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Shire of Kalamunda

General  
Services Committee

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Minutes for 13 June 2011



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## MINUTES

### 1.0 OFFICIAL OPENING

1.1 The Chairman opened the meeting at 6.30pm and welcomed Councillors, Staff and Members of the Public Gallery.

### 2.0 ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE PREVIOUSLY APPROVED

#### 2.1 Attendance

##### Councillors

Donald McKechnie	(Shire President)	North Ward
Sue Bilich		North Ward
Allan Morton		South West Ward
Noreen Townsend		South West Ward
Frank Lindsey		South East Ward
Geoff Stallard		South East Ward
Justin Whitten		North West Ward
Martyn Cresswell	(Chairman)	North West Ward
Dylan O'Connor		North West Ward

##### Members of Staff

James Trail	Chief Executive Officer
Kevin O'Connor	Director of Community Development
Rhonda Hardy	Director Corporate Services
Mahesh Singh	Director of Engineering Services
Darrell Forrest	Manager Governance
Steve Leeson	Manager Finance
Peter Hayes	Manager Business and Strategy
Steve McKay	Manager Property and Procurement
Meri Comber	Minute Secretary

**Members of the Public** 3

**Members of the Press** Nil

#### 2.2 Apologies

Michelle Clark	Executive Assistant
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#### 2.3 Leave of Absence Previously Approved

Margaret Thomas	North Ward
Carol Everett	South East Ward
Maureen Robinson	South West Ward

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**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/DEPUTATIONS**

4.1 Petition from the ratepayers of Macao Road, High Wycombe  
"We the ratepayers are petitioning for the removal of a dangerous gum tree located on Council land between residences 27 and 29 Macao Road, High Wycombe." 13 names and addresses.

**5.0 APPLICATIONS FOR LEAVE OF ABSENCE**

5.1 Nil.

**6.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETING**

6.1 That the Minutes of the General Services Committee Meeting held on 9 May 2011 are confirmed as a true and correct record of the proceedings after the following correction is included on (Attachment 1) of the Review of Shire of Kalamunda Management Committees, *(Facility) Advisory Committee Terms of Reference*

- Clause 5.3 delete "by Council" and replace with "Committee Secretariat",
- Clause 5.7 amend to read " Extraordinary meetings may be convened by the Committee Secretariat (Shire Officer) in accordance with Clause 5.3, following written requests from in excess of 50% of the current membership with voting rights."

Moved: **Cr Donald McKechnie**

Seconded: **Cr Geoff Stallard**

Vote: **CARRIED UNANIMOUSLY (9/0)**

**7.0 ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION**

7.1 The Chairman thanked Councillors for their condolences following the passing of his father, they were much appreciated.

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**8.0 MATTERS FOR WHICH MEETING MAY BE CLOSED**

- 8.1 The meeting was closed from 6.56pm to 7.20pm during Item 89, Tender for the Supply and Delivery of Crushed Ferricrete/Laterite (T1104), pursuant to Section 5.23(2) (c) of the *Local Government Act*, "A contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting."

**9.0 DISCLOSURE OF INTERESTS**

**9.1 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*.)

9.1.1 Nil.

**9.2 Disclosure of Interest Affecting Impartiality**

- a. Members and staff must disclose their interest in matters to be discussed at the meeting in respect of which the member or employee had given or will give advice.

9.2.1 Nil.

**10.0 REPORT TO COUNCIL**

Please Note: declaration of financial/conflict of interests to be recorded prior to dealing with each item.

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**Declaration of financial / conflict of interests to be recorded prior to dealing with each item.****78. Creditors' Accounts Paid During the Period 2011 – 21 April 2011 to 27 May 2011**

Previous Items	N/A
Responsible Officer	Director Corporate Services
Service Area	Finance
File Reference	FI-CRS-002
Applicant	N/A
Owner	N/A

Attachment 1                      Creditor Payments for the period 21 April 2011 to 27 May 2011 – Page 1

**PURPOSE**

1. To receive creditors' accounts paid during the period 21 April 2011 to 27 May 2011 (Attachment 1).

**BACKGROUND**

2. It is a requirement of the *Local Government (Financial Management) Regulations 1996 (Regulation 12)* that a list of Creditors' Accounts Paid is compiled each month.
3. The report is required to show payee's name, the amount of the payment, the date of the payment, and sufficient information to identify the transaction.

**DETAILS**

4. Accordingly, the list of creditors paid during the periods 21 April 2011 to 27 May 2011 (Attachment 1).

**STATUTORY AND LEGAL IMPLICATIONS**

5. Nil.

**POLICY IMPLICATIONS**

6. Nil.

**PUBLIC CONSULTATION/COMMUNICATION**

7. Nil.

**FINANCIAL IMPLICATIONS**

8. Nil.

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## STRATEGIC AND SUSTAINABILITY IMPLICATIONS

### Strategic Planning Implications

9. *Shire of Kalamunda Strategic Plan 2009 - 2014*
- 5.5.2 Provide financial services to support Council's operations and to meet sustainability planning, reporting and accountability requirements.

### Sustainability Implications

#### Social implications

10. Nil.

#### Economic Implications

11. Nil.

#### Environmental Implications

12. Nil.

### OFFICER COMMENT

13. Nil.

### COMMITTEE RECOMMENDATION TO COUNCIL (GS 78/2011)

1. That the list of creditors paid during the period 21 April 2011 to 27 May 2011 (Attachment 1) be received by Council in accordance with the requirements of the *Local Government (Financial Management) Regulations 1996 (Regulation 12)*.

Moved: **Cr Frank Lindsey**

Seconded: **Cr Allan Morton**

Vote: **CARRIED UNANIMOUSLY (9/0)**

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**Declaration of financial / conflict of interests to be recorded prior to dealing with each item.****79. Monthly Financial Statements for the Period ending 31 May 2011**

Previous Items	N/A
Responsible Officer	Director Corporate Services
Service Area	Finance
File Reference	FI-SRR-006
Applicant	N/A
Owner	N/A

Attachment 1 Statement of Financial Activity for the period ending 31 May 2011 – Page 23

**PURPOSE**

1. To receive the draft monthly financial statement reports for the period ending 31 May 2011.

**BACKGROUND**

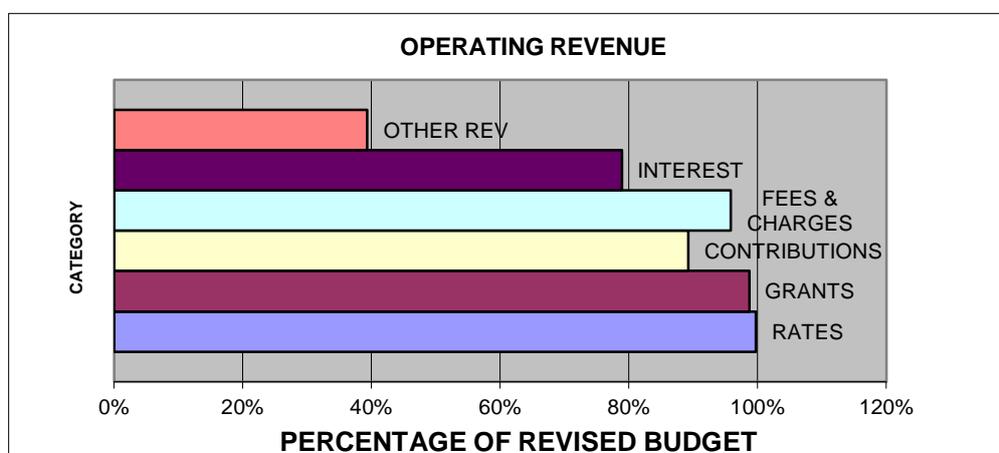
2. Attached is the monthly Rate Setting Statement and Statement of Comprehensive Income for the period ending 31 May 2011. These have been prepared in accordance with the requirements of *Local Government (Financial Management) Regulations 1996 (Section 34)*.
3. It is also a requirement of the Regulation that each financial year the local government adopts a percentage or value to be used in statements of financial activity for reporting material variances.

**DETAILS**

4. As part of the Budget adoption process, Council agreed to report variances of 5% or \$5,000, whichever is greater, within the monthly Financial Activity Statement.
5. Refer to the comments relating to the above mentioned variances in the report.

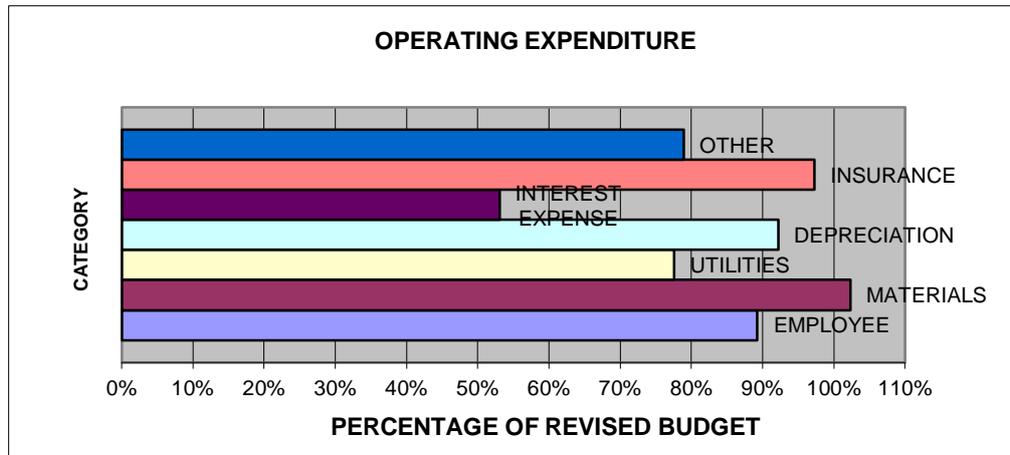
6. Financial Commentary**Operating revenue**

- RATES - Cash in lieu of rates from Co-Operative Bulk Handling has since been received, with rates almost achieving revised budget amounts, with low outstanding rates debtors.
- INTEREST - Below expectations due to recalling term deposits earlier than anticipated to cash flow operations as a result of delayed capital income.
- FEES & CHARGES - Are behind year to date budgeted amounts. This is largely due to private works billings not yet raised.

**Operating expenditure**

Having adopted the mid-year budget review, most categories are generally reporting within year to date budgeted amounts.

- MATERIALS - The expenditure category is exceeding full year revised budget. This is mainly due to maintenance on bushland reserves and verges, with reductions within the engineering program plan to offset this. Also affecting the budget is the under allocation of overheads, particularly against building projects. Expenditure on fuel is over budget due to increased costs, but is offset by savings in other areas.
- INSURANCE - Against the revised budget is considered fully spent for the year.
- OTHER - Comprising a small category of budgeted expenditure, this is largely affected by the payment of the Historical Societies operating grant of \$20,500 during the month.
- INTEREST EXPENSE- A revised budget incorporating the Kalamunda Road land purchase loan having been drawn down ahead of planned necessitating a loan payment in the 2010/2011 year, has increased the budget for interest expense.

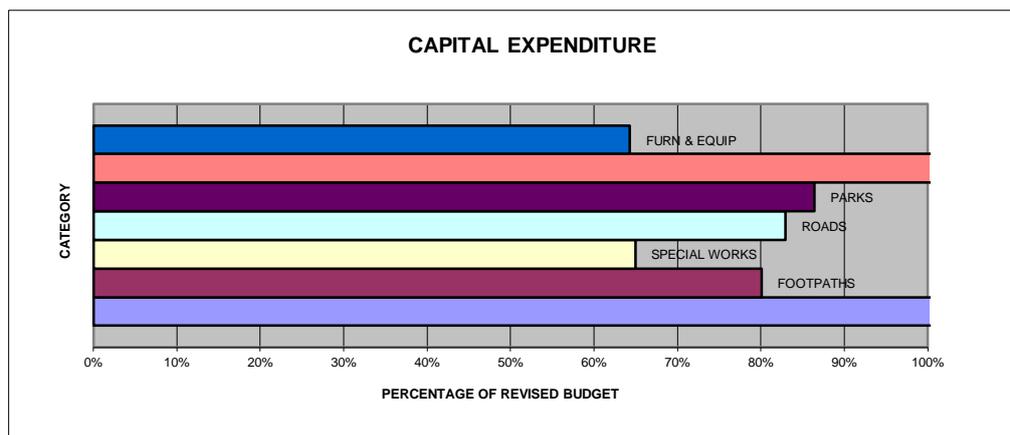


**Salaries & Wages**

Net employment costs are tracking at 100% of year to date budget, with savings in some areas continue to be offset by vacancies and late appointments in others. Training expenditure is again under year to date budget though further expenditure is expected. Recruitment costs have exceeded budget review amounts by \$40,000.

**Capital Expenditure**

The Engineering works program is currently at 80% of budget based upon actual expenditure. Although overspends in maintenance have necessitated cancelling projects to accommodate this. Similarly, expenditure on drainage and special works is greater than budgeted amounts, though within the overall roadworks construction program budget.



**Cash Flow**

Ensuring all operating and capital income has been invoiced and received is currently the focus. In previous years, the Shire's large cash reserves have provided sufficient cash resource from 30 June until receipt of the following year's rates revenue, to cashflow operations. With lower revised budgeted reserves forecast for the end of 2010/2011, the timing of revenues and expenditures will be critical during this period.

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<b>FINANCIAL RATIOS</b>	<b>2010/11</b>	<b>2009/10</b>
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<u>Current Ratio</u>	0.8:1	0.59:1
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Calculated as follows:	$\frac{\text{Current assets minus restricted current assets}}{\text{Current liabilities minus liabilities associated with restricted assets}}$	
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*The current ratio is used to evaluate the liquidity, or ability to meet short term debts.*

<u>Untied Cash to Trade Creditors Ratio</u>	0.3:1	0.00:1
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Calculated as follows:	$\frac{\text{Untied cash}}{\text{Unpaid trade creditors}}$	
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*The untied cash to trade creditors ratio indicates the ability of the Council to pay its trade creditors, in accordance with normal trading terms and conditions, using untied / unrestricted funds. This is an indicator of the short term position of Council. A ratio of less than 1 would indicate insufficient funds to pay trade creditors.*

<u>Debt Ratio</u>	2.94%	2.86%
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Calculated as follows:	$\frac{\text{Total liabilities}}{\text{Total assets}}$	
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*The debt ratio is a measure of the Council's liabilities as a percentage of its assets. Generally the lower the ratio the greater the capacity to borrow, though a local government must include infrastructure assets in this calculation, which should be considered in context.*

<u>Debt Service Ratio</u>	1.31%	0.29%
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Calculated as follows:	$\frac{\text{Debt Service Cost (Principal \& Interest)}}{\text{Available operating revenue}}$	
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*The debt service ratio represents Council's ability to service debt out of uncommitted or general purpose funds available for operations. Self supporting loans should be taken into consideration when evaluating this ratio.*

<u>Gross Debt to Revenue Ratio</u>	15.02%	10.29%
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Calculated as follows:	$\frac{\text{Gross debt}}{\text{Total revenue}}$	
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*The gross debt to revenue ratio illustrates Council's ability to cover gross debt with its revenue in any given year. The lower the percentage the greater the ability to service borrowings. As debt is typically repaid over several years, this ratio is more of a guide for Council's future capacity to repay.*

<u>Gross Debt to Economically Realisable Assets Ratio</u>	312%	2.04%
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Calculated as follows:	$\frac{\text{Gross debt}}{\text{Economically realisable assets}}$	
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*The gross debt to economically realisable assets ratio relates actual borrowings directly to tangible assets (excludes infrastructure assets). It illustrates a Council's reliance on borrowings to fund new projects and gives an indication as to its future capacity. The lower the ratio the better placed a Council is.*

<u>Rate Coverage Ratio</u>	51.36%	49.45%
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Calculated as follows:

<u>Net rate revenue</u>
Operating revenue

*The rates coverage ratio measures Council's dependence on rate revenue to fund operations. It is considered that a higher ratio would indicate a higher controllable dependency on rates revenue and less of a dependency on government grants and other uncontrollable funding sources. Large grants or contributions of a once-off nature will affect this ratio.*

<u>Outstanding Rates Ratio</u>	-0.89%	3.97%
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Calculated as follows:

<u>Rates outstanding</u>
Rates collectable

*The outstanding rates ratio helps to determine the effectiveness of Council's rate collection procedures. The lower the ratio the better the collection policy and procedures. This ratio ignores pensioner rates deferrals due to their nature. The ratio should be low as at 30 June each year.*

## STATUTORY AND LEGAL IMPLICATIONS

7. Nil.

## POLICY IMPLICATIONS

8. Nil.

## PUBLIC CONSULTATION/COMMUNICATION

9. Nil.

## FINANCIAL IMPLICATIONS

10. Nil.

## STRATEGIC AND SUSTAINABILITY IMPLICATIONS

### Strategic Planning Implications

11. *Shire of Kalamunda Strategic Plan 2009 - 2014*

5.5.2 Provide financial services to support Council's operations and to meet sustainability planning, reporting and accountability requirements.

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## **Sustainability Implications**

### Social implications

12. Nil.

### Economic Implications

13. Nil.

### Environmental Implications

14. Nil.

## **OFFICER COMMENT**

15. More detail is provided on various analysis in the attachment.

## **COMMITTEE RECOMMENDATION TO COUNCIL (GS 79/2011)**

1. That the monthly financial statements which comprise the Statement of Financial Position, Statement of Comprehensive Income by Nature and Type, Statement of Comprehensive Income by Program, Rate Setting Statement, Cash Flow Statement, Notes to and Forming Part of the Financial Report and Operating Budget Variance Analysis for the period ending 31 May 2011 (Attachment 1) be received.

Moved: **Cr Noreen Townsend**

Seconded: **Cr Frank Lindsey**

Vote: **CARRIED UNANIMOUSLY (9/0)**

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**Declaration of financial / conflict of interests to be recorded prior to dealing with each item.**
**80. Debtors and Creditors Reports for the Period ending 31 May 2011**

Previous Items	N/A
Responsible Officer	Director Corporate Services
Service Area	Finance
File Reference	FI-CRS-002
Applicant	N/A
Owner	N/A
Attachment 1	Summary of Debtors for the period ended 31 May 2011 – Page 66
Attachment 2	Summary of Creditors for the period ended 31 May 2011 – Page 68

**PURPOSE**

1. To receive a monthly report on debtors and creditors.

**BACKGROUND**

2. Attached are the reports detailing aged debtors (Attachment 1) and creditors (Attachment 2) as at 31 May 2011.
3. Council has requested reports detailing outstanding debtors and creditors on a monthly basis.

**DETAILS****Debtors**

4. Particular items affecting the outstanding balances are:
  - 90+ days - Dept Regional Australia Dept Regional Development Grant funding for Zig Zag Community Centre - Project Progress Report completed and sent on 21/03/2011. Payment will be made upon approval of variations.
5. Outstanding debts to note:
  - Roger and Raimunda Townend (\$45,996) - being handled by the Shire's legal representatives.
  - Forrestfield United Soccer Club (\$34,580) - again, no further progress towards repayment of outstanding loan invoice. Contact with all committee members is in progress.
  - Kalamunda Youth Theatre Company (\$1,561.25) - Agreement made at Pre-trial conference (22/03/2011) for a fortnightly Direct Debit payment to pay off the amount of \$1,000.00.

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**Creditors**

6. Payments totalling \$4,667,127.18 were made during the month of May.
7. Standard payment terms are 30 days from the end of month, with local business and contractors on 14 day terms. Invoices showing as outstanding greater than 60 and 90 days are the result of the original invoice documentation not being received by Finance.
8. All contractors, trades and suppliers are advised of the Shire's preference to pay by Electronic Funds Transfer (EFT) for efficiency and cost savings.

**STATUTORY AND LEGAL IMPLICATIONS**

9. Nil.

**POLICY IMPLICATIONS**

10. Nil.

**PUBLIC CONSULTATION/COMMUNICATION**

11. Nil.

**FINANCIAL IMPLICATIONS**

12. Nil.

**STRATEGIC AND SUSTAINABILITY IMPLICATIONS**

**Strategic Planning Implications**

13. *Shire of Kalamunda Strategic Plan 2009 - 2014*
  - 5.5.2 Provide financial services to support Council's operations and to meet sustainability planning, reporting and accountability requirements.

**Sustainability Implications**

Social implications

14. Nil.

Economic Implications

15. Nil.

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Environmental Implications

16. Nil.

**OFFICER COMMENT**

17. On 27 May 2011, the Shire was advised by its legal representative that the matter relating to Roger and Raimunda Townend has been settled.

**COMMITTEE RECOMMENDATION TO COUNCIL (GS 80/2011)**

1. That the outstanding debtors (Attachment 1) and creditors (Attachment 2) reports, as at 31 May 2011 be received.

Moved: **Cr Geoff Stallard**

Seconded: **Cr Allan Morton**

Vote: **CARRIED UNANIMOUSLY (9/0)**



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**Declaration of financial / conflict of interests to be recorded prior to dealing with each item.****81. Rates Debtors Report for the Period ending 31 May 2011**

Previous Items	N/A
Responsible Officer	Director Corporate Services
Service Area	Finance
File Reference	FI-DRS-004
Applicant	N/A
Owner	N/A

Attachment 1                      Summary of Outstanding Rates for the period ended 31 May 2011 – Page 69

**PURPOSE**

1. To receive a report on rates debtors as at 31 May 2011.

**BACKGROUND**

2. Attached is the report detailing rates debtors as at 31 May 2011 (Attachment 1).

**DETAILS**

3. The fourth and final rates instalment was due on 8 April 2011.
4. Stage 2 of the debt recovery process is being undertaken by Dun & Bradstreet. This stage is the issue of General Procedure Claims.

**STATUTORY AND LEGAL IMPLICATIONS**

5. Nil.

**POLICY IMPLICATIONS**

6. Nil.

**PUBLIC CONSULTATION/COMMUNICATION**

7. Nil.

**FINANCIAL IMPLICATIONS**

8. Nil.

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## **STRATEGIC AND SUSTAINABILITY IMPLICATIONS**

### **Strategic Planning Implications**

9. *Shire of Kalamunda Strategic Plan 2009 - 2014*

5.5.2: Provide financial services to support Council's operations and to meet sustainability planning, reporting and accountability requirements.

### **Sustainability Implications**

#### Social implications

10. Nil.

#### Economic Implications

11. Nil.

#### Environmental Implications

12. Nil.

### **OFFICER COMMENT**

13. Nil.

### **COMMITTEE RECOMMENDATION TO COUNCIL (GS 81/2011)**

1. That the rates debtors report as at 31 May 2011 (Attachment 1) be received.

Moved: **Cr Noreen Townsend**

Seconded: **Cr Justin Whitten**

Vote: **CARRIED UNANIMOUSLY (9/0)**

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

**82. Budget Amendment – Office of Crime Prevention Grant Funding**

Previous Items	Nil
Responsible Officer	Director Corporate Services
Service Area	Corporate Services
File Reference	N/A
Applicant	N/A
Owner	N/A

**PURPOSE**

1. To amend the Shire of Kalamunda 2010-2011 budget to incorporate further funding and expenditure for the Office of Crime Prevention's State Graffiti Fund projects.

**BACKGROUND**

2. The Shire of Kalamunda was successful in securing funding (\$24,285) from the Office of Crime Prevention's State Graffiti Fund Grant for the following two projects:
  - Youth Urban Art Project - \$8,268
  - Graffiti Removal Service - \$16,017 (Received and amended as part of Budget Review)

**DETAILS**

3. The proposed budget amendments are to:
  - a. Increase revenue in account 320606.465 from \$0 to \$(8,268)
  - b. Increase expenditure in new job number 1137 from \$0 to \$8,268

**STATUTORY AND LEGAL IMPLICATIONS**

4. Amendments to the Shire's annual budget are to be authorised by resolution (absolute majority required) S 6.8 (1)(c) *Local Government Act 1995*.

**POLICY IMPLICATIONS**

5. Nil.

**PUBLIC CONSULTATION/COMMUNICATION**

6. Nil.

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## FINANCIAL IMPLICATIONS

7. The increase in grant revenue is offset equally by an increase in operating expenditure.

## STRATEGIC AND SUSTAINABILITY IMPLICATIONS

### Strategic Planning Implications

8. Nil.

### Sustainability Implications

#### Social implications

9. Nil.

#### Economic Implications

10. Nil.

#### Environmental Implications

11. Nil.

## OFFICER COMMENT

12. The amendments reflect the amount of grant funding to be received and expended, for improved budgeting and reporting purposes.

## COMMITTEE RECOMMENDATION TO COUNCIL (GS 82/2011)

1. That Council, pursuant to section S 6.8 (1)(c) *Local Government Act 1995*, amend the 2010/2011 Budget to include expenditure for the Urban Art Project of \$8,268.

Moved: **Cr Donald McKechnie**

Seconded: **Cr Noreen Townsend**

Vote: **CARRIED UNANIMOUSLY (9/0)/ ABSOLUTE MAJORITY**

**Declaration of financial / conflict of interests to be recorded prior to dealing with each item.****83. Application to Keep More Than Two Dogs – 5 Scenic Drive, Maida Vale**

Previous Items	N/A
Responsible Officer	Director Community Development
Service Area	Community Development
File Reference	RA-ANC-011: ICS 29093
Applicant	Helen and Peggy Steuart
Owner	Peggy Barbara Steuart
Attachment 1	Location Map – Page 70

**PURPOSE**

1. To consider an application for an exemption under Section 26(3) of the *Dog Act 1976* to keep more than two dogs.

**BACKGROUND**

2. The applicants at 5 Scenic Drive, Maida Vale have recently applied to Council requesting permission to keep more than two dogs on their property.
3. Clause 3.2.(2) of the Shire of Kalamunda Dogs Local Law 2010 stipulates:  

“The limit on the number of dogs which may be kept on any premises is, for the purpose of section 26(4) of the *Dog Act 1976*, 2 dogs over the age of 3 months and the young of those dogs under that age.”

**DETAILS**

4. The applicants are requesting the approval to keep the following dogs at the above property.

	Breed	Sex	Sterilised	Colour	Name	Registration Number	Age	Local Authority
1.	Maltese Cross	M	Yes	White and Black	G.T.	11-1758	2½	Kalamunda
2.	ShihTzu Cross	M	Yes	White and Tan	Keb	12-0960	6	Kalamunda
3.	Jack Russell	F	No	White and Black	Angel	13-1997	3	Kalamunda

5. In considering the merit of the application, an inspection was undertaken by Ranger and Emergency Services to ensure the premises are appropriately sized so as to be capable of effectively and comfortably housing three dogs and to confirm that the fences and gates are compliant with the *Dog Act 1976*.

- 
6. The property at 5 Scenic Drive, Maida Vale is 1022 sqm and Zoned Residential R10.

### **STATUTORY AND LEGAL IMPLICATIONS**

7. The application for exemption to the Shire's Dogs Local Law 2010 is made under Section 26(3) of the *Dog Act 1976*.
8. Clause 3.2 of the Local Law reads:  
**"3.2 Limitation on the number of dogs**  
1. This clause does not apply to premises which have been –  
(a) licensed under part 4 as an approved kennel establishment; or  
(b) granted an exemption under section 26(3) of the Dog Act, 2 dogs over the age of 3 months and the young of those dogs under that age."
9. If Council refuses to permit three dogs on this property, the applicant has the right to appeal the decision through the State Administrative Tribunal within 28 days of notification in writing by the Shire.

### **POLICY IMPLICATIONS**

10. Nil.

### **PUBLIC CONSULTATION/COMMUNICATION**

11. When applications are received by the Shire to keep more than two dogs, a Ranger will attend the properties immediately adjoining the applicant's property to ascertain if they have any objections. This process is undertaken by interview or, if the resident is not home at the time, a standard letter is left in their letterbox advising of the application.
12. There are five adjoining properties within the vicinity of the applicant's property that may be directly affected (Attachment 1). The occupants of these properties have been contacted by the attending Ranger, all five properties have supported the application.

### **FINANCIAL IMPLICATIONS**

13. Nil

### **STRATEGIC AND SUSTAINABILITY IMPLICATIONS**

#### **Strategic Planning Implications**

14. Nil.

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## **Sustainability Implications**

### Social implications

15. Council needs to consider that having more than two dogs may create excessive dog barking noise that can interfere with the peace, comfort or convenience of neighbours within the immediate vicinity of the property concerned.

### Economic Implications

16. Nil.

### Environmental Implications

17. Nil.

## **OFFICER COMMENT**

18. In considering this application for exemption, the following two options are available:
- a. Council may grant an exemption pursuant to Section 26(3) of the *Dog Act 1976* subject to conditions; or
  - b. Council may refuse permission to keep more than two dogs
19. As part of the decision making process, Officers have not recorded any issues regarding the dogs kept at this property.
20. It is in the opinion of the inspecting Ranger that the property is appropriately sized and capable of effectively and comfortably housing three dogs. The Ranger can also confirm that the fences and gates are compliant with the *Dog Act 1976*.
21. It is recommended that the application to keep more than two dogs is supported and is noted that this approval may be varied or revoked should any dog complaints be received which are considered reasonable.

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**COMMITTEE RECOMMENDATION TO COUNCIL (GS 83/2011)**

1. That Council, pursuant to Clause 3.2 of the Shire of Kalamunda Dogs Local Law 2010 made under Section 26(3) of the *Dog Act 1976*, grant an exemption to the applicant of 5 Scenic Drive Maida Vale to keep three dogs on this property.

Moved: **Cr Justin Whitten**

Seconded: **Cr Sue Bilich**

Vote: **CARRIED UNANIMOUSLY (9/0)**

**Declaration of financial / conflict of interests to be recorded prior to dealing with each item.****84. Application to Keep More Than Two Dogs – 15 Coolinga Road, Lesmurdie**

Previous Items	N/A
Responsible Officer	Director Community Development
Service Area	Community Development
File Reference	RA-ANC-011: ICS-29273
Applicant	Irene Whyte Bouette, 15 Coolinga Road, Lesmurdie
Owner	Irene Whyte Bouette and Michael Melvin Bouette
Attachment 1	Location Map – Page 71

**PURPOSE**

1. To consider an application for an exemption under Section 26(3) of the *Dog Act 1976* to keep more than two dogs.

**BACKGROUND**

2. The applicant at 15 Coolinga Road, Lesmurdie has recently applied to Council requesting permission to keep more than two dogs on her property.
3. Clause 3.2.(2) of the Shire of Kalamunda Dogs Local Law 2010 stipulates:  
  
"The limit on the number of dogs which may be kept on any premises is, for the purpose of section 26(4) of the *Dog Act 1976*, 2 dogs over the age of 3 months and the young of those dogs under that age."

**DETAILS**

4. The applicant is requesting the approval to keep the following dogs at the above property.

	Breed	Sex	Sterilised	Colour	Name	Registration Number	Age	Local Authority
1.	Irish Setter	F	NO	Tan	Shuna	12-0870	10 ½ years	Kalamunda
2.	Irish Setter	M	NO	Tan	Moya	13-2635	8mths	Kalamunda
3.	Irish Setter	F	NO	Tan	Rua	13-2634	8mths	Kalamunda

5. In considering the merit of the application, an inspection was undertaken by Ranger and Emergency Services to ensure the premises are appropriately sized so as to be capable of effectively and comfortably housing three dogs and to confirm that the fences and gates are compliant with the *Dog Act 1976*.

- 
6. The property at 15 Coolinga Road Lesmurdie is 2194 sqm and Zoned Residential R5.

### **STATUTORY AND LEGAL IMPLICATIONS**

7. The application for exemption to the Shire's Dogs Local Law 2010 is made under Section 26(3) of the *Dog Act 1976*.
8. Clause 3.2 of the Local Law reads:  
**"3.2 Limitation on the number of dogs**
2. This clause does not apply to premises which have been –  
(c) licensed under part 4 as an approved kennel establishment; or  
(d) granted an exemption under section 26(3) of the Dog Act, 2 dogs over the age of 3 months and the young of those dogs under that age."
9. If Council refuses to permit three dogs on this property, the applicant has the right to appeal the decision through the State Administrative Tribunal within 28 days of notification in writing by the Shire.

### **POLICY IMPLICATIONS**

10. Nil.

### **PUBLIC CONSULTATION/COMMUNICATION**

11. When applications are received by the Shire to keep more than two dogs, a Ranger will attend the properties immediately adjoining the applicant's property to ascertain if they have any objections. This process is undertaken by interview or, if the resident is not home at the time, a standard letter is left in their letterbox advising of the application.
12. There are nine adjoining properties within the vicinity of the applicant's property that may be directly affected (Attachment 1). The occupants of these properties have been contacted by the attending Ranger, eight properties have supported, and one did not support the application.

### **FINANCIAL IMPLICATIONS**

13. Nil.

### **STRATEGIC AND SUSTAINABILITY IMPLICATIONS**

#### **Strategic Planning Implications**

14. Nil.

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## **Sustainability Implications**

### Social implications

15. Council needs to consider that having more than two dogs may create excessive dog barking noise that can interfere with the peace, comfort or convenience of neighbours within the immediate vicinity of the property concerned.

### Economic Implications

16. Nil.

### Environmental Implications

17. Nil.

## **OFFICER COMMENT**

18. In considering this application for exemption, the following two options are available:
- a. Council may grant an exemption pursuant to Section 26(3) of the *Dog Act 1976* subject to conditions; or
  - b. Council may refuse permission to keep more than two dogs.
19. As part of the decision making process, Officers have not recorded any issues regarding the dogs kept at this property.
20. It is in the opinion of the inspecting Ranger that the property is appropriately sized and capable of effectively and comfortably housing three dogs. The Ranger can also confirm that the fences and gates are compliant with the *Dog Act 1976*.

It is recommended that the application to keep more than two dogs is supported and is noted that this approval may be varied or revoked should any dog complaints be received which are considered reasonable.

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**COMMITTEE RECOMMENDATION TO COUNCIL (GS 84/2011)**

1. That Council, pursuant to Clause 3.2 of the Shire of Kalamunda Dogs Local Law 2010 made under Section 26(3) of the *Dog Act 1976*, grant an exemption to the applicant of 15 Coolinga Road, Lesmurdie to keep three dogs on this property.

Moved: **Cr Dylan O'Connor**

Seconded: **Cr Sue Bilich**

Vote: **CARRIED UNANIMOUSLY (9/0)**

**Declaration of financial / conflict of interests to be recorded prior to dealing with each item.****85. Application to Keep More Than Two Dogs – 18 Watsonia Road, Gooseberry Hill**

Previous Items	N/A
Responsible Officer	Director Community Development
Service Area	Community Development
File Reference	RA-ANC-011: ICS-28705
Applicant	Mavis Cochrane, 18 Watsonia Road, Gooseberry Hill
Owner	Mavis Cochrane

Attachment 1                      Location Map – Page 72

**PURPOSE**

1. To consider an application for an exemption under Section 26(3) of the *Dog Act 1976* to keep more than two dogs.

**BACKGROUND**

2. The applicant at 18 Watsonia Road, Gooseberry Hill has recently applied to Council requesting permission to keep more than two dogs on her property.
3. Clause 3.2.(2) of the Shire of Kalamunda Dogs Local Law 2010 stipulates:

“The limit on the number of dogs which may be kept on any premises is, for the purpose of section 26(4) of the *Dog Act 1976*, 2 dogs over the age of 3 months and the young of those dogs under that age.”

**DETAILS**

4. The applicant is requesting the approval to keep the following dogs at the above property.

	Breed	Sex	Sterilised	Colour	Name	Registration Number	Age	Local Authority
1.	Pug	M	No	Fawn	Monty	12-1158	9 ½	Kalamunda
2.	Pug	F	Yes	Fawn	Matilda	12-1156	13½	Kalamunda
3.	Pug	F	Yes	Fawn	Molly	12-1152	9 ½	Kalamunda
4.	Pug	F	No	Fawn	Lilly	13-2618	3	Kalamunda

5. In considering the merit of the application, an inspection was undertaken by Ranger and Emergency Services to ensure the premises are appropriately sized so as to be capable of effectively and comfortably housing four dogs and to confirm that the fences and gates are compliant with the *Dog Act 1976*.

- 
6. The property at 18 Watsonia Road, Gooseberry Hill is 2025 sqm and Zoned Residential R5.

### **STATUTORY AND LEGAL IMPLICATIONS**

7. The application for exemption to the Shire's Dogs Local Law 2010 is made under Section 26(3) of the *Dog Act 1976*.
8. Clause 3.2 of the Local Law reads:  
**"3.2 Limitation on the number of dogs**
3. This clause does not apply to premises which have been –  
(e) licensed under part 4 as an approved kennel establishment; or  
(f) granted an exemption under section 26(3) of the Dog Act, 2 dogs over the age of 3 months and the young of those dogs under that age."
9. If Council refuses to permit four dogs on this property, the applicant has the right to appeal the decision through the State Administrative Tribunal within 28 days of notification in writing by the Shire.

### **POLICY IMPLICATIONS**

10. Nil.

### **PUBLIC CONSULTATION/COMMUNICATION**

11. When applications are received by the Shire to keep more than two dogs, a Ranger will attend the properties immediately adjoining the applicant's property to ascertain if they have any objections. This process is undertaken by interview or, if the resident is not home at the time, a standard letter is left in their letterbox advising of the application.
12. There are seven adjoining properties within the vicinity of the applicant's property that may be directly affected (Attachment 1). The occupants of these properties have been contacted by the attending Ranger, four properties have supported and three did not respond regarding the application.

### **FINANCIAL IMPLICATIONS**

13. Nil.

### **STRATEGIC AND SUSTAINABILITY IMPLICATIONS**

#### **Strategic Planning Implications**

14. Nil.

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## **Sustainability Implications**

### Social implications

15. Council needs to consider that having more than two dogs may create excessive dog barking noise that can interfere with the peace, comfort or convenience of neighbours within the immediate vicinity of the property concerned.

### Economic Implications

16. Nil.

### Environmental Implications

17. Nil.

## **OFFICER COMMENT**

18. In considering this application for exemption, the following two options are available:
- a. Council may grant an exemption pursuant to Section 26(3) of the *Dog Act 1976* subject to conditions; or
  - b. Council may refuse permission to keep more than two dogs
19. As part of the decision making process, Officers have not recorded any issues regarding the dogs kept at this property.
20. It is in the opinion of the inspecting Ranger that the property is appropriately sized and capable of effectively and comfortably housing four dogs. The Ranger can also confirm that the fences and gates are compliant with the *Dog Act 1976*.
21. It is recommended that the application to keep more than two dogs is supported and is noted that this approval may be varied or revoked should any dog complaints be received which are considered reasonable.

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**COMMITTEE RECOMMENDATION TO COUNCIL (GS 85/2011)**

1. That Council, pursuant to Clause 3.2 of the Shire of Kalamunda Dogs Local Law 2010 made under Section 26(3) of the *Dog Act 1976*, grant an exemption to the applicant of 18 Watsonia Road, Gooseberry Hill to keep four dogs on this property.

Moved: **Cr Dylan O'Connor**

Seconded: **Cr Donald McKechnie**

Vote: **CARRIED UNANIMOUSLY (9/0)**

**Declaration of financial / conflict of interests to be recorded prior to dealing with each item.****86. Jack Healey Centre Advisory Committee – Nominations for Membership**

Previous Items	N/A
Responsible Officer	Director Community Development
Service Area	Community Development
File Reference	CO-CCS-006
Applicant	N/A
Owner	N/A

**PURPOSE**

1. To consider the appointment of a replacement Committee Member to the Jack Healey Centre Advisory Committee.

**BACKGROUND**

2. Tony Andrews and Morrie Clark have been nominated by the Kalamunda Senior Citizens Club to replace the retiring representative, Ken Mac'Donald, who has resigned from the Committee.
3. The Terms of Reference for this Committee allow a membership of eight people.
4. The current committee has six members:

<b>Name</b>	<b>Representing</b>
Cr Sue Bilich	Councillor Delegate
Richard Vickers	Kalamunda Stamp Club
Robin Waller	Kalamunda Mens' Probus
Jean Falconbridge	Hills Friendship Group
Ruth Jopling	Seniors Computer Class
Sidney Hepton	Kalamunda Community Choral Society

**DETAILS**

5. Rules and guidelines for the Jack Healey Centre Advisory Committee state that:

***Membership***

- 4.1 *A total membership of up to eight (8) members, all of whom shall be appointed by Council for a term of two (2) years unless Council elects to reappoint any or all members for a further term.*
- 4.2 *Membership shall include one representative from each user group of the facility or other interested people."*

## **STATUTORY AND LEGAL IMPLICATIONS**

6. Appointments are made in accordance with Section 5.10 (1) of the *Local Government Act 1995*.

## **POLICY IMPLICATIONS**

7. Nil.

## **PUBLIC CONSULTATION/COMMUNICATION**

8. Nil.

## **FINANCIAL IMPLICATIONS**

9. Nil.

## **STRATEGIC AND SUSTAINABILITY IMPLICATIONS**

### **Strategic Planning Implications**

10. Nil.

### **Sustainability Implications**

#### Social implications

11. *Shire of Kalamunda Strategic Plan 2009 - 2014*  
1.2.1 Strengthen the community spirit through the provision of cultural activities promoting participation and capacity building in partnership with community groups and networks.

#### Economic Implications

12. Nil.

#### Environmental Implications

13. Nil.

## **OFFICER COMMENT**

14. The Shire has completed a management committee review to ensure committees remain relevant and that the time of community volunteers and staff is maximised.

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15. As a result of the review, the Jack Healey Centre Management Committee will now be known as the Jack Healey Centre Advisory Committee.
  16. The appointment of Tony Andrews and Morrie Clark will increase the membership to eight people and ensure representation from the Kalamunda Senior Citizens Club is maintained on the Jack Healey Centre Advisory Committee.
  17. Tony Andrews, as President of Kalamunda Senior Citizens Club will be appointed as the Kalamunda Senior Citizens Club representative and Morrie Clark will be appointed as an independent interested person.

**COMMITTEE RECOMMENDATION TO COUNCIL (GS 86/2011)**

That Council:

1. Appoints Tony Andrews (President of Kalamunda Senior Citizens Club) to the Jack Healey Centre Advisory Committee as the Kalamunda Senior Citizens Club representative.
2. Appoints Morrie Clark (member of Kalamunda Senior Citizens Club) to the Jack Healey Centre Advisory Committee as an independent interested person.

Moved: **Cr Sue Bilich**

Seconded: **Cr Noreen Townsend**

Vote: **CARRIED UNANIMOUSLY (9/0)/ ABSOLUTE MAJORITY**



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**Declaration of financial / conflict of interests to be recorded prior to dealing with each item.**
**87. Review of Shire of Kalamunda Local Laws**

Previous Items	N/A
Responsible Officer	Director Community Development
Service Area	Community Development
File Reference	LE-LOL-026
Applicant	N/A
Owner	N/A

**PURPOSE**

1. To commence a review of lapsed Shire of Kalamunda Local Laws and By-Laws in order to ensure they are current and compliant with statutory requirements.

**BACKGROUND**

2. It is a requirement of the *Local Government Act 1995* that all current Local Laws are to be reviewed at least once every eight years.
3. As the review period has lapsed, the following Local Law and By-Laws require review:
  - Shire of Kalamunda, Local Government Property Local Law 2001.
  - By-Law Relating to the Establishment, Maintenance and Equipment of the Bush Fire Brigade.
  - By-Law Relating to the Removal and Disposal of Obstructing Animals or Vehicles.

**DETAILS**

4. The process for reviewing a Local Law is detailed in Section 3.16 of *the Local Government Act 1995*. A notice is required to be given of the review, and at least 42 days allowed for public submissions. At the conclusion of the submission period a review report is to be presented to Council. Council will then decide whether to retain, repeal or amend the Local Law. If a decision to amend the Local Law is made, the process is the same as that for creating a new Local Law.

**STATUTORY AND LEGAL IMPLICATIONS**

5. *Local Government Act 1995*, s3.16.

**POLICY IMPLICATIONS**

6. Nil.

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## **PUBLIC CONSULTATION/COMMUNICATION**

7. Statewide notice must be given that Council intend to review the Local Law. Submissions from the public are to be invited and considered.

## **FINANCIAL IMPLICATIONS**

8. A review may allow Council to alter the amount of a fee, charge or penalty that is set in the Local Law.

## **STRATEGIC AND SUSTAINABILITY IMPLICATIONS**

### **Strategic Planning Implications**

9. *Shire of Kalamunda Strategic Plan 2009 – 2014*
  - 5.1 Governance and Planning – Provide ethical governance and ensure appropriate levels of corporate planning for effective management.
    - 5.1.5 Regular review and development of local laws and policies to ensure relevance to strategic direction of Shire and community.

### **Sustainability Implications**

#### Social implications

10. Community members should feel safe while carrying out their daily lives in the Shire, supported by appropriate and enforceable Legislation.

#### Economic Implications

11. Nil.

#### Environmental Implications

12. Nil.

## **OFFICER COMMENT**

13. The review of the Local Laws indicated above will provide an opportunity to consider if they are still appropriate today.
14. Any review of a Local Law forms part of the Local Governments function to provide good governance within its district and to enhance the amenity and quality of life to its residents.

**COMMITTEE RECOMMENDATION TO COUNCIL (GS 87/2011)**

1. That statewide and local public notice be given that the Shire is proposing to review the following Local Laws and By-Laws relating to:
  - Shire of Kalamunda Local Government Property Local Law 2001.
  - By-Laws Relating to the Establishment, Maintenance and Equipment of the Bush Fire Brigade.
  - Shire of Kalamunda By-Law Relating to the Removal and Disposal of Obstructing Animals or Vehicles.

Moved: **Cr Frank Lindsey**

Seconded: **Cr Donald McKechnie**

Vote: **CARRIED UNANIMOUSLY (9/0)**



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**Declaration of financial / conflict of interests to be recorded prior to dealing with each item.**
**88. Appointment of a Recovery Coordinator**

Previous Items	N/A
Responsible Officer	Director Community Development
Service Area	Community Development
File Reference	BA-BFC-006
Applicant	N/A
Owner	N/A
Attachment 1	Terms of Reference for the Local Recovery Coordination Committee – Page 73

**PURPOSE**

1. To consider the appointment of the Director of Community Development as Local Recovery Coordinator. This proposed position will oversee the management of the recovery process following an emergency affecting the Shire of Kalamunda community.

**BACKGROUND**

2. The Shire has recently reviewed and updated its Local Emergency Management Arrangements, including the Local Recovery Management Plan as required under the *Emergency Management Act 2005*.
3. In order to meet the requirements outlined in Sections 36 (b) and 41 (4) of the *Emergency Management Act 2005* and the Local Recovery Management Plan, the Shire will need to appoint a Local Recovery Coordinator who will manage the recovery process.
4. Once the appointment of the Local Recovery Coordinator has been endorsed by Council, the Shire will need to establish a Local Recovery Coordination Committee to manage the recovery process.

**DETAILS**

5. The Local Recovery Coordinator has two broad areas of responsibilities:
  - a. In conjunction with the Local Recovery Coordination Committee (“LRCC”), the Local Recovery Coordinator is responsible for the development and implementation of recovery management arrangements for the Shire of Kalamunda. This includes, preparing, maintaining and testing the Local Recovery Plan and the coordination of promoting community awareness with respect to the recovery arrangements.
  - b. The second area of responsibility is that during recovery operations, the Local Recovery Coordinator liaises with the hazard management agency,

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responsible for coordinating the incident plus other responsible agencies to determine the need to activate the Local Recovery Plan and convene the LRCC.

6. Following the appointment of the Local Recovery Coordinator, an LRCC will be set up to assist the Local Recovery Coordinator in the management of the recovery process.
7. The, functions, core membership and Terms of Reference of the LRCC are provided in (Attachment 1).

### **STATUTORY AND LEGAL IMPLICATIONS**

8. In order to meet the requirements outlined in Sections 36 (b) and 41 (4) of the *Emergency Management Act 2005* and the Local Recovery Management Plan, the Shire needs to appoint a Local Recovery Coordinator who will manage the recovery process.

### **POLICY IMPLICATIONS**

9. Nil.

### **PUBLIC CONSULTATION/COMMUNICATION**

10. Nil.

### **FINANCIAL IMPLICATIONS**

11. Given that the appointment of the Local Recovery Coordinator is an existing employee within the Executive Team of the Shire of Kalamunda, there will be no additional employee expenses.
12. There are two pre-requisite training courses that FESA conduct which are relevant to Local Government employees and relevant members of the Local Recovery Coordination Committee namely:
  - Introduction to Emergency Management for Local Government.
  - Introduction to Recovery Management.

Both of these training courses will be held at the Shire of Kalamunda at no cost to the Shire. However, FESA has advised that the Introduction to Recovery Management training course may include participants from other local governments.

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## STRATEGIC AND SUSTAINABILITY IMPLICATIONS

### Strategic Planning Implications

13. *Shire of Kalamunda Strategic Plan 2009 – 2014*
  - 1.4. The Shire of Kalamunda is a safe and secure community.
    - 1.4.7 Ensure effective planning for and coordinated management of emergencies within the Shire via the Local Emergency Management Committee.

### Sustainability Implications

#### Social implications

14. The main objective of the Local Recovery Coordinator is to lead the LRCC, and activate the Local Recovery Management Plan to ensure that timely and effective short and long term recovery strategies are implemented.

#### Economic Implications

15. The Local Recovery Coordinator and the LRCC will assist the community with the reconstruction of physical infrastructure and the restoration of emotional, social, economic and physical wellbeing.

#### Environmental Implications

16. Nil.

### OFFICER COMMENT

17. The Shire of Kalamunda's Executive Management Team has recently endorsed the appointment of the Director of Community Development position as the Local Recovery Coordinator for the Shire of Kalamunda.
18. With the establishment of the Local Recovery Coordination Committee there will be a need for certain members and other identified staff to undertake appropriate training.
  - a. The training will comprise of an initial Recovery Exercise scheduled for early June 2011 and conducted at the Shire of Kalamunda by Fire and Emergency Services – Emergency Management Personnel.
  - b. The Recovery Exercise will be bushfire related and customised to suit the issues and requirements that the Shire of Kalamunda may face in the event of an impact of a hazard on the community.

- c. Following this exercise, there will be a training schedule developed in conjunction with FESA for identified Shire of Kalamunda staff and relevant members of the Local Recovery Coordination Committee. There are two pre-requisite training courses that FESA conduct relevant to Local Government employees and they are as follows:
- Introduction to Emergency Management for Local Government.
  - Introduction to Recovery Management.

### **COMMITTEE RECOMMENDATION TO COUNCIL (GS 88/2011)**

That Council:

1. In accordance with Section 41 (4) of the *Emergency Management Act 2005*, endorses the appointment of the Director Community Development position as the Local Recovery Coordinator for the Shire of Kalamunda.
2. Supports the proposal to establish a Local Recovery Coordination Committee with the Terms of Reference proposed in (Attachment 1).

Moved: **Cr Donald McKechnie**

Seconded: **Cr Justin Whitten**

Vote: **CARRIED UNANIMOUSLY (9/0)**

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**Declaration of financial / conflict of interests to be recorded prior to dealing with each item.****89. Tender for the Supply and Delivery of Crushed Ferricrete/Laterite (T1104)**

Previous Items	GS 107/2008
Responsible Officer	Director Engineering Services
Service Area	Engineering Services
File Reference	AD-TEN-004
Applicant	N/A
Owner	N/A

Attachment 1                      Schedule of Rates for Supply and Delivery of Crushed Ferricrete/Laterite – Page 76

**PURPOSE**

1. To consider the awarding of the Contract for the Supply and Delivery of Crushed Ferricrete/Laterite (T1104) for a period of three years, with an option to extend for a further two 12 month periods.

**BACKGROUND**

2. The Tender for the Supply and Delivery of Crushed Ferricrete /Laterite (T1104), for a period of three years was advertised in the West Australian on Saturday 16 February 2011 and closed on 8 March 2011.

**DETAILS**

3. Three companies submitted Tenders for this Contract:
  - B & J Catalano Pty Ltd.
  - All Earth Group.
  - Vinci Gravel Supplies Pty Ltd.
4. An analysis of the schedule of rates submitted in these submissions is shown at (Attachment 1).

**STATUTORY AND LEGAL IMPLICATIONS**

5. The Tender is undertaken in accordance with the statutory requirements of the *Local Government Functions and General Regulations 1996*.

**POLICY IMPLICATIONS**

6. Nil.

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## **PUBLIC CONSULTATION/COMMUNICATION**

7. The Tender was advertised as per the statutory requirements.

## **FINANCIAL IMPLICATIONS**

8. The Tender price is within the budget allocation for Engineering Construction and Maintenance projects.

## **STRATEGIC AND SUSTAINABILITY IMPLICATIONS**

### **Strategic Planning Implications**

#### Engineering Works Construction and Renewal

9. To construct new works infrastructure in a timely and cost effective manner. Renew and upgrade the Shire's roads, drainage and pathways infrastructure, through the use of construction crews and contractors.

#### Engineering Works Maintenance

10. Maintain the Shire's roads, road shoulders and verges, signs, car parks, drainage and pathways infrastructure, through the use of maintenance crews and contractors.
11. **Outcome:** 2.1 Meeting community needs today and into the future.  
2.3 Long term viability of infrastructure and facilities.

### **Sustainability Implications**

#### Social implications

12. Nil.

#### Economic Implications

13. Nil.

#### Environmental Implications

14. Nil.

## **OFFICER COMMENT**

15. B & J Catalano Pty Ltd is our current Contractor since 2008 and has provided good quality material and worked well with our operations for the delivery of material. Their price is also more advantageous with a CPI variation for years two and three for quarry and depot delivery as well as short distance deliveries.

16. All Earth Group have provided a partial Tender for delivery only, however, are unable to specify a supply site as they are primarily interested in delivery.
17. Vinci Gravel Supplies Pty Ltd have provided a fixed \$20/tonne/km rate in the first year for all distances. This will prove advantageous for longer haulage projects.
18. Because there can be difficulty in the supply of these products, it is recommended that Vinci Gravel Supplies Pty Ltd be included as a backup supplier.

#### OFFICER RECOMMENDATION (GS 89/2011)

1. That the Contract for the Supply and Delivery of Crushed Ferricrete/Laterite (T1104) be awarded to:
  - a. B & J Catalano Pty Ltd.
  - b. Vinci Gravel Supplies Pty Ltd.

for a period of three years with an option to extend for a further two 12 month periods, at the Tendered prices shown at (Attachment 1).

The meeting was closed to the public at 6.56 pm as Councillors wished to discuss matters associated with the tender behind closed doors.

#### MOTION

1. That the meeting be closed to the public to deal with Item 89, Tender for the Supply and Delivery of Crushed Ferricrete/Laterite (T1104). The meeting is closed pursuant to Section 5.23(2) (c) of the *Local Government Act*, "A contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting."

Moved: **Cr Sue Bilich**

Seconded: **Cr Justin Whitten**

Vote: **For**  
**Cr Frank Lindsey**  
**Cr Geoff Stallard**  
**Cr Allan Morton**  
**Cr Justin Whitten**  
**Cr Dylan O'Connor**  
**Cr Sue Bilich**  
**Cr Donald McKechnie**  
**Cr Martyn Cresswell**  
**Against**  
**Cr Noreen Townsend**

**CARRIED (8/1)**

During debate of the item Cr Townsend moved that the Recommendation be put. Cr Donald McKechnie proposed an amendment to the Officer Recommendation, to change "a." and "b." to dot points. This was accepted by the mover and seconder and put to the vote.

### **COMMITTEE RECOMMENDATION TO COUNCIL (GS 89/2011)**

1. That the Contract for the Supply and Delivery of Crushed Ferricrete/Laterite (T1104) be awarded to:

- B & J Catalano Pty Ltd.
- Vinci Gravel Supplies Pty Ltd.

for a period of three years with an option to extend for a further two 12 month periods, at the Tendered prices shown at (Attachment 1).

Moved: **Cr Noreen Townsend**

Seconded: **Cr Allan Morton**

Vote: **For**  
**Cr Frank Lindsey**  
**Cr Allan Morton**  
**Cr Noreen Townsend**  
**Cr Dylan O'Connor**  
**Cr Donald McKechnie**  
**Cr Martyn Cresswell**

**Against**  
**Cr Geoff Stallard**  
**Cr Justin Whitten**  
**Cr Sue Bilich**

**CARRIED (6/3)**

### **MOTION**

1. That the meeting re-open to the public at 7.20 pm after dealing with Item 89, Tender for the Supply and Delivery of Crushed Ferricrete/Laterite (T1104). The meeting was closed pursuant to Section 5.23(2) (c) of the *Local Government Act*, "A contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting."

Moved: **Cr Donald McKechnie**

Seconded: **Cr Dylan O'Connor**

Vote: **CARRIED UNANIMOUSLY (9/0)**

The Chairman read the decision of the Committee.

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**Declaration of financial / conflict of interests to be recorded prior to dealing with each item.**
**90. Tender for the Provision of Traffic Management Services (T1114)**

Previous Items	N/A
Responsible Officer	Director Engineering Services
Service Area	Engineering Services
File Reference	AD-TEN-004
Applicant	N/A
Owner	N/A
Attachment 1	Analyses of the price schedules for Traffic Management Plans and Traffic Control supplied in the Traffic Management Services tender submissions (T1114) – Page 77
Attachment 2	Analyses of the price schedules for Traffic Devices supplied in the Traffic Management tender submissions (T1114) – Page 78

**PURPOSE**

1. To consider awarding the Tender for the Provision Traffic Management Services (T1114) for a period of three years with an option to extend for a further two 12 month periods.

**BACKGROUND**

2. The Tender for the Provision of Traffic Management Services (T1114) was advertised in the West Australian on Saturday 2 April 2011 and closed on 19 April 2011.

**DETAILS**

3. Eight Tender submissions were received from:
  - Carrington Traffic Services.
  - ATM Pty Ltd.
  - Taborda Contracting.
  - HAS Earthmoving.
  - JAG Traffic Pty Ltd.
  - Quality Traffic Management.
  - Contraflow Pty Ltd.
  - Secure Traffic.
4. The analyses of the price schedules supplied in these submissions are shown at (Attachment 1) and (Attachment 2).

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## STATUTORY AND LEGAL IMPLICATIONS

5. The Tender is undertaken in accordance with the statutory requirements of the *Local Government Functions and General Regulations 1996*.

## POLICY IMPLICATIONS

6. Nil.

## PUBLIC CONSULTATION/COMMUNICATION

7. The Tender was advertised as per the statutory requirements.

## FINANCIAL IMPLICATIONS

8. The Tender price is within the budget allocation for Engineering Construction and Maintenance projects.

## STRATEGIC AND SUSTAINABILITY IMPLICATIONS

### Strategic Planning Implications

#### Engineering Works Construction and Renewal

9. To construct new works infrastructure in a timely and cost effective manner Renew and upgrade the Shire's roads, drainage and pathways infrastructure, through the use of construction crews and contractors.

#### Engineering Works Maintenance

10. Maintain the Shire's roads, road shoulders and verges, signs, car parks, drainage and pathways infrastructure, through the use of maintenance crews and contractors.
11. **Outcome:** 2.1 Meeting community needs today and into the future.  
2.3 Long term viability of infrastructure and facilities.

### Sustainability Implications

#### Social implications

12. Nil.

#### Economic Implications

13. Nil.

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Environmental Implications

14. Nil.

**OFFICER COMMENT**

15. The Tender rates provided by Contraflow Pty Ltd and Secure Traffic for a period of three years, are the most advantageous as based upon their Tender price shown at in (Attachment 1) and (Attachment 2).
16. Contraflow Pty Ltd is a recognised provider of Traffic Management Services providing for Western Power, Western Water Corporation, the City Rockingham and the Town of Cambridge. Contraflow's tender offer does not charge for after care signage, cones and bollard usage.
17. Secure Traffic has been extensively used by the Shire, having an excellent track record with a quick response rate, when required urgently.
18. JAG Traffic has not been previously used by the Shire.
19. Both Secure Traffic and Jag Traffic charge for after care signage, cones and bollard usage.
20. Council has previously approved the creation of two full time Traffic Controllers, who will be able to manage the green waste collection and other small projects. This Tender relates to major road works. On this basis Contraflow Pty Ltd and Secure Traffic are recommended as the most advantageous for the Shire.

**COMMITTEE RECOMMENDATION TO COUNCIL (GS 90/2011)**

1. That the Tender for Provision of Traffic Management Services (T1114) be awarded to:
- a. Contraflow Pty Ltd.
  - b. Secure Traffic.
- at the Tendered prices provided in (Attachment 1) and (Attachment 2) for a period of three years with an option to extend for a further two 12 month periods.

Moved: **Cr Donald McKechnie**

Seconded: **Cr Justin Whitten**

Vote: **CARRIED UNANIMOUSLY (9/0)**



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**Declaration of financial / conflict of interests to be recorded prior to dealing with each item.**
**91. Tender for Gully Eduction – Cleaning of Stormwater Drainage Structures and Pipes (T1110)**

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

Attachment 1                      Analysis of Tender Rates for Gully Eduction and Cleaning Stormwater Structures and Pipes (T1110)

**PURPOSE**

1. To consider the awarding the Tender for Gully Eduction – Cleaning of Stormwater Drainage Structures and Pipes (T1110) for a three year period with an option to extend for a further two 12 month period.

**BACKGROUND**

2. The Tender for Gully Eduction – Cleaning of Stormwater Drainage Structures and Pipes (T1110) was advertised in the West Australian on Saturday 9 April 2011 and closed on 28 April 2011.

**DETAILS**

3. Five Tender submissions were received from:
  - Drainflow Services Pty Ltd
  - Riverjet Pipeline Solutions
  - Western Eduction Services
  - Kalamunda Sweeping
  - Veolia Environmental Services
4. An analyses of the price schedules supplied in these submissions are shown at (Attachment 1).

**STATUTORY AND LEGAL IMPLICATIONS**

5. The Tender is undertaken in accordance with the statutory requirements of the *Local Government Functions and General Regulations 1996*.

**POLICY IMPLICATIONS**

6. Nil.

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## **PUBLIC CONSULTATION/COMMUNICATION**

7. The Tender was advertised as per the statutory requirements.

## **FINANCIAL IMPLICATIONS**

8. The Tender price is within the budget allocation for Engineering Construction and Maintenance projects.

## **STRATEGIC AND SUSTAINABILITY IMPLICATIONS**

### **Strategic Planning Implications**

#### Engineering Works Construction and Renewal

9. To construct new works infrastructure in a timely and cost effective manner Renew and upgrade the Shire's roads, drainage and pathways infrastructure, through the use of construction crews and contractors.

#### Engineering Works Maintenance

10. Maintain the Shire's roads, road shoulders and verges, signs, car parks, drainage and pathways infrastructure, through the use of maintenance crews and contractors.
11. **Outcome:** 2.1 Meeting community needs today and into the future.  
2.3 Long term viability of infrastructure and facilities.

### **Sustainability Implications**

#### Social implications

12. Nil.

#### Economic Implications

13. Nil.

#### Environmental Implications

14. Nil.

## **OFFICER COMMENT**

15. The Tender rates provided by Drainflow Services Pty Ltd, for a period of three years, are the most advantageous as based upon their Tender price shown at (Attachment 1).

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16. Drainflow Services Pty Ltd provided the cheapest rates for the major expenditure items with a fixed unit rate for Stormwater Pollution Traps ("SPT").
  17. Drainflow Services Pty Ltd has worked satisfactory for the Shire. Reference checks identified that they are able to perform to the Shire's specifications and have the necessary plant and equipment to provide this service.
  18. Drainflow Services Pty Ltd costs to clean approximately 30 SPTs is significantly lower than the next closest tender.
  19. Drainflow Services Pty Ltd does also provide a discount of 3.5% provided payment is within 14 days of the date of the invoice.

**COMMITTEE RECOMMENDATION TO COUNCIL (GS 91/2011)**

1. That the Tender for Gully Eduction – Cleaning of Stormwater Structures and Pipes (T1110) be awarded to Drainflow Services Pty Ltd, at the Tendered prices provided in (Attachment 1) for a period of three years with an option to extend for a further two 12 month periods.

Moved: **Cr Noreen Townsend**

Seconded: **Cr Geoff Stallard**

Vote: **CARRIED UNANIMOUSLY (9/0)**



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**Declaration of financial / conflict of interests to be recorded prior to dealing with each item.**
**92. Request for Expression of Interest EOI 1005 – Land Lease and Community Housing Development Lot 106 (88) Hale Road Forrestfield**

Previous Items	OCM 165/2010
Responsible Officer	Chief Executive Officer
Service Area	Property and Procurement
File Reference	PG-DEV-041
Applicant	N/A
Owner	N/A

**PURPOSE**

1. To select the preferred provider from Expressions of Interest (“EOI”) submitted by Access Housing and Foundation Housing for the Land Lease and Community Housing Development Lot 106 (88) Hale Road Forrestfield.

**BACKGROUND**

2. At the Ordinary Meeting of Council held on 15 November 2010 Council resolved (OCM 165/2010) to call for expressions of interest for the development of community housing in accordance with the Department of Housing requirements and also the land lease and development of Commercial/Office components of the Business Plan.
3. Expressions of Interest were received from Foundation Housing and Access Housing, who both made presentations to Council on Monday 14 February 2011.
4. At the Ordinary Meeting of Council held on 21 March 2011 (OCM 33/2011) Council resolved :
 

*“That Access Housing be requested to further develop the proposal submitted taking into account and addressing the feedback provided by Councillors shown in Attachment 2, with a further presentation being made to Councillors prior to the Ordinary Meeting of Council to be held on Monday 18 April 2011.”*

**DETAILS**

5. Access Housing sought an extension of time from the requested 18 April 2011 presentation date and this was granted and rescheduled to Monday 23 May 2011.
6. Mr Gary Ellender, CEO, and Mr Anthony Rizzacasa, Director of Property Development, from Access Housing along with Mr Michael Patroni from Spaceagency Architects provided a presentation to those Councillors in attendance which outlined a series of concept design changes to the original plan in response to the feedback provided by Councillors.

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**STATUTORY AND LEGAL IMPLICATIONS**

7. The EOI has been conducted in accordance with requirements of the *Local Government (Functions and General) Regulations 1996*.

**POLICY IMPLICATIONS**

8. Nil.

**PUBLIC CONSULTATION/COMMUNICATION**

9. The Business Plan for the development and disposal of the land was advertised for Public Comment in September 2010 with no comments being received.

**FINANCIAL IMPLICATIONS****Project Expenditure**

10. The 2010/2011 Budget allows for any expenditure incurred in preparation of documentation.

**Project Income**

11. The proposals from Foundation Housing and Access Housing both failed to meet the income projections of the Business Plan prepared for this project.
12. The projected incomes in the Business Plan were based on land lease returns of \$10 per square metre for Community Housing and Commercial developments plus Council Rates.
13. The estimated return for the first full year is \$99,640.
14. Each of the proponents provided a different lease fee proposal with a summary of these shown below:

*Access Housing*

- \$1 million one off payment for an initial thirty 30 year lease with a further 30 year option and a determination clause which allows each party to negotiate a compensated exit clause.
- Local Government rates would also be payable, this would depend on the number of tenancies constructed, and based on this number being 80, and the current minimum rate of \$595, this would provide a rate income of \$47,600 per annum.

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*Foundation Housing*

- Ground lease for a term of not less than 50 years.
- Peppercorn lease fee of \$1,200 per annum.
- Payment of full rates and charges for each dwelling unit. Based on their proposal of 38 units and the current minimum rate of \$595, this would provide a rate income of \$22,610 per annum.

**STRATEGIC AND SUSTAINABILITY IMPLICATIONS****Strategic Planning Implications**

15. *Shire of Kalamunda Strategic Plan 2009 - 2014*

- 1.1 Enhanced quality of life for the aged and disabled.

**Sustainability Implications**Economic Implications

16. The proposed development will increase revenue to the Shire of Kalamunda as well as increasing the local economic activity from increase population growth.

Environmental Implications

17. The development will provide rehabilitation and enhancement works to some sections of Woodlupine Creek.

**OFFICER COMMENT**

18. The proposal from Access Housing continues to appear to be the most desirable in regards to the development design and the proposed tenancies.

19. Access Housings proposal includes a one off payment of \$1 million. If these funds were quarantined and the funds invested, then at the current interest rate of 6.00% this would provide an income of \$60,000 per annum. Added to the proposed rate income of \$47,600 from Access Housing this would provide a total income of \$107,600 which exceeds the projected business plan income of \$99,640.

20. Whilst Councillors have not indicated their desire to talk further with Foundation Housing this opportunity is still available should they choose to do so.

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21. In order to provide Council with a definitive proposal that includes built form, tenancy mix and finalisation of lease agreement terms, Access Housing needs to be given surety that they are the preferred respondent to the EOI.

**COMMITTEE RECOMMENDATION TO COUNCIL (GS 92/2011)**

That Council:

1. Appoint Access Housing as the preferred respondent to Expression Of Interest 1005.
2. Request Access Housing present a formal submission that addresses the following:
  - Proposed one off Payment of \$1 million for a 30 year lease with a 30 year option – in lieu of an annual ground lease fee.
  - Payment of Local Government Rates each year at the current valuations provided and updated by the Valuer General and at the appropriate rate in the dollar set by Council each financial year.
  - Detail on how the built form is likely to look and provide information on where similar structures exist that Councillors can visit.
  - Proposed mix of tenancies.
  - Commercial tenancies (if any proposed) to be located at ground level with residential units above.
  - Maintenance of all buildings and facilities including but not limited to roads, paths, gardens, lawns, trees within the leased area.

Moved: **Cr Donald McKechnie**

Seconded: **Cr Justin Whitten**

Vote: **CARRIED UNANIMOUSLY (9/0)**

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**11.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

11.1 Nil.

**12.0 QUESTIONS BY MEMBERS WITHOUT NOTICE**

12.1 Will the Chief Executive Officer be attending the annual CEO Sleep Out this year? – Cr Dylan O'Connor

The Chief Executive Officer responded that he had intended to do so this year, however, had been informed the conditions were not very realistic, and will therefore not participate.

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

13.1 Nil.

**14.0 URGENT BUSINESS APPROVED BY THE PERSON PRESIDING OR BY DECISION**

14.1 Nil.

**15.0 MEETING CLOSED TO THE PUBLIC**

15.1 The meeting was closed to the public at 6.56 pm as Councillors wished to discuss matters associated with Item 89 Tender for the Supply and Delivery of Crushed Ferricrete/Laterite (T1104) behind closed doors. The meeting reopened at 7.20pm.

**16.0 CLOSURE**

There being no further business, the Chairman declared the meeting closed at 7.25pm.

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

Signed: \_\_\_\_\_  
Chairman

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 2011