
Shire of Kalamunda

Development & Infrastructure Services Committee

Agenda for 2 July 2012

**NOTICE OF MEETING
DEVELOPMENT & INFRASTRUCTURE SERVICES COMMITTEE**

Councillors

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

2 July 2012 commencing at 6.30pm

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

Open Committee Meetings – Procedures

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

James Trail
Chief Executive Officer
27 June 2012

** Dinner will be served at 5.30pm **

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AGENDA

1.0 OFFICIAL OPENING

2.0 ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE PREVIOUSLY APPROVED

3.0 PUBLIC QUESTION TIME

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

4.0 PETITIONS/DEPUTATIONS

5.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

5.1 That the Minutes of the Development & Infrastructure Services Committee Meeting held on 5 June 2012 are confirmed as a true and accurate record of the proceedings.

Moved:

Seconded:

Vote:

Statement by Presiding Member

"On the basis of the above Motion, I now sign the minutes as a true and accurate record of the meeting of 5 June 2012".

6.0 ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION

6.1 Nil.

7.0 MATTERS FOR WHICH MEETING MAY BE CLOSED

7.1 Report Item 60 - Consideration of Tenders for the Construction of the Amenities Building at the Operations Centre, 10 Raymond Road, Walliston is a confidential Item under Section 5.23 (2) (c) of the Act *"contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting"*.

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*.)

8.2 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.

9.0 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.

52. Additional Place of Worship Building – Lot 387 (506) Welshpool Road East, Wattle Grove

Previous Items	Nil
Responsible Officer	Director Development and Infrastructure Services
Service Area	Development Services
File Reference	WL-10/506
Applicant	J Sparks
Owner	Wattle Grove Baptist Church
Attachment 1	Locality Plan
Attachment 2	Site Plan
Attachment 3	Floor Plan
Attachment 4	North Elevation
Attachment 5	South Elevation
Attachment 6	East Elevation
Attachment 7	West Elevation
Attachment 8	Photograph of the Property from Welshpool Road East
Attachment 9	Photograph of the Property from Sessilis Crescent
Attachment 10	Consultation Plan

PURPOSE

1. To consider a planning application to build an additional place of worship building at Lot 387 (506) Welshpool Road East, Wattle Grove. Refer to (Attachments 1 to 7).

BACKGROUND

2. Land Details:

Land Area:	4,045sqm
Local Planning Scheme Zone:	Urban Development
Wattle Grove Cell 9 Structure Plan Zone:	Community
Metropolitan Region Scheme Zone:	Urban

3. The subject property contains a place of worship used by Wattle Grove Baptist Church and has direct access to a cul-de-sac section of Welshpool Road East, via a single crossover. Refer to the photograph of the property from Welshpool Road East (Attachment 8) and the photograph of the property from Sessilis Crescent (Attachment 9).

-
4. The property comprises part of the Wattle Grove Urban Area commonly referred to as Cell 9.
 5. Properties to the north contain single dwellings, the property to the west currently contains a drainage basin but has received approval from the WA Planning Commission to be subdivided into 23 freehold lots, and the property to the east is occupied by the Bible College of WA.

DETAILS

6. Details of the application are as follows:
 - An additional building is proposed adjacent to the east (side) boundary which will be used for services and wedding ceremonies.
 - The existing place of worship building is proposed to be used for morning teas after services in the proposed building, and other congregational based activities which are to be held outside of the times when services are conducted.
 - Services are proposed to be held in the proposed building on Sunday mornings at 9.30am and Sunday evenings between 6.30pm and 7.45pm.
 - The existing building will be used on Tuesdays at 10.00am for morning prayer; the second Thursday of every month at 10.00am for Missionary meetings; on Fridays at 10.00am for Lady's Bible Study; and on Fridays at 7.00pm for Youth Group.
 - 76 car parking bays are proposed to be available on site.
 - Access to the property is to be obtained from the cul-de-sac section of Welshpool Road East and Sessilis Crescent.
 - The proposed building is to be setback 0.5m from the east (side) boundary and 3m from the Welshpool Road East boundary.
 - The proposed building is to have a wall height of 4m and a roof ridge height of 8m above the natural ground level, to be the same height as the existing place of worship building.
 - The proposed building will contain a 41sqm mezzanine which will sit above the foyer, toilets, cry room and entry, and be used for storage purposes only.
 - In keeping with Baptist tradition there will be no calls to prayer or bell ringing.
-

STATUTORY AND LEGAL IMPLICATIONS

Local Planning Scheme No. 3

7. Clause 4.2.1 (Objectives of the Zones – Residential Zones) of Local Planning Scheme No. 3 (“the Scheme”) stipulates the following are objectives of the Urban Development zone:
 - *“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.”*
8. Under the Zoning Table (Table 1) of the Scheme the zoning “Urban Development” is not included.
9. Under the adopted Structure Plan for the Cell 9 Urban Area, the subject lot is identified as a “Community” site.
10. Table 2 (Site Requirements) of the Scheme stipulates that the setbacks, site coverage, landscaping and plot ratio requirements for non-residential development on properties zoned Urban Development under the Scheme are at the discretion of the Shire.
11. Clause 5.6.2 (Variations to Site and Development Standards and Requirements) of the Scheme stipulates that where in the opinion of the Shire a variation to a Scheme requirement is likely to affect nearby landowners, the application is required to be advertised to nearby landowners in accordance with Clause 9.4 of the Scheme.

12. The car parking requirements for the use Place of Worship stipulated under Table 3 (Car Parking Requirements) of the Scheme are as follows:

	Scheme Parking Requirements	Net Lettable Area (NLA)	Bays Required	Total Bays Provided	Total Shortfall in Car Bays
Existing Place of Worship Building	1 bay for every 5SQM of NLA	401sqm	80.2 bays	76 bays	127 bays
Proposed Place of Worship Building		616.56 sqm	123.3		

13. If the application was approved by Council there will be a shortfall of 127 car parking bays on the property.
14. Clause 5.8.2 of the Scheme stipulates that Council may, at its discretion, apply a greater or lesser requirement for parking than that stipulated in the Scheme, if the proposed use is likely to demand a greater or lesser need for car parking bays, having regard to the scale and nature of the intended use.
15. Under Schedule 1 (2 - Land Use Definitions) of the Scheme, the use "Place of Worship" is defined as:
- "Premises used for religious activities such as a church, chapel, mosque, synagogue and temple."*
16. 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 number of matters, including:
- 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.
 - Any relevant submissions received on the application.

17. 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.

Health (Public Buildings) Regulations 1992

18. The building is currently approved to accommodate 175 people. Should the proposed additional building be approved by Council, then in accordance with the *Health (Public Buildings) Regulations 1992* ("the Regulations"), up to 549 people in aggregate can be allowed in the buildings at any one time based on the principle that the following can be accommodated in the following areas of the buildings:

	Maximum Accommodation in accordance with the Regulations
Existing Place of Worship Building	Church - 96 persons Hall - 32 persons Small Chapel - 31 Persons Prayer Room - 16 Persons
Proposed Place of Worship Building	Worship Area - 258 people Cry Room - 20 people Verandah - 96 people

POLICY IMPLICATIONS

Local Planning Policy DEV41 – Framework for Assessing Requests for Variation of the Number of Car Parking Bays

19. Local Planning Policy DEV41 – Framework for Assessing Requests for Variation of the Number of Car Parking Bays ("the Policy") stipulates that a reduction parking will only be considered by Council and not under delegation.

PUBLIC CONSULTATION/COMMUNICATION

20. The proposal was advertised for 14 days to nearby property owners for comment in accordance with Clause 5.6.2 and 9.4 of the Scheme. Two non-objections were received during advertising. Refer to the Consultation Plan (Attachment 10).

FINANCIAL IMPLICATIONS

21. Nil.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

Strategic Planning Implications

22. The property is shown on the Wattle Grove Cell 9 Structure Plan as being “Community” therefore the proposed use is consistent with the adopted Structure Plan.

Sustainability Implications

Social Implications

23. The development of the additional place of worship building will result in an increase in the number of people and vehicles attending the site via Sessillis Crescent, with a potential impact on the amenity of nearby residents.

Economic Implications

24. Nil.

Environmental Implications

25. Nil.

OFFICER COMMENT

26. The proposal complies with the Scheme with the exception of the minimum number of car parking bays required.
27. The applicant is proposing 76 car bays in lieu of 203, a shortfall of 127 car bays, with no additional space apparent on site to provide additional bays.
28. The Scheme allows Council to consider a lesser parking requirement if, in its opinion, the proposed use is likely to demand a lesser need for parking bays having due regard to the nature of the intended use and potential impact on future development of the locality.
29. The applicant has advised that the existing place of worship building is proposed to be used for morning teas and other congregational based activities which are to be held outside of the times when services and/or ceremonies are conducted in the proposed building. Whilst this may result in the shared utilisation of the parking area, the shortfall of 127 car bays is still considered excessive.
30. The existing building is currently approved to accommodate 175 people. Should the proposed additional building be approved by Council, then in accordance with the Health Regulations up to 579 people can attend the site. Whilst it is accepted that this number is unlikely, the regulation would permit a significant number of persons to attend the site at any one given time resulting in an increase in vehicles attending the site potentially having an impact on nearby residents.

31. Considering the above, it is recommended that Council refuses the application.

OFFICER RECOMMENDATION (D&I 52/2012)

That Council:

1. Refuses the application dated 30 April 2012 to build an additional place of worship building at Lot 387 (506) Welshpool Road East, Wattle Grove, for the following reasons:
 - a. An insufficient number of car parking bays, as required under Local Planning Scheme No. 3, are provided on site.
 - b. The proposed development would not preserve the amenity of the locality by virtue of the attendant vehicle access and circulation problems as a result of the increased capacity and lack of on-site car parking bays.

Moved:

Seconded:

Vote:

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

53. Child Care Premises and Offices – Lot 115 (132) and 116 (130) Wittenoom Road, High Wycombe

Previous Items	Nil
Responsible Officer	Director Development and Infrastructure Services
Service Area	Development Services
File Reference	WT-05/130, WT-05/132
Applicant	L Di Virgilio
Owner	Saruman Holdings Pty Ltd
Attachment 1	Locality Plan
Attachment 2	Site and Ground Floor Plan
Attachment 3	Upper Floor Plan
Attachment 4	East and West Elevations
Attachment 5	North and South Elevations

PURPOSE

1. To consider a planning application to build child care premises and offices at Lot 115 (132) and 116 (130) Wittenoom Road, High Wycombe. Refer to (Attachments 1 to 5).

BACKGROUND

2. **Land Details:**

Land Area: Lot 115 Lot 116	1,148sqm 1,238sqm
Local Planning Scheme Zone: Lot 115 Lot 116	Special Use (Business) Commercial
Metropolitan Region Scheme Zone:	Urban

3. The subject properties are currently vacant and have direct street frontage to Wittenoom Road.
4. Properties to the north contain the Boab Tavern and High Wycombe Shopping Centre. Residential properties exist on the opposite side of Wittenoom Road, and properties to the west and south are vacant.

DETAILS

5. Details of the application are as follows:
- A two storey office building is proposed to be built on Lot 115 and child care premises are proposed to be built on Lot 116, both of which will share a common boundary wall.
 - The offices are proposed to operate between 8.30am and 5.00pm Monday to Friday, and the child care premises are proposed to operate between 7.00am and 6.00pm Monday to Friday.
 - 18 car parking bays are proposed to be available on Lot 115, and eight car parking bays are proposed to be available on Lot 116. No designated staff car bays are proposed.
 - Access to Lot 115 is proposed via a two way crossover onto Wittenoom Road, and via an easement in gross along the rear boundary which allows for reciprocal access over the adjoining properties to the north.
 - Access to Lot 116 is proposed via the adjoining property which contains the High Wycombe Shopping Centre. The owners of the shopping centre have given their consent for this to occur and for a reciprocal parking arrangement with the child care premises.
 - A delivery bay is proposed at the rear of Lot 116 to avoid car parking bays being obstructed when deliveries are made to the child care premises.
 - Visually permeable fencing is proposed to be provided along the boundaries of the school and kindy outdoor areas which abut the car parking areas.
 - The child care centre is designed to cater for up to 15 children between the age of 0 years and 2 years, and up to 50 children between the age of 2 years and 4 years.

STATUTORY AND LEGAL IMPLICATIONS

Local Planning Scheme No. 3

6. Clause 4.2.3 (Objectives of the Zones – Commercial Zones) of Local Planning Scheme No. 3 (“the Scheme”) stipulates the following are objectives of the Commercial zone:
- *“To serve the needs of a localised area in providing for local shopping facilities, business, professional, civic, cultural, medical and other health related services.*
 - *To ensure that development is designed to be compatible with nearby uses and zones particularly Residential zones.”*

7. Clause 4.2.5 (Objectives of the Zones – Other Zones) of Local Planning Scheme No. 3 (“the Scheme”) stipulates the following is the objective of the Special Use zone:
 - *“To accommodate a specific use with special conditions on land where the provisions of the zoning table are not sufficiently sensitive or comprehensive to achieve the same objective.”*
8. Under the Zoning Table (Table 1) of the Scheme the use “Child Care Premises” is classed as being a “P” use in the Commercial zone meaning the use is permitted by the Scheme providing the use complies with the relevant development standards and requirements of the Scheme.
9. Item 5 under Schedule 4 (Special Use Zones) of the Scheme stipulates that the use “Office” is also classed as being a “P” use on the property.
10. Table 2 (Site Requirements) of the Scheme stipulates that the setback, site coverage, plot ratio and landscaping requirements for properties zoned Special Use are at the discretion of the Shire.
11. Table 2 of the Scheme stipulates the following for properties zoned Commercial. The aspects of the development proposed on the Special Use zoned property have been included to demonstrate whether it will be compatible with the built form on the adjoining property:

	Scheme Requirement for Properties Zoned Commercial	Proposed for the Child Care Centre (Commercial Zoned property)	Proposed for the Office (Special Use Zoned property)
Front Setback	15m Minimum	15m to 15.5m	14m
Side Setback	0m	0m	0m from the north boundary. 13m from the south boundary.
Rear Setback	0m	0m	3.5m
Plot Ratio	0.6 Maximum	0.5	0.4
Site Coverage	60% Maximum	51%	37%
Landscaping Strip (Road Frontage)	3m Minimum	2.6m to 3.1m	3m

12. The car parking requirements for the uses Office and Child Care Premises stipulated under Table 3 (Car Parking Requirements) of the Scheme are as follows:

Scheme Parking Requirements	NLA	Number of Staff and Children	Bays Required	Bays Provided
Child Care Premises – 1 bay per staff member, plus 1 car bay for every 10 children.	N/A	6 Staff Up to 65 children	12.5 bays minimum	8 bays
Office – 4 bays per 100sqm of net lettable area (NLA)	420sqm	N/A	16.8 bays minimum	18 bays
Total:			29 bays minimum	26 bays

13. If the application was approved by Council there will be a shortfall of five car bays for the child car premises, and a surplus of one car bay for the proposed offices.
14. Clause 5.8.2 of the Scheme stipulates that Council may, at its discretion, apply a greater or lesser requirement for parking than that stipulated in the Scheme, if the proposed use is likely to demand a greater or lesser need for car parking bays, having regard to the scale and nature of the intended use.
15. Clause 5.8.3 (Reciprocal Parking) of the Scheme stipulates that the Shire may vary the parking requirements when it is considered reasonable to do so by the recognition of reciprocal arrangements for parking or access or circulation. In making its decision on application for such recognition, the Shire is to take into consideration the following matters:
- (i) *“the nature of the proposed development in relation to the existing or future development of any land within the immediate vicinity of the subject land;*
 - (ii) *the hours of normal operation of the intended use and abutting land uses;*
 - (iii) *any such matters as the local government considers relevant, including any legal agreements between affected landowners.”*

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16. 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 number of matters, including:
- 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.
17. If Council refuses the development, or imposes conditions that are not acceptable to the applicant, there is a Right of Review (appeal) to the State Administrative Tribunal.

POLICY IMPLICATIONS

Local Planning Policy DEV41 – Framework for Assessing Requests for Variation of the Number of Car Parking Bays

18. Local Planning Policy DEV41 – Framework for Assessing Requests for Variation of the Number of Car Parking Bays (“the Policy”) stipulates that a reduction in parking will only be considered by Council and not under delegation.

Draft Liveable Neighbourhoods

19. Draft 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.

Directions 2031 and Beyond

20. *Directions 2031 and Beyond* is a high level strategic plan that establishes a vision for future growth of the Perth metropolitan area.
21. 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.

PUBLIC CONSULTATION/COMMUNICATION

21. There is no Scheme requirement for the proposal to be advertised.

FINANCIAL IMPLICATIONS

22. Nil.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

Strategic Planning Implications

23. Nil.

Sustainability Implications

Social Implications

24. 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 maintenance of the proposed landscaping and the hours of operation, amongst other matters.

Economic Implications

25. If approved, the proposal will provide employment opportunities for nearby residents.

Environmental Implications

26. Street trees exist along the adjoining verge and will be required to be retained. If any street tree is damaged during the construction phase it will be replaced by the Shire at the applicant's expense.

OFFICER COMMENT

27. The proposal complies with *Directions 2031 and Beyond* and Draft Liveable Neighbourhoods.
28. The proposal complies with the Scheme with the exception of the minimum number of car parking bays required for the child care premises.
29. The applicant is proposing eight car bays in lieu of the required 12.5 bays, a shortfall of five car bays.
30. The Scheme allows Council to consider a lesser parking requirement if, in its opinion, the proposed use is likely to demand a lesser need for parking bays having due regard to the nature of the intended use and potential impact on future development of the locality.

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31. The proposed shortfall in car parking is considered acceptable for the following reasons:
- The peak operating hours of the proposed child car premises will differ from those for the proposed offices and High Wycombe Shopping Centre.
 - There will be a shared utilisation of the car parking area associated with the adjoining shopping centre
32. In support of the proposed shortfall in car parking for the child care premises, the applicant has advised that when dropping off and collecting their children parents will only be parked for approximately five minutes.
33. If the application is approved by Council a reciprocal access agreement will need to be arranged between the applicant and the shopping centre property owner prior to the building licence being issued, so that access to the child car premises can be obtained via the shopping centre car park.
34. If the application is approved by Council a separate application will be required to be submitted for any signage on the property.
35. Considering the above, it is recommended that Council approves the application.

OFFICER RECOMMENDATION (D&I 53/2012)

That Council:

1. Approves the application dated 4 June 2012 for offices to be built at Lot 115 (132) Wittenoom Road, High Wycombe, and child care premises to be built at 116 (130) Wittenoom Road, High Wycombe, subject to the following conditions:
 - a. The provision and maintenance of a total of 18 car spaces including a minimum of one disabled bay on Lot 115, and the provision and maintenance of a total of eight car spaces including a minimum of one disabled bay on Lot 116.
 - b. All car parking bays and vehicle access ways being maintained by the landowner to the satisfaction of the Shire.
 - c. A detailed landscaping plan being submitted and approved by the Shire prior to the building licence being issued.
 - d. The landscaping on the approved landscaping plan being planted within 28 days of the development's completion, and maintained thereafter by the landowner to the Shire's satisfaction.

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- e. No loading or unloading of vehicles is to occur that interferes with the parking of vehicles in the car park by visitors and employees. All car parking bays in the car park are to be made available at all times for the parking of vehicles by employees and visitors.
 - f. Colour and material details of the proposed development are to be submitted to and approved by the Shire prior to the building licence being issued.
 - g. A Traffic Impact Statement being submitted to and approved by the Shire prior to the building licence being issued.
 - h. A Geotechnical Report being submitted to and approved by the Shire prior to the building licence being issued.
 - i. Prior to issuing the building licence, the owners of Lot 116 (130) and Lot 22 (120) Wittenoom Road, High Wycombe, shall grant to the public an easement in gross pursuant to sections 195 and 196 of the *Land Administration Act 1997* over the properties for the purposes of vehicular and pedestrian access (Easement). The Easement shall be prepared by the Shire's solicitors and shall be in accordance with the specifications of and to the satisfaction of the Shire. The applicant shall be responsible to pay all costs associated with the Shire's solicitor's costs of and incidental to the preparation of (including all drafts), stamping and registration of the Easement at Landgate.
 - j. A notification under Section 165 of the *Planning and Development Act 2005* shall be registered over the Certificate of Title to the land the subject of the proposed development prior to the issue of a building licence in accordance with State Planning Policy 5.1 to notify owners and prospective purchasers of the land that:
 - *the land is located in the 20-25 ANEF area as identified on the Australian Noise Exposure Forecast Plan of the 2004 Statement of Planning Policy – Land Use Planning in the Vicinity of Perth Airport produced by the Western Australian Planning Commission.*
 - *noise exposure levels are likely to increase in the future as a result of increases in numbers of aircraft using the airport, changes in aircraft type or other operational changes.*

Moved:

Seconded:

Vote:

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

54. Community Sustainability Advisory Committee (CSAC) Meeting

Previous Items	PS 17/11, D&I 32/2012
Responsible Officer	Director Development and Infrastructure Services
Service Area	Development and Infrastructure Services
File Reference	EV-EPP-014
Applicant	N/A
Owner	N/A
Attachment 1	CSAC Unconfirmed Summarised Minutes – 26 April 2012
Attachment 2	Objectives List (not finalised)

PURPOSE

1. To receive the unconfirmed summarised minutes of the Community Sustainability Advisory Committee (“CSAC”) meeting held on 26 April 2012.

BACKGROUND

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

DETAILS

3. The second “CSAC” meeting of new Committee was held on 26 April 2012. A list of objectives devised at the first meeting was tabled for members. External processes to assist the Committee’s function were discussed at length and items presented at the first meeting were revisited.

STATUTORY AND LEGAL IMPLICATIONS

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

POLICY IMPLICATIONS

5. Nil.

PUBLIC CONSULTATION/COMMUNICATION

6. Nil.

FINANCIAL IMPLICATIONS

7. Nil.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

Strategic Planning Implications

8. Nil.

Sustainability Implications

Social Implications

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

Economic Implications

10. Nil.

Environmental Implications

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

OFFICER COMMENT

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

OFFICER RECOMMENDATION (D&I 54/2012)

That Council:

1. Receives the unconfirmed minutes of the Community Sustainability Advisory Committee (“CSAC”) meeting held on 26 April 2012 (Attachment 1).
2. That CSAC provide after their next meeting scheduled for 28 June 2012, a finalised list of objectives for Council endorsement.

Moved:

Seconded:

Vote:

Declaration of financial / conflict of interests to be recorded prior to dealing with each item.
55. Schmitt Road – Petition for the Construction of a Pedestrian Path along Schmitt Road.

Previous Items	N/A
Responsible Officer	Director Development and Infrastructure Services
Service Area	Engineering Services
File Reference	
Applicant	Sandra Schroder
Owner	
Attachment 1	Copy of the Petition
Attachment 2	Response from the petitioner
Attachment 3	Location Plan Schmitt Road

PURPOSE

1. To consider the petition shown in (Attachment 1) that was presented at the General Services Committee Meeting on 5 December 2011. The petition requests the installation of a new footpath along Schmitt Road between Collins Road and Mundaring Weir Road.

BACKGROUND

2. A petition containing 17 signatures from residents of Schmitt Road was tabled at the General Services Committee Meeting on 5 December 2011 for the installation of a new concrete pathway along Schmitt Road.
3. The Shire receives many requests each year to construct new footpaths including replacement of the existing paths. These requests are prioritised based on various factors including existing footpath condition (if applicable), proximity to various land uses (such as schools, shopping centre etc.), expected type of users (e.g. school students, elderly, disabled), adjacent traffic volumes and road geometry.

DETAILS

4. The request was evaluated and the outcome of the request based on the criteria for prioritising and, including allocation of fundings for the new footpaths every year, the pathway request is listed for construction in the year 2018-19.
5. The total estimated cost for the construction of footpath from Collins Road to Mundaring Weir Road along Schmitt road is \$98,000.
6. Subsequent to the evaluation of the request, a letter was sent to the petitioner on 16 May 2012 advising Mrs Schroder that the footpath is listed for construction in the year 2018-19.

-
7. On 21 May 2012, a response to the above letter was received from Mrs Schroder expressing her dissatisfaction on the proposed timeline for the construction of the footpath shown in (Attachment 2).
 8. A location plan for the proposed footpath construction is attached (Attachment 3).

STATUTORY AND LEGAL IMPLICATIONS

9. Nil.

POLICY IMPLICATIONS

10. Nil.

PUBLIC CONSULTATION/COMMUNICATION

11. The applicant has been provided with the response advising the timeline for the proposed construction.

FINANCIAL IMPLICATIONS

12. The construction of the footpath is expected to cost \$98,000.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

Strategic Planning Implications

13. Nil.

Sustainability Implications

Social Implications

14. Nil.

Economic Implications

15. Nil.

Environmental Implications

16. Nil.

OFFICER COMMENT

17. The timeline and the ranking of new footpaths construction depends on various factors including evaluating the request based on the prioritisation matrix and the allocation of budget funds each year. The proposed request for the construction of new footpath along Schmitt Road was assessed and accordingly it is scheduled for construction in the 2018-19 financial year.

OFFICER RECOMMENDATION (D&I 55/2012)

That Council:

1. Advises the petitioner that:
 - a. The Shire receives many requests for new footpath construction and has to allocate the budget funds on a priority basis having regard to many factors.
 - b. The current footpath construction programme indicates that the funding for pathway along Schmitt Road is scheduled for the 2018-19 financial year.

Moved:

Seconded:

Vote:

Declaration of financial / conflict of interests to be recorded prior to dealing with each item.**56. Lot 137 (1) Bulla Street, Lesmurdie - Application to Keep More Than Two Dogs**

Previous Items	N/A
Responsible Officer	Director of Development and Infrastructure Services
Service Area	Health and Ranger Services
File Reference	RA-ANC-011: ICS 41518
Applicant	Vanessa and Rabindra Rivett
Owner	VJ Fowler & R Rivett

Attachment 1 Location Map

PURPOSE

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

BACKGROUND

2. The applicants at 1 Bulla Street, Lesmurdie, have recently applied to Council requesting permission to keep more than two dogs on their property.
3. Clause 3.2.(2) of the Shire of Kalamunda Dogs Local Law 2010 stipulates:

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

DETAILS

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

	Breed	Sex	Sterilised	Colour	Name	Registration Number	Age	Local Authority
1.	Samoyed	M	Y	Cream & Biscuit	Kuma	12-1975	6	Kalamunda
2.	Samoyed	F	N	White	Bella	14-1201	6	Kalamunda
3.	Samoyed	F	N	White	Roxy	12-3850	3	Kalamunda

5. In considering the merit of the application, an inspection was undertaken by Ranger Services to ensure the premises are appropriately sized so as to be capable of effectively and comfortably housing three dogs and to confirm that the fences and gates are compliant with the *Dog Act 1976*.
6. The property at 1 Bulla Street, Lesmurdie is 942 sqm and zoned Residential.

STATUTORY AND LEGAL IMPLICATIONS

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

POLICY IMPLICATIONS

10. Nil.

PUBLIC CONSULTATION/COMMUNICATION

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

FINANCIAL IMPLICATIONS

13. Nil.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

Strategic Planning Implications

14. Nil.

Sustainability Implications

Social Implications

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

Economic Implications

16. Nil.

Environmental Implications

17. Nil.

OFFICER COMMENT

18. In considering this application for exemption, the following two options are available:
- a. Council may grant an exemption pursuant to Section 26(3) of the *Dog Act 1976* subject to conditions; or
 - b. Council may refuse permission to keep more than two dogs
19. As part of the assessment process, Officers have not recorded any issues regarding the dogs kept 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.

OFFICER RECOMMENDATION (D&I 56/2012)

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 1 Bulla Street, Lesmurdie to keep three dogs on this property.

Moved:

Seconded:

Vote:

Declaration of financial / conflict of interests to be recorded prior to dealing with each item.**57. Lot 14 (128) Canning Road, Kalamunda - Application to Keep More Than Two Dogs**

Previous Items	N/A
Responsible Officer	Director of Development and Infrastructure Services
Service Area	Health and Ranger Services
File Reference	RA-ANC-011: ICS 42159
Applicant	Stuart Keith Johnson
Owner	J & CS Hickey
Attachment 1	Location Map

PURPOSE

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

BACKGROUND

2. The applicants at 128 Canning Road, Kalamunda, have recently applied to Council requesting permission to keep more than two dogs on their property.
3. Clause 3.2.(2) of the Shire of Kalamunda Dogs Local Law 2010 stipulates:

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

DETAILS

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

	Breed	Sex	Sterilised	Colour	Name	Registration Number	Age	Local Authority
1.	Soft Coated Wheaten Terrier	M	No	Cream	Mac	12-2858	7½	Kalamunda
2.	Soft Coated Wheaten Terrier	F	No	Cream	Priscilla	12-2859	4	Kalamunda
3.	Soft Coated Wheaten Terrier	M	No	Cream	Fergal	12-3835	4 mths	Kalamunda

5. In considering the merit of the application, an inspection was undertaken by Ranger Services to ensure the premises are appropriately sized so as to be capable of effectively and comfortably housing three dogs and to confirm that the fences and gates are compliant with the *Dog Act 1976*.

-
6. The property at 128 Canning Road, Kalamunda is 921 sqm and zoned Residential.

STATUTORY AND LEGAL IMPLICATIONS

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

POLICY IMPLICATIONS

10. Nil.

PUBLIC CONSULTATION/COMMUNICATION

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

FINANCIAL IMPLICATIONS

13. Nil.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

Strategic Planning Implications

14. Nil.

Sustainability Implications

Social Implications

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

Economic Implications

16. Nil.

Environmental Implications

17. Nil.

OFFICER COMMENT

18. In considering this application for exemption, the following two options are available:
- a. Council may grant an exemption pursuant to Section 26(3) of the *Dog Act 1976* subject to conditions; or
 - b. Council may refuse permission to keep more than two dogs
19. As part of the assessment process, Officers have not recorded any issues regarding the dogs kept 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.

OFFICER RECOMMENDATION (D&I 57/2012)

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 128 Canning Road, Kalamunda to keep three dogs on this property.

Moved:

Seconded:

Vote:

Declaration of financial / conflict of interests to be recorded prior to dealing with each item.**58. Lot 199 (5) Mahonia Way, Forrestfield - Application to Keep More Than Two Dogs**

Previous Items	N/A
Responsible Officer	Director of Development and Infrastructure Services
Service Area	Health and Ranger Services
File Reference	RA-ANC-011: ICS 40225
Applicant	CJ Allan
Owner	Christopher James Allan
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 applicants at 5 Mahonia Way, Forrestfield, have recently applied to Council requesting permission to keep more than two dogs on their property.
- Clause 3.2.(2) of the Shire of Kalamunda Dogs Local Law 2010 stipulates:

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

DETAILS

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

	Breed	Sex	Sterilised	Colour	Name	Registration Number	Age	Local Authority
1.	Staffy Bull Terrier	F	Y	Black	Missy	14-2113	11	Kalamunda
2.	Boxer Cross	F	N	Brown/White	Sox	12-3803	9	Kalamunda
3.	Red Heeler	M	N	Red/White	Duke	12-3804	8 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*.

6. The property at 5 Mahonia Way, Forrestfield is 700 sqm and zoned Residential.

STATUTORY AND LEGAL IMPLICATIONS

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

8. Clause 3.2 of the Local Law reads:

“3.2 Limitation on the number of dogs

1. This clause does not apply to premises which have been –
 (a) licensed under part 4 as an approved kennel establishment; or
 (b) granted an exemption under section 26(3) of the Dog Act, 2 dogs over the age of 3 months and the young of those dogs under that age.”

9. If Council refuses to permit three dogs on this property, the applicant has the right to appeal the decision through the State Administrative Tribunal within 28 days of notification in writing by the Shire

POLICY IMPLICATIONS

10. Nil.

PUBLIC CONSULTATION/COMMUNICATION

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

12. There are seven adjoining properties within the vicinity of the applicant’s property that may be directly affected (Attachment 1). The occupants of these properties have been contacted by the attending Ranger, four properties have supported the application and three properties have not responded.

FINANCIAL IMPLICATIONS

13. Nil.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

Strategic Planning Implications

14. Nil.

Sustainability Implications

Social Implications

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

Economic Implications

16. Nil.

Environmental Implications

17. Nil.

OFFICER COMMENT

18. In considering this application for exemption, the following two options are available:
- a. Council may grant an exemption pursuant to Section 26(3) of the *Dog Act 1976* subject to conditions; or
 - b. Council may refuse permission to keep more than two dogs
19. As part of the assessment process, Officers have not recorded any issues regarding the dogs kept at this property although a barking dog complaint was made against the property but this was not pursued as required evidence was not provided.
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.

OFFICER RECOMMENDATION (D&I 58 /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 5 Mahonia Way, Forrestfield to keep three dogs on this property.

Moved:

Seconded:

Vote:

Declaration of financial / conflict of interests to be recorded prior to dealing with each item.**59. Lot 98 (121) Tanner Road, Carmel - Application to Keep More Than Two Dogs**

Previous Items	N/A
Responsible Officer	Director of Development and Infrastructure Services
Service Area	Health and Ranger Services
File Reference	RA-ANC-011: ICS 42005
Applicant	Amanda & Richard Slee
Owner	Amanda Helen Slee

Attachment 1 Location Map

PURPOSE

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

BACKGROUND

2. The applicants at 121 Tanner Road, Carmel, have reapplied to Council requesting permission to keep more than two dogs on their property.
3. Clause 3.2.(2) of the Shire of Kalamunda Dogs Local Law 2010 stipulates:

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

DETAILS

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

	Breed	Sex	Sterilised	Colour	Name	Registration Number	Age	Local Authority
1.	Retriever	F	N	Brown	Chino	13-1166	8	Kalamunda
2.	Shih tzu	F	N	Grey	Anabel	13-1424	2	Kalamunda
3.	German Sheppard	M	N	Black and Tan	Fletcher	14-2297	4 mths	Kalamunda

5. In considering the merit of the application, an inspection was undertaken by Ranger Services to ensure the premises are appropriately sized so as to be capable of effectively and comfortably housing three dogs and to confirm that the fences and gates are compliant with the *Dog Act 1976*.

-
6. The property at 121 Tanner Road, Carmel is 6 hectares and zoned Rural Conservation.

STATUTORY AND LEGAL IMPLICATIONS

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

POLICY IMPLICATIONS

10. Nil.

PUBLIC CONSULTATION/COMMUNICATION

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

FINANCIAL IMPLICATIONS

13. Nil.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

Strategic Planning Implications

14. Nil.

Sustainability Implications

Social implications

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

Economic Implications

16. Nil.

Environmental Implications

17. Nil.

OFFICER COMMENT

18. In considering this application for exemption, the following two options are available:
- a. Council may grant an exemption pursuant to Section 26(3) of the *Dog Act 1976* subject to conditions; or
 - b. Council may refuse permission to keep more than two dogs
19. As part of the assessment process, Officers have not recorded any issues regarding the dogs kept at this property and it is to be noted that a previous multi dog application was approved on 18th April 2011. This application has been made as 2 dogs subject to the original application are now deceased and another dog, a German Sheppard, is now residing at the 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.

OFFICER RECOMMENDATION (D&I 59/2012)

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 121 Tanner Road, Carmel to keep three dogs on this property.

Moved:

Seconded:

Vote:

10.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

10.1 Nil.

11.0 QUESTIONS BY MEMBERS WITHOUT NOTICE

11.1 Nil.

12.0 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

12.1 Nil.

13.0 URGENT BUSINESS APPROVED BY THE PERSON PRESIDING OR BY DECISION

13.1 Nil.

14.0 MEETING CLOSED TO THE PUBLIC

14.1 Report Item 60 - Consideration of Tenders for the Construction of the Amenities Building at the Operations Centre, 10 Raymond Road, Walliston is a confidential Item under Section 5.23 (2) (c) of the Act "contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting".

15.0 CLOSURE