
Shire of Kalamunda

Ordinary Council Meeting Agenda

Monday 15 March 2010

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NOTICE OF MEETING ORDINARY MEETING OF COUNCIL

Councillors,

Notice is hereby given that the next meeting of the Ordinary Meeting of Council will be held in the Council Chambers, Administration Centre, 2 Railway Road, Kalamunda on:

Monday 15 March 2010 , commencing at 7.00pm.

For the benefit of members of the public, attention is drawn to the following requirements as adopted by Council.

Open Council Meetings – Procedures

1. All Council Meetings are open to the public, except for matters raised by Council under Item No. 14.0 of the Agenda.
2. Members of the public may ask a question at an Ordinary Council Meeting under Item 3.0 of the Agenda.
3. Members of the public who are unfamiliar with meeting procedures are invited to seek advice at the meeting. If unsure about proceedings, just raise your hand when the Shire President opens '*question time*' under Item 3.0 of the Agenda.
4. All other arrangements are in accordance with Council's Standing Orders, Policies and decision of the Shire or Council.

James Trail
Chief Executive Officer

***** Dinner is served at 6 pm *****



Agenda of Ordinary Council Meeting Held in the Council Chambers 2 Railway Road, Kalamunda Monday, 15 March 2010

- 1. OFFICIAL OPENING**
- 2. APOLOGIES AND LEAVE OF ABSENCE**
- 3. 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 Council. For the purposes of Minuting, these questions and answers are summarised.

- 4. PETITIONS**
- 5. CONFIRMATION OF PREVIOUS MINUTES**

5.1 Confirmation of Minutes of Ordinary Council Meeting 21 December 2009

At the Ordinary Council Meeting of 15 February 2010 Council resolved not to confirm the minutes of the Ordinary Council Meeting of the 21 December 2009 to allow clarification of the advice given at the meeting in relation to the vote taken on Chief Executive Officers Report Item 9.4.1 - Kostera Oval Reserve - Redevelopment Project (OCM 164/09). The transcript of the meeting has been reviewed and the minutes were found to be correct as presented. A recommendation to confirm the minutes of the meeting of 21 December 2009 is presented.

MOTION

That the Minutes of the Ordinary Council Meeting of the Shire of Kalamunda held in the Council Chambers on 21 December 2009 be confirmed.

Moved: Cr

Seconded: Cr

Statement by Presiding Member

“On the basis of the above motion I now sign the minutes as a true and accurate record of the meeting of 21 December 2009”

5.2 Confirmation of Minutes of Ordinary Council Meeting 15 February 2010

MOTION

That the Minutes of the Ordinary Council Meeting of the Shire of Kalamunda held in the Council Chambers on 15 February 2010 be confirmed.

Moved: Cr

Seconded: Cr

Statement by Presiding Member

“On the basis of the above motion I now sign the minutes as a true and accurate record of the meeting of 15 February 2010.”

6. ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION

7. MATTERS FOR WHICH THE MEETING MAY BE CLOSED

CONFIDENTIAL ITEM

7.1 Chief Executive Officer’s Report (Item to be distributed at meeting)

Reason for Confidentiality

Local Government Act s 5.23 (2) (h). *Such other matters as may be prescribed.*

8. 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.

9. REPORT TO COUNCIL

9.1. GENERAL SERVICES COMMITTEE REPORT

- 9.14 GSC 14 Creditors Accounts Paid for the month of February 2010
- 9.15 GSC 15 Financial Activity Statements for the Period ended 31 January 2010
- 9.16 GSC 16 Debtors and Creditors Report for the Period Ending 31 January 2010
- 9.17 GSC 17 Rates Debtors Report for January 2010
- 9.18 GSC 18 Additional Rates Instalment Option
- 9.20 GSC 20 Decision of Annual General Electors Meeting - 15 February 2010
- 9.24 GSC 24 Scott Reserve (Reserve Number 34946) Proposal to use Cash-in-lieu Funds for a Grandstand Viewing Area Project
- 9.26 GSC 26 Legal Representation Policy

Adoption of Recommendations of General Services Committee 2 March 2010

- 1. That the recommendations contained in the General Services Report excluding withdrawn items 9.19 (GSC 19), 9.21(GSC 21), 9.22 (GSC 22), 9.23 (GSC 23) and 9.25 (GSC 25) be adopted.

Moved: (Cr)

Seconded: (Cr)

ABSOLUTE MAJORITY REQUIRED

9.19 GSC 19 Delegation to Chief Executive Officer - Writing Off Minor Rates Debt Balances

1. That the Chief Executive Officer be delegated the authority to write off minor rates debt owed up to a maximum of \$100 (one hundred dollars) per property.

ABSOLUTE MAJORITY REQUIRED

9.21 GSC 21 Amendments to the Adopted Schedule of Fees and Charges 2009/10

1. That the amendments to the fees and charges be initially advertised for a period of 14 days, the charges effective from the 15 April 2010.

ABSOLUTE MAJORITY REQUIRED

9.22 GSC 22 Mid Year 2009/2010 Budget Review

1. That the 2009/2010 mid year Budget Review as presented as (GSC Item 22 Attachment 1.) be adopted.

ABSOLUTE MAJORITY REQUIRED

9.23 GSC 23 Proposed Revision to Lesmurdie Community Library Management Committee Rules

1. That Council endorse the revised and updated Lesmurdie Community Library Management Committee Rules 2009.

ABSOLUTE MAJORITY REQUIRED

9.25 GSC 25 Delegation to Chief Executive Officer - Food Act 2008

1. That Council delegate the power to appoint Authorised Persons for the purposes of the Food Act 2008 to the Chief Executive Officer under Section 118 (2) of the Food Act 2008.

ABSOLUTE MAJORITY REQUIRED

9.2. PLANNING SERVICES COMMITTEE REPORT

- 9.13 PSC 13 Subdivision Guide Plan - Land bound by Welshpool Road East, Edward Road and Gilchrist Road, Lesmurdie
- 9.14 PSC 14 Lot 5 (19) Carob Tree Place, Lesmurdie - Modification to Structure Plan - Canning Location 311
- 9.15 PSC 15 Middle Helena Catchment Area Land Use and Water Management Strategy
- 9.17 PSC 17 Metropolitan Region Scheme Amendment - Request for Concurrent Local Planning Scheme Amendment - to rezone Land bound by Nardine Close, Roe Highway, Sultana Road West and Milner Road, High Wycombe from 'Special Rural' to 'Light Industry'

Adoption of Recommendations of Planning Services Committee 8 March 2010

- 1. That the recommendations contained in the Planning Services Report excluding withdrawn items 9.16 (PSC 16), 9.18 (PSC 18) and 9.19 (PSC 19) be adopted.

Moved: (Cr)

Seconded: (Cr)

DEFERRED ITEM**9.16 PSC 16 Modification to Structure Plan - Maida Vale Urban Area U6 - Lot 1 Gilba Place Maida Vale**

The Committee Recommendation to Council was to defer this item. The Officer Recommendation as presented to Committee is detailed below.

COMMITTEE RECOMMENDATION TO COUNCIL PS 16/2010

- 1. That this item be deferred until OCM next Monday.

OFFICER RECOMMENDATION

- 1. That Council adopts the proposed modification to the Maida Vale Urban Cell U6 to allow for a R20 coding on Lot 1(8) Gilba Place, Maida Vale and that the modification be forwarded to the Western Australian Planning Commission for endorsement.

ABSOLUTE MAJORITY REQUIRED

9.18 PSC 18 Review of the Shire of Kalamunda Standing Orders Local Law

1. 1. That state-wide and local public notice be given that Council proposes to make a new local law, the Meeting Procedures Local Law 2010, as shown in (Attachment 1).
2. It be recorded that the purpose of this local law is to provide for the orderly conduct of meetings of the council and committees, the manner of making an effective petition to the local government, and for the safe custody and use of the common seal. The effect of the local law is that all council and committee meetings, the manner of making a petition to the local government, and the use of the common seal, are to be governed by the standing orders, unless otherwise provided for in the Act or regulations.

ABSOLUTE MAJORITY REQUIRED

9.19 PSC 19 Kanyana Wildlife Sanctuary - Additional Funding

1. That Council notes and authorises an over expenditure of approximately \$30,000 to complete the road works in Kanyana Wildlife Sanctuary (Paxwold).

ABSOLUTE MAJORITY REQUIRED

9.3. CHIEF EXECUTIVE OFFICER'S REPORT

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

9.3.2 Corporate Performance Management - Overseas Visit by Chief Executive Officer

PURPOSE

1. To consider accepting an offer by CAM Management Solutions to organise and fund an overseas visit by the Chief Executive Officer, to promote the Shire's achievements as one of the most progressive Local Governments in Australia, and to discuss integrated planning and performance management.

BACKGROUND

2. Since 1 July 2009, the Shire has been using integrated planning software ("interplan") provided by CAM Management Solutions (CAMMS) to track the progress of its activities, and monitor its performance against the Strategic Plan set by Council.
3. The Shire has entered into a partnership with CAMMS, whereby Kalamunda is recognised as the Premium Reference Site in Western Australia and a Premium Reference Site in Australia. The Shire agrees to test the software and provide information and feedback to CAMMS, in return for which the Shire is provided with discounted software, consulting services and support.
4. Through its use of interplan and its related modules, the Shire has taken a leading role in integrated planning and performance management.

DETAILS

5. In order to promote the Shire's achievements to its existing clients, and to demonstrate its products to potential clients, CAMMS have offered to organise an international visit for the Chief Executive Officer, travelling to the UK and possibly Canada. This is intended to take place in June 2010.
6. The objectives of the visit are for the Shire to –
 - Achieve international and national recognition for the Council's best practice;
 - Provide a benchmark and comparison across a range of areas including performance management against international clients;
 - Develop a greater understanding of international structural reform trends and initiatives; and
 - Achieve high level professional development of the Council's representative.

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7. The costs of the visit, including return airfares, travel and accommodation will be met by CAMMS.

STATUTORY AND LEGAL IMPLICATIONS

8. Nil.

POLICY IMPLICATIONS

9. ADM6 - Conferences – Attendance by Elected Members or Employees, and Payment of Expenses.

PUBLIC CONSULTATION/COMMUNICATION

10. Nil.

FINANCIAL IMPLICATIONS

11. Nil – Travel and accommodation expenses are to be provided by CAMMS.

STRATEGIC/SUSTAINABILITY IMPLICATIONS

12. Strategic Plan Outcome 5.5 – Finance and business systems meet the needs of the organisation (Ensuring that the organisation has the right management plans, tools and support structures in place to effectively run the organisation).
Outcome 5.6 – Skilled, committed and professional staff (Staff are committed to the organisation, have appropriate opportunities for development and are competent in their roles).

OFFICER COMMENT

13. Whilst overseas the CEO will be working and contactable. It is not intended nor believed that there will be a need for an acting CEO to be appointed during the time the CEO is away.

MEETING COMMENT

- 14.

RECOMMENDATION

1. That Council notes and accepts the offer by CAM Management Solutions to organise and fund an overseas visit by the Chief Executive Officer, to discuss and promote integrated planning and performance management.
2. That the Chief Executive Officer be authorised to attend this event.

2nd March 2010

Mr Donald McKechnie
President
Shire of Kalamunda
48 Temby Avenue
Kalamunda, WA 6076

RE Shire of Kalamunda International Visit

Dear Donald

CAM Management Solutions P/L (the Company) has established itself as a global leader in Public Sector Integrated Planning and Performance Management Solutions in Australia, New Zealand, England, Scotland and Canada.

The company recognises the pivotal role that key partners such as the Shire of Kalamunda (the Council) have played in supporting the company developing benchmark solutions.

Through its endeavours, the Council is at the leading edge of public sector integrated planning and performance management internationally.

The Company believes that the Council should be recognised and have the opportunity to further develop its approach through formalised interaction with our current overseas clients. The Company also sees the opportunity to utilise its relationship with the Council to further promote leading edge integrated planning and performance management internationally to existing and potential clients.

It is therefore proposed that a CAMMS sponsored visit to the United Kingdom (and possibly Canada) be undertaken to achieve mutual benefit for both parties

1. Visit Objectives

- The Council
 - Achieve international and national recognition for the Council's best practice
 - Provide a benchmark and comparison across a range of areas including performance management against international clients
 - Develop a greater understanding of international structural reform trends and initiatives
 - Achieve high level professional development of the Council's representative

- The Company
 - Utilise the Council for demonstration/presentation to existing and potential clients
 - Reinforce the Company's brand internationally
 - Further develop the Council as a successful reference site in the future

2. Partnership Requirements

- The Council
 - Availability of the relevant Senior Executive staff to undertake the visit
 - Development and undertaking of a suitable presentation for international target markets
 - Willingness to be utilised in various marketing initiatives and case studies
- The Company
 - Provision of Travel and accommodation expenses including return airfares
 - Development of an agenda to achieve the visit objectives
 - Assistance in development of an appropriate presentation
 - Administration and coordination before and during the visit

Whilst dates are to be finalised, travel is like to commence midyear.

Due to the extensive coordination of logistics and planning, it would be greatly appreciated if internal approval could be obtained as early as possible.

Yours Sincerely



D Joe Collins
Managing Director
CAM Management Solutions

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

9.3.3 Chief Executive Officer's Performance Review for 2009/2010

PURPOSE

1. To gain endorsement from Council for the annual Chief Executive Officer's Performance Review for 2009/2010.

BACKGROUND

2. At the Ordinary meeting of Council May 18th 2009, Council resolved:

RESOLVED CEOR 59/09

That the Council;

1. Endorse the Chief Executive Officer's Performance Review Sub Committee consisting of the Shire President, Deputy President, Chair of Planning Committee and Chair of Audit Committee to co-ordinate and collate the documentation and information.

*2. Endorse, Confidential (**Confidential Attachment 3**) to be used as a tool to assist in the process of the review.*

*3. Endorse, (**Confidential Attachment 4**), the process for the Chief Executive Officer's Performance Review.*

4. Request that a final performance review report be collated and presented to Council for consideration in accordance with regulation 18 D of the Local Government (Administration) Regulations 1996, at the Ordinary Meeting of Council 20th July 2009.

5. Delegate authority to the Shire President, in consultation with the Chief Executive Officer's Performance Review Recruitment Sub-committee, to negotiate a salary package as part of the Chief Executive Officer's performance review process, with the understanding that any changes to the salary package would have to be endorsed by the Council

Moved: Cr Taylor

Seconded: Cr Thomas

CARRIED UNANIMOUSLY

3. The *Local Government Act 1995* s5.38 provides that all permanent employees including the Chief Executive Officer (CEO) must have his or her performance reviewed annually. In turn the Administration Regulation 18D requires that Council consider the outcomes of each performance review of the CEO, carried out under Section 5.38, and that Council's function is to accept the review, with or without modification, or to reject the review.

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4. Clause 4 of the CEO's Contract of Employment, details the performance criteria and review of the CEO's performance, shown at **(Attachment 1)**.
 5. The annual review of performance is the point in the year where the CEO's priorities for the following 12 months are reviewed and adjusted as necessary. The CEO's priorities are, by definition, the Council's expectations of the Shire's organisation. The CEO's priorities are driven by the priorities in the Shire's Strategic Plan. It is the CEO's priorities that are reflected in the construction of the annual budget.
 6. The CEO commenced employment with the Shire of Kalamunda on the 21st July 2008. The performance review is required to be completed within a period of 12 months from that date.
 7. As part of the Performance Review Process, Council is required to review the CEO's salary package. Clause 6 of the Employment Contract deals with review of the remuneration package, shown at **(Attachment 2)**.
 8. The CEO's performance review report will be presented to the Council at the Ordinary Council Meeting on 19th April 2010.

DETAILS

9. The following process is proposed to conduct the CEO's performance review;
 - a) A Performance Review Sub Committee consisting of the Shire President, Deputy President, Chair of Planning Committee and Chair of Audit Committee, to co-ordinate the documentation and collation of information.
 - b) A set of 14 criteria reflecting the CEO's roles, responsibilities and priorities be used as a tool to assist in the process of review. **(Confidential Attachment 3)**
 - c) A scoring of 1 to 5 plus comments, be made against each criterion;
 - d) That the CEO use the criteria to carry out a self-evaluation;
 - e) Each of the four Directors use the same set of criteria to evaluate the CEO;
 - f) Councillors will be provided with the CEO's self-evaluation prior to completing their own assessments;
 - g) Feedback from the Director's be provided to Councillors, prior to completing their own assessments;
 - h) On collation of the information by the Performance Review Sub Committee, collated information will be provided to all Councillors;
 - i) All Councillors to then meet together, without the CEO, to discuss any issues or comments arising from the collated information;

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- j) Shire President will then ask CEO to join the meeting with the Councillors to raise any comments/issues arising from the discussion and collated information; and
 - k) A final report be collated, following meeting between Councillors and CEO and presented to Council for consideration in accordance with regulation 18 D of the Local Government (Administration) Regulations 1996. The report to include the amalgamation of scores and pertinent comments.

STATUTORY AND LEGAL IMPLICATIONS

- 10.
 - Local Government Act 1995 s5.38.
 - Local Government Offices Award 1999.

POLICY IMPLICATIONS

- 11. N/A

PUBLIC CONSULTATION/COMMUNICATION

- 12.
 - Councillors
 - Chief Executive Officer
 - Directors

FINANCIAL IMPLICATIONS

- 13. N/A

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

- 14. N/A

OFFICER COMMENT

- 15. A robust performance review that encourages a number of inputs from those who have regular contact with the CEO is considered to be best practice and is welcomed and encouraged by the CEO.
- 16. It is essential that the Council endorse and confirm the process for the CEO performance review
- 17. It is essential that the Council make the final decision on the CEO's performance and remuneration review and not a committee.

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18. The CEO is of the opinion that the annual performance review should be conducted annually in April. In conducting the review annually in April, the priorities and objectives set by Council for the CEO can then be incorporated in the business plans and performance reviews of all staff. Any new priorities and objectives will then also feed into the budget process. Currently, with the review being undertaken annually in July, new priorities and objectives set by Council, are unable to be included in the budget, business plans and performance reviews.

MEETING COMMENT

- 19.

RECOMMENDATION

1. That the Council;
 1. Endorse the Chief Executive Officer's Performance Review Sub Committee, consisting of the Shire President, Deputy President, Chair of General Services Committee, Chair of Planning Committee and Chair of Audit Committee, to co-ordinate and collate the documentation and information;
 2. Endorse, **(Confidential Attachment 3)** to be used as a tool to assist in the process of the review;
 3. Endorse, **(Confidential Attachment 4)** the process for the Chief Executive Officer's Performance Review;
 4. Request that a final performance review report be collated and presented to Council for consideration in accordance with regulation 18 D of the Local Government (Administration) Regulations 1996, at the Ordinary Meeting of Council 19th April 2010;
 5. Delegate authority to the Shire President, in consultation with the Chief Executive Officer's Performance Review Recruitment Sub-committee, to negotiate a salary package as part of the Chief Executive Officer's Performance Review process, with the understanding that any changes to the salary package would have to be endorsed by the Council; and
 6. To undertake the annual performance review of the Chief Executive Officer in April each year.

CONFIDENTIAL ITEM

9.3.4 Chief Executive Officer's Report (Item to be distributed at meeting)

Reason for Confidentiality

Local Government Act s 5.23 (2) (h). *Such other matters as may be prescribed.*

Item to be dealt with behind closed doors.

10. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

11. QUESTIONS BY MEMBERS WITHOUT NOTICE

12. QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

13. URGENT BUSINESS APPROVED BY THE PERSON PRESIDING OR BY DECISION

14. MEETING CLOSED TO THE PUBLIC

14.1 Meeting to go Behind Closed Doors

MOTION

1. That the meeting go behind closed doors to consider confidential Chief Executive Officer's Report Item 9.3.4.

Moved:

Seconded:

CONFIDENTIAL ITEM

14.2 Chief Executive Officer's Report (Item to be distributed at meeting)

Reason for Confidentiality

Local Government Act s 5.23 (2) (h). *Such other matters as may be prescribed.*

14.3 Meeting open to the Public

MOTION

1. That the meeting reopen to the public after consideration of the confidential Chief Executive Officer's Report Item 9.3.4.

Moved:

Seconded:

15. CLOSURE