



SHIRE OF KALAMUNDA

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Minutes of Ordinary Meeting of Council Held in the Council Chambers 2 Railway Road, Kalamunda Monday 18 April 2011

1.0 OFFICIAL OPENING

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

2.0 ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE PREVIOUSLY APPROVED

2.1 ATTENDANCE

Councillors

Donald McKechnie	(CHAIRMAN) (SHIRE PRESIDENT)	NORTH WARD
Margaret Thomas		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
Justin Whitten		NORTH WEST WARD
Martyn Cresswell		NORTH WEST WARD
Dylan O'Connor		NORTH WEST WARD

Members of Staff

James Trail	CHIEF EXECUTIVE OFFICER
Steve Leeson	A/DIRECTOR OF CORPORATE SERVICES
Kevin O'Connor	DIRECTOR OF COMMUNITY DEVELOPMENT
Clayton Higham	DIRECTOR OF PLANNING & DEVELOPMENT SERVICES
Mahesh Singh	DIRECTOR OF ENGINEERING SERVICES
Darrell Forrest	MANAGER GOVERNANCE
Peter Hayes	MANAGER BUSINESS & STRATEGY
Michelle Clark	EXECUTIVE ASSISTANT CHIEF EXECUTIVE OFFICER
Donna McPherson	MINUTE SECRETARY

Members of Public 15

Members of Press 2

2.2 Apologies
Sue Bilich NORTH WARD

2.3 Leave of Absence Previously Approved
Nil.

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.

Nil.

Questions Taken on Notice 21 March 2011

3.1 Elizabeth Russell, 4 Agnes Close Lesmurdie

Q1. Will you provide me with written confirmation that any new amendment to the local law relating to the keeping of poultry, in particular roosters, will in fact provide your staff with the tools needed to address residents' complaints arising from roosters being kept on residential properties?

A1. Yes, the Shire is confident that the proposed provisions of the draft *Keeping and Control of Animals and Nuisance Local Law 2011* will enable officers to address residents' concerns arising from the keeping of roosters.

Q2. Will you provide me with written confirmation that the Shire will not, under any circumstances, permit any registered poultry association to oversee and regulate the keeping of poultry, in particular roosters, on residential properties within this Shire?

A2. The Shire will be responsible for overseeing and regulating the keeping of poultry in the Shire of Kalamunda.

3.2 Michael Woodhouse, 3 Agnes Close Lesmurdie

Q1. Has the Shire of Kalamunda conducted a comprehensive survey of all other local authorities in Western Australia, in order to establish their local laws on the keeping of poultry, in particular the keeping of roosters, peafowl, geese and turkeys, in residential areas?

A1. No, the Shire of Kalamunda has not conducted a comprehensive survey of all other local authorities in Western Australia in relation to the keeping of poultry in particular roosters, peafowl, geese and turkey in residential areas. However the Local Laws have been drafted by the Shire's solicitors, who have extensive knowledge and information of local government legislation throughout Western Australia.

- Q2. If so, what are the results of this survey and will these results be used to assist in the preparation of any proposed amendment to the Shire's local law on the keeping of poultry?
- A2. No, the Shire of Kalamunda has not conducted a comprehensive survey of all other local authorities in Western Australia in relation to the keeping of poultry in particular roosters, peafowl, geese and turkey in residential areas. However the Local Laws have been drafted by the Shire's solicitors, who have extensive knowledge and information of local government legislation throughout Western Australia.
- Q3. If not, is the Shire prepared to conduct such a survey, in order to assist in the formulation of any proposed amendment to the Shire's local law on the keeping of poultry?
- A3. The Shire will consider all submissions in relation to the Local Laws following the six week comment period after the draft Local Laws are advertised.

4.0 PETITIONS/DEPUTATIONS

- 4.1 Mr Patrick Jebb was granted permission to address the Council in relation to Item 10.3.1 – Lot 16 (8) Stirk Street, Kalamunda – Local Planning Scheme No.3 Amendment – Additional Use (Office).

5.0 APPLICATIONS FOR LEAVE OF ABSENCE

- 5.1 Application for leave of Absence – Cr Maureen Robinson

RESOLVED OCM 43/2011

That Cr Maureen Robinson be granted leave of absence a period from May 2011 to July 2011. This leave period will include the Ordinary Council Meetings on 16 May, 20 June and 18 July, Planning Services Committee on 6 June and 4 July and General Services Committee 13 June and 11 July 2011.

Moved: **Cr Geoff Stallard**

Seconded: **Cr Allan Morton**

Vote: **CARRIED UNANIMOUSLY (11/0)**

5.2 Application for leave of Absence – Cr Donald McKechnie

RESOLVED OCM 44/2011

That Cr Donald McKechnie be granted leave of absence a period from 6 May 2011 to 1 June 2011. This leave period will include the Ordinary Council Meetings on 16 May and General Services Committee on 9 May 2011.

Moved: **Cr Allan Morton**

Seconded: **Cr Margaret Thomas**

Vote: **CARRIED UNANIMOUSLY (11/0)**

6.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

6.1 Confirmation of Ordinary Council Meeting Minutes 21 March 2011

RESOLVED OCM 45/2011

That the Minutes of the Ordinary Council Meeting of the Shire of Kalamunda held in the Council Chambers, 2 Railway Road, Kalamunda on 21 March 2011 are confirmed as a true and correct record of the proceedings.

Moved: **Cr Maureen Robinson**

Seconded: **Cr Noreen Townsend**

Vote: **CARRIED UNANIMOUSLY (11/0)**

7.0 ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION

7.1 Incident at Kalamunda Show 15 April 2011 (Shire President)

At 9.30pm on on Friday 15 April 2011 there was an unfortunate incident in which a police horse was fatally electrocuted. We immediately isolated the light pole concerned. Energy Safety and Western Power were contacted and arrived on site. They are conducting a thorough investigation and a report will be coming to Council in the not too distant future. No conclusions as to the cause of the incident can be reached until the report is finalised. In the meantime, we are being proactive as a shire and have employed an electrical engineer to assess towers and switchboard at Kostera oval. Any works required will then be undertaken and have been requested to be completed by 6 May. These four towers have been operating for some time, two were installed in 1996 and two were installed in 1998. We understand, and are confirming, that the operation and installation was in compliance with all regulations and requirements. The investigation continues. We have asked staff for a list of all the switchboards and power boards throughout the Shire. An assessment will also be done by an electrical engineer of Ray Owen and Hartfield Park.

7.2 Gratitude to Acting Director Corporate Services

I would like to place on record the Council's gratitude to the Acting Director Corporate Services, Mr Steve Leeson, for his enthusiasm, professionalism and hard work. From week to week he has grown in confidence and expertise in the position and should be justifiably proud of his managing a very difficult and important area of the administration.

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

8.1 GS Item 51. Lot 7 (292) Sultana Road East, Forrestfield. **CONFIDENTIAL ITEM** Provided under separate cover.

Reason for Confidentiality - *Local Government Act 1995* 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.

9.0 **DISCLOSURE OF INTERESTS**

9.1 **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)

Cr Donald McKechnie declared a financial interest in Item 10.2.9 (GS53) – Kalamunda Men's Shed Inc. Relocation Proposal – as he is a member of the Men's Shed.

Mr Clayton Higham declared a financial interest in Item 10.3.3 – Chief Executive Officer Leave and Appointment of Acting Chief Executive Officer – as he is the recommended officer to act as the Chief Executive Officer.

Mr James Trail declared a financial interest in the Chief Executive Officer Performance Review as he is the Chief Executive Officer.

9.2 **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.

Cr Geoff Stallard declared an interest affecting impartiality in item 10.1.2 (PS10) Lot 622 (42) Ledger Road, Gooseberry Hill – Proposed Mobile Phone Tower as he has a contract with Optus.

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

Withdrawn Items from Planning Services Report

PS12 withdrawn and presented to Council for consideration in the CEO Report (10.3.1).

10.1.1 Adoption of Body of Planning Services Report

RESOLVED OCM 46/2011

1. That the recommendations contained in the Planning Services Committee Report of the 4 April 2011, except withdrawn item PS12, be adopted.

Moved: **Cr Maureen Robinson**

Seconded: **Cr Margaret Thomas**

Vote: **CARRIED UNANIMOUSLY (11/0)**

10.1.2 **PS10 Lot 622 (42) Ledger Road, Gooseberry Hill - Proposed Mobile Phone Tower**

EN BLOC RESOLUTION OCM 46/2011

1. That Council recommend to the WA Planning Commission that the application dated 26 October 2010 for a mobile phone tower at Lot 622 (42) Ledger Road, Gooseberry Hill, 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 170m from Gooseberry Hill Primary School, which constitutes a 66 per cent reduction in the required 500m distance.
 - b. The significant 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.

Moved: **Cr Maureen Robinson**

Seconded: **Cr Margaret Thomas**

Vote: **CARRIED UNANIMOUSLY (11/0)**

10.1.3 **PS11 Lot 501 and 503 (6) Dixon Road, Kalamunda - Local Planning Scheme 3 Amendment - Local Open Space and Residential Boundary Realignment**

EN BLOC RESOLUTION OCM 46/2011

1. That Council adopts 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. 33

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

1. Rezoning the east portion of Lot 501 (6) Dixon Road, Kalamunda from Local Open Space to Residential R30, and Reserve the north-west portion of Lot 503 (6) Dixon Road, Kalamunda from Residential R30 to Local Open Space in accordance with the Scheme Amendment Map.

Moved: **Cr Maureen Robinson**

Seconded: **Cr Margaret Thomas**

Vote: **CARRIED UNANIMOUSLY (11/0)**

10.1.4 **PS13 Townscape Improvement Plans - Edinburgh Road Shopping Centre - Forrestfield**

EN BLOC RESOLUTION OCM 46/2011

1. That Council endorses the Townscape Improvement Plan for Edinburgh Road Shopping Centre.
2. That a schedule of works be prepared detailing the extent of the works projected costs and timeframe for the implementation of the works programme.

Moved: **Cr Maureen Robinson**

Seconded: **Cr Margaret Thomas**

Vote: **CARRIED UNANIMOUSLY (11/0)**

10.1.5 **PS12 Lot 16 (8) Stirk Street, Kalamunda - Local Planning Scheme No. 3 Amendment – Additional Use (Office)**

This item is presented to Council for consideration in the Chief Executive Officer's Report – Item 10.3.1.

10.2 General Services Committee Report

Withdrawn Items from General Services Report

GS42 withdrawn to consider an additional point to the Committee Recommendation to Council.

GS46 withdrawn an amended motion foreshadowed.

GS47 withdrawn as an absolute majority is required.

GS51 withdrawn as an absolute majority is required.

GS53 withdrawn as Cr McKechnie declared a financial interest.

GS55 withdrawn as Cr Robinson indicated to record vote against.

GS57 withdrawn the recommendation has been amended following the receipt of confirmation of the date of the local government elections.

10.2.1 **Adoption of Body of General Services Report**

RESOLVED OCM 47/2011

1. That the recommendations contained in the General Services Committee Report of the 11 April 2011, except withdrawn items GS42, GS46, GS47, GS51, GS53, GS55 and GS57 be adopted.

Moved: **Cr Allan Morton**

Seconded: **Cr Geoff Stallard**

Vote: **CARRIED UNANIMOUSLY (11/0)**

10.2.2 **GS43 Monthly Financial Statements for the Period ending 31 March 2011**

EN BLOC RESOLUTION OCM 47/2011

1. That the monthly financial statements which comprise the Statement of Financial Position, Statement of Comprehensive Income by Nature and Type, Statement of Comprehensive Income by Program, Rate Setting Statement, Cash Flow Statement, Notes to and Forming Part of the Financial Report and Operating Budget Variance Analysis for the period ending 31 March 2011 (Attachment 1) be received.

Moved: **Cr Allan Morton**

Seconded: **Cr Geoff Stallard**

Vote: **CARRIED UNANIMOUSLY (11/0)**

10.2.3 **GS44 Debtors and Creditors Reports for the Period ending 31 March 2011**

EN BLOC RESOLUTION OCM 47/2011

1. That the outstanding debtors (Attachment 1) and creditors (Attachment 2) report as at 31 March 2011 be received.

Moved: **Cr Allan Morton**

Seconded: **Cr Geoff Stallard**

Vote: **CARRIED UNANIMOUSLY (11/0)**

10.2.4 **GS45 Rates Debtors Report for the Period ending 31 March 2011**

EN BLOC RESOLUTION OCM 47/2011

1. That the rates debtors report as at 31 March 2011 (Attachment 1) be received.

Moved: **Cr Allan Morton**

Seconded: **Cr Geoff Stallard**

Vote: **CARRIED UNANIMOUSLY (11/0)**

10.2.5 **GS48 RFT 1106 – Civil Works - 29 Lot Subdivision – Lot 5 Welshpool Road East, Wattle Grove**

EN BLOC RESOLUTION OCM 47/2011

1. That Wolfe Civil be awarded RFT 1106 – Civil Works - 29 Lot Subdivision – Lot 5 Welshpool Road East, Wattle Grove for the tendered sum of \$1,097,172.91 plus 10% contingencies of \$109,717.30 for a total tendered sum of \$1,206,890.21 excluding GST.

Moved: **Cr Allan Morton**

Seconded: **Cr Geoff Stallard**

Vote: **CARRIED UNANIMOUSLY (11/0)**

10.2.6 **GS49 Land Asset Assessment – Acquisition of the First Five (5) A20 Reserves**

EN BLOC RESOLUTION OCM 47/2011

1. That Council approves the purchase of the A20 Reserves numbered R43471, R33221, R37699, R27721 & R27570 at 5% of the market value as valued by the Valuer General's Office.

2. That the funding for the purchase of these reserves be included in the 2011/2012 Budget and that the funds be allocated from the Shire Land and Property Reserve Account.

Moved: **Cr Allan Morton**

Seconded: **Cr Geoff Stallard**

Vote: **CARRIED UNANIMOUSLY (11/0)**

10.2.7 **GS50 Delegation to Chief Executive Officer –Rates in Exceptional Circumstances**

EN BLOC RESOLUTION OCM 47/2011

1. That item 50, Delegation to Chief Executive Officer – Rates in Exceptional Circumstances be withdrawn.

Moved: **Cr Allan Morton**

Seconded: **Cr Geoff Stallard**

Vote: **CARRIED UNANIMOUSLY (11/0)**

10.2.8 **GS52 Application to Keep More Than Two Dogs – 121 Tanner Road, Carmel**

EN BLOC RESOLUTION OCM 47/2011

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 121 Tanner Road, Carmel to keep four dogs on this property.

Moved: **Cr Allan Morton**

Seconded: **Cr Geoff Stallard**

Vote: **CARRIED UNANIMOUSLY (11/0)**

10.2.9 **GS54 Works Programme – Pickering Brook Road and Canning Road intersection**

EN BLOC RESOLUTION OCM 47/2011

1. That Council approve the scope of works to be changed.
2. That the \$16,833 municipal funds difference be transferred from the Dundas Road / Maida Vale Road project, already withdrawn from 2010/11 work programme.

Moved: **Cr Allan Morton**

Seconded: **Cr Geoff Stallard**

Vote: **CARRIED UNANIMOUSLY (11/0)**

10.2.10 **GS56 Lilian Road, Maida Vale - Proposed Footpath**

EN BLOC RESOLUTION OCM 47/2011

1. That a footpath on Lilian Road, from Norwood Road to Hawtin Road, Maida Vale, be constructed, as provided in the 2010/11 Works Programme.

Moved: **Cr Allan Morton**

Seconded: **Cr Geoff Stallard**

Vote: **CARRIED UNANIMOUSLY (11/0)**

10.2.11 **GS58 Contract for the Provision of Blue and White Collar Contract Labour T11/12**

EN BLOC RESOLUTION OCM 47/2011

1. That item 58, Contract for Provision of Blue and White Collar Contract Labour T11/12 be deferred to May 2011 General Services Meeting.

Moved: **Cr Allan Morton**

Seconded: **Cr Geoff Stallard**

Vote: **CARRIED UNANIMOUSLY (11/0)**

10.2.12 **GS59 Shire of Kalamunda Communications Plan**

EN BLOC RESOLUTION OCM 47/2011

1. That Council adopt the Shire of Kalamunda Communications Plan, as a guiding document, that will be reviewed annually, to assist communication with stakeholders, promotion of services and initiatives, Shire of Kalamunda branding and reputation management.

Moved: **Cr Allan Morton**

Seconded: **Cr Geoff Stallard**

Vote: **CARRIED UNANIMOUSLY (11/0)**

10.2.13 **GS60 Awarding of Tender – Demolition of Various Building within the Shire of Kalamunda**

EN BLOC RESOLUTION OCM 47/2011

1. That the Tender for the demolition of various buildings be awarded to Brajkovich Demolitions and Salvage Pty Ltd.
2. That following separable portions be authorised to commence immediately, and funded from allocated funds:
 - 512 Kalamunda Road High Wycombe for the Tendered price of \$11,800 (ex GST).
 - 514 Kalamunda Road High Wycombe for the Tendered price of \$11,800 (ex GST).
 - Engineering Office (Operations Centre) for the Tendered price of \$9,800 (ex GST).
 - Building Maintenance Office (Operations Centre) for the Tendered price of \$4,800 (ex GST).
3. That following separable portions be authorised to commence immediately, and funded from the revised building maintenance budget with any shortfall to be funded from the Land and Property Reserve :
 - 420 Canning Road, Walliston for the Tendered price of \$15,800.
 - 29B Lewis Road, Forrestfield for the Tendered price of \$12,800.
 - 10 Hartfield Road, Forrestfield for the Tendered price of \$10,800.
4. Pursuant to Section 3.58 of the *Local Government Act 1995*, approve of the disposal of all of these properties.

Moved: **Cr Allan Morton**

Seconded: **Cr Geoff Stallard**

Vote: **CARRIED UNANIMOUSLY (11/0)**

10.2.14 **GS42 Creditors' Accounts Paid During the Period 2 March to 25 March 2011**

COMMITTEE RECOMMENDATION TO COUNCIL (GS 42/2011)

1. That the list of creditors paid during the period 2 March to 25 March 2011 (Attachment 1) be received by Council in accordance with the requirements of the Local Government (Financial Management) Regulations 1996 (Regulation 12).

Moved:

Seconded:

Vote: **LAPSED**

An additional point was added to the Committee Recommendation to Council this amendment was seconded and put to a vote.

RESOLVED OCM 48/2011

1. That the list of creditors paid during the period 2 March to 25 March 2011 (Attachment 1) be received by Council in accordance with the requirements of the Local Government (Financial Management) Regulations 1996 (Regulation 12).
2. That the jarrah table ordered by Engineering Services be sold.

Moved: **Cr Frank Lindsey**

Seconded: **Cr Margaret Thomas**

Vote: For
Cr Frank Lindsey
Cr Geoff Stallard
Cr Noreen Townsend
Cr Justin Whitten
Cr Dylan O'Connor
Cr Margaret Thomas

Against
Cr Carol Everett
Cr Allan Morton
Cr Maureen Robinson
Cr Martyn Cresswell
Cr Donald McKechnie

CARRIED (6/5)

- 10.2.15 **GS46 Expression of Interest for a Proposed Major Land Transaction, or alternatively the Shire of Kalamunda developing and managing the development of Lots 7, 8 and 4255 Lewis Road Wattle Grove.**

RESOLVED OCM 49/2011

1. That a Business Plan be developed in accordance with Section 3.59 of the *Local Government Act 1995* for the staged construction of independent living units on Lots 7, 8 and 4255 Lewis Road Wattle Grove to be undertaken by the Shire of Kalamunda.
2. That a Consultant Architect be engaged to provide site design, concept plans and cost estimates for inclusion in the Business Plan.

3. That the consultant provide advice on the possible uses of the existing buildings on Lot 4255 Lewis Road, Wattle Grove.

Moved: **Cr Margaret Thomas**

Seconded: **Cr Frank Lindsey**

Vote: For

Cr Frank Lindsey
Cr Geoff Stallard
Cr Justin Whitten
Cr Martyn Cresswell
Cr Dylan O'Connor
Cr Margaret Thomas
Cr Donald McKechnie

Against

Cr Carol Everett
Cr Allan Morton
Cr Maureen Robinson
Cr Noreen Townsend

CARRIED (7/4)

10.2.16 **GS47 Land Asset Rationalisation**

RESOLVED OCM 50/2011

1. That:
 - 39 Maida Vale Road Maida Vale
 - 21 Andrew Street, Kalamunda
 - 2 Cabarita Road, Kalamunda
 - 29 Barbical Place, Lesmurdie
 - 43 Boonooloo Road, Kalamundabe disposed of in accordance with Sections 3.58 and 3.59 of the *Local Government Act 1995*.
2. That sworn valuations be obtained for each lot prior to being released for sale.
3. That no lot be sold for less than its sworn value unless authorised by Council resolution.
4. That the following properties be "Open Listed" with the five Real Estate Agents that responded to the requested marketing proposal:
 - 21 Andrew Street, Kalamunda
 - 2 Cabarita Road, Kalamunda
 - 29 Barbical Place, Lesmurdie
 - 43 Boonooloo Road, Kalamunda
5. That 39 Maida Vale Road be listed exclusively with the sole Real Estate Agent that identified this site as a development site.

6. That in accordance with Section 5.42 of the *Local Government Act 1995* - Delegation of some powers and duties to the CEO, the CEO be delegated the power to dispose of the properties.
7. That in accordance with Section 5.43 of *the Local Government Act 1995* – Limits on delegations to CEO, the limit be set at 5 million dollars (\$5,000,000) for properties the subject of this Report.
8. That in accordance with Section 6.11 of the *Local Government Act 1995* – Reserve accounts, establish the following reserve account from the proceeds (2.5% of gross proceeds) of selling freehold land parcels and any crown reserves:
 - Environmental Reserve – to be used to fund environmental strategies, programs and projects.
9. Prior to the listing of the properties referred to in (4) above, the Chief Executive Officer cause the undertaking of an assessment of the vegetation on each of the properties with a view to ensuring that any significant vegetation identified is retained at development stage, where reasonably possible, by an appropriate means such as a building envelope. The Chief Executive Officer to request the Real Estate Agents to inform prospective purchasers of such requirements.

Moved: **Cr Margaret Thomas**

Seconded: **Cr Allan Morton**

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

10.2.17 **GS51 Lot 7 (292) Sultana Road East, Forrestfield**

RESOLVED OCM 51/2011

CONFIDENTIAL ITEM - Reason for Confidentiality: *Local Government Act 1995* S5.23 (2) (d) - legal advised obtained or maybe obtained by the local government and which relates to a matter to be discussed at the meeting.

1. That an offer of \$25,000 in relation to the disputed public open space valuation at Lot 7 (292) Sultana Road East, Forrestfield be accepted in full and final settlement.
2. In the event that the offer is withdrawn then the matter proceeds to arbitration immediately.
3. That Council note the legal expenditure incurred to date and the possible future costs involved should the matter proceed to arbitration.
4. That an offer be conditional on the acceptance of a non-disclosure agreement.

Moved: **Cr Maureen Robinson**

Seconded: **Cr Noreen Townsend**

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

10.2.18 **GS53 Kalamunda Men's Shed Inc. Relocation Proposal**

Cr Donald McKechnie declared a financial interest in Item 10.2.9 (GS53) – Kalamunda Men's Shed Inc. Relocation Proposal – as he is a member of the Men's Shed. Cr McKechnie left the meeting at 7:03pm and was replaced in the Chair by the Deputy Chairman, Cr Allan Morton. Cr McKechnie returned to the meeting at 7:04pm and did not vote on this item.

RESOLVED OCM 52/2011

1. That Council supports the relocation of the Kalamunda Men's Shed to the Lesmurdie Scout Hall.
2. That consultation with nearby residents be undertaken.
3. That Council supports the allocation of up to \$96,000 in the 2011/12 budget for remedial work to the Lesmurdie Scout Hall.
4. That the Kalamunda Men's Shed Inc. actively seek external funding sources to offset the costs of the remedial works.

Moved: **Cr Maureen Robinson**

Seconded: **Cr Carol Everett**

Vote: **CARRIED UNANIMOUSLY/ABSOLUTE MAJORITY (10/0)**

10.2.19 **GS55 Adoption of Revised Asset Management Policy**

RESOLVED OCM 53/2011

1. That Council adopts the Asset Management Policy (ENG 15), as shown at (Attachment 1).

Moved: **Cr Geoff Stallard**

Seconded: **Cr Margaret Thomas**

Vote: For
Cr Carol Everett
Cr Frank Lindsey
Cr Geoff Stallard
Cr Allan Morton
Cr Noreen Townsend
Cr Justin Whitten
Cr Martyn Cresswell
Cr Dylan O'Connor
Cr Margaret Thomas
Cr Donald McKechnie

Against
Cr Maureen Robinson

CARRIED (10/1)

10.2.20 **GS57 Proposed Schedule of Committee and Council Meetings for the Period June 2011 to May 2012**

COMMITTEE RECOMMENDATION TO COUNCIL (GS 57/2011)

1. That Council endorse the schedule of Committee and Council meetings for the period June 2011 to May 2012 as detailed in (Attachment 1).

A amended motion is presented to Council as confirmation has been received as to the date of the local government elections in October.

1. That Council endorse the schedule of Committee and Council meetings for the period June 2011 to May 2012 as detailed in (Attachment 1), subject to the following amendments.
 - Monday 03 October – Planning Services Committee
 - Monday 10 October – General Services Committee
 - Monday 15 October – Special Council Meeting
 - Monday 24 October – Ordinary Council Meeting

The meeting was advised the date of the Special Council Meeting should be Monday 17 October 2011.

RESOLVED OCM 54/2011

1. That Council endorse the schedule of Committee and Council meetings for the period June 2011 to May 2012 as detailed in (Attachment 1), subject to the following amendments.

- Monday 03 October – Planning Services Committee
- Monday 10 October – General Services Committee
- Monday 17 October – Special Council Meeting
- Monday 24 October – Ordinary Council Meeting

Moved: **Cr Justin Whitten**

Seconded: **Cr Margaret Thomas**

Vote: **CARRIED UNANIMOUSLY**

10.3 Chief Executive Officers' Report

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

10.3.1 **Lot 16 (8) Stirk Street, Kalamunda - Local Planning Scheme No. 3 Amendment – Additional Use (Office)**

Previous Items	PS 12/2011
Responsible Officer	Director Planning and Development Services
Service Area	Planning and Development Services
File Reference	ST-11/008
Applicant	P Jebb
Owner	J Woods
Attachment 1	Locality Plan
Attachment 2	Scheme Zoning Map

PURPOSE

1. To consider an amendment to Local Planning Scheme No. 3 ("the Scheme") to allow for an additional use (Office) at Lot 16 (8) Stirk Street, Kalamunda. Refer to the locality plan (Attachment 1).

BACKGROUND

2. The subject lot is zoned Residential R20, has direct access onto School Street and contains two grouped dwellings which are to be retained.

3. One of the dwellings is listed on the Shire's Municipal Inventory of Heritage Places as a Category C meaning that it is to be retained and conserved if possible. It should be noted that the proposed additional use is to operate from the other dwelling on the property which is not listed in the Municipal Inventory of Heritage Places.
4. Stirk Street forms the northern boundary of the Kalamunda Town Centre. Refer to the current Scheme Zoning Map (Attachment 2).

DETAILS

5. The applicant has requested that Council amend the Scheme to allow the additional use (Office) on the subject property.
6. The applicant has advised that clients will visit the property by prior appointment only and the business (an administration office for accounting and legal services) will operate during normal business hours.
7. Those associated with the proposed use would not reside at the property, and the entire dwelling would be used for office purposes.

STATUTORY AND LEGAL IMPLICATIONS

8. The *Town Planning Regulations 1967* establish procedures relating to amendments to local planning schemes. If Council decides to initiate the proposed amendment, then ultimately the amendment will be determined by the Minister for Planning.
9. If Council does not initiate the amendment, the process ceases and there is no Right of Review (appeal) to the State Administrative Tribunal. If the proposal progresses to the Minister's determination, irrespective of the Minister's decision, there is no Right of Review.
10. Under the Zoning Table of the Scheme the use Office is listed as an 'X' use in the Residential zone, meaning the use is not permitted.
11. Clause 4.2 of the Scheme states that the objectives of Residential zoned areas are the following:
 - a. To provide primarily for single residential development whilst allowing for a range of residential densities in order to encourage a wide choice of housing types within the Shire.
 - b. To facilitate a range of accommodation styles and densities to cater for all community groups inclusive of the elderly, young people in transition and the handicapped.

POLICY IMPLICATIONS

Liveable Neighbourhoods (January 2009)

12. *Liveable Neighbourhoods (January 2009)* is an integrated planning and assessment policy to assist with the design and assessment of structure and subdivision plans to guide urban development within metropolitan and regional Western Australia.

13. The Policy requires commercial and business uses to be integrated into mixed use centres to provide improved environmental, economic and social outcomes.

Directions 2031 and Beyond

14. *Directions 2031 and Beyond* is a high level strategic plan that establishes a vision for future growth of the Perth metropolitan area.
15. The objectives of which include the following:
- Developing and revitalising activity centres as attractive places in which to invest, live and work.
 - Ensuring that economic development and accessibility to employment inform urban expansion.

PUBLIC CONSULTATION/COMMUNICATION

16. If the amendment is initiated by Council, the Amendment would be formally advertised for 42 days in accordance with the provisions of the *Town Planning Regulations 1967*.
17. The amendment would be required to be advertised in the form of a notice being published in a district and State wide newspaper. The applicant would also be requested to arrange for a sign advertising the proposal, to be erected on the subject property.

FINANCIAL IMPLICATIONS

18. If the amendment is adopted there will be a cost involved, however this would be recouped from the applicant.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

Strategic Planning Implications

19. The subject property falls outside of the Kalamunda Town Centre which operates as an 'Activity Centre' in *Directions 2031 and Beyond*, accommodating a range of commercial uses including the proposed office activities.

Sustainability Implications

Social implications

20. Co-locating office and residential uses has the potential for the amenity of residents to be negatively impacted.

Economic Implications

21. Nil.

Environmental Implications

22. Nil.

OFFICER COMMENT

23. The applicant's justification in favour of the proposed additional use is the following:

"Given the location of the property, immediately opposite to the Bunnings car park and Nirvana Chiropractic clinic, in my view the location lends itself to uses (sic) as offices and administration with little or no impact on surrounding businesses and residences."

24. It is considered that the proposal is ad hoc and not in keeping with proper and orderly planning of commercial developments, and would be best located in the town centre where similar uses exist. For this reason it is recommended that the request for the additional use Office at the subject lots, not be supported by Council. While it is acknowledged that the subject premise is on the boundary of a commercial area, which can impact on the amenity of the residential area, rezoning to allow offices simply shifts that boundary and potentially the impact.
25. Whilst the applicant has advised the Shire how the business will operate should the amendment be approved, it is important to note that in the long term the tenancy could change and operate in a different manner.

RECOMMENDATION

1. That Council does not initiate the amendment to allow for the additional use Office at Lot 16 (8) Stirk Street, Kalamunda, as this would impact on the amenity of the established residential area and the use would be best located within the Kalamunda Town Centre or Mixed Use zoned area.

Moved: **Cr Frank Lindsey**

Seconded: **Cr Carol Everett**

Vote: For
 Cr Carol Everett
 Cr Frank Lindsey
 Cr Martyn Cresswell
 Cr Dylan O'Connor

Against
 Cr Geoff Stallard
 Cr Allan Morton
 Cr Maureen Robinson
 Cr Noreen Townsend
 Cr Justin Whitten
 Cr Margaret Thomas
 Cr Donald McKechnie
 Cr Martyn Cresswell

LOST (4/8)

An alternative motion was proposed and received a seconder. A vote was taken on the motion.

RESOLVED OCM 55/2011

1. That Council initiates an amendment to Local Planning Scheme No. 3 in accordance with the following:

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

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

No	Description of Land	Additional Use	Conditions
46	8 Stirk Street, Kalamunda (Lot 16)	Office	An office is not permitted unless approval is granted by Council ("A").

Subject to amendment documents and the required administration fee being submitted, the documents being adopted by Council and the Amendment being formally advertised for 42 days in accordance with the provisions of the *Town Planning Regulation Margaret Thomas 1967*, without reference to the Western Australian Planning Commission.

Moved: **Cr Margaret Thomas**

Seconded: **Cr Noreen Townsend**

Vote: For

Cr Frank Lindsey
Cr Geoff Stallard
Cr Allan Morton
Cr Maureen Robinson
Cr Noreen Townsend
Cr Justin Whitten
Cr Margaret Thomas
Cr Donald McKechnie

Against

Cr Carol Everett

Cr Martyn Cresswell

Cr Dylan O'Connor

CARRIED (8/3)

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

10.3.2 Audit Committee – Appointment of New Member to Vacant Position

Previous Items	N/A
Responsible Officer	Chief Executive Officer
Service Area	Governance
File Reference	FI-AUD-006
Applicant	N/A
Owner	N/A

Attachment 1 Audit Committee – Terms of Reference

PURPOSE

1. To provide for the appointment of a new member to the Audit Committee following the resignation as a Councillor of former Committee Member, Peter Heggie.

BACKGROUND

The vacancy on the Audit Committee occurred as a consequence of the resignation as a Councillor of Peter Heggie in December 2010.

DETAILS

2. Under section 7.1A of the *Local Government Act 1995*, every local government is required to establish an Audit Committee of three or more persons. At least three of the members of the committee are to be elected members, and no employee of the local government (including the Chief Executive Officer) may be a member of the committee.
3. The Terms of Reference of the Audit Committee as adopted by Council in October 2007 are attached as (Attachment 1). The Terms of Reference state that the committee is to comprise six members, two of whom are to be the Shire President and Deputy Shire President.

STATUTORY AND LEGAL IMPLICATIONS

4. Section 7.1A of the *Local Government Act 1995*, provides that every local government is required to establish an Audit Committee.
5. Sections 5.8 to 5.10 of the *Local Government Act 1995*, provide the statutory process for establishing committees of Council and appointment of members to those committees.

POLICY IMPLICATIONS

6. This proposal is in accordance with the Terms of Reference for the Audit Committee adopted by Council.

PUBLIC CONSULTATION/COMMUNICATION

7. Public consultation is not required with respect to this matter.

FINANCIAL IMPLICATIONS

8. There are no financial implications arising from this proposal.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

9. This proposal has no direct impact on the strategic goals and objectives of the Shire.

Sustainability ImplicationsSocial implications

10. Nil.

Economic Implications

11. Nil.

Environmental Implications

12. Nil.

OFFICER COMMENT

13. Following the finalisation of the extraordinary election for the vacancy due to the resignation of Peter Heggie, it is now considered appropriate to appoint a new member to the vacancy on the Audit Committee as a consequence of his resignation.
14. The appointment of a new member to the vacant position on the Audit Committee meets the requirements of the Terms of Reference adopted by Council for the committee.

RESOLVED OCM 56/2011

1. That pursuant to section 5.10 of the *Local Government Act 1995*, Councillor Justin Whitten, be appointed to the Audit Committee for the balance of the term of the committee.

[Note: all appointments to committees expire on the next ordinary election day].

Moved: **Cr Donald McKechnie**

Seconded: **Cr Allan Morton**

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

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

10.3.3 Chief Executive Officer – Leave and Appointment of Acting Chief Executive Officer

Mr Clayton Higham declared a financial interest in Item 10.3.3 – Chief Executive Officer Leave and Appointment of Acting Chief Executive Officer – as he is the recommended officer to act as the Chief Executive Officer.

Previous Items	N/A
Responsible Officer	Chief Executive Officer
Service Area	Office of CEO
File Reference	OR-CMA-025
Applicant	N/A
Owner	N/A

PURPOSE

1. To advise the Council of leave arrangements for the Chief Executive Officer and appoint an Acting Chief Executive Officer.

BACKGROUND

Nil.

DETAILS

2. Following the Chief Executive Officer's attendance at the National Local Government Managers Australia National Conference to be held between 21 and 25 of May 2011, he will be proceeding on leave for the period 26 May until 3 June 2011, returning to duty on Monday 6 of June 2011.
3. During this period of leave it is proposed that the Director of Planning Services, Mr Clayton Higham will be the Acting Chief Executive Officer.

STATUTORY AND LEGAL IMPLICATIONS

4. Section 5.36 of the *Local Government Act 1995* provides that the Council is responsible for all appointments to the position of Chief Executive Officer.

POLICY IMPLICATIONS

5. There are no policy implications related to the appointment of an Acting Chief Executive Officer.

PUBLIC CONSULTATION/COMMUNICATION

6. Public consultation is not required with respect to this matter.

FINANCIAL IMPLICATIONS

7. There are no financial implications arising from this proposal

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

8. This proposal has no direct impact on the strategic goals and objectives of the Shire.

Sustainability ImplicationsSocial implications

9. Nil.

Economic Implications

10. Nil.

Environmental Implications

11. Nil.

OFFICER COMMENT

12. The appointment of an Acting Chief Executive Officer during extended absences of the Chief Executive Officer is required to ensure continuation of the effective management of the Shire's administration and that all statutory and legal requirements can be met.
13. It is considered that the Director of Planning Services, Mr Clayton Higham has the necessary experience, skills and qualities to undertake the role of Acting Chief Executive Officer.

RESOLVED OCM 57/2011

1. That Council notes that the Chief Executive Officer will be absent on leave for the period 26 May until 3 June 2011.
2. That pursuant to section 5.36 of the *Local Government Act 1995* appoints the Director of Planner Services, Mr Clayton Higham as Acting Chief Executive Officer for the period 21 May until 3 June 2011.

Moved: **Cr Noreen Townsend**

Seconded: **Cr Carol Everett**

Vote: **CARRIED UNANIMOUSLY (11/0)**

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

10.3.4 Formal Proposal to Lease – 50 (Lot 431) Railway Road, Kalamunda (Zig Zag Cultural Centre)

Previous Items:	N/A
Responsible Officer	Chief Executive Officer
Service Area	Community Development
File Reference	EOI 1101
Applicant	N/A
Owner	N/A
Attachment 1	Zig Zag Cultural Centre Site Plan
Attachment 2	Formal Proposal to Lease – Anthony Kelly
Attachment 3	Formal Proposal to Lease – Anthony Kelly Business Plan

PURPOSE

1. To provide Council with a report on the outcome of Formal Proposals for the lease of the Zig Zag Cultural Centre Café located at 50 (Lot 431) Railway Road, Kalamunda.

BACKGROUND

2. Expression of interest was advertised to:
 - Gauge commercial interest for the Zig Zag Cultural Centre Café.
 - Gain an understanding of the proposed uses and potential opportunities for the facility.
3. Following the advertising of the expression of interest, submissions were received from:
 1. Greg and Anneli Carson

The submission proposes the following:

 - Utilising the premises as a café / wine bar, offering the community a style of venue not currently available in Kalamunda.
 - Sourcing and using seasonal quality local produce, and local, regional suppliers of wine where possible.
 - Marketing to Shire of Kalamunda residents, wider metro community and mining companies.

- Employing local staff where possible.

2. Anthony Kelly

The submission proposes the following:

- Utilising the premises as a café with a contemporary feel, sourcing local and regional produce where possible.
- Marketing to locals, day trippers, international tourists, cyclists, seminars, community groups and Bibbulmun Track users.
- Supporting local, regional and national suppliers of wine.
- Opening six days a week (including weekends), 7.00am – 5.00pm.
- Catering for Cultural Centre conferences and events including Gallery opening nights.
- Employing local staff where possible with a goal to employ and train a person with a disability.

Both expressions of interest were considered acceptable and were invited to submit a formal proposal for the lease of the café space located at 50 (Lot 431) Railway Road, Kalamunda.

DETAILS

3. The building footprint of the café is located on portion of 50 (Lot 431) Railway Road, Kalamunda and is a short walk from Kalamunda Town Centre.
4. The café, shown as Building 3 on the Zig Zag Cultural Centre Site Plan (Attachment 1), is currently being built and comprises approximately 112sqm.

STATUTORY AND LEGAL IMPLICATIONS

5. Statutory approvals including and not limited to Planning, Building, Liquor and Health Approvals remain the responsibility of the successful applicant.
6. Disposal of the property will be in accordance with Section 3.58 of the *Local Government Act 1995* where in this section, “dispose” includes to sell, lease, or otherwise dispose of property whether absolutely or not.

POLICY IMPLICATIONS

7. Any Lease or Licence agreement will comply with Council’s Lease

and Licence Policy FAC 12.

PUBLIC CONSULTATION/COMMUNICATION

8. The Expression of Interest (“EOI”) was advertised in the West Australian Newspaper on 15 January 2011, the Kalamunda Echo on 15 January 2011 and the Kalamunda Reporter on 18 January 2011.

FINANCIAL IMPLICATIONS

- 9.
- The formal lease proposal from Anthony Kelly advises a rental return of \$20,025 per annum.
 - All overheads and operating costs are the lessee’s responsibility.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

Strategic Planning Implications

10. “Shire of Kalamunda Strategic Plan 2009-2014:
- 2.1.1 Develop and implement a policy and structure to ensure the effective management of Shire owned and managed land and buildings.
 - 2.3.2 Maintain, refurbish or upgrade existing infrastructure to encourage increased utilisation and extension of asset life.
 - 4.3.2 Develop the Kalamunda Community and Cultural Centre.”

Sustainability Implications

Social implications

11. A café / restaurant focusing on local produce will encourage community interaction, enhance the cultural life of the community, and provide a welcoming and vibrant environment.

Economic Implications

12. A tenant having the capacity to occupy the building for a considerable time will provide a revenue stream for the Shire of Kalamunda as well as forming a part of the strategic development of the area.

Environmental Implications

13. A commercial lease over the building will assist in ensuring the long term maintenance and welfare of the building and surrounds is continued.

OFFICER COMMENT

14. During the formal proposal phase, Greg and Anneli Carson advised of their intention not to submit a formal lease proposal for the ZZCC Café.
15. Therefore one formal lease proposal was received from Anthony Kelly (Attachment 2).

Assessment Process

16. In reviewing the formal lease proposal submitted, an evaluation matrix was used in which the following factors were considered:
 - The relevant and demonstrated experience in operating a café / restaurant of a similar nature.
 - The structure and content of the Business Plan (Attachment 3).
 - Key staffing arrangements / responsibilities and how they propose to run the facility (including hours of operation, proposed menu and promotion and marketing).
 - The capacity of the applicants making the Expression of Interest to finance and operate the facility as per the proposal.
17. Based on the assessment of the formal lease proposal submitted, it is recommended that Anthony Kelly be endorsed to lease the café.

As this item relates to 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 (*Local Government Act 1995* S5.23(2)(c)) consideration the matter was moved to 15.0 on the agenda. No vote was taken at this time.

RESOLVED OCM 61/2011

That Council:

1. Endorse Anthony Kelly as the preferred lessee of the Café space located at 50 (Lot 431) Railway Road, Kalamunda.
2. Seek Ministerial approval to lease the property at 50 (Lot 431) Railway Road, Kalamunda being Reserve No 24956.
3. Authorise the Chief Executive Officer to negotiate and finalise lease arrangements.
4. Authorise the statutory advertising required by Section 3.58 (3) of the *Local Government Act 1995* for disposal by lease of 50 (Lot 431) Railway Road, Kalamunda.

Moved: **Cr Martyn Cresswell**

Seconded: **Cr Allan Morton**

Vote: **CARRIED UNANIMOUSLY (11/0)**

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

10.3.5 Community Plan 2011

Previous Items	N/A
Responsible Officer	Chief Executive Officer
Service Area	Office of the CEO
File Reference	
Applicant	N/A
Owner	N/A

PURPOSE

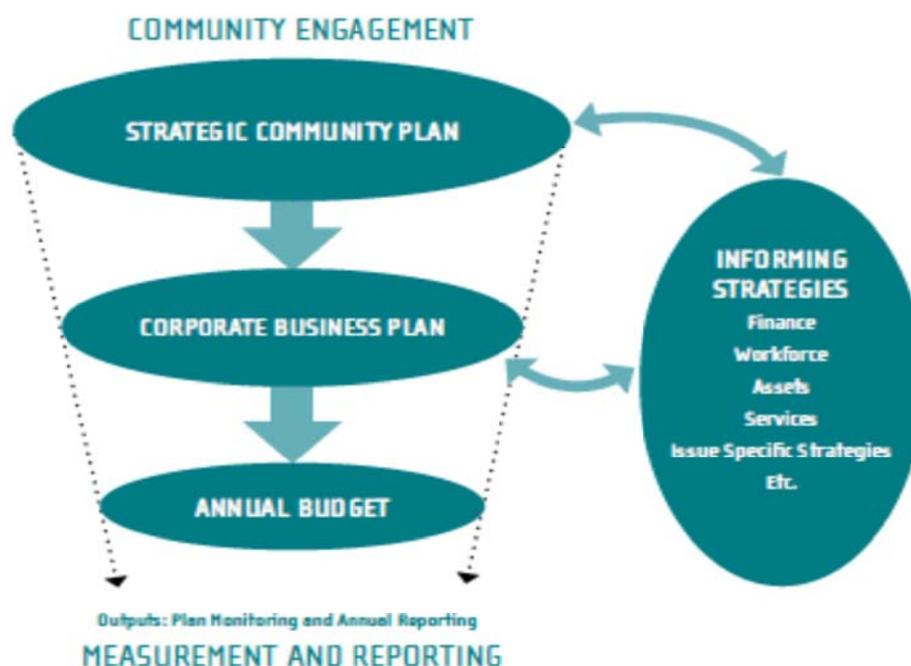
1. To obtain endorsement from Council for the process to be used in establishing a new Community Plan for the Shire

BACKGROUND

2. Since 2009, the State Government has undertaken a major "structural reform" program. A significant part of which was the establishment of a uniform set of guidelines that would be used to inform all Western Australian Councils in establishing integrated planning frameworks. The CEO was part of the Ministerial working group that established the principles of the integrated planning framework.
3. The Hon John Castrilli MLA, released the framework and guidelines (*The Integrated Planning and Reporting Framework and Guidelines*) in October 2010. He also announced that legislation will be enacted that provides for all councils to establish and adopt Community Plans and 10 Year Corporate Business Plans. It is intended that regulations will be made under S5.56(2) of the *Local Government Act* (??) to briefly outline the minimum requirements to achieve this.
4. This Framework is intended to meet the intentions of changes to the Act and guide local governments to a successful integrated strategic planning process. At its most simple, this will deliver the following outcomes:
 - A long term strategic plan that clearly links the community's aspirations with the Council's vision and long term strategy.
 - A corporate business plan that integrates resourcing plans and specific Council plans with the strategic plan.
 - A clearly stated vision for the future viability of the local government area.

5. The Framework does not intend to require a single methodology to be applied by local governments. It is supported by Integrated Planning and Reporting Guidelines. The Guidelines outline how to fully develop each component of the Framework and explain its purpose, how it is developed and the roles of community, Council and local government administration.

Elements of the State Integrated Planning Framework



6. The Guidelines address two key local government planning processes:
- Strategic Community Planning – resulting in a 10+ year Strategic Community Plan informed by community aspirations.
 - Corporate Business Planning – resulting in an ongoing and integrated Corporate Business Plan that activates Strategic Community Plan priorities. The Corporate Business Plan incorporates four to five year priorities set by Council and a 10 year rolling financial plan. Annual reviews drive the operations of the local government within its resourcing capabilities.

Note: Annual Budgets which are aligned with strategic objectives result from these planning processes and is the financial representation of "Year One" of the Corporate Business Plan.

Strategic Community Plan

7. The Strategic Community Plan responds to three questions put to the community and the local government:
 - Where are we now?
 - Where do we want to be?
 - How do we get there?
8. The plan prioritises community aspirations giving consideration to:
 - Social objectives.
 - Economic objectives.
 - Environmental objectives.
 - Factors such as changing demographics and land use.

Corporate Business Plan

9. The Corporate Business Plan activates the Strategic Community Plan by responding to:
 - Council's distillation and prioritisation of the community's short, medium and long term aspirations.
 - Existing operational plans, priorities and external factors impacting on resourcing.
 - The assessment and integration of services and business area plans.
10. The process through which the Corporate Business Plan is developed incorporates:
 - Activating the Strategic Community Plan.
 - Operations Planning - including:
 - Asset Management.
 - Financial Management.
 - Workforce Management.
 - Annual reviews and reprioritisation of the Corporate Business Plan on the basis of:
 - Internal issues and performance.
 - External issues impacting in the near future.

Reporting Process

11. The Reporting Process allows the local government to inform the community and statutory bodies on its progress in delivering services, projects and other operations to meet the community's short term, medium term and long term aspirations.

Roles and Responsibilities (as per Framework)

12. The three major parties to the development of an integrated strategic plan are:
 - The Council.
 - The local government administration through the CEO.
 - The community.

Each has a unique role and set of responsibilities in effective and sustainable integrated strategic planning.

The elected members of the Council set the local government's strategic and operational directions

13. By working to understand community aspirations and desired outcomes, as well as current local government capacity to deliver these, the Council can determine affordable, realistic and achievable priorities. It is not necessary for Council to approve every element that comprises or drives the Corporate Business Plan. However, Council must ensure that it understands and approves the direction and priorities of the Corporate Business Plan, including the local government's short and long term capacity to deliver the plan.
14. Council should regularly review the Strategic Community Plan and local government priorities on the basis of changes in the community environment or aspirations. As community representatives, Council must ensure appropriate, transparent and regular reporting on progress towards local government priorities. It is intended that councils will move towards decision making at a more strategic level to optimise achievement of community well-being and organisational sustainability.

The local government administration CEO is the facilitator of the integrated strategic planning process

15. The CEO ensures the process is transparent and has an articulated and genuine aim of delivering the aspirations of the range of communities in the local government area. The CEO then assists Council to develop services, operations and activities to fulfil community aspirations in line with priorities set by Council. The CEO plays a significant leadership role in establishing an organisational culture which delivers sustainable community outcomes through effective corporate governance and resource capability, and which supports robust strategy evaluation with regular reporting to the community.

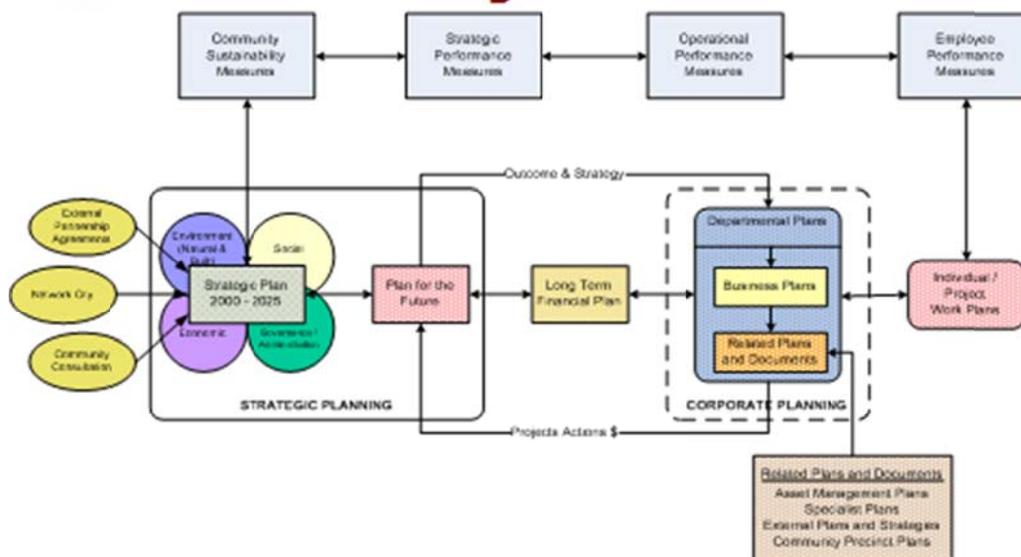
The community is an active partner in realising the local government's future

16. It is the future vision, aspirations and service needs of the community, or more accurately, the range of varied communities within a local government area, identified through local government forums and planning groups, which informs the local government's direction and operations. Communities also ensure, through examining Corporate Business Plan priorities and reviewing local government performance via Annual Reports and other communications, that the local government is making adequate progress towards achieving their needs and aspirations.

DETAILS

17. In February 2009, Council resolved to adopt a Strategic Planning and Performance Framework that served to establish a suite of strategies and plans that effectively linked the aspirations of the community with Council's principal service delivery, infrastructure provision and asset management functions. The majority of the elements that were put forward in February 2009 have now been addressed as can be seen in the diagram below:

Kalamunda Integrated Planning and Performance Management Framework



18. Since that time the following plans have been developed:
- Annual and Five Year Corporate Plan.
 - Business Plans for each business area.
 - Service Review of all service areas.
 - Individual Performance Plans.
 - Individual Asset Management Plans.
 - Land Asset Assessment.
 - Draft Community Facilities Plan.
 - Economic Development Strategy.
 - Annual Corporate Plan.
19. In order for the Shire to comply absolutely with the proposed amendments to the Local Government Act, the following plans need to be developed:
- Community Plan.
 - 10 Year Financial Plan.

Community Plan

Definition

20. An aspirational plan driven by the community that sets the long term vision for the Shire and establishes the key focus areas that Council must attend to if the vision is to be served

21. In the Integrated Planning and Reporting Framework and Guidelines released by the Minister, the Community Plan can be developed by either:
- Independent and professionally facilitated workshops are the preferred method for eliciting community views and aspirations, although other means may be appropriate.
 - Information from local government Area / Place / Regional Plans, resourcing capabilities and other local government Informing Strategies such as Workforce, Asset Management and other supporting strategies can be used to assist in long term community aspiration development.
22. The CEO is of the opinion, that over the past two years, there have been a number of workshops and forums held to engage the community's views and aspirations. Documents and strategies, reflecting the community's views and aspirations, have been adopted or received by Council. Feedback from the community, councillors and staff is, "get on with it" and deliver actions and outcomes.
23. Consequently, it is suggested that the long term development of the communities aspirations be formulated using:
- The Local Planning Strategy – on completion of advertising.
 - The Draft Community Facility Plan – on completion of advertising.
 - Informing Strategies already received or adopted by Council.
24. The Shire is in a very fortunate position. At the time of the requirement to engage the community to identify long term aspirations and set community priorities, it has produced a Local Planning Strategy, which will be advertised to the community. The Local Planning Strategy articulates a vision, objectives, strategies and actions, for the next 20 years.
25. The CEO, proposes the following process, for the development of the Community Plan:



26. The step-by-step process can be explained in detail as follows.

- a. Councillors Strategic Workshop – attended by Managers and Directors:

At the Workshop, councillor expectations on identified services, asset expectations, land-use expectations, resources and informing strategies, will be collated.

- b. CEO office to consolidate inputs from Workshop and strategies and develop a draft Shire Community Plan:

- From the Strategic Workshop, the Vision, Goals, Objectives, Strategies and outputs will be incorporated into a draft Community Plan for the Shire of Kalamunda.

- c. Draft Shire Community Plan to Council:

The Draft Shire Community Plan will be put forward to Council for discussion and inputs. The “look and feel” of the Plan to be simple yet powerful and should create in the heads and minds of employees, the public and other stakeholders, an exact picture of where the Shire of Kalamunda is heading into the future.

d. Draft Shire Community Plan to the Community:

Community inputs into the draft Shire Community Plan will be co-ordinated in various manners such as publishing in the newspaper, web page, and workshops.

e. Final adoption of the Community Plan:

The Shire Strategic Plan to be adopted by Council.

f. Implement and measure performance:

Once adopted, the Shire Community Plan will be implemented. Systems will be put in place to measure performance on an ongoing basis.

Timeline

27. Major review every four years; minor review every two years.

10 Year Financial Plan

28. This should be the Shire's principal business planning tool projecting each year's revenue and expenditure over a 10 year period.
29. The main components and drivers of the Shire's 10 Year Financial Plan should be:
- A Revenue Strategy which predicts the revenue (rates, grants, fees and charges) that the Shire anticipates receiving over the life of the Plan.
 - Key assumptions that underpin the plan that tie together land use planning, asset management planning and operational planning
 - A compilation of Business Plans which provides 10 year income and expenditure projections related to the day to day operations of the Shire, along with operating projects, both team based and also those identified as key actions within Specific Plans and Strategies.
 - An annual contribution to asset management as identified in the Asset Management Plan.
 - A Major Infrastructure Plan that identifies 10 year expenditure details for major capital works. The Plan is underpinned by a series of subsidiary 10 year plans prioritising construction or reconstruction of footpaths, roads and parks and reserves.

- A Lending and Reserve Transfer Strategy which identifies the loans the Shire may wish to raise over 10 years and the monies which will flow in and out of reserve funds. This strategy will also establish safe lending limits to ensure that the Shire's financial sustainability and stability is not threatened by inappropriately high levels of debt.
- 29 Shire staff have produced a draft 10 Year Financial Plan. During budget deliberations, the first year of the financial plan will be workshopped with Councillor's and recommended as the 2011/2012 budget. The detail and assumptions used will be presented and explained to Councillors

STATUTORY AND LEGAL IMPLICATIONS

30. Currently there are clauses in regulation or under the Local Government Act 1995, requiring the need for Local Governments to produce a Community Plan. Legislation will be introduced in 2011, requiring this to be done.

POLICY IMPLICATIONS

31. Nil.

PUBLIC CONSULTATION/COMMUNICATION

32. Local Government Department.
Staff.

FINANCIAL IMPLICATIONS

33. . It is proposed that the Community Plan be collated using internal resources. This will be covered in the operating budget for 2010/2011 and 2011/2012.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

Strategic Planning Implications

34. Nil.

Sustainability Implications

Social implications

35. Nil.

Economic Implications

36. Nil.

Environmental Implications

37. Nil.

OFFICER COMMENT

38. Some concerns have been raised as to the possible devolution of the annual budget process, and Councillor involvement in resource allocation, as a result of the development of this strategic framework. This is an understandable and quite reasonable concern given that until last year all resource allocation was undertaken on an annual budget based approach with little or no information on the Shire's long term financial position being used to guide decision making, on resource allocation or revenue raising.

39. Councillors however will now have more involvement in resource allocation as a result of the framework than before. It is proposed that the Shire 10 Year Financial Plan be reviewed biannually as a precursor to the budget deliberations and it is proposed that there also be two budget briefing sessions conducted prior to a special council meeting to debate the draft budget leading on to final budget adoption at an ordinary Council Meeting. That, in essence, is four briefing sessions and three Council meetings per year where revenue raising and resource allocation can be discussed and deliberated upon.

40. There are significant differences in the role and function of the Shire 10 Year Financial Plan deliberations and briefings and the Annual Budget deliberations and briefings. The Shire 10 Year Financial Plan focuses upon planning for services and activities over a 10 year period as opposed to the Budget which focuses upon delivering those services and activities in any one year period.

41. Given that the Shire's 10 Year Financial Plan will identify each year's revenue and expenditure projections on a 10 year basis, it follows that Year One of the plan should always form the foundation of the draft budget submitted to Council.

42. When compiling and reviewing the Shire's 10 Year Financial Plan, Councillors will continue to be asked to provide some guidance on the level of rate revenue / increases that can be incorporated into the 10 year term of the plan. This advice is critical given that the Shire's overall rate revenue currently comprises of 59% of the Shire's available operating revenue. In the life of the Plan, based upon current rate revenue of \$22 million, a 1% increase in rates over and above inflation can generate approximately \$2.5 million for major capital projects or asset management over a 10 year period. This information is therefore critical in being able to plan for the resourcing and timing of major projects into the

future.

43. Notwithstanding the importance of being able to plan into the future, it is legitimate and acceptable for Councillors to make decisions on rate revenue and rate increases, and for that matter any other expenditure items as part of the budget deliberations that do not match the revenue or expenditure projections contained within the Shire 10 Year Financial Plan. Obviously major variation from the Shire 10 Year Financial Plan will have significant impact on the 10 year final projections. However, this policy proposes that the Plan is reviewed in November of each year where the ramifications of the annual budget deliberations can be accommodated and the financial projections adjusted accordingly.
44. The monthly report of operating projects to General Service Committee Meetings should give Councillors a very sound understanding of what expenditure is proposed across the organisation prior to the budget deliberations commencing.
45. The principal objective of any contemporary Local Government strategic planning framework should be to see the aspiration and key focus areas identified by the community in their community plan activated by a suite of special purpose strategies, business plans, asset management plans and major projects that are then delivered in a timely and cost effective manner via the Shire Business Planning and Budget processes.
46. It is considered that the Shire now has the structure in place to achieve that end. However, continued effective engagement and communication between the community, elected members and Council staff remains critical to the Shire's ultimate success.

RESOLVED OCM 57/2011

1. That Council approve the proposed methodology for the development of the Shire of Kalamunda Community Plan 2011 to 2021.

Moved: **Cr Carol Everett**

Seconded: **Cr Margaret Thomas**

Vote: **CARRIED UNANIMOUSLY (11/0)**

11.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**11.1 Safety Issues at the Intersection of Berkshire Road and Roe Hwy (Cr Dylan O'Connor)**

	That Council request :
1.	The Shire President write to the Mr Ken Wyatt MP and Mr Andrew Waddell MLA stating its concern in relation to safety issues at the intersection of Berkshire Road and Roe Hwy and the need for immediate funding.
2.	The Chief Executive Officer provide relevant traffic data and statistics obtained by Main Roads and the Shire and any design plans in relation to the intersection, to be included with the letter to Mr Ken Wyatt MP and Mr Andrew Waddell MLA.
Moved:	Cr Dylan O'Connor
Seconded:	Cr Justin Whitten
Vote:	

It was proposed that a letter also be sent to the Western Australian Minister for Transport, Mr Troy Buswell. This amendment to the motion was accepted by the mover and the seconder and put to a vote.

RESOLVED OCM 58/2011

That Council request :

1. The Shire President write to the Mr Ken Wyatt MP, Mr Andrew Waddell MLA and the Minister for Transport, Mr Troy Buswell, stating its concern in relation to safety issues at the intersection of Berkshire Road and Roe Hwy and the need for immediate funding.
2. The Chief Executive Officer provide relevant traffic data and statistics obtained by Main Roads and the Shire and any design plans in relation to the intersection, to be included with the letter to Mr Ken Wyatt MP, Mr Andrew Waddell MLA and the Minister for Transport, Mr Troy Buswell.

Moved: **Cr Dylan O'Connor**

Seconded: **Cr Justin Whitten**

Vote: **CARRIED UNANIMOUSLY (11/0)**

12.0 QUESTIONS BY MEMBERS WITHOUT NOTICE**12.1 Access to Shire Works Depot in event of Bush Fire (Cr Stallard)**

- Q. I have been advised of an issue with access to Shire of Kalamunda Works Depot for the use of vehicles and equipment in the case of a fire. What does this entail?
- A. The CEO advised instructions had been given for access to provided to the Chief Bush Fire control offer to allow access to the Works Depot and equipment in the event of a bush fire. A procedure has been implemented to allow this to occur

12.2 Follow up Question – Caltrop spraying (Cr Maureen Robinson)

- Q. Follow up question on caltrop. Could staff please advise if the particular area mention in last month's question has been spray?
- A. The CEO advised he would ensure this information is provided.

12.3 Advice of sale of Jarrah Table(Cr Martyn Cresswell)

- Q. Could staff keep councillors informed of the price received in the event the table is sold?
- A. The Chairman advised the information would be provided to Councillors when the table was sold.

12.4 Works at Pickering Brook and Canning Road Intersection (Cr Margaret Thomas)

- Q. Is there a timeframe for the works in pickering Brook and canning road intersection being completed.
- A. The Director Engineering Services advised the project would need to be completed by 30 June.

12.5 Cell 9 Update (Cr Maureen Robinson)

- Q. In the Councillor bulletin there are comments about planning and development within Cell U9, Forrestfield. Can Ward Councillors be briefed on these?
- A. The Chief Executive Officer advised that this information had been provided to councillors and this would be reflected in the minutes.

12.6 Council Chambers Maps (Cr Maureen Robinson)

- A. Is it possible to get an updated map for Councillors on the desk in the Council Chambers?
- Q. The CEO advised this would be done.

12.7 Cell 9 Update (Cr Noreen Townsend)

- Q. Could we please have an update on the progress within Cell 9?
- A. The Director Planning and Development Services advised Councillors of a presentation to councillors on 2 May to provide councillors with this information.

13.0 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN**Questions taken on notice 21 March 2011****13.1 Cr Geoff Stallard**

- Q. Have we, or are we, in a position to make user groups responsible for the clean-up of reserves? Or can we bill them for the clean up after an event?
- A. As part of the user group reserve bookings process, clubs are required to sign a Conditions of Hire agreement. One of the clauses within the agreement is as follows:
- *All areas are to be left clean and tidy at the conclusion of each hire period. It is the hirer's responsibility to provide additional bins or have rubbish removed from the venue if a function/activity generates excessive amounts of rubbish.*

If the Shire becomes aware of litter issues caused by clubs, the standard practice is to provide an initial warning to the respective club. If the problem continues the clubs usage rights and future bookings will be re-viewed, with consideration given to passing on any additional clean-up costs to the club.

13.2 Cr Maureen Robinson

- Q1. In the Councillor bulletin there are comments about planning and development within Cell U9, Forrestfield. Can Ward Councillors be briefed on these?
- A1. Taken on Notice.
- Q2. I have noticed there is Caltrop (weed) growing in public open space along Yule Brook bordering the new development in Wattle Grove. Can this infestation be investigated and eradicated?
- A2. Extensive spraying of Calthrop (double gee) occurring across Wattle Grove, Forrestfield and High Wycombe.
- Q3. An area of Forrestfield appears on the verge collection brochure to be in Area 1 (Lesmurdie). This area is in fact in Area 8. Can staff please look at this and make sure ratepayers in this area are advised as to when their verge collection will be undertaken?

- A3. The verge collection map in the Waste and Recycling Guide appears to have been labelled incorrectly. This will be reviewed and in addition to this, will ensure that the individual flyers that are sent out to residents reflecting the correct information.

14.0 URGENT BUSINESS APPROVED BY THE PERSON PRESIDING OR BY DECISION

14.1 Installation of Residual Current Devices (RCD) (Cr Frank Lindsey)

RESOLVED OCM 59/2011

1. That the Chief Executive Officer is to ensure Residual Current Device switches are installed on all Shire owned buildings and facilities as a matter of urgency.

Moved: **Cr Frank Lindsey**

Seconded: **Cr Margaret Thomas**

Vote: **CARRIED UNANIMOUSLY (11/0)**

14.2 Chief Executive Officer Performance Review

CONFIDENTIAL ITEM Provided under separate cover.

Reason for Confidentiality - Local Government Act 1995 s.5.23 (2) (a) – a matter affecting an employee or employees.

This item is dealt with at 15.0.

15.0 MEETING CLOSED TO THE PUBLIC

15.1 Meeting to be Closed to the Public

RESOLVED OCM 60/2011

1. That the meeting be closed to the public to consider Item 10.3.4 – Formal Proposal to Lease – 50 (Lot 431) Railway Road, Kalamunda (Zig Zag Cultural Centre) and Item 14.2 – Chief Executive Officer Performance Review. The meeting is closed pursuant to section s.5.23(2) (a) and (c) of the *Local Government Act 1995*, "a matter affecting an employee or employees" and "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".

Moved: **Cr Maureen Robinson**

Seconded: **Cr Noreen Townsend**

Vote: **CARRIED UNANIMOUSLY (11/0)**

The meeting closed to the public at 7:40pm and all in attendance except for Councillors and Staff left the meeting.

15.2 10.3.4 Formal Proposal to Lease – 50 (Lot 431) Railway Road, Kalamunda (Zig Zag Cultural Centre)

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"

RESOLVED OCM 61/2011

That Council:

1. Endorse Anthony Kelly as the preferred lessee of the Café space located at 50 (Lot 431) Railway Road, Kalamunda.
2. Seek Ministerial approval to lease the property at 50 (Lot 431) Railway Road, Kalamunda being Reserve No 24956.
3. Authorise the Chief Executive Officer to negotiate and finalise lease arrangements.
4. Authorise the statutory advertising required by Section 3.58 (3) of the *Local Government Act 1995* for disposal by lease of 50 (Lot 431) Railway Road, Kalamunda.

Moved: **Cr Martyn Cresswell**

Seconded: **Cr Allan Morton**

Vote: **CARRIED UNANIMOUSLY (11/0)**

15.3 Chief Executive Officer Performance Review

CONFIDENTIAL ITEM Provided under separate cover.

Reason for Confidentiality - *Local Government Act 1995* s.5.23 (2) (a) – a matter affecting an employee or employees.

Mr James Trail declared a financial interest in the Chief Executive Officer Performance Review as he is the Chief Executive Officer.

Staff, except for the Chief Executive Officer, left the meeting at 7:45pm. The Chief Executive Officer left the meeting at 7:47pm.

RESOLVED OCM 62/2011

That Council:

1. Endorses the Shire President's Summary Performance Review Report (Confidential Attachment 1) and notes the positive outcomes of the review of performance for the year up to March 2011.
2. Notes the significant progress made by the Chief Executive Officer towards meeting annual priorities as described in the quarterly reports received by Council.

3. Endorses the Priority Actions for CEO (Confidential Attachment 2) as the Chief Executive Officer objectives for 2011/2012.
4. Endorses a salary increase of 5% on the Chief Executive's base salary. In accordance with Clause 5.1(3) of the contract of employment, the Chief Executive Officer may vary the components of the total remuneration package.
5. Endorses a move from Band 6 to Band 7 on the Local Government Classifications Scale.
6. Offers the Chief Executive Officer a further five year contract, on completion of his existing term.

Moved: **Cr Martyn Cresswell**

Seconded: **Cr Justin Whitten**

Vote: **CARRIED UNANIMOUSLY (11/0)**

15.4 Meeting Open to the Public

RESOLVED OCM 63/2011

1. That the meeting be open to the public following consider of Item 10.3.4 – Formal Proposal to Lease – 50 (Lot 431) Railway Road, Kalamunda (Zig Zag Cultural Centre) and Item 14.2 – Chief Executive Officer Performance Review. The meeting was closed pursuant to section s.5.23(2) (a) and (c) of the *Local Government Act 1995*, "a matter affecting an employee or employees" and "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".

Moved: **Cr Margaret Thomas**

Seconded: **Cr Justin Whitten**

Vote: **CARRIED UNANIMOUSLY (11/0)**

The meeting opened to the public at 8.25pm. The meeting reconvened with all Councillors and the Chief Executive Officer in attendance. The Chairman read the resolutions passed behind closed doors to the meeting.

16.0 CLOSURE

16.1 There being no further business the Chairman declared the meeting closed at 8.30pm.

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

Signed.....Chairman

Dated thisday of2011

