
Shire of Kalamunda

General Services Committee

Minutes for 4 December 2006



SHIRE OF KALAMUNDA

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Minutes of General Services Committee
 held in the Council Chambers,
 2 Railway Road, Kalamunda
 Monday, 4 December 2006

1.0 OFFICIAL OPENING

1.1 The Chairman opened the Meeting at 7 pm and welcomed Councillors staff and members of the public gallery.

2.0 APOLOGIES AND LEAVE OF ABSENCE

2.1 PRESENT

Councillors

E Taylor	(SHIRE PRESIDENT) NORTH WARD
S Blair	NORTH WARD
D McKechnie	NORTH WARD
N Sadler	(CHAIRPERSON) SOUTH WEST WARD
D Sadler	SOUTH WEST WARD
A Morton	SOUTH WEST WARD
P Tonkin	SOUTH WARD
J Giardina	SOUTH WARD
S Bilich	SOUTH WARD
M Casey	NORTH WEST WARD
M Cresswell	NORTH WEST WARD
J Winterhalder	EAST WARD

Officials

D Vaughan	CHIEF EXECUTIVE OFFICER
G Parslow	EXECUTIVE MANAGER CORPORATE SERVICES
K O'Connor	ACTING EXECUTIVE MANAGER RESIDENTS' SERVICES
D Tomlinson	EXECUTIVE MANAGER PLANNING AND DEVELOPMENT SERVICES
M Singh	EXECUTIVE MANAGER ENGINEERING SERVICES
B Millan	EXECUTIVE ASSISTANT
D Elkins	MANAGER ENGINEERING SERVICE
R Neale	MANAGER LIBRARY SERVICE
J Smith	MANAGER HEALTH SERVICE
F Lund	MINUTE SECRETARY

Apologies

Nil

Observers

2

NewspapersEcho
Hills Gazette

3.0 PUBLIC QUESTION TIME

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

3.1 Nil

4.0 PETITIONS

4.1 Nil

5.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

5.1 That the Minutes of the General Services Committee Meeting held on 6 November 2006 is confirmed as a true and correct record of the proceedings.

Moved: Cr Casey

Seconded: Cr Taylor

CARRIED UNANIMOUSLY

6.0 ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION

6.1 Nil

7.0 MATTERS FOR WHICH MEETING MAY BE CLOSED

7.1 **Item 127 - Maida Vale Clay Tennis Court – Confidential Item**

Reason for Confidentiality. Local Government Act s.5.23 (2) (d). Legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting.

7.2 **Item 128 - Rangebay Corporation Pty Ltd – Cell 9 Infrastructure Contributions**

Reason for Confidentiality. Local Government Act s.5.23 (2) (d). Legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting.

8.0 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. (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).

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 has given or will give advice.

7.1 **Item 127 - Maida Vale Clay Tennis Court – Confidential Item**

Cr Winterhalder declared a financial interest as he is a trustee and beneficiary of a trust with shares in Boral.

9.0 REPORT TO COUNCIL

Please Note:

Strategic and Policy related items are bolded and will be dealt with as the first items of business.

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

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REPORTS

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

116. Financial Activity Statement for the Month Ending 31 October 2006 (FI-SRR-006) (Corporate Services)

Refer Item:

Applicant:

Owner:

Purpose of Report

1. To receive financial activity statements.

Background

2. Attached are the financial activity statement reports for the period ending 31 October 2006 ([Attachment 1](#)) prepared in accordance with the requirements of Section 34 of the Local Government (Financial Management) Regulations 1996.
3. It is also a requirement of this regulation that each financial year a local government is to adopt a percentage or value to be used in statements of financial activity for reporting material variances.

Comments

4. It has been agreed a percentage value of 10% variance be adopted for the 2006/2007 Financial Activity Statement. This amount is in accordance with the materiality provisions of Australian Accounting Standards (Refer AAS5) which is also set at 10%.
5. Refer Attachment 1 for comments relating to the above mentioned variances.

COMMITTEE RECOMMENDATION TO COUNCIL

GS 116/2006

1. That the Financial Activity Statement report for the period ending 31 October 2006 ([Attachment 1](#)) be received.

Moved: Cr Casey

Seconded: Cr D Sadler

CARRIED UNANIMOUSLY

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

**117. Creditors Accounts Paid – November 2006
(FI-CRS-002) (Corporate Services)**

Refer Item:
Applicant:
Owner:

Purpose of Report

1. To receive creditors' accounts paid for the month of November 2006.

Background

2. It is a requirement of the local Government (Financial Management) Regulations 1996 (Regulation 12) that a list of Creditors' Accounts Paid be compiled each month.
3. This is required to show the payee's name, amount of payment, provide sufficient information to identify the transaction and the date of the meeting of council to which it is to be presented.

Comments

4. Accordingly, the list of Creditors' paid for November 2006 is attached.
[\(Attachment 1\)](#)

COMMITTEE RECOMMENDATION TO COUNCIL GS 117/2006

1. That the list of Creditor's Paid for November 2006 is attached as per *[\(Attachment 1\)](#)* be received by Council in accordance with the requirements of Regulation 12 of the Local Government (Financial Management) Regulations 1996.

Moved: Cr Tonkin

Seconded: Cr Winterhalder

CARRIED UNANIMOUSLY

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

**118. Access Advisory Committee
(CO-CCS-041/2) (Community Services)**

Refer Item: N/A

Applicant: N/A

Owner: N/A

Purpose of Report

5. Council to consider changes to the Terms of Reference and an increase in the type of membership of the existing Access Advisory Committee.
6. For Council to consider changing the name of the Committee to reflect its purpose.

Background

7. Part 5 of the Disability Services Act 1993, as amended 2004 (the Act), requires public authorities (Western Australian State Government agencies and Local Governments) to develop and implement a Disability Access and Inclusion Plan (DAIP) to further the principles and objectives of the Act.
8. The Shire of Kalamunda is required to update the current Disability Services Plan (DSP) with the development of a Disability Access and Inclusion Plan (DAIP) by 1 July 2007.
9. The current DSP consists of 5 areas of outcome. The new DAIP plan includes all 5 areas of outcome and an additional outcome (6) which states *'People with disabilities have the same opportunities as other people to participate in any public consultation by a public authority'*.
10. In order to meet the prescribed minimum standards for DAIPs, under the Act, *'...a public authority must undertake public consultation in accordance with the procedure specified in the regulations when preparing, reviewing or amending a disability access and inclusion plan.'*
11. Current membership on the Committee consists of a Councillor and three (3) other persons.
12. Feedback received from the recent presentation to the Disability Services Commission has highlighted the need for an updated approach to address community disability needs.

Comments

13. Part 3 of the attached amended draft Terms of Reference identifies the need for a broad representation of people with disabilities to assist the Shire of Kalamunda in the public consultation process, and to consider the ongoing provision of disability services, facilities and programming. ([*Attachment 1.*](#))

-
14. It is also proposed that the name of the Committee be amended from 'Access Advisory Committee' to 'Disability Access and Inclusion Advisory Committee' to reflect the purpose of the Committee and to encourage a broader representation.

COMMITTEE RECOMMENDATION TO COUNCIL GS 118/2006

1. That the Council supports the changes to Terms of Reference and an increase in the membership of the existing Access Advisory Committee.
2. That the Council supports changing the name of the Committee to the 'Disability Access and Inclusion Advisory Committee'.

Moved: Cr Taylor

Seconded: Cr Blair

CARRIED UNANIMOUSLY

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

**119. Sand Drift and Litter Control from Building Sites
(BU-SCC-009) (Community Services)**

Refer Item:

Applicant:

Owner:

Purpose of Report

1. To seek Council approval for the Shire of Kalamunda Sand Drift and Litter Control Local Law 2006

Background

2. Council endorsed the draft Shire of Kalamunda Sand Drift and Litter Control Local Law 2006 at the June Ordinary Meeting Council (Report Item 66).

Comments

3. Following endorsement by Council, the proposed Local Law was advertised, seeking public comment, and a copy referred to the Department of Local Government and Regional Development.
4. The only submission received was from the Department of Local Government and Regional Development, who recommended a number of changes. These changes did not alter the intent of the proposed local law and have been made.
5. The Local Law now reads;
6. **LOCAL GOVERNMENT ACT 1995**

SHIRE OF KALAMUNDA

SAND DRIFT AND LITTER CONTROL LOCAL LAW 2006

Under the powers conferred by the *Local Government Act 1995* and by all other powers, the Council of the Shire of Kalamunda resolved to make the Shire of Kalamunda Sand Drift and Litter Control Local law 2006 on the --day of ---2006.

PART 1 - PRELIMINARY

1.1 Title

This local law may be referred to as the Shire of Kalamunda Sand Drift and Litter Control Local Law 2006.

1.2 Commencement

This local law comes into operation 14 days after the date of its publication in the Government Gazette.

1.3 Purpose and intent

(1) The purpose of this local law is to provide for the regulation, control and management of sand drift, rubbish and litter control, on building sites and subdivisions on land within the district so as to protect the amenity of the area.

(2) The effect of this local law is to establish the requirements relating to sand drift, rubbish and litter control on building sites and subdivisions on land within the district.

1.4 Application of local law

This local law applies throughout the district.

1.5 Definitions

In this local law unless the context requires otherwise:

"Act" means the *Local Government Act 1995*;

"district" means the district of the Shire of Kalamunda;

"land" includes any building or other structures on the land;

"litter" includes:

- (a) all kinds of rubbish, refuse, junk, garbage or scrap; and
- (b) any article or material abandoned or unwanted by the person or owner last in possession thereof;

"local government" means the Shire of Kalamunda;

"Manager Health Service" means an Environmental Health Officer appointed by the local government to the office of Manager Health Service and includes an Acting Manager Health Service;

"occupier" includes any person who, at the time the notice is served, is in control of any land or part of any land or authorised by the owner, lessee, licensee or any other person empowered to exercise control in relation to any land to perform any work in relation to any land and may include a builder or contractor;

"sand" means any granular or particulate material consisting of small eroded fragments of rocks finer than gravel, and includes dust and organic matter.

"site" means land in the district upon which building construction or subdivision development is occurring; and

PART 2 –SAND DRIFT AND LITTER CONTROL

2.1 Wind blown sand

No owner or occupier shall allow any land in the district to be kept in such a condition, during building and/or subdivision works so as to allow sand or dust to be released or escape whether by means of wind, water or other causes, from that land onto adjoining or nearby land.

2.2 Litter control on building sites

(1) No owner or occupier shall allow or commence or continue the construction of any building works on any land, unless one of the following measures is implemented to prevent building litter or rubbish of any kind whatsoever from being blown from the building site:

- (a) provide a receptacle of a capacity not less than 4m³ on site for the disposal of all litter; or

(b) provide an equivalent wire enclosure on site with a lid for the disposal of all litter;
or

(c) provide a container approved by the Manager Health Service, on site for the disposal of all litter.

(2) All litter which is capable of being wind blown on the building site is to be placed and kept secure in the receptacle.

(3) The lid is to be kept secure on the receptacle at all times.

PART 3 - PENALTIES

3.1 Offences

(1) Any owner or occupier who fails to do anything required or directed to be done under this local law, or who does anything which under this local law that person is prohibited from doing, commits an offence.

(2) An offence against any provision of this local law is a prescribed offence for the purposes of section 9.16(1) of the Act.

(3) Any owner or occupier who commits an offence under this local law shall be liable, upon conviction, to a penalty not exceeding \$5,000, and if the offence is of a continuing nature, to an additional penalty not exceeding \$500 for each day or part of a day during which the offence has continued.

3.2 Infringement and infringement withdrawal notices

For the purposes of this local law:

(a) the form of the infringement notice referred to in section 9.17 of the Act is Form 2 in the Schedule 1 of the *Local Government (Functions and General) Regulations 1996*; and

(b) the form of the infringement withdrawal notice referred to in section 9.20 of the Act is Form 3 in the Schedule 1 of the *Local Government (Functions and General) Regulations 1996*.

3.3 Offence description and modified penalty

The amount appearing in the right hand column titled Penalty \$ of the Schedule 1 directly opposite an offence described in that Schedule is the modified penalty for that offence.

3.4 Prosecution for offences

A penalty for an offence against this local law (not being a modified penalty) may be recovered by the local government by taking proceedings against the alleged offender in a court of competent jurisdiction.

3.5 Records to be kept

The local government shall cause adequate records to be kept of all infringement notices served and modified penalties received.

SHIRE OF KALAMUNDA SAND DRIFT AND LITTER CONTROL LOCAL LAW 2006

SCHEDULE 1

Offences and Modified Penalties

Clause	Offence	Penalty \$
2.1	Failure to prevent sand or dust from being released or escaping from the site	200
2.2(1)	Failure to provide a suitable litter receptacle or enclosure or approved container on a building site	400
2.2(2)	Failure to keep wind blown building litter in receptacle or enclosure or approved container	400

Dated this –day of ----2006

The common seal of the Shire of Kalamunda
was affixed by authority of a decision of the Council in the presence of:

E Taylor JP
Shire President

D E Vaughan
Chief Executive Officer

7. **Councillors discussed the issue and asked that once this recommendation becomes part of our By-Laws, will it be retrospective, in the fact that if a notice has already been given regarding litter and sand drift, the Shire can now act upon it. The Executive Manager Community Services responded that the Local Law cannot be enforced until it is advertised in the Government Gazette. The Chief Executive Officer informed the meeting that if there was a continuing and ongoing problem, a re-issue of the notice would have to take place and the process would have to start again.**

COMMITTEE RECOMMENDATION TO COUNCIL

GS 119/2006

1. That Shire of Kalamunda Sand Drift and Litter Control Local law 2006 be adopted and advertised in the Government Gazette.

Moved: Cr Giardina

Seconded: Cr Cresswell

CARRIED ABSOLUTE MAJORITY

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

**120. Proposed Street Name for Subdivision of Lot 5002 Kenneth Road, High Wycombe
(KN-03/007) (Planning and Development Services)**

Refer Item: N/A

Applicant: Property Development Solutions

Owner: Goldline Asset Pty Ltd

Purpose of Report

1. Council is to consider a new street name for subdivision in High Wycombe Urban Area U2. The Council recommendation is forwarded to the Geographic Names Committee (GNC) of the Department of Land Information for approval.

Background

2. Council adopted the Outline Development Plan for the High Wycombe Urban Area U2 as the basis for subdivision in December 2000. ([Attachment 1](#)) The Plan was adopted by the Western Australian Planning Commission (WAPC) in March 2001. An application for subdivision of Lot 5002 was approved by the WAPC in March 2005.
3. Street names are required to be shown on survey plans prior to clearance of the subdivision.

Comments

4. One new street name for subdivision is required ([Attachment 2](#)). The name selected by the developer is

- **Ashford Road**

Name Ashford follows the theme of English towns in the adjoining subdivisions of Larwood Crescent and Jacaranda Springs.

5. Preliminary liaison with the GNC has indicated their acceptance of this name and it is recommended that the Council endorse the use of the name.

COMMITTEE RECOMMENDATION TO COUNCIL GS 120/2006

1. That the Council support the new name of Ashford Road and request Geographic Names Committee to approve the name.

Moved: Cr Casey

Seconded: Cr Cresswell

CARRIED UNANIMOUSLY

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

**121. Request to Purchase Portion of Road Reserve and Reserve 22254
Pickering Brook Road, Pickering Brook
(PC-01/GEN & MR-15/GEN) (Planning and Development Services)**

Refer Item: PS 10.13/1991

Applicant: Department for Planning and Infrastructure

Owner: WA Planning Commission

Purpose of Report

1. Council is requested to provide comment on the possible closure and sale of a portion of the road reserve adjacent to a Lot 80 (262) Pickering Brook Road and sale of a Reserve 22254 (256) Pickering Brook Road, Pickering Brook.

Background

2. The owners of Lots 80 (262) and 79 (266) Pickering Brook Road and Lot 76 (15) Merrivale Road, Pickering Brook have applied to the Department for Planning and Infrastructure to purchase Reserve 22254 (256) Pickering Brook Road, Pickering Brook. They also wish to purchase a portion of the road reserve between their land and the said reserve. Refer ([Attachment 1.](#)) for Locality Plan.
3. The owners have been offered the reserve and road land in the past, but have declined the offer. Since at present their work activities often encroach onto the road reserve, they believe it would be suitable to purchase and maintain the land.

Comments

4. Reserve 22254 is reserved for the purpose of 'Parkland' and is under care and control of the Department for Planning and Infrastructure. It comprises 1613m² and along with the reserves on the South East of Mitchell Road and adjoining bush land, is contained within a P3 Drinking Water Source Area. It is zoned Residential Bushland under Town Planning Scheme 2.
5. One of the objectives of the Residential Bushland zone is to encourage the retention of the native vegetation. The vegetation on the reserve is in good condition.
6. If the reserve is sold, the control over the protection of the native vegetation on the property would be diminished. Therefore it is recommended not to support the sale of the Reserve 22254.
7. The road reserve portion requested by the applicant is 1482 m² and cleared of vegetation. In 1991 Council supported the closure and sale of the road reserve to the applicant. At the time, the sale and closure did not eventuate.
8. Due to the low volume of traffic there is no intention of constructing this part of the road in the near future. However, realignment of Merrivale Road will improve the safety of its intersection with Pickering Brook Road, which appears to be the

intent of creating this road reserve. It is therefore not recommended to support the closure of the road reserve.

9. **Councillors asked why the Shire was in favour of closing and selling the subject road reserve in 1991 and are now opposing. The Executive Manager Engineering Services responded that the realignment of Merrivale Road, through the subject road reserve, will create a safer intersection with Pickering Brook Road. Hence retaining the road reserve would provide an option for future consideration.**

COMMITTEE RECOMMENDATION TO COUNCIL

GS 121/2006

1. That the Department for Planning and Infrastructure (DPI) is informed that the Council does not support the closure and sale of the unmade road adjacent to the Lot 80 (262) Pickering Brook Road, Pickering Brook.
2. That the DPI is informed that the Council does not support the sale of Reserve 22254 (256) Pickering Brook Road, Pickering Brook.

Moved: Cr McKechnie

Seconded: Cr Blair

CARRIED UNANIMOUSLY

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

**122. Road Closure - Sheffield Road, Wattle Grove (Northeast End)
(SH-07/GEN) (Engineering Services)**

Refer Item: N/A

Applicant: Auguste Properties Pty Ltd

Owner: Auguste Properties Pty Ltd

Purpose of Report

1. To consider an application from Auguste Properties Pty Ltd, to close a portion of Sheffield Road, Wattle Grove, at its northeast end adjacent to Roe Highway shown at ([Attachment 1.](#)).

Background

2. The applicant is currently in negotiations with the owners of the Parmelia Gas Pipeline, in order to determine an appropriate risk mitigation strategy to allow for residential development adjacent to the gas pipeline. Although a solution has not been agreed, it appears likely that the developer will be required to construct an earth bund over the gas easement as a risk mitigation measure.
3. In the event this mitigation strategy is agreed to, the applicant proposes to construct part of the proposed earth bund on Sheffield Road in Wattle Grove, at the location shown at ([Attachment 2.](#)).

Comments

4. A permanent road closure is preferred, as it will provide certainty for the land developer and gas pipeline owner, will ensure Council does not have to re-consider the issue in the future, and will place the maintenance burden on the land owner. As such, it is recommended that the road be permanently closed.
5. Under Section 58 of the *Land Administration Act 1997*, the Council can request the Minister for Lands to close a road following procedures prescribed in the Act, which includes advertising a notice of intention in the newspapers and allowing a 35 day comment period.
6. The applicant has agreed to pay for the Shire's costs for advertising of the road closure. There will be no additional cost to the Shire.
7. Council will be required to indemnify the Minister for Land, from any liability arising out of the road closure, however, risk of such a liability is minimal.

COMMITTEE RECOMMENDATION TO COUNCIL GS 122/2006

1. That action be initiated under Section 58 of the Land Administration Act 1997 to close the section of Sheffield Road shown at ([Attachment 1.](#)).
2. That should no objection be received, the Minister for Land be requested to close the road.
3. That the Minister for Land be indemnified against any liability arising from the road closure

Moved: Cr Giardina

Seconded: Cr Morton

CARRIED UNANIMOUSLY

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

**123. Road Closure - Orangedale Road, Lesmurdie
(OR – 02/GEN) (Engineering Services)**

Refer Item: N/A

Applicant: A.A. Wilkie Consulting Engineers

Owner: A.A. Wilkie Consulting Engineers

Purpose of Report

1. To consider an application to permanently close a portion of Orangedale Road Lesmurdie, under the Land Administration Act, to facilitate the subdivision of Lot 2 (19) Orangedale Road, in line with the adopted Outline Development Plan (ODP), shown at ([Attachment 1](#)).

Background

2. The subject road reserve of Orangedale Road together with Canning Road and Pomeroy Road, forms part of the boundary of the ODP for Canning Location 311. The ODP was adopted by Council in November 1980, which was subsequently endorsed in 1981, by the then Town Planning Board.
3. The applicant is acting on behalf of the owners of Lot 2 (19) Orangedale Road, who are intending to subdivide the land in the near future. As part of the adopted ODP for Canning Location 311, a lot configuration was approved showing the road being closed and the land area being partially incorporated into the future subdivisional lots and into the future subdivisional road reserve of Fasolo Close.
4. After the closure, the applicant will be required to purchase the land from the Department of Land Information.

Comments

5. Approximately 30% of the subject parcel of land is vegetated. The future subdivision may result in the loss of the majority of this vegetation. A condition may be included at the subdivision application stage, to retain mature trees.
6. The applicant has agreed to pay for the Shire's costs for advertising of the road closure. There will be no additional cost to the Shire.
7. Council will be required to indemnify the Minister for Land, from any liability arising out of the road closure, however, risk of such a liability is minimal.

COMMITTEE RECOMMENDATION TO COUNCIL GS 123/2006

1. That action be initiated under Section 58 of the Land Administration Act 1997 to close the section of Orangedale Road shown at ([Attachment 2.](#)).
2. That should no objection be received, the Minister for Lands be requested to close the road.
3. That the Minister for Land be indemnified against any liability arising from the road closure.

Moved: Cr Giardina

Seconded: Cr Bilich

CARRIED UNANIMOUSLY

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

**124. Local Government Energy Supplies
(AD-SUP-003) (Engineering Services)**

Refer Item: N/A

Applicant: N/A

Owner: N/A

Purpose of Report

1. To consider Western Australian Local Government Association's (WALGA) proposal for energy supplies to local government.

Background

2. WALGA has provided Council with an information package; outlining a recent Request for Proposal (RFP) for energy supplies, and an update of advocacy relating to core energy supply issues within the sector, refer ([Attachment 1.](#)).
3. WALGA has highlighted the following issues in conjunction with its RFP:
 - Following the initial phase of deregulation, street lighting remains a non-contestable commodity. The Association is strongly advocating with the Minister for contestable street lighting.
 - A number of local governments, including the Shire of Kalamunda, have received contracts from Street Vision that appear to transfer the responsibility and risk of maintaining infrastructure to local governments. The Association is currently clarifying the intention of these contracts; which potentially results in a significant cost-shift. Further information will be distributed once the infrastructure ownership issue has been clearly defined. In the interim Councils have been advised by WALGA not to sign these contracts.
 - It has been identified that some local governments that have purchased renewable energy, to reduce their Greenhouse Gas emissions for their Cities, as part of the Climate Protection program, may not be able to certify compliance by presenting Renewable Energy Certificates (RECs), and on this basis, should revisit this matter with their suppliers.
4. Further information relating to the above issues has been provided to all Councils through the WALGA energy information package Supply Contracts
5. The RFP has provided the impetus for a whole of sector Request for Tender to be conducted in 2008, with a contract term to be effective from 1 July 2008. This timeframe meets the expiry term of existing contracts for major energy users within the sector, and also meets the best predicted price cycle with respect to further deregulation and contestability. By committing to a whole of local government sector approach, significant price savings can be achieved for all local governments, and by aggregating a single sector tender, additional contract administration efficiencies can be obtained.

Comments

6. In the past local government paid for the capital costs for the installation of new infrastructure, such as light poles and light fittings and the previous agreements with Western Power included a clause to reflect this. However the proposed contracts by Synergy for street lights include a clause that requires local government to assume responsibility for the damage caused by third parties, which gives an impression of transferring the ownership and maintenance of street light infrastructure to local governments. WALGA has sought clarifications from Synergy in respect to these concerns. Shire staff has also independently raised these concerns with the Synergy and is holding back signing of the contracts pending clarification/modification of the document.
7. The Shire's street light costs are in the order of \$590,000 per annum and there is lack of transparency in that the energy usage is not metered. With the break up of Western Power it is understood that there will be a greater competition in the provision of electricity. However, street lighting being non contestable, cannot be put to tender. It is therefore recommended that WALGA's proposal is supported

COMMITTEE RECOMMENDATION TO COUNCIL **GS 124/2006**

1. That the information in the WALGA energy information package be noted.
2. That the WALGA advocacy for contestable street lighting be endorsed.
3. That an 'in-principle' agreement be given, towards participation in a whole of sector energy tender for supplies, to be tendered in early 2008 and effective from 1 July 2008, on the basis that Council will not contract its current supplies beyond this date in order to align the sectors energy contract terms.
4. That the WALGA advocacy in relation to the concerns raised with the Synergy Street Vision Agreements be endorsed.

Moved: Cr Taylor

Seconded: Cr Cresswell

CARRIED UNANIMOUSLY

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

125. Long Vehicle Movement - Brook Road & Coldwell Road, Wattle Grove (CL-09/GEN: BR-36/GEN) (Engineering Services)

Refer Item: N/A

Applicant: LG & GN Turpin

Owner: N/A

Purpose of Report

1. To consider an application to operate a Long Vehicle on Coldwell Road and Brook Road in Wattle Grove.

Background

2. Following a review of the vehicle permit system, Main Roads WA (MRWA) has replaced the existing system to grant permits to individual operators by establishing a general access network available to all operators of permit vehicles. The individual permits will only be issued for those roads, which are not listed on the general access network.
3. Prior to the review, LG & GN Turpin held a permit to operate Long Vehicles in Coldwell Road to access their property at 111 Boundary Road within the City of Gosnells, from Welshpool Road East. The remaining road network listed on the permit is within the municipal boundaries of the City of Gosnells.
4. Coldwell Road, in Wattle Grove, is not listed on the general access network and accordingly LG & GN Turpin is required to obtain an individual permit to access this road.

Comments

5. The applicant operates a business on Boundary Road in the City of Gosnells. The City of Gosnells has granted approval for LG & GN Turpin to operate Long Vehicles to access their property.
6. The subject long vehicles have been operating on the section of Coldwell Road in the Shire of Kalamunda and in the City of Gosnells, since 2002, without a complaint. On the basis of maintaining status quo and preventing the potential for increased truck movements, the continued use of Colwell Road in Wattle Grove for Long Vehicle movements, by the applicant, is supported.
7. **Mr & Mrs Turpin spoke on behalf of the Staff Recommendation, stating that there had been no complaints from the public regarding the use of their Long Vehicle Truck. They reiterated the staff report, regarding the purpose of the re-submission of their application.**

COMMITTEE RECOMMENDATION TO COUNCIL

GS 125/2006

1. That approval be given for LG and GN Turpin to operate Long Vehicles on Coldwell Road Wattle Grove, between Welshpool Road and the Shire boundary, for the sole purpose of accessing their business at 111 Boundary Road Kenwick.

Moved: Cr Casey

Seconded: Cr Morton

CARRIED UNANIMOUSLY

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

126. Metropolitan Regional Road Group Funding for Dundas Road (EG-RDM-015) (Engineering Services)

Refer Item:

Applicant:

Owner:

Purpose of Report

1. To consider reallocating funds within the 2006-07 Engineering Works Program.

Background

2. As part of the 2006/07 Engineering Works Program, an amount of \$525,000 was allocated to the widening of Dundas Road between Berkshire Road and Bedford Crescent. This project was funded through a Bike West grant of \$100,000, developer contributions of \$101,603 and a Council budget allocation of \$323,397.
3. Recently, additional funding has become available from the State Road Funds to Local Government, for the Dundas Road project through the Metropolitan Regional Road Group. This funding is for a total project value of \$645,000, which includes additional components, such as street lighting and additional widening at two intersections.
4. The provided funding is on the basis of a 1/3 contribution by Council, and a 2/3 contribution by the state. Accordingly, allocation for the State Road Funds for this project will be \$430,000.

Comments

As a result of the additional funding by the Metropolitan Regional Road Group, \$310,000 has become available for allocation to other projects. Accordingly, several projects are proposed to be brought forward which were scheduled for future Works Programmes.

COMMITTEE RECOMMENDATION TO COUNCIL GS 126/2006

1. That Council note approval of the Dundas Road project, at a project cost of \$645,000 by the Metropolitan Regional Road Group.
2. That \$310,000 previously allocated to Dundas Road project, in the 2006/07 Works Programme be allocated to the following projects;

Dianella Road From Myrtle to Grove	Asphalt seal and repair	\$ 36,000
Fletcher Road From Lesmurdie to Canning	Asphalt seal and kerb repair	\$101,000
Maxine Court Full length	Asphalt seal	\$ 18,000
Myrtle Street Dianella to Lawnbrook	Asphalt seal and repair	\$ 8,000
Robins Road From Patricia to Grace	Asphalt seal	\$ 36,000
Seaview Terrace Full length	Asphalt seal	\$ 25,000
Sheok Court Full length	Asphalt seal and repair	\$ 26,000
Warlingham Drive (West) Full length	Asphalt seal	\$ 60,000
TOTAL		\$310,000

Moved: Cr Taylor

Seconded: Cr Winterhalder

CARRIED UNANIMOUSLY

10.0 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

10.1 Nil

11.0 QUESTIONS BY MEMBERS WITHOUT NOTICE

11.1 **Aquatic Centre Feasibility Study Public Meeting - Cr Cresswell**

Q. Will there only be one meeting regarding this issue, which is being held at the Gooseberry Hill hall tomorrow night, or will there be another public meeting held in the foothills?

A. The meeting was informed that the Gooseberry Hill hall was chosen as it was the most convenient as far as size and accessibility is concerned. It was agreed that, via an attendance sheet, should the meeting be deemed not to be representative, due to the busy time of the year, another meeting would be scheduled for early February 2007 and will be held in the foothills.

12.0 URGENT BUSINESS APPROVED BY THE PERSON PRESIDING OR BY DECISION

12.1 Nil

13.0 MATTERS BEHIND CLOSED DOORS

Motion for the meeting to go behind closed doors.

Moved: Cr Bilich

Seconded: Cr Taylor

CARRIED UNANIMOUSLY

13.2 **Item 128 - Rangebay Corporation Pty Ltd – Cell 9 Infrastructure Contributions**

Reason for Confidentiality. Local Government Act s.5.23 (2) (d). Legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting.

Motion that Part 9 of Standing Orders be suspended during Item 128, at 7.30pm.

Moved: Cr N Sadler

Seconded: Cr Bilich

CARRIED UNANIMOUSLY

Motion that Part 9 of Standing Orders be resumed at 8.45pm.

Moved: Cr Bilich

Seconded: Cr Taylor

CARRIED UNANIMOUSLY

COMMITTEE RECOMMENDATION TO COUNCIL

GS 128/2006

1. That the Chief Executive Officer be authorised to instruct McLeod's Barristers and Solicitors to prepare and lodge an appeal against His Honour Murray J's decision in respect to Cell 9 Infrastructure Contribution dispute with Rangebay Corporation Pty Ltd.

Moved: Cr McKechnie

Seconded: Cr Taylor

FOR

Cr Bilich
Cr Giardina
Cr D Sadler
Cr Morton
Cr Cresswell
Cr Casey
Cr Taylor
Cr Blair
Cr McKechnie
Cr N Sadler

AGAINST

Cr Winterhalder
Cr Tonkin

CARRIED

13.1 **Item 127 - Maida Vale Clay Tennis Court – Confidential Item**

Reason for Confidentiality. Local Government Act s.5.23 (2) (d). Legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting.

Cr Winterhalder declared a financial interest as he is a trustee and beneficiary of a trust with shares in Boral.

Cr Winterhalder left the Council Chambers at 8.40pm.

COMMITTEE RECOMMENDATION TO COUNCIL GS 127 /2006

1. That the Chief Executive Officer is authorised to commence legal proceedings against Midland Brick Pty Ltd or its subsidiaries if a satisfactory agreement is not reached regarding the Maida Vale Clay Tennis Courts.

Moved: Cr Taylor

Seconded: Cr McKechnie

CARRIED UNANIMOUSLY

Cr Winterhalder returned to Council Chambers at 8.48pm.

14.0 CLOSURE

There being no further business, the Chairman declared the meeting closed at 9.07 pm.

I confirm these Minutes to be a true and accurate record of the proceedings of this Council.

Signed Chairman

Dated thisday of2006