
Shire of Kalamunda

Ordinary Council Meeting Agenda

Monday 21 November 2011

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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 21 November 2011, commencing at 6.30 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

17 November 2011

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AGENDA

1.0 OFFICIAL OPENING

2.0 ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE PREVIOUSLY APPROVED

Cr Margaret Thomas – Leave of Absence
Cr Geoff Stallard – Leave of Absence

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

5.0 APPLICATIONS FOR LEAVE OF ABSENCE

5.1 Leave of Absence – Cr Noreen Townsend

That Cr Noreen Townsend be granted leave of absence for the period 14 December to 30 December 2011. This leave period will include the Ordinary Council Meeting Monday 19 December 2011.

Moved:

Seconded:

Vote:

6.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

6.1 Ordinary Council Meeting 24 October 2011

That the Minutes of the Ordinary Council Meeting of the Shire of Kalamunda held in the Council Chambers, 2 Railway Road, Kalamunda on 24 October 2011 are confirmed as a true and correct record.

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 24 October 2011.”

7.0 ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION**8.0 MATTERS FOR WHICH THE MEETING MAY BE CLOSED****8.1 GS 142 - Awarding of Tender - Provision of Skid Steer Loader and Truck Services (T1121)**

If discussion required to be dealt with at 15.0 on this agenda.

Confidential Attachment 1- Summary of Tender Prices for the Provision of Skid Steer Loader and Truck Services (T1121)

Reason for Confidentiality: *Local Government Act 1995 S5.23(2)(c)* – “a contract entered into, or which may be entered into, by the local government which relates to a matter to be discussed at the meeting.”

Confidential Attachment 2 - Evaluation of Tender Submissions for Compliance Criteria and Qualitative Criteria

Reason for Confidentiality: *Local Government Act 1995 S5.23(2)(c)* – “a contract entered into, or which may be entered into, by the local government which relates to a matter to be discussed at the meeting.”

8.1 GS147 - Disposal of a Portion of Reserve 25815 – 26 Marri Crescent Lesmurdie

Reason for Confidentiality - Local Government Act 1995: Section 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”.

8.2 GS 148 - Acquisition of Property at 13 Headingly Road Kalamunda

If discussion required to be dealt with at 15.0 on this agenda.

Reason for Confidentiality - Local Government Act 1995: Section 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”.

8.3 GS 149 - Cell 9 Wattle Grove Urban Area – Purchase of Lot 35 (348) Hale Road, Wattle Grove

If discussion required to be dealt with at 15.0 on this agenda.

Reason for Confidentiality - Local Government Act 1995: Section 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”.

8.4 CEOR 10.3.1 - Organisational Review

Provided under separate cover - to be dealt with at 15.0 on this agenda

Reason for Confidentiality - Local Government Act 1995: Section 5.23(2) (a), “A matter affecting an employee or employees”.

9.0 DISCLOSURE OF INTERESTSDisclosure 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)

9.1 GS140 Proposal for Installation of a Mobile Phone Base Station at the High Wycombe Recreation Centre.

Cr Justin Whitten declared an interest affecting impartiality as the applicant is a client of his employer.

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 Report

10.1.1 Adoption of Planning Services Committee Report

That the recommendations contained in the Planning Services Committee Report of the 7 November 2011, excluding PS44 to be considered separately, be adopted.

Moved:

Seconded:

Vote:

10.1.2 PS42 Lot 31 (16) and 32 (20) Halleendale Road and Lot 33 (10) and Lot 9000 (20) Dan Close, Walliston - Local Planning Scheme No. 3 Amendment No. 35 – Density Increase (From R 2.5 to R5) and Rezoning (From Special Rural to Residential Bushland R5)

COMMITTEE RECOMMENDATION TO COUNCIL (PS42/2011)

That Council:

1.	<p>Initiates modified Amendment No. 35 to Local Planning Scheme No. 3 in accordance with the following:</p> <p>PLANNING AND DEVELOPMENT ACT 2005</p> <p>RESOLUTION DECIDING TO AMEND A LOCAL PLANNING SCHEME</p> <p>SHIRE OF KALAMUNDA</p> <p>LOCAL PLANNING SCHEME NO. 3</p>
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AMENDMENT NO. 35

That Council in pursuance of Part 5 of the *Planning and Development Act 2005*, amends Local Planning Scheme No. 3 by:

1. Changing the density Lot 31 (16) and 32 (20) Halleendale Road and Lot 33 (10) Dan Close, Walliston, from Residential Bushland R2.5 to Residential Bushland R5.
2. Rezoning the north-west portion of Lot 9000 (20) Dan Close, Walliston, from Special Rural to Residential Bushland R5.

In accordance with the Scheme Amendment Map.

Subject to amendment documents and the required administration fee being submitted, the documents being adopted by Council and the Amendment being formally advertised for 42 days in accordance with the provisions of the *Town Planning Regulations 1967*, with reference to the Western Australian Planning Commission.

10.1.3 **PS 43 The Parking of Two Commercial Vehicles – Lot 40 (12) Kent Road, Maida Vale**

COMMITTEE RECOMMENDATION TO COUNCIL (PS43/2011)

That Council:

1. Approves the proposal for David Copley to continue to park two commercial vehicles, an Izuzu tip tray truck (registration number IAGD 057) and a Volvo flat bed truck (registration number 1BMD 560) on Lot 40 (12) Kent Road, Maida Vale, subject to the following conditions:
 - a. The vehicles must, at all times, be parked in the location shown on the approved site plan (Attachment 2).
 - b. The commercial vehicles are only to be operated between the hours of 6.30am and 5.00pm Monday to Saturday.
 - c. Approval of the parking activity does not include approval for the loading of the commercial vehicles, or the storage of goods and materials in transit.
 - d. 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.

- e. The idling time for the start-up and cool down of the vehicles being a maximum of five minutes.
- f. pollution or degradation of the environment.
- g. 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
- h. The approval is personal to the landowner and shall not be transferred or assigned to any other person, property or commercial vehicle.

ITEM FOR SEPARATE CONSIDERATION

10.1.4 **PS44 Nominations for the Community Sustainability Advisory Committee (CSAC) Meetings**

COMMITTEE RECOMMENDATION TO COUNCIL (PS44/2011)

That Council:

1. Appoints the following nominees as members to the Community Sustainability Advisory Committee:
 - Mr Wesley Bancroft
 - Mr Peter Charles
 - Mr Steve Gates
 - Mr Milan Kucera
 - Ms Alieen Reid
 - Mr Brad Saracik
 - Mr Mark Simpson
2. Endorses the modified Terms of Reference (Attachment 1).

Moved:

Seconded:

Vote: **ABSOLUTE MAJORITY REQUIRED**

10.1.1 Adoption of General Services Committee Report

That the recommendations contained in the General Services Committee Report of the 14 November 2011, excluding items GS139, GS140, GS141, GS142, GS147, GS148 and GS149 to be considered separately, be adopted.

Moved:

Seconded:

Vote:

10.2.2 GS131 Creditors' Accounts Paid During the Period 4 October to 26 October 2011**COMMITTEE RECOMMENDATION TO COUNCIL (GS 131/2011)**

1. That the list of creditors paid during the period 4 October to 26 October 2011 (Attachment 1) be received by Council in accordance with the requirements of the *Local Government (Financial Management) Regulations 1996 (Regulation 12)*.

10.2.3 GS 132 Monthly Financial Statements for the Period ending 30 September 2011**COMMITTEE RECOMMENDATION TO COUNCIL (GS 132/2011)**

1. That the monthly financial statements which comprise the Statement of Financial Position, Equity Statement, Statement of Comprehensive Income by Nature and Type, Statement of Comprehensive Income by Program, Rate Setting Statement, and Operating Budget Variance Analysis and Operating Statement by Program at account level for the period ending 30 September 2011 be received.

10.2.4 GS 133 Debtors and Creditors Reports for the Period ending 28 October 2011**COMMITTEE RECOMMENDATION TO COUNCIL (GS 133/2011)**

1. That the outstanding debtors (Attachment 1) and creditors (Attachment2) reports as at 28 October 2011 be received.

10.2.5 **GS 134 Rates Debtors Report for the Period ending 31 October 2011**

COMMITTEE RECOMMENDATION TO COUNCIL (GS 134/2011)

1. That the rates debtors report as at 31 October 2011 (Attachment 1) be received.

10.2.6 **GS 135 Application to Keep More Than Two Dogs – 8 James Road, Kalamunda**

COMMITTEE RECOMMENDATION TO COUNCIL (GS 135/2011)

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 8 James Road, Kalamunda to keep three dogs on this property.

10.2.7 **GS 136 Application to Keep More Than Two Dogs – 43 Benson Way, High Wycombe**

COMMITTEE RECOMMENDATION TO COUNCIL (GS 136/2011)

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 43 Benson Way, High Wycombe to keep three dogs on this property.

10.2.8 **GS 137 Kalamunda Home and Community Care – September (2011) Quarter Review**

COMMITTEE RECOMMENDATION TO COUNCIL (GS 137/2011)

1. That the Kalamunda Home and Community Care Services September 2011 Quarterly Review be received by Council.

10.2.9 **GS 138 Draft Youth Consultation Plan**

COMMITTEE RECOMMENDATION TO COUNCIL (GS 138/2011)

That Council:

1. Receives the Draft Youth Consultation Plan as per Attachment 1.
2. Endorses the Key Actions Schedule as per Attachment 2 and that any future facility developments are subject to appropriate Business Plans/Cases and long term financial plans.

10.2.10 **GS 143 Welshpool Road, Wattle Grove - Road Closure, Rear of Lot 2 Ridley Road**

COMMITTEE RECOMMENDATION TO COUNCIL (GS 143/2011)

That Council:

1. Advertises its intent to close the rectangular section of Welshpool Road, as shown on (Attachment 1), in accordance with Section 58 of *The Land Administration Act 1997*, subject to the applicant agreeing to meet all costs associated with the road closure.
2. Recommends in the event no objections are received at the end of the notice period, the closure of the portion of road reserve be recommended to the Minister for Planning and Infrastructure.
3. Indemnify the Minister for Planning and Infrastructure against any claims arising as a result of the road closure.

10.2.10 **GS 144 Provision of Indemnity to the Australian Securities & Investments Commission for transfer of land to the Shire of Kalamunda on Hale Road, Wattle Grove**

COMMITTEE RECOMMENDATION TO COUNCIL (GS 144/2011)

That Council:

1. Authorises a preparation of the documents for transfer of land identified on the Deposited Plan 54490 from the Australian Securities and Investments Commission to the Shire of Kalamunda.
2. Endorses the indemnification to the Australian Securities and Investments Commission against all claims, losses, suits, damages, demands, costs and expenses incurred by the Commission related to the transfer of land and in particular against claims of the creditors of A.J.Property Nominees Pty Ltd.

10.2.11 **GS 145 Amendment of Shire of Kalamunda Keeping and Control of Animals and Nuisance Local Law 2011**

COMMITTEE RECOMMENDATION TO COUNCIL (GS 145/2010)

That Council:

1. Resolves to amend the Shire of Kalamunda Keeping and Control of Animals and Nuisance Local Law 2011 as follows –

Contents, *"4.7. Keeping of more than 3 cats prohibited"*, be deleted and in its place is inserted *"4.7. Keeping of cats"*; *"4.8 Keeping of more than 3 cats for the purpose of breeding or a cattery"*, be deleted and in its place is inserted *"Keeping of more than 3 cats for the purpose of breeding or boarding"*;

Part 2, clause 2.1, *"cattery means a place where more than 3 cats are kept for the purposes of boarding or more than 6 cats are kept for the purpose of breeding;"*, be deleted;

Part 3, clause 3.1, *"not cause or permit"*, be deleted and in its place is inserted *"take reasonable and effective measures to prevent"*;

Part 3, clause 3.2, *"not cause or permit"*, be deleted and in its place is inserted *"take reasonable and effective measures to prevent"*; *"to be"*, be deleted and in its place is inserted *"being"*; *"to escape"*, be deleted and in its place is inserted *"escaping"*;

Part 3, clause 3.4(2)(b), *"green garden materials"*, be deleted;

Part 4, Division 1, clause 4.5(1)(e), be delete completely;

Part 4, Division 1, clause 4.5 *"(f)"*, be deleted and in its place is inserted *"(e)"*; *"(g)"*, be deleted and in its place is inserted *"(f)"*; *"(h)"*, be deleted and in its place is inserted *"(g)"*;

Part 4, Division 3, clause 4.7 and clause 4.8, be deleted completely and in their places is inserted –

"4.7. Keeping of cats

(1) A person may keep up to 3 cats without obtaining approval of the local government.

(2) A person shall not keep more than 3 cats unless -

(a) it is for the purpose of boarding or breeding; and

(b) the person has approval from the local government in accordance with clause 4.8.

(3) For the purposes of this clause, the number of cats kept does not include any cats less than 4 months in age.

4.8. Keeping of more than 3 cats for the purpose of breeding or boarding

(1) An owner or occupier of land who intends to keep more than 3 cats and not more than 6 cats for the purpose of breeding must first obtain approval of the local government in accordance with clause 4.5.

(2) An owner or occupier of land who intends to keep more than 3 cats for the purpose of boarding or more than 6 cats for the purpose of breeding, must first obtain approval of the local government to register a cattery in accordance with clause 4.10.”;

Schedule 2, column 1 of the table, “4.7”, be deleted and in its place is inserted “4.7(2)”.

2. Gives an undertaking to the Joint Standing Committee on Delegated Legislation that:
- all consequential undertakings arising from the amendments to the Shire of Kalamunda Keeping and Control of Animals and Nuisance Local Law 2011 will be made;
 - until such time as the amendments take effect clauses 3.1, 3.2, 3.4(2)(b), 2.1, 4.5(1)(e) and 4.7 of the Shire of Kalamunda Keeping and Control of Animals and Nuisance Local Law 2011 will not be enforced in a manner contrary to the intent of the amendments;
 - the amendments will be completed within six months of the date of this resolution;
 - where the Local Law is made publicly available, whether in hard copy or electronic form, it will be accompanied by a copy of the proposed amendments and these undertakings.

10.2.12 **GS 146 Quarterly Progress Report – July to September 2011**

COMMITTEE RECOMMENDATION TO COUNCIL (GS 146/2011)

That Council:

1. Receives the Quarterly Interplan Progress Report for July – September 2011.

ITEMS FOR SEPARATE CONSIDERATION

10.2.13 **GS 139 Appointment of Community Representatives to Management and Advisory Committees**

COMMITTEE RECOMMENDATION TO COUNCIL (GS 139/2011)

1. That Council appoints those nominees to the relevant Advisory or Management Committee as per (Attachment 1).

Moved:

Seconded:

Vote: **ABSOLUTE MAJORITY REQUIRED**

10.2.14 **GS 140 Proposal for Installation of a Mobile Phone Base Station at the High Wycombe Recreation Centre.**

COMMITTEE RECOMMENDATION TO COUNCIL (GS 140/2011)

That Council:

1. Decline the Optus Mobile Pty Ltd proposal for a Mobile Phone Tower to be installed at the High Wycombe Community and Recreation Centre and request an alternative site be sought to that of a Shire of Kalamunda facility.

Moved:

Seconded:

Vote:

10.2.15 **GS 141 Review of Fees and Charges – Zig Zag Cultural Centre**

COMMITTEE RECOMMENDATION TO COUNCIL (GS 141/2011)

That Council:

1. Defer the item to the Ordinary Council Meeting of 24 November 2011 for a decision.

Additional information on this item was requested by Councillors before a decision is made. This information has now been provided to Councillors under separate cover. The Officer Recommendation is presented to Councillors for their consideration.

OFFICER RECOMMENDATION

That Council:

1. a. Pursuant to *Section 6.17 of the Local Government Act 1995* approves the inclusion of additional fees relative to the Zig Zag Cultural Centre operations as indicated within Attachment 1.
- b. Pursuant to *Section 6.8 (1) (b) of the Local Government Act 1995* approves the inclusion of two additional Zig Zag Cultural Centre expenditure accounts to accommodate payments for merchandise consignment sales and artist sales.

Moved:

Seconded:

Vote: **ABSOLUTE MAJORITY REQUIRED**

10.2.16 **GS 142 Awarding of Tender - Provision of Skid Steer Loader and Truck Services (T1121)**

COMMITTEE RECOMMENDATION TO COUNCIL (GS 142/2011)

That Council:

1. Defer to Item to the Ordinary Council Meeting of 21 November for a decision subject to additional information being provided.

Additional information on this item was requested by Councillors before a decision is made. This information has now been provided to Councillors under separate cover. The Officer Recommendation is presented to Councillors for their consideration. Discussion on matters contained in Confidential Item 1 and Confidential Item 2 would need to be undertaken behind closed doors.

OFFICER RECOMMENDATION

That Council:

1. Awards the Tender for the Provision of Skid Steer Loader and Truck Services (T1121) to:
 - a. Full time on road construction and maintenance jobs
 1. Fonz's Bobcat and Truck Hire
 2. Hawley's Bobcats

- b. As required for the Parks Crew, building maintenance and waste crews

1. Kala Bob Kats Pty Ltd

For the period of three years from the date of signing documentation with an option to extend a further two twelve month periods based on an annual CPI increase for Perth from the preceding twelve months as per tendered prices in the (Confidential Attachment 1).

Moved:

Seconded:

Vote:

10.2.17 **GS 147 Disposal of a Portion of Reserve 25815 – 26 Marri Crescent Lesmurdie**

Reason for Confidentiality - *Local Government Act 1995*: Section 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.

COMMITTEE RECOMMENDATION TO COUNCIL (GS 147/2011)

That Council:

1. Apply to the Department of Regional Development and Lands (State Land Services Division) to obtain approval from the Minister for Lands to acquire the subject reserves and unallocated crown land for 5% of the assessed valuation.
2. Authorises the disposal of that portion of Reserve 25815 (28) Marri Crescent Lesmurdie, once acquired from the State Government, to the adjoining land owner at 26 Marri Crescent Lesmurdie.
3. Notes this portion of the Reserve should only be sufficient to enable the retention of the improvements currently erected on the Reserve by the adjacent owner to remain in place.
4. Notes all costs associated with this disposal including legal fees, valuation expenses, survey costs and any costs associated with the clearance of conditions and issue of titles to be borne by the adjacent owner.
5. Notes once acquired, Council will consider an application by the owner to rezone this portion of Reserve 25815 Marri Crescent Lesmurdie to a zoning in accordance with prevailing zoning in the immediate vicinity.

Moved:

Seconded:

Vote:

10.2.18 **GS 148 Acquisition of Property at 13 Headingly Road Kalamunda**

Reason for Confidentiality - Local Government Act 1995: Section 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.

COMMITTEE RECOMMENDATION TO COUNCIL (GS 148/2010)

That Council:

1. Advise Mr Ronald Ellerby the Shire of Kalamunda does not wish to purchase his property located at 13 Headingly Road Kalamunda at market value at this time.

Moved:

Seconded:

Vote:

10.2.19 **GS 149 Cell 9 Wattle Grove Urban Area – Purchase of Lot 35 (348) Hale Road, Wattle Grove**

Reason for Confidentiality - Local Government Act 1995: Section 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.

COMMITTEE RECOMMENDATION TO COUNCIL(GS 149/2010)

1. That Council approve the purchase of Lot 35 (348) Hale Road, Wattle Grove by the Cell 9 Scheme in accordance with the agreed terms outlined in Attachment 3 to the Report.
2. That Council authorise the Chief Executive Officer to utilise \$1,573,000 currently held in the Shire's Trust Account (Cell 9) for the purchase of Lot 35 (348) Hale Road Wattle Grove.
3. That Council authorise the Chief Executive Officer to amend the 2011/2012 Budget to reflect the following allocations:-
 - Increase Schedule 10 (Community Amenities) CAO 221602 (Contributions) by \$1,573,000 to \$1,573,000.
 - Increase Schedule 10 (Community facilities) COA 221936 (Land Development Costs) by \$1,573,000 to \$4,572,250.

Moved:

Seconded:

Vote: **ABSOLUTE MAJORITY REQUIRED**

10.3 Chief Executive Officer's Report

CONFIDENTIAL REPORT

10.3.1 Organisational Review

Reason for Confidentiality - *Local Government Act 1995*: Section 5.23(2)
(a), "A matter affecting an employee or employees".

Provided under separate cover - to be dealt with at 15.0 on this agenda.

- 11.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**
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