

# Special Council Meeting

Agenda for Monday 3 February 2014



**shire of  
kalamunda**

## NOTICE OF MEETING SPECIAL COUNCIL MEETING

Dear Councillors

Notice is hereby given that a Special Meeting of Council will be held in the Council Chambers, Administration Centre, 2 Railway Road, Kalamunda on **Monday 3 February 2014, 6.30pm.**

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



Rhonda Hardy  
**Chief Executive Officer**  
30 January 2014

## 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.



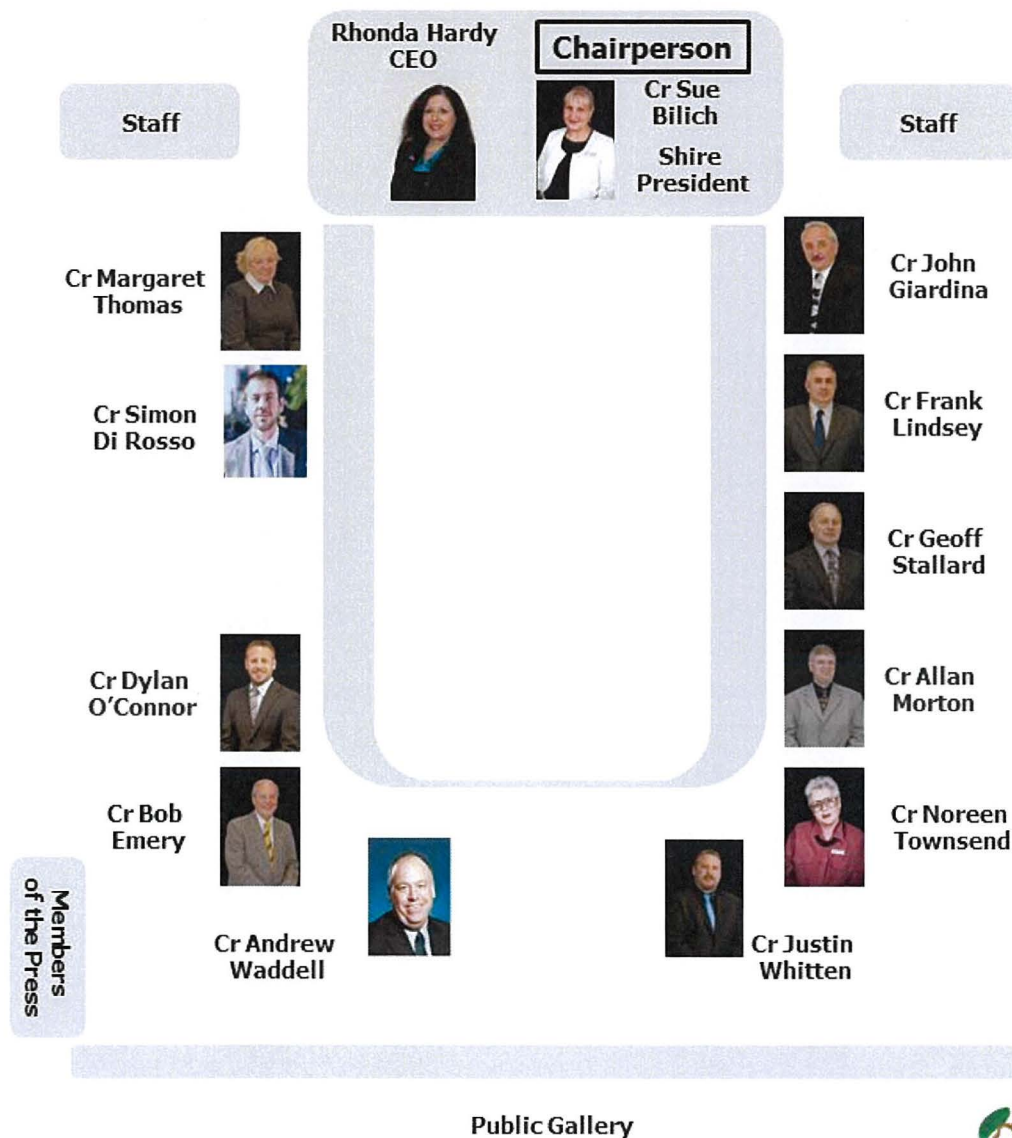


## INFORMATION FOR THE PUBLIC ATTENDING COUNCIL MEETINGS

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



## **Special Council Meetings – Procedures**

1. All 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 a Special Council Meeting during Public Question Time on matters relating to the functions of this meeting.
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.**

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## 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 this meeting. For the purposes of Minuting, these questions and answers will be summarised.

### 4.0 PETITIONS/DEPUTATIONS

### 5.0 ANNOUNCEMENTS BY THE MEMBER PRESIDING WITHOUT DISCUSSION

### 6.0 MATTERS FOR WHICH MEETING MAY BE CLOSED

#### 6.1 02. CONFIDENTIAL REPORT Dispute in relation to the former Chief Executive Officer- Provided under separate cover.

Reason for Confidentiality –Local Government Act 1995

Section 5.23 (2) (b) "the personal affairs of any person".

Section 5.23 (2) (d) "legal advice obtained or maybe obtained by the Local government and which relates to a matter to be discussed at the meeting"

### 7.0 DISCLOSURE OF INTERESTS

#### 7.1 Disclosure of Financial and Proximity Interests

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

#### 7.2 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.

### 8.0 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.**

**01. State Underground Power Program – Localised Enhancement Project Kalamunda Town Centre**

Previous Items	OCM 02/2013 (D&I 05/2013/)
Responsible Officer	Director Infrastructure Services
Service Area	Infrastructure Operations
File Reference	PG-STU-0189
Applicant	N/A
Owner	Various
Attachment 1	Nil

**PURPOSE**

1. To consider the detailed scope and estimate for the State Underground Power Program (SUPP) – Localised Enhancement Project (LEP) – Kalamunda Town Centre.
2. To consider whether Council should fully fund the cost of the proposed scope and if so determine which projects may be reduced in scope to provide funding in the 2014/2015 Capital Works Program.

**BACKGROUND**

3. In October 2012, the Minister for Energy advised the Shire of Kalamunda that the Kalamunda Town Centre had been included as an LEP in Round 5 of the SUPP.
4. A report was considered by Council in February 2013 (D&I05/2013) which provided the following advice:-
  16. *Under the SUPP arrangements, LEP's are jointly funded up to \$1 million comprising 50% by the local government (\$500,000), 25% by Western Power (\$250,000) and 25% by the State Government (\$250,000). Project costs over the \$1 million threshold are to be 100% funded by the Shire.*
  17. *The Shire will have to pay a non-refundable deposit of \$12,500 by the end of March 2013. The monies are provided for in the Design and Development (412) 2012/13 budget. In the event that the Shire is selected for funding allocation, the deposit will be credited to the Shire's costs under the funding agreement.*
  31. *Preliminary design costing are expect in April 2013, at this point the 50% funding allocation will be known and Council can determine whether they wish to proceed with the project or not. Should the costing be in excess of \$1 million, the excess amount would be 100% Shire funded. At this stage consideration could be given to scaling back the project to reduce the cost to the Shire.*

5. The following recommendation was approved on 25 February 2013 (En Bloc OCM 02/2013):

*That Council:*

1. *Notes the selection of the Kalamunda Town Centre as a Localised Enhancement Project and authorises the Shire staff to proceed with the tasks listed in the Detailed Proposal Stage Responsibilities (Attachment 2) in respect to the State Underground Power Program – Localised Enhancement Project for the Kalamunda Town Centre.*
2. *Lists for consideration in the mid-year budget review \$12,500 for design costs.*
3. *Lists for consideration in the 2012/2013 budget \$500,000 for funding of the Localised Enhancement Project for the Kalamunda Town Centre.*
4. *Advise Western Power of the Shire's desire to proceed with the project.*

**DETAILS**

6. The detailed design work and cost estimate has been undertaken by Western Power, who has estimated the project cost to be \$1,500,000.
7. Western Power have based their estimate on a conservative assessment of the volume of rock to be encountered during the project. Based on experience the assessment is at the high end of the likely range and therefore it is anticipated that the project may be delivered at a lower cost.
8. In order to progress this project in the timeframe proposed by Western Power (commencement in April 2014), a decision by Council is required on whether to proceed. There are three options:
1. Do not proceed with this project - \$500,000 savings in the 2013/2014 CAPEX program.
  2. Reduce the scope of the project to \$1,000,000 total project cost to conform with the existing budget allocation.
  3. Accept the full project scope and determine how to fund the balance (up to \$500,000). Based on project timing, this additional funding would be required in 2014/2015.
9. In order to fund the additional amount in 2014/2015, one or more projects/programs from the 2013/2014 Capital Works Budget need to be reduced in scope. An assessment of the Long Term Financial Plan (LTFP) has identified several possibilities as shown below.



10. The following projects and programs have been identified as appropriate for deferral/scope reduction and are listed in order of potential consequence:

<b>Project</b>	<b>2013/2014 Budget</b>	<b>Comment</b>	<b>Available in 2014/2015 for the SUPP.</b>
Reserves Signage Replacement (2013/2014)	\$150,000	Reduce the scope of this activity to \$50,000, allowing the balance to be reallocated to the SUPP.  It is not imperative that signage be upgraded at this point in time particularly given the possible amalgamation. It would be prudent to minimise expenditure on signage for this financial year until an outcome on amalgamation is known.	\$100,000
Kalamunda Library Refurbishment (2013/2014)	\$426,000	Reduce the scope of this activity to \$26,000 so that design work can be completed in 2013/2014, allowing the balance to be reallocated to the SUPP.  The upgrade of the Kalamunda Library is not a critically imperative project and can be delayed and reallocated in future budgets.	\$400,000

### **STATUTORY AND LEGAL CONSIDERATIONS**

11. Changes to the CAPEX program requires consideration and approval by Council.

### **POLICY CONSIDERATIONS**

12. Nil.

### **COMMUNITY ENGAGEMENT REQUIREMENTS**

13. It is recognised if the recommendation of this report is accepted, there will be a need to manage community and stakeholder expectations for projects which have been reduced in scope.
14. The selection of projects has been made taking account of strategic objectives and priorities.

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## FINANCIAL CONSIDERATION

15. The recommended projects for scope reduction and the amounts are listed below:

1.	Reserves Signage Replacement (2013/2014)	\$100,000
2.	Kalamunda Library Refurbishment (2013/2014)	\$400,000
	Total	<u>\$500,000</u>

## STRATEGIC COMMUNITY PLAN

### Strategic Planning Alignment

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

OBJECTIVE 4.1 – To ensure land use plans provide long term sustainable population growth.

Strategy 4.1.2 Continue to pursue opportunities for new development and streetscape outcomes through the implementation of Town Centre Improvement Plans.

OBJECTIVE 4.7 – To ensure the selection, maintenance, inspection, renewal and disposal of all categories of assets within the Shire is managed efficiently.

Strategy 4.7.1 Maintain, refurbish or upgrade existing infrastructure, including public buildings, parks, reserves, local roads, footpaths, cycle ways, verges and drainage networks to encourage increased utilisation and extension of asset life.

## SUSTAINABILITY

### Social Implications

17. The proposed improvements to the Town Centre will make the area more attractive for the local residents as well as the visitors.

### Economic Implications

18. The improved will assist local businesses in attracting more people thus improving the commercial viability of Town Centre area.

### Environmental Implications

19. Undergrounding the power will result in more consistent and attractive landscaping for the Town Centre. Appropriate streetscape improvements will be undertaken once the power is underground including providing greater shade in summer and sunlight in winter.

**RISK MANAGEMENT CONSIDERATONS**

20.

<b>Risk</b>	<b>Likelihood</b>	<b>Consequence</b>	<b>Rating</b>	<b>Action/Strategy</b>
That the SUPP is not delivered.	Unlikely	Major	Medium	Ensure Western Power receive a response regarding Council's position on funding.
That the SUPP is delayed.	Possible	Minor	Medium	Ensure Western Power receive a response regarding Council's position on funding.
That a portion of the SUPP is undelivered.	Possible	Major	High	It is recommended option 3 is selected as it is unlikely the remaining road(s) would be funded in future SUPP rounds. If option 2 is approved then information would be provided to the community and stakeholders informing them of the decision.
That the SUPP cost exceed the current revised estimate.	Unlikely	Major	Medium	A conservative approach and sufficient contingency have been used in developing the current estimate by Western Power. Sufficient scope remains in the 2014/2015 CAPEX program to source additional funds if required.

**OFFICER COMMENT**

21. The option to reduce the scope of the project is not recommended for several reasons:

1. The portions of the project that are excluded (Barber Street) would be unlikely to attract support from a future SUPP as stand-alone projects.
2. The exclusion of a portion of the project would not allow the full realisation of the project concept and would generate negative community comment.
3. The exclusion of Barber Street would result in limited opportunities for amenity improvements around Town Square Gardens and the Town Mall. As these locations are a major attraction to visitors (through the markets), this would be seen as a negative outcome.

22. At any time, a higher priority project should be able to be included in the Long Term Financial Plan. The Town Centre Improvement Action Plan is a high priority for Council and as the SUPP is critical in delivering this plan, it is appropriate to consider and compare the priority of other projects. It is considered that the projects and programs recommended for deferral or reduction are lower priority.

<b>Voting Requirements: Simple Majority</b>
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**OFFICER RECOMMENDATION (SCM 01/2014)**

That Council:

1. Approve the delivery of the full scope of the State Underground Power Project – Localised Enhancement Project – Kalamunda Town Centre.
2. Approve the reduction in scope of the following programs from the 2013/2014 Capital Works Budget:

1. Reserves Signage Replacement (2013/2014)	\$100,000
2. Kalamunda Library Refurbishment (2013/2014)	\$400,000
Total	<u>\$500,000</u>
3. Approve the inclusion of the following item in the 2014/2015 CAPEX budget:

1. Kalamunda Town Centre State Underground Power Program Contribution	\$500,000
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Moved:

Seconded:

Vote:

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

**02. CONFIDENTIAL REPORT Dispute in relation to the former Chief Executive Officer**

Reason for Confidentiality – Local Government Act 1995

Section 5.23 (2) (b) "the personal affairs of any person".

Section 5.23 (2) (d) "legal advice obtained or maybe obtained by the Local government and which relates to a matter to be discussed at the meeting"

Previous Items	Item 6.1 Special Council Meeting 9 September 2013 Item 6.1 Special Council Meeting 10 December 2012 Item 6.1 Special Council Meeting 5 December 2012 Item 6.1 Ordinary Council Meeting – 15 October 2012 Item 6.1 Special Council Meeting 20 September 2012 Item 6.1 Special Council Meeting 23 September 2013 Item 10.3.7 Ordinary Council Meeting November 2013
Responsible Officer	Chief Executive Officer
Service Area	Office of the Chief Executive Officer
File Reference	N/A
Applicant	N/A
Owner	N/A

Confidential Attachment 1

Order case management Direction from the Supreme Court of Western Australia  
Reason for Confidentiality – Local Government Act 1995:  
*Section 5.23 (2) (b), "the personal affairs of any person".*  
*Section 5.23 (2) (d) " legal advice obtained or maybe obtained by the Local government and which relates to a matter to be discussed at the meeting"*

Confidential Attachment 2

Legal Advice  
Reason for Confidentiality – Local Government Act 1995:  
*Section 5.23 (2) (b), "the personal affairs of any person".*  
*Section 5.23 (2) (d) " legal advice obtained or maybe obtained by the Local government and which relates to a matter to be discussed at the meeting"*

This item was deferred from the December Ordinary Council Meeting.

**9.0 MEETING CLOSED TO THE PUBLIC**

**10.0 CLOSURE**