
Shire of Kalamunda

Ordinary Council Meeting Agenda

Monday 15 August 2011

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NOTICE OF MEETING ORDINARY MEETING OF COUNCIL

Councillors,

Notice is hereby given that the next meeting of the Ordinary Meeting of Council will be held in the Council Chambers, Administration Centre, 2 Railway Road, Kalamunda on:

Monday 15 August 2011, commencing at 6.30 pm.

For the benefit of members of the public, attention is drawn to the following requirements as adopted by Council.

Open Council Meetings – Procedures

1. All Council Meetings are open to the public, except for matters raised by Council under Item No. 15.0 of the Agenda.
2. Members of the public may ask a question at an Ordinary Council Meeting under Item 3.0 of the Agenda.
3. Members of the public who are unfamiliar with meeting procedures are invited to seek advice at the meeting. If unsure about proceedings, just raise your hand when the Shire President opens '*question time*' under Item 3.0 of the Agenda.
4. All other arrangements are in accordance with Council's Standing Orders, Policies and decision of the Shire or Council.

James Trail
Chief Executive Officer

11 August 2011

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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 Public Gallery on matters relating to the functions of Council.

Norma Iredell - 51 Johnson Place, Wattle Grove
(Questions taken on notice 18 July 2011)

- 3.1 Q Why did I not receive a letter regarding the Closure of Johnson Place and Welshpool Road to inform me of what was happening?
- A. The closure of the triangular portion of the Welshpool Road reserve was considered by Council in two stages. The first Stage being seeking Council approval to advertise Council's intent to close the road. Residents are not generally consulted at this stage as it is followed by a statutory consultation process. Following Council approval at the March Ordinary Council Meeting, the intent to close the road reserve was advertised in accordance with the *Land Administration Act*. All residents who submitted comments including Mrs Iredell, were advised of outcome from the July General Services Committee meeting which recommended the closure proceed.
- 3.2 Q. Why does Mr Leighton want the piece of land on Welshpool Road?
- A. The Shire President explained that responses have not been sent out yet as the information and resolution would normally be included in the letters distributed after the Ordinary Council Meeting Meeting.
- 3.3 Q. Why is the Council intending to close that piece of land with an easement not a drainage reserve? Why vote against your Officer's advice?

- A. The closure of the triangular portion of the Welshpool Road reserve was considered by Council in two stages. The first Stage being to seek Council approval to advertise Council's intent to close the road. Residents are not generally consulted at this stage as it is followed by a statutory consultation process. Following Council approval at the March Ordinary Council Meeting, the intent to close the road reserve was advertised in accordance with the Land Administration Act. All residents that submitted comments including Mrs Iredell were advised of the July General Services Committee meeting which recommended the closure to proceed.
- 3.4 Q. Isn't it time the Shire informed the ratepayers what the intended use is, and why do you want to sell it? We use the land frequently to cross on to Welshpool Road.
- A. Council is acting on a request from an adjoining land owner. The triangular section of the Welshpool Road Reserve proposed for closure is surplus to requirements. The land after closure could be purchased by an adjoining land owner and could be used for any lawful purpose in accordance with Shire of Kalamunda's Local Planning Scheme.

4.0 PETITIONS/DEPUTATIONS

5.0 APPLICATIONS FOR LEAVE OF ABSENCE

6.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

6.1 Ordinary Council Meeting 18 July 2011

That the Minutes of the Ordinary Council Meeting of the Shire of Kalamunda held in the Council Chambers, 2 Railway Road, Kalamunda on 18 July 2011 are confirmed as a true and correct record.

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 18 July 2011."

6.2 Special Council Meeting 25 July 2011

That the Minutes of the Special Council Meeting of the Shire of Kalamunda held in the Council Chambers, 2 Railway Road, Kalamunda on 25 July 2011 are confirmed as a true and correct record.

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 25 July 2011."

7.0 ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION

8.0 MATTERS FOR WHICH THE MEETING MAY BE CLOSED

9.0 DISCLOSURE OF INTERESTS

Disclosure of Financial and Proximity Interests

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

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 has given or will give advice.

10.0 REPORT TO COUNCIL

Declaration of Financial/Conflict of interests to be recorded prior to dealing with each item.

10.1 Planning Services Committee Report**10.1.1 Adoption of Planning Services Committee Report**

That the recommendations contained in the Planning Services Committee Report of the 1 August 2011, except item for separate consideration being PS29, be adopted.

Moved:

Seconded:

Vote:

10.1.2 PS30 Local Planning Scheme No. 3 Amendment – Lot 51 (118) Lawnbrook Road West, Walliston - Rezone from Residential Bushland and Special Rural to Residential, Changing the Density from R2.5 to R5 and Deleting the Additional Use**COMMITTEE RECOMMENDATION TO COUNCIL PS30/2011**

That Council:

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

PLANNING AND DEVELOPMENT ACT 2005

RESOLUTION DECIDING TO AMEND A LOCAL PLANNING
SCHEME

SHIRE OF KALAMUNDA

LOCAL PLANNING SCHEME NO. 3

AMENDMENT NO.

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

1. Rezoning Lot 51 (118) Lawnbrook Road West, Walliston from Residential Bushland and Special Rural to Residential, and increase in density from R2.5 to R5.

2. Delete item 16 of the Scheme's Schedule 2 (Additional Uses) and renumber the remaining items accordingly.

Subject to amendment documents and the required administration fee 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*, without reference to the Western Australian Planning Commission.

10.1.3 **PS31 Richards Road and Warner Road, High Wycombe – Proposed Closure of Pedestrian Access Way**

COMMITTEE RECOMMENDATION TO COUNCIL PS31/2011

That Council:

1. Recommends to the Department of Planning that the request to close the Pedestrian Access Way between Richards Road and Warner Road, High Wycombe, not be supported and the Pedestrian Access Way remain open as it is considered to be of importance in the local pedestrian/cyclist network.

10.1.4 **PS32 Crake Court and Kiandra Way, High Wycombe – Proposed Closure of Pedestrian Access Way**

COMMITTEE RECOMMENDATION TO COUNCIL PS32/2011

That Council:

1. Supports the closure of the Pedestrian Access Way between Crake Court and Kiandra Way, High Wycombe.
2. Requests that the Department of Planning support the closure and the sale of the Pedestrian Access Way to adjoining owners.

10.1.5 **PS33 Wisteria Court and Kalmia Way, Forrestfield – Proposed Closure of Pedestrian Access Way**

COMMITTEE RECOMMENDATION TO COUNCIL PS33/2011

That Council:

1. Supports the closure of the Pedestrian Access Way between Kalmia Way and Wisteria Court, Forrestfield.
2. Requests that the Department of Planning support the closure and the sale of the Pedestrian Access Way to adjoining owners.

10.1.6 **PS34 Townscape Improvement Plans - Maida Vale Shopping Centre**

COMMITTEE RECOMMENDATION TO COUNCIL PS34/2011

That Council:

1. Endorses the Townscape Improvement Plan for the Centre subject to the submission of a revised plan with the annotation:
 - Potential development shown on the plan is conceptual only and will be subject to formal development consent.
2. Notes that for the purpose of the Improvement Plan, the Centre be renamed the Berle Way Shopping Centre, High Wycombe.

ITEM FOR SEPARATE CONSIDERATION

10.1.7 **PS29 Shire of Kalamunda Health Local Law 2001 Review**

COMMITTEE RECOMMENDATION TO COUNCIL PS29/2011

That Council:

1. Resolves to make the Shire of Kalamunda Health Local Law 2011 and the Shire of Kalamunda Keeping and Control of Animals and Nuisance Local Law 2011.

Moved:

Seconded:

Vote: **Absolute Majority Required**

10.2 General Services Committee Report

10.2.1 Adoption of General Services Committee Report

That the recommendations contained in the General Services Committee Report of 8 August 2011, except item for separate consideration being GS108, be adopted.

Moved:

Seconded:

Vote:

10.2.2 **GS104 Creditors' Accounts Paid During the Period 6 July 2011 to 27 July 2011**

COMMITTEE RECOMMENDATION TO COUNCIL GS104/2011

1. That the list of creditors paid during the period 6 July 2011 to 27 July 2011 (Attachment 1) be received by Council in accordance with the requirements of the *Local Government (Financial Management) Regulations 1996 (Regulation 12)*.

10.2.3 **GS105 Debtors and Creditors Reports for the Period ending 30 June 2011**

COMMITTEE RECOMMENDATION TO COUNCIL GS105/2011

1. That the outstanding debtors (Attachment 1) and creditors (Attachment 2) reports as at 30 June 2011 be received.

10.2.4 **GS106 Debtors and Creditors Reports for the Period ending 31 July 2011**

COMMITTEE RECOMMENDATION TO COUNCIL GS106/2011

1. That the outstanding debtors (Attachment 1) and creditors (Attachment 2) reports as at 31 July 2011 be received.

10.2.5 **GS107 Rates Debtors Report for the Period ending 31 July 2011**

COMMITTEE RECOMMENDATION TO COUNCIL GS107/2011

1. That the outstanding rates debtors report as at 31 July 2011 (Attachment 1) be received.

10.2.6 **GS109 Kalamunda Home and Community Care – June (2011) Quarter Review**

COMMITTEE RECOMMENDATION TO COUNCIL GS109/2011

1. That the Kalamunda Home and Community Care Services June 2011 Quarterly Review be received by Council.

10.2.7 **GS110 Quarterly Progress Report - April to June 2011**

COMMITTEE RECOMMENDATION TO COUNCIL GS110/2011

1. That Council receives the Quarterly Interplan Progress Report for April – June 2011.

ITEM FOR SEPARATE CONSIDERATION

10.2.8 **GS108 Community Sport and Recreation Facilities Fund - Small Grants (Winter) 2010/11**

COMMITTEE RECOMMENDATION TO COUNCIL GS108/2011

1. That Committee defer this item until the Ordinary Council Meeting on 15 August 2011

Moved:

Seconded:

Vote:

This report is presented to Council for consideration in the Chief Executive Officer's Report as Report 10.3.1.

10.3 Chief Executive Officer's Report

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

10.3.1 Community Sport and Recreation Facilities Fund - Small Grants (Winter) 2010/11

Previous Items	OCM 33/2011
Responsible Officer	Director Community Development
Service Area	Community Development
File Reference	FI-FAG-050
Applicant	N/A
Owner	N/A

PURPOSE

- To consider allocating funds towards the following successful Community Sport and Recreation Facilities Fund ("CSRFF") projects:
 - Hartfield Park Needs and Feasibility Study.
 - Kalamunda and Districts Basketball Association new basketball backboards.

BACKGROUND

- In August 2010, Council was presented with two CSRFF applications for consideration of support. Council subsequently resolved (OCM 33/2011) the following:

That Council:

- Endorses the following applications for the Department of Sport and Recreation's 2011/12 Community Sport and Recreation Facilities Small Grant Fund in order of priority:*
 - Hartfield Park Recreation Centre Feasibility Study*
 - Kalamunda and Districts Basketball Association*
- Considers allocating \$40,000 in the 2011/2012 budget for the Hartfield Park Feasibility Study subject to the successful outcome of the CSRFF application.*
- Considers allocating \$72,670 in the 2011/2012 budget for the purchase of four new basketball backboards at the Ray Owen Sports Centre subject to the successful outcome of the CSRFF application.*

3. In June 2011, the Shire received notification from the Department of Sport and Recreation (“DSR”), that both the Hartfield Park Needs and Feasibility Study and purchase of four new basketball backboards at the Ray Owen Sports Centre were successful in obtaining funding.
4. Council is now requested to consider allocating funds towards both the Hartfield Park Needs and Feasibility Study and the Kalamunda and Districts Basketball Association proposal for new basketball backboards at the Ray Owen Sports Centre.

DETAILS

Hartfield Park Recreation Centre Needs and Feasibility Study

5. The development of a Needs and Feasibility Study for the Hartfield Park Recreation Centre will aim to address the increasing need for the functionality of the facility to be reviewed. Specifically, the study will determine the future indoor recreational needs (dry aspects only) of the community and the overall viability of upgrading the facility.
6. The need for the Study has been included in the one to five year recommendations of the Hartfield Park Masterplan (OCM 110/2010), to ensure that the requirements of the facility are considered prior to any potential expansion of the Forrestfield United Soccer Clubrooms.
7. Furthermore, the Draft Community Facilities Plan identified the need for the Needs and Feasibility Study.
8. The proposed project cost for the Needs and Feasibility study for the Hartfield Park Recreation Centre is as follows:

Organisation	Contributions ex GST
CSRFF	\$13,000
Shire of Kalamunda	\$27,000
Total Project Cost	\$40,000

Kalamunda and Districts Basketball Association - New Basketball Backboards

9. The Kalamunda and Districts Basketball Association project for the installation of four new basketball backboards is required due to the current state of the existing basketball rings and the necessity for replacement.

10. The proposed cost for the project to install four new basketball backboards at the Ray Owen Sports Centre based in Lesmurdie is as follows:

Organisation	Contributions ex GST
Kalamunda and Districts Basketball Association	\$24,223
CSRFF	\$24,223
Shire of Kalamunda	\$24,224
Total Project Cost	\$72,670

STATUTORY AND LEGAL IMPLICATIONS

11. Western Australian *Local Government Act 1995*, Section 6.2 and 6.8 Local Government Budget.

POLICY IMPLICATIONS

12. Nil.

PUBLIC CONSULTATION/COMMUNICATION

13. Nil.

FINANCIAL IMPLICATIONS

14. Should Council decide that the two projects should proceed then the total contribution required by the Shire would be \$51,224.
15. A number of reductions have already been made to the 2011/12 operating budget. Therefore, any further opportunities to reduce operating expenditure are limited.
16. Nevertheless, the following operating accounts have been identified as opportunities for funds to be re-allocated:

Account No	Description	2011/12 Budget	Amounts identified to be reallocated
350710.522	Minor furniture (Buildings)	\$20,000	\$7,500
320710.539	Advertising (Youth)	\$4,000	\$1,000
331710.539	Advertising (Ray Owen)	\$3,500	\$1,000
397710.539	Advertising (KPAC)	\$7,500	\$2,500
Total			\$12,000

-
17. Whilst it would be desirable to maintain these budget allocations they have been identified to be reprioritised towards the Ray Owen Sports Centre basketball backboard project, due to the project providing an opportunity to leverage \$60,670 in external funds to achieve a total project outcome of \$72,670.
18. If Council does not contribute towards the funded projects the DSR have advised that the CSRFF funding of \$37,223 will be forfeited. The DSR would need to be advised of any decision to defer either or both projects by the end of August 2011.
19. Should the \$12,000 outlined in the table above be reallocated to the purchase of the basketball backboards at the Ray Owen Sports Centre, the Kalamunda and Districts Basketball Association would be required to contribute \$12,224 plus their one third allocation of \$24,223.
20. The Kalamunda and Districts Basketball Association have confirmed in writing that should Council be unable to fund their entire one third contribution towards the project, they have the capacity to increase their contribution to cover the shortfall.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

Strategic Planning Implications

21. *Shire of Kalamunda Strategic Plan 2009-2014*
- 1.3.1 Manage the effective promotion, planning and usage of recreational spaces, services and facilities.
 - 1.3.4 Develop active and passive recreational facilities based on environmentally sustainable principles.
 - 2.3.2 Maintain, refurbish or upgrade existing infrastructure to encourage increased utilisation and extension of asset life.

Sustainability Implications

Social implications

22. Nil.

Economic Implications

23. Nil.

Environmental Implications

24. Nil.

OFFICER COMMENT

25. Through the CSRFF program, the State Government provides financial assistance to community groups and local government authorities to develop basic infrastructure for sport and recreation. The program aims to increase participation in sport and recreation with an emphasis on increasing physical activity through the provision of well-planned facilities. For example, the backboards will aim to increase physical activity through having the capacity to be electronically lowered to accommodate U/10's basketball.
26. The development of the Hartfield Park Recreation Centre Needs and Feasibility Study has been scheduled to occur in 2011/12. However, Council may decide to defer the Study provided it is undertaken before any expansion of the Forrestfield United Soccer Club Clubrooms, which has been identified to occur in the Hartfield Park Masterplan between 2015 – 2020. This is to ensure that any expansion of the Hartfield Park Recreation Centre is considered prior to any future development of the Forrestfield United Soccer Club Clubrooms.
27. The DSR have confirmed that should the Study not occur in the 2011/12 financial year the \$13,000 in CSRFF funding would need to be relinquished.
28. Should Council decide to contribute the recommended \$12,000 towards the installation of the basketball backboards, it will present Council with an opportunity to leverage \$60,670 in external funds for an overall expenditure of \$12,000, to achieve a total project cost of \$72,670.
29. In summary, it is recommended that Council advises DSR that the Hartfield Park Recreation Centre Needs and Feasibility Study will not occur in 2011/12. Furthermore, that Council contributes \$12,000 towards the project to install four new basketball backboards at the Ray Owen Sports Centre, acknowledging that the Kalamunda and Districts Basketball Association have agreed to contribute an additional \$12,224 to this project.

Additional Information 8 August 2011

30. In the past few weeks the Shire staff have been exploring whether there is a potential for some form of development of land within the Hartfield Park Reserve. The recently adopted Hartfield Masterplan, estimated in excess of \$5.5 million needs to be spent and the draft Community Facilities Plan, in excess of another \$8.0 million.
31. Given there is now a much broader agenda for Hartfield Park Reserve it was considered prudent to reverse the Officer's Recommendation to postpone the Needs and Feasibility Study for Hartfield Park until 2012/2013. In light of this recent development Officers now recommend that Council accept the funding from the DSR and incorporate this study to occur concurrently with an environmental study of the land within the Reserve in order to derive benefit from synergies between the two complimentary studies.

32. Additional information was tabled at the General Services Committee Meeting of 8 August 2011 by the Kalamunda and Districts Basketball Association advising the club no longer agreed with having to pay 50% of the contribution portion of the Shire.
33. Given this situation the Shire therefore revises its recommendation to Council. It now recommends that Council contribute its entire 30% contribution of \$24,223. The additional \$12,000 will be funded from Shire Reserves.

RECOMMENDATION

That Council:

1. Pursuant to section S 6.8 (1)(c) *Local Government Act 1995*, amends the 2011/2012 Budget to include Expenditure for the:
- | | |
|---|----------|
| Ray Owen Sports Centre
(basketball backboards project) | \$72,670 |
| Hartfield Park Recreation Centre
(Needs and Feasibility Study) | \$40,000 |
2. Pursuant to section S 6.8 (1)(c) *Local Government Act 1995*, amends the 2011/2012 Budget to include Income for the:
- | | |
|---|----------|
| Ray Owen Sports Centre
(basketball backboards project) | \$48,446 |
| Hartfield Park Recreation Centre
(Needs and Feasibility Study) | \$13,000 |

Moved:

Seconded:

Vote: **Absolute Majority Required**

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

10.3.2 Disposal of Freehold Land

Previous Items	GS47 Land Asset Rationalisation and OCM50/2011 SCM 89/2011
Responsible Officer	Director Corporate Services
Service Area	Property & Procurement
File Reference	MD-03/039, AN-02/021, CB-01/002 & BR-03/029
Applicant	N/A
Owner	N/A
Attachment 1	Nil

PURPOSE

1. To advise Council of the responses received from the advertising of the Proposal to Dispose of Property in accordance with Section 3.58 of the *Local Government Act 1995*.

BACKGROUND

2. At the Special Meeting of Council held on 4 July 2011 Council resolved to sell Lot 17 (43) Boonooloo Road Kalamunda for the sum of \$575,000.
3. The offer was subject to a 21 day due diligence clause and this period has now passed. The offer is unconditional.
4. In accordance with Section 3.58 of the *Local Government Act 1995* the Shire is required to advertise the disposal of the property.

DETAILS

5. An advertisement appeared in the "Local Government Notices" section of The West Australian on Wednesday 27 July 2011 requesting submissions to be received by 5.00pm Tuesday 9 August 2011.
6. At the close of the submission period, no submissions were received.

STATUTORY AND LEGAL IMPLICATIONS

7. The sale process is in accordance with Section 3.58 (3) of the *Local Government Act 1995*.

POLICY IMPLICATIONS

8. There are no policy implications.

PUBLIC CONSULTATION/COMMUNICATION

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

And

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

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

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

FINANCIAL IMPLICATIONS

10. The proceeds from the sale of Lot 17 (43) Boonooloo Road Kalamunda are included in the 2011/2012 budget.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS**Strategic Planning Implications**

11. The sale of this property will assist in meeting the Shire of Kalamunda Strategic Plan 2009-2014.

Goal 5 Outcome 5.4.2 – Explore all avenues of funding including borrowings and sale of assets.

Sustainability ImplicationsSocial implications

12. There are no social implications.

Economic Implications

13. The proceeds from the sale will provide funding for future community infrastructure developments.

Environmental Implications

14. There are no environmental implications with the disposal of this lot.

OFFICER COMMENT

15. As no submissions have been received and the Offer is now unconditional, it will now proceed to settlement.

RECOMMENDATION

1. That Council acknowledges the requirements of Section 3.58 of the *Local Government Act 1995* have been complied with and as no submissions have been received, the sale of Lot 17 (43) Boonooloo Road Kalamunda proceed to settlement.

Moved:

Seconded:

Vote:

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

10.3.3 RFT1118 Panels of Specialist Providers – Environmental Consultants

Previous Items	N/A.
Responsible Officer	Director Corporate Services
Service Area	Property & Procurement
File Reference	RFT 1118
Applicant	N/A
Owner	N/A
Confidential	Schedule of Tender Prices
Attachment 1	<u><i>Reason for Confidentiality</i></u> In accordance with Section 5.23(2) (c) of the <i>Local Government Act 1995</i> , which permits the meeting to be closed to the public for business relating to a matter that if disclosed would reveal:

"A contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting."

PURPOSE

1. To consider awarding the tender for the Provision of Environmental Consultancy Services for a period of three years with an option to extend for a further two 12 month periods.

BACKGROUND

2. The request for tender was advertised in the West Australian newspaper on Saturday 2 July 2011 and closed at 2.00 pm Tuesday 26 July 2011.
3. The Panel of Specialist Providers Tender contained 7 categories: Civil Engineers, Town Planners, Architects, Environmental Consultants, Project Managers, Property Development Specialists and Community Consultation Facilitators.
4. The Panel of Environmental Consultants has been the first group to be assessed as we have immediate requirements for this skill set.

DETAILS

5. From the tender advertisement, a total of 16 responses were received.

-
6. The responses were assessed in accordance with the Qualitative Criteria in the Tender document and with particular interest on the following:
- Environmental interest.
 - Experience in urban developments.
 - State and Federal approval processes.
 - Flora and fauna surveys and management plans.

The assessments were carried out by the Coordinator Environmental Services and Manager Property and Procurement.

STATUTORY AND LEGAL IMPLICATIONS

7. Section 3.57 of the *Local Government Act 1995* and Part IV of the *Local Government (Functions and General) Regulations 1996*.

POLICY IMPLICATIONS

8. Complies with Policy PUR 1 – Purchasing Policy.

PUBLIC CONSULTATION/COMMUNICATION

9. There is no requirement for public consultation.

FINANCIAL IMPLICATIONS

10. The awarding of the tender is expected to provide savings in consultant costs.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

Strategic Planning Implications

11. Fulfils Goal 5 Governance and Organisation - Shire of Kalamunda Strategic Plan 2009-2014.
- 5.1.4 Ensure appropriate systems and procedures are in place to comply with statutory compliance and enhance effective business management.

Sustainability Implications

Social Implications

12. There are no social implications.

Economic Implications

13. There are no economic implications.

Environmental Implications

14. The use of qualified and experienced Environmental Consultants on land projects will help to ensure an environmentally responsible approach is taken with development proposals.

OFFICER COMMENT

15. Of the 16 responses received, the submissions submitted by Emerge Environmental Services Pty Ltd, 360 Environmental Pty Ltd, Strategen Environmental Consultants Pty Ltd and Coterra Environment have been assessed as the most suitable to meet the Shire's requirements.

RECOMMENDATION

1. That Council appoint the following Panel of Specialist Providers for Environmental Consultants:

1. Stratagen Environmental Consultants Pty Ltd
2. 360 Environmental Pty Ltd
3. Coterra Environment Pty Ltd

as per the tender prices in the schedule at Confidential Attachment 1.

Moved:

Seconded:

Vote:

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

10.3.4 RFT 1120 Marketing and Sale of Land Lot 5 Welshpool Road East, Wattle Grove

Previous Items	N/A.
Responsible Officer	Director Corporate Services
Service Area	Property and Procurement
File Reference	RFT 1118
Applicant	N/A
Owner	N/A
Confidential	Price Schedule
Attachment 1	<u><i>Reason for Confidentiality</i></u> In accordance with Section 5.23(2) (c) of the <i>Local Government Act 1995</i> , which permits the meeting to be closed to the public for business relating to a matter that if disclosed would reveal:

"A contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting."

PURPOSE

1. To consider awarding the tender for the Marketing and Sale of Land Lot 5 Welshpool Road East, Wattle Grove and also the development of a display village within the subdivision.

BACKGROUND

2. The request for tender was advertised in The West Australian newspaper on Saturday 9 July 2011 and closed at 2.00 pm Tuesday 26 July 2011.

DETAILS

3. Tenders were required to provide a percentage of sales figure to undertake the following:
 - Create a Display Home Village in conjunction with a leading Project Home Builder or Builders.
 - In conjunction with Shire of Kalamunda project staff, develop and implement Built Form Guidelines and Restrictive Covenants.
 - Undertake Sales and Marketing of all available lots to ensure the site is fully developed in the earliest possible time frame.
 - Manage and sign off on completion of Restrictive Covenants.
 - Provide estimated sale values for each of the lots is provided on Confidential Attachment 1.
4. From the tender advertisement, a total of seven responses were received.

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5. A number of respondents were unable to provide qualified confirmation that they had the capacity to meet the requirement for the creation of a Display Village.
 6. During the evaluation process three respondents were requested to provide additional information in regard to the display village criteria and meetings were held with these respondents to ensure that the commitment could be honoured.
 7. The meetings were held between each respondent and Director Corporate Services, Manager Property and Procurement, Manager Governance and Mr Dominic Carbone (for probity purposes).

STATUTORY AND LEGAL IMPLICATIONS

8. Section 3.57 of the *Local Government Act 1995* and Part IV of the *Local Government (Functions and General) Regulations 1996*.

POLICY IMPLICATIONS

9. Complies with Policy PUR 1 – Purchasing Policy.

PUBLIC CONSULTATION/COMMUNICATION

10. There is no requirement for public consultation.

FINANCIAL IMPLICATIONS

11. The awarding of the tender will provide more expedient land sales and investment opportunities of surplus funds.
12. The Business Plan prepared for this development provided an estimate of Selling, Settlement and Advertising Costs of \$190,321.
The 2011/2012 Budget has a provision of \$180,000 for selling costs and \$50,000.00 for marketing costs.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

Strategic Planning Implications

13. Fulfils Goal 5 Governance and Organisation of the Shire of Kalamunda Strategic Plan 2009-2014
5.1.4 Ensure appropriate systems and procedures are in place to comply with statutory compliance and enhance effective business management.

Sustainability Implications

Social Implications

14. There are no social implications.

Economic Implications

15. There are no economic implications.

Environmental Implications

16. There are no environmental implications.

OFFICER COMMENT

17. In the tender process, respondents were required to provide an estimated sale price for each lot. To obtain average sale prices, the highest and lowest of the seven estimates were excluded and the average total sales calculated using the remaining five providing average total sales revenue of \$7,473,310.
18. This then enabled the calculation of a tender price based on the percentage of sales figure provided in the Price Schedule.
19. The following respondents, who were shortlisted, were requested to provide further information and then attend a formal meeting.
- Westbury Investments
 - DTZ
 - Niche Living
20. During the formal meeting process, Westbury Investments were the only respondents which could demonstrate that they had confirmation from two Project Home Builders committed to develop the required display village.
21. Westbury Investments also stated that there would be no delayed settlement on the lots required for the display home, that a minimum of 4 lots and one for parking would be developed as the display village and that the builders would pay the market price for blocks on release of title, but would expect to receive in the order of a 10% rebate provided the Display Village was completed within 12 months of release of title.
22. DTZ and Niche Living indicated that they had not yet investigated the builders market and would undertake such a process if they became the successful tender. Furthermore they were both of the opinion that the project builders would require a delayed settlement of between 12 months and two years.
23. Whilst the tender submitted by DTZ would result in a lower cost to Shire, it is considered that the difference between the tenderers' prices can be made up from interest earnings on the investment of the funds received from the sale of the display village lots.

In view of the strong commitment given to the display village requirement, Westbury Investments are considered the most advantageous tenderer.

RECOMMENDATION

1. That Council appoints Westbury Investments to undertake the Marketing and Sale of Land Lot 5 Welshpool Road East, Wattle Grove in accordance with the following specifications which were listed in the tender document and at the price shown in confidential attachment 1:
 - Create a Display Home Village in conjunction with a leading Project Home Builder or Builders.
 - In conjunction with Shire of Kalamunda project staff, develop and implement Built Form Guidelines and Restrictive Covenants.
 - Undertake Sales and Marketing of all available lots to ensure the site is fully developed in the earliest possible time frame.
 - Manage and sign off on completion of Restrictive Covenants.

and that Westbury Investments be advised that the development of the Display Village is an integral part of the contract and failure to meet this requirement will put them in Breach of Contract.

Moved:

Seconded:

Vote:

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

10.3.5 Public Transport Plan for Perth in 2031

Previous Items	N/A
Responsible Officer	Director Planning and Development Services
Service Area	Strategic Planning
File Reference	
Applicant	N/A
Owner	N/A
Attachment 1	Draft Public Transport for Perth in 2031 Plan

PURPOSE

1. To provide Council with notification of the State Government's recently released draft Public Transport Plan for Perth in 2031 and to seek Council approval to make a submission taking issue with the Plan and its lack of proposed public transport for the region east of Perth Airport and in particular the Shire of Kalamunda.

BACKGROUND

2. The Department of Transport recently released its draft Public Transport Plan for Perth in 2031. This Plan maps out the future for Perth's public transport network.
3. The Plan is derived from the metropolitan strategic land use plan – *Directions 2031 and beyond* - and identifies the public transport network needed to support Perth's growing population and links between strategic centres.

DETAILS

4. The Shire of Kalamunda has been advocating for some time to address the lack of public transport within the Shire.
5. One of the biggest issues for residents living in the western suburbs of the Shire, such as Forrestfield, Maida Vale, Wattle Grove, is the length of time it takes for local buses to transport people to destination centres such as Perth and Midland.
6. Rapid transit buses are not available nor are they planned to be available under the draft Public Transport Plan for Perth for 2031.
7. The lack of public transport being foreshadowed for the Shire under the State's draft Plan will inevitably make the Shire less attractive for residential development.

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8. The Shire's draft Local Planning Strategy was developed on growth assumptions made under the *Directions 2031 and beyond* strategy. The Draft Public Transport Plan does not consider the growth expected in the Shire to be significant enough to warrant planning for improved public transport.
 9. The Plan demonstrates a lack of integrated planning and liaison with local governments. The Shire of Kalamunda has demonstrated through the Local Planning strategy that it has the capacity to provide for significant growth in areas which are relatively close to the Perth CBD. There is no recognition of this in the draft Public Transport Plan.

STATUTORY AND LEGAL IMPLICATIONS

10. Nil.

POLICY IMPLICATIONS

11. Nil.

PUBLIC CONSULTATION/COMMUNICATION

12. A press release has been drafted which will provide advice to the community of the existence of the draft Public Transport Plan and will invite a call to action by the community on this matter.

FINANCIAL IMPLICATIONS

13. Nil.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

Strategic Planning Implications

14. *Shire of Kalamunda Strategic Plan 2009-2014*
 - 4.1.1 Continue to lobby all levels of government, community and regional partnerships to support the development of appropriate public transport options for the region.
 - 4.1.2 Advocate for the extension of rail facilities to the Perth Airport and beyond to the Kalamunda region.

Sustainability Implications

Social implications

15. Public transport is a key social development lever. Without accessibility for all ages the Shire will not have an inclusive community able to sustain the needs of all its demographic ranges.

Economic Implications

16. Plentiful public transport supports those of lower economic means and acts as an attractor for investors wishing to live in the Shire. Furthermore, public transport will be a driver to support future employment growth within the industrial areas in the Shire such as Forrestfield.

Environmental Implications

17. Public Transport reduces the reliance on vehicle usage which is extremely beneficial to the environment in reducing carbon emissions.

OFFICER COMMENT

18. The Shire has a strategic mandate before it to improve public transport to the region. The Shire has participated, as an active partner, with the Eastern Metropolitan Regional Council (EMRC) and its member Councils to develop a regional transport plan that was achieved through extensive public consultation with the regional community in 2010.
19. The regional community gave a clear mandate that public transport to the airport was key and rapid bus transit feeders into the regions namely Ellenbrook, Mundaring and Kalamunda were all critical to sustain growth and to support people wishing to live in outer metropolitan locations.
20. The draft Public Transport Plan does not offer the Shire of Kalamunda any more public transport than currently exists, even though Kalamunda's population is forecast to grow from 56,000 to over 80,000 by 2031.
21. The Shire needs to ensure it sends a strong message to the State Government in response to the draft Public Transport Plan for 2031 outlining how the Plan does not support growth to this region.
22. The Shire of Kalamunda has been invited to participate on the WALGA Metropolitan Public Transport Policy Forum which has been initiated to prepare a whole of metropolitan local government wide response to the draft Public Transport Plan.
- The Shire's participation on this Forum will ensure the position the Shire has taken will be presented at this Forum.
23. The East Zone of WALGA has also taken action in relation the draft Public Transport Plan and will hold a special meeting at the EMRC to discuss the approach the East Zone should take on this issue.

24. Finally, it should be noted that the Shire is not advocating for the State to allocate significant amounts of funding but instead, to consider planning the land parcels and transport corridors that will cater for and enable all modes of public transport, including rapid bus, light rail and heavy rail in the long term future. This aspect needs to be planned for and at least be considered within the State's long term Public Transport Plan. In its current form draft Public Transport Plan largely ignores the eastern growth corridor of the Perth metropolitan area.

RECOMMENDATION

1. That Council requests a submission be developed that argues for changes to the draft Public Transport Plan for 2031 in order that the growth expected within the Shire of Kalamunda is taken into account and adequate provision for public transport is to be provided to the region in its final Public Transport Plan for 2031.
2. That Council request that letters be written to all local Members of Parliament outlining its concerns in regard to the draft Public Transport Plan for 2031 and seek a commitment from local members that they will take necessary action to redress the imbalance of provision for public transport within the Shire.

Moved:

Seconded:

Vote:

11.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN11.1 Aged Care Facility – Delay in Decision – Councillor Margaret Thomas**MOTION**

That the Shire of Kalamunda, noting its documented need for Aged Care facilities as set out in the Shire's "Aged Accommodation Strategy", which shows a shortfall of 421 Nursing Home beds over the next 15 years, request the Shire President write separately to the Premier, the Minister for Health, the Treasurer, the Minister for Planning and the Leader of the Opposition, expressing its concerns:

- (i) at the unprecedented conditions and delays imposed by the Minister for Planning, Mr John Day, on Amendment No. 18 to the Shire's Local Planning Strategy No. 3. In particular the requirements that prior to further consideration the Shire must;
 - (a) identify six alternative sites AND rank them in priority; and
 - (b) undertake a Local Planning Strategy,neither of which is necessary and both of which are without precedent.
- (ii) that the unprecedented conditions imposed by the Minister for Planning, have put at risk the investment of \$70-\$90 million in an integrated aged care facility, comprising a 120 bed nursing home, independent living units and community facilities; which, when advertised for public comment received an extraordinary 2,000 submissions from Shire residents with approval of 90%.
- (iii) that the building of such facilities, which relieve congestion in Public Hospitals and save West Australian taxpayers more than \$30 million each year, ought be considered from a health and treasury perspective as much as from a planning perspective.
- (iv) that the Minister for Planning and officers of the Department of Planning are being unduly swayed by a campaign of deliberate misinformation by a single issue lobby group.
- (v) urge the Minister for Planning to progress Amendment No. 18 without further delay to final approval.

Moved: **Cr Margaret Thomas**

Seconded:

Vote:

12.0 QUESTIONS BY MEMBERS WITHOUT NOTICE

13.0 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

14.0 URGENT BUSINESS APPROVED BY THE PERSON PRESIDING OR BY DECISION

14.1 Zig Zag Cultural Centre – Proposal for Chamber of Commerce to Lease Office Space

Report to be provided under separate cover.

15.0 MEETING CLOSED TO THE PUBLIC

16.0 CLOSURE