

SHIRE OF KALAMUNDA

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Minutes of Ordinary Meeting of Council Held in the Council Chambers 2 Railway Road, Kalamunda Monday 20 June 2011

1.0 OFFICIAL OPENING

1.1 The Deputy Shire President opened the meeting at 6.31 pm and welcomed Councillors, Staff and Members of the Public Gallery.

2.0 ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE PREVIOUSLY APPROVED

2.1 ATTENDANCE

Councillors

Sue Bilich	NORTH WARD
Margaret Thomas	NORTH WARD
Allan Morton	(CHAIRMAN) (DEPUTY SHIRE PRESIDENT) SOUTH WEST WARD
Noreen Townsend	SOUTH WEST WARD
Geoff Stallard	SOUTH EAST WARD
Frank Lindsey	SOUTH EAST WARD
Justin Whitten	NORTH WEST WARD
Martyn Cresswell	NORTH WEST WARD
Dylan O'Connor	NORTH WEST WARD

Members of Staff

Rhonda Hardy	DIRECTOR OF CORPORATE SERVICES
Kevin O'Connor	DIRECTOR OF COMMUNITY DEVELOPMENT
Clayton Higham	DIRECTOR OF PLANNING & DEVELOPMENT SERVICES
Mahesh Singh	DIRECTOR OF ENGINEERING SERVICES
Darrell Forrest	MANAGER GOVERNANCE
Peter Hayes	MANAGER BUSINESS AND STRATEGY
Steve Leeson	MANAGER FINANCIAL SERVICES
Michelle Clark	EXECUTIVE ASSISTANT CHIEF EXECUTIVE OFFICER
Donna McPherson	MINUTE SECRETARY

Members of Public 6

Members of Press 1

2.2 Apologies

Donald McKechnie	(SHIRE PRESIDENT) NORTH WARD
James Trail	CHIEF EXECUTIVE OFFICER

- 2.3 Leave of Absence Previously Approved
Maureen Robinson SOUTH WEST WARD
Carol Everett SOUTH EAST WARD

3.0 PUBLIC QUESTION TIME

A period of not less than 15 minutes is provided to allow questions from the Public Gallery on matters relating to the functions of this meeting.

Julie Oliver – Treasurer, Kalamunda Toy Library

(Question taken on notice Ordinary Council Meeting 16 May 2011)

Q. Has Lot (57) 33 Canning Road, Kalamunda owned by the Shire of Kalamunda had a change of use under the Local Planning Scheme # 3, and if so what has it been changed to? Was there an advertised requirement to the change of use? and when was it completed?

A. No, there has been no change of use.

3.1 Julie Oliver – Treasurer, Kalamunda Toy Library

Q. We (the Kalamunda Toy Library) are aware that the Shire is engaged in lease negotiations with Dome Coffee. We need to know if as part of the negotiations will a change of use occur to mixed business for the site previously used by the Police as the Kalamunda Police Station. Because this building is on the same land as the toy library is on will the change of use occur in the future?

A. Taken on notice.

4.0 PETITIONS/DEPUTATIONS

4.1 Nil.

5.0 APPLICATIONS FOR LEAVE OF ABSENCE

5.1 Application for Leave of Absence – Cr Frank Lindsey

RESOLVED OCM 76/2011

That Cr Frank Lindsey be granted leave of absence for the period 11 July 2011 to 24 July 2011. This leave period will include General Services Committee Meeting, Monday 11 July 2011 and Ordinary Council Meeting, Monday 18 July 2011.

Moved: **Cr Margaret Thomas**

Seconded: **Cr Noreen Townsend**

Vote: **CARRIED UNANIMOUSLY (9/0)**

6.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

6.1 Confirmation of Ordinary Council Meeting Minutes 16 May 2011

RESOLVED OCM 77/2011

That the Minutes of the Ordinary Council Meeting of the Shire of Kalamunda held in the Council Chambers, 2 Railway Road, Kalamunda on 16 May 2011 are confirmed as a true and correct record of the proceedings after the following correction is included,

- Item 10.2.19 (GS70) Review of Shire of Kalamunda Management Committees – In the Facility Advisory Committee Terms of Reference clause 5.3 delete “by Council” and replace with “Committee Secretariat”, Clause 5.7 amend to read “ Extraordinary meetings may be convened by the Committee Secretariat (Shire Officer) in accordance with Clause 5.3, following written requests from in excess of 50% of the current membership with voting rights.”

Moved: **Cr Margaret Thomas**

Seconded: **Cr Geoff Stallard**

Vote: **CARRIED UNANIMOUSLY (9/0)**

6.2 Confirmation of Special Council Meeting Minutes 7 June 2011

RESOLVED OCM 78/2011

That the Minutes of the Special Council Meeting of the Shire of Kalamunda held in the Council Chambers, 2 Railway Road, Kalamunda on 7 June 2011 are confirmed as a true and correct record.

Moved: **Cr Geoff Stallard**

Seconded: **Cr Frank Lindsey**

Vote: **CARRIED UNANIMOUSLY (9/0)**

7.0 ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION

7.1 Nil.

8.0 MATTERS FOR WHICH MEETING MAY BE CLOSED

8.1 Nil.

9.0 DISCLOSURE OF INTERESTS

Disclosure of Financial and Proximity Interests

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

9.1 Nil.

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.

9.2 Nil.

10.0 REPORTS TO COUNCIL

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

10.1 Planning Services Committee Report**Withdrawn Items from Planning Services Report**

Item PS19 withdrawn from en bloc resolution to allow Councillor Sue Bilich to record a vote against the recommendation

10.1.1 Adoption of Body of Planning Services Report**RESOLVED OCM 79/2011**

1. That the recommendations contained in the Planning Services Committee Report of the 7 June 2011, except items for separate consideration being PS19, be adopted.

Moved: **Cr Dylan O'Connor**

Seconded: **Cr Noreen Townsend**

Vote: **CARRIED UNANIMOUSLY (9/0)**

10.1.2 PS18 Local Planning Scheme No. 3 Amendment No. 38 - Lots 724, 725, 727, 728, 729, 730, 731, 732, 733, 734 and 751 (Sultana Road West, Lot 752 Eureka Street and Lots 752, 753, 754, 755 and 756 Milner Road, High Wycombe – Rezoning from Special Use (Business) to Light Industry

EN BLOC RESOLUTION OCM 79/2011

That Council:

1. Notes the submissions received in respect to Amendment No. 38 to Local Planning Scheme No. 3.
2. Adopts the amendment to Local Planning Scheme No. 3 in accordance with the following:

PLANNING AND DEVELOPMENT ACT 2005
RESOLUTION DECIDING TO AMEND A LOCAL PLANNING
SCHEME
SHIRE OF KALAMUNDA
LOCAL PLANNING SCHEME NO. 3
AMENDMENT NO. 38

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

- a. Local Planning Scheme No. 3 Amendment No. 38 - Lots 724, 725, 727, 728, 729, 730, 731, 732, 733, 734 and 751 Sultana Road West, Lot 752 Eureka Street

and Lots 752, 753, 754, 755 and 756 Milner Road, High Wycombe – Rezoning from Special Use (Business) to Light Industry.

- b. Delete item 7 of the Scheme's Schedule 4 (Special Uses) and renumber the remaining items accordingly.

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

Moved: **Cr Dylan O'Connor**

Seconded: **Cr Noreen Townsend**

Vote: **CARRIED UNANIMOUSLY (9/0)**

10.1.3 **PS19 Lot 31 (24) Mead Street, Kalamunda – Proposed Showroom and Warehouse**

COMMITTEE RECOMMENDATION TO COUNCIL PS19/2011

1. That the Showroom/Warehouse on Lot 31 (24) Mead Street, Kalamunda as shown on plans 10 173 DD01, 10 173 DD02, 10 173 DD03, 10 173 DD04 and Photomontage of Canning Road and Mead Street corner (undated) shown in (Attachments 1 to 5) be refused for the following reasons:
- a. The proposal fails to comply with the draft Planning and Urban Design Guidelines for the Kalamunda Town Centre in respect to built form and streetscape, specifically:
 - The building does not have an interactive shop frontage to the street with entry doors to either street.
 - The use of a roller door to the street.
 - Car parking is located between the street and the building. The car park does not include provision for landscaping.
 - b. The proposal fails to comply with Western Australian Planning Commission Policy which does not support vehicular access onto a Regional Reserve (Other Regional Roads) where an alternative access is available.

Moved: **Cr Margaret Thomas**

Seconded: **Cr Frank Lindsey**

Vote: For
Cr Frank Lindsey

Cr Margaret Thomas
Cr Allan Morton

Against

Cr Geoff Stallard
Cr Noreen Townsend
Cr Justin Whitten
Cr Martyn Cresswell
Cr Dylan O'Connor
Cr Sue Bilich

LOST (3/6)

RESOLVED OCM 80/2011

1. That the Showroom/Warehouse on Lot 31 (24) Mead Street, Kalamunda as shown on plans 10 173 DD01, 10 173 DD02, 10 173 DD03, 10 173 DD04 and Photomontage of Canning Road and Mead Street corner (undated) shown in (Attachments 1 to 5) be deferred to the Planning Services Committee meeting on 4 July 2011 for the purpose of further discussion with the applicant in respect:

- To built form and streetscape.
- The interactive shop frontage to the street with entry doors to either street.
- The use of a roller door to the street.

Moved: **Cr Sue Bilich**

Seconded: **Cr Frank Lindsey**

Vote: **CARRIED UNANIMOUSLY (9/0)**

10.1.4 **PS20 Annual Caravan Park Licence Renewals**

EN BLOC RESOLUTION OCM 79/2011

1. That Council approves the renewal of the caravan park licences, subject to receipt of the required licence fees, for:
- Discovery Holiday Park, 186 Hale Road Forrestfield.
 - Forrestfield Caravan N Park Home Village, 353 Hawtin Road Forrestfield.
 - Hillview Lifestyle Village, 597 Kalamunda Road High Wycombe.
 - Advent Park, 345 Kalamunda Road Maida Vale.

Moved: **Cr Dylan O'Connor**

Seconded: **Cr Noreen Townsend**

Vote: **CARRIED UNANIMOUSLY (9/0)**

10.1.5 **PS21 Amendment 34 to Local Planning Scheme No.3 - Rezoning From Special Rural to Industrial Development - Forrestfield Industrial Area Stage 1**

EN BLOC RESOLUTION OCM 79/2011

That Council:

- a. Notes the submissions received in respect to Amendment No 34 to Local Planning Scheme No. 3.
- b. Adopts Amendment No. 34 for final approval without modification by:

Rezoning the land bound by Berkshire Road, Roe Highway, Sultana Road West and Milner Road, with the exception of Lots 497, 498 and 499 Sultana Road West and a portion of lots 1 & 2 Sultana Road West, Forrestfield from Special Rural to Industrial Development in accordance with the Scheme Amendment Map.
- c. Duly executes the Amendment documents and forward them and submissions received to the Minister for Planning requesting final approval to be granted.

Moved: **Cr Dylan O'Connor**

Seconded: **Cr Noreen Townsend**

Vote: **CARRIED UNANIMOUSLY (9/0)**

10.1.6 **PS22 Planning and Urban Design Guidelines - Kalamunda Town Centre**

EN BLOC RESOLUTION OCM 79/2011

1. That Council adopts the Planning and Urban Design Guidelines (Attachment 2) for the Kalamunda Town Centre Control Area as outlined in clause 6.3 of Local Planning Scheme No. 3.

Moved: **Cr Dylan O'Connor**

Seconded: **Cr Noreen Townsend**

Vote: **CARRIED UNANIMOUSLY (9/0)**

10.2 **General Services Committee Report**

Withdrawn Items from General Services Report

Item GS82 withdrawn from en bloc resolution as absolute majority required.

Item GS86 withdrawn from en bloc resolution as absolute majority required.

Item GS89 withdrawn from en bloc resolution as Cr Sue Bilich proposed an alternative motion to the Committee Recommendation to Council.

10.2.1 **Adoption of Body of General Services Report**

RESOLVED OCM 81/2011

1. That the recommendations contained in the General Services Committee Report of the 13 June 2011, except items for separate consideration being GS82 GS86 and GS89, be adopted.

Moved: **Cr Martyn Cresswell**

Seconded: **Cr Geoff Stallard**

Vote: **CARRIED UNANIMOUSLY (9/0)**

10.2.2 **GS78 Creditors' Accounts Paid During the Period 21 April 2011 to 27 May 2011**

EN BLOC RESOLUTION OCM 81/2011

1. That the list of creditors paid during the period 21 April 2011 to 27 May 2011 (Attachment 1) be received by Council in accordance with the requirements of the *Local Government (Financial Management) Regulations 1996 (Regulation 12)*.

Moved: **Cr Martyn Cresswell**

Seconded: **Cr Geoff Stallard**

Vote: **CARRIED UNANIMOUSLY (9/0)**

10.2.3 **GS79 Monthly Financial Statements for the Period ending 31 May 2011**

EN BLOC RESOLUTION OCM 81/2011

1. That the monthly financial statements which comprise the Statement of Financial Position, Statement of Comprehensive Income by Nature and Type, Statement of Comprehensive Income by Program, Rate Setting Statement, Cash Flow Statement, Notes to and Forming Part of the Financial Report and Operating Budget Variance Analysis for the period ending 31 May 2011 (Attachment 1) be received.

Moved: **Cr Martyn Cresswell**

Seconded: **Cr Geoff Stallard**

Vote: **CARRIED UNANIMOUSLY (9/0)**

10.2.4 **GS80 Debtors and Creditors Reports for the Period ending 31 May 2011**

EN BLOC RESOLUTION OCM 81/2011

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

Moved: **Cr Martyn Cresswell**

Seconded: **Cr Geoff Stallard**

Vote: **CARRIED UNANIMOUSLY (9/0)**

10.2.5 GS81 Rates Debtors Report for the Period ending 31 May 2011EN BLOC RESOLUTION OCM 81/2011

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

Moved: **Cr Martyn Cresswell**

Seconded: **Cr Geoff Stallard**

Vote: **CARRIED UNANIMOUSLY (9/0)**

10.2.6 GS83 Application to Keep More Than Two Dogs – 5 Scenic Drive, Maida ValeEN BLOC RESOLUTION OCM 81/2011

1. That Council, pursuant to Clause 3.2 of the Shire of Kalamunda Dogs Local Law 2010 made under Section 26(3) of the *Dog Act 1976*, grant an exemption to the applicant of 5 Scenic Drive Maida Vale to keep three dogs on this property.

Moved: **Cr Martyn Cresswell**

Seconded: **Cr Geoff Stallard**

Vote: **CARRIED UNANIMOUSLY (9/0)**

10.2.7 GS84 Application to Keep More Than Two Dogs – 15 Coolinga Road, LesmurdieEN BLOC RESOLUTION OCM 81/2011

1. That Council, pursuant to Clause 3.2 of the Shire of Kalamunda Dogs Local Law 2010 made under Section 26(3) of the *Dog Act 1976*, grant an exemption to the applicant of 15 Coolinga Road, Lesmurdie to keep three dogs on this property.

Moved: **Cr Martyn Cresswell**

Seconded: **Cr Geoff Stallard**

Vote: **CARRIED UNANIMOUSLY (9/0)**

10.2.8 **GS85 Application to Keep More Than Two Dogs – 18 Watsonia Road, Gooseberry Hill**

EN BLOC RESOLUTION OCM 81/2011

1. That Council, pursuant to Clause 3.2 of the Shire of Kalamunda Dogs Local Law 2010 made under Section 26(3) of the *Dog Act 1976*, grant an exemption to the applicant of 18 Watsonia Road, Gooseberry Hill to keep four dogs on this property.

Moved: **Cr Martyn Cresswell**

Seconded: **Cr Geoff Stallard**

Vote: **CARRIED UNANIMOUSLY (9/0)**

10.2.9 **GS87 Review of Shire of Kalamunda Local Laws**

EN BLOC RESOLUTION OCM 81/2011

1. That statewide and local public notice be given that the Shire is proposing to review the following Local Laws and By-Laws relating to:

- Shire of Kalamunda Local Government Property Local Law 2001.
- By-Laws Relating to the Establishment, Maintenance and Equipment of the Bush Fire Brigade.
- Shire of Kalamunda By-Law Relating to the Removal and Disposal of Obstructing Animals or Vehicles.

Moved: **Cr Martyn Cresswell**

Seconded: **Cr Geoff Stallard**

Vote: **CARRIED UNANIMOUSLY (9/0)**

10.2.10 **GS88 Appointment of a Recovery Coordinator**

EN BLOC RESOLUTION OCM 81/2011

1. In accordance with Section 41 (4) of the *Emergency Management Act 2005*, endorses the appointment of the Director Community Development position as the Local Recovery Coordinator for the Shire of Kalamunda.
2. Supports the proposal to establish a Local Recovery Coordination Committee with the Terms of Reference proposed in (Attachment 1).

Moved: **Cr Martyn Cresswell**

Seconded: **Cr Geoff Stallard**

Vote: **CARRIED UNANIMOUSLY (9/0)**

10.2.11 **GS90 Tender for the Provision of Traffic Management Services (T1114)**

EN BLOC RESOLUTION OCM 81/2011

1. That the Tender for Provision of Traffic Management Services (T1114) be awarded to:

- a. Contraflow Pty Ltd.
- b. Secure Traffic.

at the Tendered prices provided in (Attachment 1) and (Attachment 2) for a period of three years with an option to extend for a further two 12 month periods.

Moved: **Cr Martyn Cresswell**

Seconded: **Cr Geoff Stallard**

Vote: **CARRIED UNANIMOUSLY (9/0)**

10.2.12 **GS91 Tender for Gully Eduction – Cleaning of Stormwater Drainage Structures and Pipes (T1110)**

EN BLOC RESOLUTION OCM 81/2011

1. That the Tender for Gully Eduction – Cleaning of Stormwater Structures and Pipes (T1110) be awarded to Drainflow Services Pty Ltd, at the Tendered prices provided in (Attachment 1) for a period of three years with an option to extend for a further two 12 month periods.

Moved: **Cr Martyn Cresswell**

Seconded: **Cr Geoff Stallard**

Vote: **CARRIED UNANIMOUSLY (9/0)**

10.2.13 **GS92 Request for Expression of Interest EOI 1005 – Land Lease and Community Housing Development Lot 106 (88) Hale Road Forrestfield**

EN BLOC RESOLUTION OCM 81/2011

That Council:

1. Appoint Access Housing as the preferred respondent to Expression Of Interest 1005.
2. Request Access Housing present a formal submission that addresses the following:
 - Proposed one off Payment of \$1 million for a 30 year lease with a 30 year option – in lieu of an annual ground lease fee.
 - Payment of Local Government Rates each year at the current valuations provided and updated by the Valuer General and at the appropriate rate in the dollar set by Council each financial year.
 - Detail on how the built form is likely to look and provide information on where similar structures exist that Councillors can visit.
 - Proposed mix of tenancies.
 - Commercial tenancies (if any proposed) to be located at ground level with residential units above.
 - Maintenance of all buildings and facilities including but not limited to roads, paths, gardens, lawns, trees within the leased area.

Moved: **Cr Martyn Cresswell**

Seconded: **Cr Geoff Stallard**

Vote: **CARRIED UNANIMOUSLY (9/0)**

10.2.14 **GS82 Budget Amendment – Office of Crime Prevention Grant Funding**

RESOLVED OCM 82/2011

1. That Council, pursuant to section S 6.8 (1)(c) *Local Government Act 1995*, amend the 2010/2011 Budget to include expenditure for the Urban Art Project of \$8,268.

Moved: **Cr Noreen Townsend**

Seconded: **Cr Martyn Cresswell**

Vote: **CARRIED UNANIMOUSLY/ABSOLUTE MAJORITY
(9/0)**

10.2.15 **GS86 Jack Healey Centre Advisory Committee – Nominations for Membership**

RESOLVED OCM 83/2011

That Council:

1. Appoints Tony Andrews (President of Kalamunda Senior Citizens Club) to the Jack Healey Centre Advisory Committee as the Kalamunda Senior Citizens Club representative.
2. Appoints Morrie Clark (member of Kalamunda Senior Citizens Club) to the Jack Healey Centre Advisory Committee as an independent interested person.

Moved: **Cr Sue Bilich**

Seconded: **Cr Margaret Thomas**

Vote: **CARRIED UNANIMOUSLY/ABSOLUTE MAJORITY
(9/0)**

10.2.16 **GS89 Tender for the Supply and Delivery of Crushed Ferricrete/Laterite (T1104)**

COMMITTEE RECOMMENDATION TO COUNCIL

1. That the Contract for the Supply and Delivery of Crushed Ferricrete/Laterite (T1104) be awarded to:

- B & J Catalano Pty Ltd.
- Vinci Gravel Supplies Pty Ltd.

for a period of three years with an option to extend for a further two 12 month periods, at the Tendered prices shown at (Attachment 1).

Moved:

Seconded:

Vote: **LAPSED**

The Committee Recommendation to Council did not receive a Mover or Seconder and **LAPSED**. Cr Bilich proposed a new motion to not accept any tenders and to call for new tenders. This motion received a Seconder and was put to a vote.

RESOLVED OCM 84/2011

1. That pursuant to Regulation 18 (5) of the *Local Government (Functions and General) Regulations 1996* Council declines to accept any tender.
2. That tenders for the supply and delivery of crushed Ferricrete/Laterite be recalled with greater emphasis on the following Tender Selection Criteria:
 - a. Quality – size of product and certification that product is dieback free.
 - b. Supply –quantity and delivery timelines.
 - c. Price.

Moved: **Cr Sue Bilich**

Seconded: **Cr Margaret Thomas**

Vote: **CARRIED UNANIMOUSLY (9/0)**

10.3 Audit Committee Report**10.3.1 Adoption of Audit Committee Report**RESOLVED OCM 85/2011

That the recommendations contained in the Audit Committee Report of the 14 June 2011 be adopted.

Moved: **Cr Noreen Townsend**

Seconded: **Cr Margaret Thomas**

Vote: **CARRIED UNANIMOUSLY (9/0)**

10.3.2 AC5 Investment ReportEN BLOC RESOLUTION OCM 85/2011

1. That the Report on Investments held by the Shire of Kalamunda be received.

Moved: **Cr Noreen Townsend**

Seconded: **Cr Margaret Thomas**

Vote: **CARRIED UNANIMOUSLY (9/0)**

10.3.3 AC6 Sundry Debtor Write-Off - TownendEN BLOC RESOLUTION OCM 85/2011

1. That the Audit Committee endorse the write off of an outstanding balance of \$20,996.36 owed by Roger and Raimunda Townend.

Moved: **Cr Noreen Townsend**

Seconded: **Cr Margaret Thomas**

Vote: **CARRIED UNANIMOUSLY (9/0)**

10.3.4 AC7 Sundry Debtor Write-OffEN BLOC RESOLUTION OCM 85/2011

1. That the Audit Committee endorses the write off of sundry debts totalling \$46,856.71, as detailed in Attachment 1, with the exception of loan repayments and lease/licence fees.
2. From 1 July 2011 all users will be required to pay for:
 - Utility Costs
 - Telephone Usage
 - Rubbish, waste & recycling services
 - Special Cleaning and Damage
 - Lease/licence Fees
 - Loan repayments.

Moved: **Cr Noreen Townsend**

Seconded: **Cr Margaret Thomas**

Vote: **CARRIED UNANIMOUSLY (9/0)**

10.3.5 AC8 Forrestfield United Soccer Club Sundry DebtEN BLOC RESOLUTION OCM 85/2011

1. That the amount of \$26,236.15 owed by the Forrestfield United Soccer Club Inc be rolled over until 31 December 2011.
2. That the Audit Committee endorse that the write off of \$14,285.21 owed by Forrestfield United Soccer Club Inc.

Moved: **Cr Noreen Townsend**

Seconded: **Cr Margaret Thomas**

Vote: **CARRIED UNANIMOUSLY (9/0)**

10.4 Chief Executive Officers' Report

10.4.1 Review of Delegations

Previous Items	OCM 84/10 (GS 64/2010)
Responsible Officer	Chief Executive Officer
Service Area	Office of CEO
File Reference	LE-ACT-006
Applicant	N/A
Owner	N/A
Attachment 1	Register of Delegations current as at 1 June 2011

PURPOSE

1. To review Council's delegations to the Chief Executive Officer and other employees.

BACKGROUND

2. In order to carry out its functions efficiently and effectively, Council has the ability to delegate its powers and duties to the Chief Executive Officer (or to another staff member, in some cases).
3. Section 5.46 of the Local Government Act 1995 requires each Council to review its delegations at least once every financial year.
4. Council last reviewed its delegations on 21 June 2010. The current delegations must therefore be reviewed by 30 June 2011.

DETAILS

5. The current delegations of Council, adopted in June 2010, plus a number of subsequent delegations, are shown in Attachment 1.
6. The review under taken by staff in preparation of this report has revealed that majority of the delegations are appropriate and provide an effective framework for the efficient operation of the Shire through the responsible discharge of the those powers and duties delegated by Council

STATUTORY AND LEGAL IMPLICATIONS

7. Section 5.42 of the *Local Government Act 1995* states that –
 "A local government may delegate to the CEO the exercise of any of its powers or the discharge of any of its duties under this Act other than those referred to in section 5.43." (absolute majority required);
 Limits on delegations to CEO's – s.5.43;
 Requirement for review – s.5.46.

8. Similar provisions apply in other Acts and the Shire's Local Planning Scheme No 3

POLICY IMPLICATIONS

9. Council's policies are to be reviewed to ensure that any limitations on delegation are clearly stated.

PUBLIC CONSULTATION/COMMUNICATION

10. Public consultation is not considered necessary with respect to this issue

FINANCIAL IMPLICATIONS

11. There are no direct financial implications associated with this issue.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

Strategic Planning Implications

12. Strategic Plan 2009-2014 – Goal 5
A Shire that is well governed, providing positive leadership and efficient service delivery to the community.

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

Sustainability Implications

Social implications

13. None.

Economic Implications

14. None.

Environmental Implications

15. None.

OFFICER COMMENT

16. As the review has concluded that all current Delegations are appropriate the officer recommendations reflect the outcome of the review undertaken of the existing Delegations

RESOLVED OCM 86/2011

1. That Council notes the outcome of the review of the Delegations.
2. That Council endorses the Delegations to the Chief Executive Officer and other staff as contained in Attachment 1

Moved: **Cr Margaret Thomas**

Seconded: **Cr Noreen Townsend**

Vote: **CARRIED UNANIMOUSLY/ABSOLUTE MAJORITY (9/0)**

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 Nil.

14.0 URGENT BUSINESS APPROVED BY THE PERSON PRESIDING OR BY DECISION

14.1 Electoral Distribution – Cr Dylan O’Connor

RESOLVED OCM 87/2011

- 1. That the Shire President write to the Electoral Distribution Commissioners objecting to the proposed transfer of that portion of the locality of High Wycombe bounded by Kalamunda Road, Roe Highway, Adelaide Street and the railway line from the district of Forrestfield to the district of Belmont to prevent the alienation of this portion of High Wycombe and the loss of community of interest with the remainder of High Wycombe.

Moved: **Cr Dylan O’Connor**

Seconded: **Cr Martyn Cresswell**

Vote: **CARRIED UNANIMOUSLY (9/0)**

15.0 MEETING CLOSED TO THE PUBLIC

15.1 Nil.

16.0 CLOSURE

16.1 There being no further business the Chairman declared the meeting closed at 7.22 pm.

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

Signed.....Chairman

Dated thisday of2011

