

# **Minutes**

**UNCONFIRMED**

**SPECIAL COUNCIL MEETING  
7.00pm, 14 APRIL, 2014  
Council Chambers, Civic Centre  
23 Dundobar Road, Wanneroo**



# City of Wanneroo

## UNCONFIRMED MINUTES OF SPECIAL COUNCIL MEETING

HELD ON MONDAY 14 APRIL, 2014

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# MINUTES

***Please refer to agenda for details of full reports and attachments.***

Mayor Roberts declared the meeting open at 7.00pm and read aloud the prayer.

*Good evening Councillors, staff, ladies and gentlemen, we acknowledge the Traditional Owners of the land on which we meet and I invite you to bow your head in prayer:*

*Lord*

*We ask for your blessing upon our City, our community and our Council. Guide us in our decision making to act fairly, without fear or favour and with compassion, integrity and honesty. May we show true leadership, be inclusive of all, and guide the City of Wanneroo to a prosperous future that all may share. We ask this in your name.*

## **Item 1 Attendance**

TRACEY ROBERTS, JP

**Mayor**

### **Councillors:**

DOT NEWTON, JP	Central Ward
FRANK CVITAN, JP	Central Ward
SABINE WINTON	Coastal Ward
GLYNIS PARKER	Coastal Ward
RUSSELL DRIVER	Coastal Ward
NORMAN HEWER	North Ward
LINDA AITKEN	North Ward
BRETT TREBY	South Ward
DOMENIC ZAPPA	South Ward
DENIS HAYDEN	South Ward
HUGH NGUYEN	South Ward

### **Officers:**

DANIEL SIMMS	Chief Executive Officer
LEN KOSOVA	Director, Planning and Sustainability
CHRIS MORRISON	Director, City Businesses
DENNIS BLAIR	Director, Infrastructure
JOHN PATON	Director, Corporate Strategy & Performance
TIM EVANS	A/Manager Executive Services
MICHAEL PENSON	Manager Property Services
HARMINDER SINGH	Manager Infrastructure Maintenance
NICOLA GANNON	Property Lawyer
BOB FIGG	Manager Communication and Events
JACQUELINE ROGERS	Senior PR/Communications Officer
ANNETTE ELLERBY	Manager Risk and Business Improvement
NICKY BARKER	Minute Officer

**Item 2 Apologies and Leave of Absence**

BOB SMITHSON	Coastal Ward
DIANNE GUISE	Central Ward
FIONA BENTLEY	Director, Community Development

There was 176 members of the public and one (1) member of the press in attendance.

**Item 3 Public Question Time****SPQ01-04/14 Mr M. Garruthers, Woodbine Loop, Tapping**

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**Statement**

*Mr Garruthers referred to drownings and rescues at local beaches which caused their closure. Actions by Council, amongst other things, was to erect signs warning of the dangers. In total, Council erected almost 100 signs along the beach warning of the dangers. At Dewars Track, there is no record of accidents resulting in death or injury.*

**Question 1**

*Why did the Council not erect signs instead of closing the track without notice?*

**Response by Mayor Roberts**

It is acknowledged that Council did erect signage at the beaches in association with Surf Lifesaving W.A. In relation to the closure of Dewars Track, the Director of Infrastructure drove the track with his team and had serious safety concerns. It was therefore closed so that Council could assess.

**Response by Director Infrastructure**

There are signs in place on the track particularly advising of crests, etc. As previously indicated, concern was about two way traffic at the crests and curves where sight distance is restricted.

**SPQ02-04/14 Ms N. Sangalli, Quinns Road, Quinns Rocks**

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**Statement**

*Ms Sangalli referred to the recommendation under Easement Variation No. 1. Council has mentioned recurring damage to the access way from vandalism or otherwise.*

**Question 1**

What does "otherwise" mean?

**Response by City's Legal Officer**

It is not always possible in a document such as this to capture every circumstance that may occur. The "otherwise" gives Administration the discretion to exercise the power if there is damage.

**Question 2**

*If "otherwise" is open to interpretation in the document, would it not also be reasonable to assume that the term would also be open to interpretation by Rangers? What is interpreted by some to be anti social behaviour may not be by others.*

**Response by City's Legal Officer**

This particular section of the easement relates to recurring damage so it would have to be behaviours that was causing damage to the access way.

**Response by Chief Executive Officer**

To provide clarification on the process to close the track in accordance with this clause, the decision would not be made by a Ranger. The Ranger would be required to make a recommendation to a Director and it would be either the Director City Businesses, the Director Infrastructure or the CEO who would make the closure call. It would have to meet the test of extenuating circumstances.

**SPQ03-04/14 Mr S. Hoskisson, Lillico Avenue, Burns Beach**

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**Question**

*What plans does the City have to provide an alternative recreation area for four wheel drivers and off road vehicles if this track is closed?*

**Response by Mayor Roberts**

That is a matter for Council to decide this evening.

**SPQ04-04/14 Mr S. Flanigan, Kalix Elbow, Merriwa**

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**Question**

*What is the four wheel drive experience of our Director Infrastructure?*

**Response by Director Infrastructure and Chief Executive Officer**

Although very limited the Director is a qualified engineer and is responsible for assessing safety on the City's thoroughfares.

**SPQ05-04/14 Mr M. McCallum, Keeley Way, Girrawheen**

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**Question 1**

*What will the ranger patrols be if the track is re-opened?*

**Response by Director City Businesses**

Ranger patrols are currently quite consistent evidenced by the number of cautions and infringements handed out. The City is looking at increasing this presence and depending on

Council's recommendation, this may change. The public holiday weekend will see a permanent Ranger presence and additional parking arrangements.

**Question 2**

*Has Administration made contact with local police to undertake patrols in the area?*

**Response by Mayor Roberts**

The City works closely with police.

**Response by Director City Businesses**

In every area, including this, the City works very closely with law enforcement and emergency services.

**Question 3**

*Administration's response to a previous question asked at the last meeting was that 10 infringements and 11 cautions had been issued. Has this changed since that time?*

**Response by Director City Businesses**

The cautions referred to were the verbal cautions recorded. The official cautions on paper were what was being referenced originally.

The City has to adopt a zero tolerance policy going forward.

**Question 4**

*How many verbal cautions have been issued?*

**Response by Director City Businesses**

71 in last 12 months.

## Item 4 Reports

**Declarations of Interest by Elected Members, including the nature and extent of the interest. Declaration of Interest forms to be completed and handed to the Chief Executive Officer.**

Nil

### Infrastructure

#### Other Matters

#### **SIN01-04/14 Status of Temporary Closure of Dewars Beach Access track**

File Ref:	1695 – 14/102905
Responsible Officer:	Director Infrastructure
Disclosure of Interest:	Nil
Attachments:	1

Moved Cr Treby, Seconded Cr Winton

That Council:-

1. NOTES the decision made by the Director Infrastructure under Delegated Authority (for the closure of thoroughfares to vehicles for period not exceeding four weeks in accordance with Section 3.50(1) of the Local Government Act) to close the Dewars Beach Access Track from 21 March 2014 for 28 days due to safety risks to the public;
2. NOTES that Council has no authority under Section 3.50 (1) of the Local Government Act to extend the temporary closure of the Dewars Beach Access Track beyond the 28 day period ending 17 April 2014;
3. DELEGATES to the Chief Executive Officer the authority to negotiate with the Landowners regarding the terms of the new public access easements over Lot 13 and Lot 14;
4. AUTHORISES the Mayor and Chief Executive Officer to affix the seal to the surrender of the public access easement and to the new public access easement document/s required to effect the variation of the public access easement;
5. NOTES that minor widening and regrading of the Track, installation of new and additional signage as supported by Local Government Insurance Scheme and installation of fencing are programmed for completion on 17 April 2014;
6. NOTES the opening of the Dewars Beach Access Track will occur on 17 April 2014;
7. NOTES that if the Landowners have not executed the new public access easement the City is required to limit the vehicles that use the Dewars Beach Access Track pursuant to the terms of the current easement;
8. AUTHORISES Administration to appoint a consultancy team to undertake a survey, preliminary design and cost estimates for widening of the Track and/or use of adjoining Tracks and the construction of a wider airing down area;
9. NOTES that Administration will report to Council on the outcomes of Item 8 above, negotiations with the Landowners and update on the approval process for these works, in September 2014;

10. Pursuant to Section 6.8(1) of the Local Government Act 1995, APPROVES BY ABSOLUTE MAJORITY the unbudgeted expenditure of \$40,000 for a consultancy team to undertake a survey, preliminary design and cost estimates for widening of the Track and/or use of adjoining Tracks and the construction of a wider airing down area; and
11. NOTES the following budget variation to fund the appointment of a consultancy team to undertake a survey, preliminary design and cost estimates for widening of the Track and/or use of adjoining Tracks and the construction of a wider airing down area:

## EXPENDITURE

Cost Code	From	To	Description
733710-9399-229	\$40,000		Engineering Maintenance – External Contract Expenses
PR-2450		\$40,000	Dewars Beach Access Track medium to long term proposal

**Amendment****Moved Cr Parker, Seconded Cr Driver**

*That the recommendation be amended to include an Item 12 as follows:*

12. **REQUESTS Administration to prepare a policy and a 5 year strategy to support all off road activities such as 4X4 motor vehicles and motor/quad bikes. The strategy should be developed with our existing Community Consultation and Engagement policy and include registered clubs and associations. This should examine options to work with other agencies on utilising government owned or leased land. Administration to present these back to Council within 6 months.**

The amendment was put and

**CARRIED UNANIMOUSLY**

**Amendment****Moved Cr Aitkin, Seconded Cr Hewer**

*That the recommendation be amended to include Items 13 and 14 as follows:-*

13. **REQUESTS Administration to investigate prohibiting parking on Dame Pattie Drive of motor vehicles other than those owned by residents; and**
14. **REQUESTS Administration to investigate an alternative access from Breakwater Drive Two Rocks and report back to Council.**

The amendment was put and

**CARRIED  
7/5**

**For the motion:** Cr Aitken, Cr Cvitan, Cr Driver, Cr Hewer, Cr Newton, Cr Parker and Mayor Roberts

**Against the motion:** Cr Hayden, Cr Nguyen, Cr Treby, Cr Winton, Cr Zappa



**Substantive Motion as amended:-****That Council:-**

1. **NOTES** the decision made by the Director Infrastructure under Delegated Authority (for the closure of thoroughfares to vehicles for period not exceeding four weeks in accordance with Section 3.50(1) of the Local Government Act) to close the Dewars Beach Access Track from 21 March 2014 for 28 days due to safety risks to the public;
2. **NOTES** that Council has no authority under Section 3.50 (1) of the Local Government Act to extend the temporary closure of the Dewars Beach Access Track beyond the 28 day period ending 17 April 2014;
3. **DELEGATES** to the Chief Executive Officer the authority to negotiate with the Landowners regarding the terms of the new public access easements over Lot 13 and Lot 14;
4. **AUTHORISES** the Mayor and Chief Executive Officer to affix the seal to the surrender of the public access easement and to the new public access easement document/s required to effect the variation of the public access easement;
5. **NOTES** that minor widening and regrading of the Track, installation of new and additional signage as supported by Local Government Insurance Scheme and installation of fencing are programmed for completion on 17 April 2014;
6. **NOTES** the opening of the Dewars Beach Access Track will occur on 17 April 2014;
7. **NOTES** that if the Landowners have not executed the new public access easement the City is required to limit the vehicles that use the Dewars Beach Access Track pursuant to the terms of the current easement;
8. **AUTHORISES** Administration to appoint a consultancy team to undertake a survey, preliminary design and cost estimates for widening of the Track and/or use of adjoining Tracks and the construction of a wider airing down area;
9. **NOTES** that Administration will report to Council on the outcomes of Item 8 above, negotiations with the Landowners and update on the approval process for these works, in September 2014;
10. Pursuant to Section 6.8(1) of the Local Government Act 1995, **APPROVES BY ABSOLUTE MAJORITY** the unbudgeted expenditure of \$40,000 for a consultancy team to undertake a survey, preliminary design and cost estimates for widening of the Track and/or use of adjoining Tracks and the construction of a wider airing down area; and
11. **NOTES** the following budget variation to fund the appointment of a consultancy team to undertake a survey, preliminary design and cost estimates for widening of the Track and/or use of adjoining Tracks and the construction of a wider airing down area:

**EXPENDITURE**

Cost Code	From	To	Description
733710-9399-229	\$40,000		Engineering Maintenance – External Contract Expenses
PR-2450		\$40,000	Dewars Beach Access Track medium to long term proposal

12. **REQUESTS** Administration to prepare a policy and a 5 year strategy to support all off road activities such as 4X4 motor vehicles and motor/quad bikes. The strategy should be developed with our existing Community Consultation and Engagement policy that includes registered clubs and associations. This should examine options to work with other agencies on utilising government owned or leased land. Administration to present these back to Council within 6 months.
13. **REQUESTS** Administration to investigate prohibiting parking on Dame Pattie Drive of motor vehicles other than those owned by residents; and
14. **REQUESTS** Administration to investigate an alternative access from Breakwater Drive Two Rocks and report back to Council.

The substantive motion was put as amended and

**CARRIED BY ABSOLUTE MAJORITY  
12/0**

### **Item 5 Date of Next Meeting**

The next Elected Members' Briefing Session is scheduled for 6.00pm on Tuesday 22 April 2014, to be held at Council Chambers, 23 Dundobar Road, Wanneroo.

### **Item 6 Closure**

There being no further business the meeting closed at 7.52pm.

### **In Attendance**

TRACEY ROBERTS, JP

**Mayor**

### **Councillors:**

DOT NEWTON, JP	Central Ward
FRANK CVITAN, JP	Central Ward
SABINE WINTON	Coastal Ward
GLYNIS PARKER	Coastal Ward
RUSSELL DRIVER	Coastal Ward
NORMAN HEWER	North Ward
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