

Ordinary Council Meeting

Agenda for 20 August 2012



**shire of
kalamunda**

NOTICE OF MEETING ORDINARY COUNCIL MEETING

Dear Councillors

Notice is hereby given that the next meeting of the Ordinary Council Meeting will be held in the Council Chambers, Administration Centre, 2 Railway Road, Kalamunda on **Monday 20 August 2012 at 6.30pm.**



James Trail
Chief Executive Officer
15 August 2012

Our Vision, Mission and Organisational Values

Vision

The Shire will have a diversity of lifestyles and people. It will take pride in caring for the natural, social, cultural and built environments and provide opportunities for people of all ages.

Mission

Working together to provide effective and efficient leadership and services our whole community.

Organisational Values

The organisational values of the Shire of Kalamunda assist in driving the behaviour of staff in implementing our strategic plan:

- **Customer Service Focus** – Deliver consistent excellent customer service through being timely and courteous.
- **Innovation** – Pursue excellence through innovative improvements.
- **Leadership** – Provide responsive leadership and excellent governance demonstrating high standards of ethical behaviour.
- **Mutual Respect** – Value each other's differences and demonstrate mutual respect.
- **Trust** – Communicate and collaborate openly and with integrity generating a strong culture of trust.

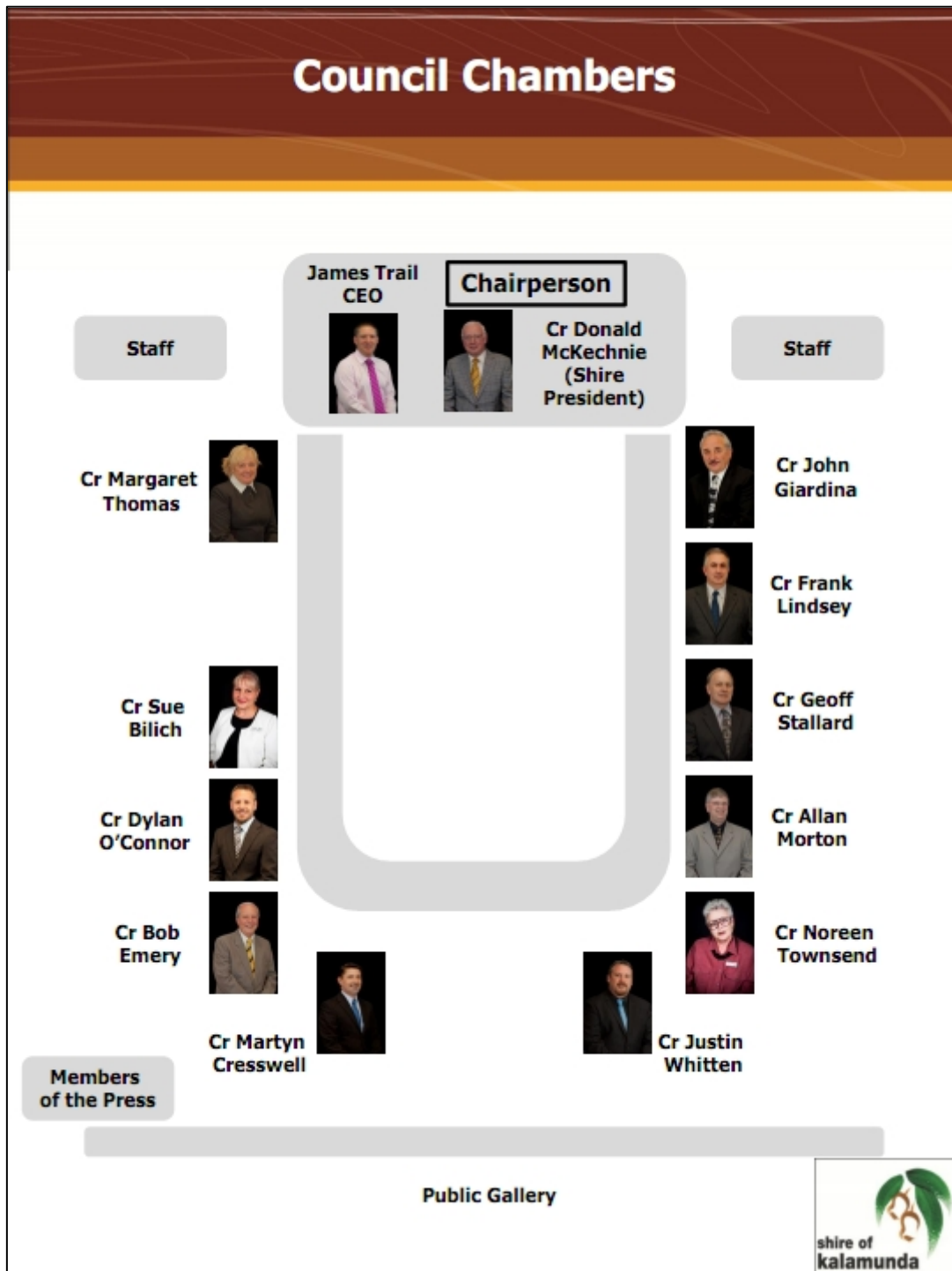


INFORMATION FOR THE PUBLIC ATTENDING COUNCIL MEETINGS

Welcome to this evening's meeting. The following information is provided on the meeting and matters which may affect members of the public.

If you have any queries related to procedural matters, please contact a member of staff.

Council Chambers – Seating Layout



Ordinary Council Meetings – Procedures

1. Council Meetings are open to the public, except for Confidential Items listed on the Agenda.
4. Members of the public who are unfamiliar with meeting proceedings are invited to seek advice prior to the meeting from a Shire Staff Member.
5. Members of the public are able to ask questions at an Ordinary Council Meeting during Public Question Time.
8. To facilitate the smooth running of the meeting, silence is to be observed in the public gallery at all times except for Public Question Time.
9. All other arrangements are in general accordance with Council's Standing Orders, the Policies and decision of the Shire or Council.

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AGENDA

1.0 OFFICIAL OPENING

2.0 ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE PREVIOUSLY APPROVED

3.0 PUBLIC QUESTION TIME

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

4.0 PETITIONS/DEPUTATIONS

5.0 APPLICATIONS FOR LEAVE OF ABSENCE

6.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

- 6.1 That the Minutes of the Ordinary Council Meeting held on 16 July 2012 are confirmed as a true and accurate record of the proceedings.

Moved:

Seconded:

Vote:

Statement by Presiding Member

"On the basis of the above Motion, I now sign the minutes as a true and accurate record of the meeting of 16 July 2012".

- 6.2 That the Minutes of the Special Council Meeting held on 30 July 2012 are confirmed as a true and accurate record of the proceedings.

Moved:

Seconded:

Vote:

Statement by Presiding Member

"On the basis of the above Motion, I now sign the minutes as a true and accurate record of the meeting of 30 July 2012".

- 6.3 That the Minutes of the Special Council Meeting held on 2 August 2012 are confirmed as a true and accurate record of the proceedings.

Moved:

Seconded:

Vote:

Statement by Presiding Member

"On the basis of the above Motion, I now sign the minutes as a true and accurate record of the meeting of 2 August 2012".

- 6.4 That the Minutes of the Special Council Meeting held on 8 August 2012 are confirmed as a true and accurate record of the proceedings.

Moved:

Seconded:

Vote:

Statement by Presiding Member

"On the basis of the above Motion, I now sign the minutes as a true and accurate record of the meeting of 8 August 2012".

7.0 ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION

8.0 MATTERS FOR WHICH MEETING MAY BE CLOSED

- 8.1 **D&I 69. Consideration of Tenders – Supply and Delivery of Concrete Drainage Products (RTF 1205)** - (Attachment 1) Provided under separate cover. Reason for Confidentiality – Local Government Act 1995: Section 5.23 (2) (c), "a contract entered into, or which may be entered into, by the local government which relates to a matter to be discussed at the meeting."
- 8.2 **D&I 70. Consideration of Tenders – Provision of Plant Hire and Auxiliary Plant Hire Services (RTF 1203)**) - (Attachment 1) Provided under separate cover. Reason for Confidentiality – Local Government Act 1995: Section 5.23 (2) (c), "a contract entered into, or which may be entered into, by the local government which relates to a matter to be discussed at the meeting."
- 8.3 **D&I 71. Consideration of Tenders for the Construction of Concrete Footpaths (RTF 1204)** - (Attachment 1) Provided under separate cover. Reason for Confidentiality – Local Government Act 1995: Section 5.23 (2) (c), "a contract entered into, or which may be entered into, by the local government which relates to a matter to be discussed at the meeting."

8.4 **C&C 65. Confidential Report** – provided under separate cover
Lesmurdie Tennis Clubroom Extension Project – Request to Reduce Contribution.

Reason for Confidentiality – *Local Government Act 1995 S5.23 (2) (iii) (h)* - "a matter that if disclosed, would reveal – information about the business, professional, commercial or financial affairs of a person, where the trade secret or information is held by, or is about, a person other than the local government."

9.0 DISCLOSURE OF INTERESTS

9.1 Disclosure of Financial and Proximity Interests

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

9.2 Disclosure of Interest Affecting Impartiality

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

10.0 REPORTS TO COUNCIL

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

10.1 Development & Infrastructure Services Committee Report

10.1.1 Adoption of Development & Infrastructure Services Committee Report

Voting Requirements: Simple Majority

That the recommendations contained in the Development & Infrastructure Services Committee of 6 August 2012, except withdrawn item D&I 61 be adopted.

Moved:

Seconded:

Vote:

10.1.2 D&I 62 The Parking of One Commercial Vehicle – Lot 142 (10) Moonglow Rise, Maida Vale

COMMITTEE RECOMMENDATION TO COUNCIL (D&I 62/2012)

That Council:

1. Defer a decision pending receipt of legal advice related to the definitions within the Town Planning Scheme.

10.1.3 D&I 63 Local Planning Scheme No. 3 Amendment No. 45 – Provisions Relating to the Middle Helena Catchment Area

COMMITTEE RECOMMENDATION TO COUNCIL (D&I 63/2012)

That Council:

1. Notes the submission received in response to Amendment No. 45 to Local Planning Scheme No. 3.
2. Adopts the amendment to Local Planning Scheme No. 3 without modification, in accordance with the following:

PLANNING AND DEVELOPMENT ACT 2005
RESOLUTION DECIDING TO AMEND A LOCAL PLANNING
SCHEME
SHIRE OF KALAMUNDA
LOCAL PLANNING SCHEME NO. 3
AMENDMENT NO. 45

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

- a) Amending the Scheme Zoning Map to show the priority classification areas identified by the Middle Helena Catchment Area Land Use and Water Management Strategy, and adding the annotation SCA over the Middle Helena Catchment Area.
- b) Inserting the following provision under clause 6.1.1 of the Scheme:
 - “(g) The Middle Helena Catchment Area shown on the Scheme Map as SCA shall be in accordance with Clause 6.5.”*
- c) Inserting the following provisions in the Scheme for the Middle Helena Catchment area:

“6.5 MIDDLE HELENA CATCHMENT AREA

6.5.1 The Middle Helena catchment area is the catchment for that section of the Helena River from the Mundaring Weir downstream to the Helena Pumpback Dam (also known as the Lower Helena Diversion Dam). The portion of the Middle Helena catchment area that falls in the Shire of Kalamunda is shown on the scheme map. The area is subject to the Middle Helena Catchment Area Land Use and Water Management Strategy, which identifies three priority classification areas (priority 1, priority 2 and priority 3). These priority classifications are also shown on the scheme map.

6.5.2 The purpose of this special control area is to implement the Middle Helena Catchment Area Land Use and Water Management Strategy. The objectives of this special control area are to:

- (a) Ensure that the long-term quality of the Middle Helena catchment as a public drinking water source is not compromised;*
- (b) Reduce potential nutrient, contaminant and sediment export into the Helena River; and*
- (c) Provide a planning framework for land use decision-making for landowners and local and state government.*

6.5.3 All development in the special control area requiring planning approval shall be subject to the Shire's discretion, despite the use being designated a 'permitted' use under the Scheme.

6.5.4 *The Shire may refer all applications for planning approval to the Department of Water for comment where that application is for a use which is identified as 'compatible with conditions' or 'incompatible' in the relevant priority classification on the Department of Water's land use compatibility table in the water quality protection note Land Use Compatibility in Public Drinking Water Source Areas, incorporating the following variations to that table, which are specific to the Middle Helena catchment area:*

(a) *In priority 2 areas, the land use Restaurants (including cafes and tea rooms) shall be compatible with conditions; and*

(b) *In priority 2 areas, the land use Exhibition Centre shall be compatible with conditions.*

6.5.5 *Except where a proposed use is for extension or replacement of a non-conforming use, which is non-conforming in terms of this clause, a use which is identified as incompatible in the relevant priority classification on the Department of Water's land use compatibility table in the water quality protection note, 'Land Use Compatibility in Public Drinking Water Source Areas' and incorporating the variations to that table specific to the Middle Helena catchment area, shall not be approved.*

6.5.6 *In determining or making recommendation on an application for planning approval in the Special Control Area, or making recommendation on an application for subdivision in the Special Control Area, the shire shall have particular regard to:*

(a) *Any advice received from the Department of Water;*

(b) *The Department of Water's land use compatibility table in the water quality protection note, 'Land Use Compatibility in Public Drinking Water Source Areas', incorporating the variations to that table specific to the Middle Helena catchment area (clause 6.5.4);*

(c) *The recommendations of the Middle Helena Catchment Area Land Use and Water Management Strategy, particularly those specific to the relevant priority classification area;*

(d) *The requirements of State Planning Policy 2.7 Public Drinking Water Source Policy;*

- (e) *The potential impact of the proposal on the quality of the water resource; and*
- (f) *The drainage characteristics of the land, including surface and groundwater flow, and the adequacy of proposed measures to meet water quality targets and manage run-off and drainage."*

3. Amends the Scheme Zoning Map accordingly.
4. Duly executes the Amendment documents and forwards them and submissions received to the Minister for Planning requesting final approval be granted.

10.1.4 D&I 64 Local Planning Scheme No. 3 Amendment No. 43 - Rezone from Public Purpose to Residential R60 - Lot 201 (3) Salix Way, Forrestfield

COMMITTEE RECOMMENDATION TO COUNCIL (D&I 64/2012)

That Council:

1. Notes the submissions received in response to Amendment No. 43 to Local Planning Scheme No. 3.
2. Adopts the amendment to Local Planning Scheme No. 3 without modifications, in accordance with the following:

PLANNING AND DEVELOPMENT ACT 2005

RESOLUTION DECIDING TO AMEND A LOCAL PLANNING
SCHEME

SHIRE OF KALAMUNDA

LOCAL PLANNING SCHEME NO. 3

AMENDMENT NO. 43

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

1. Rezoning Lot 201 (3) Salix Way, Forrestfield from Public Purpose to Residential R60.

3. Amends the Scheme Zoning Map accordingly.

4. Duly executes the Amendment documents and forwards them and submissions received to the Minister for Planning requesting final approval be granted.

10.1.5 D&I 65 Amendment No. 49 to Local Planning Scheme No. 3 – Additional Uses (Restaurant, Reception Centre and Chalets) – Lot 3 (35) Merrivale Road, Pickering Brook

COMMITTEE RECOMMENDATION TO COUNCIL (D&I 65/2012)

That Council:

1. Notes the submissions received in response to Amendment No. 49 to Local Planning Scheme No. 3.
2. Adopts the amendment to Local Planning Scheme No. 3 without modification, in accordance with the following:

PLANNING AND DEVELOPMENT ACT 2005
RESOLUTION DECIDING TO AMEND A LOCAL PLANNING
SCHEME
SHIRE OF KALAMUNDA
LOCAL PLANNING SCHEME NO. 3
AMENDMENT NO. 49

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

- (a) Amending Schedule 2 (Additional Uses) by including the following provision:

NO.	DESCRIPTION OF LAND	ADDITIONAL USE	CONDITIONS
47.	Lot 3 (35) Merrivale Road, Pickering Brook	Restaurant Reception Centre Chalets	The uses are not permitted unless approval is granted by the Local Government ("D")

3. Duly executes the Amendment documents and forwards them and submissions received to the Minister for Planning requesting final approval be granted.

10.1.6 D&I 66 Amendment to Local Planning Scheme No. 3 – Additional Uses (Industry – Light and Storage) – Lot 164 (1350) Canning Road, Canning Mills

COMMITTEE RECOMMENDATION TO COUNCIL (D&I 66/2012)

That Council:

1. Does not initiate the amendment to include the Additional Uses of Industry – Light and Storage on Lot 164 (1350) Canning Road, Canning Mills, for the following reasons:
 - a. The proposed uses not satisfying the Local Planning Scheme No. 3 objectives for the Rural Agriculture zone.
 - b. The proposed uses being incompatible within Priority 2 areas, as stipulated in the Department of Water's Water Quality Protection Note: Land Use Compatibility in Public Drinking Water Source Areas.

10.1.7 D&I 67 Proposed Workshop and Office – Lot 800 (350) Kalamunda Road, Maida Vale

COMMITTEE RECOMMENDATION TO COUNCIL (D&I 67/2012)

That Council:

1. Approves the application dated 22 December 2011 to construct an office and additional workshop at Lot 800 (350) Kalamunda Road, Maida Vale, subject to the following conditions:
 - a. The proposed landscaping being planted within 28 days of the proposed development's completion, and maintained thereafter by the landowner to the Shire's satisfaction.
 - b. Crossovers being designed and constructed to the satisfaction of the Shire.
 - c. Vehicle access ways being suitably constructed sealed drained to the satisfaction of the Shire.
 - d. Storm water drainage from roofed and paved areas being disposed to the satisfaction of the Shire.
 - e. The applicant shall be responsible for organising and submitting an independent traffic impact assessment for the proposed development regarding the need for left turn slip lane and passing lane to ensure safety and preserve the amenity of the area. This will need to be submitted to and approved by the Shire prior to the building licence being issued.
 - f. The provision and maintenance of a total of 12 car spaces including a minimum of one disabled bay. All car

parking and vehicle access ways being line marked, sealed, and drained prior to the occupation of the building and maintained thereafter to the satisfaction of the Shire.

- g. The proposed use is to only operate between the hours of 7.30am and 3.30pm Monday to Friday.

10.1.8 D&I 68 Two Outbuildings (Sheds) – Lot 57 (453) Canning Road, Carmel

COMMITTEE RECOMMENDATION TO COUNCIL (D&I 68/2012)

That Council:

1. Recommends to the WA Planning Commission that the application to build a 200sqm outbuilding (shed) at Lot 57 (453) Canning Road, Carmel, be refused for the following reasons:
 - a. The proposed use of the outbuilding, being the use Storage or Industry - Light, are not permitted on properties zoned Rural Landscape Interest.
 - b. The proposed use of the outbuilding being incompatible within Priority 2 areas, as stipulated in the Department of Water's Water Quality Protection Note: Land Use Compatibility in Public Drinking Water Source Areas.
2. Advises the landowner that the steel fabrication business currently operating from the property is to cease immediately, and materials stored on the property associated with the unauthorised business be removed within 35 days of this decision.

10.1.9 D&I 69 Consideration of Tenders - Supply and Delivery of Concrete Drainage Products (RFT-1205)

COMMITTEE RECOMMENDATION TO COUNCIL (D&I 69/2012)

That Council:

1. Accepts the recommendation of the Tender Assessment Panel to appoint Humes Wembley Cement as preferred tenderer for the Supply and Delivery of Concrete Drainage Products.

10.1.10 D&I 70 Consideration of Tenders – Provision of Plant Hire and Auxiliary Plant Hire Services (RFT 1203)

COMMITTEE RECOMMENDATION TO COUNCIL (D&I 70/2012)

That Council:

1. Accepts the recommendation of the Tender Assessment Panel to appoint a panel of preferred tenderers, in order HAS Earthmoving, McKay Earthmoving Pty Ltd, Sherrin Rentals Pty Ltd, Trenchbusters Pty Ltd, Mayday Earthmoving, for the Provision of Plant Hire and Auxiliary Plant Hire Services.
2. Approves the allocation of Plant Hire Elements to Tenderers as identified in (Attachment 2).

10.1.11 D&I 71 Consideration of Tenders for the Construction of Concrete Footpaths (RFT1204)

COMMITTEE RECOMMENDATION TO COUNCIL (D&I 71/2012)

That Council:

1. Accepts the recommendation of the Tender Assessment Panel to appoint both PH Concrete (preferred tenderer) and WA Concreters (secondary tenderer) as preferred tenderers for the Construction of Concrete Footpaths.

10.1.12 D&I 72 Gateway WA – Perth Airport and Freight Access Project Acquisition of Land for Road Reserve Purposes

COMMITTEE RECOMMENDATION TO COUNCIL (D&I 72/2012)

That Council:

1. Concurs with the dedication of the land, the subject of Main Roads Drawing numbered 1260-008-1 (Attachment 1) as road under Section 56 of the *Land Administration Act 1997*.

For Separate Consideration

A decision on this matter was deferred to the Ordinary Council Meeting on Monday 20 August 2012 to allow time for staff to provide additional information. The original Officer Recommendation with an amended clause e. and additional clause h. (highlighted) is now presented for Council's consideration.

**10.1.13 D&I 61 The Parking of One Commercial Vehicle – Lot 57 (5B)
Goodall Street, Lesmurdie**

Voting Requirements: Simple Majority

OFFICER RECOMMENDATION TO COUNCIL (D&I 61/2012)

That Council:

1. Approves the retrospective planning application dated 29 February 2012 for William Barnes to continue to park one commercial vehicle, a Bedford Bus (registration number 1CPU 256) at Lot 57 (5B) Goodall Street, Lesmurdie, subject to the following conditions:
 - a. The vehicle must, at all times, be parked in the location shown on the approved site plan (Attachment 2).
 - b. Maintenance and cleaning of the commercial vehicle is only permitted between 8.00am and 6.00pm Monday to Saturday, and 9.00am to 6.00pm on Sundays.
 - c. The vehicle is not to be used for habitation purposes whilst parked on the property.
 - d. Only maintenance of a minor nature, such as servicing or wheel changing, is to be carried out on the subject property between the hours designated in condition b. No panel beating, external spray painting, external welding or the removal of major body or engine parts is permitted.
 - e. The idling time for the start-up and cool down of the vehicle being a maximum of five minutes **per day**.
 - f. Washing of the commercial vehicle on the subject lot is to be limited to the use of water and mild detergent, but not involve the use of any solvents, degreasing substances, steam cleaning and any other processes which may cause pollution or degradation of the environment.
 - g. Latticing of at least 0.8m in height being placed along the top of the dividing fence between 5B and 9 Goodall Street, Lesmurdie, within 35 days from the date of this decision, and maintained thereafter by the landowner of 9 Goodall Street to the Shire's satisfaction.
 - h. The approval for the parking of one commercial vehicle on the subject property is valid for 6 months from the date of this approval, after which time the use is not to continue unless planning approval has again been obtained from the Shire.**

Moved:

Seconded:

Vote:

10.2 Corporate & Community Services Committee Report

10.2.1 Adoption of Corporate & Community Services Committee Report

Voting Requirements: Simple Majority

That the recommendations contained in the Corporate & Community Services Committee of 13 August 2012, except withdrawn item C&C 64, be adopted.

Moved:

Seconded:

Vote:

10.2.2 C&C 60 Creditors' Accounts Paid During the Period - 26 June to 26 July 2012

COMMITTEE RECOMMENDATION TO COUNCIL (C&C 60/2012)

That Council:

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

10.2.3 C&C 61 Debtors and Creditors Reports for the Period Ended – 30 June 2012

COMMITTEE RECOMMENDATION TO COUNCIL (C&C 61/2012)

That Council:

1. Receives the outstanding debtors (Attachment 1) and creditors (Attachment 2) reports for the period ended 30 June 2012.

10.2.4 C&C 62 Rates Debtors Report for the Period Ending 30 June 2012

COMMITTEE RECOMMENDATION TO COUNCIL (C&C 62/2012)

That Council:

1. Receives the rates debtors report for the period ended 30 June 2012 (Attachment 1).

10.2.5 C&C 63 Community Care – June (2012) Quarterly Report 2

COMMITTEE RECOMMENDATION TO COUNCIL (C&C 63/2012)

That Council:

1. Receives the Community Care Services - June 2012 Quarterly Report.

**10.2.6 C&C 65 CONFIDENTIAL REPORT – provided under separate cover
Lesmurdie Tennis Clubroom Extension Project – Request to Reduce
Contribution**

COMMITTEE RECOMMENDATION TO COUNCIL (C&C 65/2012)

That Council:

1. Accepts the Lesmurdie Tennis Club's \$27,186 as contribution toward the cost of the Clubroom extension and that GST be charged.
2. Rejects the Lesmurdie Tennis Club's proposal for a 50% contribution towards the construction of a bar, as this is considered outside of the Scope of Works outlined within the Community Sport and Recreation Facilities funding agreement.
3. Issues appropriate certifications to be provided at the completion of the project.
4. Agrees to install emergency egress doors.
5. Agrees to provide engineering documentation regarding the roof beam.
6. Agrees to provide electrical compliance documentation.
7. Initiates discussions with the Lesmurdie Tennis Club on Lease development this year as part of the development of the Lease and Licence Policy.
8. Requests payment of the Lesmurdie Tennis Club's contribution to be made in one lump sum.

10.2.7 C&C 66 Modification to the Wattle Grove Cell 9 Structure Plan - Lot 34 (338) Hale Road, Wattle Grove

COMMITTEE RECOMMENDATION TO COUNCIL (C&C 66/2012)

That Council:

1. Adopts the proposed modification to the Wattle Grove Cell 9 Structure Plan to change the rear of Lot 34 (338) Hale Road, Wattle Grove from Public Open Space to Neighbourhood Centre, retaining a 11m wide portion of Public Open Space along the rear boundary.
2. Forwards the modified Wattle Grove Cell 9 Structure Plan to the WA Planning Commission for endorsement.

10.2.8 C&C 67 Quarterly Progress Report – April – June 2012

COMMITTEE RECOMMENDATION TO COUNCIL (C&C 67/2012)

That Council:

1. Receives the Quarterly interplan Progress Report for April – June 2012.

For Separate Consideration

This item was withdrawn as an Absolute Majority is required.

10.2.9 C&C 64 Scott Reserve Advisory Committee - Nomination for Deputy Committee Members

Voting Requirements: Absolute Majority

COMMITTEE RECOMMENDATION TO COUNCIL (C&C 64/2012)

That Council:

1. Approves the appointment of Davina Griffiths, Mark Doyle and David Sheedy, representing High Wycombe Amateur Football Club, and Aaron Savory, representing High Wycombe Cricket Club, as deputies on the Scott Reserve Advisory Committee.
2. Endorses the following addition to the "Membership" component Scott Reserve Advisory Committee Terms of Reference:

4.8 User groups with representatives on the Advisory Committee may nominate a deputy that only has provision to attend meetings and vote when the key representative is absent.

Moved:

Seconded:

Vote:

10.3 CHIEF EXECUTIVE OFFICER REPORTS

**10.3.1 CONFIDENTIAL REPORT - provided under separate cover
Disposal of Asset – Motor Vehicle, 2009 Toyota Kluger KM 6900**

Reason for Confidentiality – *Local Government Act 1995: Section 5.23(2) (a),
“a matter affecting an employee or employees”.*

Previous Items	N/A
Responsible Officer	Chief Executive Officer
Service Area	Chief Executive's Office
File Reference	PT-OFV-002
Applicant	N/A
Owner	Shire of Kalamunda

This item to be discussed under point 15 of this Agenda

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

10.3.2 Draft Monthly Financial Statements for the Twelve Months to 30 June 2012

Previous Items	N/A
Responsible Officer	Director Corporate and Community Services
Service Area	Finance
File Reference	FIR-SRR-006
Applicant	N/A
Owner	N/A
Attachment 1	Draft Statements of Financial Activity for the twelve months to 30 June 2012 incorporating the following: <ul style="list-style-type: none">• Statement of Comprehensive Income by Program• Statement of Comprehensive Income by Nature and Type• Rate Setting Statement including net current funding position• Statement of Financial Position• Statement of Equity• Statement of Cash flows• Schedule of Reserve Accounts Balances• Investment Schedule

PURPOSE

1. To provide Council with financial reports on the activity of the Shire of Kalamunda with indications of performance against adopted budget.

BACKGROUND

2. The Statement of Financial Activity (Attachment 1), incorporating various sub-statements, has been prepared in accordance with the requirement of the *Local Government Act (1995)*, *Local Government (Financial Management) Regulations 1996* (Regulation 34).

DETAILS

3. The *Local Government Act (1995)* requires Council to adopt a percentage or value to be used in reporting variances against Budget. Council adopted on 25 July 2011 the reportable variances of 5% or \$5,000 whichever is greater.
4. The adopted percentage on value is applied at Program level and where applicable for the commentary and detail is provided.

Financial Commentary

Draft Statement of Comprehensive Income by Nature and Type for the Twelve Months to 30 June 2012

5. This draft un-audited Statement reveals a net result of a surplus of \$3,626,427 against a revised Budget for the same period of \$4,260,768.

Revenue

6. Total Revenue is under budget over budget by \$399,568. This is made up as follows:
- Overall rates are under budget by \$141,857 or 0.59% of the revised budget. The main reason for the variance was that the forecasted interims rates revenue had been over estimated.
 - Operating Grants and Subsidies; Contributions, Reimbursements and Donations are together higher than budget by \$279,269. The reason for the upswing is due to the increased funding received from the Commonwealth for FAGS grants whereby they have paid 2012/2013 grants in advance. This resulted in a positive variance of \$867,307 offsetting amounts budgeted for but not received in areas such as Human Resources \$302,914, Recreation Services \$107,702 and Engineering Works (construction) \$409,517.
 - Fees and Charges were higher by \$160,920 with the variance coming from various operational units with marked increases noted in Rates for recoveries of Legal Fees \$111,217 and Development Services \$70,647.
 - Interest earnings are over budget by \$215,559, mainly as a result of conservative forecasts upheld by good Bank Bill Swap rates with main banks. Of this amount the reserves component was \$57,195 with an actual of \$134,587. This has been attributed to leaving the transfers from Reserves to Municipal to June.
7. Other revenue is under budget by \$114,323 substantially coming from the Building and Planning services as a result of a penalty charge which is in the hands of the Fines & Enforcement Registry (FER) while other areas are principally timing differences.

Expenditure

8. Total expenses are slightly over budget by \$290,616 summarised as follows:
- "Employment Costs" are slightly over by \$124,261 which is less than 1% against the reportable variance of 5%. The increase in costs are recognised as:
 - FBT \$51,814 as a result of a compliance check resulting in employees previously regarded as exempt being correctly recognised.
 - Increase in Worker Compensation paid out \$18,029 higher than budgeted as a result of an increase in incidents mainly in the outside workforce area. This was directly related to an increased amount spent in OHS by \$5,428.
 - Recruitment expenditure was higher by \$7,378, an area difficult to manage as it is linked directly to staff turnover which is generally unpredictable.
 - The rest is made up of higher salaries and wages costs.

- The actuals may change as a result of finalisation of provisions for annual and long service leave.
 - “Materials and Contracts” \$81,715 just over budget in various operational units. This area may change with any outstanding accruals that may still need to be brought to account as a result of the end of year audit.
 - Utilities were over by \$85,139 with approximately \$59,000 related to back billing charged by Synergy for the street lighting;
 - Other expenditure is below budget by \$25,441 which compensates with the over-expenditures in Employee costs and Materials and Contracts.
9. The interest expense is slightly higher than budget by \$211,217, due to interest now being accrued monthly in accordance with best practice accrual accounting conventions and is based on loan schedules. The amount paid are in accordance with the debenture schedule;
10. Depreciation, although a non-cash cost, is tracking above budget, \$128,036. This relates mainly in the building and infrastructure assets categories.

Non-Operating Grants

11. Non-Operating Grants are under budget by \$538,424. This component is made up of various infrastructure projects for which works are in progress and billing is yet to be done. The largest component is from the Maida Vale Dundas Road project worth \$250,000.

Profit on Asset Disposals

12. The profit on disposal of assets, principally:
- Welshpool Road Development (Smoke Bush Estate) 25 lots have been realised so far with three being sold in the month of June 2012
 - 21 Andrews Street
 - 43 Boonooloo Road
- has come slightly under budget expectations by \$193,085, with profit as at the 30 June 2012 being \$3,898,569. This was mainly due to budgeting for 27 lots of the Smoke Bush Estate would be sold in 2011/2012. Two lots received offers in June 2012. Both of these will be settling in August 2012.

Statement of Comprehensive Income by Program for the Twelve Months to 30 June 2012

13. The overall results comments are as above and generally each Program is within accepted budget except for
- Transport - Income being less than expected.
 - Recreation and Culture – Expenditure being greater than forecasted.
 - Transport – Expenditure being greater than forecasted.
- These variances relate in general to timing in the receipt of grants to when expenditure was released.

Rate Setting Statement for the Twelve Months to 30 June 2012

14. This Statement compares the actual to date with the Annual Budget.
15. The results to 30 June 2012 reveal a surplus of \$1,963,038. This was mainly made up of:
- There was deferred works of approximately \$486,196.
 - Un-spent loan of \$1,058,000 for plant purchases.
 - Advance grants received for Abernethy and Mundaring Weir Road of \$483,733.

The balance being a small surplus at year end.

Reserves as at 30 June 2012

16. The current balance held in Reserves is \$2,677,466 which is almost on target with the budget set of \$2,897,269. The amount is slightly under due to timing difference on the remaining 4 lots at the Smoke Bush Estate.

Investments As at 30 June 2012

17. A total of \$17.97 million is being held in term deposits or online saving accounts and includes the overdraft facility of which \$970,348 had been utilised as of June 2012.

The above is made of:

- Municipal Funds \$4,758,275;
- Reserve Funds \$2,661,639;
- Trust Monies \$10,559,953 and includes amounts for Public Open Space of \$2,204,844

Average interest rates on term deposits have been in excess of 5.5% but these are now starting to come down to approximately 4.8% on renewals as the RBA cut another 25 basis points on the cash rate which is now sitting at 3.5%.

All deposits comply with the Investment Policy requirements and are no longer than 120 days.

Statement of Financial Position as at 30 June 2012

18. Net Current Assets (Current Assets less Current Liabilities) are showing a positive result. The Shire has ended the year with a healthy cash position of \$8.2 million as compared to only \$3.1 million last year. The current ratio stands at 1.07 which is a vast improvement from last years of 0.83.
19. Trade and other receivables comprise of rates and sundry debtors totalling \$2.7 million outstanding.
- The rates balance is in line with last year \$876,589 of which the current amount owing represents 1.8% of rates outstanding.
 - The Sundry debtors is showing \$1.036 million outstanding. Of this, \$657,000 was a result of late billing done for grants payable to the shire for projects completed or underway.

-
20. Fixed Assets have increased by \$4 million after depreciation which shows that the Shire is maintaining and improving its asset management operations. As noted above projects worth an estimated \$486,196 are being carried forward to 2012/2013.
21. Provisions currently stand at \$2.2 million but will change once the payroll has been reconciled.
22. Long term borrowings are higher at \$8.15 million with the inclusion of two new loans this year:
- Kalamunda Water Park at \$1.85 million
 - Refuse Trucks at \$1.15 million. This loan has substantially been un-utilised and its purpose will be reviewed in 2012/2013.

STATUTORY AND LEGAL IMPLICATIONS

23. The *Local Government Act 1995* and the *Local Government (Financial Management) Regulations*.

POLICY IMPLICATIONS

24. Nil.

PUBLIC CONSULTATION/COMMUNICATION

25. Nil.

FINANCIAL IMPLICATIONS

26. Nil.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

Strategic Planning Implications

27. *Shire of Kalamunda Strategic Plan 2009-2014*
- | | | |
|----------|-------|--|
| Strategy | 5.5.2 | Provide financial services to support Council's operations and to meet sustainability planning, reporting and accountability requirements. |
|----------|-------|--|

Sustainability Implications

Social Implications

28. Nil.

Economic Implications

29. Nil.

Environmental Implications

30. Nil.

OFFICER COMMENT

31. The year end result is highly satisfactory showing the Shire has turned around its financial situation within one financial year. The Shire will need to maintain its stringent financial management throughout 2012/2013 to ensure long term financial sustainability is achieved by the end of 2012/2013.

Voting Requirement – Simple Majority

RECOMMENDATION

That Council:

1. Receives the monthly financial statement for the period ended 30 June 2012, which comprises:
 - Statement of Financial Position
 - Equity Statement
 - Statement of Comprehensive Income by Nature and Type
 - Statement of Comprehensive Income by Program
 - Rate Setting Statement including net funding position
 - Reserve Balances Statement
 - Statement of Cash Flows
 - Investment Schedule

2. Note the Shire of Kalamunda has posted a highly satisfactory and positive draft end of year result.

Moved:

Seconded:

Vote:

Attachment 1

Draft Monthly Financial
Statements
for the twelve months
to
30 June 2012



SHIRE OF KALAMUNDA
STATEMENT OF COMPREHENSIVE INCOME
BY NATURE OR TYPE
FOR THE 12 MONTHS TO 30 JUNE 2012

	30/06/2012 Actual \$	30/06/2012 Budget \$	2011-12 Budget \$	30/06/2011 Actual \$
REVENUE				
Rates	23,702,614	23,844,471	23,844,471	21,762,492
Operating Grants and Subsidies	6,325,930	5,600,869	5,600,869	2,672,499
Contributions, Reimbursements and Donations	911,878	1,357,670	1,357,670	2,735,404
Fees and Charges	10,238,710	10,077,790	10,077,790	9,420,769
Interest Earnings	818,407	602,848	602,848	793,367
Other Revenue	41,877	156,200	156,200	33,065
	<u>42,039,416</u>	<u>41,639,848</u>	<u>41,639,848</u>	<u>37,417,596</u>
EXPENSES				
Employee Costs	(19,622,133)	(19,497,872)	(19,497,872)	(18,679,301)
Materials and Contracts	(14,579,234)	(14,497,519)	(14,497,519)	(15,862,118)
Utility Charges	(2,041,176)	(1,956,037)	(1,956,037)	(1,704,292)
Depreciation on Non-Current Assets	(9,314,073)	(9,186,892)	(9,186,892)	(9,038,202)
Interest Expenses	(669,214)	(457,943)	(457,943)	(309,843)
Insurance Expenses	(488,355)	(572,888)	(572,888)	(501,441)
Other Expenditure	(668,307)	(922,726)	(922,726)	(430,141)
	<u>(47,382,492)</u>	<u>(47,091,876)</u>	<u>(47,091,876)</u>	<u>(46,525,337)</u>
	(5,343,076)	(5,452,028)	(5,452,028)	(9,107,741)
Non-Operating Grants, Subsidies and Contributions	5,082,718	5,621,142	5,621,142	6,706,830
Increase/(Decrease) in Equity EMRC				
Profit on Asset Disposals	3,898,569	4,091,654	4,091,654	107,441
Loss on Asset Disposal	(11,784)			(174,520)
	<u>3,626,427</u>	<u>4,260,768</u>	<u>4,260,768</u>	<u>(2,467,990)</u>
NET RESULT	3,626,427	4,260,768	4,260,768	(2,467,990)
Other Comprehensive Income	0	0	0	0
Total Other Comprehensive Income	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
TOTAL COMPREHENSIVE INCOME	<u><u>3,626,427</u></u>	<u><u>4,260,768</u></u>	<u><u>4,260,768</u></u>	<u><u>(2,467,990)</u></u>

**SHIRE OF KALAMUNDA
STATEMENT OF COMPREHENSIVE INCOME
BY PROGRAM
FOR THE 12 MONTHS TO 30 JUNE 2012**

	30/06/2012 Actual \$	30/06/2012 Budget \$	2011-12 Budget \$	30/06/2011 Actual \$
REVENUE				
Governance	10,157	466	466	24,764
General Purpose Funding	27,544,192	26,619,239	26,619,239	24,840,793
Law, Order, Public Safety	319,677	309,280	309,280	450,628
Health	97,487	90,217	90,217	72,943
Education and Welfare	3,623,557	3,621,696	3,621,696	3,285,039
Community Amenities	11,209,593	11,425,976	11,425,976	6,471,275
Recreation and Culture	2,595,768	2,670,302	2,670,302	4,244,168
Transport	4,623,766	5,302,154	5,302,154	2,176,840
Economic Services	610,601	605,727	605,727	557,508
Other Property and Services	385,904	707,587	707,587	3,207,933
	<u>51,020,703</u>	<u>51,352,644</u>	<u>51,352,644</u>	<u>45,331,892</u>
EXPENSES EXCLUDING FINANCE COSTS				
Governance	(2,587,160)	(2,401,007)	(2,401,007)	(2,608,458)
General Purpose Funding	(747,875)	(592,372)	(592,372)	(518,141)
Law, Order, Public Safety	(1,438,451)	(1,427,437)	(1,427,437)	(1,467,362)
Health	(769,552)	(794,396)	(794,396)	(769,079)
Education and Welfare	(3,757,318)	(4,242,989)	(4,242,989)	(3,837,196)
Community Amenities	(11,006,736)	(11,190,167)	(11,190,167)	(9,983,108)
Recreation & Culture	(17,367,672)	(17,155,484)	(17,155,484)	(18,341,265)
Transport	(7,903,415)	(7,577,335)	(7,577,335)	(7,612,686)
Economic Services	(582,984)	(580,826)	(580,826)	(521,037)
Other Property and Services	(563,899)	(671,919)	(671,919)	(1,831,706)
	<u>(46,725,062)</u>	<u>(46,633,933)</u>	<u>(46,633,933)</u>	<u>(47,490,039)</u>
FINANCE COSTS				
Other Property and Services	(669,214)	(457,943)	(457,943)	(309,843)
	<u>(669,214)</u>	<u>(457,943)</u>	<u>(457,943)</u>	<u>(309,843)</u>
NET RESULT	<u>3,626,427</u>	<u>4,260,768</u>	<u>4,260,768</u>	<u>(2,467,990)</u>
Other Comprehensive Income	0	0	0	0
Total Other Comprehensive Income	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
TOTAL COMPREHENSIVE INCOME	<u>3,626,427</u>	<u>4,260,768</u>	<u>4,260,768</u>	<u>(2,467,990)</u>

SHIRE OF KALAMUNDA RATE SETTING STATEMENT FOR THE 12 MONTHS TO 30 JUNE 2012					
	Actual 30/06/2012	Budget YTD 2011-12	Budget 2011-12	Variance	Variance
	\$	\$	\$	\$	%
REVENUE					
Governance	10,157	466	466	9,691	95.41%
General Purpose Funding	3,841,578	2,774,768	2,774,768	1,066,809	27.77%
Law, Order, Public Safety	319,677	309,280	309,280	10,397	3.25%
Health	97,487	90,217	90,217	7,270	7.46%
Education and Welfare	3,623,557	3,621,696	3,621,696	1,862	0.05%
Community Amenities	11,209,593	11,425,976	11,425,976	(216,383)	(1.93%)
Recreation and Culture	2,595,768	2,670,302	2,670,302	(74,534)	(2.87%)
Transport	4,623,766	5,302,154	5,302,154	(678,388)	(14.67%)
Economic Services	610,601	605,727	605,727	4,874	0.80%
Other Property and Services	385,904	707,587	707,587	(321,683)	(83.36%)
Total (Excluding Rates)	<u>27,318,089</u>	<u>27,508,173</u>	<u>27,508,173</u>		
EXPENSES					
Governance	(2,587,160)	(2,401,007)	(2,401,007)	(186,153)	7.20%
General Purpose Funding	(747,875)	(592,372)	(592,372)	(155,503)	20.79%
Law, Order, Public Safety	(1,438,451)	(1,427,437)	(1,427,437)	(11,014)	0.77%
Health	(769,552)	(794,396)	(794,396)	24,844	(3.23%)
Education and Welfare	(3,757,318)	(4,242,989)	(4,242,989)	485,671	(12.93%)
Community Amenities	(21,006,736)	(11,190,167)	(11,190,167)	(9,816,569)	(46.73%)
Recreation & Culture	(17,367,672)	(17,155,484)	(17,155,484)	(212,188)	1.22%
Transport	(7,903,415)	(7,577,335)	(7,577,335)	(326,080)	4.13%
Economic Services	(582,984)	(580,826)	(580,826)	(2,158)	0.37%
Other Property and Services	(1,149,778)	(1,129,862)	(1,129,862)	(19,916)	1.73%
Total	<u>(47,310,942)</u>	<u>(47,091,876)</u>	<u>(47,091,876)</u>	<u>(219,066)</u>	
Net Operating Result Excluding Rates	(19,992,852)	(19,583,703)	(19,583,703)	(219,066)	
Adjustments for Cash Budget Requirements:					
Non-Cash Expenditure and Revenue					
(Profit)/Loss on Land Disposals	(3,898,569)	(4,083,096)	(4,083,096)	184,527	(4.73%)
(Profit)/Loss on Asset Disposals	11,784	(8,558)	(8,558)	20,342	172.62%
Depreciation and Amortisation on Assets	9,314,073	9,186,892	9,186,892	127,181	1.37%
Movement in Employee Benefit Provisions	388,535	-	-	388,535	100.00%
Capital Expenditure and Revenue					
Purchase Land Held for Resale	(2,634,682)	(2,494,864)	(2,494,864)	(139,818)	5.31%
Purchase Land and Buildings	(5,869,156)	(6,223,068)	(6,223,068)	354,912	(6.05%)
Purchase Infrastructure Assets - Roads	(4,967,031)	(5,874,491)	(5,874,491)	907,460	(18.27%)
Purchase Infrastructure Assets - Drainage	(1,078,185)	(1,280,500)	(1,280,500)	202,316	(18.76%)
Purchase Infrastructure Assets - Parks and Ovals	(521,799)	(660,831)	(660,831)	139,032	(26.64%)
Purchase Infrastructure Assets - Footpaths	(278,140)	(368,800)	(368,800)	90,660	(32.60%)
Purchase Infrastructure Assets - Special Works	(362,904)	(313,559)	(313,559)	(49,345)	13.60%
Purchase Plant and Equipment	(314,498)	(1,437,996)	(1,437,996)	1,123,498	(357.24%)
Purchase Furniture and Equipment	(180,578)	(191,395)	(191,395)	10,817	(5.99%)
Proceeds from Disposal of Assets	105,329	255,000	255,000	149,671	(142.10%)
Proceeds from Disposal of Land	6,665,917	7,386,709	7,386,709	(720,792)	(10.81%)
Repayment of Debentures	(487,253)	(487,253)	(487,253)	-	0.00%
Proceeds from New Debentures	3,000,000	3,019,680	3,019,680	(19,680)	(0.66%)
Self-Supporting Loan Principal Income	55,901	55,901	55,901	0	0.00%
Overdraft Funds Utilised	734,565	971,739	971,739	(237,174)	(32.29%)
Advances to Clubs	-	-	-	-	-
Transfers to Reserves (Restricted Assets)	(4,364,565)	(4,676,831)	(4,676,831)	312,266	(7.15%)
Transfers from Reserves (Restricted Assets)	4,415,397	4,507,861	4,507,861	(92,464)	(2.09%)
To be reallocated - Budget Review	-	-	-	-	-
ADD Estimated Surplus/(Deficit) July 1 B/Fed	(1,481,865)	(1,481,865)	(1,481,865)	-	0.00%
LESS Estimated Surplus/(Deficit) May 31 C/Fed	1,963,038	61,442	61,442	1,901,596	96.87%
Amount Required to be Raised from Rates	<u>(23,702,614)</u>	<u>(23,844,471)</u>	<u>(23,844,471)</u>	141,857	(0.60%)

**SHIRE OF KALAMUNDA
 STATEMENT OF FINANCIAL POSITION
 AS AT 30 JUNE 2012**

NOTE	Actual YTD 30/06/2012 \$	Actual 30/06/2011 \$
CURRENT ASSETS		
Cash and Cash Equivalents	8,179,373	3,111,691
Trade and Other Receivables	2,740,157	3,248,050
Inventories	201,275	99,288
Trust	-	-
TOTAL CURRENT ASSETS	<u>11,120,805</u>	<u>6,459,029</u>
NON-CURRENT ASSETS		
Other Receivables	1,058,640	1,058,640
Investments	0	0
Shares in Other Equities	10,935,611	10,935,611
Property, Plant and Equipment	162,438,421	160,827,857
Infrastructure	156,343,419	153,946,545
TOTAL NON-CURRENT ASSETS	<u>330,776,092</u>	<u>326,768,653</u>
TOTAL ASSETS	<u>341,896,896</u>	<u>333,227,682</u>
CURRENT LIABILITIES		
Bank Overdraft	969,975	235,409
Trade and Other Payables	6,563,634	5,156,693
Borrowings	517,958	445,769
Provisions	2,266,996	1,878,461
TOTAL CURRENT LIABILITIES	<u>10,318,563</u>	<u>7,716,332</u>
NON-CURRENT LIABILITIES		
Long Term Borrowings	8,151,535	5,710,977
Provisions	181,683	181,683
TOTAL NON-CURRENT LIABILITIES	<u>8,333,218</u>	<u>5,892,660</u>
TOTAL LIABILITIES	<u>18,651,781</u>	<u>13,608,992</u>
NET ASSETS	<u>323,245,116</u>	<u>319,618,690</u>
EQUITY		
Retained Surplus	190,692,022	187,014,762
Reserves - Cash/Investment Backed	2,677,466	2,728,299
Reserves - Asset Revaluation	129,875,629	129,875,629
TOTAL EQUITY	<u>323,245,116</u>	<u>319,618,690</u>

SHIRE OF KALAMUNDA
 STATEMENT OF CHANGES IN EQUITY
 AS AT 30 JUNE 2012

NOTE	RETAINED SURPLUS \$	RESERVES CASH/ INVESTMENT BACKED \$	ASSET REVALUATION RESERVE \$	TOTAL EQUITY \$
Balance as at 1 July 2010	179,199,194	13,157,006	129,875,629	322,231,829
Net Result	(2,613,140)	0	0	(2,613,140)
Transfer from/(to) Reserves	10,428,708	(10,428,708)	0	0
Transfer to Trust		0	0	
Balance as at 30 June 2011	187,014,762	2,728,298	129,875,629	319,618,689
Net Result	3,626,427	0	0	3,626,427
Transfer from/(to) Reserves	50,832	(50,832)	0	0
Balance as at 30 April 2012	<u>190,692,022</u>	<u>2,677,466</u>	<u>129,875,629</u>	<u>323,245,116</u>

This statement is to be read in conjunction with the accompanying notes.

SHIRE OF KALAMUNDA
STATEMENT OF CASH FLOWS
For the Twelve Months to 30 June 2012

	NOTE	30/06/2012 Actual \$	2011/12 Budget \$	30/06/2011 Actual \$
Cash Flows From Operating Activities				
Receipts				
Rates		23,637,175	23,856,865	21,646,177
Operating Grants and Subsidies		6,325,930	4,176,019	2,672,499
Contributions, Reimbursements and Donations		911,878	1,019,395	1,036,636
Fees and Charges		8,644,192	9,712,160	9,640,697
Interest Earnings		818,407	709,826	793,367
Goods and Services Tax		3,495,011	-	2,534,852
Other Revenue		41,877	149,348	33,065
		<u>43,874,469</u>	<u>39,623,613</u>	<u>38,357,293</u>
Payments				
Employee Costs		(19,233,598)	(18,022,019)	(18,300,553)
Materials and Contracts		(12,678,517)	(16,303,146)	(15,045,469)
Utility Charges		(2,041,176)	(1,345,849)	(1,704,292)
Insurance Expenses		(488,355)	(369,590)	(501,441)
Interest Expenses		(530,412)	(449,667)	(279,075)
Goods and Services Tax		(1,383,062)	-	(2,675,289)
Other Expenditure		(658,307)	(352,246)	(430,141)
		<u>(37,023,427)</u>	<u>(36,842,517)</u>	<u>(38,936,260)</u>
Net Cash Provided By (Used In) Operating Activities	14(b)	<u>6,851,043</u>	<u>2,781,096</u>	<u>(578,967)</u>
Cash Flows from Investing Activities				
Payments for Development of Land Held for Resale		(2,634,682)	(2,999,250)	(1,900,679)
Payments for Purchase of Property, Plant & Equipment		(6,363,232)	(5,080,782)	(11,159,963)
Payments for Construction of Infrastructure		(7,208,058)	(9,575,227)	(7,019,742)
Non-Operating Grants, Subsidies and Contributions used for the Development of Assets		5,082,718	5,643,435	6,706,830
Proceeds from Sale of Land		6,665,917	6,125,000	-
Proceeds from Sale of Plant & Equipment		105,329	255,000	353,567
Net Cash Provided By (Used In) Investing Activities		<u>(4,352,008)</u>	<u>(5,631,824)</u>	<u>(13,019,987)</u>
Cash Flows from Financing Activities				
Repayment of Debentures		(487,253)	(478,506)	(356,920)
Transfer to Trust		-	-	-
Increase/Decrease in Bonds		-	-	-
Proceeds from Self Supporting Loans		55,901	478,506	52,488
Advance to Clubs		-	(19,680)	-
Overdraft Funding		(734,566)	(971,739)	(235,409)
Proceeds from New Debentures		3,000,000	3,019,680	2,735,000
Net Cash Provided By (Used In) Financing Activities		<u>1,834,082</u>	<u>2,028,261</u>	<u>2,195,159</u>
Net Increase (Decrease) in Cash Held		<u>4,333,116</u>	<u>(822,467)</u>	<u>(11,168,386)</u>
Cash at Beginning of Year		3,111,691	1,329,377	14,044,668
Cash and Cash Equivalents at the End of the Year	14(a)	<u>7,444,807</u>	<u>506,910</u>	<u>2,876,282</u>
Cash and Cash Equivalents	3	8,179,373		
Bank Overdraft	3	(734,566)		
		<u>7,444,807</u>		

Please note that the following amount is included in the Total Cash and Cash Equivalents shown above. This amount is the Restricted Cash for Reserve Accounts.

SHIRE OF KALAMUNDA
NOTES TO AND FORMING PART OF THE FINANCIAL REPORT
 For the Twelve Months to 30 June 2012

NOTES TO THE STATEMENT OF CASH FLOWS

(a) Reconciliation of Cash

For the purposes of the statement of cash flows, cash includes cash and cash equivalents, net of outstanding bank overdrafts. Cash at the end of the reporting period is reconciled to the related items in the statement of financial position as follows:

	30/06/2012	30/06/2011
	\$	\$
Cash and Cash Equivalents	8,179,373	3,111,691
Overdraft Funding	(734,566)	(235,409)
	<u>7,444,807</u>	<u>2,876,282</u>

(b) Reconciliation of Net Cash Provided By Operating Activities to Net Result

Net Result	3,626,427	(2,613,140)
Depreciation	9,314,073	9,038,202
(Profit)/Loss on Sale of Asset	(3,886,785)	67,079
(Increase)/Decrease in Receivables	(1,659,957)	103,613
(Increase)/Decrease in Inventories	(101,987)	(17,761)
Increase/(Decrease) in Payables	2,141,505	1,133,405
Increase/(Decrease) in GST	2,111,949	(140,437)
Increase/(Decrease) in Employee Provisor	388,535	256,448
Non Cash Contribution (EMRC)	-	(1,699,546)
Grants/Contributions for the Development of Assets	(5,082,718)	(6,706,830)
Net Cash from Operating Activities	<u>6,851,043</u>	<u>(578,967)</u>

(c) Undrawn Borrowing Facilities

Credit Standby Arrangements

Bank Overdraft limit	1,500,000
Bank Overdraft at Balance Date	969,975

SHIRE OF KALAMUNDA
NOTES TO AND FORMING PART OF THE FINANCIAL REPORT
AS AT 30 JUNE 2012

	Actual 30/06/2012 \$	Budget 30/06/2012 \$
RESERVES - CASH/INVESTMENT BACKED		
(a) Land and Property		
Opening Balance	471,752	471,752
Interest Earned	69,502	29,834
Amount Set Aside / Transfer to Reserve	3,788,296	3,898,428
Amount Used / Transfer from Reserve	<u>(2,676,083)</u>	<u>(2,740,350)</u>
	<u>1,653,467</u>	<u>1,659,664</u>
(b) Waste Management		
Opening Balance	26,144	26,144
Interest Earned	5,369	1,653
Amount Set Aside / Transfer to Reserve	120,000	120,000
Amount Used / Transfer from Reserve	<u>0</u>	<u>0</u>
	<u>151,513</u>	<u>147,797</u>
(c) EDP - IT Equipment		
Opening Balance	67,908	67,908
Interest Earned	4,069	4,295
Amount Set Aside / Transfer to Reserve	0	0
Amount Used / Transfer from Reserve	<u>(60,000)</u>	<u>(60,000)</u>
	<u>11,977</u>	<u>12,203</u>
(d) Local Government Elections		
Opening Balance	25,766	25,766
Interest Earned	2,959	1,629
Amount Set Aside / Transfer to Reserve	44,719	44,719
Amount Used / Transfer from Reserve	<u>(44,719)</u>	<u>(44,719)</u>
	<u>28,725</u>	<u>27,395</u>
(e) Long Service Leave		
Opening Balance	140,833	140,833
Interest Earned	6,911	8,906
Amount Set Aside / Transfer to Reserve	0	0
Amount Used / Transfer from Reserve	<u>(77,000)</u>	<u>(77,000)</u>
	<u>70,745</u>	<u>72,739</u>
(f) Plant and Equipment		
Opening Balance	25,824	25,824
Interest Earned	1,608	1,633
Amount Set Aside / Transfer to Reserve	0	0
Amount Used / Transfer from Reserve	<u>0</u>	<u>0</u>
	<u>27,432</u>	<u>27,457</u>

SHIRE OF KALAMUNDA
NOTES TO AND FORMING PART OF THE FINANCIAL REPORT
AS AT 30 JUNE 2012

	Actual 30/06/2012 \$	Budget 30/06/2012 \$
(g) Stirk Park Reserve		
Opening Balance	22,506	22,506
Interest Earned	1,420	1,423
Amount Set Aside / Transfer to Reserve	0	0
Amount Used / Transfer from Reserve	0	0
	<u>23,926</u>	<u>23,929</u>
(h) HACC		
Opening Balance	123,532	123,532
Interest Earned	6,419	7,812
Amount Set Aside / Transfer to Reserve	0	0
Amount Used / Transfer from Reserve	0	0
	<u>129,951</u>	<u>131,344</u>
(i) Forrestfield Industrial Area		
Opening Balance	283,926	283,926
Interest Earned	14,711	17,956
Amount Set Aside / Transfer to Reserve	0	0
Amount Used / Transfer from Reserve	(140,784)	(140,784)
	<u>157,852</u>	<u>161,098</u>
(j) Insurance Contingency		
Opening Balance	150,067	150,067
Interest Earned	9,315	9,490
Amount Set Aside / Transfer to Reserve	0	0
Amount Used / Transfer from Reserve	0	0
	<u>159,382</u>	<u>159,557</u>
(k) Light Plant		
Opening Balance	49,967	49,967
Interest Earned	4,151	3,160
Amount Set Aside / Transfer to Reserve	150,046	300,000
Amount Used / Transfer from Reserve	(171,803)	(200,000)
	<u>32,361</u>	<u>153,127</u>
(l) Revaluation		
Opening Balance	155,280	155,280
Interest Earned	8,122	9,820
Amount Set Aside / Transfer to Reserve	30,000	30,000
Amount Used / Transfer from Reserve	(61,401)	(61,401)
	<u>132,001</u>	<u>133,699</u>

**SHIRE OF KALAMUNDA
 NOTES TO AND FORMING PART OF THE FINANCIAL REPORT
 AS AT 30 JUNE 2012**

	Actual 30/06/2012 \$	Budget 30/06/2012 \$
(m) Nominated Employee Leave Provisions		
Opening Balance	22,185	22,185
Interest Earned	1,366	1,403
Amount Set Aside / Transfer to Reserve	0	0
Amount Used / Transfer from Reserve	0	0
	<u>23,550</u>	<u>23,588</u>
(n) Unexpended Capital Works and Specific Purpose Grants		
Opening Balance	1,162,609	1,162,609
Amount Set Aside / Transfer to Reserve	0	0
Amount Used / Transfer from Reserve	<u>(1,162,609)</u>	<u>(1,162,609)</u>
	<u>0</u>	<u>0</u>
(o) Enviromental Reserve		
Opening Balance	0	0
Interest Earned	437	0
Amount Set Aside / Transfer to Reserve	95,144	184,668
Amount Used / Transfer from Reserve	<u>(20,998)</u>	<u>(20,998)</u>
	<u>74,583</u>	<u>163,670</u>
TOTAL CASH BACKED RESERVES	<u><u>2,677,466</u></u>	<u><u>2,897,269</u></u>

SUMMARY

	2011-12 Actual YTD \$	2011-12 Budget \$
Opening Balance	2,728,299	2,728,299
Transfer from Accumulated Surplus - Interest	136,360	99,016
Transfer from Accumulated Surplus	4,228,205	4,577,815
Transfer to Accumulated Surplus	<u>(4,415,397)</u>	<u>(4,507,861)</u>
Closing Balance	<u><u>2,677,466</u></u>	<u><u>2,897,269</u></u>

Shire of Kalamunda Investments as at 30/06/2012

<u>Invest #</u>	<u>Bank</u>	<u>Term</u>	<u>Interest Rate %</u>	<u>Weighted Int Rate</u>	<u>Maturity</u>	<u>Fund</u>	<u>Amount</u>
Municipal Cash at Bank							
SOK - MOW	ANZ-Meals on Wheels					Municipal	\$11,763.03
SOK - KHACC	Bank West-Home and Community Care					Municipal	\$38,955.98
SOK	Commonwealth Chequing Account					Municipal	\$1,075,405.92
SOK	Commonwealth Savings Account					Municipal	\$3,468,242.21
SOK	Commonwealth CIP					Municipal	\$0.00
SOK	Commonwealth Savings Account (Health)					Municipal	\$10,783.31
SOK	Commonwealth Savings Account (Trybooking)					Municipal	\$0.00
SOK	Commonwealth Overdraft \$1,500,000 GPL					Municipal	-\$970,348.74
							\$3,574,801.71

Cash Investments

9075	ING	120	6.02%	0.6374%	11/7/12	Municipal	\$1,183,473.44
							\$1,183,473.44

Cash Backed Reserves

SOK	Commonwealth Bank Savings Account					Reserve	\$2,661,639.07
							\$2,661,639.07

Trust Funds

Shire of Kalamunda-BCIF,SRB,Unclaimed Monies						Trust	\$26,063.10
							\$26,063.10

Cell 9 Scheme Contributions

CELL9 TD2	NAB	90	5.30%	0.5275%	31/7/12	Trust	\$1,093,868.80
CELL9 TD4	St George	120	4.84%	0.2183%	7/8/12	Trust	\$504,035.07
CELL9 TD5	Westpac	90	4.89%	0.5300%	8/8/12	Trust	\$1,096,734.46
CELL9 TD6	Bendigo	120	5.75%	0.5472%	5/7/12	Trust	\$1,083,762.00
CELL9 TD7	Bendigo	120	5.75%	0.5472%	5/7/12	Trust	\$1,083,762.00
CELL9 TD8	ING	90	5.89%	0.5189%	1/8/12	Trust	\$1,038,302.31
CELL9 TD9	ING	120	5.97%	0.5445%	13/7/12	Trust	\$1,019,426.30
CELL9 TD10	ANZ	120	5.03%	0.5445%	7/10/12	Trust	\$1,000,000.00
Cell 9 Cheque Account							\$468.18
Cell 9 Online Saver							\$48,749.89
							\$8,329,046.81

Public Open Space Funds

POS	Bankwest	120	90.00%	0.5879%	27/9/12	Trust	\$1,174,435.19
POS	Commonwealt	At Cal					\$1,030,408.44
							\$2,204,843.63

Total Funds

\$17,979,867.76

SUMMARY OF FUNDS

Municipal	\$4,758,275.15
Reserves	\$2,661,639.07
Trust	\$10,559,953.54
Total Funds	\$17,979,867.76

11.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

12.0 QUESTIONS BY MEMBERS WITHOUT NOTICE

13.0 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

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

15.0 MEETING CLOSED TO THE PUBLIC

16.0 CLOSURE

Agenda Attachments

Appendix 1 Development & Infrastructure Services Committee Report

Appendix 2 Corporate & Community Services Committee Report



**shire of
kalamunda**

Appendix 1 Development & Infrastructure Services Committee Report

61. The Parking of One Commercial Vehicle – Lot 57 (5B) Goodall Street, Lesmurdie

Previous Items	OCM 56/2012
Responsible Officer	Director Development & Infrastructure Services
Service Area	Development & Infrastructure Services
File Reference	GD-03/005
Applicant	W Barnes
Owner	P and S Arasi
Attachment 1	Locality Plan
Attachment 2	Amended Site Plan
Attachment 3	Photograph of the Proposed Commercial Vehicle Parking Area
Attachment 4	Consultation Plan
Attachment 5	Petition
Attachment 6	Photograph of the View from 9 Goodall St of the Commercial Vehicle Parked in the Proposed Location
Attachment 7	Photograph of the Proposed Commercial Vehicle Parking Area From Goodall Street

PURPOSE

1. To consider an application for retrospective approval to continue to park one commercial vehicle (a bus) at Lot 57 (5B) Goodall Street, Lesmurdie. Refer to the Locality Plan (Attachment 1), the Amended Site Plan (Attachment 2) and the photograph of the commercial vehicle in the proposed parking area (Attachment 3).

BACKGROUND

2. Land Details:

Land Area:	2,269sqm
Local Planning Scheme Zone:	Residential R5
Metropolitan Region Scheme Zone:	Urban

3. The subject property contains a single dwelling and has direct access to Goodall Street via an unsealed driveway and crossover.
4. Surrounding properties contain single dwellings, mature vegetation and associated outbuildings.
5. In February 2012, a complaint was received by the Shire that a commercial vehicle was being parked on the property.
6. In March 2012, an application was received for retrospective approval to continue to park one commercial vehicle (a bus) on the subject property.

7. In June 2012, Council resolved (Resolution OCM 56/2012) to defer the item to enable staff to investigate and report alternative options for the parking of the commercial vehicle.
8. In July 2012, an amended site plan was submitted by the applicant showing a proposed alternative location where the commercial vehicle could be parked on the property, this new parking location on the property was subsequently inspected. Refer to the Amended Site Plan (Attachment 2) and the photograph of the commercial vehicle in the proposed parking area (Attachment 3).

DETAILS

9. Details of the application are as follows:
 - Those residing at the property are restoring the commercial vehicle and converting it into a holiday bus.
 - The applicant has advised that no mechanical maintenance or changes to the vehicle's external appearance is being done. The only work being carried out is an internal fit out.
 - No one is to reside in the vehicle whilst parked on the property.
 - Once restored the applicant has advised that the vehicle will be sold and removed off site. Confirmation of when this is likely to occur was requested but not provided.
 - The commercial vehicle is proposed to be parked on an unsealed area behind the front alignment of the dwelling.
 - The commercial vehicle when previously considered by Council, was proposed to be 1m from the east (side) boundary and parked at the end of the driveway where it was visible from Goodall Street.
 - An amended site plan has since been submitted which shows the commercial vehicle parking area as being proposed to be 5.2m from the side (east) boundary, approximately 5.5m from the side (west) boundary and approximately 14m from the rear boundary.
 - The landowner also owns the adjoining property to the west, being 5A Goodall Street.

10. Details of the commercial vehicle proposed to be parked on the property are as follows:

	BUS	POLICY REQUIREMENTS (RIGID TYPE)
MAKE	Bedford	
TYPE	Mobile Caravan	
YEAR	1973	
LENGTH	11m	11m Maximum
HEIGHT	3m	4.3m Maximum
WIDTH	2.5m	2.5m Maximum
TARE WEIGHT	8.8 tonnes	
LICENCE NO.	1CPU 256	

STATUTORY AND LEGAL IMPLICATIONS

11. Under the Zoning Table (Table 1) of the Scheme the use "Commercial Vehicle Parking" is classed as an 'A' use in a Residential zoning meaning that it is not permitted, unless Council has granted planning approval after the proposal has been advertised to affected landowners by the Shire.
12. Under Schedule 1 of the Scheme (Land Use Definitions) commercial vehicles are defined as being:
- "a vehicle whether licensed or not, and include propelled caravans, trailers, semi-trailers, earth moving machines whether self-propelled or not, motor wagons, buses and tractors and their attachments but shall not include any motor car or any vehicle whatsoever the weight of which is less than 3.5 tonnes."*
13. Clause 5.20 of the Scheme (Commercial Vehicle Parking) stipulates that the determination of commercial vehicle parking applications shall be "*generally*" in accordance with the Policy. The Shire reserves the right to amend the conditions of an approval or revoke an approval to park a commercial vehicle as a result of a justified complaint being received.
14. Clause 8.4 of the Scheme (Unauthorised Existing Developments) stipulates that the Shire may grant planning approval to a use or development already commenced or carried out regardless of when it was commenced or carried out, if the development conforms to the provisions of the Scheme.
15. In considering an application for planning approval, clause 10.2 of the Scheme (Matters to be Considered by Local Government) requires Council to have due regard to the compatibility of the development within its settings; the preservation of the amenity of the locality; the likely effect of the scale and appearance of the proposal; whether the proposed means of access and egress from the property are adequate; any local planning policy adopted by Council; and any relevant submissions received on the application.

16. A Scheme objective for Residential zones is to encourage the retention of remnant vegetation.
17. If Council refuses the application, or imposes conditions that are not acceptable to the applicant, there is a Right of Review (appeal) to the State Administrative Tribunal.

POLICY IMPLICATIONS

Local Planning Policy DEV22 – Parking of Commercial Vehicles on Private Property.

18. Local Planning Policy DEV22 – Parking of Commercial Vehicles on Private Property (“the Policy”) stipulates that where objections and/or complaints have been received the application will be referred to Council for determination; therefore the application cannot be determined under delegation.
19. In assessing the application, Council is to give consideration to the Policy which stipulates the following provisions applicable to parking commercial vehicles on Residential zoned properties:
 - Only one commercial vehicle will be permitted.
 - The commercial vehicle shall not exceed (rigid type) 11m in length and 4.3m in height.
 - Approval to park a commercial vehicle on a lot shall apply to the applicant only on the lot the subject of the application and shall not be transferred to any other person.
 - The commercial vehicle shall be parked entirely on the lot behind the alignment of the front of the house. If the vehicle is parked alongside the residence then gates/fencing of a minimum of 1.8m in height are to be erected to screen the vehicle from the street. It shall be screened from the view of the street and from neighbours to Council’s satisfaction.
 - The commercial vehicle must be parked on the lot so that it does not interfere with the normal access and egress of other vehicles, and does not cause damage to the road, kerb or footpath.
 - Standard vehicle movement and start up times of between 7.00am and 7.00pm Monday to Saturday and 9.00am to 5.00pm on Sundays and public holidays.
 - The idling times for start-up and cool down being restricted to five minutes.
 - Spray painting, panel beating and major servicing on the commercial vehicles is not permitted. Maintenance limited to oil and grease changes, and changes of wheels (but not repairs to tyres) and other minor maintenance as approved by Council.

PUBLIC CONSULTATION/COMMUNICATION

20. The amended site plan was not advertised, however the original site plan was advertised for 14 days to nearby property owners for comment in accordance with Clause 9.4.3 of the Scheme. One non objection and two objections were received. Refer to the Consultation Plan (Attachment 4).
21. One of the submitters who objected to the proposal requested that their response be kept confidential and is therefore not shown on the Consultation Plan.
22. The following concerns were raised during advertising:
- Commercial vehicles should not be allowed to be parked in residential areas.
 - The size of the bus is large and is an unsightly feature.
 - There being no time frame as to how long the commercial vehicle will stay parked at the property or be restored by, before those residing at the property decide to do anything with it.
 - The bus can clearly been seen from neighbouring properties and the street.
 - No time period has been given for the fit-out works to be completed by or for the vehicles removal.
 - Additional screening of such a large bus would be more unsightly than the bus itself.
23. With the amended site plan the applicant also provided a petition containing 11 signatures in favour of the application. Three of which are from the same property, being 5A Goodall Street, and two are the applicants who owns 5A and 5B Goodall Street. Refer to the Petition (Attachment 5).

FINANCIAL IMPLICATIONS

24. Nil.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

Strategic Planning Implications

25. Nil.

Sustainability Implications

Social Implications

26. Nil.

Economic Implications

27. Nil.

Environmental Implications

28. Nil.

OFFICER COMMENT

29. The proposal complies with the Policy and Scheme requirements.

30. The site plan originally submitted was advertised shows the commercial vehicle being 1m from the east (side) boundary and parked at the end of the driveway where it was visible from Goodall Street. During advertising concerns were received regarding the visual impact the commercial vehicle was having on the adjoining landowners at 9 Goodall Street and when viewed from the street.

31. Subsequently an amended site plan was submitted which shows the vehicle being 5.2m from the east (side) boundary. This is considered acceptable for the following reasons:

- Existing vegetation on the property will screen the commercial vehicle sufficiently from adjoining properties.
- A 1.7m high fibro-cement fence exists along the east (side) boundary. Refer to the photograph of the proposed commercial vehicle parking area from 9 Goodall Street (Attachment 6).
- The increased side setback means that the commercial vehicle will not be fully visible from Goodall Street. Refer to the photograph of the proposed commercial vehicle parking area from Goodall Street (Attachment 7).

32. The vehicle will still be partially visible to the landowners of 9 Goodall Street. So that the vehicle is sufficiently screened from the adjoining property laticing of at least 0.8m height will be required to be placed along the dividing fence if the application is approved by Council.

33. Considering the above, it is recommended that Council approves the application.

Voting Requirements: Simple Majority

There was one speaker against the Recommendation (Mr Barry Bennett). Councillors listened to the speaker and asked further questions.

OFFICER RECOMMENDATION (D&I 61/2012)

That Council:

1. Approves the retrospective planning application dated 29 February 2012 for William Barnes to continue to park one commercial vehicle, a Bedford Bus (registration number 1CPU 256) at Lot 57 (5B) Goodall Street, Lesmurdie, subject to the following conditions:
 - i. The vehicle must, at all times, be parked in the location shown on the approved site plan (Attachment 2).
 - j. Maintenance and cleaning of the commercial vehicle is only permitted between 8.00am and 6.00pm Monday to Saturday, and 9.00am to 6.00pm on Sundays.
 - k. The vehicle is not to be used for habitation purposes whilst parked on the property.
 - l. Only maintenance of a minor nature, such as servicing or wheel changing, is to be carried out on the subject property between the hours designated in condition b. No panel beating, external spray painting, external welding or the removal of major body or engine parts is permitted.
 - m. The idling time for the start-up and cool down of the vehicle being a maximum of five minutes.
 - n. Washing of the commercial vehicle on the subject lot is to be limited to the use of water and mild detergent, but not involve the use of any solvents, degreasing substances, steam cleaning and any other processes which may cause pollution or degradation of the environment.
 - o. Latticing of at least 0.8m in height being placed along the top of the dividing fence between 5B and 9 Goodall Street, Lesmurdie, within 35 days from the date of this decision, and maintained thereafter by the landowner of 9 Goodall Street to the Shire's satisfaction.

Moved:

Seconded:

Vote: **LAPSED**

As there was no Mover for the Officer's Recommendation it Lapsed.

Following this a Councillor requested that the item be deferred to the Ordinary Council Meeting on Monday 20 August 2012.

COMMITTEE RECOMMENDATION TO COUNCIL (D&I 61/2012)

That Council:

1. Defer a decision to the Ordinary Council Meeting 20 August to receive further information from staff.

Moved: **Cr John Giardina**

Seconded: **Cr Noreen Townsend**

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

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

62. The Parking of One Commercial Vehicle – Lot 142 (10) Moonglow Rise, Maida Vale

Previous Items	OCM 37/07, OCM 118/08, OCM 68/09
Responsible Officer	Director Development & Infrastructure Services
Service Area	Development & Infrastructure Services
File Reference	MN-04/010
Applicant	P Gilham
Owner	P Gilham
Attachment 1	Locality Plan
Attachment 2	Site Plan
Attachment 3	Photograph of the Proposed Commercial Vehicle
Attachment 4	Photograph of the Proposed Commercial Vehicle Parking Area
Attachment 5	Consultation Plan
Attachment 6	Photograph of the Property from Moonglow Rise

PURPOSE

1. To consider a retrospective planning application to park one commercial vehicle (a bus) at Lot 142 (10) Moonglow Rise, Maida Vale. Refer to (Attachments 1 and 2).

BACKGROUND

2. **Land Details:**

Land Area:	4,291sqm
Local Planning Scheme Zone:	Residential Bushland R2.5
Metropolitan Region Scheme Zone:	Rural

3. The subject property contains a single dwelling and has direct access to Moonglow Rise, which is a cul-de-sac.
4. Surrounding properties contain single dwellings, mature vegetation and associated outbuildings.
5. In May 2007, Council resolved (Resolution OCM 37/07) to temporarily approve an application to park one commercial vehicle (a bus) at the property, for a period of 12 months. The vehicle was 3.5m in height, 2.5m in width and 6.2m in length.
6. In September 2008, Council resolved (Resolution OCM 118/08) to approve the renewal application to park the commercial vehicle at the property for a further 12 months.
7. In June 2009, Council resolved (Resolution OCM 68/09) to approve the application, with a variation in the vehicle's length to 12.3m, to park the commercial vehicle on the property without the need to apply for further renewals from Council.

8. A condition of Council's last approval was the following:
- "c. The approval authorises Paul David Gilham and no other operator to park commercial vehicle 1CMI 595 on the subject property."*
9. In March 2010, the applicant requested that the above condition be modified so as to allow "back up" drivers to drive the bus when he was sick or on holiday. The Shire sought legal advice and was advised that if it was still the same vehicle parked under the same conditions the condition did not need to be modified or deleted to allow this to occur.
10. In June 2012, the applicant advised the Shire that the authorised commercial vehicle has been removed from the property on a permanent basis and replaced with the proposed commercial vehicle.

DETAILS

11. Details of the application are as follows:
- The existing authorised commercial vehicle (a bus) has been removed from the property and replaced by another commercial vehicle (a bus). Refer to the photograph of the proposed commercial vehicle (Attachment 3).
 - The applicant who resides at the property and two other people who do not reside at the property, are proposed to drive the commercial vehicle as part of their employment. The two drivers who do not reside at the property will be used as "back up drivers".
 - Initially the applicant was proposing to operate the commercial vehicle between Monday and Saturday 6.30am to 8.00pm, and Sunday 9.00am to 5.00pm. The applicant has since advised that the commercial vehicle will be operated and maintenance conducted on the vehicle during the same times approved by Council previously.
 - Considering the previous point, the commercial vehicle is proposed to be operated between 6.30am and 7.00pm Monday to Saturday, and 9.00am to 5.00pm on Sundays and public holidays. Maintenance and cleaning of the commercial vehicle is proposed between 8.00am and 7.00pm Monday to Saturday, and 9.00am to 6.00pm on Sundays.
 - The commercial vehicle is proposed to be parked on an unsealed area behind the front alignment of the dwelling, in the same location where the previous commercial vehicle was approved by Council.
 - The commercial vehicle will idle for up to three minutes, prior to leaving the site and upon return.

12. Details of the commercial vehicles proposed to be parked on the property are as follows:

	BUS	POLICY REQUIREMENTS (RIGID TYPE)
MAKE	Volvo	
TYPE	Bus	
YEAR	2012	
LENGTH	12.5m	11m Maximum
HEIGHT	3.5m	4.3m Maximum
WIDTH	2.5m	2.5m Maximum
TARE WEIGHT	12 tonnes	
LICENCE NO.	1DXT 503	

STATUTORY AND LEGAL IMPLICATIONS

13. Under the Zoning Table (Table 1) of the Scheme the use “Commercial Vehicle Parking” is classed as an ‘A’ use in a Residential Bushland zoning meaning that it is not permitted, unless Council has granted planning approval after the proposal has been advertised to affected landowners by the Shire.
14. Under Schedule 1 of the Scheme (Land Use Definitions) commercial vehicles are defined as being:
- “a vehicle whether licensed or not, and include propelled caravans, trailers, semi-trailers, earth moving machines whether self-propelled or not, motor wagons, buses and tractors and their attachments but shall not include any motor car or any vehicle whatsoever the weight of which is less than 3.5 tonnes.”*
15. Clause 4.2.1 of the Scheme (Objectives of the Zone – Residential Bushland) an objective of the Residential Bushland zone is to give due consideration to land uses that are compatible with the amenity of surrounding residential development.
16. Clause 5.20 of the Scheme (Commercial Vehicle Parking) stipulates that the determination of commercial vehicle parking applications shall be “*generally*” in accordance with the Policy. The Shire reserves the right to amend the conditions of an approval or revoke an approval to park a commercial vehicle as a result of a justified complaint being received.
17. In considering an application for planning approval, Clause 10.2 of the Scheme (Matters to be Considered by Local Government) requires Council to have due regard to:
- The compatibility of the development within its settings.
 - The preservation of the amenity of the locality.
 - The likely effect of the scale and appearance of the proposal.

- Whether the proposed means of access and egress from the property are adequate.
- Any local planning policy adopted by Council.
- Any relevant submissions received on the application.

18. If Council refuses the application, or imposes conditions that are not acceptable to the applicant, there is a Right of Review (appeal) to the State Administrative Tribunal.

POLICY IMPLICATIONS

Local Planning Policy DEV22 – Parking of Commercial Vehicles on Private Property.

19. In assessing the application, Council is to give consideration to Local Planning Policy DEV22 – Parking of Commercial Vehicles on Private Property (“the Policy”) which stipulates the following provisions applicable to parking commercial vehicles on Residential Bushland zoned properties:
- Only one commercial vehicle will be permitted.
 - The commercial vehicle shall not exceed (rigid type) 11m in length, 2.5m in width and 4.3m in height.
 - Approval to park a commercial vehicle on a lot shall apply to the applicant only on the lot the subject of the application and shall not be transferred to any other person.
 - The commercial vehicle shall be parked entirely on the lot behind the alignment of the front of the house. If the vehicle is parked alongside the residence then gates/fencing of a minimum of 1.8m in height are to be erected to screen the vehicle from the street. It shall be screened from the view of the street and from neighbours to Council’s satisfaction.
 - The commercial vehicle must be parked on the lot so that it does not interfere with the normal access and egress of other vehicles, and does not cause damage to the road, kerb or footpath.
 - Standard vehicle movement and start up times of between 7.00am and 7.00pm Monday to Saturday and 9.00am to 5.00pm on Sundays and public holidays.
 - The idling times for start up and cool down being restricted to five minutes.
 - Spray painting, panel beating and major servicing on the commercial vehicles is not permitted. Maintenance limited to oil and grease changes, and changes of wheels (but not repairs to tyres) and other minor maintenance as approved by Council.
20. The Policy stipulates that where objections have been received the application will be referred to Council for determination. During advertising objections were received and therefore the application cannot be determined under delegation.

21. The Policy does not stipulate that a commercial vehicle can only be driven by those residing on the property where the commercial vehicle is to be parked.

PUBLIC CONSULTATION/COMMUNICATION

22. The proposal was advertised for 14 days to nearby property owners for comment in accordance with Clause 9.4.3 of the Scheme. Three non-objections, two of which provided comment, and two objections were received.

23. One of the submitters who objected to the proposal has requested that their response be kept confidential and therefore is not shown on the Consultation Plan. Refer to the Consultation Plan (Attachment 5).

24. Concerns raised during advertising include the following:

- The vehicle exceeds the Policy requirements.
- The applicant having an alternative property which the vehicle is occasionally parked at, not in Moonglow Rise.
- The applicant having a history of breaking conditions of previous approvals.
- The bus posing a risk to the safety of residents.
- The noise of the vehicle disturbing local residents.
- The Policy which the application is being assessed against being out dated.
- There being another vehicle parked on the property, a Toyota Coaster, which is also used in conjunction with the applicant's bus company.
- There being no restrictions in the Policy regarding the frequency which the bus can leave and arrive at the property during the hours of operation.

25. The submitters who have no objections to the proposal, advised the following:

- They have had no problems with the bus currently parked at the property when it is driven along the road.
- They live next to the property where the vehicle will be parked, and never hear the bus currently parked there leave and return.
- The bus will not be visible where it will be parked.

FINANCIAL IMPLICATIONS

26. Nil.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

Strategic Planning Implications

27. Nil.

Sustainability Implications

Social Implications

28. Any potential impacts the commercial vehicle may have on the amenity of the local area can be addressed through the inclusion of conditions. These relate to the hours of operation, the area where the vehicle is to be parked and the type of maintenance which can be carried out on the vehicle.

Economic Implications

29. Nil.

Environmental Implications

30. Nil.

OFFICER COMMENT

31. The proposal complies with the Scheme requirements.
32. The proposal complies with the Policy requirements with the exception of the vehicle's length, being 12.5m in lieu of a maximum of 11m, and the proposed hours of operation. It is considered that the additional 1.5m length does not have any greater impact than if it had complied with the prescribed 11.0m length.
33. It should be noted that the proposed commercial vehicle is only 0.2m longer, the same width and height, and parked in the same location as the commercial vehicle (bus) approved by Council previously.
34. The commercial vehicle will not have any visual impact on the locality because it is parked behind the dwelling, screened by vegetation on the property and 1.8m high solid fencing along the dividing boundaries. Refer to the photograph of the proposed commercial vehicle parking area (Attachment 4) and the photograph of the property from Moonglow Rise (Attachment 6).
35. There is an ample amount of space on the property for the vehicle to enter and leave the property in a safe manner.
36. The property is located at the end of a cul-de-sac and therefore pedestrian and traffic volumes and movements will be low. In these circumstances it is unlikely that the safety of pedestrians and other road users will be detrimentally impacted.
37. No objections were received during the advertising period regarding the visual impact the proposed commercial vehicle may have on the locality, or regarding the ability to be able to enter and leave the property in a safe manner.
38. The applicant has advised the following to address the concerns raised during advertising:

"I am contracted to the Public Transport Authority to supply transport to and from school for students residing in the Kalamunda Shire. On school days to service the contract I will be leaving between 6.30am to 7.00am and coming back home around 4.30pm.

Most days I am out all day doing charter for the local schools, swimming lessons, trips to the zoo and Art Gallery. On some occasions when there is no charter work I would come home after the morning run around 8.45am and the leave in the afternoon around 2.30pm for the afternoon run.

I do rent some land where I do park my other buses, but there is no security and to leave a brand new \$450,000 bus parked in a paddock I am not comfortable with. Also having the bus parked at home allows me leave home later than if I had to drive there.

Most of the work I do after school hours is actually for schools. Mazenod College and also St Brigid's College has a boarding section. They do excursions in the evening of the likes of movies, concerts and shopping. Also a lot of the primary schools have sing fest competitions which are held either at Perth Concert Hall or the Burswood Theatre."

39. After the advertising period had concluded a nearby landowner raised concerns that the proposed vehicle's actual height is higher than that advised by the applicant.
40. During an inspection of the vehicle the applicant advised, and demonstrated, that the commercial vehicle has two settings which affects its height depending on whether it is parked or being driven or idling. When parked the vehicle is 3.5m in height and when driven or idling it is 3.6m in height. The height of the vehicle was measured, from ground level to the air conditioning unit on the roof, and found to be 3.5m in height when parked. Manufacturer's details inside the commercial vehicle confirmed that it is a maximum height of 3.6m when being driven or idling.
41. During advertising concerns were raised that another vehicle used in conjunction with the bus company was also being parked on the property.
42. The second vehicle is not considered to be a commercial vehicle by way of definition under the Scheme as it is not greater than 3.5 tonnes, however it is being used to carry persons for hire or reward, the same as the bus subject of this application.
43. The parking of more than one vehicle which is being used for such purposes, on a property zoned Residential Bushland, is deemed to be the use Transport Depot which is not permitted on the property. Effectively, irrespective of whether or not a vehicle is a "commercial vehicle" if it is used for hire or reward in conjunction with other such vehicles, the use would be considered a Transport Depot.
44. Considering the above, it is recommended that Council approves the application, and advises the applicant that all other vehicles used in conjunction with their bus company be removed from the property.

Voting Requirement – Simple Majority

There were two speakers against the Recommendation (Mrs Georgie Wilson-Thorpe and Mark Wilson) and one in favour (Mr Paul Gilham).

Councillors listened to the speakers and asked further questions.

OFFICER RECOMMENDATION (D&I 62/2012)

That Council:

2. Approves the application for Paul Gilham to park one commercial vehicle, a Volvo bus (registration number 1DXT 503) at Lot 142 (10) Moonglow Rise, Maida Vale, subject to the following conditions:
 - a. The vehicle must, at all times, be parked in the location shown on the approved site plan (Attachment 2).
 - b. The commercial vehicle is only permitted to be operated between 6.30am and 7.00pm Monday to Saturday, and 9.00am to 5.00pm on Sundays and public holidays.
 - c. Maintenance and cleaning of the commercial vehicle is only permitted between 8.00am and 7.00pm Monday to Saturday, and 9.00am to 6.00pm on Sundays.
 - d. Approval of the parking activity does not include approval for having clients on the bus brought to and/or from the property.
 - e. Only maintenance of a minor nature, such as servicing or wheel changing, is to be carried out on the subject property between the hours designated in condition b. No panel beating, spray painting, welding or the removal of major body or engine parts is permitted.
 - f. The idling time for the start-up and cool down of the vehicle being a maximum of five minutes.
 - g. Washing of the commercial vehicle on the subject lot is to be limited to the use of water and mild detergent, but not involve the use of any solvents, degreasing substances, steam cleaning and any other processes which may cause pollution or degradation of the environment.
3. Advises the applicant that all other vehicles used in conjunction with their bus company be removed from the property within 35 days from the date of this decision.
4. Advises the applicant that the bus (registration number 1CMI 595) that was approved by Council previously, is no longer permitted to be parked on the subject property.

Moved:

Seconded:

Vote: **LAPSED**

As there was no Mover for the Officer's Recommendation it Lapsed.

Following this a Councillor requested that the item be deferred.

COMMITTEE RECOMMENDATION TO COUNCIL (D&I 62/2012)

That Council:

1. Defer a decision pending receipt of legal advice related to the definitions within the Town Planning Scheme.

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.

63. Local Planning Scheme No. 3 Amendment No. 45 – Provisions Relating to the Middle Helena Catchment Area

Previous Items	OCM 19/2012
Responsible Officer	Director Development & Infrastructure Services
Service Area	Development & Infrastructure Services
File Reference	PG-LPS-003
Applicant	Nil
Owner	N/A
Attachment 1	Middle Helena Catchment Area Locality Plan
Attachment 2	Special Control Areas Plan

PURPOSE

1. To consider submissions received and whether to adopt Amendment No. 45 to Local Planning Scheme No. 3 (“the Scheme”) to include provisions relating to Special Control Areas for the Middle Helena Catchment Area (“the MHCA”) in the Scheme, and to amend the Scheme Zoning Map to reflect the three priority classifications proposed by the Strategy. Refer to the Middle Helena Catchment Area Locality Plan (Attachment 1).

BACKGROUND

2. The MHCA covers the Piesse Brook Water Catchment to the east of Kalamunda. A Draft Management Strategy (“the Draft Strategy”) was released by the Department of Water (“the DOW”) and the Western Australian Planning Commission (“the WAPC”) in 2003 with the overall aim to provide a framework for sustainable and integrated land use and water management for the catchment area by way of integrating the land use planning process, public drinking water source protection and catchment management.
3. The Draft Strategy divided the catchment area into three risk based priority classifications, namely Priority Areas P1, P2 and P3. The Strategy recommends two amendments to the Metropolitan Region Scheme for priority areas within the gazetted boundary of the Middle Helena Catchment Area, namely:
 - To place a *Water Catchment Reservation* over areas designated as Priority 1. All developments applications received for this area must be forwarded to the Western Australian Planning Commission for determination.
 - To place a *Rural Water Protection Zone* over areas designated as Priority 2 areas. All land identified in the land use compatibility table as being conditional or incompatible will require referral to the DoW for comment.
4. A further recommendation of the Draft Strategy is to establish a *Special Control Area* (“SCA”) in the Scheme the purpose of which would be to identify

the MHCA boundary and to guide future land use or development that may affect the quality of public drinking water sourced from Priority 1, Priority 2 and Priority 3 areas.

5. In March 2010 Council resolved (Resolution OCM 31/2010) to adopt the Middle Helena Catchment Area – *Land Use and Water Management Strategy* (“the Strategy”).
6. In June 2010 the Strategy was approved by the Minister for Planning.
7. The SCA will be shown on the Shire’s Scheme Zoning Map if the amendment is approved by the Minister for Planning.
8. In March 2012, Council resolved (Resolution OCM 19/2012) to initiate Amendment No. 45 to the Scheme.

DETAILS

9. The Strategy recommends that the MHCA be shown as SCAs on the Shire’s Scheme Zoning Map to guide future land use or development that may affect the quality of public drinking water sourced from priority 1, 2 and 3 areas. Refer to the Special Control Areas Plan (Attachment 2).

10. It is proposed that the Scheme map be modified to identify the Middle Helena Catchment area with the annotation ‘SCA’ and the following provision be included under Clause 6.1.1 of the Scheme:

“(g) The Middle Helena Catchment Area shown on the Scheme Map as SCA shall be in accordance with Clause 6.5.”

11. To be consistent with the Strategy it is also recommended that provisions be included under Section 6.5 of the Scheme relating to the following:
 - That the MHCA is subject to the Strategy which identifies three priority classification areas.
 - The objectives and purpose of the SCA.
 - The requirements with regard to referring planning applications to the Department of Water for comment.
 - Matters which the Shire is to have due regard to when determining applications which fall within the SCA.

STATUTORY AND LEGAL IMPLICATIONS

12. The *Town Planning Regulations 1967* establish procedures relating to amendments to local planning schemes. Ultimately it will be determined by the Minister for Planning.

POLICY IMPLICATIONS

13. Nil.

PUBLIC CONSULTATION/COMMUNICATION

14. The proposal was advertised for 42 days in accordance with the provisions of the *Town Planning Regulations 1967*, which involved only a local public notice in a paper circulating the District, due to not being related to any specific lot.
15. During advertising one non-objection was received.

FINANCIAL IMPLICATIONS

16. Nil.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

Strategic Planning Implications

17. The Strategy describes key planning issues associated with the protection and management of the water source within the MHCA and recommends provisions to be incorporated into the Metropolitan Region Scheme and the Scheme. These provisions will enable future planning of the catchment to be undertaken in a manner cognisant of broader strategic planning issues for the Shire such as tourism and protection of the Shire's orcharding and viticulture industries.

Sustainability Implications

Social Implications

18. There are a number of social activities that occur in the Middle Helena catchment that could be affected by the Strategy with the imposition of more restrictive land controls. This includes the proposed closure of the section of the Helena Pipehead Walk Trail which the Shire remains opposed to.

Economic Implications

19. The Middle Helena Catchment is facing pressure from urban development, agricultural degradation from farming related uses and an increasing need for recreational opportunities.
Careful planning will be required to encourage future activities that protect water quality and maintain the area.

Environmental Implications

20. The Strategy will require future development of land use activities to incorporate best environmental management practises to ensure that water quality in the catchment is not compromised.

OFFICER COMMENT

21. Considering that Council initiated the amendment and no objections were received during the advertising period, it is recommended that Council adopts the amendment.

Voting Requirement – Simple Majority

There were two speakers against the Recommendation (Mr Mack McCormack and Mr Andre Stass).

Councillors listened to the speakers and asked further questions regarding waste water.

Councillors then debated the item.

COMMITTEE RECOMMENDATION TO COUNCIL (D&I 63/2012)

That Council:

1. Notes the submission received in response to Amendment No. 45 to Local Planning Scheme No. 3.
2. Adopts the amendment to Local Planning Scheme No. 3 without modification, in accordance with the following:

PLANNING AND DEVELOPMENT ACT 2005
RESOLUTION DECIDING TO AMEND A LOCAL PLANNING SCHEME
SHIRE OF KALAMUNDA
LOCAL PLANNING SCHEME NO. 3
AMENDMENT NO. 45

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

- a) Amending the Scheme Zoning Map to show the priority classification areas identified by the Middle Helena Catchment Area Land Use and Water Management Strategy, and adding the annotation SCA over the Middle Helena Catchment Area.
- b) Inserting the following provision under clause 6.1.1 of the Scheme:
“(g) The Middle Helena Catchment Area shown on the Scheme Map as SCA shall be in accordance with Clause 6.5.”
- c) Inserting the following provisions in the Scheme for the Middle Helena Catchment area:

“6.5 MIDDLE HELENA CATCHMENT AREA

6.5.5 The Middle Helena catchment area is the catchment for that section of the Helena River from the Mundaring Weir downstream to the Helena Pumpback Dam (also known as the Lower Helena Diversion Dam). The portion of the Middle Helena catchment area that falls in

the Shire of Kalamunda is shown on the scheme map. The area is subject to the Middle Helena Catchment Area Land Use and Water Management Strategy, which identifies three priority classification areas (priority 1, priority 2 and priority 3). These priority classifications are also shown on the scheme map.

6.5.6 The purpose of this special control area is to implement the Middle Helena Catchment Area Land Use and Water Management Strategy. The objectives of this special control area are to:

- (a) Ensure that the long-term quality of the Middle Helena catchment as a public drinking water source is not compromised;*
- (b) Reduce potential nutrient, contaminant and sediment export into the Helena River; and*
- (c) Provide a planning framework for land use decision-making for landowners and local and state government.*

6.5.7 All development in the special control area requiring planning approval shall be subject to the Shire's discretion, despite the use being designated a 'permitted' use under the Scheme.

6.5.8 The Shire may refer all applications for planning approval to the Department of Water for comment where that application is for a use which is identified as 'compatible with conditions' or 'incompatible' in the relevant priority classification on the Department of Water's land use compatibility table in the water quality protection note Land Use Compatibility in Public Drinking Water Source Areas, incorporating the following variations to that table, which are specific to the Middle Helena catchment area:

- (a) In priority 2 areas, the land use Restaurants (including cafes and tea rooms) shall be compatible with conditions; and*
- (b) In priority 2 areas, the land use Exhibition Centre shall be compatible with conditions.*

6.5.5 Except where a proposed use is for extension or replacement of a non-conforming use, which is non-conforming in terms of this clause, a use which is identified as incompatible in the relevant priority classification on the Department of Water's land use compatibility table in the water quality protection note, 'Land Use Compatibility in Public Drinking Water Source Areas' and incorporating the variations to that table specific to the Middle Helena catchment area, shall not be approved.

6.5.6 In determining or making recommendation on an application for planning approval in the Special Control Area, or making recommendation on an application for subdivision in the Special Control Area, the shire shall have particular regard to:

- (a) Any advice received from the Department of Water;*
- (b) The Department of Water's land use compatibility table in*

the water quality protection note, 'Land Use Compatibility in Public Drinking Water Source Areas', incorporating the variations to that table specific to the Middle Helena catchment area (clause 6.5.4);

- (c) The recommendations of the Middle Helena Catchment Area Land Use and Water Management Strategy, particularly those specific to the relevant priority classification area;*
- (d) The requirements of State Planning Policy 2.7 Public Drinking Water Source Policy;*
- (e) The potential impact of the proposal on the quality of the water resource; and*
- (f) The drainage characteristics of the land, including surface and groundwater flow, and the adequacy of proposed measures to meet water quality targets and manage run-off and drainage."*

3. Amends the Scheme Zoning Map accordingly.
4. Duly executes the Amendment documents and forwards them and submissions received to the Minister for Planning requesting final approval be granted.

Moved: **Cr John Giardina**

Seconded: **Cr Martyn Cresswell**

Vote: **For**
Cr John Giardina
Cr Geoff Stallard
Cr Allan Morton
Cr Noreen Townsend
Cr Justin Whitten
Cr Martyn Cresswell
Cr Bob Emery
Cr Dylan O'Connor
Cr Margaret Thomas

Against
Cr Sue Bilich

CARRIED (9/1)

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

64. Local Planning Scheme No. 3 Amendment No. 43 - Rezone from Public Purpose to Residential R60 - Lot 201 (3) Salix Way, Forrestfield

Previous Items	OCM 02/2012
Responsible Officer	Director Development & Infrastructure Services
Service Area	Development & Infrastructure Services
File Reference	PG-LPS-003/043
Applicant	Nil
Owner	Shire of Kalamunda

Attachment 1	Locality Plan
Attachment 2	Local Planning Scheme Existing and Proposed
Attachment 3	Draft Local Planning Strategy Spatial Plan
Attachment 4	Forrestfield District Centre Structure Plan
Attachment 5	Submission Table

PURPOSE

1. To consider submissions received and decide whether to adopt Amendment No. 43 to Local Planning Scheme No. 3 (“the Scheme”) to rezone Lot 201 (3) Salix Way, Forrestfield, from Public Purpose to Residential R60. Refer to the Locality Plan (Attachment 1) and the existing and proposed Scheme Zoning Map (Attachment 2).

BACKGROUND

2. **Land Details:**

Land Area:	5,064sqm
Local Planning Scheme Zone:	Local Reserve – Public Purpose (Library)
Metropolitan Regional Scheme Zone:	Urban

3. The subject property is currently zoned Public Purpose and is occupied by the Forrestfield Library which, if the amendment is approved, will be retained until the site is redeveloped. If the Library is demolished in the long term it is proposed that a library be constructed within close proximity to the Woodlupine Community Centre, to comprise part of a future Digital Community Precinct.
4. The area surrounding the property has been identified in the Shire's Draft Local Planning Strategy (“the Strategy”) as a proposed residential infill area. If the Strategy is endorsed by the WA Planning Commission a Local Housing Strategy will be prepared by the Shire which will propose to increase the residential density coding of some of the nearby properties depending on their proximity to transport routes, shops and local open space amongst other matters. Refer to the Strategy Spatial Plan (Attachment 3).

5. The proposal is consistent with the adopted Structure Plan for the Forrestfield District Centre which identifies the property as being an “Opportunity Site” which may be used for residential, commercial or mixed uses, and falls within a catchment area identified as being suitable for residential development with a density coding of up to R80. Refer to the Forrestfield District Centre Structure Plan (Attachment 4).
6. In February 2012 Council resolved (En Bloc Resolution 02/2012) to initiate Amendment No. 43 to the Scheme.
7. In May 2012, Council was provided various development options for the property at a Council Forum. The preferred built form and layout for the property can be decided upon at a later date, but does not form part of this amendment.

DETAILS

8. It is proposed to rezone the property from Local Reserve - Public Purpose (Library) to Residential R60.
9. At the R60 density, the land could potentially be subdivided or developed for a range of residential options, including individual lots, grouped or multiple dwellings.

STATUTORY AND LEGAL IMPLICATIONS

10. The *Town Planning Regulations 1967* and *Planning and Development Act 2005* establish procedures relating to amendments to local planning schemes. If Council resolves to adopt the proposed amendment, then ultimately the amendment will be determined by the Minister for Planning.

POLICY IMPLICATIONS

11. *Liveable Neighbourhoods (January 2009)* is an integrated planning and assessment policy to assist with the design and assessment of structure and subdivision plans to guide urban development within metropolitan and regional Western Australia.
12. The purpose of the Policy is to better structure new urban development on urban infill sites. The Policy aims to increase support for efficiency, walking, cycling and public transport and achieving density targets.

PUBLIC CONSULTATION/COMMUNICATION

13. The proposal was advertised for 42 days in accordance with the provisions of the *Town Planning Regulations 1967*, which involved a local public notice in a paper circulating the District, a sign being erected on site and the proposal being referred to affected landowners for comment.

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14. During the formal advertising period four non-objections, four objections and one which provided comments on the proposal were received by the Shire. Refer to the Submission Table (Attachment 5).
15. The following concerns were raised during advertising:
- Trees on the property being used by birds such as Pink and Grey Galahs, Black Cockatoos and other bird species.
 - The redevelopment of the property creating increased anti-social behaviour, and increased traffic volumes and noise.
 - The redevelopment of the property creating dust, sand and noise problems for nearby properties, affecting the health of those residing there.
 - The possibility of the property not being privately sold and becoming owned by Homeswest.
 - The proposal having an impact on ANZAC Day dawn services being held at 7 Salix Way, the only war memorial location in Forrestfield.
 - Good public amenity responding to sight lines, and the redevelopment of the property resulting in St Stephen's Church not being visible from a distance.
 - Any reduction of service to the growing population base, becoming problematic beyond immediate and short term considerations.
 - An unsuitable alternate location for the library will result from this proposal.
 - Forrestfield being deprived of the public purpose area.
 - The proposal being a disadvantage to the residents of Forrestfield.
16. One of the submitters who had no objection to the amendment provided the following comments:
- Public access to the shopping centre alongside the church and police station should be retained.
 - The future redevelopment of the property hopefully resulting in the removal of the trees on the property due to apparently having no place in an urban area.
17. Telstra advised that it had no objection to the proposal, however a network extension will be required for any development on the property an application for which will need to be submitted prior to construction commencing.

FINANCIAL IMPLICATIONS

18. Costs incurred through advertising of the amendment are covered in the current budget.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

Strategic Planning Implications

19. The proposal conforms to the Shire's Strategy and adopted Forrestfield District Centre Structure Plan for potential increases in residential densities.
20. The future subdivision and development of the land assists the Shire in addressing its strategic goal to effectively plan for future community needs by providing higher density housing. It also addresses the anticipated increase in population identified in *Directions 2031 and Beyond* prepared by the WA Planning Commission, and included in the Strategy.

Sustainability Implications

Social Implications

21. The proposal is in accordance with *Directions 2031 and Beyond* which, amongst other matters, provides for affordable and diverse housing forms. The medium density coding will allow for a variety of housing types which will meet the objective.

Economic Implications

22. Nil.

Environmental Implications

23. The site contains a number of mature trees on the property. The Structure Plan for the Forrestfield District Centre recommends that consideration be given to the retention of the trees if possible.

OFFICER COMMENT

24. Community concerns raised regarding the loss of mature trees on the site are noted.
From a planning perspective the R60 coding will provide an opportunity for multiple dwelling development and therefore a smaller building footprint. This in turn would enable some of the existing trees to be retained and incorporated into the design of any future residential development. This matter will be addressed at the appropriate development application stage.
25. Issues relating to built form, the layout of the dwellings, traffic volumes, dust management and noise emissions will be dealt with at either the subdivision or development stage if the amendment is approved by the Minister for Planning.

26. If the amendment is approved, Forrestfield Library will be retained until the site is redeveloped. If the library is demolished in the long term, it is proposed that a library be constructed within close proximity to the Woodlupine Community Centre.
27. During advertising concerns were received related to the potential for increased anti-social behaviour. It should be noted that such matters are dealt with by the police.
28. The proposal will provide opportunities for affordable housing and housing options in an appropriate location adjacent to a designated Activity Centre, close to transport and within walking distance to the Forrestfield Shopping Centre and nearby to community facilities.
29. The development will also support the ongoing viability of the Commercial Centre. These attributes are consistent with the recommendation contained in the Shires key strategic planning document the Strategy and the State government strategy *Directions 2031 and Beyond*.
30. The future ownership of a property is not a matter which is required to be taken into consideration when determining planning proposals.
31. Given the above it is recommended that Council adopts the amendment.

Voting Requirement – Simple Majority

There were three speakers against the Recommendation (Mr Peter Hotinski, Mr Nigel Brown and Mr Ross Haimes).

Councillors listened to the speakers and asked further questions. Councillors then debated the item.

COMMITTEE RECOMMENDATION TO COUNCIL (D&I 64/2012)

That Council:

1. Notes the submissions received in response to Amendment No. 43 to Local Planning Scheme No. 3.
2. Adopts the amendment to Local Planning Scheme No. 3 without modifications, in accordance with the following:

<p>PLANNING AND DEVELOPMENT ACT 2005</p> <p>RESOLUTION DECIDING TO AMEND A LOCAL PLANNING SCHEME</p> <p>SHIRE OF KALAMUNDA</p> <p>LOCAL PLANNING SCHEME NO. 3</p> <p>AMENDMENT NO. 43</p>

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

1. Rezoning Lot 201 (3) Salix Way, Forrestfield from Public Purpose to Residential R60.

3. Amends the Scheme Zoning Map accordingly.
4. Duly executes the Amendment documents and forwards them and submissions received to the Minister for Planning requesting final approval be granted.

Moved: **Cr Bob Emery**

Seconded: **Cr Dylan O'Connor**

Vote: **For**
Cr John Giardina
Cr Geoff Stallard
Cr Allan Morton
Cr Justin Whitten
Cr Martyn Cresswell
Cr Bob Emery
Cr Dylan O'Connor
Cr Sue Bilich
Cr Margaret Thomas
Against
Cr Noreen Townsend
CARRIED (9/1)

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

65. Amendment No. 49 to Local Planning Scheme No. 3 – Additional Uses (Restaurant, Reception Centre and Chalets) – Lot 3 (35) Merrivale Road, Pickering Brook

Previous Items	OCM 02/2012
Responsible Officer	Director Development & Infrastructure Services
Service Area	Development & Infrastructure Services
File Reference	PG-LPS-003/049
Applicant	E Lyons and J Della Franca
Owner	G and J Della Franca
Attachment 1	Locality Plan
Attachment 2	Consultation Plan
Attachment 3	Submission Table

PURPOSE

1. To consider submissions received and whether to adopt Amendment No. 49 to include the Additional Uses of Restaurant, Reception Centre and Chalets on Lot 3 (35) Merrivale Road, Pickering Brook. Refer to the Locality Plan (Attachment 1).

BACKGROUND

2. Land Details:

Land Area:	7.2ha
Local Planning Scheme Zone:	Rural Agriculture
Metropolitan Region Scheme Zone:	Rural

3. The subject property contains dwellings, associated outbuildings, an unsealed car park and an orchard, and falls within a Priority 2 Area in the *Middle Helena Catchment Area Land Use and Water Management Strategy (2010)*.
4. The surrounding properties contain single dwellings and associated outbuildings used for agricultural purposes.
5. The property has also been approved for the production of cider and cellar door sales for the produce, and currently operates as the CORE Cider House.
6. In February 2012, Council resolved (Resolution OCM 02/2012) to initiate Amendment No. 49 to Local Planning Scheme No. 3 ("the Scheme").

DETAILS

7. It is proposed that the uses Restaurant, Reception Centre and Chalets be included under Schedule 2 (Additional Uses) of the Scheme.
8. If the amendment is approved by the Minister for Planning, the applicant will be required to obtain planning consent from the Shire prior to the uses commencing.

STATUTORY AND LEGAL IMPLICATIONS

Local Planning Scheme No. 3

9. The *Town Planning Regulations 1967* establish procedures relating to amendments to local planning schemes. If Council resolves to adopt the proposed amendment, then ultimately the amendment will be determined by the Minister for Planning.

Draft Local Planning Strategy

10. The Draft Local Planning Strategy (“the Strategy”) identified sustainable tourist development as a key goal of the Shire as it can make a significant contribution to the local economy and the well-being of the community.
11. Objectives of the Strategy include promoting the unique characteristics and attractions in the Shire, and provide for the diversification of rural land use to support tourism in rural areas subject to environmental sustainability.
12. The Strategy stipulates that tourism related activities should be seen as complementing rather than replacing rural activities on Rural Agriculture zoned properties.

POLICY IMPLICATIONS

Directions 2031 and Beyond

13. *Directions 2031 and Beyond* is a high level strategic plan that establishes a vision for future growth of the Perth metropolitan area.
14. Key features include that the Perth Hills are identified as a “metropolitan attractor” that entices tourists and is highly valued by local and regional residents.

PUBLIC CONSULTATION/COMMUNICATION

15. The proposal was advertised for 42 days in accordance with the provisions of the *Town Planning Regulations 1967*, which involved a local public notice in a paper circulating the District, a sign being erected on the property and the proposal being referred to nearby landowners for comment.
16. During the formal advertising period one non-objection and two objections were received by the Shire. One of the submitters falls outside of the advertising area and therefore has not been included on the Consultation Plan. Refer to the Consultation Plan (Attachment 2) and the Submission Table (Attachment 3).

-
17. The following concerns were raised during advertising:
- There being conflict between those using the restaurant and chalets, and agricultural activities on adjoining properties.
 - Approval of the amendment setting precedent in the area, and subsequently the area ceasing to be a fruit producing area.
 - The potential impact the uses having on surrounding properties used for primary production in respect to management practices.
 - Patrons causing traffic hazards by parking on the road reserve.
18. The Water Corporation advised that it has no objections to the amendment however information on the extent of the development was not provided therefore specific comment on water supply capacity was not able to be provided.
19. The amendment was also referred to the Department of Water for comment because of the property falling within a Priority 2 Area in the *Middle Helena Catchment Area Land Use and Water Management Strategy (2010)*.
20. The Department of Water advised that insufficient information had been provided for the assessment of the proposed activities, and that information on the number of buildings proposed, maximum number of people on site at any one time, the hours of operation, number of chalets and details on the domestic wastewater system were to be provided.

FINANCIAL IMPLICATIONS

21. Nil.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

Strategic Planning Implications

22. The Strategy stipulates that planning for sustainable tourist development is one of the key goals of the Shire as it can make a significant contribution to the local economy of the Shire and the well-being of the community.
23. There are a number of potential business attractions, natural and historical sites within the Shire that need to be identified and promoted.

It is the aim of the Strategy to ensure the sustainable growth of the industry continues into the future without compromising such businesses and attractions.

Sustainability Implications

Social Implications

24. If the amendment, and subsequently the proposed uses are approved, they may provide employment opportunities for the local population.

Economic Implications

25. Allowing for the diversification of land uses will reduce reliance on primary production as an income stream. This in turn will contribute to the maintenance of the viability of primary production as stated in the Strategy.

Environmental Implications

26. The Site is located in a Priority 2 Area in the *Middle Helena Catchment Area Land Use and Water Management Strategy (2010)*. The purpose of this Strategy, amongst other matters, is to provide a planning framework for land use decision-making that promotes water resources, and particularly public drinking water source protection.

OFFICER COMMENT

27. The proposal is consistent with the intent of the Draft Local Planning Strategy to allow for tourist uses in the Rural Agriculture zone.
28. Issues relating to the appearance and location of future buildings on the property, the hours of operation and the maximum number of people on the property at any one time, will be dealt with at the development application stage. As part of the assessment process, the development application will be required to be referred to the Department of Water for comment.
29. The existing development on the property (the CORE Cider House) is of a high quality and it is considered that the proposed uses will integrate well with this activity and the locality.
30. Future development on the property will be required to be designed in a way so as to be compatible with agricultural activities on nearby properties.
31. Considering the above and that Council initiated the amendment, it is recommended that Council adopts the amendment.

Voting Requirement – Simple Majority

There were two speakers against the Recommendation (Mr Grant Della-Franca, Mr Peter Depiazzi and Mrs Naomi Depiazzi) and two in favour (Ms Emily Lyons and Mr Josh Davenport).

Councillors listened to the speaker and asked further questions.

Councillors then debated the item.

COMMITTEE RECOMMENDATION TO COUNCIL (D&I 65/2012)

That Council:

1. Notes the submissions received in response to Amendment No. 49 to Local Planning Scheme No. 3.

2. Adopts the amendment to Local Planning Scheme No. 3 without modification, in accordance with the following:

PLANNING AND DEVELOPMENT ACT 2005 RESOLUTION DECIDING TO AMEND A LOCAL PLANNING SCHEME SHIRE OF KALAMUNDA LOCAL PLANNING SCHEME NO. 3 AMENDMENT NO. 49			
Resolved that Council, in pursuance of Part 5 of the Planning and Development Act 2005, amends the above Local Planning Scheme as follows:			
(a) Amending Schedule 2 (Additional Uses) by including the following provision:			
NO.	DESCRIPTION OF LAND	ADDITIONAL USE	CONDITIONS
47.	Lot 3 (35) Merrivale Road, Pickering Brook	Restaurant Reception Centre Chalets	The uses are not permitted unless approval is granted by the Local Government ("D")

3. Duly executes the Amendment documents and forwards them and submissions received to the Minister for Planning requesting final approval be granted.

Moved: **Cr Bob Emery**

Seconded: **Cr John Giardina**

Vote:

For
Cr John Giardina
Cr Allan Morton
Cr Noreen Townsend
Cr Justin Whitten
Cr Martyn Cresswell
Cr Bob Emery
Cr Dylan O'Connor
Cr Sue Bilich
Cr Margaret Thomas
Against
Cr Geoff Stallard

CARRIED (9/1)

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

66. Amendment to Local Planning Scheme No. 3 – Additional Uses (Industry – Light and Storage) – Lot 164 (1350) Canning Road, Canning Mills

Previous Items	Nil
Responsible Officer	Director Development & Infrastructure Services
Service Area	Development & Infrastructure Services
File Reference	PG-LPS-003/
Applicant	E Ghilarducci
Owner	E and S Ghilarducci
Attachment 1	Locality Plan
Attachment 2	Scheme Zoning Map

PURPOSE

1. To consider whether to initiate an amendment to Local Planning Scheme No. 3 (“the Scheme”) to include the Additional Uses of Industry – Light and Storage on Lot 164 (1350) Canning Road, Canning Mills. Refer to the Locality Plan (Attachment 1) and Scheme Zoning Map (Attachment 2).

BACKGROUND

2. Land Details:

Land Area:	17.5ha
Local Planning Scheme Zone:	Rural Agriculture
Metropolitan Region Scheme Zone:	Rural Regional Reserve – Water Catchment

3. The subject property contains a single dwelling, associated outbuildings and an orchard, and falls within a Priority 2 Area in the *Middle Helena Catchment Area Land Use and Water Management Strategy (2010)*.
4. The surrounding properties contain single dwellings and associated outbuildings used for agricultural purposes.
5. Adjoining the south boundary are properties which fall within the City of Armadale, and are zoned General Rural under its Town Planning Scheme No. 4.

DETAILS

6. The applicant has requested that the Scheme be amended to include the uses Industry – Light and Storage under Schedule 2 (Additional Uses) of the Scheme for the property.

7. If the amendment is ultimately approved by the Minister for Planning, the applicant will be required to obtain planning consent from the Shire prior to the uses commencing.
8. The applicant has advised the following with regard to the proposed uses:
 - The area of land to be used for storage and light industrial purposes will be a total of 1 hectare.
 - The area will be used for the storage and handling of gravel, rock and sand, for wholesale purposes.
 - Materials taken from earthworks conducted at other properties will be crushed on site and processed into three products, being pea gravel, “general” gravel and “course grade” used for leach drains.
9. The approximate volume of materials to be stored on the property, and the proposed location on the property, is currently not known.

STATUTORY AND LEGAL IMPLICATIONS

Local Planning Scheme No. 3

10. The *Town Planning Regulations 1967* establish procedures relating to amendments to local planning schemes. If Council resolves to adopt the proposed amendment, then ultimately the amendment will be determined by the Minister for Planning.
11. Clause 4.2.2 (Objectives of the Zones – Rural Zones) of the Scheme stipulates the following are objectives of the Rural Agriculture zone:
 - *“To protect and maintain the hills horticultural industry.*
 - *To ensure the conservation of soil and water resources important to the well being of the horticulture industry.*
 - *Ensure that land uses, activities and land management practices are consistent with natural resources conservation and are compatible with public water supply objectives.*
 - *To conserve the physical and visual environment of the area.*
 - *Encourage the reduction of bush fire hazard.”*
12. Table 1 (Zoning Table) of the Scheme stipulates that the uses Industry – Light and Storage are ‘X’ uses on Rural Agriculture zoned properties, and are therefore not permitted.
13. Clause 5.13.2 (Rural Agriculture – Land Use and Development) of the Scheme stipulates the following:

“The local government does not support any development where in the opinion of the local government such development will encourage the

establishment of land uses considered not compatible with Rural Agriculture pursuits.”

14. The property is located within a Regional Reserve - Water Catchment under the Metropolitan Region Scheme Area for Victoria Reservoir therefore if the amendment is approved by the Minister for Planning, any future application for the uses Industry – Light and Storage will be determined by the WA Planning Commission.

POLICY IMPLICATIONS

Middle Helena Catchment Area Land Use and Water Management Strategy (2010)

15. The *Middle Helena Catchment Area Land Use and Water Management Strategy* (“the Strategy”) covers the Plesse Brook Water Catchment to the east of Kalamunda.
16. The Strategy divides the catchment area into three risk based priority classifications, namely Priority Areas P1, P2 and P3.
17. The property falls within a Priority 2 (“P2”) Area in the Strategy which means that there is to be no increased risk of water source contamination/pollution, and that the guiding principle is risk minimisation.

Water Quality Protection Note: Land Use Compatibility in Public Drinking Water Source Areas

18. The Department of Water’s Water Quality Protection Note: Land Use Compatibility in Public Drinking Water Source Areas (“the Protection Note”) provides advice on the acceptability of land uses and activities within specific catchments which are the water source for schemes supplying urban areas.
19. The Protection Note stipulates that the uses Industry – Light and Storage are incompatible in Priority 2 areas.

PUBLIC CONSULTATION/COMMUNICATION

20. Should Council initiate the amendment, the formal advertising (which will last 42 days) will involve a local public notice in a paper circulating the District, a sign being erected at the property and letters being sent to all affected landowners, the Department of Water and the Department of Environment and Conservation.

FINANCIAL IMPLICATIONS

21. If the Amendment is initiated there will be costs involved, however this will be recouped from the applicant in accordance with the adopted budget.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

Strategic Planning Implications

22. Nil.

Sustainability Implications

Social Implications

23. If the Amendment and subsequent application is approved, the proposed uses have the potential to have an unacceptable impact on the amenity of the local area.

Economic Implications

24. Nil.

Environmental Implications

25. The Site is located in a Priority 2 Area in the *Middle Helena Catchment Area Land Use and Water Management Strategy (2010)*. The purpose of this Strategy, amongst other matters, is to provide a planning framework for land use decision-making that promotes water resources, and particularly public drinking water source protection.

OFFICER COMMENT

26. The proposed uses are not permitted on Rural Agriculture zoned properties and would not satisfy the objectives of the zoning.
27. The Department of Water's Water Quality Protection Note: Land Use Compatibility in Public Drinking Water Source Areas stipulates that the uses Industry – Light and Storage are incompatible in Priority 2 areas.
28. The proposed uses will increase the potential for soil and nearby water sources to become polluted, because of the materials being stored on the property being brought on site from other properties which could be contaminated.
29. Considering the above, it is recommended that Council does not initiate the Amendment.

Voting Requirement – Simple Majority

COMMITTEE RECOMMENDATION TO COUNCIL (D&I 66/2012)

That Council:

1. Does not initiate the amendment to include the Additional Uses of Industry – Light and Storage on Lot 164 (1350) Canning Road, Canning Mills, for the following reasons:
- a. The proposed uses not satisfying the Local Planning Scheme No. 3 objectives for the Rural Agriculture zone.

- b. The proposed uses being incompatible within Priority 2 areas, as stipulated in the Department of Water's Water Quality Protection Note: Land Use Compatibility in Public Drinking Water Source Areas.

Moved: **Cr Justin Whitten**

Seconded: **Cr Martyn Cresswell**

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

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

67. Proposed Workshop and Office – Lot 800 (350) Kalamunda Road, Maida Vale

Previous Items	Nil
Responsible Officer	Director Development & Infrastructure Services
Service Area	Development & Infrastructure Services
File Reference	KL-02/350
Applicant	Activ Foundation Incorporated
Owner	As above
Attachment 1	Public Consultation Plan
Attachment 2	Locality Plan
Attachment 3	Site Plan
Attachment 4	Floor Plan
Attachment 5	Elevations
Attachment 6	Landscaping Plan

PURPOSE

1. To consider an application to build an office and additional workshop at Lot 800 (350) Kalamunda Road, Maida Vale. Refer to (Attachments 1 to 6).

BACKGROUND

2. **Land Details:**

Land Area:	72.05 ha
Local Planning Scheme Zone:	Private Clubs & Institutions
Metropolitan Region Scheme Zone:	Rural

3. The property contains the Hillview Golf Course, and an existing workshop occupied by the Property Care Division which consists of mobile work crews performing property care and maintenance on and off site. Access to the existing workshop is obtained from Midland Road via a single crossover.
4. On the opposite side of Midland Road to the proposal are properties zoned Residential Bushland under Local Planning Scheme No. 3 ("the Scheme").

DETAILS

5. It is proposed that an additional workshop and office be constructed on the property. Details of the application are as follows:

- An office and workshop are proposed which will have an aggregate floor area of 933sqm.

- The structure will have a wall height of 3.20m, with the finish floor level being 0.70m lower than Midland Road.
- The structure will be setback 14.87 metres from the front (Midland Road) boundary.
- The proposed workshop will be adjacent to an existing maintenance workshop which is to be retained.
- The proposed workshop and office are proposed to be constructed of Colorbond 'Cottage Green'.
- A 3 metre wide landscaping strip is proposed along the Midland Road frontage to alleviate potential impacts on visual amenity.
- The proposed workshop and office will be used by the Property Care Division ("the occupants") which has 35 employees who work off site during the day, using the property mainly as a gathering point at 7.30am and 3.30pm Monday to Friday.
- The occupants are proposing to use the workshop to train disabled employees for the purpose of maintaining the Hillview golf course.
- The proposed development also contains a training room which will only be used by the occupants.
- Ten car parking bays, as well as two visitor bays are to be provided. The applicant has advised that the majority of the employees with disabilities do not have drivers licences.

STATUTORY AND LEGAL IMPLICATIONS

6. Under Table 1 (the Zoning Table) of the Scheme, the use Workshop is a use not listed.
7. Under Table 1 (the Zoning Table) of the Scheme, the use Office is a 'D' use on properties zoned Private Clubs and Institutions meaning the use is not permitted unless the council has granted planning approval.
8. Clause 4.4.2 of the Scheme stipulates that where a use not listed is proposed, and cannot reasonably be determined as falling within the type, class or genus of activity of any other use category, the Shire may:
 - a. Determine that the use is consistent with the objectives of the particular zone and is therefore permitted.
 - b. Determine that the use may be consistent with the objectives of the particular zone and therefore follow the advertising procedures of Clause 9.4 in considering an application for planning approval.
 - c. Determine that the use is not consistent with the objectives of the particular zone and is therefore not permitted.

9. Table 2 (Site Requirements) of the Scheme stipulates the following for development on properties zoned Private Clubs & Institutions:

	Scheme Requirement	Proposed
Front Setback	15 metres	14.87 metres
Landscaping Strip (Road Frontage)	3 metres	3 metres

10. Table 3 (Car Parking Requirements) of the Scheme stipulates the following for the use Office:

	Scheme Requirement	Proposed
Office	4 bays per 100 sqm Net Lettable Area = 8 parking bays minimum	12 parking bays

11. There are no parking provisions for the use “workshop” in the Scheme, as it is considered as a use not listed. Where a use is not listed the standard will be at the discretion of the local government.
12. The applicant has advised that 10 of the staff have drivers licences, while those with a disability will use public transport. Twelve car parking bays are proposed on site.
13. In considering an application for planning approval, Clause 10.2 of the Scheme (Matters to be Considered by Local Government) requires Council to have due regard to the compatibility of the development within its settings, the likely effect of the scale and appearance of the proposal, whether the proposed means of access and egress from the property are adequate, any State Planning Policy and any relevant submissions received on the application.
14. If Council refuses the development, or imposes conditions that are not acceptable to the applicant, there is a Right of Review (appeal) to the State Administrative Tribunal.

POLICY IMPLICATIONS

15. Nil.

PUBLIC CONSULTATION/COMMUNICATION

16. The proposal was advertised for 14 days to nearby property owners for comment in accordance with Clauses 9.4.1 and 9.4.3 of the Scheme. Two objections were received on the proposal.
17. The following concerns were raised during advertising:
- The development having an unacceptable impact on the area's visual amenity.
 - The choice of Colorbond being undesirable.
 - The landscaping not alleviating the visual impact of the development on nearby residences.
 - The proposed development being too close to Midland Road.
 - Noise created from machines, chain saws, and alarms being excessive.
 - The potential need to construct a solid fence (on the objectors property) to visually screen the structure from residence.

FINANCIAL IMPLICATIONS

18. Nil.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

Strategic Planning Implications

19. Nil.

Sustainability Implications

Social Implications

20. Nil.

Economic Implications

21. The use may provide more employment opportunities for local residents if the application is approved.

Environmental Implications

22. Nil.

OFFICER COMMENT

23. The proposed office and additional workshop are proposed to be used to train employees who are involved in the maintenance of the golf course, and is therefore considered to be an ancillary use.

24. Concerns were raised during advertising regarding the visual impact the proposed development may have on nearby residents because of the lack of landscaping proposed, the external colours and materials chosen and because of the proposed front setback of 14.87m in lieu of 15m.
25. Whilst the façade of the building is quite long as it presents to Midland Road (62m) it is considered that it will not have a detrimental impact on the visual amenity of nearby residents or the streetscape, for the following reasons:
- The proposed front setback variation is considered to be minimal.
 - The location and amount of landscaping, which will reach up to approximately 2m in height at full maturity, will screen the proposed development sufficiently.
 - The proposed external colour and materials of the proposed development will blend with the existing workshop on the property.
26. Considering the above, it is recommended that Council approves the application.

Voting Requirement – Simple Majority

COMMITTEE RECOMMENDATION TO COUNCIL (D&I 67/2012)

That Council:

1. Approves the application dated 22 December 2011 to construct an office and additional workshop at Lot 800 (350) Kalamunda Road, Maida Vale, subject to the following conditions:
- a. The proposed landscaping being planted within 28 days of the proposed development's completion, and maintained thereafter by the landowner to the Shire's satisfaction.
 - b. Crossovers being designed and constructed to the satisfaction of the Shire.
 - c. Vehicle access ways being suitably constructed sealed drained to the satisfaction of the Shire.
 - d. Storm water drainage from roofed and paved areas being disposed to the satisfaction of the Shire.
 - e. The applicant shall be responsible for organising and submitting an independent traffic impact assessment for the proposed development regarding the need for left turn slip lane and passing lane to ensure safety and preserve the amenity of the area. This will need to be submitted to and approved by the Shire prior to the building licence being issued.
 - f. The provision and maintenance of a total of 12 car spaces including a minimum of one disabled bay. All car parking and vehicle access ways

being line marked, sealed, and drained prior to the occupation of the building and maintained thereafter to the satisfaction of the Shire.

- g. The proposed use is to only operate between the hours of 7.30am and 3.30pm Monday to Friday.

Moved: **Cr Noreen Townsend**

Seconded: **Cr Martyn Cresswell**

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

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

68. Two Outbuildings (Sheds) – Lot 57 (453) Canning Road, Carmel

Previous Items	Nil
Responsible Officer	Director Development and Infrastructure Services
Service Area	Development and Infrastructure Services
File Reference	CN-01/453
Applicant	RaHa Plantations Pty Ltd
Owner	G Credaro
Attachment 1	Locality Plan
Attachment 2	Site Plan
Attachment 3	Elevations of Proposed Outbuilding
Attachment 4	Elevations of Existing Outbuilding
Attachment 5	Consultation Plan
Attachment 6	Submission Table

PURPOSE

1. To make a recommendation to the WA Planning Commission for an application to construct a 200sqm extension to an existing 189sqm outbuilding (shed) at Lot 57 (453) Canning Road, Carmel. Refer to (Attachments 1 to 4).

BACKGROUND

2. **Land Details:**

Land Area:	4.4ha
Local Planning Scheme Zone:	Rural Landscape Interest
Metropolitan Region Scheme Zone:	Rural Regional Reserve – Water Catchment

3. The property contains a single dwelling, a 189sqm outbuilding (shed) and mature vegetation, and falls within a Priority 2 Area in the *Middle Helena Catchment Area Land Use and Water Management Strategy (2010)*.
4. As part of the application, it has been brought to the attention of staff that an unauthorised steel fabrication business operates from the property.
5. Surrounding properties contain single dwellings and associated outbuildings, a tea room and winery.
6. In May 1985, the Shire approved a 189sqm outbuilding (shed) on the property, however it would appear that the shed was not constructed in the approved location on the site. Notwithstanding this, there is no issue given the passage of time and that the location meets the previous and current Scheme setbacks.

DETAILS

7. Details of the application are as follows:
- A 200sqm outbuilding (shed), with a wall height of 3.3m and a roof height of 4.2m is proposed to be built 76m from the west boundary and 46m from the north boundary.
 - The outbuildings are to be used in conjunction with a steel fabrication business which operates at the property, for which no approval has been granted.
 - The proposed outbuilding is proposed to be used to store various steel products such as steel beams. The products are then relocated into the existing outbuilding where it is cut to length and welded to make trusses, support frames and storage tank bases.

STATUTORY AND LEGAL IMPLICATIONS

Local Planning Scheme No. 3

8. Clause 4.2.2 (Objectives of the Zones – Rural Zones) of Local Planning Scheme No. 3 ("the Scheme") stipulates the following are objectives of the Rural Landscape Interest zone:
- *"Ensure development is in harmony with the natural environment.*
 - *Ensure that land uses, activities and land management practices are consistent with natural resources conservation and are compatible with public water supply objectives.*
 - *Conserve water quality and water course capacity to enable appropriate beneficial land use activities to be undertaken.*
 - *Encourage the reduction of bush fire hazard."*
9. Table 2 of the Scheme stipulates the following for properties zoned Rural Landscape Interest:

	Scheme Requirement	Proposed
Front Setback	20m Minimum	Approximately 720m
Side Setback	15m	46m from the nearest side boundary, being the north boundary.
Rear Setback	15m	Approximately 170m

10. In considering an application for planning approval, Clause 10.2 of the Scheme (Matters to be Considered by Local Government) requires Council to have due regard to number of matters, including:
 - The compatibility of the development within its settings.
 - The likely effect of the scale and appearance of the proposal.
 - Any relevant submissions received on the application.
11. The property is located in a Regional Reserve - Water Catchment Area for Bickley Reservoir therefore the WA Planning Commission ("the Commission") determines the application. Council is to provide a recommendation to the Commission on the proposal.
12. If the Commission refuses the development, or imposes conditions that are not acceptable to the applicant, there is a Right of Review (appeal) to the State Administrative Tribunal. If this occurs, the Commission will be the respondent, but the Shire would be actively involved in the appeal.

POLICY IMPLICATIONS

Local Planning Policy DEV20 - Outbuildings

13. Local Planning Policy DEV20 – Outbuildings ("the Policy") stipulates that rural outbuildings will be assessed on their individual merits, but shall be referred to Council if the floor area exceeds 300sqm. If approved, the aggregate floor area of the outbuildings on the property will be 389sqm.

PUBLIC CONSULTATION/COMMUNICATION

14. The proposal was advertised for 14 days to nearby property owners for comment in accordance with Clause 9.4.3 of the Scheme. One non-objection, two objections and one which provided comment on the proposal were received.
15. One of the objectors has requested that their details remain confidential. Therefore their response has not been included on the Consultation Plan and their details have not been included in the Submission Table. Refer to the Consultation Plan (Attachment 5) and the Submission Table (Attachment 6).
16. The submitter who provided comments on the proposal advised the following:
 - They have reservations regarding the outbuildings being used in conjunction with a steel fabrication business operating from the property.
 - The business, and noise emitted by its operation, having an unacceptable impact on the rural lifestyle of the area.
17. The following concerns were raised during advertising:
 - That a steel fabrication business is not suited to the rural nature of the area.

- The steel fabrication business not having the necessary approvals.
- The integrity of the rural location, its ambience and its unique nature being important.
- Noise emitted by the business being excessive, and becoming potentially creating higher noise levels if the proposed outbuilding is approved.

18. The proposal was also referred to the Department of Water (“DoW”) due to the property falling within a Priority 2 (“P2”) drinking water area in the Middle Helena Catchment Area. The Department of Water provided the following comment:

“The current land use is incompatible in P2 areas. The DoW considers “steel fabrication” as light industry and/or service industry, both of which are incompatible in the Department’s Water Quality Protection Note: Land Use Compatibility in Public Drinking Water Source Areas. The DoW therefore does not support the expansion of this land use.”

FINANCIAL IMPLICATIONS

19. Nil.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

Strategic Planning Implications

20. Nil.

Sustainability Implications

Social Implications

21. Impacts the proposal may have on the amenity of the local area can be addressed through the inclusion of conditions, should the WA Planning Commission approve the application. These relate to the colour and material details of the proposed outbuilding.

Economic Implications

22. Nil.

Environmental Implications

23. The use of the outbuildings is incompatible in the Department’s Water Quality Protection Note: Land Use Compatibility in Public Drinking Water Source Areas.

OFFICER COMMENT

Appearance of the Outbuildings

24. If approved by Council, the proposed outbuilding will result in an aggregate floor area of 389sqm on the property.
25. The existing outbuilding is approximately 160m from the nearest dwelling on an adjoining property, being on 41 Carmel Road, and is partially screened by mature vegetation.
26. Considering the above, the location of the outbuilding is considered acceptable.

The Use of the Outbuildings

27. Whilst the applicant is applying to extend an existing building, the use of the outbuilding has also been taken into consideration as part of the application.
28. The outbuildings are to be used in conjunction with an unauthorised steel fabrication business which operates on the property.
29. During advertising concerns were raised from nearby landowners and the DoW regarding the use of the outbuildings.
30. Whilst no objections were received during advertising regarding the visual impact of the outbuildings, the sole purpose for requiring the outbuildings on the property is to be used in conjunction with a steel fabrication business.
31. The proposed outbuilding will be used to store various steel products such as steel beams.

The products are then proposed to be relocated into the existing outbuilding where it is cut to length and welded to make trusses, support frames and storage tank bases.
32. The proposed use of the outbuildings is considered to be the land uses Storage or Industry – Light, as defined under the Scheme, both of which are uses not permitted on properties zoned Rural Landscape Interest.
33. There is the potential for the site to become contaminated because of chemicals and oils being stored on site, with no bunding provided.
34. Considering the above, it is recommended that Council advise the WA Planning Commission that it does not support the proposed outbuilding, and advises the landowner that the existing steel fabrication business is to cease.

Voting Requirement – Simple Majority

Cr Sue Bilich left the chambers at 8:03pm as she declared a proximity interest in this report item as an adjoining landowner. The Chairman suspended the meeting at 8:03pm to allow Cr Martyn Cresswell to leave the chambers. The Chairman waited for his return at 8:04pm before proceeding with the meeting.

COMMITTEE RECOMMENDATION TO COUNCIL (D&I 68/2012)

That Council:

1. Recommends to the WA Planning Commission that the application to build a 200sqm outbuilding (shed) at Lot 57 (453) Canning Road, Carmel, be refused for the following reasons:
 - a. The proposed use of the outbuilding, being the use Storage or Industry - Light, are not permitted on properties zoned Rural Landscape Interest.
 - b. The proposed use of the outbuilding being incompatible within Priority 2 areas, as stipulated in the Department of Water's Water Quality Protection Note: Land Use Compatibility in Public Drinking Water Source Areas.
2. Advises the landowner that the steel fabrication business currently operating from the property is to cease immediately, and materials stored on the property associated with the unauthorised business be removed within 35 days of this decision.

Moved: **Cr John Giardina**

Seconded: **Cr Justin Whitten**

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

At 8:05pm Cr Sue Bilich returned to the Chambers.

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

69. Consideration of Tenders - Supply and Delivery of Concrete Drainage Products (RFT-1205)

Previous Items

Responsible Officer Director Development & Infrastructure

Service Area Infrastructure Operations

File Reference

Applicant Shire of Kalamunda

Owner Shire of Kalamunda

Attachment 1

Confidential Attachment – Tender Evaluation Panel Report

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.”

PURPOSE

1. To consider awarding the Tender for the Supply and Delivery of Concrete Drainage Products.
2. The current suppliers are Humes Wembley Cement, Icon-Septech Pty Ltd and Rocla Pipeline Products.

BACKGROUND

3. The Shire undertakes a significant number of drainage projects and drainage maintenance each year. It is anticipated that the cost of concrete drainage products will be \$290,000 in 2012/13.

DETAILS

4. Request for Tenders for this project were advertised on 28 April 2012, in the Local Government Tender section of *The West Australian*, and closed on 18 May 2012.
5. The tender request contains the following clause relating to the selection criteria.

“The Contract will be awarded to a sole or panel of Tenderer(s), who best demonstrates the ability to provide quality products at a competitive price. The Tendered prices will be assessed with the following qualitative and compliance criteria to determine the most advantageous outcome to the Principal.

This means that, although price is considered, the Tender containing the lowest price will not necessarily be accepted, nor will the Tender ranked the highest on the qualitative criteria.”

6. A total of three tenders were received from the following companies in the appropriate format by the allotted time:

Tenderer
Humes Wembley Cement
Rocla Pipeline Products
Agcrete

7. Regulation 18 of the *Local Government (Functions and General) Regulations 1996*, states that tenders

...are to be assessed by the local government by means of a written evaluation of the extent to which each tender satisfies the criteria for deciding which tender to accept and it is to decide which of them it thinks it would be most advantageous to the local government to accept."

8. A Tender Evaluation Panel assessed each submission based on the following criteria:

- i. Qualitative**
 - Experience 15%
 - Skills 25%
 - Past compliance to time and cost requirements 20%
- ii. Price 40%**

9. An arithmetic calculation is then applied to the raw scores to obtain the weighted score.

The weighted tender evaluation scores are shown below:

Tenderer	Weighted Qualitative Score	Weighted Price Score	Weighted Total Score	Ranking
Humes Wembley Cement	47.7	40.0	87.7	1
Rocla Pipeline Products	45.0	29.0	74.0	2
Agcrete	38.3	15.0	53.3	3

STATUTORY AND LEGAL IMPLICATIONS

10. Section 3.57 of the *Local Government Act 1995*, requires tenders to be called for all goods and services in excess of \$100,000.

POLICY IMPLICATIONS

11. Policy PUR1 – Purchasing Policy has been followed and complied with.

PUBLIC CONSULTATION/COMMUNICATION

12. Nil.

FINANCIAL IMPLICATIONS

13. The cost of this supply is built into project and maintenance budgets.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

Strategic Planning Implications

14. Nil.

Sustainability Implications

Social Implications

15. Nil.

Economic Implications

16. Nil.

Environmental Implications

17. Nil.

OFFICER COMMENT

18. Humes Wembley Cement was scored significantly higher in the qualitative assessment as well as providing the lowest overall price.
19. The tender will be for a period of three years with two 12 month options. A standard rise and fall clause is provided.

Voting Requirement – Simple Majority

COMMITTEE RECOMMENDATION TO COUNCIL (D&I 69/2012)

That Council:

1. Accepts the recommendation of the Tender Assessment Panel to appoint Humes Wembley Cement as preferred tenderer for the Supply and Delivery of Concrete Drainage Products.

Moved: **Cr John Giardina**

Seconded: **Cr Noreen Townsend**

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

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

70. Consideration of Tenders – Provision of Plant Hire and Auxiliary Plant Hire Services (RFT 1203)

Previous Items	
Responsible Officer	Director Development & Infrastructure Services
Service Area	Infrastructure Operations
File Reference	
Applicant	
Owner	
Attachment 1	Confidential – Tender Evaluation Panel Report <u>Reason for Confidentiality:</u> <i>Local Government Act 1995</i> <i>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.”</i>
Attachment 2	Allocation of Plant Hire Elements to Tenderers

PURPOSE

1. To consider awarding the Tender for the Provision of Plant Hire and Auxiliary Plant Hire Services.
2. The current suppliers are McKay Earthmoving Pty Ltd, Mayday Earthmoving, Hawley's Bobcat Service, Kala Bob Kats Pty Ltd, Brooks Hire and Coates Hire.

BACKGROUND

3. The Shire undertakes a significant number of capital and maintenance projects each year.
4. There is a need to utilise a wide range of plant and auxiliary plant to deliver these works.
5. It is not efficient to purchase each type of plant that is required due to the low utilisation and high internal hire rates that would result.
6. A mix of wet hire (with operator) and dry hire (without operator) is required and depends on the specific nature of the activity.

DETAILS

7. Request for Tenders for this project were advertised on 28 April 2012, in the Local Government Tender section of *The West Australian*, and closed on 18 May 2012.

8. The tender request contains the following clause relating to the selection criteria

“The Contract will be awarded to a sole or panel of Tenderer(s), who best demonstrates the ability to provide quality products at a competitive price. The Tendered prices will be assessed with the following qualitative and compliance criteria to determine the most advantageous outcome to the Principal.

This means that, although price is considered, the Tender containing the lowest price will not necessarily be accepted, nor will the Tender ranked the highest on the qualitative criteria.”

9. A total of seven tenders were received from the following companies in the appropriate format by the allotted time:

Tenderer
Trenchbusters Pty Ltd
Mayday Earthmoving
McKay Earthmoving Pty Ltd
Sherrin Rentals Pty Ltd
Hawley's Bobcat Services
Fonz's Bobcat & Truck Hire
HAS Earthmoving

10. Regulation 18 of the Local Government (Functions and General) Regulations 1996, states that tenders:

...are to be assessed by the local government by means of a written evaluation of the extent to which each tender satisfies the criteria for deciding which tender to accept and it is to decide which of them it thinks it would be most advantageous to the local government to accept.”

11. A Tender Evaluation Panel assessed each submission based on the following criteria:

i. Qualitative

- Experience 15%
- Skills 25%
- Past compliance to time and cost requirements 20%

ii. Price 40%

12. Due to the number and type of plant items and the variations in submissions, the qualitative and Price assessments were undertaken separately.

13. An arithmetic calculation is applied to the raw qualitative score to obtain the weighted score. The weighted tender evaluation scores are shown below:

Tenderer	Weighted Qualitative Score (max 60)	Total Weighted Score	Ranking
Trenchbusters Pty Ltd	46.0	46.0	4
Mayday Earthmoving	39.4	39.4	6
McKay Earthmoving Pty Ltd	51.3	51.3	2
Sherrin Rentals Pty Ltd	46.1	46.1	3
Hawley's Bobcat Services	35.2	35.2	7
Fonz's Bobcat & Truck Hire	40.1	40.1	5
HAS Earthmoving	54.8	54.8	1

14. Based on the qualitative assessments, each item of plant hire was allocated to the highest ranked supplier. The allocation of items to each tenderer is provided in (Attachment 2).

STATUTORY AND LEGAL IMPLICATIONS

15. Section 3.57 of the *Local Government Act 1995*, requires tenders to be called for all goods and services in excess of \$100,000.

POLICY IMPLICATIONS

16. Policy PUR1 – Purchasing Policy has been followed and complied with.

PUBLIC CONSULTATION/COMMUNICATION

17. Nil.

FINANCIAL IMPLICATIONS

18. The cost of this supply is built into project and maintenance budgets.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

Strategic Planning Implications

19. Nil.

Sustainability Implications

Social Implications

20. Nil.

Economic Implications

21. Nil.
Environmental Implications

22. Nil.

OFFICER COMMENT

23. Due to the variations in responses and the number of individual items which form part of this tender, it has been determined that a pool of tenderers should be created.
24. Each tenderer will be allocated a list of items based on their price relative to the minimum price for that item. The tenderer with the highest qualitative score will be allocated to first preference for that item.
25. Wherever possible a second preference supplier will be allocated to allow council to meet operational needs.
26. Some items were not tendered.

Voting Requirement – Simple Majority

COMMITTEE RECOMMENDATION TO COUNCIL (D&I 70/2012)

That Council:

1. Accepts the recommendation of the Tender Assessment Panel to appoint a panel of preferred tenderers, in order HAS Earthmoving, McKay Earthmoving Pty Ltd, Sherrin Rentals Pty Ltd, Trenchbusters Pty Ltd, Mayday Earthmoving, for the Provision of Plant Hire and Auxiliary Plant Hire Services.
2. Approves the allocation of Plant Hire Elements to Tenderers as identified in (Attachment 2).

Moved: **Cr John Giardina**

Seconded: **Cr Noreen Townsend**

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

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

71. Consideration of Tenders for the Construction of Concrete Footpaths (RFT1204)

Previous Items

Responsible Officer

Service Area

File Reference

Applicant

Owner

Director Development & Infrastructure

Infrastructure Operations

Attachment 1

Confidential Attachment – Tender Evaluation Report

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.”

PURPOSE

1. To consider awarding the Tender for the Construction of Concrete Footpaths.

BACKGROUND

2. The Shire undertakes a significant number of concrete footpath projects and footpath maintenance each year. It is anticipated that the cost of concrete footpath and ancillary works will be \$380,000 in 2012/13.
3. The current suppliers are WA Concreters and PH Concrete.

DETAILS

4. Request for Tenders for this project were advertised on 28 April 2012, in the Local Government Tender section of *The West Australian*, and closed on 18 May 2012.
5. The tender request contains the following clause relating to the selection criteria:

“The Contract will be awarded to a sole or panel of Tenderer(s), who best demonstrates the ability to provide quality products at a competitive price. The Tendered prices will be assessed with the following qualitative and compliance criteria to determine the most advantageous outcome to the Principal.

This means that, although price is considered, the Tender containing the lowest price will not necessarily be accepted, nor will the Tender ranked the highest on the qualitative criteria.”

6. A total of six tenders were received from the following companies in the appropriate format by the allotted time:

Tenderer
WA Concreters
Contemporary Surfaces
PH Concrete
HAS Earthmoving
Nextside Pty Ltd
Dowsing Concrete

7. Regulation 18 of the *Local Government (Functions and General) Regulations 1996*, states that tenders:

..are to be assessed by the local government by means of a written evaluation of the extent to which each tender satisfies the criteria for deciding which tender to accept and it is to decide which of them it thinks it would be most advantageous to the local government to accept."

8. A Tender Evaluation Panel assessed each submission based on the following criteria:

- i. Qualitative**
 - Experience 15%
 - Skills 25%
 - Past compliance to time and cost requirements 20%
- ii. Price** 40%

9. An arithmetic calculation is then applied to the raw scores to obtain the weighted score.

The weighted tender evaluation scores are shown below -

Tenderer	Weighted Qualitative Score (max 60)	Weighted Price Score (max 40)	Total Weighted Score	Ranking
WA Concreters	43.5	40.0	83.5	2
Contemporary Surfaces	28.3	20.0	48.3	5
PH Concrete	44.1	40.0	84.1	1
HAS Earthmoving	52.2	10.0	62.2	4
Nextside Pty Ltd	47.0	0.0	47.0	6
Dowsing Concrete	54.2	10.0	64.2	3

STATUTORY AND LEGAL IMPLICATIONS

10. Section 3.57 of the *Local Government Act 1995*, requires tenders to be called for all goods and services in excess of \$100,000.

POLICY IMPLICATIONS

11. Policy PUR1 – Purchasing Policy has been followed and complied with.

PUBLIC CONSULTATION/COMMUNICATION

12. Nil.

FINANCIAL IMPLICATIONS

13. The cost of this supply is built into project and maintenance budgets.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

Strategic Planning Implications

14. Nil.

Sustainability Implications

Social Implications

15. Nil.

Economic Implications

16. Nil.

Environmental Implications

17. Nil.

OFFICER COMMENT

18. All tenderers except Contemporary Surfaces scored well in the qualitative assessments.
19. PH Concrete and WA Concreters scored significantly higher in the total assessment as they provided the lowest overall price.
20. The size, duration and timing of concrete footpath and ancillary works is such that it is beneficial to have two suppliers to ensure the project is completed on-time. This has been the case in the past.
21. As there is a minimal difference in the scores between PH Concrete (84.1) and WA Concreters (83.5) and due to the nature of these works, it would be beneficial for both suppliers to be awarded tender status.
22. Allocation of projects to each supplier is based on existing commitments, ability and capacity to meet the project deliverables.
23. The tender will be for a period of three years with two 12 month options. A standard rise and fall clause is provided.

Voting Requirement – Simple Majority

COMMITTEE RECOMMENDATION TO COUNCIL (D&I 71/2012)

That Council:

1. Accepts the recommendation of the Tender Assessment Panel to appoint both PH Concrete (preferred tenderer) and WA Concreters (secondary tenderer) as preferred tenderers for the Construction of Concrete Footpaths.

Moved: **Cr Geoff Stallard**

Seconded: **Cr Bob Emery**

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

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

72. Gateway WA – Perth Airport and Freight Access Project Acquisition of Land for Road Reserve Purposes

Previous Items	
Responsible Officer	Director Development & Infrastructure Services
Service Area	Development & Infrastructure
File Reference	PG-STU-026
Applicant	Main Roads Western Australia
Owner	
Attachment 1	Main Roads Drawing 1260-008-1
Attachment 2	Aerial photograph

PURPOSE

1. For Council to consider giving concurrence to a request by Main Roads Western Australia (“MRWA”) for the dedication of land to road reserve as a requirement of Section 56 of the *Land Administration Act 1997*.

BACKGROUND

2. As Part of the Gateway WA Perth Airport and Freight Access project, MRWA is planning for a major upgrade of Tonkin Highway and Leach Highway to improve the safety and efficiency of the road network servicing Perth Airport and Kewdale freight precinct.

DETAILS

3. The project focuses on a stretch of Tonkin Highway between Great Eastern Highway and Roe Highway, as well as Leach Highway from Orrong Road to the Perth Airport.
4. To accommodate the works it is necessary for MRWA to acquire the land shaded on Main Roads Drawing 1260-008-1 (Attachment 1)
5. The MRWA will indemnify the Shire against all costs and charges that relate to this dedication action.

STATUTORY AND LEGAL IMPLICATIONS

6. Compliance with Section 56 of the *Land Administration Act 1997*.

POLICY IMPLICATIONS

7. Nil.

PUBLIC CONSULTATION/COMMUNICATION

8. Nil.

FINANCIAL IMPLICATIONS

9. Nil.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

Strategic Planning Implications

10. Nil.

Sustainability Implications

Social Implications

11. The subject land has not been identified for any future purposes, therefore there is no social impact on the Shire.

Economic Implications

12. The subject land has not been identified for any future purposes, therefore there is no economic impact on the Shire.

Environmental Implications

13. Nil.

OFFICER COMMENT

14. To enable the land to be dedicated as road reserve it is a requirement of the *Land Administration Act 1997* that Local Authority concurrence be given to the dedicated action.
15. The MRWA have requested for Council to consider the matter and provide the following statement in its letter of concurrence to satisfy State Land Services requirements:
- “Council at its meeting of xxxx 20xx concurred with the dedication of the land, the subject of Main Roads Drawing numbered 1260-008-1 as road under Section 56 of the Land Administration Act”*

Voting Requirement – Simple Majority

COMMITTEE RECOMMENDATION TO COUNCIL (D&I 72/2012)

That Council:

1. Concurs with the dedication of the land, the subject of Main Roads Drawing numbered 1260-008-1 (Attachment 1) as road under Section 56 of the *Land Administration Act 1997*.

Moved: **Cr Martyn Cresswell**

Seconded: **Cr Dylan O'Connor**

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

Appendix 2 Corporate & Community Services Committee Report

60. Creditors' Accounts Paid During the Period - 26 June to 26 July 2012

Previous Items	N/A
Responsible Officer	Director Corporate & Community Services
Service Area	Finance
File Reference	FI-CRS-002
Applicant	N/A
Owner	N/A

Attachment 1 Creditors Payments during the period 26 June to 26 July 2012

PURPOSE

1. To receive creditors' accounts paid during the period 26 June to 26 July 2012 (Attachment 1).

BACKGROUND

2. It is a requirement of the *Local Government (Financial Management) Regulations 1996 (Regulation 12)* that a list of creditors' accounts paid is compiled each month.
3. The report is required to show payee's name, the amount of the payment, the date of the payment, and sufficient information to identify the transaction.

DETAILS

4. Accordingly, the list of creditors paid during the period 26 June to 26 July 2012 (Attachment 1).

STATUTORY AND LEGAL IMPLICATIONS

5. Nil.

POLICY IMPLICATIONS

6. Nil.

PUBLIC CONSULTATION/COMMUNICATION

7. Nil.

FINANCIAL IMPLICATIONS

8. Nil.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

Strategic Planning Implications

9. *Shire of Kalamunda Strategic Plan 2009 – 2014*
- | | | |
|----------|-------|--|
| Strategy | 5.5.2 | Provide financial services to support Council's operations and to meet sustainability planning, reporting and accountability requirements. |
|----------|-------|--|

Sustainability Implications

Social Implications

10. Nil.

Economic Implications

11. Nil.

Environmental Implications

12. Nil.

OFFICER COMMENT

13. Nil.

Cr John Giardina queried the following EFT payments and requested a breakdown and clarity as to what the payments were to for:

EFT 24479, Payable to Dominic Carbone & Associates amount \$3,388.00.

EFT 24295, Payable to Westbury Investments Pty Ltd amount \$2,619.38.

EFT 24475, Payable to CA Technology Pty Ltd, amount \$9,944.00.

The Chairman requested that these queries be taken on notice by the Director Corporate & Community Services.

Cr Bob Emery queried EFT 24571, Payable to Prime Corporate Psychology Services Pty Ltd, amount \$ 213.13 and asked if there was a policy to in place to enable staff to access such a service, the Director Development & Infrastructure confirmed that this was the case.

Voting Requirements: Simple Majority

COMMITTEE RECOMMENDATION TO COUNCIL (C&C 60/2012)

That Council:

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

Moved: **Cr Margaret Thomas**

Seconded: **Cr Noreen Townsend**

Vote: **For**
Cr Geoff Stallard
Cr Allan Morton
Cr Noreen Townsend
Cr Bob Emery
Cr Dylan O'Connor
Cr Sue Bilich
Cr Donald McKechnie
Cr Margaret Thomas
Cr Martyn Cresswell
Against
Cr John Giardina

CARRIED (9/1)

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

61 Debtors and Creditors Reports for the Period Ended – 30 June 2012

Previous Items	N/A
Responsible Officer	Director Corporate & Community Services
Service Area	Finance
File Reference	FI-CRS-002
Applicant	N/A
Owner	N/A
Attachment 1	Summary of Debtors for the period ended 30 June 2012
Attachment 2	Summary of Creditors for the period ended 30 June 2012

PURPOSE

1. To receive a monthly report on debtors and creditors.

BACKGROUND

2. Attached are the reports detailing aged debtors (Attachment 1) and creditors (Attachment 2) as at 30 June 2012.
3. Council has requested reports detailing outstanding debtors and creditors on a monthly basis.

DETAILS

Debtors

4. Main Roads WA have been contacted and the outstanding invoice and relevant documentation for the Cyril Road speed cushions has been resubmitted.
5. Kalamunda & Districts Netball Club will make the final payment for the resurfacing of the netball courts by the close of the netball season – 20 September 2012.

Creditors

6. Payments totalling \$3,332,273 were made during the month of June 2012. Standard payment terms are 30 days from the end of month, with local business and contractors on 14 day terms.
7. Invoices showing as outstanding greater than 60 and 90 days are the result of the original invoice documentation not being received by Finance by then.
8. All contractors, trades and suppliers are advised of the Shire's preference to pay by Electronic Funds Transfer ("EFT") for efficiency and cost savings.

STATUTORY AND LEGAL IMPLICATIONS

9. Nil.

POLICY IMPLICATIONS

10. Nil.

PUBLIC CONSULTATION/COMMUNICATION

11. Nil.

FINANCIAL IMPLICATIONS

12. Nil.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

Strategic Planning Implications

13. Shire of Kalamunda Strategic Plan 2009 – 2014
Strategy 5.5.2 Provide financial services to support Council's operations and to meet sustainability planning, reporting and accountability requirements.

Sustainability Implications

Social Implications

14. Nil.

Economic Implications

15. Nil.

Environmental Implications

16. Nil.

OFFICER COMMENT

17. Nil.

Voting Requirements: Simple Majority

COMMITTEE RECOMMENDATION TO COUNCIL (C&C 61/2012)

That Council:

1. Receives the outstanding debtors (Attachment 1) and creditors (Attachment 2) reports for the period ended 30 June 2012.

Moved: **Cr Margaret Thomas**

Seconded: **Cr Donald McKechnie**

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

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

62. Rates Debtors Report for the Period Ending 30 June 2012

Previous Items	N/A
Responsible Officer	Director Corporate & Community Services
Service Area	Finance
File Reference	FI-DRS-004
Applicant	N/A
Owner	N/A
Attachment 1	Summary of Outstanding Rates for the period ended 30 June 2012

PURPOSE

1. To receive a report on rates debtors for the period ending 30 June 2012.

BACKGROUND

2. Attached is the report detailing rates debtors for the period ending 30 June 2012 (Attachment 1).

DETAILS

Debt Recovery

3. Debt Recovery (Stage 3) - this stage involves the issue of Property Seizure & Sale Orders ("PS&SO") with Dun & Bradstreet.
4. All of the 48 outstanding debts that remain with Dun & Bradstreet have all had Judgement entered against them.

STATUTORY AND LEGAL IMPLICATIONS

5. Nil.

POLICY IMPLICATIONS

6. Nil.

PUBLIC CONSULTATION/COMMUNICATION

7. Nil.

FINANCIAL IMPLICATIONS

8. Nil.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

Strategic Planning Implications

9. Shire of Kalamunda Strategic Plan 2009 – 2014
- | | | |
|----------|-------|--|
| Strategy | 5.5.2 | Provide financial services to support Council's operations and to meet sustainability planning, reporting and accountability requirements. |
|----------|-------|--|

Sustainability Implications

Social Implications

10. Debt collecting processes contain the risk of negative publicity for the Shire.

Economic Implications

11. Effective collection of all outstanding debtors leads to enhanced financial sustainability for the Shire.

Environmental Implications

12. Nil.

OFFICER COMMENT

13. The percentage of outstanding (uncollected) rates at the end of the 2011/2012 financial year is 1.88%.

Voting Requirements: Simple Majority

COMMITTEE RECOMMENDATION TO COUNCIL (C&C 62/2012)

That Council:

1. Receives the rates debtors report for the period ended 30 June 2012 (Attachment 1).

Moved: **Cr Margaret Thomas**

Seconded: **Cr Donald McKechnie**

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

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

63. Community Care – June (2012) Quarterly Report

Previous Items	N/A
Responsible Officer	Director Corporate Community Services
Service Area	Community Care (previously Kalamunda HACC or KHACC)
File Reference	CO-SPC-022
Applicant	N/A
Owner	N/A
Attachment 1	Community Care Service Volumes Report
Attachment 2	Community Care Financial Summary
Attachment 3	Meals on Wheels Financial Summary

PURPOSE

1. To receive the Community Care - June (2012) Quarterly Report.

BACKGROUND

2. At the February 2011 Ordinary Council Meeting (OCM11/2011), Council resolved to accept the Kalamunda Home and Community Care ("KHACC") Business Case (2010 – 2014).
3. The Business Case was prepared in accordance with the direction given by Council at the October 2010 Ordinary Council Meeting, where it was resolved:
"That the Home and Community Care Services provided, be within the limits of the funding available and reviewed every quarter and reported to Council."

DETAILS

4. The Review has concentrated on the following three core areas:
 - a. Service Delivery as per our Contract
 - b. Financial Management
 - c. Workforce Management

Service Delivery

5. The Service Volumes Report (Attachment 1) shows how Community Care is performing in relation to its contracted service provision levels.
6. The Home and Community Care Contract contains service groups that cluster, where appropriate, like service types together. Service Group 1 includes the following service types: domestic assistance, personal care, social support, respite and other food services.
7. Service Group 1 was contracted to provide hours of support against the service types listed in paragraph six. This allows the service types to be adjusted to meet the needs of eligible clients regardless of the contracted number of hours against each service type.

8. Because of this service grouping, a service type such as domestic assistance can achieve higher than 100% of service delivery, providing other service types are not also achieving 100%. The hours are used in a flexible manner to address need.
9. During this quarter Community Care were contracted to provide 5,736 hours of across Service Group 1 to eligible community members. 3,647 hours were provided (64%).

Domestic Assistance (Service Group 1)

10. During this quarter Community Care were contracted to provide 2,499 hours of domestic assistance to eligible community members. 2,415 hours were provided (97%).
11. These hours will be lower due to four public holidays during this quarter.
12. During the 2011-2012 reporting year Community Care were contracted to provide 9,999 hours of domestic assistance and provided a total of 10,179 (102%).

In Home Respite (Service Group 1)

13. During this quarter Community Care were contracted to provide 450 hours of in home respite to eligible community members. 39 hours were provided (9%).
14. These hours will be lower due to four public holidays during this quarter.
15. In Home Respite is a service type that does not receive many referrals. This is due largely to primary carers being reluctant to allow another person to step into their role, even for a few hours.
16. During the 2011-2012 reporting year Community Care were contracted to provide 1,800 hours of In Home Respite and provided a total of 333 (19%).

Other Food Services (Service Group 1)

17. During this quarter Community Care were contracted to provide 36 hours of other food services to eligible community members. 11 hours were provided (31%).
18. Other Food Services is a service type that the assessors are not referring to. Feedback has been provided to the Sector Development Team and CommunityWest who oversee the Regional Assessment Team Project.
19. During the 2011-2012 reporting year Community Care were contracted to provide 149 hours of other food services and provided a total of 46 (31%).

Social Support (Service Group 1)

20. During this quarter Community Care were contracted to provide 1,875 hours of social support to eligible community members. 860 hours were provided (46%).
21. These hours will be lower due to four public holidays during this quarter.
22. There is service competition between social support and centre based day care. A referral for support will be dependent on whether the individual client prefers to engage socially in a group setting (Centre Based Day Care) or individually (Social Support). The current trend in this region leans to Centre Based Day Care.
23. During the 2011-2012 reporting year Community Care were contracted to provide 7,501 hours of social support and provided a total of 4,406 (59%).

Personal Care (Service Group 1)

24. During this quarter, Community Care were contracted to provide 876 hours of personal care to eligible community members. 322 hours were provided (37%).
25. These hours will be lower due to four public holidays during this quarter.
26. The bulk of referrals received for personal care are to support clients to manage their medication. In this instance each clients support may only be for 15 minutes, which addresses their need.
27. During the 2011-2012 reporting year Community Care were contracted to provide 3,500 hours of personal care and provided a total of 1,396 (40%).

Centre Based Day Care (Service Group 4)

28. During this quarter Kalamunda Home and Community Care were contracted to provide 9,978 hours of centre based day care to eligible community members. 7,404 hours were provided (74%).
29. These hours will be lower due to four public holidays and one client free day during this quarter.
30. During the 2011-2012 reporting year Community Care were contracted to provide 39,912 hours of centre based day care and provided a total of 30,487 (76%).

Meals on Wheels (Service Group 6)

31. During this quarter Community Care were contracted to provide 4,743 meals to eligible community members. 2,499 meals were provided (53%).
32. This quarter a number of regular Meals on Wheels clients were identified as requiring higher levels of care, within which eligibility for Meals on Wheels ceases.

-
33. During the 2011-2012 reporting year Community Care were contracted to provide 18,975 meals and provided a total of 13,101 (69%).

Transport (Service Group 7)

34. During this quarter, Community Care were contracted to provide 6,816 one way trips to eligible community members. 3,552 one way trips were provided (52%).
35. These one way trips will be lower due to four public holidays during this quarter.
36. During the 2011-2012 reporting year Community Care were contracted to provide 27,272 one way trips and provided a total of 15,067 (55%).
37. Transport as a service type will be reviewed over the next six months to determine any areas for service delivery improvement.
38. Transports contracted one way trips may increase if we identify, implement and evaluate innovate service delivery models as the volume of this support type is not solely reliant on referrals from the Regional Assessment Service.

Counselling Support Information and Advocacy (Service Group 9)

39. During this quarter Community Care were contracted to provide 645 hours of counselling, support, information and advocacy to eligible community members. 84 hours were provided (13%).
40. The accuracy of reporting against this service support is dependent on each individual staff member to capture and record episodes of supporting a client or carer with Counselling Support Information and Advocacy.
41. Mechanisms to assist with the accurate reporting have been implemented and are being modified as opportunities for improvement are identified.
42. In 2012-2013 initiatives that will include supporting carers of clients through the provision of counselling, support, information and advocacy will be explored and trialled.
43. During the 2011-2012 reporting year Community Care were contracted to provide 2,574 hours of counselling support information and advocacy and provided a total of 1,514 (59%).

Home Maintenance (Service Group 10)

44. During this quarter Community Care were contracted to provide 1,791 hours of home maintenance to eligible community members. 1,531 hours were provided (85%).
45. These hours will be lower due to four public holidays during this quarter. The onset of bad weather also restricts the amount of services that can be safely provided.

46. During the 2011-2012 reporting year Community Care were contracted to provide 7,165 hours of home maintenance and provided a total of 6,758 (94%).

Community Visitors Scheme

47. During this quarter Community Care were contracted to provide 270 visit occasions to 45 residential in Commonwealth funded aged care homes. 209 visits occurred (77%).

Community Aged Care Packages (“CACP”)

48. During this quarter Community Care were contracted to provide 20 packages to eligible community members. 20 packages were provided (100%).

Financial Management

49. The original Community Care budget allocated a donation of Shire fees to assist the HACC Program to remain within budget – expenditure not exceeding income. Refer (Attachment 2) – Home and Community Care Service budget and actuals 2011-2012.
50. The financial year has concluded with the HACC Program in surplus by \$281,091. This surplus is namely due to a reduction in payroll expenditure. The number of in-home hours provided in 2011-2012, is less than in 2010-2011. The restructure also had an impact in reducing payroll expenditure. The donation of Shire fees was not required.
51. The Meals on Wheels Program – refer (Attachment 3). While income was \$15,090 less than budgeted, expenditure was \$37,184 less than budgeted producing a reduction of \$22,094 in the net subsidy.
52. A reduction in the demand for meals as the year progressed resulted in reduced fee income but correspondingly expenditure on consumables (purchase of meals) was reduced. In addition expenditure on wages and building maintenance was less than budgeted due to the relocation of the Meals on Wheels Program to the Community Care Administration Centre.

Workforce Management

53. Community Care has successfully recruited new Support Workers and is in the process of recruiting casual Activity Officers for the day centre.

STATUTORY AND LEGAL IMPLICATIONS

54. All aspects of program delivery are monitored and reviewed to ensure policy, procedures and practice comply with funding contracts, service delivery guidelines and the Community Care Common Standards.

POLICY IMPLICATIONS

55. Nil.

PUBLIC CONSULTATION/COMMUNICATION

56. Nil.

FINANCIAL IMPLICATIONS

57. The HACC and Meals on Wheels financial position in 2012-2013 will be monitored to ensure the Programs continue to operate within budget.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

Strategic Planning Implications

58. Nil.

Sustainability Implications

Social Implications

59. Shire of Kalamunda Aged Accommodation Strategy 2008:

- 6.1 A strong desire to “age in place” is now the well-established preference for older people and is a key theme that underlies Commonwealth and State Government policy and programs. This encompasses being able to continue to live in the familiar surroundings of the home and local environment as independently as possible, and with support services if required.

Economic Implications

60. Nil.

Environmental Implications

61. Nil.

OFFICER COMMENT

62. During the April to June Quarter the 2012–2013 WA HACC Growth Funding Application was submitted.

63. Community Care applied for growth hours in Domestic Assistance support type and growth one way trips in the Transport support type.

64. Additionally a replacement bus that will be used primarily in the day centre, but also for transport was applied for via Non Recurrent HACC funding.

65. The City of Stirling Meals on Wheels service is inviting our clients to participate in regular samples of meals and desserts. This process has been well received by our clients and their feedback regarding possible new menu items has been positive.

Voting Requirements: Simple Majority

COMMITTEE RECOMMENDATION TO COUNCIL (C&C 63/2012)

That Council:

1. Receives the Community Care Services - June 2012 Quarterly Report.

Moved: **Cr Margaret Thomas**

Seconded: **Cr Noreen Townsend**

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

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

64. Scott Reserve Advisory Committee - Nomination for Deputy Committee Members

Previous Items	N/A
Responsible Officer	Director Corporate & Community Services
Service Area	Community Development
File Reference	
Applicant	N/A
Owner	N/A

PURPOSE

1. To consider the appointment of Committee Members to the Scott Reserve Advisory Committee ("SRAC").

BACKGROUND

2. The Shire has recently received four deputy nominations for SRAC.
3. The current membership for SRAC is:
 - Cr Dylan O'Connor – Councillor Delegate
 - Frank Scardifield – High Wycombe Cricket Club
 - Mark Brinkworth – High Wycombe Junior Football Club
 - Brett Hockley – High Wycombe Amateur Football Club
 - Martyn Cresswell – Edney Primary School
4. The SRAC meeting held on 22 May 2012 was unable to proceed due to the absence of Committee members, resulting in a lack of quorum.
5. Since this time, current SRAC delegates have requested deputy members be available to attend Committee meetings in their absence.

DETAILS

6. As per the Terms of Reference for the SRAC, the Committee may comprise:
Membership
 - 4.1 The membership of the Advisory Committee shall not be less than five (5) members, including the following:
 - a. One representative from the High Wycombe Cricket Club appointed from a meeting of that club.
 - b. One representative from the High Wycombe Junior Football Club appointed from a meeting of that club.
 - c. Two representatives from Kalamunda Shire Council, one member being a Shire Councillor and an appointed staff member.
 - d. One representative from any other user group appointed from a meeting of that group

- e. One representative from the Residents Association.
 - f. One representative from the High Wycombe Amateur Football Club appointed from a meeting of that Club.
7. The following addition to the membership component of the SRAC Terms of Reference is proposed to accommodate the request for provision of a deputy:
- g. User groups with representatives on the Advisory Committee may nominate a deputy that only has provision to attend meetings and vote when the key representative is absent.
8. The following nominations have been received for membership to the SRAC as deputy:
- Davina Griffiths – High Wycombe Amateur Football Club
 - Mark Doyle - High Wycombe Amateur Football Club
 - David Sheedy - High Wycombe Amateur Football Club
 - Aaron Savory – High Wycombe Cricket Club

STATUTORY AND LEGAL IMPLICATIONS

9. Appointments are made in accordance with Section 5.10 (1) of the *Local Government Act 1995*.

POLICY IMPLICATIONS

10. Policy CTEE3, Management and Advisory Committees – Representation, Review and Procedures.

PUBLIC CONSULTATION/COMMUNICATION

11. Nil.

FINANCIAL IMPLICATIONS

12. Nil.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

Strategic Planning Implications

13. *Shire of Kalamunda Strategic Plan 2009-2014*
- 1.3 The community has access to a diverse range of recreational opportunities.
 - 2.3 Long term viability of infrastructure and facilities.

Sustainability Implications

Social Implications

14. The objectives of the Shire's Management/Advisory Committees are as follows:
- To advise Council on matters pertaining to the facilities.
 - To examine proposals for development from a community perspective and in accordance with Council policies and practices.
 - To provide an opportunity for all people and residents who use the facility to meet at regular intervals to discuss their common and particular interests.

Economic Implications

15. Nil.

Environmental Implications

16. Nil.

OFFICER COMMENT

17. The nomination for Davina Griffiths, Mark Doyle and David Sheedy to represent the High Wycombe Amateur Football Club as a Deputy on the SRAC will provide the club with representation should the delegate be unable to attend.
18. The nomination for Aaron Savory to represent the High Wycombe Cricket Club as a Deputy on the SRAC will provide the club with representation should the delegate be unable to attend.
19. The upcoming review of all Advisory Committees, inclusive of a significant consultation process, will enable a further assessment of the Terms of Reference for each. The need or otherwise for provision of a deputy within the membership of each can also be determined at this time.

Voting Requirements: Absolute Majority

COMMITTEE RECOMMENDATION TO COUNCIL (C&C 64/2012)

That Council:

1. Approves the appointment of Davina Griffiths, Mark Doyle and David Sheedy, representing High Wycombe Amateur Football Club, and Aaron Savory, representing High Wycombe Cricket Club, as deputies on the Scott Reserve Advisory Committee.

2. Endorses the following addition to the “Membership” component Scott Reserve Advisory Committee Terms of Reference:

4.8 User groups with representatives on the Advisory Committee may nominate a deputy that only has provision to attend meetings and vote when the key representative is absent.

Moved: **Cr Dylan O’Connor**

Seconded: **Cr Noreen Townsend**

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

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

**65. CONFIDENTIAL REPORT – provided under separate cover
Lesmurdie Tennis Clubroom Extension Project – Request to Reduce
Contribution**

Reason for Confidentiality – *Local Government Act 1995 S5.23 (2) (iii) (h) -“a matter that if disclosed, would reveal – information about the business, professional, commercial or financial affairs of a person, where the trade secret or information is held by, or is about, a person other than the local government.”*

As Councillors did not wish to discuss this item, the Chairman did not deem it necessary to go behind closed doors and Report 65 was considered in sequence.

Voting Requirements: Simple Majority

COMMITTEE RECOMMENDATION TO COUNCIL (C&C 65/2012)

That Council:

1. Accepts the Lesmurdie Tennis Club's \$27,186 as contribution toward the cost of the Clubroom extension and that GST be charged.
2. Rejects the Lesmurdie Tennis Club's proposal for a 50% contribution towards the construction of a bar, as this is considered outside of the Scope of Works outlined within the Community Sport and Recreation Facilities funding agreement.
3. Issues appropriate certifications to be provided at the completion of the project.
4. Agrees to install emergency egress doors.
5. Agrees to provide engineering documentation regarding the roof beam.
6. Agrees to provide electrical compliance documentation.
7. Initiates discussions with the Lesmurdie Tennis Club on Lease development this year as part of the development of the Lease and Licence Policy.
8. Requests payment of the Lesmurdie Tennis Club's contribution to be made in one lump sum.

Moved: **Cr Donald McKechnie**

Seconded: **Cr Dylan O'Connor**

Vote: **For**
Cr Geoff Stallard
Cr Allan Morton
Cr Bob Emery
Cr Dylan O'Connor
Cr Sue Bilich
Cr Donald McKechnie
Cr Margaret Thomas
Cr Martyn Cresswell
Against
Cr John Giardina
Cr Noreen Townsend

CARRIED (8/2)

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

66. Modification to the Wattle Grove Cell 9 Structure Plan - Lot 34 (338) Hale Road, Wattle Grove

Previous Items	OCM 08/2012
Responsible Officer	Director Development & Infrastructure Services
Service Area	Development & Infrastructure Services
File Reference	HL-01/338
Applicant	Planning Solutions
Owner	Hale 338 Pty Ltd
Attachment 1	Locality Plan
Attachment 2	Existing Wattle Grove Cell 9 Structure Plan
Attachment 3	Proposed Wattle Grove Cell 9 Modified Structure Plan
Attachment 4	Approved Shopping Centre Site Plan
Attachment 5	Draft Wattle Grove Village Centre – Concept Master Plan
Attachment 6	Consultation Plan

PURPOSE

1. To consider a proposal to modify the Wattle Grove Cell 9 Structure Plan (“the Structure Plan”) to allow for a portion of the rear of Lot 34 (338) Hale Road, Wattle Grove to be changed from Public Open Space to Neighbourhood Centre, and retaining a 11m wide portion of Public Open Space along the rear boundary. Refer to (Attachments 1 to 3).

BACKGROUND

2. **Land Details:**

Land Area:	2.62ha
Local Planning Scheme Zone:	Urban Development
Wattle Grove Cell 9 Structure Plan:	Neighbourhood Centre
Metropolitan Region Scheme Zone:	Urban

3. The property contains a single dwelling and associated outbuildings which are proposed to be demolished.
4. Surrounding properties contain single dwellings and outbuildings. The properties adjoining the rear and south west (side) boundaries are public open space.
5. The Structure Plan was adopted by Council in 2000 and endorsed by the WA Planning Commission in March 2001.
6. In February 2012, Council resolved (Resolution OCM 08/2012) to approve an application to build a shopping centre on the property. The site plan for the

proposed development shows the rear of the property being set aside for a proposed medical centre and child care centre.

7. In July 2012, an amended site plan was approved which shows 11m wide public open space along the rear boundary. Refer to the approved shopping centre site plan (Attachment 4).
8. The property is included within the Draft Wattle Grove Village Centre – Concept Master Plan (“the Draft Master Plan”) which shows the desired land uses, building and car parking layout if the landowners of 302, 310, 318, 326, 332 and 338 Hale Road decide to redevelop. Refer to the Draft Wattle Grove Village Centre – Concept Master Plan (Attachment 5).

DETAILS

9. It is proposed to modify the Structure Plan to allow for a portion of the rear of the property to be changed from Public Open Space to Neighbourhood Centre, to be consistent with the remainder of the property.
10. An 11m wide portion of public open space is proposed to be retained along the rear boundary of the property.
11. If the proposed modification to the Structure Plan is ultimately endorsed by the WA Planning Commission, a separate application will be required for the proposed medical centre and child care centre.

STATUTORY AND LEGAL IMPLICATIONS

12. The property is zoned Urban Development under Local Planning Scheme No. 3 (“the Scheme”), the objectives of which are the following:
 - *“To provide orderly and proper planning through the preparation and adoption of a Structure Plan setting the overall design principles for the area.*
 - *To permit the development of land for residential purposes and for commercial and other uses normally associated with residential development.”*
13. The property is identified as being “Neighbourhood Centre” on the Structure Plan.
14. The Scheme stipulates that where a designation is shown on a Structure Plan, the permissibility of the use would be as if the land is zoned for that purpose.
15. Table 1 (Zoning Table) of the Scheme does not include the zoning Urban Development, and therefore does not stipulate which uses are permissible in that zoning. However, since the Structure Plan was adopted it has been the intention that the property be developed for commercial facilities serving the local area.
16. The design and assessment of structure plans are dealt under Clause 6.2 – *Development Areas* of the Scheme. In particular, clause 6.2.3 (Preparation of Structure Plans) and clause 6.2.4 (Adoption and Approval of Structure Plans).

17. Subclause 6.2.5.1 (Change or Departure from Structure Plan) of the Scheme stipulates that Council may adopt a minor change to or departure from a Structure Plan if, in its opinion, the change or departure does not materially alter the intent of the Structure Plan.
18. If adopted by Council, the modified structure plan will be forwarded to the WA Planning Commission for endorsement. In the event that the WA Planning Commission refuses the modification, there is a right of review (appeal) to the State Administrative Tribunal.

POLICY IMPLICATIONS

Draft Wattle Grove Village Centre – Concept Master Plan

19. The purpose of the Draft Master Plan is to outline the land use types which are desirable, the appearance, scale and quality of development within the Village Centre and ensure a high standard of built form which is in keeping with the local character.
20. The Draft Master Plan shows the property as containing commercial and residential land uses, car parking and public open space.

Liveable Neighbourhoods (January 2009)

21. *Liveable Neighbourhoods (January 2009)* is an integrated planning and assessment policy to assist with the design and assessment of structure and subdivision plans to guide urban development within metropolitan and regional Western Australia.
22. The Policy requires commercial uses to be integrated into central locations to provide improved environmental, economic and social outcomes.

Directions 2031 and Beyond

23. *Directions 2031 and Beyond* is a high level strategic plan that establishes a vision for future growth of the Perth metropolitan area, the objectives of which include the following:
 - Reducing greenhouse emissions.
 - Encourage reduced vehicle use.

PUBLIC CONSULTATION/COMMUNICATION

24. The proposal was advertised for 42 days in accordance with the provisions of the Scheme. This involved a notice in a newspaper circulating the District, a sign being erected on the property and the proposal being referred to nearby landowners for comment.
25. During the advertising period one non objection and one submission providing comment on the proposal were received. Refer to the Consultation Plan (Attachment 6).

26. The submitter who raised no objection to the proposed modification wanted to know what is proposed for the rear of the property. They were advised that a medical centre and child care centre are proposed at the rear of the property, for which a planning application will be required to be submitted if the modified structure plan is endorsed by the WA Planning Commission.
27. The submitter who provided comment on the proposal asked that 332 Hale Road, Wattle Grove, be included in the proposed modification to the Structure Plan so that the area of Public Open Space on this property could also be reduced along the rear boundary.

FINANCIAL IMPLICATIONS

28. Nil.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

Strategic Planning Implications

29. The proposed modification is consistent with the intent of the structure plan in providing for commercial activities in close proximity to residential areas.
30. If the proposed modification is endorsed commercial land uses are proposed towards the rear of the property with a 11m wide portion of public open space. The Draft Master Plan shows residential development as being desirable in this location. This is considered acceptable as the nature of the proposed commercial development is relatively low scale and will not have a detrimental impact on the local amenity.

Sustainability Implications

Social implications

31. If the proposed modification is endorsed future development on the property will provide a focal point for the Wattle Grove urban area and allow for access to facilities for residents, which are currently accessed outside of the locality. As the site is centrally located, it provides the best possible walkable catchment.

Economic Implications

32. If the proposed modification is endorsed future development will allow for may provide local employment opportunities.

Environmental Implications

33. Nil.

OFFICER COMMENT

34. The proposed modification is consistent with the intent of Directions 2031 and Beyond, the Draft Liveable Neighbourhood Policy, the approved development

site plan (Attachment 4) and the Structure Plan in providing for commercial activities in close proximity to residential areas.

35. The proposed modification will allow for future commercial development along the rear portion of the property which is also generally consistent with the intent of the Draft Wattle Grove Village Centre – Concept Master Plan.
36. An 11m wide portion of public open space is proposed to be retained along the property for pedestrian access purposes and to act as a buffer between future commercial uses on the property and the public open space on the property at the rear.
37. During advertising it was requested that 332 Hale Road be included in the proposed modification to the Structure Plan so that the area of Public Open Space on this property could also be reduced along the rear boundary.
38. It should be noted that in February 2012, Council approved an application for a shopping centre on 332 Hale Road and plans for the development are currently being redesigned by the landowner.
39. Should the owner of 332 Hale Road want the Structure Plan modified to reflect a reduction in the amount of Public Open Space on their property, this will need to be dealt with separately and assessed on its individual merit.
40. Considering the above, it is recommended that Council adopts the modified Structure Plan.

Voting Requirements: Simple Majority

COMMITTEE RECOMMENDATION TO COUNCIL (D&I 66/2012)

That Council:

1. Adopts the proposed modification to the Wattle Grove Cell 9 Structure Plan to change the rear of Lot 34 (338) Hale Road, Wattle Grove from Public Open Space to Neighbourhood Centre, retaining a 11m wide portion of Public Open Space along the rear boundary.
2. Forwards the modified Wattle Grove Cell 9 Structure Plan to the WA Planning Commission for endorsement.

Moved: **Cr John Giardina**

Seconded: **Cr Allan Morton**

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

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

67. Quarterly Progress Report – April – June 2012

Previous Items	N/A
Responsible Officer	Chief Executive Officer
Service Area	Office of the CEO
File Reference	OR-CMA-009
Applicant	N/A
Owner	N/A

Attachment 1 Quarterly Progress Report April – June 2012

PURPOSE

1. To report to Council on the Shire's progress towards achieving its strategic goals.

BACKGROUND

2. In July 2009, the Shire implemented an integrated planning software package, "interplan". Interplan links the actions that each staff member works on within their business unit to the Strategic Plan. This ensures that each employee is working towards achieving the strategic direction of the Council.
3. A new budgeting module, the Budget Management Centre ("BMC") has now been introduced. This will enable staff to monitor budgets more easily, and provide a simpler process for reviewing and creating budgets. This will also integrate with interplan, Integrated Project Manager, and the Shire's workforce planning system, to provide a complete strategic and business planning system.
4. The person responsible for an action or task in interplan is required to provide an update each month, giving an indication of how the action is progressing. Key Performance Indicators ("KPIs") are also updated. This information is collected by interplan to provide an overview of how the organisation is performing.

DETAILS

5. The quarterly progress report for the period April to June 2012 is presented at (Attachment 1). This report shows the progress of certain major projects and capital works for 2011/2012, budget summaries, KPI performance and the progress of the Shire against the five goals set out in the Strategic Plan.

Quarterly Progress Against Goals

6. Each business unit in the Shire has a business plan, which contains the actions to be achieved in the 2011/12 year. Each of these actions is linked to a strategy, outcome and goal in the Strategic Plan adopted by Council. All goals are progressing well. Of the 668 actions monitored across the organisation, 518 (or 78%) are at 90% or more of their progress target to date.

Key Performance Indicators

7. Performance against the Shire's corporate KPIs is shown. Of the 19 KPIs presented, for the period 1 January – 31 March:

- Five are at or exceeding their target.
- One is within 5% of its target.
- Thirteen are below 5% of their target.

This represents a decline in performance since last quarter.

8. It should be noted that high targets have been set (for example, 98% of all incoming correspondence is to be responded to within five working days). There are also KPIs over which staff have no control, for example number of building applications received, which also impacts number of applications approved.

Major Projects

9. The progress of a number of major projects for 2011/12 is shown. All projects are at 90% or more of their progress target for the year to date, with the following five exceptions:

- Oversee the completion of the Local Planning Strategy, and implementation program for the Planning Scheme changes and related policy development (88%).
- Undertake investigations into future planning options for the Wattle Grove Area located south of Welshpool Road and west of Tonkin Highway (48%).
- Oversee the investigation of private and public partnerships on Shire owned and vested land (88%).
- Oversee the design for the upgrade of Abernethy Road to dual carriageway (from railway bridge to Kalamunda Road) (67%).
- Ensure that the Kalamunda Integrated Planning and Performance Management Framework meets the requirements of the State's Integrated Planning and Reporting Framework and Guidelines (not started).

10. All of the projects are within budget (actual expenditure for the year to date is less than the budgeted expenditure), with the following four exceptions:

- Implement Woodlupine Living Stream Project plan for Areas 3 and 5 of the public open space area identified under the Wattle Grove urban area U9 Structure Plan, which is shown as being \$71 over budget.
- Manage the refurbishment of the Kalamunda Water Park – Stage Three, shown as being \$5,466 over budget.
- Oversee the extension of Newburn Road, shown as being \$35,858 over budget.

-
- Oversee the subdivision of Lot 5 Welshpool Road, shown as being \$113,473 over budget.

Divisional Summary

11. A summary of progress for the quarter is presented for each of the Directorates.

Directorate Budgets

12. The actual and budgeted year-to-date figures are shown for each Directorate. Please note that the previous four Directorate structure is still being reflected for consistency of reporting. The new structure will be shown from the start of the 2012/2013 financial year.

Financial Report – Organisational Summary Graph

13. The actual and budgeted year-to-date expenditure figures are shown for the Shire as a whole. Expenditure is currently below budget.

Financial Report – Organisational Summary Table

14. Actual and budgeted income and expenditure is shown for each business unit. The variance is also shown. Income – expenditure is shown at the bottom of the table (“Overall Net”). For the financial year, 1 July 2011 – 30 June 2012:
- The budgeted income was \$54,428,224.53 and the actual income \$54,043,823.65.
 - The budgeted expenditure was \$66,407,684.17 and the actual expenditure \$64,028,887.84.
 - This is an overall net figure of (\$11,979,459.64) budgeted and (\$9,985,064.18) actual.

Engineering Financial Summary

15. The major engineering projects for 2011/12 are shown in a table, following the budget summary graph. Budgeted and actual amounts, and the variance, are shown for each of the projects. Where the variance is a negative figure, the actual year to date expenditure is less than the budgeted amount. A positive variance indicates that the actual year to date expenditure is higher than the budgeted amount. Sixteen of the listed projects are over budget for the quarter.

Asset Financial Summary

16. The major asset-related projects for 2011/12 are shown in a table, following the budget summary graph. Budgeted and actual amounts, and the variance, are shown for each of the projects. Again, a positive variance indicates that the action is over-expended for the year to date. Two of the listed projects are over budget for the quarter, these were also identified in the Engineering Financial Summary. A more detailed list, outlining the progress of each project, follows the table.

Capital Works

17. A graph showing budgeted and actual expenditure on capital works is shown. Following the graph, a table of the major capital works projects for 2011/12 is presented, showing budgeted and actual amounts, and the variance, for each project. Six of the listed actions are over budget, all of which have been identified previously in this report. A summary of the progress of these projects follows, and then a more detailed list including progress comments.

STATUTORY AND LEGAL IMPLICATIONS

18. Nil.

POLICY IMPLICATIONS

19. Nil.

PUBLIC CONSULTATION/COMMUNICATION

20. Nil.

FINANCIAL IMPLICATIONS

21. Nil. The interplan system allows expenditure to be monitored continuously through the year.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

Strategic Planning Implications

22. All actions within interplan are linked to the Strategic Plan. This ensures that all projects and tasks that are carried out are done so with the strategic direction of Council in mind.

Sustainability Implications

Social Implications

23. Nil.

Economic Implications

24. Nil.

Environmental Implications

25. Nil.

OFFICER COMMENT

26. Nil.

Voting Requirements: Simple Majority

COMMITTEE RECOMMENDATION TO COUNCIL (C&C 67/2012)

That Council:

1. Receives the Quarterly interplan Progress Report for April – June 2012.

Moved: **Cr Margaret Thomas**

Seconded: **Cr Dylan O'Connor**

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