

---

Shire of Kalamunda

# **General Services Committee**

---

Minutes for 16 May 2005



---

## SHIRE OF KALAMUNDA

---

### Index for General Services Committee Meeting 16 May 2005

1.0	OFFICIAL OPENING .....	3
2.0	APOLOGIES AND LEAVE OF ABSENCE .....	3
3.0	PUBLIC QUESTION TIME .....	4
4.0	PETITIONS .....	4
5.0	CONFIRMATION OF MINUTES OF PREVIOUS MEETING .....	4
6.0	ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION .....	4
7.0	MATTERS FOR WHICH MEETING MAY BE CLOSED .....	4
8.0	DISCLOSURE OF INTERESTS .....	4
9.0	REPORT TO COUNCIL .....	5
44.	Creditors Accounts Paid - April 2005 .....	6
45.	Financial Statements For Period Ending 31 March 2005 .....	7
46.	Summary Of Council And Committee Meetings And Important Dates And Events 2005/2006 .....	8
47.	Construction of 'On Ramp' from Abernethy Road to Tonkin Highway .....	13
48.	Closure of Road - Section of Adelaide Street, High Wycombe .....	15
49.	Purchase of Primary School Site - Cell 9 Wattle Grove .....	16
50.	Rear Access To 18 Ryan Way, Lesmurdie .....	18
51.	Bus Shelter Location - Lions Lookout Welshpool Road .....	22
52.	Road Closure Request - 49 Farrant Street, Gooseberry Hill .....	24
53.	Supply, Delivery and Installation of In-Ground Reticulation T0502 .....	25
54.	Pedestrian Access Way Closure Between Kalmia Way And Wisteria Court, Forrestfield .....	27
55.	Street Names For Subdivision Lot 22 William Street, Wattle Grove .....	30
56.	Gateway Signage - Perth Hills Tourism .....	33
57.	Hills BMX Club Inc. – Proposed License Agreement .....	34
58.	License Agreement For the Norm Sadler Pavilion .....	36
59.	Extension Of The Licence Area For Kalamunda Dramatic Society .....	39
60.	Submissions To Lease 7 Sanderson Road Lesmurdie .....	41
61.	IT Provision For HACC Administration Support Officer .....	45
62.	Confidential Item - Compensation Claim - Land Acquisition Maida Vale Road	
10.0	QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN .....	46
11.0	QUESTIONS BY MEMBERS WITHOUT NOTICE .....	46
12.0	URGENT BUSINESS APPROVED BY THE PERSON PRESIDING OR BY DECISION .....	46
13.0	MATTERS BEHIND CLOSED DOORS .....	46
14.0	CLOSURE .....	46

**Minutes of General Services Committee  
Held in the Council Chamber,  
2 Railway Road, Kalamunda  
Monday, 16 May 2005**

---

**1.0 OFFICIAL OPENING**

- 1.1 The Chairman opened the Meeting at 7pm and welcomed the two new Councillors, Cr John Giardina (South Ward) and Cr David Sadler (Southwest Ward). Cr Cresswell, Cr McKechnie, Cr Tonkin and Cr Taylor were also congratulated on being returned to Council. The Chairman welcomed all other Councillors, staff and members of the public gallery to tonight's meeting.**

**2.0 APOLOGIES AND LEAVE OF ABSENCE**

**2.1 PRESENT**

**Councillors**

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

**Officials**

D Vaughan	CHIEF EXECUTIVE OFFICER
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
R Briede	MANAGER LIBRARY SERVICE
F Lund	MINUTE SECRETARY

**Apologies**

D McKechnie

NORTH WARD

**Observers**

27

**Newspapers**Echo  
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 4 April 2005 is confirmed as a true and correct record of the proceedings.

Moved: (Cr Casey)

Seconded: (Cr Tonkin)

**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 *Reason for confidentiality. Local Government Act s.5.23 (2) (c). A contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting.*

**Compensation Claim - Land Acquisition Maida Vale Road****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 58 –Licence Agreement for the Norm Sadler Pavilion**

Cr Nita Sadler declared a Disclosure of Interest Affecting Impartiality as she is the Patron of the Kalamunda United Soccer Club.

#### **Item 58 –Licence Agreement for the Norm Sadler Pavilion**

Cr David Sadler declared a Disclosure of Interest Affecting Impartiality as his wife is the Patron of the Kalamunda United Soccer Club.

#### **Item 60 –Submissions to Lease 7 Sanderson Road Lesmurdie**

Cr Mary Anne Casey Disclosed a Financial Interest as she is a Board Member of Kalamunda Community Cares.

## 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**

44.	Creditors Accounts Paid - April 2005 .....	6
45.	Financial Statements For Period Ending 31 March 2005 .....	7
46.	Summary Of Council And Committee Meetings And Important Dates And Events 2005/2006 .....	8
47.	Construction of 'On Ramp' from Abernethy Road to Tonkin Highway .....	13
48.	Closure of Road - Section of Adelaide Street, High Wycombe .....	15
49.	Purchase of Primary School Site - Cell 9 Wattle Grove .....	16
50.	Rear Access To 18 Ryan Way, Lesmurdie .....	18
51.	Bus Shelter Location - Lions Lookout Welshpool Road .....	22
52.	Road Closure Request - 48 Farrant Street, Gooseberry Hill .....	24
53.	Supply, Delivery and Installation of In-Ground Reticulation T0502 .....	25
54.	Pedestrian Access Way Closure Between Kalmia Way And Wisteria Court, Forrestfield .....	27
55.	Street Names For Subdivision Lot 22 William Street, Wattle Grove .....	30
56.	Gateway Signage - Perth Hills Tourism .....	33
57.	Hills BMX Club Inc. – Proposed License Agreement .....	34
58.	License Agreement For the Norm Sadler Pavilion .....	36
59.	Extension Of The Licence Area For Kalamunda Dramatic Society.....	39
60.	Submissions To Lease 7 Sanderson Road Lesmurdie .....	41
61.	IT Provision For HACC Administration Support Officer .....	45
62.	Confidential Item - Compensation Claim - Land Acquisition Maida Vale Road	

---

## REPORTS

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

### **44. Creditors Accounts Paid - April 2005 (FI-CRS-002) (Corporate Services)**

#### **Purpose of Report**

1. To receive creditors' accounts paid for the month of April 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 1 April 2005 to 22 April 2005 is attached (**Attachment 1**)

COMMITTEE RECOMMENDATION TO COUNCIL                      GS                      44/2005

1. That the list of Creditors Paid from 1 April to 22 April 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 Blair)

Seconded: (Cr Taylor)

**CARRIED UNANIMOUSLY**

---

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

## **45. Financial Statements For Period Ending 31 March 2005 (FI-SRR-006) (Corporate Services)**

### **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 31 March 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                      45/2005

1. That the financial statements and the accompanying operating statements for the period ending 31 March 2005 be received.

Moved: (Cr Casey)

Seconded: (Cr David Sadler)

**CARRIED UNANIMOUSLY**

---

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

## **46. Summary of Council and Committee Meetings and Important Dates and Events 2005/2006 (OR-MTG-006) (Corporate Services)**

### **Purpose of Report**

1. To endorse the schedule of meetings and important dates for the period June 2005 to May 2006.

### **Background**

2. Council has previously agreed the Schedule of Ordinary Meetings be as follows:
  - First Monday of the Month – General Services Committee, 7.00pm
  - Second Monday of the Month – Planning Services Committee, 7.00pm
  - Third Monday of the Month – Ordinary Council Meeting, 7.00pm
3. It is a requirement of the Local Government (Administration) Regulations 1996 (Regulation 12) that local public notice be given annually of Council and Committee meeting times, dates and places for the next 12 months.
4. Current Council policy determines that scheduled Committee meeting dates that fall on a public holiday will move to the next available day.

### **Comments**

5. Accordingly, following is the schedule of Council and Committee meetings and important dates and events for the period June 2004 to May 2005.

<u>JUNE</u>	<u>2005</u>	
Monday	6 .....	Public Holiday (Foundation Day)
Tuesday	7 .....	General Services Committee
Monday	13.....	Planning Services Committee
Monday	20.....	Ordinary Council Meeting
Wednesday	22.....	Citizenship Ceremony

<u>JULY</u>		
Monday	4 .....	General Services Committee
Monday	11.....	Planning Services Committee
Monday	18.....	Ordinary Council Meeting
Wednesday	27.....	Citizenship Ceremony

<u>AUGUST</u>		
Monday	1 .....	General Services Committee
Monday	8 .....	Planning Services Committee
Monday	15.....	Ordinary Council Meeting
Wednesday	24.....	Citizenship Ceremony

---

<u>SEPTEMBER</u>	<u>2005</u>	
Monday	5 .....	General Services Committee
Monday	12.....	Planning Services Committee
Monday	19.....	Ordinary Council Meeting
Wednesday	28.....	Citizenship Ceremony
<u>OCTOBER</u>		
Monday	3 .....	Public Holiday (Queen's Birthday)
Tuesday	4 .....	General Services Committee
Monday	10.....	Planning Services Committee
Monday	17.....	Ordinary Council Meeting
Wednesday	26.....	Citizenship Ceremony
<u>NOVEMBER</u>		
Monday	7 .....	General Services Committee
Monday	14.....	Planning Services Committee
Monday	21.....	Ordinary Council Meeting
Wednesday	23.....	Citizenship Ceremony
Monday	28.....	Annual Electors' Meeting
<u>DECEMBER</u>		
Monday	5 .....	General Services Committee
Monday	12.....	Planning Services Committee
Monday	19.....	Ordinary Council Meeting
Monday	26.....	Public Holiday (Christmas Day)
Tuesday	27.....	Public Holiday (Boxing Day)
<u>JANUARY</u>	<u>2006</u>	
Monday	2 .....	Public Holiday (New Year's Day)
Wednesday	26.....	Citizenship Ceremony
Wednesday	26.....	Public Holiday (Australia Day)
<u>FEBRUARY</u>		
Monday	6 .....	General Services Committee
Monday	13.....	Planning Services Committee
Monday	20.....	Ordinary Council Meeting
Wednesday	22.....	Citizenship Ceremony
<u>MARCH</u>		
Monday	6 .....	Public Holiday (Labour Day)
Tuesday	7 .....	General Services Committee
Monday	13.....	Planning Services Committee
Monday	20.....	Ordinary Council Meeting
Wednesday	22.....	Citizenship Ceremony

<u>APRIL</u>	<u>2006</u>	
Monday	3 .....	General Services Committee
Monday	10.....	Planning Services Committee
Friday	14.....	Public Holiday (Good Friday)
Monday	17.....	Public Holiday (Easter Monday)
Tuesday	18.....	Ordinary Council Meeting
Tuesday	25.....	Public Holiday (ANZAC Day)
Wednesday	28.....	Citizenship Ceremony

MAY

Monday	1 .....	General Services Committee
Monday	8 .....	Planning Services Committee
Monday	15.....	Ordinary Council Meeting
Wednesday	26	Citizenship Ceremony

6. It is noted that the above dates in relation to Citizenship Ceremonies are scheduled dates only. Actual Citizenship Ceremonies will be held as and when needed.

COMMITTEE RECOMMENDATION TO COUNCIL                      GS                      46/2005

1. That the schedule of Council/Committee meetings and important dates and events for 2004/2005 as detailed below, be endorsed.

<u>JUNE</u>	<u>2005</u>	
Monday	6 .....	Public Holiday (Foundation Day)
Tuesday	7 .....	General Services Committee
Monday	13.....	Planning Services Committee
Monday	20.....	Ordinary Council Meeting
Wednesday	22.....	Citizenship Ceremony

JULY

Monday	4 .....	General Services Committee
Monday	11.....	Planning Services Committee
Monday	18.....	Ordinary Council Meeting
Wednesday	27.....	Citizenship Ceremony

AUGUST

Monday	1 .....	General Services Committee
Monday	8 .....	Planning Services Committee
Monday	15.....	Ordinary Council Meeting
Wednesday	24.....	Citizenship Ceremony

SEPTEMBER                      2005

Monday	5 .....	General Services Committee
Monday	12.....	Planning Services Committee
Monday	19.....	Ordinary Council Meeting

---

Wednesday	28.....	Citizenship Ceremony
<u>OCTOBER</u>		
Monday	3 .....	Public Holiday (Queen's Birthday)
Tuesday	4 .....	General Services Committee
Monday	10.....	Planning Services Committee
Monday	17.....	Ordinary Council Meeting
Wednesday	26.....	Citizenship Ceremony
<u>NOVEMBER</u>		
Monday	7 .....	General Services Committee
Monday	14.....	Planning Services Committee
Monday	21.....	Ordinary Council Meeting
Wednesday	23.....	Citizenship Ceremony
Monday	28.....	Annual Electors' Meeting
<u>DECEMBER</u>		
Monday	6 .....	General Services Committee
Monday	12.....	Planning Services Committee
Monday	19.....	Ordinary Council Meeting
Monday	26.....	Public Holiday (Christmas Day)
Tuesday	27.....	Public Holiday (Boxing Day)
<u>JANUARY</u> <u>2006</u>		
Monday	2 .....	Public Holiday (New Year's Day)
Wednesday	26.....	Citizenship Ceremony
Wednesday	26.....	Public Holiday (Australia Day)
<u>FEBRUARY</u>		
Monday	6 .....	General Services Committee
Monday	13.....	Planning Services Committee
Monday	20.....	Ordinary Council Meeting
Wednesday	22.....	Citizenship Ceremony
<u>MARCH</u>		
Monday	6 .....	Public Holiday (Labour Day)
Tuesday	7 .....	General Services Committee
Monday	13.....	Planning Services Committee
Monday	20.....	Ordinary Council Meeting
Wednesday	22.....	Citizenship Ceremony

---

<u>APRIL</u>	<u>2006</u>	
Monday	3 .....	General Services Committee
Monday	10.....	Planning Services Committee
Friday	14.....	Public Holiday (Good Friday)
Monday	17.....	Public Holiday (Easter Monday)
Tuesday	18.....	Ordinary Council Meeting
Tuesday	25.....	Public Holiday (ANZAC Day)
Wednesday	28.....	Citizenship Ceremony

MAY

Monday	1 .....	General Services Committee
Monday	8 .....	Planning Services Committee
Monday	15.....	Ordinary Council Meeting
Wednesday	26	Citizenship Ceremony

Moved: (Cr Morton)

Seconded: (Cr Taylor)

**CARRIED UNANIMOUSLY**

---

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

## **47. Construction of 'On Ramp' from Abernethy Road to Tonkin Highway**

**(AB-03/GEN) (Engineering Services)**

**Refer Item: 9.3.1/04**

**Applicant:**

**Owner:**

### **Purpose of Report**

1. The Council is requested to bring to the attention of the Premier, the ongoing delay of the construction of the On Ramp, between Abernethy Road and Tonkin Highway, and the resultant impacts of the high wide loads on the Forrestfield residential area.

### **Background**

2. Advice has previously been provided to the Council relating to the delay being caused to the On Ramp project, shown at (**Attachment 1.**), by environmental concerns associated with the clearing of approximately 1 hectare of bushland. The matter has been with the Minister for Environment for approximately the past eighteen months, since Main Roads WA and the Shire of Kalamunda appealed against the recommendation of the Department of Environment, that the project not proceed because of the clearing needs.
3. Since the appeals were lodged, Main Roads WA, has been required to provide additional information and review its designs, and an independent Engineer has been appointed by the Appeals Convenor to review Main Roads WA work. Main Roads WA has now been requested to carry out further investigations, prior to a decision being made on the ramp.

### **Comments**

4. The On Ramp was proposed as part of a project, which also incorporated an Off Ramp from Tonkin Highway to Abernethy Road. This Off Ramp was constructed 6 years ago. The On Ramp will ultimately be required to adequately cater for additional traffic generated by Access Park, and a secondary use will be to permit high/wide loads, which currently use Hale, Hawtin, Kalamunda and Midland Roads, to directly access Abernethy Road as a route to Roe Highway. Abernethy Road is clearly a much more appropriate route to be used by these loads, than are Hale, Hawtin, Kalamunda and Midland Roads.
5. During late April, a high/wide load travelling along Hale Road, brought down a power pole, in front of the Forrestfield Commercial Centre, disrupting the centre's power supply for approximately one and half hours, and supply to other consumers for approximately nine hours. Traffic movements were severely hampered during the period of the incident and repairs and it was extremely lucky that there was no injury or fatality, as a result of the fallen wires.
6. Following a report to the Council on 16 August 2004, a Deputation with the Minister for Environment was requested, but an invitation was not forthcoming. The Appeals Convenor has subsequently met with the Executive Management Committee, but there has been no further sign of progress.

COMMITTEE RECOMMENDATION TO COUNCIL                      GS                      47/2005

1. That a letter be forwarded to the Premier, expressing strong concerns about the continuing delays to the On Ramp project, and requesting a meeting to enable those concerns, to be further highlighted.

Moved: (Cr Morton)

Seconded: (Cr Blair)

**CARRIED UNANIMOUSLY**

---

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

**48. Closure of Road - Section of Adelaide Street, High Wycombe (AD-01/GEN) (Engineering Services)**

**Refer Item: N/A**

**Applicant: Panache Investments Pty Ltd**

**Owner: N/A**

**Purpose of Report**

1. Council is requested to consider closure of a portion of Adelaide Street as shown hatched on **(Attachment 1.)** under Section 58 of the Land Administration Act.

**Background**

2. Panache Investments Pty Ltd, wish to purchase a portion Adelaide Street, road reserve, abutting their property at Lot 196 Adelaide Street, Hazelmere and accordingly request Council to initiate closure of this portion of the road reserve.
3. Lot 196, Hazelmere is within the municipal boundary of the City of Swan.
4. At present this section of Adelaide Street has not been constructed. The land on the opposite side of the road is the bush reserve owned by the State Government. The future of Lot 196, and other land north of Adelaide Street, is currently being reviewed by the Kewdale Hazelmere Integrated Masterplan.

**Comments**

5. Under Section 58 of Land Administration Act the Council can request the Minister for Lands to close a road following procedures prescribed in the Act, which include advertising a notice of intention in the newspapers and allowing 35 day comment period.
6. The applicant has paid for the Shire costs for advertising of the road closure. (This has not been done).
7. Adelaide Street will not be constructed beyond Roe Highway therefore, the closure is unlikely to have any adverse impact on the community.
8. However, as the Kewdale Hazelmere Integrated Masterplan study has not been finalised, it may be premature to initiate the requested road closure. Furthermore, as the adjacent land to the south is set aside for bush conservation, it may be appropriate to retain the road reserve as a buffer between the bush and private property.

COMMITTEE RECOMMENDATION TO COUNCIL

GS

48/2005

1. That no action be taken to close the section of Adelaide Street High Wycombe, from the Western boundary of Lot 196 Adelaide Street Hazelmere, to the Roe Highway reserve.
2. That the monies paid by the applicant for advertising, be refunded.

Moved: (Cr Cresswell)

Seconded: (Cr Casey)

**CARRIED UNANIMOUSLY**

---

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

**49. Purchase of Primary School Site - Cell 9 Wattle Grove  
(PG-DEV-013) (Engineering Services)**

**Refer Item: N/A**

**Applicant: N/A**

**Owner: N/A**

**Purpose of Report**

1. The Council is requested to accept an agreement with the Department for Education and Training, for the funding of the purchase of the primary school site, in Cell 9, Wattle Grove.

**Background**

2. The purchase cost of the primary school site in Cell 9, is ultimately to be funded from the Cell Infrastructure Contributions, paid by developers. One half of the school site will be available for purchase within the next month or so, and the second half within four to five months.
3. In response to a request from Shire officers, the Department for Education and Training has agreed to pay the initial purchase cost for the primary school site, on the condition that the Shire enters into a formal agreement, providing for repayment on the following basis.
  - (1) Payment of first repayment instalment of \$500,000 by 30 June 2006.
  - (2) Payment of second payment instalment of \$500,000 by 30 June 2007.
  - (3) Payment of the outstanding balance of the remaining purchase costs by 30 June 2008.
4. The anticipated total cost of the site is approximately \$2m.

**Comments**

5. The request was made of the Department for Education and Training, in view of the fact that the cash flow for Cell 9 would not permit the purchase of the school site this year, without the Cell finances entering an overdraft situation.
6. The Department has advised that it is willing to offer this arrangement, up until 30 June 2008, without charging any interest on the outstanding monies, as it will make substantial savings on the administrative costs it would have incurred in collecting contributions directly from developers. If the full purchase cost is not repaid by 30 June 2008, the Department proposes to charge interest, beyond that time, at the Treasury Bond rate applying.
7. Based upon anticipated subdivision activity in Cell 9 during the next twelve months, a spread sheet predicting cash flow has been prepared and is shown at **(Attachment 1.)**

---

If the predictions incorporated into the spread sheet are correct, the Cell 9 account will hold approximately \$470,000 after making the initial \$500,000 payment to the Department in June 2006. Beyond that time, based upon subdivision activity during the past two years, it is anticipated that new subdivisions will provide adequate funding to meet the payments sought by the Department. If, however, this is not the case, the Council will be obligated to either raise a loan from its own sources, to pay the balance of the money owing on the school site, or to pay interest to the Department, in accordance with the agreement it is seeking. The strong expectation is that adequate funding will be available in the Cell 9 account, to meet the payment requirements without incurring any interest costs. Any interest costs incurred will be met by Cell 9.

8. Prior to finalising the purchase of the school site, the Department seeks its own valuation, to justify the expenditure. The contributions being collected by the Cell to purchase the site, are based upon valuations associated with the management of Cell 9 by the Shire, and it will be critical that the Department's valuation closely accords with that received by the Shire. If this does not occur, the situation could arise in which the contributions which have been, and will be, collected, will not be adequate to fully fund the primary school site. The Department has been made aware, both verbally and in writing of this situation.

COMMITTEE RECOMMENDATION TO COUNCIL

GS

49/2005

1. That the Department for Education and Training's offer to pre-fund the purchase of the primary school site, in Cell 9, be accepted, subject to the amount being paid for the site, being generally in accordance with valuations previously obtained by the Shire of Kalamunda.
2. That the Shire of Kalamunda enter into a formal agreement with the Department for Education and Training, making provision for an interest free repayment period until 30 June 2008, on the basis of the following repayment instalments;
  - (1) \$500,000 by 30 June 2006.
  - (2) \$500,000 by 30 June 2007.
  - (3) Outstanding balance paid by 30 June 2008, or interest being paid at the ruling Treasury Bond rate, on monies outstanding beyond 30 June 2008.

Moved: (Cr Morton)

Seconded: (Cr Taylor)

**CARRIED UNANIMOUSLY**

---

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

**50. Rear Access To 18 Ryan Way, Lesmurdie  
(RY-04/018) (Engineering Services)**

**Refer Item: GS 10/2005**

**Applicant: Mrs PJ Iliff**

**Owner: Mrs PJ Iliff**

**Purpose of Report**

1. The Council is requested to consider an application from the owners of 18 Ryan Way Lesmurdie, to permit access to the rear of their property, via Ind Street, and from affected comments received, in relation to the proposal.

**Background**

2. This matter was initially considered by the General Services Committee, on 7 February 2005 and the minutes from that meeting are included below.

***Background***

1. *When the property at 18 Ryan Way was created, the road reserve of Ind Street extended to its rear boundary, as shown on (Attachment 1.).*
2. *To maximise available land area when Lot 34 Ind Street, which straddled the road reserve, was subdivided, a portion of Ind Street was closed, creating the road layout shown at (Attachment 2.). That closure removed the Ind Street frontage to the rear of 18 Ryan Way.*
3. *The proposal to close a portion of Ind Street was advertised in August 1992. The current owner of 18 Ryan Way, purchased the property in July 1993, without any knowledge of the proposed closure. The land title issued at that time for the property is shown at (Attachment 3.) and indicates the Ind Street frontage. The closure of the portion of Ind Street was gazetted in 1994.*
4. *The owners of 18 Ryan Way have requested approval to drive along a portion of the Pedestrian Access Way (PAW), adjacent to their property, as shown cross hatched on (Attachment 2.) to permit them to house a caravan in the rear of their property. It is not possible for the caravan to be taken through the carport, alongside the house.*

***Comments***

5. *In view of the circumstances under which the property was purchased, in relation to the timing of the closure of the portion of Ind Street, it considered reasonable that provision be made for vehicular access, to the rear of 18 Ryan Way, via Ind Street.*
6. *The difficulty is however, that PAW's are set aside for the specific purpose of servicing pedestrians and under normal circumstances usage by motor vehicles should not be supported. An option which is available however, is to request the Department for Planning and Infrastructure to amend the status of that area of*

*the PAW shown cross hatched on (Attachment 2.) from PAW to Right of Way. This would enable vehicular access to be gained from Ind Street, via the existing Right of Way and the portion of Pedestrian Access Way converted to Right of Way.*

7. *If this action is supported, it would be appropriate to consult nearby residents to determine their views on the proposal.*
8. ***The owner of 18 Ryan Way assured the meeting that pedestrians will not be prevented from using the PAW and that traffic will not use the PAW as a complete ROW.***

COMMITTEE RECOMMENDATION TO COUNCIL GS 10/2005

1. *That comments from residents be sought on the proposal to permit vehicular access from Ind Street to the property at 18 Ryan Way, by converting that portion of the Pedestrian Access Way, shown cross hatched on (Attachment 2.) to a Right of Way.*
2. *That subject to the receipt of no objection to the proposal, the Department for Planning and Infrastructure be requested to amend the status of the affected land from Pedestrian Access Way to Right of Way, to permit vehicular access from Ind Street to 18 Ryan Way.*

Moved: (Cr Tonkin) Seconded: (Cr Govan)

**CARRIED UNANIMOUSLY**

3. Comment has been sought from all residents, within Ind Street, and nearby residents, within Ryan Way. A summary of comments received, is included (**Attachment 4.**) The more significant concerns, raised by those residents objecting to the proposal, relate to the potential for a rear access from 18 Ryan Way to Ind Street, to be used on a much more frequent basis, than proposed by the current owner and the potential hazard caused to pedestrians using the POW, by vehicles driving from 18 Ryan Way onto the portion of land, proposed for conversion from PAW to ROW. These concerns related largely to the fact that the property will have new owners at some time. The portion of land is affected shown crosshatched on (**Attachment 2.**)

**Comments**

4. The appropriate outcome for this issue is open to conjecture, as both the applicant and the objectors have reasonable arguments, supporting their points of view.
5. When the applicant purchased the property, rear access to Ind Street was available by virtue of an existing road reserve, although at the time, the road pavement had been constructed only as far as the common boundary between 27 and 29 Ind Street see (**Attachment 5.**) As is explained above, however, at that time action had been initiated to close a portion of Ind Street, removing the rear access from 18 Ryan Way.
6. On the other hand, the residents of Ind Street, have lived for the past 10 years with the current situation, which provides a PAW along the full length 18 Ryan Way, which is not impacted upon motor vehicle movements. The residents from the properties 29 to 32 Ind Street, have never lived with the situation of rear access being available to 18 Ryan Way, as the road closure had been effected, prior to the creation of those four properties.

- 
7. The applicant has indicated that the rear access is sought for the movement of a caravan, in and out of the rear of the property, which clearly would occur on a very small number of occasions. Such movements would be at low speed and would not be considered a hazard to pedestrians using the PAW, or an unreasonable imposition on other residents within Ind Street.
  8. However, if the rear access is provided, it could not be done so on the condition of limited usage, and future ownership change could result in a pattern of daily or multiple daily vehicle movements. Realistically, multiple daily movements would have minimal impact on the number of vehicle movements within Ind Street, and therefore minimal impact on the residents and the nature of the street. However, a usage frequency, higher than that proposed by the applicant, would introduce the potential for conflict between pedestrians or cyclists within the PAW and vehicles entering or leaving the rear of 18 Ryan Way.
  9. In view of the number of residents expressing concern about the proposal, and the nature of the issues raised, it is considered that the application should be refused.
  10. **Mrs Teresa Feranda of 31 Ind Street Lesmurdie, expressed concerns for the safety of her children, who use the PAW regularly. She reported that there have been traffic problems in the past at this location, hence the barrier installation, and she feels that approval of rear access, could turn into a problem in the future defeating the purpose of choosing to live in a quiet culdesac.**
  11. **Mr Andre Wheeler of 16 Ind Street Lesmurdie, informed the meeting that he purchased his property because it was in a quiet culdesac and allowing rear access, will adversely affect his family's safety and quality of life.**
  12. **Michelle Cox of 25 Ind Street Lesmurdie, asked what guarantee is there, should the applicant sell his property, that the future owner will not make more regular use of the rear access. She expressed pedestrian safety concerns for her family and other users.**
  13. **The applicant Mr Illiff of 18 Ryan Way Lesmurdie, tabled a petition listing 13 signatures of non-objection to rear access. He spoke in support of his application, stating that a precedent had been set, with 16 Ryan Way having rear access from Ind Street. He added that the 5 remaining residents, who did not respond, could be assumed as non-objectors.**
  14. **Mrs M Scurr of 16 Ryan Way Lesmurdie, does not see how rear access to number 18 would be an issue, as she has had this access for over ten years, and the few times a year they use it, has never caused any problems.**
  15. **Cr Cresswell asked whether the Right of Way could be revoked, should problems arise in the future. The Executive Manager Planning & Development Services responded that a public Right of Way could be reversed, but added that it would not be easy. Official comment on this issue will be sought from the Department for Planning and Infrastructure.**

---

RECOMMENDATION GS 50/2005

1. That the application from the owners of 18 Ryan Way Lesmurdie, to permit motor vehicle access to the rear of their property, via Ind Street, be refused.

COMMITTEE RECOMMENDATION TO COUNCIL GS 50/2005

1. **That the Department for Planning and Infrastructure be requested to amend the status of the affected land, shown cross hatched on (Attachment 2.) from Pedestrian Access Way to Right of Way, to permit vehicular access from Ind Street to 18 Ryan Way.**
2. **That Mrs PJ Illiff be required to pay reasonable costs associated with the provision of rear access, including those for modifications to paving and public advertising as required.**

Moved: (Cr Tonkin)

Seconded: (Cr Giardina)

**FOR THE MOTION**

**AGAINST THE MOTION**

**Cr Billich  
Cr Giardina  
Cr Tonkin  
Cr Morton  
Cr David Sadler  
Cr Casey  
Cr Winterhalder  
Cr Taylor  
Cr Blair  
Cr Nita Sadler**

**Cr Cresswell**

**CARRIED**

---

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

**51. Bus Shelter Location - Lions Lookout Welshpool Road  
(WL-10/GEN) (Engineering Services)**

**Refer Item: N/A**

**Applicant: N/A**

**Owner: N/A**

**Purpose of Report**

1. To give consideration to the relocation of the bus shelter, adjacent to the Lions Lookout driveway in Welshpool Road.

**Background**

2. The bus shelter was installed at this location approximately 15 to 20 years ago. Due to its location and orientation (the structure is at right angles to the road, rather than the normal parallel positioning), it impacts more than necessary on the view, which drivers leaving the carpark, have of traffic approaching from the right. In spite of this vision obstruction, however, the driver of a car stopped on the carpark driveway, at the edge of Welshpool Road, has a completely un-obstructed view of Welshpool Road, extending up the hill, beyond the bus shelter. Photographs at **(Attachment 1.)** indicate this view, and the position of a car, from which the view is available.

**Comments**

3. The photographs shown at **(Attachment 1.)** show that drivers can obtain a clear view of approaching traffic, before moving onto the Welshpool Road carriageway. Therefore, when a vehicle is leaving the carpark, the safety of the movement need not be impacted upon by the bus shelter.
4. As a driver departs the carpark however, it is possible to obtain a partial view of traffic approaching along Welshpool Road, by looking past the end of the shelter, furthest from Welshpool Road. This view is indicated on the sketch at **(Attachment 2.)** If on the basis of such a view, a driver chose to drive out onto Welshpool Road, without looking past the other end of the shelter, a collision with a vehicle, hidden from view by the shelter, could occur.
5. The re-orientation of the bus shelter to the normal parallel with the road alignment, would reduce the extent of vision obstruction, and enable drivers exiting the carpark to obtain an earlier unrestricted view, up Welshpool Road. This action would improve the safety of the location for drivers choosing to exit the carpark, without the required level of care.
6. Main Roads WA has been requested to consider placing a stop sign on the carpark exit, but has advised that such a treatment is not appropriate.

7. **Councillors discussed this issue at length. The Executive Manger Engineering Services was requested to check with the Police, to seek permission to alter the site, so as not to interfere with any investigation they may be carrying out. Councillors noted that the bus shelter was placed on the angle it is, to protect patrons from the rain and wind.**

RECOMMENDATION GS 51/2005

1. That the bus shelter at the bus stop in Welshpool Road, east of Crystal Brook Road, be relocated in accordance with the sketch at **(Attachment 3.)**

COMMITTEE RECOMMENDATION TO COUNCIL GS 51/2005

1. **That the bus shelter, at the Lions Lookout carpark, be replaced in the 2005/06 Budget, with a glass walled shelter.**

Moved: (Cr Winterhalder)

Seconded: (Cr Casey)

**FOR THE MOTION**

**Cr Tonkin  
Cr Morton  
Cr David Sadler  
Cr Casey  
Cr Winterhalder  
Cr Taylor  
Cr Blair  
Cr Nita Sadler**

**AGAINST THE MOTION**

**Cr Billich  
Cr Giardina  
Cr Cresswell**

**CARRIED**

---

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

**52. Road Closure Request - 49 Farrant Street, Gooseberry Hill (FR-01/049) (Engineering Services)**

**Refer Item: N/A**

**Applicant: Mr A King & Ms H Gregory**

**Owner: N/A**

**Purpose of Report**

1. Council is requested to consider the closure of a portion of road reserve, at 49 Farrant Street, Gooseberry Hill.

**Background**

2. A request has been received for the closure of that portion of the Farrant Street reserve, shown hatched on **(Attachment 1.)**, and the purchase of that section of the reserve shown hatched and shaded.
3. The applicant's reasons for this request is to allow for off street parking, space to construct a garage/garden shed and to provide better and safer use of the area.
4. Comments were sought from Mr & Mrs Leszenko, the owners of the adjoining property, 46 Landor Road Gooseberry Hill, as they are the only affected residents with this proposal.
5. Mr & Mrs Leszenko have expressed their strong opposition to the closure, as the proposed closure will impact upon the rear access to their property. Mr & Mrs Leszenko have claimed that they extended the gravel road to their property at their own expense. Previously the road was constructed only up to the driveway of 49 Farrant Street now owned by Mr King and Ms Gregory.

**Comments**

6. The owners of 46 Landor Road have enjoyed the rear access to their property for approximately 30 years. With the proposed closure they will lose this access. Accordingly, it is recommended that the road closure, under Section 58 of the Land Administration Act 1997, is not initiated.

COMMITTEE RECOMMENDATION TO COUNCIL GS 52/2005

1. That no action is initiated to close a portion of Farrant Street, Gooseberry Hill.

Moved: (Cr Giardina)

Seconded: (Cr Taylor)

**CARRIED UNANIMOUSLY**

---

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

### **53. Supply, Delivery and Installation of In-Ground Reticulation T0502**

#### **(AD-TEN-004) (Engineering Services)**

**Refer Item: N/A**

**Applicant: N/A**

**Owner: N/A**

### **Purpose of Report**

1. To recommend to Council a Tenderer for the Supply, Delivery and Installation of In-Ground Reticulation , at Ledger Reserve, Viv Robinson Reserve, Davies Park and Emms Reserve.

### **Background**

2. Council allocated \$111,000 in the 2004/05 Budget, for the supply and installation of in-ground reticulation at the above reserves.
3. Submissions for Tenders closed on 27 May 2005. Four Tenders were received, with the total cost of attending to all four sites, by each of the Tenderers listed as follows:

<u>TENDERER</u>	<u>TOTAL PRICE \$</u>
Custom Irrigation	138,015.09
Malua Reticulation	103,767.83
Elliotts Irrigation	100,904.89
Total Eden Watering Systems	98,368.69

4. Details of the individual prices for each of the four sites are as follows:

<u>LEDGER ROAD RESERVE</u>	
<i>Tenderer</i>	<i>Cost \$</i>
Custom Irrigation	21,215.30
Malua Reticulation	15,167.47
Elliotts Irrigation	15,333.60
Total Eden Watering Systems	15,011.08

<u>VIV ROBINSON RESERVE</u>	
<i>Tenderer</i>	<i>Cost \$</i>
Custom Irrigation	35,290.39
Malua Reticulation	25,678.70
Elliotts Irrigation	25,344.45
Total Eden Watering Systems	25,680.69

DAVIES PARK

<i>Tenderer</i>	<i>Cost \$</i>
Custom Irrigation	48,594.40
Malua Reticulation	36,413.37
Elliotts Irrigation	33,163.84
Total Eden Watering Systems	31,431.17

EMMS RESERVE

<i>Tenderer</i>	<i>Cost \$</i>
Custom Irrigation	32,915.00
Malua Reticulation	26,508.29
Elliotts Irrigation	27,063.00
Total Eden Watering Systems	26,245.75

**Comments**

5. Total Eden Watering Systems was the least expensive at three of the four sites.
6. At the fourth site, Viv Robinson Reserve, Elliotts Irrigation was \$336.24 cheaper than Total Eden Watering Systems.
7. Total Eden Watering Systems is well respected in the irrigation industry and has successfully completed a number of significant projects for the Shire, including all stages of the five stage upgrade of reticulation at Hartfield Park.
8. In practical terms, it is most advantageous for the same Contractor to attend to all four projects, given that the price differential for Viv Robinson Reserve, is less than 0.35% of the total cost of the project.
9. The lowest total Tendered price falls within the Budget allocation.

COMMITTEE RECOMMENDATION TO COUNCIL GS 53/2005

1. That Total Eden Watering Systems be contracted to complete Tender T0502, Supply Delivery and Installation of In-Ground Reticulation at Ledger Reserve, Viv Robinson Reserve, Davies Park and Emms Reserve, at a cost of \$98,368.69.

Moved: (Cr Taylor)

Seconded: (Cr Giardina)

**CARRIED UNANIMOUSLY**

---

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

**54. Pedestrian Access Way Closure between Kalmia Way and Wisteria Court, Forrestfield**

**(KL-04/GEN) (Planning and Development Services)**

**Refer Item: N/A**

**Applicant: A Dafterdar**

**Owner: The Crown**

**Purpose of Report**

1. Council is to consider whether to support a request to close a pedestrian access way (PAW) between Kalmia Way and Wisteria Court in Forrestfield. **(Attachment 1)**

**Background**

2. Council received an application for closure of the above PAW in September 2004 from an adjacent landowner. The request outlined anti-social behaviour, including theft of cars and belongings, vandalism, including graffiti on fences bordering the PAW, noise and rubbish.
3. Preliminary enquiry indicated that three adjoining owners were willing to purchase the PAW land and contribute to the cost of removing the services.
4. 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 is the only pedestrian connection out of Kalmia Way loop, as well as being the only direct access from Kalmia Way southward. Through Wisteria Court and Calluna Way it connects with a PAW from Calluna Way to Bougainvillea Avenue leading to bus stops, the shopping precinct as well as parks and a dental centre. Refer **(Attachment 2.)** Locality Plan.
6. The shortest alternative route would be Calluna Way which is a low traffic local road with a footpath. Additional walking distance from one end of the PAW to the other if the PAW is closed would be 500 m or approximately 6 minutes. It provides a route to community facilities but not direct and alternative route exists but using it would cause some inconvenience.
7. An inspection of the PAW revealed that it is untidy and overgrown with weeds with sand over the path. The PAW has no bollards, no lighting on Wisteria Court side and no rubbish bins in vicinity. There were graffiti present on fences in the PAW.
8. Council received 25 submissions from residents likely to be affected by the closure. There were 16 non-objections and 9 objections. All the objections came from residents of Kalmia Way. **(Attachment 3)**

The main issues raised from the objections to closure were:

- Residents use the PAW when going for a walk or to the shops.



---

COMMITTEE RECOMMENDATION TO COUNCIL

GS

54/2005

- 1. That this item be deferred and an investigation take place as to whether an easement can be placed over the water main within the Public Access Way land.**

**Moved: (Cr Morton)**

**Seconded: (Cr David Sadler)**

**CARRIED UNANIMOUSLY**

---

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

**55. Street Names For Subdivision Lot 22 William Street, Wattle Grove**

**(125238) (Planning and Development Services)**

**Refer Item: N/A**

**Applicant: Gray & Lewis Planning Consultants**

**Owner: SA Adams**

**Purpose of Report**

1. Council is to consider street names for the subdivision of Lot 22 William Street, Wattle Grove. The recommendation of the Council is forwarded to the Geographic Names Committee of the Department of Land Information (DOLI) for approval.

**Background**

2. Council adopted the Outline Development Plan as the basis for subdivision and development for Cell 9 at its meeting of September 2000. (**Attachment 1**) The subdivision of the subject site was approved by the WA Planning Commission on 03 December 2004.
3. Street names are required to be shown on survey plans before submission for clearance of subdivision.

**Comments**

4. Two new street names are required for the subdivision (**Attachment 2**). The names selected by the applicant are:
  - Sessilis Crescent
  - Extensa RoadBoth names are wattle species that grow in the Shire.
5. Preliminary liaison with the Geographic Names Committee of DOLI has established a list of Wattle names that can be used throughout Wattle Grove; Sessilis and Extensa being on the list. It is therefore recommended that Council endorse the use of the new names.

---

COMMITTEE RECOMMENDATION TO COUNCIL GS 55/2005

1. That Council supports the new names of Sessilis Crescent and Extensa Road as shown on **Attachment 2** and request Geographic Names Committee to approve these names.

Moved: (Cr David Sadler)

Seconded: (Cr Taylor)

**FOR THE MOTION**

**Cr Morton**  
**Cr David Sadler**  
**Cr Casey**  
**Cr Winterhalder**  
**Cr Taylor**  
**Cr Blair**  
**Cr Nita Sadler**  
**Cr Giardina**  
**Cr Cresswell**

**AGAINST THE MOTION**

**Cr Tonkin**  
**Cr Billich**

**CARRIED**

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

## **56. Gateway Signage - Perth Hills Tourism (CO-INF-009) (Community Services)**

**Refer Item: GS132/2003, GS19/2005, GS37/2005**

**Applicant: N/A**

**Owner: N/A**

### **Purpose of Report**

1. To consider potential locations for 'Welcome to the Perth Hills' gateway signage within the Shire of Kalamunda

### **Background**

2. As part of the Perth Hills tourism project, external funding has been accessed via the Outer Metropolitan Community Fund (OMCF) to develop and implement a Visitor Signage Policy and to introduce 'Welcome to the Perth Hills' gateway signage at key entry points to the Perth Hills designated area.
3. The signage will serve two main purposes, '*directional*', to facilitate visitors locating the area, and '*promotional*', to raise awareness of the Perth Hills as an attractive visitor destination. It is further envisaged that the signage will comply with Main Roads standards and will reflect Tourism WA best practice guidelines. Refer (**Attachment 1**) for sample of the Perth Hills Gateway signage.
4. An initial site inspection was carried out on 18<sup>th</sup> April involving the Brand WA Manager at Tourism WA, Eugene Stankevicius.
5. The main access point for the Perth Hills is via the Great Eastern Highway. The key points have been identified as being:
  - at the junction of the Great Eastern Highway Bypass and the Old Great Eastern Highway, requiring a sign equivalent to the existing 'Swan Valley' tourism brown patch on the green Main Roads directional sign for Guildford.
  - at the junction of the Great Eastern Highway Bypass and Kalamunda Road, where it could be argued that a similar green Main Roads directional sign should be erected for Kalamunda together with a brown tourism patch for the 'Perth Hills.' Refer (**Attachment 2**) for proposed location of this information.

It is proposed that the Shire of Mundaring, as the lead partners in this OMCF project, will liaise with Main Roads on behalf of the Perth Hills with regard to these 2 signs.

6. Within the Shire boundaries it is proposed that a further 2 'Welcome to the Perth Hills' signs be erected on both Kalamunda Road and Welshpool Road East, for which the following options could be considered: Refer (**Attachment 3**) for proposed locations of new gateway signage.

Kalamunda Road - once through the traffic lights at Hawtin Road, within the next 0.5km, either around the Nestle Brae Creek or by the junction with Terrigal Road.

---

Welshpool Road East – shortly after the junction with Lewis Road, as the bend begins to straighten out.

## Comments

7. As part of this signage project it is also felt important to factor in the presence of the Rotary Information Bay on Kalamunda Road in Maida Vale. This location would also provide an opportunity to reinforce the promotional aspect and therefore any tourism messages/information should ideally be consistent with the branding messages and information being promoted as part of the overall Perth Hills tourism campaign.
8. A suggestion from Tourism WA was also to consider preparing a 'Preferred Tourism Routes' plan which would identify likely visitor traffic movements, both primary 'access' routes (Kalamunda Road, Mundaring Weir Road etc) and secondary 'visitor friendly' routes (Zig Zag Scenic Drive, Bickley Valley Wine Trail). This could then act as a framework for decision making with regard to further (eg. operator) signage, Engineering works, verge tidying, public art installation and so on.
9. **Cr Taylor thanked the committee and volunteers for the hard work put into this project, she added that if we keep the Brand WA tourism signage, we may have access to additional funding, which could allow us to link to areas such as the Swan Valley.**

COMMITTEE RECOMMENDATION TO COUNCIL GS 56/2005

1. That Council endorse the proposal to implement two gateway 'Welcome to the Perth Hills' signs on Kalamunda Road and on Welshpool Road East to support the Shire's Perth Hills tourism campaign by raising visitor awareness.
2. That Council endorse the proposal to engage in discussions with Kalamunda Rotary Club with regard to the inclusion of the Perth Hills tourism aspect in the Information Bay on Kalamunda Road, Maida Vale.
3. That Council endorse the proposal to prepare a 'Preferred Tourism Routes' plan for the Shire of Kalamunda.

Moved: (Cr Taylor)

Seconded: (Cr Blair)

**CARRIED UNANIMOUSLY**

---

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

**57. Hills BMX Club Inc. – Proposed License Agreement  
(GL-08/096F) (Community Services)**

**Refer Item:**

**Applicant: N/A**

**Owner: N/A**

**Purpose of Report**

1. For Council to consider entering into a License Agreement for the Hills BMX Club (kiosk and toilet area) at the Ray Owen Reserve.

**Background**

2. The Hills BMX Club Inc approached Council in 1980 for a suitable location for their club to utilise. After extensive community consultation Ray Owen BMX track was constructed.
3. In 1983 the Club applied and were successful through the Community Sport Recreation Facilities Fund to construct a toilet, kiosk and first aid facility.
4. Since the establishment of the track the Club have carried out most major works to the track and all works to the kiosk, first aid and toilet area. The club spends on average \$10 000 per year maintaining the track on this public reserve.
5. Hills BMX Club utilise the track facility on a Tuesday night between 4.30pm-9.30pm, however the track is open to the community at any stage. The facility is well utilised by the youth in the area.
6. At the time of the construction of the toilet, kiosk and first aid facility there was correspondence between the club and the shire regarding a tenancy agreement for the area, however for unknown reasons the agreement was not formalised.
7. Our records indicate that the Club received a waiver for electricity and water due to a previous decision of the Council.

**Comments**

8. The main terms and conditions of the proposed License Agreement are summarised below and discussions with the Hills BMX indicate that these terms and conditions will be acceptable.
  - a. To pay the lessor the reserved rent of \$1.00 per annum.
  - b. The Hills BMX Club must obtain public liability insurance of no less than \$10 million.
  - c. The Hills BMX Club is responsible for all minor and major maintenance to the kiosk, toilet and first aid facility.
  - d. The Hills BMX Club is responsible for all cleaning to the kiosk, toilet and first aid facility.

- 
- e. The Hills BMX Club to pay all costs associated with the preparation, execution and stamping of the document.

COMMITTEE RECOMMENDATION TO COUNCIL GS 57/2005

1. That Council agree to enter into a License Agreement with the Hills BMX Club Inc for the kiosk and toilet area at the Ray Owen Reserve (located next to the BMX track), with the main terms and conditions listed below:
  - a. To pay the lessor the reserved rent of \$1.00 per annum.
  - b. The Hills BMX Club must obtain public liability insurance of no less than \$10 million.
  - c. The Hills BMX Club is responsible for all minor and major maintenance to the kiosk, toilet and first aid facility.
  - d. The Hills BMX Club is responsible for all cleaning to the kiosk, toilet and first aid facility.
  - e. The Hills BMX Club to pay all costs associated with the preparation, execution and stamping of the document.

Moved: (Cr Giardina)

Seconded: (Cr Taylor)

**CARRIED UNANIMOUSLY**

---

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

**Cr Nita Sadler declared a Disclosure of Interest Affecting Impartiality as she is the Patron of the Kalamunda United Soccer Club.**

**Cr David Sadler declared a Disclosure of Interest Affecting Impartiality as his wife is the Patron of the Kalamunda United Soccer Club.**

**58. License Agreement for the Norm Sadler Pavilion  
(RD -03 / 020) (Community Services)**

**Refer Item: GS 100/99**

**Applicant: Kalamunda United Soccer Club & Kalamunda Rangers**

**Owner: Shire of Kalamunda**

**Purpose of Report**

1. To consider the Terms and Conditions of the License for the use of the Norm Sadler Pavilion by the Kalamunda United Soccer Club and the Kalamunda Ranger Tee/ Base / Softball Club.

**Background**

2. Norm Sadler Pavilion officially opened on the 20th September 1998. The building was an extension to original changeroom facilities based at Maida Vale Reserve. The primary users of the Maida Vale Reserves are the Kalamunda United Soccer Club and the Kalamunda Rangers Tee/ Base/ Softball Club.
3. In April 1998, during the initial set up of the original License agreement it was agreed in consultation with the clubs that they would receive a waiver of cleaning, power, rubbish removal and water for the term of the first License.
4. In April 1998 the two clubs were presented the License Agreement that reflected these waiver concessions. The original License was between the Shire of Kalamunda and the Maida Vale Sporting Association (Kalamunda Ranger Tee/ Base / Softball Club and the Kalamunda United Soccer Club amalgamated). Unfortunately this agreement remained unsigned due to a disagreement by Clubs to approve minor clauses.
5. In 1999 an additional user group (Social Community Softball Club) requested inclusion into the License Agreement. At this time the second License Agreement was drafted to include the Softball Club and the Terms and Conditions were presented to Council for endorsement in September 1999 (GS 100/99).
6. However due to a number of reasons including Social Community Softball Club not being incorporated and then relocating to another site within the Shire, Terms and Conditions endorsed by Council at the September 1999 meeting was never signed by the user groups.
7. Due to these lengthy delays the Terms and Conditions for the License Agreement for the Norm Sadler Pavilion, between the original parties were not endorsed by Council until the General Service Committee (GS 82/2001) meeting held on the 6<sup>th</sup> August 2001. However since this time the Clubs have refused to sign the License Agreement due to disagreements of minor clauses.

- 
8. Although the License Agreement remains unsigned Kalamunda Ranger Tee/ Base / Softball Club and the Kalamunda United Soccer Club have been operating under the Terms and Conditions of the first License Agreement.
  9. The term of this first License is due to expire on the 31<sup>st</sup> March 2008.
  10. Since 2001 Staff have been negotiating with both Clubs regarding the minor terms and conditions they disagree with, and after an extensive negotiation period all parties have agreed on the following terms and conditions:
    - A)
      - i. The Terms and Conditions of the existing unsigned License Agreement regarding the waiver of fees relating to cleaning, power, rubbish removal and water will remain until the 31<sup>st</sup> March 2008.
      - ii. Maintenance items for the Norm Sadler Pavilion will be assessed by Council staff and only urgent maintenance items will be addressed during this time.
      - iii. The waiver component of the unsigned License Agreement will be set out in the schedule section of the new License Agreement.
    - B)
      - i. If the club wishes to take the next option period to extend the term, it will commence from the 1<sup>st</sup> April 2008 until the 31<sup>st</sup> March 2013 and the Clubs will revert to a standard License Agreement during this term. Terms and Conditions of the standard license has been agreed by the two Clubs.

## Comments

11. The Terms and Conditions for the period between 1st May 2005 and the 31st March 2008 as itemised in the scheduled component of the License Agreement are summarised below:
  - i. The waiver of cleaning, power, rubbish removal and water will remain.
  - ii. Maintenance items for the Norm Sadler Pavilion will be assessed by Council staff and only urgent maintenance items will then be addressed.
  - iii. The waiver component of the unsigned License Agreement will be set out in the schedule section of the new License Agreement.
12. Terms and Conditions for the option period between the 1<sup>st</sup> April 2008 and the 31<sup>st</sup> March 2013 are summarised below:
  - i. The two Clubs have joint responsibility for the costs associated with rent (\$647.02 per annum subject to CPI increases), water, power, rubbish removal and cleaning.
  - ii. Clubs must obtain a public liability insurance of no less than \$10 million.
  - iii. The responsibility for major maintenance items for the facility rests with Council in partnership with the two clubs. Whilst Council acknowledges this responsibility, any major works to be carried out would be considered under the normal prioritisation and Budget Process. The programming of such works will be dependent on a successful budget submission in any given or subsequent financial year.

- 
- iv. Minor maintenance would be the responsibility of the Clubs.
  - v. The costs associated with the preparation, execution and stamping of the document will be divided evenly between each Club.

COMMITTEE RECOMMENDATION TO COUNCIL GS 58/2005

1. That the Terms and Conditions for the period between 1<sup>st</sup> May 2005 and the 31<sup>st</sup> March 2008 as itemised in the scheduled component of the License Agreement are summarised below be endorsed by Council:
  - a) The Terms and Conditions of the existing unsigned License Agreement regarding the waiver of fees relating to cleaning, power, rubbish removal and water will remain until the 31<sup>st</sup> March 2008.
  - b) Maintenance items for the Norm Sadler Pavilion will be assessed by Council staff and only urgent maintenance items will be addressed.
  - c) The waiver component of the unsigned License Agreement will be set out in the schedule section of the new License Agreement.
2. That the Terms and Conditions of the Norm Sadler Pavilion License (option period from 1<sup>st</sup> April 2008- 31<sup>st</sup> March 2013), as summarised below for the joint usage by Kalamunda Ranger Tee/ Base / Softball Club and Kalamunda United Soccer Club be endorsed by Council and copies be presented to the Club for signing.
  - a) The Two Clubs have joint responsibility for the costs associated with rent (\$647.02 per annum subject to CPI increases), water, power, rubbish removal and cleaning.
  - b) Clubs must obtain a public liability insurance of no less than \$10 million.
  - c) The responsibility for major maintenance items for the facility rests with Council in partnership with the two clubs. Whilst Council acknowledges this responsibility, any major works to be carried out would be considered under the normal prioritisation and Budget Process. The programming of such works will be dependent on a successful budget submission in any given or subsequent financial year.
  - d) Minor maintenance would be the responsibility of the Clubs.
  - e) The costs associated with the preparation, execution and stamping of the document will be divided evenly between each Club.

Moved: (Cr Blair)

Seconded: (Cr Taylor)

**CARRIED UNANIMOUSLY**

---

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

**59. Extension of The Licence Area for Kalamunda Dramatic Society**

**(CN-5/006) (Community Services)**

**Refer Item: OCM 68/04**

**Applicant: KADS**

**Owner: Shire of Kalamunda**

**Purpose of Report**

1. Council is asked to consider an amendment to the current licence agreement between the Kalamunda Dramatic Society (KADS) and the Shire of Kalamunda to allow for the intermittent use of the adjoining outdoor area. Refer **(Attachment 1)** for locality plan.

**Background**

2. KADS has a licence agreement for the Town Square Hall situated on lot 6 and lot 7 Central Road, Kalamunda. Both lots are owned in fee simple by the Shire.
3. The licence agreement is for the five year term starting on 1 July 2004 and finishing on 30 June 2009.
4. KADS has applied for a Special Facilities Licence to the Department of Racing Gaming and Liquor to be granted to enable them to run bar facilities at the Town Square Theatre. The application covered the building and adjoining courtyard area.
5. Despite the fact that the Council supported KADS request to include the outside area in their application, the Department has indicated that only the building may be licensed, because the Licence Agreement with the Shire only covers the building.
6. For that reason KADS now requests that the Licence for usage of the theatre be extended to include the outdoor area . Refer **(Attachment 2)** for a site plan.

**Comments**

7. KADS acknowledges that a public right of way runs through the proposed area, but since their usage is in the evening, it is considered that any inconvenience to the general public would be minimal. The public would not be prevented from using the thoroughfare and this condition would be specified in the proposed licence amendment along with twelve monthly reviews.
8. At most, 50 evenings through the year would be involved, and Council would be advised of these dates at the start of each year.
9. It is proposed that the licence amendments would need to specify that the outdoor area would only be available to the licensee for a specified number of evenings per year between the hours of 7pm-10pm.
10. KADS has always depended on the outdoor area for socialising before the show and during the interval, because the inside area is very limited, and the patrons have nowhere to sit and enjoy their drinks and other refreshments.

- 
11. The existing section 40 – Liquor Licence certificate for KADS will need to be modified to reflect the proposed extension of the licensed area.
  12. It is therefore recommended that the Council supports the extension of the area covered by the licence agreement as shown on (**Attachment 2**), subject to the conditions proposed in items 7 and 9 above.

COMMITTEE RECOMMENDATION TO COUNCIL GS 59/2005

1. That the Council supports an amendment to the current licence agreement between the Kalamunda Dramatic Society and the Shire of Kalamunda to allow for the intermittent use of the adjoining outdoor area subject to the following conditions:
  - a) The outdoor area will only be available to the licensee for fifty (50) evenings per year between the hours of 7.00pm-10.00pm.
  - b) The public thoroughfare is maintained at all times when the outdoor area is being used by KADS.
  - c) The use of the outdoor licence area will be reviewed by Council staff on a twelve (12) monthly basis and any breach of the licence conditions will void this agreement.

Moved: (Cr Blair)

Seconded: (Cr Taylor)

**CARRIED UNANIMOUSLY**

---

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

**Cr Mary Anne Casey Disclosed a Financial Interest as she is a Board Member of Kalamunda Community Cares.**

**Cr Casey left the Chambers at 8.13pm.**

**60. Submissions to Lease 7 Sanderson Road Lesmurdie (CO-CCS-047) (Community Services)**

**Refer Item: N/A**

**Applicant: Kalamunda Community Care Inc and Kalamunda Youth Swing Band Inc**

**Owner: Shire of Kalamunda**

### **Purpose of Report**

1. To consider the submissions by Kalamunda Community Care Inc (KCC) and Kalamunda Youth Swing Band Inc (KYSB) to occupy the premises situated at Reserve 30308, 7 Sanderson Rd Lesmurdie (previously the Lesmurdie Pre-Primary facility).

### **Background**

2. This building was leased to the Lesmurdie Kindergarten from 1977 and to the Minister of Education from 1981 to early 2005. A Child Health Centre also operated from this building but there was no lease agreement. The building is currently without a tenant. The terms of the lease included: annual rental of \$1600; all minor and major maintenance, insurances, outgoings and utility costs were the responsibility of the lessee. The land is a Local Reserve (Public Building), and may be used for any purpose approved by Council.
3. Incorporated community groups were invited (via advertisements in the local press) to submit proposals to occupy these premises, with a closing date of April 18<sup>th</sup> 2005.
4. Submissions were received from two groups: Kalamunda Community Care Inc and Kalamunda Youth Swing Band Inc. The submissions from these groups have been summarised in a comparative table (**Attachment 1**).
5. These proposals have been considered under the following criteria: History of organisation, current membership, purpose / objectives, community benefit, support requests from Council, and additional information enclosed.
6. Kalamunda Community Care Inc currently lease 8 Lindsay Street (Headingly Hill Cottage) Kalamunda from the Shire. These premises are unsuitable for their current operations and do not allow for any expansion of the organisation's services.
7. Kalamunda Youth Swing Band Inc has operated since 1989, and has never had a permanent venue. The lack of venue means that the group's assets cannot be insured and they cannot apply to many sources of grant funding.

### **Comments**

Kalamunda Community Care

8. Council's Strategic Plan 2025 recognises the need for Council to work in partnership with other organisations to ensure required services and facilities are available in the Shire for our ageing population.
9. Council convened a Home and Community Care (HACC) service providers information session in March 2005 where organisations were asked to advise of their current operations and their future plans. K.C.C advised on that occasion that their most pressing need was a new facility for administration and centre-based day care services.
10. The joint development that Kalamunda Community Care are proposing would at this stage only be possible with the Shire as a funding partner to access grants. The proposal includes major renovations to the existing building and the erection of an additional building for administration (**Attachment 2**).
11. Kalamunda Community Care is fully funded through the Health Department of WA HACC programme, with additional income from the Commonwealth Department of Health and Ageing and client service fees making their operation financially independent.
12. Whilst the proposal from KCC for development of 7 Sanderson Road Lesmurdie would greatly benefit their current and future operations, unfortunately this could not be achieved without significant capital funding and other contributions from Council and other agencies.
13. The additional support requests outlined in the Kalamunda Community Care proposal to lease the premises would represent a considerable investment for the Shire.
14. The premises at 7 Sanderson Road Lesmurdie were assessed for the potential future Adult Care Service needs of the Council, however the building does not lend itself to conversion to an overnight respite and dementia-specific facility.

#### Kalamunda Youth Swing Band

15. Kalamunda Youth Swing Band (Inc) has operated as an incorporated not-for-profit organisation for sixteen years without funding from other organisations or significant assistance from Council. The group raises funds via concerts, performance income, raffles and quiz nights. Hundreds of young musicians have benefited from lessons, rehearsals and performances with KYSB. In addition to interstate and international tours, KYSB have provided free concerts in Stirk Park for last twelve years.
16. Kalamunda Youth Swing Band (Inc) has repeatedly requested Council assistance to find a venue as a permanent home, but no appropriate premises could be identified. KYSB require a venue in which to rehearse; teach band members; store equipment and assets and display trophies and photos.
17. The lack of a permanent venue prevents Kalamunda Youth Swing Band Inc from insuring their assets (including instruments, sound production equipment and sheet music), whereas a leased premises would mean that these items could be insured. The group has also been unable to apply for grant funding from Government bodies and charities, whilst with a permanent home KYSB will be able to seek funding from these sources.
18. The Kalamunda Youth Swing Band Inc request is to lease the premises under the same conditions as the previous lessee, with no support requests from Council.

#### General

19. Both the Seniors' Position Statement and Youth Policy Action Plan identify Council's service provision role in providing services, programmes, facilities or infrastructure,

funded either by Council, jointly with other agencies or totally from government programmes or grants.

20. In the event that KCC were successful in their submission, it should be noted that Council is looking at expanding its HACC services into the Kalamunda / Lesmurdie area to cater for overnight respite and dementia-specific care. A Council facility closer to Kalamunda would help reduce client travel time and meet the increasing service needs of the community.
21. If Council chose to offer Kalamunda Community Care the lease at 7 Sanderson Rd Lesmurdie, Council would need to establish an appropriate rental figure then advertise its' intention to lease the premises in accordance with Section 3.58 of the Local Government Act 1995. The lease could only be approved after Council considered any submissions received during the advertising period.
22. If the Kalamunda Youth Swing Band proposal was accepted they would be excluded from the application of Section 3.58 of the Local Government Act 1995. This exemption is due to the fact that the land would be disposed of to a body the objects of which are of a cultural and educational nature
23. The premises situated at 7 Sanderson Road is located in reasonable proximity to residential housing (**Attachment 3**). It would therefore be advisable to seek comments from affected residents concerning either proposal prior to approval of a lease.
24. The previous rental figure established with the Education Department would have been set on a semi-commercial basis, however it is proposed that an annual lease rental for a not-for-profit unfunded community group commence at \$700 per annum and be subject to CPI increases. This figure is comparable to other existing lease rentals for similar unfunded groups.
25. **Mr Peter Van Der Meulen, one of the applicants assured the Committee that all conditions in the recommendation will be abided by and emphasised the band's need for a 'home of their own'. The question arose as to whether other groups could possibly co-use the location, when the band was not using the Sanderson Road centre. Mr Van Der Meulen responded that he would reluctantly agree, but expressed his concerns regarding security problems that may arise as a result of shared use.**

COMMITTEE RECOMMENDATION TO COUNCIL GS 59/2005

1. That Kalamunda Community Care be advised that their proposal is not supported due to the considerable financial contributions required from the Council.
2. That Kalamunda Youth Swing Band be advised that their proposal is supported subject to the following conditions:
  - a. That prior to the Council offering KYSB a lease of the premises they be given a three (3) month trial occupancy, followed by a Council survey of the affected residents
  - b. That the use of the premises is offered to KYSB on the understanding that they will continue to operate financially independent of the Council.
  - c. That subject to a satisfactory survey result, the KYSB be offered a lease of the premises situated at 7 Sanderson Road Lesmurdie in accordance with the main terms and conditions listed below:
    - Pay \$700 in rent per annum, indexed to C.P.I. annually

- 
- Pay 100% of rubbish charges, impositions, gas, water, power, telephone, cleaning, garden maintenance and all costs associated with the preparation, execution and stamping of the Agreement
  - Maintain \$10 million public liability insurance; building insurance for the premises; and adequate contents insurance
  - Maintain the premises in a clean and sanitary condition and be responsible for all minor and major maintenance
  - The term of the lease is five years with a further five year option
  - For the purposes of rehearsals, teaching and storage

Moved: (Cr Taylor)

Seconded: (Cr Blair)

**CARRIED UNANIMOUSLY**

**Cr Casey returned to the Chambers at 8.20pm**

---

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

## **61. IT Provision for HACC Administration Support Officer (CO-SPC-007) (Community Services)**

### **Purpose of Report**

1. The purpose of this report is to provide the HACC Administration Officer with IT Equipment to enhance the effectiveness of the administration support in light of the new services being commissioned.

### **Background**

2. Leah Miller has commenced her role as HACC Administration Support Officer part time (2 days per week) at Peter Anderton Lodge. There are no IT resources at this facility and it is essential for the effectiveness of this role.

### **Comments**

3. Discussions with the IT Manager have resulted in the requirement for the provision of a PC and printer at this location.
4. There is the probability of HACC funding for the purchase of this equipment, which will be determined when submissions are made in October 2005. The cost of the equipment is approximately \$3,000.
5. Due to the new services recently commissioned by HACC purchase of this equipment will enhance the effectiveness of the Administration Officer role and allow the officer access to the Shire's main database.

COMMITTEE RECOMMENDATION TO COUNCIL                      GS              61/2005

1. The purchase of IT Equipment for the HACC Administration Support Officer up to an amount of \$3,000 be authorised from the estimated surplus
2. The amount of \$3,000 is to be reimbursed once the submission for HACC funding has been authorised in October 2005.

Moved: (Cr Casey)

Seconded: (Cr Taylor)

**ABSOLUTE MAJORITY**

**10.0 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN**

10.1

**11.0 QUESTIONS BY MEMBERS WITHOUT NOTICE**

11.1 Cr Giardina requested it be noted in the body of Reports, that letters relating to the Report Item are available, should Councillors wish to view them.

**12.0 URGENT BUSINESS APPROVED BY THE PERSON PRESIDING OR BY DECISION**

12.1 Nil

**13.0 MATTERS BEHIND CLOSED DOORS**

Motion to go behind closed doors

Moved: (Cr Casey)

Seconded: (Cr Cresswell)

**CARRIED UNANIMOUSLY**

*Reason for confidentiality. Local Government Act s.5.23 (2) (c). A contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting.*

**62. Compensation Claim - Land Acquisition Maida Vale Road**

Moved: (Cr Giardina)

Seconded: (Cr Cresswell)

**CARRIED UNANIMOUSLY**

Motion to come from behind closed doors

Moved: (Cr Taylor)

Seconded: (Cr Casey)

**CARRIED UNANIMOUSLY**

**14.0 CLOSURE**

There being no further business, the Chairman declared the meeting closed at 8.30pm.

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

Signed ..... Chairman

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