
Shire of Kalamunda

Ordinary Council Meeting Agenda

Monday 16 July 2012

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Agenda for Ordinary Council Meeting 16 July 2012

Separate Document

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Report of Corporate & Community Services
Committee Meeting 9 July 2012

NOTICE OF MEETING ORDINARY COUNCIL MEETING

Councillors

Notice is hereby given that the next meeting of the Ordinary Council Meeting will be held in the Council Chambers, Administration Centre, 2 Railway Road, Kalamunda on:

16 July 2012 commencing at 6.30pm

For the benefit of members of the public, attention is drawn to the following requirements as adopted by Council.

Open Council Meetings – Procedures

1. All Council Meetings are open to the public, except for matters raised by Council under Item 15.0 of the Agenda.
2. Members of the public may ask a question at an Ordinary Council Meeting under Item 3.0 of the Agenda.
3. Members of the public who are unfamiliar with meeting procedures are invited to seek advice at the meeting. If unsure about proceedings, just raise your hand when the Shire President opens *'question time'* under Item 3.0 of the Agenda.
4. All other arrangements are in accordance with Council's Standing Orders, Policies and decision of the Shire or Council.

James Trail
Chief Executive Officer
12 July 2012

** Dinner will be served at 5.30pm **

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AGENDA

1.0 OFFICIAL OPENING

2.0 ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE PREVIOUSLY APPROVED

- 2.1 Cr Geoff Stallard (Leave of Absence)
Cr Margaret Thomas (Apology)

3.0 PUBLIC QUESTION TIME

A period of not less than 15 minutes is provided to allow questions from the gallery on matters relating to the functions of Council. For the purposes of Minuting, these questions and answers are summarised.

4.0 PETITIONS/DEPUTATIONS

5.0 APPLICATIONS FOR LEAVE OF ABSENCE

6.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

6.1 Confirmation of Minutes of Ordinary Council Meeting 18 June 2012

That the Minutes of the Ordinary Council Meeting held on 18 June 2012 are confirmed as a true and accurate record of the proceedings.

Moved:

Seconded:

Vote:

Statement by Presiding Member

"On the basis of the above Motion, I now sign the Minutes as a true and accurate record of the meeting of 18 June 2012".

6.2 Confirmation of Minutes of Special Council Meeting 25 June 2012

That the Minutes of the Special Council Meeting held on 25 June 2012 are confirmed as a true and accurate record of the proceedings.

Moved:

Seconded:

Vote:

Statement by Presiding Member

"On the basis of the above Motion, I now sign the Minutes as a true and accurate record of the meeting of 25 June 2012".

6.3 Confirmation of Minutes of Special Council Meeting 9 July 2012

That the Minutes of the Special Council Meeting held on 9 July 2012 are confirmed as a true and accurate record of the proceedings.

Moved:

Seconded:

Vote:

Statement by Presiding Member

"On the basis of the above Motion, I now sign the Minutes as a true and accurate record of the meeting of 9 July 2012".

7.0 ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION

8.0 MATTERS FOR WHICH MEETING MAY BE CLOSED

8.1 D&I 60 Consideration of Tenders for the Construction of the Amenities Building at the Operations Centre, 10 Raymond Road, Walliston

Confidential *Reason for Confidentiality – Local Government Act 1995 S5.23 (2)(c) - "a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting."*

8.2 C&C Item 57 Consideration of Tenders – Provision of Cleaning Services to Various Buildings and Facilities (RFT1202)

- Attachment 2 Summary Score Table – Combined Totals of Qualitative Score and Price Score.
Confidential – *Reason for Confidentiality* – *Local Government Act 1995 S5.23 (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.”*
- Attachment 3 Summary Pricing Score Table
Confidential – *Reason for Confidentiality* – *Local Government Act 1995 S5.23 (2)(c) - “a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting.”*

8.3 C&C Item 58 Consideration of Lease Dispute at Zig Zag Centre Café, Kalamunda

- Attachment 2 Recommended Action
Confidential – *Reason for Confidentiality* – *Local Government Act 1995 S5.23 (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

9.1 Disclosure of Financial and Proximity Interests

- a. Members must disclose the nature of their interest in matters to be discussed at the meeting. (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*.)

9.2 Disclosure of Interest Affecting Impartiality

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

10.0 REPORT TO COUNCIL

Please Note: declaration of financial/conflict of interests to be recorded prior to dealing with each item.

10.1 Development & Infrastructure Services Committee Report

10.1.1 Adoption of Development & Infrastructure Services Committee Report

That the recommendations contained in the Development & Infrastructure Services Committee of 2 July 2012, except withdrawn item D&I 52, be adopted.

Moved:

Seconded:

Vote:

10.1.2. D&I 53 Child Care Premises and Offices – Lot 115 (132) and 116 (130) Wittenoom Road, High Wycombe

COMMITTEE RECOMMENDATION TO COUNCIL (D&I 53/2012)

That Council:

1. Approves the application dated 4 June 2012 for offices to be built at Lot 115 (132) Wittenoom Road, High Wycombe, and child care premises to be built at 116 (130) Wittenoom Road, High Wycombe, subject to the following conditions:
 - a. The provision and maintenance of a total of 18 car spaces including a minimum of one disabled bay on Lot 115, and the provision and maintenance of a total of eight car spaces including a minimum of one disabled bay on Lot 116.
 - b. All car parking bays and vehicle access ways being maintained by the landowner to the satisfaction of the Shire.
 - c. A detailed landscaping plan being submitted and approved by the Shire prior to the building licence being issued.
 - d. The landscaping on the approved landscaping plan being planted within 28 days of the development's completion, and maintained thereafter by the landowner to the Shire's satisfaction.
 - e. No loading or unloading of vehicles is to occur that interferes with the parking of vehicles in the car park by visitors and employees. All car parking bays in the car park are to be made available at all times for the parking of vehicles by employees and visitors.

- f. Colour and material details of the proposed development are to be submitted to and approved by the Shire prior to the building licence being issued.
- g. A Traffic Impact Statement being submitted to and approved by the Shire prior to the building licence being issued.
- h. A Geotechnical Report being submitted to and approved by the Shire prior to the building licence being issued.
- i. Prior to issuing the building licence, the owners of Lot 116 (130) and Lot 22 (120) Wittenoom Road, High Wycombe, shall grant to the public an easement in gross pursuant to sections 195 and 196 of the *Land Administration Act 1997* over the properties for the purposes of vehicular and pedestrian access (Easement). The Easement shall be prepared by the Shire's solicitors and shall be in accordance with the specifications of and to the satisfaction of the Shire. The applicant shall be responsible to pay all costs associated with the Shire's solicitor's costs of and incidental to the preparation of (including all drafts), stamping and registration of the Easement at Landgate.
- j. A notification under Section 165 of the *Planning and Development Act 2005* shall be registered over the Certificate of Title to the land the subject of the proposed development prior to the issue of a building licence in accordance with State Planning Policy 5.1 to notify owners and prospective purchasers of the land that:
 - *the land is located in the 20-25 ANEF area as identified on the Australian Noise Exposure Forecast Plan of the 2004 Statement of Planning Policy – Land Use Planning in the Vicinity of Perth Airport produced by the Western Australian Planning Commission.*
 - *noise exposure levels are likely to increase in the future as a result of increases in numbers of aircraft using the airport, changes in aircraft type or other operational changes.*

10.1.3. D&I 54 Community Sustainability Advisory Committee (CSAC) Meeting

COMMITTEE RECOMMENDATION TO COUNCIL (D&I 54/2012)

1. Receives the unconfirmed minutes of the Community Sustainability Advisory Committee (“CSAC”) meeting held on 26 April 2012 (Attachment 1).
2. Requests that CSAC provide, after their next meeting scheduled for 28 June 2012, a finalised list of objectives for Council endorsement.
3. Requests future minutes of CSAC be prepared in accordance with Council’s Standing Orders.

10.1.4. D&I 55 Schmitt Road – Petition for the Construction of a Pedestrian Path along Schmitt Road.

COMMITTEE RECOMMENDATION TO COUNCIL (D&I 55/2012)

That Council:

1. Advises the petitioner that:
 - a. The Shire receives many requests for new footpath construction and has to allocate the budget funds on a priority basis having regard to many factors.
 - b. The current footpath construction programme indicates that the funding for pathway along Schmitt Road is scheduled for the 2018-19 financial year.

10.1.5. D&I 56 Lot 137 (1) Bulla Street, Lesmurdie - Application to Keep More Than Two Dogs

COMMITTEE RECOMMENDATION TO COUNCIL (D&I 56/2012)

That Council:

1. Pursuant to Clause 3.2 of the Shire of Kalamunda Dogs Local Law 2010 made under Section 26(3) of the *Dog Act 1976*, grant an exemption to the applicant of 1 Bulla Street, Lesmurdie to keep three dogs on this property.

10.1.6. D&I 57 Lot 14 (128) Canning Road, Kalamunda - Application to Keep More Than Two Dogs

COMMITTEE RECOMMENDATION TO COUNCIL (D&I 57/2012)

That Council:

1. Pursuant to Clause 3.2 of the Shire of Kalamunda Dogs Local Law 2010 made under Section 26(3) of the *Dog Act 1976*, grant an exemption to the applicant of 128 Canning Road, Kalamunda to keep three dogs on this property.

10.1.7. D&I 58 Lot 199 (5) Mahonia Way, Forrestfield - Application to Keep More Than Two Dogs

COMMITTEE RECOMMENDATION TO COUNCIL (D&I 58/2012)

That Council:

1. Pursuant to Clause 3.2 of the Shire of Kalamunda Dogs Local Law 2010 made under Section 26(3) of the *Dog Act 1976*, grant an exemption to the applicant of 5 Mahonia Way, Forrestfield to keep three dogs on this property.

10.1.8. D&I 59 Lot 98 (121) Tanner Road, Carmel - Application to Keep More Than Two Dogs

COMMITTEE RECOMMENDATION TO COUNCIL (D&I 59/2012)

That Council:

1. Pursuant to Clause 3.2 of the Shire of Kalamunda Dogs Local Law 2010 made under Section 26(3) of the *Dog Act 1976*, grant an exemption to the applicant of 121 Tanner Road, Carmel to keep three dogs on this property.

10.1.9 D&I 60 Consideration of Tenders for the Construction of the Amenities Building at the Operations Centre, 10 Raymond Road, Walliston

COMMITTEE RECOMMENDATION TO COUNCIL (D&I 60/2012)

That Council:

1. Accepts the recommendation of the Tender Assessment Panel to appoint Lansdown Construction as preferred tenderer for the construction of the Amenities Building at the Operations Centre.

2. Approves an additional allocation of \$87,761 to the \$460,031 currently allocated to the project.

For Separate Consideration

10.1.10 D&I 52 Additional Place of Worship Building – Lot 387 (506) Welshpool Road East, Wattle Grove

COMMITTEE RECOMMENDATION TO COUNCIL (D&I 52/2012)

That Council:

1. Defers a decision to the Ordinary Council Meeting 16 July 2012 to receive further information from staff.

A decision on this matter was deferred to the Ordinary Council Meeting on Monday 16 July 2012 to allow time for staff to provide additional information regarding reciprocal use, parking bays and cash in lieu. The original Officer Recommendation is presented for Council consideration.

OFFICER RECOMMENDATION

That Council:

1. Refuses the application dated 30 April 2012 to build an additional place of worship building at Lot 387 (506) Welshpool Road East, Wattle Grove, for the following reasons:
 - a. An insufficient number of car parking bays, as required under Local Planning Scheme No. 3, are provided on site.
 - b. The proposed development would not preserve the amenity of the locality by virtue of the attendant vehicle access and circulation problems as a result of the increased capacity and lack of on-site car parking bays.

Moved:

Seconded:

Vote:

10.2 Corporate & Community Services Committee Report

10.2.1 Adoption of Corporate & Community Services Committee Report

That the recommendations contained in the Corporate & Community Services Committee of 9 July 2012, except withdrawn item C&C 54, be adopted.

Moved:

Seconded:

Vote:

10.2.2. C&C 50 Creditors' Accounts Paid During the Period -30 May – 26 June 2012

COMMITTEE RECOMMENDATION TO COUNCIL (C&C 50/2012)

That Council:

1. Receives the list of creditors paid during the period – 30 May – 26 June 2012 (Attachment 1) in accordance with the requirements of the *Local Government (Financial Management) Regulations 1996 (Regulation 12)*.

10.2.3. C&C 51 Monthly Financial Statements for the Eleven Months to 31 May 2012

COMMITTEE RECOMMENDATION TO COUNCIL (C&C 51/2012)

That Council:

1. Receives the monthly financial statement for the period ended 31 May 2012, which comprises:
 - Statement of Financial Position
 - Equity Statement
 - Statement of Comprehensive Income by Nature and Type
 - Statement of Comprehensive Income by Program
 - Rate Setting Statement including net funding position
 - Reserve Balances Statement
 - Statement of Cash Flows
 - Investment Schedule

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- 10.2.4. C&C 52 Debtors and Creditors Reports for the Period Ended 31 May 2012**
COMMITTEE RECOMMENDATION TO COUNCIL (C&C 52/2012)
- That Council:
1. Receives the outstanding debtors (Attachment 1) and creditors (Attachment 2) reports for the period ended 31 May 2012.
- 10.2.5. C&C 53 Rates Debtors Report for the Period Ending 31 May 2012**
COMMITTEE RECOMMENDATION TO COUNCIL (C&C 53/2012)
- That Council:
1. Receives the rates debtors report for the period ended 31 May 2012 (Attachment 1).
- 10.2.6. C&C 55 Proposal for the Development of a New Skate Facility in Forrestfield**
COMMITTEE RECOMMENDATION TO COUNCIL (C&C 55/2012)
1. Endorses the preferred site of Morrison Oval (Hartfield Park Recreation Reserve), adjacent to Hale Road and Hartfield Road, as identified for a skate park in Forrestfield.
 2. Pending approval from the Department of Environment and Conservation to remove bushland on the corner of Hale Road and Hartfield Road:
 - a. Supports an application to the Minister for Planning to utilise Cash-In-Lieu funding of \$220,000 for the development of a skate park in Forrestfield.
 - b. Submits for consideration within the 2013/2014 budget, \$46,667 towards the development of a skate park in Forrestfield.
 - c. Supports a Community Sport & Recreation Facilities Fund (CSRFF) application to the Department of Sport & Recreation seeking one third (\$133,333) of the total estimated cost (\$400,000) for the development of a skate park in Forrestfield.
 3. Requests a further report detailing outcomes of both the Cash In Lieu and Community Sport & Recreation Facilities Fund (CSRFF) applications to then enable appropriate budget provision, inclusive of external sources within the 2013/2014 financial year.
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10.2.7. C&C 56 Referral from the City of Swan for a Proposed Mobile Phone Tower - Lot 501 Adelaide Street, Hazelmere

COMMITTEE RECOMMENDATION TO COUNCIL (C&C 56/2012)

That Council:

1. Advises the City of Swan that it objects to the proposal for a mobile phone tower at Lot 501 Adelaide Street, Hazelmere for the following reasons:
 - a. Shire's Local Planning Policy DEV 26 – Radio, Television and Communication Facilities/Masts requires mobile phone towers to be at least 500m from sensitive land uses. The proposed mobile phone tower shall be 260m from the residential area, which constitutes a 48 per cent reduction in the minimum 500m distance.

10.2.8 C&C 57 Consideration of Tenders – Provision of Cleaning Services to Various Buildings and Facilities (RFT1202)

COMMITTEE RECOMMENDATION TO COUNCIL (C&C 57/2012)

That Council:

1. Accepts the recommendation of the Tender Assessment Panel to appoint DMC Cleaning as preferred tenderer for the provision of cleaning services to Shire Buildings and Facilities at the base contract price of \$404,904.19 (excluding GST).

10.2.9 C&C 58 Consideration of Lease Dispute at Zig Zag Centre Café, Kalamunda

COMMITTEE RECOMMENDATION TO COUNCIL (C&C 58/2012)

That Council:

1. Delegates the Chief Executive Officer to follow the recommended action as set out in (Attachment 2).

10.2.10 C&C 59 Lot 8 (10), 9 (12) and 10 (14) Central Mall, Kalamunda – Proposed Office and Shop Unit Development

COMMITTEE RECOMMENDATION TO COUNCIL (C&C 59/2012)

That Council:

1. Defer the Item until Council has:
 - a. Finalised the Master Plan for Old Road Board Block, bounded by Canning Road, Mead Street, Central Road and Burt Street; and

- b. Identified whether any surplus land will exist within the super block for parking purposes, over and above that required for the anticipated new developments.

For Separate Consideration

10.2.11 C&C 54 Falls Farm Advisory Committee Terms of Reference – Deputy Representation

COMMITTEE RECOMMENDATION TO COUNCIL (C&C 54/2012)

That Council:

1. Approves the nomination for Mr Peter Goodall to be the deputy representative on the Falls Farm Advisory Committee.
2. Endorses the following addition to the “Membership” component Falls Farm Advisory Committee Terms of Reference:
 - 4.8 User groups with representatives on the Advisory Committee may nominate a deputy that only has provision to attend meetings and vote when the key representative is absent.

Moved:

Seconded:

Vote: **ABSOLUTE MAJORITY REQUIRED**

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
(Taken on Notice 18 June 2012)

13.1 Public Open Space (Cr Whitten)

- Q. When the Shire engages with Developers (receives applications for subdivisions) is there any requirement on the Developer to provide a timeframe as to when the Public Open Space will be established within a subdivision/development?
- A. There is not a specific time frame in which a developer has to establish Public Open Space identified in a subdivision. The Shire will not issue clearance of a subdivision until the Public Open Space is established. As such the developer would not be able to gain title to the residential lots until the Public Open Space is established.

13.2 Medium Strips – Edney Road (Cr Cresswell)

- Q. Have the medium strips on Edney Road, in the vicinity of the speed humps, been repaired?
- A. The medium strips are scheduled for repair in the next four weeks.

14.0 URGENT BUSINESS APPROVED BY THE PERSON PRESIDING OR BY DECISION

15.0 MEETING CLOSED TO THE PUBLIC

16.0 CLOSURE