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Shire of Kalamunda

# Planning Services Committee

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Minutes for 5 September 2011



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## MINUTES

### 1.0 OFFICIAL OPENING

1.1 The Chairman opened the meeting at 6:31pm 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	(Shire President)	North Ward
Sue Bilich		North Ward
Maureen Robinson	(Chairman, Planning)	South West Ward
Noreen Townsend		South West Ward
Carol Everett		South East Ward
Geoff Stallard		South East Ward
Martyn Cresswell		North West Ward
Justin Whitten		North West Ward
Dylan O'Connor		North West Ward

##### Members of Staff

Clayton Higham	Acting Chief Executive Officer
Rhonda Hardy	Director of Corporate Services
Kevin O'Connor	Director of Community Development
Mahesh Singh	Director of Engineering Services
Darrell Forrest	Manager Governance
Sara Slavin	Minute Secretary
Michelle Clark	Executive Assistant
Andrew Fowler-Tutt	A/Director Planning & Development Services

**Members of the Public** 6

**Members of the Press** 0

#### 2.2 Apologies

##### Councillors

Margaret Thomas	North Ward
Allan Morton	South West Ward

##### Staff

James Trail	Chief Executive Officer
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##### Absent

Frank Lindsey	South East Ward
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**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 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/DEPUTATIONS**

4.1 Nil.

**5.0 APPLICATIONS FOR LEAVE OF ABSENCE**

5.1 Nil.

**6.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETING**

6.1 That the Minutes of the Planning Services Committee Meeting held on 1 August 2011 are confirmed as a true and correct record of the proceedings.

Moved: Cr Carol Everett

Seconded: Cr Martyn Cresswell

Vote: **CARRIED UNANIMOUSLY (9/0)**

**7.0 ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION**

**7.1 Cr Robinson**

Councillor Robinson announced that Nominations to run for Council close this Thursday 8 September at 4pm. There will be a draw for the positions on the ballot paper, soon after the close. This will take place in the Function Room and everyone is welcome attend.

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

8.1 Nil.

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**9.0 DISCLOSURE OF INTERESTS**

9.1 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*.)

9.1.1 Nil.

9.2 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.

9.2.1 Nil.

**10.0 REPORT TO COUNCIL**

Please Note: declaration of financial/conflict of interests to be recorded prior to dealing with each item.

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

**35. Recommendations from the Community Sustainability Advisory Committee (CSAC) Meetings**

Previous Items	P/S 65/08; P/S 74/08
Responsible Officer	Director Planning and Development Services
Service Area	Planning and Development Services
File Reference	EV-EPP-014
Applicant	N/A
Owner	N/A

Attachment 1 CSAC Unconfirmed Minutes – 21 July 2011

**PURPOSE**

1. To receive the unconfirmed minutes of the Community Sustainability Advisory Committee (“CSAC”) minutes for 21 July 2011.

**BACKGROUND**

2. CSAC is a Council endorsed Committee with the purpose of:
  - Advising on sustainable practices within the Shire of Kalamunda and across the community.
  - Providing advice or making recommendations to Council on a range of sustainability issues impacting on the community.
  - Providing a forum for Community Representatives and Councillors to focus on issues related to sustainability within the Shire.

**DETAILS**

3. No motions were put forward from the meeting held on the 21 July 2011. Discussion during the meeting focused on ongoing projects and environmental matters.

**STATUTORY AND LEGAL IMPLICATIONS**

4. CSAC is not obliged to submit the minutes of its meetings to Council under any local policy or law. However the Committee wishes to do so in order to provide Council with an account of its undertakings. As a Committee of the Council this is considered to be good practice.

**POLICY IMPLICATIONS**

5. Nil.

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**PUBLIC CONSULTATION/COMMUNICATION**

6. Nil.

**FINANCIAL IMPLICATIONS**

7. Nil.

**STRATEGIC AND SUSTAINABILITY IMPLICATIONS**

**Strategic Planning Implications**

8. Nil.

**Sustainability Implications**

Social implications

9. Improved mechanism of communication between CSAC and the Council.

Economic Implications

10. Nil.

Environmental Implications

11. Improved communication between Environmental Services and the local community thus resulting in enhanced environmental outcomes.

**OFFICER COMMENT**

12. CSAC is a proactive advisory committee composed of members of the local community. The minutes of their meetings relate to operational and functional issues as well as budget requests and actions they would like to recommend to the Shire.

**COMMITTEE RECOMMENDATION TO COUNCIL (PS 35/2011)**

That Council:

1. Receives the unconfirmed minutes of the Community Sustainability Advisory Committee ("CSAC") minutes for 21 July 2011 provided as (Attachment 1).

Moved: **Cr Donald McKechnie**

Seconded: **Cr Noreen Townsend**

Vote: **CARRIED UNANIMOUSLY (9/0)**

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**Declaration of financial / conflict of interests to be recorded prior to dealing with each item.**
**36. Cagney Way, Lesmurdie – Proposed Closure of Pedestrian Access Way**

Previous Items	Nil
Responsible Officer	Director Planning and Development Services
Service Area	Planning and Development Services
File Reference	CG-01/GEN
Applicant	F Farinaccio
Owner	N/A
Attachment 1	Locality Plan
Attachment 2	Photograph of the Pedestrian Access Way from Cagney Way

**PURPOSE**

1. To consider the proposed closure of the Pedestrian Access Way ("PAW") abutting Lots 204 (29) and 203 (31) Cagney Way, and Lots 427 (24) and 428 (22) Keane Street, Lesmurdie. Refer to the Locality Plan (Attachment 1) and photograph of the PAW from Cagney Way (Attachment 2).

**BACKGROUND**

2. The Shire has received a request to close the subject PAW because it no longer provides access to the south of Cagney Way.

**DETAILS**

3. The PAW originally connected Cagney Way with a large land holding owned at the time by St Brigid's College. Historically pedestrians could access the PAW by crossing through the privately owned land. The location of the PAW was unusual in that it did not connect two public points, such as roads or parks.
4. The privately owned land was subsequently subdivided to create "Stirkwood Estate" and as such the PAW now terminates at the rear of a single residential lot and there is no longer connectivity to a broader area.
5. There are no other PAW routes providing access from Cagney Way to Keane Street. There is, however, Neil Tonkin Park nearby which allows for pedestrian access between Cagney Way and Keane Street. The pedestrian footpath along Cagney Way remains as the other alternative.

6. The owners of 24 Keane Street and 31 Cagney Way have advised that they are prepared to purchase part of the PAW.

### **STATUTORY AND LEGAL IMPLICATIONS**

6. PAW closure requests are dealt with in accordance with the *Land Administration Act 1997*, supplemented by the *Land Administration Regulations 1998* and ultimately the request will be determined by the Department of Planning.

### **POLICY IMPLICATIONS**

#### **Designing Out Crime Strategy**

7. The Designing Out Crime Strategy (“the Strategy”) is a crime prevention strategy which aims to reduce opportunities for crime through the design and management of the built environment.
8. The PAW does not allow for pedestrian movement between areas because of being a dead end and no artificial lighting exists along it, therefore there is the potential for anti-social behaviour to occur along it.

### **PUBLIC CONSULTATION/COMMUNICATION**

9. The proposed closure was advertised to the adjoining landowners and referred to the service authorities; a sign was also placed at the Cagney Way end of the PAW.
10. During the advertising period no objections were received from the adjoining landowners and service authorities.

### **STRATEGIC AND SUSTAINABILITY IMPLICATIONS**

#### **Strategic Planning Implications**

11. Nil.

#### **Sustainability Implications**

##### Social implications

12. Closing the PAW would reduce the potential for anti-social behaviour to occur along the PAW.

##### Economic Implications

13. Nil.
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Environmental Implications

14. Nil.

**OFFICER COMMENT**

16. With the subdivision of "Stirkwood Estate" the PAW now forms a blind alley and serves no public function, in that it is not considered to be of importance in the local pedestrian / cyclist network.

17. It is therefore recommended that the request to close the Cagney Way PAW abutting Lot 204 (29) and 203 (31) Cagney Way, and Lot 427 (24) and 428 (22) Keane Street, Lesmurdie, be supported.

**COMMITTEE RECOMMENDATION TO COUNCIL (PS 36/2011)**

That Council:

1. Recommends to the Department of Planning that the request to close the Pedestrian Access Way between Cagney Way and Keane Street, Lesmurdie, be supported as it serves no public function.

Moved: **Cr Noreen Townsend**

Seconded: **Cr Dylan O'Connor**

Vote: **CARRIED UNANIMOUSLY (9/0)**



**Declaration of financial / conflict of interests to be recorded prior to dealing with each item.****37. Petition – Removal of Speed Cushions, Wittenoom Road - High Wycombe**

Previous Items	N/A
Responsible Officer	Manager Technical Services
Service Area	Engineering Services
File Reference	WT-05/GEN
Applicant	Nigel Tindall
Owner	N/A

Attachment 1                      Petition – Removal of Speed Cushions

**PURPOSE**

1. To consider the petition received for the removal of rubberised speed cushions on Wittenoom Road, High Wycombe

**BACKGROUND**

2. A petition entitled "The Residents Of Wittenoom Road Against Existing Speed Calmers Due To Amenities And Lifestyle Adversely Affected" was tabled at the General Services Committee meeting on 11 July 2011. The petition was signed by 33 resident of Wittenoom Road, High Wycombe (Attachment 1).
3. Over a number of years the residents of Wittenoom Road have expressed concerns over the speeding problem in their street and have requested traffic calming measures. Andrew Waddell, MLA - Member for Forrestfield also made a request on behalf of the residents in February 2010.
4. In response to residents' requests, the speed cushions were installed in the 2010/11 financial year. The Project was part funded under State Government's WA "Anti Hoon Speed Humps Programme".

**DETAILS**

5. Wittenoom Road is designated as a 50km/hr speed limit. A traffic survey carried out in August 2009 indicated that 15% of the vehicles drove at or above 62km/h and 81% of vehicles exceeded the speed limit.
6. One of the conditions of the funding approval requires the Shire to undertake community consultation to ensure their support for the installation of speed cushions. Accordingly, in August 2010, the Shire wrote to all 110 residents of Wittenoom Road. Of the 14 responses received, 13 residents were in favour of the Project, and only one was against the proposal.

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**STATUTORY AND LEGAL IMPLICATIONS**

7. Nil.

**POLICY IMPLICATIONS**

8. Nil.

**PUBLIC CONSULTATION/COMMUNICATION**

9. Public consultation was carried out prior to the installation of traffic devices and the majority of the responses were in favour of the project.

**FINANCIAL IMPLICATIONS**

10. Conditions of funding required that Council must commit to leaving the speed cushions in place for a period of three years, and early removal of the speed cushions may require a full refund of the project cost. Accordingly, the Shire may need to refund \$27,392 being two thirds of the cost of the project received from Main Roads WA.
11. In addition to the refund to Main Roads, there will be additional costs for the removal of the speed cushions this includes the reinstatement of the damaged pavement and removal of the redundant line marking. The cost of these works is estimated to be approximately \$18,000.

**STRATEGIC AND SUSTAINABILITY IMPLICATIONS**

**Strategic Planning Implications**

12. Nil.

**Sustainability Implications**

Social Implications

13. Nil.

Economic Implications

14. Nil.

Environmental Implications

15. Nil.

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**OFFICER COMMENT**

16. A traffic survey was conducted in June 2011 to assess the post installation effect of the speed cushions. The results showed:
  - 85% vehicles drove at or below 48.6km/h
  - 11.3% vehicles drove above the designated speed limit of 50km/hr as opposed to 81.24% prior to the installation of the speed cushions.
17. The intention of installing speed cushions was to alleviate speeding problem in the street, which evidently has been addressed. However, the number of trucks/commercial vehicles using Wittenoom Road still remains the same.
18. A condition for funding requires speed cushions to be in place for at least three years. The Shire has consulted Main Roads WA to investigate an option to relocate the cushions to a different location. Main Roads WA has indicated that, in view of strong community opposition, they would be prepared to consider the request provided relocation costs are borne by the Shire. Also, the new location will need to meet the assessment criteria including community consultation.
19. Some of the residents who have speed cushions installed front of their house have notified the Shire that they are experiencing vibrations due to the trucks driving over the cushions. These residents claim that the vibrations have resulted in cracking to their properties. The extent of this problem has not been investigated.
20. Preliminary advice from LGIS is that the Shire does not have a liability issue, as the devices have been installed in accordance with Main Roads' approval and guidelines.

**COMMITTEE RECOMMENDATION TO COUNCIL (PS 37/2011)**

That Council:

1. Requests that all Wittenoom Road residents be contacted to assess their view on the removal of traffic devices.
2. Applies to Main Roads for approval to relocate the devices to another location provided that majority residents agree to the removal.
3. Takes no further action should the majority residents be in favour of the devices or Main Road refuses approval to relocate the devices.

Moved: **Cr Martyn Cresswell**

Seconded: **Cr Dylan O'Connor**

Vote: **CARRIED UNANIMOUSLY (9/0)**



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**Declaration of financial / conflict of interests to be recorded prior to dealing with each item.****38. Roads to Recovery Program**

Previous Items	N/A
Responsible Officer	Director Engineering Services
Service Area	Engineering Services
File Reference	FI-FAG-027
Applicant	Australian Local Government Association
Owner	
Attachment 1	ILT-119719 – Roads to Recovery Program

**PURPOSE**

1. To support the Australian Local Government Association's motion to continue with the Roads to Recovery Plan.

**BACKGROUND**

2. The Roads to Recovery Program commenced in the year 2000. By the time the current program ends in 2014, it will have provided more than \$4.5 billion in additional funding for local roads nationally.
3. The Roads to Recovery Program has provided funding to the Shire since 2000. In the 2011/12 financial year, it is providing \$571,000 towards eight road renewal projects.
4. The Australian Local Government Association President has written to the Shire President seeking support to mount a campaign for the continuation of the Roads to Recovery Program (Attachment 1).

**DETAILS**

5. The Australian Local Government Association ("ALGA") commissioned research released at the 2010 National Local Roads and Transport Congress in Bunbury. This shows that the national shortfall in the level of funding for local roads amounts to about \$1.2 billion annually.
6. ALGA will be launching Local Government's Roads to Recovery campaign at the 2011 National Local Roads and Transport Congress in Mount Gambier from 16-18 November 2011.
7. ALGA is seeking the support from every Council and in advance of the launch of the campaign in the form of a Council resolution of support.
8. The notice of motion does not link the ongoing Roads to Recovery Program to any source of funding as a fuel excise.

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Because of the uncertainty arising from the announcements to review fuel excise by the Productivity Commission the review of the Financial Assistance Grants and Henry Taxation Review recommendations on road user charging.

**STATUTORY AND LEGAL IMPLICATIONS**

9. Nil.

**POLICY IMPLICATIONS**

10. Nil.

**PUBLIC CONSULTATION/COMMUNICATION**

11. Nil.

**FINANCIAL IMPLICATIONS**

12. Without the Roads to Recovery funding, the Shire may need to provide additional funding from its own resources to maintain the same level of service.

**STRATEGIC AND SUSTAINABILITY IMPLICATIONS**

**Strategic Planning Implications**

13. Nil.

**Sustainability Implications**

Social Implications

14. Nil.

Economic Implications

15. Nil.

Environmental Implications

16. Nil.

**OFFICER COMMENT**

17. The Roads to Recovery Program has enabled Local Governments to reduce the gap between the level of funding and renewal need of the road network. Termination of the Program may result in an increased renewal backlog.

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18. Continued support/funding will allow Council to include more projects in the Works Programme each year.

**COMMITTEE RECOMMENDATION TO COUNCIL (PS 38/2011)**

That Council:

1. Calls on the Federal Government to recognise the successful delivery of the Roads to Recovery Program by Local Government since 2000.
2. Calls on the Federal Government to continue the Roads to Recovery Program on a permanent basis to assist Local Government meet its responsibilities of providing access for its communities.
3. Calls on the Federal Government to continue the Roads to Recovery Program with the current administrative arrangements.
4. Calls on the Federal Government to provide an increased level of funding under a future Roads to Recovery Program that recognises the national shortfall of funding on local roads of \$1.2 billion annually.
5. Request that the CEO write to the Prime Minister, the Leader of the Opposition, Minister for Infrastructure and Transport, Opposition spokesperson for Transport and Local Federal Member of Parliament to advise them of Council's support for a new Roads to Recovery Program.

Moved: **Cr Carol Everett**

Seconded: **Cr Donald McKechnie**

Vote: **CARRIED UNANIMOUSLY (9/0)**

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**11.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

11.1 Nil.

**12.0 QUESTIONS BY MEMBERS WITHOUT NOTICE**

**12.1 Cr Everett – Kalamunda Waterpark**

Q. Can we please have an explanation as to what is happening with the Swimming Pool? I have noticed there is a lot of work going on including a large hole, is that related to the plant room?

A. Director of Engineering advised that the work is related to the plant room and filtration system.

**12.2 Cr McKechnie – New Depot Building**

Q. Have Wester Power completed the jobs at the Depot?

A. Director of Engineering advised that power was connected at the weekend and further testing by Western Power should be completed soon.

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

13.1 Nil.

**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**

There being no further business, the Chairman declared the meeting closed at 6.55pm.

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

Signed: \_\_\_\_\_  
Chairman

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 2011

