

SHIRE OF KALAMUNDA

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**Minutes of Ordinary Meeting of Council
Held in the Council Chambers
2 Railway Road, Kalamunda
Monday 15 August 2011**

1.0 OFFICIAL OPENING

1.1 The Shire President opened the meeting at 6.31 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 |
| Justin Whitten | | NORTH WEST WARD |
| Martyn Cresswell | | NORTH WEST WARD |
| Dylan O'Connor | | NORTH WEST WARD |

Members of Staff

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

Members of Public 15

Members of Press 1

2.2 Apologies
Carol Everett SOUTH EAST WARD

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.

Norma Iredell - 51 Johnson Place, Wattle Grove
(Questions taken on notice 18 July 2011)

3.1 Q. Why did I not receive a letter regarding the Closure of Johnson Place and Welshpool Road to inform me of what was happening?

A. The closure of the triangular portion of the Welshpool Road reserve was considered by Council in two stages. The first Stage being seeking Council approval to advertise Council's intent to close the road.

Residents are not generally consulted at this stage as it is followed by a statutory consultation process. Following Council approval at the March Ordinary Council Meeting, the intent to close the road reserve was advertised in accordance with the *Land Administration Act*. All residents who submitted comments including Mrs Iredell, were advised of the outcome from the July General Services Committee meeting which recommended the closure proceed.

3.2 Q. Why does Mr Leighton want the piece of land on Welshpool Road?

A. The Shire President explained that responses have not been sent out yet as the information and resolution would normally be included in the letters distributed after the Ordinary Council Meeting Meeting.

3.3 Q. Why is the Council intending to close that piece of land with an easement not a drainage reserve? Why vote against your Officer's advice?

A. The closure of the triangular portion of the Welshpool Road reserve was considered by Council in two stages. The first Stage being to seek Council approval to advertise Council's intent to close the road. Residents are not generally consulted at this stage as it is followed by a statutory consultation process Following Council approval at the March Ordinary Council Meeting, the intent to close the road reserve was advertised in accordance with the *Land Administration Act*. All residents that submitted comments including Mrs Iredell were advised of the July General Services Committee meeting which recommended the closure to proceed.

- 3.4 Q. Isn't it time the Shire informed the ratepayers what the intended use is, and why do you want to sell it? We use the land frequently to cross on to Welshpool Road.
- A. Council is acting on a request from an adjoining land owner. The triangular section of the Welshpool Road Reserve proposed for closure is surplus to requirements. The land after closure could be purchased by an adjoining land owner and could be used for any lawful purpose in accordance with Shire of Kalamunda's Local Planning Scheme.

Michael Drake-Brockman 13 Kalmira Way Forrestfield

- 3.5 Q. In relation to PS33 Wisteria Court and Kalmia Way, Forrestfield – Proposed Closure of Pedestrian Access Way are Councillors aware of how many people are using the access way? Further to this should the access way be closed? Are Councillors aware of the increased distances people will need to go to access public transport?
- 3.6 Q. Are Councillors aware of any Police activity in the area? If so how much public interference has occurred in the area?
- A. The Chief Executive Officer advised these question would be taken on notice, but added that he was of the opinion these questions had been answered at the Planning Services Meeting of 1 August 2011. Notwithstanding this, answers would be provided to these questions at the next meeting of Council.

Judith Drake-Brockman 13 Kalmira Way Forrestfield

- 3.7 Q. How much has the Council looked into the conflict between the parties in relation to the closure of the walkway?
- A. Taken on Notice.

4.0 PETITIONS/DEPUTATIONS

- 4.1 Nil.

5.0 APPLICATIONS FOR LEAVE OF ABSENCE

- 5.1 Application for leave of Absence – Cr Geoff Stallard

RESOLVED OCM 105/2011

That Cr Geoff Stallard be granted leave of absence for a period from November 2011 to December 2011. This leave period will include the Ordinary Council Meetings on 21 November and 19 December, Planning Services Committee meetings on 7 November and 5 December and General Services Committee meetings 14 November and 12 December 2011.

Moved: **Cr Allan Morton**

Seconded: **Cr Frank Lindsey**

Vote: **CARRIED UNANIMOUSLY (10/0)**

6.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

6.1 Confirmation of Ordinary Council Meeting Minutes 18 July 2011

RESOLVED OCM 106/2011

That the Minutes of the Ordinary Council Meeting of the Shire of Kalamunda held in the Council Chambers, 2 Railway Road, Kalamunda on 18 July 2011 are confirmed as a true and correct record.

Moved: **Cr Justin Whitten**

Seconded: **Cr Allan Morton**

Vote: **CARRIED UNANIMOUSLY (10/0)**

6.2 Confirmation of Special Council Meeting Minutes 25 July 2011

RESOLVED OCM 107/2011

That the Minutes of the Special Council Meeting of the Shire of Kalamunda held in the Council Chambers, 2 Railway Road, Kalamunda on 25 July 2011 are confirmed as a true and correct record.

Moved: **Cr Martyn Cresswell**

Seconded: **Cr Margaret Thomas**

Vote: **CARRIED UNANIMOUSLY (10/0)**

7.0 ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION

7.1 Local Government Elections

The Chairman provided the following information regarding the upcoming local government elections:

- Date of advertising for nominations - 24 August 2011
- Nominations for prospective Councillors open - 1 September 2011
- Nominations for prospective Councillors close - 8 September
- Voting packages to be released by AEC from 20 September.

8.0 MATTERS FOR WHICH MEETING MAY BE CLOSED

8.1 Zig Zag Cultural Centre – Proposal for Chamber of Commerce to Lease Office Space

Reason for Confidentiality In accordance with Section 5.23(2) (c) of the *Local Government Act 1995*, which permits the meeting to be closed to the public for business relating to a matter that if disclosed would reveal:

"A contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting."

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)

9.1 Item 10.3.2 Disposal of Freehold Land

Cr Sue Bilich declared a financial interest as she owns a property which is currently for sale in Kalamunda.

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.

10.0 REPORTS TO COUNCIL

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

10.1 Planning Services Committee Report

Items for separate consideration from Planning Services Report

Item PS29 absolute majority required.
Item PS32 alternative motion proposed.
Item PS33 alternative motion proposed.

10.1.1 Adoption of Body of Planning Services ReportRESOLVED OCM 108/2011

That the recommendations contained in the Planning Services Committee Report of the 1 August 2011, except item for separate consideration being PS29, PS32 and PS33, be adopted.

Moved: **Cr Margaret Thomas**

Seconded: **Cr Geoff Stallard**

Vote: **CARRIED UNANIMOUSLY (11/0)**

10.1.2 PS30 Local Planning Scheme No. 3 Amendment – Lot 51 (118) Lawnbrook Road West, Walliston - Rezone from Residential Bushland and Special Rural to Residential, Changing the Density from R2.5 to R5 and Deleting the Additional UseEN BLOC RESOLUTION OCM 108/2011

That Council:

1. 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.

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

1. Rezoning Lot 51 (118) Lawnbrook Road West, Walliston from Residential Bushland and Special Rural to Residential, and increase in density from R2.5 to R5.
2. Delete item 16 of the Scheme's Schedule 2 (Additional Uses) and renumber the remaining items accordingly.

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, without reference to the Western Australian Planning Commission.

Moved: **Cr Margaret Thomas**

Seconded: **Cr Geoff Stallard**

Vote: **CARRIED UNANIMOUSLY (11/0)**

10.1.3 **PS31 Richards Road and Warner Road, High Wycombe – Proposed Closure of Pedestrian Access Way**

EN BLOC RESOLUTION OCM 108/2011

That Council:

1. Recommends to the Department of Planning that the request to close the Pedestrian Access Way between Richards Road and Warner Road, High Wycombe, not be supported and the Pedestrian Access Way remain open as it is considered to be of importance in the local pedestrian/cyclist network.

Moved: **Cr Margaret Thomas**

Seconded: **Cr Geoff Stallard**

Vote: **CARRIED UNANIMOUSLY (11/0)**

10.1.4 **PS34 Townscape Improvement Plans - Maida Vale Shopping Centre**

EN BLOC RESOLUTION OCM 108/2011

That Council:

1. Endorses the Townscape Improvement Plan for the Centre subject to the submission of a revised plan with the annotation:
 - Potential development shown on the plan is conceptual only and will be subject to formal development consent.
2. Notes that for the purpose of the Improvement Plan, the Centre be renamed the Berle Way Shopping Centre, High Wycombe.

Moved: **Cr Margaret Thomas**

Seconded: **Cr Geoff Stallard**

Vote: **CARRIED UNANIMOUSLY (11/0)**

10.1.5 **PS32 Crake Court and Kiandra Way, High Wycombe – Proposed Closure of Pedestrian Access Way**

COMMITTEE RECOMMENDATION TO COUNCIL PS32/2011

That Council:

1. Supports the closure of the Pedestrian Access Way between Crake Court and Kiandra Way, High Wycombe.
2. Requests that the Department of Planning support the closure and the sale of the Pedestrian Access Way to adjoining owners.

Moved: **Cr Sue Bilich**

Seconded:

Vote: **LAPSED**

As the Committee Recommendation did not receive a seconder it LAPSED. Cr Noreen Townsend proposed a motion to request that the pedestrian access way between Crake Court and Kiandra Way not be recommended for closure as it was an important part of the local pedestrian and cyclist network. This motion received a seconder and was put to a vote.

RESOLVED OCM 109/2011

That Council:

1. Recommends to the Department of Planning that the request to close the Pedestrian Access Way between Crake Court and Kiandra Way, High Wycombe, not be supported and the Pedestrian Access Way remain open as it is considered to be of importance in the local pedestrian/cyclist network.

Moved: **Cr Noreen Townsend**

Seconded: **Cr Margaret Thomas**

Vote: For
Cr Frank Lindsey
Cr Geoff Stallard
Cr Maureen Robinson
Cr Noreen Townsend
Cr Dylan O'Connor
Cr Margaret Thomas

Against
Cr Allan Morton
Cr Justin Whitten
Cr Martyn Cresswell
Cr Sue Bilich
Cr Donald McKechnie

CARRIED (6/5)

10.1.6 **PS33 Wisteria Court and Kalmia Way, Forrestfield – Proposed Closure of Pedestrian Access Way**

RESOLVED OCM 110/2011

That Council:

1. Supports the closure of the Pedestrian Access Way between Kalmia Way and Wisteria Court, Forrestfield.
2. Requests that the Department of Planning support the closure and the sale of the Pedestrian Access Way to adjoining owners.

Moved: **Cr Allan Morton**

Seconded: **Cr Justin Whitten**

Vote: For
Cr Frank Lindsey
Cr Allan Morton
Cr Justin Whitten
Cr Martyn Cresswell
Cr Dylan O'Connor
Cr Sue Bilich
Cr Donald McKechnie

Against
Cr Geoff Stallard
Cr Maureen Robinson
Cr Noreen Townsend
Cr Margaret Thomas

CARRIED (7/4)

10.1.7 PS29 Shire of Kalamunda Health Local Law 2001 ReviewRESOLVED OCM 111/2011

That Council:

1. Resolves to make the Shire of Kalamunda Health Local Law 2011 and the Shire of Kalamunda Keeping and Control of Animals and Nuisance Local Law 2011.

Moved: **Cr Noreen Townsend**

Seconded: **Cr Margaret Thomas**

Vote: **CARRIED UNANIMOUSLY/ABSOLUTE MAJORITY (11/0)**

10.2 General Services Committee Report**Withdrawn Items from General Services Report****Items for separate consideration from General Services Report**

GS108 to be dealt with as Item 10.3.1 of Chief Executive Officer's Report.

10.2.1 Adoption of Body of General Services ReportRESOLVED OCM 112/2011

That the recommendations contained in the General Services Committee Report of 8 August 2011, except item for separate consideration being GS108, be adopted.

Moved: **Cr Martyn Cresswell**

Seconded: **Cr Maureen Robinson**

Vote: **CARRIED UNANIMOUSLY (11/0)**

10.2.2 GS104 Creditors' Accounts Paid During the Period 6 July 2011 to 27 July 2011EN BLOC RESOLUTION OCM 112/2011

1. That the list of creditors paid during the period 6 July 2011 to 27 July 2011 (Attachment 1) be received by Council in accordance with the requirements of the *Local Government (Financial Management) Regulations 1996 (Regulation 12)*.

Moved: **Cr Martyn Cresswell**

Seconded: **Cr Maureen Robinson**

Vote: **CARRIED UNANIMOUSLY (11/0)**

10.2.3 **GS105 Debtors and Creditors Reports for the Period ending 30 June 2011**

EN BLOC RESOLUTION OCM 112/2011

1. That the outstanding debtors (Attachment 1) and creditors (Attachment 2) reports as at 30 June 2011 be received.

Moved: **Cr Martyn Cresswell**

Seconded: **Cr Maureen Robinson**

Vote: **CARRIED UNANIMOUSLY (11/0)**

10.2.4 **GS106 Debtors and Creditors Reports for the Period ending 31 July 2011**

EN BLOC RESOLUTION OCM 112/2011

1. That the outstanding debtors (Attachment 1) and creditors (Attachment 2) reports as at 31 July 2011 be received.

Moved: **Cr Martyn Cresswell**

Seconded: **Cr Maureen Robinson**

Vote: **CARRIED UNANIMOUSLY (11/0)**

10.2.5 **GS107 Rates Debtors Report for the Period ending 31 July 2011**

EN BLOC RESOLUTION OCM 112/2011

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

Moved: **Cr Martyn Cresswell**

Seconded: **Cr Maureen Robinson**

Vote: **CARRIED UNANIMOUSLY (11/0)**

10.2.6 **GS109 Kalamunda Home and Community Care – June (2011) Quarter Review**

EN BLOC RESOLUTION OCM 112/2011

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

Moved: **Cr Martyn Cresswell**

Seconded: **Cr Maureen Robinson**

Vote: **CARRIED UNANIMOUSLY (11/0)**

10.2.7 **GS110 Quarterly Progress Report - April to June 2011**

EN BLOC RESOLUTION OCM 112/2011

1. That Council receives the Quarterly Interplan Progress Report for April – June 2011.

Moved: **Cr Martyn Cresswell**

Seconded: **Cr Maureen Robinson**

Vote: **CARRIED UNANIMOUSLY (11/0)**

10.2.8 **GS108 Community Sport and Recreation Facilities Fund - Small Grants (Winter) 2010/11**

EN BLOC RESOLUTION OCM 112/2011

1. That Committee defer this item until the Ordinary Council Meeting on 15 August 2011

Moved: **Cr Martyn Cresswell**

Seconded: **Cr Maureen Robinson**

Vote: **CARRIED UNANIMOUSLY (11/0)**

10.3 Chief Executive Officers' Report

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

10.3.1 Community Sport and Recreation Facilities Fund - Small Grants (Winter) 2010/11

| | |
|---------------------|--------------------------------|
| Previous Items | OCM 33/2011 |
| Responsible Officer | Director Community Development |
| Service Area | Community Development |
| File Reference | FI-FAG-050 |
| Applicant | N/A |
| Owner | N/A |

PURPOSE

- To consider allocating funds towards the following successful Community Sport and Recreation Facilities Fund ("CSRFF") projects:
 - Hartfield Park Needs and Feasibility Study.
 - Kalamunda and Districts Basketball Association new basketball backboards.

BACKGROUND

- In August 2010, Council was presented with two CSRFF applications for consideration of support. Council subsequently resolved (OCM 33/2011) the following:

That Council:

 - Endorses the following applications for the Department of Sport and Recreation's 2011/12 Community Sport and Recreation Facilities Small Grant Fund in order of priority:*
 - Hartfield Park Recreation Centre Feasibility Study*
 - Kalamunda and Districts Basketball Association*
 - Considers allocating \$40,000 in the 2011/2012 budget for the Hartfield Park Feasibility Study subject to the successful outcome of the CSRFF application.*
 - Considers allocating \$72,670 in the 2011/2012 budget for the purchase of four new basketball backboards at the Ray Owen Sports Centre subject to the successful outcome of the CSRFF application.*
- In June 2011, the Shire received notification from the Department of Sport and Recreation ("DSR"), that both the Hartfield Park Needs and Feasibility Study and purchase of four new basketball backboards at the Ray Owen Sports Centre were successful in obtaining funding.

4. Council is now requested to consider allocating funds towards both the Hartfield Park Needs and Feasibility Study and the Kalamunda and Districts Basketball Association proposal for new basketball backboards at the Ray Owen Sports Centre.

DETAILS

Hartfield Park Recreation Centre Needs and Feasibility Study

5. The development of a Needs and Feasibility Study for the Hartfield Park Recreation Centre will aim to address the increasing need for the functionality of the facility to be reviewed. Specifically, the study will determine the future indoor recreational needs (dry aspects only) of the community and the overall viability of upgrading the facility.
6. The need for the Study has been included in the one to five year recommendations of the Hartfield Park Masterplan (OCM 110/2010), to ensure that the requirements of the facility are considered prior to any potential expansion of the Forrestfield United Soccer Clubrooms.
7. Furthermore, the Draft Community Facilities Plan identified the need for the Needs and Feasibility Study.
8. The proposed project cost for the Needs and Feasibility study for the Hartfield Park Recreation Centre is as follows:

| Organisation | Contributions ex GST |
|---------------------------|----------------------|
| CSRFF | \$13,000 |
| Shire of Kalamunda | \$27,000 |
| Total Project Cost | \$40,000 |

Kalamunda and Districts Basketball Association - New Basketball Backboards

9. The Kalamunda and Districts Basketball Association project for the installation of four new basketball backboards is required due to the current state of the existing basketball rings and the necessity for replacement.

10. The proposed cost for the project to install four new basketball backboards at the Ray Owen Sports Centre based in Lesmurdie is as follows:

| Organisation | Contributions ex GST |
|--|----------------------|
| Kalamunda and Districts Basketball Association | \$24,223 |
| CSRFF | \$24,223 |
| Shire of Kalamunda | \$24,224 |
| Total Project Cost | \$72,670 |

STATUTORY AND LEGAL IMPLICATIONS

11. Western Australian *Local Government Act 1995*, Section 6.2 and 6.8 Local Government Budget.

POLICY IMPLICATIONS

12. Nil.

PUBLIC CONSULTATION/COMMUNICATION

13. Nil.

FINANCIAL IMPLICATIONS

14. Should Council decide that the two projects should proceed then the total contribution required by the Shire would be \$51,224.
15. A number of reductions have already been made to the 2011/12 operating budget. Therefore, any further opportunities to reduce operating expenditure are limited.
16. Nevertheless, the following operating accounts have been identified as opportunities for funds to be re-allocated:

| Account No | Description | 2011/12 Budget | Amounts identified to be reallocated |
|--------------|-----------------------------|----------------|--------------------------------------|
| 350710.522 | Minor furniture (Buildings) | \$20,000 | \$7,500 |
| 320710.539 | Advertising (Youth) | \$4,000 | \$1,000 |
| 331710.539 | Advertising (Ray Owen) | \$3,500 | \$1,000 |
| 397710.539 | Advertising (KPAC) | \$7,500 | \$2,500 |
| Total | | | \$12,000 |

17. Whilst it would be desirable to maintain these budget allocations they have been identified to be reprioritised towards the Ray Owen Sports Centre basketball backboard project, due to the project providing an opportunity to leverage \$60,670 in external funds to achieve a total project outcome of \$72,670.
18. If Council does not contribute towards the funded projects the DSR have advised that the CSRFF funding of \$37,223 will be forfeited. The DSR would need to be advised of any decision to defer either or both projects by the end of August 2011.
19. Should the \$12,000 outlined in the table above be reallocated to the purchase of the basketball backboards at the Ray Owen Sports Centre, the Kalamunda and Districts Basketball Association would be required to contribute \$12,224 plus their one third allocation of \$24,223.
20. The Kalamunda and Districts Basketball Association have confirmed in writing that should Council be unable to fund their entire one third contribution towards the project, they have the capacity to increase their contribution to cover the shortfall.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

Strategic Planning Implications

21. *Shire of Kalamunda Strategic Plan 2009-2014*
 - 1.3.1 Manage the effective promotion, planning and usage of recreational spaces, services and facilities.
 - 1.3.4 Develop active and passive recreational facilities based on environmentally sustainable principles.
 - 2.3.2 Maintain, refurbish or upgrade existing infrastructure to encourage increased utilisation and extension of asset life.

Sustainability Implications

Social implications

22. Nil.

Economic Implications

23. Nil.

Environmental Implications

24. Nil.

OFFICER COMMENT

25. Through the CSRFF program, the State Government provides financial assistance to community groups and local government authorities to develop basic infrastructure for sport and recreation. The program aims to increase participation in sport and recreation with an emphasis on increasing physical activity through the provision of well-planned facilities. For example, the backboards will aim to increase physical activity through having the capacity to be electronically lowered to accommodate U/10's basketball.
26. The development of the Hartfield Park Recreation Centre Needs and Feasibility Study has been scheduled to occur in 2011/12. However, Council may decide to defer the Study provided it is undertaken before any expansion of the Forrestfield United Soccer Club Clubrooms, which has been identified to occur in the Hartfield Park Masterplan between 2015 – 2020. This is to ensure that any expansion of the Hartfield Park Recreation Centre is considered prior to any future development of the Forrestfield United Soccer Club Clubrooms.
27. The DSR have confirmed that should the Study not occur in the 2011/12 financial year the \$13,000 in CSRFF funding would need to be relinquished.
28. Should Council decide to contribute the recommended \$12,000 towards the installation of the basketball backboards, it will present Council with an opportunity to leverage \$60,670 in external funds for an overall expenditure of \$12,000, to achieve a total project cost of \$72,670.
29. In summary, it is recommended that Council advises DSR that the Hartfield Park Recreation Centre Needs and Feasibility Study will not occur in 2011/12. Furthermore, that Council contributes \$12,000 towards the project to install four new basketball backboards at the Ray Owen Sports Centre, acknowledging that the Kalamunda and Districts Basketball Association have agreed to contribute an additional \$12,224 to this project.

Additional Information 8 August 2011

30. In the past few weeks the Shire staff have been exploring whether there is a potential for some form of development of land within the Hartfield Park Reserve. The recently adopted Hartfield Masterplan, estimated in excess of \$5.5 million needs to be spent and the draft Community Facilities Plan, in excess of another \$8.0 million.
31. Given there is now a much broader agenda for Hartfield Park Reserve it was considered prudent to reverse the Officer's Recommendation to postpone the Needs and Feasibility Study for Hartfield Park until 2012/2013. In light of this recent development Officers now recommend that Council accept the funding from the DSR and incorporate this study to occur concurrently with an environmental study of the land within the Reserve in order to derive benefit from synergies between the two complimentary studies.

32. Additional information was tabled at the General Services Committee Meeting of 8 August 2011 by the Kalamunda and Districts Basketball Association advising the club no longer agreed with having to pay 50% of the contribution portion of the Shire.
33. Given this situation the Shire therefore revises its recommendation to Council. It now recommends that Council contribute its entire 30% contribution of \$24,223. The additional \$12,000 will be funded from Shire Reserves.

RESOLVED OCM 113/2011

That Council:

1. Pursuant to section S 6.8 (1)(c) *Local Government Act 1995*, amends the 2011/2012 Budget to include Expenditure for the:

| | |
|---|----------|
| Ray Owen Sports Centre (basketball backboards project) | \$72,670 |
| Hartfield Park Recreation Centre (Needs and Feasibility Study) | \$40,000 |

2. Pursuant to section S 6.8 (1)(c) *Local Government Act 1995*, amends the 2011/2012 Budget to include Income for the:

| | |
|---|----------|
| Ray Owen Sports Centre (basketball backboards project) | \$48,446 |
| Hartfield Park Recreation Centre (Needs and Feasibility Study) | \$13,000 |

Moved: **Cr Frank Lindsey**

Seconded: **Cr Geoff Stallard**

Vote: **CARRIED UNANIMOUSLY/ABSOLUTE MAJORITY (11/0)**

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

Cr Sue Bilich declared a financial interest as she owns a property which is currently for sale in Kalamunda. Cr Bilich left the Chambers at 7.00pm and did not vote on this Item. Cr Bilich returned to the Chambers at 7.05pm.

10.3.2 Disposal of Freehold Land

| | |
|---------------------|---|
| Previous Items | GS47 Land Asset Rationalisation and OCM50/2011 SCM 89/2011 |
| Responsible Officer | Director Corporate Services |
| Service Area | Property & Procurement |
| File Reference | MD-03/039, AN-02/021, CB-01/002 & BR-03/029 |
| Applicant | N/A |
| Owner | N/A |
| Attachment 1 | Nil |

PURPOSE

1. To advise Council of the responses received from the advertising of the Proposal to Dispose of Property in accordance with Section 3.58 of the *Local Government Act 1995*.

BACKGROUND

2. At the Special Meeting of Council held on 4 July 2011 Council resolved to sell Lot 17 (43) Boonooloo Road Kalamunda for the sum of \$575,000.
3. The offer was subject to a 21 day due diligence clause and this period has now passed. The offer is unconditional.
4. In accordance with Section 3.58 of the *Local Government Act 1995* the Shire is required to advertise the disposal of the property.

DETAILS

5. An advertisement appeared in the "Local Government Notices" section of The West Australian on Wednesday 27 July 2011 requesting submissions to be received by 5.00pm Tuesday 9 August 2011.
6. At the close of the submission period, no submissions were received.

STATUTORY AND LEGAL IMPLICATIONS

7. The sale process is in accordance with Section 3.58 (3) of the *Local Government Act 1995*.

POLICY IMPLICATIONS

8. There are no policy implications.

PUBLIC CONSULTATION/COMMUNICATION

9. Disposal of the properties under Section 3.58 of the *Local Government Act 1995* require that public notice of the proposed disposition be given-
- i) Describing the property concerned; and
 - ii) Giving details of the proposed disposition; and
 - iii) Inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given;

And

It considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.

Details of a proposed disposition that are required by subsection (3) (a)(ii) include –

- a. The names of all other parties concerned; and
- b. The consideration to be received by the local government for the disposition; and
- c. The market value of the disposition.

FINANCIAL IMPLICATIONS

10. The proceeds from the sale of Lot 17 (43) Boonooloo Road Kalamunda are included in the 2011/2012 budget.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS**Strategic Planning Implications**

11. The sale of this property will assist in meeting the Shire of Kalamunda Strategic Plan 2009-2014.
- Goal 5 Outcome 5.4.2 – Explore all avenues of funding including borrowings and sale of assets.

Sustainability ImplicationsSocial implications

12. There are no social implications.

Economic Implications

13. The proceeds from the sale will provide funding for future community infrastructure developments.

Environmental Implications

14. There are no environmental implications with the disposal of this lot.

OFFICER COMMENT

15. As no submissions have been received and the Offer is now unconditional, it will now proceed to settlement.

RESOLVED OCM 114/2011

1. That Council acknowledges the requirements of Section 3.58 of the *Local Government Act 1995* have been complied with and as no submissions have been received, the sale of Lot 17 (43) Boonooloo Road Kalamunda proceed to settlement.
2. That Council authorises the affixing of the common seal to the land transfer document for the sale of Lot 17 (43) Boonooloo Road Kalamunda.

Moved: **Cr Margaret Thomas**

Seconded: **Cr Frank Lindsey**

Vote: For
Cr Frank Lindsey
Cr Geoff Stallard
Cr Allan Morton
Cr Maureen Robinson
Cr Noreen Townsend
Cr Martyn Cresswell
Cr Dylan O'Connor
Cr Margaret Thomas
Cr Donald McKechnie

Against
Cr Justin Whitten

CARRIED (9/1)

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

10.3.3 RFT1118 Panels of Specialist Providers – Environmental Consultants

| | |
|------------------------------------|--|
| Previous Items Responsible Officer | N/A. Director Corporate Services |
| Service Area | Property & Procurement |
| File Reference | RFT 1118 |
| Applicant | N/A |
| Owner | N/A |
| Confidential Attachment 1 | Schedule of Tender Prices <i>Reason for Confidentiality</i> In accordance with Section 5.23(2) (c) of the <i>Local Government Act 1995</i> , which permits the meeting to be closed to the public for business relating to a matter that if disclosed would reveal: |

"A contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting."

PURPOSE

1. To consider awarding the tender for the Provision of Environmental Consultancy Services for a period of three years with an option to extend for a further two 12 month periods.

BACKGROUND

2. The request for tender was advertised in the West Australian newspaper on Saturday 2 July 2011 and closed at 2.00 pm Tuesday 26 July 2011.
3. The Panel of Specialist Providers Tender contained 7 categories: Civil Engineers, Town Planners, Architects, Environmental Consultants, Project Managers, Property Development Specialists and Community Consultation Facilitators.
4. The Panel of Environmental Consultants has been the first group to be assessed as we have immediate requirements for this skill set.

DETAILS

5. From the tender advertisement, a total of 16 responses were received.

6. The responses were assessed in accordance with the Qualitative Criteria in the Tender document and with particular interest on the following:

- Environmental interest.
- Experience in urban developments.
- State and Federal approval processes.
- Flora and fauna surveys and management plans.

The assessments were carried out by the Coordinator Environmental Services and Manager Property and Procurement.

STATUTORY AND LEGAL IMPLICATIONS

7. Section 3.57 of the *Local Government Act 1995* and Part IV of the *Local Government (Functions and General) Regulations 1996*.

POLICY IMPLICATIONS

8. Complies with Policy PUR 1 – Purchasing Policy.

PUBLIC CONSULTATION/COMMUNICATION

9. There is no requirement for public consultation.

FINANCIAL IMPLICATIONS

10. The awarding of the tender is expected to provide savings in consultant costs.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

Strategic Planning Implications

11. Fulfils Goal 5 Governance and Organisation - Shire of Kalamunda Strategic Plan 2009-2014.

5.1.4 Ensure appropriate systems and procedures are in place to comply with statutory compliance and enhance effective business management.

Sustainability Implications

Social Implications

12. There are no social implications.

Economic Implications

13. There are no economic implications.

Environmental Implications

14. The use of qualified and experienced Environmental Consultants on land projects will help to ensure an environmentally responsible approach is taken with development proposals.

OFFICER COMMENT

15. Of the 16 responses received, the submissions submitted by Emerge Environmental Services Pty Ltd, 360 Environmental Pty Ltd, Strategen Environmental Consultants Pty Ltd and Coterra Environment have been assessed as the most suitable to meet the Shire's requirements.

RESOLVED OCM 115/2011

1. That Council appoint the following Panel of Specialist Providers for Environmental Consultants:

1. Stratagen Environmental Consultants Pty Ltd
2. Emerge Environmental Services Pty Ltd
3. 360 Environmental Pty Ltd
4. Coterra Environment Pty Ltd

as per the tender prices in the schedule at Confidential Attachment 1.

Moved: **Cr Frank Lindsey**

Seconded: **Cr Justin Whitten**

Vote: For
Cr Frank Lindsey
Cr Geoff Stallard
Cr Allan Morton
Cr Noreen Townsend
Cr Justin Whitten
Cr Martyn Cresswell
Cr Dylan O'Connor
Cr Sue Bilich
Cr Margaret Thomas
Cr Donald McKechnie

Against
Cr Maureen Robinson

CARRIED (10/1)

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

10.3.4 RFT 1120 Marketing and Sale of Land Lot 5 Welshpool Road East, Wattle Grove

| | |
|---------------------------|---|
| Previous Items | N/A. |
| Responsible Officer | Director Corporate Services |
| Service Area | Property and Procurement |
| File Reference | RFT 1118 |
| Applicant | N/A |
| Owner | N/A |
| Confidential Attachment 1 | Price Schedule <i>Reason for Confidentiality</i> In accordance with Section 5.23(2) (c) of the <i>Local Government Act 1995</i> , which permits the meeting to be closed to the public for business relating to a matter that if disclosed would reveal: |

"A contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting."

PURPOSE

1. To consider awarding the tender for the Marketing and Sale of Land Lot 5 Welshpool Road East, Wattle Grove and also the development of a display village within the subdivision.

BACKGROUND

2. The request for tender was advertised in The West Australian newspaper on Saturday 9 July 2011 and closed at 2.00 pm Tuesday 26 July 2011.

DETAILS

3. Tenders were required to provide a percentage of sales figure to undertake the following:
 - Create a Display Home Village in conjunction with a leading Project Home Builder or Builders.
 - In conjunction with Shire of Kalamunda project staff, develop and implement Built Form Guidelines and Restrictive Covenants.
 - Undertake Sales and Marketing of all available lots to ensure the site is fully developed in the earliest possible time frame.
 - Manage and sign off on completion of Restrictive Covenants.
 - Provide estimated sale values for each of the lots is provided on Confidential Attachment 1.

4. From the tender advertisement, a total of seven responses were received.
5. A number of respondents were unable to provide qualified confirmation that they had the capacity to meet the requirement for the creation of a Display Village.
6. During the evaluation process three respondents were requested to provide additional information in regard to the display village criteria and meetings were held with these respondents to ensure that the commitment could be honoured.
7. The meetings were held between each respondent and Director Corporate Services, Manager Property and Procurement, Manager Governance and Mr Dominic Carbone (for probity purposes).

STATUTORY AND LEGAL IMPLICATIONS

8. Section 3.57 of the *Local Government Act 1995* and Part IV of the *Local Government (Functions and General) Regulations 1996*.

POLICY IMPLICATIONS

9. Complies with Policy PUR 1 – Purchasing Policy.

PUBLIC CONSULTATION/COMMUNICATION

10. There is no requirement for public consultation.

FINANCIAL IMPLICATIONS

11. The awarding of the tender will provide more expedient land sales and investment opportunities of surplus funds.
12. The Business Plan prepared for this development provided an estimate of Selling, Settlement and Advertising Costs of \$190,321.
The 2011/2012 Budget has a provision of \$180,000 for selling costs and \$50,000.00 for marketing costs.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

Strategic Planning Implications

13. Fulfils Goal 5 Governance and Organisation of the Shire of Kalamunda Strategic Plan 2009-2014
5.1.4 Ensure appropriate systems and procedures are in place to comply with statutory compliance and enhance effective business management.

Sustainability Implications

Social Implications

14. There are no social implications.

Economic Implications

15. There are no economic implications.

Environmental Implications

16. There are no environmental implications.

OFFICER COMMENT

17. In the tender process, respondents were required to provide an estimated sale price for each lot. To obtain average sale prices, the highest and lowest of the seven estimates were excluded and the average total sales calculated using the remaining five providing average total sales revenue of \$7,473,310.
18. This then enabled the calculation of a tender price based on the percentage of sales figure provided in the Price Schedule.
19. The following respondents, who were shortlisted, were requested to provide further information and then attend a formal meeting.
- Westbury Investments
 - DTZ
 - Niche Living
20. During the formal meeting process, Westbury Investments were the only respondents which could demonstrate that they had confirmation from two Project Home Builders committed to develop the required display village.
21. Westbury Investments also stated that there would be no delayed settlement on the lots required for the display home, that a minimum of 4 lots and one for parking would be developed as the display village and that the builders would pay the market price for blocks on release of title, but would expect to receive in the order of a 10% rebate provided the Display Village was completed within 12 months of release of title.
22. DTZ and Niche Living indicated that they had not yet investigated the builders market and would undertake such a process if they became the successful tender. Furthermore they were both of the opinion that the project builders would require a delayed settlement of between 12 months and two years.

23. Whilst the tender submitted by DTZ would result in a lower cost to Shire, it is considered that the difference between the tenderers' prices can be made up from interest earnings on the investment of the funds received from the sale of the display village lots.

In view of the strong commitment given to the display village requirement, Westbury Investments are considered the most advantageous tenderer.

RESOLVED OCM 116/2011

1. That Council appoints Westbury Investments to undertake the Marketing and Sale of Land Lot 5 Welshpool Road East, Wattle Grove in accordance with the following specifications which were listed in the tender document and at the price shown in confidential attachment 1:
- Create a Display Home Village in conjunction with a leading Project Home Builder or Builders.
 - In conjunction with Shire of Kalamunda project staff, develop and implement Built Form Guidelines and Restrictive Covenants.
 - Undertake Sales and Marketing of all available lots to ensure the site is fully developed in the earliest possible time frame.
 - Manage and sign off on completion of Restrictive Covenants.
- and that Westbury Investments be advised that the development of the Display Village is an integral part of the contract and failure to meet this requirement will put them in Breach of Contract.

Moved: **Cr Donald McKechnie**

Seconded: **Cr Justin Whitten**

Vote: For
Cr Frank Lindsey
Cr Geoff Stallard
Cr Allan Morton
Cr Noreen Townsend
Cr Justin Whitten
Cr Martyn Cresswell
Cr Dylan O'Connor
Cr Sue Bilich
Cr Margaret Thomas
Cr Donald McKechnie

Against
Cr Maureen Robinson

CARRIED (10/1)

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

10.3.5 Public Transport Plan for Perth in 2031

| | |
|---------------------|---|
| Previous Items | N/A |
| Responsible Officer | Director Planning and Development Services |
| Service Area | Strategic Planning |
| File Reference | |
| Applicant | N/A |
| Owner | N/A |
| Attachment 1 | Draft Public Transport for Perth in 2031 Plan |

PURPOSE

1. To provide Council with notification of the State Government's recently released draft Public Transport Plan for Perth in 2031 and to seek Council approval to make a submission taking issue with the Plan and its lack of proposed public transport for the region east of Perth Airport and in particular the Shire of Kalamunda.

BACKGROUND

2. The Department of Transport recently released its draft Public Transport Plan for Perth in 2031. This Plan maps out the future for Perth's public transport network.
3. The Plan is derived from the metropolitan strategic land use plan – *Directions 2031 and beyond* - and identifies the public transport network needed to support Perth's growing population and links between strategic centres.

DETAILS

4. The Shire of Kalamunda has been advocating for some time to address the lack of public transport within the Shire.
5. One of the biggest issues for residents living in the western suburbs of the Shire, such as Forrestfield, Maida Vale, Wattle Grove, is the length of time it takes for local buses to transport people to destination centres such as Perth and Midland.
6. Rapid transit buses are not available nor are they planned to be available under the draft Public Transport Plan for Perth for 2031.
7. The lack of public transport being foreshadowed for the Shire under the State's draft Plan will inevitably make the Shire less attractive for residential development.

8. The Shire's draft Local Planning Strategy was developed on growth assumptions made under the *Directions 2031 and beyond* strategy. The Draft Public Transport Plan does not consider the growth expected in the Shire to be significant enough to warrant planning for improved public transport.
9. The Plan demonstrates a lack of integrated planning and liaison with local governments. The Shire of Kalamunda has demonstrated through the Local Planning strategy that it has the capacity to provide for significant growth in areas which are relatively close to the Perth CBD. There is no recognition of this in the draft Public Transport Plan.

STATUTORY AND LEGAL IMPLICATIONS

10. Nil.

POLICY IMPLICATIONS

11. Nil.

PUBLIC CONSULTATION/COMMUNICATION

12. A press release has been drafted which will provide advice to the community of the existence of the draft Public Transport Plan and will invite a call to action by the community on this matter.

FINANCIAL IMPLICATIONS

13. Nil.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

Strategic Planning Implications

14. *Shire of Kalamunda Strategic Plan 2009-2014*
 - 4.1.1 Continue to lobby all levels of government, community and regional partnerships to support the development of appropriate public transport options for the region.
 - 4.1.2 Advocate for the extension of rail facilities to the Perth Airport and beyond to the Kalamunda region.

Sustainability Implications

Social implications

15. Public transport is a key social development lever. Without accessibility for all ages the Shire will not have an inclusive community able to sustain the needs of all its demographic ranges.

Economic Implications

16. Plentiful public transport supports those of lower economic means and acts as an attractor for investors wishing to live in the Shire. Furthermore, public transport will be a driver to support future employment growth within the industrial areas in the Shire such as Forrestfield.

Environmental Implications

17. Public Transport reduces the reliance on vehicle usage which is extremely beneficial to the environment in reducing carbon emissions.

OFFICER COMMENT

18. The Shire has a strategic mandate before it to improve public transport to the region. The Shire has participated, as an active partner, with the Eastern Metropolitan Regional Council (EMRC) and its member Councils to develop a regional transport plan that was achieved through extensive public consultation with the regional community in 2010.
19. The regional community gave a clear mandate that public transport to the airport was key and rapid bus transit feeders into the regions namely Ellenbrook, Mundaring and Kalamunda were all critical to sustain growth and to support people wishing to live in outer metropolitan locations.
20. The draft Public Transport Plan does not offer the Shire of Kalamunda any more public transport than currently exists, even though Kalamunda's population is forecast to grow from 56,000 to over 80,000 by 2031.
21. The Shire needs to ensure it sends a strong message to the State Government in response to the draft Public Transport Plan for 2031 outlining how the Plan does not support growth to this region.
22. The Shire of Kalamunda has been invited to participate on the WALGA Metropolitan Public Transport Policy Forum which has been initiated to prepare a whole of metropolitan local government wide response to the draft Public Transport Plan.
- The Shire's participation on this Forum will ensure the position the Shire has taken will be presented at this Forum.
23. The East Zone of WALGA has also taken action in relation the draft Public Transport Plan and will hold a special meeting at the EMRC to discuss the approach the East Zone should take on this issue.

24. Finally, it should be noted that the Shire is not advocating for the State to allocate significant amounts of funding but instead, to consider planning the land parcels and transport corridors that will cater for and enable all modes of public transport, including rapid bus, light rail and heavy rail in the long term future. This aspect needs to be planned for and at least be considered within the State's long term Public Transport Plan. In its current form draft Public Transport Plan largely ignores the eastern growth corridor of the Perth metropolitan area.

RESOLVED OCM 117/2011

1. That Council requests a submission be developed that argues for changes to the draft Public Transport Plan for 2031 in order that the growth expected within the Shire of Kalamunda is taken into account and adequate provision for public transport is to be provided to the region in its final Public Transport Plan for 2031.
2. That Council request that letters be written to all local Members of Parliament outlining its concerns in regard to the draft Public Transport Plan for 2031 and seek a commitment from local members that they will take necessary action to redress the imbalance of provision for public transport within the Shire.

Moved: **Cr Maureen Robinson**

Seconded: **Cr Martyn Cresswell**

Vote: **CARRIED UNANIMOUSLY (11/0)**

11.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**11.1 Aged Care Facility – Delay in Decision – Councillor Margaret Thomas****RESOLVED OCM 118/2011**

That the Shire of Kalamunda, noting its documented need for Aged Care facilities as set out in the Shire's "Aged Accommodation Strategy", which shows a shortfall of 421 Nursing Home beds over the next 15 years, request the Shire President write separately to the Premier, the Minister for Health, the Treasurer, the Minister for Planning and the Leader of the Opposition, expressing its concerns:

- (i) at the unprecedented conditions and delays imposed by the Minister for Planning, Mr John Day, on Amendment No. 18 to the Shire's Local Planning Strategy No. 3. In particular the requirements that prior to further consideration the Shire must;
 - (a) identify six alternative sites AND rank them in priority; and
 - (b) undertake a Local Planning Strategy,neither of which is necessary and both of which are without precedent.
- (ii) that the unprecedented conditions imposed by the Minister for Planning, have put at risk the investment of \$70-\$90 million in an integrated aged care facility, comprising a 120 bed nursing home, independent living units and community facilities; which, when advertised for public comment received an extraordinary 2,000 submissions from Shire residents with approval of 90%.
- (iii) that the building of such facilities, which relieve congestion in Public Hospitals and save West Australian taxpayers more than \$30 million each year, ought be considered from a health and treasury perspective as much as from a planning perspective.
- (iv) that the Minister for Planning and officers of the Department of Planning are being unduly swayed by a campaign of deliberate misinformation by a single issue lobby group.
- (v) urge the Minister for Planning to progress Amendment No. 18 without further delay to final approval.

Moved: **Cr Margaret Thomas**

Seconded: **Cr Frank Lindsey**

Vote: For
Cr Frank Lindsey
Cr Geoff Stallard
Cr Allan Morton
Cr Noreen Townsend
Cr Justin Whitten
Cr Martyn Cresswell
Cr Dylan O'Connor
Cr Sue Bilich
Cr Margaret Thomas
Cr Donald McKechnie

Against
Cr Maureen Robinson

CARRIED (10/1)

12.0 QUESTIONS BY MEMBERS WITHOUT NOTICE

12.1 Royalties for Regions Funding – Cr O'Connor

Q. Given that High Wycombe and Forrestfield are home to a lot of Fly-in-Fly-out workers is there an opportunity to access Royalties for Regions Funding?

A. The Chief Executive Officer advised there was no opportunity to access this funding.

13.0 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

13.1 Nil.

14.0 URGENT BUSINESS APPROVED BY THE PERSON PRESIDING OR BY DECISION

14.1 Zig Zag Cultural Centre – Proposal for Chamber of Commerce to Lease Office Space

Reason for Confidentiality In accordance with Section 5.23(2) (c) of the *Local Government Act 1995*, which permits the meeting to be closed to the public for business relating to a matter that if disclosed would reveal:

"A contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting."

This Item to be considered behind closed doors at 15.0.

15.0 MEETING CLOSED TO THE PUBLIC15.1 Meeting to be Closed to the PublicRESOLVED OCM 119/2011

1. That the meeting be closed to the public to consider Item 14.1 – Zig Zag Cultural Centre – Proposal for Chamber of Commerce to Lease Office Space. The meeting is closed pursuant to section s.5.23(2) (c) of the *Local Government Act 1995* "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."

Moved: **Cr Maureen Robinson**

Seconded: **Cr Sue Bilich**

Vote: **CARRIED UNANIMOUSLY (11/0)**

15.2 Permission for member of public to remainRESOLVED OCM 120/2011

1. That a member of the public be permitted to remain in the meeting to address the Council.

Moved: **Cr Sue Bilich**

Seconded: **Cr Justin Whitten**

Vote: **CARRIED UNANIMOUSLY (11/0)**

15.3 Permission for two members of public to remainRESOLVED OCM 121/2011

1. That two members of the public be permitted to remain in the meeting to address the Council.

Moved: **Cr Dylan O'Connor**

Seconded: **Cr Margaret Thomas**

Vote: **CARRIED UNANIMOUSLY (11/0)**

The meeting closed to the public at 7:32pm and all in attendance except for Councillors, Staff and two members of the public gallery left the meeting.

After addressing the Council the two members of the public who remained left the meeting at 7.48pm.

Cr Maureen Robinson left the meeting at 7.49pm and did not return.

Cr Dylan O'Connor left the Chambers at 7.50pm and returned at 7.52pm.

15.4 **Zig Zag Cultural Centre – Proposal for Chamber of Commerce to Lease Office Space**

Reason for Confidentiality: In accordance with Section 5.23(2) (c) of the *Local Government Act 1995*, which permits the meeting to be closed to the public for business relating to a matter that if disclosed would reveal: "*A contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting.*"

RESOLVED OCM 122/2011

That Council:

1. Endorses the proposal to Lease Office Space to the Kalamunda Chamber of Commerce at the Zig Zag Cultural Centre on the following terms and conditions:
 - Term – 1 year with a 5 year option.
 - Rental – \$3,880 per annum.
 - Outgoings – As per Lease Agreement.
2. Seeks Ministerial approval to lease the property at 50 (Lot 431) Railway Road, Kalamunda being Reserve No 24956.
3. Authorises the statutory advertising required by Section 3.58 (3) of the *Local Government Act 1995* for disposal by lease of 50 (Lot 431) Railway Road, Kalamunda.
4. Subject to not receiving any submissions following the statutory advertising period, authorises the CEO to negotiate and finalise lease arrangements.
5. Recognises the Kalamunda Chamber of Commerce as a collective bargaining agent for its members in the purchase of services from the Shire of Kalamunda at wholesale prices. Non-members of the Kalamunda Chamber of Commerce retain the right to purchase these services at retail prices from the Shire of Kalamunda directly.

Moved: **Cr Justin Whitten**

Seconded: **Cr Noreen Townsend**

Vote: **CARRIED UNANIMOUSLY (10/0)**

15.5 Meeting to be Open to the Public

RESOLVED OCM 123/2011

- 1. That the meeting be reopened to the public following consideration of Item 14.1 – Zig Zag Cultural Centre – Proposal for Chamber of Commerce to Lease Office Space. The meeting is closed pursuant to section s.5.23(2) (c) of the *Local Government Act 1995* "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."

Moved: **Cr Margaret Thomas**

Seconded: **Cr Allan Morton**

Vote: **CARRIED UNANIMOUSLY (10/0)**

The meeting reopened to the public at 8.05pm. The Chairman read the resolution of Zig Zag Cultural Centre – Proposal for Chamber of Commerce to Lease Office Space aloud to the meeting.

16.0 CLOSURE

- 16.1 There being no further business the Chairman declared the meeting closed at 8.10pm.

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

Signed.....Chairman

Dated thisday of2011

