
Shire of Kalamunda

General Services Committee

Minutes for 4 February 2008



SHIRE OF KALAMUNDA

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**Minutes of General Services Committee
Held in the Council Chambers
2 Railway Road, Kalamunda
Monday 4 February 2008**

1.0 OFFICIAL OPENING

- 1.1 The Chairman opened the meeting at 7.02 pm and welcomed Councillors, staff and members of the public gallery.

2.0 APOLOGIES AND LEAVE OF ABSENCE

- 2.1 PRESENT

Councillors

E Taylor	NORTH WARD
M Thomas	NORTH WARD
D Sadler	SOUTH WEST WARD
M Robinson	SOUTH WEST WARD
A Morton	SOUTH WEST WARD
P Tonkin	SOUTH WARD
C Everett	SOUTH WARD
M Cresswell	(CHAIRPERSON) NORTH WEST WARD
P Heggie	NORTH WEST WARD
F Lindsey	EAST WARD

Officials

D Vaughan	CHIEF EXECUTIVE OFFICER
N Wilson	EXECUTIVE MANAGER CORPORATE SERVICES
K O'Connor	EXECUTIVE MANAGER COMMUNITY SERVICES
R O'Brien	EXECUTIVE MANAGER PLANNING & DEV SERVICES
M Singh	EXECUTIVE MANAGER ENGINEERING SERVICES
B Millan	EXECUTIVE ASSISTANT CHIEF EXECUTIVE OFFICER
S Leeson	MANAGER FINANCIAL SERVICE
K Singh	MANAGER ENGINEERING SERVICE
R Neale	MANAGER LIBRARY SERVICE
J Smith	MANAGER HEALTH SERVICE
D McPherson	MINUTE SECRETARY

Apologies

D McKechnie (SHIRE PRESIDENT) NORTH WARD
 J Giardina SOUTH WARD

Observers 14

Newspapers 0

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 Wilson Johnson, Kalamunda

- Q1. In light of recent incidents of vandalism is there anyway Council can bring pressure to bear upon the Police to have an evening and weekend presence in the Kalamunda area?
- Q2. There are no facilities in the area for youth and this is resulting in groups congregating in areas such as Stirk Park. Can Council provide facilities for the youth of Kalamunda?
- A. Council acknowledges residents concerns regarding vandalism within the community. These questions are taken on notice.

3.2 Mario Forretti, 405 Canning Road, Walliston

- Q. Can the Council do anything about the parking of vehicles on private property for the purpose of selling these vehicles?
- A. Council is aware of the property and the issue with cars being parked there. This question is taken on notice and a request will be made for Ranger staff to maintain patrols of this area.

3.3 Robert Brown, Kalamunda

- Q. Is there anything the Council can do about policing of the area on weekends and also the increasing amount of graffiti in the Shire?
- A. It is possible for the Shire to consult/liaise with the Police in relation to residents concerns. There is a Shire policy in relation to removing graffiti from Shire property. The Shire has no authority to remove graffiti from private property.

3.1 Mr J Flahive - 4 Laurena Place, Maida Vale

Q1. Why after having received a complaint of a dangerous tree, has the Shire of Kalamunda failed to exercise its statutory powers and exercised immediate discretion in issuing upon the owner of 41 Meloway Drive Maida Vale a notice pursuant to Section 3.25 of the Local Government Act 1995, in line with Schedule 3.1 Item 9, when on the balance of the evidence there is irrefutable proof of a dangerous tree having caused injury to a person on 26 January 2008?

Q2. Why has the Shire of Kalamunda failed to provide for a duty of care to a resident having been injured by a dangerous tree and continues to suffer additional and unnecessary duress and risk of further injury or death because the Shire fails to address its statutory powers under the Local Government Act 1995?

Q3. Can the Shire of Kalamunda advised why it fails to provide for procedural fairness and policies in terms of good governance as described and in line with findings of the WA Ombudsman in 2003 and in doing so why the Shire have allowed its staff to engage in tactics acts which are designed to avoid dealing with complaints about dangerous trees and avoid legitimate investigation of each case on its own merits?

A. Questions taken on Notice. The Chief Executive Officer outlined the process in relation to dealing with trees on private property.

Q4. Why has the authority delegated to the Chief Executive Officer in relation to dealing with trees on private property not been exercised?

A. This question is taken on notice.

4.0 PETITIONS

4.1 Stop Heavy Haulage Traffic on Maida Vale, High Wycombe – Request from residents for the Shire of Kalamunda to implement strategies to stop Maida Vale Road, High Wycombe from being used by heavy haulage vehicles and reduce speeding traffic.

4.2 Improvement of Public Open Space – Apricot Street and Gala Way, Forrestfield – Request from residents of Forrest Grove Estate for the improvement of public open space.

The petitions will be dealt with by the relevant Shire Departments.

5.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

- 5.1 That the Minutes of the General Services Committee Meeting held on 3 December 2007 is confirmed as a true and correct record of the proceedings.

Moved: (Cr Taylor)

Seconded: (Cr Thomas)

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 Nil.

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. (Section 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. (Section 5.70 of the Local Government Act 1995)

Nil.

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.

Item 12 Lot 421 Spring Road – Proposed Disposal of Land by the Crown

Mr Neil Wilson declared an interest affecting impartiality as he owns property in Spring Road (No. 37), not a proximity interests.

9.0 REPORT TO COUNCIL

Please Note:

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

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

1. Creditors Accounts Paid for December 2007 and January 2008

Previous Items: Nil
Service Area: Corporate Services
File Reference: FI-CRS-002
Applicant: N/A
Owner: N/A

PURPOSE

1. To receive creditors' accounts paid for the months of December 2007 and January 2008.

BACKGROUND

2. It is a requirement of the Local Government (Financial Management) Regulations 1996 (Regulation 13) that a list of Creditors' Accounts Paid is compiled each month. As there was no meeting in January this report includes the months of December 2007 and January 2008.
3. The report is required to show the payee's name, amount of payment, the date of the payment and provide sufficient information to identify the transaction.

DETAILS

4. Accordingly, the list of Creditors' paid for December 2007 and January 2008 is attached. ([*Attachment 1 & 2*](#))

STATUTORY AND LEGAL IMPLICATIONS

5. Nil.

POLICY IMPLICATIONS

6. Nil.

PUBLIC CONSULTATION/COMMUNICATION

7. Nil.

FINANCIAL IMPLICATIONS

8. Nil.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

9. Nil.

OFFICER COMMENT

10. Nil.

MEETING COMMENT

11. In response to a Councillor query the Executive Manager Corporate Services advised cheque payment 59778 to the Lesmurdie Ratepayers Association was for grant funding.

COMMITTEE RECOMMENDATION TO COUNCIL GS 1/2008

1. That the list of Creditors' paid for December 2007 and January 2008 attached ([*GSC Item 1 Attachment 1 & 2*](#)) be received by Council in accordance with the requirements of Regulation 13 of the Local Government (Financial Management) Regulations 1996.

Moved: (Cr Robinson)

Seconded: (Cr Taylor)

CARRIED UNANIMOUSLY

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

2. Financial Activity Statements for the Periods 31 December 2007

Previous Items: Nil
Service Area: Corporate Services
File Reference: FI-SRR-006
Applicant: N/A
Owner: N/A

PURPOSE

1. To receive the draft financial activity statement reports for the period ended 31 December 2007.

BACKGROUND

2. Attached are the financial activity statement reports for the period ending 31 December 2007 ([Attachment 1](#)) prepared in accordance with the requirements of Section 34 of the Local Government (Financial Management) Regulations 1996. As there is no Committee meeting in January these statements cover the activities of the months of November 2007 and December 2007.
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.

DETAILS

4. It has previously been agreed a percentage value of 10% variance be used for the Financial Activity Statement. This amount is in accordance with the materiality provision of the Australian Accounting Standards (refer AAS5) which is also set at 10%.
5. Refer ([Attachment 1](#)) for the comments relating to the above mentioned variances.

STATUTORY AND LEGAL IMPLICATIONS

6. Nil.

POLICY IMPLICATIONS

7. Nil.

PUBLIC CONSULTATION/COMMUNICATION

8. Nil.

FINANCIAL IMPLICATIONS

9. Nil.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

10. Nil.

OFFICER COMMENT

11. Nil.

MEETING COMMENT

12. Nil.

COMMITTEE RECOMMENDATION TO COUNCIL GS 2/2008

1. That the Financial Activity Statement reports for the period ending 31 December 2007 ([*GSC Item 2 Attachment 1*](#)) be received.

Moved: (Cr Thomas)

Seconded: (Cr Sadler)

CARRIED UNANIMOUSLY

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

3. Debtors and Creditors Report

Previous Items: N/A
 Service Area: Corporate Services
 File Reference: FI-SRR-006
 Applicant: N/A
 Owner: N/A

PURPOSE

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

BACKGROUND

2. Attached is a report detailing aged debtors and creditors as at 31 December 2007. ([Attachment 1](#)) As there is no Committee meeting in January these statements cover the months of November 2007 and December 2007.
3. Council has requested information as to outstanding debtors and creditors be reported on a monthly basis.

DETAILS

4. Debtors

- > 90 days Bulk of this remains those aged debtors as reported to the Audit Committee in December 2007.
- Major new debt since aged >90 days
- | | |
|------------|-------------------------------------------------------------------------|
| \$2,400.00 | Lesmurdie Cricket Club - Reserve Hire Charges |
| \$5,923.97 | Forrestfield United Soccer Club - Loan 214 |
| \$1,881.29 | Forrestfield United Soccer Club - Electricity charges |
| \$2,886.90 | Forrestfield & Districts Bowling Club - Loan payments |
| \$5,194.97 | Kalamunda United Junior Soccer Club - Winter Reserve Hire, Loan Payment |
- > 60 days
- | | |
|------------|--------------------------------|
| \$1,128.00 | Skywest Airlines - Sponsorship |
|------------|--------------------------------|
- > 30 days
- | | |
|-------------|-----------------------------------------------------------|
| \$16,575.00 | Boldsilk Holdings Pty Ltd - Supervision Fees on Roadworks |
| \$5,923.97 | Forrestfield United Soccer Club - Loan 214 |

	\$17,676.62	Kalamunda Basketball Association
	\$17,676.62	Ray Owen – maintenance & cleaning Kalamunda & Districts Netball Association Ray Owen – maintenance & cleaning
<u>Current</u>		
	\$530,000.00	52/52 Pty Ltd – Cash in Lieu of POS – High Wycombe
	\$38,000.00	Emergency Management Australia
	Paid January 2008	
	\$104,600.00	Raltok PL – Cash in Lieu of POS – High Wycombe

5. Creditors

- > 90 days Linc Integrated Marketing & Communication Invoice not received, requested from statement reconciliation.
- > 60 days Eastern Hills Saws & Mowers Credit notes will be applied against current invoices
- > 30 days These invoices are paid on the third fortnightly payment run.

STATUTORY AND LEGAL IMPLICATIONS

6. Nil.

POLICY IMPLICATIONS

7. Nil.

PUBLIC CONSULTATION/COMMUNICATION

8. Nil.

FINANCIAL IMPLICATIONS

9. Nil.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

10. Nil.

OFFICER COMMENT

11. Nil.

MEETING COMMENT

12. Nil.

COMMITTEE RECOMMENDATION TO COUNCIL GS 3/2008

1. That the outstanding debtors and creditors report as at 31 December 2007 ([GSC Item 3 Attachment 1](#)) be received.

Moved: (Cr Taylor)

Seconded: (Cr Robinson)

CARRIED UNANIMOUSLY

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

4. Rates Debtors Report

Previous Items: N/A
Service Area: Corporate Services
File Reference:
Applicant: N/A
Owner: N/A

PURPOSE

1. To receive a report on rates debtors as at 31 December 2007.

BACKGROUND

2. Attached is the report detailing rates debtors as at 31 December 2007. ([Attachment 1](#)). As there was no Committee meeting in January these statements cover the months of November 2007 and December 2007.

DETAILS

3. Rates Debtors

Approximately \$9 million cash received to the end of December 2007.

10,500 assessments (approximate) were paid in full or are in credit by the due date.
7,878 assessments are paying via the installment option.
400 assessments (approximate) are on alternative payment arrangement plans.

2,378 assessments were issued with final notices, requesting payment by the 16th November.

Of these, 522 assessments were issued with Demand Letters from Austral Mercantile Debt collections on the 12th December 2007.

General Procedures Claims (formally known as Summons) have since been lodged against 209 assessments.

STATUTORY AND LEGAL IMPLICATIONS

4. Nil.

POLICY IMPLICATIONS

5. Nil.

PUBLIC CONSULTATION/COMMUNICATION

6. Nil.

FINANCIAL IMPLICATIONS

7. Nil.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

8. Nil.

OFFICER COMMENT

9. Nil.

MEETING COMMENT

10. A Councillor queried the practicality of sending final notices by certified mail. The Executive Manager Corporate Services advised the process was currently under review and this was one option which could be considered.

COMMITTEE RECOMMENDATION TO COUNCIL GS 4/2008

1. That the rates debtors report as at 31 December 2007 ([GSC Item 4 Attachment 1](#)) be received.

Moved: (Cr Thomas)

Seconded: (Cr Taylor)

CARRIED UNANIMOUSLY

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

5. Plan for the Future of the District 2006-2011

Previous Items: N/A
Service Area: Corporate Services
File Reference:
Applicant: N/A
Owner: N/A

PURPOSE

1. To review and adopt the Plan for the Future of the District 2006-2011 in accordance with Regulations.

BACKGROUND

2. The Shire of Kalamunda has adopted on 15 May 2006 a Plan for the Future of the District 2006-2011. A copy of the Plan is presented as [\(Attachment 1\)](#).
3. A Local Government is required by regulation to review its Plan for the Future of the District every two (2) years and may adopt the Plan with or without modification.

DETAILS

4. The Executive Management Team has reviewed the Plan and believes it is still current and appropriate for the period it covers (2006-2011).
5. Given the costs associated with any modification against any possible benefits that may accrue it is suggested that the present Plan be adopted without any modification especially as it is only two (2) years old.

STATUTORY AND LEGAL IMPLICATIONS

6. Section 5.56 of the Local Government Act 1999.
Regulations 19 (c) and 19 (d) of the Local Government (Administration) Regulations.

POLICY IMPLICATIONS

7. Nil.

PUBLIC CONSULTATION/COMMUNICATION

8. Nil. If any modification to the Plan is made it must involve elector and ratepayer consultation.

FINANCIAL IMPLICATIONS

9. Nil.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

10. It is believed the existing plan reflects the strategic direction of the Shire of Kalamunda.

OFFICER COMMENT

11. Nil.

MEETING COMMENT

12. A Councillor queried the effect the adoption of this Plan would have on the consultation process of the Community Planning Workshops currently being undertaken. The CEO advised these were independent processes and therefore the endorsement of this Plan would have no affect on the recommendations of the workshops at this stage.

COMMITTEE RECOMMENDATION TO COUNCIL GS 5/2008

1. That the Shire of Kalamunda Plan for the Future of the District 2006-2011 be adopted without modification.

Moved: (Cr Taylor)

Seconded: (Cr Lindsey)

CARRIED UNANIMOUSLY/ABSOLUTE MAJORITY

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

6. Debtors Write Off

Previous Items: N/A
Service Area: Corporate Services
File Reference: FI-DRS-001
Applicant: N/A
Owner: N/A

PURPOSE

1. To write off \$55,736.59 of outstanding debtors either raised in error or recognised as unrecoverable.

BACKGROUND

2. For some time there have been amounts shown as debtors which went back over a number of financial years.
3. In a report to the Audit Committee in April 2007 staff advised of a strategy proposed to address this issue.
4. This process has been undertaken and a report was presented to the December meeting of the Audit Committee who endorsed this proposed write off.

DETAILS

5. As a result of the programme undertaken \$63,537 or 24.05% of the outstandings have been recovered in full. A further \$14,774 (5.59%) has been placed with contracted debt collectors whilst \$130,081 has been researched and identified as recoverable with further actions being undertaken.
6. The remaining \$55,736.59 is regarded by staff as either raised in error (the majority) or not recoverable and is proposed to be written off. An extracted list of the proposed write offs is presented as [\(Attachment 1\)](#).
7. It is noted that \$49,880 of the \$55,736.59 related to two debts being:
 - a. Healthways - \$5,000 – This debt has in fact been paid with the amount being posted to the income account rather than the debtors control account.
 - b. Mr N Taddei - \$44,880 – This debt was raised for a bond. However, investigations have shown the bond was not required as the work has been carried out by Mr Taddei.
8. Attention is also drawn to the two credits each of \$2,558.50 which relate to errors in journals in August 2005 which are also written off.

STATUTORY AND LEGAL IMPLICATIONS

9. As these debts are not related to rates or service charges the provision of Section 6.47 of the Local Government Act requiring Council adoption by Absolute Majority does not apply.

POLICY IMPLICATIONS

10. Nil.

PUBLIC CONSULTATION/COMMUNICATION

11. Nil.

FINANCIAL IMPLICATIONS

12. The Shire of Kalamunda has provision for Doubtful Debts of \$214,448 which is available. As this is a balance sheet provision no impact on operating expenditure will result for this write off.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

13. Nil.

OFFICER COMMENT

14. This information was presented in detail to the Shire of Kalamunda Audit Committee December meeting where the information was received.

MEETING COMMENT

15. A Councillor queried the length of time taken to follow up some outstanding debtors. The Executive Manager Corporate Services advised there has been a long standing problem with debt collection due to system changes which have now been addressed it is not expected these delays will happen in the future.

COMMITTEE RECOMMENDATION TO COUNCIL GS 6/2008

1. That the report on the write offs totalling \$55,736.59 be received.

Moved: (Cr Thomas)

Seconded: (Cr Morton)

CARRIED UNANIMOUSLY

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

7. Delegation to Chief Executive Officer – Writing Off Small Emergency Services Levy Interest Amounts

Previous Items: N/A
Service Area: Corporate Services
File Reference:
Applicant: N/A
Owner: N/A

PURPOSE

1. To adopt a delegation to the Chief Executive Officer to allow the write off of small amounts of Emergency Services Levy (ESL) interest (under \$2.00).

BACKGROUND

2. A problem has been identified with respect to daily interest charges that accrue on ESL minor amounts. As at the beginning of December 2007 the Shire of Kalamunda has 1093 assessments with outstanding ESL amounts of under \$2.00 which are accruing daily interest charges.
3. These small debts incurring interest are an ongoing cause of annoyance to ratepayers and staff alike as the Local Government has no control over the charging of the interest.

DETAILS

4. The proposal is to delegate to the Chief Executive Officer the authority to write off small ESL interest debts up to \$2.00 per property in accordance with Section 5.8.7 of the Emergency Services Levy Manual.
5. It is emphasised that this relates to interest amounts only after the principal has been paid. It is expected that this action will form part of the normal month end accounting functions.

STATUTORY AND LEGAL IMPLICATIONS

6. 5.8.7 of the Emergency Services Levy Manual.
6.12(1) (c) of the Local Government Act.
5.42 and 5.43 of the Local Government Act.

POLICY IMPLICATIONS

7. Nil.

PUBLIC CONSULTATION/COMMUNICATION

8. Nil.

FINANCIAL IMPLICATIONS

9. The annual cost of this exercise is unknown but is not expected to be high. The total of outstanding ESL interest on the 1093 assessments amounts to circa \$560 at December 2007.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

10. Nil.

OFFICER COMMENT

11. This delegation will alleviate the existing problem of persons enquiring about a debt on one day, paying the debt (by mail) and then finding because of the daily interest there is a small amount outstanding which continues to attract interest.

MEETING COMMENT

12. Nil.

COMMITTEE RECOMMENDATION TO COUNCIL GS 7/2008

1. That the Chief Executive Officer be delegated the authority to write off small amounts of Emergency Services Levy interest up to a maximum of \$2.00 (two dollars) per property.

Moved: (Cr Taylor)

Seconded: (Cr Robinson)

CARRIED UNANIMOUSLY/ABSOLUTE MAJORITY

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

8. Reserve 18809 – Licence Agreement, Use of Multi-Purpose Hard Courts by Pickering Brook Primary School

Previous Items: N/A
Service Area: Community Services
File Reference: PC-01/241
Applicant: Shire of Kalamunda
Owner: Shire of Kalamunda

PURPOSE

1. To consider entering into a Licence Agreement with the Minister for Education to allow the Pickering Brook Primary School to use the multi-purpose courts located on Reserve 18809, during school hours.

BACKGROUND

2. The Shire allocated \$35,000 in the 2006/2007 budget for improvements to the multi purpose playing courts adjacent to Pickering Brook Primary School.
3. A stipulation of the project was that the Department of Education and Training (DET) be requested to contribute 50% towards the maintenance costs for the facility.
4. DET (through the Minister for Education) have agreed to fund 50% of the maintenance and replacement costs of the facility for a period of 20 years.

DETAILS

5. The proposed Licence Agreement outlines the conditions governing the Pickering Brook Primary School's use of the courts during school hours.
6. The main conditions of the licence are as follows:
 - a) The Minister for Education is to:
 - Pay the amount of \$1,409 per annum, which represents 50% of the maintenance and replacement costs for the courts. This amount to increase annually in line with the Consumer Price Index.
 - Maintain \$10 million in Public Liability Insurance.
 - b) The term of the licence is 20 years which is the standard period used by DET. There is no option to extend the term.
 - c) The Shire is to perform all maintenance activities as follows:
 - Repairing vandalism as required.
 - Sweeping of courts every six months.

- Remarking of lines, repairing backboards and repairing or replacing nets once every five years.
- Resurfacing of the courts once every twenty years.

STATUTORY AND LEGAL IMPLICATIONS

7. Nil

POLICY IMPLICATIONS

8. Policy FAC5 Clubhouses and Facilities on Reserves provides guidelines for Leases and Licences. Although the policy states a licence will not exceed five years, this is an agreement for land use and not a clubhouse with surrounding facilities.

PUBLIC CONSULTATION/COMMUNICATION

9. The Pickering Brook Parents and Citizens Committee have been advised of the proposed Licence Agreement and have no objections.

FINANCIAL IMPLICATIONS

10. Council will be responsible for funding the remaining 50% of the maintenance costs for the courts together with their replacement at the expiration of the Agreement.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

11. The Shire of Kalamunda 25 Year Strategic Plan lists the following Social Strategy:

Implementing shared use of facilities and "in kind" support from government agencies.

OFFICER COMMENT

12. The courts will remain available for public use outside of school hours.
13. The Pickering Brook Parents and Citizens Committee have agreed to contribute "in kind" support towards the day to day operation of the courts including the set up and take down of tennis nets and co-ordination of the courts for community use.

MEETING COMMENT

14. A Councillor queried the timeframe in relation to the resurfacing of the courts. The Executive Manager Community Services advised the courts have recently been resurfaced and would not require resurfacing again until the end of the current 20 year licence period.

COMMITTEE RECOMMENDATION TO COUNCIL GS 8/2008

1. That Council enter into a Licence Agreement with the Minister of Education for the recreational use of the hard courts on Reserve 18809 by Pickering Brook Primary School during school hours, with the main terms and conditions summarised below:
 - a) The Minister for Education is to:
 - Pay the amount of \$1,409 per annum which represents 50% of the maintenance costs for the courts. This amount to increase annually in line with the Consumer Price Index.
 - Maintain \$10 million in Public Liability Insurance.
 - b) The term of the Licence is 20 years with no options.
 - c) The Shire is to perform all maintenance activities as follows:
 - Repair vandalism as required
 - Sweeping of courts every six months
 - Remarking of lines, repairing backboards and repairing or replacing nets once every five years
 - Resurfacing the courts once every twenty years

Moved: (Cr Lindsey)

Seconded: (Cr Taylor)

CARRIED UNANIMOUSLY

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

9. Kerbside Recycling Collection Service - Tender T0720

Previous Items:
Service Area: Community Service
File Reference: HE-RLW-005
Applicant:
Owner:

PURPOSE

1. To consider awarding a tender for the Household Kerbside Recycling Collection Service.

BACKGROUND

2. The Shire of Kalamunda's Kerbside Recycling Collection Service contract expires on 30 June 2008. The current ten year contract is with Cleanaway.
3. Tender T0720 for Kerbside Recycling Collection Service for a five year period with an option for up to an additional five years was advertised on 24 November 2007 and closed on 18 December 2007. Tender specifications called for a fortnightly service and prices were also asked for a weekly service option. A total of four tenders were received; Cleanaway, Thiess Services, Four Seasons Waste Pty Ltd and Visy Recycling.

DETAILS

4. Cleanaway submitted the lowest tender (*refer to Table One*) and are the current contractor for this fortnightly recycling service.
5. Four Seasons Waste Pty Ltd submitted the second lowest tender (*refer to Table One*). Four Seasons Waste Pty Ltd commenced waste operations in Melbourne in 1986, and provide extensive waste management services, particularly in Victoria. They have also submitted an alternative tender offering a lower cost if awarded both tenders; T0719 (Waste Collection and Disposal Service) and T0720.
6. Visy Recycling submitted the third lowest tender (*refer to Table One*). Visy Recycling have been operating for some 25 years, and is one of the worlds largest privately owned recycling and packaging companies. They currently operate a facility producing beverage containers in Forrestfield.
7. Thiess Services submitted the fourth lowest tender (*refer to Table One*). Thiess Services have provided waste operations for twenty years, and provide extensive waste management services to Local Government in the Eastern States. Thiess have offered a 5% discount if they are awarded the tender for 10 years and an additional 5% if they are awarded both tenders; T0719 and T0720.

8. **Table One**

	Cleanaway	Four Seasons Waste P/L	Four Seasons Waste P/L alternative tender	Visy Recycling	Thiess Services
Price per fortnightly service – ex GST	\$1.42	\$1.75	\$1.50	\$1.82	\$1.92
Price option weekly collection service – ex GST	\$0.99	\$1.21	Not provided	\$2.61	\$1.44
Annual cost based on 19563 fortnightly services –ex GST	\$722,266	\$890,117	\$762,957	\$925,721	\$976,585
Annual cost based on 19563 weekly services –ex GST	\$1,007,103	\$1,230,904	Not Provided	\$2,655,090	\$1,464,877
Estimated cost to purchase 450 new MGBs – ex GST	\$22,500	\$31,500	\$31,500	\$27,347	\$30,618
Estimated cost to distribute 450 new and replacement MGBs –ex GST	\$9,000	\$9,000	\$9,000	\$27,347	\$3,204
Estimated costs for repairs to MGBs – ex GST	\$3623	\$3,050	\$3,050	\$465	\$6,419
Total estimated annual cost fortnightly service – ex GST	\$757,389	\$933,667	\$806,507	\$980,880	\$1,016,826*

Note 1: current contract price (fortnightly service) is \$1.624 per service – includes provision of bins, delivery and repairs.

Note 2: * Thiess Service cost with 10% discount is \$915,143

Note 3: the option for a weekly service has not been considered due to the high cost. Cleanaway submitted the lowest price for a weekly service which would cost an additional \$284,837 above their fortnightly service cost.

STATUTORY AND LEGAL IMPLICATIONS

9. The tenders were advertised, opened and evaluated in accordance with the specified evaluation criteria and requirements of the Local Government (Functions and General) Regulations 1996.

POLICY IMPLICATIONS

10. Nil.

PUBLIC CONSULTATION/COMMUNICATION

11. Nil.

FINANCIAL IMPLICATIONS

12. The cost of providing this service will be included in the 2008/2009 Waste Management Budget. The Cleanaway tender received represents a decrease of 8.3% in the operating cost of this service. The initial contract required Cleanaway to provide, at their cost a yellow lid Mobile Garbage Bin (MGB) to every residential property. At the expiration of this contract on 30 June 2008 the recycling MGBs become the property of Council.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

13. Nil.

OFFICER COMMENT

14. This tender was evaluated by a panel of two Shire Officers and one Consultant. Each panel member independently evaluated submissions against qualitative criteria. The panel ranked the tenders in the following order; first Visy Recycling, second Cleanaway, third Thiess Services and fourth Four Seasons Waste Pty Ltd, before considering price.
15. Cleanaway have fulfilled their contractual obligations to the satisfaction of the Shire over the past 9.5 years. They have operated for many years within Western Australia providing a range of waste services. They are capable, if awarded this tender, of providing a service to the high standard as expected by Council and residents.
16. Cleanaway have sought clarifications and included the following non conforming proposals in their tender submission;
- a. Request that the indemnity requirement be modified by adding to clause 4.11 the words 'Cleanaway be responsible for the actions of persons within Cleanaway's control'
 - b. Request that Council approval for the nominated recycling facility not be unreasonably withheld, and that clause 6.16 be modified to reflect this.

-
17. Item 16 (a) is supported as it does not change the intent of this provision; however, we would use the word 'contractor' rather than Cleanaway. With regard to 16(b) Cleanaway were concerned that if at a future date they chose to use another recycling facility, Council approval may not be given. This addition does not change the intent of this provision and Shire Staff have no objection with the request.
 18. Cleanaway operate a recycling facility located in Bayswater. The recycling rate of 70% offered by Cleanaway compares poorly with the 90% offered by the other three tenders, who propose using the South Metropolitan Regional Council (SMRC) recycling facility in Canning Vale. This difference of 20%, based on current tonnages of recyclables collected, relates to approximately 1200 Tonnes per annum.
 19. At interview Cleanaway advised that plans were in place to address the current level of contamination, and in particular, glass fines, and were confident that within six months there would be a noticeable improvement. The panel were satisfied that Cleanaway were aware of the Shire's concerns regarding level's of contamination and that they were actively seeking a timely viable long term solution.
 20. The tender submission by Four Seasons Waste Pty Ltd indicates that they have the resources and experience to undertake this contract. Currently they do not have a depot in WA and would need to start from scratch; including establishing a depot, call centre and acquire adequate plant and source labour. Given the time constraints and today's current market this would be challenging and represent a medium to high risk of being able to set up and commence operations by 1 July 2008.
 21. The total cost, including purchase of MGBs and repairs, of Four Seasons Waste Pty Ltd alternative tender for both waste and recycling collections is \$1,821,616 as opposed to Cleanaways total cost of both services of \$1,808,092. This is \$13,524 higher than the combined total cost for Cleanaways submission. By using the SMRC facility 90% of collected material would be recycled as opposed to 70% at the facility operated by Cleanaway.
 22. Visy Recycling are a large company with extensive experience in recycling from collecting to processing and producing new items, particularly containers and are ranked first following the qualitative evaluation. They have the resources and experience, procedures and practises in place to undertake this service to a high standard. Their tendered price is 29.5% higher than the price tendered by Cleanaway.
 23. Thiess Services are a large company that undertake numerous large contracts for eastern states Local Governments. They have the resources and experience to undertake this contract to Shire requirements. They are the most expensive for a fortnightly service. Even when considering the conditional discounts offered they remain significantly higher than the tender prices submitted by Cleanaway and Four Seasons Waste Pty Ltd (alternative tender).

24. After consideration of the qualitative evaluations, tendered prices and interview with Cleanaway and on the basis of the lowest total price for both tenders, a satisfactory qualitative evaluation score, and that Cleanaway offer stability and continuity at medium to low risk at an acceptable level of service that is known to the Shire, it is recommended that the tender for a fortnightly recycling service be awarded to Cleanaway.

MEETING COMMENT

25. A Councillor expressed concern as to the percentage rate of recycled material and requested an amendment to the recommendation be made. The Executive Manager Community Services advised the successful Tender is aware of this and has processes in place to address the rate of recycled items to material collected. The CEO advised there was no scope to change the tender specifications at this time. If changes were required the tenders would have to be recalled in accordance with new specifications.
26. An error was identified in point 2a of the recommendation. This should read "...the actions of persons...".

COMMITTEE RECOMMENDATION TO COUNCIL GS 9/2007

1. That Tender T0720 for the fortnightly Kerbside Recycling Collection Service for five years, with options for up to an additional five years, commencing on 1 July 2008, be awarded to Cleanaway, for the prices tendered in Schedule 8, items 1.1, 2.1-2.8 as shown in ([GSC Item 9 Attachment 1.](#))
2. That the contract in the form contained in the Request for Tender be amended as follows:
 - a. Clause 4.11 – by adding the words ‘the contractor be responsible for the actions of persons within the contractor’s control.
 - b. Clause 6.16 – by adding the words ‘that approval to use a particular recycling facility will not be unreasonably withheld.

Moved: (Cr Taylor)

Seconded: (Cr Heggie)

For the Recommendation

Cr Everett
Cr Tonkin
Cr Morton
Cr Heggie
Cr Lindsey
Cr Taylor
Cr Thomas
Cr Cresswell

Against the Recommendation

Cr Robinson
Cr Sadler

CARRIED

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

10. Waste Collection and Disposal Service - Tender T0719

Previous Items:

Service Area: Community Service

File Reference: HE-RLW-005

Applicant:

Owner:

PURPOSE

1. To consider awarding a tender for the Household Waste Collection and Disposal Service.

BACKGROUND

2. The Shire of Kalamunda's Waste Collection and Disposal Service contract expires on 30 June 2008. The current ten year contract is with Cleanaway.
3. Tender T0719 for Waste Collection and Disposal Services for a five year period with an option for up to an additional five years was advertised on 24 November 2007 and closed on 18 December 2007. A total of three tenders were received; Cleanaway, Thiess Services and Four Seasons Waste Pty Ltd.

DETAILS

4. Cleanaway submitted the lowest tender (*refer to Table One*) and are the current contractor for this service.
5. Four Seasons Waste Pty Ltd submitted the second lowest tender (*refer to Table One*). Four Seasons Waste Pty Ltd commenced waste operations in Melbourne in 1986, and provide extensive waste management services, particularly in Melbourne and Victoria. They have also submitted an alternative tender offering a lower cost if awarded both tenders; T0719 and T0720 (Kerbside Recycling Collection Service).
6. Thiess Services submitted the highest tender (*refer to Table One*). Thiess Services have provided waste operations for twenty years, and provide extensive waste management services to Local Government in the eastern states. Thiess have offered a 5% discount if they are awarded the tender for 10 years and an additional 5% if they are awarded both tenders; T0719 and T0720.

7. **Table one**

	Cleanaway	Four Seasons Waste P/L	Four Seasons Waste P/L (alt. tender)	Thiess Services
Price per service –ex GST	\$0.965	\$0.99	\$0.92	\$1.1021
Annual cost based on 19741 services	\$990,603	\$1,016,267	\$944,409	\$1,131,341
Estimated cost to purchase 700 new MGBs –ex GST	\$35,000	\$49,000	\$49,000	\$47,628
Estimated cost to distribute 700 new and replacement MGBs – ex GST	\$14,000	\$14,000	\$14,000	\$4,984
Estimated cost for repairs to MGBs – ex GST	\$11,100	\$7,700	\$7,700	\$15,994
Total estimated annual cost – ex GST	\$1,050,703	\$1,086,967	\$1,015,109	*\$1,199,947

Note 1: current contract price per service is \$0.795.

Note 2: *Thiess Service cost with 10% discount is \$1,079,952

STATUTORY AND LEGAL IMPLICATIONS

8. The tenders were advertised, opened and evaluated in accordance with the specified evaluation criteria and requirements of the Local Government (Functions and General) Regulations 1996.

POLICY IMPLICATIONS

9. Nil.

PUBLIC CONSULTATION/COMMUNICATION

10. Nil.

FINANCIAL IMPLICATIONS

11. The cost of providing this service and the associated waste disposal at Red Hill will be included in the 2008/2009 Waste Management Budget. The Cleanaway tender received represents an increase of 22.6% in the operating cost of this service.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

12. Nil.

OFFICER COMMENT

13. This tender was evaluated by a panel of two Shire Officers and one Consultant. Each panel member independently evaluated submissions against qualitative criteria. All panel members ranked the tenders in the same order; first Cleanaway, second Thiess Services and third Four Seasons Waste Pty Ltd, before considering price.
14. Cleanaway have fulfilled their contractual obligations to the satisfaction of the Shire over the past 9.5 years. They have operated for many years within Western Australia providing a range of waste services. They are capable, if awarded this tender, of providing a service to the high standard as expected by Council and residents.
15. Cleanaway have requested that the indemnity requirement be modified by adding to clause 4.11 the words 'Cleanaway be responsible for the actions of persons within Cleanaway's control.
16. This addition is supported as it does not change the intent of this provision, however, we would use the word 'contractor' rather than Cleanaway.
17. The tender submission by Four Seasons Waste Pty Ltd indicates that they have the resources and experience to undertake this contract. Currently they do not have a depot in WA and would need to start from scratch; including establishing a depot, call centre and acquire adequate plant and source labour, which given the time constraints and today's current market would be challenging and would represent a medium to high risk of being able to set up and ready to commence operations on the 1 July 2008.
18. The total cost, including purchase of Mobile Garbage Bins (MGB) and repairs, of Four Seasons Waste Pty Ltd alternative tender for both waste and recycling is \$1,821,616 as opposed to Cleanaways total cost of both services of \$1,808,092. This is \$13,524 higher than the combined total cost for Cleanaways submissions.
19. Thiess Services are a large company that undertake numerous large contracts for eastern states Local Governments. They have the resources and experience to undertake this contract to Shire requirements. They are the most expensive, however, when taking into account their conditional discount offer, this would result in a cost lower than the Four Seasons Waste Pty Ltd stand alone submission.
20. After consideration of the qualitative evaluations, tendered prices and interview with Cleanaway and on the basis of the lowest total price for both tenders, a satisfactory qualitative evaluation score, and that Cleanaway offer stability and continuity at medium to low risk at an acceptable level of service that is known to the Shire, it is recommended that the tender for a waste collection and disposal service be awarded to Cleanaway.

MEETING COMMENT

21. Nil.

COMMITTEE RECOMMENDATION TO COUNCIL GS 10/2007

1. That tender T0719 for the Waste Collection and Disposal Service for five years, with options for up to an additional five years, commencing on 1 July 2008, be awarded to Cleanaway, for the prices tendered in Schedule 8 items 1.1, 2.1-2.8 as shown in ([GSC Item 10 Attachment 1.](#)).
2. That the contract in the form contained in the Request for Tender be amended as follows:
 - a. Clause 4.11 - by adding the words 'the contractor be responsible for the actions of persons within the contractor's control'.

Moved: (Cr Taylor)

Seconded: (Cr Everett)

CARRIED UNANIMOUSLY

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

11. Lot 8 Sultana Road East, Forrestfield, Proposed Street Names for Subdivision

Previous Items: N/A
Service Area: Planning and Development Services
File Reference: 134788
Applicant: Gentlybene Pty Ltd
Owner: Gentlybene Pty Ltd and Electricity Networks Corporation

PURPOSE

1. To consider new street names for a subdivision in the Forrestfield Urban Development Zone. 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 as the basis for subdivision in Forrestfield at its meeting of July 2007. The plan was adopted by the WA Planning Commission in August 2007.

DETAILS

3. Two new street names for the subdivision are required ([Attachment 1.](#)) The names selected by the developer are
 - a. Lovett Drive
 - b. Pearce Avenue

The proposed names are surnames of early settlers/businessmen in the Forrestfield district.

STATUTORY AND LEGAL IMPLICATIONS

4. The Transfer of Land Act requires road names to be identified on deposited plans lodged with Landgate prior to certificates of titles being created.

POLICY IMPLICATIONS

5. Nil

PUBLIC CONSULTATION/COMMUNICATION

6. Nil

FINANCIAL IMPLICATIONS

7. Nil

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

8. Nil

OFFICER COMMENT

9. Preliminary liaison with the GNC has indicated their acceptance of these names and it is recommended that Council endorses the use of the names.

MEETING COMMENT

10. Nil.

COMMITTEE RECOMMENDATION TO COUNCIL GS 11/2008

1. That Council supports the new names of Pearce Avenue and Lovett Drive and requests Geographic Names Committee to approve the name.

Moved: (Cr Sadler)

Seconded: (Cr Morton)

CARRIED UNANIMOUSLY

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

Mr Neil Wilson declared an interest affecting impartiality as he owns property in Spring Road (No. 37), not a proximity interests.

12. Lot 421 (1B) Spring Road, Kalamunda - Proposed Disposal of Land by the Crown

Previous Items: PS 10/ September 2007 & PS 16/ April 2007
Service Area: Planning and Development Services
File Reference: SP-03/001
Applicant: Department for Planning and Infrastructure
Owner: State of Western Australia

PURPOSE

1. To consider a request from the Department for Planning and Infrastructure (DPI) to agree to the disposal of Lot 421 (1B) Spring Road, Kalamunda ([Attachment 1.](#)).

BACKGROUND

2. Lot 421 comprises a land area of 677sqm, and is zoned Residential R30 under Local Planning Scheme No.3.
3. Spring Road Community Kindergarten, which joins the lots, requested Council to consider taking management of the land for the purpose of 'parking' to be used by the kindergarten.
4. Council, at it's Ordinary Meeting of 10 September 2007, considered the request and resolved that it would not support it as it was against Council practice to fund works on reserves that will be used for private organisations; and that it was practise to require that "Parking Reserves" are drained, filled, stabilised and surfaced.

DETAILS

5. The DPI proposes to dispose of Lot 421 on the open market. Under the R30 coding, the lot has potential for two dwellings.
6. The vegetation on the lot has mostly been cleared, the site is relatively small and is surrounded by residential blocks and the community Kindergarten

STATUTORY AND LEGAL IMPLICATIONS

7. The DPI consults with local Authorities in respect to disposal of Crown land, but is not fettered by its advice.

PUBLIC CONSULTATION/COMMUNICATION

8. Disposal of the lot would require further community consultation by the responsible agency (DPI).

POLICY IMPLICATIONS

9. Nil

FINANCIAL IMPLICATIONS

10. Nil

STRATEGIC AND SUSTAINABILITY IMPLICATIONS**11. Social**

The Spring **Road** Community Kindergarten has been interest in acquiring this land but does not have the financial resources.

Economic

The site can be connected to a reticulated sewer service.

Environmental

The site is mostly cleared and has limited environmental attributes. This site can be connected to a reticulated sewer service.

OFFICER COMMENT

12. Traffic movements in this locality are a potential problem and the development of the two dwelling units would exacerbate the situation.

MEETING COMMENT

13. The Committee was advised of a correction to the body of the report. Paragraph 11 under the section Social "Park" should be replaced with "Road".
14. Councillors queried the possibility of the Crown disposing of the land despite the Council's recommendation. The Executive Manager Planning and Development Services advised that the Crown had the right to dispose of the land if they wished to do so.

COMMITTEE RECOMMENDATION TO COUNCIL GS 12/2008

1. That Council does not approve the disposal of Lot 421 (1B) Spring Road, Kalamunda and that the Department for Planning and Infrastructure be advised of Council's decision.

Moved: (Cr Tonkin)

Seconded: (Cr Thomas)

CARRIED UNANIMOUSLY

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

13. Lots 7, 8 & 9 Berkshire Road, Forrestfield - Proposed Street Name for 13 Lot Subdivision

Previous Items: N/A
Service Area: Planning & Development Services
File Reference: 131722
Applicant: Gray & Lewis Planning Consultants
Owner: Paluch Homes Pty Ltd & R&V Bobowski

PURPOSE

1. To consider a street name for the subdivision of Lots 7, 8 & 9 Berkshire Road, Forrestfield. The recommendation of Council s forwarded to Geographic Names Committee (GNC) of the Department of Land Information for approval.

BACKGROUND

2. The subdivision was approved by the Western Australian Planning Commission (WAPC) in May 2007 ([Attachment 1.](#)).

DETAILS

3. One street name is required for the subdivision, the name selected by the owner is:
 - Briza Lane – after *Briza maxima*, Blowfly Grass a common grass species of the region.

STATUTORY AND LEGAL IMPLICATIONS

4. The transfer of land Act requires road names to be identified on deposited plans lodged with Landgate prior to certificates of titles being created.

POLICY IMPLICATIONS

5. Nil

PUBLIC CONSULTATION/COMMUNICATION

6. Nil

FINANCIAL IMPLICATIONS

7. Nil

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

8. Nil

OFFICER COMMENT

9. Preliminary liaison with the Geographic Names Committee (GNC) has indicated their acceptance of this name and it is recommended that Council endorses the use of the new name.

MEETING COMMENT

10. Nil.

COMMITTEE RECOMMENDATION TO COUNCIL GS 13/2008

1. That Council supports the new name of Briza Lane as shown on ([GSC Item 13 Attachment 1](#)) and request the Geographic Names Committee to approve the name.

Moved: (Cr Robinson)

Seconded: (Cr Morton)

CARRIED UNANIMOUSLY

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

14. Change of Road Name - Agraulia Court to Feeney Gardens, High Wycombe

Previous Items: N/A
Service Area: Planning and Development Services
File Reference: 120791
Applicant: A. Blasscetta
Owner: As Above

PURPOSE

1. To consider the change of road name of Agraulia Court to Feeney Gardens and the extension of the road name Feeney Gardens into a new subdivision.

BACKGROUND

2. Lot 4 Littlefield/ Maida Vale Roads, High Wycombe was approved by the Western Australian Planning Commission in February 2004. Refer ([Attachment 1](#)) Subdivision Plan.

DETAILS

3. The applicant for the subdivision of Lot 4 requests consideration for the new road to be named as an extension of Feeney Gardens. Additionally this will result in the need to consider changing the road name of Agraulia Court to Feeney Gardens

STATUTORY AND LEGAL IMPLICATIONS

4. It is necessary for road names to be shown on the Deposited Plan prior to Certificates of Title being issued by Landgate. The Local Government is to forward proposed road names to Landgate for determination. Landgate will also determine the change in road name for existing Agraulia Court.

POLICY IMPLICATIONS

5. N/A

PUBLIC CONSULTATION/COMMUNICATION

6. The proposal to change Agraulia Court to Feeney Gardens was forwarded to the effected land owners for comment. Refer ([Attachment 2.](#)) Public Consultation Plan. At the end of the advertising period one (1) submission of objection had been received. Refer ([Attachments 3.](#)) Submission Table.

FINANCIAL IMPLICATIONS

7. Nil.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

8. Nil.

OFFICER COMMENT

9. In an earlier subdivision, Agraulia Court terminated at the southern boundary of Lot 4 with an intention of linking in to this land. It was not known at the time however, what the road layout would be for Lot 4 and it may have been anticipated that Agraulia Court could have continued as a no-through road, or that its suffix could have been altered if it became a through road.
10. As the road network has ended up with Feeney Gardens effectively becoming a loop road, it is not possible to give alternative road names due to the difficulty in demarking a separate road. If Agraulia Court was retained, it would not be clear where it stopped and Feeney Gardens started.
11. Given that subdivision works have taken place it is not possible to alter roads so as to allow for multiple road names. As such it is recommended that the extension of Feeney Gardens and the change to Agraulia Court be supported.

MEETING COMMENT

12. Two residents of Agraulia Court expressed their objection and concern regarding the change of name.
13. A Councillor proposed an amendment to the Officer Recommendation to allow for the existing part of Agraulia Court and lots in the Subdivision up to Lot 51 to be known as Agraulia Court.

OFFICER RECOMMENDATION

1. That Council supports the road name extension of Feeney Gardens and the change of road name from Agraulia Court to Feeney Gardens and advises the Geographic Names Committee accordingly.

Moved: (Cr)

Seconded: (Cr)

There being no mover the recommendation LAPSED

COMMITTEE RECOMMENDATION TO COUNCIL GS 14/2008

That Council supports the road name extension of Agraulia Court from house number 1 to Lot 51 Feeney Gardens and from Lot 51 to remain as Feeney Gardens and this be advised to the Geographic Names Committee accordingly.

Moved: (Cr Taylor)

Seconded: (Cr Thomas)

CARRIED UNANIMOUSLY

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

15. Location 2611, Reserve 33963 (11) Schofield Road, Wattle Grove – Disposal of Land

Previous Items: N/A
Service Area: Planning and Development Services
File Reference: SC-04/011
Applicant: Department for Planning and Infrastructure
Owner: The Crown

PURPOSE

1. To consider a request from the Department for Planning and Infrastructure (DPI) to agree to the disposal of a portion of Reserve 33963. Refer ([Attachment 1.](#)) for Locality Plan.

BACKGROUND

2. Originally the entire reserve comprised three parcels totalling 7.6 hectares divided by Schofield and Welshpool Roads. The portion on the corner of Schofield and Hartfield Road (4.05 hectares) was disposed of by the DPI in October 2003. The Portion to the west is Bush Forever site 50.
3. The portion of Reserve 33963 in question comprises a land area of 3.5588 ha and is currently managed by the DPI.
4. In 1998 the then Department of Land Administration wrote to the Shire seeking comment on the sale of the reserve. Council advised that it did not object to the disposal; however, it appears that the sale did not proceed.
5. The DPI is seeking the Shire's advice and comment on the disposal of a portion of the reserve. Approximately one-third of the Bush Forever portion abutting Welshpool Road would be reserved for Recreation, with the balance being disposed of on the open market ([Attachment 2.](#)).

DETAILS

6. The site is considered to be an Environmentally Sensitive Area (ESA), containing Declared Rare Flora (DRF), potentially significant fauna and a rare vegetation type (Forrestfield Vegetation Complex).
7. When the area to the north of Schofield Road was disposed of a restrictive covenant was placed on the land for the conservation of Flora. The DPI has indicated that if the balance of the site was disposed of, it would also be subject to a restrictive covenant relating to vegetation protection.

STATUTORY AND LEGAL IMPLICATIONS

8. Reserve 33963 is zoned Special Rural under Local Planning Scheme No 3. If the land was disposed of it could be used for uses conforming to the Scheme. It is anticipated that likely development would be a single dwelling and outbuildings.
9. The DPI is not fettered by Council's comments on the disposal of part of the Reserve. The Shire would not have a role in administering the Restrictive Covenant.

POLICY IMPLICATIONS

10. Nil

PUBLIC CONSULTATION/COMMUNICATION

11. Disposal of the reserve would require a community consultation by the responsible agency (DPI).

FINANCIAL IMPLICATIONS

12. Nil

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

13. In the Draft Local Biodiversity Strategy the site is located in the Forrestfield Complex where formal protection of vegetation is encouraged. The reservation of the Bush Forever portion of the site and imposition of the restrictive covenants will achieve this objective.

OFFICER COMMENT

14. It is recommended that the disposal of the Reserve be agreed to subject to the imposition of a restrictive covenant to protect the significant vegetation and the inclusion of drainage easements for the water courses.
15. It is noted that the existing Bush Forever sites continue to be managed by Department of Environment and Conservation as Parks and Recreation Reserves.

MEETING COMMENT

16. Nil.

COMMITTEE RECOMMENDATION TO COUNCIL GS 15/2008

1. That Council supports the Department for Planning and Infrastructure's disposal of a portion Reserve 33963, Location 2611 (11) Schofield Road, Wattle Grove subject to:
 - i. The vegetation and Priority Species on the site are protected and managed under a conservation covenant.
 - ii. An easement for drainage be imposed over the creek-lines identified on the property.
 - iii. The continued management by Department of Environment and Conservation of the Bush Forever sites reserved for Parks and Recreation.

Moved: (Cr Tonkin)

Seconded: (Cr Sadler)

CARRIED UNANIMOUSLY**For the Recommendation**

Cr Everett
Cr Tonkin
Cr Morton
Cr Sadler
Cr Heggie
Cr Lindsey
Cr Taylor
Cr Thomas
Cr Cresswell

Against the Recommendation

Cr Robinson

CARRIED

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

16. Lots 9001 & 9 (16 & 3) William Street, Wattle Grove - Request for Staged Payments of Cell Infrastructure Contributions – Wattle Grove Urban Area U9

Previous Items: PS 82/02
Service Area: Planning and Development Services
File Reference: PG-DEV-013
Applicant: Darren Blowes
Owner: Starshore Pty Ltd

PURPOSE

1. To consider a request for the staged payment of Cell Infrastructure Contributions for Lots 9001 & 9 (16 & 3) William Street, Wattle Grove. Refer ([Attachment 1a](#), [1b](#), [1c](#) & [1d](#)) Locality Plans.

BACKGROUND

2. In August 2002, Council adopted the following guidelines for staged payments of Cell Infrastructure Contributions for residential subdivisions in the Wattle Grove Urban Area U9:
 - a) The Cell Infrastructure Contributions and any GST applicable for the dwelling yield of the stage subject of the clearance request shall be paid prior to the clearance of the subdivision.
 - b) No stage shall be less than one third of the total lot yield or not less than 20 lots, which ever is the greater.
 - c) No refund for Cell Infrastructure Works is to be provided by the Council in the first stage of a staged subdivision.
 - d) Any refund of Cell Infrastructure Works in Stage 2 or subsequent stages should not exceed payment of Cell Infrastructure Contributions for that stage unless the subdivision is complete.
 - e) Payment by the Council for the provision of Public Open Space shall be made only after land is transferred either to the Shire of Kalamunda or the Crown.
3. An application to subdivide Lot 9001 William Street into 21 residential lots (WAPC Ref: 125238) was approved by the Western Australian Planning Commission in December 2004.
4. An application to subdivide Lot 9 William Street into thirteen (13) residential lots (WAPC Ref: 129430) was approved by the Western Australian Planning Commission in April 2006.

DETAILS

5. The applicant has submitted a request for subdivision clearance for Lots 9001 and 9 William Street creating five (5) single residential lots and a balance lot and eight (8) single residential lots and a balance lot respectively refer ([Attachments 2 & 3.](#)) deposited plans.
6. The applicant is seeking Council approval for variation to the adopted guidelines to allow for staging of a subdivision to be less than 20 lots or one third of the total lot yield. In support of the request the applicant has provided the following information:
 - The power supply to a portion of Lot 21 William Street which adjoins Lot 9001 is reliant upon the installation of a high voltage transformer and switch gear on Lot 9001. Western Power urgently needs to install the transformer in order to provide a power supply to houses which are close to completion. The transformer site is located within a proposed road reserve.
 - Lots 9001 and 9 have experienced delays in securing approval for an appropriate stormwater design for both lots. The delays have been due in part to securing the necessary technical advice and design approval from the Water Corporation and approval from the City of Gosnells due to the stormwater being discharged into an area which falls under the jurisdiction of the City of Gosnells.

STATUTORY AND LEGAL IMPLICATIONS

7. Under the provisions of Local Planning Scheme No.3, Schedule 11 – Development Areas, contains provisions pertaining to the Wattle Grove Urban Area U9. The provisions enable Council to require landowners to pay their full Cell Infrastructure Contributions at the time they seek clearance for any subdivision or approval for development of the land. Clause 7.7 of Schedule 11, however, gives Council the discretion to vary the payment of Cell Infrastructure Contributions in terms of deferred payments and to take action in order to secure that payment.
8. Council has previously resolved that payment of Cell Infrastructure Costs is to be made at the time of initial subdivision or development unless specific approval of the Council is given to vary the process.

POLICY IMPLICATIONS

9. Nil.

PUBLIC CONSULTATION/COMMUNICATION

10. Nil.

FINANCIAL IMPLICATIONS

11. Nil.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

12. • **Social**
 The staged payments of the Cell Infrastructure Contributions will allow for the release of residential lots at a time where there is strong market demand for residential land.
- **Economic**
 The staged payments of Cell Infrastructure Contributions does not compromise the financial viability of the Scheme, given contributions for the balance of the land will be calculated at the contribution rate and value rate applicable at the time of subdivision clearance.
- **Environmental**
 The lots to be created under the subdivision approval for each of the subject lots have already been cleared of all vegetation.

OFFICER COMMENT

13. The requirement that no stage should be less than one third of the total lot yield or not less than 20 lots was basically to allow developers to use the stages to enable funding to be generated to continue on with other stages of the subdivision. Essentially this precluded small lot subdivision approvals such as those applicable to Lots 9001 and 9.
14. The request for staged payments of Cell Infrastructure Contributions is not related to any future funding issues, but rather the requirement of Western Power to install the transformer in order to provide a power supply to houses which are close to completion. The transformer site is located within a road reserve identified on the proposed deposited plan for Lot 9001. Furthermore, the applicant is experiencing problems in securing technical advice and approval for stormwater disposal from the Water Corporation and the City.
15. If Council were to support a variation to the adopted guidelines in this instance to allow for staged payments for subdivisions less than one third of total lot yield or less than 20 lots the contribution for the balance of the land will be calculated at the contribution rate applicable at the time of subdivision clearance. Importantly, this does not compromise the financial management of the Scheme. In regard to Lot 9001 this would equate to an additional 15 lots and Lot 9 an additional 10 lots which would be cleared under a separate stage.
16. Given the particular circumstances affecting the clearance of the subject lots, in particular the matter of the Western Power transformer, it is recommended that the request for the staged payments for Lots 9001 and 9 William Street be supported.

MEETING COMMENT

17. A Councillor indicated the words in the recommendation “be supported” are superfluous and should be removed.

COMMITTEE RECOMMENDATION TO COUNCIL GS 16/2008

1. That Council supports the request for the staged payments of Cell Infrastructure Contributions for Lots 9001 & 9 (16 & 3) William Street, Wattle Grove.

Moved: (Cr Taylor)

Seconded: (Cr Morton)

CARRIED UNANIMOUSLY

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

17. Cell 9 Wattle Grove – Review of Cell Infrastructure Contributions

Previous Items: GS 11/07
 Service Area: Engineering Services
 File Reference: PG-DEV-013
 Applicant: N/A
 Owner: N/A

PURPOSE

1. To consider the adoption of the Cell 9 Infrastructure Contribution rate, which will apply from 1 March 2008.

BACKGROUND

2. The provisions for the development of Cell 9 Wattle Grove, within the Shire of Kalamunda District Planning Scheme No 2, requires that new estimates be prepared at least annually, to permit the determination of Cell Infrastructure Contributions to be paid by developers.
3. Due to rapidly increasing land costs, at its Ordinary Meeting held in October 2003, Council resolved to review the costs every six months. A detailed review was not conducted in September 2007, as there was an insignificant increase in property values. At the October 2007 Ordinary Council Meeting, Council resolved that the Contribution Rate would remain unchanged.
4. The Council adopted the Outline Development Plan for Cell 9, Wattle Grove in September 2000, with Cell Infrastructure Contributions of \$6,700 per potential dwelling. Subsequent reviews have amended the Contribution Rate as below:

5.	Date Amended	New Rate
	1/11/2001	\$7,100
	1/11/2002	\$8,100
	1/11/2003	\$10,000
	1/11/2004	\$12,550
	19/7/2005	\$13,550
	1/3/2006	\$15,500
	1/9/2006	\$19,050
	1/3/2007	\$22,050

DETAILS

6. The ninth Contribution Rate review has now been completed. Over the past six months, a number of issues have impacted upon the Cell Infrastructure Contributions.

7. Number of Dwellings Units

All remaining lots to be subdivided have been reviewed, having regard to the size of the new lots created to date, and alterations to the Outline Development Plan. It is now estimated that the total yield for Cell 9 will be 1935 dwelling units, of which 1035 have already been created. The anticipated and actual yields are shown at ([Attachment 1.](#))

8. Land Valuations

Large portions of the Cell Infrastructure Contributions are for the purchase of land for Public Open Space, the school site and road reserves. In January 2007 it was estimated that \$16,393,900 would be required to purchase the remaining land.

9. Since the last review, the scheme has purchased five areas of land for Public Open Space and two areas for the school site, as follows:

Public Open Space

Lot 3	(260) Hale Road	\$547,794
Lot 50	(85) Sheffield Road	\$783,020
Lot 60	(27) St John Road	\$612,768

10. The land purchases to date are shown at ([Attachment 2.](#)) It is now estimated that \$13,836,700 will be required to purchase the remaining land.

11. Contributions

Since January 2007, Cell 9 has received Cell Infrastructure Contributions amounting to \$2,518,050 with 121 lots being created. The total contributions received to date are shown at ([Attachment 1.](#)) A contribution of \$98,800 remains in dispute. As previously recorded, this amount has been included as income.

12. Cell Infrastructure Works

Since the last review, an amount of \$371,313 was paid for the construction of works. Payments made to date for the construction of works are shown at ([Attachment 3.](#))

13. A review has been conducted of all outstanding Cell Infrastructure Works, and the estimated cost for their construction is \$6,305,500.

14. Cell Management

Since the last review, an amount of \$66,589 was paid for Cell Management. Payments to date for Cell Management are shown at ([Attachment 3.](#))

15. Cell Infrastructure Contributions

The status of Cell Infrastructure Costs is as follows:

Cell Infrastructure Costs	Actual to 15/01/08	Predicted	Total
Management & Administration	\$442,169	\$680,100	\$1,122,269
Land Purchases	\$11,617,331	\$13,836,700	\$25,454,031
Drainage, Roads & Services	\$2,380,979	\$6,305,500	\$8,686,479
Repayment to Education Dept	Nil	\$3,909,090	\$3,909,090
TOTAL	\$14,440,479	\$24,731,390	\$39,171,869

STATUTORY AND LEGAL IMPLICATIONS

16. N/A

POLICY IMPLICATIONS

17. Nil.

PUBLIC CONSULTATION/COMMUNICATION

18. Nil.

FINANCIAL IMPLICATIONS

19. Scheme is cost neutral to the Shire.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

20. N/A

OFFICER COMMENT

21. It is expected that further contributions for 15 lots will be received before the adoption of the new rate. There is no land required for public purposes associated with these developments.

22. The scheme currently has a cash balance of \$2,466,685. The remainder of the Cell Infrastructure Costs will require contributions by the 885 potential dwelling units, yet to be developed, which will result in a Cell Infrastructure Contribution rate of \$24,650 (rounded to the nearest \$50) per dwelling unit. Calculations for the contribution rate appear at ([Attachment 4.](#))

MEETING COMMENT

23. Nil.

COMMITTEE RECOMMENDATION TO COUNCIL GS 17/2008

1. That the revised Cell 9 Infrastructure Contribution of \$24,650 plus GST, per potential dwelling, be adopted, commencing 1 March 2008.

Moved: (Cr Taylor)

Seconded: (Cr Morton)

For the Recommendation

Cr Everett
Cr Tonkin
Cr Morton
Cr Sadler
Cr Heggie
Cr Lindsey
Cr Taylor
Cr Thomas
Cr Cresswell

Against the Recommendation

Cr Robinson

CARRIED

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

18. Lot 720 Worrell Avenue, High Wycombe – Request Closure of Road Reserve

Previous Items: N/A
Service Area: Engineering Services
File Reference: 129132
Applicant: Paterson Tudor Owen & Parker
Owner:

PURPOSE

1. To consider a request for the permanent closure of road reserve adjacent to Lot 720 Worrell Avenue, High Wycombe as shown at ([Attachment 1.](#)) under Section 58 of the Land Administration Act 1997.

BACKGROUND

2. A request has been received from Paterson Tudor Owen & Parker, for the closure of a portion of road reserve adjacent to Lot 720 Worrell Avenue, High Wycombe as shown at ([Attachment 1.](#))
3. The intersection of Worrell Avenue, Munday Road & Hornet Fairway includes a roundabout, which was constructed as part of the subdivision for Lot 121 Worrell Avenue. A minor change to the road alignment at this intersection has resulted in the subject road reserve becoming surplus to requirements.

DETAILS

4. The Deposited Plan showing the survey details of the proposed road closure is shown at ([Attachment 2.](#))

STATUTORY AND LEGAL IMPLICATIONS

5. Nil.

POLICY IMPLICATIONS

6. Nil.

PUBLIC CONSULTATION/COMMUNICATION

7. No community consultation is required to be carried out, as there is a statutory requirement for a public notice to be issued, with a 35 day submission period as required under the Act.

FINANCIAL IMPLICATIONS

8. The applicant would be required to deal directly with the Department for Planning and Infrastructure, regarding the purchase of the road reserve.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

9. The road closure will be affected under Section 58 of the Land Administration Act 1997.
10. The Shire will be required to indemnify the Minister for Planning against any claims which may arise from the road closure. Accordingly, the applicant will be required to indemnify the Shire of Kalamunda against any claims which may arise.

OFFICER COMMENT

11. The road reserve, which was previously created as part of the subdivision, has now become surplus to current and future requirements of the road network.

MEETING COMMENT

12. Nil.

COMMITTEE RECOMMENDATION TO COUNCIL GS 18/2008

1. That the intention to close the portion of road reserve adjacent to Lot 720 Worrell Avenue, High Wycombe, as shown at (*GSC Item 18 Attachments 1 & 2.*) be advertised subject to the applicant meeting all costs associated with the closure, in accordance with Section 58 of the Land Administration Act 1997.
2. That, at the end of the notice period, if no objections are received, the closure of the portion of road reserve Lot 720 Worrell Avenue, High Wycombe, as shown at (*GSC Item 18 Attachments 1 & 2.*) be recommended to the Minister for Planning and Infrastructure.
3. That the Minister for Planning and Infrastructure be indemnified against any claims arising as a result of the road closure.
4. The applicant will be required to indemnify the Shire of Kalamunda against any claims which may arise from the road closure.

Moved: (Cr Robinson)

Seconded: (Cr Taylor)

CARRIED UNANIMOUSLY

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

19. Tender for the Supply & Laying of Asphalt and Profiling of Road Surfaces (T0721)

Previous Items: N/A
Service Area: Engineering Services
File Reference: T0721
Applicant: N/A
Owner: N/A

PURPOSE

1. To consider Tenders for the Supply and Laying of Asphalt & Profiling of Pavements.

BACKGROUND

2. The Tender for the Supply and Laying and Profiling of Pavements was advertised in the West Australian on Saturday 17 November 2007.
3. The scope of the Tender also included the supply of profiling of pavements, as it is more efficient and cost effective to have profiling and resurfacing carried out by the same Contractor.

DETAILS

4. Details of submissions are presented at ([Attachments 1, 2 & 3](#)) The price of bitumen submitted in the 'Schedule of Prices' is subject to Rise and Fall adjustments.

STATUTORY AND LEGAL IMPLICATIONS

5. The Tender is undertaken in accordance with the statutory requirements of the Local Government Regulations 1996.

POLICY IMPLICATIONS

6. Nil.

PUBLIC CONSULTATION/COMMUNICATION

7. Nil.

FINANCIAL IMPLICATIONS

8. Nil.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

9. Nil.

OFFICER COMMENT

10. Pioneer Road Services is the current Contractor for the Supply and Laying of Asphalt, which expired on the 31 December 2007. During their contractual term Pioneer Road Services provided quality service.
11. Tendered rates by Pioneer Road Services, for a period of three years, are the lowest, as shown at ([Attachment 1.](#))
12. The majority of the Council's profiling works are greater than 3000m² and the extent of thickness to be profiled is between 25 & 40mm. Pioneer Road Services submitted a tender for the profiling of road pavements, with the three year average price for typical works (3000m² and over, with a thickness of profiling up to 50mm), being \$2.68. This is the lowest tendered price.
13. Based upon the overall weighted average rate, Pioneer Road Services' rate for typical works is the lowest tendered rate of \$4.36/ m².
14. The majority of the Council's resurfacing works require greater than 200 tonne of AC10/RAC7 asphalt mix. Pioneer's tendered price for this mix is \$108/tonne. This compares with \$99/tonne under the previous contract.

MEETING COMMENT

15. Nil.

COMMITTEE RECOMMENDATION TO COUNCIL GS 19/2008

1. That the Contract for the Supply and Laying of Asphalt & Profiling of Road Surfaces, be awarded to Pioneer Road Services, based upon their Tendered price shown at ([GSC Item 19 Attachments 1,2 & 3.](#))

Moved: (Cr Taylor)

Seconded: (Cr Everett)

CARRIED UNANIMOUSLY

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

20. Tender for the Supply and Installation of Street Lighting on Welshpool Road, Wattle Grove

Previous Items: N/A
Service Area: Engineering Services
File Reference: T0716
Applicant: N/A
Owner: N/A

PURPOSE

1. To consider the Tenders for the Supply and Installation of Street Lights on Welshpool Road, Wattle Grove.

BACKGROUND

2. The project for the installation of street lighting on Welshpool Road, from Crystal Brook Road west, to Crystal Brook Road east, was funded under the National Black Spot Programme for the 2006/07 financial year. The total budget allocation for the project is \$350,000 which is fully funded by the Federal Government.
3. The project could not commence in the 2006/07 financial year, due to a delay caused by Western Power in approving the design drawings. Subsequently, Main Roads WA approved the carry over of the funds to allow the project to be carried out in the 2007/08 financial year.
4. Tenders were initially called on 14 October 2007, without any submissions being received. The Tender was then readvertised on 17 November 2007, with two submissions being received.

DETAILS

5. Two Tenders were received and the lump sum prices offered by them are as follows;
 - Underground Services Australia - \$670,853
 - Mossy's Mini Excavations - \$934,253
6. The total allocated funds to complete the project is \$350,000. A total of \$61,009 is already expended to date, with the majority being for overhead costs. Another quotation of \$41,000 from Western Power, which is in addition to the Tendered price, is still to be authorised for payment, to enable them to carry out their part of the project.
7. Based upon the lowest tendered submission, the total cost of the project is estimated at approximately \$773,000. With the current allocated funds, the short fall to undertake the project is approximately \$423,000.

8. The maximum funding offered for any project under the National Blackspot Programme, is \$750,000 having a Benefit Cost Ratio (BCR) greater than 2. Consequently, the maximum applicable funding and expenditure for this project needs to be contained to \$700,000 to comply with above criteria.

STATUTORY AND LEGAL IMPLICATIONS

9. The Tender is undertaken in accordance with the Statutory requirements of The Local Government Regulations 1996.

POLICY IMPLICATIONS

10. Nil.

PUBLIC CONSULTATION/COMMUNICATION

11. Nil.

FINANCIAL IMPLICATIONS

12. Nil.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

13. Nil.

OFFICER COMMENT

14. The original application for the project to \$350,000 was based upon the estimates provided by Western Power at that time.
15. To comply with the conditions for additional funding, being the containment of costs to \$700,000, the project expenditure needs to be reduced by \$73,000. This can be achieved by carrying out part of the works (primarily civil works) in-house.
16. An application has been made to Main Roads WA for additional funding of \$350,000, from the Federal Government. As part of the application, a commitment has been given to Main Roads WA that, the project cost will not exceed \$700,000 so that a BCR of 2 is maintained.

MEETING COMMENT

17. Nil.

COMMITTEE RECOMMENDATION TO COUNCIL GS 20/2008

1. That both Tender submissions be rejected.
2. That actions be taken by Staff in respect to seeking the additional funding, be endorsed.
3. That subject to the Federal Government approval of additional funding, further negotiations be carried out with the lowest Tenderer, with a view to containing costs to the \$700,000 funding allocation.

Moved: (Cr Thomas)

Seconded: (Cr Tonkin)

For the Recommendation

Cr Everett
Cr Tonkin
Cr Morton
Cr Sadler
Cr Heggie
Cr Lindsey
Cr Taylor
Cr Thomas
Cr Cresswell

Against the Recommendation

Cr Robinson

CARRIED

10.0 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

10.1 Nil.

11.0 QUESTIONS BY MEMBERS WITHOUT NOTICE**11.1 Graffiti on Gumnuts (Cr Everett)**

Q. Can the graffiti on the Gumnuts at the roundabout on the corner of Canning Road be removed?

A. The CEO thanked the Councillor for the advice.

11.2 Power Supply issues Kalamunda Learning Centre (Cr Tonkin)

Q. What is the situation with the power supply at the Kalamunda Learning Centre in relation to the airconditioners?

A. Staff have been in contact with Western Power and have been advised that the organisation is not able to keep up with the demands to upgrade power supplies. The Shire has received agreement from Western Power that this work would be completed but at this time there is no timeline for its completion.

Q. Is this power supply issue the same as that being experience by the Kalamunda Library?

A. Yes, the issue of adequate power supply is the problem at both sites.

11.2 Response to Previous Correspondence (Cr Sadler)

Q1 On 22 January I emailed photographs of numerous trucks parked on a special rural block in High Wycombe. The photos showed a disregard of Shire policies on truck parking. What, if anything, has been done about this complaint?

A. The CEO indicated to the Councillor that he had advised, by way of return email, the complainant was required to submit the complaint to the Shire in writing, and to his knowledge, as yet this had not been received.

Q2. Why does the complainant have to put the complaint in writing especially with the FOI (Freedom of Information), the other people can apply in a certain time for the information on who put the complaint in. I, as a councillor, put the complaint in and would like to know why it has not been dealt with?

A. The CEO advised complaints are not discoverable under FOI.

Q3. On the 17 June 2007 an email was sent to the Executive Manager Community Services and the then Shire President, Cr Taylor, regarding the banners or lack of on the banner poles in Forrestfield. Subsequent emails culminated in a response from the Acting Executive Manager Community Services on the 18 September 2007 with advice that new banners would be purchased and the existing cleaned. Again I ask when are the banners going to be installed on the banner poles in Forrestfield?

A. The Executive Manager Community Services advised the banners are ready to be erected once contractors are available to install them.

11.3 Progress on Gumnut Fountain, High Wycombe (Cr Heggie)

Q. The ratepayers of High Wycombe are very grateful for the gumnuts, but would appreciate water on them before they die?

A. The Executive Manager Engineering Services advised the fountain would be operational during the current month.

11.4 Breach of Council Policy (Cr Lindsey)

Q. Is it a requirement when there is a breach of Council policy, such as the truck parking issue, that complaints must be initiated by a resident and cannot be initiated by a Councillor, is there some particular reason for this?

A. The CEO advised it is important when staff resources are applied to investigating a complaint there is a basis to that complaint and there is a record of the complaint particularly in the event of it following through to legal proceedings. Generally it is best, and is the practice of the Shire, to request the complainant put the complaint in writing. It is not open to a Councillor to ask staff to undertake an investigation this is in conflict with the rules of a Councillor's appointment. A Councillor's role is to pass the information on, but it is not open to a Councillor to ask the staff to take action on the matter. The Councillor should refer complaints to the CEO or an Executive Manager and the Executive Manager can make an assessment on the matters priority for attention.

Q. If I am a resident and a councillor, why can I not make a complaint as a resident in the area in which I live?

A. The CEO advised there was nothing more he could add to the comments made in the above statement.

11.5 Crime Prevention Committee (Cr Taylor)

Q1. Can the funding from the Crime Prevention Grant be used for the purpose of funding additional policing in the area?

A. The funds will be allocated once a Plan has been formulated by the Crime Prevention Committee and endorsed by Council. There are objectives which are required to be addressed.

-
- Q. Prior to Town Planning Scheme 3 the Shire was advised by the Minister that the Quinn Study report stood; which meant that foothills land would be zoned industrial. Where do we stand now with the land? Is it industrial at the moment or what process are we waiting for?
- A. The Executive Manager Planning and Development Services advised the recommendation of the report was for the DPI to follow through on the rezoning of that land. It seems to have fallen into a bit of a "hole". Shire staff have discussed following this up the DPI and trying to progress this independently as there are some landowners who want to get some resolution for the future of their land. At this stage it is in limbo.
- Q. I am certain the Minister indicated at the time of signing off on Town Planning Scheme 3 that this matter should proceed urgently. Is there a hold up because everyone is waiting for everyone else?
- A. Officially this is with the Department of Planning and Infrastructure and that Department has made no indication for the Shire to take over the responsibility for this land rezoning.
- Q. It has previously been indicated that The Banners in the Terrace banners, which were done by local schools, would be put up in Forrestfield. Can they be put up at the same time as the other banners?
- A. The Executive Manager Community Services advised the banners could be put up at the same time.

12.0 URGENT BUSINESS APPROVED BY THE PERSON PRESIDING OR BY DECISION

12.1 Citizenship Ceremony

Councillors wished to commend the Shire staff and the History Village on an excellent Australia Day Citizenship Celebration.

13.0 MATTERS CLOSED TO THE PUBLIC

13.1 Nil.

14.0 CLOSURE

There being no further business, the Chairman declared the meeting closed at 8.32pm.

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

Signed.....Chairman

Dated thisday of.....2008