
Shire of Kalamunda

General Services Committee

Agenda for 13 December 2010





NOTICE OF MEETING GENERAL SERVICES COMMITTEE

Councillors,

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

Monday 13 December 2010 commencing at 6.30 pm.

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

Open Committee 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

8 December 2010

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

AGENDA

1.0 OFFICIAL OPENING

2.0 ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE PREVIOUSLY APPROVED

3.0 PUBLIC QUESTION TIME

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

4.0 PETITIONS/DEPUTATIONS

5.0 APPLICATIONS FOR LEAVE OF ABSENCE

6.0 CONFIRMATION OF PREVIOUS MINUTES

- 6.1 That the Minutes of the General Services Committee Meeting held on 8 November 2010 is confirmed as a true and correct record of the proceedings.

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 8 November 2010.”

7.0 ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION

8.0 MATTERS FOR WHICH MEETING MAY BE CLOSED

- 8.1 Awarding of Various Contracts for General Maintenance of Shire Buildings and Facilities **CONFIDENTIAL ATTACHMENT– Provided under separate cover**

Reason for Confidentiality - Local Government Act 1995: s. 5.23(2) (e), "A matter that if disclosed, would reveal — (ii) information that has a commercial value to a person; or (iii) information about the business, professional, commercial or financial affairs of a person."

"

- 8.2 Purchase of Land – 516 and 518 Kalamunda Road High Wycombe **CONFIDENTIAL ITEM – Provided under separate cover**

Reason for Confidentiality - Local Government Act 1995: s. 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.

<u>Report Number</u>	<u>Page Number</u>
130. Creditors' Accounts Paid During the Period 27 October to 25 November 2010	4
131. Monthly Financial Statements for the Period ending 31 October 2010.....	6
132. Debtors and Creditors Reports for the Period ending 31 October 2010.....	10
133. Rates Debtors Report for the Period ending 31 October 2010	13
134. Budget Amendment – Fleming Reserve Redevelopment	15
135. Termination of Lease Obligations – Wet 'N' Wild	17
136. Renaming of the Kalamunda Community and Cultural Centre	21
137. Community Sport and Recreation Facilities Fund - Small Grants (Summer) 2010/11	24
138. Application To Keep More Than Two Dogs – 4 Agati Place, Forrestfield	29
139. Application To Keep More Than Two Dogs – 25 Joyce Street, Lesmurdie	32

140.	Application To Keep More Than Two Dogs – 70 Ryan Way, Lesmurdie	35
141.	Application To Keep More Than Two Dogs – 73 Bracken Road, Pickering Brook.....	38
142.	Application To Keep More Than Two Dogs – 333B Lesmurdie Road, Lesmurdie	41
143.	Response to Petition – Impassable Nature of Bahen Road, Hackett's Gully	44
144.	Adoption of Asbestos Management Plan Policy - HR16	47
145.	Awarding of Various Contracts for General Maintenance of Shire Buildings and Facilities	50
146.	Purchase of Land – 516 and 518 Kalamunda Road High Wycombe CONFIDENTIAL ITEM – Provided under separate cover	

REPORTS

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

130. Creditors' Accounts Paid During the Period 27 October to 25 November 2010

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

Attachment 1. Creditor Payments 27 October 2010 to 25 November 2010 (Page 1)

PURPOSE

1. To receive creditors' accounts paid during the period 27 October to 25 November 2010.

BACKGROUND

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

DETAILS

4. Accordingly, the list of creditors paid during the period 27 October 2010 to 25 November 2010 is attached. (***Attachment 1.***)

STATUTORY AND LEGAL IMPLICATIONS

5. Nil.

POLICY IMPLICATIONS

6. Nil.

PUBLIC CONSULTATION/COMMUNICATION

7. Nil.

FINANCIAL IMPLICATIONS

8. Nil.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

9. Strategic Planning Implications

This report works toward achieving objective:

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

of the Shire of Kalamunda Strategic Plan 2009-2014.

10. Sustainability Implications Social Implications

- Nil.

Economic Implications

- Nil.

Environmental Implications

- Nil.

OFFICER COMMENT

11. Nil.

OFFICER RECOMMENDATION

GS 130/2010

1. That the list of creditors paid during the period 27 October to 25 November 2010 (**GS 130/2010, Attachment 1.**) be received by Council in accordance with the requirements of the *Local Government (Financial Management) Regulations 1996 (Regulation 12)*.

Moved: Cr

Seconded: Cr

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

131. Monthly Financial Statements for the Period ending 31 October 2010

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

Attachment 1. Statement of Financial Activity for the period ending 31 October 2010 (Page 29)

PURPOSE

1. To receive the draft monthly financial statement reports for the period ending 31 October 2010.

BACKGROUND

2. Attached is the monthly Rate Setting Statement and Statement of Comprehensive Income for the period ending 31 October 2010. These have been prepared in accordance with the requirements of *Local Government (Financial Management) Regulations 1996 (Section 34)*.
3. It is also a requirement of the Regulation that each financial year the local government adopts a percentage or value to be used in statements of financial activity for reporting material variances.

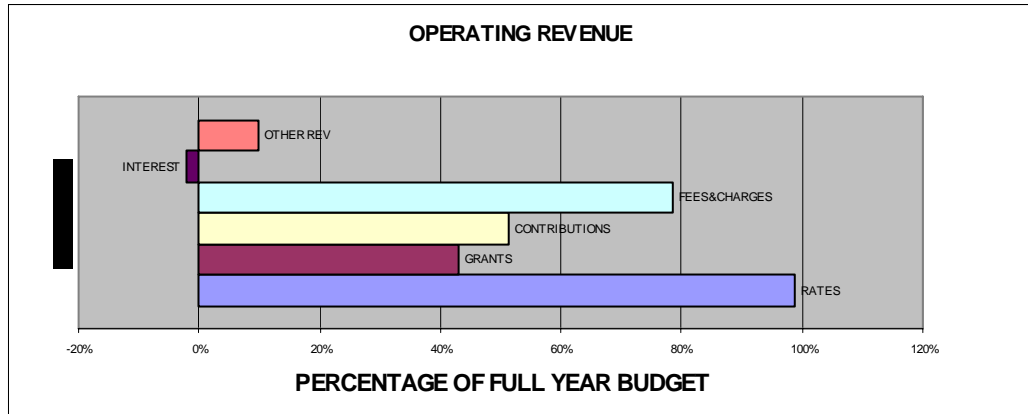
DETAILS

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

Operating Revenue:

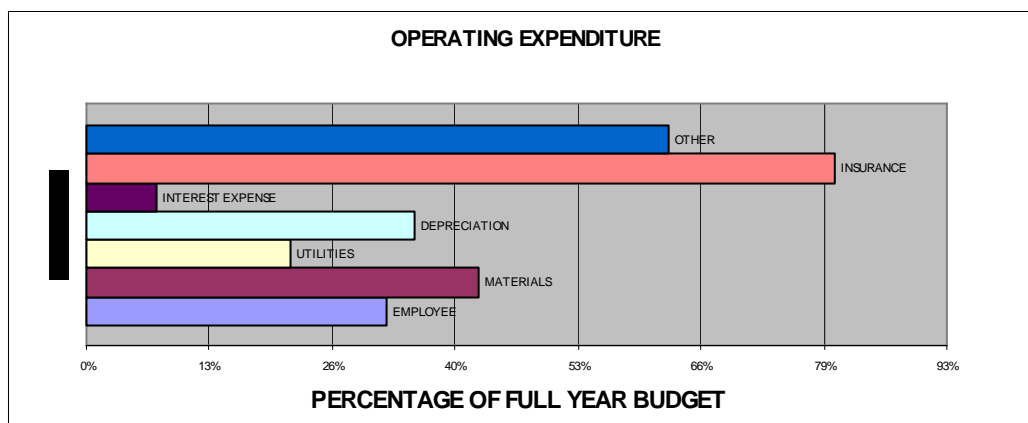
- OPERATING GRANTS - This has increased significantly over the month with receipt of the Kalamunda Home and Community Care operating funding second instalment.
- OPERATING CONTRIBUTIONS – The receipt of the accrued 2009/2010 operating contributions has reversed previously reported negative income. Insurance transactions in October have increased actual revenue to date to over half the annual budgeted amounts. This being the processing of 2010/2011 workers compensation invoicing in October along with a reimbursement on 2005/2006 claim year.

- INTEREST - Several term deposits have matured since 1 July, a turnover of Finance staff has left the receipting of these outstanding. It currently shows as negative due to the accrued interest earnings for 2009/2010 having been reversed. This has been addressed in November. Several new term deposit investments have since been placed.



Operating Expenditure:

- INSURANCE - Continues to reflect that most premiums have been paid yearly in advance, with the second instalment for Property Insurance due in November.
- OTHER - Comprising a small category of budgeted expenditure, this is largely affected by the payment of the Historical Society operating grant of \$20,500 during the month.
- MATERIALS - As a whole across the organisation, these continue to report as being on track. Much focus has been placed on the service fees charged to business units for HR, IT, Accounting and Accommodation during October, which had been under allocated previously. Similarly, Engineering overheads would appear to be tracking reasonably well.
- INTEREST EXPENSE- Although well under as a percentage of annual budget, this is affected by the timing of loan payments.

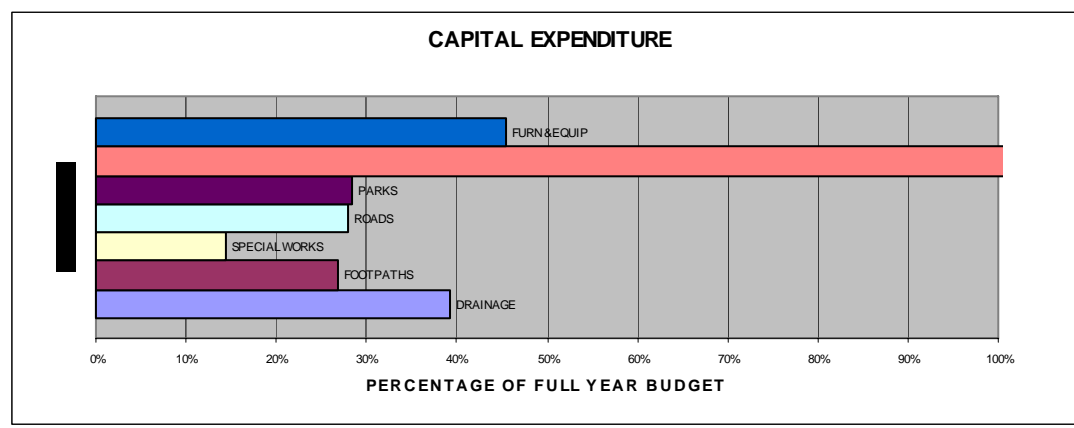


Salaries and Wages

Actual year to date costs are reporting 96% of year to date budget. Training expenditure has increased over last month along with full years allocation for workers compensation insurance having been processed.

Capital Expenditure

The Engineering works program is currently at 27% of budget based upon actual expenditure. Plant replacement purchases exceed adopted budget amounts. The KHACC replacement bus to be funded from an approved Department of Health HACC reserve drawdown, along with amended budget loan funding for other equipment purchases.



STATUTORY AND LEGAL IMPLICATIONS

7. Nil.

POLICY IMPLICATIONS

8. Nil.

PUBLIC CONSULTATION/COMMUNICATION

9. Nil.

FINANCIAL IMPLICATIONS

10. Nil.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

11. Strategic Planning Implications

This report works toward achieving objective:

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

of the Shire of Kalamunda Strategic Plan 2009-2014.

12. Sustainability Implications

Social Implications

- Nil.

Economic Implications

- Nil.

Environmental Implications

- Nil.

OFFICER COMMENT

13. Nil.

OFFICER RECOMMENDATION

GS 131/2010

1. That the monthly Statement of Financial Activity for the period ending 31 October 2010 (*GS 131/2010, Attachment 1*) be received.

Moved: Cr

Seconded: Cr

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

132. Debtors and Creditors Reports for the Period ending 31 October 2010

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

Attachment 1.	Summary of Debtors for the period ended 31 October 2010 (Page 74)
Attachment 2.	Summary of Creditors for the period ended 31 October 2010 (Page 75)

PURPOSE

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

BACKGROUND

2. Attached are the reports detailing aged debtors (***Attachment 1***) and creditors (***Attachment 2***) as at 31 October 2010.
3. Council has requested reports detailing outstanding debtors and creditors on a monthly basis.

DETAILS

4. Debtors

The Shire's sundry debtor balance of \$355,429 as at 31 October has not changed significantly from the period ended 30 September. It is comprised largely of building maintenance invoices to lease or licence holders (community and sporting clubs). Items of note are as follows:

- Legal proceedings are continuing over a disputed public open space valuation.
- Contact with alternative board members of the Forrestfield United Soccer Club is being made, particularly for the outstanding self supporting loan payment.
- No payment has been received from Kalamunda Wet'n'Wild for invoiced lease, insurance and maintenance costs.
- Both Kalamunda & Districts Basketball and Netball associations aged greater than 90 days debts have since been settled. This will be reflected in the November 2010 report.

5. Creditors

Invoices showing as outstanding greater than 60 and 90 days are the result of the original invoice documentation not being received by Finance.

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

STATUTORY AND LEGAL IMPLICATIONS

7. Nil.

POLICY IMPLICATIONS

8. Nil.

PUBLIC CONSULTATION/COMMUNICATION

9. Nil.

FINANCIAL IMPLICATIONS

10. Nil.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

11. **Strategic Planning Implications**

This report works toward achieving objective:

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

of the Shire of Kalamunda Strategic Plan 2009-2014.

12. **Sustainability Implications**

Social Implications

- Nil.

Economic Implications

- Nil.

Environmental Implications

- Nil.

OFFICER COMMENT

13. The significant increase in creditor payments made over previous months is due to property settlements for the Kalamunda Road widening project.

OFFICER RECOMMENDATION

GS 132/2010

1. That the outstanding debtors (***GS 132/2010, Attachment 1***) and creditors (***GS 132/2010, Attachment 2***) report as at 31 October 2010 be received.

Moved: Cr

Seconded: Cr

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

133. Rates Debtors Report for the Period ending 31 October 2010

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

Attachment 1. Summary of Outstanding for the period ended 31 October 2010 (Page 76)

PURPOSE

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

BACKGROUND

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

DETAILS

3. Ratepayers become eligible to pay their rates by instalments by paying the first instalment in full, along with any arrears, by the due date of 8 October 2010. Staff extended this time by 7 days to reduce the number of reminders needing to be issued. Ratepayers who have received reminders and who still wish to pay by instalment will be required to pay the first instalment in full over the phone, alternatively by the internet (Bpay or Bpoint) or at the Shire Administration Building.
4. The second instalment notice is being prepared for distribution currently and will be sent to all ratepayers paying by instalment with a due date of 10 December 2010.
5. Final notices will be issued to non paying ratepayers in November.

STATUTORY AND LEGAL IMPLICATIONS

6. Nil.

POLICY IMPLICATIONS

7. Nil.

PUBLIC CONSULTATION/COMMUNICATION

8. Nil.

FINANCIAL IMPLICATIONS

9. Nil.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

10. **Strategic Planning Implications**

This report works toward achieving objective:

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

of the Shire of Kalamunda Strategic Plan 2009-2014.

11. **Sustainability Implications**

Social Implications

- Nil.

Economic Implications

- Nil.

Environmental Implications

- Nil.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

12. Nil.

OFFICER COMMENT

13. Nil.

OFFICER RECOMMENDATION

GS 133/2010

1. That the rates debtors report as at 31 October 2010 (*GS 133/2010, Attachment 1*) be received.

Moved: Cr

Seconded: Cr

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

134. Budget Amendment – Fleming Reserve Redevelopment

Previous Items:	Nil
Responsible Officer	Director Community Development
Service Area:	Community Development
File Reference:	N/A
Applicant:	N/A
Owner:	N/A
Attachments	Nil

PURPOSE

1. To amend the Shire of Kalamunda 2010-2011 budget to incorporate further funding and expenditure for Fleming Reserve.

BACKGROUND

2. The Shire of Kalamunda was successful in securing funding from Lotterywest to continue redevelopment of Fleming Reserve, High Wycombe. This funding (\$253,930) will contribute to the cost of skate park, shelter and shade sails, and all abilities play equipment.

DETAILS

3. The proposed budget amendment is to:
 - (a) Increase revenue in account 301606.465 from \$(24,000) to \$(277,930).
 - (b) Increase expenditure in new job 4370 under 450905 from \$0 to \$253,930.

STATUTORY AND LEGAL IMPLICATIONS

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

POLICY IMPLICATIONS

5. Nil.

PUBLIC CONSULTATION/COMMUNICATION

6. Nil.

FINANCIAL IMPLICATIONS

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

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

8. **Strategic Planning Implications**

Nil.

9. **Sustainability Implications**
Social Implications

- Nil.

Economic Implications

- Nil.

Environmental Implications

- Nil.

OFFICER COMMENT

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

OFFICER RECOMMENDATION

GS 134/2010

1. That pursuant to section 6.8(1)(b) of the *Local Government Act 1995* Council amend the 2010/2011 Budget to:
- (a) Increase revenue in account 301606.465 from (\$24,000) to (\$277,930).
 - (b) Increase expenditure in new job 4370 under 450905 from \$0 to \$253,930.

Moved:

Seconded:

ABSOLUTE MAJORITY REQUIRED

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

135. Termination of Lease Obligations – Wet 'N' Wild

Previous Items:	Nil
Responsible Officer	Acting Director Corporate Services Director Community Development
Service Area:	Corporate Services Community Development
File Reference:	CL-11/040
Applicant:	N/A
Owner:	N/A
Attachments:	Nil

PURPOSE

1. To consider and approve the termination of lease obligations between the Shire of Kalamunda and the ex Lessee of Kalamunda Wet 'N' Wild.

BACKGROUND

2. The lease for Kalamunda Wet 'N' Wild expired on 31 March 2010.
3. A letter was sent to the ex Lessee on 10 March 2010 advising the lease would not be extended and all obligations under the current lease must be completed by the termination date.
4. An inspection of the complex was carried out, by the Shire's Building Maintenance Department, on 1 April 2010 and a list of outstanding obligations were noted for the Lessee to complete.
5. A second inspection was carried out on 21 June 2010 and an extension to complete the outstanding items was given to the ex Lessee until 5.00 pm 19 July 2010.
6. The name "Kalamunda Wet 'N' Wild" is owned by the ex Lessee and so the complex has been renamed "Kalamunda Water Park".
7. Legal advice was sought to provide guidance on reaching an agreeable resolution of issues between the Shire of Kalamunda and the ex Lessee. In order to finalise the issues the Shire solicitors advised that "it may be practicable ... for a commercial agreement to be struck between the parties."

DETAILS

8. The "Kalamunda Wet 'N' Wild" has not been adequately maintained over an extended period by the ex Lessee. Lack of Shire documentation makes it difficult to take legal action to ratify the situation.

9. **Outstanding Invoices owed to the Shire of Kalamunda**

Invoices raised for Kalamunda Wet 'N' Wild by the Shire of Kalamunda total \$29,793.64.

The invoices that are outstanding include:

- Building Insurance: \$4,345.00
- Maintenance: \$1,625.94
- Rent: \$16,601.50
- Water utility invoice: \$7,221.20

Some invoices raised will need to be pro rata to take into consideration the early termination date of 31 March 2010 rather than 30 June 2010. Therefore adjustments of \$5,427.92 have to be credited to the ex lessee reducing the outstanding balance to \$24,365.72.

10. **Outstanding Invoices owed to Kalamunda Wet 'N' Wild**

The ex Lessee have invoiced the Shire of Kalamunda \$54,978.15 with the two main invoices being related to:

1. Additional Chemical Usage: \$19,388.70
2. Repairs to Four Man Slide: \$28,906.24

The remainder of the balance is made up of numerous minor issues.

1. The ex Lessee are entitled to seek compensation for additional chemical usage in the lease from the leak in the pool, however the dollar value of compensation is unquantifiable due to the amount of variables involved.

The ex Lessee has been advised in writing that they would not be compensated for loss of chemicals due to the amount of variables involved.

2. An agreement was made by email between the ex Lessee, Director Community Development and Manager of Operations for the repairs of the four man slide to be carried out by the ex Lessee. An invoice was received from the ex lessee for \$28,906.24.

11. **Kalamunda Water Park - Centre Facilities**

(a) Repairs to Four Man Slide

The work carried out on the Four Man Slide was not satisfactory and therefore additional money has been spent by the Shire making the slide safe for public use. The labour component of the invoice received by ex lessee was high and the hours claimed for by the ex Lessee have been disputed.

(b) Shade Sails

There is a significant dispute regarding the ownership of the shade sails and they have been subsequently removed by the ex lessee.

The shade sails were purchased and erected at the complex by the ex Lessee.

The shade sails were affixed to steel poles which are concreted into the grounds of the complex. The steel poles would fall under a 'fixture' in property law. However, the shade sails attached to the poles are not affixed and have been removed by the ex Lessee.

Several requests in writing have been made to the ex lessee requesting the return of the shade sails. If the Shire of Kalamunda were to take legal action for the return of the shade sails the matter of ownership would need to be determined under case law. The outcome of ownership is difficult to assess as only part of the shade sails are affixed to the land, and there is no clear cut answer to the ownership issue. Legal action could take considerable time and be a considerable cost to the Shire of Kalamunda, the outcome may not result in the shade sails being returned to the Shire.

The shade sails are expensive items to replace, and are a required fixture to provide sun protection to users of the centre when it opens in December 2010.

The outcome of negotiations between both parties is that the shade sails will be returned to the complex if the Shire makes a payment of \$20,000 to settle payment for the works on the Four Man Slide. All other invoices raised by both parties will be written off and no further claims will be made by either party.

STATUTORY AND LEGAL IMPLICATIONS

12. Nil.

POLICY IMPLICATIONS

13. Nil.

PUBLIC CONSULTATION/COMMUNICATION

14. Nil.

FINANCIAL IMPLICATIONS

15. \$24,365.72 would need to be written off the Accounts Receivable ledger. The current provision for doubtful debts is \$54,691.14. The write off of \$24,365.72 may then require an increase in the doubtful debt provision during the mid year budget review.
16. The \$20,000 payment to the ex Lessee is an unbudgeted expense.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

17. **Strategic Planning Implications**
 - Nil.

18. Sustainability Implications**Social Implications**

- Nil.

Economic Implications

- Nil.

Environmental Implications

- Nil.

OFFICER COMMENT

19. Resolving the issues with the ex lessee has consumed considerable Shire resources, which would be exacerbated further particularly if legal action was pursued to finalise all of the issues.

It is considered that legal action against the ex Lessee may not result in a more advantageous outcome.

New resource and procedures within the Property and Procurement Business Unit will ensure that these circumstances do not occur in the future.

The \$20,000.00 payment could result in a net over budget expenditure of approximately \$5,000 which will be allowed for in the mid year review.

OFFICER RECOMMENDATION**GS 135/2010**

1. That pursuant to section 6.12(1)(b) of the *Local Government Act 1995* Council approve the waiver of invoices totalling \$24,365.72 subject to the following conditions being met by the ex Lessee of the property, now referred to as Kalamunda Water Park (previously known as Kalamunda Wet 'N' Wild).

Shire of Kalamunda requirements:

- That the Shire of Kalamunda pay the ex Lessee \$20,000 for the works on the "Four Man Slide".

Kalamunda Wet 'N' Wild requirements:

- That the Shade Sails be returned immediately to the Shire of Kalamunda in good condition and to the satisfaction of the Shire of Kalamunda.
- That a list of customer contacts is provided to the Shire of Kalamunda immediately.
- That the ex Lessee waive their right to any further claims against the Shire of Kalamunda in regards to Kalamunda Wet 'N' Wild.

2. That the over budget expenditure be authorised from account 360710.528.

Moved:

Seconded:

ABSOLUTE MAJORITY REQUIRED

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

136. Renaming of the Kalamunda Community and Cultural Centre

Previous Items:	N/A
Responsible Officer	Director Community Development
Service Area:	Community Development
File Reference:	CO-INF-015
Applicant:	N/A
Owner:	N/A
Attachment 1	Name Selection Guideline Matrix (Page 77)
Attachment 2	Name Submissions Matrix (Page 78)

PURPOSE

1. To consider a proposed new name for the Kalamunda Community and Cultural Centre.

BACKGROUND

2. As part of the Kalamunda Community and Cultural Centre project it was suggested that the name of the Centre be changed to a name that would connect with the community and reflect the culture and history of the Shire of Kalamunda.
3. There has been considerable community consultation during the design phase of this project and now further consultation regarding a new name has been sought from the community.
4. On 30 August 2010, notification was placed in print and online media inviting Shire of Kalamunda residents and ratepayers to submit suggestions for a new name for the Kalamunda Community and Cultural Centre.
5. Residents were asked to submit their suggestions along with a 50 – 250 word explanation on why their suggestion would suit the Centre.

DETAILS

6. Eleven (11) suggestions were submitted from residents and ratepayers within the Shire of Kalamunda. A panel of four community members was formed to consider each submission, the panel members were selected as they have had significant level of involvement in the Kalamunda Community and Cultural Centre project.
7. The panel members included:
 - Jenny Beahan
 - Iris Jones
 - Peter Efford
 - Di McAtee

-
8. The panel was provided with a name selection guideline matrix (***Attachment 1***) to help select the most appropriate name. The matrix ensured that the name chosen would create a feeling of community and encompassed the culture of the Shire of Kalamunda.
 9. The panel met and narrowed the eleven (11) submissions down to their top two (2) recommendations, a name submission matrix (***Attachment 2***) was developed to show the name suggestion and the panel comments.
 10. The following top two (2) recommendations in order of preference are:
 - "Bibbulmun Centre" / "Bibbulmun Cultural Centre"
 - "Zig Zag Centre" / "Zig Zag Cultural Centre"

STATUTORY AND LEGAL IMPLICATIONS

11. Required checks for Trademarks, Registered business names, Domain names and copyright have been done for both and the names are available to be used.

POLICY IMPLICATIONS

12. Nil.

PUBLIC CONSULTATION/COMMUNICATION

13. Expressions of interest were circulated throughout the Shire of Kalamunda through local newspapers, promoted in Shire Recreation Centres and Libraries and online through the Shire of Kalamunda website.

FINANCIAL IMPLICATIONS

14. There will be minor costs for name registration and brand formation, however the funds for this will be taken from the existing 2010/2011 budget.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

15. **Strategic Planning Implications**

Nil.

16. **Sustainability Implications**
Social Implications

- The Centre shall assist in creating a strong sense of community and will meet a range of community and visitor needs.

Economic Implications

- It is important to develop the brand strongly so that it is easy for the public to remember, and to recognise the Shire of Kalamunda as a tourist destination. The branding will be used in promotional and marketing campaigns which will encourage tourists to visit the Centre and the Shire.

Environmental Implications

- Nil

OFFICER COMMENT

17. Both recommendations have been researched in detail and relevant consultation has been undertaken.
18. Discussions with the Department of Environment and Conservation confirmed cultural concerns if using the Bibbulmun term.
19. Furthermore, the Bibbulmun Track Foundation also advised that they would prefer that the Bibbulmun term is not used.
20. The "Zig Zag Cultural Centre" was identified as the preferred new name for the Kalamunda Community and Cultural Centre, primarily due to the past and future links with the Shire of Kalamunda Community.
21. Some additional reasons for the proposed new name are:
 - The history of the Zig Zag Railway.
 - The railway connected the Foothills with the Hills - symbolising the Shire of Kalamunda as a whole.
 - The general public and local community associate the Zig Zag Road with Kalamunda.
 - The Zig-Zag Cultural Centre name is unique and would provide substantial marketing and promotional opportunities.

OFFICER RECOMMENDATION**GS -136/2010**

1. That Council endorse "Zig Zag Cultural Centre" as the new name for the Kalamunda Community and Cultural Centre.

Moved:

Seconded:

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

137. Community Sport and Recreation Facilities Fund - Small Grants (Summer) 2010/11

Previous Items:	GS - 80/2010
Responsible Officer	Director Community Development
Service Area:	Community Development
File Reference:	FI-FAG-050
Applicant:	Shire of Kalamunda
Owner:	Shire of Kalamunda
Attachments	Nil

PURPOSE

1. To consider allocating funds towards the following successful Community Sport & Recreation Facilities Fund (CSRFF) projects:
 - Kalamunda and Districts Netball Association resurfacing project.
 - Lesmurdie Tennis Club clubroom upgrade.

BACKGROUND

2. In August 2010, Council was presented with 3 CSRFF applications for consideration of support. Council subsequently resolved (OCM 108/2010) the following:

That Council:

(a). Supports the prioritisation of the following applications for the Department of Sport and Recreation's 2010/11 Community Sport and Recreation Facilities Small Grant Fund in order of priority:

- i) Lesmurdie Mazonod Cricket Club*
- ii) Kalamunda and Districts Netball Association*
- iii) Lesmurdie Tennis Club; and*

(b) Notes any approval of these applications from the Department of Sport and Recreation will require Council consideration of an amount up to \$154,962 as a amendment to the 2010/2011 Budget.

3. The Lesmurdie Mazonod Cricket Club application was subsequently withdrawn as a result of the works program and funding timeframes.
4. In November 2010, the Shire received notification from the Department of Sport and Recreation, that the Kalamunda & Districts Netball Association resurfacing project and Lesmurdie Tennis Club clubroom upgrade were successful in obtaining funding.
5. The delay in the Shire receiving notification was due to this being the first round of the new CSRFF (summer) small grants program.

6. The CSRFF funds must be expended within the current financial year.
7. As such, Council is now requested to consider allocating funds towards both the Kalamunda and Districts Netball Association resurfacing project and Lesmurdie Tennis Club clubroom upgrade at the mid-year budget review.

DETAILS

8. The Kalamunda and Districts Netball Association is proposing a project cost contribution as follows:

	Contributions
Kalamunda and Districts Netball Association	\$42,705
CSRFF	\$41,810
Shire of Kalamunda	\$40,917
Total Project Cost	\$125,432

9. The Kalamunda & Districts Netball Association's original CSRFF application was for 1/6 of the total project cost i.e. \$20,905, with the Shire contributing \$61,822 and the Club contributing \$42,705. However, the Department of Sport and Recreation subsequently agreed to increase their funding contribution amount to 1/3 the total project cost i.e. \$41,810, therefore, reducing the Shire's contribution to \$40,917.
10. The Lesmurdie Tennis Club is proposing a project cost contribution as follows:

	Contributions
Lesmurdie Tennis Club (cash)	\$30,000
Self Supporting Loan	\$19,680
CSRFF	\$49,680
Shire of Kalamunda	\$49,680
Total Project Cost	\$149,040

STATUTORY AND LEGAL IMPLICATIONS

11. Western Australian Local Government Act 1995, Section 6.2 Local Government Budget

POLICY IMPLICATIONS

12. Clubhouses and Facilities on Reserves (FAC5)

Self-Supporting Loans:

Clubs applying for Council assistance to develop facilities or build a clubhouse should demonstrate the following:

- a) Sound financial management.
- b) Good organisational and management attributes.
- c) Preferably an Incorporated body.
- d) Generally have a good track record, ie. image, public relations and overall stability.
- e) A bank balance which shows evidence of a consistent saving records.
- f) Clubs should be prepared to service loans whether self supporting, bank loans, or otherwise.
- g) A significant and growing membership with a large number of local residents.
- h) An open membership with a commitment to equal opportunity.

PUBLIC CONSULTATION/COMMUNICATION

13. Nil.

FINANCIAL IMPLICATIONS

14. Currently, no budget allocation exists within the 2010/2011 budget for either the resurfacing of the netball courts or the Lesmurdie Tennis Club Clubroom upgrade.
15. It is proposed that the Shire's contribution towards the projects be considered at the mid-year budget review. At which time, Officers will have a better indication as to how the budget is progressing and if any opportunities to re-allocate funds exist.
16. In the event that Council is not in the position to support successful applications, clubs will have the following options:
 - Self supporting loan; or
 - Increase in kind/club contribution.
17. In terms of the Lesmurdie Tennis Club's request for a self supporting loan, Section 6.20(2) of the *Local Government Act 1995* requires a Local Government that proposes to exercise a power to borrow in any financial year under section 6.20(1) and details of that proposal is not included in the annual budget, to give one month's local public notice of its intention to borrow.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS**18. Strategic Planning Implications**

Shire of Kalamunda Strategic Plan 2009-2014:

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

2.3 Long term viability of infrastructure and facilities.

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

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

19. Sustainability Implications**Social Implications**

- Nil.

Economic Implications

- Nil.

Environmental Implications

- Nil.

OFFICER COMMENT

20. Through the CSRFF program, the State Government provides financial assistance to community groups and Local Government Authorities to develop basic infrastructure for sport and recreation. The programme aims to increase participation in sport and recreation with an emphasis on increasing physical activity through the provision of well planned facilities.
21. Whilst there is no obligation on the Local Government Authority to make any contribution towards CSRFF funded projects, if Council decides not to contribute towards the projects, it may impact on the likelihood of the projects proceeding.
22. Officers plan to present the mid-year budget review to Council in March. At this time the capacity or otherwise to reallocate funds for the two CSRFF projects will be presented to Council for consideration.
23. In the interim, in order to meet grant acquittal timelines, tenders can be sought for both projects immediately.
24. In summary, it is proposed that the Lesmurdie Tennis Club and Kalamunda and Districts Netball Club be advised that the Shire's contribution will be considered at the mid-year budget review. With the tenders to be sought immediately, in order to expedite the process should the necessary funds be available. In addition, that one month's public notice be given of the Shire's intent to take out a self-supporting loan on behalf of the Lesmurdie Tennis Club.

OFFICER RECOMMENDATION

GS 137/2010

That Council:

1. Considers allocating \$40,917 towards the resurfacing of the Ray Owen Netball Courts at the mid-year budget review.
2. Considers allocating \$49,680 towards the upgrade of the Lesmurdie Tennis Club clubrooms at the mid-year budget review.
3. Authorises for the tenders to be sought for both the resurfacing of the Ray Owen netball courts and Lesmurdie Tennis Club Clubrooms upgrade.
4. Endorses the raising of a new self supporting loan for the Lesmurdie Tennis Club of \$19,680 in accordance with Section 6.20(2) of the *Local Government Act 1995*.

Moved:

Seconded:

ABSOLUTE MAJORITY REQUIRED

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

138. Application To Keep More Than Two Dogs – 4 Agati Place, Forrestfield

Previous Items: Nil
 Responsible Officer: Director Community Development
 Service Area: Community Development
 File Reference: RA-ANC-011: ICS-21194
 Applicant: Alan Taylor – 4 Agati Place Forrestfield
 Owner: N/A

Attachment 1 Location Map (Page 81)

PURPOSE

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

BACKGROUND

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

DETAILS

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

	Breed	Sex	Sterilised	Colour	Name	Registration Number	Age Years	Local Government
1.	King Charles	M	YES	White/ Red	Bandit	12-0851	4	Kalamunda
2.	Labrador	M	YES	Tan	Dusty	12-0754	11	Kalamunda
3.	Staffy Cross	M	NO	Black	Baxter	12-2595	8	Kalamunda

- In considering the merit of the application an inspection was undertaken by Ranger and Emergency Services to ensure the premises are appropriately sized so as to be capable of effectively and comfortably housing three dogs and to confirm that the fences and gates are compliant with the *Dog Act 1976*.
- The property at 4 Agati Place, Forrestfield is 700sqm and zoned Residential.

STATUTORY AND LEGAL IMPLICATIONS

7. The application for exemption to the Shire's Dogs Local Law 2010 is made under Section 26(3) of the *Dog Act 1976*.
8. Clause 3.2 of the Local Law reads

3.2 Limitation on the number of dogs

(1) This clause does not apply to premises which have been –

- (a) licensed under Part 4 as an approved kennel establishment; or*
- (b) granted an exemption under section 26(3) of the Dog Act, 2 dogs over the age of 3 months and the young of those dogs under that age.*

9. If Council refuses to permit three dogs on this property, the applicant has the right to appeal the decision through the State Administrative Tribunal within 28 days of notification in writing by the Shire.

POLICY IMPLICATIONS

10. Nil.

PUBLIC CONSULTATION/COMMUNICATION

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

FINANCIAL IMPLICATIONS

13. Nil.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

14. **Strategic Planning Implications:**
Nil.

15. **Sustainability Implications:**
Social Implications:

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

Economic Implications

- Nil.

Environmental Implications

- Nil.

OFFICER COMMENT

16. In considering this application for exemption, the following two options are available:

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

17. As part of the decision making process, Officers have recorded one previous barking complaint at this property, but this has since been resolved and the complainant is happy with the outcome. This has been further substantiated as part of the recent consultation process conducted by the Rangers on adjoining properties.

18. It is in the opinion of the inspecting Ranger that the property is appropriately sized and capable of effectively and comfortably housing three dogs. The Ranger can also confirm that the fences and gates are compliant with the *Dog Act 1976*.

19. It is recommended, 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 138/2010

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*, grants an exemption to the applicant of 4 Agati Place, Forrestfield to keep a third dog on this property.

Moved:

Seconded:

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

139. Application To Keep More Than Two Dogs – 25 Joyce Street, Lesmurdie

Previous Items: Nil
 Responsible Officer: Director Community Development
 Service Area: Community Development
 File Reference: RA-ANC-011: ICS-23014
 Applicant: Michelle Eaton & Anthony Shepherd
 Owner: N/A

Attachment 1 Location Map (Page 82)

PURPOSE

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

BACKGROUND

- The applicants at 25 Joyce Street, Lesmurdie have recently applied to Council requesting permission to keep more than two dogs on their property.
- Clause 3.2.(2) of the Shire of Kalamunda Dogs Local Law 2010 stipulates:
"The limit on the number of dogs which may be kept on any premises is, for the purpose of section 26(4) of the Dog Act 1976, 2 dogs over the age of 3 months and the young of those dogs under that age."

DETAILS

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

	Breed	Sex	Sterilised	Colour	Name	Registration Number	Age Years	Local Government
1.	Staffy X	F	YES	White/ Tan	Misty	12-2194	9	Kalamunda
2.	Beagle	M	NO	Tri	Thor	12-2195	5	Kalamunda
3.	Beagle	F	NO	Lemon				
4.	Beagle	F	NO	Tri				

- In considering the merit of the application an inspection was undertaken by Ranger and Emergency Services to ensure the premises are appropriately sized so as to be capable of effectively and comfortably housing four dogs and to confirm that the fences and gates are compliant with the *Dog Act 1976*.
- The property at 25 Joyce Street, Lesmurdie is located on a 3000 sqm block and zoned Residential.

STATUTORY AND LEGAL IMPLICATIONS

7. The application for exemption to the Shire's Dogs Local Law 2010 is made under Section 26(3) of the *Dog Act 1976*.
8. Clause 3.2 of the Local Law reads

3.2 Limitation on the number of dogs

(1) This clause does not apply to premises which have been –

 - (a) licensed under Part 4 as an approved kennel establishment; or*
 - (b) granted an exemption under section 26(3) of the Dog Act, 2 dogs over the age of 3 months and the young of those dogs under that age.*
9. If Council refuses to permit four dogs on this property, the applicant has the right to appeal the decision through the State Administrative Tribunal within 28 days of notification in writing by the Shire.

POLICY IMPLICATIONS

10. Nil.

PUBLIC CONSULTATION/COMMUNICATION

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

FINANCIAL IMPLICATIONS

13. Nil.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

14. **Strategic Planning Implications:**
Nil.
15. **Sustainability Implications:**
Social Implications:
 - Council needs to consider that having more than two dogs may create excessive dog barking noise that can interfere with the peace, comfort or convenience of neighbours within the immediate vicinity of the property concerned.

Economic Implications

- Nil.

Environmental Implications

- Nil.

OFFICER COMMENT

16. In considering this application for exemption, the following two options are available:
 - Council may grant an exemption pursuant to Section 26(3) of the *Dog Act 1976* subject to conditions; or
 - Council may refuse permission to keep more than two dogs.
17. As part of the decision making process, Officers have recorded that the owner wants the exemption for breeding purposes, however has not yet purchased the dogs. This has been further substantiated as part of the recent consultation process conducted by a Ranger on the adjoining properties.
18. It is in the opinion of the inspecting Ranger that the property is inadequate for the confinement of four dogs. The property is a substantial size and any suitable confinement would require the perimeter fencing to be completely encased or electrified. The property was also not very well maintained and was a fire hazard at the time of inspection.
19. It is recommended, that the application to keep more than two dogs is not supported.

OFFICER RECOMMENDATION**GS 139/2010**

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*, refuses an exemption to the applicant of 25 Joyce Street, Lesmurdie to keep four dogs on this property.

Moved:

Seconded:

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

140. Application To Keep More Than Two Dogs – 70 Ryan Way, Lesmurdie

Previous Items: Nil
 Responsible Officer: Director Community Development
 Service Area: Community Development
 File Reference: RA-ANC-011: ICS-23872
 Applicant: Michelle Crompton – 70 Ryan Way, Lesmurdie
 Owner: N/A

Attachment 1 Location Map (Page 83)

PURPOSE

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

BACKGROUND

2. The applicant at 70 Ryan Way, Lesmurdie has recently applied to Council requesting permission to keep more than two dogs on her property.
3. Clause 3.2.(2) of the Shire of Kalamunda Dogs Local Law 2010 stipulates:
"The limit on the number of dogs which may be kept on any premises is, for the purpose of section 26(4) of the Dog Act 1976, 2 dogs over the age of 3 months and the young of those dogs under that age."

DETAILS

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

	Breed	Sex	Sterilised	Colour	Name	Registration Number	Age Years	Local Government
1.	Chihuahua	F	YES	Black/Tan	Dinky	10-1633	9	Kalamunda
2.	Chihuahua	M	YES	Tan/White	Max	11-1445	8	Kalamunda
3.	Papiuon	F	NO	White/Black	Meeka	13-0067	1	Kalamunda

5. In considering the merit of the application an inspection was undertaken by Ranger and Emergency Services to ensure the premises are appropriately sized so as to be capable of effectively and comfortably housing three dogs and confirm that the fences and gates are compliant with the *Dog Act 1976*.
6. The property at 70 Ryan Way, Lesmurdie is located on an 1116sqm block and zoned Residential.

STATUTORY AND LEGAL IMPLICATIONS

7. The application for exemption to the Shire's Dogs Local Law 2010 is made under Section 26(3) of the *Dog Act 1976*.
8. Clause 3.2 of the Local Law reads

3.2 Limitation on the number of dogs

(1) This clause does not apply to premises which have been –

(a) licensed under Part 4 as an approved kennel establishment; or

(b) granted an exemption under section 26(3) of the Dog Act, 2 dogs over the age of 3 months and the young of those dogs under that age.
9. If Council refuses to permit three dogs on this property, the applicant has the right to appeal the decision through the State Administrative Tribunal within 28 days of notification in writing by the Shire.

POLICY IMPLICATIONS

10. Nil.

PUBLIC CONSULTATION/COMMUNICATION

11. When applications are received by the Shire to keep more than two dogs, 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 eight adjoining properties within the vicinity of the applicant's property that may be directly affected (***Attachment 1***). The occupants of these properties have been interviewed by the attending Ranger where seven supported and the other had no response to the application.

FINANCIAL IMPLICATIONS

13. Nil.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

14. **Strategic Planning Implications:**

Nil.
15. **Sustainability Implications:**

Social Implications:

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

Economic Implications

- Nil.

Environmental Implications

- Nil.

OFFICER COMMENT

16. In considering this application for exemption, the following two options are available:
 - Council may grant an exemption pursuant to Section 26(3) of the *Dog Act 1976* subject to conditions; or
 - Council may refuse permission to keep more than two dogs.
17. As part of the decision making process, Officers have not recorded any issues regarding the dogs kept at the property. This has been further substantiated as part of the recent consultation process conducted by the Rangers on adjoining properties.
18. It is in the opinion of the inspecting Ranger that the property is appropriately sized and capable of effectively and comfortably housing three dogs. The Ranger can also confirm that the fences and gates are compliant with the *Dog Act 1976*.
19. It is recommended, 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 140/2010**

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*, grants an exemption to the applicant of 70 Ryan Road, Lesmurdie to keep a third dog on this property.

Moved:

Seconded:

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

141. Application To Keep More Than Two Dogs – 73 Bracken Road, Pickering Brook

Previous Items: Nil
 Responsible Officer: Director Community Development
 Service Area: Community Development
 File Reference: RA-ANC-011: ICS-23914
 Applicant: Sally Gray – 73 Bracken Road, Pickering Brook
 Owner: N/A

Attachment 1. Location Map (Page 84)

PURPOSE

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

BACKGROUND

2. The applicant at 73 Bracken Road, Pickering Brook has recently applied to Council requesting permission to keep more than two dogs on her property.
3. Clause 3.2.(2) of the Shire of Kalamunda Dogs Local Law 2010 stipulates:
"The limit on the number of dogs which may be kept on any premises is, for the purpose of section 26(4) of the Dog Act 1976, 2 dogs over the age of 3 months and the young of those dogs under that age."

DETAILS

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

	Breed	Sex	Sterilised	Colour	Name	Registration Number	Age Years	Local Government
1.	Kelpie X	M	YES	Black/ Tan	Nelson	11-0701	7	Kalamunda
2.	Red Cloud Kelpie	F	YES	Red	Coco	13-0268	5	Kalamunda
3.	Great Dane	F	YES	Brown	Meg	11-0724	9	Kalamunda
4.	Labrador X	M	YES	Cream	Milky	13-0550	3	Kalamunda

5. In considering the merit of the application an inspection was undertaken by Ranger and Emergency Services to ensure the premises are appropriately sized so as to be capable of effectively and comfortably housing four dogs and to confirm that the fences and gates are compliant with the *Dog Act 1976*.
6. The property at 73 Bracken Road, Pickering Brook is 5 acres and zoned Semi Rural.

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 four dogs on this property, the applicant has the right to appeal the decision through the State Administrative Tribunal within 28 days of notification in writing by the Shire.

POLICY IMPLICATIONS

10. Nil.

PUBLIC CONSULTATION/COMMUNICATION

11. When applications are received by the Shire to keep more than two dogs, a Ranger will attend the properties immediately adjoining the applicant's property to ascertain if they have any objections. This process is undertaken by interview or if the resident is not home at the time, a standard letter is left in their letterbox advising of the application.
12. There are three adjoining properties within the vicinity of the applicant's property that may be directly affected (***Attachment 1***). The occupants of these properties have been interviewed by the attending Ranger where one supported, one did not support and the other had no response to the application.

FINANCIAL IMPLICATIONS

13. Nil.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

14. **Strategic Planning Implications:**
Nil.
15. **Sustainability Implications:**
Social Implications:
 - Council needs to consider that having more than two dogs may create excessive dog barking noise that can interfere with the peace, comfort or convenience of neighbours within the immediate vicinity of the property concerned.

Economic Implications

- Nil.

Environmental Implications

- Nil.

OFFICER COMMENT

16. In considering this application for exemption, the following two options are available:
 - Council may grant an exemption pursuant to Section 26(3) of the *Dog Act 1976* subject to conditions; or
 - Council may refuse permission to keep more than two dogs.
17. As part of the decision making process, Officers have recorded one previous dog wandering complaint at this property, but this has since been resolved by installation of a electric containment fence, and no further issues have been reported to the Shire of Kalamunda. This has been further substantiated as part of the recent consultation process conducted by a Ranger on the adjoining properties.
18. It is in the opinion of the inspecting Ranger that the property is appropriately sized and capable of effectively and comfortably housing four dogs. The Ranger can also confirm that the fences and gates are compliant with the *Dog Act 1976*.
19. 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 141/2010**

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*, grants an exemption to the applicant of 73 Bracken Road, Pickering Brook to keep four dogs on this property.

Moved:

Seconded:

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

142. Application To Keep More Than Two Dogs – 333B Lesmurdie Road, Lesmurdie

Previous Items: Nil
 Responsible Officer: Director Community Development
 Service Area: Community Development
 File Reference: RA-ANC-011: ICS-24298
 Applicant: Mrs Mary Jean Cuijpers – 333b Lesmurdie Road, Lesmurdie
 Owner: N/A

Attachment 1 Location Map (Page 85)

PURPOSE

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

BACKGROUND

2. The applicant at 333B Lesmurdie Road, Lesmurdie has recently applied to Council requesting permission to keep more than two dogs on their property.
3. Clause 3.2.(2) of the Shire of Kalamunda Dogs Local Law 2010 stipulates:
"The limit on the number of dogs which may be kept on any premises is, for the purpose of section 26(4) of the Dog Act 1976, 2 dogs over the age of 3 months and the young of those dogs under that age."

DETAILS

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

	Breed	Sex	Sterilised	Colour	Name	Registration Number	Age Years	Local Government
1.	Red Heeler	M	YES	White/Red	Trooper	12-02794	9	Kalamunda
2.	Jack Russel	F	YES	Tan/White	Pebbie	12-02795	6	Kalamunda
3.	Jack Russel X	F	NO	Tri	Scoty	13-00551	1	Kalamunda

5. In considering the merit of the application an inspection was undertaken by Ranger and Emergency Services to ensure the premises are appropriately sized so as to be capable of effectively and comfortably housing three dogs and to confirm that the fences and gates are compliant with the *Dog Act 1976*.
6. The property at 333B Lesmurdie Road, Lesmurdie is 2000sqm and zoned Residential.

STATUTORY AND LEGAL IMPLICATIONS

7. The application for exemption to the Shire's Dogs Local Law 2010 is made under Section 26(3) of the *Dog Act 1976*.
8. Clause 3.2 of the Local Law reads

3.2 Limitation on the number of dogs

- (1) This clause does not apply to premises which have been –*
- (a) licensed under Part 4 as an approved kennel establishment; or*
 - (b) granted an exemption under section 26(3) of the Dog Act, 2 dogs over the age of 3 months and the young of those dogs under that age.*
9. If Council refuses to permit three dogs on this property, the applicant has the right to appeal the decision through the State Administrative Tribunal within 28 days of notification in writing by the Shire.

POLICY IMPLICATIONS

10. Nil.

PUBLIC CONSULTATION/COMMUNICATION

11. When applications are received by the Shire to keep more than two dogs, a Ranger will attend the properties immediately adjoining the applicant's property to ascertain if they have any objections. This process is undertaken by interview or if the resident is not home at the time, a standard letter is left in their letterbox advising of the application.
12. There are seven adjoining properties within the vicinity of the applicant's property that may be directly affected (***Attachment 1***). The occupants of these properties have been interviewed by the attending Ranger where four supported, one had no response to the application and the other properties were vacant land.

FINANCIAL IMPLICATIONS

13. Nil.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

14. **Strategic Planning Implications:**
Nil.
15. **Sustainability Implications:**
Social Implications:
 - Council needs to consider that having more than two dogs may create excessive dog barking noise that can interfere with the peace, comfort or convenience of neighbours within the immediate vicinity of the property concerned.

Economic Implications

- Nil.

Environmental Implications

- Nil.

OFFICER COMMENT

16. In considering this application for exemption, the following two options are available:
 - Council may grant an exemption pursuant to Section 26(3) of the *Dog Act 1976* subject to conditions; or
 - Council may refuse permission to keep more than two dogs.
17. As part of the decision making process, Officers have not recorded any issues regarding the dogs kept at the property. This has been further substantiated as part of the recent consultation process conducted by the Rangers on adjoining properties.
18. It is in the opinion of the inspecting Ranger that the property is appropriately sized and capable of effectively and comfortably housing three dogs. The Ranger can also confirm that the fences and gates are compliant with the *Dog Act 1976*.
19. It is recommended, 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 142/2010**

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 333B Lesmurdie Road, Lesmurdie to keep a third dog on this property.

Moved:

Seconded:

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

143. Response to Petition – Impassable Nature of Bahen Road, Hackett's Gully

Previous Items:	N/A
Responsible Officer	Director Community Development
Service Area:	Ranger and Emergency Services
File Reference:	BH-01/GEN
Applicant:	Residents of Hackett's Gully
Owner:	N/A
Attachment 1	Petition Residents of Hacketts Gully (Page 86
Attachment 2	Map – Hackett's Gully (Page 90)
Attachment 3	Map – Hackett's Gully, Prescribed Burning by DEC (Page 91)

PURPOSE

1. To provide Council with a response to a Petition from the residents of Hackett's Gully regarding bushfire safety concerns.

BACKGROUND

2. On 20 October 2010, the Shire of Kalamunda received a Petition, refer **(Attachment 1)** from the residents of Hackett's Gully regarding their concerns with the current state of parts of Bahen Road Hackett's Gully, namely the road reserve extension to Bahen Road.
3. Following receipt of the Petition, Shire Officers contacted the Department of Environment and Conservation (DEC), and discussed the concerns raised by signatories in the Petition.

DETAILS

4. The Petition states that residents are concerned that their lives maybe in danger due to the condition of the unsealed section of Bahen Road Hackett's Gully and the DEC track at the end of the road reserve, refer **(Attachment 2)**.
5. The signatories to the Petition have requested that the Shire implement the following to ensure their safety:
 - (a) Inspect the condition of the road and the surrounding areas of bushland to understand the critical nature of the situation.
 - (b) Clear the road, with preference to sealing it through to Gunjin Road.
 - (c) Request that the Department of Environment and Conservation conduct a controlled burn off within the surrounding bushland at their earliest possible convenience.

STATUTORY AND LEGAL IMPLICATIONS

6. The unmade track at the end of the road reserve is vested with the DEC and therefore Council has no authority or statutory powers to prescribe works to be undertaken on this land.

POLICY IMPLICATIONS

7. Nil.

PUBLIC CONSULTATION/COMMUNICATION

8. Following receipt of the Petition, the Shire has been proactive in addressing the concerns of the signatories and has discussed their concerns with DEC who are vested with the control of the land.
9. All signatories on the Petition were notified by mail to attend a bushfire information session held by the Shire of Kalamunda in conjunction with representatives of Fire and Emergency Services and DEC where this topic would be discussed.
10. At this session, representatives of DEC, discussed the signatories concerns and advised them that they will not be opening the unmade track at the end of the road reserve for access and egress purposes as it does not form part of their strategic access road criteria.
11. DEC also stated that they have conducted prescribed burning in a mosaic of patches across the Shire, refer **(Attachment 3)** including the Hackett's Gully location between 2007 and 2010 to reduce the build up of fuel levels.

FINANCIAL IMPLICATIONS

12. Nil.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

13. **Strategic Planning Implications**

Nil.

14. **Sustainability Implications**

Social Implications

- Nil

Economic Implications

- Nil

Environmental Implications

- Nil

OFFICER COMMENT

15. As previously indicated, the DEC has been involved in an extensive prescribed burning programme to reduce the fuel levels around this particular location.
16. The Shire has also been proactive in providing bushfire safety information sessions in the Shire to give residents advice on how to effectively prepare, act and survive in the event of a bushfire.
17. Therefore based on the information received from the DEC it is recommended that the Shire advises the signatories of the Petition that neither the Shire's unsealed section of Bahen Road or DEC's unmade track at the end of the road reserve will be opened.

OFFICER RECOMMENDATION

GS 143/2010

That Council advise the signatories of the petition that:

1. The Department of Environment and Conservation will not be opening their unmade track at the end of the road reserve as it does not form part of their strategic access road criteria.
2. Based on the information provided by Department of Environment and Conservation, there is no benefit in opening the Shire's unsealed section of Bahen Road Hackett's Gully.
3. The Department of Environment and Conservation have conducted prescribed burning in a mosaic of patches across the Shire including the Hackett's Gully location between 2007 and 2010 to reduce the build up of fuel levels.

Moved:

Seconded:

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

144. Adoption of Asbestos Management Plan Policy - HR16

Previous Items	Nil
Responsible Officer	Director Engineering Services
Service Area	Engineering Services
File Reference	LE-ACT-008
Applicant	N/A
Owner	N/A
Attachment 1	Asbestos Management Plan Policy – HR16 (Page 92)
Attachment 2	Asbestos Register (Page 122)

PURPOSE

1. To consider the adoption of an Asbestos Management Plan Policy – HR16 (Policy), as shown at (***Attachment 1.***), to implement safe work practices in relation to Asbestos Containing Materials (ACM), within the Shire of Kalamunda work places.

BACKGROUND

2. Compliance legislation required the Shire to undertake an audit of all its properties and compile a register, shown at (***Attachment 2.***), detailing the location of ACM, in line with the following:
 - 'Code of Practice for the Safe Removal of Asbestos 2nd Edition (NOHSC: 2002 /2005), which sets out the general the removal of ACM.
 - *The Occupational Safety and Health Regulations 1996.*
3. The new requirements came into effect on 1 June 2010, whereby operators removing more than 10sqm of non friable asbestos are now required to hold a licence, issued by WorkSafe Western Australia.
4. All Shire staff and Contractors must be made aware of the location of ACM with in the Shire owned and occupied buildings.

DETAILS

5. The Policy will provide strategic direction and guidance to the Shire of Kalamunda, its employees and Contractors, with regards to the health and safety implications of working with and within an environment where ACM can be found.

STATUTORY AND LEGAL IMPLICATIONS

6.
 - Code of Practice for the Safe Removal of Asbestos 2nd Edition (NOHSC: 2002 /2005), which sets out the general the removal of ACM; and
 - The Occupational Safety and Health Regulations 1996.

POLICY IMPLICATIONS

7. The adoption of this new policy will provide strategic direction and guidance to the Shire of Kalamunda, its employees and Contractors, with regards to the health and safety implications of working with and within an environment where Asbestos Containing Materials (ACM) can be found.

PUBLIC CONSULTATION/COMMUNICATION

8. Nil.

FINANCIAL IMPLICATIONS

9. A budget submission was presented and approved by Council in August 2010. Ongoing funds will be required to enable safe removal of ACM from all Shire owned buildings over a period of time, yet to be determined.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

10. **Strategic Planning Implications**
Nil.

11. **Sustainability Implications**
Social implications

The Policy will meet obligations and responsibilities in managing ACM within the workplace, as per the current regulations and set a benchmark for residents within the community.

Economic Implications

The Policy will result in a requirement for an annual allocation of funds until all ACM is removed from Shire of Kalamunda buildings.

Environmental Implications

The Policy will assist with the maintaining of a healthy workplace and environment for all residents and employees within the Shire of Kalamunda.

OFFICER COMMENT

12. There is no existing policy or formal procedure within the Shire of Kalamunda for the safe removal of ACM from Shire buildings. Accordingly, the proposed Policy will assist with the future management of ACM within Shire buildings and additionally will improve any future education programmes, intended to address issues of ACM within the community as a whole.

OFFICER RECOMMENDATION

GS 144/2010

1. That Council adopts the Asbestos Management Plan Policy HR16, as shown at ***(Attachment 1.)***

Moved: (Cr)

Seconded: (Cr)

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

145. Awarding of Various Contracts for General Maintenance of Shire Buildings and Facilities

Previous Items:	N/A
Responsible Officer	Director Engineering Services
Service Area:	Engineering Services
File Reference:	AD-TEN-005
Applicant:	N/A
Owner:	N/A

Confidential Attachments 1	Schedule of Proposals Received (Under separate cover)
----------------------------	---

PURPOSE

1. To consider the awarding of various contracts for the general maintenance of buildings and facilities, within the Shire of Kalamunda, for a period of three (3) years with the option for an extension of the contracts for a further one (1) year.

BACKGROUND

2. The current Tenders for the general maintenance of buildings and facilities within the Shire of Kalamunda expire in December 2010.
3. The following Tenders were advertised in the West Australian on the 3 November 2010 and placed on the Shire's website:
 - T1016 – General Maintenance
 - T1012 – Electrical Maintenance
 - T1015 – Painting Services
 - T1013 – Glazing Services
 - T1017 – Plumbing Maintenance
4. The Tenders closed on 19 November 2010.

DETAILS

5. The Tenders are for a period of three years. There is also provision for an extension of an additional one year, at the sole discretion of the Council, on the same terms and conditions.
6. The Tenderers were required to provide an hourly rate for carrying out respective maintenance services. Hourly rates were also requested for after hours and additional services.
7. The Tenders specified that several Contractors will be appointed as part of a panel in each of the trade groups. This is required for building maintenance tasks that are often needed to be carried out at short notice.
8. A summary of Tender submissions received is presented at ***(Confidential Attachment 1.)***

-
9. The Tenders received for the 'Panel of Contract' were assessed against the selection criteria by Shire staff. Successful reference checks were carried out for the following Contactors, as they are new to the Shire:
- Supalux
 - Classic Contracting
 - CPD Group

STATUTORY AND LEGAL IMPLICATIONS

10. The Tender process was undertaken in accordance with the statutory requirements of the *Local Government (Functions & General) Regulations 1996*.

POLICY IMPLICATIONS

11. Policy CS 6.9 – Purchasing Policy has been followed.

PUBLIC CONSULTATION/COMMUNICATION

12. Nil.

FINANCIAL IMPLICATIONS

13. Tendered rates are consistent with current building trade hourly rates. The Shire's 2010/11 Budget makes a provision of approximately \$750,000 for building maintenance activities.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

14. **Strategic Planning Implications**

2.3.2 - Maintain, refurbish or upgrade existing infrastructure to encourage increased utilisation and extension of asset life.

15. **Sustainability Implications**

Social Implications

- Nil.

Economic Implications

- Nil.

Environmental Implications

- Nil.

OFFICER COMMENT

16. There are varied increases to the hourly rates in most trades. This is due to CPI and the lack of professional trades personnel available.
17. It is recommended that a panel of Contractors for each trade group is accepted. The panel is listed in order of most advantageous.

18. The recommended "Panel of Contractors" is ranked in order of most advantages to the Shire. Contractors that are not necessarily the cheapest, but who have proven their worth to the Shire, have been listed as the preferred Contractor in order of merit. Non compliant competitive Contractors who have not submitted asbestos accreditation will be included as panel contractor upon completion of an approved asbestos accreditation course.

OFFICER RECOMMENDATION**GS 145/2010**

1. That Council awards the Tenders for the general building maintenance to buildings and facilities within the Shire of Kalamunda to the following "Panel of Contractors" at the scheduled rates detailed in ***Confidential Attachment 1***, exclusive of GST, for a period of three years with the option for the Council to extend the Contract for a further one year on the same terms and conditions.

T1016 – General Maintenance

1. Hilltop Group
2. Benchmark Maintenance
3. Plan Construction
4. CPD Group

T1012 – Electrical Maintenance

1. Mad Cow
2. A & S Hill
3. Ozwire
4. Flex Force

T1015 – Painting Services

1. Supalux
2. Classic Contracting
3. CPD Group

T1013 – Glazing Services

1. Hills Glass
2. Kalamunda Glass
3. See View Glass

T1017 – Plumbing Maintenance

1. Kalamunda Plumbing
2. Lindley Contracting
3. Anchor Plumbing

Moved:

Seconded:

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