

**CITY OF GOSNELLS**  
**ORDINARY COUNCIL MEETING**  
**8 JULY 2003**

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*PLEASE NOTE: Diagrams, Maps and Plans and Appendices are not 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, City of Gosnells Administration Centre, 2120 Albany Highway, Gosnells on Tuesday 8 July 2003.

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## **OPENING AND WELCOME**

The Mayor declared the meeting open at 7.32pm 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  
DEPUTY MAYOR  
COUNCILLORS

P M MORRIS AM JP  
R CROFT  
W BARRETT  
A J SMITH APM  
P WAINWRIGHT  
R MITCHELL  
S MOSS  
O SEARLE JP  
C MATISON  
J BROWN JP  
S IWANYK  
D GRIFFITHS

**STAFF**

CHIEF EXECUTIVE OFFICER  
COMMUNITY SERVICES DIRECTOR  
CORPORATE SERVICES DIRECTOR  
INFRASTRUCTURE DIRECTOR  
PLANNING & SUSTAINABILITY DIRECTOR  
REGULATORY SERVICES DIRECTOR  
MINUTE SECRETARY

MR S JARDINE  
MS A COCHRAN  
MR R BOUWER  
MR D HARRIS  
MR R HAEREN  
MR T PERKINS  
MS A CRANFIELD

**PUBLIC GALLERY**

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**1. APOLOGIES**

Nil.

**2. DECLARATIONS OF INTEREST**

Cr S Iwanyk declared an Impartiality Interest in item 11.1 “SafeCity Task Force”.

**Reason:** A Council delegate to SafeCity Task Force.

Cr S Iwanyk declared an Impartiality Interest in item 11.2 “City of Gosnells RoadWise Committee”.

**Reason:** Deputy delegate to RaodWise Committee.

Cr AJ Smith declared an Impartiality Interest in item 11.1 “SafeCity Task Force”.

**Reason:** Member of SafeCity Task Force Committee.

Cr AJ Smith declared an Impartiality Interest in item 11.2 “City of Gosnells RoadWise Committee”, in particular Appendix 11.2B.

**Reason:** Member of RoadWise Committee.

Cr PM Morris, Mayor declared an Impartiality Interest in item 11.1 “SafeCity Task Force”.

**Reason:** SafeCity Task Force meeting.

Cr R Mitchell declared an Impartiality Interest in item 11.1 “SafeCity Task Force”.

**Reason:** Chairman of SafeCity Committee.

### **3. ANNOUNCEMENTS BY THE MAYOR**

(without discussion)

The Mayor circulated to Councillors a list of functions and events she had attended since Tuesday 26 June 2003.

The Mayor announced that on Sunday 29 June 2003 she attended the Dutch Cultural Festival, a magnificent multicultural event, held at the Don Russell Performing Arts Centre, which was attended by 270 to 300 people. She commended the City’s Multicultural Development Officer (*Mr Valery Niazov*) who coordinated the event.

The Mayor announced that today (*Tuesday 8 July 2003*), she attended a signing ceremony for the Memorandum of Understanding between South West Aboriginal Land and Sea Council and the Western Australian Local Government Association, witnessed by the Hon. John Kobelke, Minister for Indigenous Affairs.

### **4. REPORTS OF DELEGATES**

Cr C Mation reported that on Thursday 3 July 2003, representing the Mayor, she along with Cr D Griffiths attended the City of Perth’s Council House for the official presentation of Milestone Four of the Cities for Climate Protection. She added that the Director Planning and Sustainability and the City’s Environmental Coordinator, Mr Wayne Van Lieven were also in attendance and applauded the efforts of staff who had contributed to the City achieving the award.

Cr J Brown reported that on 26 June 2003, representing the Mayor, she attended the 25<sup>th</sup> Anniversary Luncheon of the City of Gosnells Historical Society advising all those in attendance were very pleased with achieving such a milestone.

Cr J Brown reported that on 4 July 2003 she attended a forum at the Armadale Health Services Community Advisory Council and will provide, in the Councillors Common Room, information on the role of the Council and minutes of meetings for interested Councillors.

Cr J Brown extended a sincere vote of thanks to Mr Geof Gale who passed away on the 19 June 2003. Mr Gale was a representative from Swan Tafe on the City's Business Incubator Development Group and had a great knowledge and considerable input into the group and will be sadly missed by all.

## **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**

### 24 June 2003 Ordinary Council Meeting

The following questions were posed at the 24 June 2003 Ordinary Council Meeting with the responses as already provided to the correspondents listed accordingly:

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

*Q1 Are Council aware that a company is proposing a transfer station and brick crushing facility with the capacity to create noise and dust on Lot 281 Kelvin Road? Will Council seriously consider the residents of Kenwick whose homes are built, with Council approval only 250 metres to the rear of this property? Does this fall within the City's guidelines regarding the type of industry which will be aesthetically pleasing and will the CEO Mr Jardine stand by his statement, made when he took office, "That the well being of the people come first"?*

**Response:** In reply to Mr Baxter, the Director Planning and Sustainability provided the following written response on 7 July 2003:

**“Proposed Waste Transfer Station - 42 (Lot 281) Kelvin Road, Maddington**

I refer to your recent query regarding the abovementioned proposal raised at Council’s Ordinary Meeting held on 24 June 2003.

Please be advised that a formal development application regarding the abovementioned proposal has been submitted to the City for processing. However, prior to the City determining the development application, the proposal has been referred to the Department for Environmental Protection (DEP) for consideration.

Your concerns regarding potential noise and dust are noted. The City also considers these issues as important considerations. However, such issues are being addressed by the DEP. For your information, the DEP have required the proponents of the proposal to undertake a community consultation process and have also required the proponent to submit detailed information regarding noise emissions, etc.

I advise that the City will not determine the proposal until the DEP have provided their completed assessment and have provided recommendations to the City.

In response to your query regarding the suitability of the proposed land use (ie. waste facility) on the subject land, the subject site is zoned General Industry under Council’s Town Planning Scheme No. 6 (TPS 6). The purpose of the General Industry zone is:

*“To provide for manufacturing industry, the storage and distribution of goods and associated uses, which by nature of their operations should be separated from residential areas.”*

Under the provisions of TPS 6, such a use is considered to be a “general industry” land use that may be entertained within the General Industry zone.

Should you have specific queries regarding processes being undertaken by the DEP (regarding the subject proposal), you may contact Michael Allen on 6250-8013.

Should you have further queries regarding the abovementioned, please contact Neil Teo on 9391-3243.”



- \* Mr Brian Dark, on behalf of himself and Ms Mignonne Marsh, of 13 Lowanna Road, Martin asked the following questions in relation to item 12.5.2 “Development Application - Television Antenna 102 (Lot 7) Connell Avenue, Martin” of the agenda:

*Q 1 Referring to premise (d). Council officers claim that another premise upon which their retrospective approval of this Building Licence was based, is the 2 years odd that the subject mast had illegally been in existence prior to the sanctioning it. Did Council make any inquiry to ascertain why such a time delay might have occurred? Were they able to detect from sources such as that old standby, “staff knowledge”, that the adversely affected female neighbour was not an M.E. suffering invalid pensioner, sole, supporting parent with 2 older teenagers providing her already health distressed life with further servings of trauma, such as caused her to verge on another complete health breakdown. How were Council able to determine this without ever speaking to this neighbour, Mignonne Marsh? If they weren’t so aware, why did they not inquire, prior to retrospectively approving an illegal structure based partilly upon a premise that because of time lapse the adversely affected neighbour was unconcerned? This is plainly what the wording of premise (d) insinuates.*

*How did Council determine as insinuated by this premise that the two years went by simply it would seem because the neighbour was unconcerned about it, the affected neighbour?*

*Q 2 Referring to premise (e). While acknowledging that landowners generally place a high value on unobstructed views, Premise (e) is based on a “perception” that views cannot be inherently owned. “Perception” is defined as “insight, intuition, or knowledge gained by perceiving”. Which insightful, intuitive and knowledgeable staff members of this Council took it upon themselves to “perceive” such a real estate devaluing notion?*

*While the air and land space outside the owner’s property may not be owned.*

**Response:** In reply to Mr Dark, the Manager City Planning provided the following written response on 8 July 2003:

**“Television Antenna - 102 (Lot 7) Connell Avenue, Martin**

In response to questions raised at the Ordinary Meeting of Council held on 24 June 2003, regarding the report item relating to the above matter, I wish to advise the following:

***Point (a)******Where is the evidence that this structure does comply with the Building Code of Australia and has proof been produced to the Councillors?***

Site investigation by Council officers confirmed that the number of stay wires provided and type of construction appeared sufficient to meet structural requirements. Further, the plans submitted detailing construction and wire stays was assessed by Council's Building Services and determined to comply with structural requirements of the BCA resulting in issue of a building licence. All Councillors receive a copy of the agenda prior to the matter being considered at the Council meeting. All documentation relating to the subject site including the building licence is available to the Councillors on request.

***Point (b)******Query what source other than "staff knowledge" that many other antenna in the Martin area were installed without Council approval?***

The number of building applications for television antennae in the Martin area received and processed over the past 20 years does not match the number of existing antennae in the area. From this it can be deduced that antennae have been installed without building approval.

***Point (c)******Why were effected neighbours NOT canvassed prior to issue of BL by Council, if rights of ALL ratepayers are to be considered equally?***

For the reasons outlined in the report as to why the building licence was issued (i.e. Points a) to e) the proposal was not referred to adjoining landowners. Also the prime intent of a building licence is assessment of compliance with BCA requirements.

***Point (d)******Query regarding why Council didn't inquire as to why time delay between construction of antenna and complaint received, prior to retrospective approval of building licence on basis that adversely affected neighbour was unconcerned?***

It is acknowledged that Council officers did not investigate why a complaint had not been lodged despite the antenna having been in existence for over 2 years. In general, it is Council practice that the absence of a complaint is generally taken as an indication that there is insufficient concern raised by the potentially affected landowner to request Council to investigate the matter. This position is reflected in

Council's public consultation procedures where a non-response to a referral is taken to indicate a non-objection.

*Point (e)*

***Query regarding perception that views cannot be owned? In fairness to all ratepayers, adversely affected neighbours views should be sought and considered rather than rely on a unilateral decision of Council officers?***

It is the staff understanding of Common Law that unless a specific legal instrument exists (eg a restricted covenant) then views do not have legal protection.

If you have any queries in relation to this matter, please contact me (9391 3307) or Sarah Christie (9391 3314)."

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

*Q 2 In relation to item 13.1 "Former Maddington Golf Course Site Workshops – report request", what is the criteria required for attendance at the forthcoming former Ex-Maddington Golf Course workshops, due to convene next month?*

**Response:** In reply to Mr Hitchins, the Manager City Planning provided the following written response on 7 July 2003:

**"Former Maddington Golf Course Advisory Committee Workshops**

I refer to your enquiry regarding the above matter raised at 'Public Question Time' at the Ordinary Council Meeting held on 24 June 2003.

In response I advise that in April 2000 the City of Gosnells called for nominations from members of the community to serve on the Maddington Advisory Committee to carry out a review of the future options for use of the site. Membership of the committee specifically included representatives of the Bickley Ward Progress and Ratepayers Association. In July 2000 Mr John Henderson and Mr Ralph Hibble attended the first meeting of the Former Maddington Golf Course Advisory Committee as representatives of the Bickley Ward Progress and Ratepayers Association and since that inaugural meeting the Bickley Ward Progress and Ratepayers Association has had representation on the Advisory Committee.

In September 2002, the City established a community Reference Group and a Youth Reference group to provide input to the advisory Committee in the development of a design brief for the future use of the site.

In April 2003, Council adopted the recommendation of the Advisory Committee to engage a consultant to work with members of the committee to produce a Master Plan for the future use of the site. It was agreed by the Advisory Committee that process would include the consultant convening a series of three workshops with members of the Advisory Committee and the two Reference Groups. The rationale for this approach is that Council had formerly appointed all workshop members to their respective groups as community representatives. Additionally they have been involved in the project for a period of time and are subsequently conversant with the range of issues involved.

Given the above factors it is considered by the committee that one of the crucial elements of the project is the requirement for continuity which will be best facilitated by ensuring that the workshops comprise of community representatives who have ongoing involvement and knowledge of the project.

The workshops are scheduled to take place on 14 August 2003, 21 August 2003 and 28 August 2003 at the City of Gosnells Administration Building commencing at 6.00pm.

The draft Master Plan that is scheduled for completion in September 2003 will be required to be adopted by Council prior to implementation, this process will entail a “public comment” period during which members of the public can make comment on the Plan.”

## **5.1 QUESTION TIME**

- \* Mr Laurence Douglas of Lot 285 Fairlie Road, Canning Vale asked the following questions in relation to item 12.5.6 “West Canning Vale (Campbell Estate) Outline Development Plan” of the agenda:

Q 1 In view of the fact that we still do not have an approved ODP for the Campbell Estate, and whilst I support his right to proceed, I would like to know why the owner of Lot 1 has been given permission to proceed with a development when it was my impression that Lot 1 was included in the area of the ODP for the West Canning Vale area. Is there a separate rulebook for him?

**Response:** The Director Planning and Sustainability advised that Lot 1 went through a separate environmental assessment as part of a separate rezoning process that was conducted prior to the development of the Outline Development Plan. It is on that basis that they are able to proceed and we have included them in the overall scope of the Outline Development Plan in the interests of coordinated development.

- Q 2 When questioned about Harvest Lakes, a state owned development in Atwell released about a month ago and which is actively promoting lakes as a dominant feature, the response sent to me on 19 June 2003 from the Director of Planning and Sustainability admitted for the first time in 3 years that “lined open water bodies can be considered” as an ornamental feature in the ODP. Why then has Council spent the last 3 years negotiating with Waters and Rivers Commission to prevent open water bodies from being included in this estate?

**Response:** The Director Planning and Sustainability advised the essence is that lined ornamental bodies can be considered, but not as part of the fundamental drainage network. He understood that on a number of occasions where this had been discussed and where examples had been drawn, there was a distinction between utilising water bodies, particularly where they are embedded into the groundwater system as part of the compensating system. The interests of living streams is to avoid the use of open water bodies, however, it does not totally exclude them. It should be noted this is a policy of the Waters and Rivers Commission, not of Council, and based on the enquiry that has been made a letter has been sent to the Waters and Rivers Commission seeking clarification on that point.

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

- Q 1 Are Council aware that Lot 281 Kelvin Road, the proposed site of a transfer station and brick crushing facility, was reported to be a contaminated site in December 2001? Has the site since been remediated as Brightstar’s General Manager Mr Bill Lazarus said they were unwilling commercially to take on this liability?

**Response:** The Director Planning and Sustainability advised the question would be taken on notice with a written response to be provided.

#### Notation

*The Mayor addressed Mr Donald Lill, who had submitted a question time form. The Mayor advised that she would not allow his question this evening, as it was similar to the question he posed at the recent Budget Meeting and on numerous occasions in the past. She believed there was nothing further to be added as in her opinion staff had previously provided the information sought. The Mayor requested that Mr Lill submit his question in writing to the Chief Executive Officer and if it was found that it had not been previously responded to, only then would a response be provided.*

## 5.2 PUBLIC STATEMENTS

- \* Mr Bob Watson of Forest Lakes Drive, Thornlie made a public statement in relation to item 12.4.2 “Fees and charges review”. In speaking against staff recommendation 16 contained in the agenda, Mr Watson read aloud an email from Pat Smith, District Commissioner Baiyai Scout District questioning the validity of the information contained in the staff report relating to current and future projections for membership of the Scout Association of Western Australia.
- \* Mr Laurence Douglas of Lot 285 Fairlie Road, Canning Vale made a public statement in relation to item 12.5.6 “West Canning Vale (Campbell Estate) Outline Development Plan” speaking against the proposed Outline Development Plan detailed in the agenda. He expressed the view that the process had been delayed deliberately by staff throughout the years, which has resulted in far more stringent environmental provisions being placed on the development of the land.

## 6. CONFIRMATION OF MINUTES

COUNCIL RESOLUTION
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### 453 Moved Cr R Mitchell Seconded Cr P Wainwright

“That the Minutes of the Ordinary Council Meeting held on 24 June 2003, be confirmed.”

CARRIED 12/0

*FOR: Cr W Barrett, Cr R Croft, Cr AJ Smith, Cr P Wainwright, Cr R Mitchell, Cr S Moss, Cr O Searle, Cr C Matison, Cr J Brown, Cr S Iwanyk, Cr D Griffiths and Cr PM Morris.*

*AGAINST: Nil.*

COUNCIL RESOLUTION
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### 454 Moved Cr S Iwanyk Seconded Cr J Brown

“That the Minutes of the Special Council Meeting held on 1 July 2003, be confirmed.”

CARRIED 12/0

*FOR: Cr W Barrett, Cr R Croft, Cr AJ Smith, Cr P Wainwright, Cr R Mitchell, Cr S Moss, Cr O Searle, Cr C Matison, Cr J Brown, Cr S Iwanyk, Cr D Griffiths 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 a letter and petition initiated by Pam Littlewood of Unit 1, 1 Chesteron Drive, Thornlie containing 24 signatures in relation to traffic speed calming devices on Chesteron Drive. The petition stated:

*“We the undersigned electors of the City of Gosnells request a traffic speed calming device be erected on Chesteron Drive where it joins Ovens Road for the following reasons:*

*To discourage vehicles cutting the corner into Chesteron Drive, for the safety of pedestrians (mainly school children and residents property. One brick wall already flattened by car).”*

The petition will be forwarded to relevant staff for preparation of a report for presentation to Council.

- \* Cr AJ Smith presented a letter from Mrs Sylvia Spicer of 3 Gravity Street, Beckenham, Secretary of the Tri-Chaplaincy Committee, thanking Council for its continuing support with explanatory notes on the role of the Committee, a Chaplaincy Report and Minutes of the Youthcare Yule Brook meeting held on 12 June 2003 attached.

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

- \* Cr R Mitchell presented a letter from Mr Alan Wheatley of 146 Harpenden Street, Huntingdale objecting to the concreting of permanent covers and the verandah at Langford Sporting Complex used by Gosnells District Little Athletics, requesting the areas remain grassed for the safety of the athletes.

Cr R Mitchell apologised for the delay in presenting the letter, which will be forwarded to relevant staff for investigation and provision of an appropriate response to Mr Wheatley.

Notation

*At this point in the meeting Cr R Mitchell declared an Impartiality Interest in item 11.1 “SafeCity Task Force” due to being Chairman of the SafeCity Committee.*

- \* Cr S Moss presented a petition and covering letter from Julie Jackson of 20 Vanda Place, Maddington, Council Liaison for Maddington Junior Football Club containing approximately 183 signatures in relation to Maddington Recreational Ovals. The petition stated:

*“We the undersigned, request that Council approve the much needed reticulation of both Maddington Recreational Ovals. This is an urgent priority and practical saving which would prove its worth, and be of benefit to all users of the facility. It is labour saving, water saving and cost efficient, as has been proven with the reticulation of all other sporting ovals in the City of Gosnells.”*

The petition will be forwarded to relevant staff for investigation and written response to Julie Jackson, the person named on the covering letter of the petition.

#### Notation

*The petition submitted was not in accordance with the provision of Clauses 2.26(1)(a) and (f) of the City of Gosnells Standing Orders Local Law 1998 as it was not addressed to the Mayor and did not state, on the petition itself, the name and address of the person upon whom notice to the petitioners can be given.*

- \* Cr J Brown presented a letter from Sue Devereux of 22 Danohill Street, Huntingdale, Leader 2<sup>nd</sup> Thornlie Brownies Guides, 1<sup>st</sup> Thornlie Guides and Coordinator Duke of Edinburgh Award in relation to item 12.4.2 “Fees and Charges Review” of the agenda opposing staff recommendation 16 to increase hire fees for Scouts and Guides.

Cr Brown presented the letter for the information of Councillors.

- \* Cr J Brown presented two emails received 6 and 7 July 2003 respectively from Pat Smith of 26 Aldinga Street, Kenwick, District Commissioner Baiyai Scout District in relation to item 12.4.2 “Fees and Charges Review” of the agenda opposing staff recommendation 16 to increase hire fees for Scouts and Guides.

Cr Brown presented the letter for the information of Councillors.

## **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
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**455 Moved Cr J Brown Seconded Cr S Moss**

“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 12.4.2 Fees and charges review; and
- \* Item 12.5.6 West Canning Vale (Campbell Estate) Outline Development Plan.”

CARRIED 12/0

*FOR: Cr W Barrett, Cr R Croft, Cr AJ Smith, Cr P Wainwright, Cr R Mitchell, Cr S Moss, Cr O Searle, Cr C Matison, Cr J Brown, Cr S Iwanyk, Cr D Griffiths and Cr PM Morris.*

*AGAINST: Nil.*

**12.4.2 FEES AND CHARGES REVIEW**

File: C5/1/2 (RW) RW7.1a  
Previous Ref: OCM 26 November 2002 Item 12.4.1  
Appendix: 12.4.2A Schedule of Fees and Charges  
12.4.2B Financial Analysis  
12.4.2C List of Definitions

**PURPOSE OF REPORT**

To have Council adopt the recommendations of the City of Gosnells Fees and Charges Review for Community and Recreation Facilities.

**BACKGROUND**

The initial report submitted to Council on 26 November 2002 resulted in Council Resolution 930, which reads:

*“That Council refer item 12.4.1 “Fees and Charges Review” of the 26 November Ordinary Council Meeting back for a workshop to be held with Councillors and staff.”*

The workshop took place on 12 June 2003 with twelve participants.

**DISCUSSION**

The review of the City of Gosnells’ current schedule of fees and charges has found that there is no need for a rapid and all encompassing change. Instead the review has shown that incremental change within the schedule is the best way to address the existing concerns of inequity, clarity and flexibility.

The philosophy as outlined in the review was *“That the model adopted by the City will assist in the facilitation of diverse lifestyles for residents, assist in the provision of quality facilities and leisure experiences, ensure equity and accessibility, encourage diversity of opportunity and be flexible and progressive.”*

The purpose of the City’s schedule of fees and charges has been defined as one that:

- Improves fairness and equity,
- Maximises opportunity of use,
- Encourages positive user attitudes,
- Assists in the regulation of facility use,
- Contributes to cost recovery and assist in the efficient use of financial resources.

Workshops were undertaken involving Councillors and the Executive Team of the City of Gosnells and current active reserve and hall user groups. As a result of this review a number of issues were identified. These included:

- Charging of juniors;
- Concessions and discounts;
- Clarification of policy areas;
- Promotion of facilities; and
- Seeking to achieve a balance between the fees levied and the capacity to pay of user groups.

Recommended changes to the existing model include the following:

- Increasing casual hire fees for active reserves.
- Introduction of a schedule of fees for the use of floodlighting on active reserves.
- Removal of fees relating to the use of passive reserves.
- Introduction of a schedule of fees for the use of the City's active and passive reserves for events.
- Increasing the hire rates for halls by a standardised amount.
- Adjusting the age limit of juniors from 16 years to 18 years of age.

When reviewing the list of recommendations contained in the Fees and Charges Review report to the Ordinary Council Meeting of 26 November 2002, it was apparent that many were operational matters such as data gathering and the full implementation of the Class Software to assist with the management of the reserves and facilities. Other recommendations listed no action at all i.e. *“That no changes be made to the current fees charged for the use of the Hard Courts within the City of Gosnells, including the Langford Netball courts”*.

These items were removed from the list of recommendations to streamline the process. There remains a total of 16 recommendations addressing all areas of the review.

The recommendations and a brief explanation follow. They have been grouped into recommendations pertaining to active reserves, passive reserves, management, hall hire and special instances such as the Horticultural Society and the Scouts and Guides.

#### Recommendation 1

*“That Council approve the amalgamation of the existing fees for Riding Clubs and Archery into a single fee listed as “Individual Senior Sports – Per Season” and that junior fees relating to these activities be included within the existing junior fee as identified in the Fees and Charges Schedule Review attached as Appendix 12.4.2A.”*

This is purely for the streamlining of the fee structure and allows for greater diversity should new individual sports commence within the City of Gosnells such as orienteering.

#### Recommendation 2

*“That Council approve an increase in the fees for the casual use of active reserves, as detailed in the Fees and Charges Schedule Review attached as Appendix 12.4.2A to bring the City’s fee in line with the current market level.”*

Casual users have a choice and may have many options for their usage of facilities and venues within the City of Gosnells. As they are often not regular users of the facilities their sense of ownership is reduced. Research has shown the City of Gosnells applies a lower than market rate for the reserves for casual use. A higher rate has been recommended to reflect market trends and assist with any additional costs borne from casual use.

#### Recommendation 3

*“That Council adopt a new age limit to define junior participants involved in the use of active reserves of 18 years of age.”*

There does not appear to be any standardisation across the local governments researched. Even between sports there are large differences in what constitutes junior age. Given the high percentage of students who do not conclude their education until their 17 year at the least, the recommendation makes physical activity affordable when costs associated with many other items such as their education are increasing. The item was of high importance to the community in their feedback. It was suggested that the increased costs were a factor in the fall out rate of this age group.

#### Recommendation 4

*“That Council approve the implementation of a schedule of fees for the use of floodlighting on active reserves as detailed in the Fees and Charges Schedule Review attached as Appendix 12.4.2A.”*

The review has established that the City of Gosnells does not currently have a schedule of fees relating to the use of the floodlighting provided at its active reserves. At this point in time the use of floodlighting is paid through the purchase of tokens or is not paid for at all.

As a result, a schedule of fees and charges for the use of floodlighting on available reserves has been developed, with fees based on operating costs and charged on an hourly basis. Floodlighting would be invoiced based on the bookings of the club/group using the reserve at night.

## Recommendation 5

*“That Council approve that the Turf Wicket casual hire fee be decreased to \$220 (from \$275) as detailed in the Fees and Charges Schedule Review attached as Appendix 12.4.2A.”*

This will allow the City of Gosnells to be competitive in the market place. This fee would be used to attract events such as Country Week Cricket and encourage additional usage and promotion of the local facility.

## Recommendation 6

*“That Council approve the removal all hire fees relating to the casual use of the City’s passive reserves.”*

An event is determined in the report as ‘An event is defined as any event approved by Council, either indoor or outdoor, where large numbers of persons assemble for sporting, entertainment or community purposes and shall include, but not limited to, outdoor concerts, shows, fairs, festivals, exhibitions and similar like events’.

This will allow events such as family gatherings, birthday parties to proceed without fees where the event is not considered to be a large number of people.

## Recommendation 7

*“That Council introduce a new schedule of fees relating to the use of the City’s passive and active reserves for community events as detailed in the Fees and Charges Schedule Review attached as Appendix 12.4.2A.”*

This recommendation has been made on the basis that the City does not currently have a fee structure that relates to the use of the City’s active or passive reserves for large community events.

The proposed fee structure identifies three different event categories, community public event (no entry charge), community public event (with an admission fee) and commercial public events. A refundable bond has also been included in the proposed fee structure to cover any damage to the reserve, which may occur as a result of its use and has been scaled, depending on the type of event. The fees have been categorised in terms of half and full days, as these are considered to be the most common duration for such bookings. The fees cover the hire of the reserve only, and any additional costs for site inspections by City of Gosnells Officers, supply of rubbish bins and any other costs related to the hire, will be paid by the hirer.

The proposed fee structure offers clarity which will assist in its understanding by the public and administration by the City.

## Recommendation 8

*“That the annual fee for Croquet be increased from \$1,513.60 by 10% to \$1,664.96 and that the City investigate alternative management models for the management of the Croquet facility.”*

The current annual fee of \$1,513.60 for the use of the croquet facilities equates to only 5.6% recovery of maintenance costs. To meet the City's policy of 10% maintenance cost recovery the per annum fee would need to be increased to \$2,158.10.

Given the amount of the proposed increase in the annual fee, it is recommended that the increase be applied at the same rate as the Hall and Facility Hire fees of 10%.

The management of the facility needs to be reviewed, as the facility is sport specific. There needs to be support to investigate alternative methods of reducing Councils contribution to the facility.

## Recommendation 9

*“That Council approve the following changes to the City of Gosnells terms and conditions for the use of halls:*

- 1. That the City allows its annual hirers a fourteen day cancellation period.*
- 2. That the conditions relating to cleaning highlight that cleaning must occur within the nominated time period booked. Failure to do so will lead to the additional time being taken from the bond or invoiced separately.*
- 3. That a clause be included that states at no time is the sub-leasing of a hall to a third party permitted.”*

The inclusion of the above items clarifies Councils position when hiring a facility to a user group. Until now the items were not defined within any document and needed to be included to inform clients and protect Council.

## Recommendation 10

*“That Council approve the replacement of the existing fee for the use of the City’s halls for functions after midnight with the standard evening fee.”*

Market analysis has shown that few local government authorities charge a function rate after midnight. It is also difficult to justify the increased fee for the use of the City's buildings after midnight, as the costs associated with the provision of these facilities does not change at midnight. In addition to this very few function bookings extend beyond midnight, consequently this fee is not used.

## Recommendation 11

*“That Council approve an increase of 10% in the hourly rate for the use of the City’s halls by all user groups as identified in the Fees and Charges Schedule Review attached as Appendix 12.4.2A.”*

It was the recommendation of the Councillor and Executive Committee Workshop that all existing Hall-Hire Fees be increased by a standard 10% across the board. It was felt that this was a more equitable approach than escalating the commercial groups fees by a greater amount than the community groups.

## Recommendation 12

*“That Council introduce an “Evening per hour - Junior/Senior” fee for the use of the City’s halls as identified in the Fees and Charges Schedule Review attached as Appendix 12.4.2A.”*

A discounted fee for juniors and seniors for evening rates is to be introduced. This will complement the discounted rate already in place for users, both commercial and community servicing juniors and seniors during the day. The evening discount rate is 20% rounded to the nearest ten cents.

## Recommendation 13

*“That Council adopt the definitions listed in Appendix 12.4.2C of the report, for commercial user groups, community user groups, functions, junior, pensioner, facility day rate hire and facility evening rate hire be adopted.”*

This is purely to provide clarification of the terms and a detailed list has been provided in the appendices to this report.

## Recommendation 14

*“That Council undertake an annual review of the Fees and Charges Schedule as part of the annual Budget process.”*

One of the largest concerns about the increases is the time lapse between reviews of the Fees and Charges Schedule. There has been much debate over the levels of increases as the Consumer Price Index has increased over 20% since the last review of hall hire fees.

It has been pointed out at the Councillor and Executive Workshop that it is not the fault of the users that the fees have not changed. A large increase to address the widening gap between expenses and income will not be easily absorbed by most of the groups. It is obvious that several small increases over a long period are easier to handle than one large increase every five or so years. It is recommended that the Council review its Fees and Charges annually in order to keep pace with Consumer Price Index increases.

## Recommendation 15

*“That Council recognise the diversity of its client base and allow for Special Fees to be applied for events such as the Horticultural Show by Council Resolution. The fee will be reviewed each year and the applicants encouraged to review their operation and management of the event to reduce the reliance on Council support.”*

Concerns have been raised regarding specialist bookings such as the Horticultural Society who book venues twice per annum at reduced rates, while charging entrance fees. A process should be established where Council has the ability to assess each case on its merits recognising that some groups may need to apply to Council with a rationale and supporting evidence to allow Council to endorse the fee reduction.

The application should include a section on how the group is planning to reduce their reliance on funding from Council. It is important to encourage groups to look at all areas of their operations and streamline or create alternative sources of income rather than relying on Councils support each year.

## Recommendation 16

*“That Council remove the existing discounted hire fee for the use of the City’s halls by Scouts and Guides and replace the fee with the existing community fee for juniors as identified in the Fees and Charges Schedule Review attached as Appendix 12.4.2A.”*

This recommendation brings the Scouts and Guides into line with all junior user groups within the City of Gosnells. Many issues were considered and have been tabled at both the workshop and within the report. A brief summary of the points is as follows:

- Current fee is \$4.95 per hour for any facility used by the Scouts and Guides, established in 1997 as an interim measure. This represented a reduction for all but three groups who maintained the same rate as prior to 1995.
- Under the fee recommendation groups servicing juniors will pay \$8.50 per hour until 6.00 pm and \$13.50 per hour after 6.00 pm.
- Scouts and Guides have cited the contribution made to the costs of extending facilities. This is not denied, but the contributions are similar to those made by groups utilising the CSRFF Grants paying one third of their costs.
- There is a dedicated hall on Robinson Park which is used by the 1<sup>st</sup> Gosnells Scout Group under a lease to the Scout Association of Western Australia.
- Special category fees were considered as the Scouts and Guides are registered charities with the Australian Taxation Office. The impact across the facility users is that we also have 48 churches, multicultural groups and disability services groups plus 16 schools who may be able to apply for assistance under this specialist rate scheme and the economic impact could be significant.



- There is a question of access and equity. The City of Gosnells have many groups within its boundaries that work with youth and deliver services in a similar vein to Scouts and Guides. Council needs to be very cautious about making value judgements that may suggest to the community that they value the services of one group over another by allowing a discount for the Scouts and Guides and not others such as the Boogurlarri and New Start Bible Ministries Youth Group, who have a similar rationale for existence – to assist youth to gain life and community skills and awareness.
- According to the state bodies, within the City of Gosnells there are 315 scouts and guides plus 53 leaders, giving a total of 368 people. Of this 120 participants are using either leased, or management committee run facilities.
- The review has suggested management and operational reviews to ensure operational efficiency within groups. The same would apply to these groups. Perhaps there needs to be some rationalisation by the groups themselves to combine or blend their packs to form more economically sound groups. This may already be occurring within some groups. While the facility hire fees are a significant part of their operational costs, surely there would be other benefits such as a reduction in the potential for volunteer burnout, improved purchase capacities and shared resources that could be beneficial to all involved.
- The Scout Association of Western Australia has researched the membership projections for the scouting organisation up to the year 2016 and is predicting a decrease in membership of up to 8.2% if current trends continue.

This area is the most contentious and emotive section of the Fees and Charges Review. The Scouts and Guides have enjoyed significantly reduced fees for eight years and in some cases longer. All the groups, bar three who were already on the lowest fees, received a fee reduction in 1997.

Of the thirteen groups operating within the City, five operate from City facilities. Others operate from the Robinson Park Scout Hall, Hume Road Pavilion, St Luke's Church and the Castle Glen Tennis Club.

It is appreciated that the increase to match the same fees as other junior groups may seem a large increase. Calculations show that per child the hourly increase range is five cents to 91 cents per child per week with the average being 33 cents per child.

Given what junior participants pay for any other form of recreation and sport, it is difficult to justify one groups special status as not being discriminatory.

## CONCLUSION

With additional research and the holding of the requested workshop, the reviewed Fees and Charges Review is presented for Councils consideration.

Areas of equity and accessibility have been considered. There are no changes in many areas. For others there is a 10% increase – the first one is eight years, and for many groups utilising Councils facilities there will be a reduction in fees. The Scouts and Guides have a greater increase than others due to their subsidy over the previous period.

Many areas have been streamlined and simplified. Other areas have been addressed to define and clarify Councils position in regard to its hire conditions.

Problems such as the time delays between reviews have been addressed, as have the needs of many specialist areas.

The research and work has been comprehensive and broad.

## FINANCIAL IMPLICATIONS

There will be a marginal increase in revenue and although it does not match the increased maintenance costs as identified in the Financial Analysis attached as Appendix 12.4.2B, it will assist the City Of Gosnells to narrow the gap. The establishment of an annual review will assist Council to implement small annual increases that will benefit the business of delivering and supporting the community's recreational needs.

### Notation

*Prior to debate commencing Cr O Searle requested that the staff recommendations be put separately to enable Councillors the opportunity to speak on individual recommendations as they arose.*

Staff Recommendation 1 of 16:

<b>STAFF RECOMMENDATION AND COUNCIL RESOLUTION</b>
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### **456 Moved Cr AJ Smith Seconded Cr S Moss**

“That Council approve the amalgamation of the existing fees for Riding Clubs and Archery into a single fee listed as “Individual Senior Sports – Per Season” and that junior fees relating to these activities be included within the existing junior fee as identified in the Fees and Charges Schedule Review attached as Appendix 12.4.2A.”

CARRIED 12/0

*FOR: Cr W Barrett, Cr R Croft, Cr AJ Smith, Cr P Wainwright, Cr R Mitchell, Cr S Moss, Cr O Searle, Cr C Matison, Cr J Brown, Cr S Iwanyk, Cr D Griffiths and Cr PM Morris.*

*AGAINST: Nil.*

Staff Recommendation 2 of 16:

STAFF RECOMMENDATION AND COUNCIL RESOLUTION

**457 Moved Cr AJ Smith Seconded Cr S Moss**

“That Council approve an increase in the fees for the casual use of active reserves, as detailed in the Fees and Charges Schedule Review attached as Appendix 12.4.2A to bring the City’s fee in line with the current market level.”

CARRIED 12/0

*FOR: Cr W Barrett, Cr R Croft, Cr AJ Smith, Cr P Wainwright, Cr R Mitchell, Cr S Moss, Cr O Searle, Cr C Matison, Cr J Brown, Cr S Iwanyk, Cr D Griffiths and Cr PM Morris.*

*AGAINST: Nil.*

Staff Recommendation 3 of 16:

STAFF RECOMMENDATION AND COUNCIL RESOLUTION

**458 Moved Cr AJ Smith Seconded Cr S Moss**

“That Council adopt a new age limit to define junior participants involved in the use of active reserves as 18 years of age.”

CARRIED 12/0

*FOR: Cr W Barrett, Cr R Croft, Cr AJ Smith, Cr P Wainwright, Cr R Mitchell, Cr S Moss, Cr O Searle, Cr C Matison, Cr J Brown, Cr S Iwanyk, Cr D Griffiths and Cr PM Morris.*

*AGAINST: Nil.*

Staff Recommendation 4 of 16:

STAFF RECOMMENDATION AND COUNCIL RESOLUTION

**459 Moved Cr AJ Smith Seconded Cr S Moss**

“That Council approve the implementation of a schedule of fees for the use of floodlighting on active reserves as detailed in the Fees and Charges Schedule Review attached as Appendix 12.4.2A.”

CARRIED 12/0

*FOR: Cr W Barrett, Cr R Croft, Cr AJ Smith, Cr P Wainwright, Cr R Mitchell, Cr S Moss, Cr O Searle, Cr C Matison, Cr J Brown, Cr S Iwanyk, Cr D Griffiths and Cr PM Morris.*

*AGAINST: Nil.*

Staff Recommendation 5 of 16:

STAFF RECOMMENDATION AND COUNCIL RESOLUTION

**460 Moved Cr AJ Smith Seconded Cr S Moss**

“That Council approve that the Turf Wicket casual hire fee be decreased to \$220 (from \$275) as detailed in the Fees and Charges Schedule Review attached as Appendix 12.4.2A.”

CARRIED 12/0

*FOR: Cr W Barrett, Cr R Croft, Cr AJ Smith, Cr P Wainwright, Cr R Mitchell, Cr S Moss, Cr O Searle, Cr C Matison, Cr J Brown, Cr S Iwanyk, Cr D Griffiths and Cr PM Morris.*

*AGAINST: Nil.*

Staff Recommendation 6 of 16:

STAFF RECOMMENDATION AND COUNCIL RESOLUTION

**461 Moved Cr AJ Smith Seconded Cr S Moss**

“That Council approve the removal all hire fees relating to the casual use of the City’s passive reserves.”

CARRIED 12/0

*FOR: Cr W Barrett, Cr R Croft, Cr AJ Smith, Cr P Wainwright, Cr R Mitchell, Cr S Moss, Cr O Searle, Cr C Matison, Cr J Brown, Cr S Iwanyk, Cr D Griffiths and Cr PM Morris.*

*AGAINST: Nil.*

Staff Recommendation 7 of 16:

STAFF RECOMMENDATION AND COUNCIL RESOLUTION

**462 Moved Cr AJ Smith Seconded Cr S Moss**

“That Council introduce a new schedule of fees relating to the use of the City’s passive and active reserves for community events as detailed in the Fees and Charges Schedule Review attached as Appendix 12.4.2A.”

CARRIED 12/0

*FOR: Cr W Barrett, Cr R Croft, Cr AJ Smith, Cr P Wainwright, Cr R Mitchell, Cr S Moss, Cr O Searle, Cr C Matison, Cr J Brown, Cr S Iwanyk, Cr D Griffiths and Cr PM Morris.*

*AGAINST: Nil.*

Staff Recommendation 8 of 16:

STAFF RECOMMENDATION AND COUNCIL RESOLUTION

**463 Moved Cr AJ Smith Seconded Cr S Moss**

“That Council approve that the annual fee for Croquet be increased from \$1,513.60 by 10% to \$1,664.96 and that the City investigate alternative management models for the management of the Croquet facility.”

CARRIED 12/0

*FOR: Cr W Barrett, Cr R Croft, Cr AJ Smith, Cr P Wainwright, Cr R Mitchell, Cr S Moss, Cr O Searle, Cr C Matison, Cr J Brown, Cr S Iwanyk, Cr D Griffiths and Cr PM Morris.*

*AGAINST: Nil.*

Staff Recommendation 9 of 16:

STAFF RECOMMENDATION AND COUNCIL RESOLUTION

**464 Moved Cr AJ Smith Seconded Cr S Moss**

“That Council approve the following changes to the City of Gosnells terms and conditions for the use of halls:

1. That the City allows its annual hirers a fourteen day cancellation period.
2. That the conditions relating to cleaning highlight that cleaning must occur within the nominated time period booked. Failure to do so will lead to the additional time being taken from the bond or invoiced separately.
3. That a clause be included that states at no time is the sub-leasing of a hall to a third party permitted.”

CARRIED 12/0

*FOR: Cr W Barrett, Cr R Croft, Cr AJ Smith, Cr P Wainwright, Cr R Mitchell, Cr S Moss, Cr O Searle, Cr C Matison, Cr J Brown, Cr S Iwanyk, Cr D Griffiths and Cr PM Morris.*

*AGAINST: Nil.*

Staff Recommendation 10 of 16:

STAFF RECOMMENDATION AND COUNCIL RESOLUTION

**465 Moved Cr AJ Smith Seconded Cr S Moss**

“That Council approve the replacement of the existing fee for the use of the City’s halls for functions after midnight with the standard evening fee.”

CARRIED 12/0

*FOR: Cr W Barrett, Cr R Croft, Cr AJ Smith, Cr P Wainwright, Cr R Mitchell, Cr S Moss, Cr O Searle, Cr C Matison, Cr J Brown, Cr S Iwanyk, Cr D Griffiths and Cr PM Morris.*

*AGAINST: Nil.*

Staff Recommendation 11 of 16:

STAFF RECOMMENDATION

**Moved Cr AJ Smith Seconded Cr S Moss**

That Council approve an increase of 10% in the hourly rate for the use of the City's halls by all user groups as identified in the Fees and Charges Schedule Review attached as Appendix 12.4.2A.

Foreshadowed Motion

*During debate Cr O Searle foreshadowed that she would move the following motion:*

*"That Council approve an increase of 10% in the hourly rate for the use of the City's halls by all present user groups."*

*if the motion (staff recommendation 11) under debate was defeated.*

*In light of additional advice received from the Director Regulatory Services, Cr Searle withdrew her proposed foreshadowed motion.*

*At the conclusion of debate the Mayor put staff recommendation 11, which reads:*

STAFF RECOMMENDATION AND COUNCIL RESOLUTION

**466 Moved Cr AJ Smith Seconded Cr S Moss**

"That Council approve an increase of 10% in the hourly rate for the use of the City's halls by all user groups as identified in the Fees and Charges Schedule Review attached as Appendix 12.4.2A."

CARRIED 10/2

*FOR: Cr W Barrett, Cr R Croft, Cr AJ Smith, Cr P Wainwright, Cr R Mitchell, Cr C Matison, Cr J Brown, Cr S Iwanyk, Cr D Griffiths and Cr PM Morris.*

*AGAINST: Cr S Moss and Cr O Searle.*

Staff Recommendation 12 of 16:

STAFF RECOMMENDATION

**Moved Cr AJ Smith Seconded Cr S Moss**

That Council introduce an "Evening per hour - Junior/Senior" fee for the use of the City's halls as identified in the Fees and Charges Schedule Review attached as Appendix 12.4.2A.

Foreshadowed Motion

*During debate Cr O Searle foreshadowed that she would move the following motion:*

*“That Council not introduce an “Evening per hour - Junior/Senior” fee for the use of the City’s halls as identified in the Fees and Charges Schedule Review attached as Appendix 12.4.2A.”*

*if the motion under debate (staff recommendation 12) was defeated, providing the following reason:*

*“If we enter into this as is written on staff recommendation 12 of 16 and endorse it, then it will lock us in and will impact on any of the recommendations that come after this and for that reason I would like to leave it as a ‘not’ for this time, which will enable any Councillor to alter any recommendation that comes after 12. If that is ‘not’ it would be very difficult to just have any exceptions.”*

*Cr S Moss seconded Cr Searle’s proposed motion. The Mayor indicated that as Cr Moss seconded the staff recommendation it was not appropriate she second the proposed foreshadowed motion. Cr Moss subsequently withdrew and Cr AJ Smith seconded the proposed foreshadowed motion.*

*In light of clarification received from the Director Regulatory Services that the staff recommendation as written would not impact or impede upon any changes to subsequent recommendations, subject to the wording of such subsequent amendments to recommendations being explicit, Cr Searle withdrew her proposed foreshadowed motion, with the seconder Cr AJ Smith agreeing.*

*At the conclusion of debate the Mayor put staff recommendation 12, which reads:*

<b>STAFF RECOMMENDATION AND COUNCIL RESOLUTION</b>
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**467 Moved Cr AJ Smith Seconded Cr S Moss**

*“That Council introduce an “Evening per hour - Junior/Senior” fee for the use of the City’s halls as identified in the Fees and Charges Schedule Review attached as Appendix 12.4.2A.”*

**CARRIED 9/3**

**FOR:** *Cr W Barrett, Cr R Croft, Cr P Wainwright, Cr R Mitchell, Cr C Matison, Cr J Brown, Cr S Iwanyk, Cr D Griffiths and Cr PM Morris.*

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

Staff Recommendation 13 of 16:

STAFF RECOMMENDATION AND COUNCIL RESOLUTION

**468 Moved Cr AJ Smith Seconded Cr S Moss**

“That Council adopt the definitions listed in Appendix 12.4.2C of the report, for commercial user groups, community user groups, functions, junior, pensioner, facility day rate hire and facility evening rate hire be adopted.”

CARRIED 12/0

*FOR:* Cr W Barrett, Cr R Croft, Cr AJ Smith, Cr P Wainwright, Cr R Mitchell, Cr S Moss, Cr O Searle, Cr C Matison, Cr J Brown, Cr S Iwanyk, Cr D Griffiths and Cr PM Morris.

*AGAINST:* Nil.

Staff Recommendation 14 of 16:

STAFF RECOMMENDATION AND COUNCIL RESOLUTION

**469 Moved Cr AJ Smith Seconded Cr S Moss**

“That Council undertake an annual review of the Fees and Charges Schedule as part of the annual Budget process.”

CARRIED 12/0

*FOR:* Cr W Barrett, Cr R Croft, Cr AJ Smith, Cr P Wainwright, Cr R Mitchell, Cr S Moss, Cr O Searle, Cr C Matison, Cr J Brown, Cr S Iwanyk, Cr D Griffiths and Cr PM Morris.

*AGAINST:* Nil.

Staff Recommendation 15 of 16:

STAFF RECOMMENDATION AND COUNCIL RESOLUTION

**470 Moved Cr AJ Smith Seconded Cr S Moss**

“That Council recognise the diversity of its client base and allow for Special Fees to be applied for events such as the Horticultural Show by Council Resolution. The fee will be reviewed each year and the applicants encouraged to review their operation and management of the event to reduce the reliance on Council support.”

CARRIED 12/0

*FOR:* Cr W Barrett, Cr R Croft, Cr AJ Smith, Cr P Wainwright, Cr R Mitchell, Cr S Moss, Cr O Searle, Cr C Matison, Cr J Brown, Cr S Iwanyk, Cr D Griffiths and Cr PM Morris.

*AGAINST:* Nil.



Staff Recommendation 16 of 16:

STAFF RECOMMENDATION
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**Moved Cr AJ Smith Seconded Cr S Moss**

That Council remove the existing discounted hire fee for the use of the City's halls by Scouts and Guides and replace the fee with the existing community fee for juniors as identified in the Fees and Charges Schedule Review attached as Appendix 12.4.2A.

Foreshadowed Motion

*During debate Cr O Searle foreshadowed that she would move the following motion:*

*“That Council retain the existing discounted hire fee for the use of City's halls by Scouts and Guides and replace the present fee with a 10% increase and any further increases be in line with CPI.”*

*if the motion under debate (staff recommendation 16) was defeated, providing the following reason:*

*“We have just moved on staff recommendation 11 of 16 that this Council will approve an increase of 10% in the hourly rate for the use of the City's halls and I do not see any reason why the Scouts, Guides, Cubs, Brownies and Adventurers should not pay the same 10% as all other residents are paying. That in fact would mean an increase of 50c per hour across the troupe. To impose upon a group \$13 or \$14 per hour fills me with dismay. In the body of the report on page 16 (of the agenda) on the third dot point it says the review has suggested management and operational reviews to ensure operational efficiency within the groups. The same would apply to these groups. Perhaps there needs to be some rationalisation by the groups themselves to combine or blend their packs to form more economically sound groups.”*

*Cr W Barrett seconded Cr Searle's proposed motion.*

*During debate Cr Searle made several amendments to her foreshadowed motion to more accurately reflect the intent, with the final proposed foreshadowed motion reading:*

*“That the present discounted hire fee for the use of the City's halls by Scouts and Guides be increased by 10% and all future annual increases be in line with CPI.”*

*Cr Barrett, the seconder of the original proposed foreshadowed motion agreed to the amendments.*

Additional Motion

*During debate Cr C Matison indicated that she wished to move the following additional motion to the staff recommendations:*

*“That as part of Council’s review of the Strategic Plan, a study of the usage of community facilities be conducted to optimise the opportunities for maximum usage through a planned marketing strategy that identifies and supports community needs whilst providing economic sustainability.”*

*Following advice from the Chief Executive Officer that it would be more appropriate for the proposed motion to be raised during item 14. “Notices of motion for consideration at the following meeting” of the agenda, as it was not directly related to the Review of Fees and Charges currently under debate, Cr Matison agreed to withdraw her proposed additional motion.*

*At the conclusion of debate the Mayor put staff recommendation 16, which reads:*

<b>STAFF RECOMMENDATION AND COUNCIL RESOLUTION</b>
----------------------------------------------------

**471 Moved Cr AJ Smith Seconded Cr S Moss**

*“That Council remove the existing discounted hire fee for the use of the City’s halls by Scouts and Guides and replace the fee with the existing community fee for juniors as identified in the Fees and Charges Schedule Review attached as Appendix 12.4.2A.”*

**CARRIED 7/6**

***FOR:** Cr P Wainwright, Cr R Mitchell, Cr J Brown, Cr S Iwanyk, Cr D Griffiths and Cr PM Morris.*

***AGAINST:** Cr W Barrett, Cr R Croft, Cr AJ Smith, Cr S Moss, Cr O Searle and Cr C Matison.*

***DECIDING VOTE:** As the votes were equally divided, the Mayor, Cr PM Morris cast a second vote FOR the recommendation.*

Notation

*As Council adopted the staff recommendation the foreshadowed motion from Cr O Searle was not proceeded with.*

**12.5.6 WEST CANNING VALE (CAMPBELL ESTATE) OUTLINE DEVELOPMENT PLAN**

<b>File:</b>	S8/1	(SRW)	Psrpt120Jun03
<b>Location:</b>	Area bounded Campbell, Nicholson and Ranford Roads		
<b>Zoning: MRS:</b>	Urban		
<b>TPS No. 6:</b>	Residential Development		
<b>Appeal Rights:</b>	Nil, however a final determination is required to be made by the Western Australian Planning Commission		
<b>Area:</b>	Approximately 62ha		
<b>Previous Ref:</b>	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) OCM 11 February 2003 (Resolutions 13-14)		
<b>Appendix:</b>	12.5.6A Outline Development Plan (as advertised)		

**PURPOSE OF REPORT**

For Council to consider the West Canning Vale (Campbell Estate) Outline Development Plan prior to the matter being forwarded to the Western Australian Planning Commission for determination.

**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. The draft ODP is included in Appendix '12.5.6A'.

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.

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, common themes in the submissions included:

- 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.

Following on from the Council meeting of 11 February 2003, Council staff and various landowners have liaised extensively with the Department for Planning and Infrastructure (DPI), Department of Environmental Protection (DEP) and the Water and Rivers Commission (WRC) with a view to progressing the planning for this area with a degree of confidence.

A meeting was held on 17 March 2003 with officers of the above-mentioned state government agencies with a view to gaining a greater understanding of the objectives of the Environmental Protection Authority (EPA). An outcome from this meeting was agreed that the DEP and the WRC would collaboratively identify the 'core' areas of environmental significance.

Following on from that meeting, a meeting was scheduled for 10 April 2003 for the DEP and WRC to identify and present the areas that were seen as being of greatest environmental significance. This meeting was cancelled at the request of the officers of the two environmental agencies citing an ability to only provide informal advice and not necessarily representative of the Environmental Protection Authority (EPA). As discussed further in this report, the DEP does not consider an ODP to constitute a 'proposal' under the Environmental Protection Act 1986 and therefore can not be formally considered by the EPA.

To significantly amend an ODP to reflect officer-level only comments that are not necessarily representative of the EPA has to be carefully considered in terms of potential financial and time risk implications. Any risk is clearly heightened if discussions/negotiations are undertaken outside of formal processes.

With a view to seeking a solution to the impasse, Council Officers met with Mr Kim Taylor, Director of Environmental Assessments and other officers of the DEP. Whilst the meeting was informative, it was stressed to Council Officers that the EPA is not able to consider social or economic implications, limited instead to purely environmental objectives. In the discussions held, it was acknowledged that for the advice of EPA to be considered in the context of social and economic objectives that a decision would need to be made by the Western Australian Planning Commission or through parliamentary processes with a joint decision being made by the Hon. Minister for Planning and Infrastructure and the Hon. Minister for Environment and Heritage.

As an outcome from the various discussions and meetings held with the relevant government agencies, it is considered imperative by Council staff that the ODP continue to be progressed through formal processes. To significantly amend an ODP based on officer-level advice only that is not necessarily representative of the EPA is not considered appropriate from a risk management perspective.

## **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, which in effect would rezone the land ahead of an adopted 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 resolved the following (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 road 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. Of note is the lack of ability for the Environmental Protection Authority to formally assess an ODP or Structure Plan. This based on a legal precedent which determined that 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, however no realistic solutions have been offered. The lack of certainty able to be provided for this ODP further heightens the need for a formal position to be provided by the Western Australian Planning Commission and the relevant government agencies.

### **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 runoff 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. The DEP advised during the advertising period that the ODP would not likely satisfy the objectives of the EPA with respect to the protection of wetlands, vegetation and potentially rare flora. At an officer level, it was recommended that the ODP be further modified to provide further protection for the aforementioned environmental values.

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 the above-mentioned inconsistencies. Based on the site visit, the Water and Rivers Commission has revised its wetland classifications to considerably increase the area designated 'Conservation Category Wetland'. Approximately 14 hectares out of the total area of 62ha has been designated 'Conservation Category Wetland'. To establish protection mechanisms for all or part of the identified wetland areas would require considerable modifications to the ODP and potentially significant cost implications for the landowners, to the extent that the viability of developing the area would be compromised. To undertake such modifications based on officer-level comment is not considered appropriate from a risk management perspective for either Council or the landowners.

### **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 RL22.7m AHD (Australian Height Datum) 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.

### **Shared Use Paths**

Some of the comments received during the advertising period questioned the need for the quantity of shared 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 to incorporate significant residential development integrated with a range of non-residential land uses. In recognition of the residential development on this site, the public open space calculations for the ODP will need to be adjusted accordingly.

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.

### **CONCLUSION**

The advertised ODP seeks to satisfy not only environmental objectives but also social and economic objectives. Whilst Council staff have noted the comments from landowners during the advertising period regarding the cost contributions proposed within the ODP, such contributions are not considered to be compromising the viability of the development of the area. To progress the ODP with a significant increase in the amount of land required for public purposes could compromise the viability of any development in this area and prevent the achievement of social, environmental and economic objectives.

To provide a degree of certainty for the future planning of this ODP area, it is necessary to gain a formal position from the Western Australian Planning Commission and the relevant environmental agencies. Whilst it may be possible to continue negotiating with officers of the relevant agencies, it has to be stressed that these officers can not provide a formal position of the agency itself and can therefore only be considered informal advice. In view of the issues involved and the extent of discussions that have taken place between officers and the City and the state agencies and the apparent inability to resolve these matters in a manner which provides the degree of certainty considered necessary to manage the potential risk, it is considered that the ODP prepared by Council should be progressed through formal processes.

**FINANCIAL IMPLICATIONS**

Council is required to establish separate trust funds for each ODP area and as such have no direct relationship to Municipal funds. Should an ODP have a cash shortfall, Council is required to make up such a shortfall. This situation would most likely be the result of a future reduction in the estimated developable area due to environmental constraints. It is for this reason that Council staff are seeking a high degree of confidence in any plan finalised.

<b>STAFF RECOMMENDATION</b>
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**Moved Cr D Griffiths Seconded Cr R Mitchell**

That Council, pursuant to Section 7.4 of Town Planning Scheme No 6 adopt the West Canning Vale (Campbell Estate) Outline Development Plan and forward to the Western Australian Planning Commission for adoption as shown in Appendix 12.5.6A subject to the following modifications:

1. The realignment of the northern access road from Ranford Road to the boundary of Lot 3 and 279.
2. The designation of Lot 281 Campbell Road as 'Mixed Use/Residential R40' and corresponding modification to the Schedule of Common Infrastructure Works.
3. The relocation of a proposed shared use path from Fairlie Road to Govan Road to link the central area of public open space.

Foreshadowed Motion

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

*"That the matter be referred back in order that concerned landowners can voice their concerns."*

*if the motion under debate was defeated, providing the following reason:*

*"To enable a meeting to be held with the owners of land within the development and Council staff and all available Councillors to address the apparent concerns of some owners."*

*The motion lapsed due to lack of a Seconder.*

*8.55pm - Cr S Moss left the meeting.*

*8.57pm - Cr S Moss returned to the meeting.*

*9.02pm - Cr D Griffiths left the meeting.*

9.03pm – Cr D Griffiths returned to the meeting.

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

STAFF RECOMMENDATION AND COUNCIL RESOLUTION
---------------------------------------------

**472 Moved Cr D Griffiths Seconded Cr R Mitchell**

“That Council, pursuant to Section 7.4 of Town Planning Scheme No 6 adopt the West Canning Vale (Campbell Estate) Outline Development Plan and forward to the Western Australian Planning Commission for adoption as shown in Appendix 12.5.6A subject to the following modifications:

1. The realignment of the northern access road from Ranford Road to the boundary of Lot 3 and 279.
2. The designation of Lot 281 Campbell Road as ‘Mixed Use/Residential R40’ and corresponding modification to the Schedule of Common Infrastructure Works.
3. The relocation of a proposed shared use path from Fairlie Road to Govan Road to link the central area of public open space.”

CARRIED 11/1

**FOR:** Cr W Barrett, Cr R Croft, Cr P Wainwright, Cr R Mitchell, Cr S Moss, Cr O Searle, Cr C Matison, Cr J Brown, Cr S Iwanyk, Cr D Griffiths and Cr PM Morris.

**AGAINST:** Cr AJ Smith.

## 11. MINUTES OF COMMITTEE MEETINGS

*The Mayor advised the meeting that herself due to attending the 26 May 2003 SafeCity Task Force meeting, Cr S Iwanyk due to being Council's delegate to the SafeCity Task Force, Cr AJ Smith due to being a member of the SafeCity Task Force, and Cr R Mitchell due to being Chairman of the SafeCity Task Force disclosed an Impartiality Interest in the following item in accordance with Regulation 34C of the Local Government (Administration) Regulations 1996.*

### 11.1 SAFECITY TASK FORCE

File: C1/15

(12.2) (MC)

Appendix: 11.1A Minutes of SafeCity Task Force Meeting held on the 26 May 2003

### PURPOSE OF REPORT

For Council to receive the Minutes of the City of Gosnells SafeCity Task Force Meeting held on 26 May 2003.

### BACKGROUND

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

There were no recommendations made at the Meeting held on 26 May 2003, which require Council's adoption.

### DISCUSSION

The business of the meeting is reported in the Minutes of the SafeCity Task Force Meeting held on 26 May 2003 provided as Appendix 11.1A.

### FINANCIAL IMPLICATIONS

Nil.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION
---------------------------------------------

### 473 Moved Cr J Brown Seconded Cr R Mitchell

“That Council receive the Minutes of the SafeCity Task Force Committee Meeting held on 26 May 2003 as attached in Appendix 11.1A.”

CARRIED 12/0

*FOR: Cr W Barrett, Cr R Croft, Cr AJ Smith, Cr P Wainwright, Cr R Mitchell, Cr S Moss, Cr O Searle, Cr C Matison, Cr J Brown, Cr S Iwanyk, Cr D Griffiths and Cr PM Morris.*

*AGAINST: Nil.*

*Cr S Iwanyk due to being Council's deputy delegate to the RoadWise Committee and Cr AJ Smith due to being a member of the RoadWise Committee disclosed at Item 2 of the Agenda "Declarations of Interest", an Impartiality Interest in the following item in accordance with Regulation 34C of the Local Government (Administration) Regulations 1996.*

## **11.2 CITY OF GOSNELLS ROADWISE COMMITTEE**

**File:** T7\5 (12.4) (SL) SL7.1a

**Appendix:** 11.2A Minutes of the City of Gosnells RoadWise Committee Meeting held on Wednesday, 2 April 2003.

11.2B Minutes of the City of Gosnells RoadWise Committee Meeting held on Wednesday, 7 May 2003

### **PURPOSE OF REPORT**

For Council to receive the Minutes of the RoadWise Committee Meeting held on Wednesday, 2 April 2003 and Wednesday, 7 May 2003.

### **BACKGROUND**

The City of Gosnells RoadWise Committee meets on the first Wednesday of every month, to develop strategies, which encourage community participation and education to achieve a safer road environment for the City of Gosnells road users.

### **DISCUSSION**

The business of the meetings is reported in the Minutes provided as Appendix 11.2A and Appendix 11.2B.

There are no recommendations that require consideration of Council.

### **FINANCIAL IMPLICATIONS**

Nil.

<b>STAFF RECOMMENDATION AND COUNCIL RESOLUTION</b>
----------------------------------------------------

#### **474 Moved Cr R Croft Seconded Cr S Moss**

“That Council receive the Minutes of the meetings of the City of Gosnells RoadWise Committee held on Wednesday, 2 April 2003 and Wednesday, 7 May 2003 as attached in Appendix 11.2A and Appendix 11.2B respectively.”

CARRIED 12/0

**FOR:** Cr W Barrett, Cr R Croft, Cr AJ Smith, Cr P Wainwright, Cr R Mitchell, Cr S Moss, Cr O Searle, Cr C Matison, Cr J Brown, Cr S Iwanyk, Cr D Griffiths and Cr PM Morris.

**AGAINST:** Nil.

**12. REPORTS**

**12.1 CHIEF EXECUTIVE OFFICER'S REPORT**

**12.2 COMMUNITY SERVICES**

## 12.3 CORPORATE SERVICES

### 12.3.1 TENDER NUMBER 23/2003 - SUPPLY OF STATIONERY

File: TEN 23/2003

(BK)

july8\_03stat

#### PURPOSE OF REPORT

To advise Council of the results of Tender 23/2003 for the supply of Stationery for a period of thirty-six (36) months commencing 9 July 2003.

#### BACKGROUND

The City of Gosnells spends more than \$50,000 annually for its stationery purchases. It is therefore a requirement, under the Local Government (Functions and General) Regulations 1996, to go to public tender.

Tenders were advertised in the West Australian newspaper on 26 April 2003 and closed on 15 May 2003.

#### DISCUSSION

The following five (5) companies responded to the tender:

Company	Address
Boise Office Solutions	5 Cowcher Place, Belmont
National 1 Ltd	21 Barker Street, Belmont
Quick Corporate Aust Ltd	9 Teddington Street, Victoria Park
Corporate Express	26 Miles Road, Kewdale
Sands & McDougall	3 Craig Street, Burswood

All five (5) companies were assessed against the following :

Contract Evaluation and Weighting Table	Weight
Demonstrated capacity to meet the requirements of the Contract	10%
Demonstrated previous experience in supplying stationery on a similar scale	10%
E-commerce capabilities (including encryption, integration, information, provision)	10%
Contract management and reporting ability	10%
Price (The lowest price tendered will be used as the benchmarked criteria in assessing price)	60%



The contract was then expected to be awarded to the lowest price confirming offer; i.e. an offer which satisfies all requirements of the specification or which meets the minimum qualifying standards, as applicable.

The five (5) companies demonstrated their compliance with the above and were scored accordingly.

All five (5) companies were given a list of about 175 line items to price, the results are as follows:

Boise Office Solutions	National 1 Ltd	Quick Corporate Aust Ltd	Corporate Express	Sands & McDougall
\$24,418.12	\$18,142.16	\$18,658.45	\$14,136.64	\$14,156.15
<b>35%</b>	<b>47%</b>	<b>45%</b>	<b>60%</b>	<b>60%</b>

Selection Criteria	Weighting	Boise Office Solutions	National 1 Ltd	Quick Corporate Aust Ltd	Corporate Express	Sands & McDougall
Meeting Requirements	10%	8%	10%	8%	10%	8%
Previous Experience	10%	10%	8%	8%	10%	8%
E-Commerce	10%	10%	8%	10%	10%	6%
Management & Reporting	10%	8%	5%	8%	10%	6%
Price	60%	35%	47%	45%	60%	60%
<b>Total Weighted Score</b>	100%	71%	78%	79%	100%	88%

From the results of the evaluation matrix Corporate Express clearly won tender 23/2003.

## FINANCIAL IMPLICATIONS

Funds have been approved by Council within the 2003/2004 budget for the purchase of stationery which will be allocated to Directorate operating costs.

<b>STAFF RECOMMENDATION AND COUNCIL RESOLUTION</b>
----------------------------------------------------

### 475 Moved Cr S Moss Seconded Cr R Croft

“That Council award Tender Number 23/2003 for the supply of stationery for a period of thirty-six (36) months commencing 9 July 2003 to Corporate Express, 26 Miles Road, Kewdale.”

CARRIED 12/0

*FOR:* Cr W Barrett, Cr R Croft, Cr AJ Smith, Cr P Wainwright, Cr R Mitchell, Cr S Moss, Cr O Searle, Cr C Matison, Cr J Brown, Cr S Iwanyk, Cr D Griffiths and Cr PM Morris.

*AGAINST:* Nil.

## 12.4 INFRASTRUCTURE

### 12.4.1 RENEWAL OF NATSALES AUSTRALIA (PTY) LTD ADVERTISING BIN CONTRACT

File: R11/2:W2/1 (RMc) RMc7.1a  
Previous Ref: OCM 9 March 1999 - Item 12.2.2 Council Owned Street Rubbish Bins  
Appendix: 12.4.1A Memorandum of Agreement

#### PURPOSE OF REPORT

For Council to enter into a new agreement with Natsales Australia (Pty) Ltd for the provision of advertising bins for a period of five (5) years, as agreed in the new contract

#### BACKGROUND

At its Meeting held 9 March 1999, an item was presented to Council for the acceptance of a 4 year 11 month contract for the supply and installation of advertising bins within the City of Gosnells, Resolution 120 states:

*“That Council review the placement of approximately 200 fibreglass housed 120 litre wheelie bins as provided by Natsales Australia at no capital nor maintenance costs to the City of Gosnells.”*

#### DISCUSSION

The bins were placed at several locations within the City. Since then there has been little vandalism to any of the bins, and they have received favourable comment from those employed in emptying these bins and also from the public.

The advantages to the City of Gosnells in using this type of bin are as follows:

- The bins and fibreglass enclosures will be supplied free of charge and maintained at no cost to the City.
- This will lead to savings to Council in the areas of maintenance and replacement of existing bins.
- Natsales Australia (the company that supply the bins) will relocate the existing bins to areas of need or transport them to the Council Works Depot.
- On each bin supplied, one panel of advertising will be dedicated to the Council for community notices or litter disposal messages, the panel will be negotiated between the Council and Natsales Australia.
- This type of enclosure will compliment the style and colour schemes of the new bus shelters.

- Should the Contractor be wound up, or have a liquidator appointed, the bins shall become the property of the City of Gosnells.
- The Gosnells Town Centre from Fremantle Road to Gerald Street is to be excluded from any advertising bins being placed in these areas.

### **FINANCIAL IMPLICATIONS**

The bins that have been offered by Natsales will be supplied at no capital cost or maintenance costs as both these items of expenditure will be covered by Natsales.

<b>STAFF RECOMMENDATION AND COUNCIL RESOLUTION</b>
----------------------------------------------------

#### **476 Moved Cr R Croft Seconded Cr P Wainwright**

“That Council enter into further agreement with Natsales Australia (Pty) Ltd, PO Box 461, Cannington WA 6107 for the provision and maintenance of advertising bins for a period of five (5) years, in accordance with the term of conditions of the Memorandum of Agreement attached as Appendix 12.4.1A.”

**CARRIED 12/0**

***FOR:** Cr W Barrett, Cr R Croft, Cr AJ Smith, Cr P Wainwright, Cr R Mitchell, Cr S Moss, Cr O Searle, Cr C Matison, Cr J Brown, Cr S Iwanyk, Cr D Griffiths and Cr PM Morris.*

***AGAINST:** Nil.*

**12.4.2 FEES AND CHARGES REVIEW (*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 PLANNING AND SUSTAINABILITY

### 12.5.1 TOWN PLANNING SCHEME AMENDMENT - PROPOSAL TO INITIATE – TOWN PLANNING SCHEME NO. 6 – REZONING OF 120 (LOT 9001) LADYWELL STREET AND 130 (LOT 9000) LADYWELL STREET, BECKENHAM FROM R20 TO R30

**File:** 234552 **Approve Ref:** 0203/0152AA (SW) Psrpt119Jul03  
234553

**Name:** Development Planning Strategies

**Location:** 120 (Lot 9001) & 130 (Lot 9000) Ladywell Street, Beckenham

**Zoning: MRS:** Urban

**TPS No. 6:** Residential R20

**Appeal Rights:** Initiation - none, however consent to advertise is subject to approval by the Western Australian Planning Commission.

**Previous Ref:** OCM 24 June 2003 (Resolution 401)

**Area:** 120 (Lot 9001) – 6,143m<sup>2</sup>  
130 (Lot 9000) – 4,053m<sup>2</sup>

#### PURPOSE OF REPORT

For Council to consider initiation of an amendment to Town Planning Scheme No. 6 (TPS 6), to rezone No. 120 (Lot 9001) Ladywell Street and No. 130 (Lot 9000) Ladywell Street, Beckenham from Residential R20 to Residential R30.

#### BACKGROUND

##### Site Description

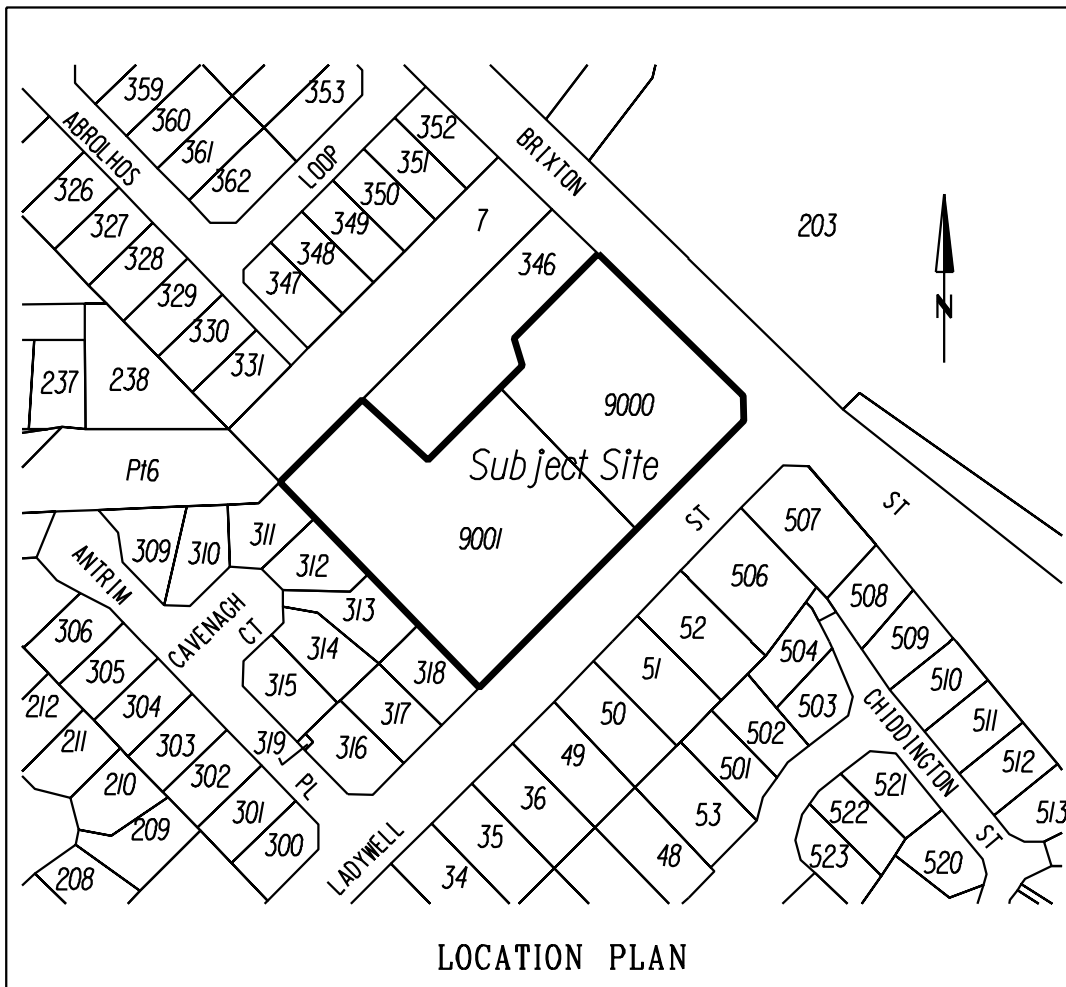
Lots 9000 and 9001 are flat to low-lying, and contain scattered vegetation. In addition to having frontage to Ladywell and Brixton Streets, they also adjoin a reserve for recreation (2,353m<sup>2</sup>) and a drainage reserve containing a large open drain.

##### Local Housing Strategy

The site is located within the Outer Beckenham Housing Precinct of the Local Housing Strategy, which was considered by Council at its Ordinary Meeting of 24 June 2003. Lots 9000 and 9001 are identified on the endorsed plan as having potential for an R30 coding.

##### Servicing

The site can be serviced without the need for any significant upgrade or extension of existing services.



**Proposal**

The proposed recoding to R30 would facilitate an integrated survey-strata subdivision/grouped dwelling development, as depicted upon the concept plan. A main feature of the concept plan is an 8-metre wide private loop road that provides access of Ladywell Street. Internally the dwellings would overlook the public open space, which the concept plan enlarges to 3270m<sup>2</sup>. A row of lots back onto Brixton Street, as a response to the access restriction that applies to that road, and lots side onto Ladywell Street and the Yule Brook drain.

(Concept Plan here)

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

## **DISCUSSION**

The proposed Scheme Amendment complies with the plan for the Outer Beckenham Housing Precinct of the Local Housing Strategy, which has been adopted by Council. On that basis, it is recommended that Council initiate the proposed recoding.

### **Concept Plan**

The concept plan is generally sound, however in regards to the row of lots that back onto Brixton Street, and lots that side onto Ladywell Street and the Yule Brook drain an alternative design improving orientation toward, and surveillance of these areas, should be prepared in accordance with the SafeCity Urban Design Strategy. It is recommended that the applicant be advised of this future requirement via a separate resolution of Council.

## **CONCLUSION**

The proposed recoding is supported as it complies with the Local Housing Strategy.

## **FINANCIAL IMPLICATIONS**

Nil.

STAFF RECOMMENDATION
----------------------

### **Moved Cr R Croft Seconded Cr S Moss**

That Council, pursuant to Section 7 of the Town Planning and Development Act, 1928 (as amended), amend Town Planning Scheme No. 6 by rezoning 120 (Lot 9001) Ladywell Street and 130 (Lot 9000) Ladywell Street, Beckenham from Residential R20 to Residential R30.

STAFF RECOMMENDATION
----------------------

### **Moved Cr R Croft Seconded Cr S Moss**

That Council advise the applicant that the concept plan should be revised to orientate lots toward Brixton Street and Ladywell Streets and ensure surveillance of the public open space and Yule Brook drain area, in accordance with the City's SafeCity Urban Design Strategy.

Amendment

*During debate Cr C Matison moved the following amendment to the first staff recommendation due to the proximity of public open space immediately opposite:*

*“That the staff recommendation be amended by deleting the word “and” where it appears in the third line after the word “street” and substituting it with a comma “,”, and inserting the words “and 110 (Lot 346) Brixton Street,” after the word “Street” where it appears in the fourth line.”*

*Cr P Wainwright Seconded Cr Matison’s proposed amendment.*

Additional Motion

*During debate Cr C Matison moved the following additional motion to the staff recommendations in order to ensure best use of public open space monies:*

*“That Council authorise the Director Planning and Sustainability to negotiate with the respective land owner of 120 (Lot 9001) and 130 (Lot 9000) Ladywell Street, Beckenham with a view to reducing or eliminating the public open space adjoining Yule Brook with any open space component to be fully developed or cash in lieu funds to be directed to Mills Park.”*

*Cr R Mitchell seconded Cr Matison’s additional motion.*

*At the conclusion of debate the Mayor put Cr Matison’s proposed amendment to the first staff recommendation, which reads:*

**Moved Cr C Matison Seconded Cr P Wainwright**

That the staff recommendation be amended by deleting the word “and” where it appears in the third line after the word “street” and substituting it with a comma “,”, and inserting the words “and 110 (Lot 346) Brixton Street,” after the word “Street” where it appears in the fourth line, with the amended recommendation to read:

*“That Council, pursuant to Section 7 of the Town Planning and Development Act, 1928 (as amended), amend Town Planning Scheme No. 6 by rezoning 120 (Lot 9001) Ladywell Street, 130 (Lot 9000) Ladywell Street and 110 (Lot 346) Brixton Street, Beckenham from Residential R20 to Residential R30.”*

**CARRIED 8/4**

**FOR:** *Cr W Barrett, Cr R Croft, Cr P Wainwright, Cr R Mitchell, Cr C Matison, Cr S Iwanyk, Cr D Griffiths and Cr PM Morris.*

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



*The Mayor then put Cr Matison's proposed additional motion, which reads:*

**Moved Cr C Matison Seconded Cr R Mitchell**

“That Council authorise the Director Planning and Sustainability to negotiate with the respective land owner of 120 (Lot 9001) and 130 (Lot 9000) Ladywell Street, Beckenham with a view to reducing or eliminating the public open space adjoining Yule Brook with any open space component to be fully developed or cash in lieu funds to be directed to Mills Park.”

CARRIED 8/4

*FOR: Cr W Barrett, Cr R Croft, Cr P Wainwright, Cr R Mitchell, Cr C Matison, Cr S Iwanyk, Cr D Griffiths and Cr PM Morris.*

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

*The Mayor then put the amended first staff recommendation, the second staff recommendation as printed in the agenda and the additional motion, which read:*

COUNCIL RESOLUTION

**477 Moved Cr C Matison Seconded Cr P Wainwright**

“That Council, pursuant to Section 7 of the Town Planning and Development Act, 1928 (as amended), amend Town Planning Scheme No. 6 by rezoning 120 (Lot 9001) Ladywell Street, 130 (Lot 9000) Ladywell Street and 110 (Lot 346) Brixton Street, Beckenham from Residential R20 to Residential R30.”

CARRIED 8/4

*FOR: Cr W Barrett, Cr R Croft, Cr P Wainwright, Cr R Mitchell, Cr C Matison, Cr S Iwanyk, Cr D Griffiths and Cr PM Morris.*

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

STAFF RECOMMENDATION AND COUNCIL RESOLUTION

**478 Moved Cr R Croft Seconded Cr S Moss**

That Council advise the applicant that the concept plan should be revised to orientate lots toward Brixton Street and Ladywell Streets and ensure surveillance of the public open space and Yule Brook drain area, in accordance with the City's SafeCity Urban Design Strategy.

CARRIED 8/4

*FOR: Cr W Barrett, Cr R Croft, Cr P Wainwright, Cr R Mitchell, Cr C Matison, Cr S Iwanyk, Cr D Griffiths and Cr PM Morris.*

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

COUNCIL RESOLUTION
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**479 Moved Cr C Matison Seconded Cr R Mitchell**

“That Council authorise the Director Planning and Sustainability to negotiate with the respective land owner of 120 (Lot 9001) and 130 (Lot 9000) Ladywell Street, Beckenham with a view to reducing or eliminating the public open space adjoining Yule Brook with any open space component to be fully developed or cash in lieu funds to be directed to Mills Park.”

CARRIED 8/4

*FOR: Cr W Barrett, Cr R Croft, Cr P Wainwright, Cr R Mitchell, Cr C Matison, Cr S Iwanyk, Cr D Griffiths and Cr PM Morris.*

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

**12.5.2 TOWN PLANNING SCHEME AMENDMENT - PROPOSAL TO INITIATE AN AMENDMENT TO TOWN PLANNING SCHEME NO. 6 TEXT AND SCHEME MAP**

<b>File:</b>	TPS/6	(SW)	Ps rpt115Jun03
<b>Name:</b>	City of Gosnells		
<b>Location:</b>	Lots 1, 90, 3, 4, 14 and 23 Nicholson Road, Canning Vale		
<b>Zoning: MRS:</b>	N/A		
<b>TPS No. 6:</b>	N/A		
<b>Appeal Rights:</b>	Initiation - none, however, consent to advertise is subject to approval by the Western Australian Planning Commission.		
<b>Previous Ref:</b>	OCM 25 February 2003 (Resolution 89)		
<b>Area:</b>	N/A		
<b>Appendix:</b>	12.5.2A Section 8.0 from the Nicholson Road Detailed Area Plan.		

**PURPOSE OF REPORT**

For Council to consider initiation of an amendment to Town Planning Scheme No. 6 (TPS 6) as Council approval is required to proceed.

**BACKGROUND**

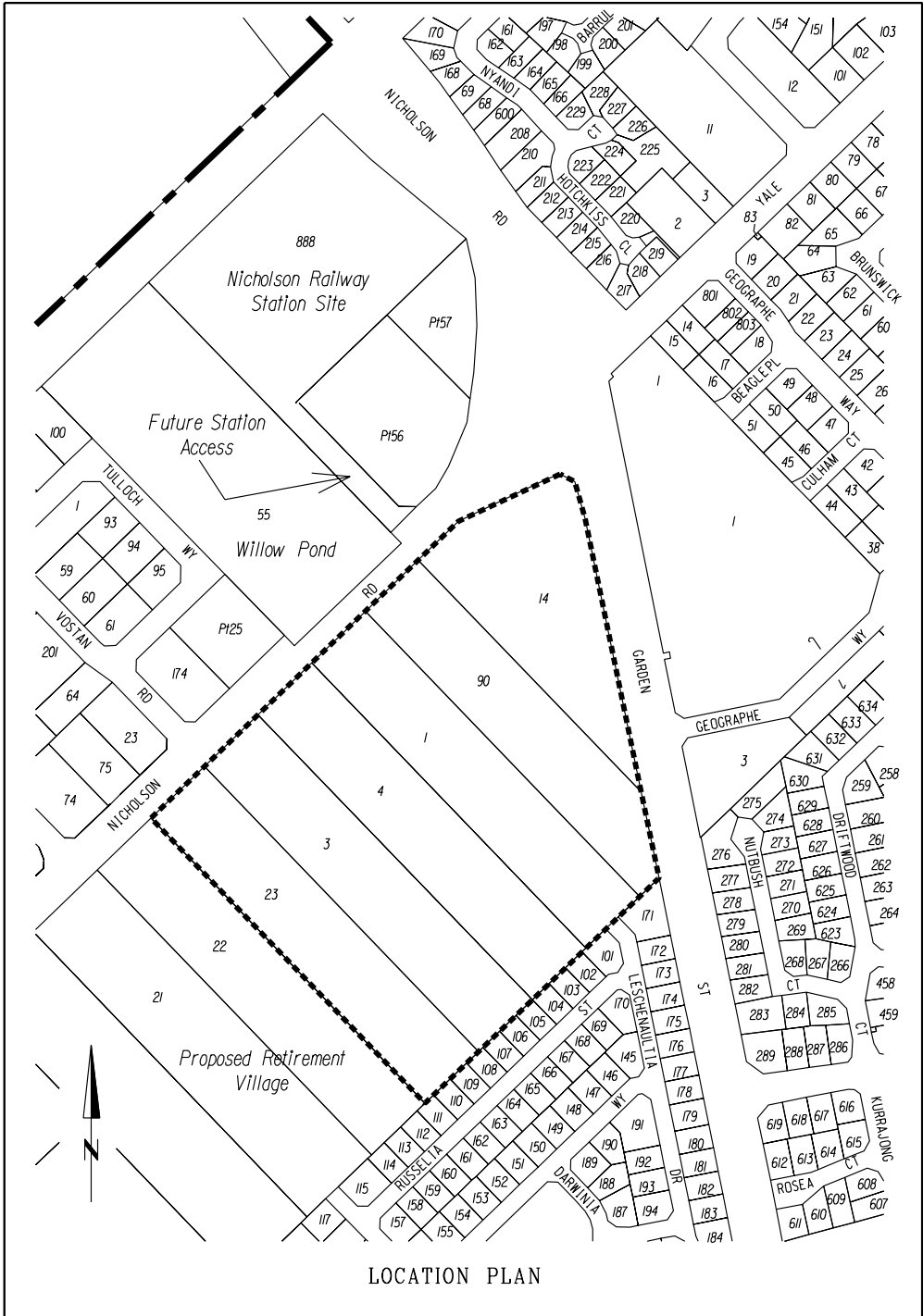
At its Ordinary Meeting of 25 February 2003 Council resolved to adopt a Detailed Area Plan, Subdivision Plan and Urban Design Guidelines for Lots 1, 90, 3, 4, 14 and 23 Nicholson Road, Canning Vale, in order to provide a framework for future development (see Location Plan).

In order to give the Urban Design Guidelines statutory backing it is necessary to amend Part 6 of TPS 6 and the Scheme Map so as to establish a Special Control Area over the lots and apply the Urban Design Guidelines to that area. The Urban Design Guidelines for the Gosnells Town Centre are also empowered using Part 6 of TPS 6, which deals specifically with Special Control Areas. The purpose of those Special Control Areas, and the controls therein, is to set out particular provisions such as landscape and built form, that apply in addition to the standard requirements for the relevant zone.

The Urban Design Guidelines as contained in Appendix 12.5.2A were advertised to the landowners prior to Council making its decision of 25 February 2003, however they would be readvertised as part of this Scheme Amendment being referred for public comment.

**DISCUSSION**

It is recommended that if, in due course, Council resolves to finalise the proposed amendment, the Canning Vale Outline Development Plan (ODP) be amended to also show the Special Control Area over Lots 1, 90, 3, 4, 14 and 23.



## CONCLUSION

It is recommended that the proposed Scheme Amendment be initiated, in order to provide statutory backing to the Nicholson Road Centre Urban Design Guidelines which have previously been adopted by Council.

## FINANCIAL IMPLICATIONS

Nil.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION
---------------------------------------------

### 480 Moved Cr R Mitchell Seconded Cr S Moss

“That Council, pursuant to Section 7 of the Town Planning and Development Act, 1928 (as amended), amend Town Planning Scheme No. 6 text by:

1. Amending Clause 6.1.1 by adding part (b) after the words “(a) Gosnells Town Centre” as follows:

“(b) *Nicholson Road Centre*”

2. Amending Clause 6.2.1 by adding sub clause part (b) after the words “...(adopted in Minute OCM 21/12/1999 1121)” where they appear in sub clause (a), as follows:

“(b) *Nicholson Road Centre Urban Design Guidelines (adopted in Minute OCM 25/2/2003 89).*”

3. Amending the Scheme Map to show Lots 1, 90, 3, 4, 14 and 23 Nicholson Road, Canning Vale as a “Special Control Area”.”

CARRIED 12/0

**FOR:** Cr W Barrett, Cr R Croft, Cr AJ Smith, Cr P Wainwright, Cr R Mitchell, Cr S Moss, Cr O Searle, Cr C Matison, Cr J Brown, Cr S Iwanyk, Cr D Griffiths and Cr PM Morris.

**AGAINST:** Nil.

**12.5.3 AMENDMENT NO. 9 TO TOWN PLANNING SCHEME NO. 6 – FINALISATION – REZONING 34 (LOT 13) AND 38 (LOT 12) CAMBERWELL STREET, BECKENHAM FROM RESIDENTIAL R17.5 TO RESIDENTIAL R60**

**File:** TPS/6/9      **Approve Ref:** 0102/0141AA      (SC)      Psrpt121Jun03

**Name:** Tuscom Consultants Pty Ltd

**Location:** 34 (Lot 13) and 38 (Lot 12) Camberwell Street, Beckenham.

**Zoning: MRS:** Urban

**TPS No. 6:** Residential R 17.5

**Appeal Rights:** Final determination made by Minister for Planning & Infrastructure.

**Area:** 2884m<sup>2</sup>

**Previous Ref:** OCM 17 December 2002 (Resolution 1025)  
OCM 24 June 2003 (Motion Lost)

**PURPOSE OF REPORT**

For Council to finalise Amendment no. 9 to Town Planning Scheme no. 6 (TPS 6) to recode 34 (Lot 13) and 38 (Lot 12) Camberwell Street, Beckenham from Residential R17.5 to Residential R60.

**BACKGROUND**

Council at its meeting held on 24 June 2003, voted against the staff recommendation to adopt for final approval Amendment No. 9 to recode 34 (Lot 13) and 38 (Lot 12) Camberwell Street, Beckenham.

In accordance with Town Planning Regulations, 1967 (as amended), at the close of the submission period, the Council is required to pass a resolution to adopt the amendment with or without modification or to not proceed with the Scheme amendment. Further, it is also a requirement of the regulations that the decision by Council be made within 42 days of the close of the submission period, and that the decision be forwarded to the Commission within 28 days. In this instance, the submission period closed on 28 May 2003, therefore, a decision by Council is to be made by 9 July 2003.

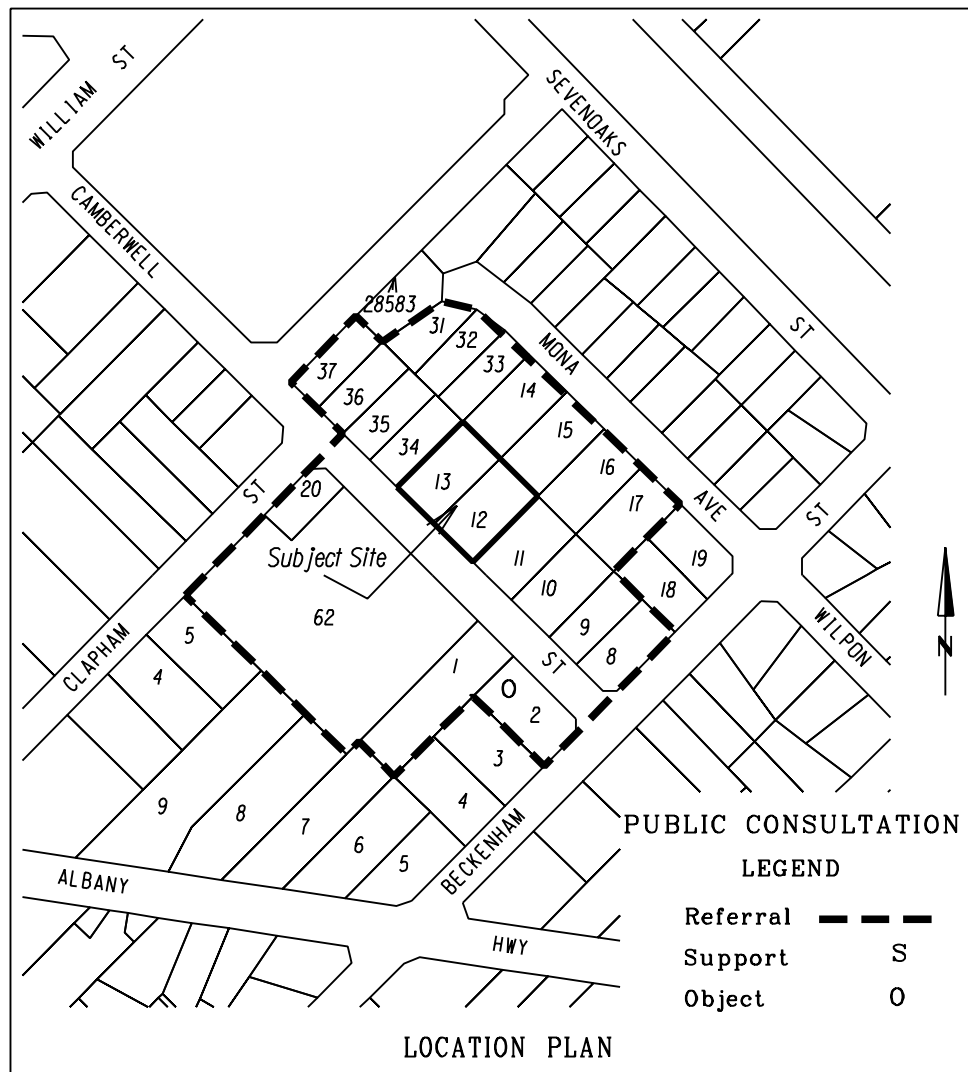
Council at its meeting held on 17 December 2002 resolved to initiate the above amendment (Resolution 1025).

The Department of Environmental Protection was notified in writing and formal notice received on 1 April 2003 advising that the amendment did not warrant environmental advice and was therefore deemed assessed by the Environmental Protection Authority.

The amendment was advertised for public comment for 42 days from 16 April 2003 to 28 May 2003, with notice of the amendment advertised in the West Australian newspaper on 16 April 2003. A sign was also placed on site with notice in writing of the amendment sent to landowners within a 100metre radius. At the close of the submission period, one objection had been received as summarised in the table below.

**Schedule of Submissions**

No.	Name Address	Description of Affected Property: Lot No, Street, etc	Summary of Submission	Staff Comment
1.	E A Hatch	50 (Lot 2) Beckenham Street, Beckenham.	<p>Objection.</p> <ol style="list-style-type: none"> <li>1 Believes the whole of the Central Beckenham Precinct -Local Housing Strategy should be rezoned to Residential R60 with no ad hoc rezoning.</li> <li>2 Believes appropriately designed properties to R40 could enhance the area and does not agree with R60 coding in Camberwell Street.</li> </ol>	<p>Refer Discussion Section.</p> <p>Refer Discussion Section.</p>



**DISCUSSION**

The subject lots are currently zoned Residential R17.5 under Town Planning Scheme No 6 (TPS 6). Council at its meeting held on 17 December 2002, resolved to endorse Local Housing Strategy – Central Beckenham Precinct, where lots were identified to be increased in density to Residential R60 due to proximity to community facilities, public transport, local reserves and shops, in order to encourage diverse residential development. The proposed Residential R60 coding also accords with the WA Planning Commission Policy DC 1.6 “Planning to Enhance Public Transport Use” and the Beckenham Railway Station Precinct Study.

During the advertising period, one objection was received from a nearby landowner, who stated that development to Residential R40 density would enhance development of the area, rather than R60 density. In addition, concerns were raised regarding ad hoc rezoning believing that whole of the lots designated within the Central Beckenham Precinct should be rezoned at one time.

In this instance, due to the proximity to the Beckenham railway station, the proposed R60 density accords with both the City’s Local Housing Strategy and WAPC Policy DC 1.6. It should also be noted that all development would comply with the Residential Design Codes with respect to design elements such as streetscape, setbacks, open space, access and parking, height, and privacy.

Council may consider a ‘spot rezoning’ where the proposal accords with the Local Housing Strategy, and where the rezoning would not compromise future development of other surrounding lots. In this instance, the two lots are currently vacant and located in an area of Beckenham where there is adequate drainage and infrastructure to facilitate development in accordance with Residential R60 coding and the Residential Design Codes. It should be noted that prior to Council initiating an amendment to TPS 6 for the all lots designated for Residential R60 density of the Central Beckenham Precinct, an analysis of both drainage and infrastructure shall be required.

The main issue for Council to consider is that the proposed amendment, is for two lots only and once finalised, would allow development of these lots in accordance with the City’s Local Housing Strategy, which provides the framework for determining future housing needs and increased residential capacity.

**CONCLUSION**

In summary, the above amendment seeks to allow development of two vacant lots in accordance with the endorsed Local Housing Strategy - Central Beckenham Precinct. It is not considered that the rezoning of these two lots at this time, would impact on the future development of other surrounding lots with respect to subdivision or infrastructure provision, or the amenity of the area with respect to development to the R60 coding.



In accordance with the Town Planning Regulations a determination of this matter is required by Council by 9 July 2003 (ie within 42 days of the close of the submission period). The officer's recommendation is that Council support the amendment to recode subject lots, however, should Council not wish to proceed with this amendment a resolution supporting the objection and resolving not to proceed with the amendment would be required.

### **FINANCIAL IMPLICATIONS**

Nil.

<b>STAFF RECOMMENDATION AND COUNCIL RESOLUTION</b>
----------------------------------------------------

#### **481 Moved Cr R Croft Seconded Cr R Mitchell**

“That Council dismiss the submission received to Amendment No. 9 to Town Planning Scheme No. 6 to recode 34 (Lot 13) and 38 (Lot 12) Camberwell Street, Beckenham, and further that, pursuant to Town Planning Regulation 17(2), Amendment No. 9 be adopted for final approval, without modification.”

**CARRIED 8/4**

***FOR:** Cr W Barrett, Cr R Croft, Cr AJ Smith, Cr P Wainwright, Cr R Mitchell, Cr C Matison, Cr D Griffiths and Cr PM Morris.*

***AGAINST:** Cr S Moss, Cr O Searle, Cr J Brown and Cr S Iwanyk.*

### 12.5.4 AMENDMENT NO. 18 TO TOWN PLANNING SCHEME NO. 6 TEXT – FINALISATION

File: TPS/6/18      **Approve Ref:** 0203/0151AA (SW) Psrpt117Jul03  
 Name: Gordon Godwin  
 Location: 86 (Lot 13) Langford Avenue, Langford  
 Zoning: MRS: Urban  
           TPS No. 6: Local Centre  
 Appeal Rights: None. However, amendment determination by the WA Planning Commission/Minister for Planning and Infrastructure.  
 Area: 1,772m<sup>2</sup>  
 Previous Ref: OCM 8 October 2002 (Resolution 826)

#### PURPOSE OF REPORT

For Council to consider support for the finalisation of Amendment No. 18 to Town Planning Scheme No. 6 (TPS 6) text.

#### BACKGROUND

##### History

At its Ordinary Meeting of 8 October 2002, Council resolved to initiate an amendment to the TPS 6 Text, as follows (Resolution 826):

*“That Council, pursuant to Section 7 of the Town Planning and Development Act 1928 (as amended) initiate an amendment to Town Planning Scheme No. 6 by:*

*Inserting In Schedule 2 the following:*

<i>No.</i>	<i>Description of Land</i>	<i>Additional Use</i>	<i>Conditions</i>
14.	86 (Lot 13) Langford Avenue, Langford	Car Hire Business	Maximum of 10 cars. Same operating hours as service station.

#### Proposal

This proposed Amendment supports a proposal by the owner of the subject lot for the operation of a business to hire ten cars in association with the existing Gull service station. The cars would be stored in the existing rear security yard and within the existing building. There would be no structural alterations required to the premises and the site provides adequate parking for both service station and car hire customers.

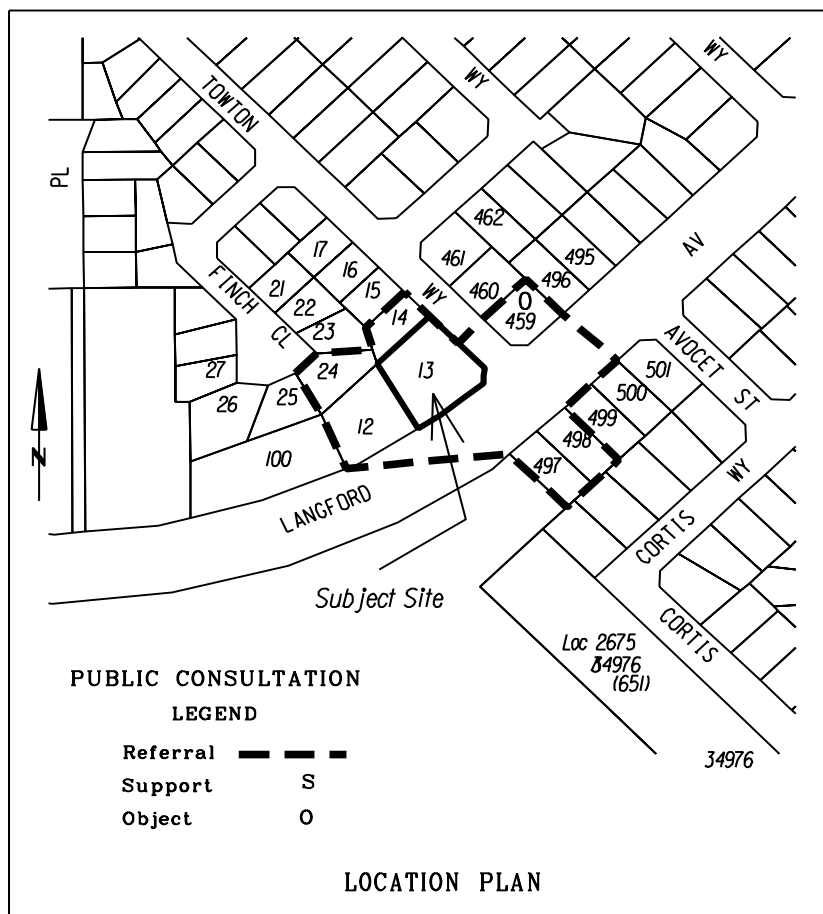
The proposed car hire is seen as a means of supporting the existing service station business, which the applicant advises has been negatively impacted by the development of additional service stations in the vicinity. The applicant sees the proposed car hire business as being incidental to the predominant service station use.

**Result of Advertising**

The proposal was referred to adjoining landowners by letter; a sign was also placed on-site and an advertisement placed in a newspaper. The outcome of the 42-day advertising period is summarized in the table below.

**Schedule of Submissions**

No.	Name Address	Description of Affected Property: Lot No, Street, etc	Summary of Submission	Staff Comment
1.	V A Rowe	1 (Lot 459) Towton Way Langford WA 6147	Objection:  1. Congestion of traffic in Towton Way due to lack of customer parking on-site; 2. The service station site is often vandalized etc, which has a flow-on effect upon their property (ie triggered alarms, materials taken, smashed bottles.)	See car parking section below.  See Security section below.



**DISCUSSION****Security**

The risk of any vandalism will depend to a large extent upon the management of the site. In that regard, the proponent advised that the following measures would be taken:

- Locking the cars in the rear security yard behind a 1.8 metre high chain-link fence with strands of barbed wire along the top;
- Fitting the cars with immobilisers; and
- Continuing the existing security service and monitoring of the property.

These measures are considered to be an appropriate response to the potential threat of vandalism. The proposed fencing shall be required to comply with the Fencing Local Law 2000.

**Amenity**

As the cars would be stored at the rear of the property, which is already utilised for service station purposes, that aspect of the proposal is unlikely to affect the amenity of the adjoining residential lot. Further, the Additional Use Schedule in TPS 6 makes allowance for the application of conditions. In this case it was considered appropriate to restrict the number of cars for hire to 10 and also place a limit on operating hours. These conditions would further protect the amenity of the adjoining lots.

**Strategic Context**

In considering this matter, the surrounding land uses and proposed development of the area needs to be addressed. Langford is at present undergoing “urban renewal” with widespread redevelopment of existing dwellings. Council’s Local Housing Strategy has been prepared to plan for future housing needs of all its suburbs. The Langford Precinct has been adopted, and Council identified an area around the existing shopping centre as suitable for medium density residential development. This accords with the principal aims of Liveable Neighbourhoods with walkable neighbourhoods having access to services and facilities in order to foster a sense of community and local identity. In addition, the proposal addresses the Local Commercial Strategy objective of redevelopment of the neighbourhood shopping centre.

### **Car Parking**

Car hire comes under the Motor Vehicle, Boat or Caravan Sales use class, and the car parking requirement for that use class is one space for every 100m<sup>2</sup> display area, plus one space for every employee, with a minimum of four spaces. It is assumed that the minimum requirement of four car parking bays would apply, on top of the service station requirement of 15 car parking bays (ie 3 service bays @ 4 car parking spaces each and one bay per staff member @ 3 maximum). Thus, a raw car parking requirement of 19 bays applies, whereas 15 are located on-site and 3 of them are in the rear security yard which would be used for storing the hire cars.

In regard to this shortfall in the raw car parking requirements, it should be noted that this issue would be considered in detail upon lodgement of a development application. It is considered likely that these may be grounds to vary the standard car parking requirements at that time, such as:-

- Separate staff not being required for the service station and car hire uses;
- The car parking requirement for motor vehicle, boat or caravan sales does not address the characteristics of a car hire use. For instance, car hire customers use a proportionately low amount of car parking, as they do not have their own car, and they only stay for a relatively short period of time, long enough to drop off or pick up their hire car.

### **Text Alteration**

During preparation of this report it was noted that the proposed condition regarding the number of cars is ambiguous and could be interpreted a number of different ways. It is recommended that the wording of the condition be amended so that the intention is clearer.

### **CONCLUSION**

Given that the concerns raised about security can be addressed using appropriate management techniques, it is recommended that Council resolve to finalise Amendment No. 18 to TPS 6 without modification.

### **FINANCIAL IMPLICATIONS**

Nil.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION

**482 Moved Cr R Croft Seconded Cr D Griffiths**

“That Council, pursuant to Town Planning Regulation 17(1), reject the submission received and further, pursuant to Town Planning Regulation 17(2), that Amendment No. 18 to Town Planning Scheme No. 6 Text be adopted for final approval, with the following modifications:

No.	Description of Land	Additional Use	Conditions
14.	86 (Lot 13) Langford Avenue, Langford	Car Hire Business	Maximum of 10 vehicles to be utilised for he purpose of hire as part of the business. Same operating hours as service station.

CARRIED 12/0

*FOR: Cr W Barrett, Cr R Croft, Cr AJ Smith, Cr P Wainwright, Cr R Mitchell, Cr S Moss, Cr O Searle, Cr C Matison, Cr J Brown, Cr S Iwanyk, Cr D Griffiths and Cr PM Morris.*

*AGAINST: Nil.*

**12.5.5 AMENDMENT NO. 22 TO TOWN PLANNING SCHEME NO. 6 TEXT – FINALISATION**

**File:** TPS/6/22                      **Approve Ref:** 0203/0159AA (SW)      Psrpt118Jun03  
**Name:** City of Gosnells  
**Appeal Rights:** None. However, amendment determination by the WA Planning Commission/Hon Minister for Planning and Infrastructure.  
**Previous Ref:** OCM 17 December 2002 (Resolution 1002 )

**PURPOSE OF REPORT**

For Council to approve the finalisation of Amendment No. 22 to Town Planning Scheme No. 6 (TPS 6) text.

**BACKGROUND****History**

At its Ordinary Meeting of 17 December 2002 Council resolved to initiate Amendment No. 22, as part of its response to the introduction of the Residential Design Codes (R-Codes). The proposed amendments to TPS 6 can be summarised as follows:

- Replace any references in TPS 6 to the title, tables or figures of the Residential Planning Codes (1991) with the title, tables or figures of the R-Codes where applicable.
- Delete any TPS 6 provisions where the expanded provisions of the R-Codes are acceptable or can and are proposed to be addressed by a local planning policy.
- Add new TPS 6 provisions under clause 5.3 “Special Application of Residential Planning Codes (1991)” where they are required to override provisions in the R-Codes that the City wishes to vary and can not do so using a local planning policy.
- Amend clause 9.2 “Permitted Development” in order to require development approval for oversize or overheight outbuildings.

The proposed amendment was referred to the Environmental Protection Authority, that stated that the proposal did not warrant environmental assessment.

**Outcome of Advertising**

The proposed Scheme Amendment was advertised to the public for a period of 42 days between 22 April 2003 and 3 June 2003 by means of an advertisement in a public newspaper. No submissions were received.

**DISCUSSION**

Given that there were no submissions regarding the proposed Scheme Amendment it is recommended that it be adopted for final approval, subject to four minor variations that delete brand names and clarify the maximum dimension for any communications equipment is measured as the diameter.

**FINANCIAL IMPLICATIONS**

Nil.

**STAFF RECOMMENDATION AND COUNCIL RESOLUTION**

**483 Moved Cr S Moss Seconded Cr R Croft**

“That Council note that no submissions were received to Amendment No. 22 to Town Planning Scheme No. 6 Text and further that, pursuant to Town Planning Regulation 17(2), Amendment No. 22 be adopted for final approval, with modification, as follows:

1. Replace any references to the title, tables or figures of the Residential Planning Codes (1991) with the title, tables or figures of the Residential Design Codes (2002) where applicable.
2. Insert the following definition for “Ancillary Accommodation” into Part 2 of Schedule 1 – Land use definitions and Expressions:

“ ‘**ancillary accommodation**’ has the same meaning as in the Residential Design Codes.”

3. Amend Table 1: Zoning Table by inserting Ancillary Accommodation as a use class as follows:

USE CLASS	Residential	Residential Development	Regional Centre	District Centre	Local Centre	Office	Mixed Business	Highway Commercial	Residential/Light Industry Composite	Light Industry	General Industry	Extractive Industry	General Rural	Special Rural	Kennels
Ancillary Accommodation	D	D	D	D	D	D	D	D	D	X	X	X	D	D	D

4. Insert clause 5.3.8 “Ancillary Accommodation” as follows:

*“In addition to the “Acceptable Development” provisions of clause 4.1.1 “Ancillary Accommodation” of the Residential Design Codes, ancillary accommodation proposals shall:*



- (i) *Not include a laundry, but may include a bathroom, toilet, kitchen facilities, a maximum of two (2) bedrooms and a general living area. The ancillary accommodation shall be reliant on the principal residence for the shared use of a laundry facility.*
  - (ii) *Direct internal access to be provided where the ancillary accommodation is an integral part of the principal residence.*
  - (iii) *Materials used in the construction of the ancillary accommodation are to match the existing residence as close as practicable.*
  - (iv) *When of a prefabricated type, the ancillary accommodation shall be located to the rear of the principle residence and be sited not more than 6.0 metres from the principal residence.*
  - (v) *For attached ancillary accommodation, the applicant shall provide the Council with a completed statutory declaration signed by the owner(s) of the property and each member of the family, aged or dependant person(s) for whose occupation the ancillary accommodation is required, stating that the ancillary accommodation is for use by that member of the family, aged or dependant person(s), as the case may be, and for no other purpose.*
  - (vi) *For detached ancillary accommodation, it shall be a condition of approval that the applicant place a memorial on title to notify future purchasers of the use of the ancillary accommodation on the lot. A copy of the receipt from the Department of Land Administration of the memorial having been lodged shall be submitted to Council, prior to the issue of the building licence.”*
5. Delete clause 5.3.5 “Residential Battleaxe Lots” from Part 5 of Town Planning Scheme No. 6.
6. Delete clause 5.3.6 “Outbuildings” from Part 5 of Town Planning Scheme No. 6.”

7. Insert a new clause 5.3.9 “Visitor Parking for Four Grouped Dwellings or Less” as follows:

*“In addition to the “Acceptable Development” provisions of clause 3.5.1 “On Site Parking Provision” of the Residential Design Codes, at least one visitor bay shall be provided to grouped dwelling developments comprising four dwellings or less that front a street where there is no on-street car parking available. The visitor bay should be located in the front setback area, clearly marked and sign posted for that purpose.”*

8. Insert clause 5.3.10 “Communications Equipment” as follows:

*“In addition to the “Acceptable Development” provisions of clause 3.10.2 “External Fixtures” of the Residential Design Codes, antennae, aerials and satellite receiving dishes on residential properties (which are not exempt under Town Planning Scheme No. 6) must be ground mounted with a maximum permitted dimension of 3.0 metres, and adequately screened at ground level from view of neighbouring properties. Screening measures may include some or all of the following:*

- (i) establishment of mature fast growing plantings;*
- (ii) construction of independent lattice screening inside the property boundaries;*
- (iii) plantings of fast growing creepers to cover the lattice; or*
- (iv) painting the dish and/or lattice structure to blend in with the surrounding visual background.”*

9. Insert the following at clause 9.2 “Permitted Development”:

*“(g) Small scale receiving and transmission equipment including antennae, aerials and receiving dishes provided the equipment does not exceed the dimensions specified in the table below:*

- (i) TV antennae, radio aerials and microwave satellite dishes not exceeding a height of 8.0 metres above natural ground level or a maximum diameter of 2.0 metres.*
- (ii) Satellite Receiving Dish (solid dish or close weave mesh construction) not*

*exceeding a height of 8.0 metres above natural ground level or a maximum diameter of 1.0 metre.”*

10. Insert clause 5.3.11 “Privacy Screening” as follows:

*“In addition to the “Acceptable Development” provisions of clause 3.8.1 “Visual Privacy” of the Residential Design Codes, where privacy screening exceeding 2 metres in height above natural ground level is required or proposed, it shall be setback from the relevant property boundary in accordance with Table 1, 2a and 2b or Figure 3 of the Residential Design Codes.”*

11. Amend clause 9.2 by inserting a new provision 9.2(b)(iv) as follows:

*“Where an ancillary outbuilding exceeds the size and/or dimensions nominated in the table below:*

**Residential**

<i>Minimum Site Area</i>	<i>Max area m<sup>2</sup></i>	<i>Max wall height (m)</i>	<i>Max bldg height (m)</i>
<i>Site area - 220 m<sup>2</sup></i>	46	2.4	3.6
<i>Site area - 270 m<sup>2</sup></i>	46	2.4	3.6
<i>Site area - 500 m<sup>2</sup></i>	50	2.7	3.6
<i>Site area - 571 m<sup>2</sup></i>	60	2.7	3.9
<i>Site area - 666 m<sup>2</sup></i>	70	3	4.2
<i>Site area - 800 m<sup>2</sup></i>	80	3	4.2
<i>Site area - 1000 m<sup>2</sup></i>	90	3	4.2
<i>Site area - 2000 m<sup>2</sup></i>	90	3	4.2
<i>Site area - 4000 m<sup>2</sup></i>	90	3	4.2
<i>Site area - 5000 m<sup>2</sup></i>	90	3	4.2

**Rural**

<i>Minimum Site Area</i>	<i>Max area m<sup>2</sup></i>	<i>Max wall height (m)</i>	<i>Max building height (m)</i>
<i>Rural site area not exceeding 1.0 Ha (2.5 acres)</i>	90	3	4.2
<i>Over 1.0 Ha</i>	120	3.6	4.8
<i>Over 2 Ha (5 acres)</i>	150	3.6	4.8

CARRIED 12/0

**FOR:** Cr W Barrett, Cr R Croft, Cr AJ Smith, Cr P Wainwright, Cr R Mitchell, Cr S Moss, Cr O Searle, Cr C Matison, Cr J Brown, Cr S Iwanyk, Cr D Griffiths and Cr PM Morris.

**AGAINST:** Nil.

**12.5.6 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 second report in these Minutes.

**12.5.7 DEVELOPMENT APPLICATION – AGED PERSONS ACCOMODATION, 65 (LOT 815) LANGFORD AVENUE, LANGFORD**

**File:** 236392      **Approve Ref:** 0203/1130 (SW)      Psrpt116Jul03  
**Name:** Franco Carozzi Architects on behalf of Department of Housing and Works  
**Location:** 65 (Lot 815) Langford Avenue, Langford  
**Zoning: MRS:** Urban  
**TPS No. 6:** Residential R30  
**Appeal Rights:** Yes. Town Planning Appeal Tribunal against a refusal or any condition(s) of approval.  
**Previous Ref:** N/A  
**Area:** 1,343m<sup>2</sup>

**PURPOSE OF REPORT**

For Council to consider an application for Aged Persons Accommodation at No. 65 (Lot 815) Langford Avenue, Langford, as the proposal is outside the authority delegated to staff.

**BACKGROUND****Site Description**

Lot 815 is 1343m<sup>2</sup> in size and has two road frontages to Langford Avenue and Osten Drive (see Location Plan). Osten Drive has recently been re-constructed as part of the Langford New Living Program, however it is yet to be re-dedicated. As such it is not shown on the Location Plan, but is shown correctly on the site plan.

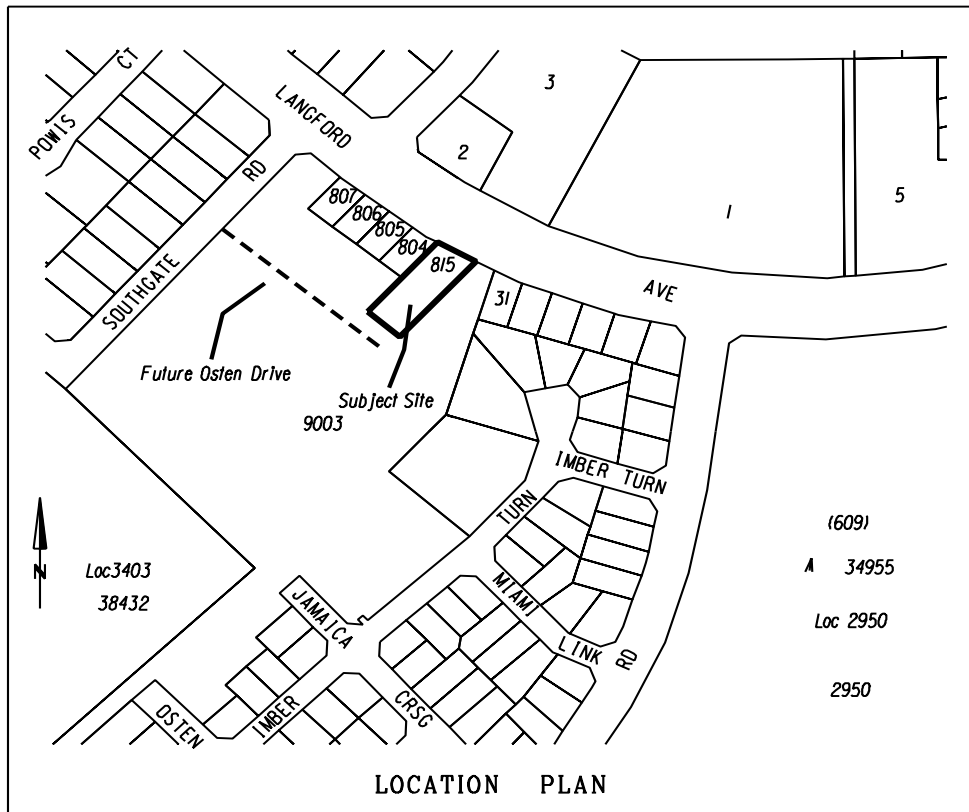
The site fronts public open space on one side, and is also opposite a pedestrian crossing in Langford Avenue that includes a kerbed refuge in the median. The Langford Avenue verge in front of Lot 815 also contains a significant garden bed that was established as part of the Langford New Living Program.

**Residential Design Codes (R-Codes)/Australian Standard (AS) 4299**

R-Codes Clause 4.1.2 A2 requires that all aged persons dwellings incorporate the standards set out in AS 4299 (Adaptable Housing) to the Adaptable House class B standard. These standards relate to facilities designed for aged and/or persons with disabilities.

**Staff Delegation**

The staff delegation for Clause 4.1.2 of the R-Codes does not permit staff to vary Acceptable Development Criteria A2 using the Performance Criteria. The proponents have requested a relaxation of the AS4299 standards and the matter is therefore referred to Council for consideration.



**Proposal**

The proposal is for five aged persons dwellings, which would overlook the public open space and both street frontages (see Site Plan). The fence separating the site from the public open space would be constructed of 900 mm high open pickets between 1000 mm high face brick piers, which would allow good surveillance of the public open space from within the site.

The proposed crossover to Langford Avenue would create a conflict with the kerbed pedestrian refuge in the Langford Avenue median, and the garden bed in the Langford Avenue verge.

The proposal does not comply with Acceptable Development Criteria A2 because only one dwelling (Unit 4) is designed to the standards set out in AS 4299 to the Adaptable House class B standard. The other four (visitable) dwellings are proposed to be designed to the Department of Housing and Works standard for aged persons dwellings, which includes some, but not all, of the requirements contained in AS 4299.

(Site Plan here)

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

The applicant has submitted the following information in support of their request for consideration under the performance criteria:

*“The reasons we believe that the development will satisfy both the objectives and performance criteria in this regard are as follows:*

- 1. The development for the Department of Housing and Works is for rental accommodation of the elderly. As a public sector housing provider, the Department is able to relocate tenants to meet its needs. What is envisaged in this case is that, if one of the tenants in this development of five units is incapacitated due to ageing, that tenant will be relocated into the “adaptable” unit when the adaptations have been completed. This would satisfy the requirement of “ageing in place” as no tenants would be forced to move away from the development, where they would have established friends and other emotional attachments.*
- 2. Department of Housing and Works data does not show a breakdown of the proportion of wheelchair-bound aged tenants. The proposed development provides one adaptable unit in five, ie 20% . In cases where more than 20% of the tenants require specially adapted housing the Department would have an obligation to find alternative accommodation.*
- 3. In addition to the features normally provided in aged persons’ dwellings, we will upgrade Units, 1, 2, 3 and 5 to comply with the requirements of AS 4299 for a visitable housing unit. This is defined in AS 4299 as a housing unit which has at least one wheelchair accessible entry with an accessible path of travel to the living area and to a toilet that is either accessible or visitable. We consider this necessary to allow the disabled tenant from Unit 4 to visit other tenants within the development.*
- 4. We have had advice from the Department of Planning and Infrastructure and the Disability Services Commission that they would support these arrangements in the case of public rental accommodation.*
- 5. Adaptable housing and disabled design does not discriminate against left and right handed people, it is designed to equally accommodate disabled persons to left, right and ambidextrous orientation. There is therefore no need to provide separate accommodation for dextral and sinistral persons.”*

**DISCUSSION**

In regards to non-compliance with Acceptable Development Criteria A2, Staff support the request to vary that requirement using the Performance Criteria, as, if the situation requires it, the Department of Housing and Works has the ability to accommodate residents requiring the additional facilities contained within AS 4299. This position reflects a recognition that the Department of Housing and Works is a public housing provider. As such it is has the ability to locate tenants according to their specific needs. For the most part people aged over 55 years do not require the full complement of special facilities. It is only a minority of aged persons who, for instance, are dependent on wheelchairs and have significantly reduced mobility. The proposal involves the provision of one fully compliant unit with the remaining four units being partially compliant with AS 4299. The four partially compliant units will all have wheelchair access which is seen as a necessary requirement as this will:

- (a) allow people with a disability to visit other tenants;
- (b) maintain the ability to upgrade the units to the higher standard if necessary at some future time (retrofitting of wider doorways etc for wheelchair access is impractical after construction).

Council staff have discussed the issue with the Department for Planning and Infrastructure, who have foreshadowed a review of the R-Code requirement for all aged or dependent persons' dwellings to comply with AS 4299 in the case of public housing provision. It is considered that the existence of one fully compliant unit and the ability of the proponent to relocate tenants between units based on need, satisfies the R-Code performance requirement (4.1.2 P23 for "ageing in place") to occur. On this basis the application is recommended for approval.

The development complies in all other respects with Town Planning Scheme No. 6, the R-Codes and Council's Residential Urban Design Guidelines. If Council supports the request, it is recommended that non-standard conditions be applied that require the pedestrian refuge and garden bed issues to be resolved by the developer to the City's satisfaction.

**CONCLUSION**

It is recommended that Council approve the proposal as is, subject to non-standard and standard conditions of development approval.

**FINANCIAL IMPLICATIONS**

Nil.



STAFF RECOMMENDATION AND COUNCIL RESOLUTION
---------------------------------------------

**484 Moved Cr J Brown Seconded Cr R Mitchell**

“That Council approve the application for Aged Persons Accommodation at No. 65 (Lot 815) Langford Avenue, Langford, subject to the following conditions:

1. The kerbed pedestrian refuge in the Langford Avenue median in front of the site being modified to the satisfaction of the Director Infrastructure.
2. The garden bed in the Langford Avenue verge in front of the site being modified to the satisfaction of the Director Infrastructure.
3. Osten Drive being dedicated as a public road.
4. Standard Conditions 3.2, 4.1, 4.3, 5.1, 5.2, 6.1, 20.4; and Advice Notes D14.1, D26.1.”

CARRIED 12/0

*FOR:* Cr W Barrett, Cr R Croft, Cr AJ Smith, Cr P Wainwright, Cr R Mitchell, Cr S Moss, Cr O Searle, Cr C Matison, Cr J Brown, Cr S Iwanyk, Cr D Griffiths and Cr PM Morris.

*AGAINST:* Nil.

## 12.6 REGULATORY SERVICES

### 12.6.1 BOUNDARY WALL - 6 MCINNES WAY, CANNING VALE

File: 223289 (BG) Rpt032Jul03

Name: Mr J Raphael  
Location: 6 McInnes Way  
Canning Vale

#### PURPOSE OF REPORT

For Council to consider a proposal to erect a residence at 6 McInnes Way, Canning Vale the garage of which is proposed to be constructed with a wall beside the boundary separating 6 McInnes Way and 95 Gundaring Turn, Canning Vale.

#### BACKGROUND

The Residential Design Codes called up by the City of Gosnells Planning Scheme allows the proposed construction provided that consideration is given to the effect on the amenity of the adjoining property owners. An objection and comment has been received from the owners of 95 Gundaring Turn, an extract of which states as follows:

*“With respect to the above application, we object as we will be affected by the wall as it detracts from our property. It will block light from our main bathroom and the view from our main bedroom window will be a brick wall – not a very pleasant view. We have resided at this property for approximately four years, established gardens and erected fencing along the boundary wall...in short a brick wall on the boundary will be imposing.”*

#### DISCUSSION

In considering the requested variation Council must consider what impact it will have on the adjoining property and the streetscape. In respect to the adjoining property, the primary considerations are the effect that the variation has on privacy, day lighting/over shadowing and the amenity of the adjoining property. It is noted that:

1. The variation has no effect on the neighbours privacy.
2. The garage wall is to be 6.110metres long and 2.101metres high when measured from ground level on 95 Gundaring Turn.
3. The garage of the subject residence is proposed to be constructed beside a retaining wall that supports the adjoining residence at an elevated level. (343mm above the proposed floor level of the subject residence). This will result in the proposed wall being approximately 300mm above the existing 1.8metre high sheet metal fence that has been erected on the top of the retaining wall. As Councils Local Laws relating to fencing will allow a dividing fence to be 2metres high it is considered that the proposed wall will have no undue effect on day lighting to the window from which it will be visible on 95 Gundaring Turn.

4. Overshadowing (day lighting) is considered to affect the adjoining property if more than 25% of the adjoining property is in shadow at midday on 21 June. As can be seen from the following site plan only a small portion of the adjoining property is in shadow at that time of that day (2.1%). The shadow is cast on to a windowless portion of the wall of the adjoining property.
5. The front of the garage is proposed to be sited 4.860metres from the street boundary, the same as the wall to the bedroom on 95 Gundaring Turn as is the existing 1.800metre high dividing fence. Moving the wall away from the boundary or more rearward will have no significant beneficial effect on the streetscape.

(Site Plan here)

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

To support the proposal the owner of the subject property has provided the following advice to Council:

*"The plan which has been submitted has been designed to make the best possible use of the existing block. The block is not a large block however the residence, as designed, will make full use of the available space and will be a quality residence which will enhance the general surroundings.*

*The residence has been positioned to take full benefit of the streetscape on McInnes Way which is a beautiful park and it would be a waste to position the garage toward the park and waste a portion of this view. I believe I paid a premium when I purchased this block due to the outlook onto the park and wish to make full use of same.*

*I disagree that the positioning of the garage wall will stop the neighbours from getting reasonable light into the room on this side of their house. The proposed dwelling is only of single storey construction and I believe they will still receive reasonable light past this wall from the north.*

*I kindly request that Council look favourably on this application as it took some considerable time and effort to design a residence to make full use of the size, layout, shape and orientation of the block."*

The extent of the garage wall that will be visible above the existing fence is not imposing and does not extend further forward than the front of the neighbouring residence and as such the garage and the residence does not detract from the deemed acceptable view of the streetscape. Taking all points into consideration it is recommended that the building application be approved.

## **FINANCIAL IMPLICATIONS**

Nil.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION
---------------------------------------------

**485 Moved Cr D Griffiths Seconded Cr R Croft**

“That Council approve Building Application 0301296, submitted by Ashmy Pty Ltd for the erection of a residence to be constructed at Lot 762, (No. 6) McInnes Way, Canning Vale as proposed.”

CARRIED 9/3

*FOR: Cr W Barrett, Cr R Croft, Cr P Wainwright, Cr R Mitchell, Cr C Matison, Cr J Brown, Cr S Iwanyk, Cr D Griffiths and Cr PM Morris.*

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

**12.6.2 BUSH FIRE BRIGADE ANNUAL GENERAL MEETING MINUTES**

File: E11/3

(MB)

Appendix: 12.6.2A Minutes of City of Gosnells Bush Fire Brigade Annual General Meeting held on 10 June 2002

**PURPOSE OF REPORT**

For Council to receive the Minutes and consider the recommendations of the City of Gosnells Bush Fire Brigade Annual General Meeting held on 9 June 2003.

**BACKGROUND**

It is a requirement under Section 3.11(2)(b) of the City of Gosnells Bush Fire Brigades Local Law 2000 that the Brigades Annual General Meeting Minutes are tabled at the Bush Fire Advisory Committee or Council if there is no Bush Fire Advisory Committee. As there is no meeting of the Bush Fire Advisory Committee scheduled for the near future the Minutes are forwarded to Council of confirmation.

The City of Gosnells Bush Fire Brigade holds its Annual General meeting on the first Monday evening in the month of June to elect the Brigade Officers and the Executive Committee for the next year.

**DISCUSSION**

The business for the meeting is reported in the Minutes of the City of Gosnells Bush Fire Brigade Annual General Meeting (AGM) held on 9 June 2003 provided as Appendix 12.6.2A.

No recommendations were made however any officers elected by the brigade to hold the position of Fire Control Officer requires appointment by Council under Section 38(1) of the Bush Fires Act 1954.

Section 38(1) allows a Local Government to appoint such persons as it thinks fit to be Fire Control Officers under and for the purpose of the Act.

The appointment of some officers such as Fire Control Officers is required to be withdrawn from time to time due to the resignation of Brigade Officers.

**FINANCIAL IMPLICATIONS**

Nil.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION
---------------------------------------------

**486 Moved Cr S Moss Seconded Cr C Matison**

“That Council receive the minutes of the City of Gosnells Bush Fire Brigade Annual General Meeting held on 9 June 2003 as attached in Appendix 12.6.2A.”

CARRIED 12/0

*FOR: Cr W Barrett, Cr R Croft, Cr AJ Smith, Cr P Wainwright, Cr R Mitchell, Cr S Moss, Cr O Searle, Cr C Matison, Cr J Brown, Cr S Iwanyk, Cr D Griffiths and Cr PM Morris.*

*AGAINST: Nil.*

STAFF RECOMMENDATION AND COUNCIL RESOLUTION
---------------------------------------------

**487 Moved Cr S Moss Seconded Cr C Matison**

“That Council appoint the following officer as a Fire Control Officer for the City of Gosnells under Section 38(1) of the Bush Fires Act 1954;

Fire Control Officer – Rodney Wallington.”

CARRIED 12/0

*FOR: Cr W Barrett, Cr R Croft, Cr AJ Smith, Cr P Wainwright, Cr R Mitchell, Cr S Moss, Cr O Searle, Cr C Matison, Cr J Brown, Cr S Iwanyk, Cr D Griffiths and Cr PM Morris.*

*AGAINST: Nil.*

STAFF RECOMMENDATION AND COUNCIL RESOLUTION
---------------------------------------------

**488 Moved Cr S Moss Seconded Cr C Matison**

“That Council withdraw the appointment of Ian Lowe as Fire Control Officer for the City of Gosnells.”

CARRIED 12/0

*FOR: Cr W Barrett, Cr R Croft, Cr AJ Smith, Cr P Wainwright, Cr R Mitchell, Cr S Moss, Cr O Searle, Cr C Matison, Cr J Brown, Cr S Iwanyk, Cr D Griffiths and Cr PM Morris.*

*AGAINST: Nil.*

**12.6.3 MAYORAL ALLOWANCE**

File: C4/7F C4/7E F1/4/1

(TP)

Rpt031Jul03

**PURPOSE OF REPORT**

To review the annual local government allowance to the Mayor and Deputy Mayor.

**BACKGROUND**

Section 5.98(5) of the Local Government Act 1995 (Act) makes provision for the Mayor to be provided with a local government allowance in addition to other entitlements offered to elected members. Regulation 33 of the Local Government (Administration) Regulations 1996 prescribes the minimum and maximum rates to be paid.

Section 5.98A of the Act enables the local government to provide a Deputy Mayor an allowance up to a prescribed percentage of the allowance provided to the Mayor.

In June 1999 Council resolved to provide the Mayor with an annual local government allowance of \$10,000 with the allowance for the Deputy Mayor being set at 15% of that rate.

Council Policy 5.4.15 requires the Mayoral Allowance to be reviewed on an annual basis in the month of May. Due to organisational changes this was inadvertently overlooked.

**DISCUSSION**

The allowance provided to the Mayor in the 2002/2003 financial year was \$10,600 with that to the Deputy Mayor being \$1,590.

The Local Government (Administration) Regulations 1996 (Regulation 331) prescribes:

*“The maximum annual local government allowance for a Mayor president is –*

- (i) \$10,000; or*
- (ii) 0.002 of the local governments operating revenue, which ever is the greater amount but in any case no more than \$60,000.”*

Based on the City's operating revenue listed in the budget for the 2002/2003 financial year the 0.002 equates to \$75,283. As the Regulations cap the allowance at \$60,000 that is the maximum that can be provided.

The Consumer Price Index for Perth for the past twelve months was in the vicinity of 2.8%. Any increment based on that level of growth would see the allowance increased to \$10,900 (rounded up) with the allowance for the Deputy Mayor being \$1,635.

**FINANCIAL IMPLICATIONS**

Provisions for the increase in both allowances can be accommodated within the budget for the 2003/2004 financial year.

<b>STAFF RECOMMENDATION AND COUNCIL RESOLUTION</b>
----------------------------------------------------

**489 Moved Cr R Mitchell Seconded Cr C Mation**

“That Council approve the annual local government allowance for the Mayor for the 2003/2004 financial year, be set at \$10,900, with the allowance for the Deputy Mayor being \$1,635.”

CARRIED 11/1

*FOR: Cr W Barrett, Cr R Croft, Cr P Wainwright, Cr R Mitchell, Cr S Moss, Cr O Searle, Cr C Mation, Cr J Brown, Cr S Iwanyk, Cr D Griffiths and Cr PM Morris.*

*AGAINST: Cr AJ Smith.*



**13. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN****13.1 NEW POLICE STATION IN CANNING VALE – REQUEST FOR MEETING**

The following motion was proposed by Cr W Barrett during “Notices of Motion for Consideration at the Following Meeting” at the Ordinary Council Meeting held 24 June 2003 for inclusion in “Motions for Which Previous Notice Has Been Given” of the 8 July 2003 Ordinary Council Meeting.

**PROPOSED MOTION**

That an urgent meeting be sought with the Minister for Police to discuss the provision of a new Canning Vale Police Station and that this meeting be attended by the Mayor and all interested Councillors together with the appropriate Council Officers.

**COUNCILLOR COMMENT**

Cr W Barrett provided the following written comment in relation to the proposed motion:

*“The Canning Vale area is developing rapidly and requires its own Police Station to provide police services to the local community.”*

**STAFF COMMENT**

The Director Community Services provides the following comment in relation to the proposed motion:

A letter to the Minister for Police has recently been sent requesting the WA Police Service’s position, on the matter of a proposed new Police Station in Canning Vale.

Given that the Council is now waiting for a response from the Minister for Police, it is recommended not to pursue a meeting at this point in time until an official response has been received from the Minister.

<b>COUNCIL RESOLUTION</b>
---------------------------

**490 Moved Cr W Barrett Seconded Cr R Croft**

“That an urgent meeting be sought with the Minister for Police to discuss the provision of a new Canning Vale Police Station and that this meeting be attended by the Mayor and all interested Councillors together with the appropriate Council Officers.”

CARRIED 12/0

*FOR: Cr W Barrett, Cr R Croft, Cr AJ Smith, Cr P Wainwright, Cr R Mitchell, Cr S Moss, Cr O Searle, Cr C Matison, Cr J Brown, Cr S Iwanyk, Cr D Griffiths and Cr PM Morris.*

*AGAINST: Nil.*

### **13.2 WALLS SURROUNDING HOUSING DEVELOPMENTS – REPORT REQUEST**

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 24 June 2003 for inclusion in “Motions for Which Previous Notice Has Been Given” of the 8 July 2003 Ordinary Council Meeting.

#### **PROPOSED MOTION**

That Council receive a report which looks at alternatives to the variety of walls that surround new housing developments within the City and could we have an outline as to whether walls display the City to the best advantage.

#### **STAFF COMMENT**

The Manager Policy and Strategy provides the following comment in relation to the proposed motion:

Estate walls are actively discouraged in accordance with Council's Safe City Urban Design Strategy. The objectives and principles outlined in this strategy have been reflected in a recent review of Council policies relating to Uniform fencing (Policy Numbers 6.2.16 and 6.3.2.1).

The City is also lobbying the Department of Planning and Infrastructure with regard to applying these same principles when determining subdivision applications.

<b>COUNCIL RESOLUTION</b>
---------------------------

#### **491 Moved Cr O Searle Seconded Cr AJ Smith**

“That Council receive a report which looks at alternatives to the variety of walls that surround new housing developments within the City and could we have an outline as to whether walls display the City to the best advantage.”

CARRIED 12/0

*FOR: Cr W Barrett, Cr R Croft, Cr AJ Smith, Cr P Wainwright, Cr R Mitchell, Cr S Moss, Cr O Searle, Cr C Matison, Cr J Brown, Cr S Iwanyk, Cr D Griffiths and Cr PM Morris.*

*AGAINST: Nil.*

**14. NOTICES OF MOTION FOR CONSIDERATION AT THE FOLLOWING MEETING****14.1 STUDY OF USAGE OF COMMUNITY FACILITIES – INCLUSION IN REVIEW OF STRATEGIC PLAN**

*Cr C Matison proposed the following motion for inclusion in “Motions of Which Previous Notice Has Been Given” of the 22 July 2003 Ordinary Council Meeting agenda.*

<b>PROPOSED MOTION FOR 22 JULY 2003</b>
-----------------------------------------

*“That as part of Council’s review of the Strategic Plan, a study of the usage of community facilities be conducted to optimise the opportunities for maximum usage through a planned marketing strategy that identifies and supports community needs whilst providing economic sustainability.”*

*10.10pm – The Director Planning and Sustainability left the meeting.*

**COUNCILLOR COMMENT**

Cr C Matison provided the following written comment in relation to the proposed motion:

*“To provide for a more sustainable and economic usage of Council facilities in keeping with community needs and expectations.”*

*10.11pm - Cr R Mitchell left the meeting.*

Notation

*Due to prior Leave of Absence being granted to Cr Moss during period 16 July 2003 to 3 August 2003 (Resolution 390 of 24 June 2003 Ordinary Council Meeting), she requested the following Notices of Motion be included in the 12 August 2003 Ordinary Council Meeting agenda.*

**14.2 NAMING OF FORMER MADDINGTON GOLF COURSE SITE**

*Cr S Moss proposed the following motion for inclusion in “Motions of Which Previous Notice Has Been Given” of the 12 August 2003 Ordinary Council Meeting agenda.*

<b>PROPOSED MOTION FOR 12 AUGUST 2003</b>
-------------------------------------------

*“That Council approve the formal naming of the Maddington Golf Course site with an appropriate name reflecting the historical heritage of the area and that community input and opinion be sought.”*

**COUNCILLOR COMMENT**

Cr S Moss provided the following written comment in relation to the proposed motion:

*“As plans are now progressing in a positive manner, I believe it is time to consider a name for this site as:*

- 1) Naming the site gives it a definite identity; and*
- 2) I believe this will be a positive step in enhancing public perception whilst at the same time show that Council is moving forward towards the future development of the golf course site for the use, enjoyment and benefit of the community.”*

**14.3 RETICULATION OF MADDINGTON RECREATION OVALS – REPORT REQUEST**

*Cr S Moss proposed the following motion for inclusion in “Motions of Which Previous Notice Has Been Given” of the 12 August 2003 Ordinary Council Meeting agenda.*

<b>PROPOSED MOTION FOR 12 AUGUST 2003</b>
-------------------------------------------

*“That a report be provided to Council outlining all the advantages of automatic reticulation of the Maddington Recreation Club Ovals in light of the fact that the ovals are now in good condition due to work carried out by Council staff.”*

*10.12pm – The Director Planning and Sustainability returned to the meeting.*

**COUNCILLOR COMMENT**

Cr S Moss provided the following written comment in relation to the proposed motion:

*“Since approximately August 2002, work has been done to bring the grounds up to an adequate standard for the football season and this work was well done, given that moving to the golf course site is no longer practicable and other possible options for consideration are likely to be years away, reticulating the grounds will ensure that the work already done will be maintained as well as ensuring more efficient and economical watering and a significant reduction in staff labour costs.”*

*10.13pm – Cr R Mitchell returned to the meeting.*

**15. URGENT BUSINESS (BY PERMISSION OF COUNCIL)**

Nil.

**16. CONFIDENTIAL MATTERS**

Nil.

**17. CLOSURE**

The Mayor declared the meeting closed at 10.14pm.