
Shire of Kalamunda

Special Council Meeting

Minutes for 12 September 2011

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MINUTES

1.0 OFFICIAL OPENING

1.1 The Chairman opened the meeting at 8.00pm and welcomed Councillors, Staff and Members of the Public Gallery.

2.0 ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE PREVIOUSLY APPROVED

2.1 Attendance

Councillors

Donald McKechnie	(Shire President, Chairman)	North Ward
Sue Bilich		North Ward
Noreen Townsend		South West Ward
Allan Morton		South West Ward
Frank Lindsey		South East Ward
Carol Everett		South East Ward
Geoff Stallard		South East Ward
Justin Whitten		North West Ward
Dylan O'Connor		North West Ward

Members of Staff

James Trail	Chief Executive Officer
Rhonda Hardy	Director of Corporate Services
Kevin O'Connor	Director of Community Development
Peter Hayes	Manager Business and Strategy
Steve McKay	Manager Property and Procurement
Darrell Forrest	Manager Governance
Michelle Clark	Executive Assistant
Meri Comber	Minute Secretary

Members of the Public 0

Members of the Press 1

2.2 Apologies

Martyn Cresswell	North West Ward
Margaret Thomas	North Ward

2.3 Leave of Absence Previously Approved

Nil.

2.4 Absent

Maureen Robinson	South West Ward
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3.0 PUBLIC QUESTION TIME

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

3.1 Nil.

4.0 DISCLOSURE OF INTERESTS

4.1 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*.)

4.1.1 Nil.

4.2 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.

4.2.1 Nil.

5.0 REPORT TO COUNCIL

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

REPORT TO COUNCIL

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

5.1 Marketing and Sale of Smokebush Estate (Lot 5 Welshpool Road East, Wattle Grove)

Previous Items	Nil
Responsible Officer	Director Corporate Services
Service Area	Property and Procurement
File Reference	
Applicant	N/A
Owner	N/A
Confidential Attachment 1	Westbury Investments Pty Ltd Minimum Sale Prices - Smokebush Estate (Lot 5 Welshpool Road East, Wattle Grove)

Reason for Confidentiality: In accordance with Section 5.23(2) (c) of the *Local Government Act 1995*, 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 provide the Chief Executive Officer with delegated authority to finalise sales of land within the Smokebush Estate (Lot 5 Welshpool Road East, Wattle Grove).
2. To seek Council consideration of a rebate scheme to be offered in conjunction with the sales and marketing of the Smokebush Estate.

BACKGROUND

3. At its meeting on 15 August 2011, Council appointed Westbury Investments to undertake the Marketing and Sale of Land at Smokebush Estate (Lot 5 Welshpool Road East, Wattle Grove).

DETAILS

4. The provision of Section 3.58 of the Local Government Act requires Council approval for the disposal of all assets where sales are undertaken by the private treaty method as in the case of the Smokebush Estate.
5. Council is able to delegate this approval process to the Chief Executive Officer within certain parameters.
6. Without this proposed delegation all offers for each individual lot within the Smokebush Estate will require formal Council approval for disposal. This would result in potentially 29 approvals.

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7. The Shire of Kalamunda has received advice from Westbury Investments regarding the establishment of a rebate scheme for the Smokebush Estate. They have advised that home builders, in the first instance, give priority to landscaping and fencing.
 8. Fencing and landscaping add security to the subdivision, reduce dust issues and give the subdivision a superior look and feel.
 9. Westbury Investments are proposing the Shire offer a rebate scheme which will give the purchaser a rebate of up to \$2,000 for fencing and/or landscaping up to \$3,000 giving a maximum rebate of \$5,000. This rebate scheme will only be provided if the house is completed within 18 months of the settlement date of the lot and will only apply to the first purchaser of each lot. The rebate will be funded out of profits from sale.
 10. In addition to the abovementioned rebate Council may also wish to consider additional rebates that promote Ecological Sensitive Design Principles particularly given the Smokebush Estate is in close proximity to a significant natural area, the Woodlupine Creek and wetland.
 11. The Estate also has solar street lighting installed. In keeping with the amenity of the area, Council has the opportunity to place building conditions and incentives into the development of the Estate.
 12. One such consideration is to provide a rebate scheme for all home builders to install a water wise garden, solar power and/or solar hot water systems. The Shire would provide a rebate of up to \$5,000 per property. This rebate would be funded out of profits from sale.

STATUTORY AND LEGAL IMPLICATIONS

13. Sections 3.58 (3), 5.42 (1), 5.43 (d) and 6.1.2 (1) (b) of the *Local Government Act 1995* all apply to this report.

POLICY IMPLICATIONS

14. Nil.

PUBLIC CONSULTATION/COMMUNICATION

15. There is no requirement for public consultation with respect to this decision.

FINANCIAL IMPLICATIONS

16. The Council approved Business Case for the development of the Smokebush Estate estimated sales of blocks at \$210,000 each (the total). The market has subsequently shown a marked increase on this amount which will result in additional profits from sales for the Shire.

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17. The cost of funding additional rebates would be derived from the additional sales profit.
For example, if Council agree to a rebate of \$5,000 for fencing and/or landscaping this would result in a total possible cost of \$145,000 for the 29 blocks.
 18. This cost would escalate to a possible \$285,000 if water wise gardens, solar panels and hot water systems were included in the rebate choices.
 19. Council would need to consider the cost benefits being derived from the rebate scheme. For example, the rebate scheme would likely accelerate the sales potential and the opportunity to offset the cost of the rebates through additional interest earnings from accelerated land sales. It would also differentiate the subdivision from mainstream estates.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

Strategic Planning Implications

20. 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

21. There are no social implications.

Economic Implications

22. There are no economic implications.

Environmental Implications

23. There are no environmental implications.

OFFICER COMMENT

24. The proposed delegation to the Chief Executive Officer will enable the effective and efficient disposal of land within this subdivision ensuring the sales all proceed without undue delay.

25. The Confidential Attachment 1 provides Council with information relating to current market prices for land within the Smokebush Estate as established by Westbury Investments. These market prices will be used for the purpose of setting a minimum delegation limit to the Chief Executive Officer, as well as to comply with Section 3.58 whereby the Shire will need to advertise the market price once it wishes to dispose of a property.
26. Furthermore, it should be noted that within the Smokebush Estate there will be a display village with normal business arrangements requiring 10% off the sale price to be waived for builders who construct the display homes within the given timeframe. Council will need to approve a delegation to the Chief Executive Officer in order to allow such as waiver.
27. This report outlines the use of a rebate program and recommends as an order of priority a rebate scheme for fencing and landscaping is given preference in line with market demand.
28. The Shire may also wish to consider placing building conditions for other ecological sensitive building designs to be included into the building covenants. The building covenants once finalised with Westbury Investments will be the subject of a report to Council.
29. This would provide a subdivision of extremely high quality and would facilitate the site being branded as an eco-friendly community in keeping with the Shire of Kalamunda's vision for its natural environment.

RECOMMENDATION

That Council:

1. Delegate to the Chief Executive Officer authority to approve and finalise, in accordance with the provisions of Section 3.58 (3) of the *Local Government Act 1995*, the disposal of all land within the Smokebush Estate (Lot 5 Welshpool Road East, Wattle Grove).
2. For the purposes of section 5.43 (d) of the *Local Government Act 1995* approves the minimum sale prices as determined by Westbury Investments Pty Ltd contained in the (Confidential Attachment 1).
3. Request that in accordance with Section 6.1.2 (1) (b) of the *Local Government Act 1995* Council authorise the Chief Executive Officer to waive 10 per cent of the sale price for any land used in the construction of a display village.

4. Authorises the following rebate schemes to first purchasers of any lot:-
- (a) A rebate of up to \$2,000 for fencing and/or landscaping up to \$3,000 representing a maximum rebate of \$5,000 to all landowners that complete construction of their residence within 18 months of settlement date of the purchase of the lot and that this rebate only applies to first purchaser of each lot.
 - (b) A rebate of up to \$5,000 for the installation of solar hot water systems, solar panels or a water wise garden to all landowners that complete construction of their residence within 18 months of settlement date of the purchase of the lot and that this rebate only applies to first purchaser of each lot.

Moved:

Seconded:

Vote: **LAPSED (Absolute Majority required)**

There being no mover for the Recommendation to Council it Lapsed. Councillor McKechnie moved to reduce the rebate at point 4(b) from \$5,000 to \$3,000, Cr Whitten seconded this. Cr Lindsey proposed an amendment; the change was accepted by Cr Whitten, but not the Mover. Cr Whitten withdrew as Seconder and Cr O'Connor seconded the motion, the matter was debated and then put to the vote.

RESOLVED SMC 129/2011

That Council:

1. Delegate to the Chief Executive Officer authority to approve and finalise, in accordance with the provisions of Section 3.58 (3) of the *Local Government Act 1995*, the disposal of all land within the Smokebush Estate (Lot 5 Welshpool Road East, Wattle Grove).
2. For the purposes of section 5.43 (d) of the *Local Government Act 1995* approves the minimum sale prices as determined by Westbury Investments Pty Ltd contained in the (Confidential Attachment 1).
3. Request that in accordance with Section 6.1.2 (1) (b) of the *Local Government Act 1995* Council authorise the Chief Executive Officer to waive 10 per cent of the sale price for any land used in the construction of a display village.

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4. Authorises the following rebate schemes to first purchasers of any lot:-
- (a) A rebate of up to \$2,000 for fencing and/or landscaping up to \$3,000 representing a maximum rebate of \$5,000 to all landowners that complete construction of their residence within 18 months of settlement date of the purchase of the lot and that this rebate only applies to first purchaser of each lot.
 - (b) A rebate of up to **\$3,000** for the installation of solar hot water systems, solar panels or a water wise garden to all landowners that complete construction of their residence within 18 months of settlement date of the purchase of the lot and that this rebate only applies to first purchaser of each lot.

Moved: **Cr Donald McKechnie**

Seconded: **Cr Dylan O'Connor**

Vote: **For**

Cr Carol Everett
Cr Frank Lindsey
Cr Geoff Stallard
Cr Allan Morton
Cr Noreen Townsend
Cr Justin Whitten
Cr Dylan O'Connor
Cr Donald McKechnie

Against

Cr Sue Bilich

CARRIED (Absolute Majority) (8/1)

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

5.2 Cycling Western Australia – 2011 Be Active Cycle Instead Tour De Perth

Previous Items	N/A
Responsible Officer	Chief Executive Officer
Service Area	Public Relations
File Reference	
Applicant	N/A
Owner	N/A
Attachment 1	2011 Be Active Cycle Instead Tour de Perth Partnership Proposal

PURPOSE

1. To consider the partnership proposal from Cycling Western Australia (“Cycling WA”) to host the 2011 Be Active Cycle Instead Tour De Perth event.

BACKGROUND

2. Cycling WA have approached the Shire of Kalamunda to be the host of the 2011 Be Active Cycle Instead Tour de Perth.
3. Cycling WA is Western Australia’s governing body for competitive cycling and is affiliated with Cycling Australia.
4. Cycling WA is a not for profit organisation responsible for competitive cycling (road and track) in Western Australia which holds dozens of events throughout the calendar year across Western Australia, including state road and track titles, as well as national and international events.

DETAILS

5. According to Cycling WA the 2011 Be Active Cycle Instead Tour de Perth will be Western Australia’s premier road race.
6. Three stages have been proposed – all within the Shire of Kalamunda. These include:

Friday Night Criterion Series

- Short circuit (1-2km) high speed racing.
- Typically timed (40 minutes) + a set number of laps (3).
- Technically challenging.
- Great for spectators.
- Ideal for city centre type location.
- Stage will last approximately 4 hours.

Saturday Road Race

- Longer distance.
- Can be point-to-point or a number of circuits.
- Endurance, tactics and teamwork.
- Great spectacle at the start and finish line.
- Showcases the Shire and its surrounds.
- Opportunity for community participation.
- Stage will last approximately 6 hours.

Sunday Time Trial

- The decider, known as the race of truth.
 - Middle distance circuit ridden at high speed to determine the Tour winner.
 - Can be point-to-point or multiple circuits.
 - Great for spectators.
 - Ideal for city centre type location.
 - Stage will last approximately 3 hours.
7. There is an opportunity for community participation and the event attracts local, interstate and international teams and riders.
8. It also attracts community and mainstream media coverage and could showcase local landmarks and locations.

STATUTORY AND LEGAL IMPLICATIONS

9. Authorisation for an event on public roads would be required in accordance with the *Road Traffic Code 2000*, Regulation 297 (2).
10. Cycling WA will have relevant Public Liability Insurance.

POLICY IMPLICATIONS

11. Nil.

PUBLIC CONSULTATION/COMMUNICATION

12. If endorsed by Council, Officers would need to work with Cycling WA on the development of the proposed courses.
13. A letter for residents on these roads along the proposed courses would need to be developed and sent advising of the times and any potential impact.

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14. Communication regarding the event would also be posted on the Shire of Kalamunda website, Social Networking mediums including Facebook and Twitter and in the Shire of Kalamunda Monthly Newsletter and E-News advising residents of the event, with maps, times and all relevant details. Promotional materials would also be available at all Libraries, Recreation Centre and the Administration. There is also significant potential for media coverage.

FINANCIAL IMPLICATIONS

15. It is expected that support related to the development of traffic management plans would incur direct costs in the vicinity of \$3,000.
16. Indirect costs have yet to be estimated (these may include tasks such as event promotion and social functions).

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

Strategic Planning Implications

17. Nil.

Sustainability Implications

Social Implications

18. Opportunity to further promote cycling in the region and encourage professional cyclists to Kalamunda.
19. This event has the potential to be a successful community event, which residents could enjoy as either a competitor or a spectator.
20. There is also the opportunity for further exposure from a tourist point of view and increased visitors to the region.

Economic Implications

21. Opportunity for increase trade for local business.

Environmental Implications

22. Promote healthier lifestyle choices:
- “Be active” and subsequent environmental benefits.
 - Encourages increased participation in sport.

OFFICER COMMENT

23. The event could become an annual attraction in the Shire of Kalamunda.
24. Its success would be subject to a close working relationship with Cycling WA.

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25. The ability to work together on the course design and oversee traffic management would assist to ensure that any potential traffic disruption could be successfully managed, with minimal impact on residents.

RESOLVED SMC 130/2011

That Council:

1. Agrees the Shire of Kalamunda will host the 2011 Be Active Cycle Instead Tour De Perth event.
2. Requests a Memorandum of Understanding in regards to the 2011 Be Active Cycle Instead Tour de Perth event be developed between Cycling Western Australia and the Shire of Kalamunda.

Moved: **Cr Dylan O'Connor**

Seconded: **Cr Sue Bilich**

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

16.0 CLOSURE

There being no further business, the Chairman declared the meeting closed at 8.35 pm.

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

Signed: _____
Chairman

Dated this _____ day of _____ 2011