



SHIRE OF KALAMUNDA

Index for Minutes of the Ordinary Council Meeting held 19 April 2010

1.0 OFFICIAL OPENING

- 1.1 The meeting opened at 7.00 pm.

2.0 APOLOGIES AND LEAVE OF ABSENCE

C Higham
M Singh

3.0 PUBLIC QUESTION TIME

- 3.1 Nil

4.0 PETITIONS/DEPUTATIONS

- 4.1 Nil.

5.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

- 5.1 Confirmation of Ordinary Council Meeting Minutes 15 March 2010.
5.1 Confirmation of Special Council Meeting Minutes 29 March 2010.

6.0 ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION

- 6.1 Citizenship Ceremony

7.0 MATTERS FOR WHICH MEETING MAY BE CLOSED

- 7.1 PS Item 9.26 Traffic Consideration - Shopping Centre Kalamunda Road, High Wycombe
Reason for Confidentiality-Local Government Act 1995: s. 5.23(2) (c), 'A contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting.'
- 7.2 Chief Executive Officer Performance Review
Reason for Confidentiality: Local Government Act s.5.23(2)(a). A matter affecting an employee or employees

8.0 DISCLOSURE OF INTERESTS

- 8.1 PS Item 9.23 Proposed Closure of Right of Way - Stanhope Road Kalamunda
8.2 PS Item 9.25 Lots 23, 50 and 9001 Kalamunda Road, High Wycombe - Cash-in-Lieu for Public Open Space and Progress of Subdivision and Developments Associated with the High Wycombe Town Centre
8.3 Chief Executive Officer's Performance Review

9.0 REPORT TO COUNCIL

9.1 General Services Committee Report (Refer Green Pages)

- 9.1.1 Adoption of Recommendations of General Services Committee 6 April 2010
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9.2. PLANNING SERVICES COMMITTEE REPORT

- 9.2.1 Adoption of Recommendations of Planning Services Committee 12 April 2010
- 9.2.2 PS9.20 Proposed Amended Policies for the Planning and Development Directorate
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- 9.2.5 PS9.24 Traffic Study Outcome - Kalamunda Road between Roe Highway and Abernethy Road, High Wycombe
- 9.2.6 PS9.23 Proposed Closure of Right of Way - Stanhope Road, Kalamunda
- 9.2.7 PS9.25 Lots 23, 50 and 9001 Kalamunda Roads, High Wycombe - Cash-in-lieu for Public Open Space and Progress of Subdivision and Developments Associated with the High Wycombe Town Centre
- 9.2.8 PS9.26 Confidential Item - Traffic Consideration - Shopping Centre Kalamunda Road, High Wycombe

9.3 Chief Executive Officers' Report

N/A

10.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

- 10.1. Request for CEO to Write to Former Councillor Requesting Information
- 10.2. Proposal by WALGA and the ALGA to seek Commonwealth Constitutional Recognition of Local Government
- 10.3. Request for CEO Public Art Strategy Consultancy

11.0 QUESTIONS BY MEMBERS WITHOUT NOTICE

11.1 Nil.

12.0 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

12.1 Transfer Station – Cr Lindsey

13.0 URGENT BUSINESS APPROVED BY THE PERSON PRESIDING OR BY DECISION

13.1 Change to Order of Business for Council Meetings

13.2 Perth Airport Municipalities Group. (Cr Morton)

14.0 MEETING CLOSED TO THE PUBLIC

14.2 Request for CEO to Write to Former Councillor Requesting Information

14.3 CONFIDENTIAL ITEM – Chief Executive Officer Performance Review

15.0 CLOSURE

15.1 Meeting closed at 8.00pm.



Minutes of the Ordinary Council Meeting held on 19 April 2010

1. OFFICIAL OPENING

- 1.1 The Shire President opened the Meeting at 7:00 pm and welcomed Councillors, staff, members of the press and the public gallery.

2. APOLOGIES AND LEAVE OF ABSENCE

D McKechnie	(SHIRE PRESIDENT)	NORTH WARD
S Bilich		NORTH WARD
M Thomas		NORTH WARD
A Morton	(DEPUTY SHIRE PRESIDENT)	SOUTH WEST WARD
M Robinson		SOUTH WEST WARD
N Townsend		SOUTH WEST WARD
C Everett		SOUTH EAST WARD
F Lindsey		SOUTH EAST WARD
G Stallard		SOUTH EAST WARD
M Cresswell		NORTH WEST WARD
D O'Connor		NORTH WEST WARD
P Heggie		NORTH WEST WARD

Officials

J Trail	CHIEF EXECUTIVE OFFICER
K O'Connor	DIRECTOR COMMUNITY DEVELOPMENT
S Millar	MANAGER OPERATIONS
D Forrest	MANAGER GOVERNANCE
D McPherson	MINUTE SECRETARY

Apologies

C Higham	DIRECTOR PLANNING & DEVELOPMENT SERVICES
M Singh	DIRECTOR OF ENGINEERING SERVICES

Observers

2

Newspapers

1

3. PUBLIC QUESTION TIME

3.1 Nil

4. PETITIONS/DEPUTATIONS

4.1 Nil.

5. CONFIRMATION OF PREVIOUS MINUTES

5.1 **Confirmation of Minutes of Ordinary Council Meeting 15 March 2010**

RESOLVED OCM-47/2010

That the Minutes of the Ordinary Council Meeting of the Shire of Kalamunda held in the Council Chambers on 15 March 2010 be confirmed.

Moved: Cr M THOMAS

Seconded: Cr P HEGGIE

CARRIED UNANIMOUSLY

5.2 **Confirmation of Minutes of Special Council Meeting 29 March 2010**

RESOLVED OCM-48/2010

That the Minutes of the Special Council Meeting of the Shire of Kalamunda held in the Council Chambers on 29 March 2010 be confirmed.

Moved: Cr C EVERETT

Seconded: Cr P HEGGIE

CARRIED UNANIMOUSLY

6. ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION

6.1 Citizenship Ceremony

Councillors are advised there will be a Citizenship Ceremony on Wednesday 12 May 2010.

7. MATTERS FOR WHICH THE MEETING MAY BE CLOSED

CONFIDENTIAL ITEM

7.1 PS Item 9.26 Traffic Consideration - Shopping Centre Kalamunda Road, High Wycombe

Reason for Confidentiality-Local Government Act 1995: s. 5.23(2) (c), 'A contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting.'

CONFIDENTIAL ITEM

7.2 Chief Executive Officer Performance Review

Local Government Act s.5.23(2)(a). A matter affecting an employee or employees

8. DISCLOSURE OF INTERESTS

Disclosure of Financial and Proximity Interests

- (a) Members must disclose the nature of their interest in matters to be discussed at the meeting. (Sections 5.60B and 5.65 of the Local Government Act 1995)
- (b) Employees must disclose the nature of their interest in reports or advice when giving the report or advice to the meeting. (Sections 5.70 and 5.71 of the Local Government Act 1995).

Disclosure of Interest Affecting Impartiality

- (a) Members and staff must disclose their interest in matters to be discussed at the meeting in respect of which the member or employee has given or will give advice.

8.1 PS Item 9.23 Proposed Closure of Right of Way - Stanhope Road Kalamunda

Cr Thomas declared an interest affecting impartiality as family own one of the properties abutting the Right of Way

8.2 PS Item 9.25 Lots 23, 50 and 9001 Kalamunda Road, High Wycombe - Cash-in-Lieu for Public Open Space and Progress of Subdivision and Developments Associated with the High Wycombe Town Centre

Cr Heggie declared a Financial Interest as he is the holder of two leases at this complex, 9001 Kalamunda Road High Wycombe.

8.3 Chief Executive Officer's Performance Review

James Trail declared a Financial Interest as he is the Chief Executive Officer of the Shire of Kalamunda.

9. REPORT TO COUNCIL

9.1. GENERAL SERVICES COMMITTEE REPORT

9.1.1 Adoption of Recommendations of the General Services Committee of 6 April 2010

RESOLVED OCM-49/2010

1. That the recommendations contained in the General Services Committee Report of 6 April 2010 excluding withdrawn items GS9.31, GS9.34, GS9.35 and GS9.38 be adopted.

Moved: Cr M CRESSWELL

Seconded: Cr G STALLARD

CARRIED UNANIMOUSLY

9.1.2 GS9.27 Creditors Accounts Paid for March 2010

EN BLOC RESOLUTION OCM-49/2010

1. That the list of Creditors' paid for the month of March 2010 attached (GSC Item 27/2010 Attachment 1) be received by Council in accordance with the requirements of Regulation 12 of the Local Government (Financial Management) Regulations 1996.

Moved: Cr M CRESSWELL

Seconded: Cr G STALLARD

CARRIED UNANIMOUSLY

9.1.3 GS9.28 Financial Activity Statements for the Period ended 28 February 2010

EN BLOC RESOLUTION OCM-49/2010

1. That the Financial Activity Statement report for the period ending 28 February 2010 (GSC Item 28/2010 Attachment 1) be received.

Moved: Cr M CRESSWELL

Seconded: Cr G STALLARD

CARRIED UNANIMOUSLY

9.1.4 GS9.29 Debtors and Creditors Report for the Period Ended 28 February 2010

EN BLOC RESOLUTION OCM-49/2010

1. That the outstanding debtors and creditors reports as at 28 February 2010 (GSC Item 29/2010 Attachment 1 & 2) be received.

Moved: Cr M CRESSWELL

Seconded: Cr G STALLARD

CARRIED UNANIMOUSLY

9.1.5 GS9.30 Rates Debtors Report for February 2010

EN BLOC RESOLUTION OCM-49/2010

1. That the rates debtors report as at 28 February 2010 (GSC Item 30/2010 Attachment 1) be received.

Moved: Cr M CRESSWELL

Seconded: Cr G STALLARD

CARRIED UNANIMOUSLY

9.1.6 GS9.32 Proposed Advertising of Business Plan for a Proposed Major Land Transaction - Subdivision - 614 Welshpool Road East (Lot 5) - Wattle Grove

EN BLOC RESOLUTION OCM-49/2010

1. That the Business Plan presented (GSC Item 32 Attachment 1) be adopted for the purpose of advertising for public comment as required by Section 3.59 of the Local Government Act 1995.

Moved: Cr M CRESSWELL

Seconded: Cr G STALLARD

CARRIED UNANIMOUSLY

9.1.7 GS9.33 Proposed Cash-in-lieu Assessment Criteria Policy

EN BLOC RESOLUTION OCM-49/2010

1. That Council adopt the Cash-in-Lieu Assessment Criteria Policy as per attachment (GSC Item 33/ 2010 Attachment 1.).

Moved: Cr M CRESSWELL

Seconded: Cr G STALLARD

CARRIED UNANIMOUSLY

9.1.8 GS9.36 Lesmurdie Road Roundabout - Artwork

EN BLOC RESOLUTION OCM-49/2010

1. That as there was no Committee Recommendation provided to Council on this item no resolution of Council is required with respect to this item.

Moved: Cr M CRESSWELL

Seconded: Cr G STALLARD

CARRIED UNANIMOUSLY

9.1.9 GS9.37 Light Vehicle Policy

EN BLOC RESOLUTION OCM-49/2010

1. That the Light Vehicle Policy (GSC 37/2010 Attachment 1.), ADM9, be adopted by Council.

Moved: Cr M CRESSWELL

Seconded: Cr G STALLARD

CARRIED UNANIMOUSLY

9.1.10 GS9.39 Attendance at the 2010 National General Assembly of Local Government in Canberra by the Chief Executive Officer and Shire President

EN BLOC RESOLUTION OCM-49/2010

1. That attendance at the 2010 National General Assembly of Local Government conference by the Shire President, Cr Donald McKechnie, be endorsed.

Moved: Cr M CRESSWELL

Seconded: Cr G STALLARD

CARRIED UNANIMOUSLY

9.1.11 GS9.31 Adoption of Dogs Local Law 2010

RESOLVED OCM -50/2010

1. That Council adopts a new local law, the Dogs Local Law 2010, as shown in (GSC Item 31/2010 Attachment 1.).
2. It be recorded that the purpose of the proposed local law is to make provisions about the impounding of dogs, to control the number of dogs that can be kept on premises and the manner of keeping those dogs, and to prescribe areas in which dogs are prohibited and dog exercise areas. The effect of the proposed local law is to extend the controls over dogs which exist under the Dog Act 1976.

Moved: Cr M THOMAS

Seconded: Cr F LINDSEY

For

Cr C EVERETT
Cr F LINDSEY
Cr G STALLARD
Cr A MORTON
Cr N TOWNSEND
Cr P HEGGIE
Cr M CRESSWELL
Cr D O'CONNOR
Cr S BILICH
Cr M THOMAS
Cr D McKECHNIE

Against

Cr M ROBINSON

CARRIED /ABSOLUTE MAJORITY

9.1.12 GS9.34 Stirk Park, Kalamunda (Reserve Number 29735) - Proposed Redevelopment

RESOLVED OCM -51/2010

1. That Council:
 1. Approve an allocation of up to \$25,000 from the Stirk Park Reserve Account in the current 2009/2010 financial year, for remedial works required at Stirk Park, that is inclusive of the following:
 - installation of fencing between the children's playground and the carpark/road on Elizabeth St.
 - installation of a barrier between the children's playground and the pond, plus establish a bed of low growing, hardy plants.
 2. List for consideration an allocation of up to \$30,000 in the 2010/2011 budget for the development of a Stirk Park Masterplan.

Moved: Cr C EVERETT

Seconded: Cr M CRESSWELL

For

Cr C EVERETT
Cr F LINDSEY
Cr G STALLARD
Cr A MORTON
Cr M ROBINSON
Cr N TOWNSEND
Cr P HEGGIE
Cr M CRESSWELL
Cr D O'CONNOR
Cr S BILICH
Cr D McKECHNIE

Against

Cr M THOMAS

CARRIED / ABSOLUTE MAJORITY

9.1.13 GS9.35 Falls Farm Management Committee - Nominations for Membership

RESOLVED OCM -52/2010

1. That Council appoint Derek Winter and Geraldine Smailes as members of the Falls Farm Management Committee.

Moved: Cr C EVERETT

Seconded: Cr M CRESSWELL

CARRIED UNANIMOUSLY/ ABSOLUTE MAJORITY

9.1.14 GS9.38 Review of the Shire of Kalamunda Strategic Plan 2009 - 2014

RESOLVED OCM -53/2010

1. That Council adopts the revised Strategic Plan for the period 2009 - 2014, as shown in (GSC 38/2010 Attachment 2.)

Moved: Cr M CRESSWELL

Seconded: Cr M THOMAS

For

Cr C EVERETT
Cr F LINDSEY
Cr G STALLARD
Cr A MORTON
Cr M THOMAS
Cr N TOWNSEND
Cr P HEGGIE
Cr M CRESSWELL
Cr D O'CONNOR
Cr S BILICH
Cr D McKECHNIE

Against

Cr M ROBINSON

CARRIED

9.2. PLANNING SERVICES COMMITTEE REPORT

9.2.1 Adoptions of Recommendations of the Planning Services Committee 12 April 2010

RESOLVED OCM -54/2010

1. That the recommendations contained in the Planning Services Committee Report of 12 April 2010 excluding withdrawn items 9.23, 9.25 and 9.26 be adopted.

Moved: Cr M THOMAS

Seconded: Cr M CRESSWELL

CARRIED UNANIMOUSLY

9.2.2 PS9.20 Proposed Amended Policies for the Planning and Development Directorate

EN BLOC RESOLUTION OCM -54/2010

1. That Council agrees to advertise the following planning policies for public comment, in accordance with provision 2.4 of Local Planning Scheme No. 3:
 - 'DEV26 - Radio, Television, Transmission and Communication Facilities.
 - 'DEV41 - Framework for Assessing Requests for Variations to the Number of Car Parking Bays.

Moved: Cr M THOMAS

Seconded: Cr M CRESSWELL

CARRIED UNANIMOUSLY

9.2.3 PS9.21 Policies for the Planning and Development Directorate - Proposed Revocations

EN BLOC RESOLUTION OCM -54/2010

1. That Council revokes the following planning policies in accordance with clause 2.5 of Local Planning Scheme No 3:
 - 'DEV10 - Delegation of Authority - Determination of Development and Subdivision Applications
 - 'DEV38 - Variation of Building Setbacks - Residential Design Codes
 - 'DEV 39 - Walls on Boundaries - Local Planning Policy
2. A notice of revocation be published once a week for 2 consecutive weeks in a newspaper circulating in the Shire area.

Moved: Cr M THOMAS

Seconded: Cr M CRESSWELL

CARRIED UNANIMOUSLY

9.2.4 PS9.22 Lot 5 (29 Courtney Plance, Wattle Grove - Application for Parking of Commercial Vehicles

EN BLOC RESOLUTION OCM -54/2010

1. That Council, pursuant to Section 31 of the State Administrative Tribunal Act 2005, sets aside its decision of 16 November 2009 (Resolution 146-09) to refuse the application for planning approval.
2. That Council advises the State Administrative Tribunal that the commercial vehicles parking at Lot 5 (29) Courtney Place, Wattle Grove (as described in the application dated 7 September 2009) do not comply with the provisions of Local Planning Policy DEV22 – Parking of Commercial Vehicles on Private Property in relation to vehicle lengths, but the degree of discretion required to allow the approval is considered to be marginal.
3. That Council advises the State Administrative Tribunal that Council approves the application for the parking of two commercial vehicles (registrations MTA 550 and MTA 908) and two trailers (registrations 1 TIV 570 and 1 TIV 572) at Lot 5 (29) Courtney Place, Wattle Grove, subject to the following conditions:
 - a. *The vehicles and trailers must, at all times, be parked in the approved location as shown on plan annotated as diagram 65526.*
 - b. *A sealed driveway and crossover is to be completed within 60 days from the date of this approval, and thereafter maintained to the satisfaction of the Shire's Manager Engineering.*
 - c. *The commercial vehicles are only to be operated between the hours of 7.00am and 7.00pm Monday to Saturday and 9.00am to 5.00pm public holidays and 9.00am to 6.00pm Sundays.*
 - d. *Approval of the parking activity does not include approval for the loading or unloading of the commercial vehicles and/or trailers, or the storage of goods in transit.*
 - e. *Only maintenance of a minor nature, such as servicing or wheel changing, is to be carried out on the subject property. No panel beating, spray painting or the removal of major body or engine parts is permitted.*
 - f. *Washing of the commercial vehicles and trailers on the subject lot is to be limited to the use of water and mild detergent, but not involve the use of any solvents, degreasing substances, steam cleaning and any other processes which may cause pollution or degradation of the environment.*
 - g. *The approval is personal to the applicant and shall not be transferred or assigned to any other person, property or commercial vehicle (including trailers).*

Moved: Cr M THOMAS

Seconded: Cr M CRESSWELL

CARRIED UNANIMOUSLY

9.2.5 PS9.24 Traffic Study Outcome - Kalamunda Road between Roe Highway and Abernethy Road, High Wycombe

EN BLOC RESOLUTION OCM -54/2010

1. That Council notes the attached report and recommendations.
2. That Council request CEO:
 - i. Seek further information in relation to the urban design considerations for options 3, 6, and 7 with particular regard to the potential treatment of space for pedestrians, cyclists , landscaping and signage.
 - ii. Obtain cost estimates for each of the three road treatment options plus the associated urban design treatments.
3. The cost estimates in 2. ii. above be pre-design desk top estimates and reported to Council.

Moved: Cr M THOMAS

Seconded: Cr M CRESSWELL

CARRIED UNANIMOUSLY

9.2.6 PS9.23 Proposed Closure of Right of Way - Stanhope Road, Kalamunda

Cr Thomas declared an interest affecting impartiality as family own one of the properties abutting the Right of Way. Cr Thomas left the Chambers at 7:10pm and returned at 7:20pm. Cr Thomas did not vote on this item.

RESOLVED OCM -55/2010

1. That the owners of Lot 153 (107) Canning Road have a detailed plan prepared prior to the Shire forwarding its recommendation to the Department of Planning, which demonstrates that secondary access to Lot 154 (109) Canning Road and Lot 19 (3) Stanhope Road will still be maintained when the portion of Right of Way abutting their lot is closed.
2. Subject to the plan being to the satisfaction of the Shire's Director of Engineering Services, the request for closing the section of the Right of Way abutting Lot 153 (107) Canning Road be supported and the Shire's recommendation be forwarded to the Department of Planning in accordance with the Land Administration Act 1997.

Moved: Cr S BILICH

Seconded: Cr F LINDSEY

CARRIED UNANIMOUSLY

9.2.7 PS9.25 Lots 23, 50 and 9001 Kalamunda Roads, High Wycombe - Cash-in-lieu for Public Open Space and Progress of Subdivision and Developments Associated with the High Wycombe Town Centre

Cr Heggie declared a financial interest in this item as he has two leases at this complex Lot 9001 Kalamunda Road High Wycombe. Cr Heggie left the Chambers at 7:21pm and returned at 7:22pm and did not vote on the item.

RESOLVED OCM -56/2010**1. That Council:**

1. Notes the reported position with respect to the cash-in-lieu payment and the implementation of the 2008 subdivision approval;
2. Extends the time stipulated in clause 2.3.4 (a) of the Shire agreement for completion of the following works and development forming part of the town centre concept:
 - The following components of the village centre, namely the medical centre, one restaurant and public toilets are to be completed by 24 April 2012; and
 - The upgrading and creation of a water feature and public open space on lot 49 and reserve 47766 is to be completed by 30 June 2010;
3. Extending the time in clause 2.3.4(b) of the Shire agreement for completion of the following works and development involved in the lifestyle retirement village:
 - 32 aged persons' dwellings for which planning approval was granted on 7 February 2008, are to be completed by 24 October 2011; and
 - A further 32 aged person's dwellings, for which planning approval was granted on 7 February 2008, are to be completed by 24 October 2012;
4. Under clause 10.5.2 of the Local Planning Scheme No. 3, Council extends the last day of the period stipulated in the planning approval granted on 7 February 2008 within which the lifestyle retirement village is to be substantially commenced by 6 February 2011;
5. Reserves all of its rights to draw on the bank guarantee provided under the Shire agreement, both in respect of the failure to complete works and development by the dates stipulated in the shire agreement and the extended dates provided above.

Moved: Cr M CRESSWELL

Seconded: Cr D O'CONNOR

CARRIED UNANIMOUSLY

9.2.8 PS9.26 Confidential Item - Traffic Consideration - Shopping Centre Kalamunda Road, High Wycombe

*The following report(s) is **CONFIDENTIAL** in accordance with Section 5.23(2) (c) of the Local Government Act 1995, which permits the meeting to be closed to the public for business relating to a matter that if disclosed, would reveal;*

'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.'

As there was to be no debate on this item the vote was taken in the Chambers and not behind closed doors.

RESOLVED OCM -57/2010

1. That Council endorses the actions recommended in this report.

Moved: Cr M CRESSWELL

Seconded: Cr D O'CONNOR

For

Cr C EVERETT
Cr F LINDSEY
Cr G STALLARD
Cr A MORTON
Cr N TOWNSEND
Cr P HEGGIE
Cr M CRESSWELL
Cr D O'CONNOR
Cr S BILICH
Cr M THOMAS
Cr D McKECHNIE

Against

Cr M ROBINSON

CARRIED**9.3. CHIEF EXECUTIVE OFFICER'S REPORT**

N/A

10. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

10.1 Request for CEO to Write to Former Councillor Requesting Information

As Councillors wished to discuss this matter the CEO advised that it would be dealt with behind closed doors.

MOTION

That Council request the CEO to write to former Councillor Elizabeth Taylor with a view to ascertaining who had illegally advised her of information regarding a confidential staffing matter.

Moved: Cr Lindsey

10.2 Proposal by WALGA and the ALGA to seek Commonwealth Constitutional Recognition of Local Government

Cr Lindsey advised the meeting he wished to defer this Motion to the May Ordinary Council Meeting.

MOTION

1. That this Council, recognising the:
 - constitutional recognition already afforded local government under sections 2, 52, 53 and 57 of WA's Constitution Act 1889;
 - the undesirability of having overlapping state and commonwealth constitutional jurisdiction of local government; and
 - the existing ability of the Commonwealth Government to provide funding to local government by way of tied grants via the states; holds that the proposal by WALGA and the ALGA to seek Commonwealth Constitutional recognition for local government is both unnecessary and undesirable.
 - the implied constitutional recognition of local government afforded by sections 106, 107 and 108 of the Commonwealth of Australia Constitution Act 1900.

That Council convey its views on the proposed Commonwealth Constitutional recognition of local government to the WA Minister for Local Government; the Prime Minister; Leader of Federal Opposition; President of WALGA and the President of the ALGA.

Moved: Cr Lindsey

10.3 Request for CEO Public Art Strategy Consultancy**RESOLVED OCM 58/2010**

That the CEO be requested to expand the Public Art Strategy Consultancy to consider future sites for Public Art in the Lesmurdie, Wattle Grove, Pickering Brook, Bickley, Walliston, Gooseberry Hill and MaidaVale areas, taking in account any previous community consultation and feedback.

Moved: Cr C EVERETT

Seconded: Cr F LINDSEY

CARRIED UNANIMOUSLY

11. QUESTIONS BY MEMBERS WITHOUT NOTICE

11.1 Nil.

12. QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN**12.1 Transfer Station (Cr Lindsey)**

Q. When the new sign is prepared advertising the changes in fees would it be possible to have a double sided sign as at the moment it is difficult to find the station because the sign is obscured?

A. The new signage, reflecting the increase in fees at the Transfer Station, will be made double sided. Additionally, any tree branches obscuring the sign will be pruned accordingly.

13. URGENT BUSINESS APPROVED BY THE PERSON PRESIDING OR BY DECISION

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

13.1 Change to Order of Business for Council Meetings

Previous Items:	N/A
Service Area:	Chief Executive's Office
Author:	Darrell Forrest
File Reference:	LE-LOL-002
Applicant:	N/A
Owner:	N/A

PURPOSE

1. To change the current Order of Business for Ordinary Council Meetings to ensure compliance with the requirements of the *Local Government Act 1995* and the *Local Government (Administration) Regulations 1996*.

BACKGROUND

2. The Order of Business for Ordinary Council Meetings is set by Clause 3.2 of Council's Standing Orders Local Law. This clause also makes provision for the Order of Business to be changed by decision of Council.

DETAILS

3. Whilst the current Order of Business has been set by Council in its Standing Orders Local Law, the Order of Business that is set needs to comply with any statutory provisions that have been enacted.
4. Section 5.24 (1) (a) of the *Local Government Act 1995* provides that time is to be allocated for questions to be raised by members of the public at every ordinary meeting of a council.
5. Clause 7 (2) of the *Local Government (Administration) Regulations 1996* provides that the time allocated for questions is to precede the discussion of any matter that requires a decision to be made by the council.
6. Council's current Order of Business includes at Item 2 "Apologies and Leave of Absence" and at Item 3 "Public Question Time"
7. In the absence of any other Item in the Order of Business with respect to Leave of Absence, then applications from councillors for leave of absence would currently be made under Item 2.
8. Section 2.25 (1) of the *Local Government Act 1996* provides that a council may, by resolution, grant leave of absence, to a member.
9. Therefore any decision of council to grant leave of absence under the current Order of Business would be in breach of the existing statutory requirements relating to when public question time is to be listed in the Order of Business.

STATUTORY AND LEGAL IMPLICATIONS

10. Change to the Order of Business will ensure compliance with s5.24 of the *Local Government Act 1995* and clause 7 (2) of the *Local Government (Administration) Regulations 1996*.

POLICY IMPLICATIONS

11. There are no policy implications with respect to this matter

PUBLIC CONSULTATION/COMMUNICATION

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

FINANCIAL IMPLICATIONS

13. No financial implications will arise from this decision of Council

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

14. There are no strategic or sustainability implications with respect to this matter

OFFICER COMMENT

15. Nil

MEETING COMMENT

16. Nil.

RESOLVED OCM 59/2010

1. That the Order of Business for Ordinary Council Meetings be amended to;-

1. OFFICIAL OPENING
2. ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE PREVIOUSLY APPROVED
3. PUBLIC QUESTION TIME
4. PETITIONS/DEPUTATIONS
5. APPLICATIONS FOR LEAVE OF ABSENCE
6. CONFIRMATION OF PREVIOUS MINUTES
7. ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION
8. MATTERS FOR WHICH THE MEETING MAY BE CLOSED
9. DISCLOSURE OF INTERESTS
10. REPORTS TO COUNCIL
11. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN
12. QUESTIONS BY MEMBERS WITHOUT NOTICE
13. QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN
14. URGENT BUSINESS BY THE PERSON PRESIDING OR BY DECISION
15. MEETING CLOSED TO THE PUBLIC
16. CLOSURE

Moved: Cr M ROBINSON

Seconded: Cr C EVERETT

CARRIED UNANIMOUSLY

13.2 Perth Airport Municipalities Group. (Cr Morton)

Cr Morton provided Council with a brief report on a recent meeting of the Perth Airport Municipalities Group.

14. MEETING CLOSED TO THE PUBLIC

14.1 RESOLVED OCM 60/2010

1. That the meeting go behind closed doors to consider the Motion 10.1 Request for CEO to Write to Former Councillor Requesting Information and Item 14.3 Chief Executive Officer Performance Review Report in accordance with section 5.23(2)(a) of the Local Government Act 1995 which permits the meeting to be closed to the public for business relation to the following: -

(a). A matter affecting an employee or employees.

Moved: Cr N TOWNSEND

Seconded: Cr M THOMAS

CARRIED UNANIMOUSLY

The meeting closed to the public to consider the Motion 10.1 Request for CEO to Write to Former Councillor Requesting Information and the Chief Executive Officer Performance Review Report at 7:30pm. Members of the Gallery and staff, except for the CEO and Manager of Governance, left the Chambers.

14.2 Request for CEO to Write to Former Councillor Requesting Information

RESOLVED OCM 61/2010

That Council request the CEO to write to former Councillor Elizabeth Taylor with a view to ascertaining who had illegally advised her of information regarding a confidential staffing matter.

Moved: Cr F LINDSEY

Seconded: Cr S BILICH

For

Cr C EVERETT
Cr F LINDSEY
Cr G STALLARD
Cr A MORTON
Cr N TOWNSEND
Cr P HEGGIE
Cr M CRESSWELL
Cr D O'CONNOR
Cr S BILICH
Cr M THOMAS
Cr D McKECHNIE

Against

Cr M ROBINSON

CARRIED

CONFIDENTIAL ITEM**14.3 Chief Executive Officer Performance Review**

James Trail declared a Financial Interest as he is the CEO of the Shire of Kalamunda and left the Chambers at 7:44pm.

RESOLVED OCM 62/2010

1. That Council endorses the Performance Review Report (***Confidential Attachment 1***) submitted by the Shire President and notes the positive outcomes of the review of performance for the year up to June 2010.
2. That Council notes the significant progress made by the CEO towards meeting annual priorities as described in the quarterly reports received by Council.
3. That Council endorses the Annual Corporate Plan 10/11 (Confidential attachment 2) as the CEO objectives for 2010/2011.
4. It is recommended that Council consider an increase of 10% to the Chief Executive Officer's Remuneration Package. In accordance with clause 5.1 (3) of the contract of employment of the Chief Executive Officer, that Council allow the CEO to vary the individual component amounts provided that the total value of the Remuneration Package remains the same after the increase of 10%.

Moved: Cr M THOMAS

Seconded: Cr N TOWNSEND

CARRIED UNANIMOUSLY**14.4 RESOLVED OCM 63/2010**

1. That the meeting be re-opened to the public after consideration the Motion 10.1 Request for CEO to Write to Former Councillor Requesting Information and the Chief Executive Officer Performance Review Report.

Moved: Cr M THOMAS

Seconded: Cr P HEGGIE

CARRIED UNANIMOUSLY

The meeting reopened to the public 7:54pm.

Mr Trail returned to the Chambers at 7:55pm.

The Shire President read the motions that were passed behind closed doors.

15. CLOSURE

There being no further business the Chairman declared the meeting closed at 8:00pm.

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

Signed Chairman

Dated this day of 2010
