



SHIRE OF KALAMUNDA

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16.0 CLOSURE

16.1 Meeting closed at 7.30 pm.

**Minutes of Ordinary Meeting of Council
Held in the Council Chambers
2 Railway Road, Kalamunda
Monday 19 July 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. The Shire President extended a special welcome to the new Manager Business and Strategy, Mr Peter Hayes, and farewelled and thanked the Director Corporate Services, Mr Bob Searle.

2.0 ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE PREVIOUSLY APPROVED

2.1 ATTENDANCE

Councillors

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

Members of Staff

Bob Searle	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
Hazel Smallwood	MANAGER CORPORATE SUPPORT
Peter Hayes	MANAGER BUSINESS AND STRATEGY
Michelle Clark	EXECUTIVE ASSISTANT CHIEF EXECUTIVE OFFICER
Donna McPherson	MINUTE SECRETARY

Members of Public 24

Members of Press 2

Kaitlyn Offer Community Newspaper Group
Emma Brown Echo Newspaper

2.2 Apologies

Margaret Thomas NORTH WARD
Peter Heggie NORTH WEST WARD
James Trail CHIEF EXECUTIVE OFFICER

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 Jane Kandhai 29 Tuart Road Lesmurdie

- Q. With regard to a petition presented to Council at the Planning Services Committee meeting of 12 July 2010 opposing a development application on 159 Canning Road Kalamunda. What is Council's position on the acceptance of such petitions given that a copyright infringement has occurred in obtaining signatures on the petition as neither the applicant or the architect have consented to the plans being used by any person or persons other than the officer or officers of the Shire of Kalamunda in order to process the development application?
- A. The Director of Planning and Development Services advised that in relation to copyright it would be a matter between the applicant and the person distributing the plans. Council has a right to publicise the plans as part of the application process.
- Q. What process is in place to verify the validity of all petitions presented to Council?
- A. The Director of Planning and Development Services advised that the petitions received are referred to in the Officer's Report and the recommendation that is before council tonight.
- Q. What is the time frame that Council is required to comply with in its response to questions posed at Council meetings?
- A. The Director of Planning and Development Services advised that the answers to questions tabled at the Planning Services Committee Meeting on 12 July will be tabled with the minutes of that Planning Services Committee Meeting.

3.2 James Dean 8 Flora Terrace Lesmurdie

- Q. Having "No Head of Power" to act, how can the Shire of Kalamunda conduct itself

as the custodians of our land or district when it has no legal standing under the Commonwealth of Australia Constitution Act 1900 which invalidates Local Governments?

A. Taken on Notice.

Q. Further and in the alternative on what basis does the Shire of Kalamunda validate their authority to approve a controversial religious development situated at 159 Canning Road, Kalamunda and on what basis were the residents not informed by way of a broad and transparent public consultation?

A. Taken on notice.

3.3 Philip Thompson c/- 155 Canning Road Kalamunda

Q1. Does the Shire of Kalamunda have in place, or any strategic planning, or consideration, any policies, by-laws, regulations, or the like, in respect to the use of road verges for car parking, landscaping, any form of installation or other uses?

A. No particular policies exist.

Q2. (a) Does the Shire of Kalamunda have in place, or any strategy plan, or consideration, any program for the widening of Canning Road, in particular that stretch of road from the Lesmurdie Road intersection to the Kalamunda Glades shopping centre?

A. Yes. There are future plans to widen this section of Canning Road.

(b) Given the apparent staggered nature of front property boundaries in this area, it would appear that there has been an ongoing program of land resumption in order to widen the road reserve. Can council confirm such a program, or anything similar, outlining its projected timeframe from when it commenced to expected completion, including details of how and under what circumstances such resumption can and is taking place?

A. The widening is a medium to long term project.

Q3. (a) What guidelines or performance criteria does the Shire of Kalamunda use to determine whether a proposed building is too large for its site; and therefore of impact to local amenity?

A. Local Planning Scheme 3.

(b) Would a possible and reasonable criteria be to measure the extent to which it casts shadows, with defined limits in respect to neighbouring properties?

A. No.

Q4. In respect to the "Shire of Kalamunda Local Planning Scheme No 3", wherein, at the front of the document (on page 4) it is stated: " the Scheme Text divides the local government district into zones to identify areas for particular uses and identified land reserved for public purposes." [note the division between zoned and reserve lands] Most importantly, this Scheme Text controls the types of uses and development allowed in different zones." Is it possible, as has been

suggested by legal counsel, that council may be challenged legally on the application of controls within the scheme to “types of uses and developments”, which respond generally to zoning, to unzoned lands reserved for public purposes?

- A. Anyone has the right to challenge a decision of council.

4.0 PETITIONS/DEPUTATIONS

4.1 Deputations

The Chairman accepted a deputation from representative of the Applicant of a development proposal at 159 Canning Road Kalamunda, Mr Philip Thompson and Sitka Rama. The deputation sought to clarify matters arising from the report to Council. Councillors sought clarification on some of the information provided.

4.2 Petitions

A petition of 34 signatures was tabled - "*We the undersigned oppose the proposed re-development of the Hare Krishna Temple at 159 Canning Road, Kalamunda because it is not in keeping the amenity of the locality.*"

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 21 June 2010.

RESOLVED OCM 97/2010

That the Minutes of the Ordinary Council Meeting of the Shire of Kalamunda held in the Council Chambers on 21 June 2010 be confirmed.

Moved: Cr Maureen Robinson

Seconded: Cr Allan Morton

CARRIED UNANIMOUSLY (10/0)

6.2 Confirmation of Special Council Meeting Minutes 5 July 2010.

RESOLVED OCM 98/2010

That the Minutes of the Special Council Meeting of the Shire of Kalamunda held in the Council Chambers on 5 July 2010 be confirmed.

Moved: Cr Martyn Cresswell

Seconded: Cr Frank Lindsey

CARRIED UNANIMOUSLY (10/0)

7.0 ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION

7.1 Citizenship Ceremony

The Shire conducted a Citizenship Ceremony on 14 July 2010 at which time 47 residents became new Australian citizens.

7.2 Tree Planting Ceremony

The Shire President advised that a commemorative tree planting ceremony occurred on Saturday 16 July 2010 at which time 160 trees were planted to commemorate new Kalamunda babies.

7.3 Forum and Special Council Meeting

The Shire President advised Councillors there would be a Forum on 26 July 2010 followed by a Special Council Meeting.

8.0 MATTERS FOR WHICH MEETING MAY BE CLOSED

8.1 Nil.

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 General Services Committee Report**10.1.1 Adoption of Body of General Services Report****RESOLVED OCM 99/2010**

- 1. That the Recommendations contained in the General Services Committee Report 5 July 2010 be adopted.

Moved: Cr Martyn Cresswell

Seconded: Cr Carol Everett

CARRIED UNANIMOUSLY (10/0)

10.1.2 GSC 66 - Creditors Accounts Paid during the period 26 May 2010 to 22 June 2010

EN BLOC RESOLUTION OCM 99/2010

1. That the list of Creditors' paid during the period 26 May 2010 to 22 June 2010 attached be received by Council in accordance with the requirements of Regulation 12 of the Local Government (Financial Management) Regulations 1996.

Moved: Cr Martyn Cresswell

Seconded: Cr Carol Everett

CARRIED UNANIMOUSLY (10/0)

10.2.3 GSC 67 - Financial Activity Statements for the Period 31 May 2010

EN BLOC RESOLUTION OCM 99/2010

1. That the Financial Activity Statement reports for the period ending 31 May 2010 be received.

Moved: Cr Martyn Cresswell

Seconded: Cr Carol Everett

CARRIED UNANIMOUSLY (10/0)

10.2.4 GSC 68 - Debtors and Creditors Report

EN BLOC RESOLUTION OCM 99/2010

1. That the outstanding debtors and creditors report as at 31 May 2010 be received.

Moved: Cr Martyn Cresswell

Seconded: Cr Carol Everett

CARRIED UNANIMOUSLY (10/0)

10.1.5 GSC 69 - Rates Debtors Report

EN BLOC RESOLUTION OCM 99/2010

1. That the rates debtors report as at 31 May 2010 be received.

Moved: Cr Martyn Cresswell

Seconded: Cr Carol Everett

CARRIED UNANIMOUSLY (10/0)

10.1.6 GSC 70 - Asset Financing and Borrowing Policy

EN BLOC RESOLUTION OCM 99/2010

1. That Council approve the adoption of the Asset Financing and Borrowing Policy and that it replace the current Loan Borrowing Policy (FIN6).

Moved: Cr Martyn Cresswell

Seconded: Cr Carol Everett

CARRIED UNANIMOUSLY (10/0)

10.1.7 GSC 71 Munday Road, High Wycombe - Request for Traffic Calming Device

EN BLOC RESOLUTION OCM 99/2010

1. That the request for the installation of a Traffic Calming Device on Munday Road, High Wycombe, is not supported.

Moved: Cr Martyn Cresswell

Seconded: Cr Carol Everett

CARRIED UNANIMOUSLY (10/0)

10.2 Planning Services Committee Report

Withdrawn Items from Planning Services Report

PS Item 47 – alternative recommendation

10.2.1 Adoption of Body of Planning Services Report

RESOLVED OCM 100/2010

1. That the Recommendations contained in the Planning Services Committee Report of 12 July 2010, excluding withdrawn items PS 47 be adopted.

Moved: Cr Frank Lindsey

Seconded: Cr Maureen Robinson

CARRIED UNANIMOUSLY (10/0)

10.2.2 PS 42. Shire of Kalamunda Health Local Laws 2001 ReviewEN BLOC RESOLUTION OCM 100/2010

1. That Council endorses the proposed action in regard to the Shire of Kalamunda Health Local Laws 2001 review.

Moved: Cr Frank Lindsey

Seconded: Cr Maureen Robinson

CARRIED UNANIMOUSLY (10/0)**10.2.3 PS 43. Local Planning Scheme No. 3 Amendment – Additional Use - Lot 501 (163) Railway Road, Gooseberry Hill**EN BLOC RESOLUTION OCM 100/2010

1. That Council does not initiate the amendment to allow for an additional use (shop) at Lot 501 (163) Railway Road, Gooseberry Hill, as the proposal is contrary to orderly and proper planning principles.

Moved: Cr Frank Lindsey

Seconded: Cr Maureen Robinson

CARRIED UNANIMOUSLY (10/0)**10.2.4 PS 44. Local Planning Scheme No. 3 Amendment - Initiation of Rezoning from Urban Development to Private Clubs and Institutions - Lot 1 (33) Berkshire Road, Forrestfield**EN BLOC RESOLUTION OCM 100/2010

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. 26

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

Rezoning Lot 1 (33) Berkshire Road, Forrestfield, from Urban Development to Private Clubs and Institutions.

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 in accordance with the provisions of the *Town Planning Regulations 1967*, without reference to the Western Australian Planning Commission.

Moved: Cr Frank Lindsey

Seconded: Cr Maureen Robinson

CARRIED UNANIMOUSLY (10/0)

10.2.5 PS 45. Local Planning Scheme No. 3 Amendment – Initiation of text Amendment in relation to Special Rural and Rural Composite Zone Development Requirements

EN BLOC RESOLUTION OCM 100/2010

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

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

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

- a) Deleting the following clauses:

“5.10.2 Land Use and Development

- (ii) *Planning approval is required for all developments including a dwelling house and outbuildings.*
- (iii) *No building shall be constructed unless the external materials shall be of colour and material as approved by the local government.*

5.14.2 Land Use and Development

- (i) *Planning approval is required for all developments including a dwelling house and outbuildings.*
- (ii) *No building shall be constructed unless the external materials shall be of colour and texture as approved by the local government.”*

- b) The remaining clauses be renumbered accordingly.

Moved: Cr Frank Lindsey

Seconded: Cr Maureen Robinson

CARRIED UNANIMOUSLY (10/0)

10.2.6 PS 46. Local Planning Scheme No. 3 Amendment – Initiation of rezoning from Urban Development to Light Industry and Modification to Scheme Text - Lots 4, 9, 11, 12 Ibis Close, Lot 7 Raven Street, Lots 5 & 6 Sultana Road West and Lots 1 and 7 Milner Road, High Wycombe

EN BLOC RESOLUTION OCM 100/2010

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 Light Industry.

Insert an additional provision in the Scheme as follows:

- 6.1.4 No development and/or subdivision shall commence or be carried out within the Light Industrial Area bound by Milner Road, Sultana Road West, Maida Vale Road and Raven Street, High Wycombe until a Structure Plan is prepared in accordance with Clause 6.2 – Development Areas, of the Scheme.

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

Delete clause 6.2.10 of the Scheme and replace with the following clause

- 6.2.10 In respect of the Light Industry 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.

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

In respect of the Light Industry 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 Frank Lindsey

Seconded: Cr Maureen Robinson

CARRIED UNANIMOUSLY (10/0)

10.2.7 PS 48.Lot 49 (Reserve 47766) Elmore Way, High Wycombe- Expenditure of Cash-in-Lieu Funds

EN BLOC RESOLUTION OCM 100/2010

1. That Council endorses a request to the Minister for Planning to approve the expenditure of \$278,988.00.

Moved: Cr Frank Lindsey

Seconded: Cr Maureen Robinson

CARRIED UNANIMOUSLY (10/0)

10.2.8 PS 49. Proposal for Domestic Cat Control Legislation – Consultation Paper

EN BLOC RESOLUTION OCM 100/2010

1. That the following comments and the Feedback Form (*Attachment 2*) be provided in response to the Domestic Cat Control Legislation Consultation Paper:
 - a) That it is unreasonable to expect Local Government to incur significant additional costs to enforce legislation that is not needed and will not achieve the stated policy objective.
 - b) That Local Governments continue to promote responsible cat ownership by encouraging cat owners to have their cats sterilised and request that they keep their cats contained to the property at all times.
 - c) Owners should be required to permanently identify their cats by means of a collar with a tag securely attached or a microchip implanted containing contact information of the owner.

That Local Governments continue to encourage responsible cat ownership by residents, through educational and promotional programmes, and by subsidising sterilisation for cat owners in their districts.

Moved: Cr Frank Lindsey

Seconded: Cr Maureen Robinson

CARRIED UNANIMOUSLY (10/0)

10.2.9 PS 47. Lot 117 (159) Canning Road, Kalamunda– Redevelopment of Hare Krishna TempleCOMMITTEE RECOMMENDATION TO COUNCIL

That Council:

1. Refuses the application dated 12 February 2010 to redevelop the existing place of worship on Lot 117 (159) Canning Road, Lesmurdie, for the following reasons:
 - (a) An insufficient number of parking bays as required under Local Planning Scheme No. 3 are provided on site.
 - (b) The bulk, colours, scale and height of the proposal is incompatible with the built form of surrounding development and would not preserve the amenity of the locality by virtue of:
 - (i) The potential increase in traffic as a result of the increased capacity of the proposed building and the attendant vehicle access and circulation problems as a result of the increased capacity and lack of on site parking;
 - (ii) The additional noise as a result of the potential increase in activity on the site;
 - (iii) The proposed balconies along the northern, southern and western perimeter of the second floor of the temple will adversely affect the amenity of the area by reducing the privacy presently enjoyed by neighbouring properties
 - (iv) The imposing nature of the building and spiral towers by comparison with adjoining buildings and streetscape.
2. Note the petition and advise the main petitioner of the Council's decision.

Moved:

Seconded:

There being no mover for the Committee Recommendation to Council it **LAPSED**.

Councillor Lindsey proposed a motion which contained an additional point 1(c) and a point 3. Council debated the alternate recommendation before it was put to the vote.

RESOLVED OCM 101/2010

That Council:

1. Refuses the application dated 12 February 2010 to redevelop the existing place of worship on Lot 117 (159) Canning Road, Lesmurdie, for the following reasons:
 - (a) An insufficient number of parking bays as required under Local Planning Scheme No. 3 are provided on site.

- (b) The bulk, colours, scale and height of the proposal is incompatible with the built form of surrounding development and would not preserve the amenity of the locality by virtue of:
- (i) The potential increase in traffic as a result of the increased capacity of the proposed building and the attendant vehicle access and circulation problems as a result of the increased capacity and lack of on site parking;
 - (ii) The additional noise as a result of the potential increase in activity on the site;
 - (iii) The proposed balconies along the northern, southern and western perimeter of the second floor of the temple will adversely affect the amenity of the area by reducing the privacy presently enjoyed by neighbouring properties
 - (iv) The imposing nature of the building and spiral towers by comparison with adjoining buildings and streetscape.
- (c) Any proposed use of the commercial kitchen for the preparation of food for selling off premises is not in accordance with the reserve status and permitted use of the site.
2. Note the petition and advise the main petitioner of the Council's decision.
3. Invite the applicants to submit a fresh application addressing the planning issues raised.

Moved: Cr Frank Lindsey

Seconded: Cr Geoff Stallard

For

Cr Frank Lindsey
Cr Geoff Stallard
Cr Noreen Townsend
Cr Martyn Cresswell
Cr Dylan O'Connor
Cr Sue Bilich
Cr Donald McKechnie

Against

Cr Carol Everett
Cr Allan Morton
Cr Maureen Robinson

CARRIED (7/3)

10.3 Chief Executive Officers' Report

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

10.3.1 Review of Pensioner Waste Discount

PURPOSE

1. To consider a review of the discounted waste charge levied on Pensioners by the Shire of Kalamunda and the level of discount to be implemented in the 2010 / 2011 Budget.

BACKGROUND

2. In common with other Councils in the Metropolitan area, the Shire of Kalamunda has for many years allowed a discount on the Waste charges to Pensioners. A review undertaken as part of the budget process has indicated that this practise is less common than was previously the case and that the level of discount granted by the Shire is one of the highest.

DETAILS

3. 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. Based on the 2010/2011 draft budget the equivalent figures will be \$311.60 for a standard charge and \$155.80 for a Pensioner charge. This equates to an increase of \$23.33 in the normal charge in order to fund the pensioner discount.

Research undertaken by officers indicates that there has been a move away from pensioner discounts for waste services, with only five other councils in the metropolitan area giving a discount in 2009/2010

- Kalamunda 50%
- Canning 14%
- Melville 11.6%
- Mundaring 25%
- Perth 50%
- Subiaco 46.7%

These Councils have been contacted to check their 2010/2011 discounts and all

remain unchanged except Subiaco, which is increasing the discount from 46.7% to 50%.

Because of the increases in disposal costs, the budget for the Domestic element of the Waste Service will increase in 2010 / 2011 from \$5.15m to \$5.9m –12.5%. A Waste Management Budget with comparisons forms attachment A to this report.

STATUTORY AND LEGAL IMPLICATIONS

4. There are no statutory or legal implications that specifically dictate how the costs of the Waste Service must be recovered. Although it is the norm to levy a separate charge for waste services, it is not compulsory and a number of local governments choose to include the charge within general rates.

This entrenches a 50% discount on the waste component included in the general rates for eligible pensioners through the *Rates and Charges [Rebates and Deferments] Act 1992*.

The Pensioner discount on General Rates is a State Government regulated and funded scheme.

The main argument in favour of a separate Waste charge is that it is a clearly definable service and this practice ensures that, subject to any Pensioner discount that is granted, different ratepayers pay the same amount for the same service.

The separate Waste Charge is governed by the *Waste Avoidance and Resource Recovery Act 2007*, which says that "A local government may impose on rateable land within its district, and cause to be collected, an annual rate for the purpose of providing for the proper performance of all or any of the waste services it provides." It also states that this power does not prevent Local Governments levying a service charge under the *Local Government Act 1995*, but in fact this Act does not list Waste Services as one of the permissible service charge items.

POLICY IMPLICATIONS

5. There is no formally adopted Council Policy on this matter.

PUBLIC CONSULTATION/COMMUNICATION

6. No public consultation has been undertaken.

FINANCIAL IMPLICATIONS

7. There are no financial implications for Council; the issue is one of how to allocate charges.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

8. **Strategic Planning Implications**

9. **Sustainability Implications**

Social Implications

- Nil

Economic Implications

- Nil

Environmental Implications

- Nil

OFFICER COMMENT

10. It is appropriate that Council be aware of the levels of pensioner discounts for Waste Services allowed by other local governments and be able to make a conscious and informed decision as to the level of discount to be granted.

The discount is funded by increasing the charge to the balance of users, and is at the discretion of Council. The two remaining Councils with discounts at similar levels have high values of alternative income streams which may offer greater flexibility to their charging models.

It is proposed that for the 2010/2011 Budget the Shire of Kalamunda retain the existing level of pensioner discount for the Waste Service Charge.

RESOLVED OCM 102/2010

1. That for the 2010/2011 Financial Year eligible Pensioners shall receive a 50% discount from the normal domestic waste charge.

Moved: Cr Maureen Robinson

Seconded: Cr Frank Lindsey

CARRIED UNANIMOUSLY (10/0)**11.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

- 11.1 Nil.

12.0 QUESTIONS BY MEMBERS WITHOUT NOTICE

- 12.1 Neighbourhood Issue (Cr Maureen Robinson)

- Q. Is there anything that can be done to assist a ratepayer who is having issues with a neighbour who burns rubbish in their back yard and also has rubbish building up in the yard?

- A. Question taken on notice.

**13.0 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN
(Questions taken on notice 21 June 2010)****13.1 Collection of Fee by Water Authority (Cr Stallard)**

Q. Does the Water Authority still collect a fee from ratepayers for the discharge water from the hills?

A. Yes, the Water Corporation do collect drainage charges from properties in part of the Shire of Kalamunda. This charge is applies to approximately 40% of Perth Metropolitan area that fall under the catchment area of their main drains.

Q. If so, is it itemised within the Shire's rates?

A. No, The charges are directly collected by Water Corporation.

Q. If so, what do they do with this money?

A. According to Water Corporation the money collected from these charges is used to cover the cost of constructing and maintaining main drains.

Q. Does the Shire of Kalamunda follow up or check on what happens to this money or are we naturally informed?

A. No, the Shire has no role in the collection or expenditure of this money. The revenue collected is reviewed by the Economic Regulation Authority (ERA) who ensures that the charge reflects the efficient cost of providing the service.

Q. Has the Shire of Kalamunda investigated taking control of these monies as it seems to be responsible for the drainage within the Shire?

A. The Water Corporation applies this charge for drainage services under State Legislation which is prescribed in the Water Agencies (Charges) By-laws. As stated earlier the charge is for the construction and maintenance of main drains under Water Corporation's control eg. Woodlupine Branch Drain.

13.2 Repair to Damaged Stained Glass Window at Library (Cr Everett)

Q. A panel of the Stained Glass Window in the Library has been broken. Is there any update as to how this will be repaired?

A. Shire staff is endeavouring to source stained glass panel to replace the broken panel.

13.3 Closure of Pickering Brook Road (Cr Thomas)

Q. Could the Shire please advise other Government Departments, who have interest in the area at the end of Pickering Brook Road, that some of the bollards used to stop vehicles getting through have been removed? Also could the rubbish be removed from this area?

A. The Department of Environment is aware of this matter.

13.4 Warehouse Development Abernethy Road, High Wycombe (Cr O'Connor)

Q. Can the landscape arrangements as required by the detailed area plan be investigated? It seems that some developments are not following the Plan.

A. All sites have the condition that the landscaping is to be provided and maintained. An investigation of the sites has been conducted. Where the landscaping is being poorly maintained and aesthetically ineffective the Shire will be writing to the landowners requesting they tidy up the landscaping and ensure that it is maintained appropriately.

13.5 Order Issued Bahen Road (Cr Cresswell)

Q. Does the person who has received the order have a right to appeal?

A. No, as the resident has no right to plant trees or do any work in the road reserve without approval from the Shire.

14.0 URGENT BUSINESS APPROVED BY THE PERSON PRESIDING OR BY DECISION

14.1 Nil.

15.0 MEETING CLOSED TO THE PUBLIC

15.1 Nil.

16.0 CLOSURE

16.1 There being no further business the Chairman declared the meeting closed at 7.30 pm.

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

Signed.....Chairman

Dated thisday of2010

