

Ordinary Council Meeting

Minutes for Tuesday 28 April 2015

UNCONFIRMED



**shire of
kalamunda**

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MINUTES

1.0 OFFICIAL OPENING

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

2.0 ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE PREVIOUSLY APPROVED

2.1 Attendance

Councillors

Sue Bilich	(Presiding Member) (Shire President)	North Ward
Margaret Thomas JP		North Ward
Noreen Townsend		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

Members of Staff

Rhonda Hardy	Chief Executive Officer
Warwick Carter	Director Development Services
Dennis Blair	Director Infrastructure Services
Gary Ticehurst	Director Corporate Services
Andrew Fowler-Tutt	Manager Development Services
Rajesh Malde	Manager Financial Services
Lawrie Brennan	Media Advisor
Nicole O'Neill	Public Relations Coordinator
Meri Comber	Governance Officer

Members of the Public 9

Members of the Press Nil

2.2 Apologies

Councillors

Dylan O'Connor	North West Ward
Simon Di Rosso	North Ward

2.3 Leave of Absence Previously Approved

Justin Whitten	South West Ward
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3.0 PUBLIC QUESTION TIME

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

Questions from Ordinary Council Meeting held 23 March 2015

3.1 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?

A1. The Shire has undertaken to review the figures immediately and a report will be presented to Council.

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?

A2. The Shire has undertaken to review the figures immediately and a report will be presented to Council.

3.2 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?

A1. The current approvals under the Metropolitan Region Scheme and *Environmental Protection and Biodiversity Conservation Act* are further informing the suitability of the site.

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?

A2. This will need to be considered by the eventual developer of the site as part of their deliberations.

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* (EPCB) ?

A3. This is a matter for the Federal Government.

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?

A4. The Local Planning Strategy does not assess the sites at this level of detail.

- 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?
- A5. The Shire has received preliminary advice on the Bushfire Assessment, confirming that the site is suitable.
- 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?
- A6. The land is currently in the ownership of the State Government so it is premature to conclude that the Shire will be the eventual developer of the site. If the Shire were to undertake to develop the site a Business Case would be prepared in accordance with the *Local Government Act 1995*.
- 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?
- A7. The Shire is currently pursuing this site as directed in our Strategic Plan. The Shire has not undertaken a full investigation of all the sites, as the planning process is the means by which the sites may be considered in detail.

Questions Ordinary Council Meeting Tuesday 28 April 2015

3.3 Caroline Babbage, Carmel – Representing Kalamunda Chamber of Commerce with reference to 10.2.4 C&C 10 Change of Land Use – Rating Methodology

- Q1. Has the Shire of Kalamunda considered the implications of proposed changes (increases) to commercial rates on a fledgling tourism industry?
- Q2. Has the Shire, as stated in the Memorandum of Understanding with the Kalamunda Chamber of Commerce consulted and engaged on issues that relate to the commercial or economic environment in the area to include strategic planning, tourism and strategies relating to economic development using the Chamber of Commerce as its vehicle?

A1&2 The Presiding Member noted that she could not pre-empt what Council's decision would be regarding item 10.2.4 and took Caroline Babbage's questions on notice.

3.4 Tim Colegate, Carmel – Wilkins Road, Kalamunda

- Q1. What was the justification for specifically including the development of an integrated aged care facility on Reserve 30314, Wilkins Road in the Shire's strategic plan, when it appears that there has been no strategic assessment of the potential sites for aged care facilities in the Shire?

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- Q2. Page 1 of the MRS amendment report for Lot 59 Wilkins Road Kalamunda, states that "The Shire advises that its investigations have shown that the site can viably be used for aged person's accommodation". What investigations is this report referring to?
- Q3. In the agenda of today's meeting, the response to my question regarding the whereabouts of documentation showing that Reserve 30314 is a suitable site for an integrated aged care facility refers to the MRS and EPBC processes as "further informing the suitability of the site". Prior to initiating these processes, what information did the Shire possess to inform it that Reserve 30314 was a suitable site for an integrated aged care facility?
- Q4. Regardless of whether the Shire would be the eventual developer of an integrated aged care facility on Wilkins Road, it would make sense to prepare an example business case to test if such a facility would be financially viable at that location. Did the Shire develop such a business case prior to spending ratepayer's money on the rezoning process for Reserve 30314?
- Q5. On 27 October 2014, I asked the Shire: "Does Reserve 30314 or the adjacent reserves contain dieback?" The response to my question, written in the Agenda of the meeting on 24 November 2014, states that: "This reserve on Wilkins Road has not been assessed for dieback, therefore its dieback presence is unknown." However, the letter dated 13 December 2013, from Darren Walsh, Strategen Environmental Consultants, to Mr Con Voutas, Department of the Environment, states that the entire site was found to be impacted by dieback. This letter was cc'd to the Shire of Kalamunda. Why did the Shire not reference this letter in its response to my question?
- Q6. Given that the Shire is aware about dieback on Reserve 30314, will the Shire assess the risk of the dieback spreading to adjacent reserves, which are in the Middle Helena Water Catchment, through disturbance of the site?
- Q7. I refer to the response to the Department of Environment's "request for additional information", which describes a proposed offset revegetation of Black Cockatoo habitat, being Reserve 50554 – Jorgensen Park. The stated legal mechanism proposed to protect this area is the current zoning as Parks and Recreation. Given that this is also the current legal mechanism to protect Reserve 30314 on Wilkins Road, which the Shire is currently attempting to rezone for development, how will the legal mechanism protect the proposed offset in Jorgenson Park from future rezoning and development by the Shire?
- Q8. What is the estimated cost of the proposed off-site revegetation activities?
- Q9. Will the costs of the proposed off-site revegetation come from the Shire budget, or will it be recouped from a third party?
- Q10. The revised development concept plan in the response to the "request for additional information" shows a 20 metre setback fire buffer. Is this buffer consistent with the preliminary advice on the Bushfire Assessment obtained by the Shire?

4.0 PETITIONS/DEPUTATIONS

- 4.1 A deputation was presented to Council by Emily Lyons from Core Cider House and Ken Bowness from Fairbrossen Estate with regard to item 10.2.4 C&C 10 Change of Land Use – Rating Methodology.

A Councillor noted that increases of \$5,000, \$10,000, \$20,000 were mentioned in this deputation and asked where these figures have been obtained from - also if those making the deputation believe that Councillors and the Shire must treat everyone and every business in the Shire equally, no matter where they are.

Ken Bowness responded they had surmised these figures as they have had no indication by the Shire which part of the property would be separated for valuation purposes, the Councillor noted that when a meeting is held with the Shire she believed the figures will not be so extreme.

The Councillor reworded the second part of the question and asked if every restaurant in the Shire should be treated equally. Ken Bowness responded that they were here today as they believed the Shire had not followed due process required by the *Local Government Act 1995*.

5.0 APPLICATIONS FOR LEAVE OF ABSENCE

- 5.1 Cr Margaret Thomas requested leave of absence from 10 to 22 May 2015 inclusive. This period covers the Development & Infrastructure Services Committee Meeting on 11 May 2015 and Corporate & Community Services Committee Meeting on 18 May 2015.

RESOLVED OCM 38/2015

That Council grant leave of absence to Cr Margaret Thomas for the period 10 May to 22 May 2015 inclusive.

Moved: **Cr Noreen Townsend**

Seconded: **Cr Allan Morton**

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

6.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

- 6.1 RESOLVED OCM 39/2015

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

Moved: **Cr Geoff Stallard**

Seconded: **Cr Margaret Thomas**

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

6.2 RESOLVED OCM 40/2015

That the Minutes of the Special Council Meeting held on 20 April 2015, as published and circulated, are confirmed as a true and accurate record of the proceedings.

Moved: **Cr Margaret Thomas**

Seconded: **Cr Noreen Townsend**

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

7.0 ANNOUNCEMENTS BY THE PRESIDING MEMBER WITHOUT DISCUSSION

7.1 Nil.

8.0 MATTERS FOR WHICH MEETING MAY BE CLOSED

8.1 **10.2.8 - C&C 14. CONFIDENTIAL ITEM – Chief Executive Officer’s Performance Review** – provided under separate cover.

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

8.2 **10.2.9 - C&C 15. CONFIDENTIAL ITEM – Request for Assignment of Lease – 38 Collins Road, Kalamunda** – provided under separate cover.

Reason for Confidentiality: *Local Government Act 1995 S5.23 (2)(c) – “a contract entered into, or which may be entered into, by the local government which relates to a matter to be discussed at the meeting.”*

8.3 **10.3.3 - D&I 12 CONFIDENTIAL REPORT - Proposed Transport Depot – Lot 50 (170) Sultana Road West, High Wycombe** – provided under separate cover.

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.”*

8.4 **14.1 Appointment of Director Infrastructure Services** – Confidential Attachment 1.

Reason for Confidentiality: *Local Government Act 1995 Section 5.23 (2) (b), “the personal affairs of a person”*

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 Dennis Blair declared a Direct Financial Interest in item 14.1 (Late Item) – Appointment of Director Infrastructure Services.

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 Cr Noreen Townsend declare an interest affecting impartiality regarding Item 11.2 - Cr Noreen Townsend – Foothills Information and Referral Service (Inc) (FIRS) – Crisis Cuts as she is Chair of FIRS Board.

9.1.3 Cr Allan Morton declared an interest affecting impartiality regarding Item 11.2 – Cr Noreen Townsend – Foothills Information and Referral Service (Inc) (FIRS) – Crisis Cuts as he is a member of the FIRS Board.

9.1.4 Cr John Giardina declared an interest affecting impartiality regarding Item 10.2.5 C&C 11 Pickering Brook Heritage Group (Inc) – Seeking Approval of Subsidy of Occupancy Costs as he is a member of the Pickering Brook Heritage Group (Inc) Committee.

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 41/2015

That recommendations D&I 13 to D&I 19 inclusive, contained in the Development & Infrastructure Services Committee Report of 13 April 2015, apart from D&I 13, be adopted by Council en bloc.

Moved: **Cr Geoff Stallard**

Seconded: **Cr Margaret Thomas**

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

10.1.2 D&I 14 Amendment to Wattle Grove Structure Plan – Lots 5 (280) and 6 (276) Hale Road, Wattle Grove

EN BLOC RESOLUTION OCM 41/2015

That Council:

1. Pursuant to clause 6.2.5.5 adopts the proposed amendment to the Wattle Grove Cell 9 Structure Plan, without modification, to:

- a) Increase the density code of a portion of Lots 5 and 6 Hale Road, Wattle Grove from R20 to R40;
- b) Realign The Promenade in the vicinity of Lots 5 and 6 Hale Road, Wattle Grove;
- c) Design a roundabout for the intersection of The Promenade and Kelang Road;
- d) Reduce the 18m road reserve for the southern subdivisional road reserve to 15.4m;
- e) Reduce the amount of Public Open Space in the Wattle Grove Cell 9 Structure Plan by 2031sqm.

As shown in (Attachment 2) to this report.

2. Pursuant to clause 6.2.4.9, forwards the Wattle Grove Cell 9 Structure Plan Amendment to the Western Australian Planning Commission for endorsement.

3. Approves the dedication of portions of Reserves 48404 and 49263 for the purpose of road reserve as shown in Attachment 3.

**10.1.3 D&I 15 Proposed Eight (8) Multiple Dwellings Lot 19 (20)
Recreation Road, Kalamunda**

EN BLOC RESOLUTION OCM 41/2015

That Council:

1. Determines that the use is consistent with the objectives of the residential zone and is therefore permitted.
2. Approves the application dated 7 November 2014 and revised elevations received on 24 March 2015 to build eight (8) multiple dwellings at Lot 19 (20) Recreation Road, Kalamunda, subject to the following conditions:
 - a. A revised landscaping plan shall be submitted to an approved by the Shire's Environmental Services, prior to the building permit being issued. The proposed landscaping is required to be planted within 28 days of the proposed development's completion, and maintained thereafter by the landowner (Strata management group) to the satisfaction of the Shire.
 - b. Two (2) bicycle spaces designed in accordance with Australian Standard AS2890.3, shall be provided at a location convenient to the residents and visitors, nearby to entrances and within the approved development. Details of the design and layout of the bicycle parking facilities shall be submitted to and approved by the Shire, prior to the issue of a building permit.
 - c. The north window of the Unit 8 dining/living room being screened with a permanent material and be non-openable to a minimum of 1.6m above the respective finished floor level, in accordance with the Residential Design Codes. Details shall be submitted to and approved by the Shire, prior to the issue of a building permit.
 - d. A Construction Management Plan be prepared by the applicant addressing the following, but not limited to:
 - i. Construction Workers' Parking
 - ii. Material's Delivery and Storage
 - iii. Worker's ToiletsTo the satisfaction of the Shire, prior to the issue of a building permit.
 - e. The communal bin storage area shall be suitably screened by a gate and solid building material to a minimum height of 1.8m, and provided with a permanent water supply and drainage facility, to the satisfaction of the Shire.

- f. The applicant making the necessary arrangements for a waste bin contractor to enter the property and service the receptacles from the designated bin storage enclosures.
- g. A road safety audit shall be provided in relation to the proposed crossover location on Boonooloo Road.
- h. 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).
- i. Vehicle parking, manoeuvring and circulation areas to be suitably constructed, sealed, kerbed, line marked and drained to the specification and satisfaction of the Shire.
- j. The crossover shall be designed and constructed to the satisfaction of the Shire.
- k. Trees on the Boonooloo Road verge which area required to be removed for the proposed crossover are to be removed by a Shire approved contractor and in consultation with the Shire's Parks and Recreation Services.
- l. The balcony screening being maintained by the owner to the Shire's satisfaction.
- m. Stormwater being contained on-site to the satisfaction of the Shire.
- n. All septic sewer systems including all tanks, pipes and associated drainage systems (soakwells or leach drains) are to be decommissioned, removed, filled with clean sand and compacted. The applicant must provide a statutory declaration to the Shire of Kalamunda stating that the site has been inspected and all effluent disposal systems have been removed. A pro-forma for this declaration is available from the Shire of Kalamunda.
- o. The development shall be connected to reticulated sewer.

10.1.4 D&I 16 Proposed Pedestrian Access Way Closure – Sussex Road & Gotha Way, Forrestfield

EN BLOC RESOLUTION OCM 41/2015

That Council:

1. Defer this item for further investigation to be carried out by Shire Staff.

10.1.5 D&I 17 Detailed Area Plan - Lot 4 & 500 Hale Road, Wattle Grove

EN BLOC RESOLUTION OCM 41/2015

That Council:

1. Pursuant to Clause 6.2.6.1 of Local Planning Scheme No. 3, adopts the Detailed Area Plan (Attachment 3) for Lot 4 & 5 Hale Road, Wattle Grove and forwards (Attachment 3) to the Western Australian Planning Commission for their information only.

10.1.6 D&I 18 Boundary Fence - Lots (3) 45 and (5) 25 Ravenswood Road, Maida Vale

EN BLOC RESOLUTION OCM 41/2015

That Council:

1. Defer this item pending a report on the Fencing Local Law.

10.1.7 D&I 19 Kalamunda Road Duplication Project - Fernan Road to Abernethy Road – Withdrawal of Metropolitan Regional Road Group Improvement Project (MRRG)

EN BLOC RESOLUTION OCM 41/2015

That Council:

1. Notes the advice from Main Roads WA that the Kalamunda Road/Abernethy Road will be withdrawn from the 2014/2015 Road Improvement Program with the funds returned to reallocation, minus documented costs incurred against design work on the $\frac{2}{3}$ State Contribution of \$666,666 previously provided to the Shire of Kalamunda.
2. Returns to Main Roads WA an amount of \$537,433 being the grant contribution of \$666,666 less two thirds of the design cost of \$129,233.

For Separate Consideration

This Item was withdrawn for separate consideration as the site had been incorrectly identified in the Recommendation as Lot 109 (178) Canning Road, this was corrected to Lot 109 (182) Canning Road and voted on.

10.1.8 D&I 13 Lot 109 (182) Canning Road, Kalamunda - Amendment to Local Planning Scheme No. 3 – Additional Use (Consulting Rooms)

RESOLVED OCM 42/2015

That Council:

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

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

Resolved that Council, pursuant to Part 5 of the Planning and Development Act 2005, amend the Local Planning Scheme as follows:

Including in Schedule 2 – Additional Uses, the following:

Description of Land	Additional Use	Conditions
Lot 109 (178) (182) Canning Road, Kalamunda	Consulting Rooms	

2. Subject to submission of documents by the applicant, the submission being formally advertised for 42 days in accordance with the provisions of the *Town Planning Regulations 1967* without reference to the Western Australian Planning Commission.

Moved: **Cr John Giardina**

Seconded: **Cr Margaret Thomas**

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

10.2 Corporate & Community Services Committee Report

10.2.1 Adoption of Corporate & Community Services Committee Report

Voting Requirements: Simple Majority

RESOLVED OCM 43/2015

That the recommendations C&C 08 to C&C 15 inclusive, contained in the Corporate & Community Services Committee Report of 20 April 2015, apart from items C&C 10 and C&C 11 be adopted by Council en bloc.

Moved: **Cr Noreen Townsend**

Seconded: **Cr Margaret Thomas**

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

10.2.2 C&C 08 Debtors and Creditors Report for the Period Ended 31 March 2015

EN BLOC RESOLUTION OCM 43/2015

That Council:

1. Receives the list of payments made from the Municipal Accounts in March 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 March 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 March 2015.

10.2.3 C&C 09 Rates Debtors Report for the Period Ended 31 March 2015

EN BLOC RESOLUTION OCM 43/2015

That Council:

1. Receives the rates debtors report for the period ended 31 March 2015 (Attachment 1).

10.2.4 C&C 12 Schedule of Council and Committee Meetings

EN BLOC RESOLUTION OCM 43/2015

That Council:

1. Endorses the Schedule of Committee and Council Meetings (Attachment 1) for the period June 2015 to December 2015.

10.2.5 C&C 13 Extraordinary Vacancy – Postponement of Election

EN BLOC RESOLUTION OCM 43/2015

That Council:

1. Pursuant to section 4.17 (2) of the *Local Government Act 1995*, allows the vacant office of councillor in the North West Ward to remain vacant until the ordinary election day in 2015.

10.2.6 C&C 14 CONFIDENTIAL ITEM - Chief Executive Officer's Performance Review

EN BLOC RESOLUTION OCM 43/2015

That Council:

1. Endorses the CEO Performance Review Sub Committee consisting of the Shire President, Deputy President and Chairs of the Development and Infrastructure Services Committee, Corporate and Community Services Committee and Audit and Risk Services Committee to co-ordinate and collate the documentation and information.
2. Requests that a final performance review report be collated and presented to Council for consideration in accordance with Regulation 18D of the *Local Government (Administration) Regulations 1996*, in July 2015.

10.2.7 C&C 15 CONFIDENTIAL ITEM - Request for Assignment of Lease – 38 Collins Road, Kalamunda

EN BLOC RESOLUTION OCM 43/2015

That Council:

1. Approve the assignment of the lease from Jos Henley-Boesten to Zig Zag Gymnastics Pty Ltd (as trustee for the Boehernan Family Trust) and variation of the rentals as sought by Danielle Boesten:

- Continuation of current rental of \$25,000pa (exclusive of GST) until 5 December 2015 (charged monthly in advance).
 - Increase of rental to \$30,000 pa (exclusive of GST) from 6 December 2015 (charged monthly in advance) up to 5 December 2016.
 - Thereafter (during the further term) a flat rate increase of 3.1% at the anniversary date (6 December) from 6 December 2016 (charged monthly in advance)
 - Accept the personal guarantee by Danielle Boesten in support of the lease.
2. Approve 'in principle' a commitment to allow the lessee access to the further term option of five years, available within the existing lease.

For Separate Consideration

Item C&C 10 Change of Land Use – Rating Methodology was removed for separate consideration as a Councillor had foreshadowed a change to the Committee Recommendation, the Presiding Member offered the opportunity to explain the reasons for the foreshadowed motion.

The Committee Recommendation was put but no mover was found and this lapsed. The foreshadowed motion was put, a Councillor asked how many other properties might be subject to a similar process in the near future and suggested that it would be equitable if they were all dealt with in the same way, in the same timeframe. The Director Corporate Services indicated there would be six to eight properties in total, he was concerned the timeframe of one month would be too short for staff, the mover and seconder agreed to change the date from the May 2015 to the June 2015 Ordinary Council Meeting.

10.2.8 C&C 10 Change of Land Use - Rating Methodology

COMMITTEE RECOMMENDATION TO COUNCIL (C&C 10/2015)

That Council:

1. Approves the change in rating methodology from UV Rural only to GRV Commercial and UV Rural for the following properties:
 - a) Lot 51 Carmel Road Carmel – Fairbrossen State Winery and Restaurant
 - b) Lot 3 Merrivale Road Pickering Brook – Core Cider House.
2. Authorises the Shire to seek approval from the Minister for Local Government to change the rating methodology as described.

Moved: **LAPSED**

Seconded:

Vote:

RESOLVED OCM 44/2015

That Council:

1. This item be deferred until the Ordinary Council Meeting to be held ~~25 May 2015~~ **June 2015** to enable staff to provide further information.

Moved: **Cr Noreen Townsend**

Seconded: **Cr Margaret Thomas**

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

Item C&C 11 – Pickering Brook Heritage Group (Inc) – Seeking Approval of Subsidy of Occupancy Costs was removed for separate consideration because Cr Giardina declared an interest affecting impartiality as he is a member of the Pickering Brook Heritage Group (Inc)'s Committee.

10.2.9 C&C 11 Pickering Brook Heritage Group (Inc.) – Seeking Approval of Subsidy of Occupancy Costs

RESOLVED OCM 45/2015

That Council:

1. Approves the request for a subsidy up to \$1,000.00 (excluding GST) to reimburse the Pickering Brook Heritage Group for the cost (\$1413.45 excluding GST) of Volunteer and Public Liability Insurance.
2. Declines the request for a commitment to a set subsidy for 2015/16 and 2016/17 on the basis that such requests are to be considered annually in writing for inclusion within budget.

Moved: **Cr Andrew Waddell**

Seconded: **Cr Geoff Stallard**

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

10.3 CHIEF EXECUTIVE OFFICER REPORTS

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

10.3.1 Draft Monthly Financial Statements to 31 March 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 31 March 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 second budget review approved by Council at its meeting on 23 March 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 31 March 2015

6. This Statement reveals a net result surplus of \$20,861,947 against budget for the same period of \$16,896,401. The reasons for the variance include, timing issues on the Hartfield Park and Kostera Oval infrastructure projects, and lower employment and materials costs.

Revenue

7. Total Revenue excluding rates is under budget by \$109,885. This is made up as follows:
- Operating Grants, Subsidies and Contributions are over budget by \$122,046. The following grants have contributed to this positive variance:
 - \$180,005 received ahead of schedule relating to the Federal Assistance Grants Scheme. The variance is regarded as a timing issue.
 - Fees and Charges variance are slightly over budget by \$22,677 which is within the reporting threshold.
 - Interest earnings are slightly up by \$26,278 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 forecast. The cash rate was further reduced by the Reserve Bank of Australia in March 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 2.7% 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 rates collection at 96.64% by close of month end. Outflows will be greater than inflows for the next few months.
 - Other Revenue is slightly under budget by \$5,243. This is comprised of various fines and penalties which are difficult to predict.

Expenditure

8. Total expenses are under budget with a variance of \$2,422,225. The significant variances within the individual categories are as follows:
- Employment Costs are under budget by \$534,095 due to some vacant positions predominantly in the operational business units. This is impacting capacity in the delivery of infrastructure projects.
 - Materials and Contracts is under budget by \$833,856 which is comprised of:
 - \$133,975 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;
 - \$432,002 relates to maintenance costs covering all asset classes. This is regarded as a timing issue;
 - \$388,300 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 \$133,517. Street lighting is under budget by \$176,069. The variance is regarded as a timing matter.
 - Depreciation, although a non-cash cost, is tracking under budget, reporting a variance of \$355,972 with the largest component coming from Ray Owen Sports Centre, \$112,637. 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. It seems that the depreciation on this building was not correctly adjusted at the budget review.
 - The interest expense is slightly under budget by \$22,602, 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 \$6,019 which is within the reporting threshold.
 - Other expenditure is under budget by \$583,400, with the bulk of the variance made up of the non-recurrent project relating to the Undergrounding of Power in Kalamunda worth \$500,000. 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 \$353,704. 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.

Proceeds from the disposal of assets

10. The variance of \$150,273 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 \$1,742,093. This variance is principally emanating from the Parks and Ovals and Buildings categories 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. Tender is currently being issued for Kostera Oval and works on Hartfield are starting to commence.

Rates revenues

12. Rates generation is under budget and the variance of \$261,395 relates to timing of recognition of cash-in-lieu monies related to the Dampier-Bunbury gas pipeline and prepaid rates which can only be recognised at year end.

Draft Statement of Financial Activity by Program for the month to 31 March 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 31 March 2015

14. The commentary on the net current funding position is based on comparison of the draft March 2015 year to date actuals with March 2014 year to date actuals.
15. Net Current Assets (Current Assets less Current Liabilities) show a positive result of \$21.3 million. The un-restricted cash position has a positive balance of \$22.7 million, an increase to the previous year's balance of \$16.7 million. This can be attributed to issues addressed above in relation to infrastructure works projects and operational costs.
16. Trade and other receivables comprised of rates and sundry debtors totalling \$2.37 million outstanding.

The rates balance has reduced by \$365,997 to \$1.5 million in the month due to the direct debit arrangements. This represents a collection rate of 96.64% to date.

Of the \$1.5 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).

17. Sundry debtors have increased slightly to \$152,626 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.
18. 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.
19. Restricted Reserves are stable at \$2.6 million. It is on track to reach the year-end target of \$7.8 million. The main variance is the pending transfer relating to the sale of Lewis Road properties accounting for \$1.7 million and \$4 million for the un-expended capital works which are now carried forward into 2015/16. These transfers will be finalised before the year end once final reconciliations are completed.

STATUTORY AND LEGAL CONSIDERATIONS

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

POLICY CONSIDERATIONS

21. Nil.

COMMUNITY ENGAGEMENT REQUIREMENTS

22. Nil.

FINANCIAL CONSIDERATIONS

23. Nil.

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	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

29. The Shire's draft financial statements as at 31 March 2015 demonstrates the Shire has managed its budget and financial resources effectively.

Voting Requirements: Simple Majority

RESOLVED OCM 46/2015

That Council:

1. Receives the draft monthly statutory financial statements for the month to 31 March 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 Geoff Stallard**

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

Attachment 1

Draft Statements of Financial Activity for the months to 31 March 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 attachment](#)

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

10.3.2 Proposed Change from Shire to City Status

Previous Items	
Responsible Officer	Chief Executive Officer
Service Area	Governance
File Reference	
Applicant	
Owner	

Attachment 1	Draft Identity Survey
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PURPOSE

1. For Council to consider initiating the process to change the status of the Shire to a city and associated matters.

BACKGROUND

2. Section 2.4 (1) of the *Local Government Act 1995* (the Act) provides that a local government district is to be either a shire, town or a city.
3. Section 2.4 (3) (a) of the Act provides that a district can only be designated a city if the district is in the metropolitan area and has more than 30,000 inhabitants more than half of whom live in an urban area.
4. Section 2.11 (2) provides that a local government may change the method of filling the office of mayor or president used by the local government from the election by the council method to the election by the electors method. Section 2.12 provides that the electors can initiate a proposal for such a change, as well.
5. Section 2.3 of the Act provides that a local government can request a change in the name of the district.
6. Clause 6 of Schedule 2.2 of the Act requires that at least every eight years a local government is to review its ward boundaries, and the number of offices of councillor for each ward.

DETAILS

7. Outcomes from the now abandoned metropolitan local government reform process have highlighted the need for consideration to be given to strategically repositioning the Shire and Council to ensure its recognition as a leading metropolitan local government with significant growth potential and financial sustainability into the future.
8. Of the 30 metropolitan local governments only four remain with shire status. These include the Shire of Peppermint Grove, the Shire of Serpentine-Jarrahdale, the Shire of Mundaring and the Shire of Kalamunda.

9. One of the critical issues arising for the Shire of Kalamunda is implementing a change in status from a shire to a city in order to give the Shire a more appropriate status for the 21st century. The Shire of Kalamunda is developing and the Local Housing Strategy will see significant growth in housing and industrial development over the course of this century. The Shire's population is projected to increase by 20% over the next 15-20 years, without factoring in the impact of increases that may flow from developments such as the Airport/Forrestfield rail line. Designation of the Shire to a city will better reflect the changing population and landscape emerging, particularly in the foothills.
10. In terms of the legislative requirements, the Shire of Kalamunda qualifies for city status.
11. It has become clear that the standing of the district across all business and government sectors suffers as a consequence of retaining the status of a shire within the metropolitan region. If the district is to fully capitalise on its unique position within the metropolitan region and its growth potential, particularly emanating from the airport/Forrestfield rail link, then city status will be a key plank in assisting achieve this.
12. Attaining city status can be achieved very simply if that is the desire of the Council. All that is required is a Resolution of Council and then a request to the Minister for Local Government.
13. However, it is considered that the issues of the name, mode of election of the Mayor and Wards and the number of offices of councillor should all be considered in one package. The Shire of Kalamunda is due to undertake a Ward review by the end of 2016.
14. Issues concerning the name, identity and brand, as well as the mode of election of the Mayor should be the subject of extensive community consultation through a range of mechanisms.
15. It would be proposed that information be prepared on all these matters which would be widely distributed to the community via a number of different methods, with the principal method being an inclusion of a survey with the 2015/16 Rates Notices, (Attachment 1).
16. Additional consultation would be through community and councillor forums and social media platforms.
17. Should the Council believe that an issue should be the subject of a community vote/poll, this could be undertaken in conjunction with the 2015 local government elections to be held in October 2015.

STATUTORY AND LEGAL CONSIDERATIONS

18. Sections 2.3, 2.4, 2.11 and schedule 2.2 of the Act have application to the matters the subject of this report.

POLICY CONSIDERATIONS

19. Nil.

COMMUNITY ENGAGEMENT REQUIREMENTS

20. Extensive community consultation will be required as commented on in paragraphs 12-15.
21. (Attachment 1) provides a draft example of a pamphlet that could be used to gather feedback from the community about the issues that require canvassing.

FINANCIAL CONSIDERATIONS

22. Consideration will need to be given to an allocation in the 2015/16 Budget for costs associated with community consultation. Some of these costs can be minimised through utilisation of already programmed mail outs and the local government election process.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

23. *Kalamunda Advancing: Strategic Community Plan to 2023*
- OBJECTIVE 6.1 – To ensure a highly effective and strategic thinking Council sets direction and works for the greater good of the community at all times.
- OBJECTIVE 6.3 – To lead, motivate and advance the Shire of Kalamunda.
- Strategy 6.3.1 - Develop and implement a wide variety of informing strategies and plans which benefit the community socially, economically and environmentally.
- Strategy 6.3.2 - Regularly review the organisation's structure, policies and procedures in response to changing circumstances.

SUSTAINABILITY

Social Implications

24. There will be a number of social implications arising from this matter and specifics can be addressed in the final report to Council.

Economic Implications

25. Nil.

Environmental Implications

26. Nil.

RISK MANAGEMENT CONSIDERATIONS

27.

Risk	Likelihood	Consequence	Rating	Action/Strategy
Council may resolve not to support the proposal.	Unlikely	Major	Medium	Ensure that Council is fully aware of the need to initiate this process which will assist in the recognition of the district as a leading metropolitan local government.
There may be significant opposition from the Community to parts of the proposal.	Unlikely	Major	Medium	Ensure that the community consultation is comprehensive, embracing all sectors of the community and that adequate and reasoned rationale is provided for the changes proposed.

OFFICER COMMENT

- 28. Designation of the Shire as city and a change of brand will have the desired effect of making a statement that the Shire of Kalamunda has emerged from the grips of reform with a renewed emphasis on the future and developing this Shire to its full potential - socially, environmentally and economically.
- 29. The Shire of Kalamunda has suffered significant brand damage as a consequence of the reform process and needs to now re-position itself as a sustainable and capable local government.
- 30. As part of the community consultation process, it is proposed to distribute a survey to residents of the district seeking feedback on a range of issues with respect to the proposed change in status to a city. It is proposed that the survey will be distributed primarily through the mail out of the 2015/16 rates notices and will also be available on line and at all libraries and other appropriate venues.
- 31. A draft of the proposed Identity Survey has been prepared for the information of Councillors (Attachment 1). A final version will be provided in due course.

Voting Requirements: Simple Majority

RESOLVED OCM 47/2015

That Council:

1. Approves the initiation of the process to attain city status.
2. Approves the undertaking of extensive community consultation with respect to the issues of the name, brand and mode of election of the Mayor.
3. Approves the conduct of a review of the Wards and number of offices of councillor as required by schedule 2.2 of the *Local Government Act 1995*.

Moved: **Cr Noreen Townsend**

Seconded: **Cr Margaret Thomas**

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

Attachment 1

Draft Identity Survey

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

10.3.3 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.”*

Previous Items	Nil
Responsible Officer	Director Development Services
Service Area	Development Services
File Reference	SL-08/170
Applicant	Peter D Webb and Associates Planning Consultants
Owner	E. Pettit

All 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>
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This Report had been circulated to Councillors under separate cover, it was considered at point 15 of this Agenda behind closed doors.

Voting Requirements: Simple Majority

RESOLVED OCM 51/2015

That Council:

1. Support Option F, which is outlined in Attachment 8.

Moved: **Cr Margaret Thomas**

Seconded: **Cr Geoff Stallard**

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

11.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

11.1 Cr John Giardina – Hills Rural Study

Cr Giardina withdrew his Motion regarding Hills Rural Study.

11.2 Cr Noreen Townsend – Foothills Information and Referral Service (Inc) (FIRS) – Crisis Cuts

Rationale

In December 2014 FIRS was advised by the Department for Social Services that their application for an emergency relief grant had been unsuccessful. FIRS has received and distributed emergency relief through the Commonwealth Emergency Relief Program for over 20 years.

In 2013/14 FIRS received \$35,937.00 from the Commonwealth which was distributed to over 180 families in need within the Shire of Kalamunda area. The assistance provided food vouchers, utility payments and payment of rent arrears. The funds are used to assist people who are experiencing a financial crises for such reasons as unemployment, illness and domestic violence.

The emergency relief funds are used in conjunction with our financial counselling service which is funded by the State Government. The aim is to provide a holistic service which meets the immediate financial and practical needs of people in crises as well as providing longer term solutions through financial counselling.

The loss of these funds will extremely limit FIRS ability to provide emergency relief to the local community. FIRS is the only community based welfare agency located within the Shire of Kalamunda area and demand for emergency relief and financial counselling services has always been high, and more so in the past 2 years with the down turn in employment in the FIFO industry. In addition, FIRS has developed strong networks and recognition within the local area making it a focal point for other organisations to refer people in need.

FIRS has always met all the accountability requirements of previous funding agreements and has never received any concerns or complaints from either the funding body or service consumers.

It would seem that the funds previously received have now been assigned to other agencies outside the area FIRS services.

Officer Comment

Whilst acknowledging the contribution of FIRS to the Shire of Kalamunda community, it is suggested that further investigations are undertaken to better understand the context of the current situation.

This would include a determination on whether families requiring emergency relief that are residing within the Shire of Kalamunda will still have an opportunity to access such emergency relief funding, yet potentially accessed through an alternative arrangement.

Following these investigations, Council can then be presented with a more comprehensive report with regards to the availability and accessibility of such funding and deliberate as to whether the provision of Local Government funds should be considered for such services.

Councillors Noreen Townsend and Allan Morton had declared an interest affecting impartiality regarding this Motion as they are both members of the FIRS (Inc) Board.

The Presiding Member invited Cr Noreen Townsend to speak to her Motion. A seconder to the motion was found. A Councillor had foreshadowed a replacement Point 2. Councillors debated the item.

A Councillor foreshadowed an amendment that the foreshadowed new Point 2 become Point 3., the mover and seconder agreed to this change and it was added and became part of the substantive motion. The vote was then taken.

RESOLVED OCM 48/2015

Voting Requirements: Simple Majority

That Council:

1. That Council request the Shire President and Chief Executive Officer make contact with the Minister for Social Services expressing their concern and disappointment at the cutting of funding to the only organisation within the Shire's catchment area that provides emergency relief funding to members of the Shire's community, and request that the decision be reviewed.
2. That Council include for consideration in its draft budget, an amount of \$20,000 to be allocated to FIRS for use in the Emergency Relief Program for needy families within the Shire of Kalamunda.
3. **That the Chief Executive Officer be requested to prepare a report for Council investigating alternative arrangements that may be available for accessing like emergency relief services and also identify any barriers that residents may have in accessing alternative services.**

Moved: **Cr Noreen Townsend**

Seconded: **Cr Andrew Waddell**

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

12.0 QUESTIONS BY MEMBERS WITHOUT NOTICE

12.1 Cr Sue Bilich – Fencing Local Law

- Q. How soon can the Fencing Local Law be reviewed by Councillors?
- A. The Director Infrastructure Services noted that a forum for Councillors was planned late May 2015 to cover this and Standing Orders.

12.2 Cr Frank Lindsey – EMRC

- Q. Could the Presiding Member request Councillors stay back at the conclusion of the meeting to hear an EMRC update?
- A. The Presiding Member agreed to this request.

12.3 Cr Andrew Waddell – Standing Orders Update

- Q. When staff are reviewing Standing Orders could ongoing standing reports be included in the Agenda to enable bodies such as the EMRC and WALGA to be reported on a regular basis to Council?
- A. This question was taken on notice to be discussed when the Standing Orders Forum is held.

12.4 Cr Noreen Townsend – Standing Orders Update

- Q. Could there be included in the Committee Agendas a list of all Council Items that have deferred, noting the date they are due to come back to Council?
- A. This question was taken on notice to be discussed when the Standing Orders Forum is held.

12.5 Cr Geoff Stallard – Land on Lawnbrook Road for Aged Care Facility

- Q. There is some land on Lawnbrook Road which may have potential for an Aged Care Development, one of the owners of the land has intimated they could be interested a development of this type, could someone please look at this?
- A. The Presiding Member suggested Cr Stallard discuss this with a staff member and possibly organise a site visit.

13.0 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

13.1 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. Admission to Corymbia Festival is free - as are associated activities such as entertainment, rides and movies. Catering and beverages are always at a cost to the visitor.

13.2 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 total cost to hire Reigan Derry was \$17,120.

13.3 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. Aldersyde Road was inspected and the tree crews will undertake side clearances of this road on 24 March 2015 to resolve the immediate problems, with a more extensive overhead clearing on 22 April 2015.

13.4 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 site was protected by bunting to enable the removal of bee hives from the tree trunk to make it safe for staff to work on the fallen branches. Fortunately there were no children using the play equipment when the tree fell. The removal of the fallen branches and the remainder of the tree trunk was completed on 1 April 2015.

13.5 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.

13.6 Cr Justin Whitten – Trees Overhanging Playgrounds

- Q. As a follow-on from Cr Townsend's question, how often are trees overhanging playgrounds inspected?
- A. The current process of inspection of trees is undertaken by the Parks Maintenance crews as part of routine works and if they consider there may be a problem with a tree they report their concerns to the supervisor. They are not qualified to make assessment of tree conditions and due to the seriousness of this incident at Redwood Reserve a proposal will be prepared to provide for at least an annual inspection of vulnerable sites by a qualified arborist for funding consideration as part of the 2015/2016 budget deliberations.

13.7 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. A copy of the Western Power produced report 'Kalamunda Underground Power Project Business Report For Period August 2014 to 28 February 2015' was included in the Chief Executive Officer's weekly update report to Councillors. This report indicates that the project completion date was

to be 14 April 2015; advice from Western Power on 21 April 2015 confirmed that the new completion day is 15 June 2015.

13.8 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. Maintenance Staff were aware of this excavation/ partial reinstatement and undertook some remedial works to make it safe while efforts were made to determine who was responsible for the works. The responsible person/company/service authority has not been found and for ongoing safety reasons the Maintenance Team completed the reinstatement with asphalt on Wednesday 25 March 2015.

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

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

14.1 Appointment of Director Infrastructure Services

Previous Items
Responsible Officer
Service Area
File Reference
Applicant
Owner

Chief Executive Officer
Office of the Chief Executive Officer

N/A
N/A

Confidential Attachment 1
(under separate cover)

Candidate Assessment
Reason for Confidentiality – Local Government Act 1995
Section 5.23 (2) (b), “the personal affairs of any person”

PURPOSE

1. To Consider the Chief Executive Officer’s recommendation to employ a suitable candidate in the position of Director Infrastructure Services.

BACKGROUND

2. The position became vacant on 25 February 2015, following the resignation of the incumbent and has been temporarily filled through a short term contract arrangement.

DETAILS

3. Recruitment for the position was undertaken in accordance with Section 5.36 (3)(a) of the *Local Government Act 1995* (the Act), which provides that a person is not to be employed in any other position unless the Chief Executive Officer believes that the person is suitably qualified, and section 5.40 (a) of the Act – “employees are to be selected and promoted in accordance with the principles of merit and equity”.

4. As the Director position is an integral member of the Executive Management Team, a vigorous selection process was implemented. This involved an initial assessment of each of the applications by the Chief Executive Officer based on the criteria for the position and experience.
5. Candidate two had the strongest criteria and experience for the position. Candidate two is a highly qualified and experienced engineer who will be a valuable acquisition for the Shire who will further mentor and develop the officers within the directorate (Confidential Attachment 1).

STATUTORY AND LEGAL CONSIDERATIONS

6. Sections 5.36, 5.37 and 5.40 of the Act.

POLICY CONSIDERATIONS

7. Nil.

COMMUNITY ENGAGEMENT REQUIREMENTS

8. Nil.

FINANCIAL CONSIDERATIONS

9. All costs related to the recruitment process, such as advertising, will be met within the recruitment budget.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

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

OBJECTIVE 6.3	To lead, motivate and advance the Shire of Kalamunda.
OBJECTIVE 6.10	To build a high performing and motivated workforce.

SUSTAINABILITY

Social Implications

11. Nil.

Economic Implications

12. Nil.

Environmental Implications

13. Nil.

RISK MANAGEMENT CONSIDERATIONS

14.	Risk	Likelihood	Consequence	Rating	Action/Strategy
	Council does not accept the Chief Executive Officer's Recommendation to employ the preferred candidate.	Unlikely	Major	Low	Ensure Council is aware that a rejection of the Chief Executive Officer's recommendation must be based on sound criteria that does not breach Industrial Relations or Equal Employment Opportunity legislative requirements.

OFFICER COMMENT

15. The Director position is a key Executive Management Team member and will be integral in working with Council and assisting in the driving and further development of the Shire's Strategic directions and objectives.
16. It is considered that vigorous selection process implemented has enabled the identification and recruitment of an exceptional preferred candidate for this position.

This item was discussed behind closed doors at point 15 of this Agenda. The Director Infrastructure Services declared a direct financial interest regarding this item and left the chambers at 7.50pm, he returned at 7.54pm after the vote was taken.

Voting Requirements: Simple Majority

RESOLVED OCM 52/2015

That Council:

1. Pursuant to Section 5.37 (2) of the *Local Government Act 1995* accepts the Chief Executive's recommendation to employ Candidate Number 2. in the position of Director Infrastructure Services.

Moved: **Cr Margaret Thomas**

Seconded: **Cr Frank Lindsey**

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

15.0 MEETING CLOSED TO THE PUBLIC

15.1 Meeting Closed to the Public

RESOLVED OCM 49/2015

That the meeting go behind closed doors to consider:

10.3.3 - D&I 12 CONFIDENTIAL REPORT - Proposed Transport Depot – Lot 50 (170) Sultana Road West, High Wycombe – provided under separate cover.
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.”*

And

14.1 – Appointment of Director Infrastructure Services - Confidential Attachment 1. – provided under separate cover.
Reason for Confidentiality – *Local Government Act 1995* Section 5.23 (2) (b), “the personal affairs of any person”

Moved: **Cr John Giardina**

Seconded: **Cr Allan Morton**

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

The meeting closed to the public at 7.49pm.

The Director Infrastructure Services declared a direct financial interest regarding Appointment of Director Infrastructure Services and left the chambers at 7.50pm.

15.2 Meeting Reopen to the Public

RESOLVED OCM 50/2015

That the Meeting reopen to the public.

Moved: **Cr Allan Morton**

Seconded: **Cr Andrew Waddell**

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

The meeting reopened to the public at 7.54pm and the Director Infrastructure Services returned to the Chambers.

The Presiding Member read the Resolutions to the meeting.

15.3 **10.3.3 - D&I 12 CONFIDENTIAL REPORT - Proposed Transport Depot – Lot 50 (170) Sultana Road West, High Wycombe**

Voting Requirements: Simple Majority

RESOLVED OCM 51/2015

That Council:

1. Support Option F, which is outlined in Attachment 8.

Moved: **Cr Margaret Thomas**

Seconded: **Cr Geoff Stallard**

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

15.4 **14.1 Appointment of Director Infrastructure Services**

Voting Requirements: Simple Majority

RESOLVED OCM 52/2015

That Council:

1. Pursuant to Section 5.37 (2) of the *Local Government Act 1995* accepts the Chief Executive's recommendation to employ Candidate Number 2. in the position of Director Infrastructure Services.

Moved: **Cr Margaret Thomas**

Seconded: **Cr Frank Lindsey**

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

16.0 CLOSURE

16.1 There being no further business, the Presiding Member declared the meeting closed at 7.55pm.

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