
Shire of Kalamunda

General Services Committee

Minutes for 4 August 2008



SHIRE OF KALAMUNDA

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Minutes of General Services Committee Held in the Council Chambers 2 Railway Road, Kalamunda Monday 4 August 2008

1.0 OFFICIAL OPENING

- 1.1 The Deputy Chairman opened the meeting at 7:00 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	(DEPUTY CHAIRMAN) NORTH WARD
D Sadler	SOUTH WEST WARD
A Morton	SOUTH WEST WARD
J Giardina	SOUTH WARD
C Everett	SOUTH WARD
P Heggie	NORTH WEST WARD
F Lindsey	EAST WARD

Officials

J Trail	CHIEF EXECUTIVE OFFICER
N Wilson	EXECUTIVE MANAGER CORPORATE SERVICES
K O'Connor	EXECUTIVE MANAGER COMMUNITY SERVICES
R O'Brien	EXECUTIVE MANAGER PLANNING & DEV SERVICES
M Singh	EXECUTIVE MANAGER ENGINEERING SERVICES
B Millan	EXECUTIVE ASSISTANT CHIEF EXECUTIVE OFFICER
S Leeson	MANAGER FINANCIAL SERVICE
R Neale	MANAGER LIBRARY SERVICE
I Daly	MANAGER ADULT CARE SERVICES
D McPherson	MINUTE SECRETARY

Apologies

M Robinson SOUTH WEST WARD
P Tonkin SOUTH WARD
M Cresswell (CHAIRMAN) NORTH WEST WARD

Observers 1

Newspapers Nil

3.0 PUBLIC QUESTION TIME

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

3.1 Nil.

4.0 PETITIONS**4.1 Request for footpath on Mason Road, Kalamunda**

Petition received from residents of Mason Road, Kalamunda requesting the installation of a footpath along the street.

The Petition will be passed to Executive Manager Engineering Services for a response.

5.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

5.1 That the Minutes of the General Services Committee Meeting held on 7 July 2008 is confirmed as a true and correct record of the proceedings.

Moved: (Cr Taylor)

Seconded: (Cr McKechnie)

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

6.1 Citizenship Ceremony will be held on Wednesday 13 August 2008 at 7:30pm. All Councillors are invited to attend.

6.2 The Shire President celebrated a birthday yesterday.

7.0 MATTERS FOR WHICH MEETING MAY BE CLOSED

- 7.1 Item 93 - Request for Shire of Kalamunda to Accept Additional Home and Community Care (HACC) Funded Services **(distributed under separate cover)**

Reason for Confidentiality. Local Government Act s 5.23(2)(c). A contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting.

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. (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 Item No. 90 Jorgensen Park Management Plan – Final Report

Neil Wilson declared a proximity interest as he lives across the road from Jorgenson Park (Spring Road).

Item No. 92 Policy – Light Vehicle Fleet Management

James Trail declared a financial interest as an officer of the Shire of Kalamunda has an entitlement to a vehicle covered by the policy.

Item No. 92 Policy – Light Vehicle Fleet Management

Kevin O'Connor declared a financial interest as an employee policy will impact on salary package.

Item No. 92 Policy – Light Vehicle Fleet Management

Mahesh Singh declared a financial interest as he is an employee of the Shire.

Item No. 92 Policy – Light Vehicle Fleet Management

Neil Wilson declared a financial interest as an officer employed by the Shire of Kalamunda he will receive the use of a light vehicle as part of his salary package.

Item No. 92 Policy – Light Vehicle Fleet Management

Rory O'Brien declared a financial interest as he is an employee.

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 Item No. 84 Kalamunda & Districts Historical Society Grant Acquittal, Kalamunda Community Memorial Building Project

Councillor Taylor declared an interest affecting impartiality as she is on the committee as Shire representative and will deal with the item on its merits.

Item 93 - CONFIDENTIAL ITEM - Request for Shire of Kalamunda to Accept Additional Home and Community Care (HACC) Funded Services

Councillor Everett declared an interest affecting impartiality as she works in the Aged Care Industry.

Item 93 - CONFIDENTIAL ITEM - Request for Shire of Kalamunda to Accept Additional Home and Community Care (HACC) Funded Services

Councillor Lindsey declared an interest affecting impartiality as he is a member of Kalamunda Community Care.

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.

79. Creditors Accounts Paid for July 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 July 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 July 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. Responses to queries received from Councillors in relation to payments were provided.

COMMITTEE RECOMMENDATION TO COUNCIL GS 79/2008

1. That the list of Creditors' paid for July 2008 attached ([*GSC Item 79 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 McKechnie)

CARRIED UNANIMOUSLY

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

80. Financial Activity Statements for the Period Ended 30 June 2008

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

PURPOSE

1. To receive the financial activity statement reports for the period ended 30 June 2008.

BACKGROUND

2. Attached are the financial activity statement reports for the period ending 30 June 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.
6. Financial Commentary

The monthly financial reports for June 2008, although not the year-end report and is subject to change, reflect an anticipated surplus for 2007/08 of around \$250,000 after allowing for reserve transfers.

The Shire of Kalamunda's operating revenues exceeded budget across almost all areas including rates, planning and building fee revenue, plus interest earnings on investments and cash at bank. Unbudgeted public open space contributions of \$1.729m for the year were raised, though of this, \$148,000 remains unpaid.

Operating expenditure overall differs from budget by less than 1% to the end of June, though this is as a result of depreciation charges exceeding budgeted amounts and \$282,000 of uncompleted operating projects being carried over to 2008/09.

Capital income is under budget, primarily as a result of externally funded roadwork projects which are invoiced in arrears, being carried over to the next financial year.

Key reporting areas:

Salaries and Wages

Employee costs to the end of June are now only slightly down on budget, for recruitment and advertising costs largely offset all savings arising from vacant positions, and the under utilisation of casual and relief budgets in not providing external cover for staff on leave. Staff training budgets are only 60% spent.

Operating Income

Unbudgeted cash in lieu of public open space contributions for the High Wycombe are currently \$1.729m, though as reported previously, these funds are restricted in nature and are not available for general funding purposes.

Operating Expenditure

\$709,782 in savings on verge collection related expenditure, have been transferred to the Waste Management Reserve.

STATUTORY AND LEGAL IMPLICATIONS

7. Nil.

POLICY IMPLICATIONS

8. Nil.

PUBLIC CONSULTATION/COMMUNICATION

9. Nil.

FINANCIAL IMPLICATIONS

10. Nil.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

11. Nil.

OFFICER COMMENT

12. Nil.

MEETING COMMENT

13. Nil.

COMMITTEE RECOMMENDATION TO COUNCIL GS 80/2008

1. That the Financial Activity Statement reports for the period ending 30 June 2008 ([*GSC Item 80 Attachment 1*](#)) be received.

Moved: (Cr Heggie)

Seconded: (Cr Taylor)

CARRIED UNANIMOUSLY

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

81. 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 30 June 2008. ([Attachment 1](#)).
3. Council has requested information as to outstanding debtors and creditors be reported on a monthly basis.

DETAILS

4. Debtors
As per attached schedule. ([Attachment 1](#)).
5. Creditors
As per attached schedule. ([Attachment 1](#)).

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. The Executive Manager Corporate Services advised there was an amount of \$148,756 as Cash in Lieu of POS in Forrestfield owing. This has since been paid.

COMMITTEE RECOMMENDATION TO COUNCIL GS 81/2008

1. That the outstanding debtors and creditors report as at 30 June 2008 ([GSC Item 81 Attachment 1](#)) be received.

Moved: (Cr Heggie)

Seconded: (Cr Everett)

CARRIED UNANIMOUSLY

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

82. 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 30 June 2008.

BACKGROUND

2. Attached is the report detailing rates debtors as at 30 June 2008. ([Attachment 1](#)).

DETAILS

3. Rates Debtors

As per attached schedule. ([Attachment 1](#))

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 82/2008

1. That the rates debtors report as at 30 June 2008 ([*GSC Item 82 Attachment 1*](#)) be received.

Moved: (Cr Taylor)

Seconded: (Cr Heggie)

CARRIED UNANIMOUSLY

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

83. Setting of Variance

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

PURPOSE

1. To adopt a percentage or value calculated in accordance with AAS5, to be used in statements of financial activity for reporting material variances.

BACKGROUND

2. The Local Government (Financial Management Regulations) 1996 require a local government to adopt a percentage or variance as described above each financial year.
3. In previous years the Shire of Kalamunda had agreed that the percentage value be 10%.
4. This agreement is in accordance with the materiality provisions of the Australian Account Standards (AAS5) which is also set at 10%.

DETAILS

5. Nil.

STATUTORY AND LEGAL IMPLICATIONS

6. Local Government (Financial Management) Regulations 34(5)

POLICY IMPLICATIONS

7. Nil.

PUBLIC CONSULTATION/COMMUNICATION

8. Nil.

FINANCIAL IMPLICATIONS

9. Nil.

STRATEGIC IMPLICATIONS

10. Nil.

OFFICER COMMENT

11. For ease of use it would better if the variance could be applied within a dollar amount and a percentage range. However, the Regulation is specific in that it is a percentage or value.
12. Accordingly, it is suggested that the percentage rate of 10% should be continued.

MEETING COMMENT

13. Nil.

COMMITTEE RECOMMENDATION TO COUNCIL GS 83/2008

1. That the Shire of Kalamunda adopt ten percent (10%) as the percentage to be used in statements of financial activity for reporting material variances.

Moved: (Cr Sadler)

Seconded: (Cr Heggie)

CARRIED UNANIMOUSLY

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

84. Kalamunda & Districts Historical Society Grant Acquittal, Kalamunda Community Memorial Building Project.

Councillor Taylor declared an interest affecting impartiality as she is on the committee as Shire representative and will deal with the item on its merits.

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

PURPOSE

1. To authorise a proposed method of assisting the Kalamunda and Districts Historical Society Project cash flow via the underwriting of the final payment of the Kalamunda Community Memorial Building until the grant acquittal is finalised.

BACKGROUND

2. A request has been received from the Kalamunda and District Historical Society for the Shire of Kalamunda to “underwrite” the final payment in their Memorial Building Project. A copy of the letter is supplied as ([Attachment 1](#)).

DETAILS

3. The “underwriting” would involve the Shire of Kalamunda paying up to \$29,740 and then recovering these funds. The final 25% of the Department of Culture and the Arts Grant is not paid until the Certification of Occupancy has been issued and the grant acquitted. The term of that gap in timing between the projects final payment and grant recoup is not yet known.

STATUTORY AND LEGAL IMPLICATIONS

4. 3.1(1) of the Local Government Act (the Act) defines the general function of a local government as “to provide for the good government of persons in its district”. The Act expands on this in Section 3.1(3) by stating that “a liberal approach is to be taken to the construction of the scope of the General Function of a local government”.
5. Section 6.8 of the Act requires expenditure not provided for in the Budget to be authorised in advance by Resolution. The Shire’s adopted budget does not have provision for expenditure on this project.

POLICY IMPLICATIONS

6. Nil.

PUBLIC CONSULTATION/COMMUNICATION

7. N/A.

FINANCIAL IMPLICATIONS

8. The nett financial effect is zero in that the payment will be recouped in total.

STRATEGIC IMPLICATIONS

9. Nil.

OFFICER COMMENT

10. This proposal is not to be regarded as a loan. The Shire is using its financial capacity to facilitate a solution to a cash flow problem associated with the provision of a community facility.
11. It is also not an increase in the nett level of Shire of Kalamunda support of the project which is a \$65,000 contribution to the storm water drainage and site works.
12. The proposal would involve the presentation to the Executive Manager Corporate Services of a full reconciliation of the projects income and expenditure by the Kalamunda and Districts Historical Society before the last payment was made.

MEETING COMMENT

13. A representative of the Kalamunda and Districts Historical Society explained the need for this grant to be underwritten in the short term by the Council.

COMMITTEE RECOMMENDATION TO COUNCIL GS 84/2008

1. That the proposal for the Shire of Kalamunda to underwrite the final payment of the Kalamunda Memorial Building until grant acquittal is finalised be authorised.

Moved: (Cr Giardina)

Seconded: (Cr Taylor)

CARRIED UNANIMOUSLY/ABSOLUTE MAJORITY

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

85. Adoption of Local Law – Bee Keeping

Previous Items: OCM 17 March 2008 (OCM 16/08)
Service Area: Corporate Services
File Reference: LE-LOL-023
Applicant: N/A
Owner: N/A

PURPOSE

1. To finalise the process of adopting a new local law.

BACKGROUND

2. A review of local laws was commenced on 1 September 2007.
3. At the Ordinary Council Meeting held on 17 March 2008, Council resolved to amend the Local Law Relating to Bee Keeping, by repealing it and replacing it with an updated version.

DETAILS

4. As required by the Local Government Act, a copy of the proposed local law was submitted to the Minister for Local Government. Comment was received from the Department on 18 June 2008, which suggested that "section 6.16" in clause 1.6 be changed to "sections 6.16 – 6.19." This change has been made to the proposed local law.
5. The proposed Bee Keeping Local Law 2008 is shown in ([Attachment 1.](#)).
6. If Council resolves to adopt the local law (absolute majority required), it will be gazetted, a copy of the local law will be sent to the Minister and to the Parliamentary Joint Standing Committee on Delegated Legislation, and local public notice will be given of its adoption.

STATUTORY AND LEGAL IMPLICATIONS

7. The process for creating a local law is detailed in section 3.12 of the *Local Government Act 1995*.

POLICY IMPLICATIONS

8. Nil.

PUBLIC CONSULTATION/COMMUNICATION

9. Statewide and local public notice was given that the Shire proposed to make a new local law, and public submissions invited.
10. One submission was received, from Darryl Burnside of D & D Burnside & Sons (Beekeepers). In summary, this submission states –
 - the local law “seems reasonable, given the stated purpose of the local law”;
 - permit fees (which are set by Council in the budget process, not in the local law) should be kept to a minimum, particularly as many hives are kept for domestic, not commercial, use;
 - a hope that the local government would allow ample time for a problem to be corrected before issuing an infringement;
 - comments regarding the use of toxic chemicals (e.g. by the Shire for weed spraying), and the effect of these on bees; and
 - a statement that moving a hive is difficult and can take time, and that adequate time should be allowed for this process.
11. The comments in Mr Burnside’s submission are noted. These deal with the administration of the local law, rather than its content. Consequently, no changes to the proposed local law have been made as a result of the public submission.

FINANCIAL IMPLICATIONS

12. The current local law does not specify modified penalty amounts for infringements, only a maximum penalty on conviction. The proposed law allows for infringement notices to be issued, with modified penalties of \$125 per offence. This amount is the same as that included in the WALGA Model Local Law.

STRATEGIC IMPLICATIONS

13. Nil.

OFFICER COMMENT

14. Nil.

MEETING COMMENT

15. Nil.

COMMITTEE RECOMMENDATION TO COUNCIL GS 85/2008

1. That Council adopts a new local law, the Bee Keeping Local Law 2008, as shown in ([*GSC Item 85 Attachment 1.*](#)).
2. 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 Everett)

Seconded: (Cr McKechnie)

CARRIED UNANIMOUSLY/ABSOLUTE MAJORITY

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

86. Adoption of Local Law – Fencing

Previous Items: OCM 17 March 2008 (OCM 16/08)
Service Area: Corporate Services
File Reference: LE-LOL-002
Applicant: N/A
Owner: N/A

PURPOSE

1. To finalise the process of adopting a new local law.

BACKGROUND

2. A review of several local laws was commenced on 1 September 2007.
3. At the Ordinary Council Meeting held on 17 March 2008, Council resolved to amend the Local Law Relating to Fencing, by repealing it and replacing it with an updated version.

DETAILS

4. As required by the Local Government Act, a copy of the proposed local law was submitted to the Minister for Local Government. Comment was received from the Department on 18 June 2008 ([Attachment 1.](#)). The Department suggested a number of changes, which have been applied to the proposed local law. None of these changes significantly alter the purpose or effect of the local law.
5. A further minor change has been made to clarify that a fence other than a type described as a sufficient fence may be approved by the local government, where adjoining neighbours agree on the type of fence to be constructed. The wording in the original draft, which was taken directly from the WALGA model, was considered to be confusing –
“2.1(1) A person shall not erect a dividing fence or a boundary fence that is not a sufficient fence unless all owners of land which adjoins the relevant boundary agree to erect a fence which through different does not fail to comply with the requirements of a sufficient fence.”

This has been replaced by a statement at clause 2.1(1) that a fence must be a sufficient fence, and an exception at clause 3.4(1) that states –

“Notwithstanding clause 2.1, the local government may consent to the erection or repair of a fence which is not a sufficient fence, where all owners of land which adjoins the relevant boundary make an application for approval for that purpose.”

This has the same effect, but is clearer and easier to understand. It also clearly states that approval must be obtained to build a different fence, while the original version simply required the neighbours to agree.

6. The proposed Fencing Local Law 2008 is shown in ([Attachment 2](#)).
7. If Council resolves to adopt the local law (absolute majority required), it will be gazetted, a copy of the local law will be sent to the Minister and to the Parliamentary Joint Standing Committee on Delegated Legislation, and local public notice will be given of its adoption.

STATUTORY AND LEGAL IMPLICATIONS

8. The process for creating a local law is detailed in section 3.12 of the *Local Government Act 1995*.

POLICY IMPLICATIONS

9. Nil.

PUBLIC CONSULTATION/COMMUNICATION

10. Statewide and local public notice was given that the Shire proposed to make a new local law, and public submissions invited.
11. One submission was received, from Mr D Wernicke of Lesmurdie. In summary, this submission states that the specifications for a "sufficient fence" on a R5 or R2.5 lot should be changed, so that the fence is a minimum of 1.8 metres in height (rather than 1 metre). This is due to privacy concerns, particularly in regard to sloping blocks.
12. The comments in Mr Wernicke's submission are noted. The local law allows for alternative types of fence to be approved by the local government, where all adjoining neighbours agree (clause 3.4). A taller fence than that specified as a "sufficient fence" could be constructed, provided such approval is obtained.

FINANCIAL IMPLICATIONS

13. The proposed law allows for infringement notices to be issued, with modified penalties of \$125 per offence. This is \$25 more than the penalty amount in the current local law.

STRATEGIC IMPLICATIONS

14. Nil.

OFFICER COMMENT

15. Nil.

MEETING COMMENT

16. A Councillor sought clarification as to whether an addition of graffiti proofing could be included in the section relating to Colorbond fencing. The Chief Executive Officer advised clarification would be provided prior to the Ordinary Council Meeting.

COMMITTEE RECOMMENDATION TO COUNCIL GS 86/2008

1. That Council adopts a new local law, the Fencing Local Law 2008, as shown in ([GSC Item 86 Attachment 2.](#))
2. 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 McKechnie)

Seconded: (Cr Morton)

CARRIED UNANIMOUSLY/ABSOLUTE MAJORITY

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

87. Revocation of Policy HR7 – Salary Sacrifice – Laptop Computers

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

PURPOSE

1. To revoke the Council policy that allowed Shire employees to purchase a laptop via salary sacrifice.

BACKGROUND

2. Due to changes to Fringe Benefit Tax (FBT) law introduced by the Treasurer in May this year, it is no longer possible to salary sacrifice laptops for personal use. Only items used primarily for work purposes may now be purchased under such an arrangement.

DETAILS

3. Policy HR7 was adopted in May 2006 ([Attachment 1.](#)). This policy allowed employees to purchase a laptop computer for their own use, by a salary sacrifice arrangement. Payments for the computer could be made by payroll deduction over 12 months.
4. As laptop computers may no longer be salary sacrificed, this policy should be revoked, and all staff made aware that the option is no longer available.
5. Employees that require a laptop for work purposes may be supplied with one under other administrative arrangements.

STATUTORY AND LEGAL IMPLICATIONS

6. Nil.

POLICY IMPLICATIONS

7. Revocation of Policy HR7.

PUBLIC CONSULTATION/COMMUNICATION

8. Nil.

FINANCIAL IMPLICATIONS

9. Nil.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

- 10.

OFFICER COMMENT

- 11.

MEETING COMMENT

12. A Councillor sought clarification as to the need for the revocation of the policy and if this will affect staff. The Executive Manager Corporate Services provided clarification to the meeting.

COMMITTEE RECOMMENDATION TO COUNCIL GS 87/2008

1. That policy HR7 – Salary Sacrifice – Laptop Computers be revoked, due to changes in Fringe Benefit Tax legislation.

Moved: (Cr McKechnie)

Seconded: (Cr Taylor)

CARRIED UNANIMOUSLY

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

88. Policy Register Review – COMR 13 - Memorials – Recognition of Residents

Previous Items: N/A
Service Area: Community Services
File Reference: OR-CMA-001
Applicant: Shire of Kalamunda
Owner: Shire of Kalamunda

PURPOSE

1. To consider amendments to existing policy COMR13 – *Memorials – Recognition of Residents*

BACKGROUND

2. The policy has not been reviewed for a number of years and proposed amendments have been identified. ([Attachment 1.](#))

DETAILS

3. The main amendment to the policy is to enable the option of an application for a memorial to be initially considered by the Chief Executive Officer, and the matter then referred to Council if appropriate.
4. Currently the policy refers to the application being initially considered by “Committee”, which is ambiguous.

STATUTORY AND LEGAL IMPLICATIONS

5. Nil.

POLICY IMPLICATIONS

6. (ADM15) – *Policies – Process for Adopting, Amending or Rescinding*

PUBLIC CONSULTATION/COMMUNICATION

7. Nil.

FINANCIAL IMPLICATIONS

8. Nil.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

9. Plan for the Future of the District 2006 – 2011 – initiative 4.7 states “*review and develop strategic and operational policies*”

OFFICER COMMENT

10. The proposed amendments will increase the clarity and intent of the policy.
11. The updated wording and additions to the existing policy are shown in red and deletions are marked with a strikethrough.

MEETING COMMENT

12. The meeting was advised the Attachment provided had incorrect numbering.

COMMITTEE RECOMMENDATION TO COUNCIL GS 88/2008

1. That Council approves the proposed amendments to policy COMR13 as shown in [*\(GSC Item 88 Attachment 1.\)*](#).

Moved: (Cr Taylor)

Seconded: (Cr Everett)

CARRIED UNANIMOUSLY

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

89. Policy Register Review – HLTH8 - Sharps and Syringes – Disposal

Previous Items: N/A
Service Area: Community Services
File Reference: Policy HLTH8
Applicant: N/A
Owner: N/A

PURPOSE

1. To consider updating existing Sharps and Syringes – Disposal Policy HLTH8 ([Attachment 1.](#)).

BACKGROUND

2. The date the existing policy was adopted is unknown. The review was undertaken to determine if the policy is still relevant.

DETAILS

3. This policy aims to ensure the safe removal and disposal of sharps and syringes.

STATUTORY AND LEGAL IMPLICATIONS

4. Nil.

POLICY IMPLICATIONS

5. Review of existing Policy HLTH8.

PUBLIC CONSULTATION/COMMUNICATION

6. Nil.

FINANCIAL IMPLICATIONS

7. Nil.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

8. Nil.

OFFICER COMMENT

9. After reviewing the existing Council policy and taking into account that although the Shire will provide information it currently does not assist in helping to dispose of commercially generated 'sharps' (needle and syringes) waste. Nor does it give formal approval for commercial operators to provide a 'sharps' disposal service, it is therefore recommended that this policy is revoked.

MEETING COMMENT

10. Nil.

COMMITTEE RECOMMENDATION TO COUNCIL GS 89/2008

1. That Council revoke the Sharps and Syringes – Disposal – Policy Number HLTH8.

Moved: (Cr Morton)

Seconded: (Cr Everett)

CARRIED UNANIMOUSLY

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

90. Jorgensen Park Management Plan – Final Report

Neil Wilson declared a proximity interest as he lives across the road from Jorgenson Park (Spring Road).

Previous Items:	N/A
Service Area:	Community Services
File Reference:	SP-03/020
Applicant:	Shire of Kalamunda
Owner:	West Australian Planning Commission

PURPOSE

1. To consider receiving the Jorgensen Park Management Plan 2008 and endorsing the objectives and strategies.

BACKGROUND

2. In response to community requests for upgrading of facilities at Jorgensen Park, Council allocated \$10,000 for the completion of a Management Plan.
3. Suitable consultants were identified and approached to undertake the project. The Eastern Metropolitan Regional Council (EMRC), in collaboration with Paper Plane Consulting, was engaged in 2007 to complete the Management Plan.
4. A copy of the Executive Summary and Management Recommendations is at [\(Attachment 1\)](#). The Final Report has been separately distributed to Councillors.

DETAILS

5. Nine recommendations are contained in the report. These are summarised as follows:
 - Designate conservation and recreation management zones within the park.
 - Implement weed and pest management measures.
 - Educate park users about the problems of dieback disease.
 - Undertake erosion control by stream and firebreak management.
 - Undertake fire management by developing and implementing a prevention, response and rehabilitation plan.
 - Implement access control measures.
 - Develop and implement management and communication strategies that retain the attraction of Jorgensen Park and address the issues identified in the survey.
 - Improve information and management signage at entry points and within the park.
 - Upgrade the support infrastructure in Jorgensen Park.

STATUTORY AND LEGAL IMPLICATIONS

6. The Shire of Kalamunda holds a peppercorn lease over the site from the Western Australian Planning Commission (WAPC) until 2013.

POLICY IMPLICATIONS

7. Nil.

PUBLIC CONSULTATION/COMMUNICATION

8. Three questionnaires were developed, a community survey, user survey and an association/club survey. These were distributed by a combination of direct post, Shire of Kalamunda website, community website, libraries and recreation centres.
9. The user surveys were completed, face to face on various days and times at the park.
10. Sixty people were questioned as part of the user survey and 232 responses were received from the community survey.

FINANCIAL IMPLICATIONS

11. Any improvements and upgrading works undertaken would require Council non recurrent funding or grant monies from external funding sources.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

12. Plan for the Future of the District 2006-2011 – initiative "*1.1 Identify priorities, source funding and progressively implement the Recreation Plan, including:*
b) Passive recreation, including walk trails."
13. Plan for the Future of the District 2006-2011 – initiative "*2.1 Progress environmental plans and strategies...*"

OFFICER COMMENT

14. The main feedback from users and user groups was to keep the park the same, with some further expansion of the family oriented areas such as barbeques and playgrounds, and the development and management of the walking and hiking trails.
15. Subject to acceptance of the report by Council, implementation of the recommendation "Designate conservation and recreation management zones within the park" will be the first step to avoid any potential problems that may arise over proposed conservation and recreational uses.
16. Management guidelines for the park can then be developed together with a phased in improvement plan for the upgrading of the support infrastructure.

MEETING COMMENT

17. Cr Taylor presented an Alternative Motion which better reflected the process the Western Australian Planning Commission uses when dealing with requests of this nature.
18. A Councillor sought clarification as to the necessity for the change of wording from that of the Officer Recommendation. The Executive Manager Community Services confirmed that the alternative wording was correct.

OFFICER RECOMMENDATION

1. That Council receives the Jorgensen Park Management Plan 2008 and generally endorse the objectives and strategies for implementation, subject to budget considerations.
2. That Council request the Western Australian Planning Commission transfer management of the conservation zone area outlined in figure 18 of the Jorgensen Park Management Plan 2008 ([*GSC Item 90 Attachment 2.*](#)) to the Department of Environment and Conservation (DEC), and that subject to acceptance of the transfer, the land be incorporated into the adjoining Kalamunda National Park.
3. That Council seek a Management Order from the Western Australian Planning Commission for the recreation zone area outlined in figure 18 of the Jorgensen Park Management Plan 2008 ([*GSC Item 90 Attachment 2.*](#)).

Moved: (Cr)

Seconded: (Cr)

LAPSED**COMMITTEE RECOMMENDATION TO COUNCIL GS 90/2008**

1. That Council request the Western Australian Planning Commission transfer the management of the conservation zone area as outlined in figure 18 of the Jorgensen Park Management Plan 2008 to the Department of Environment and Conservation and that subject to acceptance and transfer the land be incorporated into the adjoining Kalamunda National Park.
2. That Council seek a Management Order from the Western Australian Planning Commission for the recreation zone area outlined in figure 18 of the Jorgensen Park Management Plan 2008.
3. That Council send a copy of this Jorgensen Park Management Plan 2008 to the Western Australian Planning Commission requesting agreement of the plan and seeking a conversion of the current lease to a Crown Reserve with Management Order in favour of the Shire of Kalamunda with power to lease.

4. That on approval of the Management Order, and subject to budgetary consideration, Council receive the Jorgensen Park Management Plan 2008 and generally endorse the objectives and strategies for implementation.

Moved: (Cr Taylor)

Seconded: (Cr Lindsey)

CARRIED UNANIMOUSLY

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

91. 24 Anderson Road, Forrestfield (Anderson Road Community Centre) Reserve 19500) – Request for Management Order.

Previous Items: N/A
Service Area: Community Services
File Reference: AN-01/024
Applicant: Shire of Kalamunda
Owner: Department for Planning and Infrastructure

PURPOSE

1. To consider making an application to the Department for Planning and Infrastructure (DPI) for the granting of a Management Order over 24 Anderson Road, Forrestfield (Reserve 19500 Swan Location 10799).

BACKGROUND

2. In August 1991, the Shire of Kalamunda and the then Minister for Works entered into a 21 year Lease Agreement with respect to the land and buildings situated on Reserve 19500 Swan Location 10799 ([Attachment 1.](#)), for an annual rental of one dollar (\$1.00). The Lease Agreement is due to expire in 2012.
3. Towards the end of 2008 a long term user of the site will be re-locating to another Shire owned premises in Forrestfield. As a consequence, an opportunity to review the future function of the underutilised facility is now available.
4. Youth service providers have indicated they could operate from the site, however the condition of the buildings and associated facilities do not meet their health and safety standards and operational needs.
5. The remaining permanent users of the site are the Foothills Boxing Association, which operate three days a week, and a pottery group which meets once a week.
6. According to Shire records, the site has had a variety of users over the years.

DETAILS

7. Expressions of interest in the delivery of youth services from the site have been received from the Kensington Police and Community Youth Centre (KPCYC).
8. Proposals for future development of the site could include upgrading of buildings, adjoining grounds, workshops and storage areas.
9. A Management Order would provide the Shire of Kalamunda with the ability to redevelop the site without having to seek permission from the existing land owners when changes to infrastructure are needed.

STATUTORY AND LEGAL IMPLICATIONS

10. 24 Anderson Road, Forrestfield is listed as: Reserve 19500 Swan Location 10799 and is currently leased to the Shire for purposes deemed suitable by Council.

POLICY IMPLICATIONS

11. Nil.

PUBLIC CONSULTATION/COMMUNICATION

12. There are no adjoining residential properties and the premises are currently used for youth and community programmes.

FINANCIAL IMPLICATIONS

13. The Shire currently pays all outgoings and maintenance under the existing lease arrangements.
14. The current Shire annual budget for Building Maintenance at 24 Anderson Road, Forrestfield is \$10,460.
15. Any proposed capital works would require Council funding or grant funding from applicable bodies.
16. A proposal has been submitted to the Attorney-General's Department as part of the *Safer Suburbs Plan*, for \$204,000 to upgrade the existing buildings and basic amenities at the centre.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

17. Plan For The Future of the District (1.6) '*Identify priorities, source funding and progressively implement the Youth Services Action Plan including, (a) youth programs, services and facilities and (b) youth skills development*'.
18. The Shire's Five Year Plan For The Future of the District 2006-2011 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

19. DPI advised the existing lease with the Minister for Works (I425874) would need to be surrendered prior to issuing a Management Order to the Shire.
20. The purpose of the reserve would also need to be changed from "Use and requirements of the Minister of Works" to "Community Purposes".
21. DPI advised that they have no funds for improvement on the site.

-
22. An expression of interest has been received from KPCYC to become a permanent tenant at 24 Anderson Road, Forrestfield.
 23. A Management Order would enable the Shire of Kalamunda to undertake future development of the site without having to seek permission from DPI.
 24. A Management Order would also assist the Shire of Kalamunda when investigating the delivery of additional, long term services and programmes for the community.

MEETING COMMENT

25. Nil.

COMMITTEE RECOMMENDATION TO COUNCIL GS 91/2008

1. That the Shire of Kalamunda make an application to the Department for Planning and Infrastructure for the granting a Management Order over Reserve 19500 Swan Location 10799: 24 Anderson Road, Forrestfield.
2. That should the application for a Management Order be approved, the current lease with the Minister for Works be surrendered and the purpose of the reserve be changed from "Use and requirements of the Minister of Works" to "Community Purposes".

Moved: (Cr McKechnie)

Seconded: (Cr Taylor)

CARRIED UNANIMOUSLY

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

92. Policy – Light Vehicle Fleet Management

James Trail declared a financial interest as an officer of the Shire of Kalamunda has an entitlement to a vehicle covered by the policy.

Kevin O'Connor declared a financial interest as an employee policy will impact on salary package.

Mahesh Singh declared a financial interest as he is an employee of the Shire.

Neil Wilson declared a financial interest as an officer employed by the Shire of Kalamunda he will receive the use of a light vehicle as part of his salary package.

Rory O'Brien declared a financial interest as he is an employee.

Previous Items:	N/A
Service Area:	Engineering Services
File Reference:	AD-TEN-008
Applicant:	N/A
Owner:	N/A

PURPOSE

1. To consider a policy for the management of the Shire's Light Vehicle Fleet.

BACKGROUND

2. Council currently has two policies related to the light vehicle fleet viz CS 1.22 which determines the timing for the replacement of vehicles and CS 3.13 which provides various usage levels for employees.
3. Recent recruitments have highlighted the fact that the current policies are inconsistent with current industry norms. The changeover times specified in CS 1.22 cannot be justified on economic grounds and hence are viewed negatively by current and prospective employees. Provision of vehicles and its usage level, in most cases, forms part of the salary package and is negotiated as part of employment. Accordingly, Council Policy CS 3.13 has also become outdated.
4. Another issue which has been a point of discussion at previous General Services Committee meetings is the environmental consideration at the time Council vehicles are replaced.

DETAILS

5. A review was undertaken to assess the impact of the various factors on light fleet management practice, as follows;
 - environmental impact – comparison of alternative fuels;
 - economic considerations – optimising the cost of ownership;
 - attraction and retention of employees – choice of vehicle and salary packaging; and
 - existing policy – replacement and usage of light vehicles.
6. The report makes a number of recommendations for the future management of the fleet and modifications to Council's Policy. Predominantly, recommendations in the report can be implemented within current policy constraints, complimented with a management policy to define the ongoing management parameters.
7. A detailed report of the review appears at ([Attachment 1.](#))
8. The following budget allocations were made to replace light vehicles in accordance with Council Policy:

a. 2007/08	\$150,000
b. 2006/07	\$149,000
c. 2005/06	\$194,000
d. 2004/05	\$155,000

However, not all vehicles that were due for replacement in accordance with Council Policies could be replaced within the above funding allocations.

POLICY IMPLICATIONS

9. Council Policies CS 1.22 and 3.13 are proposed to be replaced by a single policy.

PUBLIC CONSULTATION/COMMUNICATION

10. Nil.

STATUTORY AND LEGAL IMPLICATIONS

11. Nil.

FINANCIAL IMPLICATIONS

12. It is anticipated that efficient management of the light vehicle fleet will generate savings.

STRATEGIC IMPLICATIONS

13. Nil.

OFFICER COMMENT

14. As indicated at a recent budget forum, the estimated cost to replace vehicles in the next financial year, in accordance with current Policy is \$283,000. This cost equates to a loss of value of \$4,000 to \$5,000 per vehicle, per year of age.
15. A recent analysis indicates that in the current market conditions, if a typical vehicle is replaced at the age of 1 to 2 years, the loss of value is \$2,000 to \$3,000 per year of age. There are further savings in operating costs if the vehicles are replaced under 40,000 kms. Therefore, the Shire's Light Vehicle Fleet Replacement Programme could be maintained at approximately \$100,000 which is significantly lower than the replacement costs in the previous five years.
16. The current Policy restricts Council from taking advantage of market conditions and allowing for the replacing the vehicles at optimal costs.
17. A revised Policy which provides flexibility for the management to implement efficient strategies appears at ([Attachment 2.](#))

MEETING COMMENT

18. A Councillor sought clarification as to the implications this would have on staff. The Executive Manager Engineering Services provided information to the meeting. The CEO advised the changes are to give greater flexibility across the organisation.
19. A Councillor requested an amendment to the wording of the recommendation to change the wording to indicated "one" new policy was to be implemented.

COMMITTEE RECOMMENDATION TO COUNCIL GS 92/2008

1. That Council Policies CS 1.22 and 3.13 be replaced with a new Policy for Light Vehicle Fleet Management as per *(GSC Item 92 Attachment 2.)*

Moved: (Cr McKechnie)

Seconded: (Cr Morton)

FOR THE RECOMMENDATION:

Cr Everett
Cr Giardina
Cr Morton
Cr Sadler
Cr Heggie
Cr Lindsey
Cr Thomas
Cr McKechnie

AGAINST THE RECOMMENDATION:

Cr Taylor

CARRIED

10.0 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

10.1 Nil.

11.0 QUESTIONS BY MEMBERS WITHOUT NOTICE**11.1 Woodlupine Centre – Broken Windows (Cr Sadler)**

Q. Are Executive staff aware of the regular weekly occurrence of broken windows at the Woodlupine Community and Family Centre? Should the Shire be looking to trying to come up with a cost effective solution of preventing this regular occurrence i.e. strategically placed cameras?

A. Taken on notice.

11.2 Flooding Lifestyle Village, High Wycombe (Cr Heggie)

Q. I have received a number of complaints from residents at the Villiage in relation to flooding. I believe an Officer was going to have a look at the problem. Can an update of this matter be provided?

A. Taken on notice.

11.3 Request from Kalamunda Chorale Society (Cr Taylor)

Q. Has the piano at the Jack Healey Centre be purchased? Would the Council accepted support from the Kalamunda Chorale Society to help with the new replacement piano?

A. Taken on notice for consideration.

12.0 URGENT BUSINESS APPROVED BY THE PERSON PRESIDING OR BY DECISION

12.1 Nil.

13.0 MATTERS CLOSED TO THE PUBLIC**MOTION**

That the meeting go behind closed doors to consider a confidential item.

Moved: (Cr Taylor)

Seconded: (Cr McKechnie)

CARRIED UNANIMOUSLY

The chambers were closed to the public at 7:32pm.

Committee may suspend Standing Orders in order for an Officer Briefing and Councillor questions to be heard.

MOTION

That standing orders be suspended at 7:33pm.

Moved: (Cr Taylor)

Seconded: (Cr Morton)

CARRIED UNANIMOUSLY

The Chairman requested that Committee resume standing orders to vote on the confidential item.

MOTION

That standing orders be resumed at 7:48pm.

Moved: (Cr McKechnie)

Seconded: (Cr Taylor)

CARRIED UNANIMOUSLY

- 13.1 Item 93 - Request for Shire of Kalamunda to Accept Additional Home and Community Care (HACC) Funded Services **(distributed under separate cover)**

Reason for Confidentiality. Local Government Act s 5.23(2)(c). A contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting.

COMMITTEE RECOMMENDATION TO COUNCIL GS 93/2008

1. That Council provides in principle support for the acceptance of additional HACC funded services to be delivered through the Shire of Kalamunda HACC Programme subject to:
 - a) Endorsement by Council of the Outcomes and Recommendations of Kalamunda Community Cares Financial and Service delivery audit.
 - b) Endorsement by Council of a Business Plan for the management and delivery of an expanded and fully integrated HACC Programme.

Moved: (Cr Taylor)

Seconded: (Cr McKechnie)

CARRIED UNANIMOUSLY

MOTION

That the meeting be opened after being behind closed doors to consider a confidential item.

Moved: (Cr Taylor)

Seconded: (Cr McKechnie)

CARRIED UNANIMOUSLY

The chambers were opened to the public at 7:50pm.

A request was made for standing orders to be suspended to allow the CEO to provide a briefing on a confidential matter.

MOTION

That standing orders be suspended at 7:51pm to allow for a briefing on a confidential matter.

Moved: (Cr McKechnie)

Seconded: (Cr Taylor)

CARRIED UNANIMOUSLY

Cr Heggie declared a pecuniary interest in the subject of the briefing and left the chambers at 7:52pm.

MOTION

That standing orders be resumed at 8:24pm.

Moved: (Cr McKechnie)

Seconded: (Cr Taylor)

CARRIED UNANIMOUSLY

Cr Heggie returned to the chambers at 8:24pm.

14.0 CLOSURE

There being no further business, the Chairman declared the meeting closed at 8:24pm.

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

Signed.....Chairman

Dated thisday of.....2008