# CITY OF GOSNELLS

## ORDINARY COUNCIL MEETING

### 11 FEBRUARY 2003

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**PLEASE NOTE:** No Appendices and not all Diagrams, Maps and Plans are included in these Minutes, however, can be viewed in the hard copy of this document kept at Council’s Libraries and Administration Centre.

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Minutes of the Ordinary Council Meeting held in the Council Chambers, Administration Centre, Gosnells on Tuesday 11 February 2003.

OPENING AND WELCOME

The Mayor declared the meeting open at 7.33pm and welcomed those members of the public present in the public gallery, Councillors and staff.

DISCLAIMER

The Mayor read aloud the following statement:

Members of the public are cautioned against taking any action on Council decisions, on items on this evening’s Agenda in which they may have an interest, until such time as they have seen a copy of the Minutes of the meeting or have been advised in writing by Council staff.

COUNCIL MEETINGS – RECORDING OF

The Mayor advised all those present that the meeting was being digitally recorded.

Notice within the Public Gallery in relation to recordings state:

Notice is hereby given that all Ordinary Council Meetings are digitally recorded, with the exception of Confidential matters (in accordance with Section 5.23(2) of the Local Government Act 1995) during which time recording will cease.

Following documentation of the Minutes and distribution to Elected Members, but by no later than ten (10) business days after an Ordinary Council Meeting, a copy of the digital recording shall be available for purchase by members of the public.

Recordings will be available in the following formats at a fee adopted by Council annually:

* Digital recordings CD ROM (complete with FTR Reader) for use on a Personal Computer; or
* Audio recordings CD ROM for use on a CD Player or DVD Player.

For further information please contact the Administration Assistant on 9391 3212.

I ________________________________________________CERTIFY THAT THESE MINUTES WERE CONFIRMED BY THE COUNCIL OF THE CITY OF GOSNELLS ON _________________________
PRESENT

ELECTED MEMBERS

MAYOR
P M MORRIS AM JP

DEPUTY MAYOR
R MITCHELL

COUNCILLORS
S IWANYK (Arrived 8.06pm)
C MATISON
J BROWN JP
MD DEVEREUX JP
R CROFT
AJ SMITH APM
O SEARLE JP
A PISANO JP (Arrived 7.38pm)
S MOSS

STAFF

CHIEF EXECUTIVE OFFICER
MR S JARDINE

COMMUNITY SERVICES DIRECTOR
MS A COCHRAN

CORPORATE SERVICES DIRECTOR
MR R BOUWER

ACTING INFRASTRUCTURE DIRECTOR
MR T PERKINS

PLANNING & SUSTAINABILITY DIRECTOR
MR R HAEREN

ACTING REGULATORY SERVICES DIRECTOR
MR R WELLS

MINUTE SECRETARY
MS A CRANFIELD

PUBLIC GALLERY

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1. APOLOGIES

Cr N Smith was granted Leave of Absence vide Resolution 987 of the Ordinary Council Meeting held on 17 December 2002.

2. DECLARATIONS OF INTEREST

Cr AJ Smith declared an Impartiality Interest in item 11.2 “SafeCity Task Force”.
Reason: Member of the SafeCity Task Force.

Cr PM Morris declared an Impartiality Interest in item 11.2 “SafeCity Task Force”.
Reason: SafeCity Task Force Chairman.

Cr S Iwanyk declared an Impartiality Interest in item 11.2 “SafeCity Task Force”.
Reason: Council delegate to Task Force.
Cr R Mitchell declared a Financial Interest in item 12.5.20 “Initiation of legal proceedings – failure to comply with Local Government Act notice and Town Planning Scheme No. 6 of non permitted use class “Storage” – No. 159 (Lot 313) William Street, Beckenham”.

**Reason:** Owner of investment property in same street.

Cr R Mitchell declared a Financial Interest in item 13.7 “William Street – funding options to re-establish as a residential street”.

**Reason:** Owner of investment property in same street.

Cr J Brown declared an Impartiality Interest in item 13.8 “Maddington Rotary Club – not invited to 2002 Annual Dinner”.

**Reason:** Ex past president of the Maddington Rotary Club not a financial Rotarian currently.

### 3. ANNOUNCEMENTS BY THE MAYOR

*(without discussion)*

The Mayor circulated to Councillors a list of functions and events she had attended since Tuesday 17 December 2002.

### 4. REPORTS OF DELEGATES

Cr AJ Smith reported that on Sunday 9 January 2003 he attended, at the invitation of Mrs Hughes, a memorial service for her son Rick at the Bower Street Reserve conducted by police Chaplain Barry May, and conveyed thanks on behalf of Mrs Hughes for Council allowing a tree to be planted in the area.

Cr AJ Smith reported that he had submitted his report on his attendance at a recent conference in the Eastern States.

### 5. QUESTION TIME FOR THE PUBLIC AND THE RECEIVING OF PUBLIC STATEMENTS

A period of fifteen (15) minutes is allocated for questions with a further period of fifteen (15) minutes provided for statements from members of the public. To ensure an equal and fair opportunity is provided to address Council, a period of three (3) minutes per speaker will be allowed.

The person's speaking right is to be exercised prior to any matter which requires a decision to be made at the meeting.

Questions and statements are to be –
a) Presented in writing on the relevant form to the Chief Executive Officer prior to commencement of the meeting; and

b) Clear and concise.

**QUESTIONS TAKEN ON NOTICE AT PREVIOUS MEETINGS AWAITING RESPONSE**

Nil.

**RESPONSES TO QUESTIONS TAKEN ON NOTICE AT PREVIOUS MEETINGS**

**26 November 2002 Ordinary Council Meeting**

The following question was posed at the 26 November 2002 Ordinary Council Meeting:

* Mr Peter Hitchins of 36 Galaxy Street, Beckenham asked the following questions:

  Q 3  *In reply to a question I posed at the OCM of 24 September I received the response by letter “no requests for other improvements on record”. The improvements alluded to related to the Woodlupine Brook Reserve in Beckenham. Where are the records gone of my previous applications for improvements to the Woodlupine Brook Reserve dating back to 1999?*

  **Response:** Refer to response from Director Infrastructure dated 16 January 2003 reprinted after Mr Hitchins related second question posed at the 17 December 2002 Ordinary Council Meeting.

**17 December 2002 Ordinary Council Meeting**

The following questions were posed at the 17 December 2002 Ordinary Council Meeting with the responses as already provided to the correspondents listed accordingly:

* Mr Peter Hitchins of 36 Galaxy Street, Beckenham asked the following questions:

  Q 1  *Why is the boundary fence at Mills Park, Beckenham being moved approximately 4 metres westward, that is, towards Brixton Street. Is it the intent to foil any public attempt to have a slip lane installed onto the Roe Highway?*

  **Response:** In reply to Mr Hitchins, the Acting Director Infrastructure provided the following written response on the 11 February 2003:
“I refer to your question concerning moving the boundary fence at Mills Park, Beckenham and advise that this project related to the work being carried out by Main Roads Western Australia in relation to the construction of the Roe Highway.

You would need to contact Mr Randall Field at Main Roads Western Australia on telephone 9356 2717 for any information or details pertaining to this work.”

Q 2 What has happened to all the previous requests for improvements to the Woodlupine Brook Reserve back 2-3 years? Requests included planting of more trees, shade at playgrounds, more seats, rubbish bin signage etc, looking at re-watering southern section and better maintenance, including the Brook itself.

Response: In reply to Mr Hitchins, the Director Infrastructure provided the following written response on the 16 January 2003 in relation to question 3 posed at the 26 November 2002 and question 2 posed at the 17 December 2002 Ordinary Council Meetings:

“In response to your question regarding requests for improvements to the Woodlupine Brook Reserve, I refer you to the following:

On 29 May 2001 you were advised in writing that the requests for additional infrastructure (shade structures, seating, etc) would be considered for inclusion in the 2002/2003 Budget.

On 28 August 2001 you were advised in writing that the City did not propose to carry out the preparation of a detailed concept or master plan for the Woodlupine Brook Reserve as it does not fall into the category of a major multi-use active and passive reserve.

The replacement of the fence at the Woodlupine Brook Reserve has been identified as a project to be considered for inclusion in the 2003/2004 Budget. Unfortunately the other items (additional trees, seating, etc) you requested to be considered for inclusion in the budget are not a priority at this stage, as development of neighbourhood parks is considered a higher priority.

As part of the City’s budgetary process all capital expenditure items are processed through resource allocation modeling software (RAMS) to prioritise the projects in accordance with the requirements of the City’s Strategic Plan. This ensures that the projects that provide the most benefit (social, environmental and financial) are included in the annual budgets in priority order. This type of modeling also ensures that all submissions are considered equally and any personal subjectivity and emotion are removed from the selection process.
I trust the above explains why some of your requests for improvements to the Woodlupine Brook Reserve have not been included in the preliminary works programme.”

* Ms Sharon Hodges of 26 Belmont Road, Kenwick asked the following questions:

Q 1 Why were only 14 residences in Kenwick notified of the original proposal for a Girls School?

Q 2 Has the community centre submitted a plan for sewerage and drainage works yet?

Response: In reply to Ms Hodges, the Manager City Planning provided the following written response on the 3 January 2003:

I refer to questions you submitted at Council’s meeting of 17 December 2002, regarding a proposed Islamic Girls School on the abovementioned property.

As you may be aware, Council resolved to:-

Resolution 995

“That Council refuse the development application for an Islamic Girls’ School located at 404-408 (Lot 30) Bickley Road, Kenwick for the following reasons:

1. The proposed development does not comply with the City’s Town Planning Scheme No. 6 Scheme Report objectives for the future development of Kenwick.

2. The proposed development does not comply with draft Foothills Rural Strategy with respect to future strategic industrial development.

3. Approval of the proposed development would be premature and would not be in the best interests of proper and orderly planning of the locality.”

In response to your queries, the following information is provided:-

Question 1 – Referrals of the application were made in accordance with standard Council policy, which basically requires that nearby residences either directly opposite or abutting the development site be referred to.

Question 2 – Council records do not indicate any lodgment of plans in relation to sewage and drainage works. Please note development of a
community centre will require lodgment of plans for a building licence. At this time, no such application has been received by Council.

If you have any queries regarding the abovementioned matter, please contact Tim Price on the above number.

* Ms Anne-Marie Thompson of 24 Belmont Road, Kenwick asked the following questions:

**Q 1** We have three schools and 3 community centres in Kenwick, why do we need another one of either considering we are also such a small suburb?

**Q 2** Is an extension of hours being granted as this community centre is used in the late evening and very early morning before daylight?

**Response:** In reply to Ms Thompson, the Manager City Planning provided the following written response on the 3 January 2003:

I refer to the formal questions you submitted on 16 December 2002 in relation to the abovementioned development proposal. Please be advised that at its meeting on 17 December 2002, Council resolved that:-

Resolution 995

“That Council refuse the development application for an Islamic Girls’ School located at 404-408 (Lot 30) Bickley Road, Kenwick for the following reasons:

1. The proposed development does not comply with the City’s Town Planning Scheme No. 6 Scheme Report objectives for the future development of Kenwick.

2. The proposed development does not comply with draft Foothills Rural Strategy with respect to future strategic industrial development.

3. Approval of the proposed development would be premature and would not be in the best interests of proper and orderly planning of the locality.”

In response to your queries, the following information is provided:-

Question 1 – A school is a use which Council may consider on its merits within the Rural zone. The applicants therefore have a right to lodge an application for Council consideration. The existence of other schools and community centres in the area associated with other ethnic organisations, is not a specific planning matter.
Question 2 – In response to your query regarding operating hours for the proposed community centre, please be advised that at its meeting 27 August 2002, Council resolved that:-

Resolution 692

“That Council approve the development of a Community Purpose Centre on 404-408 (Lot 30) Bickley Road, Kenwick subject to:


2. Compliance with the Department of Environmental Protection (Noise) Regulations 1997.

3. Applicant to submit a Drainage Management Plan incorporating a Hydrology and Geotech Report to the satisfaction of Council.

4. The site is to be connected to reticulated sewerage system.

5. Proposed Bus shed outbuilding to comply with the City’s Policy 5.1.16 – Outbuildings.

6. Relocation of the bus shed so that it is sited in close proximity to proposed community centre buildings to the satisfaction of the Director Planning and Sustainability.

7. Provision of a total of 70 car parking bays to be paved, drained and marked on site, with the provision of a grassed parking overflow area.

8. Provision of shade trees for the car park area at suitable locations.

9. Standard Conditions: 3.2, 4.1, 4.4($40,000), 5.1, 7.1, and 8.1.”

You will note there are no specific conditions relating to operating hours, however condition 2 above refers to DEP Noise Regulations which do vary throughout the time of day/night. Compliance with the DEP Noise Regulations may in effect impose operating time requirements.

If you have any queries about the particulars of the DEP Noise Regulations, please contact Council’s Environmental Health Services.

If you have any other queries regarding these matters, please contact me on the above number.
5.1 QUESTION TIME

* Mr John Henderson of 21 Costello Street, Maddington asked the following questions:

Q 1 Some time ago I wrote a letter to the Council on Councillors payments and expenses. I received a letter from Mr Perkins saying it was too difficult and time consuming to answer my letter. I asked again at the Annual General Meeting 2001/2002 and I asked you Madam Mayor the same question on Councillors payments and expenses for the year 2001/2002, but I have never received it in writing and you said it would be attended to.

Response: The Mayor directed the question to Mr Trevor Perkins, currently in the position of Acting Director Infrastructure, who advised that he would follow up on the exact information required and provide a written response.

Q 2 The second question not answered at the AGM is regarding the proposed three transfer station sites that Mr Corbe said were being considered, I would like to know what those sites are?

Response: The Acting Director Infrastructure advised that after only one week in the position, he was not aware what sites were being considered, however, he understood that staff were currently reviewing all waste processes in the City and were looking at alternative options and to his knowledge, at this stage, nothing had been identified to Council.

Mr Henderson advised that Mr Corbe had offered to provide a response in writing as to what the three sites were and requested that his questions be answered. The Acting Director Infrastructure responded that unfortunately the information had not been conveyed to him. The Mayor reiterated that a written response would be provided to both questions.

* Mr Colin Conceicao of Landmark, 282 Rokeby Road, Subiaco asked the following question in relation to item 12.5.1 “Consideration of the West Canning Vale (Campbell Estate) Outline Development Plan” of the agenda:

Q 1 In perusing staff recommendation 2 of 2 could Council please ensure staff involve landowners in the consultation process and refer the EPA issues to Bowman Bishaw Gorham prior to seeking further advice from the DEP and Water and Rivers Commission?

7.38pm - Cr A Pisano arrived at the meeting.
Response: The Director Planning and Sustainability advised there would be a meeting with the Department of Environmental Protection and the Waters and Rivers Commission to clarify any issues. Depending on the outcome, and if they required any substantive change, advice would be sought from Bowman Bishaw Gorham and there would be consultation with the landowners.

Mr Conceicao asked further if there was any chance that the landowners could talk with Council staff prior to that occurring to which the Director Planning and Sustainability advised he would be happy to oblige.

* Mr Peter Green of Lot 284 Fairlie Road, Canning Vale asked the following question in relation to item 12.5.1 “Consideration of the West Canning Vale (Campbell Estate) Outline Development Plan” of the agenda:

Q 1 Why does Council continue to delay the approval of the Outline Development Plan? Council has had since 1996 to complete this work. We have seen countless professional officers work on this project, including Graeme Morris, David Ritchings, Steve Thorne, Tim Price, Ray Haeren, Maureen Hegarty and Simon Wilkes to name a few. There is no solution in sight and we request Council move to finalise and approve the ODP immediately. Will Council bring this item forward in the agenda?

Response: The Director Planning and Sustainability advised that the initial process undertaken by Council was suspended at the request of landowners to enable them to work with an individual developer and his understanding was that the involvement of Mr Morris was as an employee of Satterly, not the City. However, when the landowners and the property development group were unable to progress the matter further, it was at that time that Council took over and at that point there had been significant changes in stance by some environmental authorities. He added that Council staff have been working to try and finalise the ODP as quickly as they are able to.

* Mr Laurence Douglas of Lot 285 Fairlie Road, Canning Vale asked the following questions in relation to item 12.5.1 “Consideration of the West Canning Vale (Campbell Estate) Outline Development Plan” of the agenda:

Q 1 Given the complexities of the issues associated with West Canning Vale ODP and the fact that this agenda item is made up of a 40 page report, why has Council failed to:

(a) Conduct public meetings with the landowners to discuss their concerns in a public forum?
(b) Conduct a detailed briefing session for the Councillors so that they are at least more aware of the issues and ramifications to landowners and Council before they are required to vote on it?

Q 2 Why are the landowners within the West Canning Vale area known as Campbell estate being penalised with a 15.1% public open space commitment in lieu of the established norm of 10% as required by the State Government and subsequently implemented in all other developments within the City of Gosnells?

Response: The Director Planning and Sustainability agreed there was no doubting the complexity of this issue. He advised that the item before Council tonight sought to address some of the issues mentioned previously regarding attempting to deal with the matter promptly, as some concerns raised related to delays, adding that should Elected Members feel that they are not fully aware of all matters pertaining to the issue prior to making a decision they could always refer the matter back to allow for a briefing session. In terms of penalisation, the Director advised that the existing Canning Vale Outline Development Plan, which covers another portion of Canning Vale, also has land requirements above 10% because that amount not only incorporates public open space, but it also includes conservation areas and requirements for drainage. He added that the public open space mechanism is applied, however, there are a number of areas within the City where more than 10% of land is required for those combined uses.

Mr Douglas asked the Director the whereabouts of those areas.

The Director Planning and Sustainability advised the Canning Vale Outline Development Plan as being one, also the Lakey Street Outline Development Plan which is the area adjoining the Canine Association explaining that this area also had conservation and wetlands over and above. He added the area that is currently being developed for the Holmes Street Outline Development Plan showed preliminary indications that public open space requirements were likely to be in the order of 18%, which staff were currently looking at resolving.

Mr George Walczak of 99 Victoria Road, Kenwick asked the following questions in relation to item 12.5.9 “Development application - Transport Depot – 96 (Lot 272) Victoria Road, Kenwick” of the agenda:

Q 1 Is the applicant Peat Resources the owner/occupier of the proposed transport depot site?

Response: The Director Planning and Sustainability advised that was his understanding.
Q 2 Can someone who is not the occupier of a rural zoned property put in an application for a transport depot?

**Response:** The Director Planning and Sustainability advised that as long as they have the consent of the landowner they are able to lodge an application.

* Mr Peter Hitchins of 36 Galaxy Street, Beckenham asked the following questions on behalf of the Bickley Ward Progress and Ratepayers Association:

Q 1 Why have the “neetascreen” colourbond fences been erected on the western side of the Brixton Street on the Brixton Street bridge and at the north end of William Street, when this type of fence was rejected as unsuitable by the City?

**Response:** The Acting Director Infrastructure advised that the City is currently working with Main Roads to have the issue resolved and his understanding was that there had been numerous meetings with Main Roads and a number of community members in the area with a view to having the fences modified or removed, with part of the solution also being to revegetate the land so that it screened the area. He reiterated that the City was still working with Main Roads with an undertaking been given that works would be carried out in the near future.

Mr Hitchins clarified that his question was “how can they be erected when Council had already knocked them back?”.

The Director Planning and Sustainability advised that although it is a practice of Main Roads Western Australia to seek Council’s advice on development proposals, they are not bound to necessarily listen to it, explaining that what had resulted was staff having to negotiate the outcome as they could not compel Main Roads to act on their original advice.

Q 2 What is the current status of Lot 100 Balfour Street, Huntingdale, the ex-Byatt Poultry Farm?

**Response:** The Director Planning and Sustainability sought clarification from Mr Hitchins as to what he was referring to in terms of status.

Mr Hitchins advised he wanted to know where Council was at this point in time as a year or so ago the site was to be sold and redeveloped, then it was put on hold from the Planning Commission. He was wondering where it was at now.

The Director Planning and Sustainability explained that advice was sought from the WA Planning Commission as to their intention as they
are a part owner of the land and any process of sale would require their approval. He added that they have indicated verbally that they may be willing to purchase Council’s portion of the land which has now been put to them in writing and staff were currently awaiting a written response before referring to Council for consideration.

Notation

The Mayor advised Mr Hitchins that staff would be unable to address the notation made on his form this evening adding that a response would be provided in writing. The notation read:

Please Note: Am still awaiting response to query on the fence at Mills Park, OCM, Dec 2002.

The question referred to by Mr Hitchins was responded to in writing by the Acting Director Infrastructure 11 February 2003 and is reprinted in these Minutes beneath the heading “Responses to Questions Taken on Notice at Previous Minutes” for the 17 December 2002.

Q 3 Why was the suburb of Beckenham not included in the ‘New revitalization Program’ of Bickley Ward suburbs?

Response: The Chief Executive Officer advised that through its Strategic Plan and the process of determining priorities with the community the older suburbs of the City were identified as needing to be sequentially dealt with and Maddington and Kenwick were determined after Gosnells as the next highest priorities. He added that Beckenham has not been excluded but in terms of the current priorities in the Strategic Plan, Beckenham has not been identified at this stage.

* Mr Warner Baxter of 37 Kelvin Road, Maddington asked the following question:

Q 1 Why, after such a short period of time since the boundary issue was debated, is it back on the agenda? Why can’t the decision that was made on this issue be accepted?

Response: The Acting Director Infrastructure explained that the matter was included in the agenda as a result of a motion proposed by a Councillor and he suggested that Mr Baxter discuss the matter with that Councillor to determine the reason for the motion.
Notation

The Mayor announced that the period for receiving of questions and public statements had expired, with Cr R Mitchell moving the following motion to enable an extension of time:

<table>
<thead>
<tr>
<th>COUNCIL RESOLUTION</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>8</strong> Moved Cr R Mitchell Seconded Cr O Searle</td>
</tr>
<tr>
<td>“That an extension of time be granted for the receiving of questions and public statements from the public during item 5. “Question Time for the Public and the Receiving of Public Statements”.”</td>
</tr>
<tr>
<td>CARRIED 10/0</td>
</tr>
<tr>
<td><strong>FOR:</strong> Cr C Matison, Cr J Brown, Cr MD Devereux, Cr R Croft, Cr AJ Smith, Cr R Mitchell, Cr O Searle, Cr A Pisano, Cr S Moss and Cr PM Morris.</td>
</tr>
<tr>
<td><strong>AGAINST:</strong> Nil.</td>
</tr>
</tbody>
</table>

* Mr Kevin Molloy of 5 Kyme Court, Gosnells asked the following questions in relation to item 12.5.8 “Development application – 58 grouped dwellings, 33-43 (Lot 888) Seaforth Avenue, Gosnells” of the agenda:

Q 1 What, if any, conditions will be imposed on the developers to protect our health and enjoyment of our property and how will these issues be regulated?

**Response:** The Director Planning and Sustainability advised that any approval on the site would be subject to compliance with the Department of Environmental Protection’s Dust Control Guidelines. He added that the DEP’s controls, which are referred to in the approval, contain the enforcement capacity.

Q 2 What would be our avenue of redress and who would pay for our health and cleaning expenses?

**Response:** The Director Planning and Sustainability explained that it would be the developers responsibility to correct any damage caused to adjoining properties if there are dust issues. He added that if it presents itself as a problem, a complaint would need to be lodged through Council or the DEP, and if the matter is not addressed and it causes damage, the developer may be liable for civil prosecution by individuals.
5.2 PUBLIC STATEMENTS

* Mr Lawrence Douglas of Lot 285 Fairlie Road, Canning Vale made a public statement in relation to item 12.5.1 “Consideration of the West Canning Vale (Campbell Estate) Outline Development Plan” speaking against the staff recommendations. He expressed concern over the delay in finalising an equitable outcome for all parties involved in the ODP outlining the various issues facing landowners in the area. He suggested several concessions that could be made to take into account the objectives of ratepayers within the estate such as a compromise on the 15% public open space commitment, a compromise on allowing open water bodies to maintain high standards set by adjoining estates and the equal sharing of the heavy infrastructure costs between the State, the City and the community. He concluded that unless the concessions could be achieved, that the ODP be passed over to the Department of Planning and Infrastructure for determination without delay.

* Mr Paul Manning of Lot 36 Ranford Road, Southern River made a public statement in relation to item 12.5.6 “Development application - boarding kennel - 1 (Lot 36) Ranford Road, Southern River” speaking in favour of the staff recommendations. Mr Manning thanked Councillors, City staff, the Companion Animal Boarding Association, neighbours, residents and members of the public for their encouragement and support. He urged Council to approve the staff recommendations so that what he described as a trying and stressful ordeal could be brought to a close.

* Mr John Gilmour of Lot 40 Passmore Street, Southern River made a public statement in relation to item 12.5.6 “Development application - boarding kennel - 1 (Lot 36) Ranford Road, Southern River” objecting to the approval of the development of a boarding kennel based on excessive noise which he believed far exceeded the allowable pollution levels. He outlined the interaction he had had with the owners of the property and explained that he had felt it necessary to complain to Council as over a period of time he had made no progress with the owners. He believed that the owners had cut back on numbers as they were aware of impending Council inspection and he had advised staff to carry out their inspection during the school holiday period as the kennel was closed during November and there would not be any dogs there.

* Mr George Walzcak of 99 Victoria Road, Kenwick made a public statement in relation to item 12.5.9 “Development application - transport depot – 96 (Lot 272) Victoria Road, Kenwick” speaking in favour of the staff recommendation to not approve the transport depot application. Mr Walzcak expressed concern that Victoria Road was unsuitable for commercial vehicles, which he believed should be situated in an industrial zoning. He felt that approval of this or any other application would set a precedent and change the rural area into a commercial/industrial zone, no longer safe for residents. He requested
Council’s support and asked that the application not be approved. He also requested that Council speed up the proposed Town Planning Scheme amendments that would not permit transport depots in general rural zones.

8.06pm - Cr S Iwanyk arrived at the meeting.

* Mr Ron Coad of 46 Connell Avenue, Martin made a public statement in relation to item 12.5.10 “Development application – proposed amendment to Tonkin Highway Extension – crossing of the Southern River” speaking in favour of the staff recommendation, urging Council to oppose the construction of a culvert crossing. Mr Coad advised that he believed a culvert in this location would be a social and environmental catastrophe, as having constructed culverts for Main Roads himself, he is of the opinion they do not work as well as they should when there is heavy rainfall and large volumes of water.

Notation

The Mayor announced that the period for receiving of public statements had expired, with Cr C Matison moving the following motion to enable an extension of time:

**COUNCIL RESOLUTION**

9 Moved Cr C Matison Seconded Cr MD Devereux

“That an extension of time be granted for the receiving of public statements from the public during item 5.2 “Public Statements”.

CARRIED 11/0

FOR: Cr S Iwanyk, Cr C Matison, Cr J Brown, Cr MD Devereux, Cr R Croft, Cr AJ Smith, Cr R Mitchell, Cr O Searle, Cr A Pisano, Cr S Moss and Cr PM Morris.

AGAINST: Nil.

* Mr Lindsay Holland of 4 Wood Place, Forest Lakes, Thornlie made a public statement in relation to item 12.5.22 “Request to rename a portion of Thornlie as Forest Lakes” requesting Council consider renaming the area in the 2003/2004 financial year. Mr Holland stated that the general feeling of the Forest Lakes community was that it was in favour of the renaming and in his opinion that the subject area was already recognised as Forest Lakes outlining perceived differences that separate Forest Lakes from Thornlie.

* Mr Peter Hitchins of 36 Galaxy Street, Beckenham made a public statement in relation to items 13.1 and 13.9 “Referendum on abolition of Ward Boundaries” speaking against the proposed motions in the agenda. Mr Hitchins requested that Council reject the motions as out of hand and referred to the time, effort and money required to undertake the review of Ward Boundaries in 2002. In concluding Mr Hitchins stated that he believed having no wards would not improve the City at all, but having strong ward Councillors certainly would.
6. CONFIRMATION OF MINUTES

COUNCIL RESOLUTION

10 Moved Cr MD Devereux Seconded Cr R Mitchell

“That the Minutes of the Ordinary Council Meeting held on 17 December 2002 be confirmed.”

CARRIED 11/0

FOR: Cr S Iwanyk, Cr C Matison, Cr J Brown, Cr MD Devereux, Cr R Croft, Cr AJ Smith, Cr R Mitchell, Cr O Searle, Cr A Pisano, Cr S Moss and Cr PM Morris.

AGAINST: Nil.

COUNCIL RESOLUTION

11 Moved Cr MD Devereux Seconded Cr S Moss

“That the Minutes of the Special Council Meeting held on 22 January 2003 be confirmed.”

CARRIED 11/0

FOR: Cr S Iwanyk, Cr C Matison, Cr J Brown, Cr MD Devereux, Cr R Croft, Cr AJ Smith, Cr R Mitchell, Cr O Searle, Cr A Pisano, Cr S Moss and Cr PM Morris.

AGAINST: Nil.

7. PETITIONS AND MEMORIALS

All petitions, memorials and letters are to be handed to the Chief Executive Officer immediately following verbal advice to the meeting.

A copy of all documentation presented by Councillors is located on File No. C3/1/5 and may be viewed subject to provisions of Freedom of Information legislation.

* Cr AJ Smith presented the following in relation to item 12.5.6 “Development application – boarding kennel - 1 (Lot 36) Ranford Road, Southern River” of the agenda:

(i) Three (3) letters (dated 23 October 2002, 15 January 2003 and 16 January 2003 respectively) from Paul and Suzanne Manning of Mosswood Boarding Kennels, Lot 36 Ranford Road, Southern River supporting their application;

(ii) A letter from Mary Crow of Abbeyvale Lodge Boarding Kennels, Lot 38 Passmore Street, Southern River supporting the application;

(iii) A letter from Ron and Jessica Brown of Swiftreve Boarding Kennels, Lot 41 Passmore Street, Southern River supporting the application;
(iv) A letter from C H Crow, President of the Companion Animal Boarding Association (Inc.), Lot 38 Passmore Street, Southern River supporting the application; and

(v) A statement from John Gilmour of Lot 40 Passmore Street, Southern River objecting to the application.

The above seven (7) letters will be forwarded to relevant staff for provision of a response advising of Council’s decision in relation to item 12.5.6.

* Cr AJ Smith presented a letter from Gary Butcher, Executive Director of Operation Connection Network Inc. thanking Council for their involvement with his organisation throughout 2002.

The letter will be forwarded to the relevant staff for their information.

* Cr R Mitchell presented copies of the following, presented earlier by Cr AJ Smith, in relation to item 12.5.6 “Development application – boarding kennel - 1 (Lot 36) Ranford Road, Southern River“ of the agenda:

(i) Three (3) letters (dated 23 October 2002, 15 January 2003 and 16 January 2003 respectively) from Paul and Suzanne Manning of Mosswood Boarding Kennels, Lot 36 Ranford Road, Southern River supporting their application;

(ii) A letter from Mary Crow of Abbeyvale Lodge Boarding Kennels, Lot 38 Passmore Street, Southern River supporting the application;

(iii) A letter from Ron and Jessica Brown of Swiftreve Boarding Kennels, Lot 41 Passmore Street, Southern River supporting the application; and

(iv) A letter from C H Crow, President of the Companion Animal Boarding Association (Inc.), Lot 38 Passmore Street, Southern River supporting the application.

As stated above the letters will be forwarded to relevant staff for provision of a response advising of Council’s decision in relation to item 12.5.6.

* Cr S Moss presented a petition containing 126 signatures in relation to Kenwick Football Club using the existing Kenwick Sports Club facilities. The petition stated:

“We the undersigned respectfully urge the City of Gosnells, to expedite a decision on the proposal for the KENWICK FOOTBALL CLUB to use the existing KENWICK SPORTS CLUB facilities. A decision is required as a matter of urgency for the planning for the forth-coming football season commencing on April 14. “
Notation

*The petition did not indicate an initiator or contact person and therefore cannot be responded to.*

8. LEAVE OF ABSENCE

In accordance with Clause 2.9 of the City of Gosnells Standing Orders Local Law 1998:

1. A Member seeking the Council’s approval to take leave of absence shall give written notice to the CEO prior to the commencement of the meeting.

2. The notice referred to in paragraph (1) shall include the period of leave of absence required and the reasons for seeking the leave.

Nil.

9. QUESTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN (without discussion)

Nil.

10. ITEMS BROUGHT FORWARD FOR THE CONVENIENCE OF THOSE IN THE PUBLIC GALLERY

At this point in the meeting the Mayor may bring forward, for the convenience of those in the public gallery, any matters that have been discussed during “Question Time for the Public and the Receiving of Public Statements” or any other matters contained in the Agenda of interest to the public in attendance, in accordance with paragraph (9) of Sub-Clause 2.15.4 of City of Gosnells Standing Orders Local Law.
COUNCIL RESOLUTION

12 Moved Cr J Brown Seconded Cr R Croft

“That the following items be brought forward to this point of the meeting for the convenience of members in the Public Gallery who have an interest:

* Item 12.5.1 Consideration of the West Canning Vale (Campbell Estate) Outline Development Plan;
* Item 12.5.6 Development application – boarding kennel - 1 (Lot 36) Ranford Road, Southern River;
* Item 12.5.9 Development application - transport depot – 96 (Lot 272) Victoria Road, Kenwick;
* Item 12.5.10 Development application – proposed amendment to Tonkin Highway Extension – crossing of the Southern River;
* Item 12.5.11 Commercial Vehicle Parking – 138 (Lot 127) Versteeg Grove, Martin;
* Item 13.1 Referendum on abolition of Ward Boundaries;
* Item 12.5.8 Development application – 58 grouped dwellings – 33-43 (Lot 888) Seaforth Avenue, Gosnells; and
* Item 12.5.22 Request to rename a portion of Thornlie as Forest Lakes.”

CARRIED 11/0

FOR: Cr S Iwanyk, Cr C Matison, Cr J Brown, Cr MD Devereux, Cr R Croft, Cr AJ Smith, Cr R Mitchell, Cr O Searle, Cr A Pisano, Cr S Moss and Cr PM Morris.

AGAINST: Nil.
12.5.1 CONSIDERATION OF THE WEST CANNING VALE (CAMPBELL ESTATE)
OUTLINE DEVELOPMENT PLAN

File: S8/1  Approve Ref: (SRW) Psrpt025Feb03
Location: Area bounded by Campbell, Nicholson and Ranford Roads.
Zoning: MRS: Urban
TPS No. 6: Residential Development
Appeal Rights: Nil, however a final determination is required to be made by the Commission.
Area: Approximately 62 hectares.
Previous Ref: OCM 11 February 1997 (Resolution 479)
OCM 26 May 1998 (Resolution 1431)
OCM 13 April 1999 (Resolution 254)
OCM 27 July 1999 (Resolution 654)
OCM 27 February 2001 (Resolutions 92-96)
OCM 27 August 2002 (Resolution 695)

PURPOSE OF REPORT

For Council to consider for final approval the West Canning Vale (Campbell Estate) Outline Development Plan following a period of public comment and to determine an appropriate course of action to finalise the planning for the area.

BACKGROUND

Council at its meeting on 27 August 2002 determined that a draft Outline Development Plan (ODP) for the West Canning Vale (Campbell Estate) Area was satisfactory for the purpose of seeking public comment in accordance with Clause 7.4.2 of Town Planning Scheme No. 6.

At the same meeting, a second ODP was considered, essentially the same as the original prepared by the Roberts Day Group. This second ODP was deemed to be not satisfactory for the purpose of advertising, principally due to the lack of regard for the need to adopt a water sensitive design approach to stormwater disposal and the lack of protection afforded to a conservation category wetland. A formal request was lodged with Council staff for the alternative ODP to be forwarded to the Western Australian Planning Commission for consideration, however a formal determination has not been made at this time.

The ODP supported by Council was advertised between 13 September 2002 and 14 October 2002 for public comment, including referral to relevant government agencies. Letters were sent to all landowners and immediately surrounding properties.
WEST CANNING VALE (CAMPBELL ESTATE)
DRAFT OUTLINE DEVELOPMENT PLAN
The submissions received from servicing authorities generally did not raise any concerns with respect to the Outline Development Plan Area, however the Department of Environment Protection and the Water Rivers Commission identified concerns, particularly with respect to the protection of wetlands and remnant vegetation. Further discussion on these matters is included within the Discussion section of this report.

From the landowner submissions, some common themes in the submissions include:

- Concern about the high costs associated with Common Infrastructure Works.
- The desire to have permanent water bodies as part of the drainage strategy.
- Lack of support for conservation category wetlands being acquired through inclusion of public open space contributions.
- Contributions towards Important Regional Roads viewed as excessive.

Summaries of the submissions received from the government agencies and the public are provided in the following tables.

Summary of Submissions from Government Agencies

<table>
<thead>
<tr>
<th>No.</th>
<th>Authority</th>
<th>Summary of Submission</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Environmental Protection Authority.</td>
<td>1.1 The objective of the EPA with respect to resource enhancement wetlands is generally to support the restoration functions and attributes</td>
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<tr>
<td></td>
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<td>1.2 The proposed 50metre buffer around the wetland is supported however it is likely that a management plan will need to be developed and implemented to ensure the protection of the wetland and vegetation.</td>
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<td></td>
<td>1.3 Understood that the central wetland is to be incorporated into the drainage strategy. Consideration should be given to the protection of additional vegetation adjusting the alignment of the proposed drainage areas.</td>
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<td>1.4 The wetland assessment conducted by BBG notes that this wetland should be reclassified as Resource Enhancement rather than Multiple Use given the low level of disturbance. Further assessment should be undertaken.</td>
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<td></td>
<td>1.5 Unclassified wetland south of Govan Road is in excellent condition. Inclusion in the drainage strategy indicates that it is likely to be substantially modified.</td>
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<td>1.6 The vegetation on site is identified as Southern River complex and the site includes significant areas of vegetation, with large areas having conservation value.</td>
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<td>1.7 Contradictory to the advice provided by BBG, it is not expected that the 10% protection target for the Southern River complex will be achieved. As a result, it is likely that this vegetation will become increasingly important from both a local and regional perspective.</td>
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<td>1.8 The EPASU encourages Council to consider this approach to the retention of the remnant vegetation on site and notes that this is more appropriately reflected in ODP options 3 (BBG report)</td>
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<td></td>
<td></td>
<td>1.9 It is noted that Declared Rare Flora <em>Diuris purdiei</em> has previously been identified on site.</td>
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<td></td>
<td></td>
<td>1.10 The ODP prepared by Council and deemed satisfactory for advertising and submission to the Commission does not appear to accurately reflect the environmental values of the site and is unlikely to be supported by the EPA.</td>
</tr>
<tr>
<td>No.</td>
<td>Authority</td>
<td>Summary of Submission</td>
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</tbody>
</table>
| 2.1 | Environmental Protection Authority (later comments) | 2.1 The EPA Service unit has identified a number of environmental features of the site considered significant including high conservation value wetlands, vegetation in excellent condition and noted the potential for declared rare flora onsite.  
2.2 The protection of the significant features was not reflected in the ODP and the EPA and WRC recommend further consideration and modification to the ODP in its current form.  
2.3 The EPA advises that the current ODP does not meet the EPA’s objectives with respect to the protection of wetlands, vegetation and potentially rare flora. While the EPA can not assess the ODP, future subdivision and development proposals within the ODP area may require referral and formal assessment unless the ODP is modified to avoid any significant environmental impacts. |
| 3   | Water and Rivers Commission (Initial comments) | 3.1 A wetland management plans is required for the conservation category wetland (CCW)  
3.2 A 50 metre wetland buffer is required around the CCW to protect wetland, vegetation and community from potential impacts.  
3.3 50m buffer shown on the ODP around the CCW should be retained in its natural state.  
3.4 The proposal to adopt an urban water management strategy, which seeks to minimize runoff and maximise water conservation through the use of swales and vegetated overland flowpaths is fully supported.  
3.5 Adequate land area to be set aside in the proposed drainage swale areas and adjoining POS areas to store both the 10 year and 100 year events according to the submitted consultants reports.  
3.6 The minimum base levels for drainage swales should be raised to RL22.7 to avoid the potential for free standing water. WRC to be consulted within the development of detailed stormwater management in the ODP area as it is the clearing authority for subsequent subdivision approvals issued in relation to stormwater management |
| 4   | Water and Rivers Commission (later comments) | Note: The later comments provided here by the Water and Rivers Commission are in relation to the landowner initiated ODP. When the landowner initiated ODP was received, the WRC and DEP agreed to undertake a site visit to verify the environmental studies done by BBG and Weston in order to provide some certainty to Council, the landholders and assessing agencies.  
4.1 Failure to protect currently recognised Conservation Category Wetlands. It is proposed to clear and develop the CCW present on Lot 2 Nicholson Road and Lot 290 Fairlie Road. CCW are the most valuable wetlands and the WRC will oppose any activity that may lead to further loss or degradation  
4.2 The CCW must be managed in accordance with management objectives and be protected from surrounding land uses by an appropriate buffer.  
4.3 Failure to protect other valuable wetlands. A re-evaluation of wetlands has been undertaken by the WRC in association with officers of the DEP. The results of the re-evaluation are consistent with the information regarding wetland dependent vegetation provided in the Council initiated ODP (Appendix D – Campbell Estate Drainage and Nutrient Management Plan)  
4.4 The WRC advises that as a result of the wetland re-evaluations and wetland boundary changes, the landholders ODP does not meet wetland management objectives in many areas of the site and therefore the landholders ODP is not acceptable to the WRC. Whilst the WRC recognises that these changes are likely to cause a substantial redesign of the proposal, the WRC notes that the City of Gosnells was cognitive of the value of the wetlands on site from studies it commissioned, such as BBG’s wetland assessment reports (2001) and the associated Weston report Rare Flora Search and Vegetation Survey. |
Ordinary Council Meeting
Minutes
11 February 2003

<table>
<thead>
<tr>
<th>No.</th>
<th>Authority</th>
<th>Summary of Submission</th>
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<tbody>
<tr>
<td></td>
<td></td>
<td>4.5 The WRC would be happy to meet with the landowners to provide input into a revised landholder ODP that meets Water Sensitive Design Urban Design and wetland protection objectives.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>4.6 Inappropriate stormwater management. The ODP is not supported as it proposes development over the CCW in the NW corner of the ODP area adjacent to Nicholson Road and permanent water bodies excavated below groundwater level in the POS area.</td>
</tr>
<tr>
<td>5</td>
<td>City of Armadale</td>
<td>5.1 No objection.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>5.2 Will not compromise the Southern River/Forestdale/Wungong/Brookdale District Structure Plan.</td>
</tr>
<tr>
<td>6</td>
<td>Main Roads WA</td>
<td>6.1 No objection</td>
</tr>
<tr>
<td>7</td>
<td>Telstra</td>
<td>7.1 Telstra network to be reviewed at the time of proposed works</td>
</tr>
<tr>
<td>8</td>
<td>Alinta Gas</td>
<td>8.1 All work carried out on network to accommodate subdivision/development will be at the proponents expense</td>
</tr>
<tr>
<td>9</td>
<td>Department of Mineral and Petroleum Resources</td>
<td>9.1 No objection</td>
</tr>
<tr>
<td>10</td>
<td>Department for Planning and Infrastructure (Transport Division)</td>
<td>10.1 Transperth services currently operate on Govan Road to Campbell Road. Request that Govan Road remains open to Nicholson Road in order to facilitate this public transport route.</td>
</tr>
<tr>
<td>11</td>
<td>Department of Conservation and Land Management</td>
<td>11.1 The area covered by the ODP contains habitat suitable for declared rare species and therefore an appropriately timed flora survey would be required to indicate whether any DRF species are present on the site.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>11.2 Vital that a full flora survey be undertaken in the area.</td>
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<td>11.3 The ODP should incorporate areas of conservation value within public open space.</td>
</tr>
</tbody>
</table>

Schedule of Public Submissions

<table>
<thead>
<tr>
<th>No.</th>
<th>Name/Postal Address</th>
<th>Description of Affected Property: Street No., Lot No., Street, etc</th>
<th>Summary of Submission</th>
<th>Staff Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Development Planning Strategies PO Box 8088 Subiaco 6008 (for Carcione Nonimees Pty Ltd)</td>
<td>215 (Lot 281) Campbell Road Canning Vale</td>
<td>1.1 Seeking to use the ‘mixed use’ of Lot 281 for a mixture of residential densities rather than ‘mixed uses’.</td>
<td>A mixture of residential densities is considered appropriate for this site, in seeking to encourage increased residential densities in strategic locations, support the viability of commercial centres and provide opportunities for non-car based transport.</td>
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<tr>
<td></td>
<td></td>
<td></td>
<td>1.2 Recognition that Lot 281 is appropriate for increased residential densities.</td>
<td>Supported.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>1.3 If mixed use site used for residential purposes instead of mixed use, then net developable area (residential) in table 2 will need to be adjusted.</td>
<td>Noted, refer full comments in discussion section.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>1.4 Appears no POS credit provided for Conservation Category Wetland and Buffer. Council should seek to reduce the 50 metre buffer around the wetland.</td>
<td>No POS credit for CCW’s is ordinarily permissible under the WAPC policy and Livable Neighbourhood – Community Design Code. This is inconsistent with advice from WRC.</td>
</tr>
<tr>
<td>No.</td>
<td>Name/ Postal Address</td>
<td>Description of Affected Property: Street No., Lot No., Street, etc</td>
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<td>1.5</td>
<td>Only 50% POS credit provided for the drainage swales, instead 100% should be depicted as POS deduction.</td>
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<td>1.6</td>
<td>Total effective POS contribution should be retitled ‘total POS and CCW Protection Contribution’ as more representative.</td>
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<td>1.7</td>
<td>Generally supportive of ODP subject to Lot 281 being able to utilised for residential R30/R40 purposes.</td>
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<td>2.1</td>
<td>Disagree with the funding of acquisition of the CCW, as increases POS contribution by landowners, is a waste of developable area, serves an insignificant purposes, will require additional maintenance requirements with associated financial burden to the City.</td>
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<td>2.2</td>
<td>Disagree with POS contribution rate of 15.156% as it creates an unfair distribution of POS and compensation, creates and unfair distribution of costs, unfairly increases land owner contributions.</td>
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<td>2.</td>
<td>S H Tan &amp; S C Chew 229 (Lot 283) Campbell Road Canning Vale</td>
<td>The acquisition of CCW’s through ODPs provides for the equitable sharing of costs associated with the acquisition and setting aside of ‘core’ conservation areas. Refer further comments in discussion section on wetlands. Noted but disagree. The intent of including the CCW, drainage and POS acquisition costs as part of the common infrastructure works is that the costs are sharing equitably between land owners. The alternative is that landowners affected by wetlands be required to cede their land free of cost. This potential results in considerable costs to particular land owners and likely results in conservation areas remaining in private ownership. It is worth noting that there is no mechanism for state to acquire the subject wetlands.</td>
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<td>2.3 ODP creates an unfair distribution of POS and compensation. Unfair that landowners who have to contribute more than the proposed POS requirement get full compensation for the extra POS provision and yet obtain significant more profitable land from the waterfront/parkland/POS views.</td>
<td>Noted, however equally the designation of POS/CCW over a portion of land reduces the net developable area. Compensation is provided at the broadacre calculated at the time of subdivision approval. There is a reduction in profit potential but there is also a commensurate reduction in financial risk.</td>
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<td>2.4 Landowner’s who are located away from the proposed POS or who have to provide cash-in-lieu of POS should not have to provide the same amount of POS requirement as landowner who end up obtaining significantly more land from the development of POS partially on their land.</td>
<td>Disagree. The establishment of a standard rate of contribution ensures that all landowners are affected equally.</td>
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<td>2.5 Do not agree with the provision of POS along Northern edge of ODP area, due to costs and potential for midge problems.</td>
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<td>2.6 ODP represents an unfair distribution of POS and compensation.</td>
<td>This is based on the original ODP prepared by the Roberts Day Group, seeking to provide a suitable interface to Ranford Road, protect remnant vegetation. Potential midge problems can be avoided through careful design and management. The distribution of POS through the ODP area is designed such that all properties will within a reasonable walking distance of POS areas. Refer comments on wetlands in discussion section.</td>
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<td>2.7 CCW should be removed.</td>
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<td>2.8 Too much POS.</td>
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<td>2.9 No landowner/s should gain or obtain profit advantage from the location of a POS development at the expense of any other landowner.</td>
<td>The POS level is the minimum required to satisfy WAPC policy and to adequately cater for drainage and conservation requirements. The distribution of POS through the ODP area is designed such that all properties will within a reasonable walking distance of POS areas. It would be inappropriate to provide POS on all properties.</td>
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<td>3.</td>
<td>J McGlinn</td>
<td>262 (Lot 969) Campbell Road Canning Vale</td>
<td>3.1 Concern about traffic generation from mixed business area.</td>
<td>Due to the location of the CCW/POS corridor, vehicular traffic generated from Lot 1 Nicholson Road and surrounds will not be able to directly penetrate nearby residential areas. The local road network will be required to be designed at the time of subdivision in accordance with WAPC and Council policies/standards. Where appropriate district area plans will be required and/or advertising of subdivision proposals. Agreed. The ODP does not propose the connection of Campbell Road to Nicholson Road.</td>
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<td>3.2 Local resident input should be invited prior to determining location of future roads to the area of increased residential density.</td>
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<td>3.3 Campbell Road should not directly connect onto Nicholson Road due to traffic speeds.</td>
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<td>4.</td>
<td>L Mathieson</td>
<td>264 (Lot 970) Campbell Road Canning Vale</td>
<td>4.1 Campbell Road should be used for local traffic only.</td>
<td>Campbell Road will likely serve as a local distributor road for the surrounding residential areas, consistent with its current function, however will not carry regional traffic. Noted. Appropriate traffic management measures will need to be investigated.</td>
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<td>4.2 Concern over traffic speeds along Campbell Road.</td>
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<td>5.</td>
<td>J McMahon</td>
<td>268 (Lot 972) Campbell Road Canning Vale</td>
<td>5.1 Campbell Road should not directly connect to Nicholson Road due to traffic speeds and volumes.</td>
<td>Agreed. The ODP does not propose the connection of Campbell Road to Nicholson Road.</td>
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<td>5.2 Suggestion that Campbell Road be made a cul-de-sac at Fairlie Road intersection.</td>
<td>It is likely that Campbell Road will continue to serve the function of a local distributor road for the surrounding residential areas. To ensure appropriate levels of accessibility to residential properties, community and commercial facilities and public transport, it is not feasible to cul-de-sac Campbell Road at the location outlined.</td>
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<td>6.</td>
<td>L Johnson</td>
<td>294 (Lot 838) Campbell Road Canning Vale</td>
<td>Do not object to ODP.</td>
<td>Noted</td>
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<td>7.</td>
<td>D Rocke</td>
<td>298 (Lot 836) Campbell Road Canning Vale</td>
<td>7.1 Do not object to ODP.</td>
<td>Noted.</td>
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<td>7.2 Concerns about increased traffic volumes increase if Fairlie Road does not connect to Nicholson Road.</td>
<td>Appropriate traffic management measures and road design will be required to manage traffic volumes.</td>
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<td>7.3</td>
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<td>Concern that Campbell Road is currently being used as a short-cut.</td>
<td>Appropriate traffic management measures and road design will be required to manage traffic volumes. This may be separate to the ODP. Noted. Refer full comments in discussion section.</td>
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<td>7.4</td>
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<td>Speed humps, traffic roundabouts, 50km/h limit should all be considered to reduce traffic speeds on Campbell Road.</td>
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<td>8.</td>
<td>A &amp; L Matson</td>
<td>300 (Lot 835) Campbell Road Canning Vale</td>
<td>8.1 Strongly object to the ODP on the basis of traffic speeds and volumes on Campbell Road. 8.2 Fairlie Road should be opened up to Nicholson Road.</td>
<td>Noted. Refer 7.2</td>
</tr>
<tr>
<td>9.</td>
<td>C K Yong 19 Anderton Retreat Murdoch 6150</td>
<td>345-355 (Lot 310) Campbell Road Canning Vale</td>
<td>9.1 Disagree with a living streams, with dry basins as a central feature, to manage drainage. Deep, unlined lakes are preferred option. 9.2 Do not agree with funding a non-protected wetland which Council have deemed a CCW. 9.3 Do not agree to funding of fencing around a non-protected wetland.</td>
<td>Refer comments from WRC in previous summary table and further comments in discussion table. Also refer comments from WRC on landholder initiated ODP. It should be highlighted that the principles of living streams can include ornamental water features, which can also maintained a high aesthetic value and are specifically designed to prevent issues of midge and algal blooms. Council is not the determining authority for wetland classifications. Wetlands classifications are determined in accordance with EPA Bulletin 686. It is necessary to limit human access to CCWs to ensure integrity of wetlands is not compromised further. Refer further comments from WRC and in discussion section. Areas of conservation value generally require access to be limited to ensure integration and reduce degradation.</td>
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<tr>
<td>9.4</td>
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<td>Do not agree with a 15.156% POS contribution.</td>
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<td>It is only through the inclusion of CCW’s, drainage and POS in one standard contribution rate that the costs can be shared equitably among landowners. The alternative is to require affected land owners to give up land free of cost. An appropriate balance of development, conservation, recreation and drainage are required to support development in the area.</td>
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<td>9.5</td>
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<td>Do not agree with funding road widening of Nicholson Road which is categorised as an important regional road and designated freight route.</td>
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<td>As considered previously by Council, the construction costs associated with the future upgrading of Nicholson Road are not included in the Common Infrastructure Works. Rather than requiring landowners to give up land free of cost, the land acquisition required has been included as a component of the common infrastructure costs.</td>
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<td>10.</td>
<td>S S Adiwira 1 Pearce Ridge Winthrop 6150</td>
<td>Lot 5 Fairlie Road Canning Vale</td>
<td>10.1 Location of public open space that runs through Fairlie Road is unsuitable. To enhance any public use on the space, it should be located at the corner of Campbell and Nicholson Roads.</td>
<td>Disagree. The central location of public open space within the ODP area will ensure that all properties are within reasonable walking distance of POS and that drainage functions can be appropriately accommodated.</td>
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<td>11.</td>
<td>A &amp; J Bramley Lot 6 Fairlie Road Canning Vale</td>
<td>11.1 Development cost of $55,084/ha is excessive as other developments in the nearby area are &lt;$30,000/ha.</td>
<td>Council staff have consistently been seeking to ensure that cost contributions are minimised, however it is not possible to further reduce the costs whilst still facilitating responsible development within the ODP area. The use of permanent lakes as a central drainage feature is not supported by the Water and Rivers Commission. Through careful design, alternative drainage strategies can be meet aesthetic, recreational and drainage demands. Refer full comments in discussion section.</td>
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<td>11.2 Object to the use of vegetated swales as drainage control. Deep-water bodies have been the catalyst that has attracted many residents to living in the newer Canning Vale estates. Shallower water bodies have proven to detract from the beauty of the area in that they become dumping grounds.</td>
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<td>11.3</td>
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<td>Object to 15.156% POS, as 10% is the norm.</td>
<td>It is only through the inclusion of CCW’s, drainage and POS in one standard contribution rate that the costs can be shared equitably among landowners. The alternative is to require affected land owners to give up land free of cost.</td>
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<td>11.4</td>
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<td>Lack of recognition given to the previous studies undertaken and funded by landowners. Council was provided with access to such studies to reduce studies required and not double up on costs.</td>
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<td>11.5</td>
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<td>Object to entry off Ranford Road. Unacceptable as it traverses through an existing dwelling and is unacceptable to the landowner.</td>
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<td>11.6</td>
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<td>Object to entry off Nicholson Road. The proposed continuation of Campbell Road will only allow for unnecessary and unwanted traffic flows within the estate.</td>
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<td>11.7</td>
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<td>Object to the validity of the identified conservation category wetland. Various waste materials dumped on Lot 1, adjacent to CCW.</td>
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<td>11.8</td>
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<td>The requirement for a dual use path along side Ranford Road. A dual use path already exists adjacent to The Avenues Estate.</td>
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<td>12.</td>
<td>Satterley Property Group PO Box 410 South Perth 6951 (for Davidson Pty Ltd)</td>
<td>Unknown which property affected.</td>
<td>Observations made on behalf of Satterley Property Group which has been involved at the resident’s requests to attempt land assembly to facilitate closer subdivision.</td>
<td>Noted. The access point from Ranford Road will need to be relocated accordingly. The ODP does not propose the connection of Campbell Road to Nicholson Road. The wetlands within the ODP area have been the subject of significant assessment. Site remediation works may be required for Lot 1 prior to development. Dual use path provision is consistent the transport study undertaken for the ODP area and the Liveable Neighbourhoods Community Design Code. Refer full comments in discussion section of this report.</td>
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<td>12.1</td>
<td>Outflows to the Hughes Street branch drain are well known and determined. The sizes of detention basins required to support development is known and are contained in reports which the landowners have had prepared at their expense. Although sketch is unclear, the area of water bodies shown appear to be inadequate to compensate for drainage outflows.</td>
<td>A drainage strategy for the ODP area been prepared by Bowman Bishaw Gorham and Ewing Consulting Engineers. Much of the work was undertaken based on the previous research and design.</td>
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<td>12.2</td>
<td>Consideration should be given to extending the dual use path for the balance of Govan Road between Nicholson Road and the central public open space. This is due to Govan Road being the main access route for primary school children from Sanctuary Water to the Ranford Primary School on the opposite side of Nicholson Road. The DUP should connect to the safe crossing which has recently been established on Nicholson Road.</td>
<td>Noted. This is consistent with the transport study undertaken for the ODP area. It is suggested that the DUP proposed for Fairlie Road be deleted and replaced by a DUP along the length of Govan Road. This modification will not impact on the cost estimates for the ODP area as the length of DUPs remains unchanged.</td>
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<td>12.3</td>
<td>ODP needs to reflect the full scope of road widening requirements near to Campbell Roads to enable dual carriage and roundabout to be constructed at the intersection.</td>
<td>The initial ODP did not clearly illustrate the full extent of road widening required for Ranford Road however revised plans were prepared and forwarded to all landowners. The inclusion of the CCW’s on the ODP and in the Schedule of Common Infrastructure Works clearly illustrates the intent to ultimately to acquire and set aside the relevant portions of the subject properties.</td>
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<td>12.4</td>
<td>In effect, two lots are depicted as CCW. Should the intention be to acquire these two properties for CCW, it is recommended that this be shown on the ODP. Acquisition methods will need to be clearly explained in ODP. Cost of acquiring CCW should not solely be borne by the landowners within the ODP area.</td>
<td>The inclusion of the CCW’s on the ODP and in the Schedule of Common Infrastructure Works clearly illustrates the intent to ultimately to acquire and set aside the relevant portions of the subject properties.</td>
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<td>12.5</td>
<td>Previous studies/costs organised by landowners should be provided as a credit towards ODP administration costs, to ensure costs are shared equitably across owners.</td>
<td>A commitment has been given previously by Council staff to include recognise the costs previously incurred as a component of the common infrastructure costs. Direct refunds of cost incurred would not be available.</td>
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<td>13.</td>
<td>E H &amp; Y H Teh 88 Ten Seldam Circle Winthrop 6150</td>
<td>Lot 278 Ranford Road Canning Vale (also refer submission by Dykstra &amp; Assoc at No. 33)</td>
<td>13.1 Disagree with ODP funding road widening along Nicholson Road as it is an Important Regional Road and designated freight route. 13.2 The public open space areas should be reduced to a more acceptable proportion. 13.3 Do not agree with ODP funding the fencing around a non-protected wetland. 13.4 We do not agree to fund a non-protected wetland which the Council deemed a conservation category wetland (CCW). 13.5 Not sure that a living streams approach to management of drainage is the best option.</td>
<td>Refer 9.5  Refer 9.4  Refer 9.2  Refer 9.2</td>
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<td>14.</td>
<td>P &amp; M E Green Lot 284 Fairlie Road Canning Vale</td>
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<td>14.1 Land identified by COG as a Conservation Category Wetland lacks justification and evidentiary support. 14.2 The introduction of buffer areas adjacent to perceived wetlands is unwarranted. 14.3 The use of low value swaled areas in place of unlined deep-water bodies will seriously detract from the amenity of the area. Swaled areas do not complement the area nor meet with community expectations.</td>
<td>Disagree. Bulletin 686 establishes a clear, objective procedure for the establishment of wetland classifications. The wetland classifications have been determined on the basis of field surveys and scientific assessments. The accepted minimum buffer requirement around a CCW is 50metre in width and this has been reiterated in comments from WRC/DEP. Disagree. The use of permanent water bodies as a fundamental component of a drainage strategy is not considered appropriate due to the lack of management of water quality and quantity management.</td>
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<td>14.4 The requirement for dual use paths along Ranford Road cannot be supported as that facility already exists.</td>
<td>Dual use path provision is consistent with the transport study undertaken for the ODP area and the Liveable Neighbourhoods - Community Design Code. Refer full comments in discussion section of this report.</td>
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<td>14.5 Contributions to an IRR round-about cannot be justified.</td>
<td>Contributions towards traffic management on important regional roads is accepted through WAPC bulletin 18 (Developer Contributions)</td>
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<td>14.6 The existing road structure outlining the main entry is inappropriately placed will conflict with established residences.</td>
<td>Noted. ODP recommended to be amended accordingly.</td>
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<td>14.7 The proposed road layout showing Campbell Road connecting to Nicholson Road is contrary to the agreed position of the original ODP. This connection should not be allowed.</td>
<td>Agreed. The ODP does not propose the connection of Campbell Road to Nicholson Road.</td>
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<td>14.8 The proposed impost of 15.156% contribution to POS is totally rejected.</td>
<td>Refer 9.4</td>
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<td>14.9 There is no apparent consideration for the studies funded by 21 of the landholders/residents and there should be.</td>
<td>Disagree. The ODP is essentially based on the original ODP prepared by the Roberts Day Group incorporating the various background studies undertaken. This matter has previously been considered by Council, resulting in the deletion of road construction costs for Nicholson Road from the Common Infrastructure Costs. To require individual landowners to give up land free of cost for important regional roads is not considered to be equitable. Refer full comments in discussion section.</td>
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<td>14.10 The infrastructure cost sharing proposal is excessive and inequitable. The following areas are of concern and are unacceptable. Excessive contributions to IRR road infrastructure cost share</td>
<td>Refer full comments in discussion section.</td>
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<td>14.11 Excessive contributions for land resumption to support IRR &amp; freight routes</td>
<td>Refer above comment.</td>
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<td>14.12 Un-necessary contributions for fencing on unprotected alleged wetlands</td>
<td>Refer 9.2</td>
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<td>14.13 Excessive contributions for dual use paths.</td>
<td>See 14.4</td>
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<td>14.14 Funding of a roundabout about on an IRR considered to be inappropriate.</td>
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<td>14.15 Lack of consideration of studies undertaken by residents and utilised by City of Gosnells.</td>
<td>Disagree. The studies commissioned by landowners and the City have formed the basis of the ODP. To proceed with an ODP that is not supported by the EPA is considered unwise. It may be attractive in the short-term, however future delays, financial risk and uncertainty are highly likely due to individual subdivision and development proposals being formally assessed by the EPA.</td>
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<td>14.16 We are very concerned with the processes and actions of the City of Gosnells in the way in which it failed to deal with the finalisation of a previously agreed ODP.</td>
<td>To proceed with an ODP that is not supported by the EPA is considered unwise. It may be attractive in the short-term, however future delays, financial risk and uncertainty are highly likely due to individual subdivision and development proposals being formally assessed by the EPA.</td>
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<td>15.</td>
<td>L &amp; B Douglas</td>
<td>Lot 285 Fairlie Road Canning Vale</td>
<td>15.1 We do not agree to the approach for management of drainage, which incorporates dry basins as a central feature. Preference is for a water sensitive design which incorporates a living stream linking 2 deep unlined water bodies, surrounded by areas of swales to accommodate and attract wildlife and contribute towards nutrient stripping. Believe that dry basins will detract from amenity of the estate causing midge problems and generally not in keeping with the high standards of surrounding estates.</td>
<td>The use of permanent water bodies as a fundamental component of the drainage strategy for the ODP is not supported by the WRC and DEP. Further comments included in discussion section of this report.</td>
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<td>15.2 We do not agree with funding an alleged conservation category wetland, which appears to have no justification or documented support. Has previously been stated that none of the wetlands on the site are protected under the Environmental Protection (Swan Coastal Plain Lakes) Policy 1992 – ‘EPP’ wetlands.</td>
<td>Council is not the determining authority for wetland classifications. Refer further comments from WRC and in discussion section.</td>
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<td>15.3 We do not agree to a $29k fencing to surround a non-protected wetland. Not a land owner responsibility to fund mechanisms of protecting a non-protected wetland. Also concerned about protection of wetland adjacent to commercial site.</td>
<td>Refer 9.2</td>
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<td>15.4 We do not agree to a contribution of 15.1% public open space (POS). No justification for 15.1% when Liveable Neighbourhoods Scheme recommends 8%.</td>
<td>Refer 9.4</td>
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<td>15.5 We do not agree to funding road widening along Nicholson Road which is categorised as an important regional road and designated freight route. All funding for road upgrading should be from State Government.</td>
<td>Refer 9.5 and 14.10</td>
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<td>15.6 We do not agree with the infrastructure cost sharing arrangements of $55,000 per hectare. This figure is unrealistically high and will severely impede the development of the estate.</td>
<td>Council has consistently sought to minimise the costs associated with common infrastructure works.</td>
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<td>15.7 We do not agree to funding further development of a roundabout on an important regional road (IRR). Road safety should be the responsibility of the State Government or the City of Gosnells.</td>
<td>Refer 14.4</td>
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<td>15.8 We do not agree to funding additional dual-use paths along Ranford Road. This facility exists and does not need duplication.</td>
<td>Refer 14.13</td>
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<td>15.9 We do not agree with the location of the main entrance to the estate as it will interrupt an existing residence.</td>
<td>Noted. ODP recommended to be amended accordingly.</td>
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<td>15.10 We do not agree to Campbell Road connecting with Nicholson Road.</td>
<td>Agreed. The ODP does not propose the connection of Campbell Road to Nicholson Road.</td>
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<td>15.11 Additional information. The alternative ODP that was also considered by Council addressed all of the above objections and yet still conformed with relevant standards, guidelines and requirements such as Liveable Neighbourhoods, Safe Routes to School, Water Sensitive Urban Design, Effective Traffic Management, State guidelines on equitable infrastructure cost sharing arrangements. Comparison of two ODPs - $55k/ha vs $29k/ha, 15.15% POS contribution and the funding of an alleged CCW.</td>
<td>The Water and Rivers Commission has advised that it does not support the landholders ODP as it fails to protect the recognised CCW, fails to protect other wetlands and incorporates inappropriate stormwater management. Full comments from WRC included earlier in previous submission table.</td>
</tr>
<tr>
<td>16</td>
<td>O N &amp; P M West</td>
<td>Lot 289 Fairlie Road Canning Vale</td>
<td>16.1 Do not object</td>
<td>Noted.</td>
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<tr>
<td>17</td>
<td>Sunrise Pty Ltd 96 Jackson Avenue Winthrop 6150 Att: H Susilo</td>
<td>Lot 290 Fairlie Road Canning Vale</td>
<td>17.1 The plan is inequitable in its distribution of open space.</td>
<td>Disagree. The central distribution of POS throughout the ODP area ensures that all properties are within reasonable walking distance. Noted. Refer 14.1</td>
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<td>17.2 My land is significantly affected by Conservation Category Wetlands.</td>
<td>Acknowledged. It is for this reason that the acquisition of land for CCW’s, POS and drainage has been included in the Common Infrastructure Costs – alternative is to require land to be given up free of costs. No evidence provided to indicate procedural fairness has been denied.</td>
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<td>17.3 The balance of land available for subdivision and development is significantly reduced.</td>
<td>It is noted that the cost contribution is higher than some other areas however it is necessary to facilitate to an appropriate balance between conservation and development in the ODP area.</td>
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<td>17.6</td>
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<td>The subject land is affected by regional roads under the Metropolitan Region Scheme. ODP should be modified to ensure that compensation is at current market value. Alternatively, please consider higher densities or rezoning the land to mixed business.</td>
<td>Any compensation provided to landowners for land resumption will be based on a market valuation undertaken by a licensed property valuer to ensure that a current market value is used.</td>
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<td>18.</td>
<td>B Rushton Lot 10 Govan Road Canning Vale</td>
<td>18.1 The living stream approach in a residential area would be unsightly and would not produce an attractive place for people to live. 18.2 Rubbish is already dumped into existing living streams by the public. 18.3 Saving one small segment as protected wetland is ridiculous in the context of surrounds. 18.4 Lakes have created some fine estates in the area where wildlife is able to co-habitate with residents. Further debate is required so that Campbell Estate can maintain a high standard. 18.5 The cost of main road development seems excessive. Further investigation required into external funding.</td>
<td>Refer 9.1  Appropriate management strategies will be required to ensure that all public areas are appropriately maintained. Refer 9.2. Refer comments in discussion section. Refer 9.5</td>
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<td>19.</td>
<td>G Woon 3 Dornie Place Ardross 6153 Lot 11 Govan Road Canning Vale</td>
<td>Why only a small pocket zoned for Residential Density greater than R17.5? Whole estate should be so that everyone is equal.</td>
<td>Consistent with WAPC policy, Liveable Neighbourhoods – Community Design Code and the City’s draft Local Housing Strategy, it is appropriate to encourage increased residential densities in appropriate locations. The assessment of such locations is generally based on proximity to commercial and community facilities, public transport and recreational opportunities including POS.</td>
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<td>20.</td>
<td>S &amp; M Calabrese Lot 12 Govan Road Canning Vale</td>
<td>20.1 Disagree with a living streams, with dry basins as a central feature, to manage drainage. Deep, unlined lakes are preferred option.</td>
<td>Refer 9.1</td>
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<td>20.2</td>
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<td>Do not agree with funding a non-protected wetland which Council have deemed a CCW.</td>
<td>Refer 14.1</td>
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<td>20.3</td>
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<td>Do not agree to funding of fencing around a non-protected wetland.</td>
<td>Refer 14.2</td>
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<td>20.4</td>
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<td>Do not agree with a 15.156% POS contribution.</td>
<td>Refer 15.4</td>
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<td>20.5</td>
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<td>Do not agree with funding road widening of Nicholson Road which is categorised as an important regional road and designated freight route.</td>
<td>Refer 9.5 and 14.10</td>
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<td>21.</td>
<td>A Rustean 7 (Lot 388) Lincoln Place Canning Vale</td>
<td>21.1 Objection to the widening of Ranford Road from Nicholson Road to Warton Road and ask that this section be marked for ‘local traffic only’. 21.2 Because the City allowed houses and residential living along this street, the City must now allow for noise reduction and less vehicles. Not currently able to turn right from The Avenues onto Ranford Road.</td>
<td>The widening of Ranford Road has been identified under the MRS. Recent traffic modelling undertaken by MRWA confirms the need for increased road capacity. Refer above comment.</td>
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<td>22.</td>
<td>K Green 12 (Lot 385) Lincoln Place Canning Vale</td>
<td>Objects to Residential Densities greater than R17.5, particularly near to the local shopping centre as it would be detrimental to the area.</td>
<td>No evidence to support this statement. It is envisaged that a high quality of housing stock will be provided on a variety of lot sizes. It is critical that a diversity of housing stock be provided to meet the needs of differing needs of individuals.</td>
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<td>23.</td>
<td>Dykstra &amp; Associates 6/2954 Albany Highway Kelmscott 6111 (for Mondei Pty Ltd) Lot 2 Nicholson Road Canning Vale</td>
<td>23.1 Objection to the inequitable manner in which the entire area of Lot 2 Nicholson Road has been identified as a Conservation Category Wetland and Public Open Space. 23.2 Previously, a rezoning of the land was supported provided an ODP/structure plan and a supporting commercial strategy were in place. 23.3 The wetland is not protected under the Environmental Protection (Swan Coast Plain Lakes) Policy 1992 (EPA 1992) known as EPP wetlands.</td>
<td>Refer 14.1 Refer further comments in discussion section on wetland classifications. Council’s previous support is acknowledged however it is believed that the referenced rezoning has not been formally assessed by the DEP. Further information has been gained from further wetland assessments. Noted. Refer 9.2</td>
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<td>23.4</td>
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<td>Lot 2 is only a very small portion of what has previously been identified and mapped as a much larger wetland area, however a clear precedent has been set by regulatory authorities for the urban development of similar wetlands and vegetation types in the immediate surrounding locality.</td>
<td>Refer 9.2</td>
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<td>23.5</td>
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<td>Using EPA methodology and criteria for wetland ranking (Bulletin 686), the Bowman Bishaw Gorham investigation indicates that the management category for this wetland could be Resource Enhancement, which would be dependent on no declared rare flora or fauna being recorded on site. The presence of declared flora was last recorded in 1986 prior to ground disturbing activity taking place.</td>
<td>Further assessment of the wetlands has been undertaken by WRC and DEP. Initial advice is that CCW should remain wetland classifications within ODP to be re-evaluated. Refer 9.2 and full comments in discussion section.</td>
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<td>23.6</td>
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<td>The vegetation on Lot 2, whilst in good condition, is only of local significance.</td>
<td>The advice from the WRC is that the target set for the Southern River vegetation complex is unlikely to be met and as a result existing areas are likely to be of increased local and regional significance.</td>
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<td>23.7</td>
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<td>The subject land and mapped wetland area is not identified in the Bush Forever document.</td>
<td>Noted and agreed. It is not the responsibility of the Bush Forever program to identify wetland significance.</td>
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<td>23.8 Retention of the portion of the original wetland was considered by the consultant as only one possible options, however there would be scope to construct a wetland in another position of the Campbell Estate to fulfill equivalent functions.</td>
<td>The report from BBG states that ‘the EPA may consider approving the partial filling of wetlands and/or use as drainage as basins in MU and RE wetlands provided that wetland function is retained within the development, a wetland is constructed or rehabilitated to fulfill equivalent functions and the hydrological change enhances the wetland and it function, and does not lead to a loss of water quality…’</td>
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<td>23.9</td>
<td>As an area of approximately 1.5 hectares, it is indeed questionable whether in an urban context this represents an ecologically sustainable area.</td>
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<td>23.10</td>
<td>The ODP offers no solutions as to the long-term management and use of this conservation area given its urban context it is highly likely that it would attract undesirable human activity both in terms of social behaviour and environmental damage.</td>
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<td>23.11</td>
<td>Council has previously supported the rezoning of Lot 1 and 2 Nicholson Road, based on previous structure planning, concept development planning and the City of Gosnells Local Commercial Strategy.</td>
<td>Council’s previous support is acknowledged however it is believed that the referenced rezoning for Lot 2 has not been formally assessed by the DEP. Lot 1 has been formally assessed by the DEP. Further information has been gained from further wetland assessments.</td>
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<td>23.12</td>
<td>The basis for supporting the development of this area as non-retail or mixed business still exists to support a rapidly growing surrounding area and should not be displaced by the presence of some local vegetation and remnant portion of wetland, particularly when the vegetation and wetland have not been identified as regionally significant nor protected under state policy.</td>
<td>Whilst there may potentially be merit in supporting various forms of non-residential development in the area from a commercial perspective solely, it is not considered to be an appropriate balance of conservation and development within the ODP area. Refer full comments in discussion section of this report.</td>
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<td>23.13</td>
<td>The current shape of the current mixed business area proposed under the ODP and its extensive interface with the proposed conservation area would offer very limited prospects for a meaningful mixed business precinct and would be difficult to integrate with the residential neighbourhood that it is supposed to services. It would be far more logical to expand the mixed business precinct as originally intended.</td>
<td>It is noted that careful attention will be required for the interface between commercial development and adjoining land uses including conservation and residential. Each DA and subdivision will need to be carefully considered. A detailed area plan or similar may be required to ensure appropriate integration of land uses however good design will enable objectives to be met.</td>
<td>Refer 9.2 and 9.4</td>
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<td>23.14</td>
<td>The identification of the entire Lot 2 as potential open space under the ODP would result in an extremely high cost of development and would undermine the viability of the residential subdivision of the entire precinct.</td>
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<td>23.15</td>
<td>Given that Lot 2 Nicholson Road forms only a small part of what was previously identified as a much larger wetland area by the Water and Rivers Commission, it is quite apparent that preferential treatment is being given to landowners in other parts of the original identified wetland. Other landowners have been permitted to undertake urban development over identified wetland areas, where the ODP in this instance would sterilise Lot 2 from any further development. The ACCC has state in the past that one ground for lodgement of complaints can be preferential treatment.</td>
<td>Refer 9.2 and full comments in discussion section</td>
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<td>23.16</td>
<td>In Bush Plan site plan 68, 198, the revised Conservation and Wetlands have been substantially reduced. The new boundaries do not reflect wetland or vegetation factors but rather the convenience of development because of the boundaries depicted. It is also noted that part of the wetland areas to the east of Ranford have been removed. In addition, the wetland to the north of the intersection has now been developed and no longer exists.</td>
<td>The ODP has been prepared on the basis of the wetland classifications at the time of preparation. Refer full comments in discussion section of this report regard wetland classifications.</td>
<td>Refer full comments in discussion section.</td>
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<td>23.17</td>
<td>The owners of Lot 2 Nicholson Road are being shown on the ODP that they will be unable to develop their land due to a conservation category wetland. These policies obviously did not apply to other developers within the same identified area.</td>
<td>Refer 9.2. and full comments in discussion section.</td>
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<p>| 24. | Delta Bay Holdings Pty Ltd 24 Wilkinson Gardens Winthrop 6150 | Lot 15 Nicholson Road Canning Vale | Public open space areas should be reduced in area due to consumption of three-quarters of lot. | See 9.4 |
| 25. | Prestigious Investments Pty Ltd 528 Murray Street Perth 6000 | Lot 3 Ranford Road | Public open space areas shown with the ODP are excessive, particularly near the entrance from Ranford Road. | The POS areas shown on the ODP are based on achieving sufficient land for conservation, recreation, aesthetic and drainage objectives. POS network is based on original ODP prepared by the Roberts Day Group. Refer 24.1 |
| 26. | Eastview Nominees Pty Ltd (T E Leggo) 282 Rokeby Road Subiaco 6008 | Lot 14 Nicholson Road Canning Vale 305-313 (Lot 13) Campbell Road, Canning Vale | Strong preference for permanent water bodies, similar to those within the Sanctuary Waters Estate. | Refer 9.1 |</p>
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<td>26.2</td>
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<td>Living streams approach only not considered to be appropriate for this estate. Residents have a right to live in the surrounds that they want to live in and many of them want to remain in the estate having assumed that it would be developed as an extension of Sanctuary Waters with open water bodies contained within beautified parklands.</td>
<td>Refer 9.1</td>
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<td>26.3</td>
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<td>If incorporating living streams assists Council to progress the ODP through the other authorities without incurring their wrath, then landowners may have to accept a compromise that incorporates lakes and living streams.</td>
<td>Refer above comment.</td>
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<td>26.4</td>
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<td>In the event that the final outcome, imposed by others, is not to the satisfaction of landowners, the support of Council is requested in incorporating lakes within the estate for beautification, amenity and marketing purposes, at the subdivision approval process.</td>
<td>Refer 26.2</td>
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<td>26.5</td>
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<td>The proposed dual use paths are excessive and should be reduced.</td>
<td>See 14.4</td>
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<td>26.6</td>
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<td>Upgrading of Ranford Road: (i) Does not solely benefit the estate and there is unreasonable to expect landowners to be responsible for the major share of the earthworks and construction costs, to build a second carriageway. The timing of construction and expenditure of scarce funds will be important, particularly as some landowners may not wish to subdivide making it impossible to gain access.</td>
<td>Refer 9.5 and 14.10</td>
<td>Recognised. Upon the adoption of the ODP it will be necessary to review the timing of infrastructure works to support future subdivision and development.</td>
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<td>(ii) Early construction of Ranford Road is an obvious benefit to others and Council should reassess this item and redirect the majority cost to the parties responsible for road usage rather than burdening the cost onto the Campbell Estate Landowners.</td>
<td>The City is currently reviewing traffic modeling provided by MRWA with a view to ensure the timely construction of roads to meet demands.</td>
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<td>26.7</td>
<td>Upgrading of Nicholson Road:</td>
<td>(i) Nicholson Road is an existing blue road (Important Regional Road) with a designated freight route function. It is clearly an important road and therefore a cost that government has to bear, whether it be local, state or federal.</td>
<td>See 9.5.</td>
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<td>(ii) There are 10 individual landowners that have to be compensated for their land contribution to road widening and we assume that funds are available for this purpose when the land is required.</td>
<td>Upon the adoption of an ODP, the programming of infrastructure works will need to be determined to ensure timely provision.</td>
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<td>(iii) We assume that Council has or will have funding to construct the second carriageway totally or in part.</td>
<td>Refer above comment.</td>
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<td>26.8</td>
<td>Land Resumption for Road Widening:</td>
<td>(i) Unfair and unreasonable that each landowner within the Campbell Estate are expected to contribute land, free of charge, to the proposed road widening reserves along both Ranford and Nicholson Roads.</td>
<td>Refer 9.5 and 14.10.</td>
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<td>(ii) Why should a small number of landowners be forced to make such a significant and generous contribution to the majority of the community, for the widening of a metropolitan regional road system which is an essential state asset?</td>
<td>Refer 9.5 and 14.10</td>
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<td>(iii) We understand that Ranford Estate did not contribute to Nicholson Road.</td>
<td>Consistent with this, the upgrading of Nicholson Road is not being included within the common infrastructure works for the ODP area.</td>
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<td>26.9 Traffic management – the cost of internal roundabouts is excessive and seek Council’s assistance to rationalise and reduce the burden on the proposed scheme.</td>
<td>The traffic management measures proposed are necessary to ensure that regional traffic does not penetrate the residential areas and that appropriate traffic speeds are achieved. Refer full comments in discussion section on wetland classifications. The buffer has been included within the POS calculations.</td>
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<td>26.10 Conservation Category Wetland – if the state want to preserve Lot 2 as a CCW, then the state should compensate the landowner. Relevance of wetland, given size and location, between commercial and residential development areas is questioned but if proposed designation is politically and tactically expedient, then landowners may have to accept it. Request Council’s assurance that buffer will form part of POS calculations.</td>
<td>It has been previously acknowledged that the studies undertaken to date shall be included in the ‘administration’ component of the common infrastructure work and previous contributions may be offset. A standard contribution rate shall be established to ensure the acquisition of POS, drainage and conservation areas.</td>
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<td>26.11 We understand that the landowners that contributed funds to prepare the ODP will be reimbursed in full, under the terms of the Scheme.</td>
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<td>26.12 Public Open Space – unclear as to the exact requirements and understand that standard 10% POS requirement will ultimately be required upon finalisation of ODP.</td>
<td>Upon the finalisation of the ODP, it will be possible to discuss further with developers opportunities to coordinate landscaping designs throughout the ODP area. It is not, however, reasonable to include landscaping design in the common infrastructure works.</td>
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<td>26.13 Estate Landscaping – landscaping is an integral part of developing a quality estate and a single responsible developer would have a significant budget for this item. In the event of fragmented and uncoordinated development, there is no control and we suggest that this eventuality be addressed through inclusion of landscaping as Common Infrastructure Works.</td>
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<tr>
<th>No.</th>
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<tbody>
<tr>
<td>26.14</td>
<td></td>
<td></td>
<td>General comments – support the finalising of the ODP on a fair and equitable basis, with Council having a responsibility to ensure costs are minimums and to be openly and public accountable.</td>
<td>Agreed. Council staff have been seeking to finalise a responsible ODP as quickly as possible.</td>
</tr>
<tr>
<td>27.</td>
<td>L K Yong 26 Livingston Drive Canning Vale</td>
<td>Lot 4 Fairlie Road Canning Vale</td>
<td>Unfair that a large portion of property is set aside for open space. Property is not low lying, nor is it aesthetically pleasing. Feel that Council’s choice is influenced by the fact that the land is vacant. Will resist any development as outlined.</td>
<td>The POS location is based on the original ODP prepared by the Roberts Day Group. Avoiding the future demolition of existing houses is clearly desirable wherever possible.</td>
</tr>
<tr>
<td>28.1</td>
<td>S &amp; M Hall Lot 279 Ranford Road</td>
<td>Lot 279 Ranford Road, Canning Vale</td>
<td>Entry road passes through a portion of home.</td>
<td>Acknowledged. ODP to be amended accordingly.</td>
</tr>
<tr>
<td>28.2</td>
<td></td>
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<td>Water feature or water control situated in front of house on Ranford Road takes our front yard with the effect of turning home into a suburban house block.</td>
<td>No landowner shall be required to develop/subdivide their land and as such may remain as status quo. Land acquisition may, however, be required for future road widening. Noted and recommended to be included in revised plan.</td>
</tr>
<tr>
<td>28.3</td>
<td></td>
<td></td>
<td>Alternative road location provided and recommended.</td>
<td>Acknowledged. No landowner is required to develop or subdivide their land. Development and/or subdivision may occur in the surrounding area however every effort is made to ensure that the interests of all landowners are considered.</td>
</tr>
<tr>
<td>28.4</td>
<td></td>
<td></td>
<td>Have a strong attachment to land and do not intend to have our lifestyle compromised in any way.</td>
<td>Agreed. Detailed design options can be discussed following the finalisation of the ODP.</td>
</tr>
<tr>
<td>28.5</td>
<td></td>
<td></td>
<td>Feel that a compromise solution can be found and suggest that these be pursued.</td>
<td></td>
</tr>
<tr>
<td>29.1</td>
<td>Hocking Planning and Architecture PO Box 7041 Shenton Park</td>
<td>Lot 282 Campbell Road, Canning Vale.</td>
<td>Church/community activities should be addressed in the ODP.</td>
<td>Existing approvals for Lot 282 relate to the development of the site as a ‘place of public worship’. Further applications will need to be considered on their merits.</td>
</tr>
<tr>
<td>29.2</td>
<td></td>
<td></td>
<td>The permanent water feature on Lot 282 should be considered within the POS provisions of the ODP</td>
<td>The permanent water feature has not been included in the POS provisions of the ODP as it does not form part of the central network of POS nor the proposed drainage strategy.</td>
</tr>
<tr>
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<tr>
<td>29.3</td>
<td>The common infrastructure costs should be calculated on the residential component of the lot only (approximately 50%), as front portion already has development approval.</td>
<td>Noted, see discussion section.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>29.4</td>
<td>Opportunities for reciprocal access/sharing of parking should be considered for church/community uses.</td>
<td>This matter is outside of the scope of matters to be addressed through the ODP.</td>
<td></td>
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</tr>
<tr>
<td>30.1</td>
<td>The existing shopping centre provides neighborhood level shopping, and is suitably located to provide for the everyday needs of future residents</td>
<td>Noted.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>30.2</td>
<td>The inclusion of additional residential development within the nearby area will also generally benefit the centre by adding to the potential customer base within the local vicinity</td>
<td>Noted</td>
<td></td>
<td></td>
</tr>
<tr>
<td>30.3</td>
<td>The specific exclusion of shop and showroom in the ODP documentation for Lot 281 is supported. The ODP recognises the importance of surrounding land uses and requests that this remain in final documentation</td>
<td>Noted</td>
<td></td>
<td></td>
</tr>
<tr>
<td>31.1</td>
<td>In correspondence sent to landowners, the City has not confirmed that a contribution rate of $55,000 per ha is to be levied upon subdivision or development.</td>
<td>The draft ODP documentation does confirm a contribution rate of $55,084 per ha. Refer 9.2</td>
<td></td>
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<tr>
<td>31.2</td>
<td>Landowners should not be required to fencing for the CCW</td>
<td>Refer 2.2</td>
<td></td>
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</tr>
<tr>
<td>31.3</td>
<td>The public open space contribution rate of 15% is excessive.</td>
<td>Refer 9.1</td>
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<tr>
<td>32.1</td>
<td>Strongly support the use of open water bodies in preference to living streams approach. Permanent water bodies should be included in final design to the greatest extent possible, either for drainage or aesthetic reasons.</td>
<td>Refer 9.1</td>
<td></td>
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<tr>
<td>32.2</td>
<td>Dual use path provision is excessive within ODP area.</td>
<td>See 14.4</td>
<td></td>
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<td></td>
<td>32.3 Disagree with the construction costs of Ranford Road upgrading being included within the Common Infrastructure Works</td>
<td>See 14.10</td>
</tr>
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<td>32.4 We understand that the cost of upgrading Nicholson Road in the future, as a designated freight route will not be included in the Common Infrastructure Works. The City is requested to review the need for the future upgrading of Ranford Road.</td>
<td>The subject land is currently shown as a reserve under both the MRS and TPS 6. The City is undertaking a review of the adequacy of current and proposed road reservation widths in conjunction with DPI to ensure the timely provision of infrastructure.</td>
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<td>32.5 We seek a commitment from Council that the funding is available and that it will be used to upgrade the road when abutting subdivision development in Campbell Estate commences.</td>
<td>Refer. The City is currently reviewing the adequacy of road reservation widths and funding arrangements to ensure the timely provision of infrastructure. The allocation of Council funds for road upgrading needs to be considered through the normal Council budget processes. Refer.</td>
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<td>32.6 It is unreasonable to expect a small number of land owners to pay for the full cost of land acquisition associated with future road widening and not receive compensation from government sources</td>
<td>See 9.5</td>
</tr>
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<td>32.7 The cost of traffic management measures within the ODP area appears excessive. We understand that the size of the roundabouts is based on the position of DPI that Govan Road should be used as a public transport route. We question the appropriateness of Govan Road being used as part of a bus route.</td>
<td>The position taken is based on the advice from DPI, confirmed again during the advertising period.</td>
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<td>32.8 Recognise that the inclusion of the CCW in the ODP may be appropriate to ensure that the ODP meet’s EPA objectives. The landowners want to retain the right to request compensation from the State Government ‘Bush Forever’ fund at some time in the future if the opportunity presents itself.</td>
<td>Noted. It is the City’s understanding that no statutory mechanism currently exists for compensation of land designated as a conservation category wetland. Further advice on this matter should be sourced from the relevant state government agencies.</td>
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<td>32.9</td>
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<td>We believe that the CCW buffer has not been included in the POS calculations and will affect the net developable area/cost contributions. We request that all area calculations and credits be re-checked.</td>
<td>Disagree. The buffer to the CCW has been included in the POS calculations. The land areas have been re-checked and have been confirmed.</td>
</tr>
<tr>
<td>32.10</td>
<td></td>
<td></td>
<td>The cost of land acquisition for the CCW should be included as a dollar figure rather than POS contribution.</td>
<td>The approach taken is consistent with the principles established through the Canning Vale ODP. Refer 12.5.</td>
</tr>
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<td>32.11</td>
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<td>We request confirmation that the landowners that contributed to the fees for the privately prepared ODP will receive a full refund under the scheme.</td>
<td>TPS 6 provides the appropriate mechanism for reviewing cost estimates and disputes over cost estimates. The cost estimates have been based on advice from the City’s Infrastructure Division and the estimates included in the Canning Vale ODP. Refer 12.5.</td>
</tr>
<tr>
<td>32.12</td>
<td></td>
<td></td>
<td>We request that Council’s Common Infrastructure Works Schedule be checked and agreed by an independent consultant engineer.</td>
<td>The approach taken is consistent with the principles established through the Canning Vale ODP. Refer 12.5.</td>
</tr>
<tr>
<td>32.13</td>
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<td>We request that any surplus funds be returned to the subdivision. If funds cannot be returned, surplus funds can only be expended on local community items within the Campbell Estate. Council should manage the Common Infrastructure Works/contributions to ensure that the situation arises where there is a deficiency of funds.</td>
<td>The City of Gosnells Town Planning Scheme No.6 clearly outlines the parameters by which the funds must be collected, managed and expended. Surplus funds, if available, are required to be spent on further improvements in the area from which the contributions were collected.</td>
</tr>
<tr>
<td>32.14</td>
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<td>The POS buffer to the CCW should be included in the calculations for POS contributions and the cost contributions for common infrastructure works.</td>
<td>Noted. The POS calculations have been based on the inclusion of the buffer to the CCW.</td>
</tr>
<tr>
<td>32.15</td>
<td></td>
<td></td>
<td>Council should consider the inclusion of landscaping costs as part of the common infrastructure costs for the ODP area.</td>
<td>Disagree. This is not supported by WAPC policy or standard practice beyond the standard 2% credit as part of POS contributions. Upon the adoption of an ODP, the City can discuss with landowners opportunities for coordinating design etc.</td>
</tr>
<tr>
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<tr>
<td>33.</td>
<td>Dykstra &amp; Associates 6/2954 Albany Hwy, Kelmscott WA 6111 (for Mr and Mrs Teh)</td>
<td>Lot 278 Ranford Road, Canning Vale (Refer submission by owner at No. 13)</td>
<td>33.1 The landowners of Lot 278 do not envisage that the mixed business component of their property will necessarily comprise the ‘big box’ shown type development, more likely low key local development such as professional offices, medical centre etc.</td>
<td>Noted and supported. Proposed land uses will need to be consistent with uses permissible under TPS6.</td>
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<td>33.2 Looking at the design of the ODP in respect of lot 278, the potential exists for the area marked as ‘mixed business’ to become isolated from its surrounds by its proposed frontage to POS. A refinement to the exact design would likely achieve a better result.</td>
<td>Careful design will be required at the time of development and/or subdivision design to provide connectivity between the various land uses.</td>
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<td>33.3 A ‘smoother’ alignment for the drainage corridor would be better than a sharp elbow.</td>
<td>Noted and supported.</td>
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<td></td>
<td>33.4 A reduced width of drainage corridor would be better from a design perspective and POS contribution perspective. A lesser corridor width should be considered.</td>
<td>The width of the proposed corridor is based on advice from DEP and WRC and forms the basis of the drainage strategy for the ODP area.</td>
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<td>33.5 Increased residential densities should be supported on Lot 278, based on the same rationale as increased densities for Lot 281.</td>
<td>Increased residential densities on lot 281 have been supported based on proximity to the existing neighbourhood centre on the corner of Campbell and Nicholson Road. The same rationale does not apply in this instance. Further guidance on increased residential densities in new urban areas is anticipated to be forthcoming through the Local Housing Strategy in the near future.</td>
</tr>
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<td></td>
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<td></td>
<td>33.6 Various linkages should be achieved between the proposed residential and mixed business land uses.</td>
<td>Careful design will be required at the time of development and/or subdivision design to provide connectivity between the various land uses.</td>
</tr>
</tbody>
</table>

**DISCUSSION**

Before further discussing the comments raised during the advertising period, it is necessary to consider a chronology of events prior to August 2002 when Council resolved the ODP was satisfactory for the purpose of advertising.
The Satterley Property Group acting on behalf of 20 of the 32 landowners in the area commissioned the Roberts Day Group (Planning Consultants) to prepare and submit a rezoning required for the area and a draft ODP. At its meeting of 27 July 1999 (Resolution 654) Council considered the proposed rezoning and the draft ODP and resolved to:

(a) initiate the requested rezoning to effect a ‘Residential Development’ zone of the majority of the site and a ‘Commercial non-retail’ zoning for lots on the Ranford Road/Nicholson Road intersection; and

(b) endorse in principle the draft ODP subject to various modifications primarily relating to a reduction in the proposed commercial area.

The above Council resolution in effect required the proponents to amend and then submit finalised rezoning and ODP documentation to Council. Satterley Property Group, at various times, advised that the ODP documentation would be submitted once various issues amongst participating property owners and themselves as coordinating developers had been resolved. Due to the impending gazettal of TPS 6 in effect would rezone the land ahead in the absence of an ODP, it was determined that Council was in a better position to resolve the outstanding matters. Council at its meeting on 27 February 2001 considered the matter and passed the following resolution (Resolution 96):

“That Council endorse the City Planning staff progressing the finalisation of the ODP documentation for the West Canning Vale area as a matter of priority due to the apparent inability of private planning consultants to obtain consensus amongst land owners.”

The purpose of an ODP is two fold. Firstly, it shows the general arrangement of land uses and secondly an ODP provides a mechanism for the sharing of common infrastructure items. These common infrastructure items relate to district or regional level facilities such as drainage, regional upgrading, provision of drainage and conservation reserve land, etc, which are required to support the intended intensification of land uses within the ODP area. The principle being that landowners who benefit from subsequent development should share in the cost of the provision of necessary common infrastructure on a pro-rata basis. The process and particular details of the ODP were prepared consistent with WAPC policies and the practices established in other ODPs such as the Canning Vale ODP.

It must be recognised that Council’s statutory obligations in respect of ODPs is limited to consideration and provision of advice before submission to the Western Australian Planning Commission. Council, in seeking to facilitate the development of the ODP area, has sought to finalise outstanding issues.

Based on the comments received during the advertising period, these sections seek to explore the following key issues in greater detail:

- Environmental assessment of ODPs
• Protection of conservation values
• Drainage strategy
• Proposed path network
• Upgrading of important regional roads.
• Possible minor modifications required to ODP.

Environmental Assessment of Outline Development Plans by the Environmental Protection Authority

The proposed ODP was referred to the Department for Environmental Protection (DEP) for comment during the advertising period with the comments provided by the DEP outlined in the submission table earlier in this report. Of note, however is the lack of ability for the Environmental Protection Authority to formally assess an ODP or Structure Plan. ODPs and Structure Plans do not meet the criteria for a ‘proposal’ under the Environmental Protection Act 1986 and cannot therefore be subject to assessment by the Environmental Protection Authority (EPA). Planning schemes and their amendments, subdivisions and development proposals can be assessed by the EPA when referred under section 48 or section 38 of the Act.

Where an ODP or Structure Plan is considered to raise a number of potentially significant environmental impacts, officers of the EPA Service Unit are able to provide preliminary advice to the local government and other agencies based on the EPA’s position on the likely environmental impacts. The EPA Service unit provides this advice based on an understanding that the issues will be addressed at a strategic level. Based on the advice provided, any future rezoning, subdivision or development proposals are then able to be prepared to address the EPA’s concerns and in doing so are more likely to meet the EPA’s objectives.

In circumstances where a project cannot be assessed by the EPA under the Act but the likely impacts are considered to be significant and require more than formal comments, the EPA can provide public advice pursuant to section 16 of the Act however this course of action is ordinarily reserved for plans of considerably greater scale such as the Southern River/Forrestdale/Wungong/Brookdale District Structure Plan. The position taken by the DEP on this matter is of concern to Council staff for a number of reasons, including:

• The statutory nature of ODPs adopted under the City’s TPS 6.
• The potential for future delays, costs and uncertainty associated with individual subdivision and development proposals being formally assessed by the EPA.
• The potential for financial risk for land owners and the City resulting from reduced ultimate development than that estimated in the schedule of common infrastructure works.

Council staff have expressed concern to the Department for Environmental Protection and the Department for Planning and Infrastructure in respect of this matter. The lack of certainty able to be provided for this ODP further heightens the need for further advice from the DEP and WRC to ensure that environmental objectives can be satisfied.
Protection of Conservation Values

Following on from the original ODP presented to Council in 1999, the City was advised that various studies were needing to be undertaken to determine the relevant wetland classifications. Between 1999 and 2001 the City commissioned Bowman Bishaw Gorham Environmental Management Consultants to undertake various wetland assessments, with the identification of a number of resource enhancement and multiple use wetlands within the ODP area. Furthermore, a conservation category wetland was identified over lots 2 and 290 Nicholson Road. It was on this basis that the City proceeded with the current ODP, seeking to protect the conservation category wetland, incorporating a ‘living stream’ approach to urban water management and maintaining the original ODP designed.

In light of the findings of the various studies undertaken, Council deemed that a ‘hybrid’ design could achieve an appropriate balance between conservation and development. In essence the protection of the conservation category wetland could be achieved and the use of a water sensitive drainage strategy incorporated into the framework of the original ODP thereby not requiring substantial modifications.

The Water and Rivers Commission considered the Council initiated ODP and provided advice that did not raise concerns about the ODP in respect of wetland classifications or protection and that the urban water management strategy which sought to minimise run-off and maximise water conservation through the use of swales and vegetated overland paths was fully supported. The DEP in contrast identified the need for further wetland evaluation to be undertaken.

When the landholder initiated ODP was received, the WRC and DEP decided to undertake a site visit to verify the environmental studies done and provide some certainty to Council, the landholders and the assessing agencies in light of inconsistencies.

Following the further assessment of the matter, additional advice has been received from the EPA. The Environmental Protection Authority Service Unit (EPASU), in consultation with the officers of the Water and Rivers Commission reviewed the plan and associated report and have identified a number of environmental features of the site considered significant by the EPA including high conservation value wetlands, vegetation in excellent condition and noted the potential for declared rare flora on site. The EPA was not satisfied that these features had been adequately addressed in the ODP and recommends further consideration and modification of the ODP in its current form.

Furthermore, the EPASU advised that the ODP did not meet the EPA’s objectives with respect to the protection of wetlands, vegetation and potentially, rare flora. While the EPA can not formally assess the ODP, future subdivision and development proposals within the ODP area may require referral and assessment by the EPA unless the ODP is modified to avoid any significant environmental impacts.
It is understood that based on the studies and further investigations undertaken, wetland classifications within the ODP area have been revised by the WRC and will need to be considered in amending the ODP. Clearly further advice on this matter is required from the EPA and WRC.

Following the receipt of additional advice from the EPA and WRC, appropriate landowner involvement will be required to ensure that a satisfactory outcome is achieved for all parties involved. The ultimate acquisition and setting aside of ‘core’ conservation areas coupled with reasonable and equitable cost sharing for landowners is critical to achieve an appropriate balance between conservation and development.

**Drainage Strategy**

One of the common issues raised during the advertising period by landowners was a strong preference for permanent water bodies as a fundamental component of the drainage strategy for the ODP area. The WRC advised that the proposal to adopt an urban water management strategy, incorporate a ‘living streams’ approach through the use of swales and vegetated overland flowpaths is fully supported.

Of relevance to this matter are the comments provided by the Water and Rivers Commission in respect of the landholder initiated ODP incorporating permanent water bodies. The advice received includes the following:

- The Commission’s current position is that both water quality and quantity shall be managed by minimising runoff and maximising infiltration of rainfall, to the superficial aquifer ‘at source’. During significant rainfall events overland flow should occur along vegetated swales or streamlines with required detention volumes accommodated generally along these streamlines within an integrated POS area.

- The invert of the existing drainage outfall of this area is already set at RL22.7 AHD by downstream development. There is no hydraulic benefits gained for both water quality and quantity management by having invert levels lower than this as the hydraulic grade line to enable flows to exit this estate must always be above this level.

The development of detailed drainage designs for stormwater management in the ODP area should incorporate consultation with the Water and Rivers Commission as it will be the clearing authority for subsequent subdivisional approvals issued in relation to stormwater management.

**Dual Uses Paths**

Some of the comments received during the advertising period questioned the need for the quantity of dual use paths identified on the ODP, particularly along Ranford Road. Whilst it is recognised that there is an existing path on the northern side of Ranford Road, the transport planning study undertaken by ERM Mitchell McCotter recommends the future construction of a path along the Southern side of Ranford Road. This advice is consistent with that provided within the Liveable Neighbourhoods – Community
Design Code which seeks to establish a path on both sides of all streets, with the exception of low-volume and low speed roads where the use of the street is considered safe and comfortable for pedestrian use and by people with disabilities. This is clearly not the case with Ranford Road.

The extent of path provision within the ODP area is comparable with that in the Southern River Precinct 5 ODP area, incorporating The Boardwalk Estate.

**Road Upgrading**

Council at its meeting of 27 February 2001 considered, amongst other matters, the level of contribution required through the ODP for the upgrading of Important Regional Roads. In accordance with Western Australian Planning Commission policy, a contribution is ordinarily required for half the cost of constructing one carriageway and earthworks for the second carriageway for the extent to which the development area fronts such roads; this cost is ordinarily in addition to the land acquisition required to facilitate the road widening.

The Campbell Estate was compared with other recent land developments in the surrounding area, including a comparison of the level of important regional road frontage to the development area. Council considered that due to the level of important regional road frontage, an “onerous” impost would result and that the road upgrade requirement should be reduced, however all land requirements should be maintained. A contribution for the upgrading of Ranford Road was chosen ahead of Nicholson Road on the basis that the urgency/need for upgrading is considerably greater in this locality.

Having considered the reduced road upgrading, Council at its meeting of 27 February 2001 (Resolution 94) resolved as follows in relation to the Common Infrastructure Works:

“... (a) Contribution to half the cost of constructing one carriageway and earthworks for the second carriageway for Ranford Road to the extent to which this road abuts the extent of the defined ODP Area.

All other new and existing roads within the ODP area are to be constructed and/or upgraded as a condition of subdivision in the normal progress of subdivision in the area with provisions from Section 28 of the Town Planning and Development Act 1928 (as amended) applying to both new and existing roads. ...
”

Having already provided for a reduced road upgrading contribution than that allowed for under Western Australian Planning Commission Policy, Council officers do not recommend a further reduction of the road upgrading contribution.
Other Minor Modifications Required to ODP

It is likely that the mixed use site on Lot 281 corner Ranford Road will be developed for a range of residential densities and very limited, if any, non-residential land uses. As a result, it will be necessary to amend the schedule of common infrastructure works to reflect the residential development of the site in determining the POS contribution rate. This will have the effect of reducing the contribution rate per hectare for residential land.

A submission was received from the owner of Lot 279 Ranford Road, indicating the proposed access road from the north would compromise an existing dwelling and improvements upon the land. Even though this is an indicative location only, it is an anomaly carried over from an original design that is clearly not appropriate. From further discussions with the landowner, it is considered appropriate to amend the ODP such that the access road is relocated to the east based on the boundary between Lot 279 and Lot 3 Ranford Road.

The final minor modification required to the ODP is the construction of a dual use path to link the central POS area with Nicholson Road along Govan Road rather than Fairlie Road. This is consistent with the transport study undertaken for the ODP area and forms part of a cycle/walking network to nearby schools.

Options

(1) Council support the ODP as advertised and forward the ODP to the Commission for consideration.

   This option is not considered appropriate due the advice of the Department for Environmental Protection and Water and Rivers Commission stating that it does not meet the objectives of the Environmental Protection Authority. To proceed with the current ODP, whilst appealing in the short-term from a time perspective, has the potential for future delays and financial risk for both land owners and the City.

(2) Council support the ODP as advertised with the following modifications and forward the ODP to the Commission for consideration: revised road location providing access from Ranford Road, the deletion of the 'mixed use' designation from Lot 281 and the construction of a dual use path to Nicholson Road on Govan Road rather than Fairlie Road.

   For the same reasons as option 1, this option is not considered appropriate. However, should Council determine that the ODP should be supported then it is imperative that the minor modifications are made to the ODP to reflect the likely development scenarios on lots 281 Campbell Road and the construction of a dual use path to provide a safe linkage for children travelling to school.
(3) Council seek further advice from the DEP and WRC prior to finalising the ODP.

This option is recommended as it will provide the opportunity to amend the ODP as required to meet the objectives of the EPA and to provide certainty for future subdivision and development of the area. Should any modifications be required to be undertaken to the ODP, appropriate land owner consultation will clearly be necessary.

(4) Council refuse to support the ODP and forward the ODP to the Commission for consideration.

This option is not recommended as considerable work has been undertaken to progress the ODP thus far. It is considered appropriate to modify the existing ODP as required to finalise an ODP for the area as quickly as possible. Council will also need to consider its on-going involvement in the preparation and finalisation of an ODP for the area. It must be recognised that the statutory obligations of Council are limited to the assessment and consideration of ODPs and that Council has been seeking to assist the finalisation of an ODP for the Campbell Estate, recognising the previous inability of private planning consultants to reach consensus among landowners.

CONCLUSION

The preparation of the ODP to date has been consistent with WAPC Policies, the draft Local Housing Strategy, Liveable Neighbourhoods – Community Design Codes and the principles established through other ODPs. An Outline Development Plan will need to be finalised for the West Canning Vale (Campbell Estate) area to facilitate future development and subdivision of the area, concurrent with the acquisition and setting aside of ‘core’ conservation areas.

Following the receipt of the landholder initiated ODP, further investigation into the conservation values of the ODP was undertaken by the DEP and WRC, resulting in the reclassification of wetlands and the need to protect further vegetation. Although not formally assessed pursuant to Environmental Protection Act 1986, the EPA has advised that it does not support the current ODP and it is imperative that this advice be duly considered. To proceed with the current ODP, whilst appealing in the short-term from a time perspective, has the potential for future delays and financial risk for both land owners and the City.

Landowners and/or the City would need to pre-fund common infrastructure works premised on reimbursement when the funds become available through developer cost contributions. Should further subdivision not be possible due to environmental constraints, further cost contributions would not be made. Furthermore, if future subdivision and development is not consistent with the objectives of the EPA it is likely that such proposals would be the subject of review by the DEP and possible formal assessment.

Further advice is required from the Department for Environmental Protection and Water and Rivers Commission prior to determining the appropriate steps in finalising an ODP.
for the subject area incorporating further land owner consultation. To proceed against the advice of the DEP is not recommended.

**FINANCIAL IMPLICATIONS**

Upon the approval of an Outline Development Plan, Council is required to establish and maintain separate Trust Accounts for each ODP area. The trust accounts are used for the purpose of collecting cost contributions from landowners and to fund the specified Common Infrastructure Works that form part of the ODP.

As all ODPs are based on determined levels of development and cost estimates for common infrastructure works, any modifications made to an ODP in respect of future land uses will either require a modification to the cost-sharing structure and/or a shortfall in funds to cover the common infrastructure works required to support development in the area. This situation demonstrates the need for certainty when adopting ODPs as a basis for future subdivision and therefore full consideration and resolution of all relevant issues.

**STAFF RECOMMENDATION**

*Moved Cr MD Devereux Seconded Cr C Matison*

That Council note the submissions received during the advertising of the West Canning Vale (Campbell Estate) Outline Development Plan.

**STAFF RECOMMENDATION**

*Moved Cr MD Devereux Seconded Cr C Matison*

That Council seek further advice from the Department for Environmental Protection and the Water and Rivers Commission, in order to modify the ODP to meet the objectives of the EPA whilst seeking no net increase in the proposed land set aside for public purposes.

**Foreshadowed Motion**

*During debate Cr AJ Smith foreshadowed that he would move the following motion:*

> “That the matter be referred back to enable a public meeting to be convened with the residents/landowners of the area, staff, Councillors and representatives of the relevant government agencies of the area.”

*If the motions under debate were defeated, providing the following reason:*
“My appraisal of the public submissions on pages 41 to 67 of the agenda reveals that of the 33 residents/landowners of the area, 30 have lodged 169 items of objection to the proposal with only 3 supporting the plan.

The Local Government Act directs Councillors to represent the interests of the electors, ratepayers and residents of the district and facilitate communication between the community and Council.

It is with this specific section of the Act in mind that I propose that a public meeting be convened at the earliest opportunity with staff, all available Councillors, interested residents/landowners of the area and the relevant government agencies representatives. With a view to addressing the concerns of all parties and to arrive at a workable solution for all concerned.

Cr S Moss seconded Cr Smith’s proposed motion.

Foreshadowed Motion

During debate Cr O Searle foreshadowed that she would move the following motions to enable the ODP to progress:

“First Motion

That Council acknowledge and accept that the submissions received are consistent with the ODP submitted for approval to Council in 1999 and 2002 by the landowners.

Second Motion

That the ODP be forwarded to the Department of State Planning and Infrastructure for implementation and determination.”

if the motions under debate were defeated.

Cr R Croft seconded Cr Searle’s proposed motions.

At the conclusion of debate the Mayor put the staff recommendations, which read:

13 Moved Cr MD Devereux Seconded Cr C Matison

“That Council note the submissions received during the advertising of the West Canning Vale (Campbell Estate) Outline Development Plan.”

CARRIED 8/3

FOR: Cr S Iwanyk, Cr C Matison, Cr J Brown, Cr MD Devereux, Cr R Croft, Cr R Mitchell, Cr A Pisano and Cr PM Morris.

AGAINST: Cr AJ Smith, Cr O Searle and Cr S Moss.
STAFF RECOMMENDATION AND COUNCIL RESOLUTION

14 Moved Cr MD Devereux Seconded Cr C Matison

“That Council seek further advice from the Department for Environmental Protection and the Water and Rivers Commission, in order to modify the ODP to meet the objectives of the EPA whilst seeking no net increase in the proposed land set aside for public purposes.”

CARRIED 8/3

FOR: Cr S Iwanyk, Cr C Matison, Cr J Brown, Cr MD Devereux, Cr R Croft, Cr R Mitchell, Cr A Pisano and Cr PM Morris.

AGAINST: Cr AJ Smith, Cr O Searle and Cr S Moss.

Notation

As Council adopted the staff recommendations the foreshadowed motions from Cr AJ Smith and Cr O Searle were not proceeded with.
12.5.6 DEVELOPMENT APPLICATION – BOARDING KENNEL - 1 (LOT 36) RANFORD ROAD, SOUTHERN RIVER

File: 207543  Approve Ref: 0203/1007 (SC/EB) psrp017Feb03

Name: P & S Manning
Location: 1 (Lot 36) Ranford Road, Southern River.
Zoning: MRS: Rural
TPS No. 6: Kennels
Appeal Rights: Yes. Minister for Planning and Infrastructure (Appeals Office) or Town Planning Appeal Tribunal against a refusal or any condition(s) of approval.
Area: 7,654m²

PURPOSE OF REPORT

For Council to approve an application for an existing kennel outbuilding at 1 (Lot 36) Ranford Road, Southern River, which has been erected without formal Planning or Building approval (ie no MRS Form 2 development approval or building licence), as it is outside authority delegated to staff. Council may:

i) issue a retrospective determination, and resolve to grant planning approval for the existing kennel outbuilding; or

ii) determine to direct staff to initiate appropriate actions aimed at removing the outbuilding.

BACKGROUND

Site History

Following a noise complaint, investigations revealed that the subject kennel building at 1 Ranford Road (Lot 36), Southern River (also known as “Mosswood Kennels”) is believed to have been constructed for approximately 25 years. A search of Council’s records did not locate a formal approval, therefore the owner Mr Manning was requested to submit a development application for the kennel block with a reduced side setback of 3.25 metres.

Scheme Requirements

In accordance with Town Planning Scheme No. 6, the subject lot is zoned “Kennels”. Accordingly, kennels are a permitted use within this zone. In addition, ‘animal establishments’ which are defined as “premises used for the breeding, boarding, training or caring of animals for commercial purposes” is a discretionary use within this zone. Clause 1.9 of TPS 6 states that “other schemes are complementary to TPS 6 and includes Town Planning Scheme No. 4 – Kennel Zones. Under TPS 4 the minimum setbacks for kennels shall be 30 metres from the road frontage and 10 metres from side and rear boundaries, however, TPS 4 also states that Council may modify these setbacks having due regard to high water table levels and aesthetics.
Further, Clause 5.5 of TPS 6 also provides Council with the ability to consider variations to prescribed development standards, and Clause 9.4 permits Council to grant approval for existing developments. In considering a variation, Council may consult with affected surrounding landowners in addition to having regard for the criteria set out in Clause 11.2 which states that Council must have due regard for matters such as amenity and compatibility, in order to ensure proper and orderly planning.

The Proposal

The application seeks approval for an existing kennel building that is located 3.25 metres from side boundary in lieu of 10 metres required by Town Planning Scheme No. 4 (TPS 4). Due to history of noise complaints associated with the property, the applicants have advised they have instigated a number of measures to address noise issues. The following provides a summary of the measures already taken to address these issues:

- Adjacent neighbours, Lot 35 Ranford Road, who breed and train Greyhounds with dog trials and race activities undertaken at night, have replaced the open mesh fencing with solid colorbond along western side boundary to prevent disturbance to own dogs.
- German Shepherd Association, Lot 32 Passmore Street, undertake evening exercise, training and obedience classes under floodlights and have replaced rear boundary fence with solid colorbond to prevent disturbance to own dogs.
- * Installation of drop down blinds to all external meshwork in kennels to reduce disruption from external lighting and to act as a baffle against external noise.
- * Planting shrubs along eastern side boundary adjacent to Lot 40 to absorb noise and reduce perceived noise problem.

* NB: This would have little or no effect in relation to noise reduction.

The applicant also advised that their business which is located within a designated kennel area, is limited to daylight hours only, with activities such as the hydrobathing, washing, drying and grooming of dogs undertaken between the hours of 9am and 12 noon.

Site Inspection

A site inspection was undertaken by both Planning and Environmental Health Officers on 3 December 2002 at 2pm. At that time the premises were closed with no dogs on site. The following summary describes existing development:
The entry to the kennel area located to the rear of the residence and the visitors parking area, is via a gate and path through a shaded grassed area leading directly to the office/reception building. Two exercise areas located to the right of the path.

The shed to the rear of office is the feeding/drying workshop and contains the hydrobath.

Kennel No. 1 is the subject of this development application (no record of building approval) and is located 3.25m from side boundary (TPS 4 states minimum 10 metres)

Kennel No. 2 meets setback requirements, with a grassed fenced area located between the kennel and boundary containing a clothesline which is used to dry blankets etc. The grassed area is occasionally used as an exercise area for small dogs.

Kennel No. 3 is relatively new (1996) and used for larger dogs.

The fencing along the rear and right-hand side boundary consists of a 1.8 metre high new green Colorbond fence with cream trim. Whilst the fencing also on the left-hand side boundary is constructed of Super-Six. All internal fencing is wire mesh.

Vegetation located along side boundaries assists with screening. Tall conifers located in the adjacent lot on Passmore Street also provide screening.

The area to the left of the office, shed and Kennel No. 3 to the left-hand side boundary is fenced into five runs. A further six runs are located to the rear and side of Kennel No. 3 and side of Kennel No. 2.

A shaded roofed structure is located between the Office and Kennel No. 1 which is used for dogs after hydrobathing.

All kennels have air vents in the roof with Kennel Nos. 2 and 3 having blinds which are drawn down along all sides which may assist with noise reduction. The applicants advised that the blinds reduce visibility which assists in reducing the times that the dogs bark (ie there may be less barking if dogs cannot see each other).

Premises were kept in a neat and tidy condition.

(Site Plan here)

Diagrams can be viewed at Council’s Libraries and Administration Centre

Public Consultation

The proposal was referred to five surrounding landowners for comment (refer consultation plan). Comments received are summarised in the submission table set out below.
## Schedule of Submission

<table>
<thead>
<tr>
<th>No</th>
<th>Name/Address</th>
<th>Description of Affected Property: Lot No, Street, etc</th>
<th>Summary of Submission</th>
<th>Staff Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>The German Shepherd Dog Association of WA (Inc) GPO Box S1299, Perth WA 6845.</td>
<td>Lot 32 Passmore Street, Southern River</td>
<td>No objection. The kennel block has been in existence some 25 years without causing any problems or inconvenience.</td>
<td>Noted.</td>
</tr>
<tr>
<td>2.</td>
<td>C H Crow</td>
<td>Lot 38 Passmore Street, Southern River.</td>
<td>No Objection. There has been no reason for any complaint over the past 10 years and advise that the Commonwealth Competition rules states minimum side setback of 5 metres rather than 10 metres.</td>
<td>Noted. The 10 metre setback was incorporated into TPS 4 to address noise and amenity issues. A 5 metre side setback would require an amendment to both TPS 6 and TPS 4.</td>
</tr>
<tr>
<td>3.</td>
<td>R &amp; J Brown</td>
<td>Lot 41 Passmore Street, Southern River.</td>
<td>No Objection. No problems with kennel being located 3.25 metre from side boundary. We have been here 15 years and kennel already there long before.</td>
<td>Noted.</td>
</tr>
<tr>
<td>4.</td>
<td>J A Gilmour</td>
<td>Lot 40 Passmore Street, Southern River.</td>
<td>Objection. 1) Kennel located too close to boundary. 2) Recent noise test resulted in noise from kennels far exceeding noise pollution levels set down by the Department of Environmental Protection. 3) Site plan incorrect as plan does not show roofed structure with chain mesh walls located between Kennel No. 1 and the office reception building, which is used as a drying area after the dogs are bathed. This causes the dogs in Kennel Nos. 1 and 2 to bark and noise becomes unbearable. 4) Request staff undertake site visit to check noise levels and to check dog numbers.</td>
<td>Noted. Sound level readings are believed to have be undertaken by Mr Gilmour. Refer Discussion Section. Applicant confirmed that this structure is where some dogs are placed after the hydro bath. Refer Discussion Section.</td>
</tr>
</tbody>
</table>

Refer Discussion Section.
DISCUSSION

History of Complaint

Mr Gilmour’s initial complaint was lodged in writing and dated 20 August 2002. The complaint focussed on alleged unreasonable dog barking noise emanating from Mosswood Kennels, and the location of a kennel in relation to the boundary at Mosswood Kennels ie within 10 metres of the side boundary.

The City’s response dated 28 August 2002 covered both issues put forward by Mr Gilmour. Mr Gilmour was advised that the City of Gosnells would not actively pursue a dog barking noise complaint from persons residing within the Kennel zone. Various reasons, as detailed in this report, for not pursuing the complaint were provided to Mr Gilmour and he was advised that he may wish to seek expert advice from the Department of Environmental Protection (DEP) if he wished to pursue the matter.
further. Mr Gilmour was further advised that the compliance issue of the location of the kennel building would be referred to Council’s City Planning Branch and the owner would be asked to submit an application for the building in its existing position.

Since this time Mr Gilmour has lodged further details of his objection to the kennel being within 10 metres of the boundary. Mr Gilmour’s objection is generally related to alleged unreasonable dog barking noise emanating from Mosswood Kennels.

**Environmental Protection (Noise) Regulations 1997**

Noise complaints relating to dog barking within the kennel zone can be considered under the provisions of the Environmental Protection (Noise) Regulations 1997 (the Regulations). However, in practice, there would be tremendous difficulties in investigating such a complaint under the Regulations.

Sound level readings would need to be undertaken to establish whether dog barking emanating from the kennels was unreasonable.

However, the following difficulties would arise in attempting to gather this evidence:

- Ensuring that any dog barking sound level measured was that of only the dogs that reside at Mosswood Kennels and not other surrounding kennel properties.
  (This is because sound level meter is not directional nor can it discriminate between individual sound sources ie dog barking from Mosswood Kennels and other background noise. Dog barking is a persistent noise within the Kennel zone and it would be impossible to measure sound from one particular source.)

- Ensuring that sound level measurements were taken at a time that is representative of the day-to-day activities of Mosswood Kennels.
  (As a dog boarding facility, Mosswood Kennels is prone to changes in the number and type of dogs present at any one time. This would have significant effects on the accuracy and validity of any sound level measurements taken.)

Furthermore, even if the above mentioned difficulties could be overcome and reasonable evidence could be assembled that identified Mosswood Kennels as breaching the provisions of the Regulations, it is difficult to say how a Magistrate may view a defence that one could reasonably expect dog barking to occur in the Kennel zone.

**Expected Reduction in Noise Levels if Kennels were 10m From Boundary**

It has been calculated and confirmed by personnel from the Department of Environmental Protection (DEP) that if the existing kennel subject to the application was relocated 10 metres from the boundary a reduction of approximately 1.6 dB (A) would be received at the Gilmour residence.
The chart below illustrates how people perceive differences in the level of sound. A decrease or increase of about 8 to 10 dB(A) is required before the sound subjectively appears to be significantly quieter or louder. Hence, a reduction of 1.6 dB(A) at the Gilmour residence will not create a perceived obvious or significant lowering in any noise that may emanate from Mosswood Kennels.

![Perception of Sound Chart]

**Special Activity Zone**

In its 1999 review of the Regulations, the Environmental Protection Authority recommended that the concept of establishing assigned levels for special quiet zones or activity zones be investigated with a view to develop special provisions for inclusion in the Regulations.

Following this recommendation, the Local Government Issues Working Group was established and after considering the issue, advised the following:

“The Local Government Issues working group considers that there may be merit in allowing either an increase or a decrease in assigned noise levels to recognise either special activity areas (such as kennel zones) or quiet areas (such as some remote heritage sites).”

Recent discussions with DEP noise section staff, confirm that where town planning measures are in place, the current trend is to consider allowing a decrease or increase from the assigned levels. In the future this may apply to kennel zoned areas.

DEP noise staff also note that the Regulations in their current form, are not specifically designed to deal with dog barking. This is perhaps because the issue of dog barking has historically been dealt with under the Dog Act 1976. Notwithstanding, it would appear that it is not the intention of the Dog Act 1976 to deal with dog barking within zones specifically created for kennels.

**Previous Noise Studies Undertaken in the Kennel Zone**

In August 2000 an acoustic report was written for the Department of Environmental Protection by Environmental Resources Management Group (ERM) entitled Forrestdale-Southern River Structure Plan Kennel Area Noise Management Strategy.
The report addressed the issue of buffer distances in relation to residential development and the Kennel zone. From predicted and measured noise levels the report found that a buffer distance of approximately 1,000 metres from the Southern River Kennel zone would be required to comply with the Regulations. However, a review of national and international policy would suggest that when taking into consideration issues of land sterilisation and the approaching urban front, a buffer distance of 500 metres would be more appropriate, providing that noise control measures are considered.

The report found that if a buffer distance of 500 metres were adopted for the Southern River kennel area, noise management measures would be required to address potential noise impacts to residential developments. Although it is recognised that the Environmental Protection Act 1986, requires pollution to be controlled by the polluter (ie the kennel owners) and not by the receiver, the report determined that it may be appropriate, in this case, for the management of noise to be shared between kennel operators and residential property owners through the design of new dwellings.

The report recognises that to attempt to achieve compliance with the Regulations at a reduced buffer distance of 500 metres, noise management measures are required by both kennel owners and designers of new dwellings. Therefore, it could reasonably be expected that any noise management measures taken by both kennel owners and designers of new dwellings would still not allow for compliance with the Regulations at a neighbouring property, ie another kennel/residence on a neighbouring lot.

City of Gosnells Statutory Obligations

Whilst Council’s Environmental Health Officers are authorised to enforce the provisions of the Environmental Protection (Noise) Regulations 1997, there is no statutory obligation for enforcement and each local government may exercise its own discretion.

Where a local government exercises the right not to pursue a noise complaint, a complainant may wish to refer their complaint to the Department of Environmental Protection as they have personnel who are recognised authorities in providing advice and guidance to local government and industry on the application of the Regulations and resolution of complex noise issues.

Notwithstanding this, the City has discussed this matter extensively with the DEP and the DEP noise staff are of the view that the City has followed correct procedure in relation to this particular complaint and that it is not a matter of such significance that they would pursue the complaint themselves.

Another alternative that is available to a noise complainant is to initiate his/her own prosecution under Section 79 of the Environmental Protection Act 1986. The requirement is that where members of the public initiate their own action, normally a minimum of three people must act together. However, provided certain circumstances are met, less than three people can institute a prosecution.
CONCLUSION

Council is to consider an existing kennel building located 3.25 metres from the side boundary in lieu of the 10 metres required by TPS 4. Council may determine:

(i) to approve the building subject to the submission of building licence application in order to acknowledge that the structure complies with Building Code of Australia requirements; or

(ii) request that the building be removed.

In this instance, the main objection relates primarily to noise. As detailed above, the expected noise reduction between a 3.25 metre setback and 10 metre setback is minimal. As such, the removal and replacement of the kennel building to the correct setback is considered to have minimal impact on the primary objection which is the reduction of noise levels. Given the above, it is therefore recommended that the application as submitted be approved.

With respect to the noise complaint matter, the difficulties in measuring sound levels of dogs barking from a particular property located specifically within a Kennel zone have been highlighted. In addition, all correct measures have been undertaken by Council staff to address this complex noise complaint, in accordance with the Department of Environmental Protection procedures. Accordingly, it is recommended that no further action be taken in regard to the noise complaint.

FINANCIAL IMPLICATIONS

Nil.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION

15 Moved Cr R Mitchell Seconded Cr S Moss

“That Council approve the existing kennel building setback 3.25 metres from the side boundary located at Lot 36 Ranford Road, Southern River subject to the submission of a building application to the Manager Building Services, providing a site plan, floor plan, two elevations and a structural engineers certificate indicating the adequacy of the structure within 28 days from the date of the approval, to avert further action being considered by Council.”

CARRIED 11/0

FOR: Cr S Iwanyk, Cr C Mattson, Cr J Brown, Cr MD Devereux, Cr R Croft, Cr AJ Smith, Cr R Mitchell, Cr O Searle, Cr A Pisano, Cr S Moss and Cr PM Morris.

AGAINST: Nil.
16 Moved Cr R Mitchell Seconded Cr S Moss

“That Council advise Mr J A Gilmour of 40 Passmore Street, Southern River that based upon Department of Environmental Protection advice, limitations of the Environmental Protection (Noise) Regulations 1997 and the nature and purpose of the Kennel zone, that Council officers are supported in their decision to take no further action in relation to his dog barking complaints within the Kennel zone.”

CARRIED 11/0

FOR: Cr S Iwanyk, Cr C Matison, Cr J Brown, Cr MD Devereux, Cr R Croft, Cr AJ Smith, Cr R Mitchell, Cr O Searle, Cr A Pisano, Cr S Moss and Cr PM Morris.

AGAINST: Nil.
12.5.9 DEVELOPMENT APPLICATION - TRANSPORT DEPOT – 96 (LOT 272) VICTORIA ROAD, KENWICK

File: 226173  Approve Ref: 0203/1022 (NT) psrp016Feb03

Name: Peat Resources of Australia Pty Ltd
Location: 96 (Lot 272) Victoria Road, Kenwick
Zoning: MRS: Rural
TPS No. 6: General Rural
Appeal Rights: Yes. Minister for Planning and Infrastructure (Appeals Office) or Town Planning Appeal Tribunal against a refusal or any condition(s) of approval.

Area: 40,596m²
Previous Ref: OCM 23 June 1998 (Resolution 1563)
OCM 9 March 1999 (Resolution 128)

PURPOSE OF REPORT

For Council to consider an application for a transport depot, in order to park seven (7) school buses on 96 (Lot 272) Victoria Road, Kenwick.

BACKGROUND

Scheme Requirements

In accordance with Town Planning Scheme No. 6 (TPS 6), the subject lot is zoned “General Rural”. Table I: Zoning Table – designates Use Class 70 “Transport Depot” as an “A” use, which means a use that is only permitted if after advertising the application in accordance with Clause 10.4 Council grants approval.

“Transport depot” is defined as:

“transport depot’ means any land or building used for the garaging or parking of motor vehicles used or intended to be used for carrying goods or persons for hire or reward or for any consideration or for the transfer of goods or persons from one motor vehicle to another such motor vehicle and includes the maintenance, management and repair of the vehicles used but not of other vehicles;”

The above definition therefore means that the parking of more than one commercial vehicle on a lot constitutes a transport depot. Also the transferring of goods between vehicles (which could include facilities for interim storage of goods), and the maintenance/repair of commercial vehicles constitutes a transport depot.

Council at its Ordinary Meeting held on 10 September 2002, initiated an amendment to TPS 6 which seeks to amend TPS 6 Use Class 70 “Transport Depot” from “A” use to an “X” use within the General Rural zone, as a transport depot is not considered to be consistent with the objectives of the General Rural zone. These amendment documents have been forwarded to the Department of Environmental Protection for assessment.
prior to formal advertising of the amendment in accordance with Town Planning Regulations.

Clause 11.2 of TPS 6 states that the local government in considering an application for planning approval is to have due regard to a range of planning principles, legislation and other concepts. One of these items that the local government is to have due regard for is “the requirements of orderly and proper planning including any relevant proposed new town planning scheme or amendment, or region scheme or amendment, which has been granted consent for public submissions to be sought.”

In accordance with the City’s Commercial Vehicle Parking Policy 6.1.20, in determining applications for the keeping of commercial vehicles in the General Rural zone, an application may be referred to surrounding landowners for comment. Generally only one commercial vehicle is permitted, however Council may consider applications for more than one vehicle and each case shall be assessed on its merit.

At the Ordinary Meeting of Council held on 10 September 2002, Council resolved that staff amend the Commercial Vehicle Parking Policy to clearly define the distinction between a Commercial Vehicle Parking Permit and a transport depot. (Staff are currently preparing an amended policy which will be forwarded to Councillors for consideration, prior to formal advertising in the near future).

Proposal

The applicant proposes to operate A.N.A. Bus Charters, which provides school bus services and may include school excursions. It is proposed that seven (7) buses be parked on a sealed area of the property that is located central-east of the property. The proposed parking site is surrounded by mature trees. The registration number, width, height and length details of the subject buses are as follows:

<table>
<thead>
<tr>
<th>Registration No.</th>
<th>Width (metres)</th>
<th>Length (metres)</th>
<th>Height (metres)</th>
</tr>
</thead>
<tbody>
<tr>
<td>TC4524</td>
<td>2.3</td>
<td>9.0</td>
<td>2.8</td>
</tr>
<tr>
<td>7XJ636</td>
<td>2.4</td>
<td>11.0</td>
<td>3.2</td>
</tr>
<tr>
<td>7IN743</td>
<td>2.4</td>
<td>11.5</td>
<td>3.2</td>
</tr>
<tr>
<td>8YS020</td>
<td>2.1</td>
<td>8.0</td>
<td>2.8</td>
</tr>
<tr>
<td>Y4180</td>
<td>2.3</td>
<td>9.0</td>
<td>2.8</td>
</tr>
<tr>
<td>TC4035</td>
<td>2.4</td>
<td>11.5</td>
<td>3.6</td>
</tr>
<tr>
<td>TC4565</td>
<td>2.4</td>
<td>11.5</td>
<td>3.2</td>
</tr>
</tbody>
</table>

The applicant has advised the following:

- Hours of operation of the vehicles predominantly between the hours of 7:30am to 4:30pm during weekdays to cater for school bus runs and school charter work (excursions).
- Infrequent weekend work includes special charter work such as “Spring in the Valley” may require infrequent weekend operation.
• All collection and return of passengers would be undertaken off site
• Total of 4 employees associated with school buses, would drive their own vehicles to the property, which would be parked in place of the buses.
• The only amenities provided for the staff would be use of toilets within the existing workshop.
• No major mechanical repairs or works would be carried out on site (currently use P & S Truck Repairs located in Bayswater).
• An existing sealed driveway along the boundary provides access to the existing sealed parking area and workshop.
• No bulk fuel would be stored on site. Drivers are provided with Motorcharge Cards.

Site History

As Council would be aware, there has been a long history from the late 1970s regarding unapproved activities being undertaken on the property. In essence, the unapproved activities relate to storage of commercial equipment often associated with earthworks.

In more recent times, Council at its Ordinary Meeting held 23 June 1998 resolved (Resolution 1563):

“That Council authorise the initiation of legal proceedings against the proprietors of Pollock Nominees Pty Ltd and Peat Resources of Australia Pty Ltd, being the owners of Lots 270 and 271 Victoria Road, Kenwick, respectively, for breaching the provisions of the City of Gosnells Town Planning Scheme No. 1 by conducting commercial business activities in a Rural zone without Council approval.”

Further to the aforementioned Council resolution, Council received a management plan demonstrating that the unapproved activities were to cease by 31 December 1998. The management plan was submitted and the landowner/proprietors were granted until 31 December 1998 to cease all unapproved activities and implement the necessary remedial actions required.

Following the abovementioned, Council staff visited the site on 11 January 1999 and observed that the situation regarding unapproved activities had not changed. Subsequently, an item was presented to the 9 March 1999 OCM whereby Council resolved to initiate legal proceedings against the proprietors/landowners of Lots 270-272 Victoria Road, Kenwick. The matter went before the Armadale Court whereby a conviction was recorded and fines imposed.
With regard to the abovementioned, a site inspection was conducted on 20 November 2002. It was observed that the subject site was not used for any associated illegal activities that were the subject of previous investigations.
Public Consultation

A total of 32 surrounding property owners were advised of the application and requested to comment (refer locality/consultation plan). A total of 18 comments were received, with 14 objections and 4 non objections, relating to 17 properties. The comments received are detailed in the submission table below.

<table>
<thead>
<tr>
<th>No.</th>
<th>Name</th>
<th>Address</th>
<th>Description of Affected Property: Lot No, Street, etc</th>
<th>Summary of Submission</th>
<th>Staff Comment</th>
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</thead>
<tbody>
<tr>
<td>1</td>
<td>B Houlihan</td>
<td>134 (Lot 500) Victoria Road, Kenwick</td>
<td>Objection. 1) Victoria Road is zoned ‘General Rural’ and the operating of a bus company is not a rural activity. 2) Concerns regarding additional traffic on Victoria Road. 3) Concerns that various excursions would increase bus movements to more than twice a day. 4) Concerns regarding fire hazard associated with the workshop and storage of fuel. 5) Council already refused application for buses on the adjacent lot.</td>
<td>Agree. An amendment to make the parking of more than one commercial vehicle (transport depot) in the General Rural zone an ‘X’ use not permitted is currently in progress. Refer Discussion Section.</td>
<td></td>
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<tr>
<td>2</td>
<td>J &amp; M Butcher</td>
<td>67 (Lot 20) Victoria Road Kenwick</td>
<td>Objection. 1) Area is zoned General Rural and proposal is industrial/commercial. 2) Councils Strategic Plan is against any further development. 3) Council in 1990 suggested concept plans and special zones would be prepared for the area and believes rezoning should take place. 4) The road is not adequate for heavy usage.</td>
<td>Agree, refer 1.1 above. Agree. Metroplan 1990 designates the area for future industrial, however, further study at strategic level is required. Refer Discussion section.</td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>KV Turner</td>
<td>165 (Lot 220) Brentwood Road, Kenwick</td>
<td>Objection. 1) Concerns regarding increased traffic movements and condition of Victoria Road making it unsuitable for a bus depot. 2) Concerns that buses are a traffic hazard with respect to the safety of small children within the vicinity</td>
<td>Refer Discussion section.</td>
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<tr>
<td>No.</td>
<td>Name</td>
<td>Address</td>
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<tr>
<td>4.</td>
<td>P Butcher</td>
<td>113 (Lot 15) Victoria Road, Kenwick.</td>
<td>Objection.</td>
<td>Would be disruptive to rural area and should be in an industrial area.</td>
<td>Noted.</td>
</tr>
<tr>
<td>5.</td>
<td>G Walczak</td>
<td>99 (Lot 51) Victoria Road, Kenwick.</td>
<td>Objection.</td>
<td>1) Parking of 7 buses is not consistent with General Rural zoning of the area.</td>
<td>Refer Discussions section.</td>
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<td></td>
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<td>2) Proposal does not conform with Councils resolution 742 of 10/9/02 or Draft Rural Foothills Strategy.</td>
<td>Refer Discussion Section.</td>
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<td></td>
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<td>3) Victoria Road is in a rural area and used for walking, cycling and horse riding and is not designed for extra traffic.</td>
<td>Refer Discussion section.</td>
</tr>
<tr>
<td>7.</td>
<td>CM &amp; DA Dumbreck</td>
<td>34 (Lot 15) Victoria Road, Kenwick.</td>
<td>Non objection.</td>
<td>Queried why not all residents in Victoria Road were advised of the application.</td>
<td>Application was referred to owners within 500metre radius of subject site.</td>
</tr>
<tr>
<td>8.</td>
<td>N &amp; L Thomson</td>
<td>110 (Lot 270) Victoria Road, Kenwick.</td>
<td>Non objection.</td>
<td>1) Believes no problem with safety, noise or amount of traffic to park buses in a rural area and schools are located in residential zones with buses coming and going all day.</td>
<td>Noted.</td>
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<tr>
<td></td>
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<td>2) Suggests zoning be changed to a composite zoning so all street can comply.</td>
<td>Refer Discussion Section.</td>
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<td>3) Previous owners operations should not be taken into account.</td>
<td>Each application is assessed on its merits in accordance with scheme requirements.</td>
</tr>
<tr>
<td>9.</td>
<td>D Just</td>
<td>38 (Lot 276) Victoria Road, Kenwick.</td>
<td>Objection.</td>
<td>1) Lot is zoned rural and a bus depot should be located in light industrial areas.</td>
<td>Noted.</td>
</tr>
<tr>
<td>No.</td>
<td>Name Address</td>
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<td>2)</td>
<td>EK Just 38 (Lot 276) Victoria Road, Kenwick</td>
<td>Only 1 commercial vehicle is permitted on rural property.</td>
<td>Council’s policy states that “Generally only one commercial vehicle will be permitted, however, Council may consider applications for more than one vehicle and in such cases applications shall be assessed on their individual merits.</td>
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<td>3)</td>
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<td>Concerns regarding increased traffic.</td>
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<td>2)</td>
<td>EK Just</td>
<td>Objection.</td>
<td>Refer Discussion section.</td>
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<td></td>
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<td>1) Already problems with noise and traffic in Victoria Road and proposal is another business in a rural zone.</td>
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<td></td>
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<td>2) Suggests if approved Victoria Road should be made 4 lanes with direct access to Tonkin Highway.</td>
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<td>Tonkin Highway is a primary regional road. All access points to be approved by WAPC.</td>
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<td></td>
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<td>1) Concerns regarding safety in what is a rural area.</td>
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<td>2) Rural zoning does not permit the activity.</td>
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<td>3) Values affected by intensity and volume of activity.</td>
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<td>All applications are assessed on their merits. Land values are not considered to be a planning matter.</td>
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<tr>
<td>12.</td>
<td>ER Terace 127 (Lot 246) Victoria Road, Kenwick</td>
<td>Objection.</td>
<td>Noted.</td>
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<td></td>
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<td>1) This is a rural area.</td>
<td>Noted. Refer Discussion section.</td>
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<td>2) Concerns regarding safety with respect to access onto Victoria Road and limited visibility.</td>
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<td>1) Area is zoned rural and if business approved should be rezoned.</td>
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<td>2) Concerns regarding access and condition of Victoria Road with respect to width and location of trees</td>
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<tr>
<td>15.</td>
<td>P Rowson 107 (Lot 50) Victoria Road, Kenwick.</td>
<td>Objection.</td>
<td>Agree.</td>
<td></td>
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<tr>
<td></td>
<td></td>
<td>1) Area is rural not industrial.</td>
<td>Refer Discussion section.</td>
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<td>2) Application should be refused as was the application considered OCM 26/11/02 for 110 Victoria Road.</td>
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<td>16.</td>
<td>R Harrison</td>
<td>64 (Lot 500) Victoria Road, Kenwick.</td>
<td>Objection. 1) Area is not industrial. 2) Concerns regarding safety as road width narrow and increased traffic will make road condition deteriorate.</td>
<td>Agree. Refer Discussion section.</td>
<td></td>
</tr>
<tr>
<td>17.</td>
<td>R Stewart &amp; K Macey</td>
<td>78 (Lot 12) Victoria Road, Kenwick.</td>
<td>Objection. Area zoned rural not industrial. If area rezoned to industrial then applications for parking buses and trucks should be approved.</td>
<td>Agree.</td>
<td></td>
</tr>
<tr>
<td>18.</td>
<td>R &amp; G Bennett</td>
<td>122 (Lot 13) Victoria Road, Kenwick.</td>
<td>Objection. Area is zoned rural not industrial.</td>
<td>Agree.</td>
<td></td>
</tr>
</tbody>
</table>
DISCUSSION

The main issues raised in submissions relate to past history of the lot, an increase in traffic using Victoria Road and, in particular, whether the parking of the commercial vehicles (school buses) are an appropriate use within rural zoned land. These issues, in addition to other matters that should be considered by Council are discussed below.

Future Development in the Kenwick Area

Kenwick rural area is located within Precinct 4 of Council’s Draft Foothills Rural Strategy where it is recommended to maintain and enhance existing rural character and amenity. The Kenwick area is designated as a “proposed” strategic industrial area by the State Government (Metroplan 1990). When regional demand factors indicate a need for more industrial land then the introduction of industrial land uses may be considered. Detailed studies will be necessary, however, no change in local zoning is anticipated in the short term. Any change in use should be structured and planned – not ad hoc.

Draft Foothills Rural Strategy

The Draft Foothills Rural Strategy was endorsed by Council July 2001 and is awaiting finalisation. This document is a planning tool that enables Council to strategically plan for land use and management of rural land in the Gosnells foothills. The subject lot is located within Precinct 4 where the main objectives are “to maintain and retain the future possibilities and to maintain and enhance the existing rural character and amenity”. The Strategy also states that Council should prevent the establishment of non-rural uses of an industrial nature in this precinct, which would adversely impact upon the rural amenity and character. In this instance, it is considered that the proposal does not accord with the aforementioned provisions, as a transport depot is a use that is not considered rural in nature and would be preferably situated within an industrial zone.

Town Planning Scheme No. 6 Provisions and Proposed Scheme Amendment

The objectives for the General Rural zone as stated in Clause 4.2 of TPS 6 are “to provide for a range of rural pursuits which are compatible with the capability of the land and retain the rural character and amenity of the locality.”

The proposal constitutes a transport depot under TPS 6, however, as noted previously an amendment to TPS 6 is currently being processed which will make transport depots an “X” use in the General Rural zone.

Clause 11.2 of TPS 6 – Matters to be Considered by Local Government, states (inter alia) that Council is required to have due regard to the aims and provisions of the Scheme and any relevant proposed new scheme amendment when considering an application.
The objectives of the General Rural zone and the fact the Council has approved an amendment to prohibit transport depots in this zone on the grounds that they are considered inconsistent with the objectives of that zone are significant factors to consider in determining this application.

**Policy 6.1.20 (formerly 5.2.20) – Commercial Vehicle Parking for Rural Areas**

The keeping of commercial vehicles on land zoned rural is not permitted unless approved in writing by Council. Only one commercial vehicle will generally be permitted, however, Council may consider applications for more than one vehicle and in such cases, application’s will be assessed on their individual merit. It is considered that the intent of this flexibility is to allow for consideration of cases for residents who are “owner drivers” with more than one vehicle as for cases of “truck/trailer” combinations where the trailer is also defined as a commercial vehicle.

Council also resolved to amend the Commercial Vehicle Parking Policy relevant to the General Rural zone to clarify the distinction between transport depots and the parking of multiple commercial vehicles. In this context staff will be proposing that any flexibility in the policy to allow the possibility of approval of more than one commercial vehicle be explicitly linked to an “owner-driver” concept whereby vehicles to be driven by residents of the subject lot may be considered. This would allow for family members other than the applicant to park a commercial vehicle which they would operate and act to ensure the scale of the operation is in keeping with the amenity of the rural zone.

Conversely, the intended policy amendment would specifically prohibit the keeping of commercial vehicles to be driven by employees of the applicant. The proposed changes to the policy would also allow Council the opportunity to approve the keeping of truck/trailer combinations on a property, as by definition, a prime mover and trailer combination are two commercial vehicles. Applications in the past have often involved applicants who own one prime mover and perhaps two different types of trailers depending on the work that they carry out.

In this instance, the applicant operates a Bus Charter company providing school bus services and employs four other drivers. As such, approval of the parking of the buses on the subject site is not recommended, as it would not comply with the proposed amended policy.

**Commercial Vehicle Parking and Transport Depots in Rural Zones**

It should be noted that on checking Council’s records there are three approvals for the parking of commercial vehicles, an equestrian agistment centre and a poultry farm, each contributing to a variety of commercial vehicles using Victoria Road. Council’s Compliance Officer has also advised that during the 1980’s (prior to Council adopting a policy on Commercial Vehicle Parking for Rural Areas) Council approved the parking of more than one commercial vehicle within the rural zones, without the need for annual renewal, therefore there may be additional vehicles in Victoria Road, which have been approved.
In addition, Council has recently refused the application for the parking of 3 tourist coaches on the adjacent lot, therefore refusal of the subject application would be consistent with that previous decision.

**Traffic**

Concerns were raised regarding the construction of Victoria Road and the safety of residents with the addition of the school buses using Victoria Road to access the subject site. Council’s Traffic Engineer advised that there is no traffic survey data for Victoria Road, however, it is classified as a Local Access Road under Council's adopted Road Hierarchy with a maximum desirable volume of 3000 vehicles per day. Victoria Road is a 5.5 metre wide sealed road accessed from Bickley Road and ending in a cul-de-sac adjacent to the Tonkin Highway. As such it is used by local traffic generated by those living, visiting or delivering in the road. The volume of traffic is expected to be very low, although the 85th percentile or operational speed would be higher than the posted 50kmph, as Victoria Road is straight and approximately 1.5 km in length. There has been one accident in the five-year period from 1.01.97 to 31.12.01, however, speeding was not considered a factor. Sight distance in both directions from the proposed site is within standards.

**CONCLUSION**

Although, a transport depot is not considered an appropriate use within the General Rural zone, Council may consider the parking of more than one commercial vehicle. In this instance, Council’s Traffic Engineer confirmed that Victoria Road is a local access road where it is considered that the proposal would have minimal impact on road structure and existing traffic volumes and the sightlines from the subject lot would meet standard requirements.

However, in accordance with Council’s resolution of 10 September 2002 (Resolutions 742 and 743) approval would not accord with proposed changes to TPS 6 and the Commercial Vehicle Parking policy as the vehicles would not be driven by family members residing on the property. In addition, the proposal is not seen as conforming with the objectives of the Draft Foothills Rural Strategy and is seen as constituting an undesirable precedent. It also does not conform with the objectives for General Rural zones in TPS 6. Given the above, the requirement in Clause 11.2 of TPS 6 for Council to have due regard to the objectives of the General Rural zone and the proposed amendment to prohibit the use when considering this application and given the objections that have been received, it is recommended that the proposal to park seven school buses on the subject site not be supported.

**FINANCIAL IMPLICATIONS**

Nil.
STAFF RECOMMENDATION AND COUNCIL RESOLUTION

17  Moved Cr MD Devereux Seconded Cr J Brown

“That Council refuse the application for a transport depot at 96 (Lot 272) Victoria Road, Kenwick for the following reasons:

1. The proposal is not consistent with the objectives for General Rural zones outlined in Clause 4.2 of Town Planning Scheme No. 6.

2. The proposal does not conform with Council’s Resolution 742 of 10 September 2002, to amend Town Planning Scheme No. 6 and make “Transport Depots” an “X” use, not permitted in the General Rural zone.

3. The proposal does not conform with the objectives of the Draft Foothills Rural Strategy with respect to rural uses.

4. Approval would create an undesirable precedent in terms of allowing transport depots and other non rural uses to locate within the rural foothills area.”

CARRIED 11/0

FOR:  Cr S Iwanyk, Cr C Matison, Cr J Brown, Cr MD Devereux, Cr R Croft, Cr AJ Smith, Cr R Mitchell, Cr O Searle, Cr A Pisano, Cr S Moss and Cr PM Morris.

AGAINST:  Nil.
12.5.10 DEVELOPMENT APPLICATION – PROPOSED AMENDMENT TO TONKIN HIGHWAY EXTENSION – CROSSING OF THE SOUTHERN RIVER

File: TON.3 Approve Ref: 0203/1059 (LS) Psrpt024Feb03
Name: Commissioner of Main Roads
Location: Portion of land reserved for Regional Roads where road reserve crosses the Southern River.
Zoning: MRS: Reserved for Primary Regional Roads
TPS No. 6: Reserved for Primary Regional Roads
Appeal Rights: Not applicable as Council is not determining the application
Previous Ref: OCM 18 December 2001 (Resolution 1032)
Appendix: 12.5.10A Examples of culvert crossings.

PURPOSE OF REPORT

For Council to endorse a recommendation to refuse an application submitted by Main Roads WA for a revised crossing to the Southern River by the future Tonkin Highway.

BACKGROUND

Council considered an application from Main Roads Western Australia (MRWA) for the extension of the Tonkin Highway between Mills Road West, Martin to the South Western Highway, Mundijong at its meeting of 18 December 2001, where it resolved the following:

“That Council forward a recommendation to the Western Australian Planning Commission to approve the application submitted by Main Roads Western Australia for the extension of the Tonkin Highway from Mills Road West, Martin to the South Western Highway, Mundijong, subject to the following conditions:

1. Old Tonkin Highway road between Mills Road East traffic lights and the new road to be removed and revegetated, with plans being submitted to Council for consideration.

2. Standard condition 44.1; and advice notes D9.1 and D12.1.”

An Application for Approval to Commence Development has now been received proposing a reconfiguration of the Tonkin Highway where it crosses Southern River.

The original application proposed the construction of a single-span bridge 31-metres in length. This allowed for the watercourse to remain essentially unmodified, with the exception of the clearing required for the construction of the bridge and a dual-use path to be provided underneath the bridge alongside the river.

Main Roads WA now proposes to replace the bridge with a culvert crossing, and has provided the following information:
“The concept for the crossing was predicated on accommodating a future grade separated interchange of Tonkin Highway and Garden Street/Champion Drive (Tonkin Highway over the local road) which is planned to be approximately 300 metres south of the Southern River bridge, and would have continued to rise to cross over the extension of Garden Street/Champion Drive.

The current project is to provide an “at grade” connection to an extension of Champion Drive, with completion of the full interchange not planned until local development requires that the connection across the Highway be made. The proximity of the Southern River crossing and the Champion Drive intersection do not allow for a bridge over the river to be built at the ultimate design height and have the road back to an at grade intersection with Champion Drive. Construction of a low level bridge is possible, but this would either need to be sacrificed when the ultimate intersection is constructed, or would require extensive (and expensive) raising of the deck to match the height of the grade separated interchange. Using culverts for the river crossing allows for the currently planned intersection with Champion Drive extension, as well as for future raising of the road for the ultimate interchange configuration (additional fill can be placed over the culverts without any additional construction costs.

In addition, current fiscal constraints have demanded that this project be as cost effective as possible in the short term. The difference in estimated cost for the culvert crossing versus a bridge(s) could be as high as $2M.”

DISCUSSION

A culvert is a prefabricated structure that is placed underground or through above ground impediments (such as embankments) to allow for the passage of water or other materials. The structure is usually in the form of a pipe or channel section and is usually prefabricated in short lengths so that a large number of lengths can be abutted or laid beside each other. The culvert sections are usually placed on concrete or other imported material foundations that cover the whole length/width of the culvert. This contrasts a bridge, which usually spans an obstruction with the minimum intrusion into the obstruction that is considered economic or acceptable. Consisting of foundations (piers, abutments) placed some distance apart and joined by a deck, a bridge over a river results in much less of an impact on a riverbed as the foundations principally effect only the ground immediately around their base.

Features of culvert construction include the following:

- Water is essentially piped for the width and length of the road.
- Excavation and levelling along the watercourse is required to pour the concrete pad on which the culverts are erected.
- ‘Wings’ are constructed to direct water through the culverts.
- Erosion of riverbeds and banks can occur as a result of the change in water flow characteristics.
• Compared to a bridge, the appearance of a culvert crossing has significantly less aesthetic appeal.

Whilst the arguments provided by MRWA are acknowledged, it is considered that they have been provided with a limited focus on justifying the use of culverts as opposed to the construction of a bridge. In this regard, it is considered that if a bridge was the only option, works required for the Garden Street/Champion Drive interchange (as quoted in the background section of this report) could be accommodated to a greater degree.

Culverts of the size proposed have not been used in Western Australia for river crossings. As such, it is considered that the current proposal requires scrutiny. The City’s Environmental Coordinator has provided the following comments in relation to the application:

• The 70-metre length of the culverts will provide an exceptional barrier to fauna passage along the river foreshore, which is considered an unacceptable outcome.

• Pedestrian transit as well as other forms of alternative transport (e.g. equestrian, bicycle) would also be negatively impacted. River foreshores, generally in public ownership provide linear corridors for cycleways, dual-use paths and other such corridors. The proposal would effectively provide a barrier to such transit, at the same time providing ideal conditions for anti-social and criminal activity.

• Erosion and sedimentation risks are considered too great for a river that is already under stress from this and similar degrading projects.

• The lack of similar culvert crossings in Western Australia provides no data in relation to the effect of such crossings on aquatic fauna. In this instance, the length of the culverts and resulting lack of light may provide a barrier to the movement of aquatic fauna and this is considered unacceptable for a watercourse as significant as the Southern River.

In addition to these considerations, the use of culverts will also result in a crossing that has much less aesthetic appeal than a bridge, and whilst the current development adjacent to the crossing is rural, it will ultimately be developed for residential purposes.

It should also be noted that key to the management of a number of impacts highlighted in MRWA’s report is the fact that construction of the culverts will occur during the driest months of the year. It is considered that if the works are not commenced by March then they will need to be delayed until the end of 2003.

CONCLUSION

The negative impacts associated with a culvert crossing are considered to outweigh the arguments against the construction of a bridge. These impacts result in costs to the environment as well as likely social costs in the future. As a result, it is recommended that the Council refuse to support the proposed reconfiguration of the Southern River crossing.
FINANCIAL IMPLICATIONS

Any financial implications would be the responsibility of Main Roads Western Australia.

STAFF RECOMMENDATION

 Moved Cr MD Devereux Seconded Cr R Croft

That Council advise the Western Australian Planning Commission that it does not support the replacement of the bridge proposed to cross Southern River with a culvert crossing due to the significant environmental and social implications.

Additional Motion

During debate Cr J Brown moved the following additional motion to the staff recommendation:

“That the City of Gosnells canvass the Minister and all Local Members of Parliament for support on this matter, regarding the proposed $22 million funding cut in the Tonkin Highway extension.”

Cr Brown provided the following reason for the motion:

“As a Council representative member on the Tonkin Highway Extension Community Group, the group was advised at the last meeting held in January that some $22 million needed to be pruned off the budget.

Due to funding constraints some of the works for the Tonkin Highway extension have been deferred, and I will cover Armadale as it is a much broader picture than just the City of Gosnells, these works include:

* The Armadale Road interchange will not be constructed and traffic signals will be installed;
* The dual carriageway of Armadale Road;
* White Road to Armadale Road will now be bitumen and not asphalt resulting in an increase in road noise up to 5dB(A);
* PSP Corfield Street cyclists will now be permitted to ride along the Highway on a 2.5 metre sealed shoulder as cycleways will not be constructed;
* The cycleway from Forrest Road to Thomas Road will be replaced with a 2.5 metre sealed shoulder resulting in cyclists riding alongside vehicles travelling at 100km per hour which is not safe;
* Public Art will not be undertaken.
By deferring these works there will be a saving of around $17 million with a further $4 million saving being found through a review of non-critical design standards. I believe that the proposed changes affect the safety of the community and viability of the project.

The Corfield Street extension may be built as part of the Tonkin Highway extension works with both the Cities of Gosnells and Armadale meeting the shortfall in funding. If this construction is not undertaken as part of the Tonkin Highway works, Main Roads will realign Seaforth Avenue at the bridge site to provide temporary access. The railway crossings at Lake Road in Westfield Street and Verna Street in Gosnells will not be closed until the Corfield Street extension is open to traffic.”

Cr MD Devereux seconded Cr Brown’s additional motion.

At the conclusion of debate the Mayor put Cr Brown’s additional motion, which reads:

COUNCIL RESOLUTION

18  Moved Cr J Brown Seconded Cr MD Devereux

“That the City of Gosnells canvass the Minister and all Local Members of Parliament for support on this matter, regarding the proposed $22 million funding cut in the Tonkin Highway extension.”

CARRIED 11/0

FOR:  Cr S Iwanyk, Cr C Matison, Cr J Brown, Cr MD Devereux, Cr R Croft, Cr AJ Smith, Cr R Mitchell, Cr O Searle, Cr A Pisano, Cr S Moss and Cr PM Morris.

AGAINST:  Nil.

The Mayor then put the staff recommendation, which reads:

STAFF RECOMMENDATION AND COUNCIL RESOLUTION

19  Moved Cr MD Devereux Seconded Cr R Croft

“That Council advise the Western Australian Planning Commission that it does not support the replacement of the bridge proposed to cross Southern River with a culvert crossing due to the significant environmental and social implications.”

CARRIED 11/0

FOR:  Cr S Iwanyk, Cr C Matison, Cr J Brown, Cr MD Devereux, Cr R Croft, Cr AJ Smith, Cr R Mitchell, Cr O Searle, Cr A Pisano, Cr S Moss and Cr PM Morris.

AGAINST:  Nil.
12.5.11 COMMERCIAL VEHICLE PARKING – 138 (LOT 127) VERSTEEG GROVE, MARTIN

File: 217687  Approve Ref: 0203/0033CVP (BM) psrp011Feb02
Name: Ashley Bryan Sudholz and Belinda Joy Boyle
Location: 138 (Lot 127) Versteeg Grove, Martin
Zoning: MRS: Rural
TPS No. 6: Special Rural
Appeal Rights: Yes. Minister for Planning and Infrastructure (Appeals Office) or Town Planning Appeal Tribunal against a refusal or any condition(s) of approval.
Previous Ref: Nil
Area: 40,000m²

PURPOSE OF REPORT

For Council to consider an application for Commercial Vehicle Parking at 138 (Lot 127) Versteeg Grove, Martin, as the proposal is outside the authority delegated to staff due to an objection having been received.

BACKGROUND

The Proposal

The applicants propose to park of a commercial vehicle at 138 (Lot 127) Versteeg Grove, Martin. This activity would include the parking/storage of only one tray type commercial vehicle of 10.6 tonnes aggregate weight with an overall maximum length of 10 metres.

<table>
<thead>
<tr>
<th>Vehicle Details</th>
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<tbody>
<tr>
<td>Make</td>
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<td>Type</td>
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<td>Year</td>
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<td>Length</td>
</tr>
<tr>
<td>Height</td>
</tr>
<tr>
<td>Aggregate Weight</td>
</tr>
<tr>
<td>Licence No.</td>
</tr>
</tbody>
</table>

The vehicle and any equipment ancillary or incidental to the vehicle parking would be parked/stored at the rear of residence on the 40,000m² property on a hard standing surface. The applicant is proposing to place a shed on the property to house the said vehicle should approval be granted for parking of the commercial vehicle. The property is subject to a contract of sale should the applicants be successful in their application. However if the application is refused then the contract of sale would be non-binding as this was one of the conditions imposed.
Town Planning Scheme No. 6 Provisions

Clause 5.11.3 “Commercial Vehicle Parking” of Town Planning Scheme No. 6 (TPS 6) states as follows:

“No person shall park, or cause to be parked or permit to be parked any commercial vehicle on any lot within any Rural zone (unless the vehicle is specifically used as an integral part of the rural activity of that lot) without the planning approval of Council.”

Policy No. 6.1.20 Commercial Vehicle Parking for Rural Areas

This policy relates to the keeping or parking or garaging of commercial vehicles on land zoned Rural within the City of Gosnells, and states:

“The keeping of commercial vehicles on land zoned Rural for the purpose other than as described in “A” above is not permitted unless approved in writing by Council. In the instance, only one commercial vehicle will generally be permitted, however, Council may consider application for more than one vehicle in such cases, applications will be assessed on their individual merits. Rural lots less than 4,000 square metres are to comply with the requirements for Commercial Vehicle Parking for residential Areas”.

Public Consultation

A total of 9 surrounding property owners were advised of the application and requested to comment (refer Location Plan). Two submissions, one objecting and one not objecting to the proposal were received.

Schedule of Submissions

<table>
<thead>
<tr>
<th>No.</th>
<th>Name/Address</th>
<th>Description of Affected Property: Lot No, Street, etc</th>
<th>Summary of Submission</th>
<th>Staff Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>R J Carpenter</td>
<td>186 (Lot 128) Versteeg Grove, Martin</td>
<td>Objection. Would prefer no further parking of commercial vehicles occurred in the area as there are a number of other properties with commercial vehicle parking. Mechanical repairs are occurring on other properties which are disturbing his lifestyle. On purchase of his property he was advised that commercial vehicle parking was not permitted in the City of Gosnells in other than industrial areas.</td>
<td>Noted. Was advised to contact City’s Compliance Officers in writing about allegations made to provide details of offending properties so that action can be taken for any breaches occurring if allegations substantiated.</td>
</tr>
</tbody>
</table>


DISCUSSION

The zoning for the area is “Special Rural” and the subject property is a large site comprising 40,000m$^2$ (4ha).

There will be no increase in traffic or disruption to the rural street/road generated by the parking of a commercial vehicle other than the parking/storage of the commercial vehicle and ancillary equipment.

There has been an objection to this application but the concerns expressed in regards to noise impact can been adequately covered by the recommended conditions of approval, particularly compliance with the noise provisions of the Environmental Protection Act and restrictions on the maintenance of the vehicle.

The application complies with the provisions of the commercial vehicle parking for rural areas and the City’s Town Planning Scheme No. 6 and for these reasons it is recommended for approval.

FINANCIAL IMPLICATIONS

Nil.
STAFF RECOMMENDATION AND COUNCIL RESOLUTION

20 Moved Cr MD Devereux Seconded Cr S Moss

“That Council approve the application for parking of a commercial vehicle at 138 (Lot 127) Versteeg Grove, Martin, subject to the following conditions:

1. The payment of the Commercial Vehicle Parking annual application/renewal fee which will be invoiced each year on the anniversary of the application approval unless the City is informed in writing that the Commercial Vehicle Parking has ceased.

2. The operations complying with the requirements of the Environmental Protection Act and the relevant regulations in respect of noise emissions.

3. The vehicles must, at all times, be located behind the front building setback line of 15 metres and suitably screened, to the satisfaction of the Manager City Planning, from all four boundary lines of the property.

4. The area approved to park the vehicles must be constructed of hard standing material (eg roadbase, bitumen, concrete or block paving).

5. Only routine maintenance of a minor nature, such as servicing or wheel changing, is to be carried out on the subject property. No panel beating, spray painting or the removal of major body or engine parts will be permitted. Maintenance will be restricted between the hours of 8.00am and 8.00pm, Monday to Friday, and 9.00am to 6.00pm Saturday and Sunday.

6. The storage of liquid fuels must be in accordance with the Explosives and Dangerous Goods (Dangerous Goods Handling and Storage Regulations 1992). For further details please contact the Department of Minerals and Petroleum Resources on 9222 3333.

7. The approval is limited to the parking only of one commercial vehicle on the subject property, as detailed in the application, without Council’s written approval.

8. If any proposed change of vehicle would be to a larger size and aggregate weight then a new application must be submitted for Council approval.
9. Where the applicant wishes, at any time, to change the vehicle to a similar size, type and aggregate weight then these details are to be provided, in writing, to the City to allow records to be updated. These particulars are to include vehicle make, type and tare/aggregate weights along with vehicle license registration numbers.

10. Washing of the commercial vehicle on the subject lot is to be limited to the use of water and mild detergent, but excludes the use of any solvents, degreasing substances, steam cleaning and any other processes which may cause pollution or degradation of the environment. Waste water shall be contained on-site and not discharged into the stormwater drainage system.

11. The applicant to make arrangements to the satisfaction of the Manager Technical Services for the construction of a sealed crossover for the entry/exit of the vehicles to the public road where the road is sealed.

12. No loading or unloading from or to the commercial vehicles or storage of goods or produce in transit or other activities that would constitute a motor transport depot or storage depot, are to be carried out on the property subject of the application.”

CARRIED 11/0

FOR: Cr S Iwanyk, Cr C Matison, Cr J Brown, Cr MD Devereux, Cr R Croft, Cr AJ Smith, Cr R Mitchell, Cr O Searle, Cr A Pisano, Cr S Moss and Cr PM Morris.

AGAINST: Nil.
13.1 REFERENDUM ON ABOLITION OF WARD BOUNDARIES

The following motion was proposed by Cr R Mitchell during “Notices of Motion for Consideration at the Following Meeting” at the Ordinary Council Meeting held 17 December 2002 for inclusion in “Motions of Which Previous Notice Has Been Given” of the 11 February 2003 Ordinary Council Meeting.

**MOTION**

That Council conduct a postal referendum in conjunction with the May 2003 local government elections to determine the support for and against abolition of ward boundaries within the City of Gosnells.

(SPECIAL MAJORITY REQUIRED)

**COUNCILLOR COMMENT**

As Council item 12.6.3 of the 26 November 2002 Ordinary Council Meeting suggests, at a minimal cost, we can gauge the community’s thoughts on the future layout of the City in regards to local elections.

It would save the rearrangement of suburbs in different wards, as is suggested in the latest boundaries review.

**STAFF COMMENT**

As reported to Council at the Ordinary Council Meeting held on 26 November 2002, the cost of conducting a referendum, by means of postal election, is estimated to be between $7,500 and $13,000, funds for which would be available from the Local Government Elections Reserve Account.

The Local Government Act 1995 (Act) Section 4.61(2) provides, subject to a Special Majority of Council (9 Councillors) the ability for a local government to conduct an election (or referendum) as a postal election.

As currently stands, however, the Act only makes provision for postal elections to be conducted by the Electoral Commissioner.

Section 4.20(4) of the Act provides for a local government, having first obtained written agreement of the Electoral Commissioner, to appoint the Commissioner responsible for the conduct of an election. Such agreement was provided in writing by the Commissioner in her response to the City outlining the projected costs for such a referendum.

To enable a referendum to be conducted in conjunction with the May 2003 elections a decision by Council, in relation to Sections 4.20(4) and 4.61(2) must be made “on or before the 80th day before election day”. In this instance that day being 12 February 2003.
In order to satisfy this requirement Cr Mitchell has submitted a further motion for the consideration of Council which appears at Item 13.9 of this Agenda.

No matter the outcome of the proposed referendum any change to ward boundaries can only be conducted with the sanction of the Advisory Board and the Minister following a resolution by an absolute majority of Council.

9.05pm - The Director Planning and Sustainability left the meeting.

9.07pm – The Director Planning and Sustainability returned to the meeting.

PROPOSED MOTION

Moved Cr R Mitchell Seconded Cr MD Devereux

That Council conduct a postal referendum in conjunction with the May 2003 local government elections to determine the support for and against abolition of ward boundaries within the City of Gosnells.

FOR:  Cr MD Devereux, Cr AJ Smith and Cr R Mitchell.

AGAINST:  Cr S Iwanyk, Cr C Matison, Cr J Brown, Cr R Croft, Cr O Searle, Cr A Pisano, Cr S Moss and Cr PM Morris.

LOST 3/8
12.5.8 DEVELOPMENT APPLICATION – 58 GROUPED DWELLINGS – 33-43 (LOT 888) SEAFORTH AVENUE, GOSNELLS

File: 219653  Approve Ref: 0203/1031 (EH) Psrpt020Feb03
Name: Nu-West Developments Pty Ltd
Location: 33-43 (Lot 888) Seaforth Avenue, Gosnells
Zoning: MRS: Urban
TPS No. 6: Residential R30
Appeal Rights: Yes. Appeal rights available to either the Minister for Planning and Infrastructure or Town Planning Appeals Tribunal against a refusal or any condition(s) of approval.
Area: 20,323m²
Previous Ref: Nil
Appendix: 12.5.8A Site Plan and Elevation Plan

PURPOSE OF REPORT

For Council to consider an application for 58 grouped dwellings at 33-43 (Lot 888) Seaforth Avenue, Gosnells, which was advertised to surrounding landowners and objections were received.

BACKGROUND

The subject site has had numerous Development Approvals for aged accommodation and was permitted a density R30 due to its proximity to Seaforth Railway Station. The site has recently changed ownership and a new proposal for grouped dwellings has been submitted. The subject site comprises an area of 2.03ha and at a density of R30 could accommodate up to 67 grouped dwellings. The site has access from Seaforth Avenue and has an existing right-of-way (ROW) and Parks and Recreation Reserve abutting the rear of the property. The existence of the ROW and Parks and Recreation Reserve are unusual in that they are “land locked”, and there is no indication in Council’s records as to how or where the existing ROW was to connect with Seaforth Avenue or the full extent of the Parks and Recreation Reserve. However, it is assumed that the existing ROW was to provide additional street access to properties fronting Eileen Street to allow for future subdivision and that the existing Parks and Recreation Reserve would be added to through the subdivision of the adjoining properties.

Proposal

The applicant proposes to construct 58 grouped dwellings (and strata subdivide for sale to the general public) and a home store on the subject site. The applicants propose to construct the dwellings based on eight different floor plans, with each dwelling comprising three bedrooms, two bathrooms, a kitchen, a laundry, a meals area and a lounge room. In order to provide variation to overcome the monotony of repetitive building designs due to the number of dwellings with similar floor plans, the applicant proposes to provide a number of design options in the dwelling façade and construct the dwellings with a range of materials, finishes and colours (refer to site plan and elevation plans in Appendix 12.5.8A).
The proposed dwellings will be serviced by an internal road network that will have two vehicle access points from Seaforth Avenue. In accordance with the Residential Design Codes, 1.2 metre wide pedestrian paths will be provided along each internal road. Additional pedestrian access will be provided at the rear of the site, connecting with the existing ROW and Parks and Recreation Reserve. Public thoroughfare will also be permitted through the site via a 1.7 metre wide footpath connected between the Parks and Recreation Reserve and Seaforth Avenue.

As part of the strata-subdivision, the applicant would be required to contribute 10% of the site for public open space (POS), which equates to 2,032.3m². The applicant has only proposed to provide a 1,339m² area of POS, to be located in the south-western corner of the site adjacent to the existing Parks and Recreation Reserve, resulting in a shortfall of approximately 693m². The applicant would be required to pay a cash-in-lieu contribution for the shortfall POS.

Public Consultation

Grouped dwellings within a Residential zone is a discretionary use and therefore advertising to nearby landowners is not required under Town Planning Scheme No. 6 (TPS 6). However, due to the scale of the development and the possible impact this proposal may have on the future subdivision of the area, staff considered it appropriate for the proposal to be advertised in accordance with Section 10.4 of TPS 6.

The proposal was advertised to surrounding landowners for a period of 14 days (refer to location plan). In particular, the proposal was referred to the consultants acting on behalf of the Della Vedova family due to the possible impact this proposal may have on the future subdivision pattern for their landholding located adjacent. In particular, the draft structure plan for the Della Vedova landholding shows vehicular access through the site via the extension of the existing ROW.

The following table summarises the nature and content of the eight submissions received.

<table>
<thead>
<tr>
<th>No.</th>
<th>Name Address</th>
<th>Description of Affected Property: Lot No, Street, etc</th>
<th>Summary of Submission</th>
<th>Staff Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>K &amp; K Molloy 5 (Lot 64) Kyme Court, Gosnells</td>
<td>Objects to Proposal. 1) On health grounds unless an effective dust management requirement was imposed. Developers would be liable for any cleanup from dust.</td>
<td>Dismissed. Any approval would be subject to compliance with DEP’s Dust Control Guidelines.</td>
<td></td>
</tr>
<tr>
<td>No.</td>
<td>Name</td>
<td>Address</td>
<td>Description of Affected Property: Lot No., Street, etc</td>
<td>Summary of Submission</td>
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<tr>
<td>2</td>
<td></td>
<td></td>
<td>2) Is it a retirement village, ethnic community or resort development.</td>
<td>Proposed units will be available for purchase by the general public.</td>
</tr>
<tr>
<td>3</td>
<td>P Spano</td>
<td>30 (Lot 12) Eileen Street, Gosnells</td>
<td>Objects to Proposal. Development will prevent rear access to Lot 12 for future development. The ROW should be continued through.</td>
<td>Dismissed. Applicant proposes to provide a pedestrian link from ROW through the site. Future development of properties on Eileen St can be maintained if ROW is constructed as a cul-de-sac as part of a future road network in the locality.</td>
</tr>
<tr>
<td>4</td>
<td>F P &amp; I D Sharkey</td>
<td>27 (Lot 52) Seaforth Avenue, Gosnells</td>
<td>Supports Proposal. 1) Footpath on roadside from Eileen St to new development to cater for cycles and scooters. 2) New crossover to be constructed. 3) New planting of trees more appropriate for under powerlines.</td>
<td>Noted. Issue not related to this development. Comments referred to Technical Services. See 4(2) comments.</td>
</tr>
<tr>
<td>5</td>
<td>N Golding</td>
<td>3 (Lot 60) Kyme Court, Gosnells</td>
<td>Objects to Proposal. 1) Number of units is too many. 2) Don’t know if units are for over 55’s or any one else. 3) Suffer from asthma so dust is an issue.</td>
<td>Dismissed. See 2(1) comments.</td>
</tr>
<tr>
<td>6</td>
<td>B &amp; M Thompson</td>
<td>32 (Lot 2) Eileen Street, Gosnells</td>
<td>Objects to Proposal. Should be access to ROW behind Lot 2.</td>
<td>Dismissed. See 3 comments.</td>
</tr>
<tr>
<td>7</td>
<td>T &amp; J Houweling</td>
<td>28 (Lot 11) Eileen Street, Gosnells</td>
<td>Objects to Proposal. 1) Too many units with inadequate open space. 2) Should have a mixture of units to cater for both elderly and families.</td>
<td>Dismissed. Number of units comply with Residential Design Codes. Proposed open space will form part of a larger future open space area. Refer to discussion section. See 2(2) comments.</td>
</tr>
<tr>
<td>8</td>
<td>Development Planning Strategies (on behalf of Della Vedova Family)</td>
<td>Location 16 Seaforth Avenue, Gosnells</td>
<td>Objects to Proposal. Design compromises opportunity for future development of Della Vedova land to gain direct pedestrian access to Seaforth Train Station, via ROW and Lot 888.</td>
<td>Dismissed. Design has since been redesigned and now allows pedestrian thoroughfare from existing ROW, through Lot 888 and onto Seaforth Avenue.</td>
</tr>
</tbody>
</table>
DISCUSSION

The plans that were advertised have since been amended by the applicant in response to concerns raised in objections and by staff in relation to compliance with the Residential Design Codes, the Building Code of Australia and the SafeCity Urban Design Strategy, namely in regard to:

- Pedestrian connectivity between the existing ROW and Seaforth Avenue;
- Width and location of footpaths – minimum width of 1.2m required adjacent to all internal roads;
- Setbacks of dwellings to internal road network – minimum of 2.5m for walls with no major openings and minimum of 3m for walls with major openings;
- Screening of dwellings adjacent to busy internal roads – in the form of fencing or vegetation;
• Solar efficiency of some dwellings – north facing windows/solid walls to be provided with shade providing eaves;
• Visually permeable fencing adjacent to open space – to ensure passive visual surveillance;
• Width of internal road network – to be sufficient for rubbish truck manoeuvring and access;
• Lighting strategy for open space, footpaths and parking; and
• Coloured elevations showing a variety of façade designs and a range of materials, finishes and colours.

At the request of staff, the plans have been amended and non-compliant matters now comply.

Significant to this proposal is the provision and location of the POS in association with the existing Parks and Recreation Reserve at the rear of the site. The proposed POS would adjoin the existing Parks and Recreation Reserve adjacent to the rear of the site and be given up as Crown Land as a Public Recreation Reserve and vested in Council. The Parks and Recreation Reserve is approximately 733m² and together with the proposed 1,339m², would provide a total area of 2,072m². It is envisaged that any subsequent subdivision or development on adjoining sites would contribute land towards the Parks and Recreation.

It will therefore be recommended that Council waive the requirement for the cash-in-lieu contribution for the POS shortfall of 693m² in exchange for the applicants developing the existing Parks and Recreation Reserve in conjunction with the proposed POS.

Due to the significant distance between the site and shopping facilities (a walking distance of 2km) and historical requirement for a self-contained proposal to further justify the increase in density to R30, the applicants are proposing to allocate a site fronting Seaforth Avenue to accommodate a “home store”. The design and configuration of the home store have not been finalised as the applicants propose to construct it to the requirements of the prospective operator. Therefore a separate development application would be submitted for this. However, Council could provide indicative support for the home store at this stage.

Due to the number of rubbish bins that will be allocated to the site once developed and the limited verge area to accommodate these bins on collection day, the internal roads within the development will be designed to accommodate the City’s waste collection service so the bins can be collected directly from each unit. Importantly, the applicants will be required to provide indemnity insurance to protect Council from wear and tear caused by the service during normal duties.

With the extension of Tonkin Highway, there is a possibility that Seaforth Avenue will effectively be a cul-de-sac at its southern end. In order to ascertain the impact the possible closure of Seaforth Avenue will have on the proposed development, a traffic
study will be required. The traffic study should also address issues such as the impact the increase in traffic will have on the road to determine if the road needs upgrading.

To maintain the original intent of providing access through to Seaforth Avenue, pedestrian access is proposed to be provided from the existing ROW, through the development and onto Seaforth Avenue thereby permitting a public pedestrian thoroughfare. This will ensure permeability in accordance with “historical” accessibility and the SafeCity Urban Design Strategy. In light of this it is considered appropriate that proposed units 31 to 37 be provided with front screening to provide separation between the public and private domain and provide additional privacy to that adjacent property. It will therefore be recommended that a fencing plan be submitted for approval prior to the issue of a building licence showing new fencing is to be provided adjacent to the thoroughfare. In this instance, it is considered a maximum wall height of 1.2 metres is acceptable.

CONCLUSION

The proposed unit development complies with the Residential Design Codes, provides a pedestrian link from the existing ROW to Seaforth Avenue (and ultimately the Seaforth Train Station) and will provide additional shopping facilities for the area. It will therefore be recommended that the application be approved subject to conditions.

FINANCIAL IMPLICATIONS

Nil.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION

21 Moved Cr AJ Smith Seconded Cr A Pisano

“That Council approve the development application for 58 grouped dwellings at 33-43 (Lot 88) Seaforth Avenue, Gosnells, subject to the following conditions:

1. The provision of a lighting plan.

2. The Body Corporate/Landowner to indemnify the City of Gosnells against pavement damage and other wear and tear due to waste disposal collection service, to the satisfaction of the Director Infrastructure.”

3. Submission of a Fencing Plan to be approved prior to the issue of a building licence. The plan is to address fencing for:
   a) site boundary;
b) screening to provide separation between the public and private domain in relation to the public pedestrian thoroughfare; and
c) visually permeable fencing adjacent to public open space.

4. Public open space shown on the plan being ceded free of cost to the Crown.

5. The applicant providing a landscape plan for the public open space and the existing Parks and Recreation Reserve abutting the rear of the site at the applicant’s expense. The landscaping plan to reflect a B2 standard in accordance with the City’s specifications.

6. Landscaping of the public open space and Parks and Recreation Reserve to be at the landowners expense.

7. An access easement being granted to the City to maintain public thoroughfare through the site along the footpath marked in red on the approved plan.

8. The footpath providing public pedestrian thoroughfare through the site to be a minimum width of 1.7 metres and constructed to the City’s standard.

9. Standard conditions: 4.1, 4.4 ($65,000), 5.1, 6.1, 8.1, 9.1, 20.4, 30.1, 34.1, 35.1, 45.1, 51.1; and Advice Notes D4.1, D12.1, D13.1, D14.1 and S36.1.”

CARRIED 7/4

FOR: Cr S Iwanyk, Cr C Matison, Cr MD Devereux, Cr R Croft, Cr R Mitchell, Cr A Pisano and Cr PM Morris.
AGAINST: Cr J Brown, Cr AJ Smith, Cr O Searle and Cr S Moss.

22 Moved Cr AJ Smith Seconded Cr A Pisano

“That Council waive the requirement for the cash-in-lieu contribution for the shortfall of 693m² in exchange for the applicants developing the existing Parks and Recreation Reserve in conjunction with the proposed public open space to be ceded.”

CARRIED 7/4

FOR: Cr S Iwanyk, Cr C Matison, Cr MD Devereux, Cr R Croft, Cr R Mitchell, Cr A Pisano and Cr PM Morris.
AGAINST: Cr J Brown, Cr AJ Smith, Cr O Searle and Cr S Moss.
STAFF RECOMMENDATION AND COUNCIL RESOLUTION

23  Moved Cr AJ Smith Seconded Cr A Pisano

“That Council enters into a Legal Agreement with the Landowner (at the landowners expense) to develop the Parks and Recreation Reserve in conjunction with the proposed public open space to B2 standard in accordance with the City’s specifications.”

CARRIED 7/4

FOR:  Cr S Iwanyk, Cr C Matison, Cr MD Devereux, Cr R Croft, Cr R Mitchell, Cr A Pisano and Cr PM Morris.

AGAINST:  Cr J Brown, Cr AJ Smith, Cr O Searle and Cr S Moss.
12.5.22 REQUEST TO RENAME A PORTION OF THORNLIE AS FOREST LAKES

File: C3/1/5 (EH) Psrpt005Feb03
Name: L Holland
Location: Area bounded by Warton Road, Garden Street, Yale Road, Murdoch Drive/Forest Lakes Drive
Zoning: MRS: Urban
TPS No. 6: Residential
Appeal Rights: N/A
Area: 232 ha
Previous Ref: Nil

PURPOSE OF REPORT

For Council to consider a request to rename a portion of Thornlie to Forest Lakes.

BACKGROUND

Thornlie is one of the larger metropolitan localities, covering an area of 1152 hectares. The name was approved in April 1956 but not gazetted until September 1982. The Geographic Names Committee (GNC) “Principles, Policies and Procedures” provides for localities to be a minimum of 100ha in area with an ideal size of 500ha, and the number of lots available to be 1,000 to 10,000. The area proposed to be renamed to Forest Lakes, bounded by Warton Road, Garden Street, Yale Road, Murdoch Drive/Forest Lakes Drive (refer to Location Plan), is approximately 232ha with 2010 lots and therefore complies with the minimum GNC requirements.

DISCUSSION

A resident within the subject area has requested that Council consider renaming the portion of Thornlie to Forest Lakes on the following grounds:

- Area is commonly known and referred to as “Forest Lakes” by residents and visitors;
- One of the main roads through the area is named Forest Lakes Drive; and
- The area contains the Forest Lakes Shopping Centre and Lakers Tavern.

The matter was referred to the GNC for initial comments, which are as follows:

“The Committee’s preferred size for metropolitan localities is 500ha, but this proposal is considerably larger than the minimum 100ha, and has sufficient lots. The locality could be divided into two or more localities, but the Committee was not supportive of renaming less than a quarter. It also emphasized that any proposed changes needed to be considered by the whole Thornlie community.”
The Committee further commented that the proposed name was not acceptable due to duplication in Queensland and there is potential for misspelling. This comment could be argued should Council decided to proceed with the proposal. It is noted that the GNC has traditionally rejected estate names being applied with preference to historic or natural features.
In accordance with the GNC’s comments, Council would need to review the whole locality of Thornlie if the subject area were to be renamed. Council would require a large quantity of resources for this task. There are some 8,213 properties in Thornlie and it is envisaged that each one of these properties would need to be consulted a number of times before the locality review was finalised with portions being renamed. A summary of the procedure that would be followed if the locality was reviewed would be:

- Advertise review to all residents of Thornlie requesting boundary and name suggestions and comments.
- Submissions considered by Council.
- Should Council decide to provide initial support to the proposed boundaries and names, the proposal would need to be advertised again to all residents of Thornlie.
- Submissions considered by Council.
- Should Council grant final support to the proposed boundaries and names, the proposal would be referred to GNC.
- Should the GNC not concur with the Council’s recommendation, it may require changes, and the matter would need to be referred again to all residents and Council.

The following are approximate costs that have been calculated:

- Newspaper advertising : $250 per advertisement
- Postage to residents : $4,106 for mail out via Aust. Post
- Maps (including photocopying) : $3,000

It is envisaged that a number of advertisements would be required to be placed in a local newspaper, at least three mail-outs to residents and at least two lots of photocopying of maps. Therefore, an initial estimate of the cost of reviewing Thornlie would be approximately $20,000 (not including projected staff time which would be considerable). The significant cost of this project has not been included in the budget for 2002-2003 and therefore, if Council decided to undertake a review of the Thornlie locality, there would be a need to allocate money for the project in 2003-2004 budget.

**CONCLUSION**

In order for the GNC to consider renaming the subject area, Council would need to first review the Thornlie locality with a view to creating smaller localities. Due to the time and resources involved in such a project, it will be recommended that the matter not be progressed at this time due to budget restrictions.
FINANCIAL IMPLICATIONS

Nil – if the matter is not progressed. If matter is progressed, costs have been estimated at $20,000 (not including projected staff salary). This cost has not been allocated in the 2002-2003 budget, however, subject to endorsement it will be included as a project to be considered in the 2006/2007.

STAFF RECOMMENDATION

Moved Cr A Pisano Seconded Cr MD Devereux

That Council advise the applicant that, due to the significant amount of time and resources required to undertake this task, the renaming of the portion of Thornlie bounded by Warton Road, Garden Street, Yale Road, Murdoch Drive/Forest Lakes Drive will not be progressed at this time, however, it will be considered in 2006/2007.

Amendment

During debate Cr MD Devereux moved the following amendment to the staff recommendation above to enable the proposal to be progressed in 2003/2004:

That the staff recommendation be amended by deleting the years “2006/2007” where they appear at the end of the recommendation and substituting them with the years “2003/2004, with the amended recommendation to read:

“That Council advise the applicant that, due to the significant amount of time and resources required to undertake this task, the renaming of the portion of Thornlie bounded by Warton Road, Garden Street, Yale Road, Murdoch Drive/Forest Lakes Drive will not be progressed at this time, however, it will be considered in 2003/2004.”

Cr R Croft Seconded Cr Devereux’s proposed amendment.

At the conclusion of debate the Mayor put Cr Devereux’s proposed amendment, which reads:

Moved Cr MD Devereux Seconded Cr R Croft

That the staff recommendation be amended by deleting the years “2006/2007” where they appear at the end of the recommendation and substituting them with the years “2003/2004, with the amended recommendation to read:

“That Council advise the applicant that, due to the significant amount of time and resources required to undertake this task, the
renaming of the portion of Thornlie bounded by Warton Road, Garden Street, Yale Road, Murdoch Drive/Forest Lakes Drive will not be progressed at this time, however, it will be considered in 2003/2004.”

LOST 3/8

FOR:  Cr MD Devereux, Cr R Croft and Cr R Mitchell.
AGAINST:  Cr S Iwanyk, Cr C Matison, Cr J Brown, Cr AJ Smith, Cr O Searle, Cr A Pisano, Cr S Moss and Cr PM Morris.

The amendment having been lost, the Mayor then put the staff recommendation, which reads:

STAFF RECOMMENDATION AND COUNCIL RESOLUTION

24  Moved Cr A Pisano Seconded Cr MD Devereux

“That Council advise the applicant that, due to the significant amount of time and resources required to undertake this task, the renaming of the portion of Thornlie bounded by Warton Road, Garden Street, Yale Road, Murdoch Drive/Forest Lakes Drive will not be progressed at this time, however, it will be considered in 2006/2007.”

CARRIED 11/0

FOR:  Cr S Iwanyk, Cr C Matison, Cr J Brown, Cr MD Devereux, Cr R Croft, Cr AJ Smith, Cr R Mitchell, Cr O Searle, Cr A Pisano, Cr S Moss and Cr PM Morris.
AGAINST:  Nil.
11. MINUTES OF COMMITTEE MEETINGS

11.1 CITY OF GOSNELLS HERITAGE ADVISORY COMMITTEE

File: C1 23 (LPS)

Appendix: 11.1A Minutes of the City of Gosnells Heritage Advisory Committee Meeting held on Wednesday 11 December 2002

PURPOSE OF REPORT

For Council to receive the Minutes of the City of Gosnells Heritage Advisory Committee Meeting held on Wednesday 11 December 2002.

BACKGROUND

The City of Gosnells Heritage Advisory Committee has been established and meets every two (2) months to oversee issues of management and care of Council's heritage properties and broader heritage issues within the City of Gosnells.

DISCUSSION

The business of the Meeting is reported in the Minutes of the City of Gosnells Heritage Advisory Committee Meeting held on Wednesday 11 December 2002 provided as Appendix 11.1A.

There were no recommendations made at this Meeting held on 11 December 2002, which require Council adoption.

FINANCIAL IMPLICATIONS

Nil.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION

25 Moved Cr J Brown Seconded Cr A Pisano

“That Council receive the Minutes of the City of Gosnells Heritage Advisory Committee Meeting held on 11 December 2002 as attached in Appendix 11.1A.”

CARRIED 11/0

FOR: Cr S Iwanyk, Cr C Matison, Cr J Brown, Cr MD Devereaux, Cr R Croft, Cr AJ Smith, Cr R Mitchell, Cr O Searle, Cr A Pisano, Cr S Moss and Cr PM Morris.

AGAINST: Nil.
The Mayor advised the meeting that herself due to being Chairman of the SafeCity Task Force and Cr AJ Smith due to being Council’s delegate to the SafeCity Task Force, had disclosed an Impartiality Interest in the following item in accordance with Regulation 34C of the Local Government (Administration) Regulations 1996.

Cr S Iwanyk, due to being Council’s delegate to the SafeCity Task Force disclosed an Impartiality Interest in the following item in accordance with Regulation 34C of the Local Government (Administration) Regulations 1996.

11.2 SAFECITY TASK FORCE

File: C1.15 (MC)

Appendix: 11.2A Minutes of SafeCity Task Force Meeting held on the 9 December 2002

PURPOSE OF REPORT

For Council to receive the Minutes of the City of Gosnells SafeCity Task Force Meeting held on 9 December 2002.

BACKGROUND

The SafeCity Task Force meets every second month to provide advice to Council on the SafeCity Initiative.

There were two (2) recommendations made at the Meeting held on 9 December 2002, which require Council’s adoption.

DISCUSSION

The business of the Meeting is reported in the Minutes of the SafeCity Task Force Meeting held on 9 December 2002 provided as Appendix 11.2A.

In 1998 the Safer Seniors Programme commenced as a component of the Safe City Initiative. Council established the Seniors Safety Committee in 1999 to provide advice to Council on the community safety needs of seniors. The sub committee was established with the following Terms of Reference.

- Act as an advocate on behalf of seniors to Local Government.
- Act as an advocate on behalf of seniors to State and Federal Government Departments, community groups and businesses.
- Maintain up to date information about seniors' safety issues.
- Make recommendations to and have representation on the SafeCity Task Force.
- Assist in the evaluation and make recommendations on the progress and development of the Safer Seniors Initiative.
• Investigate and report on specific safety issues or safety practices as identified by the community.

At the Meeting of the Seniors Safety Committee on 22 November 2002, the committee resolved it had met the Terms of Reference and forwarded a recommendation for Council consideration that this committee is dissolved. It was considered that most areas within the terms of reference are now at an operational level within the SafeCity Safer Seniors Programmes delivered by the staff at Addie Mills Centre and others areas within the City of Gosnells. The committee has also recommended that through increased seniors membership on SafeCity Task Force that any issues relevant for Seniors in the area of community safety could be addressed through the addition of two community representative who could act as advocates for Seniors.

To ensure representation for Seniors on the SafeCity Task Force, the Seniors Safety Committee has recommended increased community representation on the SafeCity Task Force and has nominated the representative from the National Seniors Association and a Seniors Community Member be elected to the SafeCity Task Force to facilitate this process.

**FINANCIAL IMPLICATIONS**

Nil.

<table>
<thead>
<tr>
<th>STAFF RECOMMENDATION AND COUNCIL RESOLUTION</th>
</tr>
</thead>
<tbody>
<tr>
<td>26 Moved Cr A Pisano Seconded Cr R Croft</td>
</tr>
</tbody>
</table>

“That Council receive the Minutes of the SafeCity Task Force Committee Meeting held on 9 December 2002 as attached as Appendix 11.2A.”

CARRIED 11/0

**FOR:** Cr S Iwanyk, Cr C Matison, Cr J Brown, Cr MD Devereux, Cr R Croft, Cr AJ Smith, Cr R Mitchell, Cr O Searle, Cr A Pisano, Cr S Moss and Cr PM Morris.

**AGAINST:** Nil.

<table>
<thead>
<tr>
<th>STAFF RECOMMENDATION AND COUNCIL RESOLUTION</th>
</tr>
</thead>
<tbody>
<tr>
<td>27 Moved Cr A Pisano Seconded Cr R Croft</td>
</tr>
</tbody>
</table>

“That Recommendation 30 of the SafeCity Task Force Meeting held on 9 December 2002 (as attached as Appendix 11.2A), which reads:

“That the Gosnells Seniors Safety Committee be dissolved.”

be adopted.”

CARRIED 11/0

**FOR:** Cr S Iwanyk, Cr C Matison, Cr J Brown, Cr MD Devereux, Cr R Croft, Cr AJ Smith, Cr R Mitchell, Cr O Searle, Cr A Pisano, Cr S Moss and Cr PM Morris.

**AGAINST:** Nil.
28 Moved Cr A Pisano Seconded Cr R Croft

“That Recommendation 31 of the SafeCity Task Force Meeting held on 9 December 2002 (as attached as Appendix 11.2A), which reads:

“That if Recommendation 30 of the SafeCity Task Force is adopted by Council, Seniors Committee Members Mr A Sandford and Ms R Charsley be appointed from the outgoing committee to the SafeCity Task Force so as to provide adequate representation for Seniors.”

be adopted.”

CARRIED 11/0

FOR: Cr S Iwanyk, Cr C Matison, Cr J Brown, Cr MD Devereux, Cr R Croft, Cr AJ Smith, Cr R Mitchell, Cr O Searle, Cr A Pisano, Cr S Moss and Cr PM Morris.

AGAINST: Nil.
11.3 LOCAL EMERGENCY MANAGEMENT ADVISORY COMMITTEE

File: E11/3 (MB) Rpt004Feb03

Appendix: 11.3A Minutes of City of Gosnells Local Emergency Management Advisory Committee Meeting held on 13 November 2002

PURPOSE OF REPORT

For Council to receive the Minutes of the City of Gosnells Local Emergency Management Advisory Committee Meeting held on 13 November 2002.

BACKGROUND

The Local Emergency Management Committee meets every third month to discuss emergency management planning, any major incidents that have occurred within the City and to update the Emergency Management Plan where changes have occurred.

There was one (1) recommendation made at the meeting held on 13 November 2002 that requires Council adoption.

DISCUSSION

The business of the meeting is reported in the Minutes of the Local Emergency Management Advisory Committee Meeting held on 13 November 2002 provided as Appendix 11.3A.

Recommendation 2 which reads:

“That a representative from the Department of Environmental Protection become a committee member of the Local Emergency Management Advisory Committee.”

relates to the inclusion of a representative of the Department of Environmental Protection becoming a member of the Local Emergency Management Committee. The committee felt that a representative was needed to represent the environmental protection issues within the City as well as providing valuable input towards prevention planning within the City of Gosnells.

FINANCIAL IMPLICATIONS

Nil.
STAFF RECOMMENDATION AND COUNCIL RESOLUTION

29  Moved Cr MD Devereux Seconded Cr J Brown

“That Council receives the Minutes of the Local Emergency Management Advisory Committee Meeting held on 13 November 2002 attached as Appendix 11.3A.”

CARRIED 11/0

FOR:  Cr S Iwanyk, Cr C Matison, Cr J Brown, Cr MD Devereux, Cr R Croft, Cr AJ Smith, Cr R Mitchell, Cr O Searle, Cr A Pisano, Cr S Moss and Cr PM Morris.

AGAINST:  Nil.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION

30  Moved Cr MD Devereux Seconded Cr J Brown

“That Recommendation 2 of the City of Gosnells Local Emergency Management Committee Meeting held on 13 November 2002 which reads:

“That a representative from the Department of Environmental Protection become a committee member of the Local Emergency Management Advisory Committee.”

be adopted.”

CARRIED 11/0

FOR:  Cr S Iwanyk, Cr C Matison, Cr J Brown, Cr MD Devereux, Cr R Croft, Cr AJ Smith, Cr R Mitchell, Cr O Searle, Cr A Pisano, Cr S Moss and Cr PM Morris.

AGAINST:  Nil.

12. REPORTS

12.1 CHIEF EXECUTIVE OFFICER’S REPORT
12.2 COMMUNITY SERVICES

12.2.1 TENDER 56/ 2002 – CITY OF GOSNELLS LEISURE WORLD – REDEVELOPMENT OF SPA AREA

File: L4/11 (SC)
Appendix: 12.2.1A Leisure World Spa Redevelopment Floor Plan
12.2.1B Independent Living Centre of WA (Inc.) Report

PURPOSE OF REPORT

To advise Council of the results of Tender 56/2002 – Redevelopment of the Spa Area, to recommend the appointment of a Contractor and to seek Council approval for a budget variation to meet a shortfall between estimated budget and tender price to meet the cost of supplementary works and overheads.

BACKGROUND

As part of the 2002/03 Budget, Council approved funding for the redevelopment of the spa area at City of Gosnells Leisure World. At this time the estimated project cost was $200,000 and combined with the floor resurfacing, funding assistance of $112,570 from the Department of Sport and Recreation (Community Sport and Recreation Facilities Fund) had been granted. At this stage staff did not include into the estimate the City of Gosnells overheads cost of $39,500 that this project would attract, thus making the budget cost $39,500 less than required.

The spa area redevelopment is in keeping with the overall design of the Leisure World Redevelopment Proposal that was recently supported by Council at its Ordinary Meeting of the 24 September 2002. A detailed plan of the spa redevelopment is attached as Appendix 12.2.1A.

Given the technical and specialised nature of the composition and design involved in this spa redevelopment, a project consultancy brief was prepared to engage professional expertise to develop the tender documentation, review tenders and oversee and manage the project. Geoff Ninnes Fong and Partners (GNF) were subsequently appointed to undertake this work.

In keeping with the estimated budget for the project GNF anticipated the project to cost $200,000. Tender specification and documentation were prepared in accordance with the tender regulations. The tender was called for and advertised in the West Australian Newspaper on 16 November 2002. Tenders closed on 2 December 2002. Two (2) tenders were received:

<table>
<thead>
<tr>
<th>Contractor</th>
<th>Address</th>
<th>Tender Price (ex GST)</th>
</tr>
</thead>
<tbody>
<tr>
<td>AVP Constructions (AVP)</td>
<td>Unit 3 / 6 Kirke Street</td>
<td>$310,200</td>
</tr>
<tr>
<td></td>
<td>Balcatta WA 6021</td>
<td></td>
</tr>
<tr>
<td>Aquatic Construction Services (ACS)</td>
<td>16 Chatsworth Gate</td>
<td>$268,962</td>
</tr>
<tr>
<td></td>
<td>Canning Vale WA 6155</td>
<td></td>
</tr>
</tbody>
</table>
DISCUSSION

The existing spa system comprises of two domestic grade spa baths that service 500 – 600 patrons per week, a patron load well beyond their design capacity. Furthermore, a good portion of the client base that use the spa is forced to overcome a number of physical access problem to gain entry. As will be shown the new spa design will actively encourage use by people with movement problems.

The tender prices received are significantly over the initial estimates provided by GNF. This can be attributed mainly to two factors.

- Designing the ramp entry to comply with access standards has added extra water volume to the spa and filter area requirements. The level of accessibility of the new development cannot be found at any other comparable community facility and considerable effort has been made to avoid the mistakes and shortcomings that exist in similar facilities elsewhere in Perth. Achieving this has added to the expense of the project but staff are extremely confident that the benefits for people with a disability and those users seeking a therapeutic value from the spa will be enjoyed for many years to come.

- In accordance with the above, initial estimates presumed the existing boiler would meet the heating requirements of the new spa. This is no longer the case and the extra water volume has required an upgrade in the specification of the filtration system.

While the costs are significant it is worthy to note that Leisure World has always enjoyed an excellent reputation for its accessibility for all users and the redevelopment of the spa area has been planned to increase accessibility and use by people with a physical disability. The ramp entry will obviate the current necessity for people with a mobility disability to access the spa via a sling, a process that can be both undignified and unwieldy for this user group. It is envisioned that the redevelopment of the spa area will encourage customers with a permanent or temporary disability to utilise the facility for both recreational and therapeutic purposes.

The basic premise of an inclusive community is one which offers opportunities for all, not by constructing separate facilities but by incorporating access initiatives into existing and new amenities, thus enabling them to be used comfortably by all.

As such, included as part of the design process, a specialist access consultant with the Independent Living Centre provided guidance and advice on the project. The recommendations made by the consultant have been incorporated into the design of the area in order to maximise access opportunities for people with a disability. For Council information attached as Appendix 12.2.1B is a copy of the advice received from the Independent Living Centre. Of particular note when Council considers the recommendation for the need for the additional costs to the estimated tender price is the access consultant’s comment in the closing paragraph cited as follows:

“I do understand how difficult it is to retrofit an existing facility and again commend you for your level of consideration. I would be pleased to visit when
the facility is in operation, as I believe that with the development of Australian Standards in this area feedback from consumers and staff is vital to ensure codes and standards are relevant and achievable.”

Tender Report by Consultant Geoff Ninnes Fong and Partners

A summary of the tender Schedule 1 is as follows: -

<table>
<thead>
<tr>
<th></th>
<th>ACS</th>
<th>AVP</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Preliminary Works</td>
<td>8,000</td>
<td>6,000</td>
</tr>
<tr>
<td>2. General Structural Engineering Work</td>
<td>13,000</td>
<td>36,600</td>
</tr>
<tr>
<td>3. Spa Construction</td>
<td>84,262</td>
<td>64,400</td>
</tr>
<tr>
<td>4. General Building Work</td>
<td>41,000</td>
<td>33,700</td>
</tr>
<tr>
<td>5. Spa Treatment Plant</td>
<td>117,200</td>
<td>157,000</td>
</tr>
<tr>
<td>6. Operational Start Up Costs</td>
<td>5,500</td>
<td>12,500</td>
</tr>
<tr>
<td>Sub Total</td>
<td>$268,962</td>
<td>$310,200</td>
</tr>
<tr>
<td>GST</td>
<td>26,896</td>
<td>31,020</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$295,858</td>
<td>$341,220</td>
</tr>
</tbody>
</table>

Contingency

<table>
<thead>
<tr>
<th></th>
<th>ACS</th>
<th>AVP</th>
</tr>
</thead>
<tbody>
<tr>
<td>* offer to purchase old plant</td>
<td>YES</td>
<td>4,000</td>
</tr>
<tr>
<td>* annual maintenance contract offered</td>
<td>YES</td>
<td>2,620</td>
</tr>
<tr>
<td>* provisional sum to dewater</td>
<td>YES</td>
<td>4,000</td>
</tr>
</tbody>
</table>

The following should be noted.

- Both tenders were excellent and both companies have excellent credentials in the construction and installation of commercial pool and plant equipment.

- The major difference in tender price is in the cost associated with the filtration plant section of Schedule 1 of the tender with ACS being $45,362 lower than AVP.

- ACS filtration subcontractor, Trisley Hydraulic Services, is the most experienced filtration contractor in Australia and has offices in Perth.

- Both tenderers have excellent company safety policy, comprehensive work method statements and have supplied all the requirements of the tender.

- ACS Company is located close to the City of Gosnells Leisure World. ACS is able to commence work on the project immediately, which would accommodate the operational parameters at Leisure World.

Consultant Geoff Ninnes Fong and Partners advise that the maintenance contract offered by ACS would serve the City of Gosnells requirements well and is worthy of significant consideration.
Consultant Geoff Ninnes Fong and Partners recommend that the project should be awarded to ACS.

The Manager Purchasing Services advises that with regard the disposal of the old plant and equipment, that the value of the equipment is not sufficient to require the City to dispose of the asset by public tender. The Manager Purchasing Services also advised that it would be unreasonable to ask the tenderers to hold their tender prices any longer than was previously arranged prior to December 2002.

**FINANCIAL IMPLICATIONS**

<table>
<thead>
<tr>
<th>Project Cost</th>
<th>264,962</th>
</tr>
</thead>
<tbody>
<tr>
<td>Overheads (COG)</td>
<td>39,500</td>
</tr>
<tr>
<td>Total Budget required</td>
<td><strong>304,462</strong></td>
</tr>
<tr>
<td>Approved Budget</td>
<td>200,000</td>
</tr>
<tr>
<td>Additional budget required</td>
<td>$104,462</td>
</tr>
</tbody>
</table>

Included in the tender from ACS is an offer to purchase the old plant and equipment for $4,000. Leisure World management consider this a fair price so if Council accept the offer of $4,000, the total funds required to complete the work will be $304,462. A further potential saving for site dewatering may be achieved but it is considered prudent to maintain a contingency for this process. The table shows how $304,462 can be sourced.

<table>
<thead>
<tr>
<th>Job No. / Name</th>
<th>Comment</th>
<th>Amount ($)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Job 633. Resurface Wet side Floor and Spa area</td>
<td>The floor resurfacing job is now complete, with 200,000 remaining.</td>
<td>200,000</td>
</tr>
<tr>
<td>Job 624. Disability Improvements Provision</td>
<td>Use of money from this provision is considered consistent with the intent of the fund. The new spa will be the only leisure centre spa in Perth with full ramp access. This ramp component of the spa forms a significant portion of the spa area and has lead significantly to the cost of provision.</td>
<td>37,000</td>
</tr>
<tr>
<td>Job 565. Disability Improvements Provision</td>
<td>As Above.</td>
<td>12,000</td>
</tr>
</tbody>
</table>
**Job No. / Name** | **Comment** | **Amount ($)**
---|---|---
A/C 61102.180.2258 Maintenance | This operating account was established this year and is a transfer from the Mechanical Plant Services reserve. Use of this Reserve to fund the spa area redevelopment is considered appropriate since over $117,000 of the cost of the project involves the purchase and installation of water treatment plant and filtration equipment. | 20,000
9.91.908 Mechanical Plant Services Reserve | Council approved surplus funds from 2001/02 to be added to this reserve at the OCM 20 November 02. The balance remaining in this reserve after completion of this project will be approximately $217,000. | 20,462
Job 2401 Roof Repairs | The need to undertake this work remains but the impact of deferring the work until next financial year is not considered to create significant problems. Staff recommend that the redevelopment of the spa area is a greater priority. | 15,000
Total | | **304,462**

The Department of Sport and Recreation (DSR) has approved funding assistance of $112,570 to complete the recent floor resurfacing, which cost $200,000 and the spa area redevelopment. This fund allows funding up to 1/3 of the cost of projects that means nearly half of the funding will not be provided if the spa job is not completed.

Another major condition of this funding is that the funds be acquitted in the 2002/03 financial year. It is likely that the funding would be recalled if the City does not meet all the conditions of the grant. Furthermore, failure to complete this job may have negative consequences for the current Leisure World Redevelopment funding application currently under consideration by the Department of Sport and Recreation

**STAFF RECOMMENDATION**

**Moved Cr A Pisano Seconded Cr MD Devereux**

That Council award Tender 56/2002 City of Gosnells Leisure World Spa Area Redevelopment to Aquatic Construction Services (ACS) of 16 Chatsworth Gate, Canning Vale 6155 at the tender price of $268,962 and furthermore authorise the sale of old plant for $4,000.
STAFF RECOMMENDATION

Moved Cr A Pisano Seconded Cr MD Devereux

That Council approve a budget variation to provide additional funds for supplementary works and overheads cost to the City of Gosnells Spa Area Redevelopment Project as follows:

<table>
<thead>
<tr>
<th>Job No. / Name</th>
<th>Dr</th>
<th>Cr</th>
</tr>
</thead>
<tbody>
<tr>
<td>Job 633. Resurface Wet side Floor and Spa area</td>
<td>104,462</td>
<td></td>
</tr>
<tr>
<td>Job 624. Disability Improvements Provision</td>
<td></td>
<td>37,000</td>
</tr>
<tr>
<td>Job 565 Disability Improvements Provision</td>
<td></td>
<td>12,000</td>
</tr>
<tr>
<td>A/c 61102.180.2258 Maintenance</td>
<td></td>
<td>20,000</td>
</tr>
<tr>
<td>A/c 61102.181.2754 Consultancy</td>
<td></td>
<td>10,000</td>
</tr>
<tr>
<td>9.91.908 Mechanical Plant Services Reserve</td>
<td></td>
<td>20,462</td>
</tr>
<tr>
<td>Job 2401 Roof repairs</td>
<td></td>
<td>15,000</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td>$104,462</td>
</tr>
</tbody>
</table>

Amendment

During debate Cr J Brown moved the following amendment to the staff recommendation above to rectify an error in the table:

“That Council amend the second staff recommendation, by deleting the fifth row in the table containing the following words and numerals:

| A/c 61102.181.2754 Consultancy                     | 10,000 |

to allow deletion of this account number which was included in the table in error, with such deletion not affecting the total of the budget variation sought, and the amended recommendation to read:

“That Council approve a budget variation to provide additional funds for supplementary works and overheads cost to the City of Gosnells Spa Area Redevelopment Project as follows:

<table>
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<tr>
<th>Job No. / Name</th>
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<td></td>
<td>37,000</td>
</tr>
<tr>
<td>Job 565 Disability Improvements Provision</td>
<td></td>
<td>12,000</td>
</tr>
</tbody>
</table>
Cr C Matison Seconded Cr Brown’s proposed amendment.

At the conclusion of debate the Mayor put the first staff recommendation, which reads:

**STAFF RECOMMENDATION AND COUNCIL RESOLUTION**

31 Moved Cr A Pisano Seconded Cr MD Devereux

“That Council award Tender 56/2002 City of Gosnells Leisure World Spa Area Redevelopment to Aquatic Construction Services (ACS) of 16 Chatsworth Gate, Canning Vale 6155 at the tender price of $268,962 and furthermore authorise the sale of old plant for $4,000.”

CARRIED 11/0

FOR: Cr S Iwanyk, Cr C Matison, Cr J Brown, Cr MD Devereux, Cr R Croft, Cr AJ Smith, Cr R Mitchell, Cr O Searle, Cr A Pisano, Cr S Moss and Cr PM Morris.

AGAINST: Nil.

The Mayor then put Cr Brown’s proposed amendment to the second staff recommendation, which reads:

**Moved Cr J Brown Seconded Cr C Matison**

That Council amend the second staff recommendation, by deleting the fifth row in the table containing the following words and numerals:

| A/c 61102.181.2754 Consultancy | 10,000 |

...to allow deletion of this account number which was included in the table in error, with such deletion not affecting the total of the budget variation sought, and the amended recommendation to read:

“That Council approve a budget variation to provide additional funds for supplementary works and overheads cost to the City of Gosnells Spa Area Redevelopment Project as follows:

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<tr>
<th>Job No. / Name</th>
<th>Dr</th>
<th>Cr</th>
</tr>
</thead>
<tbody>
<tr>
<td>Job 633. Resurface Wet side Floor and Spa area</td>
<td>104,462</td>
<td></td>
</tr>
<tr>
<td>Job 624. Disability Improvements Provision</td>
<td>37,000</td>
<td></td>
</tr>
<tr>
<td>Job 565 Disability Improvements</td>
<td>12,000</td>
<td></td>
</tr>
</tbody>
</table>
Provision

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>A/c 61102.180.2258 Maintenance</td>
<td>20,000</td>
</tr>
<tr>
<td>9.91.908 Mechanical Plant Services Reserve</td>
<td>20,462</td>
</tr>
<tr>
<td>Job 2401 Roof repairs</td>
<td>15,000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$104,462</strong></td>
</tr>
</tbody>
</table>

CARRIED 11/0

FOR: Cr S Iwanyk, Cr C Matison, Cr J Brown, Cr MD Devereux, Cr R Croft, Cr AJ Smith, Cr R Mitchell, Cr O Searle, Cr A Pisano, Cr S Moss and Cr PM Morris.

AGAINST: Nil.

The amendment was put and carried with the amendment becoming the substantive motion. The Mayor then put the substantive motion, which reads:

**COUNCIL RESOLUTION**

32 Moved Cr J Brown Seconded Cr C Matison

“That Council approve a budget variation to provide additional funds for supplementary works and overheads cost to the City of Gosnells Spa Area Redevelopment Project as follows:

<table>
<thead>
<tr>
<th>Job No. / Name</th>
<th>Dr</th>
</tr>
</thead>
<tbody>
<tr>
<td>Job 633. Resurface Wet side Floor and Spa area</td>
<td>104,462</td>
</tr>
<tr>
<td>Job 624. Disability Improvements Provision</td>
<td>37,000</td>
</tr>
<tr>
<td>Job 565 Disability Improvements Provision</td>
<td>12,000</td>
</tr>
<tr>
<td>A/c 61102.180.2258 Maintenance</td>
<td>20,000</td>
</tr>
<tr>
<td>9.91.908 Mechanical Plant Services Reserve</td>
<td>20,462</td>
</tr>
<tr>
<td>Job 2401 Roof repairs</td>
<td>15,000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$104,462</strong></td>
</tr>
</tbody>
</table>

CARRIED BY ABSOLUTE MAJORITY 11/0

FOR: Cr S Iwanyk, Cr C Matison, Cr J Brown, Cr MD Devereux, Cr R Croft, Cr AJ Smith, Cr R Mitchell, Cr O Searle, Cr A Pisano, Cr S Moss and Cr PM Morris.

AGAINST: Nil.
12.3 CORPORATE SERVICES

12.3.1 FINANCIAL REPORTS – NOVEMBER 2002

File: F1/6/1 (IB) feb11_03fin

Appendix:

12.3.1A Commentary and report on variances
12.3.1B Operating Statement by Directorate
12.3.1C Statement and graphs showing breakdown of operating income and expenditure by programme
12.3.1D Balance Sheet
12.3.1E Summaries of Reserves, Town Planning Schemes
12.3.1F Debtors report
12.3.1G Investment report
12.3.1H Cash Flow Projection to 30 June 2003
12.3.1I Capital Works Report

PURPOSE OF REPORT

To seek Council approval to adopt the financial reports for the month of November 2002.

BACKGROUND

Recommendation 41 of the Strategic Planning committee meeting held 21 November 2000 refers:

“That in accordance with regulation 34 of the Local Government (Financial Management) Regulations 1996, Council receive the following reports on a monthly basis:

1. Summary and report on variances
2. Operating Statement by Directorate
3. Graphs showing breakdown of operating income and expenditure by programme
4. Debtors report
5. Investments report
6. Capital Expenditure report.”

DISCUSSION

The financial statements and commentary for the month of November 2002 are appended.

FINANCIAL IMPLICATIONS

Nil.
STAFF RECOMMENDATION AND COUNCIL RESOLUTION

33 Moved Cr MD Devereux Seconded Cr J Brown

“That Council, in accordance with regulation 34 of the Local Government (Financial Management) Regulations 1996, adopt the following reports, attached as per Appendix 12.3.1A to 12.3.1I for the period ended 30 November 2002:

A. Commentary and report on variances
B. Operating Statement by Directorate
C. Statement and graphs showing breakdown of operating income and expenditure by programme
D. Balance Sheet
E. Summaries of Reserves, Town Planning Schemes
F. Debtors report
G. Investment report
H. Cash Flow Projection to 30 June 2003
I. Capital Works Report”

CARRIED 9/2

FOR: Cr S Iwanyk, Cr C Matison, Cr J Brown, Cr MD Devereux, Cr R Croft, Cr AJ Smith, Cr R Mitchell, Cr A Pisano and Cr PM Morris.

AGAINST: Cr O Searle and Cr S Moss.
12.3.2 FINANCIAL REPORTS – DECEMBER 2002

File: F1/6/1

Appendix:
12.3.2A Commentary and report on variances
12.3.2B Operating Statement by Directorate
12.3.2C Statement and graphs showing breakdown of operating income and expenditure by programme
12.3.2D Balance Sheet
12.3.2E Summaries of Reserves, Town Planning Schemes
12.3.2F Debtors report
12.3.2G Investment report
12.3.2H Cash Flow Projection to 30 June 2003
12.3.2I Capital Works Report

PURPOSE OF REPORT

To seek Council approval to adopt the financial reports for the month of December 2002.

BACKGROUND

Recommendation 41 of the Strategic Planning committee meeting held 21 November 2000 refers:

“That in accordance with regulation 34 of the Local Government (Financial Management) Regulations 1996, Council receive the following reports on a monthly basis:

1. Summary and report on variances
2. Operating Statement by Directorate
3. Graphs showing breakdown of operating income and expenditure by programme
4. Debtors report
5. Investments report
6. Capital Expenditure report.”

DISCUSSION

The financial statements and commentary for the month of December 2002 are appended.

FINANCIAL IMPLICATIONS

Nil.
STAFF RECOMMENDATION AND COUNCIL RESOLUTION

34 Moved Cr MD Devereux Seconded Cr J Brown

“That Council, in accordance with regulation 34 of the Local Government (Financial Management) Regulations 1996, adopt the following reports, attached as per Appendix 12.3.2A to 12.3.2I for the period ended 31 December 2002:

A. Commentary and report on variances
B. Operating Statement by Directorate
C. Statement and graphs showing breakdown of operating income and expenditure by programme
D. Balance Sheet
E. Summaries of Reserves, Town Planning Schemes
F. Debtors report
G. Investment report
H. Cash Flow Projection to 30 June 2003
I. Capital Works Report ”

CARRIED 9/2

FOR: Cr S Iwanyk, Cr C Matison, Cr J Brown, Cr MD Devereux, Cr R Croft, Cr AJ Smith, Cr R Mitchell, Cr A Pisano and Cr PM Morris.

AGAINST: Cr O Searle and Cr S Moss.
12.3.3 PAYMENT OF ACCOUNTS

File:   F1/6/1  (GW) feb11_03chq

PURPOSE OF REPORT

To advise Council of payments made for the period 11 December 2002 to 21 January 2003.

DISCUSSION

Payments of $8,541,261.92 as detailed in the cheque listing for the period 11 December 2002 to 21 January 2003, which was circulated to Councillors under separate cover and will be tabled at the meeting, have been approved by the Director Corporate Services under delegated authority.

Notation

The Mayor tabled the cheque listing for the period 11 December 2002 to 21 January 2003.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION

35 Moved Cr MD Devereux Seconded Cr J Brown

“That Council note the payment of accounts as shown in the cheque listing for the period 11 December 2002 to 21 January 2003, as tabled.”

CARRIED 9/2

FOR:  Cr S Iwanyk, Cr C Matison, Cr J Brown, Cr MD Devereux, Cr R Croft, Cr AJ Smith, Cr R Mitchell, Cr A Pisano and Cr PM Morris.

AGAINST:  Cr O Searle and Cr S Moss.
12.3.4 BUDGET VARIATIONS

File: F1/4/1

PURPOSE OF REPORT

To seek approval from Council to adjust the 2002/2003 Municipal Budget.

DISCUSSION

In accordance with Section 6.8 of the Local Government Act 1995 a local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure:

a) is incurred in a financial year before the adoption of the annual budget by the local government
b) is authorised in advance by Council resolution, or
c) is authorised in advance by the Mayor or President in an emergency.

Approval is therefore sought for the following budget adjustments for the reasons specified.

<table>
<thead>
<tr>
<th>Account Number</th>
<th>Account Description</th>
<th>Debit  $</th>
<th>Credit $</th>
</tr>
</thead>
<tbody>
<tr>
<td>41604.120.1505</td>
<td>Stationery</td>
<td>4,258</td>
<td></td>
</tr>
<tr>
<td>41604.181.2750</td>
<td>Advertising &amp; Promotions</td>
<td></td>
<td>4,258</td>
</tr>
<tr>
<td>Reason:</td>
<td>Reclassify budgeted Dog Renewal Notice printing costs to correct account by Nature &amp; Type</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Job5132.400.1</td>
<td>Crestwood Estate: B2 Parkland - Full Development</td>
<td>1,555</td>
<td></td>
</tr>
<tr>
<td>Job5100.400.1</td>
<td>Thornlie Reserves (Small): B4 Parkland - Minimal Development</td>
<td>1,555</td>
<td></td>
</tr>
<tr>
<td>Reason:</td>
<td>Unbudgeted increase in CPI funded from anticipated budget savings</td>
<td></td>
<td></td>
</tr>
<tr>
<td>40403.110.1026</td>
<td>Vehicle Operations</td>
<td>3,400</td>
<td></td>
</tr>
<tr>
<td>Jobp3700.98.20</td>
<td>Fuel – Ford Falcon Sedan</td>
<td>1,250</td>
<td></td>
</tr>
<tr>
<td>Job2503.3.3</td>
<td>Promotions (Communications &amp; Marketing)</td>
<td></td>
<td>4,650</td>
</tr>
<tr>
<td>Reason:</td>
<td>Fund motor vehicle expenses of Communications &amp; Marketing manager</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Job250.700.3</td>
<td>Plant Acquisitions</td>
<td>13,305</td>
<td></td>
</tr>
<tr>
<td>Job90090.143.1</td>
<td>Partridge Way Reserve - New Automatic Reticulation</td>
<td></td>
<td>13,305</td>
</tr>
<tr>
<td>Reason:</td>
<td>Purchase new 3-Gang Triplex Mower from available budget monies</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Account Number</td>
<td>Account Description</td>
<td>Debit</td>
<td>Credit</td>
</tr>
<tr>
<td>----------------</td>
<td>----------------------------------------------------------</td>
<td>--------</td>
<td>--------</td>
</tr>
<tr>
<td>61120.110.1027</td>
<td>Travel – Other</td>
<td>200</td>
<td></td>
</tr>
<tr>
<td>61120.110.1025</td>
<td>Staff Uniforms &amp; Protective Clothing</td>
<td></td>
<td>200</td>
</tr>
<tr>
<td><strong>Reason:</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Expected savings utilised for additional expenditure not</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>budgeted</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Job641.533.3</td>
<td>Foyer Exit Gate - Leisure World Building Construction</td>
<td></td>
<td>5,575</td>
</tr>
<tr>
<td>Job2736.500.3</td>
<td>Building Maintenance - Leisure World</td>
<td></td>
<td>5,575</td>
</tr>
<tr>
<td><strong>Reason:</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Purchase of new gate for foyer at Leisure World from</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>expected budget savings</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Job6010.1.1</td>
<td>Wages – Programme Activities</td>
<td></td>
<td>3,200</td>
</tr>
<tr>
<td>Job6010.5000.51</td>
<td>Operating Grants</td>
<td></td>
<td>3,200</td>
</tr>
<tr>
<td><strong>Reason:</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Grant received from Lotteries Commission for Summer</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Concerts programme</td>
<td></td>
<td></td>
</tr>
<tr>
<td>51101.150.2000</td>
<td>Building Depreciation</td>
<td></td>
<td>428,520</td>
</tr>
<tr>
<td>51417.399.8826</td>
<td>Internal Charge - Facility Management Services</td>
<td></td>
<td>4,681</td>
</tr>
<tr>
<td>51119.380.7137</td>
<td>Venue Hire (Facilities)</td>
<td></td>
<td>216,133</td>
</tr>
<tr>
<td>51119.380.7138</td>
<td>Lease &amp; Rental Receivable</td>
<td></td>
<td>120,593</td>
</tr>
<tr>
<td>51417.130.1901</td>
<td>Gas</td>
<td></td>
<td>1,000</td>
</tr>
<tr>
<td>51119.150.2000</td>
<td>Building Depreciation</td>
<td>402,840</td>
<td></td>
</tr>
<tr>
<td>51417.150.2000</td>
<td>Building Depreciation</td>
<td>25,680</td>
<td></td>
</tr>
<tr>
<td>51119.199.5026</td>
<td>Internal Allocation - Facility Management Services</td>
<td></td>
<td>4,681</td>
</tr>
<tr>
<td>51101.380.7137</td>
<td>Venue Hire (Facilities)</td>
<td></td>
<td>216,133</td>
</tr>
<tr>
<td>51101.380.7138</td>
<td>Lease &amp; Rental Receivable</td>
<td></td>
<td>120,593</td>
</tr>
<tr>
<td>51119.130.1901</td>
<td>Gas</td>
<td></td>
<td>1,000</td>
</tr>
<tr>
<td><strong>Reason:</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Reclassify budget amounts associated with creation of</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>new &quot;Public Halls, Centres &amp; Facilities&quot; Business Unit</td>
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<td></td>
</tr>
<tr>
<td>61122.182.3332</td>
<td>Sundry Expenses</td>
<td>1,200</td>
<td></td>
</tr>
<tr>
<td>61122.110.1023</td>
<td>Staff Training/Conferences</td>
<td></td>
<td>1,200</td>
</tr>
<tr>
<td><strong>Reason:</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Available monies used to pay for additional unbudgeted</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>expenditure</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Job6203.1.1</td>
<td>Wages – Programme Activities</td>
<td>2,090</td>
<td></td>
</tr>
<tr>
<td>Job6203.5000.51</td>
<td>Operating Grants</td>
<td></td>
<td>2,090</td>
</tr>
<tr>
<td><strong>Reason:</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Grant received from Community Policing Armadale Division</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>for Siblings Camp programme</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Job1274.700.3</td>
<td>IT Equipment</td>
<td>3,700</td>
<td></td>
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<tr>
<td>Job2354.1.1</td>
<td>Strategies – Bright Future Project</td>
<td></td>
<td>3,700</td>
</tr>
</tbody>
</table>
## Account Number | Account Description | Debit  | Credit  |
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>71602.110.1001</td>
<td>Salaries - Permanent</td>
<td>5,000</td>
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<tr>
<td>71602.110.1003</td>
<td>Salaries - Casual</td>
<td>1,500</td>
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</tr>
<tr>
<td>71602.110.1008</td>
<td>Allowances</td>
<td>450</td>
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<tr>
<td>71602.110.1021</td>
<td>Staff Recruitment</td>
<td>425</td>
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<tr>
<td>71602.110.1030</td>
<td>Employee Assistance Program</td>
<td>120</td>
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<tr>
<td>71602.181.2760</td>
<td>Legal Expenses</td>
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<td></td>
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<tr>
<td>71602.181.2754</td>
<td>Consultancy</td>
<td>1,500</td>
<td></td>
</tr>
<tr>
<td>71602.181.2766</td>
<td>Subscriptions</td>
<td>1,000</td>
<td></td>
</tr>
<tr>
<td>71602.110.1037</td>
<td>Staff Recognition Scheme</td>
<td>350</td>
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<tr>
<td>71602.110.1036</td>
<td>Safety Program</td>
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<tr>
<td>71602.110.1034</td>
<td>Corporate Training</td>
<td>7,145</td>
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</tr>
<tr>
<td>51608.110.1001</td>
<td>Salaries Permanent</td>
<td>30,000</td>
<td></td>
</tr>
<tr>
<td>51608.181.2754</td>
<td>Consulting - Technical Services</td>
<td>30,000</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Employment of Landscape Architect from surplus Consulting funds.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### STAFF RECOMMENDATION AND COUNCIL RESOLUTION

36  **Moved Cr A Pisano Seconded Cr MD Devereux**

“That Council approve the following adjustments to the Municipal Budget:

## Account Number | Account Description | Debit  | Credit  |
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
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<td>4,650</td>
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<td>61120.110.1025</td>
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<tr>
<td>Job641.533.3</td>
<td>Foyer Exit Gate - Leisure World Building Construction</td>
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<td>Building Maintenance - Leisure World</td>
<td></td>
<td>5,575</td>
</tr>
<tr>
<td>Job6010.1.1</td>
<td>Wages – Programme Activities</td>
<td>3,200</td>
<td></td>
</tr>
<tr>
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<td>Operating Grants</td>
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<tr>
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<td></td>
</tr>
<tr>
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</tr>
<tr>
<td>51119.130.1901</td>
<td>Gas</td>
<td>1,000</td>
<td></td>
</tr>
<tr>
<td>61122.182.3332</td>
<td>Sundry Expenses</td>
<td>1,200</td>
<td></td>
</tr>
<tr>
<td>61122.110.1023</td>
<td>Staff Training/Conferences</td>
<td>1,200</td>
<td></td>
</tr>
<tr>
<td>Job6203.1.1</td>
<td>Wages – Programme Activities</td>
<td>2,090</td>
<td></td>
</tr>
<tr>
<td>Job6203.5000.51</td>
<td>Operating Grants</td>
<td>2,090</td>
<td></td>
</tr>
<tr>
<td>Job1274.700.3</td>
<td>IT Equipment</td>
<td>3,700</td>
<td></td>
</tr>
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Ordinary Council Meeting Minutes 11 February 2003

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CARRIED BY ABSOLUTE MAJORITY 9/2

FOR: Cr S Iwanyk, Cr C Matison, Cr J Brown, Cr MD Devereux, Cr R Croft, Cr AJ Smith, Cr R Mitchell, Cr A Pisano and Cr PM Morris.

AGAINST: Cr O Searle and Cr S Moss.
12.3.5 FOUR-YEARLY REVIEW OF FINANCIAL MANAGEMENT SYSTEMS

File: A1/1/7/4 AA3/5 (IB) feb11_03fry
Appendix: 12.3.5A Four-Yearly Review of Financial Management Systems carried out by PricewaterhouseCoopers

PURPOSE OF REPORT

To receive the Four-Yearly Review of Financial Management Systems carried out by PricewaterhouseCoopers.

BACKGROUND

The Financial management duties of the Chief Executive Officer as detailed in the Local Government (Financial Management Regulations) 1996, section 5 (2) (c), include the necessity to:

“undertake reviews of the appropriateness and effectiveness of the financial management systems and procedures of the local government regularly (and not less than once in every 4 financial years) and report to the local government the result of those reviews.”

After receiving submissions from three (3) consultants, PricewaterhouseCoopers were selected to conduct the required review. Their report received 29 January 2003 is attached as Appendix 12.3.5A.

DISCUSSION

The main emphasis of the review was to:

“employ our best practice guides in relation to supply management to identify improvements in the areas of purchasing and contract administration and provide recommendations on how these changes can be implemented within LOGIS and through the changing of existing manual processes to result in greater efficiencies and cost savings to the City.”

The review concluded that overall the City of Gosnells has sound controls in place over its financial management systems and procedures. Improvements to the current systems in some areas have been suggested and included in the report.

The report is self-contained with recommendations for improvement put forward. Management has had the opportunity to address the comments and set responsibilities for implementation together with date the action should be concluded.

The report is useful and will lead to systems improvements, where possible, within the constraints of our existing software.

It should be noted that the benchmarking report appended measures the City of Gosnells against international best practice in a knowledge base which includes Fortune 500
companies. Certain of these applications could only be utilised in the largest of organisations.

**FINANCIAL IMPLICATIONS**

Nil.

**STAFF RECOMMENDATION AND COUNCIL RESOLUTION**

37 **Moved Cr A Pisano Seconded Cr MD Devereux**

“That Council receive the Four-Yearly Review of Financial Management Systems carried out by PricewaterhouseCoopers (attached as Appendix 12.3.5A).”

CARRIED 11/0

*FOR:* Cr S Iwanyk, Cr C Matison, Cr J Brown, Cr MD Devereux, Cr R Croft, Cr AJ Smith, Cr R Mitchell, Cr O Searle, Cr A Pisano, Cr S Moss and Cr PM Morris.

*AGAINST:* Nil.
12.4 INFRASTRUCTURE

12.4.1 ROBERTA JULL FAMILY DAY CARE ASSOCIATION INC – RENEWAL OF LEASE AGREEMENT

File: C5/3/35_L02

PURPOSE OF REPORT

To renew the tenancy agreement with the Roberta Jull Family Day Care Association Inc for use of Council property at 29 Wheatley Street, Gosnells (known as Helen Jenkins House) and to approve the use of undercharged revenue for upgrading of the building.

BACKGROUND

The lease with the Roberta Jull Family Day Association expired on 30 June 2002. The Association advises that it wishes to renew the lease for a further period of five (5) years.

Preliminary discussions have been held with the Association regarding the terms of the new lease and they have agreed in principle with the proposed arrangements.

The lease that has just expired provided for a rental of $7,020 per annum increased by CPI for the remaining four (4) years.

Unfortunately, the accounts that were forwarded by Council and paid by the Association equated to the rent that prevailed in the previous lease and no allowance was made for CPI. The aggregate of this under-payment to Council for the full lease period is $15,085. Processes have subsequently been put in place to ensure that this does not occur again.

DISCUSSION

The matter of underpaid rent for the past five (5) years has been raised with the Association and it has agreed, in part, that it has a responsibility to meet the shortfall. The Association has made a suggestion that:

(a) it pays half the arrears and the City of Gosnells takes half the responsibility; or

(b) it spread the arrears over three (3) years.

Whatever the outcome the Association would like to see the extra money re-invested into upgrading the facilities at Helen Jenkins House. Two major areas of upgrading have been identified:
1. Floor coverings in five rooms need replacing as the condition has deteriorated to the extent that it is an occupational health and safety concern.

2. The electrical system needs upgrading as it is designed for domestic use with a business draw.

The Association also draws attention to the fact that it is operating to capacity and with the advent of additional housing within the City the demand is only going to increase. It is hoped to access more government funds to undertake the employment of additional staff. This will in turn require changes to the office environment for which grant funding is not available. The Association advises that the electrician that undertook the last work advised that the system needs upgrading as its capacity to cater for more air conditioning and computers is very limited.

The offer of the Association to meet the full underpayment over three (3) years is supported.

In regard to the suggestion that the money be applied to renovations, it is suggested that this be agreed to on the understanding that the Association match this amount on a dollar for dollar basis for general asset improvement. Having the Association contribute on a dollar for dollar basis also means that twice the value of work can be undertaken.

The overall benefit to Council of this arrangement will be a community facility that should not require the expenditure of Council funds for a long period of time. It also will assist the Roberta Jull Family Day Care Association in the provision of their services to the residents of the City.

What is of interest to note and is of particular consequence when contemplating this matter is that with the new lease the annual rental reduces considerably. Under Council’s Standard Leasing arrangements, which base the rent on 0.5% of the replacement cost of the building, the annual rent will be $640.40. This is compared to the $7,950.65 that was payable in the last year of the expired lease.

As the Association is a non-profit organisation it is an exempt body under the provisions of the Local Government Act in regard to the need to advertise the proposed disposition.

**FINANCIAL IMPLICATIONS**

Minimal impact on what would otherwise be achieved from rental if the additional funds are re-invested back into the asset.

Future savings on asset preservation and improvements.
STAFF RECOMMENDATION AND COUNCIL RESOLUTION

38 Moved Cr A Pisano Seconded Cr S Moss

“That Council approve the leasing of 29 Wheatley Street, Gosnells to the Roberta Jull Family Day Association Inc.”

CARRIED 11/0

FOR: Cr S Iwanyk, Cr C Matison, Cr J Brown, Cr MD Devereux, Cr R Croft, Cr AJ Smith, Cr R Mitchell, Cr O Searle, Cr A Pisano, Cr S Moss and Cr PM Morris.

AGAINST: Nil.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION

39 Moved Cr A Pisano Seconded Cr S Moss

“That Council approve of the following terms and conditions of the lease-

Base Rental $640.40 pa (based on 0.5% of replacement value) plus GST.

Rental Loading Rent for the first 3 years to be increased by $5028.33 pa plus GST to provide for underpaid rental in the period 1997 to 2002.

Rent Instalments Rent for first 3 years to be paid in quarterly instalments in advance. Subsequent year instalments made annually in advance.

Rental Review Base Rental only to be subject to upward adjustment on an annual basis by CPI with a no reduction clause.

Term Five years.

Lease Commencement 1 July 2002

Lease Agreement Standard Lease document.”

CARRIED 11/0

FOR: Cr S Iwanyk, Cr C Matison, Cr J Brown, Cr MD Devereux, Cr R Croft, Cr AJ Smith, Cr R Mitchell, Cr O Searle, Cr A Pisano, Cr S Moss and Cr PM Morris.

AGAINST: Nil.
STAFF RECOMMENDATION AND COUNCIL RESOLUTION

40 Moved Cr A Pisano Seconded Cr S Moss

“That Council approve the lease rental loading resulting from rental underpayment in previous years to structural and other capital improvements to the premises at 29 Wheatley Street, Gosnells on the basis of the Roberta Jull Child Care Association Inc matching the expenditure dollar for dollar. All such works and improvements to be to the satisfaction of the Manager City Facilities and approved in writing in advance.”

CARRIED 10/1

FOR: Cr S Iwanyk, Cr C Matison, Cr J Brown, Cr MD Devereux, Cr R Croft, Cr R Mitchell, Cr O Searle, Cr A Pisano, Cr S Moss and Cr PM Morris.

AGAINST: Cr AJ Smith.
12.4.2 PROPOSED TENANCY AGREEMENT WITH MINISTER FOR WORKS AT THORNLIE COMMUNITY CENTRE

File: C5/3/1_L03 (JWF) JF2.4a

PURPOSE OF REPORT

To consider a new lease for the Minister for Works for occupation by the Ministry of Justice-Juvenile Justice Team (Thornlie) for portion of the Thornlie Community Centre and to recommend approval.

BACKGROUND

The Minister for Works held a lease of 154 m² over Level 2 of the Thornlie Community Centre for office accommodation purposes that expired on 31 December 2002. The Minister has advised that he wishes to renew the lease for a further period of two (2) years with an option for a further one (1) year.

DISCUSSION

The rent obtained for the last 12 months of the previous lease was $13,960. A market valuation from the Valuer General states that the current market rental is $15,400 per annum. Council staff have negotiated an increase of $1100 in annual rental to $16,500 as a form of compensation for local government rates that cannot be levied on the Minister.

The terms and conditions of the proposed lease are incorporated in the staff recommendation.

As the proposed lease with the Minister is an exempt disposition under the provisions of the Local Government Act, neither public tenders nor advertising are required.

FINANCIAL IMPLICATIONS

An increase in annual rental of $2,540 for the first year increased by CPI for the second year and the option if taken up.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION

41 Moved Cr MD Devereux Seconded Cr J Brown

“That Council agree to the leasing of 154 m² of Level 2 of the Thornlie Community Centre on Reserve 43216 to the Minister for Works for the purposes of office accommodation for the Ministry of Justice.-Juvenile Justice Team (Thornlie).”

CARRIED 11/0

FOR: Cr S Iwanyk, Cr C Matison, Cr J Brown, Cr MD Devereux, Cr R Croft, Cr AJ Smith, Cr R Mitchell, Cr O Searle, Cr A Pisano, Cr S Moss and Cr PM Morris.

AGAINST: Nil.
STAFF RECOMMENDATION AND COUNCIL RESOLUTION

42 Moved Cr MD Devereux Seconded Cr J Brown

“That Council approve of the following terms and conditions of lease -

Rental: $16,500 per annum plus GST payable in equally monthly instalments in advance.

Rental Review: Rental to be subject to annual review equivalent to previous years CPI.

Term: 2 years from 1 January 2003.

Option: 1 year option as at January 2005.

Lease: Lessee standard subject to approval of Council’s legal advisers.”

CARRIED 11/0

FOR: Cr S Iwanyk, Cr C Matison, Cr J Brown, Cr MD Devereux, Cr R Croft, Cr AJ Smith, Cr R Mitchell, Cr O Searle, Cr A Pisano, Cr S Moss and Cr PM Morris.

AGAINST: Nil.
12.4.3 PROPOSED TENANCY AGREEMENT- MILLS PARK BOWLING AND RECREATIONAL CLUB INCORPORATED

File: 217727 (JWF) JF2.5a
Appendix: 12.4.3A – Leased Area
12.4.3B – Area Under Previous Lease

PURPOSE OF REPORT

For Council to approve a new lease for the Mills Park Bowling and Recreational Club at Mills Park, Kenwick and to recommend approval.

BACKGROUND

The Mills Park Bowling Club and Recreational Club held a 21 year lease of portion of Mills Park that expired on 30 June 2002. Negotiations for a new lease have been ongoing since February 2002. The Club has now agreed to the proposed arrangements.

DISCUSSION

One of the key matters in the proposed lease is a break clause that provides that in the event of any redevelopment of Mills Park in the future that either party can terminate the agreement on 6 months written notice. Discussions have been held regarding the potential to amalgamate the bowling club facilities into the Kenwick Sports Club building and to combine all social activities on Mills Park into one facility. Now that there have been changes to the management and operation of the Kenwick Sports Club the Bowling Club appear to be more amenable to this idea than previously.

The Club has also been concerned that the size of the previously leased area is too great for its needs and places an undue hardship on its resources. Council’s Manager of Parks and Buildings supports this claim and the plan attached as Appendix 12.4.3A represents the revised leased area.

In addition to the standard tenancy documentation it is also proposed that the Club makes available to the Council on an annual basis a copy of its last settled and audited accounts and a copy of its budget for the forthcoming year, all within 3 months of the end of the Club’s financial year. It is proposed that these clauses be included in all future tenancy agreements to sporting and local community organisations. This requirement is considered essential in light of the demise of the Kenwick Sports Club and the need for Council to be taking more than a passing interest in Clubs that are using City facilities. By providing this information it is not intended that the Council should be expected to accept any responsibility for management but more an opportunity for Council staff to at least review the Clubs activities in the broadest of sense and ask questions if he/she deems it appropriate. By offering the Clubs a concessional rental based on 0.5% of the replacement cost of the building, the Council is effectively sponsoring the various Clubs and therefore has an interest in ensuring that its support is being well used. The requirement is also likely to provide Clubs with an added incentive to manage their financial affairs effectively if they know that the City will be receiving and reviewing copies of its accounts.
The terms and conditions of the proposed lease are incorporated in the staff recommendation.

There are no advertising requirements for this disposition as sporting organisations are exempt under the provisions of the Local Government Act.

**FINANCIAL IMPLICATIONS**

The revenue obtained from this lease will commence at $1,980 pa based on the policy based formula and will increase by CPI each year.

Rental paid in the last year of the Club’s lease was $1,679.10.

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**STAFF RECOMMENDATION AND COUNCIL RESOLUTION**

43  Moved Cr A Pisano Seconded Cr S Moss

“That Council agree to a further clause/s (to be prepared by Council lawyers) in its standard tenancy documentation requiring sporting and community organisations tenanting City facilities to provide on an annual basis, copies of the latest audited financial statements and current budget to Council within 3 months of the end of the organisation’s financial year.”

CARRIED 11/0

FOR: Cr S Iwanyk, Cr C Matison, Cr J Brown, Cr MD Devereux, Cr R Croft, Cr AJ Smith, Cr R Mitchell, Cr O Searle, Cr A Pisano, Cr S Moss and Cr PM Morris.

AGAINST: Nil.

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**STAFF RECOMMENDATION AND COUNCIL RESOLUTION**

44  Moved Cr A Pisano Seconded Cr S Moss

“That Council agree to the leasing of portion of Lot 3 of Canning Location 243 and portion of Lot 348 of Canning Location 7, as depicted in Appendix 12.4.3A, to the Mills Park Bowling and Recreational Club Incorporated for the purposes of lawn bowls and associated activities.”

CARRIED 11/0

FOR: Cr S Iwanyk, Cr C Matison, Cr J Brown, Cr MD Devereux, Cr R Croft, Cr AJ Smith, Cr R Mitchell, Cr O Searle, Cr A Pisano, Cr S Moss and Cr PM Morris.

AGAINST: Nil.
STAFF RECOMMENDATION AND COUNCIL RESOLUTION

45 Moved Cr A Pisano Seconded Cr S Moss

“That Council approve the following terms and conditions of lease

Rental: $1980 per annum plus GST payable annually within 21 days of account being submitted.

Rental Review: Rental to be subject to upward adjustment on an annual basis equivalent to previous year’s CPI.

Term: 21 years commencing 1 July 2002.

Location: As depicted on plan attached as Appendix 12.4.3A.

Special Terms:
1 Break Clause providing that if during the course of the lease, portions of Mills Park likely to affect and accommodate the Bowling Club are to be redeveloped then the lease can be terminated by either party.

2 The Club makes available to the Council on an annual basis a copy of its last settled and audited accounts and a copy of its budget for the forthcoming year within 3 months of the end of the Clubs financial year.

Legal Costs: Costs of preparing the lease to be shared equally between the Council and the Club.

Lease Agreement: Standard lease agreement subject to above amendments.”

CARRIED 11/0

FOR: Cr S Iwanyk, Cr C Matison, Cr J Brown, Cr MD Devereux, Cr R Croft, Cr AJ Smith, Cr R Mitchell, Cr O Searle, Cr A Pisano, Cr S Moss and Cr PM Morris.

AGAINST: Nil.
12.4.4 NICHOLSON ROAD CROSSING OF THE FORRESTDALE-FREMANTLE FREIGHT RAILWAY LINE

File: NIC.3 (TL) TL2.1a

PURPOSE OF REPORT

To have Council give a priority to the upgrading of Nicholson Road and adopt a position with regard to the timing and funding of the Nicholson Road crossing of the Forrestfield–Fremantle freight railway line.

BACKGROUND

Nicholson Road is an Other Regional Road in the Metropolitan Regional Scheme and as such the responsibility for its long-term strategic planning lies formally with the Department of Planning and Infrastructure. However the responsibility for operational planning, construction and management lies with local government.

Between the Yale Road/Garden Street intersection and freight railway line crossing in Canning Vale, the City of Gosnells has operational responsibility for Nicholson Road. From the railway line north to Bannister Road the City of Canning is the responsible local government.

Currently Nicholson Road is a dual carriageway from its origin at Albany Highway to just north of the freight railway line. It then becomes a single carriageway of two lanes whilst crossing the railway line and then is widened into a dual carriageway for the Garden Street/Yale Road roundabout. This narrowing to two lanes creates a bottleneck and causes traffic congestion. Over this section Nicholson Road provides a level of service well below that expected on our regional road network and requires upgrading to meet users needs. This could be achieved by providing four lanes across the railway line.

The current traffic volumes on this section of road are approximately 33,000 vehicles per day. These volumes are forecast to slowly increase in the future. To maintain reasonable levels of service construction of a dual carriageway would normally be considered necessary at traffic volumes of about half this amount.

Nicholson Road was identified as the location for a station in the South West Metropolitan Railway Master Plan (1999). With the adoption of the “direct” railway route to Mandurah in 2001 the proposal to build a passenger railway line to Nicholson Road was deferred indefinitely. The Perth Urban Rail Development – Supplementary Master Plan – August 2002 identified the benefits of a station at Nicholson Road. According to this report the Committee studying the east-west public transport connectivity between the Armadale railway line, the SWMR and Fremantle, is considering the potential for a future station at Nicholson.
If a railway station is built at Nicholson Road then grade separation of Nicholson Road over the railway would be required, as is happening at Spencer Road. The Metropolitan Regional Scheme reservation for Nicholson Road allows for the construction of a bridge.

**DISCUSSION**

In order to improve the level of service for Nicholson Road at this location a dual carriageway needs to be constructed.

Planning and budgeting has not occurred at a local level due to previous undertakings associated with the development of the South West Rail line. This has resulted in a level of “catch up”.

The minimum cost option is to construct a dual carriageway at grade (on the ground). This would necessitate an upgraded level crossing of the railway. Although this would increase road capacity and thereby improve the level of service provided by the road, the delays and risk to safety caused by the rail crossing would remain. This is of particular concern because of the State Government’s proposed 30% shift in road freight to rail. Together with natural growth, this will significantly increase the number and duration of trains passing through this crossing.

It should be noted that with the scheduled grade separation of Spencer Road and the freight railway, Nicholson Road will be the only at grade crossing of the freight railway between Kewdale and Jandakot. If a dual carriageway is constructed at grade it will be the only dual carriageway level crossing of the freight line over its length between Midland and Fremantle. This is obviously an undesirable situation and a major safety issue.

Although it is understood that there is no firm commitment to the extension of the passenger railway to Canning Vale and the construction of a railway station at Nicholson Road, it has been shown to have great merit and remains a likely option. In the longer term when this railway extension occurs any at grade rail crossing work would be wasted. It would therefore be desirable to construct the bridge as the solution to both the immediate and longer term needs at the site. However immediate bridge construction requires considerable capital expenditure in advance of being necessitated by railway works.

The State Government has responsibility for funding infrastructure associated with the passenger railway network. It also has responsibility for funding railway crossing protection through the Railway Crossing Protection Committee and sub-committees. It is therefore considered the State Government’s responsibility to fund the early construction of the Nicholson Road bridge over the railway because of its responsibility for passenger rail extension, road and rail crossing safety and planning for regional roads.
FINANCIAL IMPLICATIONS

The cost of upgrading Nicholson Road will depend very much on which option is finally able to be constructed.

Without more investigation it is not possible to put an accurate cost on a bridge over the railway, but the cost is likely to be of the order of $2.5 million.

If an dual carriageway at grade crossing is constructed the cost would be of the order of $580,000.

Any local government funded components of this work would be shared by the City of Gosnells and the City of Canning.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION

46 Moved Cr MD Devereux Seconded Cr J Brown

“That Council adopt the position that Nicholson Road needs to be upgraded to a dual carriageway across the freight railway line as a matter of priority and authorise the Director Infrastructure to:

1. Approach the State Government to fund the early construction of the road bridge because of its responsibilities for the passenger rail extension, road and rail crossing safety and planning for regional roads; and

2. Approach the City of Canning to commit to the upgrade of the section of Nicholson Road between Bannister Road and the freight railway line and to support the approach to State Government to fund the bridge construction.”

CARRIED 11/0

FOR: Cr S Iwanyk, Cr C Matison, Cr J Brown, Cr MD Devereux, Cr R Croft, Cr AJ Smith, Cr R Mitchell, Cr O Searle, Cr A Pisano, Cr S Moss and Cr PM Morris.

AGAINST: Nil.
12.5 PLANNING AND SUSTAINABILITY

12.5.1 CONSIDERATION OF THE WEST CANNING VALE (CAMPBELL ESTATE) OUTLINE DEVELOPMENT PLAN (Item Brought Forward – Refer to Item 10)

The above item was brought forward in accordance with paragraph (9) of Sub-Clause 2.15.4 of the City of Gosnells Standing Orders Local Law 1998 and is relocated under Item 10 “Items Brought Forward for the Convenience of those in the Public Gallery” as the first report in these Minutes.
12.5.2 CLARIFICATION ON MINOR AMENDMENT TO THE CANNING VALE OUTLINE DEVELOPMENT PLAN

File: S8/2 (SRW) psrp013Feb03
Name: Cedar Woods Properties Limited
Location: Area Bounded by Elgin, Dumbarton, Fraser and Nicholson Roads, Canning Vale
Zoning: MRS:
TPS No. 6: Residential Development.
Appeal Rights: Nil, however final determination is made by the Western Australian Planning Commission.
Area: Approximately 6.5ha
Previous Ref: OCM 17 December 2002 (Resolution 992)

PURPOSE OF REPORT

To seek clarification on the minor amendment to the Canning Vale Outline Development Plan.

BACKGROUND

Council at its meeting on 17 December 2002 considered a minor amendment to the Canning Vale Outline Development Plan and adopted the following resolution (Resolution 992):

“That Council, in accordance with Clause 7.5.1 of the City of Gosnells Town Planning Scheme No.6 adopt a minor change to the Canning Vale Outline Development Plan in designating Lots 119, 120, 141, 142 Nicholson Road, Lots 9003, 9002 Fraser Road and Lot 118 Dumbarton Road, Canning Vale, ‘Residential Density Greater than R17.5.’ ”

The intent of this resolution was to allow these lots to be developed at a density greater than that allowed under an R17.5 density coding. Due to the recent creation of two lots (Lots 601 and 602) within the subject area, the boundaries of which are not illustrated on the Canning Vale ODP, the exact wording of the Council resolution does not include these lots and as such in a legal sense would be required to remain as ‘Residential R17.5’. This is not considered to be the intent of the previous Council resolution.

DISCUSSION

The intent of the minor amendment to the ODP remains unchanged, however for clarity on the matter particularly in future years when new lots may be created, it is prudent that the reference to the subject area is made relative to the bounding streets rather than the specific lot numbers. Due to proposed reference being relative to the bounding streets, including an area of public open space, it is also necessary to include ‘public open space’ within the Council resolution.
FINANCIAL IMPLICATIONS

Nil. The amendment to the ODP will not impact on existing cost sharing mechanisms for Common Infrastructure Works.
STAFF RECOMMENDATION AND COUNCIL RESOLUTION

47 Moved Cr C Matison Seconded Cr MD Devereux, Cr R Croft and Cr A Pisano

“That resolution 992 of the Ordinary Council Meeting held 17 December 2002, which reads:

“That Council, in accordance with Clause 7.5.1 of the City of Gosnells Town Planning Scheme No. 6 adopt a minor change to the Canning Vale Outline Development Plan in designating Lots 119, 120, 141, 142 Nicholson Road, Lots 9003, 9002 Fraser Road and Lot 118 Dumbarton Road, Canning Vale, “Residential Density Greater than R17.5”.”

be revoked.”

CARRIED BY ABSOLUTE MAJORITY 10/1

FOR: Cr S Iwanyk, Cr C Matison, Cr J Brown, Cr MD Devereux, Cr R Croft, Cr AJ Smith, Cr R Mitchell, Cr O Searle, Cr A Pisano and Cr PM Morris.

AGAINST: Cr S Moss.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION

48 Moved Cr A Pisano Seconded Cr MD Devereux

“That Council, in accordance with Clause 7.5.1 of the City of Gosnells Town Planning Scheme No. 6 adopt a minor change to the Canning Vale Outline Development Plan in designating the area bounded by Elgin, Fraser, Nicholson and Dumbarton Roads ‘Residential Density Greater than R17.5’ and ‘Public Open Space’.”

CARRIED 11/0

FOR: Cr S Iwanyk, Cr C Matison, Cr J Brown, Cr MD Devereux, Cr R Croft, Cr AJ Smith, Cr R Mitchell, Cr O Searle, Cr A Pisano, Cr S Moss and Cr PM Morris.

AGAINST: Nil.
12.5.3 REVISION OF COST ESTIMATES FOR THE CANNING VALE OUTLINE DEVELOPMENT PLAN AREA

File: S8/2
Previous Ref: OCM 18 December 2002 (Resolution 1036)

PURPOSE OF REPORT

For Council to consider revising the cost estimates for Common Infrastructure within the Canning Vale Outline Development Plan area.

BACKGROUND

In accordance with Schedule 12 of Town Planning Scheme No.6 (TPS 6), Council is required to establish cost estimates for Common Infrastructure within Outline Development Plan Areas. Most commonly, a schedule of Common Infrastructure Works is developed and used as a basis for calculating cost contributions from landowners at the time of development or subdivision towards district level infrastructure such as drainage and upgrading of important regional roads.

It is necessary for Council to review the cost estimates for the Common Infrastructure regularly to ensure that the contributions collected accurately reflect the costs to be incurred for the provision of the infrastructure. This review of cost estimates is also of importance for private landowners, who may choose to pre-fund the construction of Common Infrastructure and offset the cost of such works against other contributions.

In order for Council to review cost estimates, the land value must be reviewed as these estimates are relative to cost contributions. Council at its meeting on 18 December 2001 considered the cost estimates for the Canning Vale Outline Development Plan and passed the following decision (Resolution 1036):

“That the land value for the Canning Vale Outline Development Plan Common Infrastructure Costings be increased to $350,000 per hectare.”

It was anticipated that the infrastructure costs would also have also increased since that time.

DISCUSSION

To determine an appropriate land value for the Canning Vale Area, the City commissioned Ray White Valuers to prepare a valuation report. Based on market activity within the locality over the past 12 months, Ray White valuers deems that a fair market value for the ODP area to be $400,000 per hectare. The determined land value shall be used for both land acquisition and for determining cash-in-lieu contributions towards public open space.
If the increased property values are not accounted for, Council would therefore be obtaining contributions from subdividers at a rate of $350,000 per hectare but paying out $400,000 per hectare when land acquisition was required. The result would be a shortfall in funds for Common Infrastructure Works.

To reflect increases in construction costs and similar for common infrastructure works, it is recommended that the cost estimates be revised to reflect construction industries produced price indexes.

**FINANCIAL IMPLICATIONS**

If the Canning Vale ODP Common Infrastructure Costs are not adjusted there will be a shortfall in the Common Infrastructure Cost contributions.

**STAFF RECOMMENDATION AND COUNCIL RESOLUTION**

49 Moved Cr A Pisano Seconded Cr MD Devereux

“That Council, in accordance with Schedule 12 Clause 7.4 of Town Planning Scheme No. 6, revise the land value to be applied within the Canning Vale Outline Development Pan area from $350,000 to $400,000 per hectare and all common infrastructure works being increased by 3.8% as per the Construction Price Index.”

CARRIED 10/1

**FOR:** Cr S Iwanyk, Cr C Matison, Cr J Brown, Cr MD Devereux, Cr R Croft, Cr AJ Smith, Cr R Mitchell, Cr A Pisano, Cr S Moss and Cr PM Morris.

**AGAINST:** Cr O Searle.
12.5.4 SOUTHERN RIVER PRECINCT 5 (LAKEY STREET) OUTLINE DEVELOPMENT PLAN – MODIFICATION: LOT 1570 FURLEY ROAD, SOUTHERN RIVER – INTRODUCTION OF “COMMUNITY PURPOSE” SITE

File: 205086  Approve Ref: 0203/0975 (NT) Psrpt015Feb03
Name: Thornlie Christian College & Mobile Mission Maintenance Ltd (MMM)
Location: Lot 1570 Furley Road, Southern River
Zoning: MRS: Urban
TPS No. 6: Residential Development
Appeal Rights: Nil. However, endorsement of the Western Australian Planning Commission is required.
Area: 98,981m²
Previous Ref: OCM 26 April 2000 (Resolution 251)

PURPOSE OF REPORT

For Council to consider a request to consider a minor amendment to the Southern River Precinct 5 (Lakey Street) Outline Development Plan (ODP) for Lot 1570 Furley Road, Southern River.

BACKGROUND

Council at its Ordinary Council Meeting on 26 April 2000 considered an ODP which was prepared to facilitate the urbanisation of land in Southern River generally bounded by Warton Road, Ranford Road and Balfour Street (Resolution 251):

“That Council approve the Outline Development Plan submitted to facilitate the urban development of land generally bounded by Warton Road, Ranford Road and Balfour Street, Southern River and advise the Western Australian Planning Commission accordingly.”

The existing endorsed ODP, depicted below, demonstrates that the subject site (ie Lot 1570 Furley Road) is identified for use as a “Private School”.

Within the Southern River Outline Development Plan Report, it was identified that the subject “Private School site, if expanded, is likely to be for educational related activities, which will not impact on the ODP outcomes.” It was also identified that should the subject site be redeveloped for residential purposes in the future, “such uses should be assessed at that time with reference to this ODP, and any infrastructure contribution will also need to be determined at that time.”
Site Details

Lot 1570 Furley Road, Southern River is located on the corner of Furley Road and Lakey Street. The site currently accommodates the Thornlie Christian College, which encompasses development normally associated with schools (ie. ovals, classrooms, etc.).

The subject site is located opposite two residential estates with “Brooklands” estate located to the north and “The Boardwalk” estate to the west. The property to the south is owned/used by the Canine Association of Western Australia and is used for associated purposes such as canine training.

Town Planning Scheme No. 6

Under the provisions of Council’s Town Planning Scheme No. 6 (TPS 6), the subject site is zoned Residential Development, which requires the preparation and endorsement of an ODP prior to any subdivision and/or development being undertaken. As mentioned previously, an endorsed ODP already exists, dedicating the site for use as a “Private School”.

Part 7 of TPS 6 relates to ODPs. Clause 7.5 has regard to a change or departure from a outline development plan, which states the following:

7.5.1 The Council may adopt a minor change to or departure from an Outline Development Plan if, in the opinion of the Council, the change or departure does not materially alter the intent of the Outline Development Plan.

7.5.2 (a) The Council is to forward a copy of the minor change or departure to the Commission within 10 days from the date of adopting the minor change or departure.

(b) If the Commission considers that the change or departure adopted by the Council under clause 7.5.1 materially alters the intent of the Outline Development Plan, then the Commission:

(i) may require the Council to follow the procedures set out in clause 7.4 in relation to the change or departure; and

(ii) is to notify the Council of this requirement within 10 days.

7.5.3 Any change to or departure from an Outline Development Plan that is not within clause 7.5.1 is to follow the procedures set out in clause 7.4.

Proposal

A development application was received from the Thornlie Christian College and Mobile Mission Maintenance (MMM) International proposing an outbuilding and two residences on a portion of the subject site which would be used to house a caretaker and manager (and his/her family) for MMM International. MMM International are a missionary organisation that provides labour for churches and other Christian organisations who may be undertaking development works. One of the proposed
residences is to accommodate an office component to carry out administrative functions for MMM International. As proposed dwellings are for the use of MMM International, it was considered that the proposal was not consistent with the “Private School” use identified under the endorsed ODP. Therefore, the proponents were advised that a modification to the ODP was required. The proponents agreed to the aforementioned and the development application has been deferred pending resolution of the proposed ODP modification. A site plan of the deferred development proposal is depicted below.

(Site Plan of Deferred Development Proposal here)

*Diagrams can be viewed at Council’s Libraries and Administration Centre*

Subsequently, the proponents formally requested that the subject ODP be modified to designate a portion (ie. 3,550m²) of the Lot 1570 Furley Road, Southern River for use as “community purpose” (refer Proposed Modified ODP). Under the provisions of TPS 6, “community purpose” is defined as:

“...the use of premises designed or adapted primarily for the provision of educational, social or recreational facilities or services by organizations involved in activities for community benefit***
DISCUSSION

As depicted in the proposed modified ODP, a 3,550m² portion of the subject site is to be designated for a “community purpose” use. Given the scale of the proposal and the existing dedication for the subject site to be for “Private School” use, the proposed ODP modification is considered to be minor, as a “community purpose” use would not materially alter the intent of the ODP, which is to facilitate the urbanisation of the area. Therefore, it is considered that the proposed ODP modification is subject to the provisions of Clause 7.5 of TPS 6. That is, adoption of the Council and the subsequent endorsement of the Western Australian Planning Commission (WAPC) is required for the proposal to have effect.

Public Consultation

The proposed ODP modification was referred to surrounding property owners for comment. As depicted in the following schedule of submissions, a total of two non objections were received. In addition a verbal non-objection was received from Stockland WA Pty Ltd (development of Lot 1619 Furley Road and other land in the vicinity.

Schedule of Submissions

<table>
<thead>
<tr>
<th>No.</th>
<th>Name</th>
<th>Address</th>
<th>Description of Affected Property: Lot No, Street, etc</th>
<th>Summary of Submission</th>
<th>Staff Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Canine Association of WA Inc.</td>
<td>PO Box 1404 Canning Vale 6970</td>
<td>Lot 11 Warton Road, Southern River</td>
<td>Non-Objection</td>
<td>Noted</td>
</tr>
<tr>
<td>2.</td>
<td>Rev R. Furlong</td>
<td>319 Spencer Road Thornlie 6108</td>
<td>Lot 12 Warton Road, Southern River</td>
<td>Non-Objection.</td>
<td>Noted</td>
</tr>
</tbody>
</table>
Development Impacts

As “community purpose” relates to activities for the benefit of the community, it is considered that developments such as community halls, dwellings for community organisations and the previously mentioned deferred development application may be entertained. Given that the “community purpose” use is to be situated within the “private school” use, it is considered that such potential development applications would be unlikely to cause detrimental impact to the “private school” use and its associated functions. It is also noted that the “community purpose” site would be approximately 400m from a designated local centre site (on the corner of Warton and Furley Roads).

In support of the deferred development application, the proponents advise the following:

- Thornlie Christian College (TCC) is acutely aware of the rising incidence of vandalism in the community especially to school properties and is desirous to have a fulltime caretaker presence within TCC grounds, which would offer surveillance of the school property.
• Due to the nature of building and maintenance work that MMM undertakes as part of its ministry, MMM is able to provide assistance to TCC for the vocational components of the curriculum college, including theory and practical experience on MMM projects.

• From time to time, MMM conducts short-term mission trips to various parts of Australia and overseas. Such mission trips may be conducted in partnership with TCC.

From the abovementioned, it is clear that such a “community purpose” use on the subject site has the potential to provide a complimentary relationship between the “private school” use and proposed “community purpose” use. Therefore, it may be considered that a “community purpose” use may be a minor extension of the “private school” use dedicated for the subject site.

**SafeCity Initiatives**

Council’s *SafeCity Urban Design Strategy* adopts three main objectives, which are:

• To reduce the opportunity for crime and reduce the fear of crime;

• To reduce crime and not just displace crime to other areas; and

• To consider the needs of most vulnerable groups in society.

With consideration of the abovementioned, it is considered that allowing a “community purpose” use on the subject site would create the potential for the provision of educational, social or recreational facilities or services by organisations involved in activities for community benefit. Subsequently, such potential future development may allow a positive relationship to be formed between the private school use (ie Thornlie Christian College) and “community purpose” use. Therefore, from a SafeCity perspective, it is considered that the proposed ODP modification would enhance the potential for the abovementioned objectives to be satisfied. For example, with the deferred development application, a permanent caretaker residing on the subject site may assist in surveillance of the site, which may reduce the opportunity for crime (eg graffiti) to occur.

It is drawn to Councillors attention that the standard statutory controls relating to such matters as drainage, parking, etc, would need to be addressed and imposed as part of the development process. In the event that Council supports the amendment to the ODP the submitted development application may be determined by staff under delegated authority (“Community Purpose” is a “D” land use in the Residential Development zone).

Any approval for the proposed ODP amendment does though raise questions relating to a potential situation where the community use of the building by MMM International was to cease at some future time. This would lead to a scenario where two residences
exist on the school site and assessment of possible alternative uses of the structures would be necessary. In this context the use of the structures as “normal” residences (ie non-school uses) is not seen as appropriate as this would introduce the potential for land use conflicts with the abutting school. Use of the structure for a range of potential school related use (eg teachers’/caretakers’ dwelling, converted to classrooms, offices, meeting rooms, etc) is considered viable and appropriate. This would require a further, minor amendment to the ODP to redesignate the site back to “Private School”. In the event of any Council approval therefore it is further recommended that the applicants be advised of the above requirement, ie if community use of the site ceases then the ODP is to be further amended to re-establish school use of the site.

**CONCLUSION**

The proposed ODP modification is considered minor and is unlikely to detrimentally affect the objectives and intent of the ODP, which is to facilitate the urban development of land generally bounded by Warton Road, Ranford Road, and Balfour Street, Southern River.

As the proposed ODP modification would allow a “community purpose” use on the site, it is considered that potential developments would compliment the “private school” use and also support the provisions of Council’s SafeCity Urban Design Strategy. Subsequently, the proposed ODP modification is considered to be minor extension of the existing situation and it is considered that the proposal may allow positive relationships to occur with the surrounding land use. On this basis, the proposed ODP modification is supported.

**FINANCIAL IMPLICATIONS**

Nil.

<table>
<thead>
<tr>
<th>STAFF RECOMMENDATION AND COUNCIL RESOLUTION</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>50 Moved Cr MD Devereux Seconded Cr R Croft</strong></td>
</tr>
</tbody>
</table>

“That Council adopt a minor amendment to the Southern River Precinct 5 (Lakey Street) Outline Development Plan, in accordance with clause 7.5 of Town Planning Scheme No. 6, which proposes a 3,550m² “community purpose” use on Lot 1570 Furley Road, Southern River.”

**CARRIED 11/0**

**FOR:** Cr S Iwanyk, Cr C Matison, Cr J Brown, Cr MD Devereux, Cr R Croft, Cr AJ Smith, Cr R Mitchell, Cr O Searle, Cr A Pisano, Cr S Moss and Cr PM Morris.

**AGAINST:** Nil.
STAFF RECOMMENDATION AND COUNCIL RESOLUTION

51  Moved Cr MD Devereux Seconded Cr R Croft

“That Council advise the proponents that in the event that the “community purpose” use of Lot 1570 Furley Road, Southern River, ceases then a further amendment to the Southern River Precinct 5 (Lakey Street) Outline Development Plan, will be required to re-establish the “private school” use.”

CARRIED 11/0

FOR:  Cr S Iwanyk, Cr C Matison, Cr J Brown, Cr MD Devereux, Cr R Croft, Cr AJ Smith, Cr R Mitchell, Cr O Searle, Cr A Pisano, Cr S Moss and Cr PM Morris.

AGAINST: Nil.
12.5.5 AMENDMENT TO THE SOUTHERN RIVER PRECINCT 5 (LAKEY STREET) OUTLINE DEVELOPMENT PLAN TO INCREASE RESIDENTIAL DENSITIES AND DELETE A PORTION OF PUBLIC OPEN SPACE

File: S8/13 (SRW) Psrpt018Feb03
Name: Chappell & Lambert
Location: Southern River Precinct 5 (area generally bounded by Lakey, Balfour, Ranford)
Zoning: MRS:
   TPS No. 6: ‘Residential Development’
Appeal Rights: Determination of the matter by the Western Australian Planning Commission can be requested.
Previous Ref: OCM 26 April 2002 (Resolution 251)
Appendix: 12.5.5A Amended Southern River Precinct 5 (Lakey Street) Outline Development Plan

PURPOSE OF REPORT

For Council to consider an amendment to the Southern River Precinct 5 (Lakey Street) Outline Development Plan (ODP) to facilitate increased residential densities in strategic locations and to delete a small public open space (POS) area.

BACKGROUND

Council at its Ordinary Council meeting on 26 April 2000 considered an ODP which was prepared to facilitate the urbanisation of land in Southern River generally bounded by Warton Road, Ranford Road and Balfour Street. At that meeting the following resolution was adopted (Resolution 251):

“That Council approve the Outline Development Plan submitted to facilitate the urban development of land generally bounded by Warton Road, Ranford Road and Balfour Street, Southern River and advise the Western Australian Planning Commission accordingly.”

The ODP seeks to provide a strategic direction for future land use within the ODP area by designating areas of land with different uses such as residential, open space and commercial. For the residential areas within the ODP area, a base density coding of R20 has been incorporated, with particular areas being designated “Residential Density Greater than R20”. In general terms, the areas designated for higher residential densities have been allocated within a 200 metre radius walkable catchment of future local centres (refer Existing Southern River Precinct 5 (Lakey Street) Outline Development Plan).
DISCUSSION

The ODP seeks to facilitate the development of the area, providing a mix of residential densities and non-residential land uses with emphasis on higher residential densities within walkable catchments of local centres. The proposed amendment to the ODP currently before Council seeks to achieve the following:

• Small increase in residential densities adjacent to the central public open space area from R20 to “Residential Density Greater than R20”.

• An increase in residential densities on Lot 1624 from R20 to “Residential Densities Greater than R20”, which is within 400 metres of the proposed local centre on Ranford Road; and

• The deletion of a small POS area from Lot 1623.

The proposed development for the areas to be designated ‘Residential Densities Greater than R20’ are only marginally increased over that currently permitted under the existing ODP. Under an R20 density, lots are required to be a minimum of 440m² and achieve an average of 500m². It is the intention of the proponent to develop lots between 350m² and 450m² which equates to a density between R20 and R25.

Although the higher densities indicated on the ODP are within a 200 metre walkable catchment from local centres, location of the proposed density increases within a 400 metre walkable catchment of the local centres is also acceptable. The Canning Vale ODP has similarly used the 400 metre radius walkable catchment as justification for higher densities.

From a review of the subdivision approvals granted by the Western Australian Planning Commission for the ODP area it is apparent that the WAPC supported the omission of the small POS area designated on the ODP for Lot 1623. It is necessary to delete the POS from the ODP to enable Council staff to accurately finalise the cost-sharing requirements for the subject precinct, which include the acquisition and setting aside of POS areas.

In considering the strategic planning framework planning for the area, a number of planning initiatives need to be considered including the City’s draft Local Housing Strategy and the SafeCity Urban Design Strategy in addition to the Liveable Neighbourhoods – Community Design Code and the Southern River/Forrestdale/Brookdale/Wungong District Structure Plan endorsed by the WAPC.
City of Gosnells Draft Local Housing Strategy

The draft Local Housing Strategy is seeking to identify suitable locations within the City to accommodate increased residential densities in accordance with strategic objectives. To identify those suitable locations, the Draft Strategy includes assessment criteria that places a strong emphasis on accessibility of residential areas to commercial and community facilities, public transport and areas of high amenity such as public open space. Fundamentally, the strategy is seeking to encourage the use of alternative modes of transportation to the private car such as walking or cycling and a more efficient use of land.

For new urban areas, such as Canning Vale and Southern River, the ODPs that are being developed and implemented are based around a hierarchy of centres, with increased residential densities generally within reasonable walking distance of local centres, generally referred to as “walkable catchments” of either 400 metres or 800 metres radius from those centres. The proposed amendment to increase residential densities is consistent with the objectives of the ODP, particularly when read in conjunction with the Liveable Neighbourhoods – Community Design Codes (the Codes) which seeks to encourage a diversity of housing stock and increased residential densities in high amenity areas such as those adjoining public open space which are within the walkable catchments of local centres or other amenities.

Southern River/Forestdale/Wungong/Brookdale District Structure Plan

The ODP area is also contained within the subject area of the Southern River/Forestdale/Wungong/Brookdale District Structure Plan (the District Structure Plan). One of the objectives of the District Structure Plan is to identify all land capable of providing a range of land uses which balances conservation and development, and provide for a mix of lifestyle opportunities within the intended community. The proposed amendment to the ODP is consistent with the objectives of the District Structure Plan.

Liveable Neighbourhoods - Community Design Codes

Both the ODP and District Structure Plan are premised on the concepts contained within the Codes. Of relevance to this amendment, the Codes focus on lots being orientated to front parkland and natural areas to enhance amenity while contributing to personal and property security and deterrence of crime and vandalism through improved passive and active visual surveillance.

In addition to increasing visual surveillance of public areas, the Codes also seek to provide for smaller lots and lots capable of supporting higher density development in and around town and neighbourhood centres and public transport stops, and adjacent to higher amenity areas such as public open space. Furthermore, a variety of lot sizes is strongly encouraged within the urban fabric to provide for a diverse range of housing needs. The proposed amendment is consistent with all of the above-mentioned principles promoted through the Codes.
Detailed Area Plan

The City’s Residential Urban Design Guidelines and SafeCity Urban Design Strategy both identify the need for careful urban design, particularly in areas of increased residential densities and where rear lot access is proposed. In these instances there is an increased need to address issues such as vehicle access, visual surveillance and building setbacks. To ensure that each of these issues has been adequately addressed to the satisfaction of the City, it is proposed that a detailed area plan be required for those lots incorporating rear access.

Minor Amendment Considered to be Minor in Nature

In accordance with Clause 7.5 of the City of Gosnells Town Planning Scheme No. 6 (TPS 6) Council may adopt a minor change to an ODP provided that it does not materially alter the intent of the ODP. The proposed amendments to the ODP are considered to be consistent with the strategic planning framework as outlined above and are therefore minor in nature.

Should either Council or the Commission determine that the amendment is not minor in nature, the proposed amendment would need to be advertised for a period of not less than 21 days before further consideration.

CONCLUSION

Increased residential densities in appropriate locations can assist in encouraging a greater use of non-car based travel and contribute to improved public health, improve the viability of community and commercial facilities, provide for a variety of housing stock and facilitate the efficient use of land. The deletion of the small POS area shown on Lot 1623 reflects the omission of the plan of subdivision for the area approved by the WAPC.

Therefore, the proposed amendments are generally consistent with the objectives of the ODP, the Draft Local Housing Strategy the Codes and the District Structure Plan.

FINANCIAL IMPLICATIONS

Council is required to establish and maintain trust accounts for each ODP area and as such this report does not have any direct impact on municipal funds. The common infrastructure works/costs and resulting cost contributions are currently being finalised by Council Staff; the proposed amendments therefore will not affect established cost-sharing.
STAFF RECOMMENDATION AND COUNCIL RESOLUTION

52 **Moved Cr MD Devereux Seconded Cr A Pisano**

“That Council, in accordance with Clause 7.5 of Town Planning Scheme No. 6, adopt a minor change to the Southern River Precinct 5 (Lakey Street) Outline Development Plan in designating the areas shown on the plan attached at Appendix 12.5.5A “Residential Density Greater than R20” and deleting the small area of public open space shown on Lot 1623.”

CARRIED 11/0

FOR: Cr S Iwanyk, Cr C Matison, Cr J Brown, Cr MD Devereux, Cr R Croft, Cr AJ Smith, Cr R Mitchell, Cr O Searle, Cr A Pisano, Cr S Moss and Cr PM Morris.

AGAINST: Nil.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION

53 **Moved Cr MD Devereux Seconded Cr A Pisano**

“That Council staff forward a copy of the proposed amendment to the Southern River Precinct 5 (Lakey Street) Outline Development Plan to the WA Planning Commission for consideration.”

CARRIED 11/0

FOR: Cr S Iwanyk, Cr C Matison, Cr J Brown, Cr MD Devereux, Cr R Croft, Cr AJ Smith, Cr R Mitchell, Cr O Searle, Cr A Pisano, Cr S Moss and Cr PM Morris.

AGAINST: Nil.
12.5.6 DEVELOPMENT APPLICATION – BOARDING KENNEL - 1 (LOT 36)
RANFORD ROAD, SOUTHERN RIVER (Item Brought Forward – Refer to Item 10)

The above item was brought forward in accordance with paragraph (9) of Sub-Clause 2.15.4 of the City of Gosnells Standing Orders Local Law 1998 and is relocated under Item 10 “Items Brought Forward for the Convenience of those in the Public Gallery” as the second report in these Minutes.
12.5.7 DEVELOPMENT APPLICATION – SIGNAGE STRATEGY – 271-289 (LOT 14) AMHERST ROAD (CNR WARTON ROAD), CANNING VALE

File: 226632 Approve Ref: 0203/1046 (EH) psrp008Feb03

Name: Hindley and Associates Pty Ltd
Location: 271-289 (Lot 14) Amherst Road (corner Warton Road), Canning Vale
Zoning: MRS: Urban
TPS No. 6: Residential Development
Appeal Rights: Yes. Appeal rights available to either the Minister for Planning and Infrastructure or Town Planning Appeals Tribunal against a refusal or any condition(s) of approval.
Area: 35,409m²
Previous Ref: Nil

PURPOSE OF REPORT

For Council to consider a signage strategy for a commercial development at 271-289 (Lot 14) Amherst Road, Canning Vale, as it is outside authority delegated to staff.

BACKGROUND

On 30 August 2002, a Development Approval was issued for a Neighbourhood Shopping Centre on the subject lot with a Liquor Store and Drive Thru being approved on 20 November 2002 (thereby comprising a total of ten tenancies). A signage strategy has now been submitted for the site, which proposes signage within defined areas of the façade of the building, including the façade adjacent to the carpark and façades of two taller structures at either end of the building. In particular, the 11 metre high tower “landmark” structure adjacent to the Warton Road frontage that was approved as part of the original development application, is proposed to contain twenty seven 2m x 1m panels (comprising a total of 68m²). The tower has been provided instead of a standard composite pylon sign.

It has also been the City’s practice to restrict the amount of signage promoting shopping centres depending on the status of the centre ie. regional, district and local. As such, the City has attempted to be mindful of the size of advertising in relationship to the size of the centre.
DISCUSSION

The proposal is essentially a concept plan, which makes provision for fifteen horizontal wall signs and a tower “landmark” structure containing twenty seven sign panels. The horizontal wall signs comply with Council’s Local Laws Relating to Signs, Hoardings and Billposting.

The 11 metre high tower “landmark” structure is proposed to be constructed on the eastern corner of the development on the Warton Road frontage would be attached to the main building and contain 27 signage panels for tenant advertising. The tower structure is unusual in that signage would normally be accommodated on traditional composite pylon signs and assessed in accordance with the pylon sign provisions. As such, the City has had to assess the tower structure component of this proposal in accordance with the “intent” of the pylon sign provisions.
The following are the requirements of the Local Law relating to Signs in terms of pylon signs:

<table>
<thead>
<tr>
<th>Local Laws</th>
<th>Proposed</th>
<th>Recommendation</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Not have any part less than 2.7m above the level of the ground.</td>
<td>3.6m</td>
<td>Compliant.</td>
</tr>
<tr>
<td>2. Not have any part more than 6m above the level of the ground.</td>
<td>11.4m</td>
<td>Non-compliant – however compliments overall development.</td>
</tr>
<tr>
<td>3. Not exceed 2.6m measured in any direction across the face of the sign.</td>
<td>7m</td>
<td>Non-compliant – however compliments overall development.</td>
</tr>
<tr>
<td>4. Not have a greater superficial area than 4m².</td>
<td>64m²</td>
<td>Non-compliant – recommend reduction in panels.</td>
</tr>
<tr>
<td>5. Not be within 2m of the side boundaries of the lot.</td>
<td>9m</td>
<td>Compliant.</td>
</tr>
</tbody>
</table>

Notwithstanding the above provisions, clause 5.12.3 of the Local Law makes provision for Council to approve non-compliant pylon signs.

The area of the sign panels within the tower structure is considered to be excessive in relation to the number of tenants that require advertising. In accordance with the Local Law, 4m² per tenancy would total 40m², however, 68m² is proposed. The excessive nature of the proposed signage is exacerbated by the fact that the proposed “landmark” tower would have signage on three sides (north-east elevation, south-east elevation and south-west elevation. As the south-east elevation would not provide extensive advertising exposure as this faces the residential area on the opposite side of Warton Road, and because exposure from the north-east and south-west elevations would be the priority due to their aspect to the major roads and therefore the preferred location for signage, it is considered appropriate to restrict the signage on the south-east elevation to depicting the name of the centre and logo. This would then reduce the tenancy advertising on the tower to 44m², which appropriately reflects the provisions of the Signage Local Laws.

The subject “landmark” tower is a common feature of today’s shopping centres. Other Neighbourhood Shopping Centres in adjacent municipalities have constructed similar structures (refer to photo for an example) to associate signage better with development thereby reducing its domineering effect on the streetscape. It is therefore considered by staff that a tower “landmark” structure is a demonstrated, rationalised approach to signage for shopping centre development and is a preferential alternative to traditional pylon signs. As such, it is envisaged that the signage would be recognisable to passing motorists without detracting from the streetscape.

(South East Elevation here)
(South-West Elevation here)

Diagrams can be viewed at Council’s Libraries and Administration Centre
However, the individual tenants would still be required to apply for individual sign licenses for each panel to allow the City to assess the contents of each sign, the locations of which must comply with the approved signage strategy.

CONCLUSION

As the provision of signage on the proposed “landmark” tower signage provides a rationalised approach to signage for the proposed neighbourhood shopping centre, that would not detract from the visual amenity of the streetscape, whilst providing for the commercial needs of the tenants, it is recommended that Council approve the application subject to individual sign licenses being issued for each panel and the signage on the south-east elevation of the “landmark” tower structure being restricted to depicting the name of the centre and its logo.

FINANCIAL IMPLICATIONS

Nil.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION

54 Moved Cr MD Devereux Seconded Cr S Moss

“That Council approves the application for a Signage Strategy for the Neighbourhood Shopping Centre to be developed at 271-289 (Lot 14) Amherst Road (corner Warton Road), Canning Vale, subject to:

1. Individual sign licenses being required for each panel; and
2. The south-east elevation of the “landmark” tower structure being restricted for the use of advertising the Centre’s name and logo.
3. The area of signage on the “landmark” tower structure being limited to 40m².”

CARRIED 11/0

FOR: Cr S Iwanyk, Cr C Matison, Cr J Brown, Cr MD Devereux, Cr R Croft, Cr AJ Smith, Cr R Mitchell, Cr O Searle, Cr A Pisano, Cr S Moss and Cr PM Morris.

AGAINST: Nil.
12.5.8 DEVELOPMENT APPLICATION – 58 GROUPED DWELLINGS – 33-43 (LOT 888) SEAFAORTH AVENUE, GOSNELLS (Item Brought Forward – Refer to Item 10)

The above item was brought forward in accordance with paragraph (9) of Sub-Clause 2.15.4 of the City of Gosnells Standing Orders Local Law 1998 and is relocated under Item 10 “Items Brought Forward for the Convenience of those in the Public Gallery” as the seventh report in these Minutes.

12.5.9 DEVELOPMENT APPLICATION - TRANSPORT DEPOT – 96 (LOT 272) VICTORIA ROAD, KENWICK (Item Brought Forward – Refer to Item 10)

The above item was brought forward in accordance with paragraph (9) of Sub-Clause 2.15.4 of the City of Gosnells Standing Orders Local Law 1998 and is relocated under Item 10 “Items Brought Forward for the Convenience of those in the Public Gallery” as the third report in these Minutes.

12.5.10 DEVELOPMENT APPLICATION – PROPOSED AMENDMENT TO TONKIN HIGHWAY EXTENSION – CROSSING OF THE SOUTHERN RIVER (Item Brought Forward – Refer to Item 10)

The above item was brought forward in accordance with paragraph (9) of Sub-Clause 2.15.4 of the City of Gosnells Standing Orders Local Law 1998 and is relocated under Item 10 “Items Brought Forward for the Convenience of those in the Public Gallery” as the fourth report in these Minutes.

12.5.11 COMMERCIAL VEHICLE PARKING – 138 (LOT 127) VERSTEEG GROVE, MARTIN (Item Brought Forward – Refer to Item 10)

The above item was brought forward in accordance with paragraph (9) of Sub-Clause 2.15.4 of the City of Gosnells Standing Orders Local Law 1998 and is relocated under Item 10 “Items Brought Forward for the Convenience of those in the Public Gallery” as the fifth report in these Minutes.
12.5.12 ROAD CLOSURE: PORTION OF GAY STREET, HUNTINGDALE

File: GAY.1  
Approve Ref: 0203/0148CL (EH) Psrpt007Feb03

Name: P Parsons  
Location: Portion of Gay Street adjoining Lots 1, 2 and 3 Allport Close, Huntingdale  
Zoning: MRS: Urban  
TPS No. 6: Residential R17.5  
Appeal Rights: N/A  
Area: 661m²  
Previous Ref: Nil

PURPOSE OF REPORT

To consider a request from P Parsons for the closure/disposal of a portion of Gay Street adjoining Lots 1, 2 and 3 Allport Close.

BACKGROUND

Subdivision 94683 of 1995 made provision for Gay Street to be constructed at an angle in line with the boundaries of Lots 1, 2 and 3 Allport Close. However, in subsequent subdivisions, Gay Street was constructed as a straight road and hence the excess road reserve that exists at the rear of the subject properties.

DISCUSSION

In accordance with section 58 of the Land Administration Act 1997, the proposal was referred to the public utility service authorities and Department for Planning and Infrastructure. Telstra, Alinta Gas, Western Power and Water Corporation have no objections to the road closure. The Department for Planning and Infrastructure also have no objections to the closure and disposal. The advertising of the proposal in the community newspaper has not yet finished and therefore any objections received during this advertising will be reported to Council. However, as it is likely that no objection will be received, this matter has been referred to Council prior to the conclusion of the consultation period.

Nearby landowners were canvassed with the following responses being received:

<table>
<thead>
<tr>
<th>No.</th>
<th>Name</th>
<th>Description of Affected Property: Lot No, Street, etc</th>
<th>Summary of Submission</th>
<th>Staff Comment</th>
</tr>
</thead>
</table>
CONCLUSION

It will be recommended that Council request the Department of Land Administration pursuant to Section 3.58 of the Land Administration Act to close/dispose of the portion of Gay Street, Huntingdale subject to conditions, subject to there being no objections to this proposal.

FINANCIAL IMPLICATIONS

Nil – Council does not receive any funds from the closure/disposal of public road reserve land.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION

55 Moved Cr MD Devereux Seconded Cr S Moss

“That Council request the Department of Land Administration, pursuant to Section 3.58 of the Land Administration Act, to close/dispose of the portion of Gay Street, Huntingdale, adjoining Lots 1, 2 and 3 Allport Close, subject to:

1. No objections being received from community newspaper advertisement;

2. The purchaser(s) meeting all costs associated with the closure.”

CARRIED 11/0

FOR: Cr S Iwanyk, Cr C Matison, Cr J Brown, Cr MD Devereux, Cr R Croft, Cr AJ Smith, Cr R Mitchell, Cr O Searle, Cr A Pisano, Cr S Moss and Cr PM Morris.

AGAINST: Nil.
12.5.13 TAKING OF LAND AND DEDICATION FOR TONKIN HIGHWAY
EXTENSION – MILLS ROAD TO THOMAS ROAD

File: TON.3 (EH) psrpt012Feb03
Name: Main Roads WA
Location: Main Roads WA
Location: Tonkin Highway Extension between Cockram Road and Mills Road
Zoning: MRS: Primary Regional Roads
TPS No. 6: Primary Regional Roads
Appeal Rights: N/A
Area: Approximately 98ha
Previous Ref: OCM 12 June 2001 (Resolution 441)

PURPOSE OF REPORT

For Council to consider a request from Main Roads WA (MRWA) for Council’s support in the excision, resumption and dedication action required to construct the extension of Tonkin Highway.

BACKGROUND

In June 2001, Council consented to the dedication of land required for the Tonkin Highway Extension in accordance with Section 56 of the Land Administration Act. MRWA is currently rationalising feeder roads associated with the construction of the highway, and to accommodate the works it is necessary for MRWA to acquire additional land. To enable excision, resumption and dedication action to proceed, Council’s consent is required. The land required by MRWA is contained in drawings 0260-073 and 9823-114-7. The location plans in this report have been extracted from the aforementioned MRWA drawings.
DISCUSSION

Staff recommend that the request be supported, as it will progress the provision of regional infrastructure within the City of Gosnells.

FINANCIAL IMPLICATIONS

Nil

STAFF RECOMMENDATION AND COUNCIL RESOLUTION

56 Moved Cr S Moss Seconded Cr A Pisano

“That Council consent to the Taking of the Land and its dedication pursuant to Section 56 of the Land Administration Act 1997 for the subject land comprised in Main Roads Drawings 0260-073 and 9823-114-7.”

CARRIED 10/1

FOR: Cr S Iwanyk, Cr C Matison, Cr J Brown, Cr R Croft, Cr AJ Smith, Cr R Mitchell, Cr O Searle, Cr A Pisano, Cr S Moss and Cr PM Morris.

AGAINST: Cr MD Devereux.
12.5.14 PROPOSED ACQUISITION AND DEDICATION OF RIGHT-OF-WAY BETWEEN ORSETT WAY AND EUDORIA STREET, GOSNELLS

File: ORS.1
Location: Gosnells
Zoning: MRS: Urban
TPS No. 6: Residential R17.5
Appeal Rights: N/A
Area: 200m²
Previous Ref: OCM 9 February 1999 (Resolutions 35-36)

PURPOSE OF REPORT

A Council resolution is required under Section 52 of the Land Administration Act 1997 to request the Minister for Lands to acquire and dedicate a portion of existing privately owned right-of-way (ROW) shown on Diagram 17227 for “public street”.

BACKGROUND

Council has previously requested the Department of Land Administration (DOLA) to acquire an existing privately owned ROW as Crown Land (pursuant to Section 52 of the Land Administration Act (LAA)) to then be disposed to adjoining properties (pursuant to Section 56 of the LAA). The existing ROW is being distributed as shown in the location plan.
Ordinary Council Meeting  Minutes  11 February 2003

Orsett Way has been constructed without consideration to the existence of the ROW and therefore a portion of the ROW extends across and effectively dissects the Orsett Way road reserve. This portion of the ROW would need to be acquired and dedicated as part of the public street

DISCUSSION

It appears that the ROW was set apart at the time of subdivision for provision of a road that would connect with Bardfield Way and Eudoria Street. However, over the years as the area was subdivided, the subdivision design was altered and consequently future residential subdivision of large land parcels remaining in the immediate area will not require the ROW.

It should be noted that a connection between Orsett Way and Eileen Street has already been instigated and is likely to be completed as part of future subdivision in the area. Acquisition of the ROW is critical to allow this to occur.

As the subject portion of the ROW intersects the Orsett Way road reserve, DOLA have requested that Council provide a resolution for this portion of ROW to be incorporated into the existing road reserve.

On registration of an Acquisition Order under Section 52 of the LAA, the subject land is effectively “revested” in the Crown, following which the land can be dedicated as public street, pursuant to Section 56 of the LAA. There is no compensation payable where land designated for a “public purpose” on a plan of survey lodged with the Registrar is “acquired” under Section 52 of the LAA.

CONCLUSION

It will be recommended that Council resolve to request the Minister for Lands to acquire the subject portion of ROW under Section 52 of the LAA for dedication as a “public street” under Section 56 of the LAA.

FINANCIAL IMPLICATIONS

Nil

STAFF RECOMMENDATION AND COUNCIL RESOLUTION

57 Moved Cr A Pisano Seconded Cr S Moss

“That Council request the Minister for Lands to acquire the portion of Right-of-Way shown on Diagram 17227 that intersects Orsett Way reserve under Section 52 of the Land Administration Act 1997 for dedication as a “public street” under Section 56 of the Land Administration Act 1997.”

CARRIED 11/0

FOR: Cr S Iwanyk, Cr C Matison, Cr J Brown, Cr MD Devereux, Cr R Croft, Cr AJ Smith, Cr R Mitchell, Cr O Searle, Cr A Pisano, Cr S Moss and Cr PM Morris.

AGAINST: Nil.
12.5.15 SALE OF LAND: LOT 1765 SOUTHERN RIVER ROAD, SOUTHERN RIVER

File: S8/3 Approve Ref: (EH) psrp004Feb03

Name: Western Power
Location: Portion of Lot 1765 Southern River Road, Southern River
Zoning: MRS: Rural
TPS No. 6: General Rural
Appeal Rights: N/A
Area: 7.2843ha (Area required: 1.21ha)
Previous Ref: OCM 14 May 2002 (Resolution 313)
OCM 22 October 2002 (Resolution 870)

PURPOSE OF REPORT

For Council to reconsider conditions imposed on the offer made by Western Power to purchase a portion of Lot 1765 Southern River Road, Southern River, for the installation of a power substation.

BACKGROUND

At its Ordinary Meeting of 22 October 2002, Council resolved to accept the offer made by Western Power to purchase a 1.21ha portion of Lot 1765 Southern River Road, Southern River for $85,000 (plus GST), subject to:

1. Western Power agreeing to pay the Common Infrastructure Costs required for the future Outline Development Plan, either in the form of an upfront payment to Council or by entering into an appropriate legal agreement, the cost of which to be borne by Western Power.

2. The proposed condition relating to warranting that contamination from the former liquid waste site is restricted to Lots 21, 1768 and 1767 and does not affect Lot 1765, be deleted from the Offer and Acceptance document.

Western Power has subsequently made a submission requesting that Council reconsiders the above conditions for the sale of the land. The details of the submission are discussed in the Discussion section of the report.
DISCUSSION

Common Infrastructure Costs

Western Power has made the following submission in reply to issues considered by Council in October 2002:

“• Western Power does not seek to sell its product with a view to making a profit but rather responds solely to community and business demands. As such our forward planning has identified a need for this substation to accommodate (sic) the requirements of ratepayers from within the City of Gosnells. As such Western Power provides an essential service for the benefit of the expansion of the City.

• Western Power seeks only to acquire sufficient land to locate the substation and allow for necessary future expansion of the facility. There will not be any surplus land that could be disposed of at a later date in order to make a profit."
Ordinary Council Meeting Minutes 11 February 2003

- Development of the substation is expected to be undertaken well in advance of the provision of roads, drainage etc; therefore Western Power will need to fund provision of access to the proposed site.

- The presence of the Western Power substation will enhance the provision of a quality, cost effective supply of electricity to adjoining developments thereby adding value to the remaining subdivision.”

Staff are still of the opinion that Western Power should be required to pay Common Infrastructure Costs. The following issues are still relevant to this matter:

- The area requires the preparation of an Outline Development Plan (ODP) to facilitate development and subdivision in the area that will also incorporate the subject land. The ODP will very likely require the preparation of environmental reviews, drainage design, etc.

- The subject land requires legal lot frontage and vehicular access, which shall need to be provided by, or at a minimum coordinated by, an ODP.

- If Western Power doesn’t pay the infrastructure costs, all other landowners/developers would be required to pay more.

- Western Power approached Council to purchase the land. If Council were to not sell the land, the land would have a higher market value once the industrial zoning was in place.

Contamination Issue

In its submission to Council, Western Power has requested that its Environmental Consultants be granted access to all reports held by, or available to, Council in relation to the nearby contaminated site in order for an informed assessment to be made before Western Power agrees to delete the condition on the Offer.

CONCLUSION

It will be recommended that the condition relating to the payment of Common Infrastructure Costs remain as a condition on the purchase of the required portion of land. It will also be recommended that Council agree to Western Power’s Environmental Consultants to be granted access to reports relating to the contamination.

FINANCIAL IMPLICATIONS

All costs relating to the land transaction will be incurred by Western Power. Should the sale proceed, it is anticipated that revenue generated would be directed to the Southern River Contaminated Site Rehabilitation Reserve, however, this would be determined by Council.
STAFF RECOMMENDATION AND COUNCIL RESOLUTION

58  Moved Cr MD Devereux Seconded Cr S Moss

“That Council advise Western Power that the offer to purchase a 1.21ha portion of Lot 1765 Southern River Road, Southern River for $85,000 (plus GST) remains subject to Western Power agreeing to pay the Common Infrastructure Costs required for the future Outline Development Plan, either in the form of an up front payment to Council or by entering into an appropriate legal agreement, the cost of which to be borne by Western Power.”

CARRIED 9/2

FOR:  Cr S Iwanyk, Cr C Matison, Cr MD Devereux, Cr R Croft, Cr AJ Smith, Cr R Mitchell, Cr A Pisano, Cr S Moss and Cr PM Morris.
AGAINST:  Cr J Brown and Cr O Searle.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION

59  Moved Cr MD Devereux Seconded Cr S Moss

“That Council further advise Western Power that its Environmental Consultant shall be granted access to all reports held by, or available to, Council in relation to contamination of adjoining sites to enable an informed assessment to be made before this condition is deleted from the offer to purchase the 1.21ha portion of Lot 1765 Southern River Road, Southern River required by Western Power.”

CARRIED 9/2

FOR:  Cr S Iwanyk, Cr C Matison, Cr MD Devereux, Cr R Croft, Cr AJ Smith, Cr R Mitchell, Cr A Pisano, Cr S Moss and Cr PM Morris.
AGAINST:  Cr J Brown and Cr O Searle.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION

60  Moved Cr MD Devereux Seconded Cr S Moss

“That Council, subject to sale, apply the proceeds of the sale of a portion Lot 1765 Southern River Road, Southern River, to the Southern River Contaminated Site Reserve fund as follows:

<table>
<thead>
<tr>
<th></th>
<th>Transfer to Southern River Contaminated Site Rehabilitation Reserve</th>
<th>$85,000</th>
</tr>
</thead>
<tbody>
<tr>
<td>71501.880.8018</td>
<td></td>
<td>$85,000</td>
</tr>
<tr>
<td>31006.370.7000</td>
<td>Profit from sale of Land</td>
<td>$85,000</td>
</tr>
</tbody>
</table>

CARRIED BY ABSOLUTE MAJORITY 9/2

FOR:  Cr S Iwanyk, Cr C Matison, Cr MD Devereux, Cr R Croft, Cr AJ Smith, Cr R Mitchell, Cr A Pisano, Cr S Moss and Cr PM Morris.
AGAINST:  Cr J Brown and Cr O Searle.
12.5.16 INITIATION OF LEGAL PROCEEDINGS – FAILURE TO COMPLY WITH A LOCAL GOVERNMENT ACT NOTICE AND TOWN PLANNING SCHEME NO. 6 BREACH OF NON PERMITTED USE CLASS OF “STORAGE” - 116 (LOT 17) ATTFIELD STREET, MADDINGTON

File: 223633 (BM) psrpt021Feb03
Name: Mr Peter Sinclaire Ripper and Denise Michelle Ripper
Location: 116 (Lot 17) Attfield Street, Maddington
Zoning: MRS:
   Scheme No.6: Residential (17.5)
Appeal Rights: None
Previous Ref: Nil
Area: 1305m²

PURPOSE OF REPORT

For Council authorise the Director Planning and Sustainability to initiate legal proceedings against Peter Sinclaire Ripper and Denise Michelle Ripper of 116 Attfield Street, Maddington being the owners of 116 Attfield Street, Maddington for:

(a) Failure to comply with a notice issued pursuant to section 3.25(1) of the Local Government Act 1995 to remove the accumulation of disused equipment and materials from the property thereby contravening section 3.25(6) of that Act; and

(b) Permitting and/or using the property of 116 Attfield Street, Maddington, for “Storage” being a use class not permitted within a Residential zoning. Such activity is contrary to clause 12.4 of the City’s Town Planning Scheme No. 6 (TPS 6) and section 10(4)(a)(ii) of the Town Planning and Development Act 1928 as amended.

BACKGROUND

A complaint was received by the City on 1 March 2002 regarding the untidiness of the subject property. The property was visited and photographed on 8 March 2002 and a letter forwarded to the owners on 15 March 2002 advising

(a) The use of the property for the accumulation of disused motor vehicles and materials was a breach of the Local Government Act 1995 and;

(b) The property being used for “Storage” a use class not permitted in a residential zoning and therefore a breach of the TPS 6.

There was no response to the correspondence sent to the owners and occupiers of the property and on 12 July 2002 the property was again inspected and photographed which had indicated that no changes had occurred on the property since the initial correspondence was sent. The property was again inspected on 22 August 2002 at which time a further inspection and additional photographs were taken of the property which once again indicating little change on the property.
On 23 August 2002 further correspondence and a Local Government Notice was served on the owners and occupiers along with copies of the photographs by prepaid post, giving the owners and occupiers 14 days from the date of the notice to remove these items specified in the notice and the attached photographs from the property.

On Friday 27 September 2002 another inspection of the above mentioned property was conducted and photographs where taken, however on this occasion officers spoke to a Mr Peter Sinclaire Ripper at the property. As a result of this meeting Mr Ripper provided correspondence dated 27 September 2002 advising Council that he had not received the initial correspondence dated 15 March 2002 and had only become aware of the storage and amenity issues on receiving the Local Government Notice dated 23 August 2002. He then further requested an extension of time to rectify this issue.
Correspondence dated 27 September 2002 was sent to Mr Peter Sinclaire Ripper and Mrs Denise Michelle Ripper advising them that an extension would be granted until 8 November 2002 for the items to be removed.

On Friday 8 November 2002 an inspection of the property again revealed that no action had been taken on the property. Again Planning Compliance Officers spoke to Mr Ripper who on this occasion advised the officers that his wife’s mother was not well and that he had no time to attend to the issues. On this occasion a verbal extension of time until Wednesday 13 November 2002 was provided to Mr Ripper to make a substantive effort to clean the property of the stored items.

On Wednesday 13 November 2002 Planning Compliance Officers again attended the property to inspect any progress, however, there was little change other than two disused motor vehicle being placed on the front verge. Mr Ripper was requested to forward correspondence detailing the issues he had raised in relation to his illness and illness in his family and request the City to consider a further extension of time. Correspondence dated 15 November 2002 was also sent to Mr and Mrs Ripper explaining the above request however again no response was received to this request.

The property was again inspected on Monday 25 November 2002 and further photographs were taken of the site showing no further change. A conversation once again took place between Planning Compliance Officers and Mr and Mrs Ripper who reiterated their personal medical issues and that of a family member. Officers further requested a letter from them detailing this advice. Correspondence dated 27 November 2002 was sent to Mr and Mrs Ripper providing a further extension of three weeks until 17 December 2002 to have all the offending items removed and advising that a failure to doing this would result in the matter being placed in front of the next Ordinary Council Meeting to initiate legal proceeding should no substantive effort be made to remove all the stored items from the property.

The property was again inspected and photographed on Tuesday 17 December 2002 and no further change had occurred on the property, and no correspondence had been received from Mr and Mrs Ripper detailing the personal and family medical issues that were allegedly affecting them.

Correspondence dated 18 December 2002 was again sent to Mr and Mrs Ripper of the property advising them that the failure to substantiate their personal family issues and the lack of action to remove the items from the property would result in the matter being placed in front of the next Ordinary Council Meeting to initiate legal proceeding.

On Thursday 2 January 2003 Mrs Denise Michelle Ripper contacted the city and spoke to the Manager City Planning who was once again advised of the medical issues that were affecting her family, and again the Manager advised her to substantiate these claims in the form of written correspondence so that Council could consider the claim. Mrs Ripper was given until Monday 6 January 2003 to provide this advice to Council, however once again nothing was provided to substantiate their claims.
The property was again inspected on Tuesday 7 January and Wednesday 22 January 2003 at which time further photographs were obtained and once again there was no change to the property.

**DISCUSSION**

From the complaints and evidence available to the City it is clear that the owner of 116 Attfield Street, Maddington has been storing items on the property since at least 1 March 2002, when a complaint was received by the City.

The City has provided adequate opportunity for the property owners to cease the non-permitted activities and remove the items that constitute a “storage” from the property at 116 Attfield Street, Maddington.

**FINANCIAL IMPLICATIONS**

Legal fees, funds for which have been budgeted, should be recouped in part, subject to a favourable ruling by the Courts.

**STAFF RECOMMENDATION**

*Moved Cr J Brown Seconded Cr C Matison*

That Council authorise the Director of Planning and Sustainability to initiate legal proceedings against Peter Sinclaire Ripper and Denise Michelle Ripper, being the owners and occupiers of 116 (Lot 17) Attfield Street, Maddington, for:

1. Failure to comply with a notice issued pursuant to section 3.25(1) of the Local Government Act 1995 to remove the accumulation of disused equipment and materials from the property thereby contravening section 3.25(6) of that Act; and

2. Permitting and/or using the property for “Storage” being a use class not permitted within a Residential zoning. Such activity is contrary to clause 12.4 of the City’s Town Planning Scheme No. 6 and section 10(4)(a)(ii) of the Town Planning and Development Act 1928 as amended.

**Amendment**

*During debate Cr MD Devereux moved the following amendment to the staff recommendation above following advice from staff that Mr Ripper had provided a medical certificate and given an undertaking the notice would be complied with by 28 February 2003:*

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189
Moved Cr MD Devereux Secended Cr R Croft

That the staff recommendation be amended by inserting the following paragraph at the end of the recommendation:

“subject to compliance not being achieved by 28 February 2003 in accordance with discussions between Mr Ripper and Council’s Manager City Planning on 11 February 2003, during which Mr Ripper provided a medical certificate stating that he was unfit to carry out the works required to comply with the notice issued, and a verbal undertaking, to be confirmed in writing, that he would comply with the notice by no later than 28 February 2003.”

with the amended recommendation to read:

“That Council authorise the Director of Planning and Sustainability to initiate legal proceedings against Peter Sinclaire Ripper and Denise Michelle Ripper, being the owners and occupiers of 116 (Lot 17) Attfield Street, Maddington, for:

1. Failure to comply with a notice issued pursuant to section 3.25(1) of the Local Government Act 1995 to remove the accumulation of disused equipment and materials from the property thereby contravening section 3.25(6) of that Act; and

2. Permitting and/or using the property for “Storage” being a use class not permitted within a Residential zoning. Such activity is contrary to clause 12.4 of the City’s Town Planning Scheme No. 6 and section 10(4)(a)(ii) of the Town Planning and Development Act 1928 as amended;

subject to compliance not being achieved by 28 February 2003 in accordance with discussions between Mr Ripper and Council’s Manager City Planning on 11 February 2003, during which Mr Ripper provided a medical certificate stating that he was unfit to carry out the works required to comply with the notice issued, and a verbal undertaking, to be confirmed in writing, that he would comply with the notice by no later than 28 February 2003.”

CARRIED 11/0

FOR: Cr S Iwanyk, Cr C Matison, Cr J Brown, Cr MD Devereux, Cr R Croft, Cr AJ Smith, Cr R Mitchell, Cr O Searle, Cr A Pisano, Cr S Moss and Cr PM Morris.

AGAINST: Nil.

The amendment was put and carried with the amendment becoming the substantive motion. The Mayor then put the substantive motion, which reads:
COUNCIL RESOLUTION

61 Moved Cr MD Devereux Seconded Cr R Croft

“That Council authorise the Director of Planning and Sustainability to initiate legal proceedings against Peter Sinclaire Ripper and Denise Michelle Ripper, being the owners and occupiers of 116 (Lot 17) Attfield Street, Maddington, for:

1. Failure to comply with a notice issued pursuant to section 3.25(1) of the Local Government Act 1995 to remove the accumulation of disused equipment and materials from the property thereby contravening section 3.25(6) of that Act; and

2. Permitting and/or using the property for “Storage” being a use class not permitted within a Residential zoning. Such activity is contrary to clause 12.4 of the City’s Town Planning Scheme No. 6 and section 10(4)(a)(ii) of the Town Planning and Development Act 1928 as amended;

subject to compliance not being achieved by 28 February 2003 in accordance with discussions between Mr Ripper and Council’s Manager City Planning on 11 February 2003, during which Mr Ripper provided a medical certificate stating that he was unfit to carry out the works required to comply with the notice issued, and a verbal undertaking, to be confirmed in writing, that he would comply with the notice by no later than 28 February 2003.”

CARRIED 11/0

FOR: Cr S Iwanyk, Cr C Matison, Cr J Brown, Cr MD Devereux, Cr R Croft, Cr AJ Smith, Cr R Mitchell, Cr O Searle, Cr A Pisano, Cr S Moss and Cr PM Morris.

AGAINST: Nil.
12.5.17 INITIATION OF LEGAL PROCEEDINGS – COMMERCIAL VEHICLE PARKING - 61 (LOT 116) NORBURY WAY, LANGFORD

File: 230603 (BM) psrpt022Feb03

Name: Michael Saratlija
Location: 61 (Lot 116) Norbury Way, Langford
Zoning: MRS: Urban
Scheme No. 6: Residential (R17.5)
Appeal Rights: No – Matter to be considered by courts.
Previous Ref: Nil
Area: 692m²

PURPOSE OF REPORT

For Council to authorise the Director Planning and Sustainability to initiate legal proceedings against Michael Saratlija of 61 Norbury Way, Langford, as the owner of the property and the commercial vehicle, for a breach of the provisions of clause 12.4 of the City’s Town Planning Scheme No. 6 (TPS 6) by permitting, parking or causing to be parked, a commercial vehicle on a Residential zoned property at 61 (Lot 116) Norbury Way, Langford without the written approval of the Council.

BACKGROUND

A complaint from a nearby neighbour was received by the City on 17 June 1999 regarding alleged activities on the property of 61 Norbury Way, Langford that could be breaches of TPS 6. After an inspection of the property, by City staff, correspondence was forwarded on 15 July 1999, to the property owners, requiring attention to the alleged breaches. There was no commercial vehicle sighted on the property at this time.

During follow up inspections of the property on 11 July 2002, an Isuzu tray top motor wagon registration No. 1AXI.851 was observed in the driveway of the property.

A letter, application form and other applicable documentation were forwarded on 20 November 2002, to Mr Saratlija, as the owner of the property and the commercial vehicle, advising of the requirement to obtain Council approval for the parking of a commercial vehicle or to remove the vehicle from the property.

It was ascertained on 11 July 2002 that the registered owner of the commercial vehicle was Mr Saratlija of 61 Norbury Way, Langford and the vehicle has a tare weight of 2,740 kgs and aggregate weight of 4,490 kgs.

The commercial vehicle had not been removed and remained on the property during regular inspections over the period 11 July 2002 and 10 December 2002 and is still owned by Mr Saratlija.
Further to this, a verbal conversation took place with Mr Saratlija on 10 December 2002 at which time he was advised that:

(a) the City had no record of any application having been received for the parking of the commercial vehicle;

(b) continuing to park the commercial vehicle on the property was a breach of TPS 6 and the Town Planning and Development Act leaving the property owners and vehicle owner all liable to a penalty; and

(c) the property will be monitored and if the vehicle has not ceased to be parked on the property the matter would be placed before an Ordinary Council Meeting for consideration of instigating legal proceedings.

Commercial Vehicle Parking for Residential Areas

(a) TPS 6 provides for Residential zones:

“No person shall park, or cause to be parked or permit to be parked any commercial vehicle on any lot within the Residential zones without the planning approval of Council.”

The definition of “commercial vehicle” under TPS 6 is as follows:

“‘commercial vehicle’ means a vehicle whether licensed or not and which is used in conjunction with a trade or profession and shall include trailers, tractors and their attachments, buses and earthmoving machines whether self propelled or not but shall not include a passenger car derivative as defined by the Vehicle Sales Regulations 1976 (as amended), a van, utility or light truck which is rated by the manufacture as being suitable to carry loads of up to 1.5 tonnes;”

(b) Council’s Policy 6.1.13 – Truck Parking, states:

“The following guidelines are to be used when determining the suitability of an application.

1. Commercial vehicles taller than 2 metres or with an aggregate weight greater than 3.5 tonnes but less than 4.5 tonnes.

   **REQUIRES COUNCIL APPROVAL WHICH MAY BE GRANTED IF THE OTHER POLICY CONDITIONS CAN BE COMPLIED WITH.**

2. Commercial vehicles with an aggregate weight in excess of 4.5 tonnes.

   **APPROVAL WILL NOT BE GRANTED.**”
DISCUSSION

Since 17 June 2002 there have been an number of complaints from property owners regarding the condition of the property and the parking of a commercial vehicle at 61 Norbury Way, Langford

The property and vehicle owner has had ample opportunity to apply to the Council for approval or to cease parking the commercial vehicle at 61 Norbury way, Langford.

Zoning in the area is Residential (R17.5) and the vehicle size is in excess of the requirements as laid down in the Council’s Policy 6.1.13 – Truck Parking - in that zone.

There is considerable observation and photographic evidence to show that the vehicle is still being parked on the property on a regular and continuous basis.

It is apparent the only recourse now available to Council to resolve this matter is through the Courts and as such it will be recommended legal proceedings be initiated.

FINANCIAL IMPLICATIONS

Legal fees, funds for which have been budgeted, should be recouped in part, subject to a favourable ruling by the Courts.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION

62 Moved Cr R Mitchell Seconded Cr S Moss

“That the Council authorise the Director of Planning and Sustainability to initiate legal proceedings against Michael Saratija of 61 (Lot 116) Norbury Way, Langford, as the owner of the property and commercial vehicle, for breaches of the provisions of TPS 6 and section 10 (4)(a)(ii) of the Town Planning and Development Act (as amended), for the parking of a commercial vehicle at 61 (Lot 116) Norbury Way, Langford, without written approval of Council.”

CARRIED 11/0

FOR: Cr S Iwanyk, Cr C Mattson, Cr J Brown, Cr MD Devereux, Cr R Croft, Cr AJ Smith, Cr R Mitchell, Cr O Scarle, Cr A Pisano, Cr S Moss and Cr PM Morris.

AGAINST: Nil.
12.5.18 INITIATION OF LEGAL PROCEEDINGS – FAILURE TO COMPLY WITH LOCAL GOVERNMENT ACT NOTICE AND TOWN PLANNING SCHEME NO. 6 BREACH OF NON-PERMITTED USE CLASS OF “INDUSTRY – GENERAL” – NO. 16 (LOT 165) OSTEN PLACE, LANGFORD

File: 230708 (BH) psrpt003Feb03
Name: Mr Desmond Bertram Radley
Location: 16 (Lot 165) Osten Place, Langford
Zoning: MRS: Urban
Scheme No. 6: Residential R17.5
Appeal Rights: Nil – matter to be determined by the courts.
Previous Ref: Nil
Area: 692m²

PURPOSE OF REPORT

For Council to authorise the Director Planning and Sustainability to initiate legal proceedings against Desmond Bertram Radley of 16 (Lot 165) Osten Place, Langford, being the property owner, for:

(a) Failure to comply with notice issued pursuant to Section 3.25(1) of the Local Government Act 1995 to remove the accumulation of disused equipment and materials from the property thereby contravening Section 3.25(6) of that Act; and

(b) Permitting and/or using the property of 16 Osten Place, Langford, for a “Industry – General” including vehicle dismantling, assembly, servicing, maintenance, repairing and/or restoration, being a use class not permitted within a Residential zoning. Such activity is contrary to Clause 12.4 of the City’s Town Planning Scheme No. 6 and Section 10(4)(a)(ii) of the Town Planning and Development Act 1928 as amended.

BACKGROUND

Following complaints from nearby neighbours in relation to unsightliness of the frontage of the property because of the number of vehicles, vehicle parts and materials at 16 Osten Place, Langford, correspondence was sent to Mr D B Radley as owner of the property on 19 August 2002. The correspondence advised that from City officer’s observations it was evident the property was being utilised for motor vehicle wrecking or repairing which constituted a use class of “Industry – General” and not permitted in a Residential zoning and was to cease immediately. Also, the disused vehicles, vehicle parts and materials were to be removed from the property to comply with provisions of the Local Government Act.

A further inspection of the property on 1 October 2002 revealed that two disused vehicles had been removed from the property frontage but two other disused vehicles, vehicle parts and materials still remained on the property frontage. Therefore, on 3 October 2002, a formal Notice under Section 3.25 of the Local Government Act 1995, describing the motor vehicles, motor vehicle parts and materials, was forwarded by
certified mail to the owner requiring removal of these items within 14 days from the date of the notice.

This correspondence was returned on 30 October 2002 to the City by Australia Post as unclaimed. Therefore, in accordance with legal advice, a further notice was issued on 7 November 2002 but forwarded by ordinary post to the owner at 16 Osten Place, Langford giving 14 days to comply with the Notice. This notice was accompanied by three sheets of photographic images taken during a site inspection on 31 October 2002. These images depicted the items named in the Notice as being on the property frontage and included another disused vehicle and vehicles parts within an enclosed carport on the property.

The City has not received any objections and/or appeals to the Notice within the allowed time limits of 28 and 42 days respectively. These periods expired on 19 December 2002 and an inspection of the property was conducted on 20 December 2002 which revealed no change to the conditions of the property since last inspection on 21 November 2002.

**DISCUSSION**

The owner of the property has been given every opportunity to cease the non-permitted activities of an industry that includes vehicle wrecking, repairing or restoration and to remove the disused equipment and materials from his property of 16 (Lot 165) Osten Place, Langford.
A formal notice under the Local Government Act was served on the owner, by ordinary mail in accordance with legal advice, that gave the City, after a stipulated period of time, the right to enter the property and remove the offending disused materials. The costs in carrying out this removal would have been recoverable from the owner but could have resulted in the City incurring more costs for the recovery.

At any likely time of entry to the property (in accordance with the notice) most of the disused materials would have included vehicle shells or parts, which would be of little value. It may then have been in the owner’s interest for the City to have removed the offending materials. In any case, this would not have stopped the unlawful activities and therefore would have still necessitated the requirement for instigating legal proceedings.

It is considered more prudent to immediately commence legal proceedings with a successful prosecution leading to a penalty, but more importantly, with the likelihood of a daily penalty for any continuing offence. This is the short term action that is more likely to cease the unlawful activities and have the disused vehicles and materials removed from the property.

FINANCIAL IMPLICATIONS

Legal fees, funds for which have been budgeted, should be recouped in part, subject to a favourable ruling by the Courts.

<table>
<thead>
<tr>
<th>STAFF RECOMMENDATION AND COUNCIL RESOLUTION</th>
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63  Moved Cr A Pisano Seconded Cr S Moss

“That Council authorise the Director of Planning and Sustainability to initiate legal proceedings against Mr Desmond Bertram Radley being the owner and occupier of 16 (Lot 165) Osten Place, Langford, for breaching provisions of:

1. The Local Government Act 1995 by failing to comply with Notice issued pursuant to that Act; and

2. Clause 12.4 of the City of Gosnells Town Planning Scheme No. 6 and Section 10(4)(a)(ii) of the Town Planning and Development Act 1928 (as amended) in as much as he used or allowed the site to be used for “Industry – General”, a use class not permitted in a Residential zone.”

CARRIED 11/0

FOR: Cr S Iwanyk, Cr C Matison, Cr J Brown, Cr MD Devereux, Cr R Croft, Cr AJ Smith, Cr R Mitchell, Cr O Scarle, Cr A Pisano, Cr S Moss and Cr PM Morris.

AGAINST: Nil.
12.5.19 INITIATION OF LEGAL PROCEEDINGS – TOWN PLANNING SCHEME NO. 6 – BREACH OF NON PERMITTED USE CLASS OF “INDUSTRY – GENERAL” – NO. 35 (LOT 14) PITCHFORD AVENUE, MADDINGTON

File: 211318 (BM) psrpt010Feb03
Name: Mr Ronald Popelier and Donna Marie George
Location: 35 (Lot 14) Pitchford Avenue, Maddington
Zoning: MRS: Urban
Scheme No. 6: Residential (17.5)
Appeal Rights: None
Previous Ref: Nil
Area: 809m²

PURPOSE OF REPORT

For Council to authorise the Director Planning and Sustainability to initiate proceedings against Ronald Popelier and Donna Marie George of 35 Pitchford Avenue, Maddington, being the owners of 35 (Lot 14) Pitchford Avenue, Maddington, for permitting and/or using the property of 35 Pitchford Avenue, Maddington, for “Industry – General” including vehicle dismantling, assembly, servicing, maintenance, repairing and or restoring, which is a use class not permitted within a residential zoning. Such activity is contrary to Clause 12.4 of the City’s Town Planning Scheme No. 6 and Section 10(4)(a)(ii) of the Town Planning and Development Act 1928 as amended.

BACKGROUND

A complaint was received by the City on 16 October 2002 regarding the untidiness of the property via City’s Ranger Services. The property was visited and photographed on 17 October 2002 and again on 22 October 2002. On the second occasion and in the presence of Mr Popelier he was advised that the activities had to cease and were breaches of the Town Planning Scheme No. 6 and the Local Government Act 1995.

A letter was subsequently sent to the owners on 23 October 2002 confirming this and again advising:

(a) The use of the property for the accumulation of disused motor vehicles and materials was a breach of the Local Government Act 1995 and;

(b) The property is being used for “Industry- General” including industry vehicle dismantling, assembly, servicing, maintenance, repairing and or restoring, and is a use class not permitted in a residential zoning and therefore a breach of the Town Planning Scheme No. 6.

The owners of the property were given until 13 November 2002 to comply with Council’s request due to the amount of materials on the property. However, no response was received from the owners. Another inspection of the property was conducted on 13 November 2002 by Planning Compliance Officers. On this occasion neither Mr Popelier or Ms George were at home, and a message was left with their son, requesting that they contact the City otherwise a Local Government Notice would be
served on them for the poor amenity of the property. On 15 November 2002 the property was again inspected and photographed and it was revealed that a slight change had occurred to the front of the property since the initial correspondence was sent, however, the rear of the property had remained that same and it was still evident that the activities of vehicle dismantling, assembly, servicing, maintenance, repairing and/or restoring, were still occurring upon the property.

As a result of this inspection and conversation with Mr Popelier on 15 November 2002 further correspondence was sent dated 20 November 2002 allowing for an extension of 21 days from the date of the letter for the owners to comply with Council requirements and to have all remaining items removed from the property and the activities mentioned above ceased.

A site visit was again conducted by Planning Compliance Officers on Thursday 12 December 2002, however on this inspection insufficient effort had been made by the owners to cease the activities and clean the property. As a result of this the owners then forwarded correspondence to the Manager City Planning for an extension of time to comply with the City’s requirements. As a result of this and Council recess over the Christmas period, no further action had been taken by city staff to allow additional time for Mr Popelier and Ms George to cease the activities and clean the property.

On Thursday 9 January 2003 the City’s staff again attended the subject property, but found both Mr Popelier and Ms George not to be home and left a message with an adult male person on the property for either of them to contact City’s staff. No contact was subsequently made with the City’s staff and as a result, Planning Compliance Officers again attended the subject property to speak to Mr Popelier or Ms George. On this occasion the City’s staff spoke to Ms George who was not well. With this being the...
case staff left a calling card with Ms George requesting Mr Popelier contact them so that a further site inspection could take place.

Mr Popelier failed to contact the Planning Compliance Officers and as a result of this officers attended the subject property on Wednesday 22 January 2003. Again, no people were home, however on this occasion an inspection of the front and sides of the property occurred and further photographs were taken that further substantiated the complaint that the activities had not ceased.

**DISCUSSION**

The owners of the property have been given every opportunity to cease the non-permitted activities of a Industry – General that includes vehicle wrecking, repairing or restoration on this property of 35 (Lot 14) Pitchford Avenue, Maddington, but seem to have ignored this request made by Council and have not stopped the unlawful activities.

Therefore it is considered most prudent to immediately commence legal proceedings and with a successful prosecution leading to a penalty, it is more likely in the short term to cease these activities and have all the materials removed from the property.

**FINANCIAL IMPLICATIONS**

Legal fees, funds for which have been budgeted, should be recouped in part, subject to a favourable ruling by the Courts.

**STAFF RECOMMENDATION AND COUNCIL RESOLUTION**

64 Moved Cr MD Devereux Seconded Cr S Moss

“That Council authorise the Director of Planning and Sustainability to initiate legal proceedings against Ronald Popelier and Donna Marie George, being the owners and occupiers of 35 Pitchford Avenue, Maddington, for permitting and/or using the property at 35 (Lot 14) Pitchford Avenue, Maddington, for an “Industry – General” including vehicle dismantling, assembly, servicing, maintenance, repairing and or restoring, being a use class not permitted within a residential zoning. Such activity is contrary to Clause 12.4 of the City’s Town Planning Scheme No. 6 and Section 10(4)(a)(ii) of the Town Planning and Development Act 1928 as amended.”

CARRIED 11/0

**FOR:** Cr S Iwanyk, Cr C Matison, Cr J Brown, Cr MD Devereux, Cr R Croft, Cr AJ Smith, Cr R Mitchell, Cr O Searle, Cr A Pisano, Cr S Moss and Cr PM Morris.

**AGAINST:** Nil.
Cr R Mitchell, due to owning an investment property in William Street, disclosed a Financial Interest in the following item in accordance with Section 5.60 of the Local Government Act 1995.

9.44pm – Cr R Mitchell left the meeting.

12.5.20 INITIATION OF LEGAL PROCEEDINGS – FAILURE TO COMPLY WITH LOCAL GOVERNMENT ACT NOTICE AND TOWN PLANNING SCHEME NO. 6 OF NON PERMITTED USE CLASS “STORAGE” - NO. 159 (LOT 313) WILLIAM STREET, BECKENHAM

File: 226391
Name: Mr Richard Theo De La Rie and Antoinette Arlene Vella
Location: 159 (Lot 313) William Street, Beckenham
Zoning: MRS:
  Scheme No. 6: Residential (17.5)
Appeal Rights: None
Previous Ref: Nil
Area: 956m²

PURPOSE OF REPORT

For Council to authorise the Director of Planning and Sustainability to initiate legal proceedings against Richard Theo De La Rei and Antoinette Arlene Vella of 159 (Lot 313) William Street, Beckenham being the owners of 159 William Street, Beckenham, for:

(a) Failure to comply with notice issued pursuant to Section 3.25(1) of the Local Government Act 1995 to remove the accumulation of disused equipment and materials from the property thereby contravening Section 3.25(6) of that Act; and

(b) Permitting and/or using the property of 159 William Street, Beckenham, for storage being a use class not permitted within a residential zoning. Such activity is contrary to Clause 12.4 of the City’s Town Planning Scheme No. 6 and Section 10(4)(a)(ii) of the Town Planning and Development Act 1928 as amended.

BACKGROUND

A complaint was received by the City on 7 November 2000 regarding the untidiness of the subject site. The site was visited and photographed on 8 November 2000 and a letter forwarded to the owners on 10 November 2000 advising the use of the property for the accumulation of disused second hand materials and motor vehicles was a breach of the Local Government Act 1995.

As a result of this letter Mr De La Rei attended the City’s Customer Service counter on 21 November 2000 to speak to the Planning Compliance Officer, who was not available. Instead Mr De La Rei advised Customer Service Officers that the said
materials where for his own personal use to build furniture and the motor vehicles were registered, and one was for restoration, and stated that the remaining items would be tidied up. A phone message was left on Mr De La Rie’s answer phone in response to his enquiry to the City for him to respond however no response was received.

On 5 December 2000 another letter was sent to Mr De La Rie and Ms Vella advising that the property was still not conducive to the amenity of the area and the accumulation of second hand materials made it apparent that the yard was being used as a contractors/ storage yard which were considered breaches under the City’s Town Planning Scheme No. 1 (then in force) and the Local Government Act 1995. They were then granted a further extension of 14 days to cease the activities and to comply with Town Planning Scheme No 1 and the Local Government Act 1995.

On 7 August 2001 another complaint was received regarding the above mentioned property with the activities still occurring as previously mentioned.

On 13 August 2001 an inspection and photographing of the frontage of the property revealed that the second hand materials were still evident. On Wednesday 15 August 2001 correspondence again was forwarded to the owners of the property advising that as there had been no compliance with the City’s previous request and that the matter
would be placed before the next available Ordinary Council Meeting for consideration of instigating legal proceedings.

On a site visit by City’s staff on 22 October, 2002 the property was again photographed and a subsequent letter forwarded to the owners on 25 October 2002, again advising the owners of the activities of storage of the second hand materials was a breach of the City’s Town Planning Scheme No 6 and the Local Government Act 1995.

On 20 November 2002 further correspondence and a Local Government Notice was served by pre paid post to property owners giving the owners /occupiers 28 days from the date of the notice, to remove these items specified in the notice and attached photographs from the property.

On Monday 25 November 2002 a meeting was conducted between the Planning Compliance Officers and Mr De La Rie about the above issues on the mentioned property. It was agreed at this meeting that the Motor Vehicles on the said property could remain however the remaining second hand materials had to be removed from the property, or moved back behind the building setback line and the area appropriately screened to Council’s satisfaction.

However since the meeting and on site visits on 19 December 2002 and again on 3 January 2003 only minor changes (ie lattice was placed on the front fence line of the property and part of the shelving on the front driveway had been moved back towards the carport), had occurred on the property with the majority of the second-hand materials still remaining on the front set back area of the property.

**DISCUSSION**

From the complaints and evidence available to the City it is clear the owner of 159 William Street, Beckenham has been storing items on the property since at least 7 November 2000.

The City has provided adequate opportunity for the property owner, Mr De La Rie and Ms Vella, to cease the non-permitted activities and remove from the property the items that constitute “Storage” at 159 William Street, Beckenham.

**FINANCIAL IMPLICATIONS**

Legal fees, funds for which have been budgeted, should be recouped in part, subject to a favourable ruling by the Courts.
STAFF RECOMMENDATION AND COUNCIL RESOLUTION

65 Moved Cr MD Devereux Seconded Cr R Croft

“That Council authorise the Director of Planning and Sustainability to initiate legal proceedings against Richard Theo De La Rei and Antoinette Arlene Vella of 159 William Street, Beckenham, being the owners of 159 (Lot 313) William Street, Beekenham, for:

1. Failure to comply with notice issued pursuant to Section 3.25(1) of the Local Government Act 1995 to remove the accumulation of disused equipment and materials from the property thereby contravening Section 3.25(6) of that Act; and

2. Permitting and/or using the property of 159 William Street, Beekenham, for Storage being a use class not permitted within a residential zoning. Such activity is contrary to Clause 12.4 of the City’s Town Planning Scheme No. 6 and Section 10(4)(a)(ii) of the Town Planning and Development Act 1928 as amended.”

FOR: Cr S Iwanyk, Cr C Matison, Cr J Brown, Cr MD Devereux, Cr R Croft, Cr AJ Smith, Cr O Searle, Cr A Pisano, Cr S Moss and Cr PM Morris.

AGAINST: Nil.

CARRIED 10/0

9.46pm - Cr R Mitchell returned to the meeting.

Notaion

The Mayor, upon the return of Cr R Mitchell to the meeting, advised that Council had endorsed the staff recommendation as contained in the Agenda.
12.5.21 INITIATION OF LEGAL PROCEEDINGS - FAILURE TO COMPLY WITH LOCAL GOVERNMENT ACT NOTICE AND TOWN PLANNING SCHEME NO. 6 BREACH OF NON PERMITTED USE CLASS OF “STORAGE” - 4 (LOT 120) YALE ROAD, THORNLIE

File: 202176
Name: Colin David Sullivan
Location: 4 (Lot 120) Yale Road, Thornlie
Zoning: MRS: Urban
Scheme No.6: Residential (17.5)
Appeal Rights: None
Previous Ref: Nil
Area: 986m²

PURPOSE OF REPORT

For Council to authorise the Director of Planning and Sustainability to initiate legal proceedings against Colin David Sullivan of 4 Yale Road, Thornlie being the owners of 4 Yale Road, Thornlie, for:

(a) Failure to comply with a notice issued pursuant to section 3.25(1) of the Local Government Act 1995 to remove the accumulation of disused equipment and materials from the property thereby contravening section 3.25(6) of that Act; and

(b) Permitting and/or using the property of 4 Yale Road, Thornlie for “Storage” being a use class not permitted within a Residential zoning. Such activity is contrary to Clause 12.4 of the City’s Town Planning Scheme No. 6 (TPS 6) and section 10(4)(a)(ii) of the Town Planning and Development Act 1928 as amended.

BACKGROUND

A complaint was received by the City on 24 September 2002 regarding the untidiness of the subject property. The property was visited and photographed on 8 October 2002 and a letter forwarded to the owner/occupier on 10 October 2002 advising the use of the property for the accumulation of disused second hand materials and motor vehicles was a breach of the Local Government Act 1995.

As a result of this a letter was sent on Tuesday 6 November 2002 advising that the property was still not conducive to the amenity of the area and the accumulation of second hand materials made it apparent that the yard was being used for “Storage” and where breaches under TPS 6 and the Local Government Act 1995, and was granted a further extension of 14 days to cease the activities and to comply with TPS 6 and the Local Government Act.

Planning Compliance Officers conducted another site inspection on Wednesday 27 November 2002 and on this occasion found a male person standing near a motor vehicle on the property. The City’s officer then approached this person whom on seeing

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the Officer entered his vehicle and asked the officer to move his vehicle so he could leave the site. The officers asked this person if he was the owner of the property in which he replied the owner was in the house. On knocking on the door it was found that no one answered and the male person then drove off in his vehicle. On 27 November 2002 further correspondence and a Local Government Notice was served by pre paid post to property owners giving the owners/occupiers 28 days from the date of the notice, to remove these items specified in the notice and attached photographs from the property.

As a result of this Notice being served a male person contacted the office on Wednesday 11 December 2002 and gave only the name of Mark. He was very abusive to the City’s staff and a file note was recorded on the context of the conversation. This person was again notified that the said items mentioned and depicted in the photographs had to be removed or screened from the street and a failure to do this would result in the owner and occupier being liable to a request to be placed before the next available Ordinary Council Meeting for consideration of instigating legal proceedings against them.

The property since this date had been inspected by City’s staff on various occasions and during this time no effort had been made by the owner/occupier to remove items or to cease the activities of storage on the above mentioned property.

### DISCUSSION

From the complaint and evidence available to the City it is clear the owner of 4 Yale Road, Thornlie, has been storing items on the property since at least 24 September 2002.

The City has provided adequate opportunity for the property owner, Mr Colin David Sullivan, to cease the non-permitted activities and remove from his property the items that constitute a storage from his property at 4 Yale Road, Thornlie.
FINANCIAL IMPLICATIONS

Legal fees, funds for which have been budgeted, should be recouped in part, subject to a favourable ruling by the Courts.

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<tr>
<th>STAFF RECOMMENDATION AND COUNCIL RESOLUTION</th>
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66 Moved Cr S Moss Seconded Cr A Pisano

“That Council authorise the Director of Planning and Sustainability to initiate legal proceedings against Colin David Sullivan of 4 Yale Road, Thornlie being the owner of 4 Yale Road, Thornlie, for:

1. Failure to comply with a notice issued pursuant to section 3.25(1) of the Local Government Act 1995 to remove the accumulation of disused equipment and materials from the property thereby contravening section 3.25(6) of that Act; and

2. Permitting and/or using the property of 4 Yale Road, Thornlie, for “Storage” being a use class not permitted within a Residential zoning. Such activity is contrary to Clause 12.4 of the City’s Town Planning Scheme No. 6 and section 10(4)(a)(ii) of the Town Planning and Development Act 1928 as amended.”

CARRIED 11/0

FOR: Cr S Iwanyk, Cr C Matison, Cr J Brown, Cr MD Devereux, Cr R Croft, Cr AJ Smith, Cr R Mitchell, Cr O Searle, Cr A Pisano, Cr S Moss and Cr PM Morris.

AGAINST: Nil.
12.5.22 REQUEST TO RENAME A PORTION OF THORNLI AS FOREST LAKES
(Item Brought Forward – Refer to Item 10)

The above item was brought forward in accordance with paragraph (9) of Sub-Clause
2.15.4 of the City of Gosnells Standing Orders Local Law 1998 and is relocated under
Item 10 “Items Brought Forward for the Convenience of those in the Public Gallery” as
the eighth report in these Minutes.
12.5.23 NATIONAL PLANNING CONGRESS: LEADING DIVERSITY – ADELAIDE 31 MARCH TO 2 APRIL 2003

PURPOSE OF REPORT

To advise and to seek the approval of Council for an Elected Member and the Director Planning and Sustainability to attend the National Planning Congress: Leading Diversity, in Adelaide, South Australia from 31 March to 2 April 2003.

BACKGROUND

The National Planning Congress is the annual conference of the Planning Institute of Australia, which is the peak professional body for Town Planning. Attendance at the conference allows Council to keep abreast of trends, participate in policies of the institute and network with senior practitioners and agencies.

DISCUSSION

The theme for the 2003 Congress is “Leading Diversity” and focuses on the need for change in planning which was previously focused on creating homogenous environments towards creating diverse and dynamic urban form. A conference outline is included in the Appendix 12.5.23A. No provision is made for attendance at additional tours.

The Planning Institute of Australia have advised Council it has become a finalist in the 2003 National Planning Awards for Excellence. The two projects nominated for an Award are the Robinson Park Redevelopment Proposal and secondly the SafeCity Urban Design Strategy. The Award Ceremony, which will take place on Monday 31 March 2003, at the Adelaide Convention Centre, forms part of the Planning Institute of Australian National Planning Congress: Leading Diversity.

FINANCIAL IMPLICATIONS

The estimated cost of attending this event per person is as follows:

- Registration $745
- Flight $576
- Accommodation $672
- Expenses $187

Total $2,180

This expenditure can be met from Account 40401.110.1023 and 30403.1810.1023 (Training and Conferences) for attendance by an Elected Member and staff member respectively.
STAFF RECOMMENDATION

Moved Cr MD Devereux Seconded Cr A Pisano

That Council authorise Councillor ______________ and the Director of Planning and Sustainability or his delegate to attend the National Planning Congress: Leading Diversity to be held in Adelaide from Monday 31 March 2003 to Wednesday 2 April 2003 inclusive for an approximate cost of $2,181.32 per person with funds being met from Account No. 40401.110.1023 and 30403.110.1023 respectively.

Amendment

In light of there being no nomination for a Councillor to attend the National Planning Congress: Leading Diversity, Cr A Pisano moved the following amendment to the staff recommendation:

Moved Cr A Pisano Seconded Cr J Brown

That the staff recommendation be amended by deleting the words “Councillor ______________ and” where they appear in the first line after the word “authorise”, deleting the words “per person” where they appear in the fifth line after the figure “$2,181.32”, deleting the numerals and word “40401.110.1023 and” where they appear in the sixth line after the words “Account No.” and deleting the word “respectively” where it appears in the sixth line after the numerals “30403.110.1023”, with the amended recommendation to read:

“That Council authorise the Director of Planning and Sustainability or his delegate to attend the National Planning Congress: Leading Diversity to be held in Adelaide from Monday 31 March 2003 to Wednesday 2 April 2003 inclusive for an approximate cost of $2,181.32 with funds being met from Account No. 30403.110.1023.”

CARRIED 10/1

FOR: Cr S Iwanyk, Cr C Matison, Cr J Brown, Cr MD Devereux, Cr R Croft, Cr AJ Smith, Cr R Mitchell, Cr O Searle, Cr A Pisano and Cr PM Morris.

AGAINST: Cr S Moss.

The amendment was put and carried with the amendment becoming the substantive motion. The Mayor then put the substantive motion, which reads:
COUNCIL RESOLUTION

67  Moved Cr A Pisano Seconded Cr J Brown

“That Council authorise the Director of Planning and Sustainability or his delegate to attend the National Planning Congress: Leading Diversity to be held in Adelaide from Monday 31 March 2003 to Wednesday 2 April 2003 inclusive for an approximate cost of $2,181.32 with funds being met from Account No. 30403.110.1023.”

CARRIED 10/1

FOR:  Cr S Iwanyk, Cr C Matison, Cr J Brown, Cr MD Devereux, Cr R Croft, Cr AJ Smith, Cr R Mitchell, Cr O Searle, Cr A Pisano and Cr PM Morris.

AGAINST:  Cr S Moss.
12.6 REGULATORY SERVICES

12.6.1 HEALTH SERVICES ANNUAL REPORT 2001/2002

File: A1/1/26/2 (PE) (rpt003Feb03)

Appendix: 12.6.1A Health Services Annual Report 2001/2002

PURPOSE OF REPORT

To present to Council the Health Services Annual Report 2001/2002 prior to forwarding to the Executive Director Public Health.

BACKGROUND

Section 38 of the Health Act 1911 (as amended) provides that:

“Every local government shall, in the prescribed form, during the month of February in every year, and at such other times as the Executive Director, Public Health may direct, report to the Executive Director, Public Health concerning the sanitary conditions of its district, and all works executed and proceedings taken by the local government.”

DISCUSSION

The City’s Health Services Branch continues to maintain a high profile in environmental health practice in Western Australia. This annual report relates directly to the City of Gosnells Health Plan 1999-2003 and meets the objectives of the Health Act 1911 (as amended). The City of Gosnells Health Plan provides strategic direction for the City’s Health Services Branch and consists of twelve key program areas. The annual report addresses each of these.

The City’s Health Services Branch achievements during the year were:

- Development and implementation of a Health Services Branch Quality Management System.

- Ongoing professional development for all Health staff which included representation on a number of external and internal professional and technical committees and attendance at various conferences, training courses and seminars.

- A comprehensive review of Health Services Branch procedures, forms and guidelines and the production of a new manual in accordance with the new Health Services Branch Quality Management System.

- Maintaining performance in the top ten performing local governments in Western Australia in terms of the total number of food samples as part of the Local Health Authorities Analytical Committee food sampling program.
• Strengthening of partnerships with the Armadale Health Service, WA AIDS Council, Canning Division of GPs, the East Metropolitan Population Health Unit (Department of Health), Centre for Research for Women, Just 4 Research and other government agencies.

• Ongoing assessment of Health Services Branch goals, activities and programs in order to meet new challenges, directions and developments in environmental health in conjunction with community needs and expectations.

In particular, the Health Services Branch continued to play an active and important role in integrating public and environmental health practice into the City’s Strategic Plan and sustainable development principles. The traditional environmental health role of local government, is widely recognised as making a significant contribution to improving, promoting and protecting the health of our communities, however, what is less well recognised is the impact local government can have on the social determinants of health through its administration, decision making and various Town Planning Schemes.

Council has recognised this by embarking on an innovative Community Health Needs Study in partnership with the East Metropolitan Population Health Unit (Department of Health), Centre for Research for Women and Just 4 Research. The study commenced in December 2001 and it is expected that it will provide future direction for improving the health, well being and quality of life for current and future generations of residents within the City.

**FINANCIAL IMPLICATIONS**

Nil.

**STAFF RECOMMENDATION**

*Moved Cr MD Devereux Seconded Cr A Pisano*

That Council forward the City of Gosnells Health Services Branch Annual Report 2001/2002 (attached as Appendix 12.6.1A) to the Executive Director, Public Health pursuant to Section 38 of the Health Act 1911 (as amended).

**Additional Motion**

*During debate Cr C Matison moved the following additional motion to the staff recommendation in acknowledgment of the report:*

“That the staff of the City of Gosnells Health Department be complimented on the quality of the report and the excellent work achieved during the past 12 months.”

*Cr J Brown seconded Cr Matison’s proposed additional motion.*
At the conclusion of debate the Mayor put Cr Matison’s additional motion, which reads:

COUNCIL RESOLUTION

68 Moved Cr C Matison Seconded Cr J Brown

“That the staff of the City of Gosnells Health Department be complimented on the quality of the report and the excellent work achieved during the past 12 months.”

CARRIED 11/0

FOR: Cr S Iwanyk, Cr C Matison, Cr J Brown, Cr MD Devereux, Cr R Croft, Cr AJ Smith, Cr R Mitchell, Cr O Searle, Cr A Pisano, Cr S Moss and Cr PM Morris.

AGAINST: Nil.

The Mayor then put the staff recommendation, which reads:

STAFF RECOMMENDATION AND COUNCIL RESOLUTION

69 Moved Cr MD Devereux Seconded Cr A Pisano

“That Council forward the City of Gosnells Health Services Branch Annual Report 2001/2002 (attached as Appendix 12.6.1A) to the Executive Director, Public Health pursuant to Section 38 of the Health Act 1911 (as amended).”

CARRIED 11/0

FOR: Cr S Iwanyk, Cr C Matison, Cr J Brown, Cr MD Devereux, Cr R Croft, Cr AJ Smith, Cr R Mitchell, Cr O Searle, Cr A Pisano, Cr S Moss and Cr PM Morris.

AGAINST: Nil.
12.6.2  COMPLIANCE AUDIT RETURN FOR 1 JANUARY 2002 TO 31 DECEMBER 2002

File:  T8/2/1 (TP) Rpt001Feb03
Appendix:  12.6.2A Completed Return

PURPOSE OF REPORT

To inform Councillors of this Authority’s status in relation to the Local Government Compliance Audit Return and recommend its adoption.

BACKGROUND

The Department of Local Government several years ago introduced a voluntary Statutory Compliance Return in order to gain an indication of local government commitment towards a system of internal control and monitoring of statutory obligations. On 23 April 1999 the completion of such returns became obligatory with amendment to the Local Government (Audit) Regulations 1996.

DISCUSSION

The return, which is generally distributed in the first quarter of the calendar year provides staff with a guide and monitoring mechanism to assist in compliance with their day to day functions.

In accordance with Regulation 14(3) of the above regulations the completed compliance audit return for the period 1 January to 31 December 2002 (refer Appendix 12.6.2A) is to be presented to, and adopted by Council.

A copy of the return certified by both the Mayor and the Chief Executive Officer, along with an extract of the Minutes of the meeting at which it was dealt with containing the resolution of Council, is to be forwarded to the Director General, Department of Local Government and Regional Development by 31 March next following the period to which the return relates.

As can be noted from the completed return this local government has satisfied the requirements listed with the exception of Item 5 of Section (b) for which explanatory commentary has been provided.

FINANCIAL IMPLICATIONS

Nil.
70 Moved Cr J Brown Seconded Cr S Moss

“That Council adopt the Compliance Audit Return for Local Government for the period 1 January 2002 to 31 December 2002, as contained in Appendix 12.6.2A and a copy be forwarded to the Department of Local Government.”

CARRIED 11/0

FOR: Cr S Iwanyk, Cr C Matison, Cr J Brown, Cr MD Devereux, Cr R Croft, Cr AJ Smith, Cr R Mitchell, Cr O Searle, Cr A Pisano, Cr S Moss and Cr PM Morris.

AGAINST: Nil.
13. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

13.1 REFERENDUM ON ABOLITION OF WARD BOUNDARIES (Item Brought Forward – Refer to Item 10)

The above item was brought forward in accordance with paragraph (9) of Sub-Clause 2.15.4 of the City of Gosnells Standing Orders Local Law 1998 and is relocated under Item 10 “Items Brought Forward for the Convenience of those in the Public Gallery” as the sixth report in these Minutes.

13.2 BRIXTON STREET BRIDGE – LOSS OF AMENITY TO RESIDENTS

The following motion was proposed by Cr R Mitchell during “Notices of Motion for Consideration at the Following Meeting” at the Ordinary Council Meeting held 17 December 2002 for inclusion in “Motions of Which Previous Notice Has Been Given” of the 11 February 2003 Ordinary Council Meeting.

MOTION

That Council assist the residents who back onto the new Brixton Street Bridge (over the Roe Highway) in regard to their “loss of amenity” because of the installation of this bridge and its approaches.

COUNCILLOR COMMENT

As can be seen from a photo attached to a letter tabled earlier in this meeting (17 December 2002) the blocking of the view, which once took in the Darling Ranges, and the result they have ended up with, the residents in this area believe they have suffered “loss of amenity” and ask the City of Gosnells for help, advice and guidance to try and achieve the best possible outcome in regards to the situation they now find themselves in.

PROPOSED MOTION

Moved Cr R Mitchell Seconded Cr S Moss

That Council assist the residents who back onto the new Brixton Street Bridge (over the Roe Highway) in regard to their “loss of amenity” because of the installation of this bridge and its approaches.

Amendment

During debate Cr O Searle moved the following amendment to the proposed motion above:

“That the motion be amended by inserting the word “continue” after the word “Council” where it appears in the first line and inserting the words
“with advice and guidance” after the words “(over the Roe Highway)” where they appear in the second line, with the amended motion to read:

“That Council continue to assist the residents who back onto the new Brixton Street Bridge (over the Roe Highway) with advice and guidance in regard to their “loss of amenity” because of the installation of this bridge and its approaches.”

Cr MD Devereux Seconded Cr Searle’s proposed amendment.

At the conclusion of debate the Mayor put Cr Searle’s proposed amendment, which reads:

**Moved Cr O Searle Seconded Cr MD Devereux**

That the motion be amended by inserting the word “continue” after the word “Council” where it appears in the first line and inserting the words “with advice and guidance” after the words “(over the Roe Highway)” where they appear in the second line, with the amended motion to read:

“That Council continue to assist the residents who back onto the new Brixton Street Bridge (over the Roe Highway) with advice and guidance in regard to their “loss of amenity” because of the installation of this bridge and its approaches.”

CARRIED 10/1

**FOR:** Cr S Iwanyk, Cr C Matison, Cr J Brown, Cr MD Devereux, Cr R Croft, Cr R Mitchell, Cr O Searle, Cr A Pisano, Cr S Moss and Cr PM Morris.

**AGAINST:** Cr AJ Smith.

The amendment was put and carried with the amendment becoming the substantive motion. The Mayor then put the substantive motion, which reads:

**COUNCIL RESOLUTION**

**71 Moved Cr O Searle Seconded Cr MD Devereux**

“That Council continue to assist the residents who back onto the new Brixton Street Bridge (over the Roe Highway) with advice and guidance in regard to their “loss of amenity” because of the installation of this bridge and its approaches.”

CARRIED 10/1

**FOR:** Cr S Iwanyk, Cr C Matison, Cr J Brown, Cr MD Devereux, Cr R Croft, Cr R Mitchell, Cr O Searle, Cr A Pisano, Cr S Moss and Cr PM Morris.

**AGAINST:** Cr AJ Smith.
13.3 FUNDING OPTIONS FOR WIDENING OF NICHOLSON ROAD

The following motion was proposed by Cr R Mitchell during “Notices of Motion for Consideration at the Following Meeting” at the Ordinary Council Meeting held 17 December 2002 for inclusion in “Motions of Which Previous Notice Has Been Given” of the 11 February 2003 Ordinary Council Meeting.

**MOTION**

That Council investigate funding sources to widen Nicholson Road between the roundabout at Yale Road and the Western side of the Freight railway crossing on Nicholson Road for inclusion in the 2003/2004 budget and works program.

**COUNCILLOR COMMENT**

Due to the congestion that is already occurring at this spot and the expected opening of the Roe Highway extension to Nicholson Road in January 2003.

This road project has been noted as a priority and associated with Roe Highway extension.

**STAFF COMMENT**

Refer to Item 12.4.4.

**PROPOSED MOTION**

That Council investigate funding sources to widen Nicholson Road between the roundabout at Yale Road and the Western side of the Freight railway crossing on Nicholson Road for inclusion in the 2003/2004 budget and works program.

LAPSED DUE TO LACK OF MOVER AND SECONDER

13.4 GOSNELLS LIBRARY SITE – REPORT REQUEST

The following motion was proposed by Cr MD Devereux during “Notices of Motion for Consideration at the Following Meeting” at the Ordinary Council Meeting held 17 December 2002 for inclusion in “Motions of Which Previous Notice Has Been Given” of the 11 February 2003 Ordinary Council Meeting.

**MOTION**

That a report be presented on the possibility of future rezoning of the Gosnells Library Site to allow a convention centre and or accommodation project to the floor height exceeding 7 floors so as to attract business to our business centre.
COUNCILLOR COMMENT

For economic development and future employment in the City.

STAFF COMMENT

A proposal to have either a convention centre or an accommodation project exceeding 7 storeys to attract business would require further significant investigation.

Key areas of consideration include:

- The current Town Planning Scheme No.6, and directly linked to this, the Gosnells Town centre Revitalisation Urban Design Guidelines, dictate for a mixed-use building a maximum height restriction of 3 storeys. Thus, 7 storeys or greater would be contrary to the approved guidelines and require a decision of Council to exceed 3 storeys.

- The feasibility of a convention centre in this location would need to be undertaken. Such a feasibility and demand analysis study would consider the impact on the market of the Perth Convention and Entertainment Centre, currently under construction, Burswood, and smaller convention facilities in Fremantle and City West.

- The physical scale and use of any new development is important to consider. Particularly, cognisance should be taken of its interface with the proposed Town Square development, the new Civic Complex, Pioneer Park and the rest of the town centre.

- A development of such a scale (either over 7 storeys or a large building type, such as a convention centre) would generate significant traffic movement. A detailed analysis of projects traffic movements and impact on the town centre traffic flows.

PROPOSED MOTION

Moved Cr MD Devereux Seconded Cr S Moss

That a report be presented on the possibility of future rezoning of the Gosnells Library Site to allow a convention centre and or accommodation project to the floor height exceeding 7 floors so as to attract business to our business centre.

Amendment

During debate Cr MD Devereux moved the following amendment to the proposed motion above to enable the issue to be forwarded to Strategic Planning for discussion and advice into improving economic development in our City in accordance with our proposed Economic Development Plan re employment, tourism and accommodation:
That the motion be amended by inserting the words “and that the proposal be forwarded to Strategic Planning for further enquiries” after the word “centre” where it appears at the end of the motion, with the amended motion to read:

“That a report be presented on the possibility of future rezoning of the Gosnells Library Site to allow a convention centre and or accommodation project to the floor height exceeding 7 floors so as to attract business to our business centre and that the proposal be forwarded to Strategic Planning for further enquiries.”

Cr R Croft Seconded Cr MD Devereux’s proposed amendment.

At the conclusion of debate the Mayor put Cr Devereux’s proposed amendment, which reads:

**Moved Cr MD Devereux Seconded Cr R Croft**

That the motion be amended by inserting the words “and that the proposal be forwarded to Strategic Planning for further enquiries” after the word “centre” where it appears at the end of the motion, with the amended motion to read:

“That a report be presented on the possibility of future rezoning of the Gosnells Library Site to allow a convention centre and or accommodation project to the floor height exceeding 7 floors so as to attract business to our business centre and that the proposal be forwarded to Strategic Planning for further enquiries.”

CARRIED 9/2

FOR: Cr C Matison, Cr MD Devereux, Cr R Croft, Cr AJ Smith, Cr R Mitchell, Cr O Searle, Cr A Pisano, Cr S Moss and Cr PM Morris.

AGAINST: Cr S Iwanyk and Cr J Brown.

The amendment was put and carried with the amendment becoming the substantive motion. The Mayor then put the substantive motion, which reads:

**COUNCIL RESOLUTION**

72 **Moved Cr MD Devereux Seconded Cr R Croft**

“That a report be presented on the possibility of future rezoning of the Gosnells Library Site to allow a convention centre and or accommodation project to the floor height exceeding 7 floors so as to attract business to our business centre and that the proposal be forwarded to Strategic Planning for further enquiries.”

CARRIED 9/2

FOR: Cr C Matison, Cr MD Devereux, Cr R Croft, Cr AJ Smith, Cr R Mitchell, Cr O Searle, Cr A Pisano, Cr S Moss and Cr PM Morris.

AGAINST: Cr S Iwanyk and Cr J Brown.
13.5 VERGE MOWING – REPORT REQUEST

The following motion was proposed by Cr MD Devereux during “Notices of Motion for Consideration at the Following Meeting” at the Ordinary Council Meeting held 17 December 2002 for inclusion in “Motions of Which Previous Notice Has Been Given” of the 11 February 2003 Ordinary Council Meeting.

**MOTION**

That a report be presented to Council to advise on what verge mowing the City does and advise where, when and at what cost.

**COUNCILLOR COMMENT**

To allow the Councillors to see the spread of verge mowing.

**PROPOSED MOTION**

*Moved Cr MD Devereux Seconded Cr S Moss*

That a report be presented to Council to advise on what verge mowing the City does and advise where, when and at what cost.

**LOST 0/11**

**FOR:** Nil.

**AGAINST:** Cr S Iwanyk, Cr C Matison, Cr J Brown, Cr MD Devereux, Cr R Croft, Cr AJ Smith, Cr R Mitchell, Cr O Searle, Cr A Pisano, Cr S Moss and Cr PM Morris.

13.6 RAINWATER TANKS – GUIDELINES

The following motion was proposed by Cr MD Devereux during “Notices of Motion for Consideration at the Following Meeting” at the Ordinary Council Meeting held 17 December 2002 for inclusion in “Motions of Which Previous Notice Has Been Given” of the 11 February 2003 Ordinary Council Meeting.

**MOTION**

That Council produce and supply for the community, guidelines for the use of and servicing of rainwater tanks.

**COUNCILLOR COMMENT**

As per newspaper articles in support of rainwater tanks in NSW State of Australia.
STAFF COMMENT

The Department of Health has produced guidelines for the use of and servicing of rainwater tanks in the form of the pamphlet entitled “Is the Water in Your Rainwater Tank Safe to Drink?”

These pamphlets have been produced since 1996 with the City’s Health Services Branch distributing them to member of the public as required. The pamphlets are also available on the Department of Health website on www.public.health.wa.gov.au.

The pamphlets contain useful information on the safety of drinking water from rainwater tanks, reducing pollution, maintenance, desludging, chlorination and other useful information.

COUNCIL RESOLUTION

 Moved Cr MD Devereux Seconded Cr AJ Smith

That Council produce and supply for the community, guidelines for the use of and servicing of rainwater tanks.

FOR: Nil.

AGAINST: Cr S Iwanyk, Cr C Matison, Cr J Brown, Cr MD Devereux, Cr R Croft, Cr AJ Smith, Cr R Mitchell, Cr O Searle, Cr A Pisano, Cr S Moss and Cr PM Morris.

Cr R Mitchell, due to owning an investment property in William Street, disclosed a Financial Interest in the following item in accordance with Section 5.60 of the Local Government Act 1995.

10.11pm – Cr R Mitchell left the meeting.

13.7 WILLIAM STREET – FUNDING OPTIONS TO RE-ESTABLISH AS A RESIDENTIAL STREET

The following motion was proposed by Cr R Croft during “Notices of Motion for Consideration at the Following Meeting” at the Ordinary Council Meeting held 17 December 2002 for inclusion in “Motions of Which Previous Notice Has Been Given” of the 11 February 2003 Ordinary Council Meeting.

MOTION

That Council refer to item 13.1 of this meeting and investigate funding sources for inclusion of this project in the 2003/2004 budget and works program to re-establish William Street as a residential street.
COUNCILLOR COMMENT

Due to the marked reduction in traffic using William Street, Beckenham since the opening of Roe Highway to the Kenwick Link and the expected further reduction of traffic after the Roe Highway extension to Nicholson Road is opened in January 2003.

PROPOSED MOTION

Moved Cr R Croft Seconded Cr S Moss

That Council refer to item 13.1 of this meeting and investigate funding sources for inclusion of this project in the 2003/2004 budget and works program to re-establish William Street as a residential street.

Amendment

During debate Cr AJ Smith moved the following amendment to the proposed motion above, as although he supported the proposed motion, he felt that the same criteria should be applied across the City as the extension of Roe Highway has affected other streets within the City:

“That the motion be amended to include all areas that have been affected by the extension of Roe Highway within the City of Gosnells."

The Mayor advised Cr Smith that his proposed amendment could not be accepted as the original motion proposed by Cr Croft at the 17 December 2002 Ordinary Council Meeting was specific to William Street and the proposed amendment constituted a separate motion.

Cr Smith subsequently withdrew his proposed amendment and advised that he would submit a notice of motion for consideration at a future meeting through the appropriate channels.

Amendment

During debate Cr PM Morris suggested the following amendment to the proposed motion above to ensure consistency with past practice that budgetary matters be brought forward to Council for consideration, with the Mover of the original motion, Cr R Croft, agreeing to the amendment:

“That the motion be amended by deleting the word “inclusion” where it appears in the second line after the word “for” and substituting it with the word “consideration”, with the amended motion to read:

“That Council refer to item 13.1 of this meeting and investigate funding sources for consideration of this project in the 2003/2004 budget and works program to re-establish William Street as a residential street.”
Cr S Moss, Seconder of the original motion, agreed to the amendment.

At the conclusion of debate the Mayor put the proposed amendment, which reads:

**Moved Cr R Croft Seconded Cr S Moss**

That the motion be amended by deleting the word “inclusion” where it appears in the second line after the word “for” and substituting it with the word “consideration”, with the amended motion to read:

“That Council refer to item 13.1 of this meeting and investigate funding sources for consideration of this project in the 2003/2004 budget and works program to re-establish William Street as a residential street.”

CARRIED 9/1

FOR: Cr S Iwanyk, Cr C Matison, Cr MD Devereux, Cr R Croft, Cr AJ Smith, Cr O Searle, Cr A Pisano, Cr S Moss and Cr PM Morris.

AGAINST: Cr J Brown.

The amendment was put and carried with the amendment becoming the substantive motion. The Mayor then put the substantive motion, which reads:

**COUNCIL RESOLUTION**

**73 Moved Cr R Croft Seconded Cr S Moss**

“That Council refer to item 13.1 of this meeting and investigate funding sources for consideration of this project in the 2003/2004 budget and works program to re-establish William Street as a residential street.”

CARRIED 9/1

FOR: Cr S Iwanyk, Cr C Matison, Cr MD Devereux, Cr R Croft, Cr AJ Smith, Cr O Searle, Cr A Pisano, Cr S Moss and Cr PM Morris.

AGAINST: Cr J Brown.

10.20pm - Cr R Mitchell returned to the meeting.

**Notation**

The Mayor, upon the return of Cr R Mitchell to the meeting, advised that Council had made minor amendment prior to endorsing the motion.
13.8 MADDINGTON ROTARY CLUB – NOT INVITED TO 2002 ANNUAL DINNER

The following motion was proposed by Cr O Searle during “Notices of Motion for Consideration at the Following Meeting” at the Ordinary Council Meeting held 17 December 2002 for inclusion in “Motions of Which Previous Notice Has Been Given” of the 11 February 2003 Ordinary Council Meeting.

**MOTION**

That Council be given an explanation as to why, after a long history of inviting each Rotary Club to the City to send a representative to Council’s Annual Dinner, the Maddington Rotary Club was not invited to the 2002 Dinner and how does this equate with Council’s espoused intent of fostering partnerships with the local community.

**COUNCILLOR COMMENT**

The Thornlie Club has recently made a magnificent gift towards the wheeled sports facility in Thornlie. I would hope that Maddington Rotary would seek to support a similar venture in the Bickley area.

**Notation**

During debate, Cr J Brown due to being ex past president of the Maddington Rotary Club but not a financial Rotarian currently, disclosed an Impartiality Interest in the following item in accordance with Regulation 34C of the Local Government (Administration) Regulations 1996.

**COUNCIL RESOLUTION**

74 Moved Cr O Searle Seconded Cr S Moss

“That Council be given an explanation as to why, after a long history of inviting each Rotary Club to the City to send a representative to Council’s Annual Dinner, the Maddington Rotary Club was not invited to the 2002 Dinner and how does this equate with Council’s espoused intent of fostering partnerships with the local community.”

CARRIED 7/4

FOR: Cr S Iwanyk, Cr C Matison, Cr J Brown, Cr MD Devereux, Cr O Searle, Cr AJ Smith and Cr S Moss.

AGAINST: Cr A Pisano, Cr R Mitchell, Cr R Croft and Cr PM Morris.
13.9 REFERENDUM ON ABOLITION OF WARD BOUNDARIES

The following motion was received in writing from Cr R Mitchell in accordance with Clause 2.27(1) of the City of Gosnells Standing Orders Local Law 1998 for inclusion in “Motions of Which Previous Notice Has Been Given” of the 11 February 2003 Ordinary Council Meeting.

**MOTION**

That Council declare, in accordance with Section 4.20(4) of the Local Government Act 1995, the Electoral Commissioner to be responsible for the conduct of a referendum to be held in conjunction with the May 2003 ordinary Election, to determine the support for and against the abolition of ward boundaries within the City of Gosnells.

(SPECIAL MAJORITY REQUIRED)

**COUNCILLOR COMMENT**

Due to time consideration for the May 2003 election, this motion is needed to enable Council to progress to a referendum if the motion at 13.1 already put forward by myself is successful.

**STAFF COMMENT**

Refer to Item 13.1.

**PROPOSED MOTION**

That Council declare, in accordance with Section 4.20(4) of the Local Government Act 1995, the Electoral Commissioner to be responsible for the conduct of a referendum to be held in conjunction with the May 2003 ordinary Election, to determine the support for and against the abolition of ward boundaries within the City of Gosnells.

LAPSED DUE TO LACK OF A MOVER AND SECONDER

13.10 SUSTAINABLE COMMUNITIES INITIATIVE

The following motion was received in writing from Cr M Devereux in accordance with Clause 2.27(1) of the City of Gosnells Standing Orders Local Law 1998 for inclusion in “Motions of Which Previous Notice Has Been Given” of the 11 February 2003 Ordinary Council Meeting.
**MOTION**

That the next sustainable communities initiative be for Gosnells, Huntingdale and Southern River kennel area to be started after the completion of the Maddington and Kenwick Initiative.

**COUNCILLOR COMMENT**

This would allow a review of the older parts of Gosnells, Huntingdale and the kennel area to be upgraded with input of the community and SafeCity guidelines.

**STAFF COMMENT**

A Sustainability Strategy is being developed for the whole of the City of Gosnells through Council's Policy and Strategy Business Unit. It is considered appropriate that the establishment of priorities for Urban Regeneration needs to be based on community input and strategic assessment. It is suggested that this discussion should occur through the review of Council's Strategic Plan.

**PROPOSED MOTION**

**Moved Cr MD Devereux Seconded Cr S Moss**

That the next sustainable communities initiative be for Gosnells, Huntingdale and Southern River kennel area to be considered after the completion of the Maddington and Kenwick Initiative.

**Amendment**

During debate Cr MD Devereux moved the following amendment to the proposed motion above in accordance with the agenda item and staff comment:

“That the motion be amended by deleting the word “started” and substituting it with the word “considered”, with the amended motion to read:

“That the next sustainable communities initiative be for Gosnells, Huntingdale and Southern River kennel area to be considered after the completion of the Maddington and Kenwick Initiative.”

**Cr AJ Smith Seconded Cr Devereux’s proposed amendment.**

At the conclusion of debate the Mayor put Cr Devereux’s proposed amendment, which reads:

**Moved Cr MD Devereux Seconded Cr AJ Smith**

That the motion be amended by deleting the word “started” and substituting it with the word “considered”, with the amended motion to read:
“That the next sustainable communities initiative be for Gosnells, Huntingdale and Southern River kennel area to be considered after the completion of the Maddington and Kenwick Initiative.”

CARRIED 11/0

FOR:  Cr S Iwanyk, Cr C Matison, Cr J Brown, Cr MD Devereux, Cr R Croft, Cr AJ Smith, Cr R Mitchell, Cr O Searle, Cr A Pisano, Cr S Moss and Cr PM Morris.

AGAINST:  Nil.

The amendment was put and carried with the amendment becoming the substantive motion. The Mayor then put the substantive motion, which reads:

COUNCIL RESOLUTION

75   Moved Cr MD Devereux Seconded Cr AJ Smith

“That the next sustainable communities initiative be for Gosnells, Huntingdale and Southern River kennel area to be considered after the completion of the Maddington and Kenwick Initiative.”

CARRIED 11/0

FOR:  Cr S Iwanyk, Cr C Matison, Cr J Brown, Cr MD Devereux, Cr R Croft, Cr AJ Smith, Cr R Mitchell, Cr O Searle, Cr A Pisano, Cr S Moss and Cr PM Morris.

AGAINST:  Nil.
14. NOTICES OF MOTION FOR CONSIDERATION AT THE FOLLOWING MEETING

14.1 CLARIFICATION ON FINANCIAL COSTS OF COMPENSATION AND MANAGEMENT OF CONSERVATION AREAS - REPORT REQUEST

Cr C Matison proposed the following motion for inclusion in “Motions of Which Previous Notice Has Been Given” of the 25 February 2003 Ordinary Council Meeting agenda.

PROPOSED MOTION FOR 25 FEBRUARY 2003 AGENDA

That Council seek clarification from the Minister for Environmental Protection in regard to the financial costs of compensation and management of conservation areas as declared in the Bush Forever Plan and any other areas nominated by the relevant State agencies to be preserved for environmental reasons and that a report be presented to Council on the outcome.

COUNCILLOR COMMENT

For the information of Council.

14.2 ERS SITE IN MADDINGTON – REPORT REQUEST

Cr O Searle proposed the following motion for inclusion in “Motions of Which Previous Notice Has Been Given” of the 25 February 2003 Ordinary Council Meeting agenda.

PROPOSED MOTION FOR 25 FEBRUARY 2003 AGENDA

That a report be presented to Council as soon as possible to include:

(i) the date when all industrial waste was cleared from the ERS site in Maddington;

(ii) an explanation on whether the Council had any advice from ERS regarding planned upgrades, and if so, the report to include details of any upgrade plan submitted to Council by ERS;

(iii) the report to ascertain if the Mayor was aware of the outcomes of the meeting held on 7 October 2002 between the City of Gosnells, EMPR, Department of Health, FESA and ERS.
14.3 SECURITY PATROLS QUESTIONNAIRE IN RATES NOTICES

Cr S Moss proposed the following motion for inclusion in “Motions of Which Previous Notice Has Been Given” of the 25 February 2003 Ordinary Council Meeting agenda.

**PROPOSED MOTION FOR 25 FEBRUARY 2003 AGENDA**

That Council include in rates notices a questionnaire asking ratepayers to indicate their support or otherwise to the Council introducing security patrols in our City.

**COUNCILLOR COMMENT**

I believe the residents of the City of Gosnells should be given the opportunity to express their opinion on such an important issue.

14.4 INCREASE IN KANGAROOS IN MARTIN – REPORT REQUEST

Cr J Brown proposed the following motion for inclusion in “Motions of Which Previous Notice Has Been Given” of the 25 February 2003 Ordinary Council Meeting agenda.

**PROPOSED MOTION FOR 25 FEBRUARY 2003 AGENDA**

That a report be presented to Council on the increase of kangaroos in the Martin area, in particular Hayward Road and Pitt Streets, Martin.

**COUNCILLOR COMMENT**

Complaints have been received from residents in the area, regarding kangaroos breaking fencing and grazing on irrigated pastures.

15. URGENT BUSINESS (by permission of Council)

Nil.
16. CONFIDENTIAL MATTERS

Notation

To enable closure of the meeting to members of the public to allow discussion of confidential matters Cr R Croft moved the following motion:

**COUNCIL RESOLUTION**

76 Moved Cr R Croft Seconded Cr C Matison

“That Council declare the meeting closed to members of the public at 10.39pm to allow for discussion of confidential matters in accordance with Section 5.23(2)(c) of the Local Government Act 1995.”

CARRIED 11/0

FOR: Cr S Iwanyk, Cr C Matison, Cr J Brown, Cr MD Devereux, Cr R Croft, Cr AJ Smith, Cr R Mitchell, Cr O Searle, Cr A Pisano, Cr S Moss and Cr PM Morris.

AGAINST: Nil.

10.39pm - Members of the Public left the meeting.

16.1 TENDER 52/2002 SALE AND DEVELOPMENT OF LOTS 1363 AND 1582 AND LOCATION 976 HARPENDEEN STREET, HUNTINGDALE

File: TEN 52/2002 (PW) purpt002Feb03(a)

Previous Ref: OCM 12 February 2002 (Resolutions 55-57)
OCM 23 April 2002 (Resolution 268)

Attachment: 16.1A Confidential Report

A confidential report on the above matter is contained in Appendix 16.1A. The confidential report has not been distributed to members of the public.

**STAFF RECOMMENDATION AND COUNCIL RESOLUTION**

77 Moved Cr A Pisano Seconded Cr R Mitchell

“That Council award Tender No. 52/2002 to DBB Pty Ltd being an offer of $2,052,000 for the Sale and Development of Lots 1363 and 1582 and Location 976 Harpenden Street, Huntingdale, and agree to the Special Conditions of Sale stipulated by the tenderer in the tender submission at Appendix 16.1A, Attachment A.”

CARRIED BY ABSOLUTE MAJORITY 7/4

FOR: Cr C Matison, Cr J Brown, Cr R Croft, Cr AJ Smith, Cr R Mitchell, Cr A Pisano and Cr PM Morris.

AGAINST: Cr S Iwanyk, Cr MD Devereux, Cr O Searle and Cr S Moss.

10.43pm - At the conclusion of Confidential matters Cr R Croft moved the following motion:
COUNCIL RESOLUTION

78 Moved Cr R Croft Seconded Cr MD Devereux

“That Council re-open the meeting to members of the public at 10.43pm.”

CARRIED 11/0

FOR: Cr S Iwanyk, Cr C Matison, Cr J Brown, Cr MD Devereux, Cr R Croft, Cr AJ Smith, Cr R Mitchell, Cr O Searle, Cr A Pisano, Cr S Moss and Cr PM Morris.

AGAINST: Nil.

10.43pm – Members of the public returned to the meeting.

Notation

Upon re-opening the meeting to members of the public the Mayor advised that Council had endorsed the staff recommendation as contained within the Confidential Report for the benefit of those present in the public gallery.

17. CLOSURE

The Mayor declared the meeting closed at 10.44pm.