

SHIRE OF KALAMUNDA

Index for Minutes of the OCM Monday 21 June 2010

1.0 OFFICIAL OPENING

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2.0 ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE PREVIOUSLY APPROVED

2.1 Nil.

3.0 PUBLIC QUESTION TIME

3.1 Change of Use Application – 11 Railway Road, Kalamunda (Mrs Rodrigues)

3.2 Change of Use Application – 11 Railway Road, Kalamunda (Mrs How)

4.0 PETITIONS/DEPUTATIONS

4.1 Nil.

5.0 APPLICATIONS FOR LEAVE OF ABSENCE

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- 10.2.10 PS14.1 WALGA Climate Change Councillors’ Group – Endorsement of a Council Representative and Proposed Group Motion to the WALGA AGM.

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- 10.3.1 Business Plan – Development Lot 5 Welshpool Road East – Wattle Grove
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- 11.1. Nil.

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 - 12.3 Cell 9 Development (Cr Townsend)
 - 12.4 Warehouse Development Abernethy Road, High Wycombe (Cr O'Connor)
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 - 12.6 Clock at the Library (Cr Everett)
 - 12.7 Repair to Damaged Stain Glass Window at Library (Cr Everett)
 - 12.8 Closure of Pickering Brook Road (Cr Thomas)
 - 12.9 Bahen Road (Cr Stallard)

13.0 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

- 13.1 Questions relating to General Services Committee Item 46 – Leases and Licenses Terms and Conditions (Cr Frank Lindsey)

14.0 URGENT BUSINESS APPROVED BY THE PERSON PRESIDING OR BY DECISION

- 14.1 Order Issued Bahen Road.

15.0 MEETING CLOSED TO THE PUBLIC

- 15.1 Nil.

16.0 CLOSURE

- 16.1 Meeting closed at 8.30 pm.



**Minutes of Ordinary Meeting of Council
Held in the Council Chambers
2 Railway Road, Kalamunda
Monday 21 June 2010**

1.0 OFFICIAL OPENING

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

2.0 ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE PREVIOUSLY APPROVED

2.1 ATTENDANCE

Councillors

Donald McKechnie	(CHAIRMAN) (SHIRE PRESIDENT)	NORTH WARD
Sue Bilich		NORTH WARD
Margaret Thomas		NORTH WARD
Maureen Robinson		SOUTH WEST WARD
Allan Morton	(DEPUTY SHIRE PRESIDENT)	SOUTH WEST WARD
Noreen Townsend		SOUTH WEST WARD
Geoff Stallard		SOUTH EAST WARD
Frank Lindsey		SOUTH EAST WARD
Carol Everett		SOUTH EAST WARD
Peter Heggie		NORTH WEST WARD
Martyn Cresswell		NORTH WEST WARD
Dylan O'Connor		NORTH WEST WARD

Members of Staff

James Trail	CHIEF EXECUTIVE OFFICER
Bob Searle	DIRECTOR OF CORPORATE SERVICES
Kevin O'Connor	DIRECTOR OF COMMUNITY DEVELOPMENT
Clayton Higham	DIRECTOR OF PLANNING & DEVELOPMENT SERVICES
Mahesh Singh	DIRECTOR OF ENGINEERING SERVICES
Steve McKay	MANAGER PROPERTY AND PROCUREMENT
Darrell Forrest	MANAGER GOVERNANCE
Michelle Clark	EXECUTIVE ASSISTANT CHIEF EXECUTIVE OFFICER
Donna McPherson	MINUTE SECRETARY

Members of Public 3

Members of Press 0

2.2 Apologies

Nil

2.3 Leave of Absence Previously Approved

Nil

3.0 PUBLIC QUESTION TIME

A period of not less than 15 minutes is provided to allow questions from the Public Gallery on matters relating to the functions of this meeting.

3.1 Change of Use Application – 11 Railway Road, Kalamunda (Mrs Rodrigues)

Q. Are Councillors aware that the applicant had dealt with the concern of noise pollution and in particular the compressors which have been moved inside the building in sound proof cabinets? In relation to the concerns with noise from the rear car park are Councillors aware that the carpark plan includes a landscaping buffer between the carpark and the boundary wall?

A. The Shire President indicated that all Councillors had received the information provided by the applicant and this was recognised when consideration was given to the application at the Planning Committee Meeting on 14 June 2010.

3.2 Change of Use Application – 11 Railway Road, Kalamunda (Mrs How)

Q. Can it be noted that I would like the previous requirement for a brick wall to be built be reinstated?

A. The Shire President advised this item would be withdrawn to allow clarification of this.

4.0 PETITIONS/DEPUTATIONS

4.1 Nil.

5.0 APPLICATIONS FOR LEAVE OF ABSENCE

RESOLVED OCM 79/2010

That Cr Margaret Thomas be granted leave of absence from the Planning Services Committee Meeting of 2 August 2010, General Services Committee Meeting of 9 August 2010 and Ordinary Council Meeting of 16 August 2010.

Moved: Cr Allan Morton

Seconded: Cr Carol Everett

CARRIED UNANIMOUSLY (12/0)

6.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETING**6.1 Confirmation of Ordinary Council Meeting Minutes of 17 May 2010**RESOLVED OCM 80/2010

That, the Minutes of the Ordinary Council Meeting of the Shire of Kalamunda held in the Council Chambers on 17 May 2010 be confirmed.

Moved: Cr Martyn Cresswell

Seconded: Cr Margaret Thomas

CARRIED UNANIMOUSLY (12/0)**7.0 ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION****7.1 2010 National General Assembly of Local Government in Canberra**

The Shire President believed the three days in Canberra at the 2010 National General Assembly of Local Government were very successful. This included a very professional presentation in relation to Kalamunda Road Upgrade. Funds were confirmed from the third round of the Government Stimulus Package.

7.2 Local Government Grain Infrastructure Group

This group has agreed to meet with the CEO, Director of Planning and Development Services and the Shire President in relation to issue of heavy traffic due to the CBH facility on Abernethy Road.

7.3 Budget Forum

There will be a second Budget Forum on Monday 28 June 2010.

8.0 MATTERS FOR WHICH MEETING MAY BE CLOSED

8.1 Nil.

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. (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 had given or will give advice.

9.1 Nil.

10.0 REPORTS TO COUNCIL

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

10.1 General Services Committee Report (Refer Green Pages)**Withdrawn Items from General Services Report**

GS Item 55 – Absolute Majority Required
GS Item 59 – proposed new motion Cr Geoff Stallard
GS Item 64 – Absolute Majority Required
GS 14.1 – proposed new motion Cr Donald McKechnie

10.1.1 Adoption of Body of General Services Report

RESOLVED OCM 81/2010

1. That the Recommendations contained in the General Services Committee Report to Council of the meeting held on 8 June 2010, excluding withdrawn items numbers GS-55, GS-59, GS-64 and GS 14.1 be adopted.

Moved: Cr Martyn Cresswell

Seconded: Cr Margaret Thomas

CARRIED UNANIMOUSLY (12/0)

10.1.2 GS 50 Creditors Accounts Paid during the period 22 April to 21 May 2010

EN BLOC RESOLUTION OCM 81/2010

1. That the list of Creditors' paid during the period 22 April to 21 May 2010 attached be received by Council in accordance with the requirements of Regulation 12 of the Local Government (Financial Management) Regulations 1996.

Moved: Cr Martyn Cresswell

Seconded: Cr Margaret Thomas

CARRIED UNANIMOUSLY (12/0)

10.1.3 GS 51 Financial Activity Statements for the Period Ending 30 April 2010

EN BLOC RESOLUTION OCM 81/2010

1. That the Financial Activity Statement reports for the period ending 30 April 2010 be received.

Moved: Cr Martyn Cresswell

Seconded: Cr Margaret Thomas

CARRIED UNANIMOUSLY (12/0)

10.1.4 GS 52 Debtors and Creditors Report

EN BLOC RESOLUTION OCM 81/2010

1. That the outstanding debtors and creditors report as at 31 March 2010 be received.

Moved: Cr Martyn Cresswell

Seconded: Cr Margaret Thomas

CARRIED UNANIMOUSLY (12/0)

10.1.5 GS 53 Debtors and Creditors Report

EN BLOC RESOLUTION OCM 81/2010

1. That the rates debtors report as at 30 April 2010 be received.

Moved: Cr Martyn Cresswell

Seconded: Cr Margaret Thomas

CARRIED UNANIMOUSLY (12/0)

10.1.6 GS 54 Proposed Amendments to Policy FAC12 – Lease and Licence Terms & Conditions of Council Owned Controlled Properties

EN BLOC RESOLUTION OCM 81/2010

1. That Council adopt the amended Policy FAC12 Lease and License Terms and Conditions of Council Owned or Controlled Properties for the purpose of advertising and public consultation with effected groups and organisations for a period of 60 days from the date of the advertisement.

Moved: Cr Martyn Cresswell

Seconded: Cr Margaret Thomas

CARRIED UNANIMOUSLY (12/0)

10.1.7 GS 56 Kalamunda Performing Arts Centre Committee Rules – Revised and UpdatedEN BLOC RESOLUTION OCM 81/2010

1. That Council notes the Kalamunda Community Theatre and Performing Arts Centre Management Committee's implementation of their amended rules with respect to the operations of the Committee.

Moved: Cr Martyn Cresswell

Seconded: Cr Margaret Thomas

CARRIED UNANIMOUSLY (12/0)**10.1.8 GS 57 Proposed Active Reserves Usage Policy**EN BLOC RESOLUTION OCM 81/2010

1. That Council adopts the Proposed Active Reserves Usage Policy (GS Item 57 Attachment 1) for the purposes of advertising to seek public comment for a period of 60 days.

Moved: Cr Martyn Cresswell

Seconded: Cr Margaret Thomas

CARRIED UNANIMOUSLY (12/0)**10.1.9 GS 58 Proposed Event Sponsorship Policy**EN BLOC RESOLUTION OCM 81/2010

1. That Council adopts the Proposed Event Sponsorship Policy.

Moved: Cr Martyn Cresswell

Seconded: Cr Margaret Thomas

CARRIED UNANIMOUSLY (12/0)**10.1.10 GS 60 Awarding of Tender - Stage 2 Upgrade Kalamunda Aquatic Centre**EN BLOC RESOLUTION OCM 81/2010

1. That the Tender for Stage 2 of the Upgrade to the Kalamunda Aquatic Centre not be awarded and the programmed works for the Stage 2 Upgrade are cancelled.
2. That the following work is programmed in lieu of the Stage 2 Upgrade:
 - Return to pool lines, including repairs to main pool spine;
 - Retiling and repainting as required; and
 - Upgrade of power supply and rewiring.

Moved: Cr Martyn Cresswell

Seconded: Cr Margaret Thomas

CARRIED UNANIMOUSLY (12/0)

10.1.11 GS 61 Kalamunda Farmers Market – Application for Permanent Approval

EN BLOC RESOLUTION OCM 81/2010

1. That Council approve the continued operation of the Kalamunda Farmers Markets in the Kalamunda town centre, subject to the following conditions.
 - a. To apply for and obtain an annual Traders Permit
 - b. All food stalls to comply with the requirements of the Food Act 2008 and the Australian New Zealand Food Standards Code and require individual application and approval by the Shire Health Service.
 - c. That following every market day the area is returned to its pre-event condition.
 - d. That no stalls are to be located on the lawns or garden beds, and no vehicles associated with the stalls are to be parked or driven on the lawns or gardens at any time.
 - e. Approval is for the area and stalls as generally shown on the submitted plan (Attachment 2.)
 - f. Approval does not include the two areas approved for alfresco dining - Chocolicious and Crema Coffee.

Moved: Cr Martyn Cresswell

Seconded: Cr Margaret Thomas

CARRIED UNANIMOUSLY (12/0)

10.1.12 GS 62 Council Meeting Structure

EN BLOC RESOLUTION OCM 81/2010

1. That Council retain its current meeting structure.
2. That commencing August 2010 the Planning Services Committee be held on the first Monday of the month and the General Services Committee be held on the second Monday of the month.

Moved: Cr Martyn Cresswell

Seconded: Cr Margaret Thomas

CARRIED UNANIMOUSLY (12/0)

10.1.13 GS 63 Execution of DocumentsEN BLOC RESOLUTION OCM 81/2010

1. That Council authorises the following Officers of the Shire of Kalamunda to sign documents on behalf of the Shire of Kalamunda, as specified:-

- (i) *the Chief Executive Officer;*
- (ii) *the Director of Planning and Development Services;*
- (iii) *the Director of Engineering Services;*
- (iv) *the Director of Corporate Services;*
- (v) *the Director of Community Development:-*

any document, including Deeds, that is necessary or appropriate to be signed for these offices to carry out their functions and duties under any written law.

- (vi) *Manager Community Development;-*

any document, excluding Deeds, that is necessary or appropriate to be signed to carry out the Manager's functions and duties under any written law.

- (vii) *Manager Property and Procurement;-*

- (a) Leases
- (b) Extensions of Lease
- (c) Assignments of Lease
- (d) Deed of Variation of Lease
- (e) Surrenders of Lease
- (f) Licences
- (g) Assignments and Assignments and Variations of Licence
- (h) Contracts
- (i) Contracts of Sale

Moved: Cr Martyn Cresswell

Seconded: Cr Margaret Thomas

CARRIED UNANIMOUSLY (12/0)

10.1.14 GS 55 Upgrade of Shire of Kalamunda IntranetRESOLVED OCM 82/2010

1. That the Council endorse the purchase of content management software at a cost of \$44,000 to enable redevelopment of the Shire's Intranet, funded from the EDP Reserve.

Moved: Cr Margaret Thomas

Seconded: Cr Carol Everett

CARRIED UNANIMOUSLY/ABSOLUTE MAJORITY (12/0)

10.1.15 GS 59 Proposed Graffiti Action PlanRESOLVED OCM 83/2010

1. That council:
 - a) Supports the proposed Graffiti Action Plan.
 - b) Endorse an amount of \$260,000 being included in the 2010/2011 Budget to implement the proposed Graffiti Action Plan.

Moved: Cr Sue Bilich

Seconded: Cr Noreen Townsend

For

Cr Frank Lindsey
 Cr Allan Morton
 Cr Maureen Robinson
 Cr Noreen Townsend
 Cr Peter Heggie
 Cr Martyn Cresswell
 Cr Dylan O'Connor
 Cr Sue Bilich

Against

Cr Carol Everett
 Cr Geoff Stallard
 Cr Margaret Thomas
 Cr Donald McKechnie

CARRIED (8/4)**10.1.16 GS 64. Review of Delegations****COMMITTEE RECOMMENDATION TO COUNCIL**

1. That Council notes the review of the Delegation Register.
2. That Council revokes the following delegations included in Attachment 1:-
 - Delegation LL1 – Common Seal
 - Delegation LGA5 – Organisational Structure
 - Delegation PDA – Planning Matters
 - Delegation PDA2 – Enforcement and Administration Powers under Part 11 of Local Planning Scheme No 3
3. That Council adopts the following delegations included in Attachment 2:-
 - Delegation LGA10 – Common Seal
 - Delegation PLN1 – Planning Matters

LAPSED

Additional information provided by staff suggests an additional point be added to the Committee Recommendation to Council. The amended Recommendation including a point 4 is presented for Council consideration.

RESOLVED OCM 84/2010

1. That Council notes the review of the Delegation Register.
2. That Council revokes the following delegations included in Attachment 1:-
Delegation LL1 – Common Seal
Delegation LGA5 – Organisational Structure
Delegation PDA – Planning Matters
Delegation PDA2 – Enforcement and Administration Powers under Part 11 of Local Planning Scheme No 3
3. That Council adopts the following delegations included in Attachment 2:-
Delegation LGA10 – Common Seal
Delegation PLN1 – Planning Matters
4. Employees to disclose interests relating to delegated functions
If, under Delegation PLN1 – Planning Matters, an employee has been delegated a power or duty relating to a matter and the employee has an interest in the matter, the employee must not exercise the power or discharge the duty and -
 - (a) in the case of the CEO, must disclose to the president the nature of the interest as soon as practicable after becoming aware that he or she has the interest in the matter; and
 - (b) in the case of any other employee, must disclose to the CEO the nature of the interest as soon as practicable after becoming aware that he or she has the interest in the matter.

Moved: Cr Margaret Thomas

Seconded: Cr Frank Lindsey

CARRIED UNANIMOUSLY/ABSOLUTE MAJORITY (12/0)**10.1.17 GS 14.1 Fire Management Issues****COMMITTEE RECOMMENDATION TO COUNCIL**

1. That the C E O write to the Premier and the Minister for Emergency Services, expressing the Council's sincere concerns about the potential risk to lives and property in the Hills area due to a decision to relocate the FESA North East District Office from Midland to Joondalup

LAPSED

Additional information provided indicating a change in the site of the relocation. This necessitated an amendment to the committee recommendation to council.

RESOLVED OCM 85/2010

1. That the C E O write to the Premier and the Minister for Emergency Services, expressing the Council's sincere concerns about the potential risk to lives and property in the Hills area due to a decision to relocate the FESA North East District Office away from the Midland area.

Moved: Cr Donald McKechnie

Seconded: Cr Maureen Robinson

CARRIED UNANIMOUSLY (12/0)

10.2 Planning Services Committee Report

Withdrawn Items from Planning Services Report

PS Item 35 – amendment of Recommendation

PS Item 36 – vote to be recorded against recommendation

PS Item 37 – vote to be recorded against recommendation

PS Item 40 – clarification sought

PS 14.1 – alternative recommendation.

10.2.1 Adoption of Body of Planning Services Report

RESOLVED OCM 86/2010

1. That the Recommendations contained in the Planning Services Committee Report to Council from the meeting of 14 June 2010, except for items PS 35, PS 36, PS 37, PS 40 and PS 14.1, be adopted.

Moved: Cr Margaret Thomas

Seconded: Cr Frank Lindsey

CARRIED UNANIMOUSLY (12/0)

10.2.2 PS 34 Policies for the Planning and Development Directorate - Proposed Revocations

EN BLOC RESOLUTION OCM 86/2010

1. That Council revokes the following planning policies in accordance with clause 2.5 of Local Planning Scheme No 3:
 - DEV 1 - Additional Accommodation
 - DEV 12 - Design Aesthetics – Guidelines
 - DEV 13 - Dual Use Pedestrian/Cycle Paths
 - DEV 19 - Notification to Affected Landowners
 - DEV 30 - Rezoning of Properties to Residential R20 or Higher
 - DEV 36 - Subdivision in Rural Zones

2. A notice of revocation be published once a week for 2 consecutive weeks in a newspaper circulating in the Shire area.

Moved: Cr Margaret Thomas

Seconded: Cr Frank Lindsey

CARRIED UNANIMOUSLY (12/0)

10.2.3 PS 38 Lots 61 & 62 Hale Road, Wattle Grove - Detailed Area Plan

EN BLOC RESOLUTION OCM 86/2010

1. That Council:

- a) Adopts the Detailed Area Plan for Lots 61 & 62 Hale Road, Wattle Grove as shown on attached plan No. 10-337 dated February 2010.
- b) Forward the Detailed Area Plan to the WA Planning Commission for its information.

Moved: Cr Margaret Thomas

Seconded: Cr Frank Lindsey

CARRIED UNANIMOUSLY (12/0)

10.2.4 PS 39 Lot 800 (1136) Abernethy Road, High Wycombe - Two Warehouses and Offices

EN BLOC RESOLUTION OCM 86/2010

1. That Council approves the application dated 17 March 2010 for two warehouses and offices on Lot 800 (1136) Abernethy Road, High Wycombe, subject to the following conditions:

1. *The provision and maintenance of a total of 29 car spaces including a minimum of one (1) disabled bay.*
2. *No storage or carrying out of industrial activities is permitted in open yard areas visible from any adjoining street.*
3. *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.*
4. *A 3 metre wide landscaping strip is to be provided along the rear boundary of the lot in accordance with the Detailed Area Plan dated 24 March 2006 for the locality (formerly Lot 121 Worrell Avenue, High Wycombe).*

Moved: Cr Margaret Thomas

Seconded: Cr Frank Lindsey

CARRIED UNANIMOUSLY (12/0)

10.2.5 PS 41 Disposal of Scarab Road Sweepers – T0914EN BLOC RESOLUTION OCM 86/2010

1. That the offer of \$120,000.00 exclusive of GST received from CMB Property Pty Ltd for the outright purchase of two (2) Street Sweepers be accepted.

Moved: Cr Margaret Thomas

Seconded: Cr Frank Lindsey

CARRIED UNANIMOUSLY (12/0)**10.2.6 PS 35 Local Planning Scheme No. 3 Amendment No. 20 - Provision Relating to Unkempt Land - Final Adoption****COMMITTEE RECOMMENDATION TO COUNCIL**

That Council:

1. Adopts Scheme Amendment No. 20 with modification, inserting the following into the Local Planning Scheme No.3:
 - a. *"5.23 Unkempt Land*
 - i) *For any land within the district, where in the opinion of the Council, any refuse, rubbish, derelict vehicles or disused material is likely to adversely affect the amenity of an area, or the health, comfort or convenience of the inhabitants thereof, the Council may cause a notice to be served on the owner or occupier of such land requiring within a specified time the removal from the land of such refuse, rubbish, derelict vehicles or disused materials.*
 - ii) *Every owner or occupier of land to whom a notice is served shall comply with it within the time period specified; and*
 - iii) *Any person who fails to comply with any notice served commits an offence and is liable to action under clause 11.4 of the Scheme.*
 - b. Including in Schedule 1 "Dictionary of defined words and expressions" the following general definitions:

"Disused material" *has the same meaning as defined in Schedule 3.1 of the Local Government Act 1995.*
2. Duly executes the Amendment documents and forwards them to the Minister for Planning requesting that final approval be granted.

Council sought advice on the necessity of the term "derelict vehicles" following the clarification an amended motion was supported which removed the term "derelict vehicles" from the modification to the scheme. A vote was taken on the amended.

RESOLVED OCM 87/2010

That Council:

1. Adopts Scheme Amendment No. 20 with modification, inserting the following into the Local Planning Scheme No.3:
 - a. *"5.23 Unkempt Land*
 - i) *For any land within the district, where in the opinion of the Council, any refuse, rubbish, or disused material is likely to adversely affect the amenity of an area, or the health, comfort or convenience of the inhabitants thereof, the Council may cause a notice to be served on the owner or occupier of such land requiring within a specified time the removal from the land of such refuse, rubbish, or disused materials.*
 - ii) *Every owner or occupier of land to whom a notice is served shall comply with it within the time period specified; and*
 - iii) *Any person who fails to comply with any notice served commits an offence and is liable to action under clause 11.4 of the Scheme.*
 - b. Including in Schedule 1 "Dictionary of defined words and expressions" the following general definitions:

"Disused material" *has the same meaning as defined in Schedule 3.1 of the Local Government Act 1995.*
2. Duly executes the Amendment documents and forwards them to the Minister for Planning requesting that final approval be granted.

Moved: Cr Frank Lindsey

Seconded: Cr Maureen Robinson

CARRIED UNANIMOUSLY**10.2.7 PS 36 Townscape Improvement Plan – Kalamunda Town Centre & Lesmurdie Shopping Centre**RESOLVED OCM 88/2010

1. That Council adopts the Townscape Improvement Plan for the Kalamunda Town Centre and the Lesmurdie Shopping Centre for the purpose of advertising and agrees that it be made available for public comment incorporating a public workshop for each of the improvements plans and public notices.

Moved: Cr Donald McKechnie

Seconded: Cr Carol Everett

CARRIED UNANIMOUSLY (12/0)

10.2.8 PS 37 Public Art Strategy – Kalamunda Town CentreRESOLVED OCM 89/2010

1. That Council adopts the Public Art Strategy for the Kalamunda Town Centre for purpose of advertising and agrees that it be made available for public comment in conjunction with the Townscape Improvement Plans.

Moved: Cr Carol Everett

Seconded: Cr Frank Lindsey

For

Cr Frank Lindsey
 Cr Allan Morton
 Cr Carol Everett
 Cr Noreen Townsend
 Cr Peter Heggie
 Cr Martyn Cresswell
 Cr Dylan O'Connor
 Cr Sue Bilich
 Cr Geoff Stallard
 Cr Margaret Thomas
 Cr Donald McKechnie

Against

Cr Maureen Robinson

CARRIED (11/1)**10.2.9 PS 40 Lot 334 (11) Railway Road, Kalamunda – Reconsideration of Change of Use Application – Single Dwelling to Medical Centre**RESOLVED OCM 90/2010

1. That Council amends the approval dated 17 February 2010 to change the use of the single dwelling on Lot 334 (11) Railway Road, Kalamunda, to a medical centre, by removing the following condition:

"12. The applicant is to install a 1.8m high masonry wall on the southern boundary from the Railway Road frontage to the western most boundary of Unit 3/9 Railway Road, Kalamunda."

All other conditions still apply.

Moved: Cr Donald McKechnie

Seconded: Cr Maureen Robinson

For

Cr Frank Lindsey
 Cr Allan Morton
 Cr Maureen Robinson
 Cr Carol Everett
 Cr Noreen Townsend
 Cr Dylan O'Connor
 Cr Sue Bilich
 Cr Margaret Thomas
 Cr Donald McKechnie

Against

Cr Martyn Cresswell
 Cr Geoff Stallard
 Cr Peter Heggie

CARRIED (9/3)

10.2.10 PS 14.1 WALGA Climate Change Councillors' Group – Endorsement of a Council Representative and Proposed Group Motion to the WALGA AGM.

COMMITTEE RECOMMENDATION TO COUNCIL

1. That Council endorses Cr Everett as the representative for the Shire of Kalamunda upon the WALGA facilitated Climate Change Councillors' Group.
2. That Council notes the proposed motion of the Climate Change Councillors' Group (*Attachment 1*) to be put to the WALGA AGM, subject to any future actions as a result of recommendations from this group not placing any further financial burden on the Shire over and above budgeted programs and projects.

LAPSED

An amended recommendation was proposed to further clarify Council's position in relation to this matter.

RESOLVED OCM 91/2010

That Council:

1. Endorses Cr Carol Everett as the representative for the Shire of Kalamunda on WALGA's Climate Conscious Councillor's Group.
2. With the exception of point 3, Council supports the proposed motion of the Climate Conscious Councillors Group (***Attachment 2***) to be put to the WALGA AGM subject to any future actions as a result of recommendations from this Group not placing any further financial burden on the Shire over and above budgeted programs and projects.
3. Requests the CEO also convey to WALGA that:
 - (i) the Council considers it inappropriate for a WALGA sub-committee to be delegated powers by the AGM that are equal to or greater than those of WALGA's state council, as is being proposed in point 3 of the motion, as the potential for conflict between the two is likely to arise;
 - (ii) the powers of this sub-committee ought not extend to lobbying either state or federal governments against any planning application being considered or which has been approved by an affiliate of WALGA;
 - (iii) that the draft operational guidelines and terms of reference of the Climate Conscious Councillors Group needs a substantial rework, including:

(a) point 2 of the guidelines needs substantial rewording so as to allow any affiliated Council the right to nominate a representative on the committee; and

(b) the complete deletion of point (5.1), which would otherwise contradict the proposed new point 2, above.

Moved: Cr Frank Lindsey

Seconded: Cr Margaret Thomas

CARRIED UNANIMOUSLY(12/0)

10.3 Chief Executive Officers' Report

Councillor Martyn Cresswell left the chambers at 7.35pm and returned to the chambers at 7.38pm. Councillor Cresswell was present for the vote on Item 10.3.1.

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

10.3.1 Business Plan – Development Lot 5 Welshpool Road East – Wattle Grove

Previous Items:	OCM 8/2010 February 2010 & OCM 49/2010 April 2010
Responsible Officer	Director Corporate Services
Service Area:	Corporate Services
File Reference:	WL-10/614
Applicant:	
Owner:	
Attachments	Attachment 1 – Original subdivision plan Attachment 2 – Amended subdivision plan

PURPOSE

1. To consider comments received (if any) to the Business Plan (***Attachment 1.***) that has been prepared for the Major Land Transaction Lot 5 Welshpool Road East Wattle Grove and formally adopt the Business Plan.

BACKGROUND

2. Council at its Ordinary Meeting in February 2010 resolved to prepare a Business Plan to enter into a major land transaction for the development of Lot 5 Welshpool Road East, Wattle Grove for Council consideration.
3. The Business Plan was adopted for the purpose of advertising for public comment at the Ordinary Council Meeting in April 2010.

DETAILS

4. The Business Plan provides details on the proposed subdivision of Lot 5 Welshpool Road East, Wattle Grove.

STATUTORY AND LEGAL IMPLICATIONS

5. Section 3.59 of the Local Government Act 1995 Part 3 Functions of Local Governments requires that submissions about the proposed undertaking or transaction may be made to the Local Government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given.

POLICY IMPLICATIONS

6. Nil.

PUBLIC CONSULTATION/COMMUNICATION

7. The notice was published in the West Australian newspaper on 24 April 2010 and submissions closed at 5.00 pm Monday 7 June 2010. No submissions were received.

FINANCIAL IMPLICATIONS

8. Financial costs and benefits to Council are detailed within the Business Plan however the addition of one lot will provide approximately \$220,000 in additional income from the development giving an estimated Gross Realisation of approximately \$6,564,051.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS**9. Strategic Planning Implications**

Lot 5 comprises part of a planned urban area with an adopted structure plan. The proposed subdivision is consistent with the structure plan.

10. Sustainability Implications**Social Implications**

Provides affordable land for first home owners to enter the market.

Economic Implications

The funds received from the development of Lot 5 Welshpool Road East will assist Council in addressing Goal 2 of the Strategic Plan:

BUILT ENVIRONMENT – Sustainably manage the built environment and to effectively plan for future community needs and population growth.

Environmental Implications

Environmental, Heritage and Cultural issues are detailed within the Business Plan.

OFFICER COMMENT

11. The development of Lot 5 Welshpool Road East, Wattle Grove, would see the continuation of development within Cell 9 and provide Council with substantial revenue from the sale of lots and an increase in rateable properties.

A minor amendment has been made to the Subdivision Plan to remove the central access road to adjoining Lot 8 and thereby creating an additional lot making a total of 29 lots (**Attachment 2.**)

This is recommended as access if required is available through the extension of Regency Ramble along the Welshpool Road end boundary and also on the northern end by the extension of Guinevere Pass.

RESOLVED OCM CEOR 92/2010

1. That the Business Plan (**Attachment 1.**) with the amended subdivision plan, (**Attachment 2.**) be adopted.
2. That an application for Approval of Freehold Subdivision be made to Western Australian Planning Commission for all that land comprised in Certificate of Title Volume: 1297 Folio: 578 Diagram: 31324 being Lot 5 Welshpool Road East, Wattle Grove.

Moved: Cr Donald McKechnie

Seconded: Cr Margaret Thomas

For

Cr Frank Lindsey
Cr Martyn Cresswell
Cr Allan Morton
Cr Peter Heggie
Cr Carol Everett
Cr Geoff Stallard
Cr Dylan O'Connor
Cr Sue Bilich
Cr Margaret Thomas
Cr Donald McKechnie

Against

Cr Maureen Robinson
Cr Noreen Townsend

CARRIED / ABSOLUTE MAJORITY (10/2)

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

10.3.2 Budget 2010/2011 – Differential Rates

Previous Items:	Nil
Responsible Officer	Director Corporate Services
Service Area:	Corporate services
File Reference:	
Applicant:	N/A
Owner:	N/A
Attachments	(Number and Title/Description)

PURPOSE

1. To seek authority on the level at which to advertise differential rates as part of the 2010/2011 Budget process.

BACKGROUND

2. A Draft Budget is in the process of preparation and has been discussed with Councillors at an informal Budget Briefing Session. This report seeks authority on the level at which to advertise differential rates.

DETAILS

3. This Budget will be the second in a rolling five year programme designed to both lift the level of service at the Shire of Kalamunda and to address the maintenance gap that exists for our built infrastructure. The five year plan assumes a 7% increase in the rate in the dollar for the 2010/2011 year. When the plan was put in place it was assumed that this level of increase would be in excess of the norm for Metropolitan Councils, however information recently received from WALGA indicates that the majority of Metropolitan Local Governments anticipate that residential rates will increase between 5% and 8%.
4. The 2009/2010 Budget also saw the introduction of Differential Rating with a rate in the dollar for industrial zoned land being set at 4% higher than the Residential rate. For the 2010/2011 Budget it is proposed that this differential rate should be extended to commercial zoned land in order to assist with the funding of the planned rolling programme of improvements to commercial areas, and that the differential for 2010/2011 shall be 5% for Commercial Properties and 10% for Industrial Properties.

STATUTORY AND LEGAL IMPLICATIONS

5. Rates are levied on all rateable properties within the boundaries of the Shire of Kalamunda in accordance with the Local Government Act 1995. The overall objective of the proposed rates and charges in the 2010/2011 Budget is to provide for the net funding requirements of the Council's activities and works programs as outlined in the Five Year Forward financial Plan. In accordance with Section 6.36 of the Local Government Act 1995, the Shire is required to ensure that a notice is published in sufficient time to allow submissions to be made by an elector or a ratepayer in respect of the proposed rate within 21 days of the publication of the notice.

POLICY IMPLICATIONS

6. The retention of differential rating continues the existing policy.

PUBLIC CONSULTATION/COMMUNICATION

7. Subject the approval of the recommendation of this report public consultation will be sought by the publication of a public notice and the request for submissions in line with the requirements of the Local Government Act 1995.

FINANCIAL IMPLICATIONS

8. Nil

STRATEGIC AND SUSTAINABILITY IMPLICATIONS**9. Strategic Planning Implications**

- Nil

**10. Sustainability Implications
Social Implications**

- Nil

Economic Implications

- Nil

Environmental Implications

- Nil

OFFICER COMMENT

11. This report is submitted in order that Councillors may have the opportunity to give direction on the levels of rate increase and differential rate to be advertised for public comment as part of the 2010/2011 Budget Process.

RECOMMENDATION

1. That, in line with the existing Five Year Financial Plan, the level of Rate increase to be advertised by public notice for the 2010/2011 Budget shall be 7%.
2. That a Rating Category of Commercial shall be added to the existing Rating Categories , General, General Industry and Light Industry and included in the public notice.
3. That the rate in the dollar and Minimum Rates advertised in the public notice for the Rating Category of Commercial shall be 5% higher than that for General Rates and for General Industry and Light Industry shall be 10% higher than that for General Rates.

Moved: Cr Margaret Thomas

Seconded: Cr Donald McKechnie

Council discussed the rate increase and it was proposed that the Rate be advertised at 7.5%. The mover and seconder accepted the amended recommendation was put to the vote.

RESOLVED OCM CEOR 93/2010

1. That, in line with the existing Five Year Financial Plan, the level of Rate increase to be advertised by public notice for the 2010/2011 Budget shall be 7.5%.
2. That a Rating Category of Commercial shall be added to the existing Rating Categories , General, General Industry and Light Industry and included in the public notice.
3. That the rate in the dollar and Minimum Rates advertised in the public notice for the Rating Category of Commercial shall be 5% higher than that for General Rates and for General Industry and Light Industry shall be 10% higher than that for General Rates.

Moved: Cr Margaret Thomas

Seconded: Cr Donald McKechnie

For

Cr Frank Lindsey
Cr Martyn Cresswell
Cr Noreen Townsend
Cr Allan Morton
Cr Peter Heggie
Cr Carol Everett
Cr Geoff Stallard
Cr Dylan O'Connor
Cr Sue Bilich
Cr Margaret Thomas
Cr Donald McKechnie

Against

Cr Maureen Robinson

CARRIED (11/1)

11.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

11.1 Nil.

12.0 QUESTIONS BY MEMBERS WITHOUT NOTICE

12.1 Collection of Fee by Water Authority (Cr Stallard)

Q. Does the Water Authority still collect a fee from ratepayers for the discharge water from the hills?

A. Taken on notice.

Q. If so, is it itemised within the Shire's rates?

Q. If so, what do they do with this money?

Q. Does the Shire of Kalamunda follow up or check on what happens to this money or are we naturally informed?

Q. Has the Shire of Kalamunda investigated taking control of these monies as it seems to be responsible for the drainage within the Shire?

A. These questions are taken on notice.

12.2 Removal of Verge Improvements (Cr Robinson)

Q. Could staff provide a report to Council regarding the removal of verge improvements at a property on Bahen Road?

A. Taken on Notice.

12.3 Cell 9 Development (Cr Townsend)

Q. Why do you (the Shire President) assume the people moving into the Cell 9 Development are Forrestfield people and they are the only ones who can afford to move into this development?

A. Taken on Notice.

12.4 Warehouse Development Abernethy Road, High Wycombe (Cr O'Connor)

Q. Can the landscape arrangements as required by the detailed area plan be investigated? It seems that some developments are not following the Plan.

A. Taken on Notice.

12.5 Graffiti Reduction Programme Forum (Cr Bilich)

Q. Does Council need to nominate representatives to sit on the Committee?

A. The CEO advised it was up to Council to decide what to do. It is suggested that interested Councillors attend the Forum to establish what the processes involved in the Programme. A decision on representation could be made following the Forum.

12.6 Clock at the Library (Cr Everett)

Q. What is happening in relation to repairing the clock on the exterior of the library?

A. A Councillor advised that The Rotary Club had offered to donate a new clock. The clock would arrive from Germany in the next few weeks and would then arrangements for installation would be made.

12.7 Repair to Damaged Stained Glass Window at Library (Cr Everett)

Q. A panel of the Stained Glass Window in the Library has been broken. Is there any update as to how this will be repaired?

A. Taken on Notice.

12.8 Closure of Pickering Brook Road (Cr Thomas)

Q. Could the Shire please advise other Government Departments, who have interest in the area at the end of Pickering Brook Road, that some of the bollards used to stop vehicles getting through have been removed? Also could the rubbish be removed from this area?

A. Taken on Notice.

12.9 Bahen Road (Cr Stallard)

Q. Can the local Fire Brigades be contacted in relation to this matter? As there are some fire issues in this area.

A. Thank you for that information.

13.0 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

13.1 Questions relating to General Services Committee Item 46 – Leases and Licenses Terms and Conditions (Cr Frank Lindsey)

Q1. How many License Holders are there in Group 2, 3 and 4 respectively?

A1. Please note that these figures only include existing documented leases and licenses. There are known to be others, but these cannot yet be quantified.

Total Group 2 – 11 (not exclusively buildings, includes communication towers)

Total group 3 – 44 (all buildings)

Total Group 4 – 19 (all buildings)

Q2. What is the annual income foregone to the Shire for the subsidisation of rates to License Holders in Group 2.

A2. Other than the Police Station, all the premises in this group are exempt by legislation from the payment of rates.

If we were to lease or licence council buildings to non Government Agencies (and say commercial entities) we could potentially raise an additional \$20,197 in rates per annum. (This only includes buildings - not reserves or land).

Based on the GRV, rental foregone is in the region of \$274,000. However these buildings would be difficult to rent, and they provide benefits to the communities (i.e. Schools, Child Health Clinics etc).

Q3. The Annual Income foregone to the Shire for the subsidisation of rates, the ESL, rental and building insurance respectively to the License Holders in Group 3.

A3.

- Building insurance donation required by Shire: \$49,723 (based on the 2009/10 budget)
- ESL donation required by Shire: \$12,271 (based on the 2009/10 budget)
- Rates donation by Shire (already foregone): \$65,746. Note - where the GRV was not available the minimum rateable values was used.

Foregone Rentals have been calculated using Gross Rental values from the Valuer General - where no GRV's are available a GRV equal to the minimum rate has been used. Assuming a maximum 100% reduction – an amount of \$ 1,029,981* would be foregone. It needs to be noted that the majority of this possible income is already foregone, with rentals actually collected totaling \$13,123

Q4. The Annual Income foregone to the Shire for the subsidisation of rates, the ESL, rental and building insurance respectively to the License Holders in Group 4.

A4.

- Building insurance donation required by Shire: \$18,042 (based on the 2009/2010 budget)
- ESL donation required by Shire: \$5,301 (based on the 2009/10 budget)
- Rates donation by Shire (already foregone): \$28,922. Note - where the GRV was not available the minimum rateable values was used.
- Foregone Rentals have been calculated using Gross Rental values from Valuer General - where no GRV's are available a GRV equal to the minimum rate has been used. Assuming a maximum 90% reduction – an amount of \$437,161* would be foregone. It needs to be noted that the majority of this possible income is already foregone, with rentals actually collected totaling \$14,081.

*NB – where the GRV is not known the minimum GRV of \$8,472.26 was applied.

14.0 URGENT BUSINESS APPROVED BY THE PERSON PRESIDING OR BY DECISION

14.1 Order Issued Bahen Road

The Shire President allowed discussion and questions regarding this matter.

Cr Cresswell

Q. Does the person who has received the order have a right to appeal?

A. Taken on Notice.

Cr Robinson

Q. Is the next step for staff to remove the verge planting?

A. The CEO advised as Councillors have raised the issue and they want further information it is fair and appropriate that no action be taken until Council has dealt with the matter.

Cr Bilich

Q. What was the time frame for the removal of the verge planting?

A. Ninety days from the 10 May 2010

Cr Lindsey

Q. Is Council aware that a track which at the end of Bahen Road which goes through to Lockwood Road can be used for fire fighting purposes has been blocked off by the resident over the past twelve months.

A. This will be taken into consideration.

15.0 MEETING CLOSED TO THE PUBLIC

15.1 Nil.

16.0 CLOSURE

16.1 There being no further business the Chairman declared the meeting closed at 8.30 pm.

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

Signed.....Chairman

Dated thisday of2010

