
Shire of Kalamunda

General Services Committee

Agenda for 14 November 2011





NOTICE OF MEETING GENERAL SERVICES COMMITTEE

Councillors,

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

Monday 14 November 2011 commencing at 6.30 pm.

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

Open Council Meetings – Procedures

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

James Trail
Chief Executive Officer

9 November 2011

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

AGENDA

1.0 OFFICIAL OPENING

2.0 ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE PREVIOUSLY APPROVED

Cr Margaret Thomas
Cr Geoff Stallard

(Leave of Absence) North Ward
(Leave of Absence) South East Ward

3.0 PUBLIC QUESTION TIME

A period of not less than 15 minutes is provided to allow questions from the gallery on matters relating to the functions of this Committee. For the purposes of Minuting, these questions and answers are summarised.

4.0 PETITIONS/DEPUTATIONS

5.0 APPLICATIONS FOR LEAVE OF ABSENCE

6.0 CONFIRMATION OF PREVIOUS MINUTES

6.1 General Services Committee Meeting 10 October 2011

1. That the Minutes of the General Services Committee Meeting held on 10 October 2011 is confirmed as a true and correct record of the proceedings.

Moved:

Seconded:

Vote:

Statement by Presiding Member

“On the basis of the above motion I now sign the minutes as a true and accurate record of the meeting of 10 October 2011.”

6.2 Special General Services Committee Meeting 17 October 2011

1. That the Minutes of the Special General Services Committee Meeting held on 17 October 2011 is confirmed as a true and correct record of the proceedings.

Moved:

Seconded:

Vote:

Statement by Presiding Member

“On the basis of the above motion I now sign the minutes as a true and accurate record of the meeting of 17 October 2011.”

7.0 ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION

8.0 MATTERS FOR WHICH MEETING MAY BE CLOSED

8.1 Disposal of a Portion of Reserve 25815 – 26 Marri Crescent Lesmurdie Provided under separate cover – to be dealt with at 15.0 on this agenda

Reason for Confidentiality - *Local Government Act 1995*: Section 5.23(2) (c), “A contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting.

8.2 Acquisition of Property at 13 Headingly Road Kalamunda Provided under separate cover – to be dealt with at 15.0 on this agenda

Reason for Confidentiality - *Local Government Act 1995*: Section 5.23(2) (c), “A contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting.

8.3 Cell 9 Wattle Grove Urban Area – Purchase of Lot 35 (348) Hale Road, Wattle Grove Provided under separate cover – to be dealt with at 15.0 on this agenda

Reason for Confidentiality - *Local Government Act 1995*: Section 5.23(2) (c), “A contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting.

9.0 DISCLOSURE OF INTERESTS

Disclosure of Financial and Proximity Interests

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

Disclosure of Interest Affecting Impartiality

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

10.0 REPORT TO COUNCIL

Please Note:

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

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REPORTS

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

131. Creditors' Accounts Paid During the Period 4 October to 26 October 2011

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

Attachment 1 Creditor Payments during the period 4 October to 26 October 2011 (Page 1)

PURPOSE

1. To receive creditors' accounts paid during the 4 October to 26 October 2011 (Attachment 1).

BACKGROUND

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

DETAILS

4. Accordingly, the list of creditors paid during the period 4 October to 26 October 2011 (Attachment 1).

STATUTORY AND LEGAL IMPLICATIONS

5. Nil.

POLICY IMPLICATIONS

6. Nil.

PUBLIC CONSULTATION/COMMUNICATION

7. Nil.

FINANCIAL IMPLICATIONS

8. Nil.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

Strategic Planning Implications

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

Sustainability Implications

Social implications

10. Nil.

Economic Implications

11. Nil.

Environmental Implications

12. Nil.

OFFICER COMMENT

13. Nil.

OFFICER RECOMMENDATION (GS 131/2011)

1. That the list of creditors paid during the period 4 October to 26 October 2011 (Attachment 1) be received by Council in accordance with the requirements of the *Local Government (Financial Management) Regulations 1996 (Regulation 12)*.

Moved:

Seconded:

Vote:

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

132. Monthly Financial Statements for the Period ending 30 September 2011

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

Attachment 1 Statement of Financial Activity for the period ending 30 September 2011 (Page 24)

PURPOSE

1. To receive the draft monthly financial statement reports for the period ending 30 September 2011.

BACKGROUND

2. Attached are the monthly Statement of Financial Position (Balance Sheet), Rate Setting Statement and Statement of Comprehensive Income for the period ending 30 September 2011. These have been prepared in accordance with the requirements of *Local Government (Financial Management) Regulations 1996 (Regulation 34)*.
3. It is also a requirement of the Regulations that each financial year the local government adopts a percentage or value to be used in statements of financial activity for reporting material variances.

DETAILS

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

Financial Commentary

6. Operating Revenue

The year to date actual Operating Income of \$34,931,934 represents 71.5% of the full year and is \$298,066 or 0.9% in excess of the year to date budget amount.

Whilst the profit on land sales (\$545,000) exceeds the Budget it must be remembered that these profits are scheduled to be transferred to the Reserve Account.

The distribution of Grants between Operating and those for Capital purposes needs to be investigated and, if necessary, transfers undertaken.

- a. Rates: Rating income of \$23,307,351 is 97.7% of the total budget and is within \$4,200 of the anticipated Revenue to 30 September 2011. Interim and back rating will account for the additional Rate revenue required.
- b. Fees & Charges: The revenue to 30 September 2011 of \$7,529,304 is what would be expected given a large percentage of the fees and charges were levied with the rates. The monthly distribution of the Budget has been corrected and Fees and Charges now exceed the budget by approximately \$47,300 which is within the scope anticipated.
- c. Interest Earnings: The Actual \$23,681 compares poorly to Budget month to date of \$113,016 is significant. The Budget distribution issues are corrected and it is anticipated that this actual will come in line with the Budget.
- d. Other Revenue: The Actual \$7,980 compared to Budget month to date variance of \$37,329 is significant. This is due to planning fines not being at budgeted expected levels. In addition it should be noted that planning fines budgets will be reallocated to fees and charges.

7. **Operating Expenditure**

Overall Operating Expenditure is at an acceptable level compared to the Year to Date Budget. The actual expenditure of \$10,990,636 is \$678,389 less than anticipated, however as indicated by the Acting Manager Finance at the recent Audit Committee considerable expenditure applicable to September has not been accounted for until October. This situation will be corrected in October 2011's report and all future presentations.

The two areas of over expenditure compared to Budget are "Utility Charges" and "Insurance Expenses".

Utility Charges

As was explained at the Audit Committee meeting the distribution of some major expenditure items in the Budget was not correct (has been in error for some years) and now with the correct treatment of the expense accruals the actual exceeds the budget with a corresponding saving in "Materials and Contracts". A presentation will be made to Council to correct the Budget allocations from "Materials and Contracts" to "Employment Costs" and "Utility Charges".

Insurance Expenses

Final Insurance payments are made in October/November and comments on over/under variations are best left until November 2011's report.

8. **Capital Expenditure**

Capital Expenditure is at a low level to 30 September 2011 and over the ensuing months major projects will commence.

9. **2011/2012 Municipal Budget**

It has become apparent that the distribution of the Budget in two areas needs addressing and this will be carried out over the next month for presentation to the Budget Review meeting:

The two areas of concern are:

1. Monthly distribution – as has been presented in relation to “Fees and Charges” and “Insurance Expenses”.
2. Allocation between “Materials and Contracts”, Employment Costs” and “Utility Charges”.
3. The Rate Setting Statement reflects the amount to be reallocated as a separate line item as part of the Budget Review.

Neither of the above impact on the overall integrity of the Budget, but impact on the “Operating Statement by Nature and Type”.

Operating Statement by Program Variations to Budget

Operating Revenue

Governance

10. Minor allocations required.

General Purpose Funding

11. The excess Rates Revenue as previously mentioned is the major factor in this program. The General Purpose Funding budget to 30 September 2011 is \$24,060,070 against the year to date actual of \$27,854,936. This difference is within acceptable limits.

Law Order Public Safety

12. Receipt of unbudgeted Grants (as at 30 September) totalling \$35,000 is the major impactor.

Health

13. The variance of \$1,947 is within accepted levels.

Education and Welfare

14. Grants and Contributions make up the difference.

Recreation and Culture

15. An additional \$42,063 over year to date Budget has been achieved.

Transport

16. The actual is short of the Budget by approximately \$98,000 and the timing of Grant (Road Grants) is the major contributor.

Economic Services

17. In line with Budget Expectation.

Other Property and Services

18. In line with Budget Expectation.

Operating ExpenditureGovernance

19. Savings against the Budget are generally in "Employment Costs".

General Purpose Funding

20. The problem on this program is the revaluation costs of \$165,000 which have not been allowed for in the Budget. The account was paid in 2010/2011 and treated on that year as paid in advance. There are monies in the reserve fund created for this purpose which will be transferred in this Financial Year.

Community Amenities

21. The Budget for this Program is \$2,596,097 against an Actual (year to date) of \$1,841,742 giving a saving of \$755,000 (approximately). This can be accounted for in costs not brought to account at the month end relating to waste collection and disposal (Generally approximately \$300,000 per month).

Recreation and Culture

22. There are savings against budget throughout this Program and can be accounted for by invoices not processed. This will be corrected for the October 2011 report.

Other Property and Services

23. The Business Units in this area should generally clear to other Programs. This does not appear to be occurring and the Acting Manager Finance will undertake a thorough check to ensure that these allocations occur. It is anticipated the November 2011 report will reflect all allocations.

STATUTORY AND LEGAL IMPLICATIONS

24. Nil.

POLICY IMPLICATIONS

25. Nil.

PUBLIC CONSULTATION/COMMUNICATION

26. Nil.

FINANCIAL IMPLICATIONS

27. Nil.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS**Strategic Planning Implications**

28. This report works toward achieving objective:

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

of the Shire of Kalamunda Strategic Plan 2009-2014.

Sustainability ImplicationsSocial implications

29. Nil.

Economic Implications

30. Nil.

Environmental Implications

31. Nil.

OFFICER COMMENT

32. Nil.

OFFICER RECOMMENDATION (GS 132/2011)

1. That the monthly financial statements which comprise the Statement of Financial Position, Equity Statement, Statement of Comprehensive Income by Nature and Type, Statement of Comprehensive Income by Program, Rate Setting Statement, and Operating Budget Variance Analysis and Operating Statement by Program at account level for the period ending 30 September 2011 be received.

Moved:

Seconded:

Vote:

Declaration of financial / conflict of interests to be recorded prior to dealing with each item.
133. Debtors and Creditors Reports for the Period ending 28 October 2011

Previous Items	N/A
Responsible Officer	Director Corporate Services
Service Area	Finance
File Reference	FI-CRS-002
Applicant	N/A
Owner	N/A
Attachment 1	Summary of Debtors for the period ended 28 October 2011 (Page 33)
Attachment 2	Summary of Creditors for the period ended 28 October 2011 (Page 36)

PURPOSE

- To receive a monthly report on debtors and creditors.

BACKGROUND

- Attached are the reports detailing aged Debtors (Attachment 1) and Creditors (Attachment 2) as at 28 October 2011.
- Council has requested reports detailing outstanding debtors and creditors on a monthly basis.

DETAILS
Debtors

- The total of \$540,252 debtor accounts was outstanding as at 28 October 2011.
Particular items affecting the outstanding balances are:
- The total outstanding in the category of 90+ days for the month of October 2011 was \$231,145.87.
Major debtors in this category are shown at attachment 2 to this report.
- The total outstanding in the category of 60+ days for the month of October 2011 was \$7,092.
Major debtors in this category are shown at attachment 2 to this report
- The total outstanding in the category of 30+ days for the month of October 2011 was \$103,306.
Major debtors in this category are shown at attachment 2 to this report.

8. The total outstanding in the Current category for the month of October 2011 was \$198,708.

The terms of payment given to a debtor are 30 days from date of invoice.

Creditors

9. Payments totalling \$4521593.38 were made during the month of October 2011.
10. Standard payment terms are 30 days from the end of month, with local business and contractors on 14 day terms.
11. Invoices showing as outstanding greater than 60 and 90 days are the result of the original invoice documentation not being received by Finance.
12. All contractors, trades and suppliers are advised of the Shire's preference to pay by Electronic Funds Transfer (EFT) for efficiency and cost savings.

STATUTORY AND LEGAL IMPLICATIONS

13. Nil.

POLICY IMPLICATIONS

14. Nil.

PUBLIC CONSULTATION/COMMUNICATION

15. Nil.

FINANCIAL IMPLICATIONS

16. Nil.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

Strategic Planning Implications

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

Sustainability Implications

Social implications

18. Nil.

Economic Implications

19. Nil.

Environmental Implications

20. Nil.

OFFICER COMMENT

21. The Forrestfield United Soccer Club Inc. was given approval by Council at the meeting on 20 June 2011 to defer payment of the Loan and Reserve Hire charges until December 2011. Council should note that while this arrangement is in place, the Shire is currently meeting the Loan repayments.
22. A meeting with Forrestfield United Soccer Club Inc. is scheduled in November 2011 to discuss how the Club will be addressing the financial commitments to the Shire from January 2012.

OFFICER RECOMMENDATION (GS 133/2011)

1. That the outstanding debtors (Attachment 1) and creditors (Attachment2) reports as at 28 October 2011 be received.

Moved:

Seconded:

Vote:

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

Previous Items	N/A
Responsible Officer	Director Corporate Services
Service Area	Finance
File Reference	FI-DRS-004
Applicant	N/A
Owner	N/A
Attachment 1	Summary of Outstanding Rates for the period ended 31 October 2011 (Page 37)

PURPOSE

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

BACKGROUND

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

DETAILS**Rates Second Instalment 2011/2012**

3. The due date for the payment of the second of the four Instalment options is 7 November 2011.

Pensioner Rebates

4. The first Pensioner & Senior Rebate Claims were lodged with the Office of State Revenue on 19 October 2011. A total of \$1,456,044.18 has been received by the Shire. This is represented by \$1,106,527.78 in Rates rebate and \$174,834.10 in relation to the Emergency Services Levy.

Telephone Calls

5. Contact with the rates department by telephone has slowed down compared to the last month. It is expected the volume of calls will increase with the issue of Final Notices over the next few weeks.
The decrease in the number of telephone calls on a whole so far this financial year could be attributing improve data maintenance and integrity is an ongoing priority project.

Final Notices 2011/2012

6. The Final Notice process will commence in the first two weeks of November and should encourage an increase in the payment of outstanding Rates & Services.

Legal Action 2010/2011

7. This process has now progressed to the Land Warrant stage. There are still many of the original Property Seizure and Sale Orders have remained unpaid or unsatisfied by the seizure order. Some warrants have been returned because there are no goods to seize or because the debtor is unable to be found. A list of these properties will be submitted shortly for consideration by Council for Land Warrants.

Land Warrants can only be issued if three years or more rates remain unpaid – (per *The Local Government Act 1992* Section 6.64-6.75).

STATUTORY AND LEGAL IMPLICATIONS

8. Nil.

POLICY IMPLICATIONS

9. Nil.

PUBLIC CONSULTATION/COMMUNICATION

10. Nil.

FINANCIAL IMPLICATIONS

11. Nil.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS**Strategic Planning Implications**

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

Sustainability ImplicationsSocial implications

13. Debt collecting processes contain the risk of bringing negative publicity to the Shire.

Economic Implications

14. Effective collection of all outstanding debtors leads to enhanced financial sustainability for the Shire.

Environmental Implications

15. Nil.

OFFICER COMMENT

16. Nil.

OFFICER RECOMMENDATION (GS 134/2011)

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

Moved:

Seconded:

Vote:

Declaration of financial / conflict of interests to be recorded prior to dealing with each item.**135. Application to Keep More Than Two Dogs – 8 James Road, Kalamunda**

Previous Items	N/A
Responsible Officer	Director Community Development
Service Area	Community Development
File Reference	RA-ANC-011: ICS 33266
Applicant	Robyn and Gary Searle – 8 James Road, Kalamunda
Owner	Robyn and Gary Searle

Attachment 1 Location Map (Page 39)

PURPOSE

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

BACKGROUND

2. The applicants at 8 James Road, Kalamunda have recently applied to Council requesting permission to keep more than two dogs on their property.
3. Clause 3.2.(2) of the Shire of Kalamunda Dogs Local Law 2010 stipulates:

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

DETAILS

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

	Breed	Sex	Sterilised	Colour	Name	Registration Number	Age	Local Authority
1.	Kelpie X	M	Yes	Black	Diego	13-2166	5½	Kalamunda
2.	Maltese X	M	Yes	Black	Banjo	13-2167	6	Kalamunda
3.	Beagle	F	Yes	Tan and White	Lilly	13-2880	3	Kalamunda

5. In considering the merit of the application, an inspection was undertaken by Ranger Services to ensure the premises are appropriately sized so as to be capable of effectively and comfortably housing three dogs and to confirm that the fences and gates are compliant with the Dog Act 1976.
6. The property at 8 James Road, Kalamunda is 2277 sqm and Zoned Residential R5.

STATUTORY AND LEGAL IMPLICATIONS

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

POLICY IMPLICATIONS

10. Nil.

PUBLIC CONSULTATION/COMMUNICATION

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

FINANCIAL IMPLICATIONS

13. Nil.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS**Strategic Planning Implications**

14. Nil.

Sustainability ImplicationsSocial Implications

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

Economic Implications

16. Nil.

Environmental Implications

17. Nil.

OFFICER COMMENT

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

OFFICER RECOMMENDATION (GS 135/2011)

1. That Council, pursuant to Clause 3.2 of the Shire of Kalamunda Dogs Local Law 2010 made under Section 26(3) of the *Dog Act 1976*, grant an exemption to the applicant of 8 James Road, Kalamunda to keep three dogs on this property.

Moved:

Seconded:

Vote:

Declaration of financial / conflict of interests to be recorded prior to dealing with each item.**136. Application to Keep More Than Two Dogs – 43 Benson Way, High Wycombe**

Previous Items	N/A
Responsible Officer	Director Community Development
Service Area	Community Development
File Reference	RA-ANC-011: ICS 33957
Applicant	Gemma Bain – 43 Benson Way, High Wycombe
Owner	James and Gemma Bain

Attachment 1 Location Map (Page 40)

PURPOSE

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

BACKGROUND

2. The applicants at 43 Benson Way, High Wycombe have recently applied to Council requesting permission to keep more than two dogs on their property.
3. Clause 3.2.(2) of the Shire of Kalamunda Dogs Local Law 2010 stipulates:

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

DETAILS

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

	Breed	Sex	Sterilised	Colour	Name	Registration Number	Age	Local Authority
1.	Labrador Retriever	M	No	Black	Neo	N/A	8 weeks	Kalamunda
2.	Labrador Retriever	M	No	Yellow	Blizzard	13-2771	2 ½	Kalamunda
3.	Labrador Retriever	F	Yes	Yellow	Summer	13-2328	6 ½	Kalamunda

5. In considering the merit of the application, an inspection was undertaken by Ranger Services to ensure the premises are appropriately sized so as to be capable of effectively and comfortably housing three dogs and to confirm that the fences and gates are compliant with the *Dog Act 1976*.
6. The property at 43 Benson Way, High Wycombe is 649 sqm and Zoned Urban Development.

STATUTORY AND LEGAL IMPLICATIONS

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

POLICY IMPLICATIONS

10. Nil.

PUBLIC CONSULTATION/COMMUNICATION

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

FINANCIAL IMPLICATIONS

13. Nil

STRATEGIC AND SUSTAINABILITY IMPLICATIONS**Strategic Planning Implications**

14. Nil.

Sustainability Implications

Social Implications

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

Economic Implications

16. Nil.

Environmental Implications

17. Nil.

OFFICER COMMENT

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

OFFICER RECOMMENDATION (GS 136/2011)

1. That Council, pursuant to Clause 3.2 of the Shire of Kalamunda Dogs Local Law 2010 made under Section 26(3) of the *Dog Act 1976*, grant an exemption to the applicant of 43 Benson Way, High Wycombe to keep three dogs on this property.

Moved:

Seconded:

Vote:

Declaration of financial / conflict of interests to be recorded prior to dealing with each item.
137. Kalamunda Home and Community Care – September (2011) Quarter Review

Previous Items	OCM 112/2011
Responsible Officer	Director Community Development
Service Area	Community Development
File Reference	CO-SPC-022
Applicant	N/A
Owner	N/A
Attachment 1	KHACC Service Volumes Report (Page 41)
Attachment 2	KHACC Financial Summary (Page 42)
Attachment 3	Meals on Wheels Financial Summary (Page 43)

PURPOSE

1. To receive the Kalamunda Home and Community Care September (2011) Quarter Review.

BACKGROUND

2. At the February 2011 Ordinary Council Meeting (OCM 11/2011), Council resolved to accept the Kalamunda Home and Community Care ("KHACC") Business Case (2010 – 2014).
3. The Business Case was prepared in accordance with the direction given by Council at the October 2010 Ordinary Council meeting where it was resolved:

"That the Home and Community Care Services provided, be within the limits of the funding available and reviewed every quarter and reported to Council"

DETAILS

4. The Review has concentrated on the following three core areas:
 - a. Service Delivery as per our Contract
 - b. Financial Management
 - c. Workforce Management

Service Delivery

5. The Service Volumes Report (Attachment 1) shows how KHACC is performing in relation to its contracted service provision levels.
6. Aged Community Services WA prepared a survey to gather data on the progress of the HACC Framework during the April - June 2011 period. Below is a summary of the key issues identified by their members in this most recent survey:

- 88.9% of respondents reported a reduction in HACC referrals and delivered HACC hours during the comparative periods April to June 2010 and 2011.
- 83.3% of survey respondents were NOT able to meet their contract deliverable hours for the financial period ending 30 June 2011.

(ACSWA Member Survey HACC Assessment Framework April – June 2011)

Transport

7. General transport was contracted to provide 4750 one way trips and provided 1360 resulting in a variance of minus 3390 one way trips.
8. Centre Based Day Care Transport was contracted to deliver 2450 one way trips and provided 2686 with a variance of plus 236 one way trips
9. The service is accepting new referrals and received six new referrals for this reporting quarter. Transport statistics will usually drop during the winter season. Clients choose to stay home during bad weather and only utilise transport for unavoidable appointments such as medical. The aim of the transport service is such that recurring services are not in place for clients. The service is provided on an as needed basis in most instances.

Community Visitor Scheme

10. The Community Visitors Scheme is funded to deliver 270 hours of volunteer visits and provided 257 hours.
11. The service is accepting new referrals and received five during this reporting quarter, as well as recruiting three new volunteers.

Community Aged Care Packages (“CACP”)

12. CACP was contracted to deliver 20 packages and maintained 20 packages during this reporting period.

Centre Based Day Care

13. Centre Based Day Care was contracted to provide 10,537 hours and provided 8,038 hours with a variance of minus 2,499 hours.
14. Approximately 320 hours of the variance are attributed to a monthly client free day. The day is used to have a staff meeting and to conduct program planning for the following month. Winter also sees a reduction in attendance due to illness. Clients are encouraged to stay home to reduce the risk of cross infection.
15. The service is accepting new referrals and received 12 new referrals for this reporting quarter.

Home Maintenance

16. Home Maintenance was contracted to provide 1,892 hours and provided 1,691 hours with a variance of minus 201 hours.
17. As a rule, this service runs to contracted hours. A variance of 201 hours in part would be attributed to staff being unable to complete tasks due to the weather.
18. The service is accepting new referrals and received four new referrals or this reporting quarter.

Domestic Assistance

19. Domestic Assistance was contracted to provide 2,640 hours and provided 2,719 with a variance of plus 79 hours.
20. This service is currently not accepting new referrals. Existing clients have been forwarded to the Regional Assessment Team for reassessment. This may result in the current hours being decreased for some clients whose capacity for independence has increased as a result of receiving our support. The Regional Assessment Team is experiencing a back log of reassessments across the metropolitan area.

In Home Respite

21. In Home Respite was contracted to provide 475 hours and provided 164 hours with a variance of minus 311 hours.
22. The implementation of the Assessment Framework is resulting in carers needs also being assessed by the Regional Assessment Team. Carers are often reluctant to accept support so it is hoped that over time, with recommendations and support from the Regional Assessment Team, referrals for carer focused supports will increase.
23. The service is accepting new referrals but did not receive any for this reporting quarter.

Other Food Services

24. Other Food Services was contracted to provide 39 hours and provided nine hours with a variance of minus 30 hours.
25. The service is accepting new referrals but did not receive any for this reporting quarter. This support type has been added to the Service Availability Form that is sent to the Commonwealth Respite Carelink Centre fortnightly with the aim of promoting the service resulting in an increase of referrals.

Counselling Support Information and Advocacy for the Client

26. Counselling Support Information and Advocacy was contracted to provide 680 hours and provide 619 hours with a variance of minus 61 hours.
27. The service does not receive direct referrals as it is a support that is provided to existing clients as required.
28. It has been identified that the current process for recording these hours is incorrect. From Monday 31 October 2011, the process for recording this service type will change from a recurring service to an actual service. This will potentially result in a significant drop in recorded hours unless Coordinators can demonstrate that the hours recorded to date can be verified as actual support provided.

Meals on Wheels

29. Meals on Wheels was contracted to provide 5,009 meals and provided 3,979 meals with a variance of minus 1,003 meals.
30. The service is accepting new referrals and received six new referrals for this reporting quarter.
31. Meals on Wheels has received a total of six new referrals since the inception of the Assessment Framework on 31 January 2011. Meals on Wheels as a support type is seeing less referrals as the HACC program embeds the philosophy of wellness based care. Referrals for Meals on Wheels received in the future are likely to be to fulfil a short term need while other support types, such as Other Food Services are provided to assist the client to regain or learn skills that promote their independence.

Social Support

32. Social Support was contracted to provide 1,980 hours and provided 1,321 with a variance of minus 659 hours.
33. The service is accepting new referrals and received five during this reporting quarter for shopping. This has the potential to impact on the referrals for transport as clients are being assessed as requiring the additional support of being accompanied, whereas with the transport service they are only dropped off and picked up.

Personal Care

34. Personal Care was contracted to provide 924 hours and provided 361 with a variance of minus 563 hours.

-
35. The service is accepting new referrals and received three during this reporting quarter. Personal Care as a support type is seeing less referrals as the HACC program embeds the philosophy of wellness based care. Referrals for Personal Care received are likely to be to fulfil a short term need while a client recovers from an episode of illness. There is an expectation this service type should see an increase in the coming months as existing clients or new clients are discharged from hospital following bouts of illness (e.g. pneumonia, flu and infection) that has resulted in decline in their health.

Financial Management

36. KHACC Financial Summary, Attachment 2, shows the First Quarter financial summary for the HACC program recurrent income and expenditure 2011-2012.
37. The total recurrent income receipted is greater than budgeted. The grant income account, 385606.465, actuals to budget shows a variance of \$35,495. The budget calculation is based on 25% of the total annual grant whereas 30% of the grant is remitted in the First Quarter.
38. The budget for fee income is based on volumes that we expect to achieve but all services are subject to supply and demand. The total actuals to budget variance is -\$2820 which is due to a reduction in demand for certain services.
39. The total recurrent expenditure budget to actuals shows that currently our expenditure is under budget. The budget is based on 25% of the total expenditure; however, as expenditure is greater in the latter months of the financial year one would expect to be under budget during the First Quarter of the financial year.
40. It should be noted that while expense account 385710.535 appears significantly over budget this is due to an error coding certain salary on costs. The correction of this error will bring this account back on budget while increasing expenditure in 385704.512 – an account that is currently under budget.
41. Meals on Wheels Financial Summary, Attachment 3, shows the First Quarter financial summary for the Meals on Wheels Program recurrent income and expenditure 2011-2012.
42. The budgeted operating deficit for the Meals on Wheels program in the First Quarter was \$10,444. The actual First Quarter deficit was \$13,575. This, in part, is due to the Meals on Wheels coordinator working additional hours to meet the workload associated with food deliveries, preparation and food storage. The Coordinator, as she is the only Shire representative on site, also helps with public enquiries and issues at the Jack Healey Centre.

Workforce Management

43. Nil.

STATUTORY AND LEGAL IMPLICATIONS

44. All aspects of program delivery are being reviewed to ensure that systems and processes that ensure compliance with funding contracts and service delivery standards are sound and are able to be clearly demonstrated.

POLICY IMPLICATIONS

45. Nil.

PUBLIC CONSULTATION/COMMUNICATION

46. A Client Satisfaction Survey was conducted during this quarter. The survey was sent to 600 clients and had 355 responses (59%).

47. Clients were asked a range of questions regarding the services provided, and the feedback received has highlighted some internal opportunities for improvement with a focus on what we document to evidence that we have done what we should do when we respond to our client's needs.

48. Of notable mention is:

Overall, how satisfied are you with the services?

313 clients responded to this question

Dissatisfied	Satisfied	Very Satisfied
1	121	191

312 of the clients that responded to the question expressed satisfaction with the services provided.

Overall, how satisfied are you with the staff?

319 clients responded to this question

Dissatisfied	Satisfied	Very Satisfied
1	105	213

318 of the clients that responded to the question expressed satisfaction with the staff who provide their care.

FINANCIAL IMPLICATIONS

49. The First Quarter operating budget compared to actual results produced a favourable variance for the HACC program, as expenditure was less than budgeted. A favourable variance at this point in the financial year is to be expected as this surplus will help meet increased salary expenses (annual pay increase) and expenses that are incurred towards the end of the financial year such as fringe benefit tax and leave accruals.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS**Strategic Planning Implications**

50. *Shire of Kalamunda Strategic Plan 2009 – 2014:*
- 1.1.3 Expand home support and community care services so that remaining at home as independently as possible is a realistic option for most aged and disabled.
51. *Shire of Kalamunda Aged Accommodation Strategy 2008:*
- 6.2 A substantial expansion in existing levels of home and community care services will be required to meet not only current demand, but also to match expanding demand as the population ages over time. This will need to occur across all service areas, with a high priority given to transport, home modification and maintenance, and domestic assistance.

Sustainability ImplicationsSocial implications

52. *Shire of Kalamunda Aged Accommodation Strategy 2008:*
- 6.1 A strong desire to “age in place” is now the well-established preference for older people and is a key theme that underlies Commonwealth and State Government policy and programs. This encompasses being able to continue to live in the familiar surroundings of the home and local environment as independently as possible, and with support services if required.

Economic Implications

53. Nil.

Environmental Implications

54. Nil.

OFFICER COMMENT

55. The September Quarterly Review has shown that the KHACC service continues to be delivered within the available funding limits. Although actual volumes delivered overall are below the contracted volumes, to deliver any more would further increase expenditure, without off-setting increases in grant funding.
56. All policies, procedures and forms are being reviewed to ensure consistency and compliance with funding standards and the Shire style guide.

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57. WA Department of Health, Home and Community Care will soon be running workshops focused on 'Future Models for Centre Based Day Care'. KHACC has registered its interest to be a part of this process.
 58. The recommendations of the Meals on Wheels feasibility study are currently being considered. Alternative service delivery options are being investigated with the aim of proposing the most sustainable service delivery model for Council's consideration.
 59. As previously noted, the new assessment framework procedure has a number of shortcomings that is affecting all HACC Service providers. The second evaluation of the official framework is underway and any relevant findings will be shared as they are released.

OFFICER RECOMMENDATION (GS 137/2011)

1. That the Kalamunda Home and Community Care Services September 2011 Quarterly Review be received by Council.

Moved:

Seconded:

Vote:

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

138. Draft Youth Consultation Plan

Previous Items	N/A
Responsible Officer	Director Community Development
Service Area	Community Development
File Reference	
Applicant	N/A
Owner	N/A
Attachment 1	Draft Youth Consultation Plan (Page 44)
Attachment 2	Key Actions Schedule (Page 106)

PURPOSE

1. To receive the Draft Youth Consultation Plan and consider adopting the Key Actions Schedule.

BACKGROUND

2. In September 2010, the Shire engaged Jude Sorenson and Associates to assist in the development of a Youth Consultation Plan to guide the provision of the Shire's Youth Services.
3. Since that time, Jude Sorenson and Associates in liaison with the Shire, have undertaken a significant amount of research, consultation and planning in the development of the Draft Youth Consultation Plan.
4. In September 2011, Councillors received a summary of the recommendations from the Draft Plan for comment/feedback. No comments were received, therefore the Draft Youth Consultation Plan and Key Actions Schedule are now presented to Council for consideration.

DETAILS

5. The Draft Plan aims to provide strategic direction and guidance for the provision of the Shire's Youth services, programs and facilities.
6. The Plan will aim to provide a clear framework and objectives to assist the Shire in planning, developing, implementing, evaluating and sustaining youth services, facilities and events into the future (Attachment 1).
7. The key priority areas identified through the consultation were:
 - Youth Space/Youth Hub - The Draft Plan identifies the need for a youth friendly space where young people can obtain free access to internet, informal counselling and confidential advice.
 - Youth Engagement/Entertainment – Overwhelmingly young people advised that they wanted to be included in the design and execution of projects, activities and events which affected them.

-
- Web 2 Technology (which includes Facebook, Twitter and other web mediums) and Communications – The Draft Plan highlights the need for the Shire to review its current marketing methods to young people incorporating the usage of Web 2 technologies.
 - Transport: Provision of small scale, youth specific transport – Young people expressed concern in regard to the provision of public transport within the Shire and the difficulties which they experience in moving around the Shire.
 - Health: Physical and mental health issues – A large proportion of young people consulted articulated concerns in general about alcohol and other drugs, health, sexuality and family issues.
 - Schooling Support: Engagement with school support processes – The Draft Plan identifies the need for the Shire to further engage with local schools and develop partnerships to improve service provision.
8. In response to the identified key priority areas, the Draft Plan outlines a number of strategies in order to address these areas over the next five years (Attachment 2).
9. In particular, the Draft Plan prioritises the implementation of the strategies over four phases:
- Youth communication and engagement
 - Strategic resourcing
 - Youth facilities and ongoing consultation
 - Co-location of relevant services for young people and community partnerships

STATUTORY AND LEGAL IMPLICATIONS

10. Nil.

POLICY IMPLICATIONS

11. Nil.

PUBLIC CONSULTATION/COMMUNICATION

12. A significant amount of community consultation has been undertaken during the development of the Draft Plan, including over 500 local young people (approximately 11% of the youth population within the Shire), youth service providers and local schools.

13. The consultation process incorporated a number of strategies to ensure that all stakeholders had an opportunity to provide input into the Draft Plan.

In particular:

- Qwizdom survey sessions at local schools
- Youth Services Providers forum
- Informal discussions with local young people
- Focus groups at strategic locations and times

14. One of the main strategies used to consult with local young people was the use of an interactive technology surveying tool "Qwizdom". Essentially, interactive keypads were given young people in a classroom setting, they then had the opportunity to provide real time responses to the survey questions and analyse any trends.
15. This approach was highly effective as it allowed young people to provide vital information and data to be incorporated within the plan in a clear and concise manner.

FINANCIAL IMPLICATIONS

16. The majority of the recommendations included within the Draft Plan will have limited financial implications, as they are related to internal procedures.
17. One recommendation, which will require an allocation of funds is the recruitment of a Youth Trainee. However, this position will be funded through a re-allocation of existing operating budgeted funds.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

Strategic Planning Implications

18. *Shire of Kalamunda Strategic Plan 2009-2014*
- 1.5.1 Facilitate a coordinated approach to identifying and meeting the needs of young people, maximising partnerships and financial opportunities.
- 1.5.2 Support school and alternative educational programs across the region

Sustainability Implications

Social implications

19. Young people are an important part of the any local community as they represent the future generation of leaders within the community. The provision of appropriate youth services and facilities is essential in ensuring the successful integration of young people into our society.

Economic Implications

20. Nil.

Environmental Implications

21. Nil.

OFFICER COMMENT

22. Prior to the development of the Draft Youth Consultation Plan, the Shire did not have a strategic document to guide the management of the Shire's Youth services and facilities. This has subsequently resulted in an ad-hoc approach to the provision of the Shire's youth services.
23. The intent of the Draft Plan is to ensure that the Shire's youth services, events and facilities are relevant to local young people. In addition, that the Shire's youth population have had significant opportunity to provide input and feedback into the Shire's Youth Services area.
24. The Draft Plan outlines several recommendations in terms of communication, marketing, engagement, entertainment and transport provision for local young people.
25. In particular, one of the key recommendations within the Draft Plan is the development of a Youth Advisory Council. The Youth Advisory Council will be actively supported and encouraged to maintain links with other young people in the community to obtain their input and keep them informed of the Shire's youth activities.
26. As part of the development of the Draft Plan, an overall review was undertaken of the provision of the Shire's Youth Services.
27. The review identified the opportunity to implement a Youth Trainee development program. This would involve the recruitment of a Year 12 school leaver for a 12 month period, with this process recurring every 12 months.
28. Essentially, this would provide the Shire with increased control in the provision of its Youth Services program, whilst also providing local young people with a unique training opportunity in the field of youth services.
29. One of the key issues identified throughout the consultation process was the difficulties which young people experience in obtaining suitable transport within the Shire.
30. Currently, the Shire provides a bus service to the beach in summer months, however further investigation into options such as usage of the community bus and development of partnerships with local youth service providers which have access to a bus will be investigated to address this issue.

31. Overall, the main outcomes for the community will be improved service provision for the Shire's young people, increased opportunities to engage with young people, improved youth service delivery and increased youth involvement in the provision of the Shire's youth services and events.

OFFICER RECOMMENDATION (GS 138/2011)

That Council:

1. Receives the Draft Youth Consultation Plan as per Attachment 1.
2. Endorses the Key Actions Schedule as per Attachment 2 and that any future facility developments are subject to appropriate Business Plans/Cases and long term financial plans.

Moved:

Seconded:

Vote:

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

139. Appointment of Community Representatives to Management and Advisory Committees

Previous Items	N/A
Responsible Officer	Director Community Development
Service Area	Community Development
File Reference	CO-CCS-001
Applicant	Shire of Kalamunda
Owner	Shire of Kalamunda
Attachment 1	Committee Nominations (Page 115)

PURPOSE

1. To consider the appointment of community representatives to Management and Advisory Committees.

BACKGROUND

2. In accordance with Council Policy and the Local Government Act 1995, when a person is appointed as a member to an Advisory or Management Committee, the tenure of the person's membership expires at the next Council Ordinary Election Day.

DETAILS

3. A list of the community member nominations is attached (Attachment 1).

STATUTORY AND LEGAL IMPLICATIONS

4. Section 5.11 (2)(d) of the *Local Government Act 1995* – Tenure of Committee Membership.

POLICY IMPLICATIONS

5. Policy CTEE3, Management and Advisory Committees – Representation, Review and Procedures.

PUBLIC CONSULTATION/COMMUNICATION

6. Current Committee members were encouraged to re-nominate and an advertisements appeared on the Shire of Kalamunda website, the Hills Gazette and Echo newspapers on 25 September 2011. Nominations closed on 10 October 2011.

FINANCIAL IMPLICATIONS

7. A small financial cost (\$541) was required for the advertising of new committee members for the Disability Access and Inclusion Advisory Committee, this was retrieved from the Disability Services Budget (Advertising and Promotions).

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

Strategic Planning Implications

8. *Shire of Kalamunda Strategic Plan 2010-11*
- 5.2 Excellence in customer service and community consultation
- 5.2.6 Maintain and improve Shire communication mediums utilising traditional, current and leading edge technologies for all stakeholders.
- 1.3 The community has access to a diverse range of recreational opportunities
- 1.3.1 Manage the effective promotion, planning and usage of recreational spaces services and facilities.

Sustainability Implications

Social implications

9. Community representation on Shire Management and Advisory Committees is integral to ensuring a link is maintained between Shire operations and community aspirations.

Economic Implications

10. Nil.

Environmental Implications

11. Nil.

OFFICER COMMENT

12. The list of nominees will provide sufficient membership to enable each of the Committees to operate in accordance with their Terms of Reference.

OFFICER RECOMMENDATION (GS139/2011)

1. That Council appoints those nominees to the relevant Advisory or Management Committee as per (Attachment 1).

Moved:

Seconded:

Vote: **Absolute Majority Required**

Declaration of financial / conflict of interests to be recorded prior to dealing with each item.
140. Proposal for Installation of a Mobile Phone Base Station at the High Wycombe Recreation Centre.

Previous Items	Nil
Responsible Officer	Director Community Development
Service Area	Leases and Licences Section
File Reference	NW-01/200
Applicant	Optus Mobile Pty Ltd
Owner	Shire of Kalamunda
Attachment 1	Guidelines for Local Government ACIF (Australian Communication Industry Forum) Code. (Page 118)

PURPOSE

1. To consider a proposal for installation of a mobile phone base station at the High Wycombe Community and Recreation Centre.

BACKGROUND

2. "Low impact mobile phone towers" are facilities which, because of their size and location, are considered to have a low visual impact and do not raise significant planning, heritage or environmental concerns.
3. Daly International, on behalf of Optus Mobile Pty Ltd has proposed a "low impact mobile phone base station" to be erected on the High Wycombe Community and Recreation Centre site.

DETAILS

4. The proposal was submitted as a result of Optus customer concerns related to "drop-outs" and weaknesses in the current available network activity.
5. Optus Mobile Pty Ltd have indicated limited opportunities within the High Wycombe area to install a mobile base station and believe they have made every endeavour to identify commercial or recreational zoned properties which afford a degree of separation from residential development. Consequently they have identified High Wycombe Community and Recreation Centre as a preferred location.
6. Given the extensive nature and expense of the consultation, Optus Mobile Pty Ltd is seeking in-principle agreement from Council before they commence a community consultation process.
7. As the mobile phone tower request is "low impact" there is no need for planning approval (*as per the Telecommunications (Low-Impact Facilities) Determination 1997*). The Australian Communications Industry Forum (ACIF) Code provides the following benefits:

-
- Carriers are now required to notify and/or consult regarding non-Development Application facilities;
 - The ACIF Code improves and increases Carrier's consultative and notification obligations;
 - The ACIF Code requires Carriers to seek and consider Council's opinion concerning the deployment of non-Development Application facilities; and
 - The ACIF Code embodies a precautionary approach in that it seeks to minimise unnecessary and incidental radio emissions from all types of radio communications infrastructure.
8. The ACIF Code does not provide Council with powers to veto a site, determine what the Carrier can and cannot do at the site or place conditions of approval on the site.
9. Council has no power of direction regarding facilities that do not require a Development Application. The ACIF Code provides a set of processes that Carriers must undertake when constructing telecommunications facilities including notification and consultation, and these processes provide opportunities for different levels of Council participation.
10. The Shire currently has no policy within the planning scheme that covers "low impact mobile phone towers."
11. The only relevant Shire policy is "Dev 26 Radio, Television and Communication Facilities/Masts." This policy references that radio, television and communication facilities/masts should not be relocated a minimum of 500 metres from such areas as schools and residential areas. However, given the mobile phone tower request is deemed as "low impact", it falls outside the parameters of this policy.

STATUTORY AND LEGAL IMPLICATIONS

12. There are no statutory or legal implications in respect to this matter.

POLICY IMPLICATIONS

13. There are no current policy implications given that "DEV26 – Radio, Television and Communication Transmission Facilities/Masts" is not applicable to low impact mobile phone towers.

PUBLIC CONSULTATION/COMMUNICATION

14. No public consultation has been undertaken as yet by Daly International consultants who have submitted the proposal on behalf of Optus Mobile Pty Ltd. The proposal is requesting in-principle agreement from Council to a licence for the installation of a Mobile Phone Base Station at the High Wycombe Recreation Centre, subject to community consultation.

-
15. If in-principle agreement was provided by Council for the proposal, Optus Mobile Pty Ltd then intends to commence the community consultation process under Guidelines for Local Government Australian Communication Industry Forum "ACIF" Code (Attachment 1).
16. Daly International has confirmed that they would look to engage the local school at the beginning of the consultation process to provide them with all the information to ensure transparency. In addition and in accordance with the ACIF Code, Daly International Consultants intend to consult with immediate residential neighbours, interested and affected parties, occupiers of sensitive locations and relevant community stakeholders.

FINANCIAL IMPLICATIONS

17. Optus Mobile Pty Ltd is proposing an annual rental fee of \$13,000 per annum plus GST over a twenty (20) year term.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

Strategic Planning Implications

18. *Shire of Kalamunda Strategic Plan 2009 – 2014*
- Goal 1 – COMMUNITY DEVELOPMENT – A strong sense of community
- 1.3.1 Manage the effective promotion, planning and usage of recreational spaces, services and facilities.
- Goal 2 – BUILT ENVIRONMENT – An integrated built environment
- 2.1.2 Design and implement effective decision making frameworks for asset management

Sustainability Implications

Social implications

19. Some inconvenience may occur during the construction phase of the mobile phone base station proposal and the extent, if any, would need to be confirmed. The subject of mobile phone towers remains controversial from a perceived health concerns perspective to residents.

Economic Implications

20. The siting of the mobile phone base station should enhance mobile communication within the Shire and have flow on effect to business.

Environmental Implications

21. The only environmental implication relative to the proposed mobile phone base station will be the obvious visual appearance on the High Wycombe Recreation Centre.

OFFICER COMMENT

22. Based on the level of community objection to mobile phone tower proposals, it is anticipated that there is potential for significant community concern arising through a community consultation process undertaken.
23. Given the information provided by Optus Mobile Pty Ltd and that it is considered to be "low impact", Council may consider one of two options:
- Provide endorsement in-principle subject to public consultation and the final proposal is to be presented to Council for consideration and determination of the site.
 - Decline the proposal and request that Optus Mobile Pty Ltd seek an alternative site to that of a Shire of Kalamunda facility.

OFFICER RECOMMENDATION (GS 140/2011)

That Council:

1. Decline the Optus Mobile Pty Ltd proposal for a Mobile Phone Tower to be installed at the High Wycombe Community and Recreation Centre and request an alternative site be sought to that of a Shire of Kalamunda facility.

Moved:

Seconded:

Vote:

Declaration of financial / conflict of interests to be recorded prior to dealing with each item.**141. Review of Fees and Charges – Zig Zag Cultural Centre**

Previous Items	N/A
Responsible Officer	Director Community Development
Service Area	Library and Cultural Services
File Reference	CO-INF-015
Applicant	N/A
Owner	N/A
Attachment 1	Proposed Amendments to Zig Zag Cultural Centre Schedule of Fees and Charges (Page 126)

PURPOSE

1. To consider an amendment to the current schedule of fees and charges for the Zig Zag Cultural Centre ("ZZCC").

BACKGROUND

2. The current schedule of fees and charges for the ZZCC encompasses a range of fees relative to the Art Gallery, Seminar Room and Visitor Centre.
3. Following the completion of the first two months of operation at the ZZCC, a review of fees and charges has been undertaken and several areas for improvement have been identified.

DETAILS

4. The improvement areas have been identified as follows:
 - Capacity to sell merchandise on consignment (Expenditure Account)
 - Visitor Centre (brochure racking)
 - Visitor Centre (internal wall hire)
 - Seminar Rooms (commercial hire rates)
 - Art Gallery (Expenditure Account)

Capacity to Sell Merchandise on Consignment (Expenditure Account)

5. Management have identified the opportunity to purchase Visitor Centre merchandise from suppliers on a consignment basis. This will minimise the impact on the purchasing budget as stock can be acquired at no upfront cost and consequently paid for upon the sale of item.

Visitor Centre (Brochure Racking)

6. An opportunity exists to sell brochure racking space to businesses outside of the Shire, or to Events Management companies that may wish to promote their services within the ZZCC without necessarily becoming a member of the Chamber of Commerce. An example is the promotion of the previously held Red Bull Air Race Event in City of Perth.
7. In setting the proposed fee for annual brochure racking, Officers reviewed the associated fees (inclusive of GST) of other Visitor Centre's within Western Australia.

Visitor Centre	Annual Fee
Mundaring Visitor Centre	\$50.00
Armadale Visitor Centre	\$66.00
ZZCC	\$70.00 (proposed)

8. Local businesses within the Shire would continue to be encouraged to take up the expanded benefits available to participating members of the Chamber of Commerce.

Visitor Centre (Internal Wall Hire)

9. Following feedback from the ZZCC Volunteer Group, it has been suggested that the available wall space could be better utilised. Improved use of the wall space may improve the aesthetic environment and become a means to generate additional income.
10. Prior to implementing the internal wall hire concept, it is considered prudent to develop a range of criteria to ensure that quality control is maintained. This may include consideration towards space limitations, duration of stay, maintaining high aesthetic standards, appropriateness of advertising, signage size, installation etc.
11. Initially a fee of \$250 (including GST) per six months is proposed for installation along the side walls. This fee structure can be further reviewed during 2012/13 budget deliberation process, with consideration to the extent of take-up rates. Note: It is proposed that the client would be responsible for the costs related to producing and installing the signage (to satisfaction of management).

Seminar Rooms (Commercial Hire Rates)

12. Management have identified the need for a Commercial and Community Hire rate for the hiring of the Seminar Rooms. It has come to light that only one rate exists within the adopted schedule of fees and charges, therefore an amendment is being proposed.
13. The additions to the ZZCC schedule of fees and charges relative to seminar room bookings and commissioned based merchandise sales will provide greater capacity and versatility to generate income.

Art Gallery (Artist Sales - Expenditure Account)

14. The ZZCC currently earns 30% commission from all art sales within the ZZCC Gallery. To assist in administering the 70% balance of payment back to the artist, an expenditure account needs to be established.
15. The proposed, amended schedule of fees and charges for the Zig Zag Cultural Centre is outlined within (Attachment 1).

STATUTORY AND LEGAL IMPLICATIONS

16. Pursuant to *Section 6.17 of the Local Government Act 1995*, the inclusion of additional fees to the Schedule are to be authorised by resolution (*absolute majority required).

Pursuant to *Section 6.8 (1) (b) of the Local Government Act 1995* amendments to the Shire's annual budget are to be authorised by resolution (*absolute majority required).

POLICY IMPLICATIONS

17. Nil.

PUBLIC CONSULTATION/COMMUNICATION

18. Locally, consultation has been undertaken with the Kalamunda Chamber of Commerce to confirm the total cost of their membership. In addition, consultation was undertaken with two other Visitor Centres within Western Australia, namely, Mundaring and Armadale.

FINANCIAL IMPLICATIONS

19. The inclusion of a 30% of gross value for consignment merchandise will allow the Visitor Centre to increase stock available for sale without impacting on expenditure.
20. The inclusion of wall advertising space will provide the ZZCC Visitor Centre an opportunity to generate additional income and provide another avenue for local tourism businesses to advertise their attractions.
21. The endorsement of the fees and charges for commercial rates for the Seminar Rooms will ensure that the rooms remain viable and reflect industry standards.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS**Strategic Planning Implications**

22. *Shire of Kalamunda Strategic Plan 2009 – 2014*

Goal 1 – COMMUNITY DEVELOPMENT – A strong sense of community

1.3.1 – Manage the effective promotion, planning and usage of recreational spaces, and facilities.

Sustainability ImplicationsSocial implications

23. Nil.

Economic Implications

24. Given the added benefits of being a Kalamunda Chamber of Commerce member, the proposed brochure racking fee has been set to ensure that the Kalamunda Chamber of Commerce membership fee remains attractive and competitive to local businesses.

Environmental Implications

25. Nil.

OFFICER COMMENT

26. The introduction of the proposed, amended schedule of fees and charges is intended to provide increased opportunities to generate additional revenue streams for the ZZCC.

27. The inclusion of the additional expenditure accounts will not adversely affect the operating budget as any potential artist payment shall only be made upon confirmation of art sales and consignment merchandise payments shall only be made post sale. Notional amounts of \$7,000 and \$2,500 are to be applied to the art sales and consignment merchandise expenditure accounts respectively and will be monitored, based on sales demand.

OFFICER RECOMMENDATION (GS 141/2011)

That Council:

1.
 - a. Pursuant to *Section 6.17 of the Local Government Act 1995* approves the inclusion of additional fees relative to the Zig Zag Cultural Centre operations as indicated within Attachment 1.
 - b. Pursuant to *Section 6.8 (1) (b) of the Local Government Act 1995* approves the inclusion of two additional Zig Zag Cultural Centre expenditure accounts to accommodate payments for merchandise consignment sales and artist sales.

Moved:

Seconded:

Vote: **Absolute Majority Required**

Declaration of financial / conflict of interests to be recorded prior to dealing with each item.**142. Awarding of Tender - Provision of Skid Steer Loader and Truck Services (T1121)**

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

Confidential Attachment 1 Summary of Tender Prices for the Provision of Skid Steer Loader and Truck Services (T1121)
– Under Separate Cover

Reason for Confidentiality: Local Government Act 1995
S5.23(2)(c) – “ a contract entered into, or which may be entered into, by the local government which relates to a matter to be discussed at the meeting.”

Confidential Attachment 2 Evaluation of Tender Submissions for Compliance Criteria and Qualitative Criteria
– Under Separate Cover

Reason for Confidentiality: Local Government Act 1995
S5.23(2)(c) – “ a contract entered into, or which may be entered into, by the local government which relates to a matter to be discussed at the meeting.”

PURPOSE

1. To consider awarding the tender - Provision of Skid Steer Loader and Truck Services (T1121).

BACKGROUND

2. The Tender for the Provision of Skid Steer Loader and Truck Services (T1121) was advertised in the West Australian on Saturday 6 August 2011, and closed at 2.00pm on 23 August 2011.

DETAILS

3. Seven tender submission were received from:
 - Trenchbusters Plant Hire
 - Kala Bob Kats Pty Ltd
 - Mayday Earthmoving
 - Hawley's Bobcats
 - HAS Earthmoving
 - Jimmy's Bobcats Pty Ltd
 - Fonz's Bobcat & Truck Hire
4. A Summary of Tender Prices for the Provision of Skid Steer Loader and Truck Services is shown in (Confidential Attachment 1).

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5. An Evaluation of Tender Submissions for Compliance Criteria and Qualitative Criteria is shown in (Confidential Attachment 2).

STATUTORY AND LEGAL IMPLIMENTIONS

6. The Tender is undertaken in accordance with the statutory requirements of Section 3.57 of the *Local Government Act 1995* and Part 4 of the *Local Government (Functions and General) Regulations 1996*.

POLICY IMPLICATIONS

7. Nil.

PUBLIC CONSULTATION/COMMUNICATION

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

FINANCIAL IMPLICATIONS

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

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

Strategic Planning Implications

Engineering Works Construction and Renewal

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

Engineering Works Maintenance

11. Maintain the Shire's roads, road shoulders and verges, signs, car parks, drainage and pathways infrastructure, through the use of maintenance crews and contractors.
12. *Shire of Kalamunda Strategic Plan 2009-2014*
- Goal 2 – BUILT ENVIRONMENT – An integrated built environment.
- Outcome 2.1 – Improved asset management to meet community needs today and in the future.
- Outcome 2.3 - Long term viability of infrastructure and facilities.

Sustainability ImplicationsSocial implications

13. Nil.

Economic Implications

14. Nil.

Environmental Implications

15. Nil.

OFFICER COMMENT

16. The skid steer loader (bobcat) operator works alongside civil construction and maintenance crews. An owner operator is preferred as they have been found to have better understanding and skills being familiar with the Shire's requirements and operation.
17. Hawley's Bobcats, Fonz's Bobcat & Truck Hire and Kala Bob Kats Pty Ltd are owner operators who have performed satisfactorily with the Shire in the past and have multiple skills.
18. Trenchbusters Plant Hire, Mayday Earthmoving and HAS Earthmoving are large organisations that employ operators.
19. Jimmy's Bobcats Pty Ltd is also an owner operator and has worked as a contractor for the Shire in the past. At that time there were concerns about Jimmy's performance and his inability to work to instructions.
20. The criteria evaluation reflects the skill level and the ability to work coherently with the Shire's operational staff and being multi skilled to assist as required.
21. Fonz's Bobcats and Truck Hire is recommended as the main contractor following the assessment of selection criteria and price. Other operators will only be engaged on "as required" basis.
22. Hawley's Bobcats is the current contractor and a local operator.
23. Kala Bobcats Pty Ltd has been used, by Parks, as they have a more suitable machine with a narrower blade.

-
24. Generally the Shire's civil work operations require one skid steer operator for full year and another for approximately 70% of a typical year. Additionally, Parks operations also require a skid steer loader from time to time. While one main contractor is recommended two back up skid steer operators with particular skills is proposed.
25. In view of the above, it is recommended that the tender is awarded to three contractors. Subject to Council accepting staff recommendation, the three contractors will be used in the following manner:
- Fonz's Bobcat and Truck Hire to be used for the full year alongside road construction/maintenance crew.
 - Hawley's Bobcats to be used when additional operator is required on the road construction and maintenance.
 - Kala Bob Kats Pty Ltd to be used by Parks, building maintenance and waste management staff.

OFFICER RECOMMENDATION (GS 142/2011)

That Council:

1. Awards the Tender for the Provision of Skid Steer Loader and Truck Services (T1121) to:
 - a. Full time on road construction and maintenance jobs
 1. Fonz's Bobcat and Truck Hire
 2. Hawley's Bobcats
 - b. As required for the Parks Crew, building maintenance and waste crews
 1. Kala Bob Kats Pty Ltd

For the period of three years from the date of signing documentation with an option to extend a further two twelve month periods based on an annual CPI increase for Perth from the preceding twelve months as per tendered prices in the (Confidential Attachment 1).

Moved:

Seconded:

Vote:

Declaration of financial / conflict of interests to be recorded prior to dealing with each item.**143. Welshpool Road, Wattle Grove - Road Closure, Rear of Lot 2 Ridley Road**

Previous Items	Nil
Responsible Officer	Director Engineering Services
Service Area	Engineering Services
File Reference	WL-10/GEN
Applicant	
Owner	

Attachment 1 Map – Proposed Road Closure (Page 129)

PURPOSE

1. To consider the closure of a triangular section of road reserve on Welshpool Road Wattle Grove, adjoining the rear of Lot 2 Ridley Road under *Section 58 of the Land Administration Act 1997*.

BACKGROUND

2. A letter dated 18 August 2011 was received from Hammond King Touyz Barristers and Solicitors, on behalf of Mr Grunwell and Mrs Jenkins, requesting the purchase of a triangular part of Welshpool Road at the rear of Lot 2 Ridley Road, Wattle Grove as shown on (Attachment 1).

DETAILS

3. The triangular portion of the road reserve as shown on (Attachment 1) is surplus to the road reservation requirements.
4. The area is approximately 4000m².

STATUTORY AND LEGAL IMPLICATIONS

5. The road closure will need to be affected under Section 58 of *The Land Administration Act 1997*.
6. The Shire will be required to indemnify the Minister for Planning against any claims which may arise from the road closure.

POLICY IMPLICATIONS

7. Nil.

PUBLIC CONSULTATION/COMMUNICATION

8. *The Land Administration Act* requires the Local Government to advertise its intent to close the road, by placing a notice in a newspaper circulating within the district, and allow a minimum period of thirty five days for submissions. The Local Government must consider any objections prior to making a decision to close the road.
9. Accordingly, consultation will take place by way of a statutory notice and resultant submissions.

FINANCIAL IMPLICATIONS

10. There is a cost for advertising and processing the road closure application including surveying and preparation of deposit plans. Traditionally these costs have been paid by the applicant or prospective purchaser of the land.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS**Strategic Planning Implications**

11. Nil.

Sustainability ImplicationsSocial Implications

12. Nil.

Economic Implications

13. Nil.

Environmental Implications

14. Nil.

OFFICER COMMENT

15. The section of the road reserve proposed for closure is surplus to the Shire's future road network requirements. Additionally there is a high voltage power line easement over this reserve, preventing the Shire from obtaining any benefit from subdivision/development of the land.

OFFICER RECOMMENDATION (GS 143/2011)

That Council:

1. Advertises its intent to close the rectangular section of Welshpool Road, as shown on (Attachment 1), in accordance with Section 58 of *The Land Administration Act 1997*, subject to the applicant agreeing to meet all costs associated with the road closure.

2. Recommends in the event no objections are received at the end of the notice period, the closure of the portion of road reserve be recommended to the Minister for Planning and Infrastructure.
3. Indemnify the Minister for Planning and Infrastructure against any claims arising as a result of the road closure.

Moved:

Seconded:

Vote:

Declaration of financial / conflict of interests to be recorded prior to dealing with each item.**144. Provision of Indemnity to the Australian Securities & Investments Commission for transfer of land to the Shire of Kalamunda on Hale Road, Wattle Grove**

Previous Items	N/A
Responsible Officer	Director Planning Services
Service Area	Planning and Development
File Reference	PG-DEV-013
Applicant	Shire of Kalamunda
Owner	Australian Securities & Investments Commission

Attachment 1	Locality Plan (Page 130)
Attachment 2	Deposited Plan (Page 131)
Attachment 3	Structure Plan for Wattle Grove Cell 9 (Page 132)
Attachment 4	Draft Concept Plan for commercial area/neighbourhood centre (Page 133)
Attachment 5	Deed of Indemnity (Page 134)
Confidential	Legal advice – Under separate cover.
Attachment 6	<u>Reason for Confidentiality:</u> <i>Local Government Act 1995 S5.23(2)(d) – " legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting."</i>

PURPOSE

1. To consider if the Shire of Kalamunda will indemnify Australian Securities and Investments Commission (ASIC) against all claims, losses, suits, damages, demands, costs and expenses incurred by the Commission related to the transfer of land in Hale Road, Wattle Grove to the Shire of Kalamunda. The land is shown on the Locality Plan as Parcel 1 and Parcel 2 (Attachment 1.) and is identified on the Deposited Plan 54490, refer (Attachment 2.).

BACKGROUND

2. Under the adopted Structure Plan for Wattle Grove Cell 9, Parcel 1 forms a part of Public Open Space and Parcel 2 is shown as local road. Refer (Attachment 3.).
3. The Cell 9 Structure Plan was drafted and adopted with the clear presumption that both parcels were ceded to the Crown.

DETAILS

4. In December 2010 the Shire of Kalamunda commissioned consultants to prepare a Concept Plan for the proposed neighbourhood centre /commercial area in Wattle Grove. The plan details from a design perspective how development of the site should proceed in respect to land use, parking, landscaping and internal road layout. Refer (Attachment 4.)

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5. The Concept Plan identified Parcel 1 as an important access road to the preferred location of the Neighbourhood Shopping Centre on Lot 34 Hale Road.
 6. In the course of preparing the plan, it was discovered that both parcels of land belong to a de-registered company; A.J. Property Nominees Pty Ltd.
 7. In accordance with the legal advice, an application for transfer of land to the Shire of Kalamunda was made to the ASIC.
 8. ASIC is prepared to consider a transfer subject to the Shire indemnifying them against all claims, losses, suits, damages, demands, costs and expenses incurred by ASIC related to the transfer of land and in particular against claims of the creditors of A.J. Property Nominees Pty Ltd.
 9. Additionally, the transfer document should be prepared by the lawyers in order to effect the transfer.

STATUTORY AND LEGAL IMPLICATIONS

10. Should the directors of the de-registered company later feel aggrieved by ASIC's decision to transfer the land to the Shire of Kalamunda there is a possibility of a claim for compensation against ASIC. Presuming the Shire will indemnify ASIC as per the Deed of Indemnity (attachment 5), the Shire might be responsible for compensation similar to the one required under compulsory acquisition of the land under Land Administration Act 1997.
11. Following the transfer of land to the Shire, when it is dedicated as a road reserve under the Land Administration Act (1997), it would be automatically ceded to the Crown, for the purpose of road reserve. The Shire would likely need to provide an indemnity to the Minister for Lands at that stage as well. (Refer attachment 6 - legal advice - confidential).

POLICY IMPLICATIONS

12. Nil.

PUBLIC CONSULTATION/COMMUNICATION

13. Nil.

FINANCIAL IMPLICATIONS

14. Legal costs and land transfer fees involved would be met by Cell 9 Scheme funds. All costs associated with the construction and drainage of the road will be met by the developer of Lot 34 Hale Road.
15. The Shire might be liable to provide compensation, should a claim ever arise.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS**Strategic Planning Implications**

16. The acquisition of the subject land is consistent with the intent of the Structure Plan and the Shire's draft Concept Plan for commercial centre in Wattle Grove. Parcel 1, in particular, will allow for a better design outcome for the commercial centre, by separating the access to the front and the rear of the site and providing greater connectivity to the balance of the commercial area.

Sustainability ImplicationsSocial implications

17. Nil.

Economic Implications

18. Nil.

Environmental Implications

19. Nil.

OFFICER COMMENT

20. Both parcels have been identified as being parts of public land on the adopted Structure Plan for Cell 9. Parcel 1 in particular forms a vital part of a Concept Plan for Wattle Grove commercial centre.
21. The transfer of the land would support the adopted Structure Plan and would allow for a superior design outcome for Lot 34 and the balance of the commercial centre along Hale Road.
22. Indemnifying Australian Securities and Investments Commission against all claims, losses, suits, damages, demands, costs and expenses incurred by the Commission related to the transfer of land and in particular against claims of the creditors of A.J.Property Nominees Pty Ltd might result in the Shire being liable to provide compensation, should such a claim eventuate.
23. There is a strong reason to believe that the claim by the ex-directors of the de-registered company however, is very unlikely. The two parcels of land have been overlooked by the directors following the completion of their subdivision, no rates have ever been paid for this land since the subdivision and the land has been identified in planning documents as being intended for a road.
24. As the level of risk to the Shire is considered to be very minimal it is recommended that the Shire of Kalamunda prepare the transfer document for ASIC to execute and sign the Deed of Indemnity as per ASIC's request.

OFFICER RECOMMENDATION (GS144/2011)

That Council:

1. Authorises a preparation of the documents for transfer of land identified on the Deposited Plan 54490 from the Australian Securities and Investments Commission to the Shire of Kalamunda.

2. Endorses the indemnification to the Australian Securities and Investments Commission against all claims, losses, suits, damages, demands, costs and expenses incurred by the Commission related to the transfer of land and in particular against claims of the creditors of A.J.Property Nominees Pty Ltd.

Moved:

Seconded:

Vote:

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

145. Amendment of Shire of Kalamunda Keeping and Control of Animals and Nuisance Local Law 2011

Previous Items	10.29 August 2011 PSC
Responsible Officer	Director Planning & Development Services
Service Area	Health
File Reference	LE-LOL-026
Applicant	N/A
Owner	N/A
Attachment 1	Fax from the Joint Standing Committee on Delegated Legislation (Page 136)
Attachment 2	Tracked changes version of amended Shire of Kalamunda Keeping and Control of Animals and Nuisance Local Law 2011 (Page 141)
Attachment 3	Untacked version of amended Shire of Kalamunda Keeping and Control of Animals and Nuisance Local Law 2011 (Page 157)

PURPOSE

1. For Council to consider amendments to the Shire of Kalamunda Keeping and Control of Animals and Nuisance Local Law 2011.

BACKGROUND

2. Council considered this matter in the August 2011 round of meetings and it was resolved:

“That Council:

 1. Resolves to make the Shire of Kalamunda Health Local Law 2011 and the Shire of Kalamunda Keeping and Control of Animals and Nuisance Local Law 2011.”
3. The Shire of Kalamunda Keeping and Control of Animals and Nuisance Local Law 2011 was Gazetted on the 5 September 2011.
4. A copy of the Local Law was sent to the Joint Standing Committee on Delegated Legislation in early October 2011.

DETAILS

5. The Joint Standing Committee on Delegated Legislation has reviewed the Shire of Kalamunda Keeping and Control of Animals and Nuisances Local Law 2011 and advised of their intention to recommend disallowance of the Local Law unless they receive by 5pm Tuesday 22 November 2011 the following undertakings from the Shire of Kalamunda Council:

- clause 3.1 and 3.2 be amended to include the provision for 'reasonable steps or measures' (or words to that effect) to be taken before an owner/occupier will be liable for escape of sand or other materials from their land;
- clause 3.4(2)(b) be amended to delete the words "*green garden materials*" from the clause;
- clause 2.1, 4.7 and 4.8 be amended to remove the inconsistency in the number of cats permitted for the purpose of breeding; and
- clause 4.5(1)(e) be amended to refer to the relevant Industry Codes of Practice or Australian Standards being in force either as at a particular date or "*as amended from time to time*" and to list the specific documents, either by their full reference or by attaching them in their entirety as a schedule to the Local Law. Copies of the relevant documents are also to be provided to the Committee.

In addition the Committee is seeking the following standard undertakings:

- all consequential undertakings arising from the undertakings above will be made;
- clauses 3.1, 3.2, 3.4(2)(b), 2.1, 4.5(1)(e) and 4.7 will not be enforced in a manner contrary to the undertakings that Council gives;
- the undertakings will be completed within six months of the date of the Shire's letter giving the undertakings;
- the Shire of Kalamunda will provide a copy of the minutes of the meeting at which the Kalamunda Council resolves to provide the undertakings above; and
- where the Local Law is made publicly available, whether in hard copy or electronic form, it be accompanied by a copy of these undertakings.

STATUTORY AND LEGAL IMPLICATIONS

6. If the Shire of Kalamunda Keeping and Control of Animals and Nuisance Local Law 2011 is disallowed it will cease to have effect and cannot be enforced.
7. Should Council resolve to amend the Local Law the amendments will be published in the Government Gazette and come in to effect fourteen days after the date of gazettal.
8. One of the proposed amendments will mean that the burning of "*green garden materials*" is no longer explicitly prohibited. However, it was the Committee's view that such a prohibition was inconsistent with the *Bush Fires Act 1954* and not authorised by the *Local Government Act 1995*, so therefore void.

POLICY IMPLICATIONS

9. Strategy 1.6.8 – provide quality environmental and public health services which comply with and exceed relevant legislation.

PUBLIC CONSULTATION/COMMUNICATION

10. The Local Law was previously advertised for public comment in April 2011.
11. As the proposed amendments will not change the intent or effect of the Local Law no further public consultation is required.

FINANCIAL IMPLICATIONS

12. Nil.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS**Strategic Planning Implications**

13. Nil.

Sustainability ImplicationsSocial Implications

14. Nil.

Economic Implications

15. Nil.

Environmental Implications

16. Nil.

OFFICER COMMENT

17. The changes required by the Joint Standing Committee on Delegated Legislation have been incorporated into the Shire of Kalamunda Keeping and Control of Animals and Nuisance Local Law 2011. Attachment 2 tracks all the proposed changes in the Local Law. Attachment 3 is an untracked version of the proposed Local Law.
18. In summary the proposed changes are explained as follows:
- Clauses 3.1 & 3.2 have been amended by inserting the words 'reasonable and effective measures' as recommended by the Committee.
 - Clause 3.4(2)(b) has been amended by deleting "*green garden materials*" as recommended by the Committee.

- In clause 2.1 the definition of cattery has been removed as it is superfluous and only adds to the uncertainty about how many cat a breeder may keep.
- Clauses 4.7 & 4.8 have been re-written to make clear how many cats are allowed to be kept and what approvals are required. Care has been taken not to change the effect of these clauses.
- Clause 4.5(1)(e) has been deleted, as it is felt clause 4.5(1)(g), formally 4.5(1)(h), adequately provides for the local government to consider other relevant factors in determining an application to keep animals so the listing of specific Industry Codes of Practice or Australian Standards is unnecessary.

19. Recommend that Council resolves to amend the Shire of Kalamunda Keeping and Control of Animals and Nuisance Local Law 2011 as shown in Attachments 2 and 3.

OFFICER RECOMMENDATION (GS 145/2010)

That Council:

1. Resolves to amend the Shire of Kalamunda Keeping and Control of Animals and Nuisance Local Law 2011 as follows –

Contents, "4.7. Keeping of more than 3 cats prohibited", be deleted and in its place is inserted "4.7. Keeping of cats"; "4.8 Keeping of more than 3 cats for the purpose of breeding or a cattery", be deleted and in its place is inserted "Keeping of more than 3 cats for the purpose of breeding or boarding";

Part 2, clause 2.1, "cattery means a place where more than 3 cats are kept for the purposes of boarding or more than 6 cats are kept for the purpose of breeding;", be deleted;

Part 3, clause 3.1, "not cause or permit", be deleted and in its place is inserted "take reasonable and effective measures to prevent";

Part 3, clause 3.2, "not cause or permit", be deleted and in its place is inserted "take reasonable and effective measures to prevent"; "to be" , be deleted and in its place is inserted "being"; "to escape" , be deleted and in its place is inserted "escaping";

Part 3, clause 3.4(2)(b), "green garden materials" , be deleted;

Part 4, Division 1, clause 4.5(1)(e), be delete completely;

Part 4, Division 1, clause 4.5 "(f)", be deleted and in its place is inserted "(e)"; "(g)", be deleted and in its place is inserted "(f)"; "(h)", be deleted and in its place is inserted "(g)";

Part 4, Division 3, clause 4.7 and clause 4.8, be deleted completely and in their places is inserted –

"4.7. Keeping of cats

(1) A person may keep up to 3 cats without obtaining approval of the local government.

(2) A person shall not keep more than 3 cats unless -

(a) it is for the purpose of boarding or breeding; and

(b) the person has approval from the local government in accordance with clause 4.8.

(3) For the purposes of this clause, the number of cats kept does not include any cats less than 4 months in age.

4.8. Keeping of more than 3 cats for the purpose of breeding or boarding

(1) An owner or occupier of land who intends to keep more than 3 cats and not more than 6 cats for the purpose of breeding must first obtain approval of the local government in accordance with clause 4.5.

(2) An owner or occupier of land who intends to keep more than 3 cats for the purpose of boarding or more than 6 cats for the purpose of breeding, must first obtain approval of the local government to register a cattery in accordance with clause 4.10.”;

Schedule 2, column 1 of the table, “4.7”, be deleted and in its place is inserted “4.7(2)”.

2. Gives an undertaking to the Joint Standing Committee on Delegated Legislation that:

- all consequential undertakings arising from the amendments to the Shire of Kalamunda Keeping and Control of Animals and Nuisance Local Law 2011 will be made;
- until such time as the amendments take effect clauses 3.1, 3.2, 3.4(2)(b), 2.1, 4.5(1)(e) and 4.7 of the Shire of Kalamunda Keeping and Control of Animals and Nuisance Local Law 2011 will not be enforced in a manner contrary to the intent of the amendments;
- the amendments will be completed within six months of the date of this resolution;
- where the Local Law is made publicly available, whether in hard copy or electronic form, it will be accompanied by a copy of the proposed amendments and these undertakings.

Moved:

Seconded:

Vote:

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

146. Quarterly Progress Report – July to September 2011

Previous Items	N/A
Responsible Officer	Chief Executive Officer
Service Area	Office of CEO
File Reference	OR-CMA-009
Applicant	N/A
Owner	N/A
Attachment 1	Quarterly Progress Report July - September 2011 (Page 173)

PURPOSE

1. To report to Council on the Shire's progress towards achieving its strategic goals.

BACKGROUND

2. In July 2009, the Shire implemented an integrated planning software package, "interplan". Interplan links the actions that each staff member works on within their business unit to the Strategic Plan. This ensures that each employee is working towards achieving the strategic direction of the Council.
3. Projects that have been assessed and planned in the associated Integrated Project Manager module are also linked to interplan as actions or tasks, and the entire system ties in with the performance review module, the Personnel Evaluation System. This allows projects to be monitored on an ongoing basis, and provides improved accountability.
4. A new budgeting module, the Budget Management Centre (BMC) is in the process of being implemented. This will enable staff to monitor budgets more easily, and provide a simpler process for reviewing and creating budgets. This will also integrate with interplan, Integrated Project Manager, and the Shire's workforce planning system, to provide a complete strategic and business planning system.
5. The person responsible for an action or task in interplan is required to provide an update each month, giving an indication of how the action is progressing. Key Performance Indicators ("KPIs") are also updated. This information is collected by interplan to provide an overview of how the organisation is performing.

DETAILS

6. The quarterly progress report for the period July to September 2011 is presented at (Attachment 1). This report shows the progress of certain major projects and capital works for 2011/2012, budget summaries, KPI performance and the progress of the Shire against the five goals set out in the Strategic Plan.

Quarterly Progress Against Goals

7. Each business unit in the Shire has a business plan, which contains the actions to be achieved in the 2011/12 year. Each of these actions is linked to a strategy, outcome and goal in the Strategic Plan adopted by Council. All goals are progressing well. On average, the actions related to the five goals are at 90% or more of their target. Of the 621 actions monitored across the organisation, 509 (or 82%) are at 90% or more of their progress target to date.

Key Performance Indicators

8. Performance against the Shire's corporate KPIs is shown. Of the 19 KPIs presented, for the period 1 July – 30 September:
- Nine are at or exceeding their target.
 - One is within 5% of its target.
 - Seven are below 5% of their target.
 - Two have not yet been updated.
9. The "traffic light" indicators apply to the month of September only, rather than the July – September quarter. The "Period Target" and "Period Actual", however, relate the whole quarter. From the traffic lights, it can be seen that performance is improving, with only four KPIs at less than 5% of their target for the month (showing as a red light).
10. It should be noted that high targets have been set (for example, 98% of all incoming correspondence is to be responded to within five working days). These KPIs are monitored and reported on monthly.

Major Projects

11. The progress of a number of major projects for 2011/12 is shown. All projects are at 90% or more of their progress target for the year to date, with the following two exceptions:
- Ensure that the Kalamunda Integrated Planning and Performance Management Framework meets the requirements of the State's Integrated Planning and Reporting Framework and Guidelines.
 - Manage the construction of a new amenities building for the staff at the Shire's Operations Centre (44%).
12. All of the projects are within budget (actual expenditure for the year to date is less than the budgeted expenditure). More detailed comments regarding the progress of each project are shown following the summary page.

Divisional Summary

13. A summary of progress for the quarter is presented for each of the Directorates.

Directorate Budgets

14. The actual and budgeted year-to-date figures are shown for each Directorate.

Financial Report – Organisational Summary Graph

15. The actual and budgeted year-to-date expenditure figures are shown for the Shire as a whole. Expenditure is currently below budget.

Financial Report – Organisational Summary Table

16. Actual and budgeted income and expenditure is shown for each business unit. The variance is also shown. Income – expenditure is shown at the bottom of the table (“Overall Net”). For the period July – September 2011:
- The budgeted income was \$31,931,929.00 and the actual income \$34,946,442.39.
 - The budgeted expenditure was \$16,337,764.00 and the actual expenditure \$15,092,790.59.
 - This is an overall net figure of \$15,594,165.00 budgeted and \$19,853,651.80 actual.

Engineering Financial Summary

17. The major engineering projects for 2011/12 are shown in a table, following the budget summary graph. Budgeted and actual amounts, and the variance, are shown for each of the projects. Where the variance is a negative figure, the actual year to date expenditure is less than the budgeted amount. A positive variance indicates that the actual year to date expenditure is higher than the budgeted amount.

Asset Financial Summary

18. The major asset-related projects for 2011/12 are shown in a table, following the budget summary graph. Budgeted and actual amounts, and the variance, are shown for each of the projects. Again, a positive variance indicates that the action is over-expended for the year to date. A more detailed list, outlining the progress of each project, follows the table.

Capital Works

19. A graph showing budgeted and actual expenditure on capital works is shown. Expenditure is currently below budget. Following the graph, a table of the major capital works projects for 2011/12 is presented, showing budgeted and actual amounts, and the variance, for each project. A summary of the progress of these projects follows, and then a more detailed list including progress comments.

STATUTORY AND LEGAL IMPLICATIONS

20. Nil.

POLICY IMPLICATIONS

21. Nil.

PUBLIC CONSULTATION/COMMUNICATION

22. Nil.

FINANCIAL IMPLICATIONS

23. Nil. The interplan system allows expenditure to be monitored continuously through the year.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

Strategic Planning Implications

24. All actions within interplan are linked to the Strategic Plan. This ensures that all projects and tasks that are carried out are done so with the strategic direction of Council in mind.

Sustainability Implications

Social implications

25. Nil.

Economic Implications

26. Nil.

Environmental Implications

27. Nil.

OFFICER COMMENT

28. Nil.

OFFICER RECOMMENDATION (GS 146/2011)

That Council:

1. Receives the Quarterly interplan Progress Report for July – September 2011.

Moved:

Seconded:

Vote:

11.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

12.0 QUESTIONS BY MEMBERS WITHOUT NOTICE

13.0 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

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

15.0 MATTERS CLOSED TO THE PUBLIC
(Matters Behind Closed Doors)

16.0 CLOSURE