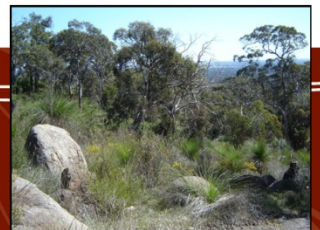


Ordinary Council Meeting

Agenda for Tuesday 29 September 2015




**shire of
kalamunda**

NOTICE OF MEETING ORDINARY COUNCIL MEETING

Dear Councillors

Notice is hereby given that the next meeting of the Ordinary Council Meeting will be held in the Council Chambers, Administration Centre, 2 Railway Road, Kalamunda on **Tuesday 29 September 2015 at 6.30pm.**

Dinner will be served prior to the meeting at 5.30pm.


Rhonda Hardy
Chief Executive Officer
24 September 2015

Our Vision and Our Values

Our Vision

The Shire will have a diversity of lifestyle and people. It will take pride in caring for the natural, social, cultural and built environments and provide opportunities for people of all ages.

Our Core Values

Service – We deliver excellent service by actively engaging and listening to each other.

Respect – We trust and respect each other by valuing our difference, communicating openly and showing integrity in all we do.

Diversity – We challenge ourselves by keeping our minds open and looking for all possibilities and opportunities.

Ethics – We provide honest, open, equitable and responsive leadership by demonstrating high standards of ethical behavior.

Our Aspirational Values

Prosperity – We will ensure our Shire has a robust economy through a mixture of industrial and commercial development.

Harmony – We will retain our natural assets in balance with our built environment.

Courage – We take risks that are calculated to lead us to a bold new future.

Creativity – We create and innovate to improve all we do.

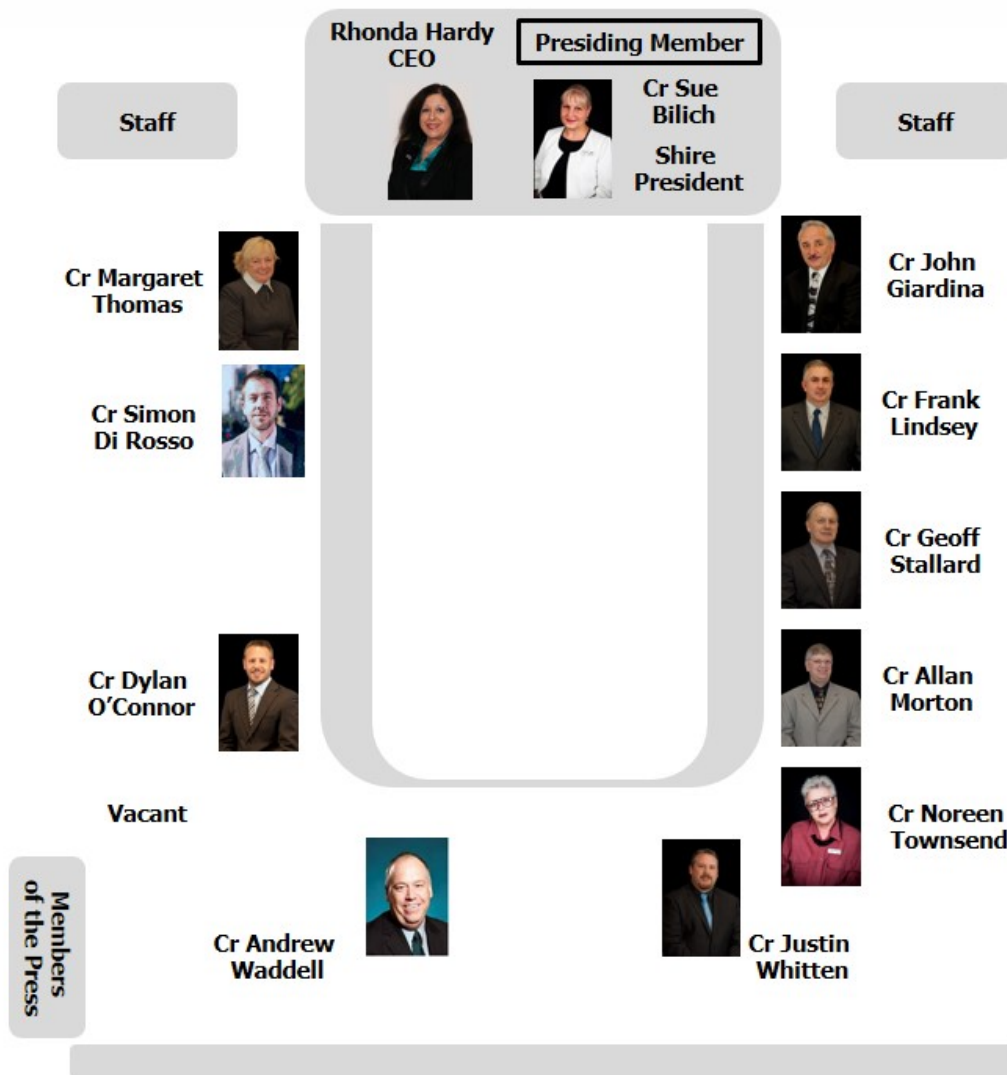


INFORMATION FOR THE PUBLIC ATTENDING COUNCIL MEETINGS

Welcome to this evening's meeting. The following information is provided on the meeting and matters which may affect members of the public.

If you have any queries related to procedural matters, please contact a member of staff.

Council Chambers – Seating Layout



Public Gallery



Ordinary Council Meetings – Procedures

1. Council Meetings are open to the public, except for Confidential Items listed on the Agenda.
2. Members of the public who are unfamiliar with meeting proceedings are invited to seek advice prior to the meeting from a Shire Staff Member.
3. Members of the public are able to ask questions at an Ordinary Council Meeting during Public Question Time.
4. To facilitate the smooth running of the meeting, silence is to be observed in the public gallery at all times except for Public Question Time.
5. All other arrangements are in general accordance with Council's Standing Orders, the Policies and decision of the Shire or Council.

Emergency Procedures

Please view the position of the Exits, Fire Extinguishers and Outdoor Assembly Area as displayed on the wall of Council Chambers.

In case of an emergency follow the instructions given by Council Personnel.

We ask that you do not move your vehicle as this could potentially block access for emergency services vehicles.

Please remain at the assembly point until advised it is safe to leave.

INDEX

1.0	OFFICIAL OPENING	7
2.0	ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE PREVIOUSLY APPROVED	7
3.0	PUBLIC QUESTION TIME.....	7
4.0	PETITIONS/DEPUTATIONS.....	7
5.0	APPLICATIONS FOR LEAVE OF ABSENCE.....	7
6.0	CONFIRMATION OF MINUTES OF PREVIOUS MEETING.....	7
7.0	ANNOUNCEMENTS BY THE MEMBER PRESIDING WITHOUT DISCUSSION.....	8
8.0	MATTERS FOR WHICH MEETING MAY BE CLOSED.....	8
9.0	DISCLOSURE OF INTERESTS.....	8
10.0	REPORTS TO COUNCIL	8
10.1	DEVELOPMENT & INFRASTRUCTURE SERVICES COMMITTEE REPORT.....	9
10.1.1	ADOPTION OF DEVELOPMENT & INFRASTRUCTURE SERVICES COMMITTEE REPORT.....	9
10.1.2	D&I 38 FORRESTFIELD NORTH DISTRICT STRUCTURE PLAN	9
10.1.3	D&I 40 PLANNING AND DEVELOPMENT COMPLIANCE POLICY.....	9
10.1.4	D&I 41 PROPOSED INITIATION OF SCHEME AMENDMENT 81 TO LOCAL PLANNING SCHEME NO. 3 – CONSULTING ROOMS IN RESIDENTIAL AREAS	10
10.1.5	D&I 42 LOCAL STRUCTURE PLAN – HATCH COURT/STIRLING CRESCENT, HIGH WYCOMBE.....	11
10.1.6	D&I 43 INITIATION OF AMENDMENT 78 TO LOCAL PLANNING SCHEME NO. 3 – HATCH COURT/STIRLING CRESCENT.....	11
10.1.7	D&I 44 PROPOSED INITIATION OF SCHEME AMENDMENT 80 TO LOCAL PLANNING SCHEME NO. 3 – REZONE FROM URBAN DEVELOPMENT TO LIGHT INDUSTRY – HATCH COURT, STIRLING CRESCENT AND KALAMUNDA ROAD	14
10.1.8	D&I 39 AMENDMENT TO CELL 9 WATTLE GROVE STRUCTURE PLAN.....	15
10.2	CORPORATE & COMMUNITY SERVICES COMMITTEE REPORT	16
10.2.1	ADOPTION OF CORPORATE & COMMUNITY SERVICES COMMITTEE REPORT.....	16
10.2.2	C&C 33 DEBTORS AND CREDITORS REPORT FOR THE PERIOD ENDED 31 AUGUST 2015.....	16
10.2.3	C&C 34 RATES DEBTORS REPORT FOR THE PERIOD ENDED 31 AUGUST 2015.....	16
10.2.4	C&C 35 COMMUNITY CARE QUARTERLY REPORT – JUNE 2015.....	17
10.2.5	C&C 36 COMMUNITY GROUPS LEASE POLICY PROPOSED AMENDMENTS	17
10.2.6	C&C 37 COMMUNITY SPORT AND RECREATION FACILITIES FUND ANNUAL GRANTS 2015/16.....	17
10.2.7	C&C 38 DRAFT PIONEER PARK MASTER PLAN	18
10.2.8	C&C 39 SHIRE OF KALAMUNDA ADVISORY COMMITTEES – PROPOSED CHANGES	18
10.2.9	C&C 40 PICKERING BROOK STONE FRUIT FESTIVAL	19
10.2.10	C&C 41 LESMURDIE TENNIS CLUB (INC.) OF 22 FALLS ROAD, LESMURDIE – TERM OF LEASE	19
10.3	CHIEF EXECUTIVE OFFICER REPORTS	20
10.3.1	DRAFT MONTHLY FINANCIAL STATEMENTS TO 31 AUGUST 2015.....	20
10.3.2	SHIRE OF KALAMUNDA STANDING ORDERS LOCAL LAW	32
11.0	MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	37
12.0	QUESTIONS BY MEMBERS WITHOUT NOTICE	37
13.0	QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN	38

14.0	URGENT BUSINESS APPROVED BY THE PRESIDING MEMBER OR BY DECISION	39
15.0	MEETING CLOSED TO THE PUBLIC	39
16.0	CLOSURE	39

AGENDA

1.0 OFFICIAL OPENING

2.0 ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE PREVIOUSLY APPROVED

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 will be summarised.

3.1 Questions from Monday 24 August 2015

Tim Colegate, Walliston

Q1. Why is the Local Biodiversity Strategy not on the Shire's Website?

A1. The Local Biodiversity Strategy is on the Shire's Website under Environmental Strategies. (<http://www.kalamunda.wa.gov.au/Waste-Environment/Environment/Environmental-Strategies>)

Q3. Has the Shire's Community Sustainability Advisory Committee ever considered or commented on this proposed rezoning if so what advise was received?

A3. No the Shire has not received comment from the Community Sustainability Advisory Committee on Amendment 55.

4.0 PETITIONS/DEPUTATIONS

5.0 APPLICATIONS FOR LEAVE OF ABSENCE

6.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

6.1 That the Minutes of the Ordinary Council Meeting held on 24 August 2015, as published and circulated, are confirmed as a true and accurate record of the proceedings.

Moved:

Seconded:

Vote:

Statement by Presiding Member

"On the basis of the above Motion, I now sign the Minutes as a true and accurate record of the meeting of 24 August 2015".

7.0 ANNOUNCEMENTS BY THE MEMBER PRESIDING WITHOUT DISCUSSION

8.0 MATTERS FOR WHICH MEETING MAY BE CLOSED

8.1 Nil.

9.0 DISCLOSURE OF INTERESTS

9.1 Disclosure of Financial and Proximity Interests

- a. Members must disclose the nature of their interest in matters to be discussed at the meeting. (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. (Sections 5.70 of the *Local Government Act 1995*.)

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.

10.0 REPORTS TO COUNCIL

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

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

10.1 Development & Infrastructure Services Committee Report

10.1.1 Adoption of Development & Infrastructure Services Committee Report

Voting Requirements: Simple Majority

That recommendations D&I 38 to D&I 44 inclusive, contained in the Development & Infrastructure Services Committee Report of 14 September 2015, except withdrawn item D&I 39 be adopted by Council en bloc.

Moved:

Seconded:

Vote:

10.1.2 D&I 38 Forrestfield North District Structure Plan

COMMITTEE RECOMMENDATION TO COUNCIL (D&I 38/2015)

That Council:

1. Defer this item to a Special Council Meeting, time to be determined, to enable Councillors to gather further information.

10.1.3 D&I 40 Planning and Development Compliance Policy

COMMITTEE RECOMMENDATION TO COUNCIL (D&I 39/2015)

That Council:

1. Pursuant to Clause 2.2 and 2.4.1 of Local Planning Scheme No. 3, adopts the proposed draft 'Planning and Development Compliance' Policy for the purpose of advertising for a period of 21 days.

10.1.4 D&I 41 Proposed Initiation of Scheme Amendment 81 to Local Planning Scheme No. 3 – Consulting Rooms in Residential Areas

COMMITTEE RECOMMENDATION TO COUNCIL (D&I 41/2015)

That Council:

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

PLANNING AND DEVELOPMENT ACT 2005
 RESOLUTION DECIDING TO AMEND A LOCAL PLANNING SCHEME
 SHIRE OF KALAMUNDA
 LOCAL PLANNING SCHEME NO. 3
 AMENDMENT NO. 81

Resolved that Council in pursuance of Part 5 of the *Planning and Development Act 2005*, amends the above Local Planning Scheme as follows:

1. Modifying Table 1 (Zoning Table) of Local Planning Scheme No. 3 to modify the use 'Consulting Rooms' in the Residential zone, as follows:

Use Classes	Consulting Rooms
Industrial Development	X
Rural Conservation	X
Rural Landscape Interest	X
Rural Agriculture	X
Rural Composite	X
Special Rural	X
Private Clubs & Inst.	P
Service Station	X
General Industry	D
Light Industry	D
Residential Bushland	X
Residential	A
Mixed Use	P
Commercial	P
District Centre	P

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

10.1.5 D&I 42 Local Structure Plan – Hatch Court/Stirling Crescent, High Wycombe

COMMITTEE RECOMMENDATION TO COUNCIL (D&I 42/2015)

That Council:

1. Notes the Hatch Court/Stirling Crescent Local Structure Plan (Attachment 1).
2. Pursuant to Clause 6.2.4.9 of Local Planning Scheme No. 3, forwards the Hatch Court – Stirling Crescent Local Structure Plan (Attachment 1) and the Summary of Submissions (Attachment 6) to the Western Australian Planning Commission for its determination.

10.1.6 D&I 43 Initiation of Amendment 78 to Local Planning Scheme No. 3 – Hatch Court/Stirling Crescent

COMMITTEE RECOMMENDATION TO COUNCIL (D&I 43/2015)

That Council:

Subject to the Western Australian Planning Commission endorsing the Proposed Local Structure Plan for Hatch Court/Stirling Crescent:

1. Initiates Amendment 78 to Local Planning Scheme No.3, in accordance with the following:
 - a) Inserting Part 4 to Schedule 11 that reads:

*“PART 4: HATCH COURT/STIRLING CRESCENT,
HIGH WYCOMBE, DA3*

In respect of the Urban Development zone immediately adjacent Adelaide Street, High Wycombe, identified as Development Area 3, the structure plan(s) for this area must ensure a comprehensive development approach with appropriate respect for surrounding sensitive land uses.”
 - b) Inserting the following into Schedule 12 as Table Ref No. DCA3;

Ref no.	DCA3
Area:	Schedule 11: DA3 - Lots 1, 8, 9 and 1499 Stirling Crescent and Lots 10-16 and 51-53 Hatch Court, High Wycombe.
Relationship to other planning instruments	The development contribution plan generally conforms with the <i>Kalamunda Advancing: Strategic Community Plan to 2022</i> (Draft).
Infrastructure and Administrative items to be found	<p>The landowners within DCA3 shall make a proportional contribution to the cost of common infrastructure.</p> <p>The proportional contribution is to be determined in accordance with the provisions of clause 6.5 of the Scheme.</p> <ol style="list-style-type: none"> 1. Infrastructure costs including: <ol style="list-style-type: none"> a) Upgrading of Hatch Court; b) Upgrading of the Hatch Court and Stirling Crescent intersection; c) Land and earthworks required for the drainage of all internal roads – Water Sensitive Urban Design principles to be incorporated as per the adopted Local Water Management Strategy. d) Land required for public open space as shown on the Hatch Court – Stirling Crescent Local Structure Plan and the cost of landscaping/wetland restoration; 2. Administrative costs including: <ol style="list-style-type: none"> a) Costs associated with the preparation of the development area framework to meet the statutory requirements and obligations including the local water management strategy and monitoring, structure plan design and report, drainage strategy and development contribution costings; and b) Costs to prepare and administer cost sharing arrangements including preliminary engineering drainage and design costs, valuations, annual or more frequent reviews and audits (where identified as appropriate at the discretion of the local government) and administrative costs.

<p>Method for Calculating Contributions</p>	<p>All landowners within DCA3 shall make a proportional contribution to the cost of infrastructure and administrative items based on net lot areas.</p> <p>The contributions will be in accordance with the Cost Contribution Schedule adopted by the local government for DCA3 which will be reviewed annually.</p> <p>Owners' cost contribution – net lot area (m²) x contribution rate</p> <p>Where</p> $\text{Contribution rate} = \frac{\text{cost of infrastructure items} + \text{cost of administrative items}}{\text{Total area of DCA (m}^2\text{)}}$ <p>Net lot area = lot area (m²) – area of road reserve (m²) – wetlands & associated buffers (m²)</p> <p>The contributions will be in accordance with the Cost Contribution Schedule adopted by the local government for DCA3 which will be reviewed annually.</p>
<p>Period of Operation</p>	<p>10 years.</p>
<p>Priority and timing of infrastructure</p>	<p>The timing and provision of infrastructure will be developer driven and subject to market demand for land. Infrastructure is generally to be provided within the 10 year operating period for the DCP.</p>
<p>Review Process</p>	<p>The plan will be reviewed when considered appropriate, though not exceeding a period of five years duration, having regard to the rate of subsequent development in the development contribution area since the last review and the degree of development potential still existing.</p> <p>The estimated infrastructure costs will be reviewed at least annually to reflect changes in funding and revenue sources and indexed based on the Billing Cost or other appropriate index and approved by the qualified person undertaking the certification of costs.</p>

and,

- c) Inserting an overlay onto the Local Planning Scheme Map reading “DA3” over the following lots:
 - a. Lots 1, 8, 9 and 1499 Stirling Crescent; and
 - b. Lots 10-16 and 51-53 Hatch Court, High Wycombe.

10.1.7 D&I 44 Proposed Initiation of Scheme Amendment 80 to Local Planning Scheme No. 3 – Rezone from Urban Development to Light Industry – Hatch Court, Stirling Crescent and Kalamunda Road

COMMITTEE RECOMMENDATION TO COUNCIL (D&I 44/2015)

That Council:

- 1. Initiates Amendment 80 to Local Planning Scheme No.3, in accordance with the following:

PLANNING AND DEVELOPMENT ACT 2005
RESOLUTION DECIDING TO AMEND A LOCAL PLANNING
SCHEME
SHIRE OF KALAMUNDA
LOCAL PLANNING SCHEME NO. 3
AMENDMENT NO. 80

Resolved that Council, in pursuance of Part 5 of the Planning and Development Act 2005, amends the above Local Planning Scheme as follows:

- 1. Rezoning Lots 10 – 16 and 51 – 53 Hatch Court, Lots 1, 8, 9 and 1499 Stirling Crescent, and Lots 200 and 201 Kalamunda Road, High Wycombe from Urban Development to Light Industry.
- 2. Requests the consent of Western Australian Planning Commission to advertise Amendment 80, subject to and following its decision on the Hatch Court/ Stirling Crescent Local Structure Plan.
- 3. Subject to amendment documents being submitted, the documents being adopted by Council and the Amendment being formally advertised for 42 days in accordance with the provisions of the *Town Planning Regulations 1967*.

Withdrawn for separate consideration

This item was deferred to the Ordinary Council Meeting at the Development & Infrastructure Meeting held on 14 September 2015 in order that Councillors could seek clarification from staff. The Officer Recommendation is again presented.

10.1.8 D&I 39 Amendment to Cell 9 Wattle Grove Structure Plan

OFFICER RECOMMENDATION (D&I 39/2015)

That Council:

1. Pursuant to Clause 6.2.4.7 of Local Planning Scheme No. 3, adopt the amendment to Cell 9 Wattle Grove Structure Plan by:
 - a) Changing the density code of Lot 20 (37) Hardey East Road, Wattle Grove from R20 to RMD-R30; and
 - b) Changing the density code of the southern portion of Lots 5 (280) and 6 (276) Hale Road, Wattle Grove from R30 to RMD-R30.

2. Pursuant to Clause 6.2.4.9 of Local Planning Scheme No.3, forward the amendment proposal to the Western Australian Planning Commission for its endorsement.

Moved:

Seconded:

Vote:

10.2 Corporate & Community Services Committee Report

10.2.1 Adoption of Corporate & Community Services Committee Report

Voting Requirements: Simple Majority

That the recommendations C&C 33 to C&C 41 inclusive, contained in the Corporate & Community Services Committee Report of 21 September 2015, be adopted by Council en bloc.

Moved:

Seconded:

Vote:

10.2.2 C&C 33 Debtors and Creditors Report for the Period Ended 31 August 2015

COMMITTEE RECOMMENDATION TO COUNCIL (C&C 33/2015)

That Council:

1. Receives the list of payments made from the Municipal Accounts in August 2015 (Attachment 1) in accordance with the requirements of the *Local Government (Financial Management) Regulations 1996 (Regulation 12)*.
2. Receives the list of payments made from the Trust Accounts in August 2015 as noted in point 13 above in accordance with the requirements of the *Local Government (Financial Management) Regulations 1996 (Regulation 12)*.
3. Receives the outstanding debtors (Attachment 2) and creditors (Attachment 3) reports for the month of August 2015.

10.2.3 C&C 34 Rates Debtors Report for the Period Ended 31 August 2015

COMMITTEE RECOMMENDATION TO COUNCIL (C&C 34/2015)

That Council:

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

10.2.4 C&C 35 Community Care Quarterly Report – June 2015

COMMITTEE RECOMMENDATION TO COUNCIL (C&C 35/2015)

That Council:

1. Receives the Community Care Quarterly Report – June 2015.

10.2.5 C&C 36 Community Groups Lease Policy Proposed Amendments

COMMITTEE RECOMMENDATION TO COUNCIL (C&C 36/2015)

That Council:

1. Approves the amended Community Groups' Lease Policy (Attachment 2).

10.2.6 C&C 37 Community Sport and Recreation Facilities Fund Annual Grants 2015/16

COMMITTEE RECOMMENDATION TO COUNCIL (C&C 37/2015)

That Council:

1. Endorses a Community Sport and Recreation Facilities Fund annual grant application from the Hills BMX Club towards a proposed new ramp and an upgrade and refurbishment of club rooms at Ray Owen Reserve in Lesmurdie.

Following success of the Community Sport and Recreation Facilities Funding the cost contribution will be:

Organisation	Contributions ex GST
CSRFF	\$75,450
Shire of Kalamunda	\$75,450
Hills BMX	\$75,450
Total Project Cost	\$226,350

2. Notes in the event of a successful Community Sport and Recreation Facilities Fund application, an amount of \$75,450 will be considered as part of the 2016/17 annual budget deliberation process.

10.2.7 C&C 38 Draft Pioneer Park Master Plan

COMMITTEE RECOMMENDATION TO COUNCIL (C&C 38/2015)

That Council:

1. Notes and receives the Pioneer Park Master Plan (Attachment 1).
2. Requests the Chief Executive Officer to convey the Pioneer Park Master Plan findings to affected Pioneer Park User Groups.
3. Notes:
 - i. the interim intention to relocate the Kalamunda/Canning Rugby League Club to Morrison Oval; and
 - ii. a long term solution for affected user groups is being progressed as part of an impending feasibility study relative to a shared use club room facility at Hartfield Park.

10.2.8 C&C 39 Shire of Kalamunda Advisory Committees – Proposed Changes

COMMITTEE RECOMMENDATION TO COUNCIL (C&C 39/2015)

That Council:

1. Pursuant to section 5.8 of the *Local Government Act 1995*:
 - (a) Abolishes the Jack Healey Centre Advisory, Falls Farm Advisory and Gooseberry Hill Hall Advisory Committees.
 - (b) Approves amendments to the Terms of Reference for the following Committee:
 - (i) Community Safety and Crime Prevention Advisory Committee Amend Clause 4.1 to – The committee shall meet as required.
 - (c) Amends all Advisory Committee Terms of Reference to reflect that their Minutes be presented to Council as an Attachment to the appropriate Standing Committee Agenda, at the next round of Council meetings following the meeting of that Committee.

10.2.9 C&C 40 Pickering Brook Stone Fruit Festival

COMMITTEE RECOMMENDATION TO COUNCIL (C&C 40/2015)

That Council:

1. Approves an allocation of \$15,000 plus GST from the 2015/16 budget for sponsorship of the Pickering Brook Stone Fruit Festival 2016, from the New Event Development Account (315730.609 – 1165).

10.2.10 C&C 41 Lesmurdie Tennis Club (Inc.) of 22 Falls Road, Lesmurdie – Term of Lease

COMMITTEE RECOMMENDATION TO COUNCIL (C&C 41/2015)

That Council:

1. Agrees to the request from Lesmurdie Tennis Club for a lease term of 10 years with a further option of 10 years in accordance with Policy LEA1 – Community Groups Lease Policy – Term of Lease.

10.3 CHIEF EXECUTIVE OFFICER REPORTS

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

10.3.1 Draft Monthly Financial Statements to 31 August 2015

Previous Items	N/A
Responsible Officer	Director Corporate Services
Service Area	Finance
File Reference	FIR-SRR-006
Applicant	N/A
Owner	N/A

Attachment 1 Draft Statements of Financial Activity for the period ended 31 August 2015 incorporating the following:

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

PURPOSE

1. To provide Council with statutory financial reports on the activity of the Shire of Kalamunda with comparison of the year's performance against adopted budget. This Statement compares the actual results for the period with the adopted budget.

BACKGROUND

2. The Statement of Financial Activity (Attachment 1), incorporating various sub-statements, has been prepared in accordance with the requirement of the *Local Government Act 1995, Local Government (Financial Management) Regulations 1996* (Regulation 34).
3. The 2014/2015 financial position is yet to be audited and finalised. As such, the opening funding position in the Statement of Financial Activity statement reflects the un-audited position.
4. The budget column reflects the adopted budget approved by Council at its meeting on 29 June 2015.

DETAILS

5. The *Local Government Act 1995* requires Council to adopt a percentage or value to be used in reporting variances against Budget. Council has adopted the reportable variances of 10% or \$50,000 whichever is greater.

Financial Commentary

Draft Statement of Financial Activity by Nature and Type for year ended 31 August 2015

6. This Statement reveals a net result surplus of \$45,391,689 against budget for the same period of \$42,483,199. The variance of \$2,908,491 represents 6.4% of the current surplus for the month to date. The majority of the variance is in material and contracts and capital expenditure categories which is due to timing issues.

The Financial Statements presented are in a draft stage and are subject to the final audit. The closing surplus position may be affected with the amended opening surplus balance once the 2014/15 audit is finalised.

Revenue

7. Total Revenue excluding rates is slightly under budget by \$29,085. This is made up as follows:
- Operating Grants, Subsidies and Contributions are under budget by \$92,930 which is made up of mainly:
 - \$196,328 in reduced Finance Grants income as a result of the first tranche being received in June 2015; and
 - The receipt of Kidsport Grant of \$90,000 for 2015/16 received but not budgeted. The reduction is offset by the receipt of an additional Community Care Grant of \$58,321. This will be adjusted in the upcoming budget review.
 - Fees and Charges variance is over budget by \$130,472. This is mainly attributable to:
 - \$164,530 for refuse collection being higher than the amount modelled. This is due to higher charges for secondary bins which are still being retained by some ratepayers. Credits are being applied for those residents who are returning the secondary waste bin and switching to a recycling bin instead.
 - Interest earnings are over budget by \$75,004. This is largely due to be a timing matter. However with the depressed overnight Reserve Bank of Australia (RBA) cash rate, the budget may need to be further trimmed to reflect the long term impact of the economy and interest rate. The outlook for commodities is weak with fears of a slower Chinese economy and manufacturing is being affected by reduction in demand across various industries.

Stricter cash holding requirements by the banks due to changes required by Australian Prudential Regulatory Authority (APRA) has forced the banks to reduce deposit rates further.
 - Other Revenue is slightly under budget by \$1,087. These are within the reporting threshold.

Expenditure

8. Total expenses are under budget with a variance of \$937,019. The significant variances within the individual categories are as follows:
- Employment Costs are under budget by \$201,485. This is due to a number of vacant positions not being filled and currently under review;
 - Materials and Contracts is under budget by \$595,722 which is comprised of:
 - Expenditure on consultancy costs, \$234,006. This relates to various non-recurrent projects which are yet to commence and therefore deemed as a timing issue; and
 - Maintenance costs related to the building asset class, this is approximately \$159,732 under expenditure which is deemed a timing issue.
 - Utilities are under budget by \$20,496 which is within the reporting threshold.
 - Depreciation, although a non-cash cost, is tracking under budget, reporting a variance of \$101,136. The depreciation of individual assets cannot be run in the Synergy Soft system as Finance are yet to finalise the reconciliation of the infrastructure valuation. This is envisaged to be completed in September in line with the final audit, after which the fixed asset module will be run to reflect the movements for July and August 2015. Therefore the current variance is as a timing issue. However it is expected that the depreciation for infrastructure assets will need to be significantly modified to reflect the outcomes of the valuation results.
 - The interest expense is slightly over budget by \$598, which is the result of a timing difference between amounts accrued and the budget which is based on the debenture payment schedule.
 - Insurance expense is slightly over budget by \$18,055 which is due to a small number of insurance claims which are being assessed by the insurers.
 - Other expenditure is under budget by \$19,865. This is within the reporting threshold.

Capital Revenues

Non-operating Grants and Contributions

9. The non-operating grant income is lower than the budget by \$649,038 as no claims have been made in the month of August. This was mainly due to the finalisation of the draft 2014/15 accounts not completed until the first week of August 2015. As such, the claims could not be finalised in the month. The variance is deemed to be a timing matter.

Proceeds from the disposal of assets

10. The variance is nil.
Properties identified for sale in 2015/16 are:
- 514 Kalamunda Rd
 - Cabarita Rd

The sale of 514 Kalamunda is imminent with a 5% deposit received in August 2015.

Capital Expenditures

11. Infrastructure projects made up of roads, drainage, footpaths, car parks and parks and ovals is underspent by \$2,166,529. The operations delivery team have been busy scheduling the various projects that are due in 2015/16 with on ground works on some commencing in August 2015.

The contract for Kostera Oval irrigation and turf works was signed off in August 2015.

Rates revenues

12. Rates generation is over budget with a variance of \$59,115. The variance is due to a timing issue.

Draft Statement of Financial Activity by Program for the year ended 31 August 2015

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

Draft Statement of Net Current Funding Position as at 31 August 2015

14. The commentary on the net current funding position is based on comparison of the draft August 2015 year to date actuals with August 2014 year to date actuals.

15. Net Current Assets (Current Assets less Current Liabilities) show a positive result of \$51.4 million. The un-restricted cash position has a positive balance of \$33.48 million which is higher than the previous year's balance of \$26.93 million. This can mainly be attributed to the rates collection and transfers from reserves in anticipation of infrastructure works projects.

16. Trade and other receivables comprise of rates and sundry debtors totalling \$16.6 million outstanding.

The rates balance fell by \$16.23 million to \$15.99 million, representing a collection rate of 50.37% in six weeks of issuance of the rates for 2015/16.

Receivables Other represents \$5.8 million with the bulk made up of:

- Emergency Services Levy (ESL) - \$2,412,759;
- Waste services due - \$2,137,621;
- Pensioner ESL rebates - \$201,068;
- Prepayments various make up \$544,685.

17. Sundry debtors are stable at \$546,847 of which \$201,880 is made up of current debt due within 31 days.
18. Provisions for annual and long service leave are stable and have increased by \$300,000 to \$2.6 million when compared to the previous year. The main reason for the increase is due to the fact that more officers are over the seven year threshold at which point long service leave entitlements begin to accrue. The Shire aggressively pursues a leave management plan that will not adversely affect service delivery. The long term goal is to bring this liability down to a more manageable level and also ensure there are adequate reserves in place to support it.
19. Restricted Reserves have increased significantly to \$8.6 million. This is higher than the amount of 2014 which was at \$2.6 million.

\$3.6 million was transferred to the municipal account in August to fund infrastructure works.

STATUTORY AND LEGAL CONSIDERATIONS

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

POLICY CONSIDERATIONS

21. Nil.

COMMUNITY ENGAGEMENT REQUIREMENTS

22. Nil.

FINANCIAL CONSIDERATIONS

23. Nil.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

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

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

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

SUSTAINABILITY

Social Implications

25. Nil.

Economic Implications

26. Nil.

Environmental Implications

27. Nil.

RISK MANAGEMENT CONSIDERATIONS

28.

Risk	Likelihood	Consequence	Rating	Action / Strategy
Over-spending the budget	Possible	Major	High	<ul style="list-style-type: none">• Monthly management reports are reviewed by the Shire.• Weekly engineering reports on major projects and maintenance.• Reviewed by the Shire.
Non-compliance with Financial Regulations	Unlikely	Major	Medium	The financial report is scrutinized by the Shire to ensure that all statutory requirements are met.

OFFICER COMMENT

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

Voting Requirements: Simple Majority

RECOMMENDATION

That Council:

1. Receives the draft monthly statutory financial statements for the month to 31 August 2015, which comprises:
 - Statement of Financial Activity (Nature or Type).
 - Statement of Financial Activity (Statutory Reporting Program).
 - Net Current Funding Position, note to financial statement.

Moved:

Seconded:

Vote:

Attachment 1

**SHIRE OF KALAMUNDA
STATEMENT OF FINANCIAL ACTIVITY BY NATURE OR TYPE
FOR THE 2 MONTHS TO 31 AUGUST 2015**

	31/08/2015	31/08/2015			
	YTD	YTD	Annual	Var. \$	Var. %
	Actual	Budget	Budget	(b)-(a)	(b)-
	(b)	(a)			(a)/(b)
	\$	\$	\$	\$	%
Operating Revenues					
Operating Grants and Subsidies	1,309,867	1,368,445	5,565,582	(58,578)	(4.5%)
Contributions, Reimbursements and Donations	131,564	165,916	4,370,848	(34,352)	(26.1%)
Profit on Asset Disposal	24,296	100,000	386,640	(75,704)	(311.6%)
Fees and Charges	11,109,294	10,978,822	13,953,224	130,472	1.2%
Interest Earnings	221,682	146,678	896,545	75,004	33.8%
Other Revenue	9,349	10,436	62,641	(1,087)	(11.6%)
Ex Gratia Rates Revenue	0	64,840	129,680	(64,840)	(100.0%)
Total (Excluding Rates)	12,806,052	12,835,137	25,365,160	(29,085)	
Operating Expense					
Employee Costs	(3,788,388)	(3,989,873)	(24,276,755)	201,485	5.3%
Materials and Contracts	(2,335,608)	(2,931,330)	(19,532,829)	595,722	25.5%
Utilities Charges	(372,378)	(392,874)	(2,358,152)	20,496	5.5%
Depreciation (Non-Current Assets)	(1,259,440)	(1,360,576)	(8,163,761)	101,136	8.0%
Interest Expenses	(70,376)	(69,778)	(418,674)	(598)	(0.8%)
Insurance Expenses	(325,297)	(307,242)	(609,244)	(18,055)	(5.6%)
Loss on Asset Disposal	13,636	(3,332)	(20,000)	16,968	(124.4%)
Other Expenditure	(22,843)	(42,708)	(343,976)	19,865	87.0%
Total	(8,160,694)	(9,097,713)	(55,723,391)	937,019	
Funding Balance Adjustment					
Add Back Depreciation	1,259,440	1,360,576	8,163,761	(101,136)	(8.0%)
Adjust (Profit)/Loss on Asset Disposal	(37,932)	(96,668)	(366,640)	58,736	(154.8%)
EMRC Contribution (Non-cash)	0	0	(3,600,407)	0	
Deferred Loan (non-current) FUSC	0	0	0		
Movement in Provisions	4,395	0	749,271	4,395	100.0%
Pensioners Deferred Rates Movement	0	0	(30,000)	0	
Total	1,225,903	1,263,908	4,915,985	(38,005)	
Net Operating (Ex. Rates)	5,871,261	5,001,332	(25,442,246)	869,929	
Capital Revenues					
Proceeds from Disposal of Assets	37,933	37,933	945,000	(0)	(0.0%)
Grants, Subsidies and Contributions	(107,250)	541,788	3,250,771	(649,038)	605.2%
Self-Supporting Loan Principal	13,838	11,306	67,870	2,532	18.3%
Overdraft Funding	0	0	0	0	
Debenture Funding	0	0	500,000	0	
Capital (Developer) - Contributions	1,071,587	0	0	1,071,587	100.0%
Transfer from Reserves	3,633,838	3,633,838	8,151,024	0	0.0%
Total	4,649,946	4,224,865	12,914,665	425,081	
Capital Expenses					
Land Held for Resale	0	0	0	0	
Land Development Costs	0	(2,998)	(18,000)	2,998	100.0%
Land and Buildings New	(17,823)	(44,492)	(295,539)	26,669	149.6%
Land and Buildings Replacement	(2,934)	(342,591)	(1,553,696)	339,657	11575.6%
Plant and Equipment New	(1,853)	(11,782)	(70,700)	9,929	535.7%

SHIRE OF KALAMUNDA
STATEMENT OF FINANCIAL ACTIVITY BY NATURE OR TYPE (cont)
FOR THE 2 MONTHS TO 31 AUGUST 2015

	31/08/2015	31/08/2015			
	YTD Actual (b) \$	YTD Budget (a) \$	Annual Budget \$	Var. \$ (b)-(a) \$	Var. % (b)- (a)/(b) %
Plant and Equipment Replacement	(25,347)	(2,500)	(15,000)	(22,847)	(90.1%)
Furniture and Equipment	(2,590)	(15,948)	(95,700)	13,358	515.8%
Infrastructure Assets - Roads New	(2,009)	(202,870)	(720,712)	200,861	9996.3%
Infrastructure Assets - Roads Renewal	0	(895,528)	(3,611,771)	895,528	100.0%
Infrastructure Assets - Drainage New	0	(26,766)	(160,615)	26,766	100.0%
Infrastructure Assets - Drainage Renewal	0	(29,162)	(158,330)	29,162	100.0%
Infrastructure Assets - Footpaths New	(4,084)	(16,308)	(49,420)	12,224	299.3%
Infrastructure Assets - Footpaths Renewal	0	(26,501)	(80,308)	26,501	100.0%
Infrastructure Assets - Car Parks New	0	(3,758)	(41,340)	3,758	100.0%
Infrastructure Assets - Car Parks Renewal	0	(19,830)	(75,162)	19,830	100.0%
Infrastructure Assets - Parks and Ovals New	(159,770)	(50,485)	(1,785,762)	(109,285)	(68.4%)
Infrastructure Assets - Parks and Ovals Renewal	(44,588)	(736,008)	(4,710,791)	691,420	1550.7%
Repayment of Debentures	(74,412)	(98,974)	(593,851)	24,562	33.0%
Overdraft Funding (Repayment)	0	0	0	0	
Transfer to Reserves	(1,067,866)	(1,067,866)	(5,016,343)	0	0.0%
Total	(1,403,278)	(3,594,367)	(19,053,040)	2,191,089	
Net Capital	3,246,668	630,498	(6,138,375)	2,616,170	
Total Net Operating + Capital	9,117,929	5,631,830	(31,580,621)	3,486,099	
Rate Revenue	31,379,734	31,320,619	31,884,831	59,115	0.2%
Opening Funding Surplus(Deficit)	4,894,026	5,530,750	2,438,941	(636,724)	(13.0%)
Closing Funding Surplus(Deficit)	45,391,689	42,483,199	2,743,151	2,908,491	6.4%

**SHIRE OF KALAMUNDA
STATEMENT OF FINANCIAL ACTIVITY (STATUTORY REPORTING PROGRAM)
FOR THE 2 MONTHS TO 31 AUGUST 2015**

	31/08/2015	31/08/2015			
	YTD Actual (b) \$	YTD Budget (a) \$	Annual Budget \$	Var. \$ (b)-(a) \$	Var. % (b)- (a)/(b) %
Operating Revenues					
Governance	118	7,862	47,186	(7,744)	(6562.7%)
General Purpose Funding	680,945	844,127	7,034,277	(163,182)	(24.0%)
Law, Order and Public Safety	32,333	58,246	361,025	(25,913)	(80.1%)
Health	184,612	179,085	220,863	5,527	3.0%
Education and Welfare	980,955	921,063	3,752,704	59,892	6.1%
Community Amenities	10,399,463	10,341,352	11,515,960	58,111	0.6%
Recreation and Culture	283,429	273,622	1,579,540	9,807	3.5%
Transport	6,450	0	0	6,450	100.0%
Economic Services	165,916	165,130	530,486	786	0.5%
Other Property and Services	71,831	44,650	323,119	27,181	37.8%
Total (Excluding Rates)	12,806,052	12,835,137	25,365,160	(29,085)	
Operating Expense					
Governance	(537,367)	(523,240)	(3,122,758)	(14,127)	(2.6%)
General Purpose Funding	(140,612)	(223,692)	(788,629)	83,080	59.1%
Law, Order and Public Safety	(275,471)	(323,500)	(1,900,214)	48,029	17.4%
Health	(188,610)	(198,164)	(1,178,688)	9,554	5.1%
Education and Welfare	(667,402)	(708,672)	(4,250,801)	41,270	6.2%
Community Amenities	(1,705,873)	(1,823,894)	(14,319,247)	118,021	6.9%
Recreation and Culture	(2,637,335)	(3,185,273)	(19,011,749)	547,938	20.8%
Transport	(1,347,157)	(1,467,350)	(8,816,029)	120,193	8.9%
Economic Services	(199,858)	(210,326)	(1,105,450)	10,468	5.2%
Other Property and Services	(461,008)	(433,602)	(1,229,826)	(27,406)	(5.9%)
Total	(8,160,694)	(9,097,713)	(55,723,391)	937,019	
Funding Balance Adjustment					
Add back Depreciation	1,259,440	1,360,576	8,163,761	(101,136)	(8.0%)
Adjust (Profit)/Loss on Asset Disposal	(37,932)	(96,668)	(366,640)	58,736	(154.8%)
EMRC Contribution (Non-cash)	0	0	(3,600,407)	0	
Deferred Loan (non-current) FUSC	0	0	0	0	
Movement in Provisions	4,395	0	749,271	4,395	100.0%
Pensioners Deferred Rates Movement	0	0	(30,000)	0	
Total	1,225,903	1,263,908	4,915,985	(38,005)	
Net Operating (Ex. Rates)	5,871,261	5,001,332	(25,442,246)	869,929	
Capital Revenues					
Proceeds from Disposal of Assets	37,933	37,933	945,000	(0)	(0.0%)
Capital Contributions and Grants	(107,250)	541,788	3,250,771	(649,038)	605.2%
Self-Supporting Loan Principal Income	13,838	11,306	67,870	2,532	18.3%
Overdraft Funding Utilised	0	0	0	0	
Debenture Funding	0	0	500,000	0	
Capital (Developer) - Contributions	1,071,587	0	0	1,071,587	100.0%
Transfer from Reserves	3,633,838	3,633,838	8,151,024	0	0.0%
Total	4,649,946	4,224,865	12,914,665	425,081	
Capital Expenses					
Land Held for Resale	0	0	0	0	
Land Development Costs	0	(2,998)	(18,000)	2,998	100.0%

SHIRE OF KALAMUNDA
STATEMENT OF FINANCIAL ACTIVITY (STATUTORY REPORTING PROGRAM) (cont)
FOR THE 2 MONTHS TO 31 AUGUST 2015

	31/08/2015	31/08/2015			
	YTD Actual (b) \$	YTD Budget (a) \$	Annual Budget \$	Var. \$ (b)-(a) \$	Var. % (b)- (a)/(b) %
Land and Buildings New	(17,823)	(44,492)	(295,539)	26,669	149.6%
Land and Buildings Replacement	(2,934)	(342,591)	(1,553,696)	339,657	11575.6%
Plant and Equipment New	(1,853)	(11,782)	(70,700)	9,929	535.7%
Plant and Equipment Replacement	(25,347)	(2,500)	(15,000)	(22,847)	(90.1%)
Furniture and Equipment	(2,590)	(15,948)	(95,700)	13,358	515.8%
Infrastructure Assets - Roads New	(2,009)	(202,870)	(720,712)	200,861	9996.3%
Infrastructure Assets - Roads Renewal	0	(895,528)	(3,611,771)	895,528	100.0%
Infrastructure Assets - Drainage New	0	(26,766)	(160,615)	26,766	100.0%
Infrastructure Assets - Drainage Renewal	0	(29,162)	(158,330)	29,162	100.0%
Infrastructure Assets - Footpaths New	(4,084)	(16,308)	(49,420)	12,224	299.3%
Infrastructure Assets - Footpaths Renewal	0	(26,501)	(80,308)	26,501	100.0%
Infrastructure Assets - Car Parks New	0	(3,758)	(41,340)	3,758	100.0%
Infrastructure Assets - Car Parks Renewal	0	(19,830)	(75,162)	19,830	100.0%
Infrastructure Assets - Parks and Ovals New	(159,770)	(50,485)	(1,785,762)	(109,285)	(68.4%)
Infrastructure Assets - Parks and Ovals Renewal	(44,588)	(736,008)	(4,710,791)	691,420	1550.7%
Repayment of Debentures	(74,412)	(98,974)	(593,851)	24,562	33.0%
Overdraft Funds (Repayment)	0	0	0	0	
Transfer to Reserves	(1,067,866)	(1,067,866)	(5,016,343)	0	0.0%
Total	(1,403,278)	(3,594,367)	(19,053,040)	2,191,089	
Net Capital	3,246,668	630,498	(6,138,375)	2,616,170	
Total Net Operating + Capital	9,117,929	5,631,830	(31,580,621)	3,486,099	
Rate Revenue	31,379,734	31,320,619	31,884,831	59,115	0.2%
Opening Funding Surplus(Deficit)	4,894,026	5,530,750	2,438,941	(636,724)	(13.0%)
Closing Funding Surplus(Deficit)	45,391,689	42,483,199	2,743,151	2,908,488	6.4%

**SHIRE OF KALAMUNDA
NOTES TO AND FORMING PART OF THE FINANCIAL REPORT
FOR THE MONTH TO 31 AUGUST 2015**

NET CURRENT FUNDING POSITION

	Positive=Surplus (Negative=Deficit)	
	31/08/2015	31/08/2014
	\$	\$
Current Assets		
Cash and Cash Equivalents Unrestricted	33,484,904	26,932,837
Cash and Cash Equivalents - Reserves (Restricted)	8,642,061	2,621,541
Receivables - Rates	16,084,251	15,300,562
Receivables - Sundry	546,847	732,105
Receivables -Other	5,802,772	4,297,201
Inventories	89,415	119,138
(* exclude loan receivable)	64,650,250	50,003,383
Less: Current Liabilities		
Payables	(10,616,499)	(8,386,790)
Provisions	(2,624,086)	(2,333,538)
(* exclude loan payable)	(13,240,585)	(10,720,328)
Net Current Asset Position	51,409,665	39,283,055
Add:		
Provision for Long Service Leave	1,124,198	770,399
Provision for Annual Leave	1,499,888	1,563,139
Less:		
Cash and Cash Equivalents - Reserves (Restricted)	(8,642,061)	(2,621,541)
Cash Restricted		
Net Current Funding Position	45,391,689	38,995,055

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

10.3.2 Shire of Kalamunda Standing Orders Local Law

Previous Items	
Responsible Officer	Chief Executive Officer
Service Area	Governance & PR
File Reference	LE-LOL-20
Applicant	N/A
Owner	N/A
Attachment 1	Proposed Standing Orders Local Law

PURPOSE

1. To consider repealing the current Standing Orders Local Law and replacing it with a revised version (Attachment 1).

BACKGROUND

2. The Standing Orders, or meeting procedures, provide rules and guidelines for the conduct of meetings.
3. The current Standing Orders Local Law was gazetted in August 1999, with amendments published in December 2003; a further review was commenced in February 2010.
4. In the time since the last amendments were made to the Local Law, some inconsistencies and lack of clarity have been identified. There have also been changes to legislation (such as the introduction of the Rules of Conduct for Elected Members), which may be appropriate to have reflected in the Local Law.
5. The process for creating a local law is outlined in section 3.12 of the *Local Government Act 1995* (the Act) and requires that a local law be reviewed every eight (8) years.

DETAILS

6. The proposed Standing Orders Local Law currently before Council for consideration has been prepared based on current industry standards, with modifications to suit the circumstances of current practice at the Shire of Kalamunda (Shire).
7. The Shire's lawyers, McLeods Barrister and Solicitors have also provided input into the drafting of the Local Law to ensure consistency, compliance with legislative requirements and acceptance by the WA Parliament's Joint Standing Committee on Delegated Legislation.
8. A workshop was conducted with Councillors in July 2015, to clarify the differences between the existing and proposed Local Law and seek feedback on any further changes that might be required.
9. Once Council resolves to make a new local law, state-wide and local public notice must be given of the proposed local law, and 42 days allowed for the

public to make submissions. At the end of the submission period, Council may proceed with adopting the local law, or may choose to not proceed. Minor amendments may be made before the local law is adopted (if it is proposed to make a local law significantly different from that advertised, the process must be re-started).

STATUTORY AND LEGAL CONSIDERATIONS

10. Section 3.12 of the *Local Government Act 1995*.

POLICY CONSIDERATIONS

11. Nil.

COMMUNITY ENGAGEMENT REQUIREMENTS

12. If Council resolves to make the new Standing Orders Local Law, state-wide and local public notice will be given, and public submissions invited.

FINANCIAL CONSIDERATIONS

13. Financial implications arising from the adoption of the Standing Orders Local Law will be the cost of advertising as required by legislation. These costs will be met from current budget allocations.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

14. *Kalamunda Advancing: Strategic Community Plan to 2023*
OBJECTIVE 6.2 - To ensure local laws are upheld.

Strategy 6.2.1 Develop, implement and monitor all local laws across the Shire to ensure they are relevant and realistic.

SUSTAINABILITY

Social Implications

15. Nil.

Economic Implications

16. Nil.

Environmental Implications

17. Nil.

RISK MANAGEMENT CONSIDERATIONS

18.

Risk	Likelihood	Consequence	Rating	Action/Strategy
That Council will not approve the proposed new local law	Unlikely	Minor	Medium	Ensure Council is aware that the legislation requires a review of local laws every eight years.

OFFICER COMMENT

19. Following the workshop on July 2015, clarification was sought from the Shire's lawyers with respect to a number of issues raised. All of the changes requested at the workshop have been included in the proposed Local Law, with the exception of a provision that involves concurrent debate.

20. The Shire's lawyer provided the following comments with respect to concurrent debate:-

5. - Concurrent debate

It is common, both at local government meetings and meetings generally, for notice to be given of a foreshadowed alternative motion. There are obvious benefits to this practice. However, like you, I am not aware of that practice generally being the subject of specific provisions in standing orders or meeting procedures. An exception is clause 9.17 of the City of Gosnells Standing Orders Local Law 2002 which states –

- '(1) Should a Member wish to negate a substantive motion and have Council consider a new substantive motion on the matter with different intent, the Member must foreshadow the new substantive motion prior to the right of reply.*
- (2) Should a substantive motion be lost, the Presiding Member will call upon the Member who foreshadowed the new substantive motion to move the proposed motion.*
- (3) Once moved and seconded, the foreshadowed motion becomes the substantive motion and the same procedures and rules of debate apply to this motion as any other motion.*
- (4) If more than one foreshadowed motion is proposed for any item before the Council, the Presiding Member shall deal with them in the order in which they were presented.'*

You also referred to the proposal for concurrent debate to occur in relation to a motion that has been moved and seconded, as well as a foreshadowed alternative motion. I am not aware of any standing orders, or more generally in the meeting procedures of any local government, that adopts this practice. It seems to me that it would be difficult for a presiding member to manage concurrent debates of this type. The Shire's proposed standing orders include clause 10.6 requiring that only one substantive motion be debated at any time. As far as I am aware, all local governments have similar clauses and meetings are conducted on the basis of the principles underlying that clause.

21. As the initial draft Standing Orders Local Law did not address foreshadowed motions, similar clauses to those contained in local laws from other local governments have been added.
22. In addition, amendments have been made to Clauses 3.4, 3.5, 5.1, 5.4, 6.17 and 10.2 to include references to these clauses also applying to a Committee meeting.
23. Section 3.12 (2) of the Act requires that the presiding person is to give notice of the purpose and effect of the proposed Local Law in the prescribed manner. This requirement is covered in Point 2 of the Officer Recommendation.

This report was originally presented to the Corporate & Community Services Meeting of 17 August 2015. A Councillor asked if it would be possible to have a list of the changes made to the Standing Orders, Manager Governance and PR circulated this to all Councillors prior to the Ordinary Council Meeting held on 24 August 2014. At that meeting the item was deferred to the Ordinary Council Meeting 29 September 2015. The full report is again presented for Council's consideration.

Voting Requirements: Simple Majority

OFFICER RECOMENDATION (C&C 30/2015)

That Council:

1. Gives state-wide and local public notice it proposes to make a new local law, the Shire of Kalamunda Standing Orders Local Law 2015 as per (Attachment 1).
2. Notes the purpose and effect of the proposed local law is:-
 - (1) The purpose of the local law is to provide for the conduct of meetings of the Council, Committees and electors.
 - (2) This local law is intended to result in:
 - (a) better decision-making at meetings;
 - (b) the orderly and efficient conduct of meetings;
 - (c) greater community participation and understanding of the business of the Council; and
 - (d) more open and accountable local government.

Moved:

Seconded:

Vote:

Attachment 1

DRAFT Shire of Kalamunda Standing Orders Local Law

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

11.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

11.1 Cr Frank Lindsey – Inclusion of Various Reserves into the Darling Range National Park

Rationale:

Cr Lindsey to provide rationale at the time of presenting motion to the meeting.

Officer Comment

The Shire has no objection with pursuing the inclusion of these reserves. The "K13" reserves are a similar set of properties, however they also include already developed land parcels including the Kalamunda Library, Water Park and Primary Schools. This list included the undeveloped parcels only.

Voting Requirements: Simple Majority

MOTION

That Council:

Request the Chief Executive Officer progress the inclusion of the following undeveloped Reserves, which border the Railway Heritage Trail (excluding Reserve 30314) to be incorporated into the Darling Range Regional Park, where they have not been already:

- R47881
- R9311
- R27801
- R33597
- R33598
- R23437
- R33599
- R30924
- R32701
- R32700
- R32699
- R22576
- R27799

Moved: **Cr Frank Lindsey**

Seconded:

Vote:

12.0 QUESTIONS BY MEMBERS WITHOUT NOTICE

13.0 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

13.1 Cr Geoff Stallard – Name of Forrestfield Skate Park

- Q. Regarding Item C&C 31, Naming of the new Forrestfield Skate Park, could the name be changed from "605SK8" to "SK8605"?
- A. If a decision has been made at a Council or Committee Meeting then any motion to revoke or change the decision must be supported – In any other case, by at least one third of the number of offices (whether vacant or not) of members of the Council or Committee under *Regulation 10(1)(b) of Local Government (Administration) Regulations 1996*.

The Councillor intending to be the mover of the new motion would be required to provide supportive rationale to change the original decision.

With due regard to the above, it is worth noting that Officers have since commenced actioning the resolution of Council (en bloc Resolution OCM 104/2015) endorsing the new Skate Park name of "605SK8" through the development of media releases to local newspapers, designing of new Skate Park signage and written back to update many of those who submitted naming entries as part of the initial Skate Park naming process.

13.2 Cr Geoff Stallard – Hasluck Funds for Aged Care

- Q. As a follow-up on tonight's decision on Wilkins Road, I believe that \$3-6m was allocated to Hasluck for Ken Wyatt to use towards aged care, is this available, do these funds still exist and how can it be accessed?
- A. The Member for Hasluck has advised the Shire there are no such funds available.

13.3 Cr Geoff Stallard – Clean-up After Markets

- Q. Since we have now voted to waive the hire fees for the Kalamunda Chamber of Commerce for the Kalamunda Farmer's Market, do we have any idea what costs the Shire incurs by having to clean-up after their event and is that cost charged, if not why not? Also are the Rotary Club being charged for the clean-up after their monthly market use?
- A. The market organisers and stallholders are required to clean up after each event. The Shire then empties the bins left after the markets by the organisers. No charges additional to the 'trading in thoroughfares and public spaces licence' are made for either the weekly or monthly markets.

One element of the Sponsorship Agreement includes waiving annual fees pursuant to the 'trading in thoroughfares and public spaces licence' for the Kalamunda Farmers Market which amounts to \$6,490. In return the Shire receives benefits comparable with the revenue which is waived under the Agreement.

13.4 Cr Dylan O'Connor – Mature Tree Planting at Fleming Reserve

Q. I understanding that there is to be a planting of mature trees on Fleming Reserve, please could this be confirmed and a date supplied?

A. The mature trees have been ordered and delivery to the Operations Centre is expected by mid-September, with all planting and associated works programmed for completion by the end of September.

13.5 Cr Dylan O'Connor – Skip Bins

Q. I have heard of a skip bins being left on shire verges for a number of weeks, are there delays Shire wide or is this a one-off case?

A. Since January 2015 there have been a total of four complaints received during the period 30 June to 7 August regarding skip bins being left on the verges for a number of weeks. Perth Waste has confirmed that during this period there were two operators responsible for picking up the skip bins who did not complete their days work and marked down bins as being collected, but in fact were left on the verge. These two operators are no longer working for Perth Waste and all known overdue bins have been collected.

It is considered that this was a once off occurrence and Perth Waste is introducing processes to ensure that skip bins are delivered to site and removed for emptying in accordance with the contract specification

14.0 URGENT BUSINESS APPROVED BY THE PRESIDING MEMBER OR BY DECISION

15.0 MEETING CLOSED TO THE PUBLIC

16.0 CLOSURE