
Shire of Kalamunda

Ordinary Council Meeting Agenda

Monday 19 March 2012

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Separate Document

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NOTICE OF MEETING ORDINARY COUNCIL MEETING

Councillors

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

19 March 2012 commencing at 6.30pm

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

Open Council Meetings – Procedures

1. All Council Meetings are open to the public, except for matters raised by Council under Item No. 15.0 of the Agenda.
2. Members of the public may ask a question at an Ordinary Council Meeting under Item 3.0 of the Agenda.
3. Members of the public who are unfamiliar with meeting procedures are invited to seek advice at the meeting. If unsure about proceedings, just raise your hand when the Shire President opens *'question time'* under Item 3.0 of the Agenda.
4. All other arrangements are in accordance with Council's Standing Orders, Policies and decision of the Shire or Council.

James Trail
Chief Executive Officer
15 March 2012

** Dinner will be served at 5.30pm **

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AGENDA

1.0 OFFICIAL OPENING

2.0 ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE PREVIOUSLY APPROVED

2.1 Apology – Cr Justin Whitten – South West Ward

2.2 Leave of Absence – Cr Sue Bilich – North 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 Council. 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 MINUTES OF PREVIOUS MEETING

6.1 That the Minutes of the Ordinary Council Meeting held on 20 February 2012 are confirmed as a true and accurate 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 20 February 2012".

7.0 ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION

8.0 MATTERS FOR WHICH MEETING MAY BE CLOSED

8.1 C&C 23/2012 Chief Executive Officer Performance Review to March 2012

If discussion is required to be dealt with at 15.0 on this Agenda.

Reason for confidentiality

Local Government Act S 5.23(2)(a). A matter affecting an employee or employees.

9.0 DISCLOSURE OF INTERESTS

9.1 Disclosure of Financial and Proximity Interests

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

9.2 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.

10.1 Development and Infrastructure Services Committee Report

10.1.1 Adoption of Planning Services Committee Report

That the recommendations contained in the Development and Infrastructure Services Committee of 6 March 2012, except withdrawn item D&I 19, be adopted.

Moved:

Seconded:

Vote:

10.1.2 D&I 15 Local Planning Scheme No. 3 Amendment – Lots 100 (73) and 101 (93) First Avenue, Bickley – Rezone from Special Rural to Residential Bushland R5

COMMITTEE RECOMMENDATION TO COUNCIL (D&I 15/2012)

That Council:

1. Initiates the amendment to Local Planning Scheme No. 3 in accordance with the following:

PLANNING AND DEVELOPMENT ACT 2005

RESOLUTION DECIDING TO AMEND A LOCAL PLANNING SCHEME

SHIRE OF KALAMUNDA

LOCAL PLANNING SCHEME NO. 3

AMENDMENT NO.

Resolved that the Council in pursuance of Part 5 of the Planning and Development Act 2005 amend the above Local Planning Scheme by:

1. Rezoning Lots 100 (73) and 101 (93) First Avenue, Bickley from Special Rural to Residential Bushland R5.

Subject to amendment documents and the required administration fee being submitted, the documents being adopted by Council and the Amendment being formally advertised for 42 days in accordance with the provisions of the *Town Planning Regulations 1967*, without reference to the Western Australian Planning Commission.

10.1.3. D&I 16 Local Planning Scheme No. 3 Amendment – Provisions Relating to the Middle Helena Catchment Area

COMMITTEE RECOMMENDATION TO COUNCIL (D&I 16/2012)

That Council:

1. Initiates the amendment to Local Planning Scheme No. 3, in accordance with the following:

PLANNING AND DEVELOPMENT ACT 2005
 RESOLUTION DECIDING TO AMEND A LOCAL PLANNING
 SCHEME
 SHIRE OF KALAMUNDA
 LOCAL PLANNING SCHEME NO. 3
 AMENDMENT NO.

Resolved that Council, in pursuance of Part 5 of the Planning and Development Act 2005, amends the above Local Planning Scheme by:

- a) Amending the Scheme Zoning Map to show the priority classification areas identified by the Middle Helena Catchment Area Land Use and Water Management Strategy, and adding the annotation SCA over the Middle Helena Catchment Area.
- b) Inserting the following provision under clause 6.1.1 of the Scheme:
 - “(g) The Middle Helena Catchment Area shown on the Scheme Map as MHCA shall be in accordance with Clause 6.5.”*
- c) Inserting the following provisions in the Scheme for the Middle Helena Catchment area:

“6.5 MIDDLE HELENA CATCHMENT AREA

6.5.1. The Middle Helena catchment area is the catchment for that section of the Helena River from the Mundaring Weir downstream to the Helena Pumpback Dam (also known as the Lower Helena Diversion Dam). The portion of the Middle Helena catchment area that falls in the Shire of Kalamunda is shown on the scheme map. The area is subject to the Middle Helena Catchment Area Land Use and Water Management Strategy, which identifies three priority classification areas (Priority 1, Priority 2 and Priority 3). These priority classifications are also shown on the scheme map.

6.5.2 The purpose of this special control area is to implement the Middle Helena Catchment Area Land Use and Water Management Strategy. The objectives of this special control area are to:

- (a) Ensure that the long-term quality of the Middle Helena catchment as a public drinking water source is not compromised;*
- (b) Reduce potential nutrient, contaminant and sediment export into the Helena River; and*

- (c) Provide a planning framework for land use decision-making for landowners and local and state government.*

6.5.3 The Shire may refer all applications for planning approval to the Department of Water for comment where that application is for a use which is identified as 'compatible with conditions' or 'incompatible' in the relevant priority classification on the Department of Water's land use compatibility table in the water quality protection note Land Use Compatibility in Public Drinking Water Source Areas, incorporating the following variations to that table, which are specific to the Middle Helena catchment area:

- (a) In priority 2 areas, the land use Restaurants (including cafes and tea rooms) shall be compatible with conditions; and*
- (b) In priority 2 areas, the land use Exhibition Centre shall be compatible with conditions.*

6.5.4 Except where a proposed use is for extension or replacement of a non-conforming use, which is non-conforming in terms of this clause, a use which is identified as incompatible in the relevant priority classification on the Department of Water's land use compatibility table in the water quality protection note, 'Land Use Compatibility in Public Drinking Water Source Areas' and incorporating the variations to that table specific to the Middle Helena catchment area, shall not be approved.

6.5.5 In determining or making recommendation on an application for planning approval in the Special Control Area, or making recommendation on an application for subdivision in the Special Control Area, the shire shall have particular regard to:

- (a) Any advice received from the Department of Water;*
- (b) The Department of Water's land use compatibility table in the water quality protection note, 'Land Use Compatibility in Public Drinking Water Source Areas', incorporating the variations to that table specific to the Middle Helena catchment area (clause 6.5.4);*

- (c) *The recommendations of the Middle Helena Catchment Area Land Use and Water Management Strategy, particularly those specific to the relevant priority classification area;*
- (d) *The requirements of State Planning Policy 2.7 Public Drinking Water Source Policy;*
- (e) *The potential impact of the proposal on the quality of the water resource; and*
- (f) *The drainage characteristics of the land, including surface and groundwater flow, and the adequacy of proposed measures to meet water quality targets and manage run-off and drainage.*

The amendment documents being adopted by Council and the Amendment being formally advertised for 42 days in accordance with the provisions of the *Town Planning Regulations 1967*, without reference to the Western Australian Planning Commission.

10.1.4. D&I 17 The Parking of Two Commercial Vehicles – Lot 127 (30) Hawkvalley Road, Maida Vale

COMMITTEE RECOMMENDATION TO COUNCIL (D&I 17/2012)

That Council:

1. Approves the proposal for Ricky Malpass to continue to park two commercial vehicles, a Mitsubishi Tipper (registration number 1CYS 473) and a P and G Tipper trailer (registration number 1TIL 737) at Lot 127 (30) Hawkvalley Crescent, Maida Vale, subject to the following conditions:
 - a. The vehicles must, at all times, be parked in the location shown on the approved site plan (Attachment 2).
 - b. A landscaping plan being submitted within 28 days of this approval showing additional landscaping along the rear boundary of the property.
 - c. The additional landscaping being planted within 28 days of the landscaping plan being approved by the Shire, and maintained thereafter by the landowner to the Shire's satisfaction.
 - d. The commercial vehicles are only to be operated between the hours of 7.00am and 6.00pm Monday to Friday and 7.00am to 1.00pm Saturdays and Public Holidays.

- e. Approval of the parking activity does not include approval for the loading of the commercial vehicles, or the storage of goods and materials in transit.
- f. Only maintenance of a minor nature, such as servicing or wheel changing, is to be carried out on the subject property. No panel beating, spray painting or the removal of major body or engine parts is permitted.
- g. The idling time for the start-up and cool down of the vehicles being a maximum of five minutes.
- h. Washing of the commercial vehicles on the subject lot is to be limited to the use of water and mild detergent, but not involve the use of any solvents, degreasing substances, steam cleaning and any other processes which may cause pollution or degradation of the environment.
- i. The approval is personal to the landowner and shall not be transferred or assigned to any other person, property or commercial vehicle.

10.1.5 D&I 18 Draft Landscape Master Plan – Wattle Grove Urban Area Cell 9

COMMITTEE RECOMMENDATION TO COUNCIL (D&I 18/2012)

That Council:

1. Endorses the Draft Wattle Grove Landscape Master Plan for the purpose of public advertising with a comment period of 28 days.

10.1.6 D&I 20 Zig Zag Scenic Drive – Speed Zoning

COMMITTEE RECOMMENDATION TO COUNCIL (D&I 20/2010)

That Council:

1. Concurs the proposed recommendation by Main Roads WA for the installation of 40 km/h speed signage from Ocean View Parade to Ridge Hill Road on Zig Zag Scenic Drive.

For Separate Consideration

10.1.7 D&I 19 Shire of Kalamunda Health Amendment Local Law 2012

COMMITTEE RECOMMENDATION TO COUNCIL (D&I 19/2012)

That Council:

1. Resolves to make the Shire of Kalamunda Health Amendment Local Law 2012.

Moved:

Seconded:

Vote: **ABSOLUTE MAJORITY REQUIRED**

10.2 Corporate and Community Services Committee Report

10.2.1 Adoption of Corporate and Community Services Committee Report

That the recommendations contained in the Corporate and Community Services Committee of 12 March 2012 be adopted.

Moved:

Seconded:

Vote:

10.2.2 C&C 14 Creditors' Accounts Paid During the Period 4 January to 27 January 2012 and 1 February to 27 February 2012

COMMITTEE RECOMMENDATION TO COUNCIL (C&C 14/2012)

That Council:

1. Receives the list of creditors paid during the period 4 January to 27 January 2012 (Attachment 1) and 1 February to 27 February 2012 (Attachment 2) in accordance with the requirements of the *Local Government (Financial Management) Regulations 1996 (Regulation 12)*.

10.2.3 C&C 15 Monthly Financial Statements for the Seven Months to 31 January 2012

COMMITTEE RECOMMENDATION TO COUNCIL (C&C 15/2012)

That Council:

1. Receives the monthly financial statements which comprises 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 Reserve Balances Statement for the period ending 31 January 2012.

10.2.4 C&C 16 Debtors and Creditors Reports for the Period Ended 31 January 2012

COMMITTEE RECOMMENDATION TO COUNCIL (C&C 16/2012)

That Council:

1. Receives the outstanding debtors (Attachment 1) and creditors (Attachment 2) reports for the period ended 31 January 2012.

10.2.5 C&C 17 Rates Debtors Report for the Period Ending 31 January 2012

COMMITTEE RECOMMENDATION TO COUNCIL (C&C 17/2011)

That Council:

1. Receives the rates debtors report for the period ended 31 January 2012 (Attachment 1).

10.2.6 C&C 18 Community Sport and Recreation Facilities Fund Small Grants Winter 2012/13

COMMITTEE RECOMMENDATION TO COUNCIL (C&C 18/2012)

That Council:

1. Endorses the following applications for the Department of Sport and Recreation's 2012/13 Community Sport and Recreation Facilities Small Grant Fund in order of priority:
 1. Darling Range Sport College Masterplan
 2. Lesmurdie Mazonod Cricket Club

2. Considers allocating \$40,000 in the 2012/2013 Budget for the Darling Range Sports College Masterplan subject to the successful outcome of the Community Sport and Recreation Facilities Fund application. Following success of the Community Sport and Recreation Facilities Funding the cost contribution will be:

Organisation	Contributions ex GST
CSRFF	\$13,000
Darling Range Sports College	\$10,000
Shire of Kalamunda	\$17,000
Total Project Cost	\$40,000

3. Considers the allocation of \$18,619 in the 2012/2013 Budget for the development of an additional cricket practice net at Ray Owen Reserve subject to the successful outcome of the Community Sport and Recreation Facilities Fund application. Following success of the Community Sport and Recreation Facilities Funding the cost contribution will be:

Organisation	Contributions ex GST
CSRFF	\$6,206
Club	\$6,206
Shire of Kalamunda	\$6,207
Total Project Cost	\$18,619

10.2.7 C&C 19 Kalamunda Home and Community Care – December (2011) Quarterly Report

COMMITTEE RECOMMENDATION TO COUNCIL (C&C 19/2012)

That Council:

1. Receives the Kalamunda Home and Community Care Services December 2011 Quarterly Review.

10.2.8 C&C 20 Execution of Documents – Amendment to Authorisations

COMMITTEE RECOMMENDATION TO COUNCIL (C&C 20/2012)

That Council:

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

- i. The Chief Executive Officer
- ii. The Director of Development & Infrastructure Services
- iii. The Director of Corporate & Community Services

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

- iv. Manager Community Development
- v. Manager Development Services
- vi. Manager Technical Services
- vii. Manager Infrastructure Operations
- viii. Manager Health and Rangers

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

- ix. Manager Economic, Property and Procurement Services
 - a. Leases
 - b. Extensions of Lease
 - c. Assignments of Lease
 - d. Deed of Variation of Lease
 - e. Surrenders of Lease
 - f. Licences
 - g. Assignments and Assignments and Variations of Licence
 - h. Contracts
 - i. Contracts of Sale

10.2.9 C&C 21 Proposed Schedule of Committee and Council Meetings for the Period June 2012 to May 2013

COMMITTEE RECOMMENDATION TO COUNCIL (C&C 21/2012)

That Council:

1. Endorses the schedule of Committee and Council meetings for the period June 2012 to May 2013 as detailed in (Attachment 1).

10.2.10 C&C 22 Introduction of Risk Management Policy

COMMITTEE RECOMMENDATION TO COUNCIL (C&C 22/2012)

That Council:

1. Notes and adopts the Risk Management Policy as per (Attachment 1).

10.2.11 C&C 23 CONFIDENTIAL REPORT – Chief Executive Officer Performance Review to March 2012

Reason for Confidentiality

Local Government Act S5.23(2)(a). A matter affecting an employee or employees.

COMMITTEE RECOMMENDATION TO COUNCIL (C&C 23/2012)

That Council:

1. Endorses the Performance Review Sub-Committee to coordinate the documentation and collation of information. The Sub-Committee will consist of:
 - The Shire President.
 - Deputy Shire President
 - Chair, Audit Committee
 - Chair, Corporate & Community Services Committee
 - Chair, Development & Infrastructure Services Committee
2. Endorses (Confidential Attachment 1) to be used as a tool to assist in the process of the review.
3. Endorses (Confidential Attachment 2 and 3), the process for the CEO Performance Review.

-
4. Requests that a final performance review report be collated and presented to Council for Consideration in accordance with Regulation 18D of the *Local Government (Administration) Regulations 1996*, at the Ordinary meeting of Council on 16 April 2012.
 5. Delegates authority to the Shire President, in consultation with the Performance Review Recruitment Sub-Committee, to negotiate a salary package as part of the CEO Performance Review process, with the understanding that any changes to the salary package would have to be approved by the Council.

10.3 Chief Executive Officer's Report

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

10.3.1 Awarding of Tender - Provision of Verge Vegetation Management Services (T1123)

Previous Items	N/A
Responsible Officer	Director of Development and Infrastructure Services
Service Area	Engineering Services
File Reference	AD-TEN-004
Applicant	N/A
Owner	N/A
Confidential Attachment 1	Summary of Tender Prices for Pruning and Removal of Pruning Waste (T1123) – Under Separate Cover <u>Reason for Confidentiality:</u> <i>Local Government Act 1995 S5.23(2)(c)</i> – “ 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	Summary of Tender Prices for Pruning and Stacking of Pruning Waste (T1123) – Under Separate Cover <u>Reason for Confidentiality:</u> <i>Local Government Act 1995 S5.23(2)(c)</i> – “ 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 3	Evaluation of Tender Submissions for Compliance Criteria and Qualitative Criteria – Under Separate Cover <u>Reason for Confidentiality:</u> <i>Local Government Act 1995 S5.23(2)(c)</i> – “ 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 4	Probity Audit Report Tender No. 1123 Verge Vegetation Management – Under Separate Cover <u>Reason for Confidentiality:</u> <i>Local Government Act 1995 S5.23(2)(c)</i> – “ 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 Verge Vegetation Management Services (T1123).

BACKGROUND

2. The Tender for the Provision of Verge Vegetation Management Services (T1123) was advertised in the West Australian on 5 November 2011, and closed at 2.00pm on 21 November 2011.

DETAILS

3. The scope for this tender is the pruning of:
 - Cultivated (not naturally occurring) trees affected by Western Power facilities.
 - Vegetation overhanging roadways to ensure safe vehicle movement.
 - Vegetation overhanging pathways to provide safe pedestrian access.
 - Vegetation obscuring directional and compliance signage.
 - Vegetation obscuring vehicle entry and exit onto roadways.
4. Contractors were asked to provide a price per tree to prune and remove as well as prune and stack only. As the Shire is commencing shortly an in-house green waste verge service there is the potential to provide savings by fully utilising Shire trucks to remove pruning waste
5. Three tender submissions were received from:
 - A1 Walliston Complete Tree Services
 - Geoff's Tree Services
 - Beaver Tree Services, along with an alternative option
6. A Summary of Tender Prices for the Provision of Verge Vegetation Management Services is shown in (Confidential Attachment 1 and 2).
7. An Evaluation of Tender Submissions for Compliance Criteria and Qualitative Criteria is shown in (Confidential Attachment 3).

STATUTORY AND LEGAL IMPLIMENTIONS

8. 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

9. Nil.

PUBLIC CONSULTATION/COMMUNICATION

10. The Tender was advertised in accordance with statutory requirements.

FINANCIAL IMPLICATIONS

11. There is approximately \$770,000 allocated under Parks Maintenance Building Environments, Road Verge and Reserve maintenance.
12. The Tender price is within the budget allocation for Tree Pruning Maintenance.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

Strategic Planning Implications

Engineering Works Maintenance

13. *Shire of Kalamunda Strategic Plan 2009 – 2014*
- Goal 2 – BUILT ENVIRONMENT – An integrated built environment
- | | |
|----------------|---|
| Outcome 2.1 | Meeting community needs today and into the future. |
| Outcome 2.3 | Long term viability of infrastructure and facilities |
| Strategy 2.3.4 | Maintain and improve local road and verge networks and implement traffic management initiatives where required. |

Sustainability Implications

Social implications

14. The Shire has a regulatory obligation to prune cultivated verge trees away from overhead power lines.

Economic Implications

15. Nil.

Environmental Implications

16. Nil.

OFFICER COMMENT

17. This tender permits the Shire to award a single contractor or a panel of contractors to manage the verge vegetation.
18. A1 Walliston is the current and local contractor.
19. Beaver Tree Services, although not a local contractor has also carried out works for the Shire.
20. Geoff's Tree Services offers a 5% discount if accounts are settled within seven days.
21. Geoff's Tree Services have stated they reserve the right to negotiate new rates within the Tender to reflect future changes to the specifications/requirements.
22. An evaluation panel, made up of staff and an independent consultant, assessed tender submissions for Compliance Criteria and Qualitative Criteria.
23. While all contractors scored well, Beaver Tree Services was the highest based on their resources, methodology and available personal. Reference checks found them to have an excellent reputation in the industry and have the ability to operate as a single operator.
24. Beaver Tree Services scored highest in the selection criteria with a submission that demonstrated:
- a. A comprehensive experience and understanding of local government having worked for other local authorities.
 - b. Skilled and experienced permanent staff.
 - c. Resources – well equipped with a large range of plant to carry out all forms of pruning requirements.
 - d. Methodology – The submission demonstrates a clear understanding of the requirements of the Shire with quality systems and traffic management.
- Geoff Tree Services demonstrates:
- a. A comprehensive experience and understanding of local government having worked for other local authorities.
 - b. Skilled and experienced permanent staff.
 - c. Resources – well equipped with a large range of plant to carry out all forms of pruning requirements.
 - d. Methodology – The submission demonstrates a clear understanding of the requirements of the Shire.

A1 Walliston Complete Tree Service demonstrates:

- a. Experience is limited to one local government authority.
- b. Skilled and experienced casual staff which has raised concern with staff turnover.
- c. Resources are adequate to carry out specified works
- d. Methodology - The submission is limited in its demonstration of the Shire's requirements and traffic management.

25. Beaver Tree Services have submitted an alternative tender offering a discount to be a single operator with the commitment to assist the Shire develop its tree register and provide a standby team 24x7 to attend to emergency works.
26. Geoff's Tree Services and Beaver Tree Services have offered substantial saving in the contract if the Shire removes tree pruned waste. As the Shire is commencing shortly an in house kerb side green waste collection there can be opportunities to coordinate both services utilising spare capacity of council resources.
27. Approximately 9,000 trees are pruned within the Shire each year from under the power lines as part of the vegetation management contract.

RECOMMENDATION

That Council:

1. Awards the Tender for the Provision of Verge Vegetation Management Services (T1123) to Beaver Tree Services for the period of three years from the date of signing documentation with an option to extend a further two 12 month periods, in accordance with the details for the discounted option outlined in (Confidential Attachments 1 and 2).

Moved:

Seconded:

Vote:

11.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

11.1 MOTION - Cr Frank Lindsey

That Council:

1. Advise the Premier of the State of Western Australia, the Minister for Local Government, the Leader of the Opposition, the Shadow Minister for Local Government, our local members of the Legislative Assembly and Legislative Council, the Metropolitan Local Government Review Panel and the President of the Western Australian Local Government Association, that this Council calls upon the Parliament of Western Australia to forever uphold and not dilute our constituents' right to self-determination as embodied in clauses 8, 9 and 10(2) of Schedule 2.1 of the *Local Government Act 1995 (WA)*.
2. Request the recipient of each such letter to notify our Council by written reply as to whether they do support and will continue to support the preservation without dilution of our constituents' right to self-determination as embodied in clauses 8, 9 and 10(2) of Schedule 2.1 of the *Local Government Act 1995 (WA)*.
3. Provide to the Secretariat of the Councils for Democracy a copy of each of our above letters and any responses that our Council receives, for use in demonstrating collective support for our constituents' right to self-determination in clauses 8, 9 and 10(2) of Schedule 2.1 of the *Local Government Act 1995*.

Moved: **Cr Frank Lindsey**

Seconded:

Vote:

11.2 **MOTION – Cr John Giardina**

That Council:

1. Postpone the action proposed in points 1,2 and 3 of the previous motion, pending Council consideration of the Draft Report of the Metropolitan Local Government Review Panel due for release in April 2012.

Moved: **Cr John Giardina**

Seconded:

Vote:

12.0 QUESTIONS BY MEMBERS WITHOUT NOTICE

13.0 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

13.1 Shire's Tender Documents – Query from Meeting 20 March 2012

Q. A Councillor asked what provisions are written into the Shire's Tender Documents if the Tenderer fails to provide the service in accordance with the Specification?

A. The Tender "Provisions of Verge Vegetation Management Services" is a performance contract which can be terminated by the Shire if the contractor fails to perform to the Shire's satisfaction.

The tender document has been significantly improved in process and control of work payments and to ensure appropriate diligence.

The contractor will be required to comply to the scope of works for pruning to the Shire of Kalamunda's specifications which reflect Western Power requirements. (Section 2.1.5)

Prior to pruning commencing the Shire determines the number and location of street trees to be pruned for the preceding week. (Section 2.1.4 and 2.1.22)

At the completion of each week the contractor is required to advise and detail the total number of trees pruned. The contractor is required to provide a daily docket of works completed to the Shire's representative. (Section 2.3.1)

This information is used to support monthly invoices and is used in electronic format to improve the Shire's database on Street Trees. (Section 2.1.9)

Breaches of Safety Procedure may result in immediate suspension of the contract or termination if breaches continue. (Section 2.1.10)

The Shire is required to check pruning standards and the number of trees pruned before payment is approved. Only authorised trees pruned are approved for payment. (Section 2.1.16)

The Shire reserves the right to determine acceptance of materials and workmanship on the whole or any part of any work carried out under the contract. In the event of a dispute between the Shire's Superintendent and the contractor as to quantities or quality such differences shall be referred to the Director of Development and Infrastructure whose decision shall be final and binding. (Section 2.3.1)

In the event the contractor fails in any matter to carry out the contract to the Shire of Kalamunda's satisfaction the Shire may forthwith terminate the contract by written notice to the contractor. (Section 2.3.4)

14.0 URGENT BUSINESS APPROVED BY THE PERSON PRESIDING OR BY DECISION

15.0 MEETING CLOSED TO THE PUBLIC

15.1 C&C 23/2012 Chief Executive Officer Performance Review to March 2012

If discussion is required to be dealt with at 15.0 on this Agenda.

Reason for confidentiality

Local Government Act S 5.23(2)(a). A matter affecting an employee or employees.

16.0 CLOSURE