



## SHIRE OF KALAMUNDA

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- 16.1 Meeting closed at 7.45pm.



# Minutes of Ordinary Meeting of Council Held in the Council Chambers 2 Railway Road, Kalamunda Monday 16 August 2010

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## 1.0 OFFICIAL OPENING

- 1.1 The Shire President opened the meeting at 6.30 pm and welcomed Councillors, Staff and Members of the Press.

## 2.0 ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE PREVIOUSLY APPROVED

### 2.1 ATTENDANCE

#### **Councillors**

Donald McKechnie	(CHAIRMAN) (SHIRE PRESIDENT) NORTH WARD
Sue Bilich	NORTH WARD
Maureen Robinson	SOUTH WEST WARD
Allan Morton	(DEPUTY SHIRE PRESIDENT) SOUTH WEST WARD
Noreen Townsend	SOUTH WEST WARD
Geoff Stallard	SOUTH EAST WARD
Frank Lindsey	SOUTH EAST WARD
Carol Everett	SOUTH EAST WARD
Peter Heggie	NORTH WEST WARD
Martyn Cresswell	NORTH WEST WARD
Dylan O'Connor	NORTH WEST WARD

#### **Members of Staff**

James Trail	CHIEF EXECUTIVE OFFICER
Hazel Smallwood	A/DIRECTOR OF CORPORATE SERVICES
Darren Jones	A/DIRECTOR OF COMMUNITY DEVELOPMENT
Clayton Higham	DIRECTOR OF PLANNING & DEVELOPMENT SERVICES
Mahesh Singh	DIRECTOR OF ENGINEERING SERVICES
Michelle Clark	EXECUTIVE ASSISTANT CHIEF EXECUTIVE OFFICER
Darrell Forrest	MANAGER GOVERNANCE
Peter Hayes	MANAGER BUSINESS & STRATEGY
Steve McKay	MANAGER PROPERTY & PROCUREMENT
Donna McPherson	MINUTE SECRETARY

**Members of Public** 0  
**Members of Press** Kaitlyn Offer – Community Newspapers

2.2 Apologies  
Nil.

2.3 Leave of Absence Previously Approved

Margaret Thomas

NORTH WARD

### **3.0 PUBLIC QUESTION TIME**

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

3.1 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**

4.1 Nil.

### **5.0 APPLICATIONS FOR LEAVE OF ABSENCE**

RESOLVED OCM 104/2010

That Cr Maureen Robinson be granted leave of absence from the Special Council Meeting to be held on 17 August 2010.

Moved: Cr Allan Morton

Seconded: Cr Noreen Townsend

**CARRIED UNANIMOUSLY (11/0)**

**6.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETING****6.1 Confirmation of Ordinary Council Meeting Minutes 19 July 2010**RESOLVED OCM 105/2010

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: Cr Carol Everett

Seconded: Cr Peter Heggie

**CARRIED UNANIMOUSLY (11/0)****6.2 Confirmation of Special Council Meeting Minutes 26 July 2010**RESOLVED OCM 106/2010

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: Cr Allan Morton

Seconded: Cr Martyn Cresswell

**CARRIED UNANIMOUSLY (11/0)****7.0 ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION****7.1 Shire President's Dinner**

The Shire President indicated that the event had been very successful and enjoyable. He asked the Acting Director Community Development to pass on his thanks to those involved in the organisation of the dinner.

**7.2 Kalamunda Road Modification**

Both political parties have given commitment for the Kalamunda Road Modifications. So this will be moving forward.

**7.3 Update Cr Margaret Thomas**

Cr Thomas has had her operation and is scheduled to come back to Perth next week.

**7.4 Budget Adoption Meeting**

There is a Special Council Meeting to be held tomorrow night for the purpose of adopting the 2010/2011 Budget.

**7.5 Councillor Forum**

A forum will be held on Monday 30 August to discuss the draft Planning Strategy.

**8.0 MATTERS FOR WHICH 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.'*

**To be dealt with behind closed doors at item 15.0 of the agenda**

**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)

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

Cr Peter Heggie disclosed a proximity interest as he has a lease at the shopping centre.

**Disclosure of Interest Affecting Impartiality**

- (a) Members and staff must disclose their interest in matters to be discussed at the meeting in respect of which the member or employee had given or will give advice.
- 9.2 **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.
- 9.3 **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 REPORTS 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 Body of Planning Services Report

RESOLVED OCM 107/2010

1. That the Recommendations contained in the Planning Services Committee Report of 2 August 2010 be adopted.

Moved: Cr Maureen Robinson

Seconded: Cr Frank Lindsey

**CARRIED UNANIMOUSLY (11/0)**

#### 10.1.2 PSC 50 Proposed Modified Planning & Development Policy – Framework for Assessing Requests for Variations to the Number of Car Parking Bays – Final Adoption

EN BLOC RESOLUTION OCM 107/2010

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.

Moved: Cr Maureen Robinson

Seconded: Cr Frank Lindsey

**CARRIED UNANIMOUSLY (11/0)**

#### 10.1.3 PSC51 Proposed Revocations of Planning and Development Policies - Various

EN BLOC RESOLUTION OCM 107/2010

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.

Moved: Cr Maureen Robinson

Seconded: Cr Frank Lindsey

**CARRIED UNANIMOUSLY (11/0)**

**10.1.4 PSC52 Local Planning Scheme No. 3 - Text Amendment Relating to the Use of Front Setbacks in Commercial and Industrial Zones**

EN BLOC RESOLUTION OCM 107/2010

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."*

Moved: Cr Maureen Robinson

Seconded: Cr Frank Lindsey

**CARRIED UNANIMOUSLY (11/0)**

**10.2 General Services Committee Report**

**Withdrawn Items from General Services Report**

Item 77 withdrawn by Cr Maureen Robinson to record a vote against the recommendation

Item 79 withdrawn by Cr Maureen Robinson to record a vote against the recommendation.

Item 82 withdrawn as it requires an absolute majority.

Item 84 withdrawn as it requires an absolute majority.

**10.2.1 Adoption of Body of General Services Report****RESOLVED OCM 108/2010**

1. That the Recommendations contained in the General Services Committee Report of 9 August 2010, excluding withdrawn items numbers GSC77, GSC79, GSC82 and GSC84 be adopted.

Moved: Cr Martyn Cresswell

Seconded: Cr Allan Morton

**CARRIED UNANIMOUSLY (11/0)****10.2.2 GSC72 Creditors Accounts Paid during the period 22 June 2010 to 22 July 2010****EN BLOC RESOLUTION OCM 108/2010**

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.

Moved: Cr Martyn Cresswell

Seconded: Cr Allan Morton

**CARRIED UNANIMOUSLY (11/0)****10.2.3 GSC73 Financial Activity Statements for the Period 30 June 2010****EN BLOC RESOLUTION OCM 108/2010**

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

Moved: Cr Martyn Cresswell

Seconded: Cr Allan Morton

**CARRIED UNANIMOUSLY (11/0)**

**10.2.4 GSC74 Debtors and Creditors Report**EN BLOC RESOLUTION OCM 108/2010

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

Moved: Cr Martyn Cresswell

Seconded: Cr Allan Morton

**CARRIED UNANIMOUSLY (11/0)****10.2.5 GSC75 Rates Debtors Report**EN BLOC RESOLUTION OCM 108/2010

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

Moved: Cr Martyn Cresswell

Seconded: Cr Allan Morton

**CARRIED UNANIMOUSLY (11/0)****10.2.6 GSC76 Quarterly Progress Report**EN BLOC RESOLUTION OCM 108/2010

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

Moved: Cr Martyn Cresswell

Seconded: Cr Allan Morton

**CARRIED UNANIMOUSLY (11/0)****10.2.7 GSC78 Economic Development Strategy – Proposed Endorsement**EN BLOC RESOLUTION OCM 108/2010

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

Moved: Cr Martyn Cresswell

Seconded: Cr Allan Morton

**CARRIED UNANIMOUSLY (11/0)**

**10.2.8 GSC80 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 Owen Sports Centre Management Committee.*

**EN BLOC RESOLUTION OCM 108/2010**

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.

Moved: Cr Martyn Cresswell

Seconded: Cr Allan Morton

**CARRIED UNANIMOUSLY (11/0)**

**10.2.9 GSC81 Jack Healey Centre Management Committee – Nomination for Membership****EN BLOC RESOLUTION OCM 108/2010**

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.

Moved: Cr Martyn Cresswell

Seconded: Cr Allan Morton

**CARRIED UNANIMOUSLY (11/0)**

**10.2.10 GSC83. Proposed Closure of Portion of Road Reserve – Lot 7 (31) Marchetti Road, Pickering Brook****EN BLOC RESOLUTION OCM 108/2010**

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.

Moved: Cr Martyn Cresswell

Seconded: Cr Allan Morton

**CARRIED UNANIMOUSLY (11/0)**

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

RESOLVED OCM 109/2010

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

Moved: Cr Martyn Cresswell

Seconded: Cr Frank Lindsey

**For**

Cr Carol Everett  
 Cr Frank Lindsey  
 Cr Geoff Stallard  
 Cr Allan Morton  
 Cr Noreen Townsend  
 Cr Peter Heggie  
 Cr Martyn Cresswell  
 Cr Dylan O'Connor  
 Cr Sue Bilich  
 Cr Donald McKechnie

**Against**

Cr Maureen Robinson

**CARRIED (10/1)**

**10.2.12 GSC79 Hartfield Park Masterplan - Public Comment and Council Adoption**

RESOLVED OCM 110/2010

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.

Moved: Cr Noreen Townsend

Seconded: Cr Allan Morton

**For**

Cr Carol Everett  
 Cr Frank Lindsey  
 Cr Geoff Stallard  
 Cr Allan Morton  
 Cr Noreen Townsend  
 Cr Peter Heggie  
 Cr Martyn Cresswell  
 Cr Dylan O'Connor  
 Cr Sue Bilich  
 Cr Donald McKechnie

**Against**

Cr Maureen Robinson

**CARRIED (10/1)**

**10.2.13 GSC82 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.*

**RESOLVED OCM 111/2010**

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

Moved: Cr Martyn Cresswell

Seconded: Cr Maureen Robinson

**For**

Cr Carol Everett  
 Cr Frank Lindsey  
 Cr Geoff Stallard  
 Cr Allan Morton  
 Cr Noreen Townsend  
 Cr Peter Heggie  
 Cr Martyn Cresswell  
 Cr Dylan O'Connor  
 Cr Maureen Robinson  
 Cr Donald McKechnie

**Against**

Cr Sue Bilich

**CARRIED/ABSOLUTE MAJORITY (10/1)**

**10.2.14 GSC84. Delegation of Authority to Chief Executive Officer**RESOLVED OCM 112/2010

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.

Moved: Cr Maureen Robinson

Seconded: Cr Noreen Townsend

**CARRIED UNANIMOUSLY/ABSOLUTE MAJORITY (11/0)****10.3 Audit Committee Report****10.3.1 Adoption of Body of Audit Committee Report**RESOLVED OCM 113/2010

1. That the Recommendations contained in the Audit Committee Report 2 August 2010 be adopted.

Moved: Cr Noreen Townsend

Seconded: Cr Carol Everett

**CARRIED UNANIMOUSLY (11/0)****10.3.2 AC5.1 Interim Audit Visit Report**EN BLOC RESOLUTION OCM 113/2010

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.

Moved: Cr Noreen Townsend

Seconded: Cr Carol Everett

**CARRIED UNANIMOUSLY (11/0)****10.3.3 AC5.2 UHY Haines Norton Financial Management Review**EN BLOC RESOLUTION OCM 113/2010

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.

Moved: Cr Noreen Townsend

Seconded: Cr Carol Everett

**CARRIED UNANIMOUSLY (11/0)**

**10.3.4 AC5.3 Investment Report**EN BLOC RESOLUTION OCM 113/2010

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

Moved: Cr Noreen Townsend

Seconded: Cr Carol Everett

**CARRIED UNANIMOUSLY (11/0)****10.3.5 AC 5.4 Sundry Debtors Write Off Report**EN BLOC RESOLUTION OCM 113/2010

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

Moved: Cr Noreen Townsend

Seconded: Cr Carol Everett

**CARRIED UNANIMOUSLY (11/0)****10.4 Chief Executive Officers' Report****CONFIDENTIAL ITEM****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.'*

*Cr Peter Heggie disclosed a proximity interest as he has a lease at the shopping centre.*

RESOLVED OCM 119/2010

1. That Council Delegates Authority to the Chief Executive Officer, to accept, in consultation with the Shire President, Deputy Shire President and Chair Person of General Services Committee, the offers for the purchase of 13 Ashford Road, 512 Kalamunda Road and 514 Kalamunda Road in accordance with Confidential Attachment 1.

Moved: Cr Frank Lindsey

Seconded: Cr Dylan O'Connor

**CARRIED UNANIMOUSLY (10/0)**



RESOLVED OCM 120/2010

1. That Council defer a decision on the Officer Recommendations contained in Confidential Attachment 2 and a report be presented to Council in September 2010.

Moved: Cr Donald McKechnie

Seconded: Cr Noreen Townsend

**CARRIED UNANIMOUSLY (10/0)****11.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN****11.1 Waste Compost Bin Viability (Cr Frank Lindsey)**RESOLVED OCM 114/2010

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: Cr Sue Bilich

**CARRIED UNANIMOUSLY (11/0)****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.

**RESOLVED OCM 115/2010**

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: Cr Carol Everett

**CARRIED UNANIMOUSLY (11/0)**

**12.0 QUESTIONS BY MEMBERS WITHOUT NOTICE**

- 12.1 Nil.

**13.0 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN**

- 13.1 Neighbourhood Issue (Cr Maureen Robinson)  
**Taken on Notice Ordinary Council Meeting 19 July 2010**

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 million"* for this region.

A. The CEO advised a comprehensive answer to this question would be provided and noted that actions had already been taken in regard to this matter.

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

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

### 14.1 Shire Administration Building - Roof and Ceiling Replacement Tender

Previous Items:	N/A
Responsible Officer	Mahesh Singh
Service Area:	Engineering
File Reference:	RFT - T1010
Applicant:	N/A
Owner:	Shire of Kalamunda
Attachments	1. Inspection Report Roof at Shire Administration 2. Building Tender Analysis

#### PURPOSE

1. To consider awarding the Tender for the roof and ceiling replacement of the Shire Administration Building, located at 2 Railway Road, Kalamunda.

#### BACKGROUND

2. In November 2009, an independent condition report on the Administration Building roof identified a number of serious structural failings, as shown at (***Attachment 1.***)
3. To overcome the immediate high-risk areas, identified in the Report, listed as "*considered dangerous*", several sections of the building's heavy ceiling tiles were removed and replaced with lightweight panels to reduce some of the loading on the roof trusses.
4. To address the leaking and structural concerns, on a permanent basis, the following works are required:
  - replacement of existing roof tiles with colorbond sheeting
  - strengthening of existing timber roof trusses
  - replacement of existing ceiling with a light weight one.
5. Accordingly, Tenders were called to carry out the above work, which closed on 10 August 2010.

#### DETAILS

6. Tenders were assessed against five compliance and four qualitative criteria, in a "yes / no" format.
7. One Tender did not meet the compliance criteria in that the Tenderer does not have quality procedures, accordingly, this Tender was considered non compliant.
8. A summary of the Tender analysis appears at (***Attachment 2.***)

**STATUTORY AND LEGAL IMPLICATIONS**

9. Nil.

**POLICY IMPLICATIONS**

10. Shire of Kalamunda Occupational Safety and Health Policy.

**PUBLIC CONSULTATION/COMMUNICATION**

11. Not applicable.

**FINANCIAL IMPLICATIONS**

12. An allowance of \$753,000 has been made in the draft 2010-2011 Budget for this work.
13. The allowance includes overhead costs and will also need to cover other internal expenses such as staged relocation of staff, furniture and equipment.

**STRATEGIC AND SUSTAINABILITY IMPLICATIONS**

14. Strategic Planning Implications
15. Sustainability Implications
  - Social Implications
  - Economic Implications
  - Environmental Implications

**OFFICER COMMENT**

16. The lowest priced compliant Tender was submitted by Air Roofing, who previously carried out the emergency 'prop and repair' work on sections of the roof, and is therefore familiar with the specific issues to be addressed in this Contract.
17. The lowest price submitted was from a non-compliant Tender, which was approximately 28% lower than the Tender submitted by Air Roofing.

**OFFICER RECOMMENDATION**

1. That the Tender Re-roofing of the Shire Administration Building be awarded to Air Roofing for the Tendered sum of \$408,000 (excluding GST).

RESOLVED OCM 116/2010

1. That the Tender Re-roofing of the Shire Administration Building be awarded to Air Roofing for the Tendered sum of \$408,000 (excluding GST).

Moved: Cr Frank Lindsey

Seconded: Cr Maureen Robinson

**CARRIED UNANIMOUSLY (11/0)**

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

#### 14.2 Appointment of “Authorised Persons”

Previous Items:	NA
Responsible Officer	Acting Director Community Development
Service Area:	Ranger and Emergency Services
File Reference:	
Applicant:	Shire of Kalamunda
Owner:	Shire of Kalamunda

Attachments

#### 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 issuing of infringement notices under certain Acts and Local Laws. The authorised person is to be appointed by the local government, that is, by Council, unless this power is delegated to another person.

#### DETAILS

3. 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.
4. *The Local Government Act 1995* and the *Local Government (Miscellaneous Provisions) Act 1960* allow for most of the powers and duties of the local government to be delegated. Other legislation, such as the *Dog Act 1976*, does not.
5. It should be noted that the Shire’s Local Laws are progressively being reviewed, and those made under the *Local Government Act 1995* will be amended to allow for delegation of this power.
6. It is impractical to require Council to authorise individual employees to act as authorised persons, as a report to Council would need to be presented every time an authorised staff member left their position. Therefore, it is recommended that the power to appoint an authorised person be delegated to the CEO, wherever this is permitted under the legislation.
7. Therefore a delegation to the CEO, empowering him to perform any functions of the Bushfires Act 1954 is presented in **(Attachment 4)**.

**STATUTORY AND LEGAL IMPLICATIONS**

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

**POLICY IMPLICATIONS**

9. NIL

**PUBLIC CONSULTATION/COMMUNICATION**

10. An advertisement is required to be placed in the Government Gazette and circulated within the district in a local newspaper following appointment by Council.

**FINANCIAL IMPLICATIONS**

11. Nil.

**STRATEGIC AND SUSTAINABILITY IMPLICATIONS**

12. Nil.

**OFFICER COMMENT**

13. That the Chief Executive Officer is delegated the authority to perform any functions under the Bushfires Act 1954.
14. That Council appoints correctly authorised employees within the Shire of Kalamunda as Authorised Persons under the relevant Acts, Regulations and Local Laws.
15. Such appointments are to remain valid until revoked, or until the person appointed is no longer employed by the Shire of Kalamunda-

**OFFICER RECOMMENDATION**

That Council:

1. appoints the persons listed in PART A (Schedule 1) of Attachment 1 as authorised persons pursuant to the Acts, Regulations and Local Laws listed in (Schedule 2.)
2. appoints the persons listed in PART B of Attachment 1 as authorised persons pursuant to Regulation 13(6) of the Dog Regulations 1976 and Clause 7.6 of the Shire of Kalamunda Dogs Local Law 2010.
3. appoints the persons listed in PART A of Attachment 2 as authorised persons pursuant to section 29(1) of the Dog Act 1976.
4. appoints the persons listed in PART A of Attachment 3 as authorised persons pursuant to sections 38 (1) and 38 (4) of the Bushfires Act 1954.
5. appoints the persons listed in PART B of Attachment 3 as authorised persons pursuant to section 59A (5) of the Bushfires Act 1954.

6. adopts the delegation of authority to the Chief Executive Officer as set out in Attachment 4.
7. notes that all term of appointments shall remain valid until revoked, or until the person appointed is no longer employed with the Shire.
8. revokes all other previous appointments for Authorised Persons.

RESOLVED OCM 117/2010

That Council:

1. appoints the persons listed in PART A (Schedule 1) of Attachment 1 as authorised persons pursuant to the Acts, Regulations and Local Laws listed in (Schedule 2.)
2. appoints the persons listed in PART B of Attachment 1 as authorised persons pursuant to Regulation 13(6) of the Dog Regulations 1976 and Clause 7.6 of the Shire of Kalamunda Dogs Local Law 2010.
3. appoints the persons listed in PART A of Attachment 2 as authorised persons pursuant to section 29(1) of the Dog Act 1976.
4. appoints the persons listed in PART A of Attachment 3 as authorised persons pursuant to sections 38 (1) and 38 (4) of the Bushfires Act 1954.
5. appoints the persons listed in PART B of Attachment 3 as authorised persons pursuant to section 59A (5) of the Bushfires Act 1954.
6. adopts the delegation of authority to the Chief Executive Officer as set out in Attachment 4.
7. notes that all term of appointments shall remain valid until revoked, or until the person appointed is no longer employed with the Shire.
8. revokes all other previous appointments for Authorised Persons.

Moved: Cr Maureen Robinson

Seconded: Cr Martyn Cresswell

**CARRIED UNANIMOUSLY/ABSOLUTE MAJORITY (11/0)**

**15.0 MEETING CLOSED TO THE PUBLIC****RESOLVED OCM 118/2010**

- 15.1 That the meeting be closed to members of the public in accordance with section 5.23(2)(c) of the Local Government Act 1995 to allow council to discuss a contracted entered into, or which may be entered into.

Moved: Cr Noreen Townsend

Seconded: Cr Allan Morton

**CARRIED UNANIMOUSLY (11/0)**

The Chairman closed the meeting at 6.56 pm.

**15.2 CEOR 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.'*

*Cr Peter Heggie disclosed a proximity interest as he has a lease at the shopping centre. Cr Heggie left the Chambers at 6.56pm and did not vote on this item.*

**RESOLVED OCM 119/2010**

1. That Council Delegates Authority to the Chief Executive Officer, to accept, in consultation with the Shire President, Deputy Shire President and Chair Person of General Services Committee, the offers for the purchase of 13 Ashford Road, 512 Kalamunda Road and 514 Kalamunda Road in accordance with Confidential Attachment 1.

Moved: Cr Frank Lindsey

Seconded: Cr Dylan O'Connor

**CARRIED UNANIMOUSLY (11/0)**

An additional confidential attachment was presented for council's consideration and a Recommendation put before the Council. The recommendation was moved and seconded. Council debated the recommendations within the confidential attachment.

**OFFICER RECOMMENDATION**

1. That Council adopts the Officer Recommendations contained in Confidential Attachment 2.

Moved: Cr Martyn Cresswell

Seconded: Cr Dylan O'Connor



Following debate the mover and seconder withdrew support of the Officer Recommendation and a alternate recommendation was presented to Council and a vote taken.

RESOLVED OCM 120/2010

1. That Council defer a decision on the Officer Recommendations contained in Confidential Attachment 2 and a report be presented to Council in September 2010.

Moved: Cr Donald McKechnie                      Seconded: Cr Noreen Townsend

**CARRIED UNANIMOUSLY (11/0)**

RESOLVED OCM 121/2010

- 15.3 That the meeting be open to members of the public after consideration of a matter in accordance with section 5.23(2)(c) of the Local Government Act 1995 to allow council to discuss a contracted entered into, or which may be entered into.

Moved: Cr Allan Morton                                      Seconded: Cr Carol Everett

**CARRIED UNANIMOUSLY (11/0)**

The Chairman opened the meeting at 7.35pm. Cr Peter Heggie entered the Chambers at 7.35pm.

The Chairman read allow the resolution passed by council behind closed doors.

**16.0 CLOSURE**

- 16.1 There being no further business the Chairman declared the meeting closed at 7.36 pm.

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

Signed.....Chairman

Dated this .....day of .....2010

