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Shire of Kalamunda

# General Services Committee

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Minutes for 8 June 2010



# SHIRE OF KALAMUNDA

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**Minutes of General Services Committee  
Held in the Council Chambers  
2 Railway Road, Kalamunda  
Monday 8 June 2010**

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**1.0 OFFICIAL OPENING**

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

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

2.1 ATTENDANCE

**Councillors**

Donald McKechnie	(SHIRE PRESIDENT) NORTH WARD
Sue Bilich	NORTH WARD
Margaret Thomas	NORTH WARD
Allan Morton	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
Martyn Cresswell	(CHAIRMAN) NORTH WEST WARD
Dylan O'Connor	NORTH WEST WARD

**Members of Staff**

James Trail	CHIEF EXECUTIVE OFFICER
Bob Searle	DIRECTOR OF CORPORATE SERVICES
Kevin O'Connor	DIRECTOR OF COMMUNITY DEVELOPMENT
Clayton Higham	DIRECTOR OF PLANNING & DEVELOPMENT SERVICES
Mahesh Singh	DIRECTOR OF ENGINEERING SERVICES
Darren Jones	MANAGER COMMUNITY DEVELOPMENT
Simon Miller	MANAGER OPERATIONS
Donna McPherson	MINUTE SECRETARY

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**Members of Public** 0

**Members of Press** 0

2.2 Absent

Maureen Robinson SOUTH 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 3 May 2010 is confirmed as a true and correct record of the proceedings.

Moved: Cr Geoff Stallard

Seconded: Cr Carol Everett

**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 Nil.

**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 Nil.

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 Nil.

## 10.0 REPORT TO COUNCIL

### Please Note:

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

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

## **50. Creditors Accounts Paid during the period 22 April to 21 May 2010**

Previous Items:	N/A
Responsible Officer	Director Corporate Services
Service Area:	Corporate
File Reference:	
Applicant:	N/A
Owner:	N/A
Attachments	Attachment 1 – Creditor Payments 15 April to 21 May 2010

### **PURPOSE**

1. To receive creditors' accounts paid during the period 22 April to 21 May 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 22 April to 21 May 2010 is attached.

### **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 GSC-50/2010**

1. That the list of Creditors' paid during the period 22 April to 21 May 2010 attached be received by Council in accordance with the requirements of Regulation 12 of the Local Government (Financial Management) Regulations 1996.

Moved: Cr Margaret Thomas

Seconded: Cr Donald McKechnie

**CARRIED UNANIMOUSLY (11/0)**

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

## **51. Financial Activity Statements for the Period Ending 30 April 2010**

Previous Items:	N/A
Responsible Officer	Director Corporate Services
Service Area:	Corporate
File Reference:	FI-SRR-006
Applicant:	N/A
Owner:	N/A
Attachments	Attachment 1 – Financial Activity Statements – as at 30 April 2010

### **PURPOSE**

1. To receive the draft financial activity statement reports for the period ended 30 April 2010.

### **BACKGROUND**

2. Attached are the financial activity statement reports for the period ending 30 April 2010 prepared in accordance with the requirements of Section 34 of the Local Government (Financial Management) Regulations 1996.
3. It is also a requirement of this regulation that each financial year a local government is to adopt a percentage or value to be used in statements of financial activity for reporting material variances.

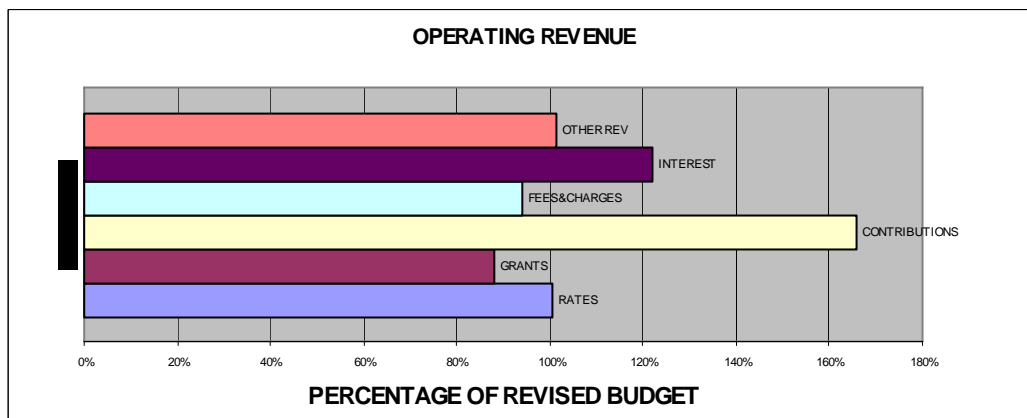
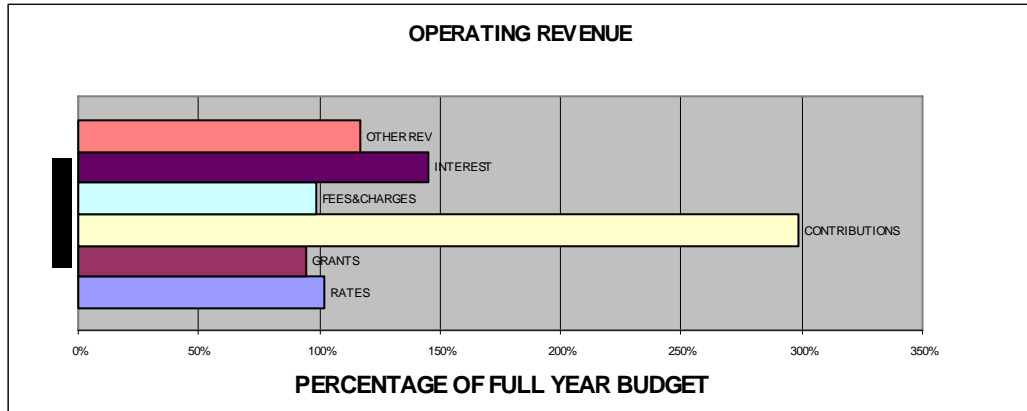
### **DETAILS**

4. It has previously been agreed a percentage value of 10% variance be used for the Financial Activity Statement. This amount is in accordance with the materiality provision of the Australian Accounting Standards (refer AAS5) which is also set at 10%.
5. Refer for the comments relating to the above mentioned variances.
6. Financial Commentary

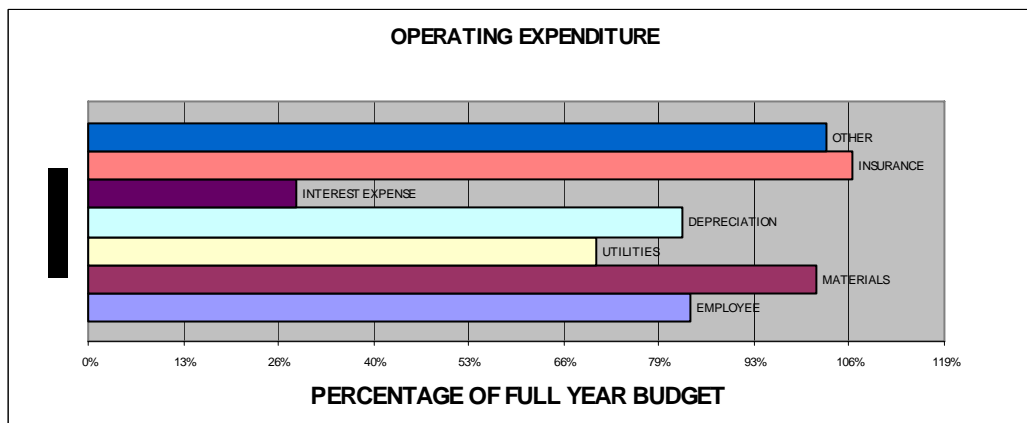
Operating income: Contribution revenue has spiked due to invoicing of grants for CCTV project work approved by the Office of Crime Prevention and the Attorney Generals Department. The nature of these funds, be it contribution or grants needs confirming and its impact in the graph over stated due to the smaller amount of contributions budgeted (\$941,526 revised) compared to grants (\$3,663,526 revised). Interest earnings continue to perform well, with several more term deposits set to mature in May. Interest earnings are influenced from having established loan funding for the depot administration building and having little construction costs thus far. Rates revenue is set to further improve on revised budget estimates. As reported to May's GSM, the completion of a reconciliation project has identified \$206,614 in 08/09 back rates and \$308,784 in 09/10, plus ESL. These will be levied in May. The

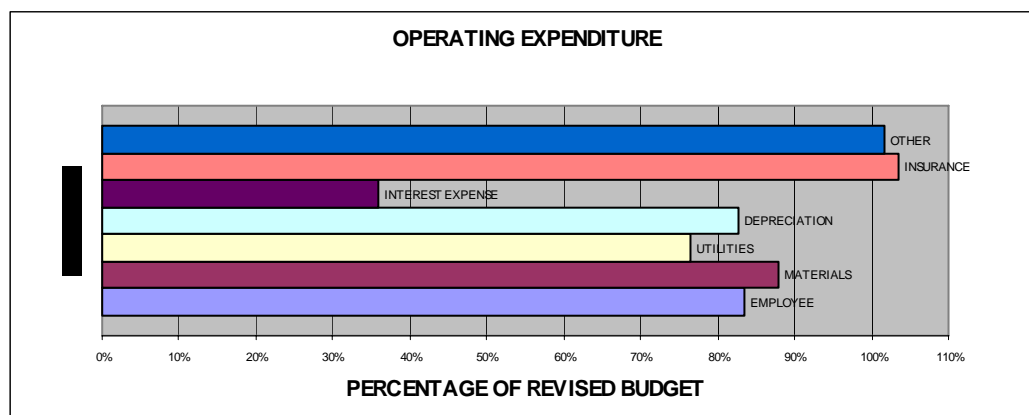


reconciliation involved comparing the Shires and Landgate's valuation registers. The final number of properties identified as having been undervalued in the Shires register was 250.



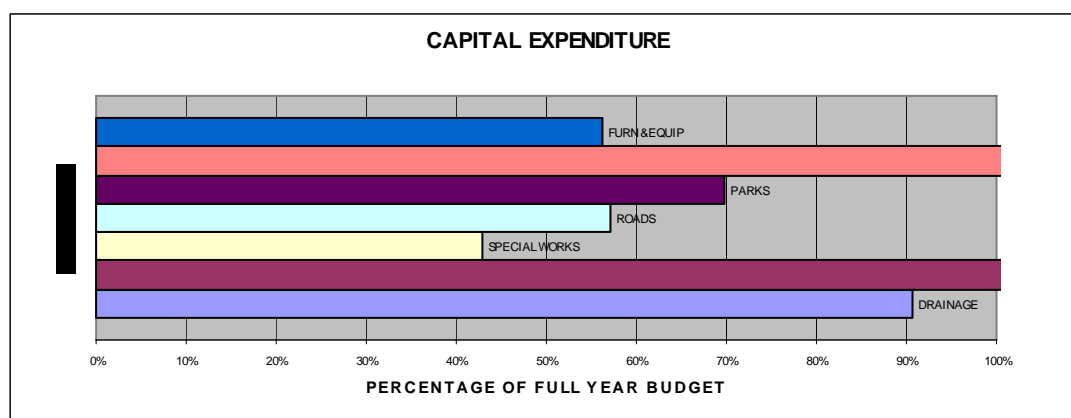
Operating expenditure: Insurance expenses have only marginally increased further over last months reported figures, Again, the receipt of retrospective adjusted premiums for prior years are funded from the insurance contingency reserve. Utility charges have increased due to the payment of street lighting invoices. Interest expense is under due to the timing of loan payments and by not establishing new loans until the second half of the year. Material purchases and salaries are on revised targets, having changed the accounting for HACC staff under unit costing requirements as program (material) costs.





Capital Expenditure

The capital works program, including both roadworks infrastructure and building construction is at 36.1% of revised budget based upon actual expenditure, with outstanding purchase orders of \$1,897,716 issued. This is influenced heavily by two projects, the \$5m Community Centre and the \$2.1m Depot Administration Building, both of which remain in their early stages. Capital income is down as a direct result with still no grant funding for the Community Centre (\$3.7m) received this year. Asset purchases have increased significantly on last month, at 67.1% of revised budget.



**FINANCIAL RATIOS**

**2009/10                      2008/09**

Current Ratio

2.5 : 1                      1.11 : 1

Calculated as follows:

$$\frac{\text{Current assets minus restricted current assets}}{\text{Current liabilities minus liabilities associated with restricted assets}}$$

*The current ratio is used to evaluate the liquidity, or ability to meet short term debts.*

Untied Cash to Trade Creditors Ratio

4.0 : 1                      1.33

Calculated as follows:

$$\frac{\text{Untied cash}}{\text{Unpaid trade creditors}}$$

*The untied cash to trade creditors ratio indicates the ability of the Council to pay its trade creditors, in accordance with normal trading terms and conditions, using untied / unrestricted funds. This is an indicator of the short term position of Council.*

<u>Debt Ratio</u>	2.27%	1.71%
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Calculated as follows:

$$\frac{\text{Total liabilities}}{\text{Total assets}}$$

*The debt ratio is a measure of the Council's liabilities as a percentage of its assets. Generally the lower the ratio the greater the capacity to borrow, though a local government must include infrastructure assets in this calculation.*

<u>Debt Service Ratio</u>	0.25%	0.36%
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Calculated as follows:

$$\frac{\text{Debt Service Cost (Principal \& Interest)}}{\text{Available operating revenue}}$$

*The debt service ratio represents Council's ability to service debt out of uncommitted or general purpose funds available for operations. Self supporting loans should be taken into consideration when evaluating this ratio.*

<b>FINANCIAL RATIOS (cont'd)</b>	<b>2009/10</b>	<b>2008/09</b>
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<u>Gross Debt to Revenue Ratio</u>	11.44%	1.83%
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Calculated as follows:

$$\frac{\text{Gross debt}}{\text{Total revenue}}$$

*The gross debt to revenue ratio illustrates Council's ability to cover gross debt with its revenue in any given year. The lower the percentage the greater the ability to service borrowings.*

Gross Debt to <u>Economically Realisable Assets Ratio</u>	2.01%	0.31%
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Calculated as follows:

$$\frac{\text{Gross debt}}{\text{Economically realisable assets}}$$

*The gross debt to economically realisable assets ratio relates actual borrowings directly to tangible assets (excludes infrastructure assets). It illustrates a Council's reliance on borrowings to fund new projects and gives an indication as to its future borrowing capacity.*

<u>Rate Coverage Ratio</u>	51.76%	47.55%
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Calculated as follows:

$$\frac{\text{Net rate revenue}}{\text{Operating revenue}}$$

*The rates coverage ratio measures Council's dependence on rate revenue to fund operations. It is considered that a higher ratio would indicate a higher controllable dependency on rates revenue and less of a dependency on government grants and other income..*

<u>Outstanding Rates Ratio</u>	0.12%	2.36%
Calculated as follows:	<u>Rates outstanding</u> Rates collectable	

*The outstanding rates ratio helps to determine the effectiveness of Council's rate collection procedures. The lower the ratio the better the collection policy and procedures. This ratio ignores pensioner rates deferrals due to their nature.*

### **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                      GSC-51/2010**

1. That the Financial Activity Statement reports for the period ending 30 April 2010 be received.

Moved: Cr Margaret Thomas

Seconded: Cr Donald McKechnie

**CARRIED UNANIMOUSLY (11/0)**

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

## **52. Debtors and Creditors Report**

Previous Items:	N/A
Responsible Officer	Director Corporate Services
Service Area:	Corporate
File Reference:	
Applicant:	N/A
Owner:	N/A
Attachments	Attachment 1 – Debtors Report April 2010 Attachment 2 – Creditors Report April 2010

### **PURPOSE**

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

### **BACKGROUND**

2. Attached are reports detailing aged debtors and creditors as at 31 March 2010.
3. Council has requested information as to outstanding debtors and creditors be reported on a monthly basis.

### **DETAILS**

4. Debtors  
See **(Attachment 1)** for details.
5. Creditors  
See **(Attachment 2)** for details.

### **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 GSC-52/2009**

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

Moved: Cr Margaret Thomas

Seconded: Cr Geoff Stallard

**CARRIED UNANIMOUSLY (11/0)**

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

### **53. Rates Debtors Report**

Previous Items:	N/A
Responsible Officer	Director Corporate Services
Service Area:	Corporate
File Reference:	
Applicant:	N/A
Owner:	N/A
Attachments	Attachment 1 – Rates Debtors Report April 2010

#### **PURPOSE**

1. To receive a report on rates debtors as at 30 April 2010.

#### **BACKGROUND**

2. Attached is the report detailing rates debtors as at 30 April 2010.

#### **DETAILS**

3. Rates Debtors

See (*Attachment 1*) for details.

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

4. Nil.

#### **POLICY IMPLICATIONS**

5. Nil.

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

6. Nil.

#### **FINANCIAL IMPLICATIONS**

7. Nil.

**STRATEGIC AND SUSTAINABILITY IMPLICATIONS**

8. Nil.

**OFFICER COMMENT**

9. Nil.

**COMMITTEE RECOMMENDATION TO COUNCIL GSC-53/2010**

1. That the rates debtors report as at 30 April 2010 be received.

Moved: Cr Carol Everett

Seconded: Cr Margaret Thomas

**CARRIED UNANIMOUSLY (11/0)**



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

#### **54. Proposed Amendments to Policy FAC12 – Lease and Licence Terms & Conditions of Council Owned Controlled Properties**

Previous Items:	GSC40 3 May 2010«Sundry_1_Data»
Responsible Officer	Director Corporate Services
Service Area:	Corporate
File Reference:	
Applicant:	N/A
Owner:	N/A
Attachments	Attachment 1 – Policy FAC12 – Lease and Licence Terms and Conditions of Council Owned or Controlled Properties

#### **PURPOSE**

1. To consider the adoption of the amended policy FAC12 (**Attachment 1**). This item was deferred at the General Services Committee Meeting 3 May 2010.

#### **BACKGROUND**

2. Buildings owned and/or managed by the Shire have an important role in the community. Through lease and license arrangements, the Shire ensures that community groups have access to facilities that enable these them to carry out their activities.
3. It is important that there is clarity and consistency in these arrangements so that groups are treated equally and that all parties to the agreement understand their roles and responsibilities in maintaining these facilities in a fair and sustainable manner.
4. A review of the existing lease and licence policy and the lease and licence documents in use has shown that there is little uniformity in either, the documents used nor the rents, fees and responsibilities across user groups.

#### **DETAILS**

5. The purpose of the review was to try and ensure the following:
  - That all shire of Kalamunda Buildings were accounted for
  - Provide equitable means of determining rent/licence fees and responsibilities of lease and license holders
  - Ensure all agreements are managed and clauses adhered to
  - Provide clear responsibilities and accountability of both the Lessee, Licensee and the Shire of Kalamunda
  - Maintain effective processes in regards to all Leases and Licenses
  - Implement controls and processes in the management of Leases and Licenses.

**STATUTORY AND LEGAL IMPLICATIONS**

6. Section 3.58 Disposing of Property in the Local Government Act 1995 states:  
Dispose includes to sell, lease or otherwise dispose of, whether absolutely or not.

**POLICY IMPLICATIONS**

7. The amendments to Policy FAC12 will assist staff to ensure uniformity and effective management of all leased and licenced facilities in the Shire of Kalamunda.

**PUBLIC CONSULTATION/COMMUNICATION**

8. Consultation has occurred internally with all stakeholders having input into the final document.  
  
It is proposed that the Policy be made available for public comment for a period of 60 days from the date of advertising.  
  
The new policy will be introduced as existing lease and licences are reviewed and/or renewed.

**FINANCIAL IMPLICATIONS**

9. The clearly defined responsibilities will ensure that each Lessee and Licensee meets its financial obligations to the Shire of Kalamunda.
10. Ensures that financial reporting measures are adhered to in reporting grants and subsidies and allows Council to clearly report all donations across all groups.
11. Assistance Grants to community groups for major maintenance or project works will be managed by application through the budget process.
12. There will be additional costs to the Shire for the Building Insurance and Emergency Services Levy for Group 3 and Group 4 lease and licence holders.

**STRATEGIC AND SUSTAINABILITY IMPLICATIONS**

13. Shire of Kalamunda Strategic Plan 2009-2014  
2.1.1 Develop and implement a policy and structure to ensure the effective management of Shire owned and managed land and buildings.

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**OFFICER COMMENT**

14. The grouping of lease and licence holders in four (4) categories provides flexibility within each group as to rents and responsibilities and will assist in council being reimbursed for costs that are the responsibility of the lease and license holders.

The recording of donations through the financial system will allow council to accurately report all donations across all groups.

Provides all lease and licence holders with a sense of ownership and responsibility for the facility that they occupy.

New lease and license documents will reflect the terms and conditions within this policy.

15. Response to questions on notice from Cr. Lindsey:

Questions relating to General Services Committee Item 46 – Leases and Licenses Terms and Conditions (Cr Frank Lindsey)

Q1. How many License Holders are there in Group 2, 3 and 4 respectively?

A1. Please note that these figures only include existing documented leases and licenses. There are known to be others, but these cannot yet be quantified.

Total Group 2 – 11 (not exclusively buildings, includes communication towers)

Total group 3 – 44 (all buildings)

Total Group 4 – 19 (all buildings)

Q2. What is the annual income foregone to the Shire for the subsidisation of rates to License Holders in Group 2.

A2. Other than the Police Station, all the premises in this group are exempt by legislation from the payment of rates.

If we were to lease or licence council buildings to non Government Agencies (and say commercial entities) we could potentially raise an additional \$20,197 in rates per annum. (This only includes buildings - not reserves or land).

Based on the GRV, rental foregone is in the region of \$274,000. However these buildings would be difficult to rent, and they provide benefits to the communities (i.e. Schools, Child Health Clinics etc).

Q3. The Annual Income foregone to the Shire for the subsidisation of rates, the ESL, rental and building insurance respectively to the License Holders in Group 3.

A3.

- Building insurance donation required by Shire: \$49,723 (based on the 2009/10 budget)
- ESL donation required by Shire: \$12,271 (based on the 2009/10 budget)
- Rates donation by Shire (already foregone): \$65,746. Note - where the GRV was not available the minimum rateable values was used.

Foregone Rentals have been calculated using Gross Rental values from the Valuer General - where no GRV's are available a GRV equal to the minimum rate has been used. Assuming a maximum 100% reduction – an amount of \$ 1,029,981\* would be foregone. It needs to be noted that the majority of this possible income is already foregone, with rentals actually collected totaling \$13,123

Q4. The Annual Income foregone to the Shire for the subsidisation of rates, the ESL, rental and building insurance respectively to the License Holders in Group 4.

A4.

- Building insurance donation required by Shire: \$18,042 (based on the 2009/10 budge)
- ESL donation required by Shire: \$5,301 (based on the 2009/10 budget)
- Rates donation by Shire (already foregone): \$28,922. Note - where the GRV was not available the minimum rateable values was used.
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Foregone Rentals have been calculated using Gross Rental values from Valuer General - where no GRV's are available a GRV equal to the minimum rate has been used. Assuming a maximum 90% reduction – an amount of \$ 437,161\* would be foregone. It needs to be noted that the majority of this possible income is already foregone, with rentals actually collected totaling \$ 14,081

\*NB – where the GRV is not known the minimum GRV of \$8472.26 was applied.

**COMMITTEE RECOMMENDATION TO COUNCIL GSC-54/2010  
«Minute\_No»**

1. That Council adopt the amended Policy FAC12 Lease and License Terms and Conditions of Council Owned or Controlled Properties for the purpose of advertising and public consultation with effected groups and organisations for a period of 60 days from the date of the advertisement.

Moved: Cr Donald McKechnie

Seconded: Cr Noreen Townsend

**CARRIED UNANIMOUSLY (11/0)**

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

## **55. Upgrade of Shire of Kalamunda Intranet**

Previous Items:	N/A
Responsible Officer	Director Corporate Services
Service Area:	Information Technology, Corporate Support
File Reference:	N/A
Applicant:	N/A
Owner:	N/A
Attachments	N/A

### **PURPOSE**

1. To consider use of the Electronic Data Processing (EDP) Financial Reserve for the purpose of purchasing content management software to redevelop the Shire's Intranet.

### **BACKGROUND**

2. A component of the recent Kalamunda Leadership Program (KLP) was to deliver a project which would have a positive impact on the day to day efficiency of the organisation.
3. The Trailblazer KLP Team focused on improving organisational communications, including the telephone system and intranet site.
4. Elected Members attended a presentation of group findings in December 2009.
5. The group felt that strong communications is the key to a sense of connection and offers the opportunity to influence the wider organisation.
6. The primary purpose of the organisation's Intranet is to support staff in doing their jobs, to help them complete common business tasks, improve communications and therefore achieve better outcomes.
7. It is the key source for information, and is used as a single source reference tool – removing the requirement for paper based manuals.
8. There is a need to replace the existing site, as content and the software used is dated and no longer assists staff or provides the performance required.

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**DETAILS**

9. Seven software packages were assessed and 'Seamless' is the preferred solution which is used widely across Australian businesses, including many WA Local Governments.
10. The software provides flexibility for the Shire to develop and maintain the corporate intranet using internal staff resources, which means we avoid additional costs of outsourcing.
11. Funding to support the purchase of this software is sought through the EDP Financial Reserves.
12. In addition, 'Seamless' provides a comprehensive support and maintenance scheme at an annual cost of \$11,000 which includes:
  - 24/7 support service
  - Minor and major version releases
  - Training – quarterly content management system (CMS) release and user refresh sessions
  - Support entry points – telephone, email and online training system
  - Online support extranet for publishers and developers.

**STATUTORY AND LEGAL IMPLICATIONS**

13. 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**

14. Nil.

**PUBLIC CONSULTATION/COMMUNICATION**

15. Nil.

**FINANCIAL IMPLICATIONS**

16. The purchase price of the 'Seamless' content management software is \$44,000.
17. It is intended to fund this purchase from the EDP Reserve. This reserve was set up to provide for the upgrade / replacement of the Shire's computer hardware and software requirements.
18. The available balance of the reserve is \$53,791 after allowing for transfers identified in the mid year budget review.

19. Ongoing maintenance and support costs of \$11,000 will be funded through the annual operating budget.
20. In comparison, the software currently used by the Shire does not have a support agreement, provide updates, and therefore has no ongoing improvements or resulting cost.

**STRATEGIC AND SUSTAINABILITY IMPLICATIONS**

21. Nil.

**OFFICER COMMENT**

22. Nil

**COMMITTEE RECOMMENDATION TO COUNCIL      GSC-55/2010**

1. That the Council endorse the purchase of content management software at a cost of \$44,000 to enable redevelopment of the Shire's Intranet, funded from the EDP Reserve.

Moved: Cr Carol Everett

Seconded: Cr Frank Lindsey

**CARRIED UNANIMOUSLY/ABSOLUTE MAJORITY (11/0)**

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

## **56. Kalamunda Performing Arts Centre Committee Rules – Revised and Updated**

Previous Items:	Kalamunda Performing Arts Centre Appraisal Report Outcomes GS 47/2010
Responsible Officer	Director Community Development
Service Area:	Community Development
File Reference:	CN-01/048
Applicant:	Shire of Kalamunda
Owner:	Shire of Kalamunda
Attachments	Attachment 1, Management Committee Rules Attachment 2, Kalamunda Performing Arts Centre Committee Rules – Revised and Updated Attachment 3, Committee Rules – Table of Changes

### **PURPOSE**

1. For Council to note the revised and updated Kalamunda Performing Arts Centre Committee Rules.

### **BACKGROUND**

2. The Kalamunda Performing Arts Centre (KPAC) building was jointly funded by the Minister for Education and the Shire of Kalamunda through an agreement dated 13 October 1995.
3. Since that time, a Management Committee has overseen the operations of the facility within the current Management Committee Rules (**Attachment 1**) as established under a joint Management Agreement between the Shire of Kalamunda and the Minister for Education (first developed 1995). A subsequent Deed of Extension has since been extended until 2015.
4. To further enhance the current operations of the facility, the Shire of Kalamunda commissioned an appraisal report (conducted by Industry expert - Graham Walne) on the Kalamunda Performing Arts Centre in September of 2009.
5. The Appraisal Report was officially accepted and received by Council at the Ordinary Council Meeting held on the 17 May 2010.
6. Within the report, the consultant made a specific recommendation relating to the need to review the role of the Management Committee, whilst clarifying expectations and outlining the role of Centre management.



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7. In addressing this recommendation, a final review was carried out by the Kalamunda Community Theatre and Performing Arts Centre Management Committee on 22 April 2010 with the Committee recommending that the Rules be amended in accordance with the final draft (**Attachment 2**).

#### **DETAILS**

8. Changes that have been made to the current Management Committee Rules are shown in Table 1 (**Attachment 3**).

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

9. The committee functions in accordance with the Standing Orders Local Law and operates under the Local Government Act 1995.

#### **POLICY IMPLICATIONS**

10. Nil

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

11. Consultation has taken place between Shire of Kalamunda and Education Department, community representatives and industry consultant, Graham Walne.

#### **FINANCIAL IMPLICATIONS**

12. Nil

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

13. **Strategic Planning Implications**

*Shire of Kalamunda Strategic Plan 2009-2014  
Outcome 1.2 – A vibrant Arts and Cultural Life Community  
To enhance the cultural life of the community with a diverse range of cultural opportunities, experiences and events, which can be embraced by the Shire at Community Level.*

14. **Sustainability Implications**

Nil

15. **Social Implications**

Nil

16. **Economic Implications**

Nil

17. **Environmental Implications**

Nil

**OFFICER COMMENT**

18. The original rules for the Kalamunda Performing Arts Centre Management Committee have not been revised for many years and do not reflect current standards of operation or comply with sections of the Local Government Act 1995.
19. The revised and updated rules provide clearer guidelines to the Kalamunda Performing Arts Centre Management Committee and staff without changing the intent of the current agreement.

**COMMITTEE RECOMMENDATION TO COUNCIL GSC-56/2010**

1. That Council notes the Kalamunda Community Theatre and Performing Arts Centre Management Committee's implementation of their amended rules with respect to the operations of the Committee.

Moved: Cr Sue Bilich

Seconded: Cr Margaret Thomas

**CARRIED UNANIMOUSLY (11/0)**

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

## **57. Proposed Active Reserves Usage Policy**

Previous Items:	N/A
Responsible Officer	Director Community Development
Service Area:	Community Development
File Reference:	
Applicant:	Shire of Kalamunda
Owner:	Shire of Kalamunda
Attachments	Attachment 1, Proposed Active Reserves Usage Policy Attachment 2, FAC17 Seasonal Bookings of Sporting Reserves

### **PURPOSE**

1. For Council to consider adopting the Proposed Active Reserves Usage Policy.

### **BACKGROUND**

2. The Shire is home to 51 sport/recreation clubs and organisations within the local area, with many of these clubs experiencing a growth in membership, thus placing pressure on the Shire's reserves to accommodate the increase in demand.
3. In March 2006, the Shire adopted the Sporting Reserve Development Plan. One of the key recommendations within the Plan was the development of a comprehensive set of policies for provision and management of sporting reserves and facilities.
4. In May 2010, Council received the Draft Hartfield Park Master Plan and resolved to provide the Plan to the community for a public comment period of 42 days. The Master Plan further recommends that a sporting reserve usage policy be developed to specifically cover ideal use for each sporting reserve.
5. The Shire's existing policy for the management of usage at the Shire's reserves "Seasonal Bookings of Sporting Reserves" (Policy no FAC17) requires updating as it does not address issues such as maximum usage.
6. Council is now presented with the Proposed Active Reserves Usage Policy for consideration.

### **DETAILS**

7. The Proposed Active Reserves Usage Policy is intended to provide clear guidelines and consistency in usage of the Shire's active sporting reserves. (***Attachment 1***).

**STATUTORY AND LEGAL IMPLICATIONS**

8. Nil

**POLICY IMPLICATIONS**

9. The Shire currently has a policy FAC17 Seasonal Bookings of Sporting Reserves, to ensure equity and availability of sporting reserves to seasonal ground users. However, this current policy does not cover all aspects that reserves management require.

**PUBLIC CONSULTATION/COMMUNICATION**

10. During the development of the Proposed Active Reserves Usage Policy, Officers undertook a significant amount of consultation with other Local Government Authorities with similar type policies, in particular Cities of Gosnells, Rockingham, Melville and South Perth.
11. Consultation has occurred internally between Operational Services, Parks and Reserves, Governance and Community Development.

**FINANCIAL IMPLICATIONS**

12. Nil

**STRATEGIC AND SUSTAINABILITY IMPLICATIONS**

13. **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.

14. **Sustainability Implications**

Nil

15. **Social Implications**

Nil

16. **Economic Implications**

Nil

17. **Environmental Implications**

Nil

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**OFFICER COMMENT**

18. In recent times, the Shire has experienced a number of issues relating to the usage of active reserves, such as the rapid growth of sporting clubs, constraints of availability relating to overuse and the overall impact of excessive usage on active reserves.
19. The 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, such as the allocation of bookings, fee's and charges and maintenance.
20. It is envisaged that, the Proposed Policy will allow recreational clubs the opportunity to utilise the Shire's reserves, whilst also balancing the need to protect the amenity of the reserves.
21. Currently, no specific level or standard for maximum usage of reserves exists across WA Local Government. However, to ensure that the reserve can be effectively maintained, it is widely accepted that 25hrs per week is the optimum amount of usage by any club on any one area of a reserve.
22. In order to ensure that the Draft Active Reserves Usage Policy meets the needs of the broader community, it is recommended that the Policy be advertised seeking public comment.
23. The Draft Policy shall then be made available to all Sporting Clubs within the Shire, listed on the Shire's website and inserted into the Kalamunda Comments.
24. If Council is supportive of the above process, and pending the outcomes of the public comment period, a report shall be represented to Council in August 2010, for final consideration and endorsement of the Draft Policy.
25. At that point, it shall also be recommended that the Draft Active Reserves Usage Policy replace the existing Seasonal Bookings of Sporting Reserves Policy (FAC17).

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**COMMITTEE RECOMMENDATION TO COUNCIL GSC-57/2010**

1. That Council adopts the Proposed Active Reserves Usage Policy (***GS Item 57 Attachment 1***) for the purposes of advertising to seek public comment for a period of 60 days.

Moved: Cr Margaret Thomas

Seconded: Cr Frank Lindsey

**For**

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

**Against**

Cr Peter Heggie

**CARRIED UNANIMOUSLY (10/1)**

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

## **58. Proposed Event Sponsorship Policy**

Previous Items:	N/A
Responsible Officer	Director Community Development
Service Area:	Community Development
File Reference:	
Applicant:	Shire of Kalamunda
Owner:	Shire of Kalamunda
Attachments	Attachment 1, Proposed Events Sponsorship Policy

### **PURPOSE**

1. For Council to consider adopting the Proposed Event Sponsorship Policy.

### **BACKGROUND**

2. The Shire of Kalamunda supports a wide range of community events through the annual budget deliberation process.
3. Events are coordinated in either of the following ways:
  - a) Internally: Coordinated as an in-house event by the Shire's events team or
  - b) Externally: Sponsorship is provided to an external group to facilitate the event.
4. Of the externally facilitated events, a significant proportion of events have been functioning on an annual basis for numerous years.
5. To date, there has been no formalised application, assessment and review process for such funding requests from external groups, with some received outside of existing budget deliberation cycles resulting in workflow, planning, assessment and financial management issues.
6. In the past twelve months, requests from community groups and external organisations seeking financial sponsorship to assist in the hosting of events has continued to grow, prompting the need to develop some controlling parameters.
7. To remedy this situation, it is proposed that a Policy is adopted that is inclusive of a triple bottom line consideration for each request (i.e. Social, Economic and Environmental).

### **DETAILS**

8. The Proposed Event Sponsorship Policy is intended to provide clear guidelines and transparency in relation to the decision making process for funding of local events. ***(Attachment 1)***.

- 
9. The proposed assessment framework involves a 2 stage assessment system. Stage 1 is an initial yes / no eligibility system whereby applicants must comply with all criteria in order to advance through to Stage 2. Stage 2 provides criteria to be used as a weighting (scoring) system. This will assist in the determination of the level of impact each event could have on the local community and should therefore, dependant upon the score achieved, be prioritised and recommended for support or declined.

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

10. Nil

#### **POLICY IMPLICATIONS**

11. Nil

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

12. During the development of the Event Sponsorship Policy, the City of Swan, City of Joondalup, City of Belmont, Shire of Augusta-Margaret River and City of Melville were consulted.

#### **FINANCIAL IMPLICATIONS**

13. Any financial expenditure or support provided in relation to the sponsored events shall form part of the annual budget deliberation process.

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

14. **Strategic Planning Implications**

*Shire of Kalamunda Strategic Plan 2009-2014*

*Outcome 1.2 – A vibrant Arts and Cultural Life Community*

*To enhance the cultural life of the community with a diverse range of cultural opportunities, experiences and events, which can be embraced by the Shire at Community Level.*

15. **Sustainability Implications**

Community events inject substantial economic, cultural and social benefits into the Shire of Kalamunda community and they should be supported where relevant and feasible, in order to deliver outcomes as identified within the Shire's Strategic Plan.

16. **Social Implications**

Nil

17. **Economic Implications**

Nil

18. **Environmental Implications**

Nil



**OFFICER COMMENT**

19. It is important that an agreed process is established to ensure that events are appropriately rationalised to avoid duplication, professionally managed and that they offer a return on investment for Council.
20. It is proposed that an internal review and assessment panel is established, using the newly created policy and assessment framework to review, prioritise and provide recommendations to Council for deliberation as part of the annual budget process.

**COMMITTEE RECOMMENDATION TO COUNCIL GSC-58/2010**

1. That Council adopts the Proposed Event Sponsorship Policy.

Moved: Cr Margaret Thomas

Seconded: Cr Donald McKechnie

**CARRIED UNANIMOUSLY (11/0)**

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

## **59. Proposed Graffiti Action Plan**

Previous Items:	Nil
Responsible Officer	Director Community Development
Service Area:	Community Development
File Reference:	CO-RCS-011, BU-ISP-003, CO-CCS-065
Applicant:	Shire of Kalamunda
Owner:	Shire of Kalamunda
Attachments	Attachment 1, Graffiti Action Plan Proposal Attachment 2, Graffiti Action Plan Photographs Attachment 3, Graffiti Policy

### **PURPOSE**

1. For Council to consider and support the proposed Graffiti Action Plan (***Attachment 1***).

### **BACKGROUND**

2. In November 2006, the Shire adopted the Graffiti – Removal and Prevention Policy (ADM23).
3. The Shire currently employs a Safer Suburbs Project Officer via funding from the Attorney-General's Department. A key objective of the funding agreement is to establish procedures to implement a Graffiti Action Plan and reduce the amount of graffiti in the Shire of Kalamunda.
4. A review of the Shire's Graffiti – Removal and Prevention Policy and processes to address graffiti has highlighted inconsistencies and shortfalls when comparing to contemporary standards.
5. The Shire currently engages external contractors on a needs basis to remove graffiti from Council property only.
6. As such, Council is now presented with a Graffiti Action Plan for consideration.

### **DETAILS**

7. The proposed Graffiti Action Plan is intended to provide clear direction and guidelines in relation to the Shire's approach to the removal and prevention of graffiti.

### **STATUTORY AND LEGAL IMPLICATIONS**

8. Nil

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## **POLICY IMPLICATIONS**

9. Support of the proposed Graffiti Action Plan will provide the catalyst for an improved graffiti removal service and the amendment of the Graffiti – Removal and Prevention Policy. The amended policy will provide strategic direction and guidance to the Shire.

## **PUBLIC CONSULTATION/COMMUNICATION**

10. During the development of the Graffiti Action Plan, the practices and policies of other Local Government Authorities, in particular City of Belmont, City of Gosnells, City of Armadale, City of Swan and Town of Bassendean were reviewed.
11. The draft Graffiti Action Plan received positive feedback at the recent Community Safety and Crime Prevention Advisory Committee meeting.

## **FINANCIAL IMPLICATIONS**

12. Currently it is difficult to ascertain the true cost of graffiti removal as there is no separate budget item and it is split across 3 departments as part of general vandalism budgets.
13. A submission of \$260,000 has been put forward by Engineering Services within the 2010/11 budget deliberations process for dedicated graffiti removal staff and equipment. \$260,000 is estimated as an ongoing operational cost will be incorporated within annual budget deliberations.
14. Engineering staff have calculated the current approximate annual expenditure of graffiti removal by scrutinizing supplier invoices to separate graffiti costs from other maintenance costs. The approximate figure is \$40,000.
15. There is potential to seek a small amount of external funding for initial graffiti removal equipment through the Office of Crime Prevention. However, the Shire will remain responsible for the large majority of the initial equipment and ongoing operational costs for graffiti removal.
16. The proposed Graffiti Action Plan would need to be subject to an annual detailed review process, the associated costs would then be reflected within subsequent annual budget deliberations.

## **STRATEGIC AND SUSTAINABILITY IMPLICATIONS**

17. **Strategic Planning Implications**  
Shire of Kalamunda Strategic Plan 2009-2014  
1.4.5 Develop and implement a local Graffiti policy and strategy
18. **Sustainability Implications**  
Nil

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19. **Social Implications**

Nil

20. **Economic Implications**

Nil

21. **Environmental Implications**

Nil

**OFFICER COMMENT**

22. Graffiti is prevalent throughout suburbs of the Shire of Kalamunda (***Attachment 2***).

23. Rapid graffiti removal is seen as best-practice in graffiti reduction as it diminishes the level of recognition and reward achieved by graffiti vandals.

24. City of Belmont and City of Gosnells are two Local Government Authority examples of dedicated graffiti removal teams being appointed to ensure efficient and effective removal.

25. The Shire of Kalamunda graffiti removal is currently split across 3 Engineering Services areas as part of general vandalism budgets. This is currently a cumbersome and inefficient process. Engineering will be submitting only one specific 2010/11 graffiti budget item for dedicated staff and equipment to ensure a rapid response more contemporary approach.

26. In addition, Shire of Kalamunda property owners (residents and businesses) can contact a volunteer community service group that have an anti-graffiti trailer to request removal from private properties. The community service group is restricted by the availability of volunteers and therefore the response time is varied.

27. The existing Graffiti Removal and Prevention Policy (***Attachment 3***) is dated in comparison to current standards. Dependent on allocation of resources to address graffiti in 2010/11 an amended policy will need to consider:

- Removal from fences or walls on private property that abut Council owned land such as parks and paths
- Removal from private homes.
- Aiming to remove graffiti within 48hrs (from the time of reporting), with immediate removal if the graffiti is racist or obscene (in line with State Government Policy)
- Encouraging community to report graffiti, inclusive of processes
- Maintain a register/database of graffiti removal work, along with photographs, to assist with efficient reporting to police.

28. The Graffiti Action Plan is predominantly dependent on the provision of additional staff resources and equipment. Depending on the outcome of the specific 2010/11 graffiti budget item, the Graffiti Action Plan and Policy will be reviewed, amended and implemented accordingly.

- 
29. The Graffiti Action Plan will be subjected to a detailed review process after an initial 12 month period, at which point we shall be able to greater understand demand, budget and resource implications.
30. The CEO requested through the Chairman that it be noted in the minutes that a comment made by a councillor was, in his view, inappropriate to suggest that he was trying to influence Council's vote on this item. He advised that it was his role to ensure the information in front of Councillors was factual.

**COMMITTEE RECOMMENDATION TO COUNCIL GSC-59/2010**

1. 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.

Moved: Cr Sue Bilich

Seconded: Cr Noreen Townsend

**For**

Cr Carol Everett  
Cr Peter Heggie  
Cr Frank Lindsey  
Cr Allan Morton  
Cr Noreen Townsend  
Cr Dylan O'Connor  
Cr Sue Bilich  
Cr Martyn Cresswell

**Against**

Cr Geoff Stallard  
Cr Donald McKechnie  
Cr Margaret Thomas

**CARRIED (8/3)**

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

## **60. Awarding of Tender - Stage 2 Upgrade Kalamunda Aquatic Centre**

Previous Items:	Stage 1
Responsible Officer	Director Engineering Services
Service Area:	Engineering Services
File Reference:	CL-11/038
Applicant:	Shire of Kalamunda
Owner:	Shire of Kalamunda

Attachments

### **PURPOSE**

1. To consider awarding the Tender for the Stage 2 Upgrade of the Kalamunda Aquatic Centre.

### **BACKGROUND**

2. Funds were included in the 2009/10 Budget for the upgrading of the Kalamunda Aquatic Centre. Due to time constraints and a need to ensure the facility was open for use during the season, these works were split into 2 stages. Stage 1 works were commenced prior to the opening of the 2009/10 summer season. The Stage 2 works are now due for consideration.

### **DETAILS**

3. The Stage 2 works consist of the following:
  - replacement of the pump lines;
  - replacement of the return to pool line;
  - repairs to the main pool spine;
  - removal and replacement of the scum gutters;
  - upgrade of the chlorination system and pumps;
  - repainting and retiling;
  - relaying of the concourse;
  - renewal of access ladders, fittings and blocks; and
  - improvements to the stormwater catchment system.
4. Tenders for Stage 2 of the Kalamunda Aquatic Centre Upgrade were advertised in the West Australian on the 20 March 2010. In response to the Request for Tender, only one submission was received from AVP Commercial Pools, for a lump sum price of \$1,140,000 (ex GST). An independent Tender appraisal has been completed by Architects Donovan Payne, shown at ***(Attachment 1.)***

- 
5. Council made a provision of \$594,000 for Stage 1 and an additional \$878,000 for Stage 2, of the Aquatic Centre Upgrades, in the 2009/10 Budget. The Stage 1 works have since been completed or fully committed, for a total expenditure of approximately \$629,000.
  6. During the undertaking of the Stage 1 works, many safety concerns were raised with the general condition of the facility and prior to the opening of the 09/10 season; additional works were undertaken on an emergency basis. These works included:
    - replacing the decking and balustrades for the main slide ramps;
    - rust removal and repainting of the slide structure;
    - repairs to the quad slide structure;
    - Covers over the balance and back wash tanks;
    - electrical repairs; and
    - slide pump repairs.

These additional works amounted to approximately \$300,000.

7. In addition, painting of the pool was undertaken in an attempt to improve the aesthetics. Repainting will be required after completion of the Stage 2 works.

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

8. Since the construction of the facility in the mid 1960's, the industry has undergone a number of changes and subsequent regulatory reviews. Of most relevance to this consideration are the requirements for commercial pools to reduce pool filtration cycles from 8 hours to 3.5 hours upon the commencement of "major renovations".
9. A recent response from the Department of Health is that they consider the scope of works in this instance to trigger that clause. As a consequence, Council cannot carry out these works without additionally improving the filtration system of the complex.

#### **POLICY IMPLICATIONS**

10. Nil

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

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

## FINANCIAL IMPLICATIONS

12. The financial position for the project is as follows;

<b>Budget:</b>	
Stage One	\$878,000
Stage Two	<u>\$594,000</u>
<b>TOTAL</b>	<b>\$1,472,000</b>
<b>Expenditure:</b>	
Stage One Works	\$629,000
Works undertaken to address safety concerns	<u>\$300,000</u>
<b>TOTAL</b>	<b>\$929,000</b>
<b>Remaining Funds</b>	<b>\$543,000</b>

13. If the Tender is awarded for Stage 2 works at a lump sum price of \$1,14,000 there will be a shortfall of \$597,000.
14. Completion of the identified works will require significant additional funding in future years, as detailed in the Officer Comments.

## STRATEGIC AND SUSTAINABILITY IMPLICATIONS

15. Outcome 2.1 – Improved Asset Management to meet community needs today and in the future.
16. The facility has been poorly maintained during the previous 21 year lease, which stipulated that the Lessee was required to perform all maintenance. Subsequently, sub-standard if any maintenance was carried out. The result is that the facility rates at best poor, and in some instances unsafe.

## OFFICER COMMENT

17. If the programmed works proceed it is necessary to comply with the Department of Health requirements to meet new regulatory standards. In addition to the programmed works, the following items are required to be completed by 2012, in order to meet the Department of Health regulations:
- additional return to pool lines;
  - separate filtration system for the existing toddlers pools;
  - increase the capacity of the external return to pool line;
  - upgrade filtration pump;
  - install enlarged filter system;
  - install stand-by pump and filter system; and
  - increase the capacity balance tank.



18. A separate report from Norman Disney and Young shown at **(Attachment 2.)** has provided an indication of the scope of works required to meet these regulations, as well as estimated prices. This amounts to an additional \$450,000.
19. Further imposition is the current state of the internal power supply, and the need to increase the current supply to handle the increased loads required for these identified works. Not only are the current site main and site sub-main switchboards failing to meet industry standards, there is evidence that one of the sub-main switchboards has previously caught on fire and remained in service. This is unacceptable from a safety point of view, and must be dealt with. The estimates at this stage indicate that the power upgrade will cost in the vicinity of \$150,000, while internal rewiring will be in the order of \$100,000. These estimates will be formalised once the consultants report is received.
20. The final consideration is that the viability of the entire facility revolves around the activities of the waterslides. A structural assessment was recently completed by Leisure Engineering Pty Ltd **(Attachment 3.)** who are water slide installation and maintenance specialists. Their report includes numerous recommendations and options to manage and improve the condition of the slides in both the short term and into the future. The outcome is that to retain this service over the long term; the costs will be in the order of \$3,000,000.
21. Hence, in addition to the current shortfall of \$597,000 over and above the Budget allocation, the future expenditure requirements are estimated as follows:

Work required to comply with Health Regulations	\$450,000
Upgrade of Power supply and rewiring	\$250,000
Replacement of Slides	<u>\$3,000,000</u>
<b>Total</b>	<b>\$3,700,000</b>

22. Accordingly, it is staff's opinion that Council has two options. The first is to acknowledge and affirm its commitment to ongoing funding of the Kalamunda Aquatic Centre as outlined above, in order to continue providing this service into the future. In the event that Council elects to proceed with the upgrade, it must do so in the knowledge that ongoing high levels of funding (approximately \$5M) must be continued over the next five to ten years to ensure that the facility is returned to a good condition. If this is not to be the case, any significant work will prove to be wasteful.
23. Alternatively, the second option is to perform the bare minimum of works required to maintain the facility in a safe condition and to provide a basic service in the short term, for the remaining life of the infrastructure. The condition of the facilities infrastructure will need to be regularly monitored to ensure safety. A further assessment of community needs may be carried out in five years.

24. If Council chooses the second option, the following works would be required to open the facility for the upcoming season:

Return to pool lines, including repairs to main pool spine	\$200,000
Retiling and repainting as required	\$50,000
Upgrade of Power supply and rewiring	<u>\$250,000</u>
<b>Total</b>	<b>\$500,000</b>

25. In addition to the above works, between \$100,000 and \$150,000 will be required annually for the maintenance of this facility.
26. Staff have so far proceeded on the basis of the first option, however, in view of a number of other high priority projects, it may not be feasible for Council to commit to the future funding of this project. Accordingly, it is recommended that, no Tender be awarded for the upgrade of the pool and immediate works required for a basic level of service, as outlined above, are carried out from the remaining funds of \$543,000.
27. If Council favours the recommended second option, fresh Tenders will need to be called.

**COMMITTEE RECOMMENDATION TO COUNCIL          GCS-60/2010**

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.

Moved: Cr Donald McKechnie

Seconded: Cr Dylan O'Connor

**CARRIED UNANIMOUSLY (11/0)**

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

## **61. Kalamunda Farmers Market – Application for Permanent Approval**

Previous Items: Report 38 April 2009 General Services Committee  
Responsible Officer: Director Planning and Development Services  
Service Area: Health  
File Reference: CN-11/GEN  
Applicant: Kalamunda Chamber of Commerce  
Owner:

Attachments: Number 1 – Report 38 GSC April 2009  
Number 2 – 2010 Site Plan

### **PURPOSE**

1. For Council to consider approving the continued operation of the Kalamunda Farmers Market.

### **BACKGROUND**

2. Council resolved at the April 2009 Ordinary Council Meeting; "That Council approve, for a trial period of 14 months (ending June 2010) the operation of the Kalamunda Farmers Market on Sundays in the Kalamunda town centre, subject to the following conditions". A copy of the above report is shown in **(Attachment 1.)**
3. An application has been received from Kalamunda Farmers Market seeking permanent approval for the market.
4. Separately, an issue has been raised by the applicant regarding the location of the stalls under the verandah along Central Mall. This issue relates to the proximity of the stalls to the shop fronts. This matter is currently being investigated, and any subsequent adjustment to the location of stalls will be dealt with separately.

### **DETAILS**

5. The Kalamunda Farmers Markets operates on Sundays in the Kalamunda town centre, specifically Central Mall and the area surrounding the KADS building and the rotunda, between the hours of 8.00AM to 1.00PM in Winter and 7:00AM to 12:00noon in Summer.
6. The market, operated by the Kalamunda Chamber of Commerce, provides quality fresh local produce. Currently each market day has in the order of 36 stalls operating, providing a range of fresh produce, not limited to, but including fish, meat, bread, seasonal fruit and vegetables, cheese, jams, chutneys and a variety of ready to eat foods.

- 
7. The 2009 approval required a review of the parking arrangements after three months of operation. At the time it was unknown what the impact the market would have on Sunday parking within the town centre. It was evidence shortly after the commencement of the market that parking was not an issue. This has not changed in the 13 months that market has been operating.
  8. Council provided a seed grant of \$10,000 in the form of an interest free loan. This loan has been repaid.
  9. The Kalamunda Farmers Markets have provided an updated risk management plan, a site plan and a copy of their current indemnity insurance (\$20M). A copy of the site plan is shown in ***(Attachment 2.)***
  10. Currently the market operates without closing Nestorbrae Lane. The community have access to car parks located in the vicinity of the markets.
  11. There are two approved alfresco areas (Chocolicious and Crema Coffee) that are approved to operate within the market area.

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

12. The Shire of Kalamunda Trading on Thoroughfares and Public Places Local Law 2008 - Traders Permit required.

#### **POLICY IMPLICATIONS**

13. Trading in Public Places- General Principles Policy HLTH12

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

14. Nil

#### **FINANCIAL IMPLICATIONS**

15. Permit fee is applicable – 2010/2011 proposed \$1200, however it is proposed that the fee be increased to a figure commensurate with the fee charged for the monthly Saturday market. The new fee would equate to \$5000 per annum. It would be proposed that the new fee be phased in over a four year period to minimize any impact on stall holders.

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

16. **Strategic Planning Implications**  
Nil- however noted that the Town Centre Improvement Plan is currently under consideration.
17. **Sustainability Implications**  
Nil.

**18. Social Implications**

Nil

**19. Economic Implications**

Shire of Kalamunda Strategic Plan 2009-2014 Outcome 4.2.

Increased opportunities for local business and employment Strategy 4.2.3  
Partner with local and regional businesses to support further economic development.

**20. Environmental Implications**

Nil.

**OFFICER COMMENT**

21. The Kalamunda Farmers Market has been in operation for 13 months and in this time has been well managed and increased the number of regular stalls and is considered to be a viable market.
22. Officers have worked with the market, and will continue to do so, to ensure the smooth and efficient operation of the markets.
23. The market has been well received and is well patronised by the community, and has helped increase the vibrancy and profile of Kalamunda. Currently in the order of 2000+ people attend on market days.
24. It is recommended that approval be granted for the continued operation of these markets subject to the following conditions.
  - a. To apply for and obtain an annual Traders Permit.
  - b. All food stalls to comply with the requirements of the Food Act 2008 and the Australian New Zealand Food Standards Code and require individual application and approval by the Shire Health Service.
  - c. That following every market day the area is returned to its pre-event condition
  - d. That no stalls are to be located on the lawns or garden beds.
  - e. Approval is for the area and stalls as generally shown on the submitted plan (***Attachment 2.***)
  - f. Approval does not include the two areas approved for alfresco dining – Chocolicious and Crema Coffee.

**COMMITTEE RECOMMENDATION TO COUNCIL****GSC-61/2010**

1. That Council approve the continued operation of the Kalamunda Farmers Markets in the Kalamunda town centre, subject to the following conditions.
  - a. To apply for and obtain an annual Traders Permit

- 
- b. All food stalls to comply with the requirements of the Food Act 2008 and the Australian New Zealand Food Standards Code and require individual application and approval by the Shire Health Service.
  - c. That following every market day the area is returned to its pre-event condition.
  - d. That no stalls are to be located on the lawns or garden beds, and no vehicles associated with the stalls are to be parked or driven on the lawns or gardens at any time.
  - e. Approval is for the area and stalls as generally shown on the submitted plan ***(Attachment 2.)***
  - f. Approval does not include the two areas approved for alfresco dining - Chocolicious and Crema Coffee.

Moved: Cr Margaret Thomas

Seconded: Cr Carol Everett

**CARRIED UNANIMOUSLY (11/0)**

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

## **62. Council Meeting Structure**

Previous Items:	OCM 42/2010
Responsible Officer	Chief Executive Officer
Service Area:	Chief Executive's Office
File Reference:	OR-MTG-006
Applicant:	N/A
Owner:	N/A
Attachments	N/A

### **PURPOSE**

1. The purpose of this report is for Council to consider the benefits and costs associated with Council moving to two (2) Full Council Meetings each month, removing the need for Standing Committee Meetings.

### **BACKGROUND**

2. Council at its ordinary meeting of 15 March 2010 resolved to request that the CEO investigate the benefits and costs associated with the above proposed change to its meeting structure and present a report to Council.

### **DETAILS**

3. An important function of a modern local government is to regularly review its structure and procedures to ensure that:
  1. They are performing the tasks that they were designed to do
  2. They meet the existing (changed) circumstances of the local government.

In this matter we can be assured that processes that are in place are effective and efficient not simply because they have been done that way in the past.

4. It is emphasised that the key process is to review, to determine if changes are necessary or desired.
5. This review process applies to the governance or political functions as well as the operational areas.
6. *PRESENT SYSTEM*

The present structure at the Shire of Kalamunda is to have two Standing Committees, the General Services Committee and the Planning Services Committee, each made up of all twelve (12) Councillors.

These Committees have no delegated powers; they meet monthly on the first and second Monday of each month and recommend to Council which meets on the third Monday of the month. To this is added the Audit Committee consisting of six (6)

Councillors, again with no delegated powers which meets on an as needs basis, at least three (3) times a year.

With the exception of the Audit Committee whose role and structure was reviewed in October 2007 the existing structure has been in place since November 1996.

7. WHAT OTHER LOCAL GOVERNMENTS DO

In 2009, of the 139 local governments in WA, 22 operated with 2 Council meetings a month, 6 operated on a 3 week rolling cycle and 2 on a 4 week cycle.

There are a number of variations operating within the 2 meetings a month structure, with 5 continuing to operate some form of Committee structure, 4 splitting their meetings equally between 2 of their 4 operational divisions, and 1 operating with an allocation of portfolios to councillors.

Although 2 other local governments indicated they had 2 meetings a month, 1 in fact was an Agenda Briefing meeting.

Since the beginning of 2010, 4 of the 22 Councils on a 2 meetings a month system, have changed their meeting structure, with 3 reverting to 1 meeting a month and 1 introducing a rolling 3 week cycle.

A common element of the 2 meetings system is an Agenda Briefing meeting to enable councillors to raise questions and seek explanations from officers on issues that they may have with reports included in the Agenda.

8. POSSIBLE OPTIONS

Option A - No Committees and Two Council Meetings a Month

Suggest Council meetings to be the 2<sup>nd</sup> and 4<sup>th</sup> Monday of the month.

The advantages of this system revolve around the timing of the decision making process. With a Council meeting every two weeks the time taken for an item to get to council for a decision is reduced. This is more important with respect to Planning issues where if an application just misses a close-off the delay is only two (2) weeks rather than a month. The other obvious savings is in the number of meetings a month which is reduced from three (3) to two (2). [Noting that extra forums or briefing meetings may be required].

There are disadvantages with this system relating to the amount of time for councillor 'reflection' especially when considering public comments made at the meeting. At the moment there is at least one week before the public comment and the final (Council) decision. This can, in a no committee system, be mitigated by deferral to the next council meeting.

The other area of change is the amount of time councillors have to consider an item, prior to making a decision. Theoretically the debate at a committee stage can allow time for other information to be provided before the final decision is made. It is staff option that this is rarely done and not regarded as a meaningful drawback.



9. Option B - No Committees and Two Council Meetings a Month with Agenda Briefings

Whilst the same basic structure would apply as for Option A, a system of two Council meetings a month with no committees normally involves the introduction of Agenda Briefing meetings at an appropriate time prior to each Council meeting.

Agenda Briefing meetings provide the opportunity for staff to speak to items on the Agenda and councillors can ask questions and seek explanations to any issues that they have. Essentially the briefings substitute for the committee meeting and provide for reflection and consideration of public representation on contentious issues. Additionally Agenda Briefings sessions would minimise any potential increase in the duration Council meeting time which normally occurs in a no Committee system.

The frequency of such briefing meetings is depended upon councillors determined needs. It is envisaged that briefing meetings would be held on the 1<sup>st</sup> and 3<sup>rd</sup> Monday of each month and could be combined with councillor forums, where required.

10. Option C – Rolling 3 Week Cycle with no Committees

The 3 week rolling cycle provides some of the advantages of Options A/B in that the time between meetings is reduced and therefore enables decisions to be made quicker than the present system. Again, the effectiveness of this system is enhanced through the introduction of Agenda Briefing sessions as outlined in Option B.

Whilst this system provides an increase in the number of Council meetings compared to the present system a potential downside is the loss of the predictability that comes with a set day in the month for Council meetings. This could be a significant negative from a community perspective.

11. Option D - Change Committee Systems and retain 1 Council meeting a month

As a general rule a committee is a subgroup of the group with a specialist area of activity or task. Traditionally the membership of the committee is made up of some councillors, but not all. This is supposed to promote specialisation and the gaining and application of such specialised knowledge by committee members in their recommendations to council. The number and make up of such committee structures vary according to each local government wishes.

There are a number of problems with such committees many concerned with membership and meetings. Membership is via election and can result in councillors not being members of the committee they want thus feeling disenfranchised.

The best way for such a committee system to work is when councillors are prepared to actively delegate responsibility to other councillors across the various committees. Failure to do so at all times results in a rehashing at full council meetings of debate already addressed at committee.

Because of the above and because the present committee system of all council membership counters such problems this report does not recommend this option.

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12. Option E Retain the Existing System

The benefits of the existing system is that theoretically debate can be more intense and less formal than at a full council, although at the Shire of Kalamunda there is little difference between the application of standing orders at committee or council.

There is some period of time under the existing system which allows for councillors to research more fully the subject before the final vote is given especially with reference to information provided off the floor by the public. Under the existing system council has three (3) different chairmen for monthly meetings (excluding Audit Committee). Which results in more elected members having a 'leadership' role in the conduct of meetings.

The downside refers almost totally to the time constraints especially those associated with planning decisions. Under the existing system if the deadline is missed then it may be a month before the application is put before council and a decision made which in terms of better customer service is not optimal.

13. Option F - Retain the Existing System with Enhanced Delegations

This is an alternative strategy to address the issues of customer service and delays in building and planning matters.

If council expands its powers of delegation more can be done by staff with decisions being made quicker. The reporting of such a use of delegated powers is still made to council, but the focus of council deliberations moves from the small and mundane to the strategic and important.

This would follow what has happened in the finance area where by regulation council has moved from holding up all payments until approved by council to staff reporting all payments made and reporting on the effects of those payments through variances to budget etc.

This option does, to some extent, relieve councillors from the decision making process on smaller local issues. However, it is emphasised that council adopts both the Town Planning Scheme and the policies, with delegated decisions made within those parameters.

## **STATUTORY AND LEGAL IMPLICATIONS**

14. The frequency of Ordinary council meeting times can be determined under section 5.3 of the *Local Government Act (1995)*, which stipulates that they must be held not more than three months apart.
15. Meeting times and dates will need to be advertised in accordance with section 5.15 (1) (g) of the *Local Government Act 1995* and clause 12 of the *Local Government (Administration) Regulations 1996*.

## **POLICY IMPLICATIONS**

16. Policy MTG7 provides that no Council meeting will be held in January. The appropriateness of continuing with this Policy should be considered if either of Options A, B or C are introduced.

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**PUBLIC CONSULTATION/COMMUNICATION**

17. Although there has been no public consultation or comment sought at this stage, comments have been sought from the Shire's Executive Management Team. However, it would be desirable to seek public comments if a change to the current system is agreed upon by Council.

**FINANCIAL IMPLICATIONS**

18. The possible financial implications will depend on whether any change to the current system is introduced. It is not envisaged that there would be significant cost benefits in terms of expenditure related to staff or incidental expenses.
19. The most obvious impact is in relation to catering costs. Current costs are in the order of \$1300 per Council meeting and \$1100 per Committee meeting. Based on these figures a saving of approximately \$11,000 could be achieved under Option A or an increase in expenditure of some \$14,000 under Option B, with varying other impacts for the other Options.

**STRATEGIC AND SUSTAINABILITY IMPLICATIONS****20. Strategic Planning Implications**

It is considered that whilst there could be an initial positive impact on Goal 5 of the current Strategic Plan if a change in the current meeting structure increases the number of Council meetings, there could also be a longer term negative impact in meeting the overall strategies arising from additional stresses on the organisation and senior staff in meeting additional Agenda deadlines. This could impact on the effective implementation and management of the current Strategic Plan and visions for future plans.

**21. Sustainability Implications**

None

**22. Social Implications**

None

**23. Economic Implications**

None

**24. Environmental Implications**

None

**OFFICER COMMENT**

25. Although it is Council that sets the structure it feels best suits its operational requirements and circumstances, there are flow on effects to the organisation as a whole and senior staff in particular from whichever meeting structure is implemented.

26. There is ample evidence that Agenda Briefings are an integral part of an effective meeting process where a Committee structure is not utilised. Therefore, a system of 2 meetings a month leads to an overall increase in the number of meetings councillors attend per month. The alternative to Agenda Briefings is generally much longer Council meetings.
27. The most significant impact identified by senior staff arising from the 2 meetings a month system is the additional strain on the organisation in meeting Agenda deadlines. Staff are constantly under the impression that they are in “agenda mode” and feel pressured to ensure requests from the community for a decision by Council goes to the next meeting. (This is certainly collaborated by the City of Bayswater’s recent decision to abandon its move to 2 meetings a month, reverting back to its previous structure of 1 meeting a month with Committees). Anecdotal evidence is that this can lead to items being put to Council which may not have been fully researched and considered due to perceived time constraints in meeting deadlines which could compromise their professionalism.
28. Staff can also be distracted from effectively managing the Strategic goals of the organisation and may not have sufficient clear time to devote to developing the next generation of visions and goals required to ensure that they meet the expectations of Council, councillors and the community for the continued growth and development of Kalamunda.

#### **OFFICER RECOMMENDATION**

1. That Council retain its current meeting structure.

Moved: Cr Margaret Thomas

Seconded: Cr Dylan O’Connor

A Councillor proposed an amendment to the Officer Recommendation that the Planning Services Committee and General Services Committee change order in the meeting schedule. This amendment was accepted by the mover and the seconder and the recommendation to the vote.

#### **COMMITTEE RECOMMENDATION TO COUNCIL**

**GSC- 62/2010**

1. That Council retain its current meeting structure.
2. That commencing August 2010 the Planning Services Committee be held on the first Monday of the month and the General Services Committee be held on the second Monday of the month.

Moved: Cr Margaret Thomas

Seconded: Cr Dylan O’Connor

**CARRIED UNANIMOUSLY (11/0)**

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

### **63. Execution of Documents**

Previous Items:	N/A
Responsible Officer	Chief Executive Officer
Service Area:	Chief Executives Office
File Reference:	LE-ACT-006
Applicant:	Not Applicable
Owner:	Not Applicable
 Attachments	 No Attachments

#### **PURPOSE**

1. For Council, under the current legislative framework, to provide authorisation to specified staff to sign documents on behalf of the Shire of Kalamunda that do not require the affixing of the Common Seal.

#### **BACKGROUND**

2. In order to carry out its functions efficiently and effectively, a Local Government has the ability to delegate its powers and duties to the Chief Executive Officer (or to another staff member, in some cases).
3. With respect to the execution of documents on behalf of the Shire the CEO currently has delegated authority to execute documents and apply the Common Seal of the Shire of Kalamunda on behalf of Council generally.
4. Recent amendments to the *Local Government Act 1995* have amended the statutory requirement with respect to affixing the Common Seal and execution of documents generally.

#### **DETAILS**

5. As a consequence of some confusion with respect to the legal requirements for a document to be validly executed on behalf of a Local Government, amendments were recently made to Part 9 of the Local Government Act 1995, by inserting new sections 9.49A and 9.49B.
6. Section 9.49A clarifies that local governments may use the common seal to execute documents or alternatively have the signed on behalf of the local government by authorized persons, thus overcoming a common law view that the seal must be used in all circumstances. Section 9.49B sets out the details of contract formalities.
7. A consequential amendment was also made to section 5.43 [limits on delegations to the CEO] which specifies that that the power of the Council to authorize a person to sign documents cannot be delegated to the CEO.

8. These amendments will therefore require an amendment to the current delegation of authority to the CEO with respect to the signing of documents under seal. Additionally, there is a requirement to specify persons authorized to sign documents that do not require the affixing of the common seal.
9. This report deals only with the authorisations for signing of documents. The amendment required to any delegations is handled under the following Agenda Item - -Review of Delegations.

### **STATUTORY AND LEGAL IMPLICATIONS**

10. Section 9.49A - Execution of Documents, provides:
  - (1) A document is duly executed by a local government if:-
    - (a) the common seal of the local government is affixed to it in accordance with subsections (2) and (3); or
    - (b) it is signed on behalf of the local government by a person or persons authorised under subsection (4) to do so.
  - (2) The common seal of a local government is not to be affixed to any document except as authorised by the local government.
  - (3) The common seal of the local government is to be affixed to a document in the presence of:-
    - (a) the mayor or president; and
    - (b) the chief executive officer or a senior employee authorised by the chief executive officer, each of whom is to sign the document to attest that the common seal was so affixed.
  - (4) A local government may, by resolution, authorise the Chief Executive Officer, another employee or an agent of the local government to sign documents on behalf of the local government, either generally or subject to conditions or restrictions specified in the authorisation.
  - (5) A document executed by a person under an authority under subsection (4) is not to be regarded as a deed unless the person executes it as a deed and is permitted to do so by the authorization.
  - (6) A document purporting to be executed in accordance with this section is to be presumed to be duly executed unless the contrary is shown.
  - (7) When a document is produced bearing a seal purporting to be the common seal of the local government, it is to be presumed that the seal is the common seal of the local government unless the contrary is shown.

Section 9.49B – Contract formalities, provides:-

- (1) Insofar as the formalities of making, varying or discharging a contract are concerned, a person acting under the authority of a local government may make, vary or discharge a contract in the name of or on behalf of the local government in the same manner as if that contract was made, varied or discharged by a natural person.
- (2) The making, variation or discharge of a contract in accordance with subsection (1) is effectual in law and binds the local government concerned and other parties to the contract.

Subsection (1) does not prevent a local government from making, varying or discharging a contract under its common seal.

11. The proposals contained in the Officers Recommendations will ensure that the Shire of Kalamunda complies with the new requirements introduced to the Local Government Act 1995.

#### **POLICY IMPLICATIONS**

12.

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

13. Public consultation is not required with respect to this issue.

#### **FINANCIAL IMPLICATIONS**

14. There are no financial implications flowing from this issue.

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

15. **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, and

Ensure appropriate systems and procedures are in place to comply with statutory compliance and enhance effective business management.

16. **Sustainability Implications**

None

17. **Social Implications**

None

18. **Economic Implications**

None

19. **Environmental Implications**

None

#### **OFFICER COMMENT**

- 
20. In view of the range of documents that would be impacted by the amendment to the Act, legal advice was obtained to clarify any specific document types that need to be identified when an authorisation is provided to the officers.
21. The Officer Recommendations have been drafted in accordance with the legal advice provided by Kott Gunning.

**COMMITTEE RECOMMENDATION TO COUNCIL GSC-63/2010**

1. That Council authorises the following Officers of the Shire of Kalamunda to sign documents on behalf of the Shire of Kalamunda, as specified:-

- (i) *the Chief Executive Officer;*
- (ii) *the Director of Planning and Development Services;*
- (iii) *the Director of Engineering Services;*
- (iv) *the Director of Corporate Services;*
- (v) *the Director of Community Development:-*

any document, including Deeds, that is necessary or appropriate to be signed for these offices to carry out their functions and duties under any written law.

- (vi) *Manager Community Development;-*

any document, excluding Deeds, that is necessary or appropriate to be signed to carry out the Manager's functions and duties under any written law.

- (vii) *Manager Property and Procurement;-*

- (a) Leases
- (b) Extensions of Lease
- (c) Assignments of Lease
- (d) Deed of Variation of Lease
- (e) Surrenders of Lease
- (f) Licences
- (g) Assignments and Assignments and Variations of Licence
- (h) Contracts
- (i) Contracts of Sale

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Moved: Cr Margaret Thomas

Seconded: Cr Peter Heggie

**CARRIED UNANIMOUSLY (11/0)**



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

#### **64. Review of Delegations**

Previous Items: GS 59/2009 OCM 62/09  
Responsible Officer: Chief Executive Officer  
Service Area: Chief Executive's Office  
File Reference: LE-ACT-006  
Applicant: N/A  
Owner: N/A

Attachments: Attachment 1 – Register of Delegations current as at 15 March 2010  
Attachment 2 – New Delegations for adoption by Council

#### **PURPOSE**

1. For Council to review its delegations to the Chief Executive Officer and other employees.

#### **BACKGROUND**

2. In order to carry out its functions efficiently and effectively, Council has the ability to delegate its powers and duties to the Chief Executive Officer (or to another staff member, in some cases).
3. Section 5.46 of the *Local Government Act 1995* requires each Council to review its delegations at least once every financial year.
4. Council last reviewed its delegations on 15 June 2009. The current delegations must therefore be reviewed by 30 June 2010.

#### **DETAILS**

5. The current delegations of Council, adopted in June 2009, plus a number of subsequent delegations, are shown in Attachment 1.
6. The review under taken by staff in preparation of this report has revealed that most of the delegations are appropriate and provide an effective framework for the efficient operation of the Shire through the responsible discharge of the those powers and duties delegated by Council
7. The delegation with respect to the Common Seal needs to be amended due to an amendment to the Local Government Act 1995 introduced in September 2009. Further details regarding the amendment to the Act and its impact is contained in the Item dealing with Execution of Documents.
8. There is a need to revoke one delegation with respect to the Organisational Structure as there is no legislative basis for this delegation. The Chief Executive Officer already has sufficient authority within the Act to achieve the aims within this delegation

- 
9. The delegations relating to Planning Matters has been revised and a new delegation instrument prepared to enable these matters to be handled in a more efficient and effective manner.

### **STATUTORY AND LEGAL IMPLICATIONS**

10. Section 5.42 of the *Local Government Act 1995* states that –  
“A local government may delegate to the CEO the exercise of any of its powers or the discharge of any of its duties under this Act other than those referred to in section 5.43.” (absolute majority required);  
Limits on delegations to CEO’s – s.5.43;  
Requirement for review – s.5.46.
11. Similar provisions apply in other Acts and the Shire’s Local Planning Scheme No 3

### **POLICY IMPLICATIONS**

12. Council’s policies are to be reviewed to ensure that any limitations on delegation are clearly stated.

### **PUBLIC CONSULTATION/COMMUNICATION**

13. Public consultation is not considered necessary with respect to this issue

### **FINANCIAL IMPLICATIONS**

14. There are no direct financial implications associated with this issue.

### **STRATEGIC AND SUSTAINABILITY IMPLICATIONS**

15. **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.

Ensure appropriate systems and procedures are in place to comply with statutory compliance and enhance effective business management.

16. **Sustainability Implications**

None

17. **Social Implications**

None

18. **Economic Implications**

None

19. **Environmental Implications**

None

**OFFICER COMMENT**

20. The officer recommendations reflect the outcome of the review undertaken of the existing Delegations

**COMMITTEE RECOMMENDATION TO COUNCIL GSC-64/2010**

1. That Council notes the review of the Delegation Register.
2. That Council revokes the following delegations included in Attachment 1:-  
Delegation LL1 – Common Seal  
Delegation LGA5 – Organisational Structure  
Delegation PDA – Planning Matters  
Delegation PDA2 – Enforcement and Administration Powers under Part 11 of Local Planning Scheme No 3
3. That Council adopts the following delegations included in Attachment 2:-  
Delegation LGA10 – Common Seal  
Delegation PLN1 – Planning Matters

Moved: Cr Margaret Thomas

Seconded: Cr Frank Lindsey

**CARRIED UNANIMOUSLY/ABSOLUTE MAJORITY (11/0)**

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

11.1 Nil

**12.0 QUESTIONS BY MEMBERS WITHOUT NOTICE**

12.1 Changes to Agenda Items (Cr Noreen Townsend)

Q. Is it possible when issued with revised agenda items the changes are highlighted in some way (bold or italic)?

A. The CEO agreed this was a good suggestion which would be implemented.

12.2 Page Number of Attachments (Cr Sue Bilich)

Q Could the page numbers of attachments be included on the report item?

A. The CEO agreed this was a good suggestion which would be implemented.

12.3 Water in Urn (Cr Geoff Stallard)

Q Can the water in the urn be refreshed as it is not pleasant tasting.

A. This will be done.

12.4 Screens on Chairman/CEO Table (Cr Donald McKechnie)

Q. Is it possible to have the screens moved to the side so that members can see the people at this table?

A. The CEO advised there has been provision made in the budget to address the screens and IT set up in the Council Chambers.

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

13.1 Nil.

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

### 14.1 Fire Management Issues

#### **Officer Comments:**

- The District Office based in Midland houses the FESA District Manager and is the regional base for the Community Emergency Service Managers (CESM) from Kalamunda, Mundaring and Swan
- The CESM are jointly funded by the local governments and FESA however, there was no consultation with these Shires prior to the decision being made
- The CESM have considerable bushfire Incident Management training and experience and provide this function at bushfires that occur within the region, the timeframe for their deployment will take considerably longer
- The early deployment of effective and properly resourced Incident Management functions at fires and other emergencies can make a considerable difference to the outcome of such incidents
- The Hills location is considered a high risk bushfire area which warrants a special response arrangement during the fire season
- The relocation of CESM to Joondalup will place an increased Incident Management workload on the local B F Brigades, whose Officers do not have the same level of extensive specialist training and networks
- The advice, training, planning and support roles the CESM provided to Shires and local Brigades is invaluable and is mainly implemented on-site, traveling from Joondalup will significantly impact on the effectiveness of this service delivery.

#### **COMMITTEE RECOMMENDATION TO COUNCIL      GSC-65/2010**

1. That the C E O write to the Premier and the Minister for Emergency Services, expressing the Council's sincere concerns about the potential risk to lives and property in the Hills area due to a decision to relocate the FESA North East District Office from Midland to Joondalup

Moved: Cr Donald McKechnie

Seconded: Cr Noreen Townsend

#### **CARRIED UNANIMOUSLY (11/0)**

## **15.0 MATTERS CLOSED TO THE PUBLIC**

- 15.1 Nil

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**16.0 CLOSURE**

There being no further business, the Chairman declared the meeting closed at 8.05 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