
Shire of Kalamunda

General Services Committee

Minutes for 1 September 2008



SHIRE OF KALAMUNDA

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Minutes of General Services Committee Held in the Council Chambers 2 Railway Road, Kalamunda Monday 1 September 2008

1.0 OFFICIAL OPENING

- 1.1 The 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
M Robinson	SOUTH WEST WARD
P Tonkin	SOUTH WARD
J Giardina	SOUTH WARD
C Everett	SOUTH WARD
P Heggie	NORTH WEST WARD
M Cresswell	(CHAIRMAN) NORTH WEST 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
J Wilkerson	ACTING MANAGER LIBRARY SERVICE
D McPherson	MINUTE SECRETARY

Apologies

F Lindsey EAST WARD

Observers 2**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 Nil.

5.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

5.1 That the Minutes of the General Services Committee Meeting held on 4 August 2008 is confirmed as a true and correct record of the proceedings.

Moved: (Cr Thomas)

Seconded: (Cr Taylor)

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 Item 103 Pt. Reserve 17098, Hartfield Country Club Inc., Forrestfield – Renewal of Lease

Cr Donald McKechnie disclosed a Financial Interest as he is a member of the club and pays a yearly subscription.

8.2 Item 103 Pt. Reserve 17098, Hartfield Country Club Inc., Forrestfield – Renewal of Lease

Mr Trail advised that he was seeking membership, but was not yet a club member.

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.

94. Creditors Accounts Paid for August 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 August 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 August 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. Queries regarding two payments were received from a Councillor distributed to all Councillors at the meeting.

COMMITTEE RECOMMENDATION TO COUNCIL GS 94/2008

1. That the list of Creditors' paid for August 2008 attached ([*GSC Item 94 Attachment 1*](#)) be received by Council in accordance with the requirements of Regulation 12 of the Local Government (Financial Management) Regulations 1996.

Moved: (Cr Robinson)

Seconded: (Cr Taylor)

CARRIED UNANIMOUSLY

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

95. Financial Activity Statements for the Period Ended 31 July 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 31 July 2008.

BACKGROUND

2. Attached are the financial activity statement reports for the period ending 31 July 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
From the financial reports for July 2008/09 expenditure shows as being below year to date budgeted amounts, though no trends are evident. This is mainly as only administrative expenditure usually occurs until the budget is adopted. Council having done so on the 21st July 2008 will signify the commencement of programme and non-recurrent project expenditure as approved.

Transfers from reserves are as per budget except for:

- Building Construction Reserve: includes \$42,500 as per July OCM item 9.1.9 Kalamunda & Districts Rugby Club, Hartfield Park, Forrestfield – Replacement of Clubhouse Roof.
-

- Long Service Leave Reserve: receipts and payments to other local authorities for former staff liabilities are initially recognised as revenues and expenses within the HR department, then transferred to or from reserve. The timing of these leave obligations are uncertain and are unbudgeted.
- Insurance Contingency Reserve: the difference between the budgeted workers compensation expense and the actual insurance premium cost. This has also been recognised within the HR department initially as a credit, then transferred to reserve.

Key reporting areas:

Salaries and Wages

These are mainly reported as being under year to date budget, except for workers' compensation insurance which is paid annually in advance. Overall is a result of expenditure timing.

Operating Income

Operating income is as would be expected. Financial assistance grants are not expected until August whilst rubbish collection charges as part of rates levied, have since been raised, recognising \$4.6m of \$6.5m total fee revenue. Interest earnings from investments tend to be recognised upon the maturity of term deposits, so the shortfall in interest earnings against year to date budgets is again simply a timing issue.

Operating Expenditure

Materials, utilities and interest expenses also show as being under year to date budget, except insurance which is paid either annually or semi annually in advance. Though it is anticipated these expenditure levels will normalise into the following months as projects commence post budget adoption.

No depreciation charges will be raised in 2008/09 until the 2007/08 year end audit has confirmed the asset register. This will affect variance reporting of departmental expenditure, though depreciation is a non-cash item.

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 95/2008

1. That the Financial Activity Statement reports for the period ending 31 July 2008 ([*GSC Item 95 Attachment 1*](#)) be received.

Moved: (Cr Giardina)

Seconded: (Cr Robinson)

CARRIED UNANIMOUSLY

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

96. 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 July 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. Nil.

COMMITTEE RECOMMENDATION TO COUNCIL GS 96/2008

1. That the outstanding debtors and creditors report as at 31 July 2008 ([GSC Item 96 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.

97. Rates Debtors Report

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

PURPOSE

1. To receive a report on rates debtors as at 31 July 2008.

BACKGROUND

2. Attached is the report detailing rates debtors as at 31 July 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 97/2008

1. That the rates debtors report as at 31 July 2008 ([GSC Item 97 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.

98. Financial Report June 2008 – Supplementary Information

Previous Items: OCM 210708 (General Services 9.1.3)
Service Area: Corporate Services
File Reference:
Applicant: N/A
Owner: N/A

PURPOSE

1. To supplement the June 2008 Financial Report with the Operating Budget Variance Analysis report.

BACKGROUND

2. The Local Government (Financial Management Regulations) 1996 requires a local government to adopt a percentage or variance as described above each financial year.
3. Council adopted a 10% variance in accordance with AAS5, to be used in statements of financial activity for reporting material variances – GSC Item 83/2008.
4. The June 2008 Financial Report as adopted, included a report explaining those variances greater than 10%. It has been the practice to also include a report detailing performance across all departments stating percentages.

DETAILS

5. See attached schedule. ([*Attachment 1*](#))

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 the purpose of compliance the Operating Budget Variance Analysis for June 2008 is now presented to provide full details across all departments of the Shire, not only those differing from budget by greater than 10%

MEETING COMMENT

12. A Councillor advised the meeting she has discussed the streamlining of management reports with the Executive Manager of Corporate Services. The Executive Manager advised that it was intended to review all financial reports coming before Council.

COMMITTEE RECOMMENDATION TO COUNCIL GS 98/2007

1. That the attached Operating Budget Variance Analysis for the period ended 30 June 2008 be received.

Moved: (Cr Taylor)

Seconded: (Cr Thomas)

CARRIED UNANIMOUSLY

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

99. Authorised Expenditure Library Management System

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

PURPOSE

1. To authorise the expenditure on the Shire of Kalamunda Library Management System.

BACKGROUND

2. At the time of the 2008/2009 budget preparation it was assumed that all expenditure on the project would be fully made by 30 June 2008 with the full draw down on the reserve being made. Accordingly, no expenditure on the project and the associated recoup from Reserve was shown in the 2008/2009 Budget.

DETAILS

3. The amount of expenditure accrued at the end of the financial year was only \$45,000 and the draw down from the Reserve has been adjusted to that amount (back from \$90,000).
4. The nett effect is that the remaining capital expenditure of \$45,000 in the 2008/2009 year funded from Reserves needs to be authorised.

STATUTORY AND LEGAL IMPLICATIONS

5. Section 6.8 (1) (b) requires expenditure from the Municipal Fund not included in the Annual Budget being authorised by resolution of Council.

POLICY IMPLICATIONS

6. Nil.

PUBLIC CONSULTATION/COMMUNICATION

7. Executive Manager Community Services

FINANCIAL IMPLICATIONS

8. The \$45,000 expenditure will be fully recouped from the Information Technology Reserve.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

9. Nil.

OFFICER COMMENT

10. The expenditure covers remaining software expenses on Tender T0802 together with operating and networking software and associated hardware.

MEETING COMMENT

11. Nil.

COMMITTEE RECOMMENDATION TO COUNCIL GS 99 /2008

1. That the expenditure of \$45,000 on the provision of the Shire of Kalamunda Library Management System be authorised expenditure funded from the Information Technology Reserve.

Moved: (Cr Taylor)

Seconded: (Cr Thomas)

CARRIED UNANIMOUSLY/ABSOLUTE MAJORITY

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

100. Authorised Expenditure Administration Building Extension

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

PURPOSE

1. To authorise expenditure on the Shire of Kalamunda Administration Building for Hydraulic Services Consultancy Fees.

BACKGROUND

2. This expenditure goes back to 2004/2005 and is associated with expenses that were supposed to have been signed off by James Christou and Partners who were architects for the extensions to the Administration Building upgrade.

DETAILS

3. This matter has been the subject of ongoing discussions and has now reached a position agreed to by Shire of Kalamunda Building Department staff. At the time of budget preparation Finance staff had no knowledge of the expenditure requirement for 2008/2009 and no budget allocation was made.
4. The nett effect is that the expenditure of \$9,020 (\$8,200 nett of GST) needs to be authorised and funded from the Building Construction Reserve.

STATUTORY AND LEGAL IMPLICATIONS

5. Section 6.8 (1) (b) requires expenditure from the Municipal Fund not included in the Annual Budget being authorised by resolution of Council.

POLICY IMPLICATIONS

6. Nil.

PUBLIC CONSULTATION/COMMUNICATION

7. Manager Building Services, Hydraulics Design Australia, James Christou & Partners.

FINANCIAL IMPLICATIONS

8. The \$8,200 (nett of GST) expenditure will be fully recouped from the Building Construction Reserve.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

9. Nil.

OFFICER COMMENT

10. Nil.

MEETING COMMENT

11. Nil.

COMMITTEE RECOMMENDATION TO COUNCIL GS 100/2008

1. That the expenditure of \$8,200 (nett of GST) for Hydraulic Services Consultancy fees be authorised expenditure from the Building Construction Reserve.

Moved: (Cr Thomas)

Seconded: (Cr Taylor)

CARRIED UNANIMOUSLY/ABSOLUTE MAJORITY

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

101. Adoption of Local Law – Parking and Parking Facilities

Previous Items:	OCM 19 May 2008 (OCM 50/08)
Service Area:	Corporate Services
File Reference:	LE-LOL-012
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 19 May 2008, Council resolved to amend the Shire of Kalamunda Parking and Parking Facilities Local Law, 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 August 2008, which pointed out a minor formatting error to be corrected. No changes to the content of the local law were suggested.
5. The proposed Parking and Parking Facilities 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. No submissions were received.

FINANCIAL IMPLICATIONS

10. The proposed local law sets out a number of offences, with associated modified penalties. There are more prescribed offences than in the current local law (reflecting changes to the Road Traffic Code). The modified penalty amounts have been increased from those in the current local law, generally by \$10. The majority of the modified penalties are between \$45 and \$55.

STRATEGIC IMPLICATIONS

11. Nil.

OFFICER COMMENT

12. Nil.

MEETING COMMENT

13. The Officer Recommendation was not moved and lapsed.
14. Councillor Everett moved a motion to allow the Local Law to be reviewed by the Disability Services and Action Plan Committee and staff be given time to consider the merits of any changes, additions or alterations suggested by the Committee before compiling the Local Law.

OFFICER RECOMMENDATION

1. That Council adopts a new local law, the Parking and Parking Facilities Local Law 2008, as shown in ([*GSC Item 101 Attachment 1.*](#)).
2. It be recorded that the purpose of the proposed local law is to:
 - constitute a parking region;
 - enable the local government to regulate the parking of vehicles within the parking region; and
 - provide for the management and operation of parking facilities occupied by the local government.

The effect of the proposed local law is that a person parking a vehicle within the parking region will be required to comply with the provisions of the local law.

Moved: (Cr)

Seconded: (Cr)

LAPSED

COMMITTEE RECOMMENDATION TO COUNCIL GS 101/2008

1. That Council defer adopting a new local law, the Parking and Parking Facilities Local Law 2008 as shown in ([*GSC Item 101 Attachment 1*](#)).
2. That Council reconsider the new Local Law the Parking and Parking Facilities Local Law 2008 after an update and recommendation from the Disability Services and Action Plan Committee meeting to be held in October that is specifically in relation to item 6:15.
3. That the item be brought back to Council after staff have had time to duly consider the merits of any changes, additions or alterations from that Committee.

MOVED: (Cr Everett)

Seconded: (Cr Giardina)

CARRIED UNANIMOUSLY

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

102. Hartfield Park Advisory Committee - Nominations for Membership

Previous Items: N/A
Service Area: Community Services
File Reference: CO-CCS-005/2
Applicant: Shire of Kalamunda
Owner: Shire of Kalamunda

PURPOSE

1. To consider nominations for the appointment of members to the Hartfield Park Advisory Committee.

BACKGROUND

2. The current members of the committee are listed below:

Phillip Fawell	Kalamunda and Districts Hockey Club
Shannon Trew	Forrestfield Little Athletics

3. Nominations have been received for representation to the Hartfield Park Advisory Committee due to recent changes to individual club committee memberships.

DETAILS

4. Heinz Luik has been nominated by the Forrestfield United Soccer Club as their representative on the Hartfield Park Advisory Committee.
5. Ray Rowe has been nominated by the Forrestfield Sporting Club (Senior Cricket Club) as their representative on the Hartfield Park Advisory Committee.
6. Terry Davidson has been nominated by the Forrestfield Junior Football Club as their representative on the Hartfield park Advisory Committee.
7. Peter Schulz has been nominated by the Kalamunda and Districts Rugby Club as their representative on the Hartfield Park Advisory Committee.
8. Sean Ward has been nominated by the Forrestfield Flyers Tee/Base/ Softball Club as their representative on the Hartfield Park Advisory Committee.

STATUTORY AND LEGAL IMPLICATIONS

9. Appointments are made in accordance with section 5.10 (1) (d) of the Local Government Act 1995.

POLICY IMPLICATIONS

10. Policy CTEE3 Management and Advisory Committee's – "*Representation, review and procedure*".

PUBLIC CONSULTATION/COMMUNICATION

11. Nil.

FINANCIAL IMPLICATIONS

12. Nil.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

13. Nil.

OFFICER COMMENT

14. Nominations are in accordance with the Terms of Reference and Policy Guidelines.

MEETING COMMENT

15. Nil.

COMMITTEE RECOMMENDATION TO COUNCIL GS 102/2008

1. That Council appoint Heinz Luik, Sean Ward, Terry Davidson, Peter Schulz, and Ray Rowe as members of the Hartfield Park Advisory Committee.

Moved: (Cr Robinson)

Seconded: (Cr Morton)

CARRIED UNANIMOUSLY/ABSOLUTE MAJORITY

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

Cr Donald McKechnie disclosed a Financial Interest as he is a member of the club and pays a yearly subscription. Councillor McKechnie left the chambers at 7:16pm and did not vote on this item he returned at 7:25pm.

Mr Trail advised that he was seeking membership, but was not yet a club member.

103. Pt Reserve 17098, Hartfield Country Club Inc., Forrestfield - Renewal of Lease

Previous Items: N/A
Service Area: Community Services
File Reference: HL-01/199/K
Applicant: Hartfield Country Club Inc.
Owner: Shire of Kalamunda

PURPOSE

1. To consider the renewal of a Lease Agreement for the land on Pt Reserve 17098, 90 Hartfield Road Forrestfield, ([Attachment 1.](#)) between the Shire of Kalamunda and Hartfield Country Club Inc.

BACKGROUND

2. Hartfield Country Club previously entered into a Lease for twenty one years which is due to expire on 31 December 2008.

DETAILS

3. Hartfield Country Club Inc. has formally requested a continuation of the Lease Agreement upon the same terms and conditions, with only minor amendments.

STATUTORY AND LEGAL IMPLICATIONS

4. Nil.

POLICY IMPLICATIONS

5. Policy FAC5 – Clubhouses and Facilities on Reserves – Objective: *“To ensure uniformity of agreements regarding usage of facilities and to delineate limit of Council responsibility.”*
6. Policy FAC12 – Lease, Licence and Rent of Council Owned or Controlled Properties – Objective: *“To ensure uniformity and effective management of all leased and licensed facilities.”*
7. Policy ADM10 – Council-Owned Buildings – Guidelines for Maintenance – Objective: *“To provide guidelines for maintenance matters in regard to buildings owned by the Council”.*

PUBLIC CONSULTATION/COMMUNICATION

8. Nil.

FINANCIAL IMPLICATIONS

9. The current rent is \$2,172 per annum and is subject to a Consumer Price Index increase as at 1 January each year.
10. Hartfield Country Club Inc. is responsible for all major and minor maintenance as well as charges associated with water, electricity, gas, rubbish and cleaning costs.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

11. A Building Inspection Report will be completed prior to the signing of the Lease.

OFFICER COMMENT

12. Following initial discussions with the Hartfield Country Club Inc. the following changes to the original Lease are to be made:
- a. Increase the public liability insurance policy amount from \$1,000,000 to \$10,000,000.
 - b. Increase the number of weekdays that members of the public have access to the facility from one to two.

MEETING COMMENT

13. The President of the Hartfield Country Club made himself available to Councillors to clarify any queries Councillors had in relation to the operation of the Club.
14. A Councillor queried if the land was of Aboriginal significance. This question was taken on notice by the Chairman.

COMMITTEE RECOMMENDATION TO COUNCIL GS 103/2008

1. That Hartfield Country Club Inc. be offered a Lease Agreement over Pt .Reserve 17098, 90 Hartfield Road, Forrestfield with the with the main terms, conditions and changes listed below:
- A base rental of \$2,172 with an annual Consumer Price Index increase to apply from January 2009.
 - Hartfield Country Club Inc. to be responsible for all major and minor maintenance as well charges associated with water, electricity, gas, rubbish and cleaning costs.

- Increase the public liability insurance policy amount to \$10,000,000.
- Increase the number of weekdays that members of the public have access to the facilities from one to two days.
- The term of the lease is to be 21 years

Moved: (Cr Robinson)

Seconded: (Cr Morton)

CARRIED UNANIMOUSLY

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

104. Policy Register Review – Circuses on Council Reserves – FAC4

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

PURPOSE

1. To consider amendments to existing Policy FAC4 – *Circuses on Council Reserves*.

BACKGROUND

2. The existing policy was endorsed by Council at its Ordinary Meeting on 16 September 2002, and following a recent review, some amendments are proposed. ([Attachment 1.](#))

DETAILS

3. The policy states “1. Circuses involving animals or animal acts will not be permitted on or in any Parks and reserves vested to the Shire of Kalamunda or under the care, control or management of the Shire of Kalamunda”.
4. The two main proposed amendments are:
 - a. To allow applications from those circuses with domestic animals or acts using domestic animals to be considered by the Chief Executive Officer on a case by case basis to be able to perform on Council land.
 - b. The circus must comply with the “*Code of Practice for the Conduct of Circuses in Western Australia*” as published by the Department of Local Government and Regional Development.
5. The changes to the policy are to enable flexibility in recognising those circuses that do not have wild or exotic animals, and can demonstrate a standard of domestic animal care in accordance with the “*Code of Practice for the Conduct of Circuses in Western Australia*”

STATUTORY AND LEGAL IMPLICATIONS

6. Nil.

POLICY IMPLICATIONS

7. Policy ADM15 – *Policies- Process for adopting, Amending or Rescinding*.

PUBLIC CONSULTATION/COMMUNICATION

8. During the past twelve months three unsolicited letters have been received from residents requesting that a circus be allowed to perform on suitable land within the Shire of Kalamunda.

FINANCIAL IMPLICATIONS

9. Costs associated with the use of Shire of Kalamunda land or facilities would be borne by the circus.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

10. Plan for the Future of the District 2006 – 2011 – Initiative 4.7 states “Review and develop strategic and operational policies”.
11. Plan for the Future of the District 2006 – 2011 – Initiative 3.8 states “Identify and attract high profile events”.

OFFICER COMMENT

12. The proposed amendments will allow flexibility to assess each circus on individual merit and an assessment can take place each time an application to perform is received.
13. Circuses with exotic or caged animals and those unable to demonstrate compliance with the *“Code of Practice for the Conduct of Circuses in Western Australia”* can still be prevented from performing on Council land.
14. The updated wording and additions to the existing policy are shown in red and deletions are marked with a strikethrough.

MEETING COMMENT

15. Mrs Street spoke in support of the recommendation and requested that the policy be amended to include the word “domestic” where animals are mentioned within the policy. This would mean that exotic animals are still banned, but circuses with domestic animals are allowed to perform within the Shire with the CEO’s approval.
16. It was agreed that the word “domestic” would be added to the policy.

COMMITTEE RECOMMENDATION TO COUNCIL GS 104/2008

1. That Council approves the proposed amendments to policy FAC4 – *Circuses on Council Reserves* as shown in ([GSC Item 104 Attachment 1.](#)).

Moved: (Cr Thomas)

Seconded: (Cr Robinson)

For the Recommendation

Cr Everett
Cr Giardina
Cr Tonkin
Cr Robinson
Cr Morton
Cr Taylor
Cr Thomas
Cr McKechnie
Cr Cresswell

Against the Recommendation

Cr Sadler
Cr Heggie

CARRIED

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

105. Awarding of Tender for Supply & Delivery of Road Base Material (T0805)

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

PURPOSE

1. To award the Tender for the Supply & Delivery of Road Base Material (T0805) for a period of three years ending September 2011.

BACKGROUND

2. Tenders were called for the Supply & Delivery of Road Base Material (T0805) which closed on 6 August 2008.

DETAILS

3. Four companies submitted Tenders for this Contract being Allearthgroup, Cemex, WA Bluemetal and C&D Recycling.
4. Allearthgroup also submitted an Alternative Tender for the supply of recycled building material, as a substitute for crushed rock base. C&D Recycling's tendered prices are for recycled concrete instead of crushed rock base material.
5. Allearthgroup included prices for crushed rock base in their submission, using the Cemex Quarry site as their nominated quarry site. Cemex has also submitted a Tender for supply of road base material.
6. An analysis of the base rates for the supply and the transport costs, submitted by these four companies appears at ([Attachment 1](#) & [Attachment 2](#)).
7. Prices submitted in the Schedule of Prices remain fixed for a three year period from the date of awarding of the Contract.

STATUTORY AND LEGAL IMPLICATIONS

8. N/A

POLICY IMPLICATIONS

9. N/A

PUBLIC CONSULTATION/COMMUNICATION

10. N/A

FINANCIAL IMPLICATIONS

11. N/A

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

12. N/A

OFFICER COMMENT

13. Alternative Tender prices submitted by C & D Recycling and Allearthgroup cannot be considered for evaluation in awarding this Tender, as the material does not comply with Tender specifications.
14. Cemex Australia Pty Limited's average price for supply for three years, including transport costs, is more competitive than other submissions. The average lead of transportation to Shire of Kalamunda boundary through Tonkin Highway for Cemex Quarry is 7.0 kms, whilst the lead for the supply of road base material by WA Blue Metal from the quarry site at South West Highway, Whitby, is more than 35 kilometres which makes a huge difference in transportation costs.

MEETING COMMENT

15. Nil.

COMMITTEE RECOMMENDATION TO COUNCIL GS 105/2008

1. That the Contract for the Supply & Delivery of Road Base Material (T0805), for a period of three years ending September 2011 be awarded to Cemex Australia Pty Limited at the rates shown at ([GSC Item 105 Attachment 1](#) & [GSC Item 105 Attachment 2](#)).

Moved: (Cr Taylor)

Seconded: (Cr Robinson)

CARRIED UNANIMOUSLY

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

106. Awarding of Tender for Supply & Delivery of Limestone Sub Base (T0806)

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

PURPOSE

1. To award the Tender for the Supply & Delivery of Limestone Sub Base (T0806) for a period of two years ending September 2010.

BACKGROUND

2. Tenders were called for the Supply & Delivery of Limestone Sub Base (T0806) for a three year period, and closed on 6 August 2008.

DETAILS

3. Three companies submitted Tenders for this Contract being Allearthgroup, Cemex and WA Limestone.
4. Cemex Group has submitted prices for two years instead of three years, due to the uncertainty of transport costs for the third year. Also due to the current demand of the material for major projects, Cemex is unable to commit a price schedule for the third year.
5. The supply of large quantities of limestone will be required during the first two years of the Contract due to the dual carriageway construction project in Abernethy Road.
6. In their submission Allearthgroup quoted their limestone supply prices, with the Cemex quarry located at Hurst Road, Cockburn, as their nominated quarry site. The submission from Cemex, for the supply of limestone material nominates their quarry located at Postans Road, Hope Valley.
7. An analysis of the rates submitted by the companies appears at ([Attachment 1](#) & [Attachment 2](#).)

STATUTORY AND LEGAL IMPLICATIONS

8. N/A

POLICY IMPLICATIONS

9. N/A

PUBLIC CONSULTATION/COMMUNICATION

10. N/A

FINANCIAL IMPLICATIONS

11. N/A

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

12. N/A

OFFICER COMMENT

13. Cemex Australia Pty Limited's average price for the supply and delivery of limestone materials, for two years including transport costs, are more advantageous than the other submissions.
14. Allearthgroup and WA Limestone have included prices for the third year, including the transportation of the material, in their submissions as shown in ([Attachment 1 & Attachment 2.](#))
15. As detailed earlier, the supply of large quantities of limestone will be required during the first two years of the Contract, due to the dual carriageway construction project in Abernethy Road. Accordingly, it would be in the Shire's best interest to award the Tender to Cemex Australia Pty Ltd, for two years as opposed to the three years originally called for in the Request for Tender.

MEETING COMMENT

16. The meeting was advised that ([Attachment 2](#)) in the agenda was incorrect and is to be replaced by the correct attachment as tabled at the meeting.
17. Councillors sought clarification as to why the tender is being offered for two years rather than three years. The Executive Manager Engineering Services provided clarification to the meeting.

COMMITTEE RECOMMENDATION TO COUNCIL GS 106/2008

1. That the Contract for the Supply & Delivery of Limestone Sub Base (T0806), for a period of two years, instead of three years, ending September 2010 be awarded to Cemex Australia Pty Ltd at the rates shown at ([GSC Item 106 Attachment 1 & GSC Item 106 Attachment 2.](#)).

Moved: (Cr McKechnie)

Seconded: (Cr Thomas)

CARRIED UNANIMOUSLY

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

107. Awarding of Tender for Supply & Delivery of Crushed Ferricrete/Laterite (T0807)

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

PURPOSE

1. To award the Tender for the Supply & Delivery of Crushed Ferricrete/Laterite (T0807) for a period of one year, with the provision of a two year extension, ending September 2011.

BACKGROUND

2. Tenders were called for the Supply & Delivery of Crushed Ferricrete /Laterite (T0807), for a period of three years, which closed on 6 August 2008.

DETAILS

3. Two companies submitted Tenders for this Contract, being Allearthgroup and B & J Catalano Pty Ltd.
4. An analysis of the rates submitted by Allearthgroup and B & J Catalano Pty Ltd appears at ([Attachment 1](#) & [Attachment 2.](#))
5. Whilst a three year fixed price was requested as part of the Tender's price schedule requirements, B & J Catalano Pty Ltd submitted a fixed price for the first year only. Instead of providing a fixed price for the subsequent two years, B & J Catalano Pty Ltd provided a price variation formula to determine prices for the second and third year, based upon the cost increase of labour, fuel costs, transport equipment & parts and general inflation. The variation formula is proposed to be used to determine the Rise and Fall in the prices, on a quarterly basis.
6. The Allearthgroup has indicated that it will supply the material from B & J Catalano Pty Ltd's quarry at Pickering Brook.

STATUTORY AND LEGAL IMPLICATIONS

7. N/A

POLICY IMPLICATIONS

8. N/A

PUBLIC CONSULTATION/COMMUNICATION

9. N/A

FINANCIAL IMPLICATIONS

10. N/A

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

11. N/A

OFFICER COMMENT

12. As B & J Catalano Pty Ltd did not provide prices in the requested format, its submission could be deemed as an Alternative Tender. However, for the first year, the prices quoted by B & J Catalano Pty Ltd are more competitive than Allearthgroup's quote.
13. A clarification was sought from B & J Catalano Pty Ltd in respect to the Rise and Fall formula. In response B & J Catalano Pty Ltd has offered to provide an additional fixed rise of 5%, to be charged for the second year. For the third year, B & J Catalano Pty Ltd has indicated their inability to commit to some price schedules. Allearthgroup's prices for second and third year are approximately 15% higher than the previous year, respectively.
14. Although, B & J Catalano Pty Ltd's offer for a fixed price for the second year of the contract was unsolicited and received after the closing of the Tender, it is still worthwhile considering.
15. As B & J Catalano Pty Ltd's price is more advantageous in the first year and potentially in the successive years, it is proposed that further negotiations are entered into with the Tenderer to agree on a fixed price and/or simpler Rise and Fall formula for the subsequent years.

MEETING COMMENT

16. Nil.

COMMITTEE RECOMMENDATION TO COUNCIL GS107/2008

1. That the Chief Executive Officer of the Shire of Kalamunda be authorised to negotiate a fixed price or simpler Rise and Fall formula for the second and third year of the Contract, based upon the rates provided for the first year, shown at ([GSC Item 107 Attachment 1](#) & [GSC Item 107 Attachment 2](#)) and accordingly award the Contract for the Supply & Delivery of Crushed Ferricrete /Laterite (T0807) to B & J Catalano Pty Ltd.

Moved: (Cr Giardina)

Seconded: (Cr Taylor)

CARRIED UNANIMOUSLY

10.0 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

10.0 Nil.

11.0 QUESTIONS BY MEMBERS WITHOUT NOTICE**11.1 Election Signage (Cr Giardina)**

Q. Will the Rangers be directed by the Executive Manager to remove election sign?

A. The Executive Manager Corporate Services advised that letters have been written to all candidates advising them of the Shire's policy and Local Law regarding signs. Rangers would collect signs if they are directed to do so. It would need to be established that the signs are in contravention of the sign local law.

11.2 Parking of Cars for Sale in Various Locations (Cr Robinson)

Q. How can this activity be curtailed?

A. The Chief Executive Officer advised that Council will receive a report on this matter at the OCM on Monday 15 September 2008 in relation to dealing with this matter at a specific site. This report will provide solutions for dealing with this issue across the entire Shire.

11.3 Olly Worrell Wetlands (Cr Heggie)

Q. What are the Council doing to help protect these wetlands? What can be done to help more?

A. The Executive Manager Engineering Services advised there is a periodic program in place for the cleaning and maintenance of the wetlands. An inspection will take place to establish what needs to be done immediately to clear the area.

Disable Parking Signage (Cr Taylor)

Q. Should the signage around the Shire indicate the penalty charged?

A. The Executive Manager Engineering Services advised that penalties are not indicated on any signs within the Shire.

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 8:00pm.

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

Signed.....Chairman

Dated thisday of.....2008