
Shire of Kalamunda

Ordinary Council Meeting Agenda

Monday 20 February 2012

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NOTICE OF MEETING ORDINARY MEETING OF COUNCIL

Councillors,

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

Monday 20 February 2012, 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

16 February 2012

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AGENDA

1.0 OFFICIAL OPENING

2.0 ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE PREVIOUSLY APPROVED

Cr Justin Whitten – Apology

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 Application for Leave of Absence – Cr Sue Bilich

That Cr Sue Bilich be granted leave of absence for the period 20 February 2012 to 13 March 2012. This leave period will include the Ordinary Council Meeting 20 February 2012, Planning Services Committee 6 March 2012 and General Services 12 March 2012.

Moved:

Seconded:

Vote:

6.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

6.1 Ordinary Council Meeting 19 December 2011

That the Minutes of the Ordinary Council Meeting of the Shire of Kalamunda held in the Council Chambers, 2 Railway Road, Kalamunda on 19 December 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 correct record of the meeting of 19 December 2011.”

7.0 ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION

8.0 MATTERS FOR WHICH THE MEETING MAY BE CLOSED**8.1 GS13 Update on Shire of Kalamunda Property Projects**

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

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.”

8.2 AC3 Forrestfield United Soccer Club Sundry Debt

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

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.”

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)

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 6 February 2012, (excluding PS05/2012 which will be considered separately) be adopted.

Moved:

Seconded:

Vote:

10.1.2 **PS01 Local Planning Scheme No. 3 Amendment No. 41 –Rezone from Residential Bushland and Special Rural to Residential, Changing the density from R2.5 to R5 and Deleting the Additional Use – Lot 51 (118) Lawnbrook Road West, Walliston**

COMMITTEE RECOMMENDATION TO COUNCIL PS01/2012

That Council:

1. Notes the submissions received in respect to Amendment No. 41 to Local Planning Scheme No. 3.
2. Adopts the amendment to Local Planning Scheme No. 3 without modification, 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. 41

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.
3. Amends the Scheme Zoning Map accordingly.
 4. Duly executes the Amendment documents and forwards them and submissions received to the Minister for Planning requesting final approval be granted.

10.1.3 **PS02 Amendment to Local Planning Scheme No. 3 - Additional Use – Restaurant, Reception Centre and Chalets - Lot 3 (35) Merrivale Road, Pickering Brook**

COMMITTEE RECOMMENDATION TO COUNCIL PS02/2012

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:

Amending Schedule 2 – Additional Use, as follows:

NO.	DESCRIPTION OF LAND	ADDITIONAL USE	CONDITIONS
	Lot 3 (35) Merrivale Road, Pickering Brook	Restaurant Reception Centre Chalets	(a) The uses are not permitted unless approval is granted by the Local Government ("D").

2. 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.

10.1.4 **PS03 Local Planning Scheme No. 3 Amendment - Rezone from Public Purpose to Residential R60 - Lot 201 (3) Salix Way, Forrestfield**

COMMITTEE RECOMMENDATION TO COUNCIL PS03/2012

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 201 (3) Salix Way, Forrestfield from Public Purpose to Residential R60.

The amendment 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.

10.1.5 **PS04 The Parking of Two Commercial Vehicles – Lot 46 (69) Milner Road, High Wycombe**

COMMITTEE RECOMMENDATION TO COUNCIL PS04/2012

That Council:

1. Approves the proposal for Scott Savory and Vanessa Kraft to continue to park two commercial vehicles, a Kenworth prime mover (registration number 1DJZ 271) and a Freighter trailer (registration number 1TGT 598) at Lot 46 (69) Milner Road, High Wycombe, 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 7.00am and 7.00pm Monday to Saturday and 9.00am to 5.00pm Sundays and public holidays.
- 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. Washing of the commercial vehicles on the subject lot is to be limited to the use of water and mild detergent, but not involve the use of any solvents, degreasing substances, steam cleaning and any other processes which may cause pollution or degradation of the environment.
- g. The approval is personal to the landowner and shall not be transferred or assigned to any other person, property or commercial vehicle.
- h. All other commercial vehicles not subject to this application must be removed from the site within 28 days of this approval.
- i. **Bundling will be required to prevent oil or grease from entering the gully.**

10.1.06 **PS06 Recommendations from the Community Sustainability Advisory Committee (CSAC) Meetings**

COMMITTEE RECOMMENDATION TO COUNCIL PS06/2012

That Council:

1. Receives the unconfirmed minutes of the Community Sustainability Advisory Committee ("CSAC") meeting held on 29 September 2011 (Attachment 1).

10.1.07 **PS07 Concept Development Plan - Old Road Board Street Block**

COMMITTEE RECOMMENDATION TO COUNCIL PS07/2012

That Council:

1. Approves the Concept Development Plan for Old Road Board Street Block for the purpose of public consultation.

10.1.08 **PS08 Application to Keep More Than Two Dogs - Lot 79 (23) Corella Street, Lesmurdie**

COMMITTEE RECOMMENDATION TO COUNCIL PS08/2012

That Council:

1. Pursuant to Clause 3.2 of the Shire of Kalamunda Dogs Local Law 2010 made under Section 26(3) of the *Dog Act 1976*, grants an exemption to the applicant of 23 Corella Street, Lesmurdie to keep three dogs on this property.

10.1.09 **PS09 Application to Keep More Than Two Dogs - Lot 400 (51) Reserve Road, Pickering Brook**

COMMITTEE RECOMMENDATION TO COUNCIL PS09/2012

That Council:

1. Pursuant to Clause 3.2 of the Shire of Kalamunda Dogs Local Law 2010 made under Section 26(3) of the *Dog Act 1976*, grants an exemption to the applicant of 51 Reserve Road, Pickering Brook to keep three dogs on this property.

10.1.10 **PS10 Application to Keep More Than Two Dogs - Lot 844 (400) Pickering Brook Road, Pickering Brook**

COMMITTEE RECOMMENDATION TO COUNCIL PS10/2012

That Council:

1. Pursuant to Clause 3.2 of the Shire of Kalamunda Dogs Local Law 2010 made under Section 26(3) of the *Dog Act 1976*, grants an exemption to the applicant of 400 Pickering Brook Road, Pickering Brook to keep four dogs on this property.

10.1.11 **PS11 Application to Keep More Than Two Dogs - Lot 88 (8) View Way, Kalamunda**

COMMITTEE RECOMMENDATION TO COUNCIL PS11/2012

That Council:

1. Pursuant to Clause 3.2 of the Shire of Kalamunda Dogs Local Law 2010 made under Section 26(3) of the *Dog Act 1976*, grants an exemption to the applicant of 8 View Way, Kalamunda to keep three dogs on this property.

10.1.12 **PS12 Application to Keep More Than Two Dogs - Lot 844 (400) Pickering Brook Road, Pickering Brook**

COMMITTEE RECOMMENDATION TO COUNCIL PS12/2012

That Council:

1. Pursuant to Clause 3.2 of the Shire of Kalamunda Dogs Local Law 2010 made under Section 26(3) of the *Dog Act 1976*, grants an exemption to the applicant of 73 The Promenade, Wattle Grove to keep three dogs on this property.

10.1.13 **PS13 Application to Keep More Than Two Dogs - Lot 108 (23) Coolinga Road, Lesmurdie**

COMMITTEE RECOMMENDATION TO COUNCIL PS13/2012

That Council:

1. Pursuant to Clause 3.2 of the Shire of Kalamunda Dogs Local Law 2010 made under Section 26(3) of the *Dog Act 1976*, grants an exemption to the applicant of 23 Coolinga Road, Lesmurdie to keep five dogs on this property.

10.1.14 **PS14 Application to Keep More Than Two Dogs - Lot 104 (32) Curtis Street Lesmurdie**

COMMITTEE RECOMMENDATION TO COUNCIL PS14/2012

That Council:

1. Pursuant to Clause 3.2 of the Shire of Kalamunda Dogs Local Law 2010 made under Section 26(3) of the *Dog Act 1976* Grants an exemption to the applicant of 32 Curtis Street, Lesmurdie to keep three dogs on this property.

For Separate Consideration**10.1.15 PS05 Shopping Centre - Lot 33 (332) Hale Road, Wattle Grove****COMMITTEE RECOMMENDATION TO COUNCIL PS05/2012**

That Council:

1. Approves the proposed Shopping Centre on Lot 33 (332) Hale Road, Wattle Grove, subject to the following conditions:
 - a. The Development shall be connected to reticulated sewer.
 - b. The provision and maintenance of a total of 137 car spaces including a minimum of two disabled car bays. All car parking and vehicle access ways being line marked, sealed and drained prior to the occupation of the building and maintained thereafter.
 - c. Vehicle parking, manoeuvring and circulation areas to be suitably constructed, sealed, kerbed, line marked and drained. The parking areas to include the provision of shade trees.
 - d. A detailed landscaping plan for the landscape area and shade trees, depicted on the approved plan shall be submitted and approved by the Shire prior to issue of a building licence.
 - e. Landscaping areas shall be planted within two months of practical completion of the proposed development and being maintained thereafter.
 - f. All existing vegetation within the proposed area of Public Open Space and road reserves to be maintained.
 - g. Measures being taken to ensure the identification and protection of any vegetation on the site worthy of retention prior to commencement of site work.
 - h. A separate sign licence application pursuant to the Shire's Local Laws is required to be lodged and approved prior to the erection of any signage on the lot.
 - i. The provision of a colours and texture schedule prior to the issue of a building licence.
 - j. A three metre portion of land abutting Hale Road along its entire frontage for the purpose of road widening being surrendered to the Shire of Kalamunda free of

cost. This is to occur prior to practical completion of the building.

- k. A contribution to the Shire of Kalamunda in accordance with Schedule 11 of the Shire of Kalamunda Local Planning Scheme No. 3 shall be paid for cell infrastructure costs for Wattle Grove Cell 9. The contribution shall be paid in full prior to the issue of a Certificate of Occupancy.
- l. Drainage for the development is to be in accordance with the overall drainage strategy adopted as part of the Cell 9 Structure Plan.
- m. The provision and installation of turning pockets on Hale Road to access the crossovers to the specifications and satisfaction of the Shire of Kalamunda.

Moved:

Seconded:

Vote:

10.2 General Services Committee Report

10.2.1 Adoption of General Services Committee Report

That the recommendations contained in the General Services Committee Report of 13 February 2012 (excluding GS06/2012 and GS07/2012, considered separately) be adopted.

Moved:

Seconded:

Vote:

10.2.2 GS01 Creditors' Accounts Paid During the Period 1 December to 23 December 2011

COMMITTEE RECOMMENDATION TO COUNCIL (GS01/2012)

That Council:

1. Receives the list of creditors paid during the period 1 December to 23 December 2011 (Attachment 1) in accordance with the requirements of the *Local Government (Financial Management) Regulations 1996 (Regulation 12)*.

10.2.3 **GS02 Monthly Financial Statements for the Five Months to 30 November 2011**

COMMITTEE RECOMMENDATION TO COUNCIL (GS02/2012)

That Council:

1. Receives 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 Reserve Balances Statement for the period ending 30 November 2011.

10.2.4 **GS03 Monthly Financial Statements for the Six Months to 31 December 2011**

COMMITTEE RECOMMENDATION TO COUNCIL (GS03/2012)

That Council:

1. Receives 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 Reserve Balances Statement for the period ending 31 December 2011.

10.2.5 **GS04 Debtors and Creditors Reports for the Period ending 31 December 2011**

COMMITTEE RECOMMENDATION TO COUNCIL (GS04/2012)

That Council:

1. Receives the outstanding debtors (Attachment 1) and creditors (Attachment 2) reports as at 31 December 2011.

10.2.6 **GS05 Rates Debtors Report for the Period Ending 31 December 2011**

COMMITTEE RECOMMENDATION TO COUNCIL (GS05/2012)

That Council:

1. Receives the rates debtors report as at 31 December 2011 (Attachment 1).

10.2.7 **GS08 Forrestfield Skate Park Petition – Proposal for the Development of a New Skate Park in Forrestfield**

COMMITTEE RECOMMENDATION TO COUNCIL (GS08/2012)

That Council:

1. Notes the report on the Forrestfield Skate Park petition (Attachment 1).
2. Requests a report be presented on the audit of the Shire's skate park facilities.
3. Requests that Cash-in-lieu and external funding options be further explored to assess the potential for raising funds needed to build a new skatepark.

10.2.8 **GS9 Walliston Riding and Pony Club Dressage Arena**

COMMITTEE RECOMMENDATION TO COUNCIL (GS09/2012)

That Council:

1. Provides the Walliston Riding and Pony Club with permission to lock the Dressage Arena under the following conditions:
 - That the general public be given the opportunity to access the Dressage Arena by contacting the Walliston Riding and Pony Club to make a booking for usage without prejudice in a fair and equitable manner.
 - That a basic maintenance procedure for users, agreed to by the Shire, be developed and detailed by the Club on a visible sign at the Dressage Arena.
 - That the Walliston Riding and Pony Club develop and install signage detailing contact persons and available booking times, agreed to by the Shire, for public access to the Dressage Arena.
2. Review the decision to lock the Dressage Arena be reviewed after six months of operation at which time a decision to either maintain or amend the licence to reflect the review outcome is undertaken.

10.2.9 **GS10 Lease and Licence Policy Review**

COMMITTEE RECOMMENDATION TO COUNCIL (GS10/2012)

1. Adopts "in principle" Policy FAC12 – Lease and Licence Terms and Conditions of Council Owned or Controlled Properties as amended and presented in (Attachment 2) for the purpose of advertising and public consultation for a period of 30 days from the date of advertisement.

10.2.10 GS11 Shopping Centre - Lot 34 (338) Hale Road, Wattle GroveCOMMITTEE RECOMMENDATION TO COUNCIL (GS11/2012)

That Council:

1. Approves the proposed Shopping Centre on Lot 34 (338) Hale Road, Wattle Grove, subject to the following conditions:
 - a. The provision and maintenance of a total of 194 car spaces including a minimum of two disabled car bays. All car parking and vehicle access ways being line marked, sealed and drained prior to the occupation of the building and maintained thereafter.
 - b. Vehicle parking, manoeuvring and circulation areas to be suitably constructed, sealed, kerbed, line marked and drained. The parking areas to include the provision of shade trees.
 - c. A detailed landscaping plan for the landscape area and shade trees, depicted on the approved plan shall be submitted and approved by the Shire prior to issue of a building licence.
 - d. Landscaping areas shall be planted within two months of practical completion of the proposed development and being maintained thereafter.
 - e. All existing vegetation within the proposed area of Public Open Space and road reserves to be maintained by the applicant to the Shire's satisfaction.
 - f. Measures being taken to ensure the identification and protection of any vegetation on Lot 0 and Lot 34 Hale Road, Wattle Grove worthy of retention prior to commencement of site work.
 - g. A contribution to the Shire of Kalamunda in accordance with Schedule 11 of the Shire of Kalamunda Local Planning Scheme No. 3 shall be paid for cell infrastructure costs for Wattle Grove Cell 9. The contribution shall be paid in full prior to the issue of a Certificate of Occupancy.
 - h. Prior to issuing the building licence for the proposed development on Lot 34 (338) Hale Road, Wattle Grove, the owner of the Land shall enter into a deed of agreement with the Shire of Kalamunda for the use of a portion of the road reserve abutting the western boundary of the Land (road reserve) for the purpose of providing additional car parking for the proposed development on the Land. The agreement shall

require the owner as terms and conditions of the proposed use of the road reserve to, amongst other things, (but not limited to the following):

- (i) indemnify the Shire against any loss or damage caused to the road reserve or other property of the Shire or to any person or property of any person arising out of the construction of car parking forming part of the development on the road reserve and/or the use of the road reserve for parking in connection with the development;
- (ii) take out and maintain a policy of public liability insurance with a reputable insurer in an amount satisfactory to the Shire to insure the Shire and the owner against all claims for loss or damage or injury occurring to the road reserve or property of the Shire or any person or property of any person as a result of the construction of car parking on the road reserve and/or in respect of the use of the road reserve for parking in connection with the development;
- (iii) maintain the car parking constructed on the road reserve at the owner's cost to the satisfaction of the Shire;
- (iv) acknowledge that a shortfall in car parking exists in respect of the development on the Land and the road reserve is required to provide car parking to accommodate the shortfall in car parking for the development on the Land and in the event the road reserve is not available to provide car parking for the development on the Land for any reason whatsoever or the road reserve is required to be used as a road by the Shire or some other statutory authority, the owner shall be required to provide alternate car parking to make up any shortfall in car parking for the development on the Land to the satisfaction of the Shire; and
- (v) charge the owner's interest in the Land in favour of the Shire with the owner's obligations under the agreement and permitting the Shire to lodge an absolute caveat over the title to the Land to ensure that any subsequent owner of the Land and/or transferee of the Land enters into a deed of agreement with the Shire in respect of the use of the road reserve for car parking to ensure that the road reserve is available to provide car parking for the development.

The agreement shall be prepared by the Shire's solicitors to the satisfaction of the Shire and the owner shall be responsible to pay all costs associated with the Shire's solicitor's costs of and incidental to the preparation of (including all drafts) and stamping of the agreement and the lodgement of the absolute caveat at Landgate.

- i. All stormwater to be managed in accordance with the adopted Drainage Strategy for the Wattle Grove Cell 9 Structure Plan.
- j. The land being graded and stabilized at the subdividers cost to the specifications and satisfaction of the Shire of Kalamunda.
- k. A geotechnical report being submitted detailing site conditions, particularly in respect to soil and groundwater and stormwater disposal by soakage (clearance, quantity, soil permeability and location and size of soakwells).
- l. Stormwater being detained on site and the subject lots being connected to the existing comprehensive drainage system at the sub-dividers cost to the satisfaction of the Shire of Kalamunda.
- m. Pedestrian footpaths being provided to the specification and satisfaction of the Shire of Kalamunda.
- n. Vehicle access ways being suitably constructed, sealed and drained to the specifications and satisfaction of Shire's Director of Development and Infrastructure Services.
- o. Cleared land being developed to a minimum standard of hydromulch containing couch seed and turf rye grass.
- p. The provision and installation of turning pockets on Hale road to access the crossovers to the specifications and satisfaction of the Shire of Kalamunda.
- q. Prior to issuing the building licence, the owner of Lot 34 (338) Hale Road, Wattle Grove, shall grant to the Shire of Kalamunda and the public at large an easement in gross pursuant to sections 195 and 196 of the Land Administration Act 1997 over the Land for the purposes of vehicular and pedestrian access (Easement). The Easement shall be prepared by the Shire's solicitors and shall be in accordance with the

specifications of and to the satisfaction of the Shire. The owner of the Land shall be responsible to pay all costs associated with the Shire's solicitor's costs of and incidental to the preparation of (including all drafts), stamping and registration of the Easement at Landgate.

10.2.11 **GS12 Quarterly Progress Report – October to December 2011**

COMMITTEE RECOMMENDATION TO COUNCIL (GS12/2012)

That Council:

1. Receives the Quarterly Interplan Progress Report for October – December 2011.

10.2.12 **GS13 CONFIDENTIAL REPORT – provided under separate cover
Update on Shire of Kalamunda Property Projects**

Reason for confidentiality

Local Government Act s 5.23(2)(c). A contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting.

COMMITTEE RECOMMENDATION TO COUNCIL (GS13/2012)

That Council

1. Receives the Update on Shire of Kalamunda Property Projects Report (Confidential Attachment 1).

For Separate Consideration

10.2.13 **GS06 Dome Coffees Australia Pty Ltd – 31 (Lot 56) Canning Road
Kalamunda (Kalamunda Police Station)**

COMMITTEE RECOMMENDATION TO COUNCIL (GS06/2012)

That Council:

1. Agrees to provide public parking bays to the area shown highlighted in green in Attachment 2, at an estimated cost of \$10,000.
2. Agrees to provide a further 31 public parking bays to the area shown highlighted in pink on Attachment 2, at an estimated cost of \$40,000.00 to be provided for in the 2012/2013 budget process with the required works commencing after the demolition of the existing Men's Shed.
3. Agrees to provide Dome Coffees Australia Pty Ltd access to the premises to commence redevelopment in accordance with the Development Approval.

4. Approves the erection of banner across the façade of the building announcing that Dome is Opening Soon (or words to that effect).
5. Re-confirms the authorisation for the Chief Executive Officer to sign the lease once title documents have been issued.

Moved:

Seconded:

Vote: **ABSOLUTE MAJORITY REQUIRED**

10.2.14 **GS07 Nominations for Membership – Hartfield Park Advisory Committee and Ray Owen Management Committee**

COMMITTEE RECOMMENDATION TO COUNCIL (GS07/2012)

That Council:

1. Appoints Daryle Martin representing Forrestfield and Districts Tee-ball Association and Jim Berry representing Kalamunda and Districts Rugby Club, to the Hartfield Park Advisory Committee:
2. Appoints Tracey Clemsha representing Kalamunda and Districts Netball Association, to the Ray Owen Management Committee.

Moved:

Seconded:

Vote: **ABSOLUTE MAJORITY REQUIRED**

10.3 Audit Committee Report

10.3.1 **Adoption of Audit Committee Report**

That the recommendations contained in the Audit Committee Report of 13 February 2012, excluding AC02/2012 and AC03/2012 to be considered separately, be adopted.

Moved:

Seconded:

Vote:

10.3.2 AC01 2011 Compliance Audit ReturnsCOMMITTEE RECOMMENDATION TO COUNCIL (AC 01/2012)

That Council:

Adopts the Compliance Audit Return for the year ending 31 December 2011.

For Separate Consideration**10.3.3 AC02 Appointment for the Provision of External Audit Services**COMMITTEE RECOMMENDATION TO COUNCIL (AC 02/2012)

That Council:

1. Appoints Mr David Tomasi from UHY Haines Norton as external auditor to the Shire of Kalamunda for a period of three years commencing 1 July 2011.

Moved:

Seconded:

Vote: **ABSOLUTE MAJORITY REQUIRED**

Confidential Item If Discussion is required on this Report Item to be dealt with at 15.0 on this Agenda

10.3.4 AC 03 Forrestfield United Soccer Club Sundry Debt – Confidential

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."

COMMITTEE RECOMMENDATION TO COUNCIL (AC 03/2012)

1. **If there is no positive response from the Forrestfield United Soccer Club by 29 February 2012** that Council requests the Shire of Kalamunda's commercial debt collection agency, Dun and Bradstreet, be engaged to initiate formal debt collection processes against the Forrestfield United Soccer Club to recover the outstanding debt in full.

Moved:

Seconded:

Vote:

10.4 Chief Executive Officer's Report

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

10.4.1 Realignment and Renaming of Standing Committees

Previous Items	N/A
Responsible Officer	Chief Executive Officer
Service Area	Governance
File Reference	
Applicant	N/A
Owner	N/A
Attachment 1	Standing Committees revised Terms of Reference

PURPOSE

1. To approve the realignment and renaming of Council's two Standing Committees.

BACKGROUND

2. With the new two Directorate structure now in place it is considered appropriate to align the two current Standing Committees to this structure and change the names and Terms of Reference of these Committees.
3. Section 5.8 of the *Local government Act 1995* provides for the establishment of committees to assist the council in its role.

DETAILS

4. It is proposed to change the name of the Planning Services Committee to the Development and Infrastructure Services Committee and the General Services Committee to the Corporate and Community Services Committee.

STATUTORY AND LEGAL IMPLICATIONS

5. Section 5.8 of the *Local Government Act 1995*.

POLICY IMPLICATIONS

6. Policy CTEE5 Standing Committee Terms of Reference has been revised in line with this proposal.

PUBLIC CONSULTATION/COMMUNICATION

7. Public consultation is not considered necessary for this issue.

FINANCIAL IMPLICATIONS

8. There are no financial implications arising from this issue.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

Strategic Planning Implications

9. Nil.

Sustainability Implications

Social Implications

10. Nil.

Economic Implications

11. Nil.

Environmental Implications

12. Nil.

OFFICER COMMENT

13. The realignment and renaming of the two Standing Committees will provide a more defined alignment with the new Directorate Structure and provide a better workflow balance for each of the committees.
14. It is not proposed to change the meeting days.

RECOMMENDATION

That Council:

1. Approves the renaming of the Planning Services Committee to the Development and Infrastructure Services Committee and the General Services Committee to the Corporate and Community Services Committee.
2. Approves the revised Terms of Reference for the Committees as per (Attachment 1).

Moved:

Seconded:

Vote:



POLICY REGISTER

Title:	Standing Committees – Terms of Reference		
Policy No.:	CTEE5		
Date Adopted:	7 May 2001	Date Last Reviewed:	
Rationale	To establish Standing Committee Terms of Reference.		
Policy	The Council shall have two main Standing Committees to assist it undertaking the governance role for the Shire.		
Related Local Law	Shire of Kalamunda Standing Orders.		
Related Policies	Nil.		
Management Practice	Nil.		
Legislation	Section 5.8 of the <i>Local Government Act 1995</i> .		
Conditions	<p>The committees will consider the following matters of business:-</p> <p>Development and Infrastructure Services</p> <ul style="list-style-type: none"> • Development Services – including Statutory and Strategic Planning. • Protection of the Environment – natural and built. • Building Control – Building Code of Australia, dispensations. • Transport – includes streets, roads, footpath - construction and maintenance. Traffic control, private works and public works overheads. Parks and Reserves maintenance. • Law, Order and Public Safety – fire prevention, animal control, Ranger services and security services. • Health – Public and Environmental Health, including maternal and infant health immunisations. • Sanitation – including all waste management and refuse collection services. • Extra Ordinary – urgent matters normally submitted to the Corporate and Community Services Committee. <p>Corporate and Community Services Committee</p> <ul style="list-style-type: none"> • General Administration – includes Members of Council (Governance) and matters of a general corporate nature. 		

- | | |
|--|--|
| | <ul style="list-style-type: none">• Finance and Borrowing.• Economic Development.• Welfare – including youth, seniors, aged and disabled services, care of families and children.• Recreation and Culture – including library services, arts, festivals, tourism, public halls and buildings.• Extra Ordinary – urgent matters normally submitted to the Development and Infrastructure Committee. |
|--|--|

Declaration of financial / conflict of interests to be recorded prior to dealing with each item
10.4.2 Awarding of Tender - Provision of Verge Vegetation Management Services (T1123)

Previous Items	N/A
Responsible Officer	Director of Development and Infrastructure Services
Service Area	Engineering Services
File Reference	AD-TEN-004
Applicant	N/A
Owner	N/A
Confidential Attachment 1	Summary of Tender Prices for Pruning and Removal of Pruning Waste (T1123) – Under Separate Cover <u>Reason for Confidentiality:</u> <i>Local Government Act 1995 S5.23(2)(c)</i> – “ 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	Summary of Tender Prices for Pruning and Stacking of Pruning Waste (T1123) – Under Separate Cover <u>Reason for Confidentiality:</u> <i>Local Government Act 1995 S5.23(2)(c)</i> – “ 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 3	Evaluation of Tender Submissions for Compliance Criteria and Qualitative Criteria – Under Separate Cover <u>Reason for Confidentiality:</u> <i>Local Government Act 1995 S5.23(2)(c)</i> – “ 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.”

PURPOSE

1. To consider awarding the tender - Provision of Verge Vegetation Management Services (T1123).

BACKGROUND

2. The Tender for the Provision of Verge Vegetation Management Services (T1123) was advertised in the West Australian on Saturday 5 November 2011, and closed at 2.00pm on 21 November 2011.

DETAILS

3. The scope for this tender is the pruning of:
 - Cultivated (not naturally occurring) trees affected by Western Power facilities.

-
- Vegetation overhanging roadways to ensure safe vehicle movement.
 - Vegetation overhanging pathways to provide safe pedestrian access.
 - Vegetation obscuring directional and compliance signage.
 - Vegetation obscuring vehicle entry and exit onto roadways.
4. Contractors were asked to provide a price per tree to prune and remove as well as prune and stack only. As the Shire is commencing shortly an in-house green waste verge service there is the potential to provide savings by fully utilising Shire trucks to remove pruning waste
 5. Three tender submissions were received from:
 - A1 Walliston Complete Tree Services
 - Geoff's Tree Services
 - Beaver Tree Services, along with an alternative option
 6. A Summary of Tender Prices for the Provision of Verge Vegetation Management Services is shown in (Confidential Attachment 1 and 2).
 7. An Evaluation of Tender Submissions for Compliance Criteria and Qualitative Criteria is shown in (Confidential Attachment 3).

STATUTORY AND LEGAL IMPLIMENTIONS

8. The Tender is undertaken in accordance with the statutory requirements of Section 3.57 of the *Local Government Act 1995* and Part 4 of the *Local Government (Functions and General) Regulations 1996*.

POLICY IMPLICATIONS

9. Nil.

PUBLIC CONSULTATION/COMMUNICATION

10. The Tender was advertised in accordance with statutory requirements.

FINANCIAL IMPLICATIONS

11. There is approximately \$770,000 allocated under Parks Maintenance Building Environments, Road Verge and Reserve maintenance.
12. The Tender price is within the budget allocation for Tree Pruning Maintenance.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

Strategic Planning Implications

Engineering Works Maintenance

13. *Shire of Kalamunda Strategic Plan 2009 – 2014*
- Goal 2 – BUILT ENVIRONMENT – An integrated built environment
- Outcome 2.1 Meeting community needs today and into the future.
- Outcome 2.3 Long term viability of infrastructure and facilities
- Strategy 2.3.4 Maintain and improve local road and verge networks and implement traffic management initiatives where required.

Sustainability Implications

Social implications

14. The Shire has a regulatory obligation to prune cultivated verge trees away from overhead power lines.

Economic Implications

15. Nil.

Environmental Implications

16. Nil.

OFFICER COMMENT

17. This tender permits the Shire to award a single contractor or a panel of contractors to manage the verge vegetation.
18. A1 Walliston is the current and local contractor.
19. Beaver Tree Services, although not a local contractor has also carried out works for the Shire.
20. Geoff's Tree Services offers a 5% discount if accounts are settled within seven days.
21. Geoff's Tree Services have stated they reserve the right to negotiate new rates within the Tender to reflect future changes to the specifications/requirements.

-
22. An evaluation panel, made up of staff and an independent consultant, assessed tender submissions for Compliance Criteria and Qualitative Criteria.
23. While all contractors scored well, Beaver Tree Services was the highest based on their resources, methodology and available personal. Reference checks found them to have an excellent reputation in the industry and have the ability to operate as a single operator.
24. Beaver scored highest in the selection criteria with a submission that demonstrated:
- a. A comprehensive experience and understanding of local government having worked for other local authorities.
 - b. Skilled and experienced permanent staff.
 - c. Resources – well equipped with a large range of plant to carry out all forms of pruning requirements.
 - d. Methodology – The submission demonstrates a clear understanding of the requirements of the Shire with quality systems and traffic management.

Geoff Tree Services demonstrates:

- a. A comprehensive experience and understanding of local government having worked for other local authorities.
- b. Skilled and experienced permanent staff.
- c. Resources – well equipped with a large range of plant to carry out all forms of pruning requirements.
- d. Methodology – The submission demonstrates a clear understanding of the requirements of the Shire.

A1 Walliston Complete Tree Service demonstrates:

- a. Experience is limited to one local government authority.
 - b. Skilled and experienced casual staff which has raised concern with staff turnover.
 - c. Resources are adequate to carry out specified works
 - d. Methodology - The submission is limited in its demonstration of the Shire's requirements and traffic management.
25. Beaver Services have submitted an alternative tender offering a discount to be a single operator with the commitment to assist the Shire develop its tree register and provide a standby team 24x7 to attend to emergency works.
26. Geoff's Tree Services and Beaver Services have offered substantial saving in the contract if the Shire removes tree pruned waste. As the Shire is commencing shortly an in house kerb side green waste collection there can be opportunities to coordinate both services utilising spare capacity of council resources.

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27. Approximately 9000 trees are pruned within the Shire each year from under the power lines as part of the vegetation management contract.

RECOMMENDATION

That Council:

1. Awards the Tender for the Provision of Verge Vegetation Management Services (T1123) to Beaver Tree Services for the period of three years from the date of signing documentation with an option to extend a further two 12 month periods, in accordance with the details for the discounted option outlined in (Confidential Attachments 1 and 2).

Moved:

Seconded:

Vote:

11.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

11.1 MOTION – Cr John Giardina

That Council:

1. Supports in principle to establish a Bush Fire Brigade to provide fire services within the Pickering Brook and Carmel areas. The support would be to enable Council Officers to undertake the Risk to Resource Assessment for establishing a new Bush Fire Brigade in this area and based on this report the progression of an application to the Fire and Emergency Services Authority for support, funding and resources for a new Bush Fire Brigade.

Moved: **Cr John Giardina**

Seconded:

Vote:

12.0 QUESTIONS BY MEMBERS WITHOUT NOTICE

13.0 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

14.0 URGENT BUSINESS APPROVED BY THE PERSON PRESIDING OR BY DECISION

15.0 MEETING CLOSED TO THE PUBLIC

16.0 CLOSURE