
Shire of Kalamunda

General Services Committee

Minutes for 4 March 2008



SHIRE OF KALAMUNDA

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**Minutes of General Services Committee
Held in the Council Chambers
2 Railway Road, Kalamunda
Tuesday 4 March 2008**

1.0 OFFICIAL OPENING

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

2.0 APOLOGIES AND LEAVE OF ABSENCE

- 2.1 PRESENT

Councillors

D McKechnie	(SHIRE PRESIDENT) NORTH WARD
E Taylor	NORTH WARD
M Thomas	NORTH WARD
M Robinson	SOUTH WEST WARD
A Morton	SOUTH WEST WARD
P Tonkin	SOUTH WARD
J Giardina	SOUTH WARD
C Everett	SOUTH WARD
M Cresswell	(CHAIRPERSON) NORTH WEST WARD
P Heggie	NORTH WEST WARD
F Lindsey	EAST WARD

Officials

D Vaughan	CHIEF EXECUTIVE OFFICER
S Leeson	A/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
A Westacott	OBSERVER
D McPherson	MINUTE SECRETARY

Apologies

D Sadler SOUTH WEST WARD
N Wilson EXECUTIVE MANAGER CORPORATE SERVICES

Observers 10

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 Mr John Flahive – 4 Laurena Place, Maida Vale

Q. In relation to Item 33 why has the matter not been dealt with by the Chief Executive Officer under the powers delegated to him? Why has the matter been escalated to the General Services Committee?

A. The Chief Executive Officer advised the process being followed tonight is consistent with similar exercises in the past. It has been a custom and a practice for these matters to be referred to Council and that was explained at the last General Services Committee Meeting. It is not an issue of delegated authority it was a decision the matter would be dealt with through Council.

3.2 Mr Smallpage – Forrestfield

Q. Correspondence has been sent to the Shire in relation to the state of Woodlupine Brook in Forrestfield in June 2007 I have received no response to this correspondence. Can you advise if correspondence sent to the Shire is usually responded to? Is any action to be taken to improve the state of Woodlupine Brook?

A. The Chairman advised he was of the opinion it was normal practice that requests or complaints received by the Shire be acknowledged. It is suggested that the issues be taken up by a Councillor in your Ward. The Chief Executive Officer advised the question would be taken on notice to allow staff to investigate what has been received and what has been acted upon.

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 4 February 2008 be corrected on Page 64 Section 11.5 Q2 reference to the "Quinn" study report should read "KHRIM" (Kewdale Hazelmere Region Integrated Masterplan).
- 5.2 That following the correction in 5.1 the Minutes of the General Services Committee Meeting held on 4 February 2008 is confirmed as a true and correct record of the proceedings.

Moved: (Cr Taylor)

Seconded: (Cr Thomas)

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 INTERESTSDisclosure of Financial and Proximity Interests

- (a) Members must disclose the nature of their interest in matters to be discussed at the meeting. (Section 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. (Section 5.70 of the Local Government Act 1995)
- 8.1 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.
- 8.2 Nil.

9.0 REPORT TO COUNCIL

Please Note:

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

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

21. Creditors Accounts Paid for February 2008

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 February 2008.

BACKGROUND

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

DETAILS

4. Accordingly, the list of Creditors' paid February 2008 is attached. ([Attachment 1](#))

STATUTORY AND LEGAL IMPLICATIONS

5. Nil.

POLICY IMPLICATIONS

6. Nil.

PUBLIC CONSULTATION/COMMUNICATION

7. Nil.

FINANCIAL IMPLICATIONS

8. Nil.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

9. Nil.

OFFICER COMMENT

10. Nil.

MEETING COMMENT

11. Nil.

COMMITTEE RECOMMENDATION TO COUNCIL GS 21/2008

1. That the list of Creditors' paid for February 2008 attached ([*GSC Item 21 Attachment 1*](#)) be received by Council in accordance with the requirements of Regulation 12 of the Local Government (Financial Management) Regulations 1996.

Moved: (Cr Taylor)

Seconded: (Cr Robinson)

CARRIED UNANIMOUSLY

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

22. Financial Activity Statements for the Periods 31 January 2008

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 statement reports for the period ended 31 January 2008.

BACKGROUND

2. Attached are the financial activity statement reports for the period ending 31 January 2008 ([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 previously been agreed a percentage value of 10% variance be used for the 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 AND SUSTAINABILITY IMPLICATIONS

10. Nil.

OFFICER COMMENT

11. Nil.

MEETING COMMENT

12. Nil.

COMMITTEE RECOMMENDATION TO COUNCIL GS 22/2008

1. That the Financial Activity Statement reports for the period ending 31 January 2008 ([*GSC Item 22 Attachment 1*](#)) be received.

Moved: (Cr Thomas)

Seconded: (Cr Taylor)

CARRIED UNANIMOUSLY

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

23. 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 a monthly report on debtors and creditors.

BACKGROUND

2. Attached is a report detailing aged debtors and creditors as at 31 January 2008. ([Attachment 1](#)).
3. Council has requested information as to outstanding debtors and creditors be reported on a monthly basis.

DETAILS

4. Debtors

> 90 days

The bulk of this remains those aged debtors as reported to the Audit Committee in December 2007.

Major new debt since aged >90 days

\$ 2,886.90	Forrestfield & Districts Bowling Club	Loan payments
-------------	---------------------------------------	---------------

> 60 days

Bulk of this being Ray Owen reimbursable costs often queried before settlement.

\$ 16,575.00	Boldsilk Holdings PL	Supervision Fees on Roadworks
\$ 5,923.97	Forrestfield United Soccer Club	Loan 214
\$ 17,676.62	Kalamunda Basketball Association	Ray Owen maintenance & cleaning
\$ 17,676.62	Kalamunda & Districts Netball Association	Ray Owen maintenance & cleaning

> 30 days

\$ 4,500.00	Department of Environment & Conservation	Paid February 2008
\$104,600.00	Raltok PL	Cash in Lieu of POS - High Wycombe in dispute - subject to possible arbitration.

Current

\$ 49,334.00 Department of the Environment & Water Resources Grant - Restoration of Poison Gully

5. Creditors

> 90 days

J Blackwood & Son

Invoice not received, requested from statement reconciliation.

Forrestfield News

Since Paid

> 60 days

Rocla Pipeline Products

To be paid on 22nd February

> 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 AND SUSTAINABILITY IMPLICATIONS

10. Nil.

OFFICER COMMENT

11. Nil.

MEETING COMMENT

12. Nil.

COMMITTEE RECOMMENDATION TO COUNCIL GS 23/2008

1. That the outstanding debtors and creditors report as at 31 December 2007 ([*GSC Item 23 Attachment 1*](#)) be received.

Moved: (Cr Robinson)

Seconded: (Cr Taylor)

CARRIED UNANIMOUSLY

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

24. 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 January 2008.

BACKGROUND

2. Attached is the report detailing rates debtors as at 31 January 2008. ([Attachment 1](#)).

DETAILS

3. Rates Debtors

Approximately \$10 million cash has been received to the end of January 2008.

10,500 assessments (approximate) were paid in full or are in credit by the due date.
7,878 assessments are paying via the installment option.

400 assessments (approximate) are on alternative payment arrangement plans.

2,378 assessments were issued with final notices, requesting payment by the 16th November 2007.

Of these, 522 assessments were issued with Demand Letters from Austral Mercantile Debt Collections on the 12th December 2007.

General Procedures Claims (formally known as Summons) have since been lodged against 209 assessments.

Installment dates are as follows:

1st	2nd October 2007
2nd	3rd December 2007
3rd	4th February 2008
4th	4th April 2008

STATUTORY AND LEGAL IMPLICATIONS

4. Nil.

POLICY IMPLICATIONS

5. Nil.

PUBLIC CONSULTATION/COMMUNICATION

6. Nil.

FINANCIAL IMPLICATIONS

7. Nil.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

8. Nil.

OFFICER COMMENT

9. Nil.

MEETING COMMENT

10. Nil.

COMMITTEE RECOMMENDATION TO COUNCIL GS 24/2008

1. That the rates debtors report as at 31 January 2008 ([GSC Item 24 Attachment 1](#)) be received.

Moved: (Cr Thomas)

Seconded: (Cr Morton)

CARRIED UNANIMOUSLY

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

25. Local Law Relating to Bee Keeping

Previous Items: N/A
Service Area: Corporate Services
File Reference: LE-LOL-023
Applicant: N/A
Owner: N/A

PURPOSE

1. To amend the existing Local Law Relating to Bee Keeping by creating a new Local Law to repeal and replace the current version.

BACKGROUND

2. The Local Government Act requires all Local Laws to be reviewed within eight (8) years of their commencement or last review.
3. An advertisement was placed in The West Australian advising that the Local Law Relating to Bee Keeping was being reviewed and inviting public submissions. No submissions were received.

DETAILS

4. The Local Law Relating to Bee Keeping was reviewed as 8 years has lapsed since its commencement date (1 December 1998).
5. The suggested new amended Local Law is in a format and language that is consistent with our other local laws.
6. The main differences between the existing Local Law and the proposed amended Local Law are presented as [\(Attachment 1\)](#) whilst the proposed Local Law is presented as [\(Attachment 2\)](#).

STATUTORY AND LEGAL IMPLICATIONS

7. The initial decision of Council must be to retain, repeal or amend. If the decision to amend is made the process of creating a new Local Law must be followed.
8. This will involve public notice and another 42 days for public submissions.

POLICY IMPLICATIONS

9. Nil.

PUBLIC CONSULTATION/COMMUNICATION

10. The advice that the Local Law was being reviewed was published on 1 September 2007 and submissions invited up to 15 October 2007.

FINANCIAL IMPLICATIONS

11. Nil.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

12. The amended Local Law follows generally the model local law as produced by Western Australian Local Government Association.

OFFICER COMMENT

13. Nil.

MEETING COMMENT

14. Nil.

COMMITTEE RECOMMENDATION TO COUNCIL GS 25/2008

1. That the Shire of Kalamunda Local Law Relating to Bee Keeping be amended. This will be achieved by creating a new local law to repeal and replace the current version.
2. That Statewide and local public notice be given that Council proposes to make a new local law, the Bee Keeping Local Law 2008, as shown in ([*GSC Item 25 Attachment 2*](#)).
3. It be recorded that the purpose of the proposed local law is to ensure that persons keeping bees, or allowing bees to remain on their property, take reasonable measures to prevent those bees causing nuisance to neighbours or to members of the public generally. The effect of the proposed local law is that the Shire of Kalamunda will be able to require the keeper of bees to manage or remove the bees so as not to create a nuisance.

Moved: (Cr Taylor)

Seconded: (Cr Robinson)

CARRIED UNANIMOUSLY/ABSOLUTE MAJORITY

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

26. Local Law Relating to Fencing

Previous Items: N/A
Service Area: Corporate Services
File Reference: LE-LOL-002
Applicant: N/A
Owner: N/A

PURPOSE

1. To amend the existing Local Laws Relating to Fencing by creating a new Local Law to repeal and replace the current version.

BACKGROUND

2. The Local Government Act requires all Local Laws to be reviewed within eight (8) years of their commencement or last review.
3. An advertisement was placed in The West Australian advising that the Local Laws Relating to Fencing were being reviewed and inviting public submissions. No submissions were received.

DETAILS

4. The Local Laws Relating to Fencing were reviewed because there were a number of minor changes that needed to be made, including some adopted by Council in February 2005 but not gazetted.
5. The suggested new amended Local Law is in a format and language that is consistent with our other local laws.
6. The main differences between the existing Local Laws and the proposed amended Local Law are presented as [\(Attachment 1\)](#) whilst the proposed Local Law is presented as [\(Attachment 2\)](#).

STATUTORY AND LEGAL IMPLICATIONS

7. The initial decision of Council must be to retain, repeal or amend. If the decision to amend is made the process of creating a new Local Law must be followed.
8. This will involve public notice and another 42 days for public submissions.

POLICY IMPLICATIONS

9. Nil.

PUBLIC CONSULTATION/COMMUNICATION

10. The advice that the Local Law was being reviewed was published on 1 September 2007 and submissions invited up to 15 October 2007.

FINANCIAL IMPLICATIONS

11. Nil.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

12. The amended Local Law follows generally the model local law as produced by Western Australian Local Government Association.

OFFICER COMMENT

13. Nil.

MEETING COMMENT

14. Nil.

COMMITTEE RECOMMENDATION TO COUNCIL GS 26/2008

1. That the Shire of Kalamunda Local Laws Relating to Fencing be amended. This will be achieved by creating a new local law to repeal and replace the current version.
2. That Statewide and local public notice be given that Council proposes to make a new local law, the Fencing Local Law 2008, as shown in ([GSC Item 26 Attachment 2](#)).
3. It be recorded that the purpose of the proposed local law is to define a sufficient fence for the purposes of the *Dividing Fences Act 1961*, and to state the materials to be used and safety measures to be taken for some types of fencing. The effect of the proposed local law is that the compliance requirements of the *Local Government (Miscellaneous Provisions) Act 1960* in regard to the erection and maintenance of fencing is expanded upon.

Moved: (Cr Thomas)

Seconded: (Cr Everett)

CARRIED UNANIMOUSLY/ABSOLUTE MAJORITY

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

27. Revocation of Delegation CS4.1 Reimbursement of Expenses – Councillors

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

PURPOSE

1. To revoke Delegation CS4.1 to the Chief Executive Officer for the Reimbursement of Expenses to Councillors.

BACKGROUND

2. In July 2007 the current list of Delegations to the Chief Executive Officer was reviewed and adopted by Council. Delegation CS4.1 was left on the list when the reimbursement of expenses is not a power that can be delegated to the Chief Executive under Section 5.43 of the Local Government Act 1995.

DETAILS

3. To correct the current situation which is reported in the 2007 Local Government Compliance Report it is proposed to revoke delegation CS4.1. ([Attachment 1](#))

STATUTORY AND LEGAL IMPLICATIONS

4. Section 5.42 (1) and 5.43 of the Local Government Act 1995.

POLICY IMPLICATIONS

5. Nil.

PUBLIC CONSULTATION/COMMUNICATION

6. Executive Management Team.

FINANCIAL IMPLICATIONS

7. Nil.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

8. Nil.

OFFICER COMMENT

9. The Shire of Kalamunda has adopted policies ADM6 and ELM3 which together with provisions of the Local Government Act cover travelling expenses, out of pocket expenses, conferences, seminars and training and telephone/fax expenses.

MEETING COMMENT

10. A Councillor requested confirmation that there were no implications of the revocation of the Conferences, Seminars and Training part of the Delegation. The question was taken on notice by the Acting Executive Manager Corporate Services.

COMMITTEE RECOMMENDATION TO COUNCIL GS 27/2008

1. That Council revokes Delegation CS4.1 as detailed below:

"1. Travelling Expenses

a) That travelling expenses, other than for attendance at Council or Standing Committee Meetings, incurred by Councillors be paid on the basis of actual claims made and be at the rate applicable in the Local Government Officers Award. Claims may only be made for travelling expenses related to the attendance by Councillors at any meeting, seminar, conference or any other function when the attendance by the Councillors has been authorised and directed by Council. Appointment by Council of the various delegates and representatives to external Committees etc shall constitute approval of that Councillor or Councillors to attend the scheduled meetings of that organisation.

2. Out of Pocket Expenses

a) Councillors may claim for reasonable expenses actually incurred by them in carrying out their duties or performing their functions as a Councillor. The Chief Executive Officer be delegated to approve of any one claim not exceeding \$50 otherwise the claim shall be referred to the General Services Committee for authorisation.

b) Council policy is not to approve claims for loss of earnings.

3. Conferences, Seminars, Training

a) Conferences/seminars, training and induction courses of interest to Councillors be referred to the appropriate standing committee and recommendation for the attendance of any Councillor be subject to a report item to Council.

- 4. In the event of there being insufficient time for conference details to be referred to in Committee and Council, the Shire President and Chief Executive be empowered to decide and the matter be referred to Committee and Council for noting in due course.*

5. Telephone/Fax Expenses

Council has agreed, pursuant to Section 5.99A of the Local Government Act and Local Government (Administration) Regulations – Regulation 34A, to pay annual allowance in lieu of reimbursement of telecommunications expenses.

This allowance to be paid in moieties in June and December annually.”

Moved: (Cr Taylor)

Seconded: (Cr Thomas)

CARRIED UNANIMOUSLY

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

28. 35 Edinburgh Road, Forrestfield – Occupancy of Premises by Foothills Information and Referral Service

Previous Items: N/A
Service Area: Community Services
File Reference: ED-02/035
Applicant: Foothills Information and Referral Service
Owner: Shire of Kalamunda

PURPOSE

1. To consider a submission received from the Foothills Information and Referral Service Incorporated (FIRS) to occupy the premises situated at 35 Edinburgh Road, Forrestfield, previously the Forrestfield Pre Primary facility.

BACKGROUND

2. Incorporated community groups were invited, through advertisements in the local newspapers, to submit proposals to occupy the premises. Submissions closed 11 January 2008.
3. Only one submission was received and this was from FIRS.
4. The Shire of Mundaring held a peppercorn lease over the above facility since December 2001, and operated a playgroup and administrative centre for the Family Day Care Centre Scheme. They requested a termination of the lease as from 1 August 2007. The decision to vacate the premises was based on a combination of factors including; a decline in carer numbers, new state legislation requirements, and that a community building was not being used to its full capacity.
5. The building was originally used as a Pre-School, under the purposes vested for the site as a kindergarten.

DETAILS

6. Submitters to occupy the building were asked to address the following criteria: organisations history, current membership, purpose/objectives, community benefit, copies of latest audited financial statements and constitution.
7. FIRS were established in 1992 for the purpose of providing easily accessible, non-judgemental, non-discriminatory welfare and support services to individuals and families within the Shire of Kalamunda.
8. Currently, 325 people directly receive benefit from FIRS, with approximately 950 people within the wider community receiving indirect benefit.

9. FIRS provide the following services in the Shire:

- Financial Counselling Service – provides information, options, support and advocacy to clients. The financial counselling service is open to the public by appointment Monday to Friday between the hours of 9-4pm.
- Early education CARE (Community Access and Resource for Everyone) programme – to assist families who are experiencing isolation due to social, ethnic, economic or other reasons. The service provides opportunities for parents and children to prepare for successful school entry and life long learning success.
- Homework Centre's – FIRS administers three Indigenous Homework Centres at Forrestfield, Edney Road and Woodlupine Primary Schools.

10. Comments from the FIRS submission included the following:

- FIRS will continue to plan for expansion of its services to meet unmet needs within the community.
- FIRS have indicated they wish to have the option of extending the current building to increase services available from the Centre. Consideration of such proposals could only be given on acceptance of a formal application at the time.
- Relocation of FIRS from the Anderson Road Community Centre (24 Anderson Road, Forrestfield) can only take place once the current conditions of the building and grounds at 35 Edinburgh Road, Forrestfield, are improved to a suitable standard by Council.

STATUTORY AND LEGAL IMPLICATIONS

11. In accordance with the District Planning Scheme No 2 (Part II Reserved Land), section 2.3 "Use of Local Reserves", states local reserves may be used:

"for any purpose approved by Council but in accordance with any conditions approved imposed by the Council."

POLICY IMPLICATIONS

12. The application follows guidelines listed under Shire's Community Services Policy Number FAC12, "Lease, Licence and Rent of Council Owned or Controlled Properties."

PUBLIC CONSULTATION/COMMUNICATION

13. Nearby residents were contacted for comment and no objections were received.

FINANCIAL IMPLICATIONS

14. In accordance with Shire policy and standard licence conditions, the Council will be responsible for major maintenance and building insurances.
15. Any major improvements to the building and grounds would need to be approved through the non-recurrent process.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

16. Council Strategic Plan recognises the need for Council to work in partnership with other organisations to ensure required services and facilities are available in the Shire.

OFFICER COMMENT

17. FIRS provide an essential service for Shire of Kalamunda residents, funded by the State and Commonwealth Government and Lotterywest.
18. FIRS previously occupied the building in the 1990's before moving to 24 Anderson Road, Forrestfield (Anderson Road Community Centre).

MEETING COMMENT

19. A representative of the applicant addressed the Committee in support of the recommendation and thanked the Council for its support of the Foothills Information and Referral Service.

COMMITTEE RECOMMENDATION TO COUNCIL GS 28/2008

1. That Foothills Information and Referral Service be offered a licence of the premises situated at 35 Edinburgh Road, Forrestfield in accordance with the main conditions listed below:
 - a. Pay a licence fee of \$750 (exclusive of GST) per annum.
 - b. The licence fee shall increase annually in accordance with the Consumer Price Index.
 - c. The term of the licence be five years with a further five year option.
 - d. Pay 100% of rubbish charges, gas, water, power, telephone, cleaning and all costs associated with the preparation, execution and stamping of the Agreement.
 - e. Maintain \$10 million in public liability insurance.
 - f. Foothills Information and Referral Service maintain the premises in a clean and sanitary condition.
 - g. The premises be used for the purpose of providing support services for Shire residents.

Moved: (Cr Robinson)

Seconded: (Cr Morton)

CARRIED UNANIMOUSLY

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

29. Kalamunda Library Exhibition Room – Requested Use by Kalamunda and Districts Tourism Association

Previous Items: Nil
Service Area: Community Services
File Reference: CO-INF-009
Applicant: Kalamunda and Districts Tourism Association
Owner: Shire of Kalamunda

PURPOSE

1. To consider a proposal from the Kalamunda and Districts Tourism Association (KDTA) to increase their visitor servicing presence at the Kalamunda Library Exhibition Room.

BACKGROUND

2. The KDTA were given approval to operate a volunteer visitor centre service from the Kalamunda Library Exhibition Room on weekends only on a trial basis commencing November 2006.
3. This weekend service did not impinge on any existing Exhibition Room permanent users or on the use of this room by Shire Staff for various Library Service activities. ([Attachment 1.](#)) provides details of the permanent bookings and Library Service usage of the Exhibition room in 2007.
4. At the end of the twelve month trial period, Shire Staff concluded that the weekend usage had little impact on the library operations, with only minor teething problems experienced with regard to storage and clearing away of materials.
5. The KDTA have provided ([Attachment 2.](#)) details of Visitor Centre Statistics for the period November 2006 to October 2007.

DETAILS

6. The KDTA have included in their proposal, information relating to their current achievements and ongoing projects, some of the main points are as follows:
 - The KDTA has in excess of 60 members.
 - Development and launch of website.
 - Volunteer staffing of Kalamunda Visitor Centre at Library.
 - Secured a \$3,000 grant for purchase of office equipment.
 - Collaborative advertising in the West Australian to promote the Shire of Kalamunda.
 - Informative quarterly newsletter for members.
7. The main components of their submission in relation to the request for an increased presence at the Kalamunda Library Exhibition Room are as follows:
 - Opening the Kalamunda Visitor Centre for 7 days a week 10.00 am to 4.00 pm.
 - Establish permanent displays to give a more professional impression.
 - Operators are more available on weekdays to help man the centre.

-
- Consideration of funding for a part-time coordinator to run the Visitor Centre.
 - KDTA would fund permanent brochure racking on the main wall.
 - A door to give visitors access from the Railway Road side of the building.
 - A telephone and internet connection to the Visitor Centre.
 - Trimming of some of the bushes immediately outside the Visitor Centre window.
 - Signage for the Visitor Centre at various entry points.
8. The KDTA have acknowledged that the above requests are subject to the Shire's budget restrictions and priorities and have offered some in-kind financial assistance to help facilitate the above requests.

STATUTORY AND LEGAL IMPLICATIONS

9. Nil.

POLICY IMPLICATIONS

10. Some general principles that come to light when reviewing the relevant Council policies relating to Facilities, Leases/Licences, Fees and Charges and Maintenance Guidelines are as follows:
- A project which proposes joint usage should have a greater priority for Council funding.
 - All groups or individuals using Council facilities will be charged the standard hire fees unless a donation account has been approved.
 - Hire, Lease and Rental Fees will be calculated on the basis of the user paying the operating costs, less any amount which is allocated to the "Community Good".
 - Council will be responsible for all maintenance of public facilities which are freely accessible to all residents.

PUBLIC CONSULTATION/COMMUNICATION

11. If the 10 am to 4 pm, Monday – Sunday usage proposal was supported by Council, there would need to be discussions held with the permanent user groups to reach agreement on how their needs and considerations could be accommodated.

FINANCIAL IMPLICATIONS

12. If this usage proposal was approved, then provided the existing permanent user group bookings were maintained the only loss of revenue would be from casual bookings which amounted to approximately \$680 for 2007.
13. In accordance with the KDTA's submission the following cost implications would need to be considered by Council:
- The Library Exhibition Room community group hire fee is currently \$9.50 per hour, with any exemption or reduction requiring Council approval.
 - Funding of a part-time Visitor Centre Coordinator is something that the KDTA would need to thoroughly research and prepare a sound business case, exploring all sustainable income streams ([Attachment 3.](#)) and grant funding opportunities before further consideration by Council.

-
- A new access door would be required, however, this has not been costed as it would be subject to a non-recurrent budget item.
 - A new telephone, internet and security connection would be the KDTA's cost.
 - Signage would be at KDTA's cost or a non-recurrent budget item.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

14. The following Economic Development strategies and initiatives are taken from our 2025 Strategic Plan, Plan for the Future of the District and Cultural Plan.
- *Develop and promote tourism, including:*
 - *Working with the Western Australian Tourism Commission to become the hub of the Perth Hills tourism region.*
 - *Becoming an internationally recognised tourism centre.*
 - *Progress tourism initiatives including the Visitor Centre and Community Precinct.*
 - *Communicate and collaborate with local stakeholders to ensure their involvement and ownership in appropriate projects.*

OFFICER COMMENT

15. Council has a number of ways for community and not for profit groups to obtain regular and permanent usage of its facilities; these range from:
- Permanent and regular hire bookings over a 12 month period, as per the fees and charges schedule.
 - Tenancy agreements for a two to five year period as per the fees and charges schedule e.g. Playgroups, who must accommodate other priority bookings and are responsible for cleaning and minor maintenance.
 - Licence agreements for 5 years with options to extend, annual licence fee and all operating and minor maintenance costs met by Licensee and can be joint usage with other party sharing cots.
 - Lease agreements for 10 years with option to extend, annual lease fee and all operating, minor and major maintenance costs met by Lessee. Provides for exclusive usage unless sub-lease approved by Council and Lessee.
16. The main issues that the Council will need to address in considering this proposal are as follows:
- Can the existing and any future library services and activities be satisfactorily maintained under a joint usage situation? Staff are of the view that due to the nature and extent of the KDTA's infrastructure requirements, the following existing library service activities may not be compatible.
 - a. Kalamunda Library Story Time
 - b. New Mums Group, Rhyme Time Group
 - c. Children's Book Week
 - d. Author Talks
 - e. School Holiday Programmes
 - f. Special Story Times
 - g. Volunteers Morning Tea/ other events.

-
- Can the existing permanent user groups be satisfactorily accommodated under a joint use situation? Subject to confirmation from the groups, staff are of the view that all the current permanent users (Attachment 1.) can be satisfactorily accommodated subject to a small adjustment of booking times and opening hours on the Wednesday.
 - What type of tenure / tenancy or hire agreement would be most appropriate for the KDTA under a joint use situation? Having regard to Council policy and the type of community groups that are exempt from hire fees, it would be fair and consistent to expect the KDTA to be charged an annual rental fee under a tenancy agreement. If the fee was calculated in accordance with Council Policy FAC9 then it would amount to 60% of all operating and maintenance costs for the Exhibition Room
17. When weighing up the social and economic implications of this proposal, it is difficult to argue that the KDTA should have exclusive use of the facility for an additional five days a week between 10 am and 4 pm when the average daily visitor numbers are approximately 8 per day.
 18. This is particularly the case when the proposed period of exclusive use would prevent well established and accepted library service activities and programmes from being conducted at this convenient location. The Visitor Centre would need to be closed at certain hours and on particular days of the year to allow these activities to take place.
 19. The exclusion of casual bookings and the inevitable inconvenience to permanent user groups is another valid consideration, however, the economic and social benefits of KDTA's proposal, which are consistent with Council's strategies, are believed to offset these negative impacts.
 20. Based on evidence from other visitor centres, the proposed extension of usage by the KDTA will improve the promotion and marketing of the commercial, natural heritage and cultural tourism products and festivals and events within the Shire of Kalamunda.
 21. The proposal may also assist with the Community Precinct – 'Cultural and Community Centre' project, as this is seen as only as an interim measure until this project comes to fruition and the ongoing collection of visitor statistics will assist with funding applications for this project.
 22. If Council agrees with the Officer Recommendation, the ultimate success or otherwise, of this proposal will largely depend on how, or if, the operational challenges facing KDTA can be handled and their willingness to accommodate the existing library activities and permanent users of the facility.

MEETING COMMENT

23. A representative of the applicant spoke in support of the recommendation and expressed some concerns in relation to some of the requirements for use of the facility.
24. A representative of the Bickley & Carmel Valleys' Tourism Association spoke in support of the Visitors Centre and the positive effect it has had on Members' businesses.

COMMITTEE RECOMMENDATION TO COUNCIL GS 29/2008

1. That Council enter into a tenancy agreement with the Kalamunda and Districts Tourism Association (KDTA) for seven days a week (10am to 4pm) joint use of the Kalamunda Library Exhibition Room, subject to the following terms and conditions being agreed to prior to commencement of the additional usage:
 - a. All existing Kalamunda Library Service activities and permanent user group bookings being accommodated to the satisfaction of the Executive Manager Community Services.
 - b. KDTA being responsible for 60% of all operational and maintenance costs of the Kalamunda Library Exhibition Room, to be invoiced on a six monthly basis.
 - c. A new access door being installed, subject to approval through the non-recurrent budget process.
 - d. Any new phone, internet or security system installation and service costs being met by KDTA.
 - e. Any new Visitor Centre Information signage being installed subject to the non-recurrent budget process.
 - f. The KDTA is to be responsible for maintaining adequate public liability and contents insurance.
 - g. The term of the tenancy agreement to be two years with the option for either party to terminate the agreement with six weeks notice.

Moved: (Cr Thomas)

Seconded: (Cr Lindsey)

CARRIED UNANIMOUSLY

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

30. Lot 7 Hale Road & Lot 8 Arthur Road, Wattle Grove, Proposed Street Names for Subdivision

Previous Items: N/A
Service Area: Planning and Development Services
File Reference: 125144, 127914
Applicant: Coldwell Banker Pro Property
Owner: Planwell Investments Pty Ltd (Lot 7 & 8)

PURPOSE

1. Council is to consider new street names for subdivisions in the Wattle Grove Cell 9 Development Zone. The Council recommendation is forwarded to the Geographic Names Committee (GNC) of the Department of Land Information for approval.

BACKGROUND

2. The lots are part of the Wattle Grove Urban Cell U9. Subdivision of Lot 7 Hale Road was approved by the WA Planning Commission in October 2004, and Lot 8 Arthur Road in June 2005.

DETAILS

3. Four (4) new street names are required for the subdivisions ([Attachment 1.](#)):
 - a. Mooreana Entrance
 - b. Gemina Avenue
 - c. Anomala Avenue
 - d. Varia Crescent

The proposed names are species of Banksia found in and around Perth. The developer of Lots 7 & 8 Hale and Arthur Roads, has named the estate "Banksia Grove".

4. Preliminary liaison with the GNC has indicated their acceptance of these names and it is recommended that Council endorses the use of the names.

STATUTORY AND LEGAL IMPLICATIONS

5. Road names are required to be shown on deposited plans prior to creation of lots.

POLICY IMPLICATIONS

6. Nil.

PUBLIC CONSULTATION/COMMUNICATION

7. Nil.

FINANCIAL IMPLICATIONS

8. Nil.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

9. **Strategic Implications**

Nil.

10. **Sustainability Implications**

Social

Nil.

Economic

Nil.

Environmental

Nil.

OFFICER COMMENT

11. It is recommended that the Council supports the proposed road names.

MEETING COMMENT

12. Nil.

COMMITTEE RECOMMENDATION TO COUNCIL

GS 30/2008

1. That Council supports the new names of Mooreana Entrance, Gemina Avenue, Anomala Avenue, Varia Crescent and requests Geographic Names Committee to approve the name.

Moved: (Cr Morton)

Seconded: (Cr Robinson)

CARRIED UNANIMOUSLY

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

31. Reserve 27801 and 2864 Canning Road, Carmel - Amalgamation of Reserves

Previous Items: Nil
Service Area: Planning and Development Services
File Reference: CN-01/830 (RES)
Applicant: Department for Planning and Infrastructure
Owner: Crown

PURPOSE

1. Council is to consider a request from the Department for Planning and Infrastructure for the inclusion of Reserve 2864 into Reserve 27801. ([Attachment 1.](#)) locality plan.

BACKGROUND

2. Reserve 2864 is set aside for the purpose of "railway" and is currently unmanaged. The Public Transport Authority has stated that Reserve 2864 is no longer required for railway purposes, following passage of Act No. 27 of 1953 that facilitated the discontinuance of the Upper Darling Railway.
3. The Department of Environment and Conservation has advised that the subject area is no longer considered for inclusion into the proposed Darling Range Regional Park or the Pickering Brook National Park.
4. In 1966 Reserve 27801 was set aside for the purpose of "Recreation and Road", The Shire of Kalamunda has a management order over the land.

DETAILS

5. In 1998 the then Department of Land Administration requested comment from the Shire on the management of Reserve 2864. At this time the Shire was not agreeable as the area was to be considered for inclusion into the Darling Range National Park and management by a State Government body was determined to be preferable.
6. The Department for Planning and Infrastructure requested Council to consider the inclusion of Reserve 2864 into Reserve 27801.

STATUTORY AND LEGAL IMPLICATIONS

7. Reserve 2864 is currently reserved as 'railway' and if it were to be included in Reserve 27801 it would become 'Recreation and Road'. However this purpose could be amended to 'Recreation and Conservation'.

POLICY IMPLICATIONS

8. Nil.

PUBLIC CONSULTATION/COMMUNICATION

9. Nil.

FINANCIAL IMPLICATIONS

10. The cost of accepting a management order over Reserve 2864 is estimated to cost Council approximately \$600.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS**11. Strategic Implications**

- a. The Draft Local Biodiversity Strategy recommends that the Shire should aim to protect Dwellingup 2 vegetation areas in good or better condition such as the vegetation of Reserve 2864.

12. Sustainability Implications**Social**

- b. The 'Priority 1 Drinking Water Area' status will reduce the types of activities permitted on this reserve.

Economic

- c. Nil.

Environmental

- d. Reserve 2864 is in a 'Priority 1 Drinking Water Area', has Declared Rare Flora and Schedule 1 Fauna in close proximity and therefore it is important to retain as natural bushland.

OFFICER COMMENT

13. In order to protect the Declared Rare Flora, Dwellingup 2 vegetation and the Priority 1 Drinking Water Area, the purpose of the reserve could be amended to 'Recreation and Conservation' to prevent clearing.

MEETING COMMENT

14. Nil.

COMMITTEE RECOMMENDATION TO COUNCIL**GS 31/2008**

1. That Council accepts the amalgamation of Reserve 2864 into Reserve 27801, with the purpose to be amended to 'Recreation and Conservation' and that the Department for Planning and Infrastructure be advised accordingly.

Moved: (Cr Robinson)

Seconded: (Cr Thomas)

CARRIED UNANIMOUSLY

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

32. Contract - Project Management of Cell 9 - Wattle Grove

Previous Items: GS 89/2004
 Service Area: Engineering Services
 File Reference: PG-DEV-013
 Applicant: N/A
 Owner: N/A

PURPOSE

1. To consider the extension of the Contract to supply of project management services for the urban development area of Cell 9 Wattle Grove.

BACKGROUND

2. At its October 2004 Ordinary Council Meeting, Council awarded the Tender for the 'Supply of Project Management Services for Urban Development Area of Cell 9 Wattle Grove', to Connell Wagner with the following intent:
 - Undertake liaison, particularly with landowners, to ensure appropriate understanding of roles and responsibilities for urban development.
 - Ensure consistency and equity between stakeholders is maintained at all times.
 - Facilitate the ongoing management of Cell 9, particularly the financial management.
 - Ensure that the development will be landowner driven with costs of development being borne by the landowners of Cell 9 and not other ratepayers of the Shire of Kalamunda.
3. Connell Wagner commenced the provision of service after formal signing of the Contract on 22 March 2005. The Contract was for a period of three years from the date of signing, with the expiry date being 21 March 2008.

DETAILS

4. The terms for the Contract allow for an unlimited number of annual extensions based upon the same terms of the Contract.
5. Connell Wagner's current rates for the supply of service, based upon the originally tendered rates and application of annual CPI increases, are as follows:

Position Title	Hourly Rate
Project leader	\$153.34
Senior Engineer	\$141.57
Engineer	\$106.15
Profiler	\$100.21

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6. Connell Wagner have indicated their willingness to continue with the Contract, however, they wish to revise the rates in line with the current market, instead of CPI increases over the previously tendered rates. Their request for revised rates appears at ([Attachment 1.](#))

STATUTORY AND LEGAL IMPLICATIONS

7. Provisions for Supply of Goods and Services under the Local Government Act and Local Government Regulations (Functions and General) apply to this Contract

POLICY IMPLICATIONS

8. Nil.

PUBLIC CONSULTATION/COMMUNICATION

9. Nil.

FINANCIAL IMPLICATIONS

10. Nil.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

11. Nil.

OFFICER COMMENT

12. Connell Wagner has provided satisfactory service during the term of the Contract. As they have developed extensive knowledge of the Cell 9 Scheme, it would be sensible to continue the Management Contract with the same Consultant.
13. In view of current market conditions, it is highly unlikely that fresh Tenders will attract a significantly lower rate than proposed by Connell Wagner. Further, Connell Wagner have developed an in-depth knowledge of the operations of the scheme, hence will be more cost affective in managing the scheme.
14. As the annual extension is for a one year period only, there is no need to include a Rise and Fall Clause.

MEETING COMMENT

15. A Councillor question the increase in the hourly rate and queried if a lower rate would be achieved by going to tender. The Executive Manager Engineering Services advised the rates were comparable to current market rates.
16. Councillors sought clarification on some issue to do with the extension of the contract.

COMMITTEE RECOMMENDATION TO COUNCIL GS 32/2008

1. That the Contract for the 'Supply of Project Management Services for the Cell 9 Scheme, Wattle Grove' be extended for a one year period ending 31 March 2009, based on the original terms of the Contract and revised rates as follows;

	Category Rate per Hour (excl GST)	GST	Total Hourly Rate (incl GST)
Senior Associate	\$230.00	\$23.00	\$253.00
Senior Engineer	\$150.00	\$15.00	\$165.00
Engineer	\$130.00	\$13.00	\$143.00
Drafter	\$100.00	\$10.00	\$110.00

Moved: (Cr McKechnie)

Seconded: (Cr Taylor)

CARRIED UNANIMOUSLY

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

33. Tree Issue - 41 Meloway Drive, Maida Vale

Previous Items: Nil
Service Area: Engineering Services
File Reference: ML-05/041
Applicant: R Green and J Flahive
Owner: B & I MacDonald

PURPOSE

1. To consider issuing a Notice under Section 3.25 of the Local Government Act 1995 (the Act) to the owners of 41 Meloway Drive, to make safe the Eucalyptus tree located at the rear of their property and close to the boundary of Number 4 Laurena Place.

BACKGROUND

2. The Local Government Act empowers Local Governments to issue Notices to owners/occupiers of private land, requiring them to do certain things on their land including making trees safe.
3. The Shire of Kalamunda's standard practice regarding the issuing of Notices under Section 3.25 of the Local Government Act includes the following steps:
 - In the first instance the Shire encourages the Complainant to resolve the issue directly with the neighbour, and/or raise the issue formally with the neighbour.
 - If the Complainant advises that they can no longer get co-operation from the owner of the tree, the Complainant is asked to make the complaint in writing along with the evidence of a report from an Arboriculture Consultant, along with the evidence that they have made an attempt to resolve the issue with their neighbour.
 - If the Arboriculture Consultant's report states that the tree is dangerous and can cause damage to life, a report is presented Council with a recommendation to issue a Notice under Section 3.25 of the Local Government Act to the owner of the land where the tree is located.
 - A further process, as outlined in the Local Government Act, is followed to ensure the Notice is complied with.
4. The Shire's standard practice was outlined at the February 2008 General Services Committee Meeting, in response to a question asked by Mr Flahive.

DETAILS

5. On 29 January 2008, Mr Flahive, who introduced himself as Mr Green, made two phone calls to Engineering Services, complaining about an alleged dangerous tree on a neighbour's property. Later that day, the Executive Manager Engineering Services, returned Mr Flahive's call and advised him of the Shire's standard practice in handling such complaints. Mr Flahive alleged that he was provided with wrong information by Engineering staff.
6. On 30 January 2008 an email were received from Ms Green, the owner of 4 Laurena Place, complaining about the damage caused by the tree. No supporting evidence was attached with this letter apart from a few photographs of tree litter.
7. Subsequently, in support of the requested evidence, Mr Flahive attached two statutory declarations, one letter to the neighbours dated 29 January 2008, receipt of medical appointments on 2 February 2008, a copy of a prescription for eye drops and two photographs of a person's left eye region showing a small scratch to the left of that eye.
8. On 14 February 2008 Ms Green delivered a copy of an Arboricultural Consultant's Report to the Shire's Administration's Front Counter. The Report indicated that due to the canopy being significantly reduced, some branches have the emergence of epicormic growth. Accordingly, the Report concluded that the tree posed an imminent danger and recommended that it should be felled at ground level. A copy of the Arboricultural Consultant's Report appears at ([Attachment 1.](#))
9. In the meantime, the owners of 41 Meloway Drive, Mr and Mrs MacDonald had also obtained advice from another Arboricultural Consultant, Mr John Banks. Whilst Mr & Mrs MacDonald did not obtain a written Report from Mr Banks, they have agreed to remove the tree based upon Mr Banks' advice. A copy of an email regarding this advice, from Mr MacDonald appears at ([Attachment 2.](#))
10. Shire staff also carried out a preliminary inspection of the tree and formed the view that the tree does not pose an immediate threat, although some branches may fall as their weight increases. Staff could not find any evidence of recent branch loss.

STATUTORY AND LEGAL IMPLICATIONS

11. Section 3.25 of the Act provides that a local government may give a person who is the owner or, unless Schedule 3.1 indicates otherwise, the occupier of land a Notice in writing relating to the land, requiring the person to do anything specified in the Notice that is prescribed in Schedule 3.1.
12. Making a tree safe is prescribed in the Schedule 3.1.
13. Section 3.24 of the Act requires that the above powers only be exercised on behalf of the local government by a person expressly authorised by it, to exercise those powers.

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14. A person, who is a recipient of a Notice, may lodge an objection in the prescribed manner, within 28 days of the Notice. Council cannot delegate the power to hear and determine an objection. (Refer Section 5.43 (g) of the Local Government Act 1995.)
 15. A person who is recipient of a Notice may also apply to the State Administrative Tribunal (SAT) for a review of the decision, within 42 days of the Notice, or within 35 days from the date of objection provided the Local Government has not determined the objection.
 16. If the recipient of such a Notice fails to comply and does not lodge an objection or apply to the SAT for a review, the local government may carry out the work for which the Notice was given and recover the costs. However, the local government will need to comply with the entry procedures prescribed in the Act. If the owner of the property objects or resists entry, a court order may be required to enter the property.

POLICY IMPLICATIONS

17. Council does not have a written Policy relevant to this matter.

PUBLIC CONSULTATION/COMMUNICATION

18. Nil.

FINANCIAL IMPLICATIONS

19. Nil.

STRATEGIC AND SUSTANABILITY IMPLICATIONS

20. Nil.

OFFICER COMMENT

21. Neighbourly disputes, such as trees encroaching on neighbouring properties, is best resolved between neighbours. However, in circumstances when the neighbours are unable to resolve the dispute amongst themselves, the Shire can be called upon to issue a Notice under Section 3.25 of the Local Government Act.
22. Alternatively, the complainant can apply to the courts for an Order, directing that the neighbour have the tree pruned or removed. The applicants were advised that the information in respect to their rights in this situation was available to them on the Legal Aid website. The information posted on the Legal Aid website appears at ***(Attachment 3.)***
23. Whilst acting on a complaint, the Shire should consider the rights and obligations of all stakeholders in order that the Shire is able to defend its decision to issue a Notice. The legal proceedings are generally expensive and can divide the community.

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24. Accordingly, the Shire has in the past very rarely issued a Notice under Section 3.25 of the Act (only one Notice was issued in the last year) and instead encourages neighbours to mutually resolve their disputes. The same practice has been applied in this case, despite intense badgering of staff by the complainant.

MEETING COMMENT

25. The applicant spoke against the recommendation.
26. A Councillor proposed an amendment to the Officer Recommendation to give the tree owner a timeframe to follow in making the tree safe this motion was debated and put to a vote. It was foreshadowed a Councillor would be moving the original Officer Recommendation if the amended motion was lost.

OFFICER RECOMMENDATION

1. That Mr David Vaughan, Chief Executive Officer be authorised to issue a Notice, under Section 3.25 of the Local Government Act 1995, to the owners of 41 Meloway Drive, Maida Vale to make the Eucalyptus tree safe.
2. That Council's decision be conveyed to Mr Flahive and Ms Green in response to their correspondence to the Shire in respect to the tree on their neighbours' property.

MOTION

1. That if the owners of 41 Meloway Drive, Maida Vale do not provide within 30 days written confirmation of the appointment of a contractor to remove the tree that Mr David Vaughan, Chief Executive Officer, be authorised to issue a Notice, under Section 3.25 of the Local Government Act 1995, to the owners of 41 Meloway Drive, Maida Vale to make the Eucalyptus tree safe.
2. That Council's decision be conveyed to Mr Flahive and Ms Green in response to their correspondence to the Shire in respect to the tree on their neighbours' property.

Moved: (Cr Robinson)

Seconded: (Cr Thomas)

For the Motion

Cr Robinson
Cr Lindsey
Cr Thomas

Against the Motion

Cr Everett
Cr Giardina
Cr Tonkin
Cr Morton
Cr Heggie
Cr Taylor
Cr McKechnie
Cr Cresswell

LOST

COMMITTEE RECOMMENDATION TO COUNCIL GS 33/2008

1. That Mr David Vaughan, Chief Executive Officer be authorised to issue a Notice, under Section 3.25 of the Local Government Act 1995, to the owners of 41 Meloway Drive, Maida Vale to make the Eucalyptus tree safe.

2. That Council's decision be conveyed to Mr Flahive and Ms Green in response to their correspondence to the Shire in respect to the tree on their neighbours' property.

Moved: (Cr Tonkin)

Seconded: (Cr McKechnie)

For the Recommendation

Cr Everett
Cr Giardina
Cr Tonkin
Cr Robinson
Cr Morton
Cr Heggie
Cr Lindsey
Cr Thomas
Cr McKechnie
Cr Cresswell

Against the Recommendation

Cr Taylor

CARRIED

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

34. Tender for the Provision of Extruded Concrete Kerbing

Previous Items: GS 81/2007
Service Area: Engineering Services
File References: T0722
Applicant: N/A
Owner: N/A

PURPOSE

1. To consider awarding the Tender for the 'Provision of Extruded Concrete Kerbing'.

BACKGROUND

2. At its August 2007 round of meetings, Council resolved to terminate the previous Contract, due to performance issues.
3. The Tender for the 'Provision of Extruded Concrete Kerbing' was advertised in the West Australian on Saturday 12 January 2008.

DETAILS

4. Two Tender submissions were received from Downer EDI Works and Roadside Kerbing Pty Ltd. Analyses of the price schedules supplied in these two submissions are shown at [\(Attachment 1.\)](#)

STATUTORY AND LEGAL IMPLICATIONS

5. Nil.

POLICY IMPLICATIONS

6. Nil.

PUBLIC CONSULTATION/COMMUNICATION

7. Nil.

FINANCIAL IMPLICATIONS

8. Nil.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

9. Nil.

OFFICER COMMENT

10. The rates provided by Downer EDI Works are lower than the rates quoted by Roadside Kerbing Pty Ltd for majority of the items as listed in ([Attachment 1.](#)) except in the case of layback kerbing and pram ramps.
11. The quantity used for the supply and installation of layback kerbing and pram ramps is relatively insignificant as the majority of the extruded concrete kerbing work consists of installation of semi mountable, mountable, barrier or flush kerbing within the Shire.

MEETING COMMENT

12. Nil.

COMMITTEE RECOMMENDATION TO COUNCIL GS 34/2008

1. That the Contract for 'Provision of Extruded Concrete Kerbing' be awarded to Downer EDI Works, at the Tendered prices provided in (*GSC Item 34 Attachment 1*) for a period of three (3) years.

Moved: (Cr McKechnie)

Seconded: (Cr Thomas)

CARRIED UNANIMOUSLY

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

35. Awarding of Tender T0724 - Footpath and Carpark Sweeping Services

Previous Items: N/A
Service Area: Engineering Services
File Reference: T0724
Applicant: N/A
Owner: N/A

PURPOSE

1. To consider awarding the Tender for the 'Provision of Footpath and Carpark Sweeping Services'.

BACKGROUND

2. The Tender for the provision of Footpath and Carpark Sweeping Services was advertised in the West Australian newspaper, on Saturday 12 January 2008.
3. The existing Tender expired on 31 December 2007. The current Contractor for this service is Immacu Sweep, who also operates under the name of Kalamunda Sweeping.

DETAILS

4. One Tender submission was received from Kalamunda Sweeping. An analysis of the price schedule supplied in this submission is shown at ([Attachment 1.](#))
5. The length of footpaths within the Shire of Kalamunda has increased from 183.88 km to 244.04 km, since the previous Tender was awarded.
6. There are also a number of footpaths that are not included in the footpath inventory, supplied in the current Tender specifications, but the sweeping of these paths will be undertaken on an hourly rate or sweep per km rate, quoted by Contractor.
7. The Tender form required the Tenderers to provide per km rate for additional paths, however, Kalamunda Sweeping has provided a lump sum price of \$8450 per quarter, based upon his background knowledge of currently swept paths which were not included in the list provided in the Tender.
8. The methodology used by Kalamunda Sweeping to arrive at the figure of \$8450, is that it requires one hour per 2km of footpath (for a path less than 1.2 m wide). This translates to \$32.50 per km, using a \$65 / hour unit price.
9. For footpaths greater than 1.2 m wide, a \$65 / hour unit rate would be equivalent to \$65 per km of footpath sweeping, as the sweeper would be used twice to clean the full width of footpath due to the extra width. The calculated rates reflecting the unit price per km of sweeping is included ([Attachment 1.](#))

STATUTORY AND LEGAL IMPLICATIONS

10. Nil.

POLICY IMPLICATIONS

11. Nil.

PUBLIC CONSULTATION/COMMUNICATION

12. Nil.

FINANCIAL IMPLICATIONS

13. Nil.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

14. Nil.

OFFICER COMMENT

15. The rate for sweeping in the previous Tender for 183.88 km length of footpath was \$8792, which translates to \$47.81 per km. The current Tendered rate of \$18396.95 for 244.036 km of footpaths, translates to the equivalent rate of \$75.40 per km, which is subjected to the annual CPI rise.
16. In addition to footpath and carpark sweeping, the successful Contractor will also be responsible for supplying additional inspection report in the specified format ([Attachment 2 & 3](#)) for facilitating the Shire in managing its assets. Additionally, these reports will assist the Shire in defending public liability claims.
17. The hourly sweeping rate of \$65 per hour for weekdays and weekends shall remain fixed for 3 years. This hourly rate price will provide a substantial cost advantage for the Shire, for any sweeping requirements to any additional constructed footpaths and carparks in the future, and also for footpaths and carparks which were not included in the Tender document.
18. In view of additional information requested in the Tender i.e. Inspection Report, and the shortage of experienced contractors, Kalamunda Sweeping rates, are considered very competitive. Kalamunda Sweeping in their previous Contract (operating as Immacu Sweeping) provided a quality and professional service to the Shire of Kalamunda.

MEETING COMMENT

19. Nil.

COMMITTEE RECOMMENDATION TO COUNCIL GS 35/2008

1. That the Contract for 'Provision of Footpath and Carpark Sweeping Services' be awarded to Kalamunda Sweeping for a period of three years, at the following rates:

DESCRIPTION	RATE
All paths listed in the Schedule. (Total length 244.4 km)	\$18,396.95 per sweep.
All carparks listed in the Schedule.	\$2,340.00 per sweep.
Additional paths not listed in the Schedule.	\$32.50 per km for 1.2m width path. \$65.00 per km for width greater than 1.2m.
Hourly Rate:	
Weekdays	\$65.00 per hour.
Weekends	\$65.00 per hour.
Public Holidays	\$75.00 per hour.

Moved: (Cr Tonkin)

Seconded: (Cr Robinson)

CARRIED UNANIMOUSLY

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

36. Awarding of Tender T0801 – Supply and Delivery of Various Items of Plant

Previous Items: N/A
Service Area: Engineering Services
File Reference: T0801
Applicant: N/A
Owner: N/A

PURPOSE

1. To consider awarding the Tender for the 'Supply and Delivery of Various Items of Plant'.

BACKGROUND

2. \$375,000 was allocated, in the current financial year's budget, for the replacement of various plant items.
3. The Tender for the 'Supply and Delivery of Various Items of Plant' closed on 13 February 2008. The Request for Tender included the purchase of five new vehicles and six trade-in vehicles.

DETAILS

4. Three suppliers submitted bids for the supply and delivery of 5 plant items and 6 trade-in vehicles. Also, an offer for the outright purchase of one trade-in vehicle was received.
5. Details of the Tender submissions are presented at ([Attachment 1.](#))
6. WA Hino Sales and Services have submitted the lowest complying Tender for four of the five vehicles.
7. Three of the four vehicles offered by Skipper Mitsubishi do not comply with the specified requirements.
8. The offer from Major Motors for the Litter Truck is lower than the offer from WA Hino Sales and Services; however the vehicle offered by Major Motors has a semi automatic transmission, whereas the specified requirement was for a fully automatic transmission.

STATUTORY AND LEGAL IMPLICATIONS

9. Provisions for 'Supply of Goods and Services' under the Local Government Act and Local Government Regulations (Functions and General) apply to this Contract.

POLICY IMPLICATIONS

10. Nil.

PUBLIC CONSULTATION/COMMUNICATION

11. Nil.

FINANCIAL IMPLICATIONS

12. Nil.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

13. Nil.

OFFICER COMMENT

14. Tenders included the trade-in of one additional vehicle, which has become surplus to requirements regarding the Shire's current operations.
15. Whilst the Major Motor's vehicle does not strictly meet the specified requirement, in respect to the transmission, it is considered to be the best value.
16. The offer from GT Bobcats to purchase one of the trade-in vehicles is the most advantageous.

MEETING COMMENT

17. Nil.

COMMITTEE RECOMMENDATION TO COUNCIL GS 36/2008

1. That the Tender for the 'Supply and Delivery of Various Items of Plant' be awarded according to the following.

Vehicle Description		Purchase of New Plant		Sale of Trade-in Plant		Net
1.	¾ Tonne Min 115kw Single Cab	WA Hino	53,130	WA Hino	14,545	38,585
2.	¾ Tonne Min 115kw Single Cab	WA Hino	53,130	WA Hino	13,636	39,494
3.	8 Tonne Single Cab Min 160kw	WA Hino	85,804	WA Hino	22,727	63,077
				GT Bobcats	25,455	(25,455)
4.	Medium Cab Chassis with 6cm rubbish compacter. Min 110kw	Major Motors	122,140	Major Motors	16,363	105,777
5.	Crew Cab Chassis, City of Belmont body. Min 150kw	WA Hino	103,918	WA Hino	10,909	93,009
		Totals	\$ 418,122		103,635	\$314,487

Moved: (Cr Robinson)

Seconded: (Cr Tonkin)

CARRIED UNANIMOUSLY

10.0 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

10.1 Nil.

11.0 QUESTIONS BY MEMBERS WITHOUT NOTICE**11.1 Building Works (Cr Tonkin)**

Q. In the 2007/2008 Budget money was allocated for building projects. Is it possible to have a progress update on the state of these buildings?

A. Due to the demands in the building industry it is difficult to give estimated completion dates on a given project. A statement will be provided to Councillors as to the current status of building projects and the most probable completion dates.

11.2 Woodlupine Brook (Cr Taylor)

Q. I have noticed on City of Belmont's website they now have an agreement with Woolworths in collecting shopping trolleys. I wonder if the staff could investigate this agreement and the possibility of the Shire of Kalamunda joining this incentive scheme in particular in Forrestfield to have the trolleys removed from Woodlupine Brook?

A. The Chief Executive Officer indicated this could be investigated and advised that Western Australian Local Government Association has been advocating some arrangement for trolleys and has also been promoting the prospect of penalties and some Local Governments have already created Local Laws to bring about greater effort on the part of shop owners to collect their own trolleys. Staff are able make general enquiries but the nature of what has been asked is a big task and the Shire may not have the resources to follow this through.

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 8:07pm.

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

Signed.....Chairman

Dated thisday of.....2008