
Shire of Kalamunda

Development & Infrastructure Services Committee

Minutes for 7 May 2012

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MINUTES

1.0 OFFICIAL OPENING

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

2.0 ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE PREVIOUSLY APPROVED

2.1 Attendance

Councillors

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

Members of Staff

James Trail	Chief Executive Officer
Rhonda Hardy	Director Corporate & Community Services
Clayton Higham	Director Infrastructure & Development Services
Darrell Forrest	Manager Governance
Andrew Fowler-Tutt	Manager Development Services
Gerard Thomas	Manager Technology and Corporate Support
Meri Comber	Governance Officer

Members of the Public 14

Members of the Press Nil

2.2 Apologies

Councillors

Frank Lindsey	South East Ward
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2.3 Leave of Absence Previously Approved

Nil.

3.0 PUBLIC QUESTION TIME

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

3.1 Nil.

4.0 PETITIONS/DEPUTATIONS

4.1 Nil.

5.0 APPLICATIONS FOR LEAVE OF ABSENCE

5.1 Nil.

6.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

6.1 That the Minutes of the Development & Infrastructure Services Committee Meeting held on 2 April 2012 are confirmed as a true and correct record of the proceedings.

Moved: **Cr Martyn Cresswell**

Seconded: **Cr Donald McKechnie**

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

7.0 ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION

7.1 Nil.

8.0 MATTERS FOR WHICH MEETING MAY BE CLOSED

8.1 **Item 44. Bulk Kerbside Collection** – (Attachment 2) Provided under separate cover.
Reason for Confidentiality – *Local Government Act 1995*: Section 5.23 (2) € (ii), "information that has a commercial value to a person".

9.0 DISCLOSURE OF INTERESTS**9.1 Disclosure of Financial and Proximity Interests**

a. Members must disclose the nature of their interest in matters to be discussed at the meeting. (Sections 5.60B and 5.65 of the *Local Government Act 1995*.)

- b. Employees must disclose the nature of their interest in reports or advice when giving the report or advice to the meeting. (Sections 5.70 and 5.71 of the *Local Government Act 1995*.)

9.1.1 Nil.

9.2 **Disclosure of Interest Affecting Impartiality**

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

9.2.1 Nil.

10.0 REPORT TO COUNCIL

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

Declaration of financial / conflict of interests to be recorded prior to dealing with each item.**38. Fifteen Multiple Dwellings – Lot 3 (18) Heath Road, Kalamunda**

Previous Items	Nil
Responsible Officer	Director Development and Infrastructure Services
Service Area	Development and Infrastructure Services
File Reference	HT-02/018
Applicant	Greg Rowe and Associates
Owner	Momentum Realty Pty Ltd
Attachment 1	Locality Plan
Attachment 2	Site Plan
Attachment 3	Landscape Plan
Attachment 4	Elevations
Attachment 5	Ground Floor Plan
Attachment 6	First Floor Plan
Attachment 7	Consultation Plan
Attachment 8	The Kalamunda Dwelling Unit Reticulation Equivalent ("DURE") Sewerage Area Plan

PURPOSE

1. To consider a planning application to build 15 multiple dwellings at Lot 3 (18) Heath Road, Kalamunda. Refer to (Attachment 1) to (Attachment 6).

BACKGROUND

2. **Land Details:**

Land Area:	1,839sqm
Local Planning Scheme Zone:	Residential R30
Metropolitan Region Scheme Zone:	Urban

3. The subject property contains a single dwelling, has direct access to Heath Road via a single crossover and is approximately 380m from the Kalamunda town centre and therefore a high frequency bus route.
4. Surrounding properties contain single dwellings and up to six grouped dwellings, and are also zoned Residential R30 under Local Planning Scheme No. 3 ("the Scheme").

DETAILS

5. Details of the application are as follows:

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- The existing single dwelling is proposed to be demolished, and two residential buildings are proposed to be built in its place which will be two storey and will contain 15 units in aggregate.
 - The development is proposed to consist of three, one bedroom units with individual floor areas of 54.4sqm, and 12, two bedroom units with individual floor areas ranging from 61sqm to 65sqm.
 - Access to the dwellings is proposed via a common property, which has been designed so that vehicles can enter and leave the property in forward gear, and allow for the two way movement of vehicles on site.
 - There are 15 car spaces proposed on site for the tenants, and four visitor bays are also proposed on site.
 - Seven bicycle parking spaces are proposed on site for tenants and visitors.
 - Storerooms, 4sqm in area, are proposed to be available under the main roof of the buildings, for each tenancy.
 - Screened communal clothes drying areas and bin storage areas are proposed.

STATUTORY AND LEGAL IMPLICATIONS

Local Planning Scheme No. 3

6. Under the Zoning Table (Table 1) of the Scheme the use “Multiple Dwellings” is a use not listed.
7. Clause 4.4.2 of the Scheme stipulates that where a use not listed is proposed, and cannot reasonably be determined as falling within the type, class or genus of activity of any other use category, the Shire may:
 - a. Determine that the use is consistent with the objectives of the particular zone and is therefore permitted.
 - b. Determine that the use may be consistent with the objectives of the particular zone and therefore follow the advertising procedures of clause 9.4 in considering an application for planning approval.
 - c. Determine that the use is not consistent with the objectives of the particular zone and is therefore not permitted.
8. Clause 4.2.1 of the Scheme (Objectives of the Zone – Residential) stipulates that the objectives of the Residential zoning includes the following:
 - To provide primarily for single residential development whilst allowing for a range of residential densities in order to encourage a wide choice of housing types within the Shire.

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- To facilitate a range of accommodation styles and densities to cater for all community groups inclusive of the elderly, young people in transition and the handicapped. Such accommodation is supported where it is appropriately situated in proximity to other services and facilities.
 - To encourage the retention of remnant vegetation.
9. 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 likely effect of the scale and appearance of the proposal, whether the proposed means of access and egress from the property are adequate, any State Planning Policy and any relevant submissions received on the application.
10. If Council refuses the development, or imposes conditions that are not acceptable to the applicant, there is a Right of Review (appeal) to the State Administrative Tribunal.

Draft Local Planning Strategy

11. The Strategy estimates that the population of the Shire will increase by approximately 25,000 by 2031.
12. Objectives of the Strategy include providing appropriate density housing to support the town centre, provide a range of housing options, supporting activity centres such as Kalamunda with appropriate housing, and encouraging compact housing within walking distance of the town centre and commercial hubs.

POLICY IMPLICATIONS

Residential Design Codes

13. The objectives of the 2008 Residential Design Codes ("the R Codes"), amongst others, are the following:
- a. To provide for a full range of housing types and densities that meet the needs of all people.
 - b. To provide for local variations in neighbourhood character.
14. Under Appendix 1 (Definitions) of the R Codes, the use "Multiple Dwellings" is defined as:
- "A dwelling in a group of more than one dwelling on a lot where any part of a dwelling is wholly or predominantly vertically above part of any other."*
15. The R Codes allow multiple dwellings to be considered on properties zoned Residential R30.

16. The R-Code requirements for Multiple Dwellings on properties zoned Residential R30 are the following:

Site Requirements	Required	Proposed
Maximum Plot Ratio	0.5	0.49
Minimum Open Space	45%	47%
Primary street setback	4m	5.57m
Side and rear setbacks (walls with major openings) Wall Height of up to 6m and Wall Length of 9m or Less	2.8m or satisfy the Performance Criteria of the R Codes. Refer to point 17 of this report.	1.7m
Side and rear setbacks (walls with no major openings) Wall Height of up to 5.5m and Wall Length of 9m or Less	1.2m	1.2m
Maximum Building Height: - Top of External Wall - Top of Pitched Roof	6m 9m	5.7m 8.8m
Enclosed, lockable storage areas with a minimum dimension of 1.5m and an internal area of at least 4sqm for each multiple dwelling.	15 storerooms minimum	15
Visual privacy setbacks (where active habitable spaces have a floor area more than 0.5m above natural ground level): Bedrooms Balconies Living Rooms and Kitchens	4.5m or 1.6m high screening or fixed obscure glazing 7.5m or 1.6m high screening 6m or 1.6m high screening or fixed obscure glazing	1.5m and 1.6m high obscure glazed screening 1.2m and 1.6m high obscure glazed screening 1.7m and 1.6m high obscure glazed screening

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17. The performance criteria of Clause 6.3.1 (Buildings Setback from the Boundary) of the R Codes stipulates that the building's setback from boundaries other than street boundary can be varied subject to providing adequate direct sun to the buildings and adjoining properties; and assist in protecting privacy between adjoining properties.
 18. The acceptable criteria of Clause 7.4.1 (Visual Privacy) of the R Codes stipulates that major openings to active habitable spaces or their equivalent, which have a floor level more than 0.5m above natural ground level and positioned so as to overlook any part of any other residential property behind its street setback line, are to comply with at least one of the following:
 - a. The visual privacy setbacks (stipulated in the table on the previous page of this report); or
 - b. Are provided with permanent vertical screening to a height of 1.6m to restrict views from any major openings of an active habitable space (such as balconies, decks, verandahs and the like).
 19. Appendix 1 (Definitions) of the R Codes stipulates that a major opening is a window, door or other opening in the exterior wall of a habitable room (bedroom, living room or kitchen), that provides an external means of light or view for that room or space, but does not include an opening(s) that:
 - a. In aggregate do not exceed 1sqm in any such wall; or
 - b. Are glazed in an obscure material and are not able to be opened, or have a sill height not less than 1.6m above floor level.
 20. Clause 7.4.2 (Solar Access for Adjoining Properties) of the R Codes stipulates that development is to be designed with regard for solar access for neighbouring properties taking account the potential to overshadow outdoor living areas, major openings to habitable rooms, solar collectors; or balconies or verandahs.
 21. Development on properties with an R30 is not to overshadow more than 35% of an adjoining property at midday, 21 June (the shortest day of the year).
 22. Clause 7.4.3 (Dwellings Size) of the R Codes stipulates development that contains more than 12 dwellings is to provide diversity in unit types and sizes as follows:
 - Minimum 20% one bedroom dwellings, up to a maximum of 50 per cent of the development.
 - Minimum of 40% two bedroom dwellings.
 - The development does not contain any dwellings smaller than 40sqm plot ratio area, excluding outdoor living areas and external storage.
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23. Clause 7.4.7 of the R Codes stipulates that multiple dwelling developments are to be provided with an adequate communal area set aside for clothes drying, screened from the primary street.
24. The R-Code car parking requirements for Multiple Dwellings on properties zoned Residential R30 or greater, and not within 250m of a high frequency bus route, are the following:

Size of Dwelling	Required	Proposed
Small (up to 75sqm or 1 bedroom)	1 per dwelling = 15 car spaces	15 car spaces
Visitors	0.25 per dwelling minimum = 3.75 car spaces	4 car spaces

25. Clause 2.5.4 of the R Codes stipulates that a Council shall not refuse to grant approval to an application in respect of any matter where the application complies with the relevant acceptable development provision and the relevant provisions of the Scheme or a local planning policy.
26. The Explanatory Guidelines of the R Codes stipulate that the appropriateness of a particular development form for a site can be identified, based upon the existing and likely future development in the locality.

Directions 2031 and Beyond

27. *Directions 2031 and Beyond* is a high level strategic plan that establishes a vision for future growth of the Perth metropolitan area.
28. Key features include that the Kalamunda town centre is identified as a District Centre and that there is an estimated increase in population of 69,000 across the whole east metropolitan region.
29. The objectives of *Directions 2031 and Beyond* include the following:
- Reducing greenhouse gas emissions.
 - Developing and revitalising activity centres as attractive places in which to invest, live and work.
 - Ensuring that economic development and accessibility to employment inform urban expansion.
 - Encourage reduced vehicle use.
 - Provide high standards of affordable and diverse housing forms.

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- Increasing residential densities near Activity Centres, such as the Kalamunda town centre.
 - Additionally, the use will reinforce the viability of the land uses identified in the Kalamunda Town Centre Improvement Plan by providing an increased population catchment.

Local Planning Policy ENV9 – Tree and Vegetation Preservation

30. In assessing the application, Council is to give consideration to Local Planning Policy ENV9 – Tree and Vegetation Preservation (the Policy), which stipulates the following provisions which are applicable to development on Residential zoned properties:
- Endemic vegetation should not be damaged, destroyed or removed unless it is undertaken in accordance with the relevant State legislation, Acts, regulations and guidelines such as the *Environmental Protection Act 1986* and the *Environmental Protection (Clearing of Native Vegetation) Regulations 2004*.
 - On receipt of an application the Shire may approve the removal or relocation of trees or vegetation if there is a need for access around a proposed structure for construction equipment; to install utility services; and because of the proposed structure's location.
 - The Shire may approve the removal or relocation of trees or vegetation to utilise land which is considered to be suitable for a use permitted within the relevant zone.

Draft Liveable Neighbourhoods

31. Liveable Neighbourhoods is a State Government sustainable cities initiative which aims to:
- Increase support for efficiency, walking and cycling.
 - Achieve more compact and sustainable urban communities.
 - Provide a variety of housing types to cater for the diverse housing needs of the community at a density that can ultimately support the provision of local services

PUBLIC CONSULTATION/COMMUNICATION

32. The proposal was advertised for 14 days to adjoining property owners for comment in accordance with Clause 9.4.1 and 9.4.3 of the Scheme. There were 11 objections on the proposal, two from the same landowners, and one non objection which provided comments were received.
33. Four of the submissions received were from landowners whose property is not within close proximity to 18 Heath Road, and therefore are not shown on the Consultation Plan. Refer to the Consultation Plan (Attachment 7).

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34. A petition containing 26 signatures of nearby landowners wanting to object to the proposal was also received. The questions raised as part of the submission were responded to independently of this proposal.
35. The following concerns were raised during advertising:
- The dividing fencing being removed and replaced, the resultant height of the dividing fencing and the costs involved.
 - Trees being removed from the property which currently are a source of food for Black Cockatoos.
 - The proposed screens along the edges of the balconies obstructing the fire service should a fire occur.
 - There being no precedents of high density multi-level developments on the western side of Canning Road, and the proposal setting a “disturbing” precedent.
 - Properties near Kalamunda town centre being allowed to be redeveloped with smaller units.
 - The development creating an excessive amount of traffic on the local road network and creating traffic safety issues.
 - The development being out of character for the Shire.
 - Noise emitted by air conditioning units in future will be excessive.
 - Dust generated during the construction phase having an impact on the amenity of neighbouring properties.
 - There being an inadequate amount of on site car parking for visitors to the property.
 - The development not being appealing to the older community because of being two storey.
 - The privacy of all adjoining landowners being impacted.
 - The proposed landscape plan consisting of predominantly hardstand/driveways and some low level shrubs which will do nothing for the local wildlife.
 - The development not complying with Local Planning Policy ENV9 – Tree and Vegetation Preservation.
36. The following reasons were given by the submitter who had no objections to the proposal:
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- The proposal complies with the R Codes.
- The R Codes allow for up to 15 multiple dwellings on the property.
- The proposal provides a pedestrian friendly streetscape frontage, with no garages fronting Heath Road.
- The development looks no different to six dwellings, two storey in nature, only the internal configuration is different.
- The viability of the Kalamunda town centre is reliant upon the catchment in which it serves. The proposal is within easy walking distance to the town centre and to essential services and amenities.
- The Shire does not advocate that this type of development would be acceptable across all of the Shire, but within the town centre where it has sewer and is within walking distance to services, it is considered appropriate.
- Developments such as this provide much needed affordable housing opportunities in Kalamunda either for young couples, retirees, single people or small households.

FINANCIAL IMPLICATIONS

37. Nil.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

Strategic Planning Implications

38. The proposal is consistent with the objectives of the *Strategy and Directions 2031 and Beyond* and the Shire's *Draft Local Planning Strategy*.

Sustainability Implications

Social Implications

39. Impacts the multiple dwellings may have on the amenity of the local area will be addressed through the inclusion of conditions, should Council approve the application. These relate to the maintenance of the proposed landscaping and screening along the edge of the balconies facing the adjoining properties.

Economic Implications

40. Nil.

Environmental Implications

41. Nil.

OFFICER COMMENT

42. The proposal complies with the Scheme, the Policy, the acceptable or performance criteria of the R Codes, the Strategy, the *Draft Liveable Neighbourhoods document*, and *Directions 2031 and Beyond*. The proposal is also consistent with the draft *Local Planning Strategy* and *Kalamunda Town Centre Improvement Plan* in terms of providing for an increase in population near Activity Centres.

43. With regard to the potential for overlooking to occur, the following should be noted:

- The applicant is proposing to install 1.6m high fixed obscure screens along the edge of all balconies setback closer than 7.5m from the parent lot boundaries.
- Habitable rooms (such as bedrooms and living rooms) which do not have direct access to a balcony with screening, and which are setback closer than 4.5m or 6m from the parent lot boundaries, are proposed to have a window sill height of 1.6m above the floor level (highlight windows).

As a consequence of the above, the R Code criteria for visual privacy are met.

44. If properties are large enough, and have the appropriate zoning and density, then they do have the potential to be subdivided into smaller lots and therefore allow for more compact housing types subject to the necessary approvals being obtained.

45. The proposed development is considered to be appropriate for the locality due to the following reasons:

- The residential density of the property is currently R30, and the locality is shown on the proposed plan for the Kalamunda Dwelling Unit Reticulation Equivalent ("DURE") Sewerage Area as remaining R30. The R Codes allow medium density development such as multiple dwellings to be considered on properties zoned Residential R30. Refer to the Kalamunda Dwelling Unit Reticulation Equivalent (DURE) Sewerage Area Plan (Attachment 8).
- If the landowners chose to do so, the adjoining properties could also be redeveloped into multiple dwellings subject to complying with the R Code requirements.

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- The development is providing for a different housing type, and possible more affordable housing, within walking distance of the Kalamunda town centre and transport routes, and such development will assist with accommodating the increase in local population and offer housing choice aside from aged person dwellings.
 - The built form of the development from a streetscape perspective is the same as a two storey single or grouped dwelling.
46. An existing Marri tree in the south east corner (front setback area) of the property will be required to be retained.
47. An additional street tree will be required on the adjoining verge. Either a *Eucalyptus spathulata* or *Eucalyptus lucoxylon "Rosea"* is to be planted at least 1m from the proposed crossover.
48. The plans submitted as part of the planning application comply with the Building Code of Australia, therefore if a fire was to occur the balcony screens would not significantly obstruct the fire service.
49. The application would not set a precedent if approved as future multiple dwelling developments will be assessed on their individual merit against the Scheme and R Code requirements.
50. To address concerns raised during advertising regarding traffic volumes and traffic safety, the applicant provided a Traffic Impact Statement ("the Statement"). The Statement concludes that the anticipated traffic associated with the development will have minimal impact on local traffic operations, and anticipated site-generated traffic can be comfortably accommodated within the existing practical capacity of the local road network.
51. Issues relating to dividing fencing are a civil matter dealt with in accordance with the *Dividing Fencing Act*.
52. No external fixtures (such as air conditioning units) are proposed as part of this application. If any noise complaints are received in future, the matter will be dealt with by the Shire in accordance with the *Environmental Protection (Noise) Regulations 1997*.
53. The applicant will be required to comply with the "Land development sites and impacts on air quality: a guideline for the preparation of dust and smoke pollution from land development sites in Western Australia", prepared by the Department of Environment.
54. For the above reasons, it is recommended that Council approves the application.
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OFFICER RECOMMENDATION (D&I 38/2012)

That Council:

1. Approves the application dated 7 February 2012 to build 15 multiple dwellings at Lot 3 (18) Heath Road, Kalamunda, subject to the following conditions:
 - a. The access way shall be suitably constructed, sealed and drained to the satisfaction of the Shire.
 - b. The crossover shall be designed and constructed to the satisfaction of the Shire.
 - c. Vehicle parking, manoeuvring and circulation areas to be suitably constructed, sealed, kerbed, line marked and drained to the satisfaction of the Shire.
 - d. The redundant crossover is to be removed, and the verge and kerbing reinstated to the Shire's satisfaction.
 - e. The balcony screening being maintained by the owner to the Shire's satisfaction.
 - f. An amended landscape plan showing the existing Marri tree in the south east corner of the property being retained, and an additional street tree being planted on the adjoining verge, either a *Eucalyptus spathulata* or *Eucalyptus luecoxylon* "Rosea", being at least 1m from the proposed crossover. The amended landscape plan is to be approved by the Shire prior to the building licence being issued.
 - g. The proposed landscaping being planted within 28 days of the proposed development's completion, and maintained thereafter by the landowner (Strata management group) to the Shire's satisfaction.
 - h. A geo-technical report being submitted to and approved by the Shire prior to the building licence being issued.
 - i. Stormwater being contained on site to the Shire's satisfaction.
 - j. The applicant making the necessary arrangements for a waste bin contractor to enter the property and service the receptacles from the designated bin storage enclosures.
 - k. The external colour and material details of the proposed dwellings being provided to, and approved by the Shire prior to the building licence being issued.

An Amended Officer Recommendation had been circulated prior to the meeting which included a new Point 1, this was Moved and the Original Recommendation was not considered.

AMENDED OFFICER RECOMMENDATION (D&I 38/2012)

That Council:

1. **Determines that the use is consistent with the objectives of the particular zone and is therefore permitted.**
2. Approves the application dated 7 February 2012 to build 15 multiple dwellings at Lot 3 (18) Heath Road, Kalamunda, subject to the following conditions:
 - a. The access way shall be suitably constructed, sealed and drained to the satisfaction of the Shire.
 - b. The crossover shall be designed and constructed to the satisfaction of the Shire.
 - c. Vehicle parking, manoeuvring and circulation areas to be suitably constructed, sealed, kerbed, line marked and drained to the satisfaction of the Shire.
 - d. The redundant crossover is to be removed, and the verge and kerbing reinstated to the Shire's satisfaction.
 - e. The balcony screening being maintained by the owner to the Shire's satisfaction.
 - f. An amended landscape plan showing the existing Marri tree in the south east corner of the property being retained, and an additional street tree being planted on the adjoining verge, either a *Eucalyptus spathulata* or *Eucalyptus luecoxylon "Rosea"*, being at least 1m from the proposed crossover. The amended landscape plan is to be approved by the Shire prior to the building licence being issued.
 - g. The proposed landscaping being planted within 28 days of the proposed development's completion, and maintained thereafter by the landowner (Strata management group) to the Shire's satisfaction.
 - h. A geo-technical report being submitted to and approved by the Shire prior to the building licence being issued.
 - i. Stormwater being contained on site to the Shire's satisfaction.
 - j. The applicant making the necessary arrangements for a waste bin contractor to enter the property and service the receptacles from the designated bin storage enclosures.
 - k. The external colour and material details of the proposed dwellings being provided to, and approved by the Shire prior to the building licence being issued.

There were three speakers against the Recommendation (Mr G Smith, Dr L Allen and Mr B Emmett) and one in favour (Mr R Minnett).

Councillors listened to the speakers and asked further questions. Following this the Mover requested an additional condition be added to Point 2, the Motion was then voted on.

COMMITTEE RECOMMENDATION TO COUNCIL (D&I 38/2012)

That Council:

1. Determines that the use is consistent with the objectives of the particular zone and is therefore permitted.
2. Approves the application dated 7 February 2012 to build 15 multiple dwellings at Lot 3 (18) Heath Road, Kalamunda, subject to the following conditions:
 - a. The access way shall be suitably constructed, sealed and drained to the satisfaction of the Shire.
 - b. The crossover shall be designed and constructed to the satisfaction of the Shire.
 - c. Vehicle parking, manoeuvring and circulation areas to be suitably constructed, sealed, kerbed, line marked and drained to the satisfaction of the Shire.
 - d. The redundant crossover is to be removed, and the verge and kerbing reinstated to the Shire's satisfaction.
 - e. The balcony screening being maintained by the owner to the Shire's satisfaction.
 - f. An amended landscape plan showing the existing Marri tree in the south east corner of the property being retained, and an additional street tree being planted on the adjoining verge, either a *Eucalyptus spathulata* or *Eucalyptus luecoxylon "Rosea"*, being at least 1m from the proposed crossover. The amended landscape plan is to be approved by the Shire prior to the building licence being issued.
 - g. The proposed landscaping being planted within 28 days of the proposed development's completion, and maintained thereafter by the landowner (Strata management group) to the Shire's satisfaction.
 - h. A geo-technical report being submitted to and approved by the Shire prior to the building licence being issued.
 - i. Stormwater being contained on site to the Shire's satisfaction.
 - j. The applicant making the necessary arrangements for a waste bin contractor to enter the property and service the receptacles from the designated bin storage enclosures.

k. The external colour and material details of the proposed dwellings being provided to, and approved by the Shire prior to the building licence being issued.

l. A Construction Management Plan be prepared by the applicant addressing the following, but not limited to:

- **Construction Worker's Parking**
- **Material's Delivery and Storage**
- **Worker's Toilets**

To the satisfaction of the Manager Development Services, prior to the issue of a Building Licence.

Moved: **Cr Donald McKechnie**

Seconded: **Cr Margaret Thomas**

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

Declaration of financial / conflict of interests to be recorded prior to dealing with each item.**39. Lot 112 (37) Norwich Way, High Wycombe- Modification to Structure Plan - High Wycombe Urban Area, Larwood Crescent - Stage 2**

Previous Items	Nil
Responsible Officer	Director Development and Infrastructure Services
Service Area	Development and Infrastructure Services
File Reference	PG-TPS-002/165
Applicant	Masterplan Consultants WA Pty Ltd
Owner	Sharplook Investments Pty Ltd
Attachment 1	Locality Plan
Attachment 2	Adopted Structure Plan
Attachment 3	Modified Structure Plan
Attachment 4	Consultation Plan

PURPOSE

1. To consider a proposal to modify the Structure Plan for Larwood Crescent (Stage 2) to facilitate the subdivision of Lot 112 (37) Norwich Way, High Wycombe. Refer (Attachment 1) for Locality Plan.

BACKGROUND**2. Land Details:**

Land Area:	900sqm
Local Planning Scheme Zone:	Urban Development
Metropolitan Regional Scheme Zone:	Urban

3. The Structure Plan for Lots 9, 10, 11, 12 & 13 Larwood Crescent (Stage 2) was adopted by the WA Planning Commission in May 2009. Refer (Attachment 2) for adopted Structure Plan.
4. This lot was originally identified to accommodate an interim drainage facility pending the construction of a permanent drainage facility on Lot 12 Adelaide Street.
5. Prior to the completion of the interim drainage facility, the permanent drainage facility on Lot 12 had been finalised earlier than anticipated and the interim drainage facility was no longer required.

DETAILS

6. The modification to the Structure Plan proposes to change the density of 37 Norwich Way from R20 to R30. Refer (Attachment 3) for proposed modified Structure Plan.
7. Overall, the new proposal will facilitate the subdivision of 37 Norwich Way which will result in an increased yield of one lot.
8. The reasons for the requested modification are:
 - The modification will allow consistency with lot size as the current lot size is 900sqm which is out of context of its locality and represents an unsuitably large single residential site that is inconsistent with planning initiatives to promote more sustainable development.
 - Lots 107 – 112 Norwich Way are being developed in a coordinated approach utilising specific built form designs and streetscape presentation to achieve a consistent attractive streetscape. The ability to facilitate subdivision of the lot to complete this co-ordinated approach is inherent to maintain the best built form and streetscape outcome.
 - Will enable the development of two dwellings which both have frontages overlooking Norwich Way. This will help the lot conform with the streetscape of the area and also provide additional passive surveillance to the street.
 - Promote affordability and choice in the existing urban setting.

STATUTORY AND LEGAL IMPLICATIONS

9. The design and assessment of structure plans are dealt with under the provisions of Clause 6.2 *Development Areas* of Local Planning Scheme No.3, in particular Clause 6.2.5 *Change or Departure from Structure Plan*. This modification has been assessed under the provision of Clause 6.2.5.1. as a minor change or departure from Structure Plan.
10. The modification will be determined by the Council unless the WA Planning Commission determines that the change alters the intent of the Structure Plan.

POLICY IMPLICATIONS

11. *Liveable Neighbourhoods* is an integrated planning and assessment policy to assist with the design and assessment of structure and subdivision plans to guide urban development within metropolitan and regional Western Australia.

PUBLIC CONSULTATION/COMMUNICATION

12. The modification was advertised to the surrounding landowners for a period of 14 days. Due to the minor nature to the modification and little perceived impact to the area the modification was not advertised in a paper circulating the area.
13. Five neighbours abutting the lot were consulted as per the consultation plan (Attachment 4). One comment was received outlining a number of questions.
14. Of these questions, five were relating to the proposed built form and land use. While an indicative development layout was submitted and provided to those consulted, this cannot be assessed until an application has been submitted.
15. The submitter also questioned what impact the rezoning would have on his land value. Clarification was also sought on what Residential R20 is in comparison to Residential R30 and whether or not the modification would have any impact on their property. Clarification was provided to the submitter on these points in terms of minimum lot area and boundary setback requirements.

FINANCIAL IMPLICATIONS

16. Nil.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS**Strategic Planning Implications**

17. *Directions 2031- spatial framework for Perth and Peel* emphasises a need to limit urban expansion at the same time as addressing a population growth. Increasing residential densities in the areas that can sustain the increase and can provide necessary infrastructure within acceptable distance is encouraged.
18. Provision of a variety of lot sizes and dwelling sizes in the established area of Larwood Crescent, within the existing infrastructure, services and uses is consistent with the objectives of *Directions 2031 and beyond*.

Sustainability ImplicationsSocial Implications

19. Diverse land sizes should promote a mix of housing prices and allow for more dynamic community mix. Walking distance to bus stops, local schools and shops is likely to promote more social interaction.

Economic Implications

20. A need for varied land hold sizes and prices is well documented. A development like this satisfies this criterion in the area that shows a sustained growth in demand for land.

Environmental Implications

21. Urban infill is considered to be appropriate tool for reducing ecological footprint.

OFFICER COMMENT

22. The subject land is positioned appropriately to facilitate residential development of low to medium densities. The proposed modification has been prepared without changing the general intent of the adopted Structure Plan.
23. The proposed modification facilitates the development of 37 Norwich Way which is uncharacteristically large in size for the area. This in turn will create more opportunities for affordable housing in the area.
24. The proposal is consistent of the intent of allowing for a mix of residential densities and therefore housing choice located in proximity of Public Open Space, commercial facilities and public transport.

COMMITTEE RECOMMENDATION TO COUNCIL (D&I 39/2012)

That Council:

1. Supports the proposed modification to the adopted Structure Plan for Stage 2 Larwood Crescent, High Wycombe to allow for a change in density of 37 Norwich Way from R20 to R30.
2. Requests the proposed modification be forwarded to the WA Planning Commission for their endorsement.

Moved: **Cr Martyn Cresswell**

Seconded: **Cr Noreen Townsend**

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

Declaration of financial / conflict of interests to be recorded prior to dealing with each item.**40. Lot 7 (7) Emanuel Court, Wattle Grove – Proposed Scheme Amendment – Additional Use (Art Gallery)**

Previous Items	Nil
Responsible Officer	Director Development and Infrastructure Services
Service Area	Development and Infrastructure Services
File Reference	EM-01/007
Applicant	L Di Franco
Owner	P and F Di Franco
Attachment 1	Locality Plan
Attachment 2	Site Plan

PURPOSE

1. To consider an amendment to Local Planning Scheme No. 3 (“the Scheme”) to allow for an Additional Use (Art Gallery) at Lot 7 (7) Emmanuel Court, Wattle Grove. Refer (Attachment 1) for Locality Plan.

BACKGROUND**2. Land Details:**

Land Area:	1.1715 hectares
Local Planning Scheme Zone:	Special Rural
Metropolitan Regional Scheme Zone:	Rural

3. The property contains a dwelling, outbuildings and a small amount of fruit trees.

DETAILS

4. The applicant wishes to initiate an amendment to the Scheme by adding an Art Gallery to Schedule 2 - Additional Uses.
5. The Art Gallery would showcase local and Australian artists and artisans including that of the operator of the gallery.
6. The proposal would involve the construction of a 30sqm outbuilding located adjacent to the existing dwelling. Refer to (Attachment 2) for Site Plan.

-
7. It is envisaged that the gallery would operate for no more than two days a week, preferably opening during the week. Clients would attend the property via prior appointment only.
 8. The art gallery would be operated by those living on the property, with no other employees required.

STATUTORY AND LEGAL IMPLICATIONS

9. The subject site is zoned Special Rural under the provisions of the Scheme. Under the provisions of the Scheme, an Art Gallery is an 'X' (prohibited use) in a Special Rural zone.
10. The *Town Planning Regulations 1967* establish procedures relating to amendments to local planning schemes. If Council resolves to adopt the proposed amendment, then ultimately the amendment will be determined by the Minister for Planning.
11. If the Council does not initiate the amendment, the process ceases and there is no Right of Review (appeal) to the State Administrative Tribunal. If the proposal progresses to Ministerial determination, irrespective of the Minister's decision, there is no Right of Review.

POLICY IMPLICATIONS

12. Nil.

PUBLIC CONSULTATION/COMMUNICATION

13. The *Town Planning Regulations 1967* establish the procedures relating to amendments to local planning schemes. If Council decides to approve the amendment, then ultimately it will be determined by the Minister for Planning. If the matter proceeds to the Minister's determination, there is no Right of Review (appeal), irrespective of the Minister's decision.
14. Should Council initiate the amendment, the formal advertising (which will last 42 days) will involve a local public notice in a paper circulating the District and letters being sent to all affected landowners within Stage 1 of the Forrestfield/High Wycombe Industrial Area.

FINANCIAL IMPLICATIONS

15. If the Amendment is initiated there will be a cost involved, however this would be recouped from the applicants.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

Strategic Planning Implications

16. This proposal is consistent with the objectives stated in the Shire of Kalamunda Cultural Plan 2006 which aims *“to facilitate and support sustainable local business activity and tourism initiatives that generate local employment opportunities within the Shire of Kalamunda and that add to the lifestyle choices and prosperity of its residents.”*

Sustainability Implications

Social Implications

17. Potential impacts on the amenity of the adjoining landowners is unlikely given that visitors will attend on an appointment basis only.

Economic Implications

18. Nil.

Environmental Implications

19. Nil.

OFFICER COMMENT

20. If the amendment is successful, it would still be necessary for the applicant to seek planning consent prior to the use being undertaken. All matters considered when assessing a proposal, including public consultation where necessary and referral to statutory authorities, would be undertaken at the development application stage. The use would be listed as “D” uses, meaning that they would not be permitted unless planning approval is granted.
21. Due to the scale of the proposed Art Gallery it is unlikely that any impacts would occur to the neighbouring properties. As such it is recommended that Council initiates the amendment.

COMMITTEE RECOMMENDATION TO COUNCIL (D&I 40/2012)

That Council:

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

<p>PLANNING AND DEVELOPMENT ACT 2005</p> <p>RESOLUTION DECIDING TO AMEND A LOCAL PLANNING SCHEME</p> <p>SHIRE OF KALAMUNDA</p> <p>LOCAL PLANNING SCHEME NO. 3</p> <p>AMENDMENT NO. 47</p> <p>That Council in pursuance of Part 5 of the <i>Planning and Development Act 2005</i>, amends the Local Planning Scheme No. 3. by inserting into Schedule 2 (Additional Uses) of the Scheme Text, the following:</p>			
No.	Description of Land	Additional Use	Conditions
47	7 Emmanuel Court, Wattle Grove	Art Gallery	An art gallery is not permitted unless approval is granted by Council ("D").

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

Moved: **Cr Donald McKechnie**

Seconded: **Cr Allan Morton**

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

Declaration of financial / conflict of interests to be recorded prior to dealing with each item.**41. Lot 100 (17) Emanuel Court Wattle Grove - Application to Keep More Than Two Dogs**

Previous Items	Nil
Responsible Officer	Director Development and Infrastructure Services
Service Area	Health and Ranger Services
File Reference	RA-ANC-011: ICS-41146
Applicant	Jacqueline Birch – 17 Emanuel Court, Wattle Grove
Owner	JO & JA Birch
Attachment 1	Location Map

PURPOSE

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

BACKGROUND

- The applicant at 17 Emanuel Court, Wattle Grove has recently applied to Council requesting permission to keep more than two dogs on the property.

DETAILS

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

	Breed	Sex	Sterilised	Colour	Name	Registration Number	Age	Local Authority
1.	Kelpie	F	Yes	Black /Tan	Kelly	13/2767	5	Kalamunda
2.	Rottweiler	F	No	Black /Tan	Tash	14/0422	10 mths	Kalamunda
3.	Rottweiler	F	Yes	Black /Tan	Bella	14/2241	4 mths	Kalamunda

- In considering the merit of the application, an inspection was undertaken by Ranger Services to ensure the premises are appropriately sized so as to be capable of effectively and comfortably housing three dogs and to confirm that the fences and gates are compliant with the *Dog Act 1976*.
- The property at 17 Emanuel Court, Wattle Grove is 10011 sqm and zoned Special Rural.

STATUTORY AND LEGAL IMPLICATIONS

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

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

POLICY IMPLICATIONS

9. Nil.

PUBLIC CONSULTATION/COMMUNICATION

10. When applications are received by the Shire to keep more than two dogs, a Ranger will attend the properties immediately adjoining the applicant's property to ascertain if they have any objections. This process is undertaken by interview or, if the resident is not home at the time, a standard letter is left in their letterbox advising of the application.
11. There are six adjoining properties within the vicinity of the applicant's property that may be directly affected (Attachment 1). The occupants of these properties have been contacted by the attending Ranger, five properties have supported and one has not supported the application. One of the properties surveyed (40 Vulcan Road) lies within the City of Gosnells boundary and has 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 recorded that the owners are installing an electric fence.
19. One resident surveyed did not support the application due to one of the dogs allegedly getting out and entering his property at 19 Emanuel Court. No complaint was made at the time to the Rangers. The Shire of Kalamunda has not received any formal complaints at this property.
20. It is in the opinion of the inspecting Ranger that the property is appropriately sized and capable of effectively and comfortably housing three dogs. The Ranger can also confirm that the fences and gates are compliant with the *Dog Act 1976*.
21. It is recommended that the application to keep more than two dogs is supported and is noted that this approval may be varied or revoked should any dog complaints be received which are considered reasonable.

COMMITTEE RECOMMENDATION TO COUNCIL (D&I 41/2012)

That Council:

1. Pursuant to Clause 3.2 of the Shire of Kalamunda Dogs Local Law 2010 made under Section 26(3) of the *Dog Act 1976*, grants the exemption to the applicant of 17 Emanuel Court, Wattle Grove to keep three dogs on this property.

Moved: **Cr Bob Emery**

Seconded: **Cr Justin Whitten**

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

Against
Cr Geoff Stallard

CARRIED (10/1)

Declaration of financial / conflict of interests to be recorded prior to dealing with each item.**42. Lot 210 (10) Briza Lane, Forrestfield - Application to Keep More Than Two Dogs**

Previous Items	Nil
Responsible Officer	Director Development and Infrastructure Services
Service Area	Health and Ranger Services
File Reference	RA-ANC-011: ICS-40524
Applicant	Shelley Cox
Owner	DJ & SJ Cox - 10 Briza Lane, Forrestfield
Attachment 1	Location Map

PURPOSE

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

BACKGROUND

- The applicant at 10 Briza Lane, Forrestfield has recently applied to Council requesting permission to keep more than two dogs on the property.

DETAILS

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

	Breed	Sex	Sterilised	Colour	Name	Registration Number	Age	Local Authority
1.	Golden Retriever	F	Yes	Gold	Tahnee	14/2102	9	Kalamunda
2.	Golden Retriever	F	Yes	Gold	Mirror	14/2103	8	Kalamunda
3.	Standard Poodle	F	No	Black	Sookie	-	2 mths	Kalamunda

- In considering the merit of the application, an inspection was undertaken by Ranger Services to ensure the premises are appropriately sized so as to be capable of effectively and comfortably housing three dogs and to confirm that the fences and gates are compliant with the *Dog Act 1976*.
- The property at 10 Briza Lane is 491 sqm and zoned Urban Development.

STATUTORY AND LEGAL IMPLICATIONS

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

-
7. Clause 3.2 of the Local Law reads:
- “3.2 Limitation on the number of dogs**
2. This clause does not apply to premises which have been –
- (c) licensed under part 4 as an approved kennel establishment; or
- (d) 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, six properties have supported and one has not 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. One resident surveyed did not support the application but did not give an explanation. The Shire of Kalamunda has not received any formal complaints at this property.
19. The third dog -the Standard Poodle – Sookie is not yet registered. She will be brought over from the Eastern States.
20. It is in the opinion of the inspecting Ranger that the property is appropriately sized and capable of effectively and comfortably housing three dogs. The Ranger can also confirm that the fences and gates are compliant with the *Dog Act 1976*.
21. It is recommended that the application to keep more than two dogs is supported and is noted that this approval may be varied or revoked should any dog complaints be received which are considered reasonable.

COMMITTEE RECOMMENDATION TO COUNCIL (D&I 42/2012)

That Council:

1. Pursuant to Clause 3.2 of the Shire of Kalamunda Dogs Local Law 2010 made under Section 26(3) of the *Dog Act 1976*, grants the exemption to the applicant of 10 Briza Lane, Forrestfield to keep three dogs on this property.

Moved: **Cr Noreen Townsend**

Seconded: **Cr Justin Whitten**

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

Declaration of financial / conflict of interests to be recorded prior to dealing with each item.**43. Lot 201 (290) Welshpool Road East, Carmel - Application to Keep More Than Two Dogs**

Previous Items	Nil
Responsible Officer	Director Development and Infrastructure Services
Service Area	Health and Ranger Services
File Reference	RA-ANC-011: ICS-37955
Applicant	Jennifer Pearce – 290 Welshpool Road East, Carmel
Owner	RG & CH Melville
Attachment 1	Location Map

PURPOSE

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

BACKGROUND

- The applicant at 290 Welshpool Road East, Carmel has recently applied to Council requesting permission to keep more than two dogs on the property.

DETAILS

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

	Breed	Sex	Sterilised	Colour	Name	Registration Number	Age	Local Authority
1.	Rottweiler	M	No	Black	Phoenix	12/3611	8	Kalamunda
2.	Miniature Poodle	M	Yes	Black	Harley	12/0891	9	Kalamunda
3.	Smoodle	F	No	White	Daisy	12/3568	1	Kalamunda

- In considering the merit of the application, an inspection was undertaken by Ranger Services to ensure the premises are appropriately sized so as to be capable of effectively and comfortably housing three dogs and to confirm that the fences and gates are compliant with the *Dog Act 1976*.
- The property at 290 Welshpool Road East, Carmel is 6 Hectares and zoned Rural Conservation.

STATUTORY AND LEGAL IMPLICATIONS

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

-
7. Clause 3.2 of the Local Law reads:
- “3.2 Limitation on the number of dogs**
3. This clause does not apply to premises which have been –
- (e) licensed under part 4 as an approved kennel establishment; or
- (f) 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 four adjoining properties within the vicinity of the applicant's property that may be directly affected (Attachment 1). The occupants of these properties have been contacted by the attending Ranger and all four 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 recorded that the applicant has moved onto her parents property. Her mother owns one of the dogs in the application – Male Rottweiler Registration 12/36911. The Shire of Kalamunda has not received any formal complaints in relation to these dogs.
19. It is in the opinion of the inspecting Ranger that the property is appropriately sized and capable of effectively and comfortably housing three dogs. The Ranger can also confirm that the fences and gates are compliant with the *Dog Act 1976*.
20. It is recommended that the application to keep more than two dogs is supported and is noted that this approval may be varied or revoked should any dog complaints be received which are considered reasonable.

COMMITTEE RECOMMENDATION TO COUNCIL (D&I 43/2012)

That Council:

1. Pursuant to Clause 3.2 of the Shire of Kalamunda Dogs Local Law 2010 made under Section 26(3) of the *Dog Act 1976*, grants the exemption to the applicant of 290 Welshpool Road East, Carmel to keep three dogs on this property.

Moved: **Cr Sue Bilich**

Seconded: **Cr Martyn Cresswell**

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

Declaration of financial / conflict of interests to be recorded prior to dealing with each item.**44. Bulk Kerbside Collection**

Previous Items	GS 75/2011 OCM 67/2011
Responsible Officer	Director Development & Infrastructure Services
Service Area	Operations
File Reference	
Applicant	N/A
Owner	N/A
Attachment 1	Western Maze - Schedule of Rates
Confidential	Bulk Kerbside May 2011 Report
Attachment 2	Under separate cover
	<u>Reason for Confidentiality</u>
	<i>Section 5.23 2 (e) (ii) A matter that if disclosed would reveal information that has a commercial value to a person.</i>

PURPOSE

1. To extend the current kerbside collection contract for one year to further review the option of bringing the kerbside collection in-house.

BACKGROUND

2. At the Ordinary Council Meeting on 17 December 2007 Council resolved the following:
 1. *That the contract for two combined annual Kerbside Collection Services for three years, with two, one year options, commencing on 1 July 2008, be awarded to Western Maze, for the prices tendered in Schedule 8 items, 5, 6 & 7 of \$142.50 per tonne for junk, \$100 per tonne for steel and \$135 per tonne for green waste.*
 2. *That approval be given to the signing and sealing of the contract in the form contained in the Request for Tender subject to the prior provision of a bank guarantee in the favour of the Shire of Kalamunda for the sum of \$100,000.*

The tender included a number of options as shown in attached schedule (Attachment 1).

3. At the May 2011 General Services Committee, a report was presented to the Council outlining a proposal to bring the bulk verge collection service in house. The report (Attachment 2) provided information on the existing and projected tonnage of green waste and general waste. It presented a methodology and business case which identified a significant annual saving over the existing contract.

-
4. The methodology proposed that in relation to general waste “collections will occur for one week every month, rather than over two, six week periods.” In relation to green waste it was proposed that a single person crew would “operate all year round, providing four quarterly collections each year.” These proposals were based on assumptions which included that the tonnage would remain at a similar level to previous years, that the pickup could operate at a rate of 1 linear kilometre/hour over the 600Km of roads within the Shire, and that it could operate on 200 working days per year.
 5. Subsequently at the Ordinary Council Meeting on 19 May 2011, it was resolved that:
 1. *That Council exercises its option to extend the existing Bulk Verge Collection Contract for a 1 year period, until June 2012.*
 2. *Undertake the Bulk Verge Collection in-house, effective from July 2012.*
 3. *Include \$1,150,000 in the 2011/2012 budget for the purpose of purchasing the required plant assets, in preparation for a July 2012 commencement, to be funded via a loan and repaid through existing operating expenses.*
 4. *That a trial of various brands of compost bins be undertaken prior to any bulk purchase, to ensure that the selected unit is suitable.*
 5. *That \$200,000 is included in the 2011/2012 budget for the purpose of purchasing a maximum of 1,000 domestic compost bins, to be offered for resale to residents at the rate of 50% of the purchase price.*
 6. *That Council undertake the staffing of the Lawnbrook Transfer Station through its own resources, and utilise the increased control to collect data in order to undertake a further review into the efficiencies of the service.*
 6. The current contract expires on 30 June 2012 but has a further, and final, one year extension option which the Shire can exercise. This extension of the contract is for the same services that have been provided for the last four years. That is, two general and green waste collections per year.
 7. Whilst some work has been undertaken to gear up for the in house collection service as approved by the Council, a number of issues have arisen which require further examination before commencing the in-house service.

STATUTORY AND LEGAL IMPLICATIONS

8. Nil.

POLICY IMPLICATIONS

9. Nil.

PUBLIC CONSULTATION/COMMUNICATION

10. One of the obligations of the contractor is to record and advise the Shire of any complaints on a regular basis.

FINANCIAL IMPLICATIONS

11. Approximately \$1,153,500.00 will need to be budgeted for in the 2012/13 budget to extend the contract with Western Maze. This is calculated by the 2011/12 of \$1,114,485.00 +CPI.
12. A Schaffer 430z Loader has already been ordered from Boya Equipment. This is at a cost of \$100,815.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS**Strategic Planning Implications**

13. Nil.

Sustainability ImplicationsSocial Implications

14. Nil.

Economic Implications

15. Nil.

Environmental Implications

16. Nil.

OFFICER COMMENT

17. The proposal to bring the bulk verge collection in house had some merit in that it was aimed at greater separation of the waste at source to reduce the amount of waste going to land fill. It was also seen as a means to provide greater opportunities for the equipment to be integrated back into the workforce.
18. On further examination of the methodology there appear to be a number of flaws which, if not reviewed and corrected, would result in a verge collection service which could not match the current contracted level of service. The

tonnage figures used varied throughout the report and, in any event, were less than the actual. The current collection occurs over two, 12 week periods and not over two, six week periods as stated in the report. This would have meant that the general waste collection could only be once per year instead of twice.

19. In relation to the green waste, the proposed four quarterly collections per year would have been an increase in the level of service but it would mean that there would be unsightly verges almost all year round and, potentially, confusion as to whether to put out general and/or green waste each time.
20. It is therefore recommended that the in house collection service scheduled for introduction in July be postponed pending a further review and report to the Council. In the interim it is proposed to extend the existing contract for a further 12 month period.

Councillors required to consider Confidential Attachment 2 and therefore took the discussion of this item behind closed doors. The vote was taken in the public domain.

COMMITTEE RECOMMENDATION TO COUNCIL(D&I 44/2012)

That Council:

1. Does not proceed with the in house bulk verge collection as adopted at the May OCM 2011 and requests a further report on the options for future bulk verge collection.
2. Notes that the Shire will exercise the option to extend the current contract T0708 for a further 12 month period with Western Maze.

Moved: **Cr Bob Emery**

Seconded: **Cr Noreen Townsend**

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

11.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

11.1 Nil.

12.0 QUESTIONS BY MEMBERS WITHOUT NOTICE

12.1 Cr John Giardina – Canning Road Resurfacing

- Q. I notice the next section of Canning Road is being prepared for resurfacing, when will the poor surface on the first section be rectified?
- A. Director Development & Infrastructure Services indicated that the second section is currently being negotiated with the contractor and is due to commence soon. Once complete the surface of the first section will be skimmed to take out the roughness where necessary.

12.2 Cr John Giardina – Top of Haynes Street

- Q. There appears to be some damage to the median island at the top of Haynes Street with bricks coming loose could this be investigated and repaired?
- A. The Director Development & Infrastructure Services will have this rectified.

12.3 Cr Justin Whitten – Garbage Trucks Leaving Skid Marks in Forrestfield

- Q. I have previously reported that garbage trucks are leaving skid marks on roads in Forrestfield to the Chief Executive Officer, has there been any follow-up?
- A. The Chief Executive Officer reported that Officers had spoken to our Contractor, Cleanaway, who will ensure that this does not happen again.

12.4 Cr Martyn Cresswell – Newburn Road, Bollards Missing

- Q. Could the Shire please inspect as there appear to be bollards missing on Newburn Road, could these please be replaced?
- A. This was taken on notice by the Director of Development & Infrastructure Services.

12.5 Cr Martyn Cresswell – Edney Road, Surface Damage

Q. There is surface damage on the median strip on Edney Road, please could this be rectified?

A. This was taken on notice by the Director of Development & Infrastructure Services.

12.6 Cr Dylan O'Connor – Good Neighbour Policy

Q. Does the Shire have a Good Neighbour Policy with regard to neighbours of reserves and more specifically with regard to branches and leaf litter?

A. The Director Development & Infrastructure Services noted that there was no policy; however the Shire does try to do the right thing and prune trees along those boundaries. Inevitably, however with the Easterly winds there are always leaf litter issues.

Q. Is the way the Shire of Kalamunda deals with this matter the same as other local governments deal with neighbours of reserves or Shire land in terms of clean up, ownership of branches etc?

A. Director Corporate & Community Services will look into this and provide some clarity for Councillors.

12.7 Cr Sue Bilich – Jack Healey Centre, Building Maintenance

Q. I was told by the Jack Healey Advisory Committee last week that the building maintenance is not being carried out on this building as it may be demolished in the future?

A. The Chief Executive Officer noted that each Shire building has a building maintenance budget allocated by Council and will continue to be maintained until Council makes a decision to do otherwise.

12.8 Cr Geoff Stallard – Speeding on Local Road

Q. What is the due process regarding preventing speeding on local roads?

A. This question was taken on notice.

12.9 Cr Geoff Stallard – Smaller Rubbish Bins

Q. Can residents have a choice of a smaller rubbish bin as some find the large bins difficult to handle?

A. This question was taken on notice.

12.10 Cr Geoff Stallard – RSL Building

- Q. Some residents believe that the RSL are having to move out of their building due to the completion of a deal regarding the “super block”, is this correct?
- A. The Chief Executive Officer noted that the last discussion with the RSL was 12 months ago. The State Body of the RSL are keen to hear about opportunities that may arise from the superblock and negotiations will be directed to the State Body of the RSL but there have been no further talks.

12.11 Cr Sue Bilich – Smaller Rubbish Bins

- Q. I recollect this question being asked previously, could the Director please confirm that this was the case and that a supply of small bins was ordered for stock so that residents could request a smaller bin?
- A. This question was taken on notice.

13.0 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

13.1 Nil.

14.0 URGENT BUSINESS APPROVED BY THE PERSON PRESIDING OR BY DECISION

14.1 Nil.

15.0 MEETING CLOSED TO THE PUBLIC

15.1 MOTION

That the meeting be closed to the public to discuss Confidential Attachment to Report Item 44, Bulk Kerbside Collection.

Moved: **Cr Martyn Cresswell**

Seconded: **Cr Justin Whitten**

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

The meeting closed to the public at 7.20pm, all Councillors and staff remained in the Chambers.

15.2 MOTION

That the meeting reopen to the public after discussing Confidential Report

Item 44, Bulk Kerbside Collection at 7.25pm

Moved: **Cr Geoff Stallard**

Seconded: **Cr Martyn Cresswell**

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

The vote for this item was taken in the public domain.

16.0 CLOSURE

There being no further business, the Chairman declared the meeting closed at 7.26pm.

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

Signed: _____
Chairman

Dated this _____ day of _____ 2012