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Shire of Kalamunda

# **General Services Committee**

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Minutes for 4 April 2005



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## SHIRE OF KALAMUNDA

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**Minutes of General Services Committee  
held in the Council Chamber,  
2 Railway Road, Kalamunda  
Monday, 4 April 2005**

**1.0 OFFICIAL OPENING**

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

**2.0 APOLOGIES AND LEAVE OF ABSENCE**

- 2.1 PRESENT

**Councillors**

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

**Officials**

D Vaughan	CHIEF EXECUTIVE OFFICER
I Kinner	ACTING EXECUTIVE MANAGER CORPORATE SERVICES
K O'Connor	EXECUTIVE MANAGER COMMUNITY SERVICES
S Burrows	EXECUTIVE MANAGER PLANNING AND DEVELOPMENT SERVICES
G Milward	EXECUTIVE MANAGER ENGINEERING SERVICES
B Millan	EXECUTIVE ASSISTANT
D Elkins	ACTING MANAGER ENGINEERING SERVICE
R Briede	MANAGER LIBRARY SERVICE
A Stephens	MANAGER HEALTH SERVICE
F Lund	MINUTE SECRETARY

**Apologies**

Nil

**Observers****8****Newspapers**

Echo

**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 8 March 2005 is confirmed as a true and correct record of the proceedings.

Moved: (Cr Govan)

Seconded: (Cr Taylor)

**CARRIED UNANIMOUSLY****6.0 ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION**

6.1 Nil

**7.0 MATTERS FOR WHICH MEETING MAY BE CLOSED**

7.1 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 36 Closure of Pedestrian Access Way Between Cypress Road & Tillia Court, Forrestfield**

Councillor Casey declared a Disclosure of Interest Affecting Impartiality, as one of the applicants, Mr Flugge, works with her.

**Item 37 Perth Hills Tourism Marketing Group**

Councillor Taylor declared a Disclosure of Interest Affecting Impartiality, as she is the Chairperson for the Eastern Metropolitan Regional Council.

**Item 37 Perth Hills Tourism Marketing Group**

Councillor Tonkin declared a Disclosure of Interest Affecting Impartiality, as she is a committee member of the Eastern Metropolitan Regional Council.

**Item 38 Regional Waste Education Program**

Councillor Taylor declared a Disclosure of Interest Affecting Impartiality, as she is the Chairperson for the Eastern Metropolitan Regional Council.

**Item 38 Regional Waste Education Program**

Councillor Tonkin declared a Disclosure of Interest Affecting Impartiality, as she is a Committee member of the Eastern Metropolitan Regional Council.

**Item 39 2005 Tour De Perth Cycling Event**

Councillor Winterhalder declared and Interest Affecting Proximity, as the route for the cycling race goes past his property.

**Item 39 2005 Tour De Perth Cycling Event**

Cr Bilich declared a Proximity Interest, as she owns a property on Williams Street Kalamunda, where the race is taking place.

**Item 40 Community Safety & Crime Prevention Plan Advisory Group**

Councillor Casey declared a Disclosure of Interest Affecting Impartiality, as she is a member of the Investing in Communities Committee, which is mentioned as a possible stakeholder in this group.

## **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**

## REPORTS

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

### **27. Creditors Accounts Paid - March 2005 ((FI-CRS-002)) (Corporate Services)**

**Refer Item: N/A**

**Applicant: N/A**

**Owner: N/A**

#### **Purpose of Report**

1. To receive creditors' accounts paid for the month of March 2005.

#### **Background**

2. It is a requirement of the Local Government (Financial Management) Regulations 1996 (Regulations 12) that a list of Creditors Accounts Paid be compiled for each month.
3. This list 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 which it is to be presented.

#### **Comments**

4. Accordingly the list of creditors paid from 2 March 2005 to 24 March 2005 is attached **(Attachment 1)**

COMMITTEE RECOMMENDATION TO COUNCIL

GS 27/2005

1. That the list of Creditors Paid from 2 March 2005 to 24 March 2005 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 Casey)

Seconded: (Cr Cresswell)

**CARRIED UNANIMOUSLY**

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**28. Financial Statements Period Ending 28 February 2005  
(FI-SRR-006) (Corporate Services)**

**Refer Item: N/A**

**Applicant: N/A**

**Owner: N/A**

**Purpose of Report**

1. To receive financial statements and operating statements.

**Background**

2. Attached (**Attachment 1.**) is the summary of the financial statements for the period ending 28 February 2005.
3. In accordance with Section 34 of the Local Government (Financial Management) Regulations 1996, operating statements (**Attachment 2.**) are included for the same periods.

**Comments**

4. Nil

COMMITTEE RECOMMENDATION TO COUNCIL

GS 28/2005

1. That the financial statements and the accompanying operating statements for the period ending 28 February 2005 be received.

**Item withdrawn, to be presented to Council as part of the Chief Executive Officer's Report at the April 2005 Ordinary Council Meeting.**

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

**29. Rates Report 2004/2005  
(OR-MTG-009) (Corporate Services)  
Refer Item: N/A  
Applicant: N/A  
Owner: N/A**

**Purpose of Report**

1. The Rates Report is intended to serve as an introduction for discussion on matters relating to rating and associated administrative procedures for the 2004/2005 rating year.

**Background**

2. Rating outcomes for the current financial year are presented to assist in decision-making for the forthcoming Budget.
3. The following Rates Report for the 2004/2005 financial year covers the period 1 July 2004 to 1 March 2005.

**Comments**

4. Rate Collection

The amount of rates levied on 26 July 2004 was \$12,886,485. Excluding deferred rates and Emergency Services Levy, the balance outstanding at 28 February 2005 was \$2,550,028. This is a collection rate of 80.2%. This compares to 81.9% at the same time last year. It should be noted that a larger proportion of assessments are being paid by the four-instalment option this year, the final payment of which is due on 18 March 2005.

Legal action has been taken for the recovery of unpaid rates. Where a ratepayer does not elect to pay by the four-instalment option, does not make alternative arrangements with rates staff, and does not pay by the due date, a series of notices are issued. A Final Notice is issued initially, where there is no response to this, the Shire's debt collection agency (currently Dun & Bradstreet) then issues a Notice of Intention to Sue. Where there is still no payment, or alternative arrangement made in writing, a Summons is issued through the Midland Local Court.

A total of 214 Summonses have been issued this rating year. Further legal action will be taken after the due date of the final rate instalment.

5. Interim Rates

Since the initial levy of rates in July, an additional \$107,725 has been raised in interim rates (Budget \$93,400). These interim rates are the result of subdivisions or strata, leading to the creation of new properties, or of additions or alterations to existing properties. More interim rates will be raised before the end of the current financial year,

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as there are a number of new subdivisions for which valuations have not yet been received from the Valuer General's Office.

There have been 393 new lots created from subdivisions approved in the period 1 July to 1 March, of which 365 have been rated.

6. Discount

No discount was offered for early payment in 2004/05. In previous years, a 5% discount had been applied. In 2003/2004, the amount of discount that was credited to rate assessments totalled \$311,010.

Rates staff received a number of complaints in regard to the discount being discontinued. A number of ratepayers expressed the opinion that there was no longer any incentive to pay in full, as they did not believe that they had any chance of winning the rates incentive prize draw.

By the rates due date, being 10 September 2004, \$8,191,840 had been collected. This is 63.6% of the amount of rates levied, compared to 66.5% at the due date in the previous rating year.

The number of people paying by the four-instalment option increased markedly this year (**Attachment 1.**). This accounts for the reduced collection rate, and is likely to be the result of the discount option being discontinued.

7. Instalments

Under the *Local Government Act 1995*, Council is required to offer a four-instalment payment option, with instalments due not less than two months apart.

There is provision in the Act for Council to impose an administration charge where payment is made by instalments. This charge is intended to offset the loss of investment income, and to cover the additional costs related to instalment payments (such as printing and postage of notices). Council, to date, has resolved to not impose such a charge.

Ratepayers who elect to pay by the four-instalment option are no longer included in the rates incentive prize draw. This was changed when the discount option was removed, so that there would still be an incentive for ratepayers to pay their rates in full by the due date.

8. Special Payment Arrangements

People who are unable to pay in full, or by the four-instalment option, are able to make a written arrangement with rates staff to pay off their outstanding rates. Arrangements are only accepted in writing, to ensure that the payment terms are clear, and there is no misunderstanding between staff and ratepayer.

Direct debit arrangements have been encouraged, as the default rate is far lower than for arrangements where the ratepayer makes the payments themselves (at the Post Office, for example).

As at 1 March 2005, there were 115 direct debit arrangements in place. Around \$6,000 is being collected each fortnight. An average of 4 payments are dishonoured each fortnight. Approximately 300 other special payment arrangements have been made.

Currently, no instalment charges are levied on special payment arrangements. A return fee of \$2.50 is charged to the Shire for direct debit payments that are unable to be

processed due to lack of funds, and this is passed on to the ratepayer. No other penalties apply.

9. Interest on Overdue Rates and Charges

Council is authorised under the Local Government Act to charge penalty interest on overdue rates and service charges. While the majority of councils charge 10-11% per annum, the Shire of Kalamunda in previous years has resolved to not charge interest.

The Emergency Services Levy which is collected by the Shire on behalf of the Fire and Emergency Services Authority (FESA) is liable for an interest charge, if not paid by the due date. This is currently set at 11% per annum. Interest that is collected on this charge is remitted to FESA. A total of \$4,626 in Emergency Services Levy interest has been charged in the period from 1 July 2004 to 1 March 2005.

10. Pensioners and Seniors

Pensioners and Seniors are entitled to receive a rebate on their rates, provided that their portion of the rates is paid in full by the end of the financial year. The rebate is paid to the Shire by the Department of Treasury and Finance, so Council does not lose any income from this arrangement. Pensioners, as well as Seniors who also hold a Commonwealth Seniors Health Card, can receive a rebate of up to 50% of their rates. Seniors can receive up to 25% of their rates, to a maximum of \$204.75.

Pensioners, as well as Seniors who also hold a Commonwealth Seniors Health Card, are entitled to defer their rates (some exceptions apply). Where rates are deferred, they do not need to be paid until the property is sold, or is no longer occupied by the eligible person. Deferred rates currently total \$256,093. Interest on deferred rates is paid to Council annually by the Department of Treasury & Finance to compensate for loss of investment income.

In previous years, Council has resolved to allow a 50% discount on Pensioners' bin service charges. This is not recoverable from Treasury. As at 1 March 2005, there were 3,225 bin services charged at the Pensioner rate of \$96.00, representing a total discount of \$309,600. This is effectively subsidised by the 15,100 ordinary services that are charged (equates to \$20.50 per ordinary service).

There are currently 4,223 properties registered for a pensioner or senior rate rebate.

11. Rate Payment Methods

The payment methods that were available in 2004/05 were:

- In Person – at the Administration Centre,  
at any branch of the Commonwealth Bank in Australia,  
at any Australia Post office or agency.
- By Phone - via BPay through the ratepayer's financial institution,  
by credit card by calling the Telstra Billpay facility.
- By Mail - to the Locked Bag facility (collected and processed by the  
Commonwealth Bank),  
to the Administration Centre.
- By Direct Debit - by written arrangement with rates staff.
- By Internet - part of the Telstra Billpay system, via the Shire's website.

There was a reduction in the usage of the Telstra Billpay by phone option this year (**Attachment 2.**) This can be explained by the fact that the Billpay system was unavailable due to technical problems for two days towards the end of the payment period. Rather than wait for the problem to be resolved, many ratepayers chose to use the BPay or Australia Post options instead.

The new option to pay by the internet has proven to be popular, with 468 assessments paid by this means.

The Western Australian Local Government Association (WALGA) have advised that they will no longer be supporting the Telstra Billpay payment facilities. After undertaking a review of bill payment options, WALGA have advised that their preferred supplier of bill payment services is now BillExpress. Telstra Billpay will be discontinued from 1 July 2005.

There will be considerable cost savings with this change of bill supplier, as transaction costs have been set at a lower rate. In particular, the merchant service fee, which is charged on all credit card transactions, is almost half the current rate (**Attachment 3.**)

As well as phone and internet payments, replacing the Telstra system, BillExpress also offer an over-the-counter payment system, through a network of newsagencies and supermarkets. This is also considerably cheaper than the current in-person payment option via Australia Post. However, the number of outlets that currently accept BillExpress payments is not extensive (**Attachment 4.**) It should also be noted that payment at Australia Post is the most popular payment option.

#### 12. Revaluation

New valuations are received from the Valuer General's Office each year for all properties rated on the basis of their Unimproved Value (UV). A revaluation for all properties rated on a Gross Rental Value (GRV) is carried out every three years. The next GRV revaluation will be for the 2005/2006 financial year. New values should be received in May 2005, and will apply from 1 July 2005. This is likely to result in an increased valuation base for the coming rating year.

#### 13. Rating Mix

Over the past two years, a review of all properties rated on the basis of their Unimproved Value was undertaken. Under the Local Government Act, land that is used for predominantly non-rural purposes is to be rated on the basis of its GRV, and land used predominantly for rural purposes to be rated on its UV. It had come to Council's attention that many properties that were UV rated were not in fact being used for rural purposes.

As a result of this review, the number of UV rated properties has fallen from 1,423 in 2002 to 300 as at 1 March 2005.

In terms of amount of rates levied, the proportion for 2004/2005 was 97.66% GRV and 2.34% UV. In comparison, the ratio in 2003/2004 was 95.35% GRV to 4.65% UV.

14. Minimum Rate

The minimum rate was set at \$435, increased from \$418 last year.

15. Swimming Pool Inspection Levy

Council is required to inspect all known private swimming pools at least once every four years. Inspections were carried out in the first half of 2004.

The fee charged for the pool inspection was set at \$40.70 (\$37 plus GST). Invoices were sent to pool owners after the inspections had been carried out by the Royal Lifesaving Society.

The amount of pool inspection levy that was charged in April 2004 was \$197,859. As at 1 March 2005, \$1,158 was still outstanding.

16. Rates Incentive Prizes

In order to encourage ratepayers to pay their rates in full by the due date, prizes have been offered each year. A prize draw has been held, with winners drawn at random.

In previous years, local businesses have been contacted, and advertisements have been placed in local newspapers, encouraging local businesses to donate incentive prizes. Little response has been received.

Because no discount was offered in 2004/2005, Council donated a number of cash prizes to encourage full payment of the rates.

The 30 prizes that were offered were:

(1) – (25)	\$1,000 cash	Donated by the Shire of Kalamunda
(26)	\$500 cash	Donated by Forrestfield Community Bank Branch (Bendigo Bank)
(27)	2 nights accommodation	Donated by Hidden Valley Bed & Breakfast
(28) – (29)	2 Concert Tickets	Donated by the West Australian Symphony Orchestra
(30)	\$150 Gift Voucher	Donated by Andrea Gabriel Natural Health & Therapy Centre

No prize donations have yet been received for 2005/2006. If Council resolves to offer rate prizes in the coming year, previous donors will be contacted to find if they are interested in donating a prize again. "Expression of interest" advertisements can also be placed in local newspapers.

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17. For Consideration in 2005/2006

That incentive prizes again be offered to encourage the payment of rates in full by the due date.

That Council again offers a total of \$25,000 in rate incentive prizes, in lieu of a discount for early payment of rates.

That Council considers charging penalty interest on overdue rates and charges, to discourage the non-payment or late payment of rates.

Administration fee to not be imposed on payments made by the four-instalment option.

Special arrangements continue to be offered to ratepayers who are unable to pay in full or by the four-instalment option, at no additional cost to the ratepayer.

Current payment methods to be maintained, that is:

- Australia Post in-person payments
- Commonwealth Bank branch payments
- Locked Bag for posted payments
- BPay
- Direct Debit
- Shire Admin Centre in-person payments

The Telstra Billpay phone and internet payment service to be replaced by the equivalent BillExpress service, as supported by WALGA.

BillExpress over-the-counter payments at newsagents to be trialled. This will incur no additional cost, as it is part of the BillExpress package.

COMMITTEE RECOMMENDATION TO COUNCIL

GS 29/2005

1. That Council notes the points raised in Point 17 above as forming the basis of 2005/2006 rating considerations.

Moved: (Cr Blair)

Seconded: (Cr Winterhalder)

**CARRIED UNANIMOUSLY**

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

**30. Principal Activities Plan - 2005  
(OR-CMA-015) (Corporate Services)**

**Refer Item: N/A**

**Applicant: N/A**

**Owner: N/A**

**Purpose of Report**

1. To ensure the 2005 Principal Activities Plan is adopted by Council in compliance with statutory requirements.

**Background**

2. The Local Government Act 1995 (as amended) – S5.56 to 5.58 - imposes a requirement upon the Council to ensure that a Principal Activities Plan to be prepared and adopted each financial year.
3. Prior to adoption the plan is to be made available to the public for 42 days, with an invitation for submissions in relation thereto.

**Comments**

4. The 2005 draft of the Principal Activities Plan has been completed and is attached (**Attachment 1**). The plan is reflective of the requirements of the Local Government Act and identifies those services considered major services, ie. Roads, Footpaths, Drainage, Waste Management, Planning and Development.
5. The Principal Activities Plan is generally linked with three other documents and processes.
  - o The Strategic Plan
  - o The Annual Budget
  - o The Annual Report
6. The Strategic Plan sets the philosophy and strategy over an extended time frame. The Principal Activities Plan is a more focused document, which concentrates on major services to be provided in the immediate and foreseeable future.
7. Following public consultation it is proposed that Council will formally adopt the plan at the June 2005 Ordinary Council Meeting.
8. **Date on (Attachment 1.) page 6 Estimated Cost of the Service for 2004/05, should read 2005/06.**
9. **Date on (Attachment 1.) page 8 Estimated Cost of the Service for 2004/05, should read 2005/06.**

COMMITTEE RECOMMENDATION TO COUNCIL

GS 30/2005

1. That the draft Principal Activities Plan 2005 as attached (***Attachment 1.***) is endorsed and made available for the public comment for a period of 42 days prior to final adoption by Council.

Moved: (Cr Casey)

Seconded: (Cr Taylor)

**CARRIED UNANIMOUSLY**

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

**31. Parking Restrictions: Lawnbrook Road West Walliston (LW-02) (Engineering Services)**

**Refer Item: N/A**

**Applicant: Main Roads Western Australia (MRWA)**

**Owner: N/A**

**Purpose of Report**

1. The Council is requested to approve the restriction of parking/stopping around the guarded school crossing in Lawnbrook Road West Walliston.

**Background**

2. Main Roads Western Australia (MRWA) upgraded the guarded school crossing servicing Walliston Primary School, in Lawnbrook Road West Walliston, during September of 2004.
3. During a site investigation, MRWA noted the need for parking restrictions to be imposed in the vicinity of the crossing to ensure compliance with the current guarded crossing standard. A sketch detailing the current standard for this site, including the required parking/stopping restrictions, is included at **(Attachment 1.)**
4. Regulation 144 of the *Road Traffic Code 2000* prohibits stopping a vehicle within 20m of a school crossing on the approach side and 10m of a school crossing on the departure side.

**Comments**

5. The installation of 'No Stopping' signs will reinforce current requirements under regulations, and ensure drivers are aware of the current rules.

COMMITTEE RECOMMENDATION TO COUNCIL

GS 31/2005

1. That 'No Stopping' signs be installed to restrict parking/stopping of vehicles within 20m of the approach side and 10m of the departure side of the guarded school crossing, servicing Walliston Primary School, in Lawnbrook Road West Walliston.

Moved: (Cr Winterhalder)

Seconded: (Cr Cresswell)

**CARRIED UNANIMOUSLY**

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

**32. Tender T0503 - Hire of Various Plant  
(AD-TEN-004) (Engineering Services)**

**Refer Item:**

**Applicant: N/A**

**Owner: N/A**

**Purpose of Report**

1. The Council is requested to accept Tenders for Hire of Various Plant Items.

**Background**

2. The Tender for Hire of Various Plant Items closed on 28 February 2005.
3. The tender called for the dry hire (fuel and operator supplied by the Shire of Kalamunda) and plant with operator (fuel and operator supplied by Contractor) of the following items of road construction plant:
  - Skid Steer Type Loader (Bob Cat);
  - Rock Breaker (18 to 23 tonne, rubber wheel);
  - Tipper Truck(s) (14 tonne, 10m<sup>3</sup> capacity);
  - Backhoe;
  - Light Grader (50-70kW);
  - Medium/Heavy Grader (105kW); and
  - Additional person.
4. Twelve (12) tenders were received. Each of the twelve (12) tenders submitted rates for only a portion of the requested plant. Contractor details and submitted rates are included in attachment 1. (**Attachment 1.**)
5. A single tender was received for the hire of Light Grader. The submission was incomplete, omitting much of the required information.

**Comments**

6. As no potential Contractor(s) supplied rates for all the requested plant, a number of contracts will be required.
7. Past experience has demonstrated a single contractor cannot be relied upon to be available when required. A number of Contracts should be awarded for each type of plant to increase the chance of availability. When plant is required, Contractor preference can be based on price.
8. Without a complete tender submission for Light Grader, it is not possible to award a contract for this type of plant.

## COMMITTEE RECOMMENDATION TO COUNCIL

GS 32/2005

1. That, in accordance with details shown on **(Attachment 1.)**, Contracts for Tender T0503, Hire of Various Plant Items, be awarded to the following:

<u>CONTRACTOR</u>	<u>PLANT ITEM(S)</u>	<u>RATE/HR</u>
McKay Earthmoving Pty Ltd	Skid Steer Loader	\$60.50/hr
	Tipper Truck	\$66.00/hr
	Rock Breaker	\$132.00/hr
	Backhoe	\$71.50/hr
Murley Bros Earthmoving	Backhoe	\$71.50/hr
National Hire – The Cat Rental Store	Skid Steer Loader	\$34.70/hr (Dry Hire)
	Backhoe	\$50.34/hr (Dry Hire)
	Medium/Heavy Grader	\$75.51/hr (Dry Hire)
J.D.S Bobcat Services	Skid Steer Loader	\$66.00/hr
	Tipper Truck	\$66.00/hr
Vinci Enterprises Pty Ltd	Tipper Truck	\$86.00/hr (Concrete/Rock)
		\$66.00/hr (No Concrete/Rock)
Mayday Earthmoving	Skid Steer Loader	\$64.90/hr
		\$38.87/hr (Dry Hire)
	Tipper Truck	\$66.00/hr
	Rock Breaker	\$176.00/hr
	Backhoe	\$77.00/hr
		\$44.00/hr (Dry Hire)
	Medium/Heavy Grader	\$104.50/hr
	\$53.53/hr (Dry Hire)	
Mako Civil	Skid Steer Loader	\$66.00/hr
	Tipper Truck	\$71.50/hr
	Rock Breaker	\$176.00/hr
	Medium/Heavy Grader	\$104.50/hr

2. That no Contract be awarded for the hire of Light Grader.

Moved: (Cr Govan)

Seconded: (Cr Taylor)

**CARRIED UNANIMOUSLY**

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

**33. Forrestfield Traffic & Pedestrian Access Review  
(EG-CMP-014) (Engineering Services)**

**Refer Item:**

**Applicant: N/A**

**Owner: N/A**

**Purpose of Report**

1. The Council is requested to consider recommendations from the Forrestfield Pedestrian and Traffic Access Review Working Party.

**Background**

2. At the Ordinary Council Meeting on 15 March 2004, it was resolved:

*That the Committee recommendation be rejected.*

1. *That Council does not support*

- a) *Closure of Hanover Street at Hale Road*

- b) *Extension of Cumberland Road to Hale Road opposite Strelitzia Avenue.*

2. *As a result of permanently ruling out closure of Hanover Street and an extension of Cumberland Road to Hale Road opposite Strelitzia Avenue, the Council does not support the purchase of private property.*

3. *That if a development application for further work at the Forrestfield Forum/market place is received, the applicants be required to undertake a traffic management study which takes account of Council's decision as in Point 2 above.*

4. *A Working Party including community representatives be formed immediately, to evaluate effectiveness of work to date and make recommendations to Council on any future improvements to traffic and pedestrian flow.*

5. *Prior to establishing a Working Party, terms of reference and membership be referred to Council for endorsement.*

3. At the Ordinary Council Meeting of 19 April 2004 the Terms of Reference as shown at **(Attachment 1.)** were adopted.

4. Several meetings of the Working Party have been held, with consideration being given to a report prepared by Riley Consulting, a copy of which is shown at **(Attachment 2.)**. The matters addressed by the report and considered by the Working Party, were those

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included within the Terms of Reference, plus issues raised during the course of the Working Party deliberations.

5. At its meeting on 2 February 2005, the Working Party unanimously adopted the following recommendations:

1. 'Woolworths Drive', Hale Road intersection treatment

1.1 That a roundabout generally in the accordance with the plan shown at **(Attachment 3.)** be constructed to cater for traffic flows anticipated to be created by future development, within the commercial precinct, abutting Hale Road and Strelitzia Avenue.

1.2 That as an interim measure, line marking in Hale Road be completed to minimise the tendency for east bound traffic to overtake vehicles slowing to turn left into 'Woolworths Drive'.

2. Left in Left Out controls along Hale Road.

2.1 That no turning control be imposed at intersections or driveways in Hale Road, between 'Woolworths Drive' and Strelitzia Avenue.

3. Rationalisation of carparks (within 'Hale Road commercial area').

3.1 That modifications to carparks be considered, in conjunction with applications for further development.

3.2 That consideration of the rationalisation of driveways to Hale Road, be deferred pending examination of accidents statistics, subsequent to the upgrade of Hale Road, completed in 2003/04.

4. Upgrading of Strelitzia Avenue.

4.1 That the upgrading proceed in accordance with plans presented to the Working Party, subject to specific consideration being given to driver sight lines and the difficulty experienced by service vehicles entering the southern service area from Strelitzia Avenue.

5. Service Station Driveway

5.1 That the eastern driveway from the service station to Hale Road be retained, in conjunction with the remarking of the left hand traffic lane to permit through movements for east bound traffic, and the widening of Hale Road and the median island to the east of Strelitzia Avenue, to accommodate through movement.

6. Sussex Road Closure.

6.1 That the existing closure in Sussex Road be retained to maintain the existing traffic speed regime, particularly in front of the Forrestfield Primary School.

7. Possible Hale Road Reserve Widening

7.1 Recommendation

That a possible 6m road reserve widening along Hale Road, as shown on **(Attachment 4.)** be identified.

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## Comments

6. Although at present no consideration has been given to rezoning rural land north of the residential areas of Forrestfield, it is possible that such a change could occur in the future. As indicated in the report by Riley Consulting, if this was to occur, the traffic volumes generated along Hale Road, would bring about the need to consider a four lane dual carriageway road, extending west from Strelitzia Avenue. To adequately cater for such a situation, it would be necessary for the road reserve, adjacent to the commercial area, to be widened from 20m to 26m. This possible widening is shown on the plan at (Attachment 4.)
7. Such a widening would remove one row of carparking bays within the affected properties, necessitating the creation of replacement bays in alternative locations. Options currently exist to plan for this occurrence.
8. Whilst this road reserve widening is not required at present, it should be identified to permit consideration to be given to its implications, when future development applications are assessed. It should be noted that reserve widening has already been achieved from the Tavern eastwards and in the vicinity of Dawson Avenue. The recent development on the corner of Hale Road and Albizia Close, has made provision for a reserve widening.
9. The Working Party did not give consideration to community consultation beyond input by Working Party members, but it is suggested that those property owners and businesses, impacted upon more significantly by some of the recommendations, should be given the opportunity to comment on the proposals, prior to final consideration by the Council.
10. It is suggested that Working Party recommendations 1, 2, 3, 5 and 7, be referred to property and business owners, within the Hale Road commercial area, and Hale Road residents opposite the commercial area, and that recommendation 6 be referred to the residents in Sussex Road.
11. The upgrading of Strelitzia Avenue has commenced in accordance with 2004/05 Budget allocations. (Recommendation 4).

COMMITTEE RECOMMENDATION TO COUNCIL

GS 33/2005

1. That the Forrestfield Traffic and Pedestrian Access Review Working Party Recommendations 1,2,3,5 and 7, as detailed in paragraph 5 above, be referred for comment to property and business owners, within the Hale Road commercial area, and Hale Road residents opposite the commercial area.
2. That the Forrestfield Traffic and Pedestrian Access Review Working Party Recommendation 6, as detailed in paragraph 5 above, be referred for comment to the residents in Sussex Road.
3. That comments received on the Recommendations be reported to the Council.

Moved: (Cr Govan)

Seconded: (Cr Morton)

**CARRIED UNANIMOUSLY**

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

- 34. Request To Purchase a Part of Road Reserve-Healey Place, Gooseberry Hill  
(LN-05/006) (Planning and Development Services)  
Refer Item: GS 117/2004  
Applicant: Leon English  
Owner: Leon and Helen English**

### **Purpose of Report**

1. The owner of 6 Lenori Road, Gooseberry Hill has applied for the part closure and purchase of the Healey Place Road reserve. The area is approximately 374 m<sup>2</sup> located on the north side of the road reserve from the head of the cul-de-sac to the Lenori Road reserve. Refer **Attachment 1** for Site Plan.

### **Background**

2. The applicant wishes to purchase a portion of the Healey Road Reserve adjacent to 6 Lenori Road/Healey Place, Gooseberry Hill. The portion of the road reserve is not constructed and will not be extended to Lenori Road. The portion of the road reserve contains a pedestrian path and has been landscaped and maintained to a high standard by the applicant. Services are also located in the reserve, but not within the portion the applicant seeks to close and purchase. The applicant wishes to incorporate the portion of the road reserve into the property, which is currently developed as a guest house.
3. Council has previously sought advice on the closure from various servicing authorities and gained a valuation from the Department of Planning and Infrastructure.

### **Comment**

4. The Applicant addressed the General Services Committee on 6 December 2004 and requested that 2 metre minimum width from the eastern edge of the concrete path be considered and supported. Council resolved that the proposal be publicly advertised based on a two metre width from the eastern edge of the footpath.
5. Under section 58 of the Land Administration Act the Council can request the Minister for Lands to close a road subject to following procedure:
  - Community consultation;
  - Planning assessment ;
  - Liaison with adjoining owners; and,
  - Public utility service authority providers agreeing to the closure.
6. The proposal was advertised by way of letters to adjoining land owners, a sign erected on site and an advertisement in a local paper. The submission period was 35 days. Refer **Attachment 2** for submissions.

- 
7. Council received 3 non-objections and 5 objections from nearby land owners. An additional 26 submissions (14 of which were from Gooseberry Hill) were received. All of these objected to the proposal.
  8. Non -objectors to the proposal were supporting the applicant because:
    - They have cared for this land (mowing, cleaning, supplying trees) for at least 20 years.
    - The owners of adjoining Lot 2 were interested in purchasing a portion of the said land.
  9. The concerns raised in submissions that were opposing the proposal were:
    - Part closure would remove open, free feeling of the walkway.
    - No council land should ever be fenced off for the benefit of one resident and for no benefit to the community as a whole.
    - This is not a private piece of land for the applicant to benefit his business.
    - Narrowing of the pathway could raise concerns for the safety of public using the reserve.
    - The Shire needs more open space, parks and reserves, not less.
    - If approved this can become a precedent.
    - Emergency access can become restricted.
    - Closure would deny the public a pleasant area for passive recreation.
  10. The road reserve has been utilised as a public access way for a number of years with the landscaped area being maintained by the applicant. It is proposed to maintain a pedestrian access way in the road reserve. Along the western edge of the existing path is densely vegetated. If the area of road reserve as shown on Attachment 1 is acquired, a path area of approximately 2.5 m in some areas will exist. Given that the fence may be installed on the applicant's side, when combined with the dense vegetation on the eastern side of the road reserve, would create an alley way which could result in poor security and surveillance. It is therefore proposed that to maintain a functional access way the area of land subject of consideration should remain open for public use.
  11. It is therefore recommended to not seek the closure of part of the road reserve of Healey Place, Gooseberry Hill
  12. **Nick Maxfield from Noel Road Gooseberry Hill informed the meeting that he agrees with the staff Recommendation.**
  13. **Rosemary Milton , informed the meeting that whilst she is happy for the Bed & Breakfast to operate next door to her property, she does not want to see the establishment increase in size.**
  14. **The applicant, Leon English, informed the meeting that he had no intention of expanding his business. He stated that the walkway would not be adversely impacted upon should he be permitted to purchase the subject portion of road reserve.**
  15. **The Committee acknowledged the work that Mr English had carried out on the reserve adjacent to his property.**

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COMMITTEE RECOMMENDATION TO COUNCIL

GS 34/2005

1. That the Council not support the closure and sale of the part of road reserve Healey Place, Gooseberry Hill on the grounds of that the road reserve provides an effective and well used public walkway.

Moved: (Cr Winterhalder)

Seconded: (Cr McKechnie)

**FOR**

Cr McKechnie  
Cr Taylor  
Cr Winterhalder  
Cr Cresswell  
Cr Casey  
Cr Morton  
Cr Govan  
Cr Tonkin  
Cr Bilich  
Cr Sadler

**AGAINST**

Cr Blair  
Cr Stallard

**MOTION CARRIED**

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

**35. Closure Of Right Of Way-Stanhope Road, Kalamunda  
(ST-07/GEN) (Planning and Development Services)**

**Refer Item: GS12/2005**

**Applicant: Frank Pinner**

**Owner: Crown**

**Purpose of Report**

1. Council is to consider the proposed closure of the Right of Way abutting 107 and 109 Canning Road, 11 Lyndhurst Road and 3 Stanhope Road, Kalamunda. Council, at its meeting in February 2005 resolved that the above matter be withdrawn and referred back to staff for reassessment.

**Background**

2. Council, at its Ordinary Meeting of December 2004, resolved not to initiate an Amendment to Town Planning Scheme to allow for the additional uses of Professional Offices, Consulting Rooms and Veterinary Clinic on 109 Canning Road.
3. The ROW is accessed off Stanhope Road and abuts 107 and 109 Canning Road, 11 Lyndhurst Road and 3 Stanhope Road (Refer **Attachment 1**). The ROW is neither constructed nor fenced, and gives the visual impression of forming a part of the rear of 107 and 109 Canning Road.

**Comments**

4. The closure of the ROW has been requested by the owner of 109 Canning Road. The owner has requested the closure for security reasons, as the ROW provides a gap between the boundary fence between 107 and 109 Canning and the side of 3 Stanhope. The owner has offered to purchase either the whole or a portion of the ROW if the closure proceeds.
5. The proposed closure was referred to adjoining land owners and service authorities. (Refer **Attachment 2**- Schedule of submissions). An objection was received from the owner of 107 Canning Road, which is currently undeveloped. The objection was on the basis that the closure would limit the opportunity for access to the rear of the site when it was developed. It was also stated that access to the rear would be beneficial as the site is on a bend on a busy road. A gate has been installed in the fence of 3 Stanhope, which presumably was put in to allow access to the property via the ROW. It is not clear if the gate and access is actively used. The owner of 3 Stanhope did not make a submission on the proposal.
6. When the house was constructed on 109 Canning Road, a low fence was constructed across the ROW at the Stanhope Road frontage.
7. The access to the ROW from Stanhope Road is blocked by a mature conifer tree growing on the verge.. If the ROW were constructed the tree would have to be removed.
8. The council has two options to consider. If the Council resolves to proceed with the closure, a recommendation will be forwarded to the Department of Planning and Infrastructure (DPI), which will ultimately determine the matter. If the DPI agrees to the

closure, the land will be offered to adjoining owners for purchase. The second option is to not support the closure so that rear access to the lots will be maintained.

9. There are pros and cons to both options. If the ROW remains open, it will maintain the ability for it to be constructed in the future to service current or future land uses. However, this will not address the current security and privacy issues. Additionally if the ROW is not fenced on the common boundary of 107 and 108 Canning Road, it will remain as a strip of gravel and rock which would detract from the rear yards of the existing and future residences. The option is open for adjoining land owners to install a fence to the ROW. If the ROW was not closed and subsequently constructed it would result in the removal of a large tree in the road reserve.
10. It is recommended that the ROW not be closed so as to ensure that land use planning options for the future are not compromised.
11. **Mr Stevenson, owner of 107 Canning Road, informed the meeting that he purchased this property with rear access through the ROW in place and he will be adversely impacted upon should the ROW be closed. The meeting was informed that the property Mr Stevenson owns is zoned for a single residence only.**

COMMITTEE RECOMMENDATION TO COUNCIL

GS 35/2005

1. That the request for closure of Right of Way between Lot 154 (109) Canning Road and Lot 19(3) Stanhope Road is not supported on the grounds of it having the potential to provide secondary access to abutting lots.
2. That the owner of Lot 154 (109) Canning Road be requested to remove the section of fence on the Stanhope Road frontage where it crosses the ROW. The fence should be removed within 3 months.

Moved: (Cr Blair )

Seconded: (Cr Cresswell)

**FOR**

Cr Taylor  
 Cr Winterhalder  
 Cr Cresswell  
 Cr Casey  
 Cr Morton  
 Cr Govan  
 Cr Tonkin  
 Cr Bilich  
 Cr Blair  
 Cr Stallard  
 Cr Sadler

**AGAINST**

Cr McKechnie

**MOTION CARRIED**

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

**Cr Casey declared a Disclosure of Interest Affecting Impartiality, as one of the applicants, Mr Flugge, works with her.**

**36. Closure Of Pedestrian Access Way Between Cypress Road And Tillia Court, Forrestfield (CY-02/GEN) (Planning and Development Services)  
Refer Item: GS 10/04, PS8/05  
Applicant: T&B Phillpot, E&A Flugge  
Owner: Crown**

### **Purpose of Report**

1. A request has been made for Council is to review it's decision to not support the closure of the Pedestrian Access Way (PAW) between Cypress Road and Tillia Court, Forrestfield. Council, at its February 2005 meeting referred the request back to staff to investigate requirements for services located in the PAW.

### **Background**

2. In 2002, the Council received a request for closure of the above PAW. Preliminary investigation and canvassing of adjacent property owners indicated that the two owners on the Tillia Court side of the PAW were not interested in purchasing the adjoining section of PAW if it were closed. Following this, Council did not proceed with the closure.
3. In January 2004 Council received another request to close the PAW, following which the closure procedure was again instigated. The proposed closure was advertised to the for public comment and advice from service providers was sought. The advertising of the proposal resulted in 19 non-objections and 6 objections to the closure. Council, in October 2004, resolved to not proceed with the closure.
4. An analysis of the immediate locality indicated that for some residents of Tillia Court walking distance would increase up to 400 m if the PAW is closed. The PAW connects Tillia Court with Cypress Road , which then connects to Hale Road. Hale Road is a bus route and contains commercial uses, therefore it could be considered as a pedestrian destination point.

### **Comments**

5. The latest request to close the PAW was not formally advertised beyond contacting the adjoining land owners.
6. An inspection in January 2005 revealed that the PAW was in a good condition. There has been no changes to amenities or pedestrian and cycle routes in the area. The owners of the two adjoining properties on Tillia Court side still maintain they have no interest in purchasing the land.
7. The adjoining landowners (53 and 55 Cypress Road) to the PAW advised that they were both willing to purchase the PAW and then donate the back half of it to the Homeswest property at 15 Tillia Court.

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8. There is a water main going through PAW and the Water Corporation has advised that the cost to cut, cap and remove the service from PAW would be \$1668.70 inc GST. The owners interested in closing the PAW have been informed of this quote and have confirmed they willingness to pay the costs.
  9. The Council has following options to decide from:
    - To allow the owners adjacent to the PAW on Cypress Road side to purchase the whole of the PAW's land and donate the Tilia Road half of the PAW to Department of Housing and Works to add to their property. To date the Department has not advised if it is whether it is prepared to accept this proposition.
    - To close and amalgamate the Cypress Road part of PAW and leave the remaining section open.
    - To close and amalgamate the Cypress Road half of the PAW and fence off Tilia Court half.
    - To leave the PAW open.
  10. Should the decision be made to close the PAW and amalgamate it to adjoining properties, the decision should be subject to the owners of 53 Cypress Road and 55 Cypress Road undertaking to pay all the costs of removing the services from the PAW and all associated costs including purchasing of the whole of the PAW.
  11. Due to the adjacent landowners' on Cypress Road commitment to buy the whole of the PAW it is recommended that the PAW be closed.
  12. **Mrs Phillipot addressed the meeting, registering her agreement for the staff Recommendation.**
  13. **Mrs Flugge addressed the meeting, registering her agreement for the staff Recommendation.**
  14. **Cr Taylor left the Chambers at 7.51pm.**

COMMITTEE RECOMMENDATION TO COUNCIL

GS 36/2005

1. That the Council supports the closure of the PAW between Cypress Road and Tilia Court in Forrestfield, subject to the owners of 53 Cypress Road and 55 Cypress Road paying all the costs of removing the services from the PAW and all associated costs including purchasing of the whole of the PAW land.

Moved: (Cr Govan)

Seconded: (Cr Morton)

**CARRIED UNANIMOUSLY**

**Without Cr Taylor who was out of the Chambers at the time of voting.**

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

**Cr Taylor declared a Disclosure of Interest Affecting Impartiality, as she is the Chairman of the EMRC.**

**Cr Tonkin declared a Disclosure of Interest Affecting Impartiality, as she is a member of the EMRC.**

**37. Perth Hills Tourism Marketing Group  
(CO-INF009) (Community Services)  
Refer Item: GS132/2003, GS19/2005  
Applicant: N/A  
Owner: N/A**

### **Purpose of Report**

1. To consider a proposal to establish and participate in a Perth Hills Marketing Group to guide the strategic direction for the Perth Hills Tourism Precinct.

### **Background**

2. Following the adoption of the Perth Hills Destination Marketing and Precinct Development Business Plan 2003 by the Shires of Kalamunda and Mundaring, it was agreed at an officer level that initiatives to be achieved during 2004/5 could include the amalgamation of the Mundaring, Kalamunda & District and Bickley & Carmel Valleys tourism associations to form a single association. Each Council subsequently allocated \$10,000 in their respective budgets to enable these initiatives to be implemented.
3. Since then consideration has been given to the practical aspects of how the formation of a single association might be achieved, such as parity of funding, operating practices, location, customer/member access and opening hours.
4. Clarification was also required over the ability of each Council and/or association to pursue projects or programmes of interest to their community which may not be a priority for the group as a whole.
5. In view of this there was a proposal to defer the concept to allow time for the Perth Hills Precinct to become established, an assessment to be made of the level of support to be provided by individual operators and for both Councils to determine the extent to which they were prepared to commit financially to tourism.

### **Comments**

6. In the context of the issues raised, further discussions were held at a meeting of the Perth Hills Interim Working Group held in late 2004. It was agreed to explore alternative structures that enable both local governments and the respective tourism associations to market and promote the Perth Hills destination at a strategic level whilst retaining the ability to develop and promote niche marketing opportunities within their respective communities.
7. One possible structure could be an overarching body or advisory committee (for example the Perth Hills Marketing Group) comprising representatives from the two Councils, the

respective tourism associations and business associations, etc (**Attachment 1**). Such a structure would:

Contain representation from the key stakeholders in the Precinct

Through its councillor membership be represented at both Councils when items are presented for discussion

Focus at a strategic level to determine outcomes to be achieved

Provide a voice and greater sense of ownership for both small business and tourism operators in 'influencing' outcomes at a strategic level

Allow both Councils to pursue their own initiatives and strategies locally whilst working collaboratively under the Perth Hills destination banner

Set objectives for the strategic direction for the Perth Hills Marketing Group

Represent the interest of partners to stakeholders outside the Precinct

8. Under this structure the role of the Interim Working Group would continue and in effect support the Perth Hills Marketing Group. A requirement would be for clearly defined roles to be developed for each, with the former being renamed to more appropriately recognise its role. This role is likely to include becoming more proactive in putting in place the structures and processes that will enable it to assume responsibility for much of what the Eastern Metropolitan Regional Council (EMRC) has undertaken to date.

9. **Cr Taylor returned to the Chambers at 7.54pm.**

COMMITTEE RECOMMENDATION TO COUNCIL

GS 37/2005

1. That Council endorse the establishment of, and participation in, the proposed Perth Hills Marketing Group to guide the strategic direction for the Perth Hills Tourism Precinct.

Moved: (Cr Tonkin)

Seconded: (Cr Stallard)

**CARRIED UNANIMOUSLY**

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

**Cr Taylor declared a Disclosure of Interest Affecting Impartiality, as she is the Chairman of the EMRC.**

**Cr Tonkin declared a Disclosure of Interest Affecting Impartiality, as she is a member of the EMRC.**

**38. Regional Waste Education Program  
(HE-RLW 007) (Community Services)**

**Refer Item: N/A**

**Applicant: Eastern Metropolitan Regional Council (EMRC)**

**Owner: N/A**

**Purpose of Report**

1. To seek Councils support for the proposal of a Regional Waste Education Program.

**Background**

2. The Regional Waste Education Steering Group comprising member Council officers and recycling contractors operating in the region was formalised in March 2004 by the Chief Executive Officers Advisory Committee (CEOAC) and EMRC Council.
3. The initial aim of this group was to address issues associated with inconsistent messages being disseminated to the public from each member Council regarding recycling. The Regional Waste Education Program uses a variety of tools to encourage awareness raising, participation, and behavioural change towards reducing our impact on the environment through waste avoidance and minimisation, and participating in decisions about the future of waste management in Perth's Eastern Region.
4. The 4 key waste minimisation principles are:
  - Reduce – reduce the amount of waste generated in the region;
  - Re-use – increase the re-use of unwanted materials (i.e. exchange, donate, buy or sell) in the region;
  - Recycle – increase the amount of materials diverted from landfill through kerbside and other recycling systems;
  - Recover – recover the resources from the waste that are leftover in a sustainable manner.
5. Although agreement has been reached on a common set of messages and materials that can be recycled in the region, waste education programs with similar aims continue to be delivered by each member Council and the EMRC individually resulting in duplication.

**Comments**

6. The Regional Waste Education Steering Group recognises that waste education could be delivered more cohesively and cost effectively on a regional basis, resulting in more effective outcomes for the region as a whole.
7. At the February Council meeting of EMRC, the following was resolved:

1. *That Council support the proposal for a Regional waste Education Program with the EMRC as a facilitator and the Regional Waste Steering Group providing guidance and direction.*
  2. *That the proposal be forwarded to member Councils for their consideration.*
8. The EMRC is seeking in principle support from the Shire of Kalamunda for a regional waste education program, followed by a review of waste collection programs and relationships across the region and the development of a fully costed 3 year proposal which will consider the needs of each member Council. The review would also involve an assessment of current and anticipated EMRC waste education budget requirements and current member Council direct and indirect expenditure on waste education to identify efficiencies and savings to be gained through regional cooperation.
9. A proposal would be developed in conjunction with the Regional Waste Education Steering Group and presented to the CEOAC, the Technical Advisory Committee(TAC), the Strategic and Secondary Waste Treatment Committee (SSWTC) and EMRC for review and adoption before being presented to the member Councils for final consideration.
10. **Councillors discussed budget implications should the Shire of Kalamunda give support to the EMRC proposal. As result, an amendment was made to the staff Recommendation.**

## RECOMMENDATION

GS 38/2005

1. That the Eastern Metropolitan Regional Council be advised of Council's support for the proposal of a Regional Waste Education Program with the EMRC as a facilitator and the Regional Waste Steering Group providing guidance and direction.

**COMMITTEE RECOMMENDATION TO COUNCIL GS 38/2005**

1. **That the Eastern Metropolitan Regional Council be advised of Council's ' In Principal' support for the proposal of a Regional Waste Education Program with the EMRC as a facilitator and the Regional Waste Steering Group providing guidance and direction.**

Moved: (Cr Blair)

Seconded: (Cr Taylor)

**FOR**

Cr Taylor  
 Cr Cresswell  
 Cr Casey  
 Cr Morton  
 Cr Govan  
 Cr Tonkin  
 Cr Bilich  
 Cr Blair  
 Cr Stallard  
 Cr Sadler  
 Cr McKechnie

**AGAINST**

Cr Winterhalder

**MOTION CARRIED**

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

**Cr Bilich declared a Proximity Interest, as she owns a property on Williams Street Kalamunda, where the race is taking place, leaving the Chambers at 8.10pm.**

**Councillor Winterhalder declared an Interest Affecting Proximity, as the route for the cycling race goes past his property, leaving the Chambers at 8.11pm.**

**39. 2005 Tour De Perth Cycling Event  
(EG-RDM-009) (Community Services)**

**Refer Item: N/A**

**Applicant: WA Cycling Federation Inc**

**Owner: N/A**

### **Purpose of Report**

1. Council is requested to consider an application to conduct the Tour de Perth Australian Road Championships cycle races around the Kalamunda town centre, Scenic Drive Zig Zag and Bickley and Carmel areas. The races will take place over the weekend of Saturday 28 and Sunday 29 May 2005.

### **Background**

2. A request has been received from the Chris Thompson CEO of the WA Cycling Federation to conduct four cycling races.

*Stage 1* (4 km) Saturday 28 May 2005 starting at Lascelles Parade at 9.30am, along the route shown on **(Attachment 1.)** Finish time approximately 4:00pm.

*Stage 2* (120 km) Saturday 28 May 2005 starting at Railway Road at 12.30pm along the route shown on **(Attachment 2.)** Finish time approximately 4.00pm.

*Stage 3* (80km) Sunday 29 May 2005 starting at 9.30am along the route shown on **(Attachment 3)**. On the conclusion of the eighth lap the group will ride up the Zig Zag and back to the finish on Williams Road at approximately 12.45pm.

*Stage 4* Sunday 29 May 2005 starting at 1.00pm on Haynes Street, along the route shown on **(Attachment 4)**. The finish line is in front of the Kalamunda Hotel at approximately 2.00pm.

3. A request has been made for the suspension of the Road Traffic Act for the stages 1, 2 & 3 resulting in a half road closure. There will be some site specific signage ie 'Caution Cyclist on Road'. Marshals will maintain the integrity of all event signage through the duration of the event and stop cyclists if a road hazard or danger arises. At no time will marshals direct vehicular traffic on a road.
4. A request has been made for 'application for an order for a road closure' for the fourth stage commencing on Sunday May 29.
5. A Traffic Management Plan has been provided in accordance with Australian Standards.

6. Emergency service vehicles will have full access of the routes under emergency conditions. The event organiser will advise marshals to stop cyclists in the event of an emergency situation.
7. The event will be covered by a Public Liability Insurance of \$20,000,000 that fully indemnifies the Council from prosecution.
8. WA Cycling Federation has also sought a level of sponsorship(**Attachment 5**).

## Comments

9. A letter advising Sunday traders affected by the proposed races will be delivered by staff by March 25 inviting owners to attend the General Services Committee meeting to be held on Monday 4 April 2005 in order to make comment. A letter will also be sent to affected residents advising them of the proposed road closures.
10. The cost of advertising 'Notices of Road Closure' is normally passed onto the event organisers. The cost of placing the advertisements in two local newspapers will be \$220. It is proposed that the Shire of Kalamunda will absorb the cost of the advertising by way of sponsorship, and receive the benefits of the sponsorship.

### COMMITTEE RECOMMENDATION TO COUNCIL

GS 39/2005

1. That approval be granted to WA Cycling Federation to conduct cycle races on Saturday May 28 2005 as shown on (**Attachment 1 and 2**).
2. That approval be granted to conduct cycling races on Sunday May 29 2005 and to close the one way section of Zig Zag Scenic Drive between Ocean View Parade and Ridge Hill Road in accordance with Section 3.50 of the Local government Act 1995 as shown on (**Attachment 3**) between the hours of 9.00 am and 11.00 am.
3. That approval be granted to conduct cycling races on Sunday May 29 and to close sections of Railway Road Southbound – Spring Street to Elizabeth Street – Westbound Williams Street to - Railway Road Eastbound Spring Street – Railway Road – Williams Street in accordance Section 3.50 of the Local government Act 1995 as shown on (**Attachment 4**) between the hours of 12.30pm-2.30pm.
4. That Council sponsors the event to the cost of advertising the road closures, and receives appropriate acknowledgment as a sponsor by the WA Cycling Federation.

Moved: (Cr Stallard)

Seconded: (Cr Govan)

### **CARRIED UNANIMOUSLY**

**Without Cr Billich or Cr Winterhalder as they were out of the Chambers at the time of voting.**

**Cr Billich and Cr Winterhalder returned to the Chambers at 8.12pm.**

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

**Cr Casey declared a Disclosure of Interest Affecting Impartiality, as she is a member of the Investing in Communities Committee, which is mentioned as a possible stakeholder in this group.**

- 40. Community Safety and Crime Prevention Plan Advisory Group  
(OR-IGR-027) (Community Services)  
Refer Item: OCM December 2004  
Applicant: N/A  
Owner: N/A**

### **Purpose of Report**

1. For the Council to consider the establishment of a Community Advisory Group to assist with the development and implementation of the District Community Safety and Crime Prevention Plan.

### **Background**

2. At the December 2004 Ordinary Council Meeting it was resolved:

*That Council agrees to enter into a partnership agreement and district approach with the City of Swan, the Shire of Mundaring and the Town of Bassendean in a partnership arrangement with the State Government – Office of Crime Prevention to develop a District Community Safety Crime Prevention Plan in accordance with the Draft Agreement as per Attachment 1.*

### **Comments**

3. During the debate on this item it was felt that the views and needs of the local community may not be heard at the district committee level.
4. To this end it is proposed that a local Community Stakeholder Advisory Group be established to consider issues and provide advice on the development and implementation of the District Community Safety and Crime Prevention Plan.
5. A regional working group established by the member Councils will soon be meeting to develop a project brief and seek to engage a consultant to develop the plan on behalf of the district Councils.
6. A copy of the draft Terms of Reference for the proposed advisory group is attached **(Attachment 1)**.
7. **Councillors agreed to increase the membership of the Group by two members, with (Attachment 1.), under the heading 'Membership', being changed to read 'Advisory Group be made up to eight members, including one representative nominated by the following stakeholders'.**

RECOMMENDATION

GS 40/2005

1. That Council agree to the establishment of a Community Safety and Crime Prevention Plan Advisory Group and adopt the draft Terms of Reference as per ***(Attachment 1)***.

**COMMITTEE RECOMMENDATION TO COUNCIL GS 40/2005**

- 1. That Council agree to the establishment of a Community Safety and Crime Prevention Plan Advisory Group and adopt the draft Terms of Reference with *(Attachment 1)*, under the heading 'Membership', being changed to read 'Advisory Group be made up to eight members, including one representative nominated by the following stakeholders'.**

Moved: (Cr Casey)

Seconded: (Cr Cresswell)

**CARRIED UNANIMOUSLY**

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

**41. Forrestfield Village Market Renewal  
(HL-01/088) (Community Services)**

**Refer Item:**

**Applicant: Lions Club of Kalamunda Inc**

**Owner: N/A**

**Purpose of Report**

1. To seek continuation of Forrestfield Village Markets for a period of 12 months.
2. To consider extending the use of Woodlupine Family and Community Centre to include the main hall area for market use when required.

**Background**

3. In October 2004 it was resolved:

*That Council approves the establishment of the Forrestfield Village Markets for the Lion's Club of Kalamunda in the grounds of the Woodlupine Family and Community Centre, on the 3rd Saturday of every month subject to:*

- *The activity operating for a trial period of 6 months after which time consultation be undertaken with the local community and retailers to evaluate any positive or negative impacts.*
- *Plans being submitted confirming the location within the designated area and advising the type of market stalls.*
- *Payment of an annual fee to the Shire.*
- *The Lion's Club of Kalamunda obtaining a 'Trading in Public Places' Licence and indemnity insurance of ten million dollars against any claim arising in respect of public liability aspects relevant to the alteration.*
- *That the activity be referred to the Forrestfield Pedestrian and Traffic Access Review Working Party for assessment during the 6 month trial period.*
- *That the annual fee be waived for the first six months.*

**Comments**

4. On granting of a full license, a fee of \$700 would apply which will comprise of:
  - A one off application fee of \$100.
  - The annual market trading fee of \$600.
5. The Kalamunda Markets paid an initial fee of \$950 which comprised of:
  - A one off application fee of \$100.
  - The annual market trading fee of \$600.
  - An annual fee of \$250 for trading within the local business centre.
6. Feedback has been sought from:

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- Forrestfield Traffic & Pedestrian Advisory Committee – it is felt that the presence of the markets have had no adverse effect on traffic flow for vehicles or pedestrians.
  - Centre Management at Forrestfield Forum & Marketplace – retailers are delighted with the increased business brought about by market day.
  - Retailers & business on the intersection of Woolworths Drive and Hale Road - have no negative feedback, the market does not have a real impact on these businesses.
7. Council's Health Services have found the administration associated with the market to be manageable. There seems to be effective communication between the market convenors and the stall holders relating to Environmental Health requirements and have no reason to deny an operating license to the Lions Club of Kalamunda.
8. The committee have requested extended use of the Woodlupine Family & Community Centre. They have asked Council to consider granting the group the use of the main hall for future markets. The request is based on use during the Winter months between May & October. It has been clarified with the committee that this is a public hall and they have agreed that they will be charged for the hire in accordance with normal hire rates and if it has been booked in advance they will not use the hall. To ensure that there are no ongoing problems with the arrangement, they have agreed to contact the bookings officer two weeks before each market to check on the status of the hall.
9. During three of the market days, the foyer of the centre was used for the serving of refreshments. When an objection was received on the basis that this was outside of the original agreement, the group immediately ceased the activity and have given assurance that this service will not be reintroduced.

## COMMITTEE RECOMMENDATION TO COUNCIL

GS 41/2005

1. That a license consisting of the \$100 application fee and \$600 annual market fee be issued subject to the following conditions:
- That indemnity insurance of \$10 million to indemnify Council against any claim arising in respect of public liability aspects be maintained by the committee for the duration of the license;
  - That following each stall event the area is returned by the organising committee to it's pre event condition.
  - That all food stalls will comply with the requirements of the Health Act 1911 and associated legislation.
2. That the group are granted the use of the main hall in accordance with normal hire charges and that use of the hall will be confirmed two weeks in advance of market day.

Moved: (Cr Govan)

Seconded: (Cr Morton )

**CARRIED UNANIMOUSLY**

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

**42. Legislation - Illegal Dumping  
(HE-RLW-007) (Community Services)**

**Refer Item: N/A**

**Applicant: N/A**

**Owner: N/A**

**Purpose of Report**

1. To seek Council's support to request the Minister for the Environment to support the inclusion of matters relating to illegal dumping within the proposed Waste Management Bill

**Background**

2. Council is an active member of the Metropolitan Illegal Dumping Taskforce (MIDT) which evolved from the Darling Range Rubbish Group formed in 2000 to address the increasing rate of illegal dumping in the hills area on the eastern boundary of the Perth Metropolitan Area
3. MIDT is now represented by C.A.L.M., Water Corporation, Main Roads WA, Dept of Environment, Mundaring, Armadale, Gosnells, Swan, Kwinana and Kalamunda Councils, Beverage Industry Environment Council and the Motor Trades Association. It is in the 2<sup>nd</sup> year of implementing its Business Plan through the auspice of the Dept of Environment executive officers who are funded by contributions from most of the participating members.

**Comments**

4. The incidence of illegal dumping is increasing and is a significant cost factor for the government organisations represented. It also places the environment and the public at risk.
5. Currently the only means for Local Governments to deal with littering is through the *Litter Act 1979*. It was considered that the definition of "litter" was broad enough to include illegal dumping, but it may be open to challenge and therefore requires urgent review. The problem is that the level of penalties are inadequate to address the severity of the offence in relation to illegal dumping.
6. The alternative is for Councils to have specific local laws dealing with the issue but currently not many have that type of local law, and if they do, the option of referring through the courts is costly and time consuming. Fines often reflect minimum penalties. The situation is similar for most state government departments.
7. The best outcome is to have strong focussed legislation which identifies illegal dumping as an infringement in its own right rather than a form of littering with deterring fines and an infringement notice facility equipped with realistic modified penalties.
8. The implementation of the 2<sup>nd</sup> year of the business plan included a significant effort by MIDT to ensure the inclusion of strong flexible legislation that addresses illegal dumping in the proposed Waste Management Bill. The outcome of discussion between officers from the Dept of Environment - Waste Management Section and MIDT executive officers confirms the direction of the Waste Management Section, supported by Dept of Premier

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and Cabinet, that incorporating control of illegal dumping within the proposed Bill, will not be supported.

9. This is an unfortunate setback in the progress toward addressing a significant problem and raises the question of when will this legislation be addressed and under what head of power.
10. The options are to request the Minister for the Environment to intervene on this issue to clarify and gain commitment with regard to illegal dumping by :
  - Supporting the inclusion of illegal dumping within the proposed Waste Management Bill, or
  - Amending the *Environmental Protection Act 1986* to recognise illegal dumping as harming the environment with appropriate penalties, or
  - Amending the *Litter Act 1979* or support a new Act to deal specifically with illegal dumping and littering with appropriate penalties.
11. The preference is to recommend that the Minister for the Environment be requested to intervene on this issue, to clarify and gain commitment with regard to illegal dumping by supporting the inclusion of illegal dumping within the proposed Waste Management Bill, as it is considered the most appropriate vehicle and is at a stage where such inclusion could reasonably be accommodated. Should that not be feasible, it is requested that she supports and expedites amendments to the *Environmental Protection Act 1979* or the *Litter Act 1979* that include realistic penalties to act as a deterrent.

## COMMITTEE RECOMMENDATION TO COUNCIL

GS 42/2005

1. That Council writes to the Minister for the Environment requesting the inclusion of illegal dumping within the proposed Waste Management Bill.
2. That should it be deemed by the Minister for the Environment that it is not appropriate to support such an inclusion within the proposed Waste Management Bill, Council requests expeditious amendments to the *Environmental Protection Act 1986* or the *Litter Act 1979* that include realistic penalties to act as a deterrent to illegal dumping.

Moved: (Cr Taylor )

Seconded: (Cr Tonkin)

**CARRIED UNANIMOUSLY**

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

**43. Seniors Week Committee 2005  
(CO-CEV-011) (Community Services)**

**Refer Item: N/A**

**Applicant: N/A**

**Owner: N/A**

**Purpose of Report**

1. The Council is requested to consider the establishment of a Working Party, in accordance with the Operating Rules and Guidelines (**Attachment 1**) to assist with developing and implementing the annual Seniors Week Programme.

**Background**

2. The annual Seniors Week programme is currently developed by a volunteer group which has representatives from the Jack Healey Centre Management Committee, the Woodlupine Seniors Committee, community and Council members.
3. The group known as the Seniors Week Committee, is supported principally by Council's Seniors Officer who acts as secretary, coordinator, program liaison and project officer. Other Council staff are also heavily involved in various coordination and implementation roles.
4. Due to the work of the committee and Council staff, the Seniors Week programme has grown to be a very successful and well patronised series of events, with the Seniors Expo being the showcase event of the week.

**Comments**

5. In accordance with the Seniors Action Plan implementation process for 2004/05, staff have now reviewed the allocation of resources, and assessed the effectiveness of our operations in relation to the Seniors Week programme.
6. To enable our Seniors Officer to adequately service her position's responsibilities and funding obligations and the next phase of the Seniors Action Plan implementation process, the following options were assessed for delivery of the Seniors Week programme:

Option One

Formalise the current committee to give it the status of a Council Committee established under the Local Government Act for the purpose of developing, promoting and implementing the annual Seniors Week programme.

If the Seniors Week Committee was formalised in this manner community member appointments would also be by resolution of the Council and the committee would have to operate under the powers and responsibilities as delegated by the Council (terms of reference), and/or make recommendations to the Council for adoption.

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It was felt that this structure and level of formality was not necessary or appropriate for a group that is organising a series of activities and only comes together for part of the year for that specific purpose.

Option Two

Continue to recognise the Seniors Week Committee as a community group operating for the purpose of developing, promoting and implementing the annual Seniors Week programme.

The current committee could be considered to be operating as an informal community group under their own operating rules and guidelines.

It was felt that considering the level of staff resources and elected members involvement, that the Council should at least make the appointments and determine the parameters of operation.

Option Three

Change the Seniors Week Committee into an Events Working Party by designating the Seniors Week programme a Shire run event.

The Seniors Week programme could be considered a series of events that would normally come under the role of our Events Coordinator. The Seniors Week Expo in particular is a significant "Shire" event involving a large number of Council staff.

The working party would be supported by our Seniors Officer and receive advice and information directly from the Events Coordinator.

By placing Seniors Week under our Shire events banner in a similar way as Youth Week, Corymbia and Walk the Zig Zag, a more consistent and coordinated approach to event development, promotion and resource allocation would be achieved.

7. The Council member representatives and other working party members will need to be appointed following the May 2005 elections, however, to facilitate the initial planning for the 2005 Seniors Week programme the current committee members, which includes Cr's Elizabeth Taylor, Nita Sadler, Mary Anne Casey and Pauline Tonkin may need to meet prior to these appointments being made.
8. **Councillors agreed to increase the Council membership of the Working Party with (*Attachment 1.*), under the heading 'Membership' (point 2), being changed from *'three Council members'*, to *'up to four Council members'*.**

RECOMMENDATION

GS 43/2005

1. That the Council establish a Seniors Week Working Party in accordance with the attached Operating Rules and Guidelines (***Attachment 1***).

COMMITTEE RECOMMENDATION TO COUNCIL

GS 43/2005

1. **That the Council establish a Seniors Week Working Party in accordance with the attached Operating Rules and Guidelines with (*Attachment 1.*), under the heading 'Membership' (point 2) being changed from 'three Council members' to read 'up to four Council members'.**

Moved: (Cr Casey)

Seconded: (Cr Creswell)

**CARRIED UNANIMOUSLY**

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**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 8.24pm.

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

Signed ..... Chairman

Dated this .....day of .....2005