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Shire of Kalamunda

# Ordinary Council Meeting Agenda

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Monday 15 November 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 15 November 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**

10 November 2010

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## AGENDA

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**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 That the Minutes of the Ordinary Council Meeting held in the Council Chambers, 2 Railway Road Kalamunda, on 18 October 2010 is confirmed as a true and correct record of the proceedings.

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 18 October 2010.”**

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

7.1

**8.0 MATTERS FOR WHICH THE MEETING MAY BE CLOSED**

8.1

**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)

Disclosure of Interest Affecting Impartiality

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

## 10.0 REPORT TO COUNCIL

*Declaration of Financial/Conflict of interests to be recorded prior to dealing with each item.*

### 10.1 Planning Services Committee Report

#### 10.1.1 Adoption of Planning Services Committee Report

That the recommendations contained in the Planning Services Report of the 1 November 2010 be adopted.

Moved:

Seconded:

*An amended (**Attachment 2**) of the Report to Council is included in the Ordinary Council Meeting Attachment document.*

#### **PSC65. Lot 500 (32) Gavour Road, Wattle Grove – Rezoning from Special Rural to Special Use (Aged Residential Care)**

COMMITTEE RECOMMENDATION TO COUNCIL

PS- 65/2010

That Council:

1. Notes the overwhelming response of 82% public submissions received In favour of the proposed Scheme Amendment No. 18 to Local Planning Scheme No.3;
2. Notes the State Government's *Directions 2031 and Beyond*, Outer Metropolitan Perth and Peel Sub-Regional Strategy has identified Wattle Grove as having "potential for future consideration as a urban investigation area this is due to its proximity to the urban front and employment around the airport" and believes this provides an appropriate context for the proposed Scheme Amendment
3. Notes that, of the 6 sites identified by the Shire as being suitable for aged residential accommodation and care, Council re-endorse the Officers report of May 2009 that "...there is no other single landholding (within the Shire) that is better suited to this type of facility".

4. Adopts Scheme Amendment No. 18 relating to Lot 500 Gavour Road, Wattle Grove from "Special Rural" to "Special Use (Aged Residential Care)" zone, subject to the following modifications:
- a) Including a provision requiring that development be connected to a reticulated sewer service or an alternative system to the satisfaction of the Department of Health of Western Australia.
  - b) In the conditions, deleting the word "generally" in respect to the minimum age of at least one of the occupants of each dwelling.
  - c) Under the Special Use column under point (c), delete reference to point (b) and (c) and replace with point (a) and (b).

Including the "Special Use" site in Schedule 4, "Special Use Zones" as follows:

No.	Description of Land	Special Use	Conditions
	Lot 500 (32) Welshpool and Gavour Roads, Wattle Grove	<p>Aged Residential Care</p> <p>(a) Within this zone, the following uses are permitted (P):</p> <ul style="list-style-type: none"> <li>• Aged Residential Care;</li> <li>• Caretaker's dwelling;</li> <li>• Consulting Rooms;</li> <li>• Grouped Dwelling;</li> <li>• Single House</li> </ul> <p>(b) Council may approve other ancillary or incidental uses on this site, provided that they form part of the operational business of the facility and which uses might complement or enhance the usual living standards and requirements of residents living in and staff serving a facility of this nature.</p> <p>(c) All other uses not mentioned under Sub Clauses (a) and (b) of this Clause are not permitted (X).</p>	<p>At least one occupant of any dwelling must have reached the age of 55 years.</p> <p>Development on the site shall be connected to a reticulated sewer service or alternative system to the satisfaction of the Department of Health of Western Australia.</p>

**PSC66. Proposed Policies for the Planning & Development Services Directorate**

COMMITTEE RECOMMENDATION TO COUNCIL PS - 66/2010

1. That Council advertises the following policies in accordance with provision 2.4 of Local Planning Scheme No. 3:
  - Local Planning Policy DEV 42 – Water Sensitive Urban Design (***Attachment 1***)
  - Local Planning Policy DEV 43 – Uniform Fencing (***Attachment 2***)

**PSC67. Townscape Improvement Plans - Maida Vale Shopping Centre and Kenneth Road Shopping Centre**

COMMITTEE RECOMMENDATION TO COUNCIL PS - 67/2010

1. That Council approves the Townscape Improvement Concept Plans for the Maida Vale Shopping Centre and the Kenneth Road Shopping Centre for the purpose of public consultation.

**PSC68. Townscape Improvement Plans - Edinburgh Road Shopping Centre-Forrestfield**

COMMITTEE RECOMMENDATION TO COUNCIL PS - 68/2010

1. That Council approves the Townscape Improvement Concept Plans for Edinburgh Road Shopping Centre for the purpose of public advertising.

**PSC69. Modification to Structure Plan - Forrestfield Urban Area U7- Agreement Area 2D - Lots 527 & 528 Berkshire Road, Forrestfield**

COMMITTEE RECOMMENDATION TO COUNCIL PS - 69/2010

1. That Council supports the proposed modification to the adopted Structure Plan for Forrestfield Urban Area U7 - Agreement area 2D, to allow a minor road layout change and expansion of the R30 area adjacent to Berkshire Road.
2. That the proposed modification be forwarded to the WA Planning Commission for endorsement.

**PSC70. Local Planning Scheme No. 3 Amendment – Additional Use (Consulting Rooms) Lot 17 (484) Kalamunda Road, High Wycombe**

COMMITTEE RECOMMENDATION TO COUNCIL PS - 70/2010

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.

That Council in pursuance of Part 5 of the *Planning and Development Act 2005*, amends Local Planning Scheme No. 3 by inserting into Schedule 2 (Additional Uses) of the Scheme Text, the following:

No.	DESCRIPTION OF LAND	ADDITIONAL USE	CONDITIONS
46	484 Kalamunda Road, High Wycombe (Lot 17)	Consulting Rooms	(a) Consulting rooms are not permitted unless approval is granted by Council ("A").  (b) A minimum of nine car parking bays are to be provided on site.

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.

**PSC71. Local Planning Scheme No. 3 – Text Amendment Relating to Special Rural and Rural Composite Zone Development Requirements**

COMMITTEE RECOMMENDATION TO COUNCIL

PS - 71/2010

1. That Council:

- (a) Adopts Amendment No. 30 to Local Planning Scheme No. 3 without modification, to delete the following provisions:

*"5.10.2 Land Use and Development*

- (ii) *Planning approval is required for all developments including a dwelling house and outbuildings.*
- (iii) *No building shall be constructed unless the external materials shall be of colour and material as approved by the local government.*

*5.14.2 Land Use and Development*

- (ii) *Planning approval is required for all developments including a dwelling house and outbuildings.*
- (iii) *No building shall be constructed unless the external materials shall be of colour and texture as approved by the local government."*
- (b) Duly executes the Amendment documents and forwards them to the Minister for Planning requesting that final approval be granted.

**PSC72. Local Planning Scheme No. 3 Amendment – Rezone from Special Use to Light Industry, Lots 724 (2) to 734 (38) Sultana Road West and Lots 753 (110) to 756 (122) Milner Road, High Wycombe**

COMMITTEE RECOMMENDATION TO COUNCIL

PS - 72/2010

1

That Council initiates:

1. The amendment to Local Planning Scheme No. 3 in accordance with the following:

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

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

1. Rezoning Lots 724 (2) to 734 (38) Sultana Road West and Lots 753 (110) to 756 (122) Milner Road, High Wycombe from Special Use (Business) to Light Industry.

In accordance with the Scheme Amendment Map.

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

2.

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.

**PSC73. Extension to agreed timeframes for Medical Centre and Lifestyle Village - Lots 23, 50 and 9001 Kalamunda Road, High Wycombe**COMMITTEE RECOMMENDATION TO COUNCIL

PS - 73/2010

That Council:

1. Extends the time stipulated in clause 2.3.4 (a) of the Shire agreement for completion of the following works and development forming part of the town centre concept:
  - The following components of the village centre, namely the medical centre, one restaurant and public toilets are to be completed by 24 October 2014.
2. Extends the time in clause 2.3.4(b) of the Shire agreement for completion of the following works and development involved in the lifestyle retirement village:
  - 32 aged persons' dwellings for which planning approval was granted on 7 February 2008, are to be completed by 24 October 2014; and
  - A further 32 aged persons' dwellings, for which planning approval was granted on 7 February 2008, are to be completed by 24 October 2014.
3. Under clause 10.5.2 of the Local Planning Scheme No. 3, extends the last day of the period stipulated in the planning approval granted on 7 February 2008 within which the lifestyle retirement village is to be completed by 24 October 2014

**PSC74. Policy Review: Appointment of Deputies under the *Health Act 1911***COMMITTEE RECOMMENDATION TO COUNCIL

PS - 74/2010

1. That Council adopts the revised Policy (HLTH1) Appointment of Deputies under the *Health Act 1911* as shown in (***Attachment 1***).

**10.2 General Services Committee Report**10.2.1 Adoption of General Services Committee Report

That the recommendations contained in the General Services Report of the 8 November 2010, except withdrawn items GSC122, GSC123, GSC124 and GSC129 be adopted.

Moved:

Seconded:

**GSC118 Creditors' Accounts Paid During the Period 30 September to 26 October 2010**COMMITTEE RECOMMENDATION TO COUNCIL

GS - 118/2010

1. That the list of creditors paid during the period 30 September to 26 October 2010 (***GS 118/2010, Attachment 1.***) be received by Council in accordance with the requirements of the *Local Government (Financial Management) Regulations 1996 (Regulation 12)*.

**GSC119 Monthly Financial Statements for the Period ending 30 September 2010**COMMITTEE RECOMMENDATION TO COUNCIL GS - 119/2010

1. That the monthly Financial Statements which comprise the Rate Setting Statement and the Statement of Comprehensive Income for the period ending 30 September 2010 (***GS 119/2010, Attachment 1***) be received.

**GSC120 Debtors and Creditors Reports for the Period ending 30 September 2010**COMMITTEE RECOMMENDATION TO COUNCIL GS - 120/2010

1. That the outstanding debtors (***GS 120/2010, Attachment 1***) and creditors (***GS 120/2010, Attachment 2***) report as at 30 September 2010 be received.

**GSC121 Rates Debtors Report for the Period ending 30 September 2010**COMMITTEE RECOMMENDATION TO COUNCIL GS - 121/2010

1. That the rates debtors report as at 30 September 2010 (***GS 121/2010, Attachment 1***) be received.

**GSC125 Expression of Interest - EOI 1004 – 31 (Lot 56) Canning Road Kalamunda (Kalamunda Police Station)**COMMITTEE RECOMMENDATION TO COUNCIL GS - 125/2010

1. That Dome Coffees be invited to submit a formal proposal for the use of 31 Canning Road Kalamunda for Council endorsement.
2. That Council seek Ministerial Consent to Lease the property at 31 Canning Road being Reserve No. 9050 for purposes that meet with the Planning Strategies that are being developed for that precinct.
3. That the CEO be authorised to negotiate an acceptable Lease arrangement with Dome Coffees Australia Pty Ltd.

**GSC126 Approval of Business Plan for a Proposed Major Land Transaction – 1 Cygnet Court and 21 Edney Road, High Wycombe**COMMITTEE RECOMMENDATION TO COUNCIL GS - 126/2010

1. That the Draft Business Plan presented as presented in (***Attachment 1***) be adopted for the purpose of advertising for public comment as required by Section 3.59 of the *Local Government Act 1995*.

**GSC127 Application To Keep More Than Two Dogs – 3 Cunnold Close, Pickering Brook**COMMITTEE RECOMMENDATION TO COUNCIL

GS - 127/2010

That Council

1. Pursuant to Clause 3.2 of the Shire of Kalamunda Dogs Local Law 2010 made under Section 26(3) of the Dog Act 1976, grant an exemption to the applicants of 3 Cunnold Close, Pickering Brook to keep a third dog on their property.
2. Advise the adjoining neighbours of Council's decision.

**GSC128 Application To Keep More Than Two Dogs – 333 Hawtin Road, Forrestfield**COMMITTEE RECOMMENDATION TO COUNCIL

GS - 128/2010

That Council

1. Pursuant to Clause 3.2 of the Shire of Kalamunda Dogs Local Law 2010 made under Section 26(3) of the Dog Act 1976, grant an exemption to the applicant of 333 Hawtin Road, Forrestfield to keep a third dog on this property.
2. Advise the adjoining neighbours of Council's decision.

**ABSOLUTE MAJORITY REQUIRED****GSC123 Budget Amendment – CS25 You're Welcome WA Access**COMMITTEE RECOMMENDATION TO COUNCIL

GS - 123/2010

1. That the following budget amendments to be adopted:
  - (a) reallocate job CS25 You're Welcome WA Access from Seniors account 380750 to Disabilities account 381729;
  - (b) decrease expenditure in account 381729/job 3502 (IDPwD) from \$6,500 to \$0; and
  - (c) increase expenditure in account 381729/ job CS25 (You're Welcome WA Access) from \$0 to \$6,500.

Moved:

Seconded:

**ABSOLUTE MAJORITY**

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**GSC129 Pickering Brook Sports Club – Kitchen Upgrade and Associated Works**COMMITTEE RECOMMENDATION TO COUNCIL

GS- 129/2010

1. That Council notes the work required at the Pickering Brook Sports Club at a total estimated cost of \$420,000 and authorises over expenditure of \$320,000 to be funded from the Building Reserve.

Moved:

Seconded:

**ABSOLUTE MAJORITY****NOTICE OF PROPOSED AMENDMENT TO MOTIONS (see separate attachment)****GSC122 Budget Amendment – 420 Engineering Works (Construction)**COMMITTEE RECOMMENDATION TO COUNCIL

GS - 122/2010

1. That Council amends the Shire of Kalamunda 2010-2011 adopted Budget to reflect accurate expenditure allocation to the Capital Expenditure Works Construction Programs.

Moved:

Seconded:

**ABSOLUTE MAJORITY****GSC124 Proposed Development - Lot 106 (88) Hale Road Forrestfield**COMMITTEE RECOMMENDATION TO COUNCIL

GS - 124/2010

1. That the Business Plan for the Proposed Development Lot 106 (88) Hale Road Forrestfield be adopted.
2. That expressions of interest be called for the development of Community Housing in accordance with Department of Housing requirements.
3. That expressions of interest be called for the Land Lease and development of the Commercial/Office components of the Business Plan.

Moved:

Seconded:

**10.3 Audit Committee Report****10.3.1 Adoption of Audit Committee Report**

That the recommendations contained in the Audit Committee Report of the 8 November 2010 be adopted.

Moved:

Seconded:

**AC5.1 Independent Audit Report**

COMMITTEE RECOMMENDATION TO COUNCIL AC - 10/2010

1. That Council receive the Independent Audit Report of the Shire of Kalamunda for the financial year ended 30 June 2010 as presented as ***(Attachment 1)***.

**AC5.2 Annual Financial Report**

COMMITTEE RECOMMENDATION TO COUNCIL AC - 11/2010

1. That Council receive the Annual Financial Statements of the Shire of Kalamunda for the financial year ended 30 June 2010 as presented as ***(Attachment 1)***.

**AC5.3 2010 Annual Report**

COMMITTEE RECOMMENDATION TO COUNCIL AC - 12/2010

1. That the item – Annual Report 2010 - be withdrawn.

**10.4 Chief Executive Officers' Report**

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

**10.4.1 Quarterly Progress Report**

Previous Items: N/A  
 Responsible Officer: James Trail  
 Service Area: Chief Executive's Office  
 File Reference: OR-CMA-009  
 Applicant: N/A  
 Owner: N/A

Attachments 1 Quarterly Progress Report July – September 2010

**PURPOSE**

1. To report to Council on the Shire's progress towards achieving its strategic goals.

**BACKGROUND**

2. In July 2009, the Shire implemented an integrated planning software package, "interplan". Interplan links the actions that each staff member works on within their business unit to the Strategic Plan. This ensures that each employee is working towards achieving the strategic direction of the Council.

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3. The person responsible for an action is required to update that action each month, giving an indication of how the action is progressing. Key Performance Indicators (KPIs) are also updated. This information is collected by interplan to provide an overview of how the organisation is performing.

## DETAILS

4. The fourth quarterly progress report, for April to June 2010, is presented at ***(Attachment 1.)*** This report shows the progress of certain major projects and capital works for 2010/20101 budget summaries; KPI performance; and the progress of the Shire against the five goals set out in the Strategic Plan.
5. **Quarterly Progress Against Goals**  
Each business unit in the Shire has a business plan, which contains the actions to be achieved in the 2010/11 year. Each of these actions is linked to a strategy, outcome and goal in the Strategic Plan adopted by Council.  
All goals are progressing well. On average, the actions related to the five goals are at 95% or more of their target.
6. **Key Performance Indicators**  
Performance against the Shire's corporate KPIs is shown. Of the 14 KPIs presented, 10 are at or exceeding their target, 2 are within 5% of their target, and 2 are below 5% of their target. It should be noted that high targets have been set (for example 98% of all incoming correspondence is to be responded to within 5 working days). These KPIs are monitored and reported on monthly.
7. **Major Projects**  
The progress of a number of major projects for 2010/11 is shown. With one exception, all projects are at 90% or more of their progress target for the year to date. The remaining project, which relates to the extension of the Forrestfield / High Wycombe Industrial Area, is currently at 63% of its progress target. More detailed comments regarding the progress of each project are shown following the summary page.
8. **Divisional Summary**  
A summary of progress for the quarter is presented for each of the Directorates.
9. **Directorate Budgets**  
The actual and budgeted year-to-date figures are shown for each Directorate.
10. **Financial Report – Organisational Summary Graph**  
The actual and budgeted year-to-date expenditure figures are shown for the Shire as a whole. Expenditure is below budget.

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11. **Financial Report – Organisational Summary Table**

Actual and budgeted income and expenditure is shown for each business unit. The variance is also shown. Income – expenditure is shown at the bottom of the table (“Overall Net”). For the period July – September 2010, the budgeted income was \$29,840,491.64 and the actual income \$29,068,195.83. The budgeted expenditure was \$15,879,565.00 and the actual expenditure \$14,318,759.93. This is an overall net figure of \$13,960,926 budgeted and \$14,749,435 actual.

The year-to-date revenue is currently 2.6% less than budgeted, and expenditure is 9.8% less than the budgeted amount.

12. **Engineering Financial Summary**

The major engineering projects for 2010/11 are shown in a table, following the budget summary graph. Budgeted and actual amounts, and the variance, are shown for each of the projects.

13. **Asset Financial Summary**

The major asset-related projects for 2010/11 are shown in a table, following the budget summary graph. Budgeted and actual amounts, and the variance, are shown for each of the projects. A more detailed list, outlining the progress of each project, follows the table.

14. **Capital Works**

A graph showing budgeted and actual expenditure on capital works is shown. Expenditure is currently below budget. Following the graph, a table of the major capital works projects for 2010/11 is presented, showing budgeted and actual amounts, and the variance, for each project. A summary of the progress of these projects follows, and then a more detailed list including progress comments.

## **STATUTORY AND LEGAL IMPLICATIONS**

15. Nil.

## **POLICY IMPLICATIONS**

16. Nil.

## **PUBLIC CONSULTATION/COMMUNICATION**

17. Nil.

## **FINANCIAL IMPLICATIONS**

18. Nil. The interplan system allows expenditure to be monitored continuously through the year.

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**STRATEGIC AND SUSTAINABILITY IMPLICATIONS**

19. **Strategic Planning Implications**

All actions within interplan are linked to the Strategic Plan. This ensures that all projects and tasks that are carried out are done so with the strategic direction of Council in mind.

**Economic Implications**

- Nil.

**Environmental Implications**

- Nil.

**OFFICER COMMENT**

20. Nil.

**RECOMMENDATION**

1. That the Quarterly Progress Report for July – September 2010 be received, and the positive outcomes for the quarter ending September 2010 be noted.

Moved:

Seconded:

- 11.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**
- 12.0 QUESTIONS BY MEMBERS WITHOUT NOTICE**
- 13.0 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN**
- 14.0 URGENT BUSINESS APPROVED BY THE PERSON PRESIDING OR BY DECISION**
  - 14.1 Termination of Lease – Wet-n-Wild  
Item distributed under separate cover.
- 15.0 MEETING CLOSED TO THE PUBLIC**
- 16.0 CLOSURE**