

Shire of Kalamunda

General Services Committee

Minutes for 1 December 2008



SHIRE OF KALAMUNDA

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Minutes of General Services Committee Held in the Council Chambers 2 Railway Road, Kalamunda Monday 1 December 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
P Tonkin	SOUTH WARD
J Giardina	SOUTH WARD
C Everett	SOUTH WARD
P Heggie	NORTH WEST WARD
M Cresswell	(CHAIRMAN) NORTH WEST WARD
F Lindsey	EAST WARD

Officials

J Trail	CHIEF EXECUTIVE OFFICER
N Wilson	DIRECTOR OF CORPORATE SERVICES
J Smith	A/DIRECTOR OF COMMUNITY DEVELOPMENT
R O'Brien	DIRECTOR OF PLANNING & DEVELOPMENT SERVICES
M Singh	DIRECTOR OF ENGINEERING SERVICES
B Millan	EXECUTIVE ASSISTANT CHIEF EXECUTIVE OFFICER
S Leeson	MANAGER FINANCIAL SERVICE
K Wilkinson	ACTING MANAGER LIBRARY SERVICE
I Daly	MANAGER ADULT CARE SERVICES
D McPherson	MINUTE SECRETARY

Apologies

M Robinson

SOUTH WEST WARD

Observers

5

Newspapers

0

3.0 PUBLIC QUESTION TIME

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

3.1 Nil.

4.0 PETITIONS

4.1 Nil.

5.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

5.1 That the Minutes of the General Services Committee Meeting held on 3 November 2008 is confirmed as a true and correct record of the proceedings.

Moved: (Cr Giardina)

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 The CEO advised Councillors they had been given a confidential attachment to Item 146 Capacity Review – Budget Allocation for Additional Resources. If Councillors wished to discuss the details of the attachment the meeting would need to close during this discussion.

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 No. 141 - Shire of Kalamunda Aquatic Centre Feasibility Study Report – Recommendation on Kalamunda Aquatic Centre**

Cr Tonkin declared a proximity interest as the recommendation includes reference to St Brigid's College. Her property adjoins St Brigid's land.

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. 142 - Endorsement of Shire of Kalamunda Home and Community Care Services Business Plan (2008 – 2013)**

Cr Everett declared an interest affecting impartiality as she works in the Aged Care industry.

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.

133. Creditors Accounts Paid for November 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 November 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 November 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 on various creditor payments were provided to all Councillors at the meeting.

COMMITTEE RECOMMENDATION TO COUNCIL GS 133/2008

1. That the list of Creditors' paid for November 2008 attached ([***GSC Item 133 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 Thomas)

CARRIED UNANIMOUSLY

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

134. Financial Activity Statements for the Period Ended 31 October 2008

Previous Items: Nil
Service Area: Corporate
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 October 2008.

BACKGROUND

2. Attached are the financial activity statement reports for the period ending 31 October 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
Refer ([Attachment 2](#)).

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 134/2008

1. That the Financial Activity Statement reports for the period ending 31 October 2008 ([*GSC Item 134 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.

135. 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 October 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 135/2008

1. That the outstanding debtors and creditors report as at 31 October 2008 ([*GSC Item 135 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.

136. 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 October 2008.

BACKGROUND

2. Attached is the report detailing rates debtors as at 31 October 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 136/2008

1. That the rates debtors report as at 31 October 2008 ([GSC Item 136 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.

137. Tender for the Provision of Blue and White Collar Contract Labour – T0809

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

PURPOSE

1. To award the tender for the Provision of Blue and White Collar Contract Labour – T0809, for a period of two years with an option for a further twelve (12) month extension.

BACKGROUND

2. Tenders have not previously been called for the provision of Contract Labour and the expenditure on contract labour resulted in an audit query in the 2007/2008 financial year.

DETAILS

3. Ten companies submitted Tenders for this contract with some companies being able to provide both Blue and White Collar employees and some only one or the other ([Attachment 1](#)).

The respondents were required to provide a percentage mark-up rate that would apply to the employee hourly for each position. (The Shire of Kalamunda is to provide an hourly rate of pay in relation to each position to be filled).

The mark-up rate includes Superannuation, Workers Compensation, Public Liability Insurance, Payroll Tax, Administration and Profit Margin. By using this method the Shire of Kalamunda will have flexibility in nominating an hourly rate for any position and have control over what the total cost will be.

Mark-up rates were requested for Ordinary Time, Time and One Half and Double Time to cover ordinary hours of work and overtime when applicable.

The tender specifications also ensure that the providers are aware of their requirements for the provision of basic safety clothing and equipment for their employees, all licences and certificates are current and all Blue Collar contract staff have completed the Worksafe Safety Awareness Training Course.

4. **Summary Evaluation of Respondents – Blue Collar**

Flexi Staff

Are current provider to the Shire of Kalamunda and have a good knowledge of Local Government employment requirements. A random sample of one (1) employee will provide a saving of \$4.00 per hour.

Staff Link Pty Ltd

Are current provider to the Shire of Kalamunda and have a good knowledge of Local Government employment requirements. A random sample of one (1) employee will provide a saving of \$5.66 per hour.

RecruitWest Pty Ltd

Have good experience in Civil Contracting works but provide no previous experience in the provision of contract labour to local government.

John Davidson and Associates

Are reasonably new to Western Australia and have good experience with staff placement in the mining and construction industry but have no previous local government contract labour placement experience. However they have recruited staff who have had some involvement with agency's that have provided staff to local government.

Drake International

Are a well known employment agency with a good record in the provision of staff to local governments in the metropolitan area. Drake have not previously provided staff to the Shire of Kalamunda.

LO-GO Appointments

Have good local government knowledge and experience and have previously provided the Shire of Kalamunda with a variety of contract employees for both in parks and engineering areas.

Extraman

Are providers of contract labour to the mining and resources industry. Their submission does not provide any examples of having provided services to local government.

Hays

Are a current provider to the Shire of Kalamunda, however their percentage rate of 56% on a random sample of one (1) employee would result in an increase of \$2.18 per hour (6% increase).

Green Skills/Ecojobs Environmental Personnel

Are a not for profit organisation with a successful record in environmental projects. They have some previous local government history which is mainly project based and they have previously provided services to the Shire of Kalamunda.

5. Summary Evaluation of Respondents – White Collar

Flexi Staff

Are current providers to the Shire of Kalamunda in the blue collar contract labour. Their submission shows no examples for the provision of white collar contract labour to local government.

Wood Recruitment

Are a long standing employment agency with a long history in providing services to the WA Government and private enterprise.

RecruitWest Pty Ltd

Have good experience in civil contracting works but provide no previous experience in the provision of white collar contract labour.

Drake International

Are a well known employment agency with a good record in the provision of staff to local governments in the metropolitan area. Drake have not previously provided staff to the Shire of Kalamunda.

LO-GO Appointments

Have good local government knowledge and experience and have previously provided the Shire of Kalamunda with a variety of contract employees in the white collar field and also provide recruitment and other training services.

John Davidson and Associates

Are reasonably new to Western Australia and have good experience with staff placement in the mining and construction industry but have no previous local government contract labour placement experience. However they have recruited staff who have had some involvement with agencies that have provided staff to local government.

Extraman

Are providers of contract labour to the mining and resources industry. Their submission does not provide any examples of having provided services to local government.

Hays

Have previously provided white collar contract labour to the Shire of Kalamunda however are unable to provide a recent random example of what the effect would be on costs with a 70% mark up.

STATUTORY AND LEGAL IMPLICATIONS

6. The awarding of this tender will allow the Shire of Kalamunda to meet its statutory obligations for expenditure over \$100,000 with an individual provider.

POLICY IMPLICATIONS

7. Nil

PUBLIC CONSULTATION/COMMUNICATION

8. Nil

FINANCIAL IMPLICATIONS

9. The awarding of this tender will provide significant savings on current expenditure for contract labour.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

10. Nil

OFFICER COMMENT

11. Nil

MEETING COMMENT

12. Nil.

COMMITTEE RECOMMENDATION TO COUNCIL GS 137/2008

1. That the Provision of Blue Collar Contract Labour be awarded to a panel of contractors consisting of the following for a period of two years with a further option for a 12 month extension:
- a. Flexi Staff
 - b. Staff Link Pty Ltd
 - c. Drake International
 - d. LO-GO Appointments.
2. That the Provision of White Collar Contract Labour be awarded to a panel of providers consisting of the following for a period of two years with a further option for a 12 month extension.:
- Wood Recruitment
 - Drake International
 - LO-GO Appointments

Moved: (Cr Taylor)

Seconded: (Cr Thomas)

CARRIED UNANIMOUSLY

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

138. Adoption of Local Law – Parking and Parking Facilities

Previous Items:	OCM 19 May 2008 (OCM 50/08), 15 September 2008 (OCM 113/08)
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.
4. When the proposed local law came before Council for adoption in September, it was deferred, with the following resolution –

“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.”
5. An amended version of the local law is presented for adoption.

DETAILS

6. 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.
7. Following input from the Disability Access and Inclusion Advisory Committee, the proposed local law has been amended. The modified penalty amount for stopping in a disabled parking area has been increased to \$120. This amount is the same as the penalty amount specified in the *Local Government (Parking for Disabled Persons) Regulations 1988*.
8. In addition, the list of Deemed Parking Stations (Schedule 4) has been amended to better describe Council’s car parks (mostly at recreation centres, libraries and other significant public buildings).

-
9. The proposed Parking and Parking Facilities Local Law 2008 is shown in ([Attachment 1.](#)).
 10. 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

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

POLICY IMPLICATIONS

12. Nil.

PUBLIC CONSULTATION/COMMUNICATION

13. 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. Input from EMT and the Disability Access and Inclusion Advisory Committee.

FINANCIAL IMPLICATIONS

14. 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

15. Nil.

OFFICER COMMENT

16. Nil.

MEETING COMMENT

17. A Councillor sought clarification of the definition of " a parking region." The Director of Corporate Services provided clarification.

COMMITTEE RECOMMENDATION TO COUNCIL GS 138/2008

1. That Council adopts a new local law, the Parking and Parking Facilities Local Law 2008, as shown in ([*GSC Item 138 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 Taylor)

Seconded: (Cr Everett)

CARRIED UNANIMOUSLY/ABSOLUTE MAJORITY

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

139. Review of Signs, Hoarding and Bill Posting By-Laws

Previous Items: N/A
Service Area: Corporate Services
File Reference: LE-LOL-003
Applicant: N/A
Owner: N/A

PURPOSE

1. To amend the existing Signs, Hoarding and Bill Posting By-Laws, by creating a new local law to repeal and replace the current version.

BACKGROUND

2. The Local Government Act requires all local laws to be reviewed within eight (8) years of their commencement or last review. The Signs local law is due for review by 18 December 2008.
3. A review was commenced due to an issue with illuminated signs that arose in consideration of an application from the Lesmurdie Village Shopping Centre (OCM 113/07).
4. An advertisement was placed in The West Australian and local newspapers advising that the Shire's Signs local law was being reviewed, and inviting public submissions. No submissions were received.

DETAILS

5. When reviewing a local law, Council must decide whether to repeal, retain or amend the local law. It would repeal where it considers that a local law is no longer required; retain where it believes that no changes should be made; and amend where it is decided that a local law is still required to regulate the activity, but changes need to be made to make the local law more effective, compliant with legislation, or where the local law requires updating.
6. The existing local law was adopted in April 1981, prior to the commencement of the *Local Government Act 1995* (which is why it is called a by-law, rather than a local law). A number of amendments have since been gazetted.
7. The local law contains a number of small errors and inconsistencies, and is not easy to read. The title of the local law itself is unclear, as the heading and the Citation differ. The suggested new amended local law is in a format and language that is consistent with the Shire's other recent local laws, and has a more logical structure.
8. The main differences between the existing local law and the proposed amended local law are presented as ([Attachment 1](#)) whilst the proposed local law is presented as ([Attachment 2](#)).

STATUTORY AND LEGAL IMPLICATIONS

9. The initial decision of Council must be to retain, repeal or amend. If the decision to amend is made, the process of creating a new local law must be followed.
10. This involves advertising the proposed local law, inviting submissions, and sending a copy to the Minister for Local Government. At the close of the 6-week submission period, the local law will be re-presented to Council for final adoption. This is likely to occur in early 2009.

POLICY IMPLICATIONS

11. Nil.

PUBLIC CONSULTATION/COMMUNICATION

12. The advice that the local law was being reviewed was published on 22 March 2008 and submissions invited up to 8 May 2008. No submissions were received. It has subsequently been considered by EMT and relevant Building and Engineering staff.

FINANCIAL IMPLICATIONS

13. Introduces a range of offences with associated modified penalties.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

14. Nil.

OFFICER COMMENT

15. Nil.

MEETING COMMENT

16. Nil.

COMMITTEE RECOMMENDATION TO COUNCIL GS 139/2008

1. That the Shire of Kalamunda Signs, Hoarding and Bill Posting By-Laws be amended. This will be achieved by creating a new local law to repeal and replace the current version.
2. That Statewide and local public notice be given that Council proposes to make a new local law, the Signs Local Law 2009, as shown in ([GSC Item 139 Attachment 2](#)).

3. It be recorded that the purpose of the proposed local law is to provide powers for, and a system of, regulation in relation to signs within the district of the Shire of Kalamunda, taking into account the need for persons to be informed of services available in the Shire, the commercial needs of businesses in the Shire, and the desire to preserve the amenity of the Shire. The effect of the proposed local law is that the Shire of Kalamunda will be able to ensure uniformity in the types and locations of signs erected in the Shire.

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.

140. Appointment of “Authorised Persons”

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

PURPOSE

1. To ensure that the functions of the local government are being carried out by people who are correctly authorised to do so.

BACKGROUND

2. Various functions of the local government are to be carried out by “authorised persons”. For example, the issue of infringement notices under certain local laws. The authorised person is to be appointed by the local government, that is, by Council, unless this power is delegated to another person.

DETAILS

3. The Shire of Kalamunda operates under a wide range of legislation – Acts, regulations and local laws. It is important that the Shire complies with the requirements of these statutes.
4. The *Local Government Act 1995* and the *Local Government (Miscellaneous Provisions) Act 1960* allow for most of the powers and duties of the local government to be delegated. Other legislation, such as the *Dog Act 1976*, do not.
5. It is impractical to require Council to authorise individual employees to act as authorised persons, as a report to Council would need to be presented every time an authorised staff member left their position. For this reason, it is recommended that the power to appoint an authorised person be delegated to the CEO, wherever this is permitted under the legislation.
6. A delegation to the CEO, empowering him to appoint certain “authorised persons” is presented ([Attachment 1.](#)).
7. It should be noted that the Shire’s local laws are progressively being reviewed, and those made under the *Local Government Act 1995* will be amended to allow for delegation of this power.

STATUTORY AND LEGAL IMPLICATIONS

8. Legal issues may arise where action is taken against a person by someone who is not correctly authorised to take such action.

POLICY IMPLICATIONS

9. Nil.

PUBLIC CONSULTATION/COMMUNICATION

10. Executive Management Team.

FINANCIAL IMPLICATIONS

11. Nil.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

12. Nil.

OFFICER COMMENT

13. Nil.

MEETING COMMENT

14. A Councillor sought clarification as to the necessity for the name of officers to be recorded rather than the position title. The Director of Corporate Services advised to comply with the requirements of the Act officers need to be identified by name not position.

COMMITTEE RECOMMENDATION TO COUNCIL GS 140/2008

1. That Council delegates to the Chief Executive Officer the authority to appoint authorised persons or classes of persons under the *Local Government Act 1995*, the *Local Government (Miscellaneous Provisions) Act 1960*, and those local laws which have been made under these Acts.
2. That Council appoints the following employees. Such appointments are to remain valid until revoked, or until the person appointed is no longer employed by the Shire of Kalamunda –

Local Government Model By-laws (Removal and Disposal of Obstructing Animals or Vehicles) No. 7

Craig Garrett, Peter Wilson, Phillip Howe, Di Hart, Bruno Mark Casotti, Peter Ashley Sewell, Scott Edward Andrew Jones, Peter Sandow and Peter Brown be appointed as authorised persons.

The place to which vehicles may be removed to under the local law is –
10 Raymond Road
Kalamunda

Local Government Model By-laws (Street Lawns and Gardens) No 11
Mahesh Singh be appointed as the authorised person.

Shire of Kalamunda Pest Plant By-laws, 1979
Rory O'Brian be appointed as the authorised person.

Shire of Kalamunda Signs, Hoarding and Bill Posting By-laws
The place to which signs may be removed to under clause 7 of the local law is –
2 Raymond Road
Kalamunda

Dogs Local Law

Craig Garrett, Peter Wilson, Phillip Howe, Di Hart, Bruno Mark Casotti, Peter Ashley Sewell, Scott Edward Andrew Jones, Peter Sandow and Peter Brown to be appointed as authorised persons.

Neil Wilson be appointed as the authorised person for the purpose of withdrawing infringement notices under clause 6.6.

Craig Garrett, Peter Wilson, Phillip Howe, Di Hart, Bruno Mark Casotti, Peter Ashley Sewell, Scott Edward Andrew Jones, Peter Sandow and Peter Brown be appointed as Pound Keeper for the purposes of the local law.

Dog Act 1976 and associated Regulations

Craig Garrett, Peter Wilson, Phillip Howe, Di Hart, Bruno Mark Casotti, Peter Ashley Sewell, Scott Edward Andrew Jones, Peter Sandow and Peter Brown be appointed as authorised persons.

Neil Wilson be appointed as authorised persons for the purpose of withdrawing infringement notices under regulation 13(6).

Craig Garrett, Peter Wilson, Phillip Howe, Di Hart, Bruno Mark Casotti, Peter Ashley Sewell, Scott Edward Andrew Jones, Peter Sandow and Peter Brown be appointed as authorised persons for the purpose of seizing, detaining and destroying dogs under regulation 13 of the Dog (Restricted Breeds) Regulations (No. 2) 2002;

Craig Garrett, Peter Wilson, Phillip Howe, Di Hart, Bruno Mark Casotti, Peter Ashley Sewell, Scott Edward Andrew Jones, Peter Sandow, Peter Brown, Renee Bertram, Sara Slavin, Janine Morton, Kristy McGuire and Janet Kenyon be appointed as Registration Officers.

Control of Vehicles (Off-road Areas) Act 1978 and Regulations

Craig Garrett, Peter Wilson, Phillip Howe, Di Hart, Bruno Mark Casotti, Peter Ashley Sewell, Scott Edward Andrew Jones, Peter Sandow and Peter Brown be appointed as authorised officers. This appointment applies to the whole of the district of the Shire of Kalamunda.

Caravan Parks and Camping Grounds Act 1995

Jonathan Smith; Jon Button; Kerry Fleming; and Jacqueline Luseno be appointed under section 17 to carry out the functions of an authorised person, with the following exceptions –

Issuing of infringement notices under section 23(2) – Jonathan Smith only is appointed as an authorised person;

Receiving of payments for infringements under section 23(3) – Sara Slavin, Janine Morton, Kristy McGuire and Janet Kenyon only are appointed as authorised persons;

Extending the period for payment under section 23(5) – Kevin O'Connor only is appointed as an authorised person; and

Withdrawal of infringements under section 23(7) - Kevin O'Connor only is appointed as an authorised person.

Moved: (Cr Taylor)

Seconded: (Cr Everett)

CARRIED UNANIMOUSLY

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

Cr Tonkin declared a proximity interest as the recommendation includes reference to St Brigid's College and her property adjoins St Brigid's land. Cr Tonkin left the Chambers at 7:10pm and return at 7:23pm, she did not vote on this item.

141. Shire of Kalamunda Aquatic Centre Feasibility Study Report – Recommendation on Kalamunda Aquatic Centre

Previous Items: OCM 74/07
Service Area: Community Services
File Reference: CL-11/040
Applicant: Shire of Kalamunda
Owner: Shire of Kalamunda

PURPOSE

1. To consider a recommendation from the Shire of Kalamunda Aquatic Centre Feasibility Study Report (2007).

BACKGROUND

2. Council allocated funds in the 2006/2007 budget to assess the need and feasibility for the provision of aquatic facilities in the Shire of Kalamunda. CCS Management (CCS) was appointed to complete this study. A copy of the Executive Summary and recommendations is provided at ([Attachment 1.](#))
3. The study was prompted in part by the impending expiry of the commercial lease agreement for the operation of the Kalamunda Wet 'n' Wild facility and the need to consider the future of this aging facility.
4. The twenty one year lease agreement is due to expire in June 2009.
5. The following recommendations were passed at the August 2007 Ordinary Council Meeting:
 - *That Council receives the Kalamunda Aquatic Centre Feasibility Study completed by CCS Strategic Management.*
 - *That this matter lay on the table and that prior to Council deciding the future direction for aquatic facilities, public comment be sought on the Report's findings.*

DETAILS

6. A request for public comment was made in the local newspapers and the Shire of Kalamunda website. Copies of the *Public Comment Form* were made available at the libraries, recreation centres, Kalamunda Wet 'n' Wild and the St Brigid's College pool.

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7. A total of 130 replies were received. A summary of the feedback relating to the Kalamunda Aquatic Centre is provided at ([Attachment 2.](#)).
 8. 83% or 93 respondents agreed with the recommendation to *“Retain Kalamunda Wet ‘n’ Wild as a commercially operated water park with future developments (post 2009) determined and funded by the lessee”*. 28% or 36 people commented that it *“needs to be updated/be made more attractive”*.
 9. As the Kalamunda pools were constructed in the mid 1960's, an engineering company was engaged to conduct core sampling and laboratory analysis to provide an estimate of the pools anticipated remaining life. The report indicated that the pools have considerable life left with some short-term remedial action required. A copy of the Conclusions and Recommendations contained in the *Condition Assessment Report* is at (**Attachment 3.**)

STATUTORY AND LEGAL IMPLICATIONS

10. Health Act 1911 and Health (Aquatic Facilities) Regulations 2007.
11. Section 3.58 (5)(d) of the Local Government Act 1995 and the Local Government (Functions and General) Amendment Regulations 1997 s.30 (b) apply to the disposition of property.
12. Council has an obligation under the existing lease to replace or repair any item which becomes worn through fair, wear and tear.
13. The lessee must keep and maintain the leased premises and all equipment such as the pools, pumps, chlorinators, filters etc. in good and tenable repair and condition to the satisfaction of the lessor. The lessee is also required to maintain, and replace if necessary, diving boards, fences shade covers etc.

POLICY IMPLICATIONS

14. Nil.

PUBLIC CONSULTATION/COMMUNICATION

15. Extensive community consultation has been carried out as follows:
 - As part of the initial feasibility study, a survey was sent to a random selection of 2500 households, and a public workshop was held in Forrestfield and Gooseberry Hill.
 - 130 survey forms were received commenting on the Feasibility Study recommendations.
16. Public consultation has revealed that there is continued community demand to retain an upgraded Kalamunda Aquatic Centre.

FINANCIAL IMPLICATIONS

17. After forty years of use without any significant upgrading to the pool structures and amenities, specific works will need to be undertaken to maintain compliance with relevant codes and legislation.
18. Other general maintenance and upgrading to the ageing infrastructure is also required to address the concerns and expectations of patrons.
19. The slides were added to the complex by the commercial operator and have been maintained exclusively by the lessee. The last engineering assessment indicates that they are in adequate condition subject to routine maintenance and identified remedial measures being carried out within twelve months.
20. The Aquatic Centre Feasibility Study contained a proposed schedule of maintenance works to be undertaken with approximate associated costs. These costs have been updated and prioritised at ([Attachment 4.](#)).
21. The recent one-off grant of \$544,000 provided by the Australian Government is proposed to offset some of the upgrading and refurbishment costs identified in the above schedule of works. A condition of the grant is that it will need to be expended by September 2009.
22. There is a definite need to determine the cause of consistent water leakage. This can only be achieved with a thorough investigation of all the pipework (while the pools are full) during January/February 2009. Further investigation and mitigating works may also be required when the pools are able to be emptied. It is proposed that the water leakage investigations and mitigation works be funded from the Building Reserve Fund.
23. The toddler's pool is currently closed as the existing plant does not comply with the Health (Aquatic Facilities) Regulations 2007. It is therefore proposed that the installation of a stand alone chlorination and filtration system, and resurfacing of the toddler's pool, also be funded from the Building Reserve Fund.
24. Although not a recommendation arising from the Feasibility Report, the idea to convert the existing facility into an indoor aquatic centre was considered. The estimated cost of enclosing all the pools, heating, refurbishing the changerooms, toilets and showers and upgrading the landscaping and general amenity of the complex would be in the vicinity of \$15,000,000 (in 2007 dollars).
25. This cost was considered to be prohibitive when the end result would be a facility primarily catering for lap and competition swimming only.
26. Maintenance costs borne by the Shire of Kalamunda over the past five years has averaged less than \$5,000 per year. Some structural maintenance works due to cracks and corrosion in the pools were carried out by Council in 2002.
27. The current annual lease rental is \$14,000 which is charged on a quarterly basis plus CPI.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

28. *“Evaluate needs and deciding direction for aquatic facilities”* is listed as a new initiative in *the Plan for the Future of the District 2006 – 2011*.
29. If Council wishes to retain the Kalamunda Aquatic Centre as a community facility and to comply with asset renewal and sustainability good practise, funds will need to be set aside on an annual basis for future replacement/upgrades.

OFFICER COMMENT

30. The Aquatic Centre Feasibility Study noted that at the present time there is no noticeable duplication of aquatic programmes, services or facilities and no evidence of oversupply. The needs of the community are currently met by a combination of facilities in adjoining municipalities, privately run pools and school pools.
31. One of the main criticisms from swimmers has been the low water temperature. At the height of summer, and with the assistance of the existing solar heating system, the pools can reach a comfortable 26 or 27 degrees
32. The capital cost of adding a gas boiler and heat exchange system complete with pool blankets would be in the vicinity of \$200,000, plus operational costs of \$150,000 per annum. The installation of gas pumps would be approximately \$400,000 with \$50,000 operating costs (summer season). Disregarding the initial capital cost, the annual charges required to heat an outdoor unprotected pool are very high.
33. The five key recommendations contained in the Kalamunda Aquatic Centre Feasibility Study Report are as follows:
 - i. Retain Kalamunda Wet ‘n’ Wild as a commercially operated water park with future developments (post 2009) determined and funded by the lessee.

(Note: legal advice received indicates that Council cannot abdicate complete responsibility for upgrade and maintenance.)
 - ii. Maintain the focus of club and competition swimming at the Forrestfield Senior High School (Darling Range Sports College) with Council support to improve amenities for club activities and spectators.
 - iii. Permit access to St Brigid’s College pool by removing the planning condition imposed by the Shire, thereby providing year round indoor swimming opportunities.
 - iv. Develop a new heated swimming complex at Hartfield Park Recreation Centre focusing on leisure and play activities for children and families with improvements to the existing fitness facilities.

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34. Given there will be a need for further long term financial and business planning before Council will be in a position to properly consider recommendation (iv) above, only recommendation (i) is being dealt with at this stage.
 35. Further consideration will need to be given to what, if any, financial commitment a future lessee should contribute to any approved upgrades and the timing of such works.
 36. With the preparation of a new lease and each party then fulfilling its obligation for ongoing upgrading and maintenance works, the Kalamunda Aquatic Centre can continue to be a viable commercial operation with minimal operational costs to be contributed by Council.

MEETING COMMENT

37. A Councillor queried the availability of grant funding for swimming pools from the State Government. The Director of Corporate Services advised research would be done into the availability of funding from external sources.
38. A Councillor queried point 5 of the recommendation. The CEO advised this was necessary due to a decision of Council in relation to the adoption of the Aquatic Centre Feasibility Study.
39. A Councillor foreshadowed an additional point to the recommendation to include the other privately owned swim centre in discussions.
40. The mover and the seconder accepted the addition to the recommendation.

OFFICER RECOMMENDATION

1. That Council approve expenditure of up to \$100,000 from the Building Reserve Fund for investigation of water leakage and mitigation works, and the installation of a stand alone chlorination and filtration system and resurfacing of the toddler's pool.
2. That Council approve of \$500, 000 being expended from the Australian Government Regional and Local Community Infrastructure Programme on upgrading and refurbishment works as detailed under Stage1 at ([***GSC Item 141 Attachment 4.***](#))
3. That Council make provision in the 2009/2010 annual budget for the proposed works detailed under Stage 2 at ([***GSC Item 141 Attachment 4.***](#))
4. That expressions of interest are called inviting suitable commercial operators to enter into a lease arrangement to operate the Kalamunda Aquatic Centre.

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5. That further discussions be undertaken with St Brigid's College and Darling Range Sports College with a view to the venues providing broader community access to indoor heated pool facilities.

Moved: (Cr Thomas)

Seconded: (Cr McKechnie)

LAPSED

COMMITTEE RECOMMENDATION TO COUNCIL GS 141/2008

1. That Council approve expenditure of up to \$100,000 from the Building Reserve Fund for investigation of water leakage and mitigation works, and the installation of a stand alone chlorination and filtration system and resurfacing of the toddler's pool.
2. That Council approve of \$500, 000 being expended from the Australian Government Regional and Local Community Infrastructure Programme on upgrading and refurbishment works as detailed under Stage1 at ([***GSC Item 141 Attachment 4.***](#))
3. That Council make provision in the 2009/2010 annual budget for the proposed works detailed under Stage 2 at ([***GSC Item 141 Attachment 4.***](#))
4. That expressions of interest are called inviting suitable commercial operators to enter into a lease arrangement to operate the Kalamunda Aquatic Centre.
5. That further discussions be undertaken with St Brigid's College and Darling Range Sports College with a view to the venues providing broader community access to indoor heated pool facilities.
6. That in the interest of competitive neutrality Maida Vale Swim be included in discussions.

Moved: (Cr Thomas)

Seconded: (Cr McKechnie)

FOR RECOMMENDATION

Cr Everett
Cr Giardina
Cr Morton
Cr Heggie
Cr Lindsey
Cr Taylor
Cr Thomas
Cr McKechnie
Cr Cresswell

AGAINST RECOMMENDATION

Cr Sadler

CARRIED /ABSOLUTE MAJORITY

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

Cr Everett declared an interest affecting impartiality as she works in the Aged Care industry.

142. Endorsement of Shire of Kalamunda Home and Community Care Services Business Plan (2008 – 2013)

Previous Items: OCM August 2008
Service Area: Community
File Reference: CO-SPC-007
Applicant: Shire of Kalamunda
Owner: N/A

PURPOSE

1. To consider endorsement of the Kalamunda Home and Community Service Business Plan (2008-2013) ([*Attachment 1.*](#))

BACKGROUND

2. Following a request from the Health Department (WA) in June 2008, the Kalamunda Home and Community Care Service (KHACCS) has been providing management and support for the services delivered by Kalamunda Community Care (Inc)(KCC).
3. In order for these services to be continued and for the waiting list to be reduced, both the Health Department (WA) and the Kalamunda Community Care (Inc) Board, agreed with the Service Agreement responsibilities and funding being transferred from KCC to the Kalamunda Home and Community Care Service.
4. Prior to the integration of the two HACC Services into one new Service Agreement, staff advised that all legal and statutory requirements would need to be addressed and reported on, following independent Financial and Service Level Audits. At the August 2008 Council Meeting, Council resolved as follows :
 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 Outcome and Recommendations of Kalamunda Community Care's 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.*

DETAILS

5. The independent financial audit of (KCC) has been completed and the interim findings reported to Health Department (WA). The auditors have indicated that at this stage there are no liabilities KCC have that would be the cause for any

-
- concern in the transfer of funds from KCC to the Shire of Kalamunda.
6. The KHACCS (2008-13) Business Plan has now been completed and incorporates both our existing HACC Services and the funding and service previously allocated to KCC.
 7. The purpose of this Plan is to ensure that in providing these HACC Services and facilities, the Council satisfies itself that it integrates and coordinates with similar services provided by other bodies, avoids unnecessary duplication and ensures its resources are managed efficiently and effectively.
 8. Full details of the current services to be offered under the proposed new combined service agreement can be found on Pages 13-14. For details of the new services to be offered during the term of the Business Plan, refer to Pages 14–16.
 9. It is anticipated that the newly integrated HACC services and associated funding will fully transfer to the Shire of Kalamunda HACC Service once the Business Plan is endorsed by Council and details of the new Service Agreement have been agreed to by both parties. Subject to confirmation from the Health Department (WA) the transfer date is scheduled for 1 January 2009.

STATUTORY AND LEGAL IMPLICATIONS

10. Service Level Delivery. The Health Department (WA) conducted an audit of KCC'S performance, comparing funded hours/volumes of service with those actually delivered to clients.
11. The audit revealed that only 60% of funded hours/volumes of service were being delivered. Since the Shire of Kalamunda HACC Service took over the managing of KCC, these services hours/volumes have increased and once the necessary resources, transfer of assets and additional facilities at the Peter Anderton Respite Centre are available, the new combined Service Specification levels can be achieved.
12. Employee Resources. Upon termination of the KCC Service Agreement and their HACC Programme funding, all current KCC employee contracts will cease and all entitlements will be paid out.
13. Those previous employees of KCC that are required and willing to join the Kalamunda Home and Community Care Service will then be employed by the Shire of Kalamunda following the normal recruitment process.

POLICY IMPLICATIONS

14. Nil.

PUBLIC CONSULTATION/COMMUNICATION

15. Nil.

FINANCIAL IMPLICATIONS

16. The final report from the independent financial audit of KCC covering the period 1 July 2007 to 30 June 2008, will be available prior to the December General Services Committee Meeting and will provide a final position as to what funds/assets are available for transfer to the Shire of Kalamunda.
17. The Health Department (WA) have agreed that all the required recurrent and non-recurrent income will be applied to the Kalamunda Home and Community Care Service, to enable Council to establish and deliver the agreed services without any financial contributions.
18. Once final negotiations are completed, the recurrent and non-recurrent income and expenditure increases for 2008/2009, will require authorisation and the new fees and charges will need to be adopted by Council.
19. All existing and new staff additions during the life of the Business Plan are fully funded by the Home and Community Care Programme.
20. The transfer of any required assets from KCC to the KHACCS will be managed administratively between Health Department (WA) and Shire staff.
21. The integration of the two HACC services will provide opportunities for existing resources and overheads to be rationalised and more effectively utilised.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

22. Plan for the Future of the District 2006 – 11
 - i. Key challenges. An ageing population with diverse needs ranging from those of the active, healthy retired citizens to the frail aged.*
 - ii. Outcomes: Services and facilities which are planned and provided proactively to address increasing and changing demand.*
23. Shire of Kalamunda Aged Accommodation Strategy 2008;
 - i. Strategies: Rationalise the current delivery structure of home support and community care services in order to develop a more integrated, coordinated and sustainable service delivery system for the future.*
 - ii. Prepare a five year Home and Community Care Service Development Plan as a coordinated effort between service providers, relevant government agencies and other key stakeholder groups.*
24. The sustainability of the service will be largely dependent upon the quality and capacity of the staff responsible for the delivery of the various types of HACC services.

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25. Adherence to the agreed terms and conditions of the Service Agreement and delivery of the volume and quality of service expected by the HACC National Standards, will ensure that the funding and therefore the services are continued.

OFFICER COMMENT

26. The Kalamunda Home and Community Care Service Business Plan (2008–13) has been prepared in accordance with Local Government industry best practice standards.
27. Each year the Plan will be reviewed and the next year's estimates firmed up and verified for the annual budget process. Years 2- 5 will always be harder to estimate and subject to external influences.

MEETING COMMENT

28. The seconder suggested an additional point to the recommendation this was accepted by the mover and added as point 4 as a way of ensuring these services continue after 2013.

OFFICER RECOMMENDATION

1. That Council endorse Kalamunda Home and Community Care Service Business Plan (2008–2013).
2. That Council authorise the additional 2008/2009 recurrent and non-recurrent expenditure and income as shown in the Kalamunda Home and Community Care Service Business Plan (2008-2013).
3. That Council approve of the 2008/2009 Fees and Charges, as shown in the Kalamunda Home and Community Care Business Plan and give Local Public Notice in accordance with Section 6.19 of the Local Government Act 1995.

Moved: (Cr McKechnie)

Seconded: (Cr Taylor)

LAPSED

COMMITTEE RECOMMENDATION TO COUNCIL GS 142/2008

1. That Council endorse Kalamunda Home and Community Care Service Business Plan (2008–2013).
2. That Council authorise the additional 2008/2009 recurrent and non-recurrent expenditure and income as shown in the Kalamunda Home and Community Care Service Business Plan (2008-2013).

3. That Council approve of the 2008/2009 Fees and Charges, as shown in the Kalamunda Home and Community Care Business Plan and give Local Public Notice in accordance with Section 6.19 of the Local Government Act 1995.
4. That the Council request the CEO look at the long term planning after 2013 for these services being retained by the Shire of Kalamunda.

Moved: (Cr McKechnie)

Seconded: (Cr Taylor)

CARRIED UNANIMOUSLY/ABSOLUTE MAJORITY

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

143. Ollie Worrell Reserve (Reserve 43068), 70 Worrell Avenue, High Wycombe-Proposed Licence Agreement

Previous Items: N/A
Service Area: Community Services
File Reference: WR-09/070 (Reserve)
Applicant: Shire of Kalamunda
Owner: Department of Planning and Infrastructure

PURPOSE

1. To consider entering into a Licence Agreement with the Mathew Gibney Catholic Primary School for the use of a portion of Ollie Worrell Reserve 43068 (Lot 11956 on Diagram 82220).

BACKGROUND

2. Mathew Gibney Catholic Primary School is located next to Ollie Worrell Reserve in High Wycombe. The school owns a portion of the reserve and the remainder is vested to the Shire of Kalamunda by the Department of Planning and Infrastructure. The school has used the reserve for its activities for a number of years. A plan of the reserve is at ([Attachment 1.](#))
3. While the school traditionally has had access to the whole reserve, no formal arrangements have been entered into. The Department of Water now require a formal agreement to enable the assessment of a groundwater licence application.

DETAILS

4. The proposed Licence Agreement outlines the conditions governing the Shire of Kalamunda portion of the Reserve to be used by Mathew Gibney Catholic Primary School.
5. The licence fee has been calculated on a percentage of the maintenance costs of the Reserve and will be reviewed annually in line with the consumer price index.
6. The main conditions of the Ollie Worrell Reserve licence agreement are as follows:
 - The Mathew Gibney Catholic Primary School is to pay the amount of \$2,540 per year commencing from 1 January 2009, with the amount adjusted annually as per the consumer price index and maintain \$10 million in Public Liability Insurance.
 - The term of the agreement is 10 years.
 - Mathew Gibney Primary School will have priority use of the Shire of Kalamunda portion of Ollie Worrell Reserve from 8.30am to 3.00pm on school days.
 - That all maintenance activities will be carried out by the Shire of Kalamunda.

STATUTORY AND LEGAL IMPLICATIONS

7. The portion of Ollie Worrell Reserve vested to the Shire of Kalamunda is for the purpose of 'Public Recreation'. The current management order does not have the power to licence.

POLICY IMPLICATIONS

8. Policy FAC12 Lease, Licences and Rent of Council owned or controlled properties provide guidelines for leases and licences.

PUBLIC CONSULTATION/COMMUNICATION

9. The request for a formal agreement was made by the Principal of Mathew Gibney Catholic Primary School and the Department of Water.
10. No consultation is required as the proposed Licence Agreement will reflect what is already occurring on an informal basis.

FINANCIAL IMPLICATIONS

11. Council will be reimbursed annually for 33% of the maintenance costs.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

12. The Shire of Kalamunda 25 year Strategic plan lists the following Social Strategy:
Implementing shared use facilities and "in kind" support from government agencies.

OFFICER COMMENT

13. Formalising the use of the reserve will provide clarity for all parties with regard to use and maintenance.
14. The current management order over the reserve will need to be revoked and a new one issued to include the power to licence over the reserve.

MEETING COMMENT

15. Nil.

COMMITTEE RECOMMENDATION TO COUNCIL GS 143/2008

1. That Council request the Department of Planning and Infrastructure revoke the current management order and issue a new management order in favour of the Shire of Kalamunda, which includes the power to enter into a Licence Agreement.

2. That Council enter into a licence agreement with Mathew Gibney Catholic Primary School for priority use of the Shire of Kalamunda portion of Ollie Worrell Reserve from 8.30am to 3.00pm on school days subject to the following conditions:
 - The Mathew Gibney Primary School is to pay the amount of \$2,540 per year commencing from 1 January 2009, with the amount adjusted annually as per the consumer price index and maintain \$10 million in Public Liability Insurance.
 - The term of the agreement is 10 years.
 - That all maintenance activities will be carried out by the Shire of Kalamunda.

Moved: (Cr Thomas)

Seconded: (Cr McKechnie)

CARRIED UNANIMOUSLY

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

144. Kalamunda Club, Kalamunda Road - Tender for the Development and Conversion of Two Bowling Greens to Synthetic Surfaces – TO810

Previous Items: OCM 74/07, OCM 102/07
 Service Area: Community Services
 File Reference: KL-02/018, FI-FAG-006
 Applicant: Kalamunda Club
 Owner: Shire of Kalamunda

PURPOSE

1. To consider tenders for the development and conversion of two bowling greens to synthetic surfaces at the Kalamunda Club, Kalamunda Road, Kalamunda.

BACKGROUND

2. The Shire of Kalamunda, in conjunction with the Kalamunda Club (Inc), successfully received a grant from the Department of Sport and Recreation, through the Community Sport and Recreation Facilities Fund (CSRFF), to contribute to the above project.
3. Council allocated \$120,000 towards the project in the 2008/09 budget.

DETAILS

4. Tenders were advertised in the *West Australian* newspaper on Saturday 27 September, 2008 and closed on 2.00pm Wednesday 5 November, 2008.
5. Tenders were received from the following three companies:

Tenderer	Tendered Price (ex GST)
Australian Bowls Constructions Pty Ltd (ABC)	\$428,780
Evergreen Synthetic Grass (Dry-Max Pro)	\$450,514
Evergreen Synthetic Grass (Master-Pro)	\$425,098
Tiger Turf Australia Pty Ltd	\$570,100

6. The four (4) tenders were assessed against the selection criteria and ABC was ranked the highest.

STATUTORY AND LEGAL IMPLICATIONS

7. The tender complies with the requirements of the Local Government Act 1996 and Local Government (Functions and Regulations) 1996.

POLICY IMPLICATIONS

8. The tender complies with the Shire of Kalamunda Purchasing Policy (PUR1).

PUBLIC CONSULTATION/COMMUNICATION

9. The Kalamunda Club have been involved in all aspects of the tender process.

FINANCIAL IMPLICATIONS

10. The revised estimated cost of the project is \$542,858 to be paid from the following funding sources:

Self Supporting Loan	\$250,000
Shire of Kalamunda Contribution	\$120,000
Water Grant	\$ 45,454
Department of Sport and Recreation (CSRFF)	\$112,000
In Kind Labour	\$ 10,000
Club Funds	\$ 5,404

Other costs associated with the project, but which do not form part of the tender, are fencing, lighting, paving etc.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

11. The "*Development of sporting reserves*" is an initiative identified in the *Plan for the Future of the District 2006 – 2011*.

OFFICER COMMENT

12. The tenders were assessed by both Shire of Kalamunda staff and representatives from the Kalamunda Club.
13. It was considered that ABC had the proven experience in converting and installing synthetic greens, complied with the Specifications and General and Special Conditions of Contract, and was within the required budget.
14. A condition of the Tender is that the Contract is to be completed by August 31 2009.

MEETING COMMENT

15. Two representative of the Kalamunda Club spoke in support of the recommendation.

COMMITTEE RECOMMENDATION TO COUNCIL GS 144/2008

1. That the tender for the development and conversion of two bowling greens to synthetic surfaces at Kalamunda Club (T0810) be awarded to Australian Bowls Constructions Pty Ltd for the sum of \$428,780 excluding GST.

Moved: (Cr McKechnie)

Seconded: (Cr Taylor)

CARRIED UNANIMOUSLY

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

145. Administration Building: Replacement of Major Air Conditioning Units – Acceptance of Tender.

Previous Items: N/A
Service Area: Planning and Development Services
File Reference: RL-01/002
Applicant: Shire of Kalamunda
Owner: Shire of Kalamunda

PURPOSE

1. To consider tenders for the replacement of major air conditioning units within the Shire's Administration Building in Kalamunda.

BACKGROUND

2. The major air conditioning units were installed when the building was constructed in 1978 and three split units were installed with the Community Services extension in 1992 and all units have exceeded their expected life cycle.
3. The Shire has had an excellent preventative maintenance regime, however, because of their age, the units are now starting to have minor problems. Furthermore, because of the age of the units, some mechanical components are no longer available.
4. The project was planned and documented during the 2007/08 Financial Year by the calling for quotations for a suitable mechanical consultant to prepare the design documentation and to provide project management through the construction phase of the project.

DETAILS

5. Request for Tenders for the project was advertised on Saturday 18 October 2008 in the Local Government Tender section of *The West Australian* and closed on Thursday 13 November 2008.

Three (3) submissions were received from the following companies:

Tenderer	Tendered Price (excl GST)
DESAIR	\$477,200.00
BourkeAir	\$432,541.00
Hexagon Services	\$385,056.00

BourkeAir is the preferred tenderer as it complies with the tender Contract Specifications and Conditions.

STATUTORY AND LEGAL IMPLICATIONS

6. Nil

POLICY IMPLICATIONS

7. Policy PUR1 - Purchasing Policy - has been followed.

PUBLIC CONSULTATION/COMMUNICATION

8. The tender process is open to public scrutiny. The tenders were opened in the presence of two Shire officers and a member of the public who left during opening, once he was aware that no financial details would be disclosed.

FINANCIAL IMPLICATIONS

9. The funds for the construction phase of this project are \$500,000, which has been allocated from the 2008/09 Budget.
10. Although this will be a "fixed price contract" considering the current world financial crisis, there could be Currency Exchange rates, Import Duty and other similar taxes or amendments which may constitute a variation to the contract, should they occur.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

11. **Strategic Implications**
- Strategic Plan 2000-2025 – The Vision for 2025 – ' The Council will take a leadership role in working with the community and providing the infrastructure to achieve the vision for the Shire.'
12. **Sustainability Implications**
Social Implications
- The maintenance of the Shire's Administration Centre is essential for Council and staff.
13. **Economic Implications**
- Upgrade of Shire asset is required.
14. **Environmental Implications**
- Strategic Plan 2000-2025 - Environment Outcomes – Key Challenges by preserving the built environment.

OFFICER COMMENT

15. The tenders received were assessed against the selection criteria by Shire staff, with support of the project Mechanical Consultant, using the Tender Evaluation Score Sheet.

16. The tenders were ranked as follows:

Tenderer	Ranking
BurkeAir	35
<i>DESAIR</i>	34
Hexagon Services	0

17. The lowest tender received from hexagon Service, is not the preferred tenderer as, through out the evaluation process, the proposal did not conform with the requirements of the tender documentation.
18. The other two proposals were very similar in their submissions, i.e. backgrounds, the ability to complete the project. The decision, therefore, came down to the project price and as BourkeAir was \$49,659 lower than *DESAIR*, it became the preferred tenderer.
19. It is proposed to install the new air conditioning plant during April 2009 to take advantage of the favourable climate at this time of the year.

MEETING COMMENT

20. Nil.

COMMITTEE RECOMMENDATION TO COUNCIL GS 145/2008

1. That Council award the tender for the replacement of the main air conditioning units to the Shire's Administration Centre to BurkeAir for the amount of \$432,541 ex GST.

Moved: (Cr McKechnie)

Seconded: (Cr Taylor)

CARRIED UNANIMOUSLY

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

146. Capacity Review – Budget Allocation for Additional Resources

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

PURPOSE

1. To consider budget allocation for additional resources.

BACKGROUND

2. Stephen Goode of 'Stephen Goode Consultancy' was engaged to undertake a Capacity Assessment Review, which made a number of broad ranging recommendations.
3. A presentation was made to all Councillors at the forum following the October 2008 Ordinary Council Meeting. It was noted that Councillors were generally supportive of the findings of the review and its recommendations.
4. Following Stephen Goode's presentation to Councillors, the Chief Executive Officer made a series of presentation to the Executive and all staff at the Administration Centre and outstations.
5. Stephen Goode and the Executive also held a two day workshop, to discuss the outcomes of the review in detail.
6. This report addresses recommendations related to the employment of an additional verge maintenance crew and a number of vehicles required for the new staff, which has been identified as priority within the Capacity Review.
7. Further reports in relation to other matters such as, the Depot Office, will be presented in the near future.

DETAILS

8. Verge Maintenance

Verge Maintenance is carried out on a programmed basis and includes the following activities:

- Verge Mowing/Slashing
- Weed Spraying
- Litter Control
- Tree Planting & Replacement
- Tree Watering
- Vandalism
- Tree Pruning

9. Tree pruning is carried out by a contractor, once a year or once in two years, depending upon the growth, and forms a significant part of the budget. The remaining work on verges i.e. mowing/slashing, weed spraying and litter control, is carried out by parks staff.
10. The Shire's resources for verge maintenance include one crew working full time and a second crew working only during the summer months. During the winter months the second crew supplements volunteers, for bush care.
11. The following table presents the frequency at which the Shire crews attend to the various categories of verges and the total budget allocation during the current financial year.

	Verge Length (km)	Frequency	Budget
Category 1 Highly Visible e.g. Kalamunda Road	67.4	3	124,500
Category 2 District Distributors e.g. Lesmurdie Road	48.4	2	79,800
Category 3 Local Distributors e.g. Dawson Avenue	54.4	2	90,100
Category 4 Urban Residential	840	1	592,000
Category 5 (Seniors)	10	1	17,800
Total			904,200

12. At present the urban verges in the East Ward are not maintained. With the employment of additional crew it is proposed that the verge maintenance service is extended to these areas. Additionally, the frequency is also proposed to be increased. The proposed arrangements and the budget impact is presented in the following table:

	Verge Length (km)	Frequency	Budget
Category 1	67.4	3	124,500
Category 2	48.4	3	104,000
Category 3	54.4	3	119,100
Category 4 Urban Residential	930	2	803,600
Category 5 (Seniors)	10	1	17,800
Total			1,169,000

13. Accordingly, the annual budget will increase by \$264,800

14. One additional Verge Crew will cost \$175,000 per annum. Accordingly, if this crew is employed in January 2009, the cost to the current year's budget will be \$90,000. Half (6 months) of the Verge Maintenance/Bush Care Crew costs will also need to be funded by the Verge Maintenance Programme, however, this will not have any impact on current year's budget.
15. Setup Cost – one time set up cost is \$110,000 which includes the following:
- | | | |
|----|----------------------|--------------|
| 1. | Truck | 60,000 |
| 2. | Mower | 35,000 |
| 3. | Trailer | 8,000 |
| 4. | Weed spray unit | 2,500 |
| 5. | Two brush cutters | 2,000 |
| 6. | Misc and Safety gear | <u>2,500</u> |
| | | \$110,000 |

Light Vehicle Fleet

16. Two vehicles used for 'Meals on Wheels' are also being used by staff with an entitlement of limited private use. This arrangement is not working very well and causing practical difficulties. Also the salary package of one existing Coordinator position has been upgraded to include the provision of a vehicle.
17. There are 8 new positions recommended in the Capacity Review, which will require provision of a vehicle.
18. Accordingly, it is proposed to acquire 11 new vehicles at an estimated cost of \$325,000.

STATUTORY AND LEGAL IMPLICATIONS

19. Nil.

POLICY IMPLICATIONS

20. Nil.

PUBLIC CONSULTATION/COMMUNICATION

21. Nil.

FINANCIAL IMPLICATIONS

22. The impact on the current financial year's budget will be as follows:
- Additional expenditure on verge maintenance \$90,000
 - Plant purchase for Verge Maintenance Crew \$110,000
- \$200,000

-
23. The acquisition of new vehicles, estimated at \$325,000, will depend upon the timing of the new appointments.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

24. Nil.

OFFICER COMMENT

25. With the introduction of the new Verge Maintenance Crew, there will be an over expenditure of approximately \$90,000 in the verge maintenance budget, part of which may be offset by savings within the Parks Budget.
26. The purchase of new vehicles for staff will be coordinated with their recruitment. The unbudgeted expenditure of \$435,000 for the purchase of plant and light vehicle fleet will be considered as part of the Budget Review. Given that the Plant Reserve is unable to fund the purchases it is likely that funds from other Reserves may have to be used.

MEETING COMMENT

27. Nil.

COMMITTEE RECOMMENDATION TO COUNCIL GS 146/2008

1. That Council by absolute majority authorise unbudgeted expenditure of up to \$435,000 for the purchase of Plant and Light Vehicles. Funding to be determined through the 2008/2009 Budget Review.

Moved: (Cr Tonkin)

Seconded: (Cr Taylor)

FOR RECOMMENDATION

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

AGAINST RECOMMENDATION

Cr Heggie
Cr Lindsey

CARRIED /ABSOLUTE MAJORITY

10.0 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN**10.1 Item 128 - 10 Boronia Road, Walliston (Part Reserve 17086), (Walliston Riding and Pony Club Inc.) Renewal of License Agreement**

Councillor (Cr Sadler) sought clarification of the cost of providing sand to level the arena. The question was taken on notice.

The Director of Engineering Services advised the Shire's contribution in providing sand to level and maintain the arena at the Walliston Pony Club was \$3,100.

10.2 Vacant Land – Canning Road & Mead Street (Cr Taylor)

Q. Have there been any update as to what is happening with the block on the corner of Canning Road and Mead Street.

A. The Director of Planning and Development Services provided the following response:

No recent update. Last spoke to land owner a few months ago. He is completing assessment of pollutants in the soil. He is planning a building with a basement for parking, commercial on ground floor and one or two storeys of offices above that (possibly residential but he is not sure of that given the pollution). We have discussed a roundabout at the intersection and have asked him to design the building to address the intersection, i.e. truncate the building with a design feature, similar to the building on the next corner up Mead Street.

11.0 QUESTIONS BY MEMBERS WITHOUT NOTICE**11.1 Jorgensen Park Electricity – Cr Everett**

Q. Has the Jorgensen Park Learning Centre electricity upgrade been completed?

A. The question was taken on notice.

11.2 Vandalism within Bush Reserves – Cr Tonkin

Q. Would it be possible for an investigation into the feasibility of logs/tree trunks being placed in the bush area at Ray Owen Reserve to prevent vehicles from driving onto the Reserve?

A. Taken on Notice.

11.2 Shutters at Woodlupine Family and Community Centre – Cr Sadler

Q. There was an allocation of \$60,000 on the 2008/2009 budget for the installation of shutters on the windows at the Woodlupine Centre. Can Councillors be advised when these shutters will be installed?

A. Taken on Notice.

12.0 URGENT BUSINESS APPROVED BY THE PERSON PRESIDING OR BY DECISION

12.1 Nil.

13.0 MATTERS CLOSED TO THE PUBLIC

13.1 Not Applicable.

14.0 CLOSURE

There being no further business, the Chairman declared the meeting closed at 7:45pm.

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

Signed.....Chairman

Dated thisday of.....2008