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Shire of Kalamunda

# Ordinary Council Meeting Agenda

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Monday 16 August 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 16 August , 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**

11 August 2010

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

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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.

#### **3.2 James Dean 8 Flora Terrace Lesmurdie Questions taken on notice 19 July 2010**

Q. Having “No Head of Power” to act, how can the Shire of Kalamunda conduct itself as the custodians of our land or district when it has no legal standing under the Commonwealth of Australia Constitution Act 1900 which invalidates Local Governments?

A. Planning assessments and decisions made by the Shire of Kalamunda are done in accordance with the Local Planning Scheme No 3 and related policies.

Q. Further and in the alternative on what basis does the Shire of Kalamunda validate their authority to approve a controversial religious development situated at 159 Canning Road, Kalamunda and on what basis were the residents not informed by way of a broad and transparent public consultation?

A. Planning assessments and decisions made by the Shire of Kalamunda are done in accordance with the Local Planning Scheme No 3 and related policies.

### **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 19 July 2010.**

That the Minutes of the Ordinary Council Meeting of the Shire of Kalamunda held in the Council Chambers on 19 July 2010 be confirmed.

Moved:

Seconded:

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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 19 July 2010.”**

**6.2 Confirmation of Special Council Meeting Minutes 26 July 2010.**

That the Minutes of the Special Council Meeting of the Shire of Kalamunda held in the Council Chambers on 26 July 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 26 July 2010.”**

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

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

**8.1 10.4.1 Traffic Consideration – Shopping Centre Kalamunda Road, High Wycombe**

*Reason for Confidentiality-Local Government Act 1995: s. 5.23(2) (c), '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)

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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.

9.1 **GSC Item 80 Community Sport and Recreation Facilities Small Grant Fund 2010/11 -Prioritising of Applications**

Councillor Geoff Stallard declared an interest affecting impartiality as he is a teacher at Mazenod College and the Chair of the Ray Own Sports Centre Management Committee.

9.2 **GSC Item 82 Disability Access and Inclusion Advisory Committee – Nominations for Membership**

Councillor Carol Everett declared an interest affecting impartiality as she sits on the Disability Access and Inclusion Advisory Committee.

**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 2 August 2010 be adopted.

Moved:

Seconded:

**PSC50. Proposed Modified Planning & Development Policy – Framework for Assessing Requests for Variations to the Number of Car Parking Bays – Final Adoption**

COMMITTEE RECOMMENDATION TO COUNCIL PS 50/2010

1. That modified Local Planning Policy DEV41 - Framework for Assessing Requests for Variations to the Number of Car Parking Bays is adopted and a notice to this effect be placed in a newspaper circulating in the district.

**PSC51. Proposed Revocations of Various**COMMITTEE RECOMMENDATION TO COUNCIL PS 51/2010

1. That Council revokes the following planning policies in accordance with clause 2.5 of Local Planning Scheme No 3:
  - DEV 5 – Caravan Park Proposals
  - DEV 8 – Delegation of Authority – Approval of Building Plans
  - DEV11 – Delegation of Authority – Issue of Stop Work Orders
  - DEV17 – Igloo/Tunnel House Applications
  - DEV 18 – Noise Attenuation for Buildings in the Proximity of Perth Airport
  - DEV29 - Refund of Building Licence Fees
  - DEV 31 – Road Closure Procedures – Roads, Rights of Way and Pedestrian Access Ways
  - DEV 33 – Signs – Display of Portable Signs
  - DEV 34 – Signs – General
  - DEV35 – Stormwater Drainage
  - DEV40 – Boundary Retaining Walls on Residential Land
  
2. A notice of revocation be published once a week for 2 consecutive weeks in a newspaper circulating in the Shire area.

**PSC52. Local Planning Scheme No. 3 - Text Amendment Relating to the Use of Front Setbacks in Commercial and Industrial Zones**COMMITTEE RECOMMENDATION TO COUNCIL PS 52/2010

1. That Council initiates 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 as follows:

- (a) Include the following purpose as highlighted, in clause 5.15.3 and 5.16.1:
  - (i) a means of vehicular or pedestrian access;*
  - (ii) the daily parking of vehicles used by employees and customers;*
  - (iii) the loading and unloading of vehicles;*

*iv) landscaping; and*

*(v) trade display."*

- (b) Delete the following provision from clause 5.16.1 of Local Planning Scheme No. 3:

*"No such area shall be used for the parking of vehicles displayed for sale or which are being wrecked or repaired, or for the stacking or storage of fuel, raw materials, products, or by-products, or wastes of manufacture."*

- (c) Include the following provision in clause 5.16.1:

*"No such area shall be used for the storage of motor vehicles, machinery, equipment or materials which are being wrecked or repaired, or for the stacking or storage of fuel, raw materials, products or by-products or wastes of manufacture, other than as provided for under sub-paragraph (v) above."*

## **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 9 August, excluding withdrawn items GSC 82 and GSC 84, be adopted.

Moved:

Seconded:

### **GSC72 Creditors Accounts Paid during the period 22 June 2010 to 22 July 2010**

#### COMMITTEE RECOMMENDATION TO COUNCIL

GS 72/2010

1. That the list of Creditors' paid during the period 22 June 2010 to 22 July 2010 attached be received by Council in accordance with the requirements of Regulation 12 of the Local Government (Financial Management) Regulations 1996.

### **GSC73 Financial Activity Statements for the Period 30 June 2010**

#### COMMITTEE RECOMMENDATION TO COUNCIL

GS 73/2010

1. That the Financial Activity Statement reports for the period ending 30 June 2010 be received.

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**GSC74 Debtors and Creditors Report**

COMMITTEE RECOMMENDATION TO COUNCIL GS 74/2010

1. That the outstanding debtors and creditors report as at 30 June 2010 be received.

**GSC75 Rates Debtors Report**

COMMITTEE RECOMMENDATION TO COUNCIL GS 75/2010

1. That the rates debtors report as at 30 June 2010 be received.

**GSC76 Quarterly Progress Report**

COMMITTEE RECOMMENDATION TO COUNCIL GS 76/2008

1. That the Quarterly Progress Report for April - June 2010 be received.

**GSC77 Proposed Development Lot 106 Hale Road Forrestfield**

COMMITTEE RECOMMENDATION TO COUNCIL GS - 77/2010

1. That Council authorise the preparation of a business plan in accordance with 3.59 of the Local Government Act 1995 for the disposal by land lease and or development of Lot 106 (88) Hale Road Forrestfield.
2. That the business plan also addresses the following:
  - Community housing project
  - A Council services building/s
  - Development and or disposal of the commercial components
  - That the above take into account:
    - The provision of passive recreation space
    - Linking the development to existing services & facilities
    - Rehabilitation and integration of Woodlupine Creek

**GSC78 Economic Development Strategy – Proposed Endorsement**

COMMITTEE RECOMMENDATION TO COUNCIL GS- 78/2010

1. The Council Endorse the Shire of Kalamunda Economic Development Strategy 2010 (*GSC Item 78/2010 Attachment 1*).



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**GSC79 Hartfield Park Masterplan - Public Comment and Council Adoption**COMMITTEE RECOMMENDATION TO COUNCIL GS- 79/2010

That Council:

1. Notes the community feedback on the Draft Hartfield Park Masterplan; and
2. Adopts the Final Hartfield Park Masterplan (***GSC Item 79/2010 Attachment 2***), incorporating two minor amendments to the Draft Plan, namely:
  - Include provision of additional seating adjacent to the practice cricket nets within the short term priorities, with costs to be included in contingency funds.
  - Notes that consideration will be given to an extended fence being provided on the southern side of the new hockey fields.
3. Notes capital projects identified within the Hartfield Park Masterplan will be submitted to Council for determination of priorities for inclusion within its long term financial plans and subsequent annual budget deliberation process.

**GSC80 Community Sport and Recreation Facilities Small Grant Fund 2010/11 - Prioritising of Applications**COMMITTEE RECOMMENDATION TO COUNCIL GS - 80/2010

That Council:

1. Supports the prioritisation of the following applications for the Department of Sport and Recreation's 2010/11 Community Sport and Recreation Facilities Small Grant Fund in order of priority:
  - i) Lesmurdie Mazenod Cricket Club
  - ii) Kalamunda and Districts Netball Association
  - iii) Lesmurdie Tennis Club
2. Notes any approval of these applications from the Department of Sport and Recreation will require Council consideration of an amount up to 154,962 as an amendment to the 2010/2011 Budget.

**GSC81 Jack Healey Centre Management Committee – Nomination for Membership**COMMITTEE RECOMMENDATION TO COUNCIL GS - 81/2010

1. That Council make no further appointments to the Jack Healey Centre Management Committee until completion of the review requested by the Chief Executive Officer.

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**GSC83. Proposed Closure of Portion of Road Reserve – Lot 7 (31) Marchetti Road, Pickering Brook**

COMMITTEE RECOMMENDATION TO COUNCIL GS - 83/2010

1. That the intention to close the portion of road reserve abutting Lot 7 (31) Marchetti Road, as shown at (*Attachment 1.*) be advertised, in accordance with Section 58 of the Land Administration Act 1997, subject to the applicant meeting all costs associated with the closure
2. That in the event no objections are received at the end of the notice period, the closure of the portion of road reserve be recommended to the Minister for Planning.

**ABSOLUTE MAJORITY REQUIRED****GSC82 Disability Access and Inclusion Advisory Committee – Nominations for Membership**

COMMITTEE RECOMMENDATION TO COUNCIL GS - 82/2010

1. That Council appoints Nita Sadler, Charles Ducrow and Paul Rogers as members of Council's Disability Access and Inclusion Advisory committee.

**ABSOLUTE MAJORITY REQUIRED****GSC84. Delegation of Authority to Chief Executive Officer**

COMMITTEE RECOMMENDATION TO COUNCIL GS - 84/2010

1. That Council Adopts Delegation LGA13 – Granting Concessions as detailed in Attachment 1.
2. That the Chief Executive Officer provide Council with a quarterly report of the use of this delegation.

**ABSOLUTE MAJORITY REQUIRED****10.3 Audit Committee Report****10.3.1 Adoption of Audit Committee Report**

That the recommendations contained in the Audit Committee held on 2 August 2010 be adopted.

Moved:

Seconded:

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**AC5.1 Interim Audit Visit Report**COMMITTEE RECOMMENDATION TO COUNCIL

AC- 2/2010

1. That the Audit Committee receives the Interim Audit Report for the year ended 30 June 2010.
2. That a progress report be provided to Council at the next Audit Committee Meeting.

**AC5.2 UHY Haines Norton Financial Management Review**COMMITTEE RECOMMENDATION TO COUNCIL

AC-3/2010

1. That the Audit Committee receive the findings and recommendations contained in the UHY Haines Norton Financial Management Review.
2. That a progress report be provided to Council at the next Audit Committee Meeting.

**AC5.3 Investment Report**COMMITTEE RECOMMENDATION TO COUNCIL

AC- 4/2010

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

**AC5.4 Sundry Debtors Write Off Report**COMMITTEE RECOMMENDATION TO COUNCIL

AC 5/2008

1. That the Audit Committee notes the write-off of \$37,307.11 of sundry debtors.

**10.4 Chief Executive Officer's Report****10.4.1 Traffic Consideration – Shopping Centre Kalamunda Road, High Wycombe**

*Reason for Confidentiality-Local Government Act 1995: s. 5.23(2) (c), '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.'*

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**11.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN****11.1 Waste Compost Bin Viability (Cr Frank Lindsey)**

1. That Council request the CEO to investigate and report to Council on the economic viability of providing households within the Shire with a waste compost bin.

The report is to consider:

- (i) the likely total and unit cost of bulk purchasing suitable compost bins;
- (ii) the expected longevity of the compost bins;
- (iii) the relative efficiency of alternative compost bin systems in composting green household waste;
- (iv) the likely annual and lifetime savings that would result to the Shire from reduced expenditure on land fill levies consequent upon reduced waste collection; and
- (v) any other relevant matters.

2. That such report be submitted to Council for its consideration by the November 2010.

Moved: Cr Frank Lindsey

Seconded:

**11.2 Aging Infrastructure in the Hills and an increase of resources required for Prescribed Burning on Crown Land - Request to the Minister for Energy and Premier (Cr Donald McKechnie)****Background**

The Victorian Bushfires Royal Commission has handed the Victorian State Government some major challenges in its recommendations, including the multi-billion dollar replacement of aging power lines, the management of what are being called fire-trap communities and the buy back of severely at risk properties.

Other findings are the Commission wants fuel reduction trebled each year to about five per cent of Victoria's public land.

The Motion above has been called by the Shire President as a direct result of the findings of the Victorian Bushfires Royal Commission and in the interest of the Hills residents.

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**MOTION**

1. That the Chief Executive Officer write to the Minister for Energy and the Premier requesting that they replace the aging infrastructure, such as old powerlines in the Hills area, and that more resources be put into prescribed burning on Crown Land.

Moved: Cr Donald McKechnie

Seconded:

**12.0 QUESTIONS BY MEMBERS WITHOUT NOTICE****13.0 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN****13.1 Neighbourhood Issue (Cr Maureen Robinson)**

- Q. Is there anything that can be done to assist a ratepayer who is having issues with a neighbour who burns rubbish in their back yard and also has rubbish building up in the yard?

- A. The Shire has legislation that may assist in responding to both issues raised. In the first instance the resident should approach their neighbour to see if the matter can be resolved on a one to one basis. If this approach is unsuccessful then a written complaint may be made to the Shire Health Services, providing all details, and the matter will be followed up by a health officer. Please note that complaints are treated confidentially and details of the person making a complaint are not revealed to the other party.

**13.2 Funding for Upgrade of Abernethy Road (Cr Lindsey)**

- Q. Could the CEO advise whether the opportunity exists for the Shire of Kalamunda to obtain funding for the upgrade of Abernethy Road in light of the recent announcement by the (then) Minister for Infrastructure, Transport & Regional Development, Anthony Albanese, that *"he has given a commitment to airport roads funding of \$525"* for this region.

- A. The CEO to provide response.

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

**15.0 MEETING CLOSED TO THE PUBLIC**

**15.1 Traffic Consideration – Shopping Centre Kalamunda Road, High Wycombe**

*Reason for Confidentiality-Local Government Act 1995: s. 5.23(2) (c), '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.'*

**16.0 CLOSURE**