



SHIRE OF KALAMUNDA

Index for Minutes of the OCM Monday 15 February 2010

1.0 OFFICIAL OPENING

- 1.1 The meeting opened at 7.00 pm.

2.0 APOLOGIES AND LEAVE OF ABSENCE

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Cr M Robinson (Leave of Absence)
Cr N Townsend (Leave of Absence)

3.0 PUBLIC QUESTION TIME

- 3.1 Ruth Hayes, Kalamunda

4.0 PETITIONS/DEPUTATIONS

- 4.1 PS9.8 (PS8/2010) Lot 3 (415) Mundaring Weir Road, Piesse Brook –
Extensions to the existing Restaurant

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- 5.1 Confirmation of Ordinary Council Meeting Minutes 21 December 2009.
5.2 Confirmation of Special Council Meeting Minutes 23 December 2009.
5.2 Confirmation of Special Council Meeting Minutes 1 February 2010.

6.0 ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION

- 6.1 Nil.

7.0 MATTERS FOR WHICH MEETING MAY BE CLOSED

- 7.1 Planning Services Item 9.12 - Considerations for Tenders for the Construction
of the Operations Centre Building

8.0 DISCLOSURE OF INTERESTS

- 8.1 PSC Item 9.8 Cr Everett disclosed an interest affecting impartiality as she knows
the applicant.

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- 8.2 PSC Item 9.10 Cr Everett disclosed an interest affecting impartiality as she is a member of the Committee.
 - 8.3 PSC Item 9.3 Cr Lindsey declared an interest affecting impartiality as he is a friend of the applicant.
 - 8.4 PSC Item 9.8 Cr Lindsey declared an interest affecting impartiality as he is a neighbour of the applicant.
 - 8.5 PSC Item 9.7 Cr O'Connor disclosed a proximity interest as he is a direct neighbour to the applicant.

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- 9.2.8 PSC 10 Endorsement of Amendments to the Terms of Reference and Nominations for Membership to the Shire of Kalamunda Community Sustainability Advisory Committee
- 9.2.9 PSC 11 Draft Middle Helena Catchment Area Land Use and Water Management Strategy
- 9.2.10 PSC 6 Lot 334 (11) Railway Road, Kalamunda - Proposed Medical Centre
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10.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

10.1. Strategy – CEO's Performance Objectives

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11.1 Kanyana Wildlife Rehabilitation Centre Update (Cr Everett)

12.0 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

12.1 Property on Hale Road (Cr Robinson)

13.0 URGENT BUSINESS APPROVED BY THE PERSON PRESIDING OR BY DECISION

13.1 Air Services Australia & Senate Inquiry

13.2 Additional Question Time be Allowed

13.3 Ms Maureen Willoughby - Forrestfield

14.0 MEETING CLOSED TO THE PUBLIC

14.1 Planning Services Item 9.12 - Consideration of Tenders for the Constuction of the Operations Centre Building

15.0 CLOSURE

15.1 Meeting closed at 8.09pm.

Minutes of Ordinary Meeting of Council Held in the Council Chambers 2 Railway Road, Kalamunda Monday 15 February 2010

1.0 OFFICIAL OPENING

The Chairman opened the Meeting at 7:00 pm and welcomed Councillors, staff and Members of the public gallery.

2.0 APOLOGIES AND LEAVE OF ABSENCE

Councillors

D McKechnie	(SHIRE PRESIDENT)	NORTH WARD
S Bilich		NORTH WARD
M Thomas		NORTH WARD
N Townsend		SOUTH WEST WARD
A Morton	(D/SHIRE PRESIDENT)	SOUTH WEST WARD
G Stallard		SOUTH EAST WARD
F Lindsey		SOUTH EAST WARD
C Everett		SOUTH EAST WARD
M Cresswell		NORTH WEST WARD
D O'Connor		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
M Singh	DIRECTOR ENGINEERING SERVICES
B Millan	EXECUTIVE ASSISTANT CHIEF EXECUTIVE OFFICER
D McPherson	MINUTE SECRETARY

Apologies

P Heggie	NORTH WEST WARD
M Robinson	(LEAVE OF ABSENCE) SOUTH WEST WARD

Leave of Absence

RESOLVED OCM 4/2010

That Cr Noreen Townsend be granted leave of absence for the General Services Committee Meeting of 2 March 2010.

Moved: Cr A MORTON

Seconded: Cr G STALLARD

CARRIED UNANIMIOUSLY

Observers 8

Newspapers Nil.

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 Council. For the purposes of Minuting, these questions and answers are summarised.

3.1 Ruth Hayes - Pond in Stirk Park

Q. Does the Shire have any plans to aerate the Pond in Stirk Park to turn it into a living water way?

A. Taken on Notice.

4. PETITIONS/DEPUTATIONS

4.1 PS9.8 (PS-8/2010) Lot 3 (415) Mundaring Weir Road, Piesse Brook- Extensions to the existing Restaurant

The applicant, Mr K McCormack, was given permission to make a deputation to the meeting to explain to the Council the measures which would be undertaken to enable the applicant to comply with the requirements of Council's proposed resolution.

5. CONFIRMATION OF PREVIOUS MINUTES

5.1 **Confirmation of Ordinary Council Meeting Minutes 21 December 2009**

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 N TOWNSEND

Seconded: Cr

As there was no seconder for the motion it lapsed.

RESOLVED OCM-5/2010

That the minutes of the Ordinary Council Meeting of the 21 December 2009 not be confirmed 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). Confirmation of the minutes be deferred until the Ordinary Council Meeting of 15 March 2010.

Moved: Cr F LINDSEY

Seconded: Cr M THOMAS

For

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

Against

Cr Townsend

CARRIED**5.2 Confirmation of Special Council Meeting Minutes 23 December 2009****RESOLVED OCM-6/2010**

That the Minutes of the Special Council Meeting of the Shire of Kalamunda held in the Council Chambers on 23 December 2009 be confirmed.

Moved: Cr M THOMAS

Seconded: Cr C EVERETT

For

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

Against

Cr Cresswell

CARRIED**5.3 Confirmation of Ordinary Council Meeting Minutes 1 February 2010**

Cr Townsend advised that Cr Robinson appeared as being both absent and present. Cr Townsend advised that she was present at the meeting and Cr Robinson was not. This would be corrected in the minutes.

RESOLVED OCM-7/2010

That with the correction to the attendance list the Minutes of the Special Council Meeting of the Shire of Kalamunda held in the Council Chambers on 1 February 2010 be confirmed.

Moved: Cr M THOMAS

Seconded: Cr C EVERETT

CARRIED UNANIMIOUSLY

6. ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION

6.1 Nil.

7. MATTERS FOR WHICH THE MEETING MAY BE CLOSED

CONFIDENTIAL ITEM

7.1 Planning Services Item 9.12 - Considerations for Tenders for the Construction of the Operations Centre Building

Reason for Confidentiality

Local Government Act 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.*

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.
- 8.1 PSC Item 9.8 Cr Everett disclosed an interest affecting impartiality as she knows the applicant.
- 8.2 PSC Item 9.10 Cr Everett disclosed an interest affecting impartiality as she is a member of the Committee.
- 8.3 PSC Item 9.3 Cr Lindsey declared an interest affecting impartiality as he is a friend of the applicant.
- 8.4 PSC Item 9.8 Cr Lindsey declared an interest affecting impartiality as he is a neighbour of the applicant.
- 8.5 PSC Item 9.7 Cr O'Connor disclosed a proximity interest as he is a direct neighbour to the applicant.

9. REPORT TO COUCIL

9.1. GENERAL SERVICES COMMITTEE REPORT

Withdrawn Items from General Services Committee Report

Item GSC9 withdrawn as the attachment was incorrectly labelled and will be corrected in the minutes.

Item GSC12 withdrawn as it requires an absolute majority.

9.1.1 Adoption of General Services Committee 1 February 2009 Recommendations

RESOLVED OCM-8/2010

1. That the recommendations contained in the General Services Committee Report, 1 February 2009, excluding withdrawn items 9.9 (GSC9/2010) and 9.12 (GSC 12/2010) be adopted.

Moved: Cr M CRESSWELL

Seconded: Cr N TOWNSEND

CARRIED UNANIMOUSLY

9.1.2 GSC 1 Creditors Accounts Paid for December 2009 and January 2010

EN BLOC RESOLUTION OCM-8/2010

1. That the list of Creditors' paid for December 2009 and January 2010 attached (GSC Item 1/2010 Attachment 1 & 2) be received by Council in accordance with the requirements of Regulation 12 of the Local Government (Financial Management) Regulations 1996.

Moved: CR M CRESSWELL

Seconded: Cr N TOWNSEND

CARRIED UNANIMOUSLY

9.1.3 GSC 2 Financial Activity Statements for the Periods 30 November and 31 December 2009

EN BLOC RESOLUTION OCM-8/2010

1. That the Financial Activity Statement reports for the periods ending 30 November 2009 (GSC Item 2/10 Attachment 1) and 31 December 2009 (GSC Item 2/2010 Attachment 2) be received.

Moved: Cr M CRESSWELL

Seconded: Cr N TOWNSEND

CARRIED UNANIMOUSLY

9.1.4 GSC 3 Debtors and Creditors Report for the periods 30 November and 31 December 2009EN BLOC RESOLUTION OCM-8/2010

1. That the outstanding debtors and creditors reports as at 30 November 2009 and 31 December 2009 (GSC Item 3/10 Attachment 1, 2, 3 & 4) be received.

Moved: Cr M CRESSWELL**Seconded:** Cr N TOWNSEND**9.1.5 GSC 4 Rates Debtors Report for November and December 2009**EN BLOC RESOLUTION OCM-8/2010

1. That the rates debtors report as at 30 November and 31 December 2009 (GSC Item 4/2010 Attachment 1 & 2) be received.

Moved: Cr M CRESSWELL**Seconded:** Cr N TOWNSEND**CARRIED UNANIMOUSLY****9.1.6 GSC 5 Investment Procedures**EN BLOC RESOLUTION OCM-8/2010

1. That the cancellation of the investment procedure including the accessing of the Federal Governments Guarantee Scheme be noted.

Moved: Cr M CRESSWELL**Seconded:** Cr N TOWNSEND**CARRIED UNANIMOUSLY****9.1.7 GSC 6 Shire of Kalamunda Councillor Record Keeping Policy**EN BLOC RESOLUTION OCM-8/2010

1. That Council adopt the Shire of Kalamunda Councillor Record Keeping Policy (***GSC Item 6/2010 Attachment 1***).
2. That Council note that the Shire Administration will submit a copy of the Shire of Kalamunda Councillor Record Keeping Policy to the State Records Commission, as evidence of following the Record Keeping Plan.

Moved: Cr M CRESSWELL**Seconded:** Cr N TOWNSEND

9.1.8 GSC 7 Reveiw of the Shire of Kalamunda Standing Orders Local LawEN BLOC RESOLUTION OCM-8/2010

1. This item be deferred pending the holding of a Forum.

Moved: Cr M CRESSWELL**Seconded:** Cr N TOWNSEND**CARRIED UNANIMOUSLY****9.1.9 GSC 8 Proposed Subdivision of Lot 5 Welshpool Road East Wattle Grove**EN BLOC RESOLUTION OCM-8/2010

1. That Council authorises the Chief Executive Officer :
 1. To prepare a Subdivision application for the development of Lot 5 Welshpool Road for Council consideration.
 2. To prepare a business plan in accordance with section 3.59 of the Local Government Act 1995, to enter into a major land transaction for the development of Lot 5 Welshpool Road East, Wattle Grove, for Council consideration.

Moved: Cr M CRESSWELL**Seconded:** Cr N TOWNSEND**CARRIED UNANIMOUSLY****9.1.10 GSC 10 Quarterly Progress Report : October - December 2009**EN BLOC RESOLUTION OCM-8/2010

1. That the Quarterly Progress Report for October - December 2009 be received.

Moved: Cr M CRESSWELL**Seconded:** Cr N TOWNSEND**9.1.11 GSC 11 Appointment of Authorised Person**EN BLOC RESOLUTION OCM-8/2010

1. That Council resolves to appoint Environmental Health Officer Sarah Althorpe as an:
 - (a) Authorised Person under section 122 (1) of the Food Act 2008 and
 - (b) Authorised Person under section 17 of the Caravan Parks and Camping Grounds Act 1995 excluding section 23(2) (3) (5) and (7).
2. That Council designates Environmental Health Officer Sarah Althorpe as a Designated Officer for the purposes of section 126(2) of the Food Act 2008.

Moved: Cr M CRESSWELL**Seconded:** Cr N TOWNSEND**CARRIED UNANIMOUSLY**

9.1.12 GSC 13 Renewal of Contract for Provision of Bins - Natsales Australia LtdEN BLOC RESOLUTION OCM-8/2010

1. That Council support the Memorandum of Agreement with Natsales for the provision of bins, for a period of 5 years, ending on the 31 December 2014, with an option to extend for a further 5 years.

Moved: Cr M CRESSWELL

Seconded: Cr N TOWNSEND

CARRIED UNANIMOUSLY

9.1.13 GSC 9 Lot 106 (Woodlupine) Hale Road ForrestfieldRESOLVED OCM-9/2010

1. That Council authorises the Chief Executive Officer :
 1. To prepare a Business Plan in accordance with section 3.59 of the Local Government Act 1995, to enter into a major land transaction for the development of Lot 106 Hale Road, Forrestfield, for Council consideration.
 2. To prepare a Subdivision application for the possible development of Lot 106 Hale Road, Forrestfield, for Council consideration.
 3. To prepare documentation for the possible rezoning of Lot 106 Hale Road, Forrestfield, for Council consideration.

Moved: Cr M THOMAS

Seconded: Cr N TOWNSEND

CARRIED UNANIMOUSLY

9.1.14 GSC 12 Local Area Traffic Management Plan - Cyril RoadRESOLVED OCM-10/2010

1. That Council support the installation of the speed cushions in Cyril Road, High Wycombe
2. That Council approve the transfer of \$13,600 from the Kalamunda road / Midland Road intersection project funded in the 2009-10 financial year (Cost code 3153) to enable completion of the Cyril Road project in the current financial year.

Moved: Cr M CRESSWELL

Seconded: Cr D O'CONNOR

CARRIED UNANIMOUSLY / ABSOLUTE MAJORITY

9.2. PLANNING SERVICES COMMITTEE REPORT

Withdrawn Items from Planning Services Committee Report

Item PSC6 withdrawn as an additional condition is proposed.

Item PSC7 withdrawn as Cr O'Connor declared a proximity interest

Item PSC8 withdrawn as the item was differed to Council and a new motion is proposed.

Item PSC12 withdrawn as it is a confidential item requiring an absolute majority.

9.2.1 Adoption of Planning Services Committee 8 February 2010

RESOLVED OCM-11/2010

1. That the recommendations contained in the Planning Services Committee Report, 8 February 2009, excluding withdrawn items 9.6 (PS-6/2010), 9.7 (PS-7/2010), 9.8 (PS-8/2010) and 9.12 (PS-12/2010) be adopted.

Moved: Cr M THOMAS

Seconded: Cr G STALLARD

CARRIED UNANIMOUSLY

9.2.2 PSC 1 Policies for the Planning & Development Directorate - Final Adoption

EN BLOC RESOLUTION OCM-11/2010

1. That the following policies are adopted and a notice to this effect be placed in a news paper circulating in the district:

- ' DEV 2 - Amusement Machines & Amusement Centres
- ' DEV 6 - Cash in lieu of Car Parking
- ' DEV 7 - Child Care Centre Guidelines
- ' DEV 21 - Outbuildings in Subdivisions
- ' DEV 25 - Public Open Space Contributions
- ' DEV 27 - Reduced Setbacks to Verandahs, Patios and Carports.
- ' DEV 30 - Rezoning of Properties to R20 or higher
- ' DEV 36 - Subdivision in Rural Zones

Moved: Cr M THOMAS

Seconded: Cr G STALLARD

CARRIED UNANIMOUSLY

9.2.3 PSC 2 Lot 1 (33) Berkshire Road, Forrestfield, Modification to Structure Plan, Forrestfield Urban Area U7EN BLOC RESOLUTION OCM-11/2010

1. That Council:
 - a) Adopts the proposed modification to the Forrestfield Urban Area U7 Structure Plan for Agreement Area 3 on Lot 1 (33) Berkshire Road, Forrestfield and forwards the modification to the Western Australian Planning Commission for endorsement.

Moved: Cr M THOMAS

Seconded: Cr G STALLARD

CARRIED UNANIMOUSLY

9.2.4 PSC 3 Lot 200 (80) Dodd Road, Bickley - Scheme Amendment No. 21 - Final Adoption

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

EN BLOC RESOLUTION OCM-11/2010

1. That Council:
 - a) Notes the submissions received in respect to Amendment No. 21 to Local Planning Scheme No. 3.
 - b) Adopts Scheme Amendment No. 21 relating to Lot 200 (80) Dodd Road, Bickley.
 - c) Duly executes the Amendment documents and forwards them with submissions received to the Minister for Planning requesting that final approval be granted.
 - d) The applicant is advised that any future development on the site, based on this amendment, should be of low impact and in keeping with the amenity of the locality. The Council will have due regard to the scale of operation in terms of built form, traffic generation, potential fire hazard and visual impact on the surrounding locality.

Moved: Cr M THOMAS

Seconded: Cr G STALLARD

CARRIED UNANIMOUSLY

9.2.5 PSC 4 Lot 10 (30) Mundaring Weir Road, Kalamunda - Scheme Amendment - Final AdoptionEN BLOC RESOLUTION OCM-11/2010

1. That Council:
 - a) Notes the submissions received in respect to Amendment No. 16 to Local Planning Scheme No. 3.
 - b) Adopts Scheme Amendment No. 16 relating to Lot 10 (30) Mundaring Weir Road, Kalamunda.
 - c) Duly executes the Amendment documents and forward them with submissions received to the Minister for Planning requesting that final approval be granted.

Moved: Cr M THOMAS

Seconded: Cr G STALLARD

CARRIED UNANIMOUSLY

9.2.6 PSC 5 Lot 124 (61) Lawnborrk Road, Walliston - Amendment No.19 - Final AdoptionEN BLOC RESOLUTION OCM-11/2010

1. That Council:
 - a) Notes the submissions received in respect to Amendment No. 19 to Local Planning Scheme No. 3
 - b) Adopts Scheme Amendment No. 19 to rezone Lot 124 (61) Lawnbrook Road, Walliston from 'Local Reserve - Public Purpose (Church) to Residential R5 without modification.
 - c) Duly executes the Amendment Documents and forward them with the submissions received to the Minister for Planning requesting that final approval be granted.

Moved: M THOMAS

Seconded: G STALLARD

CARRIED UNANIMOUSLY

9.2.7 PSC 9 Lot 76 (38) Saddleback Circle, Maida Vale - Application for Parking of Commercial VehiclesEN BLOC RESOLUTION OCM-11/2010

1. That Council approves the application to park a commercial vehicle, registration number 1CWB 990 at Lot 76 (38) Saddleback Circle, Maida Vale, subject to the following conditions:
 - a) The approval authorises the vehicle, registration number 1CWB 990 and no other commercial vehicle to be parked at the property.
 - b) Within two months of the approval the applicant is to erect a solid fence with colour conducive to rural urban environment in order to provide screening of the vehicle for the adjoining properties and to the satisfaction of Director of Planning and Development Services.

- c) The commercial vehicle is to be parked in the approved designated area only.
- d) The commercial vehicle shall only be started or manoeuvred between 7am and 7pm weekdays and Saturdays, and 9am to 5pm on Sundays and public holidays.
- e) Maintenance and cleaning of the commercial vehicle on the lot is permitted only in the approved parking area and only between the hours of 8am and 7pm, Monday to Saturday, and 9am to 6pm on Sunday.
- f) Maintenance is to be limited to oil and grease changes and changing of wheels, but not the repair of tyres.
- g) Washing of the commercial vehicle on the lot is to be limited to the use of water and mild detergent, and excludes the use of any solvents, degreasing substances, steam-cleaning and any other process.
- h) Spray-painting, panel-beating and major servicing on the commercial vehicle are not permitted on the property.
- i) Council reserves the right to amend the conditions of an approval or to revoke an approval if conditions are not complied with.
- j) The approval to park the commercial vehicle on a lot shall apply only to the applicants Mr and Mrs Borg and shall not be transferred to any other person.
- k) The vehicle shall not be parked on the verge abutting or adjacent to that property at any time.

Moved: Cr M THOMAS

Seconded: Cr G STALLARD

CARRIED UNANIMOUSLY

9.2.8 PSC 10 Endorsement of Amendments to the Terms of Reference and Nominations for Membership to the Shire of Kalamunda Community Sustainability Advisory Committee

EN BLOC RESOLUTION OCM-11/2010

1. That Council:
 1. Adopts the revised terms of reference for the Community Sustainability Advisory Committee (CSAC), as per (Attachment 1b.).
 2. Notes the broader scope of the Committee in terms of sustainability and requests the Chief Executive Officer to re-advertise for community membership to ensure a wider representation covering the social, economic and environment aspects of sustainability.

3. Notes the list of nominees for the CSAC and that these persons will be considered for membership of the Committee along with the nominations received as a result of action taken in Point 2. above.
4. Advises the current nominees of the Council's actions.

Moved: Cr M THOMAS

Seconded: Cr G STALLARD

CARRIED UNANIMOUSLY

9.2.9 PSC 11 Draft Middle Helena Catchment Area Land Use and Water Management Strategy

EN BLOC RESOLUTION OCM-11/2010

1. That the Planning Report prepared for the Planning Services Committee meeting in December 2009 requesting adoption of the Draft Middle Helena Strategy be deferred to the Planning Services Committee meeting in March 2010.

Moved: Cr M THOMAS

Seconded: Cr G STALLARD

CARRIED UNANIMOUSLY

9.2.10 PSC 6 Lot 334 (11) Railway Road, Kalamunda - Proposed Medical Centre

1. That the conversion of the existing residential dwelling on Lot 334 (11) Railway Road, Kalamunda for use as a Medical Centre be approved subject to the following conditions:
 1. The development shall be undertaken in accordance with the approved plan to the satisfaction of Council's Director Planning and Development Services.
 2. All development must comply with the provisions of Council's Local Planning Scheme No 3, Health Regulations, Building Code of Australia, and all other relevant Acts, Regulations and Local Laws, particularly in relation to disabled access.
 3. Details of proposed colour schedule relating to any external works to be submitted and approved by the Director Planning and Development Services prior to the issuance of the Building Licence.
 4. The provision and maintenance of a total of 20 car spaces including a minimum of one (1) disabled bay. All car parking and vehicle access ways to be line marked, sealed and drained prior to the occupation of the building to the satisfaction of the Director Engineering Services.
 5. Vehicle accessways shall be suitably constructed, sealed and drained to the specifications and satisfaction of Council's Director Engineering Services.
 6. Crossovers shall be designed and constructed to the specification and satisfaction of Council's Director Engineering Services.
 7. Stormwater drainage from roofed and paved areas being disposed of to the specification and satisfaction of Council's Director Engineering Services.
 8. The development shall be connected to reticulated sewer.

9. The provision of a landscape plan for the proposed development shall be submitted and approved by the Director of Planning and Development Services prior to the issue of a building license.
10. All landscaping shall be planted within two months of occupation of the proposed development and maintained thereafter to the satisfaction of Council's Director Planning and Development Services.
11. All septic sewer systems including all tanks, pipes and associated drainage systems (soakwells or leach drains) and any stormwater disposal systems are to be decommissioned, removed, filled with clean sand and compacted.

An additional condition was proposed by the mover and accepted by the seconder before the item was put to the vote.

RESOLVED OCM 12/2010

1. That the conversion of the existing residential dwelling on Lot 334 (11) Railway Road, Kalamunda for use as a Medical Centre be approved subject to the following conditions:
 1. The development shall be undertaken in accordance with the approved plan to the satisfaction of Council's Director Planning and Development Services.
 2. All development must comply with the provisions of Council's Local Planning Scheme No 3, Health Regulations, Building Code of Australia, and all other relevant Acts, Regulations and Local Laws, particularly in relation to disabled access.
 3. Details of proposed colour schedule relating to any external works to be submitted and approved by the Director Planning and Development Services prior to the issuance of the Building Licence.
 4. The provision and maintenance of a total of 20 car spaces including a minimum of one (1) disabled bay. All car parking and vehicle access ways to be line marked, sealed and drained prior to the occupation of the building to the satisfaction of the Director Engineering Services.
 5. Vehicle accessways shall be suitably constructed, sealed and drained to the specifications and satisfaction of Council's Director Engineering Services.
 6. Crossovers shall be designed and constructed to the specification and satisfaction of Council's Director Engineering Services.
 7. Stormwater drainage from roofed and paved areas being disposed of to the specification and satisfaction of Council's Director Engineering Services.
 8. The development shall be connected to reticulated sewer.
 9. The provision of a landscape plan for the proposed development shall be submitted and approved by the Director of Planning and Development Services prior to the issue of a building license.
 10. All landscaping shall be planted within two months of occupation of the proposed development and maintained thereafter to the satisfaction of Council's Director Planning and Development Services.

11. All septic sewer systems including all tanks, pipes and associated drainage systems (soakwells or leach drains) and any stormwater disposal systems are to be decommissioned, removed, filled with clean sand and compacted.

12. The applicant is to install a 1.8 high masonry wall on the southern boundary from the Railway Road frontage to the western most boundary of Unit 3/9 Railway Road, Kalamunda.

Moved: Cr M THOMAS

Seconded: Cr S BILICH

CARRIED UNANIMIOUSLY

9.2.11 PSC 7 Lot 11 (460) Kalamunda Road - Twenty Four (24) Grouped Dwellings

Cr O'Connor disclosed a proximity interest as he is a direct neighbour to the applicant. Cr O'Connor left the chambers at 7:30pm and returned at 7:32pm he did not vote on the item.

RESOLVED OCM 13/2010

1. That Council approves the application for twenty four (24) grouped dwellings at Lot 11 (460) Kalamunda Road, High Wycombe subject to the following conditions:
 1. The development shall be connected to reticulated sewer.
 2. All septic sewer systems including all tanks, pipes and associated drainage systems (soakwells or leach drains) and any stormwater disposal systems are to be decommissioned, removed, filled with clean sand and compacted.
 3. Crossovers shall be designed and constructed to the specification and satisfaction of Council's Director - Engineering Services.
 4. Vehicle accessways shall be suitably constructed, sealed and drained to the specifications and satisfaction of Council's Director - Engineering Services.
 5. Stormwater drainage from roofed and paved areas being disposed of to the specification and satisfaction of Council's Director - Engineering Services.
 6. A geotechnical report is to be submitted detailing site conditions, particularly in respect to soil and groundwater and stormwater disposal by soakage (Clearance, quantity, soil permeability and location and size of soakwells).
 7. A detailed landscaping plan for the landscape area in conjunction with Manager of Parks, Shire of Kalamunda, depicted on the approved plan shall be submitted and approved by Council's Director - Planning and Development Services prior to the issue of a building licence. The landscaping is to be installed prior to occupation of the units.
 8. The applicant is to ensure that no building materials, waste or rubbish enters the adjoining lots and reserve during the construction process.

9. That the applicant provides the shire with a construction plan dealing with, but not limited to, access by construction vehicles and storage of materials on site, to the satisfaction of the Director of Planning & Development prior to the issue of the building licence.

Moved: Cr S BILICH

Seconded: Cr C EVERETT

CARRIED UNANIMOUSLY

9.2.12PSC 8 Lot 3, 415 Mundaring Weir Road, Piesse Brook - Extensions to the Existing Restaurant

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

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

1. That the item be deferred to the February 2010 OCM.

An alternative motion was presented by staff and supported by Council before being moved and seconded and put to a vote.

RESOLVED OCM 14/2010

The Council:

1. Notes that the CEO has met with the applicant in an endeavour to find ways to move this application forward and, as a consequence of that meeting, has sought advice from the Department of Water on possible solutions in relation to waste water systems that would meet the required standards for the development as proposed.
2. Defers consideration of Item 9.8 to the March OCM to enable the CEO to receive and analyse further information on the proposal in relation to:
 - a) The proposed number of patrons for the restaurant, function area, and associated areas including the deck area;
 - b) The proposed hours of operation for the restaurant and function areas;
 - c) Further advice from the Department of Water on alternative solutions for waste water treatment on site;
 - d) A plan showing the location and specifications of a suitable waste water system to manage the proposed patronage numbers.
 - e) A traffic impact statement on the proposed vehicle access and egress to and from the site based on the proposed patronage numbers and required parking.

3. Advises that applicant of its decision and that it supports the notion of the Chalet Rigi expansion, however, notes that the applicant will need to provide the additional information referred to above (except 2(c)) to enable the Council to give further consideration of the proposal.

Moved: Cr G STALLARD

Seconded: Cr F LINDSEY

CARRIED UNANIMOUSLY

CONFIDENTIAL ITEM

9.2.13 PSC 12 Consideration of Tenders for the Constuction of the Operations Centre Building

Reason for Confidentiality

Local Government Act s5.23 (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.

RESOLVED OCM 19/2010

Item dealt with at 14 – Meeting Closed to the Public

9.3 CHIEF EXECUTIVE OFFICER'S REPORT

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

9.3.1 Appointment of 'Authorised Persons'

PURPOSE

1. To ensure that the functions of the local government are being carried out by people who are correctly authorised to do so.

BACKGROUND

2. Various functions of the local government are to be carried out by "authorised persons". For example, the issue of infringement notices under certain local laws. The authorised person is to be appointed by Council, unless this power is delegated to another person.
3. Lorraine Uszko, Coordinator Customer Service, and Jenny Woodgate, Customer Service Officer – Front Counter, have been appointed and are required to be authorised to perform the duties of a Registration Officer under the Dog Act 1976 and associated Regulations.

DETAILS

4. The Shire of Kalamunda operates under a wide range of legislation – Acts, regulations and local laws. It is important that the Shire complies with the requirements of these statutes.

STATUTORY AND LEGAL IMPLICATIONS

5. Legal issues may arise where action is taken against a person by someone who is not correctly authorised to take such action.

POLICY IMPLICATIONS

6. Nil.

PUBLIC CONSULTATION/COMMUNICATION

7. Nil.

FINANCIAL IMPLICATIONS

8. Nil.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

9. Nil.

OFFICER COMMENT

10. Nil.

MEETING COMMENT

- 11.

RESOLVED OCM 15/2010

1. That Council appoint the following employee. Such appointments are to remain valid until revoked, or until the person appointed is no longer employed by the Shire of Kalamunda –

Dog Act 1976 and Associated Regulations – “Registration Officer”

Lorraine Uszko be appointed as a Registration Officer.
Jenny Woodgate be appointed as a Registration Officer.

Moved: Cr C EVERETT

Seconded: Cr N TOWNSEND

CARRIED UNANIMOUSLY

10. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

10.1 Strategy - CEO's Performance Objectives

RESOLVED OCM 16/2010

1. 1. That a strategy be included in the CEO's objectives to review the Shire's waste strategy, in particular the collection and disposal of green waste.
2. That under Goal 3, Outcome 3.2 of the Strategic Plan 2009-2014 the following strategy be added.
 - 3.2.5 That the CEO review the Shire's waste strategy, in particular the collection and disposal of green waste.

Moved: Cr F LINDSEY

Seconded: Cr C EVERETT

CARRIED UNANIMOUSLY

11. QUESTIONS BY MEMBERS WITHOUT NOTICE

11.1 Update on Kanyana Wildlife Rehabilitation Centre(Cr Everett)

- Q. Would it be possible for Councillors to receive an update as to the progress of Kanyana Wildlife Rehabilitation Centre at the new premises?
- A. The question was taken on notice.

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

12.1 Property on Hale Road - Cr Robinson

- Q. Further to a question asked at the Special Meeting of Council on 30 November 2009 have any fines or action been taken?
- A. No fines have been issued to the occupier or the property owners at 332 Hale Road Wattle Grove. Shire solicitors are currently in the process of prosecuting the occupier for the unauthorised land use. The Chief Executive Officer also advised that Councillors would be receiving monthly updates on legal matters.

13. URGENT BUSINESS APPROVED BY THE PERSON PRESIDING OR BY DECISION13.1 Air Services Australia & Senate InquiryRESOLVED OCM 17/2010

1. That this Council authorises the CEO to prepare a submission to the Senate's Rural and Regional Affairs and Transport Committee and Transport Committee hearing into the effectiveness of Airservices Australia's management of aircraft noise and that this submission recommend:
 - (i) that flight paths for aircraft following the standard arrival route between 'Gungn' and 'Wungo' be routed 3 to 5 kilometers to the east, thereby taking flight paths away from residents and over state forest; and
 - (ii) that east to west flight paths between 'Wungo' and 'Harmin' be modified so flights are more dispersed.

Moved: Cr F LINDSEY**Seconded:** Cr M CRESSWELL**CARRIED UNANIMOUSLY**13.2 Additional Question Time be AllowedRESOLVED OCM 18/2010

That additional question time be allocated to allow a question by a resident.

Moved: Cr M CRESSWELL**Seconded:** Cr N TOWNSEND**CARRIED UNANIMOUSLY**13.3 Ms Maureen Willoughby - Forrestfield

- Q. Can you advise what is being done about the roundabout on the corner of Hawtin Road and Berkshire Road, Forrestfield in relation to the safety concerns of residents?
- A. The question is taken on notice.

14. MEETING CLOSED TO THE PUBLIC

CONFIDENTIAL ITEM

14.1 Planning Services Item 9.12 - Consideration of Tenders for the Constuction of the Operations Centre Building

As there was to be no debate on the item the vote was taken without the meeting being closed to the public.

Reason for Confidentiality

Local Government Act s5.23 (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.*

RESOLVED OCM 19/2010

1. In accordance with the provisions of the Local Government (Functions and General) Regulations 1996 Regulation 20 sub regulations 1 and 2, Council chooses the CPD Group as the Preferred Successful Tenderer for the construction of the Operation Centre Building.
2. In accordance with the provisions of the Local Government (Functions and General) Regulations 1996 Regulation 20 sub regulations 1 and 2, the Shire enters into negotiations with the CPD Group as the Preferred Successful Tenderer based on the compliant tender subject to variation of floor space as outlined in scenario 2 within the report.
3. Council authorises the Shire President, Deputy Shire President, Chief Executive Officer and Director of Engineering Services to:
 - a. enter into negotiations with the CPD Group as the Preferred Successful compliant Tender subject to variation of floor space as outlined in scenario 2 within the report.
 - b. finalise the Tender with the CPD Group where the Tender price does not exceed \$1,689,560 (ex GST).

Moved: Cr M THOMAS

Seconded: Cr M CRESSWELL

CARRIED UNANIMIOUSLY/ABSOLUTE MAJORITY

14.2 Meeting to go Behind Closed Doors

RESOLVED OCM 20/2010

- 1. That the meeting go behind closed doors to receive confidential briefing from Chief Executive Officer.

Moved: Cr A MORTON

Seconded: Cr F LINDSEY

CARRIED UNANIMOUSLY

The meeting closed to the public at 7:53pm to take advice and receive information of a confidential nature from the Chief Executive Officer.

Reason for Confidentiality

Local Government Act s 5.23 (2) (d). *Legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting.*

14.3 Meeting open to the Public

RESOLVED OCM 21/2010

- 1. That the meeting reopen to the public after receiving a confidential briefing from the Chief Executive Officer.

Moved: Cr M CRESSWELL

Seconded: Cr M THOMAS

CARRIED UNANIMOUSLY

The meeting opened to the public at 8:08pm after receiving a confidential briefing from the Chief Executive Officer.

15. CLOSURE

- 15.1 There being no further business the Chairman declared the meeting closed at 8.09pm.

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

Signed.....Chairman

Dated thisday of2010

