

Development & Infrastructure Services Committee Meeting

Minutes for Tuesday 2 October 2012



**shire of
kalamunda**

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MINUTES

1.0 OFFICIAL OPENING

The Chairman opened the meeting at 6.30pm, and welcomed Councillors and Staff.

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
Allan Morton	South West Ward
Noreen Townsend	South West Ward
Justin Whitten	South West Ward
Geoff Stallard	South East Ward
John Giardina	South East Ward
Frank Lindsey	South East Ward
Martyn Cresswell	North West Ward
Dylan O'Connor	North West Ward

Members of Staff

Clayton Higham	Acting Chief Executive Officer
Rhonda Hardy	Director Corporate & Community Services
Darrell Forrest	Manager Governance
Andrew Fowler-Tutt	Manager Development Services
Sam Assad	Manager Infrastructure Operations
Michelle Clark	Executive Assistant to the CEO
Meri Comber	Governance Officer

Members of the Public Nil

Members of the Press Nil

2.2 Apologies

Councillors Nil

Members of Staff Nil

2.3 Leave of Absence Previously Approved

Bob Emery North West Ward

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 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

5.1 That the Minutes of the Development & Infrastructure Services Committee Meeting held on 3 September 2012 are confirmed as a true and accurate record of the proceedings.

Moved: **Cr Donald McKechnie**

Seconded: **Cr Dylan O'Connor**

Vote: **CARRIED UNANIMOUSLY (11/0)**

6.0 ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION

6.1 Nil.

7.0 MATTERS FOR WHICH MEETING MAY BE CLOSED

7.1 Nil.

8.0 DISCLOSURE OF INTERESTS

8.1 Disclosure of Financial and Proximity Interests

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

8.1.1 Nil.

8.2 **Disclosure of Interest Affecting Impartiality**

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

8.2.1 Nil.

9.0 **REPORTS TO COUNCIL**

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

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

82. Adoption of the Revised Asset Management Policy

Previous Items	OCM 53/2011
Responsible Officer	Director Development & Infrastructure Services
Service Area	Engineering Services
File Reference	HU-PAA-013
Applicant	Shire of Kalamunda
Owner	Shire of Kalamunda
Attachment 1	Asset Management Policy (ENG15)
Attachment 2	Asset Management Policy – Change Document
Attachment 3	Asset Management Framework Status

PURPOSE

1. For the Council to endorse a revised Asset Management Policy (ENG15) (Attachment 1).

BACKGROUND

2. The Asset Management Policy was endorsed on 18 April 2011. The policy included the following statement:
"The policy has a life of four years. It will be reviewed annually in line with industry standards and national asset management guidelines."
3. The Shire of Kalamunda is responsible for the management of an extensive asset portfolio which includes road, footpaths, car parks, stormwater, buildings, open space, fleet, computers and artworks.
4. The *Local Government (Administration) Regulations 1996* have been amended to require each local government to implement a defined level of integrated planning. This incorporates a recognition of asset management within this framework.
5. The WA Asset Management Framework has been provided (Attachment 3) detailing the status of each Asset Management document.

DETAILS

6. The Asset Management Policy has been revised to incorporate the changes listed in (Attachment 2).
7. Major improvements in the policy include:
 - Restructure of the document to provide a logical flow.
 - Removal of duplications and repeated concepts.
 - Improved non-technical wording, with the addition of a glossary.
 - Inclusion of the eight principles of asset management.
 - Revised policy statement reflecting services rather than process.
 - Expanded list of related documents

STATUTORY AND LEGAL IMPLICATIONS

8. The following are related acts and regulations:
- *Local Government Act 1995*
 - *Local Government (Administration) Regulation 1996*
 - Australian Accounting Standards
 - *Occupational Health & Safety Act 2000*
 - *Disability Discrimination Act 1992*
 - *Protection of the Environment Operations Act 1997*

POLICY IMPLICATIONS

9. The Asset Management Policy will provide guidance to Council and the community on how the Shire will manage the asset portfolio to provide services to the community.

PUBLIC CONSULTATION/COMMUNICATION

10. Nil.

FINANCIAL IMPLICATIONS

11. All capital, maintenance and operational expenditure will be guided through the link between the Asset Management Policy and long term financial plan.
12. Budgets for the implementation of asset management improvements will be funded through operating budgets.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

Strategic Planning Implications

13. *Shire of Kalamunda Strategic Plan 2009 – 2014*
- | | |
|-------------|---|
| Outcome 1.4 | The Shire of Kalamunda is a safe and secure community. |
| Outcome 2.1 | Improved asset management to meet community needs today and in the future. |
| Outcome 2.3 | Long term viability of infrastructure and facilities. |
| Outcome 3.1 | Sustainable water management. |
| Outcome 3.3 | Protection and enhancement of Bushland Reserves, Local Natural Areas and Biodiversity Conservation. |
| Outcome 4.1 | Improved transport access to Perth CBD and other major centres / facilities. |

Sustainability Implications

Social Implications

14. The Asset Management Policy will allow the Shire to deliver services to the current and future community.

Economic Implications

15. The Asset Management Policy will allow the Shire to deliver services in a financially sustainable manner, whilst also ensuring that future needs are recognised and planned for.

Environmental Implications

16. The Asset Management Policy recognises the importance of managing our natural environment and heritage assets in the same manner as the built environment.

OFFICER COMMENT

17. The current Asset Management Policy provided a good foundation for minimum asset management, allowing the Shire to take significant steps in improving its asset management processes.
18. Nevertheless it now needs to be strengthened to provide adequate guidance to achieve the requirements of the integrated planning framework.
19. The revised policy will provide the framework for the Shire of Kalamunda to deliver core and intermediate asset management maturity to meet the current legislative requirements.
20. The Shire of Kalamunda recognises the significant advantages of working towards advanced asset management maturity, incorporating the following principles:
- Optimised Decision Making
 - Renew before New
21. The revised Asset Management Policy has been prepared in accordance with the National Asset Management Framework and best industry practice.

Cr McKechnie requested confirmation that each year the Council will still agree upon the amount of the budget to be placed in asset management, this was confirmed by the Acting Chief Executive Officer.

Voting Requirements: Simple Majority

OFFICER RECOMMENDATION (D&I 82/2012)

That Council:


1. Adopts the Revised Asset Management Policy (ENG15), as shown at (Attachment 1).

Moved: **Cr Frank Lindsey**

Seconded: **Cr Noreen Townsend**

Vote: **CARRIED UNANIMOUSLY (11/0)**

Attachment 1

	
<p>POLICY REGISTER</p>	
Title:	Asset Management Policy
Policy No.:	ENG15
Date Adopted:	18 April 2011
Date Last Reviewed:	
Rationale	<p>The Shire of Kalamunda recognises that strategic asset management is critical to the effective and efficient delivery of services to our community.</p> <p>This policy will assist with the implementation of best practice asset management to meet this service delivery goal.</p>
Policy	<p>1.0 Objective</p> <p>The Shire of Kalamunda recognises the importance of strategic asset management to the delivery of efficient and effective management of assets under its care and control. The outcome of this is to provide the right services to the community we serve.</p> <p>This policy outlines the scope, principles and processes for developing and implementing asset management in a coordinated and structured way. This policy is supported by the Asset Management Strategy, which defines how this policy is implemented in a practical way, and further detailed in the Asset Management Plans and other supporting documents.</p> <p>2.0 Scope</p> <p>This policy applies to all Shire assets.</p> <p>The asset portfolio is composed of the following asset categories:-</p> <ul style="list-style-type: none"> • Roads and related infrastructure • Footpaths and off-road paths • Car parks • Parks & Reserves • Drainage • Buildings • Plant & Equipment • IT & Communications • Artworks • Library Assets <p>3.0 Principles</p> <p><u>Principle 1 – Asset Management Maturity</u></p> <p>The Shire of Kalamunda recognises that asset management practice can be undertaken at four levels of competence, being minimum, core, intermediate and advanced maturity. In order to deliver on its objectives, the Shire of Kalamunda will work towards core/intermediate maturity (meeting all legislated requirements) by June 2014, and continue to work towards advanced asset management in future years.</p> <p><u>Principle 2 – Asset Hierarchy and Componentisation</u></p> <p>Both core and advanced AM maturity need a recognition of the relative importance of individual assets within an asset category and the importance of individual 'components' of an asset.</p> <p>The asset hierarchy and componentisation are defined in the Asset Management Strategy.</p> <p><u>Principle 3 – Levels of Service</u></p>

	<p><i>Core maturity</i> - is the level at which some compliance with legislation is achieved. At this level, there is a low level of strategic thinking in asset management practice. At this level, the organisation has developed a simple asset hierarchy, recognises componentisation and has recognised the need to continue collecting and maintaining information across the inventory attributes, financial information and strategic planning.</p> <p><i>Intermediate maturity</i> - is the level at which all compliance with legislation is achieved. At this level, there is a good level of strategic thinking in asset management practice, including a better understanding of service delivery. At this level, the organisation has developed a detailed asset hierarchy, understands componentisation and has developed a systematic approach to collecting and maintaining information across the inventory attributes, financial information and strategic planning.</p> <p><i>Advance maturity</i> - decisions are optimised to deliver the best service outcomes for the community.</p> <p><i>Service Levels</i> – describes the purpose of the asset, either as a technical or community outcome. The service levels are descriptive and measurable to ensure that the community can identify whether the service level is achieved.</p> <p><i>Operations</i> – activities required to ensure the asset perform. This includes rates, insurance, compliance and safety inspections, cleaning, utilities, security and other related costs.</p> <p><i>Maintenance and rehabilitation</i> – interventions required to ensure the asset is kept in the required condition. Maintenance is usually works of a minor nature, rehabilitation is works of a major nature. Both maintenance and rehabilitation maintain the existing service potential of an asset.</p> <p><i>Upgrades</i> – works required to increase the service potential of an asset.</p> <p><i>Components</i> – the basic parts of an asset where asset management practice will be undertaken.</p> <p><i>Hierarchy</i> – a framework to define the subgroups within an asset group. The hierarchy forms the basis of the relational structure of an asset group (parent-child relationships).</p> <p><i>Intervention Levels and Response Times</i> – together these determine how and when a maintenance or rehabilitation treatment will be triggered. Intervention levels relate to the actual defects, whilst the response time defines when a treatment will be completed.</p>
Related Local Law	
Related Policy	
Management Practice	
Legislation	Local Government Act 1995 Australian Accounting Standards Board - Standards 5; 10; 116; 117; 120; 136; 138; 140; 1051 Commonwealth Disability Access and Inclusion Act 1992 Road Traffic Act 1974 Occupational Health and Safety Act 2004 Protection of the Environment Operations Act 1997
Conditions	The policy has a life of four years. It will be reviewed annually in line with the industry standards and national asset management guidelines.

Indirectly, new and upgraded assets increase the renewal burden by increasing the size of the asset portfolio.

Principle 8 - Asset Management Roles and Responsibilities

Asset Management practice requires a whole of organisation approach, including elected officials, executive and management staff, technical and operation staff and the community.

At each level, these stakeholders must understand and accept their role and responsibility in regards to the implementation and delivery of asset management practice.

Details of the roles and responsibilities are defined in the Asset Management Strategy.

4.0 Policy Statement

- 4.1** All relevant legislative requirements together with political, social and economic environments are to be taken into account in strategic asset management.
- 4.2** Asset management relates directly to the Shire of Kalamunda Strategic Plan and is to be practiced by all Departments of the Shire
- 4.3** Asset management principles will be integrated within existing planning and operational processes.
- 4.4** The Shire of Kalamunda will continually monitor, audit and review its asset portfolio to ensure that it is responsive to service delivery needs and meets the goals and targets set by Council;
- 4.5** Systematic and cyclic reviews will be applied to all asset classes and are to ensure that the assets are managed, valued and depreciated in accordance with appropriate best practice and applicable Australian Standards.
- 4.6** Service levels will be determined in consultation with the community and be reflected in the Asset Management Plans. Annual budget estimates will fully reflect the cost to deliver the agreed service levels.
- 4.7** Asset renewals will be prioritised and implemented progressively based on agreed service levels and the effectiveness of the current assets to provide that level of service.
- 4.8** Asset renewals required to meet agreed service levels and identified in infrastructure and asset management plans and long-term financial plans will be reflected in the annual budget estimates.
- 4.9** Future life-cycle costs will be reported and considered in all decisions relating to new services and assets and upgrading of existing services and assets.
- 4.10** The Shire will implement a Renew before New mindset in regards to prioritising infrastructure works. This includes prioritising the allocation of revenue from the proceeds of asset disposals to renewal works.

5.0 Related Documents

Asset Management Strategy; Asset Management Plans; Operation Plans, Maintenance Plans and CAPEX programs.

6.0 Glossary

Asset Maturity - can be at one of the following levels

Basic maturity - the organisation has knowledge of what assets it is responsible for, some information regarding asset condition at a facility level and basic understanding of budgets, maintenance requirements and operations. There is little or no strategic understanding of service level delivery so decisions are made on a worst-first basis.

	<p>Each asset category will have a range of technical and community service levels to meet community expectations. The Levels of Service are defined in the Asset Management Strategy and detailed in the Asset Management Plans.</p> <p><u>Principle 4 – Intervention Levels and Response times</u></p> <p>On the basis of the asset hierarchy, decisions can be made as to when maintenance interventions and treatments are appropriate to meet the required service levels. These Intervention and response times form the major input into determining the budget requirements. The <i>Intervention Levels and Response Times</i> are defined in the Asset Management Plans.</p> <p><u>Principle 5 – Asset Condition</u></p> <p>Asset condition is critical to a number of asset management practices, ranging from determining priorities, valuations and reporting. The Shire of Kalamunda will utilise a five level asset condition rating system.</p> <table border="1"> <thead> <tr> <th>Rank</th> <th>Common Description</th> <th>Detailed Description</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>Very Good</td> <td>Asset is in near perfect condition. Maintenance is minor and basic to maintain the asset in very good condition.</td> </tr> <tr> <td>2</td> <td>Good</td> <td>Asset has deteriorated slightly and regular maintenance is required to maintain the asset in good condition. Moderate rehabilitation is required to improve the rank of this asset.</td> </tr> <tr> <td>3</td> <td>Average</td> <td>Asset is in satisfactory condition but showing signs of wear and tear. Moderate levels of maintenance are required to maintain the asset in this condition. Significant rehabilitation is required to improve the asset to either rank 1 or 2.</td> </tr> <tr> <td>4</td> <td>Poor</td> <td>Asset is in below average condition with significant signs of wear and tear. Moderate maintenance is required to maintain the rank of this asset. Regular safety inspections are required as part of a risk management strategy. Improvement of the rank of this asset is likely to require full replacement rather than rehabilitation.</td> </tr> <tr> <td>5</td> <td>Unserviceable</td> <td>Asset is redundant and awaiting disposal, minimum funds are allocated to maintenance, however safety inspections must be undertaken and minor works may be required on a reactive basis.</td> </tr> </tbody> </table> <p><u>Principle 6 - Worst First vs Optimised Decision Making</u></p> <p>Historically maintenance and rehabilitation works were prioritised on the basis of dealing with assets in the worst condition first (worst First). This method is based on the concept of trying to get all assets to the best condition.</p> <p>Optimised Decision Making (ODM) recognises the importance of asset hierarchy and service levels in determining the allocation of funds to maintenance and rehabilitation. As an example, some assets may be appropriately maintained in condition 3, whilst others would be unacceptable in anything other than condition 1.</p> <p><u>Principle 7 – New vs Renew</u></p> <p>The provision of new and upgraded assets has a direct and indirect consequence to the renewal gap. In direct terms, these the provision of new and upgraded assets diverts existing funds away from existing renewal requirements</p>		Rank	Common Description	Detailed Description	1	Very Good	Asset is in near perfect condition. Maintenance is minor and basic to maintain the asset in very good condition.	2	Good	Asset has deteriorated slightly and regular maintenance is required to maintain the asset in good condition. Moderate rehabilitation is required to improve the rank of this asset.	3	Average	Asset is in satisfactory condition but showing signs of wear and tear. Moderate levels of maintenance are required to maintain the asset in this condition. Significant rehabilitation is required to improve the asset to either rank 1 or 2.	4	Poor	Asset is in below average condition with significant signs of wear and tear. Moderate maintenance is required to maintain the rank of this asset. Regular safety inspections are required as part of a risk management strategy. Improvement of the rank of this asset is likely to require full replacement rather than rehabilitation.	5	Unserviceable	Asset is redundant and awaiting disposal, minimum funds are allocated to maintenance, however safety inspections must be undertaken and minor works may be required on a reactive basis.
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5	Unserviceable	Asset is redundant and awaiting disposal, minimum funds are allocated to maintenance, however safety inspections must be undertaken and minor works may be required on a reactive basis.																		

Attachment 2

Asset Management Policy Review 2012

Change Document

Commentary

This policy needs to recognise that the audience of this document are the members of our community (both resident and non-resident).

It is written in lay terms, however, to ensure a concise document, some technical terms are necessary. Where appropriate these terms have been incorporated into a glossary to assist with their interpretation.

The structure of the policy has been revised to provide a logical flow of concepts from an objective, scope, principles through to the policy statement.

The last two sections, related documents and glossary, are intended to provide the reader with knowledge about the other asset management documents and in assist with the interpretation of this policy respectively

Rationale

Assets are provided with the express aim and objective to provide a service to the user.

As such, it is critical to emphasise the importance of service delivery rather than the process of asset management in both the rationale and objective of the policy.

The rationale in the revised policy shifts the mindset of the reader to the service potential of the asset.

Policy, 1.0 Objective

Again, it is important to provide a succinct summary in non-technical terms of what we are trying to achieve.

In addition, there is indications of the linkage to the Asset Management Strategy and Asset Management Plans which support the delivery of this policy.

Parts of section 1 have been revised and incorporated into new section 4.0. (with section 3.1 and section 3.2)

Policy, 2.0 Scope

The current policy had duplication of this section as well as inconsistencies as it only recognised infrastructure assets, but not community and operational assets.

This section is expanded to recognise all asset categories and duplication has been removed (was section 2.0 and section 4.0).

Policy, 3.0 Principles

This is a new section, recognising 8 key principles of asset management practice.

These principles reflect the intent of some of the elements from the current policy objectives, however also includes some concepts of advanced asset management that need to be recognised in this head document. This includes the concepts of maturity, hierarchy, componentisation, intervention and response times, asset condition and optimised decision making.

Policy, 4.0 Policy Statement

The policy statement is the key to this policy. It provides the foundation for all other documents and activities related to asset management. As such, the 10 statements tell all stakeholders exactly what asset management is about. This includes reference to

- legislation,
- whole of organisation practice,
- integrated planning,
- benchmarking, audit and review,
- best practice financial management of the asset portfolio,
- consultation,
- service levels and service delivery,
- budgets,
- renewals, and
- life cycle planning,

This is a rewording of parts of both the objectives and policy principles from the existing policy as well as reflecting the 8 principles in section 2.0 (was section 1.0 and section 3.3).

Policy, 5.0 Related Documents

Recognition of other related documents which were not identified in the existing policy (section 5)

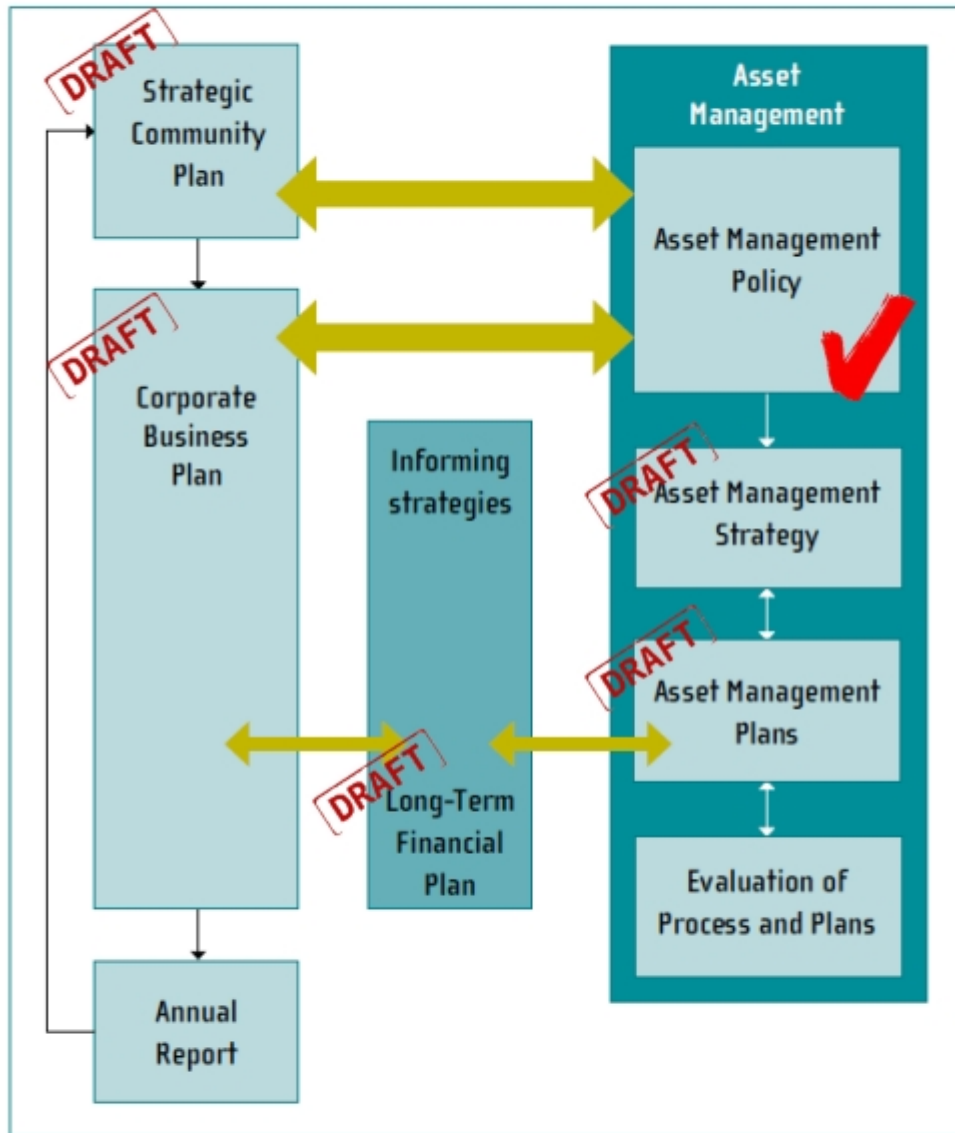
Policy, 6.0 Glossary

This is a new section, which has been added to provide definitions for the technical terms.

Other sections remain unchanged

Attachment 3

FIG 1 ELEMENTS OF WA ASSET MANAGEMENT FRAMEWORK



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

83. MRS Amendment 1235/57 – Lot 32 (31) Brook Road and Lot 36 (655) Welshpool Road East, Wattle Grove

Previous Items	N/A
Responsible Officer	Director Development & Infrastructure Services
Service Area	Development & Infrastructure Services
File Reference	PG-MRS-016
Applicant	E and D Litis Pty Ltd
Owner	E and D Litis Pty Ltd
Attachment 1	Locality Plan
Attachment 2	Wattle Grove Urban Precinct – Proposed Minor Amendment as Advertised
Attachment 3	Maddington Kenwick Strategic Employment Area Concept Plan
Attachment 4	Draft Local Planning Strategy Spatial Plan

PURPOSE

1. To consider an Metropolitan Region Scheme Amendment (“MRS”) referred to the Shire for comment by the WA Planning Commission (“the Commission”) to rezone a portion of Lot 32 (31) Brook Road and Lot 36 (655) Welshpool Road East, Wattle Grove, from the Parks and Recreation Reservation under the MRS to Urban. Refer to (Attachments 1 and 2).

BACKGROUND

2. Land Details:

Aggregate Land Area:	4.26ha
Metropolitan Region Scheme Zone:	Regional Reserve (Parks and Recreation)

3. The properties are currently vacant and are within close proximity to the former Wattle Grove Primary School, a poultry farm, a soil land facility and residential properties which fall within the Wattle Grove Cell 9 Structure Plan.
4. The rear of Lot 32 contains remnant vegetation and forms part of a Conservation Category Wetland (“CCW”).
5. The properties are located within Bush Forever site 387.
6. The properties abut the Maddington Kenwick Strategic Employment Area in the City of Gosnells, which has been identified in the State Government’s Economic Employment and Lands Strategy – non heavy industrial as being proposed to become an industrial area. Refer to the Maddington Kenwick Strategic Employment Area Concept Plan (Attachment 3).

-
7. The properties are identified in the Shire's Draft Local Planning Strategy as falling within a "Proposed Industrial Development Area". Refer to the Draft Local Planning Strategy Spatial Plan (Attachment 4).
 8. In November 2009, an application for a showroom and warehouse on the properties was received by the Shire.
 9. The properties are a Regional Reserve (Parks and Recreation) under the MRS and therefore, the application was ultimately required to be determined by the Commission.
 10. In December 2009, the Shire recommended to the Commission that the application be refused for the following reasons:
 - "1. The proposed use is considered inappropriate within a Regional Reserve for Parks and Recreation.*
 - 2. The lots are identified as "Bush Forever".*
 - 3. Lot 32 has been identified as containing Declared Rare Flora by the Department of Environment and Conservation.*
 - 4. The development would impact on vegetation within the Guildford complex, which is regionally and locally rare.*
 - 5. The development will impact on an identified regional ecological linkage.*
 - 6. The subject sites are located within a Resource Enhancement Wetland."*
 11. The application was refused by the Commission and subsequently an application to review the Commission's decision was lodged with the State Administrative Tribunal ("SAT").
 12. A mediation hearing was held and the Commission was invited to reconsider its decision, and it subsequently resolved the following:

"Support, in principal, the initiation by the full Commission of an MRS amendment, to remove the Parks and Recreation reservation and to zone Urban:

 - a. lot 36 (655) Welshpool Road East, Wattle Grove;*
 - b. the portion of lot 32 (31) Brook Road, Wattle Grove that is neither included in the Conservation Category Wetland or within a 50 metre wide buffer adjacent thereto;*

and note that there may be hydrological issues of significant consideration, which will require resolution during the amendment process."
-

DETAILS

13. It is proposed that a portion of Lot 32 (31) Brook Road and Lot 36 (655) Welshpool Road East, Wattle Grove, be rezoned from the Parks and Recreation Reservation under the MRS to Urban
14. The proposed amendment area excludes the CCW area and is proposed to be separated by a 50 metre buffer from the CCW. This area is to remain in the Parks and Recreation reservation and Bush Forever Area notification.

STATUTORY AND LEGAL IMPLICATIONS

15. The *Planning and Development Act 2005* allows for amendments to the MRS to be considered and ultimately determined by the Minister for Planning.
16. If the amendment is refused by the Minister, there is a further Right of Review (appeal) to SAT. The Commission will be the respondent to any further appeal.

POLICY IMPLICATIONS

Directions 2031 and Beyond

17. Directions 2031 and Beyond addresses urban growth needs and also takes into consideration the need to protect natural ecosystems. The framework provides for different lifestyle choices, vibrant nodes for economic and social activity and a more sustainable urban transport network.

Draft Outer Metropolitan Perth and Peel Sub-Regional Strategy

18. The Draft Outer Metropolitan Perth and Peel Sub-Regional Strategy provides a framework for delivering the objectives of Directions 2031 and Beyond. It identifies a strategic plan of actions, stakeholder responsibilities, and time frames for delivery.
19. The Draft Outer Metropolitan Perth and Peel Sub-Regional Strategy links State and local government strategic planning to guide the preparation and review of structure plans and local planning strategies.

Economic Employment and Lands Strategy – Non Heavy Industrial

20. Economic Employment and Land Strategy is the State Government's response to the future of industrial land use planning for the Perth and Peel region. It builds on Directions 2031 and Beyond and focuses on a strategy for industrial sites and in particular those that were identified as being under investigation. The strategy focuses on light and general industry uses.
21. The properties about the Maddington Kenwick Strategic Employment Area Concept Plan which is identified in the Economic Employment and Lands Strategy as a future industrial area.

Draft Local Planning Strategy

22. The Draft Local Planning Strategy outlines Council's vision and strategic planning direction for the next 20 years to coincide with Directions 2031 and Beyond.
23. The Draft Local Planning Strategy has identified the properties as falling within a "Proposed Industrial Development Area".

PUBLIC CONSULTATION/COMMUNICATION

24. The proposal is being advertised by the Commission. Notices have been published in the Government Gazette and newspapers. Plans and documents on the amendment have been on display at the Shire.
25. The Commission referred the proposed amendment to the Department of Water and the Water Corporation for comment, and they had no objections to the proposal.
26. The proposed amendment was also referred to the Environmental Protection Authority and it advised that the proposed amendment does not require formal assessment under the *Environmental Protection Act 1986*.

FINANCIAL IMPLICATIONS

27. Nil.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

Strategic Planning Implications

28. The property's fall within an area identified in numerous planning related documents as being suitable for industrial uses in future.

Sustainability Implications

Social Implications

29. The Commission has advised that in order to appropriately manage interface issues, there will be the requirement to prepare a local structure plan for the properties, and give consideration to the broader Strategic Planning of the surrounding area. If the amendment is approved, additional consultation will occur.

Economic Implications

30. If the amendment is approved, future development will provide employment opportunities for local residents.

Environmental Implications

Native Vegetation

31. Environmental Consultants undertook a flora, vegetation and wetland assessment of the properties on behalf of the applicants.
32. The assessment concludes that no conservation significant flora is located within the proposed amendment area, and there was no conservation significant vegetation communities present in the wetland.
33. The vegetation within the amendment area was considered to be “completely degraded”, with some areas of “completely degraded to degraded”.

Wetlands

34. There are no Ramsar wetlands or Directory of Important Wetlands in the amendment area, as it is located within a Resource Enhancement Wetland.
35. A CCW is located within the rear portion of Lot 32 which does not form part of the amendment area and therefore is being retained as part of the Parks and Recreation Reserve.
36. A wetland buffer assessment was undertaken by the applicant's Environmental Consultant due to the proposed land uses and degraded environment of the proposed amendment area.
37. The results of this assessment indicated minimal risk of threatening processes such as habitat modification, alteration to water regime and diminished water quality to the wetland. Recognising the significance of CCWs, a 50 metre wide buffer is proposed between the wetland and the proposed amendment area.

OFFICER COMMENT

38. The proposed amendment is consistent with the Draft Local Planning Strategy, Directions 2031 and Beyond, the Draft Outer Metropolitan Perth and Peel Sub-Regional Strategy and the Economic Employment and Lands Strategy – non heavy industrial areas.
39. The amendment accords with these documents as it will facilitate light industrial and commercial development which contributes to an adequate supply of well-located land for industrial development purposes which will increase employment opportunities and is within close proximity to Tonkin Highway, and rail and airport infrastructure.
40. The proposed uses on the properties will provide a suitable transition from the existing Soil Land facility adjoining the east boundary, to the rural and residential uses to the north and west.

41. Whilst there is some planning merit in the rezoning of the subject lots to urban under the MRS, consideration should be given as to how the lots are to be integrated with the land immediately to the north west of the site bounded by Brook Road, Welshpool Road East and the boundary with the City of Gosnells which has been identified as future industrial under the draft Local Planning Strategy. To this end, future structure planning of the subject lots must include the aforementioned area and more broadly the land identified under the Maddington Kenwick Strategic Employment Area Concept Plan to ensure the future strategic planning of the area is not compromised.
42. It is therefore recommended that Council supports the proposal.

Voting Requirements: Simple Majority

OFFICER RECOMMENDATION (D&I 83/2012)

That Council:

1. Advises the WA Planning Commission it supports the Metropolitan Region Scheme Amendment 1235/57 to rezone a portion of Lot 32 (31) Brook Road and Lot 36 (655) Welshpool Road East, Wattle Grove, from the Parks and Recreation Reservation under the Metropolitan Region Scheme to Urban.
2. Requests that consideration be given to including the land bounded by Brook Road, Welshpool Road East and the Local Government boundary with the City of Gosnells as part of the future structure planning of the subject lots.

Moved: **Cr John Giardina**

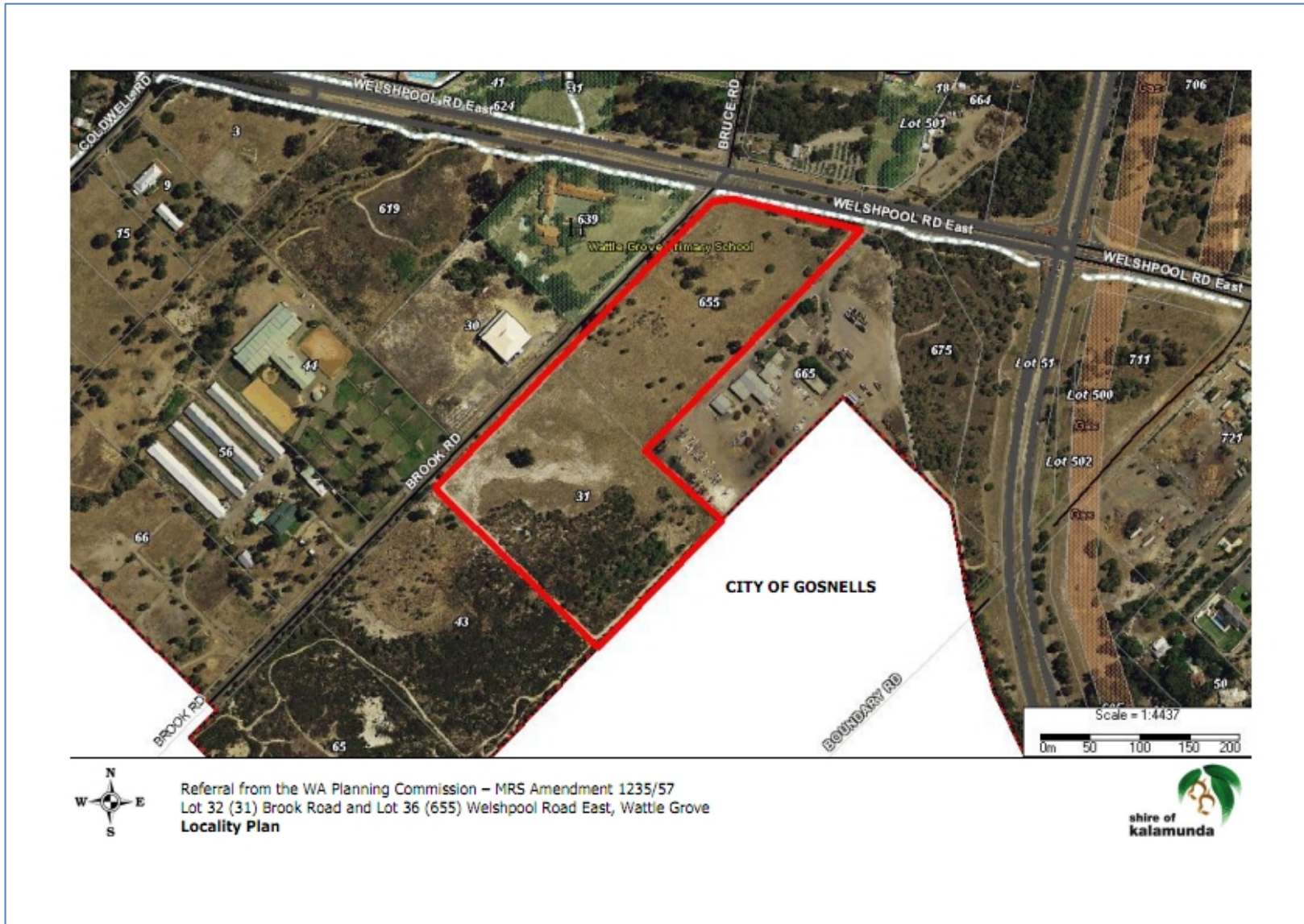
Seconded: **Cr Frank Lindsey**

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

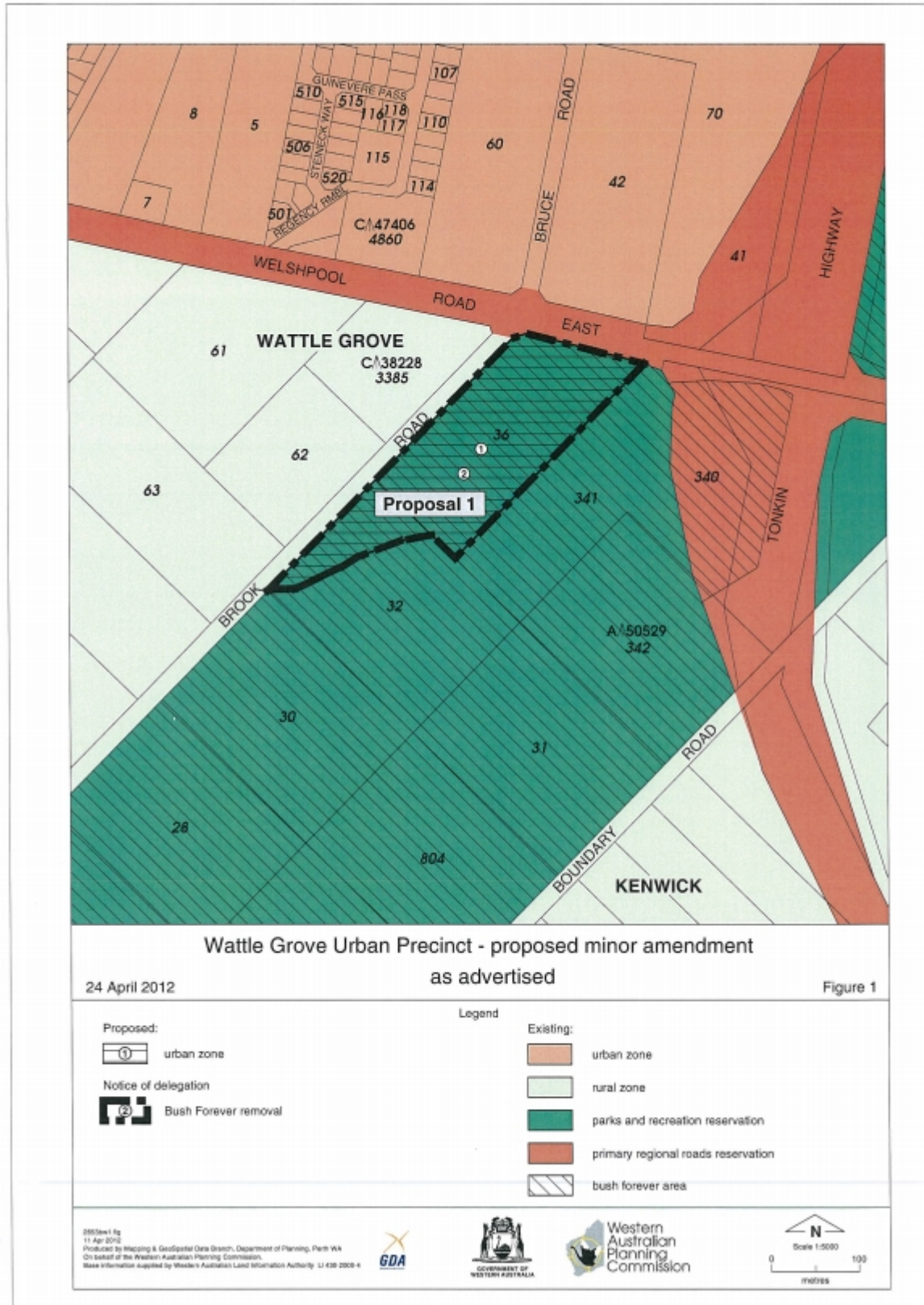
Against
Cr Noreen Townsend

CARRIED (10/1)

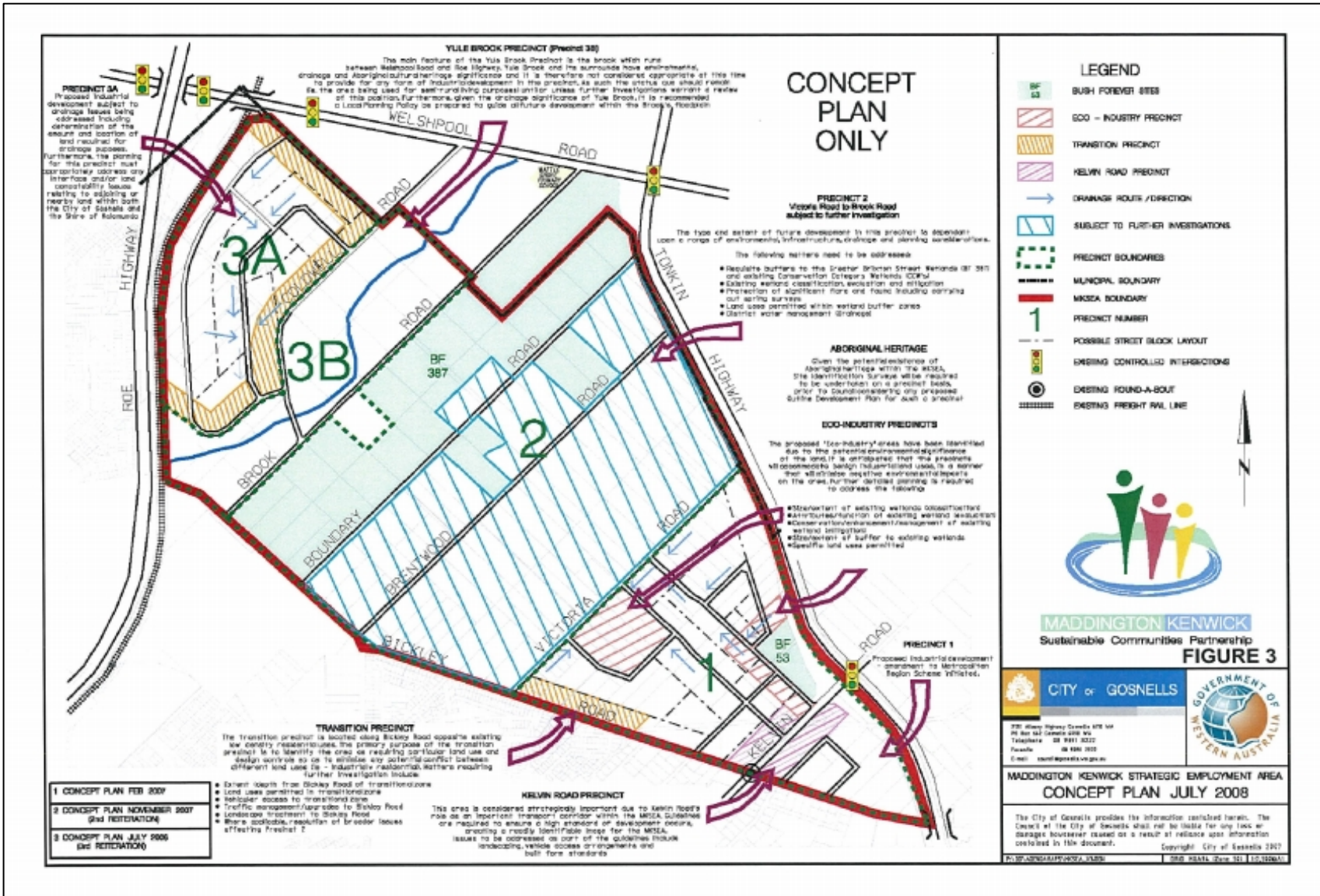
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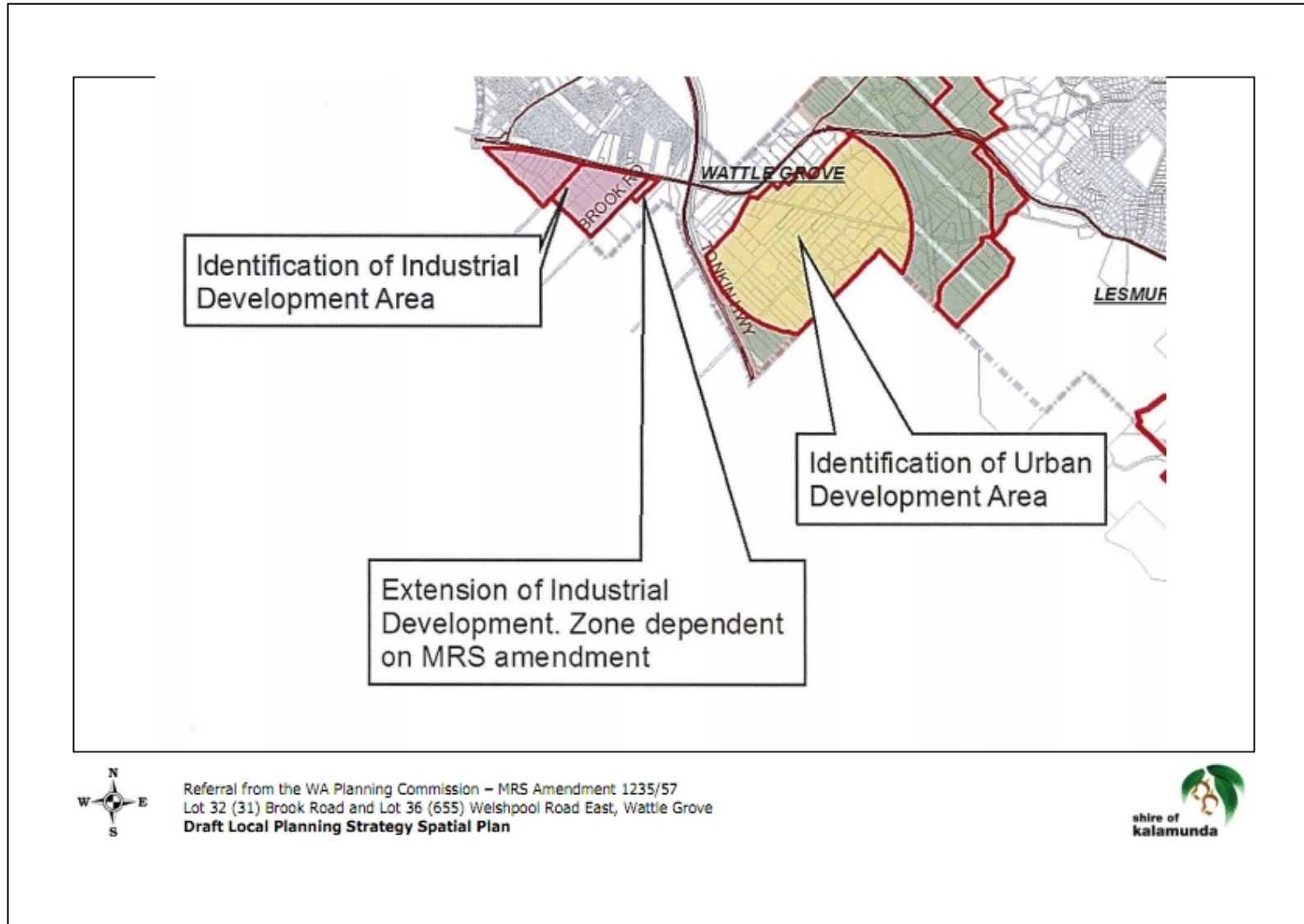
Attachment 2



Attachment 3



Attachment 4



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

84. Detailed Area Plan – Lot 6 (19) William Street, Wattle Grove

Previous Items	Nil
Responsible Officer	Director of Development & Infrastructure Services
Service Area	Development & Infrastructure Services
File Reference	144891
Applicant	Gray & Lewis Land Use Planners
Owner	A and M Negovetic
Attachment 1	Locality Plan
Attachment 2	Existing Wattle Grove Cell 9 Structure Plan
Attachment 3	Proposed Detailed Area Plan
Attachment 4	Approved Subdivision Plan

PURPOSE

1. To consider a Detailed Area Plan (“DAP”) for Lot 6 (19) William Street, Wattle Grove. Refer to (Attachments 1 to 3).

BACKGROUND

2. Land Details:

Land Area:	6,697sqm
Local Planning Scheme Zone:	Urban Development
Wattle Grove Cell 9 Structure Plan:	Residential R20
Metropolitan Region Scheme Zone:	Urban

3. The Wattle Grove Cell 9 Structure Plan (“the Structure Plan”) was adopted by Council in 2000 and endorsed by the WA Planning Commission (“the Commission”) in March 2001.
4. The property contains a single dwelling and associated outbuildings, and has frontage onto William Street.
5. In March 2012, the Commission approved an application to subdivide the property into 10 freehold lots ranging from 440sqm to 503sqm, with the existing structures and buildings being removed. The approval has yet to be implemented. Refer to the Approved Subdivision Plan (Attachment 4).
6. A condition of the Commission’s approval was that a DAP be prepared to address and implement the requirements stipulated in State Planning Policy 5.4 – Road and Rail Transportation Noise and Freight Consideration in Land Use Planning (“the Policy”).

7. The adopted Structure Plan identifies the surrounding land use as Residential R20 and public open space. A railway abuts the west boundary of the public open space, and an easement for the Parmelia High Pressure Gas Pipeline abuts the rear boundaries of proposed Lots 1 and 2.
8. The property falls within a 20-25 ANEF contour for Perth Airport.

DETAILS

9. A DAP is a document that provides design and development requirements in addition to or in replacement of those already required under a Structure Plan or the Residential Design Codes. These requirements may be more or less restrictive than the prevailing standards, in this instance the Policy.
10. No variations are proposed to the Policy requirements.
11. The DAP outlines how the requirements of the DAP will be addressed in terms of external wall, door and roof materials, and acceptable indoor and outdoor noise levels.
12. Uniform fencing in the form of two 1.8m high Colorbond fences running parallel to one another, are proposed along the rear boundaries of proposed Lots 1 and 2 to minimise the impact noise from the nearby railway will have on those residing on the properties in future.
13. No concept plans are currently available which show the built form and building footprints proposed on the parent lot.

STATUTORY AND LEGAL IMPLICATIONS

14. Under the provisions of Local Planning Scheme No. 3 ("the Scheme") the property is zoned Urban Development.
15. The Scheme objectives of the Urban Development zone are the following:
 - *"To provide orderly and proper planning through the preparation and adoption of a Structure Plan setting the overall design principles for the area.*
 - *To permit the development of land for residential purposes and for commercial and other uses normally associated with residential development."*
16. Clause 6.2.6 (Detailed Area Plans) of the Scheme makes provision for a DAP to be prepared where it is considered to be desirable to enhance, elaborate or expand the details or provisions contained in the Scheme or a Structure Plan.
17. Council is to either approve the DAP with or without conditions, or refuse to approve the DAP.
18. If approved by Council, the DAP will be forwarded to the Commission for endorsement. In the event that Council or the Commission refuses the DAP, there is a right of review (appeal) to the State Administrative Tribunal.

POLICY IMPLICATIONS

State Planning Policy 5.4 – Road and Rail Transportation Noise and Freight Consideration in Land Use Planning

19. The Policy aims to promote a system in which sustainable land use and transport are mutually compatible. It seeks to minimise the adverse impact of transport noise, without placing unreasonable restrictions on noise-sensitive residential development, or adding unduly to the cost of transport infrastructure.
20. The Policy also aims to provide a standardised and consistent framework for the consideration and management of the impacts of transport noise and freight operations when dealing with new noise-sensitive development in the vicinity of existing or future major transport. The Policy does this primarily by:
- identifying the situations in which it would be appropriate to assess proposals for transport noise impacts;
 - establishing noise criteria to be used in the assessment of these proposals; and
 - identifying measures that can be adopted to reduce road and rail transport noise in these instances.

PUBLIC CONSULTATION/COMMUNICATION

21. There is no requirement under the Scheme to advertise the DAP.

FINANCIAL IMPLICATIONS

22. Nil.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

Strategic Planning Implications

23. DAPs give local government an opportunity to enhance, elaborate or expand on provisions contained in a Structure Plan. Guidelines developed for a specific DAP should ensure a certain standard of residences will be achieved. A DAP is particularly beneficial for development on small residential lots.

Sustainability Implications

Social Implications

24. The DAP gives rights and obligations to landowners in respect to a number of design parameters, such as noise reduction measures. Identification of these issues prior to development will reduced potential conflicts between landowners at the building stage and minimise the amount of consultation that would otherwise be required.

Economic Implications

25. Nil.

Environmental Implications

26. Nil.

OFFICER COMMENT

27. The DAP has been requested by the Commission as a condition of the subdivision approval for the property. No variations to the requirements of the Policy were requested by the developer.

28. The use of "Colorbond" uniform fencing proposed is considered acceptable, however to ensure consistency with fencing currently under construction adjacent to the railway line the design should include the use of brick pillars. This requirement does not extend to the internal fence.

Voting Requirements: Simple Majority

OFFICER RECOMMENDATION TO COUNCIL (D&I 84/2012)

That Council:

1. Approves the Detailed Area Plan for Lot 6 (19) William Street, Wattle Grove, subject to the following conditions:

a) 1. Practical Barrier.

The developer is to construct a 1.8m high fence with brick pillars to the satisfaction of the Shire on the western boundary of the property as depicted on this DAP.

2. On receipt of the amended detailed area plan, forwards the Plan to the WA Planning Commission for endorsement.

Moved: **Cr Geoff Stallard**

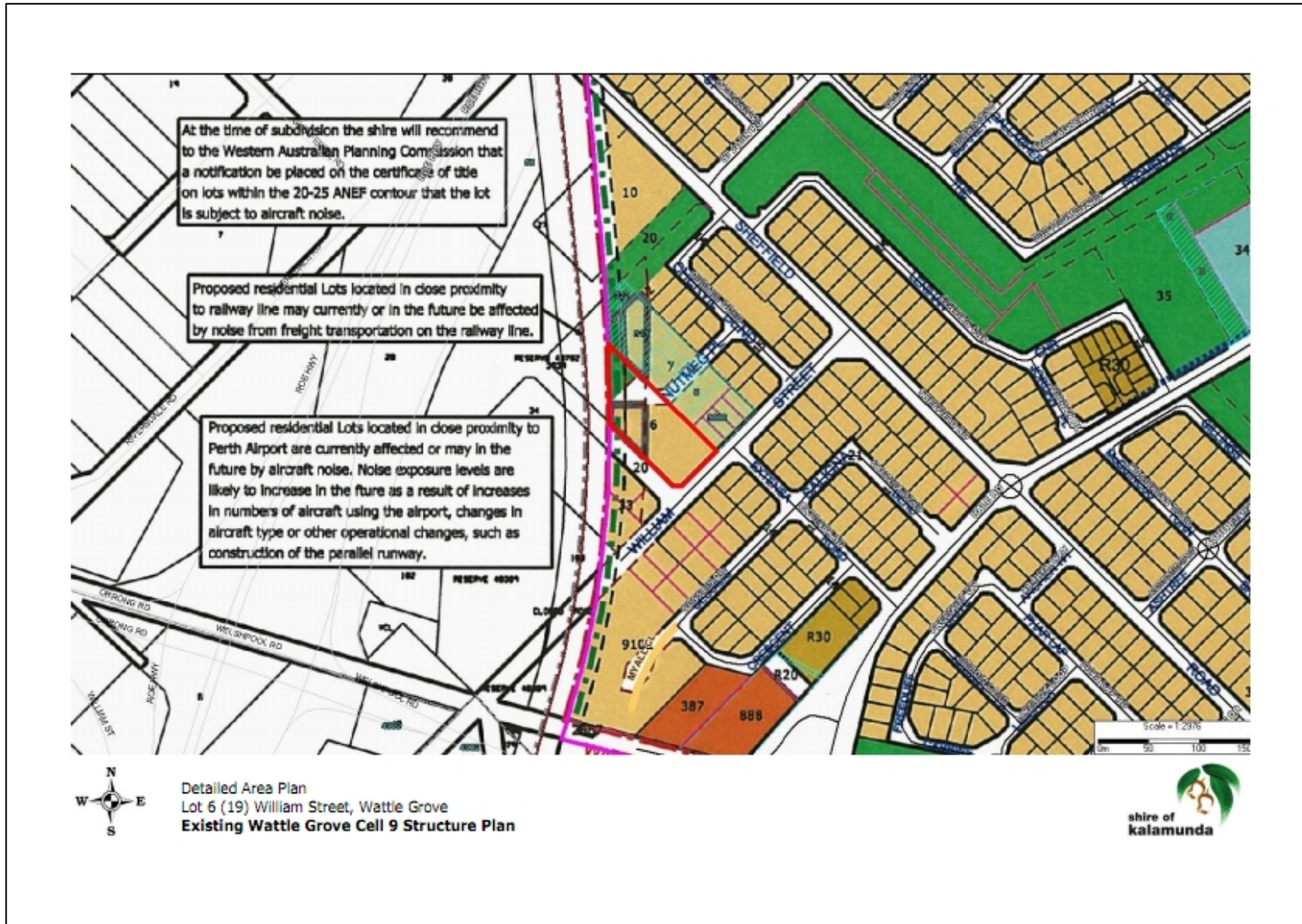
Seconded: **Cr Frank Lindsey**

Vote: **CARRIED UNANIMOUSLY (11/0)**

Attachment 1



Attachment 2



Attachment 3



Attachment 4



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

85. Outbuilding (Shed) and Rural Industry – Lot 13 (547) Pickering Brook Road, Pickering Brook

Previous Items	Nil
Responsible Officer	Director Development & Infrastructure Services
Service Area	Development & Infrastructure Services
File Reference	PC-01/547
Applicant	P Petrucci
Owner	P Petrucci
Attachment 1	Locality Plan
Attachment 2	Site Plan
Attachment 3	Elevations of Proposed Outbuilding
Attachment 4	Outbuilding Floor Plan
Attachment 5	Consultation Plan

PURPOSE

1. To consider a planning application to build a 400sqm outbuilding (packing shed) which is to be used in conjunction with a rural industry proposed to operate at Lot 13 (547) Pickering Brook Road, Pickering Brook. Refer to (Attachments 1 to 4).

BACKGROUND

2. **Land Details:**

Land Area:	6.46ha
Local Planning Scheme Zone:	Rural Agriculture
Metropolitan Region Scheme Zone:	Rural

3. The property is vacant, falls within a Public Drinking Water Source Area (Priority 2) and contains a building envelope on the property within which all domestic buildings are to be located in accordance with Local Planning Scheme No 3 ("the Scheme").
4. As the proposed outbuilding is not intended to be used for domestic purposes there is no statutory requirement for it to be located within the building envelope.
5. Surrounding properties contain single dwellings, associated outbuildings used for rural activities.

DETAILS

6. Details of the application are as follows:
 - The proposed outbuilding has a floor area of 400sqm.
 - The outbuilding is proposed to have a wall height of 5m and a roof height of 6.9m above the natural ground level.

- The outbuilding is proposed to be used to pack produce grown on nearby properties and which will then be collected and delivered to other properties.
- No commercial vehicles owned by the applicants are to be parked on the property.
- There will be a maximum of four employees on site at any one time.
- The proposed hours of operation are between 12.00pm and 4.00pm Monday to Friday.

STATUTORY AND LEGAL IMPLICATIONS

Local Planning Scheme No. 3

7. Clause 4.2.2 (Objectives of the Zones – Rural Zones) of Local Planning Scheme No. 3 (“the Scheme”) stipulates the following are objectives of the Rural Agriculture zone:
- *“To protect and maintain the hills horticultural industry.”*
 - *“To ensure the conservation of soil and water resources important to the wellbeing of the horticulture industry.”*
 - *“Ensure that land uses, activities and land management practices are consistent with natural resources conservation and are compatible with public water supply objectives. ”*
 - *“To conserve the physical and visual environment of the area.”*
8. Under the Zoning Table (Table 1) of the Scheme the use “Industry - Rural” is classed as a ‘P’ use in the Rural Agriculture zone meaning that it is permitted, providing the use complies with the relevant standards and requirements of the Scheme.
9. Under Schedule 1 of the Scheme (Land Use Definitions) the use Industry - Rural are defined as being:
- “Means an industry handling, treating, processing or packing rural products and a workshop servicing plant or equipment used for rural purposes.”*
10. Table 2 of the Scheme stipulates the following for properties zoned Rural Agriculture:

	Scheme Requirement	Proposed
Front Setback	20m Minimum	20m
Side Setback	15m Minimum	15m from the nearest side boundary, being the east (side) boundary.
Rear Setback	15m Minimum	Approximately 271m

11. The car parking requirements for the use Industry - Rural stipulated under Table 3 (Car Parking Requirements) of the Scheme are as follows:

Scheme Parking Requirements	NLA	Number of Employees	Bays Required	Bays Provided
1 bay per 100sqm NLA or 1 bay per employee whichever is greater.	400sqm	-	4 bays minimum	Sufficient parking available on site.
	-	4	4 bays minimum	

12. 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 a number of matters, including:
- The compatibility of the development within its settings.
 - The likely effect of the scale and appearance of the proposal.
 - Any relevant submissions received on the application.
13. If Council refuses the application, or imposes conditions that are not acceptable to the applicant, there is a Right of Review (appeal) to the State Administrative Tribunal.

POLICY IMPLICATIONS

Local Planning Policy DEV20 - Outbuildings

14. Local Planning Policy DEV20 – Outbuildings stipulates that rural outbuildings will be assessed on their individual merits, but shall be referred to Council if the floor area exceeds 300sqm. If approved, the aggregate floor area of the outbuildings on the property will be 400sqm.

PUBLIC CONSULTATION/COMMUNICATION

15. The proposal was advertised for 14 days to nearby property owners for comment in accordance with clause 9.4.3 of the Scheme, due to the floor area of the outbuilding being in excess of 300sqm. Three non-objections were received. Refer to the Consultation Plan (Attachment 5).
16. The proposal was also referred to the Department of Water due to the property falling within a Public Drinking Water Source Area (Priority 2). The Department of Water advised that it had no comment on the proposal.

FINANCIAL IMPLICATIONS

17. Nil.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

Strategic Planning Implications

18. Nil.

Sustainability Implications

Social Implications

19. Impacts the proposal may have on the amenity of the local area can be addressed through the inclusion of conditions, should Council approve the application. These relate to the colour and material details of the proposed outbuilding and operating hours of the proposed packing shed.

Economic Implications

20. If approved by Council, the proposed activity will provide more employment opportunities for the local population.

Environmental Implications

21. Nil.

OFFICER COMMENT

22. The outbuilding is proposed to have a floor area of 400sqm, a wall height of 5m and a roof height of 6.9m above the natural ground level. This is considered acceptable for the following reasons:
- The outbuilding will be approximately 55m from the nearest dwelling, being on the opposite side of Pickering Brook Road.
 - No objections were received during advertising regarding the outbuilding's size.
 - The outbuilding's proposed boundary setbacks are compliant with the Scheme.
23. The proposal complies with the Scheme objectives for the Rural Agriculture zoning.
24. Considering the above, it is recommended that Council approves the application.

Voting Requirements: Simple Majority

OFFICER RECOMMENDATION (D&I 85/2012)

That Council:

1. Approves the application dated 25 July 2012 to build a 400sqm outbuilding at Lot 13 (547) Pickering Brook Road, Pickering Brook, subject to the following conditions:
 - a. No storage or carrying out of commercial activities is permitted in open yard areas visible from any adjoining street.
 - b. Colour and material details of the proposed development are to be submitted to and approved by the Shire prior to the building permit being issued.
 - c. No major servicing of machinery is permitted on the property.
 - d. An effluent disposal system that complies with the Health *(Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulation 1974* must be installed.
 - e. All car parking being contained on site.
 - f. The crossover shall be suitably constructed to the specifications of the Shire.

Moved: **Cr John Giardina**

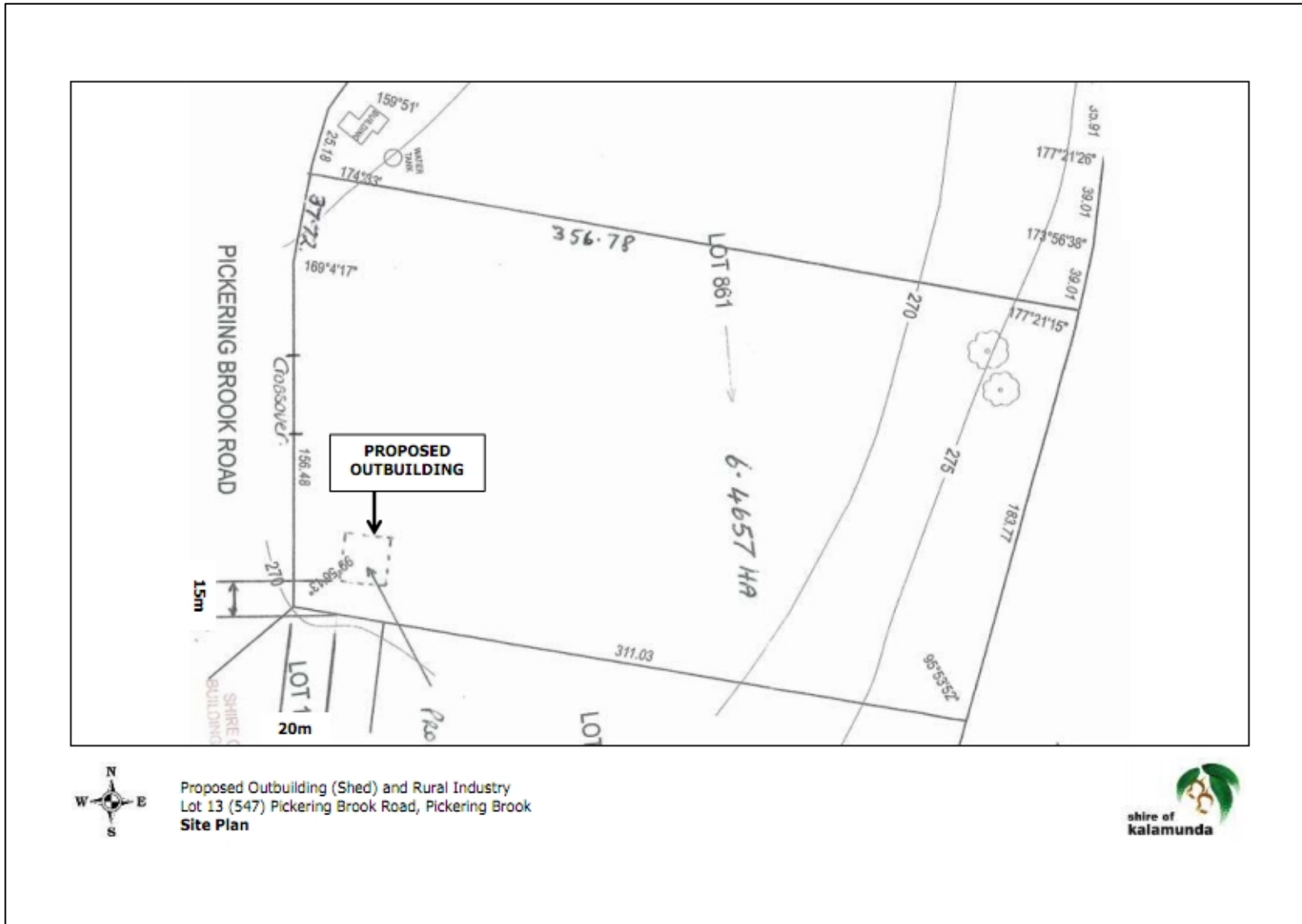
Seconded: **Cr Frank Lindsey**

Vote: **CARRIED UNANIMOUSLY (11/0)**

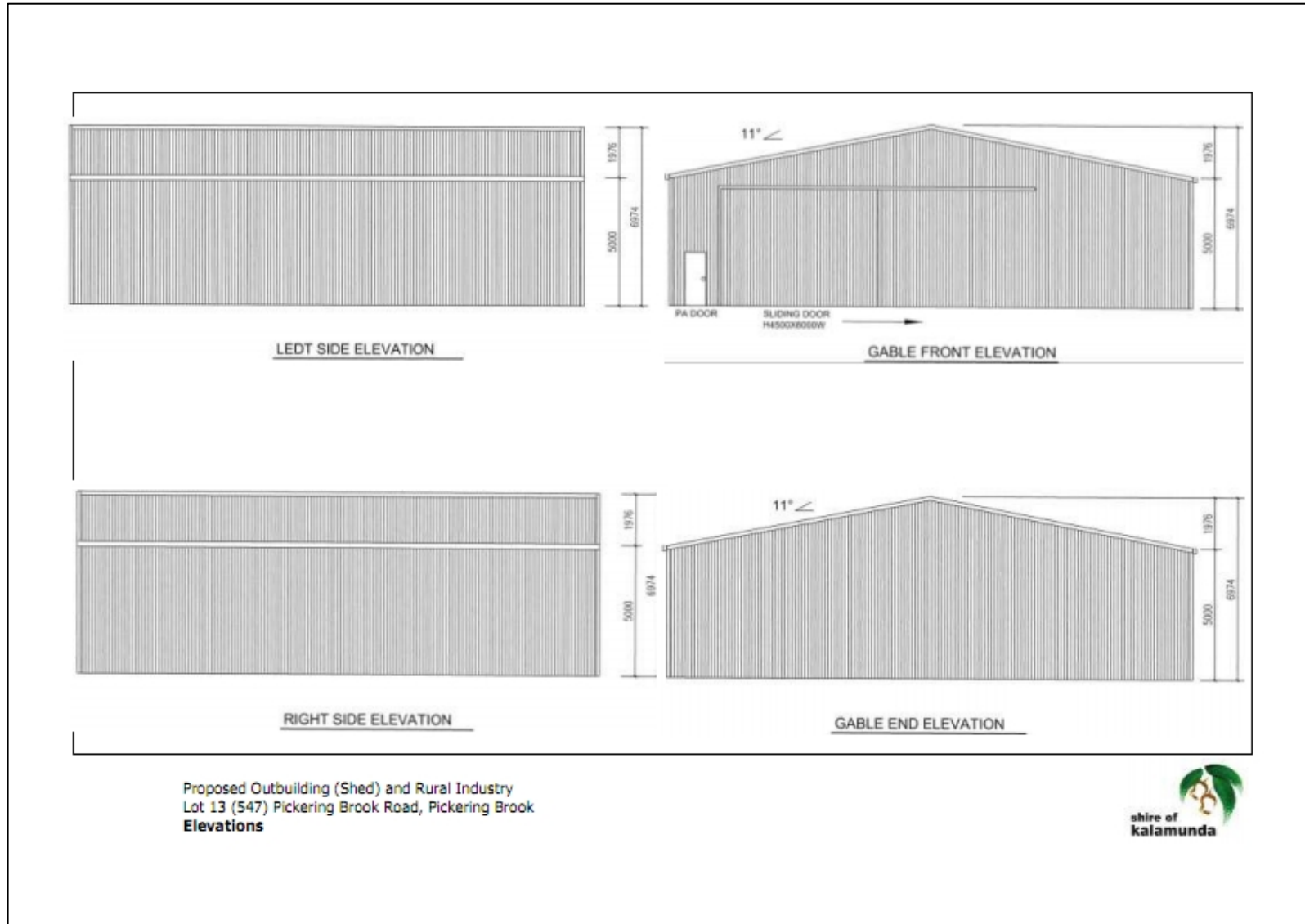
Attachment 1



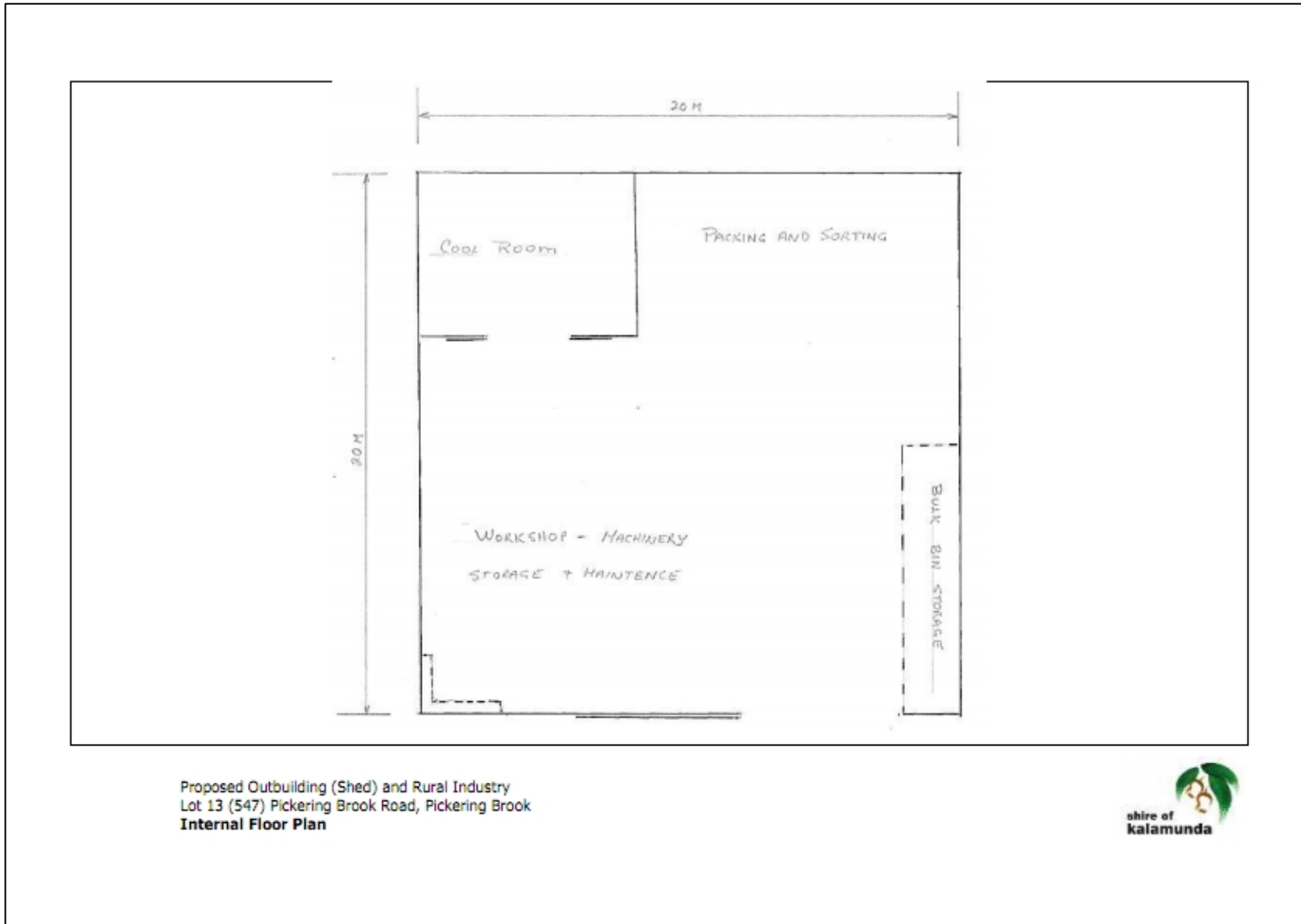
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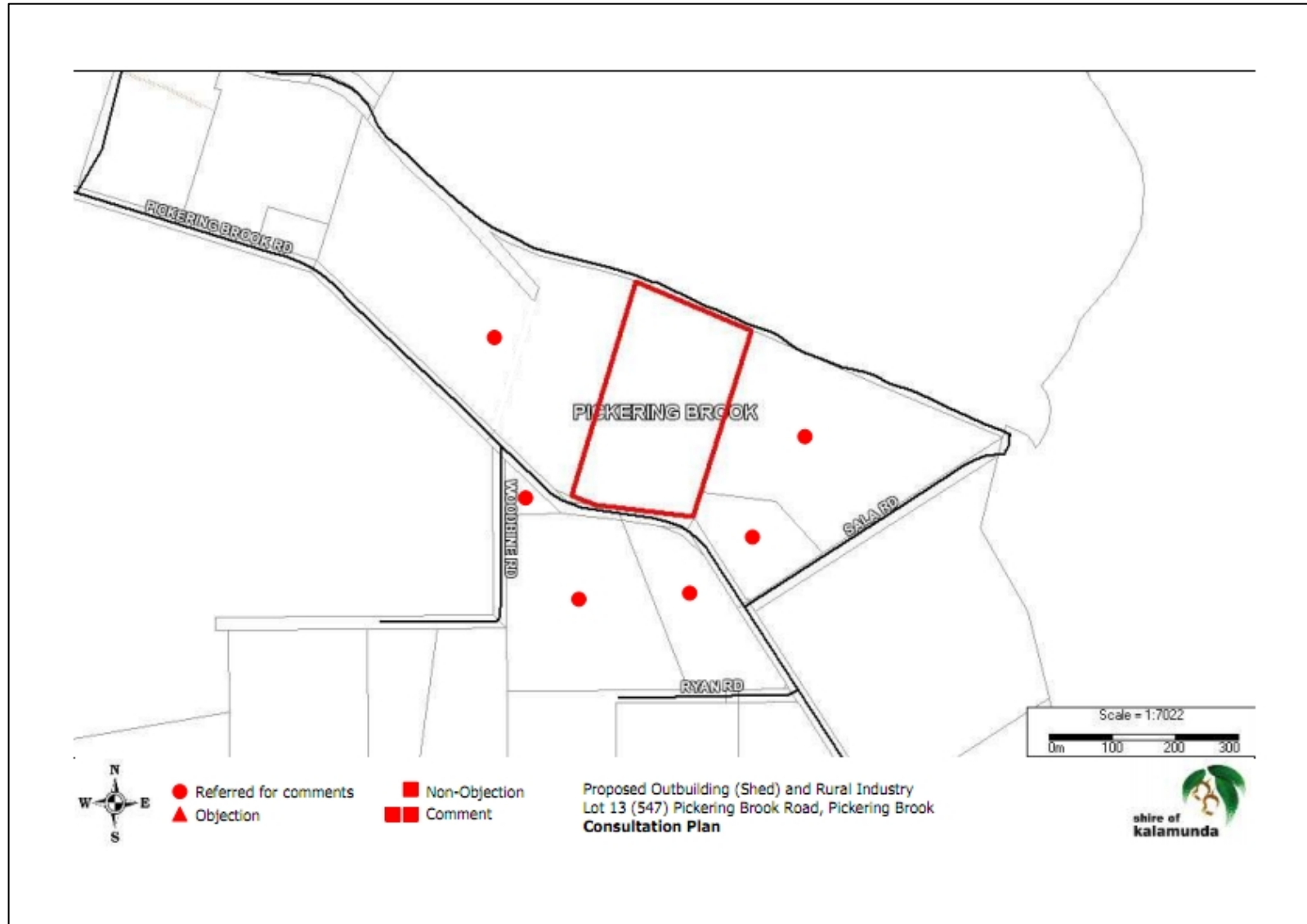
Attachment 3



Attachment 4



Attachment 5



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

86. The Parking of One Commercial Vehicle, an Outbuilding (Garage) and Ancillary Accommodation – Lot 7 (35) Courtney Place, Wattle Grove

Previous Items	Nil
Responsible Officer	Director Development & Infrastructure Services
Service Area	Development & Infrastructure Services
File Reference	CR-16/035
Applicant	Y Yang
Owner	Y Yand and W Ding
Attachment 1	Locality Plan
Attachment 2	Site Plan
Attachment 3	Photographs of the Proposed Commercial Vehicle
Attachment 4	Elevations of the Proposed Outbuilding (Garage)
Attachment 5	Floor Plan of the Proposed Outbuilding (Garage)
Attachment 6	Elevations of the Proposed Ancillary Accommodation
Attachment 7	Floor Plan of the Proposed Ancillary Accommodation
Attachment 8	Draft Local Planning Strategy Spatial Plan
Attachment 9	Consultation Plan

PURPOSE

1. To consider a planning application to park one commercial vehicle (a truck) and build a 400sqm outbuilding (garage) and ancillary accommodation with a floor area of 154sqm at Lot 7 (35) Courtney Place, Wattle Grove. Refer to (Attachments 1 to 7).

BACKGROUND

2. **Land Details:**

Land Area:	1.09ha
Local Planning Scheme Zone:	Special Rural
Metropolitan Region Scheme Zone:	Rural

3. The subject property contains a single dwelling and has direct access to Courtney Place, which is a cul-de-sac. The property also fronts Welshpool Road East.
4. Surrounding properties contain single dwellings, mature vegetation and associated outbuildings.
5. The property falls within an area identified in the Shire's Draft Local Planning Strategy as being considered to be rezoned to Industrial Development. Refer to the Draft Local Planning Strategy Spatial Plan (Attachment 8).

6. Initially the applicant proposed to park two commercial vehicles on the property (two trucks), however having obtained legal advice regarding the use Commercial Vehicle Parking the application was amended by the applicant so that it is proposed that only one commercial vehicle is to be parked on the property.

DETAILS

7. Details of the application are as follows:
- The existing dwelling on the property is proposed to be retained and ancillary accommodation with a floor area of 154sqm is proposed to be built on the property.
 - The applicant is to reside in the ancillary accommodation and their family members are to reside in the existing dwelling.
 - An outbuilding (garage) with a floor area of 400sqm is proposed to be built, which will have a wall height of 4m and a roof height of 6.2m above the natural ground level.
 - One commercial vehicle used in conjunction with the applicant's business in Welshpool, and two private vehicles, are to be parked in the outbuilding.
 - The driver of the commercial vehicle will not reside at the property.
 - The commercial vehicle is proposed to be operated between 6.30am and 5.00pm Monday to Friday, and idle for up to 5 minutes prior to leaving the property and upon return.
 - Minor maintenance will be undertaken to the commercial vehicle on the property such as servicing and wheel changing.
 - No items associated with the applicant's business will be stored on the property.
8. Details of the commercial vehicles proposed to be parked on the property are as follows:

	TRUCK	POLICY REQUIREMENTS (RIGID TYPE)
MAKE	Isuzu	
TYPE	Truck	
YEAR	2007	
LENGTH	13m	11m Maximum
HEIGHT	3.3m	4.3m Maximum
WIDTH	2.4m	2.5m Maximum
TARE WEIGHT	10.6 tonnes	
AGGREGATE WEIGHT	22.5 tonnes	
LICENCE NO.	1CRR 950	

9. In support of the proposal, the applicant has advised the following:
- *"I have got 13 vehicles for two companies and 2 of them are heavy duty trucks requiring a large space to park. We are now parking our vehicles outside the yard on the side of the road or public car spaces. It causes a lot of complaints by our neighbours and it is not safe to park vehicles in public areas as well.*
 - *Also the products on top of the trucks are normally plasterboards, which cannot be replaced in weather.*
 - *For safety reasons, we need extra space and building height to do maintenance work to the trucks.*
 - *The shed will be built where a horse paddock currently is.*
 - *Some of our neighbours around the area or in Kenwick have built similar sheds on their property."*

STATUTORY AND LEGAL IMPLICATIONS

10. Under the Zoning Table (Table 1) of the Scheme the use "Commercial Vehicle Parking" and "Ancillary Accommodation" are classed as 'D' uses in a Special Rural zoning meaning that they are not permitted, unless Council has granted planning approval.
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. Table 2 (Site Requirements) of the Scheme stipulates the following for properties zoned Special Rural:

	Scheme Requirement	Proposed
Front Setback	15m Minimum	Approximately 150m
Rear Setback	15m Minimum	Outbuilding - 25m Ancillary Accommodation – 53m
Side Setback	10m Minimum	Outbuilding – 23m Ancillary Accommodation – 5m

13. Clause 4.2.2 of the Scheme (Objectives of the Zone – Special Rural) stipulates that an objective of the Special Rural zoning is to retain amenity and the rural landscape in a manner consistent with orderly and proper planning.

-
14. Clause 5.20 of the Scheme (Commercial Vehicle Parking) stipulates that the determination of commercial vehicle parking applications shall be "*generally*" in accordance with the Policy. The Shire reserves the right to amend the conditions of an approval or revoke an approval to park a commercial vehicle as a result of a justified complaint being received.
15. In considering an application for planning approval, clause 10.2 of the Scheme (Matters to be Considered by Local Government) requires Council to have due regard to:
- The compatibility of the development within its settings.
 - The preservation of the amenity of the locality.
 - The likely effect of the scale and appearance of the proposal.
 - Whether the proposed means of access and egress from the property are adequate.
 - Any local planning policy adopted by Council.
 - Any relevant submissions received on the application.
16. If Council refuses the application, or imposes conditions that are not acceptable to the applicant, there is a Right of Review (appeal) to the State Administrative Tribunal.

POLICY IMPLICATIONS

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

17. In assessing the application, Council is to give consideration to Local Planning Policy DEV22 – Parking of Commercial Vehicles on Private Property ("the Commercial Vehicle Parking Policy") which stipulates the following provisions applicable to parking a commercial vehicle on Special Rural zoned properties:
- The commercial vehicle shall not exceed (articulated type) 11m in length and 4.3m in height.
 - Approval to park a commercial vehicle on a lot shall apply to the applicant only on the lot the subject of the application and shall not be transferred to any other person.
 - The commercial vehicle shall be parked entirely on the lot behind the alignment of the front of the house.
 - 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.

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

Local Planning Policy DEV20 - Outbuildings

19. Local Planning Policy DEV20 – Outbuildings (“the Outbuildings Policy”) stipulates that rural outbuildings will be assessed on their individual merits, but shall be referred to Council if the floor area exceeds 300sqm.

State Planning Policy 3.1 – Residential Design Codes

20. Clause 6.11.1 (Ancillary Accommodation) of the Residential Design Codes (“the R Codes”) stipulates that it is acceptable to have an additional dwelling or independent accommodation associated with a single house and on the same lot where:

- i. The sole occupant or occupants are members of the family of the occupiers of the main dwelling.*
- ii. The lot is not less than 450sqm in area.*
- iii. The open space requirements are met.*
- iv. There is a maximum floor area of 60sqm.*
- v. One additional car space is provided.”*

21. Variations to these provisions can be considered subject to satisfying the performance criteria of the R Codes which stipulate the following:

“Ancillary dwellings that accommodate the needs of large families without compromising the amenity of adjoining properties.”

PUBLIC CONSULTATION/COMMUNICATION

22. The proposal was advertised for 14 days to nearby property owners for comment in accordance with clause 9.4.3 of the Scheme. Two non-objections were received. Refer to the Consultation Plan (Attachment 9).

FINANCIAL IMPLICATIONS

23. Nil.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

Strategic Planning Implications

24. The property falls within an area identified in the Shire’s Draft Local Planning Strategy as being considered to be rezoned to Industrial Development.

Sustainability Implications

Social Implications

25. Any potential impacts the proposal may have on the amenity of the local area can be addressed through the inclusion of conditions. These relate to the hours of operation of the commercial vehicles, the area where the vehicles are to be parked and the type of maintenance which can be carried out on the vehicle.

Economic Implications

26. Nil.

Environmental Implications

27. Nil.

OFFICER COMMENT

The Parking of One Commercial Vehicle

28. The proposal complies with the Commercial Vehicle Parking Policy requirements with the exception of proposing to commence operating the vehicles at 6.30am between Monday and Friday.
29. The Commercial Vehicle Parking Policy stipulates that vehicle movement and start up times are to be between 7.00am and 7.00pm Monday to Saturday.
30. No objections were received during advertising regarding the proposed operating times of the vehicle.
31. If Council approves the application, the applicant will be advised that no other vehicles used, or intended to be used, to carry goods or people for hire or reward, are permitted to park on the property as this would be deemed to be a transport depot.

Proposed Outbuilding (Garage)

32. The Outbuildings Policy stipulates that rural outbuildings will be assessed on their individual merits.
33. The outbuilding is proposed to be used to store a commercial vehicle, and two private vehicles not used in conjunction with the applicant's business.
34. The outbuilding is proposed to have a wall height of 4m and a roof height of 6.2m so that the commercial vehicles can be parked inside without having to be offloaded, and so that minor maintenance can be undertaken on them.
35. The outbuilding will not have a detrimental impact on the visual amenity of the area as the adjoining properties to the south are vacant, there is a distance of approximately 130m from the nearest dwelling on an adjoining property, there is a distance of 25m from the secondary street (Welshpool Road East) boundary and it will be sufficiently screened from Courtney place because of the existence of mature vegetation on the property.

36. The outbuilding is proposed to be built upon an existing horse paddock therefore no vegetation will be required to be removed.
37. No objections were received during advertising regarding the size and use of the proposed outbuilding.

Proposed Ancillary Accommodation

38. The proposal complies with the Scheme requirements with the exception of the side setback requirement, because of the ancillary accommodation proposed to be setback 5m in lieu of 10m from the south (side) boundary.
39. The proposed side setback of the Ancillary Accommodation is considered acceptable as the nearest adjoining properties to its proposed location are vacant.
40. The ancillary accommodation complies with the provisions of the R Codes with the exception of the floor area, 154sqm in lieu of 60sqm.
41. The performance criteria of the R Codes provide Council with necessary discretion to vary the floor space requirements for Ancillary Accommodation. In this regard the increased floor area is unlikely to compromise the amenity of adjoining properties.
42. No objections were received during advertising regarding the size and proposed side setback of the ancillary accommodation.
43. Considering the above, it is recommended that Council approves the application.

Voting Requirements: Simple Majority

OFFICER RECOMMENDATION (D&I 86/2012)

That Council:

1. Approves the application for a 400sqm outbuilding (garage) and a 154sqm ancillary accommodation to be built, and for Yunfeng Yang to park one commercial vehicle, an Isuzu truck (registration number 1CRR 950), at Lot 7 (35) Courtney Place, Wattle Grove, subject to the following conditions:

Outbuilding and Ancillary Accommodation

- a. The Ancillary Accommodation shall only be occupied by members of family of the occupiers of the main dwelling.
- b. A notification, under Section 70A of the Transfer of Land Act 1893, shall be placed on the Certificate of Title prior to the issue of a building licence which advises the following:

"Purchasers of the above described land are notified that the use of the land is subject to a requirement that the Ancillary Accommodation shall only be occupied by members of family of the occupiers of the main dwelling."

-
- c. The colour and material details of the proposed ancillary accommodation and outbuilding blending with existing development on the property to the Shire's satisfaction.
 - d. The external colour and materials details of the ancillary accommodation and outbuilding being submitted to and approved by the Shire prior to the building licence being issued.
 - e. The outbuilding not being used for habitation, commercial and/or industrial purposes.
 - f. An effluent disposal system being installed that complies with the *Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulation 1974*.

Commercial Vehicle

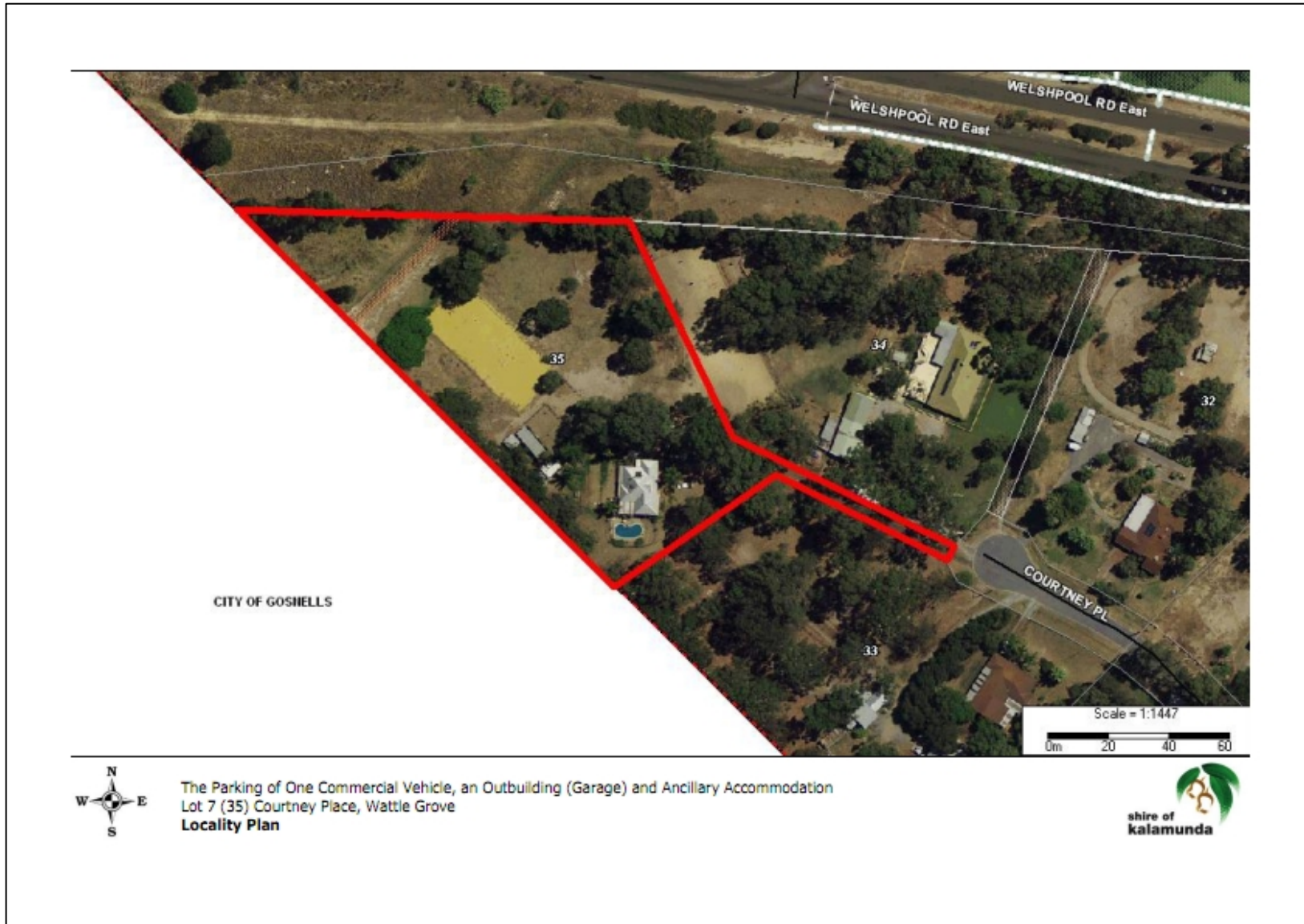
- g. The vehicle must, at all times, be parked in the location shown on the approved site plan.
 - h. The commercial vehicle is only permitted to be operated between 6.30am and 5.00pm Monday to Friday.
 - i. Maintenance and cleaning of the commercial vehicle is only permitted between 8.00am and 6.00pm Monday to Saturday, and 9.00am to 6.00pm on Sundays.
 - j. 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 h. No panel beating, external spray painting, external welding or the removal of major body or engine parts is permitted.
 - k. The idling time for the start-up and cool down of the vehicle being a maximum of five minutes per day.
 - l. Washing of the commercial vehicle on the subject lot is to be limited to the use of water and mild detergent, but not involve the use of any solvents, degreasing substances, steam cleaning and any other processes which may cause pollution or degradation of the environment.
2. Advises the applicant that any additional vehicle or commercial vehicle used or intended to be used, for carrying goods or persons for hire or reward, would not be permitted to be parked on the property.

Moved: **Cr Noreen Townsend**

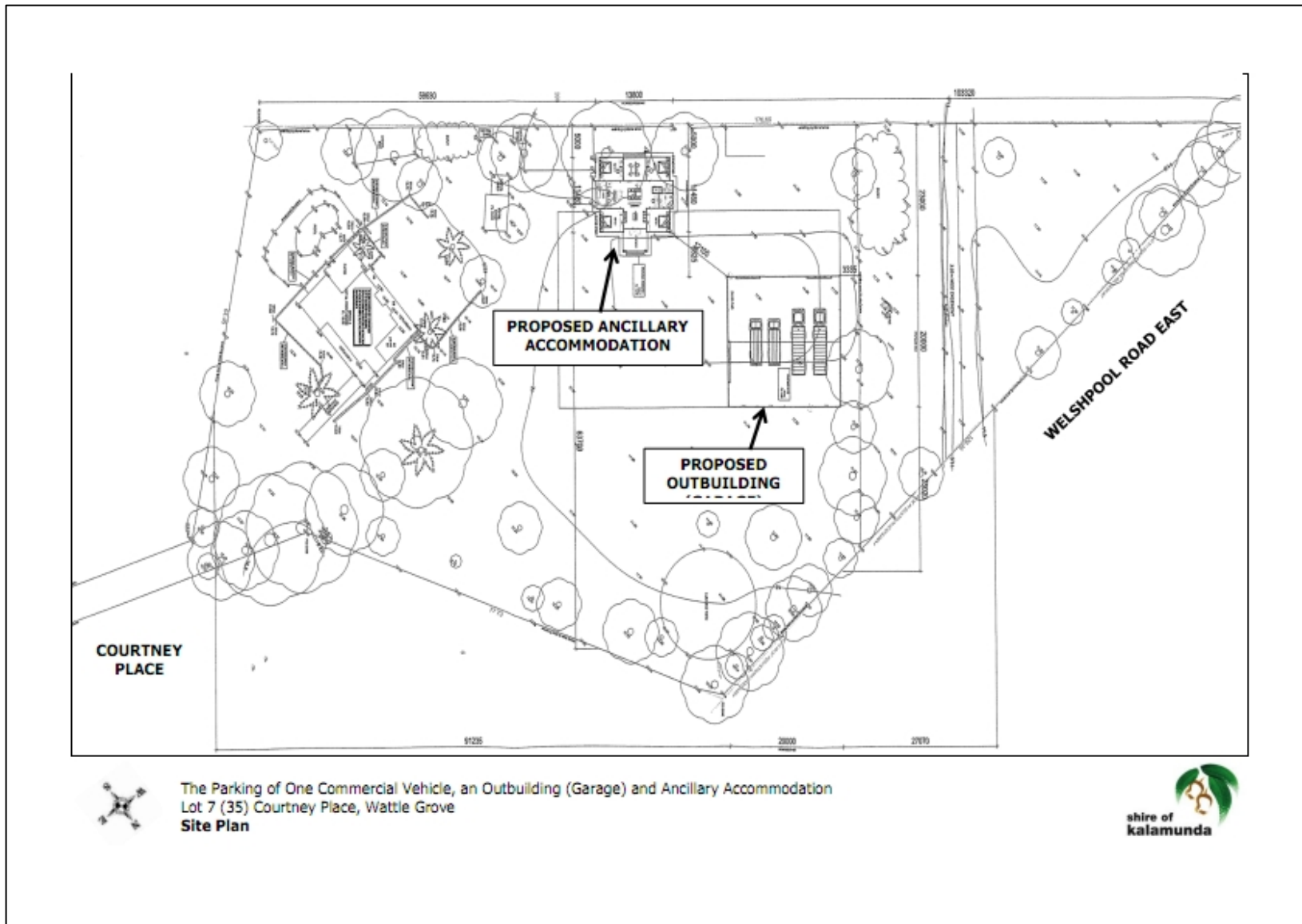
Seconded: **Cr John Giardina**

Vote: **CARRIED UNANIMOUSLY (11/0)**

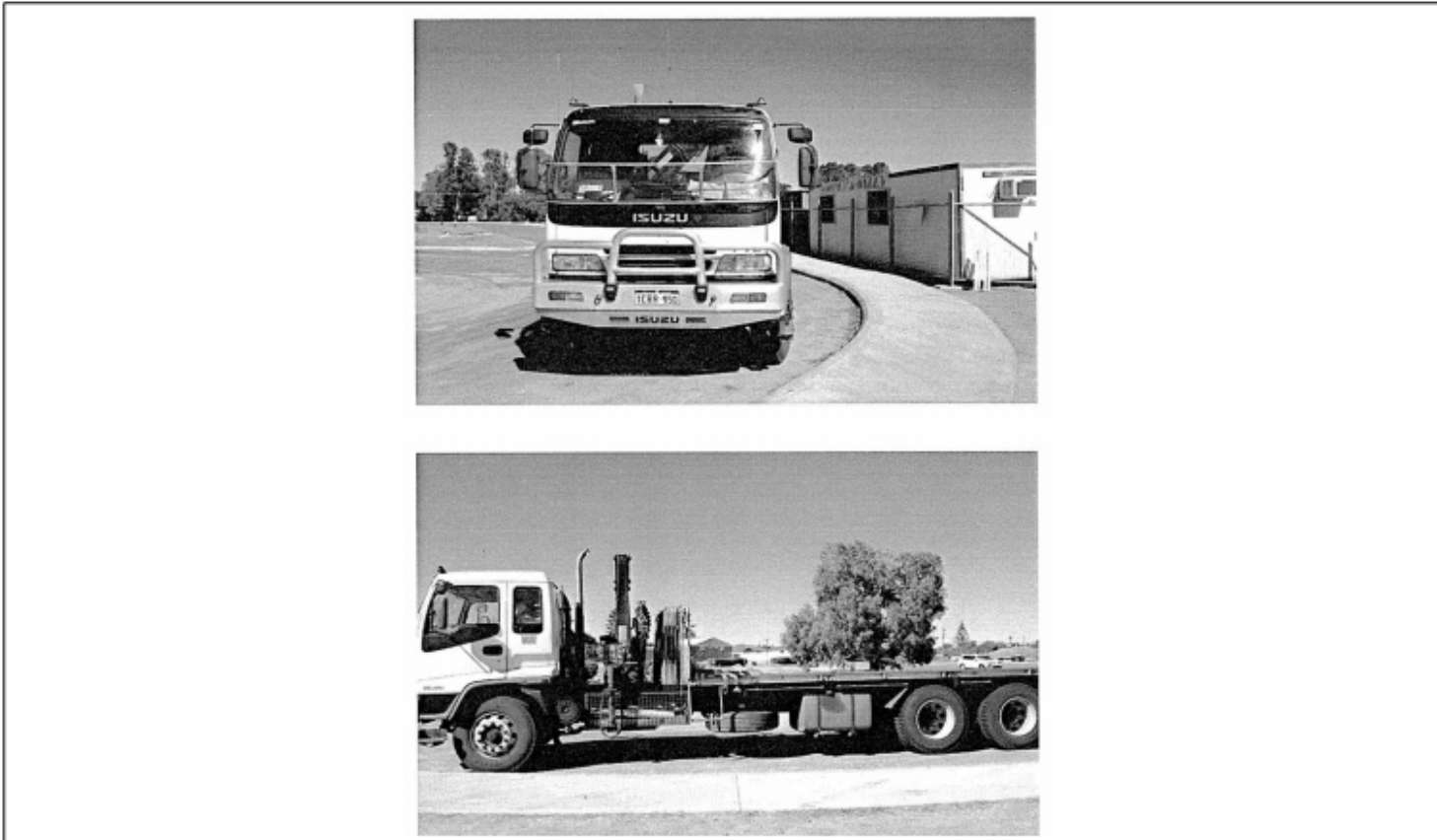
Attachment 1



Attachment 2



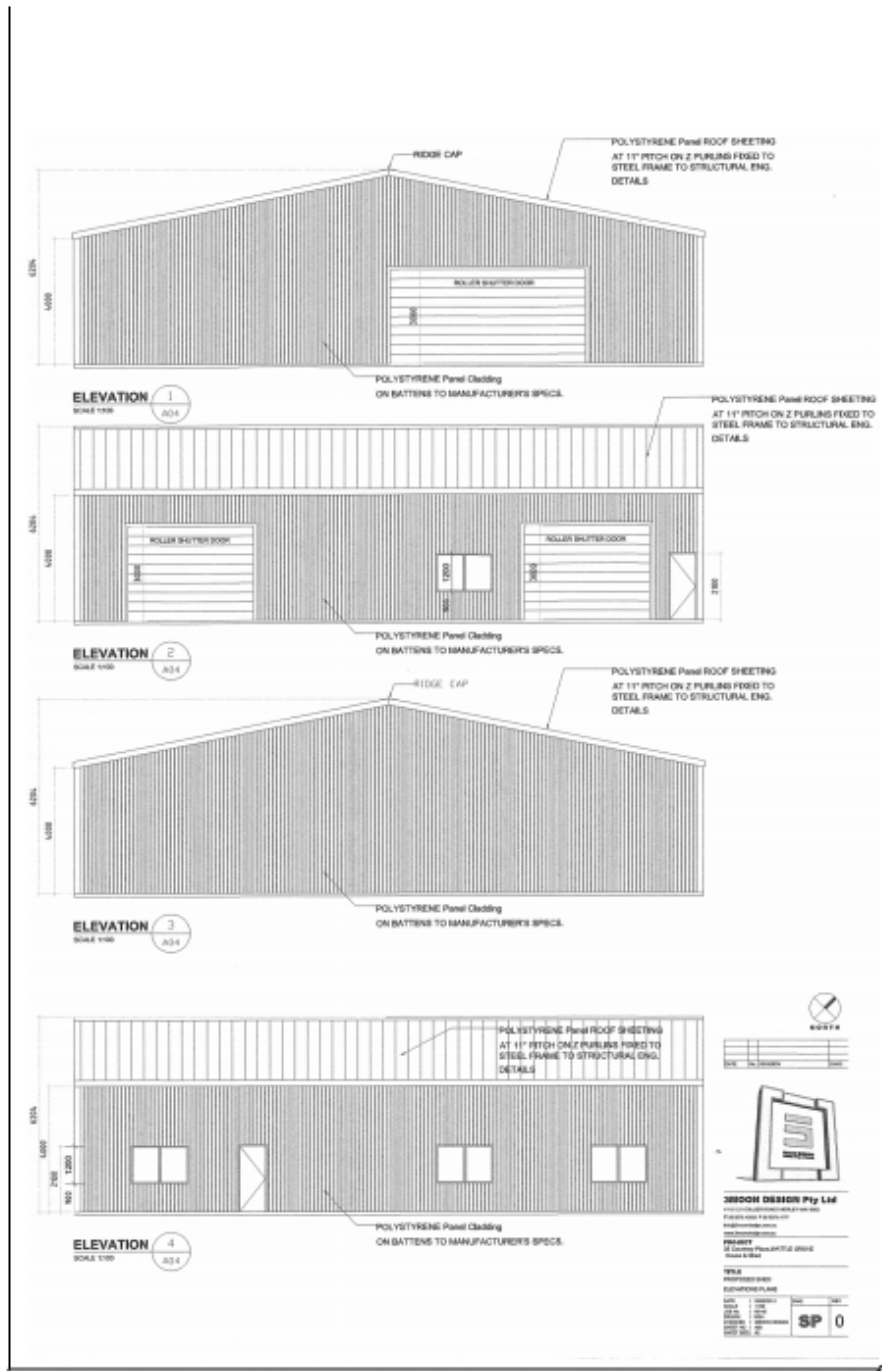
Attachment 3



The Parking of One Commercial Vehicle, an Outbuilding (Garage) and Ancillary Accommodation
Lot 7 (35) Courtney Place, Wattle Grove
Photograph of the Proposed Commercial Vehicle



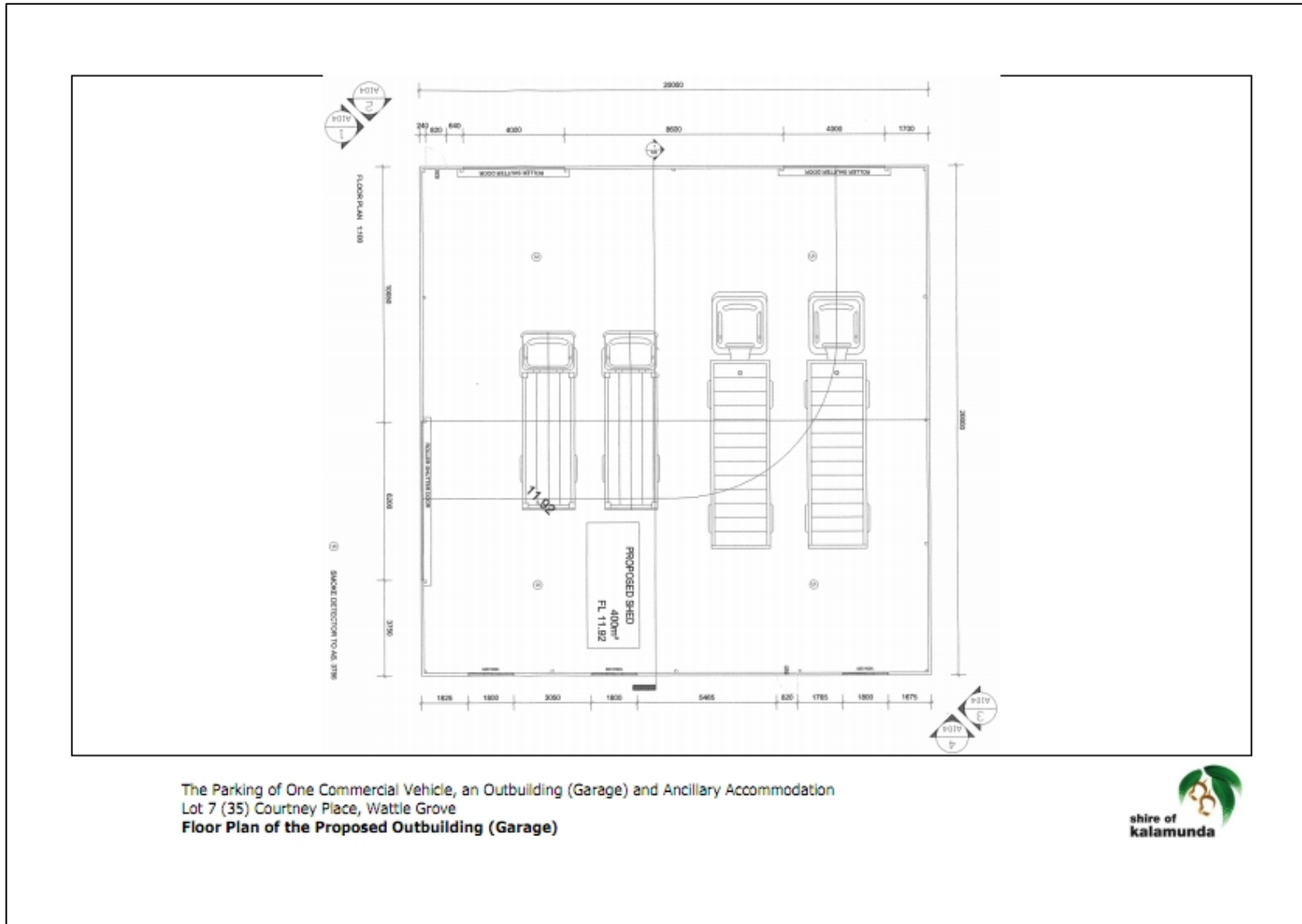
Attachment 4



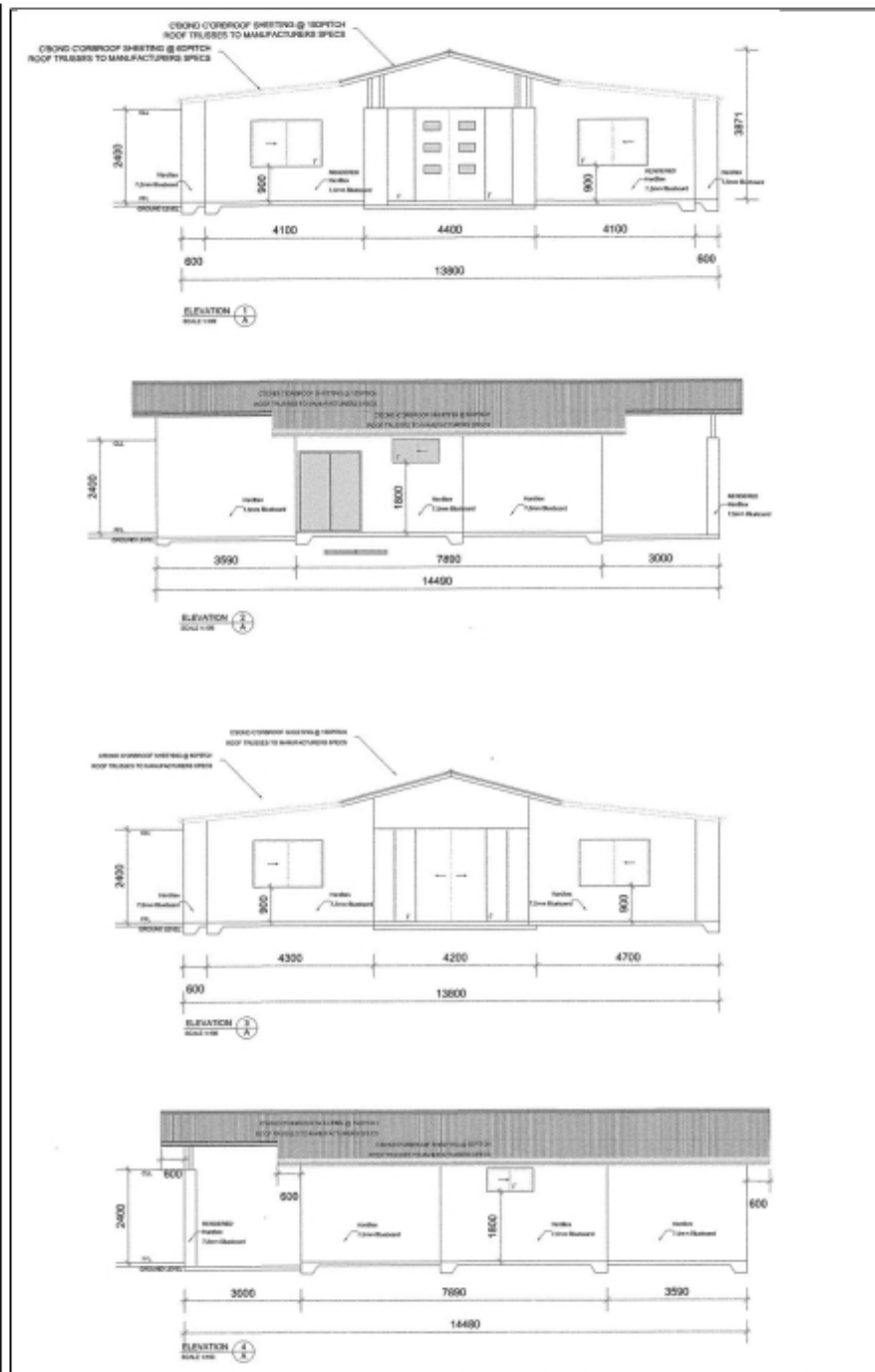
The Parking of One Commercial Vehicle, an Outbuilding (Garage) and Ancillary Accommodation
Lot 7 (35) Courtney Place, Wattle Grove
Elevations of the Proposed Outbuilding (Garage)



Attachment 5



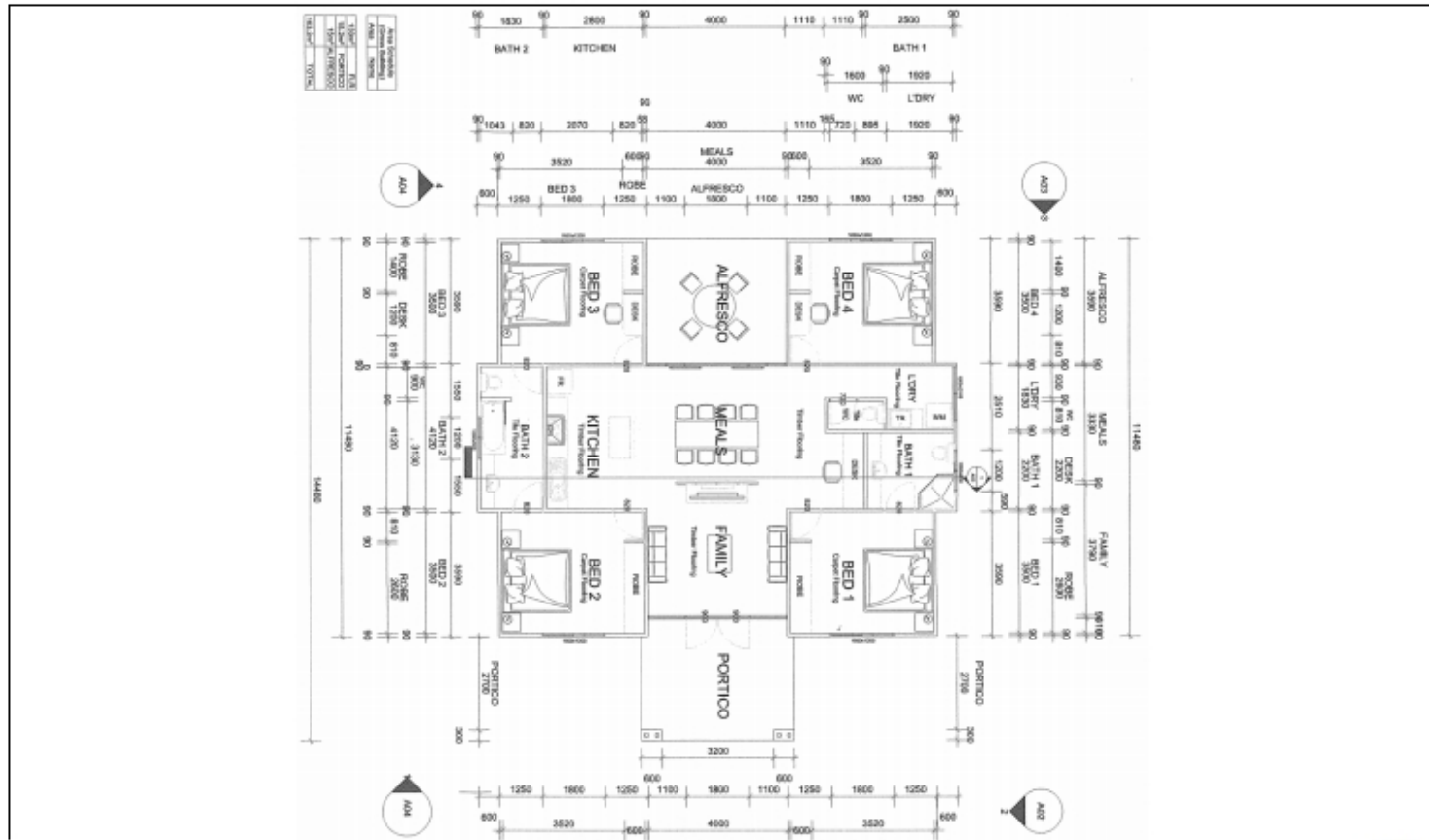
Attachment 6



The Parking of One Commercial Vehicle, an Outbuilding (Garage) and Ancillary Accommodation
Lot 7 (35) Courtney Place, Wattle Grove
Elevations of the Proposed Ancillary Accommodation



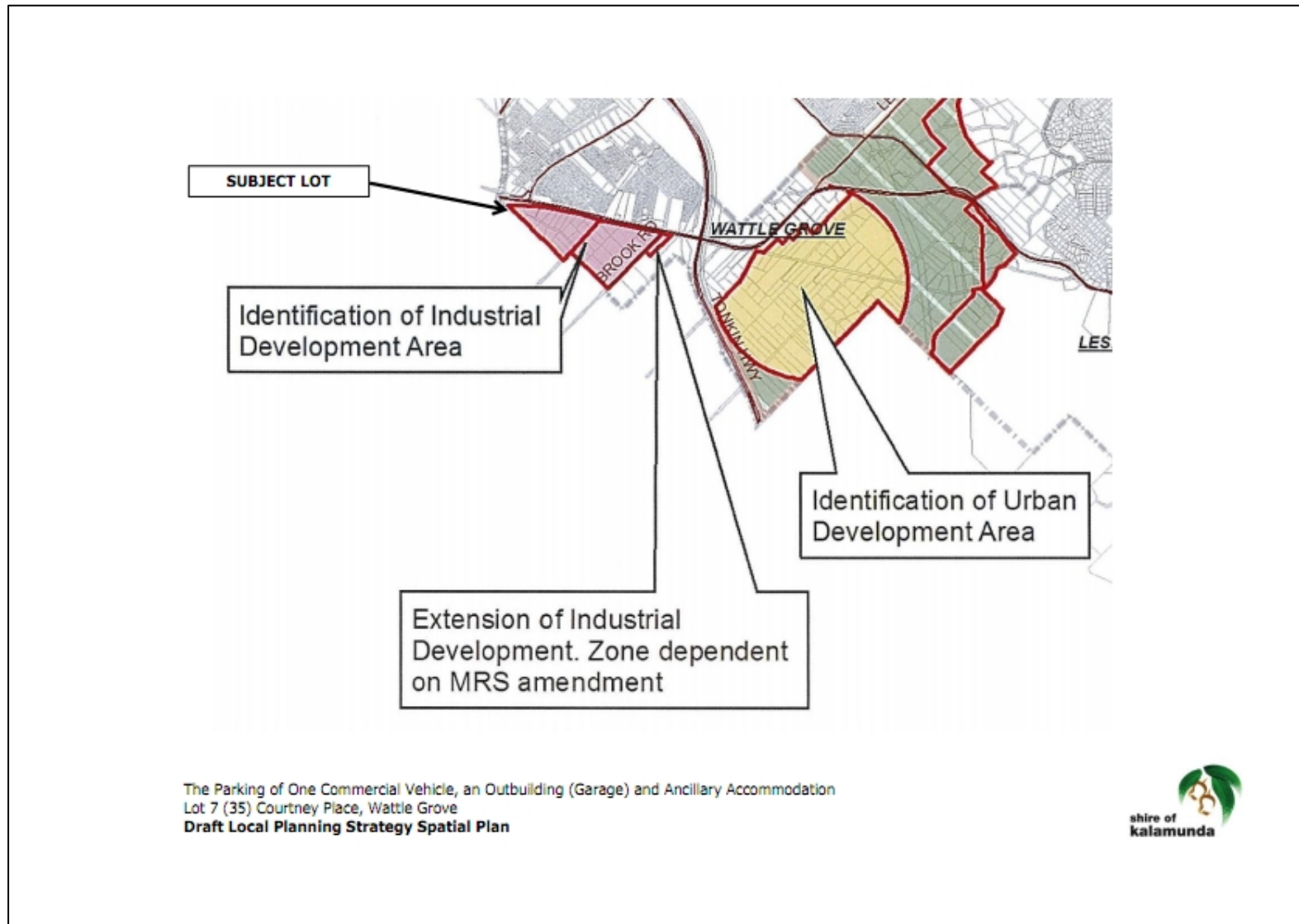
Attachment 7



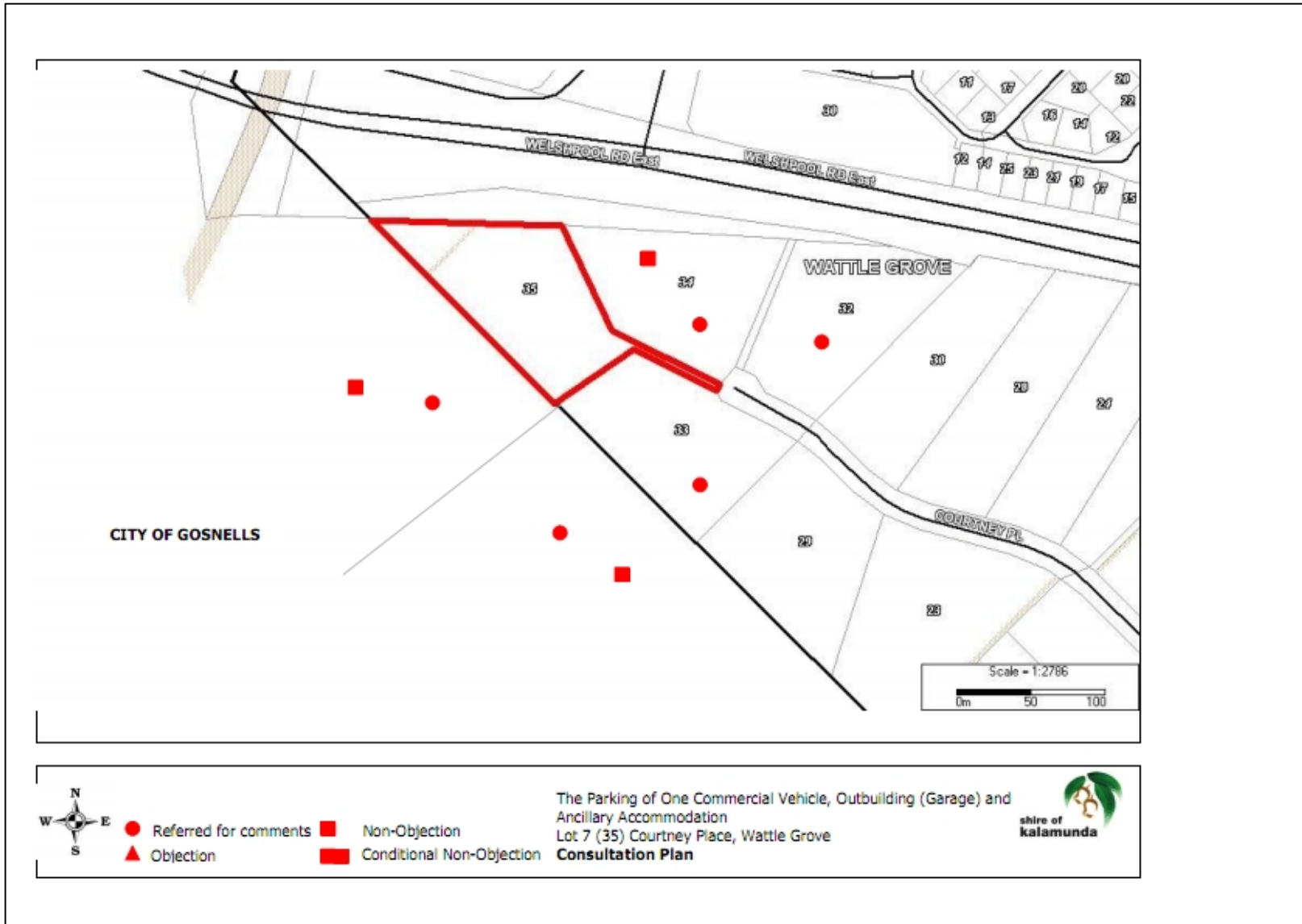
The Parking of One Commercial Vehicle, an Outbuilding (Garage) and Ancillary Accommodation
Lot 7 (35) Courtney Place, Wattle Grove
Floor Plan of the Proposed Ancillary Accommodation



Attachment 8



Attachment 9



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

87. Lot 56 (7) Gumnut Close, Maida Vale - Application to Keep More Than Two Dogs

Previous Items	Nil
Responsible Officer	Director of Development & Infrastructure Services
Service Area	Health and Ranger Services
File Reference	RA-ANC-011: ICS 46140
Applicant	Alison Geraldine McVee
Owner	KW McVee
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 7 Gumnut Close, Maida Vale has recently applied to Council requesting permission to keep more than two dogs on their 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.	Jack Russell	F	Y	Tan and White	Tsunami	14-2374	8	Kalamunda
2.	Maltese Shih tzu	M	Y	Tan and White	Fonzi	14-2375	11	Kalamunda
3.	Red Heeler	M	Y	Red	Ozzi	12-2632	4	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 three dogs and to confirm that the fences and gates are compliant with the *Dog Act 1976*.
5. The property at 7 Gumnut Close, Maida Vale is 1315 sqm and zoned Residential.

STATUTORY AND LEGAL IMPLICATIONS

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

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

POLICY IMPLICATIONS

9. Nil.

PUBLIC CONSULTATION/COMMUNICATION

10. When applications are received by the Shire to keep more than two dogs, a Ranger will attend the properties immediately adjoining the applicant's property to ascertain if they have any objections. This process is undertaken by interview or, if the resident is not home at the time, a standard letter is left in their letterbox advising of the application
11. There are five 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, two properties have supported the application, one disagreed and two did not respond.

FINANCIAL IMPLICATIONS

12. Nil.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

Strategic Planning Implications

13. Nil.

Sustainability Implications

Social Implications

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

Economic Implications

15. Nil.

Environmental Implications

16. Nil.

OFFICER COMMENT

17. In considering this application for exemption, the following two options are available:
- a. Council may grant an exemption pursuant to Section 26(3) of the *Dog Act 1976* subject to conditions; or
 - b. Council may refuse permission to keep more than two dogs
18. As part of the assessment process, Officers have noted that the applicant has had a previous multiple dog application granted (November 2010). Due to the death of one of the dogs, this new application has been submitted.
19. Officers have noted that they have received one formal complaint regarding the dogs wandering.
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.

Voting Requirements: Simple Majority

OFFICER RECOMMENDATION (D&I 87/2012)

That Council:

1. Pursuant to Clause 3.2 of the Shire of Kalamunda Dogs Local Law 2010 made under Section 26(3) of the *Dog Act 1976*, grant an exemption to the applicant of 7 Gumnut Close, Maida Vale, to keep three dogs on this property.

Moved: **Cr Justin Whitten**

Seconded: **Cr Dylan O'Connor**

Vote: **CARRIED UNANIMOUSLY (11/0)**

Attachment 1



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

88. Lot 16 (114) John Farrant Drive, Gooseberry Hill - Application to Keep More Than Two Dogs

Previous Items	Nil
Responsible Officer	Director of Development & Infrastructure Services
Service Area	Health and Ranger Services
File Reference	RA-ANC-011: ICS 45852
Applicant	Damion and Andrea Lomman
Owner	Damion and Andrea Lomman

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 114 John Farrant Drive, Gooseberry Hill, has recently applied to Council requesting permission to keep more than two dogs on their 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.	German Shepherd	M	Y	Sable	Ragnhar	12-2740	2	Kalamunda
2.	Maltese Terrier	M	Y	White	Toby	12-2363	5	Kalamunda
3.	Golden Retriever	F	N	Gold	Penny	12-3931	6 mths	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 three dogs and to confirm that the fences and gates are compliant with the *Dog Act 1976*.
5. The property at 114 John Farrant Drive, Gooseberry Hill is 11,220 sqm and zoned Special Rural.

STATUTORY AND LEGAL IMPLICATIONS

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

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

POLICY IMPLICATIONS

9. Nil.

PUBLIC CONSULTATION/COMMUNICATION

10. When applications are received by the Shire to keep more than two dogs, a Ranger will attend the properties immediately adjoining the applicant's property to ascertain if they have any objections. This process is undertaken by interview or, if the resident is not home at the time, a standard letter is left in their letterbox advising of the application.
11. There are 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, all three properties have supported the application.

FINANCIAL IMPLICATIONS

12. Nil.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

Strategic Planning Implications

13. Nil.

Sustainability Implications

Social Implications

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

Economic Implications

15. Nil.

Environmental Implications

16. Nil.

OFFICER COMMENT

17. In considering this application for exemption, the following two options are available:
- a. Council may grant an exemption pursuant to Section 26(3) of the *Dog Act 1976* subject to conditions; or
 - b. Council may refuse permission to keep more than two dogs
18. As part of the assessment process, Officers have noted that a caution was issued for the terrier dog wandering. The fencing has since been upgraded and no further issues have been noted.
19. It is in the opinion of the inspecting Ranger that the property is appropriately sized and capable of effectively and comfortably housing three dogs. The Ranger can also confirm that the fences and gates are compliant with the *Dog Act 1976*.
20. It is recommended that the application to keep more than two dogs is supported and is noted that this approval may be varied or revoked should any dog complaints be received which are considered reasonable.

Voting Requirements: Simple Majority

OFFICER RECOMMENDATION (D&I 88/2012)

That Council:

1. Pursuant to Clause 3.2 of the Shire of Kalamunda Dogs Local Law 2010 made under Section 26(3) of the *Dog Act 1976*, grant an exemption to the applicant of 114 John Farrant Drive, Gooseberry Hill, to keep three dogs on this property.

Moved: **Cr Dylan O'Connor**

Seconded: **Cr Donald McKechnie**

Vote: **CARRIED UNANIMOUSLY (11/0)**

Attachment 1



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

89. Lot 219 (37) Armour Way, Lesmurdie - Application to Keep More Than Two Dogs

Previous Items	Nil
Responsible Officer	Director of Development & Infrastructure Services
Service Area	Health and Ranger Services
File Reference	RA-ANC-011: ICS 46161
Applicant	Craig James Austen Sloggett
Owner	Craig James Austen Sloggett

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 37 Armour Way, Lesmurdie, has recently applied to Council requesting permission to keep more than two dogs on their 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.	Staffy X	F	Y	Black	Molly	12-3909	2	Kalamunda
2.	Jack Russell	F	Y	White and Tan	Missy	12-3830	1	Kalamunda
3.	Jack Russell	M	Y	White and Tan	Patch	12-3867	1	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 three dogs and to confirm that the fences and gates are compliant with the *Dog Act 1976*.
5. The property at 37 Armour Way, Lesmurdie is 1017 sqm and zoned Residential.

STATUTORY AND LEGAL IMPLICATIONS

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

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

POLICY IMPLICATIONS

9. Nil.

PUBLIC CONSULTATION/COMMUNICATION

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

FINANCIAL IMPLICATIONS

12. Nil.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

Strategic Planning Implications

13. Nil.

Sustainability Implications

Social Implications

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

Economic Implications

15. Nil.

Environmental Implications

16. Nil.

OFFICER COMMENT

17. In considering this application for exemption, the following two options are available:
- a. Council may grant an exemption pursuant to Section 26(3) of the *Dog Act 1976* subject to conditions; or
 - b. Council may refuse permission to keep more than two dogs
18. As part of the assessment process, Officers have noted that a caution was issued for two of the dogs wandering on 15 May 2012, and both were impounded. The fencing has since been upgraded and no further issues have been noted.
19. It is in the opinion of the inspecting Ranger that the property is appropriately sized and capable of effectively and comfortably housing three dogs. The Ranger can also confirm that the fences and gates are compliant with the *Dog Act 1976*.
20. It is recommended that the application to keep more than two dogs is supported and is noted that this approval may be varied or revoked should any dog complaints be received which are considered reasonable.

Voting Requirements: Simple Majority

OFFICER RECOMMENDATION (D&I 89/2012)

That Council:

1. Pursuant to Clause 3.2 of the Shire of Kalamunda Dogs Local Law 2010 made under Section 26(3) of the *Dog Act 1976*, grant an exemption to the applicant of 37 Armour Way, Lesmurdie, to keep three dogs on this property.

Moved: **Cr Justin Whitten**

Seconded: **Cr Dylan O'Connor**

Vote: **CARRIED UNANIMOUSLY (11/0)**

Attachment 1



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

90 Lot 170 (42) Thorne Road, Hacketts Gully - Application to Keep More Than Two Dogs

Previous Items	Nil
Responsible Officer	Director Development & Infrastructure Services
Service Area	Health and Ranger Services
File Reference	RA-ANC-011: ICS 45754
Applicant	Rebecca and Ray Laity
Owner	C I Miller

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 Lot 170 (42) Thorne Road, Hacketts Gully, has recently applied to Council requesting permission to keep more than two dogs on their 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.	Tibetan Terrier	F	Y	White	Bella	14-2561	9 ½	Kalamunda
2.	Chihuahua	M	Y	Brown	Mojo	14-2383	4	Kalamunda
3.	Border Collie	F	Y	Black / White	Jessie	12-3918	2	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 three dogs and to confirm that the fences and gates are compliant with the *Dog Act 1976*.

5. The property at Lot 170 (42) Thorne Road, Hacketts Gully is 25,282 sqm and zoned Rural.

STATUTORY AND LEGAL IMPLICATIONS

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

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

POLICY IMPLICATIONS

9. Nil.

PUBLIC CONSULTATION/COMMUNICATION

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

FINANCIAL IMPLICATIONS

12. Nil.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

Strategic Planning Implications

13. Nil.

Sustainability Implications

Social Implications

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

Economic Implications

15. Nil.

Environmental Implications

16. Nil.

OFFICER COMMENT

17. In considering this application for exemption, the following two options are available:
- a. Council may grant an exemption pursuant to Section 26(3) of the *Dog Act 1976* subject to conditions; or
 - b. Council may refuse permission to keep more than two dogs
18. As part of the assessment process, Officers have noted that a caution was issued for the Border Collie dog wandering. The fencing has since been upgraded and no further issues have been noted.
19. It is in the opinion of the inspecting Ranger that the property is appropriately sized and capable of effectively and comfortably housing three dogs. The Ranger can also confirm that the fences and gates are compliant with the *Dog Act 1976*.
20. It is recommended that the application to keep more than two dogs is supported and is noted that this approval may be varied or revoked should any dog complaints be received which are considered reasonable.

Voting Requirements: Simple Majority

OFFICER RECOMMENDATION (D&I 90/2012)

That Council:

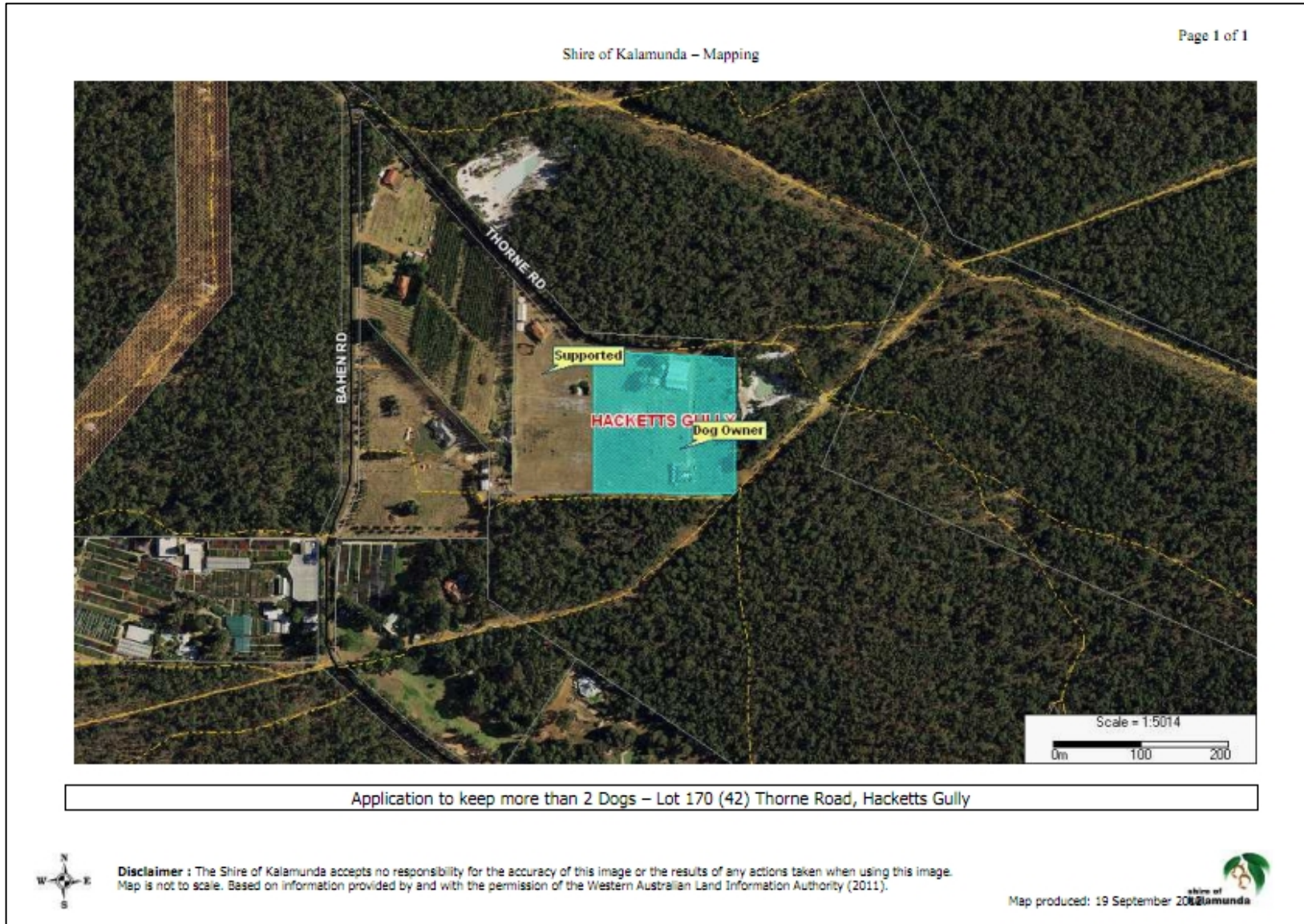
1. Pursuant to Clause 3.2 of the Shire of Kalamunda Dogs Local Law 2010 made under Section 26(3) of the *Dog Act 1976*, grant an exemption to the applicant of Lot 170 (42) Thorne Road, Hacketts Gully, to keep three dogs on this property.

Moved: **Cr John Giardina**

Seconded: **Cr Dylan O'Connor**

Vote: **CARRIED UNANIMOUSLY (11/0)**

Attachment 1



10.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

10.1 Nil.

11.0 QUESTIONS BY MEMBERS WITHOUT NOTICE

11.1 Cr Margaret Thomas – Cyclists in Pickering Brook

Q. Would the Shire consider putting in sections of white lines (which cyclists must stay within); enabling cars to pass cyclists on the road between Kalamunda and Pickering Brook?

A. Acting Chief Executive Officer confirmed the Shire would consider this.

11.2 Cr Geoff Stallard – Anticipated Fruit Fly Problem

Q. I have had a number of calls regarding the orchardists who are concerned that they will no longer be able to use chemicals to fight fruit fly and the problems which may arise from this. To this end I intend to hold a meeting with staff in the environmental department to discuss how to work on a combined response to the Department of Agriculture. Would any of my fellow Councillors like to be involved in this meeting?

A. The Chairman asked that Councillors let Cr Geoff Stallard know if they would like to be involved.

12.0 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

12.1 Cr Margaret Thomas – Cyclists

Q1. Would the Shire of Kalamunda please write to cycle clubs to request that their members who use roads in the hills area of the Shire to train, particularly Canning and Pickering Brook Roads, show some consideration to other road users by moving to single file to allow vehicles to pass safely?

Q2. That as this is a road traffic issue; could the East Metropolitan Police Traffic Branch be requested to also contact the cycle clubs to support the Shire's stance?

A. The Acting Chief Executive Officer advised that correspondence would be prepared.

13.0 URGENT BUSINESS APPROVED BY THE PERSON PRESIDING OR BY DECISION

13.1 Cr Frank Lindsey reported that local governments had had a win in the court case concerning Lehman Bros Bank and a proportion of cents in the dollar will be returned to those local governments who invested.

13.2 Cr Frank Lindsey also advised that more synthetic collateralised debt obligations ("CDOs") had been sold and the result was satisfactory.

14.0 MEETING CLOSED TO THE PUBLIC

14.1 Nil.

15.0 CLOSURE

15.1 There being no further business the Chairman declared the meeting closed at 6.44pm.

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

Signed: _____
Chairman

Dated this _____ day of _____ 2012