
Shire of Kalamunda

Ordinary Council Meeting Agenda

Monday 20 September 2010

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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 September 2010, 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

15 September 2010

****Dinner will be served at 5.30pm****

AGENDA

1.0 OFFICIAL OPENING

2.0 ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE PREVIOUSLY APPROVED

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

6.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

6.1 Confirmation of Ordinary Council Meeting Minutes 16 August 2010.

That the Minutes of the Ordinary Council Meeting of the Shire of Kalamunda held in the Council Chambers on 16 August 2010 be confirmed.

Moved:

Seconded:

Statement by Presiding Member

“On the basis of the above motion I now sign the minutes as a true and accurate record of the meeting of 16 August 2010.”

6.1 Confirmation of Special Council Meeting Minutes 17 August 2010.

That the Minutes of the Special Council Meeting of the Shire of Kalamunda held in the Council Chambers on 17 August 2010 be confirmed.

Moved:

Seconded:

Statement by Presiding Member

“On the basis of the above motion I now sign the minutes as a true and accurate record of the meeting of 17 August 2010.”

7.0 ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION

8.0 MATTERS FOR WHICH THE MEETING MAY BE CLOSED

The following items were dealt with as confidential items at the Planning and General Services Committees. The meeting will be closed if further debate is to occur on any of these items.

8.1 Confidential Attachments - PSC57. Draft Local Planning Strategy - Recommended Approval to Forward to WAPC for Consent to Advertise

Reason for Confidentiality - *Local Government Act 1995* Section 5.23(2)(e) – “a matter if disclosed, would reveal –

- (i) a trade secret;
- (ii) information that has a commercial value to a person; or
- (iii) 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.”

8.2 GSC99.Tender – Skate Park Construction – Fleming Reserve

Reason for Confidentiality – *Local Government Act 1995* Section 5,23(2) (c) permits the meeting 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.”

8.3 GSC100 Financial Options for the Acquisition of Two Blocks of Land on Kalamunda Road, High Wycombe

Reason for Confidentiality – *Local Government Act 1995* Section 5,23(2) (c) permits the meeting 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.”

8.4 GSC 101 Consider an Exchange of Land Between the Shire of Kalamunda and the State Government of Western Australia

Reason for Confidentiality – *Local Government Act 1995* Section 5,23(2) (c) permits the meeting 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. (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 Confidential Item GSC 100 Financial Options for the Acquisition of Two Blocks of Land on Kalamunda Road, High Wycombe

Cr Peter Heggie declared a financial interest as he has a lease at the Shopping Centre.

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.
- 9.2 GSC Item 89 Proposed Amendments to Disability Access and Inclusion Policy
Cr Carol Everett declared an interest affecting impartiality as she sits on the Disability Access and Inclusion Advisory Committee.
- 9.3 GSC Item 92 Bush Fire Advisory Committee – Election of Office Bearers
Cr Geoff Stallard declared an interest affecting impartiality as he is an office bearer.

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 of the 6 September 2010 except Withdrawn Item PSC57 be adopted.

Moved:

Seconded:

PSC53. Policy Review - Appointment of Deputies under the *Health Act 1911*COMMITTEE RECOMMENDATION TO COUNCIL PS - 53/2010

1. That Council adopts the revised Policy (HLTH1) Appointment of Deputies under the *Health Act* as shown in (***Attachment 2.***).

Moved:

Seconded:

PSC54. Delegation - *Food Act 2008*COMMITTEE RECOMMENDATION TO COUNCIL PS - 54/2010

1. That Council amends delegation FOOD1 Prohibition Orders- Section 65 of the *Food Act 2008*, as shown in (***Attachment 2.***).

Moved:

Seconded:

PSC55. Local Planning Scheme 3 Amendment - Lot 608 (6) Dixon Road, Kalamunda - Local Open Space and Residential Boundary RealignmentCOMMITTEE RECOMMENDATION TO COUNCIL PS - 55/2010

1. That Council initiates an 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.33

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

1. Rezoning a portion of Lot 608 (6) Dixon Road, Kalamunda from Local Open Space to Residential R30.
2. Rezoning a portion of Lot 608 (6) Dixon Road, Kalamunda from Residential R30 to Local Open Space.
3. Amending the Scheme Map 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:

Seconded:

PSC56. Proposed Outbuilding (Shed) - Lot 87 (3) Coldwell Road (on the corner of Welshpool Road East), Wattle Grove

COMMITTEE RECOMMENDATION TO COUNCIL

PS - 56/2010

1. That Council approves the application dated 20 July 2010 to construct a 531sqm outbuilding (shed) on Lot 87 (3) Coldwell Road, Wattle Grove, subject to the following conditions:
 1. The approved outbuilding is not to be used for habitation, commercial or industrial purposes.
 2. Items and machinery stored within the approved outbuilding are to be used in conjunction with the maintenance of the subject property and the keeping of the animals approved by the Shire, to retain the amenity of the local area.

Moved:

Seconded:

PSC57. Draft Local Planning Strategy - Recommended Approval to Forward to WAPC for Consent to Advertise

COMMITTEE RECOMMENDATION TO COUNCIL

PS - 57/2010

1. That the Council:
 - a. Endorses the draft Local Planning Strategy for the purpose of referral to the Western Australian Planning Commission for its certification under Regulation 12A(3) of the *Town Planning Regulations 1967* for the Strategy to be advertised for public comment.
 - b. Resolves that the draft Local Planning Strategy remain a confidential document until it is certified by the Western Australian Planning Commission and released for public comment.

Moved:

Seconded:

10.2 General Services Committee Report

10.2.1 Adoption of General Services Committee Report

That the recommendations contained in the General Services Committee of the 6 September 2010 except Withdrawn Item GSC95, GSC96, GSC 99, GSC 100, GSC 101 and GSC 102 be adopted.

Moved:

Seconded:

GSC85 Creditors Accounts Paid during the period 28 July 2010 to 26 August 2010

COMMITTEE RECOMMENDATION TO COUNCIL GS 85/2010

1. That the list of Creditors paid during the period 28 July 2010 to 26 August 2010 (**Attachment 1.**) be received by Council in accordance with the requirements of the *Local Government (Financial Management) Regulations 1996 (Regulation 12)*.

Moved:

Seconded:

GSC 86 Financial Activity Statements for the Period 31 July 2010

COMMITTEE RECOMMENDATION TO COUNCIL GS 86/2010

1. That the Financial Activity Statement reports for the period ending 31 July 2010 be received.

Moved:

Seconded:

GSC 87 Debtors and Creditors Report

COMMITTEE RECOMMENDATION TO COUNCIL GS 87/2010

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

Moved:

Seconded:

GSC 88 Rates Debtors Report

COMMITTEE RECOMMENDATION TO COUNCIL GS 88/2010

1. That the rates debtors report as at 31 July 2010 be received.

Moved:

Seconded:

GSC 89 Proposed Amendments to Disability Access and Inclusion PolicyCOMMITTEE RECOMMENDATION TO COUNCIL GS 89/2010

1. That Council adopts the amended Disability Access and Inclusion Policy ADM 21 (**Attachment 1**).

Moved:

Seconded:

GSC 90 Proposed Amendments to Graffiti Removal and Prevention PolicyCOMMITTEE RECOMMENDATION TO COUNCIL GS 90/2010

1. That Council adopt the amended Graffiti Removal and Prevention Policy (ADM23) as presented in (**Attachment 1**).

Moved:

Seconded:

GSC 91 Application To Keep More Than Two Dogs – 36 Gannet Court, High WycombeCOMMITTEE RECOMMENDATION TO COUNCIL GS 91/2010

That Council:

1. Refuse an exemption to the Shire of Kalamunda Dog Local Law 2010 made under Section 26(3) of the Dog Act 1976 by the applicant of 36 Gannet Court, High Wycombe.
2. Advises the applicant that they may appeal Council's decision by writing to the State Administrative Tribunal within 28 days of receiving notification from the Shire of Kalamunda.
3. Advise the adjoining neighbours of Council's decision.

Moved:

Seconded:

GSC 92 Bush Fire Advisory Committee – Election of Office BearersCOMMITTEE RECOMMENDATION TO COUNCIL GS 92/2010

1. That Council, in accordance with *Section 67 of the Bushfires Act 1954*, appoints the Committee Members and Office Bearers of the Shire of Kalamunda Bushfire Advisory Committee held on the 15 July 2010 as detailed in (**Attachment 1**).

Moved:

Seconded:

GSC 93 Kalamunda Aquatic Centre Management AgreementCOMMITTEE RECOMMENDATION TO COUNCIL GS 93/2010

That Council:

1. Notes changes to financial projections and a proposed profit sharing arrangement with the prospective Management.

2.	Approves a three year Management Agreement with YMCA to manage and operate the Kalamunda Aquatic Centre.	Moved:	Seconded:
GSC 94	Awarding of Tender – Kalamunda Aquatic Centre Upgrade Stage 2 Reduced Scope		
	<u>COMMITTEE RECOMMENDATION TO COUNCIL</u>		GS 94/2010
1.	That the revised Tender for Stage 2 of the Upgrade to the Kalamunda Aquatic Centre be awarded to AVP Commercial Pools for a lump sum price of \$294,000 (ex GST).	Moved:	Seconded:
GSC 97	Preparation of Business Plan for the Use of Lots 7, 8 and 4255 Lewis Road Forrestfield for Public Housing/Aged Accommodation		
	<u>COMMITTEE RECOMMENDATION TO COUNCIL</u>		GS 97/2010
1.	That Council authorise the preparation of a Business Plan in accordance with <i>3.59 of the Local Government Act 1995</i> for the disposal by land lease and or development of Lots 7, 8 and 4255 Lewis Road Forrestfield.		
2.	That the Business Plan also addresses the following:		
	<ul style="list-style-type: none"> • Special Related Uses for <ul style="list-style-type: none"> ○ Aged Care Facilities ○ Community/public housing ○ Serviced Apartments • Independent living units • Medical Centre • Staged development to initially retain the TAFE College Buildings and Facilities • Rezoning of the land • That the above take into account: <ul style="list-style-type: none"> ○ The provision of passive recreation space ○ Linking the development to existing services and facilities 		
	Moved:		Seconded:
GSC 98	Chief Executive Officer's Report		
	<u>COMMITTEE RECOMMENDATION TO COUNCIL</u>		GS 98/2010
1.	That Council note and receive the Chief Executive Officer's report as attached.	Moved:	Seconded:

ABSOLUTE MAJORITY**GSC 95 Budget Amendment – Jorgensen Park Project**

COMMITTEE RECOMMENDATION TO COUNCIL GS 95/2010

1. That the Shire of Kalamunda 2010-2011 Budget as adopted be amended to incorporate \$(49,750) account 330611.403 and \$49,750 expenditure to job 4332 Jorgensen Park playground equipment. Increase in account from \$0.

Moved:

Seconded:

ABSOLUTE MAJORITY REQUIRED**GSC 96 Budget Amendment – Lotterywest Walk Trail Signage Project**

COMMITTEE RECOMMENDATION TO COUNCIL GS 96/2010

1. That the budget amendment to incorporate Lotterywest grant funding for the walk trail signage project of \$(7,700) to revenue account 330606.465 and expenditure of \$7,700 to account 330730/1131 be adopted.

Moved:

Seconded:

ABSOLUTE MAJORITY REQUIRED**GSC 102 Funding Options - 2010/2011 Plant Replacement Program**

COMMITTEE RECOMMENDATION TO COUNCIL GS 102/2010

1. That, pursuant to Section 6.20 of the *Local Government Act 1995*, Council approves the raising of a loan of \$585,000 to fund plant purchases, previously identified as being funded by an operating lease in the 2010/11 Budget.
2. That loan repayments to be funded from operating costs.

Moved:

Seconded:

ABSOLUTE MAJORITY REQUIRED**CONFIDENTIAL****GSC 99. Tender – Skate Park Construction – Fleming Reserve**

Reason for confidentiality - – *Local Government Act 1995 Section 5,23(2) (c)* permits the meeting 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."

COMMITTEE RECOMMENDATION TO COUNCIL

GS 99/2010

That Council:

1. Appoints DME Contractors as the preferred Tenderer for the construction of Stage 1 and, subject to receipt of Lotterywest grant funding, for the construction of Stages 1 and 2.
2. Delegate authority to the Chief Executive Officer to:
 - a. Negotiate and accept the identified Pre-Contract variations; and
 - b. Finalise the Tender with DME Contractors for construction of:
 - i) Stage 1 to the value of \$255,281.00
 - ii) Stage 2 to the value of \$114,719.00

Moved:

Seconded:

GSC 100 Financial Options for the Acquisition of Two Blocks of Land on Kalamunda Road, High Wycombe

Cr Peter Heggie declared a financial interest as he has a lease at the Shopping Centre.

Reason for confidentiality - – *Local Government Act 1995 Section 5,23(2) (c)* permits the meeting 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."

COMMITTEE RECOMMENDATION TO COUNCIL

GS 100/2010

1. That negotiation proceeds with the owners of the two blocks based on the basis of either one of the following options:
 - (a) A land swap and cash consideration for the acquisition of the two blocks of land on Kalamunda Road, High Wycombe for two blocks of land on Edney Road with the cash consideration funded through loan borrowings.
 - (b) If the owners of the two blocks of land are not in agreement with a land swap in part consideration, then a loan be raised for the full consideration of the two blocks of land on Kalamunda Road, High Wycombe.
2. A report on the outcome of negotiation be presented to Council for approval.

Moved:

Seconded:

GSC 101. Consider an Exchange of Land Between the Shire of Kalamunda and the State Government of Western Australia

Reason for confidentiality - – *Local Government Act 1995 Section 5,23(2) (c)* permits the meeting 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."

COMMITTEE RECOMMENDATION TO COUNCIL

GS 101/2010

That Council:

1. Advise the Police Department of Western Australia that it supports the exchange of land between the two parties for those properties located at:
 - a. Portion of 3 Salix Way, Forrestfield, and
 - b. 17-19 Mead Street, Kalamunda.
2. Advise the Police Department of Western Australia that this disposal can take the form of an area of up to 1100m² from 3 Salix Way subject to the Police Department confirming their operational requirements for the site.
3. Advise the Police Department of Western Australia that this agreement is subject to the State Government confirming:
 - The property located at 17-19 Mead Street, Kalamunda will be provided to the Shire of Kalamunda in freehold title.
 - The mutually agreed valuations for the two properties in this transaction.
 - The balance of funds required be paid by the Shire of Kalamunda to the Police Department of Western Australia.
4. Authorise the Chief Executive Officer to initiate the subdivision of 3 Salix Way, Forrestfield in accordance with the plan provided in Attachment 3 to this report (or in some other form) if the Police Department of Western Australia confirm that they require only portion of the 3 Salix Way site.
5. Authorise the Chief Executive Officer to prepare and advertise a Business Plan for the purposes of a Major Land Transaction for the acquisition of 17-19 Mead Street, Kalamunda.
6. The Business Plan is to include funding options that are available.

Moved:

Seconded:

10.3 Chief Executive Officers' Report**10.3.1 Business Plan Lot 1 Cygnet Crescent and Lot 21 Edney Road, High Wycombe**

To be provided by separate cover prior to meeting.

11.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**11.1 Request for Prescribed Burn – Piesse Brook****MOTION**

That the Shire of Kalamunda write to the Minister for Conservation and the Environment in support of local residents who have sought to have the Department carry out a prescribed burn on state forest in Piesse Brook which has not been burnt off for 34 years.

Moved: Cr Frank Lindsey

Seconded:

12.0 QUESTIONS BY MEMBERS WITHOUT NOTICE**13.0 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN****13.1 Budget Amendment – Lotterywest Walk Trail Signage Project (Item GSC 85 – 13 September 2010)**

Q. A Councillor queried whether the EMRC had finance available for its Member Councils and could they make a contribution to a project of this nature. The Chief Executive Officer noted that they would be approached and the Councillors notified.

A. Officers have since followed up with the EMRC, who have advised the following:

“Unfortunately there is no further funding additional to the \$10,000 contributed to the Perth Hills Trails Master Plan. These funds were a one off funding provision as part of the Mountain Biking component of the Perth Hills Trails master Plan.”

The EMRC is happy to provide a letter of support to the Shire to assist in future funding applications.

13.2 GSC 91. Application to Keep More Than Two Dogs – 36 Gannet Court, High Wycombe (Cr Sue Bilich – 13 September 2010)

Q. I notice the three dogs at the property, are all registered. Does the system not show when there are more than two dogs being registered to the same address?

13.3 Request for CEO to Write to Former Councillor Requesting Information (Cr Frank Lindsey)

Q. I refer to my earlier motion put to the Ordinary Council Meeting held on 19 April 2010. The motion was in regard to the Shire corresponding with former Councillor Elizabeth Taylor about her use of confidential information concerning a staffing matter. Has the Shire has received a response to its correspondence from Mrs Taylor?

13.4 Pensioner Rate Subsidy 2010/2011 (Cr Frank Lindsey)

Q1. Is it correct that the total revenue foregone by the Shire in 2010/2011 as a result of offering pensioners a 50% subsidy on their rates amounts to approximately \$480,000pa, and if not, what is the correct figure?

Q2. If the Shire's currently separate charges for rates and rubbish collection were combined, would this afford pensioners an additional subsidy from the State Government for the rubbish collection component of the newly combined rates, for which they would otherwise be ineligible?

Q3. If the answer to question (2) is in the affirmative, what would be the net financial gain to pensioners within the Shire of combining rates and rubbish collection charges?

Q4. What would be the net financial impact to the Shire of combining both rates and rubbish collection charges in order to allow pensioners to obtain a 50% discount on the amalgamated sum and how would that compare with current arrangements?

13.5 Bahen Road, Hacketts Gully (Cr Frank Lindsey)

Q. Have Shire staff taken any action to ensure that the end of Bahen Road, which has been closed by someone placing rocks across the road reserve and planting the road reserve with tress and shrubs, remains open and continues to be available as an escape route for residents in the event of a bush fire approaching Hacketts Gully from the north?

13.6 Targa West Rally (Cr Frank Lindsey)

Q1. Has the Shire received any formal complaints or indications of support from residents or local business proprietors for the Targa West Rally and if so, what has been the extent of support or opposition?

A1. There have been no formal complaints received through Synergy from residents or businesses. On the day, the sound operator received two requests to lower the sound levels and this will be addressed next year through alternative sound equipment.

-
- Q2. What has been the total expenditure incurred by the Shire in support of the Targa West Rally and what measurable and / or intangible benefits are returned to local businesses and the community as a result of sponsoring the Targa West Rally?
- A2. Total expenditure is a little under the \$16,000 allocated in the annual budget. It is very difficult to measure and quantify economic benefits to the business community of Kalamunda. Although difficult to measure, below is a summary of the perceived benefits:
- Brings the community together and creates a colourful social occasion for residents to enjoy.
 - Quit Targa West has a policy of using local services and suppliers wherever possible. They also strongly encourage competitors and crews to buy locally whenever they are in the area.
 - An estimated 1000-1500 people visit the Shire as a direct result of the rally and have opportunity to visit and purchase from local businesses.
 - Lunches are purchased by the organisers from local businesses for all competitors and service crews, family, friends and spectators are all encouraged to purchase lunches, coffees etc from any of the local cafes and shops.
 - Local businesses benefit by the provision of supplies and services to the event, competitors, service crews and spectators.
 - All competitors visit the area prior to the event to conduct their reconnaissance, which also benefits local businesses.
 - Many competitors, crews and spectators re-visit the area after the event to take advantage of the various things the town and region has to offer, once again benefiting the community.
 - A strong marketing programme features the Shire of Kalamunda as an event partner.
 - National TV, along with all the media coverage, helps to raise the profile of the Shire of Kalamunda and its local businesses.
 - The Shire is treated as GOLD Level Sponsor of the event and receives all the benefits associated with this level of sponsorship without any financial contribution to the organisers.

14.0 URGENT BUSINESS APPROVED BY THE PERSON PRESIDING OR BY DECISION

15.0 MEETING CLOSED TO THE PUBLIC

16.0 CLOSURE