
Shire of Kalamunda

General Services Committee

Minutes for 4 September 2006



SHIRE OF KALAMUNDA

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

1.0 OFFICIAL OPENING

- 1.1 The Chairperson opened the Meeting at 7:00 pm and welcomed Councillors staff and members of the public gallery. The Chairperson welcomed Maggie Myers, President of the Kalamunda & District Historical Society, and Gaye Bridgmont, the Vice-President of the Kalamunda & District Historical Society, to the meeting.

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
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	EXECUTIVE MANAGER COMMUNITY SERVICES
S Burrows	EXECUTIVE MANAGER PLANNING AND DEVELOPMENT SERVICES
M Singh	EXECUTIVE MANAGER ENGINEERING SERVICES
B Millan	EXECUTIVE ASSISTANT
D Elkins	MANAGER ENGINEERING SERVICE
R Briede	MANAGER LIBRARY SERVICE
J Smith	MANAGER HEALTH SERVICE
D McPherson	MINUTE SECRETARY

Apologies

S Bilich

SOUTH WARD

Observers

9

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 7 August 2006 is confirmed as a true and correct record of the proceedings.

Moved: (Cr Taylor)

Seconded: (Cr Casey)

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. (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.

Item No. 84 – Attraction, Recognition and Retention Strategy – Employees – Recognition Payment upon Resignation or Retirement

G Parslow, Executive Manager Corporate Services, declared a financial interest as he is retiring at the end of this calendar year.

Item No. 84 – Attraction, Recognition and Retention Strategy – Employees – Recognition Payment upon Resignation or Retirement

S Burrows, Executive Manager Planning & Development Services, declared a financial interest as she has resigned from her position at the Shire of Kalamunda.

Item No. 84 – Attraction, Recognition and Retention Strategy – Employees – Recognition Payment upon Resignation or Retirement

M Singh, Executive Manager Engineering Services, declared a financial interest as he is an employee of the Shire of Kalamunda.

Item No. 84 – Attraction, Recognition and Retention Strategy – Employees – Recognition Payment upon Resignation or Retirement

D Vaughan, Chief Executive Officer, declared a financial interest as he is an employee of the Shire of Kalamunda.

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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81. Financial Statements For The Year Ending 30 June 2006
(FI-SRR-006) (Corporate Services)

Refer Item:

Applicant:

Owner:

Purpose of Report

1. To receive financial and operating statements.

Background

2. Attached ([Attachment 1](#)) is the summary of the financial statements for the year ending 30 June 2006. In accordance with Section 34 (1) (e) of the Local Government (Financial Management) Regulations 1996 a statement showing net assets is included.
3. Additionally, in accordance with the Local Government (Financial Management) Regulations 1996, an operating statement ([Attachment 2](#)) is included for the same period.
4. These statements are preliminary and are subject to financial audit. As a result of this some figures may change.

Comments

5. Nil.

COMMITTEE RECOMMENDATION TO COUNCIL GS 81/2006

1. That the financial statements and the accompanying operating statement for the year ending 30 June 2006 be received.

Moved: (Cr Giardina)

Seconded: (Cr Taylor)

CARRIED UNANIMOUSLY

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

82. Creditors Accounts Paid - August 2006
(FI-CRS-002) (Corporate Services)

Refer Item:

Applicant:

Owner:

Purpose of Report

1. To receive creditors' accounts paid for the month of August 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 from 2 August 2006 to 28 August 2006 is attached. ([Attachment 1](#)).

COMMITTEE RECOMMENDATION TO COUNCIL GS 82/2006

1. That the list of Creditors' Paid from 2 August 2006 to 28 August 2006 is 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 D Sadler)

Seconded: (Cr Winterhalder)

CARRIED UNANIMOUSLY

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

83. Appointment Of Auditors
(FI-AUD-003)

Purpose of Report

1. To consider the appointment of Council's auditors.

Background

2. At the Ordinary Council Meeting of 18 August 2003 (Refer GS 80/2003) Council resolved the following:

That Council accepts the tender submitted by Barrett and Partners DFK for appointment as Council's auditors for a three (3) year period ending 30 June 2006 at a tendered price of \$21,900 for the three (3) year period, with a further extension of two (2) years available at Council's absolute discretion.

Comments

3. Following the audit for the 2005/2006 financial year, the interim audit for which has been undertaken, the audit obligations of Barrett and Partners DFK will cease under the current contract.
4. In accordance with the Council resolution, and the Local Government Act 1995 Section 7.6 which provides for the appointment of an auditor for a term of not more than five (5) financial years, a further extension of two (2) financial years may be available at Council's absolute discretion.
5. Barrett and Partners DFK have already tendered a rate for the 2006/2007 and the 2007/2008 financial years and this could simply be accepted by Council.
6. However, Barrett and Partners DFK have been Council's auditors for a long period of time (at least two (2) terms) and it may be worthwhile for Council to consider the appointment of a different auditor.
7. Also taking into account the impending changes in two senior staff positions within Corporate Services and concern at some recent audit outcomes i.e. GST audit, a change of auditor may be opportune.
8. Legislation does not specifically state the time within which an auditor is to be appointed however Section 7.7 of the Local Government Act states that if by 30 November in any year a local government has not appointed an auditor the Executive Director (of the Department of Local Government and Regional Development) may do so.
9. A time table for appointment (if Council chooses that option) is attached.
[\(Attachment 1\)](#)
10. If the Council decides to appoint auditors it is proposed that tenders be called.

-
11. The Department has published, as part of the series of Local Government Operational Guidelines, model minimum standard audit specifications. These are attached – [Attachment 2](#).
 12. The Audit Committee met on 28 August 2006 to consider this report. The recommendation as detailed below was endorsed by the Audit Committee. During discussion the option of extending the Barrett and Partners DFK contract for a further one (1) or two (2) year period to provide some short term continuity was considered. The option of calling tenders for a period less than five (5) years was also discussed.

COMMITTEE RECOMMENDATION TO COUNCIL GS 83/2006

1. That Council does not extend the appointment of auditors Barrett and Partners DFK beyond the current contract period.
2. That Council agrees to call tenders for audit services, in accordance with the model standard audit specifications as detailed in [Attachment 2](#), for a five (5) year period commencing from the 2006/2007 financial year.

Moved: (Cr Blair)

Seconded: (Cr Casey)

CARRIED UNANIMOUSLY

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

M Singh, Executive Manager Engineering Services, declared a financial interest as he is an employee of the Shire of Kalamunda.

D Vaughan, Chief Executive Officer, declared a financial interest as he is an employee of the Shire of Kalamunda.

The Chief Executive Officer advised the meeting that Mr Parslow and Ms Burrows had declared financial interest in this item and were voluntarily leaving the Chambers.

S Burrows, Executive Manager Planning & Development Services, declared a financial interest as she has resigned from her position at the Shire of Kalamunda. Ms Burrows left the Chambers at 7:08pm and returned at 7:10pm.

G Parslow, Executive Manager Corporate Services, declared a financial interest as he is retiring at the end of this calendar year. Mr Parslow left the Chambers at 7:08pm and returned at 7:10pm.

84. Attraction, Recognition and Retention Strategy - Employees – Recognition Payment upon Resignation or Retirement

Introduction

1. This report was prepared independently by the Consultant – Special Projects at the direction of the Chief Executive Officer.

Purpose of Report

2. To place before Council a proposal that it adopt a policy covering the recognition of long term employees for their services to the Shire upon their resignation or retirement.

Background

3. Section 5.50 (S5.50) of the Local Government Act (LGA) provides that 'a local government is to prepare a policy in relation to employees who's employment with the local government is finishing'.
4. The policy must detail:-
 - The circumstance in which the local government will pay an employee an additional amount;
 - The manner of assessment of the additional amount.

In addition the local government is to 'cause local public notice to be given in relation to the policy (S5.50) (1) (b).

Comments

5. The policy proposed below distinguishes between resignation and retirement.
6. The manner of assessment proposed is based upon length of service and current rates of pay.

STAFF RECOMMENDATION GS 84/2006

1. That pursuant to Section 5.50(1) of the Local Government Act 1995 Council adopts the policy set out below and cause local public notice to be given in relation to the following policy.

Title: Employees – Recognition Payment upon Resignation or Retirement.

Upon Resignation or Retirement Council shall award an employee a token payment in recognition of years of service based on the following provisions:-

Resignation

- 1.1 Prior to completion of 5 years service – nil benefit.
- 1.2 Upon completion of 5 years of service – 1 days additional salary or wage.
- 1.3 Upon completion of 6-9 years of service – 1 day's additional salary or wage plus 50% of a day's salary or wage for each completed year of service over 5 years.
- 1.4 Upon completion of 10 years of service – 5 days additional salary or wage.
- 1.5 There after – 5 days additional salary or wage plus 50% of a day's salary or wage for each completed year of service over 10 years.

Retirement

- 1.6 Prior to completion of 5 years of service – nil benefit.
- 1.7 Upon completion of 5 years of service – 5 days additional salary or wage.
- 1.8 Upon completion of 6-9 years of service – 5 days additional salary or wage plus 75% of a day's salary or wage for each completed year of service over 5 years.
- 1.9 Upon completion of 10 years of service – 10 days additional salary or wage.

-
- 1.10 There after – 10 days additional salary or wage plus 75% of a day's salary or wage for each completed year of service over 10 years.
2. Payments in accordance with subclauses 1.1 – 1.10 are to be calculated at the employee's rate of pay as of the date of resignation or retirement.
3. A pro-rata payment shall apply for part-time employees.
4. A recommendation for a further payment must be referred to the Council for approval.
5. Employees that are terminated as a result of unsatisfactory work or performance and/or misconduct are to be excluded from this policy

LAPSED

COMMITTEE RECOMMENDATION TO COUNCIL GS 84/2006

1. That the Report be received and deferred for further consideration subject to a more comprehensive report inclusive of policies set by other local governments when dealing with similar subject matters.

Moved: (Cr Giardina)

Seconded: (Cr Taylor)

CARRIED UNANIMOUSLY

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

85. Kalamunda & Districts Historical Society – Annual Report
(RL-01/056) (Community Services)

Refer Item:

Applicant:

Owner:

Purpose of Report

1. To formally acknowledge the 2005/06 Annual Report submitted by the Kalamunda and Districts Historical Society.

Background

2. Each year, the Society makes a brief presentation of its Annual Report to Council and is given an opportunity to address any specific items therein.

Comments

3. A copy of the report is attached ([Attachment 1.](#))
4. Gate takings at \$24,245 were slightly down on last year (\$25,551) despite an increase in visitor numbers. The decrease was due to a change in the mix of visitors, with a reduction in the number of adults and children and a 25% increase in school visitors.
5. The new school holiday programmes continue to be successful, placing less demand on the Village and Staff, while increasing income.
6. Stirk Cottage was closed for the latter half of the year whilst the building was upgraded. During this time the displays were refreshed.
7. An invitation will be sent to Kalamunda and Districts Historical Society requesting their attendance at the next General Services Committee meeting to give an overview of the report.
8. **Representatives of the Kalamunda & Districts Historical Society presented the report to Council. They also thanked Council for its ongoing support of the Society and the Kalamunda History Village.**

COMMITTEE RECOMMENDATION TO COUNCIL GS 85/2006

1. That Council receives the Annual Report submitted by the Kalamunda and Districts Historical Society and thanks them for their continued efforts.

Moved: (Cr Blair)

Seconded: (Cr Taylor)

CARRIED UNANIMOUSLY

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

86. Operation of Lawnbrook Road Transfer Station
(LW-03/155C) (Community Services)

Refer Item:

Applicant:

Owner:

Purpose of Report

1. To consider requesting Eastern Metropolitan Regional Council (EMRC) to operate the Lawnbrook Road Transfer Station for a period of up to five years.

Background

2. The Lawnbrook Road Transfer Station is currently operated under contract by Cleanaway. This contract commenced on 1 January 2004 and expires on 31 December 2006. It is considered that Cleanaway have managed the contract well throughout this period.
3. Prior to going out to tender consideration was given to the short term future options for the operation of this facility. This included requesting the EMRC to operate this facility.
4. Informal talks have been held with EMRC staff to establish if they would operate this facility for the Shire. EMRC staff expressed an interest in operating this facility on a cost plus 10% basis, in a similar manner to Dawson Avenue Landfill Site prior to its closure in 1998.
5. The EMRC have provided an estimated contract fee of less than \$2700 per week (excluding major maintenance) based on a 5 year period to amortise purchase costs of 5 bins and a gatehouse. Further, they believe that by additional recycling, the Council's disposal fees to Redhill Waste Management Facility could be reduced by \$11,000 per annum. Council would receive the proceeds from the sale of collected recyclables.
6. Currently the weekly cost of the Cleanaway contract is \$3708.85.
7. Regulations under the Local Government Act 1995 do not require public tenders to be invited if goods and services for Council are supplied or obtained from a Regional Council.

Comments

8. There have been no concerns in the manner in which Cleanaway have operated this facility, and these considerations do not reflect on Cleanaway's performance.
9. As part owners of EMRC, and as both EMRC and Council are non profit organisations it is expected that the EMRC would be able to provide an efficient and cost effective service, resulting in significant cost savings to residents.

-
10. If requested EMRC plan to extend the recycling at this facility resulting in reducing waste to landfill and disposal costs.
 11. The EMRC's Redhill facility is closed on New Years Day. EMRC would require that the Transfer Station is also closed on this public holiday.
 12. It is expected that within three years the direction the EMRC and Council will be taking in respect to resource recovery will be clearer, and Council will be in a position to make a decision on the future of this facility.
 13. The following three (3) documents have been prepared in relation to the proposed new contract:
 - i. Specification for Management and Operation of Lawnbrook Road Transfer Station, ([*Attachment 1.*](#))
 - ii. General Conditions of Contract for Management and operation of Lawnbrook Road Transfer Station, and
 - iii. Schedules Relating to Management and operation of Lawnbrook Road Transfer Station
 14. It is recommended that Council requests that the EMRC operate this facility on a cost plus 10% basis for a period of three years with an option of plus two twelve (12) month terms, in accordance with the Specification for Management and Operation of Lawnbrook Road Transfer Station, the General Conditions of Contract for Management and operation of Lawnbrook Road Transfer Station and the Schedules Relating to Management and operation of Lawnbrook Road Transfer Station.
 15. The extension of the twelve (12) months plus another twelve (12) months is subject to the future of this facility in regard to Councils future direction on resource recovery and the continued provision of an efficient and cost effective service.
 16. It is the intention that EMRC operate this site for five years provided that the site remains open.

COMMITTEE RECOMMENDATION TO COUNCIL GS 86/2006

1. That the EMRC be requested to operate the Lawnbrook Road Transfer Station on a cost plus 10% basis for a period of three years with an option for an additional two, twelve (12) month terms.

Moved: (Cr Giardina)

Seconded: (Cr Blair)

CARRIED UNANIMOUSLY

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

87. Wattle Grove TAFE Premises – Licence Proposal
(LW-04/029) (Community Services)

Refer Item:

Applicant:

Owner:

Purpose of Report

1. To consider entering into a licence agreement with Swan TAFE for the Wattle Grove TAFE Centre premises situated at 29 Lewis Road, Wattle Grove.

Background

2. Currently Swan TAFE are the only tenants of the Centre. In 2002 their usage commenced with an informal hire arrangement for part of the building. This changed in 2003 when they agreed to hire the whole building based on full operating cost recovery, which in 2004/05 amounted to \$41,700.
3. In accordance with Council's Strategic direction and plans, Council staff and Swan TAFE felt that a more formal tenancy agreement that reflected both party's longer term vision for the centre would be appropriate.
4. The M.O.U ([Attachment 1.](#)) between the two parties, signed in 2002, does provide the opportunity to more fully explore a meaningful partnership and provide our community with broader access to education and training opportunities.
5. The establishment of a more permanent tenure arrangement for the building could be seen as the first major step in the commencement of a more effective and mutually rewarding partnership.

Comments

6. Swan TAFE currently offer short courses for the community and the work place, the range of these adult education courses and short courses in trade skills is expected to expand in the future.
7. Previously Council has indicated its support for the future development of the Wattle Grove Centre as a Career Transition and Adult Learning Centre and acknowledge the benefits this would bring to the community.
8. The formation of a partnership with Swan TAFE and other providers to develop youth skills is one of the initiatives identified under Social Outcomes in our Plan for the Future of the District.
9. The proposed licence agreement would follow the standard terms and conditions of Council's document which covers the following main licensee's obligations:

-
- Payment for all services and other outgoings including the annual licence fee.
 - Cleaning, minor maintenance and repairs.
 - Costs of preparing and stamping the licence document
 - Initial term of five years with an option for a further five year term.
10. To determine a fair and reasonable annual licence fee, the total cost recovery figure for 2004/2005 (\$41,700) was used as the starting point. From this the annual licensees, outgoing (\$28,400) was deducted to arrive an annual licence fee of \$13,300.
11. The area to be covered by the proposed licensing agreement ([Attachment 2.](#)) excludes the hall at the rear of the main building which can be used independently of Swan TAFE operations.
- 12. Councillors sought clarification on some of the conditions of the agreement.**

COMMITTEE RECOMMENDATION TO COUNCIL GS 87/2006

1. That Council enter into a licence agreement with the Minister for Education and Training for the premises situated at 29 Lewis Road, Wattle Grove with the main terms and conditions being as follows:

The Licensee is responsible for-

- Cleaning, minor maintenance and repairs.
- Payment for all services and other outgoings.
- The annual licence fee commencing at \$13,300 and increasing annually in line with the CPI percentage increase.
- The initial term of licence is five years with an option to extend for a further five years.

Moved: (Cr Cresswell)

Seconded: (Cr Taylor)

For the Recommendation

Cr Tonkin
 Cr Morton
 Cr D Sadler
 Cr Casey
 Cr Cresswell
 Cr Taylor
 Cr Blair
 Cr N Sadler

Against the Recommendation

Cr Giardina
 Cr Winterhalder
 Cr McKechnie

CARRIED

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

88. Kostera Oval Advisory Committee - Nomination For Membership (CO-CCS-010) (Community Services)

Refer Item: N/A

Applicant: Shire of Kalamunda

Owner: Shire of Kalamunda

Purpose of Report

1. To consider a nomination for the appointment of a member to the Kostera Oval Advisory Committee.

Background

2. Richard Hutchison has nominated to represent the Kalamunda Cricket Club on the Kostera Oval Advisory Committee.
3. Rules and Guidelines for the Kostera Oval Advisory Committee state that:

"4.1 Committee members may be drawn from persons nominated by user groups or from other interested people. 1 person from each group may be appointed on a bi-annual basis as well as deputies unless Council elects to reappoint any or all members for a further term."

Comments

4. Richard will be replacing Paul Pickett as the clubs representative on the Committee.
5. Richard has been active in the local sporting community for many years including involvement in 2005's Centenary of Cricket celebrations.
6. Richard has previously represented the Kalamunda Cricket Club and is familiar with the operations of the committee.

COMMITTEE RECOMMENDATION TO COUNCIL GS 88/2006

1. That Council appoint Richard Hutchinson as a member of the Kostera Oval Advisory Committee.

Moved: (Cr McKechnie)

Seconded: (Cr Taylor)

CARRIED UNANIMOUSLY/ABSOLUTE MAJORITY

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

89. Kalamunda Community Theatre and Performing Arts Centre
Management Committee – Nominations for Membership
(CO-CCS-039/2) (Community Services)

Refer Item:

Applicant: Shire of Kalamunda

Owner: Shire of Kalamunda

Purpose of Report

1. To consider nominations for the appointment of a member to the Kalamunda Community and Performing Arts Centre Management Committee.

Background

2. An advertisement was placed in the local papers and on our Shire website calling for expressions of interest from the community.
3. Management Committee Rules for the Kalamunda Community and Performing Arts Centre Management Committee state that

"The Management Committee ("Committee") shall consist of six (6) representatives, two (2) nominated by the Minister, two (2) nominated by the Council and two (2) from the community appointed by Council."

4. At present there is one representative from the Community, Chris Hewitt, a volunteer technician.

Comments

5. Two nominations were received:
 - Lyn Bevan as a representative of the Kalamunda Amateur Dramatic Society.
 - Ronald Howard as a representative of the Kalamunda Choral Society.
6. Both nominees expressed a strong interest in promoting the venue and would bring varying degrees of experience to the position.
7. Both nominees were ranked evenly, however on balance it was felt that Ronald Howard's experience would be of most benefit to the committee.

COMMITTEE RECOMMENDATION TO COUNCIL GS 89/2006

1. That Council appoint Ronald Howard as a member of the Kalamunda Community Theatre and Performing Arts Centre Management Committee.

Moved: (Cr Taylor)

Seconded: (Cr Tonkin)

CARRIED UNANIMOUSLY/ABSOLUTE MAJORITY

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

90. Local Law - Burning of Rubbish and Refuse on Private Property
(HE-RLW-026) (Community Services)

Refer Item: N/A

Applicant: N/A

Owner: N/A

Purpose of Report

1. For Council to consider a draft Local Law relating to burning of rubbish and refuse on private property.

Background

2. Council's Health Service receives numerous complaints from residents concerned about excessive smoke from outdoor fires ("burning off").
3. There is limited scope in available legislation to address residents concerns in this area. The proposed local law would provide a structured approach of responding to community health concerns in residential areas, while still allowing other areas to maintain their rural amenity.
4. Pollution control forms part of Council's strategic direction under the 25 Year Strategic Plan.

Comments

5. Air quality monitoring conducted by the Department of Environment and Conservation has shown that domestic burning is a significant contributor to air pollution. The chemical composition of wood smoke includes carbon monoxide, hydrocarbons, dioxins and particulate emissions which all have an adverse impact on the health of residents and visitors to the area.
6. Wood smoke is a proven trigger for attacks of respiratory disease including bronchitis, chronic obstructive pulmonary disease and asthma. Asthma is the most widespread chronic health problem in Australia and the most commonly cited basis for community complaints about wood smoke.
7. The National Environment Protection Measures (NEPMs) for fine particles in the air such as those given off by wood smoke, is a daily average of 50 micrograms per cubic metre, and is not to be exceeded on more than 5 days per annum. 50 micrograms is the point at which the smell of smoke is detectable. As a guide, if smoke is present in sufficient quantities to leave a smell on clothing, the level is at least 200 micrograms per cubic meter, or 4 times the national standard. By limiting the amount of backyard burning we can decrease the potential of exceeding this limit.

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8. In the two months following the end of the restricted fire season, on 1 May 2006, 32 complaints of excessive smoke were recorded by Council's Ranger and Health Services. The actual numbers may be much higher as record keeping in this regard is limited.
 9. The *Health Act 1911* states that smoke must not be emitted "*in such quantity or of such a nature as to be offensive to the public, or injurious or dangerous to health*". When a complaint is received, an Environmental Health Officer conducts a site visit to assess the smoke. If the Officer judges the smoke to be causing a nuisance they may direct that the fire be extinguished. The process of extinguishing a fire often results in more smoke than the fire was initially producing. If the direction is refused or ignored the Officer has few practical alternatives to pursue compliance. This allows the health nuisance to continue unabated and leaves the complainants frustrated and feeling that their rights have been ignored.
 10. The proposed local law would limit burning on properties zoned residential and urban development but would continue to allow burning in other areas, where it is recognised that burning plays a significant role in disposal of unwanted dry vegetation waste and fire hazard reduction.
 11. An exemption has been included to allow for fires conducted for the purposes of fire hazard reduction such as running fires over lots and burning of fire breaks. There is also enough flexibility in the proposed law to allow exemptions for burning off where a resident is able to demonstrate that the alternative methods of waste disposal, listed below, do not meet their needs.
 12. Residents have a sufficient number of waste disposal options available to them to eliminate the need for burning off. These include:
 - two Bulk Kerbside Collections per year;
 - use of the Walliston Transfer Station; or
 - use of the Red Hill Waste Disposal Facility.
 13. Five of the six metropolitan Councils adjoining the Shire of Kalamunda have implemented local laws of this nature. Cities of Swan and Gosnells have reported strong community support for the restrictions. Since the implementation of the local laws, the number of health related smoke nuisance complaints received by these Councils has dramatically decreased.
 14. It is proposed that the local law below be adopted through the following process:
 - (i) Refer to the Bushfires Advisory Committee for consideration and comment.
 - (ii) That following endorsement by the Bushfire Advisory Committee the summary of the purpose and effect of the proposed local law be given at the next General Services Committee and Council meeting.
 - (iii) State wide public notice, of the proposal summarising the purpose and effect of the proposed local law.
 - (iv) A copy of the state wide public notice and the proposed local law be sent to the Minister for Local Government.
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- (v) Following a period of at least six weeks from the date of the first newspaper notice, all submissions be considered and a report provided to Council.
- (vi) Council considers and makes the proposed local law a draft.

LOCAL GOVERNMENT ACT 1995

SHIRE OF KALAMUNDA

BURNING RUBBISH OR REFUSE ON PRIVATE PROPERTY LOCAL LAW 2006

Under the powers conferred by the Local Government Act 1995 and by all other powers, the Local Government of the Shire of Kalamunda resolved to make the following Local Law on the –day of ---2006.

CONTENTS

PART 1 - PRELIMINARY

- 1.1 Title*
- 1.2 Commencement*
- 1.3 Purpose and effect*
- 1.4 Application of local law*
- 1.5 Definitions*

PART 2 – BURNING RUBBISH OR REFUSE ON PRIVATE PROPERTY

- 2.1 Burning of Rubbish or Refuse on Private Property*
- 2.2 Exemptions*

PART 3 - PENALTIES

- 3.1 Offences*
- 3.2 Infringement and infringement withdrawal notices*
- 3.3 Offence description and modified penalty*
- 3.4 Prosecution for offences*
- 3.5 Records to be kept*

SCHEDULE 1 – OFFENCES AND MODIFIED PENALTIES

PART 1 - PRELIMINARY

1.1 Title

This local law may be referred to as the Shire of Kalamunda Burning of Rubbish or Refuse on Private Property Local Law 2006.

1.2 Commencement

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

1.3 Purpose and effect

(1) The purpose of this local law is to provide for the regulation, control and management of smoke from burning of rubbish or refuse on private property within the district so as to protect the health and amenity of the surrounding area.

(2) The effect of this local law is to establish the requirements relating to the burning of rubbish or refuse on private property 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;

“dry wood” means plant matter with an internal moisture content of less than 20%;

“green vegetation waste” means plant matter with an internal moisture content of more than 20%;

“land” means land in the district and includes houses, buildings, building and subdivision works, and structures, in or upon the land;

“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;

“person” means any person, company, employer and includes the owner, occupier and licensee;

“private property” means any real property, parcel of land or lot that has a separate certificate of title, which is in private ownership or subject of a lease or agreement with a company or person enabling its use for private purposes and includes any building or structure thereon;

“residential” means land zoned Residential under the Shire of Kalamunda Town Planning Scheme;

“urban development” means land zoned Urban Development under the Shire of Kalamunda Town Planning Scheme.

PART 2 – BURNING RUBBISH OR REFUSE ON PRIVATE PROPERTY

2.1 Burning of Rubbish or Refuse on Private Property

(1) No person shall, on any land within the district, set on fire or allow to be set on fire, material including any plastic, rubber, food scraps, green vegetation waste or other materials which may create a nuisance.

(2) No person shall, on any land zoned residential or urban development, set on fire or allow to be set on fire, any rubbish, refuse or other material unless written approval has been obtained from the Manager Health Services.

(3) Written approval under subclause (2) shall only be granted where –

(a) the material is of such quantity, or of such a nature, as not to be suitable for removal by the Council's refuse collection service; and

(b) the applicant successfully demonstrates that reasonable alternatives do not exist and the potential for pollution is low.

(4) Where written approval has been granted under subclause (2), any person responsible for the control of the fire shall ensure that they comply with –

(a) the Bush Fires Act 1954; and

(b) any other conditions deemed necessary by the Manager Health Services.

(5) Where written approval has been granted under subclause (2), no person shall set on fire or allow to be set on fire, any rubbish, refuse, or other material on a day when a haze alert has been issued by the Bureau of Meteorology for the time that the burning is to take place.

2.2 Exemptions

(1) The operation of a barbeque, solid fuel heater, water heater, space heater, stove, oven or incinerator fired with dry paper, dry wood, synthetic char or charcoal type fuel is exempted from this Part providing that no nuisance arises from the burning of such materials.

(2) Subject to any other written law, a cool controlled running fire conducted for the purposes of fire hazard reduction, is exempted from Clause 2.1(2).

PART 3 - PENALTIES

3.1 Offences

(1) Any person 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 person 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 First Schedule 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 First Schedule of the Local Government (Functions and General) Regulations 1996.

3.3 Offence description and modified penalty

The amount appearing in the final column of the First Schedule 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 petty sessions.

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.

BURNING OF RUBBISH OR REFUSE ON PRIVATE PROPERTY LOCAL LAW 2006**FIRST SCHEDULE****Offences and Modified Penalties**

Clause	Nature of Offence Modified	Penalty \$
2.1(1)	Burning of plastic, rubber, food scraps, green vegetation waste or other materials which may create a nuisance	200
2.1(2)	Burning of rubbish, refuse or other material on land zoned residential or urban development without written approval	200

Dated this –day of ----2006

The common seal of the Shire of Kalamunda
was affixed in the presence of:

E Taylor
Shire President

D E Vaughan
Chief Executive Officer

STAFF RECOMMENDATION TO COMMITTEE GS 90/2006

Endorsed by Chief Executive Officer
 by Senior Executive Management Planning Group
 by Executive Manager

1. That the draft Local Law is referred to the Bushfire Advisory Committee for consideration and comment.
2. That following endorsement by the Bushfire Advisory Committee Council resolves to give state-wide public notice of its intention to make a Local Law relating to

burning of rubbish or refuse on private property as stated below and invite comment pursuant to Section 3.12 of the *Local Government Act 1995*.

LOCAL GOVERNMENT ACT 1995

SHIRE OF KALAMUNDA

BURNING RUBBISH OR REFUSE ON PRIVATE PROPERTY LOCAL LAW 2006

Under the powers conferred by the Local Government Act 1995 and by all other powers, the Local Government of the Shire of Kalamunda resolved to make the following Local Law on the –day of ---2006.

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- 1.1 Title
- 1.2 Commencement
- 1.3 Purpose and effect
- 1.4 Application of local law
- 1.5 Definitions

PART 2 – BURNING RUBBISH OR REFUSE ON PRIVATE PROPERTY

- 2.1 Burning of Rubbish or Refuse on Private Property
- 2.2 Exemptions

PART 3 - PENALTIES

- 3.1 Offences
- 3.2 Infringement and infringement withdrawal notices
- 3.3 Offence description and modified penalty
- 3.4 Prosecution for offences
- 3.5 Records to be kept

SCHEDULE 1 – OFFENCES AND MODIFIED PENALTIES

PART 1 - PRELIMINARY

1.1 Title

This local law may be referred to as the Shire of Kalamunda Burning of Rubbish or Refuse on Private Property Local Law 2006.

1.2 Commencement

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

1.3 Purpose and effect

(1) The purpose of this local law is to provide for the regulation, control and management of smoke from burning of rubbish or refuse on private property within the district so as to protect the health and amenity of the surrounding area.

(2) The effect of this local law is to establish the requirements relating to the burning of rubbish or refuse on private property 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;

"dry wood" means plant matter with an internal moisture content of less than 20%;

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"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;

"person" means any person, company, employer and includes the owner, occupier and licensee;

"private property" means any real property, parcel of land or lot that has a separate certificate of title, which is in private ownership or subject of a lease or agreement with a company or person enabling its use for private purposes and includes any building or structure thereon;

"residential" means land zoned Residential under the Shire of Kalamunda Town Planning Scheme;

"urban development" means land zoned Urban Development under the Shire of Kalamunda Town Planning Scheme.

PART 2 – BURNING RUBBISH OR REFUSE ON PRIVATE PROPERTY

2.1 Burning of Rubbish or Refuse on Private Property

(1) No person shall, on any land within the district, set on fire or allow to be set on fire, material including any plastic, rubber, food scraps, green vegetation waste or other materials which may create a nuisance.

(2) No person shall, on any land zoned residential or urban development, set on fire or allow to be set on fire, any rubbish, refuse or other material unless written approval has been obtained from the Manager Health Services.

(3) Written approval under subclause (2) shall only be granted where –

(a) the material is of such quantity, or of such a nature, as not to be suitable for removal by the Council's refuse collection service; and

(b) the applicant successfully demonstrates that reasonable alternatives do not exist and the potential for pollution is low.

(4) *Where written approval has been granted under subclause (2), any person responsible for the control of the fire shall ensure that they comply with –*

(a) the Bush Fires Act 1954; and

(b) any other conditions deemed necessary by the Manager Health Services.

(5) *Where written approval has been granted under subclause (2), no person shall set on fire or allow to be set on fire, any rubbish, refuse, or other material on a day when a haze alert has been issued by the Bureau of Meteorology for the time that the burning is the take place.*

2.2 Exemptions

(1) *The operation of a barbeque, solid fuel heater, water heater, space heater, stove, oven or incinerator fired with dry paper, dry wood, synthetic char or charcoal type fuel is exempted from this Part providing that no nuisance arises from the burning of such materials.*

(2) *Subject to any other written law, a cool controlled running fire conducted for the purposes of fire hazard reduction, is exempted from Clause 2.1(2).*

PART 3 - PENALTIES

3.1 Offences

(1) *Any person 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 person 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:

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3.3 Offence description and modified penalty

The amount appearing in the final column of the First Schedule 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 petty sessions.

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.

BURNING OF RUBBISH OR REFUSE ON PRIVATE PROPERTY LOCAL LAW 2006**FIRST SCHEDULE****Offences and Modified Penalties**

Clause	Nature of Offence Modified	Penalty \$
2.1(1)	<i>Burning of plastic, rubber, food scraps, green vegetation waste or other materials which may create a nuisance</i>	200
2.1(2)	<i>Burning of rubbish, refuse or other material on land zoned residential or urban development without written approval</i>	200

Dated this –day of ----2006

The common seal of the Shire of Kalamunda
was affixed in the presence of:

E Taylor
Shire President

D E Vaughan
Chief Executive Officer

LAPSED

COMMITTEE RECOMMENDATION TO COUNCIL GS 90/2006

1. That the draft Local Law is referred to the Bushfire Advisory Committee for consideration and comment.
2. That the first draft Local Law is referred back to Staff for final drafting and referred to Council for final consideration.

LOCAL GOVERNMENT ACT 1995
SHIRE OF KALAMUNDA

BURNING RUBBISH OR REFUSE ON PRIVATE PROPERTY LOCAL LAW 2006
Under the powers conferred by the Local Government Act 1995 and by all other powers, the Local Government of the Shire of Kalamunda resolved to make the following Local Law on the –day of ---2006.

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- 2.2 Exemptions

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- 3.1 Offences
- 3.2 Infringement and infringement withdrawal notices
- 3.3 Offence description and modified penalty
- 3.4 Prosecution for offences
- 3.5 Records to be kept

SCHEDULE 1 – OFFENCES AND MODIFIED PENALTIES

PART 1 - PRELIMINARY

1.1 Title

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(1) The purpose of this local law is to provide for the regulation, control and management of smoke from burning of rubbish or refuse on private property within the district so as to protect the health and amenity of the surrounding area.

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PART 2 – BURNING RUBBISH OR REFUSE ON PRIVATE PROPERTY

2.1 Burning of Rubbish or Refuse on Private Property

(1) No person shall, on any land within the district, set on fire or allow to be set on fire, material including any plastic, rubber, food scraps, green vegetation waste or other materials which may create a nuisance.

(2) No person shall, on any land with a lot size less than 4000m², set on fire or allow to be set on fire, any rubbish, refuse or other material unless written approval has been obtained from the Manager Health Services.

(3) Written approval under subclause (2) shall only be granted where –

(a) the material is of such quantity, or of such a nature, as not to be suitable for removal by the Council's refuse collection service; and

(b) the applicant successfully demonstrates that reasonable alternatives do not exist and the potential for pollution is low.

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(2) *Subject to any other written law, a cool controlled running fire conducted for the purposes of fire hazard reduction, is exempted from Clause 2.1(2).*

PART 3 - PENALTIES

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(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 person 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.*

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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 petty sessions.

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.

**BURNING OF RUBBISH OR REFUSE ON PRIVATE PROPERTY LOCAL LAW
2006**

FIRST SCHEDULE

Offences and Modified Penalties

Clause	Nature of Offence Modified	Penalty \$
2.1(1)	<i>Burning of plastic, rubber, food scraps, green vegetation waste or other materials which may create a nuisance.</i>	200
2.1(2)	<i>Burning of rubbish, refuse or other material on land with a lot size less than 4000m² without written approval</i>	200

Moved: (Cr Tonkin)

Seconded: (Cr Giardina)

For the Recommendation

Cr Giardina

Cr Tonkin

Cr Morton

Cr D Sadler

Cr Casey

Cr Cresswell

Cr Winterhalder

Cr Taylor

Cr Blair

Cr N Sadler

Against the Recommendation

Cr McKechnie

CARRIED

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

91. Contract C0310 - Construction of Concrete Footpaths
(AD-TEN-005) (Engineering Services)

Refer Item: GS 03/99

Applicant:

Owner:

Purpose of Report

1. To approve the extension of Contract C0310: Construction of Concrete Footpaths (the Contract).

Background

2. The Contract was awarded to Karra Contractors in 2003 for the period 1 July 2003 to 30 October 2006. The Contract expires on the 30 October 2006.
3. Under the Special Conditions of Contract, the Contract can be extended for a period of up to two years at the sole discretion of the Principal.
4. The Contract includes a provision for price rise and fall to take into account inflationary price pressures.
5. At the October 2003 Council meeting, the council resolved:

"That the Tender for the Construction of Concrete Footpaths, for a period of three (3) years, ending October 2006, be awarded to Karra Contractors at the unit rates provided"

Comments

6. Should a Tender be called to establish a new Contract for the provision of concrete footpath construction, it is not intended that the Special Conditions of Contract, or the Contract Specification, be amended. As such, calling a Tender for the construction of concrete paths will result in the effecting of an equivalent Contract to the current Contract.
7. The existing Contractor's performance has been satisfactory during the period of the Contract.
8. In view of the intent to maintain the existing Contract documentation, the facility within the current Contract to adjust prices for inflationary pressure, and the satisfactory performance of the incumbent, it is recommended that the Contract, be extended for a period of two years.

COMMITTEE RECOMMENDATION TO COUNCIL GS 91/2006

1. That the Contract C0310: Construction of Concrete Footpaths, be extended for a period of two years, in accordance with the Special Conditions of Contract.

Moved: (Cr Taylor)

Seconded: (Cr Casey)

CARRIED UNANIMOUSLY

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

92. Village Development – High Wycombe Artwork Tender
(AD-TEN-005; EG-CMP-016) (Engineering Services)

Refer Item: GS 122/05

Applicant:

Owner:

Purpose of Report

1. To consider acceptance of a Tender for the Public Artwork for Kalamunda Road, High Wycombe.

Background

2. As part of the Shire's strategic plan, and in accordance with previous town centre street scaping initiatives, a Tender was called for the provision of an artwork for the High Wycombe Town Centre redevelopment project. The Tender T0605 for the Public Artwork for Kalamunda Road, High Wycombe, closed on Tuesday 15 August 2006 with two Tenders received.
3. One of the Tenders provided four alternative artwork concepts for consideration; a copy of these artworks is included at **(Attachment 1.)**. The other tender, included a single concept, which is shown at **(Attachment 2.)**.
4. Due to the unusual and complex nature of this Tender, an external Consultant was engaged to provide an analysis of the non-visual aspects of the submitted Tenders. A copy of the Consultant's report is included at **(Attachment 3.)**.

Comments

5. Both Tenders submitted the same price for the construction of the artwork, being \$65,000 each, and for the civil and commissioning works, with a total cost for both Tenders equivalent to the defined total Contract Budget of \$90,000.
6. The Consultant has assessed both the submissions against the non visual components of the predetermined criteria and gave a score of 6.8 to Aisling Studios (Smith Sculptures) submission, and 6.3 to Dorntj Koorlinny submission. The five public art concepts submitted by the two tenderers were ranked against the criteria for their visual appeal. Based on their individual rankings an average weighted score was determined for each of the options. A summary of the scores is presented in the following table.

Tender	Option Number	Non-Visual Score	Visual Score	Total Score
Aisling Studios (Smith Sculptures)	1	6.80	1.05	7.85
Dorntj Koorlinny	1	6.30	0.45	6.75
Dorntj Koorlinny	2	6.30	0.30	6.60
Dorntj Koorlinny	3	6.30	0.00	6.30
Dorntj Koorlinny	4	6.30	0.60	6.90

-
7. As is indicated in the above table the public art concept submitted by Aisling Studios (Smith Sculptures) scores highest and hence is recommended as a preferred tenderer.
 8. In his report the Consultant has commented that the two Tenders are not specific on the civil works and commissioning components of their tendered costs, with one of the Tenders indicating that the Shire would undertake some or all of the civil and commissioning works at the estimated cost indicated in their tender. On this basis, the Consultant has recommended that the Tenders should be interviewed to clarify and confirm any works to be undertaken by the Shire, and the actual amount to be paid for other works.
 9. However, based on past experience of similar works the cost of civil work, installation and commissioning appear to be reasonable. As a small variation in the cost of civil work will not change the outcome of a preferred tenderer it is recommended that the interview only take place with the preferred tenderer. The consultant has subsequently agreed to this view.
 10. On this basis, it is recommended that the contract for the tender for the Public Artwork for High Wycombe be awarded to Aisling Studios (Smith Sculptures) subject to clarification and confirmation of the scope and value of civil and commissioning works to be carried out by the Shire.

COMMITTEE RECOMMENDATION TO COUNCIL GS 92/2006

1. That the tender for the Public Artwork for High Wycombe (T0605) be awarded to Aisling Studios (Smith Sculptures) at the tendered rate of \$65,000 and with an agreed total project cost of no more than \$90,000 including the works carried out by the Shire.

Moved: (Cr Cresswell)

Seconded: (Cr Casey)

CARRIED UNANIMOUSLY

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

93. Permit To Operate Road Trains In Brentwood Road, Wattle Grove
(Engineering Services)

Refer Item: N/A

Applicant: Lovegrove Turf Services Pty Ltd

Owner: N/A

Purpose of Report

1. To consider approval to operate road trains in Brentwood Road and a section of Crystal Brook Road between Welshpool Road and Brentwood Road, Wattle Grove. Copy of the route map appears at **(Attachment 1.)**

Background

2. Lovegrove Turf Services Pty Ltd are requesting an approval to operate road trains on the above route to transport grass from their Gingin Farm to their property at 41 Brentwood Road, Wattle Grove.
3. The applicant already has a permit to operate road trains in Welshpool Road.
4. The applicant has advised that they will be transporting two loads per day resulting in total of four traffic movements per day.
5. The permits for the operation of road trains are issued by Main Roads WA who requires that applicant obtains Local Government consent prior to the issue of a permit on local roads.

Comments

6. The applicant has provided two alternative options one using Kelvin Road and the other using Welshpool Road. The Welshpool Road option is considered more suitable as it involves shorter length of local roads.
7. Given the short distance of travel and small number of traffic movements, there are no traffic related concerns for the proposal

COMMITTEE RECOMMENDATION TO COUNCIL GS 93/2006

1. Approval be given to Lovegrove Turf Services Pty Ltd for the operation of a road train in a section of Crystal Brook Road between Welshpool Road and Brentwood Road and the full length of Brentwood Road, Wattle Grove.

Moved: (Cr Morton)

Seconded: (Cr D Sadler)

CARRIED UNANIMOUSLY

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

94. Reserve Lot 800 Pomeroy Road/Canning Road, Carmel
(CN-O1/420) (Planning and Development Services)
Refer Item: GS17/2003
Applicant: Shire of Kalamunda
Owner: WA Planning Commission

Purpose of Report

1. To determine the purpose of the future reserve over Lot 800 Pomeroy Road, Carmel. Refer **(Attachment 1.)** for a Locality Plan.

Background

2. The land is reserved for Regional Parks and Recreation under the Metropolitan Region Scheme and forms part of the Darling Range Regional Park. The Reserve does not currently have an identified purpose.
3. In February 2003, the Council resolved to accept a Management Order over the reserve. The purpose of the reserve was to be for a dog exercise area. Refer **(Attachment 2.)** for a Site Plan.
4. The Western Australian Planning Commission (WAPC) resolved in March 2006 to approve the transfer of the above lots to the State of Western Australia to create a reserve with the Management Order issued to the Shire of Kalamunda.

Comments

5. The Department for Planning and Infrastructure now requests that the Shire of Kalamunda confirms the purpose of the future reserve.
6. It is considered that the original purpose of "Dog Exercise Area" is limiting and as such, it is recommended that the purpose of "Recreation and Community Purpose" be proposed. This will allow the Shire to consider a wider scope of uses and activities on the site.

COMMITTEE RECOMMENDATION TO COUNCIL GS 94/2006

1. That the Department for Planning and Infrastructure be advised that the Shire of Kalamunda considers that the appropriate purpose for the proposed reserve Lot 800 Pomeroy Road, Carmel is "Recreation and Community Purpose".

Moved: (Cr Taylor)

Seconded: (Cr Winterhalder)

CARRIED UNANIMOUSLY

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

95. Right of Way Closure between Alpine Road and Boree Road, Kalamunda
(AL-12/GEN) (Planning and Development Services)
Refer Item: GS60/2006
Applicant: D Rampono
Owner: WA Planning Commission

Purpose of Report

1. To consider whether to support a request to close a Right of Way (ROW) between Alpine Road and Boree Road in Kalamunda. (**Attachment 1**)

Background

2. Council, at its Ordinary Meeting of June 2006 resolved that the request to initiate a closure procedure of the above ROW be referred to adjoining landowners for comment and returned to Council for a final decision. Advertising was undertaken by way of direct notification, notices in a local paper and a sign placed on both ends of the ROW.

Comments

3. The ROW connects Alpine Road to Boree Road .The pedestrian network then connects through Holly Way West to Holly Way East and further to Betti Road. Although the ROW does not serve as a connection towards a specific destination point, such as a bus stop, shops or school, it does form a part of an overall pedestrian network giving access to the Regional Open Space (National Park). (**Attachment 2**)
4. If the ROW was closed, the maximum additional walking distance would be 900m or approximately 9 minutes. Closure of the ROW would require pedestrian and cyclist traffic to be diverted to Betti Road and Cotherstone Road. Both roads are higher volume roads.
5. Council received 40 submissions from land owners. There were 21 objections and 19 non-objections. Refer (**Attachments 3 & 4**).

The main issues raised from the objections to closure were:

- It is used for walking and gaining access to Betti Rd and Orange Valley Rd
- There is no anti-social behaviour in the ROW
- The dogs from the property that runs the whole length of ROW could be contributing to the problem
- Children use the ROW all the time and do it in responsible way
- The ROW contributes to the attraction of Kalamunda by making bushland recreation areas accessible
- Problems are not exclusive to walkways
- Closure would prevent daily walkers do their exercise.
- It is used by children to access the Cotherstone Road bus stop
- It is a very convenient link to the top of Whistlepipe Gully

-
- Closure will increase pedestrian traffic through the next ROW
 - The lane provides easy walking access to the Darling Range Regional Park

The main issues raised from the non-objections to closure were:

- Sometimes youths stir the dogs (on the lot adjoining the ROW) by tossing objects on them and banging the fence
 - The ROW is not used frequently.
6. Considering that more than 50% of all submissions are objecting to the proposal, it is considered that the community impact of the closure would be of the high importance.
 7. Alinta has lodged an objection to the possible closure as there is a medium pressure gas main in the ROW. Alinta has advised that possible relocation of the pipeline would be in excess of \$35,000. Should ownership of the land change, Alinta would require an easement. Due to the risks involved in the gas pipe being in freehold land Alinta does not support the sale, however it has no objection to the ROW being retained by the Shire on condition that access to the site is not restricted.
 8. On the basis that the ROW is of reasonable importance in local pedestrian/cyclist network, it is recommended that the closure not be supported.
 9. **Two residents spoke on the item. One for the recommendation and one against the recommendation.**

COMMITTEE RECOMMENDATION TO COUNCIL GS 95/2006

1. That the request for closure of the Right Of Way between Alpine Road and Boree Road, Kalamunda not be supported for the following reasons:
 - a. The ROW is considered to be of importance in the local pedestrian/cyclist network.
2. **That alternative methods to make this Public Access Way safer are investigated.**

Moved: (Cr Giardina)

Seconded: (Cr Taylor)

CARRIED UNANIMOUSLY

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

96. Closure of Pedestrian Access Way (PAW) between Richards Road and Warner Road, High Wycombe
(RC-03/GEN) (Planning and Development Services)
Refer Item: GS 41/2006
Applicant: C McManus
Owner: Western Agency Pty Ltd

Purpose of Report

1. Council is to consider whether to support the closure of the Pedestrian Access Way (PAW) between Richards Road and Warner Road in High Wycombe. Refer **(Attachment 1)**.

Background

2. A report was presented to Council in April 2006, in respect to the above.
3. Council resolved that the matter be referred back to staff for further investigation in respect to a commitment from the adjoining landowners to purchase the land. Consequently, it was established that two adjoining owners are willing to buy the PAW's land and contribute to the costs of closure.
4. As a result, further public consultation was undertaken. Affected landowners were advised of the proposed closure by correspondence, advertisement in a local paper and a sign placed on both ends of the PAW. Service providers were requested to comment on the closure.

Comments

5. The PAW provides access from Richards Road to the amenities at the end of Warner Road including the library, Cyril Road Hall, a Medical Centre, bus stop, shops, school and a church. Refer **(Attachment 2)**.
6. If the PAW was closed, the maximum additional walking distance would be 450 m or approximately 5 minutes. The pedestrian traffic would divert to Newburn and Cyril Roads, which carry a relatively high volume of traffic.
7. Council received 50 submissions from residents likely to be affected by the closure. There were 31 objections, 18 non-objections and one conditional non-objection. Refer **(Attachment 3)**.

The main issues raised from the objections to closure were:

- The PAW is used to go to the library, buses on Kalamunda Road, shops, medical centre.
- School children use it to go to High Wycombe Primary School.
- It will increase in importance when the shopping centre on Kalamunda Road is completed.
- It would impact on the elderly.

- Pedestrians should be encouraged to walk, which will be even more important with increased density of the area.
- It is used in conjunction with PAW between Markham Way and Warner Road to access Kalamunda Road.
- Closing it will only move the problems to the other site – it would be better if Council looks into stopping anti-social behaviour.
- The Shire paved the walkway only recently - closing it would be a waste.
- The main issues raised from non-objections were:
- Adjacent neighbours property has being stolen and vandalised
- All the PAWs should be closed as there is antisocial behaviour in most suburbs and devalues properties in vicinity
- Last thing people need with the high density living is additional anti-social behaviour
- It is an eye-sore and it attracts a lot of vandalism

The conditional non-objection was addressing the issue of many elderly people using the PAW because there is no footpath in Warner Road - there would be no objection should the footpath be constructed.

8. On the basis of 62% of all submissions objecting to the proposal it is considered that the community impact of the closure would be of the high importance.
9. In addition to the above, the PAW land is held in private ownership by a company that is no longer registered. A search has been undertaken for the legal owners and can not be traced. If the PAW was to be closed, the land would have to be transferred to the crown.
10. On the basis that the PAW is of the reasonable importance in the local pedestrian/cyclist network and the community impact of the closure is considered to be high, it is recommended to not support the closure of the PAW.
11. **Two residents spoke on the item. One for the recommendation and one against the recommendation.**

COMMITTEE RECOMMENDATION TO COUNCIL GS 96/2006

1. That the request for closure of the pedestrian access way between Richards Road and Warner Road, High Wycombe not be supported and the pedestrian access way remain open for the following reasons:
 - a. The PAW is considered to be of reasonable importance in the local pedestrian/cyclist network and it provides access to community facilities and using the alternative routes would cause some inconvenience to the residents.
 - b. The community impact of the closure would be high considering a significant portion of the respondents are not in favour of closure and would be inconvenienced by it.

-
2. That alternative methods to make this PAW safer are investigated including additional lighting and positioning of a rubbish bin near the PAW.

Moved: (Cr Casey)

Seconded: (Cr Cresswell)

For the Recommendation

Cr Blair
Cr Tonkin
Cr Morton
Cr D Sadler
Cr Casey
Cr Cresswell
Cr Winterhalder
Cr Taylor
Cr McKechnie

Against the Recommendation

Cr N Sadler
Cr Giardina

CARRIED

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

97. Request for Acquisition - Reserve 29403 (59) Huntley Street, Gooseberry Hill
(HN-07/59) (Planning and Development Services)
- Refer Item: N/A
Applicant: W King
Owner: Crown

Purpose of Report

1. To determine whether to support the sale of the Reserve 29403 (59) Huntley Street, Gooseberry Hill. Refer **(Attachment 1.)** for Location Plan.

Background

2. Reserve 29403 has an area of 1917 m² and is reserved for the purpose of "Public Recreation". The reserve has been vested with the Shire of Kalamunda since 1982.

Comments

3. The owner of Lot 3 (63) Huntley Street is seeking to acquire the Reserve and amalgamate it with his property.
4. The applicant stated that the reserve is underutilised and that private ownership would relieve the Shire of the maintenance responsibility. Currently, maintenance of the reserve is limited.
5. Under the Perth Biodiversity Project, developed by the then Department of Environment and Department of Conservation and Land Management, the site is identified as forming part of a Regional Ecological Link, which links regionally significant bushland.
6. The Shire is not in a position to directly negotiate with a land owner in terms of disposing of the Reserve. The procedure is under the auspices of the WA Planning Commission (WAPC). Council may make comment to WAPC on whether or not it supports the de-vesting and sale and may assist in the consultation process, but will not make the final determination.
7. If disposal of the Reserve is supported, it would be subject to public consultation and if it proceeded, sale would be by public tender, rather than directly offering it to a specific land owner.
8. Given that the Reserve provides an ecological link to other bushland and reserves, it is recommended that its disposal not be supported.

COMMITTEE RECOMMENDATION TO COUNCIL GS 97/2006

1. That the Council not support the disposal of Reserve 29403 (59) Huntley Road, Gooseberry Hill as it forms part of an ecological linkage and as such should be retained.

Moved: (Cr Taylor)

Seconded: (Cr McKechnie)

For the Recommendation

Cr Tonkin
Cr Morton
Cr D Sadler
Cr Casey
Cr Cresswell
Cr Taylor
Cr Blair
Cr McKechnie
Cr N Sadler

Against the Recommendation

Cr Giardina
Cr Winterhalder

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 Nil

12.0 URGENT BUSINESS APPROVED BY THE PERSON PRESIDING OR BY DECISION

12.1 Nil

13.0 MATTERS BEHIND CLOSED DOORS

13.1 Nil

14.0 CLOSURE

There being no further business, the Chairman declared the meeting closed at 8:48 pm.

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

Signed Chairman

Dated thisday of2006