

## SHIRE OF KALAMUNDA

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# Minutes of Ordinary Meeting of Council Held in the Council Chambers 2 Railway Road, Kalamunda Monday 19 December 2011

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## 1.0 OFFICIAL OPENING

- 1.1 The Shire President opened the meeting at 5.30 pm and welcomed Councillors, Staff and Members of the Public Gallery.

## 2.0 ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE PREVIOUSLY APPROVED

### 2.1 ATTENDANCE

#### **Councillors**

Donald McKechnie	(CHAIRMAN) (SHIRE PRESIDENT)	NORTH WARD
Sue Bilich		NORTH WARD
Margaret Thomas		NORTH WARD
Allan Morton	(DEPUTY SHIRE PRESIDENT)	SOUTH WEST WARD
Justin Whitten		SOUTH WEST WARD
John Giardina		SOUTH EAST WARD
Frank Lindsey		SOUTH EAST WARD
Martyn Cresswell		NORTH WEST WARD
Bob Emery		NORTH WEST WARD
Dylan O'Connor		NORTH WEST WARD

#### **Members of Staff**

James Trail		CHIEF EXECUTIVE OFFICER
Rhonda Hardy		DIRECTOR OF CORPORATE & COMMUNITY SERVICES
Clayton Higham		DIRECTOR OF INFRASTRUCTURE & PLANNING SERVICES
Darrell Forrest		MANAGER GOVERNANCE
Steve McKay		MANAGER PROPERTY & PROCUREMENT
Peter Hayes		MANAGER BUSINESS & STRATEGY
Andrew Fowler-Tutt		MANAGER STRATEGIC PLANNING
David Tomlinson		MANAGER STATUTORY PLANNING & BUILDING
Michelle Clark		EXECUTIVE ASSISTANT CHIEF EXECUTIVE OFFICER
Donna McPherson		MINUTE SECRETARY

**Members of Public** 7

**Members of Press** 1

2.2 Apologies  
Nil.

2.3 Leave of Absence Previously Approved  
Noreen Townsend SOUTH WEST WARD  
Geoff Stallard SOUTH EAST WARD

### 3.0 PUBLIC QUESTION TIME

A period of not less than 15 minutes is provided to allow questions from the Public Gallery on matters relating to the functions of this meeting.

3.1 Nil.

### 4.0 PETITIONS/DEPUTATIONS

4.1 Nil.

### 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 19 December 2011**

RESOLVED OCM 196/2011

That the Minutes of the Ordinary Council Meeting of the Shire of Kalamunda held in the Council Chambers, 2 Railway Road, Kalamunda on 19 December 2011 are confirmed as a true and correct record.

Moved: **Cr Bob Emery**

Seconded: **Cr Sue Bilich**

Vote: **CARRIED UNANIMOUSLY (10/0)**

### 7.0 ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION

7.1 Nil.

### 8.0 MATTERS FOR WHICH MEETING MAY BE CLOSED

8.1 **PS45 Amendment of Shire of Kalamunda Health Local Law 2011**

Confidential Attachment 1 - Fax from the Joint Standing Committee on Delegated Legislation

Reason for Confidentiality: *All correspondence from the Delegated Legislation Committee is required to be kept confidential by the Committee itself*

8.2 **GS166 Awarding of Tender - Provision of Skid Steer Loader and Truck Services (T1121)**

Confidential Attachment 1 - Summary of Tender Prices for the Provision of Skid Steer Loader and Truck Services (T1121)

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 which relates to a matter to be discussed at the meeting.”

Confidential Attachment 2 - Evaluation of Tender Submissions for Compliance Criteria and Qualitative Criteria

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 which relates to a matter to be discussed at the meeting.”

Confidential Attachment 3 - Memorandum, T1121– Provision of Skid Steer Loader and Truck

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 which relates to a matter to be discussed at the meeting.”

8.3 **10.4.2 RFT1124 – Community Consultation and Engagement Consultants**

Confidential Attachment 1 - Price Schedule

Reason for Confidentiality: In accordance with Section 5.23(2) (c) of the *Local Government Act 1995*, which permits the meeting to be closed to the public for business relating to a matter that if disclosed would reveal: “ *A contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting.*”

8.4 **10.4.3 Development Proposal – 39 (Lot 263) Maida Vale Road Maida Vale**

Confidential Attachment 1 - Property Development Feasibility Study

Reason for Confidentiality: In accordance with Section 5.23(2) (c) of the *Local Government Act 1995*, which permits the meeting to be closed to the public for business relating to a matter that if disclosed would reveal: “ *A contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting.*”

Confidential Attachment 2 - Property Development Feasibility Study – Letter dated 7 November 2011

Reason for Confidentiality: In accordance with Section 5.23(2) (c) of the *Local Government Act 1995*, which permits the meeting to be closed to the public for business relating to a matter that if disclosed would reveal: “ *A contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting.*”

8.5 **10.4.10 Director Redundancy Payment**

Reason for Confidentiality: In accordance with Section 5.23(2) (a) of the *Local Government Act 1995*, which permits the meeting to be closed to the public for business relating to a matter that if disclosed would reveal: “ *a matter affecting an employee or employees*”

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 **10.4.4 Forrestfield/High Wycombe Industrial Area Design Guidelines**

Cr Martyn Cresswell disclosed a proximity interest as he owns property in the Stage 3 Area referred to in the report.

**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 Report**

PS46 withdrawn due to additional information being provided and an alternative Officer Recommendation presented to Council for consideration.  
PS47 withdrawn as decision deferred from Planning Services Committee.

**10.1.1 Adoption of Planning Services Committee Report****RESOLVED OCM 197/2011**

That the recommendations contained in the Planning Services Committee Report of the 5 December 2011, excluding PS46 and PS47 to be considered separately, be adopted.

Moved: **Cr Margaret Thomas**

Seconded: **Cr Allan Morton**

Vote: **CARRIED UNANIMOUSLY (10/0)**

**10.1.2 PS45 Amendment of Shire of Kalamunda Health Local Law 2011****EN BLOC RESOLUTION OCM 197/2011**

That Council:

1. Resolves to give state-wide public notice of its intention to amend the Shire of Kalamunda Health Local Law 2011, and invites comment pursuant to Section 3.12 of the *Local Government Act 1995*.
2. Gives an undertaking to the Joint Standing Committee on Delegated Legislation that:
  - All consequential undertakings arising from the amendments to the Shire of Kalamunda Health Local Law 2011 will be made.

- Until such time as the amendments take effect clauses 4.4(b), 5.7(b)(i) and 6.16(3)(c) of the Shire of Kalamunda Health Local Law 2011 will not be enforced in a manner contrary to the intent of the amendments.
- The amendments will be completed within six months of the date of this resolution.
- Where the Local Law is made publicly available, whether in hard copy or electronic form, it will be accompanied by a copy of the proposed amendments and these undertakings.

Moved: **Cr Margaret Thomas**

Seconded: **Cr Allan Morton**

Vote: **CARRIED UNANIMOUSLY (10/0)**

10.1.3 **PS46 The Parking of Four Commercial Vehicles – Lot 20 (17) Maud Road, Maida Vale**

COMMITTEE RECOMMENDATION TO COUNCIL PS46/2011

That Council:

1. Refuses the proposal for Nenad Pavlinovich to continue to park four commercial vehicles, a Kenworth prime mover (registration number 1CPF 262), A Western Star prime mover (registration number STAR 444), an H Porter tipper trailer (registration number 1THL 421) and an H Porter tipper trailer (registration number 1TKG 893) on Lot 20 (17) Maud Road, Maida Vale, for the following reasons:
  - 1) The application failing to comply with Local Planning Policy DEV22 – Parking of Commercial Vehicles on Private Property, which stipulates that a maximum of two commercial vehicles can be parked on a Special Rural zoned property; major maintenance cannot occur to the vehicles on site; vehicle movement and start up times being restricted to between 7.00am and 7.00pm Monday to Saturday and 9.00am to 5.00pm on Sundays and public holidays; and the commercial vehicles cannot cause damage to the road or kerbing.
  - 2) The proposed use being considered to be a transport depot due to more than two commercial vehicles being proposed to be parked on the property. A transport depot is an 'X' use (use not permitted) on a Special Rural zoned property under the Zoning Table of Local Planning Scheme No. 3.
  - 3) The commercial vehicles having an unacceptable impact on the safety of other vehicles and pedestrians by virtue of the width of the adjoining road reserve.



- 4) The scale of the proposed use being considered incompatible with the purpose and intent of the Special Rural zone in that it would not retain the amenity of the locality.
- 5) The commercial vehicles being used in conjunction with an unauthorised business which operates from the subject property.

Moved: **Cr Margaret Thomas**

Seconded:

Vote: **LAPSED**

Councillors requested and were provided with additional information following further investigation of the site. An alternative Officer Recommendation was presented to Council for its consideration. This Recommendation received a mover and seconder before debate and being put to a vote.

RESOLVED OCM 198/2011

That Council:

1. Approves the proposal for Nenad Pavlinovich to continue to park two prime movers and two trailers, a Kenworth prime mover (registration number 1CPF 262), A Western Star prime mover (registration number STAR 444), an H Porter tipper trailer (registration number 1THL 421) and an H Porter tipper trailer (registration number 1TKG 893) on Lot 20 (17) Maud Road, Maida Vale, subject to the following conditions:
  - a. The vehicles must, at all times, be parked in the location shown on the approved site plan (Attachment 2).
  - b. The commercial vehicles are only to be operated between the hours of 6.30am and 7.00pm Monday to Saturday and 9.00am to 5.00pm Sundays and public holidays.
  - c. Approval of the parking activity does not include approval for the loading of the commercial vehicles, or the storage of goods and materials in transit.
  - d. 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.
  - e. The idling time for the start-up and cool down of the vehicles being a maximum of five minutes.

- f. 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.
- g. The approval is personal to the landowner and shall not be transferred or assigned to any other person, property or commercial vehicle.

Moved: **Cr Sue Bilich**

Seconded: **Cr John Giardina**

Vote: For  
**Cr John Giardina**  
**Cr Frank Lindsey**  
**Cr Allan Morton**  
**Cr Justin Whitten**  
**Cr Martyn Cresswell**  
**Cr Bob Emery**  
**Cr Dylan O'Connor**  
**Cr Sue Bilich**  
**Cr Donald McKechnie**

Against  
**Cr Margaret Thomas**

**CARRIED (9/1)**

10.1.4 **PS47 Lot 8 (10), 9 (12) and 10 (14) Central Mall, Kalamunda – Proposed Office and Shop Unit Development**

COMMITTEE RECOMMENDATION TO COUNCIL PS47/2011

That Council:

1. Defers this item to the OCM to allow Officers to investigate the following:

That the provision of a cash in lieu payment for the parking bays be looked at in more detail and a new amount be provided between to the two figures already mentioned in the recommendations above.

Additional information requested at the Planning Services Committee Meeting of 5 December 2011 has been provided to Councillors under separate cover. The Officer Recommendation from Planning Services Committee 5 December 2011 is presented for Council consideration.

### **OFFICER RECOMMENDATION**

That Council:

1. Approves the application received on 28 September 2011 for Shops/Offices on Lot 8 (10), 9 (12) and 10 (14) Central Mall, Kalamunda, subject to the following conditions:
  - a. The provision and maintenance of a total of 49 car spaces including a minimum of one (1) disabled bay. The parking area is to include the provision of shade trees.
  - b. 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.
  - c. All car parking bays and vehicle access ways being line marked, sealed and drained prior to the occupation of the building and maintained thereafter to the satisfaction of Council's Director Engineering Services.
  - d. The provision of a cash in lieu payment for sixty parking bays of \$150,000. The payment shall include the cost of providing paving, kerbing, drainage, landscaping, crossovers and lighting.
  - e. Provision of a colours and textures schedule in accordance with the palette adopted in the Kalamunda Town Centre Improvement Plan.

Moved:

Seconded:

Vote:

Following information received by the Applicant and tabled at the meeting this item was withdrawn by the Chairman. No vote was taken.

## 10.2 General Services Committee Report

### Withdrawn Items from General Services Report

GS154 absolute majority required.

GS159

GS161 no Committee Recommendation from General Services Committee 12 December 2011.

GS162 no Committee Recommendation from General Services Committee 12 December 2011.

GS163 no Committee Recommendation from General Services Committee 12 December 2011.

GS164 no Committee Recommendation from General Services Committee 12 December 2011.

GS165 no Committee Recommendation from General Services Committee 12 December 2011.

GS169 absolute majority required.

### 10.2.1 Adoption of General Services Committee Report

#### RESOLVED OCM 199/2011

That the recommendations contained in the General Services Committee Report of the 12 December 2011, excluding GS154, GS159, GS161, GS162, GS163, GS164, GS165 and GS169 to be considered separately, be adopted.

Moved: **Cr Bob Emery**

Seconded: **Cr Allan Morton**

Vote: **CARRIED UNANIMOUSLY (10/0)**

### 10.2.2 GS150 Creditors' Accounts Paid During the Period 26 October to 24 November 2011

#### EN BLOC RESOLUTION OCM 199/2011

That Council:

1. Receive the list of creditors paid during the period 26 October to 24 November 2011 (Attachment 1) in accordance with the requirements of the *Local Government (Financial Management) Regulations 1996 (Regulation 12)*.

Moved: **Cr Bob Emery**

Seconded: **Cr Allan Morton**

Vote: **CARRIED UNANIMOUSLY (10/0)**

10.2.3 **GS151 Monthly Financial Statements for the Four Months to 31 October 2011**

EN BLOC RESOLUTION OCM 199/2011

That Council:

1. Receive the monthly financial statements which comprise the Statement of Financial Position, Equity Statement, Statement of Comprehensive Income by Nature and Type, Statement of Comprehensive Income by Program, Rate Setting Statement and Reserve Balances Statement for the period ending 31 October 2011.

Moved: **Cr Bob Emery**

Seconded: **Cr Allan Morton**

Vote: **CARRIED UNANIMOUSLY (10/0)**

10.2.4 **GS152 Debtors and Creditors Reports for the Period ending 30 November 2011**

EN BLOC RESOLUTION OCM 199/2011

That Council:

1. Receive the outstanding debtors (Attachment 1) and creditors (Attachment 2) reports as at 30 November 2011.

Moved: **Cr Bob Emery**

Seconded: **Cr Allan Morton**

Vote: **CARRIED UNANIMOUSLY (10/0)**

10.2.5 **GS153 Rates Debtors Report for the Period ending 30 November 2011**

EN BLOC RESOLUTION OCM 199/2011

That Council:

1. Receive the rates debtors report as at 30 November 2011 (Attachment 1).

Moved: **Cr Bob Emery**

Seconded: **Cr Allan Morton**

Vote: **CARRIED UNANIMOUSLY (10/0)**

10.2.6 **GS155 RFT 1116 – Sewer Extensions Canning Road Kalamunda**EN BLOC RESOLUTION OCM 199/2011

That Council:

1. Awards the Contract for RFT1116 Sewer Extension Canning Road Kalamunda to Correct Line Contracting for the sum of:
- |                             |                            |
|-----------------------------|----------------------------|
| Stage 1                     | \$151,567.30               |
| Stage 2                     | \$155,568.50               |
| <b>Total Tender Price:</b>  | <b>\$307,135.80</b>        |
| Exclude Provisional Sum     | (\$9,200.00)               |
|                             | (Exclude Sewer Connection) |
| <b>Total Contract Price</b> | <b>\$297,935.80</b>        |
|                             | <b>Excluding GST</b>       |

Moved: **Cr Bob Emery**Seconded: **Cr Allan Morton**Vote: **CARRIED UNANIMOUSLY (10/0)**10.2.7 **GS156 Land Asset Rationalisation – Disposal of Two Additional Freehold Properties and a Review of Existing Market Values**EN BLOC RESOLUTION OCM 199/2011

That Council:

1. Dispose of, in accordance with the *Local Government Act 1995* Sections 3.58 and 3.59, the following properties:
- 34 McCrae Road Kalamunda
  - 46 Cotherstone Road Kalamunda
  - 2 Cabarita Road Kalamunda
  - 21 Andrew Street Kalamunda
  - 29 Barbigal Place Lesmurdie
2. Provide The Professionals Kalamunda with a six month exclusive selling agent agreement for the sale of properties at:
- 34 McCrae Road Kalamunda
  - 46 Cotherstone Road Kalamunda
  - 2 Cabarita Road Kalamunda
  - 21 Andrew Street Kalamunda
  - 29 Barbigal Place Lesmurdie.
3. Accept the disposal of properties at the values listed in Attachment 2 – Valuations.

4. Authorise the sale of a property for not less than 90% of valuation unless by Council resolution.
5. Delegate to the Chief Executive Officer, in accordance with the *Local Government Act 1995* Section 5.42, powers and duties to dispose of the properties.
6. Delegate to the Chief Executive Officer, in accordance with the *Local Government Act 1995* Section 5.43, a limit of five million dollars (\$5,000,000).

Moved: **Cr Bob Emery**

Seconded: **Cr Allan Morton**

Vote: **CARRIED UNANIMOUSLY (10/0)**

10.2.8 **GS157 EOI 1103 – Land Development Partnership with the Shire of Kalamunda – Proposed Subdivision of 1 Cygnet Court and 21 Edney Road High Wycombe**

EN BLOC RESOLUTION OCM 199/2011

That Council:

1. Accepts Westbury Investments Pty Ltd expression of interest for the Land Development of Reserve 43471 Cygnet Court and 21 Edney Road High Wycombe.
2. Accepts Westbury Investments Pty Ltd Concept 3 as shown in the attachment to this report as the preferred design for the site.

Moved: **Cr Bob Emery**

Seconded: **Cr Allan Morton**

Vote: **CARRIED UNANIMOUSLY (10/0)**

10.2.9 **GS158 Land Asset Assessment – Proposed 20A Acquisition of Reserve 33221 Swan Road High Wycombe**

EN BLOC RESOLUTION OCM 199/2011

That Council:

1. Agrees to postpone the proposed acquisition of Reserve 33221 Swan Rd High Wycombe.
2. Undertakes monitoring of the use of the park over the next 12 months and report the findings of the usage patterns before further consideration of Reserve 33221 Swan Rd High Wycombe is undertaken.

3. Advise all residents who submitted a submission or signed the petition of the decision of Council.

Moved: **Cr Bob Emery**

Seconded: **Cr Allan Morton**

Vote: **CARRIED UNANIMOUSLY (10/0)**

10.2.10 **GS160 Zig Zag Cultural Centre – Business Plan Progress Report**

EN BLOC RESOLUTION OCM 199/2011

1. That Council receives the Zig Zag Cultural Centre – Business Plan Progress Report.

Moved: **Cr Bob Emery**

Seconded: **Cr Allan Morton**

Vote: **CARRIED UNANIMOUSLY (10/0)**

10.2.11 **GS166 Awarding of Tender - Provision of Skid Steer Loader and Truck Services (T1121)**

EN BLOC RESOLUTION OCM 199/2011

That Council:

1. Awards the Tender for the Provision of Skid Steer Loader and Truck Services (T1121) to:
  - a) Full time on road construction and maintenance jobs
    1. Fonz's Bobcat and Truck Hire
  - b) When additional operator is required on the road construction and maintenance jobs
    1. Hawley's Bobcats
  - c) As required for the Parks Crew, building maintenance and waste crews
    1. Kala Bob Kats Pty Ltd

For the period of three years from the date of signing documentation with an option to extend a further two 12 month periods based on an annual CPI increase for Perth from the preceding 12 months as per tendered prices in the (Confidential Attachment 1).



Moved: **Cr Bob Emery**

Seconded: **Cr Allan Morton**

Vote: **CARRIED UNANIMOUSLY (10/0)**

10.2.12 **GS167 Draft Structure Plan – Forrestfield District Centre**

EN BLOC RESOLUTION OCM 199/2011

That Council:

1. Endorses the Draft Structure Plan (Attachment 2) for Forrestfield District Centre for the purpose of public advertising.

Moved: **Cr Bob Emery**

Seconded: **Cr Allan Morton**

Vote: **CARRIED UNANIMOUSLY (10/0)**

10.2.13 **GS168 Local Planning Scheme No. 3 Amendment – Lot 4371 (1) Cygnet Court and Lot 102 (21) Edney Road, High Wycombe – Increasing the Residential Density from R20 to R40**

EN BLOC RESOLUTION OCM 199/2011

That Council:

1. Initiates the amendment to Local Planning Scheme No. 3, in accordance with the following:

<p style="text-align: center;">PLANNING AND DEVELOPMENT ACT 2005</p> <p style="text-align: center;">RESOLUTION DECIDING TO AMEND A LOCAL PLANNING SCHEME</p> <p style="text-align: center;">SHIRE OF KALAMUNDA</p> <p style="text-align: center;">LOCAL PLANNING SCHEME NO. 3</p> <p style="text-align: center;">AMENDMENT NO.</p> <p>Resolved that the Council in pursuance of Part 5 of the Planning and Development Act 2005 amend the above Local Planning Scheme by:</p> <ol style="list-style-type: none"><li>1. Increasing the residential density of Lot 4371 (1) Cygnet Court and Lot 102 (21) Edney Road, High Wycombe, from R20 to R40.</li></ol>
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The amendment documents being adopted by Council and the Amendment being formally advertised for 42 days in accordance with the provisions of the *Town Planning Regulations 1967*, without reference to the Western Australian Planning Commission.

Moved: **Cr Bob Emery**

Seconded: **Cr Allan Morton**

Vote: **CARRIED UNANIMOUSLY (10/0)**

10.2.14 **GS170 Implementation of Alternative Meals on Wheels Service Delivery Model**

EN BLOC RESOLUTION OCM 199/2011

That Council:

1. Receive this report regarding the implementation of an alternative Meals on Wheels service delivery model.

Moved: **Cr Bob Emery**

Seconded: **Cr Allan Morton**

Vote: **CARRIED UNANIMOUSLY (10/0)**

10.2.15 **GS154 Budget Review for the Four Months to 31 October 2011**

RESOLVED OCM 200/2011

That Council:

1. Notes the issues with the adopted Budget for 2011/2012 and requires the Chief Executive Officer to present to Council by December 2011 recommendations on how to fund the Revised Original Budget deficit of \$1,213,185 as shown of the Amended Rates Setting Statement (Attachment 1)
2. Authorises the Chief Executive Officer to amend the 2011/2012 Budget to reflect the necessary corrections as detailed in Attachment 2 and 3 and summarised in the Amended Rates Setting Statement (Attachment 1).

Moved: **Cr Margaret Thomas**

Seconded: **Cr Martyn Cresswell**

Vote: **CARRIED UNANIMOUSLY/ABSOLUTE MAJORITY (10/0)**

### 10.2.16 **GS159 Review of Fees and Charges – Zig Zag Cultural Centre**

#### RESOLVED OCM 201/2011

That Council:

1. Pursuant to *Section 6.17 of the Local Government Act 1995* approves the inclusion of additional fees relative to the Zig Zag Cultural Centre operations as indicated within (Attachment 1).
2. In accordance with *Section 6.19 of the Local Government Act 1995* the new fees will apply from 1 January 2012.
3. Authorises the CEO to amend the 2011/12 budget to reflect the new accounts for the proposed fees and charges and associated expenditure for the Zig Zag Cultural Centre as follows:
  - New Account: ZZCC Art Gallery Sales Income \$10,000
  - New Account: ZZCC Art Gallery Sales Expenditure \$ 7,000
  - New Account: ZZCC Consignment Merchandise Income \$6,500
  - New Account: ZZCC Consignment Merchandise Expenditure \$5,000
  - Increase Account No: 305710.519 (Goods for Resale) by\$4,500 to \$12,500

Moved: **Cr John Giardina**

Seconded: **Cr Margaret Thomas**

Vote: **CARRIED UNANIMOUSLY/ABSOLUTE MAJORITY (10/0)**

### 10.2.17 **GS161 Boonooloo Road, Kalamunda – Anti-Hoon Speed Hump Program**

Councillors requested and have been provided with additional information in relation to this matter. The Officer Recommendation from General Services Committee 12 December 2011 is presented for Council consideration. The Officer Recommendation did not receive a mover and LAPSED. Advice was provided to Council and a motion to deferred a decision was put to the vote.

OFFICER RECOMMENDATION

That Council:

1. Supports the installation of the speed cushions on Boonooloo Road, Kalamunda at the location shown at (Attachment 1).

Moved:

Seconded:

Vote: **LAPSED**

RESOLVED OCM 202/2011

That Council:

1. Defer a decision to the General Services Committee meeting in March 2012.

Moved: **Cr Margaret Thomas**

Seconded: **Cr Justin Whitten**

Vote: **CARRIED UNANIMOUSLY (10/0)**

10.2.18 **GS162 Cotherstone Road, Kalamunda – Anti Hoon Speed Hump Program**

to this matter. The Officer Recommendation from General Services Committee 12 December 2011 is presented for Council consideration. The Officer Recommendation did not receive a mover and LAPSED. Advice was provided to Council and a motion to deferred a decision was put to the vote.

OFFICER RECOMMENDATION

That Council:

1. Supports the installation of the speed cushions under the 'Anti-Hoon Speed Hump Program' on Cotherstone Road, Kalamunda at the location shown at (Attachment 1).

Moved:

Seconded:

Vote: **LAPSED**

RESOLVED OCM 203/2011

That Council:

1. Defer a decision to the General Services Committee meeting in March 2012.

Moved: **Cr Margaret Thomas**

Seconded: **Cr Justin Whitten**

Vote: **CARRIED UNANIMOUSLY**

10.2.19 **GS163 George Road, Lesmurdie – Anti Hoon Speed Cushion Program**

RESOLVED OCM 204/2011

That Council:

1. Does not support the installation of the speed cushions under the 'Anti-Hoon Speed Hump Program' on George Road, Lesmurdie.

Moved: **Cr Donald McKechnie**

Seconded: **Cr Margaret Thomas**

Vote: **CARRIED UNANIMOUSLY (10/0)**

10.2.20 **GS164 Gladys Road, Lesmurdie – Anti Hoon Speed Cushion Program**

RESOLVED OCM 205/2011

That Council:

1. Does not support the installation of the speed cushions under the 'Anti-Hoon Speed Hump Program' on Gladys Road, Lesmurdie.

Moved: **Cr Justin Whitten**

Seconded: **Cr Margaret Thomas**

Vote: **CARRIED UNANIMOUSLY (10/0)**

10.2.21 **GS165 Hartfield Road, Forrestfield – Anti Hoon Speed Cushion Program**

RESOLVED OCM 206/2011

That Council:

1. Does not support the installation of the speed cushions on Hartfield Road, Kalamunda.

Moved: **Cr Justin Whitten**

Seconded: **Cr Allan Morton**

Vote: **CARRIED UNANIMOUSLY (10/0)**

10.2.22 **GS169 2011 Annual Report and Annual General Meeting of Electors**

RESOLVED OCM 207/2011

That Council:

1. Pursuant to Section 5.54 of the *Local Government Act 1995* accepts the Annual Report 2011 as per (Attachment 1).
2. Endorses the production of a modified version of the 2011 Annual report containing an abridged set of financial statements, for general community distribution.
3. Agrees that the Annual General Meeting of Electors be held on Monday 6 February 2012 commencing at 6.30pm.

Moved: **Cr Martyn Cresswell**

Seconded: **Cr John Giardina**

Vote: **CARRIED UNANIMOUSLY/ABSOLUTE MAJORITY (10/0)**

10.3.1 **Adoption of Audit Committee Report**

RESOLVED OCM 208/2011

That the recommendations contained in the Audit Committee Report of the 24 October 2011 be adopted.

Moved: **Cr Margaret Thomas**

Seconded: **Cr Dylan O'Connor**

Vote: **CARRIED UNANIMOUSLY (10/0)**

**10.3.2 AC9 Financial Statements for year ended 30 June 2011**EN BLOC RESOLUTION OCM 208/2011

That Council:

1. Receive the Draft Financial Report for the year ended 30 June 2011 and endorse the Chief Executive Officer's action in submitting the Financial Statements for the year ended 30 June 2011 to the Shire's Auditors for Audit.
2. Endorse the actions of the Chief Executive Officer in authorising the establishment of two (2) new Bank Accounts with the ANZ Banking Group with those accounts titled:
  1. Shire of Kalamunda Municipal Fund – Reserve Account
  2. Shire of Kalamunda Municipal Fund – Loan Account.
3. Authorise the Chief Executive Officer to request the Shire's Auditors to consider the valuation basis utilised by the Shire's Engineering Section for valuing Infrastructure (Roads, Footpaths, Drainage, Parks and Reserves and other) and if agreement is established bring to account the 30 June 2011 valuation on 1 July 2011.
4. Request the Chief Executive Officer during 2011/2012 to address any issues identified in the Auditor's Report for the year ended 30 June 2011.

Moved: **Cr Margaret Thomas**

Seconded: **Cr Dylan O'Connor**

Vote: **CARRIED UNANIMOUSLY (10/0)**

**10.3.3 AC10 Sundry Debtor Write-Off**EN BLOC RESOLUTION OCM 208/2011

1. That the Audit Committee endorses the write off of sundry debts totalling \$11,937.22 as detailed in Attachment 1 and Attachment 2.

Moved: **Cr Margaret Thomas**

Seconded: **Cr Dylan O'Connor**

Vote: **CARRIED UNANIMOUSLY (10/0)**

### 10.3 Chief Executive Officers' Report

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

#### 10.4.1 Appointment of a Recovery Coordinator

Previous Items	OCM 81/2011
Responsible Officer	Chief Executive Officer
Service Area	Corporate and Community Services
File Reference	BA-BFC-006
Applicant	N/A
Owner	N/A
Attachment 1	Terms of Reference for the Local Recovery Coordination Committee

#### PURPOSE

1. To consider the appointment of the Director of Corporate and Community Services as the Local Recovery Coordinator. The position oversees the management of the recovery process in the event of an emergency affecting the community of the Shire of Kalamunda.

#### BACKGROUND

2. The Shire has recently reviewed and updated its Local Emergency Management Arrangements, including the Local Recovery Management Plan as required under the *Emergency Management Act 2005*.
3. In order to meet the requirements outlined in Sections 36 (b) and 41 (4) of the *Emergency Management Act 2005* and the Local Recovery Management Plan the Shire must appoint a Local Recovery Coordinator who will manage the recovery process in the event of an emergency.
4. In June 2011 the Director Community Development was appointed as the Local Recovery Coordinator. Following an organisational restructure this position no longer exists.



**DETAILS**

5. The Local Recovery Coordinator has two broad areas of responsibilities:
  - a. In conjunction with the Local Recovery Coordination Committee (“LRCC”), the Local Recovery Coordinator is responsible for the development and implementation of recovery management arrangements for the Shire of Kalamunda. This includes, preparing, maintaining and testing the Local Recovery Plan and the coordination of promoting community awareness with respect to the recovery arrangements.
  - b. The second area of responsibility is that during recovery operations, the Local Recovery Coordinator liaises with the hazard management agency, responsible for coordinating the incident plus other responsible agencies to determine the need to activate the Local Recovery Plan and convene the LRCC.
6. The functions, core membership and Terms of Reference of the LRCC are provided in (Attachment 1).

**STATUTORY AND LEGAL IMPLICATIONS**

7. In order to meet the requirements outlined in sections 36 (b) and 41 (4) of the *Emergency Management Act 2005* and the Local Recovery Management Plan, the Shire needs to appoint a Local Recovery Coordinator who will manage the recovery process.

**POLICY IMPLICATIONS**

8. Nil.

**PUBLIC CONSULTATION/COMMUNICATION**

9. Nil

**FINANCIAL IMPLICATIONS**

10. Given that the appointment of the Local Recovery Coordinator is an existing employee within the Executive Team of the Shire of Kalamunda, there will be no additional employee.
11. There are two pre-requisite training courses that FESA conduct that are relevant to Local Government employees and relevant members of the Local Recovery Coordination Committee namely:
  - Introduction to Emergency Management for Local Government
  - Introduction to Recovery Management.

Both of these training courses will be held at the Shire of Kalamunda at no cost to the Shire, however FESA has advised that the Introduction to Recovery Management training course may include participants from other local governments.

## **STRATEGIC AND SUSTAINABILITY IMPLICATIONS**

### **Strategic Planning Implications**

12. *Shire of Kalamunda Strategic Plan 2009 – 2014*
- 1.4. The Shire of Kalamunda is a safe and secure community.
- 1.4.7 Ensure effective planning for and coordinated management of emergencies within the Shire via the Local Emergency Management Committee.

### **Sustainability Implications**

#### Social implications

13. The main objective of the Local Recovery Coordinator is to lead the LRCC, and activate the Local Recovery Management Plan to ensure that timely and effective short and long term recovery strategies are implemented.

#### Economic Implications

14. The Local Recovery Coordinator and the LRCC will assist the community with the reconstruction of physical infrastructure and the restoration of emotional, social, economic and physical wellbeing.

#### Environmental Implications

15. Nil.

## **OFFICER COMMENT**

16. Following an organisational restructure it is important that the Shire of Kalamunda ensures that the role of Recovery Coordinator is filled.
17. There will be an on-going need for the Recovery Coordinator and other identified staff to undertake appropriate training.
18. It should be noted the attached Terms of Reference will need to be reissued to reflect changes in positions within the organisation and will be a matter for the next meeting of the Local Emergency Management Committee.

RESOLVED OCM 209/2011

That Council:

1. In accordance with Section 41 (4) of the *Emergency Management Act 2005*, endorses the appointment of the Director of Corporate and Community Services position as the Local Recovery Coordinator for the Shire of Kalamunda.

Moved: **Cr Bob Emery**

Seconded: **Cr Allan Morton**

Vote: **CARRIED UNANIMOUSLY (10/0)**

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

#### **10.4.2 RFT1124 – Community Consultation and Engagement Consultants**

Previous Items	Nil
Responsible Officer	Director Corporate Services
Service Area	Property & Procurement
File Reference	
Applicant	N/A
Owner	N/A

Confidential Price Schedule

Attachment 1

Reason for Confidentiality: In accordance with Section 5.23(2) (c) of the *Local Government Act 1995*, which permits the meeting to be closed to the public for business relating to a matter that if disclosed would reveal: "A contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting."

#### **PURPOSE**

1. To consider awarding the tender for the Provision of Community Consultation and Engagement Consultants for a period of three years with an option to extend for a further two periods of twelve months.

#### **BACKGROUND**

2. The purpose of the tender is to provide the Shire of Kalamunda with a number of Consultants whom can assist with the Community Consultation and Engagement process for a number of land and community based projects staff will be working on in coming years.

#### **DETAILS**

3. The Request for Tender was advertised in The West Australian Newspaper on Wednesday 23 November 2011 and closed at 2.00 pm Thursday 8 December 2011.
4. From the tender advertisement a total of five responses were received.

#### **STATUTORY AND LEGAL IMPLICATIONS**

5. Section 3.57 of the *Local Government Act 1995* and Part IV of the *Local Government (Functions and General) Regulations 1996*.

**POLICY IMPLICATIONS**

6. The Tender complies with Policy PUR 1 – Purchasing Policy.

**PUBLIC CONSULTATION/COMMUNICATION**

7. There is no requirement for public consultation.

**FINANCIAL IMPLICATIONS**

8. The awarding of the tender is expected to provide some savings in consultant costs and will ensure the Shire's compliance with the *Local Government (Functions and General) Regulations 1996*.

**STRATEGIC AND SUSTAINABILITY IMPLICATIONS****Strategic Planning Implications**

9. Shire of Kalamunda Strategic Plan:  
Goal 5 Governance and Organisation 5.1.4 Ensure appropriate systems and procedures are in place to comply with statutory compliance and enhance effective business management.

**Sustainability Implications**Social Implications

10. There are no social implications.

Economic Implications

11. There are no economic implications.

Environmental Implications

12. There are no environmental implications.

**OFFICER COMMENT**

13. Tender submissions were received from the following:
- Gerard Healey & Associates
  - Consult WG
  - Creating Communities
  - Aim – UWA Business School
  - Blue Zoo

14.           **Gerard Healy & Associates Pty Ltd**  
Has been established since 1997 practicing in Landscape Architecture, Urban Design and Recreational Planning and Community Consultation.  
  
The consultancy is committed to understanding client requirements and producing public consultation programmes that ensure favourable results for all parties and have undertaken projects for a number of local governments including Kwinana, Bayswater, Gosnells and Mount Barker.
15.           **Consult WG**  
The consultancy specialises in project development and community engagement and facilitation and undertaken a number of consultation projects for local governments including Ashburton, East Fremantle, Subiaco and WALGA.
16.           **Creating Communities**  
Has been established for over two decades and is one of Western Australia's premium Community Consultation Agencies having undertaken projects for over thirty local governments including most metropolitan town and city councils as well as State Government Agencies and a large number of major corporations.
17.           **AIM – UWA Business School**  
The proposal is a joint venture between AIM and UWA Business school and relies on a number of independent consultants to deliver the required service.
18.           **Blue Zoo**  
The consultancies engagement methodology is highly consultative in nature and is focused on ensuring all stakeholder concerns are thoroughly addressed and optimal solutions are found.  
  
The consultancy has undertaken projects for the Shire of Augusta Margaret River and the Shire of East Pilbara and the Pilbara Regional Development Authority.
19.           The assessment of each of the applicants to the Tender Selection Criteria (Attachment 1) has shown that Creating Communities and Gerard Healey & Associates have the experience and capability to meet the Shire's requirements for Community Consultation and Engagement Consultants.
20.           General inquiries have been made with a number of local governments in regard to the capability of Creating Communities and Gerard Healey & Associates and their ability to meet the requirements of the consultancy project and achieve the required goals.

21. These inquiries further high-lighted the different skill sets between the two consultancies, with Creating Communities having a greater strength in Statutory Planning and Policy Direction, with the “City of the North Community Development Planning and Community Consultation” project for LandCorp Karratha and “Bentley Technology Precinct Community Engagement Strategy and Network Development Strategy” for WA Department of Commerce being examples.
22. Gerard Healey and Associates display different, but equally important, skill sets with the “Urban design to historic precinct adjacent to the Bayswater Railway Station” for the City of Bayswater and “Kwinana Industries Landscape Masterplan Rockingham Road Environmental Improvements for the Town of Kwinana.
23. It is therefore believed that the Tender Contract should be awarded to two consultancies to provide the Shire with the opportunity to select the consultant that best fits the purpose.

RESOLVED OCM 210/2011

That Council:

1. Appoints the following Panel of Specialist providers for Provision of Community Consultation and Engagement:

1. Creating Communities
2. Gerard Healey & Associates

As per the tender prices in the Schedule (Confidential Attachment 1) for a period of three years with an option to extend for a further two periods of twelve months.

Moved: **Cr Margaret Thomas**

Seconded: **Cr Dylan O'Connor**

Vote: **CARRIED UNANIMOUSLY (10/0)**

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

### **10.4.3 Development Proposal – 39 (Lot 263) Maida Vale Road Maida Vale**

Previous Items	OCM 50/2011 April 2011 & OCM 171/2011 October 2011
Responsible Officer	Director Corporate Services
Service Area	Property & Procurement
File Reference	MD-03/039 PG-TPS-008/069
Applicant	N/A
Owner	N/A
Attachment 1	Property Development Feasibility Study <u>Reason for Confidentiality:</u> In accordance with Section 5.23(2) (c) of the <i>Local Government Act 1995</i> , which permits the meeting to be closed to the public for business relating to a matter that if disclosed would reveal: <i>"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."</i>
Attachment 2	Property Development Feasibility Study – Letter dated 7 November 2011 <u>Reason for Confidentiality:</u> In accordance with Section 5.23(2) (c) of the <i>Local Government Act 1995</i> , which permits the meeting to be closed to the public for business relating to a matter that if disclosed would reveal: <i>"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."</i>
Attachment 3	Locality Plan

#### **PURPOSE**

1. To obtain approval for the proposed development of Lot 263(39) Maida Vale Road in Maida Vale as a R40 survey strata development.

#### **BACKGROUND**

2. At the Ordinary Meeting of Council held on 18 April 2011 Council resolved (OCM 50/2011) the following:  
*That 39 Maida Vale Road be listed exclusively with the sole Real Estate Agent that identified this site as a development site.*
3. At the Ordinary Meeting of Council held on 17 October 2011 Council resolved (OCM 171/2011) the following:  
*The proposed modification to the Structure Plan by removing the "Community Centre" designation for Lot 263 (39) Maida Vale Road, Maida Vale and replacing it with a Residential Density Code of R40 and forward the modification to the WA Planning Commission for endorsement.*



**DETAILS**

4. The listing of this property in its current form has failed to attract any interest from developers.
5. In September 2011 Council appointed (OCM 139/2011) Westbury Investments Pty Ltd under Tender 1118 to the Panel of Specialist Providers for Property Development Specialists for the purpose of Property Development, Sales and Marketing.
6. Advice has now been sought from Westbury Investments Pty Ltd (Westbury) as to the best method for the disposal/development of 39 Maida Vale Road Maida Vale.
7. Westbury have advised this site would be better developed by the Shire of Kalamunda as a R40 Survey Strata development.
8. Westbury have also advised one of Perth's leading project and unit development builders, Ventura Homes, has expressed an interest in undertaking a built form design for the site to facilitate development. This would be done on the basis that Ventura Homes is provided with exclusive rights to market house and land packages over the site.
9. Burgess Design Group were appointed (OCM 140/2011) to the Panel of Specialist Providers for the provision of Town Planning Services and it is proposed that Burgess Design prepare a preliminary concept design for the strata subdivision.
10. It is proposed the construction works (access roads, internal roads, drainage and hardstand areas) for the development of the subdivision be undertaken by the Shires own resources and the provision of services (Power, Water, Sewer and Telephone) would be provided by external sources.

**STATUTORY AND LEGAL IMPLICATIONS**

11. The development proposal requires approval under the *Planning and Development Regulations 2009*.

**POLICY IMPLICATIONS**

12. There are no Policy Implications.

**PUBLIC CONSULTATION/COMMUNICATION**

13. There is no requirement for public consultation.

**FINANCIAL IMPLICATIONS**

14. The cost to develop the site will be allowed for in the 2012/2013 budget process.

## STRATEGIC AND SUSTAINABILITY IMPLICATIONS

### Strategic Planning Implications

15. The funds received from the development of 39 Maida Vale Road will assist Council addressing the Shire of Kalamunda's Strategic Plan:

*Goal 2: BUILT ENVIRONMENT – Sustainably manage the built environment and to effectively plan for future community needs and population growth.*

### Sustainability Implications

#### Social Implications

16. There are no social implications.

#### Economic Implications

17. There are no economic implications.

#### Environmental Implications

18. There are no environmental implications.

### OFFICER COMMENT

19. The professional advice received from Westbury Investments for the strata development of 39 Maida Vale Road provides the Shire with the best opportunity to maximise returns for the disposal of this property.
20. Providing Ventura Homes with exclusive rights to market house and land packages over the site, will provide the best option for the built form of the development.

#### RESOLVED OCM 211/2011

That Council:

1. That Council notes Confidential Attachments 1 and 2.
2. Provide exclusive rights to Ventura Homes for the development of House and Land packages for the whole of the site at Lot 263(39) Maida Vale Road in Maida Vale.

3. Pursuant to Section 5.42 (1) and Section 5.43 (b) of the *Local Government Act 1995* delegates authority to Chief Executive Officer to accept Tenders for Construction works up to \$250,000 for this project.

Moved: **Cr Margaret Thomas**

Seconded: **Cr Justin Whitten**

Vote: **CARRIED UNANIMOUSLY/ABSOLUTE MAJORITY (10/0)**

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

Councillor Martyn Cresswell disclosed a proximity interest as he owns property in the Stage 3 Area referred to in the report. Councillor Cresswell left the meeting at 6.03pm and did not vote. Councillor Cresswell returned to the meeting at 6.04pm.

**10.4.4 Forrestfield/ High Wycombe Industrial Area Design Guidelines**

Previous Items	N/A
Responsible Officer	Director Development and Infrastructure Services
Service Area	Development and Infrastructure
File Reference	PG-STU-014
Applicant	N/A
Owner	Various owners
Attachment 1	Locality Plan
Attachment 2	Design Guidelines Area
Attachment 3	Design Guidelines Draft Document

**PURPOSE**

1. To consider endorsing the Draft Design Guidelines for Forrestfield/High Wycombe Industrial Area for the purpose of public advertising. Refer (Attachment 1) for Locality Plan.

**BACKGROUND**

2. The land bounded by Roe Highway, Berkshire Road, Maida Vale Road, Sultana Road West, Milner Road and Dundas Road has been identified as a future industrial development area, due to its location- adjacent to Perth Airport, Forrestfield Marshalling Yards/Container Depot and the key freight routes of Roe Highway, Dundas Road, Abernethy Road and Tonkin Highway. Refer (Attachment 1)- Stages 1, 2 and 3 of the Forrestfield/High Wycombe Industrial Area.
3. A portion of the land bounded by Milner Road, Sultana Road West and Dundas Road is already zoned Light Industry with the balance of that area subject to Local Planning Scheme amendments to change the zoning to Light Industry.
4. Both areas are subject to the proposed draft Design Guidelines. Refer (Attachment 2)- Design Guidelines Area.

**DETAILS**

5. The objective of the Design Guidelines is to allow the Shire of Kalamunda to oversee the development of a high standard, attractive, functional and sustainable industrial area, which will attract a range of businesses eager to locate within the area, offering ease of access to both customers and suppliers.

6. The guidelines will provide clear and readily understandable criteria aimed at ensuring a consistently high standard of development is achieved. New development should result in a pleasant working environment, attractive streetscapes and contribute to the protection of value in business investment within the area.
7. The Shire envisages that, in addition to the usual light industrial uses, establishment of complementary and progressive industries such as research and development facilities will be encouraged.

### **STATUTORY AND LEGAL IMPLICATIONS**

8. Clause 6.4 of Local Planning Scheme No.3 specifies the process for adoption of Design Guidelines for development areas as identified under the Clause 2.2 of the Scheme.
9. Clause 2.2 of the Scheme outlines provisions for adoption of Local Planning Policies.
10. Where the Design Guidelines provisions are inconsistent with the Scheme, if adopted by the Council, they will become the subject of a separate Scheme amendment.

### **POLICY IMPLICATIONS**

11. Nil.

### **PUBLIC CONSULTATION/COMMUNICATION**

12. In accordance with the 2.4 of the Scheme, the Design Guidelines will be advertised by a notice in the local paper for two consecutive weeks, copies of the document will be provided for inspection in the Shire offices and local libraries and public consultation will be for the period of 28 days.

### **FINANCIAL IMPLICATIONS**

13. Costs associated with the advertising of the Structure Plan are provided for in the Strategic Planning Services budget.

### **STRATEGIC AND SUSTAINABILITY IMPLICATIONS**

#### **Strategic Planning Implications**

14. The Forrestfield/ High Wycombe Industrial Area was identified in the *Kewdale-Hazelmere Integrated Masterplan* as one of the key precinct suitable for significant freight related industries.

15. The Forrestfield/High Wycombe Industrial Area development is identified as one of the key strategic issues in Shire's draft *Local Planning Strategy* that is currently with the WA Planning Commission for endorsement.
16. The Forrestfield/High Wycombe Industrial Area has been identified as one of the key strategic industrial sites in the Stage Government's Draft Industrial Land Strategy.

### **Sustainability Implications**

#### Social implications

17. Adoption of Design guidelines will allow the Shire the means to ensure that the working environment, external as well as on individual sites is pleasant, attractive and safe, thus creating spaces for quality social interaction.

#### Economic Implications

18. Design guidelines aim at providing attractive streetscapes and high quality development thus contributing to the protection of value in business investment within the area.
19. Industrial development in the Forrestfield/High Wycombe area will provide employment opportunities for the local population.

#### Environmental Implications

20. Design guidelines include principles, guidelines and mandatory requirements relating to environmental management in the area.

### **OFFICER COMMENT**

21. The proposed guidelines contain recommendations that will necessitate amendments to Local Planning Scheme No.3. The amendments to the Scheme will be initiated once the design guidelines have been adopted.
22. The design guidelines present a planning and development control instrument to ensure that the final product of the years of planning work presents exactly as originally envisaged.
23. The guidelines will allow the Shire to enforce consistency, quality and sustainability of development in order for Forrestfield/High Wycombe Industrial area to become a sought-after business location and prestigious industrial address.

24. It is therefore recommended that the Council endorsed the Draft Design Guidelines for Forrestfield/High Wycombe Industrial Area for the purpose of public advertising.

RESOLVED OCM 212/2011

That Council:

1. Endorses the Draft Design Guidelines (Attachment 3) for Forrestfield/High Wycombe Industrial Area for the purpose of public advertising.

Moved: **Cr Allan Morton**

Seconded: **Cr Dylan O'Connor**

Voted: **CARRIED UNANIMOUSLY (9/0)**

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

**10.4.5 Request for Expression of Interest EOI 1005 – Land Lease and Community Housing Development Lot 106 (88) Hale Road Forrestfield**

Previous Items	OCM 165/2010 OCM and OCM33/2011 OCM81/2011
Responsible Officer	Director Corporate and Community Services
Service Area	Property and Procurement
File Reference	PG-DEV-041
Applicant	N/A
Owner	N/A

**PURPOSE**

1. To provide Councillors with an update on progress of negotiations with Access Housing and a recommendation to conclude the EOI 1005 – Land Lease and Community Housing Development Lot 106 (88) Hale Road Forrestfield – process.

**BACKGROUND**

2. At the Ordinary Meeting of Council held on 15 November 2010 Council resolved (OCM 165/2010) to call for expressions of interest for the development of community housing in accordance with the Department of Housing requirements and also the land lease and development of Commercial/Office components of the Business Plan.
3. At the Ordinary meeting of Council held on 21<sup>st</sup> March 2011 Council resolved (OCM33/2011):
 

*That Access Housing be asked to further develop the proposal submitted taking into account and addressing the feedback provided by Councillors, with a further presentation being made to Councillors prior to the Ordinary meeting of Council to be held on Monday 18 April 2011*
4. Access Housing sort an extension of time from the 18 April 2011 and the presentation was then held on 23 May 2011.
5. At the Ordinary Meeting of Council held on 20 June 2011 Council Resolved OCM81/2011
  1. Appoint Access Housing as the preferred respondent to Expression of Interest 1005.
  2. Request Access Housing present a formal submission that addresses the following:
    - Proposed one off Payment of \$1 million for a 30 year lease with a 30 year option – in lieu of an annual ground lease fee.



- Payment of Local Government Rates each year at the current valuations provided and updated by the Valuer General and at the appropriate rate in the dollar set by Council each financial year.
- Detail on how the built form is likely to look and provide information on where similar structures exist that Councillors can visit.
- Proposed mix of tenancies.
- Commercial tenancies (if any proposed) to be located at ground level with residential units above.
- Maintenance of all buildings and facilities including but not limited to roads, paths, gardens, lawns, trees within the leased area.

## **DETAILS**

6. Access Housing made a further presentation to Councillors on 21 November 2011 and provided a very different proposal than that presented at their 23 May 2011 presentation.
7. Senior staff met with Access Housing on 30 November 2011 to further discuss the proposal and put together a draft memorandum of understanding.
8. At this meeting Access Housing advised that they would require freehold title over a portion of the Woodlupine site.

## **STATUTORY AND LEGAL IMPLICATIONS**

9. The EOI has been conducted in accordance with requirements of the *Local Government (Functions and General) Regulations 1996*.

## **POLICY IMPLICATIONS**

10. Nil

## **PUBLIC CONSULTATION/COMMUNICATION**

11. The Business Plan developed for the development and disposal of the land was advertised for Public Comment in September 2010 with no comments being received.

## **FINANCIAL IMPLICATIONS**

12. **Project Income**

The initial proposal presented by Access Housing provides Council with opportunity to invest \$1million dollars which at current rates of 6% will provide an interest income of \$60,000 per annum.

## STRATEGIC AND SUSTAINABILITY IMPLICATIONS

### Strategic Planning Implications

13. The Land Lease of the site will assist Council in addressing  
Goal 1; Community Development – Outcome 1.1 Enhanced quality of life for the aged and disabled.

### Sustainability Implications

#### Economic Implications

14. The development will address:  
Goal 2 of the Strategic Plan; Built Environment – Sustainably manage the built environment and to effectively plan for future community needs and population growth.

#### Environmental Implications

15. The development will provide rehabilitation work to some portions of Woodlupine Creek.

## OFFICER COMMENT

16. The latest proposal from Access Housing and the requirement for some freehold title land now varies quite markedly from the original proposal in not only built form but also financial returns to the Shire.
17. The Business Plan developed for this project included the proposal to subdivide the land and lease long term two portions of Lot 106 (88) Hale Road for development of community housing and new/office commercial units

### RESOLVED OCM 213/2011

1. That Council:
1. Advise Access Housing that the requirement for freehold ownership of a portion of the land is a major variation from the original proposal and not within the business plan adopted for the project.
  2. Access Housing be advised that their current proposal no longer meets the requirements of the EOI and that Council no longer wishes to proceed with EOI 1005.
  3. A concept plan be developed for the whole of the land within Lot 106 (88) Hale Road, that clearly defines the area's of land to be provided for:

- Community Housing
  - Library/Community Hub
  - Commercial opportunities
  - Parking
  - Re-zoning requirements
4. Make application for rezoning of the whole of the area as R40/R60.
  5. Make application for subdivision in accordance with the requirements of the concept plan.

Moved: **Cr Margaret Thomas**

Seconded: **Cr Allan Morton**

Vote: **CARRIED UNANIMOUSLY (10/0)**

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

#### **10.4.6 Metropolitan Local Government Review Panel Issues Paper – Submission from the Shire of Kalamunda**

Previous Items

Responsible Officer Chief Executive Officer

Service Area Office of CEO

File Reference

Applicant N/A

Owner N/A

Attachment 1 Draft Metropolitan Local Government Review Panel Issues Paper – Submission from the Shire of Kalamunda – December 2011

#### **PURPOSE**

1. To seek Council endorsement of the attached Draft Metropolitan Local Government Review Panel Issues Paper – Submission from the Shire of Kalamunda – December 2011.

#### **BACKGROUND**

2. An independent panel was established in June 2011 by the Minister for Local Government to review metropolitan local governments. The panel comprises:
  - Professor Alan Robson – Vice Chancellor of UWA - Chairman
  - Dr Peter Tannock former Vice Chancellor of Notre dame university
  - Dr Sue van Leeuwen CEO of Leadership WA.
3. The panel's purpose is to recommend appropriate boundaries and governance models for local governments in the Perth metropolitan area.
4. A issues paper was released by the panel on 31 October 2011 and called for submissions by the 23 December 2011
5. Panel brief is to make recommendations to the Minister of Local Government by June 2012.

#### **DETAILS**

6. The terms of reference of the panel are
  1. Identify current and anticipated specific regional, social, environmental and economic issues affecting, or likely to affect, the growth of metropolitan Perth in the next 50 years.

2. Identify current and anticipated national and international factors likely to impact in the next 50 years.
  3. Research improved local government structures, and governance models and structures for the Perth metropolitan area, drawing on national and international experience and examining key issues relating to community representation, engagement, accountability and State imperatives among other things the panel may identify during the course of the review.
  4. Identify new local government boundaries and a resultant reduction in the overall number of local governments to better meet the needs of the community.
  5. Prepare options to establish the most effective local government structures and governance models that take into account matters identified through the review including, but not limited to, community engagement, patterns of demographic change, regional and State growth and international factors which are likely to impact.
  6. Present a limited list of achievable options together with a recommendation on the preferred option.
7. The Shire has developed an extensive submission that has produced a collective view for the Shire.
  8. The Shire has consulted directly with its community through a series of focus groups which as been represented within the Shire's submission and can demonstrate that its community sees no benefit to be gained from major boundary adjustments or amalgamations with existing neighbours. In fact the community and Shire agree that dilution of services will occur under an amalgamated model as well a significant loss of local identity given the hills, the foothills and the valley regions of the east metro area contain such distinct communities of interest, unlike the homogeneity of the suburbs in and around the Perth CBD.
  9. The Shire has collaborated with Local Government Managers Association, WALGA and other Local Governments in sharing ideas and information in order to ensure key Local Government wide issues are being consistently raised
  10. The Shire of Kalamunda's preferred position is to remain a sustainable, viable Local Government in its own right. In this submission the Shire will demonstrate that it has the organisational and financial capacity to meet current and future community needs and has the strategies and plans in place to close the financial gap between community needs and service delivery.

11. The Shire can also demonstrate that it can achieve the State's priorities without major boundary adjustments. However, the Shire has outlined some minor boundary changes that it believes would tidy up the Shire in its current form and these are outlined in the submission.
12. The Shire and its community are firmly of the view that the State Government in its reform process should look more closely at the range of services and functions of Local Government (LG) before it makes decisions about form or structure. There is a real concern amongst the community and the Council that "mission creep" has impacted on the long term financial viability of local government.
13. There was strong concern in the community that bigger Councils were more prone to risks and corruption and recent publicity being circulated surrounding the financial difficulties being experienced in the Super councils that have been held up as models by the State Government is very concerning

#### **STATUTORY AND LEGAL IMPLICATIONS**

14. Nil.

#### **POLICY IMPLICATIONS**

15. Nil.

#### **PUBLIC CONSULTATION/COMMUNICATION**

16. Nil.

#### **FINANCIAL IMPLICATIONS**

17. Nil.

#### **STRATEGIC AND SUSTAINABILITY IMPLICATIONS**

##### **Strategic Planning Implications**

18. *Shire of Kalamunda Strategic Plan 2009-2014*  
4.1.1

##### **Sustainability Implications**

###### Social implications

19. Local Government reform will likely impact on the way services are delivered to the community.

Economic Implications

20. The cost of Local Reform in other State's is well documented and very costly.

Environmental Implications

21. Nil

**OFFICER COMMENT**

22. Whilst the submission has received input from as many stakeholders as possible the officers have had the responsibility for compiling the data.

Given the document is at draft stage should Councillors wish to make changes to the draft version then this is feasible and the officers recommendation following takes this into account.

The submission is required to be lodged on 23 December 2011.

RESOLVED OCM 214/2011

That Council:

1. Endorses the Draft Metropolitan Local Government Review Panel Issues Paper – Submission from the Shire of Kalamunda – December 2011 subject to any further identified changes being required.

Moved: **Cr Bob Emery**

Seconded: **Cr Sue Bilich**

Vote: **CARRIED UNANIMOUSLY (10/0)**

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

**10.4.7 Proposed District Boundary Changes Between the Shire of Kalamunda and City of Swan and Shire of Kalamunda and City of Gosnells**

Previous Items:	OCM 61/2011
Responsible Officer	Director Corporate and Community Services
Service Area	Corporate Services
File Reference	EOI 1101
Applicant	N/A
Owner	N/A
Attachment 1	Plan of the proposed new boundary with the City of Gosnells
Attachment 2	Plan of the proposed new boundary with the City of Swan
Attachment 3	Plan of the proposed new boundary with the City of Swan and Shire of Mundaring

**PURPOSE**

1. For Council to approve a proposal being made to the WA Local Government Advisory Board ("the Board") seeking changes to the Shire of Kalamunda District Boundary.

**BACKGROUND**

2. The Shire of Kalamunda has previously considered a number of possible district boundary changes with neighbouring local governments, most recently as part of the 2009 Structural reform process. None of the proposals identified in the Shire's 2009 Structural Reform Submission have been pursued to date.
3. The current proposals are aimed at providing a better district boundary alignment in two specific areas.

**DETAILS**

**Proposed Boundary Change – Shire of Kalamunda and City of Swan/Shire of Mundaring**

4. New alignment – from the point where the current boundary of the City of Swan and Shire of Kalamunda intersects Roe Highway then northerly along the western side of Roe Highway until the intersection of Roe Highway and Bushmead Road/Helena Valley Road and then easterly along the southern side of Helena Valley Road until it intersects with the current district boundary of the Shire of Kalamunda and the Shire of Mundaring.



**Proposed Boundary Change – Shire of Kalamunda and City of Swan**

5. New alignment - from the point where the current boundary of the City of Swan and Shire of Kalamunda intersects Roe Highway then northerly along the western side of Roe Highway until the intersection of Roe Highway and Bushmead Road/Helena Valley Road and then easterly along the southern side of Helena Valley Road until the current district boundary of the City of Swan and Shire of Mundaring then southerly along that boundary until the current district boundary of the Shire of Kalamunda and the City of Swan.

**Proposed Boundary Change – Shire of Kalamunda and City of Gosnells**

6. New alignment - from the point where the boundary meets Welshpool Road in the vicinity of Roe Highway, then easterly along Welshpool Road on the southern side until the intersection with Tonkin Highway, then south along the western side of Tonkin Highway until the intersection with Kelvin Road, then northerly along the northern side of Kelvin Road until the current district boundary of the Shire of Kalamunda and City of Gosnells.

**STATUTORY AND LEGAL IMPLICATIONS**

7. Schedule 2.1(2) of the *Local Government Act 1995* ("the Act") provides the opportunity for a local government to submit a proposal to the Local Government Advisory Board seeking an amendment to its district boundary.
8. Schedule 2.1(3) of the Act provides for the Board to consider any proposal made. Under these provisions the Board can decide that a proposal is one of a minor nature and recommend to the Minister for Local Government that it proceed.

**POLICY IMPLICATIONS**

9. Nil.

**PUBLIC CONSULTATION/COMMUNICATION**

10. Whilst general public consultation has not occurred on this proposal, meetings have been held with the Cities of Swan and Gosnells and Shire of Mundaring.

**FINANCIAL IMPLICATIONS**

11. There are no immediate financial implications from this proposal. However there will be increased revenue from rates and increased expenditure for various services to be provided to the new areas added to the Shire.

## **STRATEGIC AND SUSTAINABILITY IMPLICATIONS**

### **Strategic Planning Implications**

12. Nil.

### **Sustainability Implications**

#### Social implications

13. Nil.

#### Economic Implications

14. Nil.

#### Environmental Implications

15. Nil.

## **OFFICER COMMENT**

16. Whilst these proposed changes to the district boundary are designed to improve the boundary alignment, they will nevertheless add some additional population to the Shire of Kalamunda, with potential for further growth from additional development, particularly in the Helena Valley area and on land previously in the City of Swan.
17. In discussions with the Councils concerning the proposed boundary changes, the City of Gosnells was positive with no objections being raised to the proposal, whilst the City of Swan acknowledged the proposal, they were noncommittal.
18. Although there has been no recent discussions with the Shire of Mundaring, previous discussions regarding the proposal in (Attachment 3) have not been positive. Nevertheless they have been formally advised of the Shire of Kalamunda intention to pursue this proposed boundary change with the Local Government Advisory Board.
19. To accommodate the processes of the Advisory Board it is prudent that each of the proposals is the subject of a separate submission.

### RESOLVED OCM 215/2011

That Council:

1. Resolves to make three proposals in accordance with clause 2 of Schedule 2.1 of the Local Government Act 1995, to the WA Local Government Advisory Board seeking an amendment to the Shire of Kalamunda district boundary

- a. With the City of Gosnells as per (Attachment 1).
- b. With the City of Swan as per (Attachment 2).
- c. City of Swan and Shire of Mundaring as per (Attachment 3).

Moved: **Cr John Giardina**

Seconded: **Cr Frank Lindsey**

Vote: **CARRIED UNANIMOUSLY (10/0)**

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

#### **10.4.8 Circus of Joseph Ashton**

Previous Items:	N/A
Responsible Officer:	Chief Executive Officer
Service Area:	Office of the CEO
File Reference:	CO-CEV-023
Applica	N/A
Owner	N/A
Attachment 1	Conditions and Requirements

#### **PURPOSE**

1. To outline the process applied to determine approval for Circus Joseph Ashton to run in November 2011 at Fleming Reserve.

#### **BACKGROUND**

2. Circus Joseph Ashton applied to the Shire of Kalamunda to hold three shows in 2011 on a Shire reserve. The Circus tours Perth annually and has recently been located at a City of Belmont venue and currently at a City of Swan venue at Bullsbrook.

#### **DETAILS**

3. Upon initial application to hold the Circus on a Shire of Kalamunda reserve, Shire officers met to assess the request. Discussions were held with the applicant in relation to the necessary approvals process and the applicant was advised that feedback would be sought from local residents to the chosen location of Fleming Reserve. An official Event Application was submitted by the Circus initiating a detailed process of approval.
4. The Chief Executive Officer initially reviewed information outlining the background to the request with the instruction to Shire officers to advise local residents of the request, seeking their feedback prior to making a decision, as outlined in Policy FAC4-Circuses on Council Reserves.
5. In addition, Shire Health, Parks and Recreation Officers assessed the application and put forward a number of conditions (outlined in Attachment 1) under which the final approval would be made.

#### **STATUTORY AND LEGAL IMPLICATIONS**

6. Health Act 1911, Health (Public Buildings) Regulations 1992  
Food Act (2008)

## POLICY IMPLICATIONS

7. The application from the proprietor, Joseph Ashton, was conducted according to Policy FAC4-Circuses on Council Reserves reviewed in September of 2008:

*"Applications from circuses involving animals or animal acts to use any Parks or Reserves vested to the Shire of Kalamunda or under the care, control or management of the Shire of Kalamunda will be assessed on a case by case basis. Each application is to be considered by the Chief Executive Officer."*

## PUBLIC CONSULTATION/COMMUNICATION

8. Prior to granting approval, feedback in relation to siting the Circus at Fleming Reserve was sought from local residents. Residents were given two weeks to provide their comments on the proposal. Feedback was overwhelmingly positive with every recipient being in favor of holding the event on the reserve.
9. All recipients made comment on provision for parking. This factor was of concern to officers at the time of application. Officers therefore formulated a strategy to prevent visitors from parking on verges adjoining the Reserve. Resident feedback was received by phone. They were informed of the planned strategy during the course telephone discussions. It was arranged for one respondent to have "No Parking" signage located at the rear of her property in order to keep disruption to a minimum for the duration of the event.
10. One email was received after the event had taken place, objecting to all animals being permitted on Shire Reserves for the purpose of entertainment.

## FINANCIAL IMPLICATIONS

11. All fees and charges incurred by officers relating to this event were paid in full. The bond funds (\$1000) are to be returned as Parks Services are satisfied that Circus Joseph Ashton did not damage the reserve.

### **Recreation:**

Based on the Fees and Charges for Casual Use Non Sporting, a charge of \$1,020 was implemented. This charge included the cost of power and water consumption.

### **Health:**

Based on the Fees and Charges for the assessment of the application for two hours at \$70 pre hour = \$140

### **Parks:**

Venue Bond returnable at the end of the hire period = \$1000

Total fees: \$2,160 were paid upon approval of the application.

## **STRATEGIC AND SUSTAINABILITY IMPLICATIONS**

### **Strategic Planning Implications**

12. Nil.

### **Sustainability Implications**

#### Social Implications

13. Residents welcomed the opportunity to have a circus close at hand in terms of family entertainment.
14. An email was sent to councillors by a Kalamunda resident after the event objecting to all animals being permitted on Shire Reserves for the purpose of entertainment.
15. The resident received a comprehensive reply from councillors. It stated that whilst the question of animals in circuses was an emotive one, Circus Joseph Ashton complied to the recommended National Circus Standards as established in 2005 by the National Consultative Committee on Animal Welfare through the Department of Agriculture, Fisheries and Forestry. Under these regulations, the animals are regularly inspected by the RSPCA. With these checks in place, the Circus would continue to be supported by the Shire of Kalamunda.

#### Economic Implications

16. Nil.

#### Environmental Implications

17. Nil.

## **OFFICER COMMENT**

18. Circus Joseph Ashton complied with all conditions of approval set out by Health Services, Recreation Services and Parks and Reserves. No negative feedback was received from either residents or audience members throughout the three day event.

## RESOLVED OCM 216/2011

That Council:

1. Receives this report regarding the Circus Joseph Ashton event held in the Shire of Kalamunda in November 2011.

2. Accepts that applications from circuses will continue to be assessed on a case by case basis, as set out in Policy FAC4-Circuses on Council Reserves.

Moved: **Cr Dylan O'Connor**

Seconded: **Cr Martyn Cresswell**

Vote: **CARRIED UNANIMOUSLY (10/0)**

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

#### **10.4.9 Memorandum of Understanding with Shire of Brookton and Shire of Pingelly**

Previous Items	N/A
Responsible Officer	Chief Executive Officer
Service Area	Office of CEO
File Reference	
Applicant	N/A
Owner	N/A
Attachment 1	Attachment 1 – Memorandum of Understanding with Shire of Brookton
Attachment 2	Attachment 2 – Memorandum of Understanding with Shire of Pingelly

#### **PURPOSE**

1. To inform council of the agreement reached with the Shire of Brookton and Shire of Pingelly for the provisions of specialist professional key services such as Human Resources, Building Services, Ranger Services and Environmental Health Services.

#### **BACKGROUND**

2. Shire of Kalamunda is to provide support services and address gaps in capacity for both Shire of Brookton and Shire of Pingelly, which in return will assist delivering service levels needed to sustain and service their respective communities.

Services will be delivered with respect by appropriately qualified people who will be orientated to the environment and service needs of the rural Shire. Wherever possible and practical, they will mentor and support the staff of those Shires to build their skills and knowledge in appropriate areas. In return the Shire of Brookton and the Shire of Pingelly will offer diversity in the rural experience and broadening of specialist knowledge to participating SoK staff that will enhance their professional development.

#### **DETAILS**

3. Manager Human Resources and Organisational Development initially met with both the Shire of Brookton and Shire of Pingelly's Chief Executive Officers to discuss the arrangements. Further to this, relevant employees from the Shire of Kalamunda made visits to both the Shire of Brookton and the Shire of Pingelly to discuss what support and capacity building is needed and to further build on the positive relationship with the respective councils.  
The Shire visited both Shire of Brookton and Shire of Pingelly for a day to ensure the travelling conditions and working conditions are suitable for Shire of Kalamunda employees.



**STATUTORY AND LEGAL IMPLICATIONS**

4. N/A

**POLICY IMPLICATIONS**

5. NIL

**PUBLIC CONSULTATION/COMMUNICATION**

6. Memorandum of Understanding agreement has been discussed at staff meetings and the relevant Shire of Kalamunda business units providing the services were given the opportunity to go to Shire of Brookton and Shire of Pingelly and meet with the Chief Executive Officers and staff to discuss the services needed and further build on the relationship.

**FINANCIAL IMPLICATIONS**

7. In anticipation of the Memorandum of Understanding commencing as soon as possible, estimated hours of the first year are listed below; these will be reviewed each year. The cost structure is based on a user pay system whereby the councils will be charged for the hours worked. The hourly rates are inclusive of GST and also include all administration costs and overheads. Additional hours, outside of what is stated below, will be costed at the same hourly rates.

The approximate costs to the Shire of Brookton and the Shire of Pingelly are:

Human Resource Services Hourly Rates:

Hourly rate of \$65.00 per hour estimated to equate to approximately 150 hours of service. Approximate return of \$9750

Building Surveyor Services:

Hourly rate of \$60.00 per hour estimated to equate to approximately 100 hours of service. Approximate return of \$6000

Environmental Health Services:

Hourly rate of \$60.00 per hour estimated to equate to approximately 195 hours of service. Approximate return of \$11,700

Ranger Services:

Hourly rate of \$58.00 per hour estimated to equate to approximately 96 hours of service. Approximate return of \$5,568

Vehicle costs for travelling will be at the rate of \$0.81 per KM travelled (incl of GST)

If overtime or weekend work is needed, Shire of Kalamunda will charge at time and a half for the first two hours and double time thereafter. Travel time to and from Pingelly will be charged as per the hourly rate above.

**STRATEGIC AND SUSTAINABILITY IMPLICATIONS****Strategic Planning Implications**

8. NIL

**Sustainability Implications**Social Implications

9. NIL

Economic Implications

10. NIL

Environmental Implications

11. NIL

**OFFICER COMMENT**

12. The Memorandum of Understanding agreement will remain in good faith and infinitum, reviewed on a three year timeframe with an initial review after three months of the agreement being in place.

Services will be delivered with respect by appropriately qualified people who will be orientated to the environment and service needs of the rural Shire. Wherever possible and practical, they will mentor and support the staff of those Shires to build their skills and knowledge in appropriate areas. In return the Shire of Brookton and the Shire of Pingelly will offer diversity in the rural experience and broadening of specialist knowledge to participating Shire of Kalamunda staff that will enhance their professional development.

RESOLVED OCM 217/2011

1. For Council to receive and note the Memorandum of Understanding for the provision of professional services by the Shire of Kalamunda to both Shire of Brookton and Shire of Pingelly as per Attachment 1 and 2.

Moved: **Cr John Giardina**

Seconded: **Cr Justin Whitten**

Vote: **CARRIED UNANIMOUSLY (10/0)**

**CONFIDENTIAL ITEM**

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

**10.4.10 Director Redundancy Payment**

Reason for Confidentiality: In accordance with Section 5.23(2) (a) of the *Local Government Act 1995*, which permits the meeting to be closed to the public for business relating to a matter that if disclosed would reveal: "*a matter affecting an employee or employees*"

**RESOLVED OCM 220/2011**

That Council:

Agrees to pay the Directors the Contractual Entitlement payment as detailed in (Confidential Attachment 1), which includes disposal of the Shire asset detailed, in accordance with Section 3.58(3) of the *Local Government Act 1995*.

Moved: **Cr Sue Bilich**

Seconded: **Cr Justin Whitten**

Vote: **CARRIED UNANIMOUSLY (10/0)**

**11.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN****11.1 PS47 Lot 8 (10), 9 (12) and 10 (14) Central Mall, Kalamunda – Proposed Office and Shop Unit Development**

## MOTION

That Council:

1. Approves the application received on 28 September 2011 for Shops/Offices on Lot 8 (10), 9 (12) and 10 (14) Central Mall, Kalamunda, subject to the following conditions:
  - a. The provision and maintenance of a total of 49 car spaces including a minimum of one (1) disabled bay. The parking area is to include the provision of shade trees.
  - b. 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.
  - c. All car parking bays and vehicle access ways being line marked, sealed and drained prior to the occupation of the building and maintained thereafter to the satisfaction of Council's Director Engineering Services.
  - d. The provision of a cash in lieu payment for twenty-nine parking bays of \$419,050. The payment shall include the cost of providing paving, kerbing, drainage, landscaping, crossovers and lighting. The payment of cash in lieu for parking shall be subject to a legal agreement prepared at the expense of the applicant.
  - e. That Council approve the applicant paying the cash-in-lieu, as provided for in point 'd' above, in four quarterly equal, in four quarterly equal installments of \$104,762.50, commencing on approval of building license.
  - f. Provision of a colours and textures schedule in accordance with the palette adopted in the Kalamunda Town Centre Improvement Plan.

Moved: **Cr Frank Lindsey**

Seconded:

Vote:

As this matter was withdrawn from the meeting by the Chairman at the request of the Applicant Cr Frank Lindsey did not require this motion being put to a vote.

**12.0 QUESTIONS BY MEMBERS WITHOUT NOTICE**

12.1 Q. At the last meeting of the East Metropolitan Zone Committee there was a motion put to the meeting regarding public servants not being paid to sit on committees or boards. The East Metropolitan Zone has pass a motion requesting WALGA lobby for a change to the policy to allow public servants representing their local government on committees to be paid for their time. Can this matter be investigated and information provided to Councillors?

A. This matter will be investigated and information provided to Councillors.

**13.0 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN**

13.1

**14.0 URGENT BUSINESS APPROVED BY THE PERSON PRESIDING OR BY DECISION**

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

**14.1 Maida Vale Road, Dundas Road intersection**

Previous Items	GS38/2011; OCM 33/2011
Responsible Officer	Chief Executive Officer
Service Area	
File Reference	N/A
Applicant	N/A
Owner	N/A

Attachment 1	Letter from Main Roads
Attachment 2	Letter from Minister Office

**PURPOSE**

1. To consider the State's offer of \$250,000 for upgrading the intersection of Maida Vale and Dundas Road with Shire to pay 50% back over 3 years.

**BACKGROUND**

2. Council resolved at the Ordinary Council Meeting on 21 March 2011 that:
  1. *That the project for the improvement of intersection of Dundas Road and Maida Vale Road at a budget of \$45,600 be deleted from the 2010/11 Works Programme.*
  2. *That Main Roads WA be requested to remove the section of Maida Vale Road, from Everitt Place to Roe Highway from the list for "Network 7 Vehicular Access"*

3. Main Roads was advised of the Council resolution to keep the above permit limited to only the section of Maida Vale road from Dundas Road to Everitt Place.
4. Following a complaint from the member of the public, a safety audit was conducted by Main Roads officers and it was determined that the intersection of Dundas Road /Maida Vale Road is not deemed safe for Restricted Vehicle Access (Network 7 combinations).
5. As a result of the safety audit, Main Roads decided that Maida Vale Road and Everitt place be removed from Restricted Vehicle Access (RAV). The decision by Main roads prompted the RJ & SW Brown of Everitt Place to approach the Shire and Main Roads to allow access for the time being as they had the permit for RAV to their property through Everitt Place.
6. The above issue relating to the intersection was brought to the attention of the Shire by Alyssa Hayden MLC.
7. Shire staff met with Main Road's staff. Main Roads provided the Shire with a response dated 14 November 2011 (Attachment 1).
8. Alyssa Hayden also met with the resident impacted upon by the above decision and approached Main Roads. Main Roads provided the following comments:  
"Due to safety implications, Main Roads is unable to allow access in to Maida Vale Road from Dundas Road, unless significant improvements to the intersection are made to accommodate safe turning movement for 36.5 metre road train."

#### **DETAILS**

9. Alyssa Hayden, has been liaising with Main Roads and the Minister's office in an attempt to get funding for the upgrade of the intersection.
10. Following recent discussions, a visit was made to the small transport business of RJ & SW Brown on the corner of Dundas and Maida Vale Rd, High Wycombe.
11. Through Alyssa Hayden MLC, the Shire has received correspondence from the Minister's office (Attachment 2).
12. The Minister has advised that the State is able to provide \$250,000 to the Shire immediately on the proviso that the Shire pays back 50% over 3 years.

#### **STATUTORY AND LEGAL IMPLICATIONS**

13. Nil.

**POLICY IMPLICATIONS**

14. Nil.

**PUBLIC CONSULTATION/COMMUNICATION**

15. Meetings have taken place between Shire staff, Main Roads, residents and Alyssa Hayden MLC

**FINANCIAL IMPLICATIONS**

16. To comply with Main Roads stipulation, the only option available to seek restricted vehicle access permit is to modify the intersection. This option will require at least \$250,000 to undertake the work.
17. The State Government are offering \$250,000 to the Shire immediately on the agreement the Shire repays \$125,000 back over 3 years. This would equate to \$41,667 per annum.
18. With respect to the requirement to repay \$41,667 for three years, it will be necessary to raise a debt in the Shire's Balance Sheet for the year ended 30 June 2012 of \$125,000.
19. The current 2011/2012 budget does not include this project. If Council agreed to accept the money, the Council would need to amend the budget to include revenue and expenditure of \$250,000.

**STRATEGIC AND SUSTAINABILITY IMPLICATIONS****Strategic Planning Implications**

20. Nil.

**Sustainability Implications**Social Implications

21. Nil.

Economic Implications

22. Nil.

Environmental Implications

23. Nil.



**OFFICER COMMENT**

24. Main Roads WA is not willing to allow access to the intersection as it is unsafe for Network 7 access. The only possibility of allowing this access is to modify the intersection to suit 36.5 metre road train movement.
25. It is agreed that significant improvement of this intersection is required to accommodate Network 7 Access which allows vehicles up to 36.5 meter in length.
26. The intersection will require widening to accommodate the turning circle of a 36.5 metre road train in accordance with Main Roads 'Guidelines for Assessing the Suitability of Routes for Restricted Access Vehicles'.
27. This upgrade will not only allow safer access to 36.5 metre road trains but is likely to provide safer turning movement to general access vehicles too.
28. An interim assessment of the cost of upgrading the intersection has been undertaken. The estimated cost is \$250,000. If Council agrees to accept the offer from the State, a detailed design will be carried out.
29. The project would be scheduled in the New Year as soon as practicable.

**RESOLVED OCM 218/2011**

That Council:

1. Agrees to accept the offer of \$250,000 from the State Government for the upgrade of the Dundas and Maida Vale intersection.
2. Agrees to pay back \$125,000 to the State Government over the next 3 years.
3. Increase revenue account 420607.466 by \$250,000 and increase expense account 420904 job number 3280 by \$ 250,000.

Moved: **Cr John Giardina**

Seconded: **Cr Martyn Cresswell**

Vote: **CARRIED UNANIMOUSLY (10/0)**

**15.0 MEETING CLOSED TO THE PUBLIC****15.1 Meeting to go behind closed doors**RESOLVED OCM 219/2011

That the meeting be closed to the public for consideration of the Confidential Chief Executive Officer's Report Item.

Moved: **Cr Sue Bilich**

Seconded: **Cr Justin Whitten**

Vote: **CARRIED UNANIMOUSLY (10/0)**

The meeting closed to the public at 6.28pm. All members of the gallery and staff left the meeting before the consideration of the Confidential Chief Executive Officer's Report Item.

**15.2 10.4.10 Director Redundancy Payment**

Reason for Confidentiality: In accordance with Section 5.23(2) (a) of the *Local Government Act 1995*, which permits the meeting to be closed to the public for business relating to a matter that if disclosed would reveal: "*a matter affecting an employee or employees*"

RESOLVED OCM 220/2011

That Council:

Agrees to pay the Directors the Contractual Entitlement payment as detailed in (Confidential Attachment 1), which includes disposal of the Shire asset detailed, in accordance with Section 3.58(3) of the *Local Government Act 1995*.

Moved: **Cr Sue Bilich**

Seconded: **Cr Justin Whitten**

Vote: **CARRIED UNANIMOUSLY (10/0)**

15.3 **Meeting to reopen to the public**

RESOLVED OCM 221/2011

That the meeting be reopened to the public after consideration of the Confidential Chief Executive Officer's Report Item.

Moved: **Cr Sue Bilich**

Seconded: **Cr Justin Whitten**

Vote: **CARRIED UNANIMOUSLY (10/0)**

The meeting reopened to the public at 7.01pm after the consideration of the Confidential Chief Executive Officer's Report Item. The Chairman read the Resolution allowed to the meeting.

16.0 **CLOSURE**

16.1 There being no further business the Chairman declared the meeting closed at 7.02 pm.

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

Signed.....Chairman

Dated this .....day of .....2012

