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Shire of Kalamunda

# General Services Committee

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Minutes for 3 September 2007



# SHIRE OF KALAMUNDA

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## Minutes of General Services Committee Held in the Council Chambers 2 Railway Road, Kalamunda Monday 3 September 2007

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### 1.0 OFFICIAL OPENING

- 1.1 The Chairman opened the meeting at 7:02 pm and welcomed Councillors, staff and members of the public gallery. The Chairman welcomed the representatives from the Kalamunda Historical Society.

### 2.0 APOLOGIES AND LEAVE OF ABSENCE

- 2.1 PRESENT

#### Councillors

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

#### Officials

M Singh	ACTING CHIEF EXECUTIVE OFFICER
N Wilson	EXECUTIVE MANAGER CORPORATE SERVICES
K O'Connor	EXECUTIVE MANAGER COMMUNITY SERVICES
R O'Brien	EXECUTIVE MANAGER PLANNING & DEV SERVICES
K Singh	A/EXECUTIVE MANAGER ENGINEERING SERVICES
B Millan	EXECUTIVE ASSISTANT CHIEF EXECUTIVE OFFICER
S Leeson	MANAGER FINANCIAL SERVICE
R Neale	MANAGER LIBRARY SERVICE
J Smith	MANAGER HEALTH SERVICE
D McPherson	MINUTE SECRETARY

**Apologies**

D McKechnie  
D Vaughan  
J Giardina

NORTH WARD  
CHIEF EXECUTIVE OFFICER  
SOUTH WARD

**Observers**

7

**Newspapers**

0

**3.0 PUBLIC QUESTION TIME**

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

3.1 Nil.

**4.0 PETITIONS**

4.1 Nil.

**5.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETING**

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

Moved: (Cr Taylor)

Seconded: (Cr Tonkin)

**CARRIED UNANIMOUSLY****6.0 ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION**

6.1 Nil.

**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 had given or will give advice.

Item 90 Scott Reserve Storeroom – Request for Additional Funds

Cr Cresswell declared an Interest Affecting Impartiality as he is the Chair of the Scott Reserve Management Committee.

## 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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96. Minor Amendment to the Local Government District Boundary – Lot 109 (150) Victoria Road, Kenwick .....	34
97. 20 Bedford Crescent, Forrestfield – Road Closure .....	36

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## REPORTS

The Chairman dealt with this item first to allow the representatives of the Kalamunda Historical Society to present their report.

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

### 91. Kalamunda and Districts Historical Society – Annual Report

Previous Items:  
Service Area: Community Services  
File Reference: RL-01/056  
Applicant:  
Owner:

#### PURPOSE

1. To receive the 2006/07 Annual Report submitted by the Kalamunda and Districts Historical Society (K&DHS).

#### BACKGROUND

2. Each year the Society makes a brief presentation of its Annual Report to Council and is given an opportunity to address any specific items therein.

#### DETAILS

3. A copy of the report is attached ([Attachment 1.](#))

#### STATUTORY AND LEGAL IMPLICATIONS

4. Nil

#### POLICY IMPLICATIONS

5. Nil.

#### PUBLIC CONSULTATION/COMMUNICATION

6. Nil.

#### FINANCIAL IMPLICATIONS

7. The K&DHS received an Annual Grant (\$22,000) towards the running of the village and they reimburse the Council the full cost of employee wages.

#### STRATEGIC IMPLICATIONS

8. Nil.

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**OFFICER COMMENT**

9. An invitation will be sent to the Kalamunda and Districts Historical Society requesting their attendance at the next General Services Committee Meeting to give an overview of the report.

**MEETING COMMENT**

10. Representatives of the Kalamunda Historical Society presented an overview of the Societies activities during the 2006/2007 year. They thanked the Council for the continued support of the received by the Society. The Chairman invited the Shire President to thank the Kalamunda Historical Society for their efforts, in particular with the operation of the Kalamunda History Village, on behalf of Council.

**COMMITTEE RECOMMENDATION TO COUNCIL GS 91/2007**

1. That Council receives the 2006/2007 Annual Report submitted by the Kalamunda and Districts Historical Society and thanks them for their continued efforts.

Moved: (Cr Blair)

Seconded: (Cr Taylor)

**CARRIED UNANIMOUSLY**

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

### **83. Creditors Accounts Paid for August 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 August 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 August 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. A list of queries previously requested from Councillors was provided.

**COMMITTEE RECOMMENDATION TO COUNCIL TO COUNCIL      GS 83/2007**

1. That the list of Creditors' paid for August 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 Blair)

**CARRIED UNANIMOUSLY**

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

#### **84. Financial Activity Statements for the Period Ending 31 July 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 period ended 31 July 2007.

##### **BACKGROUND**

2. Attached are the financial activity statement reports for the period ending 31 July 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 2007/2008 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. The Executive Manager of Corporate Services advised the Committee of some typographical errors in the attachment to the report.

**COMMITTEE RECOMMENDATION TO COUNCIL GS 84/2007**

1. That the Financial Activity Statement reports for the period ending 31 July 2007 ([\*Attachment 1\*](#)) be received.

Moved: (Cr Taylor)

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.

## 85. Debtors and Creditors Report

Previous Items: N/A  
Service Area: Corporate Services  
File Reference:  
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 31 July 2007.  
[\(Attachment 1\)](#)
3. Council has request 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. Outstanding hall hire and lease charges since aged >90days. Some payments since received.
- > 60 days Unpaid water and electricity charges retrospectively oncharged to lease holders. Balance being outstanding hall hire and lease charges invoiced.
- > 30 days Main Roads WA \$20,000 grant invoice outstanding.
- Current Main Roads WA \$128,000 grant invoice outstanding.

#### 5. Creditors

- > 90 days Refund on credit notes due August from Rentokil.
- > 60 days Rocla Pipelines credit notes to be claimed against July and August invoices.
- > 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. Nil.

**COMMITTEE RECOMMENDATION TO COUNCIL GS 85/2007**

1. That the aged outstanding debtors and creditors report as at 31 July 2007 ([\*Attachment 1\*](#)) be received.

Moved: (Cr Taylor)

Seconded: (Cr Casey)

**CARRIED UNANIMOUSLY**

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

## 86. Rates Debtors Report

Previous Items: N/A  
Service Area: Corporate Services  
File Reference:  
Applicant: N/A  
Owner: N/A

### PURPOSE

1. To receive a report on rates debtors as at 31 July 2007.

### BACKGROUND

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

### DETAILS

3. Rates Debtors

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

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

Subsequent problems with Emergency Services Levy reporting have hindered further pursuing of these amounts with debt collection. Emergency Services Levy reconciliation process nearing completion as part of migrating to Option B.

2007/2008 rates currently being printed by Zipform.

### 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. Nil.

**COMMITTEE RECOMMENDATION TO COUNCIL**

**GS 86/2007**

1. That the rates debtors and creditors report as at 31 July 2007 ([Attachment 1](#)) be received.

Moved: (Cr Cresswell)

Seconded: (Cr Taylor)

**CARRIED UNANIMOUSLY**

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

## **87. Payment of Councillor Annual Allowance**

Previous Items: Nil  
Service Area: Corporate Services  
File Reference:  
Applicant: N/A  
Owner: N/A

### **PURPOSE**

1. To set a method of payment for payments to Councillors including members fees, Presidents allowance, telecommunications allowance and information technology allowance.

### **BACKGROUND**

2. With the change in the Local Government Act moving the date of Council elections to October has come a need to review the method of payment to Councillors.
3. Previously the practice of full payment in advance had little risk of duplication of payment and subsequent ratepayer cost. It was limited to a member resigning before his/her term expiration and a subsequent extraordinary election. However, the opportunity for such duplication is now high in that members facing re-election may not be successful as may be the case with the new council electing the president and deputy president.
4. It is noted that this 'opportunity' will now arise every two years with half the council subject to change.
5. The Department of Local Government identified potential prescient for annual payments made in advance in its Local Government Operational Guidelines No. 15 in September 2006. The Guidelines state that "it is preferable that payments be made after the period to which one relates".
6. In the same publication it states "That the Department is of the view it is preferable for such payment to be in arrears. The principle of public accountability for public monies also supports these payments be in arrears". The Guidelines also note that the Act "does not prescribe how or when the annual allowance of **tee** should be paid."
7. The decision therefore remains that of Council.

**DETAILS**

8. For the sake of public accountability and fairness to members it is suggested that all annual payments to members will be made in the following manner:

Non Election Years	Four equal quarterly moieties paid in advance
Election Years	Four Quarterly moieties paid for the periods

July to October Election Date  
 Election date to 31 December  
 1 January to 31 March  
 1 April to 30 June

Such payments to be paid in advance.

9. The calculation of the term will be by completed weeks; so
- |   |            |
|---|------------|
| 1 July to October Election Date (20 <sup>th</sup> ) | = 16 weeks |
| Election Date to end of December                    | = 10 weeks |
| January to end of March                             | = 13 weeks |
| April to end of June                                | = 13 weeks |

**STATUTORY AND LEGAL IMPLICATIONS**

10. Section 5.98, 5.99 and 5.99A use the term annual allowances and annual fees but do not provide whether the period covered is a calendar year, a financial year or a year of the members term. Payment can be paid in advance or in arrears.

**POLICY IMPLICATIONS**

11. It is suggested that Council adopt as policy its method for the payment of Council Annual Fees and Allowances.

**PUBLIC CONSULTATION/COMMUNICATION**

12. N/A

**FINANCIAL IMPLICATIONS**

13. The Shire has in 2007/2008 budgeted the same for members' fees and allowances as in 2006/2007. That is, there is no budget allowance for the duplicated payment of such fees and allowances.

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**STRATEGIC IMPLICATIONS**

14. N/A

**OFFICER COMMENT**

15. N/A

**MEETING COMMENT**

16. The Committee was advised of an error in paragraph 11 which should read 'fee' not 'tee'.
17. The Committee explored payment options other than those proposed in the recommendation of staff.

**OFFICER RECOMMENDATION**

1. That the Shire of Kalamunda set as policy the following method for payment of Annual Fees and Allowances to Members.
1. Non Ordinary Council Election Year
- Four equal moieties covering the periods:
- 1 July to end of September, paid immediately after the adoption of the Budget or the first week in July whichever is the latest.
  - 1 October to end of December, paid first week in October.
  - 1 January to end of March, paid first week in January
  - 1 April to end of June, paid first week in April.
2. Council Election Years
- Four moieties covering the period:
- 1 July to October election date, paid immediately after the adoption of the budget or the first week in July whichever is the latest.
  - Election date to end of December, paid first week following the swearing in of the new councillors and the election of president and deputy president.
  - 1 January to end of March, paid first week in January
  - 1 April to end of June, paid first week in April.
2. In calculations the basis will be on completed weeks with a maximum of fifty two (52) weeks in any calendar year.

Moved: ( Cr Tonkin)

Seconded: ( Cr Blair)

**For the Recommendation**

Cr Tonkin  
Cr Blair  
Cr N Sadler

**Against the Recommendation**

Cr Bilich  
Cr Morton  
Cr D Sadler  
Cr Casey  
Cr Cresswell  
Cr Winterhalder  
Cr Taylor

**LOST**

Cr Winterhalder proposed an alternate recommendation.

**COMMITTEE RECOMMENDATION TO COUNCIL GS 87/2007**

1. That the Shire of Kalamunda set as policy the following method for payment of Annual Fees and Allowances to Members.

Three equal moieties covering the periods:

- 1 July to end of October, paid immediately after the adoption of the Budget or the first week in July whichever is the latest.
- 1 November to end of February, paid the first week in November.
- 1 March to end of June, paid first week in March.

2. In calculations the basis will be on completed weeks with a maximum of fifty two (52) weeks in any calendar year.

Moved: (Cr Winterhalder)

Seconded: (Cr Bilich)

**CARRIED UNANIMOUSLY**

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

## **88. Kalamunda Community Care Inc. Revised Submission for a Purpose Built Facility at 12 Grove Road Walliston**

Previous Items: OCM 2/07  
Service Area: Community Services  
File Reference: TM: GR-14/012  
Applicant: Kalamunda Community Care Inc.  
Owner: Shire of Kalamunda

### **PURPOSE**

1. To consider a revised submission received from Kalamunda Community Care Inc. (KCC) to demolish the existing building on Reserve 32344, 12 Grove Road Walliston, and construct a purpose built facility to accommodate Home and Community Care (HACC) Administration and Centre based services.

### **BACKGROUND**

2. KCC currently leases premises at 8 Lindsay Street Kalamunda from the Shire. These premises are unsuitable for their current operations and do not allow for any expansion of the organisation's services.
3. Council approved the lease of the building at 12 Grove Road ([Attachment 1.](#)) to KCC at the Ordinary Council Meeting held on 19 February 2007.
4. KCC had advised that they intended to apply for funding from HACC and Lotterywest to upgrade the Walliston Pre-primary premises as a short term option with a view to demolishing the building and constructing a purpose built centre after five years.

### **DETAILS**

5. KCC have since decided that rather than spend funds on the short term option, they should investigate the possibility of bringing the long term plan forward.
6. A formal request has been received from KCC to postpone the signing of the proposed lease to enable the planning for a purpose built facility to take place.
7. KCC have advised they currently have \$80,000 in their building fund to contribute towards the cost of a new facility.

### **STATUTORY AND LEGAL IMPLICATIONS**

8. In this case, and in accordance with Local Planning Scheme No 3 (Part II Reserved Land), section 2.3 Use of Local Reserves states that local reserves may be used:

*2.3(d) for any purpose approved by the Council but in accordance with any conditions imposed by the Council.*

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9. In accordance with the Local Government (Functions & General) Regulations 1996, regulation 30, dispositions of property to which section 3.58 of Act does not apply, section 2 states:

A disposition of land is an exempt disposition if –

*2(c) the land is disposed of to a body, whether incorporated or not –*

*the objects of which are of a charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature; and*

*the members of which are not entitled or permitted to receive any pecuniary profit from the body's transactions.*

### **POLICY IMPLICATIONS**

10. Nil

### **PUBLIC CONSULTATION/COMMUNICATION**

11. The residents of the four properties on Grove Road who were directly affected by the original proposal had no objection to KCC operating a Day Centre at the premises. If this new proposal is supported, additional consultation would need to be carried out during the investigation stage.

### **FINANCIAL IMPLICATIONS**

12. All costs associated with the proposal would be met by KCC and other agencies.
13. The Shire will be responsible for ongoing maintenance and repair while the existing facility remains unoccupied.

### **STRATEGIC IMPLICATIONS**

14. Council's Strategic Plan 2025 recognises the need for Council to work in partnership with other organisations to ensure required services and facilities are available in the Shire for our increasing ageing population.

### **OFFICER COMMENT**

15. KCC have been leasing the premises at 8 Lindsay Street Kalamunda since 1989. During the last lease negotiation in August 2004 it was recognised that the facility would not satisfy their requirements in the long term, and therefore 9 one year term options were agreed to.
16. KCC have decided that rather than spend funds on the short term upgrades to the toilets and kitchen, it would be better expended towards the construction of a new facility.

17. KCC intend to apply to HACC and Lotterywest to contribute towards the cost of demolition of the existing premises and construction of a purpose built facility.
18. Given the size of the land at 12 Grove Road Walliston (3377m<sup>2</sup>), a preliminary investigation was made into retaining the existing building as well as building a purpose built centre, as proposed by KCC on the same site.
19. Research undertaken into planning and health requirements have indicated this is a feasible option, however, further investigation is required.
20. The existing building is structurally sound and with minor maintenance is a valuable asset which should be retained for community use.
21. Discussions with KCC have indicated they do not have any objections to co-locating on the site.
22. The commencement of the lease between Shire of Kalamunda and Kalamunda Community Care Inc. would need to be postponed until either a decision is made on the proposed new purpose built facility or Council decides to offer a lease/licence of the existing premises to another user group.

#### **MEETING COMMENT**

23. A representative of Kalamunda Community Care Inc. made herself available to answer questions from the Committee.

#### **COMMITTEE RECOMMENDATION TO COUNCIL GS 88/2007**

1. That Kalamunda Community Care Inc. be advised that retaining the existing building on site for community purposes is Council's preferred option.
2. That further investigations be carried out to determine the potential uses and costs associated with retaining the existing building.
3. That concept plans and funding details be received from Kalamunda Community Care Inc. for consideration by Council for a purpose built, co-located facility at 12 Grove Road, Walliston to accommodate administration and Home and Community Care Centre based services.

Moved: (Cr Winterhalder)

Seconded: (Cr Taylor)

#### **For the Recommendation**

Cr Morton  
Cr Casey  
Cr Cresswell  
Cr Winterhalder  
Cr Taylor  
Cr N Sadler

#### **Against the Recommendation**

Cr Bilich  
Cr Tonkin  
Cr D Sadler  
Cr Blair

**CARRIED**

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

**89. Proposed Kanyana Wildlife Rehabilitation Centre Lot 156 (120) Gilchrist Road, Lesmurdie – Agreement and Sub-Lease.**

Previous Items: OCM 61/05, 110/05  
Service Area: Community Services  
File Reference: GL-03/120  
Applicant: Kanyana Wildlife Rehabilitation Centre (Inc)  
Owner: Shire of Kalamunda

**PURPOSE**

1. To consider entering into an Agreement with the Department of Environment and Conservation (DEC), and a subsequent Sublease with Kanyana Wildlife Rehabilitation Centre (Inc), for the purpose of a wildlife hospital, captive breeding and educational purposes at Pt 156 (120) Gilchrist Road, Lesmurdie ([Attachment 1.](#)).

**BACKGROUND**

2. Resolved OCM 110/05 - "That Council approve in-principle the relocation of Kanyana Wildlife Rehabilitation Centre for the purpose of 'wildlife hospital, captive breeding and educational purposes', subject to the Council taking over care and control over the management of 'Paxwold site' portion of the Reserve".
3. Although Council agreed to a Management Order through the Department of Planning and Infrastructure for Pt 156 (120) Gilchrist Road, Lesmurdie (OCM 61/05), the land was passed to DEC as part of the Darling Range Regional Park before an order could be formally ratified.
4. As the excising of Pt 156 (120) Gilchrist Road, Lesmurdie from the Regional Park and the progression of a Management Order between DEC and the Shire of Kalamunda will be a lengthy process, an Agreement has been proposed between the parties as an interim bridging measure.

**DETAILS**

5. A draft Agreement has been prepared between DEC and the Shire of Kalamunda to use the above site for the purpose of a wildlife hospital, captive breeding and educational purposes, for a period of fifteen years.
6. A draft Sublease has also been prepared between the Shire of Kalamunda and Kanyana Wildlife Rehabilitation Centre (Inc) for the purpose of a wildlife hospital, captive breeding and educational purposes for a period of fifteen years.
7. The Sublease is a standard document drawn up by Council's solicitors.
8. DEC will provide \$100,000 to assist with maintenance and repair works at the site in accordance with an agreed schedule of works.

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**STATUTORY AND LEGAL IMPLICATIONS**

9. In accordance with the Local Government (Functions & General) Regulations 1996, regulation 30, dispositions of property to which section 3.58 of Act does not apply, section 2 states:

A disposition of land is an exempt disposition if –

*2(c) the land is disposed of to a body, whether incorporated or not –*

*the objects of which are of a charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature; and*

*the members of which are not entitled or permitted to receive any pecuniary profit from the body's transactions.*

**POLICY IMPLICATIONS**

10. Nil

**PUBLIC CONSULTATION/COMMUNICATION**

11. Previous consultation took place with the residents of the affected properties which resulted in Council agreeing to in-principle support to Kanyana relocating to the "Paxwold site" portion of the reserve.

**FINANCIAL IMPLICATIONS**

12. Any charges and costs associated with the Agreement or the sub lease are being passed on to Kanyana.

**STRATEGIC IMPLICATIONS**

13. Council's Strategic Plan 2000 – 2025 recognises the need to promote the benefits of caring for the environment through community awareness and involvement.

**OFFICER COMMENT**

14. Council has previously given in-principle support for the relocation of Kanyana to Pt 156 (120) Gilchrist Road, Lesmurdie and the leasing of this land on a peppercorn rental basis.
15. An "interim" Agreement with DEC will allow Kanyana to relocate to the site without having to wait for the completion of a Management Order between DEC and the Shire of Kalamunda.
16. The DEC Agreement allows for a maximum fifteen year term for the Sublease which will enable Kanyana to apply for grants.
17. Kanyana have indicated they will be applying for State funding to further improve the facilities already on site.

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18. As part of the proposed Agreement, DEC will be contributing \$100,000 to the Shire of Kalamunda specifically for the maintenance and repair of buildings at the site. This contribution is to be spent within two years of signing the Agreement.

#### **MEETING COMMENT**

19. A representative of Kanyana Wildlife Rehabilitation Centre Inc. addressed the Committee and thanked the Council for its support with this project.

#### **COMMITTEE RECOMMENDATION TO COUNCIL GS 89/2007**

1. That Council approves Agreement No. 2234/34 between the Conservation and Land Management Executive Body and the Shire of Kalamunda with the main terms and conditions listed below:
- Fifteen year term;
  - Rental of \$150.00 per annum, indexed to the C.P.I annually; and
  - \$100,000 is provided to the Shire of Kalamunda for maintenance and repair works.
2. That Council approves the Sublease between Kanyana Wildlife Rehabilitation Centre (Inc) and the Shire of Kalamunda subject to approval of Agreement No. 2234/34 between the Conservation and Land Management Executive Body and the Shire of Kalamunda. The main terms and conditions are:
- Kanyana pay 100% of gas, water, power, telephone, local government charges, cleaning, garden maintenance and all costs associated with the preparation, execution and stamping of the Agreement;
  - Kanyana to maintain \$10 million public liability insurance, building insurance for the premises and adequate contents insurance;
  - Kanyana to maintain the premises in a clean and sanitary condition and be responsible for all minor and major maintenance; and
  - Kanyana to agree to a term of 15 years, with an annual rental comencing at \$150 indexed to CPI annually.

Moved: (Cr Tonkin)

Seconded: (Cr Bilich)

**CARRIED UNANIMOUSLY**

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

## **90. Scott Reserve Storeroom – Request for Additional Funds**

Previous Items: N/A  
Service Area: Community Services  
File Reference: NR-03/020  
Applicant: High Wycombe Junior Football Club and High Wycombe Cricket Club  
Owner: Shire of Kalamunda

### **PURPOSE**

1. To consider contributing additional funds towards the completion of a store room at Scott Reserve, High Wycombe.

### **BACKGROUND**

2. The Shire allocated \$20,000 in the 2005/06 budget for the construction of a storage shelter at Scott Reserve for the use of High Wycombe Cricket Club and High Wycombe Junior Football Club.
3. The clubs had previously been utilizing two sea containers that have slowly become dilapidated and require replacement.
4. The clubs were required to contribute additional funds for the project and this was expected to be approximately \$6,000 in cash plus additional volunteer labour as needed to ensure completion of the building.
5. The project was managed by the two clubs with input from Shire building staff as required.

### **DETAILS**

6. Plans were produced by the clubs for the structure; however, given the current state of the building industry, no quotations could be obtained from builders to complete the work. After further investigation by Shire staff and the clubs, a tilt up concrete slab design was chosen that would endeavour to limit break-ins and potentially become a model for use at other sporting reserves.
7. A quotation was eventually received in late 2006 to complete the walls and roof works for \$20,000, however, the quotation did not allow for the increased costs required for additional concrete preparation areas. The final invoice submitted to the clubs was \$33,000. Further works were then required to complete the store room including welding, steel and site works.

8. The current budget for the project has been provided by the clubs and is listed below.

<b>Item</b>	<b>Cash Expense</b>	<b>In - kind</b>	<b>Completed</b>
Concrete walls, roof	\$33,000		✓
Steel doors materials	\$1,500		✓
Steel wall dividers	\$600		✓
Additional steel for wall supports etc	\$3,000		✓
Galvanising	\$1,000		✓
General hire of equipment	\$500		✓
Water proofing of roof	\$500	\$300	✓
Connection of electricity	\$500	\$1,000	✓
Welding and other metal works		\$3,100	✓
Site works/clean up		\$2,000	✓ partial
Additional labour for concrete construction		\$3,000	✓
Builders certificate and engineering certification	\$3,000		
<b>Total</b>	<b>\$43,600</b>	<b>\$9,400</b>	

**Total project costs including in-kind contribution** **\$53,000**

9. From the total project cost of \$53,000, the following amounts can be deducted leaving a project shortfall of \$17,600.

<b>Total Project cost</b>	\$53,000
<b>Less</b>	
Shire contribution 06/07 (Paid)	\$20,000
Club in-kind donation	\$9,400
Club cash contribution	\$6,000
<b>Amount requested from Shire</b>	<u><b>\$17,600</b></u>

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

10. The Shire of Kalamunda is responsible for ensuring that the building meets all applicable Building regulations.

#### **POLICY IMPLICATIONS**

11. Nil

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

12. Nil

#### **FINANCIAL IMPLICATIONS**

13. The Shire has paid an invoice for \$20,000 to Rogers Concrete at the clubs direction leaving no further Shire funds to complete the project. All other invoices remain outstanding.

14. The funds requested have not currently been included in the 2007/08 budget.

### STRATEGIC IMPLICATIONS

15. Nil

### OFFICER COMMENT

16. The storeroom is currently at lock up stage however electrical work, site clean up, Building Certificates, Engineering Certification and minor works still need to be completed to ensure that the building is functional and aesthetically pleasing.

17. Essential works that remain outstanding to complete the building are as follows:

<b>Item</b>	<b>Cash Expense</b>	<b>In - kind</b>
Water proofing of roof	\$500	\$300
Connection of electricity	\$500	\$1,000
Site works/clean up		\$2,000
Builders certificate and engineering certification	\$3,000	
<b>Total</b>	<b>\$4,000</b>	<b>\$3,300</b>

18. Shire staff have recently taken control of this project due to the cost over runs and delays. If additional funds are allocated all future project decisions would need to be approved by Shire staff.

19. The clubs have indicated that they are not in a financial position to contribute any further funds to the project and have requested that the Shire contribute a further \$17,600 to enable the works to be completed. The High Wycombe Junior Football Club and High Wycombe Cricket Clubs do, however, have cash reserves of \$40,000 and \$29,000 respectively.

20. Justification from the clubs for the additional funds include:

- rapidly rising building costs are reflective of the wider building industry
- delays in sourcing a builder were outside the clubs control
- a high level of club volunteer time and funds have already been contributed towards the project
- there will be a negative impact on the club if they are required to fund the additional amount which may lead to financial hardship in the near future

21. The main reason for the cost escalation appears to be the unexpected price for the concrete panels, which were \$13,000 over the anticipated budget. The clubs then incurred the additional expenses in attempting to complete the building to a satisfactory standard.

22. It can be argued that the clubs are responsible for all additional costs, given that they accepted the cost over runs during construction. However, the volatile nature of the building industry, the need to ensure the building complies with the relevant building standards and the large volunteer contribution from the clubs, indicates that a further contribution from Council is considered appropriate.

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23. If the staff recommendation is accepted, the clubs would be expected to contribute a minimum cash amount of \$13,600 to the project, which would be \$7,600 higher than they anticipated.
  24. The clubs may still incur further costs fitting out the store room with shelving etc to maximise the space available for storage.

**MEETING COMMENT**

25. Representatives of the High Wycombe Cricket Club and the High Wycombe Junior Football Club addressed the meeting.

**OFFICER RECOMMENDATION**

1. That Council contribute a maximum of \$4,000 from the Building Reserve Fund to complete the outstanding Scott Reserve store room works, with all remaining costs to be met by the High Wycombe Cricket Club and High Wycombe Junior Football Club.

Moved: (Cr)

Seconded: (Cr)

**LAPSED**

Cr Cresswell proposed an alternate recommendation.

**COMMITTEE RECOMMENDATION TO COUNCIL GS 90/2007**

1. That Council contribute a maximum of \$13,000 from the Building Reserve Fund to complete the outstanding Scott Reserve store room works, with all remaining costs to be met by the High Wycombe Cricket Club and High Wycombe Junior Football Club.

Moved: (Cr Cresswell)

Seconded: (Cr Casey)

**CARRIED UNANIMOUSLY**

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

**91. Kalamunda and Districts Historical Society – Annual Report**

This item was dealt with as the first item on the agenda.

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

## 92. Signage Style Guide - Adoption

Previous Items:

Service Area: Community Services

File Reference: OR-CIM-007

Applicant:

Owner:

### PURPOSE

1. To consider the adoption of a Signage Style Guide incorporating Shire Boundary Signage.

### BACKGROUND

2. Over the years several design options have been put forward for Shire Boundary Signage incorporating an entry statement feature and for various reasons no progress has been made at this point.
3. As part of implementing Council's Communication and Marketing Strategy a Signage Style Guide has been prepared ([Attachment 1.](#)) to aid in the clear identification of the Shire's various infrastructure, facilities and localities.
4. A secondary purpose of the Style Guide is to ensure the Shire's corporate identity is presented in a consistent and aesthetically pleasing manner.

### DETAILS

5. The Style Guide provides examples of directional, facility, locality and boundary signs. As all signage types cannot be demonstrated in the Style Guide, sign formats and specifications may be adapted from the various examples shown.

### STATUTORY AND LEGAL IMPLICATIONS

6. Nil.

### POLICY IMPLICATIONS

7. Nil.

### PUBLIC CONSULTATION/COMMUNICATION

8. Nil.

### FINANCIAL IMPLICATIONS

9. An amount of \$5,000 has been included in the 2007/08 Budget to assist with the implementation of the proposed Signage Style Guide.

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**STRATEGIC IMPLICATIONS**

10. Plan for the Future of the District – Outcomes, Administration;(4.4) “Implement the Marketing and Communication Strategy”.

**OFFICER COMMENT**

11. The proposed Signage Style Guide has been developed to compliment our existing Corporate Style Guide, which is used for all external publications and promotional material.
12. If the Signage Style Guide is adopted it is intended to progressively replace any existing damaged, unsightly or incorrect signage and install news signs using the examples shown in the Guide.

**MEETING COMMENT**

13. Nil.

**COMMITTEE RECOMMENDATION TO COUNCIL GS 92/2007**

1. That the Shire of Kalamunda Signage Style Guide (June 2007) be adopted by Council.

Moved: (Cr Taylor)

Seconded: (Cr Bilich)

**CARRIED UNANIMOUSLY**

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

**93. Minor Amendment to the Local Government District Boundary- Lot 109(150) Victoria Road, Kenwick**

Previous Items: N/A  
Service Area: Planning and Development  
File Reference: VC-01/150  
Applicant: City of Gosnells  
Owner: Private owner

**PURPOSE**

1. To consider support of a minor amendment to the local government boundary between the Shire of Kalamunda and the City of Gosnells.

**BACKGROUND**

2. Lot 109 Victoria Road, Kenwick is currently dissected by the Local Government boundary which results in a portion of the property being located within the Shire of Kalamunda and the remainder in the City of Gosnells. The property is located entirely on the western side of the Tonkin Highway. Refer ([Attachment 1.](#))
3. The land in question was at one time owned by Main Roads Western Australia as part of the reserved land for the future Tonkin Highway. After construction of the highway, the land was considered redundant to Main Roads needs and it was sold and amalgamated with the abovementioned lot.

**DETAILS**

4. The property is rated by the City of Gosnells and the street address is in Gosnells. The owner has approached the City of Gosnells with a request to have the boundary realigned so that the full extent of her lot is within the one local government.

**STATUTORY AND LEGAL IMPLICATIONS**

5. Nil

**POLICY IMPLICATIONS**

6. Nil

**PUBLIC CONSULTATION/COMMUNICATION**

7. The only person directly affected by the proposed amendment is the owner of the subject lot. This landowner instigated the proposal with the City of Gosnells.

**FINANCIAL IMPLICATIONS**

8. Nil

**STRATEGIC IMPLICATIONS**

9. Nil

**OFFICER COMMENT**

10. Given that the new proposed boundary follows the western side of the Tonkin Highway and the owner of the subject lot is in support of the proposal, it is considered reasonable to approve the requested amendment.

**MEETING COMMENT**

11. Nil.

**COMMITTEE RECOMMENDATION TO COUNCIL GS 93/2007**

1. That Council supports the proposed amendment to the Local Government boundary between the Shire of Kalamunda and the City of Gosnells in order to rationalise the situation.

Moved: (Cr Tonkin)

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.

## 94. 20 Bedford Crescent, Forrestfield – Road Closure

Previous Items: GS 57/2007  
Service Area: Engineering Services  
File Reference: HE-RWL-021  
Applicant: Minorco Pty Ltd  
Owner: N/A

### PURPOSE

1. To consider a request for the closure of road reserve abutting 20 Bedford Crescent, Forrestfield, as shown at ([Attachment 1.](#))

### BACKGROUND

2. Minorco Pty Ltd, the owners of 20 Bedford Crescent, requested that the portion of road reserve abutting their property be closed, due to the continuous public use of the area as a rubbish dumping ground, which has been an ongoing problem for years.
3. The portion of Bedford Crescent requested for closure, is used solely as an access to the applicant's business premises. The applicant intends, once the road is closed, to construct an access to their business from Webster Road. Closing the existing access from Bedford Crescent would effectively eliminate the rubbish dumping problem.

### DETAILS

4. Council considered this request at the June 2007 round of meetings and resolved as follows;
  1. *That the closure of road reserve abutting 20 Bedford Crescent, Forrestfield, shown at ([Attachment 1.](#)) be endorsed.*
5. Notice to close the road was published in local papers and the public submissions closed on 6 August, with no objections being received.

### STATUTORY AND LEGAL IMPLICATIONS

6. The road closure will be affected under Section 58 of the Land Administration Act 1997.

### POLICY IMPLICATIONS

7. Nil.

**PUBLIC CONSULTATION/COMMUNICATION**

8. There is a statutory requirement for a public notice, which was advertised in local papers within the district. Additionally, public utility providers were contacted requesting confirmation of their agreement to the proposed closure.
9. The Water Corporation lodged an objection as there is an existing water main located within the proposed closure. They advised that the main can be relocated provided the applicant pays for any costs. The applicant has agreed to pay for any costs associated with this relocation and will deal directly with the Water Corporation accordingly.

**FINANCIAL IMPLICATIONS**

10. The Shire of Kalamunda will be required to indemnify the Minister for Planning against any claims which may arise from the road closure. Since this is a road closure, the likelihood of any claims is minimal.

**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. Nil

**COMMITTEE RECOMMENDATION TO COUNCIL GS 94/2007**

1. That Council recommends to the Minister for Planning and Infrastructure, the closure of the portion of road reserve abutting 20 Bedford Crescent, Forrestfield, shown at ([\*Attachment 1.\*](#)) subject to Minorco Pty Ltd arranging for the relocation of the water main at their expense.
2. That the Minister for Planning and Infrastructure be indemnified against any claims arising as a result of the road closure.

Moved: (Cr Morton)

Seconded: (Cr Casey)

**CARRIED UNANIMOUSLY**

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

10.1 Nil.

**11.0 QUESTIONS BY MEMBERS WITHOUT NOTICE****11.1 Kerbside Rubbish Collection (Cr Bilich)**

Q. I have had calls from residents regarding the collection service. Is there a compromise that could be reached which could be offered to residents which would allow them to use the tip passes at the Walliston Transfer Station rather than Red Hill Tip?

A. If residents are advised they will only miss out on one collection service this may satisfy their concerns. The Executive Manager Community Services advised this had been discussed, but it is very difficult to accommodate these requests on an individual basis.

**11.2 Cost of Using Transfer Station (Cr Tonkin)**

Q. Could the Finance Manager advise what the cost would be of residents using the Transfer Station with the tip passes rather than the Red Hill facility?

A. The Executive Manager Corporate Services advised he was unable to give an answer at this time, but supported the Executive Manager Community Services comments in that the subject had not been raised in a formal manner regarding the use of the Walliston Transfer Station. Staff can look at the use of the transfer station, if requested, and this would be the time this option was costed.

**11.3 Kerbside Rubbish Collection (Cr Casey)**

Q. Can it be the standard line when answering residents queries that it was a Council decision not to accept the tenders?

**11.4 Kerbside Rubbish Collection (Cr Blair)**

Q. Cr Tonkin's motion at the last OCM said that staff are looking at a \$40 rebate becoming available to residents on producing a receipt for the hire of a skip bin is this correct?

A. Yes, that is correct. An item will be planned to go through the Planning Committee next week.

**11.5 Information Sheet (Cr Winterhalder)**

Q. On the information sheet provided there was an inference that the tip passes would be able to be used at the Transfer Station.

A. This is not the interpretation of the majority.

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

12.1 Nil.

**13.0 MATTERS CLOSED TO THE PUBLIC**

13.1 Nil.

**14.0 CLOSURE**

There being no further business, the Chairman declared the meeting closed at 8.18 pm.

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

Signed.....Chairman

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