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Shire of Kalamunda

# Ordinary Council Meeting Agenda

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Monday 18 July 2011

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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 18 July 2011, 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**

14 July 2011



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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 Ordinary Council Meeting 20 June 2011

That the Minutes of the Ordinary Council Meeting of the Shire of Kalamunda held in the Council Chambers, 2 Railway Road, Kalamunda on 20 June 2011 are confirmed as a true and correct record.

Moved:

Seconded:

Vote:

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 20 June 2011.”**

#### 6.2 Special Council Meeting 4 July 2011

That the Minutes of the Special Council Meeting of the Shire of Kalamunda held in the Council Chambers, 2 Railway Road, Kalamunda on 4 July 2011 are confirmed as a true and correct record following a correction to Item 01 – Disposal of Freehold Land as follows:

- Resolved SMC 89/2011

That Council:

1. Endorses the actions of the Chief Executive Officer and approves the Counter Offer of \$575,000 received for Lot 17 (43) Boonooloo Road Kalamunda.
2. Amend point 3 of Council Resolution 50/2011 by the inclusion of “90% of” between the words “than” and “it’s” so that point 3 would then read as:

*3. That no lot be sold for less than 90% of its sworn value unless authorised by Council resolution.*

Moved:

Seconded:

Vote:

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 4 July 2011.”**

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

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

**DISCLOSURE OF INTERESTS**

**9.0**

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 Committee Report of the 4 July 2011, except items for separate consideration being 10.1.8, be adopted.

Moved:

Seconded:

Vote:

**10.1.2 PS23 Lot 581 (145) Connor Road, Lesmurdie - Proposed Mobile Phone Tower****COMMITTEE RECOMMENDATION TO COUNCIL PS23/2011**

1. That Council recommend to the WA Planning Commission that the application dated 28 April 2011 for a mobile phone tower at Lot 581 (145) Connor Road, Lesmurdie, be refused for the following reasons:
  - a. Council's Local Planning Policy DEV 26 – Radio, Television and Communication Facilities/Masts requires mobile phone towers to be at least 500m from sensitive land uses. The proposed mobile phone tower shall be 200m from the residential area, which constitutes a 55 per cent reduction in the minimum 500m distance.
  - b. The community objection to a possible unacceptable impact on the health of the local community with respect to radiation emissions from the proposed mobile phone tower.
  - c. The likely impact on the amenity of the locality as it is visually intrusive in the bushland setting by virtue of its location, height and appearance.

10.1.3

**PS24 Garden Centre and the Parking of Three Commercial Vehicles – Lot 812 (40) Francais Road, Pickering Brook**COMMITTEE RECOMMENDATION TO COUNCIL PS24/2011

That Council:

1. Refuses the application dated 1 March 2011 to operate a garden centre at Lot 812 (40) Francais Road, Pickering Brook, for the following reason:
  - a. The proposed garden centre is considered incompatible with the purpose and intent of the Rural Landscape Interest zone in that it will adversely affect the landscape and environmental qualities of the land due to the stockpiling of various materials.
  - b. Potential for traffic associated with the development impacting on traffic flow and safety.
2. Approves the proposal to park three commercial vehicles, a Volvo tipper truck (registration number 1CWY 477) an unlicensed Hitachi Excavator and an unlicensed Case Front End Loader on Lot 812 (40) Francais Road, Pickering Brook, subject to the following conditions:
  - a. An amended site plan be provided within 28 days of Council's determination showing the removal of the proposed hardstand area to the Shire's satisfaction.
  - b. The vehicles must, at all times, be parked in the existing outbuilding as shown on the approved site plan.
  - c. The commercial vehicles are only to be operated between the hours of 6.30am and 6.00pm Monday to Friday and 7am to midday on Saturdays.
  - d. Approval of the parking activity does not include approval for the storage of goods and materials in transit (including those associated with the landowner's earth moving business).
  - e. Only maintenance of a minor nature, such as servicing or wheel changing, is to be carried out on the subject property. No panel beating, spray painting or the removal of major body or engine parts is permitted.
  - f. Washing of the commercial vehicles on the subject lot is to be limited to the use of water and mild detergent, but not involve the use of any solvents, degreasing substances, steam cleaning and any other processes which may cause pollution or degradation of the environment.

g. The approval is personal to the landowner and shall not be transferred or assigned to any other person, property or commercial vehicle.

h. The driveway and crossover shall be designed, sealed, drained and constructed to the satisfaction of the Shire's Director Engineering Services.

10.1.4 **PS25 Review of the Shire of Kalamunda's Sign Local Law 2009**

COMMITTEE RECOMMENDATION TO COUNCIL PS25/2011

1. That Council defer a decision to amend the Shire of Kalamunda Signs Local Law until after a Councillor Briefing Forum is undertaken to further brief Council.

10.1.5 **PS26 Recommendations from the Community Sustainability Advisory Committee (CSAC) Meetings**

COMMITTEE RECOMMENDATION TO COUNCIL PS26/2011

1. The Minutes be received and noted.

2. That:

a. The inclusion of information regarding environmentally sensitive areas in the staff induction process be noted.

b. The Chief Executive Officer authorises advertising for community nominees for appointment to the CSAC for a period of two years following the Local Government election in October 2011.

10.1.6 **PS27 Lot 998 (31) Maida Vale Road, Maida Vale – Modification to Maida Vale Urban Area U6 Structure Plan**

COMMITTEE RECOMMENDATION TO COUNCIL PS27/2011

1. That Council adopts the proposed modification to the Maida Vale Urban Area U6 Structure Plan for Lot 998 (31) Maida Vale Road, Maida Vale, and forwards the modification to the Western Australian Planning Commission for endorsement.

10.1.7 **PS28 Amendment 23 to Local Planning Scheme No.3 - Rezoning From Urban Development to Industrial Development - Forrestfield Industrial Area Stage 2**

COMMITTEE RECOMMENDATION TO COUNCIL PS28/2011

That Council:

1. Notes the submissions received in respect to Amendment 23 to Local Planning Scheme No. 3.

2. Adopts Amendment No.23 for final approval without modification by:
  - a. Rezoning lots 4, 9, 11 and 12 Ibis Place, Lot 7 Raven Street, Lots 5 and 6 Sultana Road West and Lots 1 and 7 Milner Road, High Wycombe from Urban Development to Industrial Development.
  - b. Modifying the Scheme map to identify the subject site with the annotation 'DA2'.
  - c. Deleting Clause 6.2.10 of the Scheme and replacing it with the following Clause:

6.2.10 In respect of the Industrial Development Zone generally bounded by Milner Road, West Sultana Road, Dundas Road and Maida Vale Road, the Structure Plan for this area shall insure the protection of the threatened ecological community in the area of Lot 12 (11) Ibis Place, High Wycombe, for conservation purposes. The boundary of the threatened ecological community shall be defined from a botanical survey by a suitably qualified botanist and may extend beyond the lot boundary. In addition, a vegetation management plan shall be prepared and implemented. The management plan and boundary determination shall be completed on advice of the Department of Environment and Conservation and to the requirements of the Environmental Protection Authority, prior to determination of the Structure Plan.
  - d. Deleting Part 2: Milner Road, High Wycombe from Schedule 11 of the Scheme- Development Areas and replacing with:

In respect of the Industrial Development Zone generally bound by Milner Road, West Sultana Road, Dundas Road and Maida Vale Road, the Structure Plan for this area shall ensure the protection of the threatened ecological community in the area of Lot 12 (11) Ibis Place, High Wycombe, for conservation purposes. The boundary of the threatened ecological community shall be defined from botanical survey by a suitably qualified botanist and may extend beyond the lot boundary. In addition, a vegetation management plan shall be prepared and implemented. The management plan and boundary determination shall be completed on advice of the Department of Environment and Conservation and to the requirements of the Environmental Protection Authority, prior to determination of the Structure Plan.
3. Duly executes the Amendment documents and forward them and the submissions received to the Minister for Planning requesting final approval to be granted.

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**Item Deferred (CEO Report Item No. 10.3.1)****10.1.8 Lot 31 (24) Mead Street, Kalamunda – Proposed Showroom/Warehouse****COMMITTEE RECOMMENDATION TO COUNCIL PS29/2011**

That Council:

Defers consideration of the proposed Showroom/Warehouse at Lot 31 (24) Mead Street, Kalamunda until the July Ordinary meeting of Council in order to allow staff to:

1. Assess the revised plans submitted by the applicant on 4 July 2011 in respect to:
  - Sight lines for vehicles;
  - Access for delivery vehicles.
2. Undertake any additional discussion with the applicant as a consequence of the staff assessment of the revised plans.

Moved:

Seconded:

Vote:

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

That the recommendations contained in the General Services Committee Report of the 11 July 2011 be adopted.

Moved:

Seconded:

Vote:

**10.2.2 GS93 Creditors' Accounts Paid During the Period 8 June 2011 to 27 June 2011****COMMITTEE RECOMMENDATION TO COUNCIL GS93/2011**

1. That the list of creditors paid during the period 8 June 2011 to 27 June 2011 (Attachment 1) be received by Council in accordance with the requirements of the *Local Government (Financial Management) Regulations 1996 (Regulation 12)*.

**10.2.3 GS94 Rates Debtors Report for the Period ending 30 June 2011**COMMITTEE RECOMMENDATION TO COUNCIL GS94/2011

1. That the rates debtors report as at 30 June 2011 (Attachment 1) be received.

**10.2.4 GS95 Application to Keep More Than Two Dogs – 5 Bodney Court, High Wycombe**COMMITTEE RECOMMENDATION TO COUNCIL GS95/2011

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*, decline the exemption to the applicant of 5 Bodney Court, High Wycombe to keep four dogs on this property.

**10.2.5 GS96 Application to Keep More Than Two Dogs – 57 Akebia Way, Forrestfield**COMMITTEE RECOMMENDATION TO COUNCIL GS96/2011

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 57 Akebia Road, Forrestfield to keep three dogs on this property.

**10.2.6 GS97 Application to Keep More Than Two Dogs – 23 Brand Road, High Wycombe**COMMITTEE RECOMMENDATION TO COUNCIL GS97/2011

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 23 Brand Road, High Wycombe to keep three dogs on this property.

**10.2.7 GS98 Fleming Reserve High Wycombe - Proposal to use Cash-in-Lieu Funds for Various Items**COMMITTEE RECOMMENDATION TO COUNCIL GS98/2011

That Council:

1. Endorses an application to the Minister for Planning to utilise \$90,000 cash-in-lieu funds to undertake a car park extension, shade structure and inclusive play structure at Fleming Reserve.
2. Notes, subject to successful approval from the Minister for Planning, a further report will be presented to Council seeking an amendment to the 2011/12 Budget.

10.2.8 **GS99 Forrestfield and Districts Bowling Club - Proposal to use Cash-in-lieu Funds to Extend Car Park**

COMMITTEE RECOMMENDATION TO COUNCIL GS99/2011

That Council:

1. Endorses an application to the Minister for Planning to utilise \$135,000 in cash-in-lieu funds for an extension to the car park at the Forrestfield and District Bowling Club.
2. Notes, subject to successful approval from the Minister for Planning, a further report will be presented to Council seeking an amendment to the 2011/12 Budget.

10.2.9 **GS100 Welshpool Road, Wattle Grove - Proposed Road Closure, Reserve Adjoining Lots 211 (12) Lewis Road, 8 (51) Johnson Place and 500 (32) Gavour Road**

COMMITTEE RECOMMENDATION TO COUNCIL GS100/2011

That Council:

1. Pursuant to *Section 58 of the Land Administration Act 1997*, makes a request to the Minister for Lands for the closure of the triangular section (approximately 500sqm) of Welshpool Road adjoining Lot 112 (12) Lewis Road, Lot 500 (32) Gavour Road and Lot 8 (51) Johnson Place, subject to:
  - a. The creation of a drainage easement as shown on (Attachment 1).
  - b. The purchaser of the closed road reserve paying for all costs associated with the survey and creation of the deposited plans
2. Advise the Minister and the Department of Regional Development and Lands that the owner of Lot 500 (32) Gavour Road was the applicant who requested to purchase this land and that the Council has no objection to this.
3. Provide a copy of the submission made in relation to the Council's advertising of the road closure to the Minister and the Department of Regional Development and Lands and note that the owner of Lot 38, of a current subdivision that is made up of land from previous Lots 211 and 193 Welshpool Road has expressed an interest in purchasing the land.
4. Indemnifies the Minister for Lands against any claims as a result of the road closure as required by the Department of Regional Development and Land.

- 10.2.10 **GS101 27/29 Macao Road, High Wycombe - Petition to Remove Tree from Verge**
- COMMITTEE RECOMMENDATION TO COUNCIL GS101/2011
1. That the Red River Gum located on the verges between 27 and 29 Macao Road, High Wycombe be removed immediately and an alternative suitable tree be planted.
- 10.2.11 **GS102 Dedication of Road Reserve - Roe Highway from Adelaide Street to Sheffield Road**
- COMMITTEE RECOMMENDATION TO COUNCIL GS102/2011
1. That Council concurs to the dedication of the land reserved as Primary Regional Road, Roe Highway, Adelaide Street to Sheffield Road shown in the attached Metropolitan Region Scheme Maps – Sheets 16 and 20 (Attachment 1 and 2) and contained with the Shire of Kalamunda as road under *Section 56 of the Land Administration Act 1997*.
- 10.2.12 **GS103 Chief Executive Officer – Appointment of Acting Chief Executive Officer**
- COMMITTEE RECOMMENDATION TO COUNCIL GS103/2011
- That Council:
1. Notes that the Chief Executive Officer will attend the Excellence in Local Government Leadership Program 2011 on the following dates:
    - Monday 18 July – Saturday 23 July 2011
    - Monday 05 September – Saturday 10 September 2011
  2. Pursuant to Section 5.36 of the *Local Government Act 1995*, appoints the Director of Planning and Development Services, Clayton Higham, as Acting Chief Executive Officer for the above dates.

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10.3 Chief Executive Officer's Report

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

**10.3.1 Lot 31 (24) Mead Street, Kalamunda – Proposed Showroom and Warehouse** (To be provided under separate cover)

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- 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**
  - 15.0 MEETING CLOSED TO THE PUBLIC**
  - 16.0 CLOSURE**