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Shire of Kalamunda

# General Services Committee

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Minutes for Monday 6 August 2007



# SHIRE OF KALAMUNDA

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**Minutes of General Services Committee  
Held in the Council Chambers  
2 Railway Road, Kalamunda  
Monday 6 August 2007**

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**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 (from 7.15 pm)	(SHIRE PRESIDENT) NORTH WARD
S Blair	NORTH WARD
D McKechnie	NORTH WARD
D Sadler	SOUTH WEST WARD
A Morton	SOUTH WEST WARD
P Tonkin	(CHAIR PERSON) SOUTH WARD
S Bilich	SOUTH WARD
M Casey	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
B Millan	EXECUTIVE ASSISTANT CHIEF EXECUTIVE OFFICER
S Leeson	MANAGER FINANCIAL SERVICE
K Singh	MANAGER ENGINEERING SERVICE
R Briede	MANAGER LIBRARY SERVICE
J Smith	MANAGER HEALTH SERVICE
M Comber	MINUTE SECRETARY

<b>Apologies</b>	(DEPUTY SHIRE PRESIDENT)SOUTH WEST WARD NORTH WEST WARD SOUTH WARD
Cr N Sadler Cr Cresswell Cr J Giardina	
<b>Observers</b>	9
<b>Newspapers</b>	Nil

### 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.

Nil.

### 4.0 PETITIONS

Nil.

### 5.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

- 5.1 That the Minutes of the General Services Committee Meeting held on Monday 2 July 2007 is confirmed as a true and correct record of the proceedings.

Moved: (Cr Casey)

Seconded: (Cr Winterhalder)

**CARRIED UNANIMOUSLY**

### 6.0 ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION

- 6.1 Cr Tonkin reminded Councillors that a Citizenship Ceremony will be held on 8 August 2007.

### 7.0 MATTERS FOR WHICH MEETING MAY BE CLOSED

- 7.1 Bulkwaste Kerbside Collection Tender T0707

Reason for confidentiality. Local Government Act s.5.23(2) (d). Legal Advice obtained, or which may be obtained, by the Local Government and which relates to a matter to be disclosed at the meeting

## 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)

### Disclosure of Interest Affecting Impartiality

- (a) Members and staff must disclose their interest in matters to be discussed at the meeting in respect of which the member or employee had given or will give advice.

8.1 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.

<u>Report Number</u>	<u>Page Number</u>
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<b>71. Transfer to Plant Reserve.....</b>	<b>12</b>
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81. Contract for the Supply, Delivery and Laying of Extruded Concrete Kerbing.....	39

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## REPORTS

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

### 67. Creditors Accounts Paid for July 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 July 2007.

## BACKGROUND

2. It is a requirement of the local Government (Financial Management) Regulations 1996 (Regulation12) 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 July 2007 is attached. ([Attachment 1](#))

## STATUTORY AND LEGAL IMPLICATIONS

5. Nil.

## POLICY IMPLICATIONS

6. Nil.

## PUBLIC CONSULTATION/COMMUNICATION

7. Ni.

## FINANCIAL IMPLICATIONS

8. Nil.

## STRATEGIC IMPLICATIONS

9. Nil.

**OFFICER COMMENT**

10. Nil.

**MEETING COMMENT**

11. Nil.

**COMMITTEE RECOMMENDATION TO COUNCIL**

**GS 67/2007**

1. That the list of Creditors' paid for July 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 Casey)

Seconded: (Cr Winterhalder)

**CARRIED UNANIMOUSLY**

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

## **68. Draft Financial Activity Statements for the Year Ending 30 June 2007**

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

### **PURPOSE**

1. To receive the draft financial activity statements for the year ended 30 June 2007.

### **BACKGROUND**

2. Attached are the draft financial activity statement reports for the year ending 30 June 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.

### **DETAILS**

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 provision of the Australian Accounting Standards (Refer AAS5) which is also set at 10%.
5. Refer Attachment 1 for the comments relating to the above mentioned variances.

### **STATUTORY AND LEGAL IMPLICATIONS**

6. Nil.

### **POLICY IMPLICATIONS**

7. Nil.

### **PUBLIC CONSULTATION/COMMUNICATION**

8. Nil.

### **FINANCIAL IMPLICATIONS**

9. Nil.

**STRATEGIC IMPLICATIONS**

10. Nil.

**OFFICER COMMENT**

11. Nil.

**MEETING COMMENT**

12.

**COMMITTEE RECOMMENDATION TO COUNCIL                      GS 68/2007**

1. That the Draft Financial Activity Statement reports for the year ending 30 June 2007 ([\*Attachment 1\*](#)) be received.

Moved: (Cr D Sadler)

Seconded: (Cr Winterhalder)

**CARRIED UNANIMOUSLY**

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

## 69. Debtors and Creditors Report

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

### PURPOSE

1. To receive monthly report on debtors and creditors.

### BACKGROUND

2. Attached is the report detailing aged debtors and creditors as at 30 June 2007.  
[\*\(Attachment 1\)\*](#)
3. Council has requested information as to outstanding debtors and creditors be reported on a monthly basis.

### DETAILS

4. Debtors
  - > 90 days Aged debtor collection / write off project since commenced as per audit committee 2007. A list of suggested write offs has been commenced. Some payments since received.
  - > 60 days Outstanding hall hire and lease charges.
  - > 30 days Unpaid water and electricity charges retrospectively on-charged to lease holders. Balance being outstanding hall hire and lease charges invoiced.
  - Current Main Roads WA \$288k grant invoice outstanding
5. Creditors
  - > 90 days Refund on credit notes being pursued.
  - > 60 days Corporate Express invoices received late.
  - > 30 days These invoices are paid on the third fortnightly payment run.

### STATUTORY AND LEGAL IMPLICATIONS

6. Nil.

**POLICY IMPLICATIONS**

7. Nil.

**PUBLIC CONSULTATION/COMMUNICATION**

8. Nil.

**FINANCIAL IMPLICATIONS**

9. Nil.

**STRATEGIC IMPLICATIONS**

10. Nil.

**OFFICER COMMENT**

11. Nil.

**MEETING COMMENT**

12.

**COMMITTEE RECOMMENDATION TO COUNCIL**

**GS 69/2007**

1. That the aged outstanding debtors and creditors report as at 30 June 2007 ([Attachment 1](#)) be received.

Moved: (Cr Blair)

Seconded: (Cr Winterhalder)

**CARRIED UNANIMOUSLY**

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

## 70. Rates Debtors Report

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

### PURPOSE

1. To receive a report on rates debtors as at 30 June 2007.

### BACKGROUND

2. Attached is the report detailing rates debtors as at 30 June 2007. ([Attachment 1](#))

### DETAILS

3. Rates Debtors

The last instalment date for 2006/2007 rates was 23 March 2007.

Of the amount to be collected, reminder letters were forwarded to all non-pensioner rate payers requesting payment by the 13 June 2007.

Subsequent problems with ESL reporting have hindered further pursuing of these amounts with debt collection, expected to recommence during August 2007.

### STATUTORY AND LEGAL IMPLICATIONS

4. Nil.

### POLICY IMPLICATIONS

5. Nil.

### PUBLIC CONSULTATION/COMMUNICATION

6. Nil.

### FINANCIAL IMPLICATIONS

7. Nil.

### STRATEGIC IMPLICATIONS

8. Nil.

**OFFICER COMMENT**

9. Nil.

**MEETING COMMENT**

10.

**COMMITTEE RECOMMENDATION TO COUNCIL**

**GS 70/2007**

1. That the rates debtors and creditors report as at 30 June 2007 ([Attachment 1.](#)) be received.

Moved: (Cr Casey)

Seconded: (Cr Winterhalder)

**CARRIED UNANIMOUSLY**

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

## 71. Transfer to Plant Reserve

Previous Items: OCM 16 July 2007 – 9.3.4  
Service Area: Corporate Services  
File Reference: FI-INV-001  
Applicant: N/A  
Owner: N/A

### PURPOSE

1. At the Ordinary Council Meeting of Monday 16 July 2007 Council resolved (CEOR 71/2007) to delegate authority to the General Services Committee for the authorisation of a proposed transfer of funds to the Plant Reserve.

### BACKGROUND

2. As part of the strategy for the 2007/2008 budget the need for funding of plant acquisition in the 2007/2008 year was identified. To accommodate this the Draft Budget was prepared on the basis of a \$490,000 transfer at 30 June 2007 to the Plant Reserve Fund from identified savings.

### DETAILS

3. Due to the early timing of the General Services Committee it was not possible to produce the recommendation to the July meeting.

### STATUTORY AND LEGAL IMPLICATIONS

4. Section 6.8 (1)(b) of the Local Government Act states that '*a local Government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure is authorised in advance by resolution.*'

### POLICY IMPLICATIONS

5. Council's normal policy is to transfer savings to the Building Construction reserve and any savings in excess of the identified \$490,000 will be applied in this manner.

### PUBLIC CONSULTATION/COMMUNICATION

6. This proposal was identified at the Council Budget Forum on 10 July 2007 and its effects are included in the proposed Draft Budget being released for public comment.

### FINANCIAL IMPLICATIONS

7. The savings which make up the amount to be transferred as at 30 June 2007 are:

(1) Under expenditure, account 310730 Economic Development Projects	\$210,000
(2) General savings/above Budget Income	\$280,000

**STRATEGIC IMPLICATIONS**

8. The use of funds in this manner and the subsequent draw down in 2007/2008 reduces rate impact in that year.

**OFFICER COMMENT**

9. Nil.

**MEETING COMMENT**

- 10.

**COMMITTEE RECOMMENDATION TO COUNCIL**

**GS 71/2007**

1. That the General Services Committee authorise the transfer of \$490,000 as at 30 June 2007 to the Plant Reserve.

Moved: (Cr Winterhalder)

Seconded: (Cr Morton)

**ABSOLUTE MAJORITY/CARRIED UNANIMOUSLY**

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

## 72. Repeal of Local Laws

Previous Items: N/A  
Service Area: Corporate Services  
File Reference: LE-LOL-026  
Applicant: N/A  
N/A

### PURPOSE

1. To repeal those local laws which have been superseded or are now obsolete.

### BACKGROUND

2. The register of local laws that is maintained by the Department of Local Government and Regional Development (DLGRD) lists 78 current local laws for the Shire of Kalamunda. Many of these local laws appear to be no longer in use, or have been superseded by subsequent local laws.
3. A Repeal Local Law can be made for the purpose of repealing local laws. A single Repeal Local Law may list a number of local laws to be repealed, that is, a separate local law does not need to be created for each law to be repealed.
4. The first step in the process of creating a new local law is for the presiding person at a meeting of Council to give notice to the meeting of the purpose and effect of the proposed local law, by including details in the agenda and minutes.

### DETAILS

5. The local laws that are listed in the Shire's Information Statement (a Freedom of Information requirement), and that are included in the Local Law Manual available to staff are:
  - Shire of Kalamunda Local Law Relating to Bee Keeping (1998)
  - Shire of Kalamunda Dogs Local Law (2001)
  - Local Laws Relating to Extractive Industries (1982)
  - Shire of Kalamunda Local Laws Relating to Fencing (2001)
  - Shire of Kalamunda Health Local Laws 2001 (2002)
  - Local Law Relating to Numbering Houses and Buildings (1982)
  - Removal and Disposal of Obstructing Animals and Vehicles (1963)
  - Local Government Model By-Law (Old Refrigerators and Cabinets) No.8 (1963)
  - Parking and Parking Facilities Local Law (2001)
  - Shire of Kalamunda Pest Plant By-Laws 1979 (1979)
  - Shire of Kalamunda Local Government Property Local Law (2001)
  - Shire of Kalamunda Sand Drift and Litter Control Local Law 2006 (2007)
  - Shire of Kalamunda Local Laws Relating to Signs, Hoardings and Bill Posting (1982)

- Shire of Kalamunda Standing Orders Local Law 1999 (1999)
- Shire of Kalamunda By-Laws (Street Lawns and Gardens) (1982)
- Shire of Kalamunda Trading in Thoroughfares and Public Places Local Law (2001)

6. All remaining “current” local laws and amendments are shown in ([Attachment 1.](#)).
7. Confusion may occur when two local laws exist which contain conflicting provisions. Repealing the local laws that have been superseded will remove this contradiction. In addition, some of the local laws are based on legislation that has since been repealed, or contain provisions that are now covered by State or Federal law, making the local law unnecessary and inoperable.
8. A proposed Repeal Local Law is shown in ([Attachment 2.](#)).
9. The purpose and effect of the proposed local law is:  
To repeal those local laws of the Shire of Kalamunda which have been superseded or are obsolete. This will prevent confusion and eliminate conflict between existing and previous local laws.

#### **STATUTORY AND LEGAL IMPLICATIONS**

10. The process for repealing a local law is detailed in section 3.12 of the Local Government Act 1995. This is the same process as for creating a new local law.
11. The legality of a local law may be questioned where previous versions of the law still exist.

#### **POLICY IMPLICATIONS**

12. Nil.

#### **PUBLIC CONSULTATION/COMMUNICATION**

13. Statewide and local public notice must be given that the Shire proposes to make a new local law, and public submissions invited.

#### **FINANCIAL IMPLICATIONS**

14. Nil.

#### **STRATEGIC IMPLICATIONS**

15. Nil.

#### **OFFICER COMMENT**

- 16.

#### **MEETING COMMENT**

- 17.

**COMMITTEE RECOMMENDATION TO COUNCIL**

**GS 72/2007**

1. That Statewide and local public notice be given that Council proposes to make a new local law, the Repeal Local Law 2007, as shown in ([Attachment 2.](#)).
2. It be recorded that the purpose and effect of the proposed local law is to repeal those local laws of the Shire of Kalamunda which have been superseded or are obsolete. This will prevent confusion and eliminate conflict between existing and previous local laws.

Moved: (Cr Winterhalder)

Seconded: (Cr D Sadler)

**CARRIED UNANIMOUSLY**

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

### 73. Budget Strategy – Rate Instalments

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

#### PURPOSE

1. To consider a financial strategy for rating increasing cost recovery for rate instalments.

#### BACKGROUND

2. It is now a requirement that local authorities offer a rate instalment option. This has been operating at the Shire of Kalamunda, as it has throughout the industry, for many years. However, whilst it is also an industry norm to apply an instalment charge, to recover the cost of the process, the Shire of Kalamunda has not done so.

As we are now facing pressure on rates to fund activities, especially the expanding road and park network, the option of recovering instalment cost rather than increasing rates is being put forward for Council consideration.

#### DETAILS

3. The purpose is for the Draft 2007/2008 Budget to be amended to include a flat \$7.50 instalment charge with such increased income being directed to fund increases in the works and parks maintenance programme.

#### STATUTORY AND LEGAL IMPLICATIONS

4. Section 6.45 (1) *"The person liable for the payment of a rate or service charge may elect to make that payment to a local government by:*
  - a) *4 equal or nearly equal instalments; or*
  - b) *such other method of payment by instalments as is set forth in the local government's annual budget."*

Section 6.45 (3) *"A local government may impose an additional charge (including any amount by way of interest) where payment of a rate or service charge is made by instalments."*

#### POLICY IMPLICATIONS

5. Nil

**PUBLIC CONSULTATION/COMMUNICATION**

6. Nil

**FINANCIAL IMPLICATIONS**

7. The degree of extra income is dependant upon the charge and the number of persons it is applied to. The proposed \$7.50 flat charge is expected to raise an additional \$52,500 ([Attachment 3](#)) which will be applied to the funding of further expenditure within the works and parks maintenance area.

**STRATEGIC IMPLICATIONS**

8. The proposal reflects some degree of cost recovery using the user pays principle. It allows, to a greater extent, implementation of Council's strategy for managing works and parks maintenance standards.

**OFFICER COMMENT**

9. As Attachment ([Attachment 1](#)) shows it is normal for local governments to apply some part of a "user pays" principle to rate instalments via a rate instalment charge. The attached ([Attachment 2](#)) also shows that the cost to the Shire (funded by all ratepayers) is \$50,973 in direct costs and totals \$178,671 where lost income is added. To this is the added argument that there needs to be some benefit to those who pay on time via differentiation. Lastly it is noted that the proposal:
1. Is to recover costs only;
  2. Is set at a very low dollar figure – well under other local authorities;
  3. Can, via aggregation provide funds of \$52.500 which can be immediately directed into the works and parks programme, addressing the known need for extra funds without a general rate increase.

**MEETING COMMENT**

- 10.

**COMMITTEE RECOMMENDATION TO COUNCIL****GS 73/2007**

1. That the draft 2007/2008 budget be amended to provide for a flat \$7.50 rate instalment charge and that such extra funds raised is directed to the works and parks maintenance programme.

Moved: (Cr Winterhalder)

Seconded: (Cr D Sadler)

**CARRIED UNANIMOUSLY**

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

#### **74. Emergency Services Levy Remittance Option**

Previous Items: GS-117/2001  
Service Area: Corporate Services  
File Reference: FI-NRI-006  
Applicant: N/A  
Owner: N/A

#### **PURPOSE**

1. To consider changing our method of remitting the Emergency Services Levy (ESL) to the Fire and Emergency Services Authority (FESA).

#### **BACKGROUND**

2. The Shire collects on behalf of FESA an Emergency Services Levy. Currently, there are two methods of remitting these funds to FESA, known as Option A, and Option B.
3. Option A - requires the Shire to firstly advise FESA of the total amount of ESL billed to rate payers. The ESL received from ratepayers is then remitted monthly as well as any ESL penalty interest received on overdue amounts. Any amounts unpaid by land owners remain as owing to FESA by the land owners.
4. Option B – again requires the Shire to firstly advise FESA of the total amount of ESL billed to rate payers. FESA then bill the shire for the total amount levied, to be paid in four quarterly instalments of 30 / 30 / 30 / 10%. Any ESL amounts not received become owing to the Shire, along with any penalty interest (currently 11%).
5. At the inception of ESL, only 15 councils were on Option B. In 2006-2007, 78 Local Governments operated under this arrangement.

#### **DETAILS**

6. FESA are actively encouraging local governments to switch from Option A to Option B due to its straightforward process and relative ease of reporting.
7. The benefits for operating under 'Option A' are primarily that only amounts received are remitted to FESA. Under 'Option B' the full amount levied is paid to FESA in instalments. The Shire is then owed the unpaid ESL from its ratepayers. These unpaid amounts attract penalty interest at 11% which becomes Shire revenue, and as rates are a charge on the land, any amounts not paid would be recouped at the settlement of sale of such properties.
8. There are potential cashflow benefits under Option B. The majority of ESL is typically collected within the first 2 months of rates notices being issued, there exists an opportunity for local governments to invest short term, any ESL collected which is in excess of the required instalment payment to FESA. This would benefit mostly those local governments which issue their rates notices early each financial year.

- 
9. The transition process for local governments that elect 'Option B' for the first time in 2007-08,
- a) Require a payment to be made to FESA by the 31<sup>st</sup> October 2007 for:
    - The balance of the principal ESL outstanding, as at the 30<sup>th</sup> June 2007
    - ESL interest that has accumulated but remains uncollected.
  - b) The local government is entitled to retain all amounts paid by the office of state revenue in respect of interest payable on ESL deferrals by eligible pensioners for 2006/07, and
  - c) Upon receipt of payment of amounts referred to in 1) and 2) above, a transfer fee will be paid, being the penalty interest raised on unpaid ESL accounts for 2006/07.

### **STATUTORY AND LEGAL IMPLICATIONS**

10. The Option B administrative arrangement requires FESA to arrange formal approval from the Minister for Police and Emergency Services and council to enter into a 4 year agreement.

### **POLICY IMPLICATIONS**

11. Nil

### **PUBLIC CONSULTATION/COMMUNICATION**

12. Nil

### **FINANCIAL IMPLICATIONS**

13. To migrate to Option B, the Shire must pay all outstanding ESL amounts as detailed in the transition process above, currently estimated at \$71,887.00. This amount is to be confirmed, and is pending the outcome of ESL corrective works currently being undertaken by ITVision.
14. The outstanding ESL paid to FESA becomes a debt owed to the Shire by its rate payers. This debt remains a legal charge over the land. Interest continues to be charged at 11% on any ESL unpaid, though this amount becomes Shire revenue. This is estimated to be \$7500.00 for 2007/08.
15. The Shire will receive \$7906.36 in returned penalty interest charges for 2006/07 as a fee for migrating to Option B.
16. The Shire may invest short term excess ESL amounts received.

### **STRATEGIC IMPLICATIONS**

17. Nil

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**OFFICER COMMENT**

18. The Emergency Services Levy is ultimately payable to FESA. The Option B administrative arrangement's growing acceptance is based upon ease of reporting, potential cashflow benefit and secure nature of the debt.

**MEETING COMMENT**

19. Executive Manager Corporate Services was asked if the Bush Fire Act has been proclaimed and if so, when was it proclaimed? This question is taken on notice.

**COMMITTEE RECOMMENDATION TO COUNCIL GS 74/2007**

1. That Council enter into a four (4) year contract to remit Emergency Services Levy under Option B.

Moved: (Cr Blair)

Seconded: (Cr Winterhalder)

**FOR**

Cr Bilich  
Cr Morton  
Cr D Sadler  
Cr Casey  
Cr Winterhalder  
Cr Blair  
Cr Tonkin

**AGAINST**

Cr McKechnie

**CARRIED**

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

## 75. Kalamunda Aquatic Centre Feasibility Study Report

Previous Items: N/A  
Service Area: Community Services  
File Reference: CL-11/040  
Applicant: Shire of Kalamunda  
Owner: Shire of Kalamunda

### PURPOSE

1. To consider the Report for the Shire of Kalamunda Aquatic Centre Feasibility Study.

### BACKGROUND

2. Council allocated funds in the 2006/07 budget to assess the need and feasibility for aquatic facilities in the Shire of Kalamunda. CCS Strategic Management (CCS) were appointed in September 2006 to complete this study.
3. The study included an evaluation of the condition of the existing Kalamunda Aquatic Centre together with a needs assessment and feasibility of the existing or any proposed new facility.

### DETAILS

4. The final report has now been received from CCS. ([Attachment 1](#)) contains the report's Executive Summary and recommendations.

The key recommendations of the Report are as follows:

- a) Retain Kalamunda Wet 'n' Wild as a commercially operated water park with future developments (post 2009) determined and funded by the Lessee.
- b) Maintain the focus of club and competition swimming at the Forrestfield Senior High School Pool with Council support to improve amenities for club activities and spectators.
- c) Permit public access to St Brigid's College Pool by removing the planning condition restriction imposed by the Shire, thereby providing year round indoor swimming opportunities.
- d) Develop a new indoor heated swimming complex at Hartfield Park Recreation Centre focusing on leisure and play activities for children and families with improvements to the existing fitness facilities.

Should the community demonstrate additional demand for water space in future years, add facilities that meet club and competition swimming demand as a stage 2 development.

**STATUTORY AND LEGAL IMPLICATIONS**

5. As part of the decision making process, Planning and Development Services will need to access the Report's impact on any existing land use policies or conditions.

**POLICY IMPLICATIONS**

6. Nil.

**PUBLIC CONSULTATION/COMMUNICATION**

7. Community consultation was undertaken as part of the needs assessment element of the study and included the following:
  - a) A mail out to a random selection of 2500 households in the Shire of Kalamunda.
  - b) Two public workshops were conducted – one in Forrestfield and one in Gooseberry Hill.
8. Consultation was also undertaken with the existing Kalamunda Wet'n'Wild Lessee and local aquatic providers.

**FINANCIAL IMPLICATIONS**

9. Capital and operating cost estimates are included in ([Attachment 1](#)).
10. External funding sources may be available to contribute towards any upgraded or new aquatic facility.

**STRATEGIC IMPLICATIONS**

11. "*Evaluating the need and providing direction for aquatic facilities*", is listed as a New Initiative in the Plan for the Future of the District 2006 – 2011.

**OFFICER COMMENT**

12. Given the scope and cost implications of the proposed works identified in the Report it is considered prudent to seek further community input before Council formally considers the Report and a future direction.
13. Further consultation will allow the broader community and interest groups to comment on the Report's recommendations and ability to meet their needs in the future.
14. Following community consultation, Council will be able to make informed decisions on issues such as:
  - a) The Hartfield Park Recreation Centre option.
  - b) The recommendation to lease the existing Wet 'n' Wild facility beyond 2009.
  - c) The level of support for Kalamunda Swimming Club remaining at Forrestfield Senior High School.
  - d) The need for all the various elements listed in the report for any new facility at Hartfield Park i.e. 25m heated pool, three lanes, spa and leisure water.

15. The following process is proposed for consideration of the Report's recommendations:

- Presentation of Report to General Services Committee.
- Report to be received at Ordinary Council Meeting.
- Councillors to inspect facilities proposed by the Report.
- Public consultation to commence.
- Public consultation closes.
- Consideration of community feedback by General Services Committee.
- Adoption of Committee recommendation at Ordinary Council Meeting.

16. The community consultation would involve:

- a) The Report being made available on the Shire web site.
- b) Advertisement in local newspapers.
- c) Display of Report and proposals in Libraries and Recreation Centres.
- d) Display of report and proposals at a shopping centre in Forrestfield and Kalamunda.

#### **MEETING COMMENT**

17.

#### **COMMITTEE RECOMMENDATION TO COUNCIL**

**GS 75/2007**

1. That Council receives the Kalamunda Aquatic Centre Feasibility Study completed by CCS Strategic Management.
2. That this matter lay on the table and that prior to Council deciding the future direction for aquatic facilities public comment be sought on the Report's findings.

Moved: (Cr McKechnie)

Seconded: (Cr D Sadler)

**CARRIED UNANIMOUSLY**

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

Cr Taylor joined the meeting at 7.15 pm

## **76. Kalamunda Club – Installation of Synthetic Bowling Greens**

Previous Items:	N/A
Service Area:	Community Services
File Reference:	KL-02/018
Applicant:	Kalamunda Club
Owner:	Shire of Kalamunda

### **PURPOSE**

1. To consider the proposed Kalamunda Club bowling green project and additional Stirk Park works.

### **BACKGROUND**

2. The Kalamunda Club made a deputation to the April 2007 General Services Committee meeting to outline a proposal to convert two lawn bowling greens to a synthetic carpet surface, erect lighting, security fencing, landscaping and to yield 20 metres from the eastern boundary of the Club to Stirk Park. ([Attachment 1](#))
3. Council noted the Club's submission and listed the project for consideration during 2007/08 budget deliberations.
4. The Kalamunda Club have a lease with the Shire of Kalamunda for the bowling greens and building in the southern corner of Stirk Park.
5. The Club currently have three grass bowling greens for use by club members and the community.
6. Maintenance costs for the greens has been steadily increasing and the large amount of scheme water used to maintain the greens is not considered by the club to be sustainable in the long term.
7. The Club have proposed to install two synthetic bowling greens and replace a third green with a car park.

### **DETAILS**

8. The components of the bowling green project are as follows:
  - a) Move 'B' Green 20m West
  - b) Convert 'B' and 'C' greens to a synthetic surface
  - c) Establish new green's surrounds involving artificial grass with concrete edging
  - d) Erect lighting on both greens
  - e) Erect security fencing around both greens

The above proposal will result in a yield of 20m along the present eastern boundary of the Club Lease for inclusion in Stirk Park.

- 
9. The total cost of the bowling green project is estimated to be \$552,000.
  10. The Club is proposing to fund the project via a self supporting loan, grants from the Department of Sport and Recreation (DSR), Australian Government Water Fund and a grant from the Shire of Kalamunda.
  11. The Club has advised of a number of benefits in completing the project including reduced costs for green maintenance, reduction in scheme water used, addition of 20m to Stirk Park, provision of lighting to allow play at night, increased use of the greens for club and social bowling and a reduction in fertiliser and chemical run off from the existing greens.
  12. The closure of 'A' green and adding 20m to Stirk Park provides scope for redevelopment of that area. Among the possibilities are to move the Stirk Cottage entrance further from the corner, convert some or all of 'A' green to provide additional public parking, creation of tiered seating above the Sound Shell and tree planting to provide both shade and aesthetic value.

### **STATUTORY AND LEGAL IMPLICATIONS**

13. A Deed of Variation would need to be prepared between the Kalamunda Club and Shire of Kalamunda to vary the lease area.
14. The current lease commenced in October 2004 and expires on 30 September 2025 with a current annual lease fee of \$1,598.47.

### **POLICY IMPLICATIONS**

15. Policy RS 3.2 Lease and Licences of Council Controlled Premises includes the following objective:

"To ensure the uniformity and effective management of all leased and licensed facilities."

The following points are addressed within the policy:

- Council will be responsible for all maintenance of public facilities which are freely accessible to all residents of the district.
- When negotiating self supporting loans with groups leasing or licensing public property or grounds, contractual agreement for the repayment of any loan will be a separate agreement to the lease or licence agreement
- Improvements undertaken by an occupant during the term of a licence or lease revert in full to Council at the conclusion of the period of occupancy; however, renewal of an occupancy agreement may be negotiated subject to Council approval.

### **PUBLIC CONSULTATION/COMMUNICATION**

16. Nil.

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**FINANCIAL IMPLICATIONS**

17. The Kalamunda Club's submission requests Council provides a \$250,000 self supporting loan to the Kalamunda Club and to fund an additional amount of approximately \$120,000 for the bowling green component of the project
18. Future Council funds would be required to carry out the following suggested Stirk Park works:
  - Relocating the Stirk Cottage entrance
  - Modification of 'A' green to form a car park
  - Creation of tiered seating above Sound Shell
  - Tree planting and minor site works in the area relinquished to the Shire

**STRATEGIC IMPLICATIONS**

19. Bowling Club's were not included in the Sporting Reserve Development Plan.

**OFFICER COMMENT**

20. The Community Sport and Recreation Facilities Fund (CSRFF) is administered by the Department of Sport and Recreation and is the principal source of external funding for recreation facility projects in the Shire. All applications from local sporting clubs are assessed by Shire staff in September each year before consideration and ranking by Council in October.
21. Once ranked and endorsed by Council, the applications are forwarded to Department of Sport and Recreation for consideration. Applicants are subsequently advised of the outcome of their request in March 2008.
22. At least two other sporting clubs will be submitting CSRFF applications in 2007 and all projects will be assessed by staff and forwarded to Council for consideration. Although only a preliminary assessment has been made at this time, there are obvious benefits to the installation of a synthetic bowling green at the Kalamunda Club.

**MEETING COMMENT**

23. The Shire President; who had been attending a State Council Meeting, arrived at 7.15pm and apologised for her late arrival.
24. Mr Peter Faulkner and Mr Ian Thompson represented the Kalamunda Club and each spoke on the Recommendation.
25. A Councillor queried if Mr Ian Thompson of the Kalamunda Club fully understood the implications of the Recommendation being for future consideration only. Mr Thompson was happy with the recommendation.

26. A Councillor queried the past history when grant applications have been approved by the Department of Sport and Recreation. The Chief Executive Officer noted that historically the Council has always contributed its share of funding after a grant application has been approved.
27. The Chief Executive Officer noted that any pre-spending on projects of this nature would make the Club ineligible for Sport and Recreation Funding.
28. The Councillors debated the Recommendation.

**COMMITTEE RECOMMENDATION TO COUNCIL****GS 76/2007**

1. That Council supports the Kalamunda Club bowling green project for a Community Sport and Recreation Facilities Fund grant application, for consideration in October 2007.
2. That subject to Kalamunda Club receiving grant funding for the project, that Council agree to listing the bowling green project and additional Stirk Park works for budget consideration in the 2008/09 financial year.

Moved: (Cr Taylor)

Seconded: (Cr Casey)

**FOR**

Cr D Sadler  
Cr Morton  
Cr Casey  
Cr Winterhalder  
Cr Blair  
Cr Taylor  
Cr Tonkin

**AGAINST**

Cr Bilich  
Cr McKechnie

**CARRIED**

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

## 77. Woodlupine Family and Community Centre Extensions – Acceptance of Tender

Previous Items: N/A  
Service Area: Community Services  
File Reference: HL-01/088C  
Applicant: Shire of Kalamunda  
Owner: Shire of Kalamunda

### PURPOSE

1. To consider tenders for the construction of additions to the Woodlupine Family and Community Centre located at Lot 106 (88) Hale Road, Forrestfield.

### BACKGROUND

2. The Woodlupine Centre user groups have found that the numbers of people using the existing hall have dramatically increased, to a point that they have had to restrict the size of the groups using the facility.
3. Through the 06/07 budget process non-recurrent funding was allocated to double the floor area of the hall and provide a second furniture and equipment storeroom.
4. In 2005, estimates were obtained for budget purposes. In 2007, as a result of a 30% rise in Perth construction costs, a new cost estimate was obtained. This new estimate is within budget.

### DETAILS

5. Request for Tenders for the project was advertised on Saturday 23 June 2007 in *The West Australian* and closed on Thursday 12 July 2007.
6. Four (4) tenders were received from the following companies:

<b>Tenderer</b>	<b>Tendered Price (excl GST)</b>
Dalcon Construction	\$445,990.00
BCL Constructions	\$451,211.81
Chris Brook Builder	\$470,469.00
CPD Group	\$543,053.00

7. BCL Constructions is the preferred tenderer as their tender complies with the Contract Specifications and Conditions.

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## STATUTORY AND LEGAL IMPLICATIONS

8. Approval to source funds from the Shire of Kalamunda Building Construction Reserve Fund.

## POLICY IMPLICATIONS

9. Policy CS 6.9 Purchasing Policy has been followed.

## PUBLIC CONSULTATION/COMMUNICATION

10. The tender process is open to public scrutiny. The tenders were opened in the presence of two Shire officers and four members of the public.

## FINANCIAL IMPLICATIONS

11. The funds for this project are \$500,000 which were allocated in the 2006/07 Budget and the balance of the funds is proposed to be carried over in the 2007/08 Budget, to complete the project.
12. The total project cost, including the preferred tenderer cost, architectural fees, project management and pre tender costs is \$494,639.81. This is \$5,360.19 under the budgeted cost of \$500,000.
13. Good project management practice allows for contingency funds for a project which covers any unforeseen works during the construction phase. The normal contingency sum for this type of project is 5% of the contract amount. For this project the contingency sum will be \$22,560.
14. Therefore there will be a project shortfall of \$17,200 which will be required to complete the project.

## STRATEGIC IMPLICATIONS

15. Nil

## OFFICER COMMENT

16. The tenders received were assessed against the selection criteria by Shire staff and the project architect ([Attachment 1](#)). The tenders were ranked as follows:

<b>Tenderer</b>	<b>Rank</b>
BCL Constructions	84.5
Dalcon Construction	77.5
Chris Brook Builder	72.5
CPD Group	63

17. The lowest tenderer, Dalcon Constructions is not the preferred tenderer. Through the assessment phase of the post tender process, it was found that Dalcon Construction has had difficulty in completing projects on time and within budget. This is reflected in the Tender Scorecard contained in ([Attachment 1](#))

**MEETING COMMENT**

18.

**COMMITTEE RECOMMENDATION TO COUNCIL**

**GS 77/2007**

1. That the tender for the extensions to the Woodlupine Family and Community Centre, located at Lot 106 (88) Hale Road, Forrestfield be awarded to BCL Constructions, for the lump sum cost of \$451,211.81 (excluding GST), subject to the following:
  - a) That the project shortfall of \$17,200 be funded by the Shire of Kalamunda Building Construction Reserve Fund to cover the project contingency sum.

Moved: (Cr Taylor)

Seconded: (Cr Morton)

**CARRIED UNANIMOUSLY**

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

### **78. New Street Names for Subdivision in High Wycombe.**

Previous Items: N/A  
Service Area: Planning and Development Services  
File Reference: PG-NAM-001, 117316  
Applicant: Charlie Gullotto  
Owner: As above.

#### **PURPOSE**

1. To consider street names for a new subdivision in High Wycombe.

#### **BACKGROUND**

2. Street names are required to be shown on survey plans before submission for clearance of the subdivision.
3. An application for subdivision of lots 1, 20 & 40 Sultana Road West was approved by the WA Planning Commission in August 2006.

#### **DETAILS**

4. It is proposed to create two new roads within the subdivision. ([\*Attachments 1.a & 1.b\*](#))  
The two new road names, selected by the applicant are:
  - a. Eureka Street
  - b. Imperial Street

The applicant has stated that these names, Eureka, a variety of lemon and Imperial, a variety of apple, recognise that the property had been previously an orchard for 45 years.

#### **STATUTORY AND LEGAL IMPLICATIONS**

5. Nil

#### **POLICY IMPLICATIONS**

6. Nil

#### **PUBLIC CONSULTATION/COMMUNICATION**

7. Nil

#### **FINANCIAL IMPLICATIONS**

8. Nil

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**STRATEGIC IMPLICATIONS**

9. Nil

**OFFICER COMMENT**

10. Preliminary liaison with the Geographic Names Committee indicates its acceptance of these names and it is recommended that the Council endorse the use of the names.
11. The Council recommendation will be forwarded to the Geographic Names Committee of the Department of Land Information for approval.

**MEETING COMMENT**

- 12.

**COMMITTEE RECOMMENDATION TO COUNCIL**

**GS 78/2007**

1. That the Council supports the new names 'Eureka Street' and 'Imperial Street' for subdivision of Lots 1, 20 & 40 Sultana Road West and requests the Geographic Names Committee to approve the names.

Moved: (Cr Casey)

Seconded: (Cr Taylor)

**CARRIED UNANIMOUSLY**

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

## **79. Cities for Climate Protection (CCP) Plus Program**

Previous Items:

Service Area: Planning and Development Services

File Reference: EV-STU-011

Applicant:

Owner:

### **PURPOSE**

1. To request Council to participate in the CCP Plus Program.

### **BACKGROUND**

2. The Shire of Kalamunda joined the CCP program in November 2000 and committed to the completion of 5 milestones:
  1. Conduct an emission inventory of both Council (corporate) and community activities and prepare a forecast of emissions growth in the future.
  2. Set an emission reduction goal for both corporate and community emissions.
  3. Develop and adopt a local greenhouse action plan.
  4. Implement the local action plan.
  5. Monitor and report on implementation of the local action plan
3. Council completed Milestone Five in June 2007, which was followed by SEMPG endorsement of the Milestone 5 inventory report. The five milestones of the program have provided a strategic framework for the Shire to address the issue of global warming. The completion of Milestone Five has provided a valuable indicator of how the Shire is progressing towards the reduction goal set at Milestone Two.
4. Milestone Five results indicate that since the base year inventory, corporate emissions have increased by 20% to 5197 tonnes of Carbon Dioxide equivalent (eCO<sub>2</sub>). Although this is beyond the target set, the actions undertaken by Council have ensured that the energy emissions have grown at a lower rate than they otherwise would have. Original predictions indicated an expected 60% increase in Greenhouse emissions by 2007 if Council took no actions to reduce its corporate emissions. This is now a point from which Council can move forward to achieve its Greenhouse reduction target.
5. The most recent community emissions data is from 2001, and 2006 data is expected to be released in late 2007. Community emissions have also risen by 15.1% to 485,639 tonnes eCO<sub>2</sub> in 2001. However, when compared to population growth, emissions have risen at a lower rate 12.4% from 8.8 to 10.0 tonnes eCO<sub>2</sub> per person. This lower growth is likely to reflect increasing community awareness of energy efficiency as an important response to climate change.

**DETAILS**

6. ICLEI-A/NZ has developed CCP Plus for Councils who wish to continue to work on reducing greenhouse gas emissions and wish to remain active on the program.
7. In order to reach the reduction goals set by Council in Milestone 2 of the CCP program, the Shire of Kalamunda will need to implement further greenhouse gas abatement actions. Participation in CCP Plus will help the Shire apply new actions.

**STATUTORY AND LEGAL IMPLICATIONS**

8. Nil

**POLICY IMPLICATIONS**

9. This report proposes no changes to Council policy.

**PUBLIC CONSULTATION/COMMUNICATION**

10. Nil

**FINANCIAL IMPLICATIONS**

11. There is no cost to join CCP Plus. There may be some costs to participate in initiatives as they are offered.

**STRATEGIC IMPLICATIONS**

12. The CCP Program is detailed as a new initiative in the Future of the District Plan 2006-2011.

**OFFICER COMMENT**

13. Due to the increase in both corporate and community emissions, it is recognised that more measures will need to be taken to meet the initial goals set in Milestone 2 of the CCP Program.

**MEETING COMMENT**

14. The word "Plus" had been omitted from the Recommendation.
15. Executive Manager Planning and Development Services was asked if the emissions quoted at Point 5 are Kalamunda Shire's Community emissions or Community emissions in general. This question was taken on notice.
16. Any costs will be covered by budgeted funds or would need to be approved by Council at a future time.
17. The Committee debated the Recommendation.

**COMMITTEE RECOMMENDATION TO COUNCIL**

**GS 79/2007**

1. That Council agrees to participate in the Cities for Climate Protection Plus Program.

Moved: (Cr Taylor)

Seconded: (Cr D Sadler)

**FOR**

Cr Bilich  
Cr Morton  
Cr D Sadler  
Cr Casey  
Cr Taylor  
Cr Blair  
Cr McKechnie  
Cr Tonkin

**AGAINST**

Cr Winterhalder

**CARRIED**

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

## **80. Proposed Road Closure - 680 Canning Road, Carmel**

Previous Items: N/A  
Service Area: Engineering Services  
File Reference: CN-01/680  
Applicant: Giumelli & Sons Pty Ltd  
Owner: N/A

### **PURPOSE**

1. To consider a request for the closure of road reserve adjacent to 680 Canning Road, Carmel, as shown at ([Attachment 1](#))

### **BACKGROUND**

2. A request has been received from Giumelli & Sons Pty Ltd (the applicant) for the closure of a portion of road reserve abutting 680 Canning Road, Carmel.
3. Approximately 40 years ago Canning Road was realigned, with the existing road pavement left in place, to facilitate access to number 680 Canning Road for local fruit growers to deliver their products to the property.
4. The Shire was not required to carry out any repairs to this disused road surface and it has deteriorated to a state of disrepair.

### **DETAILS**

5. The applicant has requested the portion of the road reserve, which contains the disused road pavement, be transferred to their ownership, whereby they will maintain the pavement as a driveway to their property.

### **STATUTORY AND LEGAL IMPLICATIONS**

6. The road closure will be affected under Section 58 of the Land Administration Act 1997.
7. The Shire will be required to indemnify the Minister for Planning against any claims which may arise from the road closure.

### **POLICY IMPLICATIONS**

8. Nil.

### **PUBLIC CONSULTATION/COMMUNICATION**

9. As there is a statutory requirement for a public notice, no community consultation was carried out. However, public utility providers were contacted requesting confirmation of their agreement to the proposed closure, no objections were received.

**FINANCIAL IMPLICATIONS**

10. Nil.

**STRATEGIC IMPLICATIONS**

11. Nil.

**OFFICER COMMENT**

12. The road reserve proposed for closure is surplus to current and future requirements of the road network.
13. The applicant would be required to deal directly with the Department for Planning and Infrastructure, regarding the purchase of the road reserve.

**MEETING COMMENT**

14. Executive Manager Engineering Services noted this item had two parts; firstly seeking permission to advertise the road closure and secondly if no objections were received to seek approval to close the road. This is to shorten the process because if no objections are received the matter will not need to come back to Council.

**COMMITTEE RECOMMENDATION TO COUNCIL****GS 80/2007**

1. That the intention to close the portion of road reserve abutting 680 Canning Road Carmel, as shown at ([Attachment 1](#)) be advertised in accordance with Section 58 of the Land Administration Act 1997.
2. That in the event no objections are received, the closure of the portion of road reserve be recommended to the Minister for Planning and Infrastructure.
3. That the Minister for Planning and Infrastructure be indemnified against any claims arising as a result of the road closure.

Moved: (Cr Winterhalder)

Seconded: (Cr Taylor)

**CARRIED UNANIMOUSLY**

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

## **81. Contract for the Supply, Delivery and Laying of Extruded Concrete Kerbing**

Previous Items: CEOR 8/2005  
Service Area: Engineering Services  
File Reference: C0417  
Applicant: N/A  
Owner: N/A

### **PURPOSE**

1. To consider terminating the Contract with WA Kerbing Pty Ltd for the Supply, Delivery and Laying of Extruded Concrete Kerbing (C0417).

### **BACKGROUND**

2. In February 2005, Council awarded the Contract for the Supply, Delivery and Laying of Extruded Concrete Kerbing to WA Kerbing Pty Ltd.
3. The Contract was for a three year term.

### **DETAILS**

4. WA Kerbing has been in default since December 2006, when it did not meet its obligations for timely completion of work, as stipulated under the Contract.
5. As a result, on several occasions, the work had to be carried out using alternate suppliers. The difference in the cost of those works was claimed from WA Kerbing, although WA Kerbing has disputed those claims.
6. Two 'show cause' notices were also issued to the Contractor whose response was considered not satisfactory.

### **STATUTORY AND LEGAL IMPLICATIONS**

7. Clause 2.2.1 of the Contract specifically states '.....that in the event the Contractor failing in any manner to carry out the Contract to the Principal's satisfaction, the Principal may terminate the Contract by written notice to the Contractor'.

### **POLICY IMPLICATIONS**

8. Nil.

### **PUBLIC CONSULTATION/COMMUNICATION**

9. Nil.

**FINANCIAL IMPLICATIONS**

10. Nil.

**STRATEGIC IMPLICATIONS**

11. Nil.

**OFFICER COMMENT**

12. As the Contractor has failed to provide the service within the specified requirements, it is recommended that the Contract be terminated and fresh tenders be called.

**MEETING COMMENT**

13. The Executive Manager Engineering Services confirmed the Shire of Kalamunda would try, in the first instance, to resolve any dispute without the matter going through the courts.

**COMMITTEE RECOMMENDATION TO COUNCIL GS 81/2007**

1. That the Contract for the Supply, Delivery and Laying of the Extruded Concrete Kerbing with WA Kerbing Pty Ltd (C0417) be terminated.

Moved: (Cr Winterhalder)

Seconded: (Cr Taylor)

**CARRIED UNANIMOUSLY**

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**10.0 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN**

Nil.

**11.0 QUESTIONS BY MEMBERS WITHOUT NOTICE****11.1 Hire of Cyril Road Hall**

Q1. Cr Casey. What processes and procedures are in place for hiring out the Cyril Road Hall?

A1. Executive Manager Community Services responded that applications for high risk functions ie 18<sup>th</sup> or 21<sup>st</sup> birthdays, are processed as follows;

- a parent must make the application;
- they are charged the maximum bond, which is \$500;
- a photocopy of their drivers licence is taken;
- security is queried;
- the number of adults attending is queried;
- local Police are notified; and
- Executive Manager Community Services must approve application.

Q2. Cr Casey. Is there any possibility of not hiring this hall for any 18<sup>th</sup> or 21<sup>st</sup> parties in the future. Can the Council organise security and bill the applicant?

A2. Chief Executive Officer responded that it is not appropriate to not allow one hall to be used because that simply shifts additional activities to other halls, also people adversely affected. A test we could start apply is that applicants should live in the area. He added that is possible to look at Council security.

**12.0 URGENT BUSINESS APPROVED BY THE PERSON PRESIDING OR BY DECISION**

12.1 Shire President noted that at State Council tonight the Minister for Planning and Infrastructure is going to put in place Development Assessment Panels for Local Government. This may take some authority away from Local Government for Planning Applications and there is a dollar amount attached to that. WALGA will meet with the Minister to clarify the details.

12.2 Banners in the Terrace. This prize is coming to the Hills, the Community in Mundaring won their category award and the overall award. Congratulations to Mundaring.

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**13.0 MATTERS CLOSED TO THE PUBLIC****13.1 RESOLVED**

1. That Council goes behind closed doors to consider the Confidential Bulk Waste Kerbside Collection Tender T0707

Reason for Confidentiality. Local Government Act s.5.23(2) (d). Legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting.

Moved (Cr Bilich)

Seconded (Cr Casey)

**CARRIED UNANIMOUSLY**

The gallery was vacated at 8.25 p.m.

**13.2 RESOLVED**

1. That Part 9.5 of the Standing Orders be suspended 8.26 p.m.

Moved (Cr McKechnie)

Seconded (Cr Taylor)

**CARRIED UNANIMOUSLY****OFFICER RECOMMENDATION**

1. That the tender for a single annual green waste collection and a single junk collection, (Bulk Waste kerbside Collection), for one year with two, one year options at Council's sole discretion, commencing on 1 October 2007 be awarded to Kwinana Recycling Service, for the prices tendered in Schedule 8 items 13, 14 and 15, of \$140 per tonne for junk and steel and \$132 per tonne for green waste.
2. That tenders be called to provide a bi annual collection service (2 green waste and 2 junk collections), commencing from 1 July 2008 for three years.

Moved: (Cr)

Seconded: (Cr)

As there was no Mover the Officer Recommendation lapsed.

Cr Winterhalder then moved the following.

**COMMITTEE RECOMMENDATION TO COUNCIL GS 82/2007**

1. That Council not accept any tender on the basis of price.
2. That Council provides two free tip passes per residential property upon request for use at the Red Hill Facility for the financial year 07/08.

3. That staff prepare a report showing the expected costing for the provision of tip passes for consideration at the August Ordinary Council Meeting.

4. That tenders be called to provide an annual collection service (1 green and 1 junk collection), commencing from 1 July 2008 for three or five years.

Moved: (Cr Winterhalder)

Seconded: (Cr McKechnie)

**CARRIED UNANIMOUSLY**

13.3 RESOLVED

1. Return to Part 5 of Standing Orders 8.57 p.m.

Moved: (Cr Taylor)

Seconded: (Cr Winterhalder)

**CARRIED UNANIMOUSLY**

13.4 RESOLVED

That the meeting return from behind closed doors at 9.12 pm.

Moved: (Cr Casey)

Seconded: (Cr Taylor)

**CARRIED UNANIMOUSLY**

The meeting reopened to the public at 9.12 pm.

The Bulkwaste Kerbside Collection Tender T0707 Committee Recommendation was then read out loud to the Public Gallery.

**14.0 CLOSURE**

There being no further business, the Chairman declared the meeting closed at 9.15pm.

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

Signed.....Chairman

Dated this .....day of.....2007