
Shire of Kalamunda

General Services Committee

Minutes for 2 February 2009



SHIRE OF KALAMUNDA

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Minutes of General Services Committee Held in the Council Chambers 2 Railway Road, Kalamunda Monday 2 February 2009

1.0 OFFICIAL OPENING

- 1.1 The Chairman opened the meeting at 7:00 pm and welcomed Councillors, Staff and Members of the Public Gallery.

2.0 APOLOGIES AND LEAVE OF ABSENCE

- 2.1 PRESENT

Councillors

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

Officials

| | |
|-------------|---|
| J Trail | CHIEF EXECUTIVE OFFICER |
| N Wilson | DIRECTOR OF CORPORATE SERVICES |
| K O'Connor | 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 |
| J Smith | MANAGER HEALTH SERVICE |
| K Wilkinson | ACTING MANAGER LIBRARY SERVICE |
| K Singh | MANAGER ENGINEERING SERVICES |
| D McPherson | MINUTE SECRETARY |

| | |
|-------------------|----|
| Apologies | 0 |
| Observers | 25 |
| 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 1 December 2008 is confirmed as a true and correct record of the proceedings.

Moved: (Cr Thomas)

Seconded: (Cr Taylor)

CARRIED UNANIMOUSLY

6.0 ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION

6.1 Nil.

7.0 MATTERS FOR WHICH MEETING MAY BE CLOSED

7.1 Nil.

8.0 DISCLOSURE OF INTERESTS

Disclosure of Financial and Proximity Interests

(a) Members must disclose the nature of their interest in matters to be discussed at the meeting. (Section 5.65 of the Local Government Act 1995).

(b) Employees must disclose the nature of their interest in reports or advice when giving the report or advice to the meeting. (Section 5.70 of the Local Government Act 1995)

8.1 **Item 7 - Local Government Managers Australia National Congress and Business Expo 2009**

Kevin O'Connor declared a financial interest as he is an officer attending the Congress.

Item 7 - Local Government Managers Australia National Congress and Business Expo 2009

Neil Wilson declared a financial interest as will be an officer attending the Congress.

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.

1. Creditors Accounts Paid for December 2008 & January 2009

Previous Items: Nil
Service Area: Corporate Services
Author: Steve Leeson
File Reference: FI-CRS-002
Applicant: N/A
Owner: N/A

PURPOSE

1. To receive creditors' accounts paid for the months of December 2008 and January 2009.

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 lists of Creditors' paid in December 2008 ([Attachment 1](#)) and January 2009 ([Attachment 2](#)) are attached.

STATUTORY AND LEGAL IMPLICATIONS

5. Nil.

POLICY IMPLICATIONS

6. Nil.

PUBLIC CONSULTATION/COMMUNICATION

7. Nil.

FINANCIAL IMPLICATIONS

8. Nil.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

9. Nil.

OFFICER COMMENT

10. Nil.

MEETING COMMENT

11. Queries received from a Councillor prior to the meeting regarding several payments were circulated to all Councillors.

COMMITTEE RECOMMENDATION TO COUNCIL GS 1/2009

1. That the list of Creditors' paid for December 2008 ([*GSC Item 1 Attachment 1*](#)) and the list of Creditors' paid in January 2009 ([*GSC Item 1 Attachment 2*](#)) 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.

2. Financial Activity Statements for the Period Ended 31 December 2008

Previous Items: Nil
Service Area: Corporate Services
Author: Steve Leeson
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 December 2008.

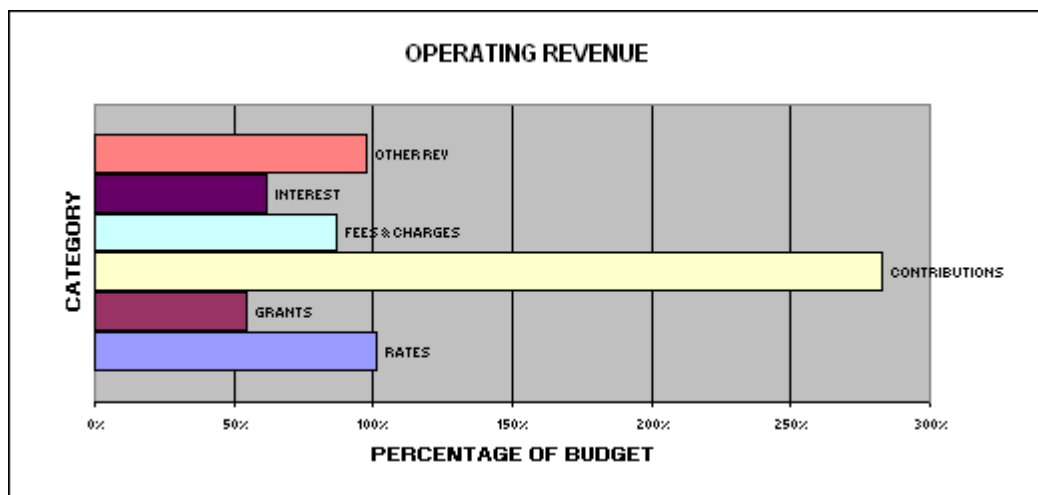
BACKGROUND

2. Attached are the financial activity statement reports for the period ending 31 December 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.

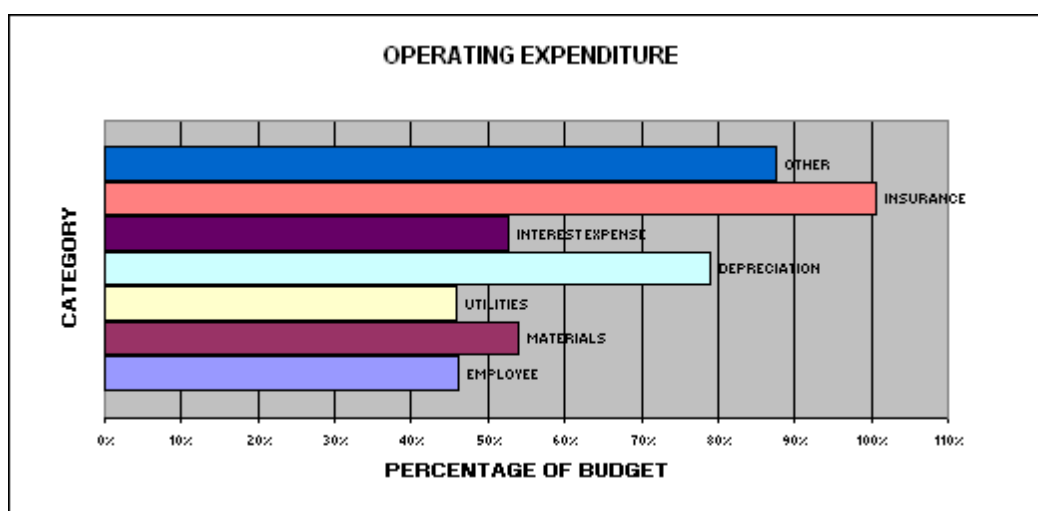
DETAILS

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

Operating income is currently 92.85% of annual budgeted amounts with a number of operating grants for projects yet to be received. Interest earnings continue to exceed year to date budget, though the amount of invested rate funds is decreasing along with interest rates which will impact upon second half earnings. As most term deposits are for around 90 day terms, the current weighted average interest rate on investments is 5.58%. Unbudgeted roadwork and cash in lieu of public open space contributions received have lead to actual contribution performance exceeding annual budget, though these funds are restricted in nature.



Operating expenditure is exceeding budget year to date. This is mainly affected by annual licence / insurance / workers compensation payments paid in advance. Building depreciation charges are being calculated upon the revalued building amounts as at 30th June 2008. These figures were not incorporated into the current budget, though are non-cash in nature.



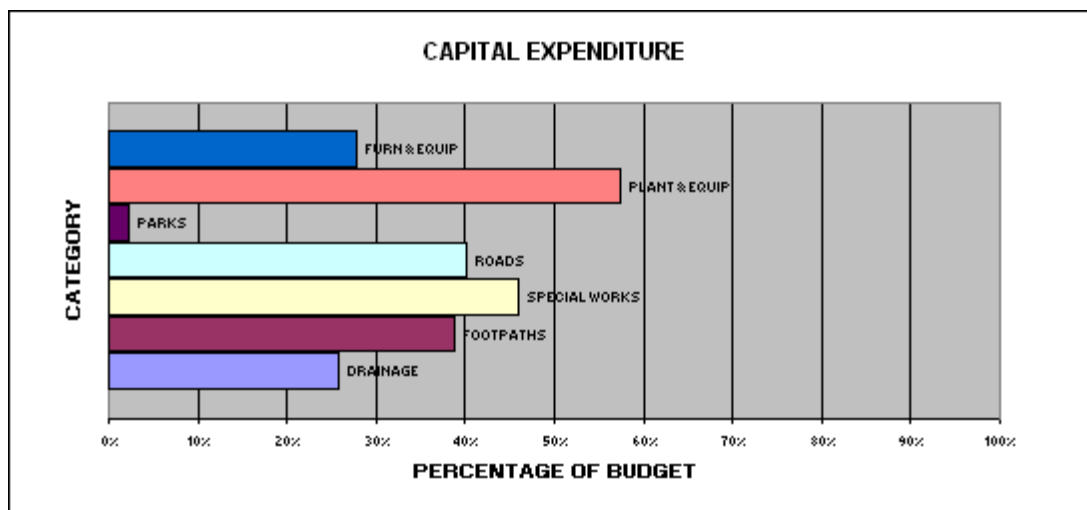
Key reporting areas:

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 as EBA and negotiated increases commence from January 1st. Other employee costs such as training / uniforms / superannuation / retention & recognition are also below budget.

Capital Expenditure

Capital Expenditure is at 31.82% of annual budget, based upon actual expenditure, ignoring the value purchase orders committed. This is largely affected by the timing of invoice receipts and the lead time required in commencing projects.



| FINANCIAL RATIOS | 2008/2009 | 2007/2008 |
|--|-----------|-----------|
| Current Ratio | 12.4 : 1 | 1.21 : 1 |
| Untied Cash to Trade Creditors Ratio | 22.5 : 1 | 0.37 : 1 |
| Debt Ratio | 1.06% | 1.61% |
| Debt Service Ratio | 0.23% | 0.37% |
| Gross Debt to Revenue Ratio | 2.35% | 2.20% |
| Gross Debt to Economically Realisable Assets Ratio | 0.32% | 0.36% |
| Rate Coverage Ratio | 55.27% | 49.41% |
| Outstanding Rates Ratio | 31.67% | 3.06% |

The above ratios are calculated as follows:

| | |
|--|--|
| Current Ratio | $\frac{\text{Current assets minus restricted current assets}}{\text{Current liabilities minus liabilities associated with restricted assets}}$ |
| Untied Cash to Trade Creditors Ratio | $\frac{\text{Untied cash}}{\text{Unpaid trade creditors}}$ |
| Debt Ratio | $\frac{\text{Total liabilities}}{\text{Total assets}}$ |
| Debt Service Ratio | $\frac{\text{Debt Service Cost (Principal & Interest)}}{\text{Available operating revenue}}$ |
| Gross Debt to Revenue Ratio | $\frac{\text{Gross debt}}{\text{Total revenue}}$ |
| Gross Debt to Economically Realisable Assets Ratio | $\frac{\text{Gross debt}}{\text{Economically realisable assets}}$ |

| | |
|-------------------------|-------------------------|
| Rate Coverage Ratio | <hr/> Net rate revenue |
| | Operating revenue |
| Outstanding Rates Ratio | <hr/> Rates outstanding |
| | Rates collectable |

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. A Councillor congratulated staff on the new presentation of the report. A request for a breakdown of the "other" expenditure detail be provided in the report was made. The Director Corporate Services advised this information would be provided to Council as developed.
14. A Councillor sought clarification as to the difference in some of the ratios. The Director Corporate Services advised this was due to a comparison being made on half a year to a full budget year.

COMMITTEE RECOMMENDATION TO COUNCIL **GS 2/2009**

1. That the Financial Activity Statement reports for the period ending 31 December 2008 ([***GSC Item 2 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.

3. Debtors and Creditors Report

Previous Items: N/A
Service Area: Corporate Services
Author: Steve Leeson
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 December 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 3/2009

1. That the outstanding debtors and creditors report as at 31 December 2008 ([*GSC Item 3 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.

4. Rates Debtors Report

Previous Items: N/A
Service Area: Corporate Services
Author: Steve Leeson
File Reference: FI-DRS-013
Applicant: N/A
Owner: N/A

PURPOSE

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

BACKGROUND

2. Attached is the report detailing rates debtors as at 31 December 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 4/2009

1. That the rates debtors report as at 31 December 2008 ([*GSC Item 4 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.

5. Investment Procedures

Previous Items: N/A
Service Area: Corporate Services
Author: Neil Wilson
File Reference: Fi-inv-001
Applicant: N/A
Owner: N/A

PURPOSE

1. To advise Council of an additional investment procedure following the introduction of the Federal Governments Guarantee Scheme.

BACKGROUND

2. As part of its efforts to minimise the effects of the current world financial crisis the Federal Government introduced a guarantee scheme whereby “eligible authorised deposit-taking institutions” (banks) can obtain Government guarantee for deposit balances totalling over one (1) million dollars per customer. The scheme is voluntary and a fee is charged.

DETAILS

3. The decision to apply the guarantee to investment funds over one (1) million dollars relates to the risk of the bank failing against the interest rate received as the banks normally pass on the fee (1.5 through to 0.7 percent) as a reduction in the net interest.
4. Given the strength and structure of the Australian Banking System as presently exemplified in the performance against those of other nations the risk of bank failure in Australia is comparatively low.
5. The need to maintain or maximise investment income, working within the existing investment policy, is high in that any reduction in budgeted investment income from one year to another has to be made up either by reduced expenditure or increased other income (Rates).
6. The strategy to be applied is:
 1. Distribute our investments to have one (1) million dollars to each of the eight banks presently on our investment policy.
 2. Source extra banks (Bank of Queensland?) to add to our policy list of approved investments banks.
 3. Allow up to two (2) million dollars extra investment with each of the four top banks (Westpac, NAB, Commonwealth and ANZ) without the Government Guarantee.
 4. All other investments to be taken with the Government Guarantee.

STATUTORY AND LEGAL IMPLICATIONS

7. The Shire of Kalamunda has a very conservative investment policy which restricts investments to interest bearing deposits with eight (8) banks.
8. This has protected the Shire from losses associated with the equity market.
9. Investments will still continue to be placed in accordance with the policy. With this procedure addressing the applicability of the Government Guarantee only.

POLICY IMPLICATIONS

10. Nil. Policy FIN7 ([Attachment 1](#)) still applies.

PUBLIC CONSULTATION/COMMUNICATION

11. Nil.

FINANCIAL IMPLICATIONS

12. The global financial crisis is and will have a direct effect on the Shire of Kalamunda via reduction in interest rates and hence the total income received from investments.
13. The cost per investment of the Government Guarantee varies between banks but is circa 0.7%.
14. The strategy as suggested would allow investments of sixteen (16) million dollars without incurring the Guarantee fee. As a guide only, this equates to \$112,000 extra income.
15. The maximum amount at any time at risk would be eight (8) million dollars (or 40% of a twenty (20) million dollar portfolio) noting that those investments are only with the top four banks.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

16. Nil.

OFFICER COMMENT

17. Unlike many countries the Australian Banking System is both robust and heavily regulated.
18. The risk of bank failure therefore with or without further Government intervention is regarded as minor.

-
19. In setting an investment procedure the Shire of Kalamunda conservative position has been maintained without fully sacrificing the opportunity to gain reasonable returns on investments.

MEETING COMMENT

20. Councillors sought clarification as to some aspects of the report.
21. A Councillor queried if this matter had been presented to the Audit Committee. The Director Corporate Services advised this was not a function of the Audit Committee, but was an operational function and was presented to Council by way of information.
22. It was confirmed this was not a change in Council Policy.
23. A Councillor sought clarification as to the Scope of the Audit Committee to allow it to recommend strategies and policies. The Audit Committee can advise on policy, this report is not to change the policy in any way.
24. A Councillor sought clarification as to the cost of the Government Guarantee. The Director Corporate Services provided clarification.

COMMITTEE RECOMMENDATION TO COUNCIL GS 5/2009

1. That the information be received.

Moved: Cr McKechnie

Seconded: Cr Thomas

For the Recommendation

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

Against the Recommendation

Cr Taylor

CARRIED

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

6. HACC Reserve - Transfer of Funds

Previous Items: Nil
Service Area: Corporate Services
Author: Steve Leeson
File Reference: CO-SPC-007
Applicant: N/A
Owner: N/A

PURPOSE

1. To transfer \$22,600 from the Home and Community Care (HACC) Reserve to fund Information Technology (IT) equipment purchases (\$15,000) and a photocopier (\$7,600) for the Peter Anderton Centre.

BACKGROUND

2. Home and Community Care (HACC) operates at the Peter Anderton Centre and is funded by the State Health Department. Both recurrent and non-recurrent funds are received annually.
3. Under the current funding agreement, surplus funds are to be transferred annually into reserve and may only be spent with the Department's authorisation. Currently, the Reserve balance is \$215,660.

DETAILS

4. The incorporation of Kalamunda Community Care within the Shire's HACC Service requires an upgrade to IT equipment. This includes the purchase of a dedicated server, associated hardware, a laptop computer and software licences to support an increase in the number of users, along with an upgrade to internet band width speeds and a replacement photocopier.
5. The State Health Department has given approval via email, for the equipment purchase from Reserve funds on the 12 November 2008.

STATUTORY AND LEGAL IMPLICATIONS

6. Expenditure from the Shire's Municipal Fund not included in an annual budget, is to be authorised in advance by resolution (*absolute majority required), or authorised in advance by the mayor or president in an emergency in accordance with Section 6.8 (b)(c) of the Local Government Act 1995.
7. HACC Reserve funds may only be spent with the approval of the State Health Department.

POLICY IMPLICATIONS

8. Nil.

PUBLIC CONSULTATION/COMMUNICATION

9. Nil.

FINANCIAL IMPLICATIONS

10. The proposed amendment will have a zero effect on the adopted budgets final position, being an increase of \$22,600 in revenue from Reserve and \$22,600 in equipment purchases.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

11. Nil.

OFFICER COMMENT

12. Nil.

MEETING COMMENT

13. A Councillor sought clarification as to the availability of funds from HACC for use for this purpose. The Director Corporate Services advised this has been clarified with the funding body and this is acceptable.
14. A Councillor requested an update as to the progress of the incorporation of Kalamunda Community Care into the Shire's Home and Community Care program. This query is taken on notice.

COMMITTEE RECOMMENDATION TO COUNCIL GS 6/2009

1. That the transfer of \$22,600 from the HACC Reserve be approved, together with authorisation to purchase the associated information technology equipment for the Peter Anderton Centre.

Moved: (Cr Thomas)

Seconded: (Cr Taylor)

CARRIED UNANIMOUSLY/ABSOLUTE MAJORITY

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

Kevin O'Connor declared a financial interest as he is an officer attending the Congress.

Neil Wilson declared a financial interest as will be an officer attending the Congress.

7. Local Government Managers Australia National Congress and Business Expo 2009

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

PURPOSE

1. To endorse multiple officer attendance at the 2009 Local Government Managers Australia National Congress and Business Expo.

BACKGROUND

2. The 2009 Local Government Managers Australia (LGMA) National Congress and Business Expo is to be held from the 24 to 27 May 2009 in Darwin. Under Council Policy ADM6 (*Conferences – Attendance by Elected Members or Employees and Payment of Expenses*) multiple staff attendance is subject to Council discretion.

DETAILS

3. The LGMA National Congress and Business Expo is regarded as the most important national conference for local government managers' professional development in terms of content, applicability and networking.
4. As in the past it is intended for the Director Corporate Services and the Director Community Development to attend the Congress. The Chief Executive Officer is to attend in his capacity as a member of the LGMA WA Board of Management.
5. The Congress theme is *Local Government – Creating our Future – Messages with Solutions* and features a range of keynote speakers with three (3) concurrent strategies of Culture, Country and Earth.

STATUTORY AND LEGAL IMPLICATIONS

6. Nil.

POLICY IMPLICATIONS

7. Administration Policy ADM6(2)(d).

PUBLIC CONSULTATION/COMMUNICATION

8. Nil.

FINANCIAL IMPLICATIONS

9. The 2008/2009 Budget was prepared on the basis of multiple officer attendance at this Congress.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

10. Continuing professional development of staff has been identified as a key attraction and retention strategy.

OFFICER COMMENT

11. Nil.

MEETING COMMENT

12. A Councillor proposed an amendment to the Officer Recommendation. This was accepted by the mover and seconder.
13. A Councillor sought clarification as to the detail of the policy in relation to the number of conferences staff could attend. The CEO provided clarification.

OFFICER RECOMMENDATION

1. That multiple officer attendance at the 2009 Local Government Managers Australia National Congress and Business Expo be endorsed.

Moved: Cr McKechnie

Seconded: Cr Thomas

COMMITTEE RECOMMENDATION TO COUNCIL GS 7/2009

1. That multiple officer attendance at the 2009 Local Government Managers Australia National Congress and Business Expo be endorsed in accordance with Council Policy ADM6 (*Conferences – Attendance by Elected Members or Employees and Payment of Expenses*).

Moved: Cr McKechnie

Seconded: Cr Thomas

CARRIED UNANIMOUSLY

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

8. Emergency Services Leave Policy

| | |
|-----------------|--------------------|
| Previous Items: | N/A |
| Service Area: | Corporate Services |
| Author: | Neil Wilson |
| File Reference: | LE-LOL-626 |
| Applicant: | N/A |
| Owner: | N/A |

PURPOSE

1. To consider the adoption of a Shire of Kalamunda policy for the granting of Emergency Services Leave.

BACKGROUND

2. Whilst a current practice exists as to Emergency Services Leave the Shire has not adopted a policy.
3. Questions as to the Shire position have been received from volunteer organisations as well as individuals.

DETAILS

4. The proposed policy is presented as ([Attachment 1](#)). It is noted that this policy mirrors the existing practices.

STATUTORY AND LEGAL IMPLICATIONS

5. Nil.

POLICY IMPLICATIONS

6. This is a new policy.

PUBLIC CONSULTATION/COMMUNICATION

7. Nil.

FINANCIAL IMPLICATIONS

8. There is not expected to be any additional costs associated with this policy as it only formalises existing practice.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

9. The importance of volunteer service to the community in general and to emergency services in particular is critical to their sustainability.

OFFICER COMMENT

10. Nil.

MEETING COMMENT

11. Nil.

COMMITTEE RECOMMENDATION TO COUNCIL GS 8/2009

1. That the Emergency Services Leave policy as presented as ([*GSC Item 8 Attachment 1*](#)) be adopted.

Moved: (Cr Thomas)

Seconded: (Cr Robinson)

CARRIED UNANIMOUSLY

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

9. Shire of Kalamunda Local Emergency Management Committee Membership

| | |
|-----------------|---------------------------------|
| Previous Items: | Nil |
| Service Area: | Corporate Service |
| Author: | Senior Ranger/AWARE Coordinator |
| File Reference: | CO-EMS-004 |
| Applicant: | N/A |
| Owner: | N/A |

PURPOSE

1. To consider the current membership of the Shire of Kalamunda Local Emergency Management Committee (LEMC) and the relevance of the current structure of the Committee and potential additions to membership.

BACKGROUND

2. At a meeting of the Local Emergency Management Committee (LEMC) held on 20 February 2008 the committee requested contact be made with LEMC members who have been absent from the Committee for a considerable time to assess the representation status (Item 5.2, Committee Membership) of the organisation. Committee members were requested to consider the current membership and the relevance of the current structure and any potential additions to the membership.
3. A full review of the LEMC members and non-members (Liaison Officers, Agency Representatives and advisors) was undertaken.
4. Though the LEMC can suggest the composition of membership, all members must be determined by the local government (Council). The current LEMC membership was formalised within the Local Emergency Management Arrangements when adopted in May 2008.

DETAILS

5. Current Membership

The membership of the LEMC as at the adoption of the Local Emergency Management Arrangements in May 2008 is as follows. (Comments are included as to the desirability of maintaining the position on the LEMC):

- *FESA District Manager Perth North East (previously South East):*
Membership on the LEMC should maintain its current status and a delegate be nominated to represent the organisation in the absence of the incumbent.

-
- *State Emergency Service, Local Manager Kalamunda:*
Membership on the LEMC should maintain its current status and a delegate be nominated to represent the organisation in the absence of the incumbent.
 - *Kalamunda Fire & Rescue Service, Captain:*
Membership on the LEMC should maintain its current status and a delegate be nominated to represent the organisation in the absence of the incumbent.
 - *OIC Kalamunda Forrestfield Police, Local Emergency Coordinator (Deputy Chairman):*
The position is a legislative requirement and therefore membership is mandatory.
 - *Shire of Kalamunda, Chief Bush Fire Control Officer:*
Membership on the LEMC should maintain its current status.
 - *Shire of Kalamunda, Director Corporate Services (Executive Officer):*
The position 'Executive Officer' is a legislative requirement and therefore membership is mandatory.
 - *Shire of Kalamunda, Council Representative (Chairman):*
As Chairman, the position is a legislative requirement and therefore membership is mandatory while acting as the Chairman. If this was to alter, legislation requires a local government representative which is best represented by the Local Government.
 - *Shire of Kalamunda, Environmental Health Officer:*
Membership on the LEMC should maintain its current status.
 - *Department for Community Development (Department for Child Protection):*
The department is now known as the Department for Child Protection (DCP). At this time the representative is the local Team Leader who is part of the Emergency Services Unit for DCP. DCP has requested representation on all LEMCs, therefore membership on the LEMC is recommended at its current status.
 - *FESA District Manager Newburn (previously Canning):*
Membership on the LEMC should maintain its current status.
 - *OIC Forrestfield Police (now OIC Kalamunda & Forrestfield):*
Membership on the LEMC should maintain its current status.
 - *Kalamunda Community Care:*
The Shire has taken on a 'care taking' role for this organisation at this time.

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- *Manager Ambulance Operation Metro Region:*
Though this position on LEMC has been represented by the role for some years, the attendance has been very poor and could be considered inappropriate. Though contact was attempted, no response was received. It is suggested this position be removed from the LEMC.
 - *State Emergency Service, District Manager:*
Membership on the LEMC should maintain its current status.
6. The meetings are regularly attended by organisations that do not have official membership of the LEMC but act in an advisory capacity. Whilst the non-members do not have voting rights, consideration should be given to the purpose of their attendance and therefore any alteration to the status of their membership.
- *Department for Child Protection (DCP), District Emergency Services Officer:*
Given the requirement on local government to undertake all Recovery activities during and after an event and DCP being the lead agency in welfare activities, DCP should be considered as a member of LEMC.
 - *East Metropolitan Police District Office, Midland:*
The East Metropolitan Police District Office occasionally attend meetings, the requirement for the position to become a permanent LEMC member is not warranted as the Local Emergency Coordinator directly liaises with the East Metropolitan Police District Office on LEMC matters.
 - *Fire and Emergency Services Authority, Community Emergency Management Officer (CEMO):*
The Officers attendance is not required at all meetings. It is suggested that an open invitation to attend all LEMC meetings as an observer be extended.
 - *Kalamunda Volunteer Bush Fire Brigade (KVBFB):*
A request was received and agreed to that a member attend meetings as an observer.

As the Kalamunda Chief Bush Fire Control Officer is a member of the committee and the Kalamunda Deputy Chief Bush Fire Control Officer attends regularly, the requirement for further membership from this agency is not necessary.
 - *Kalamunda Fire & Rescue Service (KVFRS):*
The Kalamunda Fire & Rescue Service is represented by the KVFRS Captain. Any attendance by other KVFRS members should be noted as observers unless the member is attending as the Captain's delegate.
 - *Shire of Kalamunda, AWARE Project Coordinator:*
The AWARE Project Coordinator attends in an advisory capacity to inform the committee on the progress of any Emergency Management Projects the Coordinator may be involved in. The role does not need to be made a permanent position on the LEMC.
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- *Shire of Kalamunda, Deputy Chief Bush Fire Control Officer (DBFCO):*

The DBFCO should be made a member of the LEMC committee. There are two DBFCO for the shire, though the need for both to be members is not necessary.
7. It was suggested that the following additional members be added to the LEMC. Justification of the inclusion of these members is supplied.
- Department of Environment and Conservation (DEC):

The Shire encompasses an area of 349 km² of which 247 km² is made up of National Park, Regional Open Space and State Forest which interfaces with a large portion of the Shire's urban and rural developments. Due to the risks associated with the land controlled by DEC on the built environment, the DEC was approached and agreed to have a representative on the LEMC.
 - Water Corporation:

The majority of the DEC controlled land is classified as water catchment area and feeds dams which supply the metropolitan area's drinking water. There are also three Water Corporation dams which border on or are within the Shire boundaries. Considering the vested interest the Water Corporation has in the area, the Water Corporation was approached and agreed to have a representative on the LEMC.
 - Local Recovery Coordinator:

The Emergency Management Act 2005 requires the appointment of a Local Recovery Coordinator. When the officer is appointed by the local government, their attendance will be mandatory.
 - Local Welfare Liaison Officer:

WESTPLAN Welfare states the Local Welfare Liaison Officer is the nominated representative of the Local Government Authority with the responsibility to coordinate the welfare response during emergencies and liaise with the Welfare Coordinator of the Department for Child Protection. As the role is aligned with the responsibilities of DCP, membership on the committee should be mandatory.

STATUTORY AND LEGAL IMPLICATIONS

8. Emergency Management Act 2005
SEMC Policy 2.5

POLICY IMPLICATIONS

9. Nil.

PUBLIC CONSULTATION/COMMUNICATION

10. Nil.

FINANCIAL IMPLICATIONS

11. Nil.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

12. Nil.

OFFICER COMMENT

13. It is suggested that the membership of the Local Emergency Management Committee be updated as outlined in this report.

MEETING COMMENT

14. The Chairman called for nominations for the position of Council representative and Deputy Council representative on the Committee.
15. A Councillor nominated the Shire President as Council representative. The Shire President accepted the nomination.
16. Cr Giardina and Cr Taylor nominated for the position of Deputy Council representative. The CEO provided advice as to how the appointment could be dealt with.
17. The Chairman advised the Committee that a vote would be taken to appoint the Deputy representative. The nominees were given the opportunity (2 minutes) to address the Committee for two minutes to support their nomination.
18. The CEO conducted the election by way of secret ballot. The result of the vote was:

| | |
|-------------|----------|
| Cr Giardina | 7 votes |
| Cr Taylor | 5 votes. |

Cr Giardina was elected as the proposed Deputy Council representative on the Shire of Kalamunda Local Emergency Management Committee.

COMMITTEE RECOMMENDATION TO COUNCIL GS 9/2009

1. That the membership of the Shire of Kalamunda Local Emergency Management Committee consist of the following agency as per S38 (3) (a) of the Emergency Management Act 2005.

Shire of Kalamunda, Council Representative (Chairman)
OIC Kalamunda Forrestfield Police, Local Emergency Coordinator (Deputy
Chairperson)

Shire of Kalamunda, Director Corporate Services (Executive Officer)
Shire Administrative Support Officer (non voting)
Department for Child Protection, Local Team Leader
Department for Child Protection, District Emergency Services Officer
Department of Conservation and Environment Representative
FESA District Manager Newburn
FESA District Manager Perth North East
Kalamunda Fire & Rescue Service, Captain
Shire of Kalamunda, Chief Bush Fire Control Officer
Shire of Kalamunda, Deputy Chief Bush Fire Control Officer
Shire of Kalamunda, Environmental Health Officer
Shire of Kalamunda, Local Recovery Coordinator
Shire of Kalamunda, Local Welfare Liaison Officer
State Emergency Service, District Manager
State Emergency Service, Local Manager Kalamunda
Water Corporation Representative

2. It is recommended that the following agency representatives be noted as 'Agency Liaison Officers' in the minutes of each meeting.

Shire of Kalamunda, AWARE Project Coordinator
Kalamunda Volunteer Bush Fire Brigade (KVBFB)
Fire and Emergency Services Authority, Community Emergency
Management Officer (CEMO)
East Metropolitan Police District Office, Midland
Western Australian Local Government Association (WALGA)

3. That all agencies referred to in the report and not noted in recommendation 1 or 2 no longer be recognised as members of the Shire of Kalamunda Local Emergency Management Committee. These agencies being:

Kalamunda Community Cares
Manager Ambulance Operation Metro Region

4. That Council appoint Cr Donald McKechnie as the Council Representative and Cr John Giardina as Deputy Council Representative of the Shire of Kalamunda Local Emergency Management Committee.

Moved: (Cr Thomas)

Seconded: (Cr Robinson)

CARRIED UNANIMOUSLY

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

10. Proposed Amendment to the Shire of Kalamunda Health Local Laws 2001 – Prohibition of the Keeping of Roosters and Other Noisy Poultry in Residential Areas

Previous Items: November OCM; Item 10.3
Service Area: Community Development
Author: Jonathon Smith
File Reference: LE-LOL-027
Applicant: N/A
Owner: N/A

PURPOSE

1. For Council to consider a draft amendment to the Shire of Kalamunda Health Local Laws 2001 (Local Law) to prohibit the keeping of roosters and other noisy poultry in residential areas.

BACKGROUND

2. A Petition was received by Council from a number of Lesmurdie residents requesting that Council amend the Local Law so as to prohibit the keeping of roosters on residential properties.

DETAILS

3. The Shire of Kalamunda has received a number of noise complaints relating to roosters kept on a property in Falls Road, Lesmurdie. The residents were concerned that the Local Law relating to poultry did not restrict the keeping of roosters.
4. At the November Ordinary Council Meeting it was resolved that :

The Council Officers prepare a draft amendment to the Shire of Kalamunda Health Local Law 2001, Division 4 – ‘keeping of Poultry and Pigeons’ by adding a point (3) to clause 66 as follows:

‘An owner or occupier of premises shall not keep a rooster, peafowl, goose or turkey on land that is zoned residential.’

STATUTORY AND LEGAL IMPLICATIONS

5. Authority to amend the Shire of Kalamunda Health Local Laws 2001 is contained in the Local Government Act 1995 and the Health Act 1911.

POLICY IMPLICATIONS

6. Nil.

PUBLIC CONSULTATION/COMMUNICATION

7. This will be as part of the process to amend the Local Law.
8. A letter was received from the Midland Junction Poultry Society (Inc.) objecting to the proposed amendment on the grounds that if the Shire will not permit the keeping of roosters, within a few years pure bred poultry will no longer exist.

FINANCIAL IMPLICATIONS

9. Nil.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

10. Plan for the Future of the District 2006 – 2011 Outcomes for Natural and Built Environment - Community satisfaction with lifestyle and amenity.

OFFICER COMMENT

11. Currently the Local Law permits the keeping of up to 20 poultry on a residential lot subject to prescribed conditions. There are no restrictions as to the make up of the permitted number.
12. The Local Law addresses health nuisances such as odour and flies. It was not intended that the Local Law be used to resolve noise complaints. Noise complaints are dealt with under the Environmental Protection Act 1986 and Environmental Protection (Noise) Regulations 1997.
13. The Shire of Kalamunda receives a number of rooster noise complaints annually which are dealt with as noise complaints. In some situations the only way to resolve the complaint is for the rooster in question to be relocated offsite. Historically a few complaints have been received regarding noisy peacocks.
14. It is noted that the roosters that were the subject of the petition have been removed from the property in question.
15. As the intention of the Local Law amendment is to deal with noise issues it is recommended that the amendment, see ([Attachment 1.](#)), prohibit the keeping of roosters and other noisy poultry. It is also recommended that there is a total ban with no exception. This is on a basis that any rooster or other noisy poultry in a residential area can result in a noise complaint requiring the enforcement process to commence i.e. requires a written complaint which is followed by a site visit by a Health Officer and, if required, a direction issued requiring action to abate the nuisance.
16. If the amendment is approved and gazetted then Council should be aware, that to enforce the removal of a rooster or other noisy poultry from some properties, may require legal action.

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17. It is noted that the Shire of Mundaring have recently been through a similar exercise and the outcome was that they adopted an amendment similar to the one that is now proposed, but this was subsequently deleted and replaced with a further amendment that did not allow for the keeping of a rooster or a peafowl without the approval of and in accordance with conditions imposed by the Council. A copy of the conditions ([Attachment 2](#)) is provided for your information.
18. It is proposed that the Local Law amendment be adopted through the following process
- a. That the summary of the purpose and effect of the proposed amendment to the Local Law be recorded in the Agenda and Minutes.
 - b. State wide and local public notice of the proposal be given, summarising the purpose and effect of the proposed amendment to the Local Law
 - c. A copy of the state wide public notice and proposed amendment to the local law is sent to the Minister for Local Government and to the Minister for Health.
 - d. Approval must be obtained from the Executive Director Public Health.
 - e. Following a period of at least six weeks from the date of newspaper notice, all submissions be considered and a report provided to Council
 - f. Council considers and resolves to adopt the proposed amendment to the Local Law
 - g. The amendment to the Local Law is published in the Government Gazette.

MEETING COMMENT

19. Two representative of the Midland Junction Poultry Society spoke in opposition to the Officer Recommendation. Councillors sought clarification on a number of matters raised.
20. A Councillor queried the cost this local law would impose on the Council in relation to policing. Also would there be a requirement for a policy in relation to existing poultry. The CEO advised there were concerns as to how this local law would be implemented and clear direction from Council would need to be obtained as to how this was dealt with in relation to resources and failure to comply with the removal of roosters from properties.
21. A Councillor queried if it would be possible for additional information on how the local law would be implemented be supplied to Councillors prior to the Ordinary Council Meeting. The Director Community Development advised that investigations would need to be undertaken and this may not be completed by the Ordinary Council Meeting, which would mean the matter may run into next months meeting schedule.

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22. A Councillor queried if it would be possible to create a policy by which breeders of chickens are registered, unless a breeder is registered they are unable to keep rooster. The Director Community Development advised this question would be taken on notice.
 23. As there was no mover for the Officer's Recommendation it Lapsed.
 24. The Chairman advised the alternative recommendations would be presented to the Committee.
 25. Cr Giardina presented an alternative recommendation and provided explanation to the Committee as to the reasoning for the Recommendation. The Committee debated the Recommendation and a vote was taken. This Recommendation was defeated.
 26. Cr Taylor presented an alternative recommendation to defer the matter until the Ordinary Council Meeting to allow additional information on how the local law would be implemented to be provided to Councillors.

OFFICER RECOMMENDATION

1. That Council resolves to give state-wide public notice of its intention to make an amendment to the Shire of Kalamunda Health Local Laws 2001 relating to the prohibition of keeping of a rooster, peafowl, goose or turkey on residential lots as stated in ([GSC Item 10 Attachment 1.](#)), and invite comment pursuant to Section 3.12 of the *Local Government Act 1995*.
2. That it be recorded that the purpose of the proposed amendment to the local law is to prohibit the keeping of a rooster, peafowl, goose or turkey on land zoned residential to prevent the noise associated with the keeping of these types of poultry. The effect of the proposed local law is to prohibit the keeping of a rooster, peafowl, goose or turkey on land zoned residential within the district.

Moved:

Seconded:

LAPSED

MOTION

1. That Council resolves to give state-wide public notice of its intention to make an amendment to the Shire of Kalamunda Health Local Laws 2001 relating to **reducing the permitted number of poultry kept on a residential lot from 20 to 12** and the prohibition of the keeping of a rooster, peafowl, goose or turkey on residential lots, **unless otherwise approved by the Local Government, and in accordance with any conditions imposed by the Local Government and such approval will be limited to the keeping of only one rooster**, and invite comment pursuant to Section 3.12 of the *Local Government Act 1995*

2. It be recorded that the purpose of the proposed amendment to the local law is to **reduce the permitted number of poultry kept on a residential lot** and to prohibit the keeping of a rooster, peafowl, goose or turkey on land zoned residential **unless otherwise approved by the Local Government, and in accordance with any conditions imposed by the Local Government, so as to protect the amenity of the area.** The effect of the proposed local law is **limit the total number of poultry kept on a residential lot to 12** and to prohibit the keeping of a rooster, peafowl, goose or turkey on land zoned residential within the district, **unless otherwise approved by the Local Government, and in accordance with any conditions imposed by the Local Government and where such approval is granted only one rooster may be kept.**

MOVED: (Cr Giardina)

Seconded: Cr Tonkin

For the Recommendation

Cr Giardina
Cr Tonkin
Cr Morton
Cr Sadler

Against the Recommendation

Cr Everett
Cr Robinson
Cr Heggie
Cr Lindsey
Cr Taylor
Cr Thomas
Cr McKechnie
Cr Cresswell

DEFEATED

COMMITTEE RECOMMENDATION TO COUNCIL GS 10/2009

1. That the item be deferred and if possible be dealt with at the Ordinary Council Meeting of February 2009.

Moved: (Cr Thomas)

Seconded: (Cr Taylor)

CARRIED UNANIMOUSLY/ABSOLUTE MAJORITY

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

11. Renewal of the Swimming Pool Inspection Tender Contract

Previous Items: GS 129/2007
Service Area: Planning & Development Services
Author: Duncan Wilson
File Reference: BU-INSP-002 CO718
Applicant: N/A
Owner: N/A

PURPOSE

1. To extend the swimming pool inspection contract awarded to The Royal Life Saving Society Australia (WA) for a further twelve months.

BACKGROUND

2. At the Ordinary Council Meeting of December 2007, Council awarded the contract to undertake the mandated swimming pool inspection program to the RLSSA (WA), who was the only tenderer, for a period of 12 months from 17 December 2007. The contract has since expired and all swimming pools within the Shire of Kalamunda have not as yet been inspected.

DETAILS

3. Due to labour shortages, the RLSSA (WA) has been unable to complete all of the inspections within the contracted period. At this stage indications are that approximately 50% of the pools still require initial or follow-up inspections. RLSSA (WA) has indicated that they wish to complete the program under the terms of the current, now expired, contractual agreements.

STATUTORY AND LEGAL IMPLICATIONS

4. As the tender price is in excess of \$100,000, the contract was required to be advertised for tender. Acceptance of the tender was by an absolute majority of the Council.

POLICY IMPLICATIONS

5. Purchasing Policy PUR1 details the process to be undertaken in accordance with the Local Government Act 1995 and the Local Government (Functions and General) Regulations 1996.

PUBLIC CONSULTATION/COMMUNICATION

6. N/A

FINANCIAL IMPLICATIONS

7. Currently budgeted to 30 June 2009, residual contracted sum will need to be carried over into the 2009/2010 Budget.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

8. N/A

OFFICER COMMENT

9. RLSSA (WA) has undertaken the inspections on two previous occasions, (2000 & 2004), and when the program was again advertised for public tender the RLSSA (WA) was the only organisation to submit a tender for this regime of inspections.
10. Public comment regarding the inspections being undertaken by the RLSSA(WA) have in the main been positive with very few complaints being received by staff, none of which related to the manner in which the inspections were/are being carried out.
11. Due to the satisfactory level of service being provided, it is recommended that the contract awarded to the RLSSA(WA) on 17 December 2007 be extended so as to permit the completion of the inspection program.

MEETING COMMENT

12. Nil.

COMMITTEE RECOMMENDATION TO COUNCIL GS 11/2009

1. That Council approves the extension of the current contract that was awarded to the Royal Life Saving Society Australia (WA) to undertake inspections of all the private swimming pool fencing within the Shire of Kalamunda, for a further twelve (12) months without change.
2. That the Swimming Pool Inspection Program 2008/2009 Budget allocation be carried over into the 2009/2010 Budget if required.

Moved: (Cr McKechnie)

Seconded: (Cr Thomas)

CARRIED UNANIMOUSLY/ABSOLUTE MAJORITY

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

12. Awarding of Tender – Supply & Delivery of Concrete Drainage Products, T0812

Previous Items: N/A
Service Area: Engineering Services
Author: Mahesh Singh
File Reference: AD-TEN-004
Applicant: N/A
Owner: N/A

PURPOSE

1. To consider the awarding of a Contract for Tender T0812 'Supply and Delivery of Concrete Drainage Products', for a three year period.

BACKGROUND

2. Tenders were called for the Supply & Delivery of Concrete Drainage Products, which closed on 25 November 2008. The previous Tender expired on 31 December 2006.

DETAILS

3. Five companies submitted Tenders for this Contract being;
 - Humes Western Australia;
 - Vinidex Systems & Solutions;
 - Rocla Pipeline Products;
 - Wembley Cement; and
 - Icon Septech.
4. Vinidex Systems and Solutions submitted an Alternative Tender for the supply of some of the pipes, made of Polypropylene material instead of Concrete.
5. Whilst five Tenders were received, the majority of the Tenderers submitted rates for a limited number of requested items.
6. Icon Septech submitted prices for some items, for only one year instead of three years.
7. Details of Tendered prices quoted by all Tenderers are presented at ([Attachment 1, 2 & 3](#)).

STATUTORY AND LEGAL IMPLICATIONS

8. The Tender is undertaken in accordance with the statutory requirements of the Local Government Regulations 1996.

POLICY IMPLICATIONS

9. N/A

PUBLIC CONSULTATION/COMMUNICATION

10. NIL

FINANCIAL IMPLICATIONS

11. NIL

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

- 12.

OFFICER COMMENT

13. The Alternative Tender submitted by Vinidex Systems & Solutions cannot be considered for evaluation as the material does not comply with Tender Specifications.
14. The Icon Septech Tender is also considered as a non-conforming Tender, as the prices submitted are quoted for one year instead of three years.
15. Rocla Pipeline Products were the only Tenderer to submit a quote for slotted pipes Items 37, 38, 39 and 40, as they are the only supplier for these products. However, these items are less frequently used by the Shire.
16. No price offer was submitted from any of the Tenderers, for Items 7 & 8, refer [\(Attachment 2.\)](#) hence there shall be no Contract in place for these items. As these items are also rarely used there will be minimal impact on the Shire's regular drainage works.
17. Humes Western Australia is competitive regarding the majority of the requested schedule for the supply of pipes refer [\(Attachment 1.\)](#) as well as for Items 1, 2, 3, 4, 11, 12, 15 & 16, refer [\(Attachment 2.\)](#)
18. Wembley Cement is competitive for items 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 13, 14 refer [\(Attachment 2 & 3.\)](#)
19. To ensure the efficiency and consistency in quality supplies, it is advantageous to award the contract to Humes Western Australia and Wembley Cement. Based upon the economical price quoted by Humes Western Australia and Wembley Cement for requested supply items there would be two contracts in place refer [\(Attachment 4.\)](#)

MEETING COMMENT

20. A Councillor sought clarification on the supply of some items. The Director Engineering Service provided further information.

COMMITTEE RECOMMENDATION TO COUNCIL GS 12/2009

1. That the Contract for the Supply and Delivery of Concrete Drainage Products be awarded to Humes Western Australia & Wembley Cement for a three year period, based upon the Tendered prices shown at ([GSC Item 12 Attachment 4.](#))

Moved: (Cr Thomas)

Seconded: (Cr Everett)

CARRIED UNANIMOUSLY

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

13. Awarding of Tender – Construction of Concrete Footpaths - T0813

Previous Items: N/A
Service Area: Engineering Services
File Reference: AD-TEN-004
Applicant: N/A
Owner: N/A

PURPOSE

1. To consider the awarding of a Contract for Tender T0813 'Construction of Concrete Footpaths', for a three year period.

BACKGROUND

2. The existing Tender for Construction of Concrete Footpath expired on 31 October, 2008. Tenders were called for the construction of Concrete Footpath (T0813) for a period of three years, which closed on 25 November 2008.

DETAILS

3. Four companies submitted Tenders for this Contract being;
 - Westside Concrete Contractors;
 - Dowsing Concrete;
 - Peter Hammond Concreting; and
 - WA Concreters Pty Ltd.
4. The prices quoted by the submitting contractors, for the various items of concrete footpath construction, are shown at ([*Attachment 1.*](#))
5. The Tenders were opened in the presence of two Shire Officers and representatives from Westside Concrete Contractors and Dowsing Concrete. No details of the Tendered prices were provided to any of the representatives at the time of opening of the Tender.

STATUTORY AND LEGAL IMPLICATIONS

6. The Tender is undertaken in accordance with the statutory requirements of the Local Government Regulations 1996.

POLICY IMPLICATIONS

7. Nil.

PUBLIC CONSULTATION/COMMUNICATION

8. Nil.

FINANCIAL IMPLICATIONS

9. Nil

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

10. Nil.

OFFICER COMMENT

11. It is apparent from the evaluation of Tenders, that the prices quoted by the Tenderers for different schedule items are varied across the board and there is no single Tenderer who is competitive in all items. The items that have a major impact on the footpath construction budget are item numbers 1, 3 and 7, refer ([Attachment 1.](#))
12. The other items are also critical as part of the overall Tender, however, due to their minimal usage & weightage, the proportionate impact on the footpath construction budget would be minor.
13. The calculated three year average price for Items 1, 3 and 7 submitted by the four Tenderers are as per below;
- WA Concreters Pty Ltd : \$36.80/m²
 - Peter Hammond Concreting : \$38.51/m²
 - Westside Concrete Contractors : \$43.41/m²
 - Dowsing Concrete : \$49.55/m²
14. The analysis shows WA Concreters Pty. Ltd is more economical than the other Tenderers. A reference check carried out, regarding the quality of work of WA Concreters Pty Ltd, found that this company meets the Shire's expectations.

MEETING COMMENT

15. Nil.

COMMITTEE RECOMMENDATION TO COUNCIL GS 13/2009

1. That the Contract for the Construction of Concrete Footpaths to be awarded to WA Concreters Pty Ltd. for a three year period, based upon the Tendered prices shown at ([GSC Item 13 Attachment 2.](#))

Moved: (Cr Robinson)

Seconded: (Cr Taylor)

CARRIED UNANIMOUSLY

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

14. Roach Road, Piesse Brook – Road Closure

Previous Items:
Service Area: Engineering Services
Author: Mahesh Singh
File Reference:
Applicant:
Owner:

PURPOSE

1. To consider closing a portion of the road reserve on Roach Road, adjacent to 15 (Lot 325) Hummerston Road, Piesse Brook, as shown at [\(Attachment 1.\)](#).

BACKGROUND

2. Reference is made to Agenda Item GS 129/2008 of the General Services Committee Meeting held in November 2008, where the following Recommendation was carried.

'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.

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.

That the Minister for Planning and Infrastructure be indemnified against any claims arising as a result of the road closure.'

3. Council endorsed the General Services Committee Recommendation at its November Ordinary Council Meeting (OCM 144/2008).

DETAILS

4. Under Section 58 of the Land Administration Act, a notice was advertised in local newspapers, whereby 15 objections, 5 conditional-supports and one non-objection were received, details and comments are shown at [\(Attachment 2.\)](#)
5. The majority of the objectors cited the retention of pedestrian access as their main reason for opposing the closure. The conditional support submissions were also on the basis that part of the road reserve is retained for pedestrian access.

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6. One submission made by a Bush Fire Brigade volunteer, who lives in the neighbourhood, based his objection on the grounds that the subject land provides emergency vehicle access to Jorgenson Park. His comments are supported by the Shire's Chief Bush Fire Control Officer.
 7. Three of the objectors do not live in the area, two of which did not provide a reason for objecting.
 8. The owners of number 17 (Lot 4) Hummerston Road have indicated that they wish to retain side access from Roach Road, as their reason for objecting in addition to wanting continued pedestrian access to Jorgenson Park.
 9. The Department of Environment and Conservation advise they have no objection to the road reserve being closed. They have also notified the Shire that they do not object to part of the road reserve being used to create a Public Access Way, commencing from Hummerston Road through to Jorgenson Park.
 10. The Public Utility Providers have been contacted, seeking their comments regarding the proposed closure. No objections have been received apart from the Water Corporation.
 11. The Water Corporation responded that there is a water main located within the boundary of the proposed road closure. However they advise that they can investigate the possibility of the water main being cut and capped, so that the water meter can be relocated to the proposed new street frontage off Hummerston Road. This work would be carried out at the Applicant's expense.

STATUTORY AND LEGAL IMPLICATIONS

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

POLICY IMPLICATIONS

- 14.

PUBLIC CONSULTATION/COMMUNICATION

- 15.

FINANCIAL IMPLICATIONS

16. Nil

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

17. Nil.

OFFICER COMMENT

18. It is evident from the submissions that a number of residents wish to retain pedestrian access to Jorgenson Park. There is merit in retaining part of the road reserve as a Public Access Way.
19. At present there are several meandering walk tracks, which provide pedestrian access to Jorgenson Park; however, the majority of these tracks encroach upon private properties.
20. Although concern for emergency access has been raised, there is no evidence of vehicular access to Jorgenson Park, within the road reserve boundaries. The road reserve contains a large granite outcrop and native vegetation and accordingly construction of a fire track would be cost prohibitive. There is however, good access available via Crescent Road. The Department of Environment and Conservation are of a similar view.
21. The Water Corporation has objected on the basis that there is a water main within the subject land, which supplies water to the Applicant's property only. If the section of Roach Road reserve proposed for closure is purchased by the Applicant, the water meter can then be located in Hummerston Road, and the Water Corporation will no longer require the water main.
22. The owners of number 17 (Lot 4) Hummerston Road have their main access from a sealed road (i.e. Hummerston Road) and there is no evidence of frequent use of side access from Roach Road.
23. Council has an obligation to provide a constructed road access to number 15 Hummerston Road and if the section of Roach Road is not purchased by the Applicant, the Shire would be required to construct approximately 100m of sealed road. The cost of a constructed road along with associated drainage is estimated at \$100,000. Additionally, there would be a need to acquire an easement on the Applicant's property, for which they will be entitled to compensation.
24. There is a risk of unsociable behaviour within the proposed Public Access Way, however, in view of the condition of the terrain, such a risk is considered to be minimal.

MEETING COMMENT

25. Two people spoke in support of the recommendations. Councillors sought clarification on some points raised by the speakers.

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26. Three residents spoke against the recommendation. One speaker questioned the accuracy of some of the comments within the report. Councillors queried some of the points raised by the speakers.
 27. Councillors asked if any of the owners of adjoining properties of the road reserve had been offered the opportunity to purchase part of the road reserve and if they were aware they had the option to purchase part of this reserve. The Director Engineering Services advised that they had not been offered the opportunity to purchase any of the road reserve, but had offered no objection to the proposal.
 28. Councillors queried aspects of the report in relation to drainage and the length of the seal road that would be constructed. The Director Engineering Services provided clarification.
 29. A Councillor observed that most of the objectors mentioned the loss of access to Jorgenson Park if the whole road reserve was to be sold. Were they not aware of the 15metre and the 5 metre split of the reserve. The Director Engineering Services advised the original proposal was to close the full width of the road and that was what was advertised. The 15metre/5metre was a compromise based on the objections.
 30. Councillors queried the possibility of alternative arrangements for drainage in the event the road is constructed. The Director Engineering Services advised that alternative drainage arrangements would be very expensive.
 31. A Councillor queried if only the part of the road reserve which is in contact with Lot 15 only be sold off and the area between Hummerston and the end of the property at Lot 4 be retain as public road. The Director Engineering advised this was possible, but did not see any logic in this solution.
 32. A Councillor queried if this was considered as a possibility when considering the recommendation. The Director Engineering Services advised this had not been considered as an option.
 33. As there was no seconder for the Officer Recommendation the recommendation Lapsed
 34. Cr Lindsey provided a alternative recommendation and provided reasoning behind the recommendation. The Committee debated the recommendation before a vote was called.

OFFICER RECOMMENDATION

1. That a 15m side section of Roach Road reserve, abutting numbers 15 (Lot 325) and 17 (Lot 4) Hummerston Road, refer ([***GSC Item 14 Attachment 1.***](#)) be recommended for closure, to the Minister for Land, subject to the following;
 - a) The owners of 15 Hummerston Road (the Applicant) purchase the 15m wide strip of land;

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- b) The Applicant provides an 'in principal' agreement with the Water Corporation to relocate the water meter;
 - c) The Applicant arranges for a survey and lodgement of diagrams prepared by a licensed surveyor, at their own cost: and
 - d) That the Applicant pays for all costs associated with the closure.
2. That a 5m wide section of Roach Road reserve, abutting number 13 (Lot 271) and 13a (Lot 272) Hummerston Road be designated as a Public Access Way, refer ([*GSC Item 14 Attachment 1.*](#)).

Moved: Cr Taylor

Seconded: Cr

LAPSED

COMMITTEE RECOMMENDATION TO COUNCIL

GS 14/2009

1. That in view of the significant number of objections received to Council's proposed closure of the unmade portion of Roach Road Reserve abutting 15 Hummerston Road, Piesse Brook, relating to:
 2. the difficulty and expense of constructing an useable ROW from Hummerston Road to the Jorgenson Park, given a 45 degree embankment across the width of much of the proposed ROW;
 3. the loss of access for the fire brigade to Jorgenson Park from the Roach Road reserve - which accesses the nearest water hydrant at its intersection with Hummerston Road; and
 4. the loss of rear access by the owners of 17 Hummerston Road;
2. Council does not support the closure of the unmade portion of this road reserve.

Moved: (Cr Lindsey)

Seconded: (Cr Robinson)

For the Recommendation

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

Against the Recommendation

Cr Taylor
 Cr Thomas
 Cr Sadler

CARRIED

10.0 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN**10.1 Wall at Kalamunda History Village (Cr Taylor)**

Q. The very stark blank wall facing Railway Road from the new Memorial building has raised some comments, can we please organise a feature of Bougainvillea plants to cover it and save it from graffiti?

A. Taken on Notice.

11.0 QUESTIONS BY MEMBERS WITHOUT NOTICE**11.1 Jorgenson Park (Cr Taylor)**

Q. Has the Jorgenson Park switch board been constructed?

A. Taken on Notice.

11.2 Consultation Roach Road (Cr Giardina)

Q. Many of the people who had objections to the Roach Road closure were not contacted by the Shire. How many people were contacted?

A. The Director of Engineering advised the requirement is to place a public notice in the newspapers. We do not individually contact people. Once the objections are received and the report goes to Council all objectors are notified.

11.3 Consultation Roach Road (Cr Tonkin)

Q. Is there a notice put up on the property where the road is to be closed?

A. The Director of Engineering Services advised this was generally the practice.

11.4 Consultation Roach Road (Cr Tonkin)

Q. Was a sign placed on the road reserve in this incident?

A. Taken on Notice

11.5 Transfer of Responsibility for Jorgenson Park (Cr Robinson)

Q. It has been suggested that with the agreement to transfer responsibility for a portion of Jorgenson Park to DEC it is likely that residents will lose access to parts of the park. Can anyone advise if this will be the case?

A. Taken on Notice

11.6 Hartfield Oval Maintenance (Cr Robinson)

Q. The oval at Hartfield Park that is used by the junior football club has two dangerous covers which have holes in them which are big enough for a foot to go in. Can someone please have a look at this situation?

A. Taken on notice

11.7 Drainage at Lifestyle Village, High Wycombe (Cr Heggie)

Q. Have not yet heard anything regarding the progress of the drainage at the lifestyle village. Has anything happened with this?

A. The CEO advised he had met with the CEO of the Lifestyle Village in the past two (2) weeks and has been advised that they, the lifestyle village, will be having the drainage works undertaken at their expense.

11.8 Discussion at Zone meeting regarding Road Closure (Cr Taylor)

Q. A discussion took place at a recent Zone meeting regarding road closures; can the CEO please advise Councillors of the outcome of the discussion?

A. The CEO advised he would take the question on notice and advise Councillors.

11.9 Airconditioning upgrade Administration Centre (Cr Thomas)

Q. There are funds in the 2008/2009 budget to upgrade airconditioning in the council chambers. When will this work be done?

A. The tender has been awarded, but the work can not be done during summer, it has to be completed when the weather is more neutral due to there being a 4 – 5 day shut down.

12.0 URGENT BUSINESS APPROVED BY THE PERSON PRESIDING OR BY DECISION

12.1 Statement by Shire President

Due to myself being contacted, again for the third week, by the press on the recent embarrassment in this chamber as the Shire President I felt I had to make a statement on the recent business.

I think it is recognised by all here there has been some underlying hostilities between certain Councillors since I assumed the office of Shire President. We have had an ongoing saga of a Wattle Grove development which has been very distressing for some Councillors. We have witnessed different opinions on the EMRC procedures regarding investments and trips to Europe. I personally have had to make official complaints regarding malicious untruths being peddled at the EMRC Forum. These matters have had no major affect

on the public perception on this the Shire of Kalamunda they have been, or are, reasonably and correctly handled and the outcome should be reasonably soon.

However, the latest indiscretion or idiocy has unquestionably brought this whole Council into ridicule from other Councils, from shire staff and most importantly from the general public of Kalamunda. As your Shire President I have been continually embarrassed trying to defend the indefensible to the local press and to the continued scorn of some ratepayers. As you know I do not have any executive power over fellow Councillors I recently asked Councillors involved to submit a letter of apology to the Council regarding the verbal and physical altercation that occurred in this Chamber after the last Ordinary Council Meeting. To date I have received a reply that I am satisfied with from Councillor David Sadler but not from Councillor Frank Lindsey. This whole matter now becomes a matter of civil action and is, and should not be, of any further interest to this Council. We have a far more important agenda within the next few months rather than to have our valuable time taken up with this type of humiliating conduct.

I ask all Councillors to revisit their pledge when they took office and swore to faithfully, honestly and with integrity fulfil the duties of office to the best of their judgement and ability and to observe the Local Government Rules of Conduct Regulations 2007. Finally Councillors I remind that the CEO has a statutory obligation to report to the Corruption and Crime Commission any allegation or situation of misconduct that comes to his notice. It would be most unfortunate to put him in this unenviable and distasteful position which undoubtedly bring more notoriety and shame to this Council. I ask for your continued support in ensuring that we continue to function as a viable and competent council.

Donald McKechnie
Shire President
Shire of Kalamunda

13.0 MATTERS CLOSED TO THE PUBLIC

13.1 Nil

14.0 CLOSURE

There being no further business, the Chairman declared the meeting closed at 9.42pm.

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

Signed.....Chairman

Dated thisday of.....2009