A meal will be served at 6:15 p.m.

PRESENT:

APOLOGIES: Cr C A Campbell (Leave of Absence)

OBSERVERS:

IN ATTENDANCE:

PUBLIC:

“For details of Councillor Membership on this Committee, please refer to the City’s website – www.armadale.wa.gov.au/your council/councillors.”
DISCLAIMER

The Disclaimer for protecting Councillors and staff from liability of information and advice given at Committee meetings to be read.

DECLARATION OF MEMBERS’ INTERESTS

QUESTION TIME

Public Question Time is allocated for the asking of and responding to questions raised by members of the public.

Minimum time to be provided – 15 minutes (unless not required)
Policy and Management Practice EM 6 – Public Question Time has been adopted by Council to ensure the orderly conduct of Public Question time and a copy of this procedure can be found at http://www.armadale.wa.gov.au/PolicyManual

It is also available in the public gallery.

The public’s cooperation in this regard will be appreciated.

DEPUTATION

CONFIRMATION OF MINUTES

RECOMMEND

Minutes of the Community Services Committee Meeting held on 4 April 2017 be confirmed.

ITEMS REFERRED FROM INFORMATION BULLETIN - #8 - 2017

Report on Outstanding Matters – Community Services Committee

Community Planning
Community Development
Recreation Services Report
Library & Heritage Services Report
Ranger & Emergency Services Report

If any of the items listed above require clarification or a report for a decision of Council, this item to be raised for discussion at this juncture.
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COMMUNITY SERVICES COMMITTEE

6 JUNE 2017

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1.1 - DELEGATIONS OF AUTHORITY - ANNUAL REVIEW

WARD : ALL
FILE No. : M/278/17
DATE : 1 May 2017
REF : RM/KD
RESPONSIBLE MANAGER : Executive Manager Community Services

In Brief:
- Annual review of Council Delegations of Authority to the Chief Executive Officer as relevant to the Community Services Directorate.
- Annual review of Council Delegations of Authority to the Mayor and Chief Bush Fire Control Officer.
- Recommend that Council confirms the delegations as presented.

Tabled Items
Nil

Officer Interest Declaration
Nil

Strategic Implications
4.1 Visionary Civic leadership and sound governance
   4.1.2 Make decisions that are sound, transparent and strategic

4.2 An innovative and progressive organisation
   4.2.2 Implement business plans and practices that improve service delivery

Legislation Implications
The relevant sections of the Local Government Act 1995 are as follows;
5.42. Delegation of some powers and duties to CEO.
5.43. Limits on delegations to CEOs.
5.44. CEO may delegate powers and duties to other employees.
5.46. Register of, and records relevant to, delegations to CEOs and employees.

The relevant sections of the Dog Act 1976 are as follows;
10AA Delegation of local government powers and duties
10AB Register of, and review of, delegations

The relevant sections of the Cat Act 2011 are as follows:
44 Delegation by local government
47 Register of, and review of delegations

The relevant sections of the Bush Fires Act 1995 are as follows:
17 Prohibited burning times may be declared by Minister

"(1) A local government may, by absolute majority as defined in the Local Government Act 1995 section 1.4, delegate to its chief executive officer any power or duty of the local government under another provision of this Act.

(2) The delegation must be in writing."
The delegation may expressly authorise the delegate to further delegate the power or duty.”

**Council Policy/Local Law Implications**

Assessment of Policy/Local Law indicates that the following is applicable:

- Local laws relating to dogs.
- Policy – ENG 3 – Road Closures for Events
- Policy – COMD 1 – Financial Assistance
- Policy – RECN 6 – Community Facilities and Reserves Fees and Charges

**Budget/Financial Implications**

Nil

**Consultation**

1. Acting Executive Director Community Services
2. Officers from Governance and Administration.

**BACKGROUND**

It is a requirement of the *Local Government Act 1995* (Section 5.46(2)), *Dog Act 1976* (Section 10AB(2)) and the *Cat Act 2011* (Sections 47(2)) that delegations of authority be reviewed each financial year. The last review was undertaken in September 2015.

**DETAILS OF PROPOSAL**

Council is asked to confirm Council’s Delegations of Authority as relating to the functions of Community Services Directorate.

**COMMENT**

**Analysis**

In line with statutory requirements, all current Council Delegations of Authority as relating to the functions of the Community Services Directorate have been reviewed to ensure that each Delegation is compliant with current legislation and has on-going operational relevance.

Following the review it is considered all delegations remain legislatively accurate and have ongoing relevance with the exception of the following:

**Delegation 500**

It is proposed that current Delegation 500 be amended to read as follows i.e.:

Events on Roads – Authority to approve road closures for events on roads, in accordance with Council Policy ENG 3 – Road Closures for Events.
**Comment** - The change is to re-align the head of power that legislatively allows for the decision to be made, which is, section 3.50(1) of the *Local Government Act 1995*. To ensure that the purpose of the delegation remains unchanged, the wording of the delegation has been elaborated to incorporate the reference to the Policy, in which the delegation will be undertaken in accordance with:

**OPTIONS**

There are two options available:
1. approve the delegations as indicated in the recommendation; or
2. not renew any or some of the delegations.

**CONCLUSION**

It is recommended that the Council Delegations of Authority as relating to the functions of the Community Services Directorate and as presented in the following report recommendation be adopted.

**RECOMMEND**

That Council pursuant to:

1) Sections 5.42(1) and 5.46(2) of the Local Government Act 1995, sections 44(1) and 47(2) of the Cat Act 2011 and sections 10AA and 10AB(2) of the Dog Act 1976, confirm that, the following current delegations to the Chief Executive Officer as having ongoing applications, relevance and accuracy;

**Local Government Act 1995**

<table>
<thead>
<tr>
<th>No</th>
<th>Section Ref</th>
<th>Delegation Described</th>
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<tbody>
<tr>
<td>6</td>
<td>3.47</td>
<td>Authority to sell or dispose of impounded goods. (Section 3)</td>
</tr>
<tr>
<td>12</td>
<td>9.20</td>
<td>To Withdraw infringement notices.</td>
</tr>
<tr>
<td>16</td>
<td>3.47A</td>
<td>Disposal of sick or injured animals. (Section3.47A)</td>
</tr>
</tbody>
</table>
| 27 | 5.42 & 6.12(1)(b) | Approve free use of Council owned facilities in partnership agreements with external organisations subject to:  
  • The term not exceeding twelve (12) months; and  
  • Any agreement not applying to commercial organisations |
| 500| 3.50(1)     | Events on Roads – Authority to approve road closures for events on roads, in accordance with Council Policy ENG 3 – Road Closures for Events. |
| 603| 5.42 & S6.12(1)(b) | Community Development - Authority to approve any requests for “one-off” free use of Council’s facilities shall be delegated to the Chief Executive Officer. Any requests for “one-off” free use of facilities shall be considered on its merits but will normally only be eligible for approval if it is a not-for-profit community service activity that provides a significant benefit to the community. In the event that a request is refused the matter is to be referred to the Community Services Committee for consideration prior to a decision. |
### Policies of Council

<table>
<thead>
<tr>
<th>No</th>
<th>Section Ref</th>
<th>Delegation Described</th>
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| 502 | COMD 1      | Consider requests for assistance according to the following categories.  
- Donations  
- Community Grant |

### Cat Act 2011

<table>
<thead>
<tr>
<th>No</th>
<th>Section Ref</th>
<th>Delegation Described</th>
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<tr>
<td>900</td>
<td>44(1) &amp; 47(2)</td>
<td>The Chief Executive Officer is delegated authority to exercise all of its powers and the discharge of all of its duties under the <em>Cat Act 2011</em> including the appointment of authorized persons or classes of persons under section 48</td>
</tr>
</tbody>
</table>

### Dog Act 1976

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<tr>
<th>No</th>
<th>Section Ref</th>
<th>Delegation Described</th>
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<tbody>
<tr>
<td>1000</td>
<td>10AA &amp; 10AB(1)</td>
<td>The Chief Executive Officer is delegated authority to exercise all of its powers and the discharge of all of its duties under the Act including the appointment of an authorised person under section 29(1), the appointment for a registration officer under section 11 and the power to further delegate the power or duty.</td>
</tr>
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</table>

### Local Laws Relating to Dogs

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<th>No</th>
<th>Section Ref</th>
<th>Delegation Described</th>
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</table>
| 1100 |             | The Chief Executive Officer is delegated authority to exercise all of its powers and the discharge of all of its duties under the *Local Laws Relating to Dogs* and the power to further delegate the power or duty, except:  
Section 2.1 – Determining of charges and Costs  
Section 3.3(2) – Fees determined for the lodgment of an exemption  
Section 4.10(4) – Fees determined for the lodgment of an application for a licence for a kennel establishment |

2) *Section 17(10) of the Bush Fires Act 1995 confirms the following current delegation to the Mayor and Chief Bush Fire Control Officer as having ongoing application, relevance and accuracy;*

### Bush Fires Act 1995

<table>
<thead>
<tr>
<th>No</th>
<th>Section Ref</th>
<th>Delegation Described</th>
</tr>
</thead>
<tbody>
<tr>
<td>82</td>
<td>17(10)</td>
<td>The Mayor and Chief Bush Fire Control Officer be given delegated authority to vary the prohibited and restricted burning periods.</td>
</tr>
</tbody>
</table>
ATTACHMENTS
There are no attachments for this report.
2.1 - MANAGEMENT AGREEMENT FOR A PORTION OF LOT 2333, RIVER ROAD, KELMSCOTT

WARD : RIVER
FILE No. : M/286/17
DATE : 3 May 2017
REF : KD
RESPONSIBLE MANAGER : Executive Director Community Services

In Brief:
- This report presents proposed occupancy arrangements for Kelmscott Community Garden to occupy a portion of lot 2333 River Road Kelmscott, following Councils in principle support (in October 2016) and recent to planning approval.
- It is recommended that Council approve the proposal to enter into a Management Agreement for a period of three (3) years.

Tabled Items
Nil

Officer Interest Declaration
Nil

Strategic Implications
1.1 Services that support community growth and development
   1.1.2 Support and strengthen community groups, organisations and volunteer services

Legislation Implications
Section 3.58 of the Local Government Act 1995 refers, ie.
3.58. Disposing of property
   (1) In this section -
       dispose includes to sell, lease, or otherwise dispose of, whether absolutely or not;
       property includes the whole or any part of the interest of a local government in
       property, but does not include money.
   (2) Except as stated in this section, a local government can only dispose of property to-
       (a) the highest bidder at public auction; or
       (b) the person who at public tender called by the local government makes what
           is, in the opinion of the local government, the most acceptable tender,
           whether or not it is the highest tender.

Section 3.58 (5)(d) states that “This section does not apply to - any other disposition that is
excluded by regulations from the application of this section.”

Regulation 30(2)(b) of the Local Government (Functions and General) Regulations 1996
states in part:
“A disposition of land is an exempt disposition if — the land is disposed of to a body, whether incorporated or not —

(i) the objects of which are of a charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature; and

(ii) the members of which are not entitled or permitted to receive any pecuniary profit from the body’s transactions;”

The objects of the Kelmscott Community Garden, being not for profit organisation satisfy the prescribed definition of an “exempt disposition” and as such it is exempt from the provisions of the requirements of section 3.58 of the Act.

**Council Policy/Local Law Implications**

Council Policy ADM 2 – Property Lease Rentals

**Budget/Financial Implications**

Rental income of $50.00 per year in accordance with the current schedule within ADM 2 – Property Lease Rentals – to be adjusted with any future amendments to this policy.

**Consultation**

1. City’s Asset and Services (Officer) Group - ASG
2. Officers from the Community Services Directorate
3. Officers from Development Services Directorate
4. Officers from Technical Services Directorate
5. Kelmscott Community Garden Inc.

**BACKGROUND**

Council on the 10 October 2016 (C40/10/16) resolved:

“That Council:

1. Endorse the site (being the eastern portion of lot 2333 River Road) as suitable for a community garden noting that a final proposal will be subject to the relevant requirements and approvals;
2. Approve in-principle support for the negotiation of tenancy arrangements with Kelmscott Community Garden Inc.;
3. Kelmscott Community Garden Inc. consults with residents living within a 100m catchment of the site for comment on their proposal;
4. Seek community feedback on the proposal through a public comment period;
5. Receive a further report including a planning application, tenancy arrangements, site requirements and community feedback.”

Council on the 8 May 2017 (D18/5/17) resolved:

“That Council:

Approves the application for Planning Approval for a community garden on Lot 2333 No.55 River Road, Kelmscott, subject to the following conditions:

1. The number of vehicles attending the community garden shall not exceed the availability of public parking at any one time.
2. The site shall be continually managed in accordance with the approved Land Management Plan.
3. Should the use cease any associated structures equipment or fixtures shall be removed and the site reinstated within 60 days to the satisfaction of the Executive Director Development Services.
4. Execution of a management agreement for the portion of land as shown on the approved site plan prior to commencement, to the satisfaction of the Executive Director Community Services.
5. With the exception of the tree marked in red on the approved plan, no trees shall be removed from the site.
6. All conditions are to be complied with prior to exercising the right of this approval, to the satisfaction of the Executive Director Development Services.

Advice Notes
A. Compliance with the Health (Food Hygiene) Regulations 1993, the Health (Public Buildings) Regulations 1992 and the Environmental Protection (Noise) Regulations 1997 is required.
B. If the development the subject of this approval is not substantially commenced within a period of 24 months from the date of this letter, the approval shall lapse and be of no further effect. Where an approval has lapsed, no development shall be carried out without the further approval of the responsible authority having first been sought and obtained.
C. Where the approval has so lapsed, no development shall be carried out without the further approval of the City having first been sought and obtained.
D. Off-site parking may be permitted in nearby parking bays where the approval of those affected landowners is obtained and submitted to the City to the satisfaction of the Executive Director Development Services.”

DETAILS OF PROPOSAL
Kelmscott Community Garden is seeking to enter into a Management Agreement for occupancy of the land under the following basic terms and conditions:

Occupier: Kelmscott Community Garden (KCG);
Premises: Lot 2333 River Road as outlined in red on the plan attached to this report;
Term: Three (3) years
Commencement: Upon satisfaction of all conditions of the Development Application being complied with to the satisfaction of the Executive Director Development Services.
Rent: $50.00 per annum plus GST – to be adjusted in line with Council Policy ADM 2 – Property Lease Rentals;
Insurance: Occupier to be responsible for Public Liability and Insuring of storage sheds / equipment stored on-site;
Outgoings: Occupier to be responsible for normal outgoings of the premises.

COMMENT
ANALYSIS
Following Council’s decision in October 2016 to provide in-principle support for a Community Garden to be established on the site (C40/10/16), Kelmscott Community Garden on the 8 March 2017 submitted a Development Application. Details of the Development
Application were reported to Council on the 8 May 2017 with conditional planning approval being granted (D18/5/17).

It is proposed that Council initially enter into a Management Agreement with Kelmscott Community Garden for a period of three years. The intent is that this will allow time for the group to develop and for the community garden to become established before entering into a more formal arrangement of a Lease.

The benefits of entering a Management Agreement over a Lease at this time are as follows:

- A Management Agreement is more cost effective to enter into than a Lease, as a Management Agreement can be prepared in house;
- A Lease is relatively time consuming to finalise as the proposed area is located on a reserve, as such it would be subject to approval by the Minister for Lands.
- This is a new arrangement between Kelmscott Community Garden and the City of Armadale and the City has never had an arrangement for occupancy for the purpose of a community garden. Having a Management Agreement for a period of three (3) years allows for both parties to assess and determine whether the conditions are appropriate or whether any additional clauses or conditions are required before entering into a formal lease.

OPTIONS
There are essentially two (2) options available to Council.

Option 1 – Enter into a Management Agreement with Kelmscott Community Garden

This is the preferred and recommended option for the following reasons:

- Formalises the tenancy for Kelmscott Community Garden and allows them to develop a community garden site;
- There are minimal costs involved in establishing a Management Agreement;
- Compared with amending a Lease there is greater flexibility in altering a Management Agreement’s terms and conditions (if required).

Option 2 – Enter into a Lease with Kelmscott Community Garden

This is not the preferred option at this time and not recommended for the following reasons:

- Leases are time consuming and expensive to prepare.
- There are no previous arrangements in place with Kelmscott Community Garden in which to base terms and conditions of a Lease on;

CONCLUSION
It is considered appropriate at this time to enter into a Management Agreement for the reason noted in option one (1).
RECOMMEND

That Council:

Enter into a Management Agreement with Kelmscott Community Garden:

Occupier: Kelmscott Community Garden (KCG);

Premises: Lot 2333 River Road as outlined in red on the plan attached to this report;

Term: Three (3) years

Commencement: Upon satisfaction of all conditions of the Development Application being complied with to the satisfaction of the Executive Director Development Services.

Rent: $50.00 per annum plus GST – to be adjusted in line with Council Policy ADM 2 – Property Lease Rentals;

Insurance: Occupier to be responsible for Public Liability and Insuring of storage sheds / equipment stored on-site;

Outgoings: Occupier to be responsible for normal outgoings of the premises.

ATTACHMENTS

There are no attachments for this report.
3.1 - COMMUNITY SERVICES DIRECTORATE 2017/2018 DRAFT BUDGET

WARD : ALL
FILE No. : M/283/17
DATE : 3 May 2017
REF : JH/NK
RESPONSIBLE MANAGER : Executive Manager Community Services

In Brief:
- This Report presents the 2017/18 Draft Budget for the Community Services Directorate
- The Report recommends that the Draft 2017/18 Budget Report as presented, (with or without modifications made by Committee / Council) be referred to the Special meeting of the City Strategy Committee to be held on 19 June 2017 (the business of that meeting being to recommend to Council the 2017/18 Annual Budget), for consideration and inclusion in Council’s 2017/18 Annual Budget.

Tabled Items
Nil

Officer Interest Declaration
Nil

Strategic Implications

4.1 Visionary Civic leadership and sound governance

4.3 Financial Sustainability

4.3.1 Prepare and implement short to long term financial plans

Legislation Implications
Section 6.2 of the Local Government Act 1995 refers, ie.
6.2. Local government to prepare annual budget

(1) During the period from 1 June in a financial year to 31 August in the next financial year, or such extended time as the Minister allows, each local government is to prepare and adopt*, in the form and manner prescribed, a budget for its municipal fund for the financial year ending on the 30 June next following that 31 August.

(2) In the preparation of the annual budget the local government is to have regard to the contents of the plan for the future of the district made in accordance with section 5.56 and to prepare a detailed estimate for the current year of —
(a) the expenditure by the local government;
(b) the revenue and income, independent of general rates, of the local government; and
(c) the amount required to make up the deficiency, if any, shown by comparing the estimated expenditure with the estimated revenue and income.

(3) For the purposes of subsections (2) (a) and (b) all expenditure, revenue and income of the local government is to be taken into account unless otherwise prescribed.

Council Policy/Local Law Implications
Nil

Budget/Financial Implications
In accordance with the agreed 2017/18 Budget Adoption Timetable, this Report presents the 2017/18 Draft Budget for the Community Services Directorate for Committee’s consideration and recommendation.

Consultation
This report is informed by:

1. Councillor Workshops held over the last (2) months relating to the City’s Strategic Community Plan, Corporate Business Plan, Long Term Financial Plan, Workforce Plan & Asset Management Plan;
2. Meetings of the Rating Review Working Party; and
3. Meetings of the Management Executive.

BACKGROUND
Nil

DETAILS OF PROPOSAL AND COMMENT
Committee is referred to the Draft 2017/18 Budget Report as attached. (Refer to Attachment circulated separately.)

Committee’s task in considering the attached Draft Budget Report is:

• to consider and confirm the key actions to be taken during 2017/18;
• to consider and confirm the reasonableness of the revenue and expenditure estimates as relating to each of the services and programs proposed for the 2017/18 year;
• to consider/identify whether there are any other budget matters arising, that Committee would recommend as a priority for inclusion in the draft budget, should funding levels subsequently allow.

CONCLUSION
That Committee approve the 2017/18 Draft Budget Report as presented, with or without modification, for referral to the special meeting of the City Strategy Committee to be held on 19 June 2017.
RECOMMEND

That Council refers:

The Draft 2017/18 Community Services Directorate Budget Report; as presented, (with or without modification) to the Special meeting of the City Strategy Committee to be held on 19 June 2017 (the business of that meeting being to recommend to Council the 2017 - 2022 Corporate Business Plan and Annual Budget), for consideration and inclusion in Council’s 2017/18 Annual Budget.

ATTACHMENTS

1.0 Attachment Cover Sheet - 2017/18 Draft Budget Booklet
COUNCILLORS' ITEMS

Nil

EXECUTIVE DIRECTOR COMMUNITY SERVICES REPORT

Nil

MEETING DECLARED CLOSED AT ___________
<table>
<thead>
<tr>
<th>ATT NO.</th>
<th>SUBJECT</th>
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<tr>
<td>3.1</td>
<td>COMMUNITY SERVICES DIRECTORATE 2017/2018 DRAFT BUDGET</td>
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<tr>
<td>3.1.1</td>
<td>Attachment Cover Sheet - 2017/18 Draft Budget Booklet</td>
<td>20</td>
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</table>
Community Services Directorate
2017 - 2018 Draft Annual Budget

See Separate Attachment