



## SHIRE OF KALAMUNDA

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### Index for Minutes of the Ordinary Council Meeting held 15 March 2010

#### **1.0 OFFICIAL OPENING**

1.1 The meeting opened at 7.00 pm.

#### **2.0 APOLOGIES AND LEAVE OF ABSENCE**

2.1 Cr Martyn Cresswell  
M Singh

#### **3.0 PUBLIC QUESTION TIME**

3.1 Mr Stuart Collins - Vision Surveyors

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4.1 Nil.

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5.1 Confirmation of Special Council Meeting Minutes 15 February 2010.

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8.2 Item 13.2 - Lot 3 (415) Mundaring Weir Road, Piesse Brook - Extension to Restaurant (Chalet Rigi)

8.3 Item GSC 9.23 - Proposed Revision to Lesmurdie Community Library Management Committee Rules

8.4 Item 13.2 - Lot 3 (415) Mundaring Weir Road, Piesse Brook - Extension to Restaurant (Chalet Rigi)

8.5 Item PSC 9.15 - Middle Helena Catchment Area Land Use and Water Management Strategy

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10.1. Nil

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

12.1 Nil

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

- 13.1 Transformer Sub-station within the vicinity of the Mundaring Weir
- 13.2 Lot 3 (415) Mundaring Weir Road, Piesse Brook – Extension to Restaurant (Chalet Rigi)
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**14.0 MEETING CLOSED TO THE PUBLIC**

- 14.1 9.4.1 CONFIDENTIAL ITEM – Amendment to Health Local Law – Keeping of Poultry
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**15.0 CLOSURE**

15.1 Meeting closed at 8.23pm.



## Minutes of the Ordinary Council Meeting held on the 15 March 2010

### 1. OFFICIAL OPENING

- 1.1 The Shire President opened the Meeting at 7:00 pm and welcomed Councillors, staff and Members of the public gallery.

### 2. APOLOGIES AND LEAVE OF ABSENCE

D McKechnie	(SHIRE PRESIDENT)	NORTH WARD
S Bilich		NORTH WARD
M Thomas		NORTH WARD
A Morton	(DEPUTY SHIRE PRESIDENT)	SOUTH WEST WARD
M Robinson		SOUTH WEST WARD
N Townsend		SOUTH WEST WARD
C Everett		SOUTH EAST WARD
F Lindsey		SOUTH EAST WARD
G Stallard		SOUTH EAST WARD
D O'Connor		NORTH WEST WARD
P Heggie		NORTH WEST WARD

#### Officials

J Trail	CHIEF EXECUTIVE OFFICER
N Wilson	DIRECTOR CORPORATE SERVICES
K O'Connor	DIRECTOR COMMUNITY DEVELOPMENT
C Higham	DIRECTOR PLANNING & DEVELOPMENT SERVICES
D McPherson	MINUTE SECRETARY

#### Apologies

M Cresswell	NORTH WEST WARD
M Singh	DIRECTOR OF ENGINEERING SERVICES

#### Observers

6

#### Newspapers

0

### 3. 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 this Committee. For the purposes of Minuting, these questions and answers are summarised.*

#### 3.1 Mr Stuart Collins - Vision Surveyors

Q. Is there an opportunity to speak in support of the recommendation 9.16 (PSC 16)?

A. The Chief Executive Officer explained that Standing Orders do not currently allow for members of the public to speak for an item that is on the OCM agenda. The only process is a deputation which requires the approval of the CEO and is needs to be received four (4) days prior to the meeting, no notice has been received in this case. The CEO also advised that if Council was of a likemind a resolution could be passed to allow Council to take a deputation at the meeting.

### 4. PETITIONS

4.1 Nil.

### 5. CONFIRMATION OF PREVIOUS MINUTES

At the Ordinary Council Meeting of 15 February 2010 Council resolved not to confirm the minutes of the Ordinary Council Meeting of the 21 December 2009 to allow clarification of the advice given at the meeting in relation to the vote taken on Chief Executive Officers Report Item 9.4.1 - Kostera Oval Reserve - Redevelopment Project (OCM 164/09). The transcript of the meeting has been reviewed and the minutes were found to be correct as presented. A recommendation to confirm the minutes of the meeting of 21 December 2009 is presented.

#### RESOLVED OCM-22/2010

That the Minutes of the Ordinary Council Meeting of the Shire of Kalamunda held in the Council Chambers on 21 December 2009 be confirmed.

**Moved:** Cr M THOMAS

**Seconded:** Cr S BILICH

**CARRIED UNANIMOUSLY**

#### RESOLVED OCM-23/2010

That the Minutes of the Ordinary Council Meeting of the Shire of Kalamunda held in the Council Chambers on 15 February 2010 be confirmed.

**Moved:** Cr M THOMAS

**Seconded:** Cr G STALLARD

**CARRIED UNANIMOUSLY**

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## 6. ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION

### 6.1 Corymbia Festival

The Shire President congratulated all those involved in the organisation and the running of a very successful Corymbia Festival on the weekend.

### 6.2 Meeting with John Day MLA and Department of Infrastructure

The Shire President and the CEO had a very successful meeting the Minister and representatives from the Department. The meeting was extremely constructive and worthwhile.

## 7. MATTERS FOR WHICH THE MEETING MAY BE CLOSED

### CONFIDENTIAL ITEM

### 7.1 Amendment to Health Local Law - Keeping of Poultry

*Reason for Confidentiality:* Statutory document under Parliamentary Privilege

### CONFIDENTIAL ITEM

### 7.2 Chief Executive Officer's Report

*Reason for Confidentiality.* Local Government Act s 5.23 (2) (h). Such other matters as may be prescribed.

## 8. 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).

### 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.

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- 8.1 Item PSC 9.15 - Middle Helena Catchment Area Land Use and Water Management Strategy  
Cr Lindsey declared an interest affecting impartiality as he lives in the area.
- 8.2 Item 13.2 - Lot 3 (415) Mundaring Weir Road, Piesse Brook - Extension to Restaurant (Chalet Rigi)  
Cr Lindsey declared an interest affecting impartiality as he is a neighbour of the applicant.
- 8.3 Item GSC 9.23 - Proposed Revision to Lesmurdie Community Library Management Committee Rules  
Cr Everett declared an interest affecting impartiality as she is a member of the Committee.
- 8.4 Item 13.2 - Lot 3 (415) Mundaring Weir Road, Piesse Brook - Extension to Restaurant (Chalet Rigi)  
Cr Everett declared an interest affecting impartiality as she knows the applicant.
- 8.5 Item PSC 9.15 - Middle Helena Catchment Area Land Use and Water Management Strategy  
The Director Corporate Services, Neil Wilson, declared a proximity interest as he owns and lives on a property within this area.
- 8.6 Item CEOR 9.3.2 Corporate Performance Management Overseas visit by Chief Executive Officer  
The Chief Executive Officer, James Trail, declared a financial interest as this involved him.

## **9. REPORT TO COUNCIL**

### **9.1. GENERAL SERVICES COMMITTEE REPORT**

#### **9.1.1 Adoption of Recommendations of General Services Committee 2 March 2010**

##### RESOLVED OCM-24/2010

1. That the recommendations contained in the General Services Report excluding withdrawn items GSC 19, GSC 21, GSC 22, GSC 23, GSC 25 and GSC 26 be adopted.

**Moved:** Cr C EVERETT

**Seconded:** Cr M THOMAS

**CARRIED UNANIMOUSLY**

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### 9.1.2 GSC 14 Creditors Accounts Paid for the month of February 2010

#### EN BLOC RESOLUTION OCM 24/2010

1. That the list of Creditors' paid for the month of February 2010 attached (GSC Item 14/2010 Attachment 1) be received by Council in accordance with the requirements of Regulation 12 of the Local Government (Financial Management) Regulations 1996.

**Moved:** Cr C EVERETT

**Seconded:** Cr M THOMAS

#### CARRIED UNANIMOUSLY

### 9.1.3 GSC 15 Financial Activity Statements for the Period ended 31 January 2010

#### EN BLOC RESOLUTION OCM 24/2010

1. That the Financial Activity Statement report for the period ending 31 January 2010 (GSC Item 15/10 Attachment 1) be received.

**Moved:** Cr C EVERETT

**Seconded:** Cr M THOMAS

#### CARRIED UNANIMOUSLY

### 9.1.4 GSC 16 Debtors and Creditors Report for the Period Ending 31 January 2010

#### EN BLOC RESOLUTION OCM 24/2010

1. That the outstanding debtors and creditors reports as at 31 January 2010 (GSC Item 16/10 Attachment 1 & 2) be received.

**Moved:** Cr C EVERETT

**Seconded:** Cr M THOMAS

#### CARRIED UNANIMOUSLY

### 9.1.5 GSC 17 Rates Debtors Report for January 2010

#### EN BLOC RESOLUTION OCM 24/2010

1. That the rates debtors report as at 31 January 2010 (GSC Item 17 Attachment 1) be received.

**Moved:** Cr C EVERETT

**Seconded:** Cr M THOMAS

#### CARRIED UNANIMOUSLY

### 9.1.6 GSC 18 Additional Rates Instalment Option

#### EN BLOC RESOLUTION OCM 24/2010

1. That the 2010/2011 Annual Budget be prepared on the basis of offering payment of rates by two equal instalment option.

**Moved:** Cr C EVERETT

**Seconded:** Cr M THOMAS

#### **CARRIED UNANIMOUSLY**

### 9.1.7 GSC 20 Decision of Annual General Electors Meeting - 15 February 2010

#### EN BLOC RESOLUTION OCM 24/2010

1. That the decision of the Annual General Electors Meeting held on 15 February 2010 to receive the Shire of Kalamunda Annual Report 2009 be noted.

**Moved:** Cr C EVERETT

**Seconded:** Cr M THOMAS

#### **CARRIED UNANIMOUSLY**

### 9.1.8 GSC 24 Scott Reserve (Reserve Number 34946) Proposal to use Cash-in-lieu Funds for a Grandstand Viewing Area Project

#### EN BLOC RESOLUTION OCM 24/2010

1. Defers consideration of the Scott Reserve Management Committee's recommendation to use cash-in-lieu funds to construct a 'grandstand viewing area' at Scott Reserve pending the adoption of a cash-in-lieu approval policy.

**Moved:** Cr C EVERETT

**Seconded:** Cr M THOMAS

#### **CARRIED UNANIMOUSLY**

### 9.1.9 GSC 19 Delegation to Chief Executive Officer - Writing Off Minor Rates Debt Balances

#### RESOLVED OCM 25/2010

1. That the Chief Executive Officer be delegated the authority to write off minor rates debt owed up to a maximum of \$100 (one hundred dollars) per property.

**Moved:** Cr C EVERETT

**Seconded:** Cr P HEGGIE

#### **CARRIED UNANIMOUSLY / ABSOLUTE MAJORITY**

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**9.1.10 GSC 21 Amendments to the Adopted Schedule of Fees and Charges 2009/10**

RESOLVED OCM 26/2010

1. That the amendments to the fees and charges be initially advertised for a period of 14 days, the charges effective from the 15 April 2010.

**Moved:** Cr M THOMAS

**Seconded:** Cr F LINDSEY

**CARRIED UNANIMOUSLY / ABSOLUTE MAJORITY**

**9.1.11 GSC 22 Mid Year 2009/2010 Budget Review**

RESOLVED OCM 27/2010

1. That the 2009/2010 mid year Budget Review as presented as (GSC Item 22 Attachment 1.) be adopted.

**Moved:** Cr M THOMAS

**Seconded:** Cr C EVERETT

**CARRIED UNANIMOUSLY / ABSOLUTE MAJORITY**

**9.1.12 GSC 23 Proposed Revision to Lesmurdie Community Library Management Committee Rules**

*Cr Everett declared an interest affecting impartiality as she is a member of the Committee.*

RESOLVED OCM 28/2010

1. That Council endorse the revised and updated Lesmurdie Community Library Management Committee Rules 2009.

**Moved:** Cr G STALLARD

**Seconded:** Cr A MORTON

**CARRIED UNANIMOUSLY / ABSOLUTE MAJORITY**

**9.1.13 GSC 25 Delegation to Chief Executive Officer - Food Act 2008**

RESOLVED OCM 29/2010

1. That Council delegate the power to appoint Authorised Persons for the purposes of the Food Act 2008 to the Chief Executive Officer under Section 118 (2) of the Food Act 2008.

**Moved:** Cr C EVERETT

**Seconded:** Cr M THOMAS

**CARRIED UNANIMOUSLY / ABSOLUTE MAJORITY**

**9.1.14 GSC 26 Legal Representation Policy**COMMITTEE RECOMMENDATION TO COUNCIL

1. That Council defers to the March 2010 Ordinary Council Meeting the policy ADM24 - Legal Representation For Elected Members and Employees.

RESOLVED OCM 30/2010

That Council adopts the policy ADM24 - Legal Representation For Elected Members and Employees, as amended and presented in Attachment 2.

**MOVED:** Cr F LINDSEY

**SECONDED:** Cr M THOMAS

**CARRIED UNANIMOUSLY****9.2. PLANNING SERVICES COMMITTEE REPORT****9.2.1 Adoption of Recommendations of Planning Services Committee 8 March 2010**RESOLVED OCM 31/2010

1. That the recommendations contained in the Planning Services Report excluding withdrawn items PSC 16, PSC 18 and PSC 19 be adopted.

**Moved:** Cr M THOMAS

**Seconded:** Cr F LINDSEY

**CARRIED UNANIMOUSLY****9.2.2 PSC 13 Subdivision Guide Plan - Land bound by Welshpool Road East, Edward Road and Gilchrist Road, Lesmurdie**EN BLOC RESOLUTION OCM 31/2010

1. That Council adopts the Subdivision Guide Plan for Lesmurdie Area bound by Welshpool Road East, Edward Road and Gilchrist Road and forwards the plan to the Western Australian Planning commission for endorsement.

**Moved:** Cr M THOMAS

**Seconded:** Cr F LINDSEY

**CARRIED UNANIMOUSLY**

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**9.2.3 PSC 14 Lot 5 (19) Carob Tree Place, Lesmurdie - Modification to Structure Plan - Canning Location 311**

EN BLOC RESOLUTION OCM 31/2010

1. That Council adopts the proposed modification to the adopted Structure plan for Canning Location 311 for Lot 5 (19) Carob Tree Place, Lesmurdie and forwards it to the Western Australian Planning Commission for endorsement.

**Moved:** Cr M THOMAS

**Seconded:** Cr F LINDSEY

**CARRIED UNANIMOUSLY**

**9.2.4 PSC 15 Middle Helena Catchment Area Land Use and Water Management Strategy**

*Cr Lindsey declared an interest affecting impartiality as he lives in the area.*

*The Director Corporate Services, Neil Wilson, declared a proximity interest as he owns and lives on a property within this area.*

EN BLOC RESOLUTION OCM 31/2010

1. That Council:
  1. Objects to the closure of the Helena Pipehead Walk Trail as proposed in the Middle Helena Catchment Area Land Use and Water Management Strategy. 2. Adopts the Middle Helena Catchment Area Land Use and Water Management Strategy incorporating the recommended changes to the Strategy Report (July 2009), with the exception of the closure of the Helena Pipehead Walk Trail, the Recommendations of the Steering Committee (July 2009) and the Proposed Scheme Provisions for a Local Planning Scheme No.3 Special Control Areas.
  2. Requests the CEO to:
    - (a) liaise with the Department of Planning regarding the content of the Special Control Area Provisions contained in Attachment 7 to ensure that they are consistent with Shire requirements.
    - (b) informs the Department of Planning of Council's support.

**Moved:** Cr M THOMAS

**Seconded:** Cr F LINDSEY

**CARRIED UNANIMOUSLY**

**9.2.5 PSC 17 Metropolitan Region Scheme Amendment - Request for Concurrent Local Planning Scheme Amendment - to rezone Land bound by Nardine Close, Roe Highway, Sultana Road West and Milner Road, High Wycombe from 'Special Rural' to 'Light Industry'**

EN BLOC RESOLUTION OCM 31/2010

1. 1. That the Western Australian Planning Commission be advised that Council supports the request for a concurrent amendment to Local Planning Scheme No 3 to rezone land bound by Nardine Close, Roe Highway, Sultana Road West and Milner Road from 'Special Rural to 'Light Industry' with the following provisions included in Clause 6.1.1 of Local Planning Scheme No.3 as follows:
  - 6.1.1 The following Special Control Areas are shown on the Scheme Map:
    - g. Development areas shown on the Scheme Map as DA shall be in accordance with the following clause.
  - 6.1.3 No development and/or subdivision shall commence or carried out within the Forrestfield Light Industrial Area bound by Nardine Close, Roe Highway, Sultana Road West and Milner Road until a Structure Plan is prepared and adopted in accordance with Clause 6.2 - Development Areas, of the Scheme.
2. That the Scheme map be modified to identify the subject site with the annotation 'DA'.
3. Clause 5.4 Special Applications for the Subdivision of Land of the Scheme be deleted.

**Moved:** Cr M THOMAS

**Seconded:** Cr F LINDSEY

**CARRIED UNANIMOUSLY**

9.2.6 Suspension of Standing Orders

**RESOLVED OCM 32/2010**

1. That Council suspends Standing Orders to accept a deputation on Item PSC 16 Modification to Structure Plan - Maida Vale Urban Area U6 - Lot 1 Gilba Place Maida Vale.

**Moved:** Cr M ROBINSON

**Seconded:** Cr A MORTON

**CARRIED UNANIMOUSLY**

Standing Orders were suspended at 7.15pm.

### 9.2.7 PSC 16 Modification to Structure Plan - Maida Vale Urban Area U6 - Lot 1 Gilba Place Maida Vale

#### **COMMITTEE RECOMMENDATION TO COUNCIL**

1. That this item be deferred until OCM next Monday.

#### **RESOLVED OCM 33/2010**

1. That Council adopts the proposed modification to the Maida Vale Urban Cell U6 to allow for a R20 coding on Lot 1(8) Gilba Place, Maida Vale including provision of a cul-de-sac on Kunzea Close as shown on the revised plan dated 23/7/2009.
2. That the modification be forwarded to the Western Australian Planning Commission for endorsement.

**Moved:** Cr M THOMAS

**Seconded:** Cr C EVERETT

#### **CARRIED UNANIMOUSLY**

### 9.2.8 Recommencement of Standing Orders

#### **RESOLVED OCM 34/2010**

1. That Council recommences Standing Orders following a deputation on Item PSC 16 Modification to Structure Plan - Maida Vale Urban Area U6 - Lot 1 Gilba Place Maida Vale.

**Moved:** Cr M THOMAS

**Seconded:** Cr M ROBINSON

#### **CARRIED UNANIMOUSLY**

Standing Orders were recommenced at 7.21pm.

### 9.2.9 PSC 18 Review of the Shire of Kalamunda Standing Orders Local Law

#### **RESOLVED OCM 35/2010**

1. That state-wide and local public notice be given that Council proposes to make a new local law, the Meeting Procedures Local Law 2010, as shown in (Attachment 1).
2. It be recorded that the purpose of this local law is to provide for the orderly conduct of meetings of the council and committees, the manner of making an effective petition to the local government, and for the safe custody and use of the common seal. The effect of the local law is that all council and committee meetings, the manner of making a petition to the local government, and the use of the common seal, are to be governed by the standing orders, unless otherwise provided for in the Act or regulations.

**Moved:** Cr C EVERETT

**Seconded:** Cr F LINDSEY

#### **CARRIED UNANIMOUSLY / ABSOLUTE MAJORITY**

### 9.2.10 PSC 19 Kanyana Wildlife Sanctuary - Additional Funding

#### COMMITTEE RECOMMENDATION TO COUNCIL

1. That Council notes and authorises an over expenditure of approximately \$30,000 to complete the road works in Kanyana Wildlife Sanctuary (Paxwold).

**Moved:** Cr S BILICH

**Seconded:** Cr C EVERETT

On advice from the CEO the mover and seconder accepted the change in wording of the recommendation.

#### RESOLVED OCM 36/2010

1. That Council notes and authorises an over expenditure of up to \$30,000 to complete the road works in Kanyana Wildlife Sanctuary (Paxwold).

**Moved:** Cr S BILICH

**Seconded:** Cr C EVERETT

#### For

Cr Everett  
Cr Lindsey  
Cr Stallard  
Cr Morton  
Cr Heggie  
Cr O'Connor  
Cr Bilich  
Cr Thomas  
Cr McKechnie

#### Against

Cr Robinson  
Cr Townsend

#### CARRIED

### 9.3. CHIEF EXECUTIVE OFFICER'S REPORT

#### CONFIDENTIAL ITEM

#### 9.3.1 Amendment to Health Local Law - Keeping of Poultry

*Reason for Confidentiality - Statutory document under Parliamentary Privilege*

#### RESOLVED OCM 43/2010

1. That Council gives an undertaking to the Joint Standing Committee that –
  - (a) Clause 66(3) of the *Shire of Kalamunda Health Local Laws 2001* be deleted;
  - (b) All consequential amendments arising from this undertaking be made;
  - (c) The clause will not be enforced in a manner inconsistent with the undertaking;
 and

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(d) The undertaking will be completed within two years from the date of the Committee's letter, being 23 February 2010.

2. That an amendment to the local law in regard to the keeping of poultry be presented to Council for consideration as part of the current Health local law review.

**MOVED:** Cr M ROBINSON

**SECONDED:** Cr M THOMAS

**CARRIED UNANIMOUSLY**

*The Chief Executive Officer declared a financial interest and left the Chambers at 7:25pm. Following the vote the CEO returned to Chambers at 7.32pm.*

**9.3.2 Corporate Performance Management - Overseas Visit by Chief Executive Officer**

**PURPOSE**

1. To consider accepting an offer by CAM Management Solutions to organise and fund an overseas visit by the Chief Executive Officer, to promote the Shire's achievements as one of the most progressive Local Governments in Australia, and to discuss integrated planning and performance management.

**BACKGROUND**

2. Since 1 July 2009, the Shire has been using integrated planning software ("interplan") provided by CAM Management Solutions (CAMMS) to track the progress of its activities, and monitor its performance against the Strategic Plan set by Council.
3. The Shire has entered into a partnership with CAMMS, whereby Kalamunda is recognised as the Premium Reference Site in Western Australia and a Premium Reference Site in Australia. The Shire agrees to test the software and provide information and feedback to CAMMS, in return for which the Shire is provided with discounted software, consulting services and support.
4. Through its use of interplan and its related modules, the Shire has taken a leading role in integrated planning and performance management.

**DETAILS**

5. In order to promote the Shire's achievements to its existing clients, and to demonstrate its products to potential clients, CAMMS have offered to organise an international visit for the Chief Executive Officer, travelling to the UK and possibly Canada. This is intended to take place in June 2010.

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6. The objectives of the visit are for the Shire to –
- Achieve international and national recognition for the Council's best practice;
  - Provide a benchmark and comparison across a range of areas including performance management against international clients;
  - Develop a greater understanding of international structural reform trends and initiatives; and
  - Achieve high level professional development of the Council's representative.
7. The costs of the visit, including return airfares, travel and accommodation will be met by CAMMS.

#### **STATUTORY AND LEGAL IMPLICATIONS**

8. Nil.

#### **POLICY IMPLICATIONS**

9. ADM6 - Conferences – Attendance by Elected Members or Employees, and Payment of Expenses.

#### **PUBLIC CONSULTATION/COMMUNICATION**

10. Nil.

#### **FINANCIAL IMPLICATIONS**

11. Nil – Travel and accommodation expenses are to be provided by CAMMS.

#### **STRATEGIC/SUSTAINABILITY IMPLICATIONS**

12. Strategic Plan Outcome 5.5 – Finance and business systems meet the needs of the organisation (Ensuring that the organisation has the right management plans, tools and support structures in place to effectively run the organisation).  
Outcome 5.6 – Skilled, committed and professional staff (Staff are committed to the organisation, have appropriate opportunities for development and are competent in their roles).

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**OFFICER COMMENT**

13. Whilst overseas the CEO will be working and contactable. It is not intended nor believed that there will be a need for an acting CEO to be appointed during the time the CEO is away.

**MEETING COMMENT**

14. Councillors sought clarification on some aspects of the proposed trip.

**RESOLVED OCM 37/2010**

1. That Council notes and accepts the offer by CAM Management Solutions to organise and fund an overseas visit by the Chief Executive Officer, to discuss and promote integrated planning and performance management.
2. That the Chief Executive Officer be authorised to attend this event.

**Moved:** Cr M THOMAS

**Seconded:** Cr S BILICH

**For**

Cr Everett  
Cr Stallard  
Cr Morton  
Cr Townsend  
Cr O'Connor  
Cr Bilich  
Cr Thomas  
Cr McKechnie

**Against**

Cr Lindsey  
Cr Robinson  
Cr Heggie

**CARRIED****9.3.3 Chief Executive Officer's Performance Review for 2009/2010****PURPOSE**

1. To gain endorsement from Council for the annual Chief Executive Officer's Performance Review for 2009/2010.

**BACKGROUND**

2. At the Ordinary meeting of Council May 18<sup>th</sup> 2009, Council resolved:

*RESOLVED CEOR 59/09*

*That the Council:*

1. *Endorse the Chief Executive Officer's Performance Review Sub Committee consisting of the Shire President, Deputy President, Chair of Planning Committee*

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*and Chair of Audit Committee to co-ordinate and collate the documentation and information.*

*2. Endorse, Confidential (**Confidential Attachment 3**) to be used as a tool to assist in the process of the review.*

*3. Endorse, (**Confidential Attachment 4**), the process for the Chief Executive Officer's Performance Review.*

*4. Request that a final performance review report be collated and presented to Council for consideration in accordance with regulation 18 D of the Local Government (Administration) Regulations 1996, at the Ordinary Meeting of Council 20th July 2009.*

*5. Delegate authority to the Shire President, in consultation with the Chief Executive Officer's Performance Review Recruitment Sub-committee, to negotiate a salary package as part of the Chief Executive Officer's performance review process, with the understanding that any changes to the salary package would have to be endorsed by the Council*

*Moved: Cr Taylor*

*Seconded: Cr Thomas*

**CARRIED UNANIMOUSLY**

3. The *Local Government Act 1995* s5.38 provides that all permanent employees including the Chief Executive Officer (CEO) must have his or her performance reviewed annually. In turn Administration Regulation 18D requires that Council consider the outcomes of each performance review of the CEO, carried out under Section 5.38, and that Council's function is to accept the review, with or without modification, or to reject the review.
4. Clause 4 of the CEO's Contract of Employment details the performance criteria and review of the CEO's performance, shown at (**Attachment 1**).
5. The annual review of performance is the point in the year where the CEO's priorities for the following 12 months are reviewed and adjusted as necessary. The CEO's priorities are, by definition, the Council's expectations of the Shire's organisation. The CEO's priorities are driven by the priorities in the Shire's Strategic Plan. It is the CEO's priorities that are reflected in the construction of the annual budget.
6. The CEO commenced employment with the Shire of Kalamunda on the 21<sup>st</sup> July 2008. A performance review is required to be completed at least once in relation to every year of employment.
7. As part of the Performance Review Process, Council is required to review the CEO's salary package. Clause 6 of the Employment Contract deals with review of the remuneration package, shown at (**Attachment 2**).
8. The CEO's performance review report will be presented to the Council at the Ordinary Council Meeting on 19<sup>th</sup> April 2010.

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**DETAILS**

9. The following process is proposed to conduct the CEO's performance review:
- a) A Performance Review Sub Committee consisting of the Shire President, Deputy President, Chair of General Services Committee, Chair of Planning Committee and Chair of Audit Committee, to co-ordinate the documentation and collation of information;
  - b) A set of 14 criteria reflecting the CEO's roles, responsibilities and priorities be used as a tool to assist in the process of review. **(Confidential Attachment 3)** ;
  - c) A scoring of 1 to 5 plus comments, be made against each criterion, shown at **(Confidential Attachment 4.)**;
  - d) That the CEO use the criteria to carry out a self-evaluation;
  - e) Each of the four Directors use the same set of criteria to evaluate the CEO;
  - f) Councillors will be provided with the CEO's self-evaluation prior to completing their own assessments;
  - g) Feedback from the Directors be provided to Councillors, prior to completing their own assessments;
  - h) On collation of the information by the Performance Review Sub Committee, collated information will be provided to all Councillors;
  - i) All Councillors to then meet together, without the CEO, to discuss any issues or comments arising from the collated information;
  - j) Shire President will then ask CEO to join the meeting with the Councillors to raise any comments/issues arising from the discussion and collated information; and
  - k) A final report be collated, following meeting between Councillors and CEO and presented to Council for consideration in accordance with regulation 18 D of the Local Government (Administration) Regulations 1996. The report to include the amalgamation of scores and pertinent comments.

**STATUTORY AND LEGAL IMPLICATIONS**

10.
  - Local Government Act 1995 s5.38.
  - Local Government Officers Award 1999.

**POLICY IMPLICATIONS**

11. N/A

**PUBLIC CONSULTATION/COMMUNICATION**

12.       • Councillors  
          • Chief Executive Officer  
          • Directors

**FINANCIAL IMPLICATIONS**

13.   N/A

**STRATEGIC AND SUSTAINABILITY IMPLICATIONS**

14.   N/A

**OFFICER COMMENT**

15.   A robust performance review that encourages a number of inputs from those who have regular contact with the CEO is considered to be best practice and is welcomed and encouraged by the CEO.
16.   It is essential that the Council endorse and confirm the process for the CEO performance review.
17.   It is essential that the Council make the final decision on the CEO's performance and remuneration review and not a committee.
18.   The CEO is of the opinion that the annual performance review should be conducted annually in April. In conducting the review annually in April, the priorities and objectives set by Council for the CEO can then be incorporated in the business plans and performance reviews of all staff. Any new priorities and objectives will then also feed into the budget process. Currently, with the review being undertaken annually in July, new priorities and objectives set by Council are unable to be included in the budget, business plans and performance reviews.

**MEETING COMMENT**

19.   Nil.

**RESOLVED OCM 38/2010**

1.   That the Council:
1.   Endorse the Chief Executive Officer's Performance Review Sub Committee, consisting of the Shire President, Deputy President, Chair of General Services Committee, Chair of Planning Committee and Chair of Audit Committee, to co-ordinate and collate the documentation and information;
  2.   Endorse ***(Confidential Attachment 3)*** to be used as a tool to assist in the process of the review;

3. Endorse (***Confidential Attachment 5***) the process for the Chief Executive Officer's Performance Review;
4. Request that a final performance review report be collated and presented to Council for consideration in accordance with regulation 18 D of the Local Government (Administration) Regulations 1996, at the Ordinary Meeting of Council 19<sup>th</sup> April 2010;
5. Delegate authority to the Shire President, in consultation with the Chief Executive Officer's Performance Review Recruitment Sub-committee, to negotiate a salary package as part of the Chief Executive Officer's Performance Review process, with the understanding that any changes to the salary package would have to be endorsed by the Council; and
6. Undertake the annual performance review of the Chief Executive Officer in April each year.

**Moved:** Cr N TOWNSEND

**Seconded:** Cr C EVERETT

**CARRIED UNANIMOUSLY**

## CONFIDENTIAL ITEM

### 9.3.4 Chief Executive Officer's Report

*Reason for Confidentiality* Local Government Act s 5.23 (2) (h). *Such other matters as may be prescribed.*

#### RESOLVED OCM 44/2010

1. That the Council notes the CEO's proposal in this report and accepts the CEO's recommendation.

**Moved:** Cr D McKECHNIE

**Seconded:** Cr S BILICH

**For**

Cr Everett  
Cr Lindsey  
Cr Stallard  
Cr Morton  
Cr Townsend  
Cr Heggie  
Cr O'Connor  
Cr Bilich  
Cr Thomas  
Cr McKechnie

**Against**

Cr Robinson

**CARRIED**

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## 10. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

10.1 Nil.

## 11. QUESTIONS BY MEMBERS WITHOUT NOTICE

11.1 Transfer Station (Cr Lindsey)

Q. When the new sign is prepared advertising the changes in fees would it be possible to have a double sided sign as at the moment it is difficult to find the station because the sign is obscured?

A. Taken on Notice

11.2 CEO's Overseas Visit (Cr Townsend)

Q. Could Councillors please have a full report upon the CEO's return on the benefits of the trip?

A. This would occur.

11.3 CEO's Overseas Trip (Cr Heggie)

Q. Will it still be possible to call the CEO during his absence?

A. The CEO will take Councillors calls.

## 12. QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

12.1 Nil.

## 13. URGENT BUSINESS APPROVED BY THE PERSON PRESIDING OR BY DECISION

13.1 Transformer Sub-station Within The Vicinity Of The Mundaring Weir

RESOLVED OCM 39/2010

That Council advises Western Power that it does not support Site Option 2 for the Mundaring Weir Substation as it is considered that it will have a detrimental impact on the amenity of the Mundaring Weir precinct.

**Moved:** Cr F LINDSEY

**Seconded:** Cr C Everett

**CARRIED UNANIMOUSLY**

13.2 Lot 3 (415) Mundaring Weir Road, Piesse Brook - Extension to Restaurant (Chalet Rigi)

*Cr Lindsey declared an interest affecting impartiality as he is a neighbour of the applicant.*

*Cr Everett declared an interest affecting impartiality as she knows the applicant.*

RESOLVED OCM 40/2010

1. That Council defer the application for an extension to the Restaurant at Lot 3 (415) Mundaring Weir Road, Piesse Brook until the information requested at the February 2010 Ordinary Meeting of Council has been submitted and analysed.

**Moved:** Cr F LINDSEY

**Seconded:** Cr P HEGGIE

**CARRIED UNANIMOUSLY**

13.3 Change to Meeting Structure

RESOLVED OCM 41/2010

1. That the CEO be requested to investigate the benefits and costs associated with Council moving to two (2) Full Council Meetings each month, removing the need for Standing Committee Meetings, and that a full report be presented to the April OCM.

**Moved:** Cr N TOWNSEND

**Seconded:** Cr C EVERETT

**CARRIED UNANIMOUSLY**

**14. MEETING CLOSED TO THE PUBLIC**

14.1 Meeting to go Behind Closed Doors

RESOLVED OCM 42/2010

1. That the meeting go behind closed doors to consider confidential Chief Executive Officer's Report Items 9.3.1 and 9.3.4.

**Moved:** Cr S BILICH

**Seconded:** Cr M THOMAS

**CARRIED UNANIMOUSLY**

The meeting closed to the public at 7:51 pm.

14.2 CONFIDENTIAL ITEM

**9.3.1 Amendment to Health Local Law - Keeping of Poultry**

*Reason for Confidentiality - Statutory document under Parliamentary Privilege*

**RESOLVED OCM 43/2010**

1. That Council gives an undertaking to the Joint Standing Committee that –
  - (a) Clause 66(3) of the *Shire of Kalamunda Health Local Laws 2001* be deleted;
  - (b) All consequential amendments arising from this undertaking be made;
  - (c) The clause will not be enforced in a manner inconsistent with the undertaking;  
and
  - (d) The undertaking will be completed within two years from the date of the Committee's letter, being 23 February 2010.
2. That an amendment to the local law in regard to the keeping of poultry be presented to Council for consideration as part of the current Health local law review.

**Moved:** Cr M ROBINSON

**Seconded:** Cr M THOMAS

**CARRIED UNANIMOUSLY**

*Staff left the chambers at 7.53pm*

14.3 **CONFIDENTIAL ITEM**

**9.3.4 Chief Executive Officer's Report**

*Reason for Confidentiality*

Local Government Act s 5.23 (2) (h). *Such other matters as may be prescribed.*

**RESOLVED OCM 44/2010**

1. That the Council notes the CEO's proposal in this report and accepts the CEO's recommendation.

**Moved:** Cr D McKECHNIE

**Seconded:** Cr S BILICH

**For**

Cr Everett  
Cr Lindsey  
Cr Stallard  
Cr Morton  
Cr Townsend  
Cr Heggie  
Cr O'Connor  
Cr Bilich  
Cr Thomas

**Against**

Cr Robinson

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Cr McKechnie

**CARRIED**

14.4 Meeting Open to Public

RESOLVED OCM 45/2010

1. That the meeting open to the public following the consideration of confidential Chief Executive Officer's Report Items 9.3.1 and 9.3.4.

**Moved:** Cr M THOMAS

**Seconded:** Cr N TOWNSEND

**CARRIED UNANIMOUSLY**

The meeting opened to the public at 8.20pm.

**15. CLOSURE**

**15.1 Closure**

There being no further business the Chairman declared the meeting closed at 8.23pm.

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

Signed ..... Chairman

Dated this                      day of                      2010

