

SHIRE OF KALAMUNDA

Index for Minutes of the OCM Monday 20 December 2010

- 1.0 OFFICIAL OPENING**
- 2.0 ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE PREVIOUSLY APPROVED**
- 3.0 PUBLIC QUESTION TIME**
- 4.0 PETITIONS/DEPUTATIONS**
- 5.0 APPLICATIONS FOR LEAVE OF ABSENCE**
- 6.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETING**
- 7.0 ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION**
- 8.0 MATTERS FOR WHICH MEETING MAY BE CLOSED**
- 9.0 DISCLOSURE OF INTERESTS**
- 10.0 REPORT TO COUNCIL**
 - 10.1 Planning Services Committee Report
 - 10.1.1 Adoption of Planning Services Committee
 - 10.1.2 PSC 76 Townscape Improvement Plans – Kalamunda Town Centre and Lesmurdie Shopping Centre
 - 10.1.3 PSC 77 Local Planning Scheme No. 3 Amendment No. 26 – Rezoning from Urban Development to Private Clubs and Institution Lot 1 (33) Berkshire Road, Forrestfield
 - 10.1.4 PSC 78 Local Planning Scheme No. 3 Amendment No. 31 - Text Amendment Relating to the Use of Street Setback Areas in Commercial and Industrial Zones
 - 10.1.5 PSC82 Parking of One Commercial Vehicle - Lot 26 (22) Wyuna Crescent, Lesmurdie
 - 10.1.6 PSC83 Quarterly Report from the Community Sustainability Advisory Committee (CSAC)
 - 10.1.7 PSC84 Modification to Structure Plan- High Wycombe Urban Area Larwood Crescent Lot 9 Larwood Crescent- Stage 2
 - 10.1.8 PSC75 Lot 117 (159) Canning Road, Kalamunda – Redevelopment of Hare Krishna Temple
 - 10.1.9 PSC79 Parking of Two Commercial Vehicles - Lot 1 (200) Crystal Brook Road, Wattle Grove

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- 10.1.10 PSC80 Parking of Two Commercial Vehicles - Lot 80 (21)
Kelvin Road, Wattle Grove
 - 10.1.11 PSC80 Parking of Two Commercial Vehicles - Lot 80 (21)
Kelvin Road, Wattle Grove
 - 10.2 General Services Committee Report
 - 10.2.1 Adoption of Body of General Services Committee Report
 - 10.2.2 GSC143 Response to Petition – Impassable Nature of Bahen Road, Hackett's Gully
 - 10.2.3 GSC130 Creditors Accounts Paid During the Period 27 October to 25 November 2010
 - 10.2.4 GSC131 Monthly Financial Statements for the Period ending 31 October 2010
 - 10.2.5 GSC132 Debtors and Creditors Reports for the Period ending 31 October 2010
 - 10.2.6 GSC133 Rates Debtors Report for the Period ending 31 October 2010
 - 10.2.7 GSC136 Renaming of Kalamunda Community and Cultural Centre
 - 10.2.8 GSC138 Application To Keep More Than Two Dogs – 4 Agati Place Forrestfield
 - 10.2.9 GSC139 Application To Keep More Than Two Dogs – 25 Joyce Street, Lesmurdie
 - 10.2.10 GSC140 Application To Keep More Than Two Dogs – 70 Ryan Way, Lesmurdie
 - 10.2.11 GSC141 Application To Keep More Than Two Dogs – 73 Bracken Road, Pickering Brook
 - 10.2.12 GSC142 Application To Keep More Than Two Dogs – 333B Lesmurdie Road, Lesmurdie
 - 10.2.13 GSC144 Adoption of Asbestos Management Plan Policy - HR16
 - 10.2.14 GSC134 Budget Amendment – Fleming Reserve Redevelopment
 - 10.2.15 GSC135 Termination of Lease Obligations – Wet 'N' Wild
 - 10.2.16 GSC137 Community Sport and Recreation Facilities Fund - Small Grants (Summer) 2010/11
 - 10.2.17 GSC145 Awarding of Various Contracts for General Maintenance of Shire Buildings and Facilities.
 - 10.2.18 GSC146 Purchase of Land – 516 and 518 Kalamunda Road, High Wycombe
 - 10.3 Audit Committee Report
 - 10.3.1 Adoption of Body of Audit Committee Report
 - 10.3.2 AC5.1 Annual Financial Report
 - 10.3.3 AC5.3 Kalamunda Home and Community Care (KHACC) – Financial Status and Recovery Strategy
 - 10.3.4 AC5.4 Investment Report
 - 10.3.5 AC5.2 2010 Annual Report
 - 10.3.6 AC5.5 Sundry Debtor write-off

11.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

12.0 QUESTIONS BY MEMBERS WITHOUT NOTICE

13.0 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

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- 14.0 URGENT BUSINESS APPROVED BY THE PERSON PRESIDING OR BY DECISION**
 - 15.0 MEETING CLOSED TO THE PUBLIC**
 - 16.0 CLOSURE**

Minutes of Ordinary Meeting of Council Held in the Council Chambers 2 Railway Road, Kalamunda Monday 20 December 2010

1.0 OFFICIAL OPENING

- 1.1 The Shire President opened the meeting at 5.31 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
Martyn Cresswell		NORTH WEST WARD
Dylan O'Connor		NORTH WEST WARD

Members of Staff

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

Members of Public 57

Members of Press 2

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 Nigel Dickinson, 12 Longfellow Road, Gooseberry Hill

Q. If the Shire spent most of half a million dollars on chlorination and filtration systems at the Kalamunda Swimming Pool in 2009, why does it have to be done again a year later?

A. The works carried out this year, in relation to the filtration system, were on the 50 metre pool. The filtration system has been replaced. It is the filtration system for the slides, which are separate to the main pool, which has now been found not to be up to standard and this is the system which now needs to be replaced.

3.2 Jess Glover, 12 Longfellow Road, Gooseberry Hill

Q1. Do you now know the full extent of the work that needs doing to make the pool safe and if you do can you reassure me of the time line for when this is going to be completed?

A1. The CEO advised that the Shire did not know what the full extent of the works required is as yet. This information will be put together and a report presented to Council in February.

Q2. Did you just say you don't know the full extent of the work that needs to be done?

A2. The CEO confirmed that the full extent of the work that needed to be done is not known. The Shire President advised the Council is very much aware that the pool has to open by the summer of 2011.

3.3 Alan Warner, Palmeto Road, Carmel
(Question in relation to PSC81)

Q. As the shed in question is overheight and because of the increased level of the land, to accommodate its excessive ground area, would it be possible to reduce the wall height to 2.4 metres and brick in the windows overlooking the property at the rear of shed?

A. The Chairman advised this matter would be dealt with later in the meeting and perhaps Councillors could take the suggestions into consideration when dealing with the matter.

3.4 Valerie Markovic, 143 Bahen Road, Hackett Gulley

Q1. Where does Bahen Road stop?

A1. Taken on Notice.

Q2. What do the residents do when there is an emergency as there is no access out of Bahen Road when Mundaring Road is blocked off?

A2. Taken on Notice.

3.5 Jane Kandhi 29 Tuart Road Lesmurdie

Q. Can all Councillors confirm they received an email sent earlier today?

A. The Chairman advised he believed all Councillors, excepted one who lost electricity during the day, received the email.

4.0 PETITIONS/DEPUTATIONS

Two Deputations were accepted.

4.1 Redevelopment of 159 Canning Rd Kalamunda

Mr Philip Snook and Mr John Giardina spoke against the proposed redevelopment of the property at 159 Canning Road, Kalamunda.

4.2 Redevelopment of 159 Canning Rd Kalamunda

Mr Philip Thompson and Sita Rama spoke in support of the proposed redevelopment of the property at 159 Canning Road, Kalamunda.

4.3 Lot 622 (42) Ledger Road, Gooseberry

A Petition containing 404 signatures was received.

“We, the undersigned, all being electors of the Shire of Kalamunda do respectfully request that the Council postpone a decision to March 2011 and to undertake public consultation about a proposal to install a mobile phone tower on Lot 622 (42) Ledger Road, Gooseberry Hill, due to the fact that the local government development approvals process takes precedence over the Deployment of Mobile Phone Network Infrastructure Code and the Council of the Shire of Kalamunda is the legal entity responsible for balancing the interest of the local community, especially pertaining to community sensitive locations.”

5.0 APPLICATIONS FOR LEAVE OF ABSENCE

5.1 Nil.

6.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETING6.1 Confirmation of Ordinary Council Meeting Minutes 15 November 2010RESOLVED OCM 169/2010

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

Moved: Cr Margaret Thomas

Seconded: Cr Noreen Townsend

CARRIED UNANIMOUSLY (11/0)**7.0 ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION**

7.1 Nil.

8.0 MATTERS FOR WHICH MEETING MAY BE CLOSED8.1 GSC145 Awarding of Various Contracts for General Maintenance of Shire Buildings and Facilities **CONFIDENTIAL ATTACHMENT** – Provided under separate cover

Reason for Confidentiality - Local Government Act 1995: Section 5.23(2) (e), "A matter that if disclosed, would reveal — (ii) information that has a commercial value to a person; or (iii) information about the business, professional, commercial or financial affairs of a person."

8.2 GSC146 Purchase of Land – 516 and 518 Kalamunda Road High Wycombe **CONFIDENTIAL ITEM** – Provided under separate cover

Reason for Confidentiality - Local Government Act 1995: Section 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"

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. (*Local Government Act 1995* Sections 5.60B and 5.65).

(b) Employees must disclose the nature of their interest in reports or advice when giving the report or advice to the meeting. (*Local Government Act 1995* Sections 5.70 and 5.71)

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**Withdrawn Items from Planning Services Committee Report**

PSC75 deferred at Committee.

PSC79 withdrawn to allow a Councillor to register a vote against the recommendation.

PSC80 withdrawn to allow a Councillor to register a vote against the recommendation.

PSC81 deferred at Committee

10.1.1 Adoption of Body of Planning Services Committee Report

RESOLVED OCM 170/2010

1. That the recommendations contained in the Planning Services Committee Report of the 6 December 2010, except withdrawn items PSC75, PSC79, PSC80 and PSC81, be adopted.

Moved: Cr Margaret Thomas

Seconded: Cr Martyn Cresswell

CARRIED UNANIMOUSLY (11/0)

10.1.2 PSC 76 Townscape Improvement Plans – Kalamunda Town Centre and Lesmurdie Shopping Centre

EN BLOC RESOLUTION OCM 170/2010

1. That Council endorses the Townscape Improvement Plan for the Kalamunda Town Centre (***Attachments 1-9***) and for the Lesmurdie Shopping Centre (***Attachments 10-13***).
2. That a schedule of works be prepared detailing the extent of the works, projected costs and timeframe for the implementation of the works programme.
3. That a funding model be prepared detailing the funding arrangements of the proposed works with a view to recoup costs incurred.

Moved: Cr Margaret Thomas

Seconded: Cr Martyn Cresswell

CARRIED UNANIMOUSLY (11/0)

10.1.3 PSC 77 Local Planning Scheme No. 3 Amendment No. 26 – Rezoning from Urban Development to Private Clubs and Institution Lot 1 (33) Berkshire Road, Forrestfield

EN BLOC RESOLUTION OCM 170/2010

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

PLANNING AND DEVELOPMENT ACT 2005

RESOLUTION DECIDING TO AMEND A LOCAL PLANNING SCHEME

SHIRE OF KALAMUNDA

LOCAL PLANNING SCHEME NO. 3

AMENDMENT NO. 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.

Moved: Cr Margaret Thomas

Seconded: Cr Martyn Cresswell

CARRIED UNANIMOUSLY (11/0)

10.1.4 PSC 78 Local Planning Scheme No. 3 Amendment No. 31 - Text Amendment Relating to the Use of Street Setback Areas in Commercial and Industrial Zones

EN BLOC RESOLUTION OCM 170/2010

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. 31

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

- (a) Include the following purpose as highlighted, in clause 5.15.3 and 5.16.1:

- "(i) a means of vehicular or pedestrian access;*
- (ii) the daily parking of vehicles used by employees and customers;*
- (iii) the loading and unloading of vehicles;*
- (iv) landscaping; and*
- (v) trade display."*

- (b) Delete the following provision from clause 5.16.1 of Local Planning Scheme No. 3:

"No such area shall be used for the parking of vehicles displayed for sale or which are being wrecked or repaired, or for the stacking or storage of fuel, raw materials, products, or by-products, or wastes of manufacture."

- (c) Include the following provision in clause 5.16.1:

"No such area shall be used for the storage of motor vehicles, machinery, equipment or materials which are being wrecked or repaired, or for the stacking or storage of fuel, raw materials, products or by-products or wastes of manufacture, other than as provided for under sub-paragraph (v) above."

Moved: Cr Margaret Thomas

Seconded: Cr Martyn Cresswell

CARRIED UNANIMOUSLY (11/0)

10.1.5 PSC82 Parking of One Commercial Vehicle - Lot 26 (22) Wyuna Crescent, Lesmurdie

EN BLOC RESOLUTION OCM 170/2010

1. That Council approves the application dated 11 October 2010 to park one commercial vehicle, an unlicensed Mercedes Bus, on Lot 26 (22) Wyuna Crescent, Lesmurdie (as shown on **Attachment 2**), subject to the following conditions:
 1. When parked on the property the vehicle must, at all times, be parked in the approved location as shown on the approved site plan.
 2. The commercial vehicle is only to be operated and restored between the hours of 7am and 7pm Monday to Saturday and 9am to 5pm on Sundays and public holidays.
 3. Approval of the parking activity does not include approval for the vehicle to be used for carrying persons for hire or reward.
 4. 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.

5. Washing of the commercial vehicle 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.
6. 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 Margaret Thomas

Seconded: Cr Martyn Cresswell

CARRIED UNANIMOUSLY (11/0)

10.1.6 PSC83 Quarterly Report from the Community Sustainability Advisory Committee (CSAC)

EN BLOC RESOLUTION OCM 170/2010

1. That Council notes the quarterly report of the activities of the Community Sustainability Advisory Committee.

Moved: Cr Margaret Thomas

Seconded: Cr Martyn Cresswell

CARRIED UNANIMOUSLY (11/0)

10.1.7 PSC84 Modification to Structure Plan- High Wycombe Urban Area Larwood Crescent Lot 9 Larwood Crescent- Stage 2

EN BLOC RESOLUTION OCM 170/2010

1. That Council supports the proposed modification to ***(Attachment 2)***, the adopted Structure Plan for Stage 2 Larwood Crescent, High Wycombe to allow for a change in density for a portion of Lot 9 from R20 and R30 to R40.

2. That the proposed modification be forwarded to the WA Planning Commission for their information.

Moved: Cr Margaret Thomas

Seconded: Cr Martyn Cresswell

CARRIED UNANIMOUSLY (11/0)

10.1.8 PSC75 Lot 117 (159) Canning Road, Kalamunda – Redevelopment of Hare Krishna Temple

COMMITTEE RECOMMENDATION TO COUNCIL

PS 75/2010

1. To refer Item 75 to the Ordinary Council Meeting on Monday 20 December 2010.

No recommendation was made by Committee to Council. Further information has now been provided to Councillors and a motion is presented for Council's consideration.

The Chairman advised the meeting, moved and received a seconder for the Officer Recommendation to the Planning Committee Meeting of 6 December 2010. Council debated the recommendation before it was put to the vote.

OFFICER RECOMMENDATION PLANNING COMMITTEE 6 DECEMBER 2010

That Council:

1. Notes the revised plans received a result of the State Administrative Tribunal mediation process.
2. Grant approval for the redevelopment of the existing place of worship on Lot 117 (159) Canning Road, Kalamunda with revised plans received on 27 November 2010, attachment 2 subject to the following conditions:
 - a) The applicant is to prepare and submit a Traffic Impact Statement prepared by a suitably qualified person in relation to the adequacy of the number of parking bays based on the potential activities on site and access to Canning Road. The Traffic Impact Statement shall include conclusions and recommendations which are to be implemented by the applicant to the satisfaction of the Director of Engineering Services. The Traffic Impact Statement is to be submitted prior to the issue of a building licence.
 - b) The applicant is to prepare and submit a traffic management plan for each of the major events. The report shall include, but not be limited to, a description of the event including the date, commencement time and duration, the content, extent and method of public notification to be undertaken prior to the event, the identification of alternated off-site parking areas, transportation to and from the site and the proposed localised on site traffic management. The management plans are to be submitted to the Shire 28 days prior to the event for endorsement by the Director Planning and Development Services. The endorsed plan shall be implemented to the satisfaction of the Director Planning and Development Services.

- c) Provision of 74 marked parking bays on site.
- d) The applicant is to install and maintain mature screen planting on the southern, eastern and western boundaries and within the rear parking area to the satisfaction of the Director Planning and Development Services.
- e) Provision of a colours and textures schedule to the satisfaction of the Director Planning and Development Services.

Moved: Cr Donald McKechnie

Seconded: Maureen Robinson

For

Cr Carol Everett
 Cr Maureen Robinson
 Cr Noreen Townsend
 Cr Donald McKechnie

Against

Cr Frank Lindsey
 Cr Geoff Stallard
 Cr Allan Morton
 Cr Martyn Cresswell
 Cr Dylan O'Connor
 Cr Sue Bilich
 Cr Margaret Thomas

LOST (4/7)

A Councillor proposed an alternative motion which received a seconder and was debated by Council before being put to the vote.

RESOLVED OCM 171/2010

That Council:

1. Notes the revised plans received a result of the State Administrative Tribunal mediation process.
2. Grant approval for the redevelopment of the existing place of worship on Lot 117 (159) Canning Road, Kalamunda (**Lot 117**) with revised plans received on 27 November 2010, attachment 2 subject to the following conditions:
 - a) Prior to the issue of a building licence the applicant is to prepare and submit a Traffic Impact Statement prepared by a suitably qualified person in relation to the adequacy of the number of parking bays based on the potential activities on site and access to Canning Road. The Traffic Impact Statement shall include conclusions and recommendations intended to address any issues identified. Any recommendations in the Traffic Impact Statement are to be implemented by the applicant to the satisfaction of the Director of Engineering Services before the use of the re-developed place of worship may commence.
 - (b) The applicant is to prepare and submit a traffic management plan for each major event to be held on Lot 117. The report shall include, but not be limited to, a description of the event including the date, commencement time and duration, the content, extent and method of public notification to be undertaken prior to the event, the identification of alternated off-site parking areas, transportation to and from the site and the proposed localised on site traffic management. The management plans are to be submitted to the Shire 28 days prior

to the event for endorsement by the Director Planning and Development Services. The endorsed plan shall be implemented to the satisfaction of the Director Planning and Development Services.

- c) Before the use of the re-development commences, 74 car parking bays, which meet the relevant Australian standard for access and manoeuvring, are to be constructed on Lot 117 and clearly marked.
- d) (i) Prior to the commencement of the development, Lot 117 is to be amalgamated with Lot 116 (No 155) Canning Road, Kalamunda (**Lot 116**) to create a single lot, and 36 car parking bays are to be constructed on the land presently comprising Lot 116 in addition to the 74 bays required by the preceding condition.

The 36 bays shall be constructed and marked out in accordance with a design approved by the Shire and the relevant Australian Standard.

- (ii) As an alternative to the requirements of the preceding paragraph the owner of Lot 117 and Lot 116 may enter into a legal agreement with the Shire, prepared by the Shire's solicitors at the owner's cost, which shall include provisions which:
- allow a period of 12 months for the amalgamation of Lot 117 and Lot 116 to be effected;
 - allow the deferral of the requirement to construct 36 bays until a reasonable time specified by the Shire after the completion of the amalgamation;
 - authorise the Shire to do all things necessary to complete the amalgamation process, or to construct the car bays, at the cost of the owner in the event of the owner's default;
 - require the owner to provide to the Shire before a building licence is issued an unconditional and irrevocable bank guarantee from an institution satisfactory to the Shire in the sum of \$581,040, being equivalent to the payment of cash-in-lieu of providing 36 car parking bays;
 - allow the Shire to draw on the bank guarantee in the event the amalgamation is not effected in accordance with the deed, and to place that money in the car parking trust fund kept pursuant to clause 5.8.4(c) of the Shire of Kalamunda Local Planning Scheme No. 3;
 - charge Lot 116 and Lot 117 in favour of the Shire and authorise the Shire to lodge an absolute caveat over those lots in order to protect the Shire's interests under the deed.

The deed must be executed prior to the grant of a building licence.

- e) The applicant is to install and maintain mature screen planting on the southern, eastern and western boundaries and within the rear parking area to the satisfaction of the Director Planning and Development Services.
- f) Provision of a colours and textures schedule for approval by the Director Planning and Development Services. The development shall subsequently be carried out in accordance with the approved schedule.
- g) The maximum total occupancy for the premises is 450 people at any one time.
- h) The kitchen facilities approved as part of this facility may only be used for on site activities and shall not be used for the preparation of food to be consumed off site.
- i) Submission of a plan detailing the location of all external lighting, for approval by the Director of Planning Services. The lighting plan and subsequent lighting installed must demonstrate that any light spill to adjoining properties is minimised to acceptable levels. All external lighting must be installed in accordance with the approved plan.
- j) Construction Work outside the period 7.00am to 7.00pm Monday to Saturday and at any time on Sundays and Public Holidays is not permitted.
- k) Operating hours are from 8:00am to 11:00am and 5:00pm to 8:00pm weekdays and from 7:00am to 9:30pm on Sundays. If the premise is to extend operating hours, further approval by the Council is required.
- l) The proposed front fence is to be treated with anti-graffiti coating upon completion.

Moved: Cr Frank Lindsey

Seconded: Cr Geoff Stallard

For

Cr Frank Lindsey
Cr Geoff Stallard
Cr Allan Morton
Cr Martyn Cresswell
Cr Dylan O'Connor
Cr Sue Bilich
Cr Margaret Thomas

Against

Cr Carol Everett
Cr Maureen Robinson
Cr Noreen Townsend
Cr Donald McKechnie

CARRIED (7/4)

MOTION**RESOLVED OCM 172/2010**

1. That the meeting be adjourned for five minutes to allow members of the public to leave the gallery if they wish.

Moved: Cr Allan Morton

Seconded: Cr Maureen Robinson

CARRIED UNANIMOUSLY (11/0)

The meeting adjourned at 6.40pm.

MOTION**RESOLVED OCM 173/2010**

1. That the meeting be reconvened after an adjournment of five minutes to allow members of the public to leave the gallery.

Moved: Cr Margaret Thomas

Seconded: Cr Allan Morton

CARRIED UNANIMOUSLY (11/0)

The meeting reconvened at 6.45pm.

10.1.9 PSC79 Parking of Two Commercial Vehicles - Lot 1 (200) Crystal Brook Road, Wattle Grove**RESOLVED OCM 174/2010**

1. That Council approves the application dated 21 September 2010 to park two Western Star prime movers (registration numbers KM 3115 and 1AHC 555) on Lot 1 (200) Crystal Brook Road, Wattle Grove (as shown on ***Attachment 2***), subject to the following conditions:
 - 1) When parked on the property the vehicles must, at all times, be parked in the approved location as shown on the approved site plan.
 - 2) The commercial vehicles are only to be operated between the hours of 6.00am and 7.00pm Monday to Saturday.
 - 3) Approval of the parking activity does not include approval for the loading or unloading of the commercial vehicles, or the storage of goods in transit.
 - 4) 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.

- 5) Washing of the commercial vehicles 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.
- 6) The approval is personal to the applicant and shall not be transferred or assigned to any other person, property or commercial vehicle.

Moved: Cr Noreen Townsend

Seconded: Cr Allan Morton

For

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

Against

Cr Carol Everett
 Cr Maureen Robinson

CARRIED (9/2)

10.1.10 PSC80 Parking of Two Commercial Vehicles - Lot 80 (21) Kelvin Road, Wattle Grove

RESOLVED OCM 175/2010

1. That Council approves the application dated 13 September 2010 to park two commercial vehicles, a Ford prime mover (registration number 1BCF 239) and one H Port semi-trailer (registration number 1TJI 686) on Lot 80 (21) Kelvin Road, Wattle Grove (as shown on ***Attachment 2***), subject to the following conditions:
 1. The vehicles must, at all times, be parked in the approved location as shown on the approved site plan.
 2. The commercial vehicles are only to be operated between the hours of 6.00am and 5.30pm Monday to Friday and 7.00am to 1.00pm Sundays.
 3. Approval of the parking activity does not include approval for the loading or unloading of the commercial vehicles, or the storage of goods in transit.
 4. 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.

5. Washing of the commercial vehicles 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.
6. The approval is personal to the applicant and shall not be transferred or assigned to any other person, property or commercial vehicle.

Moved: Cr Noreen Townsend

Seconded: Cr Allan Morton

For

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

Against

Cr Carol Everett
 Cr Maureen Robinson

CARRIED (9/2)

10.1.11 PSC80 Parking of Two Commercial Vehicles - Lot 80 (21) Kelvin Road, Wattle Grove

The Chairman accepted a request from the applicant to address Council to express concerns regarding the additional conditions of approval.

COMMITTEE RECOMMENDATION TO COUNCIL

PS 81/2010

1. To defer Item 81 to the Ordinary Council Meeting on Monday 20 December 2010.

No recommendation was made by Committee to Council. Further information on the conditions of the approval have been provided. A motion is presented for Council's consideration containing additional conditions of approval.

RESOLVED OCM 176/2010

1. That Council approves the retrospective planning application dated 13 October 2010 to retain a 144sqm outbuilding (garage) on Lot 60 (15) Ash Road, Carmel, subject to the following conditions:
 1. The approved outbuilding is not to be used for commercial or industrial purposes.
 2. A landscaping plan is to be submitted and approved by the Shire prior to the building licence being issued.

3. Landscaping which screens the approved outbuilding is to be planted within 28 days of the building licence being issued, and maintained thereafter by the landowner to the satisfaction of the Shire's Director Planning and Development Services.
4. A certified Structural Engineer's Certificate is to be provided with the building licence application confirming whether the retention method used for the outbuilding is acceptable.
5. All sandfill to be retained so as not to permit sand drift over boundaries. Any retaining must be designed and certified by a structural engineer taking into account any existing and proposed loadings. Details are to be provided within 30 days of this approval.
6. All existing retaining walls are to be inspected and certified by a suitably qualified structural engineer. Any required remedial works are to be documented and copies of the certification and or required remedial works are to be forwarded to the Shire for inclusion in the Application for Building Approval Certificate.

Moved: Cr Margaret Thomas

Seconded: Cr Frank Lindsey

For

Cr Frank Lindsey
Cr Allan Morton
Cr Maureen Robinson
Cr Martyn Cresswell
Cr Dylan O'Connor
Cr Sue Bilich
Cr Margaret Thomas
Cr Donald McKechnie

Against

Cr Carol Everett
Cr Geoff Stallard
Cr Noreen Townsend

CARRIED (8/3)

10.2 General Services Committee Report

Withdrawn Items from General Services Committee Report

GSC134 withdrawn as it requires an absolute majority.

GSC135 withdrawn as it requires an absolute majority.

GSC137 withdrawn as it requires an absolute majority.

GSC145 deferred from General Services Committee 13 December 2010

GSC146 confidential item.

10.2.1 Adoption of Body of General Services Committee ReportRESOLVED OCM 177/2010

1. That the recommendations contained in the General Services Committee Report of the 13 December 2010, except withdrawn items GSC134, GSC135, GSC137, GSC145 and GSC146, be adopted.

Moved: Cr Martyn Cresswell

Seconded: Cr Noreen Townsend

CARRIED UNANIMOUSLY (11/0)**10.2.2 GSC143 Response to Petition – Impassable Nature of Bahen Road, Hackett's Gully**EN BLOC RESOLUTION OCM 177/2010

That Council advise the signatories of the petition that:

1. The Department of Environment and Conservation will not be opening their unmade track at the end of the road reserve as it does not form part of their strategic access road criteria.
2. Based on the information provided by Department of Environment and Conservation, there is no benefit in opening the Shire's unsealed section of Bahen Road Hackett's Gully.
3. The Department of Environment and Conservation have conducted prescribed burning in a mosaic of patches across the Shire including the Hackett's Gully location between 2007 and 2010 to reduce the build up of fuel levels.
4. Shire staff meet with Department of Environment and Conservation staff to discuss the possibility of improved access for Emergency Services vehicles.

Moved: Cr Martyn Cresswell

Seconded: Cr Noreen Townsend

CARRIED UNANIMOUSLY (11/0)**10.2.3 GSC130 Creditors Accounts Paid During the Period 27 October to 25 November 2010**EN BLOC RESOLUTION OCM 177/2010

1. That the list of creditors paid during the period 27 October to 25 November 2010 (***GS 130/2010, Attachment 1.***) be received by Council in accordance with the requirements of the *Local Government (Financial Management) Regulations 1996 (Regulation 12)*.

Moved: Cr Martyn Cresswell

Seconded: Cr Noreen Townsend

CARRIED UNANIMOUSLY (11/0)

10.2.4 GSC131 Monthly Financial Statements for the Period ending 31 October 2010EN BLOC RESOLUTION OCM 177/2010

1. That the monthly Statement of Financial Activity for the period ending 31 October 2010 (***GS 131/2010, Attachment 1***) be received.

Moved: Cr Martyn Cresswell

Seconded: Cr Noreen Townsend

CARRIED UNANIMOUSLY (11/0)**10.2.5 GSC132 Debtors and Creditors Reports for the Period ending 31 October 2010**EN BLOC RESOLUTION OCM 177/2010

1. That the outstanding debtors (***GS 132/2010, Attachment 1***) and creditors (***GS 132/2010, Attachment 2***) report as at 31 October 2010 be received.

Moved: Cr Martyn Cresswell

Seconded: Cr Noreen Townsend

CARRIED UNANIMOUSLY (11/0)**10.2.6 GSC133 Rates Debtors Report for the Period ending 31 October 2010**EN BLOC RESOLUTION OCM 177/2010

1. That the rates debtors report as at 31 October 2010 (***GS 133/2010, Attachment 1***) be received.

Moved: Cr Martyn Cresswell

Seconded: Cr Noreen Townsend

CARRIED UNANIMOUSLY (11/0)**10.2.7 GSC136 Renaming of Kalamunda Community and Cultural Centre**EN BLOC RESOLUTION OCM 177/2010

1. That Council endorse "Zig Zag Cultural Centre" as the new name for the Kalamunda Community and Cultural Centre.

Moved: Cr Martyn Cresswell

Seconded: Cr Noreen Townsend

CARRIED UNANIMOUSLY (11/0)

10.2.8 GSC138 Application To Keep More Than Two Dogs – 4 Agati Place ForrestfieldEN BLOC RESOLUTION OCM 177/2010

1. That Council, pursuant to Clause 3.2 of the Shire of Kalamunda Dogs Local Law 2010 made under Section 26(3) of the Dog Act 1976, grants an exemption to the applicant of 4 Agati Place, Forrestfield to keep a third dog on this property.

Moved: Cr Martyn Cresswell

Seconded: Cr Noreen Townsend

CARRIED UNANIMOUSLY (11/0)**10.2.9 GSC139 Application To Keep More Than Two Dogs – 25 Joyce Street, Lesmurdie**EN BLOC RESOLUTION OCM 177/2010

1. That Council, pursuant to Clause 3.2 of the Shire of Kalamunda Dogs Local Law 2010 made under Section 26(3) of the *Dog Act 1976*, refuses an exemption to the applicant of 25 Joyce Street, Lesmurdie to keep four dogs on this property.

Moved: Cr Martyn Cresswell

Seconded: Cr Noreen Townsend

CARRIED UNANIMOUSLY (11/0)**10.2.10 GSC140 Application To Keep More Than Two Dogs – 70 Ryan Way, Lesmurdie**EN BLOC RESOLUTION OCM 177/2010

1. That Council, pursuant to Clause 3.2 of the Shire of Kalamunda Dogs Local Law 2010 made under Section 26(3) of the *Dog Act 1976*, grants an exemption to the applicant of 70 Ryan Road, Lesmurdie to keep a third dog on this property.

Moved: Cr Martyn Cresswell

Seconded: Cr Noreen Townsend

CARRIED UNANIMOUSLY (11/0)

10.2.11 GSC141 Application To Keep More Than Two Dogs – 73 Bracken Road, Pickering BrookEN BLOC RESOLUTION OCM 177/2010

1. That Council, pursuant to Clause 3.2 of the Shire of Kalamunda Dogs Local Law 2010 made under Section 26(3) of the Dog Act 1976, grants an exemption to the applicant of 73 Bracken Road, Pickering Brook to keep four dogs on this property.

Moved: Cr Martyn Cresswell

Seconded: Cr Noreen Townsend

CARRIED UNANIMOUSLY (11/0)**10.2.12 GSC142 Application To Keep More Than Two Dogs – 333B Lesmurdie Road, Lesmurdie**EN BLOC RESOLUTION OCM 177/2010

1. That Council, pursuant to Clause 3.2 of the Shire of Kalamunda Dogs Local Law 2010 made under Section 26(3) of the Dog Act 1976, grant an exemption to the applicant of 333B Lesmurdie Road, Lesmurdie to keep a third dog on this property.

Moved: Cr Martyn Cresswell

Seconded: Cr Noreen Townsend

CARRIED UNANIMOUSLY (11/0)**10.2.13 GSC144 Adoption of Asbestos Management Plan Policy - HR16**EN BLOC RESOLUTION OCM 177/2010

1. That the adoption of the Asbestos Management Plan Policy HR16, as shown in (**Attachment 1**), be deferred until February 2011 and subject to further clarification of the financial implications being provided.

Moved: Cr Martyn Cresswell

Seconded: Cr Noreen Townsend

CARRIED UNANIMOUSLY (11/0)**10.2.14 GSC134 Budget Amendment – Fleming Reserve Redevelopment**RESOLVED OCM 178/2010

1. That pursuant to section 6.8(1)(b) of the *Local Government Act 1995* Council amend the 2010/2011 Budget to:
 - (a) Increase revenue in account 301606.465 from (\$24,000) to (\$277,930).
 - (b) Increase expenditure in new job 4370 under 450905 from \$0 to \$253,930.

Moved: Cr Martyn Cresswell

Seconded: Cr Margaret Thomas

CARRIED UNANIMOUSLY/ABSOLUTE MAJORITY (11/0)

10.2.15 GSC135 Termination of Lease Obligations – Wet 'N' Wild

RESOLVED OCM 179/2010

1. That pursuant to section 6.12(1)(b) of the *Local Government Act 1995* Council approve the waiver of invoices totalling \$24,365.72 subject to the following conditions being met by the ex Lessee of the property, now referred to as Kalamunda Water Park (previously known as Kalamunda Wet 'N' Wild).

Shire of Kalamunda requirements:

- That the Shire of Kalamunda pay the ex Lessee \$20,000 for the works on the "Four Man Slide" provided the following conditions are met by Kalamunda Wet 'N' Wild.

Kalamunda Wet 'N' Wild requirements:

- That the Shade Sails be returned immediately to the Shire of Kalamunda in good condition and to the satisfaction of the Shire of Kalamunda.
- That a list of customer contacts is provided to the Shire of Kalamunda immediately.
- That the ex Lessee waive their right to any further claims against the Shire of Kalamunda in regards to Kalamunda Wet 'N' Wild.

2. That the over budget expenditure be authorised from account 360710.528.

Moved: Cr Margaret Thomas

Seconded: Cr Allan Morton

CARRIED UNANIMOUSLY/ABSOLUTE MAJORITY (11/0)

10.2.16 GSC137 Community Sport and Recreation Facilities Fund - Small Grants (Summer) 2010/11

RESOLVED OCM 180/2010

That Council:

1. Considers allocating \$40,917 towards the resurfacing of the Ray Owen Netball Courts at the mid-year budget review.
2. Considers allocating \$49,680 towards the upgrade of the Lesmurdie Tennis Club clubrooms at the mid-year budget review.
3. Authorises for the tenders to be sought for both the resurfacing of the Ray Owen netball courts and Lesmurdie Tennis Club Clubrooms upgrade.

4. Endorses the raising of a new self supporting loan for the Lesmurdie Tennis Club of \$19,680 in accordance with Section 6.20(2) of the *Local Government Act 1995*.

Moved: Cr Martyn Cresswell

Seconded: Cr Frank Lindsey

CARRIED UNANIMOUSLY (11/0)

10.2.17 GSC145 Awarding of Various Contracts for General Maintenance of Shire Buildings and Facilities.

COMMITTEE RECOMMENDATION TO COUNCIL

GS 145/2010

1. That Awarding of Various Contracts for General Maintenance of Shire Buildings and Facilities be deferred until the Ordinary Council Meeting 20 December 2010.

The Item was deferred from Committee to allow further clarification on matters around the awarding of the tenders. A motion is presented to Council for consideration.

RESOLVED OCM 181/2010

1. That Council awards the Tenders for the general building maintenance to buildings and facilities within the Shire of Kalamunda to the following "Panel of Contractors" at the scheduled rates detailed in ***Confidential Attachment 1***, exclusive of GST, for a period of three years with the option for the Council to extend the Contract for a further one year on the same terms and conditions.

T1016 – General Maintenance

1. Hilltop Group
2. Benchmark Maintenance
3. Plan Construction
4. CPD Group

T1012 – Electrical Maintenance

1. Mad Cow
2. A & S Hill
3. Ozwire
4. Flex Force

T1015 – Painting Services

1. Supalux
2. Classic Contracting
3. CPD Group

T1013 – Glazing Services

1. Hills Glass
2. Kalamunda Glass
3. See View Glass

T1017 – Plumbing Maintenance

1. Kalamunda Plumbing
2. Lindley Contracting
3. Anchor Plumbing

Moved: Cr Carol Everett

Seconded: Cr Noreen Townsend

CARRIED UNANIMOUSLY (11/0)**10.2.18 GSC146 Purchase of Land – 516 and 518 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"

RESOLVED OCM 182/2010

1. That the actions detailed in **Confidential Attachment 3** be adopted.

Moved: Cr Dylan O'Connor

Seconded: Cr Frank Lindsey

For

Cr Carol Everett
Cr Frank Lindsey
Cr Geoff Stallard
Cr Allan Morton
Cr Martyn Cresswell
Cr Dylan O'Connor
Cr Sue Bilich
Cr Margaret Thomas

Against

Cr Noreen Townsend
Cr Maureen Robinson
Cr Donald McKechnie

CARRIED (8/3)

10.3 Audit Committee Report

Withdrawn Items from Audit Committee Report

AC5.2 withdrawn as it requires an absolute majority.

AC5.5 withdrawn by Cr Sue Bilich to clarify information in the recommendation.

10.3.1 Adoption of Body of Audit Committee Report

RESOLVED OCM 183/2010

1. That the recommendations contained in the Audit Committee Report of the 6 December 2010, except withdrawn items AC5.2 and AC5.5, be adopted.

Moved: Cr Noreen Townsend

Seconded: Cr Maureen Robinson

CARRIED UNANIMOUSLY (11/0)

10.3.2 AC5.1 Annual Financial Report

EN BLOC RESOLUTION OCM 183/2010

1. That Council receive the Annual Financial Statements of the Shire of Kalamunda for the financial year ended 30 June 2010 as presented in ***(Attachment 1)***.

Moved: Cr Noreen Townsend

Seconded: Cr Maureen Robinson

CARRIED UNANIMOUSLY (11/0)

10.3.3 AC5.3 Kalamunda Home and Community Care (KHACC) – Financial Status and Recovery Strategy

EN BLOC RESOLUTION OCM 183/2010

1. That Council receives the Kalamunda Home and Community Care Financial Status report and notes the progress with the Financial Recovery Strategies.

Moved: Cr Noreen Townsend

Seconded: Cr Maureen Robinson

CARRIED UNANIMOUSLY (11/0)

10.3.4 AC5.4 Investment ReportEN BLOC RESOLUTION OCM 183/2010

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

Moved: Cr Noreen Townsend

Seconded: Cr Maureen Robinson

CARRIED UNANIMOUSLY (11/0)**10.3.5 AC5.2 2010 Annual Report**COMMITTEE RECOMMENDATION TO COUNCIL

AC 14/2010

1. That Council pursuant to Section 5.54 of the *Local Government Act 1995* accepts the 2010 Annual Report as per **(Attachment 1)**.
2. That Council endorses the production of a revised version of the 2010 Annual Report containing an abridged set of financial statements for general community distribution.

An alternative motion was presented to the Council to include the setting of the Annual Electors Meeting.

RESOLVED OCM 184/2010

1. That Council pursuant to Section 5.54 of the *Local Government Act 1995* accepts the 2010 Annual Report.
2. That Council endorses the production of a modified version of the 2010 Annual Report containing an abridged set of financial statements for general community distribution.
3. That pursuant to Section 5.27 (2) of the *Local Government Act 1995* Council sets Monday 7 February 2011 as the date for the 2009/10 Annual General Meeting of Electors.

Moved: Cr Maureen Robinson

Seconded: Cr Margaret Thomas

CARRIED UNANIMOUSLY/ABSOLUTE MAJORITY (11/0)

10.3.6 AC5.5 Sundry Debtor write-offRESOLVED OCM 185/2010

1. That the Audit Committee receives details on formal recovery proceedings in progress.

Formal Recovery Proceedings currently in place

Debtor	Amount	Nature of Debt	Details of Recovery	Legal Fees to date
Kalamunda Youth Theatre Company	\$1,561.25	Hall Hire	Shire staff have followed existing procedure and have referred the debt to Austral Mercantile for collection. The debtor is currently avoiding being served a summons.	\$240.65
Townend	\$45,996.36	Public Open Space Contributions	As reported previously, the subdivision applicant has disputed the valuation undertaken by the Valuer General upon which their required contributions towards Cash in Lieu of Public Open Space is based upon. The Shire's legal representative, McLeods Lawyers, have been pursuing this matter. Settlement offers have been rejected by both parties (Shire \$30,000, Townend \$20,000). The matter is now proceeding to arbitration.	\$1564.20

Moved: Cr Margaret Thomas

Seconded: Cr Allan Morton

CARRIED UNANIMOUSLY (11/0)

11.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**11.1 Lot 117 (159) Canning Road, Kalamunda – Redevelopment of Hare Krishna Temple (Cr Linsdey)**

This motion was dealt with in the Panning Services Committee Report (10.1) to Council.

12.0 QUESTIONS BY MEMBERS WITHOUT NOTICE**12.1 Petition Proposed Optus Tower (Cr Sue Bilich)**

Q1. Are we able to extend the consultation period, and if so, have we agreed how long this will be extended?

A1. The Director of Planning and Development Services advised he had written to the Western Australian Planning Commission, because they are the determining authority, seeking an extension to the timeframe to respond to the Authority. An assumption is being made that this request will be granted and the matter will go to the March meeting rather than February. Until a response is received from the Commission this can not be confirmed.

Q2. Does this mean it will be advertised again to indicate that the consultation period is being extended?

A2. Once confirmation is received notification will be given.

12.2 Fire Gooseberry Hill (Cr Margaret Thomas)

Q. If the Shire finds out that those who caused this fire are apprehended, and this is not publicised through the media, can Councillors please be advised?

A. Taken on Notice.

13.0 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN**13.1 Places of Worship within the Shire of Kalamunda (Cr Frank Lindsey)**

Q. What is the number of places of worship within the Shire and of these:

A. Based on information available there are approximately 25 Places of Worship in the Shire of Kalamunda.

Q. (a) what number, if any, do not provide adequate car parking in accordance with the requirements of the Local Planning Scheme No. 3 and what is the extent of such deficiency as a percentage of the total that ought to be provided; and

A. Due to the number of Places of Worship and various dates of development under a number of Planning Schemes, it is not known which ones complied or otherwise with the prevailing parking standards at the time without undertaking extensive research. In addition a further complication is that standards have changed over time with the introduction of the current scheme.

Q. (b) what number, if any, provide vehicular access from a 'Regional reserve - other regional road' (blue road)?

A. The roads which are Reserved under the Metropolitan Regional Scheme as "Other Regional Road" are Abernethy Road, Canning Road (Pomeroy Road to Kalamunda Road), Kalamunda Road, Pomeroy Road and Welshpool Road (Pomeroy Road to Tonkin Highway).

Two Places of Worship gain access to an "Other Regional Road" both on Kalamunda Road (Maida Vale and High Wycombe). They are the Seventh Day Adventist premises at 345 Kalamunda Road, and the Brethren premises at 508 Kalamunda Road.

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 7.15 pm.

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

Signed.....Chairman

Dated thisday of2010

