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Shire of Kalamunda

# **General Services Committee**

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Minutes for 5 December 2005



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## SHIRE OF KALAMUNDA

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**Minutes of General Services Committee  
held in Council's Function Room,  
2 Railway Road, Kalamunda  
Monday, 5 December 2005**

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**1.0 OFFICIAL OPENING**

- 1.1 The Chairman opened the Meeting at 7pm 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
D Sadler		SOUTH WEST WARD
A Morton		SOUTH WEST WARD
P Tonkin		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
D Elkins	ACTING EXECUTIVE MANAGER ENGINEERING SERVICES
S Burrows	EXECUTIVE MANAGER PLANNING AND DEVELOPMENT SERVICES
B Millan	EXECUTIVE ASSISTANT
M Garde	MANAGER FINANCIAL SERVICE
R Briede	MANAGER LIBRARY SERVICE
J Smith	MANAGER HEALTH SERVICE
F Lund	MINUTE SECRETARY

**Apologies**

J Giardina	SOUTH WARD
S Bilich	SOUTH WARD

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**Observers**

John Chodorowski

Community Development Co-ordinator

**Newspapers**

Hills Gazette

**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 7 November 2005 is confirmed as a true and correct record of the proceedings.

Moved: (Cr Casey)

Seconded: (Cr Winterhalder)

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

6.1 The Chairperson reminded the Councillors of the presentation by the 'Friends of Railway Reserve' showing the works undertaken on the Railway Reserve, to be held at the Administration Centre, Tuesday 6 December 2005, commencing at 6pm.

**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 127/05 – Community Precinct – Feasibility Study – Request for Quotations.**

**Cr Taylor declared a Financial and Proximity Interest as the location referred to in the Report Item may include a business premises she owns.**

## **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**

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## REPORTS

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

### **116. Creditors Accounts Paid for November 2005 (FI-CRS-002) (Corporate Services)**

#### **Purpose of Report**

1. To receive creditors' accounts paid for the month of November 2005.

#### **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 at which it is to be presented.

#### **Comments**

4. Accordingly the list of creditors paid for 2 November 2005 to 25 November 2005 is attached (**Attachment 1**).
5. **Cheque 50670 – The question was raised as to why the FESA levy already paid by ratepayers, is not covering SES payments. The Executive Manager Corporate Services responded that this payment is a legitimate disbursement from the Emergency Services Grant, being a separate issue from the FESA levies.**
6. **Cheque 51083 – The question was raised as to why are we not using the EMRC to carry out staff training. The question was taken 'On Notice'.**
7. **Cheque 51141 – The question was raised as to whether the paint used on the art wall at Hartfield Park, is graffiti proof. The question was taken 'On Notice'.**
8. **More details of 'cash payments' was requested. The question was taken 'On Notice'.**
9. **Cheque 51042 – The meeting was informed that this payment complies with the Community Grant Scheme. The question of whose name is being placed on the trophy was taken 'On Notice'.**

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COMMITTEE RECOMMENDATION TO COUNCIL

GS 116/2005

1. That the list of creditors paid for 2 November 2005 to 25 November 2005 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 Tonkin)

**FOR**

Cr Taylor  
Cr Blair  
Cr N Sadler  
Cr D Sadler  
Cr Morton  
Cr Tonkin  
Cr Casey  
Cr Cresswell  
Cr Winterhalder

**AGAINST**

Cr McKechnie

**CARRIED**

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

### **117. Financial Statements for the Year Ending October 2005 (FI-SRR-006) (Corporate Services)**

#### **Purpose of Report**

1. To receive financial and operating statements for the year ending 31 October 2005.

#### **Background**

2. Attached (**Attachment 1**) is the summary of the financial statements for the year ending 31 October 2005.
3. In accordance with Section 34 of the Local Government (Financial Management) Regulations 1996, an operating statement (**Attachment 2**) is included for the same period.

#### **Comments**

4. Nil.

COMMITTEE RECOMMENDATION TO COUNCIL GS 117/2005

1. That the financial statements and the accompanying operating statement for the year ending 31 October 2005 be received.

Moved: (Cr Tonkin)

Seconded: (Cr D Sadler)

**CARRIED UNANIMOUSLY**

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

## **118. Light Vehicle Changeover 2005/2006 - Phase 1 (Corporate Services)**

### **Purpose of Report**

1. To approve the purchase of three (3) light vehicles scheduled for replacement in accordance with Council Policy CS1.22 and the purchase of one (1) additional light vehicle within the 2005/2006 budget.

### **Background**

2. An amount of \$ 117,000 net is provided in the 2005/2006 budget to replace light vehicles in accordance with Council Policy.
3. With the re-allocation of a light vehicle (sedan) to the Manager Aged Care Services from Engineering Services an additional light vehicle is required to be purchased as a replacement. This would take the form of a utility that would suit the transportation of up to four people.
4. Trade-in prices for the three (3) light vehicles were sought from 17 metropolitan motor vehicle dealers. The new vehicle prices were obtained from the Department of Finance & Treasury (DF&T) under the State Government Vehicle Contract. Council received seven (7) submissions.
5. As part of the submission all motor dealers were asked to quote on a gas fuel option (gas only or gas/petrol) on new vehicles being supplied.

### **Comments**

6. The outcome of the DF&T prices and the quotations received for the trade-ins and outright purchase of the new vehicle are attached (**Attachment 1**).
7. Of the suppliers who submitted prices only two manufacturers (Ford & Holden) were able to supply an option of gas fuel to the specification B vehicle (KM 6790). Indicative pricing was also obtained from the DF&T data base for the hybrid vehicle model Prius manufactured by Toyota currently being utilised within the State Government fleet. The price of this vehicle supplied to Council specifications equates to a cost of \$32,440 (ex GST). This vehicle may be suitable for inspectorial duties and could be considered for future applications.
8. For analysis of the submissions the following details are noted;
  - a. **KM 6790 (Executive Manager Engineering Services)** – With this submission the choice was between the new release model BF (LPG & Petrol) and the current model BA (Petrol) Falcon sedan from the same supplier who submitted the lowest prices in both cases. The recommendation is to purchase the new model BF Falcon (petrol). This vehicle, being a new release would be expected to hold trade-in value in excess of the BA model. The LPG option is gas only, not dual fuel. LPG fuelling points outside of the Perth metropolitan area can be difficult to source.

- b. **KM 1343 (Meals on Wheels - MoW)** – There were two submissions for the replacement of the current vehicle with either another Mitsubishi Magna wagon or a Mitsubishi Lancer wagon. On inspection of both vehicles the Lancer is smaller in overall size and luggage space than the Magna wagon. On consultation with the Meals on Wheels staff and noting what is loaded on a daily basis it is suggested that the Lancer would suit the requirements of Meals on Wheels in their deliveries whilst also providing a cost saving to Council. The additional cost of providing the larger Mitsubishi Magna Wagon would be \$5,595.
- c. **KM 5079 (Manager Parks Management - MPM)** – The dealer is able to supply this vehicle meeting all of the specifications except for the choice of colour.
- d. **New vehicle (Engineering Technical Officers - ETO)** - During analysis it was determined the vehicle with the lowest cost to Council would not be available until February 2006 and it would not meet specifications i.e. being a diesel vehicle. Further, during the analysis stage, a concern was raised that a member of the Engineering Technical Officer staff would be unable to comfortably and safely operate the proposed vehicle. The option of changing the seat position of the vehicle to accommodate the staff member was considered – it was determined that any physical adjustments to the vehicle would void manufacturers warranty and would cause extra cost in licensing the vehicle. With the second lowest submission, Nissan Navara, the staff member concerned would be able to safely and comfortably operate the vehicle and in this case it is recommended to Council that the second lowest submission be accepted.
9. It is proposed that the following 4 light vehicles be purchased in accordance with Council Policy.

Supplier	Vehicle	Registration	Net Change Over \$
Midway Ford	BF Falcon Sedan (petrol)	KM 6790	\$ 14,002.53
Melville Mitsubishi	Lancer ES S/Wagon	KM 1343	\$ 13,956.36
Midway Ford	Courier CR Cab PU	KM 5079	\$ 14,349.55
Midland Nissan	Navara 2.4lt Dual Cab	(New Vehicle)	\$ 24,723.60
<b>Total Net Changeover</b>			<b>\$ 67,032.04</b>

10. This would provide available funds for Phase II of the light vehicle change over programme of approximately \$50,000 which will be undertaken in 2006.
- 11. The question was raised as to the justification for the purchase of a new vehicle for the Manager Adult Day Care. The Chief Executive Officer responded that this position required use of a vehicle on a regular basis. He added this was the first extra vehicle Council has purchased in approximately the past eleven years.**

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COMMITTEE RECOMMENDATION TO COUNCIL                      GS                      118/2005

1. That Council agrees to purchase four (4) light vehicles within Phase I of the 2005/2006 light vehicle replacement programme in accordance with the following:

<u>Supplier</u>	<u>Vehicle</u>	<u>Registration</u>	<u>Net Change Over \$</u>
Midway Ford	BF Falcon Sedan (petrol)	KM 6790	\$ 14,002.53
Melville Mitsubishi	Lancer ES S/Wagon	KM 1343	\$ 13,956.36
Midway Ford	Courier CR Cab PU	KM 5079	\$ 14,349.55
Midland Nissan	Navara 2.4lt Dual Cab	(New Vehicle)	\$ 24,723.60
<u>Total Net Changeover</u>			<u>\$ 67,032.04</u>

Moved: (Cr Taylor)

Seconded: (Cr Casey)

**CARRIED UNANIMOUSLY**

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

**119. Closure of Road Reserve & Widening of Public Access Way -  
Josephine Crescent, Kalamunda**

**(JS-04/GEN) (Engineering Services)**

**Refer Item: GS 73/05**

**Applicant: N/A**

**Owner: Mr L & Mrs M Bunn**

**Purpose of Report**

1. To consider making a request to the Minister for the closure of a portion of road reserve adjacent to lot 33 (28) Josephine Crescent, Kalamunda.

**Background**

2. Reference is made to Report Item 73 of the General Services Committee meeting held on 4 July 2005, where the following was resolved:
  1. *That a parcel of land (approximately 138m<sup>2</sup>) be acquired from Lot 33 (28) Josephine Crescent, for the construction of a drainage pipe, with compensation being paid.*
  2. *That action to close a portion of the Josephine Crescent road reserve, approximately 149m<sup>2</sup>, as indicated at **(Attachment 1.)** be initiated in accordance with Section 58 of the Land Administration Act.*
  3. *That in the event of no objections being received, closure of the portion of road reserve is recommended to the Minister for Lands with a request to amalgamate the land with Lot 33 (29), in lieu of compensation for the land required for the installation of the drainage system.*
  4. *That the Minister for Lands be indemnified against any liability arising from the Josephine Crescent road closure and/or land acquisition from Lot 33 (29) Josephine Crescent, Kalamunda.*
3. Under Section 58 of the *Land Administration Act 1997*, a local government must not make a resolution to make a request to the Minister to close a portion of road, until it has advertised a notice to that effect in a newspaper circulating in the district and, after allowing 35 days for comment, considered any objections made to it within that period.
4. As part of the requirement of the Act, the proposed road closure was advertised in a local community newspaper, being a newspaper circulated in the district. Additionally, all public utilities have been formally requested for comment in writing.
5. No objections to the proposed closure were received. The Water Corporation did, however, identify one of their assets within the portion of road reserve to be closed and requested that this asset be relocated should the closure be undertaken. The estimated cost of relocation of this asset is \$1,700.

- 
6. The intent when initiating the road closure was to swap the portion of closed land for a portion of land on the adjacent property. This proposal has been endorsed by the owner of the subject land. An agreement 'In Principle' has been received from the Department of Planning and Infrastructure to make this swap, although a formal Agreement is still outstanding.

### Comments

7. The only comment received relating to the proposed road closure was from the Water Corporation. The comment was not an objection to the closure; however, should the closure be granted, an existing water main will need to be relocated at the Shire's cost. This cost will fall within the existing budget allocation for the Josephine Crescent drainage works.
8. As no further comment was received, it is recommended that, in accordance with the Council Resolution relating to this issue in the July 2005 round of Council meetings, a formal request be delivered to the Minister for the closure of the portion of Josephine Crescent shown in **(Attachment 1.)** in accordance with the requirements of Section 58 of the *Land Administration Act 1997* and that the land be amalgamated with Lot 33 (28) Josephine Crescent, in lieu of compensation for land required for a drainage installation.
9. **The question as to how a carport was permitted to be built onto a road reserve in the first instance was taken 'On Notice'.**

COMMITTEE RECOMMENDATION TO COUNCIL                      GS                      119/2005

1. That a request is made to the Minister to close the portion of Josephine Crescent road reserve shown in **(Attachment 1.)** and to amalgamate the closed portion of land with Lot 33 (28) Josephine Crescent Kalamunda, in lieu of compensation for land required for a drainage installation.

Moved: (Cr Blair)

Seconded: (Cr Taylor)

**CARRIED UNANIMOUSLY**

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

**120. Compensation Claim - Land Acquisition Maida Vale Road,  
Maida Vale**

**(HW-04/026) (Engineering Services)**

**Refer Item: GS 62/2005**

**Applicant: N/A**

**Owner: Mr WJ & Mrs PA Esberey**

**Purpose of Report**

1. To report progress of the compensation claim for the acquisition of land for the extension of Maida Vale Road.

**Background**

2. Attention is drawn to the Agenda Item 62 of the May 2005 General Services Committee meeting where the following was resolved:
  - 1 *That Mr & Mrs Esberey's compensation claim of \$416,402 be rejected.*
  - 2 *That the offer of \$143,000 as compensation for the land acquired for the extension of Maida Vale Road, previously made to the Claimants Mr WJ & Mrs PA Esberey on 14 May 2004, be reiterated.*
3. The Shire's offer of compensation in accordance with the above resolution was communicated to Mr & Mrs Esberey.
4. On 9 September 2005, Deacons, Mr & Mrs Esberey's solicitors, made an offer of settlement at \$250,000 with a time limit of 30 days. This counteroffer was not accepted.
5. On 18 October 2005, Deacons made an application to the State Administrative Tribunal (SAT) for determination of the compensation. They also requested the Shire's consent for a determination under Section 226(2) of the Act that the Tribunal be comprised of one member sitting alone, without the appointment of Assessors by either party.

**Comments**

6. The Shire's legal advice indicated that the Shire's interest will not be served by consenting to Deacon's request. Accordingly, B E Zucal was appointed as the Shire's Assessor. Mr & Mrs Esberey may now appoint their Assessor to the panel.
7. It is estimated that the cost to settle this claim will be between \$20,000 and \$50,000 depending upon the complexity of the claim. Since the dispute relates only to the valuation of the land and there are no outstanding legal issues, it is anticipated that the costs will be at the lower end of the scale.

COMMITTEE RECOMMENDATION TO COUNCIL                      GS                      120/2005

1. That the progress in relation to Mr & Mrs Esberey's compensation claim be noted and endorsed.

Moved: (Cr McKechnie)

Seconded: (Cr D Sadler)

**CARRIED UNANIMOUSLY**

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

**121. Gladys Road Blackspot Project  
(EG-RDM-004) (Engineering Services)**

**Refer Item:**

**Applicant:**

**Owner:**

**Purpose of Report**

1. To consider options to fund the Shire contribution of an additional Blackspot Project funded under the 2005/06 State Blackspot Programme.

**Background**

2. Under the originally approved State Blackspot Programme for the 2005/06 financial year, four projects were funded and subsequently incorporated into the Shire's 2005/06 Annual Budget. A fifth project, the intersection of Gladys Road and Welshpool Road East, submitted for funding under the programme, was placed on the Blackspot Programme reserve list for potential funding from savings made within the programme.
3. The approved additional project, the Gladys Road and Welshpool Road East intersection, is funded on a one third contribution basis. The required Shire contribution for this project is \$31,600, with the State contributing the remaining \$63,200 for a total project cost of \$94,800.

**Comments**

4. The current financial year Works Program is fully allocated, although it may be possible to generate enough savings on other projects to cover this required contribution. However, should this not be feasible, an alternative is to defer a currently planned project, until the following financial year.
5. After reviewing the current Works Program, a logical deferral appears to be the planned Grove Road project. As this project is programmed for construction in late May and early June 2006, the delay of this project by several weeks, to allow commencement in mid June 2006, will result in minimal impact to the current construction program, whilst allowing part of the project to be funded under the following financial year budget.
6. It is recommended that the Shire's contribution towards the Gladys Road and Welshpool Road intersection Blackspot project, be funded by diverting funds from the Grove Road project by delaying the commencement of the project.

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COMMITTEE RECOMMENDATION TO COUNCIL          GS          121/2005

1. That the Shire's contribution of \$31,600 towards the Gladys Road and Welshpool Road Blackspot Project, be funded through the partial deferral of the Grove Road project, to allow a portion of the project to be completed under the 2006/07 Financial Year Budget.

Moved: (Cr Winterhalder)

Seconded: (Cr Tonkin)

**CARRIED UNANIMOUSLY**

**ABSOLUTE MAJORITY**

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

**122. High Wycombe Gumnut Feature  
(EG-CMP-016) (Engineering Services)**

**Refer Item:**

**Applicant:**

**Owner:**

**Purpose of Report**

1. For Council to endorse the construction of a Gumnut water feature, as part of the High Wycombe Village Development Project.

**Background**

2. In Council's 2005/06 Financial Year Budget, an allocation was made for the development of the High Wycombe Town Centre in accordance with the 25 year Strategic Plan's Environment Strategy.
3. As part of the two previous Town Centre enhancement projects, Kalamunda and Forrestfield, a Gumnut water feature was sculpted and installed. It is anticipated that a similar sculpture will be installed in association with the High Wycombe Village Development Project. A concept sketch of the proposed High Wycombe water feature is shown at **(Attachment 1.)**
4. Concept plans are currently being developed for potential High Wycombe Village Development projects. It is expected that these concept plans will be provided to Councillors in late December with the High Wycombe Village Development Project a topic to be addressed in the next Councillor Forum.

**Comments**

5. While an installation location has not been determined, with the protracted construction time for the sculpture, it is considered advisable to commence construction to enable the installation of the sculpture as soon as possible after the completion of other High Wycombe Village Development Works.
6. The cost for the manufacture of the Gumnut sculpture is estimated to be \$65,000, which will be funded through the High Wycombe Village Development budget allocation.
7. As the expected price for the Gumnut water feature exceeds the tender threshold, there will be a need to go to tender. Due to potential copyright issues with the concept design, the tender will need to call for the design and manufacture of an appropriate Gumnut water feature.
8. **The question was raised as to whether there is an ability to make changes to the concept design. The meeting was informed that the attached drawing was a concept design only and that the design can be adjusted to accommodate feedback. Councillors also enquired about the completion time for this project. As the contractor is unknown because the Tender has not yet been called for, a realistic time frame is expected to be Christmas 2006.**

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COMMITTEE RECOMMENDATION TO COUNCIL      GS 122/2005

1. That Council supports the manufacture of a Gumnut sculpture to be used as part of the High Wycombe Village Development Project.

Moved: (Cr Cresswell)

Seconded: (Cr Casey)

**CARRIED UNANIMOUSLY**

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

### **123. Installation of Parking Restrictions in the Vicinity of Forreestfield Primary School**

**(SSL-02/045) (Engineering Services)**

**Refer Item: N/A**

**Applicant: Forreestfield Primary School**

**Parents & Citizens Association**

**Owner: N/A**

#### **Purpose of Report**

1. To consider a request for the installation of parking restrictions in the vicinity of the Forreestfield Primary School.

#### **Background**

2. A request was received by the Forreestfield Parents and Citizens Association (P & C) for:
  - the bus bay in Sussex Road to be remarked;
  - the disabled/emergency bay to be clearly marked;
  - signage to be installed around the drop off bay in Sussex Road to prevent parking; and
  - the installation of suitable devices to discourage verge parking on the 'other side of Sussex Road' and in particular the corners of Edinburgh Road and Sussex Road and the corner of Sussex Road and Hanover Street.
3. The remarking of the bus bay and disabled bay are maintenance issues and will be actioned accordingly.
4. Clause 3.8 of the Shire of Kalamunda *Local Law Relating to Parking* prohibits parking on the road verge without the permission of the adjacent property owner.

#### **Comments**

5. The request to create an enforceable drop off bay in Sussex Road can be achieved through the creation of a 'no parking' zone during the hours of 7:30am to 9:00am and 2:30pm to 4:00pm Monday to Friday, through the installation of signage as per **(Attachment 1.)**. Under the *Road Traffic Code 2000*, vehicles can stop between 'No Parking' signs for a period of no more than two minutes for the purpose of dropping off or picking up passengers, where the driver does not leave the vehicle.
6. As verge parking is already enforceable under the Shire of Kalamunda *Local Law Relating to Parking* the installation of devices to prevent verge parking, around the intersections of Edinburgh Road and Sussex Road and Sussex Road and Hanover Street, is not required.
7. It is recommended that signage prohibiting parking in the 'Drop Off Bay' during the hours of 7:30am to 9:00am and 2:30pm and 4:00pm, be installed, and that the remaining requests be addressed through existing policies and Local Laws.

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COMMITTEE RECOMMENDATION TO COUNCIL      GS    123/2005

1. That parking is prohibited in the Sussex Road 'Drop Off Bay' during the hours of 7:30am to 9:00am and 2:30pm and 4:00pm Monday to Friday through the installation of parking restriction signs as shown in **(Attachment 1.)**

Moved: (Cr D Sadler)

Seconded: (Cr Morton)

**CARRIED UNANIMOUSLY**

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

**124. Tender for the Supply & Delivery 50 kW Tractor - T0514  
(TEN/T0514) (Engineering Services)**

**Refer Item: N/A**

**Applicant: N/A**

**Owner: N/A**

**Purpose of Report**

1. The Council is requested to accept Tenders for the Supply and Delivery of 50kW Tractor.

**Background**

2. The Tender for the Supply and Delivery of 50kW Tractor, T0514, included within the Shire's plant replacement budget allocation, closed on 21 November 2005.
3. The Tender called for the supply and delivery of 50kW tractor and the trade-in of existing 50kW tractor.
4. Ten (10) Tenders were received. A summary of the suppliers, specifications and proposed changeover costs, are included at **(Attachment 1.)**
5. The Shire of Kalamunda 2005/06 Annual Budget includes an amount of \$350,000 for the replacement of plant, which includes a scheduled net change over cost for the 50kW tractor of \$40,000.

**Comments**

6. The lowest tendered net changeover price, of \$28,866.00 is for a 'New Holland' TD70D Tractor supplied by McIntosh & Son. The net changeover price tendered by McIntosh and Son is over \$5000, lower than the next lowest tendered price of \$33,909.10 tendered by E & MJ Rosher Pty Ltd.
7. Another local authority operating a similar 'New Holland' tractor has been contacted, with no negative feedback being received.
8. In view of the low tendered price and the feedback received, it is recommended that Council accept the McIntosh and Son Tender, T0514, for Supply and Delivery of 50kW Tractor, at net changeover price of \$28,866.00.

COMMITTEE RECOMMENDATION TO COUNCIL

GS 124/2005

1. That in accordance with the details shown at **(Attachment 1.)**, the Tender, T0514, for the Supply and Delivery of 50kW Tractor, submitted by McIntosh and Son, for the 'New Holland' TD70D Tractor, with a net changeover price of 28,866.00, be accepted.

Moved: (Cr Cresswell)

Seconded: (Cr Casey)

**CARRIED UNANIMOUSLY**

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

## **125. Closure of Pedestrian Access Way between Alexander Close and Naylor Place, Lesmurdie**

**(AL-07/GEN) (Planning and Development Services)**

**Refer Item: N/A**

**Applicant: P Harlow**

**Owner: Crown Land**

### **Purpose of Report**

1. Council is to determine whether to support the closure of the Pedestrian Access Way (PAW) between Alexander Close and Naylor Place, Lesmurdie. **(Attachment 1)**

### **Background**

2. A request for closure was received in November 2004 from the adjacent owner in Alexander Close. The request was supported by all the landowners bordering the PAW. The request stated that the residents had security concerns, that cars are driven through it and that it is in disrepair due weeds, rubbish and graffiti.

### **Comment**

3. The subject PAW connects two cul-de-sacs with no role in the pedestrian/cycle movement network. If the PAW is closed there will be minimal increase in travel to community facilities within 5 minutes walking distance.
4. Adjoining owners have expressed a willingness to purchase the PAW land and contribute to any costs applicable. The proposal has been advertised for public comment. Twenty one submissions were received, being 1 objection and 20 non-objections. **(Attachment 2)**
5. The objection was made by a resident of 30 years, who although does not feel strongly about a possible closure, still feels that it is not needed because no anti-social behaviour has been experienced. A similar comment was made by a submitter who did not object to closure.
6. The main issues raised by supporters the closure were:
  - Closure will have no effect on the residents;
  - Cars would not be able to use the PAW any more; and
  - Closure will reduce antisocial behaviour and add to security of the neighbourhood.
7. The Water Corporation lodged a conditional objection stating that a water main is in the PAW and it would have to be relocated. The Shire has a drainage line and would require an easement over a portion of the PAW. Owners interested in buying a portion of the PAW have been advised of the costs associated with the closure (purchase of land, relocation of services, surveying etc) and have agreed to these.
8. It is recommended that the Council support the closure on the basis that it will not have any effect on the permeability of the locality and will mitigate security issues.

COMMITTEE RECOMMENDATION TO COUNCIL      GS 125/2005

1. That Council support the closure of the Pedestrian Access Way between Alexander Close and Naylor Place, Lesmurdie on the basis that:
  - Security concerns of surrounding owners;
  - Low community impact of the closure; and
  - Minor role of the PAW in local pedestrian/cycle network.
2. That the Department for Planning and Infrastructure is requested to support the closure, sale and amalgamation of the above Pedestrian Access Way.

Moved: (Cr Tonkin)

Seconded: (Cr Taylor)

**CARRIED UNANIMOUSLY**

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

## **126. Review of Advisory and Management Committees (CO - CCS - 001) (Community Services)**

**Refer Item: N/A**

**Applicant: N/A**

**Owner: N/A**

### **Purpose of Report**

1. To review the relevance and effectiveness of the Councils Advisory and Management Committees.
2. To table results and provide recommendations from the current Advisory and Management Committee review.

### **Background**

3. The Community Services area presently services a number of Management and Advisory committees. These are Hartfield Park, Maida Vale, Falls Farm, Kostera Oval, Ray Owen Sports Stadium, Scott Reserve, Gooseberry Hill, Jack Healey Centre, Access Advisory Committee and the Woodlupine Seniors (Woodlupine Seniors is not a formal committee of Council).
4. The Committees were initially set up to develop relationships between the user groups and Council by providing a formal link that should foster good relationships through effective communication, joint participation and commitment to promoting community use of the facilities.
5. It was previously noted that the meetings were also necessary to enable these groups to inform the Shire of general issues including usage and maintenance problems. However over the years booking procedures have been enhanced and improved customer service technology has allowed groups to ring through maintenance issues which are then promptly actioned by staff. Ground usage is solely managed by Council's Recreation staff based on seasonal usage requirements.
6. Due to the improvements in complaints and requests procedures, many of the items that would have been listed on the agenda for discussion at these meetings are now dealt with on an on-going basis with Shire staff. The need to meet on a regular basis has therefore decreased dramatically and meetings have become less productive.
7. Current issues experienced with the Recreation Advisory and Management Committees include:
  - i. Lack of transparency – Many committees feel that other committees or groups gain more attention from Council than their own.
  - ii. Disparity with resources and services provided to each club within the Shire – Presently we have 52 sporting clubs within the Shire, 38 of these clubs book facilities through the Shire and share the facility seasonally with other groups. Presently Council is servicing 19 clubs through these committees which means that 50% of the clubs in a similar situation are not receiving the same service from Council.

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- iii. Meetings are unproductive – Due to improved technology and resources the items listed on the agenda have decreased. As a consequence meetings can be used to discuss projects and capital expenditure which has not been approved by Council. This type of discussion can often lead to raised expectations by the groups, as a result of them believing that the committee is a form of Council consultation. Other challenges include the fact that many meetings run for excessively long periods of time and that issues discussed are not relevant to the committees terms of reference.
  - iv. Membership problems – A lack of membership creates a challenge, due to the fact that when delegates resign their positions are not being filled. “Seasonal membership” is also a problem, as many members only attend during their clubs’ specified sporting season. This reduces the ability of the committee to function as an effective advisory body.
8. In response to the above issues a brief internal review occurred in 2003, listing the current status of the Sporting Advisory and Management committees from a staff perspective. In order to make this a more inclusive review a questionnaire was then sent to all the Advisory and Management Committees to gather their views about the relevance of these committees to their respective clubs or organisations.

## Comments

9. The views of the committees plus comments from staff on the effectiveness and future of each committee are summarised in **(Attachment 1.)**
10. The Community Services Officers (Recreation, Seniors and Community/Cultural Development) currently support and service Advisory and Management Committees. On average, meetings take a total of 1.5 hours plus the time which it takes the Community Services Officers to collate minutes, collect information and follow up agenda items. This equates to approximately 313 hours or 8.3 weeks per annum of staff time to support these committees.
11. Alternative suggestions have been raised in the past to more effectively and efficiently support all of the reserves users and other sporting clubs within the Shire in a more effective and proactive format.
12. One option proposed for the sporting reserves users is the establishment of an annual or bi-annual Sporting Reserve User Forum. The forum would be hosted by Council and would involve a panel of internal staff (building maintenance, land and property, parks/reserves officers etc) and external guests (Department of Sport & Recreation Officer, Sports Federation Officers etc) to present current issues relating to the sporting clubs. These may include:
- i. External Funding options - where to apply and how
  - ii. Maintenance strategies – what clubs can do to ensure that the grounds recover etc.
  - iii. Council’s new policies etc – Insurance, leases and licenses etc
  - iv. Council’s new procedures – Handover inspection etc
  - v. Larger issues being faced by clubs – reserve plans, falling/growing memberships etc
13. The agenda would be set by staff in consultation with the sporting groups and would take the form of an information session. Issues discussed would be applicable to all clubs. This would encourage the involvement of those clubs outside the current management

and advisory committee's structure and allow staff to address all clubs in one forum, rather than meeting each group individually.

14. The above format can also address many of the concerns that are faced by our sporting groups and allow Councils dealings with clubs to be more transparent and open to the community. The forum would be open to all clubs within the shire and would enable the sharing of information and identification of common issues. All clubs would be treated equally and have the same access to information and resources. Working groups could be formed if a specific issue was identified and required further consultation with the user groups involved in order to provide guidance or recommendations to Council.

## RECOMMENDATION

GS 126/2005

1. That the following recommendations be adopted:

Committee	Recommendation
<b>Sporting Groups</b>	
Hartfield Park Advisory Committee	<ul style="list-style-type: none"> <li>•That Hartfield Park Advisory Committee meetings be reduced to two meetings per annum taking place in March and September when the sports seasons change over.</li> <li>•That the Terms of Reference be amended.</li> </ul>
Maida Vale Reserve Advisory Committee	<ul style="list-style-type: none"> <li>•That the Maida Vale Reserve Advisory Committee formally disbands due to lack of support from stakeholder groups.</li> </ul>
Kostera Oval Advisory Committee	<ul style="list-style-type: none"> <li>•That the Kostera Oval Advisory Committee meetings be reduced to two meetings per annum taking place in March and September when the sports seasons change over.</li> <li>•That the Terms of Reference be amended.</li> </ul>
Scott Reserve Management Committee	<ul style="list-style-type: none"> <li>•That Scott Reserve Management Committee be formally converted from a Management Committee to an Advisory Committee.</li> <li>•That meetings be reduced to two meetings per annum taking place in March and September when the sports seasons change over.</li> <li>•That the Terms of Reference be amended.</li> <li>•That steps be taken to have the primary users enter in to a licence agreement with the Council.</li> </ul>
Ray Owen Management Committee	<ul style="list-style-type: none"> <li>•That the terms of reference of the Ray Owen Management Committee be separated from the terms and conditions of management.</li> </ul>
<b>Hall Committees</b>	
Falls Farm Management Committee	<ul style="list-style-type: none"> <li>•That Falls Farm Management Committee be formally converted from a Management Committee to an Advisory Committee.</li> <li>•That the Terms of Reference be amended.</li> <li>•That the Falls Farm Advisory Committee continues to meet three times per annum.</li> <li>•That the committee operate without a shire staff member to act as secretary.</li> <li>•That the committee submit copies of minutes to Community Services for any action required.</li> </ul>

Gooseberry Hill Hall Advisory Committee	<ul style="list-style-type: none"> <li>•That the Gooseberry Hill Hall Advisory Committee be formally disbanded and Council deal with the facility in the same manner as other community hire facilities.</li> </ul>
Jack Healey Centre Management Committee	<ul style="list-style-type: none"> <li>•That the Jack Healey Centre Management Committee be formally converted from a Management Committee to an Advisory Committee.</li> <li>•That the Terms of Reference be amended.</li> <li>•That the meeting frequency be reduced to four times per annum.</li> </ul>
<b>Miscellaneous</b>	
Access Advisory Committee	<ul style="list-style-type: none"> <li>•That Council call for nominations for new committee members representing a wider cross section of persons with disabilities in the community.</li> <li>•That the committee continue meeting twice per year unless otherwise required.</li> </ul>
Woodlupine Seniors Committee	<ul style="list-style-type: none"> <li>•That the Woodlupine Seniors Committee continues to act as an informal consultative committee.</li> <li>•That the committee operate without the need for a Shire staff member to act as secretary.</li> <li>•That the committee submit copies of minutes to Community Services for any action required.</li> </ul>

2. That the amended Terms of Reference for Management and Advisory Committees be submitted to Council for adoption.
3. That a bi-annual Sporting Reserve User Forum be implemented to allow all clubs to share information and be kept informed of current issues and policies.

COMMITTEE RECOMMENDATION TO COUNCIL GS 126/2005

- 1. That consideration of this item is deferred pending receipt and consideration of a report outlining the purpose, role and function of Council appointed Advisory & Management Committees.**

Moved: (Cr Cresswell)

Seconded: (Cr Tonkin)

**CARRIED UNANIMOUSLY**

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

**Cr Taylor declared a Financial and Proximity Interest as the location referred to in the Report Item may include a business premises she owns.**

**127. Community Precinct - Feasibility Study. Request for Quotations.**

**(CO-INF-007) (Community Services)**

**Refer Item:**

**Applicant:**

**Owner:**

**Purpose of Report**

1. To appoint consultants to prepare the Community Precinct Feasibility Study.

**Background**

2. At the September 2005 Ordinary Council Meeting (104/205) it was resolved "*that Council endorse the Community Precinct project brief and agree that consultants be invited to submit proposals for preparation of the feasibility study*".
3. Requests for quotations from consultants to undertake the study closed on 7/11/05. It was estimated that the study would cost in the vicinity of \$30,000 with expenditure being drawn from the 2005/06 budget strategic planning allocation.

**Comments**

4. Four submissions were received from the following consulting companies:
  - Thomson Marquis Project
  - Business Horizons
  - Geografia
  - Evolve Solutions
5. The Project Brief advised that the successful consultancy would be selected based on their ability to meet the selection criteria (**Attachment 1**). The two highest ranking consultancies - Geografia and Evolve Solutions were evenly scored for selection criteria 2, 4, 6 and 7, with the main criteria where Evolve Solutions outscored Geografia being 1 and 3.
6. This scoring reflects the broad experience that Evolve Solutions have had in delivering feasibility studies, architectural services and interpretive plans for similar projects such as the:
  - Stirling Range National Park Visitor Centre
  - Australian Prospectors and Miners Hall of Fame

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- Guildford Interpretive and Visitor Centre
  - Bibbulmun Track Tourism and Employment Project
7. In addition the Evolve Solutions Consultancy team can clearly demonstrate that they have the relevant knowledge and expertise to enable them to fulfil the requirements of the Project Brief. While Geografia may also have the necessary expertise to successfully complete the study they could not demonstrate relevant experience with similar projects.
  8. Based on the evaluation of the selection criteria and subject to this level of funding being considered appropriate it is recommended that Evolve Solutions be appointed to prepare the Community Precinct Feasibility Study.

**Cr Taylor left the room at 7.50pm.**

COMMITTEE RECOMMENDATION TO COUNCIL      GS 127/2005

1. That Evolve Solutions be appointed to prepare the Community Precinct Feasibility Study in accordance with the Project Brief for a fixed cost of \$35,789 (plus GST) subject to a presentation of their submission to the EMC.
2. That the expenditure be drawn from the 2005/06 budget Strategic Planning allocation.

Moved: (Cr Blair)

Seconded: (Cr Tonkin)

**CARRIED UNANIMOUSLY**

**Cr Taylor returned to the room at 7.57pm.**

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

## **128. Kalamunda Performing Arts Centre - Licence Agreement (CN – 01 - 048) (Community Services)**

**Refer Item:**

**Applicant:**

**Owner:**

### **Purpose of Report**

1. To consider an extension to and variation of the licence agreement between the Minister for Education and the Shire of Kalamunda.

### **Background**

2. A licence agreement was entered into between the two parties in October 1995 following a joint funding arrangement for the construction of this community facility.
3. A condition of the licence agreement was that a Management Committee be established by Council under the provision of the Local Government Act. The Committee's Rules or Terms of Reference (**Attachment 1**) forms part of the agreement.
4. The Management Committee last met in June 2005 to discuss the extension to the licence which expired in October 2005, and to consider any changes to the agreement.

### **Comments**

5. The changes suggested by the Committee were as follows:
  - 3.1 Include a clause that deals with how each party's contributions would be determined in the event of capital works or extensions being undertaken at the complex.
  - 3.2 Amend the agreement to allow for the committee to co-opt up to two additional non-voting members on to the committee as and when required.
6. Following lengthy discussions between Council staff and Dept of Education and Training a draft copy of the Deed of Extension and Variation of Licence (**Attachment 2**) prepared by the State Solicitor's Office, has now been received for our consideration.
7. The draft deed, Clause 5(3), provides a mechanism to address the capital works issues. Although this clause is worded in favour of the Minister, the complex is a council asset and as such any contribution from the Dept of Educational and Training would be at their discretion.
8. Of some concern however is the variation to the termination clause that has been proposed in the draft deed which introduces new and amended provisions. The existing termination clause (9.10) states that "*Subject to clause 9.2, if and when the term of this Agreement comes to an end, the Council shall pay to the Minister a sum of money equal to 32.33% of the depreciated value of the Complex.* Clause 9.2 reads as follows, "*Clause 9.1 shall operate for a period of 20 years from the date mentioned in clause 5.1. Upon the expiration of that 20 year period, clause 9.1 shall cease to operate and shall be of no further effect whatsoever*".

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9. The proposed variation to the existing termination clause however, states that "If the licence is terminated prior to the expiration of the Extended Term then the Shire shall pay to the Minister the greater of: (a) 32.33% of the current market value of the Complex as at the date of termination (b) 32.33% of the Depreciated Replacement cost as at the date of termination.
  10. It is not considered that these changes are in the best interests of the Council and therefore the Dept of Education and Training will be advised that Council will only accept a continuation of the previous termination clause in the revised agreement.
  11. With regard to the issue of the committee being able to co-opt additional non-voting members on to the committee, this was mainly based on the desire to include people with expertise or special skills/knowledge that could assist the committee from time to time.
  12. The Performing Arts Theatre volunteer technicians are one example or someone with particular skills/expertise in marketing and promotion of the performing arts could be added to the committee for a particular project in an advisory capacity.
  13. Unfortunately it is beyond the powers of a Management Committee to add or change its membership. In all cases the membership of a Council committee can only be changed by the absolute majority of the Council.
  14. Another option would be to request that the Management Committee consist of two additional community members appointed by the Council. However, considering the difficulty in attracting interest to fill the current community member vacancy this option is not considered desirable.

COMMITTEE RECOMMENDATION TO COUNCIL      GS    128/2005

1. That the draft Deed of Extension to the Licence for the Kalamunda Performing Arts Centre be endorsed.
2. That the draft Deed of Variation to the licence for the Kalamunda Performing Arts Centre be endorsed subject to the removal of Clause 5 (2) (a) and (b).
3. That the ability of the Management Committee to co-opt up to two additional non-voting members not be supported as this does not comply with the provisions of the Local Government Act (1995) which requires such appointments to be made by an absolute majority of the Council.

Moved: (Cr Taylor)

Seconded: (Cr Tonkin)

**CARRIED UNANIMOUSLY**

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

**129. Tenancy Agreement – Hills Playgroup (Inc)  
(RD-03/020) (Community Services)**

**Refer Item:**

**Applicant: Hills Playgroup Inc.**

**Owner: Shire of Kalamunda**

**Purpose of Report**

1. To consider the renewal of a Tenancy Agreement for the use of the Carmel Hall , 152 Carmel Rd, Carmel for the use as a playgroup facility.

**Background**

2. Council has a Tenancy Agreement with Hills Playgroup that will expire on the 30<sup>th</sup> November 2005.
3. The Hills Playgroup Inc. has indicated that they would like to renew their Tenancy Agreement for a further 5 year term until 30<sup>th</sup> November 2010.

**Comments**

4. The terms and conditions of the expired Tenancy Agreement are summarised below and discussions with the Playgroup indicate that these terms will remain acceptable.
  - a) To pay the amount of \$4.00 per hour of usage, inclusive of GST, for the hours of usage as agreed to from time to time between the playgroup and the Shire. This amount will increase annually by an amount equal to the Consumer Price Index.
  - b) Maintain the premises in a clean and sanitary condition.
  - c) Undertake minor maintenance to maintain the garden, building, furniture and fittings in good condition.
  - d) The term of the Tenancy Agreement is 5 years, therefore due to expire 30<sup>th</sup> November 2010.
5. The only amendment to the agreement will be point (n) which will increase the public liability requirement from \$5 million to \$10 million.

COMMITTEE RECOMMENDATION TO COUNCIL GS 129/2005

1. That the Tenancy Agreement with the Hills Playgroup Inc. be renewed for the use of the Carmel Hall with the main terms and conditions summarised below:
  - a) To pay the amount of \$4.00 per hour of usage, inclusive of GST, for the hours of usage as agreed to from time to time between the playgroup and the Shire. This amount will increase annually by an amount equal to the Consumer Price Index.
  - b) Maintain the premises in a clean and sanitary condition.

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- c) Undertake minor maintenance to maintain the garden, building, furniture and fittings in good condition.
  - d) The term of the Tenancy Agreement is 5 years, therefore due to expire 30<sup>th</sup> November 2010.
  - e) The Hills Playgroup must maintain Public Liability insurance of no less than \$10 million.

Moved: (Cr Taylor)

Seconded: (Cr Casey)

**CARRIED UNANIMOUSLY**

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

### **130. Communication Strategy (OR-CMA-015)**

**Refer Item:**

**Applicant:**

**Owner:**

#### **Purpose of Report**

1. To consider an integrated approach and plan for communication with residents and stakeholders.

#### **Background**

2. The Council has a long standing culture and practice which is backed by an annual budget allocation to provide information and access to information for residents and stakeholders.
3. An audit of existing communication operations and actions has been undertaken to assist in ensuring the needs of the community can be well served through a communication strategy and action plan.

#### **Comments**

4. The communication strategy prepared on behalf of the Council was commenced at a forum to ensure that the focus of the study was aligned with the strategic plan and Council's aspirations.
5. The findings have proposed a range of recommendations and strategies to maximise the value of community communication and to provide a framework within which the staff can work on behalf of the Council.
6. It is anticipated that the framework will be rolled out during the next twelve months and reviewed towards the end of 2006. The report and the recommendations can be achieved within the existing budget. The communication audit has been distributed separately to Councillors and copies will be available through the internet and hard-copy.
7. The recommendations contained in the report are as follows.

Recommendation 1. Comprehensive stakeholder database needs to be developed and maintained, to ensure the Shire of Kalamunda can communicate in an effective and timely fashion with its key stakeholders.

Recommendation 2. Stakeholder (CRM) database to be hosted on the Shire of Kalamunda website.

Recommendation 3. Shire of Kalamunda implements quarterly stakeholders meetings.

Recommendation 4. Shire of Kalamunda develops a Crisis Communication Strategy to become part of the existing Crisis Management Plan.

Recommendation 5. Shire of Kalamunda develops a CMS for its website to enable electronic mail distribution and stakeholder (CRM) database management.

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Recommendation 6. Shire of Kalamunda senior management, Shire President and CEO undergo media training.

Recommendation 7. Shire of Kalamunda reviews the development and roll out of its Communication Strategy, and conducts an annual evaluation of the effectiveness of the strategy on an on-going basis.

COMMITTEE RECOMMENDATION TO COUNCIL      GS 130/2005

1. That the review of Council's communication programme and proposed communication strategy is noted and received and the recommendations endorsed.

Moved: (Cr Cresswell)

Seconded: (Cr Taylor)

**CARRIED UNANIMOUSLY**

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**10.0 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN**

10.1 Nil

**11.0 QUESTIONS BY MEMBERS WITHOUT NOTICE**

11.1 Nil

**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**

There being no further business, the Chairman wished all present a Merry Christmas and all the best for 2006, and declared the meeting closed at 8pm.

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

Signed ..... Chairman

Dated this .....day of .....2005