
Shire of Kalamunda

General Services Committee

Minutes for 6 December 2004



SHIRE OF KALAMUNDA

Index for General Services Committee Meeting 6 December 2004

| | | |
|------|--|----|
| 1.0 | OFFICIAL OPENING | 1 |
| 2.0 | APOLOGIES AND LEAVE OF ABSENCE | 1 |
| 3.0 | PUBLIC QUESTION TIME | 2 |
| 4.0 | PETITIONS | 2 |
| 5.0 | CONFIRMATION OF MINUTES OF PREVIOUS MEETING | 2 |
| 6.0 | ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION | 2 |
| 7.0 | MATTERS FOR WHICH MEETING MAY BE CLOSED | 2 |
| 8.0 | DISCLOSURE OF INTERESTS | 2 |
| 9.0 | REPORT TO COUNCIL | 3 |
| | 107. Creditors Accounts Paid - November 2004 | 4 |
| | 108. Financial Statements Period Ending 31 October 2004 | 5 |
| | 109. Update Of Policy CS 6.10 - Appointment As Commissioner For Declarations | 6 |
| | 110. Tender- T0412 The supply, Delivery and Installation of Fibre Optic Cable Communications Link. | 7 |
| | 111. Light Vehicle Replacement Programme (Phase One) 2004/2005 | 8 |
| | 112. Parking Controls - Fern Road, Paull's Valley | 10 |
| | 113. Tender for the Supply and Delivery of Plant Equipment | 11 |
| | 114. Contracts for the Term Supply of Materials and Services | 13 |
| | 115. Under Powerlines Tree Pruning Tender - T0420 | 15 |
| | 116. Metropolitan Region Scheme Amendment No. 1082/33 And Draft Bushland Statement Of Planning Policy | 16 |
| | 117. Request To Purchase A Part Of Road Reserve - Healey Place, Gooseberry Hill | 21 |
| | 118. Submission For Bin Signs - 24/7 Street Signs | 23 |
| | 119. Proposed Street Name for Subdivision of the Lot 54 Maida Vale Road, Maida Vale | 25 |
| | 120. Tender- Lease Of Portion Of Reserve 26843 (38) Collins Road, Kalamunda. | 26 |
| | 121. Lease Agreement - Kalamunda Archery Club (Inc) | 30 |
| 10.0 | QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN | 31 |
| 11.0 | QUESTIONS BY MEMBERS WITHOUT NOTICE | 31 |
| 12.0 | URGENT BUSINESS APPROVED BY THE PERSON PRESIDING OR BY DECISION | 31 |
| 13.0 | MATTERS BEHIND CLOSED DOORS | 31 |
| 14.0 | CLOSURE | 31 |



**Minutes of General Services Committee
held in the Council Chamber,
2 Railway Road, Kalamunda
Monday, 6 December 2004**

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

| | |
|----------------|-------------------------------|
| E Taylor | (SHIRE PRESIDENT) NORTH WARD |
| S Blair | NORTH WARD |
| D McKechnie | NORTH WARD |
| N Sadler | (CHAIRPERSON) SOUTH WEST WARD |
| B Govan | SOUTH WEST WARD |
| A Morton | SOUTH WEST WARD |
| P Tonkin | SOUTH WARD |
| G Stallard | SOUTH WARD |
| S Bilich | SOUTH WARD |
| M Casey | NORTH WEST WARD |
| M Cresswell | NORTH WEST WARD |
| J Winterhalder | EAST WARD |

Officials

| | |
|------------|--|
| D Vaughan | CHIEF EXECUTIVE OFFICER |
| G Parslow | EXECUTIVE MANAGER CORPORATE SERVICES |
| K O'Connor | EXECUTIVE MANAGER COMMUNITY SERVICES |
| S Burrows | EXECUTIVE MANAGER PLANNING AND DEVELOPMENT SERVICES |
| G Milward | EXECUTIVE MANAGER ENGINEERING SERVICES |
| B Millan | EXECUTIVE ASSISTANT |
| F Sullivan | MANAGER FINANCIAL SERVICE |
| M Singh | MANAGER ENGINEERING SERVICE |
| A Stephens | MANAGER HEALTH SERVICE |
| A Holmes | MINUTE SECRETARY |

Apologies

Nil

Observers

8

Newspapers

Community Reporter

3.0 PUBLIC QUESTION TIME

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

3.1 Nil

4.0 PETITIONS

4.1 Nil

5.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

5.1 That the Minutes of the General Services Committee Meeting held on 1 November 2004 is confirmed as a true and correct record of the proceedings.

Moved: (Cr Govan)

Seconded: (Cr Tonkin)

CARRIED UNANIMOUSLY**6.0 ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION**

6.1 Nil

7.0 MATTERS FOR WHICH MEETING MAY BE CLOSED

7.1 Nil

8.0 DISCLOSURE OF INTERESTS

Disclosure of Financial and Proximity Interests

- (a) Members must disclose the nature of their interest in matters to be discussed at the meeting. (Sections 5.60B and 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. (Sections 5.70 and 5.71 of the Local Government Act 1995).

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 has given or will give advice.

Item 114: Contracts for the Term Supply of Materials and Services

Cr Casey declared a Disclosure of Interest Affecting Impartiality as her husband is an employee of a sub-contractor to Readymix who were involved in the tender process.

Item 114: Contracts for the Term Supply of Materials and Services

Cr Winterhalder declared a Disclosure of Financial or Proximity Interest as he is a Trustee and Beneficiary of a Trust holding shares in Boral and Rinker Group.

9.0 REPORT TO COUNCIL

Please Note:

Strategic and Policy related items are bolded and will be dealt with as the first items of business.

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

| <u>Report No.</u> | <u>Page No.</u> |
|--|------------------------|
| 107. Creditors Accounts Paid - November 2004 | 4 |
| 108. Financial Statements Period Ending 31 October 2004 | 5 |
| 109. Update Of Policy CS 6.10 - Appointment As Commissioner For Declarations | 6 |
| 110. Tender- T0412 The supply, Delivery and Installation of Fibre Optic Cable Communications Link. | 7 |
| 111. Light Vehicle Replacement Programme (Phase One) 2004/2005 | 8 |
| 112. Parking Controls - Fern Road, Paull's Valley | 10 |
| 113. Tender for the Supply and Delivery of Plant Equipment | 11 |
| 114. Contracts for the Term Supply of Materials and Services..... | 13 |
| 115. Under Powerlines Tree Pruning Tender - T0420 | 15 |
| 116. Metropolitan Region Scheme Amendment No. 1082/33 And Draft Bushland Statement Of Planning Policy | 16 |
| 117. Request To Purchase A Part Of Road Reserve - Healey Place, Gooseberry Hill..... | 21 |
| 118. Submission For Bin Signs - 24/7 Street Signs | 23 |
| 119. Proposed Street Name for Subdivision of the Lot 54 Maida Vale Road, Maida Vale | 25 |
| 120. Tender- Lease Of Portion Of Reserve 26843 (38) Collins Road, Kalamunda. | 26 |
| 121. Lease Agreement - Kalamunda Archery Club (Inc) | 30 |

REPORTS

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

107. Creditors Accounts Paid - November 2004 (FI-CRS-002) (Corporate Services)

Refer Item: N/A

Applicant: N/A

Owner: N/A

Purpose of Report

1. To receive creditors accounts paid for the month of November 2004.

Background

2. It is a requirement of the Local Government (Financial Management) Regulations 1996 (Regulation 12) that a list of Creditors Accounts Paid be compiled for each month.
3. This list is required to show the payee's name, amount of payment, provide sufficient information to identify the transaction and the date of the meeting of Council to which it is to be presented.

Comments

4. Accordingly, the list of Creditors Paid from 29 October 2004 to 26 November 2004 is attached (**Attachment 1**).
5. Total Creditors that remain outstanding after preparation of the attached list is \$1,179.57.

COMMITTEE RECOMMENDATION TO COUNCIL

GS 107/2004

1. That the list of Creditors Paid from 29 October 2004 to 26 November 2004 as per (Attachment 1) be received by Council in accordance with the requirements of Regulation 12 of the Local Government (Financial Management) Regulations 1996.

Moved: (Cr Taylor)

Seconded: (Cr Casey)

CARRIED UNANIMOUSLY

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

**108. Financial Statements Period Ending 31 October 2004
(FI-SRR-006) (Corporate Services)**

Refer Item: N/A

Applicant: N/A

Owner: N/A

Purpose of Report

1. To receive financial statements and operating statements.

Background

2. Attached (Attachment 1) is the summary of the financial statements for the period ending 31 October 2004.
3. In accordance with Section 34 of the Local Government (Financial Management) Regulations 1996, operating statement (Attachment 2) is included for the same period.

Comments

4. Nil

COMMITTEE RECOMMENDATION TO COUNCIL

GS 108/2004

1. That the financial statements and the accompanying operating statements for the period ending 31 October 2004 be received.

Moved: (Cr Stallard)

Seconded: (Cr Cresswell)

CARRIED UNANIMOUSLY

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

109. Update Of Policy CS 6.10 - Appointment As Commissioner For Declarations (OR-OFC-008) (Corporate Services)

Refer Item: N/A

Applicant: N/A

Owner: N/A

Purpose of Report

1. Council Policy CS 6.10 appoints Executive Managers and the Chief Executive Officer's Executive Assistant as Deputy CEO's for the sole purpose of satisfying the requirements of the Declaration and Attestation's Act which allows such persons to be eligible to witness documents to the same extent as Commissioner for Declaration (CD's).

Background

2. There have been personnel changes since the policy was last updated.

Comments

3. Accordingly, the policy needs to be updated to reflect current appointments and to provide a reasonable number of formal CD's within the organisation. This is a frequently used service to customers.

COMMITTEE RECOMMENDATION TO COUNCIL

GS 109/2004

1. That Council Policy CS 6.10 be amended as follows:

Appointment as Commissioner for Declarations

Appointment to the Declarations and Attestations Act – That Kevin O'Connor, Graham Milward, Susan J Burrows, Geoffrey H Parslow and Barbara A Millan be appointed as Deputy Chief Executive Officer within the meaning of the Local Government Act 1995 for the sole purpose of satisfying the requirements of the Declarations and Attestations Act which allows for the above persons to be eligible to witness documents to the same extent as Commissioners for Declaration.

Moved: (Cr Taylor)

Seconded: (Cr Tonkin)

CARRIED UNANIMOUSLY

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

110. Tender- T0412 The supply, Delivery and Installation of Fibre Optic Cable Communications Link.

() (Corporate Services)

Refer Item: N/A

Applicant: N/A

Owner: N/A

Purpose of Report

1. To consider tenders for the supply, delivery and installation of fibre optic communications link between the Kalamunda Library, Works Depot and the Shire Administration building.

Comments

2. As part of the non-recurrent budget for 2004 / 2005, Council allocated \$95,000 to provide a high speed data/ telephony links between the administration building, works depot and the kalamunda library to enable major cost savings and efficiencies and to alleviate the current congestion.
3. Tenders were called encompassing both the civil and IT works and closed on 5th November 2004. At the close of tenders, there were six respondents. All prices are ex GST;

| | |
|--------------------------------|---------------|
| Underground Services Australia | \$ 276,676.00 |
| NDC | \$ 217,990.00 |
| G.R. Services | \$ 171,696.20 |
| Total Cabling Services | \$ 187,470.00 |
| ABB | \$ 206,286.00 |
| Diamond Communications | \$ 263,813.80 |

4. None of the tendered prices for the civil and IT works came within the budgeted figure of \$95,000 with the nearest tendered figure of \$171,696.20 from GR Services.
5. Staff are currently considering the following options which are open to Council;
 - i. To reject all tenders and carry over the allocated funds from 2004 / 2005 to 2005 / 2006 financial year allocating additional funds and then recall tenders.
 - ii. Reject all tenders and then recall tenders for the supply of cabling and associated materials only, with the Engineering department to carry out the trenching associated works.

COMMITTEE RECOMMENDATION TO COUNCIL

GS 110/2004

1. Council does not accept any tender as all submissions are in excess of Council's budget provision.

Moved: (Cr Taylor)

Seconded: (Cr Winterhalder)

CARRIED UNANIMOUSLY

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

111. Light Vehicle Replacement Programme (Phase One) 2004/2005

() (Corporate Services)

Refer Item:

Applicant:

Owner:

Purpose of Report

1. To approve the purchase of seven light vehicles scheduled for replacement in accordance with Council Policy CS1.22 within the 2004/2005 budget.

Background

2. An amount of \$155,000 is provided for in the 2004/2005 budget to replace thirteen light vehicles in accordance with Council Policy.
3. Trade-in prices for the seven light vehicles were obtained from metropolitan motor vehicle dealers. The new vehicle prices were obtained from the Department of Treasury & Finance under the State Government Vehicle Contract.
4. The remaining light vehicles will be replaced in March/April 2005.

Comments

5. The outcome of the Department of Finance & Treasury prices and the quotations received for the trade-ins are attached (Attachment 1).
6. Specifications of the engineering survey vehicle (KM 6280) were changed from an all terrain van to an all terrain well body utility. The specifications for the works supervisor – construction vehicle (KM 6951) were also changed from a dual cab to a space/ extra cab utility.
7. It is proposed that the following seven light vehicles be purchased in accordance with Council Policy. In all cases the lowest cost options have been selected.

| <u>Supplier</u> | <u>Vehicle</u> | <u>Net Change Over \$</u> |
|-----------------------------|----------------|---------------------------|
| Titan Ford | KM 32 | \$ 23,697.17 |
| Range Ford | KM 35011 | \$ 10,952.55 |
| Range Ford | KM 14326 | \$ 12,790.53 |
| Range Ford | KM 6280 | \$ 13,975.98 |
| Southside Mitsubishi | KM 6900 | \$ 14,518.00 |
| Range Ford | KM 269 | \$ 10,781.56 |
| Midland Toyota | KM 6951 | \$ 11,560.00 |
| Total Net Changeover | | \$ 98,275.79 |

COMMITTEE RECOMMENDATION TO COUNCIL

GS 111/2004

1. That Council agrees to purchase seven light vehicles within phase one of the 2004/2005 light vehicle replacement programme in accordance with the following:

| <u>Supplier</u> | <u>Vehicle</u> | <u>Net Change Over \$</u> |
|-----------------------------|----------------|---------------------------|
| Titan Ford | KM 32 | \$ 23,697.17 |
| Range Ford | KM 35011 | \$ 10,952.55 |
| Range Ford | KM 14326 | \$ 12,790.53 |
| Range Ford | KM 6280 | \$ 13,975.98 |
| Southside Mitsubishi | KM 6900 | \$ 14,518.00 |
| Range Ford | KM 269 | \$ 10,781.56 |
| Midland Toyota | KM 6951 | \$ 11,560.00 |
| <u>Total Net Changeover</u> | | <u>\$ 98,275.79</u> |

Moved: (Cr Casey)

Seconded: (Cr Cresswell)

CARRIED UNANIMOUSLY

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

**112. Parking Controls - Fern Road, Paull's Valley
(FR-03/GEN) (Engineering Services)**

Refer Item: N/A

Applicant: N/A

Owner: N/A

Purpose of Report

1. The Council is requested to adopt parking controls in Fern Road, adjacent to the intersection with Furfaro Road.

Background

2. A hazardous situation is caused at the intersection of Fern Road and Furfaro Road, by drivers parking vehicles in Fern Road, in close proximity to the intersection.
3. The vehicles belong to people walking the Bibbulmun Track, which crosses Furfaro Road at this location. Residents have reported that up to 22 vehicles have been parked at the location at a single time. The vehicles parked in Fern Road, opposite Furfaro Road, cause a hazardous situation if vehicles travelling in opposite directions happen to meet at the location.
4. Vehicles also park within Fern Road, beyond the intersection with Furfaro Road, but the residents of that section of the road, have indicated that this parking has not caused them problems that require parking controls beyond the intersection.

Comments

5. Both Fern and Furfaro Roads have relatively narrow pavements and the shoulder on Fern Road, opposite Furfaro Road, is narrow. Vehicles parking along this section of the road could quite conceivably cause obstruction to through traffic.
6. The imposition of No Parking controls, as indicated at (Attachment 1.) would overcome the problems being experienced at the intersections.
7. In view of the number of vehicles parking in Fern Road, and the likelihood that it will increase, a letter has been forwarded to the Department for Conservation and Land Management, requesting that it gives consideration to the creation of an off road parking area at the location.

COMMITTEE RECOMMENDATION TO COUNCIL

GS 112/2004

1. That parking controls as depicted on (**Attachment 1.**) be imposed in Fern Road, at the intersection of Furfaro Road, Paull's Valley.

Moved: (Cr Winterhalder)

Seconded: (Cr Tonkin)

CARRIED UNANIMOUSLY

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

**113. Tender for the Supply and Delivery of Plant Equipment
(AD-TEN-009) (Engineering Services)**

Refer Item: N/A

Applicant: N/A

Owner: N/A

Purpose of Report

1. Council is requested to accept the Tenders for the supply and purchase of various plant items listed for replacement in the 2004/05 financial year.

Background

2. \$340,000 is included for the replacement of plant in the current financial year's Budget.
3. Accordingly Tenders were called for the supply and delivery and purchase of trade in plant for the following plant items:
 - 3 Tonne Dual Cab Crew Truck (T0422)
 - 3.5 - 4 Tonne Combination Roller (T0423)
 - 9 Tonne Tray Top Truck with Crane (T0424)
 - 4 Wheel Drive Backhoe (T0425)
 - 6 Tonne Tip Truck (T0426)
4. Summaries of the bids for each of the above Tenders that include the tendered prices and specifications of the plant items offered, are presented at **(Attachments 1 to 5 respectively.)**
5. Council has the option to separately sell the trade-in plant.

Comments

6. Comments in respect to the compliance with specified requirements are provided on the respective spreadsheets appearing at **(Attachments 1 to 5 respectively.)**
7. In most cases prices submitted for the outright purchase of the trade in plant are higher than the prices offered by the suppliers of new plant. Accordingly, it is recommended that the trade in plant be sold separately. However, in some cases delivery constraints of the new plant may cause difficulties in selling the trade in plant. In such cases the trade in plant could still be sold to the suppliers at their tendered trade in price.
8. The selection of the Tenders is based on the compliance with specifications and tendered prices. The net cost of plant replacement based on the trade in being sold separately, where a better price is available, is approximately \$275,500. If, however plant is to be traded in to the suppliers of the new plant, the approximate net cost will be \$299,800.

Accordingly, it is estimated that the plant replacement cost will be \$40,000 to \$64,000 under budget.

COMMITTEE RECOMMENDATION TO COUNCIL

GS 113/2004

1. That the Tenders for plant supply and purchase be accepted as follows:

| Tender No | Purchase of New Plant | | Sale of Trade in Plant | |
|-----------|--------------------------------|--------------|------------------------|-----------------|
| | T022 | Major Motors | \$ 50,480.00 | Smith Broughton |
| T023 | Westrac | \$ 65,930.00 | Westrac | \$ 22,000.00 |
| T024 | Major Motors | \$120,680.00 | Raytone Motors | \$ 43,250.91 |
| T025 | Hitachi Construction Machinery | \$113,000.00 | Smith Broughton | \$ 37,770.00 |
| T026 | Skipper | \$ 67,930.00 | Smith Broughton | \$ 22,770.00 |
| | Total | \$418,020.00 | | \$142,560.91 |

2. That in the event of unforeseen delays in the delivery of new plant, resulting in difficulties for the separate sale of trade-in plant, the trade-in plant be sold to the supplier of the new plant at their trade-in price as follows:

| Tender No | Supplier | New | Trade-in |
|-----------|--------------------------------|--------------|-------------|
| T022 | Major Motors | \$50,480.00 | \$3,636.37 |
| T023 | Westrac | \$65,930.00 | \$22,000.00 |
| T024 | Major Motors | \$120,680.00 | \$30,909.00 |
| T025 | Hitachi Construction Machinery | \$113,000.00 | \$35,000.00 |
| T026 | Skipper | \$67,930.00 | \$16,720.00 |

Moved: (Cr Govan) Seconded: (Cr Blair)

CARRIED UNANIMOUSLY

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

Cr Casey declared a Disclosure of Interest Affecting Impartiality as her husband is an employee of a sub-contractor to Readymix who were involved in the tender process.

Cr Winterhalder declared a Disclosure of Financial or Proximity Interest as he is a Trustee and Beneficiary of a Trust holding shares in Boral and Rinker Group.

Cr Winterhalder left the Chambers at 7.10pm

114. Contracts for the Term Supply of Materials and Services (AD-TEN-004) (Engineering Services)

Refer Item: N/A

Applicant: N/A

Owner: N/A

Purpose of Report

1. Council is requested to award Contracts for the supply of construction materials and services for a period of three years ending 31 December 2007.

Background

2. Tenders were called for the following products and services:
 - Supply And Delivery Of Bitumen Emulsion Cut Back Bitumen Primers And Hot Spray Seals (T0413)
 - Supply And Laying Of Hot Bituminous Concrete (T0414)
 - Supply And Delivery Of Crushed Stone Aggregate (T0415)
 - Supply And Delivery Of Crushed Ferricrete / Laterite (T0416)
 - Supply, Delivery And Laying Of Extruded Concrete Kerbing (T0417)
 - Road Sweeping Services (**T0418**)
 - Path And Carpark Sweeping Services (**T0419**)
3. Summaries of the bids for each of the above Tenders, which include the tendered prices and other requested information, are presented at (**Attachments 1 to 7 respectively.**)
4. Where the tendered prices are subject to Rise and Fall, formulae are included in respective spreadsheets. Otherwise the prices are fixed for the term of the Contract.

Comments

5. In the absence of an adopted weighting and scoring system, only a qualitative analysis has been carried out to assess the bids against the selection criteria. Hence the recommendation is based on the tendered price or the estimated annual cost to the Shire.

6. In the case of the Bituminous Concrete (Asphalt) Tender, Boral's average rate is the lowest, at \$94.18/T based on order quantities in a typical financial year. Pioneer's average rate of \$99.45 is the second lowest. It is recommended that Pioneer be appointed as a back up contractor for the supply of the product, when Boral is unable to meet Shire's schedule of work.
7. In the case of the Footpath and Carpark Sweeping, Multi-Sweep's price is lower for paths in the schedule whilst Immacu Sweep's prices are lower for carparks and additional paths. Based on quarterly sweeping of paths, six monthly sweep of carparks and an allowance for additional work to be performed on hourly or per km rates, Immacu Sweep's cost for the first year works out to be slightly cheaper. The additional work is based on 15km of additional paths (resident requests) to be swept per quarter and 150 hours for the sweeping of sporting facilities and additional car parks. In the subsequent years, the additional length will increase due to the construction of new paths in old and new developments, which will create a greater cost advantage for the Shire, resulting from a Contract awarded to Immacu Sweep.
8. For all other Tenders the lowest Tenderer is recommended for the award of the supply of respective products or services.

COMMITTEE RECOMMENDATION TO COUNCIL

GS 114/2004

1. That the Contract for the Supply and Delivery of Bitumen Emulsions be awarded to RNR Contracting Pty Ltd based on their tendered price as indicated on **(Attachment 1.)**
2. That the Contract for the Supply and Laying of Bituminous Concrete be awarded to Boral Asphalt based on their tendered price as indicated on **(Attachment 2.)**
3. That Pioneer Road Services Pty Ltd be appointed as a back up Contractor for the Supply and Laying of Bituminous Concrete based on their tendered price as indicated on **(Attachment 2.)**
4. That the Contract for the Supply and Delivery of Crushed Stone Aggregate, be awarded to WA Blue Metal based on their tendered price as indicated on **(Attachment 3.)**
5. That the Contract for the Supply and Delivery of Crushed Ferricrete/Laterite Gravel be awarded to WA Limestone based on their tendered price as indicated on **(Attachment 4.)**
6. That the Contract for the Supply, Delivery and Laying of Extruded Concrete Kerbing be awarded to Kerb Qic & Company based on their tendered price as indicated on **(Attachment 5.)**
7. That the Contract for the Supply of Road Sweeping Services be awarded to Clean Sweep based on their tendered price as indicated on **(Attachment 6.)**
8. That the Contract for the Supply of Path and Carpark Sweeping Services be awarded to Immacu Sweep based on their tendered price as indicated on **(Attachment 7.)**

Moved: (Cr Govan)

Seconded: (Cr Tonkin)

CARRIED UNANIMOUSLY**Cr Winterhalder returned to the Chambers at 7.11pm.**

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

**115. Under Powerlines Tree Pruning Tender - T0420
(AD-TEN-005) (Engineering Services)**

Refer Item: N/A

Applicant: N/A

Owner: N/A

Purpose of Report

1. To recommend to Council a Contractor for the Provision of Under Powerlines Tree Pruning Services – T0420.

Background

2. On Wednesday the 20 October, Tenders closed for the provision of under powerlines tree pruning.
3. One Tender was received, being from Kennedy's Tree Services in Forrestfield.
4. The prices submitted are as follows:
 - \$35 / tree for standard verge trees.
 - \$130 / tree for oversized verge trees.

Comments

5. Kennedy's Tree Services has successfully completed two, three year periods of pruning under powerlines trees for the Shire.
6. During that six year period there have been very few complaints about the company bearing in mind they have pruned in the vicinity of 16,000 verge trees within the Shire area. The service provided by Kennedy's has been most satisfactory.

COMMITTEE RECOMMENDATION TO COUNCIL

GS 115/2004

1. That Kennedy's Tree Services be appointed as the successful Contractor for the provision of Under Powerlines Tree Pruning – T0420, for a period of three years, at a cost of \$35 / standard tree, and \$130 / oversized tree.

Moved: (Cr Govan)

Seconded: (Cr Blair)

CARRIED UNANIMOUSLY

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

116. Metropolitan Region Scheme Amendment No. 1082/33 And Draft Bushland Statement Of Planning Policy

Refer Item: PS 119/04 Nov 2004

Applicant: N/A

Owner: N/A

Purpose of Report

1. To provide information on the proposed Metropolitan Scheme amendment and the Draft Statement of Bushland Planning Policy on bushforever.

Background

2. The State Government has introduced a package of planning measures that are to ensure that bushland protection and management issues are appropriately considered and addressed in planning decisions and actions in the Perth Metropolitan Region.
3. The package includes the following elements relevant to the Shire of Kalamunda:
4. Metropolitan Region Scheme Amendment No 1082/33 (Bush Forever and Related Lands), which proposes to:
 - Amend the Metropolitan Region Scheme (MRS) to create Bush Forever Protection Areas (BFPA) over Bush Forever Sites zoned and reserved in the MRS. These will become Special Control Areas.
 - Amend the MRS to reserve a number of Bush Forever Sites and related lands for Parks and Recreation; and
 - A Draft Bushland Policy for the Perth Metropolitan Region Statement of Planning Policy 2.8 (Draft Bushland SPP), which provides guidelines for identified Bushforever sites and:
 - A statutory policy and implementation framework for the protection and management of regionally significant bushland within a BFPA; and
 - Policy measures for other areas of native vegetation outside BFPAs, that support the preparation of local bushland protection strategies by all local governments in the Perth Metropolitan Region.
5. The Bushland Policy is a non-statutory regional policy endorsed by the State Government as a whole of government bushland protection policy for the Swan Coastal Plain portion of the Perth Metropolitan Area.
6. The Draft Bushland Statement of Planning Policy sets out a number of provisions in relation to BFPAs. BFPAs or Special Control Areas can be best described as a policy overlay in town planning schemes to deal with regionally significant bushland protection issues that overlap zone and reserve boundaries and require special consideration. BFPA provisions will apply in addition to the local government town planning scheme zoning provisions and where there are inconsistencies the BFPA provisions override the scheme provisions. BFPAs also provide government agencies and land valuers with a statutory mechanism to deliver local rate and state land tax incentives to landowners, in addition to incentives that may be provided through other mechanisms, such as statutory conservation covenants. A local government may also amend its town planning scheme

to apply complementary and more detailed site specific provisions for any given BFPA. The provisions related to BFPAs are as follows:

- Recognition of regionally significant bushland and its management as a primary purpose;
 - That all reasonable steps are taken to avoid, minimise or mitigate and likely adverse impacts, direct or indirect, on regionally significant bushland;
 - Recognition of existing commitments and approvals and wider social and economic considerations;
 - Where there are likely to be unavoidable adverse impact, direct or indirect, the following planning process may occur:
 - Require a Statement of Environmental Effects and an Environmental Management Plan;
 - Use negotiated planning solution criteria as a basis for determining a reasonable outcome;
 - a presumption against clearing within Bush Forever Reserves;
 - the protection of regionally significant bushland as a priority within government lands and public infrastructure sites.
7. In some cases BFPAs have been placed over regional reservations. The explanation as to why this has been done is that some community concern has been expressed that the regional reservation by itself does not give adequate guidance or control over the protection of significant bush and the BFPA were seen as a means of providing adequate protection.
8. Once the BFPAs are incorporated into the MRS and the Metropolitan Region Scheme Text, the Shire will be required to initiate amendments to its Town Planning Scheme within three months of the gazettal of the MRS amendment to ensure consistency with the MRS.

Comments

9. A total of three sites in Kalamunda are proposed for reservation as Parks and Recreation in the draft MRS Amendment. These are detailed individually below with copies of all relevant maps attached as indicated.
10. Lot 1 Welshpool Road, Wattle Grove being transferred from Rural Zone to Parks and Recreation Reservation. The land is owned by the WA Planning Commission (WAPC) and contains a Threatened Ecological Community (Forrestfield Complex) and Declared Rare Flora. The proposed reservation of this land is supported. (Attachment 1).
11. Lot 1 and Lot 2 Sultana Road High Wycombe: transfer various private lots from the Rural Zone to Parks and Recreation reservation. It is understood that the State Government is currently negotiating to purchase the relevant land. The proposed reservation will allow these lots to be consolidated with adjacent lots that have already been reserved. The reservation of this land is supported. (Attachment 2)
12. Crown Reserves 14088, 33262, 38489 and portions of 18689: transfer from Urban Zone (38489) and Rural Zone (remainder of reserves) into Parks and Recreation Reservation (33.7 Ha). Portion of the the Maida Vale Primary School falls within the amendment area. 33262 is currently vested as a preschool, 14088 and 38489 are currently vested in the Shire of Kalamunda (mistakenly referred to on p19 of the Amendment as the City of

Kalamunda). These reserves form the Maida Vale Reserve, The Maida Vale Friends Group have a significant role in implementing the Maida Vale Reserve Management Plan, which was prepared by the Shire. The reserve also contains a number of active recreation facilities. The Shire does not object to the proposed rezoning of this land, subject to the provision of a 5m road widening for Kalamunda Road, which has previously been requested from the Department for Planning and Infrastructure. **(Attachment 3)**.

13. As well as the above proposed rezonings, a number of sites have also been identified for inclusion in Bush Forever Protection Areas through establishment of Special Control Areas. These are noted in the Table below with copies of all relevant maps are contained in Attachment 4

| <u>Bush Forever Site</u> | <u>Lots affected</u> | <u>Officer Comment</u> |
|-------------------------------------|---|--|
| 122 (ACTIV Land) | Lots 604 and 605 Adelaide Street and 606 Lambertia Street High Wycombe | Support as site is identified as a conservation area. |
| 123 (Sultana Rd Bushland) | Lots 1, 2, 497, 498 and 499 Sultana Road High Wycombe | Support as site is partly reserved and being purchased by the WA Planning Commission. |
| 217 (Ridge Hill Rd Bushland) | Portion Lots 28, 29, 30, 31 Ridge Hill Rd Lot 32 John Farrant Drive, Portion Lots 19, and Lot 33, 34 and 46 Summerfield Place, Portion Lots 44, 45 and 47 Summerfield Place, All Gooseberry Hill. Portion Reserve 12034 | Object as all lots are in private ownership. |
| 282 (Tomah Swamp) | Part Lot 50 Tomah Road, Lots 51 and 52 St John Rd, Wattle Grove | Support as sites are in a Regional Reservation. |
| 316 (Maida Vale Reserve) | Crown Reserves 14088, 25898, 33262, 38489 and portions of 18689, Maida Vale (Maida Vale Reserve). | Support. Rezoning and controls are consistent with Shire Management Plan and Shire and Community management actions. |
| 319 | Lots 9 and 20 Cantwell Crescent, Lot 32 Bedford Crescent Crown Reserves 37981, 36238, 37260, 37997, 31709, Lots 30, 31, 43, 44, Bedford Cres, Lots 121, 180, 181 Webster Road Forrestfield | Not Support as sites are in a Regional Reservation. |
| 320 (Hartfield Park) | Crown Reserve 17098, Lots 50, 51 and 800 Welshpool Road, portion of Tonkin Highway Reservation | Support as sites are in a Regional Reservation. |
| 401 (Bougainvillea Avenue Bushland) | Crown Reserve 29815 | Support as site contains Department of Agriculture land. |
| 440 (Pioneer Park) | Crown Reserve 41156 | Support. Portion of the land is used for playing fields and buildings |
| 466 (Gooseberry Hill Rd Bushland) | Crown Reserve 38834, Portion of Lot 17 Kalamatta Way, Lot 50 Watsonia Road, Lots 7, 8, 9, 10, 11, 3 and 1181 Gooseberry Hill Road, Lot 2 Newlands Grove, Portion of Lot 34 June Road, all in Gooseberry Hill | Not Support as sites are reserved for public purposes. |
| 45 | Lot 100, Portions of Lots 104 and 1353 Raven St, Portion of Lots 103, 92 and 2 Milner Rd, Crown Reserves 36492, | Object as all lots are in private ownership |

| | | |
|-------------------------------------|---|--|
| | Portion of Lot 13 Littlefield Road, Portions of Lot 81, 82, 200 and 201 Brae Road | |
| 213 (Gooseberry Hill National Park) | Portion of Crown Reserve 30200 Portion of Lot 20 and incorporating a portion of the road reserve for Ridge Hill Road. | Support as sites are in a Regional Reservation. |
| 215 (Helena Valley) | Portion of Lots 253, 254, 255, 256, 257, 258 and 11 Helena Valley Road | Support as sites are in a Regional Reservation. |
| 387 | Lots 28, 30, 32 Brook Rd, Lots 36 and 341 Welshpool Rd Wattle Grove | Not Support as the sites are in a Regional Reservation. |

14. In relation to the proposed requirement for Local Governments to prepare local bushland protection strategies, the Shire has already committed to participate in the first two milestones of the WALGA pilot program for the preparation of a local biodiversity planning strategy. Additionally the Environmental Protection Act contains requirements in respect to the clearing of land. Given this, it is considered unnecessary for privately owned lots to be subject to the Special Control Areas or BFPAs. It is also of concern that where Special Control Areas have been placed over parts of private land which from initial inspection indicates that areas have been included that contain cleared land and or dwellings, while some areas of bush have been left out of the BFPA.
15. The proposed amendment and draft policy were extensively advertised and on display at the Council Offices. From a planning perspective there is no objection to the MRS Amendment or the declaration of Special Control Areas on sites in public ownership.

RECOMMENDATION GS 116/2004

That the Shire of Kalamunda advises the Western Australian Planning Commission that it:

1. Has no objection to the rezoning of land identified as BFS50, BFS123 and BFS316 to Parks and Recreation as proposed in Draft MRS Amendment 1082/33 conditional upon the Amendment Proposal No 43 – BFS 316 being modified to make provision for a 5m widening of the Other Regional Road reserve across the front of Reserves 18689, 14088 and 25898. (**Attachments 1-3**).
2. Has no objection to the provision of the declaration of Special Control Areas for those sites in public ownership however objects to Special Control Areas over land in private ownership. Land identified in private ownership can be considered and assessed under the Biodiversity Strategy currently being undertaken by the Shire of Kalamunda.

As there was no Mover or Seconder for the staff Recommendation, the Chairperson took an alternative Recommendation from Cr Taylor:

COMMITTEE RECOMMENDATION TO COUNCIL

GS 116/2004

That the Shire of Kalamunda advises the Western Australian Planning Commission that it:

1. Has no objection to the rezoning of land identified as BFS50, BFS123 and BFS316 to Parks and Recreation as proposed in Draft MRS Amendment 1082/33 conditional upon the Amendment Proposal No 43 – BFS 316 being modified to make provision for a 5m widening of the Other Regional Road reserve across the front of Reserves 18689, 14088 and 25898. (**Attachments 1-3**).

-
2. Has no objection to the provision of the declaration of Special Control Areas for those sites in public ownership however objects to Special Control Areas over land in private ownership. Land identified in private ownership can be considered and assessed under the Biodiversity Strategy currently being undertaken by the Shire of Kalamunda.
 3. **Crown Land largely cleared and degraded can be considered and assessed under the Biodiversity Strategy. The sites identified are 319, 387 and 466.**
 4. **That the table be modified to reflect the statement in point 3 above.**

Moved: (Cr Taylor)

Seconded: (Cr Winterhalder)

CARRIED UNANIMOUSLY

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

117. Request To Purchase A Part Of Road Reserve - Healey Place, Gooseberry Hill (LN-05/006) (Planning and Development Services)

Refer Item: N/A
Applicant: Leon English
Owner: Leon and Helen English

Purpose of Report

1. The owner of 6 Lenori Road, Gooseberry Hill wishes to purchase a part of the Healy Place Road Reserve . The area requested is approximately 374 m² located on the north side of the road reserve from the head of the cul-de-sac to the Lenori Road reserve. See **Attachment 1** .

Background

2. The applicant wishes to purchase a portion of the Healey Road Reserve adjacent to 6 Lenori Road/Healy Place, Gooseberry Hill. The portion of the road reserve is not constructed and will not be extended to Lenori Road. The portion of the road reserve contains a pedestrian path and has been landscaped and maintained to a high standard by the applicant . Services are also located in the reserve, but not within the portion the applicant seeks to close and purchase. The applicant wishes to incorporate the portion of the road reserve into the property, which is currently developed as a guest house.
3. Council has previously sought advice on the closure from various servicing authorities and gained a valuation from the Department of Planning and Infrastructure.

Comments

4. Under the section 58 of Land Administration Act the Council can request of Minister for Lands to close a road subsequent to following procedure:
 - Community consultation
 - Planning assessment
 - Liaison with adjoining owners and
 - Public utility service authority providers agreement to closure.
5. Subject to the Minister agreeing to the closure, the subject land becomes unallocated Crown Land. Following this the Minister may, under section 75 of the Act, transfer the land in fee simple. At this stage the land may be offered for sale to interested parties.
6. It is proposed to maintain a pedestrian access way in the road reserve. Along the western edge of the existing path exists dense vegetation. If the area of road reserve as shown in Attachment 1 is acquired, a path area of approximately 2.5m in some areas will exist. This is considered not wide enough whereby a tunnel effect could occur if the area is fenced. It is therefore proposed that to maintain a functional access way the area of land subject of consideration for closure should be reduced to allow for a wider pedestrian access. It is considered that a minimum width of 4m should be provided from the dense

vegetated area. The width of the road area under consideration for closure should therefore be reduced to approximately 6m.

7. It is recommended that Council initiate the advertising of the Road closure for the purpose seeking public comment based on the above modifications being undertaken.
8. **The Applicant addressed the Committee and requested that a 2 metre minimum width be considered and supported.**

RECOMMENDATION GS 117/2004

1. That the Council advertise the proposed Road closure for the purpose of seeking public comment, based on a 4m minimum width access way from the edge of the dense vegetated area. The new boundary is to run parallel with the existing boundary fence line of No. 6 Lenori Road, Gooseberry Hill.

There was no Mover or Seconder of the staff Recommendation.

The following Motion was moved:

COMMITTEE RECOMMENDATION TO COUNCIL GS 117/2004

1. **That the Council advertise the proposed Road closure for the purpose of seeking public comment, based on 2 metres minimum width from the eastern edge of the concrete footpath.**

Moved: (Cr Taylor)

Seconded: (Cr McKechnie)

CARRIED UNANIMOUSLY

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

**118. Submission For Bin Signs - 24/7 Street Signs
(HE-RLW-010) (Planning and Development Services)**

Refer Item: N/A

Applicant: Mark Kuligowski

Owner: N/A

Purpose of Report

1. Council is requested to give consideration to a submission from "24/7 Street Signs" who wish to attach by way of labels, the advertising of products and services, onto mobile garbage bins owned by the Shire of Kalamunda.

Background

2. 24/7 Street Signs is founded and operated by disabled partners willing to develop their ideas and develop ventures offering employment to disabled staff and other disadvantaged groups such as the unemployed. Their business venture gives a chance to work different hours and in different locations as well as employing an unskilled/disabled workforce.

Comments

3. The submission outlines that general advertising of products, in the form of removable stickers, will be placed on garbage bins when they are placed out for collection. A copy of the brochure is contained in Attachment 1. It is proposed that a payment will be negotiated with the Shire after each and every sticker campaign. It is outlined that initially the payments may not be of significance due to small and not frequent orders, but if the new way of advertising will become accepted within business and perhaps all levels of Government, it may become significant.
4. It is further outlined that this system of signage will set new standards for high and visual outdoor advertising products. A variety of posters are available in different designs to allow for customisation to individual needs. Located along major and secondary arteries and at key intersections, mobile garbage bins and their ads are highly visible to motorists, pedestrians and home owners. Ads may be targeted at the entire Shire, areas or individual streets.
5. Different scenarios are provided in respect to the benefit of this product in terms of employment of disabled or unemployed persons, the effect of advertising would have on the local economy and the benefit to the Shire in terms of revenue.
6. The above submission is a type of street signage which would apply to any commercial activity or product. Signage located on the verge is not permitted without the consent of Council. At the November 2004 round of Council meetings, Council approved the second term of the agreement for Natsales for the provision of bins which contain advertising space. In total no more than 50 bins are permitted. Council also considered at its November 2004 meetings a signage program aimed at improving driver compliance with the blanket 50km/h speed limit with stickers to be placed on mobile garbage bins. This item was deferred to the December meeting of the General Services Committee meeting to enable new and additional information to be considered.

-
7. In regard to the 50km/h signage, or signage of a similar nature the applicant has advised that community based signage can be undertaken, however, some commercial signage will be required to make the operation viable.
 8. In regard to the above, the proposal under consideration is for commercial signage. The applicant is seeking consent from the Shire but no mention is made to the consent being obtained from the property owner to which the bin is allocated.
 9. It is considered that the submission not be supported, as potentially it could affect the amenity of the area or act as a distraction to motorists. Potentially one could also see bins left out on the verge for a longer time than the collection period. The application is in essence verge signage.
 10. **The Applicant addressed the Committee and asked that his submission be supported.**
 11. **Councillors discussed the issue of verge signage, the potential distraction to motorists and the potential for commercial advertising such as Coca Cola. It was also suggested that another company (Natsales or the Eastern Metropolitan Regional Council) may be able to assist.**

COMMITTEE RECOMMENDATION TO COUNCIL

GS 118/2004

1. That 24/7 Street Signs be advised that it does not support the concept of commercial signage on mobile garbage bins within the Shire of Kalamunda.

Moved: (Cr Tonkin)

Seconded: (Cr Winterhalder)

CARRIED UNANIMOUSLY

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

119. Proposed Street Name for Subdivision of the Lot 54 Maida Vale Road, Maida Vale (124577)(Planning Services)

Refer Item: N/A

Applicant: A Creelman

Owner: A Creelman

Purpose of Report

1. Council is to consider street name for the subdivision of Lot 54 Maida Vale Road in Maida Vale. The recommendation of Council is forwarded to Geographic Names Committee of the department of Land Information for approval.

Background

2. The application for subdivision of the Lot 54 Maida Vale Road has been approved by WAPC in June 2004. (**Attachment 1**)
3. Street names are required to be shown on survey plans before submission for clearance of the subdivision.

Comments

4. One street name is required for the subdivision (**Attachment 2**). The owner has chosen the name Kumal Court from our list pre-approved by Geographic Names Committee. Kumal is from Council's Nyoongar word list and means a large grey possum.
5. It is recommended that Council endorse the use of the new name.

COMMITTEE RECOMMENDATION TO COUNCIL

GS 119/2004

1. That Council supports the new name of Kumal Court as shown on (**Attachment 2**) and request Geographic Names Committee to approve this name.

Moved: (Cr Blair)

Seconded: (Cr Cresswell)

CARRIED UNANIMOUSLY

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

120. Tender- Lease Of Portion Of Reserve 26843 (38) Collins Road, Kalamunda.

(CL-11/038) (Planning and Development Services)

Refer Item: GS 43/2003, GS 15/04

Applicant: N/A

Owner: N/A

Purpose of Report

1. To consider tenders for the lease of portion of Reserve 26843 (38) Collins Road, Kalamunda (former Roller Skating Rink).

Background

2. A management order was issued to the Shire by the then Department of Land Administration in 2002 for the site to be used for the purpose of "Recreation" with the power to lease the site for a period of 21 years. (Refer Attachment 1 for a location plan).
3. Council placed the building out for tender in 2002 and did not receive any conforming tenders for the use of the building.
4. Council considered an item regarding the lease of the reserve in February 2004 where it was resolved:

That tenders be called for the use of Reserve 26843 (38) Collins Road, Kalamunda in accordance with the commercial lease and tender documents prepared for the building.

That a working party comprising the Shire President, Deputy Shire President, Chair of Planning Services Committee, Cr McKechnie and the Chief Executive Officer, be formed to appoint an architect to examine the use of the building for governance purposes. That the cost of this project be noted and authorised as unbudgeted expenditure.

5. At the June 2004 meeting the Council considered an item from the Chief Executive Officer on the building project and resolved that:

That the findings and work undertaken by the working party be noted and the examination of the Council building on Reserve 26843 (38) Collins Road for governance purposes be discontinued.

Comments

6. Tenders were called for the lease of the site and closed on 29th October 2004. At the close of tenders, one (1) tender was received from the "Fit 2 Cheer" Cheerleading Club.

-
7. Fit to Cheer is a gymnastics/cheerleading club affiliated with Gymnastics Western Australia, which is currently operating from the Lesmurdie Senior High School. It has 180 squad members ranging in age from 4 – 25 years. The Club has won numerous state and national titles.
8. In accordance with the selection criteria the following is proposed:
- a. Rental – 1 year at \$7000 per annum with a negotiated increase in rent offered after the first year. The term of the lease is proposed to be for a period of 1 year plus 5 years option.
- b. Capital Investment – Over the period of the tender (1 year plus 5 year plan) the club endeavours to make a number of improvements to the building and its facilities:
- Restore the roof and recoats with a ceramitec coating that reflects the sun and cools the inside by at least 30% (or 15 degrees) which enable it to last up to 20 years longer.
 - Allow for disabled access into the building.
 - General maintenance and refurbishment of old equipment and facilities.
 - Restore/replace kitchen facilities to allow for full use of kiosk.
 - Supply upper area with seating and tables.
 - Restore the end room to allow for area to store mats and equipment for the club.
 - Replace existing light fittings.
 - Install battery operated smoke detectors.
 - Install residual current devices to the building.
- c. Compatibility of proposed use with 'Recreation' Management Order/Suitability of the use to the site:

Proposed Use of the Premises:

- Secondary cheerleading squads
- Primary cheerleading squads
- Kindergym/cheer classes
- Tumbling/stunt classes
- Aerobics/Cheersport classes for adults
- Fitness/conditioning classes for adults
- Youth group activities
- Church services
- Community courses/seminars
- Food parcel service
- Holiday programs for all ages.

Fit 2 Cheerleading Club:

The Club is set to expand with its limitations only being the current venue and facilities that are restricting its growth. If the club operated from this premises it

would be able to reach its full potential as a sporting club and provide even more for this community.

Holiday Programs:

The Club would run its classes along with the school term, so in the school holidays they would provide holiday programs for the youths and teenagers to get involved in.

Calamunda Community Church:

Calamunda Community Church, currently based at the Kalamunda Hall, has shown an interest to use the venue for their church services and youth groups on the weekends. The tenderer is supportive of this to further help the youth of the community. They would also run a food parcel program that provides for those in our community who are most in need. Along with running courses and seminars on the occasional weekend to help parents and youth with problems facing today's society, such as drug/alcohol abuse.

- d. Two referees – The name of two references have been supplied.
9. In terms of the tender that has been lodged, the tender can be accepted for a term of one year at a rent of \$7000. The lease documentation states that rent shall be the annual rental nominated by the Lessee in the Tender Form as reviewed from time to time under the provision of the lease. In respect to rent review it is stated in the lease document that rent shall be reviewed in accordance with the CPI variation.
 10. The tender submitted that after the first year, they seek an option of renewal for five years at a negotiated rent. The Council should not accept a tender whereby it agrees to grant an option of renewal for a further five years at a negotiable rent. Such a contractual arrangement has too much inherent uncertainty and it is recommended that the tender be rejected on this basis.
 11. In respect to the management order, the present purpose of the management order, is "recreation" and whilst in part the tenderers proposed use may be consistent, the use of the Calamunda Church is considered to fall outside the terms of that order. However, the process of amending the purpose is administrative and the Department for Planning and Infrastructure could be requested to amend the management order to "Recreation, Community and Church Use".
 12. The tender as submitted is considered unacceptable in terms of the option to negotiate rent and the proposed usage of the building is in part not compatible with the "Recreation" management order. If either no tender is received or any tender received is unacceptable, the Local Government may within 6 months of no tender being accepted negotiate with any party without having to fulfil the requirement of Section 3.58 of the Local Government Act.
 13. Subsequent to the closing of tenders it has been determined that some pages were found to be missing for an annexure in at least one of the tender documents distributed.
 14. **The staff Recommendation was Moved by Cr Bilich and Seconded by Cr Taylor. Cr Bilich then requested that a point 2 be added to the Recommendation as follows:**
 2. **That the Council look into the possibility of upgrading this building to a suitable standard within the current code requirements. This will enable the Council to then successfully lease the building for a substantial rental income or have the option to hire out to community groups.**

-
15. **Point 2 was not supported by the Seconder.**
 16. **Councillors discussed the current status of this building and debated whether the future of this building should be discussed and included as part of this item or brought back to Committee for discussion at a later date.**
 17. **Councillors also debated the fact that some pages were found to be missing, as outlined in point 13 above.**

COMMITTEE RECOMMENDATION TO COUNCIL

GS 120/2004

1. That the tender received for the lease of portion of Reserve 26843 (38) Collins Road, Kalamunda not be accepted as it does not comply with the tender conditions.

Moved: (Cr Bilich)

Seconded: (Cr Taylor)

CARRIED UNANIMOUSLY

FOR THE MOTION

AGAINST THE MOTION

Cr Bilich
Cr Stallard
Cr Tonkin
Cr Morton
Cr Casey
Cr Cresswell
Cr Winterhalder
Cr Taylor
Cr Blair
Cr Sadler

Cr McKechnie
Cr Govan

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

**121. Lease Agreement - Kalamunda Archery Club (Inc)
(RD-03/020) (Community Services)**

Refer Item:

Applicant: Kalamunda Archery Club Inc.

Owner: Shire of Kalamunda

Purpose of Report

1. To consider the renewal of a Lease Agreement for the use of the Kalamunda Archery Club (Inc) (Clubroom) plus Range at the Maida Vale Reserve for the Kalamunda Archery Club Inc.

Background

2. Council has a Lease Agreement with the Kalamunda Archery Club Inc. that commenced on 1st October 1994 and expired on the 30th September 2004.
3. The Kalamunda Archery Club Inc. has indicated that they would like to renew their Lease for a further 10 year term until 30th September 2014.

Comments

4. The terms and conditions of the expired Lease Agreement are summarised below and discussions with the Club indicate that these terms will remain acceptable.
 - a) To pay the lessor the reserved rate (\$969.95 including GST, per annum subject to CPI increases)
 - b) Pay 100% of all gas, power, telephone, water, rubbish removal charges and costs associated with the preparation, execution and stamping of the Agreement.
 - c) Maintain \$10 million public liability insurance.
 - d) Maintain the premises in a clean and sanitary condition.
 - e) Undertake minor maintenance to maintain the garden, building, furniture and fittings in good condition.
 - f) The term of the Lease is 10 years, therefore due to expire 30th September 2014.

COMMITTEE RECOMMENDATION TO COUNCIL

GS 121/2004

1. That the Lease Agreement be renewed for the use of the Kalamunda Archery Club (Inc) (Clubroom) plus Range at the Maida Vale Reserve and presented to the Club for signing with the Terms and Conditions of the expired Lease summarised in point 4, replicated in the new Lease.

Moved: (Cr Taylor)

Seconded: (Cr Govan)

CARRIED UNANIMOUSLY

10.0 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

10.1 Nil

11.0 QUESTIONS BY MEMBERS WITHOUT NOTICE

11.1 Cr McKechnie

- Q. Who made the building available to community groups to use this year, after receipt of the report, without first referring the matter to Council for its consideration?
- Q. Have residual current protection devices been installed in the Rollerama prior to the occupancy by community groups, if so when and by whom?
- Q. Whether the Shire's insurance policies for public liability apply in circumstances where the Shire is itself negligent, as could be in this case, if we have failed to keep all electrical systems to the standard of the relevant code and still allowed the facility to be used by ratepayers?

11.2 Cr Winterhalder

- Q. Is it not the case that when a building does not comply with certain building codes, and that building is quite old, it is not necessary that the building has to comply and be upgraded?

12.0 URGENT BUSINESS APPROVED BY THE PERSON PRESIDING OR BY DECISION

12.1 Nil

13.0 MATTERS BEHIND CLOSED DOORS

13.1 Nil

14.0 CLOSURE

The Chairperson wished everyone a happy Christmas and New Year.

There being no further business, the Chairman declared the meeting closed at 8.47 pm.

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

Signed Chairman

Dated thisday of2004