

Ordinary Council Meeting

Minutes for Monday 23 March 2015

CONFIRMED



**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
Margaret Thomas JP		North Ward
Simon Di Rosso		North Ward
Noreen Townsend		South West Ward
Justin Whitten		South West Ward
Allan Morton		South West Ward
Geoff Stallard		South East Ward
Frank Lindsey		South East Ward
John Giardina		South East Ward
Andrew Waddell JP		North West Ward
Dylan O'Connor		North West Ward

Members of Staff

Rhonda Hardy	Chief Executive Officer
Andrew Fowler-Tutt	Acting Director Development Services
Dennis Blair	Director Infrastructure Services
Gary Ticehurst	Director Corporate Services
Darrell Forrest	Manager Governance and PR
Laurie Brennan	Media Advisor
Nicole O'Neill	Coordinator Public Relations
Meri Comber	Governance Officer

Members of the Public 12

Members of the Press Nil

2.2 Apologies

Councillors

Bob Emery	North West Ward
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2.3 Leave of Absence Previously Approved Nil

3.0 PUBLIC QUESTION TIME

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

3.1 Public Question Time Ordinary Council Meeting 23 February 2015,
Peter Coxon, Mosman Park – Property on Lots 1, 20 and 21, Berkshire
Road.

Q. I would like to raise Council's awareness regarding the storage of inert materials in Berkshire Road as I believe there are several items of concern regarding the non-adherence to the planning conditions in the conduct of this business from this address, in particular Points 11, 13, 15, 16, 17, 1b & 1d. I ask could the Shire please offer information as to how this is being monitored as I seek their advice and assistance to help solve this problem?

A. The matter of the storage of inert materials and potential breach of the planning condition is presently with the Shire lawyers for investigation.

3.2 Public Question Time Ordinary Council Meeting 23 February 2015,
Janine Allan, High Wycombe, Nuisance Dog Issue

Q. I have a problem regarding noise from nuisance dogs from which there is no reprieve, I have kept dog diaries as instructed by the Rangers, but there has been no relief as nothing further is done, can the Shire please enforce its Local Laws?

A. The Director Development Services met with Janine Allan and as an outcome of that meeting mediation has been arranged with the neighbour regarding the barking dog issue.

3.3 Mr Bill McWhirter, Forrestfield, Shire of Kalamunda – Developer Contribution
Rate

Q1. I have had a meeting with the Shire President, Cr Dylan O'Connor and Director Development Services earlier this month when I stated my concern that the contribution rate is incorrect and too low. Of particular concern is the contingencies figure of \$7.6M. If not corrected the final land owners to develop will be hit by a higher payment is this correct?

Q2. I am concerned regarding the item on the Agenda which requests the Chief Executive Officer seek the ceding of some land in Nardine/Ashby Close. If this goes ahead and the developer contribution is paid at the lower rate this will compound the error in adopting an incorrect rate tonight. I would like to know, therefore if you are going to accept that your figures are incorrect?

A1&2. The Shire President responded that she recalled the meeting and that it was agreed that these figures would be examined, but this is not complete as yet. When they have been reviewed this will come back to Council. It will be up to Council this evening whether they choose to withdraw the item to give time for the figures to be reviewed.

The Acting Director Development Services added that the large increase in contingencies was related to Western Power who only gave a base figure and did not take into account the cost of putting the power underground.

3.4 Mr Tim Colegate, Carmel - Wilkins Road, Kalamunda

- Q1. In the Shire's Local Planning Strategy (LPS), there is a list of sites selected for aged care. Could the Shire point me to the documentation showing that Reserve 30314 on Wilkins Road is a suitable site for an integrated aged care facility?
- Q2. In selecting the site on Wilkins Road, did the Shire consider the cost of construction on cap rock and connection to the sewer system by digging through rock?
- Q3. What development constraints will be imposed on an integrated aged care facility on Wilkins Road due to the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC) ?
- Q4. Given the EPBC referral occurred after the publication of the LPS, has the Shire updated its assessment of the suitability of the reserve on Wilkins Road as a site for an integrated aged care facility?
- Q5. Given the draft State Planning Policy and draft bushfire guidelines were developed after the Shire's LPS, has the Shire updated its assessment of the suitability of the reserve on Wilkins Road as a site for an integrated aged care facility?
- Q6. Has the Shire prepared a business case to test if an integrated aged care facility on Reserve 30314 on Wilkins Road would be financially viable?
- Q7. The WA Planning Commission Statutory Planning Committee Agenda from the 27 November, 2012 states that the Committee noted that in the LPS, the "six sites that have been identified to date have been based on limited investigation", and that "there may be additional sites within the Shire that are equally or even more suitable than the identified sites". Has the Shire now undertaken a full investigation of sites for aged care? If so, are the results of this investigation publicly available?
- A. The Presiding Member thanked Tim Colgate for his questions which were all taken on notice.

4.0 PETITIONS/DEPUTATIONS

- 4.1 A Deputation was presented to Council by David Downing of High Wycombe regarding item 10.1.2 (D&I 09/2015) – Forrestfield Industrial Area Stage 1 – Adoption of Developer Contribution Rate.

There were no questions from Councillors following this Deputation.

5.0 APPLICATIONS FOR LEAVE OF ABSENCE

5.1 RESOLVED OCM 17/2015

That Council, pursuant to section 2.25 (2) of the *Local Government Act 1995* seeks approval of the Minister for Local Government and Communities to grant leave of absence to Cr Bob Emery for the period 1 April 2015 until 1 October 2015.

Moved: **Cr Noreen Townsend**

Seconded: **Cr Justin Whitten**

Vote: **CARRIED UNANIMOUSLY (11/0)**

5.2 Cr Justin Whitten requested leave of absence from 20 April 2015 until 10 May 2015 inclusive. This period covers the Corporate & Community Services Committee Meeting on 20 April 2015 and the Ordinary Council Meeting on 27 April 2015.

RESOLVED OCM 18/2015

That Council grant leave of absence to Cr Justin Whitten for the period 20 April to 10 May 2015 inclusive.

Moved: **Cr Allan Morton**

Seconded: **Cr Margaret Thomas**

Vote: **CARRIED UNANIMOUSLY (11/0)**

6.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

6.1 RESOLVED OCM 19/2015

That the Minutes of the Ordinary Council Meeting held on 23 February 2015, as published and circulated, are confirmed as a true and accurate record of the proceedings.

Moved: **Cr Frank Lindsey**

Seconded: **Cr Geoff Stallard**

Vote: **CARRIED UNANIMOUSLY (11/0)**

7.0 ANNOUNCEMENTS BY THE PRESIDING MEMBER WITHOUT DISCUSSION

7.1 The Shire President encouraged Councillors to attend the next Citizenship Ceremony to be held on Thursday 2 April 2015, 7.00pm in the Function Room. The Minister for Local Government; Community Services; Seniors and Volunteering; Youth, the Hon Tony Simpson will be in attendance.

8.0 MATTERS FOR WHICH MEETING MAY BE CLOSED

8.1 10.1.5 D&I 12. CONFIDENTIAL REPORT Proposed Transport Depot – Lot 50 (170) Sultana Road West, High Wycombe

Reason for Confidentiality Local Government Act 1995 S5.23 (f) (i) – “a matter that if disclosed, could be reasonably expected to impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law.”

8.2 10.4.7 CONFIDENTIAL REPORT – Request for staged payments for Transport Depot and Caretakers Dwelling - Lot 211 (49) Nardine Close, High Wycombe

Reason for Confidentiality Local Government Act 1995 S5.23 (f) (i) – “a matter that if disclosed, could be reasonably expected to impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law.”

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.

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

10.1 Development & Infrastructure Services Committee Report

10.1.1 Adoption of Development & Infrastructure Services Committee Report

Voting Requirements: Simple Majority

RESOLVED OCM 20/2015

That recommendations D&I 09 to D&I 12 inclusive, contained in the Development & Infrastructure Services Committee Report of 9 March 2015, except withdrawn items D&I 09 and D&I 12 be adopted by Council en bloc.

Moved: **Cr Margaret Thomas**

Seconded: **Cr Frank Lindsey**

Vote: **CARRIED UNANIMOUSLY (11/0)**

10.1.2 D&I 10 Proposed Eight (8) Multiple Dwellings Lot 19 (20) Recreation Road, Kalamunda

EN BLOC RESOLUTION OCM 20/2015

1. This item be deferred until the next Development & Infrastructure Meeting on Monday 13 April 2015, with a view to asking the applicant to discuss the development with Shire Staff to see if the aesthetics could be improved.

10.1.3 D&I 11 Proposed Aged Residential Care Facility – Lot 427 (8) Hybanthus Avenue, and Lots 425 (15) and 428 (5) Calophylla Way, High Wycombe

EN BLOC RESOLUTION OCM 20/2015

That Council:

1. Approves the application dated 18 November 2014 for an aged residential care facility at Lot 427 (8) Hybanthus Avenue, and lots 425 (15) and 428 (5) Calophylla Way Wycombe, subject to the following conditions:
 - a) Lots 425, 427 and 428 are to be amalgamated into a single lot prior to building works commencing. Alternatively the owner may enter into a legal agreement with the Shire of Kalamunda to defer the amalgamation by no more than 12 months. The agreement is required to be executed by all parties concerned prior to the commencement of building works.

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- b) Prior to the commencement of building works, a construction management plan shall be submitted to, and approved by, the Shire of Kalamunda that addresses, but is not limited to, the following matters:
 - a. Movement and parking of construction vehicles (including construction workers' vehicles);
 - b. Noise emissions;
 - c. Construction times;
 - d. Sand drift;
 - e. Waste control; and
 - f. Vegetation retention and removal.
 - c) A Traffic Impact Assessment in relation to the proposed development shall be submitted to, and approved by, the Shire of Kalamunda. The recommendations of the assessment are to be incorporated into the final design to the satisfaction of the Shire of Kalamunda.
 - d) Landscaping shall be completed in accordance with the approved landscaping plan, and shall be planted within 2 months of occupation of the proposed development and be maintained thereafter by the owner/occupier, to the satisfaction of the Shire of Kalamunda.
 - e) A geotechnical report is to be submitted detailing site conditions, particularly in respect to soil and groundwater and stormwater disposal by soakage (Clearance, quantity, soil permeability and location and size of soakwells).
 - f) Pedestrian footpaths shall be provided where applicable in accordance with the attached plan to the specification and satisfaction of the Shire of Kalamunda.
 - g) Any damage to the adjoining Public Open Space during the construction period shall be repaired by the applicant/owner to the satisfaction of the Shire of Kalamunda.
 - h) Details of the colour scheme for the proposed development shall be submitted to and approved by the Shire of Kalamunda, prior to the issue of a building permit.
 - i) The carpark entry off Lanbertia Crescent shall be either open at all times or suitable management measures shall be implemented to ensure access is available for visitors. Details of the management measures shall be submitted to and approved by the Shire of Kalamunda, prior to the issue of a building permit.
 - j) Any fencing between the site and the adjoining Public Open Space is to be a minimum of 50% visually permeable to the satisfaction of the Shire of Kalamunda.

- k) The development shall be connected to reticulated sewer.
- l) Vehicle parking, manoeuvring and circulation areas to be suitably constructed, sealed, kerbed, line marked and drained to the specification and satisfaction of the Shire.
- m) Crossovers shall be designed and constructed to the specification and satisfaction of the Shire of Kalamunda.
- n) Stormwater to be disposed of onsite to the specification and satisfaction of the Shire of Kalamunda.
- o) The provision of Street Lighting to current Australian Standards shall be installed on all new internal lanes, on the footpath side.
- p) The applicant must submit floor plans and an application for a Certificate of Approval under the *Health (Public Buildings) Regulations 1992* to the Shire of Kalamunda and receive approval prior to use of the buildings.
- q) The chemical or fuel storage areas shall be suitably enclosed and bunded to the satisfaction of the Shire of Kalamunda.

For separate consideration

A Councillor requested this item be withdrawn for separate consideration as he wished to make an amendment.

Following on from Mr McWhirter's question, a Councillor asked how long it would take to review the scheme to confirm, or otherwise that the figures are correct and how long would it take to go through the ceding of land process, consulting with land owners etc? The Acting Director Development Services noted that in terms of the ceding this would involve discussion with the affected land owners to find which land owners would be agreeable to the ceding of land, initially free of cost until the scheme is able to pay the costs for the land itself. If there is enough interest the Shire could then commence creating the road reserve. This could take up to three months. Regarding the review of the costs this would be dealt with as a matter of priority, it may be necessary for the Shire to obtain some independent advice. The Chief Executive Officer indicated the Shire would hope to have this complete within a few weeks.

A Councillor referred to Mr Downing's deputation can we be certain that the extra costs in the review that the Stage 1 land owners are going to bare are not as a result of the stage 2 and Stage 3 development. Acting Director Development Services indicated Stages 2 and 3 would be the subject of a separate contribution scheme. A Councillor asked have the road alignments been decided for Stages 1, 2 and 3? The Acting Director Development Services indicated it was known that the Milner / Berkshire Road connection will remain open, the Shire is currently waiting for advice from Traffic Consulting Engineers around the need to have Road One (linking Nardine Close and Berkshire Road).

A Councillor asked what the risk would be in not supporting this item in terms of the fact there is more information to come. The Acting Director Development Services indicated that the Shire may then not capture the additional costs.

The Committee Recommendation was moved and seconded, the Presiding Member invited the Councillor to explain his suggested amendment which was accepted by the Mover and Seconder and became part of the substantive motion and is highlighted below.

A Councillor asked if the landowners pay their contribution up-front how this will affect the other landowners. The Acting Director Development Services indicated that the trigger for the development contribution is at the time of development; however those who pay their contribution later will pay more as the contribution rates are always on the incline. If this is not increased by the \$1 per square metre then if someone was to come in and pay the current rate, \$1 per square metre would be foregone by the scheme and recouped through an increased developer contribution rate for the remaining land owners. It should be noted that the Shire would be under charging not overcharging.

Councillors went into debate, the vote was then taken.

10.1.4 D&I 09 Forrestfield Industrial Area Stage 1 – Adoption of Developer Contribution Rate and Proposal for Infrastructure Development

RESOLVED OCM 21/2015

That Council:

1. Adopt the Developer Contribution Rate of \$29.34/m² for Stage 1 of the Forrestfield Industrial Area effective from 24 March 2015.
2. Request the Chief Executive Officer ~~write to all~~ **arrange a meeting with affected** landowners affected by the proposed construction of Nardine Close through to Ashby Close seeking agreement for the ceding of the land for road reserve.
3. Request the Chief Executive Officer notify all landowners of the new adopted Developer Contribution Rate.

Moved: **Cr Dylan O'Connor**

Seconded: **Cr Sue Bilich**

Vote:

<u>For</u>	<u>Against</u>
Cr John Giardina	Cr Allan Morton
Cr Frank Lindsey	Cr Noreen Townsend
Cr Geoff Stallard	Cr Justin Whitten
Cr Dylan O'Connor	Cr Andrew Waddell
Cr Margaret Thomas	Cr Simon Di Rosso
Cr Sue Bilich	
CARRIED (6/5)	

This Confidential Report has been recirculated to all Councillors in its entirety as at the Development & Infrastructure Services Committee, on 9 March 2015, the Committee requested that the item be deferred to the Ordinary Council Meeting, to be held on 23 March and be presented with additional options.

The Officer Recommendation was again presented for Council's Consideration and discussion took place at Point 15 of the Minutes.

10.1.5 D&I 12 CONFIDENTIAL REPORT - Proposed Transport Depot – Lot 50 (170) Sultana Road West, High Wycombe

OFFICER RECOMMENDATION (D&I 12/2015)

That Council:

1. Support Option A, which is outlined in (Attachment 3).

Moved: **LAPSED**

Seconded:

Vote:

RESOLVED OCM 35/2015

That Council:

1. Defer this item to the April 2015 Ordinary Council Meeting.

Moved: **Cr Dylan O'Connor**

Seconded: **Cr Justin Whitten**

Vote: **CARRIED UNANIMOUSLY (11/0)**

10.2 Corporate & Community Services Committee Report

10.2.1 Adoption of Corporate & Community Services Committee Report

Voting Requirements: Simple Majority

RESOLVED OCM 22/2015

That the recommendations C&C 05 to C&C 07 inclusive, contained in the Corporate & Community Services Committee Report of 16 March 2015, be adopted by Council en bloc.

Moved: **Cr Noreen Townsend**

Seconded: **Cr Margaret Thomas**

Vote: **CARRIED UNANIMOUSLY (11/0)**

10.2.2 C&C 05 Debtors and Creditors Report for the Period Ended 28 February 2015

EN BLOC RESOLUTION OCM 22/2015

That Council:

1. Receives the list of payments made from the Municipal Accounts in February 2015 (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 February 2015 as noted in point 13 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 February 2015.

10.2.3 C&C 06 Rates Debtors Report for the Period Ended 28 February 2015

EN BLOC RESOLUTION OCM 22/2015

That Council:

1. Receives the Rates Debtors report for the period ended 28 February 2015 (Attachment 1).

10.2.4 C&C 07 Request to Undertake Field Archery Shooting Activities at Pickering Brook Sports Club

EN BLOC RESOLUTION OCM 22/2015

That Council:

1. Advertises for a period of 42 days the intent for the Pickering Brook Sports Club to undertake archery activities at the Pickering Brook Sports Club site.
2. Writes to the Pickering Brook Sports Club to request a copy of a risk and safety management plan.
3. Provides approval to the Pickering Brook Sports Club to undertake Field Archery at the Pickering Brook Sports Club site, subject to the outcome of the public notification period and the provision of a detailed risk and safety management plan.

10.3 Audit & Risk Committee Report

10.3.1 Adoption of Audit & Risk Report

Voting Requirements: Simple Majority

RESOLVED OCM 23/2015

That the recommendations A&R 01 to A&R 02 inclusive, contained in the Audit & Risk Report of 16 March 2015, be adopted by Council en bloc.

Moved: **Cr Frank Lindsey**

Seconded: **Cr Justin Whitten**

Vote: **CARRIED UNANIMOUSLY (11/0)**

10.3.2 A&R 01 2014 Compliance Audit Return

EN BLOC RESOLUTION OCM 23/2015

That Council:

1. Adopts the Compliance Audit return for the year ending 31 December 2014.

10.3.3 A&R 02 Internal Audit Report January 2015

EN BLOC RESOLUTION OCM 23/2015

That Council:

1. Notes the following recommendations included in the Internal Audit Report for January 2015 (Attachment 2).

Tenders

A check list is placed on the tender register in support of the steps and procedures performed in compliance with legislative requirements signed by procurement.

WA Local Government Association E-Quotes System

A check list is placed on the E-Quotes register in support of the steps and procedures performed in compliance with legislative requirements signed by procurement.

Review and Update of the Audit and Risk Register

The Audit and Risk Register is kept updated and reviewed on a regular basis to ensure management is taking action to reduce the Shire's exposure to risk.

Review of Financial Assistance Grant Agreements and Drawdown of Grants

There is close monitoring of grant drawdowns when stages of completion have occurred to reduce the use of the Shire's own resources.

Monthly Financial Management Reports

The Monthly Financial Management Reports are reviewed and monitored by all business units. This will ensure that monitoring of all significant variances and proper explanations for these variance. This will ensure that budget variances are managed in a timely fashion.

Credit Card Transactions

Management needs to be commended on following due process and taking action promptly on being made aware of unauthorised transactions by an external party.

Rubbish and Waste Services

Before the 30 June 2015, the information held in the rates data base needs to be checked with the Perth Waste data base to ensure all persons being provided with a bin service by external contractors are being billed for the service.

10.4 CHIEF EXECUTIVE OFFICER REPORTS

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

10.4.1 Draft Monthly Financial Statements to 28 February 2015

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 28 February 2015 incorporating the following:

- Statement of Financial Activity (Nature or Type)
- Statement of Financial Activity (Statutory Reporting Program)
- Net Current Funding Position, note to financial statement

PURPOSE

1. To provide Council with statutory 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 2013/2014 financial position was finalised on the 12 November 2014, the opening funding position in the Statement of Financial Activity statement reflects the audited position.
4. The budget column reflected matches to the budget review approved by Council at its meeting on 15 December 2014.

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 Financial Activity by Nature and Type for the months to 28 February 2015

6. This Statement reveals a net result surplus of \$24,948,636 against budget for the same period of \$18,557,117. The reasons for the variance include, timing issues on the Hartfield Park and Kostera Oval infrastructure projects, increase in capital grants and commissions, lower employment and materials costs and depreciation charges.

Revenue

7. Total Revenue excluding rates is under budget by \$1,310,401. This is made up as follows:
- Operating Grants, Subsidies and Contributions are under budget by \$60,876. The following grants have contributed to this variance:
 - \$100,000 relating to the metropolitan reform costs. The amount is unlikely to be received in light of the recent turnaround by the state government regarding the metro reform project. The amount has been adjusted at the statutory budget review.
 - \$32,413 reimbursements relating to the DFES Community Emergency Services Officer attached to the Shire. The variance is a timing matter and will be addressed by re-phasing the budget allocated.
 - Fees and Charges variance are under budget by \$139,200 of which
 - \$59,256 relates to lower building service fees from a drop in developer applications, partly due to the state of the economy and the lower activity over the summer months. This is noted as a timing matter;
 - \$51,587 related to lower fees from infrastructure services which includes private works. This is partially related to a capacity to provide the service and will be reviewed in the statutory budget review;
 - Refuse collection charges is slightly under budget by \$38,737; and
 - Fees from the Hartfield Park Recreation Centre are \$63,289 below budget. This is largely a result of seasonal demand and in-ability to let part of the centre due to continuing problems with the floor. Although a marketing campaign is being initiated to boost membership numbers, it is envisaged that this is a structural issue that will be addressed at the statutory budget review.

Interest earnings are slightly down by \$24,106 which is within the reporting threshold. Having said that, the Shire will need to have a tighter control on forecasting the Shire's cash flows due to a combination of:

- Lower interest income from deposits with Approved Deposit taking Institutions (ADI's) where the returns are lower than forecasted

- predicated by the cash rate set by the Reserve Bank of Australia (RBA). The cash rate was reduced by the RBA in February 2015 by 25 basis points to a new low of 2.25%;
 - The returns will be further constrained with the implementation of Basel III banking regulations which are effective from 1 January 2015, which requires all ADI's to keep a higher capital ratio against their liabilities;
 - Renewals of short term deposits are tracking lower at 3% maximum. Although we have covered this base for 14/15, the full impact is going to be felt in 15/16; and
 - Rates and service charge inflows are coming down with collection rates at 95.44% by close of month end. Outflows will be greater than inflows for the next few months.
- Other Revenue is slightly under budget by \$4,590. Most "Other Revenues" comprise various fines and penalties and success of prosecutions is difficult to predict.

Expenditure

8. Total expenses are under budget with a variance of \$2,493,878. The significant variances within the individual categories are as follows:
- Employment Costs are under budget by \$1,104,896 due to some vacant positions predominantly in the operational business units. This is impacting capacity in the delivery of infrastructure projects. The budget review will consider and apply savings to date.
 - Materials and Contracts is under budget by \$1,058,876 which is comprised of:
 - \$202,152 relates to consultancy costs for various projects. The largest component is being made up by asset management, which primarily relates to data collection costs and the impending valuation which is required to be completed by year end, therefore a timing issue;
 - \$195,182 relates to maintenance costs covering all asset classes. This is regarded as a timing issue;
 - \$144,379 lower in plant and equipment maintenance, partially helped by the lower fuel prices and new equipment that is currently being rolled out.
 - \$230,648 lower in waste management, mainly coming from lower verge collection costs. This is however being offset by higher costs incurred for tipping charges and transfer station costs emanating from greater tonnage being received than envisaged. The waste team will need to monitor their cost inputs closely for the next few months.
 - Utilities were under budget by \$97,445. Street lighting is under budget by \$108,148 which forms part of the variance mentioned above. A

review of budgets will be considered due to the consistent reporting of costs below budget for the past few months.

- Depreciation, although a non-cash cost, is tracking under budget, reporting a variance of \$289,555. 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. A further review will be undertaken and adjustments will be made for specific buildings identified.
- The interest expense is slightly under budget by \$24,562, which is the result of a timing difference between amounts accrued and the budget which is based on the debenture payment schedule.
- Insurance expense is slightly under budget by \$36,455 which will be reviewed as part of the budget review since the second instalment to LGIS to cover the insurance cost for the year has now been finalised.
- Other expenditure is under budget by \$98,520, with the bulk of the variance made up of the non-recurrent projects. This is largely a timing difference.

Capital Revenues

Non-operating Grants and Contributions

9. The non-operating grant income is greater than the budget by \$1,271,803. The variance can be attributed to the partial billing for Hartfield Park and Kostera Oval valued at \$2.6 million. The amount was paid by the Department of Sports and Recreation in the month, hence the significant decrease shown in the sundry debtors at the end of February 2015.

Proceeds from the disposal of assets

10. The adverse variance of \$177,545 relates to the delay in disposing of the property located at 514 Kalamunda Road. This is planned for the coming months and therefore regarded as a timing matter.

Capital Expenditures

11. Infrastructure projects made up of roads, drainage, footpaths, car parks and parks and ovals is underspent by \$3,572,812. This variance is principally emanating from the Parks and Ovals class and relates to the two significant projects underway, that is, Hartfield Park and Kostera Oval. The progress on these projects is being closely tracked by Executive Management and will be considered as part of the budget review deliberations.

Rates revenues

12. Rates generation is under budget and the variance of \$380,976 relates to timing of recognition of cash-in-lieu monies related to the Dampier-Bunbury gas pipeline and prepaid rates. This can only be recognised at year end and

was at \$235,478. The budget review will consider the adequacy of the prepaid rates component.

Draft Statement of Financial Activity by Program for the month to 28 February 2015

13. The overall result comments are as above and generally each Program is within accepted budget except for Recreation and Culture, Community Amenities and Transport. Major variances have been reported by Nature and Type under points 7 to 12 above.

Draft Statement of Net Current Funding Position as at 28 February 2015

14. The commentary on the net current funding position is based on comparison of the draft February 2015 year to date actuals with February 2014 year to date actuals.
15. Net Current Assets (Current Assets less Current Liabilities) show a positive result of \$25.4 million. The un-restricted cash position has a positive balance of \$27.4 million, an increase to the previous year's balance of \$19.5 million. This can be attributed to issues addressed above in relation to infrastructure works projects and operational costs. Any carry forwards identified will be transferred to a specific reserve to ensure the funds are quarantined.
16. Trade and other receivables comprise of rates and sundry debtors totalling \$3.3 million outstanding.
17. The rates balance has reduced by \$2.8 million to \$1.86 million in the month due to the direct debit arrangements. This represents a collection rate of 95.44% to date. Of the \$1.86 million outstanding, \$455,632 is made up of deferred rates and therefore classed as a non-current assets. This amount is therefore excluded when determining the Net Current Funding Position (Attachment 1).
18. Sundry debtors have decreased to \$141,061 outstanding. The main overdue sundry debtor is:
- City of Vincent \$25,000 for contribution on legal fees relating to the merger challenge. Negotiations are underway to recover the payment due.
19. Provisions for annual and long service leave are stable at \$2.2 million. The Shire aggressively pursues a leave management plan that will not adversely affect service delivery. The long term goal is to bring this liability down to a more manageable level and also ensure that there are adequate reserves in place to back it.
20. Restricted Reserves are stable at \$2.6 million. It is on track to reach the year-end target of \$3.5 million as the Lewis Road properties were sold in December 2014. The transfer to reserves will be finalised once the GST treatment has been confirmed. It should be noted that if there are any capital projects identified out of the budget review, the amounts related will be ring fenced to a specific reserve set aside to ensure that these monies

are available in 2015/16 financial year to enable completion. This is a high probability considering the staff capacity issues in the Operations and engineering areas.

STATUTORY AND LEGAL CONSIDERATIONS

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

POLICY CONSIDERATIONS

22. Nil.

COMMUNITY ENGAGEMENT REQUIREMENTS

23. Nil.

FINANCIAL CONSIDERATIONS

24. Nil.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

25. *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

26. Nil.

Economic Implications

27. Nil.

Environmental Implications

28. Nil.

RISK MANAGEMENT CONSIDERATIONS

29.	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	The financial report is scrutinized by the Shire to ensure that all statutory requirements are met.

OFFICER COMMENT

30. The Shire's draft financial statements as at 28 February 2015 demonstrate the Shire has managed its budget and financial resources effectively.

Voting Requirements: Simple Majority

RESOLVED OCM 24/2015

That Council:

1. Receives the draft monthly statutory financial statements for the month to 28 February 2015, which comprises:
 - Statement of Financial Activity (Nature or Type).
 - Statement of Financial Activity (Statutory Reporting Program).
 - Net Current Funding Position, note to financial statement.

Moved: **Cr Margaret Thomas**

Seconded: **Cr Justin Whitten**

Vote: **CARRIED UNANIMOUSLY (11/0)**

Attachment 1

Draft Statements of Financial Activity for the months to 28 February 2015 incorporating the following:

- Statement of Financial Activity (Nature or Type)
- Statement of Financial Activity (Statutory Reporting Program)
- Net Current Funding Position, note to financial statement

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

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

10.4.2 Budget Review for Seven Months to January 2015

Previous Items	N/A
Responsible Officer	Director Corporate Services
Service Area	Finance
File Reference	
Applicant	N/A
Owner	N/A
Attachment 1	Amended Financial Activity Statement by Nature and Type
Attachment 2	Amended Financial Activity Statement by Program
Attachment 3	Net Current Asset Position
Attachment 4	Summarised Report of Amendments
Attachment 5	Statement of Amended Reserve Account Movement and Balances

PURPOSE

1. For Council to consider amendments to the 2014/2015 Adopted Budget as identified in the seven months to 31 January 2015 budget review.

BACKGROUND

2. Regulation 33a (1) of the Local Government (Financial Management) Regulations 1996 requires that a local government is to conduct a formal review of its adopted budget between 1 January and 31 March.
3. In pursuit of improved fiscal management and accountability, the Shire of Kalamunda undertook an additional budget review for the first four months of the financial year presented at the OCM in December 2014.
4. The primary objective of regular budget reviews is to ensure that the Shire is closely monitoring its revenue and expenditure to mitigate the risk of the Shire posting a deficit at the end of this financial year.
5. It also provides the Shire with the opportunity to monitor and implement strategies to ensure that the Shire's Current Ratio and Untied Cash to Unpaid Trade Creditors Ratio will be further improved upon for the year ending 30 June 2015.

DETAILS

Closing Surplus position (Attachment 1)

6.

Summary of Movements from the Rate Setting Statement			
Description	November Budget Review \$	Proposed Revised Budget \$	Variance \$
Operating Revenue Excluding Rates	26,330,884	24,527,199	(1,803,685)
Operating Expenditure	(57,161,126)	(54,995,851)	2,165,274
Non Cash Movements	4,245,881	5,734,925	1,489,044
Capital Revenues	11,542,554	10,850,074	(629,480)
Capital Expenditure, Debentures and Reserve movements	(15,940,404)	(18,506,265)	(2,565,859)
Rates Revenue	30,796,746	30,627,176	(169,570)
Closing Surplus Position	4,058,655	2,481,378	(1,577,275)

7. A brief synopsis of the budget variances above are as follows:

- Operating Revenue excluding rates –
 - Profit on sale of Lewis Rd, \$(1,293,337) and 514 Kalamunda Rd at \$(250,000) reflected correctly as an equity movement between the asset revaluation reserve and the general surplus;
 - Metro Reform Grant of \$(150,000) is now not expected to be received from State Government following the reversal of the Governor's orders for a boundary change with City of Belmont;
 - Slight reductions in estimates for Waste Fees and Charges of \$(72,588) in line with trend; and
 - Reduction in gym fees at the Hartfield Park Recreation Centre by \$(56,000) in light of continuing issues with un-availability of court 2.
- Operating Expenditures –
 - With the decision for expenditure on Kostera Oval to be carried forward to 2015/16, the contribution \$1,941,252 has been adjusted. The item is classified as a contribution as the works are being carried out on Department of Education land;
 - Savings on staff costs due to various vacancies amounted to \$493,334;
 - Increase in road and verge maintenance primarily due to stricter Western Power requirements for tree pruning under power lines amounted to \$(470,000); and
- Non-Cash Movements –
 - Further reduction in depreciation charge by \$72,000 on Shire buildings as a result of the building revaluation exercise scheduled for completion as at 30 June 2015; and

- Profit on sale of Lewis Rd and 514 Kalamunda Rd properties recognised at \$1,540,277 as described above, an accounting treatment adjustment.

The above non-cash movements are required to be added back to derive the final closing surplus position.

- Capital Revenues –
 - Proceeds from the sale of Lewis Rd and 514 Kalamunda Rd properties - \$172,550;
 - Removal of proceeds from sale of assets worth \$(350,000). This was an error in the original budget now rectified. The remaining \$50,000 represents sales of light fleet which are being changed over in the year; and
 - Reduction in road grants relating to Kalamunda Rd \$(518,518) which is a funding withdrawal by Main Roads Regional Group (MRRG). The capital expenditure in relation to this road has been scaled back to take into account the funding shortfall.
- Capital Expenditure –
 - Deferral of infrastructure projects due to capacity issues or delays in design works - \$4,263,345. The bulk of the carry over relates to Kostera Oval \$1.98 million and Hartfield Park works worth \$1.67 million.
 - Re-classification of Kostera Oval to operating expenditure - \$(1,941,252) (explained above);
 - Transfers to Reserves –
 - Buildings and Environmental reserves increased as result of sale of Lewis Rd properties by \$(176,755);
 - HACC reserves to account for surplus identified to 31 December 2014 closing surplus position and asset acquisitions amounting to \$(261,557); and
 - \$(4,263,345) being carry-over of capital works transferred to un-expended capital works reserves

8. The projected year end revised closing surplus position as at 31 January 2015 is \$2,481,378. The new position will ensure that the Shire maintains a strong year end cash position and modified current ratio within target range of >1. The asset ratio will be impacted heavily with the deferral of capital works of which 27% relates to renewal works. The results of the infrastructure revaluation will not be felt until 2015/16 once the new depreciation is calculated

9. The Shire will still need to keep tight control over income and expenditure to ensure a surplus is in place at 30 June 2015 to strengthen the Shire's financial capacity and Reserves.

Reserve Account Adjustments (Attachment 5)

Land and Property Enhancement and Maintenance Reserve

10. There has been an adjustment to the Land and Property Reserve with the net transfers to the reserve increasing by \$176,755. Transfers from reserves are reduced by \$185,000 to \$1,865,000 in line with expenditure on capital works projects related to Buildings.

HACC Leave Reserve

11. Transfer to this reserve has been increased by \$261,557 to allow for the surplus position at 31 December 2014.
12. An amount of \$134,850 has been also shown as transfer back to municipal funds to allow for the purchase of a vehicle and some furniture and equipment.
13. The Shire will address the continuing surpluses by balancing service levels to funding agreements when the new contracts are re-negotiated to lower the funding exposure.

Forrestfield Industrial Area Reserve

14. Transfer from this reserve has been increased by \$3,000 to reflect the slight increase in expenditure.

Un-expended Capital Works and Specific Purpose Grants Reserve

15. Transfer to this reserve has been increased by \$4,263,345 to reflect the deferral of capital works as noted above.
16. These funds have been set aside to ensure that the monies allocated in 2014/15 are protected to allow for the completion of these projects in the following year and no new funds are sought in this respect from the ratepayers.

All Reserves

17. The opening balances have been revised to reflect the balances as per Audited Financial Statements as at 30 June 2015.
18. In light of this Budget Review all future Financial Reports presented to Council for adoption will include adjustments to the current Budget and amendments based on operations and new information.
19. The Statement of Amended Reserve Account Movement and Balances (Attachment 5) incorporates all the above mentioned proposed adjustments and reveals a balanced budget with a revised closing balance of \$8,149,456 reflecting a significant increase from \$3,450,799 estimated when preparing the original budget.

STATUTORY AND LEGAL CONSIDERATIONS

20. Section 6.8 (1)(b) of the *Local Government Act 1995* requires an absolute majority decision by Council for any budget amendments.

POLICY CONSIDERATIONS

21. Nil.

COMMUNITY ENGAGEMENT REQUIREMENTS

22. Nil.

FINANCIAL CONSIDERATION

23. The Rate Setting Statement shows the Shire is projected to be in a surplus position at the end of the financial year.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

24. *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

25. Nil.

Economic Implications

26. Nil.

Environmental Implications

27. Nil.

RISK MANAGEMENT CONSIDERATIONS

28.

Risk	Likelihood	Consequence	Risk	Action/Strategy
Expenditure exceeds budgeted allocation resulting in negative impact on closing funds position	Possible	Major	High	Monthly management reports are tracked by business unit managers to ensure that they are operating within budget parameters. Budget reviews and forecasting of expenditures against potential revenues are monitored closely.
Funds spent without a budget allocation	Unlikely	Critical	High	Electronic purchasing system in place which tracks and allows authorisation of purchase orders only if a budget is available

OFFICER COMMENT

29. The amended Rate Setting Statement following the January budget review in Column 4 (2015/2015 Proposed Budget Review) reveals a balanced budget estimate for 30 June 2015 with a surplus of \$2,481,378.
30. It needs to be noted that the Reserves overall are still maintained at a high level with a significant increase from \$3,450,799 to \$8,149,456 as shown in (Attachment 5).
31. The key to addressing the Shire's ongoing liquidity will be to diversify its revenue streams and continuing to monitor closely revenues and expenditure against allocated budgets. The Shire will also continue to monitor service delivery to align resources with strategic priorities.
32. It is critical that Council is committed to this strategy; otherwise significant decisions will need to be made about service reduction to maintain sustainability in the longer term and meet asset management requirements.
33. The Shire is focussed on ensuring that it returns a positive surplus and is constantly looking at improving its financial sustainability in line with the new ratios introduced.

Voting Requirements: Absolute Majority

RESOLVED OCM 25/2015

That Council:

1. Notes the 2014/2015 Budget Review Explanation and Summary (Attachment 4) be noted.
2. Pursuant to Section 6.8 (1) (b) of the *Local Government Act 1995*, authorises the Chief Executive Officer to amend the 2014/2015 current budget to reflect the changes summarised in the Amended Rates Setting Statement (Attachment 1).

Moved: **Cr Margaret Thomas**

Seconded: **Cr Noreen Townsend**

Vote: **CARRIED UNANIMOUSLY/ABSOLUTE MAJORITY (11/0)**

Attachment 1

Amended Financial Activity Statement by Nature and Type

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

Attachment 2

Amended Financial Activity Statement by Program

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

Attachment 3

Net Current Asset Position

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

Attachment 4

Summarised Report of Amendments

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

Attachment 5

Statement of Amended Reserve Account Movement and Balances

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

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

10.4.3 Hills Rural Study – Final Endorsement

Previous Items	OCM 98/2013, OCM182/2013
Responsible Officer	Director Development Services
Service Area	Development Services
File Reference	PG-STU-003
Applicant	Shire of Kalamunda
Owner	Various
Attachment 1	Map of the Study Area
Attachment 2	Final Hills Rural Study Appendices
Attachment 3	Final Hills Rural Study Document

PURPOSE

1. To consider endorsement of the final version of the Hills Rural Study (Attachments 2 and 3) which has been reviewed following public advertising of the draft Study.

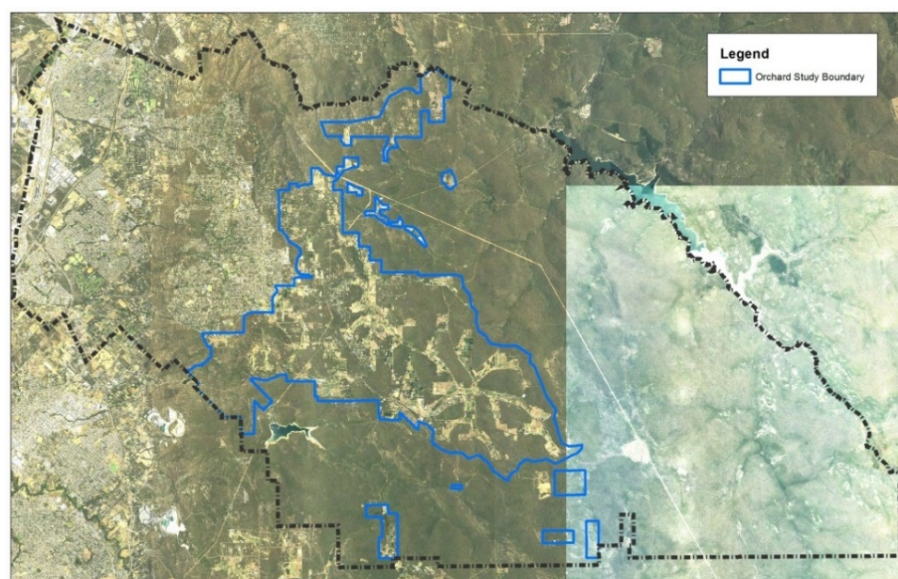
BACKGROUND

2. **Land Details:**

Aggregate Land Area:	2,326 hectares
Local Planning Scheme Zone:	Rural Agriculture, Rural Landscape Interest, Rural Conservation, Special Rural
Metropolitan Regional Scheme Zone:	Rural and Parks and Recreation

Locality Plan

- 3.



4. The subject land is zoned 'Rural' under the Metropolitan Region Scheme (MRS) and 'Rural Agriculture', 'Rural Landscape Interest', 'Rural Conservation' and 'Special Rural' under the Shire's Local Planning Scheme No 3 (the Scheme). There is an area within the study boundaries zoned 'Urban' under the MRS and 'Residential Bushland' under the Scheme that has not been considered under this review.
5. The subject land covers an area of approximately 2,326 hectares of the localities of Bickley, Carmel, Pickering Brook, Canning Mills, Hacketts Gully, Paulls Valley and Piesse Brook. This is the same area covered by the original Hills Orchard Study plus additional properties with relevant rural zoning. Small parts of Kalamunda, Lesmurdie and Walliston are also part of the Study area. An enlarged map of the Study area is included (Attachment 1).
6. The Hills Orchard Study, completed in 1987, evaluated some of the physical, social and economic factors affecting the land contained within rural areas of the Shire. The Study recommendations were incorporated into District Planning Scheme No 2 and later into the current Scheme.
7. In recent years, there has been a steady flow of requests for a review of planning controls relating to land within the Study area. Both the growers, as well as other landowners who are not producing on their land, have identified issues caused by the perceived lack of flexibility of land use and the inability to subdivide their land.
8. The Local Planning Strategy, adopted by the Western Australian Planning Commission (WAPC) in February 2013, recommended a review of the original Hills Orchard Study and consideration of the potential for further subdivision, development and opportunities for tourism in the area. Also, to consider the existing strategies, policies, statutory requirements and other regulations that govern the land use and the lot sizes in the study area.
9. In July 2013, Shire officers presented the first version of the draft Hills Orchard Study to Council for the purpose of initiating public advertising. Council resolved as follows:

That this Report lay on the table for one month to enable Councillors to consult with members of the community regarding any possible amendments to the Report.
10. Following Council's decision, a workshop was held on 24 July 2013. Local producers, landholders, the Member for Darling Range, a number of Councillors and Shire officers attended the workshop. It was agreed that a number of actions would be undertaken before Shire officers presented an amended version of the draft Study back to Council as follows:
 - a) Additional investigation to be undertaken to facilitate the potential of inclusion of non-productive land in the Study recommendations;
 - b) The name of the study to be changed to Hills Rural Study to better reflect the scope of the study;
 - c) Economic development opportunities to be explored; and
 - d) Advocacy to be considered for the project.

-
11. In response to point c) above, a consultant was engaged to complete the Economic Development Discussion Paper (EDDP) which informed additional economic development and planning recommendations that were incorporated into the Study. The EDDP is contained in Appendix 2 of the Hills Rural Study which is included (Attachment 2).
 12. The revised draft Hills Rural Study was considered by Council in November 2013 and Council resolved to:
 1. Receive the Economic Development Discussion Paper and the draft Hills Rural Study and along with its Appendices for an 80 day public consultation period from 26 November closing on 14 February 2014.
 2. Approve a public forum to be held during the consultation period to provide detailed presentations of the Reports and to provide an opportunity for clarification on any matters required by the Community.

Details of the advertised version of the Study are included in the 'Details' section of this report.

DETAILS

Issues facing the Hills Rural Study area

13. During the course of preparing the draft Study between 2011 and 2013, a working group was formed consisting of community representatives, Councillors and Shire officers. A number of meetings and onsite visits were held to provide Shire officers with an idea of the issues facing local growers as follows:
 - The availability of water has steadily reduced and it is likely that this trend will continue.
 - The loss of markets - most growers are not of a large enough scale to cater to the large food providers, and local markets are too small to accommodate all the growers. The international market has become too competitive because of the inclusion of countries with cheaper labour costs.
 - Younger generations have increasingly chosen to work in other industries, resulting in a growing number of ageing growers who are struggling to cope with the demands of agriculture/horticultural work on their own.
 - The inability to subdivide large rural landholdings results in the fragmentation of the traditional agriculture/horticultural family units as young people are forced to move out of the area in order to be able to purchase their own property.
 - Some pest controlling chemicals are being banned from use, making pest control management considerably harder and less cost effective.
14. Many land owners in the Study area are seeking change to planning controls relating to the area so they may explore diversification or downsizing of operations, or subdivision of land in order to overcome the abovementioned issues.

Planning Considerations

15. The use of land within the Hills Rural Study area is highly regulated, primarily by statutory controls aimed at protecting the area as a primary agriculture area, and ensuring that underlying water resources are not degraded. The following planning documents relate to the land:

16. *State Planning Policy 2.5 - Agricultural and Rural Land Use Planning (SPP 2.5)*

SPP 2.5 was gazetted in November 2013 and replaced the previous State Planning Policy 11 – Agricultural and Rural Land Use Planning. SPP 2.5 applies to all the land zoned 'Rural' under the MRS and contains the following objectives:

- To protect rural land from incompatible uses;
- To promote regional development through the provision of ongoing economic opportunities on rural land;
- To promote sustainable settlement in, and adjacent to, existing urban areas;
- To protect and improve environmental and landscape assets; and
- To minimise land use conflicts.

SPP 2.5 emphasises the importance of retaining priority agricultural land, however, unlike its predecessor, it does not actually identify such areas within the state. The term 'priority agricultural' is defined as follows:

"Land considered to be of State, regional or local significance for food production due to its collaborative advantage in terms of soils, climate, water (rain or irrigation) and access to services. Priority agricultural land is derived from High Quality Agricultural Land data that has been subject to consultation and refinement, and has removed land required for existing and future urban/development areas, public use areas and land required for environmental purposes."

SPP 2.5 places the responsibility of determining priority agricultural areas on the local government, indicating that these areas should be identified through local planning strategies and schemes. Local governments are referred to the *Rural Planning Guidelines 2014* which outlines the process for identifying priority agricultural land and incorporating it in local planning strategies and schemes.

17. *Development Control Policy 3.4 - Subdivision of Rural Land*

This operational Policy guides the subdivision of rural land to achieve the key objectives of SPP 2.5 to protect agricultural land, plan for rural settlement, minimise land use conflict and manage natural resources.

18. *State Planning Policy 2.7 - Public Drinking Water Source Policy (SPP 2.7)*

The objective of SPP 2.7 is to ensure that the land use and development within the Public Drinking Water Source Areas is compatible with the long term management of water resources for public water supply. The majority of the Study area is identified as a Priority 2 (P2) drinking water source area, with a portion of the Study area around Carmel also being contained within the MRS 'Water Catchment' reserve.

19. *Draft State Planning Policy 3.7 – Planning for Bushfire Risk Management (draft SPP 3.7)*

In May 2014, the WAPC released the draft State Planning Policy 3.7 – Planning for Bushfire Risk Management (draft SPP 3.7). The purpose of draft SPP 3.7 is to give a 'head of power' to the revised edition of the Planning for Bushfire Guidelines (the draft Guidelines). These documents were prepared following the release of the Keelty Report which identified that a more integrated planning approach needed to be taken to bushfire risk management following several devastating bushfires throughout Australia in recent years.

20. The primary focus of the draft Guidelines is bushfire protection for new subdivisions and related development in rural residential developments. The draft Guidelines establish a set of performance criteria that are required to be met by new subdivisions and related development within bushfire prone areas. Local governments are encouraged to adopt the performance criteria within the draft Guidelines when assessing structure plans and subdivision and development applications.

21. *Middle Helena Catchment Area Land Use and Water Management Strategy (MHCA Strategy)*

The MHCA Strategy recommends a framework for land use planning and water management in the catchment area, which a significant portion of the Study area falls within. The strategy outlines that the area is subject to pressures from a demand for housing, reduction and degradation of agricultural production and an increasing need for tourism opportunities. Some recommendations of the MHCA Strategy relating to the ideal MRS zoning of land within drinking water resource areas have yet to be implemented by the WAPC.

22. *Local Planning Scheme No. 3*

The Scheme provides statutory provisions relating to the subdivision, development and use of each zone within the Hills Rural Study area. The Study area is zoned 'Rural Agriculture', 'Rural Landscape Interest', 'Rural Conservation' and 'Special Rural' under the Scheme. With the exception of the 'Special Rural' zone, the minimum lot size permitted by the Scheme for land within the Study area is 12 hectares, or 6 hectares subject to certain criteria being achieved.

Advertised Hills Rural Study

23. This draft Study was prepared in response to public pressure for a formal investigation to be undertaken into the issues facing the Hills Rural community, and potential solutions to these issues, including the appropriateness of reviewing planning controls for the area. The recommendations of the draft Study responded to three key issues facing the area: economic decline, a lack of land use flexibility and the inability to subdivide land in the area. The recommendations of the draft Study are summarised below.

24. Draft Recommendation 1 – This recommendation relates to supporting local growers to implement their preferred recommended actions of the EDDP which was included as an attachment to the Study.

-
25. Draft Recommendation 2 – This recommendation would see a review of the Scheme to identify where zone rationalisation or changes to land use permissibility could occur. In particular, the review would explore land uses that may facilitate new revenue opportunities and the diversification of the agricultural industry in the area.
26. Draft Recommendation 3 – This recommendation presents seven different options relating to subdivision of the Study area in the future as follows:
1. No change to the current subdivision potential of the land;
 2. Reduce the minimum lot size in a new 'Priority Agricultural' zone and the 'Rural Conservation' zone;
 3. The introduction of a 'agricultural ancillary' lot for lots under production which are currently in excess of 6 hectares;
 4. Excision of a 2 hectare lot from all lots in excess of 6 hectares regardless of whether they are under production or not;
 5. Rural cluster subdivision of a lot into a number of small strata lots, and a separate agricultural lot under production.
 6. Transferrable development rights which allow those with lots under production and the potential to subdivide their land the opportunity to sell their development rights in order to protect the agricultural land.
 7. A full reclassification of the area from a priority agricultural area to a rural settlement designation which would allow subdivision of lots down to 2 hectares.
27. Further details on the public advertising of the draft Study and the submissions received is provided in the 'Community Engagement' section of this report, and also in Chapter 7 and 8 of the final Hills Rural Study (Attachment 3).

Final Hills Rural Study

28. Shire officers have now compiled a final version of the Hills Rural Study which has been informed by the submissions received during the public advertising of the draft Study. In particular, the final Study considers the views of public and Government Agencies towards the three recommendations of the advertised draft Study.
29. The final version of the Study retains the contextual and case study research of the draft Study, however, the final chapters have been re-structured to reflect the current status of the project now that all public consultation and analysis of information is complete. The final Study also takes into consideration policy changes which have occurred since the preparation of the draft Study such as the release of SPP 2.5 and the draft SPP 3.7.
30. To appropriately conclude the Study, revised recommendations have also been included as follows:

Final Recommendation 1

Commit to supporting landowners in the Kalamunda Hills Rural area with developing and implementing economic development initiatives aimed at diversifying and improving the viability of agriculture/horticulture activities. This support may occur by way of Councillor and Officer involvement, liaising with

State Government Departments, assisting with obtaining grants and research assistance, or other means of support deemed appropriate.

Final Recommendation 2

Commence a Local Planning Scheme 3 Amendment for the purpose of:

- a) Rationalising rural zones in the Study area;
- b) Introducing new permissible land uses to rural zones in the Study area which may increase land use flexibility for land owners; and
- c) Introducing a new 'Priority Agriculture' zone over land which is deemed to be of State, regional or local significance for food production purposes, due to its collaborative advantage in terms of soils, climate, water (rain or irrigation) and access to services, in accordance with *Planning Policy 2.5 – Land Use Planning in Rural Areas*, and the WAPC's *Rural Planning Guidelines 2014*.

Final Recommendation 3

Write to the WAPC and the DAFWA to:

- a) Advise that the Shire acknowledges their positions regarding further subdivision of the Kalamunda Hills Rural area, and furthermore, that the Shire will not be progressing any planning in this regard following the conclusion of the Hills Rural Study 2014; and
- b) Request that the DAFWA initiate a study into the agricultural productivity of the area for the purpose of assisting the Shire to delineate the boundaries of a new 'Priority Agriculture' zone in accordance with the WAPC's *Rural Planning Guidelines 2014*.

STATUTORY AND LEGAL CONSIDERATIONS

31. Nil.

POLICY CONSIDERATIONS

32. State Planning Policy 2.5 – Agricultural and Rural Land Use Planning.
State Planning Policy 2.7 – Public Drinking Water Source Policy.
Development Control Policy 3.4 – Subdivision of Rural Land.
Draft State Planning Policy 3.7 – Planning for Bushfire Risk Management.

COMMUNITY ENGAGEMENT REQUIREMENTS

33. Following Council's resolution in November 2013, the draft Study was advertised for public comment between 26 November 2013 and 14 February 2014. At the closing of the public consultation period, Shire officers had received a total of 318 submissions from the public, while a further six submissions were received from Government Agencies and Town Planning Consultants.
34. A summary of the public submissions is contained in Appendix 7 of the Hills Rural Study. A large number of the public submissions received (231 of the 318) were

an identical submission which had been signed by different members of the public, this submission has been referred to within the Study as the 'group' submission. This submission supported Recommendation 7 of the draft Study to reclassify the Hills area from 'priority agriculture' to 'rural settlement' and allow subdivision of the area to occur. The balance of the submissions were received from other members of the public, each with differing views on the future of the Hills Rural area.

35. A summary of the submissions received from Government and other agencies is contained in Appendix 8 of the Hills Rural Study. Government Agencies were largely opposed to further subdivision due to the likelihood that further land fragmentation would be inconsistent with SPP 2.5 and SPP 2.7, as land fragmentation may result in a reduction of agricultural production and could potentially lead to degradation of drinking water resources. The Departments of Planning, Agriculture and Food, and Water expressed varied levels of support for Recommendations 1 and 2 being implemented, consistent with the assumptions and planning advice of the 'decision analysis' matrix contained in Chapter 7 of the Study.
36. Shire officers have presented the results and a statistical summary of the submissions in Chapter 8 of the final Hills Rural Study.

FINANCIAL CONSIDERATIONS

37. Although the majority of work on the review has been done in-house, a land capability consultant was engaged in the final stage of the draft in the document. Additionally, an economic development consultant was engaged to produce the EDDP.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

38. *Kalamunda Advancing: Strategic Community Plan to 2023*
- OBJECTIVE 4.1 – Ensure land use plans provide long term sustainable population growth.
- Strategy 4.1.6 - Continue to work collaboratively with State Government Agencies to deliver strategic land use plans, policies and initiatives.
- OBJECTIVE 5.4 – To be recognised as an excellent tourism destination with high levels of patronage.
- Strategy 5.4.2 – Ensure tourism development is integrated into land use planning in regards to the Perth Hills.

SUSTAINABILITY

Social Implications

39. An ageing population of landowners within the Study area and inability to encourage the younger generation to continue in the industry is a key issue

without any current solution. This fragmentation of traditional orcharding families is considered to be one of the most important factors in the decline of the agriculture in the area.

40. It should be noted the Study, as it stands, has only dealt with social issues at a minimal level.

Economic Implications

41. The purpose of undertaking the EDDP was to investigate economic initiatives that may be suitable for adoption by landholders in the area who wish to leverage and maximise market driven opportunities.

42. The EDDP made the following points in relation to the current and future economic viability of agriculture in the Study Area:

- The future of the local industry remains uncertain;
- There are significant risk factors and uncertainty involved in agricultural/horticultural production at the moment;
- Traditional agricultural and horticultural production in the Hills may be less viable at the current time;
- Some macro-economic factors are currently changing (e.g. strength of the dollar, labour availability);
- Overall market demand (Western Australia and global) is growing;
- Not all producers in the Study area are in decline;
- International competition tends to be somewhat overstated (it accounts for only 3.5% of total imports);
- Collaboration would be an obvious strategy to support growers but has not been implemented in the Study area; and
- There are some indicators that product quality in the Study area could be improved.

43. In considering the broad economic development factors affecting the Horticultural Industry, the EDDP recommended the following actions:

1. Facilitate greater collaboration between growers
2. Undertake overall analysis of fertile land in Western Australia to review supply/demand
3. Advocate for funding from Department of Agriculture (DAFWA) to support local initiatives.
4. Advocate for a scheme to support and encourage investment in capital.
5. Investigate development levies to support economic development initiatives.
6. Undertake trial innovation projects for new technologies.
7. Promote government support schemes.
8. Undertake energy audits to reduce energy costs.
9. Undertake product quality audits to gauge market perception.
10. Bring in experts for knowledge sharing.

11. Create linkages to the education sector.
 12. Review legislative frameworks to ensure equality with interstate producers.
 13. Investigate a farm gate branding approach to support tourism.
 14. Investigate a 'farmer's story' campaign.
 15. Survey younger family members to understand their intentions.
 16. Encourage start-ups to focus on industry.
 17. Investigate Community Supported Agriculture and other similar models.
44. It is important to note that for any of the above actions to be implemented, the initiative would need to come from the orcharding community. The Shire would then have a role of helping to facilitate the implementation, supported by all other tiers of government. As noted in the 'Details' section of this report, Recommendation 1 of the advertised draft Study related to the potential implementation of the EDDP actions.

Environmental Implications

45. Most of the Study area is within the Middle Helena Catchment Area. Water resource protection objectives are strongly reinforced in the planning system by SPP 2.7 and State Planning Policy 2.9 – Water Resources. Almost all rural zoned land within the Study area is currently Priority 2 (P2) classification. Due to the proximity of the Study area and its water catchments to a rapidly growing city which is affected by declining rainfall, compliance with these state planning policy objectives will be critical for any changes to land use planning controls in the area.
46. The Shire has now initiated a Scheme amendment to introduce a Special Control Area 'Bushfire Prone Area' into the Scheme. Once this Scheme Amendment is finalised by the WAPC it will be implemented in conjunction with the State Government's bushfire policies and guidelines and the mapping will have implications on the potential for further rezoning and subdivision in areas of extreme bushfire risk.
47. Any proposal to alter land use and planning controls for the area would need to be supported by extensive environmental studies which addressed the concerns and policy objectives of the State Government regarding drinking water resources, bushfire, and flora and fauna protection.

RISK MANAGEMENT CONSIDERATIONS

48.

Risk	Likelihood	Consequence	Rating	Action/Strategy
Council may resolve to pursue a recommendation in conflict with State Government policy and planning principles.	Possible	Major	High	To ensure that Council is aware of the position of State Government agencies on the re-zoning of the Hills Rural Study area.

OFFICER COMMENT

Draft Recommendation 1 – Agricultural production and business support

49. As outlined in Chapter 8 of Attachment 3, there was very little public support for Recommendation 1 of the draft Study. Almost half of the submitters on the study provided no comments on Recommendation 1 and those who did were mainly opposed to the idea of implementing it.
50. Although State Government agencies generally supported Recommendation 1, the Department of Planning (DoP), as with some members of the public, considered Recommendation 1 to be vague. This is largely because Recommendation 1 suggests the community's preferred EDDP recommendations be pursued, however, does not outline what the community's preferences are, and how they would be implemented.
51. Shire officers were anticipating that submitters on the Study would indicate their preferences towards certain EDDP recommendations so that implementation of these preferences could be explored by way of working with land owners to develop business initiatives. This has not occurred due to a general disinterest in Recommendation 1 of the Study altogether. Therefore, details regarding the implementation of this recommendation will require further communication with landowners in the Study area.
52. Notwithstanding the above, a small number of submitters were supportive of implementing Recommendation 1 of the Study. It is possible that this number may increase in the future if land use controls in the area become more flexible and allow for new agri-tourism pursuits. If subdivision is not possible in the future landowners may also be more willing to explore other options to improve their situation. Therefore, it is considered appropriate that the Shire commit to supporting landowners implementing economic development initiatives aimed at diversifying and improving the viability of agriculture/horticulture activities in the Study area. Final Recommendation 1 of the Study is reflective of this.

Draft Recommendation 2 – A review of rural zoning and land uses

53. Although most submitters did not directly address Recommendation 2 of the draft Study, the majority of those who did supported the possibility of introducing new land uses into the area. A common comment in the submissions was also that land use controls need to be relaxed to provide land owners with more options, and that the area could become a tourism hub similar to the Swan Valley.
54. State Government agencies were also generally supportive of this recommendation, on the basis that rationalising zoning and land use permissibility's does not compromise the objectives of SPP 2.5 and SPP 2.7 relating to the protection of agricultural land and drinking water resources. It is noted that the introduction of additional tourism related land uses into the area would not directly impact on agricultural land if appropriate development provisions were included in the Scheme. Nor would permitting the development of low impact tourism related land uses such as restaurants or chalets be in conflict with the land use compatibilities outlined in the State Governments Water Quality Protection Note 25.

55. Based on the relative level of support for a review of local zoning and land use permissibility in the Hills Rural area to be undertaken, Shire officers recommend that implementation of Recommendation 2 of the Study be initiated. It is considered that three main issues would be dealt with through a review of zones in the Study area as follows:

Improve flexibility and approvals process

56. It is noted that on 26 May 2014, Council resolved to initiate a Scheme Amendment to change the land uses 'Restaurant' and 'Chalet – Short Term Accommodation' to 'A' uses within the 'Rural Conservation' and 'Rural Agriculture' zones. This Scheme Amendment responds to several requests for the development of restaurants or chalets in the Hills Rural area. Although this Scheme Amendment represents a first step in the implementation of Recommendation 2, Shire officers still consider a wider review of planning controls in the Hills Rural area is necessary to determine how zones and land use permissibility in the Hills Rural area could be rationalised and made more flexible. Final Recommendation 2 of the Study is reflective of this.

Introduce a 'Priority Agriculture' zone

57. As identified in the 'Details' section of this report, SPP 2.5 places the responsibility of determining priority agricultural areas on the local government when previously these areas had been defined by DAFWA. Now, in order to provide clarity to landowners, and to inform future planning for the Study area, it is necessary for the Shire to go down the path of implementing SPP 2.5 with respect to identifying areas of priority agricultural land.
58. As outlined in the *Rural Planning Guidelines 2014* this process would involve integrating environmental data (soils, water, topography, climate etc) with information gained from landowners and site visits throughout the Study area. Using this information the Shire, in collaboration with DAFWA, will be able to undertake a comprehensive land capability assessment and map the priority agriculture areas within the Shire.
59. The process of delineating priority agricultural areas and incorporating these into a 'Priority Agriculture' zone in the Scheme, will ultimately determine which properties are most suited to agricultural production and those which are not. This process may result in some properties within the Study area falling outside of the priority agricultural area boundaries, however, it is anticipated that a significant amount of the Study area would still ultimately fall within the designation.

Review of MRS 'Water Catchment' boundary

60. One barrier to a consistent and streamlined approvals process for developments in the Study area is the current application of the MRS 'Water Catchments' reserve over a significant amount of privately owned P2 land within the Study area, largely around Carmel. This is inconsistent with the intent of SPP 2.7 and the approach taken in other drinking water resource areas in the Perth metropolitan area. It was also identified as problematic by the Department of Water in their submission on the Study.

61. The consequence of there being privately owned P2 areas contained within the MRS 'Water Catchments' reserve is that any proposal for land use or development on these properties must be determined by the WAPC. This results in the development application process being longer, and more uncertain for land owners and may dissuade land owners from pursuing developments on their land even if land use permissibility becomes more flexible in the future.
62. Considering the above, the final Recommendation 2 of the Study recognises the need for the WAPC to review the MRS zones and reserves that apply to the Study area.

Draft Recommendation 3 – Seven potential options relating to subdivision

63. Recommendation 3 of the draft Study included seven different options relating to potential future subdivision of the Hills Rural area. With the exception of Option 1, all of the options related to some form of subdivision occurring in the future. It is no surprise that Option 7 – to reclassify the area to allow for rural settlement style development was supported by the vast majority of submitters.
64. The vast majority of property owners who support implementation of Recommendation 3 identified that subdividing their properties would benefit them socially and economically. These benefits included, but were not limited to the following:
 - Landowners could retain a portion of the property in the family for a longer period of time;
 - Landowners could sell a portion of the property to children;
 - Properties would be easier and less costly to manage;
 - Landowners could downsize agricultural production on properties as production in the Hills is no longer viable;
 - Retired farmers may become eligible for the pension if their lot became less than 2 hectares;
 - Capital from selling portions of the property could be reinvested into the land; and
 - Subdivision would facilitate the sale of the productive portion of the lot to a younger person with fresh ideas.
65. Option 7 of Recommendation 3 received the most support from submitters with over 80% of all submitters, and 90% of submitters who own property in the Study area being supportive of this approach.

Agricultural considerations

66. Although SPP 2.5 no longer specifically identifies the area as being a priority agricultural area, the area is still afforded protection under the policy as it applies to all rural land within the State and contains other provisions which favour retention of the area as an agricultural area. DAFWA have consistently expressed the view that further subdivision of the Study area is against their objectives. DAFWA have also not supported the majority of options in the draft Study relating to subdivision as implementing these options would inevitably result in a loss of agricultural land.

67. This is consistent with the advice received from the DoP that further fragmentation of rural land is not consistent with SPP 2.5, and that and that variations to SPP 2.5 are not likely to be considered. In their submission on the draft Study, the DoP made the following statement in relation to Recommendation 3:

“As noted in the EDDP, any reduction in land size is likely to result in the long term reduced viability of productive rural land in the Shire. Accordingly, recommendations proposing the reclassification of the area to rural settlement, or which would facilitate additional subdivision potential to that already possible under the Scheme are not supported.”

68. The land capability assessment contained in Chapter 5 of the Study indicates that many portions of the Study area contain soils which are generally highly conducive to agriculture/horticulture. In addition, it is noted that the DAFWA consider the area to be a Class 1 and 2 land capability area for agricultural/horticultural production. It is based on this information that Shire officers consider a large amount of the Study area would ultimately qualify as ‘priority agriculture’ land once a Study to delineate this area commences in accordance with Sections 57 - 59 of this report.

Drinking water resource considerations

69. In their submission on the Study, the DoW reinforced that the recommendations of the Study were only supported where they would be consistent with SPP 2.7 and the DoW land use compatibility table. The land use compatibility table broadly identifies that in P2 drinking water source areas, rural subdivision to less than 4 hectares is incompatible, while ‘Special Rural’ subdivision of less than 2 hectares is incompatible.
70. Implementation of the community’s preferred Option 7 of the Study would actually see the area be reclassified to some form of rural settlement zone similar to a ‘Special Rural’ zone. If this was to occur, subdivision down to a 2 hectare lot size would actually be consistent with the DoW land use compatibility table. However, the DoW and DoP have indicated that the effect of development intensification on the area would not be consistent with their objectives for priority drinking water source areas, in particular those areas located within the ‘Water Catchments’ MRS reserve.

Feasibility of pursuing options for subdivision

71. Undoubtedly, one of the largest barriers to the implementation of Options 2 – 6 of draft Recommendation 3 is the lack of planning justification to support the subdivision in the area. It is noted that although there was overwhelming support for subdivision from landowners in the Study area, submitters did not provide any input in addressing the issues of preserving agricultural land and protecting environmental resources such as drinking water. Submitters primarily supported subdivision due to personal circumstances and for social and financial reasons.
72. In contrast, those who did not support subdivision of the area often provided agricultural, environmental or amenity based justification for their non-support of subdivision in the Hills. Such justification included the fragmentation of viable

agricultural land, additional discharges into groundwater resources, and a lack of infrastructure to accommodate a population increase in the area.

73. In contrast to the overwhelming support for some form of subdivision to be permitted within the Study area, Government Agencies reinforced that any proposals which are inconsistent with State Planning Policies need to be justified in terms of policy objectives. Essentially, this would require Shire officers to demonstrate to the State Government that facilitating subdivision in the Hills rural area would provide a benefit to the area without compromising the capability of the area as a highly productive agricultural area, a drinking water source and a high amenity location.
74. It is not disputed that intensification of urban development in the area will impact on the agricultural capability of the land, and unless carefully managed, on the viability of drinking water resources. The EDDP commissioned by the Shire has already identified that although subdivision may be attractive for many land owners to support their personal circumstances, it is likely to facilitate further decline of the growing industry over the long term. Furthermore, the EDDP notes that it is very possible that agricultural production in the Hills Rural area will become viable again in the future.

Bushfire hazard mitigation – impact on future planning

75. In May 2014, the WAPC released draft SPP 3.7 along with the draft Guidelines. These documents were prepared following the release of the Keelty Report which identified that an integrated planning approach needed to be taken to bushfire risk management following several devastating bushfires throughout Australia in recent years.
76. The Hills Rural area will soon be formally recognised as a bushfire prone area by the Shire and the State's bushfire maps, and therefore, any application for subdivision or development will be subject to draft SPP 3.7 and the draft Guidelines (once gazetted) which provide guidance for the assessment of applications.
77. In May 2014, environmental consultants Strategen undertook a Strategic Bushfire review for the Hills Rural area on behalf of the Shire. As expected, this review identified that many properties do not comply with the bushfire performance criteria, particularly properties located on large rural cul-de-sac roads that can only be exited from in one direction. Furthermore, the review identified that intensification of the area through subdivision would be placing a larger number of people at risk of a bushfire hazard.
78. The review considered the possibility of further subdivision in the Hills Rural area, and identified that any proposed development would need to be undertaken in accordance with the current and draft Bushfire Protection Guidelines and the draft SPP 3.7, and designed in such a way as to provide additional bush fire mitigation measures such as:
- A revised road network that provides compliant, safe access and egress from the site;
 - Safe refuge areas that are self-protecting from bush fire;
 - Building construction and design in accordance with AS 3959–2009;

- Regular fuel hazard reduction and firebreak management in surrounding bushland areas to provide additional protection and defensible space;
- Provision of reticulated water and auxiliary 90 000 litre water tanks at strategic locations;
- Installation of reticulated sewage with associated treatment plants and options for reuse to irrigate green grass throughout playing fields and other possible safe refuge areas; and
- Implementation of a developer contribution scheme and differential rating to support the above risk mitigation measures.

79. A further section of the review included the following comment:

“although future expansion of the precinct may be achievable, significant bush fire risk mitigation will be required to provide adequate protection to current and future landowners... A detailed evaluation of the financial costs and responsibilities associated with the required bush fire risk mitigation works should be undertaken to determine the viability of the project.”

80. The extensive nature of these bushfire mitigation measures further highlights that any expectations regarding the reclassification of the Hills Rural area, or reductions for the minimum lot sizes may simply not be viable at this point in time.

Conclusion and Recommendations

81. In concluding the Hills Rural Study, it is considered important to evaluate how the findings of the Study reflect on the Study’s original objectives as follows:

Study objective		Outcome
1	To allow traditional growers more flexibility in potential uses.	Among the final recommendations of this Study it is being recommended that work commence on Scheme Amendment to rationalise the rural zoning of the area, and permit new land uses to be approved on land within the Study area, especially ‘agri-tourism’ land uses. This idea has already received a relative level of support from State Government Agencies, and it is considered that it will ultimately provide traditional growers and other land owners with the ability to diversify the activities undertaken on their land.
2	To encourage additional land uses ancillary to the primary horticultural production.	The Study is not directly able to ‘encourage’ additional land uses to be undertaken on land within the Study area. Notwithstanding this, the Scheme Amendment outlined in relation to Objective 1 above will ultimately allow for new land uses, in particular ‘agri-tourism’ land uses to be approved.

3	To consider the potential for future subdivision in the area.	The Study has revealed that progressing planning to facilitate subdivision of the Study area would compromise two major State Government objectives for the area. The Study area is constrained by the fact that it is known to be of high agricultural potential and a drinking water resource, the State Government will not consider reclassification of the area on the basis that its objectives for the area in relation to agriculture and drinking water are not likely to change in the near future.
4	To review the current zoning in the area.	See comments relating to objective 1 above.
5	To create incentives and support horticultural production in the area.	The Study has revealed that there is little community support for the development of economic initiatives aimed at diversifying and improving the viability of agriculture/horticulture activities in the Study area. The public also expressed little support for collaborative action between the grower's community and the government. Notwithstanding this, Shire officers are recommending that the Shire commit to supporting landowners with developing and implementing such initiatives if such support is requested.
6	To protect the rural character of the area through landscape protection.	The Study has revealed that although a large portion the community wish for subdivision of the area to be possible, retention of the rural character of the area is a priority for the majority of the community. Amendments to land use permissibility's in the area in accordance with Objective 1 above will need to take this into account so that new infrastructure and activities do not negatively alter the character of the area.
7	To protect the quality of water.	The Study has once again highlighted that subdivision of rural lots to less than 4 hectares is incompatible with P2 water resource areas in accordance with SPP 2.7. This is just one of the reasons that implementation of Recommendation 3 of the draft Study is not being recommended in this final version of the Study. It had also been identified that some of the recommendations regarding drinking water source protection contained in the MHCA Strategy have not been implemented and it is likely that this will be explored further at such time that a review of zoning in the Study area occurs.

82. The final version of Hills Rural Study represents a comprehensive research document. The Study incorporates a significant level of background investigation into the land use, demographic, environmental and regulatory context of the Study area. The final Study also includes an extensive evaluation of newly gathered data which has informed the three final recommendations of the Study.
83. Following an analysis of the background research, the public submissions and considering the Officer Comments above, it is recommended that Council endorse the recommendations of the Hills Rural Study which are as follows:

Final Recommendation 1

Commit to supporting landowners in the Kalamunda Hills Rural area with developing and implementing economic development initiatives aimed at diversifying and improving the viability of agriculture/horticulture activities. This support may occur by way of Councillor and Officer involvement, liaising with State Government Departments, obtaining grants and research assistance, or other means of support deemed appropriate.

Final Recommendation 2

Commence a Local Planning Scheme 3 Amendment for the purpose of:

- a) Rationalising rural zones in the Study area;
- b) Introducing new permissible land uses to rural zones in the Study area which may increase land use flexibility for land owners; and
- c) Introducing a new 'Priority Agriculture' zone over land which is deemed to be of State, regional or local significance for food production purposes, due to its collaborative advantage in terms of soils, climate, water (rain or irrigation) and access to services, in accordance with *Planning Policy 2.5 – Land Use Planning in Rural Areas*, and the WAPC's *Rural Planning Guidelines 2014*.

Final Recommendation 3

Write to the WAPC and the DAFWA to:

- a) Advise that the Shire acknowledges their positions regarding further subdivision of the Kalamunda Hills Rural area, and furthermore, that the Shire will not be progressing, at this stage, any planning in this regard following the conclusion of the Hills Rural Study 2014; and
 - b) Request that the DAFWA initiate a study into the agricultural productivity of the area for the purpose of assisting the Shire to delineate the boundaries of a new 'Priority Agriculture' zone in accordance with the WAPC's *Rural Planning Guidelines 2014*.
84. In addition, Council is advised that Shire officers will continue progressing other projects related to the Hills Rural Study area such as investigations into decreasing the risk of bushfire hazards in the area, and structure planning for the Pickering Brook Town Centre.

A Councillor had circulated a foreshadowed motion to all Councillors, and another Councillor foreshadowed a motion that the item be deferred to the next Ordinary Council Meeting. The Presiding Person invited the Councillor to explain the circulated foreshadowed motion. The Presiding Member put the Officer Recommendation which lapsed and then put the circulated foreshadowed motion which was moved and seconded. Councillors went into debate and the vote was then taken and carried.

Cr Noreen Townsend left the chambers at 7.45pm and returned at 7.47pm, she was present for the vote.

Voting Requirements: Simple Majority

OFFICER RECOMMENDATION

That Council:

1. Endorses the final version of the Hills Rural Study (Attachments 2 and 3) including its recommendations.
2. Forwards of copy of the final version of the Hills Rural Study to the Western Australian Planning Commission for endorsement and to the Department of Water and the Department of Agriculture and Food for information.
3. Forwards a copy of the final version of the Hills Rural Study to the Minister for Planning, Minister for Agriculture and Minister for Water.

Moved: **LAPSED**

Seconded:

Vote:

Voting Requirements: Simple Majority

RESOLVED OCM 26/2015

That Council:

1. **Deletes from Final Recommendation 3 (a) of the Hills Rural Study 2014 the words "and furthermore, that the Shire will not be progressing, at this stage, any planning in this regard following the conclusion of the Hills Rural Study 2014".**
2. **Inserts into final Recommendation 3, an additional point (c), which would read: "The Shire will reconsider options (2) through (7) of the Draft Hills Rural Study after the boundaries of the Priority Agriculture Zone have been determined".**
3. **Subject to the inclusion of the changes in Points (1) and (2) above,** endorses the final version of the Hills Rural Study (Attachments 2 and 3) including its recommendations.
4. Forwards a copy of the final version of the Hills Rural Study to the Western Australian Planning Commission for endorsement and to the Department of Water and the Department of Agriculture and Food for information.

-
5. Forwards a copy of the final version of the Hills Rural Study to the Minister for Planning, Minister for Agriculture and Minister for Water.

Moved: **Cr Frank Lindsey**

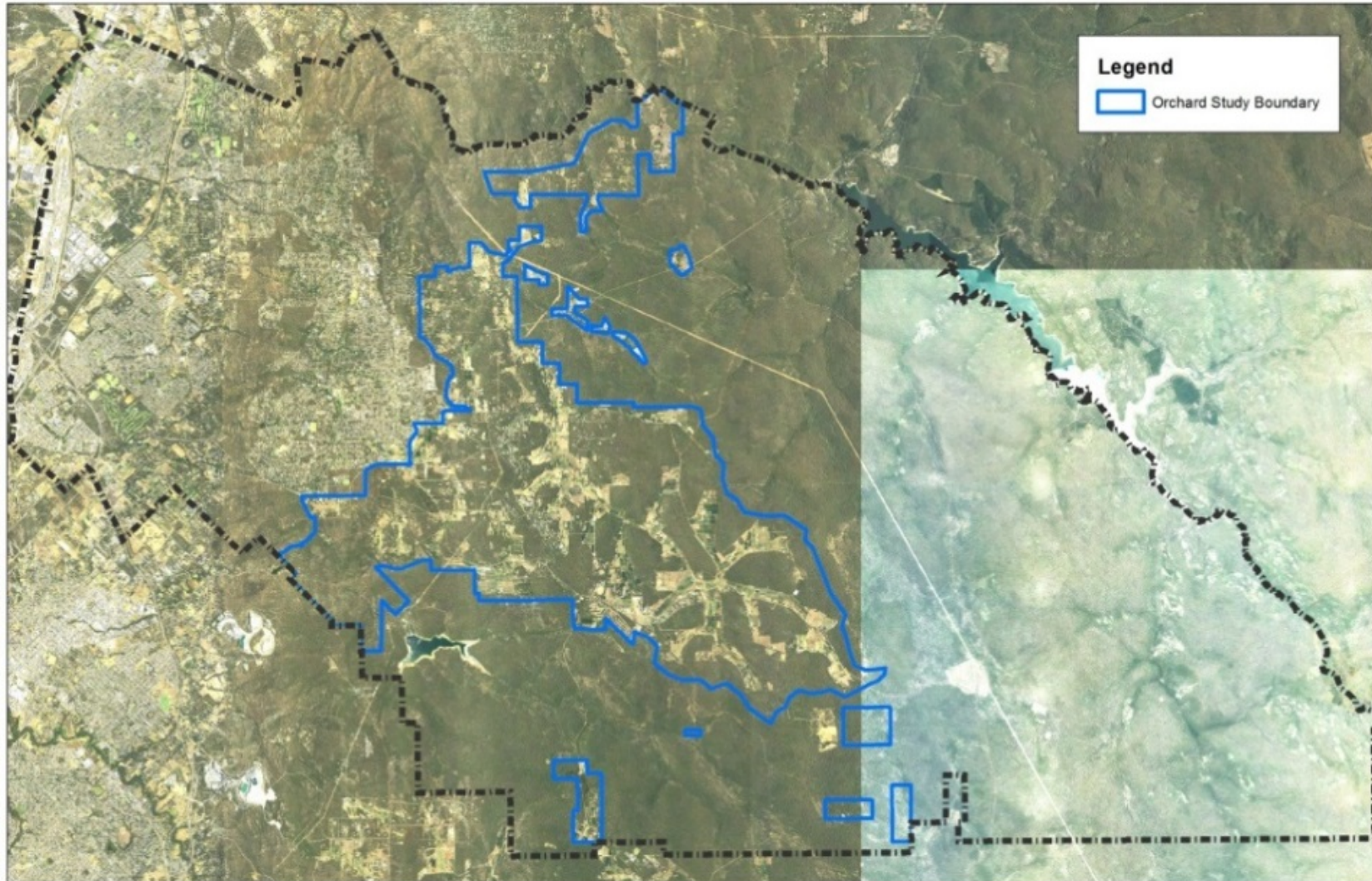
Seconded: **Cr Sue Bilich**

Vote: **For**
Cr Frank Lindsey
Cr Noreen Townsend
Cr Andrew Waddell
Cr Dylan O'Connor
Cr Simon Di Rosso
Cr Margaret Thomas
Cr Sue Bilich

Against
Cr John Giardina
Cr Geoff Stallard
Cr Allan Morton
Cr Justin Whitten

CARRIED (7/4)

Attachment 1
Hills Rural Study – Final Adoption
Map of Study area



Attachment 2

Final Hills Rural Study Appendices

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

Attachment 3

Final Hills Rural Study Document

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

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

10.4.4 Application for Leave – Chief Executive Officer

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

PURPOSE

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

BACKGROUND

2. Nil.

DETAILS

3. The Chief Executive Officer, Rhonda Hardy, wishes to be absent from the position on annual leave from Friday 5 June 2015 to Sunday 14 June 2015.

STATUTORY AND LEGAL IMPLICATIONS

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

POLICY IMPLICATIONS

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

PUBLIC CONSULTATION/COMMUNICATION

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

FINANCIAL CONSIDERATIONS

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

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

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

OBJECTIVE 6.10 To build a high performing and motivated workforce.

SUSTAINABILITY

Social Implications

9. Nil.

Economic Implications

10. Nil.

Environmental Implications

11. Nil.

RISK MANAGEMENT CONSIDERATIONS

- 12.

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

OFFICER COMMENT

13. The Director Corporate Services, Gary Ticehurst, will be appointed as the Acting Chief Executive Officer from Friday 5 June 2015 to Sunday 14 June 2015.
14. Following this period of leave the Chief Executive Officer, Rhonda Hardy, will attend the Australian Local Government Association NGA 2015 Conference in Canberra from 14 to 17 June. The Director Corporate Services, Gary Ticehurst, will be appointed as the designated Director to act on behalf of the Chief Executive Officer to sign documents and for operational day to day decisions.
15. This designation involves the provision of sufficient authorisation and powers to ensure continuation of the Shire's administration and that all statutory and legal requirements can be met.

Voting Requirements: Simple Majority

RESOLVED OCM 27/2015

That Council:

1. Approves Chief Executive Officer, Rhonda Hardy, to have annual leave for the period Friday 5 June 2015 to Sunday 14 June 2015

2. 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 Friday 5 June 2015 to Sunday 14 June 2015.
3. Notes that the Director Corporate Services will be appointed pursuant to section 5.44 of the *Local Government Act 1995* as the designated Director to act on behalf of the Chief Executive Officer during the period Sunday 14 June to Wednesday 17 June 2015 inclusive.

Moved: **Cr Noreen Townsend**

Seconded: **Cr Allan Morton**

Vote: **CARRIED UNANIMOUSLY (11/0)**

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

10.4.5 Conference Attendance – Australian Mayoral Aviation Council Annual Conference 2015

Previous Items	N/A
Responsible Officer	Chief Executive Officer
Service Area	Office of the CEO
File Reference	
Applicant	N/A
Owner	N/A
Attachment 1	Australian Mayoral Aviation Council Annual Conference 2015 Brochure
Attachment 2	Conference Attendance and Professional Development for Elected Members (Adopted August 2013)

PURPOSE

1. To consider and endorse a Councillor and the Chief Executive Officer of the Shire of Kalamunda to attend the Australian Mayoral Aviation Council Annual Conference 2015.

BACKGROUND

2. The Australian Mayoral Aviation Council (AMAC) was established in 1982 and has become the umbrella organisation representing the community views on aviation issues throughout Australia.
3. The Shire of Kalamunda is a representative Council on the Perth Airports Municipalities Group. The Group's local focus is to engage stakeholders in effective dialogue to raise mutual awareness of the impacts of airport operations and developments on the local community and vice versa and, where possible, seek acceptable outcomes which foster the co-existence of communities and airports.
4. The AMAC has advocated with government to become a recognised umbrella organisation representing community views on aviation issues throughout Australia. The organisation has established avenues for input into the legislative process, aviation policy development and operational requirements which have an effect on community well-being.
5. The Australian Mayoral Aviation Council Conference is designed to provide delegates with the opportunity to meet and discuss issues, to hear and examine speakers on a wide variety of subjects and to determine the future of the organisation through the forum of the Annual General Meeting.

DETAILS

6. The Australian Mayoral Aviation Council Annual Conference 2015 will be held from 6 to 8 May 2015 at the The Westin in Melbourne.

7. The Australian Mayoral Aviation Council Annual Conference 2015 theme is "The Future Our Now?". The 2015 conference program is designed to provide delegates with the opportunity to gain unprecedented insight into the operations of one of the country's major airports and to hear from and interact with a diverse range of speakers.
8. A report on the Conference will be presented to Council at the Ordinary Council Meeting on 27 July 2015.

STATUTORY AND LEGAL IMPLICATIONS

9. Nil.

POLICY IMPLICATIONS

10. Conference Attendance and Professional Development for Elected Members (Adopted August 2013) (Attachment 2).

PUBLIC CONSULTATION/COMMUNICATION

11. Nil.

FINANCIAL IMPLICATIONS

12. The Conference Registration is \$1,397 (including GST) per person and includes attendance at the Annual General Meeting, conference sessions, morning and afternoon tea and lunch, Melbourne Airport Inspection and attendance at the Annual Conference Dinner.
13. All conference, travel costs and accommodation arrangements will be made and paid for by the Shire of Kalamunda. An allocation for conference attendance is included in the 2014/2015 Budget as adopted by Council.
14. Estimated Cost of two delegates attending Australian Mayoral Aviation Council Annual Conference 2015:

Registration	\$3,800.00
Airfare (Virgin Saver)	\$1,400.00
Accommodation (3 nights)	\$2,000.00
Incidentals (\$50 per day)	\$300.00
Total Estimated Cost	\$7,500.00

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

Strategic Planning Implications

15. Nil.

Sustainability Implications

Social Implications

16. Nil.

Economic Implications

17. Nil.

Environmental Implications

18. Nil.

RISK MANAGEMENT CONSIDERATIONS

19.	Risk	Likelihood	Consequence	Rating	Action/Strategy
	Loss of opportunity to consolidate, and establish industry networks.	Unlikely	Major	Medium	Alternative opportunities would be required to maintain relationships.

OFFICER COMMENT

20. The Conference program is provided as Attachment 1. The program details the speakers and topics which will be covered during the Conference sessions.
21. A key feature of the AMAC Conference this year will be the John D Kasarda Masterclass. Given the Shire's imminent development around the Forrestfield North District Structure Plan attendance at the Masterclass provides the Shire with a well-informed approach to how urban development best occurs in and around airports. Dr Kasarda is considered eminent in his field and the Shire representatives will gain considerable knowledge from attending this Masterclass.

Voting Requirements: Simple Majority

RESOLVED OCM 28/2015

That Council:

1. Agrees that the Shire President and the Chief Executive Officer attend the Australian Mayoral Aviation Council Annual Conference 2015, to be held in Melbourne from 6 to 8 May 2015, and that all conference, travel costs and accommodation be borne by the Shire of Kalamunda.
2. Requests the Chief Executive Officer provide a report on the outcomes of the Conference to the Ordinary Council Meeting to be held on 27 July 2015.
3. Notes the key component of the Conference will be the John D Kasarda's Masterclass.

Moved: **Cr Andrew Waddell**

Seconded: **Cr Geoff Stallard**

Vote: **CARRIED UNANIMOUSLY (11/0)**

Attachment 1

AMAC 2015 Conference

6 – 8 May | Melbourne, Victoria



HISTORY AND OBJECTIVES

The Australian Mayoral Aviation Council was initiated through consensus by a number of local authorities meeting in Canberra in December 1982. Initially membership of the organisation was open to the Mayor, Warden and/or Councillor (or an appropriate nominee) of local authorities throughout Australia affected, or potentially affected, by airport operations or aircraft noise. The Constitution has subsequently been updated such that the Council is now the members and so may be represented by Mayors, Councillors and/or relevant staff as the member Council may determine.

The current membership is organised on a State basis wherein members from each State are represented on an Executive Committee which is endorsed at the Annual General Meeting.

The current Executive Committee is President, Mayor Ben Keneally, City of Botany Bay NSW, Vice President, Alderman Jock Campbell, City of Clarence TAS, Mayor Phil Marks, City of Belmont WA, Mayor Adem Atmaca, City of Hume VIC, Mayor John Trainer, City of West Torrens SA, Councillor Paul Tully, City of Ipswich QLD and Immediate Past President, Ron Hoenig MP, Member for Heffron NSW.

AMAC's primary objective is to ensure that all reasonable measures are taken by relevant authorities to minimise the deleterious effect of aircraft and airport operations on local communities.

The organisation, therefore, seeks development of an effective aviation system which serves the needs of the Nation while ensuring the rights of residents in communities adjacent to airports are recognised, respected and protected.

Although one of its' prime objectives is to progress noise abatement, AMAC is not an anti-aviation organisation. Rather it seeks to cooperate with the appropriate authorities and the airline industry generally, to achieve an acceptable and balanced solution to the obvious problems associated with the movement of aircraft.

COMMUNICATION WITH AVIATION ORGANISATIONS

Since its' inception, AMAC has pursued a course which has resulted in its' acceptance by relevant Federal Ministers and authorities so that it is, in effect, the umbrella organisation representing community views on aviation issues throughout Australia.

In response, the major authorities concerned with aviation, such as the Department of Infrastructure and Regional Development, Airservices Australia and various airport and aviation interest groups, recognise and liaise with AMAC. AMAC has also established avenues for input into the legislative process, aviation policy development and operational requirements which may have an effect on community well-being.

Due to membership of a number of important forums, including recent appointment to the Minister's Aviation Industry Consultative Council, AMAC has the ability to discuss and negotiate issues with government and airline industry representatives on a face to face basis delivering benefits to both parties.

On the international scene, AMAC has established links which provide the opportunity for rapid notification of major overseas developments and procedures which have proven advantageous in representations by AMAC on behalf of members.

PRINCIPAL ISSUES

Since inception relevant aviation issues, and AMAC's agenda, have evolved. Over recent years AMAC has made submissions on a range of legislative amendments and guidelines including:

- Submission on the Discussion Draft of the Department's "Significant Impact on the Local or Regional Community" Guide;
- Submissions to the Productivity Commission Inquiry into Economic Regulation of Airport Services;
- Submissions on various drafts released by the National Airports Safeguarding Advisory Group;
- Submission on the Review of the Business Jet Curfew Framework.

Similarly there have been submissions and appearances before a range of Parliamentary Inquiries dealing with matters such as:

- The Senate Hearing on the Airport Amendment Bill; and
- The Senate Inquiry into Airservices Australia's Management of Aircraft Noise.

INFORMATION SOURCE

In terms of advising members of activities, both current and future, AMAC produces a regular newsletter and convenes its most important forum, the National Conference, on an annual basis.

The Conferences are designed to provide delegates with the opportunity to meet and discuss issues, to hear and examine speakers on a wide variety of subjects and to determine the future of the organisation through the forum of the Annual General Meeting.

PROGRAM – "The Future Our Now?"

Wednesday, 6 May 2015: Welcome & Annual General Meeting, The Westin Melbourne

11.30 – 1.30pm	Delegates registration open – Executive Boardroom Foyer, The Westin
1.30pm	Welcome and Annual General Meeting – Executive Boardroom II, The Westin
2.15 – 4.30pm	Bus departs for Melbourne Airport Inspection –Melbourne International Airport

Thursday, 7 May 2015: AMAC Annual Conference, The Westin Melbourne

9.00 – 9.45am	Sarah Renner Executive, Strategy Planning & Development, Melbourne Airport
9.45 – 10.30am	Dr. Andrew Lucas Director, AOS Pty Ltd
10.30am	Morning refreshments
10.45 – 11.30am	Richard Alder AFSM General Manager, National Aerial Firefighting Centre
11.30 – 12.15pm	Professor Michael Buxton RMIT University
12.15pm	Lunch break
1.15 – 2.00pm	Mark Skidmore AM Director Aviation Safety, Civil Aviation Safety Authority
2.00 – 2.45pm	Jason Harfield Executive General Manager, Future Service Delivery, Airservices Australia
2.45pm	Afternoon refreshments
3.00 – 3.45pm	Ron Brent Aircraft Noise Ombudsman
3.45 – 4.00pm	Doug Nancarrow Editor, Aviation Business Magazine, Asia Pacific
4.00pm	Wrap up
7pm for 7.30pm	Social Dinner (delegates and partners), Executive Boardroom II, The Westin

Friday, 8 May 2015: AMAC Annual Conference, The Westin Melbourne (continued)

9.00 – 12.00pm	Dr. John D Kasarda President and CEO, Aerotropolis Business Concepts LLC
9.45am	Morning refreshments
12.00pm	Conference close – Thank you for joining us!



Delegate Information

Venue and Dates

The conference will be held from Wednesday 6th to Friday 8th May, 2015 at The Westin Hotel in Melbourne. The Westin Melbourne is conveniently located on the stylish Collins Street right in the heart of the CBD. The hotel is within walking distance to many cultural landmarks, restaurants, bars and Melbourne's best shopping.

The Westin Melbourne
205 Collins Street
Melbourne, VIC 3000

Accommodation

Accommodation is the responsibility of conference participants and should be booked directly with The Westin. A block of suites has been reserved at a special conference rate for delegates, early reservation is recommended to avoid disappointment.

To take advantage of the conference rate, delegates should advise reservations that this is an AMAC Conference booking.

Phone: +61 3 9635 2222
Fax: +61 3 9635 2122
Email: reswestinmel@westin.com
Website: <http://www.westinmelbourne.com>

Registration Information

Delegates should complete registration by Friday 17th April, 2015.

Conference fees include:

- Delegates welcome pack
- Annual General Meeting attendance – Wednesday 6 May
- Melbourne Airport Inspection – Wednesday 6 May
- Conference sessions, coffee breaks and lunch – Thursday 7 May
- Social Dinner – Executive Boardroom II, The Westin Melbourne – Thursday 7 May
- Master Class and coffee break – Friday 8 May

Additional charges:

- Partners ticket to the Social Dinner – Thursday 7 May

Registrations should be made by completing the registration form included with this program. Please then forward to the AMAC Co-ordinator accompanied by the relevant payment.

Payment options:

- Electronic Funds Transfer (EFT) or cheque payments are accepted



Dress Code

The dress code for the conference, including the airport tour and conference dinner is smart casual.

Closed shoes will be required for the airport tour and a hat is also recommended.

Please Note: A form of photo identification will be essential for the airport tour in order to comply with security requirements. Further details will be provided.

Conference & Registration Enquiries

Kirsty Calleja
AMAC Co-ordinator

Phone: +61 2 9366 3604
Fax: +61 2 9667 1793
Email: hark@batanybay.nsw.gov.au
Mail: Po Box 331
MASCOT NSW 1460



AMAC ANNUAL CONFERENCE

“The Future Our Now?”



THE WESTIN | MELBOURNE
MAY 6 – 8, 2015
CONFERENCE PROGRAM
AND REGISTRATION



AUSTRALIAN
MAYORAL
AVIATION
COUNCIL

Attachment 2

C-EM01 – Conference Attendance and Professional Development for Elected Members

Management Procedure	Relevant Delegation
CM-EM01 – Conference Attendance and Professional Development for Elected Members	N/A

Purpose

To enable Elected Members to develop and maintain skills and knowledge relevant to their role as a representative of the Shire.

Policy Statement

In recognition of the complexity and demands on Elected Members in undertaking their role, the Shire of Kalamunda is committed to providing funding within the Annual Budget to enable attendance at Conferences or Professional Development training that has relevance to that role.

Elected Members are encouraged to attend appropriate Conferences and Training to enable them to be more informed and better able to fulfil their duties of Office.

Conferences and Training that May be Attended

The Conferences and Training to which this Policy shall generally be applicable to are:

- West Australian Local Government Association and Australian Local Government Association annual conferences.
- Special “one off” conferences called for or sponsored by the West Australian Local Government Association and / or Australian Local Government Association on important issues.
- Annual conferences of the major professions in local government and other institutions of relevance to local government activities.
- West Australian Local Government Association Elected Member Training and Development.
- Training relating to the role of Elected Members.
- Other local government-specific training courses, workshops and forums, relating to such things as understanding the roles / responsibilities of Elected Members, meeting procedures, etc.

The Chief Executive Officer is authorised to approve one request for each Elected Member per annum to attend any Conference or Training within the above categories providing funds are available. Council approval is required in all other instances.

Accompanying Person

Where an elected member is accompanied at a conference, all costs for or incurred by the accompanying person including but not limited to travel, casual meals, registration and / or participation in any conference programs, are to be borne by the accompanying person and not by the Shire. The exception to the above being the cost of attending any official conference meal where partners would normally attend or organised meal that Council delegates are attending.

An accompanying person's registration, and program fees, are to be paid direct to the conference organiser at the time of registration or if prepaid by Shire to be reimbursed prior to attendance at the conference.

Related Local Law
Related Policies
Related Budget Schedule
Legislation
Conditions
Authority
Adopted
Next Review Date

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

10.4.6 Canberra Advocacy and Conference Attendance – National General Assembly of Local Government Conference 2015

Previous Items	N/A
Responsible Officer	Chief Executive Officer
Service Area	Office of the CEO
File Reference	
Applicant	N/A
Owner	N/A
Attachment 1	National General Assembly of Local Government 2015 Brochure
Attachment 2	Conference Attendance and Professional Development for Elected Members (Adopted August 2013)

PURPOSE

1. To consider and endorse the Shire President and the Chief Executive Officer of the Shire of Kalamunda attendance at the National General Assembly of Local Government Conference 2015.
2. To agree the major initiatives and projects to be advocacy priorities for discussion with Ministers during the visit to Canberra.

BACKGROUND

3. The National General Assembly (NGA) of Local Government is the premier local government event bringing together more than 800 mayors, councillors and senior officers from across Australia to discuss and develop government policy ideas.
4. The NGA is an opportunity to meet key federal politicians and to advocate for major capital project funding. The Prime Minister, Leader of the Opposition, ministers and shadow ministers have been invited to attend the conference.

DETAILS

5. The National General Assembly of Local Government Conference 2015 will be held from 14 to 17 June 2015 at the National Convention Centre in Canberra.
6. The NGA 2015 theme is "Closest to the Community". The theme will look at the role of Local government as an important stakeholder in the development of a national consensus.
7. The NGA is an opportunity for the Shire of Kalamunda to consolidate, and establish, industry networks. It also provides advocacy opportunities which are not easily available to Western Australian local governments.

8. A report on the Conference will be presented to Council at the Ordinary Council Meeting on 28 September 2015.
9. Meetings will be sought with key Ministers to discuss the major initiatives and projects currently being pursued by the Shire.

STATUTORY AND LEGAL IMPLICATIONS

10. Nil.

POLICY IMPLICATIONS

11. Conference Attendance and Professional Development for Elected Members (Adopted August 2013) (Attachment 2).

PUBLIC CONSULTATION/COMMUNICATION

12. Nil.

FINANCIAL IMPLICATIONS

13. The Conference Registration is \$899 (including GST) per person and includes attendance at the Welcome function, conference sessions, morning and afternoon tea and lunch.
14. Attendance at the Buffet Dinner on the 15 June and the General Assembly Dinner to be held on 16 June are additional.
15. All conference, travel costs and accommodation arrangements will be made and paid for by the Shire of Kalamunda. An allocation for conference attendance is included in the 2014/2015 Budget as adopted by Council.
16. Estimated Cost of two delegates attending National General Assembly of Local Government Conference 2015:

Registration	\$1,798.00
Buffet Dinner (15 June)	\$200.00
General Assembly Dinner (16 June)	\$260.00
Airfare (Virgin Saver)	\$1,300.00
Accommodation (3 nights)	\$1,500.00
Incidentals (\$50 per day)	\$300.00
Total Estimated Cost	\$5,358.00

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

Strategic Planning Implications

17. Nil.

Sustainability Implications

Social Implications

18. Nil.

Economic Implications

19. Nil.

Environmental Implications

20. Nil.

RISK MANAGEMENT CONSIDERATIONS

	Risk	Likelihood	Consequence	Rating	Action/Strategy
21.	Loss of opportunity to consolidate, and establish industry and federal political networks.	Unlikely	Major	Medium	Alternative opportunities would be required to maintain relationships.
	Loss of funding opportunities from the Federal government.	Unlikely	Major	Medium	Ongoing advocacy is key to ensuring that government funding can be secured for major initiatives.

OFFICER COMMENT

22. The Conference Program is provided as Attachment 1. The program details the speakers and topics which will be covered during the Conference sessions.
23. Meeting will be sought with relevant key Federal Ministers and advisors to discuss the major issues of concerns for the Shire that also have a Federal government links.

Voting Requirements: Simple Majority

RESOLVED OCM 29/2015

That Council:

- Approves that the Shire President, Councillor Sue Bilich, and the Chief Executive Officer attend the National General Assembly of Local Government Conference 2015, to be held in Canberra from 14 to 17 June 2015, and that all conference, travel and accommodation costs be borne by the Shire of Kalamunda.

-
2. Agrees the major initiatives and projects for presenting to Ministers during the visit to Canberra will be :
1. Aged Care Accommodation
 2. Community Infrastructure for Forrestfield and North Forrestfield District Structure Plan
 3. Abernethy Road and Kalamunda Road Upgrade
 4. Hills Trails Masterplan
 5. Ray Owen Masterplan
 6. Jorgensen Park Masterplan
 7. Pioneer Park Masterplan
3. Requests the Chief Executive Officer provide a report on the outcomes of the Conference to Councillors.

Moved: **Cr Dylan O'Connor**

Seconded: **Cr Geoff Stallard**

Vote: **CARRIED UNANIMOUSLY (11/0)**

4. Attachment 1

National General Assembly of Local Government 2015 Brochure

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

Attachment 2

C-EM01 – Conference Attendance and Professional Development for Elected Members

Management Procedure	Relevant Delegation
CM-EM01 – Conference Attendance and Professional Development for Elected Members	N/A

Purpose

To enable Elected Members to develop and maintain skills and knowledge relevant to their role as a representative of the Shire.

Policy Statement

In recognition of the complexity and demands on Elected Members in undertaking their role, the Shire of Kalamunda is committed to providing funding within the Annual Budget to enable attendance at Conferences or Professional Development training that has relevance to that role.

Elected Members are encouraged to attend appropriate Conferences and Training to enable them to be more informed and better able to fulfil their duties of Office.

Conferences and Training that May be Attended

The Conferences and Training to which this Policy shall generally be applicable to are:

- West Australian Local Government Association and Australian Local Government Association annual conferences.
- Special “one off” conferences called for or sponsored by the West Australian Local Government Association and / or Australian Local Government Association on important issues.
- Annual conferences of the major professions in local government and other institutions of relevance to local government activities.
- West Australian Local Government Association Elected Member Training and Development.
- Training relating to the role of Elected Members.
- Other local government-specific training courses, workshops and forums, relating to such things as understanding the roles / responsibilities of Elected Members, meeting procedures, etc.

The Chief Executive Officer is authorised to approve one request for each Elected Member per annum to attend any Conference or Training within the above categories providing funds are available. Council approval is required in all other instances.

Accompanying Person

Where an elected member is accompanied at a conference, all costs for or incurred by the accompanying person including but not limited to travel, casual meals, registration and / or participation in any conference programs, are to be borne by the accompanying person and not by the Shire. The exception to the above being the cost of attending any official conference meal where partners would normally attend or organised meal that Council delegates are attending.

An accompanying person's registration, and program fees, are to be paid direct to the conference organiser at the time of registration or if prepaid by Shire to be reimbursed prior to attendance at the conference.

Related Local Law
Related Policies
Related Budget Schedule
Legislation
Conditions
Authority
Adopted
Next Review Date

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

10.4.7 CONFIDENTIAL REPORT – Request for staged payments for Transport Depot and Caretakers Dwelling - Lot 211 (49) Nardine Close, High Wycombe

Reason for Confidentiality *Local Government Act 1995 S5.23 (f) (i) – “a matter that if disclosed, could be reasonably expected to impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law.”*

Previous Items	OCM 105/2014
Responsible Officer	Director Development Services
Service Area	Development Services
File Reference	NR-10/049
Applicant	Gerard Walsh
Owner	As above
Both Attachments are confidential	<u>Reason for Confidentiality</u> <i>Local Government Act 1995 S5.23 (f) (i) – “a matter that if disclosed, could be reasonably expected to impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law.”</i>
Confidential Attachment 1	Developer Contribution Payment Option A
Confidential Attachment 2	Developer Contribution Payment Option B

This Report had been circulated under separate cover to all Councillors and was discussed at point 15.

Voting Requirements: Simple Majority

RECOMMENDATION

That Council:

1. Support Option A, which is outlined in (Attachment 1).

Moved: **LAPSED**

Seconded:

Vote:

Voting Requirements: Simple Majority

RESOLVED OCM 36/2015

That Council:

1. Support Option B, which is outlined in (Attachment 2).

Moved: **Cr Simon Di Rosso**

Seconded: **Cr Margaret Thomas**

Vote:	<u>For</u>	<u>Against</u>
	Cr John Giardina	Cr Dylan O'Connor
	Cr Frank Lindsey	
	Cr Geoff Stallard	
	Cr Allan Morton	
	Cr Noreen Townsend	
	Cr Justin Whitten	
	Cr Andrew Waddell	
	Cr Sue Bilich	
	Cr Simon Di Rosso	
	Cr Margaret Thomas	

CARRIED (10/1)

11.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

11.1 Cr Frank Lindsey – Shire of Kalamunda Design Guidelines

Cr Frank Lindsey had revised his Notice of Motion since the Agenda had been circulated. Councillors had received a copy of the updated Motion. Cr Frank Lindsey explained the rationale of his Notice of Motion.

The Motion was seconded, an amendment was suggested and accepted by the Mover and Seconder; this became part of the substantive motion and is highlighted below.

A Councillor asked if was possible for the Council Report to give some consideration of what the added costs would be as clearly there could be a considerable increase in building costs for some developments. The Chief Executive Officer agreed this could be included.

A Councillor asked if the Design Guidelines would go for public comment before being adopted, the Acting Director Development Services indicated that this would be the appropriate process.

Voting Requirements: Simple Majority

RESOLVED OCM 30/2015

That Council:

1. Requests the Chief Executive Officer to prepare a report to Council recommending:-
 - (a) Design Guidelines that can be applied to Multiple Unit Dwellings **throughout the Shire of Kalamunda**; and,
 - (b) Design Guidelines that can ensure new developments within the Kalamunda Town Centre have suitable façade treatments;

that contribute to the amenity of the area.

Moved: **Cr Frank Lindsey**

Seconded: **Cr Sue Bilich**

Vote: **CARRIED UNANIMOUSLY (11/0)**

Rationale

Cr Frank Lindsey provided a verbal outline of his rationale.

Officer Comment

The Chief Executive Officer advised a Report will come to Council regarding this matter.

12.0 QUESTIONS BY MEMBERS WITHOUT NOTICE

12.1 Cr Dylan O'Connor – Corymbia Fireworks

Q. In previous years has the Shire ever charged for the movies and fireworks night at Fleming Reserve associated with the Corymbia Festival?

A. The Chief Executive Officer took this question on notice.

12.2 Cr Dylan O'Connor – Corymbia 2015

Q. How much did the Shire pay for the artist Reigan Derry to appear at this year's Corymbia Festival?

A. The Chief Executive Officer took this question on notice.

12.3 Cr John Giardina – Corymbia Breakfast

Q. Was anyone charged for the Corymbia Sunday breakfast at Jacaranda Springs?

A. The Chief Executive Officer confirmed that no-one was charged for breakfast.

12.4 Cr John Giardina – Free Breakfast

Q. Is there to be another free breakfast in High Wycombe?

A. The Chief Executive Officer responded that there would not be another free breakfast held in High Wycombe.

12.5 Cr Frank Lindsey – Overhanging Trees

Q. I recently requested the trees overhanging the windscreens for large vehicles on Aldersyde Road South be inspected - has this occurred as yet - and if so what determination has been made?

A. Director Infrastructure Services indicated that by the end of the week Infrastructure Services will arrange for a truck to be driven along this portion of the road to see what is touching and can be pruned.

12.6 Cr Noreen Townsend – Fallen Tree in Playground

Q. A large tree has fallen through some playground equipment on Hale Road, just west of the roundabout, and has been roped off with bunting since Saturday. Were there any children in the playground when this tree fell and when will this be rectified?

A. The Director of Infrastructure Services was not aware of the incident but assured the Councillor this would be dealt with urgently.

12.7 Cr Simon Di Rosso – Kostera Oval

- Q. Whilst I appreciate there is work taking place on this oval, there are a couple of drain covers that are rusted and bending up and a couple of tanks sticking out of the ground. (I am happy to identify these with a staff member.) As many children play in this area could this please be rectified?
- A. The Shire President noted that the Director Infrastructure Services will ensure this is investigated.

12.8 Cr Justin Whitten – Trees Overhanging Playgrounds

- Q. As a follow-on from Cr Townsend's question, how often are trees overhanging playgrounds inspected?
- A. Director Infrastructure Services took this question on notice.

12.9 Cr John Giardina – Underground Power

- Q. I notice from the local paper some people are experiencing difficulties with regard to the installation of underground power in the Kalamunda town centre; when will this be finished?
- A. The Chief Executive Officer believes this should be complete by the end of April but will investigate and give Councillors and up-date.

12.10 Cr Noreen Townsend – Gutter on East Bound Road

- Q. Cr Noreen Townsend requested that a section of gutter, on the East Bound Lane of Gooseberry Hill Road, (which may have been left by the Water Authority) could this be remediated with some urgency.
- A. The Chief Executive Officer asked Cr Townsend to send an email with the exact location in order that this can be organised.

13.0 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

13.1 Cr Frank Lindsey – Waste Figures Previously Requested

- Q. At the Corporate & Community Services Meeting last week I requested some comparative figures with regard to Waste Services. I omitted to ask for the figures regarding changes to tonnages going through the Transfer Station, could this be added to those questions please?
- A. This additional information was included in the Waste information circulated to Councillors prior to the Corporate & Community Services Committee Meeting.

13.2 Cr Andrew Waddell – Aged Care in the Shire

Q. I note that a number of people have spoken regarding the lack of aged care in the Shire of Kalamunda. Could you please provide to me the number of points of contact, requests, letters etc the Shire have received regarding aged care so that we can gauge exactly what the community interest on this topic is?

A. Whilst it is difficult to quantify the exact amount of correspondence the Shire has received regarding Aged Care, there has been a significant amount of feedback commentary to the lack of aged care in the Shire.

A large number of residents have supported proposals to rezone land on Gavour Road for Residential Aged Care. The Lesmurdie Community Association has been very active with its support for aged care in the Shire. There was a petition in 2009 from the Lesmurdie Community Association in support of aged accommodation. In 2011 a demand analysis of housing for older Australians was undertaken which notes that Kalamunda is one of the areas that is under represented for Aged accommodation. Ken Wyatt has created an Aged Care Advisory Committee, due to the perceived need for more aged care. There was also an Aged Care Forum held last year which 256 people attended to discuss the lack of aged care in the Shire.

14.0 URGENT BUSINESS APPROVED BY THE PRESIDING MEMBER OR BY DECISION

Nil.

15.0 MEETING CLOSED TO THE PUBLIC

15.1 Meeting Closed to the Public

RESOLVED OCM 31/2015

That the meeting go behind closed doors to consider CONFIDENTIAL REPORTS (provided under separate cover)

10.1.5 - D&I 12. Proposed Transport Depot – Lot 50 (170) Sultana Road West, High Wycombe

Reason for Confidentiality Local Government Act 1995 S5.23 (f) (i) – “a matter that if disclosed, could be reasonably expected to impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law.”

10.4.7 Request for staged payments for Transport Depot and Caretakers Dwelling - Lot 211 (49) Nardine Close, High Wycombe

Reason for Confidentiality Local Government Act 1995 S5.23 (f) (i) – “a matter that if disclosed, could be reasonably expected to impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law.”

Moved: **Cr Justin Whitten**

Seconded: **Cr Dylan O'Connor**

Vote: **CARRIED UNANIMOUSLY (11/0)**

The meeting closed to the public at 8.02pm. All members of the public left the meeting, all staff remained in Chambers.

15.2 **Suspension of Standing Orders**

Voting Requirements: Simple Majority

RESOLVED OCM 32/2015

1. That in accordance with Clause 18.1 of the Standing Orders all clauses in the Standing Orders be suspended.

Moved: **Cr Dylan O'Connor**

Seconded: **Cr Andrew Waddell**

Vote: **CARRIED UNANIMOUSLY (11/0)**

Standing Orders were suspended at 8.05pm

15.3 **Resumption of Standing Orders**

Voting Requirements: Simple Majority

RESOLVED OCM 33/2015

1. That in accordance with Clause 18.1 of the Standing Orders all clauses in the Standing Orders be resumed.

Moved: **Cr Justin Whitten**

Seconded: **Cr Allan Morton**

Vote: **CARRIED UNANIMOUSLY (11/0)**

Standing Orders were resumed at 8.30pm.

15.4 **Meeting Reopened to the Public**

Voting Requirements: Simple Majority

RESOLVED OCM 34/2015

That the meeting reopen to the public following consideration of Confidential Reports.

Moved: **Cr Margaret Thomas**

Seconded: **Cr Allan Morton**

Vote: **CARRIED UNANIMOUSLY (11/0)**

The meeting reopened to the public at 8.34pm. The Presiding Member read the Resolutions to the meeting.

15.5 **D&I 12 CONFIDENTIAL REPORT - Proposed Transport Depot – Lot 50 (170) Sultana Road West, High Wycombe**

OFFICER RECOMMENDATION (D&I 12/2015)

That Council:

1. Support Option A, which is outlined in (Attachment 3).

Moved: **LAPSED**

Seconded:

Vote:

RESOLVED OCM 35/2015

That Council:

1. Defer this item to the April 2015 Ordinary Council Meeting.

Moved: **Cr Dylan O'Connor**

Seconded: **Cr Justin Whitten**

Vote: **CARRIED UNANIMOUSLY (11/0)**

15.6 **CONFIDENTIAL REPORT – Request for staged payments for Transport Depot and Caretakers Dwelling - Lot 211 (49) Nardine Close, High Wycombe**

OFFICER RECOMMENDATION (D&I 12/2015)

That Council:

1. Support Option A, which is outlined in (Attachment 1).

Moved: **LAPSED**

Seconded:

Vote:

RESOLVED OCM 36/2015

That Council:

1. Support Option B, which is outlined in (Attachment 2).

Moved: **Cr Simon Di Rosso**

Seconded: **Cr Margaret Thomas**

Vote: **For**
Cr John Giardina
Cr Frank Lindsey
Cr Geoff Stallard
Cr Allan Morton
Cr Noreen Townsend
Cr Justin Whitten
Cr Andrew Waddell
Cr Sue Bilich
Cr Simon Di Rosso
Cr Margaret Thomas
CARRIED (10/1)

Against
Cr Dylan O'Connor

16.0 CLOSURE

16.1 There being no further business, the Presiding Member declared the meeting closed at 8.35pm.

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

Signed: _____
Presiding Member

Dated this _____ day of _____ 2015