
Shire of Kalamunda

General Services Committee

Minutes for 2 April 2007



SHIRE OF KALAMUNDA

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Minutes of General Services Committee
Held in the Council Chambers
2 Railway Road, Kalamunda
Monday 2 April 2007

1.0 OFFICIAL OPENING

- 1.1 The Chairman opened the Meeting at 7pm and welcomed Councillors staff and members of the public gallery.

2.0 APOLOGIES AND LEAVE OF ABSENCE

2.1 PRESENT

Councillors

E Taylor	(SHIRE PRESIDENT) NORTH WARD
S Blair	NORTH WARD
D McKechnie	NORTH WARD
N Sadler	(CHAIRPERSON) SOUTH WEST WARD
D Sadler	SOUTH WEST WARD
A Morton	SOUTH WEST WARD
P Tonkin	SOUTH WARD
J Giardina	SOUTH WARD
M Casey	NORTH WEST WARD
M Cresswell	NORTH WEST WARD
J Winterhalder	EAST WARD

Officials

D Vaughan	CHIEF EXECUTIVE OFFICER
N Wilson	EXECUTIVE MANAGER CORPORATE SERVICES
K O'Connor	EXECUTIVE MANAGER COMMUNITY SERVICES
R O'Brien	EXECUTIVE MANAGER PLANNING & DEV SERVICES
M Singh	EXECUTIVE MANAGER ENGINEERING SERVICES
F Lund	ACTING EXECUTIVE ASSISTANT
S Leeson	MANAGER FINANCIAL SERVICE
T Hockley	ACTING MANAGER LIBRARY SERVICE
J Smith	MANAGER HEALTH SERVICE
M Comber	MINUTE SECRETARY

Apologies

Nil

Observers

14

NewspapersEcho
Hills Gazette**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 Mary-Anne Reid - Friends of Ray Owen Group

- Q1. Can Council advise of progress with each of the action areas identified in the Council endorsed Ray Owen Reserve Strategic Development Plan (2003)?
- Q2. In the event that progress with implementing any of the action areas identified in the Plan have not been achieved to date, will Council advise of the following:
- a. Who will bear responsibility overall for implementation of the Plan?
 - b. What will be done to complete the actions listed below?
 - c. What resources will be allocated to implement the Plan?
 - d. What are the timeframes for implementing the Plan in total?
- A. Chairperson noted that these questions will be taken on notice; the Executive Manager Community Services will respond by letter.

4.0 PETITIONS

4.1 Nil.

5.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETING**5.1 Motion**

That the Minutes of the General Services Committee Meeting held on 6 March 2007 is confirmed as a true and correct record of the proceedings.

Moved: (Cr Casey)

Seconded: (Cr Taylor)

CARRIED UNANIMOUSLY

6.0 ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION

6.1 Deputation from Kalamunda Club Inc

Mr Peter Falconer, Mr Roy Walker and Mr Ian Thompson thanked Council for the opportunity to present their proposal, which was noted by Council and will be listed for budget consideration.

7.0 MATTERS FOR WHICH MEETING MAY BE CLOSED

7.1 Nil.

8.0 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. (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).

Nil

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.

Nil

9.0 REPORT TO COUNCIL

Please Note:

Strategic and Policy related items are bolded and will be dealt with as the first items of business.

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

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REPORTS

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

21. Creditors Accounts Paid for March 2007

Previous Items:	Nil
Service Area:	Corporate Services
File Reference:	FI-CRS-002
Applicant:	N/A
Owner:	N/A

PURPOSE

1. To receive creditors' accounts paid for the month of March 2007.

BACKGROUND

2. It is a requirement of the Local Government (Financial Management) Regulations 1996 (Regulation 12) that a list of Creditors' Accounts Paid is compiled each month.
3. This is required to show the payee's name, amount of payment, provide sufficient information to identify the transaction and the date of the meeting of Council to which it is to be presented.

DETAILS

4. Accordingly, the list of Creditors' paid for March 2007 is attached. ([Attachment 1](#))

POLICY IMPLICATIONS

5. Nil

PUBLIC CONSULTATION/COMMUNICATION

6. Nil

STATUTORY AND LEGAL IMPLICATIONS

7. Nil.

FINANCIAL IMPLICATIONS

8. Nil.

STRATEGIC IMPLICATIONS

9. Nil.

OFFICER COMMENT

10. Nil.

MEETING COMMENT

11. Nil.

COMMITTEE RECOMMENDATION TO COUNCIL

GS 21/2007

1. That the list of Creditors' Paid for March 2007 attached (*Attachment 1*) be received by Council in accordance with the requirements of Regulation 12 of the Local Government Financial Management Regulations 1996.

Moved: (Cr Tonkin)

Seconded: (Cr Casey)

CARRIED UNANIMOUSLY

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

22. Financial Activity Statements for the Period Ending 28 February 2007

Previous Items: Nil
Service Area: Corporate Services
File Reference: FI-SRR-006
Applicant: N/A
Owner: N/A

PURPOSE

1. To receive financial activity statements.

BACKGROUND

2. Attached are the financial activity statement reports for the period ending 28 February 2007 ([Attachment 1.](#)) prepared in accordance with the requirements of Section 34 of the Local Government (Financial Management) Regulations 1996.
3. It is also a requirement of this regulation that each financial year a local government is to adopt a percentage or value to be used in statements of financial activity for reporting material variances.

COMMENTS

4. It has been agreed a percentage value of 10% variance be adopted for the 2006/2007 Financial Activity Statement. This amount is in accordance with the materiality provisions of Australian Accounting Standards (Refer AAS5) which is also set at 10%.
5. Refer [Attachment 1](#) for comments relating to the above mentioned variances.

POLICY IMPLICATIONS

6. Nil.

PUBLIC CONSULTATION/COMMUNICATION

7. Nil.

STATUTORY AND LEGAL IMPLICATIONS

8. Nil.

FINANCIAL IMPLICATIONS

9. Nil.

STRATEGIC IMPLICATIONS

10. Nil.

OFFICER COMMENT

11. Nil.

MEETING COMMENT

12. Nil.

COMMITTEE RECOMMENDATION TO COUNCIL

GS 22/2007

1. That the Financial Activity Statement report for the period ending 28 February 2007 ([Attachment 1](#)) be received.

Moved: (Cr Cresswell)

Seconded: (Cr D Sadler)

CARRIED UNANIMOUSLY

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

23. Terms of Reference Audit Committee

Previous Items:	GS 40/2000, SCM 40/03 & SCM 44/05
Service Area:	Corporate Services
File Reference:	OR-IGR-013
Applicant:	N/A
Owner:	N/A

PURPOSE

1. To change the reporting process of the Audit Committee to that of reporting direct to Council.

BACKGROUND

2. The Shire of Kalamunda formed an Audit Committee in April 2000. In the Terms of Reference (presented as [Attachment 1](#)) the report is to be via the General Services Committee.
3. Council reviewed the make-up and role of the Audit Committee in May 2005, but did not resolve to change the reporting structure (see [Attachment 2.](#))

DETAILS

4. The question is asked, that given the importance of the Audit Committee should it not report directly to Council? A practical argument for this reporting process is that the timing improves and outcomes of an Audit Committee meeting can be put to a meeting of Council in the same monthly meeting cycle. This was illustrated in March where, to enable statutory compliance, the Audit Committee outcome was reported to Council via the Chief Executive Officer's Report.
5. A possible downside to the proposed change could be a perceived loss of opportunity to consider outcomes or recommendations before a final decision is made at the Ordinary Council Meeting. It is assumed that if such a circumstance arises Council could via Standing Orders 17.4 refer the recommendation back to the Committee or via Standing Order 11.1 (b) move that the question be adjourned (to another meeting).
6. It is also noted that whilst the Audit Committee membership consist of four (4) Councillors it is open to any Councillor to attend meetings as an observer.

POLICY IMPLICATIONS

7. Nil.

PUBLIC CONSULTATION/COMMUNICATION

8. Nil.

STATUTORY AND LEGAL IMPLICATIONS

9. The Local Government Act Section 7.1 (a) requires a local authority to set up an Audit Committee.

FINANCIAL IMPLICATIONS

10. Nil.

STRATEGIC IMPLICATIONS

11. Nil.

OFFICER COMMENT

12. Nil.

MEETING COMMENT

13. Noted a further report item would be required should the Terms of Reference require changing.

OFFICER RECOMMENDATION

GS 23/2007

1. That the Terms of Reference for the operating of the Shire of Kalamunda Audit Committee be altered to have it reporting to the Ordinary Council Meeting.

COMMITTEE RECOMMENDATION TO COUNCIL

GS 23/2007

1. That the Terms of Reference for the operating of the Shire of Kalamunda Audit Committee be altered to have it reporting to the Ordinary Council Meeting.
2. **That the Terms of Reference of the Audit Committee be referred to the Audit Committee for Review.**

Moved: (Cr Taylor)

Seconded: (Cr Winterhalder)

CARRIED UNANIMOUSLY

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

24. Maida Vale Tennis Club – Clay Courts

Previous Items: GS 127/06 (OCM 114/06)
Service Area: Corporate Services
File Reference: FI-BUD-002
Applicant: N/A
Owner: N/A

PURPOSE

1. To authorise the expenditure of funds to resurface seven (7) tennis courts with Classic Clay.

BACKGROUND

2. Council was previously advised of problems with clay courts at the Maida Vale Tennis Club and actions taken to address the issue. These include a negotiated settlement which provides for the resurfacing of courts, a compensation amount to the Maida Vale Tennis Club and the recoup of Shire of Kalamunda legal fees.

DETAILS

3. a) The Shire of Kalamunda is now in a position to replace the courts via resurfacing with Classic Clay rather than the Nuclay product.
b) The Shire of Kalamunda to release the compensation funds recouped, net of Shire of Kalamunda legal fees, to the Maida Vale Tennis Club.
4. The adopted 2006/2007 Budget did not provide for this expenditure and accordingly an authorisation by Absolute Majority is required.
5. Legal advice has been sourced from McLeods indicating that the Shire will not have to go through a tender process in that Regulation R11 (2)(f) provides an exemption.
6. The basis of the exemption being that the Shire of Kalamunda has good reason to believe that because of the unique nature of the goods and services required it is unlikely that there is more than one potential supplier.
7. Given the timing issues associated with the weather restrictions it is proposed to enter into a contract with Classic Clay immediately to supply and install the seven (7) courts.

POLICY IMPLICATIONS

8. Nil.

PUBLIC CONSULTATION/COMMUNICATION

9. Maida Vale Tennis Courts

STATUTORY AND LEGAL IMPLICATIONS

10. Section 6.8 1(b) of the Local Government Act requires authorisation by Absolute Majority of expenditure from the Municipal Fund not included in the Annual Budget.
11. The Local Government Functions and General Regulations Regulation 11(2)(f) excludes the Shire from the requirement of publicly inviting tenders.
12. The terms of the negotiated settlement include a non disclosure clause.

FINANCIAL IMPLICATIONS

13. The total expenditure by the Shire is matched by income associated with a negotiated settlement.

STRATEGIC IMPLICATIONS

- 14 Nil

OFFICER COMMENT

15. Nil

MEETING COMMENT

16. Nil

COMMITTEE RECOMMENDATION TO COUNCIL**GS 24/2007**

1. That the expenditure of \$195,000 for the resurfacing of seven (7) tennis courts at the Maida Vale Tennis Club with Classic Clay be authorised expenditure.
2. That the payment to the Maida Vale Tennis Club of the remaining compensation funds net of Shire of Kalamunda Legal Fees be authorised expenditure.

Moved: (Cr Blair)**Seconded: (Cr Taylor)****CARRIED UNANIMOUSLY/ABSOLUTE MAJORITY**

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

25. 2007 Ordinary Elections

Previous Items: Nil
Service Area: Corporate Services
File Reference: OR-ELN-001
Applicant: N/A
Owner: N/A

PURPOSE

1. To set the method for conducting the 2007 Council Ordinary Elections as a postal election and to appoint the Electoral Commissioner to be responsible for the conduct of the election.

BACKGROUND

2. The Shire of Kalamunda has until the 1st August 2007 to decide upon the method of conducting the 2007 Ordinary Elections. However, the Electoral Commission is requesting early advice for system development and planning purposes.

DETAILS

3. The Shire of Kalamunda has since May 1998 (GS 49/98) resolved to conduct postal rather than in person elections using the services of the Western Australian Electoral Commission.
4. Given the level of community acceptance of postal voting and the potential electoral difficulties associated with the proposed change in voting to the Preferential Proportional Representation (PPR) it is suggested that the postal system be retained.

POLICY IMPLICATIONS

5. Nil

PUBLIC CONSULTATION/COMMUNICATION

6. Nil

STATUTORY AND LEGAL IMPLICATIONS

7. Section 4.61 (2) of the Local Government Act states that a local authority may decide (by Absolute Majority) to conduct the election as a postal election.

-
8. Section 4.20 (4) of the Local Government Act allows a Local Government to appoint the Electoral Commissioner to be responsible for the conduct of the election. It is noted that the written agreement of the Electoral Commissioner is required before the declaration under Section 4.20 (4) can be made. This agreement has been supplied to the Shire of Kalamunda by the Electoral Commissioner in a letter received 21 April 2006.

FINANCIAL IMPLICATIONS

9. The estimated cost for the 2007 election received from the Western Australian Electoral Commission is \$87,500.

STRATEGIC IMPLICATIONS

10. Nil.

OFFICER COMMENT

11. Nil.

MEETING COMMENT

12. Nil

COMMITTEE RECOMMENDATION TO COUNCIL

GS 25/2007

1. That the Electoral Commissioner to be responsible for the conduct of the 2007 Ordinary Elections for the Shire of Kalamunda.
2. That the Method of Conducting the 2007 Ordinary Meetings for the Shire of Kalamunda be as a postal election.

Moved: (Cr Morton)

Seconded: (Cr McKechnie)

For

Against

Cr Giardina
Cr Tonkin
Cr Morton
Cr D Sadler
Cr Cresswell
Cr Winterhalder
Cr Casey
Cr Taylor
Cr Blair
Cr N Sadler

Cr McKechnie

MOTION CARRIED/ABSOLUTE MAJORITY

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

26. Nominations For Membership - Seniors Week Working Party

Previous Items:

Service Area: Community Services

File Reference: LM-CO-CEV-011

Applicant: N/A

Owner: N/A

PURPOSE

1. To appoint members to the 2007 Seniors Week Working Party

BACKGROUND

2. Shire of Kalamunda calls for nominations from the community to form a new working party each year to develop, adopt, promote and implement a programme to honour and recognise seniors during Seniors Week.
3. As per the operating rules and guidelines, the working party will comprise:
 - A total membership of up to 12 members, all of whom shall be appointed by the Shire of Kalamunda for a term of 12 months.
 - Membership shall include up to:
 - one representative from the Jack Healey Centre Management Committee
 - one representative from the Woodlupine Seniors Committee
 - four Council members
 - six independent seniors' representatives
 - The Events Coordinator shall provide support to the Seniors Week Working Party.
 - A staff member shall provide administration support to the Seniors Week Working Party.
 - All members will have one vote with the chairperson having a casting vote in the event of an equality of vote.
 - Deputies may only be appointed by agreement of the Working Party.

DETAILS

4. The following nominations have been received for membership on the Seniors Week Working Party

Name	Membership
Ann Pierce	Woodlupine Seniors Committee
Dave Buttress	Kalamunda National Seniors
Lewis Pierce	Forrestfield Bowls and Leisure Club Woodlupine Seniors Committee
Sue Robinson-Grone	CEO Kalamunda Community Care
John Watkin	Forrestfield Seniors Leisure Club. Woodlupine Seniors Committee
Sheila Watkin	Woodlupine Seniors Committee Forrestfield Seniors Leisure Group.
Norma Aizlewood	Woodlupine Seniors Committee. Seniors Coffee Lounge
Joan Mitchelmore	Woodlupine Seniors Committee
Dulcie Watson	Woodlupine Seniors Leisure Group Committee

POLICY IMPLICATIONS

5. Nil.

PUBLIC CONSULTATION/COMMUNICATION

6. An invitation to nominate for the Senior's Week Working Party was advertised in two local newspapers, the Shire libraries, placed on the Shire of Kalamunda Website and sent to Seniors Group Committees.

STATUTORY AND LEGAL IMPLICATIONS

7. Nil.

FINANCIAL IMPLICATIONS

8. Nil.

STRATEGIC IMPLICATIONS

9. Nil.

OFFICER COMMENT

10. Due to lack of nominations in past years, a nominee from Kalamunda Community Care (KCC) was appointed to the Working Party in 2005 and 2006.

11. The Senior Executive Management Planning Group have also assessed the nominations and the recommended appointments are based on the criteria stipulated within the Terms of Reference for the group.
12. There has not been a nomination from the Jack Healey Centre; however, Mr. Dave Buttress has nominated to represent the Kalamunda National Seniors.
13. It is recommended that Mr. Buttress be accepted to represent the seniors of the Kalamunda area which includes Jack Healey Centre.

MEETING COMMENT

14. An amendment was moved by Cr Taylor to add a third point to the recommendation, Cr Sadler spoke against this amendment saying that the Jack Healey Centre had been given the same amount of time to respond as other senior's.

OFFICER RECOMMENDATION

GS 26/2007

1. That Council endorse the following persons for membership on the 2007 Seniors week working Party as listed below:

Name	Representing
Ann Pierce	Woodlupine Seniors Committee
Dave Buttress	Kalamunda National Seniors/Jack Healey Centre seniors
Dulcie Watson	Independent

2. That the following Council members be appointed to the 2007 Seniors Week Working Party for a term of twelve months.

Name	
Cr.	
Cr.	
Cr.	
Cr.	

There was no Mover or Seconder and the Motion **LAPSED**

RECOMMENDATION

GS 26/2007

1. That Council endorse the following persons for membership on the 2007 Seniors week working Party as listed below:

Name	Representing
Ann Pierce	Woodlupine Seniors Committee
Dave Buttress	Kalamunda National Seniors
Dulcie Watson	Independent
Lewis Pierce	Independent

John Watkin	Independent
Shelia Watkin	Indepenent
Norma Aizelwood	Independent
Joan Michelmore	Independent

2. That the following Council members be appointed to the 2007 Seniors Week Working Party for a term of twelve months.

Name	
Cr.Taylor	
Cr.Casey	
Cr.Tonkin	
Cr.Bilich (deputy) to be confirmed	
Cr Sadler	

Moved: (Cr N Sadler)

Seconded: (Cr Casey)

Cr Taylor proposed an amendment to the Motion as follows:

That members of Jack Healey be canvassed for a person to support the Seniors Week Working Party and if any nominations come forward these be referred back to Council for consideration.

Moved: (Cr Taylor)

Seconded: (Cr Blair)

For

Cr Taylor

Cr Blair

Cr Tonkin

Cr Giardina

Cr McKechnie

Cr Winterhalder

Against

Cr Morto

Cr N Sadler

Cr D Sadler

Cr Casey

Cr Cresswell

AMENDMENT CARRIED

COMMITTEE RECOMMENDATION TO COUNCIL

GS 26/2007

1. That Council endorse the following persons for membership on the 2007 Seniors week working Party as listed below:

Name	Representing
Ann Pierce	Woodlupine Seniors Committee
Dave Buttress	Kalamunda National Seniors
Dulcie Watson	Independent
Lewis Pierce	Independent
John Watkin	Independent
Shelia Watkin	Independent
Norma Aizlewood	Independent
Joan Michelmore	Independen

2. That the following Council members be appointed to the 2007 Seniors Week Working Party for a term of twelve months.

Name	
Cr.Taylor	
Cr.Casey	
Cr Tonkin	
Cr Bilich (deputy) to be confirmed	
Cr Sadler	

3. **That members of Jack Healey Centre be canvassed for a person to support the Seniors Week Working Party and if any nominations come forward these be referred back to Council for consideration**

Moved: (Cr Taylor)

Seconded: (Cr Blair)

For

Against

Cr Giardina
 Cr Tonkin
 Cr Morton
 Cr D Sadler
 Cr Casey
 Cr Cresswell
 Cr Winterhalder
 Cr Taylor
 Cr Blair
 Cr McKechnie

Cr N Sadler

CARRIED

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

27. Advisory Committees Terms of Reference Update

Previous Items:	N/A
Service Area:	Community Services
File Reference:	CO-CCS-001
Applicant:	N/A
Owner:	N/A

PURPOSE

1. To consider updates to the Terms of Reference for all Advisory Groups.

BACKGROUND

2. Policy RS2 Advisory and Management Committees, section 2.2 states *"The terms of reference shall be reviewed periodically by committee and amendments referred to Council"*.
3. The reason for these amendments are:
 - a) To clarify and satisfy requirements under the Local Government Act 1995 and the Local Government (Administration) Regulations 1996.
 - b) To provide a consistent terminology and formatting across all Advisory Committees Terms of Reference.

DETAILS

4. Details of the proposed changes are outlined as follows:
 - a) The clause "The Shire will appoint a non voting staff member to the committee and will act as Secretary" has been amended to "A Shire of Kalamunda staff member will act as Secretary for the Committee". This will ensure there is a clear distinction between a staff member providing secretarial/administrative support and an employee appointed as a member of the committee.
 - b) A committee member's term is clearly defined under the Local Government Act 1995 and it is determined by the first occurrence of one of the following events:
 - i) the term of the person's appointment as a committee member expires;
 - ii) the office of committee member becomes vacant;
 - iii) the committee is disbanded;
 - iv) the next ordinary elections day.

The clause relating to membership terms has therefore been amended to "The term of appointment shall be up to two years; however retiring members are eligible for re-nomination", to take into account the occurrence of any of the above events.

- c) Removing references to "Chairperson" and "Deputy Chairperson" and replacing them with "Presiding Person" and "Deputy Presiding Person" brings the terminology into line with the Local Government Act 1995.
 - d) Inserting "If there are no agenda items the Secretary in consultation with the Presiding Person will advise all members that the meeting is cancelled." This clause is to avoid any possible confusion regarding the need to attend meetings which have been scheduled in advance.
 - e) Delete "The Advisory Committee may second residents to work groups and sub committees, but secondments cannot be made to the main committee". This clause has more relevance to Management Committees only.
 - f) Delete "All meetings shall be opened to the public". While the Advisory groups have no delegation of duty, the removal of the clause will prevent any confusion over the legislative requirement to advertise the meetings twelve months in advance, and to publicly advertise meeting cancellations. This will not affect the attendance of invitees.
 - g) Other changes provide a consistent terminology and formatting across all Advisory Committees Terms of Reference.
5. The above amendments are set out in the attached Terms of Reference at [\(Attachment 1A & B, C, D, E & F\)](#)

POLICY IMPLICATIONS

6. Policy RS2. Advisory and Management Committees, sections 1.1 and 2.2.

PUBLIC CONSULTATION/COMMUNICATION

7. Public consultation is not required as this will not affect committee outcomes.

STATUTORY AND LEGAL IMPLICATIONS

8. Section 5.11 (2) of the Local Government Act 1995 defines the tenure of committee membership as :

Where a person is appointed as a member of a committee other than under section 5.10 (4) 04 (5), the person's membership of the committee continues until

- a) the term of the person's appointment as a committee member expires;*
 - b) the local government removes the person from the office of committee member or the office of committee member otherwise becomes vacant;*
 - c) the committee is disbanded;*
 - d) the next ordinary elections day,*
- whichever happens first.*

9. Section 5.23 (1) of the Local Government Act 1995 refers to meetings generally open to the public and states:

Subject to subsection (2), the following are to be open to members of the public-

- a) all council meetings; and*
- b) all meetings of any committee to which a local government power or duty has been delegated.*

10. Section 5.25 (g) Clause 12 of the Local Government (Administration) Regulations 1996 describes the requirement to give twelve months public notice of Ordinary Council Meetings and other Committee Meetings required under the Act.

FINANCIAL IMPLICATIONS

11. Nil.

STRATEGIC IMPLICATIONS

12. Ni.

OFFICER COMMENT

13. The proposed changes to the Terms of Reference are to bring them in line with Policy intent and legislative requirements.

MEETING COMMENT

14. Councillor asked for clarification that these amendments only referred to Advisory Committees; confirmed that the changes only relate to Advisory Committees.

COMMITTEE RECOMMENDATION TO COUNCIL

GS 27/2007

1. That the Terms of Reference for the following Advisory Committees be amended as per ([Attachment 1A & B, C, D, E & F](#))
- a) Hartfield Park Advisory Committee
 - b) Maida Vale Reserve Advisory Committee
 - c) Kostera Oval Advisory Committee
 - d) Disability Access and Inclusion Advisory Committee
 - e) Community Environmental Advisory Committee
 - f) Community Safety and Crime Prevention Plan Advisory Group

Moved: (Cr Giardina)

Seconded: (Cr Taylor)

For

Against

Cr Giardina
Cr Tonkin
Cr Morton
Cr D Sadler
Cr Casey
Cr Cresswell
Cr Winterhalder
Cr Taylor
Cr N Sadler
Cr McKechnie

Cr Blair

CARRIED

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

28. McRae Road, Kalamunda – Petition (Common Letter)

Previous Items: GS-48/2006
 Service Area: Engineering Services
 File Reference: MC-08/GEN
 Applicant:
 Owner:

PURPOSE

1. To consider a petition (common letter) from residents of McRae Road, Kalamunda, which was tabled at the February General Services Committee.

BACKGROUND

2. At its February General Services Committee meeting, a petition in the form of a common letter from residents of McRae Road was tabled. Eight residents signed the petition expressing their concern with the speed of vehicles using McRae Road.
3. The signatories requested Council investigate ways of addressing the speed of vehicles within McRae Road.

DETAILS

4. On receipt of the petition, traffic count data was collected in McRae Road to check vehicle speeds against previous measurements. The following results are the outcome of the recent and previous surveys.

Date	Recorded 85 th percentile speed.	Recorded Average Speed
2007	61km/hr	53km/hr
2003	63km/hr	53km/hr
2002	60km/hr	50km/hr
2000	64km/hr	55km/hr

5. Accident statistics for the five year period from 1 January 2001 to 31 December 2005 record three accidents. Two of these accidents were recorded at the intersection of Cothelstone Road and McRae Road and one accident was recorded within McRae Road. In comparison with other roads within the Shire of Kalamunda, the recorded accident statistics are consistent with the average.

POLICY IMPLICATIONS

6. N/A

PUBLIC CONSULTATION/COMMUNICATION

7. Out of the nine established houses within McRae Road, four people have signed the petition. Other petition signatories live close to McRae Road, but do not have a property frontage within the road.

STATUTORY AND LEGAL IMPLICATIONS

8. The Western Australian Police Force is charged with the responsibility for enforcing driver behaviour.
9. Current anti-hoon legislation allows Police to impound vehicles where the Police witness their use in an anti-social manner. There are current plans to amend this legislation to allow members of the public to gather information to allow for vehicle impounding when they are used in an anti-social manner.

FINANCIAL IMPLICATIONS

10. N/A

STRATEGIC IMPLICATIONS

11. N/A

OFFICER COMMENT

12. The recorded 85th percentile speed during the last 6 years is generally around 60km/hr indicating the normal driver is operating within the 50km/hr to 60km/hr range. The control of small numbers of vehicles travelling above the 85th percentile speed requires enforcement intervention. As such, particular incidents witnessed by residents should be reported directly to the Police.
13. The recorded traffic accidents within McRae Road are consistent with the Shire of Kalamunda network average. The actual recorded history is not statistically significant, with each accident being unrelated and therefore not suggesting a need to make a change to the road environment.
14. In response to previous requests, the project has already been listed on the Requested Works list and assessed against the prioritised criteria for traffic management projects. Due to the low number of crashes and relatively low 85th percentile speeds, the project scores a low priority.
15. In the past, the Shire has provided stickers for residents to place on their rubbish bins, which are intended to reinforce the 50km/hr local road speed limit. The continued distribution of these stickers may assist in reducing 85th percentile speeds within the Shire by increasing public awareness. It is recommended that these stickers be made available to residents of McRae Road.

MEETING COMMENT

16. Ms Shaley Strapps of 4 Urch Road, Kalamunda spoke against the motion as she felt the action carried out by the Engineering Department did not place traffic counters in appropriate locations and the statistics used were out of date. She would like Engineering Department to place the counter in a more appropriate position.
17. The reason for the placement of the counters was clarified by Executive Manager Engineering Services and noted that Main Roads (WA) information can be six months old before supplied. Traffic calming devices are effective in reducing the speed of law abiding citizens, however, do not prevent the problem behaviour that is concerning local residents.

COMMITTEE RECOMMENDATION TO COUNCIL**GS 28/2007**

1. That 50km/hr rubbish bin stickers be made available to residents of McRae Road.
2. That the traffic calming project in McRae Road remains on the Requested Works List to be considered in future years, based upon its priority.

Moved: (Cr Taylor)**Seconded: (Cr Casey)**ForAgainst

Cr Tonkin
Cr D Sadler
Cr Casey
Cr Cresswell
Cr Taylor
Cr N Sadler
Cr McKechnie

Cr Giardina
Cr Blair
Cr Morton
Cr Winterhalder

CARRIED

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

29. Street Names for Subdivision of Lots 8, 9 & 61 St John Road, Wattle Grove.

Previous Items: GS 8/Feb 07
Service Area: Planning and Development Services
File Reference: PG-NAM-001, 132462 & 132463
Applicant: Auguste Properties Pty Ltd
Owner: SL Truss & KG Adcock

PURPOSE

1. To consider two new street names for a subdivision in the Wattle Grove - Urban Development Zone (Cell 9).

BACKGROUND

2. Council adopted the Outline Development Plan (ODP) as the basis for subdivision for Cell 9, Wattle Grove at its meeting in September 2000. ([Attachment 1.](#)) The ODP was adopted by the WA Planning Commission in March 2001. An application for the subdivision of lots 9 & 61 was approved in November 2006 (WAPC 132462). An application for the subdivision of Lot 8 was approved in January 2007 (WAPC 132463). See ([Attachment 2.](#)) for the Locality Plan.

DETAILS

3. Council approved 4 new street names for the above subdivision in February 2007. The Names Angelica Way and Sage Road did not get a final approval from the Geographic Names Committee due to proximity of similar names in the metropolitan area, therefore, two new street names for subdivision are required ([Attachment 2.](#)). The names selected by the developer are:
 1. Bayberry Road; and
 2. Cayenne Street.

Names are from the list of herb names pre-approved by the Geographic Names Committee for Kalamunda Shire foothills area.

POLICY IMPLICATIONS

4. Nil.

PUBLIC CONSULTATION/COMMUNICATION

5. Nil.

STATUTORY AND LEGAL IMPLICATIONS

6. Nil.

FINANCIAL IMPLICATIONS

7. Nil.

STRATEGIC IMPLICATIONS

8. Nil.

OFFICER COMMENT

9. The Geographic Names Committee has indicated its acceptance of the names and it is recommended that the Council endorse the use of the names.
10. Street names are required to be shown on survey plans before submission for clearance of the subdivision.
11. The Council recommendation is forwarded to the Geographic Names Committee of the Department of Landgate for approval.

MEETING COMMENT

12. Nil.

COMMITTEE RECOMMENDATION TO COUNCIL**GS 29/2007**

1. That Council supports two additional names, Bayberry Road and Cayenne Street for the subdivision of Lots 8, 9 & 62 St John Road, Wattle Grove and requests the Geographic Names Committee to approve the names.

Moved: (Cr Giardina)**Seconded: (Cr Morton)****CARRIED UNANIMOUSLY**

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

30. Endorsement of the Kalamunda Water Action Plan

Previous Items: OCM 79/04
Service Area: Building Services
File Reference: EV-STU-001
Applicant: N/A
Owner: N/A

PURPOSE

1. To consider endorsement of Milestone 2 water management goals/targets and the Milestone 3 Water Action Plan of the ICLEI Water Campaign™.

BACKGROUND

2. In August 2004 (OCM – 16 August 2004), Council resolved to participate in the International Council for Local Environmental Initiatives (ICLEI) Water Campaign™, an international program to assist local governments work toward integrated water resource management. This resolution sets out Council's commitment to the achievement of the five Milestones of the Water Campaign™.
 1. Undertake a water consumption inventory and water quality checklist.
 2. Establish a water consumption reduction goal and water quality improvement goal.
 3. Develop and adopt a local action plan.
 4. Implement policies and measures to work towards integrated freshwater resource management.
 5. Monitor and report on water consumption reductions and water quality improvement.
3. The Shire of Kalamunda completed the Milestone 1 inventory for the Water Campaign™ Corporate (Council operations) and Community (residential, commercial and industrial). These results are included within the "draft Shire of Kalamunda Water Action Plan (WAP) forming part of this agenda. To achieve Milestones 2 and 3, draft water management goals/targets and a draft Water Action Plan has been developed.

DETAILS

4. A Water Team comprising membership from Shire's Environmental Services, Building Maintenance, Engineering Services and Parks Maintenance has been established to develop and implement water management goals and the Water Action Plan.

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5. The draft Milestone 2 goals, and Milestone 3 action plan have been developed in consultation with the Shire's water team and external stakeholders including Eastern Metropolitan Regional Council and ICLEI.
 6. Implementation of the plan will result in reduced water consumption and improved water quality through an integrated approach to water management across all sectors of the Shire and the community.
 7. The Shire's leadership in the sectors of water quality and conservation will facilitate community involvement and ownership in water sustainability and management. The Water Action Plan introduces actions that will engage the community to influence uptake of behaviours leading to reduced water consumption and improved water quality into local water catchments.
 8. The Water Action Plan provides for a number of water conservation actions, which will result in direct financial savings to Council through reduced water usage and tariffs. The Water Action Plan incorporates a number of suggested tools by which Council can reduce the magnitude of water accounts, and invest these savings in ongoing implementation of the Plan.

POLICY IMPLICATIONS

9. Nil.

PUBLIC CONSULTATION/COMMUNICATION

10. Nil.

STATUTORY AND LEGAL IMPLICATIONS

11. Nil.

FINANCIAL IMPLICATIONS

12. Actions proposed in the Water Action Plan are estimated to cost \$50,600 over a two year period, however there should be economic benefits for both the Shire and the community

STRATEGIC IMPLICATIONS

13. Nil.

OFFICER COMMENT

14. Following receipt by Council, the staged implementation of the Shire's Water Action Plan (WAP) will begin. The target year for the water consumption reduction and water quality improvement goals set as part of Milestone 2 is 2011/12, and the WAP consequently covers a five year period. However, the WAP is a 'living' document, with the capacity to change subject to new opportunities and priorities for the Shire. This is envisaged to occur through an annual monitoring and review process to be conducted in line with budget cycle by the Water Team.

MEETING COMMENT

15. Noted that a more correct title for this report would be "Tabling and Receipt of the Kalamunda Water Action Plan".
16. Councillors discussed the report and noted that it contained many inaccuracies; however it was also noted that it was a starting point and one many residents would be pleased to see.

OFFICER RECOMMENDATION**GS 30/2007**

1. That the Council receives the Water Action Plan and lists the recommendations for budget consideration after review by Senior Executive Management Planning Group.

Moved: Cr Blair

Seconded: Cr Taylor

ForAgainstCr N Sadler
Cr Taylor
Cr BlairCr Giardina
Cr Tonkin
Cr D Sadler
Cr Casey
Cr Morton
Cr Cresswell
Cr McKechnie
Cr Winterhalder**MOTION LOST**

COMMITTEE RECOMMENDATION TO COUNCIL

GS 30/2007

1. That owing to Council concerns with the details of the report, the Water Action Plan be referred back to staff for further investigation and possible inaccuracies in the report.

Moved: Cr Winterhalder

Seconded: Cr McKechnie

For

Against

Cr Winterhalder

Cr Taylor

Cr McKechnie

Cr Blair

Cr N Sadler

Cr D Sadler

Cr Giardina

Cr Tonkin

Cr Morton

Cr Casey

Cr Cresswell

CARRIED

10.0 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

10.1 Nil.

11.0 QUESTIONS BY MEMBERS WITHOUT NOTICE

11.1 **Cr Tonkin - Corymbia**

Q. A large amount has been spent on Corymbia; can there be an evaluation on the success and report of expenditure before the Budget allocation?

A. Yes, this question is taken on notice.

11.2 **Cr Casey – Verge Collections**

Q. What is the procedure when rubbish is put out earlier than specified for the kerbside collection?

A. For early placement there has been a change in procedure, if less than 2 weeks early a letter is sent requesting cooperation, if more than 2 weeks an early warning letter is sent. If more than 4 weeks early a letter is sent requesting to remove – if not removed an infringement may be considered, although this is not the usual practice. The Shire will not remove prior to the collection date.

Materials not collected; the Contractor provides a report, the property is inspected by a Health Officer and a warning letter sent. If not removed an infringement may be issued (very few are issued).

11.3 **Cr Cresswell – Graffiti and Litter**

Q. Are staff aware of the graffiti placed on the High Wycombe Recreation Centre; and rubbish and glass on the Scott Reserve, was this due to a function at this centre on the Saturday night?

A. Yes, there was a function at the centre on Saturday night.

Q. Will the bond be used to pay for the cost of cleaning up the mess?

A. Although there was a function in the centre it would not be possible to prove that the mess was caused by those responsible for the booking. Parliamentary decision prevents the Shire from taking this action.

Q. Does the Shire have a Black List for future use?

A. Yes, we can prevent future bookings, there is a detailed vetting process in place.

11.4 **Cr Taylor – Verge Collections**

Q. What happens when rubbish, not put out by the resident, arrives on their verge after the collection has taken place?

A. If there is evidence of who placed it there the Shire could infringe, if not the land owner would be asked to take care of it.

11.5 **Cr Blair – Environmental Officer**

Q. Is the new Environmental position filled?

A. Currently being finalised.

12.0 URGENT BUSINESS APPROVED BY THE PERSON PRESIDING OR BY DECISION

12.1 Nil.

13.0 MATTERS BEHIND CLOSED DOORS

13.1 Nil.

14.0 CLOSURE

There being no further business, the Chairman declared the meeting closed at 9.25 pm.

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

Signed Chairman

Dated thisday of2007