



SHIRE OF KALAMUNDA

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Minutes of Ordinary Meeting of Council Held in the Council Chambers 2 Railway Road, Kalamunda Monday 21 March 2011

1.0 OFFICIAL OPENING

- 1.1 The Shire President opened the meeting at 6.30 pm and welcomed Councillors, Staff and Members of the Public Gallery.

2.0 ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE PREVIOUSLY APPROVED

2.1 ATTENDANCE

Councillors

Donald McKechnie	(CHAIRMAN) (SHIRE PRESIDENT)	NORTH WARD
Sue Bilich		NORTH WARD
Maureen Robinson		SOUTH WEST WARD
Allan Morton	(DEPUTY SHIRE PRESIDENT)	SOUTH WEST WARD
Noreen Townsend		SOUTH WEST WARD
Geoff Stallard		SOUTH EAST WARD
Frank Lindsey		SOUTH EAST WARD
Carol Everett		SOUTH EAST WARD
Martyn Cresswell		NORTH WEST WARD
Dylan O'Connor		NORTH WEST WARD

Members of Staff

James Trail	CHIEF EXECUTIVE OFFICER
Steve Leeson	A/DIRECTOR OF CORPORATE SERVICES
Kevin O'Connor	DIRECTOR OF COMMUNITY DEVELOPMENT
Clayton Higham	DIRECTOR OF PLANNING & DEVELOPMENT SERVICES
Mahesh Singh	DIRECTOR OF ENGINEERING SERVICES
Darrell Forrest	MANAGER GOVERNANCE
Peter Hayes	MANAGER BUSINESS AND STRATEGY
Michelle Clark	EXECUTIVE ASSISTANT CHIEF EXECUTIVE OFFICER
Faye Lund	PERSONAL ASSISTANT – DIRECTOR ENGINEERING SERVICES
Donna McPherson	MINUTE SECRETARY

Members of Public

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Members of Press

Kaitlyn Offer – Community Newspapers Ltd

2.2 Apologies

Margaret Thomas

NORTH WARD

2.3 Leave of Absence Previously Approved

Nil.

3.0 **PUBLIC QUESTION TIME**

A period of not less than 15 minutes is provided to allow questions from the Public Gallery on matters relating to the functions of this meeting.

3.1 **Questions taken on Notice – Annual Electors Meeting 7 February 2011**

Cr Donald McKechnie

- Q. What is happening with regard to the plans for the Future Aged Care accommodation?
- A. The Local Planning Strategy has identified a number of potential sites for aged care accommodation. The recommended sites are in accordance with the Council's Aged Accommodation Strategy. Once endorsed by the Department for Planning, the Local Planning Strategy, including the potential sites, will be advertised for public comment. In addition to this, the Shire is being proactive by calling for expressions of interest for aged accommodation facilities on land within its control.

Mr Alexander Victor Ronalds

- Q1. Can the wording on the Shire Dog Attack Report be altered, instead of referring to "victim" and "complainant" as the terminology can be stressful.
- A1. It is not possible to alter the wording as the Dog Attack Statement Report is one of three documents in a pack sent to various parties involved in any alleged dog attack. These documents and the contents including the specific terminology of persons involved has purposely been designed to assist in the evidence gathering process for potential prosecution.
- Q2. Recently many of us in Forrestfield have received a newsletter on the Gateway Project where the term "A Grade Separation Interchange" was used, most of the general public would find it difficult to understand this term. In future is it possible to ensure terminology can be easily understood by residents and the community.
- A2. Whilst the newsletter on the Gateway Project was not produced by the Shire, we will take on board these comments with regard to the use of language and terminology in relation to Shire produced publications.

- Q3. Can the Council consider at its next Budget consideration continual spot pick-ups? As ad hoc dumping can make the Shire look very untidy.
- A3. The Shire is in the process of reviewing its bulk kerbside collection processes. Carrying out ad hoc dumping will be part of this review.
- Q4. Is there an opportunity to have community notice boards on display in the nearby Local Shopping Centres?
- A4. The Shire uses community notice boards in local shopping centres where possible. Information from the Shire can also be found in the local Libraries, Recreation Centres, the Shire's Administration Centre and also the Shire's website.
- Q5. Can Council consider or look at changing the Shire's Christmas shutdown period, as I rang the Shire over the Christmas break and was directed to another phone number.
- A5. The Shire office is closed for the Christmas and New Year public holidays, and three days in between. Calls are managed by a professional WA based call centre which is contracted for most metropolitan local governments. Enquiries are actioned according to the call type, and staff are on call and available to attend to priority and emergency enquiries.
- Q6. Shire telephone recordings often refer to the Shire's website for residents to find information; can the Shire be a little more conscious that there are number of Residents that do not have computers or access to a computer?
- A6. The Shire provides information in a variety of formats, with the website being one of these. The Shire is always happy to provide information in printed format, advice by the phone, or over the counter. The website is the most instant form of providing large amounts of information, and is therefore mentioned on telephone recordings as the quickest form of providing assistance at any time of the day or week.
- Q7. Is it possible that Local Elected Members have a local stall down at the shopping centres, so residents can talk and communicate to their elected members?
- A7. Residents are encouraged to talk with their elected members and contact details can be found on the Shire's website. Councillors attend many community events, where residents will be able to speak with them. All committee and council meetings are also open to residents, who are encouraged to attend. Local shopping centres do not generally permit elected members to use their facility, which ensures they remain politically neutral.

- Q8. Is it possible to extend the Eyes on the Street to engage the local community including local walking groups and residents, perhaps the name could also be changed to reflect our community?
- A8. Eyes on the Street, coordinated by the Office of Crime Prevention is an agency based program targeting Local Governments, major shopping centres, government agencies and industry bodies, but not residents or community groups. Neighbourhood Watch is the corresponding Office of Crime Prevention program which engages residents of the local community, giving them the capacity to report through to Crime Stoppers, similar to the Eyes on the Street program. To ensure consistency, the Office of Crime Prevention has advised they would like the "Eyes on the Street" branding to remain throughout participating Local Governments and communities of Perth.

Ross Leighton, Wattle Grove

- Q1. I would like the Council to consider the term "Customer Service" as we are ratepayers paying for the maintenance, services & infrastructure of this Council and do not have a choice of where we can go.
- A1. The Shire provides services to many groups of people, including people who live in the Shire (residents), people who own property but reside elsewhere (ratepayers), people or companies who run businesses, and people who are visitors or tourists to the area. It is difficult to find a term which covers all of these groups of people, and as a term which is generally recognised and understood, "customer" and "customer service" has been used by the Shire of Kalamunda.

3.2 Elizabeth Russell, 4 Agnes Close Lesmurdie

- Q1. Will you provide me with written confirmation that any new amendment to the local law relating to the keeping of poultry, in particular roosters, will in fact provide your staff with the tools needed to address residents' complaints arising from roosters being kept on residential properties?
- A1. Taken on Notice.
- Q2. Will you provide me with written confirmation that the Shire will not, under any circumstances, permit any registered poultry association to oversee and regulate the keeping of poultry, in particular roosters, on residential properties within this Shire?
- A2. Taken on Notice.

3.3 Michael Woodhouse, 3 Agnes Close Lesmurdie

- Q1. Has the Shire of Kalamunda conducted a comprehensive survey of all other local authorities in Western Australia, in order to establish their local laws on the keeping of poultry, in particular the keeping of roosters, peafowl, geese and turkeys, in residential areas?

A1. Taken on Notice.

Q2. If so, what are the results of this survey and will these results be used to assist in the preparation of any proposed amendment to the Shire's local law on the keeping of poultry?

A2. Taken on Notice.

Q3. If not, is the Shire prepared to conduct such a survey, in order to assist in the formulation of any proposed amendment to the Shire's local law on the keeping of poultry?

A3. Taken on Notice

3.4 Andrew Martini, Gooseberry Hill

Q. What is the situation in regard to the Optus tower in Gooseberry Hill?

A. The Director of Planning and Development Services advised the Optus tower application is currently being assessed and will be reported to the Planning Services Committee on 4 April 2011.

4.0 PETITIONS/DEPUTATIONS

4.1 Nil.

5.0 APPLICATIONS FOR LEAVE OF ABSENCE

5.1 **Application for Leave of Absence – Cr Carol Everett**

RESOLVED OCM 26/2011

That Cr Carol Everett be granted leave of absence for the period 18 May 2011 to 30 June 2011. This leave period will include the Planning Services Committee Meeting, Tuesday 7 June 2011, General Services Committee Meeting, Monday 13 June 2011, and Ordinary Council Meeting, Monday 20 June 2011.

Moved: **Cr Allan Morton**

Seconded: **Cr Maureen Robinson**

Vote: **CARRIED UNANIMOUSLY (10/0)**

6.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETING**6.1 Confirmation of Ordinary Council Meeting Minutes 21 February 2011****RESOLVED OCM 27/2011**

That the Minutes of the Ordinary Council Meeting of the Shire of Kalamunda held in the Council Chambers, 2 Railway Road, Kalamunda on 21 February 2011 is confirmed as a true and correct record of the proceedings.

Moved: **Cr Maureen Robinson**

Seconded: **Cr Carol Everett**

Vote: **CARRIED UNANIMOUSLY (10/0)**

6.1 Confirmation of Special Council Meeting Minutes 8 March 2011**RESOLVED OCM 28/2011**

That the Minutes of the Special Council Meeting of the Shire of Kalamunda held in the Council Chambers, 2 Railway Road, Kalamunda on 8 March 2011 is confirmed as a true and correct record of the proceedings.

Moved: **Cr Maureen Robinson**

Seconded: **Cr Martyn Cresswell**

Vote: **CARRIED UNANIMOUSLY (10/0)**

7.0 ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION**7.1 Extraordinary Election – 24 March 2011**

The Shire President reminded Councillors the election would take place on Thursday 24 March 2011 for the vacancy which exists in the North West Ward. Counting of votes would commence at the close of polling at 6pm.

8.0 MATTERS FOR WHICH MEETING MAY BE CLOSED**8.1 GS41 CONFIDENTIAL ITEM Request for Expression of Interest EOI 1005 – Land Lease and Community Housing Development Lot 106 (88) Hale Road Forrestfield*****Reason for Confidentiality***

Local Government Act 1995: Section 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".

9.0 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. (*Local Government Act 1995* Sections 5.60B and 5.65).
- (b) Employees must disclose the nature of their interest in reports or advice when giving the report or advice to the meeting. (*Local Government Act 1995* Sections 5.70 and 5.71).

9.1 Nil.

Disclosure of Interest Affecting Impartiality

- (a) Members and staff must disclose their interest in matters to be discussed at the meeting in respect of which the member or employee had given or will give advice.

9.2 Nil.

10.0 REPORTS TO COUNCIL

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

10.1 Planning Services Committee Report

Withdrawn Items from Planning Services Report

PS07 withdrawn to record a Councillors vote against the Recommendation.
PS08 withdrawn to amend the Committee Recommendation to Council.
PS09 withdrawn to amend the Committee Recommendation to Council.

10.1.1 Adoption of Body of Planning Services Report

RESOLVED OCM 29/2011

1. That the recommendations contained in the Planning Services Committee Report of the 8 March 2011, except withdrawn items PS07, PS08 & PS09, be adopted.

Moved: **Cr Allan Morton**

Seconded: **Cr Geoff Stallard**

Vote: **CARRIED UNANIMOUSLY (10/0)**

10.1.2 PS06 Lot 301 (384) Holmes Road, Forrestfield - Local Planning Scheme No. 3 Amendment No. 36 – Additional Uses – Veterinary Centre and Consulting Rooms

EN BLOC RESOLUTION OCM 29/2011

1. That Council notes the submissions received and adopts the amendment to Local Planning Scheme No. 3 without modification in accordance with the following:

PLANNING AND DEVELOPMENT ACT 2005
RESOLUTION DECIDING TO AMEND A LOCAL PLANNING SCHEME
SHIRE OF KALAMUNDA
LOCAL PLANNING SCHEME NO. 3
AMENDMENT NO. 36

That Council, in pursuance of Part 5 of the *Planning and Development Act 2005*, amends Local Planning Scheme No. 3 by:

1. Including Consulting Rooms and Veterinary Centre under item 4 of Schedule 4 (Special Uses).
2. Delete condition (a) currently under item 4 of the Scheme's Schedule 4 as follows:

"(a) The development of the site shall be limited to a total of 580sqm gross leasable area, comprising an Office 340sqm and a Delicatessen Shop 240sqm."
3. replace condition (a) under item 4 of the Scheme's Schedule 4 with the following:

"(a) The development of the site shall be limited to a total of 580sqm gross leasable area"

Moved: **Cr Allan Morton**

Seconded: **Cr Geoff Stallard**

Vote: **CARRIED UNANIMOUSLY (10/0)**

10.1.3 PS07 Lot 49 (199) Crystal Brook Road, Wattle Grove – Parking of Two Commercial Vehicles

RESOLVED OCM 30/2011

1. That Council approves the application dated 21 December 2010 to park two commercial vehicles (Scania school buses registration numbers 9KH 867 and 1DEK 006) on Lot 49 (199) Crystal Brook Road, Wattle Grove, subject to the following conditions:
 - a. When parked on the property the vehicles must, at all times, be parked in the approved location as shown on the

approved site plan.

- b. The commercial vehicles are only to be operated between the hours of 6.40am and 6.00pm Monday to Friday during school term.
- c. Washing of the commercial vehicles on the subject lot is to be limited to the use of water and mild detergent, but not involve the use of any solvents, degreasing substances, steam cleaning and any other processes which may cause pollution or degradation of the environment.
- d. The approval is personal to the applicant and shall not be transferred or assigned to any other person, property or commercial vehicle (including trailers).
- e. The additional screening is to be installed in the approved location shown on the site plan within 28 days of the approval date, and maintained by the landowner thereafter to the satisfaction of the Shire's Director Planning and Development Services.

Moved: Cr Dylan O'Connor

Seconded: Cr Martyn Cresswell

Vote: For
Cr Carol Everett
Cr Frank Lindsey
Cr Geoff Stallard
Cr Allan Morton
Cr Noreen Townsend
Cr Martyn Cresswell
Cr Dylan O'Connor
Cr Sue Bilich
Cr Donald McKechnie

Against
Cr Maureen Robinson

CARRIED (9/1)

10.1.4 **PS08 Public Art Strategy-Kalamunda Town Centre**COMMITTEE RECOMMENDATION TO COUNCIL

1. That Council endorses the Public Art Strategy for the Kalamunda Town Centre.
2. That a Project Reference Group be formed comprising Shire staff and suitably qualified and experienced members of the art community to manage each of the proposed art work commissioned.
3. The Project Reference Group to prepare a schedule of the commissioned works detailing the concept proposal, projected costs and time frames for the completion of the art work for Council consideration and endorsement.
4. The group will be formed as soon as the Strategy is supported by the Shire's annual budget.

Moved:

Seconded:

Vote: **LAPSED**

Cr Frank Lindsey proposed an amendment to the Committee Recommendation to Council to include more detail in Point 1. This amendment was seconded and a vote taken.

RESOLVED OCM 31/2011

1. *That Council endorses the Public Art Strategy for the Kalamunda Town Centre. The sculpture proposed for location 'd' (corner Canning and Haynes Street), should incorporate elements of aboriginal art and history relevant to the Shire.*
2. That a Project Reference Group be formed comprising Shire staff and suitably qualified and experienced members of the art community to manage each of the proposed art work commissioned.
3. The Project Reference Group to prepare a schedule of the commissioned works detailing the concept proposal, projected costs and time frames for the completion of the art work for Council consideration and endorsement.
4. The group will be formed as soon as the Strategy is supported by the Shire's annual budget.

Moved: **Cr Frank Lindsey**

Seconded: **Cr Carol Everett**

Vote: For
Cr Carol Everett
Cr Frank Lindsey
Cr Geoff Stallard
Cr Dylan O'Connor
Cr Sue Bilich
Cr Donald McKechnie

Against
Cr Allan Morton
Cr Maureen Robinson
Cr Noreen Townsend
Cr Martyn Cresswell

CARRIED (6/4)

10.1.5 **PS09 Shire of Kalamunda Health Local Laws 2001 Review**

COMMITTEE RECOMMENDATION TO COUNCIL

That Council:

1. Resolves to give state-wide public notice of its intention to amend the Shire of Kalamunda Health Local Laws 2001 and to create the Shire of Kalamunda Keeping and Control of Animals and Nuisance Local Law 2011, and invite comment pursuant to Section 3.12 of the *Local Government Act 1995*.
2. Notes in relation to the Shire of Kalamunda Health Local laws that:
 - a. The purpose is to provide for the regulation, control and management of sanitation, housing, waste, food, nuisances, lodging houses and offensive trades as part of the function of local governments to provide good governance of persons within its district and in order to enhance the amenity and quality of life of its residents and the community.
 - b. The effect is to establish requirements relating to the matters referred to in recommendation 2.a. on land within the district.
3. Notes in relation to the Shire of Kalamunda Keeping and Control of Animals and Nuisance Local Laws that:
 - a. the purpose is to provide for the regulation, control and management of:
 - i. The keeping of animals
 - ii. Sand drift, rubbish and litter control on building and construction sites
 - iii. Nuisancesas part of the Local Governments function to provide good governance of persons within its district and in order to enhance the amenity and quality of life of its citizens.
 - b. The effect is to establish requirements relating to the matters

referred to in subsection one on land within the district.

Moved:

Seconded:

Vote: **LAPSED**

Cr Frank Lindsey proposed an amendment to the Committee Recommendation to Council to include an additional Point 4. Cr Lindsey advised that he wished to withdraw the amendment. This amendment was withdrawn and no vote was taken.

MOTION

That Council:

1. Resolves to give state-wide public notice of its intention to amend the Shire of Kalamunda Health Local Laws 2001 and to create the Shire of Kalamunda Keeping and Control of Animals and Nuisance Local Law 2011, and invite comment pursuant to Section 3.12 of the *Local Government Act 1995*.
2. Notes in relation to the Shire of Kalamunda Health Local laws that:
 - a. The purpose is to provide for the regulation, control and management of sanitation, housing, waste, food, nuisances, lodging houses and offensive trades as part of the function of local governments to provide good governance of persons within its district and in order to enhance the amenity and quality of life of its residents and the community.
 - b. The effect is to establish requirements relating to the matters referred to in recommendation 2.a. on land within the district.
3. Notes in relation to the Shire of Kalamunda Keeping and Control of Animals and Nuisance Local Laws that:
 - a. the purpose is to provide for the regulation, control and management of:
 - i. The keeping of animals
 - ii. Sand drift, rubbish and litter control on building and construction sites
 - iii. Nuisancesas part of the Local Governments function to provide good governance of persons within its district and in order to enhance the amenity and quality of life of its citizens.
 - b. The effect is to establish requirements relating to the matters referred to in subsection one on land within the district.

4. All poultry must be enclosed at night and in the case of a rooster, pea cock, pea hen, goose or turkey, be housed in a small box or similar, which is located in the night enclosure, and designed to prevent early morning crowing.

Moved: **Cr Frank Lindsey**

Seconded:

Vote: **LAPSED**

Cr Geoff Stallard proposed an amendment to the Committee Recommendation to Council. This amendment received a seconder and a vote taken.

RESOLVED OCM 32/2011

That Council:

1. Resolves to give state-wide public notice of its intention to amend the Shire of Kalamunda Health Local Laws 2001 and to create the Shire of Kalamunda Keeping and Control of Animals and Nuisance Local Law 2011, and invite comment pursuant to Section 3.12 of the *Local Government Act 1995*.
Subject to the following amendments being inserted in the circulated proposed Local Law (Attachment 2).

The Shire of Kalamunda Keeping and Control of Animals and Nuisance Local Law 2011, Part 4 – Keeping of Animals, Division 1: General, clause 10. Interpretation, be amended as follows –

"large residential lot" means any residential land comprising a lot with an area greater than 2000 square metres;

"medium residential lot" means any residential land comprising a lot with an area not less than 600 square metres and not more than 2000 square metres;

"poultry" includes fowl, ducks and other domestic fowl, but excludes restricted poultry;

"restricted poultry" includes roosters, peafowl, turkeys and geese;

"small residential lot" means any residential land comprising a lot with an area less than 600 square metres;

Division 2: Keeping of Birds, clause 15. Keeping of poultry and pigeons on residential land be amended as follows –

- (1) An owner or occupier of land may, without obtaining approval of the local government, but subject to the provisions of this local law keep:

- (a) no more than a combined total of 6 poultry or pigeons on a medium residential lot;
 - (b) no more than a combined total of 20 poultry or pigeons and 1 restricted poultry on a large residential lot.
 - (2) An owner or occupier of land shall not keep:
 - (a) any poultry, pigeons or restricted poultry on a small residential lot;
 - (b) more than a combined total of 6 poultry or pigeons on a medium residential lot;
 - (c) any restricted poultry on a medium residential lot;
 - (d) more than a combined total of 20 poultry or pigeons on a large residential lot; or
 - (e) more than 1 restricted poultry on a large residential lot,

without first obtaining approval of the local government pursuant to clause 14(2).
 - (3) For the purposes of this clause, the number of poultry kept does not include any poultry chicks less than 3 months in age.
2. Notes in relation to the Shire of Kalamunda Health Local laws that:
- a. The purpose is to provide for the regulation, control and management of sanitation, housing, waste, food, nuisances, lodging houses and offensive trades as part of the function of local governments to provide good governance of persons within its district and in order to enhance the amenity and quality of life of its residents and the community.
 - b. The effect is to establish requirements relating to the matters referred to in recommendation 2.a. on land within the district.
3. Notes in relation to the Shire of Kalamunda Keeping and Control of Animals and Nuisance Local Laws that:
- a. the purpose is to provide for the regulation, control and management of:
 - i. the keeping of animals;
 - ii. sand drift, rubbish and litter control on building and construction sites;
 - iii. nuisances,

as part of the Local Governments function to provide good governance of persons within its district and in order to enhance the amenity and quality of life of its citizens.

- b. The effect is to establish requirements relating to the matters referred to in subsection one on land within the district.

Moved: **Cr Geoff Stallard**

Seconded: **Cr Carol Everett**

Vote: **CARRIED UNANIMOUSLY (10/0)**

10.2 General Services Committee Report

Withdrawn Items from General Services Report

GS28 withdrawn as requires an absolute majority.

GS33 withdrawn as requires an absolute majority.

GS34 withdrawn to consider an alternative motion.

GS37 withdrawn as requires an absolute majority.

GS40 withdrawn and dealt with at CEOR 10.4.2.

10.2.1 Adoption of Body of General Services Report

RESOLVED OCM 33/2011

1. That the recommendations contained in the General Services Committee Report of the 14 March 2011, except withdrawn items GS28, GS33 GS34, GS37 & GS40, be adopted.

Moved: **Cr Martyn Cresswell**

Seconded: **Cr Geoff Stallard**

Vote: **CARRIED UNANIMOUSLY (10/0)**

10.2.2 GS24 Creditors' Accounts Paid During the Period 2 February to 25 February 2011

EN BLOC RESOLUTION OCM 33/2011

1. That the list of creditors paid during the period 2 February to 25 February 2011 (Attachment 1) be received by Council in accordance with the requirements of the *Local Government (Financial Management) Regulations 1996 (Regulation 12)*.

Moved: **Cr Martyn Cresswell**

Seconded: **Cr Geoff Stallard**

Vote: **CARRIED UNANIMOUSLY (10/0)**

10.2.3 GS25 Monthly Financial Statements for the Period ending 28 February 2011EN BLOC RESOLUTION OCM 33/2011

1. That the monthly financial statements which comprise the Statement of Financial Position, Statement of Comprehensive Income by Nature and Type, Statement of Comprehensive Income by Program, Rate Setting Statement, Cash Flow Statement, Notes to and Forming Part of the Financial Report and Operating Budget Variance Analysis for the period ending 28 February 2011 (Attachment 1) be received.

Moved: **Cr Martyn Cresswell**

Seconded: **Cr Geoff Stallard**

Vote: **CARRIED UNANIMOUSLY (10/0)**

10.2.4 GS26 Debtors and Creditors Reports for the Period ending 28 February 2011EN BLOC RESOLUTION OCM 33/2011

1. That the outstanding debtors (Attachment 1) and creditors (Attachment 2) report as at 28 February 2011 be received.

Moved: **Cr Martyn Cresswell**

Seconded: **Cr Geoff Stallard**

Vote: **CARRIED UNANIMOUSLY (10/0)**

10.2.5 GS27 Rates Debtors Report for the Period ending 28 February 2011EN BLOC RESOLUTION OCM 33/2011

1. That the rates debtors report as at 28 February 2011 (Attachment 1) be received.

Moved: **Cr Martyn Cresswell**

Seconded: **Cr Geoff Stallard**

Vote: **CARRIED UNANIMOUSLY (10/0)**

10.2.6 GS29 Application to Keep More Than Two Dogs – 25 Joyce Street, LesmurdieEN BLOC RESOLUTION OCM 33/2011

1. That Council, pursuant to Clause 3.2 of the Shire of Kalamunda Dogs Local Law 2010 made under Section 26(3) of the *Dog Act 1976*, grant an exemption to the applicant of 25 Joyce Street, Lesmurdie to keep four dogs on this property.

Moved: **Cr Martyn Cresswell**

Seconded: **Cr Geoff Stallard**

Vote: **CARRIED UNANIMOUSLY (10/0)**

10.2.7 GS30 Application to Keep More Than Two Dogs – 99 Moffett Road, LesmurdieEN BLOC RESOLUTION OCM 33/2011

1. That Council, pursuant to Clause 3.2 of the Shire of Kalamunda Dogs Local Law 2010 made under Section 26(3) of the *Dog Act 1976*, grant an exemption to the applicant of 99 Moffett Road, Lesmurdie to keep a third dog on this property

Moved: **Cr Martyn Cresswell**

Seconded: **Cr Geoff Stallard**

Vote: **CARRIED UNANIMOUSLY (10/0)**

10.2.8 GS31 Application to Keep More Than Two Dogs – 258 Grove Road, LesmurdieEN BLOC RESOLUTION OCM 33/2011

1. That Council, pursuant to Clause 3.2 of the Shire of Kalamunda Dogs Local Law 2010 made under Section 26(3) of the *Dog Act 1976*, grant an exemption to the applicant of 258 Grove Road, Lesmurdie to keep a third dog on this property.

Moved: **Cr Martyn Cresswell**

Seconded: **Cr Geoff Stallard**

Vote: **CARRIED UNANIMOUSLY (10/0)**

10.2.9 **GS32 Community Sport and Recreation Facilities Fund Small Grants Winter 2011/12**

EN BLOC RESOLUTION OCM 33/2011

That Council:

1. Endorses the following applications for the Department of Sport and Recreation's 2011/12 Community Sport and Recreation Facilities Small Grant Fund in order of priority:
 - a) Hartfield Park Recreation Centre Feasibility Study
 - b) Kalamunda and Districts Basketball Association
2. Considers allocating \$40,000 in the 2011/2012 budget for the Hartfield Park Feasibility Study subject to the successful outcome of the CSRFF application.
3. Considers allocating \$72,670 in the 2011/2012 budget for the purchase of four new basketball backboards at the Ray Owen Sports Centre subject to the successful outcome of the CSRFF application.

Moved: **Cr Martyn Cresswell**

Seconded: **Cr Geoff Stallard**

Vote: **CARRIED UNANIMOUSLY (10/0)**

10.2.10 GS34 Adoption of Asset Management PolicyCOMMITTEE RECOMMENDATION TO COUNCIL (GS34/2011)

1. That Council adopts the Asset Management Policy (ENG 15), as shown at (Attachment 1).

Moved:

Seconded:

Vote: **LAPSED**

Cr Robinson proposed that the Asset Management Policy be deferred following further information being provided by the Chief Executive Officer. The motion received a seconder and was put to the vote.

RESOLVED OCM 34/2011

1. That Council defers the adoption of the Asset Management Policy (ENG 15) until April 2011.

Moved: **Cr Maureen Robinson**

Seconded: **Cr Frank Lindsey**

Vote: **CARRIED UNANIMOUSLY (10/0)**

10.2.11 GS35 Boonooloo Road – Petition, Traffic Calming RequestEN BLOC RESOLUTION OCM 33/2011

1. That Council notes the proposed installation of speed cushions on Boonooloo Road Kalamunda, for consideration in the Works Programme for the 2011/12 financial year budget and the proponent of the petition be advised accordingly.

Moved: **Cr Martyn Cresswell**

Seconded: **Cr Geoff Stallard**

Vote: **CARRIED UNANIMOUSLY (10/0)**

10.2.12 GS36 Endorsement of Restricted On-Street ParkingEN BLOC RESOLUTION OCM 33/2011

1. That the parking restrictions as detailed at (Attachment 1) be endorsed by Council following an education process of 2 months.

Moved: **Cr Martyn Cresswell**

Seconded: **Cr Geoff Stallard**

Vote: **CARRIED UNANIMOUSLY (10/0)**

10.2.13 GS38 Dundas Road and Maida Vale Road – Works ProgrammeEN BLOC RESOLUTION OCM 33/2011

1. That the project for the improvement of intersection of Dundas Road and Maida Vale Road at a budget of \$45,600 be deleted from the 2010/11 Works Programme.
2. That Main Roads WA be requested to remove the section of Maida Vale Road, from Everitt Place to Roe Highway from the list for "Network 7 Vehicular Access".

Moved: **Cr Martyn Cresswell**

Seconded: **Cr Geoff Stallard**

Vote: **CARRIED UNANIMOUSLY (10/0)**

10.2.14 GS39 Waste Services PositionsEN BLOC RESOLUTION OCM 33/2011

1. That two new full time positions be created within the Waste Services area, for the purpose of collection and disposal of illegal dumping, litter pickups and bin services.

Moved: **Cr Martyn Cresswell**

Seconded: **Cr Geoff Stallard**

Vote: **CARRIED UNANIMOUSLY (10/0)**

10.2.15 **GS41 CONFIDENTIAL ITEM Request for Expression of Interest EOI 1005 – Land Lease and Community Housing Development Lot 106 (88) Hale Road Forrestfield**

Reason for Confidentiality *Local Government Act 1995*: Section 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".

EN BLOC RESOLUTION OCM 33/2011

1. That Access Housing be asked to further develop the proposal submitted taking into account and addressing the feedback provided by Councillors show in (Attachment 2), with a further presentation being made to Councillors prior to the Ordinary Council Meeting of Council to be held on Monday 18 April 2011.

Moved: **Cr Martyn Cresswell**

Seconded: **Cr Geoff Stallard**

Vote: **CARRIED UNANIMOUSLY (10/0)**

10.2.16 **GS28 Mid-Year 2010/2011 Budget Review**

RESOLVED OCM 35/2011

1. That the 2010-2011 Budget Review Explanation and Summary (Attachment 1) be noted.
2. That the 2010/2011 attachments (Attachment 2) as presented, being the Comprehensive Statements of Income by Nature or Type, Comprehensive Statements of Income by Program, Rate setting Statement and Note 6 – Reserves of the Notes to and forming part of the Finance Statements, be adopted.

Moved: **Cr Carol Everett**

Seconded: **Cr Geoff Stallard**

Vote: **CARRIED UNANIMOUSLY/ABSOLUTE MAJORITY (10/0)**

10.2.17 **GS33 Community Safety and Crime Prevention Advisory Committee – Nomination for Membership**

RESOLVED OCM 36/2011

That Council:

1. Accepts the resignation of John Everett.
2. Appoints Lesmurdie Ratepayers Association Representative, Gordon Gray, to the Community Safety and Crime Prevention Advisory Committee.

Moved: **Cr Frank Lindsey**

Seconded: **Cr Noreen Townsend**

Vote: **CARRIED UNANIMOUSLY/ABSOLUTE MAJORITY (10/0)**

10.2.18 **GS37 Delegation of Authority to Chief Executive Officer - Determination of Prohibited Parking Areas**

RESOLVED OCM 37/2011

1. That Council adopts Determination of Prohibited Parking Areas (ENG-1) as shown at (Attachment 1).

Moved: **Cr Carol Everett**

Seconded: **Cr Noreen Townsend**

Vote: For
Cr Carol Everett
Cr Geoff Stallard
Cr Allan Morton
Cr Maureen Robinson
Cr Noreen Townsend
Cr Martyn Cresswell
Cr Dylan O'Connor
Cr Donald McKechnie

Against
Cr Frank Lindsey
Cr Sue Bilich

CARRIED/ABSOLUTE MAJORITY (8/2)

Deferred Item transferred to Chief Executive Officer's Report (10.4.2) for Consideration**10.2.19 GS40 Welshpool Road, Wattle Grove - Proposed Road Closure, Reserve Adjoining Lots 211 (12) Lewis Road, 8 (51) St John Road and 500 (32) Gavour Road**COMMITTEE RECOMMENDATION TO COUNCIL (GS40/2011)

1. To defer the Recommendation of GS 40/2011 to the Ordinary Council Meeting on 21 March 2011 with the consideration of the option of closing the road with an easement rather than a drainage reserve.

10.3 Audit Committee Report**Withdrawn Items from Audit Committee Report**

AC04 withdrawn as requires absolute majority.

10.3.1 Adoption of Body of General Services ReportRESOLVED OCM 38/2011

1. That the recommendations contained in the Audit Committee Report of the 14 March 2011, except withdrawn item AC03, be adopted.

Moved: **Cr Noreen Townsend**

Seconded: **Cr Allan Morton**

Vote: **CARRIED UNANIMOUSLY (10/0)**

10.3.2 AC01 2010 Compliance Audit ReturnEN BLOC RESOLUTION OCM 38/2011

1. That Council adopts the Compliance Audit Return for the year ending 31 December 2010.

Moved: **Cr Noreen Townsend**

Seconded: **Cr Allan Morton**

Vote: **CARRIED UNANIMOUSLY (10/0)**

10.3.3 AC02 Investment ReportEN BLOC RESOLUTION OCM 38/2011

1. That the report on Investments held by the Shire of Kalamunda be received.

Moved: **Cr Noreen Townsend**

Seconded: **Cr Allan Morton**

Vote: **CARRIED UNANIMOUSLY (10/0)**

10.3.4 AC04 Overdraft FacilityEN BLOC RESOLUTION OCM 38/2011

1. That Council establish an overdraft facility of \$1.5 million with the Commonwealth Bank of Australia Limited.
2. That pursuant to s6.20(2)(a) of the Local Government Act 1995 one month's public notice of the intention to enter into an overdraft facility be given locally.
3. That the Chief Executive Officer and the Director of Corporate Services be the signatories on the overdraft facility.
4. That the investment report to the Audit Committee included information of movements within the overdraft facility.

Moved: **Cr Noreen Townsend**

Seconded: **Cr Allan Morton**

Vote: **CARRIED UNANIMOUSLY (10/0)**

10.3.5 AC03 Sundry Debtors write-offRESOLVED OCM 39/2011

1. That Audit Committee authorise the write off of sundry debt of \$459.
2. That the Audit Committee receives details on formal recovery proceedings in progress.
3. That detailed information be provided at the Ordinary Council Meeting of 21 March 2011 in relation to the recovery of monies in lieu of Public Open Space.

Moved: **Cr Noreen Townsend**

Seconded: **Cr Carol Everett**

Vote: **CARRIED UNANIMOUSLY/ABSOLUTE MAJORITY (10/0)**

10.4 Chief Executive Officers' Report

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

10.4.1 Tree Issue – 16 Williams Street, Gooseberry Hill

Previous Items	N/A
Responsible Officer	Director Engineering Services
Service Area	Engineering Services
File Reference	WL-14/GEN
Applicant	N/A
Owner	N/A

Attachment 1 Arboriculture Consultant's Report

PURPOSE

1. To consider issuing a Notice under Section 3.25 of the *Local Government Act 1995*, to the owners of 16 Wordsworth Avenue, Gooseberry Hill, to make safe the Marri tree located at the in the property adjacent to Units 22 and 23 Williams Street, Gooseberry Hill.

BACKGROUND

2. The *Local Government Act 1995* empowers local governments to issue Notices to owners/ occupiers of private land, requiring them to do certain things on their land including making trees safe.
3. The Shire of Kalamunda's standard practice regarding the issuing of Notices under Section 3.25 of the *Local Government Act 1995*, includes the following steps:
 - In the first instance the Shire encourages the complainant to resolve the issue directly with the neighbour and/or raise the issue formally with the neighbour.
 - If the complainant advises that they can no longer get co-operation from the owner of the tree, the complainant is asked to make the complaint in writing along with the evidence of a report from an Arboriculture Consultant. They need to also include evidence that they have made an attempt to resolve the issue with their neighbour.
 - If the Arboriculture Consultant's report states that the tree is dangerous and can cause damage to life, a report is presented to Council with a

recommendation to issue a Notice under Section 3.25 of the *Local Government Act 1995* to the owner of the land where the subject tree is located.

- A further process, as outlined in the *Local Government Act 1995* is followed to ensure the Notice is complied with.

DETAILS

4. The Chairman of the Milton Park Strata Group, Mrs Patricia Neale, contacted the Shire regarding the trees located on the property of 16 Wordsworth Avenue, Gooseberry Hill. Mrs Neale reported that she had written to the owners of the subject trees, requesting that they be pruned due to the hazard they pose to the adjacent units, however, they did not receive a response.
5. The Shire wrote to Mrs Neale informing her that for the Shire to become involved, an Arboriculture Report would be required, stating that the tree/s are a dangerous and can cause damage to life. An Arboriculture Consultant's report dated 4 March 2011 is shown at (Attachment 1) indicates that the tree is unsafe and should be removed at ground level as soon as practically possible.

STATUTORY AND LEGAL IMPLICATIONS

6. Section 3.25 of the *Local Government Act 1995* provided that a local government may give a person who is the owner of, (unless Schedule 3.1 indicates otherwise) or, the occupier of land a Notice in writing relating to the land, requiring the person to do anything specified in the Notice that is prescribed in Schedule 3.1.
7. Making a tree safe is prescribed in Schedule 3.1 Clause 9 (Notice can be issued to either owner or occupier.)
8. Section 3.24 of the *Local Government Act 1995* requires that the above powers only be exercised on behalf of the local government by a person expressly authorised by it, to exercise those powers.
9. A person, who is a recipient of a Notice, may lodge an objection in the prescribed manner, within 28 days of the Notice. Council cannot delegate the power to hear and determine an objection. (Refer Section 5.43 (g) of the *Local Government Act 1995*.)
10. A person who is a recipient of a Notice may also apply to the State Administrative Tribunal (SAT) for a review of the decision, within 42 days of the Notice, or within 35 days from the date of objection provided the local government has not determined the objection.
11. Section 3.26 of the *Local Government Act 1995* provides, if the recipient of such a Notice fails to comply and does not lodge an objection or apply to the SAT for review, the local government may carry out the work for which the Notice was given and recover the costs. However, the local government will need to comply with the entry procedures prescribed in the *Local Government Act 1995*.

POLICY IMPLICATIONS

12. Council does not have a written Policy relevant to this matter.

PUBLIC CONSULTATION/COMMUNICATION

13. Nil.

FINANCIAL IMPLICATIONS

14. Nil.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS**Strategic Planning Implications**

15. Nil.

Sustainability ImplicationsSocial implications

16. Nil.

Economic Implications

17. Nil.

Environmental Implications

18. Nil.

OFFICER COMMENT

19. Neighbourly disputes, such as trees encroaching on neighbouring properties, is best resolved between the neighbours. However, in circumstances when the issue is unable to be resolved in this manner, the Shire can be called upon to issue a Notice under Section 3.25 of the *Local Government Act 1995*.
20. Alternatively, the complainant can apply to the courts for an Order, directing that the neighbour have the tree pruned or removed. The applicants were advised that the information in respect to their rights in this situation was available to them on the Legal Aid website.

RESOLVED OCM 40/2011

1. That Mr James Trail, Chief Executive Officer, be authorised to issue a Notice, under Section 3.25 of the *Local Government Act 1995*, to the owners of 16 Wordsworth Avenue, Gooseberry Hill, to make the Marri trees identified in the Arboricultural Assessment Report (Attachment 1) safe.
2. That Council's decision be conveyed to Mrs Neale and Mrs Taylor, in response to correspondence to the Shire in respect to the trees on their neighbours property.

Moved: **Cr Donald McKechnie**

Seconded: **Cr Noreen Townsend**

Vote: **CARRIED UNANIMOUSLY (10/0)**

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

10.4.2. Welshpool Road, Wattle Grove - Proposed Road Closure, Reserve Adjoining Lots 211 (12) Lewis Road, 8 (51) St John Road and 500 (32) Gavour Road

Previous Items	GS 40/2011
Responsible Officer	Director Engineering Services
Service Area	Engineering Services
File Reference	WL-10/GEN
Applicant	Peter Webb
Owner	N/A

Attachment 1	Location Plan for proposed closure
Attachment 2	Proposed Road Closure and Drainage Reserve
Attachment 3	Proposed Road Closure and Drainage Easement

PURPOSE

1. To consider the closure of a triangular section of road reserve on Welshpool Road Wattle Grove, under Section 58 of *The Land Administration Act 1997*.

BACKGROUND

2. In July 2009, Peter Webb and Associates, on behalf of the owners of Lot 500 Gavour Road, requested closure of the triangular portion of the Welshpool Road reserve, refer (Attachment 1) and subsequent purchase of the land.
3. The applicant was advised that, to process this request, the Shire would require the existing drainage reserve to be extended to the modified road reserve, as shown at (Attachment 2). The applicant was asked if their client would still be interested in purchasing the land.
4. The owner then engaged CID Consultants who proposed that an easement be placed on the piece of land instead of creating a drainage reserve. This proposal was not accepted by the Shire. The applicant has now requested that the matter be considered by Council.

DETAILS

5. The triangular portion of the road reserve as shown on (Attachment 1) and (Attachment 2) was originally acquired from Lot 212 (20) Lewis Road, to create the Welshpool Road reserve. This section is surplus to the road reservation requirements.

6. A 5m wide and 830m long drainage reserve exists between Welshpool Road at the proposed location and a natural water course running north of Welshpool Road refer (Attachment 1). If the triangular portion of the road reserve is closed the drainage reserve will need to be extended to the new road reserve boundary refer (Attachment 2).
7. The land, once the road closure takes place, is disposed of by Landgate and the applicant will need to negotiate directly with their office, should they wish to purchase the land.
8. Subdivisional Approval for a four lot subdivision exists on Lots 193 (851) Welshpool Road and 211 (12) Lewis Road as shown in (Attachment 1). The owners of 12 Lewis Road may also stake a claim to purchase the land, as it abuts their lot and would not be affected by the drainage reserve.

STATUTORY AND LEGAL IMPLICATIONS

9. The road closure will need to be affected under Section 58 of *The Land Administration Act 1997*.

POLICY IMPLICATIONS

10. Nil.

PUBLIC CONSULTATION/COMMUNICATION

11. *The Land Administration Act* requires the Local Government to advertise its intent to close the road, by placing a notice in a newspaper circulating within the district, and allow a minimum period of thirty five days for submissions. The Local Government must consider any objections prior to making a decision to close the road.
12. Accordingly, consultation will take place by way of a statutory notice and resultant submissions. However, the landowners adjoining the road reserve proposed for closure have been advised of the report being considered by the General Services Committee.

FINANCIAL IMPLICATIONS

13. There is a cost for advertising and processing the road closure application including surveying and preparation of deposit plans. Traditionally these costs have been paid by the applicant or prospective purchaser of the land.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

Strategic Planning Implications

14. There are no strategic implications.

Sustainability Implications

Social implications

15. Nil.

Economic Implications

16. Nil.

Environmental Implications

17. Nil.

OFFICER COMMENT

18. The section of the road reserve proposed for closure is surplus to the Shire's future road network requirements. The closure does not provide any benefit to the Shire.
19. The applicant has proposed placement of an easement in lieu of the drainage reserve. This proposition was not supported as the easement does not provide exclusive use of the land for drainage purposes.
20. An easement defines the rights and objectives of the respective parties, which could be subject to legal interpretations in the event of a dispute. As opposed to the drainage reserve being created under the ownership of crown and vested to the Shire, which provides exclusive rights to the Shire.
21. Easements are generally created either to retrofit infrastructure or where creation of a reserve is not achievable. There have been a number of cases where the Shire's infrastructure has either been damaged or the owners have built temporary or semi-permanent structures over the easements. This has resulted in additional maintenance and reinstatement costs.
22. It is in the Shire's interest to require a drainage reserve rather than an easement. Accordingly, the road closure is recommended on the basis that the drainage reserve is extended to the proposed new boundary of the road reserve.

OFFICER RECOMMENDATION

1. That, subject to the applicant agreeing to meet all costs associated with the road closure, Council advertises its intent to close the rectangular section of Welshpool Road, as shown on (Attachment 2), in accordance with Section 58 of *The Land Administration Act 1997*.

Moved:

Seconded:

Vote:

COMMITTEE RECOMMENDATION TO COUNCIL (GS 40/2011)

1. To defer the Recommendation of GS 40/2011 to the Ordinary Council Meeting on 21 March 2011 with the consideration of the option of closing the road with an easement rather than a drainage reserve.

Moved: Cr Donald McKechnie

Seconded: Cr Margaret Thomas

Vote: **CARRIED UNANIMOUSLY (10/0)**

OFFICER RECOMMENDATION

1. That, subject to the following, Council advertise its intent to close the rectangular section (approximately 500m²) of Welshpool Road adjoining Lot 112 (12) Lewis Road, Lot 500 (32) Gavour Road and Lot 8 (51) Johnson Place, as shown on (Attachment 3), in accordance with Section 58 of *The Land Administration Act 1997*.

- a) Applicant pays for advertising and administrative costs of processing the road closure.
- b) A drainage easement, as shown on the (Attachment 3), is placed on the road reserve proposed for closure.
- c) The potential purchaser of the road reserve, proposed for closure, pays for all costs associated with preparing and processing the deposited plans.

Moved:

Seconded:

Vote: **LAPSED**

Cr Frank Lindsey proposed an additional point to the Officer Recommendation. This received a seconder and Council debated the recommendation. The meeting was advised that the parcel of land was triangular not rectangular and the recommendation was changed to reflect this.

MOTION

1. That, subject to the following, Council advertise its intent to close the triangular section (approximately 500m²) of Welshpool Road adjoining Lot 112 (12) Lewis Road, Lot 500 (32) Gavour Road and Lot 8 (51) Johnson Place, as shown on (Attachment 3), in accordance with Section 58 of *The Land Administration Act 1997*.
 - a) Applicant pays for advertising and administrative costs of processing the road closure.
 - b) A drainage easement, as shown on the (Attachment 3), is placed on the road reserve proposed for closure.
 - c) The potential purchaser of the road reserve, proposed for closure, pays for all costs associated with preparing and processing the deposited plans.
 - d) The Chief Executive Officer seek legal advice on the requirement for advertising its intention to close the triangular section of road (approximately 500 m²) of Welshpool Road adjoining Lot 112 (12) Lewis Road, Lot 500 (32) Gavour Road and Lot 8 (51) Johnson Place Wattle Grove.

Moved: **Cr Frank Lindsey**

Seconded: **Cr Geoff Stallard**

Vote: **LAPSED**

Following debate Cr Lindsey advised the meeting that he would remove the additional point "d" of the motion. The seconder accepted the removal of the additional point and the motion was put to a vote.

RESOLVED OCM 41/2011

1. That, subject to the following, Council advertise its intent to close the triangular section (approximately 500m²) of Welshpool Road adjoining Lot 112 (12) Lewis Road, Lot 500 (32) Gavour Road and Lot 8 (51) Johnson Place, as shown on (Attachment 3), in accordance with Section 58 of *The Land Administration Act 1997*.
 - a) Applicant pays for advertising and administrative costs of processing the road closure.
 - b) A drainage easement, as shown on the (Attachment 3), is placed on the road reserve proposed for closure.

- c) The potential purchaser of the road reserve, proposed for closure, pays for all costs associated with preparing and processing the deposited plans.

Moved: **Cr Frank Lindsey**

Seconded: **Cr Geoff Stallard**

Vote: For
Cr Frank Lindsey
Cr Geoff Stallard
Cr Allan Morton
Cr Dylan O'Connor
Cr Sue Bilich
Cr Donald McKechnie

Against
Cr Carol Everett
Cr Maureen Robinson
Cr Noreen Townsend
Cr Martyn Cresswell

CARRIED (6/4)

11.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**11.1 Scott Reserve, High Wycombe**RESOLVED OCM 42/2011

1. That the Council notes the unacceptable condition of the Scott Reserve playing surface as a result of earthworks and turf repairs to remove the sting nematode infection.
2. That Council directs the Chief Executive Officer to take the responsibility of overseeing the remaining work required to bring the playing surface to an acceptable standard to the sporting user groups.

Moved: **Cr Dylan O'Connor**

Seconded: **Cr Martyn Cresswell**

Vote: **CARRIED UNANIMOUSLY (10/0)**

12.0 QUESTIONS BY MEMBERS WITHOUT NOTICE**12.1 Cr Geoff Stallard**

Have we, or are we, in a position to make user groups responsible for the clean-up of reserves? Or can we bill them for the clean up after an event?

Taken on Notice

12.2 Cr Maureen Robinson

In the Councillor Bulletin there are comments about planning and development within Cell U9, Forrestfield. Can Ward Councillors be briefed on these?

Taken on Notice.

I have noticed there is Caltrop (weed) growing in public open space along Yule Brook bordering the new development in Wattle Grove. Can this infestation be investigated and eradicated?

Taken on Notice.

An area of Forrestfield appears on the verge collection brochure to be in Area 1 (Lesmurdie). This area is in fact in Area 8. Can staff please look at this and make sure ratepayers in this area are advised as to when their verge collection will be undertaken?

Taken on Notice

12.3 Cr Donald McKechnie

Can Council be assured that the matter of the deferred item regarding the Footpath on Lilian Road will be coming back to council for consideration?

The Chief Executive Officer this matter would return to Council for consideration next month (April).

13.0 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

13.1 Various - Cr Noreen Townsend

Q1. Could we be advised when this work is programmed for the footpath - Strathearn Way Forrestfield?

A1. The construction is due to commence on Wednesday, 16 March 2011.

Q2. Footpath Lilian Road Maida Vale has been deferred - could we please have an update?

A2. At the February 2011 meeting when the relevant Agenda Item was deferred by Council, the CEO advised the Council that staff had carried out the research on this issue and therefore the staff recommendation remains the same. It is now up to the Council to either accept the staff recommendation or adopt an alternative Motion. Accordingly, the matter rests with Council.

Q3. Graffiti program/removal - this situation is worsening throughout the Shire on fences abutting Shire road reserves. Part of the intention of the graffiti program from a Councillor's view point was that this visible vandalism be removed as well as that on Shire infrastructure. It is this visible graffiti on fences and buildings abutting road reserves that impacts on the amenity of the area.

I believe that the removal of graffiti on these locations should be brought forward.

Could we please have an update on this situation?

A3. At present the graffiti is removed from Council owned buildings and infrastructure and fences on private properties abutting public open spaces and public access ways. A priority matrix for the operation was included in a recent Councillor Bulletin. Current resources do not permit undertaking work on private fences abutting road reserves. However, we do supply property owners with a kit to remove the graffiti themselves.

It is acknowledged that this is a problem and it will require significant resources and if it is to be removed by the same crew, it will be at the cost of the work currently being undertaken based on the priority matrix. It is intended to review the operations after six months of its implementation at which time it will be clearer about the workloads and crew's capacity to manage graffiti removal requests. In the meantime, the crew can commence removing vulgar and offensive graffiti on private fences abutting road reserves.

14.0 URGENT BUSINESS APPROVED BY THE PERSON PRESIDING OR BY DECISION

14.1 Nil.

15.0 MEETING CLOSED TO THE PUBLIC

15.1 **Nil.**

16.0 CLOSURE

16.1 There being no further business the Chairman declared the meeting closed at 7.50 pm.

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

Signed.....Chairman

Dated thisday of2011

