
Shire of Kalamunda

Ordinary Council Meeting Agenda

Monday 20 December 2010

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Separate Document

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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 20 December 2010, commencing at 5.30 pm.

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. 15.0 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

15 December 2010

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 Public Gallery on matters relating to the functions of Council.

4.0 PETITIONS/DEPUTATIONS

4.1 Redevelopment of 159 Canning Rd Kalamunda

A deputation has been granted to Mr Philip Snook.

The Shire of Kalamunda Standing Orders Local Law 1999 section 3.11 provides guidelines for deputations made to Council.

“3.11 Deputations

(3) A deputation invited to attend a Council or committee meeting –

(a) is not to exceed five persons, only two of whom may address the Council or committee, although others may respond to specific questions from the members; and

(b) is not to address the Council or committee for a period exceeding 15 minutes without the agreement of the Council or the committee as the case requires.

(4) Subject to the members present deciding otherwise, any matter which is the subject of a deputation to the Council or a committee is not to be decided by the Council or that committee until the deputation has completed its presentation.”

5.0 APPLICATIONS FOR LEAVE OF ABSENCE

6.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

6.1 That the Minutes of the Ordinary Council Meeting held on 15 November 2010 is confirmed as a true and correct record of the proceedings.

Moved:

Seconded:

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 November 2010.”

7.0 ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION

8.0 MATTERS FOR WHICH THE MEETING MAY BE CLOSED

8.1 GSC145 Awarding of Various Contracts for General Maintenance of Shire Buildings and Facilities **CONFIDENTIAL ATTACHMENT**– Provided under separate cover

Reason for Confidentiality - Local Government Act 1995: s. 5.23(2) (e), “A matter that if disclosed, would reveal — (ii) information that has a commercial value to a person; or (iii) information about the business, professional, commercial or financial affairs of a person.”

8.2 GSC146 Purchase of Land – 516 and 518 Kalamunda Road High Wycombe **CONFIDENTIAL ITEM** – Provided under separate cover

Reason for Confidentiality - Local Government Act 1995: 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”

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

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.

10.0 REPORT TO COUNCIL

Declaration of Financial/Conflict of interests to be recorded prior to dealing with each item.

10.1 Planning Services Committee Report10.1.1 Adoption of Planning Services Committee Report

That the recommendations contained in the Planning Services Committee Report of the 6 December 2010, except withdrawn items PSC75 and PSC81, be adopted.

Moved:

Seconded:

PSC76 Townscape Improvement Plans – Kalamunda Town Centre and Lesmurdie Shopping CentreCOMMITTEE RECOMMENDATION TO COUNCIL

PS 76/2010

1. That Council endorses the Townscape Improvement Plan for the Kalamunda Town Centre (***Attachments 1-9***) and for the Lesmurdie Shopping Centre (***Attachments 10-13***).
2. That a schedule of works be prepared detailing the extent of the works, projected costs and timeframe for the implementation of the works programme.
3. That a funding model be prepared detailing the funding arrangements of the proposed works with a view to recoup costs incurred.

PSC77 Local Planning Scheme No. 3 Amendment No. 26 – Rezoning from Urban Development to Private Clubs and Institution Lot 1 (33) Berkshire Road, ForrestfieldCOMMITTEE RECOMMENDATION TO COUNCIL

PS 77/2010

1. That Council adopts the amendment to Local Planning Scheme No. 3 in accordance with the following:

PLANNING AND DEVELOPMENT ACT 2005

RESOLUTION DECIDING TO AMEND A LOCAL PLANNING SCHEME

SHIRE OF KALAMUNDA

LOCAL PLANNING SCHEME NO. 3

AMENDMENT NO. 26

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

Rezoning Lot 1 (33) Berkshire Road, Forrestfield, from Urban Development to Private Clubs and Institutions.

In accordance with the Scheme Amendment Map.

PSC78 Local Planning Scheme No. 3 Amendment No. 31 - Text Amendment Relating to the Use of Street Setback Areas in Commercial and Industrial Zones

COMMITTEE RECOMMENDATION TO COUNCIL

PS 78/2010

1. That Council initiates the amendment to Local Planning Scheme No. 3 in accordance with the following:

PLANNING AND DEVELOPMENT ACT 2005
RESOLUTION DECIDING TO AMEND A LOCAL PLANNING SCHEME
SHIRE OF KALAMUNDA
LOCAL PLANNING SCHEME NO. 3
AMENDMENT NO. 31

Resolved that Council, in pursuance of Part 5 of the Planning and Development Act 2005, amends the above Local Planning Scheme as follows:

- (a) Include the following purpose as highlighted, in clause 5.15.3 and 5.16.1:

- (i) a means of vehicular or pedestrian access;*
- (ii) the daily parking of vehicles used by employees and customers;*
- (iii) the loading and unloading of vehicles;*
- (iv) landscaping; and*
- (v) trade display."*

- (b) Delete the following provision from clause 5.16.1 of Local Planning Scheme No. 3:

"No such area shall be used for the parking of vehicles displayed for sale or which are being wrecked or repaired, or for the stacking or storage of fuel, raw materials, products, or by-products, or wastes of manufacture."

- (c) Include the following provision in clause 5.16.1:

"No such area shall be used for the storage of motor vehicles, machinery, equipment or materials which are being wrecked or repaired, or for the stacking or storage of fuel, raw materials, products or by-products or wastes of manufacture, other than as provided for under sub-paragraph (v) above."

PSC79 Parking of Two Commercial Vehicles - Lot 1 (200) Crystal Brook Road, Wattle Grove

COMMITTEE RECOMMENDATION TO COUNCIL

PS 79/2010

1. That Council approves the application dated 21 September 2010 to park two Western Star prime movers (registration numbers KM 3115 and 1AHC 555) on Lot 1 (200) Crystal Brook Road, Wattle Grove (as shown on **Attachment 2**), subject to the following conditions:
 1. When parked on the property the vehicles must, at all times, be parked in the approved location as shown on the approved site plan.
 2. The commercial vehicles are only to be operated between the hours of 6.00am and 7.00pm Monday to Saturday.
 3. Approval of the parking activity does not include approval for the loading or unloading of the commercial vehicles, or the storage of goods in transit.
 4. Only maintenance of a minor nature, such as servicing or wheel changing, is to be carried out on the subject property. No panel beating, spray painting or the removal of major body or engine parts is permitted.
 5. Washing of the commercial vehicles on the subject lot is to be limited to the use of water and mild detergent, but not involve the use of any solvents, degreasing substances, steam cleaning and any other processes which may cause pollution or degradation of the environment.
 6. The approval is personal to the applicant and shall not be transferred or assigned to any other person, property or commercial vehicle.

PSC80 Parking of Two Commercial Vehicles - Lot 80 (21) Kelvin Road, Wattle GroveCOMMITTEE RECOMMENDATION TO COUNCIL

PS 80/2010

1. That Council approves the application dated 13 September 2010 to park two commercial vehicles, a Ford prime mover (registration number 1BCF 239) and one H Port semi-trailer (registration number 1TJI 686) on Lot 80 (21) Kelvin Road, Wattle Grove (as shown on **Attachment 2**), subject to the following conditions:
 1. The vehicles must, at all times, be parked in the approved location as shown on the approved site plan.
 2. The commercial vehicles are only to be operated between the hours of 6.00am and 5.30pm Monday to Friday and 7.00am to 1.00pm Sundays.
 3. Approval of the parking activity does not include approval for the loading or unloading of the commercial vehicles, or the storage of goods in transit.
 4. Only maintenance of a minor nature, such as servicing or wheel changing, is to be carried out on the subject property. No panel beating, spray painting or the removal of major body or engine parts is permitted.
 5. Washing of the commercial vehicles on the subject lot is to be limited to the use of water and mild detergent, but not involve the use of any solvents, degreasing substances, steam cleaning and any other processes which may cause pollution or degradation of the environment.
 6. The approval is personal to the applicant and shall not be transferred or assigned to any other person, property or commercial vehicle.

PSC82 Parking of One Commercial Vehicle - Lot 26 (22) Wyuna Crescent, LesmurdieCOMMITTEE RECOMMENDATION TO COUNCIL

PS 82/2010

1. That Council approves the application dated 11 October 2010 to park one commercial vehicle, an unlicensed Mercedes Bus, on Lot 26 (22) Wyuna Crescent, Lesmurdie (as shown on **Attachment 2**), subject to the following conditions:
 1. When parked on the property the vehicle must, at all times, be parked in the approved location as shown on the approved site plan.

2. The commercial vehicle is only to be operated and restored between the hours of 7am and 7pm Monday to Saturday and 9am to 5pm on Sundays and public holidays.
3. Approval of the parking activity does not include approval for the vehicle to be used for carrying persons for hire or reward.
4. Only maintenance of a minor nature, such as servicing or wheel changing, is to be carried out on the subject property. No panel beating, spray painting or the removal of major body or engine parts is permitted.
5. Washing of the commercial vehicle on the subject lot is to be limited to the use of water and mild detergent, but not involve the use of any solvents, degreasing substances, steam cleaning and any other processes which may cause pollution or degradation of the environment.
6. The approval is personal to the applicant and shall not be transferred or assigned to any other person, property or commercial vehicle (including trailers).

PSC83 Quarterly Report from the Community Sustainability Advisory Committee (CSAC)

COMMITTEE RECOMMENDATION TO COUNCIL

PS 83/2010

1. That Council notes the quarterly report of the activities of the Community Sustainability Advisory Committee.

PSC84 Modification to Structure Plan- High Wycombe Urban Area Larwood Crescent Lot 9 Larwood Crescent- Stage 2

COMMITTEE RECOMMENDATION TO COUNCIL

PS 84/2010

1. That Council supports the proposed modification to ***(Attachment 2)***, the adopted Structure Plan for Stage 2 Larwood Crescent, High Wycombe to allow for a change in density for a portion of Lot 9 from R20 and R30 to R40.
2. That the proposed modification be forwarded to the WA Planning Commission for their information.

Deferred Items**PSC75 Lot 117 (159) Canning Road, Kalamunda – Redevelopment of Hare Krishna Temple****COMMITTEE RECOMMENDATION TO COUNCIL**

PS 75/2010

1. To refer Item 75 to the Ordinary Council Meeting on Monday 20 December 2010.

No recommendation was made by Committee to Council. Further information has now been provided to Councillors and a motion is presented for Council's consideration.

Notice of Motion

That Council:

1. Notes the revised plans received a result of the State Administrative Tribunal mediation process.
2. Grant approval for the redevelopment of the existing place of worship on Lot 117 (159) Canning Road, Kalamunda (**Lot 117**) with revised plans received on 27 November 2010, attachment 2 subject to the following conditions:
 - a) Prior to the issue of a building licence the applicant is to prepare and submit a Traffic Impact Statement prepared by a suitably qualified person in relation to the adequacy of the number of parking bays based on the potential activities on site and access to Canning Road. The Traffic Impact Statement shall include conclusions and recommendations intended to address any issues identified. Any recommendations in the Traffic Impact Statement are to be implemented by the applicant to the satisfaction of the Director of Engineering Services before the use of the re-developed place of worship may commence.
 - (b) The applicant is to prepare and submit a traffic management plan for each major event to be held on Lot 117. The report shall include, but not be limited to, a description of the event including the date, commencement time and duration, the content, extent and method of public notification to be undertaken prior to the event, the identification of alternated off-site parking areas, transportation to and from the site and the proposed localised on site traffic management. The management plans are to be submitted to the Shire 28 days prior to the event for endorsement by the Director Planning and Development Services. The endorsed plan shall be implemented to the satisfaction of the Director Planning and Development Services.
 - c) Before the use of the re-development commences, 74 car parking bays, which meet the relevant Australian standard for access and manoeuvring, are to be constructed on Lot 117 and clearly marked.

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- d) (i) Prior to the commencement of the development, Lot 117 is to be amalgamated with Lot 116 (No 155) Canning Road, Kalamunda (**Lot 116**) to create a single lot, and 36 car parking bays are to be constructed on the land presently comprising Lot 116 in addition to the 74 bays required by the preceding condition.

The 36 bays shall be constructed and marked out in accordance with a design approved by the Shire and the relevant Australian Standard.

- (ii) As an alternative to the requirements of the preceding paragraph the owner of Lot 117 and Lot 116 may enter into a legal agreement with the Shire, prepared by the Shire's solicitors at the owner's cost, which shall include provisions which:

- allow a period of 12 months for the amalgamation of Lot 117 and Lot 116 to be effected;
- allow the deferral of the requirement to construct 36 bays until a reasonable time specified by the Shire after the completion of the amalgamation;
- authorise the Shire to do all things necessary to complete the amalgamation process, or to construct the car bays, at the cost of the owner in the event of the owner's default;
- require the owner to provide to the Shire before a building licence is issued an unconditional and irrevocable bank guarantee from an institution satisfactory to the Shire in the sum of \$581,040, being equivalent to the payment of cash-in-lieu of providing 36 car parking bays;
- allow the Shire to draw on the bank guarantee in the event the amalgamation is not effected in accordance with the deed, and to place that money in the car parking trust fund kept pursuant to clause 5.8.4(c) of the Shire of Kalamunda Local Planning Scheme No. 3;
- charge Lot 116 and Lot 117 in favour of the Shire and authorise the Shire to lodge an absolute caveat over those lots in order to protect the Shire's interests under the deed.

The deed must be executed prior to the grant of a building licence.

- e) The applicant is to install and maintain mature screen planting on the southern, eastern and western boundaries and within the rear parking area to the satisfaction of the Director Planning and Development Services.
- f) Provision of a colours and textures schedule for approval by the Director Planning and Development Services. The development shall subsequently be carried out in accordance with the approved schedule.
- g) The maximum total occupancy for the premises is 450 people at any one time.
- h) The kitchen facilities approved as part of this facility may only be used

for on site activities and shall not be used for the preparation of food to be consumed off site.

- i) Submission of a plan detailing the location of all external lighting, for approval by the Director of Planning Services. The lighting plan and subsequent lighting installed must demonstrate that any light spill to adjoining properties is minimised to acceptable levels. All external lighting must be installed in accordance with the approved plan.
- j) Construction Work outside the period 7.00am to 7.00pm Monday to Saturday and at any time on Sundays and Public Holidays is not permitted.
- k) Operating hours are from 8:00am to 11:00am and 5:00pm to 8:00pm weekdays and from 7:00am to 9:30pm on Sundays. If the premise is to extend operating hours, further approval by the Council is required.
- l) The proposed front fence is to be treated with anti-graffiti coating upon completion.

MOVED: Cr Frank Lindsey

PSC81 Proposed Outbuilding (Garage) - Lot 60 (15) Ash Road, Carmel

COMMITTEE RECOMMENDATION TO COUNCIL

PS 81/2010

1. To defer Item 81 to the Ordinary Council Meeting on Monday 20 December 2010.

No recommendation was made by Committee to Council. Further information on the conditions of the approval have been provided. A motion is presented for Council's consideration containing additional conditions of approval.

Motion

1. That Council approves the retrospective planning application dated 13 October 2010 to retain a 144sqm outbuilding (garage) on Lot 60 (15) Ash Road, Carmel, subject to the following conditions:
 1. The approved outbuilding is not to be used for commercial or industrial purposes.
 2. A landscaping plan is to be submitted and approved by the Shire prior to the building licence being issued.
 3. Landscaping which screens the approved outbuilding is to be planted within 28 days of the building licence being issued, and maintained thereafter by the landowner to the satisfaction of the Shire's Director Planning and Development Services.
 4. A certified Structural Engineer's Certificate is to be provided with the building licence application confirming whether the retention method used for the outbuilding is acceptable.
 5. All sandfill to be retained so as not to permit sand drift over boundaries. Any retaining must be designed and certified by a structural engineer taking into account any existing and proposed loadings. Details are to be provided within 30 days of this approval.

6. All existing retaining walls are to be inspected and certified by a suitably qualified structural engineer. Any required remedial works are to be documented and copies of the certification and or required remedial works are to be forwarded to the Shire for inclusion in the Application for Building Approval Certificate.

10.2 General Services Committee Report

10.2.1 Adoption of General Services Committee Report

That the recommendations contained in the General Services Committee Report of the 13 December 2010, except withdrawn items GSC134, GSC135, GSC137, GSC145 and GSC146, be adopted.

Moved:

Seconded:

GSC143 Response to Petition – Impassable Nature of Bahen Road, Hackett's Gully

COMMITTEE RECOMMENDATION TO COUNCIL GS 143/2010

That Council advise the signatories of the petition that:

1. The Department of Environment and Conservation will not be opening their unmade track at the end of the road reserve as it does not form part of their strategic access road criteria.
2. Based on the information provided by Department of Environment and Conservation, there is no benefit in opening the Shire's unsealed section of Bahen Road Hackett's Gully.
3. The Department of Environment and Conservation have conducted prescribed burning in a mosaic of patches across the Shire including the Hackett's Gully location between 2007 and 2010 to reduce the build up of fuel levels.
4. Shire staff meet with Department of Environment and Conservation staff to discuss the possibility of improved access for Emergency Services vehicles.

GSC130 Creditors' Accounts Paid During the Period 27 October to 25 November 2010

COMMITTEE RECOMMENDATION TO COUNCIL GS 130/2010

1. That the list of creditors paid during the period 27 October to 25 November 2010 (*GS 130/2010, Attachment 1.*) be received by Council in accordance with the requirements of the *Local Government (Financial Management) Regulations 1996 (Regulation 12)*.

GSC131 Monthly Financial Statements for the Period ending 31 October 2010COMMITTEE RECOMMENDATION TO COUNCIL GS 131/2010

1. That the monthly Statement of Financial Activity for the period ending 31 October 2010 (*GS 131/2010, Attachment 1*) be received.

GSC132 Debtors and Creditors Reports for the Period ending 31 October 2010COMMITTEE RECOMMENDATION TO COUNCIL GS 132/2010

1. That the outstanding debtors (*GS 132/2010, Attachment 1*) and creditors (*GS 132/2010, Attachment 2*) report as at 31 October 2010 be received.

GSC133 Rates Debtors Report for the Period ending 31 October 2010COMMITTEE RECOMMENDATION TO COUNCIL GS 133/2010

1. That the rates debtors report as at 31 October 2010 (*GS 133/2010, Attachment 1*) be received.

GSC136 Rates Debtors Report for the Period ending 31 October 2010COMMITTEE RECOMMENDATION TO COUNCIL GS 136/2010

1. That Council endorse "Zig Zag Cultural Centre" as the new name for the Kalamunda Community and Cultural Centre.

GSC138 Application To Keep More Than Two Dogs – 4 Agati Place ForrestfieldCOMMITTEE RECOMMENDATION TO COUNCIL GS 138/2010

1. That Council, pursuant to Clause 3.2 of the Shire of Kalamunda Dogs Local Law 2010 made under Section 26(3) of the Dog Act 1976, grants an exemption to the applicant of 4 Agati Place, Forrestfield to keep a third dog on this property.

GSC139 Application To Keep More Than Two Dogs – 25 Joyce Street, LesmurdieCOMMITTEE RECOMMENDATION TO COUNCIL GS 139/2010

1. That Council, pursuant to Clause 3.2 of the Shire of Kalamunda Dogs Local Law 2010 made under Section 26(3) of the *Dog Act 1976*, refuses an exemption to the applicant of 25 Joyce Street, Lesmurdie to keep four dogs on this property.

GSC140	Application To Keep More Than Two Dogs – 70 Ryan Way, Lesmurdie
	<u>COMMITTEE RECOMMENDATION TO COUNCIL</u> GS 140/2010
1.	That Council, pursuant to Clause 3.2 of the Shire of Kalamunda Dogs Local Law 2010 made under Section 26(3) of the <i>Dog Act 1976</i> , grants an exemption to the applicant of 70 Ryan Road, Lesmurdie to keep a third dog on this property.
GSC141	Application To Keep More Than Two Dogs – 73 Bracken Road, Pickering Brook
	<u>COMMITTEE RECOMMENDATION TO COUNCIL</u> GS 141/2010
1.	That Council, pursuant to Clause 3.2 of the Shire of Kalamunda Dogs Local Law 2010 made under Section 26(3) of the Dog Act 1976, grants an exemption to the applicant of 73 Bracken Road, Pickering Brook to keep four dogs on this property.
GSC142	Application To Keep More Than Two Dogs – 333B Lesmurdie Road, Lesmurdie
	<u>COMMITTEE RECOMMENDATION TO COUNCIL</u> GS 142/2010
1.	That Council, pursuant to Clause 3.2 of the Shire of Kalamunda Dogs Local Law 2010 made under Section 26(3) of the Dog Act 1976, grant an exemption to the applicant of 333B Lesmurdie Road, Lesmurdie to keep a third dog on this property.
GSC144	Adoption of Asbestos Management Plan Policy - HR16
	<u>COMMITTEE RECOMMENDATION TO COUNCIL</u> GS 144/2010
1.	That the adoption of the Asbestos Management Plan Policy HR16, as shown in (<i>Attachment 1</i>), be deferred until February 2011 and subject to further clarification of the financial implications being provided.

Absolute Majority Required**GSC134 Budget Amendment – Fleming Reserve Redevelopment**COMMITTEE RECOMMENDATION TO COUNCIL GS 134/2010

1. That pursuant to section 6.8(1)(b) of the *Local Government Act 1995* Council amend the 2010/2011 Budget to:
 - (a) Increase revenue in account 301606.465 from (\$24,000) to (\$277,930).
 - (b) Increase expenditure in new job 4370 under 450905 from \$0 to \$253,930.

GSC135 Termination of Lease Obligations – Wet ‘N’ WildCOMMITTEE RECOMMENDATION TO COUNCIL GS 135/2010

1. That pursuant to section 6.12(1)(b) of the *Local Government Act 1995* Council approve the waiver of invoices totalling \$24,365.72 subject to the following conditions being met by the ex Lessee of the property, now referred to as Kalamunda Water Park (previously known as Kalamunda Wet ‘N’ Wild).

Shire of Kalamunda requirements:

- That the Shire of Kalamunda pay the ex Lessee \$20,000 for the works on the “Four Man Slide”.

Kalamunda Wet ‘N’ Wild requirements:

- That the Shade Sails be returned immediately to the Shire of Kalamunda in good condition and to the satisfaction of the Shire of Kalamunda.
- That a list of customer contacts is provided to the Shire of Kalamunda immediately.
- That the ex Lessee waive their right to any further claims against the Shire of Kalamunda in regards to Kalamunda Wet ‘N’ Wild.
- That the over budget expenditure be authorised from account 360710.528.

GSC137 Community Sport and Recreation Facilities Fund - Small Grants (Summer) 2010/11COMMITTEE RECOMMENDATION TO COUNCIL GS 137/2010

That Council:

1. Considers allocating \$40,917 towards the resurfacing of the Ray Owen Netball Courts at the mid-year budget review.
2. Considers allocating \$49,680 towards the upgrade of the Lesmurdie Tennis Club clubrooms at the mid-year budget review.
3. Authorises for the tenders to be sought for both the resurfacing of the Ray Owen netball courts and Lesmurdie Tennis Club Clubrooms upgrade.
4. Endorses the raising of a new self supporting loan for the Lesmurdie Tennis Club of \$19,680 in accordance with Section 6.20(2) of the *Local Government Act 1995*.

Deferred Item**GSC145 Awarding of Various Contracts for General Maintenance of Shire Buildings and Facilities.****COMMITTEE RECOMMENDATION TO COUNCIL**

GS 145/2010

1. That Awarding of Various Contracts for General Maintenance of Shire Buildings and Facilities be deferred until the Ordinary Council Meeting 20 December 2010.

The Item was deferred from Committee to allow further clarification on matters around the awarding of the tenders. A motion is presented to Council for consideration.

Motion

1. That Council awards the Tenders for the general building maintenance to buildings and facilities within the Shire of Kalamunda to the following "Panel of Contractors" at the scheduled rates detailed in ***Confidential Attachment 1***, exclusive of GST, for a period of three years with the option for the Council to extend the Contract for a further one year on the same terms and conditions.

T1016 – General Maintenance

1. Hilltop Group
2. Benchmark Maintenance
3. Plan Construction
4. CPD Group

T1012 – Electrical Maintenance

1. Mad Cow
2. A & S Hill
3. Ozwire
4. Flex Force

T1015 – Painting Services

1. Supalux
2. Classic Contracting
3. CPD Group

T1013 – Glazing Services

1. Hills Glass
2. Kalamunda Glass
3. See View Glass

T1017 – Plumbing Maintenance

1. Kalamunda Plumbing
2. Lindley Contracting
3. Anchor Plumbing

CONFIDENTIAL ITEM

Reason for Confidentiality - Local Government Act 1995: 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"

GSC146 Purchase of Land – 516 and 518 Kalamunda Road, High Wycombe

COMMITTEE RECOMMENDATION TO COUNCIL GS 146/2010

1. That the actions detailed in ***Confidential Attachment 3*** be adopted.

10.3 Audit Committee Report10.3.1 Adoption of Audit Committee Report

That the recommendations contained in the Audit Committee Report of the 6 December 2010, except withdrawn item AC5.2, be adopted.

Moved:

Seconded:

AC5.1 Annual Financial Report

COMMITTEE RECOMMENDATION TO COUNCIL AC 13/2010

1. That Council receive the Annual Financial Statements of the Shire of Kalamunda for the financial year ended 30 June 2010 as presented in ***(Attachment 1)***.

AC5.3 Kalamunda Home and Community Care (KHACC) – Financial Status and Recovery Strategy

COMMITTEE RECOMMENDATION TO COUNCIL AC 15/2010

1. That Council receives the Kalamunda Home and Community Care Financial Status report and notes the progress with the Financial Recovery Strategies.

AC5.4 Investment Report

COMMITTEE RECOMMENDATION TO COUNCIL AC 16/2010

1. That the report on Investments held by the Shire of Kalamunda be received.

AC5.5 Sundry Debtor write-off

COMMITTEE RECOMMENDATION TO COUNCIL

AC 17/2010

1. That the Audit Committee receives details on formal recovery proceedings in progress.

Formal Recovery Proceedings currently in place

Debtor	Amount	Nature of Debt	Details of Recovery	Legal Fees to date
Kalamunda Youth Theatre Company	\$1,561.25	Hall Hire	Shire staff have followed existing procedure and have referred the debt to Austral Mercantile for collection. The debtor is currently avoiding being served a summons.	\$240.65
Townend	\$45,996.36	Public Open Space Contributions	As reported previously, the subdivision applicant has disputed the valuation undertaken by the Valuer General upon which their required contributions towards Cash in Lieu of Public Open Space is based upon. The Shire's legal representative, McLeods Lawyers, have been pursuing this matter. Settlement offers have been rejected by both parties (Shire \$30,000, Townend \$20,000). The matter is now proceeding to arbitration.	\$1564.20

Absolute Majority Required
AC5.2 2010 Annual ReportCOMMITTEE RECOMMENDATION TO COUNCIL AC 14/2010

1. That Council pursuant to Section 5.54 of the *Local Government Act 1995* accepts the 2010 Annual Report as per **(Attachment 1)**.
2. That Council endorses the production of a revised version of the 2010 Annual Report containing an abridged set of financial statements for general community distribution.

11.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN11.1 Lot 117 (159) Canning Road, Kalamunda – Redevelopment of Hare Krishna Temple (Cr Linsdey)

This motion was dealt with in the Panning Services Committee Report (10.1) to Council.

12.0 QUESTIONS BY MEMBERS WITHOUT NOTICE**13.0 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN**13.1 Places of Worship within the Shire of Kalamunda (Cr Frank Lindsey)

- Q. What is the number of places of worship within the Shire and of these:
- A. Based on information available there are approximately 25 Places of Worship in the Shire of Kalamunda.
- Q. (a) what number, if any, do not provide adequate car parking in accordance with the requirements of the Local Planning Scheme No. 3 and what is the extent of such deficiency as a percentage of the total that ought to be provided; and
- A. Due to the number of Places of Worship and various dates of development under a number of Planning Schemes, it is not known which ones complied or otherwise with the prevailing parking standards at the time without undertaking extensive research. In addition a further complication is that standards have changed over time with the introduction of the current scheme.
- Q. (b) what number, if any, provide vehicular access from a 'Regional reserve - other regional road' (blue road)?
- A. The roads which are Reserved under the Metropolitan Regional Scheme as "Other Regional Road" are Abernethy Road, Canning Road (Pomeroy Road to Kalamunda Road), Kalamunda Road, Pomeroy Road and Welshpool Road (Pomeroy Road to Tonkin Highway).

Two Places of Worship gain access to an "Other Regional Road" both on Kalamunda Road (Maida Vale and High Wycombe). They are the Seventh Day Adventist premises at 345 Kalamunda Road, and the Brethren premises at 508 Kalamunda Road.

14.0 URGENT BUSINESS APPROVED BY THE PERSON PRESIDING OR BY DECISION

15.0 MEETING CLOSED TO THE PUBLIC

16.0 CLOSURE