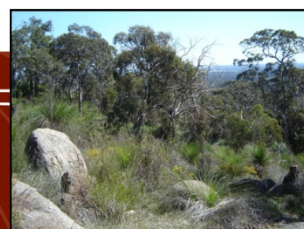


# Ordinary Council Meeting

Minutes for Monday 27 October 2014

## UNCONFIRMED



**shire of  
kalamunda**

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## MINUTES

### 1.0 OFFICIAL OPENING

- 1.1 The Presiding Member opened the meeting at 6.40pm 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
Margaret Thomas JP		North Ward
Noreen Townsend		South West Ward
Justin Whitten		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** 2

**Members of the Press** 1

#### 2.2 Apologies

##### Councillors

Simon Di Rosso	North Ward
Allan Morton	South West Ward

**2.3 Leave of Absence Previously Approved** Nil

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### **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 Tim Colegate from Walliston asked the following questions, all were taken on notice by the Presiding Member.

- Q1. Regarding the proposed integrated aged care facility on Reserve 30314 Wilkins Road, Kalamunda: in case of major bushfire in the adjacent reserve, how does the Shire intend to evacuate the elderly residents?
- Q2. Where would the elderly residents be evacuated to, and who would care for them?
- Q3. How many beds in the proposed aged care facility will be reserved exclusively for existing residents of the Shire of Kalamunda?
- Q4. I understand that the Shire needs to provide additional information for the “preliminary documentation” approach for the Federal Government EPCB assessment of Reserve 30314. What additional information has the Shire been asked to provide?
- Q5. If Reserve 30314 is developed, how does the Shire intend to enforce environmental protection of the adjacent reserves?
- Q6. Can the Shire guarantee that the adjacent reserves will not be disturbed by construction and operation of the aged care facility?
- Q7. Will all vegetation clearing and bushfire hazard reduction occur internal to the boundary of Reserve 30314, or will the adjacent reserves be affected?
- Q8. Does Reserve 30314 or the adjacent reserves contain dieback? If so, and Reserve 30314 is developed, what measures will the Shire undertake to stop the further spread of this disease?
- Q9. Given the extra bushfire risks, the environmentally sensitive nature of the area and construction challenges due to the underlying cap-rock, why does the Shire think an aged care provider will want to develop this site, given that the Hall and Prior site in High Wycombe still does not have an aged care facility built on it?

### **4.0 PETITIONS/DEPUTATIONS**

4.1 Nil.

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## **5.0 APPLICATIONS FOR LEAVE OF ABSENCE**

- 5.1 Cr Andrew Waddell submitted a request for leave of absence from 12 to 23 December 2014 inclusive. This period covers the Ordinary Council Meeting on 15 December 2014.

RESOLVED OCM 152/2014

That Council grant leave of absence to Cr Andrew Waddell for the period 12 to 23 December 2014 inclusive.

Moved: **Cr Margaret Thomas**

Seconded **Cr Justin Whitten**

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

- 5.2 Cr Noreen Townsend submitted a request for leave of absence from 4 to 23 November 2014 inclusive. This period covers the Development & Infrastructure Services Committee on 10 November 2014, Corporate & Community Services Committee Meeting and the Audit & Risk Committee on 17 November 2014.

RESOLVED OCM 153/2014

That Council grant leave of absence to Cr Noreen Townsend for the period 4 to 23 November 2014 inclusive.

Moved: **Cr Justin Whitten**

Seconded: **Cr Bob Emery**

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

## **6.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETING**

- 6.1 RESOLVED OCM 154/2014

That the Minutes of the Ordinary Council Meeting held on 22 September 2014, as published and circulated, are confirmed as a true and accurate record of the proceedings.

Moved: **Cr Andrew Waddell**

Seconded: **Cr Bob Emery**

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

## **7.0 ANNOUNCEMENTS BY THE PRESIDING MEMBER WITHOUT DISCUSSION**

- 7.1 The last Citizenship Ceremony for the year will be held on Thursday 6 November 2014, Councillors are encouraged to attend.

- 7.2 The Presiding Member requested Councillors read and encourage residents to sign a petition from Professor Martin Webb to the Members of the Legislative Council in Parliament requesting an independent review and enquiry into the metropolitan local government restructure.

A link will be forwarded to all Councillors to gain access to this petition.

## 8.0 MATTERS FOR WHICH MEETING MAY BE CLOSED

- 8.1 **D&I 56. CONFIDENTIAL ITEM Report on the Provision of Road Construction Services** Provided under separate cover.

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 **10.3.3 CONFIDENTIAL ITEM - Enterprise Agreement 1 January 2014 - 31 December 2015** Provided under separate cover

Reason for Confidentiality – *Local Government Act 1995: Section 5.23(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. (Section 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. (Section 5.70 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.

- 9.1.2 Nil.

## 10.0 REPORTS TO COUNCIL

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

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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**

*As Councillors did not wish to discuss Confidential Item D&I 56, this was not withdrawn and was adopted by Council en bloc.*

<b>Voting Requirements: Simple Majority</b>
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RESOLVED OCM 155/2014

That recommendations D&I 51 to D&I 56 inclusive, contained in the Development & Infrastructure Services Committee Report of 13 October 2014, be adopted by Council en bloc.

Moved: **Cr Geoff Stallard**

Seconded: **Cr Margaret Thomas**

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

**10.1.2 D&I 51 Official Naming of Yongar Reserve, Forrestfield**

EN BLOC RESOLUTION OCM 155/2014

That Council:

1. Advise the Geographic Names Committee that it supports naming of Reserve 37650 as "Yongar Reserve".
2. Consider through its budgetary process funds to support a park sign near Tyler Springs Estate.

**10.1.3 D&I 52 Local Planning Scheme No. 3 Amendment – Modifications to Scheme Text**

EN BLOC RESOLUTION OCM 155/2014

That Council:

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

<p>PLANNING AND DEVELOPMENT ACT 2005 RESOLUTION DECIDING TO AMEND A LOCAL PLANNING SCHEME SHIRE OF KALAMUNDA LOCAL PLANNING SCHEME NO. 3 AMENDMENT NO.</p>
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Resolved that the Council in pursuance of Part 5 of the *Planning and Development Act 2005* amend the above Local Planning Scheme by:

- a) Including the uses 'Multiple Dwellings' and 'Single Bedroom Dwellings' in Table 1 (Zoning Table), as shown in Attachment 2.
- b) Modifying Table 1 (Zoning Table) of the Scheme so that the use 'Aged and Dependent Dwellings' becomes a 'D' use under the Private Clubs and Institutions zoning.
- c) Deleting the existing provisions under Section 5.3 (Special Applications of Residential Design Codes) of the Scheme and replacing with the following:

*"5.3.1 Consideration will be given to applications for Aged or Dependent Persons' Dwellings where less than 5 in a single development are proposed."*

*"5.3.2 Consideration will not be given to applications proposing a variation to the minimum open space requirement stipulated under Tables 1 and 4 of the Residential Design Codes, unless otherwise provided for in an adopted local development plan."*

- d) Delete Section 5.4 (Special Applications for the Subdivision of Land) of the Scheme and accordingly renumber the Sections and clauses which follow, and those Sections applicable in the Table of Contents.
- e) Modifying Section 5.5 (Restrictive Covenants) of the Scheme as follows:

~~"5.5~~ **5.4** *Restrictive Covenants*

~~5.5.1~~ **5.4.1** *Subject to clause 5.4.2 5.5.1, a restrictive covenant affecting any land..."*

~~5.5.2~~ **5.4.2** *Where clause 5.4.1 5.5.1 operates to extinguish a vary a restrictive covenant..."*

- f) Modifying Section 5.18 (Keeping of Animals) of the Scheme as follows, and the Table of Contents be modified to reflect the change in heading:

~~"5.18~~ *Keeping of Animals* **Rural Pursuit**

- 5.18.1 (iii) *Local government shall not approve the keeping of animals in the Rural Conservation, Rural Landscape Interest ~~and Residential Bushland~~ zones if clearing of remnant natural vegetation is required for this purpose."*
- g) Renumbering Section 5.23 (Unkempt Land) of the Scheme from 'iv, v, vi' to 'i, ii, iii'.
- h) Modifying clause 6.1.1 (Operation of Special Control Areas) by:
- i) Deleting points (a) and (b) and replacing with the following:
- "(a) Areas shown on the Scheme Map as DA or Cell with a number and included in Schedule 11."*
- ii) Deleting point (d).
- iii) The points under this clause being re-lettered accordingly.
- i) Modifying Clause 6.2.2.1 (Development Areas – Purpose) of the Scheme as follows:
- "6.2.2.1 The local government requires a Structure Plan for a Development Area, or for any particular part or parts of a Development Area, before recommending subdivision ~~or approving development~~ of land within the Development Area."*
- j) Including the following clause under Section 6.2 (Development Areas) of the Scheme:
- "6.2.2.5 The local government may approve development in the absence of a Structure Plan where it is satisfied that such a proposal will not prejudice the orderly and proper future planning and development of the surrounding area."*
- k) Modifying Section 6.2.4 (Adoption and Approval of Structure Plans) of the Scheme as follows:
- "6.2.4.4 (a) Where the Proponent is aggrieved by a determination of the local government under clause 6.2.5.2 (a) or (b) or (c) of clause 6.2.5.3..."*

- “(c) Upon receiving a Proposed Structure Plan in accordance with clause ~~6.2.5.4~~ 6.2.4.4 (b), the Commission is to make one of the following determinations...”*
- “(e) If within 60 days of receiving a Proposed Structure Plan under clause ~~6.2.5.4~~ 6.2.4.4 (b), or such longer period as may be agreed...”*
- “6.2.4.7 The local government is to consider all submissions received and within 60 days of the latest date specified in the notice under clause ~~6.2.5.5~~ 6.2.4.5 is to either...”*
- “6.2.4.8 If within the 60 day period, or such further time as may be agreed in writing between the Proponent and the local government, the local government has not made one of the determinations referred to in clause ~~6.2.5.7~~ 6.2.5.2 , the local government is deemed to have refused...”*
- “6.2.4.9 Within 21 days of the local government making its determination under clause ~~6.2.5.7~~ 6.2.4.7 , or deemed refusal under clause ~~6.2.5.8~~ 6.2.4.8 , the local government is to forward to the Commission...”*
- “6.2.4.11 If within 60 days of receiving the information referred to in clause ~~6.2.5.9~~ 6.2.4.9 , or such further time as may be agreed in writing between the Proponent and the Commission, the Commission has not made one of the determinations referred to in clause ~~6.2.5.10~~ 6.2.4.10 , the Commission is deemed to have refused...”*
- “6.2.4.13 If the Commission requires modifications to the Proposed Structure Plan, the Commission is to consult with the local government prior to approving the Proposed Structure Plan under clause ~~6.2.5.10~~ 6.2.4.10 .”*
- “6.2.4.14 ... and, thereafter, the procedures set out in clause ~~6.2.5.5~~ 6.2.4.5 onwards are to apply.”*
- I) Modifying Section 6.2.5 (Change or Departure from Structure Plan) of the Scheme as follows:

"6.2.5.2	(b)	<i>If the Commission considers that the change or departure adopted by the local government under clause <del>6.2.6.1</del> 6.2.5.1 materially alters the intent of the Structure Plan..."</i>
"6.2.5.3		<i>Any change to or departure from a Structure Plan that is not within clause <del>6.2.6.1</del> 6.2.5.1 is to follow the procedures set out in clause 6.2.5."</i>
m)		Modifying Section 6.2.6 (Detailed Area Plans) follows:
"6.2.6		<i>Detailed Area Plans <b>Local Development Plan</b>"</i>
6.2.6.1	(a)	<i>(i) The local government or the Commission may, by notice in writing, require a person to prepare and submit to the local government a <del>detailed area plan</del> <b>local development plan</b> within the time specified in the notice.</i>
		<i><del>(ii) A person may prepare and submit to the local government a detailed area plan.</del></i>
		<i>(ii) Where it is considered desirable to enhance, elaborate or expand the details or provisions contained in a structure plan or in other circumstances for a particular lot or lots, a local development plan may be prepared by either the Council or landowner.</i>
	(b)	<i>"A <del>detailed area plan</del> <b>local development plan</b> is to relate to a particular lot or lots and may be prepared and submitted:"</i>
		<i>(ii) In place of a development approval required to comply with clause <del>2.5</del> 4.1 of the Residential Design Codes..."</i>
	(c)	<i>"The local government is to:</i>
		<i>(i) Approve with or without conditions; or</i>
		<i>(ii) Refuse to approve</i>

- the ~~detailed area plan~~ local development plan.*
- (d) *If within 60 days of receiving a ~~detailed area plan~~ local development plan under clause ~~6.2.7.1~~ 6.2.6.1 (a), or such longer period as may be agreed in writing between the person and the local government, the local government has not made one of the determinations referred to in clause ~~6.2.7.1~~ 6.2.6.1 (c), the local government is deemed to have refused to approve the ~~detailed area plan~~ local development plan.*
- (e) *The local government is to forward a copy of the ~~detailed area plan~~ local development plan to the commission within 10 days of approving the detailed area plan local development plan.*
- (f) *The local government's refusal to approve a ~~detailed area plan~~ local development plan under clause ~~6.2.7~~ 6.2.6 is not a valid reason for the local government to refuse to approve a Proposed Structure Plan under clause 6.2.5.*
- 6.2.6.2 *Unless clause ~~6.2.7.1~~ 6.2.6.1 (b)(ii) applies, once approved by the local government, the ~~detailed area plan~~ local development plan is to be used as the basis for:*
- (a) *making recommendations to the Commission on subdivision applications; and*
- (b) *determining development applications*
- with respect to the land subject to the ~~detailed area plan~~ local development plan.*
- 6.2.6.3 *A ~~detailed area plan~~ local development plan may include details as to:"*
- 6.2.6.4 *"The local government is to forward a copy of the modification or variation to the ~~detailed area plan~~ local development plan to the Commission within 10 days of approving the modification or variation."*
- n) *Modifying Section 6.2.7 (Operation of Structure Plan) of the Scheme as follows:*

*"6.2.7.1 A Structure Plan commences operation on the date it is ~~adopted~~ endorsed by the ~~local government~~ Commission pursuant to clause ~~6.2.5.15~~ 6.2.4.15 ."*

*"6.2.7.2 Subject to clause ~~6.2.8.5~~ 6.2.7.5 , if a Structure Plan imposes a classification on the land included in it..."*

*"6.2.7.3 Without limiting the generality of clause ~~6.2.8.2~~ 6.2.7.2, under a Structure Plan..."*

- o) Deleting the provisions under Section 6.3 (Kalamunda Town Centre Design Control Area) and replacing with the following:

*"In considering applications for planning approval within the Kalamunda Town Centre Design Control Area, the Council shall have regard for the Kalamunda Town Centre Planning and Urban Design Guidelines and any other planning policy adopted or amended by Council over the Kalamunda Town Centre Design Control Area pursuant to clause 2.4."*

- p) Deleting the definition for 'Ancillary Accommodation' under Schedule 1 (Land Use Definitions) of the Scheme, and replace with the following:

*"Ancillary Dwelling" has the same meaning given to the term in the Residential Design Codes."*

- q) Deleting the definition for the use 'Home Store' stipulated under Schedule 1 (Land Use Definitions) of the Scheme, and replace with the following:

*"Home Store" means a shop with a NLA not exceeding 100sqm which is attached to a dwelling and is operated by a person(s) residing in the dwelling, and sells foodstuffs or goods of a similar domestic nature intended for the day to day consumption or use by persons in the locality of the shop."*

- r) Modifying the definition for the use 'Rural Pursuit' stipulated under Schedule 1 (Land Use Definitions) of the Scheme to the following:

*"Rural Pursuit" means any land or building used for:*

- (a) *The rearing or agistment or keeping of non-domesticated animals;"*

- s) Including the following definitions under Schedule 1 (Land Use Definitions) of the Scheme:

*“Multiple Dwellings” has the same meaning given to the term in the Residential Design Codes.”*

*“Grouped Dwelling” has the same meaning given to the term in the Residential Design Codes.”*

- t) Modifying the following items under Schedule 2 (Additional Uses) of the Scheme:

- Item A16 - 30 Mundaring Weir Road, Kalamunda, change to A48.
- Item A21 – 80 Dodd Road, Bickley, change to A49.

- u) Modifying Item A38 – 268 Kalamunda Road, Maida Vale, under Schedule 2 (Additional Uses) of the Scheme to A38 - 266 Kalamunda Road, Maida Vale.

- v) Deleting the provisions under Schedule 4 (Special Uses) of the Scheme with regard to Lots 1 (10) and 40 (20) “West Sultana Road”, and Lot 20 (100) Milner Road, High Wycombe.

- w) Amending the Scheme Zoning Map so that it is consistent with items SU7 to SU18 under Schedule 4 (Special Uses) of the Scheme.

- x) Deleting reference to clause 5.6.1 under the heading “Schedule 10 – Environmental Conditions” of the Scheme, and change to clause 5.7.1.

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

#### 10.1.4 D&I 53 Seven Multiple Dwellings – Lot 18 (49) Boonooloo Road, Kalamunda

##### EN BLOC RESOLUTION OCM 155/2014

That Council:

1. Determines that the use is consistent with the objectives of the residential zone and is therefore permitted.

- 
2. Approves the application dated 6 August 2014 to build 7 multiple dwellings at Lot 18 (49) Boonooloo Road, Kalamunda, subject to the following conditions:
- a. The access way shall be suitably constructed, sealed and drained to the satisfaction of the Shire.
  - b. The crossover shall be designed and constructed to the satisfaction of the Shire.
  - c. Vehicle parking, manoeuvring and circulation areas to be suitably constructed, sealed, kerbed, line marked and drained to the satisfaction of the Shire.
  - d. The balcony screening, consisting of fixed obscure glazing, being maintained by the owner to the Shire's satisfaction.
  - e. The proposed landscaping being planted within 28 days of the proposed development's completion, and maintained thereafter by the landowner (Strata management group) to the satisfaction of the Shire.
  - f. Stormwater being contained on site to the satisfaction of the Shire.
  - g. The applicant making the necessary arrangements for a waste bin contractor to enter the property and service the receptacles from the designated bin storage enclosures.
  - h. The development shall be connected to reticulated sewer.
  - i. The external colour and material details of the proposed dwellings being provided to, and approved by the Shire prior to the building licence being issued.
  - j. A Construction Management Plan be prepared by the applicant addressing the following, but not limited to:
    - Construction Workers' Parking
    - Material's Delivery and Storage
    - Worker's Toilets

To the satisfaction of the Manager Development Services, prior to the issue of a Building Licence.



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**10.1.5 D&I 54 Proposed Lodging House – Lots 5, 87 & 1127 (75)  
Kalamunda Road, Kalamunda**

EN BLOC RESOLUTION OCM 155/2014

That Council:

1. Approves the application dated 5 May 2014 for a lodging house at Lots 5, 87 and 1127 (75) Kalamunda Road, Kalamunda, subject to the following conditions:
  - a. The provision and maintenance of a total of 27 car spaces including a minimum of one disabled bay.
  - b. Parking bays in the car park are to be made available at all times for the parking of vehicles by employees and visitors.
  - c. All car parking bays, (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.
  - d. 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.

**10.1.6 D&I 55 Fast Food Outlet - Lots 25 (516) and 26 (514) Kalamunda Road, High Wycombe**

EN BLOC RESOLUTION OCM 155/2014

That Council:

1. Approves the application dated 14 April 2014 to build a fast food outlet at Lots 25 (516) and 26 (514) Kalamunda Road, High Wycombe, subject to the following conditions:
  - a. The access ways and left slip lane shall be suitably designed, constructed, sealed and drained to the satisfaction of the Shire.
  - b. Vehicle parking, manoeuvring and circulation areas, except for the overflow area, to be suitably constructed, sealed, kerbed, line marked and drained to the satisfaction of the Shire.
  - c. The provision and maintenance of a total of 14 car spaces including a minimum of (1) disabled car bay.

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

- d. The proposed landscaping being planted within 28 days of the proposed development's completion, and maintained thereafter by the landowner to the satisfaction of the Shire.
- e. All stormwater to be managed to the satisfaction of the Shire.
- f. The development shall be connected to reticulated sewer.
- g. A geotechnical report being submitted prior to the issue of a building licence 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).
- h. The lots being amalgamated prior to the building licence being issued.

#### **10.1.7 D&I 56 CONFIDENTIAL ITEM Report on the Provision of Road Construction Services**

*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."*

##### EN BLOC RESOLUTION OCM 155/2014

That Council:

1. Approve the Chief Executive Officer to accept the quote received from Downer EDI Pty Ltd for the provision of road construction services for 2014/2015 to the value of \$584,604.80 ex GST.
2. Approve the Chief Executive Officer to accept variations of up to 10% (\$58,460.50 ex GST).

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**10.2 Corporate & Community Services Committee Report**

**10.2.1 Adoption of Corporate & Community Services Committee Report**

<b>Voting Requirements: Simple Majority</b>
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RESOLVED OCM 156/2014

That the recommendations C&C 41 to C&C 47 inclusive, contained in the Corporate & Community Services Committee Report of 20 October 2014 be adopted by Council en bloc.

Moved: **Cr Dylan O'Connor**

Seconded: **Cr Noreen Townsend**

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

**10.2.2 C&C 41 Debtors and Creditors Report for the Period Ended 30 September 2014**

EN BLOC RESOLUTION OCM 156/2014

That Council:

1. Receives the list of payments made from the Municipal Accounts in September 2014 (Attachment 1) in accordance with the requirements of the *Local Government (Financial Management) Regulations 1996 (Regulation 12)*.
2. Receives the list of payments made from the Trust Accounts in September 2014 as noted in point 11 above in accordance with the requirements of the *Local Government (Financial Management) Regulations 1996 (Regulation 12)*.
3. Receives the outstanding debtors (Attachment 2) and creditors (Attachment 3) reports for the month of September 2014.

**10.2.3 C&C 42 Rates Debtors Report for the Period Ended 30 September 2014**

EN BLOC RESOLUTION OCM 156/2014

That Council:

1. Receives the rates debtors report for the period ended 30 September 2014 (Attachment 1).

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**10.2.4 C&C 43 Self-Supporting Loans – Adoption of Policy**

EN BLOC RESOLUTION OCM 156/2014

That Council:

1. Adopts the Draft Policy Self-Supporting Loans Agreement (Attachment 1).
2. Notes the Management Procedures for this Policy together with the Self-Supporting Loan Agreement (Attachments 3 and 4).

**10.2.5 C&C 44 Kalamunda Archery Club (Inc.) of Maida Vale Reserve, Hill Road, Maida Vale – Term of Lease**

EN BLOC RESOLUTION OCM 156/2014

That Council:

1. Rejects the request for a lease term of ten years from 1 October 2014, with a further option of ten years in accordance with Policy LEA1 – Community Groups' Lease Policy -Term of Lease.
2. Advises the Kalamunda Archery Club (Inc) that the Shire of Kalamunda is willing to enter into a lease term of five years plus an option of a further five years.
3. Advises the Kalamunda Archery Club (Inc) that a request for an extended lease period of ten years plus an option for a further ten years will be considered upon Kalamunda Archery Club (Inc) providing the Shire of Kalamunda with a fully costed project plan containing a funding strategy together with project commencement dates for the proposed building improvements.

**10.2.6 C&C 45 Club Sponsorship Application – Kalamunda Cricket Club**

EN BLOC RESOLUTION OCM 156/2014

That Council:

1. Endorses the application from the Kalamunda Cricket Club for \$14,500 as part of the Club Sponsorship Program.
2. Requests the development of a Memorandum of Understanding between the Shire of Kalamunda and the Kalamunda Cricket Club to ensure long term sustainability.
3. Advises the Club, that all outstanding monies owing to the Shire of Kalamunda will be deducted from the sponsorship funding monies.

### **10.2.7 C&C 46 Draft Ray Owen Reserve Master Plan**

#### EN BLOC RESOLUTION OCM 156/2014

That Council:

1. Receives the Draft Ray Owen Master Plan (Attachment 1).
2. Advertises the Draft Ray Owen Master Plan for a period of 28 days.
3. Notes a community workshop is to be held as part of the advertising process.
4. Requests all affected groups and stakeholders be provided with a copy of the Draft Ray Owen Master Plan.

### **10.2.8 C&C 47 Application for Leave – Chief Executive Officer**

#### EN BLOC RESOLUTION OCM 156/2014

That Council:

1. Approves Chief Executive Officer, Rhonda Hardy, to have annual leave for the periods
  - Friday 7 November 2014 returning to work Monday 10 November, and
  - Wednesday 24 December 2014 to Friday 23 January 2015 inclusive.
2. Notes that the Director Development 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 7 November 2014.
3. Pursuant to section 5.36 of the *Local Government Act 1995* appoints the Director Corporate Services, Mr Gary Ticehurst, as Acting Chief Executive Officer for the period Wednesday 24 December 2014 to Friday 23 January 2015.

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## 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 30 September 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 months to 30 September 2014 incorporating the following:

- Statement of Comprehensive Income by Nature and Type
- Statement of Comprehensive Income by Program
- 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 comparison of year to date 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 2013/2014 financial position is not audited, the opening funding position in the Statement of Financial Activity statement reflects the un-audited position. The position could be affected by final year end journals or agreed audit adjustments.
4. The budget column reflected matches to the budget approved by Council at its meeting on 23 June 2014.

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## 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 months to 30 September 2014

6. This Statement reveals a net result surplus of \$30,223,397 against budget for the same period of \$29,081,071. The principal reason for the variance is that employment costs and materials and contracts are under-spent and lower than budgeted depreciation charges.

### *Revenue*

7. Total Revenue is under budget by \$149,340. This is made up as follows:
- Rates are under budget by \$73,075. The variance is a result of a delay in raising interim rates. This will be addressed in October 2014.
  - Operating Grants, Subsidies and Contributions are over budget by \$140,937. The principal reason for the significant variance is the advance payment received from the State Government for the HACC programme which accounted for \$111,602 of the variance.
  - Fees and Charges variance are under budget by \$186,639 with the areas affected being in:
    - Hall hire timing issue with the issue of invoices resulting in a variance of \$48,519.
    - Refuse collection fees under by \$127,685 primarily due to the withdrawal of services to a major customer on their request.
  - Interest earnings are under budget by \$37,034 largely due to the reduced interest income from deposits resulting from lower than expected investment rates in light of the lower Reserve Bank cash rate, the imminent introduction of Basel III capital adequacy requirements for banks and a dim economic global outlook.
  - Other Revenue is slightly over budget by \$6,471, which mainly relates to infringements based on successful prosecutions for dog attacks. Most "Other Revenues" comprise of various fines and penalties which are difficult to predict.

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*Expenditure*

8. Total expenses are under budget with a variance of \$1,374,821. The significant variances within the individual categories are as follows:
- Employment Costs are under budget by \$975,268 due to some vacant positions in various business units and back pay yet to be paid as a result of the enactment of the new Enterprise Bargaining Agreement (EBA).
  - Materials and Contracts is over budget by \$301,530 largely due to:
    - Refuse collection charges higher than budget by \$268,348. This is mainly related to timing differences. However being a critical area it will be monitored closely;
    - Equipment hire costs for IT infrastructure \$43,247, the majority of this is due to the buyout of some infrastructure equipment and a final payment of a lease through Macquarie; and
    - IT Licences and Registration costs by \$57,436 put down to timing variance due to the nature billing cycle for software companies.
  - Utilities were under budget by \$94,585. The variance is primarily due to timing differences in electricity billing although there have been some instances of in-correct billing by Synergy which has been queried back to the utility provider. These are under investigation with the provider.
  - Insurance expense is over budget by \$1,216 but within the reporting threshold.
  - Other expenditure is under budget by \$38,780, with the bulk of the variance made up of various project related activities which haven't yet commenced.
  - The interest expense is slightly under budget by \$8,835, which is the result of a timing difference between amounts accrued and the budget which is based on the debenture payment schedule.
  - Depreciation, although a non-cash cost, is tracking well under budget, reporting a variance of \$560,099. The reason for the variance can be attributed to the buildings depreciation which has significantly reduced due to the valuation exercise undertaken at the end of the 2013/14 financial year. The expense posted is preliminary and is subject to change once the 2013/14 year end audit is completed.

*Non-Operating Grants*

9. No Non-Operating Grants were due in the month.



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*Profit / (Loss) on Asset Disposals*

10. The variance of \$88,153 relates mainly to property sales. There was no movement in this area with delays on the sale of the Lewis Road property. Settlement on the property sale is scheduled for 30 October 2014.

Draft Statement of Comprehensive Income by Program for the month to 30 September 2014

11. The overall result comments are as above and generally each Program is within accepted budget except for Recreation and Culture and Community Amenities. Major variances have been reported by Nature and Type under points 8 to 10 above.

Draft Statement of Financial Activity for the month to 30 September 2014

12. The results to 30 September 2014 discloses a closing surplus of \$35,554,360 made up of:
- Overall income, excluding rates, is under budget by \$164,418 which is as reported above mainly emanating from refuse collection fees.
  - Expenditure is \$1,379,819 under budget forecast with the main variance in Employment Costs and Depreciation. These have been commented on in Point 8 of this report.
  - Infrastructure projects made up of roads, drainage, footpaths, car parks and parks and ovals has incurred \$380,403 against the budget of \$2,820,234. This variance is due to a timing difference as several projects start on ground works. Significant work in the areas of design have been done.
  - \$418,329 unspent on land and building renewal budget. This is due to the same as the point above.
  - Rates generation is under budget and the variance of \$73,075 relates to lower volume of interim rates processed as explained previously in Point 7 above.
13. The closing current position of \$35,554,360 is above year to date budget of \$30,857,989. This is due to reduced spend on staff costs, capital works and project based activities reflected in the report above.

Draft Investments Schedule as at 30 September 2014

14. A total of \$26.96 million is in municipal and reserve term deposits or online savings accounts which is comparable to previous month's balance of \$28.92 million. The slight decrease in the cash holdings is attributed to the finalisation of the first rates instalment date on 14 September 2014. Inflows on capital grants will shortly be coming through to supplement the operation working capital requirements for October 2014.

15. The above is made of:

<b>Municipal Funds</b>	<b>Reserve Funds</b>	<b>Trust Monies</b>
\$21,393,696	\$2,626,604	\$14,322,170 (includes amounts for Public Open Space of \$2,265,113)

16. 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 an increasing probability of further rate cuts expected as business confidence and retail spend continues to lag and unemployment creeps upwards.
17. All deposits complied with the Investment Policy requirements and are no longer than 120 days.

Draft Statement of Financial Position as at 30 September 2014

18. The commentary on the Financial Position is based on comparison of the draft September 2014 year to date actuals with September 2013 year to date actuals.
19. Net Current Assets (Current Assets less Current Liabilities) show a positive result of \$37.1 million. The un-restricted cash position has a positive balance of \$24.4 million which is comparable to the previous year's balance of \$25.1 million.
20. Trade and other receivables comprise of rates and sundry debtors totalling \$14.89 million outstanding.  
  
The rates balance has reduced by \$1.12 million to \$14.01 million in the month due to the first instalment date being 14 September 2014. This represents a collection rate of 54.21% to date.
21. Sundry debtors have reduced to \$635,185 outstanding. Of the outstanding \$464,590 million relates to developer contributions for the Forrestfield/High Wycombe Industrial Area. The other main overdue sundry debtors are:
- Discovery Parks \$81,920, reminder notice has been sent out. Amount relates to waste charges for 2013/14.
22. Fixed Assets additions are above last year's actuals to date by \$10.29 million in the asset category of infrastructure projects. Strategies are being put in place to improve the delivery of infrastructure projects.  
  
The Property, Plant and Equipment balance has not yet been adjusted for the Land and Buildings valuation which is currently in its final stages. However, the depreciation charge on building assets has been reduced in line with the draft valuation results.

- 
23. Provisions for annual and long service leave have stabilised as per last month to \$2.3 million. It is expected this will reduce further in the coming months as the Shire aggressively pursues a leave management plan, this will not adversely affect service delivery. The long term goal is to bring this liability down to a more manageable level.
24. Long term borrowings are at \$6.8million. The Shire has no plans to extend its loan portfolio in 2014/2015.

### **STATUTORY AND LEGAL CONSIDERATIONS**

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

### **POLICY CONSIDERATIONS**

26. Nil.

### **COMMUNITY ENGAGEMENT REQUIREMENTS**

27. Nil.

### **FINANCIAL CONSIDERATIONS**

28. Nil.

### **STRATEGIC COMMUNITY PLAN**

#### **Strategic Planning Alignment**

29. *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**

30. Nil.

#### **Economic Implications**

31. Nil.

#### **Environmental Implications**

32. Nil.

## RISK MANAGEMENT CONSIDERATIONS

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

### OFFICER COMMENT

34. The Shire's draft financial statements as at 30 September 2014 demonstrate the Shire has managed its budget and financial resources effectively.

<b>Voting Requirements: Simple Majority</b>
---

### RESOLVED OCM 157/2014

That Council:

1. Receives the draft monthly financial statements for the month to 30 September 2014, which comprises:
  - Statement of Comprehensive Income by Nature and Type.
  - Statement of Comprehensive Income by Program.
  - 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 Margaret Thomas**

Seconded: **Cr Dylan O'Connor**

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

## [Attachment 1](#)

Draft Statements of Financial Activity for the months to 30 September 2014 incorporating the following:

- Statement of Comprehensive Income by Nature and Type
- Statement of Comprehensive Income by Program
- 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](#)

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

**10.3.2 WA Local Government Association – Amendments to the Poll Provisions of the Local Government Act 1995**

Previous Items	N/A
Responsible Officer	Chief Executive Officer
Service Area	Governance
File Reference	N/A
Applicant	N/A
Owner	N/A
Attachment 1	WA Local Government Association (WALGA) Request for feedback

**PURPOSE**

1. To consider and endorse the proposed submission to the WA Local Government Association (WALGA) on triggers which would allow the community to seek a poll under a boundary amendment proposal.

**BACKGROUND**

2. Correspondence has been received from WALGA seeking the input of member local governments on resolutions from the Annual General Meeting (AGM) relative to the poll provisions of the *Local Government Act 1995* (the Act), otherwise known as the "Dadour" provisions.
3. The intent of the WALGA AGM resolutions was due to the ongoing concern that the State Government is seeking to circumvent the ability of communities to initiate a poll of electors where proposals made to the Local Government Advisory Board (LGAB) result in the abolition of, or "significant" boundary adjustment to, a local government district.

**DETAILS**

4. WALGA State Council has subsequently resolved, at its 3 September 2014 meeting, to seek member's input to a number of options which could be used to ensure the mechanisms currently being utilised to "exploit" the perceived intent of the Dadour provisions of the Act are drafted in such a way that will entrench the capacity of local government communities to access the poll provisions of the Act, where any "significant" boundary adjustments are contemplated by any proposal.
5. The current local government "reform" process has raised the concerns of local governments and their communities whereby the state government is being perceived as "manipulating" the provisions of the Act to enable "boundary adjustments" to achieve its reform agenda, thereby avoiding the capacity of some communities to demand a poll of electors where a district is either abolished, or "significantly affected".
6. The belief that the "Dadour" provisions would apply to any local government as a "last line of defence" for communities to access as a means of testing elector sentiment in the current reform environment has led to the call for these poll provisions to be not only clarified in their current form, but also extended to ensure that communities cannot be omitted from the process in future.

7. Given the overwhelming support for these provisions to be enhanced in the legislation, WALGA has proposed a series of options for individual Councils to consider supporting, in an attempt to ensure the retention and clarity of the poll provisions are recognised.
8. The options, as shown in the attachment, are that any community should have the right to demand a poll of electors in the following circumstances:
1. Under **any** boundary change proposal
- OR**
2. With a significant variation in population, rateable properties or revenue by:
    - a. 10%
    - b. 25%
    - c. 50%
9. While there are practical restrictions in each of these options, it is considered that the options proposed by WALGA are simplistic and do not take into consideration the impacts on local governments of different size and profile.
10. It is considered that access to the poll provisions should be underpinned by the values of democracy, fairness and equity and therefore the Shire of Kalamunda proposes that any of the following options would trigger the poll provisions:-

	<b>Trigger Point</b>
<b>Operating Revenue</b>	
<\$30 million	>10%
\$30-\$60 Million	>15%
\$60-\$100 Million	>20%
>\$100 Million	>25%
<b>Rate Base</b>	>20% of Residential Properties
<b>or</b>	>15% of Commercial/Industrial Properties
<b>or</b>	>12.5% Resd and & >7.5% C/I
<b>Land Area</b>	>20% of Rateable area
<b>Population</b>	
<50,000	>12.5%
>50,000	>20%

## STATUTORY AND LEGAL CONSIDERATIONS

11. Schedule 2.1 Clause 8 of the *Local Government Act 1995* (the Act).

## POLICY CONSIDERATIONS

12. Nil.

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## COMMUNITY ENGAGEMENT REQUIREMENTS

13. None at this stage.

## FINANCIAL CONSIDERATIONS

14. This item has no financial considerations at present.

## STRATEGIC COMMUNITY PLAN

### Strategic Planning Alignment

15. *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

16. None at this stage.

### Economic Implications

17. Nil.

### Environmental Implications

18. Nil.

## RISK MANAGEMENT CONSIDERATIONS

- 19.
- | Risk  | Likelihood | Consequence | Rating | Action/Strategy  |
|---|------------|-------------|--------|--|
| That Council does not accept the invitation to provide feedback to WALGA on access to the poll provisions | Unlikely   | Major       | Medium | Advise Council that the provision of feedback is necessary to ensure it is input into the development of amendments to the poll provisions of the Act. |

## OFFICER COMMENT

20. It is clear that there is a high level of concern within the local government sector that the attempt by the state government to manipulate outcomes by



circumventing the “intention” of the “Dadour” provisions in the current metropolitan local government reform process represents a fundamental breach of faith to those affected communities who would be denied the right to call for a poll under the current statute.

21. The options proposed are designed to ensure fair and equitable access by the community to the poll provisions.

*At the Presiding Member's request the Chief Executive Officer gave an explanation as to why this report was presented to Council. At the recent WALGA conference a motion was put from the floor requesting that WALGA review its position on the Dadour Provisions within the Local Government Act 1995 and individual local governments have also been asked for feedback.*

<b>Voting Requirements: Simple Majority</b>
---

RESOLVED OCM 158/2014

That Council:

1. Endorses the poll provisions of the *Local Government Act 1995* being amended to provide that any of the following options would provide for the calling of a poll by the community of a local government district in the event of a boundary adjustment to that district being recommended by the Local Government Advisory Board:-

	<b>Trigger Point</b>
<b>Operating Revenue</b>	
<\$30 million	>10%
\$30-\$60 Million	>15%
\$60-\$100 Million	>20%
>\$100 Million	>25%
<b>Rate Base</b>	>20% of Residential Properties
<b>or</b>	>15% of Commercial/Industrial Properties
<b>or</b>	>12.5% Resd and & >7.5% C/I
<b>Land Area</b>	>20% of Rateable area
<b>Population</b>	
<50,000	>12.5%
>50,000	>20%

2. Requests the Chief Executive Officer advise the WA Local Government Association of the decision.

Moved: **Cr Noreen Townsend**

Seconded: **Cr Andrew Waddell**

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

## Attachment 1

# INFOPAGE



**To:** Chief Executive Officers      **From:** Tony Brown  
Executive Manager  
Governance & Strategy

**Organisation:** All Local Governments      **Date:** 25 September 2014

**Reference:** 05-034-01-0018      **Priority:** High

**Subject:** WALGA's Poll Provisions Advocacy Position

### IN BRIEF:

Operational Area:	<b>Governance</b>
Key Issues:	<ul style="list-style-type: none"><li>• Feedback is sought by <b>31 October</b> from all Local Governments to refine WALGA's advocacy position relating to the poll provisions contained in Schedule 2.1 of the <i>Local Government Act 1995</i>;</li><li>• Options are provided: that all boundary change proposals could be eligible for a poll or, that a percentage variation – 10, 25 or 50 percent – in population, rateable properties, or revenue could define 'significantly affected' that would enable the community to request a poll. General feedback or alternative suggestions are also welcome.</li></ul>
Action Required:	Provide a response to <a href="mailto:lane@walga.asn.au">lane@walga.asn.au</a> by Friday, <b>31 October</b> .

### Background

Input is sought to define WALGA's position regarding advocacy for amendments to the poll provisions contained in Schedule 2.1 of the *Local Government Act 1995* to enable electors of a Local Government that will be abolished or significantly affected by a boundary change proposal to demand a poll.

At the **2 July** State Council meeting, State Council resolved to adopt, and advocate for, a policy position that the poll provisions should be amended so that electors of a Local Government where one or more Local Governments will be abolished or significantly affected by a boundary change proposal are able to demand a poll on the proposal, with 'significantly affected' being specifically defined as causing a fifty percent variation in:

- i. Population; or,
- ii. Rateable properties; or,
- iii. Revenue.

At WALGA's Annual General Meeting, held on **6 August**, the meeting resolved:

*That this Annual General Meeting, recognising the current approach by the State Government to the manipulation of the principles of the 'Dadour' poll provisions:*

- a) *endorse WALGA's position of providing community access to the poll provisions where 1 or more districts are to be abolished rather than the 2 or more districts as currently provided for in the Local Government Act 1995;*
- b) *endorse WALGA's proposed extension of the poll provisions to significant boundary adjustments subject to any associated criteria and any percentages being agreed to by a majority of all local governments in Western Australia, and*
- c) *reaffirm as policy, that WALGA is opposed to the removal or dilution of the 'Dadour' poll provisions including the temporary dilution or removal of those provisions.*

State Council, at their **3 September** meeting, endorsed parts (a) and (c) of the AGM resolution above and resolved the following in relation to part (b):

ONE70  
LV1, 170 Railway Parade, West Leederville, WA 6007  
PO Box 1544, West Perth, WA 6872  
T: (08) 9213 2000 F: (08) 9213 2077 [info@walga.asn.au](mailto:info@walga.asn.au)  
[www.walga.asn.au](http://www.walga.asn.au)

## INFOPAGE

*4.7B Part (b) – endorse WALGA's proposed extension of the poll provisions to include significant boundary adjustments subject to further research and sector consultation being carried out on any associated criteria and for a report to be presented through the next Zone/State Council Meetings.*



This InfoPage represents sector consultation on the definition and criteria associated with a Local Government being significantly affected by a boundary change proposal. Local Governments are invited to provide feedback prior to Friday **31 October** to inform an agenda item to be prepared for the **3 December** State Council meeting.

### Comment

Defining the criteria for whether a boundary change significantly affects a Local Government is difficult and there are divergent views in the Local Government sector.

There is a general view that a minor boundary change, perhaps to fix an anomaly, should not be the subject of a potential poll of electors. There is also a general view that, where one or more Local Governments will be abolished or a Local Government's viability could be affected by a boundary change proposal, electors should have the right to demand a poll.

Criteria defining whether a Local Government would be 'significantly affected' could be defined in the Local Government Act. This was State Council's original approach where it was resolved that a 50 percent variation in population, or rateable properties or revenue would be the trigger for the community to have the option to call a poll. In addressing this matter it needs to be determined whether these are the appropriate criteria or whether there should be an alternative method to determine whether a Local Government would be 'significantly affected' by a boundary change proposal.

Options to address this issue are presented:

1. All boundary change proposals could be the subject of a poll. While there is a general view that minor boundary changes should not be subject to a poll of the community, it could be argued that a minor boundary change that only affects a small number of properties would be unlikely to attract enough interest from the community for a poll to be called or to ultimately be successful in overturning the proposal. This would remove the need for criteria to be established to define 'significantly affected'.
2. Criteria defining whether a Local Government would be 'significantly affected' could be defined in the Local Government Act. It is suggested that a percentage variation in population, or rateable properties, or revenue could be defined as the appropriate criteria to trigger the community's right to call a poll. Three percentages are presented as options to define these criteria in the Local Government Act:
  - a. 10 percent.
  - b. 25 percent
  - c. 50 percent

A Faxback is attached to facilitate feedback on the options presented above as well as general feedback to refine WALGA's advocacy position, including alternative criteria to define when a Local Government would be 'significantly affected' by a poll.

Feedback will guide a State Council agenda item to be considered by Zones in late November and then State Council at their **3 December** meeting.

*Please submit feedback to Manager Strategy and Reform, Tim Lane, on [tlane@walga.asn.au](mailto:tlane@walga.asn.au) by Friday **31 October** 2014.*

ONE70  
LV1, 170 Railway Parade, West Leederville, WA 6007  
PO Box 1544, West Perth, WA 6872  
T: (08) 9213 2000 F: (08) 9213 2077 [info@walga.asn.au](mailto:info@walga.asn.au)  
[www.walga.asn.au](http://www.walga.asn.au)

# FAX BACK



**To:** Chief Executive Officers      **From:** Tony Brown  
**Organisation:** All Local Governments      **Executive Manager**  
**Reference:** 05-034-01-0018      **Governance & Strategy**  
**Priority:** High  
**Subject:** WALGA's Poll Provisions Advocacy Position

**FAX BACK TO WALGA ON 9213 2077 or email [tlane@walga.asn.au](mailto:tlane@walga.asn.au)**

**IN BRIEF:**

Operational Area:	<b>Governance</b>
Key Issues:	<ul style="list-style-type: none"> <li>• Feedback is sought by <b>31 October</b> from all Local Governments to refine WALGA's advocacy position relating to the poll provisions contained in Schedule 2.1 of the <i>Local Government Act 1995</i>;</li> <li>• Options are provided: that all boundary change proposals could be eligible for a poll or, that a percentage variation – 10, 25 or 50 percent – in population, rateable properties, or revenue could define 'significantly affected' that would enable the community to request a poll. General feedback or alternative suggestions are also welcome.</li> </ul>
Action Required:	Provide a response to <a href="mailto:tlane@walga.asn.au">tlane@walga.asn.au</a> by Friday, <b>31 October</b> .

Please advise whether your Council supports the *Local Government Act 1995* being amended so that the community of a Local Government could demand a poll with which of the following conditions being met:

- |  |           |                          |
|--|-----------|--------------------------|
| 1. Under any boundary change proposal  | <b>OR</b> | <b>YES / NO</b>          |
| 2. With a significant variation in population, or rateable properties or revenue by: |           |                          |
| a. 10 percent  |           | <input type="checkbox"/> |
| b. 25 percent  |           | <input type="checkbox"/> |
| c. 50 percent  |           | <input type="checkbox"/> |

*(Please indicate preferences – i.e. 1 for most preferred, then 2 then 3)*

General feedback to refine WALGA's advocacy position would be welcomed including alternative criteria to define when a Local Government would be 'significantly affected' by a poll.

.....

.....

.....

Feedback will guide a State Council agenda item to be considered by Zones in late November and then State Council at their **3 December** meeting.

*Please submit feedback to Manager Strategy and Reform, Tim Lane, on [tlane@walga.asn.au](mailto:tlane@walga.asn.au) by Friday 31 October 2014.*

**Thank you for your assistance.**

**For further information please contact:**

Manager Strategy and Reform, Tim Lane on 9213 2029 or email [tlane@walga.asn.au](mailto:tlane@walga.asn.au).

ONE70  
LV1, 170 Railway Parade, West Leederville, WA 6007  
PO Box 1544, West Perth, WA 6872  
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[www.walga.asn.au](http://www.walga.asn.au)

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

**10.3.3. CONFIDENTIAL REPORT - Enterprise Agreement 1 January 2014 - 31 December 2015**

Reason for confidentiality: *Local Government Act s 5.23(2) (a). A matter affecting an employee or employees*

Previous Items	N/A
Responsible Officer	Chief Executive Officer
Service Area	Office of CEO
File Reference	
Applicant	N/A
Owner	N/A
Attachment 1	Enterprise Agreement (Administration Employees) 2014-2015
Attachment 2	Proposed Salary Scale

*This Report had been circulated to Councillors under separate cover.*

*This Report was considered at Point 15 on the Agenda to allow discussion.*

<b>Voting Requirements: Simple Majority</b>
---

RESOLVED OCM 163/2014

That Council:

1. Notes and endorses the proposed Enterprise Agreement (Administration employees) January 2014 to December 2015 as shown in (Attachment 1).

Moved: **Cr Margaret Thomas**

Seconded: **Cr Noreen Townsend**

Vote:

**For**

**Cr Geoff Stallard  
Cr Noreen Townsend  
Cr Justin Whitten  
Cr Andrew Waddell  
Cr Bob Emery  
Cr Dylan O'Connor  
Cr Margaret Thomas  
Cr Sue Bilich**

**Against**

**Cr John Giardina  
Cr Frank Lindsey**

**CARRIED (8/2)**

**11.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

**11.1 Hale Road/Tonkin Highway Intersection – Impact Gateway WA Works - (Cr Noreen Townsend)**

*At the Presiding Member's request Cr Noreen Townsend gave some background to her Motion*

<b>Voting Requirements: Simple Majority</b>
---

RESOLVED OCM 159/2014

That Council:

1. Requests that the Chief Executive Officer contact Gateway WA Project Management to express concern, and commence negotiations to review the deletion of the right hand turn lane from Tonkin Highway into Hale Road at the traffic lights at that intersection, when travelling south on the Tonkin Highway.

Moved: **Cr Noreen Townsend**

Seconded: **Cr Justin Whitten**

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

**Rational**

As Councillors would be aware there is a traffic issue at the lights at the intersection of Hale Road and Tonkin Highway particularly at peak hours, but also during the day, with vehicles having to wait at peak time two or three light changes. On Tuesday 17 August at 3 pm both west bound lanes on Hale Road had a bank up of 16 vehicles (32 in total) including 5 semis with dog trailers waiting to move on the change of lights.

The proposed deletion of the right hand turn lane will require those that wish to travel west on Hale Road into Welshpool Road to turn left at those traffic lights into Hale Road moving down to the roundabout at Redgum Estate/Hartfield Park going round that device to go back to the traffic lights to head west on Hale Road to the residential developments or to access Welshpool Road.

Gateway semi-trailers with dog trailers are already turning left into Hale Road, going down to the roundabout and coming back to the traffic lights to turn right to return to the site works. This has increased traffic numbers on that portion of Hale Road and has created a safety hazard at the Reynolds road roundabout as it is at this location that children, students and others cross Hale Road to access the bus stops/shelters on either side of the road. There is already evidence on the footpath on the south side of the roundabout where the vehicles have driven onto that path, creating a hazard and damage to the infrastructure.

The increased traffic numbers with the removal of the right turn lane into Hale will have a serious impact on the road infrastructure as well.

11.2 **Kalamunda ACT Group – Aged Care Facilities in the Shire of Kalamunda**

*Cr Geoff Stallard outlined the background to his motion and requested a small amendment. This is highlighted below and was accepted by the Presiding Member.*

<b>Voting Requirements: Simple Majority</b>
---

RESOLVED OCM 160/2014

That Council:

1. Formally thank the Kalamunda ACT (Aged Care Today) Group for their work and dedication in promoting the need for improved aged care facilities in the Shire of Kalamunda **and hope it stimulates future development of aged care facilities.**
2. Request the Chief Executive convey Council's sentiments to Kalamunda ACT.

Moved: **Cr Geoff Stallard**

Seconded: **Cr Sue Bilich**

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

**Rationale**

The convener of the Kalamunda ACT Group, Candy Gordon and her team have been very active in promoting the need for improved aged care in Kalamunda, including the recent Aged Care Forum held on Saturday 18 October at KPAC. The forum was very well attended with a number of impressive speakers.

The Kalamunda ACT Group have hopefully stimulated and focused the community on the aged care issue.

**12.0 QUESTIONS BY MEMBERS WITHOUT NOTICE**

12.1 Cr Margaret Thomas – Wilkins Road

Q. Could I please have an update on Wilkins Road?

A. The Director Development Services noted that this is being advertised until early December for an amendment to the Metropolitan Region Scheme. The Shire understands there is a meeting of the Statutory Planning Committee of the West Australian Planning Commission this month to give permission to advertise the Local Planning Scheme Amendment, and we expect it will be advertised shortly. We intend to take this for an expanded period so that we can canvass people's views.

---

The Shire has authorised Consultants to take forward a set of offsets to negotiate environmental outcome for the site under the *Environmental Protection and Biodiversity Conservation Act*.

12.2 Cr Justin Whitten land between Holmes Road and Passiflora Drive

Q. I see this land is advertised as a dog park, I wonder who owns this and, more importantly, who is responsible for maintaining it?

A. This question was taken on notice by the Director Development Services.

12.3 Cr Bob Emery – Update Sparrow Court

Q. Could I please have an update on the Sparrow Court Public Access Way?

A. The Director Development Services took this question on notice.

12.4 Cr Andrew Waddell – Forrestfield Hockey Club

Q. I have received correspondence from the Hockey Club, could the Shire obtain information regarding their current position, our options and what the status is of their current lease? Also how many residents of the Shire are members?

A. The Chief Executive Officer noted that a workshop will be held in the next fortnight with the Hockey Club and all Councillors will be invited to attend. The question regarding the status of their current lease was taken on notice.

12.5 Cr Andrew Waddell – Industrial Redevelopment in Forrestfield, Stage 1

Q. There seem to be concerns with local land owners as to how this development is progressing, could I please have an update as to whether the Shire has received any formal questions from them and if so what would the Shire's next step be?

A. The Chief Executive Officer reported that nothing had been received as yet for Officers to consider. Once this is received, the Shire will need to discuss this with the Department of Planning as they need to make a determination as to whether there is any scope to amend the Metropolitan Regional Planning Scheme.

12.6 Cr Justin Whitten – Land between Holmes Road and Passiflora Drive

Q. If the land is owned and maintained by Western Power can we write to them and request they mow it? Also I notice that there is dead grass along the creek line, I would like to know if the poison that has been put down would contaminate the creek?

A. This question was taken on notice.



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

13.1 Caltrop Control Program – (Cr Justin Whitten)

Q. Does the Shire have a program for the control of Caltrop?

A. The Shire has a program for weed control across the Shire, including caltrop weed.

In addition a guide has been prepared to advise residents and home owners of how they can assist to remove this weed. A media release has been sent out recently.

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

14.1 Nil.

**15.0 MEETING CLOSED TO THE PUBLIC**

15.1 Meeting Closed to the Public

RESOLVED OCM 161/2014

That the meeting go behind closed doors to discuss Confidential Item 10.3.3, Enterprise Agreement 1 January 2014 to 31 December 2015.

Moved: **Cr Margaret Thomas**

Seconded: **Cr Noreen Townsend**

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

*The meeting closed to the public at 7.10pm. Those in the Public Gallery left the meeting. All Councillors and staff remained in the Chambers except for Mr Laurie Brennan.*

15.2 Meeting Reopened to the Public

RESOLVED OCM 162/2014

That the meeting reopen to the public.

Moved: **Cr Geoff Stallard**

Seconded: **Cr Justin Whitten**

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

*The meeting reopened to the public at 7.19pm, no-one returned and the Presiding Member read the Resolution to the Meeting*

- 15.3               **10.3.3 CONFIDENTIAL ITEM - Enterprise Agreement 1 January 2014 - 31 December 2015** Provided under separate cover  
Reason for Confidentiality – *Local Government Act 1995: Section 5.23(2) (a), "a matter affecting an employee or employees".*

**Voting Requirements: Simple Majority**

RESOLVED OCM 163/2014

That Council:

- Notes and endorses the proposed Enterprise Agreement (Administration employees) January 2014 to December 2015 as shown in (Attachment 1).

Moved:           **Cr Margaret Thomas**

Seconded:       **Cr Noreen Townsend**

Vote:

<b><u>For</u></b> <b>Cr Geoff Stallard</b> <b>Cr Noreen Townsend</b> <b>Cr Justin Whitten</b> <b>Cr Andrew Waddell</b> <b>Cr Bob Emery</b> <b>Cr Dylan O'Connor</b> <b>Cr Margaret Thomas</b> <b>Cr Sue Bilich</b>	<b><u>Against</u></b> <b>Cr John Giardina</b> <b>Cr Frank Lindsey</b>
--	---

**CARRIED (8/2)**

**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