
Shire of Kalamunda

Ordinary Council Meeting Agenda

Monday 19 April 2010

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NOTICE OF MEETING ORDINARY MEETING OF COUNCIL

Councillors,

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

Monday 19 April 2010 , commencing at 7.00pm.

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

Open Council Meetings – Procedures

1. All Council Meetings are open to the public, except for matters raised by Council under Item No. 14.0 of the Agenda.
2. Members of the public may ask a question at an Ordinary Council Meeting under Item 3.0 of the Agenda.
3. Members of the public who are unfamiliar with meeting procedures are invited to seek advice at the meeting. If unsure about proceedings, just raise your hand when the Shire President opens '*question time*' under Item 3.0 of the Agenda.
4. All other arrangements are in accordance with Council's Standing Orders, Policies and decision of the Shire or Council.

James Trail
Chief Executive Officer

13 April 2010

**** Dinner is served at 6 pm ****





**Agenda of Ordinary Council Meeting
Held in the Council Chambers
2 Railway Road, Kalamunda
Monday, 19 April 2010**

- 1. OFFICIAL OPENING**
- 2. APOLOGIES AND LEAVE OF ABSENCE**
- 3. PUBLIC QUESTION TIME**
- 4. PETITIONS/DEPUTATIONS**
- 5. CONFIRMATION OF PREVIOUS MINUTES**
- 5.1 Confirmation of Minutes of Ordinary Council Meeting 15 March 2010**

MOTION

That the Minutes of the Ordinary Council Meeting of the Shire of Kalamunda held in the Council Chambers on 15 March 2010 be confirmed.

Moved: Cr

Seconded: Cr

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 15 March 2010"

5.2 **Confirmation of Minutes of Special Council Meeting 29 March 2010**

MOTION

That the Minutes of the Special Council Meeting of the Shire of Kalamunda held in the Council Chambers on 29 March 2010 be confirmed.

Moved: Cr

Seconded: Cr

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 29 March 2010”

6. ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION

6.1 **Citizenship Ceremony**

Councillors are advised there will be a Citizenship Ceremony on Wednesday 12 May 2010.

7. MATTERS FOR WHICH THE MEETING MAY BE CLOSED

7.1 **PS Item 9.26 Traffic Consideration - Shopping Centre Kalamunda Road, High Wycombe**

Reason for Confidentiality

Local Government Act s.5.23(2)(c). A 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.

7.2 **Chief Executive Officer Performance Review**

Reason for Confidentiality

Local Government Act s.5.23(2)(a). A matter affecting an employee or employees

8. DISCLOSURE OF INTERESTS

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).

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 has given or will give advice.

8.1 PS Item 9.23 Proposed Closure of Right of Way - Stanhope Road Kalamunda

Cr Thomas declared an interest affecting impartiality as family own one of the properties abutting the Right of Way

8.2 PS Item 9.25 Lots 23, 50 and 9001 Kalamunda Road, High Wycombe - Cash-in-Lieu for Public Open Space and Progress of Subdivision and Developments Associated with the High Wycombe Town Centre

Cr Heggie declared a Financial Interest as he is the holder of two leases at this complex, 9001 Kalamunda Road High Wycombe.

9. REPORT TO COUNCIL

9.1. GENERAL SERVICES COMMITTEE REPORT

- GS9.27 Creditors Accounts Paid for March 2010
- GS9.28 Financial Activity Statements for the Period ended 28 February 2010
- GS9.29 Debtors and Creditors Report for the Period Ended 28 February 2010
- GS9.30 Rates Debtors Report for February 2010
- GS9.32 Proposed Advertising of Business Plan for a Proposed Major Land Transaction - Subdivision - 614 Welshpool Road East (Lot 5) - Wattle Grove
- GS9.33 Proposed Cash-in-lieu Assessment Criteria Policy
- GS9.36 Lesmurdie Road Roundabout - Artwork
- GS9.37 Light Vehicle Policy
- GS9.38 Review of the Shire of Kalamunda Strategic Plan 2009-2014
- GS9.39 Attendance at the 2010 National General Assembly of Local Government in Canberra by the Chief Executive Officer and Shire President

Adoption of Recommendations of the General Services Committee of 6 April 2010

1. That the recommendations contained in the General Services Committee Report of 6 April 2010 excluding withdrawn items GS9.31, GS9.34, and GS9.35 be adopted.

Moved:

Seconded:

ABSOLUTE MAJORITY REQUIRED

GS 9.31 Adoption of Dogs Local Law 2010

1. That Council adopts a new local law, the Dogs Local Law 2010, as shown in (GSC Item 31/2010 Attachment 1.).
2. It be recorded that the purpose of the proposed local law is to make provisions about the impounding of dogs, to control the number of dogs that can be kept on premises and the manner of keeping those dogs, and to prescribe areas in which dogs are prohibited and dog exercise areas. The effect of the proposed local law is to extend the controls over dogs which exist under the Dog Act 1976.

ABSOLUTE MAJORITY REQUIRED

GS 9.34 Stirk Park, Kalamunda (Reserve Number 29735) - Proposed Redevelopment

1. That Council:
 1. Approve an allocation of up to \$25,000 from the Stirk Park Reserve Account in the current 2009/2010 financial year, for remedial works required at Stirk Park, that is inclusive of the following:
 - installation of fencing between the children's playground and the carpark/road on Elizabeth St.
 - installation of a barrier between the children's playground and the pond, plus establish a bed of low growing, hardy plants.
 2. List for consideration an allocation of up to \$30,000 in the 2010/2011 budget for the development of a Stirk Park Masterplan.

ABSOLUTE MAJORITY REQUIRED

GS 9.35 Falls Farm Management Committee - Nominations for Membership

1. That Council appoint Derek Winter and Geraldine Smailes as members of the Falls Farm Management Committee.

ABSOLUTE MAJORITY REQUIRED

9.2. PLANNING SERVICES COMMITTEE REPORT

PS9.20 Proposed Amended Policies for the Planning and Development Directorate

PS9.21 Policies for the Planning and Development Directorate - Proposed Revocations

PS9.22 Lot 5 (29 Courtney Plance, Wattle Grove - Application for Parking of Commercial Vehicles

PS9.24 Traffic Study Outcome - Kalamunda Road between Roe Highway and Abernethy Road, High Wycombe

Adoptions of Recommendations of the Planning Services Committee 12 April 2010

1. That the recommendations contained in the Planning Services Committee Report of 12 April 2010 excluding withdrawn items PS9.23, PS9.25 and PS9.26 be adopted.

Moved:

Seconded:

DECLARATION OF INTEREST

PS9.23 Proposed Closure of Right of Way - Stanhope Road, Kalamunda

Cr Thomas declared an interest affecting impartiality in this item as family own one of the properties abutting the Right of Way.

1. That the owners of Lot 153 (107) Canning Road have a detailed plan prepared prior to the Shire forwarding its recommendation to the Department of Planning, which demonstrates that secondary access to Lot 154 (109) Canning Road and Lot 19 (3) Stanhope Road will still be maintained when the portion of Right of Way abutting their lot is closed.
2. Subject to the plan being to the satisfaction of the Shire's Director of Engineering Services, the request for closing the section of the Right of Way abutting Lot 153 (107) Canning Road be supported and the Shire's recommendation be forwarded to the Department of Planning in accordance with the Land Administration Act 1997.

PS9.25 Lots 23, 50 and 9001 Kalamunda Roads, High Wycombe - Cash-in-lieu for Public Open Space and Progress of Subdivision and Developments Associated with the High Wycombe Town Centre

Cr Heggie declared a financial interest in this item as he has two leases at this complex Lot 9001 Kalamunda Road High Wycombe

1. That Council:
 1. Notes the reported position with respect to the cash-in-lieu payment and the implementation of the 2008 subdivision approval;
 2. Extends the time stipulated in clause 2.3.4 (a) of the Shire agreement for completion of the following works and development forming part of the town centre concept:
 - The following components of the village centre, namely the medical centre, one restaurant and public toilets are to be completed by 24 April 2012; and
 - The upgrading and creation of a water feature and public open space on lot 49 and reserve 47766 is to be completed by 30 June 2010;
 3. Extending the time in clause 2.3.4(b) of the Shire agreement for completion of the following works and development involved in the lifestyle retirement village:
 - 32 aged persons' dwellings for which planning approval was granted on 7 February 2008, are to be completed by 24 October 2011; and
 - A further 32 aged person's dwellings, for which planning approval was granted on 7 February 2008, are to be completed by 24 October 2012;

4. Under clause 10.5.2 of the Local Planning Scheme No. 3, Council extends the last day of the period stipulated in the planning approval granted on 7 February 2008 within which the lifestyle retirement village is to be substantially commenced by 6 February 2011;
5. Reserves all of its rights to draw on the bank guarantee provided under the Shire agreement, both in respect of the failure to complete works and development by the dates stipulated in the shire agreement and the extended dates provided above.

CONFIDENTIAL ITEM

PS9.26 Traffic Consideration - Shopping Centre Kalamunda Road, High Wycombe

To be considered at Item 14.0 on the Agenda if required.

9.3. CHIEF EXECUTIVE OFFICER'S REPORT

N/A

10. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

10.1 Request for CEO to Write to Former Councillor Requesting Information

MOTION

That Council request the CEO to write to former Councillor Elizabeth Taylor with a view to ascertaining who had illegally advised her of information regarding a confidential staffing matter.

Moved: Cr Lindsey

10.2 Proposal by WALGA and the ALGA to seek Commonwealth Constitutional Recognition of Local Government

MOTION

1. That this Council, recognising the:
 - constitutional recognition already afforded local government under sections 2, 52, 53 and 57 of WA's **Constitution Act 1889**;
 - the undesirability of having overlapping state and commonwealth constitutional jurisdiction of local government; and
 - the existing ability of the Commonwealth Government to provide funding to local government by way of tied grants via the states; holds that the proposal by WALGA and the ALGA to seek Commonwealth Constitutional recognition for local government is both unnecessary and undesirable.

2. That Council convey its views on the proposed Commonwealth Constitutional recognition of local government to the WA Minister for Local Government; the Prime Minister; Leader of Federal Opposition; President of WALGA and the President of the ALGA.

Moved: Cr Lindsey

10.3 Request for CEO Public Art Strategy Consultancy

MOTION

That the CEO be requested to expand the Public Art Strategy Consultancy to consider future sites for Public Art in the Lesmurdie, Wattle Grove, Pickering Brook, Bickley, Walliston, Gooseberry Hill and MaidaVale areas, taking in account any previous community consultation and feedback.

Moved: Cr Everett

11. QUESTIONS BY MEMBERS WITHOUT NOTICE

12. QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

12.1 Transfer Station (Cr Lindsey)

Q. When the new sign is prepared advertising the changes in fees would it be possible to have a double sided sign as at the moment it is difficult to find the station because the sign is obscured?

A. The new signage, reflecting the increase in fees at the Transfer Station, will be made double sided. Additionally, any tree branches obscuring the sign will be pruned accordingly.

13. URGENT BUSINESS APPROVED BY THE PERSON PRESIDING OR BY DECISION

14. MEETING CLOSED TO THE PUBLIC

14.1 MOTION

1. That the meeting go behind closed doors to consider the Confidential Planning Services Item 9.26 and the Chief Executive Officer Performance Review Report.

Moved:

Seconded:

CONFIDENTIAL ITEM

14.2 PS 9.26 Traffic Consideration - Shopping Centre Kalamunda Road, High Wycombe

Local Government Act s.5.23(2)(c). A 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.

*The following is **CONFIDENTIAL** in accordance with Section 5.23(2) (c) of the Local Government Act 1995, which permits the meeting to be closed to the public for business relating to a matter that if disclosed, would reveal;*

'A 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.'

COMMITTEE RECOMMENDATION TO COUNCIL PS-26/2010

1. That Council endorses the actions recommended in this report.

CONFIDENTIAL ITEM

14.3 Chief Executive Officer Performance Review

Reason for Confidentiality. Local Government Act s.5.23(2)(a). A matter affecting an employee or employees.

Item provided under separate cover.

14.4 MOTION

1. That the meeting be re-opened to the public after consideration the Confidential Planning Services Item 9.26 and the Chief Executive Officer Performance Review Report.

Moved:

Seconded:

15. CLOSURE