

Ordinary Council Meeting

Minutes for Monday 28 July 2014

UNCONFIRMED



**shire of
kalamunda**

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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
Geoff Stallard		South East Ward
Frank Lindsey		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
Gary Ticehurst		Director Corporate Services
Charles Sullivan		Director Infrastructure Services
Darrell Forrest		Manager Governance
Darren Jones		Manager Community Development
Nina Lytton		Acting Manager Development Services
Nicole O'Neill		Coordinator Public Relations
Kristy McGuire	Executive Research Officer	Director Corporate Services

Members of the Public 5

Members of the Press Nil

2.2 Apologies

Councillors

Simon Di Rosso		North Ward
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2.3 Leave of Absence Previously Approved

John Giardina		South East Ward
Allan Morton		South West Ward
Margaret Thomas JP		North Ward

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 Questions from the June Ordinary Council Meeting 23 June 2014

The following questions were asked by Tim Colegate at the Ordinary Council Meeting held on 23 June 2014.

- Q1. Black cockatoos and other wildlife inhabit Reserve 30314 on Wilkins Road, Kalamunda. The 2011 and 2012 reports on the reserve assess almost all the vegetation as being in good to excellent condition, and say that the reserve is worthy of conservation. How can the Shire justify clearing this bushland when there are other potential aged care sites identified in the Local Planning Strategy – sites that are not environmentally sensitive areas?
- A1. The subject site was identified as a potential aged care location. Numerous sites are required to address the current shortage of aged care within the Shire.
- Q2. How are the actions of the Shire in seeking to rezone this reserve consistent with its Local Planning Strategy, which states an intent to “develop sustainably within the guidelines established in the Shire’s Local Biodiversity Strategy to ensure all local natural areas and environmentally sensitive areas are afforded the appropriate protection in the planning process”?
- A2. The Shire is following the planning process to consider the appropriateness of the site. Notwithstanding that the site may be the habitat for native fauna, there is a distinct lack of appropriate housing for the elderly in the hills.
- Q3. If a development application were approved for an aged care facility on Wilkins Road how many years would construction be expected to take?
- A3. It is not possible to answer this question at this point in time as it is not yet known the scale and type of building that may take place.
- Q4. How will the Shire guarantee that the noise and dust from construction will not impact nearby residents?
- A4. Development would need to comply with the relevant state legislation and local laws relating to noise and dust.
- Q5. Is the Shire breaching its duty of care by proposing an aged care facility in a fire prone area?
- A5. No. It is one factor that must be considered.
- Q6. Has the Shire obtained legal advice to ensure that it will not be liable for any injuries or loss of property or life as a result of the aged care facility being located on vulnerable land in a moderate and high fire risk area? If so, what is the result of this advice? If not, when will the Shire make that assessment?

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- A6. The status of legal advice is confidential.
- Q7. Has the Shire assessed the risk that any proposed development will be unviable, due to the cost of building on the cap-rock, meeting environmental conditions and building to the bushfire standards for a bushfire prone area? If so, what is this risk? If not, when will the Shire make that assessment?
- A7. This is a commercial decision for the final operator to consider. If it were to be the Shire, it would be considered as part of a business plan to be developed pursuant to s3.59 of the Act.

Mr Colegate referred to an article in the Echo newspaper from 15 February 1997, concerning a report by Shire Planners that recommended the preservation of several reserves because of valuable bushland, including 40 Wilkins Road, Kalamunda, which was included in the Darling Range Regional Park.

- Q8. Do the current Shire Officers have access to this report and is it publicly available?

- A8. The Shire has a copy of the article.

- Q9. Given the report states that 40 Wilkins Road, Kalamunda was included in the Darling Range Regional Park, does the Shire now think that this reserve on Wilkins Road is no longer part of the Darling Range Regional Park?

- A9. As advised at the OCM May 2014, the Shire has been advised that the subject property does not form part of the Darling Range Regional Park.

3.2 Mr Bill Childs of Kewdale asked the following:

- Q1. Mid last year we heard of the proposed amalgamation of Councils through the metro area. Generally speaking it appears most communities would rather stay as they are and don't trust that change will be better. Recently I read your submission to the Local Government Advisory Board 24 March 2014 – your opening statement is (a) "Abolish the district of Belmont" I ask why you would use such confronting language and what message do you expect it to send to Belmont residents?

- A1. The Chief Executive Officer responded by advising that wording was what the Shire had to use, when changing boundaries, taking over or joining up with another local government, the actual wording under Section S2.1 of the Local Government Act talks about provision for creating, changing the boundaries of and abolishing districts, so there was no choice in the matter if we were to put in a submission that was to keep Kalamunda in force, then that is the wording that had to be used.

The Presiding Member commented that the reason the Shire lodged the submission was to negate Belmont's submission.

- Q2. Last week our local paper the "Southern Gazette" had a front page feature of how the Belmont City Council had the lowest rate rise in the metro area. It also showed Kalamunda Shire rate rise at nearly twice that of Belmont. Should

Amalgamation take place, does this mean Belmont is likely to be financially disadvantaged by our union?

- A2. The Chief Executive Officer advised the rate rises put through were; Belmont 2.7% rate increase and Kalamunda 4.75%. There is the possibility that Belmont may be financially disadvantaged by an amalgamation or takeover by Kalamunda, certainly nobody knows what this is going to cost Local Government as there has been no feasibility study completed by the State Government. It may mean that Kalamunda may also be financially disadvantaged.

4.0 PETITIONS/DEPUTATIONS

4.1 Deputation Bill McWhirter

A request to make a Deputation received from Bill McWhirter was approved by the Shire President.

The Deputation was in support of Cr O'Connor's Notice of Motion to item 11.1 – Forrestfield Industrial Area Stage 1 Developer Contribution.

Mr McWhirter provided Councillors with a history of the Kewdale/Hazelmere Masterplan and its alignment with the current proposals for Forrestfield Stages 1, 2 and 3. He indicated it was important for the future of development in these areas for the required infrastructure to be provided quickly and therefore supported the payment of developer contributions upfront before a certified building licence is issued.

A Councillor queried if Mr McWhirter was representing all the land owners in the area or how broad was the area that he was representing. Mr McWhirter confirmed he is representing only those in the area between Nardine Close and Berkshire Road, and mostly the Roe Highway end.

5.0 APPLICATIONS FOR LEAVE OF ABSENCE

- 5.1 Nil.

6.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

6.1 RESOLVED OCM 104/2014

That the Minutes of the Ordinary Council Meeting held on 23 June 2014 are confirmed as a true and accurate record of the proceedings.

Moved: **Cr Noreen Townsend**

Seconded: **Cr Geoff Stallard**

Vote: **CARRIED UNANIMOUSLY (8/0)**

7.0 ANNOUNCEMENTS BY THE PRESIDING MEMBER WITHOUT DISCUSSION

7.1 The Presiding Member reminded Councillors there will be an Audit & Risk Committee Meeting on Monday 4 August 2014.

7.2 The Presiding Member reminded Councillors there is a Citizenship Ceremony on Thursday 7 August 2014.

8.0 MATTERS FOR WHICH MEETING MAY BE CLOSED

8.1 Nil.

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.

9.1.2 Nil.

10.0 REPORTS TO COUNCIL

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

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 105/2014

Voting Requirements: Simple Majority

That recommendations D&I 38 to D&I 41 inclusive, contained in the Development & Infrastructure Services Committee Report of 14 July 2014, be adopted by Council en bloc.

Moved: **Cr Geoff Stallard**

Seconded: **Cr Dylan O'Connor**

Vote: **CARRIED UNANIMOUSLY (8/0)**

10.1.2 D&I 38 Function Room and Dining Area Extension at the High Wycombe Tavern – Lot 98 (530) Kalamunda Road, High Wycombe

EN BLOC RESOLUTION OCM 105/2014

That Council:

1. Approves the application dated 30 May 2014 for an additional function room and a dining area extension at the High Wycombe Tavern at Lot 98 (530) Kalamunda Road, High Wycombe, subject to the following condition:
 - a. The proposed function room not being used for hosted formal and/or ceremonial occasions.

10.1.3 D&I 39 Proposed Developer Contribution Instalment Plan for an Approved Transport Depot – Lot 211 (49) Nardine Close, High Wycombe

EN BLOC RESOLUTION OCM 105/2014

That Council:

1. Refuse the Applicant's request for any staged payments.

10.1.4 D&I 40 Proposed Modification to High Wycombe Urban Cell U4 Structure Plan – Lot 101 (14) Littlefield Road, High Wycombe

EN BLOC RESOLUTION OCM 105/2014

That Council:

1. Adopts the proposed modification to the High Wycombe Urban Area Cell U4 Structure Plan to increase the density coding of Lot 101 (14) Littlefield Road, High Wycombe, from R20 to R30.
2. Forwards the modified High Wycombe Urban Area Cell U4 Structure Plan to the Western Australian Planning Commission for endorsement.

10.1.5 D&I 41 Amendment to Local Planning Scheme No. 3 – Modifications to the Zoning Table and Schedule 1 (Land Use Definitions)

EN BLOC RESOLUTION OCM 105/2014

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) Modify Table 1 (Zoning Table) of Local Planning Scheme No. 3 to include the land use 'Recycling Industry' as an 'X' prohibited use in all zonings with the exception of General Industry, which is a 'D' use and therefore not permitted unless approved by Council.
- (b) Insert the following land use definition into Schedule 1 (Land Use Definitions) of the Scheme:

"Recycling Industry - Premises on which waste is sorted, processed, dismantled, melted, prior to pending final disposal or re-use."

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.

10.2 Corporate & Community Services Committee Report

10.2.1 Adoption of Corporate & Community Services Committee Report

RESOLVED OCM 106/2014

Voting Requirements: Simple Majority

That the recommendations C&C 22 to C&C 25 inclusive, contained in the Corporate & Community Services Committee Report of 21 July 2014, except withdrawn item C&C 24, be adopted by Council en bloc.

Moved: **Cr Noreen Townsend**

Seconded: **Cr Geoff Stallard**

Vote: **CARRIED UNANIMOUSLY (8/0)**

10.2.2 C&C 22 Creditors Payments Report for the Period Ended 30 June 2014

EN BLOC RESOLUTION OCM 106/2014

That Council:

1. Receives the list of payments made from the Municipal Accounts in June 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 June 2014 as noted in point 7 above in accordance with the requirements of the *Local Government (Financial Management) Regulations 1996 (Regulation 12)*.

10.2.3 C&C 23 Rates Debtors Report for the Period Ended 30 June 2014

EN BLOC RESOLUTION OCM 106/2014

That Council:

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

10.2.4 C&C 25 Kalamunda Waterpark Management Agreement

EN BLOC RESOLUTION OCM 106/2014

That Council:

1. Approves YMCA's request to enact the three year extension option within the existing Management Agreement for the Kalamunda Waterpark.

For separate consideration

This item is withdrawn for separate consideration as an absolute majority is required.

10.2.5 C&C 24 2014/15 Budget Amendments

Voting Requirements: Absolute Majority

COMMITTEE RECOMMENDATION TO COUNCIL (C&C 24/2012)

RESOLVED OCM 107/2014

That Council:

1. Pursuant to Section 6.47 of the *Local Government Act 1995*, adopt a concessional rate of \$0.0018 to be applied against the Waste Avoidance and Resources Recovery Levy of \$0.0020 against the Property's GRV valuation as provided by Landgate.
2. Pursuant to section 6.16 (3) of the *Local Government Act 1995* amend the fee for Bush Fire Brigade - 280612 428 – Administration charge for private burns from "\$50 or 10% of total cost, whichever is higher" to "10% of total cost, to a maximum of \$50".

Moved: Cr Dylan O'Connor

Seconded: Cr Bob Emery

Vote CARRIED UNANIMOUSLY / ABSOLUTE MAJORITY (8/0)

10.3 CHIEF EXECUTIVE OFFICER REPORTS

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

10.3.1 Local Planning Scheme No. 3 Amendment – Rezoning from Regional Reserve (Public Purpose) to Urban Development – Lot 11858 (100) Bougainvillea Avenue, Forreestfield

Previous Items	Nil
Responsible Officer	Director Development Services
Service Area	Development Services
File Reference	PG-LPS-003
Applicant	Nil
Owner	LandCorp

Attachment 1 Existing and Proposed Scheme Zoning Map

PURPOSE

- To consider whether to initiate an amendment to Local Planning Scheme No. 3 (Scheme) to rezone Lot 11858 (100) Bougainvillea Avenue, Forreestfield, from Regional Reserve (Public Purpose) to Urban Development (Attachment 1).

BACKGROUND

2. Land Details:

Land Area:	13.3ha
Local Planning Scheme Zone:	Public Purpose
Metropolitan Regional Scheme Zone:	Urban and Bush Forever

3. Locality Plan



4. The property is managed by the Department of Agriculture and Food (DAF) and the Department of Parks and Wildlife (DPW) under a joint vesting order. The site has been occupied by the DAF and its predecessors for many decades.
5. The Shire has previously had discussions with the Minister for Planning, Culture and the Arts regarding the future potential development of the property.
6. The demolition of buildings on the property and contamination remediation of the site is due to commence by the end of 2014.
7. In March 2014, Council resolved (En Bloc Resolution OCM 47/2014) to adopt the Local Housing Strategy. The Local Housing Strategy document identifies the property as being considered to present one of the best opportunities for the delivery of an aged accommodation complex.
8. The property is within relatively close proximity to the Forrestfield District Centre and high frequency public transport routes.

DETAILS

9. It is proposed to rezone the property from Public Purpose (Regional Reserve) to Urban Development to allow for an aged accommodation complex to be built on the site.
10. Prior to the property being redeveloped a structure plan will be required to be endorsed by the Western Australian Planning Commission.
11. The property has a moderate AS3939 (Construction of Buildings in Bush Fire Prone Areas at the Subdivision/Development Stage) risk level therefore development will be required to comply with AS3959 under the Structure Plan.
12. The bush forever outcome is expected to be negotiated as part of the Structure Plan outcome.

STATUTORY AND LEGAL IMPLICATIONS

13. The *Town Planning Regulations 1967* and *Planning and Development Act 2005* establish procedures relating to amendments to local planning schemes. If Council resolves to adopt the proposed amendment, then ultimately it will be determined by the Minister for Planning.
14. Clause 4.2.2 (Objectives of the Zones – Urban Development) of the Scheme stipulates that objectives of the Urban Development zone are:
 - To provide orderly and proper planning through the preparation and adoption of a structure plan setting the overall design principles for the area.
 - To permit the development of land for residential purposes and for other uses normally associated with residential development.

POLICY IMPLICATIONS

Local Housing Strategy

15. The Local Housing Strategy document identifies the property as being considered to present one of the best opportunities for the delivery of an aged accommodation complex.
16. It is a recommendation of the Local Housing Strategy to implement the recommendations of the Shire's adopted Aged Accommodation Strategy in order to:
 - better cater for an ageing population;
 - increase the supply of Aged Care Accommodation in every locality; and
 - improve the levels of home support.

COMMUNITY ENGAGEMENT REQUIREMENTS

17. If the amendment was initiated by Council, the Amendment would be formally advertised for 42 days in accordance with the provisions of the *Town Planning Regulations 1967* and *Planning and Development Act 2005*.
18. The amendment would be required to be advertised in the form of a notice being published in a district newspaper, a sign being erected on the property and comments would be sought from affected landowners and applicable government agencies.

FINANCIAL CONSIDERATION

19. Nil.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

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

OBJECTIVE 4.3 - To ensure the Shires development is in accord with the Shires statutory and legislative obligations and accepted urban design planning standards.

Strategy 4.3.1	Provide efficient building and development approval services to the community.
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SUSTAINABILITY

Social Implications

21. Zoning of the land and the preparation of a Structure Plan for aged persons accommodation will assist in addressing the current shortfall of these facilities in the Shire.

Economic Implications

22. Nil.

Environmental Implications

23. The structure plan will identify significant native vegetation and threatened ecological communities which are to be retained as bush forever.

RISK MANAGEMENT CONSIDERATIONS

24.

Risk	Likelihood	Consequence	Rating	Action/Strategy
Minister for Planning may decide not to support the amendment	Possible	Insignificant	Low	<p>Ensure that Council, State Government and the Minister are aware that:</p> <p>Matters relating to the retention of any significant native vegetation and threatened ecological communities, and how to manage bush fire risks, will be dealt with at the structure plan stage if the amendment is approved.</p> <p>Matters relating to potential impacts the future uses may have on the amenity of the area will be dealt with at the development application stage if the amendment is approved and the structure plan is endorsed.</p>

OFFICER COMMENT

25. The Aged Accommodation Strategy has identified the need for diversification of housing stock to better cater for an ageing population, and to increase the supply of Aged Care Accommodation in every locality. It identifies that the Shire will be required to address the numerous implications associated with an ageing population as a matter of priority.

26. The Local Housing Strategy document identifies the property as being considered to present one of the best opportunities for the delivery of an aged accommodation complex.

27. The property is within relatively close proximity to the Forrestfield District Centre and high frequency public transport routes.

28. Should the amendment be approved by the Minister for Planning a structure plan will need to be prepared prior to any redevelopment and/or subdivision occurring on the property which will address environmental, bush fire management issues and public open space amongst other matters.
29. Considering the above, it is recommended that Council initiates the amendment.

A Councillor queried where this proposal initiated from? The Director Development Services advised that this came about following a resolution of Council approximately 12 months ago, to look at opportunities in the Shire for land that may be available for aged care. The Shire undertook a search for land in conjunction with the Western Australian Planning Commission and the Minister for Planning and this site had previously been identified by Landcorp for other development purposes however they were encouraged to pursue an aged care development on the site and were supportive of the amendment going to Council and supportive of the aged care outcome.

A Councillor noted that there were not many bushland areas left in the area and having studied the plants in the location, there seems to be a lot of value in the vegetation that exists in large sections of the land and it is one of the few areas left that has the capacity to allow for a degree of biodiversity to continue in the area. Would this mean a total clearing of the block and not the retention of any of the bush land? Director Development Services confirmed the site is 13.3 hectares and the development site would be approximately 6 hectares. The land is zoned Urban under the MRS, however it also has a Bush Forever categorisation which means that the bushland will be preserved.

Voting Requirements: Simple Majority

RESOLVED OCM 108/2014

That Council:

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

<p>PLANNING AND DEVELOPMENT ACT 2005</p> <p>RESOLUTION DECIDING TO AMEND A LOCAL PLANNING SCHEME</p> <p>SHIRE OF KALAMUNDA</p> <p>LOCAL PLANNING SCHEME NO. 3</p> <p>AMENDMENT NO.</p> <p>Resolved that the Council in pursuance of Part 5 of the <i>Planning and Development Act 2005</i> amend the above Local Planning Scheme by:</p> <ol style="list-style-type: none">1. Rezoning Lot 11858 (100) Bougainvillea Avenue, Forrestfield, from Regional Reserve (Public Purpose) to Urban Development. <p>Subject to amendment documents being submitted, the amendment documents being adopted by Council and the Amendment being formally advertised for 42 days in accordance with the provisions of the <i>Town</i></p>
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Planning Regulations 1967, without reference to the Western Australian Planning Commission.

Moved: **Cr Dylan O'Connor**

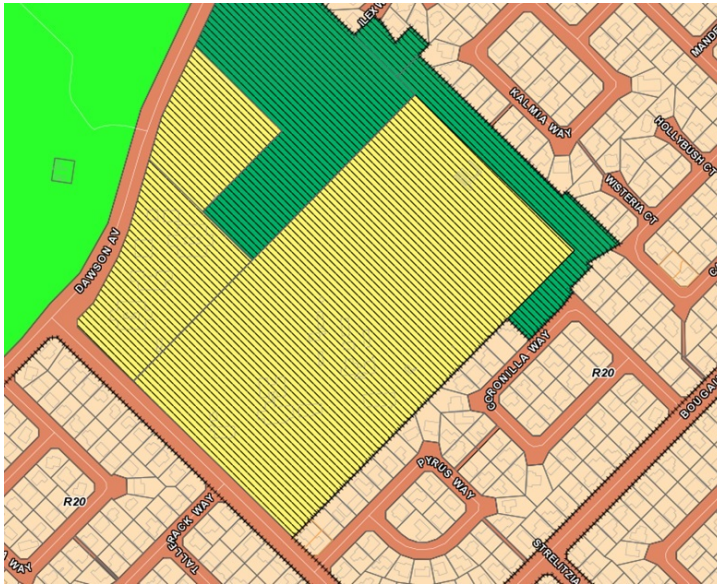
Seconded: **Cr Noreen Townsend**

Vote: **CARRIED UNANIMOUSLY (8/0)**

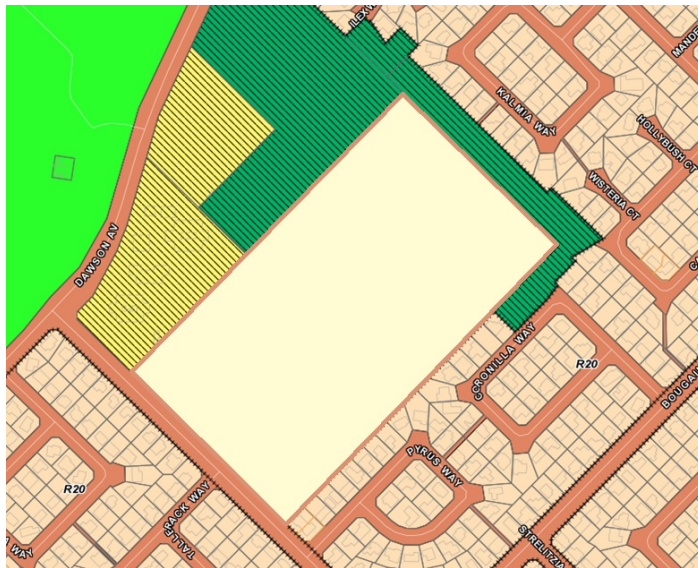
Attachment 1

Local Planning Scheme No. 3 Amendment – Rezone from Public Purpose to Urban Development – Lot 11858 (100) Bougainvillea, Avenue, Forrestfield

Existing and Proposed Scheme Zoning Map



Existing Zoning: Public Purposes



New Zoning: Urban Development

Land bounded by: Bougainvillea Ave

LEGEND

METROPOLITAN REGION SCHEME RESERVES

- | | |
|--------------------------|---------------------------------------|
| PARKS AND RECREATION | PRIMARY REGIONAL ROADS |
| RESTRICTED PUBLIC ACCESS | OTHER REGIONAL ROADS |
| PORT INSTALLATIONS | PUBLIC PURPOSES - DENOTED AS FOLLOWS: |
| STATE FORESTS | H HOSPITAL |
| WATER CATCHMENTS | HS HIGH SCHOOL |
| CIVIC AND CULTURAL | TS TECHNICAL SCHOOL |
| WATERWAYS | CP CAR PARK |
| | U UNIVERSITY |
| | CG COMMONWEALTH GOVERNMENT |
| | SEC STATE ENERGY COMMISSION |
| | SU SPECIAL USES |
| | WSD WATER AUTHORITY OF WA |
| | P PRISON |

LOCAL SCHEME RESERVES

- | | |
|--|--|
| LOCAL OPEN SPACE | |
| PUBLIC PURPOSES | |
| PUBLIC PURPOSES DENOTED AS FOLLOWS: | |
| AC AGED CARE | |
| AG AGRICULTURE PROTECTION BOARD & CONSERVATION | |
| AM ST. JOHN AMBULANCE | |
| AQ AQUATIC CENTRE | |
| BS BUS STATION | |
| CH CHURCH | |
| CD COUNCIL OFFICES | |
| CP COMMUNITY PURPOSE | |
| EL ELECTRICAL SUB STATION | |
| EX TELEPHONE EXCHANGE | |
| H HALL / COMMUNITY CENTRE | |
| HOS HOSPITAL | |
| K KINDERGARTEN | |
| LIB LIBRARY | |
| MUS RAILWAY MUSEUM | |
| PB PUBLIC BUILDING | |
| PS POLICE STATION | |
| PS PRIMARY SCHOOL | |
| WA WATER TANK | |

ZONES

- | | |
|------------------------------|--------------------------|
| RESIDENTIAL | GENERAL INDUSTRY |
| RESIDENTIAL BUSHLAND | LIGHT INDUSTRY |
| URBAN DEVELOPMENT | RURAL AGRICULTURE |
| COMMERCIAL | RURAL COMPOSITE |
| DISTRICT CENTRE | RURAL CONSERVATION |
| MIXED USE | RURAL LANDSCAPE INTEREST |
| SERVICE STATION | SPECIAL RURAL |
| SPECIAL USE | INDUSTRIAL DEVELOPMENT |
| PRIVATE CLUBS & INSTITUTIONS | |

OTHER

- | | |
|------------------------------------|--|
| R CODES | SCA - KALAMUNDA TOWN CENTRE |
| ADDITIONAL USES | DESIGN CONTROL AREA (SEE SCHEME TEXT) |
| RESTRICTED USES | SPECIAL USE AREA (SEE SCHEME TEXT) |
| SCHEME BOUNDARY | ENVIRONMENTAL CONDITIONS (SEE SCHEME TEXT) |
| LOCAL GOVERNMENT BOUNDARY | SC3 - SCA 20ANEF |
| DEVELOPMENT AREA (SEE SCHEME TEXT) | SC4 - SCA 300M POULTRY FARM BUFFER |
| | NO ZONE |

VERSION No 1

SHIRE OF KALAMUNDA
LOCAL PLANNING SCHEME NO. 3
(DISTRICT SCHEME)

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

10.3.2 Draft Monthly Financial Statements to 30 June 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 twelve months to 30 June 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. The opening funding position in the Statement of Financial Activity statement 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 24 March 2014.

5. The report presented reflects a draft position of the Shire's financial position at the year end. It does not incorporate year end journals, adjustments and most importantly the Eastern Metropolitan Regional Council (EMRC) valuation and adjustments for land and the building valuations which we are still being finalising with the Valuer.

DETAILS

6. 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 twelve months to 30 June 2014

7. This Statement reveals a net result surplus of \$824,241 against revised budget for the same period of \$3,507,683. The principal reason for the variance is that the EMRC valuation hasn't been brought to account. The adjustment will be made once we have received the audited position which is normally received at the end of August.

Revenue

8. Total Revenue is under budget by \$621,314. This is made up as follows:
- Rates are over budget by \$184,081. The variance is due to the recognition of the prepaid rates valued at \$430,476 which is required to be recognised as revenue for the year under the Australian Accounting Standards (AASB's).
 - Operating Grants, Subsidies and Contributions are under budget by \$1,065,673. The principal reason for the significant variance is the delay in the advance payment that normally comes in from the Commonwealth for the Federal Assisted Grants Scheme. Although we had budgeted \$2 million, only \$1.09 million has been received to date.
 - Fees and Charges variance are slightly over budget by \$188,846 which is primarily linked to Private works earning \$131,716 and refuse collection generating an extra \$41,179.
 - Interest earnings are over budget by \$80,367 due to good cashflow management.
 - Other Revenue is slightly under budget by \$8,935, 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.

Expenditure

9. Total expenses are under budget with a variance of \$2,243,759. The significant variances within the individual categories are as follows:
- Employment Costs are under budget by \$261,809 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 under budget by \$1,827,927 largely due to:
 - Contractor Waste and Verge Collection is under budget by \$285,786 mainly attributable to the operational areas of recycling and house refuse.
 - Programme expenditure for Community Care services is under budget by approximately \$317,229. This is due to the lower volume of services being requested. A marketing strategy is being developed to raise community awareness of the services available.
 - The Building Maintenance area is running below budget by \$194,198. This is partially due to a timing issue with most funds to be expended by the end of the financial year.
 - Savings in consultancy costs across various business units resulted in an underspend of \$540,383. Some of these projects have been deferred into 2014/15. The main areas are:

Type	Amount	Description
Risk Management (RM)	\$20,000	Decision made to process this in-house and discontinue using the CAMMS RM software module
Land Development Costs	\$57,716	Due in delays in Edney Road/Cygnnet Court planning approvals
Pioneer Park Master Plan	\$55,000	Deferred to 2014/15
Asset Management Consultants	\$116,165	Carried forward to 2014/15
Design and Development	\$42,566	Unspent road consultancy construction and maintenance costs
Parks and Gardens	\$46,588	Foothills future proofing strategy deferred to 2014/15
	\$50,000	Town Centre Design, Haynes Street

	\$37,100	Kostera Oval Master Plan
Industrial Area	\$21,610	Forrestfield/High Wycombe

- Utilities were over budget by \$10,743. The variance is within the reporting threshold.
- Insurance expense is under budget by \$15,710 principally relating to lower worker's compensation insurance costs. This is due for adjustment as we have received a claim from LGIS for \$10,000 related to a 13/14 legal costs defending a specific claim.
- Other expenditure is under budget by \$60,463 with the bulk of the variance made up of various project related activities which weren't completed by year end. It should be noted that the Shire has received an invoice for \$499,770 being the first tranche towards the under grounding project.
- The interest expense is slightly under budget by \$20,916, 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 slightly under budget, reporting a variance of \$67,677 or 0.7% of the total depreciation budget which is \$9.5m. The variance is attributed to the buildings and parks category.

Non-Operating Grants

10. Non-Operating Grants are under budget by \$1,084,455 which is principally a timing issue. This component is made up of various infrastructure projects for which actual amounts spent have come under budget and as such resulting in reduced claims to Main Roads. Finance is currently reconciling these claims with the appropriate business unit and final accruals yet to be passed.

Fair Value Adjustments

11. As indicated in point 5 above, the Shire is yet to receive the new values for EMRC and Land and Building Valuations. The values will be finalised as part of the audit. An amount of \$3,086,769 has been budgeted for the EMRC valuation.

Profit / (Loss) on Asset Disposals

12. The variance of \$1,101,994 relates mainly to property sales. This is primarily due to the delay on the sale of the Lewis Road property. A new buyer has made an offer to purchase subject to change in use which is currently holding up the sale process. The change in use application has been lodged with the Department of Planning and is awaiting their ascent.

In relation to the sale of other assets, two of the manager's vehicles which have since moved on to the Novated Leases were sold in June 2014 resulting in a net loss of \$20,860.

Draft Statement of Comprehensive Income by Program for the twelve months to 30 June 2014

13. The overall result comments are as above and generally each Program is within accepted budget except for Education and Welfare, Recreation and Culture and Community Amenities. Major variances have been reported by Nature and Type under points 7 to 10 above.

Draft Statement of Financial Activity for the twelve months to 30 June 2014

14. The results to 30 June 2014 discloses a closing surplus of \$4,542,047 made up of:
- Overall income, excluding rates, is under budget by \$4,967,152 with the bulk of the variance being Profit on Land Asset Disposal and EMRC Contribution as previously explained in Point 11 and 12 of this report.
 - Expenditure is \$2,184,084 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 \$6,672,709 against the budget of \$8,618,113. This variance is due to the deferral of several projects particularly in the categories of roads renewal and parks and ovals new.
 - \$319,962 unspent on land and building renewal budget. This is due to savings as a result of a reduction in project scopes in various buildings. The major ones being the administration building and the transfer station.
 - Rates generation is over budget and the variance of \$184,081 relates to the recognition of prepaid rates as explained previously in Point 8.
15. The closing current position of \$4,542,047 is still above year to date budget of \$2,710,735. This is due to reduced spend on project based activities reflected with some projects deferred into 2014/15.

Draft Investments Schedule as at 30 June 2014

16. A total of \$23.65 million is in term deposits or online savings accounts which is comparable to previous month's balance of \$25.89 million. The reduction in the cash holdings is attributed to the reduction of the rates collection following the final instalment due date in February 2014.

17. The above is made of:

Municipal Funds	Reserve Funds	Trust Monies
\$7,644,944	\$2,610,961	\$13,394,139 (includes amounts for Public Open Space of \$2,244,700)

18. 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 around September 2014 as business confidence and retail spend continues to lag.
19. All deposits complied with the Investment Policy requirements and are no longer than 120 days.

Draft Statement of Financial Position as at 31 June 2014

20. The commentary on the Financial Position is based on comparison of the draft June 2014 year to date actuals with June 2013 year to date actuals.
21. Net Current Assets (Current Assets less Current Liabilities) show a positive result of \$4.8 million. The un-restricted cash position has a positive position of \$7.65 million which is comparable to the previous year's balance of \$8.05 million.
22. Trade and other receivables comprise of rates and sundry debtors totalling \$877,296 outstanding including deferred rates of \$463,579.
- The rates balance has reduced by \$335,906 in the month. This represents a collection rate of 98.56% to date. Debt collection strategies are being rigorously enforced to assist in collections.
23. Sundry debtors have reduced slightly to \$1.07 million outstanding. Of the outstanding \$0.55 million relates to developer contributions for the Forrestfield/High Wycombe Industrial Area. The other main overdue sundry debtors are:
- Lesmurdie Tennis Club \$24,000 being an overdue contribution for the clubhouse re-fit and extension.
24. Fixed Assets additions are above last year's actuals to date by \$0.5 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.
25. Provisions for annual and long service leave are currently stable at \$2.2 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.

26. Long term borrowings are at \$7 million. The Shire has no plans to extend its loan portfolio in 2014/2015.

STATUTORY AND LEGAL CONSIDERATIONS

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

POLICY CONSIDERATIONS

28. Nil.

COMMUNITY ENGAGEMENT REQUIREMENTS

29. Nil.

FINANCIAL CONSIDERATIONS

30. Nil.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

31. *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

32. Nil.

Economic Implications

33. Nil.

Environmental Implications

34. Nil.

RISK MANAGEMENT CONSIDERATIONS

35. 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

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

Voting Requirements: Simple Majority

RESOLVED OCM 109/2014

That Council:

- Receives the draft monthly financial statements for the twelve months to 30 June 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 Dylan O'Connor**

Seconded: **Cr Frank Lindsey**

Vote: **CARRIED UNANIMOUSLY (8/0)**

[Attachment 1](#)

Draft Statements of Financial Activity for the eleven months to 30 June 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](#)

11.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

11.1 Forrestfield Industrial Area Stage 1 Developer Contribution

RESOLVED OCM 110/2014

That Council:

1. Amend the Forrestfield industrial area stage 1 developer contribution scheme to disallow staged payments and to ensure that all contributions are paid in full as a condition of the approval of the development application.

Moved: **Cr Dylan O'Connor**

Seconded: **Cr Justin Whitten**

Vote **CARRIED UNANIMOUSLY (8/0)**

Rationale

In the Scheme Provisions for Developer Contribution Items, the clause 6.5.14.2 allows the developer contribution to be paid in a lump sum or by instalments which are acceptable to Council. This however has to be considered in the context of the Scheme meeting its obligations in respect to the delivery of Scheme Infrastructure. Without the contribution being paid either in full or in a timely manner the required road extensions, upgrades to the roads and the acquisition of land for road reserves, amongst other items, may be delayed.

Although in recent times Council has approved staged payments to assist some developers, it would be fair to assume that Councillors, in the initial stage of the area being rezoned, may not have been fully cognisant of the implications that allowing staged payments would have on the Scheme. It is now becoming clearer to Councillors and to the landowners that allowing staged payments may be a key contributor to delaying the timely development and provision of the infrastructure to the area.

The State Government recognised several years ago the importance of this land and its strategic location and were keen to see the area developed for Transport and Logistics land use. The Shire of Kalamunda also recognises the importance of progressing the development of this land to a standard that is in line with the vision for the area that Council previously adopted. In August 2006, the Kewdale – Hazelmere Integrated Masterplan made two recommendations relevant to the planning of the Forrestfield Industrial Area, one of those recommendations was:

Recommendation 34 stated: 'identify the land in the Shire of Kalamunda (Forrestfield Precinct – generally bounded by Berkshire Road, Dundas Road, Poison Gully and Roe Highway) as being of strategic importance to the State in terms of its location within this freight transport hub and potential to facilitate

additional general industrial land uses and more intensive urban development where appropriate'. The KHIM identified its priority for completion as being 'high'.

The Shire of Kalamunda's Local Planning Scheme 3 Forrestfield/High Wycombe Industrial Area Design Guidelines adopted in August 2012 states:

"The Shire of Kalamunda is firm in its resolve to oversee the development of a high standard, attractive, functional and sustainable industrial area, which will attract a range of businesses eager to locate within the area, offering ease of access to both customers and suppliers."

It is foreseeable that Council may fail to achieve its vision for the area by deviating from the objectives previously set-out and adopted. There is no way Council can offer ease of access to both customers and suppliers if the roads are not in place. The roads will not be in place if the money is not available to build them. The design Guidelines also state,

"The Shire of Kalamunda will insist upon a high standard of presentation and quality for new development in order to maintain the value of existing and future business investment throughout the Design Guidelines Area."

Should Council be willing to continue to further allow staged payments, the risk is that the high-end businesses that Council wants to attract may look elsewhere if there is no certainty with the provision of infrastructure and the way contributions are delayed.

The recommendation to disallow staged payments is the position that is also held by the local landowners who are expecting the Shire to show leadership and to make decisions that will ensure this area of land is developed efficiently and not hindered by developers who are unable to pay their contributions up front.

Staff Comment

The proposed amendment would remove all discretion for the Council to consider staged payments or any outcome other than full payment. The current wording of the Scheme text comes directly from *State Planning Policy 3.6 - Developer Contributions for Infrastructure - Draft Model Scheme Provisions*.

The current wording is endorsed by the Western Australian Planning Commission for use in town planning schemes in the state that operate Developer Contributions. In departing from the SPP wording, justification would need to be made as to the purpose of the amendment.

From an economic point of view, whilst it would ensure that payments are made in a timely manner, it may also dissuade some investors who may look favourably on deferred payments to make the viability of their development stack up. Staff recommend that Council retain the current wording of the

scheme text and continue with the adoption of a policy to manage the period over which staged contributions can be made.

Given Council has already approved a number of staged payments arrangements it may be seen as being unfair to future developers. This perception may have a negative impact on potential developers looking to buy into the area given the inconsistent application of the DCS being applied by Council to date.

In acknowledging that the amendment is a departure from State Planning Policy, there remains a possibility that the amendment will not be approved.

A Councillor requested clarification on what impact this may have on people who are already on a staged payment Scenario. Director Development Services advised that they will continue with the staged payments as this outcome will not affect any existing decision made by Council. A Councillor asked the number of people that may already be in this scenario. Director Development Services advised that there are three.

12.0 QUESTIONS BY MEMBERS WITHOUT NOTICE

12.1 Cr Noreen Townsend – Kalamunda Historical Society AGM

Q1. Are Councillors and staff aware of the AGM for the Kalamunda Historical Society on 2 August?

A1. All Councillors have received information regarding the AGM.

12.2 Cr Andrew Waddell – Public Access Ways for Ridgehill Road and Hawkvalley Crescent.

Q1. I previously requested information regarding the fencing of the public access ways at Ridgehill Road and Hawkvalley Crescent seeking advice as to whether the fencing was appropriate.

A1. Director Development Services advised that the fencing was assessed and it is an adequate fence under the Shire's laws.

12.3 Cr Andrew Waddell – Caravan Parks and Camping Grounds Act

Q1. It is my understanding that under the Act the Shire has the ability to appoint authorised officers, does the Shire have any authorised officers?

A1. Director Development Services advised that Manager of Health Services and Environmental Health Officers are authorised officers under the regulations.

12.4 Cr Dylan O'Connor – City of Gosnells – "Gosnells Wedge"

Q1. The City of Gosnells have moved to rezone and develop a section of land that you may know as the "Gosnells Wedge". Can I have an update on how the Shire of Kalamunda is doing to progress that?

A1. This question was taken on notice.

12.5 Cr Bob Emery – Public Access Way – Sparrow Court

Q1 Has the Shire been able to get any further information from the police regarding Sparrow Court public access way?

A1. Director Development Services advised that information has been requested from the police on numerous occasions and are still yet to receive a response from them.

Q2. Can we continue without the information and write to the Department of Planning and get them to reverse their decision as they have indicated that they would be prepared to review it?

A2. Director Development Services noted that with the information from the police it would make a more compelling argument.

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 Nil.

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