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Shire of Kalamunda

# General Services Committee

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Minutes for 13 September 2010



# SHIRE OF KALAMUNDA

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## Minutes of General Services Committee Held in the Council Chambers 2 Railway Road, Kalamunda Monday 13 September 2010

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### 1.0 OFFICIAL OPENING

- 1.1 The Chairman opened the meeting at 6.30 pm and welcomed Councillors, Staff, Members of Forrestfield and Maida Vale Scouts 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
Margaret Thomas	NORTH WARD
Allan Morton	(CHAIRPERSON) SOUTH WEST WARD
Noreen Townsend	SOUTH WEST WARD
Geoff Stallard	SOUTH EAST WARD
Frank Lindsey	SOUTH EAST WARD
Carol Everett	SOUTH EAST WARD
Peter Heggie	NORTH WEST WARD
Dylan O'Connor	NORTH WEST WARD

##### **Members of Staff**

James Trail	CHIEF EXECUTIVE OFFICER
Hazel Smallwood	A/DIRECTOR OF CORPORATE SERVICES
Darren Jones	A/DIRECTOR OF COMMUNITY DEVELOPMENT
Clayton Higham	DIRECTOR OF PLANNING & DEVELOPMENT SERVICES
Simon Miller	A/DIRECTOR OF ENGINEERING SERVICES
Darrell Forrest	MANAGER GOVERNANCE
Michelle Clark	EXECUTIVE ASSISTANT CHIEF EXECUTIVE OFFICER
Steve Leeson	MANAGER FINANCIAL SERVICE
Peter Hayes	MANAGER BUSINESS AND STRATEGY
Darren von Bergheim	A/MANAGER COMMUNITY DEVELOPMENT
Meri Comber	MINUTE SECRETARY

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**Members of Public** 11

**Members of Press** Nil.

2.2 APOLOGIES

Maureen Robinson SOUTH WEST WARD  
Martyn Cresswell NORTH WEST WARD

2.3 LEAVE OF ABSENCE PREVIOUSLY APPROVED

Nil.

**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 Nil.

**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 August 2010 are confirmed as a true and correct record of the proceedings.

Moved: Cr Donald McKechnie      Seconded: Cr Peter Heggie

**CARRIED UNANIMOUSLY**

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

7.1 Nil.

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

8.1 Confidential Item: GS 99/2010 Tender – Skate Park Construction – Fleming Reserve. Reason for confidentiality – *Local Government Act 1995 /Section 5.23(2) (c)* permits the meeting to be closed to the public for business relating to a matter that if disclosed, would reveal:

*“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.”*

- 8.2 Confidential Item: GS 100/2010 Financial Options for the Acquisition of Two Blocks of Land on Kalamunda Road, High Wycombe. Reason for confidentiality – *Local Government Act 1995 /Section 5.23(2) (c)* permits the meeting to be closed to the public for business relating to a matter that if disclosed, would reveal:

*“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.”*

- 8.3 Confidential Item: GS 101/2010 Consider an Exchange of Land Between the Shire of Kalamunda and the State Government of Western Australia. Reason for confidentiality – *Local Government Act 1995 /Section 5.23(2) (c)* permits the meeting to be closed to the public for business relating to a matter that if disclosed, would reveal:

*“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

### Disclosure of Financial and Proximity Interests

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

9.1 **Item 100 – Confidential Item, Financial Options for the Acquisition of Two Blocks of Land on Kalamunda Road, High Wycombe.**

Cr Peter Heggie declared a Disclosure of Financial Interest as he has a lease at the Shopping Centre

### 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 **Item 89 - Proposed Amendments to Disability Access and Inclusion Policy**

Cr Carol Everett declared an interest affecting impartiality as she sits on the Disability Access and Inclusion Advisory Committee.

9.3 **Item 92 – Bush Fire Advisory Committee – Election of Office Bearers**

Cr Geoff Stallard declared an interest affecting impartiality as he is one of the Office bearers.

## 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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## REPORTS

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

### 85. Creditors Accounts Paid during the period 28 July 2010 to 26 August 2010

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

Attachments	1. Creditor Payments 28 July 2010 to 26 August 2010 - P. 1
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## PURPOSE

1. To receive creditors' accounts paid during the period 28 July 2010 to 26 August 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 28 July 2010 to 26 August 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. Nil.

**OFFICER COMMENT**

10. Nil.

**COMMITTEE RECOMMENDATION TO COUNCIL GS 85/2010**

1. That the list of Creditors paid during the period 28 July 2010 to 26 August 2010 (***Attachment 1.***) be received by Council in accordance with the requirements of the *Local Government (Financial Management) Regulations 1996 (Regulation 12)*.

Moved: Cr Donald McKechnie

Seconded: Cr Noreen Townsend

**CARRIED UNANIMOUSLY (10/0)**

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

## **86. Financial Activity Statements for the Period 31 July 2010**

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

Attachment: 1. Financial Activity Statements – as at 31 July 2010 – P. 25

### **PURPOSE**

1. To receive the draft financial activity statement reports for the period ending 31 July 2010.

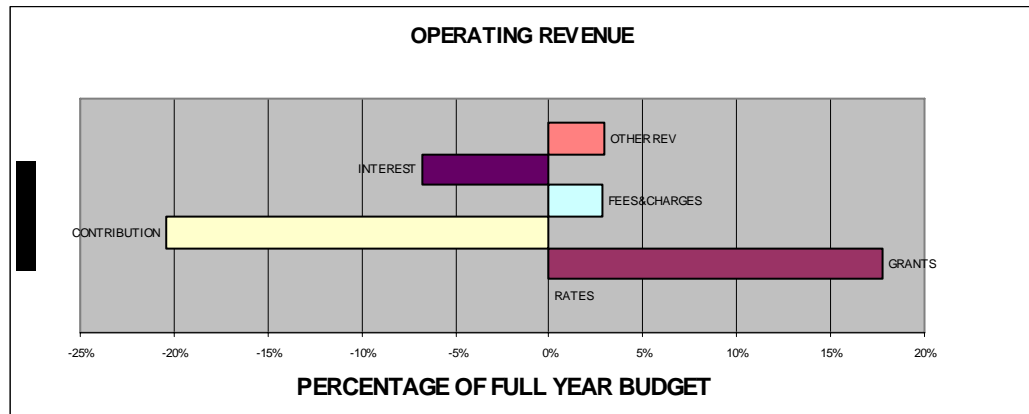
### **BACKGROUND**

2. Attached are the Financial Activity Statement Reports for the period ending 31 July 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.

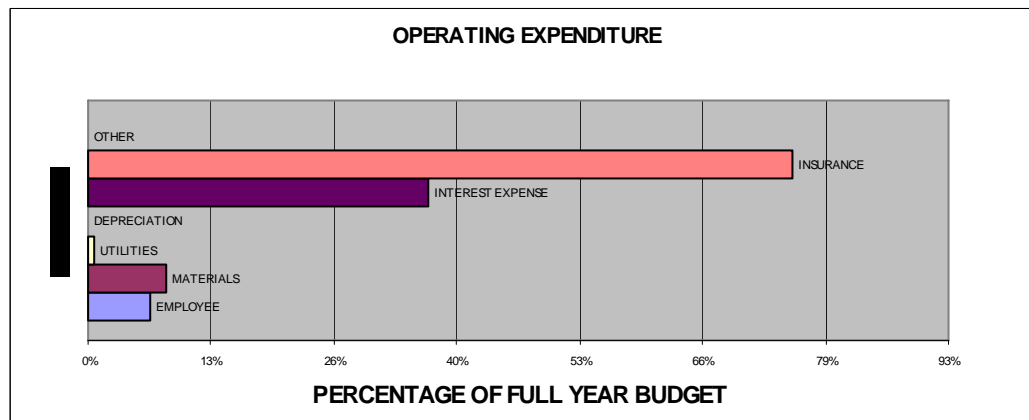
### **DETAILS**

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 revenue: Only a modest amount of income has been received for the month of July, with the HACC first quarter grant instalment the only item of significance. With the 2010-2011 budget adoption occurring in August, as a result there is no Rates income to report. The graph of operating revenue below reflects the reversal of 2009-2010 year end accruals in July for investment income (term deposit interest earnings) and for operating contributions due but not yet received.



Operating expenditure: The 2010-2011 insurance premiums were the major expenditure item in July. The motor vehicle premiums are paid annually with further instalments on other insurance schemes payable in October/November. Until the 2009-2010 year end audit has been completed to confirm the Shire's asset register (Audit scheduled for 15th to 17th September), no depreciation charges are raised. Expenditure on materials is greater than what would be expected in July as a percentage of annual budget, though this is explained by internal cost allocations and overhead charges to both maintenance and construction programmes not being fully undertaken during the month. This commenced in August as the new method of accounting was implemented.

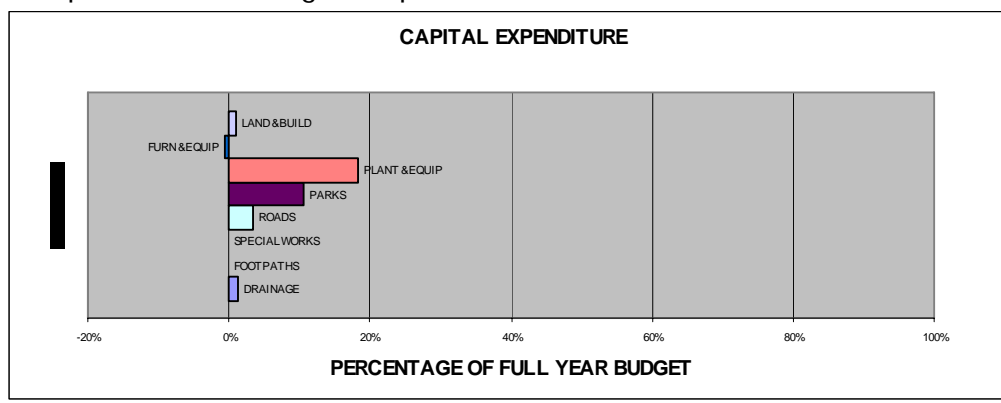


Salaries and Wages

Any new staff budgeted for in 2010-2011 having not been filled accounted for employee costs being under year to date budget, along with training costs which are typically not greatly incurred at this time of the year.

### Capital Expenditure

The capital works program, including both roadworks infrastructure and building construction is at 3.33% of budget based upon actual expenditure, though this is affected by the under allocation of overheads for indirect staff costs and material purchase mentioned previously. Major expenditure on the capital program was not anticipated til after budget adoption.



### **STATUTORY AND LEGAL IMPLICATIONS**

7. Nil.

### **POLICY IMPLICATIONS**

8. Nil.

### **PUBLIC CONSULTATION/COMMUNICATION**

9. Nil.

### **FINANCIAL IMPLICATIONS**

10. Nil.

### **STRATEGIC AND SUSTAINABILITY IMPLICATIONS**

11. Nil.

### **OFFICER COMMENT**

12. Nil.

### **COMMITTEE RECOMMENDATION TO COUNCIL GS 86/2010**

1. That the Financial Activity Statement reports for the period ending 31 July 2010 be received.

Moved: Cr Margaret Thomas

Seconded: Cr Geoff Stallard

**CARRIED UNANIMOUSLY (10/0)**

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

## 87. Debtors and Creditors Report

Previous Items:	N/A
Responsible Officer	Acting Director Corporate Services
Service Area:	Corporate
File Reference:	FI-CRS-002
Applicant:	N/A
Owner:	N/A
Attachments:	1. Debtors Report July 2010 – P. 68 2. Creditors Report July 2010 - P. 70

### PURPOSE

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

### BACKGROUND

2. Attached are reports detailing aged debtors and creditors as at 31 July 2010.
3. Council has requested reports detailing outstanding debtors and creditors on a monthly basis.

### DETAILS

#### 4. Debtors

The Attorney General Department invoice for CCTV installation works remains outstanding the Shire has been advised the scheduled payment date is 21 September, along with other smaller invoices owed by the department.

Sundry debts not considered collectable and approved for write off by the Audit Committee have been processed and will appear on the August Debtors Report.

A large proportion of sundry debts relate to new invoices issued to Community Groups for annual lease and license fees plus reimbursement for building insurance. These account for approximately 21% of total debt outstanding.

#### 5. Creditors

The report graph reflects a marked increase in expenditure at financial year end. As many projects are completed and invoices are received for works done in June, these invoices are then paid in July. The trend is typical on a comparative yearly basis, in which expenditure within the last month accounts for a disproportionate amount of the yearly budget.

**STATUTORY AND LEGAL IMPLICATIONS**

6. Nil.

**POLICY IMPLICATIONS**

7. Nil.

**PUBLIC CONSULTATION/COMMUNICATION**

8. Nil.

**FINANCIAL IMPLICATIONS**

9. Nil.

**STRATEGIC AND SUSTAINABILITY IMPLICATIONS**

10. Nil.

**OFFICER COMMENT**

11. Nil.

**COMMITTEE RECOMMENDATION TO COUNCIL GS 87/2010**

1. That the outstanding debtors and creditors report as at 31 July 2010 be received.

Moved: Cr Margaret Thomas

Seconded: Cr Geoff Stallard

**CARRIED UNANIMOUSLY (10/0)**

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

## **88. Rates Debtors Report**

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

Attachments: 1. Rates Debtors Report July 2010 – P. 71

### **PURPOSE**

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

### **BACKGROUND**

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

### **DETAILS**

3. Rates Debtors

This Rates Debtors report is for July 2010 and does not reflect any 2010/2011 rates as billing occurred after the budget adoption on the 17 August 2010.

4. Of the \$625,358 of collectable current rates (excluding deferred pensioners), not all are due. The debt not yet due is a result of back rates issued late in June. The payment period for back rates was 35 days after issue and this period has not expired.
5. Rates staff are reviewing 266 ratepayers who have not responded to letters of demand, phone calls requesting payment or the establishment of payment plans. Following completion of the review, further legal recovery action may be taken.
6. Pensioner details are being reviewed and updated, with phone calls being made to those pensioners whose eligibility status has ceased.

### **STATUTORY AND LEGAL IMPLICATIONS**

7. Nil.

**POLICY IMPLICATIONS**

8. Nil.

**PUBLIC CONSULTATION/COMMUNICATION**

9. Nil.

**FINANCIAL IMPLICATIONS**

10. Nil.

**STRATEGIC AND SUSTAINABILITY IMPLICATIONS**

11. Nil.

**OFFICER COMMENT**

12. Nil.

**COMMITTEE RECOMMENDATION TO COUNCIL GS 88/2010**

1. That the rates debtors report as at 31 July 2010 be received.

Moved: Cr Margaret Thomas

Seconded: Cr Geoff Stallard

**CARRIED UNANIMOUSLY (10/0)**



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

Cr Carol Everett declared an interest affecting impartiality as she sits on the Disability Access and Inclusion Advisory Committee.

### **89. Proposed Amendments to Disability Access and Inclusion Policy**

Previous Items:	Access and Inclusion Policy Statement
Responsible Officer	Acting Director Community Development
Service Area:	Community Development
File Reference:	HE-PUH-007
Applicant:	N/A
Owner:	N/A

Attachments                    1. Disability Access and Inclusion Policy ADM 21 – P. 72

### **PURPOSE**

1. To consider an amendment to the Disability Access and Inclusion Policy (ADM 21) by acknowledging the implementation of the Companion Card Program at Shire of Kalamunda venues, facilities and activities.

### **BACKGROUND**

2. In April 2006, the Disabilities Services Commission launched the Companion Card Program across Western Australia. The Program currently has over 4,700 people with significant permanent disabilities and over 300 affiliated business outlets and local governments supporting the program.
3. In May 2007, Council adopted the Disability Access & Inclusion Policy to establish a code of conduct to ensure that the community is accessible for and inclusive of persons with a disability, their families and carers.
4. In August 2009, the Shire become an affiliate of the Companion Card Program and has since implemented the Program at both Hartfield Park Recreation Centre and High Wycombe Community & Recreation Centre.
5. The existing policy (ADM 21) does not make reference to the Companion Card Program.
6. Council is now presented with the amended Disability Access and Inclusion Policy for consideration.

### **DETAILS**

7. The Companion Card Program has been developed to promote the existing rights of people with a disability who are unable to attend community venues and activities without attendant care support. It is not a discount scheme, concession or benefit, nor is it a new responsibility.

8. The Card, containing a photo, is presented when booking or purchasing a ticket when the cardholder requires the assistance of a companion in order to attend that particular venue or activity.
9. Participating organisations (affiliates) will recognise the Card and issue the cardholder with a second ticket for their companion at no extra charge.
10. It is proposed that the Disability Access & Inclusion Policy (ADM 21) be amended to include reference to the Companion Card scheme by inclusion of the following statement:

The Shire of Kalamunda:

*“is affiliated as a Companion Card Member and is committed to the inclusion of people with a disability who are unable to attend community venues and activities without attendant care support”.*

#### **STATUTORY AND LEGAL IMPLICATIONS**

11.
  - Western Australia Equal Opportunity Act (1984)
  - Commonwealth Disability Discrimination Act 1992 (DDA)

#### **POLICY IMPLICATIONS**

12. The Shire currently has an Access and Inclusion Policy (ADM 21). However, this current policy does not reference the Companion Card Program.

#### **PUBLIC CONSULTATION/COMMUNICATION**

13. Nil.

#### **FINANCIAL IMPLICATIONS**

14. It is anticipated this policy amendment will assist the participation and inclusion of people with disabilities without financial implications.

#### **STRATEGIC AND SUSTAINABILITY IMPLICATIONS**

15. **Strategic Planning Implications**

Shire of Kalamunda Strategic Plan 2009-2014.

- 1.1.4 Ensure that people with disabilities have the same opportunities as other people to access the services, events and facilities of the Shire.

16. **Sustainability Implications**  
**Social Implications**

- The amended Policy recognises the right of people with disabilities to participate equally in the community and allows them to experience a greater sense of inclusion at community venues and activities.

**Economic Implications**

- Nil.

**Environmental Implications**

- Nil.

**OFFICER COMMENT**

17. The Western Australian Companion Card is an initiative of the Western Australian Government through the Disability Services Commission and implemented by National Disability Services WA. The Program also operates across Victoria, Tasmania, South Australia, New South Wales and Queensland.
18. The Companion Card has been developed as a tool to assist businesses and local governments to comply with existing disability anti-discrimination legislation, and to increase the participation of people with disabilities as active customers in their community and beyond.
19. It is envisaged that the proposed amended Shire of Kalamunda Disability Access & Inclusion Policy will greatly assist people with a disability to access Shire facilities and services. In particular, Recreation Centres, Aquatic Centres and other Community venues within the Shire.
20. The amended Policy will assist the Shire in complying with existing disability and anti-discrimination legislation, and increase the participation of people with disabilities as active customers in the community and beyond.

**COMMITTEE RECOMMENDATION TO COUNCIL GS 89/2010**

1. That Council adopts the amended Disability Access and Inclusion Policy ADM 21 (*Attachment 1*).

Moved: Cr Sue Bilich

Seconded: Cr Margaret Thomas

**CARRIED UNANIMOUSLY (10/0)**

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

## **90. Proposed Amendments to Graffiti Removal and Prevention Policy**

Previous Items:	GSC-59/2010 - Proposed Graffiti Action Plan
Responsible Officer	Acting Director Community Development
Service Area:	Community Development
File Reference:	CO-RCS-011 and CO-CCS-065
Applicant:	Shire of Kalamunda
Owner:	Shire of Kalamunda

Attachments	1. - Graffiti Policy – P. 73
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### **PURPOSE**

1. To adopt the amended Graffiti Removal and Prevention Policy (ADM23) (*Attachment 1.*)

### **BACKGROUND**

2. The Shire currently employs a Safer Suburbs Project Officer through funding from the Attorney General's Department. A key objective of the funding agreement is to develop and implement a Graffiti Action Plan.
3. The Draft Graffiti Action Plan was presented to Council in June 2010 whereby it was resolved:  
*That Council:*
  - a) Supports the proposed Graffiti Action Plan.
  - b) Endorse an amount of \$260,000 being included in the 2010/2011 Budget to implement the proposed Graffiti Action Plan.
4. In developing the Graffiti Action Plan, staff identified the need to review and amend the Graffiti Removal and Prevention Policy (ADM23) to address any inefficiencies or shortfalls in the delivery of the Shire's graffiti removal service.

### **DETAILS**

5. The amended policy will provide strategic direction and guidance to the Shire in improving its graffiti removal service.

### **STATUTORY AND LEGAL IMPLICATIONS**

6. Nil.

### **POLICY IMPLICATIONS**

7. The existing Graffiti Removal and Prevention Policy (ADM23) is out of date. The amended version is more consistent with contemporary standards and reflects the Graffiti Action Plan.

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**PUBLIC CONSULTATION/COMMUNICATION**

8. During the review of the Graffiti Removal and Prevention Policy, the following organisations have been consulted:

City of Belmont	City of Gosnells
City of Armadale	City of Swan
Town of Bassendean	Office of Crime Prevention
East Metro Crime Prevention Unit	

**FINANCIAL IMPLICATIONS**

9. A 2010/2011 budget submission of \$260,000 has been approved to allow for an improved graffiti removal service through the employment of dedicated graffiti removal staff and purchase of necessary equipment. The estimated ongoing operational cost is \$260,000; this will be considered as part of the annual budget deliberations.

**STRATEGIC AND SUSTAINABILITY IMPLICATIONS****10. Strategic Planning Implications**

Shire of Kalamunda Strategic Plan 2009-2014.

1.4.5 Develop and implement a local Graffiti Policy and Strategy.

**11. Sustainability Implications****Social Implications**

- The amended Policy will meet the demands from the community for an efficient graffiti removal service and impact upon the related anti-social behaviour.

**Economic Implications**

- The amended Policy will result in a requirement for an annual allocation of funds to continue delivery of a graffiti removal service.

**Environmental Implications**

- The amended Policy will enhance efficiency in maintaining an aesthetically pleasing environment throughout the Shire.

**OFFICER COMMENT**

12. The existing Graffiti Removal and Prevention Policy is dated in comparison to contemporary standards and does not meet current needs as identified in the Graffiti Action Plan. The revised Policy, in conjunction with additional resources, will ensure the Shire is delivering a more effective and efficient graffiti removal service for the community.
13. In reviewing and amending the Graffiti Removal and Prevention Policy, Officers have considered and included the following key points:
- Carrying out graffiti removal from Council assets and private properties, such as fences and walls that abut Council owned land (where permission has been sought). This does not include commercial premises.

- Aiming to remove graffiti within 48 hours (from the time of reporting), with immediate removal if the graffiti is racist or obscene. This is in line with the State Government's policy on prompt removal of graffiti vandalism.
  - Encouraging the community to report graffiti vandalism and graffiti offenders.
  - Educating the community on Council's graffiti management strategies and appropriate ways of minimising the potential for graffiti.
  - Encouraging community participation in anti-graffiti programmes.
  - Maintaining a register/database of graffiti removal work, along with photographs, to assist with efficient reporting to the Police.
14. The original policy reflected removal of graffiti on Shire buildings only within 5 working days of being reported.
  15. The original policy reflected no allowance for legal art walls within the Shire.
  16. The Office of Crime Prevention, East Metro Crime Prevention Unit and neighbouring Local Governments are collaboratively working together to embark on an intervention strategy with young offenders and prospective offenders.
  17. The strategy entails engaging targeted youth, mentoring them within urban art workshop environments and then enabling them to apply their urban art designs to legal art walls.
  18. The policy has been refined to allow consideration to legal art walls as part of early intervention strategies. However, the amendment enables Council to review such proposals presented by Officers on a case by case basis.

#### **COMMITTEE RECOMMENDATION TO COUNCIL GS 90/2010**

1. That Council adopt the amended Graffiti Removal and Prevention Policy (ADM23) as presented in ***(Attachment 1.)***

Moved: Cr Sue Bilich

Seconded: Cr Noreen Townsend

#### **For**

Cr Carol Everett  
Cr Frank Lindsey  
Cr Noreen Townsend  
Cr Peter Heggie  
Cr Dylan O'Connor  
Cr Sue Bilich  
Cr Donald McKechnie  
Cr Margaret Thomas  
Cr Allan Morton

#### **Against**

Cr Geoff Stallard

**CARRIED (9/1)**

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

## 91. Application To Keep More Than Two Dogs – 36 Gannet Court, High Wycombe

Previous Items: N/A  
 Responsible Officer: Acting Director Community Development  
 Service Area: Community Development  
 File Reference: RA-ANC-011: ICS-20746  
 Applicant: Kerrie Carter – 36 Gannet Court High Wycombe  
 Owner: N/A

Attachments 1. Tax Map showing location of neighbour's properties – P.74

### 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 36 Gannet Court, High Wycombe 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	Local Government
1.	Rottweiler	F	-	Black/Tan	Marra	10-3639	Kalamunda
2.	Rottweiler	F	-	Black/Tan	Canna	10-4090	Kalamunda
3.	Rottweiler	M	YES	Black/Tan	Juana	10-3638	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 36 Gannet Court, High Wycombe is 739 m<sup>2</sup> and zoned Residential.

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## 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.

Responses from residents have been received and are as follows. Please see ***(Attachment 1.)*** for location of property.

30 Gannet Court – Not Supported

32 Gannet Court – Not Supported

34 Gannet Court – Not Supported

27 Plover Road – Supported

25 Plover Road – No Response received

## 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.

**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 took into consideration the receipt of two recent complaints regarding these dogs attacking visitors to adjoining properties and the dogs wandering unattended and harassing people in the street.
17. This has been further substantiated as part of the recent consultation process conducted by the Rangers on adjoining property owners where three objected and one supported the application. For location map see (***Attachment 1.***)
18. It is in the opinion of the inspecting Ranger that the property is inadequate for the confinement and exercise requirements of three large dogs.
19. Therefore it is recommended that the application to keep more than two dogs is not supported.

**COMMITTEE RECOMMENDATION TO COUNCIL GS 91/2010**

That Council:

1. Refuse an exemption to the Shire of Kalamunda Dog Local Law 2010 made under Section 26(3) of the *Dog Act 1976* by the applicant of 36 Gannet Court, High Wycombe.
2. Advise 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: Cr Dylan O'Connor

Seconded: Cr Noreen Townsend

**CARRIED UNANIMOUSLY (10/0)**

Cr Geoff Stallard declared an interest affecting impartiality as he is an office bearer.

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

## **92. Bush Fire Advisory Committee – Election of Office Bearers**

Previous Items:	N/A
Responsible Officer	Acting Director Community Development
Service Area:	Community Development
File Reference:	BA-BFC-006
Applicant:	N/A
Owner:	N/A
Attachments	1. Bush Fire Advisory Committee Member Nominations – P. 75

### **PURPOSE**

1. To establish membership of the Bush Fire Advisory Committee.

### **BACKGROUND**

2. It is a requirement that Councils with established Bush Fire Brigades shall provide for the appointment of office bearers to the Bush Fire Advisory Committee pursuant to *Section 67 of the Bushfires Act 1954*.

### **DETAILS**

3. At the Annual General Meeting of the Bush Fire Advisory Committee of the Shire of Kalamunda held on 15 July 2010, appointments were endorsed and are presented in *(Attachment 1)*.

### **STATUTORY AND LEGAL IMPLICATIONS**

4. It is necessary for Council to endorse the appointment of Office Bearers to the Bushfires Advisory Committee pursuant to *Section 67 of the Bushfires Act 1954*.

### **POLICY IMPLICATIONS**

5. These appointments comply with terms of the Shire of Kalamunda (*CTEE 3 Policy - Management and Advisory Committees – Representation, Review and Procedures*).

### **PUBLIC CONSULTATION/COMMUNICATION**

6. Not required for appointment of Committee Members.

### **FINANCIAL IMPLICATIONS**

7. The operation of the Bushfire Advisory Committee requires no allocation of funds by Council.

**STRATEGIC AND SUSTAINABILITY IMPLICATIONS**

8. Shire of Kalamunda Strategic Plan 2009-2014:  
Outcome 1.4 The Shire of Kalamunda is a safe and secure community.

**OFFICER COMMENT**

9. Nil.

**COMMITTEE RECOMMENDATION TO COUNCIL GS 92/2010**

1. That Council, in accordance with *Section 67 of the Bushfires Act 1954*, appoints the Committee Members and Office Bearers of the Shire of Kalamunda Bushfire Advisory Committee held on the 15 July 2010 as detailed in **(Attachment 1.)**.

Moved: Cr Margaret Thomas

Seconded: Cr Peter Heggie

**CARRIED UNANIMOUSLY (10/0)**

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

### **93. Kalamunda Aquatic Centre Management Agreement**

Previous Items:	N/A
Responsible Officer	Acting Director Community Development
Service Area:	Community Development & Corporate Services
File Reference:	CL-11/040
Applicant:	N/A
Owner:	N/A
Attachments	1. Profit and Loss – YMCA – P. 76

#### **PURPOSE**

1. To approve a three year Management Agreement with the YMCA to manage and operate the Kalamunda Aquatic Centre.

#### **BACKGROUND**

2. Kalamunda Wet N Wild was originally leased by Wet N Wild Pty Ltd and United Leisure Australia Ltd for a period of 21 years. The lease was assigned to the Dongray's on 31 January 2003 and expired on 13 December 2009.
3. A new short term lease was signed by the Dongray's for the Kalamunda Wet N Wild on 14 December 2009 and terminated 31 March 2010.

#### **DETAILS**

4. On 27 March 2010, the Shire of Kalamunda advertised in the West Australian newspaper for expressions of interest from experienced Aquatic Centre Management Contractors for the operation of the Kalamunda Aquatic Centre.
5. Two expressions of interest submissions were received, one from the YMCA and one from the Dongray's – Kalamunda Wet N Wild.
6. Both submissions were assessed based on criteria relative, but not limited to profile, financial position, quality assurance, insurance, skills, experience and key personnel. Consequently, Shire Officers deemed that the YMCA submission was the only suitable submission, providing sufficient detail and adequately addressing all of the criteria and therefore listed as an appropriate tenderer.
7. YMCA was then invited to present and further elaborate on their aquatic centre management experience at a workshop prior to the Ordinary Council Meeting on Monday 19 July 2010.

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## STATUTORY AND LEGAL IMPLICATIONS

8. The Tender process has been followed in accordance with the *Local Government Act 1995* Section 3.57, Part 4 *Local Government (Functions & General) Regulations 1996*.

## POLICY IMPLICATIONS

9. Nil.

## PUBLIC CONSULTATION/COMMUNICATION

10. The YMCA presented to a Council Briefing Forum on Monday 19 July 2010.

## FINANCIAL IMPLICATIONS

11. During the presentation, the YMCA indicated the likelihood of an annual operating profit of \$5,143.
12. However, the initial Profit & Loss developed was limited due to the difficulty in acquiring information from the previous lessee. In addition, the YMCA had not undertaken a thorough assessment of the inventory of equipment available on site and was therefore unaware that essential equipment would need to be purchased.
13. Further to a site visit and as indicated within the attached ***(Attachment 1.)***, the initial Profit & Loss did not include the following start up cost requirements:
- Pool Equipment                      \$38,670
  - Office Supplies                      \$16,500
  - Café Requirements                      \$5,570
14. Given the need to provide Council with a “true cost” of operating the facility, it was decided that all start up equipment be leased through LG Finance and an amount of \$25,568 be reflected through the Profit and Loss as Equipment Rental, IT Support and Software expenditure.
15. Additionally, building insurance to the value of \$4,345 was not included in the original Profit and Loss and has now been added as part of the total insurance cost.
16. The \$50,000 management fee, expensed in the profit and loss is consistent with industry standards to enable the professional operation of the Kalamunda Aquatic Centre.
17. The management fee and additional costs have resulted in an annual projected operating loss of \$24,770 per annum.
18. With a view to maximising community service, inclusive of financial performance, a profit sharing arrangement has been offered to the YMCA by the Shire of Kalamunda as an incentive. This will contribute to a performance guarantee between the YMCA and Shire of Kalamunda. Refer to table 1.1 within the attached ***(Attachment 1.)*** for explanation of the incentive.

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**STRATEGIC AND SUSTAINABILITY IMPLICATIONS****19. Strategic Planning Implications**

Shire of Kalamunda Strategic Plan 2009-2014:

Outcome 1.3 The community has access to a diverse range of recreational opportunities.

**20. Sustainability Implications****Social Implications**

- The Kalamunda Aquatic Centre is a popular recreational facility that provides social benefits and enhances community well being.

**Economic Implications**

- Nil.

**Environmental Implications**

- Nil.

**OFFICER COMMENT**

21. The Shire of Kalamunda lacks personnel expertise to manage the operations of the Kalamunda Aquatic Centre. Consequently it is important to award a Management Agreement to a reputable organisation with experience and expertise.
22. As outlined during their workshop presentation to Council, the YMCA is Australia's largest operator of sporting and recreational facilities, managing eight facilities in WA, four of which are swimming pools.
23. Given the seasonal nature and peak times of aquatic centre facilities, recruitment of qualified staff commences in October. To ensure the Kalamunda Aquatic Centre competes to access the available pool of industry qualified staff, finalising the Management Agreement with the YMCA needs to be expedited.
24. The Kalamunda Aquatic Centre is due to open on Monday 15 November 2010. School swimming carnivals commence at this time, further contributing to the importance of appointing the management contractors.
25. Any delay to the opening of the Kalamunda Aquatic Centre will have an impact on revenue and be likely to draw negative feedback from the community.
26. The appointed Management will have consistent communication with Officers as part of a performance review process. This will be undertaken through monthly management meetings and reports, with Council kept informed of any variances.

**COMMITTEE RECOMMENDATION TO COUNCIL GS 93/2010**

That Council:

1. Notes changes to financial projections and a proposed profit sharing arrangement with the prospective Management.
2. Approves a three year Management Agreement with YMCA to manage and operate the Kalamunda Aquatic Centre.

Moved: Cr Carol Everett

Seconded: Cr Peter Heggie

**CARRIED UNANIMOUSLY (10/0)**

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

**94. Awarding of Tender – Kalamunda Aquatic Centre Upgrade Stage 2 Reduced Scope**

Previous Items:	GCS-60/010
Responsible Officer	Acting Director Engineering Services
Service Area:	Engineering Services
File Reference:	CL-11/038
Applicant:	N/A
Owner:	N/A
Attachments	Nil.

**PURPOSE**

1. To consider awarding the Tender for the Stage 2 Kalamunda Aquatic Centre Upgrade, following a reduction in the scope of works.

**BACKGROUND**

2. At its 2010 June Ordinary Committee Meeting, Council considered tenders to complete the Stage 2 Works and resolved as follow:
  1. *That the Tender for Stage 2 of the Upgrade to the Kalamunda Aquatic Centre not be awarded and the programmed works for the Stage 2 Upgrade are cancelled.*
  2. *That the following work is programmed in lieu of the Stage 2 Upgrade:*
    - *Return to pool lines, including repairs to main pool spine;*
    - *Retiling and repainting as required; and*
    - *Upgrade of power supply and rewiring.*
3. Accordingly, the scope for Stage 2 works was reduced in line with the above resolution.

**DETAILS**

4. Tenders were called for Stage 2 works, which included:
  - Return to pool lines, including repairs to main pool spine; and
  - Retiling and repainting as required.
5. The Tender also included new pump and plant room plumbing. This was in addition to the works identified above, which were estimated at \$250,000 (ex GST) in the June 2010 Report to Council.
6. Only one submission was received from AVP Commercial Pools, for a total price of \$294,000 (ex GST).



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**STATUTORY AND LEGAL IMPLICATIONS**

7. Nil.

**POLICY IMPLICATIONS**

8. Nil.

**PUBLIC CONSULTATION/COMMUNICATION**

9. Council received a report from CCS Strategic Management in 2007, regarding its options for the provision of the service, which included extensive community consultation at the time.

**FINANCIAL IMPLICATIONS**

10. An amount of \$646,575 was carried over from the previous financial year to complete the project. There are sufficient funds available within the current budget to undertake these works and other outstanding works identified in the June 2010 report.

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

Outcome 2.1 – Improved Asset Management to meet the community needs today and into the future.

**12. Sustainability Implications  
Social Implications**

- Nil.

**Economic Implications**

- Nil.

**Environmental Implications**

- Nil.

**OFFICER COMMENT**

13. Discussions with the sole Tenderer identified a number of other opportunities to improve the facility whilst these works are being undertaken. Options will be explored prior to the commencement of works.

**COMMITTEE RECOMMENDATION TO COUNCIL GS 94/2010**

1. That the revised Tender for Stage 2 of the Upgrade to the Kalamunda Aquatic Centre be awarded to AVP Commercial Pools for a lump sum price of \$294,000 (ex GST).

Moved: Cr Carol Everett

Seconded: Cr Margaret Thomas

**CARRIED UNANIMOUSLY (10/0)**

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

## **95. Budget Amendment – Jorgensen Park Project**

Previous Items:	N/A
Responsible Officers	Acting Director Corporate Services Acting Director Community Development
Service Area:	Community Development
File Reference:	SP-03/020
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 Jorgensen Park playground equipment.

### **BACKGROUND**

2. In September 2008, the Shire submitted a grant application for \$88,300 funds through the Outer Metropolitan Community Fund (OMCF) to undertake a redevelopment of the public use facilities within Jorgensen Park.
3. In particular, the redevelopment is to include:
  - Works to existing public toilets
  - Providing a safe access pathway
  - Playground
  - Picnic area
4. The Shire was notified that the grant application was successful, however only \$49,750 would be received.
5. The project has been split into two stages, with Stage 1 being funded by the OMCF grant and Stage 2 by the Shire of Kalamunda using funds from the playground replacement programme which has been carried over from the 2009/10 budget.
6. Council is now asked to consider making a budget amendment to the 2010/11 budget to incorporate the income to be received from the OMCF grant.

### **DETAILS**

7. The proposed budget amendment is to;
  - (a) Increase revenue in account 330611.403 from \$0 to \$(49,750).
  - (b) Increase expenditure in job 4332 from \$0 to \$49,750.

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**STATUTORY AND LEGAL IMPLICATIONS**

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

**POLICY IMPLICATIONS**

9. Nil.

**PUBLIC CONSULTATION/COMMUNICATION**

10. Nil.

**FINANCIAL IMPLICATIONS**

11. The increase in grant revenue is offset equally by an increase in capital expenditure.

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

- Nil.

**13. Sustainability Implications****Social Implications**

- Nil.

**Economic Implications**

- Nil.

**Environmental Implications**

- Nil.

**OFFICER COMMENT**

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

**COMMITTEE RECOMMENDATION TO COUNCIL GS 95/2010**

1. That the Shire of Kalamunda 2010-2011 Budget as adopted be amended to incorporate \$(49,750) account 330611.403 and \$49,750 expenditure to job 4332 Jorgensen Park playground equipment. Increase in account from \$0.

Moved: Cr Donald McKechnie

Seconded: Cr Margaret Thomas

**CARRIED UNANIMOUSLY/ABSOLUTE MAJORITY (10/0)**

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

## **96. Budget Amendment – Lotterywest Walk Trail Signage Project**

Previous Items:	N/A
Responsible Officers	Acting Director Corporate Services Acting Director Community Development
Service Area:	Community Development
File Reference:	FI-FAG-037
Applicant:	N/A
Owner:	N/A
Attachments	N/A

### **PURPOSE**

1. In January 2010, the Shire submitted a \$15,000 grant application to Lotterywest for the installation of improved trailhead signage (for 20 walk trails within the Shire) in addition to the development of a walk trails promotional booklet.

### **BACKGROUND**

2. In January 2010, the Shire submitted a grant application for \$15,000 to Lotterywest to complete trail head signage and a promotional booklet within the Shire.
3. The Shire was notified that the grant application was successful, however only \$7,700 would be received to complete the walk trail head signage component of the project.
4. Council is now asked to consider making a budget amendment to the 2010/11 budget to incorporate the income and expenditure of the Lotterywest grant.

### **DETAILS**

5. The proposed budget amendment is to;
  - (c) Include revenue in account 330606.465 government grants state to \$(7,700).
  - (d) Create expenditure account 330730/1131 for \$7,700.

### **STATUTORY AND LEGAL IMPLICATIONS**

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

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**POLICY IMPLICATIONS**

7. Nil.

**PUBLIC CONSULTATION/COMMUNICATION**

8. A significant amount of community consultation has been undertaken during the development of the funding application. This includes meetings being held with a local walking group which has been updating the trail markers and providing trail condition notes.
9. Future consultation will also take place with the Department of Environment and Conservation and local walkers regarding the information and design to be included on the trail head signage.

**FINANCIAL IMPLICATIONS**

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

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

Shire of Kalamunda Strategic Plan 2009-2014:

*1.3 The community has access to a diverse range of recreational opportunities*

*1.3.2 Develop the current shared pathways network to adequately provide for walking, cycling and recreational hiking*

*1.3.4 Develop active and passive recreational facilities based on environmentally sustainable principles*

**12. Sustainability Implications****Social Implications**

- Nil.

**Economic Implications**

- The provision of trail head signage will assist with tourism and economic development within the trail network.

**Environmental Implications**

- The walk trail head signage will clearly delineate the trails, which will minimise the overall environmental impact.

**OFFICER COMMENT**

13. The successful Lotterywest funding announcement of \$7,700 is less than the \$15,000 initially requested for the full completion of the project. As a result, it is proposed that only the installation of trail head signage is completed.

14. Officers shall conduct further research to identify possible options for future funding towards the development of a promotional booklet.
15. A Councillor queried whether the EMRC had finance available for its Member Councils and could they make a contribution to a project of this nature. The Chief Executive Officer noted that they would be approached and the Councillors notified.

**COMMITTEE RECOMMENDATION TO COUNCIL GS 96/2010**

1. That the budget amendment to incorporate Lotterywest grant funding for the walk trail signage project of \$(7,700) to revenue account 330606.465 and expenditure of \$7,700 to account 330730/1131 be adopted.

Moved: Cr Margaret Thomas

Seconded: Cr Donald McKechnie

**CARRIED UNANIMOUSLY/ABSOLUTE MAJORITY (10/0)**

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

**97. Preparation of Business Plan for the Use of Lots 7, 8 and 4255 Lewis Road Forrestfield for Public Housing/Aged Accommodation**

Previous Items:	Nil
Responsible Officer	Chief Executive Officer
Service Area:	CEO Office
File Reference:	LW-04/029A
Applicant:	N/A
Owner:	N/A
Attachments:	1. Locality Plan

**PURPOSE**

1. To seek Council's endorsement to proceed with the Preparation of Business Plan for the use of Lots 7, 8 and 4255 Lewis Road Forrestfield (***Attachment 1.***) for Public Housing/Aged Accommodation.

**BACKGROUND**

2. At a Council Forum held in December 2009 on Land Initiatives the use of the above land was flagged as being suitable for aged care development.
3. The Chief Executive Officer has recently received advice, from providers of Aged Care and Public Housing, that the Federal and State Governments have made packages available for the fast tracking of this type of development.

**DETAILS**

4. To enable any form of development to proceed, a Business Plan is required in preparation for the disposal of the property.
5. In accordance with Section 3.58 of *Local Government Act 1995*, to dispose includes sell, lease or otherwise dispose of, whether absolutely or not.
6. Disposal by Land Lease allows Council to retain freehold ownership of the land whilst the development is done by others.
7. The disposal of the land will be in accordance of the provisions of 3.58 of the *Local Government Act 1995*.
8. There will be a requirement to make application for the rezoning of the land.

**STATUTORY AND LEGAL IMPLICATIONS**

9. The Business Plan will be developed in accordance with the requirements of Section 3.59 of the *Local Government Act 1995*.

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**POLICY IMPLICATIONS**

10. Nil.

**PUBLIC CONSULTATION/COMMUNICATION**

11. Statewide Notice of Council's proposal to enter into a Major Land Transaction is required and must include advice that a Business Plan may be inspected or obtained. Submissions may be made to the local government before a day to be specified that is not less than 6 weeks after the notice is given.

**FINANCIAL IMPLICATIONS**

12. The Business Plan will be developed using Shire staff resources.
13. The Land Lease of the properties will provide financial benefits through long term revenue stream to the Council as will the development of the site.

**STRATEGIC AND SUSTAINABILITY IMPLICATIONS**

14. **Strategic Planning Implications**

- Development of the site will assist Council in addressing The Strategic Plan's Goal 1; Community Development – Outcome 1.1 Enhanced quality of life for the aged and disabled.
- In 2008 the Shire completed an Aged Accommodation Strategy to provide a framework for addressing the current and future housing, residential, and home and community care needs of older people in the Shire.

15. **Sustainability Implications**

**Social Implications**

- Provides an opportunity for the development of an Aged Care, Community/Public Housing project close to shopping, transport and Home And Community Care (HACC) services.
- In undertaking the Aged Accommodation Strategy the Shire took into account that older people residing within its boundaries had doubled in the past 10 years and by 2030 one in every three people living within the Shire would be 55 years old and with almost half of this population being over 70 years of age.
- Residential properties within the Shire of Kalamunda comprise of 94% separate houses designed for families.

**Economic Implications**

- The development will address Goal 2 of the Strategic Plan: Built Environment – Sustainably manage the built environment and to effectively plan for future community needs and population growth.

**Environmental Implications**

- Nil.



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**OFFICER COMMENT**

16. A Land Lease arrangement will help ensure the project can proceed as it will reduce the amount of capital required by the successful Tenderer. Council will retain freehold ownership of the land and receive an annual income for the period of the Land Lease.

It is not proposed that the TAFE site (lot 4255) be included in the initial stages of the development, however it should be included in the business plan so that the future use of the land and/or buildings is clearly documented as being compatible with Aged Care, Community Public Housing.

**COMMITTEE RECOMMENDATION TO COUNCIL GS 97/2010**

1. That Council authorise the preparation of a Business Plan in accordance with *3.59 of the Local Government Act 1995* for the disposal by land lease and or development of Lots 7, 8 and 4255 Lewis Road Forrestfield.
2. That the Business Plan also addresses the following:
  - Special Related Uses for
    - Aged Care Facilities
    - Community/public housing
    - Serviced Apartments
  - Independent living units
  - Medical Centre
  - Staged development to initially retain the TAFE College Buildings and Facilities
  - Rezoning of the land
  - That the above take into account:
    - The provision of passive recreation space
    - Linking the development to existing services and facilities

Moved: Cr Donald McKechnie

Seconded: Cr Noreen Townsend

**CARRIED UNANIMOUSLY (10/0)**

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

## **98. Chief Executive Officer's Report**

Previous Items: OCM Item 11.2 - 15th March 2010  
Responsible Officer: Chief Executive Officer  
Service Area: Office of the CEO  
File Reference: N/A  
Applicant: N/A  
Owner: N/A

Attachments 1. Achieve Transparency and Accountability for your Community  
P. 82

### **PURPOSE**

1. To provide the Council with a full report on the Chief Executive Officer's overseas trip to the United Kingdom, Dubai and Sri Lanka with CAMMs in July 2010.

### **BACKGROUND**

2. The Chief Executive Officer recently showcased the Shire of Kalamunda's successful implementation of the CAMMs Workforce Planning Centre to the CEO and Directors of Cardiff City and Brighton and Hove Councils in the United Kingdom. Future funding from the UK Government to local governments will be significantly focused on the ability of local governments to demonstrate and show, through measures and outputs, that they have delivered services and outcomes to the community. The Councils were interested to view Best Practice Models which could be applied to their own situations.

### **DETAILS**

3. Further details on the outcome from the recent trip to the United Kingdom, Dubai and Sri Lanka can be found in (*Attachment 1.*)

### **STATUTORY AND LEGAL IMPLICATIONS**

4. There are no statutory or legal implications arising from this trip.

### **POLICY IMPLICATIONS**

5. There were no policy implications arising from this trip.

### **PUBLIC CONSULTATION/COMMUNICATION**

6. No public consultation was required as the trip had been approved by Council in March 2010.

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**FINANCIAL IMPLICATIONS**

7. There were no financial implications to the Shire of Kalamunda as all travel and accommodation expenses were funded by CAMMs.

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

8. The Kalamunda Planning and Performance Management Framework developed enables a holistic approach to the planning, monitoring and reporting process. The Framework allows the Shire to monitor, assess and modify an organisation's resources to achieve the business strategy that has been set by Council and the Community and ensures the short, medium and long term success of the organisation on behalf of all of its stakeholders.
9. The Kalamunda Planning and Performance Management Framework has enabled the Shire to establish key linkages and outputs associated with existing planning, including; gaps between the identification and development of high level business strategy and its influence on operations and the ability to assess the expenditure being undertaken in relation to community goals, outcomes and strategies.

10. **Sustainability Implications**  
**Social Implications**

- No sustainability or social implications have resulted from this trip.

**Economic Implications**

- There are no economic implications arising from this trip.

**Environmental Implications**

- There is no impact to the environmental following this trip.

**OFFICER COMMENT**

11. This overseas trip provided significant development and networking opportunities for the CEO and positive exposure for the Shire of Kalamunda on an international basis.
12. Whilst abroad the CEO met with CEO and Directors of Cardiff City and Brighton and Hove Council in the United Kingdom. Future funding from the UK Government to local governments will be significantly focused on the ability of local governments to be able to demonstrate and show, through measures and outputs that they have delivered services and outcomes to the community and the Councils were interested in viewing Best Practice Models which could be applied to their own situations.

13. Of particular interest to the UK councils was the Shire of Kalamunda's intention to communicate and engage with its community through the Community Connect Portal and the ability to be able to have all of its financial information from its Financial and Payroll System integrated into its annual business plans, annual corporate plan, long term financial plan and the strategic plan set by Council and Community.
14. It was clear from the CEO's discussions overseas, that the Shire of Kalamunda is leading the way in integrated strategic planning, not just in Australia, but internationally

**COMMITTEE RECOMMENDATION TO COUNCIL GS 98/2010**

1. That Council note and receive the Chief Executive Officer's report as attached.

Moved: Cr Margaret Thomas

Seconded: Cr Carol Everett

**CARRIED UNANIMOUSLY (10/0)**

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

11.0 Nil.

**12.0 QUESTIONS BY MEMBERS WITHOUT NOTICE**

12.1 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. Taken on notice, information will be supplied to Councillors.

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 will provide an answer to this question at the Ordinary Council Meeting.

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. The Acting Director of Engineering Services will follow-up and provide a response to Councillors.

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

Nil.

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

14.1 Report Item GS 102 – Funding Options 2010/2011 Plant Replacement Program

**102 Funding Options - 2010/2011 Plant Replacement Program**

Previous Items:	N/A
Responsible Officer	Acting Director Engineering Services
Service Area:	Engineering
File Reference:	EG-RDM/016
Applicant:	N/A
Owner:	N/A

Attachments	1. Operating Lease Proposal – ISIS LG Finance
	2. Indicative Loan Repayment Schedule – WA Treasury Corporation

**PURPOSE**

2. To determine the most appropriate funding method for plant replacement.

### **BACKGROUND**

3. Following advice from fleet management consultants Uniqco International, funding for the 2010/2011 Plant Replacement Program consisted of a combination of Reserve Funding and Operating Leases.
4. A provision was included in the 2010/11 Budget for lease funding for the amount of \$585,000.

### **DETAILS**

5. Upon receipt of quotes for an Operating Lease (*Attachment 1.*) and a bank loan (*Attachment 2.*), it became apparent that the Operating Lease may not be the most advantageous option for Council.

### **STATUTORY AND LEGAL IMPLICATIONS**

6. Section 6.20 of the *Local Government Act 1995*, provides the power for Council to borrow. Loans not included in the budget must be advertised through local public notice, for one month.

### **POLICY IMPLICATIONS**

7. Policy Implications – FIN6 Asset Financing and Borrowings.  
In consideration of Council's adopted policy on the use of loan funds, the proposed loan meets both the maximum Debt Service Ratio of 7.5% (1.60%) and the Net Debt Ratio to Revenue Ratio of 45% (19.24%).

\*These calculations take into account existing loan funds as at 1<sup>st</sup> July 2010 and new budgeted loans, plus the proposed loan.

### **PUBLIC CONSULTATION/COMMUNICATION**

8. Nil.

### **FINANCIAL IMPLICATIONS**

9. These purchases are included in the adopted budget. This decision will effect the total repayments made over the period of ownership.

### **STRATEGIC AND SUSTAINABILITY IMPLICATIONS**

10. **Strategic Planning Implications**
11. **Sustainability Implications**  
**Social Implications**

- Nil.

### **Economic Implications**

- Nil.

### **Environmental Implications**

- Nil.

### **OFFICER COMMENT**

12. One of two plant items specified for change over, via a lease arrangement, has been progressed, pursuant to provisions in the budget. Indicative prices for an operating lease were sought for Council's existing motor grader. This was carried out through ISIS LG Finance, an WALGA approved supplier.
13. Their proposal was for a \$307,500 (ex GST) lease over a 60 month contract period and features quarterly payments of \$18,466.82 (ex GST). The total repayment amounts to \$369,336.40.
14. An alternative to leasing is to raise a loan. An indicative loan repayment schedule was sought from the Western Australian Treasury Corporation, for an amount of \$310,000. Total repayments over a seven year period amount to \$375,548.44.
15. As can be seen, the total payments are practically equal over the repayment period. It should also be noted the loan period is over seven years, as opposed to the leasing arrangement which has a maximum of 5 years. This provides Council an additional two years operational availability for the same outlay.
16. The difference between the two options comes about by way of inclusions and exclusions from the two agreements.
17. Typically under an operating lease arrangement, Council will only be responsible for operating costs, such as fuel, wear parts and tyres, while the leasing company incorporates fixed services and repairs into the total costs. The total savings to Council over the ownership period would be in the order of \$30,000 to \$50,000. However, offsetting this is the requirement to return the machine to the leasing company at the end of the lease period, with Council foregoing any trade-in value.
18. Resale of a grader after 5 to 7 years would be in the order of \$110,000 to \$150,000. This would result in a nett difference to Council of around \$100,000 over the life of this one machine.
19. Prices have not yet been finalised for the change over of an existing truck, hence no lease figures have been sought, however, the above calculations can be reasonably extrapolated to the same conclusion.
20. For commercial businesses, these increased costs would be offset by tax incentives; however, Local Government Authorities are not eligible for this.

**COMMITTEE RECOMMENDATION TO COUNCIL GS - 102/2010**

1. That, pursuant to Section 6.20 of the *Local Government Act 1995*, Council approves the raising of a loan of \$585,000 to fund plant purchases, previously identified as being funded by an operating lease in the 2010/11 Budget.
2. That loan repayments to be funded from operating costs.

Moved: Cr Carol Everett

Seconded: Cr Donald McKechnie

**For**

Cr Carol Everett  
 Cr Frank Lindsey  
 Cr Geoff Stallard  
 Cr Noreen Townsend  
 Cr Dylan O'Connor  
 Cr Sue Bilich  
 Cr Donald McKechnie  
 Cr Margaret Thomas  
 Cr Allan Morton

**Against**

Cr Peter Heggie

**CARRIED /ABSOLUTE MAJORITY (9/1)****15.0 MATTERS CLOSED TO THE PUBLIC****Motion to Go Behind Closed Doors****RESOLVED GS103/2010**

1. That Council goes behind closed doors to consider the following Confidential Items:
  - 15.1 GS99/2010 Tender – Skate Park Construction – Fleming Reserve. Reason for confidentiality – *Local Government Act 1995 /Section 5.23(2) (c)* permits the meeting to be closed to the public for business relating to a matter that if disclosed, would reveal:
 

*“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.”*
  - 15.2 GS100/2010 Financial Options for the Acquisition of Two Blocks of Land on Kalamunda Road, High Wycombe. Reason for confidentiality – *Local Government Act 1995 /Section 5.23(2) (c)* permits the meeting to be closed to the public for business relating to a matter that if disclosed, would reveal:
 

*“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.”*



- 15.3 GS101/2010 Consider an Exchange of Land Between the Shire of Kalamunda and the State Government of Western Australia. Reason for confidentiality – *Local Government Act 1995 /Section 5.23(2) (c)* permits the meeting to be closed to the public for business relating to a matter that if disclosed, would reveal:

*“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 Margaret Thomas

**CARRIED UNANIMOUSLY (10/0)**

The meeting was closed to the public at 7.35.

**Motion to Return From Behind Closed Doors**

RESOLVED GS104/2010

1. That Council returns from behind closed doors at 8.15, after considering the Confidential Reports.

Moved: Cr Donald McKechnie

Seconded: Cr Margaret Thomas

**CARRIED UNANIMOUSLY (10/0)**

The Resolutions from the Confidential Items area were read by the Chairperson as follows:

**99. Tender – Skate Park Construction – Fleming Reserve**

**COMMITTEE RECOMMENDATION TO COUNCIL GS 99/2010**

That Council:

1. Appoints DME Contractors as the preferred Tenderer for the construction of Stage 1 and, subject to receipt of Lotterywest grant funding, for the construction of Stages 1 and 2.
2. Delegate authority to the Chief Executive Officer to:
  - a. Negotiate and accept the identified Pre-Contract variations; and
  - b. Finalise the Tender with DME Contractors for construction of:
    - i) Stage 1 to the value of \$255,281.00
    - ii) Stage 2 to the value of \$114,719.00

Moved: Cr Carol Everett

Seconded: Cr Peter Heggie

**CARRIED UNANIMOUSLY/ABSOLUTE MAJORITY (10/0)**



4. Authorise the Chief Executive Officer to initiate the subdivision of 3 Salix Way, Forrestfield in accordance with the plan provided in Attachment 3 to this report (or in some other form) if the Police Department of Western Australia confirm that they require only portion of the 3 Salix Way site.
5. Authorise the Chief Executive Officer to prepare and advertise a Business Plan for the purposes of a Major Land Transaction for the acquisition of 17-19 Mead Street, Kalamunda.
6. The Business Plan is to include funding options that are available.

Moved: Cr Frank Lindsey

Seconded: Cr Margaret Thomas

**CARRIED UNANIMOUSLY (10/0)**

## **16.0 CLOSURE**

There being no further business, the Chairman declared the meeting closed at 8.20 pm.

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

Signed.....Chairman

Dated this .....day of.....2010