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Shire of Kalamunda

# General Services Committee

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Minutes for 12 December 2011



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## MINUTES

### 1.0 OFFICIAL OPENING

- 1.1 The Chairman opened the meeting at 6.30 pm and welcomed Councillors, Staff and Members of the Public Gallery.

### 2.0 ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE PREVIOUSLY APPROVED

#### 2.1 Attendance

##### Councillors

Donald McKechnie	(Shire President) North Ward
Sue Bilich	North Ward
Margaret Thomas	North Ward
	<i>(Arrived at 6.38 pm)</i>
Allan Morton	South West Ward
Justin Whitten	South West Ward
John Giardina	South East Ward
Frank Lindsey	South East Ward
Martyn Cresswell	(Chairman) North West Ward
Bob Emery	North West Ward

##### Members of Staff

James Trail	Chief Executive Officer
Rhonda Hardy	Director of Corporate and Community Services
Clayton Higham	Director of Planning & Development Services
Darrell Forrest	Manager Governance
Steve McKay	Manager Property and Procurement
Peter Hayes	Manager Business and Strategy
Gerard Thomas	Manager Technology and Corporate Support
Darren Jones	Manager Community Development
Michelle Clark	Executive Assistant
Meri Comber	Minute Secretary

**Members of the Public** 3

**Members of the Press** Nil

#### 2.2 Apologies

Noreen Townsend	South West Ward
Dylan O'Connor	North West Ward

#### 2.3 Leave of Absence Previously Approved

Geoff Stallard	South East 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 this Committee. For the purposes of Minuting, these questions and answers are summarised.

**3.1 Jurgen Flendt, 23 Swan Road, High Wycombe**

Q. Council Report 158 contains errors, which have been highlighted to the Shire during the consultation process, why have they not been corrected?

A. This question was taken on notice.

**3.2 Mark Gilks, 14 Tia Avenue, High Wycombe**

Q. Does Council agree there is enough negative feedback to cancel the process or at least delay it until further research can be undertaken?

A. The Chief Executive Officer noted that it was up to each Councillor to decide how to deal with the Recommendation.

**3.3 Vanessa Larson, 14 Tia Avenue, High Wycombe**

Q. Why has the petition presented regarding this development not been considered in the consultation process?

A. The petition was presented and as a result Council deferred this matter and further research and consultation was conducted. The petition was significant therefore, as further work was carried out as a result of receiving it.

**3.4 Jurgen Flendt, 23 Swan Road, High Wycombe**

Q. If one of the outcomes being put forward by Hester is that to not proceed with the proposal would set a precedent, what is the point of the whole public consultation process?

A. The Chief Executive Officer replied that as a result of a whole consultation process a Recommendation has been put forward by Officers for the Councillors to consider.

**3.5 Vanessa Larson, 14 Tia Avenue, High Wycombe**

Q. We feel that some of the information provided in the Agenda for tonight's meeting is inaccurate so what can we do to address this?

A. The Chairman noted that in this situation residents should contact their Ward Councillors.

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**4.0 PETI TI ONS/ DEPUTATI ONS****4.1 Footpath Schmitt Road, Kalamunda**

A Petition, signed by 17 residents from Schmitt Road, Kalamunda was tabled at the meeting. The Petition requests a footpath be constructed the length of Schmitt Road for the safety of pedestrians.

**5.0 APPLI CATI ONS FOR LEAVE OF ABSENCE**

5.1 Nil.

**6.0 CONFIR MATI ON OF MI NUTES OF PREVI OUS MEETI NG**

6.1 That the Minutes of the General Services Committee Meeting held on 14 November 2011 are confirmed as a true and correct record of the proceedings.

Moved: **Cr Bob Emery**

Seconded: **Cr Donald McKechnie**

Vote: **CARRI ED UNANI MOUSLY (9/ 0)**

**7.0 ANNOUNCEMENTS BY THE PERSON PRESI DI NG WI THOUT DI SCUSSI ON**

7.1 The Shire of Kalamunda has been recognised at the Bi-Annual Sport and Recreation Industry Awards as a finalist for the “Best Activation of a Public Open Space” category. This is a significant achievement for the Shire within Recreation circles. The application submitted was in relation to the Fleming Reserve Project that has been undertaken over the last 2 years. The Chairman congratulated all staff associated with this project.

**8.0 MATTERS FOR WHI CH MEETI NG MAY BE CLOSED**

8.1 There are no confidential items in this Agenda, however the Chief Executive Officer noted that some items have confidential attachments and may require that Council go behind closed doors for discussion.

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**9.0 DISCLOSURE OF INTERESTS**

**9.1 Disclosure of Financial and Proximity Interests**

- a. Members must disclose the nature of their interest in matters to be discussed at the meeting. (Sections 5.60B and 5.65 of the *Local Government Act 1995*.)
- b. Employees must disclose the nature of their interest in reports or advice when giving the report or advice to the meeting. (Sections 5.70 and 5.71 of the *Local Government Act 1995*.)

9.1.1 Nil.

**9.2 Disclosure of Interest Affecting Impartiality**

- a. Members and staff must disclose their interest in matters to be discussed at the meeting in respect of which the member or employee had given or will give advice.

9.2.1 Nil.

**10.0 REPORT TO COUNCIL**

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



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

**150. Creditors' Accounts Paid During the Period 26 October to 24 November 2011**

Previous Items	N/A
Responsible Officer	Director Corporate and Community Services
Service Area	Finance
File Reference	FI-CRS-002
Applicant	N/A
Owner	N/A
Attachment 1 Page 1	Creditor Payments during the period 26 October to 24 November 2011

**PURPOSE**

1. To receive creditors' accounts paid during the 26 October to 24 November 2011 (Attachment 1).

**BACKGROUND**

2. It is a requirement of the *Local Government (Financial Management) Regulations 1996 (Regulation 12)* that a list of Creditors' Accounts paid is compiled each month.
3. The report is required to show payee's name, the amount of the payment, the date of the payment, and sufficient information to identify the transaction.

**DETAILS**

4. Accordingly, the list of creditors paid during the period 26 October to 24 November 2011 (Attachment 1).

**STATUTORY AND LEGAL IMPLICATIONS**

5. Nil.

**POLICY IMPLICATIONS**

6. Nil.

**PUBLIC CONSULTATION/ COMMUNICATION**

7. Nil.

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## FINANCIAL IMPLICATIONS

8. Nil.

## STRATEGIC AND SUSTAINABILITY IMPLICATIONS

### Strategic Planning Implications

9. *Shire of Kalamunda Strategic Plan 2009 - 2014*
- 5.5.2 Provide financial services to support Council's operations and to meet sustainability planning, reporting and accountability requirements.

### Sustainability Implications

#### Social implications

10. Nil.

#### Economic Implications

11. Nil.

#### Environmental Implications

12. Nil.

## OFFICER COMMENT

13. Nil.

## COMMITTEE RECOMMENDATION TO COUNCIL (GS 150/ 2011)

That Council:

1. Receive the list of creditors paid during the period 26 October to 24 November 2011 (Attachment 1) in accordance with the requirements of the *Local Government (Financial Management) Regulations 1996* (Regulation 12).

Moved: **Cr Margaret Thomas**

Seconded: **Cr Donald McKechnie**

Vote: **CARRIED UNANIMOUSLY (9/ 0)**

**Declaration of financial / conflict of interests to be recorded prior to dealing with each item.****151. Monthly Financial Statements for the Four Months to 31 October 2011**

Previous Items	N/A
Responsible Officer	Director Corporate and Community Services
Service Area	Finance
File Reference	FIR-SRR-006
Applicant	N/A
Owner	N/A
Attachment 1 Page 25	Statement of Financial Activity for the four months to 31 October 2011 incorporating the following: <ul style="list-style-type: none"> <li>• Statement of Comprehensive Income by Program</li> <li>• Statement of Comprehensive Income by Nature and Type</li> <li>• Rate Setting Statement</li> <li>• Statement of Financial Position</li> <li>• Statement of Equity</li> <li>• Statement of Reserve Accounts</li> </ul>

**PURPOSE**

1. To provide Council with financial reports on the activity of the Shire with indications of performance against adopted budget.

**BACKGROUND**

2. The attached Statement of Financial Activity 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).

**DETAILS**

3. The *Local Government Act (1995)* requires Council adopt a percentage or value to be used in reporting variances against Budget. Council adopted on 25 July 2011 the reportable variances to be 5% or \$5,000 whichever is greater.
4. The adopted percentage on value is applied at Program level and where applicable for the commentary and detail is provided.

**Financial Commentary**

5. Overall – The Statement of Comprehensive Income (Operating Statement) to 31 October 2011 reveals a net Operating Surplus of \$20,328,143 against a Budget for the same period of \$20,313,932. This is an excellent result as the overall variation is only \$14,211 or 0.07%. Obviously within each Program

and Category there are variations which need comment and in some cases addressing.

## Operating Revenue

6. The total Operating Revenue to 31 October 2011 is \$23,862 short of the Budget. This represents a variance of only 0.23% which is very acceptable at this stage of the financial year. Within this area there are several programs to note:

7. General Purpose Funding – Under achieved to Budget by \$310,612 or 1.28%.

There are three areas which account for the shortfall income in this area

Rates – Actual \$23,311,201 Budget \$23,415,904 – There have been no interim rating raised this financial year due to staffing issues. This will be addressed in full during December.

Interest on Investments – Actual \$50,127 Budget \$148,024 – This is a Budget allocation issue. Most revenue falls between October and March and the year to date Budget does not reflect this. Further there has not been proper accrual of interest brought to account.

Government Grant – Actual \$398,792 Budget \$506,249 – This again is a monthly distribution of the budget issue.

8. Transport – under achieved to budget by \$281,833 or 13.48% - Analysis of this program reveals that certain grants for Capital Works have not yet been received. This is a timing issue and is supported by the under expenditure on Roadworks (Capital) revealed in the Rates Setting Statement.

## Operating Expenditure

9. The total Operating Expenditure to 31 October 2011 is \$15,876,238 against a Budget of \$15,972,312 which is a saving of \$96,074 or less than 1%.

Areas where the actual expenditure exceeds the budget beyond accepted limits are:

1. General Purpose Funding – Actual \$242,353 Budget \$206,606

Financial Expense – Actual \$242,353 Budget \$41,332 – This account needs to reflect \$165,000 valuation expenses brought forward from 2010/2011 and also funding from the valuation reserve currently at \$156,000.

2. Transport – Actual \$2,662,298 Budget \$2,570,096

1. Maintenance Drains – Actual \$331,589 Budget \$268,400

2. Maintenance Roads – Actual \$477,042 Budget \$401,064

These two accounts are overspent by a total of \$139,167 or 21% and the Engineering area needs to keep a watching brief on these two areas to ensure budgets are not over spent. The reason for the over expenditure to 31 October 2011 appears to be a timing issue as November expenditure in both cases is below budget.

3. Utilities – Actual \$421,770 Budget \$354,400 –

This account covers street lighting and it is recognised that the budget may require an amendment as last year's costs plus 30% result in an amount of \$1,075,180 plus extra services mean the 2011/2012 budget would be approximately \$1,100,000 currently the budget is \$1,063,200. When the budget was struck only ten months costs were included in the 2010/2011 actuals. This was corrected in September 2011 by accruing the further two months but unfortunately the budget had been established on the lesser (ten months) figure.

### Capital Expenditure

10. Capital Expenditure remains at a low level being \$6,023,050 against an annual budget of \$19,761,179.

11. The five main areas which reflect this under expenditure are:

Land and Buildings	\$1,511,000
Road Infrastructure	\$6,206,000
Land Development	\$2,217,000
Other Infrastructure	\$1,984,000
Plant and Equipment	<u>\$1,748,000</u>
	<u>\$13,666,000</u>

12. Expenditure levels in these areas depend greatly on the timing of receipt of Grants, Cash flow determination and availability of product and the commissioning of contracts.

### STATUTORY AND LEGAL IMPLI CATIONS

13. The *Local Government Act 1995* and the *Local Government (Financial Management) Regulations*.

### POLICY IMPLI CATIONS

14. Nil.

### PUBLI C CONSULTATI ON/ COMMUNI CATION

15. Nil.

### FI NANCEI AL IMPLI CATIONS

16. Nil.

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## STRATEGIC AND SUSTAINABILITY IMPLICATIONS

### Strategic Planning Implications

17. *Shire of Kalamunda Strategic Plan 2009-2014*

5.5.2 Provide financial services to support Council's operations and to meet sustainability planning, reporting and accountability requirements.

### Sustainability Implications

#### Social Implications

18. Nil.

#### Economic Implications

19. Nil.

#### Environmental Implications

20. Nil.

### OFFICER COMMENT

21. All comments are contained within the "Details" area of this report.

### COMMITTEE RECOMMENDATION TO COUNCIL (GS 151/ 2010)

That Council:

1. Receive the monthly financial statements which comprise the Statement of Financial Position, Equity Statement, Statement of Comprehensive Income by Nature and Type, Statement of Comprehensive Income by Program, Rate Setting Statement and Reserve Balances Statement for the period ending 31 October 2011.

Moved: **Cr Margaret Thomas**

Seconded: **Cr Justin Whitten**

Vote: **CARRIED UNANIMOUSLY (9/ 0)**

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

**152. Debtors and Creditors Reports for the Period ending 30 November 2011**

Previous Items	N/A
Responsible Officer	Director Corporate and Community Services
Service Area	Finance
File Reference	FI-CRS-002
Applicant	N/A
Owner	N/A
Attachment 1 Page 35	Summary of Debtors for the period ended 30 November 2011
Attachment 2 Page 39	Summary of Creditors for the period ended 30 November 2011

**PURPOSE**

1. To receive a monthly report on debtors and creditors.

**BACKGROUND**

2. Attached are the reports detailing aged Debtors (Attachment 1) and Creditors (Attachment 2) as at 30 November 2011.
3. Council has requested reports detailing outstanding debtors and creditors on a monthly basis.

**DETAILS**

**Debtors**

4. A total of \$1,128,494.14 in debtor accounts was outstanding as at 30 November 2011.  
Particular items affecting the outstanding balances are:
5. The total outstanding in the category of 90+ days for the month of November 2011 was \$185,429.15.  
Major debtors in this category are shown at Attachment 2 to this report.
6. The total outstanding in the category of 60+ days for the month of November 2011 was \$18,415.54.  
Major debtors in this category are shown at Attachment 2 to this report
7. The total outstanding in the category of 30+ days for the month of November 2011 was \$47,901.60.  
Major debtors in this category are shown at Attachment 2 to this report.

- 
8. The total outstanding in the Current category for the month of November 2011 was \$876,747.85.
  9. The terms of payment given to a debtor are 30 days from date of invoice.

### **Creditors**

10. Payments totalling \$3,816,929 were made during the month of November 2011.
11. Standard payment terms are 30 days from the end of month, with local business and contractors on 14 day terms.
12. Invoices showing as outstanding greater than 60 and 90 days are the result of the original invoice documentation not being received by Finance.
13. All contractors, trades and suppliers are advised of the Shire's preference to pay by Electronic Funds Transfer (EFT) for efficiency and cost savings.

### **STATUTORY AND LEGAL IMPLI CATIONS**

14. Nil.

### **POLI CY IMPLI CATIONS**

15. Nil.

### **PUBLI C CONSULTATI ON/ COMMUNI CATION**

16. Nil.

### **FI Nanci al IMPLI CATIONS**

17. Nil.

### **STRATEGI C AND SUSTAI NABI LI TY IMPLI CATIONS**

#### **Strategic Planning Implications**

18. *Shire of Kalamunda Strategic Plan 2009 - 2014*  
5.5.2 Provide financial services to support Council's operations and to meet sustainability planning, reporting and accountability requirements.



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## **Sustainability Implications**

### Social implications

19. Nil.

### Economic Implications

20. Nil.

### Environmental Implications

21. Nil.

## **OFFICER COMMENT**

22. The Forrestfield United Soccer Club Inc. was given approval by Council at the meeting on 20 June 2011 to defer payment of the Loan and Reserve Hire charges until December 2011. Council should note that while this arrangement is in place, the Shire is currently meeting the Loan repayments.

23. A meeting with Forrestfield United Soccer Club Inc. was held on 16 November 2011 in which we discussed how the Club will be addressing the financial commitments to the Shire from January 2012. Awaiting a payment schedule from the Club by early December 2011.

Councillor McKechnie noted that the Forrestfield Soccer club have a sizeable debt and requested that Councillors be kept informed regarding this.

## **COMMITTEE RECOMMENDATION TO COUNCIL (GS 152/ 2011)**

That Council:

1. Receive the outstanding debtors (Attachment 1) and creditors (Attachment 2) reports as at 30 November 2011.

Moved: **Cr Donald McKechnie**

Seconded: **Cr Margaret Thomas**

Vote: **CARRIED UNANIMOUSLY (9/ 0)**



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

**153. Rates Debtors Report for the Period ending 30 November 2011**

Previous Items	N/A
Responsible Officer	Director Corporate and Community Services
Service Area	Finance
File Reference	FI-DRS-004
Applicant	N/A
Owner	N/A
Attachment 1 Page 41	Summary of Outstanding Rates for the period ended 30 November 2011

**PURPOSE**

1. To receive a report on rates debtors as at 30 November 2011.

**BACKGROUND**

2. Attached is the report detailing rates debtors as at 30 November 2011 (Attachment 1).

**DETAILS**

**Rates Instalment 2011/ 2012**

3. The second instalment of the four instalment plan option fell due on the 7 November, 2011. Rates receipts for November 2011 totalled \$3,271,078.15. Comparative figures for previous months are shown on the attached report.  
  
The next date for payment of instalments is 12 January 2012. This will be the last payment for those ratepayers who chose to pay in two instalments and the third payment for those opting for the four payment option. Ratepayers will be reminded of this instalment date after 5 December 2011.

**Instalments & Other Outstanding Balances**

4.	Total amount Due – (Outstanding as at 29.11.2011)	<b>\$11,267,503.70</b>
	2 <sup>nd</sup> of 2 x Instalment payments due on 12.01.12	\$1,153,405.06
	3 <sup>rd</sup> of 4 x Instalment payments due on 12.01.12	\$3,251,800.45
	4 <sup>th</sup> of 4 x Instalment payments due on 08.03.12	\$3,251,800.45
	TOTAL on Instalment	<b>\$7,601,555.40</b>
	Less Deferred Rates	- \$386,799.28
		-----
	as at <b>29.11.2011</b>	
	<b>Balance Outstanding (subject to Debt Recovery)</b>	<b>\$3,279,149.02</b>

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**Final Notices 2011/ 2012**

5. Final Notices were processed and issued on 11 November 2011 to ratepayers who had not made any payment or complied with the requirement to commence instalments by 12 September 2011. There were over 1900 Final Notices issued.

**Legal Action 2010/ 2011**

6. This area of debt recovery has now progressed to the Land Warrant stage. Land Warrants can only be issued if three or more years rates remain unpaid – (*Local Government Act 1992* Section 6.64-6.75).

**STATUTORY AND LEGAL IMPLI CATIONS**

7. Nil.

**POLI CY IMPLI CATIONS**

8. Nil.

**PUBLI C CONSULTATI ON/ COMMUNI CATION**

9. Nil.

**FI NANCEI AL IMPLI CATIONS**

10. Nil.

**STRATEGI C AND SUSTAI NABI LI TY IMPLI CATIONS****Strategic Planning Implications**

11. *Shire of Kalamunda Strategic Plan 2009 - 2014*  
5.5.2: Provide financial services to support Council's operations and to meet sustainability planning, reporting and accountability requirements.

**Sustainability Implications**Social implications

12. Debt collecting processes contain the risk of bringing negative publicity to the Shire.

Economic Implications

13. Effective collection of all outstanding debtors leads to enhanced financial sustainability for the Shire.

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Environmental Implications

14. Nil.

**OFFICER COMMENT**

15. Nil.

**COMMITTEE RECOMMENDATION TO COUNCIL (GS 153/ 2011)**

That Council:

1. Receive the rates debtors report as at 30 November 2011 (Attachment 1).

Moved: **Cr Donald McKechnie**

Seconded: **Cr Bob Emery**

Vote: **CARRIED UNANIMOUSLY (9/ 0)**



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

**154. Budget Review for the Four Months to 31 October 2011**

Previous Items	N/A
Responsible Officer	Director Corporate and Community Services
Service Area	Finance
File Reference	
Applicant	N/A
Owner	N/A
Attachment 1 Page 43	Amended Rate Setting Statement
Attachment 2 Page 45	Summarised Report of Amendments
Attachment 3 Page 51	Statement of Amended Reserve Account movement and balances

**PURPOSE**

1. To allow Council to consider some amendments to the originally adopted budget and also some variations/inclusions to the adopted budget based on Operations to 31 October 2011.

**BACKGROUND**

2. The Shire is required to review its budget against actual during a financial year and the presented comments and reports are to assist elected members in their considerations.
3. The Budget Review for Four Months to October 2011 has been undertaken in order to deal with a recommendation made by the Audit Committee at its October 2011 meeting. At this meeting the Committee resolved inter alia to:
 

*“Request the Chief Executive Officer during 2011/2012 to address any issues identified in the Auditor’s Report for the year ended 30 June 2011.”*
4. The Audited Financial Report for Year ending 30 June 2011 highlighted a reduction in two of the six Shire’s financial ratios as follows:
  - 1 Current Ratio
 

It is generally accepted that this ratio should be greater than 1:1. The Shire’s position at 30 June 2011 was 0.13:1. It essentially means that at that point in time the Shire could not pay its liabilities if called to do so as it had only thirteen cents of liquid asset for every dollar of current liabilities at the 30 June 2011.
  - 2 Untied Cash to Unpaid Trade Creditors Ratio
 

The Shire’s position for this ratio was 0.00:1 which is not acceptable for the same reasons as above. It is again accepted that it should be greater than 1:1 as at the 30 June 2011.

5. In order to address the Liquidity Ratios of the Shire during 2011/2012 a number of strategies are being deployed.
- The Sale of Land assets is expected to return a cash flow of around six million dollars with further sales in 2012/2013.
  - Expenditure is being closely monitored and savings retained wherever possible.
  - Quarterly Budget review processes have been initiated to ensure cost control is maximised.
  - Cash flow analysis will be tightened and monitored to ensure Cash at Bank is retained in surplus and not deficit by year end.

This report deals with point four which is to undertake a quarterly budget review to ensure liquidity issues do not arise in this financial year.

## DETAILS

6. In light of this Budget Review all future Financial Reports presented to Council for adoption will include adjustments to the original Budget and amendments based on operations and new information.

7. The Budget review also addresses several errors in the originally adopted Rate Setting Statement as detailed below:

1. Profit on Sale of Land

The Operating Income did not include the estimated profit on the sale of various land developments.

2. Inclusion of Capitalised Land Costs

The amount of \$360,000 is shown as a funding source to balance the budget when in reality it is a cost against the proceeds to determine the profit.

3. Minor adjustments

There are some minor adjustments totalling \$19,709.

4. Estimated Deficit

The estimated deficit brought forward for 2010/2011 was \$628,678 when the audited annuals revealed a \$1,481,865 deficit. This increase must be funded during the 2011/2012 financial year. It is not unusual to have a difference; however, one of this extent needs to be corrected. The increase in the deficit brought forward between the adopted budget for 2011/2012 and the Rate Setting Statement in the Actual Financial Report for 30 June 2011 of \$853,187 was primarily due to:

- \$400,000 of electricity invoice not brought to account due to disputed bills.
- \$200,000 in Parks and Gardens for the pruning near electrical power lines.
- \$200,000 for electricity charge increases.



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5. Offset – Revenue to Expenses

There is an error within Schedule 14 (Other Works and Services) of \$383,837 which has a nil effect over all.

6. The Advance to Clubs amount of \$19,680 funded from the Self Supporting Loan is included in the Operating Expenditure under Schedule 11 Recreation and Culture (sub program Recreation Services). The account (# 330702) is part of Other Expenses in Nature and Type reporting.

8. The above are included in the presentations attached.

9. The Attachment 1 brings together the various adjustments and indicated a method to fund the shortfall. Essentially the projected shortfall is funded by a lesser transfer to Reserve after adjusting the Reserves to fund the Swimming Pool (\$405,866) and the Zig Zag Cultural Centre (\$201,199) and the Sewerage for the Dome (\$217,000)

10. The Attachment 1 being the amended Rates Setting Statement incorporates all the above into an acceptable format and reveals a balanced budget.

11. Reserve Account

i) Land and Property Reserve

There has been an adjustment to the Land and Property Reserve with the transfer from Reserve increasing by \$971,065 representing the funding of the Swimming Pool, the Zig Zag Cultural Centre and the Sewerage for the Dome.

The Swimming Pool and Zig Zag Cultural Centre had carry over works at the end of the financial year remaining which should have been included in the 2011/2012 Budget as transfers from Reserves.

Transfers to Reserve have decreased by \$231,527 representing in part the reduced sales of land and the funding of increases in expenditure over revenue in the Revised Operating Budget.

ii) Revaluation Reserve

A transfer of \$100,000 is recommended to partially fund the cost of revaluation of rateable land effective 1 July 2011.

iii) Long Service Leave Reserve

An additional transfer to general account of \$47,000 is recommended to fund the payout of accrued leave for two persons leaving the employ of the Shire of Kalamunda.

12. As can be seen in the Revised Rate Setting Statement discloses a balanced Budget.

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13. The Operating Surplus as at 31 October 2011 is \$20,328,143 which is in line with Budget projections will be utilised in the next eight months to fund Operational and Capital expenditure. Great care needs to be taken to ensure a surplus is in place at 30 June 2012 as another deficit this year will place considerable strain on Council's financial capacity and Reserves.
14. Over the course of the next few weeks a review of the Budget (Nature and Type) will be undertaken and whilst no budget allocations will be amended the distribution between the various nature and type categories will be recommended.

### **STATUTORY AND LEGAL IMPLI CATIONS**

15. The Budget amendments require resolution by Council by absolute majority.

### **POLI CY IMPLI CATIONS**

16. Nil.

### **PUBLI C CONSULTATI ON/ COMMUNI CATION**

17. Nil.

### **FI Nanci al IMPLI CATIONS**

18. The amendments requiring funding from the Property Reserve will reduce the Reserve holding.

### **STRATEGI C AND SUSTAI NABI LI TY IMPLI CATIONS**

#### **Strategic Planning I mplications**

19. Nil.

#### **Sustainability I mplications**

##### Social implications

20. Nil.

##### Economic Implications

21. Nil.

##### Environmental Implications

22. Nil.

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**OFFICER COMMENT**

23. The amended Rate Setting Statement following the budget review in column 4 (2011/2012 Revised Budget Review) reveals a balanced Budget estimate for 30 June 2012.
24. It needs to be noted that the Land and Property Reserve has been reduced from \$1,208,807 to \$153,215 as Shown in Attachment 3. This is due to the removal of four freehold properties from the original approved budget that are unlikely to be sold at their current sworn valuation because of the downturn in the market conditions.
25. The key to addressing the Shire's ongoing liquidity will be in its land sales and property rationalisation program. The Council needs to be resolved in its decision making to continue with this policy otherwise the Council will need to make major decisions about service reduction if it is to be sustainable in the longer term and meets its asset management requirements.

**COMMITTEE RECOMMENDATION TO COUNCIL (GS 154/ 2011)**

That Council:

1. Notes the issues with the adopted Budget for 2011/2012 and requires the Chief Executive Officer to present to Council by December 2011 recommendations on how to fund the Revised Original Budget deficit of \$1,213,185 as shown of the Amended Rates Setting Statement (Attachment 1)
2. Authorises the Chief Executive Officer to amend the 2011/2012 Budget to reflect the necessary corrections as detailed in Attachment 2 and 3 and summarised in the Amended Rates Setting Statement (Attachment 1).

Moved: **Cr Margaret Thomas**

Seconded: **Cr Justin Whitten**

Vote: **CARRIED UNANIMOUSLY/ ABSOLUTE MAJORITY (9/ 0)**



**Declaration of financial / conflict of interests to be recorded prior to dealing with each item.****155. RFT 1116 – Sewer Extensions Canning Road Kalamunda**

Previous Items	Nil
Responsible Officer	Director Corporate and Community Services
Service Area	Property and Procurement
File Reference	CN-01/031
Applicant	N/A
Owner	N/A
Confidential Attachment 1	Confidential Report RFT 1106 Under separate cover <u>Reason for Confidentiality:</u> <i>Local Government Act 1995</i> <i>S5.23(2)(c)</i> – “ 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.”
Confidential Attachment 2	Tender Evaluation Under separate cover <u>Reason for Confidentiality:</u> <i>Local Government Act 1995</i> <i>S5.23(2)(c)</i> – “ 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.”

**PURPOSE**

1. To award the tender for the Civil Works required to construct a 251 metre (approximately) 150mm sewer line extension along Canning Road from 33 Canning Road (Toy Library) to connect to the existing sewer line at 18 Canning Road.

**BACKGROUND**

2. The Civil Works for the construction of the sewer line extension were estimated to exceed the prescribed amount of \$100,000 in *the Local Government (Functions and General) Regulations 1996* and accordingly tenders were advertised on 21 May 2011 and closed on 21 June 2011.

**DETAILS**

3. A total of five tender submissions were received:
  - Resolute Australia (Non - conforming)
  - Correctline
  - Mako Civil
  - Elite Drainage
  - HAS Earthmoving
4. The respective submissions were evaluated on the assessment criteria within the tender document which included price, previous experience and ability to undertake the required works. (Confidential Attachment 2)

- 
5. It was during this evaluation process that the Consultant Engineers McDowell Affleck advised that Vital Automotive WA Pty Ltd would also require sewer connection for their development on Lot 31 Canning Road Kalamunda.
  6. Negotiations were then entered into with Vital Automotive WA Pty Ltd (Refer to Confidential Attachment 1) which required that we approach the compliant tenderers from the above list requesting that prices be re-submitted so the works were undertaken in two stages.
  7. Stage 1: 109.1 metre extension of existing sewer main to service Lot 31 Canning Road Kalamunda.
  8. Stage 2: 141.1 metre extension from lot 31 Canning Road to service Lot 10 Mead Street (Jack Healey Centre), Lot 56 Canning Road (Old Police Station and now proposed Dome site) and Lot 57 Canning Road (Toy Library).
  9. Correctline, Mako Civil, Elite Drainage and HAS Earthmoving were requested to re-submit their tender on the basis outlined in (5) above.
  10. Mako Civil and Elite Drainage were no longer in a position to undertake the works, however Correctline and HAS Earthmoving agreed to re-submit prices on the basis of two separate stages of construction.

#### **STATUTORY AND LEGAL IMPLI CATI ONS**

11. Section 3.57 of the *Local Government Act 1995*, requires the calling of tenders for expenditure over \$100,000 with an individual provider.

#### **POLICY IMPLI CATI ONS**

12. The tender process complies with the Shire of Kalamunda Purchasing Policy PUR1.

#### **PUBLI C CONSULTATI ON/ COMMUNI CATI ON**

13. There is no Public Consultation requirement as part of the tendering process.

#### **FINANCI AL IMPLI CATI ONS**

14. Prices tendered were within project estimates.
15. Initial costs of the Sewerage Extension will be able to be written back by allocating portions to other lots as Development Approvals are sought.
16. The tender process enables a wide range of contractors to make submissions, providing a greater choice in experience and price and therefore providing best value to the Shire of Kalamunda.

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## STRATEGIC AND SUSTAINABILITY IMPLICATIONS

### Strategic Planning Implications

17. The sewer extension along Canning road will allow a greater diversity of uses for the area of land within Canning Road, Central Road, Mead Street and Burt Street super block.

### Sustainability Implications

#### Social implications

18. There are no social implications.

#### Economic Implications

19. There are no economic implications.

#### Environmental Implications

20. The premises currently on septic tank systems will now be able to connect to deep sewerage.

### OFFICER COMMENT

21. Although the splitting of the contract has increased the tender cost, there are savings in the overall project costs as detailed in Confidential Attachment 1.
22. Water Corporation has been provided with details of the Master Plan for the Canning Road, Central Road, Mead Street and Burt Street super block and they have advised that the proposed future redevelopment under the master plan is well within the sewer capacity.
23. Correct Line Contracting were requested to provide an extra over price for the increase of the sewer line from 150mm – 225mm and 150mm to 300mm and provided the following:

Stage 1 31 Canning Road:

- 225mm \$3,640.00
- 300mm \$21,480.00

Stage 2 10, 56 and 57 Canning Road

- 225mm \$3,942.00
- 300mm \$17,498.00

Councillors queried the size of the pipe, Director Corporate and Community Services confirmed this would be 150mm and that the Water Corporation had confirmed in writing that this would be adequate

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**COMMITTEE RECOMMENDATION TO COUNCIL (GS 155/ 2011)**

That Council:

1. Awards the Contract for RFT1116 Sewer Extension Canning Road Kalamunda to Correct Line Contracting for the sum of:

Stage 1 \$151,567.30

Stage 2 \$155,568.50

**Total Tender Price: \$307,135.80**

Exclude Provisional Sum (\$9,200.00) (Exclude Sewer Connection)

**Total Contract Price \$297,935.80 Excluding GST**

Moved: **Cr Bob Emery**

Seconded: **Cr Donald McKechnie**

Vote: **CARRIED UNANIMOUSLY (9/ 0)**



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

**156. Land Asset Rationalisation – Disposal of Two Additional Freehold Properties and a Review of Existing Market Values**

Previous Items	N/A
Responsible Officer	Director Corporate and Community Services
Service Area	Property & Procurement
File Reference	MC-085/034 and CT-04/06
Applicant	N/A
Owner	N/A
Attachment 1 Page 55	Property Details
Confidential	Valuations
Attachment 2	
	<u>Reason for Confidentiality:</u> <i>Local Government Act 1995</i> 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.”

**PURPOSE**

1. To consider the approval for the disposal of two additional freehold properties at 34 McCrae Road in Kalamunda and 46 Cotherstone Road in Kalamunda which are surplus to Shire of Kalamunda requirements.
2. To review the existing market valuations of properties listed for sale at 2 Cabarita Road in Kalamunda, 21 Andrew Street in Kalamunda and 29 Barbigal Place in Lesmurdie.

**BACKGROUND**

3. In July 2010 the Shire of Kalamunda engaged the services of Hester Property Solutions (“HPS”) to undertake independent assessment of the Shire’s property portfolio and to identify opportunities with respect to these properties.
4. The Shire’s portfolio comprises approximately 85 freehold properties and 410 vested reserves. These properties are located across all areas of the Shire both in urban town site locations as well as in rural and special rural areas outside of the urban centres of the district.

- 
5. In April 2011 Council resolved to place on the market five freehold properties as follows.
- 39 Maida Vale Road, Maida Vale
  - 21 Andrew Street, Kalamunda
  - 2 Cabarita Road, Kalamunda
  - 29 Barbical Place, Lesmurdie
  - 43 Boonooloo Road Kalamunda
6. Each of these properties are owned in freehold by the Shire, are zoned appropriately and other than the property at 39 Maida Vale Road, have not been identified in the community facilities plan and are not used to provide any services to the community and therefore disposal will have no detrimental impact.
7. The Chief Executive Officer has previously been delegated to authorise the sale of a property for not less than 90% of its valuation.
8. To date only one property, namely Boonooloo Road Kalamunda has sold which has prompted a review of the market and a recommendation Council to undertake a review of property values in relation to the prevailing market conditions.

## DETAILS

9. Hester Property Solutions recommended several freehold properties be sold to provide the initial seed funding required to deliver the broader outcomes of this project and the following have been selected.
- 34 McCrae Road Kalamunda
  - 46 Cotherstone Road Kalamunda
- Each of these properties are owned in freehold by the Shire, are zoned appropriately, have not been identified in the Shire's Community Facilities Plan and are not used to provide any services to the community and therefore disposal will have no detrimental impact.
10. Income from the sale of these two properties has been included in the 2011/2012 budget.
11. There are currently three other properties listed for sale being:
- 2 Cabarita Road Kalamunda
  - 21 Andrew Street Kalamunda
  - 29 Barbical Place Lesmurdie
12. The initial marketing of freehold land sales has been by multi listing the properties with a number of agencies.
-

13. The Professionals Kalamunda has been the only Agency that has been able to generate interest in the initial lots release, achieving the sale of 43 Boonooloo Road and having an offer placed on 21 Andrew Street which has now fallen through due to the buyer unable to secure finance.
14. It is proposed The Professionals Kalamunda be provided with a six month exclusive listing for all of the properties.

### **STATUTORY AND LEGAL IMPLI CATIONS**

15. The sale of:
  - 34 McCrae Road Kalamunda
  - 46 Cotherstone Road Kalamunda
  - 2 Cabarita Road Kalamunda
  - 21 Andrew Street Kalamunda
  - 29 Barbical Place Lesmurdie

Will be undertaken in accordance with Section 3.58 (3) of the *Local Government Act 1995*.

### **POLICY IMPLI CATIONS**

16. The disposal of the properties is in accordance with Shire of Kalamunda Policy FAC25 Land Asset Assessment

### **PUBLI C CONSULTATI ON/ COMMUNI CATION**

17. Disposal of the properties under Section 3.58 of the *Local Government Act 1995* require that public notice of the proposed disposition-
  - i) Describing the property concerned; and
  - ii) Giving details of the proposed disposition; and
  - iii) Inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given; and

It considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.

Details of a proposed disposition that are required by subsection (3) (a)(ii) include –

  - a. The names of all other parties concerned; and
  - b. The consideration to be received by the local government for the disposition; and
  - c. The market value of the disposition.

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**FINANCIAL IMPLICATIONS**

18. The disposal value of these properties will be those listed by The Professionals Kalamunda shown in Attachment 2.
19. Net revenues from the sale of these properties will be transferred to the Land and Property Reserve other than 2.5% which will be transferred to the Environmental Reserve.
20. The five aforementioned properties were placed into the Adopted Budget 2011/2012 and have been removed from the Budget Review for Four Months to October 2011 in light of the lack of activity in the real estate market.
- The impact of this will mean that the Property reserve will also be reduced as sales have not been realised

**STRATEGIC AND SUSTAINABILITY IMPLICATIONS****Strategic Planning Implications**

21. The sale of these properties will assist in meeting Shire of Kalamunda Strategic Plan 2010/2014:
- Goal 5 Outcome 5.4.2 – Explore all avenues of funding including borrowings and sale of assets.

**Sustainability Implications**Social implications

22. Nil.

Economic Implications

23. There are no economic implications.

Environmental Implications

24. There are no environmental implications with the disposal of these lots.

**OFFICER COMMENT**

25. The use of a single local Real Estate Agent will provide a more focused marketing strategy.
26. Future development and sale of the land will provide funds for the Land and Property Reserve Fund facilitating a framework for the long term financial stability of the Shire of Kalamunda.

- 
27. In light of the downturn in the real estate market it has been decided that a review of market valuations needs to be undertaken and brought back to Council for further consideration.
- It should be noted that if these five properties are not able to be sold the Shire will not be in a position to increase its Property Reserves and spend on asset renewal in future years.
- It is difficult to predict if and when the downturn in real estate market will turn around and property prices will return to where they have been over the past few years so the Council needs to decide whether to continue to pursue its strategy to raise funding for asset renewal through selling surplus property in a relatively depressed market.
28. This report is recommending that the Shire continues with its current strategy and reduces its values on these properties to meet the current prevailing market conditions. The rationale for this recommendation is that there is no significant market signals that suggest improvements in the market are imminent and the Shire needs to address its infrastructure renewal backlog it is to be a sustainable Local Government.
- This item was deferred to Item 15 as reference was to be made to the confidential attachment.

### **COMMITTEE RECOMMENDATION TO COUNCIL (GS 156/ 2011)**

That Council:

1. Dispose of, in accordance with the *Local Government Act 1995* Sections 3.58 and 3.59, the following properties:
  - 34 McCrae Road Kalamunda
  - 46 Cotherstone Road Kalamunda
  - 2 Cabarita Road Kalamunda
  - 21 Andrew Street Kalamunda
  - 29 Barbical Place Lesmurdie
2. Provide The Professionals Kalamunda with a six month exclusive selling agent agreement for the sale of properties at:
  - 34 McCrae Road Kalamunda
  - 46 Cotherstone Road Kalamunda
  - 2 Cabarita Road Kalamunda
  - 21 Andrew Street Kalamunda
  - 29 Barbical Place Lesmurdie.

- 
3. Accept the disposal of properties at the values listed in Attachment 2 – Valuations.
  4. Authorise the sale of a property for not less than 90% of valuation unless by Council resolution.
  5. Delegate to the Chief Executive Officer, in accordance with the *Local Government Act 1995* Section 5.42, powers and duties to dispose of the properties.
  6. Delegate to the Chief Executive Officer, in accordance with the *Local Government Act 1995* Section 5.43, a limit of five million dollars (\$5,000,000).

Moved: **Cr Frank Lindsey**

Seconded: **Cr Donald McKechnie**

Vote: **For**

**Cr Frank Lindsey**  
**Cr Allan Morton**  
**Cr Justin Whitten**  
**Cr Bob Emery**  
**Cr Sue Bilich**  
**Cr Donald McKechnie**  
**Cr Margaret Thomas**  
**Cr Martyn Cresswell**

**Against**

**Cr John Giardina**

**CARRIED (8/ 1)**

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

**157. EOI 1103 – Land Development Partnership with the Shire of Kalamunda – Proposed Subdivision of 1 Cygnet Court and 21 Edney Road High Wycombe**

Previous Items	OCM 14/2011 – General Services Committee - 14 February 2011 Business Plan for Major Land Transaction
Responsible Officer	Director Corporate and Community Services
Service Area	Property and Procurement
File Reference	
Applicant	N/A
Owner	N/A

Attachment 1 Page 57 Proposed Development Concept

**PURPOSE**

1. To appoint the preferred respondent to EOI 1103 to partner the Shire of Kalamunda in a Land Development Partnership for the whole of the land comprising of Reserve 43471 Cygnet Court and 21 Edney Road High Wycombe.

**BACKGROUND**

2. At the Ordinary Council Meeting of 19 September Council resolved  
*RESOLVED OCM 138/2011*  
*That Council:*  
*Applies to the Department of Regional Development and Lands (State Land Services Division) to obtain approval from the Minister for Lands to acquire Reserve 43471 Cygnet Court for 5% of the assessed valuation.*

**DETAILS**

3. The Expressions of Interest for the Land Development Partnership where advertised on 21 May 2011 and closed on 14 June 2011.
4. Responses to the Expressions of Interest where received from Niche Living and Westbury Investments Pty Ltd.
5. Councillors where provided with presentations from both parties:
  - Niche Living on 7 November 2011
  - Westbury Investments on 14 November 2011

- 
6. The presentation from Niche Living was to develop the whole of the site under a “Sale of Land and Development Agreement” that would see the Shire of Kalamunda developing the site into Strata Title lots with Niche Living selling the created lots as House and Land Packages.
  7. The proposal by Westbury Investments proposed a number of reconfigurations of the developable area and offered to provide Councillors with a site visit to several developments that had been constructed with similar lot sizes.

### **STATUTORY AND LEGAL IMPLICATIONS**

8. There are no Statutory or Legal implications.

### **POLICY IMPLICATIONS**

9. The Development of these lots is in accordance with the Hester Report and Council's Land Asset Assessment Policy FAC25 Land Asset Management.

### **PUBLIC CONSULTATION/ COMMUNICATION**

10. No further public consultation is required.

### **FINANCIAL IMPLICATIONS**

11. Should Council undertake the development of the site itself funding will be required in the 2012/2013 budget.

### **STRATEGIC AND SUSTAINABILITY IMPLICATIONS**

#### **Strategic Planning Implications**

12. Goal 5 Outcome 5.4.2 – *Explore all avenues of funding including borrowings and sale of assets.*  
Goal 1 Outcome 1.3 – *The community has access to a diverse range of recreational opportunities.*

#### **Sustainability Implications**

##### Social Implications

13. There are no Social Implications.

##### Economic Implications

14. Will provide funding for future Reserve and Facilities development and property acquisitions and development.



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Environmental Implications

15. There are no Environmental Implications.

**OFFICER COMMENT**

16. The development of Reserve 43471 Cygnet Court and 21 Edney Road High Wycombe is in accordance with the Business Plan presented to Council in February 2011 and the Hester Report.
17. The development proposal presented by Westbury Investments would appear to be the most financially beneficial to Council and given that the Shire has successfully completed a subdivision the Shire has the skills and resources to undertake its own development in partnership with Westbury. This will ensure that Council maintains control of the development including the design.
18. It should be noted that the development will require a number of processes that will need State Government approvals. These include;-
- Application to the Department of Regional Development and Lands (State Land Services Division) to obtain approval from the Minister for Lands to acquire, for 5% of the assessed valuation of Reserve 43471, Lot 2 Cygnet Ct High Wycombe
  - An amendment to Local Planning Scheme No. 3 to increase the Residential Density Coding of Lot 7371 (1) Cygnet Court and Lot 102 (21) Edney Road, High Wycombe, from R20 to R40.
  - A subdivision approval by the WAPC

Once these processes have occurred a tender can be issued for the construction of the subdivision to commence. It is anticipated it will take approximately 2 years to get to the point where sales have occurred.

A Councillor queried the wording of the Officer Recommendation and the Chief Executive Officer requested advice from his Officers to change to wording to correctly express the proposal.

**OFFICER RECOMMENDATION (GS 157/ 2011)**

That Council:

1. Appoints Westbury Investments Pty Ltd as the preferred partner for the Land Development Partnership of Reserve 43471 Cygnet Court and 21 Edney Road High Wycombe.
2. Accepts Westbury Investments Pty Ltd Concept 3 as shown in the attachment to this report as the preferred design for the site.

Moved:

Seconded:

Vote:

The Officer Recommendation was not moved due to technical issues with the wording of Point 1. The following amended motion was prepared.

**COMMITTEE RECOMMENDATION TO COUNCIL (GS 157/ 2011)**

That Council:

1. Accepts Westbury Investments Pty Ltd expression of interest for the Land Development of Reserve 43471 Cygnet Court and 21 Edney Road High Wycombe.
2. Accepts Westbury Investments Pty Ltd Concept 3 as shown in the attachment to this report as the preferred design for the site.

Moved: **Cr Donald McKechnie**

Seconded: **Cr Margaret Thomas**

Vote: **CARRIED UNANIMOUSLY (9/ 0)**

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

**158. Land Asset Assessment – Proposed 20A Acquisition of Reserve 33221 Swan Road High Wycombe**

Previous Items

Responsible Officer      Director Corporate and Community Services

Service Area              Corporate and Community Services

File Reference            Reserve 33221

Applicant

Owner

Attachment 1 Page 59    Aerial Photographs of the Relevant Reserve

**PURPOSE**

1. To reconsider the proposed acquisition of Reserve 33221 Swan Road High Wycombe as previously considered at the Ordinary Meeting of Council held on Monday 19 of September 2011 and the Ordinary Council Meeting held on 17 October 2011.

**BACKGROUND**

2. In July 2010 the Shire of Kalamunda ("the Shire") engaged the services of Hester Property Solutions ("HPS") to undertake independent assessment of the Shire's property portfolio and to identify opportunities with respect to these properties.
3. At the Councillors Forum held on 31 January and following a presentation by Directors of Hester Property Solutions, Councillors were provided with a copy of the Final Report, although this has not yet been formally adopted.
4. At its Ordinary meeting held on 18 of April 2011, Council resolved to approve "the purchase of the A20 Reserves numbered R43471, R33221, R37699, R27721 & R27570 at 5% of the market value as valued by the Valuer General's Office."
5. At its Ordinary Meeting held on 19 of September 2011, Council considered the proposed acquisition of R33221 and in light of a petition opposing the acquisition and a deputation made by the petition organiser, Council resolved (in part) to:
 

*"Request Reserve 33221 Swan Road High Wycombe be referred to the October Ordinary Council Meeting for consideration".*
6. Whilst initially it was intended to present this matter for further Council consideration at the October Council meeting, due to the extent of signatures received on the petition as tabled, it was determined that a more detailed analysis of the petitioners should be conducted to provide Council with the most balanced summary of community opinion.

- 
7. In order to assess this petition, Creating Communities were engaged by the Shire of Kalamunda. The purpose of this brief was to contact those people listed on the petition and discover details relevant to their:
- Opposition
  - Support
  - Concern
  - Other comments
- relative to the proposed rationalisation of the reserve.

## **DETAILS**

8. The process for acquisition of properties using the 20A 5% acquisition model through the State Government requires the completion of a number of processes before a subsequent application to the State Government can be considered.
9. The State Government prior to considering any application with respect to rationalisation of reserves will require evidence that the Council has considered community submissions made during the process in reaching its decision.

## **Initiation of Appropriate Community Consultation**

10. Whilst the form and content of such community consultation is not prescribed by the State Government, the Shire undertook a consultation process based on the advice of Hester Property Solutions who have has previous experience in this process and in the successfully acquisition of similar reserves from the State government.
11. Hester Property Solutions advised that initial public meetings should be held with invitations circulated to all affected residents in the immediate vicinity of the respective reserves.
12. Letters were circulated to all residents in a 400 metre radius of each reserve (this distance was used as it is a well-accepted town planning principle that all local reserves have a 400 metres or 10 minute walk ability catchment).
13. Two separate meetings were held as follow;
- Tuesday, 14 June 2011 – Jack Healey Centre, Kalamunda
- Reserve 27570 – Trafalgar Road, Kalamunda
  - Reserve 37699 – Holly Way, Kalamunda, and
  - Reserve 27721 – Wordsworth Avenue, Gooseberry Hill
- Wednesday, 15 June 2011 – High Wycombe Recreation Centre
- Reserve 43471 – Cygnet Court, High Wycombe, and
  - Reserve 33221 – Swan Road, High Wycombe
-

- 
14. Both meetings were well attended and the proposed process, the use of the funds arising from the proposed acquisition and eventual disposal of these reserves was clearly outlined. Submission forms were made available for people to complete after the meeting or to take with them to complete and submit later.
15. Following the meetings it was highlighted a number of matters had been identified where improvements could be made:
- Prior to the meetings, residents receiving an invitation were provided with no additional information, making consideration of the issue, without attending the meeting very difficult.
  - The meetings whilst well attended could not be proven to be representative of those residents within the 400 metre radius and a number of comments were received from attendees that other residents would have liked to attend the meetings but had been unable.
16. Following further consideration it was decided that a letter drop would be undertaken that would outline the information presented at the public meetings and invite residents to consider the matter in full without having to attend such meetings.
17. Contact information was provided for further questions and a submission form and reply paid envelope were enclosed within the mail out in the event that any person wished to submit a response in respect to the proposal/s. Again, the radius of distribution used was 400 metres from each reserve.
18. At the Ordinary Council meeting held on 19 September 2011, a summary of the submissions as received for each property was attached to Councillors agendas and these submissions were used to form an opinion with respect to the most appropriate recommendation as contained within that report.
19. The previous report made specific reference to a petition that had been received with respect to one of the properties (Reserve 33221 Swan Road High Wycombe) in which the report stated:
- One substantive petition was received. Whilst this contained a large number of signatures in opposition to one of the proposals, this was considered as one submission only. This decision was taken due to the fact that;*
- *It would have required cross referencing with other submissions made and the deletion of duplicate submissions (a decision that had not been made in other forms of submissions received),*
  - *The manner in which the signatures had been collected could not be ascertained,*
  - *The letters and invitations had been circulated to an area of 400 metres around each reserve, and this would necessitate the deletion of any person outside of this immediate area to retain equity,*
-

- *Members attending both public meetings had enquired about the use of a petition, and had been informed that these were not generally considered as their accuracy or means of collection could not be substantiated.*

20. Council subsequently resolved at its meeting held on 19<sup>th</sup> of September 2011 not to proceed with the acquisition process in light of the petition and would consider the proposal for Reserve 33221 Swan Road High Wycombe at its October Ordinary Council Meeting.

The report as previously presented to Council indicated the following summary of submissions with respect to Reserve 33221:

Reserve 33221 – Swan Road, High Wycombe

Total Submissions Received – 84

Total Submissions in Favour – 60

Total Submissions Against – 21 (1 being a petition)

Total Submissions Undecided – 5

Key issues raised in the submissions were:

21. In Favour

Support use of funds from reserve for upgrades of reserves, although alternate reserves (to Range View Park) were suggested.

Support retention of public access way if reserve is developed

Proceeds to be used in local area only

Against

Opposed to further urbanisation

Impact on flora and fauna

Insufficient information

22. Following Council's previous resolution, a detailed analysis of the contents of the petition as received was carried out, this analysis provided the following conclusions:

- From the 124 signatories on the Petition received it is considered that 69 of the signatories are valid.
- Those that were considered not to be valid were in situations where there was been more than one signatory for the same address, or where the address provided is not within the suburb of High Wycombe.
- Of the 69 signatories deemed to be valid, 12 had previously completed and returned the Feed Back forms.

23. The Shire in recognising the petition contained over 50 valid opposing signatures decided to engage Creating Communities to consult with as many of the signatories to the petition as possible. This process revealed the following information;

- 30 people from the petition were spoken to directly.
- 25 of these maintained their objection to the proposal

The primary concerns raised through this consultation process were;

- Extent of development and re-subdivision occurring in the area
- Issues associated with double storey development overlooking existing houses
- Belief that the property was set aside as POS and as should remain as POS
- Access and egress issues in the event of a fire or other emergency

Of the 30 people spoken to:

- One person did not want to talk about the petition and had no comment
- Two people said that although it was their name and number on the petition, they did not remember signing it.
- One of those spoken to was the petition organiser who had obtained the contact number of Creating Communities from a neighbour as a result of a message left on an answering machine.

On the Question of Usage of the Park?

Of the 30 people spoken to:

- Eight people said they no longer used the park, some due to their health/age, some due to children now being grown up however hoped to use it with grandchildren
- 17 of the 30 asked said they used the park regularly.
- Seven people responded they took their children / grandchildren to the park
- Five people use the park to walk their dogs.
- Three nominated they use the park to go for a walk

On the Question of Did they still oppose the proposal?

Three people said that although they signed the petition, they signed only because they:

- Do not like the idea of selling via a tender process (not transparent)
- Were happy for council to sell if no one is using the area and they can make a profit
- Didn't mind if council sold the land but were more concerned about how funds would be used. Often new facilities/equipment gets used for the purpose for which it is not intended and vandalised

25 people stood by their objection.

Two people had no further comment on their signature on the petition.

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On the Question of Reasons behind opposition?

- 10 people expressed concern over the amount of development and sub division in the area and people 'living on top of other people'. Also concern for those whose homes backed onto the reserve.
- Five people said they wanted to keep the public open space and this was originally gazetted as POS so should remain.
- Four people either gave no definite reason or just expressed an opinion of being against it.
- Two people said that Swan Road Reserve was such a small block they were concerned about access issues/safety in event of a fire or other emergency.
- Two people felt that the community didn't want new facilities in the parks so no reason to upgrade or maintain.
- One person said it was about protecting natural environment.
- One gave no comment.

Conclusion

24. Since the commencement of this process there has been significant consultation with the community located within 400m of the property in question.

This consultation has taken the form of:

- A public meeting
- Direct mail out to all residents, and
- Direct phone contact with a number of people who completed a petition opposed to the proposal

25. Whilst it has been demonstrated that there is strong support for this proposal from the residents within the 400 metre catchment of this reserve and the use of the funds arising to improve services and facilities at Rangeview Park, conversely, there is strong opposition to the proposal from those residents in immediate or close proximity to the subject property.

26. In considering this consultation process and the submissions received, Hester Property Solutions were requested to provide comment with respect to the reserve in question and the principles that guided the initial recommendation that the property be considered for rationalisation

27. The following is the summary of their response;

*In considering any reserve, a number of factors are used to ascertain the function that each reserve is required to provide to the community, whether the reserve is fulfilling that function, and if not, if this function can be appropriately carried out from this location.*

*In considering 20A reserves for rationalisation, such recommendations are not made lightly in the express knowledge that those residents closest to the reserve will be unlikely to support the rationalisation.*



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*20A reserves are generally created at point of subdivision by a developer and provided to the State Government free of charge as a condition of subdivisional approval.*

*The properties are then vested in the local government who then become responsible for the care control and maintenance of the property.*

*Many such reserves are located where they best suit the developer for them to be located, and whilst satisfying the requisite 10% public open space provision for that subdivision, are not necessarily located in the most appropriate location to enable effective use by the community they were designed to provide benefit to.*

*Not all 20A reserves are designed so as to have an active function (in the traditional form accepted for developed open space reserves) and in many cases these reserves may serve a function related only to drainage, environmental value or as an amenity to the general area.*

*Such reserves whilst not providing an active open space still provide a clear service to the community and where this is identified, such reserves are not recommended for rationalisation.*

*As such, for a reserve to be recommended for rationalisation, it must (in the opinion of the consultant) serve no function (or a very limited function) related to active open space, environmental benefit, amenity or some other purpose.*

*The reserve in question located at R33221 Swan Road High Wycombe was concluded to be surplus to current requirements on the following basis;*

- The property is not an active reserve, presenting as undeveloped, with no evidence of equipment or activation of use by the community.*
- The property is located at the truncation of an internal subdivisional road, providing very limited access to the residents within the 400 metre catchment that it is designed to service, with its only alternate access being provided by means of a public access way (a public access way that appears to have been installed to provide ease of access to transportation routes than to provide access to the property in question).*
- Whilst retaining a number of substantive trees, the property was not considered to have a high environmental value, and this was confirmed by the Shire's relevant environmental officers.*
- The possible development of the reserve could be undertaken in such a way so as to protect the greater proportion of these trees, therefore resulting in no net detrimental effect to the local environment.*
- The property does not appear to provide any amenity benefit being barely visible from Swan Road (as a result of its location) and with all surrounding houses built in such a way so as to 'turn their back' on the reserve.*
- There was no evidence that any resident had developed their property in such a way so as to gain amenity from the reserve, and the boundary fences between the reserve and the adjacent properties*

*were constructed as a barrier between the two properties, rather than as an active interface.*

- *The property did not function as a drainage reserve or provide any other functionality related to the provision of services or public infrastructure.*

*This reserve was in the opinion of Hester Property a traditional 20A reserve, located in such a way to suggest that it was more likely to provide difficulties for development (to the developer) at the point of subdivision, rather than being located in such a way as to be the most beneficial to the community it was designed to serve.*

*The community consultation indicated that the residents within the 400metre catchment supported the rationalisation of the reserve and particularly the use of the funds to provide a higher level of service from other reserves in the same area.*

*The residents adjacent to, and most affected by, the proposed rationalisation were predominantly opposed to the proposal, however it was interesting to note that during the consultation phase, several adjacent residents expressed an interest in acquiring a portion of the property to enable their property to become subdividable, or to improve the land area of their property for other purposes.*

28. Following receipt of the Creating Communities report, Hester Property Solutions were again asked to comment on the consultation outcomes and the information received through this process;

*It is clearly evident that the submissions can be broken into two distinct groups;*

- *Those in the immediate or relative proximity to the reserve who oppose the proposal, and*
- *Those within the broader 400 metre catchment that the reserve services who support the proposal.*

*This outcome is not unusual and not entirely unexpected.*

*It is entirely reasonable that those people living closer or closest to the reserve had every reason to believe that the reserve would remain a reserve for the future, as such, any proposal to rationalise the reserve would have a detrimental impact on their situation, unless the reserve itself was the cause of the detrimental impact.*

*The rationalisation of reserves that provide little or few services to provide higher quality of services at more appropriate locations is also not inappropriate.*

*Ultimately, this matter is no longer related to planning principles, as sound planning would indicate that the property should be rationalised.*

*In considering the most appropriate way forward it is our belief that the Council has three options available;*

1. *Do not proceed with the proposal, if this option is chosen we believe that it may create a precedent by which future such proposals will be subjected to the same type of petitioning and letters to the State Government, and there would be a realistic expectation that the Shire would treat the matter in the same way.*
2. *Proceed with the proposal, in this option there is a tangible risk that there may be political intervention at the State Government level to prevent the proposal from occurring. If such political intervention occurs, this may become a broader issue, bringing into question the overall strategy of the Council with respect to property management. In the event that Council progresses with this option, then it would be necessary to undertake briefings with local and relevant politicians to ascertain their opinions prior to proceeding.*
3. *The third option is to defer consideration, and undertake further investigations of the usage of the Reserve and to advise all residents who participated in the consultation details of the outcomes of the process to date.*

## **STATUTORY AND LEGAL IMPLI CATIONS**

29. Following the completion of this public consultation process, the Council may now consider the submission received and where appropriate, make resolutions to formally apply to acquire the reserve from the State Government as freehold title.  
  
Such application will require the approval of the Department of Regional Development and Lands as well as other State Government Departments including the Department of Planning.
30. Once the property has been acquired from the State Government, where rezoning of such properties is subsequently required, this will be initiated as a separate application to this process and require satisfaction of the statutory implications of this process.
31. Similarly, any consideration for boundary adjustment or subdivision of the reserve subsequently acquired will require the lodgement of a subdivisional application, which again will be required to be compliant with the prevailing statutory environment.

## **POLICY IMPLI CATIONS**

32. Council has adopted a Policy FAC 25 Land Asset Management which aims to:
  - Assess and Preserve land reserved for public recreation, where it provides a benefit to the broader community.
  - To give due consideration to the current and future needs of the broader community and all other related matters, such as the environment, when assessing all Shire owned land for the purpose of acquisition, development and /or disposal.

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**PUBLIC CONSULTATION/ COMMUNICATION**

33. This concludes the public consultation requirement for the acquisition of 20A Reserves.
- Should Council in the future decide to reconsider rationalisation of this reserve once further investigation of usage patterns have been undertaken and the true broader community benefit can be established further consultation may be required.
34. In the event that the reserve is acquired, and a subsequent decision of Council determined to dispose of the subject property, such disposal would necessitate further public consultation through either a 42 day submission period (in the event of a land transaction in excess of \$10million) or a 14 day submission period in the event of any other property disposal.

**FINANCIAL IMPLICATIONS**

35. Funds have been set aside in the 2011/2012 budget to fund the 5% purchase cost of each reserve.
36. The cost of acquisition of these reserves will be determined by the Valuer Generals Office who will establish the highest and best use of the property when making any such determination of value.

**STRATEGIC AND SUSTAINABILITY IMPLICATIONS****Strategic Planning Implications**

37. The acquisition and then sale of this property will assist in meeting:
- Goal 5 Outcome 5.4.2 – Explore all avenues of funding including borrowings and sale of assets.
38. The use of funds to upgrade Rangeview Park identified during this process, either during the consultation process or as a result of the submissions received, will enable the Shire of Kalamunda to deliver outcomes contained within the Community Infrastructure Strategy.
39. Without these funds being made available, these works identified in the Strategy would not be able to be undertaken within the current 10 year financial program for the Council.

**Sustainability Implications**Social implications

40. The rationalisation of any reserve will no doubt be considered to have a detrimental impact on the local amenity of the neighbouring area in which the reserve is located. In initiating this proposal, it was initially concluded that the provision of open space and services and facilities from within these

open space areas is better met through the improvement of more centrally located open space areas than those that have been considered as part of this process.

41. All areas within this proposal have a supply of open space in excess of the requisite 10% required by the Department of Planning, however the manner in which this open space is provided has been concluded not to be providing the best possible services to the community or accessibility to these reserves.
42. The decision made with respect to these reserves and the need to provide improved services at other open space areas has been validated through the Community Infrastructure Strategy provided on behalf of the Shire of Kalamunda by independent assessment.

#### Economic Implications

43. The funds arising from any subsequent disposal of these reserves are required to be used to provide essential services at open space reserves within the same immediate precinct in which the reserves are being considered for rationalisation.

#### Environmental Implications

44. Whilst there are no immediate environmental implications from the freehold acquisition of this reserve, the subsequent sale and /or development of this property will potentially raise environmental issues that will be required to be considered.
45. Such issues will form part of any proposal to dispose or develop the subject sites and will need to be able to be accommodated in any conditions of development applied by the Council.

#### **OFFICER COMMENT**

46. The acquisition process is in line with the recommendations of the Hester Property Solutions Report and meets the guidelines of the Shire of Kalamunda Land Asset Management Plan.
47. The provision of funds from the subsequent disposal of reserves will provide funds required to deliver the Community Infrastructure Strategy.

Three speakers detailed their point of view regarding this item.

Cr McKechnie asked how many letters with stamped addressed envelopes were sent out as the Report mentions that these letters went to all residents within a 400metre radius. This question was taken on notice.

Cr McKechnie foreshadowed an alternative motion and the Officer Recommendation Lapsed as there was no mover.

**OFFICER RECOMMENDATION**

That Council:

1. Agrees to postpone the proposed acquisition of Reserve 33221 Swan Rd High Wycombe.
2. Undertakes monitoring of the use of the park over the next 12 months and report the findings of the usage patterns before further consideration of Reserve 33221 Swan Rd High Wycombe is undertaken.
3. Advise all residents who submitted a submission or signed the petition of the decision of Council.

Moved:

Seconded:

Vote: **LAPSED for want of a mover**

Councillors debated the Motion put by Cr Donald McKechnie.

**MOTION**

That Council:

1. Agrees to apply to the Department of Regional Development and Lands (State Land Services Division) to obtain approval from the Minister of Lands to acquire, for 5% of the assessed valuation, Reserve 33221 Swan Road in High Wycombe.

Moved: **Cr Donald McKechnie**

Seconded: **Cr Margaret Thomas**

**For**

**Cr Sue Bilich  
Cr Donald McKechnie  
Cr Margaret Thomas**

**Against**

**Cr John Giardina  
Cr Frank Lindsey  
Cr Allan Morton  
Cr Justin Whitten  
Cr Bob Emery  
Cr Martyn Cresswell**

**LOST (3/ 6)**

Cr Martyn Cresswell moved the original Officer Recommendation for consideration.

**COMMITTEE RECOMMENDATION TO COUNCIL (GS 158/ 2011)**

That Council:

1. Agrees to postpone the proposed acquisition of Reserve 33221 Swan Rd High Wycombe.
2. Undertakes monitoring of the use of the park over the next 12 months and report the findings of the usage patterns before further consideration of Reserve 33221 Swan Rd High Wycombe is undertaken.
3. Advise all residents who submitted a submission or signed the petition of the decision of Council.

Moved: **Cr Martyn Cresswell**

Seconded: **Cr Bob Emery**

Vote: **For**

**Cr John Giardina  
Cr Frank Lindsey  
Cr Allan Morton  
Cr Justin Whitten  
Cr Bob Emery  
Cr Sue Bilich  
Cr Martyn Cresswell**

**Against**

**Cr Donald McKechnie  
Cr Margaret Thomas**

**CARRIED (7/ 2)**





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

**159. Review of Fees and Charges – Zig Zag Cultural Centre**

Previous Items	N/A
Responsible Officer	Director Community Development
Service Area	Library and Cultural Services
File Reference	CO-INF-015
Applicant	N/A
Owner	N/A
Attachment 1 Page 61	Schedule of Fees and Charges – Budget 2011/12 – Current
Attachment 2 Page 63	Schedule of Fees and Charges – Budget 2011/12 – Proposed

**PURPOSE**

1. To consider an amendment to the current schedule of fees and charges for the Zig Zag Cultural Centre ("ZZCC").

**BACKGROUND**

2. The current schedule of fees and charges for the ZZCC encompasses a range of fees relative to the Art Gallery, Seminar Room and Visitor Centre.
3. Following the completion of the first two months of operation at the ZZCC, a review of fees and charges has been undertaken and several areas for improvement have been identified.

**DETAILS**

4. The improvement areas have been identified as follows:
  - Capacity to sell merchandise on consignment (Expenditure Account)
  - Visitor Centre (brochure racking)
  - Visitor Centre (internal wall hire)
  - Seminar Rooms (commercial hire rates)
  - Art Gallery (Expenditure Account)

**Capacity to Sell Merchandise on Consignment (Expenditure Account)**

5. Shire of Kalamunda staff has identified the opportunity to purchase Visitor Centre merchandise from suppliers on a consignment basis. This will minimise the impact on the purchasing budget as stock can be acquired at no upfront cost and consequently paid for upon the sale of item.

### Visitor Centre (Brochure Racking)

6. An opportunity exists to sell brochure racking space to businesses outside of the Shire, or to Events Management companies that may wish to promote their services within the ZZCC without necessarily becoming a member of the Chamber of Commerce. An example is the promotion of the previously held Red Bull Air Race Event in City of Perth.
7. In setting the proposed fee for annual brochure racking, Officers reviewed the associated fees (inclusive of GST) of other Visitor Centre's within Western Australia.

Visitor Centre	Annual Fee
Mundaring Visitor Centre	\$50.00
Armadale Visitor Centre	\$66.00
ZZCC	\$70.00 (proposed)

8. Local businesses within the Shire would continue to be encouraged to take up the expanded benefits available to participating members of the Chamber of Commerce.

### Visitor Centre (Internal Wall Hire)

9. Following feedback from the ZZCC Volunteer Group, it has been suggested that the available wall space could be better utilised. Improved use of the wall space may improve the aesthetic environment and become a means to generate additional income.
10. Prior to implementing the internal wall hire concept, it is considered prudent to develop a range of criteria to ensure that quality control is maintained. This may include consideration towards space limitations, duration of stay, maintaining high aesthetic standards, appropriateness of advertising, signage size, installation etc.
11. Initially a fee of \$250 (including GST) per six months is proposed for installation along the side walls. This fee structure can be further reviewed during 2012/13 budget deliberation process, with consideration to the extent of take-up rates. Note: It is proposed that the client would be responsible for the costs related to producing and installing the signage (to satisfaction of management).

### Seminar Rooms (Commercial Hire Rates)

12. An opportunity has been identified for a Commercial and Community Hire rate for the hiring of the Seminar Rooms. It has come to light that only one rate exists within the adopted schedule of fees and charges, therefore an amendment is being proposed.

- 
13. To clarify the difference between the community and commercial rate the following guidelines have been implemented:
- Community and not for profit organisations pay community rates.
  - Commercial businesses pay the commercial rates.
  - Community and not for profit organisations pay the commercial rate if the group is on charging for the event.
14. The additions to the ZZCC schedule of fees and charges relative to seminar room bookings and commissioned based merchandise sales will provide greater capacity and versatility to generate income.

### **Art Gallery (Artist Sales – Expenditure Account)**

15. The ZZCC currently earns 30% commission from all art sales within the ZZCC Gallery. To assist in administering the 70% balance of payment back to the artist, an expenditure account needs to be established.
16. The current schedule of fees and charges for the ZZCC is outlined in Attachment 1, with the proposed, amended schedule of fees and charges outlined in Attachment 2.

### **STATUTORY AND LEGAL IMPLI CATIONS**

17. Pursuant to *Section 6.17 of the Local Government Act 1995*, the inclusion of additional fees to the Schedule are to be authorised by resolution (\*absolute majority required).

Pursuant to Section 6.19 of the Local Government Act requires any new fees adopted outside of the budget process are to be advertised by local public notice – this means any new fee cannot be imposed for seven days after the advertisement has been published.

Pursuant to *Section 6.8 (1) (b) of the Local Government Act 1995* amendments to the Shire's annual budget are to be authorised by resolution (\*absolute majority required).

### **POLI CY IMPLI CATIONS**

18. Nil.

### **PUBLI C CONSULTATI ON/ COMMUNI CATI ON**

19. Locally, consultation has been undertaken with the Kalamunda Chamber of Commerce to confirm the total cost of their membership. In addition, consultation was undertaken with two other Visitor Centres within Western Australia, namely, Mundaring and Armadale.

## FINANCIAL IMPLICATIONS

20. The inclusion of a 30% of gross value for consignment merchandise will allow the Visitor Centre to increase stock available for sale without impacting on expenditure.
21. The inclusion of wall advertising space will provide the ZZCC Visitor Centre an opportunity to generate additional income and provide another avenue for local tourism businesses to advertise their attractions.
22. The endorsement of the fees and charges for commercial rates for the Seminar Rooms will ensure that the rooms remain viable and reflect industry standards.
23. The proposed income forecast for the new accounts are reflected as follows:

Description	Forecast Income/ Expenditure
ZZCC Art Gallery Sales Income	\$ 10,000
ZZCC Art Gallery Sales Expenditure	\$ 7,000
ZZCC Consignment Merchandise Income	\$ 6,500
ZZCC Consignment Merchandise Expenditure	\$ 5,000

24. Changes to the operating budget will alter the projected figures as outlined in the table.

Budget	Actual	Forecast
Income	\$ 80,000	\$ 96,500
Expenditure	\$ 237,384	\$ 249,384
Net subsidy (Contribution to general funds)	\$ 157,384	\$ 152,884

25. The \$4,500 additional income derived from projected increases shall be reallocated to the Goods For Resale Expenditure Account No. 305710.519 to offset expenditure increases and reflect a new total of \$12,500.

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## STRATEGIC AND SUSTAINABILITY IMPLICATIONS

### Strategic Planning Implications

26. *Shire of Kalamunda Strategic Plan 2009 – 2014*

Goal 1 – COMMUNITY DEVELOPMENT – A strong sense of community

1.3.1 – Manage the effective promotion, planning and usage of recreational spaces, and facilities.

### Sustainability Implications

#### Social implications

27. Nil.

#### Economic Implications

28. Given the added benefits of being a Kalamunda Chamber of Commerce member, the proposed brochure racking fee has been set to ensure that the Kalamunda Chamber of Commerce membership fee remains attractive and competitive to local businesses.

#### Environmental Implications

29. Nil.

### OFFICER COMMENT

30. The introduction of the proposed, amended schedule of fees and charges is intended to provide increased opportunities to generate additional revenue streams for the ZZCC.

31. The inclusion of the additional expenditure accounts will not adversely affect the operating budget as any potential artist payment shall only be made upon confirmation of art sales and consignment merchandise payments shall only be made post sale. Notional amounts of \$7,000 and \$5,000 are to be applied to the art sales and consignment merchandise expenditure accounts respectively and will be monitored, based on sales demand.

32. Fees and Charges shall continue to be monitored for effectiveness and adjusted accordingly.

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**COMMITTEE RECOMMENDATION TO COUNCIL (GS 159/ 2011)**

That Council:

1. Pursuant to *Section 6.17 of the Local Government Act 1995* approves the inclusion of additional fees relative to the Zig Zag Cultural Centre operations as indicated within (Attachment 1).
2. In accordance with *Section 6.19 of the Local Government Act 1995* the new fees will apply from 1 January 2012.
3. Authorises the CEO to amend the 2011/12 budget to reflect the new accounts for the proposed fees and charges and associated expenditure for the Zig Zag Cultural Centre as follows:
  - New Account: ZZCC Art Gallery Sales Income \$ 10,000
  - New Account: ZZCC Art Gallery Sales Expenditure \$ 7,000
  - New Account: ZZCC Consignment Merchandise Income \$ 6,500
  - New Account: ZZCC Consignment Merchandise Expenditure \$ 5,000
  - Increase Account No: 305710.519 (Goods for Resale) by \$4,500 to \$12,500.

Moved: **Cr Margaret Thomas**

Seconded: **Cr Frank Lindsey**

Vote: **CARRIED UNANIMOUSLY / ABSOLUTE MAJORITY (9/ 0)**

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

**160. Zig Zag Cultural Centre – Business Plan Progress Report**

Previous Items	
Responsible Officer	Director Corporate and Community Services
Service Area	Corporate and Community Services
File Reference	CO-INF-017
Applicant	N/A
Owner	Shire of Kalamunda
Attachment 1	ZZCC Operational Business Plan Key Goals –
Page 65	Overview of Action Status

**PURPOSE**

1. To inform Council on the progress of the Zig Zag Cultural Centre (“ZZCC”) in relation to the 2011/12 Operational Business Plan.

**BACKGROUND**

2. The Zig Zag Cultural Centre comprises a Visitor Centre, Art Gallery, Seminar Rooms and Café which operates independently.
3. A 2011/12 Operational Business Plan was developed to provide a framework for the operations, structure and marketing of the ZZCC. The five key goals of the plan include services, organisation, facilities, finance and promotion.
4. The ZZCC opened to the public on 17 September 2011. Given the ZZCC has been operational for three months, it is an opportune time to inform Council of progress relative the five key goals detailed within the 2011/12 Operational Business Plan.

**DETAILS**

5. In the initial months of operation, the ZZCC has received a largely positive response from the community.
6. It is acknowledged that there have been some operational teething problems which are common for new facilities in the first year of operation. Shire Officers managing ZZCC operations have identified main areas for improvement consistent with the key goals outlined in the 2011/12 Operational Business Plan.
7. A concise summary of some of the identified areas achieving success and those requiring improvement relative to the five key goals of the Operational Business Plan is highlighted.

- 
8. A more detailed overview on the status of each action linked to the five key goals is provided as (Attachment 1).

### **Services**

9. Opening Hours – a review has recently been undertaken and the extension of operating hours on the weekend will better align with the Kalamunda History Village and accommodate the visiting trends of the local community and visitors.
10. Marketing and Promotion – consistent with the 2011/12 Operational Business Plan, Officers continue to promote the facility in a targeted manner via a designated website, mail outs and other mediums with the intent to create interest, maximise visitation and generate income.

### **Organisation**

11. Training – has been provided and will be ongoing to ensure that staff and volunteers are multi-skilled and well versed in attending to sales and customer service requirements.
12. Volunteers – numbers have remained strong and ZZCC staff ensures consistent communication through meetings and informal means to enable volunteers to convey suggestions for consideration.

### **Finance**

13. Budget – majority of financial targets are being met to date. Sale of visitor centre stock and art exhibition pieces are two, positive income generating examples.
14. Fees and Charges – a review has been undertaken to encompass a range of additional fees that allow for further sources of revenue.
15. Operational Costs – associated costs of the new ZZCC facility relative to utilities and cleaning is to be clearly established and monitored to enable development of strategies to minimise costs where possible.

### **Facilities**

16. Fit Out – extensive investigations were undertaken to ensure that furniture and equipment installed within all areas are of a colour and design aesthetically suitable to the ZZCC.
17. Visitor Centre – offering a range of information for tourists, merchandise sales have been strong and are expected to increase during the festive season. The opportunity to sell consignment stock as a means to minimise purchasing costs and ensure a well-stocked floor will be explored further. Participating business members are to be approached to ensure awareness of promotional opportunities.
-



18. Art Gallery – proposed 2012 exhibition programme has been finalised with successful artists to be informed. 2011 exhibitions have been very successful, inclusive of sales and visitations.
19. Seminar Rooms – bookings have improved since opening. Target marketing in the form of promotional mail outs have been sent to attract commercial users.
20. Statistics – Visitor numbers for the ZZCC for the period of 17 September to 26 November 2011 are 6965.

### Promotion

21. Marketing – a range of tools including the ZZCC website, media releases, mail outs, networking and functions have been utilised to promote the facility.
22. Functions – a successful function coordinated by the Shire to celebrate the opening of the ZZCC with key stakeholders was conducted 16 September 2011. An additional function coordinated by the Kalamunda Chamber of Commerce for their members was held 6 October 2011 as a means to showcase the venue and detail the range of benefits available.

### STATUTORY AND LEGAL IMPLI CATIONS

23. Nil.

### POLI CY IMPLI CATIONS

24. Nil.

### PUBLI C CONSULTATI ON/ COMMUNI CATION

25. Nil.

### FI NANCEI AL IMPLI CATIONS

- 26.

<b>Zig Zag Cultural Centre</b>	<b>Budget</b>	<b>Budget YTD</b>	<b>Actual</b>
Total Income:	\$80,000	\$12,624	\$16,563
Total Expenditure:	\$237,384	\$81,997	\$64,851

Due to commencement of ZZCC operations from mid-September, income is tracking ahead of the YTD figure. Income will accelerate through continued merchandise sales, lease and membership fees from the Kalamunda Chamber of Commerce and a concerted targeted approach to increase commercial use of the seminar rooms.

27. Expenditure is tracking within YTD figure which is favourable. However it should be noted that associated operational costs relative to utilities and cleaning will need to be monitored closely, given the variables associated with a new community facility.

## **STRATEGIC AND SUSTAINABILITY IMPLICATIONS**

### **Strategic Planning Implications**

28. *Shire of Kalamunda Strategic Plan 2009-2014*

#### **Outcome 1.2      A vibrant Arts and Cultural life community**

To enhance the cultural life of the community with a diverse range of cultural opportunities, experiences and events, which can be embraced by the Shire at the community level.

### **Sustainability Implications**

#### Social implications

29. The ZZCC provides further opportunity to enhance local culture and encourage social interaction by the community at the facility and broader precinct.

#### Economic Implications

30. By attracting people to the facility and broader precinct, the ZZCC generates economic benefits to the Shire of Kalamunda and local businesses.

#### Environmental Implications

31. Nil.

## **OFFICER COMMENT**

32. The ZZCC has been very busy in its initial months of operation and feedback from the public has largely been positive. Some of the positive elements of operations to date have included:
- Agreements developed with key resident stakeholders, specifically the Kalamunda and Districts Historical Society, Café Proprietor and Kalamunda Chamber of Commerce.
  - Sales of both merchandise and art exhibition pieces are tracking ahead of budgeted targets.
  - Evidence indicates that Visitor Centre entry statistics are high and feedback relative to the ZZCC has predominantly been positive.
  - Open, two-way communication channels have proactively been developed with the Visitor Centre volunteers.

- 
33. Areas for improvement have been identified which will provide further opportunities for the ZZCC to establish itself as a vibrant cultural centre for the community. These include:
- Enhance marketing to target and increase commercial bookings for the seminar rooms.
  - Ongoing review of fees and charges to ensure relevance to market conditions.
  - Ensure communication channels with volunteers remain open and any issues arising are dealt with in a timely manner.
  - Maintain networking relationship with other Visitor Centres to remain up to date and relevant.
  - Develop and maintain sound working relationships with key resident stakeholders of the ZZCC including the Kalamunda Historical Society, Café Operator, Kalamunda Chamber of Commerce and Visitor Centre Volunteers.

#### **COMMITTEE RECOMMENDATION TO COUNCIL (GS 160/ 2011)**

1. That Council receives the Zig Zag Cultural Centre – Business Plan Progress Report.

Moved: **Cr Margaret Thomas**

Seconded: **Cr Donald McKechnie**

Vote: **CARRIED UNANIMOUSLY (9/ 0)**



**Declaration of financial / conflict of interests to be recorded prior to dealing with each item.****161. Boonooloo Road, Kalamunda – Anti-Hoon Speed Hump Program**

Previous Items	GS 35/2011; OCM 33/2011
Responsible Officer	Director of Development and Infrastructure Services
Service Area	Engineering
File Reference	BN-09/GEN
Applicant	Nil
Owner	Nil

Attachment 1 Page 73 Locality plan showing location of proposed speed cushions and responses received

Attachment 2 Page 75 Copy of letter sent to residents

**PURPOSE**

1. To consider the installation of speed cushions on Boonooloo Road, Kalamunda as shown in (Attachment 1).

**BACKGROUND**

2. A petition was received from residents of Boonooloo Road requesting traffic calming devices on Boonooloo Road.
3. Following the petition, a report was presented to the General Services Committee Meeting on 14 March 2011.
4. At its Ordinary Council Meeting on 21 March 2011, Council resolved the following:  
  
*“That Council notes the proposed installation of speed cushions on Boonooloo Road Kalamunda, for consideration in the Works Programme for the 2011/12 financial year budget and the proponent of the petition be advised accordingly.”*
5. The posted speed limit on Boonooloo Road is 50km/hr.
6. Traffic classifiers were installed on Boonooloo Road during 3 May 2010 and 12 May 2010, to make an assessment of the traffic and speed environment. The following data was collected:
  - The number of vehicles counted over nine days was 19,432.
  - The number of vehicles exceeding the speed limit is 6310 (32.47%).
  - The maximum speed recorded was 87 km/hr .
  - The 85<sup>th</sup> percentile was 53.3 km/hr, which means 85% of traffic is travelling at or below this speed.
  - The 95<sup>th</sup> percentile was 57.6 km/hr.

- 
7. The Shire made a submission to Main Roads WA (MRWA), under the “Anti-Hoon Speed Humps Program” requesting funding to install speed humps in the 2011/12 financial year.
  8. Main Roads approved funding for two thirds of the costs for installation of rubberised speed cushions.
  9. The total cost of the project is \$51,808.20, with MRWA approved funding of \$34,538.80. Council approved the project in the 2011/12 financial year for municipal funds of \$17,269.40.

## **DETAILS**

10. Letters were sent to fifty residents of Boonooloo Road seeking their feedback regarding the proposed installation of speed cushions.
11. 21 responses were received, with 16 responses supporting the project while five do not support the project.
12. The residents who supported the project indicated that there is a high number of motorcyclists speeding on Boonooloo Road and feel that these speed cushions will also reduce the travel speed of the motorcyclists.

## **STATUTORY AND LEGAL IMPLICATIONS**

13. Nil.

## **POLICY IMPLICATIONS**

14. Nil.

## **PUBLIC CONSULTATION/ COMMUNICATION**

15. Public consultation has been carried out in accordance with the requirements of the Anti-Hoon Speed Hump Program.

## **FINANCIAL IMPLICATIONS**

16. It is the condition of the funding that the speed cushions need to be in place for at least three years. There will be future financial implications if the speed cushions are removed within three years of their installation.

## **STRATEGIC AND SUSTAINABILITY IMPLICATIONS**

### **Strategic Planning Implications**

17. Nil.

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## Sustainability Implications

### Social Implications

18. Nil.

### Economic Implications

19. Nil.

### Environmental Implications

20. Nil.

## OFFICER COMMENT

21. The installation of speed cushions on Boonooloo Road will improve the safety of the area.
22. The installation will also help to ease the speed of the traffic approaching the Boonooloo Road / Kalamunda Road roundabout from Boonooloo Road end resulting in the enhanced safety of the intersection.
23. Although residents were made aware in the letter written to them, that the speed cushions produce less noise than traditional vertical displacement devices (Attachment 2), a disadvantage of the speed cushions is possible increase in the traffic noise level due to acceleration and deceleration before and after the cushion.

## OFFICER RECOMMENDATION (GS 161/ 2011)

That Council:

1. Supports the installation of the speed cushions on Boonooloo Road, Kalamunda at the location shown at (Attachment 1).

Moved: **Cr John Giardina**

Seconded: **Cr Frank Lindsey**

Vote: **For**  
**Cr John Giardina**  
**Cr Frank Lindsey**  
**Cr Martyn Cresswell**

**Against**

**Cr Allan Morton**  
**Cr Justin Whitten**  
**Cr Bob Emery**  
**Cr Sue Bilich**  
**Cr Donald McKechnie**  
**Cr Margaret Thomas**

**LOST (3/ 6)**

Due to the small percentage of residents responses and previous outcome after the installation of speed cushions a Councillor put forward an alternative motion.

**MOTION**

That Council:

1. Does not support the installation of the speed cushions on Boonooloo Road, Kalamunda at the location shown at (Attachment 1).

Moved: **Cr Donald McKechnie**

Seconded: **Cr Margaret Thomas**

Vote: **Cr Donald McKechnie WITHDREW the motion**

Councillors debated the motion.

Further discussion took place and a suggestion that residents should meet with Council representatives and Councillors on site, to ensure a firm understanding of the implications of speed cushions, was put forward.

The Chief Executive Officer suggested Council may wish to defer this item to the Ordinary Council Meeting to allow for further analysis on how to deal with matters such as this following the reorganisation of Directorates.

Cr Donald McKechnie then put forward a new motion.



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**COMMITTEE RECOMMENDATION TO COUNCIL (GS 161/ 2011)**

That Council:

1. Defer this Item to the Ordinary Council Meeting to be 19 December 2011.

Moved: **Cr Donald McKechnie**

Seconded: **Cr Margaret Thomas**

Vote: **CARRIED UNANIMOUSLY (9/ 0)**



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

**162. Cotherstone Road, Kalamunda – Anti Hoon Speed Hump Program**

Previous Items	N/A
Responsible Officer	Director of Development and Infrastructure Services
Service Area	Engineering Services
File Reference	CT-04/GEN
Applicant	Nil
Owner	Nil

Attachment 1 Page 77 Locality plan showing location of proposed speed cushions and responses received.

Attachment 2 Page 79 Copy of letter sent to residents.

**PURPOSE**

1. To consider the installation of speed cushions on Cotherstone Road, Kalamunda as shown in (Attachment 1).

**BACKGROUND**

2. A request came from a resident of Cotherstone Road in October 2010 requesting the Shire to investigate speeding traffic.
3. Following the complaint about speeding traffic, the Shire installed traffic classifiers to investigate the speed environment.
4. The posted speed limit for Cotherstone Road is 50km/hr.
5. The traffic classifiers installed from 7 October 2010 to 16 October, 2010 revealed the following information:
  - The number of vehicles counted during the above period was 13274.
  - The number of vehicles exceeding the speed limit is 8360 (62.98%).
  - The maximum speed recorded was 95.8 km/hr.
  - The 85<sup>th</sup> percentile was 59.4 km/hr, which means 85% of the vehicles were travelling at or below this speed.
  - The 95<sup>th</sup> percentile was 64.1 km/hr.
6. The Shire made a submission to Main Roads WA (MRWA) seeking funding under the 'Anti Hoon Speed Humps Program' for undertaking the project in the 2011/12 financial year.
7. Main Roads approved funding for two thirds of the costs for installation of speed cushions.

- 
8. The total cost of the project is \$51,808.20, with MRWA approved funding of \$34,538.80. Council approved the project in the 2011/12 financial year for municipal funds of \$17,269.40.

## **DETAILS**

9. Letters were sent 61 residents of Cotherstone Road, seeking community feedback regarding the proposed installation of speed cushions.
10. 21 responses were received, with 19 responses supporting the project and two responses were against the proposed installation.
11. The residents who responded against the project did not provide any other comments.

## **STATUTORY AND LEGAL IMPLICATIONS**

12. Nil.

## **POLICY IMPLICATIONS**

13. Nil.

## **PUBLIC CONSULTATION/ COMMUNICATION**

14. Public consultation has been carried out in accordance with the requirements of the 'Anti-Hoon Speed Hump Program'.

## **FINANCIAL IMPLICATIONS**

15. It is the condition of the funding that the speed cushions need to be in place for at least three years. There will be future financial implications if the speed cushions are removed within three years of their installation.

## **STRATEGIC AND SUSTAINABILITY IMPLICATIONS**

### **Strategic Planning Implications**

16. Nil.

### **Sustainability Implications**

#### Social Implications

17. Nil.

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Economic Implications

18. Nil.

Environmental Implications

19. Nil.

**OFFICER COMMENT**

20. Speed cushions are another form of road hump that occupies only a part of the roadway. The design of the speed cushions is considered more sympathetic to cyclists, buses and commercial vehicles than a standard full width speed hump.
21. Installation of speed cushions on Cotherstone Road, Kalamunda will act as deterrent to the excessive speed behaviour which in turn will improve the safety of the road. The traffic information illustrates 62.98 % of vehicles are exceeding the speed limit.
22. Although residents were made aware in the letter written to them, that the speed cushions produce less noise than traditional vertical displacement devices (Attachment 2), a disadvantage of the speed cushions is the possible increase in the traffic noise level due to acceleration and deceleration before and after the cushion.

**OFFICER RECOMMENDATION (GS 162/ 2011)**

That Council:

1. Supports the installation of the speed cushions under the 'Anti-Hoon Speed Hump Program' on Cotherstone Road, Kalamunda at the location shown at (Attachment 1).

Moved:

Seconded:

Vote: **The Officer Recommendation was not considered**

During discussion of Item 161, the Chief Executive Officer suggested Council may wish to defer the item to the Ordinary Council Meeting to allow for further analysis of the situation.

As Items 161, 162, 163, 164 and 165 all relate to the installation of speed cushions a Councillor put forward an 'en bloc' motion to defer each of these items to the Ordinary Council Meeting on 19 December 2011.

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**COMMITTEE RECOMMENDATION TO COUNCIL (GS 162/ 2011)**

That Council:

1. Defer Items 161, 162, 163, 164 and 165 to the Ordinary Council Meeting 19 December 2011.

Moved: **Cr Margaret Thomas**

Seconded: **Cr John Giardina**

Vote: **CARRIED UNANIMOUSLY (9/ 0)**

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

**163. George Road, Lesmurdie – Anti Hoon Speed Cushion Program**

Previous Items	N/A
Responsible Officer	Director of Development and Infrastructure Services
Service Area	Engineering Services
File Reference	GR-01/GEN
Applicant	Nil
Owner	Nil

Attachment 1 Page 81 Locality plan showing location of proposed speed cushions and responses received.

Attachment 2 Page 83 Copy of letter sent to residents.

**PURPOSE**

1. To consider the installation of speed cushions on George Road, Lesmurdie as shown in (Attachment 1).

**BACKGROUND**

2. A request came from a resident of George Road in May 2010, requesting the Shire to investigate speeding traffic.
3. Following the complaint about speeding traffic, the Shire installed traffic classifiers to investigate the matter.
4. The posted speed limit on George Road is 50km/hr.
5. The traffic classifiers installed between 4 June 2010 and 17 June 2010 found the following information:
  - The number of vehicles counted during the above period was 6102.
  - The number of vehicles exceeding the speed limit was 5053 (82.81%).
  - The maximum speed recorded was 136.1 km/hr.
  - The 85<sup>th</sup> percentile was 70.2 km/hr, which means that 85% of vehicles are travelling at or below this speed.
  - The 95<sup>th</sup> percentile was 77.0 km/hr
6. The Shire made a submission to Main Roads WA (MRWA) for funding under the 'Anti Hoon Speed Humps Program' for funding in the 2011/12 financial year.
7. Main Roads approved funding for two thirds of the costs for installation of rubberised speed cushions.

- 
8. The total cost of the project is \$51,808.20, with MRWA approved funding of \$34,538.80. Council approved the project in the 2011/12 financial year for municipal funds of \$17,269.40.

## **DETAILS**

9. Letters sent to 48 residents of George Road, seeking community feedback regarding the proposed installation of speed cushions.
10. 24 responses were received, with nine responses supporting the project and 15 responses against the project.
11. The residents who responded against the project feel that there would be a potential danger for accidents from speed cushions and that property values will be affected (decreased) by the installation.

## **STATUTORY AND LEGAL IMPLICATIONS**

12. Nil.

## **POLICY IMPLICATIONS**

13. Nil.

## **PUBLIC CONSULTATION/ COMMUNICATION**

14. Public consultation has been carried out in accordance with the requirements of the 'Anti-Hoon Speed Hump Program'.

## **FINANCIAL IMPLICATIONS**

15. It is the condition of the funding that the Speed cushions need to be in place for at least three years. There will be future financial implications if the speed cushions are removed within three years of their installation.

## **STRATEGIC AND SUSTAINABILITY IMPLICATIONS**

### **Strategic Planning Implications**

16. Nil.

### **Sustainability Implications**

#### Social Implications

17. Nil.



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Economic Implications

18. Nil.

Environmental Implications

19. Nil.

**OFFICER COMMENT**

20. A traffic survey was conducted on Wittenoom Road in June 2011 to assess the post installation effect of the speed cushions. The results showed:
- 85% vehicles drove at or below 48.6km/hr
  - 11.3% vehicles drove above the designated speed limit of 50km/hr
- In comparison to the traffic survey carried out in August 2009
- 85% of the vehicles travelled at or below 62km/hr
  - 81% of the vehicles exceeded the speed limit.
21. In light of the above comment, the information collected by the installation of traffic classifiers on George Road identifies the speeding issue. Evidently 82% of the vehicles are speeding in the area and installation of speed cushions is expected to reduce the general speed in the street.
22. 15 of the 24 responses received from the residents expressed their opposition to the proposed installation of the speed cushions.

**OFFICER RECOMMENDATION (GS 163/ 2011)**

That Council:

1. Does not support the installation of the speed cushions under the 'Anti-Hoon Speed Hump Program' on George Road, Lesmurdie.

Moved:

Seconded:

Vote: **The Officer Recommendation was not considered**

During discussion of Item 161, the Chief Executive Officer suggested Council may wish to defer the item to the Ordinary Council Meeting to allow for further analysis of the situation.

As Items 161, 162, 163, 164 and 165 all relate to the installation of speed cushions a Councillor put forward an 'en bloc' motion to defer each of these items to the Ordinary Council Meeting on 19 December 2011.

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**COMMITTEE RECOMMENDATION TO COUNCIL (GS 163/ 2011)**

That Council:

1. Defer Items 161, 162, 163, 164 and 165 to the Ordinary Council Meeting 19 December 2011.

Moved: **Cr Margaret Thomas**

Seconded: **Cr John Giardina**

Vote: **CARRIED UNANIMOUSLY**

**Declaration of financial / conflict of interests to be recorded prior to dealing with each item.****164. Gladys Road, Lesmurdie – Anti Hoon Speed Cushion Program**

Previous Items	N/A
Responsible Officer	Director of Development and Infrastructure Services
Service Area	Engineering Services
File Reference	GL-08/GEN
Applicant	Nil
Owner	Nil

Attachment 1 Page 85 Locality plan showing location of proposed speed cushions and responses received.

Attachment 2 Page 87 Copy of letter sent to residents.

**PURPOSE**

1. To consider the installation of speed cushions on Gladys Road, Lesmurdie as shown in (Attachment 1).

**BACKGROUND**

2. A request came from a resident of Gladys Road in January 2010 requesting the Shire to investigate speeding traffic.
3. Following the complaint about speeding traffic, the Shire installed traffic classifiers to investigate the matter.
4. The posted speed limit on Gladys Road is 50km/hr.
5. The traffic classifiers installed from 19 February 2010 to 26 February 2010 and revealed the following traffic data:
  - The number of vehicles counted over the above period was 17,338.
  - The number of vehicles exceeding the speed limit is 11947 (68.61%).
  - The maximum speed recorded was 148.2 km/hr.
  - The 85<sup>th</sup> percentile was 61.2 km/hr, which means 85% of vehicles were travelling at or below this speed.
  - The 95<sup>th</sup> percentile was 65.5 km/hr.
6. The Shire made a submission to Main Roads WA (MRWA) for funding under the 'Anti Hoon Speed Humps Program' for funding in the 2011/12 financial year.
7. Main Roads approved funding for two thirds of the costs for installation of rubberised speed cushions.

- 
8. The total cost of the project is \$29,400.00, with MRWA approved funding of \$19,600.00. Council approved the project in the 2011/12 financial year for municipal funds of \$9,800.

## **DETAILS**

9. Letters were sent to 31 residents of Gladys Road, seeking community feedback regarding the proposed installation of speed cushions.
10. 11 responses were received, with five responses supporting the project and six responses against the project.
11. The residents who responded against the project feel that it will further increase the chance of hooning and will create noise problems.

## **STATUTORY AND LEGAL IMPLICATIONS**

12. Nil.

## **POLICY IMPLICATIONS**

13. Nil.

## **PUBLIC CONSULTATION/ COMMUNICATION**

14. Public consultation has been carried out in accordance with the requirements of the 'Anti-Hoon Speed Hump Program'.

## **FINANCIAL IMPLICATIONS**

15. It is the condition of the funding that the speed cushions need to be in place for at least three years. There will be future financial implications if the speed cushions are removed within three years of their installation.

## **STRATEGIC AND SUSTAINABILITY IMPLICATIONS**

### **Strategic Planning Implications**

16. Nil.

### **Sustainability Implications**

#### Social Implications

17. Nil.

#### Economic Implications

18. Nil.

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Environmental Implications

19. Nil.

**OFFICER COMMENT**

20. The proposed installation of speed cushions on Gladys Road between Kershaw Avenue and Willoughby Road intersection may assist in the reduction of speed in the vicinity but the installation of an additional speed cushion may not alleviate the speeding concern on the entire section of Gladys road.
21. There are three central blister islands already installed on Gladys Road to curb the speeding behaviour but the road users are still speeding between the traffic calming devices.
22. The majority of the residents that responded are not in favour of the installation of speed cushions.
23. Although residents were made aware in the letter written to them, that the speed cushions produce less noise than traditional vertical displacement devices (Attachment 2), a disadvantage of the speed cushions is the possible increase in the traffic noise level due to acceleration and deceleration before and after the cushion.
24. In the instance of the speed cushions on Wittenoom Road, it is proven that the installation of speed cushions reduces the number of speeding vehicles.
25. Other measures such as a deflected T- intersection may be investigated in conjunction with the existing central blister island as the best outcome to the community.

**OFFICER RECOMMENDATION (GS 164/ 2011)**

That Council:

1. Does not support the installation of the speed cushions under the 'Anti-Hoon Speed Hump Program' on Gladys Road, Lesmurdie.

Moved:

Seconded:

Vote: **The Officer Recommendation was not considered**

During discussion of Item 161, the Chief Executive Officer suggested Council may wish to defer the item to the Ordinary Council Meeting to allow for further analysis of the situation.

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As Items 161, 162, 163, 164 and 165 all relate to the installation of speed cushions a Councillor put forward an 'en bloc' motion to defer each of these items to the Ordinary Council Meeting on 19 December 2011.

**COMMITTEE RECOMMENDATION TO COUNCIL (GS 164/ 2011)**

That Council:

1. Defer Items 161, 162, 163, 164 and 165 to the Ordinary Council Meeting 19 December 2011.

Moved: **Cr Margaret Thomas**

Seconded: **Cr John Giardina**

Vote: **CARRIED UNANIMOUSLY (9/ 0)**

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

**165. Hartfield Road, Forrestfield – Anti Hoon Speed Cushion Program**

Previous Items	N/A
Responsible Officer	Director of Development and Infrastructure Services
Service Area	Engineering Services
File Reference	HR-09/GEN
Applicant	Nil
Owner	Nil

Attachment 1 Page 89 Locality plan showing location of proposed speed cushions and responses received.

Attachment 2 Page 91 Copy of letter sent to residents.

**PURPOSE**

1. To consider the installation of speed cushions on Hartfield Road, Forrestfield shown in (Attachment 1).

**BACKGROUND**

2. A request came from a resident of Hartfield Road in August 2010 requesting the Shire to investigate speeding traffic.
3. The posted speed limit on Hartfield Road is 60km/hr.
4. The traffic classifiers installed for a period from 30 April 2009 to 20 May 2009 revealed the following traffic data:
  - The number of vehicles counted over this period was 63,054.
  - The number of vehicles exceeding the speed limit is 22,743 (36.07%)
  - The maximum speed recorded was 144.60 km/hr
  - The 85<sup>th</sup> percentile was 66.2 km/hr, which means 85% of the vehicles are travelling at or below this speed.
  - The 95<sup>th</sup> percentile was 73.8 km/hr
5. The Shire made a submission to Main Roads WA (MRWA) for funding under the 'Anti Hoon Speed Humps Program' for funding in the 2011/12 financial year.
6. Main Roads approved funding for two thirds of the costs for installation of rubberised speed cushions.
7. The total cost of the project is \$74,500 with MRWA approved funding of \$49,667. Council approved the project in the 2011/12 financial year for municipal funds of \$24,833.

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**DETAILS**

8. Letters were sent to 74 residents of Hartfield Road, seeking community feedback regarding the proposed installation of speed cushions.
9. 17 responses were received, with 11 responses supporting the project and six responses against the project.
10. The residents who supported the project feel that they will be helpful in stopping the hoon behaviour on Hartfield Road.

**STATUTORY AND LEGAL IMPLICATIONS**

11. Nil.

**POLICY IMPLICATIONS**

12. Nil.

**PUBLIC CONSULTATION/ COMMUNICATION**

13. Public consultation has been carried out in accordance with the requirements of the 'Anti-Hoon Speed Hump Program'.

**FINANCIAL IMPLICATIONS**

14. It is the condition of the funding that the speed cushions need to be in place for at least three years. There will be future financial implications if the speed cushions are removed within three years of their installation.

**STRATEGIC AND SUSTAINABILITY IMPLICATIONS****Strategic Planning Implications**

15. Nil.

**Sustainability Implications**Social Implications

16. Nil.

Economic Implications

17. Nil.

Environmental Implications

18. Nil.



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**OFFICER COMMENT**

19. The proposal is for the installation of three speed cushions between Hale Road and Lewis Road.
20. The installation of the speed cushions will improve the safety of the road from the speeding consideration but the impact on the residents' amenity and the quality of life will be a challenging concern.
21. The responses received from the community are varied and most of the residents do not want the speed cushions to be installed in front of their property.
22. The noise pollution generated due to acceleration and deceleration and due to the vertical displacement of the moving vehicles has major impact on the amenity of the resident located adjacent to the proposed installation.
23. Out of the 74 letters sent to the community, only 17 responded with 11 in favour and six not in favour of the installation.
24. The residents who are not in favour of the project strongly oppose the installation because of the fact that installation will impact on their lifestyle and the property values will suffer.
25. Alternate local area traffic calming measures to alleviate the speeding concern as there is support for the installation of traffic calming devices will be investigated.

**OFFICER RECOMMENDATION (GS 165/ 2011)**

That Council:

1. Does not support the installation of the speed cushions on Hartfield Road, Kalamunda.

Moved:

Seconded:

Vote: **The Officer Recommendation was not considered**

During discussion of Item 161, the Chief Executive Officer suggested Council may wish to defer the item to the Ordinary Council Meeting to allow for further analysis of the situation.

As Items 161, 162, 163, 164 and 165 all relate to the installation of speed cushions a Councillor put forward an 'en bloc' motion to defer each of these items to the Ordinary Council Meeting on 19 December 2011.

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**COMMITTEE RECOMMENDATION TO COUNCIL (GS 165/ 2011)**

That Council:

1. Defer Items 161, 162, 163, 164 and 165 to the Ordinary Council Meeting 19 December 2011.

Moved: **Cr Margaret Thomas**

Seconded: **Cr John Giardina**

Vote: **CARRIED UNANIMOUSLY (9/ 0)**

**Declaration of financial / conflict of interests to be recorded prior to dealing with each item.****166. Awarding of Tender - Provision of Skid Steer Loader and Truck Services (T1121)**

Previous Items	N/A
Responsible Officer	Director of Development and Infrastructure Services
Service Area	Engineering Services
File Reference	AD-TEN-004
Applicant	N/A
Owner	N/A
Confidential Attachment 1	Summary of Tender Prices for the Provision of Skid Steer Loader and Truck Services (T1121) – Under Separate Cover <u>Reason for Confidentiality:</u> <i>Local Government Act 1995</i> <i>S5.23(2)(c)</i> – “ 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.”
Confidential Attachment 2	Evaluation of Tender Submissions for Compliance Criteria and Qualitative Criteria – Under Separate Cover <u>Reason for Confidentiality:</u> <i>Local Government Act 1995</i> <i>S5.23(2)(c)</i> – “ 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.”
Confidential Attachment 3	Memorandum, T1121– Provision of Skid Steer Loader and Truck <u>Reason for Confidentiality:</u> <i>Local Government Act 1995</i> <i>S5.23(2)(c)</i> – “ 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.”

**PURPOSE**

1. To consider awarding the tender - Provision of Skid Steer Loader and Truck Services (T1121).

**BACKGROUND**

2. The Tender for the Provision of Skid Steer Loader and Truck Services (T1121) was advertised in the West Australian on Saturday 6 August 2011, and closed at 2.00pm on 23 August 2011.
3. The Shire have employed an operator and made provisions for relevant machinery in the past, however this has not worked efficiently due to
  - High turnover of staff due to either moving towards mining industry or moving to be an owner/operator.
  - High risk for Occupational Health and Safety.

- 
4. Hawley Bobcats is a current performing contractor who is a local owner operator with a high level of skill and work ethic.

## **DETAILS**

5. The contractors will be used in the following manner:
- One operator will be used for the full year, alongside road construction/maintenance crew.
  - A second operator to be used when additional operator is required on the road construction and maintenance.
  - A third operator will be used by Parks, Building Maintenance and Waste Management staff.
6. Seven tender submission were received from:
- Trenchbusters Plant Hire
  - Kala Bob Kats Pty Ltd
  - Mayday Earthmoving
  - Hawley's Bobcats
  - HAS Earthmoving
  - Jimmy's Bobcats Pty Ltd
  - Fonz's Bobcat & Truck Hire
7. A Summary of Tender Prices for the Provision of Skid Steer Loader and Truck Services is shown in (Confidential Attachment 1).
8. An Evaluation of Tender Submissions for Compliance Criteria and Qualitative Criteria is shown in (Confidential Attachment 2).

## **STATUTORY AND LEGAL IMPLI MENT IONS**

9. The Tender is undertaken in accordance with the statutory requirements of Section 3.57 of the *Local Government Act 1995* and Part 4 of the *Local Government (Functions and General) Regulations 1996*.

## **POLI CY I MPLI CATI ONS**

10. Nil.

## **PUBLI C CONSULTATI ON/ COMMUNI CATI ON**

11. The Tender was advertised as per the statutory requirements.

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## FINANCIAL IMPLICATIONS

12. The Tender price is within the budget allocation for Engineering Construction and Maintenance projects.

## STRATEGIC AND SUSTAINABILITY IMPLICATIONS

### Strategic Planning Implications

#### Engineering Works Construction and Renewal

13. To construct new works infrastructure in a timely and cost- effective manner. Renew and upgrade the Shire's roads, drainage and pathways infrastructure, through the use of construction crews and contractors.

#### Engineering Works Maintenance

14. Maintain the Shire's roads, road shoulders and verges, signs, car parks, drainage and pathways infrastructure, through the use of maintenance crews and contractors.

15. *Shire of Kalamunda Strategic Plan 2009-2014*

Goal 2 – BUILT ENVIRONMENT – An integrated built environment.

Outcome 2.1 – Improved asset management to meet community needs today and in the future.

Outcome 2.3 - Long term viability of infrastructure and facilities.

### Sustainability Implications

#### Social implications

16. Nil.

#### Economic Implications

17. Nil.

#### Environmental Implications

18. Nil.

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**OFFICER COMMENT**

19. The skid steer loader (bobcat) operator works alongside civil construction and maintenance crews. An owner operator is preferred as they have been found to have better understanding and skills being familiar with the Shire's requirements and operation.
20. Hawley's Bobcats, Fonz's Bobcat & Truck Hire and Kala Bob Kats Pty Ltd are owner operators who have performed satisfactorily with the Shire in the past and have multiple skills.
21. Trenchbusters Plant Hire, Mayday Earthmoving and HAS Earthmoving are large organisations that employ operators.
22. The criteria evaluation reflects the skill level and the ability to work coherently with the Shire's operational staff and being multi skilled to assist as required.
23. Fonz's Bobcats and Truck Hire is recommended as the main contractor following the assessment of selection criteria and price. Other operators will only be engaged on "as required" basis.
24. Kala Bobcats Pty Ltd has been used, by Parks, as they have a more suitable machine with a narrower blade.
25. Generally the Shire's civil work operations require one skid steer operator for full year and another for approximately 70% of a typical year. Additionally, Parks operations also require a skid steer loader from time to time. While one main contractor is recommended two back up skid steer operators with particular skills is proposed.
26. In view of the above, it is recommended that the tender is awarded to three contractors. Subject to Council accepting staff recommendation, the three contractors will be used in the following manner:
  - Fonz's Bobcat and Truck Hire to be used for the full year alongside road construction/maintenance crew.
  - Hawley's Bobcats to be used when additional operator is required on the road construction and maintenance.
  - Kala Bob Kats Pty Ltd to be used by Parks, building maintenance and waste management staff.

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**COMMITTEE RECOMMENDATION TO COUNCIL (GS 166/ 2011)**

That Council:

1. Awards the Tender for the Provision of Skid Steer Loader and Truck Services (T1121) to:

a) Full time on road construction and maintenance jobs

1. Fonz's Bobcat and Truck Hire

b) When additional operator is required on the road construction and maintenance jobs

1. Hawley's Bobcats

c) As required for the Parks Crew, building maintenance and waste crews

1. Kala Bob Kats Pty Ltd

For the period of three years from the date of signing documentation with an option to extend a further two 12 month periods based on an annual CPI increase for Perth from the preceding 12 months as per tendered prices in the (Confidential Attachment 1).

Moved: **Cr Donald McKechnie**

Seconded: **Cr Sue Bilich**

Vote: **CARRIED UNANIMOUSLY (9/ 0)**





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**Declaration of financial / conflict of interests to be recorded prior to dealing with each item.****167. Draft Structure Plan – Forrestfield District Centre**

Previous Items	N/A
Responsible Officer	Director Planning and Development Services
Service Area	Planning and Development Services
File Reference	PG-STU-028
Applicant	N/A
Owner	N/A

Attachment 1 Page 93 Locality Plan

Attachment 2 Page 95 Draft Structure Plan

**PURPOSE**

1. To consider endorsing the Draft Structure Plan for the Forrestfield District Centre for the purpose of public advertising. Refer (Attachment 1) Locality Plan.

**BACKGROUND**

2. The Forrestfield Shopping Centre is classified as a 'District Centre' in the Activity Centres Hierarchy under the State Governments State Planning Policy 4.2 – Activity Centres or Perth and Peel. The classification highlights the important role the Forrestfield Shopping Centre currently performs in the day to day functioning of the Forrestfield area.
3. The Forrestfield Shopping Centre currently contains approximately 17,060sqm of commercial floor space. Of this approximately 12,044sqm is classified as shop retail.

**DETAILS**

4. The Draft Structure Plan will manage change and guide the form of development for the Forrestfield Activity Centre with particular emphasis on the location, distribution of land use and design criteria. Refer (Attachment 2) Draft Structure Plan.
5. The objectives of the Draft Structure Plan are described as follows:

**Land Uses and Activities:**

- To support a wide range of retail and commercial premises and to promote a competitive retail and commercial market.
- To support the provision of appropriate civic and community facilities this will increase the broad appeal and multi-faceted nature of the Centre.

- 
- To increase the range of employment opportunities, this will in turn contribute to the achievement of sub-regional employment self-sufficiency.
  - To increase the density and diversity of housing in and around the centre to improve the land use efficiency, housing variety and choice, to support Centre facilities.
  - To ensure the Centre provides sufficient development intensity and land use mix to support higher frequency public transport.

**Built Form Urban Design:**

- To improve the layout of the Centre in terms of its legibility and character.
- To encourage respect for human scale and user amenity when new buildings are designed and located.
- To preserve and enhance the Centres natural assets.
- To improve the quality and character of the open spaces between buildings and the public open spaces set aside exclusively for non-vehicular use.

**Movement, Access and Parking:**

- To improve the safety and amenity of those visitors, customers and employees moving around the Centre.
- To increase the access options available to development sites.
- To improve the layout, design and amenity of car parking areas.
- To maximise access to the Centre by walking, cycling and public transport to encourage reduced private car trips.

**Resource Conservation:**

- To encourage environmentally sustainable outcomes by incorporating innovative design, construction and management principles.
- To discourage wasteful uses of resources and infrastructure through more efficient and intensive use of land.

**STATUTORY AND LEGAL IMPLICATIONS**

6. State Planning Policy 4.2 – Activity Centres or Perth and Peel (SPP 4.2) identifies the Forrestfield Centre as a District Centre under the Activity Centres Hierarchy.

- 
7. Clause 6.4 (2) of SPP 4.2 states:  
*“Activity centre structure plans should be endorsed prior to a major development being approved to ensure a centre’s development is integrated, cohesive and accessible.”*

Under the interpretations included in SPP 4.2 a major development is defined as:

*“Development of any building or extension/s to an existing building where the building or extensions are used or proposed to be used for shop retail purposes and where the shop-retail NLA of the proposed building is more than 10,000sqm or extension/s is more than 5,000sqm.”*

8. Clause 6.4.1 of SPP 4.2 states that the relevant local authority is the approval authority for District Centres of less than 20,000sqm shop-retail Net Lettable Area (NLA). The Western Australian Planning Commission (WAPC) must endorse a District Structure Plan if the floor space exceeds 20,000sqm shop-retail NLA. The current allocated floor space for the Forrestfield Centre is below this figure therefore does not have to be referred to the WAPC. In the event that the shop retail NLA exceeds 20,000, then the structure plan along with a Detail Sustainability Needs Assessment Study to be prepared by the applicant will require referral to the WAPC for endorsement.

## **POLICY IMPLICATIONS**

9. SPP 4.2 should be considered in conjunction with Directions 2031 and beyond Spatial Framework for Perth and Peel and other elements of the State Planning Framework including State Planning Policy 3.1 Urban Growth and Settlements and Liveable Neighbourhoods (Element 7).

## **PUBLIC CONSULTATION/ COMMUNICATION**

10. There are no statutory requirements for the advertising of Structure Plans as required under SPP 4.2 and therefore it is at the discretion of Council as to the extent of the advertising period.
11. The Draft Structure Plan will be advertised for a period of six weeks including notices being placed in the local newspaper for two consecutive weeks and displays in the Forrestfield Forum Shopping Centre.

## **FINANCIAL IMPLICATIONS**

12. Costs associated with the advertising of the Structure Plan are provided for in the Strategic Planning Services budget.

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## STRATEGIC AND SUSTAINABILITY IMPLICATIONS

### Strategic Planning Implications

13. The preparation of the Structure Plan for the Forrestfield Centre is consistent with the Shire's Strategic Plan 2009-2014, in particular the goal of having an integrated built environment which recognises the importance of good urban design outcomes.

### Sustainability Implications

#### Social implications

14. The Draft Structure Plan will assist in improving the safety and amenity of those people visiting and working in the centre.

#### Economic Implications

15. The Draft Structure Plan will promote a competitive retails and commercial market and increase employment opportunities.

#### Environmental Implications

16. The Draft Structure Plan will assist in improving the quality of the public open space and the natural assets such as the creek line. The plan will also encourage environmentally sustainable outcomes in the building design and construction.

### OFFICER COMMENT

17. The Structure Plan for the Forrestfield District Shopping Centre establishes a spatial plan and strategy with the aim of achieving a compact, pedestrian friendly, mixed use activity centre that will offer a range of lifestyle choices, reduce car dependency and limit environmental impacts.
18. The Structure Plan also gives consideration to the potential for increased residential densities of R60 and R80 within a 400m catchment surrounding the District Centre.
19. The Structure Plan must be viewed as the most important strategic planning document for the centre to date that will establish a framework for the coordinated development of the Forrestfield Shopping Centre in both the private and public domain over the next 10 to 20 years.

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**COMMITTEE RECOMMENDATION TO COUNCIL (GS 167 / 2011)**

That Council:

1. Endorses the Draft Structure Plan (Attachment 2) for Forrestfield District Centre for the purpose of public advertising.

Moved: **Cr Justin Whitten**

Seconded: **Cr Allan Morton**

Vote: **CARRIED UNANIMOUSLY (9/ 0)**



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

**168. Local Planning Scheme No. 3 Amendment – Lot 4371 (1) Cygnet Court and Lot 102 (21) Edney Road, High Wycombe – Increasing the Residential Density from R20 to R40**

Previous Items	OCM 14/2011
Responsible Officer	Director Development and Infrastructure Services
Service Area	Development and Infrastructure Services
File Reference	ED-03/021
Applicant	Nil
Owner	Shire of Kalamunda

Attachment 1 Page 97	Locality Plan
Attachment 2 Page 99	Current Scheme Zoning Map
Attachment 3 Page 101	Concept Plan 3

**PURPOSE**

1. To consider an amendment to Local Planning Scheme No. 3 (“the Scheme”) to increase the Residential Density Coding of Lot 7371 (1) Cygnet Court and Lot 102 (21) Edney Road, High Wycombe, from R20 to R40. Refer to the Locality Plan (Attachment 1) and the Current Scheme Zoning Map (Attachment 2).

**BACKGROUND**

2. Both properties are currently vacant and zoned Residential R20 under the Scheme. The sites are bound by Roe Highway, Cygnet Court and Edney Road, and have an aggregate area of 6,675sqm (Lot 4371 Cygnet Court being 607sqm in area and Lot 102 Edney Road being 6,068sqm in area).
3. Lot 102 Edney Road is owned freehold by the Shire, and Lot 4371 Cygnet Court is an untitled Reserve under the care and control of the Shire.
4. In February 2011, Council resolved (Resolution OCM 14/2011) to adopt a Business Plan for the properties. As part of the adoption of the Business Plan, Council resolved:

*3. On completion of the acquisition process, an application for approval of Freehold Subdivision be made to the Western Australian Planning Commission for all that land comprising 1 Cygnet Court and 21 Edney Road in accordance with Subdivision Concept Option 10, where the R40 zoning in the business plan be restricted to 55 years and over.*

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**DETAILS**

5. The Subdivision Concept Option 10 adopted by Council in February 2011 indicated a mix of five lots at the R20 density, with the balance of the land at the R40 density. Subsequently, further negotiations have taken place with a potential developer through an Expression of Interest and it is recommended that the R40 density apply to the entirety of the land holdings.
6. A development concept plan has been prepared in support of the proposed amendment refer (Attachment 3). Concept Plan 3 details the potential for 20 single residential lots on an average lot size of 2345sqm which is consistent with the R40 coding. The concept plan is not proposing that the development of the site be restricted to 55 years and over.

**STATUTORY AND LEGAL IMPLICATIONS**

7. The *Town Planning Regulations 1967* and *Planning and Development Act 2005* establish procedures relating to amendments to local planning schemes. If Council resolves to adopt the proposed amendment, then ultimately the amendment will be determined by the Minister for Planning.

**POLICY IMPLICATIONS**

8. *Liveable Neighbourhoods (January 2009)* is an integrated planning and assessment policy to assist with the design and assessment of structure and subdivision plans to guide urban development within metropolitan and regional Western Australia.

**PUBLIC CONSULTATION/ COMMUNICATION**

9. If the amendment was initiated by Council, the Amendment would be formally advertised for 42 days in accordance with the provisions of the *Town Planning Regulations 1967* and *Planning and Development Act 2005*.
10. The amendment would be required to be advertised in the form of a notice being published in a district newspaper. A sign advertising the proposal would also be required to be erected on the subject properties.

**FINANCIAL IMPLICATIONS**

11. Development in accordance with the Business Plan adopted by Council at its Ordinary meeting of February 2011.



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## STRATEGIC AND SUSTAINABILITY IMPLICATIONS

### Strategic Planning Implications

12. The proposal conforms to the Shire's Local Planning Strategy for potential increases in residential densities.
13. The subdivision and development of the land assists the Shire in addressing its strategic goal to effectively plan for future community needs by providing higher density housing.
14. It also addresses the anticipated increase in population identified in "Directions 2031 and Beyond" prepared by the WA Planning Commission, and included in the Local Planning Strategy.

### Sustainability Implications

#### Social implications

15. Nil, however the land currently may be informally utilised for recreational purposes.

#### Economic Implications

16. Nil.

#### Environmental Implications

17. Nil.

### OFFICER COMMENT

18. If Council was to consider imposing an age restriction on the development of the site, this can only be done at the development application stage and not a part of the proposed scheme amendment.
19. Issues relating to lot and road configurations, and public open space, will be addressed at the subdivision stage if the amendment is ultimately approved by the Minister for Planning.
20. The proposed R40 coding is considered consistent with the State government's key strategic planning document and Directions 2031 in providing for infill development located in close proximity to shops, local parks and public transport. In this regard the subject lot is located within 400m of Berle Way Shopping Centre, McKenzie Reserve and public transport on Kalamunda Road. On this basis it is recommended that Council initiates the amendment.

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**COMMITTEE RECOMMENDATION TO COUNCIL (GS168/ 2011)**

That Council:

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

PLANNING AND DEVELOPMENT ACT 2005

RESOLUTION DECIDING TO AMEND A LOCAL PLANNING SCHEME

SHIRE OF KALAMUNDA

LOCAL PLANNING SCHEME NO. 3

AMENDMENT NO.

Resolved that the Council in pursuance of Part 5 of the Planning and Development Act 2005 amend the above Local Planning Scheme by:

1. Increasing the residential density of Lot 4371 (1) Cygnet Court and Lot 102 (21) Edney Road, High Wycombe, from R20 to R40.

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

Moved: **Cr Margaret Thomas**

Seconded: **Cr Donald McKechnie**

Vote: **For**  
**Cr John Giardina**  
**Cr Frank Lindsey**  
**Cr Allan Morton**  
**Cr Justin Whitten**  
**Cr Bob Emery**  
**Cr Sue Bilich**  
**Cr Donald McKechnie**  
**Cr Margaret Thomas**

**Against**  
**Cr Martyn Cresswell**

**CARRIED (8/ 1)**

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

**169. 2011 Annual Report and Annual General Meeting of Electors**

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

Attachment 1 Page 103 Draft Annual Report 2011

**PURPOSE**

1. To accept the 2011 Annual Report and set the date for the Annual General Meeting of Electors.

**BACKGROUND**

2. The *Local Government Act 1995* (“the Act”) Section 5.53 requires a local government to prepare an Annual Report for each financial year and details what the Annual Report is to contain.
3. Section 5.54 of the Act requires a Local Government to accept the Annual Report for a financial year no later than 31 December in the year after that financial year, subject to availability of the Auditor’s Report.
4. Section 5.55 of the Act requires the Chief Executive Officer to give local public notice of the availability of the Annual Report as soon as practicable after the Report has been accepted by the local government.
5. Section 5.27 of the Act requires that a general meeting of the electors of a district is to be held once every financial year.

**DETAILS**

6. The Draft Annual Report 2011 is presented as (Attachment 1) for the Council’s acceptance.

**STATUTORY AND LEGAL IMPLICATIONS**

7. The Draft Annual report 2011 is in compliance with Sections 5.53 and 5.54 of the Act.
8. Section 5.27(2) of the Act requires that the Annual General Meeting of Electors is required to be held within 56 days of acceptance of the Annual Report.

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**POLICY IMPLICATIONS**

9. There are no policy implications.

**PUBLIC CONSULTATION/ COMMUNICATION**

10. Although no public consultation is required in the preparation of the Annual Report, Section 5.55 of the Act requires that the CEO is to give local public notice of the availability of the Annual Report as soon as practicable after the report has been accepted by the local government.

**FINANCIAL IMPLICATIONS**

11. The 2011/12 Budget includes provision for the cost of producing the Annual Report for statutory and public distribution.

**STRATEGIC AND SUSTAINABILITY IMPLICATIONS****Strategic Planning Implications**

12. Nil.

**Sustainability Implications**Social Implications

13. Nil.

Economic Implications

14. Nil.

Environmental Implications

15. Nil.

**OFFICER COMMENT**

16. Whilst Section 5.53 of the Act stipulates the content of the Annual Report which is to be accepted by Council and utilised for statutory purposes, it is permissible to produce a modified version of the Report for general community distribution.
17. A modified version of the Report involves the inclusion of an abridged version of the financial statements, thereby reducing significantly the size of the report and consequently printing costs.

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18. The abridged financial statements include:
- Statement of Comprehensive Income by Nature and Type
  - Statement of Comprehensive Income by Program
  - Statement on Financial Position
  - Statement of Changes in Equity
  - Cash Flow Statement
  - Rate Setting Statement
19. It is proposed that the Annual General Meeting of Electors be held on Monday 6 February 2012 at 6.30pm.
20. Whilst this is the normal time of the Planning Services Committee meeting that would be held on that Monday, because of timing issues it is considered preferable to hold the Annual General Meeting of Electors first followed immediately by the committee meeting.

#### **COMMITTEE RECOMMENDATION TO COUNCIL (GS 169/ 2011)**

That Council:

1. Pursuant to Section 5.54 of the Local Government Act 1995 accepts the Annual Report 2011 as per (Attachment 1).
2. Endorses the production of a modified version of the 2011 Annual report containing an abridged set of financial statements, for general community distribution.
3. Agrees that the Annual General Meeting of Electors be held on Monday 6 February 2012 commencing at 6.30pm.

Moved: **Cr Margaret Thomas**

Seconded: **Cr Allan Morton**

Vote: **For**

**Cr John Giardina**  
**Cr Frank Lindsey**  
**Cr Allan Morton**  
**Cr Justin Whitten**  
**Cr Bob Emery**  
**Cr Sue Bilich**  
**Cr Margaret Thomas**  
**Cr Martyn Cresswell**

**Against**

**Cr Donald McKechnie**

**CARRIED (8/ 1)**



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

**170. Implementation of Alternative Meals on Wheels Service Delivery Model**

Previous Items	N/A
Responsible Officer	Chief Executive Officer
Service Area	Kalamunda Home and Community Care Services
File Reference	
Applicant	
Owner	Shire of Kalamunda

**PURPOSE**

1. To advise Council of the changes to the Shire of Kalamunda Meals On Wheels service.

**BACKGROUND**

2. The Kalamunda Home and Community Care ("KHACC") Business Case (2010-14) was accepted by Council in February 2011.
3. One of the recommendations endorsed by Council at this meeting was  
*"3. That a separate Feasibility Study on the operation of Meals On Wheels service be carried out over the next 12 months to determine the best service delivery model and the financial impacts of the service on the Shire of Kalamunda."*
4. The Feasibility Study was completed in September 2011, followed by an internal working group conducted in October to consider the recommendations and determine the most appropriate service delivery model for the future.

**DETAILS**

5. The major issues and risks identified in the Feasibility Study that needed addressing were:
  - Food Safety Standards (temperature control).
  - Ageing and faulty equipment.
  - Recruiting new kitchen volunteers.
  - Retaining skilled staff and volunteers.
  - Occupational Health and Safety standards of the facility.
  - Ability to meet HACC Standards (Community Care Common Standards).
  - Increasing costs and decreasing referrals for service.
6. To address these issues, six Meals on Wheels ("MOW") service model options were assessed against relevant criteria and benchmarked against other service providers in the Perth metropolitan area.

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7. While a recommendation was being finalised to present to the Chief Executive Officer, the substantive Coordinator resigned, effective immediately, from her position on 15 November 2011.
  8. To meet the short fall of service operations, the Volunteer Coordinator (who has the greatest knowledge of service operations) stepped in; however as a practice, this was not sustainable.
  9. To ensure continuity of service to the client, it was determined that the best way to respond would be to implement the recommendation earlier than anticipated, with a start date of Monday 21 November 2011. This allowed the Shire to be responsive to the change required, and implement systems and processes to moderate, and in some instances eliminate, risk to the Shire.

## **STATUTORY AND LEGAL IMPLI CATIONS**

10. The current Food Safe Plan is being reviewed in consultation with the Environmental Health Officers to ensure it reflects the new practices in place. The Food Safe Plan is a major document required as part of the Food Standards process.
11. The Senior Coordinator Kalamunda HACC and Seniors Services and the HACC Project Officer are reviewing the asset list for the Meals on Wheels services.
12. Assets no longer required, but funded by HACC are to be managed as per *Clause 8 - Funded Assets on Termination*, of the HACC Service Agreement.

## **POLICY IMPLI CATIONS**

13. Kalamunda HACC and Seniors Services polices that reflect the Meals on Wheels practices are under review.

## **PUBLI C CONSULTATI ON/ COMMUNI CATION**

14. The Director Community Development, Human Resources Manager and Chief Executive Officer were advised of the situation and proposed the resolution on 15 November 2011.
15. HACC Project Officer was advised of the situation and proposed resolution on 16 November 2011.
16. Existing clients forwarded a letter to advise of change to services on 17 November 2011.



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17. A meeting to advise Meals on Wheels Volunteers of the change to the service was held with Meals on Wheels Volunteers on 17 November 2011. This was attended by Director Community Development, Senior Coordinator KHACC and Seniors Services, Coordinator Community Based Services and Volunteer Coordinator.
18. Coordinator Community Based Services commenced contacting by phone on 18 November 2011 all current volunteer drivers to ascertain their ongoing commitment to delivering meals. The response was very positive.

## **FINANCIAL IMPLICATIONS**

19. To purchase a meal from the City of Stirling costs Kalamunda HACC and Seniors Services \$8.95 (\$8.00 per meal plus 50% of the HACC subsidy). The client is still being charged \$7.00. This could be reviewed and increased in 2012.

## **STRATEGIC AND SUSTAINABILITY IMPLICATIONS**

### **Strategic Planning Implications**

20. *Shire of Kalamunda Strategic Plan*
- 1.1.3 Expand home support and community care services so that remaining at home as independently as possible is a realistic option for most aged and disabled.

### **Sustainability Implications**

#### Social implications

21. The future of the dining room / seniors café being run from the Jack Healey Centre needs to be considered. The HACC program will continue to support this by ordering in additional meals and café stock until the Christmas break. This service is not HACC funded, nor specifically provided to HACC eligible residents so is therefore not a service that should continue to be financially supported by the HACC program. The dining room is a social activity for residents, supported by volunteers.

#### Economic Implications

22. Nil.

#### Environmental Implications

23. Nil.

## **OFFICER COMMENT**

24. To date feedback received from clients and/or their families has been overwhelmingly positive.
25. The Senior Coordinator Kalamunda HACC and Seniors Services will develop and distribute a survey in the coming weeks to gauge a whole of service base assessment on the satisfaction with the meals now provided.
- A Councillor requested that the results of the assessment on the satisfaction with the meals be provided Council and the Chief Executive Officer confirmed that this would take occur.

## **COMMITTEE RECOMMENDATION TO COUNCIL (GS 170/ 2011)**

That Council:

1. Receive this report regarding the implementation of an alternative Meals on Wheels service delivery model.

Moved: **Cr Sue Bilich**

Seconded: **Cr Donald McKechnie**

Vote: **CARRIED UNANIMOUSLY (9/ 0)**

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

11.1 Nil.

**12.0 QUESTIONS BY MEMBERS WITHOUT NOTICE**

12.1 Cr Justin Whitten, Speed Humps Removed from Wittenoom Road

Q. Can the speed humps removed from Wittenoom Road be relocated?

A. Taken on notice.

12.2 Cr Martyn Cresswell, Removal of Graffiti by Anti-Graffiti Team

Q. Can the Graffiti Removal Team be requested to clean graffiti from the corner of Edney and Newburn Roads, offering their services free of charge as the graffiti in the area is appalling and spoiling the amenity of the area?

A. The Chief Executive Officer stated this would be investigated.

12.3 Cr Donald McKechnie, Barbeques at Stirk Park near the gumnuts roundabout

Q. Could the barbeques at Stirk Park be checked as they do not seem to heat up sufficiently well?

A. This will be rectified.

12.4 Cr Justin Whitten, Surveillance of Area

Q. If it is possible to remove all the graffiti from the corner of Edney and Newburn Roads would it then be possible to set up some surveillance to ensure that this is not repeated?

A. Taken on notice.

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

13.1 Nil.

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

14.1 The Chairman asked for a show of hands, for catering purposes, regarding the Dinner following the Ordinary Council Meeting on Monday 19 December 2011.

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**15.0 MEETING CLOSED TO THE PUBLIC****15.1 MOTION**

1. Due to a confidential attachment, that the meeting to closed to the public to consider an Item 156, Land Asset Rationalisation – Disposal of Two Additional Freehold Properties and a Review of Existing Market Values. 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 a meeting”.

**Moved: Cr Margaret Thomas**

**Seconded: Cr Sue Bilich**

**Vote: CARRIED UNANIMOUSLY (9/ 0)**

The meeting closed to the public at 8.03 pm and reopened at 8.10 pm. All Councillors and staff remained in the Chambers.

**15.2 MOTION**

1. That the meeting be reopened to the public after consideration of Item 156, Land Asset Rationalisation – Disposal of Two Additional Freehold Properties and a Review of Existing Market Values with a Confidential Attachment. 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 a meeting”.

**Moved: Cr Margaret Thomas**

**Seconded: Cr Sue Bilich**

**Vote: CARRIED UNANIMOUSLY (9/ 0)**

**16.0 CLOSURE**

There being no further business, the Chairman declared the meeting closed at 8.11pm.

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

Signed: \_\_\_\_\_  
Chairman

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 2011

