
Shire of Kalamunda

General Services Committee

Minutes for 3 November 2008



SHIRE OF KALAMUNDA

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Minutes of General Services Committee Held in the Council Chambers 2 Railway Road, Kalamunda Monday 3 November 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 and the Acting Manager of Library Services.

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
F Lindsey	EAST WARD

Officials

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

Apologies	0
Observers	6
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 Petition to ban the keeping of Roosters in the Shire of Kalamunda

A petition was tabled requesting the banning of the keeping of roosters in the Shire of Kalamunda.

5.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

5.1 That the Minutes of the General Services Committee Meeting held on 6 October 2008 is confirmed as a true and correct record of the proceedings.

Moved: (Cr Taylor)

Seconded: (Cr Robinson)

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 **Confidential Item** - Item 132 - Compensation Claim - Land Acquisition Maida Vale Road, Maida Vale **(distributed under separate cover)**

Reason for Confidentiality – Local Government Act S5.23(2)(d) Legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting.

8.0 DISCLOSURE OF INTERESTS

Disclosure of Financial and Proximity Interests

- (a) Members must disclose the nature of their interest in matters to be discussed at the meeting. (Section 5.65 of the Local Government Act 1995).
- (b) Employees must disclose the nature of their interest in reports or advice when giving the report or advice to the meeting. (Section 5.70 of the Local Government Act 1995)

8.1 Nil.

Disclosure of Interest Affecting Impartiality

- (a) Members and staff must disclose their interest in matters to be discussed at the meeting in respect of which the member or employee had given or will give advice.

8.2 Nil.

9.0 REPORT TO COUNCIL

Please Note:

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

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

122. Creditors Accounts Paid for October 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 October 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 October 2008 is attached. ([Attachment 1](#))

STATUTORY AND LEGAL IMPLICATIONS

5. Nil.

POLICY IMPLICATIONS

6. Nil.

PUBLIC CONSULTATION/COMMUNICATION

7. Nil.

FINANCIAL IMPLICATIONS

8. Nil.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

9. Nil.

OFFICER COMMENT

10. Nil.

MEETING COMMENT

11. Nil.

COMMITTEE RECOMMENDATION TO COUNCIL GS 122/2008

1. That the list of Creditors' paid for October 2008 attached ([*GSC Item 122 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 Thomas)

CARRIED UNANIMOUSLY

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

123. Financial Activity Statements for the Period Ended 30 September 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 30 September 2008.

BACKGROUND

2. Attached are the financial activity statement reports for the period ending 30 September 2008 ([Attachment 1](#)) prepared in accordance with the requirements of Section 34 of the Local Government (Financial Management) Regulations 1996.
3. It is also a requirement of this regulation that each financial year a local government is to adopt a percentage or value to be used in statements of financial activity for reporting material variances.

DETAILS

4. It has previously been agreed a percentage value of 10% variance be used for the Financial Activity Statement. This amount is in accordance with the materiality provision of the Australian Accounting Standards (refer AAS5) which is also set at 10%.
5. Refer ([Attachment 1](#)) for the comments relating to the above mentioned variances.
6. Financial Commentary

The financial reports for September 2008/2009 reflect the Shire of Kalamunda being in a similar position to preceding months, without significant or adverse items. The financial statements' variance analysis report on areas differing by more than the adopted ten percent limit, contains further details.

Operating income has increased only slightly to 84% of annual budget as rates revenue was recognised in August, second quarter grants being due in October, and with only modest increases in fee charges and contributions. Interest earnings currently show at below budgeted amount as interest income during the year is recognised at term deposit maturity. Most current investments are set to mature in October. Falling interest rates will have an impact upon interest revenue performance to budget.

Operating expenditure has increased 42% on August though still shows as under year to date budget. This is mainly affected by a lack of depreciation charges, which commenced in October after allowing for the finalisation of Shire's annual financial report. Purchase orders raised show commitment towards operating projects and activities.

Key reporting areas

Salaries and Wages

These continue to be 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.

Capital Expenditure

Capital Expenditure is at 12.74% of annual budget, though this is largely affected by the timing of invoice receipts and the lead time required in commencing projects.

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 123/2008

1. That the Financial Activity Statement reports for the period ending 30 September 2008 ([*GSC Item 123 Attachment 1*](#)) be received.

Moved: (Cr Robinson)

Seconded: (Cr Taylor)

CARRIED UNANIMOUSLY

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

124. Debtors and Creditors Report

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

PURPOSE

1. To receive a monthly report on debtors and creditors.

BACKGROUND

2. Attached is a report detailing aged debtors and creditors as at 30 September 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 124/2008

1. That the outstanding debtors and creditors report as at 30 September 2008 ([GSC Item 124 Attachment 1](#)) be received.

Moved: (Cr Robinson)

Seconded: (Cr Taylor)

CARRIED UNANIMOUSLY

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

125. Rates Debtors Report

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

PURPOSE

1. To receive a report on rates debtors as at 30 September 2008.

BACKGROUND

2. Attached is the report detailing rates debtors as at 30 September 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 125/2008

1. That the rates debtors report as at 30 September 2008 ([*GSC Item 125 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.

126. Review of Wards & Representation – Allocation of Councillors

Previous Items: OCM October 2008 (GSC Item 117)
 Service Area: Corporate Services
 File Reference: OR-BOU-002
 Applicant: N/A
 Owner: N/A

PURPOSE

1. To establish a Shire of Kalamunda position as to the allocation of continuing Councillors to new wards.

BACKGROUND

2. At the 20 October 2008 Meeting of Council it was resolved that the Shire of Kalamunda recommends to the Local Government Advisory Board that orders be made to abolish the existing ward boundaries and divide the district into four (4) new wards. Now that Council's position as to the wards is known the issue of the allocation of continuing Councillors to those new wards (or not) can be considered.

DETAILS

3. As advised by the Local Government Advisory Board ([Attachment 1](#)) it is not necessary for all offices of Council to be declared vacant where all Wards are abolished and a new ward system created.
4. Feedback from the Review of Wards and Representation Forums indicated to staff that Council favoured an allocation of continuing councillors to the new wards rather than declaring all offices of Council vacant. It is on the basis of this premise that this report is presented.
5. The October 2009 election will see six (6) Councillor's terms end with six (6) Councillor's terms continuing (subject to the Minister's decision) until October 2011.
6. The suggestion is to allocate these continuing Councillors to the new wards. The proposal is to allocate the Councillors to the new ward which most closely matched their old ward and by extrapolation their electors. The matrix as listed below shows the proposed continuing Councillor allocation:

<u>Councillor Name</u>	<u>Previous Ward</u>	<u>New Ward</u>
Cr A Morton	South West Ward	South West Ward
Cr M Robinson	South West Ward	South West Ward
Cr P Heggie	North West Ward	North West Ward
Cr M Thomas	North Ward	North Ward
Cr F Lindsey	East Ward	South East Ward
Cr C Everett	South Ward	South East Ward

-
7. On this basis the October 2009 elections will be:
- | | |
|-----------------|-------------------|
| North West Ward | Two (2) vacancies |
| South West Ward | One (1) vacancy |
| North Ward | Two (2) vacancies |
| South East Ward | One (1) vacancy |
8. If Council wished to proceed with this option the process would be:
- Consultation with continuing Councillors.
 - Advice to the public with an invitation for submissions.
 - Consideration of any public submission by Council.
 - Council Recommendation to the Local Government Advisory Board.

STATUTORY AND LEGAL IMPLICATIONS

9. Schedule 2.2 of the Local Government Act 1995.

POLICY IMPLICATIONS

10. Nil.

PUBLIC CONSULTATION/COMMUNICATION

11. If the proposal is accepted by Council it will involve advertising of the proposal together with an invitation for public submissions.
12. Given the timing constraints it is proposed to advertise immediately after the Council meeting of 17 November 2008 allowing two (2) weeks for submissions. The results of that advertising to be supplied to the Ordinary Council Meeting in December 2008 through the CEO's Report.

FINANCIAL IMPLICATIONS

13. The proposal to allocate continuing Councillors will be substantially cheaper than a full spill in terms of election costs.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

14. The present electoral cycle of half the Council being elected every two (2) years is designed to maintain core continuity in a local government. This proposal to allocate continuing Councillors rather than a full spill maintains that situation.

OFFICER COMMENT

15. Nil.

MEETING COMMENT

16. A Councillor sought clarification on the necessity for there to be a complete spill of Council. The Executive Manager Corporate Services indicated this was not necessary and clarification was provided in ([Attachment 1](#)).
17. A Councillor queried the role of the Local Government Advisory Board in the decision making process. The CEO advised that the Board could not make decisions which are binding on Council it could only make recommendations.

COMMITTEE RECOMMENDATION TO COUNCIL GS 126/2008

1. That the Shire of Kalamunda adopt in principle the proposal to allocate continuing Councillors to the new wards as detailed below:

<u>Councillor Name</u>	<u>Previous Ward</u>	<u>New Ward</u>
Cr A Morton	South West Ward	South West Ward
Cr M Robinson	South West Ward	South West Ward
Cr P Heggie	North West Ward	North West Ward
Cr M Thomas	North Ward	North Ward
Cr F Lindsey	East Ward	South East Ward
Cr C Everett	South Ward	South East Ward

2. That the Shire of Kalamunda advertise its intention to make a submission to the Local Government Advisory Board recommending the allocation of

<u>Councillor Name</u>	<u>Previous Ward</u>	<u>New Ward</u>
Cr A Morton	South West Ward	South West Ward
Cr M Robinson	South West Ward	South West Ward
Cr P Heggie	North West Ward	North West Ward
Cr M Thomas	North Ward	North Ward
Cr F Lindsey	East Ward	South East Ward
Cr C Everett	South Ward	South East Ward

Moved: (Cr McKechnie)

Seconded: (Cr Morton)

CARRIED UNANIMOUSLY/ABSOLUTE MAJORITY

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

127. 12 Grove Road, Walliston (Reserve 32344) - Submissions Received to Lease the Facility

Previous Items: OCM 2/07 and 102/07
Service Area: Community Services
File Reference: TM: GR-14/012
Applicant: Kalamunda Out Of School Centre Inc., Kalamunda Playgroup Inc, Wendy Fletcher, Kalamunda Community Care Inc.
Owner: Shire of Kalamunda

PURPOSE

1. To consider submissions received from Kalamunda Out Of School Centre Inc., Kalamunda Playgroup Inc., Wendy Fletcher, and Kalamunda Community Care Inc. to occupy the premises situated at Reserve 32344, 12 Grove Road Walliston.
[\(Attachment 1.\)](#)

BACKGROUND

2. Council previously approved an offer of lease to Kalamunda Community Care Inc. (KCC) at the Ordinary Council Meeting of 19 February 2007.
3. A revised submission was subsequently received from KCC to demolish the existing building and construct a purpose built facility to accommodate Home and Community Care administration and other centre based services.
4. At the Ordinary Council Meeting of 3 September 2007, Council resolved the following:
 - a. *That Kalamunda Community Care Inc. be advised that retaining the existing building on site for community purposes is Council's preferred option.*
 - b. *That further investigations be carried out to determine the potential uses and costs associated with retaining the existing building.*
 - c. *That concept plans and funding details be received from Kalamunda Community Care Inc. for consideration by Council for a purpose built, co-located facility at 12 Grove Road Walliston, to accommodate administration and Home and Community Care centre based services.*
5. While the first two requirements listed above were completed, concept plans and funding details are still yet to be received from KCC.
6. Despite a written request, no reply has been received back from KCC withdrawing their proposal to construct a purpose built facility.

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7. The option of having two buildings on the same site is dependent on the number of people using both facilities (Health Act 1911 - *Treatment of Sewerage and Disposal of Effluent and Liquid Waste*).
 8. As the number of people who will be using the site is unknown until the number of users is determined, incorporated community groups were invited, through advertisements in local newspapers, to submit expressions of interest to occupy the premises.
 9. The premises were previously leased to Walliston Pre-Primary from 1978 and to the Minister for Education from 1996 to December 2006. The building does not currently have a tenant. The land is a Local Reserve (Kindergarten), and may be used for any purpose approved by Council.

DETAILS

10. The details of the expressions of interest received are as follows:

Kalamunda Playgroup Inc. – the Playgroup has held a Tenancy Agreement with Council since 1996 and operates from the Walliston Hall in Lawnbrook Road West. Although the Tenancy Agreement for the Playgroup has expired, negotiations for a new Agreement were placed on hold until the outcome of this submission is known. The Playgroup currently pays a Community Group Rate for the hire of the hall of \$5.00 per hour.
11. The Playgroup currently has four morning sessions and caters for forty eight children and their parents. The Playgroup has advised the current space is too small to comfortably accommodate the needs of more than twelve children and the accompanying 8-12 adults for each session; particularly in wet weather.
12. Given the previous purpose of the 12 Grove Road facility, the Playgroup believes the location and the amount of space, both internally and externally, are ideal to run their programmes. The toilets at the Walliston Hall are separate from the main building which also presents problems during wet weather.
13. **Kalamunda Out Of School Centre Inc.** – the Group is a not for profit body that has been operating from Kalamunda Primary School for the past twenty one years. The Department of Education have advised they are unwilling to enter a further long-term lease arrangement. The Group uses two old demountable classrooms which are no longer maintained and have become unsatisfactory for their purposes.
14. The Group provides a licensed and accredited child care programme for before school, after school and holiday care periods for children aged 5-12 years. The Group services ten local primary schools and currently provide care for 26 children for before school care, 45 children for after school care and 52 children for holiday care.
15. The centre currently operates from 6.30am to 9.00am and 2.30pm to 6.15pm during normal hours, and from 7.00am to 6.15 during school holidays.

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16. **Wendy Fletcher** – is proposing the development of a “Kalamunda Early Childhood Centre” at the site specifically for the 0-5 age group. This would potentially enable a wide range of other agencies, community groups and associations, with compatible aims and activities, to co-locate and utilise the facility and grounds.
 17. Ms Fletcher has requested that Council reserves any decision about the use and occupancy of the facility until a community consultation process and planning stage is complete.
 18. **Kalamunda Community Care Inc.** – submitted a discussion paper on a proposal to use 12 Grove Road as Community Centre, to operate during and outside of normal business hours, where youth and seniors could teach and learn new skills as an intergenerational model.
 19. Kalamunda Community Care Inc. will be conducting a survey to gauge community interest in the proposal.

STATUTORY AND LEGAL IMPLICATIONS

20. The reserve is under a Management Order and is vested with the Shire of Kalamunda under the Land Administration Act 1997. All leases and licences are subject to approval from the Minister for Lands in accordance with section 19 of the Land Administration Act 1997.
21. 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.

POLICY IMPLICATIONS

22. Policy FAC12 – *Lease, License and Rent of Council Owned or Controlled Properties* – the objective of the Policy is to ensure uniformity and effective management of all leased and licensed facilities.
23. ADM10 – *Council Owned Buildings – Guidelines for Maintenance* – the Policy provides guidelines for maintenance matters in regard to buildings owned by Council.

PUBLIC CONSULTATION/COMMUNICATION

24. The proposed recommendation for use is the same as when it was used as a pre-primary facility, however community consultation will be required should the staff recommendation not be adopted.

FINANCIAL IMPLICATIONS

25. The Shire of Kalamunda will be responsible for major maintenance during the term of the lease. The replacement of the asbestos roof is an approved budget item and the works will be undertaken through a tender process this financial year.
26. Contractors have been appointed to undertake building condition reports for all Shire facilities. These will commence on 31 October 2008 and it is anticipated they will be complete by the end of January 2009.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

27. Councils Strategic Plan recognises the need for Council to work in partnership with other organisations to ensure required services and facilities are available in the Shire.
28. This is a purpose built building and continuation of the same services will ensure long-term sustainability of the facility.

OFFICER COMMENT

29. The submissions received from Wendy Fletcher and Kalamunda Community Care Inc. are not immediately compatible with the existing building and both concepts are embryonic in nature.
30. Kalamunda Out Of School Centre Inc. and Kalamunda Playgroup Inc. are two long-term community organisations, who, for different reasons, have a need to re-locate to more suitable premises.
31. Given the similar needs and compatibility of both groups, and to ensure maximum use of the facility, the option of co-locating was raised with both organisations.
32. Both groups were confident that should the opportunity be presented they could work together. A number of matters were discussed including usage times, storage, responsibility for minor maintenance and payment of utilities.

MEETING COMMENT

33. The Chairman foreshadowed an alternative motion to the Officer Recommendation.
34. One of the applications representing a group of parents who have put forward a submission for use of the facility addressed the meeting. She expressed extreme disappointment that Shire staff had shown no interest in obtaining results of a Shire wide community consultation process conducted by the group when considering ongoing community use of the facility. It was felt the opportunity will now be lost to develop this facility and the site to meet a wider range of community needs identified through the consultation process.
35. Councillors sought clarification on some of the points raised.

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36. A Councillor questioned whether a report resulting from the parent community consultation would be available by December. It was indicated that this timeframe was in line with the intention of the group.
 37. A Councillor asked the meeting what the effect of differing the decision, for a month, would be on the groups who were mentioned as the successful applicants in the Officer Recommendation. The Executive Manager Community Services indicated he didn't believe there would be any consequences of the deferment as both applicants had existing premises.
 38. The CEO advised he believed there was a substantial amount of maintenance that would be required on the building and surrounds to get it to a condition that the Council would be in a position to be comfortable to lease the property.
 39. Councillor Taylor proposed a Motion to defer the item for a month pending the audit of all shire buildings to ensure a fully informed decision is made when leasing this particular premise.
 40. Councillors debated the motion.
 41. The mover of the motion accepted an amendment to defer the item until February 2009.

OFFICER RECOMMENDATION

1. That Kalamunda Out of School Centre Inc be offered a lease of the premises located at 12 Grove Road, Walliston, (Reserve 32344), in accordance with the main conditions listed below:
 - Pay \$3,000 in rent per annum, indexed to C.P.I annually.
 - Pay all rubbish charges, gas, power, water, building insurance, electricity and cleaning costs.
 - Maintain the premises in a clean and sanitary condition and be responsible for all minor maintenance.
 - The term of the lease is for a period of five years with a further five year option.
2. That Kalamunda Playgroup Inc. be offered a sub lease of the premises located at 12 Grove Road, Walliston, (Reserve 32344), in accordance with the main conditions listed below:
 - The days and times for use of the facility are agreed between Kalamunda Out Of School Centre Inc. and Kalamunda Playgroup Inc.
 - That Kalamunda Playgroup Inc pay an hourly community rate to Kalamunda Out Of School Centre Inc. to help share the costs of minor maintenance, building insurance and utility and rubbish charges, etc.
 - The community rate to be in accordance with the *Schedule of Charges – Community Facilities* for the Walliston Hall, or other appropriate facility, as set by Council each year.

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3. That a building condition report for this premises be completed and any essential maintenance and/or repairs be carried out by Council prior to occupancy of the premises.

LAPSED

COMMITTEE RECOMMENDATION TO COUNCIL

GS 127/2008

1. That the decision be deferred until February 2009 to allow time for a building condition report for this premises to be completed and any essential maintenance and/or repairs be carried out by Council prior to the occupancy of the premises.
2. That a report be presented by the Chief Executive Officer as to the state of building in December 2008.

Moved: (Cr Taylor)

Seconded: (Cr McKechnie)

CARRIED UNANIMOUSLY

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

128. 10 Boronia Road, Walliston (Part Reserve 17086), (Walliston Riding and Pony Club Inc.) Renewal of Licence Agreement

Previous Items: N/A
Service Area: Community Services
File Reference: BR-16/10
Applicant: Walliston Riding and Pony Club Inc
Owner: Shire of Kalamunda

PURPOSE

1. To consider the renewal of a licence agreement for the land on portion of Reserve 17086, 10 Boronia Road Walliston, ([Attachment 1.](#)) between the Shire of Kalamunda and Walliston Riding and Pony Club Inc.

BACKGROUND

2. Walliston Riding and Pony Club previously entered into a Licence Agreement for six, three year terms, which is due to expire 31 March 2009.

DETAILS

3. Walliston Riding and Pony Club Inc has formally requested a continuation of the Licence Agreement.

STATUTORY AND LEGAL IMPLICATIONS

4. Nil.

POLICY IMPLICATIONS

5. 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."*
6. Policy ADM10 – Council-Owned Buildings – Guidelines for Maintenance – Objective: *"To provide guidelines for maintenance matters in regard to buildings owned by the Council".*
7. Policy FAC5 – Clubhouses and Facilities on Reserves – Objective: *"To ensure uniformity of agreements regarding usage of facilities and to delineate limit of Council responsibility."*

PUBLIC CONSULTATION/COMMUNICATION

8. Walliston Riding and Pony Club have been occupying the facility for twenty years and no complaints have been received from residents.

FINANCIAL IMPLICATIONS

9. The Shire of Kalamunda is responsible for :
- Provision of sand and levelling of one third of the arena each year
 - Any costs associated with major maintenance

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

10. A Building Inspection Report will be completed prior to the signing of the Licence Agreement.

OFFICER COMMENT

11. Following discussions with the Walliston Riding and Pony Club the following change to the original licence agreement is to be made:
- The term of the Licence Agreement to be five years with an option for a further five year term.
 - The provision of sand and the costs associated with levelling to one third of the arena each year by the Shire of Kalamunda, as the arena is also used by the general community.

MEETING COMMENT

12. A Councillor sought clarification of the cost of providing sand to level the arena. The question was taken on notice.
13. Councillors debated the recommendation.
14. A Councillor proposed that a temporary extension of the existing licence be granted until the CEO has had discussions and negotiation with the group to establish a new lease agreement.
15. A Councillor foreshadowed a motion which would grant an extension to the licence for one year with and option for a further two years.
16. The mover of the Officer Recommendation proposed an alternative motion.

OFFICER RECOMMENDATION

1. That Walliston Riding and Pony Club Inc. be offered a Licence Agreement over PT. Reserve 17086, 10 Boronia Road, Walliston with the main terms, conditions and charges listed below:
 - An annual rental of \$194.39 with a C.P.I increases to apply from 1 April each year.
 - Walliston Riding and Pony Club Inc. to be responsible for all minor maintenance as well as charges associated with water, gas, electricity, rubbish and cleaning costs.
 - The term of the Licence Agreement is to be five years with an option for a further five year term.
 - The Shire of Kalamunda to provide adequate sand and levelling of one third of the arena at Walliston Pony Club each year.

Moved: (Cr Thomas)

Seconded: (Cr Lindsey)

LAPSED**COMMITTEE RECOMMENDATION TO COUNCIL****GS 128/2008**

1. That Walliston Riding and Pony Club Inc. be offered an extension to the existing Licence Agreement over PT. Reserve 17086, 10 Boronia Road, Walliston until 30 September 2009 pending a review of the licence agreement.

Moved: (Cr Thomas)

Seconded: (Cr Lindsey)

CARRIED UNANIMOUSLY

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

Councillor Thomas left the Chambers at 7:56pm and returned at 7:58pm. No vote was taken during this time.

129. Road Closure - Portion of Roach Road, Piesse Brook

Previous Items: N/A
Service Area: Engineering Services
File Reference:
Applicant: Mr & Mrs Clune
Owner: N/A

PURPOSE

1. To consider closing a portion of the road reserve on Roach Road, adjacent to 15 Hummerston Road, Piesse Brook, as shown at ([Attachment 1.](#)).

BACKGROUND

2. A request has been received from the owners of 15 Hummerston Road, Piesse Brook, Mr & Mrs Clune (the applicant) for the closure of a portion of road reserve on Roach Road, which abuts their property.
3. The subject unconstructed road reserve is the only access to the applicant's property.
4. The road reserve leads to bush land owned by the Department of Environment and Conservation.
5. The steep incline of the subject road reserve, at the access point from Hummerston Road, is difficult to access by vehicle in its current state.

DETAILS

6. The applicant has requested that the road reserve be closed, whereby they will purchase the strip of land. It is their intention to repair the incline and make the access to their property safer.

STATUTORY AND LEGAL IMPLICATIONS

7. The road closure will be affected under Section 58 of the Land Administration Act 1997.
8. The Shire will be required to indemnify the Minister for Planning against any claims which may arise from the road closure.

POLICY IMPLICATIONS

9. Nil.

PUBLIC CONSULTATION/COMMUNICATION

10. Under Section 58 of the Land Administration Act, a notice will be required in local newspapers, which will follow once Council has agreed to initiating the closure.
11. The Department of Environment and Conservation has advised they have no objection to the road reserve being closed.
12. Public utility providers will be contacted requesting confirmation of their agreement to the proposed closure.

FINANCIAL IMPLICATIONS

13. Nil

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

14. Nil.

OFFICER COMMENT

15. The road reserve proposed for closure is surplus to current and future requirements of the road network.
16. Since the applicant's property has access from Roach Road only, they have to purchase the closed section of the road reserve to maintain access from a public road, ie Hummerston Road.
17. The applicant would be required to deal directly with the Department for Planning and Infrastructure, regarding the purchase of the road reserve.
18. The applicant will be asked to pay for any costs associated with this closure.

MEETING COMMENT

19. The applicant spoke in support of the recommendation.
20. A Councillor sought clarification as to the ownership of road reserves. The Executive Manager Engineering Services advised that road reserves were owned by the Department of Environment and Conservation and vested to the Shire.

COMMITTEE RECOMMENDATION TO COUNCIL GS 129/2008

1. That the intention to close the portion of road reserve on Roach Road, abutting 15 Hummerston Road, Piesse Brook, as shown at ([*GSC Item 129 Attachment 1.*](#)) be advertised in accordance with Section 58 of the Land Administration Act 1997.
2. That in the event no objections are received, the closure of the portion of road reserve be recommended to the Minister for Planning and Infrastructure, subject to an agreement between the State and the applicant, for the purchase of the land by the applicant.
3. That the Minister for Planning and Infrastructure be indemnified against any claims arising as a result of the road closure.

Moved: Cr Giardina

Seconded: Cr Robinson

CARRIED UNANIMOUSLY

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

130. Tender for the Provision of Plant Hire and Auxiliary Plant Hire Services – (T0808)

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

PURPOSE

1. To award the Tender for the Provision of Plant Hire and Auxiliary Plant Hire Services (T0808), for a period of three years.

BACKGROUND

2. Tenders were called for the Provision of Plant Hire and Auxiliary Plant Hire Services (T0808), for a period of three years, which closed on 6 August 2008. The existing Tender for Hire of Various plant items expired on 31 March, 2008.

DETAILS

3. Seven companies submitted Tenders for this Contract, being Coates National Hire (Coates), Mayday Earthmoving (Mayday), Samek Enterprises (Samek), Jimmy's Bobcat (Jimmy's), Harris Hire Shops (Harris), Allearthgroup and McKay Earthmoving (McKay's).
4. The Tender for thirty six road construction plant items called for the Dry Hire rates (fuel and operator supplied by the Shire of Kalamunda) and Wet Hire rates (fuel and operator supplied by Contractor) for a three year period. Contractor details and submitted rates are included in ([Attachment 1.](#))
5. Whilst seven Tenders were received, each of the seven Tenderers submitted rates for only a portion of the requested items. Several of the Tender submissions have priced for either the Dry Hire or the Wet Hire.
6. None of the suppliers tendered rates for the Hire of a Tip Truck - 6 Wheeler Side Tip (Item 20).

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. None of the Tenderers supplied rates for all the requested plant items; however, some of the Tenderers have supplied rates for either Wet Hire or Dry Hire. Based upon the analysis of the supplied rates, a number of Contracts will be required for different plant items. For some items, two Contracts will be required, one for Dry Hire and one for Wet Hire, depending upon the quoted price by the Contractor, as shown in ([Attachment 2.](#))
13. Past experience has demonstrated that a single supplier cannot be relied upon to be efficient and available when required. A panel of Contracts is recommended for each type of Plant Item as per ([Attachment 2.](#)) for either wet or Dry Hire, which would also increase the probability of availability.
14. None of the Tenderers provided a price for Item 20; hence no Contract for that item will be in place. Certain Plant items rates have been offered by only a single supplier, due to market demand for plant items, which does not leave any option but to award the Tender to that single supplier. The plant items which received a single rate submission is rarely used and this will have a minor financial impact to the Shire.
15. For Dry Hire there was no price offer from any of the Tenderer for Plant items 11, 12,13,15,17,18,19,20, 21a, 24 and 25, hence there shall be no Contract in place for Dry Hire for these items. Most of the times the above plant items are hired as wet hire hence there will be no impact on the Shire's day to day business.

MEETING COMMENT

16. Nil.

COMMITTEE RECOMMENDATION TO COUNCIL GS 130/2008

1. That the Contract for the Provision of Plant Hire and Auxiliary Plant Hire Services (T0808), be awarded for a period of three years, in accordance with the rates and details shown at ([*GSC Item 131 Attachment 2.*](#)).

Moved: Cr McKechnie

Seconded: Cr Taylor

CARRIED UNANIMOUSLY

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

131. Kanyana – Paxwold Site

Previous Items: GS 89/2007
Service Area: Corporate
File Reference: GL-03/120
Applicant: Kanyana Wildlife Rehabilitation Centre
Owner: Shire of Kalamunda

PURPOSE

1. To receive a report of the Grant expenditure and to consider request for the increase of Shire support and changes to the Scope of Works for the Paxwold site.

BACKGROUND

2. The Shire of Kalamunda has an agreement with the Department of Environment and Conservation (DEC) as to the expenditure of a \$100,000 Grant to make the Paxwold site habitable.
3. The Shire has spent some of the funds but representations from Kanyana have been received requesting;
 - The scope of works to be varied to include work on the Caretakers cottage.
 - That the Shire of Kalamunda assist with extra support specifically pavement repair and extension.
 - That Kanyana be able to access the remaining Grant funds direct.

DETAILS

4. A spreadsheet showing the original scope of works and expenditure to date is presented as ([Attachment 1](#)). This shows expenditure to date totalling \$38,644 which leaves a balance of \$61,356 available.
5. Kanyana are looking to change the Scope of Works to allow expenditure of \$29,200 for the refurbishment of the Caretaker cottage using those funds.
6. As well, Kanyana would favour the allocation of the remaining Grant funds direct to them and greater flexibility in the Scope of Works to take advantage of savings available.
7. Lastly, after a number of meetings Shire of Kalamunda Engineering Department staff have identified pavement works that are necessary for the operation of the Paxwold site. The cost of these works has been estimated to be \$80,000 on the basis of maximising design savings by doing the job in house.
8. Kanyana have requested Council support in the funding of these works.

STATUTORY AND LEGAL IMPLICATIONS

9. As a Section 35 legal agreement exists between the Shire of Kalamunda and the DEC, for any change to the Scope of Works or conditions of the Grant, approval of both parties need to be obtained.
10. Whilst the expenditure of \$80,000 pavement works can be accommodated via a reallocation of projects within the Works Programme (Village Improvement Project) a supportive authorisation is regarded as best practice.

POLICY IMPLICATIONS

11. Nil.

PUBLIC CONSULTATION/COMMUNICATION

12. There has been detailed communication with various Kanyana personal looking to progress this project.

FINANCIAL IMPLICATIONS

13. The financial effect of changing the Scope of Works and of transferring funds to Kanyana direct will have no nett effect as the funds are Grant monies.
14. It is proposed that the \$80,000 on pavement works will be accommodated via changes/reallocations within the existing Works programme.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

15. The Kanyana Project falls into three areas of the Shire of Kalamunda 2000-2025 Strategic Plan,

Social (5)	Working in Partnership with other organisations including voluntary groups.
Environment (2)	Promote the benefits of caring for the environment through community awareness and involvement.
Economic (5)	Develop and promote tourism.

OFFICER COMMENT

16. It is noted that the extent of the works at the Paxwold site are far in excess of the \$100,000 Grant and that Kanyana have been very active in obtaining extra funds.

MEETING COMMENT

17. Representatives of Kanyana addressed the Committee and provided information as to the progress of the redevelopment of the site at Paxwold.

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18. The Chairman thanked the representatives for the information and the excellent work they do in the community.
 19. A Councillor requested clarification on the use of monies from the Village Improvement Programme for this project. The Executive Manager Engineering Services provided further information.
 20. A Councillor queried what projects this monies been allocated to and what projects would not be completed if this money was taken out of the Village Improvement Programme. The CEO advised there was no project currently allocated funds under this Programme.
 21. A Councillor queried the handing over of \$29,200 to the group. The Executive Manager Corporate Services provided clarification.
 22. A Councillor sought clarification as to when a report on the Village Improvement Programme would be received. The CEO advised this was a part of the Performance Objectives of the CEO and Councillors would receive a confidential quarterly report as part of the Ordinary Council Meeting 17 November 2008.

COMMITTEE RECOMMENDATION TO COUNCIL GS 132/2008

1. That the expenditure of up to \$80,000 on pavement works at the Paxwold site be authorised expenditure funded through reallocations within the 2008/2009 Works Programme.
2. That the Shire of Kalamunda request a change in the Section 35 agreement with the Department of Environment and Conservation to allow a change within the scoping document to include the expenditure of \$29,200 on refurbishment of the Caretaker cottage at the Paxwold site Lesmurdie.
3. That the Shire of Kalamunda request a change in the Section 35 agreement with the Department of Environment and Conservation to allow the allocation of remaining Grant funds to Kanyana direct.

Moved: Cr Giardina

Seconded: Cr Tonkin

CARRIED UNANIMOUSLY/ABSOLUTE MAJORITY

10.0 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

10.1 Nil

11.0 QUESTIONS BY MEMBERS WITHOUT NOTICE**11.1 Community Newspaper Delivery (Cr Sadler)**

Q. Is there much feed back on the Community Newspapers delivery?

A. The Manager Health Services advised there had not been a large amount of feedback from the community. The trial is now over and deliveries will revert to the letter box delivery method.

11.2 Community Newspaper Delivery (Cr Robinson)

Q. Can you tell us specifically what the boundaries of the trial were?

A. The Manager Health Services advised there were 2500 houses in the Forrestfield area in the trial.

11.3 Community Newspaper Delivery (Cr Giardina)

Q. How many complaints were received?

A. The Manager Health Services advised there was somewhere in the order of fifteen to twenty.

11.4 Licences and Maintenance Agreements – Sporting Clubs (Cr Heggie)

Q. Can you give any information on the review of licence and maintenance agreements between the Shire and Sporting organisations?

A. A review is currently being undertaken of all licences and maintenance arrangements and a report will be presented to Council as soon as the review has been completed.

11.5 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 question is taken on Notice.

11.6 Seniors Week (Cr Thomas)

Q. Would like to congratulate the Shire on Seniors Week. Is it possible to have the Shire promoted more widely?

A. The CEO advised he had recently discussed the wider promotion of the Shire with the Public Relations Officer and a plan is being formulated.

12.0 URGENT BUSINESS APPROVED BY THE PERSON PRESIDING OR BY DECISION

12.0 Nil.

13.0 MATTERS CLOSED TO THE PUBLIC

MOTION

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

Moved: (Cr Taylor)

Seconded: (Cr Thomas)

CARRIED UNANIMOUSLY

The meeting was closed to the public at 8:25pm.

Councillor Sadler left the Chambers at 8:25pm and return at 8:27pm.

MOTION

That the meeting be opened after considering a confidential item.

Moved: (Cr Thomas)

Seconded: (Cr Taylor)

CARRIED UNANIMOUSLY

The meeting was opened to the public at 8:29pm.

13.1 **Item 132 - Compensation Claim - Land Acquisition Maida Vale Road, Maida Vale**

Reason for Confidentiality – Local Government Act S5.23(2)(d) Legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting.

COMMITTEE RECOMMENDATION TO COUNCIL GS 132/2008

1. That Council endorses the Chief Executive Officer's action to make a payment of \$245,412.48 to Mr and Mrs Esberey, as awarded by the State Administrative Tribunal.
2. That Council, by absolute majority, authorises reduction of the Village Improvement Project, in the current financial year's Works Programme by \$184,350, to fund the shortfall in expenditure for the land purchase for the extension of Maida Vale Road.

Moved: Cr Robinson

Seconded: Cr Thomas

CARRIED UNANIMOUSLY/ABSOLUTE MAJORITY

14.0 CLOSURE

There being no further business, the Chairman declared the meeting closed at 8.37pm.

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

Signed.....Chairman

Dated thisday of.....2008