
Shire of Kalamunda

General Services Committee

Agenda for 11 October 2010





NOTICE OF MEETING GENERAL SERVICES COMMITTEE

Councillors,

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

Monday 11 October 2010 commencing at 6.30 pm.

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

Open Council Meetings – Procedures

1. Standing Committees are open to the public, except for Confidential Items listed on the Agenda.
2. Standing Committees have a membership of all 12 Councillors.
3. Unless otherwise advised a Committee makes recommendations only to Full Council (Held on the third Monday of each month at 6.30 pm).
4. Members of the public are able to ask questions at a Committee Meeting, however, the questions should be related to the functions of the Committee.
5. Members of the public wishing to make a comment on any Agenda item may request to do so by advising staff prior to commencement of the Committee Meeting.
6. Comment from members of the public on any item of the Agenda is usually limited to 3 minutes and should address the recommendations (at the conclusion of the report).
7. It would be appreciated if silence is observed in the gallery at all times except for Question Time.
8. All other arrangements are in general accordance with Council's Standing Orders, the Policies and decision of person Chairing the Committee or Council Meeting.
9. Members of the public who are unfamiliar with meeting proceedings are invited to seek advice at the meeting by signalling to a staff member.

James Trail
Chief Executive Officer

7 October 2010

**** Dinner will be served at 5.30pm ****

AGENDA

1.0 OFFICIAL OPENING

2.0 ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE PREVIOUSLY APPROVED

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.

4.0 PETITIONS/DEPUTATIONS

5.0 APPLICATIONS FOR LEAVE OF ABSENCE

6.0 CONFIRMATION OF PREVIOUS MINUTES

- 6.1 That the Minutes of the General Services Committee Meeting held on 13 September 2010 are confirmed as a true and correct record of the proceedings.

Moved:

Seconded:

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 13 September 2010”

7.0 ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION

8.0 MATTERS FOR WHICH MEETING MAY BE CLOSED

9.0 DISCLOSURE OF INTERESTS

Disclosure of Financial and Proximity Interests

- (a) Members must disclose the nature of their interest in matters to be discussed at the meeting. (*Sections 5.60B and 5.65 of the Local Government Act 1995*).
- (b) Employees must disclose the nature of their interest in reports or advice when giving the report or advice to the meeting. (*Sections 5.70 and 5.71 of the Local Government Act 1995*)

Disclosure of Interest Affecting Impartiality

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

10.0 REPORT TO COUNCIL

Please Note:

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

<u>Report Number</u>	<u>Page Number</u>
105. Creditors Accounts paid during the Period 1 September 2010 to 28 September 2010	3
106. Monthly Financial Statements for the Period ending 31 August 2010	5
107. Debtors and Creditors Report	8
108. Rates Debtors Report	10
109. Budget Amendment – 510 Environmental Management	12
110. Active Reserves Usage Policy – Proposed Adoption following Public Comment Period	14
111. Application To Keep More Than Two Dogs – 7 Gumnut Close, Maida Vale ...	18
112. Application To Keep More Than Two Dogs – 13 Trafalgar Road, Lesmurdie ..	22
113. Conduct of Local Government Elections	26
114. Recognition of Service Policy: Gratuity Payments to Employees on Resignation or Retirement.	29
115. Leave Management – Proposed Policy	31
116. Proposed Footpath – Springdale Road Kalamunda	34

REPORTS

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

105. Creditors Accounts paid during the Period 1 September 2010 to 28 September 2010

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

Attachment 1. Creditor Payments 1 September 2010 to 28 September 2010, P 1.

PURPOSE

1. To receive creditors' accounts paid during the period 1 September 2010 to 28 September 2010.

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 period 1 September 2010 to 28 September 2010 is attached. (***Attachment 1.***)

STATUTORY AND LEGAL IMPLICATIONS

5. Nil.

POLICY IMPLICATIONS

6. Nil.

PUBLIC CONSULTATION/COMMUNICATION

7. Nil.

FINANCIAL IMPLICATIONS

8. Nil.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS**9. Strategic Planning Implications**

This report works toward achieving objective:

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

of the Shire of Kalamunda Strategic Plan 2009-2014.

10. Sustainability Implications
Social Implications

- Nil.

Economic Implications

- Nil.

Environmental Implications

- Nil.

OFFICER COMMENT

11. Nil.

OFFICER RECOMMENDATION**GS 105/2010**

1. That the list of Creditors paid during the period 1 September 2010 to 28 September 2010 (***GS 105/2010, Attachment 1.***) be received by Council in accordance with the requirements of Regulation 12 of the *Local Government (Financial Management) Regulations 1996*.

Moved: Cr

Seconded: Cr

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

106. Monthly Financial Statements for the Period Ending 31 August 2010

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

Attachment 1. Financial Activity Statements – for the period ending 31 August 2010, P18.

PURPOSE

1. To receive the draft monthly financial statement reports for the period ending 31 August 2010 (***Attachment 1.***)

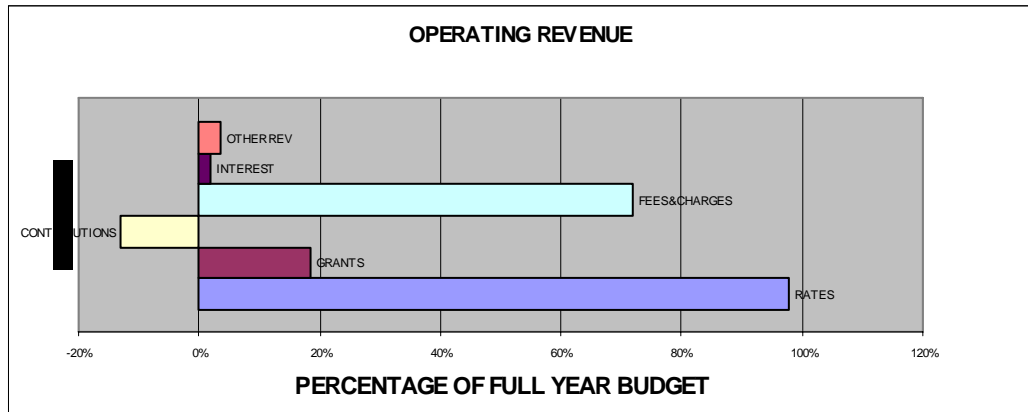
BACKGROUND

2. Attached is the monthly Rate Setting Statement and Statement of Comprehensive Income for the period ending 31 August 2010. These have been prepared in accordance with the requirements of *Section 34 of the Local Government (Financial Management) Regulations 1996*.
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.

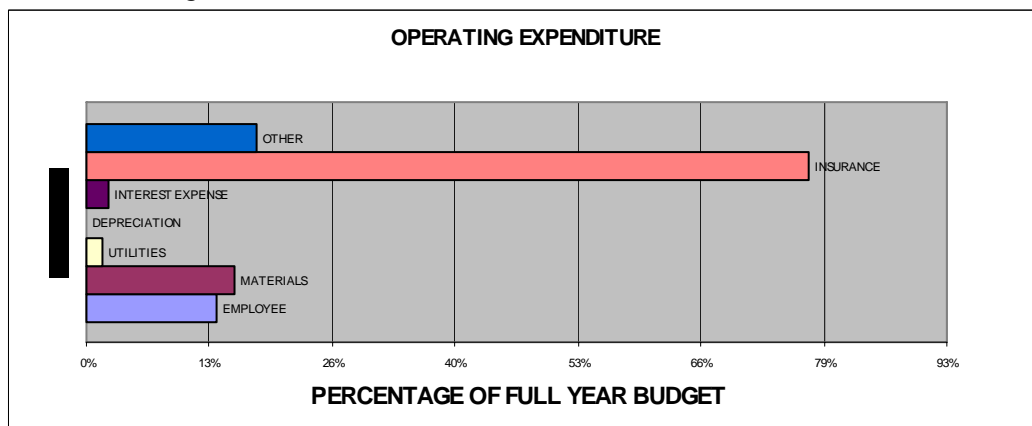
DETAILS

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 income: The issue of rates notices has occurred in August after the adoption of the 2010-2011 Budget. Operating revenue reflects the issue of rates and the receipt of the first instalment of grant funds for the Kalamunda Community and Cultural Centre.



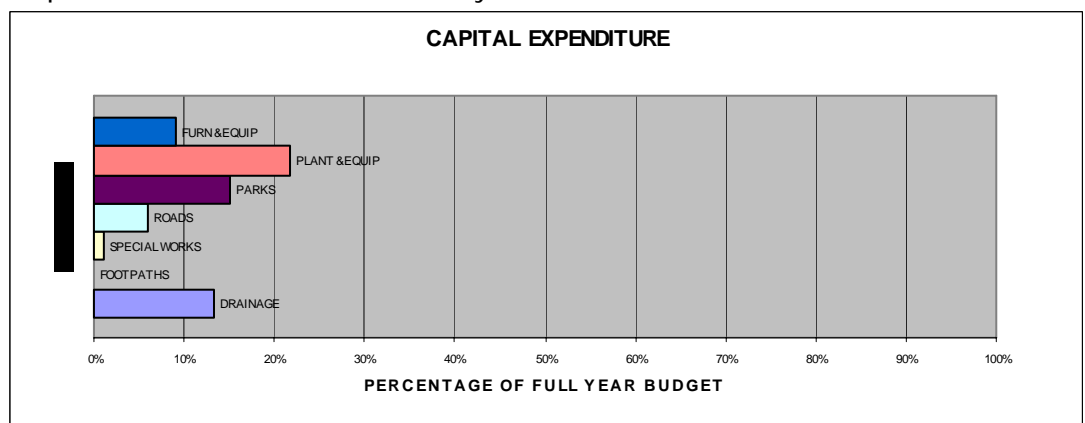
Operating expenditure: Until the 2009-2010 year end audit has been completed no depreciation charges have been raised. Expenditure on materials is greater than what would be expected in August as a percentage of annual budget, due to the implementation of the new accounting process with internal cost allocation and overhead charges.



Salaries and Wages:

Salaries are currently under budget as recruitment has not been completed for all new positions. Training costs are typically not incurred at this time of the year.

Capital expenditure: The capital Works Programme, including both roadworks infrastructure and building construction, is influenced heavily by two projects, the \$5 million Community Centre and the \$2.1 million Depot Administration Building, both of which are under progress. Capital income has been boosted in August by the receipt of \$700,000 for the Community Centre.



STATUTORY AND LEGAL IMPLICATIONS

7. Nil.

POLICY IMPLICATIONS

8. Nil.

PUBLIC CONSULTATION/COMMUNICATION

9. Nil.

FINANCIAL IMPLICATIONS

10. Nil.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS**11. Strategic Planning Implications**

This report works toward achieving objective:

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

of the Shire of Kalamunda Strategic Plan 2009-2014.

12. Sustainability Implications**Social Implications**

- Nil.

Economic Implications

- Nil.

Environmental Implications

- Nil.

OFFICER COMMENT

13. Nil.

OFFICER RECOMMENDATION**GS 106/2010**

1. That the monthly Financial Statements which comprise the Rate Setting Statement and the Statement of Comprehensive Income for the period ending 31 August 2010 (*GS 106/2010, Attachment 1.*) be received.

Moved: Cr

Seconded: Cr

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

107. Debtors and Creditors Report

Previous Items:	Nil.
Responsible Officer	Acting Director Corporate Services
Service Area:	Finance
File Reference:	FI-CRS-002
Applicant:	N/A
Owner:	N/A
Attachment 1.	Debtors Report as at August 2010, P 57.
Attachment 2.	Creditors Report as at August 2010, P 59.

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 August 2010.
3. Council has requested reports detailing outstanding debtors and creditors on a monthly basis.

DETAILS

4. Debtors

The Shire's 31 August 2010 sundry debtors balance of \$1,572,567 is largely made up of two outstanding invoices. The first for \$247,500 to the Attorney General's Department for the CCTV installation works. The other to the Department of Local Government (Office of Shared Services) is for the first of four installments of grant funding towards the Kalamunda Community and Cultural Centre in the amount of \$770,000. The total of this Grant is \$1.4 million. Both these amounts have now been paid and will not appear as outstanding in the September reports. (***Attachment 1.***)

5. Creditors

Invoices showing as outstanding for a period greater than 60 and 90 days are the result of the original invoice documentation not being received by Finance. All trades and suppliers are requested to address all invoices to the Shire's Accounts Department. Unfortunately this does not always occur resulting in late payment of some accounts.

-
6. All contractors, trades and suppliers are advised of the Shire's preference to pay by Electronic Funds Transfer (EFT) for efficiency and cost savings. Despite this the percentage of cheque payments still being made to suppliers remains high. (*Attachment 2.*)

STATUTORY AND LEGAL IMPLICATIONS

7. Nil.

POLICY IMPLICATIONS

8. Nil.

PUBLIC CONSULTATION/COMMUNICATION

9. Nil.

FINANCIAL IMPLICATIONS

10. Nil.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

11. Strategic Planning Implications

This report works toward achieving objective:

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

of the Shire of Kalamunda Strategic Plan 2009-2014.

12. Sustainability Implications

Social Implications

- Nil.

Economic Implications

- Nil.

Environmental Implications

- Nil.

OFFICER COMMENT

13. Nil.

OFFICER RECOMMENDATION

GS 107/2010

1. That the outstanding debtors (*GS 107/2010, Attachment 1.*) and creditors (*GS 107 /2010, Attachment 2.*) report as at 31 August 2010 be received.

Moved: Cr

Seconded: Cr

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

108. Rates Debtors Report

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

Attachment 1. Rates Debtors Report as at August 2010, P 60.

PURPOSE

1. To receive a report on rates debtors as at 31 August 2010.

BACKGROUND

2. Attached is the report detailing rates debtors as at 31 August 2010 (*Attachment 1.*).

DETAILS

3. The 2010/2011 rates notices were distributed to ratepayers on 31 August 2010. The due date for full payment and the first instalment date is 8 October 2010.
4. There are currently 72 outstanding items with the Shire's collection agent, Austral Mercantile, awaiting further instruction from the Rates department. These items are in the process of being verified by staff as either current items for further action or completed items.

STATUTORY AND LEGAL IMPLICATIONS

5. Nil.

POLICY IMPLICATIONS

6. Nil.

PUBLIC CONSULTATION/COMMUNICATION

7. Nil.

FINANCIAL IMPLICATIONS

8. Nil.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS**9. Strategic Planning Implications**

This report works toward achieving objective:

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

of the Shire of Kalamunda Strategic Plan 2009-2014.

**10. Sustainability Implications
Social Implications**

- Nil.

Economic Implications

- Nil.

Environmental Implications

- Nil.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

11. Nil.

OFFICER COMMENT

12. Nil.

OFFICER RECOMMENDATION**GS 108/2010**

1. That the rates debtors report as at 31 August 2010 (***GS 108 /2010, Attachment 1.***) be received.

Moved: Cr

Seconded: Cr

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

109. Budget Amendment – 510 Environmental Management

Previous Items:	Nil.
Responsible Officer:	Acting Director Corporate Services Acting Director Planning and Development Services
Service Area:	Finance Strategic Planning
File Reference:	FI-BUD-006
Applicant:	N/A
Owner:	N/A
Attachments.	Nil.

PURPOSE

1. To amend the Shire of Kalamunda 2010-2011 budget to incorporate further funding and expenditure for Weed Eradication at Lower Lesmurdie Falls.

BACKGROUND

2. The Shire of Kalamunda submitted an application to the 2010 Department of Environment and Conservation (DEC) Community Environmental Grants for a project to be undertaken at Lower Lesmurdie Falls.
3. The Project is aimed at eradicating heavy weed infestation of Giant Reed at Lower Lesmurdie Falls Reserve managed by the Shire of Kalamunda which is situated within the boundaries of the Mundy Regional Park.
4. Total works to be conducted are:
 - Removal of Giant Reed Infestation in Lesmurdie Brook adjacent to Palm Terrace.
 - Erosion stabilisation by volunteers including the Friends of Lower Lesmurdie Falls in Lesmurdie Brook directly after removal of Giant Reed through the creation of rock riffles and rock bunding.
 - After removal of the Giant Reed revegetation of the area will be undertaken to further enhance the condition of the existing vegetation. Revegetation consists of a mixture of direct seeding and planting of tube stock.
5. The Shire was successful in the application and was awarded \$30,000 to undertake the project.

DETAILS

6. The proposed budget amendment is to:
 - (a) Increase revenue in account 510606.465 from \$0 to (\$30,000).
 - (b) Increase expenditure in new job 1132 under 510730 from \$0 to \$30,000.

STATUTORY AND LEGAL IMPLICATIONS

7. In accordance with the *Local Government Act 1995* Section 6.8(b)(c), amendments to the Shire's annual budget are to be authorised by resolution (*absolute majority required).

POLICY IMPLICATIONS

8. Nil.

PUBLIC CONSULTATION/COMMUNICATION

9. Nil.

FINANCIAL IMPLICATIONS

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

STRATEGIC AND SUSTAINABILITY IMPLICATIONS**11. Strategic Planning Implications**

- Nil.

**12. Sustainability Implications
Social Implications**

- Nil.

Economic Implications

- Nil.

Environmental Implications

- The funding will significantly contribute towards the eradication and management of the Lower Lesmurdie Falls area, thus enhancing the environmental qualities of the reserve.

OFFICER COMMENT

13. The amendment reflects the amount of grant funding to be received and expended, for improved budgeting and reporting purposes.

OFFICER RECOMMENDATION**GS - 109/2010**

1. That Council amend the Shire of Kalamunda 2010-2011 adopted Budget to incorporate further funding and expenditure for Weed Eradication at Lower Lesmurdie Falls. The budget amendment is to increase revenue in account 510606.465 to (\$30,000) and increase expenditure in new job 1132 under 510730 to \$30,000.

Moved:

Seconded:

ABSOLUTE MAJORITY

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

110. Active Reserves Usage Policy – Proposed Adoption following Public Comment Period

Previous Items: OCM 81/2010
Responsible Officer Acting Director Community Development
Service Area: Community Development
File Reference: CO-CCS-091
Applicant: Shire of Kalamunda
Owner: Shire of Kalamunda

Attachment 1. Summary of Public Comment, P 61.
Attachment 2. Active Reserves Usage Policy, P 62.
Attachment 3. Seasonal Bookings of Sporting Reserves Policy, P 64.

PURPOSE

1. For Council to receive the feedback from the public comment period and consider adopting the Active Reserves Usage Policy.

BACKGROUND

2. The Shire is home to 51 sport/recreation clubs and organisations, with many of these clubs experiencing a growth in membership. The increase in demand is placing pressure on the Shire's recreation reserves.
3. The Shire's existing Policy for the management of usage at the recreation reserves "Seasonal Bookings of Sporting Reserves" - Policy No FAC17, requires updating as it does not address issues such as maximum usage.
4. In June 2010, Council resolved to adopt the Proposed Active Reserves Usage Policy for the purposes of advertising to seek public comment for a period of 60 days.
5. The Shire has received one submission during the community consultation period. The community feedback received on the Proposed Policy and the corresponding Officer Comments appear as an attachment to this report (***Attachment 1.***).

DETAILS

6. The Proposed Active Reserves Usage Policy is intended to provide clear guidelines and consistency in usage of the Shire's active sporting reserves. (***Attachment 2.***)

STATUTORY AND LEGAL IMPLICATIONS

7. Nil.

POLICY IMPLICATIONS

8. The Shire currently has a Policy FAC17 Seasonal Bookings of Sporting Reserves (**Attachment 3**), to ensure equity and availability of sporting reserves to seasonal ground users. This current policy does not cover all aspects that reserves management require.

PUBLIC CONSULTATION/COMMUNICATION

9. During the development of the Proposed Active Reserves Usage Policy, officers undertook a significant amount of consultation with other Local Government Authorities with similar policies, in particular the Cities of Gosnells, Rockingham, Melville and South Perth.
10. The community was invited to provide feedback on the proposed Policy over a 60 day period between July and August 2010. This process involved direct mail-out to local sporting/recreation clubs and details on the Shire's website. One submission was received from the Forrestfield United Soccer Club during the community consultation period.

FINANCIAL IMPLICATIONS

11. Nil.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

12. **Strategic Planning Implications**

Shire of Kalamunda Strategic Plan 2009-2014

1.3.1 Effective management of recreational open space requirements to maintain the feeling of a community and family friendly atmosphere; and

1.3.5 Development of active & passive recreational facilities based on evidence supported evaluation and environmentally sustainable principles.

13. **Sustainability Implications**

Social Implications

- Nil.

Economic Implications

- Nil.

Environmental Implications

- Nil.

OFFICER COMMENT

14. The Proposed Active Reserves Usage Policy will aim to provide strategic direction and guidance to both sporting clubs and Shire Officers to assist in the various aspects of reserve management, inclusive of the allocation of bookings, fees and charges and maintenance.
15. The one submission received during the public comment period was from the Forrestfield United Soccer Club and identified two main issues:
 - Maintenance of playing surfaces/grounds.
 - The Club's required usage of grounds being more than 25 hours per week.
16. The limited amount of feedback received during the public comment period may be a result of the consultation process undertaken during the development of the Policy. It may also be an indication that the community are satisfied with the conditions prescribed within the proposed Policy.
17. Whilst the proposed Policy prescribes 25 hours per week as being the optimal amount of usage for any one playing space, this figure is only a guide and each booking application would be assessed on an individual basis. The acceptance of a booking for over the recommended 25 hours per week usage would be dependant upon a number of factors which include:
 - Condition of playing surface
 - Type of activity
 - Availability of grounds
 - Total number of usage hours.
18. Should the Shire be unable to accommodate an existing club's recurring usage request, the club would be provided with 12 months notice and alternative playing arrangements would need to be made.
19. In terms of Forrestfield United Soccer Club usage, whilst their usage levels are over the recommended 25 hours per week, at this stage the surface is still able to be maintained to a sufficient standard.
20. To reduce the over-usage of playing surfaces in the long term, the Hartfield Park Masterplan makes recommendations in terms of the provision of additional playing space through the clearing of Morrison Oval and relocation of the Darling Range Horse and Pony Club. In addition, the Plan further recommends that investigation be conducted into maximising the usage of alternative playing spaces. For example, Pioneer Park and Darling Range Sports College could be considered as suitable overflow training venues.

OFFICER RECOMMENDATION

GS - 110/2010

That Council:

1. Receives the community feedback on the endorsed Active Reserves Usage Policy.
2. Revokes the Seasonal Bookings of Sporting Reserves Policy FAC17 (***Attachment 3.***)
3. Adopts the Active Reserves Usage Policy as attached (***Attachment 2.***)

Moved:

Seconded:

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

111. Application To Keep More Than Two Dogs – 7 Gumnut Close, Maida Vale

Previous Items: Nil.
 Responsible Officer: Acting Director Community Development
 Service Area: Community Development
 File Reference: RA-ANC-011: ICS-21102
 Applicant: Keith & Alison McVee – 7 Gumnut Close, Maida Vale
 Owner: N/A

Attachment 1. Survey Report, P 66.
 Attachment 2. Location Map, P 67.

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 7 Gumnut Close, Maida Vale has 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 applicant is requesting the approval to keep the following dogs at the above property.

	Breed	Sex	Sterilised	Colour	Name	Registration Number	Local Government
1.	Jack Russel	F	YES	White/Tan	Tsunami	10-3522	Kalamunda
2.	Terrier X	F	YES	Black/Grey	Phoebe	10-3523	Kalamunda
3.	Red Heeler	M	YES	Red	Ozzy	12-2632	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 7 Gumnut Close, Maida Vale is 1315m² and zoned Residential.

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, the residents immediately adjoining the applicant's property have been consulted by letter to ascertain if they have any objections, see ***(Attachment 1.)***

Response from the letters have been received and are as follows:

2 Gumnut Close, Maida Vale – Supported

19 Scenic Drive, Maida Vale – Supported

6 Gumnut Close, Maida Vale – No Response

5 Gumnut Close, Maida Vale – No Response

15 Scenic Drive, Maida Vale – No Response

17 Scenic Drive, Maida Vale – No Response

FINANCIAL IMPLICATIONS

12. Nil.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS**13. Strategic Planning Implications:**

Nil.

14. Sustainability Implications:**Social Implications:**

- 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

- Nil.

Environmental Implications

- Nil.

OFFICER COMMENT**15. In considering this application for exemption, the following two options are available:**

- Council may grant an exemption pursuant to *Section 26(3)* of the *Dog Act 1976* subject to conditions; or
- Council may refuse permission to keep more than two dogs.

16. As part of the decision making process, officers have recorded one previous barking complaint with regard the property, but this has since been resolved and the complainant is happy with outcome and situation.**17. This has been further substantiated as part of the recent consultation process conducted by the Rangers on adjoining property owners where two supported the application and four surveys were not responded to by residents. For location map see (*Attachment 2*).****18. 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*.****19. It is recommended, therefore, that the application to keep more than two dogs is supported.****20. It should be noted that this application may be varied or revoked should further complaints be received which are considered reasonable.**

OFFICER RECOMMENDATION

GS 111/2010

That Council

1. 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 7 Gumnut Close, Maida Vale to keep a third dog on this property.
2. Advise the adjoining neighbours of Council's decision.

Moved:

Seconded:

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

112. Application To Keep More Than Two Dogs – 13 Trafalgar Road, Lesmurdie

Previous Items: Nil.
 Responsible Officer: Acting Director Community Development
 Service Area: Community Development
 File Reference: RA-ANC-011: ICS-20746
 Applicant: Troy Coward – 13 Trafalgar Road Lesmurdie
 Owner: N/A

Attachment 1. Survey Report, P 69.
 Attachment 2. Location Map, P 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 Applicant at 13 Trafalgar Road, Lesmurdie has recently applied to Council requesting permission to keep more than two dogs on his 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	Local Government
1.	Rottweiler	M	NO	Black/Tan	Crikey	10-4188	Kalamunda
2.	Rottweiler	F	NO	Black/Tan	Bud	10-3571	Kalamunda
3.	German Shepherd	M	YES	Black/Tan	Caesar	10-3570	Kalamunda

5. In considering the merit of the application an inspection was undertaken by Ranger and Emergency Services to ensure the premises are suitable to contain three dogs and confirm that the fences and gates are compliant with the *Dog Act 1976*.
6. The property at 13 Trafalgar Road, Lesmurdie is located on a 2023 m² block and zoned Residential.

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, the residents immediately adjoining the applicant's property are consulted by letter to ascertain if they have any objections, see ***(Attachment 1.)***

Responses from the letters have been received and are as follows:

11 Trafalgar Road – Not Supported

17 Trafalgar Road – Not Supported

19 Trafalgar Road – Not Supported

12 Trafalgar Road – Not Supported

26 Trafalgar Road – Not Supported

7 Trafalgar Road – No Response received to survey

8 Trafalgar Road – No Response received to survey

10 Trafalgar Road – No Response received to survey

18 Trafalgar Road – No Response received to survey

22Trafalgar Road – No Response received to survey

FINANCIAL IMPLICATIONS

12. Nil.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

13. **Strategic Planning Implications:**

Nil.

14. **Sustainability Implications:**

Social Implications:

- 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

- Nil.

Environmental Implications

- Nil.

OFFICER COMMENT

15. In considering this application for exemption, the following two options are available:
- Council may grant an exemption pursuant to *Section 26(3)* of the *Dog Act 1976* subject to conditions; or
 - Council may refuse permission to keep more than two dogs.
16. As part of the decision making process, officers had to take into account the number and type of previous complaints regarding these dogs.
17. There have been a total of 32 complaints regarding these dogs from June 2007 to September 2010 involving dog attacks, dog wandering and dog barking.
18. As part of the recent consultation process conducted by the Rangers on adjoining properties owners, 5 objected and no response were received from 5 other properties surveyed, see **(Attachment 2.)**
19. It is in the opinion of the inspecting Ranger that the property is inadequate for the confinement and exercise requirements of three large dogs.
20. It is recommended, therefore, that the application to keep more than two dogs is not supported.

OFFICER RECOMMENDATION

GS- 112/2010

That Council:

1. Pursuant to Clause 3.2 of the Shire of Kalamunda Dogs Local Law 2010 made under *Section 26(3)* of the *Dog Act 1976*, refuse an exemption to the applicant of 13 Trafalgar Road, Lesmurdie to keep a third dog on this property.
2. Advises the applicant that they may appeal Council's decision by writing to the State Administrative Tribunal within 28 days of receiving notification from the Shire of Kalamunda.
3. Advise the adjoining neighbours of Council's decision.

Moved:

Seconded:

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

113. Conduct of Local Government Elections

Previous Items:	CEOR58/09
Responsible Officer	Chief Executive Officer
Service Area:	Chief Executives Office
File Reference:	OR-ELN-001
Applicant:	N/A
Owner:	N/A
Attachments.	Nil.

PURPOSE

1. In order for local government elections to be conducted as a postal elections, Council is required under the *Local Government Act 1995* to make the following two resolutions:
 - a) To declare the WA Electoral Commissioner be responsible for the conduct of elections; and
 - b) To resolve that elections will be conducted as a postal elections.

BACKGROUND

2. The *Local Government Act 1995* provides that local government elections can be held as either in person or postal elections. The Shire of Kalamunda has conducted postal rather than in person elections since the 1999 Ordinary Local Government Election.

DETAILS

1. The conduct of local government elections as postal elections rather than in person, has generally resulted in an increase in elector participation, particularly in the metropolitan and major country local governments.
2. For example, in 2005 the average participation rate was 18.99% for in person elections and 37.34% for postal elections and in 2007 the rates were 24.54% and 34.2%.
3. The participation rate for the six postal elections held in Kalamunda since 1999 has ranged from 40.2% [1999] to 34.5% [2001] with an average of 37.53%. Over the same period the average participation across the state for in person elections has been 22%.

-
4. Postal voting has further advantages, in that there is no requirement for polling booths to be set up and staffed on election day (other than at the Administration Centre – for collection of late votes, and issue of replacement ballot papers), and voting is easier for those electors who have difficulty attending a polling booth.

STATUTORY AND LEGAL IMPLICATIONS

5. *Section 4.20(4)* of the *Local Government Act 1995* allows a local government to declare the Electoral Commissioner to be responsible for the conduct of an election, or all elections conducted within a particular period of time (absolute majority required).
6. *Section 4.61(2)* of the *Local Government Act 1995* states that a local government may decide to conduct the election as a postal election (absolute majority required). This decision has no effect unless it is made after a declaration is made under *Section 4.20(4)* of the *Local Government Act 1995* that the Electoral Commissioner is to be responsible for the conduct of the election, or in conjunction with such a declaration.

POLICY IMPLICATIONS

7. Nil.

PUBLIC CONSULTATION/COMMUNICATION

8. Public consultation is not considered necessary with respect to this particular issue. A range of public advertising and notices concerning the 2011 election will be required to be undertaken as part of the election process.

FINANCIAL IMPLICATIONS

9. The Western Australian Electoral Commission has provided a quote of \$105,000 (including GST) for it to conduct the 2011 local government election.
10. Whilst this quote is similar to that received for the conduct of the 2009 election [\$107,000], the final amount paid by the Shire for 2009 was \$65,574.
11. The Shire of Kalamunda maintains a Reserve Fund for Local Government Elections to spread the impost of the two year electoral cycle. The Reserve Fund currently has a balance of \$41,766.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS**12. Strategic Planning Implications**

Strategic Plan 2009-2014

Goal 5 – A Shire that is well governed, providing positive leadership and efficient service delivery to the community.

OFFICER COMMENT

13. The *Local Government Act 1995* provides that the WA Electoral Commissioner can be appointed for one election or a number over a specified period. Now that elections by postal vote are more accepted by the electors it is proposed to appoint the Electoral Commissioner to be responsible for the conduct of all local government elections for the Shire of Kalamunda for a period of five years commencing on 1 January 2011. An appointment for this period will cover the next three ordinary elections.
14. It is open to Council to cancel this appointment at any time in the future.

OFFICER RECOMMENDATION**GS 113/2010**

1. That the Western Australian Electoral Commissioner be declared responsible for the conduct of all local government elections for the period 1 January 2011 until 31 December 2015 for the Shire of Kalamunda.
2. That all local government elections for the period 1 January 2011 until 31 December 2015 for the Shire of Kalamunda be conducted as postal elections.

Moved:

Seconded

ABSOLUTE MAJORITY

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

114. Recognition of Service Policy: Gratuity Payments to Employees on Resignation or Retirement.

Previous Items: Nil.
 Responsible Officer: Chief Executive Officer
 Service Area: Office of CEO
 File Reference:
 Applicant: N/A
 Owner: N/A

Attachment 1. HR13 - Recognition of Service Policy: Gratuity Payments to Employees on Resignation or Retirement, P 72.
 Attachment 2. Proposed HR13 - Recognition of Service Policy: Gratuity Payments to Employees on Resignation or Retirement, P 73.

PURPOSE

1. To seek Council endorsement for recognition of service to employees on resignation or retirement.

BACKGROUND

2. The current Gift Recognition Policy (***Attachment 1.***) does not reflect the intention of the Policy and thus suggested changes are presented for consideration (***Attachment 2.***).

DETAILS

3. As a token of appreciation and length of service, the Shire may present resigning employees with a gift voucher. The maximum value of the gift voucher depends on how many continuous years of service have been completed.
4. Employees completing one or two years of continuous service will receive a \$50 gift voucher at the discretion of their Director. From three years continuous services onwards employees will be entitled to receive a \$50 gift voucher and up to a maximum amount of \$1,930 at the completion of 35 years of continuous service.
5. For continuous service in excess of 10 years, the Shire may fund a function to the maximum value of \$500, at the discretion of the Chief Executive Officer.

STATUTORY AND LEGAL IMPLICATIONS

6. The Agreement is required to comply with *Section 5.50(1)* of the *Local Government Act 1995* and *Regulation 19 A* of the *Local Government (Administration) Regulations act 1996*.
7. The Shire required the preparation of a policy detailing payments to be made to employees on resignation or retirement that are in addition to payments required to be made under a contract or award.

POLICY IMPLICATIONS

8. Nil.

PUBLIC CONSULTATION/COMMUNICATION

9. The draft policy was distributed to the Directors and discussed at the Executive Managers Meeting. Feedback was provided to the Manager Human Resources & Organisational Development.

Once adopted by Council the *Local Government Act 1995* required local public notice to be given in relation to the policy.

FINANCIAL IMPLICATIONS

10. Under the Chief Executive Officer's budget, \$10,000 has been budgeted for the Employee Recognition Scheme

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

11. **Strategic Planning Implications**

- *5.6.2 Implement workforce strategies to attract and retain competent staff and protect staff well being*

12. **Sustainability Implications**
Social Implications

- Nil.

Economic Implications

- Nil.

Environmental Implications

- Nil.

OFFICER COMMENT

9. A policy which represents the interest of all parties is presented as ***(Attachment 2.)***.

OFFICER RECOMMENDATION**GS 114/2010**

1. That pursuant to *Section 5.50(1)* of the *Local Government Act 1995*, Council adopts the proposed HR 13 Recognition of Service: Gratuity Payments to Employees on Resignation or Retirement Policy, ***(Attachment 2.)***.

Moved:

Seconded:

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

115. Leave Management – Proposed Policy

Previous Items:	Nil
Responsible Officer	Chief Executive Officer
Service Area:	Office of CEO
File Reference:	HU-REM-005
Applicant:	N/A
Owner:	N/A

Attachment 1. HR15 Proposed Leave Management Policy, P 76.

PURPOSE

1. To seek Council endorsement for Proposed Leave Management Policy.

BACKGROUND

2. The Shire is committed to maintaining a supportive and healthy work environment which includes ensuring the wellbeing of its employees by providing annual leave, so that employees have breaks from work.
3. The Shire has a responsibility to closely monitor annual and long service leave in order to reduce its leave liability and ensure leave credits do not accumulate beyond acceptable levels over time.
4. The Shire endorses a proactive leave management strategy and the use of leave within a reasonable time of it falling due. Excessive accrual of leave is discouraged.

DETAILS

5. The Council's Auditors have recommended that the Chief Executive Officer implement a strategy to reduce the level of the liability incurred for unused leave recorded in the accounts, to an acceptable level.
6. Whilst the ongoing management and deployment of staff resources is a statutory function of the Chief Executive Officer, implementation of this policy will require a commitment of funds in the annual budget for at least two years.
7. It is considered that two years is an appropriate timeframe to achieve a reduction in the leave liability which is acceptable for an organisation the size of Shire of Kalamunda.

STATUTORY AND LEGAL IMPLICATIONS

8. The Policy is required to comply with National Local Government Award and Local Government (Long Service Leave) Regulation.

POLICY IMPLICATIONS

9. Nil.

PUBLIC CONSULTATION/COMMUNICATION

10. The Policy was drafted following discussion by Executive Management Team when discussing strategies required to address the outstanding leave liability at the Shire.

FINANCIAL IMPLICATIONS

11. The annual leave liability at the 30 June 2010 was \$1,045,690 and \$589,280 for Long Service Leave.
12. Appropriate allocating will be included in the Annual Budget to achieve the required reduction of this liability.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

13. **Strategic Planning Implications**

- Nil.

14. **Sustainability Implications**
Social Implications

- Nil.

Economic Implications

- Nil.

Environmental Implications

- Nil.

OFFICER COMMENT

15. The management of excess leave should occur in consultation with the employee and with the support of management and Human Resources Department.
16. Employees will develop a plan to acquit annual leave as soon as practical after it falls due and work towards the reduction of any accrued leave through the development of an excess leave management plan in consultation with their supervisor.
17. Management will actively encourage and support employees in scheduling leave to promote wellbeing, performance and morale and proactively manage excess leave liability with employees who have accrued excess leave.

18. Employees will be able to accrue up to a maximum of eight weeks annual leave at one time. When in excess of eight week, employees will be asked to either take annual leave or cash-out a proportion of the leave in the last pay run of that financial year.

19. A policy which represents the interest of all parties is presented (*Attachment 1.*).

OFFICER RECOMMENDATION

GS 115/2010

1. That Council adopts the proposed Leave Management policy, as per (*Attachment 1.*).

Moved:

Seconded:

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

116. Proposed Footpath – Springdale Road Kalamunda

Previous Items:	Nil.
Responsible Officer	Director Engineering Services
Service Area:	Engineering Services
File Reference:	SP/04-GEN
Applicant:	N/A
Owner:	N/A
Attachment 1.	Petition objecting to footpath in Springdale Road, P 77.
Attachment 2.	Map showing proposed connecting path, P 78.

PURPOSE

1. To consider modifying the Works Programme regarding the construction of a footpath in Springdale Road, Kalamunda, following receipt of a petition, shown at ***(Attachment 1.)***.

BACKGROUND

2. A petition, signed by seven of the fourteen property owners in Springdale Road, was tabled at the September 2010 Ordinary Council Meeting. The petition requested that the proposed footpath construction in Springdale Road be removed from the Works Programme.

DETAILS

3. Upon receipt of requests from a number of Gloucester Road residents, the construction of a footpath in Gloucester and Springdale Roads was listed as a 'Requested Works'. This project was included in the 2010/11 Works Programme based upon its priority scoring.
4. Pedestrians utilise Gloucester Road, turning right into Springdale Road to access Canning Road. This route leads to the Glades Shopping Centre and other amenities nearby; refer ***(Attachment 2.)***.
5. The path in Springdale Road was listed as two separate projects, being a section between Gloucester Road to the cul-de-sac at a cost of \$14,000 and a section between Gloucester Road and Canning Road at a cost of \$15,100.
6. The Gloucester Road path has now been completed; however, the connecting path in Springdale Road has been put on hold, pending an outcome of the petition opposing the construction.
7. A Gloucester Road resident has written to the Shire objecting to the possible removal of the connecting path, from Gloucester into Springdale, from the Works Programme.

STATUTORY AND LEGAL IMPLICATIONS

8. Nil.

POLICY IMPLICATIONS

9. Nil.

PUBLIC CONSULTATION/COMMUNICATION

10. Nil.

FINANCIAL IMPLICATIONS

11. The deletion from the Works Programme of the path on Springdale Road, between Gloucester Road to the cul-de-sac, will result in a saving of \$14,000.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

12. **Strategic Planning Implications**

Progressive development of an efficient path network, will assist the Shire to achieve its outcomes under Goal 2 of the Strategic Plan '*An integrated built environment*'.

13. **Sustainability Implications**

Social Implications

- Nil.

Economic Implications

- Nil.

Environmental Implications

- Nil.

OFFICER COMMENT

14. The path in Springdale Road, from Gloucester Road to Canning Road, forms an important link. The path between Gloucester Road to the cul-de-sac would only be for the benefit of the residents living in Springdale Road.
15. Given the opposition from residents in Springdale and the low traffic in the street, the section of proposed path between Gloucester Road and the culdesac, can be deleted from the programme.

OFFICER RECOMMENDATION

GS 116/2010

1. That the footpath on Springdale Road, between Gloucester Road to the cul-de-sac be deleted from the Works Programme and the footpath between Gloucester Road and Canning Road be constructed, as provided in the 2010/11 Works Programme.

Moved:

Seconded:

11.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**12.0 QUESTIONS BY MEMBERS WITHOUT NOTICE****13.0 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN**

GSC 13 September 2010, Item 91. Application to Keep More Than Two Dogs – 36 Gannet Court, High Wycombe (Cr Sue Bilich)

Q. I notice the three dogs at the property, are all registered. Does the System not show when there are more than two dogs being registered to the same address?

A. Yes, all three dogs are registered as required by the *Dog Act 1976* all dogs over the age of 3 months must be registered (Section 7(1)). Furthermore, more than two dogs can be registered to an individual owner; however, an application to Council must be made by the owner to keep more than two dogs at any particular property. The Shire system does alert staff that there are more than two dogs registered to a particular property.

12.2 Disclosures of Interest (Cr Sue Bilich)

Q. If, as a Councillor, we sit on a Committee, even if we Chair that Committee, do we have to declare an impartiality? My understanding was that we do not need to, could we please be given a clear answer to this?

A. The Manager of Governance verbally provided an answer to this question for Councillors at the Ordinary Council Meeting 20 September 2010.

12.3 "In-ramp" at Kalamunda Road – (Cr Heggie)

Q. Is the Shire policing the use of the "in-ramp" on Kalamunda Road, I have received complaints that trucks are parking there?

A. It is not the responsibility of the Shire to police this kind of matter. The turning pocket in Kalamunda Road is to provide access to the High Wycombe shopping centre and also incorporates a bus bay. The *Road Traffic Code 2000* restricts stopping of vehicles within 20m of the approach side of a bus stop, or within 10m of the departure side of a bus stop. The *Road Traffic Code 2000* falls under the *Road Traffic Act* which is administered by the Police Department, who have been requested to enforce the regulations. Additionally, "No Stopping Signs" will be installed by the Shire on Kalamunda Road in front of the Shopping Centre, in approximately 4 weeks, this will also allow our Rangers to infringe.

14.0 URGENT BUSINESS APPROVED BY THE PERSON PRESIDING OR BY DECISION**15.0 MEETING CLOSED TO THE PUBLIC**
(Matters Behind Closed Doors)**16.0 CLOSURE**