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Shire of Kalamunda

# **General Services Committee**

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Minutes for 5 October 2004



## SHIRE OF KALAMUNDA

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**Minutes of General Services Committee  
held in the Council Chamber,  
2 Railway Road, Kalamunda  
Monday, 5 October 2004**

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**1.0 OFFICIAL OPENING**

- 1.1 The Chairman opened the Meeting at 7.00 pm and welcomed Councillors staff and members of the public gallery.

**2.0 APOLOGIES AND LEAVE OF ABSENCE**

2.1 PRESENT

**Councillors**

E Taylor	(SHIRE PRESIDENT) NORTH WARD
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
J Winterhalder	EAST WARD

**Officials**

D Vaughan	CHIEF EXECUTIVE OFFICER
G Parslow	EXECUTIVE MANAGER CORPORATE SERVICES
K O'Connor	EXECUTIVE MANAGER COMMUNITY SERVICES
S Burrows	EXECUTIVE MANAGER PLANNING AND DEVELOPMENT SERVICES
G Milward	EXECUTIVE MANAGER ENGINEERING SERVICES
B Millan	EXECUTIVE ASSISTANT
F Sullivan	MANAGER FINANCIAL SERVICE
M Singh	MANAGER ENGINEERING SERVICE
R Briede	MANAGER LIBRARY SERVICE
A Stephens	MANAGER HEALTH SERVICE
A Harpin	MANAGER COMMUNITY DEVELOPMENT
A Holmes	MINUTE SECRETARY

**Apologies**

M Cresswell  
S Blair

NORTH WEST WARD  
NORTH WARD

**Observers**

5

**Newspapers**

Echo

**Cr Govan requested a Leave of Absence for Cr Morton for the November General Services Committee.**

Moved: (Cr Govan)

Seconded: (Cr Taylor)

**CARRIED UNANIMOUSLY****3.0 PUBLIC QUESTION TIME**

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

3.1 Nil

**4.0 PETITIONS**

4.1 Nil

**5.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETING**

5.1 That the Minutes of the General Services Committee Meeting held on 6 September 2004 is confirmed as a true and correct record of the proceedings.

Moved: (Cr Taylor)

Seconded: (Cr Govan)

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

6.1 Stan Woolnough, a stalwart of the senior citizens at the Jack Healey Centre and Woodlupine Community Centre was killed in a car accident last week. We extend our deepest sympathy to his family and the seniors at the Jack Healey Centre.

**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 88: Application for Self Supporting Loan – Kalamunda United Soccer Club**  
**Cr Sadler declared a Disclosure of Interest Affecting Impartiality as she is a Patron of the Club.**

**Item 89: Tender – Project Management of Cell 9, Wattle Grove**  
**Cr Winterhalder declared a Disclosure of Interest Affecting Impartiality as he has a business relationship with an owner in Cell 9.**

## 9.0 REPORT TO COUNCIL

### Please Note:

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

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

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## REPORTS

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

### **76. Creditors Accounts Paid - September 2004 (FI-CRS-002) (Corporate Services)**

**Refer Item:** NA  
**Applicant:** NA  
**Owner:** NA

#### Purpose of Report

1. To receive creditors accounts paid for the month of September 2004.

#### Background

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

#### Comments

4. Accordingly, the list of Creditors Paid from 27 August to 24 September is attached **(Attachment 1.)**.
5. Total Creditors that remain outstanding after preparation of the attached list is \$879.85.

#### COMMITTEE RECOMMENDATION TO COUNCIL

GS 76/2004

1. That the list of Creditors Paid from 27 August 2004 to 24 September 2004 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 Winterhalder)

**CARRIED UNANIMOUSLY**

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

**77. Financial Statements Period Ending 31 August 2004  
(FI-SRR-006) (Corporate Services)**

**Refer Item:** NA  
**Applicant:** NA  
**Owner:** NA

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 August 2004.
3. In accordance with Section 34 of the Local Government (Financial Management) Regulations 1996, operating statement (**Attachment 2.**) is included for the same period.

Comments

4. Nil

COMMITTEE RECOMMENDATION TO COUNCIL

GS 77/2004

1. That the financial statements and the accompanying operating statements for the period ending 31 August 2004 be received.

Moved: (Cr Taylor)

Seconded: (Cr Govan)

**CARRIED UNANIMOUSLY**

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

**78. Local Government Elections 2005 - Postal Election  
(OR-ELN-001) (Corporate Services)**

**Refer Item:** N/A  
**Applicant:** N/A  
**Owner:** N/A

Purpose of Report

1. To complete the process whereby the 2005 Local Government Election is conducted as a postal election.

Background

2. At the Ordinary Council Meeting of 20 September 2004 the following was resolved:

*That Council agrees to request the WA Electoral Commissioner to be responsible for the conduct of the 2005 Local Government Elections pursuant to Section 4.20(4) of the Local Government Act 1995.*

Comments

3. In accordance with this process the WA Electoral Commissioner has provided her written agreement to be responsible for the conduct of the ordinary elections in May 2005.
4. Once written agreement has been received Council needs to give further consideration to conducting the 2005 Local Government Elections as a postal election pursuant to Section 4.61(2) of the Local Government Act 1995.
5. To effect a postal election the following procedure is necessary:
  - i Local Government Act Section 4.20
    - (4) A local government may, having first obtained the written agreement of the Electoral Commissioner, declare\* the Electoral Commissioner to be responsible for the conduct of an election and, if such a declaration is made, the Electoral Commissioner is to appoint a person to be the returning officer of the local government for the election.

*\*Special majority required*
  - ii Local Government Act Section 4.61
    - (2) The local government may decide\* to conduct the election as a postal election.

*\*Special majority required*
    - (4) A decision under subsection (2) has no effect unless it is made after a declaration is made under section 4.20(4) that the Electoral Commissioner is to be responsible for the conduct of the election or in conjunction with such a declaration.

COMMITTEE RECOMMENDATION 1 TO COUNCIL

GS 78/2004

1. That Council declares that the WA Electoral Commissioner will be responsible for the conduct of the May 2005 Local Government Elections in accordance with Section 4.20(4) of the Local Government Act 1995.

Moved: (Cr Casey)

Seconded: (Cr Taylor)

**CARRIED UNANIMOUSLY**

**SPECIAL MAJORITY (75%)**

COMMITTEE RECOMMENDATION 2 TO COUNCIL

GS 78/2004

2. That Council will conduct the May 2005 Local Government Elections as a postal election in accordance with Section 4.61(2) of the Local Government Act 1995.

Moved: (Cr Tonkin)

Seconded: (Cr Winterhalder)

**CARRIED UNANIMOUSLY**

**SPECIAL MAJORITY (75%)**

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

**79. Temporary Road Closure - Unsealed Section of Oxford Court, Maida Vale  
(OX-01/GEN) (Engineering Services)**

**Refer Item:** N/A  
**Applicant:** Mr Peter & Mrs Lynn Macskasky-Barnes  
**Owner:** N/A

Purpose of Report

1. Council is requested to consider the temporary closure of the unsealed section of Oxford Court, Maida Vale.

Background

2. Oxford Court is constructed up to the first bend at the frontage of number 31 Oxford Court, as shown on **(Attachment 1.)**. Number 30 Oxford Court is a corner property and has a constructed road on the northeast side and an unconstructed road on the northwest side of the block.
3. Mr & Mrs Macskasky-Barnes of 30 Oxford Court Maida Vale have requested the closure of the unconstructed section of the road and installation of a gate close to the bend. They have advised that this section is attracting an undesirable element, which is causing damage to their property and the adjoining bush.
4. Only number 30 Oxford Court has access from this section of the road. Mr & Mrs Macskasky-Barnes are willing to provide the gate and maintain access for emergency vehicles.

Comments

5. In view of the persistent vandalism and potential fire hazard in the location, the temporary closure is supported and accordingly it is recommended that a notice of intended closure is issued under Section 3.50 of the Local Government Act 1995.
6. It is also recommended that should there be no public objection to the closure, staff be authorised to effect the closure following the expiry of the notice period.
7. **The applicant addressed the Committee in support of the recommendation.**

COMMITTEE RECOMMENDATION TO COUNCIL

GS 79/2004

1. That a notice for the temporary closure of the unsealed section of Oxford Court, Maida Vale be advertised in accordance with Section 3.50 of the Local Government Act 1995.
2. That in the event there is no objection to the closure, the unsealed section of Oxford Court Maida Vale, be closed by installing a gate at the location shown on **(Attachment 1.)**

Moved: (Cr McKechnie)

Seconded: (Cr Taylor)

**CARRIED UNANIMOUSLY**

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

**80. Supply and Spreading of Fertiliser on Council Reserves  
T0403**

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

**Refer Item:** N/A

**Applicant:** N/A

**Owner:** N/A

Purpose of Report

1. To recommend to Council a Contractor for the Supply and Spreading of Fertiliser on Council Reserves T0403.

Background

2. On Friday 6 August 2004, Tenders closed for the Supply and Spreading of Fertiliser on Council Reserves.
3. Three Tenders were received. Examination of the fertiliser samples provided by the Tenderers showed that two of the submitted samples did not meet the Tender Specification and the Tenders were therefore non conforming.

<u>Company Name</u>	<u>Fertilising Price Per Hectare</u>
Lovegrove Turf Services	\$96.00 (ASN) \$132 (Fe Mn) \$189 (3.1.1™)
Baileys Fertilisers	Non-Conforming
Turfmaster Pty Ltd	Non-Conforming

Comments

4. In order to maintain turf grass in healthy condition and ensure that there is not unnecessary leaching of unused nutrients into the soil or groundwater, extensive and quite rigorous nutrient testing is undertaken at Shire reserves. As a result, significant savings have been made, both financial and for the environment, over the past few years.
5. The most recent scientific methods and advice is used to determine exactly what type and quantity of fertiliser is required on reserves.
6. The product specified for the Supply and Spreading of Fertiliser on Council Reserves is defined as a 'particulate' fertiliser, being ASN.
7. A 'particulate' fertiliser is one in which each particle has the same amount and combination of elements.
8. The fertiliser supplied by Lovegrove Turf Services was tested and found to be a particulate fertiliser conforming to the required standard in relation to particle size uniformity and composition.

- 
9. The fertiliser samples supplied by the other two Tenderers appear to be blends of different fertilisers and, as a result, particles varied in makeup and did not comply with the requirements of a 'particulate' fertiliser. These fertilisers do not, therefore, satisfy the requirements of the Tender.

COMMITTEE RECOMMENDATION TO COUNCIL

GS 80/2004

1. That Lovegrove Turf Services be appointed for the Supply and Spreading of Fertiliser on Council Reserves, for a period of twelve (12) months at a price of \$96/ha for Ammonium Sulphate Nitrate. \$132/ha for Fe Mn and \$189/ha for 3.1.1<sup>TM</sup>

Moved: (Cr Govan)

Seconded: (Cr McKechnie)

**CARRIED UNANIMOUSLY**

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

**81. Tree and Shrub Watering Tender T0409  
(AD-TEN-004) (Engineering Services)**

**Refer Item:**

**Applicant:** N/A

**Owner:** N/A

Purpose of Report

1. To recommend to Council a contractor for the supply of Tree and Shrub Watering Services.

Background

2. On Friday 10 September Tenders closed for T0409 the Supply of Tree and Shrub Watering Services.
3. Four tenders were received, details are as follows:

	Juvenile Trees	Advanced Trees
Tree Planting & Watering	\$5.50	\$7.00
Kuhlmann Native Seeds	\$2.60	\$5.60
Psycho Sands	\$2.30	\$2.50
M. Tarzia	\$1.60	\$1.68

4. The least expensive tender received was from M. Tarzia.

Comments

5. M. Tarzia has worked for the current contractor, his son, for the past three years.
6. During that time there has not been any issue in relation to trees or shrubs dying due to a failure by the contractor/operator.
7. M. Tarzia will continue to operate in conjunction with his son and utilise the same or similar vehicle and plant in the execution of the contract.

COMMITTEE RECOMMENDATION TO COUNCIL

GS 81/2004

1. That M. Tarzia be appointed as the Contractor for Tender T0409 Supply of Tree and Shrub Watering Services, at a price of \$1.60/week for a juvenile plant, and \$1.68/week for an advanced tree.

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***

**82. Proposed Street Names for Subdivision of the Lot 56 Arthur Road, Wattle Grove  
(AR-07/046 & 124134) (Planning Services)**

**Refer Item:** N/A  
**Applicant:** McMullen Nolan Surveyors  
**Owner:** Ace Group Enterprises Pty Ltd

Purpose of Report

1. Council is to consider street names for the subdivision of Lot 56 Arthur Road within the Urban Development Zone Wattle Grove (Cell 9). The recommendation of Council is forwarded to Geographic Names Committee of the Department of Land Information 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. In March 2001, the WAPC adopted the Plan. (**Attachment 1**) The application for subdivision of the Lot 56 Arthur Road has been approved by WAPC in April 2004.
3. Street names are required to be shown on survey plans before submission for clearance of the subdivision.

Comments

4. Two additional street names are required for the subdivision (**Attachment 2**). The names selected by the owners are as follows:
  - Lancelot Green- In keeping with English medieval names used in the subdivision. Name is on the approved reserve list.
  - Marriott Crescent- S. Marriott, Wattle Grove Progress Association. Name is on the approved reserve list.
5. Preliminary liaison with GNC has indicated their acceptance of these names and it is recommended that Council endorse the use of the new names.

COMMITTEE RECOMMENDATION TO COUNCIL

GS 82/2004

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

Moved: (Cr Morton)

Seconded: (Cr Taylor)

**FOR THE MOTION**

**AGAINST THE MOTION**

**Cr Taylor  
Cr Casey  
Cr Sadler  
Cr Govan  
Cr Morton  
Cr Stallard  
Cr Tonkin  
Cr Bilich**

**Cr McKechnie  
Cr Winterhalder**

**MOTION CARRIED**

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

**83. Financial Assistance for the Forrestfield & District Bowling Club (Inc)  
(HL-01/199R) (Community Services)**

**Refer Item:**

**Applicant:** Forrestfield & District Bowling Club (Inc)

**Owner:** Shire of Kalamunda

Purpose of Report

1. To consider an application from the Forrestfield & District Bowling Club (Inc) for financial assistance.

Background

2. The Forrestfield & Districts Bowling Club was established in 1990 when the club received a self-supporting loan of \$89,000 for the establishment of a clubhouse and 2 greens.
3. Currently the Club has repaid a total of \$38,756.35 at \$5,772.00 per annum.
4. The Club is now requesting an interest free period on this loan for 5 years (from the scheduled payment in March 2005 until March 2010). As the interest payments steadily decrease during this period this would amount to \$18,810.97
5. The Club advises that they need the additional funds to finance such items as maintenance to the clubhouse and greens and for the replacement or repair of worn equipment. The Club has indicated that they also have a number of 'big ticket' items pending, including the repainting of the clubhouse, and the replacement or repair of the glass washer, PA system and some grounds machinery. These items are intended to enable the Club to financially support itself into the future by creating and sustaining a healthy membership base with the renewed potential to hold social and fundraising events.

Comments

6. The Club has recently taken a number of positive steps to attract new members such as a membership drive and a monthly dance/BBQ for the community. It is hoped that with additional social events the club will gain new members and increase revenue.
7. The Club has met with staff on two occasions to present their request for financial assistance. The initial meeting covered the need for the Club to finance the employment of a new groundkeeper, as the Club's volunteer intended to retire. However, at the second meeting the Club changed the request to cover the replacement/repair of equipment as outlined above.
8. Essentially, the Club is requesting financial assistance to cover costs that would constitute routine expenditure for any club. In this case, Council could consider two options:
  - Option One – granting the Club a 'donation' of \$18,810.97 to cover the interest payment for their loan for a period of five years in the hope that the Club would become self-supporting during that time.

- 
- Option Two – decline the request as the items listed are considered to be routine club expenses.

In the case of Option Two, the Club would still be eligible to list an application for consideration in the 2005/2006 non-recurrent budget.

- 9. Mr Ashdown, President of the Forrestfield and Districts Bowling Club addressed the Committee in opposition to the recommendation.**
- 10. The Committee discussed other funding opportunities and how the club could advertise and market itself.**

COMMITTEE RECOMMENDATION TO COUNCIL

GS 83/2004

1. That Council declines the request for financial assistance by Forrestfield & District Bowling Club (Inc) due to the items listed being considered to be routine club expenses.

Moved: (Cr Taylor)

Seconded: (Cr Morton)

**CARRIED UNANIMOUSLY**

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

**84. Proposed Forrestfield Village Markets  
(HL-01/088) (Community Services)**

**Refer Item:**

**Applicant:** Lion's Club of Kalamunda

**Owner:** Shire of Kalamunda

Purpose of Report

1. To consider the application from the Lion's Club of Kalamunda to introduce a Forrestfield Village Markets to be held in the grounds of Woodlupine Family and Community Centre on the third Saturday of every month.

Background

2. The Lion's Club of Kalamunda has applied to Council for approval to hold a weekend Village Market in the grounds of the Woodlupine Family and Community Centre on the third Saturday of every month. They intend to hold the first market on the 20<sup>th</sup> November 2004.
3. The Lion's Club of Kalamunda has formed a Market Committee, which is responsible for the administration procedures (including insurance and licensing).
4. The Kalamunda Rotary Club (organiser of the Kalamunda Village Markets) is assisting the Lion's Club of Kalamunda in an advisory capacity and it is intended that the Forrestfield Village Markets will replicate the successful format of the Kalamunda Village Markets.

Comments

5. There are a number of logistical considerations with regard to this event at the proposed location, outlined below:
  - a. Toilet Facilities: It has been suggested that the most appropriate site for toilet facilities would be the Woodlupine Family and Community Centre. The Lion's Club has offered to erect static partitions in order to prevent unauthorised access to other rooms in the Centre. The partitions will guide the patrons directly to the toilets and drink fountain facilities.
  - b. Noise: There are currently 2 permanent users of the Centre on the Saturday and they should not be unduly affected by any noise. All groups will be invited to participate in the markets.
  - c. Parking: With 2 permanent user groups currently using the centre, it is considered that there will be available parking in the two Council car parks adjacent to the site.
  - d. Power Supply: Upon inspection of the outdoor area, a number of sites have been identified as having potential to supply 10amp and 3-phase power to the area. The power outlets are required for the vendors, to ensure that an adequate and efficient supply of power can be drawn throughout the day.

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- e Site Preservation: Due to the complex reticulation system on the slope area of the Woodlupine Creek, installation of tent pegs or any other sharp object should not be permitted, for example marquees.
  - f Health and Safety: It is anticipated that the stalls would run from the verandah area (dry area) northbound along the footpath towards the petrol station which is situated on Woolworth Drive. It is proposed that a boundary fence be created to keep stall holders within the safe parameters of the designated area. The stalls can be set up either side of the footpath and this will enhance the ambience of market layout.
  - g Cleaning: The area can be cleaned on a Friday by Parks and Gardens staff, to include a carpark sweep plus general litter pick up and garden tidy.
6. It is proposed that if Council approve this application that it would be reasonable to require similar criteria as for the introduction of the Kalamunda Village Markets.
- The activity operating for a trial period of 6 months during 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 (**Attachment 1.**) 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.
7. The Lion's Club of Kalamunda would need to apply for a 'Trading in Public Places' Licence prior to holding the first market. It is likely that approval for the application would be subject to similar conditions to those applicable to Kalamunda Village Markets:
- A detailed plan showing locations and types of stalls.
  - Presentation of a Certificate of Insurance indemnifying Council to the amount of 10 million dollars.
  - That following each stall event, the Organising Committee returns the area to its pre-event condition.
  - That all food stalls meet the requirements of the Health (Food Hygiene) Regulations 1993.
8. The introduction of another activity in this area has the potential to exacerbate existing traffic concerns and this would need to be monitored.
9. **Theo Oud from the Lion's Club addressed the Committee in support of the recommendation.**
10. **Councillors discussed concerns about traffic movement and assessing this through the Forrestfield Pedestrian and Traffic Access Review Working Party.**

## RECOMMENDATION

GS 84/2004

1. 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.
2. That the activity be referred to the Forrestfield Pedestrian and Traffic Access Review Working Party for assessment during the 6 month trial period.

**There was no Mover or Seconder for the Recommendation.**

**Cr Casey moved the following Motion:**

## COMMITTEE RECOMMENDATION TO COUNCIL

GS 84/2004

1. 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.
2. That the activity be referred to the Forrestfield Pedestrian and Traffic Access Review Working Party for assessment during the 6 month trial period.
3. **That the annual fee be waived for the first six months.**

Moved: (Cr Casey)

Seconded: (Cr Govan)

**CARRIED UNANIMOUSLY**

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

**85. Charges for the Games Trailer  
(HL-01/199) (Community Services)**

**Refer Item:**

**Applicant:** Shire of Kalamunda

**Owner:** Shire of Kalamunda

Purpose of Report

1. For Council to consider and approve charges for the new Games Trailer.

Background

2. The Games Trailer was donated to the Shire by the organisation 'Life Be in It' to be hired out to community groups for functions. The Games Trailer included such equipment as 'tug-a-war ropes', mobile volleyball nets, cricket set and quoits. It is an excellent facility as it meets the diverse needs of the community.
3. After many years of use, the Games Trailer and its equipment became dilapidated. It was then decided that \$3000 would be set aside in 2003/2004 Youth Budget for the refurbishment or replacement of the Games Trailer.
4. Subsequent research identified that it would be more cost effective and a better long-term option to replace the trailer and equipment rather than to refurbish the existing trailer.
5. Expenditure included a new trailer, sign writing (including Shire logo and contact details for hire) and new sports and activity equipment.
6. The trailer is now ready to be hired. It is envisaged that local schools, community groups, church groups, businesses and the general public will use the trailer.
7. The trailer is currently stored and hired out from Hartfield Park Recreation Centre.

Comments

8. The charges for the old Games Trailer were \$22.50 per day with \$20.25 for each successive day thereafter and then \$125.80 for a full week. These charges no longer appear in the Schedule of Charges, nor do they reflect the condition and contents of the new trailer. A revised set of charges is now required.
9. Research conducted with other councils and the Department of Sport and Recreation suggests there is only one other 'Life be in It' trailer in Perth and that this is not comparable to our new trailer.
10. As a result, the charges have been calculated on the hire of equipment (Recreation Centre charges), replacement costs and overheads. The following charges are proposed:
 

A. Half day -	\$40.00	(up to 4 hours)
B. whole day -	\$60.00	(4 hours plus)
C. Seven days	\$300.00	(weekly charge)
11. It is also proposed that each hirer pay a \$200 refundable bond.

## COMMITTEE RECOMMENDATION TO COUNCIL

GS 85/2004

1. That Council agrees, in accordance with Section 6.19 of the Local Government Act 1995, to give local public notice of its intention to impose the following charges:

A. Half day -	\$40.00	(up to 4 hours)
B. whole day -	\$60.00	(4 hours plus)
C. Seven days	\$300	(weekly charge)

Each hirer to pay a \$200 refundable bond.

2. It is proposed that this charge will apply from 21<sup>st</sup> December 2004.

Moved: (Cr Taylor)

Seconded: (Cr McKechnie)

**CARRIED UNANIMOUSLY**

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

**86. Kalamunda & Districts Historical Society - Annual Report  
(RL-1/56) (Community Services)**

**Refer Item:** N/A  
**Applicant:** N/A  
**Owner:** N/A

Purpose of Report

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

Background

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

Comments

3. A copy of the report is attached (**Attachment 1.**).
4. Gate takings have increased from \$23,775.09, to \$27,324 despite a decrease in overall visitor numbers. This income increase is due to a change in gate fees.
5. The Education Programme has continued to be successful, with 1727 children participating in 'Hands On' in the October school holidays.
6. During the last year there was no evidence of break in or damage.
7. No insurance claims have been made over the last twelve months.
8. Major maintenance undertaken by the Shire included replacing the roof and insulating the school building.
9. **Brian Burgess and John Hope of the Kalamunda and Districts Historical Society presented their Annual Report to the Committee and answered questions from Councillors.**
10. **A vote of thanks was given to History Village and volunteers for all their work.**

COMMITTEE RECOMMENDATION TO COUNCIL

GS 86/2004

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

Moved: (Cr Tonkin)

Seconded: (Cr Taylor)

**CARRIED UNANIMOUSLY**

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

**87. Lease for Kalamunda Club  
(KL-02-018) (Community Services)**

**Refer Item:** GS-74/2003  
**Applicant:** Kalamunda Club  
**Owner:** Shire of Kalamunda

Purpose of Report

1. To consider the renewal of a Lease Agreement for the use of the Kalamunda Club (Clubroom) plus Lawn Bowling greens at 18 Kalamunda Road, Kalamunda, with the Kalamunda Club.

Background

2. Council has a Lease Agreement with the Kalamunda Club that commenced on the October 1, 1984 and expires on September 30, 2004.
3. The Kalamunda Club has indicated that they would like to renew their lease for a further 21-year term until the 30 September 2025.
4. The RSL Darling Range Sub Branch has approached the Kalamunda Club regarding hiring one of their rooms on an on going basis. The RSL Branch has indicated to the Kalamunda Club that they will not consider the move unless there is a 21-year Lease with Council in place.

Comments

5. The terms and conditions of the expired Lease Agreement are summarised below and discussions with the Kalamunda Club indicate that these terms will remain acceptable.
  - a) To pay the lessor the reserved rent (\$1551.91 including GST, per annum subject to CPI increases).
  - b) Not use or permit to be used the demised premises for any purpose whatsoever other than that specified in the Schedule hereto.
  - c) Duly and punctually to pay all rates, taxes, assessments, impositions, electrical, water, power, telephone, cleaning, garden cleaning, and costs associated with preparation, execution and stamping of the document.
  - d) To provide and maintain at all times all necessary electrical and water supply services and to pay punctually for electricity and water used by the Lessee on the demised premises.
  - e) The Kalamunda Club must obtain public liability insurance of no less than \$10 million.
  - f) The Kalamunda Club must hold building insurance for the premises.
  - g) All employees of the Lessee in the usual Workers Compensation Policy.
  - h) That the Kalamunda Club will be responsible for all minor and major building works to the satisfaction of the Lessor.
  - i) The term of the Lease is 21 years, therefore due to expire on September 30, 2025.

COMMITTEE RECOMMENDATION TO COUNCIL

GS 87/2004

1. That the Lease agreement be renewed for the use of the Kalamunda Club (Clubroom) plus Lawn Bowling Greens at 18 Kalamunda Road, Kalamunda and presented to the Kalamunda Club for signing, with the Terms and Conditions of the expired Lease, summarised in point 5, replicated for the new Lease.

Moved: (Cr McKechnie)

Seconded: (Cr Taylor)

**CARRIED UNANIMOUSLY**

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

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

**88. Application for Self Supporting Loan - Kalamunda United Soccer Club  
(RD-03/020) (Community Services)**

**Refer Item:**

**Applicant:** Kalamunda United Soccer Club

**Owner:** Shire of Kalamunda

Purpose of Report

1. To seek endorsement from Council for Kalamunda United Soccer Club's application for a self-supporting loan to help finance their share of the floodlighting project at Maida Vale Reserve.

Background

2. The Club applied to the Department of Sport and Recreation (DSR), through the 2004/2005 round of Community Sporting Recreation Facilities Fund (CSRFF), for financial support relating to a floodlighting project for Maida Vale Reserve. The floodlighting project includes installation of four floodlight posts on the oval to enable the Club to train and play at nights.
3. The CSRFF is a funding initiative from the Department of Sport and Recreation. The maximum CSRFF grant approved will be no greater than 1/3 of the total estimated cost of the applicants project. Furthermore the State Governments contribution must be at least matched by the applicants own cash contribution, with the balance of funds required being sourced by the applicant (example: the applicant applies to Council for the remaining 1/3 contribution).
4. The total cost of the floodlighting project is \$81,975. The club was successful in their bid for funding, with both DSR (granted \$27,300) and Council (granted \$27,300).
5. However when the project was due to commence it was discovered that the club had overlooked the process of applying for a self-supporting loan to finance part of their contribution to the project. The club wishes to apply to the Treasury for \$15,000, to be repaid over a ten-year period. The Club has the remaining \$12,300 currently in reserve.

Comments

6. As part of the conditions of the CSRFF grant, the State Government contribution is only available in the financial year in which it is offered. If the grant is not claimed within the specified financial year then the offer maybe forfeited. The State Government contribution is available only for the project for which the grant is provided.
7. Repayments for a loan of \$15,000, to be repaid over a ten year period has the repayment of approximately \$2,100 per annum. The Club has indicated that they are happy with the repayment schedule.

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8. Upon inspection of Kalamunda United Soccer Club's last two financial year audits, Corporate Services are satisfied that they can meet the loan repayments.
  9. Kalamunda United Soccer Club has successfully paid off a \$23,000 loan previously with the Treasury.

COMMITTEE RECOMMENDATION TO COUNCIL

GS 88/2004

1. That Council agrees, in accordance with Section 6.20(2) of the Local Government Act 1995, to give local public notice of a proposal of the Kalamunda United Soccer Club to apply for a self-supporting loan to the Treasury for \$15,000 over a 10-year period to finance their portion of the floodlighting project at Maida Vale Reserve.

Moved: (Cr McKechnie)

Seconded: (Cr Govan)

**CARRIED UNANIMOUSLY**

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

**Cr Winterhalder declared a Disclosure of Interest Affecting Impartiality as he has a business relationship with an owner in Cell 9.**

**89. Tender - Project Management of Cell 9 - Wattle Grove  
(PG-DEV-013) (Planning Services)**

**Refer Item:** N/A  
**Applicant:** N/A  
**Owner:** N/A

Purpose of Report

1. Council is to consider tenders received for the supply of project management services for the urban development area of Cell 9 Wattle Grove.

Background

2. Until recently, Worley consultants had been managing this project and their associated activities have included:
  - Providing commentary to the Shire of Kalamunda relating to the compliance of subdivision applications to the Outline Development Plan (ODP).
  - Providing advice to consultants regarding road and drainage design requirements.
  - Assessing claims made by developers for the reimbursement of costs associated with the construction of infrastructure works.
  - Coordinating, as required, valuation associated with the purchase of Road or Public Open Space land.
  - Maintaining a record of all financial transactions associated with developments within Cell 9.
  - Reviewing, on at least an annual basis, the status of Cell 9 and determining the Cell Infrastructure Contribution rate for future developments.
3. The Shire recently terminated the contract with Worley's and new managers have been sought through the tender process.

Comments

4. It is the Shires intention to engage a contractor to:
  - a. Undertake liaison, particularly with landowners, to ensure appropriate understanding of roles and responsibilities for urban development.
  - b. Ensure consistency and equity between stakeholders is maintained at all times.
  - c. Facilitate the ongoing management of Cell 9, particularly the financial management.
  - d. Ensure that the development will be landowner driven with costs of development being borne by the landowners of Cell 9 and not other ratepayers of the Shire of Kalamunda.

5. It is intended that the contractor will be paid at the tendered rates for work done. At the close of the tender period 2 tenders had been received.
6. The following provides an overview of the tenders received:

	Connell Wagner	OPUS
1 Compliance Criteria	Yes Meets Criteria	Yes Meets Criteria
2 Qualitative Criteria (Score Out of 5)	Comments	Comments
a Demonstrated experience in completing similar projects/supply similar goods.	Involved in similar projects and project management of subdivisions.  3.5	Examples given of one similar project and experience in setting up inventories for infrastructure costs and programs for schedules for works.  3
b Skills and experience of key personnel.	Experience in local government, extensive experience in project design and management. Previous experience with Cell 9.  4	Experience in local government. Oversee a similar project of cost sharing and asset management.  3
c Tenderers resources	Demonstrated experience to undertake the project management. Large firm with various skill base.  4	Experience mainly in overseeing particular aspects of subdivision development. Some experience in large project management.  3
d Demonstrated understanding of the required tasks.	Demonstrates a clear understanding of the requirements through their proposed methodology.  3.5	Propose a methodology works that requires reviewing information and works already completed.  2.5
e Any direct or indirect interest held by the tenderer or the tenderers staff in the Cell 9 (or related area).	No conflict of interest. Noted that proposed project leader has working knowledge of Cell 9.  5	No conflict of interest.  5
	Total Score 20/25	Total Score 16.5/25

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 Price Schedule

## Connell Wagner

Position Title	Hourly Rate
Project leader	\$130.00
Senior Engineer	\$120.00
Engineer	\$90.00
Profiler	\$85.00

All prices shall be varied annually in January each year on the basis of the Australian Consumer Index. The first review will be in January 2006.

## OPUS

Position Title	Hourly Rate
Senior Engineer	\$70.00
Senior Engineer	\$70.00

7. From the assessment of the tender information provided it is considered that based on experience to undertake project management of Cell 9 that Connell Wagner can provide a greater level of knowledge and expertise.
8. It is open to the Council to not accept any tender and that project management of Cell 9 is undertaken in house by a project team. For the past 7 months staff have been undertaking the role of project managers with the use of outside consultants from time to time. eg valuers. Systems and processes have been developed by staff to monitor the financial reporting required by the Scheme provisions. If the Council wishes to consider this option it could be achieved through the additional resource provided for in Engineering Services.
9. In undertaking this option it is proposed that the Council delegate to the Chief Executive Officer the power to carry out the operational provisions of the Scheme in regard to Cell 9. A management team, which would be guided by the Scheme provisions and management practices already established, would implement the operational scheme provisions. The management team would report to the Executive Management Committee.
10. In undertaking the above it must be noted that the Shire of Kalamunda is a landowner in Cell 9. If the Shire undertakes the role of project manager it is proposed that any subdivision of the Shires land would be undertaken independently by consultants in accordance with the scheme provisions.
11. Cell 9 Wattle is approximately 50% developed with subdivision and development expected to continue for at least the next 5 years. The importance of the project from a development and financial position can not be understated, as effectively funds from Cell 9 landowners are being utilised to develop the area. From the position of independence from the project it is considered that consultants should be appointed as project managers acknowledging that the Shire will continue to have a major responsibility in monitoring and providing the required advice to the consultants on subdivisions and developments as they occur. It is therefore recommended that from the assessment of tender information received that Connell Wagner be appointed as project managers for Cell 9. If however, the appointment of this firm is not acceptable, then it is recommended that the project management of Cell 9 be carried out by staff in accordance with the information provided in this report.

COMMITTEE RECOMMENDATION TO COUNCIL

GS 89/2004

1. That Council accepts the tender submitted by Connell Wagner for the project management of Cell 9, subject to reference checks and agreement to terms and conditions of the contract, for a period of 3 years with a option to extend the term of the contract.

Moved: (Cr Taylor)

Seconded: (Cr Govan)

**CARRIED UNANIMOUSLY**

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

**90. Proposed Pedestrian Access Way Closure between Cypress Road and Tillia Court, Forrestfield (CY-02/GEN & TL-05/GEN) (Planning Services)**

**Refer Item:** N/A  
**Applicant:** T&B Phillpot, E&A Flugge  
**Owner:** Crown

Purpose of Report

1. Council is to determine whether to support a request for closure of pedestrian access way between Cypress Road and Tillia Court in Forrestfield. (*Attachment 1*)

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 two owners on the Tillia Court side of the PAW were not interested in purchasing the PAW land if it were closed. Council did not proceed with the closure.
3. Council have received a new request to close the PAW.

Comments

4. The PAW provides access from Tillia Court to Virgillia Way Reserve.
5. Existing water and sewer main are located within a PAW. The Water Corporation has advised that the water main can be cut, capped and modified, and has asked for a 5 m easement over the PAW land for the protection of the sewer main.
6. The proposed closure was advertised by way of signs on site, surrounding residents and relevant servicing authorities have been advised in writing and an advertisement was placed in a local newspaper. 19 non-objections and 6 objections from surrounding residents have been received. Alinta Network, Telstra, Public Transport Authority and Western Power did not object to the proposal. Refer *Attachment 2* for summary of submissions received.
7. The main concerns raised from the objections to the closure were:
  - PAW is important part of pedestrian network in the area
  - 50-70 recreational walkers use the PAW most days
  - used daily by families, especially when the school is on
8. The main issues raised from non-objections to the closure were:
  - community safety
  - PAW is full of broken glass
  - impact on amenity
9. Four adjacent landowners have no objections to closure, but only two on Cypress Road side are willing to pay for costs and purchase PAW's land. The adjacent occupier on Tillia Court side objects to closure.

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10. Should the PAW be closed, pedestrians would experience between 250-400 metres increase in walking distance from Tillia Court to Cypress Road.
  11. The Council have three options to consider:
    - To close and amalgamate adjacent properties half of PAW on Cypress Road side and have the other half left open
    - To close and amalgamate the Cypress Road half of PAW and to fence off the other end of the PAW
    - To leave the PAW open
  12. On the basis that the PAW provides the shortest access from Tillia Court to Cypress Road and further to Hale Road and public transport and that it is unlikely that whole of the PAW's land will be amalgamated in adjacent properties the request for closure is not supported.

## COMMITTEE RECOMMENDATION TO COUNCIL

GS 90/2004

1. That the request for closure of pedestrian access way between Cypress Road and Tillia Court in Forrestfield not be supported for the following reasons:
  - a. The PAW connects residential areas and provides the shortest access to Cypress Road and further to Hale Road for residents of Tillia Court and Citrine Gardens.

Moved: (Cr Taylor)

Seconded: (Cr Morton)

**FOR THE MOTION****AGAINST THE MOTION**

**Cr Taylor**  
**Cr Casey**  
**Cr Sadler**  
**Cr Morton**  
**Cr Stallard**  
**Cr Tonkin**  
**Cr Bilich**  
**Cr McKechnie**  
**Cr Winterhalder**

**Cr Govan**

**MOTION CARRIED**

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

10.1 Nil

**11.0 QUESTIONS BY MEMBERS WITHOUT NOTICE**

11.1 Cr Stallard

Q. Can we provide a home for the Kalamunda Youth Swing Band to ensure we retain them in the Shire of Kalamunda?

A. Discussions have been held with David Way regarding a facility for them to lease.

**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**

**The CEO advised that he will be on leave for 2 months.**

There being no further business, the Chairman declared the meeting closed at 8.25 pm.

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

Signed ..... Chairman

Dated this .....day of .....2004