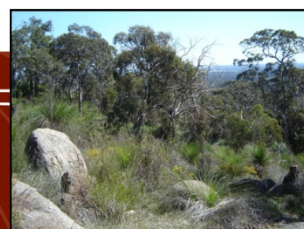


Ordinary Council Meeting

Minutes for Monday 24 February 2014

UNCONFIRMED



**shire of
kalamunda**

INDEX

1.0	OFFICIAL OPENING.....	4
2.0	ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE PREVIOUSLY APPROVED	4
3.0	PUBLIC QUESTION TIME	5
4.0	PETITIONS/DEPUTATIONS	5
5.0	APPLICATIONS FOR LEAVE OF ABSENCE.....	5
6.0	CONFIRMATION OF MINUTES OF PREVIOUS MEETING.....	5
7.0	ANNOUNCEMENTS BY THE PRESIDING MEMBER WITHOUT DISCUSSION.....	6
8.0	MATTERS FOR WHICH MEETING MAY BE CLOSED	6
9.0	DISCLOSURE OF INTERESTS.....	6
10.0	REPORTS TO COUNCIL	7
10.1	DEVELOPMENT & INFRASTRUCTURE SERVICES COMMITTEE REPORT	8
10.1.1	ADOPTION OF DEVELOPMENT & INFRASTRUCTURE SERVICES COMMITTEE REPORT	8
10.1.2	D&I 01 AMENDMENT NO. 60 TO LOCAL PLANNING SCHEME NO. 3 – ADDITIONAL USE (ART GALLERY) – LOT 800 (10) STIRK STREET, KALAMUNDA.....	8
10.1.3	D&I 02 MODIFICATION TO THE CANNING LOCATION 311 STRUCTURE PLAN – LOT 102 (217) POMEROY ROAD, LESMURDIE.....	9
10.1.4	D&I 03 LOT 1188 (34) CARINYAH ROAD, PICKERING BROOK – AMENDMENT TO LOCAL PLANNING SCHEME NO. 3 - ADDITIONAL USES (STORAGE, LIGHT INDUSTRY).....	9
10.1.5	D&I 04 LIGHT INDUSTRY (STORAGE AND MAINTENANCE OF OILFIELD EQUIPMENT) – LOT 200 (103) MILNER ROAD, HIGH WYCOMBE.....	10
10.1.6	D&I 05 PROPOSED PEDESTRIAN ACCESS WAY CLOSURE – PARROT COURT AND SPARROW COURT, HIGH WYCOMBE.....	12
10.1.7	D&I 06 DETAILED AREA PLAN- LOT 57 (596) WELSHPOOL ROAD, WATTLE GROVE	12
10.1.8	D&I 07 CONFIDENTIAL REPORT - CONSIDERATION OF TENDERS –GENERAL FACILITY MAINTENANCE SERVICES (RFT1310)	12
10.1.9	D&I 08 CONFIDENTIAL REPORT - CONSIDERATION OF TENDERS –DISPOSAL OF ROAD SWEEPINGS, GULLY EDUCTING SOILS AND MIXED WASTE (RFT1309)	14
10.2	CORPORATE & COMMUNITY SERVICES COMMITTEE REPORT.....	15
10.2.1	ADOPTION OF CORPORATE & COMMUNITY SERVICES COMMITTEE REPORT.....	15
10.2.2	C&C 01 DEBTORS AND CREDITORS REPORT FOR THE PERIOD ENDED 31 JANUARY 2014.....	15
10.2.3	C&C 02 RATES DEBTORS REPORT FOR THE PERIOD ENDED 31 JANUARY 2014.....	15
10.2.4	C&C 03 DRAFT MONTHLY FINANCIAL STATEMENTS TO 31 DECEMBER 2013.....	15
10.2.5	C&C 04 QUARTERLY REPORT – KALAMUNDA COMMUNITY CARE DECEMBER 2013.....	16
10.2.6	C&C 06 KALAMUNDA PISTOL CLUB (INC.) OF 155 LAWNBROOK ROAD, WALLISTON – TERM OF LEASE.....	16
10.2.7	C&C 07 QUARTERLY PROGRESS REPORT – OCTOBER TO DECEMBER 2013	16
10.2.8	C&C 08 CONFIDENTIAL REPORT ENTERPRISE BARGAINING AGREEMENT (OPERATIONS EMPLOYEES) AUGUST 2013 TO AUGUST 2015.....	17
10.2.9	C&C 05 KALAMUNDA & DISTRICTS HISTORICAL SOCIETY – EXTENSION OF LEASE RENEWAL OPTION.....	17

10.3	CHIEF EXECUTIVE OFFICER REPORTS	18
10.3.1	DRAFT MONTHLY FINANCIAL STATEMENTS TO 31 JANUARY 2014	18
10.3.2	2013 ANNUAL GENERAL MEETING OF ELECTORS – OUTCOMES.....	26
10.3.3	THE WOMEN’S POWDER ROOM (INC) SEEKING LEASE ON 36 CASUARINA ROAD, MAIDA VALE.....	30
10.3.4.	APPLICATION FOR LEAVE – CHIEF EXECUTIVE OFFICER	61
11.0	MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	64
12.0	QUESTIONS BY MEMBERS WITHOUT NOTICE	64
13.0	QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN	64
14.0	URGENT BUSINESS APPROVED BY THE PRESIDING MEMBER OR BY DECISION.....	64
14.1.	METROPOLITAN LOCAL GOVERNMENT REFORM UPDATE – SHIRE OF KALAMUNDA AND CITY OF BELMONT	64
15.0	MEETING CLOSED TO THE PUBLIC	74
16.0	CLOSURE	75

MINUTES

1.0 OFFICIAL OPENING

- 1.1 The Presiding Member opened the meeting at 6.35pm and welcomed Councillors, Staff and Members of the Public Gallery.

2.0 ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE PREVIOUSLY APPROVED

2.1 Attendance

Councillors

Sue Bilich	(Presiding Member) (Shire President)	North Ward
Noreen Townsend		South West Ward
Justin Whitten		South West Ward
Allan Morton		South West Ward
Geoff Stallard		South East Ward
Frank Lindsey		South East Ward
John Giardina		South East Ward
Andrew Waddell JP		North West Ward
Bob Emery		North West Ward
Dylan O'Connor		North West Ward

Members of Staff

Rhonda Hardy	Chief Executive Officer
Warwick Carter	Director Development Services
Charles Sullivan	Director Infrastructure Services
Gary Ticehurst	Director Corporate Services
Darrell Forrest	Manager Governance
Darren Jones	Manager Community Development
Laurie Brennan	Media Advisor
Nicole O'Neill	Public Relations Coordinator
Meri Comber	Governance Officer

Members of the Public 7

Members of the Press 1

2.2 Apologies

Councillors

Simon Di Rosso	North Ward
Margaret Thomas	North Ward

2.3 Leave of Absence Previously Approved

Nil.

3.0 PUBLIC QUESTION TIME

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

3.1 Nil.

4.0 PETITIONS/DEPUTATIONS

4.1 Nil.

5.0 APPLICATIONS FOR LEAVE OF ABSENCE

5.1 Nil.

6.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

6.1 RESOLVED OCM 25/2014

That the Minutes of the Ordinary Council Meeting held on 16 December 2013 are confirmed as a true and accurate record of the proceedings.

Moved: **Cr Justin Whitten**

Seconded: **Cr Geoff Stallard**

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

6.2 RESOLVED OCM 26/2014

That the Minutes of the Special Council Meeting held on 3 February 2014, continued on 10 February 2014 and concluded on 17 February 2014 are confirmed as a true and accurate record of the proceedings.

Moved: **Cr Bob Emery**

Seconded: **Cr Noreen Townsend**

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

6.3 RESOLVED OCM 27/2014

That the Minutes of the Special Council Meeting held on 18 February 2014 are confirmed as a true and accurate record of the proceedings.

Moved: **Cr John Giardina**

Seconded: **Cr Geoff Stallard**

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

7.0 ANNOUNCEMENTS BY THE PRESIDING MEMBER WITHOUT DISCUSSION

- 7.1 The Shire President gave details of a Community Meeting regarding the local government reform to be held on Tuesday 25 February at 6.30 in the Kalamunda Performing Arts Centre.

8.0 MATTERS FOR WHICH MEETING MAY BE CLOSED

8.1 D&I 07. CONFIDENTIAL REPORT – Consideration of Tenders – General Facility Maintenance Services (RFT1310)

Reason for Confidentiality Local Government Act 1995 S5.23 (d) (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 08. CONFIDENTIAL REPORT – Consideration of Tenders – Disposal of Road Sweeping, Gully Educting Soils and Mixed Waste (RFT1309)

Reason for Confidentiality Local Government Act 1995 S5.23 (d) (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 C&C 08. CONFIDENTIAL REPORT Enterprise Bargaining Agreement (Operations Employees August 2013 to August 2015)

Reason for confidentiality Local Government Act S5.23(2) (a) “a matter affecting an employee or employees”

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*.)

- 9.1.1 Nil.

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.
- 9.2.2 Councillor Sue Bilich disclosed an interest affecting impartiality with regard to Item 10.3.3 The Women's Powder Room (Inc) – Seeking Lease on 36 Casuarina Road, Maida Vale, as she is a committee member.

- 9.2.3 Councillor Noreen Townsend disclosed an interest affecting impartiality with regard to Item 10.2.8 Kalamunda & Districts Historical Society – Extension of Lease Renewal Option, as she is a committee member.
- 9.2.4 Councillor Noreen Townsend disclosed an interest affecting impartiality with regard to Item 10.3.3 The Women’s Powder Room (Inc) – Seeking Lease on 36 Casuarina Road, Maida Vale, as she is a committee member.

10.0 REPORTS TO COUNCIL

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

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

RESOLVED OCM 28/2014

Voting Requirements: Simple Majority

That recommendations D&I 01/2014 to D&I 08/2014 inclusive, contained in the Development & Infrastructure Services Committee Report of 10 February 2014 be adopted by Council en bloc.

Moved: **Cr Bob Emery**

Seconded: **Cr John Giardina**

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

10.1.2 D&I 01 Amendment No. 60 to Local Planning Scheme No. 3 – Additional Use (Art Gallery) – Lot 800 (10) Stirk Street, Kalamunda

EN BLOC RESOLUTION OCM 28/2014

That Council:

1. Notes the submissions received in response to Amendment No. 60 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. 60

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
49.	Lot 800 (10) Stirk Street, Kalamunda	Art Gallery	The uses are not permitted unless approval is granted by the Local Government ("D")

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

10.1.3 D&I 02 Modification to the Canning Location 311 Structure Plan – Lot 102 (217) Pomeroy Road, Lesmurdie

EN BLOC RESOLUTION OCM 28/2014

That Council:

1. Adopts the proposed modification to the Canning Location 311 Structure Plan to facilitate the subdivision of Lot 102 (217) Pomeroy Road, Lesmurdie, into two lots (Attachment 2).
2. Forwards the modified Canning Location 311 Structure Plan to the Western Australian Planning Commission for endorsement.

10.1.4 D&I 03 Lot 1188 (34) Carinyah Road, Pickering Brook – Amendment to Local Planning Scheme No. 3 - Additional Uses (Storage, Light Industry)

EN BLOC RESOLUTION OCM 28/2014

That Council:

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

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

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

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

NO.	DESCRIPTION OF LAND	ADDITIONAL USE	CONDITIONS
51.	Lot 1188 (34) Carinyah Road, Pickering Brook	Storage Light Industry	The uses are not permitted unless approval is granted by the Local Government ("D")

The documents being adopted by Council and the Amendment being formally advertised for 42 days in accordance with the provisions of the *Town Planning Regulations 1967*, without reference to the Western Australian Planning Commission.

10.1.5 D&I 04 Light Industry (Storage and Maintenance of Oilfield Equipment) – Lot 200 (103) Milner Road, High Wycombe

EN BLOC RESOLUTION OCM 28/2014

That Council:

1. Approves the application dated 14 January 2014 for a Light Industry (storage and maintenance of oilfield equipment) to operate at Lot 200 (103) Milner Road, High Wycombe, subject to the following conditions:
 - a. The provision and maintenance of a total of 22 car parking bays including a minimum of one (1) disabled bay.
 - b. No carrying out of maintenance activities is permitted in open yard areas visible from the streets.
 - c. No loading or unloading of vehicles is to occur that interferes with the parking of vehicles in the car park by visitors and employees. All car parking bays in the car park are to be made available at all times for the parking of vehicles by employees and visitors.
 - d. All car parking bays, (un)loading bays and vehicle access ways being line marked, sealed and drained prior to the occupation of the building and maintained thereafter by the landowner to the satisfaction of the Shire.

-
- e. The landscaping is to be planted within 28 days of the development's completion and maintained thereafter by the landowner to the Shire's satisfaction.
 - f. The crossovers shall be designed and constructed to the specification of the Shire.
 - g. A contribution to the Shire of Kalamunda in accordance with Schedule 12 of the Shire of Kalamunda Local Planning Scheme No. 3 shall be paid for cell infrastructure costs for the Forrestfield Industrial Area. The contribution shall be paid in full prior to the issue of the certified building licence.
 - h. An acoustic report is to be submitted to and approved by the Shire's Health services prior to the issuing of a building licence.
 - i. Clearances are to be maintained from the existing waste water disposal system at the workshop to new buildings, hardstand areas and boundaries in accordance with the *Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974*.
 - j. Should the existing workshop effluent disposal system be located where it will be encroached upon by proposed development or fail to cope with any additional loading, a new effluent disposal system that complies with the *Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulation 1974* must be installed.
 - k. Industrial waste water from the proposed wash-bay is required to be treated via a sediment trap and a commercial oil/water separator and discharged through an onsite waste water disposal system that complies with the *Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulation 1974*.
 - l. A geotechnical report is to be submitted detailing site conditions, particularly in respect to soil and groundwater and stormwater disposal by soakage (Clearance, quantity, soil permeability and location and size of soakwells).
 - m. The existing septic sewer system, including all tanks, pipes and associated drainage systems (soakwells or leach drains) are to be decommissioned, removed, filled with clean sand and compacted. The applicant must provide a statutory declaration to the Shire of Kalamunda stating the site has been inspected and the effluent disposal system removed.
 - n. The Milner Road crossover to be relocated to the satisfaction of the Shire of Kalamunda Chief Executive Officer.

10.1.6 D&I 05 Proposed Pedestrian Access Way Closure – Parrot Court and Sparrow Court, High Wycombe

EN BLOC RESOLUTION OCM 28/2014

That Council:

1. Recommends to the Department of Planning that the request to close the Pedestrian Access Way abutting Lot 174 (5) and 175 (3) Parrot Court and Lot 154 (7) and 155 (5) Sparrow Court, High Wycombe, be supported as it is not considered to be of importance in the local pedestrian/cyclist network.

10.1.7 D&I 06 Detailed Area Plan- Lot 57 (596) Welshpool Road, Wattle Grove

EN BLOC RESOLUTION OCM 28/2014

That Council:

1. Approve the Detailed Area Plan (Attachment 3) for Lot 57 (596) Welshpool Road, Wattle Grove and forward it to the Western Australian Planning Commission for information.

10.1.8 D&I 07 CONFIDENTIAL REPORT - Consideration of Tenders – General Facility Maintenance Services (RFT1310)

EN BLOC RESOLUTION OCM 28/2014

That Council:

1. Approve the following tenders for the contract period of two years plus two one year options for each category of work as listed on the basis of best value for money, ranked in order of precedence:

Categories of Goods & Services

Requirement		Successful Tender/s
Minor Construction & Maintenance Works under \$10k	1. 2. 3.	Wet2Dry Hill Top Group Benchmark Maintenance
Minor Construction & Maintenance Works over \$10k	1 2. 3.	Hill Top Group Robinson Buildtech CPD Group
Carpentry		Benchmark Maintenance

Fencing Contractor		Grimes Contracting
Paving Contractor		Grimes Contracting
Fabrication and Hot Works		Colton Contracting
Building & Hard Surface Pressure Washing	1. 2.	Wet2Dry Colton Contracting
Carpet, Upholstery, Tile and Vinyl Deep Cleaning, Stripping and Polishing		VIP Carpet & Upholstery Cleaning
Floor and Wall Tiling		Wet2Dry for repair work and new works or relays up to 30sqm
Carpet and Vinyl Floor Covering		Choices (Goundry) Flooring
Roof and Gutter Repairs	1. 2.	Wet2Dry Hill Top Group
Asbestos Renewal/Works Specialist		Hill Top Group
Sanding and Recoating of Timber Floors		Sherwood Flooring

2. Approve the annual escalation of CPI (Australia) for all tenderers.
3. Approve the unit rate as submitted in the tenders and listed below:

Name	Category	Description	Base Hrlly Rate Ex. GST or as described
Benchmark Maintenance	Maintenance/ Carpentry		\$75.00
Choices Flooring	Choices Flooring	Carpet Laying Floor Sanding Floor Re-coating	\$9.00m ² \$25.00m ² \$12.00m ²
Colton Contracting	Pressure Cleaning	Building and Hard Surface Cleaning	\$85.00
Colton Contracting	Fencing	Balustrade, Fencing & Gates	\$85.00
Colton Contracting	Fabrication and Hot Works	Gate and steel manufacturing	\$110.00
CPD Group	Building Maintenance	Including General Maintenance, Tile Laying, Carpet Laying, Floor Sanding and Re-coating.	\$75.00

Grimes Contracting	Minor Construction and Maintenance.	General Maintenance	\$60.00
Hill Top Group	General Facility Maintenance Services	Repairs, Maintenance and Small Construction projects	\$60.00
Hill Top Group	Asbestos Removal/ Specialist works	Asbestos removal and replacement	\$90.00
Robinson Buildtech	Building Plumbing & Gas Maintenance	All areas	\$80.00
Sherwood Flooring	Floor Sanding & Recoating	Sanding Re-Coating	\$30m ² \$12.00m ²
VIP Carpet & Upholstery Cleaning	Carpet, Upholstery & Tile Cleaning	Carpet Cleaning Upholstery Cleaning	\$2.08m ² \$31.82 per seat \$4.55m ²
Wet2Dry	General Building Maintenance, Plumbing, Gas and Brick Laying	Plumbing, Gas and Brick Laying	\$60.00

10.1.9 D&I 08 CONFIDENTIAL REPORT - Consideration of Tenders – Disposal of Road Sweepings, Gully Educting Soils and Mixed Waste (RFT1309)

EN BLOC RESOLUTION OCM 28/2014

That Council:

1. Approve All Earth Group to provide the Disposal of Road Sweepings, Gully Educting Soils and Mixed Waste for a contract period of three years plus two one year options on the basis of best value for money.
2. The tender rates (excluding GST) are

Gully Educting Waste	\$64.50 per tonne
Sweepings Waste	\$64.50 per tonne
Mixed Waste	\$90.00 per tonne
3. The contract rates are subject to escalation by CPI (Australia) annually.

10.2 Corporate & Community Services Committee Report

10.2.1 Adoption of Corporate & Community Services Committee Report

Voting Requirements: Simple Majority

RESOLVED OCM 29/2014

That the recommendations C&C 01/2014 – C&C 08/2014 inclusive, contained in the Corporate & Community Services Committee Report of 17 February 2014, except withdrawn item C&C 05, be adopted by Council en bloc.

Moved: **Cr John Giardina**

Seconded: **Cr Andrew Waddell**

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

10.2.2 C&C 01 Debtors and Creditors Report for the Period Ended 31 January 2014

EN BLOC RESOLUTION OCM 29/2014

That Council:

1. Receives the list of payments made from the Municipal Accounts in December 2013 and January 2014 (Attachment 1 & 2) as noted in point 11 above in accordance with the requirements of the *Local Government (Financial Management) Regulations 1996 (Regulation 12)*.

10.2.3 C&C 02 Rates Debtors Report for the Period Ended 31 January 2014

EN BLOC RESOLUTION OCM 30/2014

That Council:

1. Receives the rates debtors report for the period ended 31 January 2014 (Attachment 1).

10.2.4 C&C 03 Draft Monthly Financial Statements to 31 December 2013

EN BLOC RESOLUTION OCM 29/2014

That Council:

1. Receives the draft monthly financial statements for the month to 31 December 2013, which comprises:

- Statement of Comprehensive Income by Program.
- Statement of Comprehensive Income by Nature and Type.
- Statement of Cash Flow.
- Statement of Financial Position.
- Statement of Financial Activity (Nature or Type).
- Statement of Financial Activity (Statutory Reporting Program).
- Net Current Funding Position, note to financial statement.
- Statement of Changes in Equity.
- Reserves – Cash / Investment Backed - note to financial statement.
- Investment Schedule – note to financial statement.

10.2.5 C&C 04 Quarterly Report – Kalamunda Community Care December 2013

EN BLOC RESOLUTION OCM 29/2014

That Council:

1. Receives the Community Care Quarterly Report – December 2013.

10.2.6 C&C 06 Kalamunda Pistol Club (Inc.) of 155 Lawnbrook Road, Walliston – Term of Lease

EN BLOC RESOLUTION OCM 29/2014

That Council:

1. Approves the request for a lease term of ten years from 1 March 2014 with a further option of ten years in accordance with Policy LEA1 – Community Groups' Lease Policy-Term of Lease.

10.2.7 C&C 07 Quarterly Progress Report – October to December 2013

EN BLOC RESOLUTION OCM 29/2014

That Council:

1. Receives the Quarterly Progress Report for October to December 2013.

10.2.8 C&C 08 CONFIDENTIAL REPORT Enterprise Bargaining Agreement (Operations Employees) August 2013 to August 2015

Reason for confidentiality Local Government Act S5.23(2) (a) "a matter affecting an employee or employees"

EN BLOC RESOLUTION OCM 29/2014

That Council:

1. Notes and endorses the proposed Enterprise Bargaining Agreement (Operations employees) for the period August 2013 to August 2015 as shown in (Attachment 1).

For Separate Consideration

C&C 05/2014 was withdrawn as a decision was deferred to the February Ordinary Council Meeting because the President of the Kalamunda & Districts Historical Society wished to clarify some points with staff.

A memorandum had been circulated to Councillors and a New Officer Recommendation was presented for Council's consideration.

Cr Noreen Townsend disclosed an interest affecting impartiality as she is a member of the Kalamunda & Districts Historical Society Committee.

10.2.9 C&C 05 Kalamunda & Districts Historical Society – Extension of Lease Renewal Option

RESOLVED OCM 30/2014

Voting Requirements: Simple Majority

That Council:

1. Approves Kalamunda & Districts Historical Society's request for the development of a new lease, defined with a term of 10 years with a further option of 10 years.

Moved: **Cr Dylan O'Connor**

Seconded: **Cr Justin Whitten**

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

10.3 CHIEF EXECUTIVE OFFICER REPORTS

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

10.3.1 Draft Monthly Financial Statements to 31 January 2014

Previous Items	N/A
Responsible Officer	Director Corporate Services
Service Area	Finance
File Reference	FIR-SRR-006
Applicant	N/A
Owner	N/A
Attachment 1	Draft Statements of Financial Activity for the seven months to 31 January 2014 incorporating the following: <ul style="list-style-type: none">• Statement of Comprehensive Income by Program• Statement of Comprehensive Income by Nature and Type• Statement of Cash Flow• Statement of Financial Position• Statement of Financial Activity (Nature or Type)• Statement of Financial Activity (Statutory Reporting Program)• Net Current Funding Position, note to financial statement• Statement of Changes in Equity• Reserves – Cash / Investment Backed – note to financial statement• Investment Schedule – note to financial statement

PURPOSE

1. To provide Council with financial reports on the activity of the Shire of Kalamunda with indications of performance against adopted budget. This Statement compares the actual year to date with the budget year to date.

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).
3. As the 2012/2013 financial position is now audited, the opening funding position in the Statement of Financial Activity has now been changed to reflect the audited position.
4. The budget column reflected matches to the revised budget approved by Council at its meeting on 16 December 2013.

DETAILS

5. The *Local Government Act 1995* requires Council to adopt a percentage or value to be used in reporting variances against Budget. Council has adopted the reportable variances of 10% or \$50,000 whichever is greater.

Financial Commentary

Draft Statement of Comprehensive Income by Nature and Type for the seven months to 31 January 2014

6. This Statement reveals a net result of a surplus of \$15,131,537 against revised budget for the same period of \$14,530,021.

Revenue

7. Total Revenue is under budget by \$955,552. This is made up as follows:
- Rates are under budget by \$396,493. The reason for the variance is due to timing. The raising of interim rates and the receipt of ex-gratia rates will normalise the situation over the coming months.
 - Operating Grants and Subsidies are under budget by \$183,084. Areas which are tracking below are:
 - Metropolitan Reform Grant of \$100,000 which is due to a timing issue as funds will be received in February 2014; and
 - Lotteries Grants of \$20,000 for events which is due later in the year.
 - Fees and Charges variance is under budget by \$88,056 with the main area being waste fees under-recovered. This should be partly overcome with the raising of interim rates.
 - Interest earnings are under budget by \$146,703 due to the timing of maturing short term investments, which are due to finalise in February/March 2014. The budget review has been adjusted downwards to reflect the current rates of return.
8. Other Revenue is over budget by \$12,209, which mainly relates to infringements based on successful prosecutions for dog attacks. Most "Other Revenues" comprise of various fines and penalties.

Expenditure

9. Total expenses are under budget with a variance of \$2,473,689. The significant variances within the individual categories are as follows:
- Employment Costs are under budget by \$749,944 due to some vacant positions in various business units, EBA increases have not been paid to date.

-
- Materials and Contracts is under budget by \$1,275,707 largely due to:
 - Contractor Waste and Verge Collection is under budget by \$398,209 mainly due to timing of invoices. It should be noted that verge collection is a new service and ongoing reviews and adjustments may be required in the short term whilst the Shire is assessing utilisation levels.
 - Programme expenditure for Community Care services is under budget by approximately \$279,619. This is due to the lower volume of services being requested.
 - The Building Maintenance area is running below budget by \$221,515. This is due to a timing issue with all funds to be expended by the end of the financial year.
 - Utilities were under budget by \$338,404. The main variance is coming from the Street Lighting component with an amount of \$365,719 below budget. Adjustments will be made in the statutory mid-year review being conducted in February 2014.
 - Insurance expense is under budget by \$21,513 principally relating to lower worker's compensation insurance costs.
 - Other expenditure is over budget by \$147,578, which is primarily due to timing differences on project based expenditure and donations to community groups.
10. The interest expense is slightly under budget by \$6,202, which is the result of a timing difference between amounts accrued and the budget which is based on the debenture payment schedule.
11. Depreciation, although a non-cash cost, is tracking slightly under budget, reporting a variance of \$229,497 or 2.3% of the total depreciation budget. The reasons for the variance are:
- Plant depreciation is under budget by \$118,160 which is mainly related to the asset revaluation. An investigation will be conducted to determine the specific cause for the lower depreciation and changes will be brought into the statutory mid-year review.
 - Building depreciation is under budget by \$71,122 which is mainly due to some buildings assessed as impaired beyond use being recognised in the 2012/13 financials. The budget will be adjusted accordingly in the statutory mid-year review.

Non-Operating Grants

12. Non-Operating Grants are under budget by \$433,921 which is principally a timing issue. This component is made up of various infrastructure projects which are planned to commence later in the financial year.

Profit / (Loss) on Asset Disposals

13. The variance of \$464,673 relates to property sales. This is primarily due to the delay on the sale of the Lewis Road property. The prospective buyers finance application has not been approved resulting in the Shire reviewing its options.
14. The Australian Taxation Office have accepted the treatment of the sale of Smokebush Estate lots and the Shire is now able to retain the refunded excess GST of \$473,000.

Draft Statement of Comprehensive Income by Program for the seven months to 31 January 2014

15. The overall result comments are as above and generally each Program is within accepted budget except for General Purpose Funding and Community Amenities. Major variances have been reported by Nature and Type under points 7 to 13 above.

Draft Statement of Financial Activity for the seven months to 31 January 2014

16. The results to 31 January 2014 discloses a closing surplus of \$19,960,070 made up of:
 - Overall income, excluding rates, is under budget by \$1,023,732 with the bulk of the variance being grants and contributions, profit on asset disposal and interest earnings as previously explained in Point 7 and 13 of this report.
 - Expenditure is \$2,455,663 under budget forecast with the main variance in Employment Costs and Materials and Contracts. These have been commented on in Point 9 of this report.
 - Infrastructure projects made up of roads, drainage, footpaths, car parks and parks and ovals has incurred \$3,233,752 against the budget of \$ 6,708,735.
 - \$852,423 is unspent on land and building renewal budget. Part of this budget will now be treated as un-spent as the Shire reviews the work that was targeted for the Administration building.
 - Rates generation is under budget and the variance of \$396,493 relates to timing of interim rates as explained previously in Point 7.
17. The closing current position of \$19,960,070 is still above the revised budget of \$14,493,820, due to project based activities still in progress.

Draft Investments Schedule as at 31 January 2014

18. A total of \$34.39 million is in term deposits or online savings accounts. This represents a net decrease of \$1.6 million in cash deposits which is related to the increase in expenditures exceeding collections from rates, fees and charges and monies received on behalf of Cell 9.

19. The above is made of:

Municipal Funds	Reserve Funds	Trust Monies
\$19,552,003	\$2,008,300	\$12,829,933 (includes amounts for Public Open Space of \$2,315,365)

20. Average interest rates on term deposits have dropped significantly as indicated previously with current investment rates dropping to between 3.0% and 3.50%. Reserve Bank of Australia ("RBA") cash rate is at 2.5% with a low probability of further rate cuts with inflation currently trending at 2.7%.
21. All deposits complied with the Investment Policy requirements and are no longer than 120 days.

Draft Statement of Financial Position as at 31 January 2014

22. The commentary on the Financial Position is based on comparison of January 2014 year to date actuals with January 2013 year to date actuals.
23. Net Current Assets (Current Assets less Current Liabilities) show a positive result of \$26.3 million. The un-restricted cash position has a positive position of \$19.47 million which is lower when compared to the previous month's balance of \$21.32 million.
24. Trade and other receivables comprise of rates and sundry debtors totalling \$4.12 million outstanding.
- The rates balance has reduced by \$1 million during the month. This represents a collection rate of 85% to date. Debt collection strategies are being rigorously enforced to assist in collections.
25. Sundry debtors have increased slightly to \$141,548 outstanding. The main overdue sundry debtors are:
- Western Power \$3,859.68 for repairs on damaged storm water pipes. Additional details have been requested by the debtor to ascertain the validity of the liability; and
 - Lesmurdie Tennis Club \$24,000 being an overdue contribution for the clubhouse re-fit and extension.
26. Fixed Assets additions are below last year's actuals to date by \$173,034 in the asset category of Property, Plant and Equipment. Strategies are being put in place to improve the delivery of infrastructure projects.
27. Provisions for annual and long service leave are currently stable at \$2.0 million, with a slight decrease from December 2013. It is expected this will reduce further in the coming months as the Shire pursues a leave management reduction plan

28. Long term borrowings are at \$7.20 million. The Shire has no plans to extend its loan portfolio in 2013/2014.

STATUTORY AND LEGAL CONSIDERATIONS

29. The *Local Government Act 1995* and the *Local Government (Financial Management) Regulations 1996* require presentation of a monthly financial activity statement.

POLICY CONSIDERATIONS

30. Nil.

COMMUNITY ENGAGEMENT REQUIREMENTS

31. Nil.

FINANCIAL CONSIDERATIONS

32. Nil.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

33. *Kalamunda Advancing: Strategic Community Plan to 2023*

OBJECTIVE 6.8 – To ensure financial sustainability through the implementation of effective financial management, systems and plans.

Strategy 6.8.4 Provide effective financial services to support the Shire's Operations and to meet sustainability planning, reporting and accountability requirements.

SUSTAINABILITY

Social Implications

34. Nil.

Economic Implications

35. Nil.

Environmental Implications

36. Nil.

RISK MANAGEMENT CONSIDERATIONS

37. The following risks have been considered:

Risk	Likelihood	Consequence	Rating	Action / Strategy
Over-spending the budget	Possible	Major	High	<ul style="list-style-type: none"> Monthly management reports are reviewed by the Shire. Weekly engineering reports on major projects and maintenance. Reviewed by the Shire.
Non-compliance with Financial Regulations	Unlikely	Major	Medium	<ul style="list-style-type: none"> The financial report is scrutinized by the Shire to ensure that all statutory requirements are met.

OFFICER COMMENT

38. The Shire's draft financial statements as at 31 January 2014 demonstrate the Shire has managed its budget and financial resources effectively.

Voting Requirements: Simple Majority

RESOLVED OCM 31/2014

That Council:

- Receives the draft monthly financial statements for the month to 31 January 2014, which comprises:
 - Statement of Comprehensive Income by Program.
 - Statement of Comprehensive Income by Nature and Type.
 - Statement of Cash Flow.
 - Statement of Financial Position.
 - Statement of Financial Activity (Nature or Type).
 - Statement of Financial Activity (Statutory Reporting Program).
 - Net Current Funding Position, note to financial statement.
 - Statement of Changes in Equity.
 - Reserves – Cash / Investment Backed - note to financial statement.
 - Investment Schedule – note to financial statement.

Moved: **Cr Frank Lindsey**

Seconded: **Cr Noreen Townsend**

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

Attachment 1

Draft Statements of Financial Activity for the seven months to 31 January 2014 incorporating:

- Statement of Comprehensive Income by Program
- Statement of Comprehensive Income by Nature and Type
- Statement of Cash Flow
- Statement of Financial Position
- Statement of Financial Activity (Nature or Type)
- Statement of Financial Activity (Statutory Reporting Program)
- Net Current Funding Position, note to financial statement
- Statement of Changes in Equity
- Reserves – Cash / Investment Backed – note to financial statement
- Investment Schedule – note to financial statement

[Click HERE to go directly to the document](#)

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

10.3.2 2013 Annual General Meeting of Electors – Outcomes

Previous Items	Nil
Responsible Officer	Chief Executive Officer
Service Area	Governance
File Reference	
Applicant	N/A
Owner	N/A
Attachment 1	Minutes of the Annual General Meeting of Electors

PURPOSE

1. To consider the outcomes of the 2013 Annual General Meeting of Electors (AGM).

BACKGROUND

2. As required by section 5.27 of the *Local Government Act 1995* (the Act), the 2013 AGM was held on Monday 10 February 2014 in the Council Chambers, Shire of Kalamunda, 2 Railway Road Kalamunda.

DETAILS

3. Section 5.33 of the Act requires all decisions made at the AGM to be considered at the next available Ordinary Council Meeting. In addition, the reasons for a decision made at a Council Meeting in response to a decision made at an AGM are to be recorded in the Minutes of the Council Meeting.
4. Three decisions were made at the AGM:
 - AGM 01/2014 That the 2013 Annual Report of the Shire of Kalamunda be received.
 - AGM 02/2014 That Council support the amendment to the MRS using provisions of section 57 of the *Planning and Development Act 2005* for a minor amendment and rezoning of a specified area of Wattle Grove, which would be bordered by Tonkin Highway, Crystal Brook Road. Victoria Road and Brentwood Road from Rural to Urban Zoning.
 - AGM 03/2014 That Council provide more information through a community consultation process including a community meeting, so that the Community can become more involved, have input and a greater understanding of the ramifications of the proposed amalgamation/boundary adjustment with Belmont.

STATUTORY AND LEGAL CONSIDERATIONS

5. Section 5.27 of the Act requires that an AGM be held not more than 56 days after the local government accepts the Annual Report. The Annual Report was accepted at the Ordinary Council Meeting of 16 December 2013.

6. Section 5.33 of the Act consideration of decisions made at the AGM.

POLICY CONSIDERATIONS

7. Nil.

COMMUNITY ENGAGEMENT REQUIREMENTS

8. Community engagement and consultation occurred as part of the AGM. There will be additional community engagement as part of the implementation of the resolutions passed at the AGM.

FINANCIAL CONSIDERATIONS

9. Some expense will be incurred in undertaking the community engagement with respect to local government reform issues. Specific details of these cost will be presented to Council when known.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

10. *Kalamunda Advancing: Strategic Community Plan to 2023*

OBJECTIVE 6.3 To lead, motivate and advance the Shire of Kalamunda.

Strategy 6.3.1 Develop and implement a wide variety of informing strategies and plans which benefit the community socially, economically and environmentally.

SUSTAINABILITY

Social Implications

11. Nil.

Economic Implications

12. Nil.

Environmental Implications

13. Nil.

RISK MANAGEMENT CONSIDERATIONS

14.	Risk	Likelihood	Consequence	Rating	Action/Strategy
	That Council does not consider the resolutions passed at the AGM.	Unlikely	Major	Medium	Sufficient information is provided to Council to ensure there is compliance with the requirements of the legislation with respect to resolutions passed at the AGM.

OFFICER COMMENT

15. Nil.

Voting Requirements: Simple Majority

RESOLVED OCM 32/2014

That Council:

1. Endorses Resolutions AGM 01/2014, AGM 02/2014 and AGM 03/2014 passed at the Annual General Meeting of Electors held on 10 February 2014 as contained in the Minutes of the Meeting at (Attachment 1).

Moved: **Cr Noreen Townsend**

Seconded: **Cr Dylan O'Connor**

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

Reasons for this decision of Council in accordance with section 5.33 (2) of the *Local Government Act 1995*:

1. AGM 1/2014 – Receiving of the 2013 Annual Report – As the Annual report was received without question no further action required.
2. AGM 2/2014 – Support for an amendment to the MRS to amend the zoning of a specific area of Wattle Grove from Rural to Urban – When a formal proposal is submitted Council will be prepared to consider the matter on its merits.
3. AGM 3/2014 – Provision of more information to the community and holding a community meeting with respect to local government reform – The Council fully supports this request and is in the process of undertaking these tasks.

Attachment 1

[Click HERE to go directly to the document](#)

Cr Sue Billich and Cr Noreen Townsend declared an Interest Affecting Impartiality
Declaration of financial / conflict of interests to be recorded prior to dealing with each item.

10.3.3 The Women's Powder Room (Inc) Seeking Lease on 36 Casuarina Road, Maida Vale

Previous Items	OCM 23/2013
Responsible Officer	Director Corporate Services
Service Area	Property Services
File Reference	CS-03/036
Applicant	The Women's Powder Room
Owner	State Government (Vested in Council with power to Lease for up to 21 years)
Attachment 1	Application letter
Attachment 2	Constitution

PURPOSE

1. To consider a request from The Women's Powder Room (Inc) for a lease over the former Maida Vale Kindergarten site at 36 Casuarina Road, Maida Vale. (Attachment 1)

BACKGROUND

2. The Women's Powder Room (Inc) is a local initiative which gives women in the community opportunities to meet and support one another. The Constitution of the organisation (Attachment 2) sets out objectives including supporting women's mental, physical and emotional health and wellbeing. The proposal is similar in nature to the Men's Shed, which has been successfully established within the Shire.
3. The Women's Powder Room (Inc) is an incorporated community organisation.
4. The lease will allow the use of the reserve for 'recreation' which will cover the group's stated objectives, similar to the Men's Shed lease. A request will be lodged with the Minister for Lands to amend the purpose from 'pre-school' to 'recreation'.
5. At the Ordinary Council Meeting on 25 February 2013 Council adopted Lease Policy LEA1 – Community Groups' Lease Council Policy.
6. The Council's standard preferred lease in terms of the Policy is five years with an option of a further term of five years.

DETAILS

7. The applicants are seeking a five year lease over the site with a further five year option, commencing as soon as possible.
8. It is proposed to lease all of Reserve 33262 to the group, being 3,946 sqm. However the Group may choose to lease a lesser area of the reserve and this will be determined as part of lease discussions following the Council's decision.

STATUTORY AND LEGAL CONSIDERATIONS

9. The Minister for Lands' approval to change the purpose of the reserve and 'in principle' consent to the lease are required prior to execution of the lease.
10. The lease will provide the Group with exclusive occupancy of the reserve.

POLICY CONSIDERATIONS

11. Lease Policy LEA1.

COMMUNITY ENGAGEMENT REQUIREMENTS

12. No community consultation is considered warranted.

FINANCIAL CONSIDERATIONS

13. Under the provisions of the lease policy, the operating costs of the lease and minor maintenance are the responsibility of the lessee. The Shire will meet the normal programmed maintenance items as per the lease policy.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

14. *Kalamunda Advancing: Strategic Community Plan to 2023*

OBJECTIVE 1.8 – Support local community groups to grow, prosper and shape the future of Kalamunda.

Strategy 1.8.3 Proactively investigate opportunities that facilitate the establishment and/or growth of local community groups.

SUSTAINABILITY

Social Implications

15. The proposal would create positive opportunities for the Shire's population and add to the vitality and resilience of the community.

Economic Implications

16. Nil.

Environmental Implications

17. Nil.

RISK MANAGEMENT CONSIDERATIONS

18.	Risk	Likelihood	Consequence	Rating	Action/Strategy
	Council may resolve not to approve the lease sought.	Unlikely	Insignificant	Low	Advise Council that the proposal is consistent with its Lease Policy and that the proposal has significant merit.

OFFICER COMMENT

19. The subject site is a vacant kindergarten building. The structure is generally in good condition, with some internal works needed to bring the building back to its former condition. The adjacent playground area requires some work.
20. The Shire has received calls over the past year from residents raising concern about the building being continually empty. Bringing a new tenant into the site would be positive from a community safety perspective.
21. The reserve is currently listed for the purposes of 'pre-school' and permission of the Minister for Lands will need to be sought to the lease and to change the purpose of the reserve. Preliminary investigations indicate that this approval will be granted.
22. The proposal has significant potential to make a positive contribution to the community. The group aims to work with fly in fly out (FIFO) families and create awareness and support for a range of health issues reflecting some of Council's own initiatives.
23. It is recommended that the application be supported.

Voting Requirements: Simple Majority

RESOLVED OCM 33/2014

That Council:

1. Seek the permission of the Minister for Lands to vary the vesting of the Reserve 33262 from "pre-school" to "recreation" to enable use by the Women's Powder Room Inc.
2. Enter into a lease with the Women's Powder Room Inc. for Reserve 33262 for a period of five years, with a further five year option.

Moved: **Cr Dylan O'Connor**

Seconded: **Cr Andrew Waddell**

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

Attachment 1

2nd February, 2014

Ms R Hardy
CEO
SHIRE OF KALAMUNDA

Dear Rhonda

PROPOSED POWDER ROOM, MAIDA VALE.

Enclosed please find our proposal to have access to the unused kindergarten building in Maida Vale for the establishment of a community Powder Room .

Over the past few months discussions have been ongoing with Shire staff and councillors, and we are now in a position to submit a formal proposal to Council for the lease of this building to establish a facility to be known as the Foothills Powder Room, which will be a community facility aimed to cover the needs of women within our community.

We seek Council's consideration and look forward to being able to present our case to Council.

Yours sincerely

Colleen Bitmead
Chairperson
The Women's Powder Room

SUBMISSION FOR THE USE OF THE MAIDA VALE KINDERGARTEN BUILDING, •
ACACIA ROAD MAIDA VALE. •
FOR THE WOMEN'S POWDER ROOM INC. (Incorporation received in December •
2013)

Background

There is an identified need for a facility where women of all ages, nationalities and cultures can meet and have a coffee and chat to someone (other than the children).

In a way, the facility would be similar to that of a Men's Shed, providing an opportunity for women to make friends and learn new ideas.

There are many single women; elderly women; young mums; FIFO partners; migrant and indigenous women in the community who need an outlet to relieve their isolation and

- Become part of a valuable support network of women sharing the experience of being a mother.
- Enjoy stimulating discussion on varied topics, including parenting and relationships, women's health and wellbeing and more.
- Engage in a wide variety of activities and develop new skills!

Vision and Values

The Women's Powder Room will be a not for profit, grass roots incorporated community organisation. (Incorporated December 2013) . The services provided by the centre will be initiated to meet the needs of the people living in the Shire of Kalamunda.

The aims and objectives of The Women's Powder Room are:

- To promote, enhance and maintain the welfare, education and cultural needs of women in the Shire of Kalamunda and surrounding areas in an open-minded manner.
- To provide a safe and inclusive space for Community members to meet and share experiences, to gain knowledge and skills, thus reducing social isolation and related problems

- To promote greater awareness of the needs and issues of women in the community among Local, State and Federal providers
- To provide consultation on community issues and offer participation in community concerns
- To build awareness of other service providers and encourage community participation

- Aim - Share collective skills, information and provide a place of acceptance.

Aim - To reduce isolation.

COMMITTEE

An inaugural committee has been formed consisting of –
Colleen Bitmead – Chairperson – local wattle grove resident, Director Forrestfield & High Wycombe Community Banks (Bendigo Banks)
Sue Bilich – Shire President, Shire Kalamunda

Noreen Townsend – South West Ward Councillor Shire of Kalamunda

Jill Bonanno – Electorate Officer – Ken Wyatt MP

Linda Morton – resident of Kalamunda Shire

Cathy Audino – resident of Kalamunda Shire

Kath Spencer – resident of Kalamunda Shire

LOCAL MEMBER SUPPORT

The Project has the support of the local Federal Member of Parliament Mr Ken Wyatt MP and

The local State Member of Parliament Mr Nathan Morton MLA.

PROPOSAL

The committee seeks the support of the Shire of Kalamunda through the allocation of the disused Maida Vale Kindergarten for our Group to establish a Women's Powder Room for use by the local community.

The provision of this building could be in a similar manner to that of the Kalamunda and Foothills Men's Shed and the Foothills Information and Referral Building (FIRS) which are all community buildings being used by community organisations, as this would be.

We would be prepared to renovate this building in terms of painting and minor repairs, as this could provide a good team building/familiarisation program for members. It would also provide an opportunity to seek support from women in the community to become involved and thus take on some ownership of the facility. It is suggested that the conditions as follows could be considered –

- Purpose and Use of Premises
- Providing support services for Shire residents
- Fee
- The Women's Powder Room to pay the agreed lease/occupancy peppercorn fee

As this will be a community facility providing much needed services to a vulnerable section of our residents, it is hoped the Council would give favourable consideration to a minimal occupancy fee.

- Rubbish Charges
The Women's Powder Room to be responsible for payment of all rubbish charges
- Electricity, and Gas, Telephone and Water
The Women's Powder Room to be responsible for all services
* Cleaning, minor maintenance and repair and gardening
To be the responsibility of the Women's Powder Room
- Insurance
The Women's Powder Room will ensure all appropriate insurances are in place and be responsible for payment of same.

- Major Maintenance and Repair
The Shire to be responsible for maintenance and repair of a structural or major nature including but not limited to structural and electrical works.
- Term
Five years with a five year option.

Conclusion

At this time it is envisaged the facility would be open a number of mornings during the week, with the hours of access increasing with need.

The philosophy, aims and objectives of our proposal fit very neatly **with the Shire of Kalamunda Strategic Community Plan to 2023 in particular –**

OUR VISION

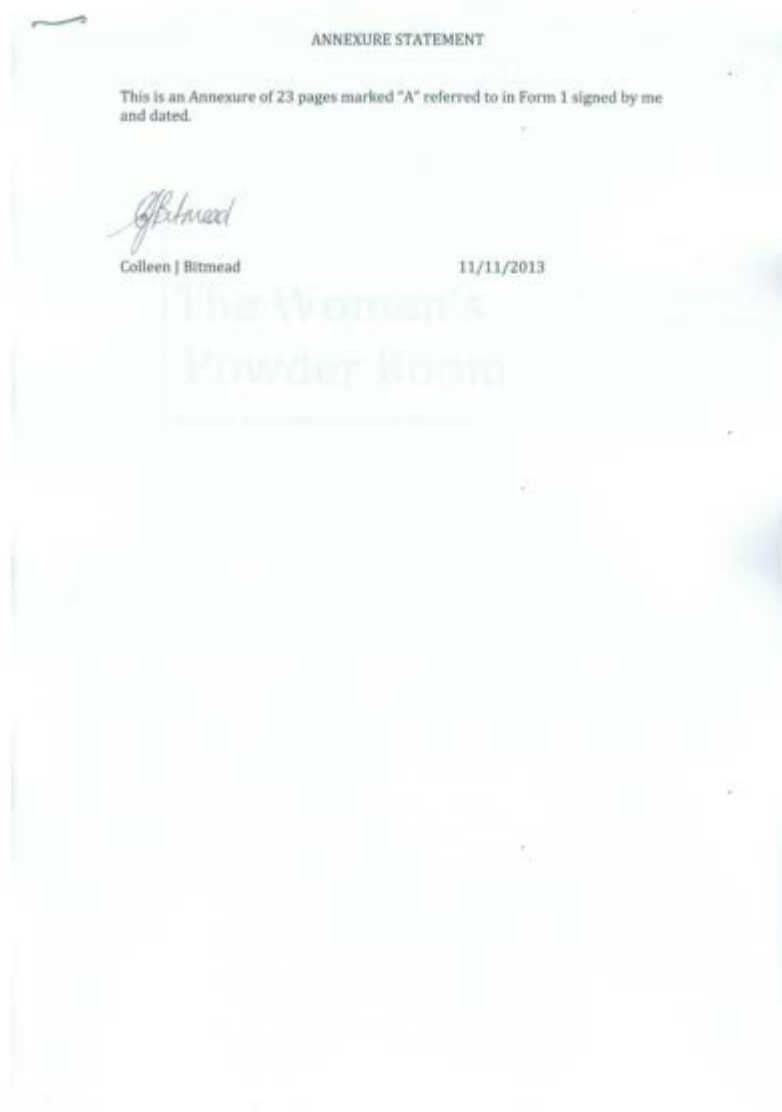
“The Shire will have a diversity of lifestyles and people. It will take pride in caring for the natural, social, cultural and built environments and provide opportunities for people of all ages.”


A community that is enriched and deeply connected through a diverse range of cultural opportunities, experiences, events and lifelong learning

A partnership such as this between the Shire of Kalamunda and the Womens Powder Room Inc. would provide another community resource for our community.

February 2nd, 2014

Attachment 2





The Women's Powder Room Inc.

Constitution of the Women's Powder Room Inc

Contents

1.	Name of Association	iii
2.	Interpretation	iii
3.	Objects of Association.....	iv
4.	Powers of Association.....	v
5.	Qualifications for membership of Association	vi
6.	Register of Members of Association	vi
7.	Subscriptions of members of Association	vi
8.	Termination of membership of the Association	vii
9.	Suspension or expulsion of members of Association	vii
10.	Committee of Management.....	viii
11.	Chairperson and Vice-Chairperson.....	ix
12.	Secretary.....	x
13.	Treasurer.....	xi
14.	Casual vacancies in membership of Committee.....	xi
15.	Proceedings of Committee.....	xii
16.	General meetings.....	xiii
17.	Quorum and proceedings at general meetings.....	xiv
18.	Minutes of meetings of Association	xv
19.	Voting rights of members of Association.....	xv
20.	Proxies of members of Association.....	xvi
21.	Rules of Association.....	xvi
22.	Common seal of Association.....	xvii
23.	Inspection of records, etc. of Association	xvii
24.	Disputes and mediation.....	xvii
25.	Distribution of surplus property on winding up of Association	xviii

The Women's Powder Room Inc

RULES OF ASSOCIATION

1. Name of Association

The name of the Association is the Women's Powder Room Inc

2. Interpretation

In this Constitution:

"Annual General meeting" is the meeting convened under paragraph (b) of rule 16 (1);

"Committee meeting" means a meeting referred to in rule 15;

"Committee member" means person referred to in paragraph (a), (b), (c), (d) or (e) of rule 10 (1);

"convene" means to call together for a formal meeting;

"department" means the government department with responsibility for administering the *Associations Incorporation Act (1987)*;

"financial year" means a period not exceeding 15 months fixed by the Committee, being a period commencing on the date of incorporation of the Association and ending on 30 June; and thereafter each period commencing 1 July and ending on 30 June in the following year;

"general meeting" means a meeting to which all members are invited;

"member" refers to all categories of members of the Association;

"life member" means a life member of the Association;

"corporate member" means associations or organisations, or their representatives, who have access to all membership rights except the right to vote or hold office.

"ordinary resolution" means resolution other than a special resolution;

"poll" means voting conducted in written form (as opposed to a show of hands);

"special general meeting" means a general meeting other than the annual general meeting;

"special resolution" has the meaning given by section 24 of the Act, that is-

A resolution is a special resolution if it is passed by a majority of not less than three-fourths of the members of the association who are entitled under the rules of the association to vote and vote in person or, where proxies or postal votes are allowed by the rules of the association by proxy or postal vote, at a general meeting of which notice specifying the intention to propose the resolution as a special resolution was given in accordance with those rules.

At a meeting at which a resolution proposed as a special resolution is submitted, a declaration by the person presiding that the resolution has been passed as a special resolution shall be evidence of the fact unless, during the meeting at which the resolution is submitted, a poll is demanded in accordance with the rules of the Association or, if the rules do not make provision as to the manner in which a poll may be demanded, by at least 3 members of the association present in person or, where proxies are allowed, by proxy.

If a poll is held, a declaration by the person presiding as to the result of a poll is evidence of the matter so declared.

"the Act" means the *Associations Incorporation Act 1987*;

"the Association" means the Association referred to in rule 1;

"the Chairperson" means-

- (a) in relation to the proceedings at a Committee meeting or general meeting, the person presiding at the Committee meeting or general meeting in accordance with rule 11; or
- (b) otherwise than in relation to the proceedings referred to in paragraph (a), the person referred to in paragraph (a) of rule 10 (1) or, if that person is unable to perform their functions, the Vice Chairperson;

"the Commissioner" means the Commissioner for Consumer Protection exercising powers under the Act;

"the Committee" means the Committee of Management of the Association referred to in rule 10 (1);

"the Secretary" means the Secretary referred to in paragraph (c) of rule 10 (1);

"the Treasurer" means the Treasurer referred to in paragraph (d) of rule 10 (1);

"the Vice-Chairperson" means the Vice-Chairperson referred to in paragraph (b) of rule 10 (1).

3. Objects of Association

(1) The objects of the Association are to-

- a. To provide support for the issues of women's mental, physical, and emotional health and wellbeing in the community.
- b. To engage with women in the local community of East Metropolitan Perth and provide an environment to share their concerns and receive mutual support from other women in the local community.
- c. To support Fly-In-Fly-Out (FIFO) families with engagement with wives of male Fly-In-Fly-Out (FIFO) employees and female FIFO employees.
- d. To specifically address any issues of loneliness, isolation and depression felt by women in the East Metropolitan Perth community.

- e. To support the social interaction of women in transitional periods (e.g. motherhood, FIFO relationships, bereavement, retirement and ill health)
 - f. To facilitate links between women and health-related professionals, family organisations within the community and government representatives.
 - g. To develop the Women's Powder Room which can operate on a cost-neutral basis, that is, its ongoing costs can be met or exceeded by its revenue.
 - h. To initiate and continue activities of particular relevance to women.
 - i. To provide strong social fabric for women experiencing isolation.
- (2) The property and income of the Association shall be applied solely towards the promotion of the objects of the Association and no part of that property or income may be paid or otherwise distributed, directly or indirectly, to members, except in good faith in the promotion of those objects.
- (3) The Association shall maintain a separate GIFT FUND to be used for the principal purpose of the Association and to which Gifts of money or property for that purpose are to be made and this fund does not receive other money or property.

4. Powers of Association

The powers conferred on the Association are the same as those conferred by section 13 of the Act, so that subject to the Act and any additions, exclusions or modifications inserted below, the Association-

may do all things necessary or convenient for carrying out its objects and purposes, and in particular, may -

- (a) acquire, hold, deal with, and dispose of any real or personal property;
- (b) open and operate bank accounts;
- (c) invest its money -
 - (i) in any security in which trust monies may lawfully be invested; or
 - (ii) in any other manner authorised by the rules of the Association;
- (d) borrow money upon such terms and conditions as the Association thinks fit;
- (e) give such security for the discharge of liabilities incurred by the Association as the Association thinks fit;
- (f) appoint agents to transact any business of the Association on its behalf;
- (g) enter into any other contract it considers necessary or desirable; and
- (h) may act as trustee and accept and hold real and personal property upon trust, but does not have power to do any act or thing as a

v

trustee that, if done otherwise than as a trustee, would contravene this Act or the rules of the Association.

5. Qualifications for membership of Association

(1) Membership of the Association is open to-

Persons 16 years of age and above and corporations, with an interest in promoting or supporting the objects of the Women's Powder Room.

(2) A person, or corporation, who wishes to become a member must-

(a) apply for membership to the Committee in writing-

(i) The application form must be signed by that person or an authorised representative of the corporation, and by both of the members referred to in paragraph (b); and

(ii) in such form as the Committee from time to time directs; and

(b) be proposed by one member and seconded by another member.

(3) The Committee members must consider each application made under sub-rule (2) at a Committee meeting and must at the Committee meeting or the next Committee meeting accept or reject that application.

(3) An applicant whose application for membership of the Association is rejected under sub-rule (3) must, if the applicant wishes to appeal against that decision, give notice to the Secretary of their intention to do so within a period of 14 days from the date the applicant is advised of the rejection.

(5) When notice is given under sub-rule (4), the Association in a general meeting no later than the next annual general meeting, must either confirm or set aside the decision of the Committee to reject the application, after having afforded the applicant who gave that notice a reasonable opportunity to be heard by, or to make representations in writing to, the Association in the general meeting.

(6) Life Membership may be granted to a member by resolution of the Committee. Life members have the same entitlement as members.

6. Register of Members of Association

(1) The Secretary, on behalf of the Association, must comply with section 27 of the Act by keeping and maintaining-

in an up to date condition a register of the members of the Association and their postal or residential addresses and, upon the request of a member of the Association, shall make the register available for the inspection of the member and the member may make a copy of or take an extract from the register but shall have no right to remove the register for that purpose.

(2) The register must be so kept and maintained at the Secretary's place of residence, or at such other place as the members at a general meeting decide.

(3) The Secretary must cause the name of a person who dies or who ceases to be a member under rule 8 to be deleted from the register of members referred to in sub-rule (1).

7. Subscriptions of members of Association

(1) The members may from time to time at a general meeting determine the amount of the subscription to be paid by each member.

(2) Each member must pay to the Treasurer, annually on or before 1 July or such other date as the Committee from time to time determines, the amount of the subscription determined under sub-rule (1).

(3) Subject to sub-rule (4), a member whose subscription is not paid within 3 months after the relevant date fixed by or under sub-rule (2) ceases on the expiry of that period to be a member, unless the Committee decides otherwise.

(4) A person exercises all the rights and obligations of a member for the purposes of these rules if their subscription is paid on or before the relevant date fixed by or under sub-rule (2) or within 3 months thereafter, or such other time as the Committee allows..

(5) Corporate membership does not entitle the corporation, its members or its representative, to vote at any meetings of the Women's Powder Room, or to hold office on the Committee of Management of the Women's Powder Room.

(6) Life members shall be exempt from annual subscriptions.

8. Termination of membership of the Association

Membership of the Association may be terminated upon-

(a) receipt by the Secretary or another Committee member of a notice in writing from a member, or a corporation of resignation from the Association.

Such person or corporation remains liable to pay to the Association the amount of any subscription due and payable by that person, or corporation to the Association but unpaid at the date of termination; or

(b) non-payment by a member or corporation of the subscription within three months of the date fixed by the Committee for subscriptions to be paid, unless the Committee decides otherwise in accordance with rule 7 (3);
or

(c) expulsion of a member or corporation in accordance with rule 9.

9. Suspension or expulsion of members of Association

(1) If the Committee considers that a member should be suspended or expelled from membership of the Association due to conduct that is detrimental to the interests of the Association, the Committee must communicate in writing, to the member

(a) notice of the proposed suspension or expulsion and of the time, date and place of the Committee meeting at which the question of that suspension or expulsion will be decided; and

(b) particulars of that conduct,

not less than 30 days before the date of the Committee meeting referred to in paragraph (a).

(2) At the Committee meeting referred to in a notice communicated under sub-rule (1), the Committee may, having afforded the member concerned a reasonable opportunity to be heard by, or to make representations in writing to, the Committee, suspend or expel or decline to suspend or expel that member from membership of

the Association and must, forthwith after deciding whether or not to suspend or expel that member, communicate that decision in writing to that member.

(3) Subject to sub-rule (5), a member has membership suspended or ceases to be a member 14 days after the day on which the decision to suspend or expel a member is communicated under sub-rule (2).

(4) A member suspended or expelled under sub-rule (2) who wishes to appeal against that suspension or expulsion must give notice to the Secretary of the intention to do so within the period of 14 days referred to in sub-rule (3).

(5) When notice is given under sub-rule (4)-

(a) the Association in a general meeting, must either confirm or set aside the decision of the Committee to suspend or expel the member after having afforded the member who gave that notice a reasonable opportunity to be heard by, or to make representations in writing to, the Association in the general meeting; and

(b) the member who gave that notice is not suspended or does not cease to be a member unless and until the decision of the Committee to suspend or expel is confirmed under this sub-rule.

10. Committee of Management

(1) Subject to sub-rule (9), the affairs of the Association will be managed exclusively by a Committee of Management consisting of-

- (a) a Chairperson;
- (b) a Vice-Chairperson;
- (c) a Secretary;
- (d) a Treasurer; and
- (e) not less than three other persons with duties to be determined,

all of whom must be members of the Association.

(2) Committee members must be elected to membership of the Committee at an annual general meeting or appointed under sub-rule (8).

(3) Subject to sub-rule (8), a Committee member's term will be from their election at an annual general meeting until the election referred to in sub-rule (2) at the next annual general meeting after their election, but the individual is eligible for re-election to membership of the Committee.

(4) Except for nominees under sub-rule (7), a person is not eligible for election to membership of the Committee unless a member has nominated the person for election by delivering notice in writing of that nomination, signed by-

- (a) the nominator; and
- (b) the nominee to signify their willingness to stand for election,

to the Secretary not less than 7 days before the day on which the annual general meeting concerned is to be held.

(5) A person who is eligible for election or re-election under this rule may -

- (a) propose or second themselves for election or re-election; and
- (b) vote for themselves.

(6) If the number of persons nominated in accordance with sub-rule (4) for election to membership of the Committee does not exceed the number of vacancies in that membership to be filled-

- (a) the Secretary must report accordingly to; and
- (b) the Chairperson must declare those persons to be duly elected as members of the Committee at the annual general meeting concerned.

(7) If vacancies remain on the Committee after the declaration under sub-rule (6), additional nominations of Committee members may be accepted from the floor of the annual general meeting. If such nominations from the floor do not exceed the number of vacancies the Chairperson must declare those persons to be duly elected as members of Committee. Where the number of nominations from the floor exceeds the remaining number of vacancies on the Committee, elections for those positions must be conducted.

(8) If a vacancy remains on the Committee after the application of sub-rule (7), or when a casual vacancy within the meaning of rule 14 occurs in the membership of the Committee-

- (a) the Committee may appoint a member to fill that vacancy; and
- (b) a member appointed under this sub-rule will -
 - (i) hold office until the election referred to in sub-rule (2); and
 - (ii) be eligible for election to membership of the Committee,at the next following annual general meeting.

(9) The Committee may delegate, in writing, to one or more sub-committees (consisting of such member or members of the association as the Committee thinks fit) the exercise of such functions of the Committee as are specified in the delegation other than-

- (a) the power of delegation; and
- (b) a function which is a duty imposed on the Committee by the Act or any other law.

(10) Any delegation under sub-rule (9) may be subject to such conditions and limitations as to the exercise of that function or as to time and circumstances as are specified in the written delegation and the Committee may continue to exercise any function delegated.

(11) The Committee may, in writing, revoke wholly or in part any delegation under sub-rule (9).

11. Chairperson and Vice-Chairperson

(1) Subject to this rule, the Chairperson must preside at all general meetings and Committee meetings.

(2) In the event of the absence from a general meeting of-

- (a) the Chairperson, the Vice-Chairperson; or
- (b) both the Chairperson and the Vice-Chairperson, a member elected by the other members present at the general meeting,

must preside at the general meeting.

(3) In the event of the absence from a Committee meeting of-

- (a) the Chairperson, the Vice-Chairperson; or
- (b) both the Chairperson and the Vice-Chairperson, a Committee member elected by the other Committee members present at the Committee meeting,

must preside at the Committee meeting.

12. Secretary

The Secretary must-

- (a) co-ordinate the correspondence of the Association;
- (b) keep full and correct minutes of the proceedings of the Committee and of the Association;
- (c) comply on behalf of the Association with-
 - (i) section 27 of the Act with respect to the register of members of the Association, as referred to in rule 6;
 - (ii) section 28 of the Act by keeping and maintaining in an up to date condition the rules of the Association and, upon the request of a member of the Association, must make available those rules for the inspection of the member and the member may make a copy of or take an extract from the rules but will have no right to remove the rules for that purpose; and
 - (iii) section 29 of the Act by maintaining a record of -
 - (A) the names and residential or postal addresses of the persons who hold the offices of the Association provided for by these rules, including all offices held by the persons who constitute the Committee and persons who are authorised to use the common seal of the Association under rule 22; and
 - (B) the names and residential or postal addresses of any persons who are appointed or act as trustees on behalf of the Association,and the Secretary must, upon the request of a member of the Association, make available the record for the inspection of the member and the member may make a copy of or take an extract from the record but will have no right to remove the record for that purpose;
- (d) unless the members resolve otherwise at a general meeting, have custody of all books, documents, records and registers of the Association, including those referred to in paragraph (c) but other than those required by rule 13 to be kept and maintained by, or in the custody of, the Treasurer; and

x

- (e) perform such other duties as are imposed by these rules on the Secretary.

13. Treasurer

The Treasurer must-

- (a) be responsible for the receipt of all moneys paid to or received by, or by the Treasurer on behalf of, the Association and must issue receipts for those moneys in the name of the Association;
- (b) pay all moneys referred to in paragraph (a) into such account or accounts of the Association as the Committee may from time to time direct;
- (c) make payments from the funds of the Association with the authority of a general meeting or of the Committee and in so doing ensure that all cheques are signed by themselves and at least one other authorised Committee member, or by any two others as are authorised by the Committee;
- (d) comply on behalf of the Association with sections 25 and 26 of the Act with respect to the accounting records of the Association by-
 - (i) keeping such accounting records as correctly record and explain the financial transactions and financial position of the Association;
 - (ii) keeping its accounting records in such manner as will enable true and fair accounts of the Association to be prepared from time to time;
 - (iii) keeping its accounting records in such manner as will enable true and fair accounts of the Association to be conveniently and properly audited; and
 - (iv) submitting to members at each annual general meeting of the Association accounts of the Association showing the financial position of the Association at the end of the immediately preceding financial year.
- (e) whenever directed to do so by the Chairperson, submit to the Committee a report, balance sheet or financial statement in accordance with that direction;
- (f) unless the members resolve otherwise at a general meeting, have custody of all securities, books and documents of a financial nature and accounting records of the Association, including those referred to in paragraphs (d) and (e); and
- (g) perform such other duties as are imposed by these rules on the Treasurer.

14. Casual vacancies in membership of Committee

A casual vacancy occurs in the office of a Committee member and that office becomes vacant if the Committee member-

- (a) dies;
- (b) resigns by notice in writing delivered to the Chairperson or, if the Committee member is the Chairperson, to the Vice-Chairperson and that resignation is accepted by resolution of the Committee;

- (c) is convicted of an offence under the Act;
- (d) is permanently incapacitated by mental or physical ill-health;
- (e) is absent from more than-
 - (i) 3 consecutive Committee meetings; or
 - (ii) 3 Committee meetings in the same financial year without tendering an apology to the person presiding at each of those Committee meetings;of which meetings the member received notice, and the Committee has resolved to declare the office vacant;
- (f) ceases to be a member of the Association; or
- (g) is the subject of a resolution passed by a general meeting of members terminating their appointment as a Committee member.

15. Proceedings of Committee

- (1) The Committee must meet together for the dispatch of business not less than four times in each year and the Chairperson, or at least half the members of the Committee, may at any time convene a meeting of the Committee.
- (2) Each Committee member has a deliberative vote.
- (3) A question arising at a Committee meeting must be decided by a majority of votes, but, if there is no majority, the person presiding at the Committee meeting will have a casting vote in addition to their deliberative vote.
- (4) At a Committee meeting one more than half Committee members constitute a quorum.
- (5) Subject to these rules, the procedure and order of business to be followed at a Committee meeting must be determined by the Committee members present at the Committee meeting.
- (6) As required under sections 21 and 22 of the Act, a Committee member having any direct or indirect pecuniary interest in a contract, or proposed contract, made by, or in the contemplation of, the Committee (except if that pecuniary interest exists only by virtue of the fact that the member of the Committee is a member of a class of persons for whose benefit the Association is established), must-
 - (α) as soon as they becomes aware of that interest, disclose the nature and extent of their interest to the Committee; and
 - (β) not take part in any deliberations or decision of the Committee with respect to that contract.
- (7) Sub-rule (6) (a) does not apply with respect to a pecuniary interest that exists only by virtue of the fact that the member of the Committee is an employee of the Association.
- (8) The Secretary must cause every disclosure made under sub-rule (6) (a) by a member of the Committee to be recorded in the minutes of the meeting of the Committee at which it is made.

16. General meetings

(1) The Committee-

- (a) may at any time convene a special general meeting;
- (b) must convene annual general meetings within the time limits provided for the holding of such meetings by section 23 of the Act, that is, in every calendar year within 4 months after the end of the Association's financial year or such longer period as may in a particular case be allowed by the Commissioner, except for the first annual general meeting which may be held at any time within 18 months after incorporation; and
- (c) must, within 30 days of-
 - (i) receiving a request in writing to do so from not less than ten members, convene a special general meeting for the purpose specified in that request; or
 - (ii) the Secretary receiving a notice under rule 9 (4), convene a general meeting to deal with the appeal to which that notice relates.
- (d) must, after receiving a notice under rule 5 (4), convene a general meeting, no later than the next annual general meeting, at which the appeal referred to in the notice will be dealt with. Failing that, the applicant is entitled to address the Association at that next annual general meeting in relation to the Committee's rejection of their application and the Association at that meeting must confirm or set aside the decision of the Committee.

(2) The members making a request referred to in sub-rule (1) (c) (i) must-

- (a) state in that request the purpose for which the special general meeting concerned is required; and
- (b) sign that request.

(3) If a special general meeting is not convened within the relevant period of 30 days referred to-

- (a) in sub-rule (1) (c) (i), the members who made the request concerned may themselves convene a special general meeting as if they were the Committee; or
- (b) in sub-rule (1) (c) (ii), the member who gave the notice concerned may convene a special general meeting as if they were the Committee.

(4) When a special general meeting is convened under sub-rule (3) (a) or (b) the Association must pay the reasonable expenses of convening and holding the special general meeting.

(5) Subject to sub-rule (7), the Secretary must give to all members not less than 14 days notice of a special general meeting and that notice must specify-

- (a) when and where the general meeting concerned is to be held; and
- (b) particulars of the business to be transacted at the general meeting concerned and of the order in which that business is to be transacted.

(6) Subject to sub-rule (7), the Secretary must give to all members not less than 21 days notice of an annual general meeting and that notice must specify-

- (a) when and where the annual general meeting is to be held;
- (b) the particulars and order in which business is to be transacted, as follows-
 - (i) first, the consideration of the accounts and reports of the Committee;
 - (ii) second, the election of Committee members to replace outgoing Committee members; and
 - (iii) third, any other business requiring consideration by the Association at the general meeting.

(7) A special resolution may be moved either at a special general meeting or at an annual general meeting, however the Secretary must give to all members not less than 21 days notice of the meeting at which a special resolution is to be proposed. In addition to those matters specified in sub-rule (5) or (6), as relevant, the notice must also include the resolution to be proposed and the intention to propose the resolution as a special resolution.

(8) The Secretary must give a notice under sub-rule (5), (6) or (7) by-

- (a) serving it on a member personally; or
- (b) sending it by post to a member at the address of the member appearing in the register of members kept and maintained under rule 6.
- (c) sending it by post or electronic mail

(9) When a notice is sent by post under sub-rule (8) (b), sending of the notice will be deemed to be properly effected if the notice is sufficiently addressed and posted to the member concerned by ordinary prepaid mail or electronic mail.

17. Quorum and proceedings at general meetings

(1) At a general meeting eight members present in person constitute a quorum.

(2) If within 30 minutes after the time specified for the holding of a general meeting in a notice given under rule 16 (5) or (6)-

- (a) as a result of a request or notice referred to in rule 16 (1) (c) or as a result of action taken under rule 16 (3) a quorum is not present, the general meeting lapses; or
- (b) otherwise than as a result of a request, notice or action referred to in paragraph (a), the general meeting stands adjourned to the same time on the same day in the following week and to the same venue.

(3) If within 30 minutes of the time appointed by sub-rule (2) (b) for the resumption of an adjourned general meeting a quorum is not present, the members who are present in person or by proxy may nevertheless proceed with the business of that general meeting as if a quorum were present.

(4) The Chairperson may, with the consent of a general meeting at which a quorum is present, and must, if so directed by such a general meeting, adjourn that general meeting from time to time and from place to place.

xiv

(5) There must not be transacted at an adjourned general meeting any business other than business left unfinished or on the agenda at the time when the general meeting was adjourned.

(6) When a general meeting is adjourned for a period of 30 days or more, the Secretary must give notice under rule 16 of the adjourned general meeting as if that general meeting were a fresh general meeting.

(7) At a general meeting-

(a) an ordinary resolution put to the vote will be decided by a majority of votes cast on a show of hands, subject to sub-rule (9); and

(b) a special resolution put to the vote will be decided in accordance with section 24 of the Act as defined in rule 2, and, if a poll is demanded, in accordance with sub-rules (9) and (11).

(8) A declaration by the Chairperson of a general meeting that a resolution has been passed as an ordinary resolution at the meeting will be evidence of that fact unless, during the general meeting at which the resolution is submitted, a poll is demanded in accordance with sub-rule (9).

(9) At a general meeting, a poll may be demanded by the Chairperson or by three or more members present in person or by proxy and, if so demanded, must be taken in such manner as the Chairperson directs.

(10) If a poll is demanded and taken under sub-rule (9) in respect of an ordinary resolution, a declaration by the Chairperson of the result of the poll is evidence of the matter so declared.

(11) A poll demanded under sub-rule (9) must be taken immediately on that demand being made.

18. Minutes of meetings of Association

(1) The Secretary must cause proper minutes of all proceedings of all general meetings and Committee meetings to be taken and then to be entered within 30 days after the holding of each general meeting or Committee meeting, as the case requires, in a minute book kept for that purpose.

(2) The Chairperson must ensure that the minutes taken of a general meeting or Committee meeting under sub-rule (1) are checked and signed as correct by the Chairperson of the general meeting or Committee meeting to which those minutes relate or by the Chairperson of the next succeeding general meeting or Committee meeting, as the case requires.

(3) When minutes have been entered and signed as correct under this rule, they are, until the contrary is proved, evidence that-

(a) the general meeting or Committee meeting to which they relate (in this sub-rule called "the meeting") was duly convened and held;

(b) all proceedings recorded as having taken place at the meeting did in fact take place at the meeting; and

(c) all appointments or elections purporting to have been made at the meeting have been validly made.

19. Voting rights of members of Association

(1) Subject to these rules, each member present in person or by proxy at a general meeting is entitled to a deliberative vote.

(2) A member which is a body corporate may appoint in writing a natural person, whether or not the individual is a member, to represent it at a particular general meeting or at all general meetings.

(3) An appointment made under sub-rule (2) must be made by a resolution of the board or other governing body of the body corporate concerned-

(a) which resolution is authenticated under the common seal of that body corporate; and

(b) a copy of which resolution is lodged with the Secretary.

(4) A person appointed under sub-rule (2) to represent a member which is a body corporate is deemed for all purposes, except the right to vote at meetings or to hold office in the Association, to be a member until that appointment is revoked by the body corporate or, in the case of an appointment in respect of a particular general meeting, which appointment is not so revoked, the conclusion of that general meeting.

20. Proxies of members of Association

A member (in this rule called "the appointing member") may appoint in writing another member who is a natural person to be the proxy of the appointing member and to attend, and vote on behalf of the appointing member at, any general meeting.

21. Rules of Association

(1) The Association may alter or rescind these rules, or make rules additional to these rules, in accordance with the procedure set out in sections 17, 18 and 19 of the Act, which is as follows-

- (a) Subject to sub-rule (1) (d) and (1) (e), the Association may alter its rules by special resolution but not otherwise;
- (b) Within one month of the passing of a special resolution altering its rules, or such further time as the Commissioner may in a particular case allow (on written application by the Association), the Association must lodge with the Commissioner notice of the special resolution setting out particulars of the alteration together with a certificate given by a member of the Committee certifying that the resolution was duly passed as a special resolution and that the rules of the Association as so altered conform to the requirements of this Act;
- (c) An alteration of the rules of the Association does not take effect until sub-rule (1) (b) is complied with;
- (d) An alteration of the rules of the Association having effect to change the name of the association does not take effect until sub-rules (1) (a) to (1) (c) are complied with and the approval of the Commissioner is given to the change of name;
- (e) An alteration of the rules of the Association having effect to alter the objects or purposes of the association does not take effect until sub-rules (1) (a) to (1) (c) are complied with and the approval of the Commissioner is given to the alteration of the objects or purposes.

(2) These rules bind every member and the Association to the same extent as if every member and the Association had signed and sealed these rules and agreed to be bound by all their provisions.

22. Common seal of Association

(1) The Association must have a common seal on which its corporate name appears in legible characters.

(2) The common seal of the Association must not be used without the express authority of the Committee and every use of that common seal must be recorded in the minute book referred to in rule 18.

(3) The affixing of the common seal of the Association must be witnessed by any two of the Chairperson, the Secretary and the Treasurer.

(4) The common seal of the Association must be kept in the custody of the Secretary or of such other person as the Committee from time to time decides.

23. Inspection of records, etc. of Association

A member may at any reasonable time inspect without charge the books, documents, records and securities of the Association.

24. Disputes and mediation

(1) The grievance procedure set out in this rule applies to disputes under these rules between-

- (a) a member and another member; or
- (b) a member and the Association; or
- (c) if the Association provides services to non-members, those non-members who receive services from the Association, and the Association.

(2) The parties to the dispute must meet and discuss the matter in dispute, and, if possible, resolve the dispute within 14 days after the dispute comes to the attention of all of the parties.

(3) If the parties are unable to resolve the dispute at the meeting, or if a party fails to attend that meeting, then the parties must, within 10 days, hold a meeting in the presence of a mediator.

(4) The mediator must be-

- (a) a person chosen by agreement between the parties; or
- (b) in the absence of agreement-
 - (i) in the case of a dispute between a member and another member, a person appointed by the Committee of the Association;
 - (ii) in the case of a dispute between a member or relevant non-member (as defined by sub-rule (1) (c)) and the Association, a person who is a mediator appointed to, or employed with, a not for profit organisation.

- (5) A member of the Association can be a mediator.
- (6) The mediator cannot be a member who is a party to the dispute.
- (7) The parties to the dispute must, in good faith, attempt to settle the dispute by mediation.
- (8) The mediator, in conducting the mediation, must-
 - (a) give the parties to the mediation process every opportunity to be heard;
 - (b) allow due consideration by all parties of any written statement submitted by any party; and
 - (c) ensure that natural justice is accorded to the parties to the dispute throughout the mediation process.
- (9) The mediator must not determine the dispute.
- (10) The mediation must be confidential and without prejudice.
- (11) If the mediation process does not result in the dispute being resolved, the parties may seek to resolve the dispute in accordance with the Act or otherwise at law.

25. Distribution of surplus property on winding up of Association

- (1) If on the winding up of the Association, any property of the Association remains after satisfaction of the debts and liabilities of the Association and the costs, charges and expenses of that winding up, that property shall not be paid or distributed among members of the Association, but shall be distributed to an incorporated association or charitable purposes with similar objects to the Women's Powder Room Inc. and which is a registered or exempted charity which has been endorsed by the Commissioner of Taxation as a deductible Gift Recipient under Division 30 of the Income Assessment Act 1997.
- (2) In the event of the winding up or the dissolution of the Association, the Commissioner of Taxation shall be advised of the date of the dissolution within 30 days of the dissolution.

26. Winding Up Of Gift Fund

- (1) If the Gift Fund is wound up or if the endorsement of the Association as a deductible gift recipient is revoked, any surplus assets of the Gift Fund remaining after the payment of liabilities attributable to it shall be transferred to a fund, authority or institution covered by Division 30 of the Income Assessment Act 1997 and to which income tax deductible gifts can be made.

APPLICATION FOR MEMBERSHIP OF AN INCORPORATED ASSOCIATION – model rule 5

The Women's Powder Room Inc.

.....
(Insert APPLICANT'S name)

of.....
(insert APPLICANT'S residential or postal address -
required under section 27 of the Associations Incorporation Act (1987))

apply to become a member of the above Association.

If my application is accepted, I agree to be bound by the rules of the Association.

Signature:..... Date:.....

Rule 5(2) "A person who wishes to become a member must be ... proposed by one **member** and seconded by another **member**."

PROPOSED:

Name:.....

Signature:.....

Date:.....

SECONDED:

Name:.....

Signature:.....

Date:.....

----- Applicants to detach and keep -----

INFORMATION for APPLICANTS

- If your application is accepted, your name and address, as provided above, **must** be recorded in a register of members and be made available to other members, upon request, under section 27 of the *Associations Incorporation Act*.
- If the obligations under the *Associations Incorporation Act* are not complied with the Association can be wound up.
- You can contact the Association at 89 Valcan Road, Orange Grove, WA 6109
- You can access or correct personal information (your name and address) by contacting the Association as indicated above.

OTHER INFORMATION

- If your application is accepted you are entitled to inspect and make a copy of the register of members under section 27 of the *Associations Incorporation Act*.
- If your application is accepted you are entitled to inspect and make a copy of the rules (constitution) of the association under section 28 of the *Associations Incorporation Act*.

If your application for membership is rejected by the Committee: You may give notice of your intention to appeal within 14 days of being advised of the rejection (rule 5(4)). The Association in a general meeting, no later than the next annual general meeting, must confirm or set aside the decision of the Committee rejecting your application, after giving you a reasonable opportunity to be heard or to make written representations to the general meeting (rule 5(5)).

APPOINTMENT OF CORPORATE MEMBER REPRESENTATIVE – model rule 19

.....
(Insert name of CORPORATE MEMBER of incorporated association)

advises that, on, it **RESOLVED** that
(Insert date of meeting)

.....
(Insert name of REPRESENTATIVE of the above corporate member)
represent it at:

*(Tick only **ONE** of the following)*

the general meeting/s on
(Insert relevant date/s)

OR
 all general meetings

of the Powder Room Inc

WITNESSED/AUTHORISED BY:
(if required under the CORPORATE MEMBER'S rules)

SIGNATURE:
NAME:
POSITION:
DATE:

SIGNATURE:
NAME:
POSITION:
DATE:
seal)

(Insert CORPORATE MEMBER'S common

The corporate member acknowledges that according to rule 19(4) of the Association a person appointed to represent a member which is a body corporate is deemed for all purposes, except to vote at meetings or to hold office in the Association to be a member until that appointment is revoked by the body corporate or, in the case of an appointment in respect of a particular general meeting, which appointment is not so revoked, the conclusion of that general meeting.

XX

APPOINTMENT OF PROXY

Model rule 20

I,

.....
(Insert MEMBER'S name)

of

.....
(Insert MEMBER'S address)

being a member of the Women's Powder Room Inc.

APPOINT

.....
(Insert PROXY'S name)

who also is a member of the Association, as my proxy.

My proxy is authorised to vote on my behalf: (Tick only **ONE** of the following)

at the general meeting/s (and any adjournments of the meeting/s) on

.....
(Insert relevant date/s)

OR

in relation to the following resolutions and/or nominations

In favour:

.....

.....

.....
(Insert resolution Nos, brief description or nominees' name/s)

Against:

.....

.....

.....
(Insert resolution Nos, brief description or nominees' name/s)

Signature:.....

(of Member appointing Proxy)

Date:.....

NOTICE OF GENERAL MEETING TO ALTER THE RULES (CONSTITUTION) – model rule 21

The Power Room Inc is convening a general meeting at which the following resolution/s will be proposed as special resolutions to alter the rules of the association.

The meeting will be held at _____ a.m./p.m. on _____
the _____ 200____.

The meeting will take place at _____

SPECIAL RESOLUTION/S:

Currently rule.....states:

.....
.....
.....
.....

It is proposed to alter this rule so that it states as follows:

.....
.....

Currently rule.....states:

.....
.....
.....
.....

It is proposed to alter this rule so that it states as follows:

.....
.....

OR

A list of alterations to the rules which will be proposed as special resolutions at the meeting is attached.

INFORMATION for MEMBERS

- Rule 20 allows for proxy votes. A proxy form is enclosed for you to nominate another member to vote on your behalf if you cannot attend the meeting.
- Alterations to the rules can only be made if supported by 75% of members voting at the meeting or by proxy.
- Alterations to the rules only take effect when lodged with the Department of Consumer & Employment Protection.

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

10.3.4. Application for Leave – Chief Executive Officer

Previous Items	N/A
Responsible Officer	Chief Executive Officer
Service Area	Office of the Chief Executive Officer
File Reference	OR-CMA-025
Applicant	N/A
Owner	N/A

PURPOSE

1. To seek the approval of Council for leave arrangements for the Chief Executive Officer and to approve cover arrangements.

BACKGROUND

2. Nil.

DETAILS

3. The Chief Executive Officer, Rhonda Hardy, wishes to be absent from the position on annual leave from
 - Friday 28 March 2014 to Monday 31 March 2014 inclusive, and
 - Monday 28 April 2014 to Friday 2 May 2014 inclusive.

STATUTORY AND LEGAL IMPLICATIONS

4. Section 5.36 of the *Local Government Act 1995* provides that the Council is responsible for all appointments to the position of Chief Executive Officer.

POLICY IMPLICATIONS

5. Shire leave policy requires that all employees apply for leave and have this leave approved.

PUBLIC CONSULTATION/COMMUNICATION

6. Public consultation is not required with respect to this matter.

FINANCIAL CONSIDERATIONS

7. There are no financial implications arising from this proposal, as annual leave is paid from the annual leave provision account.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

8. *Kalamunda Advancing: Strategic Community Plan to 2023*
OBJECTIVE 6.10 To build a high performing and motivated workforce.

SUSTAINABILITY

Social Implications

9. Nil.

Economic Implications

10. Nil.

Environmental Implications

11. Nil.

RISK MANAGEMENT CONSIDERATIONS

12.

Risk	Likelihood	Consequence	Rating	Action/Strategy
Council does not accept the Chief Executive Officer's application for annual leave.	Unlikely	Major	Medium	Alternative arrangements would need to be considered to enable the Chief Executive Officer to have some leave.

OFFICER COMMENT

13. As the proposed period of annual leave to be taken from Friday 28 March 2014 to Monday 31 March 2014 is of short duration it is not proposed to appoint an Acting Chief Executive Officer.
14. The Director Corporate Services, Gary Ticehurst, will be appointed as the designated Director to act on behalf of the Chief Executive Officer to sign documents and for operational day to day decisions.
15. This designation involves the provision of sufficient authorisation and powers to ensure continuation of the Shire's administration and that all statutory and legal requirements can be met.

16. The appointment of an Acting Chief Executive Officer during extended absences of the Chief Executive Officer is required to ensure continuation of the effective management of the Shire's administration and that all statutory and legal requirements can be met.
17. For the period of annual leave to be taken from Monday 28 April 2014 to Friday 2 May 2014 inclusive it is proposed the Director Development Services, Warwick Carter, be appointed to act in the role of Chief Executive Officer.

Voting Requirements: Simple Majority

RESOLVED OCM 34/2014

That Council:

1. Approves Chief Executive Officer, Rhonda Hardy, to have annual leave for the periods:
 - Friday 28 March 2014 to Monday 31 March 2014 inclusive, and
 - Monday 28 April 2014 to Friday 2 May 2014 inclusive.
2. Notes that the Director Corporate Services will be appointed pursuant to section 5.44 of the *Local Government Act 1995* as the designated Director to act on behalf of the Chief Executive Officer during the period Friday 28 March 2014 to Monday 31 March 2014 inclusive.
3. Pursuant to section 5.36 of the *Local Government Act 1995* appoints the Director Development Services, Mr Warwick Carter, as Acting Chief Executive Officer for the period Monday 28 April 2014 to Friday 2 May 2014.

Moved: **Cr Justin Whitten**

Seconded: **Cr Noreen Townsend**

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

11.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

11.1 Nil.

12.0 QUESTIONS BY MEMBERS WITHOUT NOTICE

12.1 Cr Geoff Stallard – Enterprise Bargaining

Q. Please could a report be brought to Council, to investigate externalising the enterprise bargaining process as I believe this would take away any conflict of interest?

A. This question was taken on notice by the Chief Executive Officer.

12.2 Cr Dylan O'Connor – Skip Bin

Q. Could the Chief Executive Officer please pass on my gratitude regarding the quick response regarding a skip bin?

A. The Chief Executive Officer would be happy to pass this on to officers.

13.0 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

13.1 Nil.

14.0 URGENT BUSINESS APPROVED BY THE PRESIDING MEMBER OR BY DECISION

14.1 *The Presiding Person had approved the inclusion of a late report regarding the Metropolitan Local Reform. This report had been circulated to Councillors prior to the commencement of the meeting.*

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

14.1. Metropolitan Local Government Reform Update – Shire of Kalamunda and City of Belmont

Previous Items	OCM 154/2013 (23 September 2013) OCM 116/2013 (26 August 2013) OCM 31/2013 (25 March 2013) OCM 214/2011 (19 December 2011)
Responsible Officer	Chief Executive Officer
Service Area	Chief Executive's Office
File Reference	
Applicant	N/A
Owner	N/A
Attachment 1	Draft Memorandum of Understanding

PURPOSE

1. For Council to be provided with an update on the status of Metropolitan Local Government Reform with specific regard to the proposed merger between the Shire of Kalamunda and the City of Belmont.

2. For Council to consider and endorse a draft Memorandum of Understanding (MOU) to be put to the City of Belmont to guide future negotiations through the Local Implementation Committee (LIC).

BACKGROUND

3. The State Government in June 2011 announced plans for widespread changes to local government arrangements in metropolitan Perth. The plans, which include reducing the number of local governments from 1 July 2015, are aimed at building a stronger, more effective and financially secure local government sector.
4. The State Government commenced a comprehensive review of Perth metropolitan local government in June 2011 with the appointment of a Review Panel chaired by Emeritus Professor Alan Robson. The Panel's purpose was to recommend appropriate boundaries and governance models for local governments in the Perth metropolitan area.
5. The Panel released its Report and a series of draft recommendations in April 2012 and final recommendations in October 2012. The Report recommended that 12 new local governments be formed across the Perth metropolitan area. The recommendation in relation to Kalamunda was that it should be amalgamated with the City of Swan and the Shire of Mundaring.
6. The Shire consulted its community about the recommendation that Kalamunda be amalgamated with Swan and Mundaring through a community poll. The result from the community poll was overwhelming opposition from the community. Of the 43% percent of electors who chose to vote, 88% voted against the proposed merger with Swan and Mundaring.
7. The Shire made submissions on both the draft and final recommendations made in the Robson Report opposing the proposed merger between Swan and Mundaring in March 2013. The Shire's opposition was based on community sentiment and financial modelling that showed Kalamunda would not be financially better off in a merger with these two Local Governments because it had significantly lower rates than that of Mundaring and Swan.
8. On 30 July 2013 the Minister for Local Government announced the Government's response to the Review Panel's report and proposed a completely different model for 14 local governments in the Perth metropolitan area and announced the changes would be implemented with effect from 1 July 2015.
 - The State's blueprint showed that Kalamunda would now be amalgamated with Belmont. This was now a new position for the Shire to consider.
 - The Shire's financial modelling indicated a merger with Belmont would not be financially detrimental and this was a major point in Council's position to support the proposition.
9. The Minister's blueprint as at July 2013 proposing 14 new local governments to be created through the use of the Section 2.1 of the *Local Government Act 1995* (the Act) were announced as being achieved through

amalgamations with the affected local governments' working together collaboratively to effect the changes required.

10. The Minister also advised that an Amendment Bill was being prepared to go to State Parliament that would remove the Poll Provisions from the Act to ensure no local government could stop an amalgamation by way of a community poll.
11. The Minister also announced that the affected local governments for each proposal should make a joint submission to the LGAB. If the affected local governments are not in agreement, then individual submissions are to be made.
12. In August 2013 the City of Belmont indicated it is not prepared to make a joint submission with the Shire of Kalamunda unless agreement could be reached on its requirements with respect to agreeing there would be equal numbers of councillor representation for the new entity for a period of 8 years. This would result in 6 councillors from the former Belmont representing the 21,386 electors currently in Belmont and 6 Councillors from the former Kalamunda Shire representing 37,936 electors currently in the Shire of Kalamunda.
13. The Shire advised the City of Belmont that such a representation model would seem counter to the principles set out by the State Government reforms to the *Electoral Act 1907* in 2005. The principles of equal suffrage and would be inconsistent with the provisions of Schedule 2.2 of the *Local Government Act 1995*. Moreover, it is contrary to the consistent approach of the Local Government Advisory Board of favouring balanced elector representation across a local government entity.
14. In light of the inability to agree on the issue of representation the Shire decided to make a conforming individual submission and was resolute in its view that a 'one vote equal value" system of representation should prevail from the inception of the new entity and all positions both Council and senior administration should be appointed through a merit based approach.
15. Council considered further the position of not acceding to the State Government's blueprint, however, the Minister in July 2013 had indicated that it reserves the right to dismiss the elected Council and install a Commissioner to progress the changes. Whilst an obvious threat to ensure the proposed changes are implemented, it is considered that the possible appointment of a Commissioner to the Shire would result in the Council losing its opportunity to continue to be involved in the creation of the new entity and therefore continuing with a position on no amalgamation with any other local government was not going to be in the best interests of the ratepayers and the good governance of the Shire.
16. Council at its meeting in August 2013 (OCM 116/2013) resolved in response to the Minister's announcement as follows:-
 1. *Receive the Metropolitan Local Government Reform report.*
 2. *Provide in principle support to the Minister for Local Government's Metropolitan Reform proposal released on 30 July 2013 for a merger*

and modification of the Shire of Kalamunda, City of Belmont and portion of the City of Swan.

3. *Notifies the City of Belmont of its preference for a joint proposal to be made to the Local Government Advisory Board regarding the merger proposal as presented by the State government with some minor boundary adjustments yet to be determined.*
4. *Establishes a Local Implementation Committee ("LIC") comprising the following Shire of Kalamunda representatives to progress the joint submission on the merger proposal:*
 - a. *The Shire President.*
 - b. *Chief Executive Officer.*
 - c. *Cr John Giardina.*
 - d. *Cr Noreen Townsend as a deputy representative for the LIC as required.*
5. *Notifies the City of Gosnells, City of Swan and Shire of Mundaring that the Shire is prepared to consider any minor boundary adjustments that may be beneficial to either or both of the new local government entities.*
6. *Requests the development of a Communications Plan to support the amalgamation processes.*

17. In line with Council's resolution of the 26 August 2013, the next stage of the reform process involved lodging the Shire's proposal for an amalgamation with Belmont to the Local Government Advisory Board (LGAB) by 4 October 2013. The LGAB would then be responsible for making the final recommendation to the Minister to give effect to the any proposal that it deems to be best for the affected local governments.

18. The Shire was advised in September 2013 a number of Council's were planning to lodge proposals with the LGAB using the provisions of the LG Act that allowed for a boundary adjustment to occur rather than an amalgamation.

Under the Local Government Act 1995, where one local government (B) is being incorporated into local government (A), local government (B) will cease on 30 June 2015. The expanded Local government (A) remains in place with its elected members continuing until the October elections. All the staff from local government (B) now work for the expanded local government (A).

Using boundary adjustment provisions gives effect to one local government being abolished and the other remaining in force and essentially taking control of the other.

19. In light of this information the Shire sought advice from the Department and Minister for Local Government as to whether the Shire should also propose a boundary adjustment approach itself in making its submission to the LGAB.

The advice in principle was to continue in line with the Government's blueprint and lodge a proposal for an amalgamation which would give rise to both Local Government's being abolished and a new entity created effective 1 July 2015.

-
20. In September 2013 the Minister revised the State's blueprint of 14 Local Governments to 15 as it was decided that the City of Fremantle should not be amalgamated and should remain in force as the second CBD in the Metropolitan area.
21. As at October 2013 the Minister's position on Kalamunda and Belmont was still to be an amalgamation with some additional land is to be added to the combined entity from the Cities of Canning and Swan.
22. Council agreed the basis of the Kalamunda Proposal to the LGAB should be an amalgamation in late September 2013 and the Shire's submission sets out the reasons for making a proposal and the effects of that proposal on the local governments involved. In order to provide this information, the following matters were detailed in the Shire's proposal:
- Community of interests.
 - Physical and topographic features.
 - Demographic trends.
 - Economic factors.
 - The history of the area.
 - Transport and communication.
 - Matters affecting the viability of local governments.
 - The effective delivery of local government services.
23. The Shire of Kalamunda's Council resolved at its meeting on 23 September 2013 (*OCM 155/2013 refers*) to submit a proposal to the Local Government Advisory Board, pursuant to clause 2 (1) of Schedule 2.1 of the LGA, that order be made by the Governor under Section 2.1 of the LGA that the Districts of the Shire of Kalamunda and City of Belmont be abolished to form a new local government with additional amendments to district boundaries involving the Cities of Swan and Canning. The Shire's proposal was lodged on 3 October 2013.
24. On 29 January 2014 Metropolitan Local Government Reform process moved in to its next phase with the LGAB inviting public submissions on the 34 proposals it has received for changes to metropolitan local government boundaries.
25. Within the 34 proposals received 3 proposals directly affect the Shire of Kalamunda as follows:-
1. The Shire of Kalamunda's proposal 15 – for an amalgamation with Belmont
 2. The Minister for Local Government's proposal 5/2013 - to abolish Kalamunda by way of a boundary adjustment and leave Belmont in control until the October 2015 elections.
 3. The City of Belmont's proposal Number 8 - to abolish Kalamunda by way of a boundary adjustment that would leave Belmont in control until the October 2015 elections.
26. The Shire was surprised by the approach the Minister had decided to take in his submission. The impact that the Minister's proposal will have on the Kalamunda community, if accepted by the LGAB, will mean that Kalamunda

will be abolished and Belmont will remain in force on 1 July 2015. This was a clear departure from the blueprint and a concern for Kalamunda's people.

27. The reaction from the Kalamunda Community to the latest developments has resulted in a resolution requesting action by members of the community. At its Annual General Meeting members of the community made the following resolution:-

AGM 3/2014 – Provision of more community information to the community and holding a community meeting with respect to local government reform.

The Shire is currently in the process of delivering a Shire wide information campaign to heighten the awareness of the community to the latest development with the reform process.

The "Call to Action" Campaign was launched and requesting residents to lodge individual submissions in support the Kalamunda proposal 15 for a fair and equitable amalgamation with Belmont to the LGAB by 13 March 2014.

DETAILS

28. In light of the developments outlined above the Shire of Kalamunda is now preparing to lodge a final submission to the LGAB providing additional commentary and information in relation to its proposal number 15. The Shire is seeking legal advice to assist in the formulation of a response to support the Kalamunda proposal and to challenge the appropriateness of the Belmont Proposal and the Minister's. Furthermore the Shire is calling upon its residents to also make public submission in support of the Shire's Proposal number 15.
Submissions must be lodged with the LGAB by 13 March 2014.
29. With regards to the relationship between Belmont and Kalamunda, at its meeting 25 November 2013 Council discussed at length the lack of progress in discussions with Belmont and moved a motion to host a joint meeting between the Shire of Kalamunda Councillors and the City of Belmont Councillors for the purpose of discussing:
1. The creation of a joint amalgamation steering group with the following Terms of Reference:
 - o Develop a framework for negotiating any potential amalgamation.
 - o Develop and implement a community awareness program.
30. The Shire of Kalamunda invited the City of Belmont Councillors to a meeting to enable communications between the two organisations could commence. The meeting occurred on 3 February 2014 and the key outcome agreed was the Belmont Council would consider putting a motion to allow officer level communications and planning to commence. The Shire is currently awaiting advice from the City of Belmont on this matter and is expecting a favourable response to be provided by the end of February 2014.
31. To date the Local Implementation Committee (LIC), which were established in July 2013 by both Councils, has not met. Furthermore no forward planning has commenced between the two organisations towards the creation of the

new entity. The Shire envisages there are significant risks for the Shire unless a genuine effort is made to commence planning processes.

32. In anticipation the communication processes between Belmont and Kalamunda officers will soon commence, the Shire has prepared and proposes a Memorandum of Understanding (MOU) be developed to further strengthen the relationships between the two local governments. This approach will also demonstrate to the government, LGAB, other stakeholders and the two organisations that there is will to work cooperatively toward the best outcomes possible for the two communities.
33. The draft MOU sets out the purpose and objectives of the agreement and the commitments by each participant in the areas of financials, human resources, communities, strategic planning and the management of assets. The commitments recognise the potential impacts on existing organisations and their people, both staff and community, and seek to minimise any disadvantage caused through the reform process.
34. A framework is also provided indicating how the LIC could be supported by setting up a structure of task specific officer level working groups who will be guided by the recently launched Reform Toolkit. Once the two Councils agree to commence working through the LIC it would be anticipated that Councillors would also be involved with the working groups and would make recommendations to the LIC.
35. The draft MOU acknowledges the reform outcomes can provide potential benefits and efficiencies through a model of shared resources and commits the participants to exploring those opportunities as we move through the process.
36. The draft MOU is an important mechanism from a transparency perspective to indicate to government, key stakeholders, and community that each partner is capable and willing to work cooperatively for the best outcomes through the process.

STATUTORY AND LEGAL CONSIDERATIONS

37. Section 2.1 and clause 2 of Schedule 2.1 of the *Local Government Act 1995*.

POLICY CONSIDERATIONS

38. Nil.

COMMUNITY ENGAGEMENT REQUIREMENTS

39. Whilst there is no requirement for community engagement with respect to the local government reform, the Shire has been requested by its electors at its recent AGM to provide information to the community. An information campaign has been developed and launched and will include:
 - Mail out to all householders
 - Local News and radio advertisements, and
 - Community meetings.

FINANCIAL CONSIDERATION

40. The process of local government reform carries significant financial imposts on local governments and as yet it is not known how much the State Government will contribute to assist in the implementation of reform.
41. Entering into the MOU carries no financial risk to the Shire. The MOU seeks to safeguard the finances of each reform partner throughout the process.
42. All costs associated with local government reform are being funded from \$100,000 State Government grant as well as the Shire's operational budgets as required.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

43. *Kalamunda Advancing: Strategic Community Plan to 2023*

OBJECTIVE 6.1 To ensure a highly effective and strategic thinking Council sets direction and works for the greater good of the community at all times.

Strategy 6.1.3 Increase advocacy efforts to influence State and Federal policy to achieve improved local outcomes.

SUSTAINABILITY

Social Implications

44. The implications for the Shire of Kalamunda community as a result of an amalgamation with the City of Belmont will have significant social impacts which will be beneficial in some instances and detrimental in others. There is no one body of research that has been undertaken to date that clearly outlines the impacts and benefit on social capital in a reform process.

Economic Implications

45. The Shire of Kalamunda and the City of Belmont forming a new entity will contain infrastructure of state significance, including the Perth Airport, the Kewdale Intermodal Freight depot and the State's bulk grain handling centre. The rapid growth and development of the mining, freight and aviation related industries will have a direct positive impact on the new local government in terms of local employment and growing the local economy. One of the key objectives of the new local government will be to support the expansion of new industrial areas to take advantage of the State industrial and transport policies and opportunities at Perth Airport and the growth of tourism throughout the hills region.

Environmental Implications

46. The Shire of Kalamunda has a significant responsibility with regard to environmental management. It will be necessary that in a merger the

environmental portfolio that currently is under the care and control of the Shire is not diluted and is given a prominent focus in the reconstruction of a new organisation. The Shire of Kalamunda encompasses a vast variety of natural features and ecosystems and is very advanced in its pro-active stance on protecting the biodiversity and natural environment.

RISK MANAGEMENT CONSIDERATIONS

Risk	Likelihood	Consequence	Rating	Action/Strategy
47. Planning for a new entity is not commenced immediately	Likely	Major	High	An MOU is agreed to provide a framework for planning and communications to commence
Impact of using boundary adjustment over Kalamunda	Likely	Major	High	Develop a risk assessment to identify all risks to ensure they are made apparent to the controlling body come July 2015
Discontinuity of Services and programs	Likely	Major	High	Encourage Belmont and Kalamunda officers to commence early work detailing service levels and program assessments.

OFFICER COMMENT

48. The local government industry as a whole recognises that the government's reform proposals place a significant strain on the resources and abilities of the industry to implement while at the same time continuing to provide effective quality services to the community. This is made even more difficult by the lack of a clear process and the uncertainty even now of the eventual model given that the LGAB can make different recommendations to the Minister.
49. The current timeline for the LGAB to undertake its enquiries and make recommendations to the Minister is June 2014. The Minister then will consider the recommendations and announce the government's decision in August 2014. The industry is then expected to be 'operational' with the new structures and a budget by 1 July 2015.
50. What is evident from these very tight timeframes is that unless affected local governments across the metropolitan area can work cooperatively together with their reform partners throughout this process (and beyond), communities are likely to suffer with a reduction in the number and quality of services. It is therefore essential that planning for the most likely outcomes is undertaken now and is also undertaken in a manner that each local government can align its effort to ensure effective use of resources and therefore the best potential outcomes for communities.

51. Recognising this, it is proposed that the Shire of Kalamunda present a draft MOU to the City of Belmont as starting point to open discussions. Whilst the draft MOU is not a legally binding agreement, it does formally acknowledge the commitment of each local authority to work together to implement the likely reform proposals.
52. The draft MOU is also an important mechanism from a transparency perspective to indicate to government, key stakeholders, and community that each partner is capable and willing to work cooperatively for the best outcomes through the process.
53. The government's reform program is getting close to becoming a reality and it is critical that potential reform partners have clear strategies in place to effectively implement the reforms.
54. The draft MOU proposed is a formal commitment toward cooperative effort and it is recommended that Council agrees to the draft MOU and requests the City of Belmont consider its content.
55. The draft MOU may make it possible for the LIC to commence operating. The LIC is the mechanism that reports progress to the Metropolitan Reform Implementation Committee (MetRIC). The MetRIC held its first meeting in February 2014 and one of the topics discussed included the formation of Local Implementation Committees and inviting representatives from the established LICs to the future MetRIC meetings. Belmont and Kalamunda will not have access to this committee whilst its LIC is not operational.

At the request of the Presiding Member the Chief Executive Officer gave an outline regarding the reason for the report. She noted that she felt it was important to document the history of what had taken place regarding Metropolitan Local Government Reform and the associated Memorandum of Understanding (MOU) serves to address a Motion put forward by Cr Andrew Waddell last year.

The Recommendation was moved and seconded. The Officer Recommendation gave a choice of wording at Point 3. The Mover selected the second option and the seconder agreed. (the following was deleted " Authorise the Shire President and the Chief Executive Officer to submit a submission to the Local Government Advisory Board taking into account the outcomes of the community campaign and other matters such as legal advice that will seek to strengthen the Shire of Kalamunda's proposal" .

Prior to the vote, Councillors requested small changes to the draft MOU, these were agreed upon by the Mover and Seconder, as follows:

Page 2. Section 1.2, Delete the words "Agreement and" (.....desire to record their ~~agreement and~~ commitment ...)

Delete the entire Section 2.1. titled "Financial"

Voting Requirements: Simple Majority

RESOLVED OCM 35/2014

That Council:

1. Notes the Status of Metropolitan Local Government Review in relation to the Shire of Kalamunda and the City of Belmont.
2. Supports the community information campaign as outlined in this report including the following initiatives;
 - Mail out to all householders
 - Local News and radio advertisements, and
 - Community meetings.
3. Considers the submission for endorsement at a Special Council meeting to be held prior to the 13 March 2013.
4. Endorses the draft Memorandum of Understanding as shown in (Attachment 1) amended as follows:
 - Page 2. Section 1.2, Delete the words "Agreement and" (.....desire to record their ~~agreement and~~ commitment ...);
 - Delete the entire Section 2.1. titled "Financial"; andrequests the City of Belmont consider its content and advises the Shire of Kalamunda accordingly.

Moved **Cr Dylan O'Connor**

Seconded **Cr Bob Emery**

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

14.2 *A Councillor gave information regarding changes to the EMRC's finances which will be influenced by the City of Stirling who are no longer sending waste through the EMRC. He noted, however, that the cut in revenue would be off-set by savings. The Councillor also reported on the ABC's coverage on the "7.30 Report" regarding the pyrolysis plant in Hazelmere and indicated that it was not a very fair or comprehensive report on the current situation there.*

15.0 MEETING CLOSED TO THE PUBLIC

15.1 Nil.

16.0 CLOSURE

16.1 There being no further business, the Presiding Member declared the meeting closed at 7.20pm

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

Signed: _____
Presiding Member

Dated this _____ day of _____ 2014