. An activity centre is a community focal point and ideally will include activities such as commercial, retail, higher-density housing, entertainment, tourism, civic/community, higher education and medical services. The Forrestfield District Centre Structure Plan aims to achieve the goals set out under this policy in the manner that addresses the potential issues of antisocial behaviour and the traffic impact.
21. The identification of a 400m catchment around the District Centre to allow for increased residential densities up to R60 is a strategy consistent with the current approach proposed under the State Governments Direction 2031 and beyond.
22. Directions 2031 also forms an integral part of the Shire’s draft Local Planning Strategy in providing for the anticipated population growth of 25,000 to 30,000 people in the Shire over the next 20 years. Concerns regarding the potential for “slum” developments are noted. The Shires proposed Local Housing Strategy however will focus on the issue of how the proposed residential density increases will translate into built form. One of the objectives of the Strategy will be to identify suitable mechanisms for controlling the built form outcomes and protect the existing and future residential amenity of the area.
23. Actions recommended in the Structure Plan to improve the movement network into and through the District Centre represent an important element of the Structure Plan. The proposed improvements are predicated on achieving a safe, efficient and integrated movement system that serves the needs of the local community. Comments received in respect to the inclusion of a roundabout at the intersection of Woolworths Drive and Hale Road have some merit and it is acknowledged that the matter should be investigated further. To that end it is recommended that an additional action be included in the Structure Plan to this effect.
24. Road upgrades, such as roundabout at the intersection of Hale Road and Woolworths Drive will be considered, subject to a detailed traffic study and the Shire’s budgetary provisions.
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25. Comments regarding the acquisition of Woolworths Drive are noted. Given the costs associated with maintaining the road the Shire will seek to have the road ceded to the Crown free of cost.
  26. The Forrestfield Library is proposed in the future to be relocated to the Woodlupine Community Centre to consolidate and improve the level of community uses in the area. The move will require an upgrade of the existing community facility in order to meet the growing community needs. The Shire's intention is to provide a modern, multi-use community facility on Woodlupine Community Centre site.
  27. The identification of the current Forrestfield library site as an "opportunity" site, will allow for the consideration of Residential Development on the site. The design of the residential development will be subject to a separate planning process. The use of multiple dwelling developments is one option for consideration, i.e. one dwelling on top of another requires a smaller building footprint and therefore more opportunity for the retention of the mature vegetation on the site.
  28. Preparation of a Management Plan for the Woodlupine Creek is another key element of the Structure Plan. The Management Plan will focus on measures to address erosion and improve public access through the reserve.
  29. The Structure Plan can be viewed as the most important strategic planning document for the centre to date that will establish a framework for the coordinated development of the Forrestfield Shopping Centre in both the private and public domain over the next 10 to 20 years.

#### **COMMITTEE RECOMMENDATION TO COUNCIL (D&I 29/2012)**

That Council:

1. Adopts the Draft Structure Plan (Attachment 2) for Forrestfield District Centre subject to the following modification:
  - a. The inclusion of an Action investigating the opportunity for the development of a roundabout at the intersection of Hale Road and Woolworths Drive.
2. Subject to the inclusion of the modification identified in Point 1 a copy of the adopted Structure Plan for the Forrestfield District Centre be forwarded to the Western Australian Planning Commission for their information.

Moved: **Cr Noreen Townsend**

Seconded: **Cr Justin Whitten**

Vote: **CARRIED UNANIMOUSLY (12/0)**

**Declaration of financial / conflict of interests to be recorded prior to dealing with each item.****30. Local Planning Scheme No. 3 Amendment - Rezone from Public Purpose to Mixed Use R60 and Residential R60 - Lot 106 (88) Hale Road, Forrestfield**

Previous Items	OCM 165/2010
Responsible Officer	Director Development and Infrastructure Services
Service Area	Development and Infrastructure Services
File Reference	PG-LPS-003/
Applicant	Nil
Owner	Shire of Kalamunda
Attachment 1	Locality Plan
Attachment 2	Existing and Proposed Scheme Zoning Map
Attachment 3	Draft Local Planning Strategy Spatial Plan
Attachment 4	Draft Forrestfield District Centre Structure Plan

**PURPOSE**

- To consider an amendment to Local Planning Scheme No. 3 ("the Scheme") to rezone a portion of Lot 106 (88) Hale Road, Forrestfield, from Public Purpose (Hall/Community Centre) to Mixed Use R60 and Residential R60. Refer to the Locality Plan (Attachment 1) and the existing and Proposed Scheme Zoning Map (Attachment 2).

**BACKGROUND****2. Land Details:**

Land Area (Parent Lot):	1.8ha
Land Area (Proposed to be Rezoned):	5,957sqm for Residential purposes 2,007sqm for Mixed Use purposes
Local Planning Scheme Zone:	Local Reserve – Public Purpose (Hall/Community Centre)
Metropolitan Regional Scheme Zone:	Urban

- The subject property is currently zoned Public Purpose and is occupied by the Woodlupine Community Hall and associated car parking, and has frontage onto Hale Road and Woolworths Drive. The balance of the land is vacant.
- Surrounding properties contain the Forrestfield Forum District Shopping Centre, Woodlupine Creek and low and medium density (R25 and R30) residential development.

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5. A public footpath exists through the rear of the property, and if the amendment is approved and the property is subdivided in future, the footpath will be relocated to the Reserve at the rear of the site.
  6. The area surrounding the property, to the north of Hale Road 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).
  7. The Shire has prepared a draft Structure Plan for the Forrestfield District Centre which identifies the subject property as being an "Opportunity Site" which may be used for residential, commercial or mixed uses. Consistent with the draft local planning strategy the structure plan identifies a 400m 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).
  8. In November 2010 Council resolved (Resolution OCM 165/2010) to adopt a Business Plan for the property which requires a portion of the property to be subdivided and rezoned for residential and commercial purposes.

#### **DETAILS**

9. It is proposed to rezone the front portion of the property fronting Hale Road (2,007sqm) from Public Purpose (Hall/Community Centre) to Mixed Use R60, and the rear portion of the property (5,957sqm) to Residential R60.
10. At the R60 density, the land could potentially be subdivided into forty four (44) lots at an average lot size of 180sqm with a minimum lot area of 160sqm, or multiple dwellings occupying up to 70% of the individual lots.
11. The Woodlupine Community Hall and associated car parking is to be retained.

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

12. 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.



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13. If a portion of the property is rezoned to Mixed Use R60, applications for land uses such as Aged/Dependent Dwellings, Child Care Premises, Consulting Rooms, Grouped Dwellings, Office and Restaurant could be considered, subject to planning approval being obtained from the Shire.

### **POLICY IMPLICATIONS**

14. *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**

15. 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*.
16. 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**

17. Advertising costs are provided for in the Strategic Planning Services Budget.

### **STRATEGIC AND SUSTAINABILITY IMPLICATIONS**

#### **Strategic Planning Implications**

18. The proposal conforms to the Shire's Draft Local Planning Strategy and Draft Forrestfield District Centre Structure Plan for potential increases in residential densities and support a wide range of retail and commercial premises to support the development of Activity Centres.
19. 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.
20. The proposed zoning and ultimately the development of the subject land will complement the Shire's Strategic Infrastructure plan which proposes to upgrade and expand the Community Facility at the Woodlupine Community Centre as a "Multi Purpose Hub".

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**Sustainability Implications**Social Implications

21. Nil.

Economic Implications

22. Nil.

Environmental Implications

23. Nil.

**OFFICER COMMENT**

24. 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 development options.
25. The proposed Mixed Use R60 and 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.
26. 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.
27. It is recommended that Council initiates the amendment.

**COMMITTEE RECOMMENDATION TO COUNCIL (D&I 30/2012)**

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 portion of Lot 106 (88) Hale Road, Forrestfield, from Public Purpose to Mixed Use R60 and 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 Allan Morton**

Vote: **For**  
**Cr John Giardina**  
**Cr Frank Lindsey**  
**Cr Geoff Stallard**  
**Cr Noreen Townsend**  
**Cr Dylan O'Connor**  
**Cr Allan Morton**  
**Cr Justin Whitten**  
**Cr Bob Emery**  
**Cr Sue Bilich**  
**Cr Donald McKechnie**  
**Cr Margaret Thomas**

**Against**  
**Cr Martyn Cresswell**

**CARRIED (11/1)**



**Declaration of financial / conflict of interests to be recorded prior to dealing with each item.****31. Local Planning Scheme No. 3 Amendment No. 42 – Lot 4371 (1) Cygnet Court and Lot 102 (21) Edney Road, High Wycombe – Increasing the Residential Density from R20 to R40**

Previous Items	OCM 199/2011
Responsible Officer	Director Development and Infrastructure Services
Service Area	Development and Infrastructure Services
File Reference	ED-03/021
Applicant	Shire of Kalamunda
Owner	Shire of Kalamunda
Attachment 1	Locality Plan
Attachment 2	Current & Proposed Scheme Zoning Map

**PURPOSE**

1. To consider submissions received and whether to adopt Amendment No. 42 to Local Planning Scheme No. 3 (“the Scheme”) to increase the Residential Density Coding of Lot 4371 (1) Cygnet Court and Lot 102 (21) Edney Road, High Wycombe, from R20 to R40. Refer to the Locality Plan (Attachment 1) and the Current Scheme Zoning Map (Attachment 2).

**BACKGROUND****2. Land Details:**

Land Area:	Lot 4371 Cygnet Court - 607sqm Lot 102 Edney Road - 6,068sqm
Local Planning Scheme Zone:	Residential R20
Metropolitan Region Scheme Zone:	Urban

3. Lot 102 Edney Road is owned freehold by the Shire, and Lot 4371 Cygnet Court is an untitled Reserve under the care and control of the Shire.
4. In February 2011, Council resolved (Resolution OCM 14/2011) to adopt a Business Plan for the properties. As part of the adoption of the Business Plan, Council resolved:

*“On completion of the acquisition process, an application for approval of Freehold Subdivision be made to the Western Australian Planning Commission for all that land comprising 1 Cygnet Court and 21 Edney Road in accordance with Subdivision Concept Option 10, where the R40 zoning in the business plan be restricted to 55 years and over.”*

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5. In December 2011 Council resolved (Resolution OCM 199/2011) to initiate Amendment No. 42 to the Scheme.

#### **DETAILS**

6. The Subdivision Concept Option 3 adopted by Council in February 2011 indicated a mix of five lots at the R20 density, with the balance of the land at the R40 density. Subsequently, further negotiations have taken place with a potential developer through an Expression of Interest and it was recommended that the R40 density apply to the entirety of the land holdings.

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

7. 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 it will be determined by the Minister for Planning.

#### **POLICY IMPLICATIONS**

8. *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**

9. The proposal was advertised for 42 days in accordance with the provisions of the *Town Planning Regulations 1967* concluding on 13 March 2012, which involved a local public notice in a paper circulating the District, a sign being erected on site and the proposal being referred to affected landowners for comment.
  10. During the formal advertising period four non-objections were received by the Shire, three of which provided comments.
  11. A submitter requested that a mature Jarrah tree situated on the corner of Cygnet Court and Edney Road be retained.
  12. Telstra has no objections to the proposal but did advise that a network extension will be required for any development on the properties, for which the owner or developer will have to submit an application for the required services.
  13. Western Power has no objections to the proposal but did advise that overhead power lines and/or underground cables exist within close proximity to the property therefore consideration is to be given to Worksafe Regulation 3.64 – Guidelines for work in the Vicinity of Overhead Power Lines prior to any works commencing.
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**FINANCIAL IMPLICATIONS**

14. Development in accordance with the Business Plan adopted by Council at its Ordinary meeting of February 2011.

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

15. The proposal conforms to the Shire's Local Planning Strategy for potential increases in residential densities on infill development in the older urban areas of High Wycombe, Forrestfield and Maida Vale.
16. 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.
17. 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 Implications**Social Implications

18. Nil, however the land currently may be informally utilised for recreational purposes.

Economic Implications

19. Nil.

Environmental Implications

20. Nil.

**OFFICER COMMENT**

21. Issues relating to lot and road configurations, public open space, and the retention of any landscaping will be addressed at the subdivision stage if the amendment is ultimately approved by the Minister for Planning.
22. The proposed R40 coding is considered consistent with the State government's key strategic planning document and Directions 2031 in providing for infill development located in close proximity to shops, local parks and public transport. In this regard the subject lot is located within 400m of Berle Way Shopping Centre, McKenzie Reserve and public transport on Kalamunda Road.

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23. 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 (D&I 31/2012)**

That Council:

1. Notes the submissions received in respect to Amendment No. 42 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. 42

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

1. Increasing the residential density of Lot 4371 (1) Cygnet Court and Lot 102 (21) Edney Road, High Wycombe, from R20 to R40.

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 Dylan O'Connor**

Seconded: **Cr Bob Emery**

Vote: **For**  
**Cr John Giardina**  
**Cr Frank Lindsey**  
**Cr Geoff Stallard**  
**Cr Noreen Townsend**  
**Cr Dylan O'Connor**  
**Cr Allan Morton**  
**Cr Justin Whitten**  
**Cr Bob Emery**  
**Cr Sue Bilich**  
**Cr Donald McKechnie**  
**Cr Margaret Thomas**

**Against**  
**Cr Martyn Cresswell**

**CARRIED (11/1)**



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

**32. 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 – 19 February 2012

**PURPOSE**

1. To receive the unconfirmed summarised minutes of the Community Sustainability Advisory Committee (“CSAC”) meeting held on 19 February 2012.

**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. The first “CSAC” meeting of new Committee members was held on 16 February 2012. Maureen Robinson was elected as The Chair with Brad Saracik elected as the Deputy Chair. The Committee also developed a list of key interest areas for consideration in setting future committee objectives.

**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 Implications**

#### Social Implications

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

#### Economic Implications

10. Nil.

#### Environmental Implications

11. Improved communication between the Shire 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. Support and input from the Council and relevant Shire Departments is important for CSAC to succeed. The Committee can provide advice on a range of environmental and sustainable projects.

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14. Defining the Committees objectives will encourage focus, positivity and ultimately success of the Committee. The visioning exercise identified many areas of interest. Clearly not all of these can become the focus of the Committee, as some matters are not within the Terms of Reference. Some are dealt with by the State and not Local Government (i.e. public transport) and some would not be conducive for the Committee to become involved with such as development proposals outside the realm of "environment".
  15. The next meeting scheduled for April will further clarify achievable objectives under the Terms of Reference and comment will be provided by the Secretary to detail a program of objectives which will be presented to Council for endorsement.

#### **COMMITTEE RECOMMENDATION TO COUNCIL (D&I 32/2012)**

That Council:

1. Receives the unconfirmed minutes of the Community Sustainability Advisory Committee ("CSAC") meeting held on 16 February 2012 (Attachment 1).
2. Recognises that "CSAC's" success is dependent on defining achievable sustainable and environmental objectives in line with the Terms of Reference and that a program of objectives will be brought back to Council for endorsement.

Moved: **Cr Noreen Townsend**

Seconded: **Cr Donald McKechnie**

Vote: **CARRIED UNANIMOUSLY / ABSOLUTE MAJORITY(12/0)**



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**Declaration of financial / conflict of interests to be recorded prior to dealing with each item.**
**33. Delegation and Authorisations – *Building Act 2011***

Previous Items	10.4/11 OCM 20 June 2011
Responsible Officer	Director Planning and Development Services
Service Area	Planning and Development Services
File Reference	LE-ACT-005
Applicant	N/A
Owner	N/A
Attachment 1	Existing Delegations LMPA1
Attachment 2	Existing Delegations LMPA2
Attachment 3	Proposed Delegation BLD1
Attachment 4	Proposed Delegation BLD2
Attachment 5	Proposed Delegation BLD3

**PURPOSE**

1. To revoke the existing delegations provided under the *Local Government (Miscellaneous Provisions) Act 1960*, (Attachment 1 and 2), and provide new delegations to authorised officers in accordance with the provisions of the *Building Act 2011* (Attachments 3,4 and 5).

**BACKGROUND**

2. The *Building Act 2011* has been proclaimed to commence on 2 April 2012. This Act will repeal the existing portions of the *Local Government (Miscellaneous Provisions) Act 1960* that pertain to building control and the delegation to authorised officers. As all delegations under the existing Act will also be repealed, new delegations need to be authorised to carry out the functions and duties of the *Building Act 2011*.

**DETAILS**

3. Certain sections of the *Building Act 2011* state that the particular function is to be performed by the permit issuing authority, such as the Shire. Section 127 of the *Building Act 2011* specifically recognises delegation to employees so as to perform these functions.
4. Section 96(3) of the *Building Act 2011* permits the local government to delegate for the purpose of the Act to an authorised person in relation to buildings and associated incidental structures.
5. Delegation is required in relation to:
  - Permit approval and refusals.
  - Certificate approvals and refusals.
  - Enforcement.
  - Issuance and signing of notices and infringements.
  - Prosecution.

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6. The current powers of authorised officers, in relation to compliance matters within the *Local Government (Miscellaneous Provisions) Act 1960* is relatively weak and the *Building Act 2011* addresses many of the previous shortcomings. In this regard however, the local authority must identify who its authorised officers are in relation to buildings and incidental structures.

### **STATUTORY AND LEGAL IMPLICATIONS**

7. Section 96(3) *Building Act 2011* – delegation to authorised officers.
8. Section 127 *Building Act 2011* – delegation of powers and duties to an employee of the Shire.
9. Repeal Delegations:
- a. LMPA1 – Building Approvals  
Delegation to the Manager Building Services
  - b. LMPAI – Buildings  
Delegation to the Chief Executive Officer
10. New Delegation BLD1: Building Matters – Permits, Certificates, and Orders
11. New Delegation BLD2: Building Matters – Building Authorisations
12. New Delegation BLD3: Building Matters – Fines, Penalties, and Enforcement

### **POLICY IMPLICATIONS**

13. Nil.

### **PUBLIC CONSULTATION/COMMUNICATION**

14. Nil.

### **FINANCIAL IMPLICATIONS**

15. Nil.

### **STRATEGIC AND SUSTAINABILITY IMPLICATIONS**

#### **Strategic Planning Implications**

16. Strategy: 5.1.2 Regularly review the organisation's governance structure, policies and procedures in response to changing circumstance.
17. Strategy: 5.1.2.8 Review policies in relation to Building Services.



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## Sustainability Implications

### Social Implications

18. Empowers staff to perform these duties in an autonomous manner within the extent of their authority.

### Economic Implications

19. Nil.

### Environmental Implications

20. Nil.

## OFFICER COMMENT

21. The *Building Act 2011*, including the Building Regulations, supersedes the provisions of the *Local Government (Miscellaneous Provisions) Act 1960* in relation to buildings and building control including any delegations provided for under that Act. The new Act provides for a wider range of delegations to be authorised to enable all the powers and duties that are detailed are complied with, not just the permit issuing and/or refusal function.
22. The new Act also provides for the appointment of authorised officers to carry out these functions plus the compliance role as detailed.
23. All of the delegations and powers listed in (Attachment 2, 3 and 4) will allow staff to perform their duties more efficiently and effectively.

## COMMITTEE RECOMMENDATION TO COUNCIL (D&I 33/2012)

That Council:

1. Effective from the proclamation of the *Building Act 2011*, revokes the following delegations:
  - a. LMPA1– Building Approvals (Attachment 1)
  - b. LMPA2 – Buildings (Attachment 2)
2. Effective from the proclamation of the *Building Act 2011*, adopts the following delegation's and authorisations:
  - a. BLD1: Building Matters – Permits, Certificates, and Orders (Attachment 3)
  - b. BLD2: Building Matters – Building Authorisations (Attachment 4)
  - c. BLD 3: Building Matters – Fines, Penalties and Enforcement (Attachment 5)

Moved: **Cr Bob Emery**

Seconded: **Cr Margaret Thomas**

Vote: **CARRIED UNANIMOUSLY (12/0)**



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

**34. Proposed closure of Right of Way (ROW) adjacent to Lot 19 (32) and Lot 71 (34) Winsor Road, Kalamunda**

Previous Items	OCM March 1999
Responsible Officer	Director Development and Infrastructure Services
Service Area	Development and Infrastructure
File Reference	WN-05/GEN
Applicant	M. Giglia
Owner	The Crown
Attachment 1	Aerial photograph
Attachment 2	Right of Way Plan
Attachment 3	Street view of ROW

**PURPOSE**

1. To consider initiating the process to close the Right of Way ("ROW") between Lots 19 (32) and Lot 71 (34) Winsor Road, Kalamunda. Refer (Attachment 1) Aerial photograph and (Attachment 2) Right of Way Plan.

**BACKGROUND**

2. At its meeting of March 1999 Council considered a request to close the ROW where it was resolved that:
  1. *Council requests the Minister for Lands approve the closure of the Right of Way in Winsor Road, Kalamunda.*
  2. *Prior to this request, Council negotiate with the landowners interested in purchasing the ROW regarding the disposal of the land.*
3. The process subsequently ceased due to adjacent landowners not purchasing the ROW.

**DETAILS**

4. The owner of Lot 71 (34) Winsor Road has requested that the process for the closure of the ROW be initiated. The ROW was originally created in 1967 as a pre-cursor to providing a ROW between Winsor Road and Cotherstone Road to facilitate future subdivision. The balance of the road reserve or ROW was not created, thus making the subject ROW superfluous.
5. The ROW adjoins the side boundaries of Lots 19 and 71 Winsor Road and terminates at the rear of both lots and the side of Lot 2 (7) Robins Road. The ROW is 10.6m wide and 24.34m deep with an overall area of approximately 263m<sup>2</sup>.

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6. The ROW is unconstructed and gives the visual impression it forms part of Lot 71 Winsor Road. Refer (Attachment 3) Street view of ROW.

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

7. Nil.

#### **POLICY IMPLICATIONS**

8. Nil.

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

9. Nil at this stage. If Council is supportive of the closure it will be advertised in accordance with Section 58 of *The Land Administration Act 1997*.

#### **FINANCIAL IMPLICATIONS**

10. Nil.

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

##### **Strategic Planning Implications**

11. Nil. It is unlikely that the ROW would be extended to facilitate access beyond the current lots it abuts.

##### **Sustainability Implications**

###### Social Implications

12. Nil.

###### Economic Implications

13. Nil.

###### Environmental Implications

14. Nil.

#### **OFFICER COMMENT**

15. If the proposed closure is supported in principle, it will be publically advertised. Comment will also be sought from service authorities and a valuation from the Department of Regional Development and Lands. If the closure process proceeds, the apportionment of the ROW to adjoining lots will be determined at a later date.

16. It is recommended that the proposed closure be advertised. Following this the matter will be reported to Council to determine if a final recommendation be made to the Department of Regional Development and Lands for its determination.

**COMMITTEE RECOMMENDATION TO COUNCIL (D&I 34/2012)**

That Council:

1. Proceed to advertise the proposed closure of the Right of Way located between Lots 19 (32) and 71 (34) Winsor Road, Kalamunda in accordance with Section 58 of *The Land Administration Act 1997*.

Moved: **Cr John Giardina**

Seconded: **Cr Sue Bilich**

Vote: **CARRIED UNANIMOUSLY (12/0)**



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**Declaration of financial / conflict of interests to be recorded prior to dealing with each item.**
**35. Boonooloo and Cotherstone Roads - Anti-Hoon Speed Hump Program**

Previous Items	GS 35/2011; OCM 33/2011; GS 161 and 162/2011
Responsible Officer	Director of Development and Infrastructure Services
Service Area	Engineering
File Reference	BN-09/GEN & CT-04/GEN
Applicant	N/A
Owner	N/A

Attachment 1 Outcome of further consultation

**PURPOSE**

1. To consider the outcome of further public consultation with respect to the proposed installation of speed cushions on Boonooloo and Cotherstone Roads, Kalamunda as shown in (Attachment 1).

**BACKGROUND**

2. Following requests from residents of both Boonooloo and Cotherstone Roads for the installation of speed cushions, Reports were presented to the General Services Committee Meeting in December 2011, recommending the installation of the speed cushions.
3. Due to noise and other issues with speed cushions in other locations, the Committee deferred until the March 2012 Committee Meeting, consideration of the Staff Recommendation to allow further consultation with residents of the two roads who would be directly adjacent to the speed cushions..

**DETAILS**

4. Letters were sent to eleven residents of Boonooloo Road and nine residents of Cotherstone Road seeking their feedback regarding the proposed installation of speed cushions.
5. Three negative and no positive responses were received from the residents of Boonooloo Road and two negative and no positive response were received from residents of Cotherstone Road.
6. The responses received from the residents underlines the fact that those directly impacted upon are not supportive of the proposed installation of the speed cushions as it has a direct bearing on their amenity and lifestyle.

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**STATUTORY AND LEGAL IMPLICATIONS**

7. Nil.

**POLICY IMPLICATIONS**

8. Nil.

**PUBLIC CONSULTATION/COMMUNICATION**

9. Following the initial public consultation carried out in accordance with the requirements of the Anti-Hoon Speed Hump Program, additional consultation has been undertaken with those residents directly impacted by these projects.

**FINANCIAL IMPLICATIONS**

10. The work Programme for the year 2011-12 included the budget allocation of \$51,800 for Boonooloo Road (Job Number 3276) and a similar amount of \$51,800 for Cotherstone Road (Job Number 3278). The State Government contribution for each project was \$34,533 and the contribution from the Municipal resources was \$17,267 each project.
11. The Shire has not claimed any progress payment from Main Roads WA as the projects did not commence. Accordingly, in the event both the projects are withdrawn, the total anticipated saving of \$34,534 from the municipal resources will be re-allocated as part of the budget review process.

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

12. Nil.

**Sustainability Implications**Social Implications

13. Nil.

Economic Implications

14. Nil.

Environmental Implications

15. Nil.



**OFFICER COMMENT**

16. In view of the negative responses received from those people who would have been directly impacted by the speed cushions, it is recommended that these projects be withdrawn from the 20011-12 Budget.
17. Further consultation will be initiated seeking alternative ways of traffic calming and ways of controlling speed on both of the roads.

**COMMITTEE RECOMMENDATION TO COUNCIL (D&I 35/2012)**

That Council:

1. Supports the withdrawal of the projects to install speed cushions on Boonooloo Road and Cotherstone Roads, Kalamunda, from the 2011/12 Budget.

Moved: **Cr Martyn Cresswell**

Seconded: **Cr Sue Bilich**

Vote: **CARRIED UNANIMOUSLY (12/0)**



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

**36. Councillor Nominations – Eastern Subgroup of Metropolitan Regional Road Group**

Previous Items	Nil
Responsible Officer	Director Development and Infrastructure Services
Service Area	Technical Services, Engineering
File Reference	
Applicant	
Owner	
Attachment 1	Management Structure

**PURPOSE**

1. To consider the nomination of a Councillor to represent Shire of Kalamunda on the Eastern Subgroup of Metropolitan Regional Road Group.

**BACKGROUND**

2. Western Australian Local Government Association (WALGA) on behalf of local government has entered into an agreement with State Government to administer State Road funds to local government. Under the agreement local government receives a share of revenue collected from vehicle licensing fees.
3. The agreement is accompanied by a procedure manual, which primarily outlines the terms of reference of the Advisory Committee, Regional Road Groups and Sub Groups as well as detailing the requirements for administering, distributing and accounting of the funds provided under the agreement.
4. In the Metropolitan area the funds are distributed to local government through Metropolitan Regional Road Group (MRRG), which is comprised of one elected member and one officer from each of the six sub-groups and Main Roads Officers. Under the terms of reference the MRRG is chaired by a local government elected member.
5. Each Council is represented on one of the six Subgroups by one elected member and one officer. The role of the elected members is to contribute towards the road funding decisions and make recommendations that are of direct benefit to local communities and the Western Australian Road Users.
6. The subgroup makes recommendation to the Metropolitan Regional Road Group regarding the funding priorities of local governments within that subgroup. The Regional Road Group, subsequently on the advice of the Subgroup makes further recommendation to the Advisory committee for seeking concurrence from the Honourable Minister for Transport to implement and monitor the local Road Program.

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7. The State Road funds to local Government Management structure is Shown in (Attachment 1)

#### **DETAILS**

8. The Eastern subgroup consists of City of Swan, Shire of Mundaring, City of Bayswater, Town of Bassendean and including Shire of Kalamunda. All other local governments except Shire of Kalamunda have nominated one elected member and one officer on the sub-group. Shire of Kalamunda is represented by an officer member only. Since the retirement of Cr B Miller, Shire of Kalamunda has not nominated an elected member.
9. The Subgroup meets approximately twice a year to discuss the issues regarding the funding allocations and to ensure grants are expended in the year of allocation including monitoring Local Government expenditure on approved local Government projects.

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

10. Nil.

#### **POLICY IMPLICATIONS**

11. Nil.

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

12. Nil.

#### **FINANCIAL IMPLICATIONS**

13. Nil.

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

##### **Strategic Planning Implications**

14. Nil.

##### **Sustainability Implications**

###### Social Implications

15. Nil.

###### Economic Implications

16. Nil.

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Environmental Implications

17. Nil.

**OFFICER COMMENT**

18. The projects submitted by various local governments are prioritised based on a complex point scoring system which takes into account road condition, traffic loading and cost of proposed treatment. Although the funding allocations are based on well-established criteria and there is not a great degree of opportunity for local governments to alter the priority of projects, it will be beneficial for elected members to understand the process. Accordingly, it is recommended that Shire nominates a Councillor on the sub-group.

**COMMITTEE RECOMMENDATION TO COUNCIL (D&I 36/2012)**

That Council:

1. Nominates Cr John Giardina to the Subgroup to represent Shire of Kalamunda.

Moved: **Cr Sue Bilich**

Seconded: **Cr Bob Emery**

Vote: **CARRIED UNANIMOUSLY (12/0)**



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

**37. Update on Electrical Audits**

Previous Items	OCM 59/2011; OCM 142/2011
Responsible Officer	Director Development & Infrastructure
Service Area	Engineering Services
File Reference	N/A
Applicant	N/A
Owner	N/A
Attachment 1	Electrical Audit of Shire Facilities – Audits Completed to date.

**PURPOSE**

1. To update Council on current status of Electrical Audits carried out in the Shire.

**BACKGROUND**

2. On 15 April 2011 there was an unfortunate incident at the Kostera Oval, in which a police horse was fatally electrocuted.
3. Following the incident, Energy Safe conducted a detailed investigation on behalf of Western Power. Energy Safe has not released its final report and it is unlikely to be made public or provided to the Shire.
4. The faulty facilities were isolated and an electrical engineer was engaged to conduct a complete audit of the facility. Work has been completed to rectify the faults which included rewiring of the lighting towers, replacing lights and switch boards.
5. At the Ordinary Council Meeting on 18 April 2011, Council passed the following resolution:
 

*“That the Chief Executive Officer is to ensure Residual Current Device switches are installed on all Shire owned buildings and facilities as a matter of urgency.”*
6. At the Ordinary Council Meeting on 19 September 2011, Council passed the following resolution:
 

*“That Council:*

  1. *Notes the update on Electrical Audit of Shire facilities and associated remedial work.*
7. The 2011/12 budget contains an allocation of \$500,000 for the electrical audit of all Shire facilities and to carry out required work identified by the audit.

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8. The \$500,000 is broken down to two budget areas :
- Electrical Audits Consulting of \$150,000 with \$118,260 spent to date.
  - Electrical Audits Repair Work of \$350,000 with \$363,000 spent to date.

#### **DETAILS**

9. Two electrical consultants have been engaged to carry out audits of Shire facilities. The list of facilities audited can be found in (Attachment 1).
10. A complete audit was also conducted at the Kostera Oval facility in conjunction with Western Power, which identified the following works to be completed:
- Rewiring of Towers as the existing wiring was undersized
  - Replacement of Tower lights as the existing lights were faulty
  - Design and replacement of distribution/switch boards to comply with current standards.
11. All work at Kostera Oval has been completed as of 9 February 2012.
12. A final inspection at Kostera Oval is yet to be attended to by Energy Safety to follow up their investigation.
13. Remedial work for repairs and necessary upgrades have been either completed or near completion at the following facilities:
- Carmel Hall
  - Cyril Road Hall
  - Forrestfield Bowling Club
  - Forrestfield Hall
  - Kalamunda Lapidary Club
  - Kalamunda Library
  - Kalamunda Swimming Pool
  - Lesmurdie Tennis Club
  - Pat Moran Pavilion (Kostera Oval)
  - Pickering Brook Sportsmans Club
  - New BBQ's at Stirk Park
  - Falls Farm
  - Stirk Cottage
  - Ray Owen Sports Centre (& netball courts)
14. Remedial work for repairs and necessary upgrades is in progress at the following facilities:
- Kalamunda Club
  - Norm Sadler Pavilion



15. The facilities where the audit is yet to be carried out are as follows:

- Lesmurdie Guide Hall
- Sanderson Rd Centre
- Main Administration Building (Shire of Kalamunda)

### STATUTORY AND LEGAL IMPLICATIONS

16. All electrical installations to comply with **AS3000**: 2007 Electrical Wiring Rules, WAER – Western Australian Wiring Rules, in conjunction with the relevant Building Codes Australia (BCA).

### POLICY IMPLICATIONS

17. Nil.

### PUBLIC CONSULTATION/COMMUNICATION

18. Nil.

### FINANCIAL IMPLICATIONS

19. Estimated cost of the electrical audits completed to date since April 2011 is approximately \$118,260. The breakdown of this cost estimate appears at (Attachment 1).

20. The estimated cost of remedial or upgrade work recommended by the electrical consultants is \$742,285 as shown in (Attachment 1).

21. The final few facilities where the audit is yet to be carried out are as follows:

- Lesmurdie Guide Hall
- Sanderson Rd Centre
- Main Administration Building (Shire of Kalamunda)

22. The facilities where the audit is not scheduled to be carried out – see comments:

Depot Buildings (13 separate buildings)	Ongoing upgrades as a part of a whole site improvement
ZZCC	New Building - meets all current compliance requirements
Community Centre (Old Police Station – DOME site)	Upgrades to occur when Dome renovate building - Due to commence December 2011
Lewis Road Centre (Currently TAFE)	Site earmarked for development
Wattle Grove Community Centre (behind TAFE)	Site earmarked for development.
Toy Library	Electrical upgrades carried out 2009/2010 - site subject to further development

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Foothills Learning Centre (Edney Rd)	Site earmarked for development
Lesmurdie Scout Hall (Soon to be Men's Shed)	Site earmarked to be upgraded (Electrical) for Men's Shed re-location 2012
Lesmurdie Tennis Club	All Electrical has been upgraded when building extension was done (October 2011)
Reid Oval Change rooms	Electrical Upgrades carried out 2009/2010
Reid Oval Pavilion	Electrical Upgrades carried out 2009/2010
Gooseberry Hill Hall & CHC	Electrical Upgrades carried out 2009/2010
Gooseberry Hill Multi Use Hall	Electrical Upgrades carried out 2009/2010
Gooseberry Hill Public WC	Electrical Upgrades carried out 2009/2010
Kalamunda Rifle Club	No Power or services on site - Audit not required
High Wycombe CHC*	Not Shire owned building
Lesmurdie Library*	Not Shire owned building (Department of Education)
Paxwold Site	Not Shire owned building (Department of Environment and Conservation)

## **STRATEGIC AND SUSTAINABILITY IMPLICATIONS**

### **Strategic Planning Implications**

23. The following strategic outcome is applicable:
- 2.3.2 Maintain, refurbish or upgrade existing infrastructure to encourage increased utilisation and extension of asset life.
- The following actions are applicable:
- 2.3.2.37 Arrange inspection of Shire buildings for electrical safety, and programme the installation of RCD's and other upgrades as required.
- 2.3.2.39 Oversee the Shire's building asset renewal program, in accordance with the approved 2011/12 budget.

### **Sustainability Implications**

#### Social Implications

24. Nil.

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Economic Implications

25. Nil.

Environmental Implications

26. Nil.

**OFFICER COMMENT**

27. The Shire electrical infrastructure varies in age and in some cases it is older than 50 years. Its maintenance and upgrade over the years has been shared between the users of the facilities and the Shire, without a clear line of responsibility. Accordingly, the inspections have revealed the following issues:
- Only reactive maintenance being conducted over the years.
  - A number of installations increasing electrical load have been added over the years without upgrading of the electrical supply.
  - A number of installations are without Residual Current Devices (RCDs) to lighting circuits.
  - A number of switchboards contain re-wireable fuses and asbestos boards. If any work is carried out on these boards, the current legislation requires full upgrade of these boards in compliance with current standards.
  - The test records are not available for original installation or subsequent maintenance.
28. The installing of RCDs is a very important step to increasing electrical safety. However, they do not provide complete protection as recognised by both Energy Safety and Worksafe. A primary requirement is that all electrical installations have an adequate earthing system in order that installed residual current devices and circuit breakers “trip out”. When the earthing is not sufficient or non-existent, the RCDs or Main Circuit Breakers are unlikely to trip when a serious fault occurs. This was the case with the lights at Kostera Oval, and has been discovered with the lights at Maida Vale Reserve. Any electrician who comes across this situation must tag out the offending item.
29. Accordingly, the scope of the audit was widened to include testing of earthing of various installations. Since there is significant testing involved, which is followed by design and scoping of the remedial work, the auditing process is time consuming. To expedite the auditing, a second consultant, CG Constructions was engaged, in addition to Best Consultants.
30. Within the current budget allocation, priority is being given to complete the audit of all facilities to determine current status of facilities. This information will assist in preparing future work plans and avoiding ad-hoc fixes. Urgent action has been undertaken at the sites where there is an immediate danger. The remaining work will be prioritised within the budgetary parameters.

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31. RCDs require regular testing to ensure that they perform under test/fault. Worksafe recommends that the testing of RCDs is carried out every six months but no later than 12 months provided under AS 3760. Accordingly, it is proposed to establish an inspection regime to include the following:
- Routinely inspect and test the electrical installations as required in legislation (RCDs and emergency lighting).
  - Randomly inspect contractor's work (this could be complete during the routine inspection).
  - Install RCDs on all circuits as required by legislation (this will require Board upgrades in some cases).
  - Conduct audits of all sites to create scope of rectification works, and complete works identified.
  - Review the site record keeping and improve to keep records of work completed, who carried out the work, and the routine test results.

**COMMITTEE RECOMMENDATION TO COUNCIL (D&I 37/2012)**

That Council:

1. Notes the update on Electrical Audit of Shire facilities and associated remedial work.

Moved: **Cr Frank Lindsey**

Seconded: **Cr Allan Morton**

Vote: **CARRIED UNANIMOUSLY (12/0)**

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

11.1 Nil.

**12.0 QUESTIONS BY MEMBERS WITHOUT NOTICE****12.1 Cr Justin Whitten – Additional Verge Maintenance Hale Road**

Q. Have additional verge maintenance crews for Hale Road been explored? What will it cost and can this be in the next budget?

A. The Chief Executive Officer noted that Parks and Gardens are currently holding discussions regarding this with their Director, with a view to increase the on the ground work for verges and/or parks.

**12.2 Cr O'Connor – Forrestfield Soccer Club**

Q. Is it appropriate that I give an up-date on details regarding a recent meeting with Forrestfield Soccer Club?

A. The Chief Executive Officer responded that this should be provided in an alternative forum.

**12.3 Cr Sue Bilich – Bulk Kerbside Collection**

Q. What is the situation with the Kerbside Collection, I have received a number of complaints as they seem to be behind the time schedule?

A. The Director Development and Infrastructure explained that the company had equipment stolen and therefore had to order and take delivery of replacements; he will keep an eye on their progress.

Q. Are you aware that they are almost three weeks behind their schedule?

A. The Chief Executive Officer noted that Councillors will be given an up-date on the current program regarding timing.

**12.4 Cr Donald McKechnie – Bulk Kerbside Collection**

Q. Is the advertising of the service taking the lateness into account?

A. The Director noted that they are trying to address this wherever possible, however some information was printed ahead of time.

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12.5 Cr Martyn Cresswell – Graffiti, Corner of Edney and Newburn Road

Q. Thank you for the removal of this graffiti, the area looks much improved, is it possible to keep this area clear from graffiti?

A. The Chief Executive Officer noted that an interesting presentation will come to Council shortly regarding Graffiti.

**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 The Shire President requested the Councillors return the Chief Executive Review Papers to him quickly in order to complete the process, any not returned will be considered to be completely happy with the Chief Executive Officer.

14.2 Information has been circulated to all Councillors this evening regarding a Planning Workshop run by WALGA in June; please pass any interest to the Chief Executive Officer.

14.3 Last month a Citizenship Conferee who was seriously ill was very disappointed not to be able to attend his Ceremony to become an Australian Citizen. The Immigration Department in Perth could not arrange to have a member of their staff available to take his pledge in Royal Perth Hospital; therefore the Shire President went to the city to preside on a private ceremony. Sadly the Shire President has been informed that the gentleman died this week.

**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 7.20pm.

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

Signed: \_\_\_\_\_  
Chairman

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 2012