

# Ordinary Council Meeting

Minutes for 20 August 2012



**shire of  
kalamunda**

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## MINUTES

### 1.0 OFFICIAL OPENING

1.1 The Chairman opened the meeting at 6.30pm 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
Margaret Thomas		North Ward
Noreen Townsend		South West Ward
Justin Whitten		South West Ward
Allan Morton		South West Ward
Geoff Stallard		South East Ward
Frank Lindsey		South East Ward
John Giardina		South East Ward
Martyn Cresswell		North West Ward
Bob Emery		North West Ward
Dylan O'Connor		North West Ward

##### Members of Staff

James Trail	Chief Executive Officer
Clayton Higham	Director Development & Infrastructure Services
Rhonda Hardy	Director Corporate & Community Services
Darrell Forrest	Manager Governance
Rajesh Malde	Manager Financial Services
Sam Assaad	Manager Infrastructure Operations
Michelle Clark	Executive Assistant
Meri Comber	Governance Officer

**Members of the Public** 6

**Members of the Press** 1

#### 2.2 Apologies

##### Councillors

Sue Bilich	North Ward
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**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 gallery on matters relating to the functions of Council. For the purposes of Minuting, these questions and answers are summarised.

#### **3.1 Nina Parker – Targa West / Coffee Shops**

Q. Access to my property is not possible when the Targa West rally uses Mundaring Weir Road. Would Council consider an alternative route (for example using Ashendon Road) if the Targa West Event is held in Kalamunda again next year?

A. Taken on Notice by Director Development & Infrastructure Services.

Q. Would Council consider not renting any more council properties to coffee shops or restaurants?

A. Taken on Notice by Director Development & Infrastructure Services.

#### **3.2 Barry Bennett – Goodall Street, Lesmurdie (D&I 61)**

Q. The Resolution does not seem to have changed much since it first came before Council, I have health and safety concerns regarding the fitting of lattice to the dividing fence; will Council agree to what is presented today or will they reconsider?

A. The Chairman noted that this has been discussed at the Committee Meeting; however, Council now understood his concerns regarding the lattice.

### **4.0 PETITIONS/DEPUTATIONS**

4.1 Nil.

### **5.0 APPLICATIONS FOR LEAVE OF ABSENCE**

5.1 Nil.

### **6.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETING**

#### **6.1 RESOLVED OCM 91/2012**

That the Minutes of the Ordinary Council Meeting held on 16 July 2012 are confirmed as a true and accurate record of the proceedings.

Moved: **Cr Bob Emery**

Seconded: **Cr John Giardina**

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

6.2 RESOLVED OCM 92/2012

That the Minutes of the Special Council Meeting held on 30 July 2012 are confirmed as a true and accurate record of the proceedings.

Moved: **Cr Margaret Thomas**

Seconded: **Cr Noreen Townsend**

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

6.3 RESOLVED OCM 93/2012

That the Minutes of the Special Council Meeting held on 2 August 2012 are confirmed as a true and accurate record of the proceedings.

Moved: **Cr Margaret Thomas**

Seconded: **Cr Bob Emery**

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

6.2 RESOLVED OCM 94/2012

That the Minutes of the Special Council Meeting held on 8 August 2012 are confirmed as a true and accurate record of the proceedings.

Moved: **Cr Noreen Townsend**

Seconded: **Cr Geoff Stallard**

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

**7.0 ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION**

7.1 Thursday 23 August 2012, together with the CEO, the Shire President will be visiting the Shire of Kulin to sign Shared Service Agreements with the Shires of Corrigin, Kondinin, Kulin and Narembeen. Six country Shires are now using our services and all costs are reimbursable.

7.2 Friday 24 August 2012, 2.30pm – 4.30pm. There is to be a Community Forum with the Hon Colin Barnett MLA and Hon Alyssa Hayden MLC at the Woodlupine Centre.

7.3 Tuesday 28 August 2012, 8.00am – 9.30am. There is to be a Local Emergency Management Committee Meeting (including breakfast) in the Function Room. All Councillors are encouraged to attend.

7.4 Thursday 30 August 2012, 10.00am. Together with the CEO, the Shire President will be meeting with the Committee for Perth with a view to obtaining support for funding for the Hub in Forrestfield.

7.5 Friday 31 August 2012, 7.30 – 9.00pm. 19<sup>th</sup> Annual Fine Art and Sales Exhibition is to be held at Mazenod College.

- 7.6 Wednesday 5 September 2012, 7.30 – 9.00pm. A Citizenship Ceremony is to be held in the Function Room, all Councillors are encouraged to attend.
- 7.7 Wednesday 5 September 2012, 11.00am. Meeting the Mayor of the City of Perth, who is on a Committee that allocates funding and the Shire is looking for support for the Forrestfield Hub.
- 7.8 Wednesday 5 September 2012, 2.00pm. The official opening of the Cannington Leisureplex and Councillors are invited to attend.
- 7.9 Friday 7 September 2012, 10.00am – 12pm. There will be a Fire and Emergency Services Authority (FESA) Firefighter School 72 Graduation Ceremony. This will be held at FESA's Training Centre in Forrestfield, all Councillors are encouraged to attend.
- 7.10 Friday 28 September, 8.30pm WA Retirees will be holding their Eight Annual Congress.
- 7.11 Sunday 7 October 2012, 9.30am the Walk the Zig Zag will take place on the Zig Zag from 9.00am, all Councillors are encouraged to attend.

## 8.0 MATTERS FOR WHICH MEETING MAY BE CLOSED

- 8.1 **D&I 69. Consideration of Tenders – Supply and Delivery of Concrete Drainage Products (RTF 1205)** - (Attachment 1) Provided under separate cover.  
Reason for Confidentiality – *Local Government Act 1995*: Section 5.23 (2) (c), "a contract entered into, or which may be entered into, by the local government which relates to a matter to be discussed at the meeting."
- 8.2 **D&I 70. Consideration of Tenders – Provision of Plant Hire and Auxiliary Plant Hire Services (RTF 1203)** ) - (Attachment 1) Provided under separate cover.  
Reason for Confidentiality – *Local Government Act 1995*: Section 5.23 (2) (c), "a contract entered into, or which may be entered into, by the local government which relates to a matter to be discussed at the meeting."
- 8.3 **D&I 71. Consideration of Tenders for the Construction of Concrete Footpaths (RTF 1204)** - (Attachment 1) Provided under separate cover.  
Reason for Confidentiality – *Local Government Act 1995*: Section 5.23 (2) (c), "a contract entered into, or which may be entered into, by the local government which relates to a matter to be discussed at the meeting."
- 8.4 **C&C 65. Confidential Report – provided under separate cover  
Lesmurdie Tennis Clubroom Extension Project – Request to Reduce Contribution.**  
Reason for Confidentiality – *Local Government Act 1995* S5.23 (2) (iii) (h) - "a matter that if disclosed, would reveal – information about the business, professional, commercial or financial affairs of a person, where the trade secret or information is held by, or is about, a person other than the local government."
- 8.5 **CEO Confidential Report – provided under separate cover  
Disposal of Asset – Motor Vehicle, 2009 Toyota Kluger KM 6900**  
Reason for Confidentiality – *Local Government Act 1995*: Section 5.23(2) (a), "a

*matter affecting an employee or employees".*

## **9.0 DISCLOSURE OF INTERESTS**

### **9.1 Disclosure of Financial and Proximity Interests**

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

9.1.1 Nil.

### **9.2 Disclosure of Interest Affecting Impartiality**

- a. Members and staff must disclose their interest in matters to be discussed at the meeting in respect of which the member or employee had given or will give advice.

9.1.2 Nil.

## **10.0 REPORTS TO COUNCIL**

Please Note: declaration of financial/conflict of interests to be recorded prior to dealing with each item.



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

**10.1 Development & Infrastructure Services Committee Report**

**10.1.1 Adoption of Development & Infrastructure Services Committee Report**

RESOLVED OCM 95/2012

<b>Voting Requirements: Simple Majority</b>
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That the recommendations contained in the Development & Infrastructure Services Committee of 6 August 2012, except withdrawn item D&I 61, D&I 62 and D&I 68 be adopted.

Moved: **Cr Margaret Thomas**

Seconded: **Cr Dylan O'Connor**

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

**10.1.2 D&I 63 Local Planning Scheme No. 3 Amendment No. 45 – Provisions Relating to the Middle Helena Catchment Area**

EN BLOC RESOLUTION OCM 95/2012

That Council:

1. Notes the submission received in response to Amendment No. 45 to Local Planning Scheme No. 3.
2. Adopts the amendment to Local Planning Scheme No. 3 without modification, in accordance with the following:

<p style="text-align: center;">PLANNING AND DEVELOPMENT ACT 2005 RESOLUTION DECIDING TO AMEND A LOCAL PLANNING SCHEME SHIRE OF KALAMUNDA LOCAL PLANNING SCHEME NO. 3 AMENDMENT NO. 45</p>
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Resolved that Council, in pursuance of Part 5 of the Planning and Development Act 2005, amends the above Local Planning Scheme by:

- a) Amending the Scheme Zoning Map to show the priority classification areas identified by the Middle Helena Catchment Area Land Use and Water Management Strategy, and adding the annotation SCA over the Middle Helena Catchment Area.
- b) Inserting the following provision under clause 6.1.1

of the Scheme:

*“(g) The Middle Helena Catchment Area shown on the Scheme Map as SCA shall be in accordance with Clause 6.5.”*

- c) Inserting the following provisions in the Scheme for the Middle Helena Catchment area:

***“6.5 MIDDLE HELENA CATCHMENT AREA***

*6.5.1 The Middle Helena catchment area is the catchment for that section of the Helena River from the Mundaring Weir downstream to the Helena Pumpback Dam (also known as the Lower Helena Diversion Dam). The portion of the Middle Helena catchment area that falls in the Shire of Kalamunda is shown on the scheme map. The area is subject to the Middle Helena Catchment Area Land Use and Water Management Strategy, which identifies three priority classification areas (priority 1, priority 2 and priority 3). These priority classifications are also shown on the scheme map.*

*6.5.2 The purpose of this special control area is to implement the Middle Helena Catchment Area Land Use and Water Management Strategy. The objectives of this special control area are to:*

- (a) Ensure that the long-term quality of the Middle Helena catchment as a public drinking water source is not compromised;*
- (b) Reduce potential nutrient, contaminant and sediment export into the Helena River; and*
- (c) Provide a planning framework for land use decision-making for landowners and local and state government.*

*6.5.3 All development in the special control area requiring planning approval shall be subject to the Shire's discretion, despite the use being designated a 'permitted' use under the Scheme.*

*6.5.4 The Shire may refer all applications for planning approval to the Department of Water for comment where that application is for a use which is identified as 'compatible with conditions' or 'incompatible' in the relevant priority classification on the Department of Water's land use compatibility table in the water quality protection note Land Use Compatibility in Public Drinking Water Source Areas, incorporating the following variations to that table, which are specific to*

*the Middle Helena catchment area:*

*(a) In priority 2 areas, the land use Restaurants (including cafes and tea rooms) shall be compatible with conditions; and*

*(b) In priority 2 areas, the land use Exhibition Centre shall be compatible with conditions.*

*6.5.5 Except where a proposed use is for extension or replacement of a non-conforming use, which is non-conforming in terms of this clause, a use which is identified as incompatible in the relevant priority classification on the Department of Water's land use compatibility table in the water quality protection note, 'Land Use Compatibility in Public Drinking Water Source Areas' and incorporating the variations to that table specific to the Middle Helena catchment area, shall not be approved.*

*6.5.6 In determining or making recommendation on an application for planning approval in the Special Control Area, or making recommendation on an application for subdivision in the Special Control Area, the shire shall have particular regard to:*

*(a) Any advice received from the Department of Water;*

*(b) The Department of Water's land use compatibility table in the water quality protection note, 'Land Use Compatibility in Public Drinking Water Source Areas', incorporating the variations to that table specific to the Middle Helena catchment area (clause 6.5.4);*

*(c) The recommendations of the Middle Helena Catchment Area Land Use and Water Management Strategy, particularly those specific to the relevant priority classification area;*

*(d) The requirements of State Planning Policy 2.7 Public Drinking Water Source Policy;*

*(e) The potential impact of the proposal on the quality of the water resource; and*

*(f) The drainage characteristics of the land, including surface and groundwater flow, and the adequacy of proposed measures to meet water quality targets and manage run-off and drainage."*

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 D&I 64 Local Planning Scheme No. 3 Amendment No. 43 - Rezone from Public Purpose to Residential R60 - Lot 201 (3) Salix Way, Forrestfield**

EN BLOC RESOLUTION OCM 95/2012

That Council:

1. Notes the submissions received in response to Amendment No. 43 to Local Planning Scheme No. 3.
2. Adopts the amendment to Local Planning Scheme No. 3 without modifications, 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. 43

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.

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.

**10.1.4 D&I 65 Amendment No. 49 to Local Planning Scheme No. 3 – Additional Uses (Restaurant, Reception Centre and Chalets) – Lot 3 (35) Merrivale Road, Pickering Brook**

EN BLOC RESOLUTION OCM 95/2012

That Council:

1. Notes the submissions received in response to Amendment No. 49 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. 49

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

- (a) Amending Schedule 2 (Additional Uses) by including the following provision:

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

3. Duly executes the Amendment documents and forwards them and submissions received to the Minister for Planning requesting final approval be granted.

**10.1.5 D&I 66 Amendment to Local Planning Scheme No. 3 – Additional Uses (Industry – Light and Storage) – Lot 164 (1350) Canning Road, Canning Mills**

EN BLOC RESOLUTION OCM 95/2012

That Council:

1. Does not initiate the amendment to include the Additional Uses of Industry – Light and Storage on Lot 164 (1350) Canning Road, Canning Mills, for the following reasons:
  - a. The proposed uses not satisfying the Local Planning Scheme No. 3 objectives for the Rural Agriculture zone.
  - b. The proposed uses being incompatible within Priority 2 areas, as stipulated in the Department of Water's Water Quality Protection Note: Land Use Compatibility in Public Drinking Water Source Areas.

**10.1.6 D&I 67 Proposed Workshop and Office – Lot 800 (350) Kalamunda Road, Maida Vale**

EN BLOC RESOLUTION OCM 95/2012

That Council:

1. Approves the application dated 22 December 2011 to construct an office and additional workshop at Lot 800 (350) Kalamunda Road, Maida Vale, subject to the following conditions:
  - a. The proposed landscaping being planted within 28 days of the proposed development's completion, and maintained thereafter by the landowner to the Shire's satisfaction.
  - b. Crossovers being designed and constructed to the satisfaction of the Shire.
  - c. Vehicle access ways being suitably constructed sealed drained to the satisfaction of the Shire.
  - d. Storm water drainage from roofed and paved areas being disposed to the satisfaction of the Shire.
  - e. The applicant shall be responsible for organising and submitting an independent traffic impact assessment for the proposed development regarding the need for left turn slip lane and passing lane to ensure safety and preserve the amenity of the area. This will need to be submitted to and approved by the Shire prior to the building licence being issued.

- f. The provision and maintenance of a total of 12 car spaces including a minimum of one disabled bay. All car parking and vehicle access ways being line marked, sealed, and drained prior to the occupation of the building and maintained thereafter to the satisfaction of the Shire.
- g. The proposed use is to only operate between the hours of 7.30am and 3.30pm Monday to Friday.

**10.1.7 D&I 69 Consideration of Tenders - Supply and Delivery of Concrete Drainage Products (RFT-1205)**

EN BLOC RESOLUTION OCM 95/2012

That Council:

1. Accepts the recommendation of the Tender Assessment Panel to appoint Humes Wembley Cement as preferred tenderer for the Supply and Delivery of Concrete Drainage Products.

**10.1.8 D&I 70 Consideration of Tenders – Provision of Plant Hire and Auxiliary Plant Hire Services (RFT 1203)**

EN BLOC RESOLUTION OCM 95/2012

That Council:

1. Accepts the recommendation of the Tender Assessment Panel to appoint a panel of preferred tenderers, in order HAS Earthmoving, McKay Earthmoving Pty Ltd, Sherrin Rentals Pty Ltd, Trenchbusters Pty Ltd, Mayday Earthmoving, for the Provision of Plant Hire and Auxiliary Plant Hire Services.
2. Approves the allocation of Plant Hire Elements to Tenderers as identified in (Attachment 2).

**10.1.9 D&I 71 Consideration of Tenders for the Construction of Concrete Footpaths (RFT1204)**

EN BLOC RESOLUTION OCM 95/2012

That Council:

1. Accepts the recommendation of the Tender Assessment Panel to appoint both PH Concrete (preferred tenderer) and WA Concreters (secondary tenderer) as preferred tenderers for the Construction of Concrete Footpaths.

**10.1.10 D&I 72 Gateway WA – Perth Airport and Freight Access Project  
Acquisition of Land for Road Reserve Purposes**

EN BLOC RESOLUTION OCM 95/2012

That Council:

1. Concurs with the dedication of the land, the subject of Main Roads Drawing numbered 1260-008-1 (Attachment 1) as road under Section 56 of the *Land Administration Act 1997*.

**For Separate Consideration**

*A decision on this matter was deferred to the Ordinary Council Meeting to allow time for staff to provide additional information.*

**10.1.11 D&I 61 The Parking of One Commercial Vehicle – Lot 57 (5B)  
Goodall Street, Lesmurdie**

COMMITTEE RECOMMENDATION TO COUNCIL (D&I 61/2012)

That Council:

1. Defer a decision to the Ordinary Council Meeting 20 August to receive further information from staff.

*The original Officer Recommendation with an amended clause e. and additional clause h. (highlighted) was presented for Council's consideration.*

**Voting Requirements: Simple Majority**

OFFICER RECOMMENDATION

That Council:

1. Approves the retrospective planning application dated 29 February 2012 for William Barnes to continue to park one commercial vehicle, a Bedford Bus (registration number 1CPU 256) at Lot 57 (5B) Goodall Street, Lesmurdie, subject to the following conditions:
  - a. The vehicle must, at all times, be parked in the location shown on the approved site plan (Attachment 2).
  - b. Maintenance and cleaning of the commercial vehicle is only permitted between 8.00am and 6.00pm Monday to Saturday, and 9.00am to 6.00pm on Sundays.
  - c. The vehicle is not to be used for habitation purposes whilst parked on the property.



- d. Only maintenance of a minor nature, such as servicing or wheel changing, is to be carried out on the subject property between the hours designated in condition b. No panel beating, external spray painting, external welding or the removal of major body or engine parts is permitted.
- e. The idling time for the start-up and cool down of the vehicle being a maximum of five minutes **per day**.
- f. Washing of the commercial vehicle on the subject lot is to be limited to the use of water and mild detergent, but not involve the use of any solvents, degreasing substances, steam cleaning and any other processes which may cause pollution or degradation of the environment.
- g. Latticing of at least 0.8m in height being placed along the top of the dividing fence between 5B and 9 Goodall Street, Lesmurdie, within 35 days from the date of this decision, and maintained thereafter by the landowner of 9 Goodall Street to the Shire's satisfaction.
- h. The approval for the parking of one commercial vehicle on the subject property is valid for 6 months from the date of this approval, after which time the use is not to continue unless planning approval has again been obtained from the Shire.**

Moved:

Seconded:

Vote:

*Following concerns made in Public Question Time a Councillor asked if the existing Clause g. could be removed. The Director Development & Infrastructure Services confirmed that this Clause could be removed. The Mover and Seconder were in agreement and existing Clause g. was removed (making the existing Clause h. a new Clause g.)*

<b>Voting Requirements: Simple Majority</b>
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RESOLVED OCM 96/2012

That Council:

1. Approves the retrospective planning application dated 29 February 2012 for William Barnes to continue to park one commercial vehicle, a Bedford Bus (registration number 1CPU 256) at Lot 57 (5B) Goodall Street, Lesmurdie, subject to the following conditions:

- a. The vehicle must, at all times, be parked in the location shown on the approved site plan (Attachment 2).
- b. Maintenance and cleaning of the commercial vehicle is only permitted between 8.00am and 6.00pm Monday to Saturday, and 9.00am to 6.00pm on Sundays.
- c. The vehicle is not to be used for habitation purposes whilst parked on the property.
- d. Only maintenance of a minor nature, such as servicing or wheel changing, is to be carried out on the subject property between the hours designated in condition b. No panel beating, external spray painting, external welding or the removal of major body or engine parts is permitted.
- e. The idling time for the start-up and cool down of the vehicle being a maximum of five minutes per day.
- f. Washing of the commercial vehicle on the subject lot is to be limited to the use of water and mild detergent, but not involve the use of any solvents, degreasing substances, steam cleaning and any other processes which may cause pollution or degradation of the environment.
- g. The approval for the parking of one commercial vehicle on the subject property is valid for 6 months from the date of this approval, after which time the use is not to continue unless planning approval has again been obtained from the Shire.

Moved: **Cr John Giardina**

Seconded: **Cr Margaret Thomas**

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

*Cr Stallard requested that Item D&I 62 be withdrawn as he wished to ask a question in relation to the item.*

**10.1.12 D&I 62 The Parking of One Commercial Vehicle – Lot 142 (10)  
Moonglow Rise, Maida Vale**

RESOLVED OCM 97/2012

That Council:

1. Defer a decision pending receipt of legal advice related to the definitions within the Town Planning Scheme.

Moved: **Cr Geoff Stallard**  
Seconded: **Cr Dylan O'Connor**  
Vote: **CARRIED UNANIMOUSLY (11/0)**

**10.1.13 D&I 68 Two Outbuildings (Sheds) – Lot 57 (453) Canning Road, Carmel**

COMMITTEE RECOMMENDATION TO COUNCIL

That Council:

1. Recommends to the WA Planning Commission that the application to build a 200sqm outbuilding (shed) at Lot 57 (453) Canning Road, Carmel, be refused for the following reasons:
  - a. The proposed use of the outbuilding, being the use Storage or Industry - Light, are not permitted on properties zoned Rural Landscape Interest.
  - b. The proposed use of the outbuilding being incompatible within Priority 2 areas, as stipulated in the Department of Water's Water Quality Protection Note: Land Use Compatibility in Public Drinking Water Source Areas.
2. Advises the landowner that the steel fabrication business currently operating from the property is to cease immediately, and materials stored on the property associated with the unauthorised business be removed within 35 days of this decision.

Moved:

Seconded:

Vote: **LAPSED**

*Further information had been received regarding this application, staff had therefore suggested a new Officer Recommendation. The Committee Recommendation Lapsed and the new Recommendation was Moved by Cr John Giardina.*

RESOLVED OCM 98/2012

That Council:

1. Recommends to the WA Planning Commission that the application to build a 200sqm outbuilding (shed) at Lot 57 (453) Canning Road, Carmel, to be approved subject to the following conditions:
  - a. The external colour and materials of the proposed outbuilding bled with existing development on the property.
  - b. The external colour and material details of the proposed outbuilding being submitted to and approved by the Shire prior to the building licence being issued.
  - c. The proposed and existing outbuilding not being used for habitation, commercial and/or industrial purposes.

Moved: **Cr John Giardina**

Seconded: **Cr Justin Whitten**

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

**10.2 Corporate & Community Services Committee Report**

**10.2.1 Adoption of Corporate & Community Services Committee Report**

<b>Voting Requirements: Simple Majority</b>
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RESOLVED OCM 99/2012

That the recommendations contained in the Corporate & Community Services Committee of 13 August 2012, except withdrawn item C&C 64, be adopted.

Moved: **Cr Martyn Cresswell**

Seconded: **Cr Bob Emery**

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

**10.2.2 C&C 60 Creditors' Accounts Paid During the Period - 26 June to 26 July 2012**

EN BLOC RESOLUTION OCM 99/2012

That Council:

1. Receives the list of creditors paid during the period 26 June to 26 July 2012 (Attachment 1) in accordance with the requirements of the *Local Government (Financial Management) Regulations 1996 (Regulation 12)*.

**10.2.3 C&C 61 Debtors and Creditors Reports for the Period Ended – 30 June 2012**

EN BLOC RESOLUTION OCM 99/2012

That Council:

1. Receives the outstanding debtors (Attachment 1) and creditors (Attachment 2) reports for the period ended 30 June 2012.

**10.2.4 C&C 62 Rates Debtors Report for the Period Ending 30 June 2012**

EN BLOC RESOLUTION OCM 99/2012

That Council:

1. Receives the rates debtors report for the period ended 30 June 2012 (Attachment 1).

**10.2.5 C&C 63 Community Care – June (2012) Quarterly Report 2**

EN BLOC RESOLUTION OCM 99/2012

That Council:

1. Receives the Community Care Services - June 2012 Quarterly Report.

**10.2.6 C&C 65 CONFIDENTIAL REPORT – provided under separate cover Lesmurdie Tennis Clubroom Extension Project – Request to Reduce Contribution**

EN BLOC RESOLUTION OCM 99/2012

That Council:

1. Accepts the Lesmurdie Tennis Club's \$27,186 as contribution toward the cost of the Clubroom extension and that GST be charged.

2. Rejects the Lesmurdie Tennis Club's proposal for a 50% contribution towards the construction of a bar, as this is considered outside of the Scope of Works outlined within the Community Sport and Recreation Facilities funding agreement.
3. Issues appropriate certifications to be provided at the completion of the project.
4. Agrees to install emergency egress doors.
5. Agrees to provide engineering documentation regarding the roof beam.
6. Agrees to provide electrical compliance documentation.
7. Initiates discussions with the Lesmurdie Tennis Club on Lease development this year as part of the development of the Lease and Licence Policy.
8. Requests payment of the Lesmurdie Tennis Club's contribution to be made in one lump sum.

**10.2.7 C&C 66 Modification to the Wattle Grove Cell 9 Structure Plan - Lot 34 (338) Hale Road, Wattle Grove**

EN BLOC RESOLUTION OCM 99/2012

That Council:

1. Adopts the proposed modification to the Wattle Grove Cell 9 Structure Plan to change the rear of Lot 34 (338) Hale Road, Wattle Grove from Public Open Space to Neighbourhood Centre, retaining a 11m wide portion of Public Open Space along the rear boundary.
2. Forwards the modified Wattle Grove Cell 9 Structure Plan to the WA Planning Commission for endorsement.

**10.2.8 C&C 67 Quarterly Progress Report – April – June 2012**

EN BLOC RESOLUTION OCM 99/2012

That Council:

1. Receives the Quarterly interplan Progress Report for April – June 2012.

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## **For Separate Consideration**

*This item was withdrawn as an Absolute Majority is required.*

### **10.2.9 C&C 64 Scott Reserve Advisory Committee - Nomination for Deputy Committee Members**

<b>Voting Requirements: Absolute Majority</b>
---

RESOLVED OCM 100/2012

That Council:

1. Approves the appointment of Davina Griffiths, Mark Doyle and David Sheedy, representing High Wycombe Amateur Football Club, and Aaron Savory, representing High Wycombe Cricket Club, as deputies on the Scott Reserve Advisory Committee.
  
2. Endorses the following addition to the "Membership" component Scott Reserve Advisory Committee Terms of Reference:  
  
4.8 User groups with representatives on the Advisory Committee may nominate a deputy that only has provision to attend meetings and vote when the key representative is absent.

Moved: **Cr Martyn Cresswell**

Seconded: **Cr Dylan O'Connor**

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

### 10.3 CHIEF EXECUTIVE OFFICER REPORTS

#### 10.3.1 CONFIDENTIAL REPORT - provided under separate cover Disposal of Asset – Motor Vehicle, 2009 Toyota Kluger KM 6900

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

Previous Items	N/A
Responsible Officer	Chief Executive Officer
Service Area	Chief Executive's Office
File Reference	PT-OFV-002
Applicant	N/A
Owner	Shire of Kalamunda

<b>Voting Requirements: Simple Majority</b>
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RESOLVED OCM 103/2012

That Council:

1. Pursuant to the provisions of section 3.58 (3) and (4) of the *Local Government Act 1995* approves the disposal of the Toyota Kluger motor vehicle registration number KM 6900 as recommended by staff.
2. Subject to there being no submissions received with respect to the proposed disposal, authorise the Chief Executive Officer to finalise the disposal of the vehicle

Moved: **Cr Margaret Thomas**

Seconded: **Cr Allan Morton**

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

**Against**  
**Cr Justin Whitten**  
**Cr Bob Emery**

**CARRIED 9/2**



### 10.3.2 Draft Monthly Financial Statements for the Twelve Months to 30 June 2012

Previous Items	N/A
Responsible Officer	Director Corporate and Community Services
Service Area	Finance
File Reference	FIR-SRR-006
Applicant	N/A
Owner	N/A
Attachment 1	Draft Statements of Financial Activity for the twelve months to 30 June 2012 incorporating the following: <ul style="list-style-type: none"><li>• Statement of Comprehensive Income by Program</li><li>• Statement of Comprehensive Income by Nature and Type</li><li>• Rate Setting Statement including net current funding position</li><li>• Statement of Financial Position</li><li>• Statement of Equity</li><li>• Statement of Cash flows</li><li>• Schedule of Reserve Accounts Balances</li><li>• Investment Schedule</li></ul>

#### PURPOSE

1. To provide Council with financial reports on the activity of the Shire of Kalamunda with indications of performance against adopted budget.

#### BACKGROUND

2. The Statement of Financial Activity (Attachment 1), incorporating various sub-statements, has been prepared in accordance with the requirement of the *Local Government Act (1995)*, *Local Government (Financial Management) Regulations 1996* (Regulation 34).

#### DETAILS

3. The *Local Government Act (1995)* requires Council to adopt a percentage or value to be used in reporting variances against Budget. Council adopted on 25 July 2011 the reportable variances of 5% or \$5,000 whichever is greater.
4. The adopted percentage on value is applied at Program level and where applicable for the commentary and detail is provided.

#### Financial Commentary

##### Draft Statement of Comprehensive Income by Nature and Type for the Twelve Months to 30 June 2012

5. This draft un-audited Statement reveals a net result of a surplus of \$3,626,427 against a revised Budget for the same period of \$4,260,768.

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### *Revenue*

6. Total Revenue is under budget over budget by \$399,568. This is made up as follows:
- Overall rates are under budget by \$141,857 or 0.59% of the revised budget. The main reason for the variance was that the forecasted interims rates revenue had been over estimated.
  - Operating Grants and Subsidies; Contributions, Reimbursements and Donations are together higher than budget by \$279,269. The reason for the upswing is due to the increased funding received from the Commonwealth for FAGS grants whereby they have paid 2012/2013 grants in advance. This resulted in a positive variance of \$867,307 offsetting amounts budgeted for but not received in areas such as Human Resources \$302,914, Recreation Services \$107,702 and Engineering Works (construction) \$409,517.
  - Fees and Charges were higher by \$160,920 with the variance coming from various operational units with marked increases noted in Rates for recoveries of Legal Fees \$111,217 and Development Services \$70,647.
  - Interest earnings are over budget by \$215,559, mainly as a result of conservative forecasts upheld by good Bank Bill Swap rates with main banks. Of this amount the reserves component was \$57,195 with an actual of \$134,587. This has been attributed to leaving the transfers from Reserves to Municipal to June.
7. Other revenue is under budget by \$114,323 substantially coming from the Building and Planning services as a result of a penalty charge which is in the hands of the Fines & Enforcement Registry (FER) while other areas are principally timing differences.

### *Expenditure*

8. Total expenses are slightly over budget by \$290,616 summarised as follows:
- "Employment Costs" are slightly over by \$124,261 which is less than 1% against the reportable variance of 5%. The increase in costs are recognised as:
    - FBT \$51,814 as a result of a compliance check resulting in employees previously regarded as exempt being correctly recognised.
    - Increase in Worker Compensation paid out \$18,029 higher than budgeted as a result of an increase in incidents mainly in the outside workforce area. This was directly related to an increased amount spent in OHS by \$5,428.
    - Recruitment expenditure was higher by \$7,378, an area difficult to manage as it is linked directly to staff turnover which is generally unpredictable.
    - The rest is made up of higher salaries and wages costs.

- The actuals may change as a result of finalisation of provisions for annual and long service leave.
  - “Materials and Contracts” \$81,715 just over budget in various operational units. This area may change with any outstanding accruals that may still need to be brought to account as a result of the end of year audit.
  - Utilities were over by \$85,139 with approximately \$59,000 related to back billing charged by Synergy for the street lighting;
  - Other expenditure is below budget by \$25,441 which compensates with the over-expenditures in Employee costs and Materials and Contracts.
9. The interest expense is slightly higher than budget by \$211,217, due to interest now being accrued monthly in accordance with best practice accrual accounting conventions and is based on loan schedules. The amount paid are in accordance with the debenture schedule;
10. Depreciation, although a non-cash cost, is tracking above budget, \$128,036. This relates mainly in the building and infrastructure assets categories.

#### *Non-Operating Grants*

11. Non-Operating Grants are under budget by \$538,424. This component is made up of various infrastructure projects for which works are in progress and billing is yet to be done. The largest component is from the Maida Vale Dundas Road project worth \$250,000.

#### *Profit on Asset Disposals*

12. The profit on disposal of assets, principally:
- Welshpool Road Development (Smoke Bush Estate) 25 lots have been realised so far with three being sold in the month of June 2012
  - 21 Andrews Street
  - 43 Boonooloo Road
- has come slightly under budget expectations by \$193,085, with profit as at the 30 June 2012 being \$3,898,569. This was mainly due to budgeting for 27 lots of the Smoke Bush Estate would be sold in 2011/2012. Two lots received offers in June 2012. Both of these will be settled in August 2012.

#### Statement of Comprehensive Income by Program for the Twelve Months to 30 June 2012

13. The overall results comments are as above and generally each Program is within accepted budget except for
- Transport - Income being less than expected.
  - Recreation and Culture – Expenditure being greater than forecasted.
  - Transport – Expenditure being greater than forecasted.
- These variances relate in general to timing in the receipt of grants to when expenditure was released.

### Rate Setting Statement for the Twelve Months to 30 June 2012

14. This Statement compares the actual to date with the Annual Budget.
15. The results to 30 June 2012 reveal a surplus of \$1,963,038. This was mainly made up of:
- There was deferred works of approximately \$486,196.
  - Un-spent loan of \$1,058,000 for plant purchases.
  - Advance grants received for Abernethy and Mundaring Weir Road of \$483,733.
- The balance being a small surplus at year end.

### **Reserves as at 30 June 2012**

16. The current balance held in Reserves is \$2,677,466 which is almost on target with the budget set of \$2,897,269. The amount is slightly under due to timing difference on the remaining 4 lots at the Smoke Bush Estate.

### **Investments As at 30 June 2012**

17. A total of \$17.97 million is being held in term deposits or online saving accounts and includes the overdraft facility of which \$970,348 had been utilised as of June 2012.

The above is made of:

- Municipal Funds \$4,758,275;
- Reserve Funds \$2,661,639;
- Trust Monies \$10,559,953 and includes amounts for Public Open Space of \$2,204,844

Average interest rates on term deposits have been in excess of 5.5% but these are now starting to come down to approximately 4.8% on renewals as the RBA cut another 25 basis points on the cash rate which is now sitting at 3.5%.

All deposits comply with the Investment Policy requirements and are no longer than 120 days.

### **Statement of Financial Position as at 30 June 2012**

18. Net Current Assets (Current Assets less Current Liabilities) are showing a positive result. The Shire has ended the year with a healthy cash position of \$8.2 million as compared to only \$3.1 million last year. The current ratio stands at 1.07 which is a vast improvement from last years of 0.83.
19. Trade and other receivables comprise of rates and sundry debtors totalling \$2.7 million outstanding.
- The rates balance is in line with last year \$876,589 of which the current amount owing represents 1.8% of rates outstanding.
  - The Sundry debtors is showing \$1.036 million outstanding. Of this, \$657,000 was a result of late billing done for grants payable to the shire for projects completed or underway.

20. Fixed Assets have increased by \$4 million after depreciation which shows that the Shire is maintaining and improving its asset management operations. As noted above projects worth an estimated \$486,196 are being carried forward to 2012/2013.
21. Provisions currently stand at \$2.2 million but will change once the payroll has been reconciled.
22. Long term borrowings are higher at \$8.15 million with the inclusion of two new loans this year:
- Kalamunda Water Park at \$1.85 million
  - Refuse Trucks at \$1.15 million. This loan has substantially been unutilised and its purpose will be reviewed in 2012/2013.

### **STATUTORY AND LEGAL IMPLICATIONS**

23. The *Local Government Act 1995* and the *Local Government (Financial Management) Regulations*.

### **POLICY IMPLICATIONS**

24. Nil.

### **PUBLIC CONSULTATION/COMMUNICATION**

25. Nil.

### **FINANCIAL IMPLICATIONS**

26. Nil.

### **STRATEGIC AND SUSTAINABILITY IMPLICATIONS**

#### **Strategic Planning Implications**

27. *Shire of Kalamunda Strategic Plan 2009-2014*
- |          |       |  |
|----------|-------|--|
| Strategy | 5.5.2 | Provide financial services to support Council's operations and to meet sustainability planning, reporting and accountability requirements. |
|----------|-------|--|

#### **Sustainability Implications**

##### Social Implications

28. Nil.

##### Economic Implications

29. Nil.

##### Environmental Implications

30. Nil.

## OFFICER COMMENT

31. The year end result is highly satisfactory showing the Shire has turned around its financial situation within one financial year. The Shire will need to maintain its stringent financial management throughout 2012/2013 to ensure long term financial sustainability is achieved by the end of 2012/2013.

<b>Voting Requirement – Simple Majority</b>
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### RESOLVED OCM 101/2012

That Council:

1. Receives the monthly financial statement for the period ended 30 June 2012, which comprises:
  - Statement of Financial Position
  - Equity Statement
  - Statement of Comprehensive Income by Nature and Type
  - Statement of Comprehensive Income by Program
  - Rate Setting Statement including net funding position
  - Reserve Balances Statement
  - Statement of Cash Flows
  - Investment Schedule
  
2. Note the Shire of Kalamunda has posted a highly satisfactory and positive draft end of year result.

Moved: **Cr Margaret Thomas**

Seconded: **Cr Frank Lindsey**

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

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

11.1 Nil.

**12.0 QUESTIONS BY MEMBERS WITHOUT NOTICE**

12.1 Nil.

**13.0 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN**

13.1 Cr Giardina – Removal of Screens in Chambers

Q. Who authorised the removal of some of the screens in the Chambers?

A. The Manager of Governance advised he had as their removal opened up the area and enabled the Councillors to view each other more clearly. The Shire President indicated that the changes would stay in place for the interim.

**14.0 URGENT BUSINESS APPROVED BY THE PERSON PRESIDING OR BY DECISION**

14.1 Nil.

**15.0 MEETING CLOSED TO THE PUBLIC**

15.1 MOTION OCM 102/2012

That the meeting go behind closed doors to consider CONFIDENTIAL REPORT- (provided under separate cover) Disposal of Asset – Motor Vehicle, 2009 Toyota Kluger KM 6900.

Moved: **Cr Allan Morton**

Seconded: **Cr Margaret Thomas**

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

*The meeting closed to the public at 7.00pm and reopened at 7.13pm, the Chairman read the Resolution to the meeting.*

15.2 Disposal of Asset – Motor Vehicle, 2009 Toyota Kluger KM 6900.  
RESOLVED OCM 103/2012

That Council:

1. Pursuant to the provisions of section 3.58 (3) and (4) of the *Local Government Act 1995* approves the disposal of the Toyota Kluger motor vehicle registration number KM 6900 as recommended by staff.
2. Subject to there being no submissions received with respect to the proposed disposal, authorise the Chief Executive Officer to finalise the disposal of the vehicle.

Moved: **Cr Margaret Thomas**

Seconded: **Cr Allan Morton**

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

**Against**  
**Cr Justin Whitten**  
**Cr Bob Emery**

**CARRIED (9/2)**

15.3 MOTION OCM 104/2012

That the meeting reopen to the public.

Moved: **Cr Martyn Cresswell**

Seconded: **Cr Allan Morton**

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



## 16.0 CLOSURE

16.1 There being no further business, the Chairman declared the meeting closed at 7.14pm.

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

Signed: \_\_\_\_\_  
Chairman

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 2012