

Ordinary Council Meeting

Minutes for Monday 27 March 2017

CONFIRMED



**shire of
kalamunda**

INDEX

1.0	OFFICIAL OPENING.....	3
2.0	ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE PREVIOUSLY APPROVED	3
3.0	PUBLIC QUESTION TIME	4
4.0	PETITIONS/DEPUTATIONS	8
5.0	APPLICATIONS FOR LEAVE OF ABSENCE	8
6.0	CONFIRMATION OF MINUTES OF PREVIOUS MEETING	9
7.0	ANNOUNCEMENTS BY THE PRESIDING MEMBER WITHOUT DISCUSSION	9
8.0	MATTERS FOR WHICH MEETING MAY BE CLOSED	9
9.0	DISCLOSURE OF INTERESTS.....	9
10.0	REPORTS TO COUNCIL	10
10.1	DEVELOPMENT & ASSET SERVICES COMMITTEE REPORT	11
10.1.1	ADOPTION OF DEVELOPMENT & ASSET SERVICES COMMITTEE REPORT	11
10.1.2	D&A 09 PROPOSED CHANGE OF USE FROM SINGLE HOUSE TO CHILD CARE PREMISES - LOT 54 (59) COOLINGA ROAD, LESMURDIE	11
10.1.3	D&A 10 FORRESTFIELD/HIGH WYCOMBE INDUSTRIAL AREA STAGE 1 STRUCTURE PLAN MODIFICATIONS REPORT – INITIATE FOR PUBLIC ADVERTISING.....	11
10.1.4	D&A 11 ADOPTION OF LOCAL PLANNING SCHEME NO. 3 AMENDMENT 91 FOR ADVERTISING– LOT 50 SULTANA ROAD WEST, HIGH WYCOMBE – SPECIAL USE ZONE.....	12
10.1.5	D&A 12 LOT 5000 (15) KENNETH ROAD, HIGH WYCOMBE – MODIFICATION TO HIGH WYCOMBE CELL U2 OUTLINE DEVELOPMENT PLAN	12
10.1.6	D&A 13 DELEGATION TO CHIEF EXECUTIVE OFFICER – PUBLIC HEALTH ACT 2016	13
10.2	CORPORATE & COMMUNITY SERVICES COMMITTEE REPORT.....	14
10.2.1	ADOPTION OF CORPORATE & COMMUNITY SERVICES COMMITTEE REPORT	14
10.2.2	C&C 18 RATES DEBTORS REPORT FOR THE PERIOD ENDED 28 FEBRUARY 2017	14
10.2.3	C&C 19 DEBTORS AND CREDITORS REPORT FOR THE PERIOD ENDED 28 FEBRUARY 2017	14
10.2.5	C&C 22 DISABILITY ACCESS AND INCLUSION PLAN 2017-2022	15
10.2.7	C&C 24 CONFERENCE ATTENDANCE – AUSTRALIAN MAYORAL AVIATION COUNCIL 2017 ANNUAL CONFERENCE	15
10.2.9	C&C 26 DRAFT MONTHLY FINANCIAL STATEMENTS TO 28 FEBRUARY 2017	15
10.2.4	C&C 20 COMMUNITY SPORT AND RECREATION FACILITIES FUNDING – SMALL GRANTS 2017/18 WINTER ROUND.....	16
10.2.10	C&C 21 DISABILITY AND CARERS ADVISORY COMMITTEE – CHANGE TO TERMS OF REFERENCE AND APPOINTMENT OF MEMBERS	17
10.2.6	C&C 23 RECONCILIATION ACTION PLANNING	18
10.2.8	C&C 25 DRAFT KALAMUNDA ADVANCING – STRATEGIC COMMUNITY PLAN TO 2027 – PUBLIC COMMENT.....	21
10.2.11	C&C 27 CONFIDENTIAL ITEM - COMMUNITY CARE TRANSITION OF SERVICES.....	22
10.3	AUDIT & RISK COMMITTEE REPORT	23
10.3.1	ADOPTION OF AUDIT & RISK COMMITTEE REPORT	23
10.3.2	A&R 01 2016 COMPLIANCE AUDIT RETURN	23
10.3.3	A&R 02 INTERNAL AUDIT REPORT MARCH 2017	23

10.4	CHIEF EXECUTIVE OFFICER REPORTS	25
10.4.1	CONFERENCE ATTENDANCE – AUSTRALIAN MAYORAL AVIATION COUNCIL 2017 ANNUAL CONFERENCE	25
10.4.2	BUDGET REVIEW FOR SEVEN MONTHS TO JANUARY 2017.....	31
10.4.3	ADOPTION OF POLICY - ELECTED MEMBER COMMUNICATION AND CONTACT WITH STAFF....	44
10.4.4	CONFIDENTIAL ITEM – CONSIDERATION OF TENDERS FOR THE CONSTRUCTION OF KALAMUNDA TOWN CENTRE STORMWATER DRAINAGE UPGRADE (RFT 1703)	56
11.0	MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	58
12.0	QUESTIONS BY MEMBERS WITHOUT NOTICE	60
13.0	QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN	63
14.0	URGENT BUSINESS APPROVED BY THE PRESIDING MEMBER OR BY DECISION.....	63
15.0	MEETING CLOSED TO THE PUBLIC.....	64
10.4.4	CONFIDENTIAL ITEM – CONSIDERATION OF TENDERS FOR THE CONSTRUCTION OF KALAMUNDA TOWN CENTRE STORMWATER DRAINAGE UPGRADE (RFT 1703)	65
16.0	CLOSURE	66

MINUTES

1.0 OFFICIAL OPENING

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

2.0 ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE PREVIOUSLY APPROVED

2.1 Attendance

Councillors

Andrew Waddell JP	(Shire President) (Presiding Member)	North West Ward
Sara Lohmeyer		North West Ward
Dylan O'Connor		North West Ward
Sue Bilich		North Ward
Tracy Destree		North Ward
Michael Fernie		South East Ward
John Giardina		South East Ward
Geoff Stallard		South East Ward
Allan Morton		South West Ward
Brooke O'Donnell		South West Ward

Members of Staff

Rhonda Hardy		Chief Executive Officer
Natalie Martin Goode		Director Development Services
Dennis Blair		Director Asset Services
Gary Ticehurst		Director Corporate & Community Services
Darrell Forrest		Manager Governance, Strategy & Legal Services
Rob Korenhof		Manager Asset Delivery
Karen Quigley		Manager Community Care
Carrie Parsons		Manager Customer & Public Relations
Donna McPherson	Executive Research Officer to	Chief Executive Officer
Nicole O'Neill		Public Relations Coordinator
Sara Slavin		Council Support Officer

Members of the Public 10

Members of the Press Nil

2.2 Apologies

Councillors

Simon Di Rosso		North Ward
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Staff

Nil.

2.3 Leave of Absence Previously Approved

Noreen Townsend		South West Ward
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3.0 PUBLIC QUESTION TIME

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

3.1 Mary and Peter Boldon, 55A Snowball Road, Kalamunda

Q1. In your response to my question 1, I used the word “selected”. You used the words “chosen” and “invited”. You seem to be playing semantics here. The Rise Network appears to have been selected without consideration of any other equally competent organisations. This has the appearance of favouritism on the part of the Council for not having invited any other providers to put forward their case for the provision of best services for our people.

Will the Council, prior to the full handover of services on April 1, 2017, ‘invite’ other organisations to provide these services to Kalamunda residents in Kalamunda using Kalamunda Shire or State facilities?

A1. The Shire will not be inviting other organisations to provide NDIS services to the Shire’s NDIS participants. However, participants and their primary carers are able to exercise their choice in finding an alternate disability services provider if they choose to.

The NDIS program is consumer driven and as such, participants can choose to go to any provider of their choice at any given time.

Council resolved to transition services to Rise, being their prerogative to do so, whether you hold the perception their decision was based on favouritism is your view, it is not the view of the Shire nor the Council. Council’s decision is final and was made in the best interests of the Shire.

In this instance, the Shire is not making a purchase or a sale and is not required to evaluate alternate providers.

Q2. In your response to question 1 you also state that Rise has a strong footprint within the Shire of Kalamunda. I have lived in the Shire of Kalamunda for 14 years and have been intimately involved in disability services during this period and to date have had no knowledge of services provided by Rise within the Shire. Neither has there ever been any contact with my family regarding our family member with a disability. I know this also to be the case with other families within the Shire. Can you quantify the footprint that the Rise organisation has within the Shire?

A2. Originally beginning as a volunteer based service to assist Hills residents to reach local services, Rise Network have nearly 35 years’ experience of working in the Hills area. They have offices, social centres and houses in the area and many of their staff and volunteers are local residents of the Shire. Rise also operates a service from the Jack Healy centre which provides cooking preparation services to the Community.

Rise Network have worked closely with the Shire and other local organisations over the years and this is how the Shire has formed a professional working relationship with Rise and can confirm their strong footprint in the Hills area.

Q3. With reference to your response to my question 5 can you quantify in Australian legal currency the amount of the peppercorn lease?

A3. The Lease amount between the Shire and the Department of Health is stated in words not a legal currency amount. The lease states (verbatim) "yearly rental of One Peppercorn payable on demand". So we cannot provide a legal currency amount when one does not exist.

Q4. Regarding your response to my question 6 you state a "peppercorn" sub lease will be offered to Rise. This will give Rise a commercial advantage over other service providers that would like to operate from a Kalamunda base to cater for Kalamunda residents. Essentially the Shire's ratepayers will be providing a subsidy to Rise. This is not an attack on Rise or any of their staff. The point to be made is that no other organisation was given the opportunity to provide the services. The Shire administration tells us that we have a choice of service providers as NDIS participants. Yes we have, but only if we go outside the Shire of Kalamunda.

Will the Shire still cover the full costs of repair and maintenance and any other variable outgoings on the Peter Anderton Centre or will the Rise Organisation (or any other private service provider) pay a pro rata share of these costs?

A4. Rise is a not for profit entity and hence does not make commercial returns it reinvests into the community. Had the Shire decided to transition to a commercial based enterprise the arrangements would likely be different. Therefore the commercial advantage that you refer to is irrelevant in this case.

The Shire continues to be the Lessee with the Department of Health, not Rise. Therefore the Shire still has a responsibility to maintain all aspects of the entire building, as per the Lease Agreement. This refers to full costs of repairs and maintenance as required.

Rise Network has a temporary Agreement with the Shire to use the Peter Anderton Lodge (the Day Centre side only) between 5 April and 30 June. An hourly rate, consistent with what the Shire charges other community groups to use similar facilities will be charged to cover outgoings.

The Shire is currently working on the preparation of a sub-lease agreement whereby Rise would be responsible for all outgoings, typically utility and consumption based costs.

3.2 Responses to questions asked at the Ordinary Council Meeting – 27 February 2017

Peter Boldon, 55A Snowball Road, Kalamunda

Answers were provided to Councillors in a memo from Director Corporate & Community Services dated 28 February 2017.

Q1. How was the Rise Network selected over other providers to deliver these services?

A1. Rise Network was not 'chosen' above other providers but instead invited by the Shire to lead the process of transitioning the Shire's 21 National Disability Insurance Scheme (NDIS) participants. The NDIS program is consumer driven and as such, participants can choose to go to any provider of their choice at any given time. Funds are provided to the participant, not the organisation.

The Rise Network is an award winning organisation, which has over 30 years' experience in the field of disability services and they have a strong footprint within the Shire of Kalamunda. They were invited to lead the process based on their extensive experience and local knowledge. The 21 NDIS participants have been told from the very beginning that they will be assisted to find another provider should they not wish to go with Rise Network, as it is ultimately their choice. Disability Services Commission and National Disability Insurance Agency were also consulted about the process.

Q2. What other organisations were invited to tender for the provision of these services?

A2. This was not a tender of services, as the Shire was not making a purchase or a sale. Therefore, a tendering process was not required in this instance. As stated in the previous response, NDIS is consumer driven and regardless of the Shire's recommendation to Rise Network, participants can choose to go to any provider and the Shire will support them to do that if that is their wish.

Q3. Was there any financial incentive given to the Council by the Rise Network to allow them to be the provider of these services to the Shire residents?

A3. No there were not.

Q4. Are there any business or personal relationships between any members for the Rise management team or Board and Kalamunda Councillors, Council Officers or Council Employees?

A4. The Shire is not aware of any personal relationships between the Rise Management Team and the Kalamunda Councillors or employees.

With regards to other relationships, Helen Dymond sits on the Shire's Aged Care Advisory Committee. Helen is the Divisional Manager Aged and Disability Services for Rise Network. Helen's membership meets the Terms of Reference which states "One representative for a local organisation providing services to seniors (community or residential) within the Shire of Kalamunda.

Justin O'Meara Smith sits on the Shire's Disability and Carer's Advisory Committee. Justin was the Divisional Manager Disability Services at Rise Network and he left the organisation in February 2017. Justin continues to be an active member of the committee, now representing an organisation known as Interchange where he is CEO. Interchange provide disability services within the Shire of Kalamunda, so his membership satisfies the Terms of Reference which states "Up to two representatives from local organisations providing services to people with disability within the Shire of Kalamunda.

With respect to the decision of Council to transition NDIS services to Rise, this matter was not considered at any period by the Advisory Committee, rather it was a decision of Council and there has been no conflict of interest.

Q5. What is the amount of the lease paid by the Shire to the Health Department for leasing the Peter Anderton Centre?

A5. As stated within the lease between the Shire and the Department of Health, it is "a peppercorn lease". The Shire covers all the costs for building maintenance and outgoings.

Q6. What payments will be made by the Rise Network to use the facilities at the Peter Anderton Centre?

A6. Arrangements are still being negotiated but it is envisaged that a peppercorn sub-lease will be put in place with Rise covering consumption costs. The Department of Health is keen to see the building sub-leased for continued community use.

3.3 Maureen Cooke – Adelaide Street, High Wycombe

Q. Does the Shire of Kalamunda believe the residents of Jacaranda Springs, and in particular those residents living on Adelaide Street and in close proximity to the construction and demolition recycling facility that their health and amenity is being adversely impacted in particularly in relation to the dust issue?

A. While there are potential health impacts associated with dust exposure, these are dependent upon the composition of the dust and the general health of exposed individuals. While it is acknowledged the residents at Jacaranda Springs may have health concerns, the Shire is not aware of any confirmed dust related illnesses. The complaints received to date relate to impacts on the amenity of residents.

3.4 Paul Kosovich – 278 Adelaide Street, High Wycombe

Q. Does the Shire of Kalamunda believe there is a safety issue to residents particularly children living on Adelaide Street in regard to the volume and speed, of trucks accessing and egressing the construction and demolition recycling facility?

A. The vehicles using Adelaide Street are considered to be as of right vehicles, with negligible impact to the traffic safety for residents and other road users providing all vehicles adhere to the *Road Traffic Code 2000*.

3.5 Lisa Cooper – 18 Welby Crescent, High Wycombe

Q. To ensure the safety and health of families living in the Jacaranda Springs Estate, who reside on and around Adelaide Street, would the Shire of Kalamunda be prepared to undertake dust and air quality testing on behalf of residents especially as silica was noted through recent independent findings?

A. Dust monitoring has been organised with the Shire seeking quotes from environmental consultants. The Shire has also requested assistance from the Department of Environment and Regulation to provide dust monitoring. The aim is to start sampling as soon as the necessary equipment and environmental consultants are available.

3.6 Stephen Price, 55 Capstone Way, Marangaroo

Q. In regards to Adelaide Street and seeing it is under the control of the Shire of Kalamunda, do you have the ability to restrict access to the road? Do you have the ability to be involved in the approval process of anything through, putting conditions and restrictions on the use of Adelaide Street as a point of access to those properties within the City of Swan?

A. As Lots 20 and 501 only front one road reserve, being Adelaide Street the Shire cannot prevent access from these properties to this road. In addition there is no ability for the Shire of Kalamunda to legally impose planning approval conditions on a planning application located within the City of Swan.

4.0 PETITIONS/DEPUTATIONS

4.1 Nil.

5.0 APPLICATIONS FOR LEAVE OF ABSENCE

5.1 Nil.

6.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

6.1 RESOLVED OCM 29/2017

That the Minutes of the Ordinary Council Meeting held on 27 February 2017, as published and circulated, are confirmed as a true and accurate record of the proceedings.

Moved: **Cr Geoff Stallard**

Seconded: **Cr Brooke O'Donnell**

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

7.0 ANNOUNCEMENTS BY THE PRESIDING MEMBER WITHOUT DISCUSSION

Nil.

8.0 MATTERS FOR WHICH MEETING MAY BE CLOSED

8.1 10.2.11 C&C 27. CONFIDENTIAL REPORT Community Care Transition of Services (Attachment 1 - Attachment 5) Provided under separate cover.

Reason for Confidentiality - *Local Government Act 1995*. Section 5.23 (2) (a). "a matter affecting an employee or employees".

8.2 10.4.4 CONFIDENTIAL REPORT – Consideration of Tenders for the Construction of Kalamunda Town Centre Stormwater Drainage Upgrade (RFT 1703) (Attachment 1) and (Attachment 2) Provided under separate cover.

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

9.0 DISCLOSURE OF INTERESTS

9.1 Disclosure of Financial and Proximity Interests

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

9.1.1 Nil.

9.2 Disclosure of Interest Affecting Impartiality

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

9.1.2 Cr Geoff Stallard disclosed an interest affecting impartiality regarding item 10.2.4 C&C 20 Community Sport and Recreation Facilities Funding – Small Grants 2017/18 Winter Round, as he is a member of the Forrestfield Bowling Club.

10.0 REPORTS TO COUNCIL

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

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

10.1 Development & Asset Services Committee Report

10.1.1 Adoption of Development & Asset Services Committee Report

Voting Requirements: Simple Majority

RESOLVED OCM 30/2017

That recommendations D&A 09 to D&A 13 inclusive, contained in the Development & Asset Services Committee Report of 7 March 2017, be adopted by Council en bloc.

Moved: **Cr Tracy Destree**

Seconded: **Cr Geoff Stallard**

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

10.1.2 D&A 09 Proposed Change of Use from Single House to Child Care Premises - Lot 54 (59) Coolinga Road, Lesmurdie

RESOLVED EN BLOC OCM 30/2017

That Council:

1. Defer the item, until further information can be provided.

10.1.3 D&A 10 Forrestfield/High Wycombe Industrial Area Stage 1 Structure Plan Modifications Report – Initiate for Public Advertising

RESOLVED EN BLOC OCM 30/2017

That Council:

1. Adopt the Structure Plan Modifications Report (Attachment 1) for Stage 1 of the Forrestfield/High Wycombe Industrial Area for the purpose of public advertising.
2. Authorise advertising in accordance with the requirements stipulated by the *Planning and Development (Local Planning Schemes) Regulations 2015*.

10.1.4 D&A 11 Adoption of Local Planning Scheme No. 3 Amendment 91 for Advertising– Lot 50 Sultana Road West, High Wycombe – Special Use Zone

RESOLVED EN BLOC OCM 30/2017

That Council:

1. Considers Amendment 91 to Local Planning Scheme No. 3 as a standard amendment under Regulation 35(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015*. The amendment is consistent with the Forrestfield High Wycombe Industrial Area Stage 1 Local Structure Plan (as amended).
2. Pursuant to Section 75 of the *Planning and Development Act 2005* adopts Amendment 91 to Local Planning Scheme No. 3 as at Attachment 2.
3. Forwards the proposed Amendment 91 to Local Planning Scheme No. 3 and supporting documents to the Environmental Protection Authority for comment pursuant to Section 81 of the *Planning and Development Act 2005*.
4. Subject to Sections 81 and 82 of the *Planning and Development Act 2005*, advertises Amendment 91 to Local Planning Scheme No. 3 for public comment for 42 days.

10.1.5 D&A 12 Lot 5000 (15) Kenneth Road, High Wycombe – Modification to High Wycombe Cell U2 Outline Development Plan

RESOLVED EN BLOC OCM 30/2017

That Council:

1. Pursuant to Clause 20 (1) of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, forwards the proposed amendment to the High Wycombe Cell U2 Outline Development Plan for Lot 5000, High Wycombe (Attachment 1) to the Western Australian Planning Commission for determination.
2. Pursuant to Clause 20 (2) (e) of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, recommends that the Western Australian Planning Commission approves the proposed amendment.

10.1.6 D&A 13 Delegation to Chief Executive Officer – Public Health Act 2016

RESOLVED EN BLOC OCM 30/2017

That Council:

1. Pursuant to section 21 (1) (b) of the *Public Health Act 2016* delegates to the Chief Executive Officer the power to appoint Environmental Health Officers in accordance with section 17 (1) of the *Public Health Act 2016*.

**Declaration of financial / conflict of interests to be recorded prior to dealing with each item.
Cr Geoff Stallard disclosed an interest affecting Impartiality on item 10.2.4**

10.2 Corporate & Community Services Committee Report

10.2.1 Adoption of Corporate & Community Services Committee Report

Voting Requirements: Simple Majority

RESOLVED OCM 31/2017

That the recommendations C&C 18 to C&C 27 inclusive, contained in the Corporate & Community Services Committee Report of 20 March 2017, except withdrawn items C&C 20, C&C 21, C&C 23, C&C 25 and C&C 27 be adopted by Council en bloc.

Moved: **Cr John Giardina**

Seconded: **Cr Geoff Stallard**

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

10.2.2 C&C 18 Rates Debtors Report for the Period Ended 28 February 2017

RESOLVED EN BLOC OCM 31/2017

That Council:

1. Receives the rates debtors report for the period ended 28 February 2017 (Attachment 1).

10.2.3 C&C 19 Debtors and Creditors Report for the Period Ended 28 February 2017

RESOLVED EN BLOC OCM 31/2017

That Council:

1. Receives the list of payments made from the Municipal Accounts in February 2017 (Attachment 1) in accordance with the requirements of the *Local Government (Financial Management) Regulations 1996 (Regulation 12)*.
2. Receives the list of payments made from the Trust Accounts in February 2017 as noted in point 15 above in accordance with the requirements of the *Local Government (Financial Management) Regulations 1996 (Regulation 12)*.
3. Receives the outstanding debtors and creditors reports (Attachment 2 & 3) for the month of February 2017.

10.2.5 C&C 22 Disability Access and Inclusion Plan 2017-2022

RESOLVED EN BLOC OCM 31/2017

That Council:

1. Endorse the draft Disability Access and Inclusion Plan 2017/2022 being:
 - Presented to the Disability Services Commission for preliminary assessment; and
 - Made available for public comment period of 28 days and presented to Council for final consideration.

10.2.7 C&C 24 Conference Attendance – Australian Mayoral Aviation Council 2017 Annual Conference

RESOLVED EN BLOC OCM 31/2017

That Council:

1. Defer this item to the next Ordinary Council Meeting.

This item is presented at 10.4.2 of this Agenda.

10.2.9 C&C 26 Draft Monthly Financial Statements to 28 February 2017

RESOLVED EN BLOC OCM 31/2017

That Council:

1. Receives the draft Monthly Statutory Financial Statements for the period to 28 February 2017, which comprises:
 - Statement of Financial Activity (Nature or Type).
 - Statement of Financial Activity (Statutory Reporting Program).
 - Net Current Funding Position, note to financial statement.

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

Cr Geoff Stallard disclosed an interest affecting Impartiality in this item as he is a member of the Forrestfield Bowling Club. Cr Geoff Stallard left the meeting at 6.39pm and returned at 6.42pm. Cr Geoff Stallard did not vote on this item.

Withdrawn for separate consideration

C&C 20 was withdrawn for separate consideration by Cr Brooke O'Donnell as she wished to make an amendment to the re-order the of priority of the internal and external applications for the Department of Sport and Recreation's 2017/2018 Community Sport and Recreation Facilities Small Grant Fund to have them listed from most expensive to least expensive. Cr Dylan O'Connor then proposed a further amendment to the order proposing to still keep Forrestfield Bowling Club listed first but change Range View Club Tennis Club to be listed as second and Maida Vale Reserve Master Plan to be listed as third. The Mover and Seconder accepted this amendment and therefore it was included in the substantive motion.

10.2.4 C&C 20 Community Sport and Recreation Facilities Funding – Small Grants 2017/18 Winter Round

RESOLVED OCM 32/2017

That Council:

1. Endorses the following internal and external applications for the Department of Sport and Recreation's 2017/2018 Community Sport and Recreation Facilities Small Grant Fund, in the following priority order:

- ~~1. Maida Vale Reserve Master Plan~~
- ~~2. Forrestfield Bowling Club~~
- ~~3. Range View Club Tennis Club~~

- 1. Forrestfield Bowling Club**
- 2. Range View Club Tennis Club**
- 3. Maida Vale Reserve Master Plan**

2. Notes in the event of a successful Community Sport and Recreation Facilities Fund application, the following cost contributions (Ex GST) will be required to be considered as part of the 2017/2018 annual budget deliberation process:

	SoK	CLUB	CSRFF
MVMP	\$33,334	N/A	\$16,666
FDBC	\$61,016	\$61,016	\$61,016
RVTC	\$12,460	\$14,293	\$12,460
TOTAL	\$106,810	\$75,309	\$90,142

3. Request the CEO to develop a new policy that will guide future Capital Grants to Clubs and Community Groups.

Moved: **Cr Brooke O'Donnell**

Seconded: **Cr John Giardina**

Vote:

For	Against
Cr John Giardina	Cr Michael Fernie
Cr Allan Morton	Cr Sue Bilich
Cr Brooke O'Donnell	
Cr Andrew Waddell	
Cr Dylan O'Connor	
Cr Sara Lohmeyer	
Cr Tracy Destree	
CARRIED (7/2)	

Withdrawn for separate consideration

C&C 21 has been withdrawn for separate consideration as it requires an Absolute Majority.

Voting Requirements: Absolute Majority

10.2.10 C&C 21 Disability and Carers Advisory Committee – Change to Terms of Reference and Appointment of Members

RESOLVED OCM 33/2017

That Council:

1. Pursuant to section 5.8 of the Local Government Act 1995, approves the following amendments to the terms of Reference for the Disability and Carers Advisory Committee.

(i) *Amend Clause 5 Membership to read:*

5. Membership

A total membership of 8 appointed by Council and comprising:

5.1 One Councillor

5.2 Up to five community representatives with a disability or who have an interest in and passion for, access and inclusion of people with a disability

5.3 Up to two organisations providing services to people with a disability

(ii) *Replace 3.1.4 with the following objective:*

3.1.4 Provide advice and recommendations to Council in respect to disability, disability services and improvement of access.

2. Endorse the revised Terms of Reference (Attachment 1)
3. Appoints the following people to the committee

- Michael Serjeant - parent and carer of a person with disability
- Peter Bolden – parent and carer of a person with disability
- Evan Williams – Organisation providing services to people with a disability

Moved: **Cr Tracy Destree**

Seconded: **Cr John Giardina**

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

Withdrawn for separate consideration

C&C 23 was withdrawn for separate consideration by Cr Tracy Destree.

As there was no mover or seconder for the committee recommendation to Council the item Lapsed.

10.2.6 C&C 23 Reconciliation Action Planning

COMMITTEE RECOMMENDATION TO COUNCIL (C&C 23/2017)

That Council:

1. Considers a resource allocation as part of the 2017/2018 budget deliberations to enable an external consultant to be contracted to undertake a programme of structured research and engagement for reconciliation action planning, including but not limited to:
 - Initial engagement with representatives from the local Aboriginal and Torres Strait Islander community
 - Determination of this community's willingness to participate in reconciliation action planning processes
 - Development of a project scope and recommended actions
2. Subject to the outcome of those budget deliberations, takes these findings into consideration in future decision-making about progressing the development of a formally recognised Reconciliation Action Plan for the Shire of Kalamunda.

Moved:

Seconded:

Vote: **LAPSED**

Cr Tracy Destree put forward an alternative recommendation which was seconded.

The Presiding Person then sought details of Cr Tracy Destree's Foreshadowed Alternative Recommendation.

A query from Cr Dylan O'Connor was clarified before the vote took place.

ALTERNATIVE MOTION

10.2.6 C&C 23 Reconciliation Action Planning

RESOLVED OCM 34/2017

That Council:

1. Considers a resource allocation as part of the 2017-2018 budget deliberations to enable an external consultant to be contracted to:
 - Develop a draft Reconciliation Action Plan (RAP) for Shire of Kalamunda for Council's approval.
 - Engage relevant stakeholders, including Aboriginal and Torres Strait Islander local community leaders in the consultation and development process of the Reconciliation Action Plan.

Moved: **Cr Tracy Destree**

Seconded: **Cr Brooke O'Donnell**

Vote:

For	Against
Cr Michael Fernie Cr John Giardina Cr Geoff Stallard Cr Allan Morton Cr Brooke O'Donnell Cr Andrew Waddell Cr Dylan O'Connor Cr Sara Lohmeyer Cr Tracy Destree	Cr Sue Bilich
CARRIED (9/1)	

Cr Sue Bilich Foreshadowed an Amendment to include a point 2 "As part of Councils budget considerations that a forum be held to ensure that there is the development of a Reconciliation Action Plan (RAP)". The Mover of the substantive motion did not accept the amendment therefor it did not form part of the substantive motion. The item was Lost for want of a Secunder.

A query from Cr Michael Fernie was clarified.

10.2.6 C&C 23 Reconciliation Action Planning

ALTERNATIVE AMENDMENT

That Council:

1. Include an additional point 2 to read "As part of Councils budget considerations that a forum be held to ensure that there is the development of a Reconciliation Action Plan (RAP)."

Moved: **Cr Sue Bilich**

Seconded:

Vote: **LOST FOR WANT OF A SECONDER.**

Withdrawn for separate consideration

C&C 25 was withdrawn for separate consideration by Cr Sara Lohmeyer.

Item C&C 25 was put up for separate consideration as Cr Sara Lohmeyer wished to make a minor amendment to the recommendation to include an additional point 3 to read "Refer the Strategic Community Plan to the Kalamunda Environmental Advisory Committees (KEAC) for comment during the public comment period". Cr Tracy Destree suggested a further amendment that the document be referred to All Advisory Committees, the Mover and Seconder accepted this amendment, therefore it became part of the substantive motion.

A query from Cr Michael Fernie was clarified. Debate took place before the vote was put.

10.2.8 C&C 25 Draft Kalamunda Advancing – Strategic Community Plan to 2027 – Public Comment

RESOLVED OCM 35/2017

That Council:

1. Endorses the Draft Kalamunda Advancing - Strategic Community Plan to 2027 for the purpose of advertising for public comment for a period of 30 working days or six weeks.
2. Notes the public comment period will be from 1 April 2017 and conclude on 12 May 2017.
3. **Refer the Strategic Community Plan to All Advisory Committee's for comment during the public comment period.**

Moved: **Cr Sara Lohmeyer**

Seconded: **Cr Brooke O'Donnell**

Vote:

For	Against
Cr John Giardina Cr Geoff Stallard Cr Allan Morton Cr Brooke O'Donnell Cr Sara Lohmeyer Cr Dylan O'Connor Cr Tracy Destree Cr Andrew Waddell	Cr Michael Fernie Cr Sue Bilich
CARRIED (8/2)	

Withdrawn for separate consideration

C&C 27 has been withdrawn for separate consideration as it requires an Absolute Majority.

Voting Requirements: Absolute Majority

10.2.11 C&C 27 CONFIDENTIAL ITEM - Community Care Transition of Services

RESOLVED OCM 36/2017

That Council:

1. Approves Rise Network as the Preferred Provider to transition the Shire's Home and Community Care Program to from 1 July 2017.
2. Approves People Who Care as the Preferred Provider to transition the Shire's Community Visitor Scheme Program to from 1 July 2017.
3. Notes the Draft Transition of the Shire's Home and Community Care (HACC) Program Time-Line.
4. Notes the Draft Transition of the Shire's Community Visitor Scheme (CVS) Program Time-Line.
5. Notes that reports on Community Care operations will now be provided through a bi-monthly memorandum rather than a quarterly report, up until 30 June 2017.

Moved: **Cr John Giardina**

Seconded: **Cr Brooke O'Donnell**

Vote:

For	Against
Cr Michael Fernie Cr John Giardina Cr Geoff Stallard Cr Allan Morton Cr Brooke O'Donnell Cr Andrew Waddell Cr Dylan O'Connor Cr Sara Lohmeyer Cr Sue Bilich	Cr Tracy Destree

CARRIED UNANIMOUSLY / ABSOLUTE MAJORITY (9/1)

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

10.3 Audit & Risk Committee Report

10.3.1 Adoption of Audit & Risk Committee Report

Voting Requirements: Simple Majority

RESOLVED OCM 37/2017

That recommendations A&R 01 to A&R 02 inclusive, contained in the Audit & Risk Committee Report of 20 March 2017 be adopted by Council en bloc.

Moved: **Cr Dylan O'Connor**

Seconded: **Cr Geoff Stallard**

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

10.3.2 A&R 01 2016 Compliance Audit Return

RESOLVED EN BLOC OCM 37/2017

That Council:

1. Adopts the Compliance Audit return for the year ending 31 December 2016.

10.3.3 A&R 02 Internal Audit Report March 2017

RESOLVED EN BLOC OCM 37/2017

That Council:

1. Notes the following recommendations included in the Internal Audit Report for March 2017 (Attachments 2 to 9).

Review of Rates and Rate Rebates

- It would be prudent to conduct a review of rates by district over a four year period with district maps to ensure all properties are being rated.
- Interim rates are brought up to date to improve the shires cash flow.
- A person independent from entering data reviews all changes to property master files.

Review of Records

- There should be a follow up of the disaster recovery plan to ensure all material issues identified have been addressed.

Compliance Audit Return 2016

- Officer responding to each question in the Compliance Audit Return for 2016 should be the officer responsible for the response and not the Manager of Governance.

Review of Key Control Activities

- When the IT System is reviewed and upgraded it would be preferable to have preventive and monitoring controls built into the system which are currently being done manually.

Audit & Risk Register

- There continues to be close monitoring of the Audit & Risk Register to ensure matters identified are being addressed.

2. Approves the following proposed dates for Audit and Risk Committee meetings:

- Monday 19 June 2017
- Monday 18 September 2017
- Monday 20 November 2017

10.4 CHIEF EXECUTIVE OFFICER REPORTS

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

10.4.1 Conference Attendance – Australian Mayoral Aviation Council 2017 Annual Conference

Previous Items	N/A
Responsible Officer	Chief Executive Officer
Service Area	Office of the CEO
File Reference	
Applicant	N/A
Owner	N/A
Attachment 1	Australian Mayoral Aviation Council Annual Conference 2017 Brochure
Attachment 2	Conference Attendance and Professional Development for Elected Members (Adopted August 2013)

EXECUTIVE SUMMARY

1. To consider and endorse the Shire President and the Chief Executive Officer of the Shire of Kalamunda to attend the Australian Mayoral Aviation Council 2017 Annual Conference.

BACKGROUND

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

DETAILS

6. The Australian Mayoral Aviation Council 2017 Annual Conference will be held from 3 to 5 May 2015 at the Novotel Sydney Brighton Beach in Sydney.

7. The Australian Mayoral Aviation Council 2017 Annual Conference program is designed to provide delegates with the opportunity to gain unprecedented insight into the operations of one of the country's major airports and to hear from, and interact with, a diverse range of speakers.
8. A report on the Conference will be presented to Council at the Ordinary Council Meeting on 24 July 2017.

STATUTORY AND LEGAL IMPLICATIONS

9. Nil.

POLICY IMPLICATIONS

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

COMMUNITY ENGAGEMENT REQUIREMENTS

11. Nil.

FINANCIAL CONSIDERATIONS

12. The Conference Registration is \$1,694 (including GST) per person and includes attendance at the Annual General Meeting, conference sessions, morning and afternoon tea and lunch, Sydney International Terminal Airport inspection and attendance at the Annual Conference Dinner.
13. All conference, travel costs and accommodation arrangements will be made and paid for by the Shire of Kalamunda. An allocation for conference attendance is included in the 2016/2017 Budget as adopted by Council.
14. Estimated cost of attending Australian Mayoral Aviation Council 2017 Annual Conference:

Registration	\$3388.00
Airfare (est.)	\$1600.00
Accommodation (2 nights)	\$1000.00
Incidentals (\$50 per day)	\$300.00
Total Estimated Cost	\$6288.00

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

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

OBJECTIVE 4.6: To ensure the optimal management of assets delivers continuity of services to the community.

SUSTAINABILITY

Social Implications

16. Nil.

Economic Implications

17. Nil.

Environmental Implications

18. Nil.

RISK MANAGEMENT CONSIDERATIONS

19.

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

OFFICER COMMENT

20. The Conference program is provided as Attachment 1. The program details the speakers and topics which will be covered during the Conference sessions.

Voting Requirements: Simple Majority

RESOLVED OCM 38/2017

That Council:

1. Agrees the Shire President and the Chief Executive Officer attend the Australian Mayoral Aviation Council 2017 Annual Conference, to be held in Sydney from 3 to 5 May 2017, and that all conference, travel costs and accommodation be borne by the Shire of Kalamunda.
2. Requests the Chief Executive Officer provide a report on the outcomes of the Conference to the Ordinary Council Meeting to be held on 24 July 2017.

Moved: **Cr John Giardina**

Seconded: **Cr Tracy Destree**

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

Attachment 1

Conference Attendance – Australian Mayoral Aviation Council 2017 Annual Conference

Australian Mayoral Aviation Council Annual Conference 2017 Brochure

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

Attachment 2

Conference Attendance – Australian Mayoral Aviation Council 2017 Annual Conference
**Conference Attendance and Professional Development for Elected Members
(Adopted August 2013)**

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

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

Purpose

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

Policy Statement

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

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

Conferences and Training that May be Attended

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

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

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

Accompanying Person

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

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

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

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

10.4.2 Budget Review for Seven Months to January 2017

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

EXECUTIVE SUMMARY

1. For Council to consider amendments to the 2016/17 revised mid-term Budget as identified in the seven months to 31 January 2017 budget statutory review.
2. The review reflects a stable operating income and expenditure in line with the adopted budget outcomes with only the following major items for consideration:
 - Home and Community Care Services (including National Disability Services) is in a transition phase to 30 June 2017. Both income and expense projections are being reviewed in line with services that are currently being projected to be delivered to the end of the year;
 - Forrestfield Industrial Area Stage 1 – works are progressing rapidly and as such significant expenses are being reflected in this review;
 - The capital works programme has been critically reviewed and some projects which the Shire is committed to delivering but do not anticipate finalisation by year end have been reflected as carry forwards to ensure that the funds are available for their completion in 2017/18.
 - Reserve movements are in line with funding requirements in relation to the Forrestfield Industrial Area Stage 1, Capital Works Carry forwards, deferral of delivery of the projects identified in the ICT Strategy rollout and leave provisions.

BACKGROUND

3. Regulation 33a (1) of the *Local Government (Financial Management) Regulations 1996* requires that a local government is to conduct a formal review of its adopted budget between 1 September and 31 March.

4. In pursuit of improved fiscal management and accountability, the Shire of Kalamunda has undertaken an additional budget review for the first three months of the financial year 2016/17.
5. The primary objective of regular budget reviews is to ensure that the Shire is closely monitoring its revenue and expenditure to mitigate the risk of the Shire posting a deficit at the end of this financial year.
6. It also provides the Shire with the opportunity to monitor and implement strategies to ensure that the Shire's Current Ratio and Untied Cash to the current ratio will be further improved upon for the year ending 30 June 2017.

DETAILS

Closing Surplus position (Attachment 1)

7.

Summary of Movements from the Rate Setting Statement			
Description	September Budget Review \$	Proposed Revised Budget \$	Variance \$
Opening Surplus Position	4,378,271	4,378,271	0
Operating Revenue Excluding Rates	26,737,777	26,709,463	(28,314)
Operating Expenditure	(57,651,245)	(57,302,461)	348,784
Non Cash Movements	4,210,184	2,769,307	(1,440,877)
Investing Activities	(20,894,698)	(15,865,819)	5,028,879
Financing Activities	11,952,713	8,435,654	(3,517,059)
Rates Revenue	34,264,515	34,264,515	0
Closing Surplus Position	2,997,516	3,388,930	391,414

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

Operating Revenue:

- Operating Revenue excluding rates has decreased slightly by \$28,314. The following details areas with major movements:
- Operating grants, subsidies and contributions is projected to decrease by \$142,042. The decrease is primarily related to:
 - Home Care Packages (CAC) have reduced from 17 to 3 with the ongoing transition of HACC services. \$117,027 worth of income budgeted has been reduced in light of this significant drop in service level.

- National Dis-ability Insurance Services (NDIS) funding is also reduced by \$34,000 in light of clients moving to other providers. NDIS services are being transitioned to RISE network at the end of 31 March 2017
- Budgeted income of \$151,027 has been reduced as a result of the drop in service level.
- Contributions, reimbursements and donations has increased by \$79,680 with the insurance reimbursements being the main reason for the variance. LGIS has withheld approximately \$50,000 from the self-insured scheme conditional on the Shire renewing its 2017/18 insurance with LGIS.
- Fees and charges are down slightly by \$67,242 which were minor changes across a range of business units in line with the projections for each to the year end.
- Ex-gratia rates income has improved by \$50,000 with additional amounts received from Consolidated Bulk Holdings (CBH). Negotiations are continuing to finalise a new agreement for 2017/18 onwards.

Operating Expenditure:

- Operating Expenditures is below budget by \$348,748. Areas of significant changes are as follows:
 - Reduction in staff costs by \$197,036 of which \$152,397 relates to the cost of providing the approved HACC/NDIS services.
 - Materials and contracts increased by \$401,919 to allow for:
 - Plant maintenance of \$100,000 to reflect actuals incurred;
 - IT expenditure of \$25,000 to allow for computer equipment rollover;
 - Postage fees of \$25,000 to allow for increased postage charges to date;
 - Forrestfield Industrial Area Stage 1 operational costs of \$279,249 for various consultancies and design work.
 - Depreciation charges has significantly been reduced by \$1,428,002 in light of the revised infrastructure valuation.
 - Other expenditure is higher by \$912,468 of which \$883,483 relates to Forrestfield Industrial Area Stage 1 to allow for land resumptions for new road/drainage infrastructure.

Non-cash movements:

- Non-Cash Movements variance of \$1,440,877 is principally related to the re-alignment of depreciation expenditure in the area of infrastructure category as noted above.

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

Investing activities:

- Investing activities decreased significantly by \$5,028,879 which are primarily related to projects identified as carried over and Forrestfield Industrial Area Stage 1 works. The main areas affected were:
 - Grants income went down by \$103,549, details as follows:
 - Direct untied Main Roads Regional Grants received \$257,143 offset by;
 - Removal of black spot funding for Welshpool/Crystal Brook Rd by \$410,692 as project completed in 2015/16 and claimed in that year.
 - Capital Expenditure movement worth \$5,132,428 of which the bulk are carry forwards or Forrestfield Industrial Area Stage 1. The details of the expenditure is as follows:–
 - Community Assets down by \$2,394,402 of which \$2,107,633 transferred to carry forwards. The bulk of it relating to Hartfield Park

Hartfield Park projects

Soccer clubrooms	\$200,000
Alternative Water supply	\$60,000
Hockey club rooms	\$548,000
Hockey fields	\$1,130,000
Lighting – Rugby Oval	<u>\$24,633</u>
Total	<u>\$1,962,633</u>

- Infrastructure assets down by \$670,385 of which \$353,000 has been transferred to carry forwards. The break-up of the carry forwards is as follows:

Roads

Canning Rd Traffic Treatments	\$30,000
Canning Mills Rd intersection	\$20,000
Footpaths	
Cootamundra way	\$50,000
Carparks	
Hartfield Park	<u>\$253,000</u>
Total	<u>\$353,000</u>

- Forrestfield Industrial Area Stage 1 works of \$2,158,266 to match reserve funds available to date.

The above amounts will be adjusted for overheads where applicable.

- Financing activities shows a significant decrease of \$3,517,059. The main areas affected were:

Details	Amount \$	Comments
Land and Property Enhancement and Maintenance Reserve	12,074	Solar panel project drawdown
IT Reserve	(375,000)	Deferral of delivery of ICT projects
Long Service Leave Reserve	(100,000)	To allow for increases in LSL provision
Nominated Employee Leave Provision Reserve	(500,000)	To allow for increases in AL provision
Asset Enhancement Reserve	(98,000)	Projects funded from savings in municipal fund
Un-expended Capital Works and Specific Purpose Grants Reserve	(2,456,133)	Projects identified as committed but will not be finished by year end
Total	(3,517,059)	

- Rates revenue is in accordance with budget.

9. The projected year end revised closing surplus position as at 31 January 2017 is \$3,388,930. The new position will ensure that the Shire maintains a strong year end cash position.
10. The Shire will maintain tight control over income and expenditure to ensure a surplus is in place at 30 June 2017 to strengthen the Shire's financial capacity and Reserves.
11. In light of this Budget Review all future Financial Reports presented to Council for adoption will include adjustments to the current Budget and amendments based on operations and new information.

STATUTORY AND LEGAL CONSIDERATIONS

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

POLICY CONSIDERATIONS

13. Nil.

COMMUNITY ENGAGEMENT REQUIREMENTS

Internal Referrals

14. The current budget was extensively reviewed by staff and executive over a period of three weeks in February and a briefing session was subsequently held with Councillors on 20 March 2017 to consider the budget review results.

External Referrals

15. Staff have obtained quotes/projections on existing projects and confirmed timelines on delivery dates to ensure that the final outcomes are very closely monitored.
16. The report once approved by Council is required to be sent to the Department of Local Government and Communities within 30 days in line with the regulations. The department does their own review and will write back to the Shire if they have any concerns.

FINANCIAL CONSIDERATIONS

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

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

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

OBJECTIVE 6.8 – To ensure financial sustainability through the implementation of effective financial management, systems and plans.

Strategy 6.8.4 Provide effective financial services to support the Shire's operations and to meet sustainability planning, reporting and accountability requirements.

SUSTAINABILITY

Social Implications

19. Nil.

Economic Implications

20. Nil.

Environmental Implications

21. Nil.

RISK MANAGEMENT CONSIDERATIONS

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

OFFICER COMMENT

23. The amended Rate Setting Statement following the January budget review in Column 5, Attachment 1, (2016/17 January Budget Review) reveals a balanced budget estimate for 30 June 2017 with a surplus of \$3,388,930.
24. It needs to be noted that the Reserves overall are still maintained at a high level with an amount of \$11,927,830 as shown in (Attachment 5). The main reason for the increase being due to the capital projects that have been identified as carry forwards (see note 7, investing activities).
25. The key to addressing the Shire's ongoing liquidity will be to diversify its revenue streams and continuing to monitor closely revenues and expenditure against allocated budgets. The Shire will also continue to monitor service delivery to align resources with strategic priorities.
26. It is critical that Council is committed to this strategy in order to meet service level and management requirements in a financially sustainable manner.
27. The Shire is focussed on ensuring that it returns a positive surplus and is constantly looking at improving its financial sustainability in line with the new ratios introduced.

The Presiding Person indicated an amendment that the words "be noted" at the end of point 1 of the recommendation should be deleted. The Mover and Seconder accepted this change to the substantive motion.

Voting Requirements: Absolute Majority

RESOLVED OCM 39/2017

That Council:

1. Notes the 2016/17 Budget Review Explanation and Summary (Attachment 4) ~~be noted~~.
2. Pursuant to Section 6.8 (1) (b) of the *Local Government Act 1995*, authorises the Chief Executive Officer to amend the 2016/2017 current budget to reflect the changes summarised in the Amended Rates Setting Statement (Attachment 1).

Moved: **Cr Geoff Stallard**

Seconded: **Cr Michael Fernie**

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

Attachment 1

Budget Review for Seven Months to January 2017

Amended Financial Activity Statement by Nature and Type

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

Attachment 2

Budget Review for Seven Months to January 2017

Amended Financial Activity Statement by Program

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

Attachment 3

Budget Review for Seven Months to January 2017

Net Current Asset Position

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

Attachment 4

Budget Review for Seven Months to January 2017

Summarised Report of Amendments

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

Attachment 5

Budget Review for Seven Months to January 2017

Statement of Amended Reserve Account Movement and Balances

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

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

10.4.3 Adoption of Policy - Elected Member Communication and Contact with Staff

Previous Items	OCM 209/2016
Responsible Officer	Chief Executive Officer
Service Area	Chief Executives Office
File Reference	
Applicant	N/A
Owner	N/A
Attachment 1	Council Policy –Elected Member Communication and Contact with Staff
Attachment 2	Council Policy Procedure – Elected Member Communication and Contact with Staff

EXECUTIVE SUMMARY

1. To consider and adopt the Elected Member Communication and Contact with Staff Council Policy and note the associated Management Procedures.
2. This policy had previously been considered by Council at its Ordinary Council Meeting (OCM) on 19 December 2016 at which a number of issues were identified for further discussion with councillors.
3. Following discussion with councillors the documentation has been amended to rectify the issues of concern and are now represented for adoption.

BACKGROUND

4. Section 2.7 of the *Local Government Act 1995* (the Act) provides that the development and adoption of policies is a key part of the role of Council.
5. The Shire periodically reviews, revokes and adds new policies to its Policy Register. Policies are used to ensure consistency and transparency in decision making as well as adding clarity to and intent to existing legislation.

DETAILS

6. Contact between Councillors and Staff is unavoidable activity which facilitates Councillors being able to effectively and efficiently perform their duties as elected representatives of the community.

The objective of this Policy is to ensure that appropriate protocols and guidelines are in place to:

- Provide clearly defined communications and contact channels between Elected Members and shire staff.
- Ensure that duplication and loss of productive time is minimised.

Facilitate Elected Members performing their role effectively

7. This Policy was initially considered at the OCM on 19 December 2016 where the following motion was passed:

EN BLOC RESOLUTION 209/2016

PROCEDURAL MOTION

That Council:

1. Defers the Elected Member Communication and Contact with Staff Policy and Management Procedure (Attachments 2 and 3) for further discussion with Council.

8. Further discussion occurred at the briefing session on 13 February 2017 and the issues identified have now been rectified in the Policy and Management Procedures documentation.

STATUTORY AND LEGAL CONSIDERATIONS

9. Section 2.7 of the *Local Government Act 1995*

POLICY CONSIDERATIONS

10. The development and adoption of appropriate Policies aligned to the strategic objectives of Council and the current operational environment of the Shire, will assist the Council in its governance role.

COMMUNITY ENGAGEMENT REQUIREMENTS

Internal Referrals

11. The Policy and Management Procedure has been developed with input from all Directorates and during councillor briefings.

External Referrals

12. The policy proposed to be adopted is not expected to have a direct impact on the community, it is therefore considered that specific engagement is not required.

FINANCIAL CONSIDERATIONS

13. It is not expected that this policy will result in any additional expenditure or specific budgetary requirements.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

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

OBJECTIVE 6.3: To lead, motivate and advance the Shire of Kalamunda.

Strategy 6.3.3 Regularly review the organisation's structure, policies and procedures in response to changing circumstances.

SUSTAINABILITY

Social Implications

15. Nil.

Economic Implications

16. Nil.

Environmental Implications

17. Nil.

RISK MANAGEMENT CONSIDERATIONS

18.

Risk	Likelihood	Consequence	Rating	Action/Strategy
Policies are not developed that can assist Elected Members perform their duties.	Unlikely	Moderate	Low	Ensure that Elected Members are provided with the tools to effectively undertake the role and duties as elected representatives of the community.

OFFICER COMMENT

19. As a consequence of further discussion with councillors and amendments being made to the policy and management procedures, the policy is now ready for adoption.

Cr Tracy Destree foreshadowed an amendment to the substantive motion to include the addition of a point 3 to read "Request the CEO to provide relevant contact details for Directors and staff on Advisory Committees" the Mover accepted this amendment it therefore formed part of the substantive motion.

A query from Cr Dylan O'Connor was clarified before the vote took place.

Voting Requirements: Simple Majority

RESOLVED OCM 40/2017

That Council:

1. Adopts the Elected Member Communication and Contact with Staff Policy (Attachment 1).
2. Notes the Elected Member Communication and Contact with Staff Management Procedure (Attachment 2).

-
3. **Request the CEO to provide relevant contact details for Directors and staff on Advisory Committees.**

Moved: **Cr Dylan O'Connor**

Seconded: **Cr Tracy Destree**

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

Attachment 1

Adoption of Policy - Elected Member Communication and Contact with Staff

Council Policy –Elected Member Communication and Contact with Staff

[Policy Number]: Elected Member Communication and Contact With Staff Council Policy	
Management Procedure Elected Member Communication and Contact With Staff	Relevant Delegation

Purpose

To ensure that appropriate protocols and guidelines are in place to:

- Provide clearly defined communications and contact channels between Elected Members and shire staff.
- Ensure that duplication and loss of productive time is minimised.
- Facilitate Elected Members performing their role effectively.

Policy Statement

The Council and Shire are committed to establishing a respectful, harmonious and effective working relationship between the Elected Members and staff of the Shire through open communications between each party.

Whilst the provisions of the *Local Government Act 1995* provide that the Chief Executive Officer is the contact point for contact between Elected Members and the administration, this is impractical on a day to day operational efficiency basis and therefore all communications between Elected Members and the Administration are to be channelled through the Chief Executive Officer, Directors, or by utilising the Elected Member Enquiries email system (councillorenquiries@kalamunda.wa.gov.au).

Where an Elected Member wishes to seek governance advice or information relating to agenda items or Notice of Motions the Elected Member may email the Governance Manager outlining the request and copying in the CEO.

Where an Elected Member wishes to seek advice or information on communication via the media or social media with respect to Shire or Council business, the Elected Member may contact the Manager Customer and Public Relations and should do so before interacting via these mediums or with a journalist.

Where the request entails the use of Shire resources (human or physical) to an extent which a Director believes may impact on the effective management or day to day activities of the Directorate, the request is to be referred to the Chief Executive Officer for determination. The Chief Executive Officer will discuss such requests with the originating Elected Member to determine the extent of information or action required.

The Chief Executive Officer may subsequently refer the matter to Council for determination should a resolution not be achieved.

Elected Members are to be kept informed of progress towards the resolution of any matter they have requested the Administration to attend to.

1. Requesting Information or a Service

- 1.1 Any Elected Member wishing to make enquiry or obtain any information regarding an operational/strategic issue shall contact the Shire through the established Elected Member enquiries process.
- 1.2 For matters relating to strategic and operational issues, Elected Members shall only contact the Shire President, Chief Executive Officer or relevant Director, with email being the preferred method of contact.
- 1.3 Where an Elected Member chooses to make a request via telephone the details of the conversation will be recorded and logged into the Shire's record system if any action is required.
- 1.4 Where an Elected Members is seeking information or advice via telephone, without any action being required, there will be no requirements for recording such conversations unless the Chief Executive Officer or the Director determines it is necessary.
- 1.5 Where the Elected Member Enquiries email system is used, requests are to include sufficient detail to enable an investigation of the request to occur. Where direct contact is made to employees they are required to refer Elected Members to their Business Unit Manager, Director or the Chief Executive Officer.
- 1.6 Where a response may have an impact across the Shire or across a ward, or is of relevance to other Elected Members, the Chief Executive Officer may determine the response should be copied to all Elected Members or to all ward councillors where applicable.
- 1.7 Responses will be issued within five (5) working days, and a record of the response saved within the Shire's record Systems.
- 1.8 If the matter is deemed confidential in accordance with clause 1.11, only the referring Elected Member shall receive the response.
- 1.9 Should the matter not be resolved within the nominated timeframe of five (5) working days, the Chief Executive Officer or Director (as appropriate) shall provide an update report every ten working days (10) (or as otherwise agreed with the Elected Member) on the matter until resolved.
- 1.10 Any Shire officer contacted directly either verbally or in writing by an Elected Member regarding a Shire matter shall refer them to their Director or the Chief Executive Officer.
- 1.11 In addition to the process outlined above, any Elected Member who wishes to raise a matter on a confidential basis is to send the request direct to the Chief Executive Officer only, with a specific request that the matter be dealt with in confidence and a reason/s outlining why. Where there is conjecture as to the sensitivity or otherwise of such matters raised, the Chief Executive Officer will consult with the President to ascertain whether the request should be dealt with as a confidential matter. The Chief Executive Officer will prepare a response and

provide this back to the individual Elected Member in line with the parameters stipulated in clauses 1.6 and 1.9.

2. Elected Members Undertaking Personal Business transaction with the Shire

- 2.1 Where an Elected Member wishes to pay rates, dog or cat registration apply for a building approval or licence or any other service offered by the Shire the Elected Members may use the Customer Service Team to facilitate these transactions.
- 2.2 Where a personal business transaction becomes complex and queries arise this will be referred to the relevant Director.

3. Staff Contacting Elected Members

- 3.1 All staff other than the CEO and Directors are not permitted to contact Elected Members unless:
- (i) They have been requested to do so by the CEO or Director.
 - (ii) They are dealing with an ongoing matter and the CEO or Director was aware of the ongoing contact.
- 3.2 Where a personal business transaction becomes complex and queries arise this will be referred to the relevant Director.
- 3.3 All staff contact with Elected Members when approved should be via email so appropriate records can be kept otherwise file notes may be required.

4. Staff Contact for Advisory Committees of Council

- 4.1 Elected Members who are delegates of an Advisory Committee of Council may contact officers who have been delegated to support an Advisory Committee.
- 4.2 Any contact to delegated officers must be directly related to the matters pertaining to the business of the Advisory Committee.
- 4.3 If a matter is raised that is complex, strategic in nature or requiring resources the Officer will refer such matters to the Chief Executive Officer or relevant Director for determination.

5. Directory of Relevant Service Areas

The following table identifies which Director has responsibility for the services across the Shire.

Directorate Contact Person	Service Areas
Office of the CEO	Governance
	Legal
	Advocacy
	Strategic & Business Planning
	Public Relations
	Events
	Customer Service
	Human resources
	Occupational Health and safety
Corporate & Community Services	Financial Services & Budgeting

	Rates
	Insurance
	Procurement
	Land & Property and leases
	Economic Development & Tourism
	Community bus and building bookings
	Cultural services – Kalamunda Performing Arts & Zig Zag Cultural Centre
	Libraries
	Information technology
	Records and FOI
	Community Development
	Youth Services
	Recreation Services
	Seniors Services
	Facilities Planning
	Community groups and clubs liaison
Development Services	Health Services
	Ranger Services
	Contaminated site Issues
	Emergency Management Services
	Fire Inspectors
	Planning Approval services
	Building Approval services
	Strategic Land Planning services
Asset Services	Waste Services
	Parks & Verge Maintenance
	Environmental service
	Bushland Management
	Fire Mitigation on Shire owned land
	Building Maintenance
	Drainage Maintenance
	Roads Maintenance
	Car parks
	Footpaths
	Traffic Issues
	Bus Shelters
	Road design and survey issues
	Major Asset Project delivery
	Fleet and vehicle management

LEGISLATION AND OTHER REFERENCES:

- *Local Government Act 1995 – Regulation 10(1)(a) of the Local Government (Rules of Conduct Regulation 2007)*
- *State Records Commission – Local Government Elected Members Policy*
- *Shire of Kalamunda Code of Conduct*

Related Local Law	
Related Policies	
Related Budget Schedule	
Legislation	

Conditions			
Authority			
Adopted		Next Review Date	

Attachment 2

Adoption of Policy - Elected Member Communication and Contact with Staff

Council Policy Procedure – Elected Member Communication and Contact with Staff

Elected Member Communication and Contact With Staff Procedure

Relevant Shire of Kalamunda Council Policy

Elected Member Communication and Contact With Staff

Relevant Shire of Kalamunda Policy

Purpose

To ensure that appropriate protocols and guidelines are in place to:

- Provide clearly defined communications and contact channels between Elected Members and shire staff.
- Ensure that duplication and loss of productive time is minimised.
- Facilitate Elected Members performing their role effectively.

Detail

The Shire will respond to requests made by Elected Members in a timely and professional manner in accordance with the details stipulated within this Policy and Procedure

1. Contact Process

Any Elected Member wishing to make enquiry or obtain any information regarding an operational/strategic issue shall contact Administration through the established Elected Member enquiries process.

For matters relating to strategic and operational issues, Elected Members shall only contact the Shire President, Chief Executive Officer or relevant Director, with email being the preferred method of contact.

2. Responding to Elected Member Requests

2.1 The Chief Executive Officer or relevant Director Officer (as appropriate) will register all enquiries received from Elected Members into the relevant software using the category "Information Request – Councillor", unless the matter is deemed confidential in accordance with clause 2.8, where it will be registered using the category "Information Request – Councillor Confidential".

2.2 Elected Members may also use the Shire's elected member enquiries email address councillorenquiries@kalamunda.wa.gov.au to submit a request. The request will be entered into the software system and assigned to the appropriate Director using the workflow process. All associated documents relating to the request shall be stored against the request for tracking and record keeping purposes.

2.3 Upon registration of the enquiry, a response shall be coordinated by the relevant Director or Chief Executive Officer as appropriate.

-
- 2.4 Where a response may have an impact across the Shire or across a ward, or is of relevance to other Elected Members, the Chief Executive Officer may determine the response should be copied to all Elected Members or to all ward councillors where applicable.
 - 2.5 Otherwise a response will be provided directly to the Elected Member, within five (5) working days, and a record of the response saved.
 - 2.6 If the matter is deemed confidential in accordance with clause 2.10, only the referring Elected Member shall receive the response.
 - 2.7 Should the matter not be resolved within the nominated timeframe of five (5) working days, the Director or Chief Executive Officer (as appropriate) shall provide an update report every ten days (10) (or as otherwise agreed with the Elected Member) on the matter until resolved.
 - 2.8 Reports shall be generated for the Chief Executive Officer and Directors outlining the following:
 - number of contacts made;
 - any contentious issues;
 - the number of issues resolved; and
 - the number of issues still outstanding.
 - 2.9 Any Shire officer contacted directly either verbally or in writing by an Elected Member regarding a Shire matter shall refer them to their Director or the Chief Executive Officer.
 - 2.10 In addition to the process outlined above, any Elected Member who wishes to raise a matter on a confidential basis is to send the request direct to the Chief Executive Officer only, with a specific request that the matter be dealt with in confidence and a reason/s outlining why. Where there is conjecture as to the sensitivity or otherwise of such matters raised, the Chief Executive Officer will consult with the Shire President to ascertain whether the request be dealt with as being confidential. The Chief Executive Officer will prepare a response and provide this back to the individual Elected Member in line with the parameters stipulated in clauses 2.4 and 2.5.

3. Elected Members Undertaking Personal Business transaction with the Shire

- 3.1 Where an Elected Member wishes to pay rates, dog or cat registration apply for a building approval or licence or any other service offered by the Shire the Elected Members may use the Customer Service Team to facilitate these transactions.
- 3.2 Where a personal business transaction becomes complex and queries arise this will be referred to the relevant Director.

4. Staff Contacting Elected Members

- 4.1 All staff other than the CEO and Directors are not permitted to contact Elected Members unless:
- (i) They have been requested to do so by the CEO or Director.
 - (ii) They are dealing with an ongoing matter and the CEO or Director was aware of the ongoing contact.
- 4.2 Where a personal business transaction becomes complex and queries arise this will be referred to the relevant Director.
- 4.3 All staff contact with Elected Members when approved should be via email so appropriate records can be kept otherwise file notes may be required.

LEGISLATION AND OTHER REFERENCES:

- *Local Government Act 1995 – Regulation 10(1)(a) of the Local Government (Rules of Conduct Regulation 2007)*
- *State Records Commission – Local Government Elected Members Policy*
- *Shire of Kalamunda Code of Conduct*

Related Budget Schedule			
Authority			
Adopted		Next Review Date	

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

10.4.4 CONFIDENTIAL ITEM – Consideration of Tenders for the Construction of Kalamunda Town Centre Stormwater Drainage Upgrade (RFT 1703)

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

Previous Items	OCM 170/2010 Blair, D. (2016). <i>Kalamunda Town Centre-Geotechnical Testing</i> [email]
Responsible Officer	Director Asset Services
Service Area	Asset Delivery
File Reference	RFT 1703
Applicant	N/A
Owner	N/A
Confidential Attachment 1 <u>Reason for Confidentiality</u> <i>Local Government Act 1995 S5.23 (2) (c) – “a contract entered into, or which may be entered into, by the local government which relates to a matter to be discussed at the meeting.”</i>	Town Centre Drainage Staging Plan
Confidential Attachment 2 <u>Reason for Confidentiality</u> <i>Local Government Act 1995 S5.23 (2) (c) – “a contract entered into, or which may be entered into, by the local government which relates to a matter to be discussed at the meeting.”</i>	Tender Evaluation Report - Kalamunda Town Centre Drainage Upgrade (RFT 1703)

Cr Tracy Destree wished to make an amendment to include the words “with no rock breaking undertaken after 6pm” into point 3 the Mover had a further amendment to change the time from 6pm to 9pm this was accepted by the Seconder and therefore it formed part of the substantive motion. Debate was had before the vote was taken.

Voting Requirements: Simple Majority

RESOLVED OCM 46/2017

That Council:

1. Accepts the recommendation of the Tender Evaluation Panel to appoint CQ & JM Dowsing Pty Ltd for the Construction of Kalamunda Town Centre Stormwater Drainage (RFT 1703) for its tendered lump sum price of \$928,700.50 (excluding GST).
2. Notes the transfer of \$140,000 Roads 2 Recovery funding from the Wittenoorn Road Street Lighting Improvements and Power Undergrounding Project (Job No. 4086) to Kalamunda Town Centre Stormwater Drainage Upgrade Project (Job No. 8125).

3. Notes the requirement for extended working hours **with no rock breaking undertaken after 9pm**, subject to approval by the Shire's Community Safety and Compliance Services of a Noise Management Plan outlining requirements in order to minimise the construction timeframe and long-term disruption to both Kalamunda Town Centre residences and businesses.

Moved: **Cr Michael Fernie**

Seconded: **Cr Tracy Destree**

Vote:

For	Against
Cr Michael Fernie	Cr John Giardina
Cr Sara Lohmeyer	Cr Geoff Stallard
Cr Tracy Destree	Cr Allan Morton
Cr Sue Bilich	Cr Brooke O'Donnell
	Cr Dylan O'Connor
	Cr Andrew Waddell
	LOST (4/6)

This report item has been circulated to all Councillors under separate cover and was discussed at item 15.

11.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

11.1 Election of Mayor

Voting Requirements: Simple Majority

RESOLVED OCM 41/2017

That Council:

1. In response to the question from the Minister about the mode of election of its Mayor, gives consideration to this request and formalises its position by nominating the Mayor to be elected by the Council.

Moved: **Cr Michael Fernie**

Seconded: **Cr Tracy Destree**

Vote:

For	Against
Cr Michael Fernie	Cr Sue Bilich
Cr John Giardina	
Cr Geoff Stallard	
Cr Allan Morton	
Cr Brooke O'Donnell	
Cr Andrew Waddell	
Cr Dylan O'Connor	
Cr Sara Lohmeyer	
Cr Tracy Destree	
CARRIED (9/1)	

Rationale:

In order to meet council's commitment to minimise all costs and disruption to the community within the City to Shire review it would be recommended to elect the mayor by council rather than triggering another word review and or an additional position within council.

Should the community be of the opinion that the mayor should be elected by the electors this can be revisited at a later date ensuring the proper community consultation can be undertaken to determine community views.

Officer Comments

A mayor is the leader of the council in a city or town and a president is the leader of the council in a shire. The process for electing a mayor or president may differ between local governments.

The Local Government Act prescribed under Section 2.11 how offices on a council are filled. With regards to the Mayor/President role there are two alternatives.

- a. Elected by electors of the district,
- b. Elected by Council from amongst the councillors.

Section 2.11 (2) and (3) outlines a Local Government may change the method by special majority (75% of the council) from being elected by the Council to being elected by electors.

It should be noted, however, that section 2.11 (4) states that if the method is changed from election by electors to election by council then a community poll will be required and the majority of electors that vote must support to the change.

Therefore the Act makes it difficult for Council to change from a mayor elected by electors once it is in place.

A Mayor elected by the electors is a position on Council in its own right and is not a Councillor.

In the situation of the Kalamunda Council if a Mayor is elected by the electors, additional funding to pay for the position would need to be allocated into the budget unless the number of councillors was reduced to compensate. If there was reduction in Councillors this would likely impact on the ward distributions and ward review may be triggered.

In terms of the merits of either election process it can only be said that there is no validated research evidence to suggest either way is optimal and there are many different views on the matter.

Analysis of the election of the Mayor at other Local governments shows the following:

Elected By Council	Elected By Electors
Kwinana	Canning
Mosman Park	South Perth
East Fremantle	Cockburn
Stirling	Fremantle
Bayswater	Perth
Belmont	Wanneroo
Swan	Joondalup
Mundaring	Subiaco
Kalamunda	Cambridge
Nedlands	Bunbury
Cottesloe	Albany
Armadale	Victoria Park
Bassendean	
Gosnells	
Melville	
Claremont	

12.0 QUESTIONS BY MEMBERS WITHOUT NOTICE

12.1 Advisory Committee's (Cr Geoff Stallard)

- Q. Can we consider that the Minutes for all Advisory Committees are recorded, a timeframe for speaking is implemented for Councillors and or they be available to answer questions on those relevant Minutes?
- A. The Chief Executive Officer took this question was taken on notice. The Manager Governance, Strategy & Legal Services added all the Shire Committee Minutes are tabled through the Committee process.

12.2 (Cr Tracy Destree)

- Q1. Has the Shire received or undertaken an audit of the quality of footpaths for access across the Shire?
- A1. The Director Asset Services responded no detail assessment has been undertaken.
- Q2. In the assessment of the quality of footpaths, access isn't a criteria?
- A2. The Director Asset Services took this question on notice, however added that it is predominantly a condition depending on width, whether it is wide enough to accommodate all types of transport.

Rubbish at Lions Lookout (Cr Tracy Destree)

- Q1. Does the Shire have any regulatory authority over the increasing number of Coffee Vans, Food Vans and Food Trucks operating out of Lions Lookout?
- A1. The Director Development Services advised that the Shire's Environmental Health Services issue the Food Van permits.
- Q2. Are Councillors and the Shire aware that the clean-up of rubbish at the Lions Lookout is undertaken by volunteers who are members of the Kalamunda Lions?
- A2. The Director Development Services responded no I was not aware of that.
- A3. My concern is we now have an increased population and usage in that area and therefore an increase in the amount of waste being created, at the moment that is being managed by the Kalamunda Lions Volunteers. Could the Shire look into what requirement there is under the permit, or alternatively could the Shire provide daily clean up?
- A3. The Director Development Services took this question on notice.

Strategic Community Plan (Cr Tracy Destree)

Q1. In relation to the item that was raised earlier about the Strategic Community Plan, we have talked about having a consultation process come to Council. I would like to clarify if this is still the case or could we get some information advising what the steps are of consultation to ensure they fully engage the advisory Committee where appropriate?

A1. The Chief Executive Officer took question on notice.

Adelaide Street, High Wycombe Cr Sara Lohmeyer

Q1. Over the last 24 hours there has been escalation of movement on the Roads near Adelaide Street using trucks up until 11pm at night. Does the Shire have any avenue for litigation in this area?

A1. The Director Development Services advised responded, I was made aware this afternoon that the meatworks which is directly next to Lot 20 Adelaide Street has been having significant increase in vehicles late into the night. The Department of Environment Regulation (DER) actually made the Shire aware of that.

The Director Asset Services added, unless there is some sort of condition on the development, provided they are "as of right vehicles" there is not much the Shire can do. If in fact we have got some documentation that indicates they need a special licence then the Shire can follow it up, however, if they have "as of right" they can utilize the Shire's road network 24/7.

Questions by Members raised at the Ordinary Council Meeting – 27 February 2017 which were taken on notice

12.3 Audit & Risk Committee (Cr Tracy Destree)

Q. Could the dates for the Audit and Risk Committee for 2017 please be scheduled and published?

A. Subject to Council approval at the March Ordinary Council Meeting, meetings for the Audit & Risk Committee are proposed for Monday 19 June 2017, Monday 18 September 2017 and Monday 20 November 2017.

12.4 Lighting in Stirk Park (Cr John Giardina)

Q. Is it possible for the lighting at Stirk Park to be investigated particularly near the barbeque areas, to see if it would be possible to have some lights on a timer to turn off at particular time as there is currently no lighting at night for residents who want to use these facilities?

- A. It is confirmed that there are two BBQ's with adjacent lighting which are on dawn to dusk PE Cells. The light next to the BBQ at the northern end of the park adjacent to Elizabeth Street and the lighting to the adjoining pathways are currently not operational. Replacement lights are on order with the estimated time for repair being early April. The light next to the BBQ on the eastern side of the park adjacent to Headingly Road is operational.

12.5 Budget – Nature Park (Cr Brooke O'Donnell)

In the 2015/2016 budget the nature park included budget for a shade sail and water fountain.

Q1. When will the shade sail be installed at the nature park?

A1. The installation of the shade sale is programmed for early April.

Q2. Given there is a water fountain at the nature park, there is actually no water fountain at Kalari Park which is more utilised by young people. Could we move that water fountain to Kalari Park as part of the budget we have already approved?

A2. Due to the costs associated with connecting to water supply it is proposed to list the installation of a water fountain at Kalari Park for consideration in the draft 2017/18 Parks Capital Works Program.

12.6 Road Calming – Zig Zag (Cr Simon Di Rosso)

Q. Is it possible to get an update if any communications have happened with the Zig Zag Action Group about the road claiming devices installed some time back, and whether or not it has had a positive effect or if there has been any feedback?

A. The Shire is not aware of any recent communications with the Zig Zag Action Group on this matter. However, in review of the traffic calming measures installed along Lascelles Parade and William Street as a part of the 2015/2016 financial year it is advised that traffic data captured following installation has been reviewed, with results showing a reduction in the 85th percentile speed of vehicles travelling along these roads.

12.7 Bushmead Estate - Traffic Sadler Road (Cr Tracy Destree)

Q. In regard to the development of Bushmead Estate in the adjacent City, there have been some concerns from residents regarding the traffic build up along Sadler Road, could we get an update as to what changes or plans there may be to be able to accommodate the increase?

A. The City of Swan was advised in December 2016 that the Shire of Kalamunda has no objections to the Bushmead Structure Plan LSP 39 modification subject to a number of recommendations, particularly regarding the installation of a new three leg roundabout at the

intersection of the Bushmead Southern Cell and Sadler Drive. The Traffic Assessment Report by Cardno concluded that the installation of a roundabout at this location should significantly improve safety on the road. It was recommended that this planned roundabout be referenced in the implementation section of the structure plan report under 'land use and subdivision requirements'. This roundabout should be installed by the subdivider as part of the relevant stage of future subdivision works.

13.0 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

13.1

14.0 URGENT BUSINESS APPROVED BY THE PRESIDING MEMBER OR BY DECISION

14.1 The Presiding Member indicated that Cr Brooke O'Donnell wished to move a Motion with respect to reallocating funds between particular job numbers as part of the *Budget Review for Seven Months to January 2017*.

The Presiding Person approved that the request should be considered, and requested a motion that so much of the standing orders as required to allow for consideration of this matter be suspended.

MOTION

RESOLVED OCM 42/2017

That the Standing Orders be suspended.

Moved: **Cr Brooke O'Donnell**

Seconded: **Cr Allan Morton**

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

The Standing Orders were suspended at 8.28pm.

Cr Brooke O'Donnell moved the following Motion which would in effect be a point 3 to item 10.4.2 - Budget Review for Seven Months to January 2017.

Voting Requirements: Absolute Majority

RESOLVED OCM 43/2017

That Council:

1. Approves the reallocation of \$7000 from Job Number 4397 – Shade Sail Program to new Job Number 4487 – Water Fountain at Kalari Park Wattle Grove.

Moved: **Cr Brooke O'Donnell**
Seconded: **Cr Allan Morton**
Vote: **CARRIED UNANIMOUSLY / ABSOLUTE MAJORITY
(10/0)**

MOTION

RESOLVED OCM 44/2017

That Standing Orders be resumed.

Moved: **Cr John Giardina**
Seconded: **Cr Brooke O'Donnell**
Vote: **CARRIED UNANIMOUSLY (10/0)**

The Standing Orders were resumed at 8.32pm.

15.0 MEETING CLOSED TO THE PUBLIC

15.1 Meeting Closed to the Public

RESOLVED OCM 45/2017

That the meeting go behind closed doors to consider Confidential Item (provided under separate cover).

Moved: **Cr Sue Bilich**
Seconded: **Cr Allan Morton**
Vote: **CARRIED UNANIMOUSLY (10/0)**

The meeting closed to the public at 7:25pm. All members of the public left the meeting, all Staff and Councillors remained in Chambers.

15.2 **10.4.4 CONFIDENTIAL ITEM – Consideration of Tenders for
the Construction of Kalamunda Town Centre
Stormwater Drainage Upgrade (RFT 1703)**

Voting Requirements: Simple Majority

RESOLVED OCM 46/2017

That Council:

1. Accepts the recommendation of the Tender Evaluation Panel to appoint CQ & JM Dowsing Pty Ltd for the Construction of Kalamunda Town Centre Stormwater Drainage (RFT 1703) for its tendered lump sum price of \$928,700.50 (excluding GST).

2. Notes the transfer of \$140,000 Roads 2 Recovery funding from the Wittenoom Road Street Lighting Improvements and Power Undergrounding Project (Job No. 4086) to Kalamunda Town Centre Stormwater Drainage Upgrade Project (Job No. 8125).

3. Notes the requirement for extended working hours **with no rock breaking undertaken after 9pm**, subject to approval by the Shire's Community Safety and Compliance Services of a Noise Management Plan outlining requirements in order to minimise the construction timeframe and long-term disruption to both Kalamunda Town Centre residences and businesses.

Moved: **Cr Michael Fernie**

Seconded: **Cr Tracy Destree**

Vote:

For	Against
Cr Michael Fernie Cr Sara Lohmeyer Cr Tracy Destree Cr Sue Bilich	Cr John Giardina Cr Geoff Stallard Cr Allan Morton Cr Brooke O'Donnell Cr Dylan O'Connor Cr Andrew Waddell
	LOST (4/6)

Cr Tracy Destree wished to make an amendment to include the words "with no rock breaking undertaken after 6pm" into point 3 the Mover had a further amendment to change the time from 6pm to 9pm this was accepted by the Seconder and therefore it formed part of the substantive motion. Debate was had before the vote was taken.

The Presiding Member advised that as the recommendation was Lost he exercised his right as the Shire President to call a Special Council Meeting to reconsider the matter. This Special Council Meeting is to be held following the Development & Asset Services Committee on Monday 3 April 2017.

The Shire President's Authority to call a Special Council Meeting is provided for in Section 5.4 (a) (i) of the Local Government Act 1995.

15.3 **Meeting Opened to the Public**

RESOLVED OCM 47/2017

That the meeting re-opened to the public.

Moved: **Cr Geoff Stallard**

Seconded: **Cr Allan Morton**

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

The meeting re-opened to the public at 8:28pm after considering the Confidential Item, one member of the public returned to the meeting. The Presiding Member advised what transpired with respect to the consideration of the Confidential Matter.

At this point the Shire President indicated there was further business to be considered, please refer to Agenda Item 14. for details.

16.0 CLOSURE

16.1 There being no further business, the Presiding Member declared the meeting closed at 8:35pm.

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

Signed: _____
Presiding Member

Dated this _____ day of _____ 2017