
Shire of Kalamunda

General
Services Committee

Minutes for 11 July 2011

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MINUTES

1.0 OFFICIAL OPENING

1.1 The Chairman opened the meeting at 6.32pm 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
Margaret Thomas		North Ward
Allan Morton		South West Ward
Carol Everett		South East Ward
Geoff Stallard		South East Ward
Justin Whitten		North West Ward
Martyn Cresswell	(Chairman)	North West Ward
Dylan O'Connor		North West Ward

Members of Staff

James Trail	Chief Executive Officer
Rhonda Hardy	Director Corporate Services
Kevin O'Connor	Director of Community Development
Mahesh Singh	Director of Engineering Services
Steve Leeson	Manager Finance
Peter Hayes	Manager Business and Strategy
Darren Von Bergheim	Acting Manager Community Development
Travis Moore	Coordinator Recreation Services
Sarah Griffiths	Acting Personal Assistant Engineering Services
Michelle Clark	Executive Assistant
Meri Comber	Minute Secretary

Members of the Public 7

Members of the Press Nil

2.2 Apologies

Members of Staff

Clayton Higham	Director of Planning & Development Services
Darrell Forrest	Manager Governance

2.3 Leave of Absence Previously Approved

Maureen Robinson	South West Ward
Noreen Townsend	South West Ward
Frank Lindsey	South East Ward

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 Mr Rob Scriven – 27 Macao Road, High Wycombe

- Q. Are you aware that Mr Dale Allan advised us, following the recent Arborist Report, that the tree would not be removed, prior to this meeting tonight?
- Q. Are you aware that the Red River Gum Tree drops limbs without warning and is thus given the name of the Widow Maker?
- Q. Are you aware of the costs this tree has generated so far (Synergy bills for clearing power lines, Shire of Kalamunda costs for clearing stormwater blockages, repairs to footpath and two prunings)?
- A. The chairman advised that Mr Scriven would receive a response to his questions.

4.0 PETITIONS/DEPUTATIONS**4.1 Residents Wittenoom Road – Speed Calmers**

"The Residents of Wittenoom Road against existing speed calmers due to amenities and lifestyle being adversely affected." A Petition with 33 names, addresses and signatures.

The Chief Executive Officer asked that a Report will be presented to Council regarding the Speed Calmers in Wittenoom Road.

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 General Services Committee Meeting held on 13 June 2011 are confirmed as a true and correct record of the proceedings after the following correction is made to Page 48, Report 89, *Tender for the Supply and Delivery of Crushed Ferricrete/Laterite (T1104)*," During debate of the item.." is replaced by "During Question Time on the Item..."

Moved: **Cr Sue Bilich**
Seconded: **Cr Donald McKechnie**
Vote: **CARRIED UNANIMOUSLY**

7.0 ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION

7.1 The Chairman acknowledged that this would be the last meeting attended by Steve Leeson, Manager Finance, at the Shire of Kalamunda and thanked him for his service to this Council and wished him well for the future.

7.2 The next Citizenship Ceremony is to be held on Wednesday 20 July 2011 at 7.30pm in the Function Room, all Councillors are welcome to attend.

8.0 MATTERS FOR WHICH MEETING MAY BE CLOSED

8.1 Nil.

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.

Declaration of financial / conflict of interests to be recorded prior to dealing with each item.
93. Creditors' Accounts Paid During the Period 8 June 2011 to 27 June 2011

Previous Items	N/A
Responsible Officer	Director Corporate Services
Service Area	Finance
File Reference	FI-CRS-002
Applicant	N/A
Owner	N/A

Attachment 1 Creditor Payments for the period 8 June 2011 to 27 June 2011 - Page 1

PURPOSE

1. To receive creditors' accounts paid during the period 8 June 2011 to 27 June 2011 (Attachment 1).

BACKGROUND

2. It is a requirement of the *Local Government (Financial Management) Regulations 1996 (Regulation 12)* that a list of Creditors' Accounts Paid is compiled each month.
3. The report is required to show payee's name, the amount of the payment, the date of the payment, and sufficient information to identify the transaction.

DETAILS

4. Accordingly, the list of creditors paid during the periods 8 June 2011 to 27 June 2011 (Attachment 1).

STATUTORY AND LEGAL IMPLICATIONS

5. Nil.

POLICY IMPLICATIONS

6. Nil.

PUBLIC CONSULTATION/COMMUNICATION

7. Nil.

FINANCIAL IMPLICATIONS

8. Nil.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

Strategic Planning Implications

9. *Shire of Kalamunda Strategic Plan 2009 - 2014*
- 5.5.2 Provide financial services to support Council's operations and to meet sustainability planning, reporting and accountability requirements.

Sustainability Implications

Social implications

10. Nil.

Economic Implications

11. Nil.

Environmental Implications

12. Nil.

OFFICER COMMENT

13. Nil.

COMMITTEE RECOMMENDATION TO COUNCIL (GS 93/2011)

1. That the list of creditors paid during the period 8 June 2011 to 27 June 2011 (Attachment 1) be received by Council in accordance with the requirements of the *Local Government (Financial Management) Regulations 1996 (Regulation 12)*.

Moved: **Cr Margaret Thomas**

Seconded: **Cr Justin Whitten**

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

Declaration of financial / conflict of interests to be recorded prior to dealing with each item.
94. Rates Debtors Report for the Period ending 30 June 2011

Previous Items	N/A
Responsible Officer	Director Corporate Services
Service Area	Finance
File Reference	FI-DRS-004
Applicant	N/A
Owner	N/A

Attachment 1 Summary of Outstanding Rates for the period ended 30 June 2011

PURPOSE

1. To receive a report on rates debtors as at 30 June 2011.

BACKGROUND

2. Attached is the report detailing rates debtors as at 30 June 2011 (Attachment 1).

DETAILS

3. **Debt Recovery – Dun & Bradstreet.** There are currently 48 outstanding rates debts being pursued by the Shire's appointed collection agency Dun & Bradstreet.
4. These Rate Debtors have reached stage 4 of the collection process which is "Property Seizure and Sale Order".
5. All of these rate debts have had the following process actioned by Dun & Bradstreet:
 - . "Final Demand" letter issued.
 - . "General Procedure Claim" ("GPC") issued and lodged at the Central Law Courts.
 - . "Judgement" has been entered at the Central Law Courts.
6. The next step in the legal process is to issue a Property and Seizure Sale Order ("PS&SO"). This is the last step in the process before a debt can be deemed "Uncollectable". After three years of consecutive unpaid Rates, the Shire of Kalamunda can apply Section 6.64-6.75 of the *Local Government Act 1995* and sell the land for non-payment of rates. The Shire of Kalamunda can take other steps that it deems necessary to recover the debts and this direction would need to be determined by the Council.

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7. Future Debt Recovery action for the forthcoming year is soon to commence and will initially adhere to the following process:
1. Payment Arrangement (via Direct Debit) – Defaulters.
 2. 2 and 4 x Instalment Option – Defaulters.
 3. Special Payment Arrangement (via ratepayers own recognisance) – Defaulters.
8. **Debt Recovery – Austral Mercantile.** There are currently 22 outstanding rates debts with the Shire's appointed collection agency Austral Mercantile. These rates debts represent the Shire's 2009/2010 recovery attempts. These debts are currently at the Property Seizure and Sale Order (PS&SO) with bailiff efforts not resulting in any further collection. Further attempts will be made by the Shire of Kalamunda using "Rental Order" (if applicable) and Mortgagee contact. All of these debts have followed our normal debt recovery processes (as listed above for Dun & Bradstreet).

STATUTORY AND LEGAL IMPLICATIONS

9. Nil.

POLICY IMPLICATIONS

10. Nil.

PUBLIC CONSULTATION/COMMUNICATION

11. Nil.

FINANCIAL IMPLICATIONS

12. Nil.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

Strategic Planning Implications

13. *Shire of Kalamunda Strategic Plan 2009 - 2014*

5.5.2: Provide financial services to support Council's operations and to meet sustainability planning, reporting and accountability requirements.

Sustainability Implications

Social implications

14. Debt collecting processes contain the risk of bringing negative publicity to the Shire.

Economic Implications

15. Effective collection of all outstanding debtors leads to enhanced financial sustainability for the Shire.

Environmental Implications

16. Nil.

OFFICER COMMENT**Debt Collection 2010/2011 – Comparison with 2009/2010**

17. This financial year has been a very successful year in the process of the collection of Rates and Services.
18. The “Due Dates” of the comparative financial years (as shown above) need to be recognised in the results of the recovery percentages as there is a four week difference in the due date between years.
19. For 2010/2011 we have had a collection rate bettering the previous financial year by 2.43%. This has been an excellent result achieved by the Shire’s Rates Services Team.

20. The following is a comparison between 2009/2010 and 2010/2011:

	<u>2009/2010</u>	<u>2010/2011</u>
Total Rates Levied	\$18,466,427	\$21,035,935
Due Dates	11 September 2009	8 October 2010
Total Rates Outstanding at 30.06.11	\$784,103	\$493,072
% of Current Rates Outstanding	4.38%	1.95%

21. *Rhonda Hardy, Director Corporate Services acknowledged the outstanding work that Steve Leeson and his team have done in the last twelve months to bring the Rates Debtors figure to the lowest level it has ever been.*

COMMITTEE RECOMMENDATION TO COUNCIL (GS 94/2011)

1. That the rates debtors report as at 30 June 2011 (Attachment 1) be received.

Moved: **Cr Margaret Thomas**

Seconded: **Cr Donald McKechnie**

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

Declaration of financial / conflict of interests to be recorded prior to dealing with each item.**95. Application to Keep More Than Two Dogs – 5 Bodney Court, High Wycombe**

Previous Items	N/A
Responsible Officer	Director Community Development
Service Area	Community Development
File Reference	RA-ANC-011: ICS-29045
Applicant	Tammy Crowd – 5 Bodney Court, High Wycombe
Owner	Neil Kenneth Crowd

Attachment 1 Location Map – Page 20

PURPOSE

- To consider an application for an exemption under section 26(3) of the *Dog Act 1976* to keep more than two dogs.

BACKGROUND

- The applicant at 5 Bodney Court, High Wycombe has recently applied to Council requesting permission to keep more than two dogs on her property.
- Clause 3.2.(2) of the Shire of Kalamunda Dogs Local Law 2010 stipulates:

"The limit on the number of dogs which may be kept on any premises is, for the purpose of section 26(4) of the *Dog Act 1976*, 2 dogs over the age of 3 months and the young of those dogs under that age."

DETAILS

- The applicant is requesting the approval to keep the following dogs at the above property.

	Breed	Sex	Sterilised	Colour	Name	Registration Number	Age	Local Authority
1.	Rhodesian Ridgeback	M	No	Black/White	Ned	11-3324	6	Kalamunda
2.	Yorkshire Terrier	M	Yes	Black/White	Scruffy	11-3322	5	Kalamunda
3.	Red Heeler Cross	M	No	Red/White	Red	11-3323	5 mths	Kalamunda
4.	Blue Heeler Cross	M	No	Blue/White	Bart	11-3325	5 mths	Kalamunda

- In considering the merit of the application, an inspection was undertaken by Ranger and Emergency Services to ensure the premises are appropriately sized so as to be capable of effectively and comfortably housing four dogs and to confirm that the fences and gates are compliant with the *Dog Act 1976*.

-
6. The property at 5 Bodney Court, High Wycombe is 751 sqm and Zoned Residential R-20.

STATUTORY AND LEGAL IMPLICATIONS

7. The application for exemption to the Shire's Dogs Local Law 2010 is made under Section 26(3) of the *Dog Act 1976*.

8. Clause 3.2 of the Local Law reads:

"3.2 Limitation on the number of dogs

1. This clause does not apply to premises which have been –
- (a) licensed under part 4 as an approved kennel establishment; or
 - (b) granted an exemption under section 26(3) of the Dog Act, 2 dogs over the age of 3 months and the young of those dogs under that age."
9. If Council refuses to permit four dogs on this property, the applicant has the right to appeal the decision through the State Administrative Tribunal within 28 days of notification in writing by the Shire.

POLICY IMPLICATIONS

10. Nil.

PUBLIC CONSULTATION/COMMUNICATION

11. When applications are received by the Shire to keep more than two dogs, a Ranger will attend the properties immediately adjoining the applicant's property to ascertain if they have any objections. This process is undertaken by interview or, if the resident is not home at the time, a standard letter is left in their letterbox advising of the application.
12. There are six adjoining properties within the vicinity of the applicant's property that may be directly affected (Attachment 1). The occupants of these properties have been contacted by the attending Ranger, one property has supported, three have not supported and two did not respond regarding the application.

FINANCIAL IMPLICATIONS

13. Nil.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

Strategic Planning Implications

14. Nil.

Sustainability Implications

Social Implications

15. Council needs to consider that having more than two dogs may create excessive dog barking noise that can interfere with the peace, comfort or convenience of neighbours within the immediate vicinity of the property concerned.

Economic Implications

16. Nil.

Environmental Implications

17. Nil.

OFFICER COMMENT

18. In considering this application for exemption, the following two options are available:
- a. Council may grant an exemption pursuant to Section 26(3) of the *Dog Act 1976* subject to conditions; or
 - b. Council may refuse permission to keep more than two dogs.
19. It is in the opinion of the inspecting Ranger that the property is inappropriately sized to effectively and comfortably house four dogs. In the opinion of the Ranger the fences and gates are compliant with the *Dog Act 1976*.
20. As part of the decision making process, Officers have recorded an outstanding alleged barking dog issue regarding the dogs kept at this property. This allegation is still under investigation.
21. It is therefore recommended that the application to keep more than two dogs is not supported on the basis that Council has received a complaint about the dogs barking at this property and that the property is inadequately sized to house four dogs.
22. It should be noted that the recommendation to refuse the application to keep more than two dogs may be varied or revoked should the applicant appeal the decision through the State Administrative Tribunal.

COMMITTEE RECOMMENDATION TO COUNCIL (GS 95/2011)

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*, decline the exemption to the applicant of 5 Bodney Court, High Wycombe to keep four dogs on this property.

Moved: **Cr Dylan O'Connor**

Seconded: **Cr Justin Whitten**

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

Declaration of financial / conflict of interests to be recorded prior to dealing with each item.**96. Application to Keep More Than Two Dogs – 57 Akebia Way, Forrestfield**

Previous Items	N/A
Responsible Officer	Director Community Development
Service Area	Community Development
File Reference	RA-ANC-011: ICS-29988
Applicant	Rachel Wright – 57 Akebia Way, Forrestfield
Owner	Grahame Milton and Deidre Yvonne Wright
Attachment 1	Location Map – Page 21

PURPOSE

- To consider an application for an exemption under section 26(3) of the *Dog Act 1976* to keep more than two dogs.

BACKGROUND

- The applicant at 57 Akebia Way, Forrestfield has recently applied to Council requesting permission to keep more than two dogs on her property.
- Clause 3.2.(2) of the Shire of Kalamunda Dogs Local Law 2010 stipulates:

“The limit on the number of dogs which may be kept on any premises is, for the purpose of section 26(4) of the *Dog Act 1976*, 2 dogs over the age of 3 months and the young of those dogs under that age.”

DETAILS

- The applicant is requesting the approval to keep the following dogs at the above property.

	Breed	Sex	Sterilised	Colour	Name	Registration Number	Age	Local Authority
1.	Keeshond	M	No	Black/White/Grey	Boo	11-3576	5	Kalamunda
2.	Keeshond	F	Yes	Black/White/Grey	Paige	11-3456	8	Kalamunda
3.	Keeshond X	F	No	Black/White	Faith	11-3445	1	Kalamunda

- In considering the merit of the application, an inspection was undertaken by Ranger and Emergency Services to ensure the premises are appropriately sized so as to be capable of effectively and comfortably housing three dogs and to confirm that the fences and gates are compliant with the *Dog Act 1976*.

-
6. The property at 57 Akebia Way, Forrestfield is 700 sqm and Zoned Residential R-20.

STATUTORY AND LEGAL IMPLICATIONS

7. The application for exemption to the Shire's Dogs Local Law 2010 is made under Section 26(3) of the *Dog Act 1976*.
8. Clause 3.2 of the Local Law reads:
"3.2 Limitation on the number of dogs
2. This clause does not apply to premises which have been –
- (c) licensed under part 4 as an approved kennel establishment; or
 - (d) granted an exemption under section 26(3) of the Dog Act, 2 dogs over the age of 3 months and the young of those dogs under that age."
9. If Council refuses to permit three dogs on this property, the applicant has the right to appeal the decision through the State Administrative Tribunal within 28 days of notification in writing by the Shire.

POLICY IMPLICATIONS

10. Nil.

PUBLIC CONSULTATION/COMMUNICATION

11. When applications are received by the Shire to keep more than two dogs, a Ranger will attend the properties immediately adjoining the applicant's property to ascertain if they have any objections. This process is undertaken by interview or, if the resident is not home at the time, a standard letter is left in their letterbox advising of the application.
12. There are seven adjoining properties within the vicinity of the applicant's property that may be directly affected (Attachment 1). The occupants of these properties have been contacted by the attending Ranger, five properties have supported and two did not respond regarding the application.

FINANCIAL IMPLICATIONS

13. Nil.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

Strategic Planning Implications

14. Nil.

Sustainability Implications

Social Implications

15. Council needs to consider that having more than two dogs may create excessive dog barking noise that can interfere with the peace, comfort or convenience of neighbours within the immediate vicinity of the property concerned.

Economic Implications

16. Nil.

Environmental Implications

17. Nil.

OFFICER COMMENT

18. In considering this application for exemption, the following two options are available:
- a. Council may grant an exemption pursuant to Section 26(3) of the *Dog Act 1976* subject to conditions; or
 - b. Council may refuse permission to keep more than two dogs.
19. As part of the decision making process, Officers have not recorded any issues regarding the dogs kept at this property.
20. It is in the opinion of the inspecting Ranger that the property is appropriately sized and capable of effectively and comfortably housing three dogs. The three dogs in this application are of medium size and housed inside the dwelling for the majority of their day. The Ranger can also confirm that the fences and gates are compliant with the *Dog Act 1976*.
21. It is recommended that the application to keep more than two dogs is supported and is noted that this approval may be varied or revoked should any dog complaints be received which are considered reasonable.

COMMITTEE RECOMMENDATION TO COUNCIL (GS 96/2011)

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 57 Akebia Road, Forrestfield to keep three dogs on this property.

Moved: **Cr Allan Morton**

Seconded: **Cr Justin Whitten**

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

Declaration of financial / conflict of interests to be recorded prior to dealing with each item.**97. Application to Keep More Than Two Dogs – 23 Brand Road, High Wycombe**

Previous Items	N/A
Responsible Officer	Director Community Development
Service Area	Community Development
File Reference	RA-ANC-011: ICS-31056
Applicant	Dr Vasudha Iyengar – 23 Brand Road, High Wycombe
Owner	KJ Haynes and MO Haynes
Attachment 1	Location Map – Page 22

PURPOSE

1. To consider an application for an exemption under section 26(3) of the *Dog Act 1976* to keep more than two dogs.

BACKGROUND

2. The applicant at 23 Brand Road, High Wycombe has recently applied to Council requesting permission to keep more than two dogs on the property.
3. Clause 3.2.(2) of the Shire of Kalamunda Dogs Local Law 2010 stipulates:

“The limit on the number of dogs which may be kept on any premises is, for the purpose of section 26(4) of the *Dog Act 1976*, 2 dogs over the age of 3 months and the young of those dogs under that age.”

DETAILS

4. The applicant is requesting the approval to keep the following dogs at the above property.

	Breed	Sex	Sterilised	Colour	Name	Registration Number	Age	Local Authority
1.	Labrador	M	Yes	Gold	Manus	11-3529	11	Kalamunda
2.	Huntaway X	F	Yes	Gold /Black	Mischa	11-3527	10	Kalamunda
3.	Shih Tzu X	F	No	Black	Tara	11-3528	1	Kalamunda

5. In considering the merit of the application, an inspection was undertaken by Ranger and Emergency Services to ensure the premises are appropriately sized so as to be capable of effectively and comfortably housing three dogs and to confirm that the fences and gates are compliant with the *Dog Act 1976*.

-
6. The property at 23 Brand Road, High Wycombe is 2.5 acres and Zoned Special Rural.

STATUTORY AND LEGAL IMPLICATIONS

7. The application for exemption to the Shire's Dogs Local Law 2010 is made under Section 26(3) of the *Dog Act 1976*.
8. Clause 3.2 of the Local Law reads:
- 3.2 Limitation on the number of dogs**
3. This clause does not apply to premises which have been –
- (e) licensed under part 4 as an approved kennel establishment; or
 - (f) granted an exemption under section 26(3) of the Dog Act, 2 dogs over the age of 3 months and the young of those dogs under that age."
9. If Council refuses to permit three dogs on this property, the applicant has the right to appeal the decision through the State Administrative Tribunal within 28 days of notification in writing by the Shire.

POLICY IMPLICATIONS

10. Nil.

PUBLIC CONSULTATION/COMMUNICATION

11. When applications are received by the Shire to keep more than two dogs, a Ranger will attend the properties immediately adjoining the applicant's property to ascertain if they have any objections. This process is undertaken by interview or, if the resident is not home at the time, a standard letter is left in their letterbox advising of the application.
12. There are five adjoining properties within the vicinity of the applicant's property that may be directly affected (Attachment 1). The occupants of these properties have been contacted by the attending Ranger, four properties have supported and one did not respond regarding the application.

FINANCIAL IMPLICATIONS

13. Nil.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

Strategic Planning Implications

14. Nil.

Sustainability Implications

Social implications

15. Council needs to consider that having more than two dogs may create excessive dog barking noise that can interfere with the peace, comfort or convenience of neighbours within the immediate vicinity of the property concerned.

Economic Implications

16. Nil.

Environmental Implications

17. Nil.

OFFICER COMMENT

18. In considering this application for exemption, the following two options are available:
- a. Council may grant an exemption pursuant to Section 26(3) of the *Dog Act 1976* subject to conditions; or
 - b. Council may refuse permission to keep more than two dogs.
19. As part of the decision making process, Officers have not recorded any issues regarding the dogs kept at this property.
20. It is in the opinion of the inspecting Ranger that the property is appropriately sized and capable of effectively and comfortably housing three dogs. The Ranger can also confirm that the fences and gates are compliant with the *Dog Act 1976*.
21. It is recommended that the application to keep more than two dogs is supported and is noted that this approval may be varied or revoked should any dog complaints be received which are considered reasonable.

COMMITTEE RECOMMENDATION TO COUNCIL (GS 97/2011)

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 23 Brand Road, High Wycombe to keep three dogs on this property.

Moved: **Cr Dylan O'Connor**

Seconded: **Cr Justin Whitten**

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

Declaration of financial / conflict of interests to be recorded prior to dealing with each item.
98. Fleming Reserve High Wycombe - Proposal to use Cash-in-Lieu Funds for Various Items.

Previous Items	N/A
Responsible Officer	Director Community Development
Service Area	Community Development
File Reference	DE-RES-001
Applicant	Shire of Kalamunda
Owner	Shire of Kalamunda
Attachment 1	Playground Arrangement- showing "Thunder dome" – Page 23
Attachment 2	Fleming Reserve - extension to car park – Page 24
Attachment 3	Fleming Reserve - shade structure – Page 25

PURPOSE

1. To consider an allocation of cash-in-lieu funds to complete the remaining components of the Fleming Reserve revitalisation plan.

BACKGROUND

2. In 2009, the Fleming Reserve revitalisation plan was developed in conjunction with the High Wycombe Community Association. This plan included an outline on the consultation process and also a concept plan for the overall design of the reserve.
3. In the 2009/10 budget, Council allocated \$1,023,900 comprising \$630,000 cash-in-lieu funds, \$300,000 municipal funds and \$93,900 from the Outer Metropolitan Community Fund grant to progress the implementation of the Fleming Reserve revitalisation plan.
4. The work completed at Fleming Reserve to date is as follows:
 - Extensive path network
 - Various items of play equipment
 - Shade structures
 - Shade sails
 - Skate park
 - New toilet block
 - Plantings and landscaping

DETAILS

5. In accordance with the Fleming Reserve revitalisation plan the three remaining items proposed are as follows:
 - Construction of a "thunder dome" inclusive play structure to be located behind the existing equipment (Attachment 1).

-
- Extending car park towards the skate park to cater for the increased number of cars accessing the reserve (Attachment 2).
 - An additional shade structure is required for the skate park users. The proposed location for the structure is on the northern side of the skate park (Attachment 3).
6. As such, Council is now requested to make an application to the Minister for \$90,000 in cash-in-lieu funds from High Wycombe to finalise the Fleming Reserve Redevelopment Project.

STATUTORY AND LEGAL IMPLICATIONS

7. Sections 153 and 154 of the *Planning & Development Act 2005* contain provisions under which a cash payment can be made by the subdivider to the relative local government in lieu of providing land for open space.
8. Expenditure of cash-in-lieu funds must be directly related to the use or development of land for public open space purposes. The land must be vested or administered for recreation purposes with unrestricted public access and be within the locality in which the land included in the plan of subdivision is situated.

POLICY IMPLICATIONS

9. Cash-in-lieu Assessment Criteria Policy (FAC22) provides strategic direction to Council's decision making on proposed cash-in-lieu projects.
10. Planning Policy DC 2.3 – Public Open Space in Residential Areas established the requirements of the Western Australian Planning Commission ("WAPC") for Public Open Space ("POS") and the provision of land for community facilities in residential areas. The policy requires that 10% of the gross subdivisible area shall be given up free of cost by the subdivider for POS and that expenditure of cash-in-lieu funds must be directed to the locality where the funds were raised.

PUBLIC CONSULTATION/COMMUNICATION

11. The Fleming Reserve Plan was completed with extensive consultation with the local community and the High Wycombe Community Association.

FINANCIAL IMPLICATIONS

12. In 2010, the Shire received notification that its application for for \$253,930 from Lotterywest had been successful. The grant comprised of \$139,908 for the skate park redevelopment and \$114,022 for the thunder dome play structure.

-
13. Lotterywest have verbally advised that should Council decide not to contribute towards the construction of the thunder dome play space then their grant funding of \$114,022 will more than likely have to be forfeited.
14. The total proposed project cost is estimated at \$90,000 comprising of the following projects:
- Extension to car park - \$30,000
 - Shade structure - \$20,000
 - Thunder dome play structure - \$154,022 (\$40,000 Council, \$114,022 Lotterywest)
15. In the 2010/11 budget, the cash-in-lieu funds totalled \$2,086,476 these funds are then allocated to the relevant suburb in which the funds have been derived from. Within the 2010/11 budget, \$1,271,728 cash-in-lieu funds were available to High Wycombe, of this \$511,589 have already been allocated to projects, with \$760,139 in funds now remaining.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

Strategic Planning Implications

16. *Shire of Kalamunda Strategic Plan 2009-2014*
- 1.3.1 Manage the effective promotion, planning and usage of recreational spaces, services and facilities.
- 1.3.4 Development active & passive recreational facilities based on environmentally sustainable principles

Sustainability Implications

Social implications

17. Fleming Reserve provides a place for recreation and social interaction helping to contribute towards a positive community and increased cohesion, which leads to the reduction of vandalism and anti-social behaviour within the local community.

Economic Implications

18. Nil.

Environmental Implications

19. Nil.

OFFICER COMMENT

20. Fleming Reserve is Crown Land vested in the Shire. The reserve caters for a broad range of recreation/social activities and is also used as an overflow training venue for local cricket and football clubs. The highly successful Corymbia Festival movie night is held at Fleming reserve.
21. Completion of the following projects will assist in finalising the Fleming Reserve Revitalisation Plan:
- Carpark extension - The existing car park does not currently have the capacity to cater for the additional cars now visiting the reserve. The extension to the car park will allow for approximately an additional 20 bays and will assist in managing the increased usage of the reserve.
 - Shade Structure - An additional shade structure is required to be located on the northern side of the skate park. This proposed location will provide young people with an area to congregate away from both the car park and the nearby residents.
 - Playground - The “thunder dome” inclusive play structure is to be located at the rear of the existing equipment. The equipment will allow for inclusive play by a variety of age groups and abilities. This equipment will increase the overall play experience for users.
22. As previously stated, Lotterywest have committed \$114,022 in financial assistance towards the play structure. If the Shire does not contribute the additional funding towards the project, it is likely that the Lotterywest funds will be withdrawn.
23. The proposed project meets the guiding principles outlined within the Shire’s cash-in-lieu Assessment Criteria Policy, Officers consider that the project does demonstrate a direct link to improved community access and inclusion and has a significant community benefit for the High Wycombe residents.
24. If Council endorses the proposed Fleming Reserve projects, it is recommended that an application be made to the WAPC for the provision of \$90,000 in cash-in-lieu funds to fund the project. In addition, subject to successful approval from the Minister for Planning, a further report will be presented to Council seeking a budget amendment to be made.

COMMITTEE RECOMMENDATION TO COUNCIL (GS 98/2011)

That Council:

1. Endorses an application to the Minister for Planning to utilise \$90,000 cash-in-lieu funds to undertake a car park extension, shade structure and inclusive play structure at Fleming Reserve.
2. Notes, subject to successful approval from the Minister for Planning, a further report will be presented to Council seeking an amendment to the 2011/12 Budget.

Moved: **Cr Justin Whitten**

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.
99. Forreestfield and Districts Bowling Club - Proposal to use Cash-in-lieu Funds to Extend Car Park.

Previous Items	N/A
Responsible Officer	Director Community Development
Service Area	Community Development
File Reference	DE-RES-001
Applicant	Shire of Kalamunda
Owner	Shire of Kalamunda

Attachment 1 Forreestfield and Districts Bowling Club - extension to car park location map – Page 26

PURPOSE

1. To consider allocating cash-in-lieu funds for an extension to the car park at the Forreestfield and Districts Bowling Club.

BACKGROUND

2. In August 2010, Council adopted the Hartfield Park Masterplan (OCM 110/2010). The Plan provides a clear framework and objectives to assist the Shire in planning, developing, implementing, evaluating and sustaining sport and recreation reserves/facilities at Hartfield Park into the future.
3. Since that time, Officers have developed a three year implementation plan to implement the recommendations outlined within the Hartfield Park Masterplan.
4. One of the key recommendations included in the Masterplan is for the Forreestfield and Districts Bowling Club car park to be extended; Council is now requested to consider the car park extension project to be completed using cash-in-lieu funds.

DETAILS

5. The proposed project is for the extension of the Forreestfield and District Bowling Clubs car park (Attachment 1) to accommodate the additional parking requirements, as recommended in the Hartfield Park Masterplan.

STATUTORY AND LEGAL IMPLICATIONS

6. Sections 153 and 154 of the *Planning & Development Act 2005* contain provisions under which a cash payment can be made by the subdivider to the relative local government in lieu of providing land for open space.
7. Expenditure of cash-in-lieu funds must be directly related to the use or development of land for public open space purposes. The land must be vested

or administered for recreation purposes with unrestricted public access and be within the locality in which the land included in the plan of subdivision is situated.

POLICY IMPLICATIONS

8. Cash-in-lieu Assessment Criteria Policy (FAC22) provides strategic direction to Council's decision making on proposed cash-in-lieu projects.
9. Planning Policy DC 2.3 – Public Open Space in Residential Areas established the requirements of the Western Australian Planning Commission ("WAPC") for Public Open Space ("POS") and the provision of land for community facilities in residential areas. The policy requires that 10% of the gross subdivisible area shall be given up free of cost by the subdivider for POS and that expenditure of cash-in-lieu funds must be directed to the locality where the funds were raised.

PUBLIC CONSULTATION/COMMUNICATION

10. Consultation has occurred with the Forrestfield and District Bowling Club and they are fully supportive of the proposed plan to increase the car park.

FINANCIAL IMPLICATIONS

11. The total proposed project cost to extend the car park is \$135,000. This cost is based on \$40 per square metre of asphalt and kerbing.
12. In the 2010/11 budget, the cash-in-lieu funds totalled \$2,086,476 these funds are then allocated to the locality in which the funds have been derived from. Within the 2010/11 budget, \$591,987 in cash-in-lieu funds were available to Forrestfield, of this \$210,000 have already been allocated to other projects, with \$381,987 in funds now remaining.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

Strategic Planning Implications

13. *Shire of Kalamunda Strategic Plan 2009-2014*
 - 1.3.1 Manage the effective promotion, planning and usage of recreational spaces, services and facilities.
 - 1.3.4 Develop active & passive recreational facilities based on environmentally sustainable principles.
 - 2.3.2 Maintain, refurbish or upgrade existing infrastructure to encourage increased utilisation and extension of asset life.

Sustainability Implications

Social implications

14. Officers consider that the project demonstrates a direct link to improved community access and safety.

Economic Implications

15. Nil.

Environmental Implications

16. The proposed car park extension does not require any clearing of bush vegetation.

OFFICER COMMENT

17. Hartfield Park is considered to be the Shire's premier active sporting reserve, due to the diverse nature of sport/recreation facilities and activities currently provided at the reserve.
18. In developing the Hartfield Park Masterplan and the three year implementation plan, one of the most pertinent issues identified was a significant lack of parking at the reserve.
19. The proposed project will aim to assist in alleviating the current parking issues, through increasing the overall capacity of parking at the reserve. In particular, the Forrestfield and Districts Bowling Club and Kalamunda and Districts Rugby Club will be the main clubs benefiting from the additional parking space.
20. The proposed project meets the guiding principles outlined within the Shire's Cash-in-lieu Assessment Criteria Policy.
21. If Council endorses the proposed extension to the Forrestfield and Districts Bowling Club car park, it is recommended that an application be made to the WAPC for the provision of \$135,000 in cash-in-lieu funds to fund the project in 2011/12. In addition, subject to successful approval from the Minister for Planning, a further report will be presented to Council seeking a budget amendment to be made.

COMMITTEE RECOMMENDATION TO COUNCIL (GS 99/2011)

That Council:

1. Endorses an application to the Minister for Planning to utilise \$135,000 in cash-in-lieu funds for an extension to the car park at the Forrestfield and District Bowling Club.
2. Notes, subject to successful approval from the Minister for Planning, a further report will be presented to Council seeking an amendment to the 2011/12 Budget.

Moved: **Cr Allan Morton**

Seconded: **Cr Carol Everett**

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

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

100. Welshpool Road, Wattle Grove - Proposed Road Closure, Reserve Adjoining Lots 211 (12) Lewis Road, 8 (51) Johnson Place and 500 (32) Gavour Road

Previous Items	GS 40/2011; OCM 41/2011
Responsible Officer	Mahesh Singh
Service Area	Engineering
File Reference	WL-10/GEN
Applicant	Peter Webb
Owner	

Attachment 1	Road Closure Map – Page 27
Attachment 2	Welshpool Road Closure - Summary of Submissions – Page 28
Attachment 3	<i>Section 58 of the Land Administration Act 1997 – Page 30</i>

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, and subsequent purchase of the land.
3. At its March 2011 Ordinary Council Meeting, Council resolved the following:

“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.”*

DETAILS

4. In accordance with the Council resolution, the intent to close the road as shown at (Attachment 1) was advertised on 9 April 2011, providing 35 days' notice for submission. The submission period closed on 14 May 2011.
5. Eight submissions were received, including one letter containing fifteen signatories objecting to the closure. A summary of these submissions appears at (Attachment 2). A copy of full submissions is available on request.
6. The public utilities were also written to, seeking their comments regarding the closure of the road reserve. None of the public utilities have made any objections to the closure.

STATUTORY AND LEGAL IMPLICATIONS

7. The road closure will be effected under *Section 58 of the Land Administration Act 1997*. This section appears at (Attachment 3).
8. The Shire will be required to indemnify the Minister for Lands, against any claims which may arise from the road closure.

POLICY IMPLICATIONS

9. Nil.

PUBLIC CONSULTATION/COMMUNICATION

10. The intent to close the section of road in accordance with *Section 58 of The Land Administration Act* was advertised on 9 April 2011, providing 35 days' notice. The submission period closed on 14 May 2011.

FINANCIAL IMPLICATIONS

11. Nil.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS**Strategic Planning Implications**

12. Nil.

Sustainability ImplicationsSocial implications

13. Nil.

Economic Implications

14. Nil.

Environmental Implications

15. Nil.

OFFICER COMMENT

16. *Section 58 of the Land Administration Act 1997* requires that Council considers any objections to the proposal as set out in the notice prior to resolving to make the request to close the road, to the Minister for Lands.
17. One submission makes a suggestion that the road reserve proposed for closure should have a drainage reserve and not an easement. The proposal was advertised with an easement based on previous direction of Council. Should Council change its view the proposal will need to be re-advertised with modified plan.
18. The owner of adjoining Lot 38 (previously part of Lot 112) has expressed interest in the purchase of the land under road reserved proposed for closure. The potential purchasers of the land will need to negotiate directly with Department of Regional Development and Lands.
19. A number of submissions have indicated that the section of road reserve proposed for closure along with drainage reserve provides an alternative access to the residents in case of an emergency. The Community Fire and Emergency Services Manager has advised that this is not a designated emergency access and that he is not aware of any advice from FESA that a second egress and access to Johnson Place is required.

OFFICER RECOMMENDATION (GS 100/2011)

That Council:

1. Pursuant to *Section 58 of the Land Administration Act 1997*, makes a request to the Minister for Lands for the closure of the triangular section (approximately 500sqm) of Welshpool Road adjoining Lot 112 (12) Lewis Road, Lot 500 (32) Gavour Road and Lot 8 (51) Johnson Place, subject to creation of a drainage easement as shown on (Attachment 1).
2. Require the purchaser of the closed road reserve to pay for all costs associated with creation of survey and deposited plans.
3. Indemnify the Minister for Lands against any claims as a result of road closure.

An alternative Officer's Recommendation had been circulated following a discussion the Chief Executive Officer had had with Officers earlier in the day, additional points had been added to the Recommendation to give clarity to Councillors.

COMMITTEE RECOMMENDATION TO COUNCIL (GS 100/2011)

That Council:

1. Pursuant to *Section 58 of the Land Administration Act 1997*, makes a request to the Minister for Lands for the closure of the triangular section (approximately 500sqm) of Welshpool Road adjoining Lot 112 (12) Lewis Road, Lot 500 (32) Gavour Road and Lot 8 (51) Johnson Place, subject to:
 - a. The creation of a drainage easement as shown on (Attachment 1).
 - b. The purchaser of the closed road reserve paying for all costs associated with the survey and creation of the deposited plans
2. Advise the Minister and the Department of Regional Development and Lands that the owner of Lot 500 (32) Gavour Road was the applicant who requested to purchase this land and that the Council has no objection to this.
3. Provide a copy of the submission made in relation to the Council's advertising of the road closure to the Minister and the Department of Regional Development and Lands and note that the owner of Lot 38, of a current subdivision that is made up of land from previous Lots 211 and 193 Welshpool Road has expressed an interest in purchasing the land.
4. Indemnifies the Minister for Lands against any claims as a result of the road closure as required by the Department of Regional Development and Land.

Moved: **Cr Margaret Thomas**

Seconded: **Cr Sue Bilich**

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

Declaration of financial / conflict of interests to be recorded prior to dealing with each item.**101. 27/29 Macao Road, High Wycombe - Petition to Remove Tree from Verge**

Previous Items	N/A
Responsible Officer	Mahesh Singh
Service Area	Engineering
File Reference	ILT-117072; MC-01/027; MC-01/029
Applicant	Robert Scriven
Owner	N/A
Attachment 1	Petition - Page 31
Attachment 2	Arboricultural Assessment – Page 32

PURPOSE

1. To consider the petition presented at the June 2011 General Services Committee as at (Attachment 1), requesting the removal of Red River Gum (*Eucalyptus Camaldulensis*) on the front verge located between 27 and 29 Macao Road, High Wycombe.

BACKGROUND

2. A petition for the “removal of a dangerous gum tree located on Council land between residences 27 and 29 Macao Road High Wycombe” was tabled at the June 2011 General Services Committee Meeting.
3. An email was received from Mr Scriven in November 2008 requesting the removal of the same tree mentioned in the petition.
4. The Shire responded to Mr Scriven’s November 2008 email, with a letter dated 12 December 2008, advising that the tree was in a healthy condition, however the Shire would prune the tree to reduce the size by one third in the first quarter of 2009. This work was carried out.

DETAILS

5. After receipt of the petition, an independent Arborist was engaged to assess the tree. The Arborist’s report appears at (Attachment 2).
6. The Arborist has recommended as follows:

“reduction pruning to alleviate the end weight and excessive lever arm on several branches, to mitigate the loading on the branch attachments and potential for future branch failure”.
7. The Arborist did not find any hazard with the tree that warrants its removal.

STATUTORY AND LEGAL IMPLICATIONS

8. The Shire is responsible for management of street trees.

POLICY IMPLICATIONS

9. Nil.

PUBLIC CONSULTATION/COMMUNICATION

10. The instigator of the petition has been provided with the Arborist's report. The petitioner has been informed that the report will be presented to the July General Services Committee Meeting.

FINANCIAL IMPLICATIONS

11. The removal of the tree is estimated to cost \$2,500 ex GST.
12. The pruning of the tree is estimated to cost \$800 ex GST.

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. It is recommended that the Arborist's recommendation is accepted.

OFFICER RECOMMENDATION (GS 101/2011)

1. That the recommended remedial pruning is carried out on the Red River Gum on the verges between 27 and 29 Macao Road, High Wycombe at the estimated cost of \$800 ex GST, and that the petitioner is notified accordingly.

Three speakers spoke against the Recommendation.

Cr Dylan O'Connor foreshadowed that he would present a Motion for the tree to be removed should the Officer Recommendation not be accepted.

There being no Mover for the Officer Recommendation it **LAPSED**.

A Councillor proposed an amendment to the Motion by adding the word *immediately*. This was accepted by both the Mover and Seconder and put to the vote.

The CEO requested the Director of Engineering supply Councillors with a list of suitable trees that may be planted in this location prior to this matter being considered at the Ordinary Council Meeting on 18 July 2011.

COMMITTEE RECOMMENDATION TO COUNCIL (GS 101/2011)

1. That the Red River Gum located on the verges between 27 and 29 Macao Road, High Wycombe be removed immediately and an alternative suitable tree be planted.

Moved: **Cr Dylan O'Connor**

Seconded: **Cr Justin Whitten**

Vote: **For**
Cr Carol Everett
Cr Geoff Stallard
Cr Allan Morton
Cr Justin Whitten
Cr Dylan O'Connor
Cr Sue Bilich
Cr Margaret Thomas
Cr Martyn Cresswell
Against
Cr Donald McKechnie

CARRIED (8/1)

Declaration of financial / conflict of interests to be recorded prior to dealing with each item.
102. Dedication of Road Reserve - Roe Highway from Adelaide Street to Sheffield Road

Previous Items	N/A
Responsible Officer	Director Engineering Services
Service Area	Engineering
File Reference	EG-RDM-007
Applicant	Complex Land Solutions
Owner	Main Roads WA
Attachment 1	Metropolitan Region Scheme Map – Sheet 16 – Page 43
Attachment 2	Metropolitan Region Scheme Map – Sheet 20 – Page 44

PURPOSE

1. To consider the dedication of land reserved as Primary Regional Road, Roe Highway, Adelaide Street to Sheffield Road shown at (Attachment 1 and 2) and contained within the Shire of Kalamunda, as road under *Section 56 of the Land Administration Act 1997*.

BACKGROUND

2. Roe Highway is a Primary Regional Road as shown in the Metropolitan Region Scheme maps, refer (Attachments 1 and 2). The section of Roe Highway between Adelaide Street and Sheffield Road falls within municipal boundaries of Shire of Kalamunda.
3. The applicant on behalf of Main Roads has approached the Shire to seek Council's consent for dedication of Roe Highway within the Shire of Kalamunda, as road.

DETAILS

4. Most of the land within the Roe Highway reservation is held either as free hold to the Commissioner of Main Roads, the State of WA, Unallocated Crown Land or Local Road Reserves.
5. To enable above land to be dedicated as road reserve, Main Roads WA has requested Shire of Kalamunda's concurrence to satisfy requirements of the *Land Administration Act*.

STATUTORY AND LEGAL IMPLICATIONS

6. The dedication is affected under *Section 56 of the Land Administration Act 1997*.

POLICY IMPLICATIONS

7. Nil.

PUBLIC CONSULTATION/COMMUNICATION

8. Public consultation is not required as the request relates to an existing road.

FINANCIAL IMPLICATIONS

9. Nil.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

Strategic Planning Implications

10. Nil, the request is for an existing road.

Sustainability Implications

Social implications

11. Nil, the request is for an existing road.

Economic Implications

12. Nil, the request is for an existing road.

Environmental Implications

13. Nil, the request is for an existing road.

OFFICER COMMENT

14. Request for consent to the dedication of Roe Highway is a procedural matter.

COMMITTEE RECOMMENDATION TO COUNCIL (GS 102/2011)

1. That Council concurs to the dedication of the land reserved as Primary Regional Road, Roe Highway, Adelaide Street to Sheffield Road shown in the attached Metropolitan Region Scheme Maps – Sheets 16 and 20 (Attachment 1 and 2) and contained with the Shire of Kalamunda as road under *Section 56 of the Land Administration Act 1997*.

Moved: **Cr Donald McKechnie**

Seconded: **Cr Margaret Thomas**

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

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

103. Chief Executive Officer – Appointment of Acting Chief Executive Officer

Previous Items	N/A
Responsible Officer	Chief Executive Officer
Service Area	Office of the CEO
File Reference	OR-CMA-025
Applicant	N/A
Owner	N/A

PURPOSE

1. To propose the appointment of an Acting Chief Executive Officer whilst the Chief Executive Officer attends the Excellence in Local Government Leadership Program 2011.

BACKGROUND

2. Nil.

DETAILS

3. The Excellence in Local Government Leadership Program 2011 takes place in Canberra over the following two weeks:
 - Monday 18 July – Saturday 23 July 2011
 - Monday 05 September – Saturday 10 September 2011
4. During these periods it is proposed that the Director of Planning and Development Services, Clayton Higham, will be the Acting Chief Executive Officer.

STATUTORY AND LEGAL IMPLICATIONS

5. Section 5.36 of the *Local Government Act 1995* provides that the Council is responsible for all appointments to the position of Chief Executive Officer.

POLICY IMPLICATIONS

6. There are no policy implications related to the appointment of an Acting Chief Executive Officer.

PUBLIC CONSULTATION/COMMUNICATION

7. Public consultation is not required with respect to this matter.

FINANCIAL IMPLICATIONS

8. There are no final implications arising from this proposal.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

9. This proposal has no direct impact on the strategic goals and objectives of the Shire.

Sustainability Implications

Social Implications

10. Nil.

Economic Implications

11. Nil.

Environmental Implications

12. Nil.

OFFICER COMMENT

13. The appointment of an Acting Chief Executive Officer during extended absences of the Chief Executive Officer is required to ensure continuation of the effective management of the Shire's administration and that all statutory and legal requirements can be met.
14. It is considered that the Director of Planning and Development Services, Clayton Higham, has the necessary experience, skills and qualities to undertake the role of Acting Chief Executive Officer.

COMMITTEE RECOMMENDATION TO COUNCIL (GS 103/2011)

That Council:

1. Notes that the Chief Executive Officer will attend the Excellence in Local Government Leadership Program 2011 on the following dates:
 - Monday 18 July – Saturday 23 July 2011
 - Monday 05 September – Saturday 10 September 2011
2. Pursuant to Section 5.36 of the *Local Government Act 1995*, appoints the Director of Planning and Development Services, Clayton Higham, as Acting Chief Executive Officer for the above dates.

Moved: **Cr Margaret Thomas**

Seconded: **Cr Carol Everett**

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

11.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

11.1 Nil.

12.0 QUESTIONS BY MEMBERS WITHOUT NOTICE

12.1 Cr Geoff Stallard – Geoff Dutton, Former Employee of the Shire

Q. Can any recognition be shown to Mr Geoff Dutton, a previous long standing Engineer of the Shire of Kalamunda?

A. The Shire President noted that Mr Dutton will be invited as a VIP to attend the opening of the Zig Zag Cultural Centre in September 2011 as recognition to his long standing service to the Council.

12.2 Cr Dylan O'Connor – Update Regarding the Gateway Project

Q. Could the Chief Executive Officer please provide an update regarding the Gateway Project?

A. The Director of Planning and Development Services attended a recent Gateway meeting where the Director General of Main Road had talked about another terminal at Kewdale by 2031 with a large predicted increase in vehicle movement. These changes will have a massive impact on the Shire of Kalamunda. The Shire President has requested a Media Release to ensure that residents are kept informed.

12.3 Cr Donald McKechnie – Community Facilities Plan

Q. Are all Councillors aware of the Community Facility Plan as a report which will be coming to Council in September as there will be robust discussion and important decisions to be made and considerable public interest?

12.4 Cr Thomas – Ledger Road Tower, 180 metres from the Gooseberry Hill Primary School

Q1. Who owns the land?

Q2. Is there any way the Shire can excise the land so that it is not available for the Tower?

Q3. Has there been an environmental study on the effects of the Tower on the environment? – And if not who is required to do this?

Q4. Has the CEO looked into any options available to the Shire to have the WAPC decision reversed?

-
- A. The CEO advised that the above four questions would be taken on notice. The Director of Planning and Development Services is currently investigating and will be providing the Chief Executive Officer with advice on options available to the Shire.

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 7.14pm.

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

Signed: _____
Chairman

Dated this _____ day of _____ 2011