

SHIRE OF KALAMUNDA

Index for Minutes of the OCM Monday 18 October 2010

- 1.0 OFFICIAL OPENING**
 - 1.1 The meeting opened at 6.30 pm.
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 - 2.1 Nil.
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 - Scott Reserve High Wycombe – Sports Grounds, Oval Number 2, Turf Replacement (**Confidential Item**)
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- 10.1.2 PSC58 Policies for the Planning and Development Directorate – Proposed Revocation and Amendment of Outbuilding Policies
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10.4 Chief Executive Officers' Report

- 10.4.1 Scott Reserve High Wycombe – Sports Grounds, Oval Number 2, Turf Replacement (**Confidential Item**)

11.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

- 11.1. OCM Amendment Number 18, Kalamunda LPS 3, Lot 500 Gavour Road, Wattle Grove
11.2. Accept Motion without Notice
11.3. Disability Services Local Area Coordinator.

12.0 QUESTIONS BY MEMBERS WITHOUT NOTICE

- 12.1. Disability Services Local Area Coordinator (Cr Noreen Townsend)
12.2. Road side Signage on Welshpool Road (Cr Maureen Robinson)
12.3. Graffiti Removal Programme (Cr Maureen Robinson)
12.4. Paperless Agenda Update (Cr Maureen Robinson)

13.0 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

- 13.1. Responsibility of Council in Relation to Fuel Loads (Cr Geoff Stallard)
13.2. Pensioner Rate Subsidy 2010/2011 (Cr Frank Lindsey)
13.3. Bahen Road, Hacketts Gully (Cr Frank Lindsey)

14.0 URGENT BUSINESS APPROVED BY THE PERSON PRESIDING OR BY DECISION

- 14.1. Seniors Week 2010

15.0 MEETING CLOSED TO THE PUBLIC

AC 6 Kalamunda Home and Community Care Annual Financial Report for 2009/2010
Scott Reserve High Wycombe – Sports Grounds, Oval Number 2, Turf Replacement (**Confidential Item**)

16.0 CLOSURE

- 16.1. Meeting closed at 8.20pm.



Minutes of Ordinary Meeting of Council Held in the Council Chambers 2 Railway Road, Kalamunda Monday 18 October 2010

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
Sue Bilich		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
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
Kevin O'Connor	DIRECTOR OF COMMUNITY DEVELOPMENT
Andrew Fowler-Tutt	A/DIRECTOR OF PLANNING & DEVELOPMENT SERVICES
Mahesh Singh	DIRECTOR OF ENGINEERING SERVICES
Darrell Forrest	MANAGER GOVERNANCE
Peter Hayes	MANAGER BUSINESS AND STRATEGY
Steve Leeson	MANAGER FINANCIAL SERVICE
Simon Miller	MANAGER OPERATIONS

Darren Jones
Ian Daly
Donna McPherson

MANAGER COMMUNITY DEVELOPMENT
MANAGER KHACC AND ALLIED SERVICES
MINUTE SECRETARY

Members of Public

4

Members of Press

Kaitlyn Offer – Community Newspaper Group

2.2 Apologies

Nil.

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.

3.1 Nil.

4.0 PETITIONS/DEPUTATIONS

4.1 Impassable Nature of Bahen Road, Hacketts Gully

A petition from residents of Hacketts Gully expressing their concern with the current state of parts of Bahen Road. Primarily the concern with the condition of the road should the area be threatened by bushfire was tabled.

The Chief Executive Officer advised that a report would be presented to Council in November addressing this matter.

5.0 APPLICATIONS FOR LEAVE OF ABSENCE

5.1 Nil.

6.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

6.1 **Confirmation of Ordinary Council Meeting Minutes 20 September 2010.**

RESOLVED OCM 143/2010

That the Minutes of the Ordinary Council Meeting of the Shire of Kalamunda held in the Council Chambers on 20 September 2010 be confirmed.

Moved: Cr Margaret Thomas

Seconded: Cr Geoff Stallard

CARRIED UNANIMOUSLY (12/0)

7.0 ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION

7.1 Nil.

8.0 MATTERS FOR WHICH MEETING MAY BE CLOSED

8.2 CONFIDENTIAL ITEM 10.4.1 Scott Reserve High Wycombe – Sports Grounds, Oval Number 2, Turf Replacement

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"

8.1 AC 6 Kalamunda Home and Community Care Annual Financial Report for 2009/2010

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

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 Nil.

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 Nil.

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 144/2010

1. That the Recommendations contained in the Planning Services Committee Report of 4 October 2010 be adopted.

Moved: Cr Margaret Thomas

Seconded: Cr Geoff Stallard

CARRIED UNANIMOUSLY (12/0)

10.1.2 PSC58. Policies for the Planning and Development Directorate – Proposed Revocation and Amendment of Outbuilding PoliciesEN BLOC RESOLUTION OCM 144/2010

1. That Council agrees to advertise amended Local Planning Policy DEV20 - Outbuildings for public comment, in accordance with provision 2.4 of Local Planning Scheme No. 3.
2. That Council revokes Local Planning Policy DEV21 – Outbuildings in Subdivisions and a notice of revocation be published once a week for 2 consecutive weeks in a newspaper circulating in the Shire area.

Moved: Cr Margaret Thomas

Seconded: Cr Geoff Stallard

CARRIED UNANIMOUSLY (12/0)**10.1.3 PSC59 Policies for the Planning and Development Directorate – Proposed Revocations**EN BLOC RESOLUTION OCM 144/2010

1. That Council revokes the following planning policies in accordance with clause 2.5 of Local Planning Scheme No 3:
 - DEV 2 - Amusement Parlours
 - DEV 6 - Cash in Lieu of Car Parking
 - DEV 7 - Child Care Centres
 - DEV16 - Fuel Storage Applications
 - DEV25 - Public Open Space Contributions – Subdivision Applications
 - DEV27 - Reduced Setbacks to Verandahs, Patios and Carports

Moved: Cr Margaret Thomas

Seconded: Cr Geoff Stallard

CARRIED UNANIMOUSLY (12/0)**10.1.4 PSC60. Local Planning Scheme No. 3 Amendment – Initiation of Rezoning from Special Rural to Industrial Development – Forrestfield Industrial Area Stage 1 – Land Bounded by Berkshire Road, Roe Highway, Sultana Road West and Milner Road, Forrestfield**EN BLOC RESOLUTION OCM 144/2010

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. 34

Resolved that the Council in pursuance of Part 5 of the *Planning & Development Act 2005* amends the Local Planning Scheme by:

Rezoning all lots bounded by Berkshire Road, Roe Highway, Sultana Road West

And Milner Road, with the exception of Lots 497, 498, 499 Sultana Road West and a portion of Lots 1 and 2 Sultana Road West, Forrestfield from Special Rural to Industrial Development.

Insert an additional provision in the Local Planning Scheme No.3 as follows:

4.2.4 Industrial Zones

Industrial Development

- To provide for orderly and proper planning through the preparation and adoption of a Structure Plan establishing the overall design principles for the area.
- To permit the development of the land for industrial purposes and for commercial and other uses normally associated with industrial development.

2. That the Local Planning Scheme No.3 map be modified to identify the subject site with the annotation 'DA'.
3. That Clause 5.4 – Special applications for the subdivision of land be deleted from the Scheme.

Moved: Cr Margaret Thomas

Seconded: Cr Geoff Stallard

CARRIED UNANIMOUSLY (12/0)

10.1.5 PSC61 Local Planning Scheme No. 3 Amendment – Forrestfield/High Wycombe Industrial Area – Stage 2 – Initiation of Rezoning from Urban Development to Industrial Development – Lots 4, 9, 11, 12 Ibis Close, Lot 7 Raven Street, Lots 5 & 6 Sultana Road West and Lots 1 & 7 Milner Road, High Wycombe

EN BLOC RESOLUTION OCM 144/2010

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. 23

Resolved that the Council in pursuance of Part 5 of the *Planning & Development Act 2005* amends the Local Planning Scheme by:

Rezoning Lots 4, 9, 11 & 12 Ibis Close, Lot 7 Raven Street, Lots 5 & 6 Sultana Road West and Lots 1 & 7 Milner Street, High Wycombe from Urban Development to Industrial Development.

Insert additional provisions in the Scheme as follows:

4.2.4 Industrial zones

Industrial Development

- To provide orderly and proper planning through the preparation and adoption of a Structure Plan setting the overall design principles for the area.
- To permit the development of land for industrial purposes and for commercial and other uses normally associated with industrial development.

That the Scheme map be modified to identify the subject site with the annotation 'DA'.

Delete clause 6.2.10 of the Local Planning Scheme and replace with the following clause:

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

Delete Part 2: Milner Road, High Wycombe from Schedule 11 - Development Areas and replace with:

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

Moved: Cr Margaret Thomas

Seconded: Cr Geoff Stallard

CARRIED UNANIMOUSLY (12/0)

10.1.6 PSC62 Local Planning Scheme No. 3 Amendment – Density Increase Lot 31 (16) and 32 (20) Halleendale Road and Lot 33 (10) Dan Close, Walliston

EN BLOC RESOLUTION OCM 144/2010

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:

1. Changing the density Lot 31 (16) and 32 (20) Halleendale Road and Lot 33 (10) Dan Close Walliston, from Residential Bushland R2.5 to Residential Bushland R5.

In accordance with the Scheme Amendment Map.

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 Regulations 1967*, without reference to the Western Australian Planning Commission.

Moved: Cr Margaret Thomas

Seconded: Cr Geoff Stallard

CARRIED UNANIMOUSLY (12/0)

10.1.7 PSC63 Local Planning Scheme No. 3 Amendment – Additional Uses (Consulting Room Officers) Lots 83 (178) and 109 (182) Canning Road, Kalamunda

EN BLOC RESOLUTION OCM 144/2010

1. That Council does not initiate the amendment to allow for the additional uses (Consulting Rooms and Offices) at Lots 83 (178) and 109 (182) Canning Road, Kalamunda, as the proposal is contrary to orderly and proper planning principles.

Moved: Cr Margaret Thomas

Seconded: Cr Geoff Stallard

CARRIED UNANIMOUSLY (12/0)

10.1.8 PSC64 Local Planning Scheme No. 3 Amendment – Additional Uses – Veterinary Centre and Consulting Rooms Lot 301 (384) Holmes Road, Forrestfield

EN BLOC RESOLUTION OCM 144/2010

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:

1. Including Consulting Rooms and Veterinary Centre under item 4 of Schedule 4 (Special Uses).
2. Delete condition (a) under item 4 of the Scheme's Schedule 4 and replace with the following:

(a) "The development of the site shall be limited to a total of 580sqm gross leasable area"

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 Regulations 1967*, without reference to the Western Australian Planning Commission.

Moved: Cr Margaret Thomas

Seconded: Cr Geoff Stallard

CARRIED UNANIMOUSLY (12/0)

10.2 General Services Committee Report

Withdrawn Items from General Services Report

GSC 109 withdrawn as it requires an absolute majority.

GSC 113 withdrawn as it requires an absolute majority.

GSC 117 motion of which previous notice had been given to General Services Committee.

10.2.1 Adoption of Body of General Services ReportRESOLVED OCM 145/2010

1. That the Recommendations contained in the General Services Committee Report of 11 October 2010, except withdrawn items GSC 109, GSC 113 and GSC 117, be adopted.

Moved: Cr Maureen Robinson

Seconded: Cr Martyn Cresswell

CARRIED UNANIMOUSLY (12/0)**10.2.2 GSC105 Creditors Accounts Paid during the Period 1 September 2010 to 28 September 2010**EN BLOC RESOLUTION OCM 145/2010

1. That the list of Creditors paid during the period 1 September 2010 to 28 September 2010 (*GS 105/2010, Attachment 1.*) be received by Council in accordance with the requirements of Regulation 12 of the *Local Government (Financial Management) Regulations 1996*.

Moved: Cr Maureen Robinson

Seconded: Cr Martyn Cresswell

CARRIED UNANIMOUSLY (12/0)**10.2.3 GSC 106 Monthly Financial Statements for the Period Ending 31 August 2010**EN BLOC RESOLUTION OCM 145/2010

1. That the monthly Financial Statements which comprise the Rate Setting Statement and the Statement of Comprehensive Income for the period ending 31 August 2010 (*GS 106/2010, Attachment 1.*) be received.

Moved: Cr Maureen Robinson

Seconded: Cr Martyn Cresswell

CARRIED UNANIMOUSLY (12/0)**10.2.4 GSC 107 Debtors and Creditors Report**EN BLOC RESOLUTION OCM 145/2010

1. That the outstanding debtors (*GS 107/2010, Attachment 1.*) and creditors (*GS 107 /2010, Attachment 2.*) report as at 31 August 2010 be received.

Moved: Cr Maureen Robinson

Seconded: Cr Martyn Cresswell

CARRIED UNANIMOUSLY (12/0)

10.2.5 GSC 108 Rates Debtors ReportEN BLOC RESOLUTION OCM 145/2010

1. That the rates debtors report as at 31 August 2010 (*GS 108 /2010, Attachment 1.*) be received.

Moved: Cr Maureen Robinson

Seconded: Cr Martyn Cresswell

CARRIED UNANIMOUSLY (12/0)**10.2.6 GSC 110 Active Reserves Usage Policy – Proposed Adoption following Public Comment Period**EN BLOC RESOLUTION OCM 145/2010

That Council:

1. Receives the community feedback on the endorsed Active Reserves Usage Policy.
2. Revokes the Seasonal Bookings of Sporting Reserves Policy FAC17 (*Attachment 3.*)
3. Adopts the Active Reserves Usage Policy as attached (*Attachment 2.*)

Moved: Cr Maureen Robinson

Seconded: Cr Martyn Cresswell

CARRIED UNANIMOUSLY (12/0)**10.2.7 GSC 111 Application To Keep More Than Two Dogs – 7 Gumnut Close, Maida Vale**EN BLOC RESOLUTION OCM 145/2010

That Council

1. 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 7 Gumnut Close, Maida Vale to keep a third dog on this property.
2. Advise the adjoining neighbours of Council's decision.

Moved: Cr Maureen Robinson

Seconded: Cr Martyn Cresswell

CARRIED UNANIMOUSLY (12/0)**10.2.8 GSC 112 Application To Keep More Than Two Dogs – 13 Trafalgar Road, Lesmurdie**EN BLOC RESOLUTION OCM 145/2010

That Council:

1. Pursuant to Clause 3.2 of the Shire of Kalamunda Dogs Local Law 2010 made under *Section 26(3)* of the *Dog Act 1976*, refuse an exemption to the applicant of 13 Trafalgar Road, Lesmurdie to keep a third dog on this property.
2. Advises the applicant that they may appeal Council's decision by writing to the State Administrative Tribunal within 28 days of receiving notification from the Shire of Kalamunda.
3. Advise the adjoining neighbours of Council's decision.

Moved: Cr Maureen Robinson

Seconded: Cr Martyn Cresswell

CARRIED UNANIMOUSLY (12/0)

10.2.9 GSC 114 Recognition of Service Policy: Gratuity Payments to Employees on Resignation or Retirement

EN BLOC RESOLUTION OCM 145/2010

1. That pursuant to *Section 5.50(1)* of the *Local Government Act 1995*, Council adopts the proposed HR 13 Recognition of Service: Gratuity Payments to Employees on Resignation or Retirement Policy (***Attachment 2.***)
2. There shall be no gratuity payment for years 1 – 4 of employment.

Moved: Cr Maureen Robinson

Seconded: Cr Martyn Cresswell

CARRIED UNANIMOUSLY (12/0)

10.2.10 GSC 115 Leave Management – Proposed Policy

EN BLOC RESOLUTION OCM 145/2010

1. That Council adopts the proposed Leave Management policy, as per (***Attachment 1.***)

Moved: Cr Maureen Robinson

Seconded: Cr Martyn Cresswell

CARRIED UNANIMOUSLY (12/0)

10.2.11 GSC 116 Proposed Footpath – Springdale Road KalamundaEN BLOC RESOLUTION OCM 145/2010

1. That the footpath on Springdale Road, between Gloucester Road to the cul-de-sac be deleted from the Works Programme and the footpath between Gloucester Road and Canning Road be constructed, as provided in the 2010/11 Works Programme.

Moved: Cr Maureen Robinson

Seconded: Cr Martyn Cresswell

CARRIED UNANIMOUSLY (12/0)**10.2.12 GSC 109 Budget Amendment – 510 Environmental Management**RESOLVED OCM 146/2010

1. That Council amend the Shire of Kalamunda 2010-2011 adopted Budget to incorporate further funding and expenditure for Weed Eradication at Lower Lesmurdie Falls. The budget amendment is to increase revenue in account 510606.465 to (\$30,000) and increase expenditure in new job 1132 under 510730 to \$30,000.

Moved: Cr Martyn Cresswell

Seconded: Cr Margaret Thomas

CARRIED UNANIMOUSLY/ABSOLUTE MAJORITY (12/0)**10.2.13 GSC 113 Conduct of Local Government Elections**RESOLVED OCM 147/2010

1. That the Western Australian Electoral Commissioner be declared responsible for the conduct of all local government elections for the period 1 January 2011 until 31 December 2015 for the Shire of Kalamunda.
2. That all local government elections for the period 1 January 2011 until 31 December 2015 for the Shire of Kalamunda be conducted as postal elections.

Moved: Cr Martyn Cresswell

Seconded: Cr Noreen Townsend

CARRIED UNANIMOUSLY/ABSOLUTE MAJORITY (12/0)**10.2.14 Access New Wattle Grove Primary School**COMMITTEE RECOMMENDATION TO COUNCIL

GS 117/2010

1. That the CEO approach the Minister for the release of sufficient funds from the Cell 9 POS monies, being some \$5,000,000+ to facilitate the construction of footpaths from the Yule Brook and Sheffield Park residential

developments to the New Wattle Grove Primary School.

2. This matter to be treated with some urgency in light of there only being four months to commencement of the school opening in the New Year.
3. The determination of the location of the footpaths be made in consultation with local residents.
4. A progress report on this matter be presented to the November Planning Services Committee.

Further information was provided to Councillors and a motion put to the meeting to defer the recommendation to allow staff to provide further clarification.

RESOLVED OCM 148/2010

1. That the motion be deferred for consideration at a later meeting following the provision of further information.

Moved: Cr Frank Lindsey

Seconded: Cr Noreen Townsend

CARRIED UNANIMOUSLY (12/0)

10.3 Audit Committee Report

Withdrawn Items from Audit Committee Report

AC 6 withdrawn as the report contained a confidential attachment and any discussion will need to be conducted behind closed doors.

10.3.1 Adoption of Body of Audit Committee Report

RESOLVED OCM 149/2010

1. That the Recommendations contained in the Audit Committee Report of 11 October 2010, except withdrawn item AC 6, be adopted.

Moved: Cr Noreen Townsend

Seconded: Cr Carol Everett

CARRIED UNANIMOUSLY (12/0)

10.3.2 AC 7 UHY Haines Norton Financial Management Review

EN BLOC RESOLUTION OCM 149/2010

1. That the Audit Committee receives the progress report on the recommendations contained in the UHY Haines Norton Financial Management Review.

Moved: Cr Noreen Townsend

Seconded: Cr Carol Everett

CARRIED UNANIMOUSLY (12/0)

10.3.3 AC 8 Investment ReportEN BLOC RESOLUTION OCM 149/2010

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

Moved: Cr Noreen Townsend

Seconded: Cr Carol Everett

CARRIED UNANIMOUSLY (12/0)**10.3.4 AC 9 Sundry Debtors Write Off Report**EN BLOC RESOLUTION OCM 149/2010

1. That the Audit Committee notes the write-off of \$681.58 of sundry debtors.

Moved: Cr Noreen Townsend

Seconded: Cr Carol Everett

CARRIED UNANIMOUSLY (12/0)**10.3.5 AC 6 Kalamunda Home and Community Care Annual Financial Report for 2009/2010**

This item was withdrawn and dealt with behind closed doors to allow discussion on matters raised in the Confidential Attachment.

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 155/2010

That Council:

1. Accepts Kalamunda Home and Community Care Annual Financial Report of 2009/2010.
2. Endorse the Kalamunda Home and Community Care Annual Financial Return in the Required Department of Health format.
3. Council adopt the Kalamunda Home and Community Care Funding Strategy as outlined in the amended **(Amended Confidential Attachment 2)**.
4. A Report on the Kalamunda Home and Community Care Services situation be given to Full Council at the October Ordinary Council Meeting 18 October 2010.
5. A review of the Kalamunda Home and Community Care Services strategies be presented to the Audit Committee on a 2 monthly basis.

Moved: Cr Margaret Thomas

Seconded: Cr Noreen Townsend

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 Margaret Thomas
 Cr Donald McKechnie

Against

Cr Maureen Robinson

CARRIED (11/1)

10.4 Chief Executive Officers' Report

CONFIDENTIAL ITEM

10.4.1 Scott Reserve High Wycombe – Sports Grounds, Oval Number 2, Turf Replacement

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"

This item was withdrawn and dealt with behind closed doors to allow discussion on matters raised in the Confidential Attachment.

RESOLVED OCM 154/2010

1. That Council endorses staff actions to request replacement of the Sting Nematode infected turf from Scott Reserve.
2. That in the event the Contractor, Turfmaster Facilities Management, does not comply with the Shire's request to replace the Sting Nematode infected turf from Scott Reserve, the Shire proceeds with the work, at an estimated cost of approximately \$200,000.00 and recovers the costs from the Contractor accordingly.
3. That Council notes potential over expenditure in the Parks and Reserves Maintenance Budget.

Moved: Cr Dylan O'Connor

Seconded: Cr Margaret Thomas

CARRIED UNANIMOUSLY (12/0)

11.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**11.1 OCM Amendment Number 18, Kalamunda LPS 3, Lot 500 Gavour Road, Wattle Grove****RESOLVED OCM 150/2010**

1. That the CEO be requested to prepare a report for the November 2010 Planning Committee to progress Amendment Number 18, Kalamunda LPS 3, Lot 500 Gavour Road, Wattle Grove.

Moved: Cr Frank Lindsey

Seconded: Cr Sue Bilich

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 Margaret Thomas
Cr Donald McKechnie

Against

Cr Maureen Robinson

CARRIED (11/1)**11.2 Accept Motion without Notice****RESOLVED OCM 151/2010**

1. That Council accept a motion without notice from Councillor Noreen Townsend in to relation the removal of the Disability Services Local Area Coordinator.

Moved: Cr Noreen Townsend

Seconded: Cr Carol Everett

CARRIED UNANIMOUSLY (12/0)

11.3 Disability Services Local Area Coordinator.**RESOLVED OCM 152/2010**

1. That the President write to the Minister and to the CEO of the Disability Services Commission on behalf of Council expressing our disappointment at the withdrawal of their services from Kalamunda and request they reconsider that decision based on the statistics contained in the Disability Access and Inclusion Report adopted by Council in May 2007 which indicates a need for Local Area Co-ordinator (LAC), located in Kalamunda. This local area service would/could not be provided through an office in Midland which is most difficult for the disabled, the socially and economically disadvantaged to access.

Moved: Cr Noreen Townsend

Seconded: Cr Carol Everett

CARRIED UNANIMOUSLY (12/0)**12.0 QUESTIONS BY MEMBERS WITHOUT NOTICE****12.1 Disability Services Local Area Coordinator (Cr Noreen Townsend)**

- Q. Are Councillors aware that the Disability Services Commission is closing its Local Access Coordination office in Kalamunda?
- A. The CEO advised he was aware of the potential for this to occur.

12.2 Road side Signage on Welspool Road (Cr Maureen Robinson)

- Q. Can the CEO investigate and take action to have signs removed from Welsphool Road?
- A. The CEO advised he will get some advice in relation to dealing with this.

12.3 Graffiti Removal Programme (Cr Maureen Robinson)

- Q. What is the process with graffiti removal? There is a building on the corner of Abernethy and Hardey Roads which has a lot of graffiti on it.
- A. The CEO advised a report to Councillors will be provided on the progress of the graffiti removal programme.

12.4 Paperless Agenda Update (Cr Maureen Robinson)

- Q. Some time ago Council resolved to purchase laptops and to trial digital distribution of agendas. I am wonder what has happened to purchasing these laptops and the trial?
- A. Further discussions will be undertaken with Councillors on this matter.

13.0 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

13.1 Responsibility of Council in Relation to Fuel Loads (Cr Geoff Stallard)

Q. Is there a legal responsibility in relation to areas that have a fuel loading of above a certain limit and have not been burnt for a certain amount of time?

A. No, the Shire of Kalamunda is not legally bound by the Bush Fires Act 1954 to burn Shire bush reserves no matter what the fuel loading may be. However it is desirable to keep fuel loadings below 8 tonnes per hectare in bush areas close to urban areas by prescribed burning or other approved methods so as to reduce the possibility of a large scale fire developing under adverse weather conditions.

Annual fuel reduction and hazard mitigation programs for council reserves are developed and coordinated by the Shire of Kalamunda Ranger and Emergency Services and carried out by the Fire Protection Crew on an as required basis using the resources available.

Fuel reduction by prescribed burning on Department Environment and Conservation land and other managed areas will be in accordance with specific management plans, as formulated by the designated land managers.

13.2 Pensioner Rate Subsidy 2010/2011 (Cr Frank Lindsey)

Q1. Is it correct that the total revenue foregone by the Shire in 2010/2011 as a result of offering pensioners a 50% subsidy on their rates or refuse amounts to approximately \$480,000pa, and if not, what is the correct figure? (Note: after clarification via telephone, this question was amended to refer to refuse subsidies instead of rates subsidies.

A1. The Shire does not forego any rates or rubbish amounts as a result of the pensioners 50% subsidy.

In relation to rubbish charges the Shire provides a 50% subsidy to eligible pensioners. This revenue is not foregone as the ordinary services pay a higher rubbish fee as explained the 4th dot point in the answer to Question 2. below.

Q2. If the Shire's currently separate charges for rates and rubbish collection were combined, would this afford pensioners an additional subsidy from the State Government for the rubbish collection component of the newly combined rates, for which they would otherwise be ineligible?

A2.

- For reference refer to the report presented to Council at the Ordinary Meeting of Council on 19 July 2010.
- At this meeting council resolved to provide eligible pensioners with a 50% discount from the normal domestic waste charge for the 2010/2011 Financial Year.
- The discount is funded by increasing the charge to the balance of users.
- In the 2009/2010 Budget, the Refuse charges were based on 17,500 Ordinary Services at \$276.90 and 3,000 Pensioner Services at \$138.45. Had there been no discount, the charge for each service would have been \$256.64, which means that each ordinary service paid an additional \$20.26 in order to fund the pensioner subsidy.

- If the Shire resolved to combine the charges for rates and rubbish and levy this as a combined account, eligible pensioners and seniors could receive a discount on the combined amount through the *Rates and Charges [Rebates and Deferments] Act 1992*.
 - By combining the rates and rubbish charges, the State Government would fund the discount for eligible pensioners and seniors.
- Q3. If the answer to question (2) is in the affirmative, what would be the net financial gain to pensioners within the Shire of combining rates and rubbish collection charges?
- A3.
- By combining the rates and rubbish charges, accounts are levied based on the GRV of the property. This results in different ratepayers paying different amounts for the same rubbish service. Some ratepayers would therefore realise a saving, and some will be charged more than the present arrangements. As detailed in responses to Q4, it would also result in some ratepayers paying for a rubbish service when in fact, they don't receive such a service.
 - The main argument in favour of a separate Waste charge is it is a clearly definable service. This practice ensures that, subject to any pensioner discount that is granted, different ratepayers pay the same amount for the same service.
- Q4. What would be the net financial impact to the Shire of combining both rates and rubbish collection charges in order to allow pensioners to obtain a 50% discount on the amalgamated sum and how would that compare with current arrangements?
- A4.
- Current legislation allows a charge to be made wherever a Bin is provided, and no charge if a Bin is not provided. Under the current rating provisions of the *Local Government Act 1995* if we move to including a component for Rubbish in the General Rate, then it will need to be applied to all properties within the GRV General and UV General categories.
 - Under this system a charge would then be levelled on vacant/undeveloped land where a bin is not provided and therefore no service is performed. Additionally, any non-rateable land such as churches etc which are provided with a bin and can therefore be charged, would not be charged although a service would be provided.
 - Merging the rubbish charge with the General Rate could bring rise to appeals based on natural justice and procedural fairness. It could also lead to a [remote] possible challenge to the validity of our rates, all be it a very technical case, in that a part of the rates is for a service not being provided when there is specific provisions in other legislation which provides for specific charges for a specific service.

- A further issue is that by adding several cents in the dollar to the current rate in the dollar to calculate the rates for General GRV and UV would lead to a reduction in the relativities currently being established between General rates, ie residential and that for Commercial and Industrial. If the Shire were to maintain that relativity then this would require increase to those rates without any quantifiable justification.

13.3 Bahen Road, Hacketts Gully (Cr Frank Lindsey)

- Q. Have Shire staff taken any action to ensure that the end of Bahen Road, which has been closed by someone placing rocks across the road reserve and planting the road reserve with tress and shrubs, remains open and continues to be available as an escape route for residents in the event of a bush fire approaching Hacketts Gully from the north?
- A. Yes, action is being initiated for the resident to remove the trees and rocks from the road reserve.

14.0 URGENT BUSINESS APPROVED BY THE PERSON PRESIDING OR BY DECISION

The Chief Executive Officer left the Chambers at 7.05 pm and returned at 7.07 pm.

14.1 Seniors Week 2010

Cr Sue Bilich presented an update on the upcoming Seniors Week events.

15.0 MEETING CLOSED TO THE PUBLIC

15.1 RESOLVED OCM 153/2010

1. That the meeting go behind closed doors to consider Items 10.4.1 - Scott Reserve High Wycombe – Sports Grounds, Oval Number 2, Turf Replacement and AC6 - Kalamunda Home and Community Care Annual Financial Report for 2009/2010.

Moved: Cr Allan Morton

Seconded: Cr Noreen Townsend

CARRIED UNANIMOUSLY

The meeting closed to the public at 7.08 pm.

15.2 **Scott Reserve High Wycombe – Sports Grounds, Oval Number 2, Turf Replacement**

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 154/2010

1. That Council endorses staff actions to request replacement of the Sting Nematode infected turf from Scott Reserve.
2. That in the event the Contractor, Turfmaster Facilities Management, does not comply with the Shire's request to replace the Sting Nematode infected turf from Scott Reserve, the Shire proceeds with the work, at an estimated cost of approximately \$200,000.00 and recovers the costs from the Contractor accordingly.
3. That Council notes potential over expenditure in the Parks and Reserves Maintenance Budget.

Moved: Cr Dylan O'Connor

Seconded: Cr Margaret Thomas

CARRIED UNANIMOUSLY (12/0)

15.3 **AC6 - Kalamunda Home and Community Care Annual Financial Report for 2009/2010**

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 155/2010

That Council:

1. Accepts Kalamunda Home and Community Care Annual Financial Report of 2009/2010.
2. Endorses the Kalamunda Home and Community Care Annual Financial Return in the Required Department of Health format.
3. Adopts the Kalamunda Home and Community Care Funding Strategy as outlined in the amended **(Amended Confidential Attachment 2)**.
4. A Report on the Kalamunda Home and Community Care Services situation to be given to Full Council at the October Ordinary Council Meeting 18 October 2010.
5. A review of the Kalamunda Home and Community Care Services strategies to be presented to the Audit Committee on a 2 monthly basis.

Moved: Cr Margaret Thomas

Seconded: Cr Noreen Townsend

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 Margaret Thomas
Cr Donald McKechnie

Against

Cr Maureen Robinson

CARRIED (11/1)

15.4 **Kalamunda Home and Community Programme**

RESOLVED OCM 156/2010

1. That the Home and Community Care Services provided, be within the limits of the funding available and reviewed every quarter and reported to Council.

Moved: Cr Margaret Thomas

Seconded: Cr Noreen Townsend

CARRIED UNANIMOUSLY

15.5 RESOLVED OCM 157/2010

That the meeting be reopened to the public after Council's consideration of Confidential Item 10.4.1 - Scott Reserve High Wycombe – Sports Grounds, Oval Number 2, Turf Replacement and Item AC6 - Kalamunda Home and Community Care Annual Financial Report for 2009/2010 containing a confidential attachment.

Moved: Cr Peter Heggie

Seconded: Cr Allan Morton

CARRIED UNANIMOUSLY

The meeting reopened to the public at 8.18pm. 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 8.20 pm.

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

Signed.....Chairman

Dated thisday of2010

