

# Development & Infrastructure Services Committee Meeting

Minutes for Monday 13 May 2013

**CONFIRMED**



**shire of  
kalamunda**

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## MINUTES

### 1.0 OFFICIAL OPENING

The Chairman opened the meeting at 6.30pm, and welcomed Councillors, Staff and Members of the Public Gallery.

### 2.0 ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE PREVIOUSLY APPROVED

#### 2.1 Attendance

##### Councillors

Sue Bilich	(Shire President)	North Ward
Margaret Thomas	(Chairman)	North Ward
Simon Di Rosso		North Ward
Allan Morton		South West Ward
Noreen Townsend		South West Ward
Justin Whitten		South West Ward
Geoff Stallard		South East Ward
John Giardina		South East Ward
Frank Lindsey		South East Ward
Martyn Cresswell		North West Ward
Dylan O'Connor		North West Ward
Bob Emery		North West Ward

##### Members of Staff

Clayton Higham		Acting Chief Executive Officer
Rhonda Hardy		Director Corporate & Community Services
Darrell Forrest		Manager Governance
Davina Sandhu	Manager Human Resources & Organisational Development	
Sam Assaad		Manager Infrastructure Operations
Andrew Fowler-Tutt		Manager Development Services
Warwick Carter	Manager Economic Property & Procurement Services	
Gerard Thomas		Manager Technology & Corporate Support
Nicole O'Neil		Coordinator Public Relations
Michelle Clark		Executive Assistant to the CEO
Meri Comber		Governance Officer

##### Guest

Anne Lake		Consultant
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**Members of the Public** 3

**Members of the Press** Nil

#### 2.2 Apologies

Nil.

#### 2.3 Leave of Absence Previously Approved

Nil.

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### 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 A deputation was presented by Mr Joe Gangemi of G & G Corp with regard to Item 27, Proposed closure of Portion of Road Reserve – Adjacent to Lot 196 Adelaide Street, Hazelmere. Mr Gangemi circulated handouts to Councillors to clarify his company's perspective and point out what they felt would be the advantages as a consequence of closure of the road and disadvantages if closure did not proceed.

### 5.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

5.1 That the Minutes of the Development & Infrastructure Services Committee Meeting held on 8 April 2013 are confirmed as a true and accurate record of the proceedings.

Moved: **Cr John Giardina**

Seconded: **Cr Geoff Stallard**

Vote: **CARRIED UNANIMOUSLY (12/0)**

### 6.0 ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION

6.1 Nil.

### 7.0 MATTERS FOR WHICH MEETING MAY BE CLOSED

7.1 **31. Consideration of Tenders – Provision of General Tree Services (RFT-1304)** - (Attachment 1) Provided under separate cover.

Reason for Confidentiality – *Local Government Act 1995 S5.23(d)(c)* – “a contract entered into, or which may be entered into, by the local government which relates to a matter to be discussed at the meeting.”

7.2 **32. Consideration of Tenders – Provision of Footpath Sweeping Services (RFT-1305)** – (Attachment 1) Provided under separate cover

Reason for Confidentiality: *Local Government Act 1995 S5.23(d)(c)* – “a contract entered into, or which may be entered into, by the local government which relates to a matter to be discussed at the meeting.”

## **8.0 DISCLOSURE OF INTERESTS**

### **8.1 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*.)

8.1.1 Nil.

### **8.2 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.

8.2.1 Nil.

## **9.0 REPORTS 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.**

**24. Lot 88 (1) Hewson Place, Maida Vale – Application to Keep More Than Two Dogs**

Previous Items	Nil
Responsible Officer	Director Development & Infrastructure Services
Service Area	Health & Ranger Services
File Reference	RA-ANC-011: ICS-54640
Applicant	LD Henderson
Owner	LJ Henderson

**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 Lot 88 (1) Hewson Place, Maida Vale has recently applied to Council requesting permission to keep more than two dogs on the property.

**DETAILS**

3. 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.	Boxer X	F	Y	Brindle	Freya	13-3937	8	Kalamunda
2.	Chihuahua X	F	Y	Tan	Candy	13-3915	5	Kalamunda
3.	Terrier	M	Y	Black and Tan	Angus	15-2468	4	Kalamunda

4. In considering the merit of the application, an inspection was undertaken by Ranger 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*.

**STATUTORY AND LEGAL IMPLICATIONS**

5. The property at Lot 88 (1) Hewson Place, Maida Vale is 1,962sqm and zoned Residential.
6. The application for exemption to the Shire's Dogs Local Law 2010 is made under Section 26(3) of the *Dog Act 1976*.

7. 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.”
8. 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.

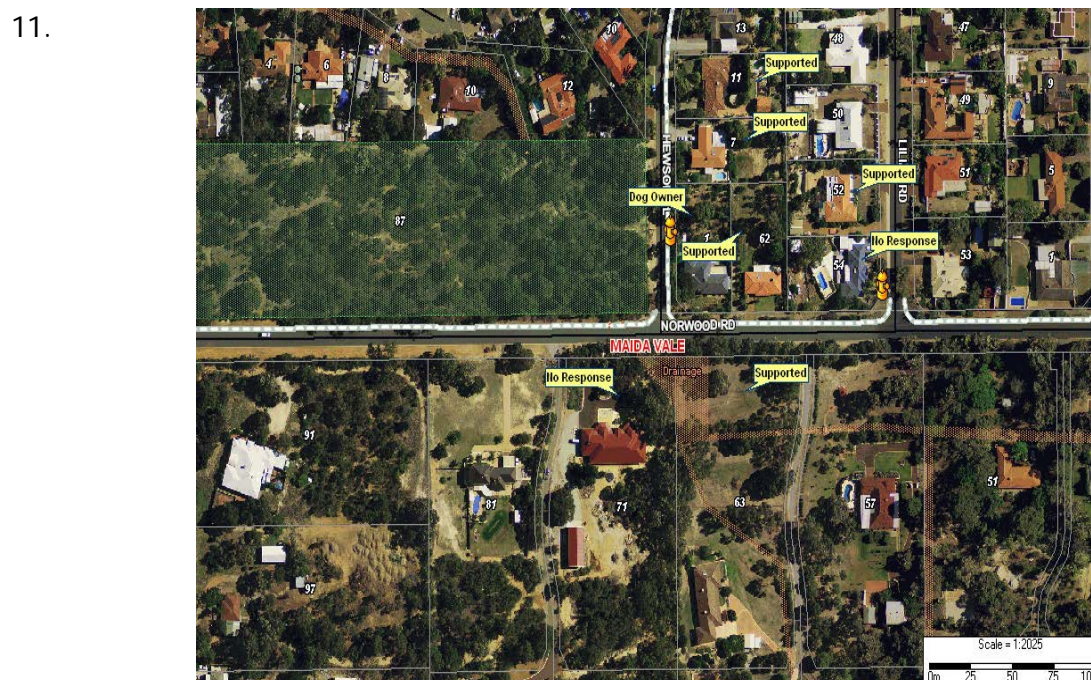
## POLICY IMPLICATIONS

Nil.

## PUBLIC CONSULTATION/COMMUNICATION

9. 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.
10. There are seven adjoining properties within the vicinity of the applicant’s property that may be directly affected (Location Map). The occupants of these properties have been contacted by the attending Ranger, five properties have supported the application and two properties have not replied.

## Location Map



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## FINANCIAL IMPLICATIONS

12. Nil.

## STRATEGIC AND SUSTAINABILITY IMPLICATIONS

### Strategic Planning Implications

13. *Kalamunda Advancing- Strategic Community Plan to 2023*

OBJECTIVE 1.5 To provide a safe environment for the entire community to enjoy.

Strategy 1.5.1 Provide support for community safety through education, awareness raising programs and a responsive ranger service.

### Sustainability Implications

#### Social Implications

14. 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

15. Nil.

#### Environmental Implications

16. Nil.

## OFFICER COMMENT

17. 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.

18. As part of the assessment process, Officers have recorded that no formal complaints have been received against this property or these dogs.

19. 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*.



- 
20. The owner of the property has given permission for three dogs on the property.
  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.

<b>Voting Requirements: Simple Majority</b>
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**COMMITTEE RECOMMENDATION TO COUNCIL (D&I 24/2013)**

That Council:

1. 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 the exemption to the application of Lot 88 (1) Hewson Place, Maida Vale to keep three dogs on this property.

Moved: **Cr Bob Emery**

Seconded: **Cr Justin Whitten**

Vote: **CARRIED UNANIMOUSLY (12/0)**

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

**25. Modification to the Canning Location 311 Structure Plan – Lot 32 (10) Kiev Court, Lesmurdie**

Previous Items	Nil
Responsible Officer	Director Development & Infrastructure Services
Service Area	Development Services
File Reference	KV-01/010
Applicant	Gray and Lewis
Owner	C and S Rando

Attachment 1	Existing Canning Location 311 Structure Plan
Attachment 2	Proposed Modification
Attachment 3	Locality of Lesmurdie Brook

**PURPOSE**

- To consider a proposal to modify the Canning Location 311 Structure Plan ("Structure Plan") to facilitate the subdivision of Lot 32 (10) Kiev Court, Lesmurdie into 2 lots. Refer to (Attachments 1 and 2).

**BACKGROUND**

- Land Details:**

Land Area:	7,071sqm
Local Planning Scheme Zone:	Urban Development
Metropolitan Region Scheme Zone:	Urban

**Locality Plan**

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4. The property contains a single dwelling and an outbuilding (shed) which are proposed to be retained, and a 5m wide drainage easement for Lesmurdie Brook which traverses the property.
  5. The Structure Plan was endorsed by the then Town Planning Board in 1981, and the minimum lot size identified on the Structure Plan is 2,000sqm which is the equivalent to a residential density coding of R5.
  6. In December 2012, an application was received from the WA Planning Commission ("Commission") to subdivide the property into two strata lots. The Shire recommended to the Commission that the application be deferred pending modifications of the Structure Plan.
  7. The Commission has since advised that the subdivision application will not be determined until Council has either adopted or refused the proposed modification to the Structure Plan.

#### **DETAILS**

8. It is proposed to modify the Structure Plan to facilitate the subdivision of the property into two lots comprising 2,006sqm and 4,596sqm respectively, and common property of 469sqm.
9. The building envelope at the rear of the property is to be retained, and a new building envelope created on the proposed lot. The new building envelope is proposed to be setback 1.5m from the south, west and north boundaries.
10. If the modified structure plan is adopted by Council and subsequently endorsed by the Commission, a subdivision application will be determined by the Commission.

#### **STATUTORY AND LEGAL IMPLICATIONS**

11. The property is zoned Urban Development under Local Planning Scheme No.3 ("the Scheme"), the objectives of which are the following:
  - *"To provide orderly and proper planning through the preparation and adoption of a Structure Plan setting the overall design principles for the area."*
  - *"To permit the development of land for residential purposes and for commercial and other uses normally associated with residential development."*
12. Properties on the Structure Plan are shown to have no density coding however the prevailing individual lot sizes are the equivalent to a residential density coding of R5.
13. The Scheme stipulates that where a designation is shown on a Structure Plan, the permissibility of the use would be as if the land is zoned for that purpose.

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14. The design and assessment of structure plans are dealt under Clause 6.2 – *Development Areas* of the Scheme. In particular, Clause 6.2.3 (Preparation of Structure Plans) and Clause 6.2.4 (Adoption and Approval of Structure Plans).
  15. Subclause 6.2.5.1 (Change or Departure from Structure Plan) of the Scheme stipulates that Council may adopt a minor change to or departure from a Structure Plan if, in its opinion, the change or departure does not materially alter the intent of the Structure Plan.
  16. If adopted by Council, the modified structure plan will be forwarded to the WA Planning Commission for endorsement. In the event that the WA Planning Commission refuses the modification, there is a right of review (appeal) to the State Administrative Tribunal.

### **POLICY IMPLICATIONS**

17. Nil.

### **PUBLIC CONSULTATION/COMMUNICATION**

18. The proposal was advertised for 28 days in accordance with the provisions of the Scheme. This involved a notice in a newspaper circulating the District, a sign being erected on the property and the proposal being referred to nearby landowners for comment.
19. During the advertising period one non-objection was received.
20. The proposal was also referred to the Department of Water ("Department") for comment because of Lesmurdie Brook traversing the property. The Department advised the following:

*"The Department of Water has considered the proposal and would like to advise of its support, subject to a Foreshore Management Plan in accordance with Operational Policy 4.3: Identifying and establishing waterways foreshore areas (DOW 2012)."*

### **FINANCIAL IMPLICATIONS**

21. Nil.

### **STRATEGIC AND SUSTAINABILITY IMPLICATIONS**

#### **Strategic Planning Implications**

22. The proposed modification is consistent with the intent of the structure plan in providing for residential lots of approximately 2,000sqm.

## **Sustainability Implications**

### Social Implications

23. If the proposed modification is endorsed future development on the property will provide an opportunity for residential development of a similar scale to that on surrounding properties.

### Economic Implications

24. Nil.

### Environmental Implications

25. Lesmurdie Brook traverses the property and will not be directly impacted by future development within the proposed building envelope.

## **OFFICER COMMENT**

26. The proposed modification would result in lot sizes and development of a scale similar to surrounding properties.
27. Future development on the proposed lot would not have any detrimental impact on the local environment given there is no vegetation of significance on site.
28. The Department has no concerns regarding the proposed location of the building envelope in relation to Lesmurdie Brook.
29. If the modified Structure Plan is adopted by Council and endorsed by the Commission, the Shire will require a foreshore management plan and a geo-technical report, to determine the suitable location and size for an effluent disposal system envelope, to be prepared as a condition of the subdivision proposal.
30. The existing building envelope is being retained meaning that future development on the proposed lot will be setback from the property boundaries a similar distance to that on the adjoining properties.
31. Considering the above, it is recommended that Council adopts the modified Structure Plan.

<b>Voting Requirements: Simple Majority</b>
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**COMMITTEE RECOMMENDATION TO COUNCIL (D&I 25/2013)**

That Council:

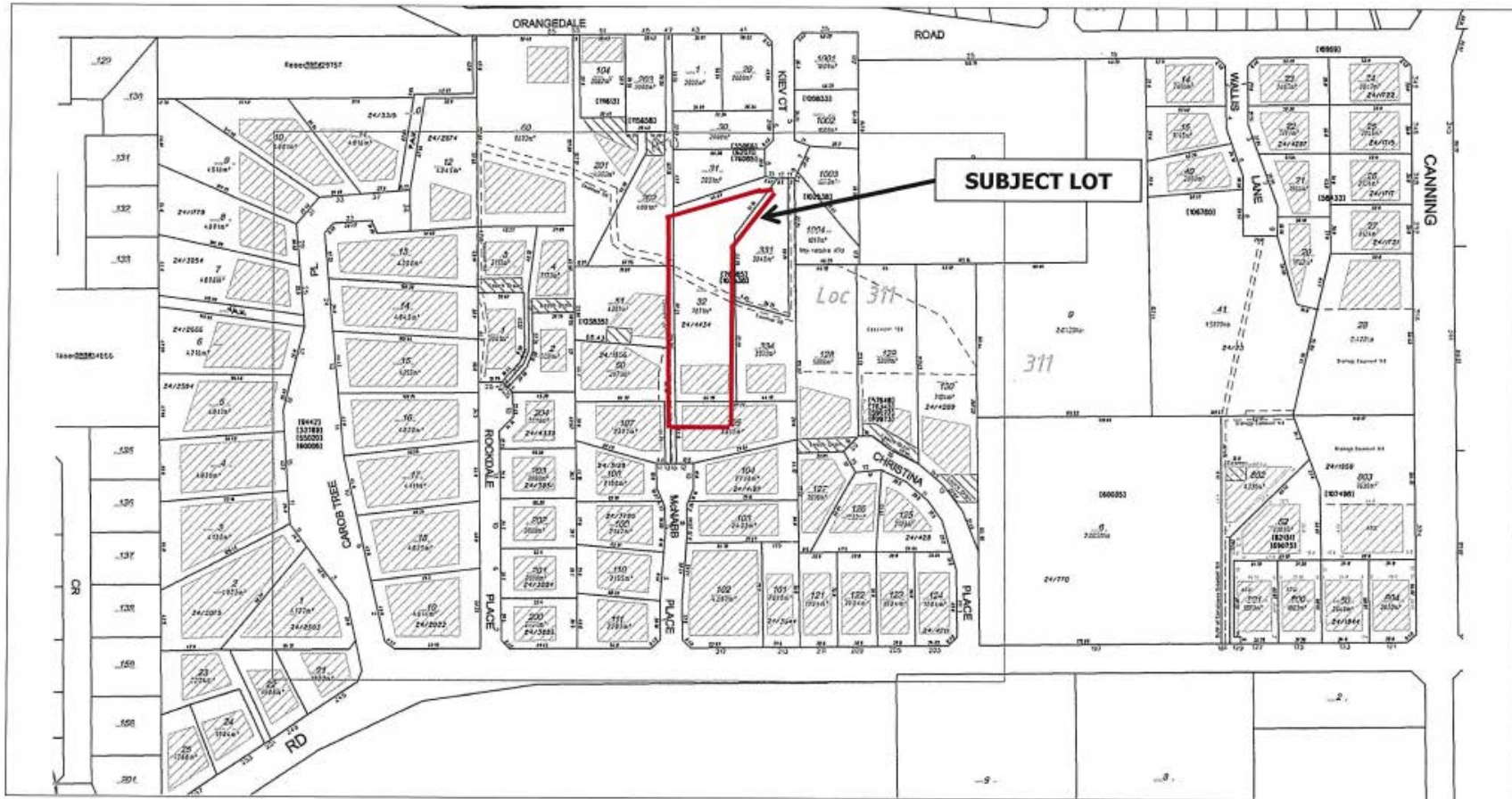
1. Adopts the proposed modification to the Canning Location 311 Structure Plan to facilitate the subdivision of Lot 32 (10) Kiev Court, Lesmurdie, into 2 lots (Attachment 2).
2. Forwards the modified Canning Location 311 Structure Plan to the WA Planning Commission for endorsement.

Moved: **Cr John Giardina**

Seconded: **Cr Geoff Stallard**

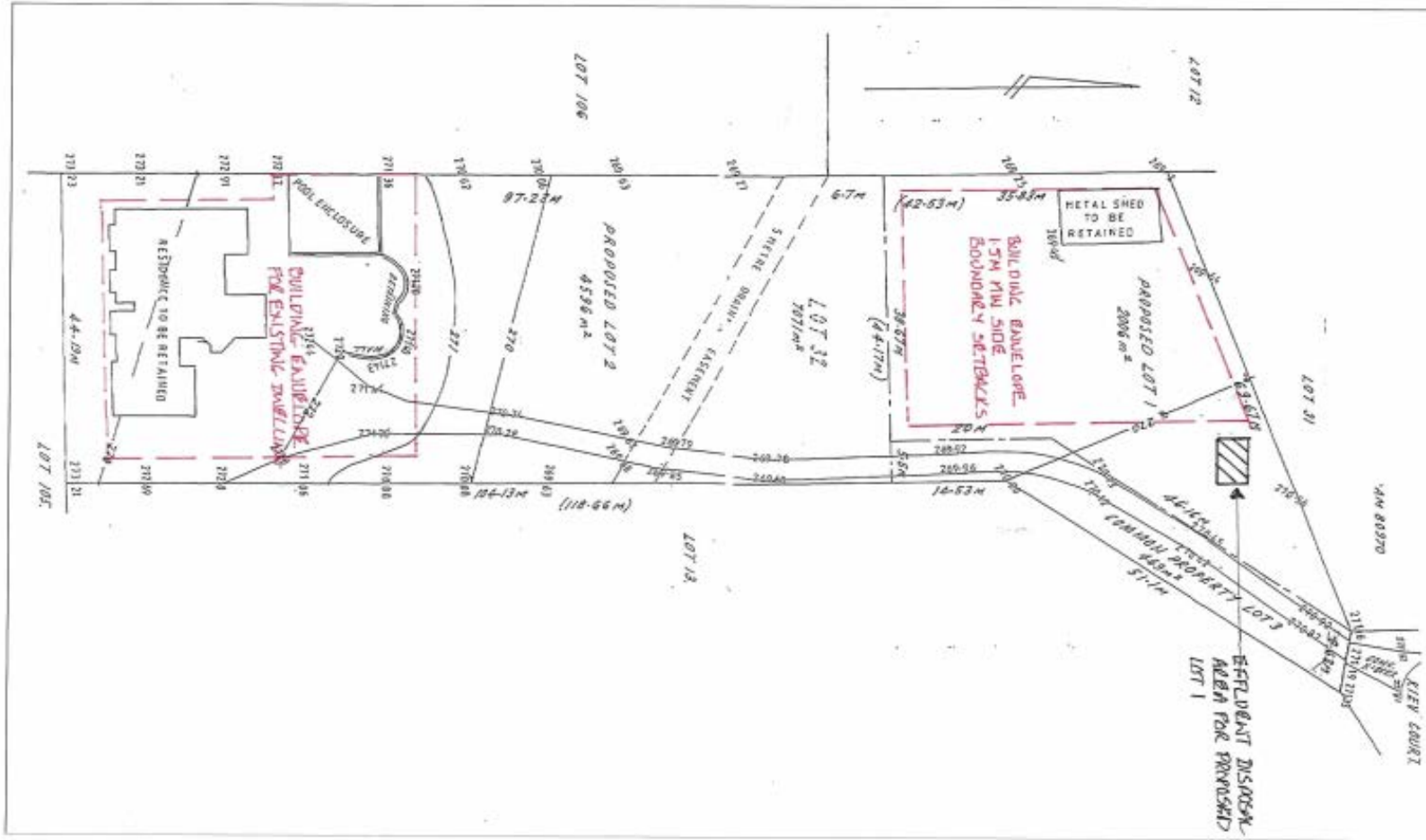
Vote: **CARRIED UNANIMOUSLY (12/0)**

Attachment 01



Modification to the Canning Location 311 Structure Plan  
Lot 32 (10) Kiev Court, Lesmurdie  
**Existing Canning Location 311 Structure Plan**

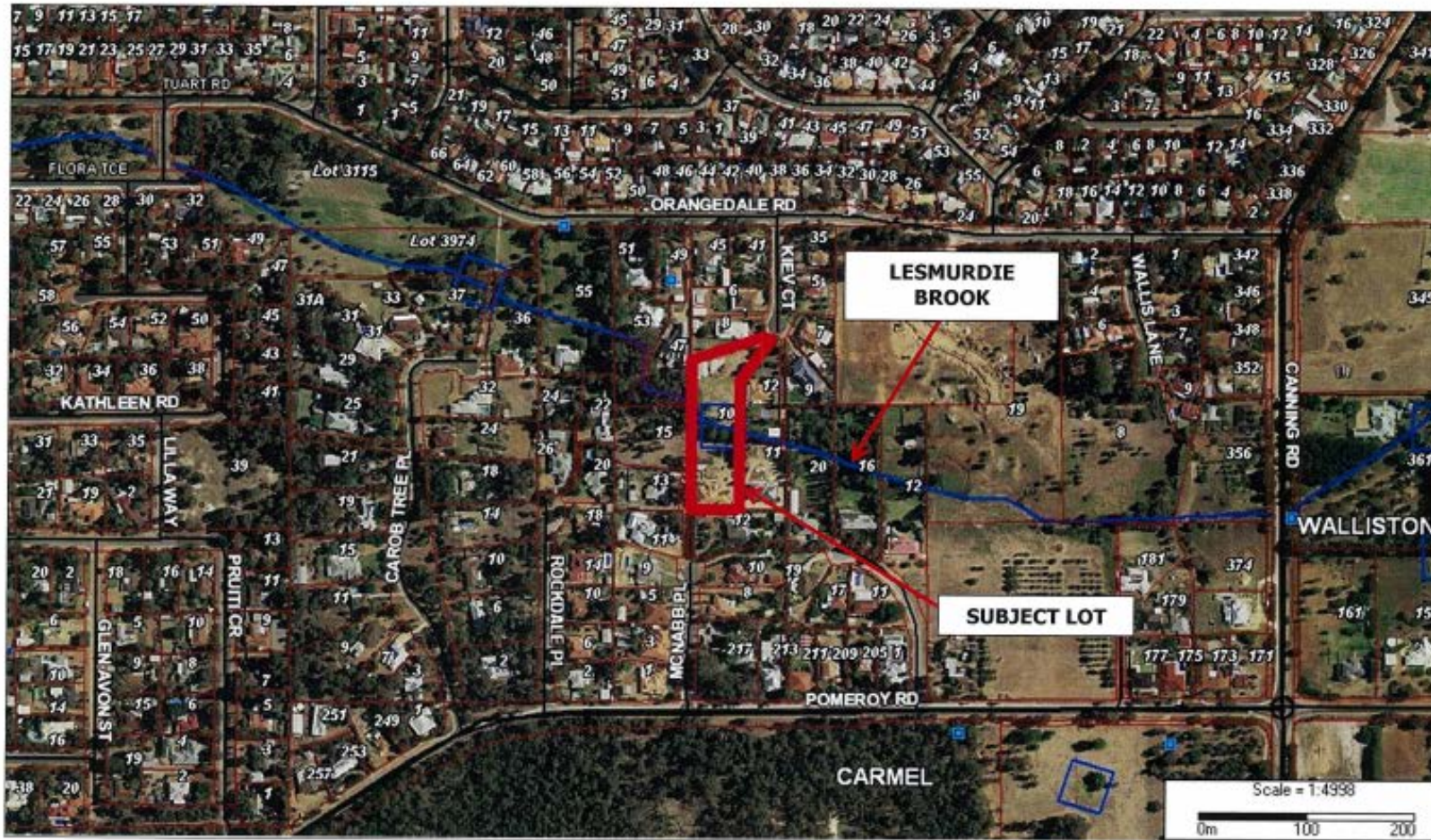
Attachment 02



Modification to the Canning Location 311 Structure Plan  
Lot 32 (10) Kiev Court, Lesmurdie  
**Proposed Modification**



Attachment 03



Modification to the Canning Location 311 Structure Plan  
Lot 32 (10) Kiev Court, Lesmurdie  
**Locality of Lesmurdie Brook**

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**26. Canning Road and Welshpool Road East Consideration to Transfer Responsibility to Main Roads WA**

Previous Items	N/A
Responsible Officer	Director Development & Infrastructure Services
Service Area	Development & Infrastructure
File Reference	EG-RDM-007
Applicant	Main Roads Western Australia
Owner	
Attachment 1	Location Plan

**PURPOSE**

1. For Council to endorse a request for Main Roads WA (“MRWA”) to take responsibility for Welshpool Road East from Hale Road to Canning Road, and Canning Road from Welshpool Road East to the southern Shire boundary with the City of Armadale.

**BACKGROUND**

2. Canning Road and Welshpool Road East provides a key link between the Tonkin Highway and Brookton Highway for the heavy haulage industry travelling south east of Perth.
3. A traffic count along Canning Road shows that 2,000 vehicles per day use Canning Road, with 12.5% of these vehicles being commercial vehicles.
4. A traffic count along Welshpool Road East shows that 5,000 vehicles per day use Welshpool Road East, with 10.4% of these vehicles being commercial vehicles.
5. The Shire has received a number of requests from local cycling groups to upgrade the on road cycle facilities along Canning Road and Welshpool Road East.
6. The cost to undertake works on these roads is high due to the volumes and other design/traffic control requirements.

**DETAILS**

7. The Shire of Kalamunda is currently responsible for maintenance and capital upgrades on Welshpool Road East from Hale Road to Canning Road, and Canning Road from Welshpool Road East to the southern Shire boundary with City of Armadale.
8. This proposal recommends the responsibility be transferred to MRWA for the section of Canning Road between Welshpool Road East and the southern Shire boundary and Welshpool Road East between Tonkin Highway to Canning Road.

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9. MRWA use a series of criteria to determine whether to accept responsibility for a carriageway. Amongst the criteria, are traffic volumes, traffic speed, planning criteria, access issues and the percentage of commercial vehicles using the road.
  10. The high percentage of commercial vehicles on both Canning Road and Welshpool Road East is a major contributing factor to the high cost of maintaining these roads.
  11. The use of Canning Road by cyclists is causing a high level of conflict with motorists and particularly with heavy vehicles. The resolution of this matter will require a significant investment in order to widen the road to enable separation between cyclists and motorists.
  12. The Shire does not have resources to fund these improvements and in addition, it is not guaranteed that there would be any grants for the Shire to fund the work.
  13. The MRWA will indemnify the Shire against all costs and charges that relate to this transfer of responsibility.

#### **STATUTORY AND LEGAL IMPLICATIONS**

14. Compliance with Section 56 of the *Land Administration Act 1997*.

#### **POLICY IMPLICATIONS**

15. Nil.

#### **PUBLIC CONSULTATION/COMMUNICATION**

16. Nil.

#### **FINANCIAL IMPLICATIONS**

17. Currently a proportion of the Shire's budget is required to fund both ongoing maintenance and capital works that are carried out on both Canning Road and Welshpool Road East.
18. Should the responsibility of these sections of Canning Road and Welshpool Road East be transferred to MRWA, all future maintenance and capital works to be directly funded by MRWA.

#### **STRATEGIC AND SUSTAINABILITY IMPLICATIONS**

##### **Strategic Planning Implications**

19. Nil.

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## **Sustainability Implications**

### Social Implications

20. The subject land has not been identified for any future Shire purposes, therefore there is no social impact on the Shire.
21. The use of the roadway would continue.

### Economic Implications

22. The Shire relies upon a significant contribution of grant funds from the Metropolitan Regional Road Group to implement staged upgrades along Canning Road and Welshpool Road East. The destination for a high volume of commercial vehicles using Canning Road and Welshpool Road East is to industrial lots that are outside the Kalamunda district which do not contribute rates income to this Shire to offset up grades of Canning Road and Welshpool Road East.

### Environmental Implications

23. Nil.

## **OFFICER COMMENT**

24. The number of heavy haulage trips generated from within the Shire district are minimal. Therefore the increasing number of heavy haulage vehicles using the Shire's road network is likely to result in increased maintenance cost. This additional cost can be supplemented by grant funds from time to time, however for day to day maintenance tasks municipal funds are generally used.
25. The increased number of vehicles using both Canning Road and Welshpool Road East regularly results in ongoing maintenance tasks being completed as night works with operational issues for Staff supervising work.
26. The Shire acknowledges that Canning Road and Welshpool Road East require upgrades for the provision of cycle lanes in both directions. However the surrounding terrain and road geometry make this project cost prohibitive.
27. MRWA requires submissions to transfer road responsibility to be endorsed by adjacent Local Governments where the road crosses jurisdictional boundaries. This ensures that MRWA becomes responsible for the full length of the road being transferred into MRWA Asset databases. In this case the Shire is required to make a formal request to MRWA along with Council endorsement from the City of Armadale.
28. The request will be investigated by MRWA and if the request meets MRWA criteria, the responsibility for the road will transfer from the Shire to MRWA.

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29. MRWA will undertake any procedural and process for the transfer. It is not expected that there will be any cost to the Shire.
30. In accordance with guidelines provided by MRWA for the assessment of the responsibility and classification of urban roads, Canning Road and Welshpool Road East should be considered for detailed assessment by MRWA.

<b>Voting Requirement – Simple Majority</b>
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**COMMITTEE RECOMMENDATION TO COUNCIL (D&I 26/2013)**

That Council:

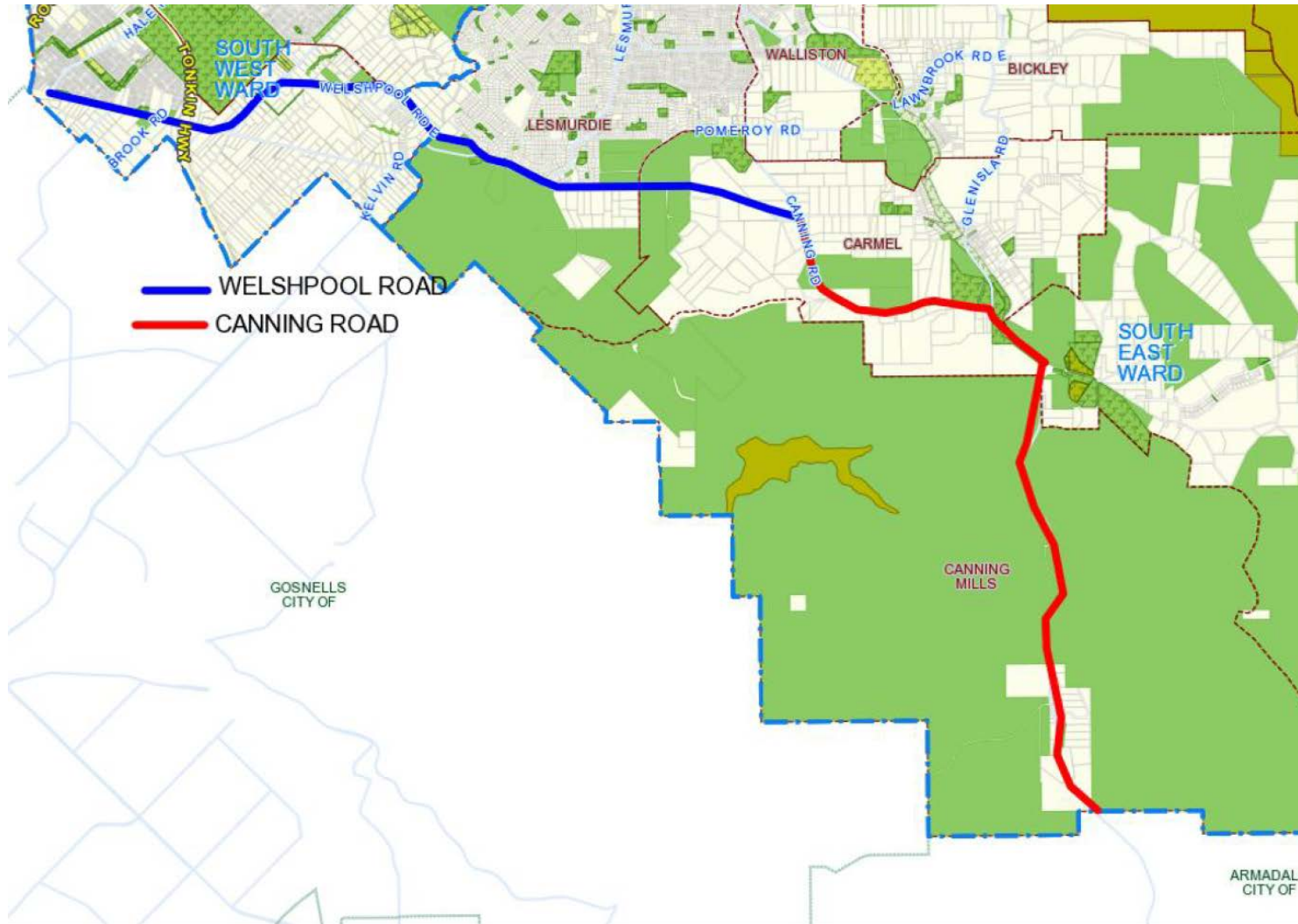
1. Authorises the Acting Chief Executive Officer to write to Main Roads WA:
  - Requesting consideration of the transfer of Canning Road from Welshpool Road East to the South Boundary of the Shire.
  - Requesting consideration of the transfer of Welshpool Road East from Canning Road to Hale Road
2. Authorises the Acting Chief Executive Officer to write to the City of Armadale requesting Council endorsement for the transfer of Canning Road from Local Government responsibility back to Main Roads WA.

Moved: **Cr Noreen Townsend**

Seconded: **Cr Justin Whitten**

Vote: **CARRIED UNANIMOUSLY (12/0)**

Attachment 01



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

**27. Proposed Closure of Portion of Road Reserve – Adjacent to Lot 196 Adelaide Street, Hazelmere**

Previous Items	OCM 126/09
Responsible Officer	Director Development & Infrastructure Services
Service Area	Infrastructure Operations
File Reference	AD-01/GEN
Applicant	Panache Investments Pty Ltd
Owner	
Attachment 1	Proposed Road Closure
Attachment 2	Submissions

**PURPOSE**

1. To consider a request from Panache Investments Pty Ltd for the closure of part of Adelaide Street, Hazelmere as shown in (Attachment 1).

**BACKGROUND**

2. The request for closure of Adelaide Street was reported to Council at the General Services Committee meeting on 5 October 2009.
3. At the Ordinary Council Meeting on 26 October 2009 (OCM 126/09), Council resolved:
  1. *That the item be deferred for further discussion and community consultation and be brought back to Committee as soon as possible.*

**DETAILS**

4. On 21 March 2013 the Shire sent letters to residents in Adelaide Street and surrounding streets.
5. There were two objections received (Attachment 2) with the main issues being:
  - Traffic volumes are already high.
  - The road is not designed to carry heavy vehicles.
  - The road is a residential street.
  - Truck speed is a concern to residents.
  - Expansion of activities at the site would increase heavy traffic volumes, with resulting increase in traffic noise.
  - Potential loss of access to the nature reserve on the opposite side of the site.

- 
6. The area surrounding Adelaide Street is undergoing development. The current zoning is residential.
  7. On 22 April 2013, officers received information from the applicant, addressing the intent of the proposed closure as follows:
    - *“The proposed road closure of portion of Adelaide Street would not increase traffic because the additional land acquired will be used for storage purposes. The lack of storage currently means that additional traffic is generated because we need to manage our space better (i.e. move items back and forth from the site rather than leave them onsite). We argue that an increased land area for our site would actually reduce traffic volume.”*
    - *“The recycling facility has received approvals from the City of Swan and the Department of Environment and Conservation (DEC). There are stringent requirements by DEC ensuring that the noise levels comply with the Environmental Protection (Noise) Regulations 1997. Moreover, it is emphasised that to our knowledge there has never been any complaints received by the City of Swan or the Shire of Kalamunda. The additional land will have no impact on noise generation because the additional land is required for storage.”*
    - *“The existing nature reserve is about 248 metres in length from the start of the reserve to Roe Highway boundary. The portion of Adelaide Street the subject of the proposed road closure is about 140 metres in length leaving an approximately 108 metres of Adelaide Street frontage for access by the Shire or the general public, either for maintenance access or public access purposes.”*

## **STATUTORY AND LEGAL IMPLICATIONS**

8. The *Land Administration Act 1997 (WA)*, Section 58 defines the process for closing roads as follows:
  1. *“When a local government wishes a road in its district to be closed permanently, the local government may, subject to Subsection (3), request the Minister to close the road.”*
  2. *“When a local government resolves to make a request under Subsections (1), the local government must in accordance with the regulations prepare and deliver the request to the Minister.”*
  3. *“A local government must not resolve to make a request under Subsection (1) until a period of 35 days has elapsed from the publication in a newspaper circulating in its district of notice of motion for that resolution, and the local government has considered any objections made to it within that period concerning the proposals set out in that notice.”*



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## **POLICY IMPLICATIONS**

9. Nil.

## **PUBLIC CONSULTATION/COMMUNICATION**

10. Comments have been sought through direct mail out to Adelaide Street and surrounding residential properties.
11. Two objections have been received, with a follow up on one of the objections shown in (Attachment 2).
12. If the council resolves to continue with the process of closing the road, public notice must be advertised in accordance with the *Land Administration Act 1997 (WA)*, and any objections considered.

## **FINANCIAL IMPLICATIONS**

13. Nil.

## **STRATEGIC AND SUSTAINABILITY IMPLICATIONS**

### **Strategic Planning Implications**

14. Nil.

### **Sustainability Implications**

#### Social Implications

15. The proposed closure may have an impact on access to vacant lots to the south of the proposed closure and if this closure is to proceed, these impacts need to be further discussed with the landowners and emergency services.

#### Economic Implications

16. Nil.

#### Environmental Implications

17. Nil.

## **OFFICER COMMENT**

18. The north side of Adelaide Street is under the control of the City of Swan and zoned for light industrial. The Shire, in previous years, has agreed to allow access to Adelaide Street. Adelaide Street is the only formalised access to the subject site, although there is the potential to access the site through Talbot Street, to the north of the site.

- 
19. The applicant has indicated that they are proposing to utilise the land for storage, with the claim that this would reduce traffic volumes however there is no certainty that this will be the case. If the Council were to approve this closure, the Shire could place restrictions on the use of the land. This may mitigate some of these issues relating to use and traffic volumes.
  20. The road is designed as a residential road, however it is unlikely that this approval will have a material effect as heavy vehicles are already utilising this road and any increase as a result of this application is likely to be proportionally low in comparison to the existing volumes.
  21. Heavy vehicle speeds in Adelaide Street are high and this application will have no impact on this issue. There may be a need to install traffic management devices to alleviate these issues. This would place increased maintenance burden on the Shire.
  22. The surrounding residential areas are undergoing growth and development increasing the potential for increased conflict between the residential areas on the south side and light industrial on the north side of Adelaide Street. These will be ongoing issues given the current zoning of the land.
  23. Although the applicant has stated their need for increased storage space, the applicant has not sufficiently proven that space cannot be found on the existing site.
  24. The closure may alleviate some concerns in the short term however there are possible long-term ramifications for residents as the residential areas surrounding these businesses further develop.

*A Councillor asked if there had been a noise management plan considered and should the road be closed would it impact on the other side of the road more? The Acting Chief Executive Officer clarified that one side of the road is City of Swan and the other is the Shire of Kalamunda, the history of this has been difficult because City of Swan have industrial type uses on one side and the Shire of Kalamunda side has residential. The Acting Chief Executive Officer was not aware of noise management studies for this site, however there may have been for the adjoining industrial land. It is not possible to say at this stage if the closure of this road would have much impact on the level of noise.*

*A Councillor asked if the Shire of Swan had indicated any intention to open up the area from their side. Manager Planning & Infrastructure indicated that the City of Swan are proceeding with an MRS Amendment to rezone, through the planning process there will be opportunities for the Shire of Kalamunda to comment and provide advice back to the City of Swan.*

*A Councillor asked how many trucks use this road each day. The Acting Chief Executive Officer will prepare information for Councillors prior to the Ordinary Council Meeting to clarify some of the points raised.*

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<b>Voting Requirements: Simple Majority</b>
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**COMMITTEE RECOMMENDATION TO COUNCIL (D&I 27/2013)**

That Council:

1. Resolves not to proceed with the closure of part of Adelaide Street on the basis that there is insufficient evidence of a community benefit to the closure.

Moved: **Cr Dylan O'Connor**

Seconded: **Cr John Giardina**

Vote: **For**  
**Cr John Giardina**  
**Cr Frank Lindsey**  
**Cr Geoff Stallard**  
**Cr Allan Morton**  
**Cr Justin Whitten**  
**Cr Martyn Cresswell**  
**Cr Bob Emery**  
**Cr Dylan O'Connor**  
**Cr Sue Bilich**  
**Cr Simon Di Rosso**  
**Cr Margaret Thomas**  
**Against**  
**Cr Noreen Townsend**

**CARRIED (11/1)**

**Attachment 01**

Proposed Closure of Portion of Road Reserve – Adelaide Street, Hazelmere



**Attachment 02**

	Submission	Details	Officer Comment
1.	Paul Kosovich 278 Adelaide Street High Wycombe WA 6057	<p>1. I am a resident of Adelaide Street which is already troubled by excessive heavy vehicle traffic (single &amp; multi trailer trucks) associated with the land infill/quarry business at the Eastern end of Adelaide Street. Travel to which currently rates at approximately 50 – 100 vehicle trips along Adelaide Street per day, Monday to Friday.</p> <p>2. This appears to be the location for the proposed closure of the road reserve, which for my family and many other residents in Adelaide Street, is the only access we have to the designated conservation area that is bordered by Adelaide Street and Buttercup Crescent, High Wycombe. It is a nice natural place to take pets for exercise as well as to walk ourselves and appreciate the natural flora and fauna.</p> <p>3. I can only guess that the road reserve proposal is being put forward to help the landfill business expand and or otherwise commercial endeavour. No doubt this will increase in the heavy vehicles coming down our residential street.</p> <p>4. I would propose that Adelaide Street be closed to all heavy vehicles which could be routed via Talbot Road, Hazelmere (to the North); which would be the natural entrance and exist for this business in an existing industrial area and would not cause any community disruption.</p> <p><b>Additional comments received:</b></p> <p>5. Since submitting our objection to the proposed closure of the Adelaide Street Road Reserve I have come across an “Amended Licence for Prescribed Premises” document submitted to the Department of Environment and Conservation by the Hazelmere Inert Recycling on Lot 501 on Plan 63962 Adelaide Street, Hazelmere. It state in that document the Licensee Bronzewing Investments Pty Ltd has communicated with the nearest residents by direct contact and correspondence. My family have lived at 278 Adelaide Street (300 metres from the site) since January 2012. At no time have we been contacted or received any correspondence from the above Licensee regarding this operation. Had we been contacted by the Licensee then we would have raised our objection earlier. The noise, frequency and speed of heavy vehicles going up and down Adelaide Street, to and from the waste disposal site is a growing problem and concerns all of the residents of Adelaide Street near</p>	<p>1. Heavy vehicle generation is from a number of properties on Adelaide Street.</p> <p>2. Proposed closure will maintain direct access to over 100m of reserve boundary.</p> <p>3. Proposal is for increased storage. The applicant claims this will reduce traffic volumes.</p> <p>4. Not realistic as Shire has given approval to existing business.</p> <p>5. Main issue is related to volumes and speed of heavy vehicles and noise created by these vehicles but this is independent of this proposal.</p>

		<p>Larwood Crescent. I can only conclude that Bronzewing have not been factual in their reports to the DEC on community consultation.</p> <p>6. Lot 501 on Plan 63962 Adelaide Street, Hazelmere is zoned general rural under the Metropolitan Region Scheme and General Rural under the City of Swan Town Planning Scheme No 17. According to the definition of rural is land in which a range of agricultural, extractive and conservation uses are undertaken therefore this lot should not be used for a commercial landfill business.</p>	<p>6. Noted.</p>
<p>2.</p>	<p>AJ &amp; JA McHugh 296 Adelaide Street High Wycombe WA 6057</p>	<p>1. Future road planning by Shire of Kalamunda and Main Roads WA to allow left hand turn access out and left hand access into Adelaide Street.</p> <p>2. Traffic flow on Adelaide Street north and south into requesting applicant's property which is in the City of Swan has increased substantially due to applicant receiving building materials into this existing site and loading and transporting sand out of this site.</p> <p>3. On weekending Thursday 28 March 2013, the applicant's site in one day received forty-one (41) tri-axle semi tippers into this site and loaded twenty (20) tri-axle semi tippers out of this site. Gross laden weight of these units could be up to 42 tonnes.</p> <p>4. Adelaide Street from Stirling Crescent to Roe Highway is a residential street and designed and built to these residential street construction specifications, it is not designed to constantly carry heavy vehicles of this tonnage.</p> <p>5. As ratepayers we fully support the Shire of Kalamunda in objecting to this applicants request for the closure of the southern portion of Adelaide Street, High Wycombe.</p>	<p>1. Proposal is in early stages but would not address concerns as heavy vehicle access would continue.</p> <p>2. No comment.</p> <p>3. No comment.</p> <p>4. Both residential and heavy vehicle.</p> <p>5. Noted.</p>

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

**28. Consideration of Tenders – Provision of General Tree Services (RFT-1304)**

Previous Items	Nil
Responsible Officer	Director Development & Infrastructure
Service Area	Infrastructure Operations
File Reference	
Applicant	N/A
Owner	N/A
Confidential Attachment 1	Confidential Attachment - Tender Evaluation Report <u>Reason for Confidentiality:</u> <i>Local Government Act 1995 S5.23(d)(c)</i> – “a contract entered into, or which may be entered into, by the local government which relates to a matter to be discussed at the meeting.”

**PURPOSE**

1. To consider awarding the Tender for the Provision of General Tree Services.

**BACKGROUND**

2. The Shire provides general tree services that include tree pruning, removal and stump grinding. This work is to be completed within three weeks of receipt of the run sheet. Emergency call outs to be attended to in one hour.

**DETAILS**

3. Request for Tenders for this project were advertised on 9 March 2013 in the Local Government Tender section of *The West Australian*, and closed on 27 March 2013.
4. The tender request contains the following clause relating to the selection criteria:

*“The Contract will be awarded to a sole or panel of Tenderer(s), who best demonstrates the ability to provide quality products at a competitive price. The Tendered prices will be assessed with [sic] qualitative and compliance criteria to determine the most advantageous outcome to the Principal.*

*This means that, although price is considered, the Tender containing the lowest price will not necessarily be accepted, nor will the Tender ranked the highest on the qualitative criteria.”*

5. A total of seven tenders were received from the following companies in the appropriate format by the allotted time:

<b>Tenderer</b>
Tree Amigos *
MPK Tree Management
Tree Definitions
Kennedys Tree Services
Beaver Tree Services
Total Tree Services
A1 Walliston Tree Services

\* The submission received from Tree Amigos was judged as non-conforming, as the Offer document had not been signed.

6. Regulation 18 of the Local Government (Functions and General) Regulations 1996, states that tenders:
- "...are to be assessed by the local government by means of a written evaluation of the extent to which each tender satisfies the criteria for deciding which tender to accept and it is to decide which of them it thinks it would be most advantageous to the local government to accept."*

7. A Tender Evaluation Panel assessed each submission based on the following criteria:

- a. Qualitative
- Experience 15%
  - Skills 15%
  - Occupational Safety & Health Policies and Procedures 15%
  - Methodology 15%
- b. Price 40%

8. An arithmetic calculation is then applied to the raw scores to obtain the weighted score.

The weighted tender evaluation scores are shown below:

<b>Tenderer</b>	<b>Weighted Qualitative Score</b>	<b>Weighted Price Score</b>	<b>Total Score</b>	<b>Ranking</b>
MPK Tree Management	28.17	40.0	68.2	1
Beaver Tree Services	37.07	30.4	67.5	2
Kennedys Tree Services	28.06	30.8	58.9	3
Tree Definitions	19.74	36.8	56.5	4
A1 Walliston Tree Services	29.36	10.1	39.5	5
Total Tree Services	22.30	9.9	32.2	6



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## **STATUTORY AND LEGAL IMPLICATIONS**

9. Section 3.57 of the *Local Government Act 1995*, require tenders to be called for all goods and services in excess of \$100,000.

## **POLICY IMPLICATIONS**

10. Policy PUR1 – Purchasing Policy has been followed and complied with.

## **PUBLIC CONSULTATION/COMMUNICATION**

11. Nil.

## **FINANCIAL IMPLICATIONS**

12. The cost of this service is built into project and maintenance budgets, the expenditure for the 2011/12 and 2012/13 financial years was in the vicinity of \$200,000 to \$250,000.

## **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 a panel of contractors is appointed to provide this service with both MPK Tree Management and Beaver Tree Services providing best value responses.
18. The contract is for the length of two years with an option for one 12 month extension.

*Councillors did not discuss the Confidential Attachment and this matter was considered in sequence.*

**Voting Requirements: Simple Majority**

**COMMITTEE RECOMMENDATION TO COUNCIL (D&I 28/2013)**

That Council:

1. Accepts the recommendation of the Tender Assessment Panel to appoint
  - MPK Tree Management as the primary contractor and
  - Beaver Tree Services as the secondary contractor
 for the Provision of General Tree Services, for a period of two years with the opportunity for one 12 month extension.
2. The cost of the service will be in accordance with the following schedules

**Schedule of Rates A - Tree Pruning**

		<b>MPK Tree Management</b>	<b>Beaver Tree Services</b>
<b>Item</b>	<b>Pruning Requirement per Tree</b>	<b>Price Per Tree</b>	<b>Price Per Tree</b>
1	Side Prune	\$40.00	\$150.00
2	Under Prune	\$28.00	\$30.00
3	Canopy Thinning	\$280.00	\$340.00

**Schedule of Rates B - Tree Removal**

<b>Item</b>	<b>Tree Height</b>	<b>Price Per Tree</b>	<b>Price Per Tree</b>
1	0 – 3.00	\$90.00	\$50.00
2	3.1m – 6.00m	\$130.00	\$170.00
3	6.1m – 9.00m	\$290.00	\$370.00
4	9.00m – 14m	\$480.00	\$620.00

**Schedule of Rates C – Stump Grinding**

<b>Item</b>	<b>Stump Diameter</b>	<b>Price Per Stump</b>	<b>Price Per Stump</b>
1	Up to 500mm Diameter	\$65.00	\$50.00
2	501mm – 750mm Diameter	\$80.00	\$80.00
3	751mm – 1000mm Diameter	\$110.00	\$100.00
4	1000mm plus Diameter	\$150.00	\$130.00

**Schedule of Rates D – Specialised Works by request of Principle**

<b>Item</b>	<b>Specialised Works</b>	<b>Price Per Hour</b>	<b>Price Per Hour</b>
1	3 men, truck, chipper and 16mtr Picker	\$275.00	\$380.00
2	3 men, truck, chipper and 24mtr Picker	\$360.00	\$420.00
<b>Item</b>	<b>Specialised Works</b>	<b>Price Per Day</b>	<b>Price Per Day</b>
3	3 men, truck, chipper and 16mtr Picker	\$2,200.00	\$2,900.00
4	3 men, truck, chipper and 24mtr Picker	\$2,500.00	\$3,400.00
<b>Item</b>	<b>Specialised Works</b>	<b>Price Per Hour</b>	<b>Price Per Hour</b>
5	3 men, truck and chipper	\$260.00	\$300.00

**Schedule of Rates E – Emergency Callout & Make Safe & Clean-up**

<b>Item</b>	<b>Make Safe /Remove</b>	<b>Price Per Hour</b>	<b>Price Per Hour</b>
1	Make Safe	\$340.00	\$230.00
2	Clean-up	\$260.00	\$230.00

3. The contract price is fixed for a period of 12 months with CPI (Australia) adjusted annually.

Moved: **Cr Noreen Townsend**

Seconded: **Cr Simon Di Rosso**

Vote: **CARRIED UNANIMOUSLY (12/0)**

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

**29. Consideration of Tenders – Provision of Footpath Sweeping Services (RFT-1305)**

Previous Items	Nil
Responsible Officer	Director Development & Infrastructure
Service Area	Infrastructure Operations
File Reference	
Applicant	N/A
Owner	N/A
Confidential Attachment 1	Confidential Attachment - Tender Evaluation Report <u>Reason for Confidentiality:</u> <i>Local Government Act 1995 S5.23(d)(c)</i> – “a contract entered into, or which may be entered into, by the local government which relates to a matter to be discussed at the meeting.”

**PURPOSE**

1. To consider awarding the Tender for the Provision of Footpath Sweeping Services.
2. The current Contractor for this service is Kalamunda Sweeping.

**BACKGROUND**

3. The Shire undertakes the sweeping of all footpaths, dual use paths, carpark areas, traffic islands and roundabouts as per schedules provided within the specifications as provided in the Request for Tender document.

**DETAILS**

4. Request for Tenders for this project were advertised on 2 March 2013 in the Local Government Tender section of *The West Australian*, and closed on 20 March 2013.
5. The tender request contains the following clause relating to the selection criteria:

*“The Contract will be awarded to a sole or panel of Tenderer(s), who best demonstrates the ability to provide quality products at a competitive price. The Tendered prices will be assessed with [sic] qualitative and compliance criteria to determine the most advantageous outcome to the Principal.*

*This means that, although price is considered, the Tender containing the lowest price will not necessarily be accepted, nor will the Tender ranked the highest on the qualitative criteria.”*

6. A total of three tenders were received from the following companies in the appropriate format by the allotted time:

<b>Tenderer</b>
Kalamunda Sweeping
Chris Cleaning Service
Enviro Sweep

7. Regulation 18 of the Local Government (Functions and General) Regulations 1996, states that tenders:

*"...are to be assessed by the local government by means of a written evaluation of the extent to which each tender satisfies the criteria for deciding which tender to accept and it is to decide which of them it thinks it would be most advantageous to the local government to accept."*

8. A Tender Evaluation Panel assessed each submission based on the following criteria:

- a. Qualitative
  - Experience 30%
  - Skills 10%
  - Occupational Safety & Health Policies and Procedures 20%
- b. Price 40%

9. An arithmetic calculation is then applied to the raw scores to obtain the weighted score.

The weighted tender evaluation scores are shown below:

<b>Tenderer</b>	<b>Weighted Qualitative Score</b>	<b>Weighted Price Score</b>	<b>Total Score</b>	<b>Ranking</b>
Enviro Sweep	43.7	40.0	83.7	1
Kalamunda Sweeping	28.3	29.3	57.7	2
Chris Cleaning	23.8	26.8	50.6	3

## **STATUTORY AND LEGAL IMPLICATIONS**

10. Section 3.57 of the *Local Government Act 1995*, require tenders to be called for all goods and services in excess of \$100,000.

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## **POLICY IMPLICATIONS**

11. Policy PUR1 – Purchasing Policy has been followed and complied with.

## **PUBLIC CONSULTATION/COMMUNICATION**

12. Nil.

## **FINANCIAL IMPLICATIONS**

13. The cost of this service is built into project and maintenance budgets. Expenditure for the 2011/12 financial year was \$183,079.15 and the expenditure for the 2012/13 financial year currently sits at approximately \$128,000.00.

## **STRATEGIC AND SUSTAINABILITY IMPLICATIONS**

### **Strategic Planning Implications**

14. Nil.

### **Sustainability Implications**

#### Social Implications

15. Nil.

#### Economic Implications

16. Nil.

#### Environmental Implications

17. Nil.

## **OFFICER COMMENT**

18. Enviro Sweep is the recommended tenderer on the basis of best value for money.
19. The contract is for the length of three years with two 12 month extensions. The contract price basis is fixed price for the first 12 months, with CPI (Australia) as determined by the Bureau of Statistics.

*Councillors did not discuss the Confidential Attachment and this matter was considered in sequence.*

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<b>Voting Requirements: Simple Majority</b>
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**COMMITTEE RECOMMENDATION TO COUNCIL (D&I 29/2013)**

That Council:

1. Accepts the recommendation of the Tender Assessment Panel to appoint Enviro Sweep as the preferred tenderer for the Provision of Footpath Sweeping Services, for a period of three years with the opportunity for two 12 month extensions.
2. Accepts the cost of supply is in accordance with the following schedule.

<i>Type</i>	<i>Requirement</i>	<i>Price</i>
1.	Paths	\$138,480.00
2.	Car Parks	\$64,560.00
3.	Road Islands and Roundabouts	\$8,400.00
4.	Additional Paths per km per sweep	\$45.00
5.	Public Holiday Call Outs Per Hour	\$145.00
6.	Weekend Call Outs Per Hour	\$135.00
7.	Weekday Call Outs M-F 7.00am - 5.00pm	\$115.00

3. The contract price basis is fixed price for the first 12 months with CPI (Australia) adjusted annually.

Moved: **Cr John Giardina**

Seconded: **Cr Dylan O'Connor**

Vote: **CARRIED UNANIMOUSLY (12/0)**

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

10.1 Nil.

**11.0 QUESTIONS BY MEMBERS WITHOUT NOTICE**

11.1 Cr Bob Emery – Bushfire Season Preparation

Q. I heard an interesting discussion with DEC on the radio recently and was concerned to hear that they feel they have completed only 10% of the burns that should be completed by this time. Please could you let me know what percentage the Shire has completed to date?

A. This question was taken on notice.

Cr Giardina – Resurfacing of Canning Road

Q. When resurfacing was undertaken on Canning Road the surface was sub-standard, I understood the resurfacing was imminent, when will this take place?

A. This question was taken on notice.

Cr Whitten – Kerbside Collection

Q. How is the kerbside collection progressing?

A. Manager Infrastructure Operations confirmed the current collection had just finished and was the final kerbside collection in the Shire. Skip bins will be available from 1 September 2013 for residents to order.

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

12.1 Cr Noreen Townsend – CSAC

Q. Could Councillors and staff be made aware of the workings of the Community Sustainability Advisory Committee (“CSAC”) by means of a presentation?

A. A Councillor Forum has been scheduled on 22 July 2013 to provide an understanding of the role and structure of the Committee.

12.2 Cr Sue Bilich – Derelict Building on Canning Road

Q. I have asked about this previously and the Shire was writing to the landowner of the property, nothing has changed and the chimney stack is looking even more dangerous. Could I please ask if a response has been received and if not what can the Shire do in this instance?

A. A Notice of intent to issue a Building Order was issued on 9 April 2013. The contractor has contacted the Shire to advise works will be carried out as per the order. The matter will be followed up on 7 May 2013.



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

13.1 Nil.

**14.0 MEETING CLOSED TO THE PUBLIC**

14.1 Nil.

**15.0 CLOSURE**

15.1 There being no further business the Chairman declared the meeting closed at 7.00pm.

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

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

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 2013