
Shire of Kalamunda

General Services Committee

Minutes for 2 June 2009



SHIRE OF KALAMUNDA

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Minutes of General Services Committee Held in the Council Chambers 2 Railway Road, Kalamunda Tuesday 2 June 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
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
S Miller	MANAGER OPERATIONS
D Jones	MANAGER COMMUNITY SERVICES
S Leeson	MANAGER FINANCIAL SERVICE
K Singh	MANAGER ENGINEERING SERVICES
H Smallwood	MANAGER CORPORATE SUPPORT
M Comber	MINUTE SECRETARY

Apologies	P Heggie	NORTH WEST WARD
Observers		30
Newspapers		Nil.

3.0 PUBLIC QUESTION TIME

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

3.1 Nil.

4.0 PETITIONS

4.1 Nil.

5.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

5.1 That the Minutes of the General Services Committee Meeting held on 4 May 2009 is confirmed as a true and correct record of the proceedings.

Moved: (Cr Taylor)

Seconded: (Cr Thomas)

CARRIED UNANIMOUSLY

6.0 ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION

6.1 A Budget Forum will follow the General Services Meeting.

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)

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.

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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64. Policy Review – Lease, Licence and Rent of Council Owned or Controlled Properties.....	37
65. Proposed Amendment to the Shire of Kalamunda Health Local Laws 2001- Prohibition of the Keeping of Roosters and Other Noisy Poultry in Residential Areas.....	40
66. Policy Review: Appointment of Chief Executive Officer as Deputy under Health Act.....	44
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72. Lot 57 (31 and 33) Canning Road, Kalamunda – Police Premises Lease ..	57
73. Awarding of Tender – Maintenance of Pumping Installations, T0910	60
74. Awarding of Tender – Chemical Treatment of Unwanted Vegetation, T0909.....	62
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REPORTS

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

54. Creditors Accounts Paid for May 2009

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

PURPOSE

1. To receive creditors' accounts paid for the month of May 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 list of Creditors' paid May 2009 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.

COMMITTEE RECOMMENDATION TO COUNCIL

GS 54/2009

1. That the list of Creditors' paid for May 2009 attached ([***GSC Item 54 Attachment 1***](#)) be received by Council in accordance with the requirements of Regulation 12 of the Local Government (Financial Management) Regulations 1996.

Moved: (Cr Thomas)

Seconded: (Cr Taylor)

CARRIED UNANIMOUSLY

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

55. Financial Activity Statements for the Period 30 April 2009

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 draft financial activity statement reports for the period ended 30 April 2009.

BACKGROUND

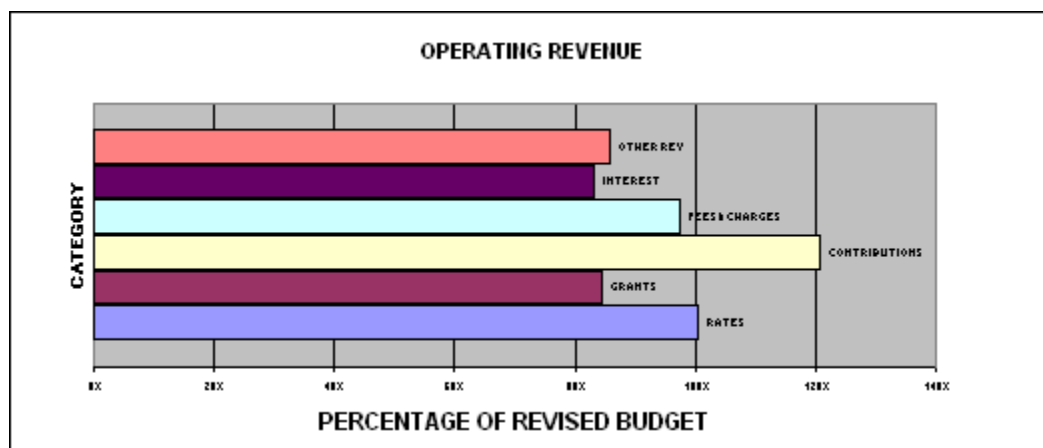
2. Attached are the financial activity statement reports for the period ending 30 April 2009 ([Attachment 1](#)) prepared in accordance with the requirements of Section 34 of the Local Government (Financial Management) Regulations 1996.
3. It is also a requirement of this regulation that each financial year a local government is to adopt a percentage or value to be used in statements of financial activity for reporting material variances.

DETAILS

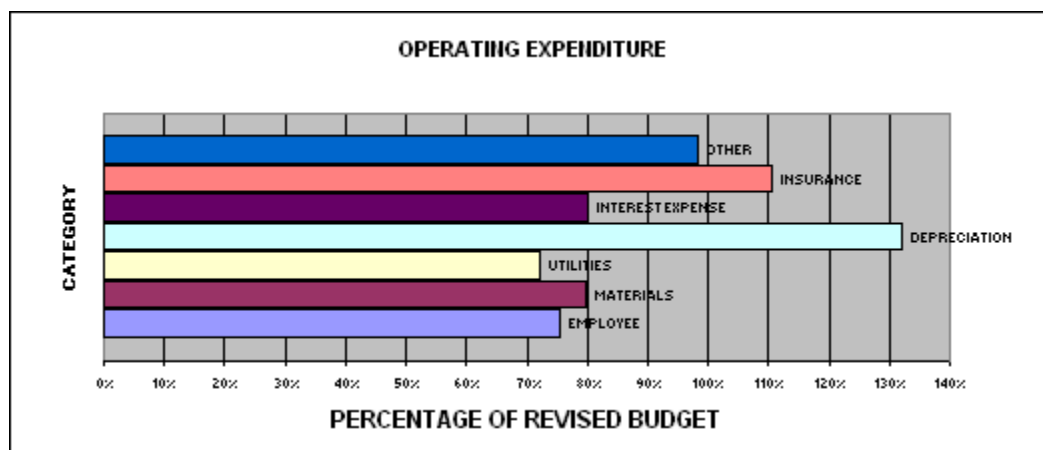
4. It has previously been agreed a percentage value of 10% variance be used for the Financial Activity Statement. This amount is in accordance with the materiality provision of the Australian Accounting Standards (refer AAS5) which is also set at 10%.
5. Refer ([Attachment 1](#)) for the comments relating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

FINANCIAL COMMENTARY

Operating income has performed well against original budget estimates with most categories at or near to their full year original budgets and remaining on target for revised budget amounts. Public Open Space contributions received, as reported previously, are restricted in nature.



Operating expenditure continues to perform as per the budget review, with all but depreciation (due to building revaluation) and insurance (due to late billing of 2007/08 schedule changes received) being under expected amounts.



Key reporting areas:

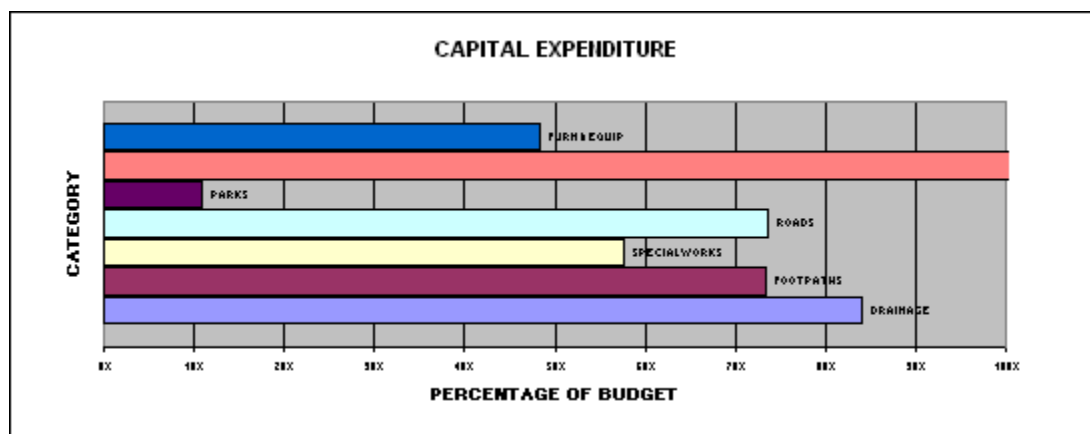
Salaries and Wages

These continue to be reported as being under year to date budget though now increasing monthly as the EBA and negotiated increases commencing from January 1 take effect. Other employee costs such as training / uniforms are also below budget though purchase orders raised commit these budget funds to be spent in the coming months.

Other Expenditure which comprises a budget of \$48,750 for donations to the History Village, community groups and residents selected as state sport representatives. It also includes analytical costs budgeted at \$10,700. As both the History Village and analytical fees are paid in advance, this category is shown as nearly fully expended.

Capital Expenditure

Capital works program is now at 56% of original budget, based upon actual expenditure ignoring the value of purchase orders committed which total to date \$959,514. The purchase of assets, which was increased in the budget review by \$0.5 million, is currently at 91.19% of budget, with the completion of the administration airconditioning replacement project.



FINANCIAL RATIOS	2008/09	2007/08
Current Ratio	7.3 : 1	1.21 : 1
Untied Cash to Trade Creditors Ratio	12.6 : 1	0.37 : 1
Debt Ratio	1.20%	1.61%
Debt Service Ratio	0.35%	0.37%
Gross Debt to Revenue Ratio	1.99%	2.20%
Gross Debt to Economically Realisable Assets Ratio	0.31%	0.36%
Rate Coverage Ratio	55.52%	49.41%
Outstanding Rates Ratio	3.88%	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	$\frac{\text{Net rate revenue}}{\text{Operating revenue}}$
Outstanding Rates Ratio	$\frac{\text{Rates outstanding}}{\text{Rates collectable}}$

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.

COMMITTEE RECOMMENDATION TO COUNCIL

GS 55/2009

1. That the Financial Activity Statement reports for the period ending 30 April 2009 ([*GSC Item 55 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.

56. 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 30 April 2009.
[\(Attachment 1\)](#).
3. Council has requested information as to outstanding debtors and creditors be reported on a monthly basis.

DETAILS

4. Debtors
See [\(Attachment 1\)](#) for details.
5. Creditors
See [\(Attachment 1\)](#) for details.

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.

COMMITTEE RECOMMENDATION TO COUNCIL

GS 56/2009

1. That the outstanding debtors and creditors report as at 30 April 2009 ([GSC Item 56 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.

57. Rates Debtors Report

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

PURPOSE

1. To receive a report on rates debtors as at 30 April 2009.

BACKGROUND

2. Attached is the report detailing rates debtors as at 30 April 2009. ([Attachment 1](#)).

DETAILS

3. Rates Debtors

See ([Attachment 1](#)) for details.

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.

COMMITTEE RECOMMENDATION TO COUNCIL

GS 57/2009

1. That the rates debtors report as at 30 April 2009 ([*GSC Item 57 Attachment 1*](#)) be received.

Moved: (Cr Taylor)

Seconded: (Cr Everett)

CARRIED UNANIMOUSLY

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

58. Access Economics Report

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

PURPOSE

1. To receive the Report by Access Economics titled *An Assessment of Kalamunda Shire's Finances an Update*.

BACKGROUND

2. Access Economics are the organisation that produced the Report on Local Government Finances in Western Australia for the Systemic Sustainability Study in June 2006. The Shire contracted Access Economics to provide an updated position report on Kalamunda's finances and sustainability.

3. Access Economics Overview

Our 2006 Report presented a 'fiscal' analysis of the finances of WA councils. Such an analysis focuses on the six key financial and infrastructure indicators shown in the Table below.

The latest results for Kalamunda are as follows:

Kalamunda Shire Council	2007-2008	ideal range
Net financial liabilities ratio	-18%	<50%
Debt service cover	>20x	>4x
Operating surplus ratio	8%	>0%
External financing ratio	9%	<40%
Infrastructure backlog ratio	5%	<2½%
Annual renewals gap ratio	12%	<10%

Based on an update of our 2006 methodology, overall we find Kalamunda's finances to be 'sustainable'. This assessment is similar to that made three years ago.

While the council faces the challenge of addressing some infrastructure-related imbalances, its strong position in other respects should enable it to deal with these imbalances without having to lift its rates, fees & charges above those typical of its peers.

We would note two provisos to this assessment. First, much depends on whether the council is prepared to exploit the additional revenue capacity we have assessed by bringing its level of rates more into line with those of its direct peer group. Without this, the council's capacity to deal with its infrastructure challenges will be considerably lessened.

Secondly, the cost of renewing the council's infrastructure assets may be underestimated by the present accounting values of its road assets in particular. The values of existing assets need to be updated and their general condition needs to be more rigorously assessed.

A council's finances are assessed as 'sustainable' only if any financial and infrastructure imbalances that presently exist could be corrected without the council having to resort in future to substantial adjustments to its existing revenue-raising and/or expenditure. Two main benefits arise if a council's finances are 'sustainable': first, the stability and predictability of the council's rates, fees & charges are not at risk and, secondly, the ratings burden is being shared fairly between the council's current and future ratepayers (i.e. today's problems are not being left largely for future ratepayers to fix).

4. Access Economics Role of Borrowing

When undertaken prudently, borrowing is an appropriate means for councils to finance long-lived infrastructure assets, the costs of which are often large or 'lumpy' and may be delayed in the absence of borrowing.

"The servicing of debt through rates or user charges (where appropriate) enables the cost of the asset to be matched with the benefits from consumption of the services over the life of the asset, thereby promoting inter-generational equity." (Productivity Commission, 2008)

On inter-generational equity grounds, it is most appropriate that additional borrowings be used to fund both:

- enhancement capex, being the annual spending undertaken to extend or expand a council's network of infrastructure assets or to increase the service capacity of its existing assets, as such capex gives rise to infrastructure services benefiting future (as well as current) ratepayers; and
- rehabilitation capex, being the annual cost associated with specifically reducing a council's existing infrastructure backlog, which arises mainly because depreciation has been under-funded in the past.

Only renewals capex, being the amount of required asset renewal/replacement

that is actually spent during a year as it falls due, should be funded to the maximum extent possible as it falls due by past ⁽¹⁾ and present ratepayers, with additional borrowings not being relied upon to finance such capex except in exceptional circumstances.⁽²⁾ Fully funding depreciation is the most equitable (in an inter-generational sense) means of funding renewals capex. Borrowing to fund rehabilitation capex should only be tolerated where depreciation has been under-funded in the past.

Councils without operating deficits but with present infrastructure backlogs undoubtedly need to take on more debt. Borrowing is an appropriate financing source for such councils to finance needed rehabilitation capex. Low-g geared councils without operating deficit problems have the requisite earnings (or cash flow) coverage of the resultant debt servicing. There is little doubt that many such councils are under-using debt. To an informed external observer, the level of indebtedness of such councils is well below levels appropriate to their circumstances, reflecting a widespread reluctance by councils to borrow even when it may be prudent to do so.

Only those councils currently still burdened with operating deficits (and so probably future annual renewals gaps) and significant present infrastructure backlogs face problems which may be outside their present financial capacity to address. Unless and until these councils are assisted by other spheres of government, such councils are confronted with the need for substantial changes in their spending and funding policy settings.

⁽¹⁾ Past ratepayers will have funded past annual depreciation charges, and this would have seen (other things being equal) an accumulation of cash whenever (past) annual renewals spending falls short of the (past) annual depreciation charge. When in future annual renewals spending exceeds the depreciation charge, ideally the portion of renewals spending that cannot be funded by present ratepayers will then be funded by drawing down any previously accumulated cash balances – and hence be funded in effect by past ratepayers.

⁽²⁾ Our view that annual depreciation be regarded solely as a source of funding future renewals brings with it a possible role for spreading the borrowed cost of existing assets over generations of taxpayers through a debt principal repayment component of a council's operating surplus. Within local government, some hold an alternate view, namely that depreciation should be regarded instead as itself funding the repayment of debt. Under this minority view (to which we do not subscribe), additional/new debt would finance asset renewals as well as new assets.

DETAILS

5. A copy of the Report is presented as ([Attachment 1](#)).

STATUTORY AND LEGAL IMPLICATIONS

6. Nil.

POLICY IMPLICATIONS

7. Nil.

PUBLIC CONSULTATION/COMMUNICATION

8. Nil.

FINANCIAL IMPLICATIONS

9. The Report identifies infrastructure renewal gaps which need to be addressed. The decision as to strategies and the timing to address these remains that of Council.
10. Staff through the 2009/2010 Budget process will be suggesting actions for Council consideration.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

11. This document along with the CT Management Group report *Building Asset Management a Condition Report* address the infrastructure renewal gap and the sustainability of the Shire of Kalamunda.

OFFICER COMMENT

12. Nil.

MEETING COMMENT

- 13.

COMMITTEE RECOMMENDATION TO COUNCIL**GS 58/2009**

1. That the Access Economics Report "An Assessment of Kalamunda Shire's Finances an Update" be received.

Moved: (Cr Robinson)

Seconded: (Cr Thomas)

CARRIED UNANIMOUSLY

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

59. Review of Delegations

Previous Items: N/A
Service Area: Corporate Services
Author: Andrea Westacott
File Reference: LE-ACT-006
Applicant: N/A
Owner: N/A

PURPOSE

1. For Council to review its delegations to the Chief Executive Officer and other employees.

BACKGROUND

2. In order to carry out its functions efficiently and effectively, Council has the ability to delegate its powers and duties to the Chief Executive Officer (or to another staff member, in some cases).
3. Section 5.46 of the *Local Government Act 1995* requires each Council to review its delegations at least once every financial year.
4. Council last reviewed its delegations on 16 July 2007. The current delegations must therefore be reviewed by 30 June 2009.
5. At the Planning Services Committee meeting held on 11 May 2009, Council resolved to refer the item to the General Services Committee.

DETAILS

6. The current delegations of Council, adopted in July 2007, are shown in [\(Attachment 1.\)](#)
7. Many of the current delegations are administrative matters, which are the responsibility of the Chief Executive Officer and do not require delegation. Some do not in fact contain any delegation, and some refer to powers of Council which may not be delegated (those under the Health Act, for example). Each current delegation has been examined, to determine what is being delegated, and what authority the delegation is made under.
8. A list of all current delegations with recommended actions is attached [\(Attachment 2.\)](#). A number of new delegations have also been suggested. These generally relate to commonly performed functions (such as investment of funds under the Council's investment policy), where a Council decision would be unnecessary.

-
9. Those delegations which have been recommended to be retained or added have been formatted to clearly state the power or duty which is being delegated, and to identify any Council policy which relates to the delegation. It is intended that delegations should be quite general, with conditions and limitations set out in policy. For example, the delegation to approve development applications is subject to compliance with legislation and Council policy. The proposed delegations are shown at ([Attachment 3.](#)).

STATUTORY AND LEGAL IMPLICATIONS

10. Section 5.42 of the *Local Government Act 1995* states that –
“A local government may delegate to the CEO the exercise of any of its powers or the discharge of any of its duties under this Act other than those referred to in section 5.43.” (absolute majority required);
Limits on delegations to CEO’s – s.5.43;
Requirement for review – s.5.46.

POLICY IMPLICATIONS

11. Council’s policies are to be reviewed to ensure that any limitations on delegation are clearly stated.

PUBLIC CONSULTATION/COMMUNICATION

- 12.

FINANCIAL IMPLICATIONS

13. Nil.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

14. Strategic Plan 2009-2014 – Goal 5
A Shire that is well governed, providing positive leadership and efficient service delivery to the community.

5.1.4 Ensure appropriate systems and procedures are in place to comply with statutory compliance and enhance effective business management.

OFFICER COMMENT

15. Nil.

MEETING COMMENT

16. A Councillor pointed out that it is not appropriate to treat Advent Park as a Caravan Park and therefore moved an amendment to the Officer’s Recommendation.

OFFICER RECOMMENDATION

1. That Council notes the review of the Delegation Register.
2. That Council revokes all existing delegations, as shown in ([GSC Item 59 Attachment 1](#)).
3. That Council adopts the delegations listed in ([GSC Item 59 Attachment 3](#)).

COMMITTEE RECOMMENDATION TO COUNCIL**GS 59/2009**

1. That Council notes the review of the Delegation Register.
2. That Council revokes all existing delegations, as shown in ([GSC Item 59 Attachment 1](#)) with the exception of Advent Park.
3. That Council adopts the delegations listed in ([GSC Item 59 Attachment 3](#)).

Moved: (Cr Taylor)

Seconded: (Cr Thomas)

For the Recommendation

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

Against the Recommendation

Cr Robinson

CARRIED / ABSOLUTE MAJORITY

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

60. Review of Local Laws

Previous Items:	N/A
Service Area:	Corporate Services
Author:	Andrea Westacott
File Reference:	LE-LOL-026
Applicant:	N/A
Owner:	N/A

PURPOSE

1. To commence a review of certain local laws, in order to ensure that the Shire's local laws are current and compliant with statutory requirements.

BACKGROUND

2. It is a requirement of the Local Government Act that all current local laws are to be reviewed at least once every 8 years.
3. Two of the Shire's local laws require review by 3 October 2009 – the *Local Government Property Local Law* and the *Dogs Local Law*.
4. A number of other local laws were originally gazetted prior to the introduction of the *Local Government Act 1995*. While they have been reviewed within the last 8 years, they are quite outdated, and may require amendment to make them more relevant.

DETAILS

5. The current local laws of the Shire of Kalamunda, and their required review dates, are listed in ([Attachment 1.](#)).
6. The process for reviewing a local law is detailed in section 3.16 of the *Local Government Act 1995*. Notice is required to be given of the review, and at least 42 days allowed for public submissions. At the conclusion of the submission period, a review report is to be presented to Council. Council will then decide whether to retain, repeal or amend the local law. If the decision to amend the local law is made, the process is the same as that for creating a new local law.

STATUTORY AND LEGAL IMPLICATIONS

7. *Local Government Act 1995*, s.3.16.

POLICY IMPLICATIONS

8. Nil.

PUBLIC CONSULTATION/COMMUNICATION

9. Statewide notice must be given that Council proposes to review a local law. Submissions from the public are to be invited and considered.

FINANCIAL IMPLICATIONS

10. A review may allow Council to alter the amount of a fee, charge or penalty that is set out in a local law.

STRATEGIC IMPLICATIONS

11. Nil.

OFFICER COMMENT

- 12.

MEETING COMMENT

- 13.

COMMITTEE RECOMMENDATION TO COUNCIL**GS 60/2009**

1. That Statewide and local public notice be given that the Shire is proposing to review the following local laws –
- Shire of Kalamunda Dogs Local Law
 - Shire of Kalamunda Local Government Property Local Law
 - By-Law Relating to the Removal and Disposal of Obstructing Animals or Vehicles
 - Local Government Model By-law (Old Refrigerators and Cabinets) No.8
 - Local Government Model Local Laws (Extractive Industries) No 9
 - Local Law Relating to Numbering of Houses and Buildings
 - Shire of Kalamunda By-laws (Street Lawns and Gardens)
 - Shire of Kalamunda Pest Plant By-Laws, 1979
 - By-laws Relating to the Establishment, Maintenance and Equipment of Bush Fire Brigade

Moved: (Cr Taylor)

Seconded: (Cr Thomas)

CARRIED UNANIMOUSLY

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

61. Local Government Convention 2009

Previous Items: N/A
Service Area: Corporate Services
Arthur: Andrea Westacott
File Reference: HR-TRD-004
Applicant: N/A
Owner: N/A

PURPOSE

1. For Council to endorse the attendance of elected members at the Local Government Convention 2009.

BACKGROUND

2. Under Council policy ADM6 (Conferences – Attendance by Elected Members or Employees, and Payment of Expenses), elected members may be nominated and authorised to attend conferences by a resolution passed at a Council meeting.

DETAILS

3. The Western Australian Local Government Association (WALGA) Local Government Convention 2009 is to be held at the Perth Convention Centre from 6 - 8 August 2009.
4. The Convention programme covers a range of issues, including local government reform, the global economic situation, climate change and innovation in the local government sector.
5. All Councillors were invited to indicate if they were interested in attending the 2009 Convention. Two (2) elected members have indicated their interest in attending this convention.

STATUTORY AND LEGAL IMPLICATIONS

6. Nil.

POLICY IMPLICATIONS

7. Policy ADM6 – clause 3(a).

PUBLIC CONSULTATION/COMMUNICATION

8. Nil.

FINANCIAL IMPLICATIONS

9. The full conference delegate fee is \$1,250 per person.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

10. Strategic Plan 2009-2014 – Strategic Plan Goal 5 – A Shire that is well governed, providing positive leadership and efficient service delivery to the community. Events such as this convention are considered important in the professional development of elected members and staff.

OFFICER COMMENT

11. Nil.

MEETING COMMENT

12. A Councillor requested adding Cr Thomas as an attendee for the Local Government Convention.
13. A Councillor stated that she would be unavailable to attend the Local Government Convention.

OFFICER RECOMMENDATION

1. That the attendance of the following elected members at the Local Government Convention 2009 be endorsed –
 - Councillor Elizabeth Taylor; and
 - Councillor Carol Everett.

COMMITTEE RECOMMENDATION TO COUNCIL**GS 61/2009**

1. That the attendance of the following elected members at the Local Government Convention 2009 be endorsed –
 - Councillor Elizabeth Taylor; and
 - Councillor Margaret Thomas

Moved: (Cr McKechnie)

Seconded: (Cr Giardina)

CARRIED UNANIMOUSLY

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

62. Revised Record Keeping Plan

Previous Items: GS 4/2004
Service Area: Corporate Services
File Reference: IM-RMA-008
Applicant: N/A
Owner: N/A

PURPOSE

1. To consider the revised Record Keeping Plan ([Attachment 1](#)), for submission to the State Records Office by 15 July 2009.

BACKGROUND

2. The State Records Act 2000 requires all Government agencies to submit a Record Keeping Plan to the State Records Office for approval.

The original draft Record Keeping Plan was approved by Council in February 2004 for submission to the State Records Office (SRO). The Record Keeping Plan was submitted to the State Records Office in March 2004. After consultation with the SRO a revised plan was submitted in July 2004. The revised plan provided more detail on the Record Keeping Program, improvements that would be implemented to the records system, and the dates those improvements would be in place. The Record Keeping Plan was approved by the State Records Office as at the 15th July 2004 for five years.

The Shire of Kalamunda is therefore required to review the Record Keeping Plan, and submit the revised plan prior to the 15th July 2009.

DETAILS

3. A government organisation's Recordkeeping Plan sets out the matters which records are to be created by the organisation and how it is to keep its records. The Recordkeeping Plan is to provide an accurate reflection of the recordkeeping program within the organisation, including information regarding the organisation's recordkeeping system(s), disposal arrangements, policies, practices and processes. The Recordkeeping Plan is the primary means of providing evidence of compliance with the Act and the implementation of best practice recordkeeping within the organisation.

There are 6 principles that are addressed in the Plan. Government organisations are to ensure the following:

- i. Proper and Adequate Records – Records are to be created and kept which properly and adequately record the performance of the organisation's functions and which are consistent with any written

-
- law to which the organisation is subject when performing its functions.
 - ii. Policies and Procedures – Record keeping programs are to be supported by policy and procedures.
 - iii. Language Control – Appropriate controls are to be in place to identify and name government records.
 - iv. Preservation – Records are to be protected and preserved.
 - v. Retention and Disposal – Records are retained and disposed of in accordance with an approved disposal authority.
 - vi. Compliance – Employees are to comply with the record keeping plan.

STATUTORY AND LEGAL IMPLICATIONS

- 4. The creation of a Record Keeping Plan is required under Section 16 of the State Records Act 2000, the submission to the State Records Office is required under Section 20 of the same Act.

POLICY IMPLICATIONS

- 5. The Shire of Kalamunda's Record Keeping Policy, Policy Number INF4, is current and does not require amendment as a result of the Record Keeping Plan.

A new Councillor Records Policy is expected to be released by the State Records Office in July 2009. The Shire of Kalamunda will be required to develop its own Councillor Records Policy to bring it into alignment with the expected new Policy. In the Record Keeping Plan, the Shire of Kalamunda has made the undertaking that it will submit a new Councillor Records Policy to Council for review by the end of December 2009.

PUBLIC CONSULTATION/COMMUNICATION

- 6. Nil.

FINANCIAL IMPLICATIONS

- 7. Nil.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

- 8. The Record Keeping Plan is a significant part of the forward planning for the Records Unit, and relates to the Strategic Plan under section 5.1.4 – Ensure appropriate systems and procedures are in place to comply with statutory compliance and enhance effective business management, and 5.5.3 - Ensure business continuity and risk management plans are in place and reviewed regularly.

OFFICER COMMENT

- 9. The Record Keeping Plan demonstrates the Shire of Kalamunda's degree of compliance with the State Records Act 2000. The 2004 Shire of Kalamunda Record Keeping Plan identified a number of improvement opportunities. In undertaking a review of the 2004 plan, and creating the 2009 draft plan, the

following achievements and improvements are reported:

- i. The change of the classification system from an older, subject based thesaurus to the function based Keywords for Councils Thesaurus, which is the thesaurus recommended by the State Records Office.
- ii. Upgrading the Records Manual, to ensuring that it drew together all the procedures in Records, with the relevant Administrative Policies, into a signed off Records Manual.
- iii. Capturing the Shire of Kalamunda Website in a three monthly "snapshot", to ensure there is a permanent record of the information provided on the website.
- iv. Modification of the security structure in SynergySoft to ensure appropriate levels were assigned to staff for accessing documentation. Security levels were also changed to ensure Records Staff had the ability to change security access to the Records Module.
- v. The implementation of a migration strategy for electronic records, which is to ensure old file types do not become unreadable due to physical format (floppy disk, tape, CDROM) or electronic format (WordPerfect, Word 97/2000 etc).
- vi. Upgrading the records storage facilities, including the building of the Records Room in February 2005. Permanent and archival records previously held in the Temporary Storage Area and Kalamunda Library were subsequently moved to the Records Room to ensure their preservation in archival quality storage conditions.
- vii. The creation and implementation of a Disaster Recovery Plan, and the creation and implementation of a Vital Records Register.
- viii. An entry was added to the Annual Report providing information on the Records Programme at the Shire of Kalamunda.
- ix. A clause for Contractor Records was created for insertion into Contracts.

In creating the 2009 Shire of Kalamunda Record Keeping Plan the following areas have been identified for future development:

- i. Councillor Records – Submission of a policy on Councillor Records, in line with the proposed revised State Records Office Policy (expected to be released in July 2009), to Council by the end of December 2009.
- ii. Improvement to the processes on controlling Contractor Records, especially where they are consulting on the Shire's behalf.
- iii. Update of the Retention and Disposal program.
- iv. Creation of a Disaster Recovery Kit for Records, which is a box of equipment to be stored in the Record Area which will enhance any response to disaster using the Disaster Recovery Plan.
- v. Greater planning and allocation of time to increase the provision of information to staff and councillors on records policies and guidelines through staff and councillor newsletters.
- vi. Greater planning and allocation of time to increase and improve records training for all Shire of Kalamunda staff.

These proposed improvements have been included in the revised draft Record Keeping Plan 2009.

MEETING COMMENT

10. The Chief Executive Officer recommended the removal of the paragraph in bold-type on pages 4 and 5 of ([Attachment 1.](#)) as it stands outside the legislation.

OFFICER RECOMMENDATION

1. That the revised draft Record Keeping Plan 2009 [GSC Item 62 Attachment 1](#) be endorsed for submission to the State Records Office.

Moved: (Cr Robinson)

LAPSED**COMMITTEE RECOMMENDATION TO COUNCIL****GS 62/2009**

1. That the revised draft Record Keeping Plan 2009 [GSC Item 62 Attachment 1](#) be endorsed for submission to the State Records Office with the removal of the following from pages 4 and 5:

Note: *The policy approach of the State Records Commission in monitoring the recordkeeping obligations in respect to Local Government elected members is:*

“In relation to the recordkeeping requirements of Local Government elected members, records must be created and kept which properly and adequately record the performance of member functions arising from their participation in the decision making processes of Council and Committees of Council. This requirement should be met through the creation and retention of records and meetings of Council and Committees of Council of Local Government.

Activities or transactions which stem from the performance of other roles by Local Government elected members that are not directly relevant to the decision making processes of Council or Committees of Council are not subject to mandatory recordkeeping requirements. Accordingly, the creation and retention of records relating to these activities or transactions is at the discretion of the Local Government.”

Moved: (Cr Lindsey)

Seconded: (Cr Thomas)

CARRIED UNANIMOUSLY

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

63. Kalamunda and Districts Historical Society Museum and Stirk Cottage – Renewal of Licence Agreement

Previous Items:

Service Area:	Community Development
Author	Darren Jones
File Reference:	RL 01/056
Applicant:	Kalamunda and Districts Historical Society
Owner:	

PURPOSE

1. To consider the terms and conditions of the Licence Agreement between the Shire of Kalamunda and the Kalamunda and Districts Historical Society (KDHS) for the use of Stirk Cottage and Kalamunda History Village.

BACKGROUND

2. A formal Licence Agreement between the KDHS and the Shire of Kalamunda in relation to Stirk Cottage and the Kalamunda History Village was negotiated in 1998, the initial term starting on 21 February 1998, with the option to renew for another five years. This agreement has since expired on 20 February 2008.
3. Although the licence has expired the KDHS are operating under the terms and conditions of the existing Licence Agreement.
4. Direction was provided by Council at the Ordinary Council Meeting held in October 2008, reading;
"That the Shire of Kalamunda and the Kalamunda and Districts Historical Society review the present and develop a new Operating Agreement which sets out a partnership arrangement between the Shire of Kalamunda and the Kalamunda and Districts Historical Society into the future"
5. A formal proposal has since been received by KDHS in January 2009, setting out their views in relation to a new Operating Agreement between themselves and the Shire of Kalamunda.

Essentially, the proposal highlighted financial and administration difficulties. Notably, financing the shortfall of increasing total salaries cost whilst also undertaking heritage projects and museum capital improvements, were proving to be difficult.

6. At present Council administers the payment of staff salaries, however seeks reimbursement from the KDHS. Recent history has seen the KDHS experience difficulties in meeting these staff costs, whilst also financing other areas of their operations.
7. Council has for several years paid an annual donation to the KDHS to assist them with the running costs of the facility; the amount of the donation in the 2008/09 budget is \$25,500.

DETAILS

8. The proposed new Licence Agreement between the Shire and KDHS attempts to recognise and support the valuable work being provided by the KDHS through simplifying the administration of the Kalamunda History Village. The new agreement includes the following key points:

Shire of Kalamunda responsibilities:

Operating costs

- Salaries and Overheads (Permanent and Relief)
- Employee management and welfare, professional development, Occupational Health and Safety, Training etc
- Employee office materials and IT equipment

Annual Contribution

- Annual Contribution of \$20,000 commencing 1 July 2009 and increasing annually by CPI to assist KDHS with:
 - Admin costs
 - Minor maintenance
 - Collection management and interpretation
 - Activities and Programs
 - Volunteers Training
 - Advertising/Publicity
 - Displays and collection/acquisition costs

Kalamunda & Districts Historical Society responsibilities:

- Forward all gate takings (gross) to the Shire of Kalamunda (Note: Donations made to the KDHS are not to be considered part of the gate takings)
- Provide the Shire with a written Annual Report, that is inclusive of acquitted expenditure and a copy of the audited accounts
- Cover the cost of all minor maintenance
- Be responsible for collection management and interpretation
- Provide activities and programs at the Kalamunda Historical Village
- Be involved in selection process for staff employed at the Kalamunda Historical Village
- Be encouraged to apply for grants for the continued development of Kalamunda Historical Village
- Supervision of Historical Village staff (as per agreed Position Descriptions). Identified staffing issues or concerns shall be communicated and addressed by the designated Shire line Manager.

STATUTORY AND LEGAL IMPLICATIONS

9. Nil

POLICY IMPLICATIONS

10. Policy ART5
Stirk Cottage and Kalamunda Museum – Management Agreements.
Objective: *“To ensure that any Agreement to manage the facilities takes account of the necessity to preserve and promote the history and heritage of the Kalamunda Districts for the benefit of its residents and for future generations”.*

PUBLIC CONSULTATION/COMMUNICATION

11. Kalamunda & Districts Historical Society have been consulted with and agree to proposal.

FINANCIAL IMPLICATIONS

12. The existing and proposed Licence Agreement fee is one dollar (\$1.00) per year payable on demand.
13. Under the terms of the proposed license schedule, the forecasted Shire Budget for Historical Village - 2009/10 would be as follows:

<u>Income</u>	<u>Budget \$</u>
Gate Receipts (To Shire)	(27,000)
<u>Total Income</u>	(27,000)
<u>Expenditure</u>	
Salaries & Overheads	50,000
Donation (to KDHS)	20,000
Public Relations Officer (In-Kind Donation to KDHS)	2,000
<u>Total Expenditure</u>	72,000
<u>Net Expense Kalamunda Historical Village</u>	45,000

14. The KDHS are responsible for the cost of minor maintenance; including items such as cleaning, minor painting etc.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

15. Shire of Kalamunda Strategic Plan (2009 – 2014)
 Inclusive intergenerational Health & Wellbeing opportunities
 Strategy 1.6.2
 Develop and implement intergenerational skill sharing activities that provide learning opportunities for all ages.
 Strategy 1.6.3
 Develop and support partnerships with service providers that deliver active citizenship and community service programs.
 Strategy 1.6.4
 Support and partner with community, government and not for profit groups that provide learning and wellbeing opportunities for all ages.

OFFICER COMMENT

16. It is acknowledged and accepted that the KDHS perform a range of valuable voluntary services within the community, protecting and promoting the history and heritage of the Kalamunda Districts for the benefit of its residents and future generations.

-
17. The proposed agreement seeks to support the KDHS and simplify the current process.
 18. Transfer of responsibility to the Shire for the full payment of salaries and overheads will reduce administration and financial pressure felt by the KDHS. Allowing KDHS more time to devote towards programming and promotion of the Historical Village.
 19. Transferring control of 2 part-time employees to the relevant Shire staff member would ensure adherence to Human Resource and local Government standards, providing improved accountability and responsibility for staff welfare. Including adherence to the current Enterprise Bargaining Agreement (EBA) E.g. Penalty rates shall apply to staff working weekends or Public Holidays. RDO's and Annual Leave accruals managed etc.
 20. The proposed arrangement would provide Shire Management with the flexibility to align staffing hours according to demand from visitors to History Village. i.e. Potentially increased or decreased according to demand and income.
 21. Greater accountability for Shire staff to actively help reach budgeted gate taking figures. Key Performance Indicators and programs could be generated and established as part of a Performance Review process.
 22. Shire to provide KDHS with an annual donation that will assist with costs associated with Capital Item improvements/upgrades, Admin, Minor maintenance, Volunteers Training, Advertising/Publicity, Refreshments and Displays. The KDHS would update the Council each year with details of expenditure and progress made (ensuring accountability).
 23. In lieu of transferring the cost of salaries and the annual donation to KDHS, all gate takings (gross) for entry into the Historical Village would be forwarded to the Shire.
 24. Council would establish a Schedule of Fees and Charges as part of annual budgeting process, ensuring affordability to customers in an open and transparent manner.
 25. Opportunity to utilise existing professional Shire staff that could assist to generate improved marketing strategies i.e. Website Design and Public Relations staff etc
 26. The new agreement automatically begins a transitional process from the present, into the new Kalamunda Community and Cultural Centre, ensuring a professional and transparent partnership arrangement is in place when the new facility is complete.

MEETING COMMENT

27. A Councillor asked if the Kalamunda & Districts Historical Society could have an Open Day, one day per year for fundraising to help them with their responsibilities. The Chief Executive Officer confirmed this would be part of the Agreement.

COMMITTEE RECOMMENDATION TO COUNCIL**GS 63/2009**

1. That Council endorse the proposed Licence Agreement between the Shire of Kalamunda and the Kalamunda and Districts Historical Society for a period of five years with a five year option with the main terms and conditions as follows:

Shire of Kalamunda Responsibilities

Operating costs

- Salaries and Overheads (Permanent and Relief)
- Employee management and welfare, professional development, Occupational Health and Safety, Training etc
- Employee office materials and IT equipment

Annual Contribution

- Annual Contribution of \$20,000 commencing 1 July 2009 and increasing annually by CPI to assist KDHS with:
 - Admin costs
 - Minor maintenance
 - Collection management and interpretation
 - Activities and Programs
 - Volunteers Training
 - Advertising/Publicity
 - Displays and collection/acquisition costs

Kalamunda & Districts Historical Society responsibilities:

- Forward all gate takings (gross) to the Shire of Kalamunda (Note: Donations made to the KDHS are not to be considered part of the gate takings)
- Provide the Shire with a written Annual Report, that is inclusive of acquitted expenditure and a copy of the audited accounts
- Cover the cost of all minor maintenance
- Be responsible for collection management and interpretation
- Provide activities and programs at the Kalamunda Historical Village
- Be involved in selection process for staff employed at the Kalamunda Historical Village
- Be encouraged to apply for grants for the continued development of Kalamunda Historical Village
- Supervision of Historical Village staff (as per agreed Position Descriptions). Identified staffing issues or concerns shall be communicated and addressed by the designated Shire line Manager

Moved: (Cr Taylor)

Seconded: (Cr McKechnie)

CARRIED UNANIMOUSLY

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

64. Policy Review – Lease, Licence and Rent of Council Owned or Controlled Properties

Previous Items: OCM 35/08
Service Area: Community Development
Author: Terry Mountford
File Reference: OR-CMA-005
Applicant: Shire of Kalamunda
Owner: Shire of Kalamunda

PURPOSE

1. To review the terms and conditions relating to the tenure of Council Owned or Controlled Properties.

BACKGROUND

2. The minor and major maintenance responsibilities contained within most existing lease and licence agreements and policy documents are outdated, inconsistent, limited and need to be clarified.

DETAILS

3. There are significant differences between a lease and a licence. The definition of each is as follows:
 - a. A lease is a grant of an interest in land. The grant of that interest in land will then bring with it certain obligations such as maintenance repair. If the lessee has exclusive occupation and control of the premises they have the prime duty of care under the *Occupiers' Liability Act 1985* to guests, invitees and trespassers.
 - b. A licence by contrast is not an interest in land. As a matter of law it simply authorises what would otherwise be a trespass.
4. The current Policy FAC12 does not differentiate between a lease and licence and has led to confusion when determining the responsibilities of each type of agreement.

STATUTORY AND LEGAL IMPLICATIONS

5. The proposed amendment will enable staff to provide consistent advice when dealing with tenancy agreements.

POLICY IMPLICATIONS

6. Policy FAC12, Lease Licence and Rent of council Owned or Controlled Properties.
Policy ADM15 – *Policies – Process for Adopting, Amending or Rescinding.*

PUBLIC CONSULTATION/COMMUNICATION

7. Requests for clarification of responsibilities have been received from both existing and new lease and licence holders over the past twelve months.

FINANCIAL IMPLICATIONS

8. The proposed amendment will enable clubs to confidently budget for minor outgoings and major upgrades.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

9. It is anticipated that by clarifying the main responsibilities, terms and conditions of all parties in relation to leasing and licensing Shire owned buildings, this will have a positive impact on future sporting and community facility strategic planning and development.

OFFICER COMMENT

10. While the major terms and conditions of a lease or licence need to be up-front and clearly defined, flexibility should be retained by the Council to determine whether or not all the conditions are applied on a case by case basis.
11. Variations to the Policy approved by Council can be documented in the attached schedule to the formal agreement, following consideration of the individual circumstances of each application.
12. It is proposed that a thorough review and assessment also be made of the rental fees associated with lease, licence and other tenancy arrangements, to ensure fairness, consistency and transparency across all organisations using Council buildings.
13. The updated wording and additions to the existing policy are shown in red, and deletions are marked with a strikethrough.

MEETING COMMENT

- 14.

COMMITTEE RECOMMENDATION TO COUNCIL

GS 64/2009

1. That Council approves the amendments to Policy FAC12 – *Lease, Licence and Rent of Council Owned or Controlled Properties as show at ([GSC Item 64 Attachment 1.](#))*.
2. That a separate review be conducted into the rental fees charged in relation to leases, licences and other tenancy arrangements to ensure fairness, consistency and transparency across all organisations using Council buildings.

Moved: (Cr Robinson)

Seconded: (Cr Taylor)

CARRIED UNANIMOUSLY

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

65. 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: February 2009 (OCM 5/09)
Service Area: Community Development
Author: Jonathan Smith
File Reference: LE-LOL-027
Applicant:
Owner:

PURPOSE

1. For Council to reconsider the proposed 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 following the completion of the public comment period.

BACKGROUND

2. At the February 2009 Ordinary Council Meeting, it was resolved; "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 ([Attachment 1.](#)) relating to the prohibition of keeping a rooster, peafowl, goose or turkey on residential lots, unless otherwise approved by the Local Government, and in accordance with any conditions ([Attachment 2.](#)) imposed by the Local Government and invite comment pursuant to Section 3.12 of the *Local Government Act 1995*".
3. The proposed amendment was advertised in accordance with legislative requirements and the public comment period closed on 30 April 2009.
4. The Department of Health and the Department of Local Government and Regional Development were advised of Council's proposal and have provided comment on the proposed amendment.

DETAILS

5. This proposal generated a lot of interest and comment from the community, mostly from within the Shire, however included a number from residents residing in other Local Governments.
6. Thirty seven (37) submissions were received, including two (2) that were received after the closing date. This included 4 petition format submissions that were signed by a total of 371 people, and the results of an internet survey with 140 responses (no names or addresses provided).

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7. Analysis of the 37 submissions ([Attachment 1.](#)) shows:
- a. Nine (9) submissions supported the proposed amendment
 - b. Twenty Three (23) submissions did not support the proposed amendment
 - c. One (1) petition format submitted by E Russel (34 signatures) supporting the amendment – prefer limit to the keeping of one rooster only.
 - d. One (1) petition format submitted by H & I Bracken (29 signatures) – supporting the amendment – prefer limit to the keeping of one rooster only.
 - e. One (1) petition format submitted by S Ponsford & T Pickering (168 signatures) – not supporting the proposed amendment – prefer a complaints based system rather than a total rooster ban.
 - f. One (1) petition format not supporting the proposed amendment (signed by 139 signatures) – prefer issue to be dealt with individually by the Shire as the need arises.
 - g. One (1) Internet survey submitted by S Ponsford & T Pickering – question asked was “Should a permit be required to keep roosters in the Kalamunda Shire in the Perth Hill?” - support proposal six (6) responses; - do not support the proposal 134 responses.
8. The list of conditions that Council intended to impose to support the proposed amendment is shown in ([Attachment 2.](#))
9. The Department of Local Government and Regional Development have made a number of comments relating to the formatting and wording of the proposed amendment which would be incorporated if the amendment proceeds. The revised proposed amendment is attached ([Attachment 3.](#))

STATUTORY AND LEGAL IMPLICATIONS

10. Proposal is to amend Clause 66 of the Shire of Kalamunda Health Local Laws 2001. Authority to amend the Shire of Kalamunda Health Local Laws is contained in the Local Government Act 1995 and the Health Act 1911.

POLICY IMPLICATIONS

11. Nil.

PUBLIC CONSULTATION/COMMUNICATION

12. The intention of amending the Local Laws was advertised as required and comment sought from the general public.

FINANCIAL IMPLICATIONS

13. Nil.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

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

OFFICER COMMENT

15. The submissions, excluding the internet survey, reveal that 77 responses supported the proposed amendment and 335 responses did not support the proposed amendment.
16. It is noted that all the responses supporting the proposal were from within the Shire, and that 20 of the non supporting responses were from outside of the Shire.
17. In light of the overwhelming non-support for the proposed Council initiated amendment, and the relatively few rooster complaints the staff deal with, it would be difficult to recommend that the proposed amendment be adopted.
18. Legislation is already in place that enables issues that arise relating to the keeping of roosters to be dealt with by staff.
19. It is noted that this proposed amendment originated because of the manner in which one person kept poultry, including roosters. It is also noted that there are a number of residents who keep one or more roosters in residential areas without complaint.
20. It is the staff recommendation that after reviewing the submissions received, that the Shire of Kalamunda Health Local Laws 2001 are not amended.
21. If Council resolves to amend the Local Laws it must be by absolute majority.

MEETING COMMENT

22. Noelene Teague and Ken Reik from the Midland Junction Poultry Club spoke in favour of the Officer's Recommendation.
23. Paul Beasley, Elizabeth Russell and Hugh Bracken spoke against the Officer's Recommendation.
24. A Councillor noted that the proposed amended Local Law, which has been advertised for public comment, does not ban roosters in the Shire of Kalamunda.
25. The Chairman foreshadowed a Councillors motion to adopt the amended law as advertised.
26. Councillors debated the motion.

OFFICER RECOMMENDATION

1. That Council does not amend the Shire of Kalamunda Health Local Laws 2001.

Moved: (Cr Robinson)

LAPSED**COMMITTEE RECOMMENDATION TO COUNCIL****GS 65/2009**

1. That Council resolves to adopt the Shire of Kalamunda Health Amendment Local Law 2009 ([Attachment 3](#)), relating to 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 ([Attachment 2](#)) imposed by the Local Government.

Moved: (Cr Giardina)

Seconded: (Cr. Tonkin)

For the Recommendation

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

Against the Recommendation

Cr Robinson

CARRIED / ABSOLUTE MAJORITY

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

66. Policy Review: Appointment of Chief Executive Officer as Deputy under Health Act

Previous Items: OCM 35/08
Service Area: Community Development
Author: Jonathan Smith
File Reference: FI-RST-010
Applicant:
Owner:

PURPOSE

1. To consider amending the existing Policy: Appointment of CEO as Deputy under Health Act (HLTH1) ([Attachment 1.](#)).

BACKGROUND

2. Following a review of this Council Policy it is recommended that this policy be amended.

DETAILS

3. The objective of this policy is to allow the CEO to discharge the powers and functions of the local government under the Health Act 1911.

STATUTORY AND LEGAL IMPLICATIONS

4. Health Act 1911, section 26.

POLICY IMPLICATIONS

5. Recommendation is to amend this policy.

PUBLIC CONSULTATION/COMMUNICATION

6. Nil.

FINANCIAL IMPLICATIONS

7. Nil.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

8. Nil.

OFFICER COMMENT

9. The purpose of this policy is to appoint the Chief Executive Officer as the Local Government's deputy so that Council does not need to deliberate on every action taken under the Act. These actions include issuing Notices, signing approvals and licences.
10. Currently the process on taking action, such as a Notice involves an Environmental Health Officer, Manager Health Service, Director Community Development and the CEO.
11. It is proposed that the Director Community Development and the Manager Health Service are also appointed as the Local Government's deputy. This would provide two additional officers who can undertake this duty and help expedite the process.
12. It is recommended that the policy, as amended ([Attachment 2](#)), be approved.
13. The updated wording and additions to the existing policy are shown in red, and deletions are marked with a strikethrough.

MEETING COMMENT

- 14.

COMMITTEE RECOMMENDATION TO COUNCIL**GS 66/2009**

1. That Council Policy: Appointment of Chief Executive Officer as Deputy under Health Act (HLTH1) be replaced with Council Policy: Appointment of Deputies under the Health Act 1911 (HLTH1).

Moved: (Cr Taylor)

Seconded: (Cr McKechnie)

CARRIED UNANIMOUSLY

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

67. Policy Review: Trading in Public Places – General Principles

Previous Items: OCM 35/09
Service Area: Community Development
Author: Jonathan Smith
File Reference: FI-RST-010
Applicant:
Owner:

PURPOSE

1. To consider amending the existing Policy: Trading in Public Places – General Principles (HLTH12) ([Attachment 1.](#)).

BACKGROUND

2. Following a review of this Council Policy it was considered that the Policy should be reviewed to ensure consistency with the recently reviewed and approved Shire of Kalamunda Trading on Thoroughfares and Public Places Local Law 2008.
3. The objective of this Policy is to enhance the character of Kalamunda as a village centre, allow for operation of trading activities in public places in a manner that avoids conflict with the operation of permanent retail and service bases and to provide criteria and health standards for trading.

DETAILS

4. The purpose of this Policy is to provide general principles, not specified in the Local Laws that need to be taken into account when considering stall and trading applications.

STATUTORY AND LEGAL IMPLICATIONS

5. Shire of Kalamunda Trading on Thoroughfares and Public Places Local Law 2008.

POLICY IMPLICATIONS

6. Recommendation is to revise this policy.

PUBLIC CONSULTATION/COMMUNICATION

7. Nil.

FINANCIAL IMPLICATIONS

8. Nil.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

9. Nil.

OFFICER COMMENT

10. The purpose of this Policy is to provide general principles, not specified in the Local Laws, which need to be taken into account when considering stall and trading applications.
11. It is recommended that the policy, as amended ([Attachment 2](#)), be approved.
12. The updated wording and additions to the existing policy are shown in red, and deletions are marked with a strikethrough.

MEETING COMMENT

- 13.

COMMITTEE RECOMMENDATION TO COUNCIL

GS 67/2009

1. That the amended Council Policy: Trading in Public Places – General Principles (HLTH12) be approved.

Moved: (Cr Taylor)

Seconded: (Cr Thomas)

CARRIED UNANIMOUSLY

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

68. Policy Review: Trading in Public Places – Conduct of Street Stalls by Charitable Organisations

Previous Items: OCM 35/08
Service Area: Community Development
Author: Jonathan Smith
File Reference: FI-RST-010
Applicant:
Owner:

PURPOSE

1. To consider reviewing the existing Policy: Trading in Public Places – Conduct of Street Stalls by Charitable Organisations (HLTH11) ([Attachment 1.](#))

BACKGROUND

2. Following a review of this Council Policy it is recommended that this policy be revoked and incorporated into the Policy – Trading in Public Places – General Principles (HLTH12) ([Attachment 2.](#))

DETAILS

3. The objective of this policy is to avoid conflict in the conduct of street stalls by charitable organisations.

STATUTORY AND LEGAL IMPLICATIONS

4. Shire of Kalamunda Trading on Thoroughfares and Public Places Local Law 2008.

POLICY IMPLICATIONS

5. Recommendation is to incorporate this policy into policy Trading in Public Places – General Principles (HLTH12), and revoke the existing policy HLTH11.

PUBLIC CONSULTATION/COMMUNICATION

6. Nil.

FINANCIAL IMPLICATIONS

7. Nil.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

8. Nil.

OFFICER COMMENT

9. The purpose of this policy is to promote harmony and cooperation between the stallholder and the owner of a commercial property in the vicinity of the stall, and requires that the charitable organisation seeks the approval of the shop owner outside of whose premises the stall is to be situated. It would be preferable that this is included in Council Policy: Trading in Public Places – General Principles.
10. It is recommended that the policy be revoked and incorporated into the Trading in Public Places – General Principles Policy.

MEETING COMMENT

11. In response to a query from a Councillor Director Community Development confirmed that “Charitable Organisations” includes local community groups.

COMMITTEE RECOMMENDATION TO COUNCIL**GS 68/2009**

1. That Council Policy: Trading in Public Places – Conduct of Street Stalls by Charitable Organisations (HLTH11) be revoked and incorporated into Council Policy: Trading in Public Places – General Principles (HLTH12).

Moved: (Cr Thomas)

Seconded: (Cr Everett)

CARRIED UNANIMOUSLY

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

69. Annual Caravan Parks Licence Renewals

Previous Items: N/A
Service Area: Community Development
Author: Jonathan Smith
File Reference: LE-LIC-001
Applicant:
Owner:

PURPOSE

1. For Council to approve the renewal of annual Caravan Park Licences for all the caravan parks located within the Shire.

BACKGROUND

2. During recent reviews of polices and delegations it has been noted that the power to approve annual caravan park licences cannot be delegated to staff.

DETAILS

3. The Caravan Parks and Camping Grounds Act 1995(Act) and the Caravan Parks and Camping Ground Regulations 1997(Regulations) requires that the Local Government annually inspects and licences all caravan parks within its municipality.
4. All Shire Environmental Health Officers are authorised persons under the Act and Regulations. An authorised person has the authority to inspect caravan parks but not to issue licences.
5. Currently there are five approved caravan parks located within the Shire of Kalamunda:
 - a. Discovery Holiday Park 186 Hale Road Forrestfield
 - b. Forrestfield Caravan N Park Home Village 351 Hawtin Road Forrestfield
 - c. Springvale Village 161 Maida Vale Road High Wycombe
 - d. Hillview Lifestyle Village 597 Kalamunda Road High Wycombe
 - e. Advent Park 345 Kalamunda Road Maida Vale

STATUTORY AND LEGAL IMPLICATIONS

6. The Caravan Parks and Camping Grounds Act 1995 and the Caravan Parks and Camping Ground Regulations 1997.

POLICY IMPLICATIONS

7. Nil.

PUBLIC CONSULTATION/COMMUNICATION

8. Nil.

FINANCIAL IMPLICATIONS

9. Licence fees are based upon the number of sites and are set under the Act and Regulations.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

10. Nil.

OFFICER COMMENT

11. All of the above mentioned caravan parks have been inspected by Shire Officers. In the case of Springvale Village a works order has been issued. Shire officers will follow up this order to ensure compliance.
12. It is noted that the owner of Springvale Village has written to the Department of Local Government and Regional Development (DLG&RD) seeking an exemption for a number of non conformities relating to site setbacks identified in 2008. As of the writing of this report a response had not been received from the DLG&RD.
13. It is recommended that Council approve the renewal of the caravan park licences for all of the above mentioned caravan parks for the period of 2009/2010.

MEETING COMMENT

14. The Chief Executive Officer advised that in order to be consistent with Report Item 59, Review of Delegations (e) Advent Park, 345 Kalamunda Road, Maida Vale should be removed from the Committee Recommendation to Council.

OFFICER RECOMMENDATION

1. That Council approves the renewal of caravan park licenses, subject to the receipt of the required licence fees, for:
- a. Discovery Holiday Park 186 Hale Road Forrestfield
 - b. Forrestfield Caravan N Park Home Village 351 Hawtin Road Forrestfield
 - c. Springvale Village 161 Maida Vale Road High Wycombe
 - d. Hillview Lifestyle Village 597 Kalamunda Road High Wycombe
 - e. Advent Park 345 Kalamunda Road Maida Vale

COMMITTEE RECOMMENDATION TO COUNCIL

GS 69/2009

1. That Council approves the renewal of caravan park licenses, subject to the receipt of the required licence fees, for:
 - a. Discovery Holiday Park 186 Hale Road Forrestfield
 - b. Forrestfield Caravan N Park Home Village 351 Hawtin Road Forrestfield
 - c. Springvale Village 161 Maida Vale Road High Wycombe
 - d. Hillview Lifestyle Village 597 Kalamunda Road High Wycombe

Moved: (Cr Taylor)

Seconded: (Cr Thomas)

CARRIED UNANIMOUSLY

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

70. Policy Review - Charity Bins on Public or Private Land

Previous Items: OCM 35/08
Service Area: Community Development
Author: Jonathan Smith
File Reference: HE-SCC-001
Applicant:
Owner:

PURPOSE

1. To consider reviewing the existing Policy: Charity Bins on Public or Private Land (ADM3) ([Attachment 1.](#)).

BACKGROUND

2. Following a review of this Council Policy it was considered that it would be more appropriate as an Administrative Procedure.
3. The objective of this Policy provide guidelines for the location of charity bins within the Shire, to reduce the impact on the aesthetics and amenity on Council owned/managed land, and other public or private land.

DETAILS

4. The purpose of this Policy is to allow for charity bins to be located within the Shire to collect used clothing and goods for sale or distribution, and to control adverse impacts upon residents arising from the operation of these bins.

STATUTORY AND LEGAL IMPLICATIONS

5. Local Government Property Local Law, cl 1.4.

POLICY IMPLICATIONS

6. Recommendation is to revoke this policy.

PUBLIC CONSULTATION/COMMUNICATION

7. Nil.

FINANCIAL IMPLICATIONS

8. Nil.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

9. Nil.

OFFICER COMMENT

10. This is an operational matter and it is recommended that the Policy be revoked and registered as an Administrative Procedure.

11. It is recommended that the policy is revoked.

MEETING COMMENT

12.

COMMITTEE RECOMMENDATION TO COUNCIL

GS 70/2009

1. That Council Policy: Charity Bins on Public or Private Land (ADM3) be revoked.

Moved: (Cr Robinson)

Seconded: (Cr Taylor)

CARRIED UNANIMOUSLY

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

71. Policy Review: Sewerage – Kalamunda Town Centre

Previous Items: Policy HLTH6
Service Area: Community Development
Author: Jonathan Smith
File Reference: UT-SWG-001
Applicant:
Owner:

PURPOSE

1. To consider revoking the existing Policy: Sewerage - Kalamunda Town Centre (HLTH6) ([Attachment 1.](#)).

BACKGROUND

2. Following a review of this Council Policy it is recommended that this policy be revoked

DETAILS

3. The objective of this Policy is to provide guidelines to facilitate future extensions to the sewer system in Kalamunda Town Centre.

STATUTORY AND LEGAL IMPLICATIONS

4. Any proposed development within the sewage catchment area is required to connect to sewer, unless the lot is remote from the nearest sewer junction and Water Corporation supports a non sewer condition.
5. Where sewer is not available the Government Sewerage Policy – Perth Metropolitan region applies.

POLICY IMPLICATIONS

6. Recommendation is to revoke this policy.

PUBLIC CONSULTATION/COMMUNICATION

7. Nil.

FINANCIAL IMPLICATIONS

8. Nil.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

9. Lack of sewer limits density development within the Kalamunda Townsite.

OFFICER COMMENT

10. A large portion of the Kalamunda town centre properties capable of connecting to sewer have already connected.
11. Any development, including unit development is required to connect to sewer, unless remote from the existing sewer. In recent times this has meant that the developer has had to financially contribute to the extension of, and to connect to, the sewer.
12. The policy is no longer relevant because all developments are bound by the Government Sewerage Policy – Perth Metropolitan Region which requires connection to sewer or limits the scale and size of development, and if connection to sewer is available then that development is required to connect to sewer. It is recommended that the policy is revoked.

MEETING COMMENT

- 13.

COMMITTEE RECOMMENDATION TO COUNCIL**GS 71/2009**

1. That Council Policy: Sewage- Kalamunda Town Centre (HLTH6) be revoked.

Moved: (Cr Robinson)

Seconded: (Cr Thomas)

CARRIED UNANIMOUSLY

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

72. Lot 57 (31 and 33) Canning Road, Kalamunda – Police Premises Lease

Previous Items: 030400 Item No.45
Service Area: Planning and Development Services
Author: Katherine Howard
File Reference: CN-01/031
Applicant: Minister for Works – WA Police
Owner: State of WA

PURPOSE

1. To consider a Lease agreement for the land on Reserve 9050, Lot 57 (31 & 33) Canning Road, Kalamunda ([Attachment 1.](#)) between the Shire of Kalamunda and The Minister For Works – Western Australian Police Service.

BACKGROUND

2. The Minister For Works – WA Police Service previously entered into a lease for 5 years with a 5 year extension that expired 28 September 1999.
3. The Police service have continued to occupy the premises without a formal lease agreement as a tenant and have continued to pay rent, as per the holding over provisions of the original lease agreement.

DETAILS

4. The Minister for Works has formally requested an extension to this expired Lease Agreement with the same terms and conditions as the previous agreement. An extension to the expired lease is not possible so a new lease document is required. Discussions with the WA Police Service has indicated their acceptance of this.
5. The proposed agreement is for one (1) year with an available extension of a further year to begin 1 July 2009. The short term is due to the Minister conducting a review of all Police facilities over the coming years and therefore the future of the centre is uncertain at this stage.

STATUTORY AND LEGAL IMPLICATIONS

6. Reserve 9050 is vested with the Shire of Kalamunda for Civic Purposes with power to lease for a period no greater than 21 years. Approval from the Minister for Planning will be sought.

POLICY IMPLICATIONS

7. 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.”*

-
8. Policy ADM10 – Council-Owned Buildings – Guidelines for Maintenance –
Objective: *“To provide guidelines for maintenance matters in regard to buildings owned by the Council”.*

PUBLIC CONSULTATION/COMMUNICATION

9. Nil

FINANCIAL IMPLICATIONS

10. The current rental of \$83.18 per sqm, total \$45,998 p.a. will continue unchanged.
11. The Minister for Works – WA Police Service is responsible for minor maintenance as well as charges associated with water, electricity, gas, rubbish, cleaning.
12. The Shire of Kalamunda is responsible for maintenance of;
- the roof and structure of the buildings,
 - all electrical, water and sewerage pipes and wires,
 - the exterior of the buildings and the common areas (expecting where damage is caused by the lessee),
 - air conditioning system,
 - the grounds and car park, and
 - lighting in common areas stairs and passages.
- All as per the previous lease document.
13. Shire of Kalamunda records indicate that on average \$10,440 is spent per annum on these responsibilities.
14. The Minister for Works – WA Police will be responsible for the construction and administration of this lease document.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

15. **Strategic Implications**
- Nil
16. **Sustainability Implications**
- Social Implications**
- A police presence in Kalamunda is beneficial for the safety of residents.
- Economic Implications**
- Nil
- Environmental Implications**
- Nil

OFFICER COMMENT

17. This lease agreement will provide a legally secure agreement to ensure the property continues to be well managed, it is recommended that Council support this proposal.

MEETING COMMENT

18. Director Community Development confirmed that the area of lease had been reduced to accommodate the Men's Shed

COMMITTEE RECOMMENDATION TO COUNCIL**GS 72 /2009**

1. That Council supports a lease between the Shire of Kalamunda and the Minister for Works – Western Australian Police with the following terms;
- A term of one (1) year with an option for a further one (1) year to commence 1 July 2009.
 - A net rental rate of \$83.18 per sqm (adjusted annually with CPI).
 - The Minister for Works – WA Police Service is responsible for;
 - a. minor maintenance, and
 - b. charges associated with water, electricity, gas, rubbish, and cleaning and the construction and administration of the lease agreement.
 - The Shire of Kalamunda is responsible for maintenance of;
 - a. the roof and structure of the buildings,
 - b. all electrical, water and sewerage pipes and wires,
 - c. the exterior of the buildings and the common areas (expecting where damage is caused by the lessee),
 - d. air conditioning system,
 - e. the grounds and car park, and
 - f. lighting in common areas stairs and passages.

Moved: (Cr McKechnie)

Seconded: (Cr Taylor)

CARRIED UNANIMOUSLY

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

73. Awarding of Tender – Maintenance of Pumping Installations, T0910

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

PURPOSE

1. To consider awarding the tender T0910 for the Maintenance of Pumping Installations.

BACKGROUND

2. In order to maintain reticulation systems on Shire reserves it is necessary to include maintenance and development of sixty (60) bores and associated pumping infrastructure.

Specialised tools and machinery are required to undertake the task and for this purpose the Shire employs expert assistance.

DETAILS

3. The request for tenders for the activity was advertised on 25 April 2009 in the Local Government Tender Section of the West Australian, and closed on Tuesday 19 May.
4. Two (2) tender offers were received from the following suppliers:

Statewide Pump Services
JLR Pumps

Details of the prices submitted appear as [Attachment 1.](#)

STATUTORY AND LEGAL IMPLICATIONS

5. N/A

POLICY IMPLICATIONS

6. N/A

PUBLIC CONSULTATION/COMMUNICATION

7. N/A

FINANCIAL IMPLICATIONS

8. Policy PUR 1 – Purchasing Policy has been followed.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

9. Fulfils Goals 2 and 3 of Councils Strategic Plan.

OFFICER COMMENT

10. The tender was broken up into eight (8) separate components for the purpose of pricing. In order to establish the most beneficial cost to council, a total annual estimate was determined by multiplying historic attendances or hours of operation against unit rates, for each of these categories. See [Attachment 1](#).
11. JLR Pumps is the current Shire contractor for the maintenance of pumping installations and has provided a high standard of service, while Statewide Pumps was the Shire contractor prior to this and provided an adequate service.
12. As a result of converting the unit rates to an annualised figure, it is recommended that JLR pumps tender be accepted.

MEETING COMMENT

- 13.

COMMITTEE RECOMMENDATION TO COUNCIL**GS 73/2009**

1. That the Tender T0910 Maintenance of Pumping Installations be awarded to JLR Pumps at the prices submitted [GSC Item 73 Attachment 1](#).

Moved: (Cr Thomas)

Seconded: (Cr Everett)

CARRIED UNANIMOUSLY

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

74. Awarding of Tender – Chemical Treatment of Unwanted Vegetation, T0909

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

PURPOSE

1. To consider awarding the Tender T0909 for the Chemical Treatment of Unwanted Vegetation.

BACKGROUND

2. In order to protect desirable vegetation and to maintain verges and reserves in an acceptable condition the Shire undertakes an ongoing program of weed spraying in conjunction with its mowing and brush cutting activities.
3. Shire staff are trained to use low toxicity herbicides including glyphosate and undertake weed spraying on verges as part of the Verge Maintenance Program. Where specialised equipment is required to efficiently undertake the work external contractors are utilised.
4. The extent of work tasked to contractors may vary depending on rainfall patterns and in relation to activities such as verge spraying will be impacted on by the increased frequency of staff attending to maintain verges.

DETAILS

5. The request for Tenders for the activity was advertised on 25 April 2009 in the Local Government Tender Section of the West Australian, and closed on Tuesday 19 May 2009.
6. Four (4) tender offers were received with one of the Tenderers also submitting an alternative tender, from the following suppliers:

Website Weed and Pest
Maxwell Robinson and Phelps Pest and Weed Management
Turfmaster Facility Management
Steamwand International Pty Ltd (alternative tender included)
7. Details of prices submitted appear as [Attachment 1](#).

STATUTORY AND LEGAL IMPLICATIONS

8. Nil

POLICY IMPLICATIONS

9. Policy PUR 1 – Purchasing Policy has been followed.

PUBLIC CONSULTATION/COMMUNICATION

10. N/A

FINANCIAL IMPLICATIONS

11. N/A

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

12. Forfills Goals 2 and 3 of Councils Strategic Plan.

OFFICER COMMENT

13. Eleven (11) activities were identified and individually priced as part of each Tenderers submission.
14. No one Tenderer was the lowest price on all of the eleven (11) categories.
15. The three most significant activities, in terms of annual expenditure, are - Kerbs adjoining footpaths and median island spraying; and, Road verge spraying; and, Open drains and creek lines spraying.
16. Website Weed and Pest submitted the lowest prices for two of the core activities – Kerbs adjoining footpaths and median island spraying at \$20 (ex. GST) per lineal kilometre; and, Open drains and creeklines at \$40 (ex.GST) per lineal kilometre with Maxwell Robinson and Phelps Pest and Weed Management submitting the lowest price for the third core activity Road verge spraying at \$26.66 (ex. GST) per lineal kilometre.
17. Website Weed and Pest also submitted the lowest prices for the two second tier activities spaying Fluazifon in bush reserves.
18. Website Weed and Pest are the Shires existing contractor and although there has been one incident of miscommunication in the main the contract has been executed in a satisfactory manner.
19. Maxwell Robinson and Phelps Pest and Weed Management were previously contracted to the Shire for weed and pest control and performed in an acceptable manner. The company is presently contracted to undertake pest control at Shire buildings.

-
20. Tender T0909, 1.7 Selection Criteria, authorises the Shire as Principal to award the Contract to a sole or panel of Tenderer(s) who best demonstrates the ability to provide quality products at a competitive price.
 21. Turfmaster Facility Management also submitted a price of \$20 (ex.GST) per lineal kilometre for the core activity Kerbs adjoining footpaths and median island spraying, and the lowest price for two third tier activities – Single person crew spraying glyphosate, and Two person crew spraying glyphosate.
 22. Generally awarding a tender to a panel of companies to undertake related tasks of this nature could present supervisory and administrative difficulties.
 23. However as the activities do not actually cross over or require joint inter – company co-operation it is possible to set up an activities task matrix to ensure that as work falls due it is apportioned to the contractor providing the best value for money to the shire. Therefore awarding the tender to two companies should not present a significant problem and by accepting Website Weed and Pest and Maxwell Robinson and Phelps Pest and Weed Management, as a panel of two Tenderers will allow the Shire to utilise the least expensive services of the two companies.
 24. The alternative tender submitted by Steamwand International Pty Ltd essentially involves the spraying of weeds using steam rather than a herbicide. Due to cost and concerns regarding the effect on beneficial organisms on the ground surface this methodology has not yet been widely taken up in Western Australia.

MEETING COMMENT

25. A Councillor queried whether the contract allows for the use of a colorant in the herbicide spray. This question was taken on notice.

COMMITTEE RECOMMENDATION TO COUNCIL

GS 74/2009

1. That the Tender T0909 Chemical Treatment of Unwanted Vegetation be awarded to Website Weed and Pest and Maxwell Robinson and Phelps Pest and Weed Management at the prices submitted, [**GSC Item 74 Attachment 1.**](#)

Moved: (Cr Taylor)

Seconded: (Cr Everett)

CARRIED UNANIMOUSLY

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

75. Awarding of Tender – Ray Owen Reserve Irrigation, T0906

Previous Items: N/A
 Service Area: Engineering Services
 Author: Simon Miller
 File Reference: AD-TEN-004
 Applicant: Shire of Kalamunda
 Owner: Shire of Kalamunda

PURPOSE

1. To consider awarding the Tender T0906 for the upgrading of the reticulation servicing the oval at Ray Owen Reserve in Lesmurdie.

BACKGROUND

2. The reticulation system at Ray Owen Reserve is more than thirty (30) years old and in addition to being in poor condition no longer complies with current irrigation standards. This has resulted in a significantly reduced grass cover.
3. In addition to widespread general use, the oval is utilised for organised sporting activities in both summer and winter.
4. Due to the location and geological structure below the Reserve there is no bore water available to water the oval. A blend of scheme water and water pumped from a dam approximately a kilometre away is used to irrigate the playing field.
5. An irrigation consultant, CADsult Design Consultants, was been engaged by the Shire to prepare the design specifications for the tender, analyse the tender submissions and will oversee practical completion and certification of the project.

DETAILS

7. The request for Tenders for the project was advertised on Saturday 25 April 2009 in the Local Government Tender section of the West Australian, and closed on Wednesday 22 April 2009.
8. Five (5) offers were received, from the following suppliers:

Tenderer	Tendered Price(ex GST)
Custom Irrigation	\$146,365.97
Total Eden Watering Systems	\$115,959.00
Earth and Water	\$114,700.62
Malua Reticulation	\$109,421.44
PGC Irrigation	\$102,680.00

-
9. Previous experience with excavation work at Ray Owen Oval has revealed that approximately half (50%) of the trenching (digging) needed to install the irrigation pipes and valves at the appropriate depth will involve trenching into rock or hard digging.
 10. Tenderers were requested to supply a linear metre rate for hard digging which has been added at the rate nominated by each tenderer onto their lump sum price, to arrive at a price for each tender which includes hard digging for half (50%) of the trenching. This will give a more realistic whole of works price for the contract.
 11. The tendered price analysis was conducted by the consultant which appears at [Attachment 1.](#)
 12. Malua Reticulation submitted the lowest priced tender based on hard digging for 50% of the trenches.

STATUTORY AND LEGAL IMPLICATIONS

13. Nil

POLICY IMPLICATIONS

14. Policy PUR 1 – Purchasing Policy has been followed.

PUBLIC CONSULTATION/COMMUNICATION

15. In order to minimise disruption to sporting and user groups, work on the playing field will not take place until the end of the 2009 football season, and prior to the commencement of cricket matches.

FINANCIAL IMPLICATIONS

16. The budget allocation for the work is \$160,000.
17. Anticipated costs for the project are as follows - \$9,400 irrigation consultant; \$20,000 additional water meter and associated costs; \$120,800 tendered works.
Total - \$150,200

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

18. Fulfils Goals 1 and 2 of Strategic Plan

OFFICER COMMENT

19. Based on the information provided, staff concur with the recommendation provided by CADsult Design Consultants that the contract be awarded to Malua Reticulation.
20. Malua Reticulation has satisfactorily completed large scale irrigation work for the Shire previously. The most recent being the installation of in ground reticulation at Maida Vale Reserve in Maida Vale.

MEETING COMMENT

21

COMMITTEE RECOMMENDATION TO COUNCIL

GS 75/2009

1. That the Tender T0906 Ray Owen Reserve – Irrigation, be awarded to Malua Reticulation at a tendered price of \$109,421.44 ex GST, with a provision of \$8.60/m and \$6.60/m additional for hard digging for mainline and laterals respectively.

Moved: (Cr Sadler)

Seconded: (Cr Tonkin)

CARRIED UNANIMOUSLY

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

76. Ashford Road – Traffic Concerns

Previous Items: PS 64/2008
Service Area: Engineering Services
Author: Mahesh Singh
File Reference: AS-07/GEN
Applicant: N/A
Owner: N/A

PURPOSE

1. To consider the temporary closure of Ashford Road, High Wycombe. A map of the location appears in [Attachment 1](#).

BACKGROUND

2. At the August 2008 round of meetings Council approved the development of a Restaurant and Medical Centre on Lot 9001 Elmore Way, High Wycombe which has resulted in direct access to the High Wycombe Shopping Centre from Ashford Road.
3. Development of above facilities has resulted in integrated car parking for these facilities and the Shopping Centre.

DETAILS

4. Several residents have complained about excessive traffic in Ashford Road. Residents have also complained about nuisance created by Tavern patrons during late hours. Residents have advised that on several occasions police have had to be call to the area.
5. Residents have requested the Shire close the access from Ashford Road to the Shopping Centre Complex. Residents claim they were under the impression that Ashford Road would be a cul-de-sac road. This claim is not supported by the approved Structure Plan for the High Wycombe Urban Cell 2, which shows Ashford Road as a through road connected to Elmore Way, as per [Attachment 2](#). However, access to the Shopping Centre complex was not clearly indicated as developments are on different blocks.
6. A recent Traffic Survey reveals there were approximately 400 vehicles coming out and 200 vehicles entering the Shopping Centre complex from Ashford Road during the period of the survey.
7. To alleviate the problem two proposals have been considered by staff. One is to close off access to the road during the night time only. The second option is to close the access for all times. Residents support the later as their concerns relate to both the volume of traffic and "hoon" activity during the night.

STATUTORY AND LEGAL IMPLICATIONS

8. Council may close the road under Section 3.5 of the Local Government Act. This would require a public notice allowing a reasonable time for public comment.

POLICY IMPLICATIONS

9. Nil

PUBLIC CONSULTATION/COMMUNICATION

10. Informal consultation with residents and shopping centre complex operators.

FINANCIAL IMPLICATIONS

11. Nil

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

12. Nil

OFFICER COMMENT

13. It was not originally intended to provide additional access to Shopping Centre Complex from a residential street.
14. The Managers of the Shopping Centre Complex have expressed concerns that the traffic on Kalamunda Road, in front of the Shopping Centre, experiences congestion and closing Ashford Road will exacerbate the problem.
15. Recent observations indicate the traffic conditions on Kalamunda Road have improved after the line marking.
16. A post construction road safety audit has been commissioned to assess the safety concerns and consider potential improvements. It is anticipated the road safety audit report will be available before the close of public comment period, should Council decide to advertise its intention to close Ashford Road. A report will be presented to Council in due course after the completion of the Road Safety Audit.

MEETING COMMENT

17. Monica Martinovich spoke for the Recommendation.
18. A Councillor sought and received confirmation that it is legally necessary to advertise this matter for public comment.
19. The Chief Executive Officer assured residents that they would be kept informed of the process.

COMMITTEE RECOMMENDATION TO COUNCIL

GS 76/2009

1. That Council's intention to close Ashford Road, High Wycombe at the one (1) metre South East boundary of the Shopping Centre car park, No 30 Elmore Way, High Wycombe, be advertised for public comment for a period of 30 days.

Moved: (Cr Robinson)

Seconded: (Cr Taylor)

CARRIED UNANIMOUSLY

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

77. Building Asset Management Condition Review

Previous Items: N/A
Service Area: Engineering Services
Author: Mahesh Singh
File Reference: BU-BLD-002
Applicant: N/A
Owner: N/A

PURPOSE

1. To receive the 'Building Asset Management Condition Review' report.

BACKGROUND

2. Completion of Building Asset Review is one of the performance objectives of the Chief Executive Officer.

DETAILS

3. In October 2008, CT Management Group was contracted to carry out a Condition Audit of all Shire Buildings.
4. CT Management Group has completed its review of 220 Shire owned buildings and presented their report to Councillors and Senior Staff on 20 May 2009. A copy of the report 'Building Asset Management Condition Review' is provided as separate attachment ([Attachment 1.](#))
5. Key findings of the review are as follows:
 - There is a backlog of maintenance with a number of items requiring maintenance within the next three years at an estimated cost of \$2.1 million.
 - The predicted renewal expenditure will increase dramatically within the next few years peaking at \$3.8 million in 2017 and then tapering off at approximately \$2.8 million.
 - Annual average demand for renewal in the first five years ie 2010 to 2014 is estimated at \$1.53 million increasing to \$3.66 million for the following five years (2015 to 2019).
 - Predicted annual average maintenance requirement for the same period is estimated at \$1.23 million and \$1.42 million respectively..

- Hence the total estimated annual average expenditure required in the next five years to maintain the building assets at current level of service is \$2.76 million which will increase to \$5.07 million in the following five years. This compares with the annual average expenditure of \$1 million in the last three years including the current financial year.
6. The CT Management report has made 19 recommendations which relate to improvements in Asset Management and Maintenance practices in Building Maintenance. The following recommendations are worth noting:
- | | |
|------------------|---|
| Recommendation 1 | Commence Asset Management Improvement Programme. |
| Recommendation 6 | Develop a long term financial strategy |
| Recommendation 7 | 3 yearly inspection regime to monitor condition of building assets |
| Recommendation 8 | Review Council's long term ownership of individual building assets |
| Recommendation 9 | Review service level for each building and their role in provision of municipal service |

STATUTORY AND LEGAL IMPLICATIONS

7. Nil

POLICY IMPLICATIONS

8. Nil

PUBLIC CONSULTATION/COMMUNICATION

9. Nil

FINANCIAL IMPLICATIONS

10. As highlighted in the report

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

11. Efficient and effective management of building asset will improve long term sustainability of the Shire

OFFICER COMMENT

12. CT Management's report provides a broader guide for maintenance and renewal requirements of Shire's building assets. Report also provides a summary of maintenance items that require attention in the short term.
13. The recommendations contained in the report will be progressively implemented. Future renewal and maintenance programmes will take into account various findings of the report.
14. Financial strategies to address the renewal gap will be presented to Council as part of the budgeting process.

MEETING COMMENT

15. A Councillor queried what would be done about the items categorised as urgent, the Chief Executive Officer assured that they would be funded in the next financial year out of the Building Reserve Account.

COMMITTEE RECOMMENDATION TO COUNCIL**GS 77/2009**

1. That Council notes the report 'Building Asset Management and Condition Review' prepared by CT Management Group [GSC Item 77 Attachment 1.](#)

Moved: (Cr Taylor)

Seconded: (Cr Thomas)

CARRIED UNANIMOUSLY

10.0 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

Nil.

11.0 QUESTIONS BY MEMBERS WITHOUT NOTICE

11.1 Lack of Emergency Response (Cr Tonkin)

Q In the last storm when a tree was blown down across a road, a resident called the Shire Ranger, no reply, then contacted the Shire Emergency Number who said they would arrange for the SES to contact them, the SES told them to call Main Roads, who told them to call the Shire. Who do we tell Ratepayers to call?

A The Chief Executive Officer noted that Ratepayers should call the Shire Ranger or Shire Emergency number and he will personally ensure that any such queries are dealt with appropriately and that such situations are avoided in the future

11.2 Shell Service Station Site (Cr Taylor)

Q What is the current situation with the old Shell Service Station?

A This question was taken on notice by the Executive Manger Planning and Development Services.

12.0 URGENT BUSINESS APPROVED BY THE PERSON PRESIDING OR BY DECISION

Nil.

13.0 MATTERS CLOSED TO THE PUBLIC

Nil.

14.0 CLOSURE

There being no further business, the Chairman declared the meeting closed at 8.45pm.

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

Signed.....Chairman

Dated thisday of.....2009