

**CITY OF GOSNELLS**

**ORDINARY COUNCIL MEETING  
10 AUGUST 2004**

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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 10 August 2004.

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## **1. OFFICIAL OPENING/ANNOUNCEMENT OF VISITORS/DISCLAIMER**

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 \_\_\_\_\_

**2. RECORD OF ATTENDANCE/APOLOGIES/APPROVED LEAVE OF ABSENCE**

**ELECTED MEMBERS**

MAYOR

CR P M MORRIS AM JP Honorary Freeman

DEPUTY MAYOR

CR R CROFT

CR W BARRETT

CR R HOFFMAN

CR P WAINWRIGHT

CR R MITCHELL

CR S MOSS

CR O SEARLE JP

CR C MATISON

CR J BROWN JP

CR S IWANYK

CR D GRIFFITHS

**STAFF**

CHIEF EXECUTIVE OFFICER

MR S JARDINE

DIRECTOR COMMUNITY SERVICES

MS A COCHRAN

DIRECTOR CORPORATE SERVICES

MR R BOUWER

DIRECTOR INFRASTRUCTURE

MR D HARRIS

DIRECTOR PLANNING & SUSTAINABILITY

MR R HAEREN

DIRECTOR REGULATORY SERVICES

MR T PERKINS

MINUTE SECRETARY

MS A CRANFIELD

**PUBLIC GALLERY**

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**APOLOGIES**

Nil.

**APPROVED LEAVE OF ABSENCE**

Nil.

### **3. DECLARATIONS OF INTEREST**

Cr R Hoffman declared an Impartiality Interest in item 13.4.2 “Tender 31/2004 – Landscape Maintenance “The Reserve”.”.

**Reason:** Own property in the area.

Cr R Mitchell declared a Financial Interest in item 13.5.6 “Development Application – Telecommunications Infrastructure – 2201 (Lot 150) Albany Highway, Gosnells”.

**Reason:** Telstra employee.

Cr S Iwanyk declared a Financial Interest in item 13.3.2 “Principal Activities Plan 2004”.

**Reason:** Page 41 of Appendices Gosnells Underground Power Project – property in the area.

Cr S Iwanyk declared an Impartiality Interest in item 13.5.1 “Town Planning Scheme Amendment, Proposal to Initiate – Town Planning Scheme No. 6 – Rezoning of 174 (Lot 100) Homestead Road, Gosnells from Residential “R17.5” to Residential “R30”.”.

**Reason:** Family member currently in rental premises on the block.

### **4. ANNOUNCEMENTS BY THE PRESIDING MEMBER**

(without discussion)

The Mayor circulated to Councillors a list of functions and events she had attended since Tuesday 13 July 2004.

The Mayor announced that at the Western Australian Local Government Association’s Local Government awards ceremony held on the weekend, Cr J Brown was awarded a Meritorious Service Award, and Cr R Croft, Cr R Mitchell and Cr D Griffiths were each awarded certificates for Distinguished Service to Local Government, with the Mayor extending sincere congratulations on behalf of Council for their service to the community.

### **5. REPORTS OF DELEGATES**

(without debate)

Nil.

### **6. 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**

Nil.

#### **6.1 QUESTION TIME**

Nil.

#### **6.2 PUBLIC STATEMENTS**

- \* Mr Stuart Colam of PO Box 137, Karrinyup, acting on behalf of the property owners, made a public statement in relation to item 13.5.2 “Amendment to the Canning Vale Outline Development Plan – Increased Residential Density – Lots 180, 181, 182, 183, 184 Birnam Road and Lot 9005 Totara, Canning Vale” speaking in favour of the staff recommendation contained within the agenda. Mr Colam addressed objections raised by members of the public in relation to traffic congestion, anti social behaviour and negative impact on property valuations. He then outlined the benefits the proposed subdivision would provide to the area, namely mixed lot sizes, a commercial node, minor increase to potential lot yields and urban infill. In closing Mr Colam sought Council’s support for the proposal.
- \* Ms Karen Taylor of Roberts Day Town Planning and Design, 1/130 Royal Street, East Perth, acting on behalf of Fermanagh Investments, made a public statement in relation to item 13.5.3 “West Canning Vale (Campbell Estate) Outline Development Plan – Consideration for Advertising” speaking in favour of the staff recommendation contained within the agenda. Ms Taylor advised a previous ODP had been prepared in 2002 and endorsed by Council, however, was not supported by the Western Australian Planning Commission due to

concerns by the Environmental Protection Authority in relation to protection of wetlands. She added that the new ODP had been prepared in consultation with all relevant government agencies in order to address concerns previously raised then provided an outline of key elements of the proposal. In concluding Ms Taylor sought Council support in allowing the ODP to progress to advertising to enable the community the opportunity to formally contribute to the process.

- \* Mr Paul Collins of Lloyd Collins Property Consultants, Suite 8, 168 St Georges Terrace, Perth, acting on behalf of the Uniting Church, made a public statement in relation to item 13.5.3 “West Canning Vale (Campbell Estate) Outline Development Plan – Consideration for Advertising” speaking against the staff recommendation contained within the agenda. Mr Collins advised the Uniting Church had owned the property since 1999 which had been identified as an ideal church and community centre location due to its proximity to a neighbourhood shopping centre, public transport and its separation from future residential development. He stated the proposed ODP was unsatisfactory to the Church’s needs as it showed a road dissecting the property and failed to recognise the use of the site as a place of worship and community purpose. He quoted excerpts from correspondence from Council staff which he believed contained conflicting information and expressed concern at the lack of meeting notice and agenda availability. Mr Collins recommended Council defer consideration of the ODP to allow for proper consultation with landowners in accordance with Resolution 212 of the 27 April 2004 Ordinary Council Meeting, or at the very least, Council amend the ODP prior to advertising to ensure the proposed road ran south of the church’s property and recognised the church precinct in addition to the proposed residential density.

#### Notation

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

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

#### **396 Moved Cr R Croft Seconded Cr W Barrett**

“That an extension of time be granted for the receiving of public statements from the public during item 6.2 “Public Statements”.

CARRIED 12/0

*FOR: Cr W Barrett, Cr R Croft, Cr R Hoffman, 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.*

- \* Mr Peter Webb of Peter Webb and Associates, York Street, Subiaco, acting on behalf of the owners of Lot 278 Ranford Road, Canning Vale made a public statement in relation to item 13.5.3 “West Canning Vale (Campbell Estate) Outline Development Plan – Consideration for Advertising”. Mr Webb advised the owners had reviewed the ODP and suggested it be slightly modified prior to advertising as they believed the extent of the residential component was not



appropriate. He added that plans for an alternative development had been circulated and provided an outline of proposed changes. In closing he respectfully sought Council's support to increase the mixed business component on Lot 278 from 36% to 73%.

- \* Mr Mike Kingsford of 42 Proudist Circle, Huntingdale, Principal of Rehoboth Christian High School, made a public statement in relation to item 13.5.5 "Development Application – Temporary Primary School Facilities and Design and Technology Centre – 92(Pt Lot 107) Kenwick Road, Kenwick" speaking in favour of the staff recommendations contained within the agenda. Mr Kingsford advised primary school facilities were planned to commence in 2005 on the same site as the high school, however, due to site challenges significant delays had been incurred resulting in a need to have temporary facilities in place for the start of the 2005 school year to accommodate between 40 and 75 students. He added the submission also included an exciting new Design and Technology Centre for the school which would be a tremendous asset to students and the school programme and asked that Council support the staff recommendation to approve the application.
- \* Mr Neil Teo of Planning Solutions (Aust) Pty Ltd, 1/255 Beaufort Street, Perth, acting on behalf of Hutchison 3G Australia Pty Ltd made a public statement in relation to item 13.5.6 Development Application – Telecommunications Infrastructure – 2201 (Lot 150) Albany Highway, Gosnells" speaking against the staff recommendation contained within the agenda. Mr Teo advised alternative sites in the local area had been explored, however, due to their close proximity to residential uses, the subject site was chosen, adding the area zoning of "District Centre" and the commercial function of the telecommunications infrastructure made the site suitable. He addressed each of the reasons for refusal in the staff recommendation suggesting alternate conditions of approval to facilitate the proposal.

## 7. CONFIRMATION OF MINUTES

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|--------------------|
| COUNCIL RESOLUTION |
|--------------------|

### 397 Moved Cr J Brown Seconded Cr S Moss

"That the Minutes of the Ordinary Council Meeting held on 27 July 2004, be confirmed."

CARRIED 12/0

*FOR:* Cr W Barrett, Cr R Croft, Cr R Hoffman, 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.

**8. THE RECEIVING OF PETITIONS, DEPUTATIONS AND PRESENTATIONS**

All petitions 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 Searle presented a non confirming petition initiated by Mr Ray Finkelstein of 34 Aldinga Street, Kenwick which will be referred to relevant staff for investigation and written response to the initiator.

**9. APPLICATIONS FOR 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.

**10. QUESTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN**

(without discussion)

Nil.

**11. 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 |
|--------------------|

**398 Moved Cr W Barrett Seconded Cr P Wainwright**

“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 13.5.2 Amendment to the Canning Vale Outline Development Plan – Increased Residential Density – Lots 180, 181, 182, 183, 184 Birnam Road and Lot 9005 Totara, Canning Vale;
- \* Item 13.5.3 West Canning Vale (Campbell Estate) Outline Development Plan – Consideration for Advertising;
- \* Item 13.5.5 Development Application – Temporary Primary School Facilities and Design and Technology Centre – 92(Pt Lot 107) Kenwick Road, Kenwick;
- \* Item 13.5.6 Development Application – Telecommunications Infrastructure – 2201 (Lot 150) Albany Highway, Gosnells.”

CARRIED 12/0

*FOR: Cr W Barrett, Cr R Croft, Cr R Hoffman, 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.*

**13.5.2 AMENDMENT TO THE CANNING VALE OUTLINE DEVELOPMENT PLAN – INCREASED RESIDENTIAL DENSITY – LOTS 180, 181, 182, 183, 184 BIRNAM ROAD AND LOT 9005 TOTARA, CANNING VALE**

File: TPS/6 **Approve Ref:** 0304/0181AA (KN) Psrpt112Aug2004  
Name: Vision Surveys  
Location: Lot 9005 Totara Ave and Lots 180, 181, 182, 183 and 184 Birnam Road, Canning Vale.  
Zoning: MRS: Urban  
TPS No. 6: Residential Development  
Appeal Rights: Yes. Western Australian Planning Commission  
Area: 1.5176ha  
Previous Ref: Nil

**PURPOSE OF REPORT**

For Council to consider an amendment to the Canning Vale Outline Development Plan (ODP) in accordance with clause 7.5 of Town Planning Scheme No. 6 (TPS 6) to increase the residential densities on Lots 180-184 Birnam Road and Lot 9005 Totara Avenue, Canning Vale (subject site).

**BACKGROUND****Site Description**

The subject land is zoned “Residential Development” under TPS 6 and is currently designated “Residential R17.5” under the Canning Vale ODP. The site is located approximately 300m from the mixed use centre designated on the ODP, located at the intersection Comrie and Nicholson Roads. Whilst the ODP identified 300m<sup>2</sup> of net lettable retail floorspace for the centre, this centre has actually been developed solely for residential related purposes and the potential for future development of a commercial type node is unlikely in the short-term.

The subject site is located adjacent a large parcel of public open space and within approximately 200 metres of Canning Vale College, it also has access to public transport via a bus stop located at the intersection of Comrie and Nicholson Roads.

The site also currently contains 132kv powerlines that traverse across the southern portion of Lot 9005 Totara Avenue. It is the intention of the landowners/developers that these transmission lines will be re-aligned in order to facilitate a regular grid-like subdivision layout and regular shaped lots.

**The Proposal**

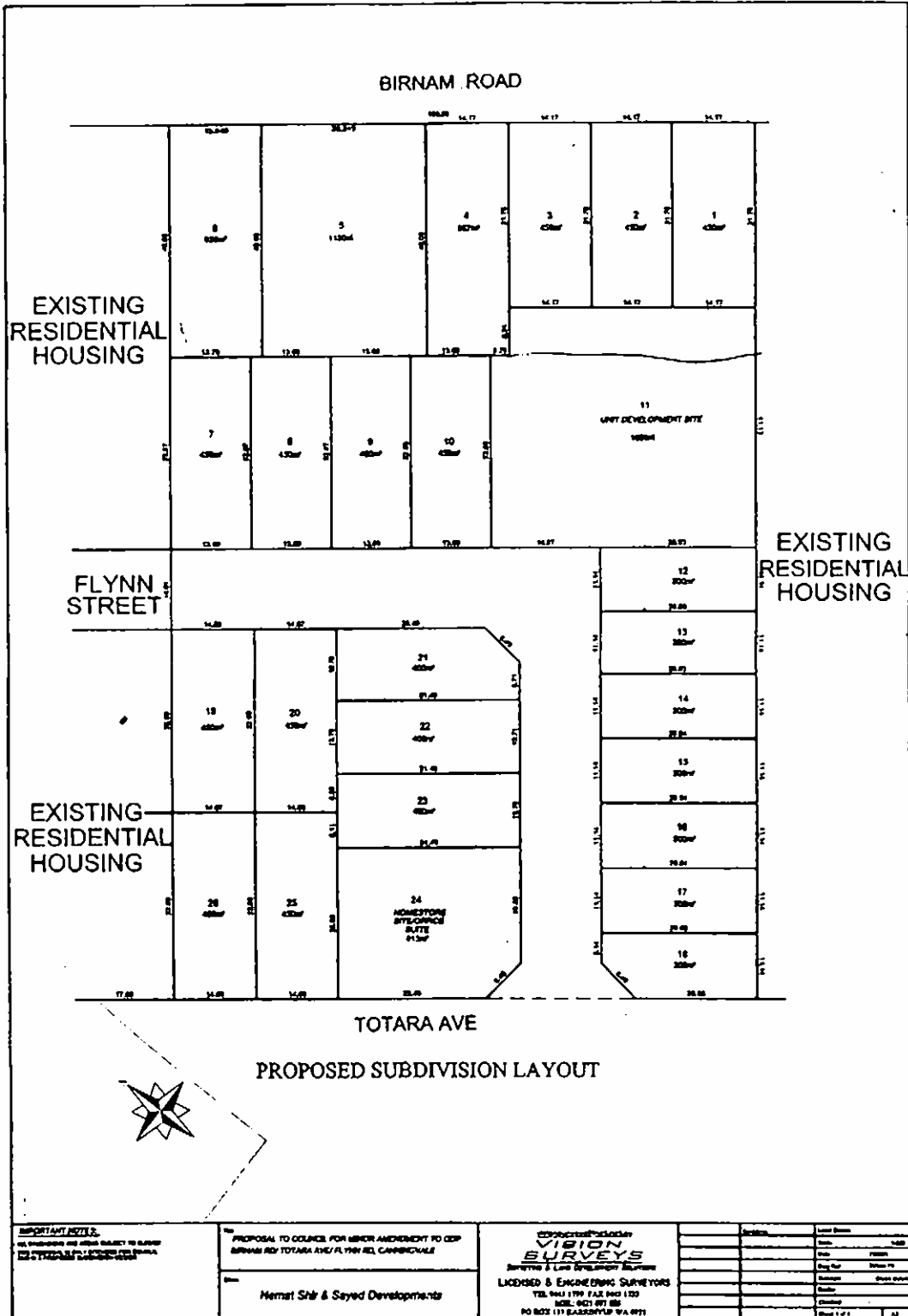
The applicant requests that Council adopt a minor amendment to the ODP so that the whole of the subject site is designated as “Residential Density Greater than R17.5” in order to accommodate the proposed subdivision layout (refer Proposed Subdivision Layout Plan). The proposed subdivision plan contains 25 “single residential” lots of sizes between 300m<sup>2</sup> and 1,130m<sup>2</sup> and one 1856 m<sup>2</sup> grouped dwelling site.

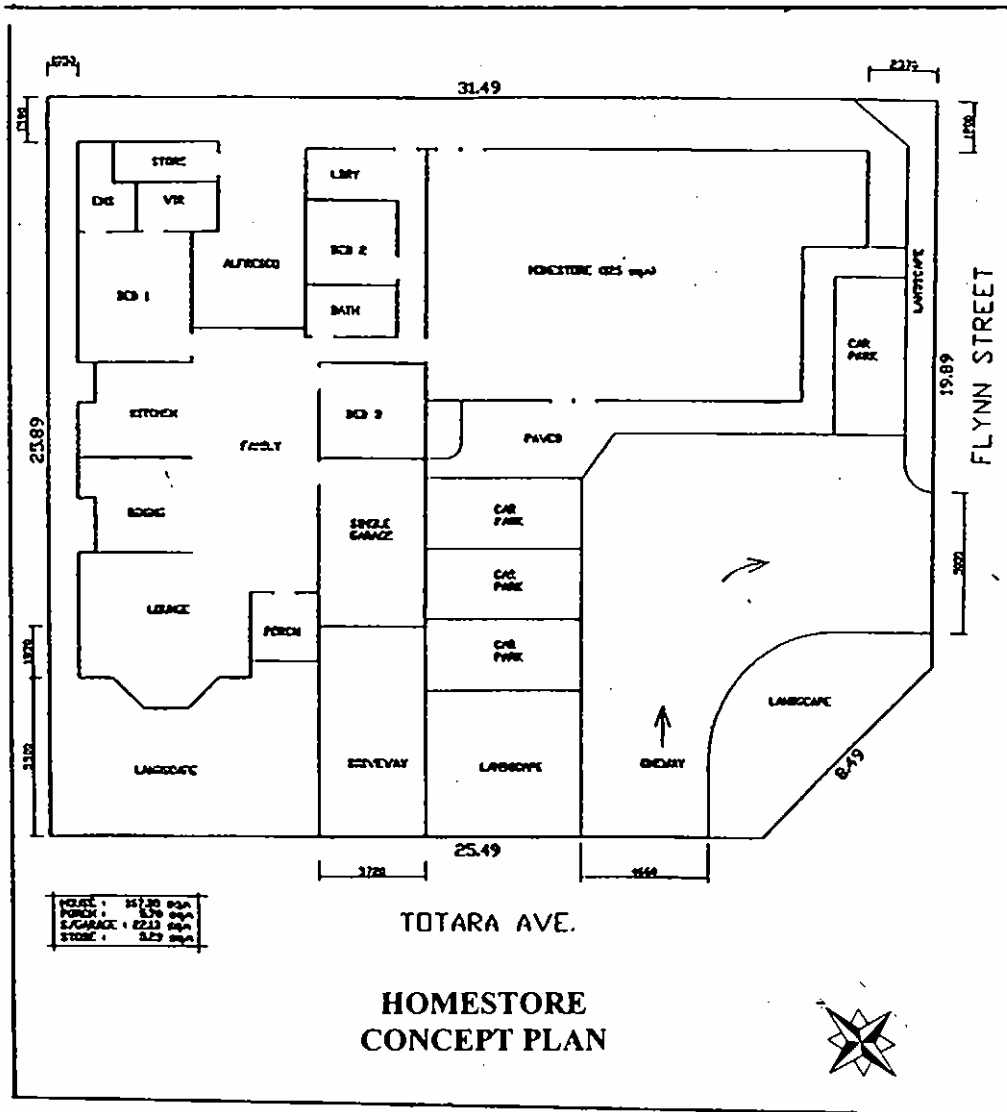
The applicant has proposed to re-align the existing overhead powerlines to allow for a standard grid-like layout and regular shaped lots. Whilst the overhead lines will still require an easement, preliminary investigations undertaken with Western Power have revealed that the majority, if not all of the required easement will be able to be located within the proposed road reserve and therefore have minimal, if any impact, on residential lots. The proposed subdivision design therefore complies with the City's objectives and criteria in terms of interface with the adjoining/approved residential development and road network.

The layout also proposes the creation of a lot to accommodate a residence incorporated with a Homestore/Office Suite site in the far south west portion of the site, fronting Totara Avenue. This site has been proposed on the advice of officers of the City to provide for of a mixed-use node within the immediate area as a basis for supporting the proposed increase in density on the site. This is consistent with the overall intent of the Canning Vale ODP which provides for areas of increased density in close proximity to mixed use centres. It is envisaged that the development of such a site will be ensured by either a memorial placed on the certificate of title or the requirement for a legal agreement as a condition of subdivision approval.

The applicant believes that the proposed amendment to the ODP is appropriate for the following reasons:

- “• *The subject site is within a 400m walkable catchment of a high school (200m), public transport (250m from bus stop), local park (20m), existing commercial node (300m from Nicholson Bar and Grill) and is therefore in accordance with many of the principles of walkability and accessibility of the Liveable Neighbourhoods Community Design Code.*
- *The proposal would provide a range of lot sizes and shapes generally not provided for in the area as the majority of the existing “Greater than R17.5” precinct, based upon the undeveloped mixed use node at the intersection of Comrie and Nicholson Roads, has been developed at the Residential R17.5 equivalent (500-600 m<sup>2</sup>).*
- *The proposed commercial type node will account for the deficiency of a mixed-use node in the catchment and should meet the local needs of the existing community (ie corner store, deli, medical office).*
- *The owner intends on constructing dwellings on all lots, therefore ensuring a consistent and high quality streetscape.”*





**DISCUSSION**

In accordance with clause 7.5 of TPS 6, Council may adopt a minor change to or departure from an Outline Development Plan, if in the opinion of the Council, the change or departure does not materially alter the intent of the Outline Development Plan.

Officers from the Department of Planning and Infrastructure have advised the City that in their opinion the amendment would not alter the material intent of the ODP and could be assessed as a minor amendment. However they also advised that due to the in-fill nature of the proposal that the application be advertised to nearby landowners. Therefore in accordance with clause 10.4 of TPS 6, the application was referred to nearby residents for comment and two signs were placed on site, outlining the details of the proposed amendment. The Location Plan illustrates the scope of advertising and the origin of submissions received.

**Submission Table**

| No. | Name Address            | Description of Affected Property: Lot No, Street No, etc | Summary of Submissions   | Staff Comment  |
|-----|-------------------------|--|--|--|
| 1.  | M Metcalfe & P Baddeley | 1 (Lot 231) Flynn Street, Canning Vale.                  | <p>Objection.</p> <p>Would prefer the general area to remain purely residential and object to a homestore/mixed-use site as it could have negative implications on surrounding property values and traffic congestion.</p>   |  |
| 2.  | N & K Acott             | 46 (Lot 241) Totara Avenue, Canning Vale.                | <p>Objection.</p> <p><b>Mixed Use Site</b><br/>Believe a mixed use/homestore site would only detract from the current levels of amenity in the area.</p> <p>Feels that local services such as a delicatessen are catered for by the Woolworths Petrol Station/Red Rooster site at the corner of Amherst and Nicholson Road and facilities such as medical consulting rooms are again catered for by the mixed use site at the same intersection.</p> <p>Also believes that such a site would not be attractive/viable to other professional businesses due to the lack of traffic exposure.</p> <p>Have concerns that due to its proximity to the Canning Vale High School that a delicatessen may be conducive to anti-social behaviour and general loitering of teenagers.</p> <p>Finally, believes such a site would create vehicular traffic congestion that could result in a serious pedestrian injury or death.</p> <p><b>Higher Density Coding</b><br/>Were of the understanding when they purchased their lot that the surrounding area was to be a low density, family type development.</p> <p>Believes that the higher density will result in smaller dwellings which will in turn reduce the median value of homes in Canning Vale.</p> | <p>Refer Discussion Section</p> <p>Noted. However in keeping with the intent of the ODP, there is a deficiency of a mixed use centre within a walkable distance of the general area.<br/>Refer Discussion Session</p> <p>Noted. However no formal evidence to justify this.</p> <p>Refer Discussion Session</p> <p>Refer Discussion Session</p> <p>Noted. However an application has only now been received to increase the residential density.</p> <p>Noted. However no evidence provided to substantiate this fact.</p> |



| No. | Name Address | Description of Affected Property: Lot No, Street No, etc | Summary of Submissions  | Staff Comment   |
|-----|--------------|--|---|---|
|     |              |  | <p>Is also of the opinion that smaller dwellings are more likely to suit investors, which may result in a glut of rental properties, which may in turn lead to anti-social behaviour.</p> <p>Believes there is enough higher density development in the area with Grosvenor Village, Oxford Private Estate and the proposed medium density development by Cedar Woods at the intersection Nicholson and Dumbarton Roads and feels that these locations are well serviced by existing infrastructure and amenities whereas this site is surrounded by low density residential development.</p> | <p>Noted. However an assumption with no substantial evidence to justify this.</p> <p>Noted. Apart from the Jacaranda Village Retirement Village, the majority of lots developed within the nominated mixed use node located at the intersection of Comrie and Nicholson Roads have been developed at a low density. The Canning Vale ODP attempts to provide for a variety of lots sizes and housing stock. Refer discussion section.</p> |
| 3.  | W K Leong    | 40 (Lot 238) Totara Avenue, Canning Vale.                | Objection.  | Noted   |
| 4.  | L T Yong     | 36 (Lot 360) Totara Avenue, Canning Vale.                | <p>Objection.</p> <p>Feels the proposal would not enhance the lifestyle values associated with the Canning Vale Central Estate and that the proposed homestore/mixed use site is not needed and would be under-utilized.</p>  | <p>Noted.</p> <p>Refer Discussion Section.</p>  |
| 5.  | E & C Banks  | 13 (Lot 362) Canton Vista, Canning Vale.                 | <p>Objection.</p> <p>Believe a homestore would detract from the amenity of the area and have negative implications in terms of security and surrounding home values. Agree that a shop/corner store is required in the area but not at the proposed location.</p>   | <p>Refer Discussion Section.</p> <p>Noted. However an assumption with no substantial evidence to justify this (property values).</p>  |
| 6.  | J & SA Brown | 7 (Lot 365) Canton Vista, Canning Vale.                  | <p>Objection.</p> <p>Believe the proposed location is not suitable for high density living given that the majority of people bought into the estate being of the understanding that it would only be single low density residential.</p>  | <p>Noted. However an application has only now been received to increase the residential density.</p>  |
| 7.  | N Loh        | 5 (Lot 366) Canton Vista, Canning Vale.                  | <p>Objection.</p> <p>Objects to the application as it would compromise privacy and safety levels within the general area. Has concerns that the</p>   | <p>Noted. However all development would have to comply with the Residential Design Codes 2002 and TPS 6.</p>  |

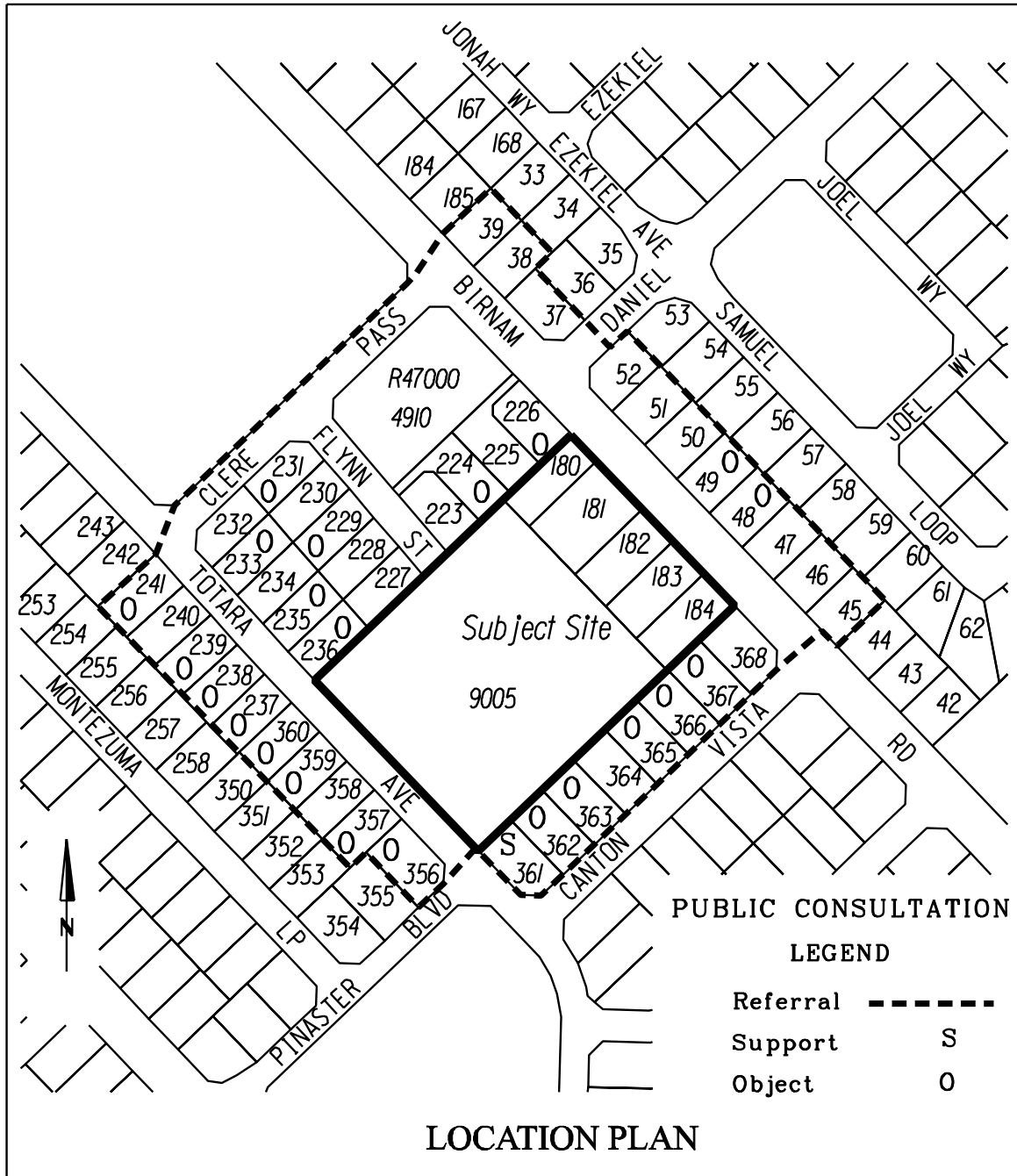
| No. | Name Address | Description of Affected Property: Lot No, Street No, etc | Summary of Submissions  | Staff Comment  |
|-----|--------------|--|---|--|
|     |              |  | carpark for the proposed homestore may result in damage to their back fence.  |  |
| 8.  | J Monery     | 42 (Lot 239) Totara Avenue, Canning Vale.                | Objection.<br>Following discussions with planning officers at the City, owner was informed that the homestore/mixed use site could potentially be a delicatessen or some form of medical facility. Feels that this may give the opportunity to young people to loiter in the general area and spoil what is currently a quiet location. However, should a mixed-use site be developed, would prefer to see a medical consulting room.                               | Refer Discussion Section.  |
| 9.  | W L Chang    | 15 (Lot 361) Canton Vista, Canning Vale                  | Non-Objection   | Noted.   |
| 10. | N H D Vu     | 3 (Lot 367) Canton Vista, Canning Vale                   | Objection.<br>Strongly objects to the application in that it is believed that it will create a noisy, congested and generally unsafe area.<br>Also feels that a mixed use/commercial site will attract young people and general anti-social behaviour<br>Bought into the immediate area in the understanding that was going to be a low density area and believes that current developers of the subject site should have to conform with the lower density coding. | Noted. However all development would have to comply with the Residential Design Codes 2002 and TPS 6.<br><br>Refer Discussion Section<br><br>Noted. However an application has only now been received to increase the residential density. |
| 11. | P Bannister  | 34 (Lot 359) Totara Avenue, Canning Vale.                | Objection.<br>Stated that a homestore site should be located within the proposed development, possibly on proposed Lots 21 and 22 Flynn Street to avoid any potential negative impact for existing residents on Totara Avenue.  | All development would have to comply with the Residential Design Codes 2002 and TPS 6.<br><br>Also, refer discussion section.  |

| No. | Name Address           | Description of Affected Property: Lot No, Street No, etc | Summary of Submissions   | Staff Comment  |
|-----|------------------------|--|--|--|
| 12. | I James                | 47 (Lot 233) Totara Avenue, Canning Vale.                | Objection.<br>Stated that the area is already well serviced by the existing shopping facilities located at the intersection of Nicholson and Ranford Roads. Believe a homestore would be inappropriate and look "out of place" in a residential area.  | Noted. However in keeping with the intent of the ODP, there is a deficiency of a mixed use centre within a walkable distance of the general area.<br><br>Refer Discussion Section.   |
| 13. | C Simms & G Raffaele   | 31 (Lot 226) Birnam Road, Canning Vale                   | Objection.<br>Feel the proposed development would not enhance their lifestyle or property values in the area. Stated that a homestore would only attract vandalism and that smaller lot sizes will detract from the family type atmosphere.  | Noted.<br>Refer Discussion Section.  |
| 14. | W John & L R Twiss     | 38 (Lot 49) Birnam Road, Canning Vale.                   | Objection.<br>Stated that they purchased property in the area in the understanding that it would be a low density, family type locality. Feel that higher density development will detract from this family type atmosphere.<br>Owner would like to see the developer of the subject site adhere to the same Restrictive Covenants (design guidelines) placed on all lots in the Summer Pines Estate.<br><br>Have concerns that the homestore would become a specialised "butchers store," which would be seen as undesirable. | Noted. However an application has only now been received to increase the residential density.<br><br>Refer Discussion Section.<br><br>Noted. However unlikely as the Restrictive Covenants for Summer Pines came from the developer. All residential development would have to comply with the Residential Design Codes 2002.<br>Noted. However only an assumption and any application would be assessed in accordance with TPS 6. |
| 15. | A Counsel & N Horsfall | 11 (Lot 363) Canton Vista, Canning Vale.                 | Objection.<br>Believe higher density development will reduce median land values in the area, which reduces the value of their property.<br>Feel that should the subject development not have to adhere to the same design guidelines as all lots within Summer Pines Estate and that two storey dwellings on small lots will reduce levels of privacy.   | Noted. However an assumption with no substantial evidence to justify this (property values).<br><br>Noted. However the Restrictive Covenants for Summer Pines came from the developer. All residential development would have to comply with the Residential Design Codes 2002   |

| No. | Name Address   | Description of Affected Property: Lot No, Street No, etc | Summary of Submissions   | Staff Comment  |
|-----|----------------|--|--|--|
|     |                |  | Stated that the homestore/mixed use site is not required as the area is already well serviced by similar facilities at Livingston Shopping Centre and shopping facilities located at the intersections of Amherst and Nicholson Roads and Ranford and Campbell Roads.  | Noted. However in keeping with the intent of the ODP, there is a deficiency of a mixed use centre within a walkable distance of the general area.  |
| 16. | K Young        | 5 (Lot 229) Flynn Street, Canning Vale.                  | Objection.<br>Has concerns relating to increased traffic volumes and congestion for Flynn Street as a result of the higher density and homestore.<br>Also feels that due to the proximity to the High School, a homestore may result in the loitering of teenagers and general anti-social behaviour   | Refer Discussion Section.<br><br>Refer Discussion Section.   |
| 17. | K Cheong       | 23 (Lot 375) Totara Avenue, Canning Vale.                | Objection.<br>Believe that with the high school and proposed childcare facilities within close proximity, a homestore would only add to traffic congestion.  | Refer Discussion Section.  |
| 18. | D & V Ruyscher | 52 (Lot 244) Totara Avenue, Canning Vale.                | Objection.<br>Purchased a property in the area in the understanding that it would be a low density, single residential area.<br>Believes higher density development will result in increased traffic congestion and the greater likelihood of vehicular accidents.<br>Stated that smaller dwellings, as a result of higher density development, will reduce the median house prices in the area. | Noted. However an application has only now been received to increase the residential density.<br><br>Refer Discussion Section.<br><br>Noted. However an assumption with no substantial evidence to justify this (property values). |
| 19. | P Norman       | 1 (Lot 356) Pinaster Boulevard, Canning Vale             | Objection.<br>Strongly object to the proposal in that prior to purchasing their property, they were told by the City's Planning Officers that the subject site could only be developed for residential purposes.   | Noted. However an application has only now been received to increase the residential density. Homestores are also a "D" use in the Residential Development zone under TPS 6, meaning they can be considered for approval.          |

| No. | Name Address   | Description of Affected Property: Lot No, Street No, etc | Summary of Submissions   | Staff Comment  |
|-----|----------------|--|--|--|
|     |                |  | Have serious concerns relating to noise, traffic and anti-social behaviour that may be generated as a result of the proposed development.  | Refer Discussion Section.  |
| 20. | J & K Borromei | 41 (Lot 236) Totara Avenue, Canning Vale.                | Objection.<br>Has concerns regarding traffic and noise that may be generated from the proposed homestore.  | Refer Discussion Section.  |
| 21. | M D'Abren      | 30 (Lot 357) Totara Avenue, Canning Vale                 | Objection<br>Strongly objects to proposal.   | Noted.   |
| 22. | S Lim          | 43 (Lot 235) Totara Avenue, Canning Vale.                | Objection.<br>Believes the proposed homestore will create significant traffic (vehicular and pedestrian) problems and potentially anti-social behaviour.<br>Feels that the proposal would only reduce property values in the area.   | Refer Discussion Section<br><br>Noted. However an assumption with no substantial evidence to justify this.                     |
| 23. | M McKay        | 6 (Lot 224) Flynn Street, Canning Vale.                  | Objection.<br>Believe a homestore site will result in traffic congestions and anti-social behaviour.<br>Feels that the proposal will also result in lowered property values for the general area.<br>Stated that the subject site should be developed at the same density as the remainder of Summer Pines Estate (Residential R17.5). | Refer Discussion Section.<br><br>Noted. However an assumption with no substantial evidence to justify this.<br>Noted.          |
| 24. | J L H Loong    | 38 (Lot 237) Totara Avenue, Canning Vale.                | Objection,<br>Disagrees with the higher density in that they purchased land in the area with the understanding it was going to be a low density development.<br>Stated that a homestore would generate too much traffic and people parking their cars in front of their property.  | Noted. However an application has only now been received to increase the residential density.<br><br>Refer Discussion Section. |
| 25. | L Briggs       | 40 (Lot 48) Birnam Road, Canning Vale.                   | Objection.<br>Is of the opinion that there is enough higher density development in the Canning Vale and that it will only result in greater local traffic volumes and potentially, more anti-social behaviour.   | Refer Discussion Section.  |

| No. | Name Address | Description of Affected Property: Lot No, Street No, etc | Summary of Submissions  | Staff Comment   |
|-----|--------------|--|---|---|
|     |              |  | Feels that a homestore/office suite is not needed given that there are enough commercial/retail type services within close proximity to the site. | Noted. However in keeping with the intent of the ODP, there is a deficiency of a mixed use centre within a walkable distance of the general area. |



**Homestore/Mixed Use Site**

In keeping with the intent of the Canning Vale ODP, it was considered that the only means by which the City could support an amendment application for “Greater than Residential 17.5” would be through the incorporation of some form of mixed-use node. Council staff suggested the inclusion of such a site given the deficiency of the node proposed to be located at the intersection of Comrie and Nicholson Roads. Here a mixed-use centre of 300m<sup>2</sup> net lettable area was identified on the ODP, however the site has since been developed solely for residential purposes, and is therefore unlikely to be realised in the short-term.

As was discussed with the applicant, given the infill nature of the proposal, this type of use developed in the node would have to be low impact. Therefore it was agreed that a homestore/mixed use site would be the most appropriate form of development. The enforcement of such a specific type of development would occur at the subdivisional stage of the proposal in that the City would require as a condition of approval, either by legal agreement or a memorial being placed on the subject certificate of title, that the site could only be developed for such purposes.

It is emphasised that the support of this higher density proposal is strongly based on the provision of this homestore/mixed use site. All of the higher density precincts within the Canning Vale ODP are based upon 400 or 800 metre (depending upon amount of Net Lettable Area provided) walkable catchments from mixed-use centres. Supporting such an amendment without the provision of a mixed use node would not be in keeping with the intent of the ODP or current planning principles.

**Existing Development**

The subject site is within quite a recently developed area, with the majority of lots surrounding the subject site already having houses constructed on them. It is therefore considered that whilst the ODP usually identifies higher density precincts based on entire walkable catchments, in this situation given the infill nature of the proposal, the higher density precinct should be confined to just the subject site.

As previously mentioned, the proposed mixed-use node for the intersection of Comrie and Nicholson Roads has not developed at this stage. It is worth noting however, that for the most part, this existing higher density precinct contains standard lower density size lots (500-600 m<sup>2</sup>). Therefore the proposal is in keeping with current planning principles and the intent of the ODP, in that it would achieve a variety of lot sizes and hence a variety of housing stock.

**Traffic/Access/Parking**

An area of concern for nearby residents is that of traffic congestion that may occur with an increase in the number of dwellings permitted on the site and with the development of a homestore/mixed use site. The proposal identifies a 14 metre wide road reserve and connects with the existing local access road network through to Totara Avenue.

In accordance with the Liveable Neighbourhoods Street Layout, Design and Traffic Management Guidelines, a local access street of this size can accommodate 1000-3000 vehicles per day. The potential development of 33 dwellings (including the maximum potential of 8 grouped dwellings on the one grouped dwelling site) is likely to result in 330 vehicle trips per day (based on 10 trips per dwelling). Whilst there are no official traffic counts for Totara Avenue and Flynn Street, it is considered that both would be able to accommodate this minor increase in traffic volumes.

The current subdivision concept plan proposes only four single residential and one grouped dwelling lots more than what could be achieved at the standard "Residential R17.5" density coding. Therefore the potential increase in traffic volume generated from residential development would only be minimal. Whilst again only at the conceptual stage, in accordance with TPS 6, the homestore/mixed use site could only have a maximum of 100m<sup>2</sup> net lettable area and which would require seven car bays and would be dealt with at the development application stage.

It is therefore considered that the existing road network, together with the proposed extension of Flynn Street would be capable of accommodating the traffic generated by both the residential development and the homestore/mixed use site.

### **Social Amenity**

Numerous submissions refer to the potential for anti-social behaviour that may be associated with a homestore type development. Whilst the specific use that may potentially take place on the proposed site has not been determined and would be examined and assessed by the City at the Development Application stage, there is no formal documentation linking anti-social behaviour with home based retail/commercial type land uses in residential areas.

Also, as previously mentioned, the City would have an element of control and influence in terms of what uses may take place on this site through either a legal agreement or memorial being placed on title as a condition of subdivision approval and at a more detailed level via the development approval process. It is at this detailed stage that applications would be assessed in accordance with the City's SafeCity Urban Design Strategy.

### **CONCLUSION**

Staff consider that with the incorporation of a mixed use site (homestore/ mixed use site), the proposal does not materially alter the intent of the ODP and on this basis it is recommended that Council support the proposed amendment to the ODP as a minor amendment.

The applicant has demonstrated an understanding of many of the principles underpinning the Canning Vale ODP relating to walkability, accessibility and achieving a variety of lot sizes and housing stock.

The proposal is unique given its infill nature within what is a relatively new residential area. Whilst existing surrounding residents naturally have concerns, Council staff



consider the requirement for both subdivision and development applications will ensure that detailed design issues and the requirement of a homestore/mixed use site will be satisfactorily addressed.

## **FINANCIAL IMPLICATIONS**

Nil.

|                             |
|-----------------------------|
| <b>STAFF RECOMMENDATION</b> |
|-----------------------------|

### **Moved Cr J Brown Seconded Cr P Wainwright**

That Council adopt a minor amendment to the Canning Vale Outline Development Plan at Lots 9005 Totara Avenue and Lots 180-184 Birnam Road, Canning Vale for the entire subject site to be designated as “Residential Density Greater than R17.5”.

### Foreshadowed Motion

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

*“That Council not adopt a minor amendment to the Canning Vale Outline Development Plan at Lots 9005 Totara Avenue and Lots 180-184 Birnam Road, Canning Vale for the entire subject site to be designated as “Residential Density Greater than R17.5”.”*

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

- “1. The necessity for a home store has a detrimental impact on the streetscape in the area.*
- 2. The expectations of existing residents is against the original intent of the scheme.*
- 3. Higher density cannot be supported without a commercial node within 400m.”*

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

|                      |
|----------------------|
| STAFF RECOMMENDATION |
|----------------------|

**Moved Cr J Brown Seconded Cr P Wainwright**

That Council adopt a minor amendment to the Canning Vale Outline Development Plan at Lots 9005 Totara Avenue and Lots 180-184 Birnam Road, Canning Vale for the entire subject site to be designated as “Residential Density Greater than R17.5”.

LOST 3/9

*FOR: Cr P Wainwright, Cr R Mitchell and Cr C Matison.*

*AGAINST: Cr W Barrett, Cr R Croft, Cr R Hoffman, Cr S Moss, Cr O Searle, Cr J Brown, Cr S Iwanyk, Cr D Griffiths and Cr PM Morris.*

Notation

*As the staff recommendation was lost the Mayor invited Cr Hoffman to put his foreshadowed motion, which Cr R Croft seconded.*

|                    |
|--------------------|
| COUNCIL RESOLUTION |
|--------------------|

**399 Moved Cr R Hoffman Seconded Cr R Croft**

“That Council not adopt a minor amendment to the Canning Vale Outline Development Plan at Lots 9005 Totara Avenue and Lots 180-184 Birnam Road, Canning Vale for the entire subject site to be designated as “Residential Density Greater than R17.5”.”

CARRIED 9/3

*FOR: Cr W Barrett, Cr R Croft, Cr R Hoffman, Cr S Moss, Cr O Searle, Cr J Brown, Cr S Iwanyk, Cr D Griffiths and Cr PM Morris.*

*AGAINST: Cr P Wainwright, Cr R Mitchell and Cr C Matison.*

**13.5.3 WEST CANNING VALE (CAMPBELL ESTATE) OUTLINE DEVELOPMENT PLAN – CONSIDERATION FOR ADVERTISING**

|                |  |       |                 |
|----------------|--|-------|-----------------|
| File:          | S8/1/1   | (SRW) | Psrpt109Aug2004 |
| Name:          | Fermanagh Investments Pty Ltd & Roberts Day Group  |       |                 |
| Location:      | West Canning Vale  |       |                 |
| Zoning: MRS:   | Urban  |       |                 |
| TPS No. 6:     | Residential Development  |       |                 |
| Appeal Rights: | Should Council determine that the ODP is not satisfactory for advertising, the applicant may request a determination by the WA Planning Commission   |       |                 |
| Area:          | 60ha   |       |                 |
| Previous Ref:  | OCM 11 February 1997 (Resolution 479)<br>OCM 26 May 1998 (Resolution 1431)<br>OCM 13 April 1999 (Resolution 254)<br>OCM 27 July 1999 (Resolution 654)<br>OCM 27 August 2002 (Resolution 695)<br>OCM 11 February 2003 (Resolutions 13-14)<br>OCM 8 July 2003 (Resolution 472) |       |                 |
| Appendices:    | <a href="#">13.5.3A Proposed Outline Development Plan (Click to view)</a><br><a href="#">13.5.3B Proposed Outline Development Plan documentation (Click to view)</a>   |       |                 |

**PURPOSE OF REPORT**

For Council to consider whether an Outline Development Plan (ODP) prepared by the Roberts Day Group for the West Canning Vale area is satisfactory for the purposes of advertising.

**BACKGROUND**

For many years, Council staff, planning consultants and landowners have been seeking to finalise the planning for the West Canning Vale area. Following a request by landowners in 2001, Council progressed an ODP through the necessary statutory processes including formal advertising to landowners and government agencies. The ODP was ultimately forwarded to the Western Australian Planning Commission (WAPC) for a determination, with the Commission resolving as follows:

*“The Commission is of the opinion that the Outline Development Plan as submitted fails to adequately address the environmental issues, including the Conservation Category Wetlands, affecting the site. Consequently, the ODP can not meet its stated objectives of providing a suitable framework for the progressive development of the area.”*

and

*“The City should therefore consider reviewing the ODP in an effort to develop a concept that will meet the environmental requirements of the Environmental Protection Authority.”*

Council at its meeting of 27 April 2004 considered a number of options for the future planning of the West Canning Vale area and passed the following resolution (Resolution 212):

*“That Council authorise the City’s staff to liaise further with landowners and relevant state agencies in preparing a new Outline Development Plan for the West Canning Vale (Campbell Estate) area that achieves a balance between development and conservation objectives.”*

Fermanagh Investments Pty Ltd has contracts to purchase a significant number of properties within the West Canning Vale area, in an effort to achieve ultimate subdivision and development. Furthermore, Fermanagh Investments Pty Ltd has recently engaged planning consultants Roberts Day Group to prepare an ODP for the area that will achieve a balance between development and environmental objectives. As outlined in the City of Gosnells Town Planning Scheme No. 6 (TPS 6), an ODP can be prepared by either suitably qualified consultants or Council. This report provides the opportunity for Council to formally consider the ODP lodged by the Roberts Day Group.

As a precursor to a new ODP, correspondence was sent to all landowners, seeking to identify particular matters that should be addressed in planning for the future of the West Canning Vale area. The following table outlines the submissions received.

| No. | Name<br>Address                                       | Description of<br>Affected Property:<br>Lot No, Street, etc | Summary of Submission   |
|-----|---|---|---|
| 1.  | T & E Teh<br>88 Ten Seldam Circle<br>Winthrop WA 6150 | Lot 278 Ranford Road,<br>Canning Vale                       | <ol style="list-style-type: none"> <li>1. We would like to express our strong desire to submit our application for Lot 278 to be zoned fully commercial. The concept of the commercial zoning would be very much in line with the ODP. The usage of the land is to be complimentary to the existing land use for showrooms/warehouses with adjoining Lot 1.</li> <li>2. We believe that having Lot 278 becoming commercial would bring a lot of advantages to the Shire of Gosnells as a whole and in particular to the surrounding residential estates.</li> <li>3. We would like to see more car parking spaces which crossover between Lot 1 and 278. We would like to form a nice commercial precinct providing more various specialty shops for the ever expanding populations and suburbs.<br/>Would like to see the enhancement of the total parcel of land that forms the Campbell Estate.</li> </ol> |

| No. | Name<br>Address  | Description of<br>Affected Property:<br>Lot No, Street, etc | Summary of Submission   |
|-----|--|---|---|
| 2.  | C Conceicao<br>Eastview Nominees<br>Pty Ltd<br>282 Rokeby Road,<br>Subiaco WA 6008 | Lot 13 Campbell Road<br>and Lot 14 Nicholson<br>Road        | <ol style="list-style-type: none"> <li>1. Eastview Nominees Pty Ltd and their environmental consultant are working with the Water and Rivers Commission staff to inspect the vegetation on Lots 13 and 14. Our consultant has assured us that there are no wetland species plants on these lots and therefore these lots are not CCW's as indicated by the Water and Rivers staff (not the commission)</li> <li>2. Until this matter is resolved between Eastview and the Water and Rivers Commission, please do not show Lots 13 and 14 as CCW or part CCW's.</li> </ol>   |
| 3.  | Laurence Douglas   | Lot 285 Fairlie Road,<br>Canning Vale                       | <ol style="list-style-type: none"> <li>1. The widening of Ranford Road should not be funded by landowners. The only formula that should be used to calculate land owner contribution should be the estimated volume of contributing traffic from Campbell Estate as a percentage of total traffic currently using this road. Given current traffic jams along this stretch of extremely dangerous road I would expect this to be minimal.</li> <li>2. Serious consideration should be given to the financial viability of any development project bearing in mind the huge impost of 30% conservation category wetlands, infrastructure costs associated with Nicholson and Ranford Roads along with 15% POS commitments previously demanded by council.</li> <li>3. If the state government wishes to preserve land for conservation to benefit ALL Western Australians then they should be prepared to contribute to its preservation.</li> <li>4. Total POS should be kept to an absolute minimum. I believe a percentage of the conservation area, or at the very least, all of the buffer zone should be applied to POS.</li> <li>5. Although the ODP will be prepared by a private developer, the Council should dictate some very tight time frames for the progress of said ODP. Enough time has been wasted. Council should commit to the above issues in parallel to the preparation of the ODP, approve the ODP at the first available council meeting and get it submitted ASAP.</li> </ol> |
| 4.  | P & M Green  | Lot 284 Fairlie Road,<br>Canning Vale                       | <ol style="list-style-type: none"> <li>1. Fairlie and Govan Roads should not provide direct access from Campbell through to Nicholson Road, thus eliminating the tendency of heavy traffic to take a "shortcut" to avoid the intersection of Ranford and Nicholson Roads.</li> <li>2. Fairlie and Govan Roads should be restructured to accommodate an area of centralised Public Open Space, thus deterring traffic other than local.</li> </ol>   |

| No. | Name<br>Address   | Description of<br>Affected Property:<br>Lot No, Street, etc | Summary of Submission   |
|-----|---|---|---|
|     |   |   | <ol style="list-style-type: none"> <li>3. No wall or similar structure to be constructed along Ranford Road to prevent an unattractive, tunnel like, stretch of road. A green belt of landscaped gardens should divide the estate from the main road as can be seen in Ranford Estate.</li> <li>4. Campbell Road should be developed as the main entrance to both Sanctuary Waters and Campbell Estate. Campbell Road converted into a promenade style entrance with roundabouts constructed to slow the traffic as can be seen in The Avenues main entrance.</li> <li>5. Campbell Estate should be designed to compliment Sanctuary Waters Estate, so as to appear as one high quality area rather than two distinct developments.</li> <li>6. Deep-water bodies are required to provide a central feature to this area. We do not support the use of swales as they present unsightly midge ridden cesspools.</li> <li>7. Strict building covenants should apply to maintain high standards of development.</li> <li>8. No further commercial development should occur along Ranford Road. The entrance to the City of Gosnells has already been made unattractive by oversized, inappropriate commercial developments.</li> <li>9. Buffers between the present commercial developments and future home sites should be designed in such a way as to minimize criminal activity and reduce the noise from high traffic flows.</li> <li>10. Development specifications and themes should be established to set a high standard. (i.e.: Streetscaping, brick paving, and cycle ways.)</li> <li>11. Landscaping should be designed to encompass high appeal, low maintenance principles.</li> <li>12. Environmental Management Measures should be sensible, attainable, scientifically based and complimentary to a high standard of development, without being restrictive to the point of producing a financially non-viable ODP.</li> </ol> |
| 5.  | Uniting Church in Australia<br>GPO Box M952<br>Perth 6843 | Lot 282 Campbell Road                                       | <p>There should be a Residential R40 zoning across the total site in line with our previous proposals.</p> <p>Additional zoning should also be applied to the total site which would be for community/church activities enabling the Uniting Church in Australia the ability to undertake development on the site to meet the aim of the church to provide the local community with a plan church/community amenity as shown on the plan provided.</p>  |
| 6.  | S Chew  | Lot 283 Campbell Road,<br>Canning Vale                      | I disagree with the allocating of Lot 283 as a conservation area in an ODP.   |

Whilst Council has sought initial submissions from landowners, in seeking to identify issues of particular significance, the ODP currently before Council has yet to be formally presented to landowners for their comment. It is likely that there will be the need for considerable further discussion with landowners and government agencies regarding various matters and it is for this reason that the staff recommendation is for the plan to be advertised for public comment to facilitate these discussions. Council is not able to make a final determination on the ODP nor any matters shown on the ODP without first seeking formal comments from landowners and the broader community. The formal consideration of this ODP is considered to be an important step in progressing the planning for West Canning Vale towards finalisation.

## **DISCUSSION**

As outlined in the background, the Roberts Day Group has lodged an ODP with Council for formal consideration ahead of seeking public comment. The ODP currently before Council incorporates the following features:

- An overall layout which responds to the physical and social context of the site,
- An interconnected grid based street network to provide maximum permeability and legibility,
- Where possible, local roads have been designed to allow maximum opportunities for passive solar gain in house design,
- Key visual landmarks and boulevards that reinforce the permeability and legibility of the design and promote pedestrian and cyclist movement,
- The creation of a framework for the subdivision and development of a range of residential lot sizes,
- Preservation of Conservation Category Wetlands within an integrated POS system, and
- Centrally located areas of public open space which are within 400m (5 minutes walk) of all residences and will provide a neighbourhood focus and foster pedestrian and cyclist movement.

In essence, the Roberts Day Group have sought to prepare an ODP that met the requirements of statutory and strategic planning frameworks. In considering whether the ODP is satisfactory for advertising, Council also needs to consider a number of notable matters, including the previous comments of landowners, the need to protect conservation category wetlands, the potential for formal environmental assessment by the Environmental Protection Authority, the interface to Ranford Road and potential developer contribution arrangements. The following sections discuss these matters in further detail.

### **Landowner Consultation**

As outlined in the background section of this report, Council wrote to all landowners in the West Canning Vale area to identify matters that were of particular importance in progressing the planning for this area; it is important to note that this should not be considered as “consultation”. The submissions were forwarded to the planning consultants to flag particular issues of importance to landowners. In addition, whilst considering the ODP currently before Council, it is worth considering submissions previously lodged by landowners in response to the previous ODP. The following common themes were previously identified:

- 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, and
- Contributions towards Important Regional Roads viewed as excessive.

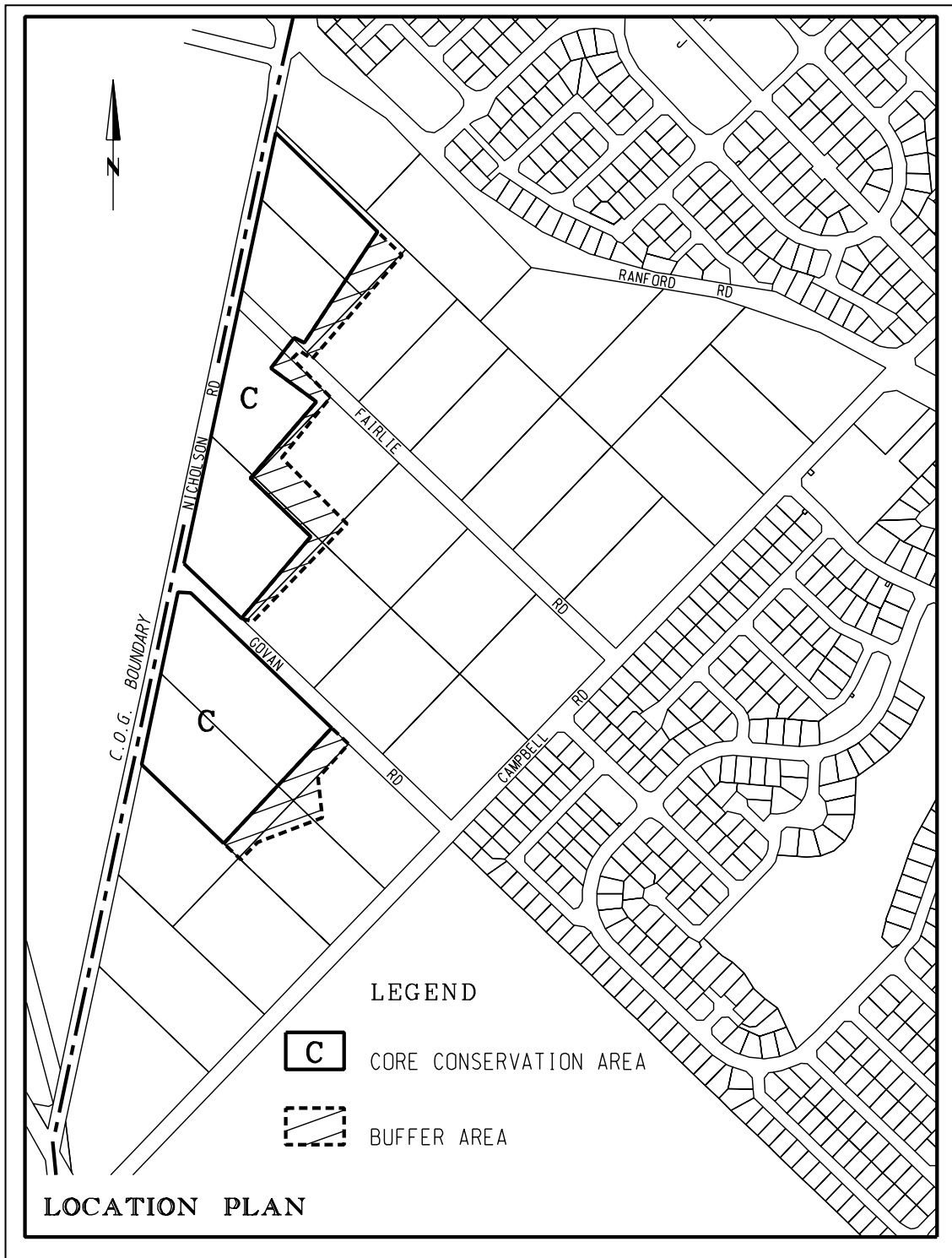
The challenge in progressing an ODP for the West Canning Vale area is to achieve an outcome that is generally acceptable to landowners and agencies alike. The lodgement of the ODP by the Roberts Day Group is seen by Council staff as an important step in progressing discussions and statutory processes to achieve an ultimate outcome. The formal advertising of the ODP to landowners would need to be not less than 21 days and would likely incorporate an information evening for landowners to openly discuss the advertised plan with elected members, Council staff and the planning consultants.

### **Protection of wetland areas**

Through previous planning and environmental studies, extensive areas of Conservation Category Wetlands have been identified within the West Canning Vale area. In early 2003, the (then) Water and Rivers Commission re-evaluated the wetland classifications in the area and it was largely on this basis that the previous ODP was refused by the WA Planning Commission, citing a lack of protection afforded by the ODP.

In late 2003, the Environmental Protection Authority (EPA) provided advice to the City and the Planning Commission regarding the wetland features in the area, to assist with future land use planning for the area. Included in the advice was a plan illustrating the “core” areas that were required to be protected to achieve an environmentally acceptable outcome. The “core” conservation areas are shown on the Location Plan. Failure to illustrate the “core” areas on any future ODP would not be supported by the EPA and consequently not likely be able to proceed to finalisation. Further comment on the cost implications associated with the wetland features is provided later in this report, however it is important to note that all of the area remains in private, fragmented ownership with no formal protection afforded to the environmental assets in the area.





## **The Potential for Formal Environmental Impact Assessment**

As outlined in previous reports to Council, the EPA does not consider an ODP to be a “proposal” under the provisions of the Environmental Protection Act and consequently an ODP can not be “formally assessed” by the EPA. Whilst this may be of short-term benefit in progressing the planning through statutory processes, it presents potential risk for future development, with the potential for considerable costs and delays for landowners and the City alike, in addition to potentially compromising orderly and proper planning principles.

Considerable advice has been provided by the EPA in progressing the previous ODP for the West Canning Vale area, however the EPA retains the ability to call in future subdivision and development applications for formal environmental impact assessment. The underlying purpose of environmental impact assessment processes through the EPA is to further explore matters of environmental significance and to ultimately determine whether the impact of a proposal is acceptable.

At this time, the EPA is limited in its consideration to environmental impacts and can not consider the social or economic impacts ; it is therefore not possible for the EPA to truly assess the planning for the West Canning Vale area against broader sustainability objectives. It is for this reason that Council staff recommend that the ODP be progressed through well established statutory planning processes, where all matters can be considered. To minimise the risk for future planning in this area and to effectively “lock-in” an ODP, it is likely that additional steps will be required by the proponent prior to the finalisation of the ODP through Council and the WAPC. Such steps are likely to include the lodgement of a plan of subdivision, which would present the opportunity for the EPA to formally assess the matter should it so determine.

## **Interface to Ranford Road**

Along many of the City’s arterial roads, there is a substantial commercial push to allow “strip” or “ribbon” development – Ranford Road is no different. The City has previously approved the “mixed business” development on Lot 1, as being complimentary to the Livingstone District Centre. On previous ODPs, support has also been given by Council for “mixed use” development opposite the Ranford Neighbourhood Centre, adjacent to the intersection of Ranford and Campbell Roads. In the context of the City’s TPS 6 and Local Commercial Strategy, “Mixed Business” areas seek to provide for a variety of commercial activities including showrooms and other forms of bulk retailing/display in strategically located areas of the City. “Mixed Use” areas, however, seek to achieve a greater diversity of land uses, including medium density residential, and strong pedestrian focus.

Current planning policy and theory suggests that a balance needs to be achieved between commercial exposure, visual amenity and the functionality of land uses and transport corridors. It is important for the City to have commercial land uses on arterial roads, provided that such uses do not proliferate into uncontrolled strip or ribbon development. It is on this basis, that Council staff recommend that commercial development along Ranford Road in the West Canning Vale area remain within reasonable proximity of the Livingstone District Centre and the Ranford Neighbourhood

Centre, with a predominantly residential frontage achieved to Ranford Road. Furthermore, it is recommended that the area adjacent to Ranford/Campbell Roads be developed as a “mixed use” area, to achieve a pedestrian friendly environment and a true mixture of residential and non-residential uses.

### **Cost-Sharing Arrangements**

Despite Fermanagh Investments Pty Ltd having a significant financial interest in the West Canning Vale area, the land remains in fragmented ownership. It is likely that subdivision and development of the area will occur on a staged basis, as ODPs do not place any obligation on landowners to subdivide or develop their land. To assist in the provision of district level infrastructure, it is common for a “cost-sharing arrangement” to be established as a component of an ODP, whereby landowners contribute their portion of costs at the time of subdivision and development and the City retains a financial management role.

It is important to note that the establishment of cost-sharing arrangements do not increase the scope of infrastructure works required for the development of the area; the scope remains the same irrespective of whether the land is owned and developed by one party or the land is in fragmented ownership and developed on a progressive basis. Consistent with the previous ODP, the following items are proposed to be included in the cost-sharing arrangements:

- The acquisition of required Conservation Category Wetlands,
- the land acquisition required for the future widening of Nicholson and Ranford Roads,
- a contribution towards the future upgrading of Ranford Road,
- district level drainage infrastructure,
- shared use paths, and
- service relocation

A table illustrating the scope and cost of all of the common items is included in the ODP report. Based on current cost estimates, a developer contribution rate of \$81,000 per hectare is proposed, payable at the time of subdivision or development.

Council has previously considered the required contribution towards the upgrading of arterial roads, abutting the ODP area. Having compared the ratio between road frontage and developable area compared to other development areas, the City has previously agreed to omitting the costs associated with upgrading Nicholson Road from the common infrastructure costs.

The cost of acquisition and ultimate protection of Conservation Category Wetlands within the ODP area is likely to be the subject of considerable discussion during the advertising of the ODP. Rather than discussing in great length all aspects of this matter, the following key points should be considered:

- all land in the area is in private ownership,
- all of the land is zoned “Urban” under the Metropolitan Region Scheme and “Residential Development” under the City of Gosnells Town Planning Scheme (TPS 6), ie achieving an appropriate zoning for development is not speculative,
- it is becoming increasingly common for environmental assets to be incorporated in developer contribution arrangements for ODPs,
- failure to achieve an outcome that is environmentally acceptable (to the satisfaction of the EPA) would likely prevent any subdivision or development from occurring in the area,
- the “core” area of conservation category wetlands identified by the EPA is considerably less area compared to all conservation category wetlands in the area, which would ordinarily be required to be protected,
- if development is not financially viable, it is unlikely to proceed – achieving neither conservation nor development objectives; and
- Council has previously passed a resolution, stating that it would not support a cost-contribution of greater than 15.1%.

The ODP has identified that out of an site area of 60ha, that approximately 8.9ha has been will be required for conservation purposes and 2ha for wetland buffer. The wetland buffer area has been incorporated into the overall provision of POS in the ODP area, to satisfy the 8% POS requirement of the Liveable Neighbourhoods Community Design Code. As currently proposed, the ODP incorporates a contribution rate of 34%. The formal advertising of the ODP will provide the opportunity for the proponent to progress discussions with various state government agencies to achieve a more reasonable contribution rate.

To ensure the viability of development in the area (necessary to achieve both development and conservation outcomes), it is understood that the proponents will be approaching a range of state government entities with a view to developing a “partnership” based on environmental offsets. In background, a significant number of major infrastructure projects are currently underway within the Perth Metropolitan Area, most notably the extension of the Tonkin Hwy, Roe Highway Stage 7 and the Perth to Mandurah Railway. Each of these projects will have a significant impact on the natural environment, including the clearing of bush and wetland features. One possibility that may be pursued is for the environmental impacts of these major infrastructure projects to be “offset” by the acquisition of an area of conservation value within the West Canning Vale area. It is not envisaged that the state government entities would fund the acquisition of all of the conservation areas within the ODP area but rather provide a contribution that would act as a “catalyst” to the setting aside of the required conservation assets.

It should be acknowledged that the environmental offset framework in Western Australian is still developing and as such it is difficult to predict whether an offset strategy for the West Canning Vale area would be successful. Progressing an ODP for

this area through formal statutory processes, however, is seen by Council staff as a critical step to progress investigations and discussions regarding potential partnerships.

## **CONCLUSION**

The history for planning in the West Canning Vale area has been challenging, with the lodgement of the ODP by Roberts Day Group being seen by Council staff as an important step in progressing the matter towards finalisation. Further consultation with landowners and government agencies is clearly required prior to finalisation of the ODP and on this basis, the staff recommendation is for the ODP to be advertised for public comment. The ODP, as submitted, appears to comply with the current statutory and strategic planning framework.

## **FINANCIAL IMPLICATIONS**

All costs associated with the preparation and adoption of the ODP are the responsibility of the proponent. The ultimate establishment of cost-sharing arrangements for the development of the West Canning Vale area, whilst separate to the City's Municipal Funds, will require on-going management by Council staff and consideration will need to be given to the potential financial risks associated with the City performing this role.

|                             |
|-----------------------------|
| <b>STAFF RECOMMENDATION</b> |
|-----------------------------|

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

That Council, pursuant to Clause 7.4.2 of the City of Gosnells Town Planning Scheme No. 6, determine that the West Canning Vale (Campbell Estate) Outline Development Plan as shown in Appendix 13.5.3A is satisfactory for the purpose of advertising.

### Foreshadowed Motion

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

*“That the Council defer the advertising of the Outline Development Plan for the West Canning Vale (Campbell Estate) area until such times as the residents and owners of the area have been consulted and had an input into the ODP.”*

*if the motion under debate was defeated.*

*Following further debate Cr Searle withdrew her proposed foreshadowed motion.*

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

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

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

“That Council, pursuant to Clause 7.4.2 of the City of Gosnells Town Planning Scheme No. 6, determine that the West Canning Vale (Campbell Estate) Outline Development Plan as shown in Appendix 13.5.3A is satisfactory for the purpose of advertising.”

CARRIED 12/0

***FOR:** Cr W Barrett, Cr R Croft, Cr R Hoffman, 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.*

### **13.5.5 DEVELOPMENT APPLICATION – TEMPORARY PRIMARY SCHOOL FACILITIES AND DESIGN AND TECHNOLOGY CENTRE – 92(Pt Lot 107) KENWICK ROAD, KENWICK**

**File:** 226521      **Approve Ref:** 0405/1539      (SW)      Psrpt110Aug2004  
**Name:** Matthew Bambach  
**Location:** 92 (Pt Lot 107) Kenwick Road, Kenwick  
**Zoning: MRS:** Urban  
**TPS No. 6:** Residential R17.5  
**Appeal Rights:** Yes. Town Planning Appeal Tribunal against a refusal or any condition(s) of approval.  
**Area:** 49,719m<sup>2</sup>  
**Previous Ref:** OCM 25 May 2004 (Resolution 238)

#### **PURPOSE OF REPORT**

For Council to consider an application for temporary primary school facilities and design and technology centre at 92 (Pt Lot 107) Kenwick Road, Kenwick, as the proposal is outside the authority delegated to staff.

#### **BACKGROUND**

##### **Site Description**

Pt Lot 107 has three road frontages, to Wanaping Road, Brixton Street and Kenwick Road (see Location Plan). Rehoboth Christian School has an existing private High School on the Kenwick Road end of the site with vehicle access to the High School from two crossovers in Brixton Street.

The majority of the northern half of Pt Lot 107 Kenwick Road, is classified by the Water and Rivers Commission's wetland mapping as a Conservation Category Wetland (CCW). A flora and vegetation survey was carried out on the site during August 2003, and again in February 2004 with 82 plants of the declared rare flora species, *Lepidosperma rostratum*, found in and around the CCW during these surveys.

##### **Site History**

The applicant has been in discussion with officers of the City over an extended period of time with regard to the possible addition of a Primary School component on-site. The majority of those discussions have centred on how such a proposal can be implemented so as to recognise the high environmental value of the site, and add value to that resource. To that end, site meetings were held between the applicant, the City, Department of Conservation and Land Management (CALM) and Waters and Rivers Commission (WRC).

A development application was submitted for a primary school on 5 April 2004, and that application reflected the input received during the preceding discussions with these agencies. That included locating portion of the development within a degraded section of the 50-metre CCW buffer, subject to the erection of suitable fencing between the development and the CCW, and the implementation of an appropriate re-vegetation and management regime.

However, when that proposal was referred to CALM and the WRC, the CALM response was positive but the response of the Department of Environment (DOE), which now incorporates the WRC, was not consistent with the preliminary advice and recommended that the application be refused because of the proposed intrusion into the buffer.

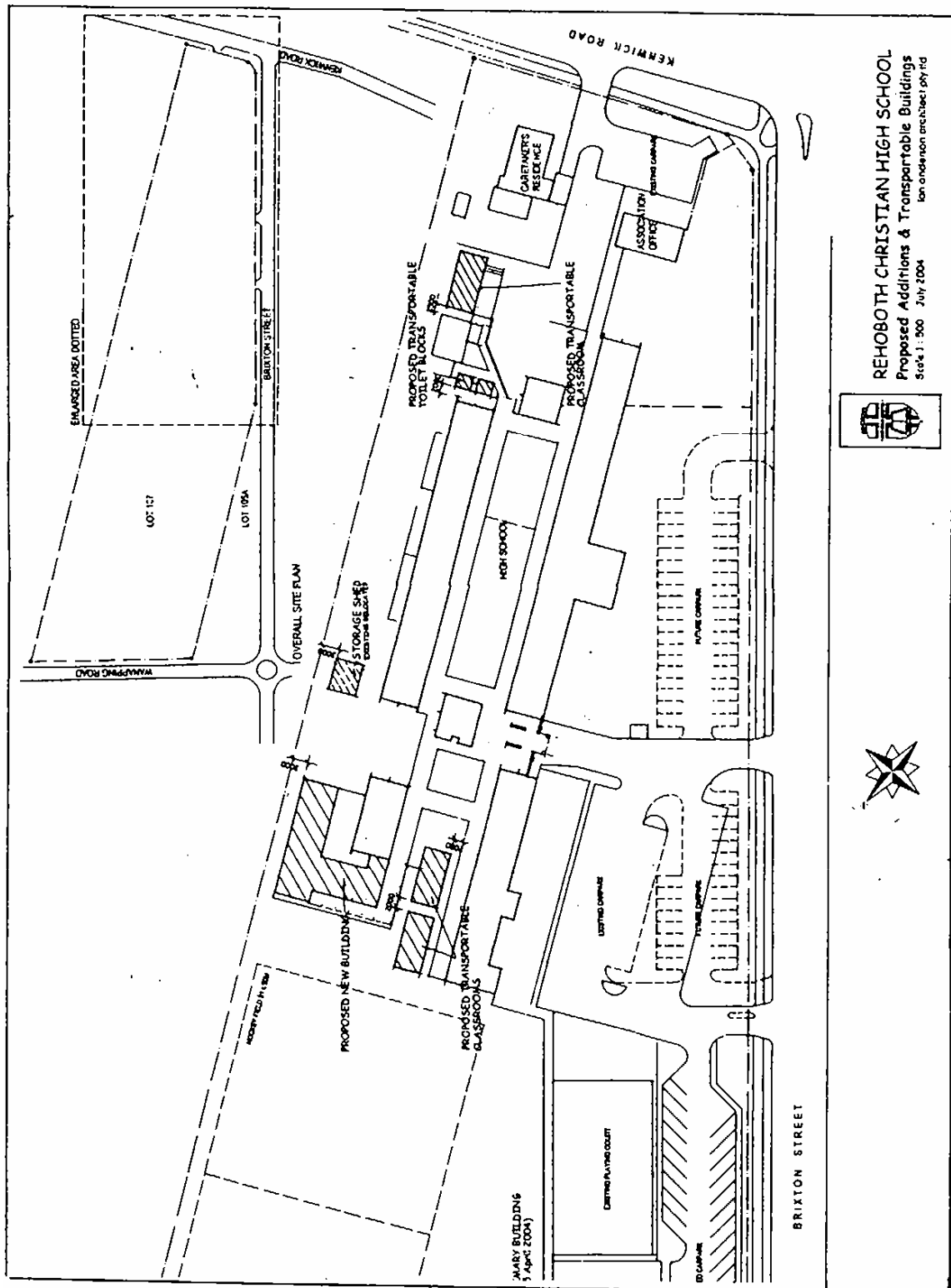
### **Proposal**

The applicant had hoped to get the permanent primary school facility constructed and operational for the start of 2005, however, the delays arising from consultation with the environmental agencies has made that time frame unachievable. The applicant has lodged the subject development application because the use of temporary facilities would still enable the primary school component to start operating in 2005. There needs to be further discussion with DOE about their response, before the City refers the permanent primary school facility to Council for its consideration. The applicant has agreed to an extension of time on the permanent primary school application, in order to let those discussions occur.

The temporary primary school facilities would comprise three transportable classrooms, which would cater for three classes with a maximum total of between 45 and 70 students, having three teachers. One transportable classroom would be purchased by the school, and as such, would remain on-site after completion of the permanent primary school facility (see Site Plan). The remaining two transportable buildings would be hired, and returned upon completion of the permanent primary school facility. Two transportable toilet buildings (male and female) would also be hired for the primary school students to use until the permanent primary school facility is completed.

The Design and Technology Centre would be a permanent building for the use of the existing high school students, it would incorporate both manual and fine arts classes. It would be constructed of concrete tilt-up panels, and painted to compliment the existing brickwork of the school. The use of these construction methods means that there is still a possibility that the Design and Technology Centre could be completed by the start of 2005, in which case it may be temporarily used for two of the primary school classes, instead of hiring the two transportable classrooms. No additional teachers would be required in order to service the Design and Technology Centre.





The buildings proposed under the subject application would be sited amongst the existing high school buildings, and as such, are well outside the CCW buffer and declared rare flora. The proposed buildings abut the adjoining public primary school site, and are therefore well separated from residential uses. On a temporary basis, additional carparking would be provided by linemarking one of the existing basketball courts, yielding an additional 28 carparking bays. The final location and configuration of the carparking requirement shall be determined under the development application for the permanent primary school facility.

### **Town Planning Scheme No. 6 (TPS 6)**

The proposal comes under the use class of “Educational Establishment” in TPS 6, which is an “A” use within the Residential zone: a discretionary use that is considered on its merits after mandatory public advertising. The TPS 6 carparking requirement for primary school is 1 space for every staff member plus 14 drop-off spaces for every 100 students. In terms of setbacks, TPS 6 states that non-residential development such as this proposal should comply with the setback requirements of the relevant residential planning code under the Residential Design Codes (R-Codes).

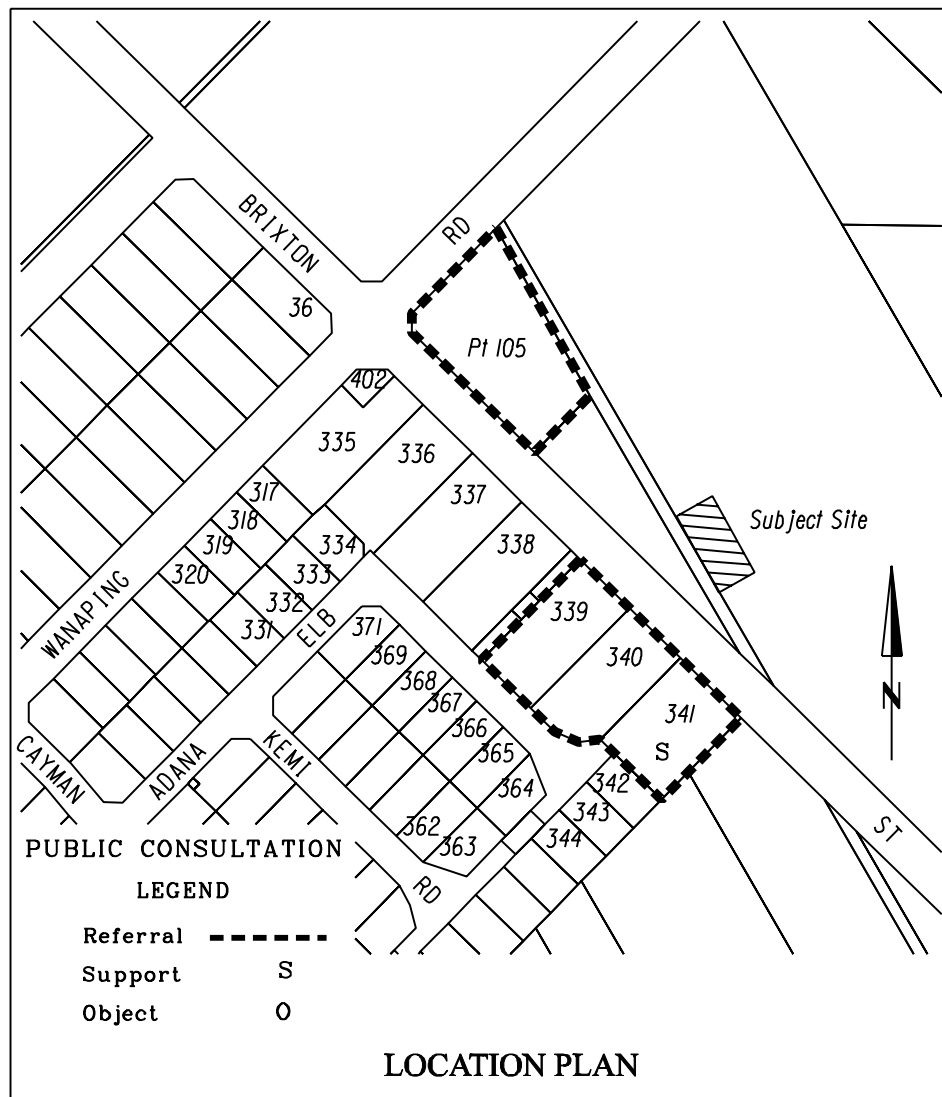
## **DISCUSSION**

### **Public Advertising**

The development application for the permanent primary school facility proposes the same number of students as the subject application, and in a more prominent position. As the development application for the permanent primary school facility has recently been referred out for public comment, it was not considered necessary to separately advertise this application for a temporary primary school facility, instead, it is appropriate to consider the outcome of the recent advertising for the permanent primary school application. That outcome is summarised in the table below.

### **Schedule of Submissions**

| <b>No.</b> | <b>Name/Address</b>                                      | <b>Description of Affected Property:<br/>Lot No, Street, etc</b> | <b>Summary of Submission</b>  | <b>Staff Comment</b>      |
|------------|--|--|---|---------------------------|
| 1.         | J I Vallance<br>1/231 Brixton Street,<br>Kenwick WA 6107 | 1/231 Brixton Street,<br>Kenwick                                 | Support; suggests the installation of traffic management devices to slow traffic on this section of Brixton Street. | See Traffic Section below |



**Traffic**

The Beckenham Traffic Study was considered by Council at its Ordinary Meeting of 25 May 2004, where it was resolved:

*“That Council approve the implementation of the “Short-term” recommendations contained within the Beckenham Traffic Study Final Report at an estimated cost of \$30,000 and, as an additional safety initiative, a speed limit of 50kph be requested on Brixton Street, both Kenwick and Beckenham sections.”*

While the specific section of Brixton Street already has a 40 kph speed limit during school start and finish times, the additional reduction in speed limit should have a positive effect.

Further recommendations of the Beckenham Traffic Study propose the installation of painted median and cycle lanes, and kerbed and paved medians, within the Beckenham section of Brixton Street. At this stage there is no proposal to extend those works into the Kenwick section of Brixton Street, however consideration could be given to doing that within the budget for the 2005/2006 financial year.

### **Town Planning Scheme No. 6 (TPS 6)**

The proposal complies in all respects with the provisions of TPS6. The carparking requirement is for an additional 13 bays, and 28 would be provided. Clause 11.6 of TPS 6 allows Council to limit the period of time for which the approval is granted and it is recommended that if the temporary primary school is approved and that a clause be used to apply a three-year approval period, after which the temporary buildings should be removed.

### **CONCLUSION**

The subject proposal complies with all relevant requirements, and it is recommended that it be approved subject to standard and appropriate conditions. There is an existing 40kph speed limit during school start and finish times, which should be bolstered by a general request for a reduction in the speed limit along Brixton Street, and possible future extension of the Beckenham Traffic Study's traffic management measures into the Kenwick section of Brixton Street.

### **FINANCIAL IMPLICATIONS**

Nil.

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|--|
| <b>STAFF RECOMMENDATION AND COUNCIL RESOLUTION</b> |
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#### **401 Moved Cr D Griffiths Seconded Cr P Wainwright**

“That Council approve the application for temporary primary school facilities and design and technology centre at 92 (Pt Lot 107) Kenwick Road, Kenwick, subject to the following conditions:

1. Standard Conditions 3.1 (13), 4.4 (\$2000), 5.1, 6.1, 7.1.
2. The approval for the Temporary primary school facilities is valid for a period of three years following which the buildings must be removed unless a further approval has been granted.”

**CARRIED 12/0**

*FOR: Cr W Barrett, Cr R Croft, Cr R Hoffman, 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****402 Moved Cr D Griffiths Seconded Cr P Wainwright**

“The Council consider traffic management treatments for the Kenwick section of Brixton Street and that the works be listed for the 2005/2006 budget consideration.”

**CARRIED 12/0**

***FOR:** Cr W Barrett, Cr R Croft, Cr R Hoffman, 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.*

The Mayor advised the meeting that Cr R Mitchell due to being a Telstra employee had disclosed a Financial Interest in the following item in accordance with Section 5.60 of the Local Government Act 1995.

8.43pm – Cr R Mitchell left the meeting.

### **13.5.6 DEVELOPMENT APPLICATION – TELECOMMUNICATIONS INFRASTRUCTURE – 2201 (LOT 150) ALBANY HIGHWAY, GOSNELLS**

File: 202380      **Approve Ref:** 0304/1502      (EH)      Psrpt110Aug2004  
 Name: Planning Solutions (Aust) Pty Ltd  
 Location: 2201 (Lot 150) Albany Highway, Gosnells  
 Zoning: MRS: Urban  
           TPS No. 6: District Centre (Special Control Area)  
 Appeal Rights: Yes. Town Planning Appeal Tribunal against a refusal or any condition(s) of approval.  
 Area: 1,704m<sup>2</sup>

#### **PURPOSE OF REPORT**

For Council to consider an application for Telecommunications Infrastructure at 2201 (Lot 150) Albany Highway, Gosnells as the proposal is outside the authority delegated to staff.

#### **BACKGROUND**

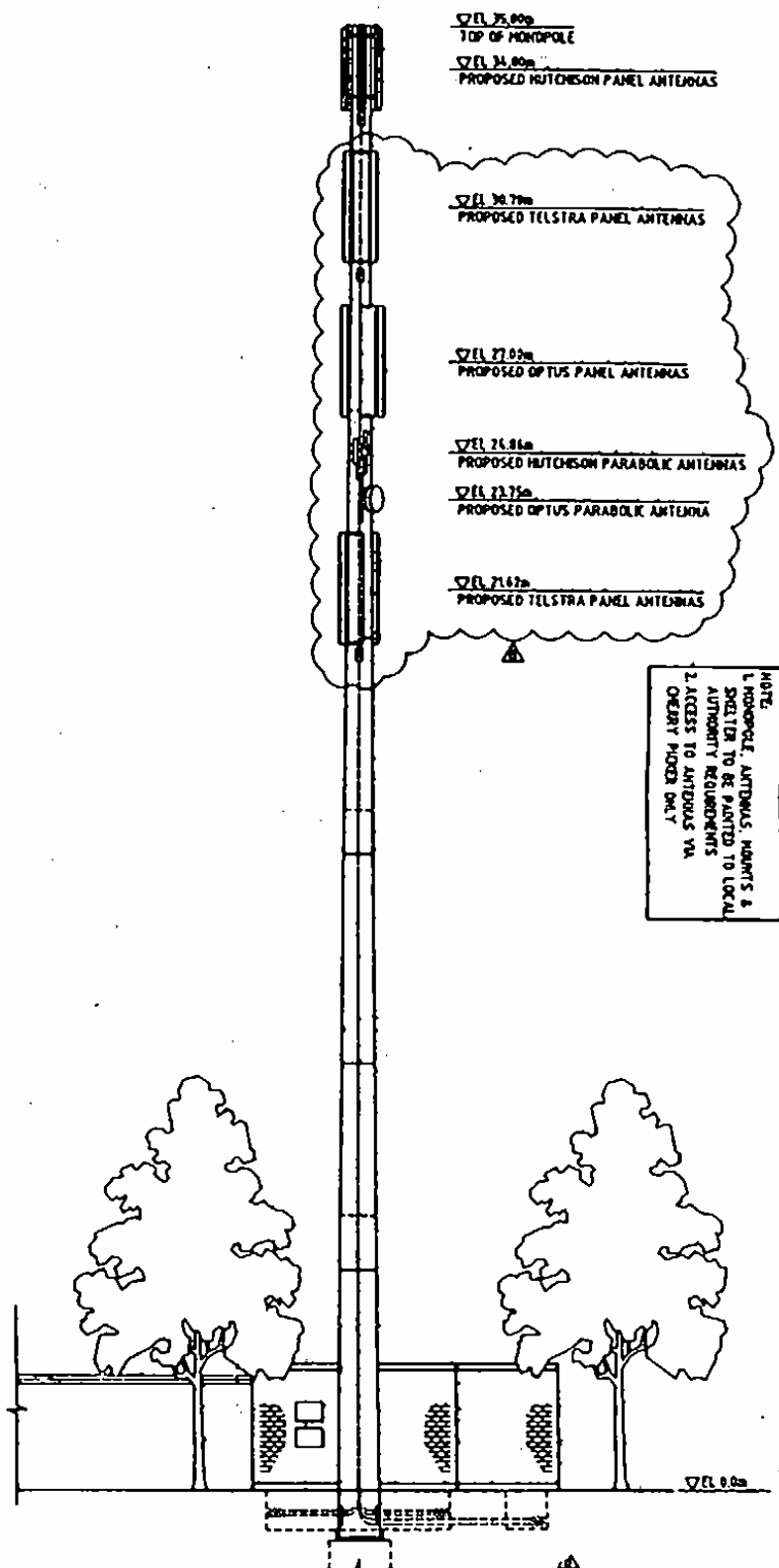
##### **Site Description**

Lot 150 is located between Albany Highway and Lissiman Street, Gosnells and contains an existing building occupied by Beaurepairs. Surrounding land uses include a range of retail, fast food and other commercial operations. The site is zoned “District Centre” under Town Planning Scheme No. 6 (TPS 6) and is located within the “Special Control Area” for the Gosnells Town Centre.

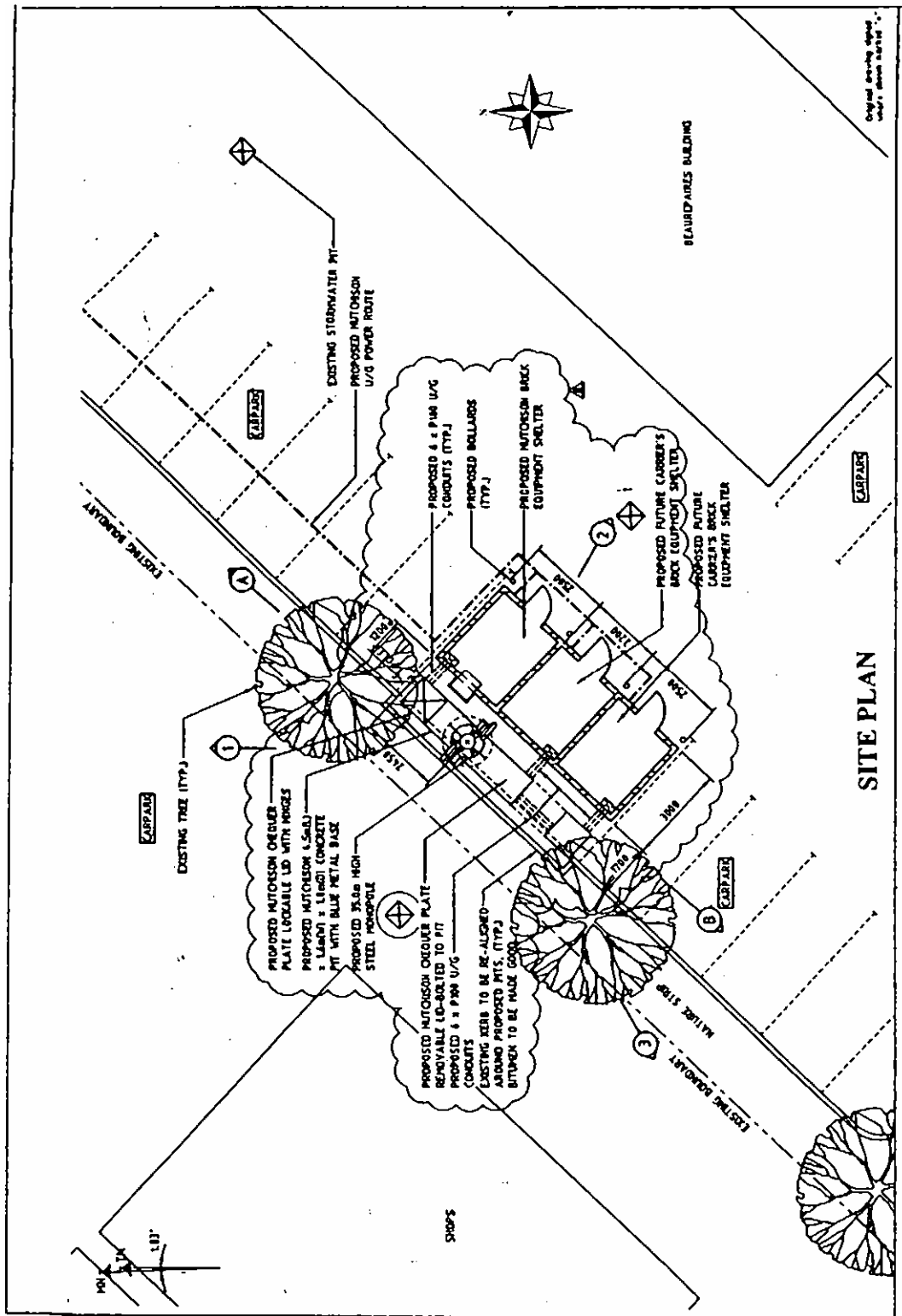
##### **Proposal**

The applicant is working on behalf of Hutchison 3G Australia Pty Ltd and this proposal will form part of Hutchison mobile telephone network in the Perth Metropolitan Region. The proposal involves the installation of a 35m high slimline monopole and associated Hutchison equipment. The proposed monopole has been designed to provide for co-location and negotiations are in progress with other telecommunication carriers (Telstra and Optus) to be located on the facility. It is proposed that the following equipment would be installed:

| <b>Equipment Type</b> | <b>Hutchison</b> | <b>Telstra</b> | <b>Optus</b> | <b>Total</b> |
|-----------------------|------------------|----------------|--------------|--------------|
| Panel Antennas        | 3                | 3              | 3            | 9            |
| Parabolic Antennas    | 2                | 0              | 1            | 3            |
| Equipment Shelter     | 1                | 1              | 1            | 3            |



**NORTH-WEST ELEVATION**





## Telecommunications Act 1997

In accordance with Telecommunications (Low Impact Facilities) Determination 1997, the subject tower is not classified as a “low impact facility” as it is a new telecommunications tower.

### Statement of Planning Policy No. 5.2 – Telecommunications Infrastructure

The Statement of Planning Policy provides a policy framework for the preparation, assessment and determination of applications for planning approval of telecommunications facilities within the context of the planning system of WA. The Policy provides principles for the location, siting and design of telecommunications infrastructure.

### Town Planning Scheme No. 6

Telecommunications Infrastructure are a “D” use under TPS6, which is a use that is not permitted unless the local government has exercised its discretion by granting planning approval. Clause 11.2 provides matters that are to be considered by the Local Government. Some of these matters that are relevant to the subject proposal are:

- i) the compatibility of a use or development with its setting;
- ii) the preservation of the amenity of the locality.

### Policy No. 6.2.2.1 – Telecommunications Infrastructure

Policy 6.2.2.1 states that all applications for all telecommunication towers are to be referred to Council for determination. This policy also contains criteria relating to location and design together with community consultation provisions.

### Advertising

In accordance with Council’s Policy 6.2.2.1 landowners within a 200 metre radius were notified in writing of the proposal and requested to comment. A total of 17 submissions were received, 1 non objection and 16 objections which are tabled below. (Refer Location/Referral Plan)

### Schedule of Submissions

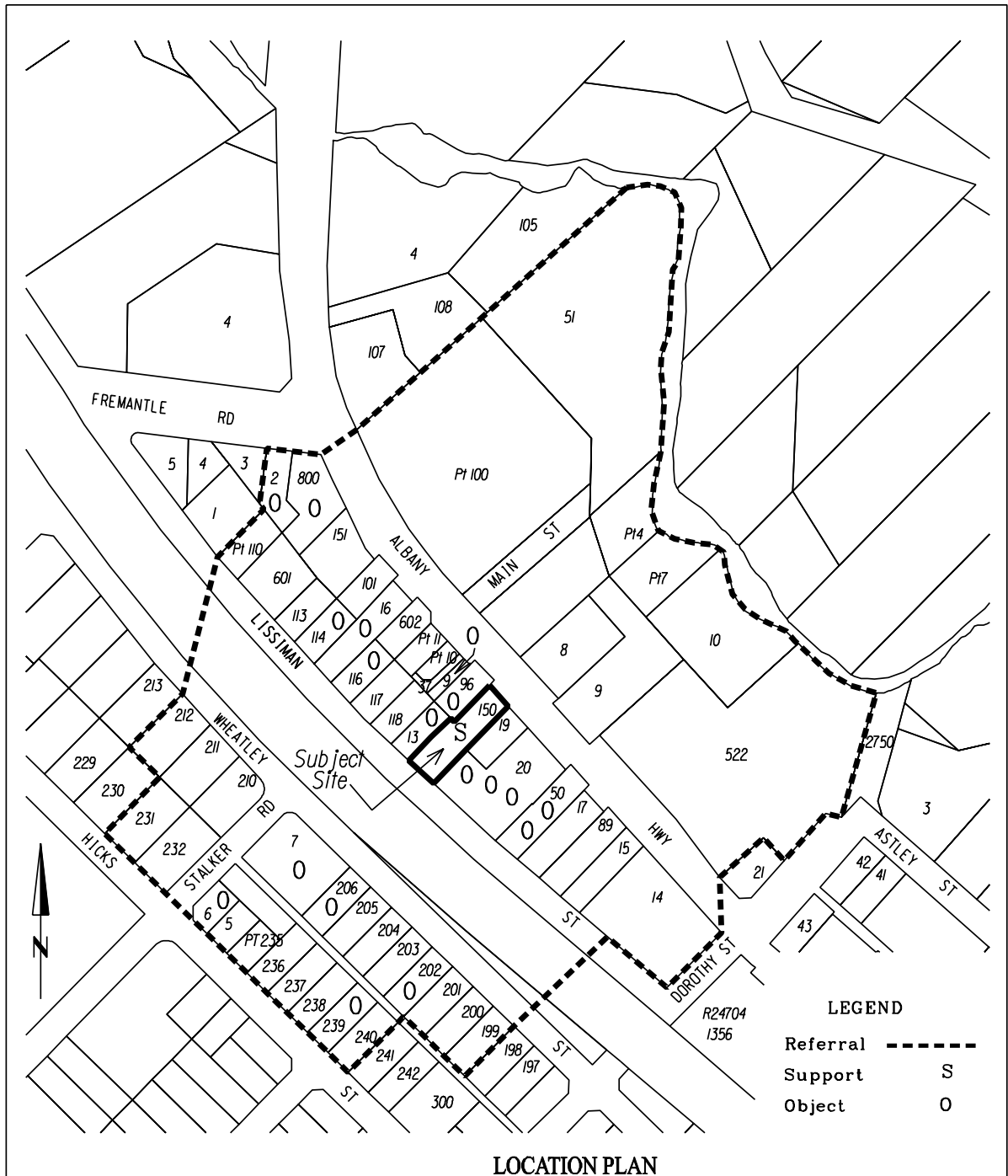
| No. | Name/Address                                 | Description of Affected Property:<br>Lot No, Street, etc | Summary of Submission   | Staff Comment      |
|-----|--|--|---|--------------------|
| 1.  | T Saleeba<br>16 Churchill Avenue,<br>Subiaco | 2201 (Lot 150)<br>Albany Highway,<br>Gosnells            | Support<br>1) Will improve telecommunications for the whole district;<br>2) Will be a co-location facility (rather than 3 individual towers); | Noted<br><br>Noted |

| No. | Name/Address   | Description of Affected Property:<br>Lot No, Street, etc                          | Summary of Submission  | Staff Comment   |
|-----|--|---|--|---|
|     |  |   | 3) The siting behind tall trees will minimize visual impact;<br>4) Location is well away from residential areas.   | Noted<br><br>Noted  |
| 2.  | M Alessi<br>26a Sholl Avenue,<br>North Beach                     | 9/2209 (Lot 18)<br>Albany Highway,<br>Gosnells                                    | Object<br>1) Council has made progress towards beautifying the area and the proposal would detract from the aesthetics of the area;<br>2) Research has indicated can cause and assist with health risks. | Noted<br><br>Dismissed<br>There is no scientific evidence that phone towers are a health risk. An EME report provided with the application indicates the proposed phone tower emits less than 1% the permitted maximum exposure levels.   |
| 3.  | G Italiano<br>C/- Lot 2 Great Eastern Highway,<br>Sawyers Valley | 8/2209 (Lot 18)<br>Albany Highway,<br>Gosnells                                    | Object<br>1) Sends off radiation;<br><br>2) Not much benefit to the people of Gosnells;<br><br>3) Isn't going to enhance the Town Centre.  | Dismissed<br>Refer to comments at 2. 2.<br><br>Dismissed<br>Proposed phone tower would improve the current mobile phone coverage for the surrounding locality which is currently poor.<br>Noted<br>Proposal will enhance mobile phone coverage but will not enhance visual amenity. |
| 4.  | I & L Daniels<br>4 Money Street,<br>Burekup                      | 7/2209 (Lot 18)<br>Albany Highway,<br>Gosnells                                    | Object<br>1) Would result in significant visual pollution;<br>2) There are implications of health concerns;<br>3) Likely to devalue properties in the vicinity.  | Noted<br><br>Dismissed<br>Refer to comments at 2. 2.<br>Dismissed<br>There is no evidence of devaluation of property located near mobile phone towers.  |
| 5.  | Cheridon Pty Ltd<br>5 Jennifer Way,<br>Rossmoyne                 | 2155 Albany Highway,<br>Gosnells  | Object<br>Would detract from streetscape, especially after removing overhead power lines.  | Noted   |
| 6.  | L Harrison<br>PO Box 7, Gosnells                                 | 47 Wheatley Street,<br>Gosnells   | Object   |   |
| 7.  | K Mavric (Bennetts Hardware Pty Ltd)<br>PO Box 29, Gosnells      | 2-6 (Lot 7) Stalker Rd<br>104 (Lot 6) Hicks St<br>39 (Lot 206)<br>Wheatley Street | Object<br>1) There is already a telecommunications tower on Albany Hwy (near Ampol);   | Dismissed<br>Hutchison are already located on this tower but additional locations are required to improve current coverage deficiencies.  |

| No. | Name/Address  | Description of Affected Property: Lot No, Street, etc                             | Summary of Submission  | Staff Comment  |
|-----|---|---|--|--|
|     |   |   | 2) Health & radiation are still not satisfactory explained by phone companies;<br>3) Why do we need it?  | Dismissed<br>Refer to comments at 2. 2.<br><br>The current mobile phone network does not provide sufficient coverage.  |
| 8.  | J Glassford<br>10 Morfield St,<br>Roleystone              | 116 (Lot 239) Hicks Street  | Object<br>1) Visual and health aspects have a negative effect on the City;<br><br>2) Could impact on nearby residential areas.   | Impact of visual amenity is noted.<br>Health implications is dismissed - refer to comments at 2. 2.<br>Dismissed<br>Location in terms of existing residential areas complies with Policy 6.2.2.1                     |
| 9.  | V Sinagra<br>C/- 49 Eric Street,<br>Como                  | 2175 Albany Highway, Gosnells   | Object<br>1) Would be ugly and unsightly in a Town Centre that the City has spent Millions on improving;<br>2) Impacts on people's health.   | Noted<br><br><br>Dismissed<br>Refer to comments at 2. 2.   |
| 10. | Mulberry Tree<br>Childcare<br>2b/3 Ledgar Rd,<br>Balcatta | 2219 (Lot 50) Albany Highway, Gosnells (Leasing property for Child Care Premises) | Object<br>1) Have 22 year lease (and Council approval) to operate childcare facility for 80 children;<br>2) Proposed tower is only 60m to childcare site – non-compliant with Council Policy;<br>3) Research undertaken so far into health implications is not extensive enough to determine exact impacts;<br>4) Parents do not want children in childcare in close proximity to a phone tower. | Noted<br><br>Noted<br><br>Dismissed<br>Refer to comments at 2. 2.<br><br>Dismissed<br>An amended EME report indicates EME levels at the childcare site would be approx. 0.063% of permitted maximum exposure levels. |
| 11. | B & D Lynch<br>5 Braden Way,<br>Marmion                   | 2219 (Lot 50) Albany Highway, Gosnells  | Object<br>Concur with comments from Mulberry Tree Childcare.   | Refer to comments at 10.   |
| 12. | R & J Ahnstrom<br>PO Box 593,<br>Gosnells                 | 110 (Lot 13) Lissiman Street, Gosnells  | Object<br>Council is encouraging redevelopment of Town Centre with residential above commercial. We have plans to redevelop Lot 13 to build 2 storey and live upstairs. Don't want to be looking at phone tower next door from windows and be subjected to health implications.  | Impact of visual amenity is noted.<br>Health implications is dismissed - refer to comments at 2. 2.  |

| No. | Name/Address  | Description of Affected Property:<br>Lot No, Street, etc | Summary of Submission   | Staff Comment  |
|-----|---|--|---|--|
| 13. | C Sinagra<br>20 View Way,<br>Nedlands                   | 100 (Lot 114)<br>Lissiman Street,<br>Gosnells            | Object<br>1) Unightly to have antenna and equipment shelter in the Town Centre that the Council is trying to upgrade;<br>2) Detrimental to peoples health as it carries radiation.  | Noted<br><br>Dismissed<br>Refer to comments at 2. 2.   |
| 14. | G Watson (Landfield Pty Ltd)<br>PO Box 299,<br>Gosnells | 4/57 (Lot 2) Wheatley Street, Gosnells                   | Object<br>1) No indication of visual impact from Wheatley Street;<br>2) Main concern is visual pollution so close to new Railway Station.   | Noted<br>Photo montages were provided by the applicant showing visual impact from the new Train Station location.  |
| 15. | M & S Devereux<br>22 Danohill Street,<br>Huntingdale    | 2190 (Lot 9) Albany Highway, Gosnells                    | Object<br>1) Intend to redevelop with a residential component and don't believe a tower would help attract the development of units or the look of the Town.<br>2) A phone tower would not suit the redevelopment of the Town Centre or the health of people working in the Town Centre.  | Impact of visual amenity is noted.<br><br>Noted<br>Health implications is dismissed - refer to comments at 2. 2.   |
| 16. | J Farano<br>69B Fremantle Road,<br>Gosnells             | 104 (Lot 116)<br>Lissiman Street,<br>Gosnells            | Object<br>1) Equipment compound should have at least 3m garden nature strip surrounding the complete compound from public view.<br>2) Maybe tower should be put on the Beaurepairs building with the equipment shelter housed within the current building.  | Noted<br>If approved, Council can imposed appropriate conditions.<br><br>Noted<br>The applicant has advised that there are no existing buildings or structures which could be utilized.  |
| 17. | L C Goh<br>34 Minova Road,<br>Dalkeith                  | 2199 (Lot 96) Albany Highway, Gosnells                   | Object<br>1) Serious concerns arising from possible interference to health devices (hearing-aids, pacemakers).<br>2) Serious concerns arising from possible interference to commercial machines (x-ray machine, etc).<br>3) Concern regarding possible inference to TV, radio, etc.<br>4) Serious health concerns – no study related to long term exposure. | Dismissed<br>Applicant has advised that phone towers do not interfere with hearing-aids, etc and that facilities are currently located on the roof of major hospitals.<br><br>Dismissed<br>Applicant has advised that phone towers do not interfere with TV & Radio as they run on different frequencies.<br>Dismissed<br>Refer to comments at 2. 2. |

| No. | Name/Address | Description of Affected Property:<br>Lot No, Street, etc | Summary of Submission   | Staff Comment                                     |
|-----|--------------|--|---|---|
|     |              |  | 5) Ecology concerns – no study related to effects on birds, animals, etc. | No studies have been carried out to confirm this. |



## **DISCUSSION**

### **Health**

As stated by the Commonwealth Government, the weight of national and international scientific opinion is that there is no substantiated evidence to suggest that exposure to EME (electromagnetic energy) from telecommunication structure causes adverse health effects such as cancer. The term EME incorporates electromagnetic radiation, radiofrequency fields and radiofrequency radiation. In addition, all telecommunications structure must comply with the Australian Standards for EME. The “Summary of Estimated RF EME Levels” submitted with the application confirms that the proposal complies with these standards. The Summary estimates that, at maximum capacity, the maximum cumulative EME level at 1.5m above ground level is 0.45% of the mandated exposure limits.

### **Co-Location**

The proposed new monopole provides for the potential future co-location of other Telecommunication carriers. Negotiations are currently under way with Telstra and Optus.

### **Site Suitability**

During the selection process, numerous alternative sites in and around the Town Centre were assessed and proved to be unsuccessful and unsuitable to improve and meet the Hutchison coverage objectives for the community.

The 100m buffer requirement contained within Council’s Policy 6.2.2.1 for “sensitive land uses”, such as residential, is intended, in part, to minimise visual impact of mobile phone towers. Commercial and industrial areas are not considered to be sensitive areas.

A Child Care Centre has recently been approved to be operated from 2219 Albany Highway, Gosnells. Internal modifications of the building are currently being carried out to cater for the approved use. Child Care uses are considered to be a “sensitive use” in Council’s policy and in WAPC Statement of Planning Policy 5.2, which states:

*“Particular care should be taken in the design of facilities near certain land uses such as childcare centres, schools and aged persons’ accommodation to minimise visual intrusion and community concern regarding electromagnetic emissions.”*

The approved Child Care centre site is approximately 60m from the proposed telecommunications infrastructure. In this regard, the proposal does not comply with Policy 6.2.2.1 in relation to location.

The Urban Design Guidelines for the Town Centre also encourages mixed development of commercial and residential. Two submissions were received during the advertising period, one being from the adjoining site, advising they were planning on redeveloping their sites to incorporate both a commercial use and residential.

## Visual Amenity

Councillors have been provided with copies of photo montages demonstrating the perspective view should the tower be constructed. It is evident from the photo montages that the tower will be quite a prominent structure in the skyline viewed from all locations in and around the Town Centre. Existing mature vegetation on the subject site would assist in screening part of the structure and associated equipment shelters. Other vertical structures currently located within the Town Centre are existing light poles and advertising signs. It is noted that power through the Town Centre has been converted to underground services to improve the quality of supply of power and to improve the visual amenity of the Town Centre.

The applicant has stated that *“the proposal presented is the most appropriate alternative in terms of visual impact. The proposal will minimise the proliferation of antennas throughout the town centre, and is considered to be of less impact than alternatives which may be developed.”* The reference to “alternatives” is in relation to “low-impact facilities” that do not require Local Government approval. However, elsewhere in the report submitted by the applicant, it is stated that *“the town centre currently has poor 3<sup>rd</sup> generation mobile phone coverage and by permitting the proposed facility, the need for additional telecommunication facilities within the local area will be minimized... ‘low-impact’ solutions have been investigated and are not considered satisfactory due to the lack of suitable existing structures... The proposed facility within the town centre provides adequate height and coverage to allow various Carriers opportunity to co-locate, thus reducing the need for a grater proliferation of what may be considered to be less visually acceptable ‘low-impact’ facilities.”*

Height and locational restrictions are used to determine whether a facility is low-impact and therefore does not require development approval. Low impact facilities are those that are located on existing buildings and are a maximum of 5m high and can be located in a residential, commercial, industrial or rural areas.

In view of the height of existing buildings (generally single storey with a maximum of two storeys), if a number of low impact facilities were to be located within the Town Centre, the cumulative visual impact is considered to be less detrimental to the amenity of the area than the proposed 35m high monopole. The installation of a 35m monopole would not preclude the installation of low impact facilities throughout the Town Centre.

## Impact on Town Centre

Council has invested large sums of ratepayer’s funds through the Gosnells Town Centre Revitalisation Scheme to increase the amenity and add value for the community within the designated area. A major part of this has been the removal of visual obstructions such as electricity poles from Albany Highway and the scheduled undergrounding of power along Lissiman St to achieve a streetscape that is visually pleasing.

The inclusion of a tower of this size at this site has been perceived by the community as negating the improvements already undertaken by Council. Feedback from the advertising of the proposal supports this perception. Council has worked long and hard

to change the community perception of the town centre and this could be seen as a backward step.

One major aspect of the revitalisation scheme yet to be progressed but currently being investigated and planned in detail, is the development of residential and mixed use properties, the visual aspect of this tower could certainly have a negative impact on the future development of residences within the town centre.

## **CONCLUSION**

The Council has, on a number of occasions, approved the installation of telecommunication facilities within Langford, Huntingdale, Beckenham and Thornlie. The Council recognizes the need for telecommunications infrastructure in this technologically advanced society. Notwithstanding the existing coverage issues, Council must consider the impact on the visual amenity of the Town Centre which has received substantial financial investment from both the private and public sectors.

The proposed telecommunications infrastructure being located in the core of the recently revitalized Town Centre does not satisfy the amenity provisions of Clause 11.2 of TPS 6 and nor does it comply with Policy 6.2.2.1 in terms of proximity to sensitive land uses. It is therefore recommended that the application be refused on the grounds of unacceptable impact on the visual amenity of the Town Centre.

## **FINANCIAL IMPLICATIONS**

Nil.

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

### **403 Moved Cr P Wainwright Seconded Cr J Brown**

“That Council, having considered the matters outlined in Clause 11.2 of Town Planning Scheme No. 6 (Matters to be considered by Local Government) refuse the application for Telecommunications Infrastructure at 2201 (Lot 150) Albany Highway, Gosnells for the following reasons:

1. The proposed tower is not considered compatible within its setting due to its visual impact in an area where significant investment and effort has been focused on achieving revitalisation including the undergrounding of power lines to achieve a streetscape that is visually pleasing.
2. The proposed tower will have a detrimental impact on the amenity of the Town Centre and its ability to attract and retain patrons.
3. The proposed tower is located less than 100m from an approved sensitive land use being a Child Care Centre and potential future



sensitive land uses being residential components of mixed use developments.”

CARRIED 11/0

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

*AGAINST:* Nil.

8.44pm – Cr R Mitchell returned to the meeting.

#### Notation

*The Mayor, upon the return of Cr Mitchell to the meeting, advised that Council had endorsed the staff recommendation as contained in the agenda.*

## **12. MINUTES OF COMMITTEE MEETINGS**

## 13. REPORTS

### 13.1 CHIEF EXECUTIVE OFFICER'S REPORT

#### 13.1.1 2004 NATIONAL GENERAL ASSEMBLY OF LOCAL GOVERNMENT AND FEDERAL FUNDING LOBBYING DELEGATION

File: M7/1/2 (SJ)  
Appendix: 13.1.1A [Conference Programme \(Click to view\)](#)

#### PURPOSE OF REPORT

To seek approval for a Councillor and the Chief Executive Officer to attend the 2004 National General Assembly of Local Government being held in Canberra from 7 to 10 November 2004. To also authorise the Mayor and Chief Executive Officer to participate in a Federal Funding Lobbying Delegation in September 2004.

#### BACKGROUND

Advice has been received in relation to the 2004 National General Assembly of Local Government which states:

*“The 2004 National General Assembly of Local Government will focus on the emerging opportunities for Australian local government to drive and achieve its vision for sustainable and successful communities, from our city centre to our central deserts.”*

A copy of the Conference Programme is attached as Appendix 13.1.1A.

#### DISCUSSION

Attendance at the General Assembly will enable the City's representatives the opportunity to gain information on a range of contemporary local government issues and to make contact with delegates at this peak level.

As in previous years, the Western Australian Local Government Association has indicated that it will conduct an 'after hours' briefing session for WA delegates prior to the Assembly.

In previous years, the Mayor has accompanied the Chief Executive Officer to the General Assembly, however as her term of office expires on 7 May 2005 consideration needs to be given to Council Policy 5.4.12 which reads in part,

*“Where an elected member, at the date of the event, has an electoral term of less than six (6) months to complete, such elected member shall be ineligible to attend the event unless authorisation is granted by an absolute majority of Council.”*

Council continues to lobby for Federal resources including a proposed \$4 million funding submission relating to the Commonwealth's Stronger Families "Local Answers" programme associated with Maddington Kenwick. Consequently, the opportunity will be taken during the Canberra Congress to meet with key decision makers at the Federal level including Ministers, Opposition Ministers, Parliamentarians and Policy Advisors.

Given the level of funding involved, it has been suggested that it would be in the interests of the City to make representations early in the next funding round direct to the Minister and Opposition Minister in respect of a City wide 'Local Answers' Federal funding submission which includes the Maddington Kenwick Partnership. Preliminary documentation is being prepared which it is anticipated will be completed by the end of August 2004. Accordingly, through Mr Don Randall MP, Member for Canning, and Ms Sharryn Jackson MP, Member for Hasluck, the necessary lobbying meetings are being sought, at which it is suggested that the Mayor and Chief Executive Officer should represent the City. The Mayor will be in Canberra on the 8 September 2004 on non City of Gosnells related business and preliminary discussions have taken place with Canberra officials to try and convene mutually convenient appointments on the 7 September 2004. This timeline should allow for any necessary Federal feedback to be incorporated into the final funding application to be completed by October 2004 with an announcement of successful applicants likely to be made early in the New Year.

## FINANCIAL IMPLICATIONS

### National General Assembly

The cost of full registration for the Assembly is \$725 if payment is received by 20 September 2004. Estimated costs per person are as follows - subject to availability:

|  |                       |
|--|-----------------------|
| Assembly Registration                        | \$725                 |
| Return Conference Airfare                    | \$740                 |
| Accommodation: Canberra (3 nights)           | \$540                 |
| Out of Pocket Expenses and Conference Dinner | \$309                 |
| <b>Total per person</b>                      | <b><u>\$2,314</u></b> |

Funds are available in Account No's. JobS2000.1362.223 and JobS1000.1362.223 Training and Conference for attendance by Elected Members and the Chief Executive Officer respectively.

### Federal Lobbying Delegation

Estimated costs per person are as follows - subject to availability:

|  |                     |
|--|---------------------|
| Return Airfare – <i>Chief Executive Officer only</i> | \$740               |
| Accommodation: Canberra (1 night)                    | \$180               |
| Out of Pocket Expenses                               | \$109               |
| <b>Total - Mayor</b>                                 | <b><u>\$289</u></b> |
| <b>Total – Chief Executive Officer</b>               | <b>\$1,029</b>      |

Funds are available in Account Numbers JobS2000.1362.223 and JobS1000.1235.754 for attendance by the Mayor and the Chief Executive Officer respectively.

|                      |
|----------------------|
| STAFF RECOMMENDATION |
|----------------------|

**Moved Cr D Griffiths Seconded Cr C Matison**

That Council authorise Councillor \_\_\_\_\_ and the Chief Executive Officer to attend the 2004 National General Assembly of Local Government to be held in Canberra from 7 to 10 November 2004 inclusive for an approximate cost of \$2,314 per person with funds being met from Account Numbers JobS2000.1362.223 and JobS1000.1362.223.

|                      |
|----------------------|
| STAFF RECOMMENDATION |
|----------------------|

**Moved Cr D Griffiths Seconded Cr C Matison**

That Council authorise the Mayor and the Chief Executive Officer to participate in a Federal Government lobbying delegation to Canberra, which is anticipated to take place in September 2004, at an estimated cost of \$289 and \$1,029 respectively, with the funds being met from Account Numbers JobS2000.1362.223 and JobS1000.1235.754.

Nomination for Staff Recommendation (1 of 2)

*Cr D Griffiths nominated Cr PM Morris to attend the 2004 National General Assembly of Local Government. Cr P Wainwright seconded the nomination resulting in the following amendment to the staff recommendation:*

**Moved Cr D Griffiths Seconded Cr P Wainwright**

That the staff recommendation be amended by deleting the line “\_\_\_\_\_” where it appears in the first line after the word Councillor and substituting it with the name “PM Morris”, with the amended recommendation to read:

“That Council authorise Councillor PM Morris and the Chief Executive Officer to attend the 2004 National General Assembly of Local Government to be held in Canberra from 7 to 10 November 2004 inclusive for an approximate cost of \$2,314 per person with funds being met from Account Numbers JobS2000.1362.223 and JobS1000.1362.223.”

CARRIED 12/0

*FOR: Cr W Barrett, Cr R Croft, Cr R Hoffman, 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.*

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

|                    |
|--------------------|
| COUNCIL RESOLUTION |
|--------------------|

**404 Moved Cr D Griffiths Seconded Cr P Wainwright**

“That Council authorise Councillor PM Morris and the Chief Executive Officer to attend the 2004 National General Assembly of Local Government to be held in Canberra from 7 to 10 November 2004 inclusive for an approximate cost of \$2,314 per person with funds being met from Account Numbers JobS2000.1362.223 and JobS1000.1362.223.”

CARRIED BY ABSOLUTE MAJORITY 12/0

*FOR: Cr W Barrett, Cr R Croft, Cr R Hoffman, 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.*

*The Mayor then put the second staff recommendation, which reads:*

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

**405 Moved Cr D Griffiths Seconded Cr C Matison**

“That Council authorise the Mayor and the Chief Executive Officer to participate in a Federal Government lobbying delegation to Canberra, which is anticipated to take place in September 2004, at an estimated cost of \$289 and \$1,029 respectively, with the funds being met from Account Numbers JobS2000.1362.223 and JobS1000.1235.754.”

CARRIED 12/0

*FOR: Cr W Barrett, Cr R Croft, Cr R Hoffman, 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.*

**13.1.2 LOCAL GOVERNMENT MANAGERS ASSOCIATION –  
PROFESSIONAL DEVELOPMENT CONFERENCE 2004**

File: M7/1/2 (SJ)

**PURPOSE OF REPORT**

To seek approval for the Chief Executive Officer to attend the 2004 Local Government Managers Association (LGMA) Professional Development Conference to be held in Kalgoorlie 3 to 4 September 2004.

**BACKGROUND**

The Chief Executive Officer was approached by the Local Government Managers Association to present at this Conference on the City of Gosnells recently introduced Work Life Balance Strategy which is regarded within the Local Government Industry as leading practice.

**DISCUSSION**

There are over 500 WA Members of LGMA and this Conference is a major component of the Professional Development Programme specifically for Chief Executive Officers, Senior Executives and Managers.

The Conference will allow the Chief Executive Officer to showcase the City of Gosnells aim to become an 'Employer of Choice' in accordance with the 2004-2006 Strategic Plan and it will provide the opportunity for his ongoing professional development.

**FINANCIAL IMPLICATIONS**

As the Chief Executive Officer will be a guest speaker, there is no conference registration fee. The anticipated costs (subject to availability) are as follows:-

|                          |              |
|--------------------------|--------------|
| Conference Registration  | \$Nil        |
| Return Economy Air Fare  | \$268        |
| Accommodation (2 nights) | \$147        |
| Out of pocket expenses   | \$128        |
| <b>Total</b>             | <b>\$543</b> |

Funds are available in Account No. JobS1000.1362.223 for attendance by the Chief Executive Officer.

**STAFF RECOMMENDATION AND COUNCIL RESOLUTION****406 Moved Cr R Hoffman Seconded Cr R Mitchell**

“That the Chief Executive Officer, be authorised to attend the 2004 Local Government Managers Association – Professional Development Conference to be held in Kalgoorlie from 3 to 4 September 2004 inclusive, at an estimated cost of \$543 to be met from Account No. JobS1000.1362.223.”

**CARRIED 12/0**

***FOR:** Cr W Barrett, Cr R Croft, Cr R Hoffman, 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 COMMUNITY SERVICES

### 13.2.1 COMBINED AUSTRALIAN PERFORMING ARTS CENTRES ASSOCIATION ANNUAL CONFERENCE AND NATIONAL TOURING ARTS FORUM (LONG PADDOCK): BRISBANE 20 - 24 SEPTEMBER 2004

File: AA4/1 (RH)

Appendix: 13.2.1A [APACA Conference Programme \(Click to view\)](#)

#### PURPOSE OF REPORT

To seek the approval of Council for an Elected Member and the Manager Don Russell Performing Arts Centre (DRPAC) to attend a five day combined arts centre association conference and performing arts touring forum to be held at the Queensland Performing Arts Centre in Brisbane from 20 to 24 September 2004.

#### BACKGROUND

The Long Paddock Conference is the biggest calendar event of the year for performing arts centre managers throughout the nation. It combines the 18<sup>th</sup> Annual Australian Performing Arts Centres Association (APACA) conference with the second bi-annual Long Paddock forum. The two events are staged together in a different State each year (eg Victoria in 2003, Western Australia in 2002) to encourage optimum attendance and benefit for everyone involved.

The Long Paddock forum brings together performing arts presenters (mostly performing arts centre managers from all States and Territories), producers, regional touring coordinators and other stakeholders to discuss productions for national touring, and to develop funding applications for tours. The primary goal of the forum is to facilitate national tours of the performing arts and provide a forum at which new potential touring productions are presented to performing arts centre managers.

Producers (professional performing arts groups, companies and individuals from around Australia) are invited to put forward their potential touring productions to the arts centre managers to ascertain interest. Following each presentation session managers vote on shows of interest.

Funding applications for touring costs are presented to the national arts touring programme, Playing Australia, for consideration.

Extensive programme information for APACA conference, and to a lesser extent the Long Paddock Forum, is available attached as Appendix 13.2.1A.

#### DISCUSSION

The APACA conference has as its theme “Working Together: It’s Good For Your Art”. It comprises a venue tour day (20 September 2004) and two conference days (September 23 and 24). The tour visits selected APACA member venues (six) where



each respective venue manager will be present to describe programming, business operations and the unique qualities of their particular venue.

The conference days include a keynote address from the highly credentialed Sue Natrass, several panel discussions on the “Working Together” theme, a debate (That The Arts Outrun Sport) featuring authors Thomas Keneally and David Williamson and concludes with a Gala Dinner that includes the inaugural APACA Touring Awards. The federal Arts Minister opens the conference, the Shadow Minister for the Arts provides an alternative aspect on day two.

Attendance at this combined event ensures APACA member Don Russell Performing Arts Centre is included in and abreast of the national debate on contemporary issues facing performing arts centres around the country.

Such a major gathering of performing arts centre managers, producers, funding body representatives and key politicians provides an ideal networking environment for the exchange of ideas and information. The tour of several working venues in another State capital with direct input from their respective managers will provide practical examples of other performing arts centres and how they are run.

The Long Paddock component provides up-to-date presentations of professional performing arts productions from around Australia. Handbooks of complete costings and technical specifications are provided to delegates for the shows most likely to receive tour funding. The handbooks, live excerpts of selected shows and media kits provide crucial information for centre managers to make long-term programming and strategic planning decisions for the presentation of community based programmes.

The great benefit is that the shows ultimately are funded to tour large audience catchments thus become more affordable through this arts planning process. These benefits include the fact that the federal tour funding body Playing Australia meets the costs of touring (travel, accommodation and per diems) and the City of Gosnells would fund only the actual show. This is especially significant for small venues like DRPAC, which would otherwise be unable to afford many of the touring shows.

## **FINANCIAL IMPLICATIONS**

Costs per person are as follows subject to availability:

|  |                       |
|--|-----------------------|
| APACA Conference Registration and Venue Tour | \$465                 |
| Long Paddock Touring Forum Registration      | \$165                 |
| Return Conference Airfare (Qantas)           | \$684                 |
| Accommodation (Six nights)                   | \$810                 |
| Out of Pocket Expenses approximately         | \$460                 |
| <b>Total</b>                                 | <b><u>\$2,584</u></b> |

Funds are available from Account Numbers JobS2000.1362.223 and JobS2030.1362.223 Training and Conferences for attendance by an Elected Member and Manager Don Russell Performing Arts Centre respectively.

|                      |
|----------------------|
| STAFF RECOMMENDATION |
|----------------------|

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

That Council authorise Councillor \_\_\_\_\_ and Manager Don Russell Performing Arts Centre to attend the combined Australian Performing Arts Centres Association (APACA) annual conference and the National Touring Arts Forum (Long Paddock) to be held in Brisbane 20 to 24 September 2004 for an approximate cost of \$2,584 per person, with funds being met from Account Numbers JobS2000.1362.223 and JobS2030.1362.223 respectively.

No Nomination

*In light of there being no nomination for a Councillor to attend the Australian Performing Arts Centres Association (APACA) annual conference and the National Touring Arts Forum (Long Paddock), Cr J Brown moved the following amendment to the staff recommendation:*

**Moved Cr J Brown Seconded Cr P Wainwright**

That the staff recommendation be amended by deleting the words "Councillor \_\_\_\_\_ and" where they appear in the first line after the word "authorise", deleting the words "per person" where they appear in the fifth line after the figure "\$2,584", deleting the words and numerals "Numbers JobS2000.1362.223 and" where they appear in the sixth line after the word "from" and substituting them with the word "Number", and deleting the word "respectively" where it appears at the end of the motion, with the amended recommendation to read:

"That Council authorise Manager Don Russell Performing Arts Centre to attend the combined Australian Performing Arts Centres Association (APACA) annual conference and the National Touring Arts Forum (Long Paddock) to be held in Brisbane 20 to 24 September 2004 for an approximate cost of \$2,584, with funds being met from Account Number JobS2030.1362.223."

CARRIED 10/2

**FOR:** Cr W Barrett, Cr R Croft, Cr R Hoffman, 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.

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

|                    |
|--------------------|
| COUNCIL RESOLUTION |
|--------------------|

**407 Moved Cr J Brown Seconded Cr P Wainwright**

“That Council authorise Manager Don Russell Performing Arts Centre to attend the combined Australian Performing Arts Centres Association (APACA) annual conference and the National Touring Arts Forum (Long Paddock) to be held in Brisbane 20 to 24 September 2004 for an approximate cost of \$2,584, with funds being met from Account Number JobS2030.1362.223.”

CARRIED 10/2

*FOR:* Cr W Barrett, Cr R Croft, Cr R Hoffman, 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.

### 13.3 CORPORATE SERVICES

#### 13.3.1 BUDGET VARIATIONS

File: F1/4/1

(CP)

aug10\_04bv

#### PURPOSE OF REPORT

To seek approval from Council to adjust the 2004/2005 Municipal Budget.

#### DISCUSSION

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

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

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

| Account Number    | Type           | Account Description  | Debit<br>\$ | Credit<br>\$ |
|-------------------|----------------|--|-------------|--------------|
| JobC30011.100.3   | Capital        | Bromley Street – Harris Street to Beckenham Street – Footpath Construction                   | 35,376      |              |
| JobC30011.5004.52 | Income         | Bromley Street - Roads to Recovery Funding   |             | 35,376       |
| JobC30003.100.3   | Capital        | Davison Street – Belmont Road to Kelvin Road – Footpath Construction                         |             | 35,376       |
| JobC30003.5004.52 | Income         | Davison Street – Roads to Recovery Funding   | 35,376      |              |
|                   | <b>Reason:</b> | Change of scope of works due to possibility of external funding for culvert in future budget |             |              |
| JobS1400.1235.175 | Capital        | Southern River Contaminated Site Rehabilitation  | 85,894      |              |
| JobS1400          | Income         | Transfer from Southern River Contaminated Site Reserve                                       |             | 85,894       |

| Account Number | Type           | Account Description  | Debit<br>\$ | Credit<br>\$ |
|----------------|----------------|--|-------------|--------------|
|                | <b>Reason:</b> | Continuation of project management and testing of Southern River Contaminated Site Reserve from under utilised funds from 2003/2004 to be funded from Southern River Contaminated Site Reserve |             |              |

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

**408 Moved Cr C Matison Seconded Cr D Griffiths**

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

| Account Number    | Account Description  | Debit<br>\$ | Credit<br>\$ |
|-------------------|--|-------------|--------------|
| JobC30011.100.3   | Bromley Street – Harris Street to Beckenham Street – Footpath Construction | 35,376      |              |
| JobC30011.5004.52 | Bromley Street - Roads to Recovery Funding                                 |             | 35,376       |
| JobC30003.100.3   | Davison Street – Belmont Road to Kelvin Road – Footpath Construction       |             | 35,376       |
| JobC30003.5004.52 | Davison Street – Roads to Recovery Funding                                 | 35,376      |              |
| JobS1400.1235.175 | Southern River Contaminated Site Rehabilitation                            | 85,894      |              |
| JobS1400          | Transfer from Southern River Contaminated Site Reserve                     |             | 85,894       |

CARRIED BY ABSOLUTE MAJORITY 12/0

*FOR:* Cr W Barrett, Cr R Croft, Cr R Hoffman, 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.

*The Mayor advised the meeting that Cr S Iwanyk due to property being in the area of the Gosnells Underground Power Project as depicted on page 41 of Appendix 13.2.2A had disclosed a Financial Interest in the following item in accordance with Section 5.60 of the Local Government Act 1995.*

*8.50pm – Cr S Iwanyk left the meeting.*

### **13.3.2 PRINCIPAL ACTIVITIES PLAN 2004**

File: F1/7

(CP)

aug10\_04bv

Appendix: [13.3.2A Copy of Plan \(Click to view\)](#)

#### **PURPOSE OF REPORT**

To obtain Council approval for the City of Gosnells Principal Activities Plan for the period 1 July 2004 to 30 June 2008.

#### **BACKGROUND**

Section 5.56 of the Local Government Act 1995 requires all local governments, to each year, prepare a plan of their principal activities for the next four (4) years. The plan contains:

- a description of all the principal activities proposed to be commenced or continued during the next four years;
- an explanation of why they are being carried out, the expected costs, how they are expected to be funded and how performance will be assessed; and
- an estimate of the total income and expenditure for each of the four years.

The City's principal activities for the defined period, are as follows:

- Information Technology and Records Management
- Southern River Urban Development Framework
- Safe City Initiative
- Waste Management
- Libraries and Heritage
- Road Improvements and Asset Management
- City of Gosnells Leisure World
- Southern River Road Site Rehabilitation
- Revitalisation of Gosnells Town Centre
- Major Plant Replacement
- Parks and Reserves Development

- Maddington Kenwick Sustainable Communities Partnership
- Gosnells Underground Power Project

## DISCUSSION

This is the eighth year that Council has prepared a Principal Activities Plan. In accordance with section 5.57 of the Local Government Act (1995), public notice was given for a period of forty-two days inviting members of the public to make submissions in relation to the plan. This time has now expired and the plan is presented to Council (Appendix 13.3.2A refers).

Council is required to consider any submissions received and may accept the plan with or without modification. No submissions were received during the advertising period.

A Four-Year Strategic Financial Plan has again been included. This Plan, which will be updated each year, (using assumed growth rates, the Consumer Price Index (CPI) and strategic assumptions) forecasts the resources available to the City of Gosnells for capital and non-recurring expenditure.

Once the calculation of funds available is completed, capital and non-recurring expenditure proposals are projected over the period by responsible managers and directors. After review these are subjected to analysis, utilising a “Resource Allocation Model” developed by Curtin University. This evaluates outcomes based on scores, taking into account various criteria, including their fit with the City of Gosnells strategic plan, community impact and efficiency improvements. In effect, projects are rated on the basis of cost-benefit to the City. Councillors have input into this process and make the final decisions on the projects incorporated in the forecasts.

A copy of the Principal Activities Plan is attached as Appendix 13.3.2A and has been amended to be congruent with the City of Gosnells 2004/2005 budget. In addition further information has been provided in the plan to enhance its value to users.

## FINANCIAL IMPLICATIONS

The financial implications of this plan are inherent and are shown in Appendix 13.3.2A.

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

### **409 Moved Cr R Mitchell Seconded Cr J Brown**

“That Council adopt year 2004/2005 of the Principal Activities Plan as contained in Appendix 13.3.2A.”

CARRIED 11/0

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

*AGAINST:* Nil.

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

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

“That Council adopt year 2005/2006 of the Principal Activities Plan as contained in Appendix 13.3.2A.”

CARRIED 11/0

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

*AGAINST: Nil.*

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

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

“That Council adopt year 2006/2007 of the Principal Activities Plan as contained in Appendix 13.3.2A.”

CARRIED 11/0

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

*AGAINST: Nil.*

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

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

“That Council adopt year 2007/2008 of the Principal Activities Plan as contained in Appendix 13.3.2A.”

CARRIED 11/0

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

*AGAINST: Nil.*

*8.51pm – Cr S Iwanyk returned to the meeting.*

Notation

*The Mayor, upon the return of Cr Iwanyk to the meeting, advised that Council had endorsed the staff recommendations as contained in the agenda.*



**13.3.3 FINANCING LOCAL GOVERNMENT AUSTRALIA 2004 CONFERENCE**

File: F1/4/1 (RB) Aug10\_04conf

Appendix: [13.3.3A Conference Programme \(Click to view\)](#)**PURPOSE OF REPORT**

To seek the approval of Council for an Elected Member and the Director Corporate Services to attend the Financing Local Government Australia 2004 Conference to be held in Sydney from 28 October 2004 to 29 October 2004.

**BACKGROUND**

Advice has been received from the organisers of the conference which will be held in Sydney from 28 October 2004 to 29 October 2004.

A copy of the Conference Programme is attached as Appendix 13.3.3A.

**DISCUSSION**

The Conference offers an opportunity to gain exposure to the ideas, case studies and best practice financial models of other local governments across the country. Topics covered include Financial Reporting and Accountability, Attracting Project Finance, Business Innovation, Future of Public – Private Sector Partnerships and Strategic Alliances.

Also attendees will have the opportunity to network with other local government colleagues to discuss, debate and deliberate on new financing models and related key issues facing local government.

**FINANCIAL IMPLICATIONS**

The cost of the two day conference registration is \$2,595 per person, however if the registration is paid before 20 August 2004 a 10% discount will apply.

The estimated costs per person, subject to availability, are as follows:

|   |                |
|---|----------------|
| Conference registration (Early Bird Discount) | \$2,335        |
| Return airfare                                | \$550          |
| Accommodation: Sydney 3 nights                | \$645          |
| Out of Pocket Expenses                        | \$350          |
| <b>Total per person</b>                       | <b>\$3,880</b> |

Funds are available in Account Numbers JobS2000.1362.223 and JobS1700.1362.223, Conferences and Training, for attendance by an Elected Member and the Director Corporate Services respectively.

|                      |
|----------------------|
| STAFF RECOMMENDATION |
|----------------------|

**Moved Cr D Griffiths Seconded Cr R Hoffman**

That Council authorise Councillor \_\_\_\_\_ and the Director Corporate Services to attend the Financing Local Government Australia 2004 conference to be held in Sydney from 28 October 2004 to 29 October 2004 inclusive for an approximate cost of \$3,880 per person with funds being met from Account Numbers JobS2000.1362.223 and JobS1700.1362.223.

Nomination

*Cr R Mitchell nominated Cr P Wainwright to attend the Financing Local Government Australia 2004 conference. Cr R Croft seconded the nomination resulting in the following amendment to the staff recommendation:*

**Moved Cr R Mitchell Seconded Cr R Croft**

That the staff recommendation be amended by deleting the line “\_\_\_\_\_” where it appears in the first line after the word Councillor and substituting it with the name “P Wainwright”, with the amended recommendation to read:

“That Council authorise Councillor P Wainwright and the Director Corporate Services to attend the Financing Local Government Australia 2004 conference to be held in Sydney from 28 October 2004 to 29 October 2004 inclusive for an approximate cost of \$3,880 per person with funds being met from Account Numbers JobS2000.1362.223 and JobS1700.1362.223.”

CARRIED 10/2

*FOR: Cr W Barrett, Cr R Croft, Cr R Hoffman, 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.*

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

|                    |
|--------------------|
| COUNCIL RESOLUTION |
|--------------------|

**413 Moved Cr R Mitchell Seconded Cr R Croft**

“That Council authorise Councillor P Wainwright and the Director Corporate Services to attend the Financing Local Government Australia 2004 conference to be held in Sydney from 28 October 2004 to 29 October 2004 inclusive for an approximate cost of \$3,880 per person with funds being met from Account Numbers JobS2000.1362.223 and JobS1700.1362.223.”

CARRIED 10/2

*FOR: Cr W Barrett, Cr R Croft, Cr R Hoffman, 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.*

## **13.4 INFRASTRUCTURE**

### **13.4.1 TENDER 36/2001 – SPECIALISED TURF CARE AND VEGETATION MANAGEMENT SERVICES**

File: TEN/36/2001

(MH)

MH8.2a

#### **PURPOSE OF REPORT**

For Council to approve the awarding of an extension to the Specialised Turf Care and Vegetation Management Services contract to the current tenderer (Turfmaster Facility Management) for a further three (3) years.

#### **BACKGROUND**

In accordance with Clause 4 of the Special Conditions of Contract Tender 36/2001 Specialised Turf Care and Vegetation Management Services, Turfmaster Facility Management seeks an extension to the current contract from 1 October 2004 for a further three (3) years.

*“Clause 4:*

*At the sole discretion of Council this contract may be extended for a further three (3) year term, providing that any increase to the schedule of rates is approved by Council.”*

#### **DISCUSSION**

Turfmaster have indicated that in keeping with the fixed-price nature of this contract (renegotiable for the extension period) they are seeking a fixed 6.5% increase to all items for the duration of the extension, 1 October 2004 to 30 September 2007. Based on current forecasts it is expected that inflation over the same period will be in the order of 9.0%.

Turfmaster Facility Management Services has provided a quality and timely service to the City of Gosnells over the past three years and at no time has the City of Gosnells had cause to invoke the disciplinary clauses within the current tender specification.

Included below is a summary of the new costings.

**Schedule of Rates**

Thatch Removal by Verti-Mowing:

| <b>SCHEDULE RATES OF VERTI-MOWING/SWEEPING/DEBRIS REMOVAL</b> |                                  |                             |
|---|----------------------------------|-----------------------------|
| <b>Renovation Task</b>  | <b>Existing Rate Per Hectare</b> | <b>New Rate Per Hectare</b> |
| Verti-mow   | \$275.00                         | \$292.88                    |
| Sweep   | \$275.00                         | \$292.88                    |
| <b>TOTAL</b>  | <b>\$550.00</b>                  | <b>\$585.76</b>             |
| <b>Thatch Removal (Load and Transport)</b>                    |                                  |                             |
|   | <b>Rate Per Cubic Metre</b>      |                             |
| Load/Transport/Dispose of Debris                              | \$15.20/m <sup>3</sup>           | \$16.19                     |
| <b>TOTAL</b>  | <b>\$15.20/m<sup>3</sup></b>     | <b>\$16.19</b>              |

Fertiliser Application:

| <b>Item</b> | <b>Description</b> | <b>Unit kg Per Hectare</b> | <b>Existing Rate</b> | <b>New Rate</b> |
|-------------|--------------------|----------------------------|----------------------|-----------------|
| 1           | Formulation 1      | 68Kg N/ha                  | \$113.20             | \$120.56        |
|             |                    | 78Kg N/ha                  | \$128.10             | \$136.43        |
|             |                    | 88Kg N/ha                  | \$146.05             | \$155.54        |
| 2           | Formulation 2      | 89Kg N/ha                  | \$157.00             | \$167.21        |
|             |                    | 99Kg N/ha                  | \$172.00             | \$183.18        |
|             |                    | 109Kg N/ha                 | \$188.90             | \$201.18        |
| 3           | Formulation 3      | 27Kg N/ha                  | \$139.40             | \$148.46        |
|             |                    | 37Kg N/ha                  | \$186.10             | \$198.20        |
|             |                    | 47Kg N/ha                  | \$235.40             | \$250.70        |
| 4           | Formulation 4      | -5Kg N/ha                  | \$110.10             | \$117.15        |
|             |                    | 37Kg N/ha                  | \$159.90             | \$170.29        |
|             |                    | 50Kg N/ha                  | \$207.90             | \$221.41        |
| 5           | Formulation 5      | 95Kg N/ha                  | \$1,496.81           | \$1,594.10      |
|             |                    | 105Kg N/ha                 | \$1,654.95           | \$1,762.52      |
|             |                    | 115Kg N/ha                 | \$1,809.78           | \$1,927.42      |

## Supply and Application of Pesticides and Wetting Agents:

|    | Task   | Area (approx) | Stipulated Product/s                                    | Application |               | Applications Per Financial year  | Existing Rate              | New rate                 |
|----|--|---------------|---|-------------|---------------|--|----------------------------|--------------------------|
| a) | Footpaths                                      | 220Kms        | Glyphosate - 360 g/l                                    | 9L/Ha       |               | Simultaneously<br><br>Items a-f will be treated 2 times per financial year | a) \$70.00 per lineal km   | \$74.55 per lineal km    |
| b) | Kerblines                                      | 900Kms        | Glyphosate - 360 g/l                                    | 9L/Ha       |               |  | b) \$30.00 per lineal km   | \$31.95 per lineal km    |
| c) | Traffic Islands                                | 20Ha          | Glyphosate - 360 g/l                                    | 9L/Ha       |               |  | c) Free of charge          |                          |
| d) | Public Accessways                              | 20Kms         | Glyphosate - 360 g/l                                    | 9L/Ha       |               |  | d) Free of charge          |                          |
| e) | Main Open Drains                               | 50Kms         | Glyphosate - 360 g/l<br>Metsulfuron - 600 g/Kg          | 9L<br>100g  | Per Hect      |  | e) \$937 per lineal km     | \$997.91 per lineal km   |
| f) | Roadside Drains/Verges                         | 170Kms        | Sulfometuron - 750 g/Kg<br>Triclopyr – 600 g/Kg         | 6L<br>400g  | as a tank mix |  | f) \$239 per lineal km     | per lineal km            |
| g) | Broadleaf, Clover, Jo-Jo in Turf               | 317Ha         | Bromoxynl - 140 g/l<br>Dicamba - 40 g/l<br>MCPA 280 g/l | 6L/ha       |               | August   | g) \$175 per hectare       | \$186.38 per hectare     |
| h) | Pre-Emergent Crabgrass in Turf                 | 121Ha         | Dithiopyr - 120 g/l                                     | 7L/ha       |               | September  | h) \$570 per hectare       | \$607.05 per hectare     |
| i) | Dry Spot in Turf                               | As required   | “Wetta Soil”  | 50L/Ha      |               | As required Spring/Summer  | i) \$390 per hectare       | \$415.35 per hectare     |
| j) | Black Beetle in Turf                           | As required   | Imidacloprid - 200 g/l                                  | 2.5L/Ha     |               | As required Spring/Summer  | j) \$375 per hectare       | \$399.38 per hectare     |
| k) | Veldt Grass in Bushlands                       | 50Ha          | Fluazifop -P 212 g/l                                    | 4L/Ha       |               | July   | k) \$600 per hectare       | \$639.00 per hectare     |
| l) | Perennial Grasses in Bushlands and Garden Beds | As required   | Fluazifop -P 212 g/l                                    | 4L/Ha       |               | As required Spring/Summer  | l) \$0.06 per square metre | \$0.064 per square metre |

**FINANCIAL IMPLICATIONS**

The works associated with this contract are accommodated in the 2004/2005 Parks and Environmental Operations Operational Budget.

8.53pm - Cr R Hoffman left the meeting, however, prior to leaving seconded the staff recommendation.

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

**414 Moved Cr S Moss Seconded Cr R Hoffman**

“That Council in accordance with Clause 4 of the Special Conditions of Contract associated with the Specialised Turfcare and Vegetation Management Services Tender 36/2001, award a three (3) year extension to Turfmaster Facility Management, 223 Collier Road, Bayswater WA 6053 at a fixed 6.5% increase to all items for the duration of the extension 1 October 2004 to 30 September 2007.”

CARRIED 10/1

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

***AGAINST:** Cr O Searle.*

*The Mayor advised the meeting that Cr R Hoffman due to owning property in the area had disclosed an Impartiality Interest in the following item in accordance with Regulation 34C of the Local Government (Administration) Regulations 1996.*

### **13.4.2 TENDER 31/2004 – LANDSCAPE MAINTENANCE “THE RESERVE”**

File: TEN/10/2003

(MH)

MH8.1a

#### **PURPOSE OF REPORT**

For Council to award Tender 31/2004 – Landscape Maintenance “The Reserve” for an eleven (11) month period, commencing on 11 August 2004.

#### **BACKGROUND**

The tender was advertised in The West Australian newspaper on 12 June 2004 and submissions closed on 30 June 2004. Submissions were received from the following seven companies.

| <b>Tenderer</b>                     | <b>Address</b>                               |
|-------------------------------------|--|
| Lovegrove Turf Services Pty Ltd     | 41 Brentwood Road, Wattle Grove WA 6107      |
| Grounds and Gardens Pty Ltd         | 819-825 South Road, Clarence Gardens SA 5039 |
| Environmental Industries Pty Ltd    | 123 Huntingdale Road, Huntingdale WA 6110    |
| Allwest Projects                    | 46 Weston Street, Naval Base WA 6165         |
| Programmed Maintenance Services Ltd | 107 Kew Street, Welshpool WA 6106            |
| Landscape Development               | 56 Treeby Road, Anketell WA 6167             |
| DME Contractors                     | U5/10 O’Connor Way, Wangara WA 6065          |

The short period of the tender will allow The Reserve to be re-tendered in June 2005 to bring it in line with the contract period for the four other Specified Area Rating areas.

#### **DISCUSSION**

The following matrices detail the submissions received and their subsequent evaluation based on the criteria detailed in the tender documentation.

| <b>Tenderer</b>                     | <b>Experience<br/>(Weight 20%)</b> | <b>Resourcing<br/>(Weight 20%)</b> | <b>Quality Assurance<br/>(Weight 10%)</b> | <b>Total</b> | <b>Rank</b> |
|-------------------------------------|------------------------------------|------------------------------------|---|--------------|-------------|
| DME Contractors                     | 10.00%                             | 6.33%                              | 3.33%                                     | 19.66%       | 6           |
| Landscape Development               | 18.00%                             | 14.66%                             | 3.33%                                     | 35.99%       | 2           |
| Programmed Maintenance Services Ltd | 4.00%                              | 4.82%                              | 5.00%                                     | 13.82%       | 7           |
| Allwest Projects                    | 9.63%                              | 10.33%                             | 3.33%                                     | 23.29%       | 5           |
| Environmental Industries Pty Ltd    | 19.00%                             | 12.66%                             | 5.00%                                     | 36.66%       | 1           |
| Grounds and                         | 8.32%                              | 6.50%                              | 10.00%                                    | 24.82%       | 4           |

| Tenderer                           | Experience<br>(Weight 20%) | Resourcing<br>(Weight 20%) | Quality<br>Assurance<br>(Weight 10%) | Total  | Rank |
|------------------------------------|----------------------------|----------------------------|--------------------------------------|--------|------|
| Gardens Pty Ltd                    |                            |                            |                                      |        |      |
| Lovegrove Turf<br>Services Pty Ltd | 11.32%                     | 12.66%                     | 10.00%                               | 33.98% | 3    |

| Tenderer                                  | Price     | Ranking<br>on Price<br>Only | Matrix on<br>Price<br>50% | Matrix on<br>Other<br>50% | Total<br>100% | Ranking on<br>Matrix Only |
|---|-----------|-----------------------------|---------------------------|---------------------------|---------------|---------------------------|
| DME Contractors                           | \$52,572  | 3                           | 24%                       | 19.660%                   | 44%           | 5                         |
| Landscape<br>Development                  | \$71,386  | 6                           | 18%                       | 35.990%                   | 54%           | 2                         |
| Programmed<br>Maintenance<br>Services Ltd | \$64,680  | 5                           | 20%                       | 13.820%                   | 34%           | 7                         |
| Allwest Projects                          | \$54,186  | 2                           | 24%                       | 23.290%                   | 47%           | 3                         |
| Environmental<br>Industries Pty Ltd       | \$25,570  | 1                           | 50%                       | 36.660%                   | 87%           | 1                         |
| Grounds and<br>Gardens Pty Ltd            | \$62,966  | 4                           | 20%                       | 24.820%                   | 45%           | 4                         |
| Lovegrove Turf<br>Services Pty Ltd        | \$171,380 | 7                           | 7%                        | 33.980%                   | 41%           | 6                         |

The price offered by Environmental Industries Pty Ltd is substantially below the median price, however Environmental Industries have been undertaking maintenance work for the estate developer and it is considered they have knowledge of the site conditions and have costed the work accordingly.

The submission from Environmental Industries Pty Ltd has ranked them as first in both the qualitative assessment and cost assessment. It will be recommended therefore that Environmental Industries Pty Ltd be awarded the contract to provide landscape maintenance services for The Reserve.

### **FINANCIAL IMPLICATIONS**

The adopted Maintenance Budget for Parks and Environmental Operations for 2004/2005 has funds allocated in Job Number S312 to meet this contract commitment.

*8.54pm - Cr Hoffman returned to the meeting.*



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

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

“That Council award Tender 31/2004 – Landscape Maintenance “The Reserve” to Environmental Industries Pty Ltd, 123 Huntingdale Road, Huntingdale, for a period of eleven (11) months commencing on 11 August 2004 at an annual cost of \$25,570.”

CARRIED 12/0

*FOR:* Cr W Barrett, Cr R Croft, Cr R Hoffman, 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.

**13.4.3 REQUEST FOR MEMORIAL, CORRIEDALE PLACE RESERVE, THORNLIE  
"KINGSFORD LAWRENCE"**

File: VITS18/1; R36197

(GRB)

GRB8.1a

**PURPOSE OF REPORT**

To seek Council's approval for a memorial plaque to be installed on a seat in Corriedale Place Reserve, Thornlie.

**BACKGROUND**

The City has received correspondence from Mrs A Ingram which reads in part:

*"...I am seeking permission to place a small cross as a memorial to a member of our walking group who passed away last week 'Kingsford Lawrence'. It would be placed under the trees by the river. The other option would be a small plaque to be put on the bench seat in the same place."*

City staff have met with Mrs Ingram and Mrs Lawrence and resolved to seek approval for the plaque to be installed onto the existing bench seat adjacent to the Canning River at Corriedale Place Reserve, Thornlie.

**DISCUSSION**

The plaque, measuring 6cm by 2.5cm has been purchased and engraved by Mrs Ingram and Mrs Lawrence and can be easily set into the backrest of the existing bench seat. The plaque reads:

*"In loving memory of Kingy."*

This seat has been vandalised recently and is in need of refurbishment. It is proposed that the installation of the plaque be undertaken in conjunction with this work as there will be no additional cost to the City with the installation proceeding at the same time.

The staff proposal will be that the plaque provided by Mrs Ingram and Mrs Lawrence be installed during work to refurbish the bench seat.

**FINANCIAL IMPLICATIONS**

Nil.

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

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

“That Council approve the installation of a plaque provided by Mrs Ingram and Mrs Lawrence, in memory of Kingsford Lawrence, to a bench seat in the reserve adjoining the Canning River at Corriedale Place Reserve , Thornlie.”

CARRIED 12/0

*FOR:* Cr W Barrett, Cr R Croft, Cr R Hoffman, 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.

## 13.5 PLANNING AND SUSTAINABILITY

*The Mayor advised the meeting that Cr S Iwanyk due to a family member currently in rental premises on the block had disclosed an Impartiality Interest in the following item in accordance with Regulation 34C of the Local Government (Administration) Regulations 1996.*

### 13.5.1 TOWN PLANNING SCHEME AMENDMENT, PROPOSAL TO INITIATE – TOWN PLANNING SCHEME NO. 6 – REZONING OF 174 (LOT 100) HOMESTEAD ROAD, GOSNELLS FROM RESIDENTIAL “R17.5” TO RESIDENTIAL “R30”

**File:** TPS/6/33      **Approve Ref:** 0304/0172AA (EH)      Psrpt107Aug04  
**Name:** Dykstra & Associates  
**Location:** 174 (Lot 100) Homestead Road, Gosnells  
**Zoning: MRS:** Urban  
**TPS No. 6:** Residential R17.5  
**Appeal Rights:** Initiation - none, however consent to advertise is subject to approval by the Western Australian Planning Commission.  
**Area:** 6,745m<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. 174 (Lot 100) Homestead Road, Gosnells from Residential R17.5 to Residential R30.

#### Site Description

Lot 100 currently accommodates an existing dwelling located approximately 40m from the Homestead Road boundary. The existing dwelling would be demolished as part of the redevelopment of the site. The remainder of the property contains some scattering of trees, with no under-storey vegetation.

The surrounding locality is characterised by the aged persons grouped dwelling complex adjoining the south-east of the site (Lot 99 and zoned Residential R30), as well as the Railway Line at the rear and other residential properties.

#### Proposal

The applicant proposes to develop 18 grouped dwellings at a density of “Residential R30”. It is proposed the units will be two storey with the living area on the ground floor and 3 bedrooms on the second floor. The applicant has stated that the proposed rezoning “will enable Lot 100 to be developed to allow for a high quality, well serviced and well designed grouped housing complex.” The proposal allows for the construction of a Right of Way (ROW) along the entire length of the northern boundary which can be widened by the adjoining Lot 101 (when developed) as a full width public road.

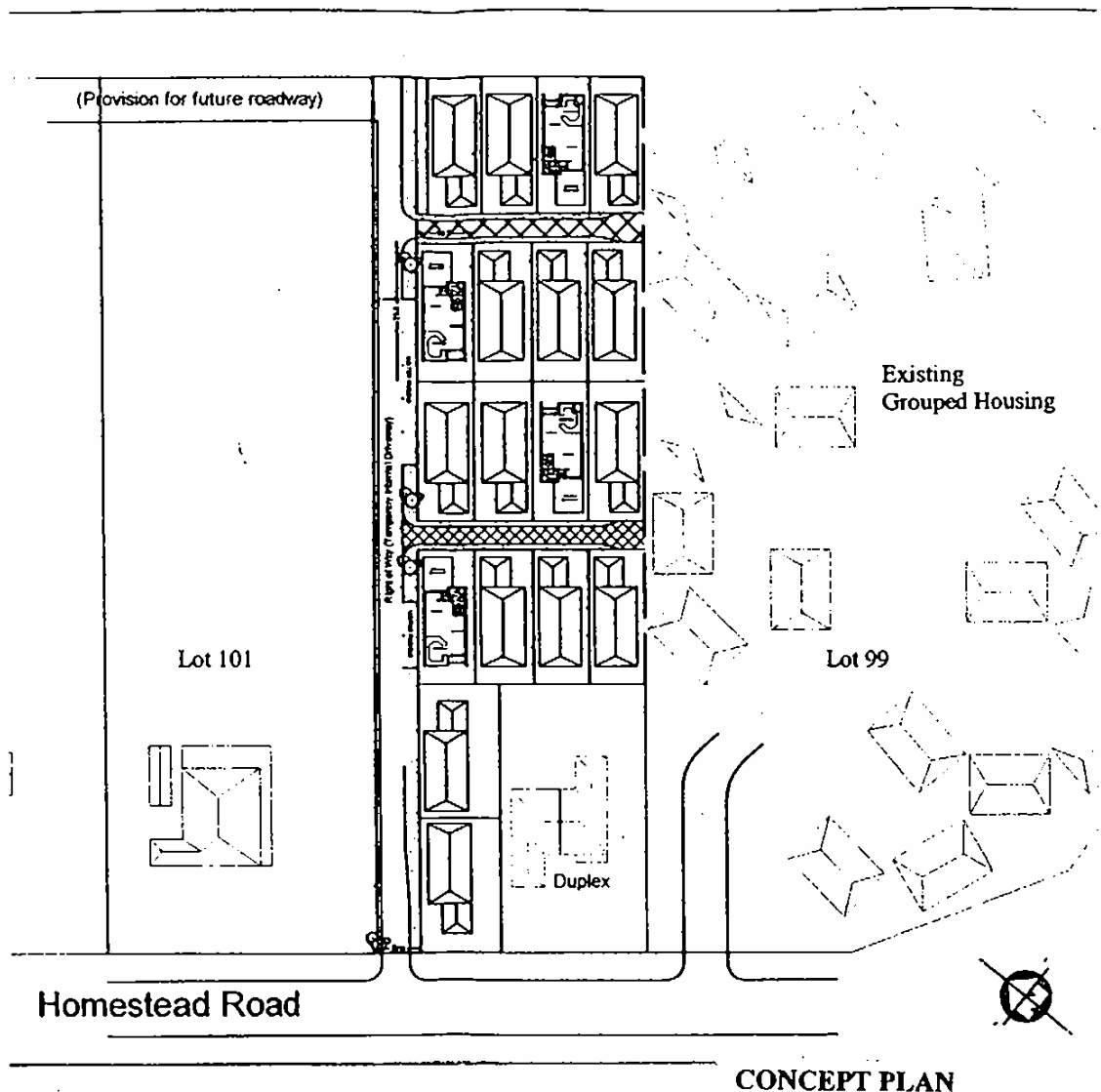


## DISCUSSION

### Residential Design Codes

The Codes require that grouped dwelling developments on land zoned Residential R17.5 should be developed with an average area of 571m<sup>2</sup> per dwelling. This could allow for the development of 11 dwellings. Properties zoned Residential R30 should be developed with an average area of 300m<sup>2</sup> per dwelling and could result in the development of 22 dwellings. In this particular case, the applicant is proposing the future development of 18 dwellings if rezoned to R30.

The development of the units are also required to comply with other provisions of the Codes such as site coverage, private outdoor living, carparking, setbacks, etc. Compliance with these provisions will be assessed when the development application is submitted if the land is rezoned. A geotechnical report will also be required, prior to the issue of a building licence, to confirm the site's suitability and requirements for residential development, such as footing details and sand pad levels.



**Local Housing Strategy**

The subject site is within the North Gosnells Precinct of the Local Housing Strategy (LHS), which does not propose to increase the density at this stage. During the advertising of the North Gosnells Precinct, a petition was received from the landowners on Homestead road requesting to be included in the proposed increase in density based on:

- One third of the land being within 800m of the new Railway Station;
- Closeness to Town Centre; and
- Proximity to existing R30 zoned land.

At the time of considering submissions, it was considered appropriate that these larger landholdings on Homestead Road be dealt with separate to the LHS due to the potential need for an Outline Development Plan to address such issues as infrastructure provision, public open space and the treatment to the Railway Reserve.

The Local Housing Strategy has not been endorsed by the WAPC. This site is not identified in the strategy as being suitable for increased densities for the reasons outlined above. Notwithstanding this, the applicant has presented a case in support of the request for increased density based on demonstrating that:

- The site is located within a walkable distance of the Gosnells town centre and new railway station; and
- That due to its location with respect to sewer and drainage catchments, it would not be necessary to require the site to be included in an ODP covering the broader area in order to achieve development at increased densities.

### **Infrastructure Provisions**

The Water Corporation has confirmed that Lot 100 is within the catchment for the existing sewer system. The Engineer engaged by the applicant has advised that stormwater drainage could be contained on-site. However, Council's Technical Services Branch have advised that development of the subject site should be connected to the City's stormwater drainage system.

In the absence of the completed Drainage Study (being undertaken by BSD Consultants), it is unknown if the existing stormwater system can adequately dispose of stormwater from the site. Therefore, City Planning has requested the applicant investigate this matter and provide geotechnical information and a Drainage Plan to Council's satisfaction, prior to finalisation of the rezoning (if initiated).

### **Accessibility**

The subject site is approximately 700m walking distance to the new Gosnells Train Station, 600m to nearest bus stop on Albany Highway (near Main Street), 400m to shopping facilities and 150m to the nearest public open space.

### **CONCLUSION**

The subject site is accessible to public services and facilities in the Gosnells town centre and is located within existing infrastructure catchment (drainage to be confirmed). Redevelopment of the site would provide future opportunities for adjoining Lot 101 to extend the proposed ROW for use as a public road, as part of any future consideration of rezoning based on an ODP.

It will therefore be recommended that Council resolve to initiate the amendment and advise the applicant that finalisation of the amendment will not be supported until site drainage has been confirmed.

**FINANCIAL IMPLICATIONS**

Nil.

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| STAFF RECOMMENDATION AND COUNCIL RESOLUTION |
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**417 Moved Cr S Moss Seconded Cr R Croft**

“That Council, pursuant to Section 7 of the Town Planning and Development Act, 1928 (as amended), amend Town Planning Scheme No. 6 by rezoning 174 (Lot 100) Homestead Road, Gosnells from Residential “R17.5” to Residential “R30”.”

CARRIED 11/1

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

*AGAINST:* Cr J Brown.

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| STAFF RECOMMENDATION AND COUNCIL RESOLUTION |
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**418 Moved Cr S Moss Seconded Cr R Croft**

“That Council advise the applicant that it will not support finalisation of the Amendment until geotechnical information and a Drainage Plan has been provided to satisfy Council in relation to site drainage.”

CARRIED 11/1

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

*AGAINST:* Cr J Brown.



**13.5.2 AMENDMENT TO THE CANNING VALE OUTLINE DEVELOPMENT PLAN – INCREASED RESIDENTIAL DENSITY – LOTS 180, 181, 182, 183, 184 BIRNAM ROAD AND LOT 9005 TOTARA, CANNING VALE  
(ITEM BROUGHT FORWARD – REFER TO ITEM 11)**

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 2003 and is relocated under Item 11 “Items Brought Forward for the Convenience of those in the Public Gallery” as the first report in these Minutes.

**13.5.3 WEST CANNING VALE (CAMPBELL ESTATE) OUTLINE DEVELOPMENT PLAN – CONSIDERATION FOR ADVERTISING *(ITEM BROUGHT FORWARD – REFER TO ITEM 11)***

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 2003 and is relocated under Item 11 “Items Brought Forward for the Convenience of those in the Public Gallery” as the second report in these Minutes.

### **13.5.4 ENDORSEMENT OF SCHEDULE OF MODIFICATIONS TO LOCAL HOUSING STRATEGY**

**File:** S10/1/22 (MP) Psrpt108Aug04  
**Previous Ref:** OCM 8 February 2000 (Resolution 55)  
OCM 18 December 2001 (Resolutions 1037-1038)  
OCM 27 August 2002 (Resolution 708)  
OCM 17 December 2002 (Resolution 984)  
OCM 25 February 2003 (Resolutions 85-88)  
OCM 24 June 2003 (Resolutions 401,402, 427-429)  
OCM 28 October 2003 (Resolutions 689, 705-706)  
OCM 16 December 2003 (Resolutions 817-818)  
**Appendix:** [13.5.4A Schedule of modifications \(Click to view\)](#)

#### **PURPOSE OF REPORT**

To seek Council endorsement of the schedule of modifications to the City of Gosnells Local Housing Strategy and support its referral to the Western Australian Planning Commission.

#### **BACKGROUND**

Council resolved at its Ordinary Council meeting of 16 December 2003:

Resolution 817

*“That Council adopt the City of Gosnells Local Planning Strategy included as Appendix 12.5.12A and forward the document to the Western Australian Planning Commission for their endorsement.”*

Resolution 818

*“That Council endorse the use of the draft Local Housing Strategy as the assessment tool for applications presented to Council prior to the endorsement of the Local Housing Strategy by the WA Planning Commission.”*

It should be noted that there is a typographical error in Resolution 817 in that the resolution refers to “Local Planning Strategy” where it should read “Local Housing Strategy”.

As per Resolution 818 the Local Housing Strategy document was referred to the Western Australian Planning Commission and comments regarding this referral were received from the Department for Planning and Infrastructure (DPI) in June 2004.

Council staff met with DPI staff to discuss the modifications requested. An agreed approach to these modifications was reached and can be found in the attached schedule of requested modifications as Appendix 13.5.4A.

**DISCUSSION**

Essentially the requested modifications do not alter any of the adopted areas earmarked for increases in residential density or any of the key recommendations of the Local Housing Strategy (the Strategy). The requested modifications generally relate to improving the content and context of the Strategy and the need to provide greater detail about the process undertaken. The discussions held with DPI staff indicated that the City of Gosnells carried out a lot of good work that has not been sufficiently documented but with its inclusion will provide greater context to the evolution of the Strategy.

The most significant requests are those that relate to additional mapping requirements and the need to expand on the Implementation sections of the Strategy.

Most of the information to create the additional maps is readily available and as such these requests are not considered onerous.

In previous versions of the Strategy staff had been reluctant to provide detail as there are a number of variables involved in the implementation of the Strategy. Generally such variables include approval processes, strategic planning processes, drainage studies and resources. Some of these variables occur concurrently and often involve issues that are beyond the City's control. For example, if the City were to provide a table of all the implementation tasks and suggest the likely timeframes to carry out each task, a level of expectation would be set based on these timeframes.

In the meantime the Strategy is yet to be endorsed by the Western Australian Planning Commission, and the timing of this is unknown given that the Strategy is not a statutory document, and is not covered by standard processing times under legislation. The suggested timeframes will be affected and need constant review. In order to address the DPI's concerns with Implementation it is suggested that as much detail as possible is provided in the Implementation section however issues such as timeframes and the like will be dealt with in a generic sense.

There is no doubt that the look of the Strategy will be significantly altered once all the requested changes are carried out, however these modifications are not considered to change the intent of the strategy nor any of the major recommendations.

It should be noted that a typographical error in Resolution 817 which refers to the "Local Planning Strategy" should be corrected to read "Local Housing Strategy".

**FINANCIAL IMPLICATIONS**

Nil.

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| STAFF RECOMMENDATION AND COUNCIL RESOLUTION |
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**419 Moved Cr R Hoffman Seconded Cr S Moss**

“That Council, in order to rectify a typographical error, amend Resolution 817 of item 12.5.12 ‘Local Housing Strategy - Council Endorsement of Final Strategy’ of the 16 December 2003, which reads:

*“That Council adopt the City of Gosnells Local Planning Strategy included as Appendix 12.5.12A and forward the document to the Western Australian Planning Commission for their endorsement.”*

by deleting the word “Planning” where it appears in the first line and substituting it with the word “Housing”, with amended Resolution 817 to read:

*“That Council adopt the City of Gosnells Local Housing Strategy included as Appendix 12.5.12A and forward the document to the Western Australian Planning Commission for their endorsement.”*

CARRIED BY ABSOLUTE MAJORITY 12/0

*FOR: Cr W Barrett, Cr R Croft, Cr R Hoffman, 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.*

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| STAFF RECOMMENDATION AND COUNCIL RESOLUTION |
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**420 Moved Cr R Hoffman Seconded Cr S Moss**

“That Council endorse the Schedule of Modifications as set out in Appendix 13.5.4A and authorise the Director Planning and Sustainability prepare the modifications to the Local Housing Strategy and forward the document to the Western Australian Planning Commission for its endorsement.”

CARRIED 12/0

*FOR: Cr W Barrett, Cr R Croft, Cr R Hoffman, 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.*

**13.5.5 DEVELOPMENT APPLICATION – TEMPORARY PRIMARY SCHOOL FACILITIES AND DESIGN AND TECHNOLOGY CENTRE – 92(PART LOT 107) KENWICK ROAD, KENWICK (*ITEM BROUGHT FORWARD – REFER TO ITEM 11*)**

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 2003 and is relocated under Item 11 “Items Brought Forward for the Convenience of those in the Public Gallery” as the third report in these Minutes.

**13.5.6 DEVELOPMENT APPLICATION – TELECOMMUNICATIONS INFRASTRUCTURE – 2201 (LOT 150) ALBANY HIGHWAY, GOSNELLS *(ITEM BROUGHT FORWARD – REFER TO ITEM 11)***

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 2003 and is relocated under Item 11 “Items Brought Forward for the Convenience of those in the Public Gallery” as the fourth report in these Minutes.

## 13.6 REGULATORY SERVICES

### 13.6.1 DELEGATION OF AUTHORITY - REVIEW

File: A1/3/1 (TP) Rpt034Aug04  
Appendix: [13.6.1A Amended Delegation Extracts \(Click to view\)](#)  
[13.6.1B Revoked Delegations \(Click to view\)](#)

#### PURPOSE OF REPORT

To review Delegations of Authority made under the various statutes to the Chief Executive Officer and other relevant staff.

#### BACKGROUND

Since the adoption of the Local Government Act 1995 Council, pursuant to Section 5.42 of Division 4 of Part 5 of that Act, has delegated the exercise of its statutory powers and duties to the Chief Executive Officer for a range of day to day operations of the local government.

The current delegations are as follows:

1. Payment of Accounts
2. Investment of Funds
3. Tenders – Calling Of
4. Tenders – Acceptance Of
5. Contracts
6. Contract Variations
7. Donation Requests
8. Legal Proceedings
9. Media Statements
10. Impounded Vehicles
11. Reimbursement of Councillors Expenses
12. Council Purchase Orders
13. Debtors
14. Recovery of Rates and Service Charges – Leased Properties
16. Building Plans and Specifications
17. Footing Design
18. Relocatable Houses
19. Sign Applications
20. Stopping Unlawful Building Works
21. Certificate of Classification
22. Dangerous Building Notices
23. Temporary Road Closures
24. Street Parties
25. Special Fire Hazard Abatement Orders
26. Service Acknowledgment
27. Fencing on a Truncation Less Than 8.0 Metres



28. Community Information Banner Sites
29. Overgrown Vegetation, Rubbish or Disused Materials
30. Acquisition and Disposal of Real Estate
31. Expressions of Interest/Calling of Tenders
32. Write Off of Debts
33. Fire and Emergency Service Authority Training Courses
34. Parking and Parking Facilities Local Laws 2000 – Appointment of Authorised Persons
35. Fencing Local Laws 2000 – Appointment of Authorised Persons
36. Property Local Law 2000 – Appointment of Authorised Persons
37. Health Local Law 2000 – Appointment of Authorised Persons
38. Dogs Local Laws 2000 – Appointment of Authorised Persons
39. Notice of Required Alteration
40. Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2000 – Appointment of Authorised Persons
41. Town Planning Scheme No. 6 – Appointment of Authorised Officers
42. Councillor Attendance at WALGA Training
43. Legal Assistance

In addition to those listed above, further delegations to specific officers made under the Local Government Act and other statutes have been adopted, these being:

103. Caravan and Camping Grounds – Camping
104. Caravan and Camping Grounds – Occupation of Caravans
105. Caravan and Camping Grounds – Park Homes
106. Caravan and Camping Grounds – Annexes
107. Closure of Food Premises
108. Unfit for Habitation
109. Nuisance Orders
110. Food Standards
111. Public Buildings
112. Sewer Connection
113. Provision of Sanitary Conveniences
114. Eating House Licences
116. Offensive Trade Licence
117. Legal Proceedings – Health Act 1911 (As amended)
118. Prohibited Burning Times
119. Fire Hazard Abatement Orders
121. Strata Title Certificates
122. Development Control
123. Radio Masts
124. Occasional Liquor Licences, Function Permits
125. Applications to Conduct Gaming Activities
126. Impoundment of Signs
127. Mobile Rubbish Bins
128. Rubbish Receptacle Enclosures
129. Local Government (Parking for Disabled Persons) Regulations 1988 – Administration of
130. City of Gosnells Health Local Laws 1999 (General)

131. City of Gosnells Health Local Laws 1999 (Fire Management)
132. City of Gosnells Health Local Laws 1999 (Waste Management)
133. Liquor Licences – Extended Training Permits and One-Off Variations
134. Health Services Annual Report

## **DISCUSSION**

A review of Delegations 1 to 43 has revealed they remain current, do not require amendment and their retention is integral in the efficient day to day operations of the City.

With respect to the balance of the delegations it has been identified a total of twelve (12) health related delegations could be revoked, these being 107, 108, 109, 110, 111, 112, 113, 114, 116, 117, 130 and 134, and substituted with a single delegation that would enable the Manager Health Services to initiate action for breach of the Health Act 1911 (as amended) without first reporting to Council.

Currently there is no provision, without resolution of Council, that empowers the Manager Health Services to initiate legal proceedings against a proprietor of food premises for failing to comply with a health order. While such action is used as a last resort there are occasions that warrant progression to the litigation stage. This requires the drafting of a report and recommendation to Council through the Ordinary Council Meeting process which on occasions can result in a delay of four weeks, during which period the proprietor may continue to operate in unsanitary conditions.

The wording of any proposed substitute delegation could be such that it addressed the requirements of those identified above for revocation while at the same time accommodating areas under the Health Act not already catered for.

In addition to the above a need has been identified for a further delegation to the Chief Executive Officer to appoint authorised persons or classes of persons who may give written directions to individuals or organisations, undertaking works either contrary to or without planning approval.

In order to ensure the efficient and timely administration of the Town Planning and Development Act 1928 it would be beneficial to obtain authorisation under Section 9.10(1) of the Local Government Act 1995 for the Director Planning and Sustainability, Manager City Planning and the Coordinator Planning Implementation to issue directions and initiate legal proceedings under Sections 10 and 10AB of the former Act. Currently, where a breach is identified, it is necessary for staff to prepare a report to Council for resolution to enable a notice to be served. In some cases a significant amount of unapproved works could be carried out whilst the matter was being reported to and determined by Council thus negating the effectiveness of the Scheme.

The Chief Executive Officer has previously been delegated similar authority for the appointment of persons to administer the various local laws the City has in place. This proposed delegation is simply an extension to those.

In addition to the above there are minor amendments proposed to three delegations, details of which are included in the table below, with extracts of copies attached as Appendix 13.6.1A:

| No. | Title  | Amend | Revoke | Delegation  |
|-----|--|-------|--------|---|
| 107 | Closure of Food Premises                         |       | ✓      | Revoke and substitute with a general health Delegation covering all health related matters.   |
| 108 | Unfit for Human Habitation                       |       | ✓      | Revoke and substitute with a general health Delegation covering all health related matters.   |
| 109 | Nuisance Orders                                  |       | ✓      | Revoke and substitute with a general health Delegation covering all health related matters.   |
| 110 | Food Standards                                   |       | ✓      | Revoke and substitute with a general health Delegation covering all health related matters.   |
| 111 | Public Buildings                                 |       | ✓      | Revoke and substitute with a general health Delegation covering all health related matters.   |
| 112 | Sewer Connection                                 |       | ✓      | Revoke and substitute with a general health Delegation covering all health related matters.   |
| 113 | Provision of Sanitary Conveniences               |       | ✓      | Revoke and substitute with a general health Delegation covering all health related matters.   |
| 114 | Eating House Licences                            |       | ✓      | Revoke and substitute with a general health Delegation covering all health related matters.   |
| 116 | Offensive Trade Licence                          |       | ✓      | Revoke and substitute with a general health Delegation covering all health related matters.   |
| 117 | Legal Proceedings – Health Act 1911 (as amended) |       | ✓      | Revoke and substitute with a general health Delegation covering all health related matters.   |
| 122 | Development Control                              | ✓     |        | Amend Clause (5) Function B(viii) by including:<br>a) In Condition “A” the words “ <i>and in compliance with the Building Codes Australia,</i> ” after the word “ <i>received</i> ” where it appears in the third line. |

| No. | Title  | Amend | Revoke | Delegation  |
|-----|--|-------|--------|---|
|     |  |       |        | b) A new Condition "C" which reads: <i>"Proposals for unenclosed balconies, terraces, verandahs and other areas accessible for use as outdoor living areas that are greater than 9metres in length, where elevated less than 0.5 metres above natural ground level, may have columns setback a minimum of 1 metre from a side or rear boundary where performance criteria 3.3.1 has been achieved."</i> |
| 123 | Radio Masts  | ✓     |        | Under the sub heading "Legislation" delete the numeral "1" and substitute it with "6" to reflect the current Town Planning Scheme.  |
| 130 | City of Gosnells Health Local Laws 1999 (General)          |       | ✓      | Revoke and substitute with a general health Delegation covering all health related matters.   |
| 132 | City of Gosnells Health Local Laws 1999 (Waste Management) | ✓     |        | Under the sub heading "Function Delegated" include the numerals "37" after the numerals "36" where they appear in the last line as this clause of the Local Law had inadvertently been overlooked in the past.  |
| 134 | Health Services Annual Report                              |       | ✓      | Revoke and substitute with a general health Delegation covering all health related matters.   |

## FINANCIAL IMPLICATIONS

Nil.

## STAFF RECOMMENDATION AND COUNCIL RESOLUTION

**421 Moved Cr J Brown Seconded Cr W Barrett**

“That Council receive the report on the 2004 review of Delegations of Authority to the Chief Executive Officer and relevant staff and approve the following amendments, extracts of which are contained in Appendix 13.6.1A.

| No. | Title  | Delegation   |
|-----|--|--|
| 122 | Development Control  | Amend Clause (5) Function B(viii) by including:<br>a) In Condition “A” the words “ <i>and in compliance with the Building Codes Australia,</i> ” after the word “ <i>received</i> ” where it appears in the third line.<br>b) A new Condition “C” which reads: “ <i>Proposals for unenclosed balconies, terraces, verandahs and other areas accessible for use as outdoor living areas that are greater than 9metres in length, where elevated less than 0.5 metres above natural ground level, may have columns setback a minimum of 1 metre from a side or rear boundary where performance criteria 3.3.1 has been achieved.</i> ” |
| 123 | Radio Masts  | Under the sub heading “Legislation” delete the numeral “1” and substitute it with “6” to reflect the current Town Planning Scheme.   |
| 132 | City of Gosnells Health Local Laws 1999 (Waste Management) | Under the sub heading “Function Delegated” include the numerals “37” after the numerals “36” where they appear in the last line as this clause of the Local Law had inadvertently been overlooked in the past.   |

**CARRIED BY ABSOLUTE MAJORITY 12/0**

**FOR:** Cr W Barrett, Cr R Croft, Cr R Hoffman, 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.

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| STAFF RECOMMENDATION AND COUNCIL RESOLUTION |
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**422 Moved Cr J Brown Seconded Cr W Barrett**

“That Council revoke the following Delegations of Authority copies of which are contained in Appendix 13.6.1B and substitute them with a single general delegation covering all health related matters.

| No. | Title   |
|-----|---|
| 107 | Closure of Food Premises                          |
| 108 | Unfit for Human Habitation                        |
| 109 | Nuisance Orders                                   |
| 110 | Food Standards                                    |
| 111 | Public Buildings                                  |
| 112 | Sewer Connection                                  |
| 113 | Provision of Sanitary Conveniences                |
| 114 | Eating House Licences                             |
| 116 | Offensive Trade Licence                           |
| 117 | Legal Proceedings – Health Act 1911 (as amended)  |
| 130 | City of Gosnells Health Local Laws 1999 (General) |
| 134 | Health Services Annual Report                     |

CARRIED BY ABSOLUTE MAJORITY 12/0

*FOR:* Cr W Barrett, Cr R Croft, Cr R Hoffman, 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.

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| STAFF RECOMMENDATION AND COUNCIL RESOLUTION |
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**423 Moved Cr J Brown Seconded Cr W Barrett**

“That Council pursuant to Section 26 of the Health Act 1911 (as amended) appoint and authorise the Manager Health Services to be its deputy and in that capacity exercise and discharge, within the district, the powers and functions of the local government in administering the Health Act 1911 (as amended) and the regulations, local laws and orders made there under, but so that such appointment shall not affect the exercise or discharge by the Council itself of any power or function.”

CARRIED BY ABSOLUTE MAJORITY 12/0

*FOR:* Cr W Barrett, Cr R Croft, Cr R Hoffman, 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.

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| STAFF RECOMMENDATION AND COUNCIL RESOLUTION |
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**424 Moved Cr J Brown Seconded Cr W Barrett**

“That Council pursuant to Section 5.42 of Division 4 of Part 5 of the Local Government Act 1995, delegate the exercise of its powers and duties to the Chief Executive Officer as follows:

*“The authority to appoint persons or classes of persons to be authorised for the purposes of issuing directions and initiate legal proceedings in accordance with Sections 10 and 10AB of the Town Planning and Development Act 1928 for breach of the provisions of Town Planning Scheme No. 6.””*

**CARRIED BY ABSOLUTE MAJORITY 12/0**

**FOR:** Cr W Barrett, Cr R Croft, Cr R Hoffman, 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.

**13.6.2 POLICY REVIEW**

File: A1/2/1 (TP) Rpt033Aug04

Appendix: [13.6.2A Amended Policies \(Click to view\)](#)  
[13.6.2B Policies to be Revoked \(Click to view\)](#)  
[13.6.2C Proposed New Policies \(Click to view\)](#)

**PURPOSE OF REPORT**

For Council to review and adopt proposed amendment to policies contained within the Policy Manual in accordance with the provisions of Policy 5.4.5 and adopt new policies to assist in the efficient administration of the City.

**BACKGROUND**

Council Policy 5.4.5 relating to the Policy Manual states in part:

*“All Policies shall be reviewed on an annual basis and a report presented to Council depicting proposed changes, if any, in the month of August.”*

A memorandum was forwarded to Councillors and staff seeking input into amendment of existing policies and identification of any new policies that would assist in the day to day operation of the City.

**DISCUSSION**

The call for comment resulted in the receipt of a range of suggested amendments along with a number of proposed revised policies.

As part of the review process revised policies and proposed amendments were forwarded to all Councillors on 15 July 2004 prior to a workshop held to discuss the review on 20 July 2004.

At that workshop the proposed changes were discussed resulting in additional minor amendment being identified. All such agreed changes have been included in the policies contained within Appendix. 13.6.2A.

In a number of instances the amendments made are simply to reflect title and terminology changes. The exception to this however is a rewrite of the following policies, copies of which are contained within Appendix 13.6.2C

- 2.2.1 Vehicle Policy
- 2.3.9 Street Trees and Verges
- 2.4.11 Pedestrian and Cyclist Facilities
- 4.2.1 Information Technology
- 5.4.12 Conferences/Study Tours/Training Workshops
- 5.4.25 Swearing in of Councillors



Due to the extent of the changes in each of these policies it will be proposed the existing policies be revoked and be substituted with those contained within Appendix 13.6.2C.

#### 2.2.1 Vehicle Policy

The Current policy is more of an operations procedure. The revised document is solely a policy which provides guidance to ensure Council obtains maximum financial benefit from its light vehicle fleet and the changeover thereof.

Supporting this policy is a Corporate Procedure governing the care and control of Council fleet.

#### 2.3.9 Street Trees and Verges

Again this policy has been amended and retitled to remove the procedural and operational matters from it.

It provides a concise approach to be followed by the City for the planning and maintenance of street trees and the facilitation of enhanced verge treatments in road reserves.

This policy is also supported by a comprehensive Corporate Procedure.

#### 2.4.11 Pedestrian and Cyclist Facilities

This policy has been developed taking into account current development trends and the increased application of shared path networks, stipulating the size and preferred alignment of such paths. It has been drafted in such a manner that it incorporates the requirements of both policy 2.4.11 and policy 2.4.12.

#### 3.2.2 Community Sponsorship

Amendments to this policy take into account the current service delivery parameters where staff actively seek out and apply for funding from external agencies and corporate organisations to financially support service and programmes provided by the City of Gosnells. Though this has occurred in the past, the amendment of the Community Sponsorship Policy will bring this policy clearly in line with the reviewed City of Gosnells Strategic Plan 2004 – 2007 in which there is a defined category Partnerships which has the goal *“To develop and maintain participation, consultation and partnerships that will benefit the community.”*

#### 4.2.1 Information Technology

This policy has been rewritten and expanded upon in order to address the constant technological change in the information industry. It incorporates minimum standards to be adopted when utilizing Council information technology in order to minimise risk to the City.

#### 5.4.7 Retiring Councillors - Recognition

Though only introduced in August 2003 the administration of this policy has proven unwieldy and very time consuming. The initial intent was to provide retiring members with a memento of their time in public life with the Council. The wording of the policy and differing requirements resulted in this being a difficult and resource hungry process. The amendment now proposes the presentation, following discussion at the 20 July 2004 Councillors workshop, of the individuals name plaque from their desk in the Council Chamber, a certificate of service and a City of Gosnells plaque inscribed depicting years of service.

In addition attendees at the workshop proposed a title change deleting reference to "Councillors" wherever it appears and substituting it with the term Elected Members.

#### 5.4.9 Administration Centre Booking of Meeting Rooms

Due to constant enquires from members of the community and external agencies, amendment has been made to this policy in order to more clearly state that the rooms are to be used for matters pertaining to the governance and administration of the City only. The rewording also removes the onus from the Mayor to consider requests outside the policy.

#### 5.4.12 Conferences/Study Tours/Training Conferences

In the main this policy has been restructured to ensure each aspect is dealt with in the appropriate sequence. The greater majority of the wording is a direct take from the existing policy.

Added to this policy however are a number of paragraphs which have been included to provide clear direction to Councillors and staff alike while at the same time minimising risk to the City. Areas covered are:

##### Clause 3

*"All airline tickets purchased are to be insured to enable the ticket purchase price to be refunded on occasions whereby a delegate is unable to travel."*

This is documenting a practice that has been in place for some time. It was implemented following the illness of an elected member which prevented that person from travelling. By insuring, the City as a rule, can recoup the majority of the costs outlaid thus limiting the financial risk.

*"Frequent flyer points accrued from flights funded by the City shall be redeemed and used for Council business only."*

This follows a directive some time ago by the Department of Local Government and Regional Development and is included for accountability measures.

## Clause 4

*“All flight, accommodation and other programme costs for partners or accompanying persons shall be met by the delegate at the time of booking.”*

The inclusion of this paragraph provides clear direction of the requirements and ensures compliance with the City’s accounting practices.

## Clause 5

*“Although receipts cannot always be obtained every reasonable attempt should be made to do so to support acquittal of expenses and claims for reimbursement.”*

*“Elected Members failing to acquit expenses in accordance with this policy shall have the full value of the cash advance deducted from the next quarterly payment of their meeting attendance fees.”*

The proposed inclusion of these additional paragraphs is to reiterate the statutory requirement to account for expenditure in an open and accountable manner.

5.4.25 Swearing in of Councillors

Following the May 2003 local government election it was resolved by Council that the swearing in of Councillors be conducted on the Monday immediately proceeding the election. This policy has been rewritten to take that resolution into account while addressing both ordinary and extraordinary local government elections.

For clarity amendment to policies contained within Appendix 13.6.2A is identified by a line through wording to be deleted e.g. ~~Secretary~~ with the substituted or additional wording being in bold italics e.g. *Personal Assistant*.

All proposed amendments are as follows:

| Policy No. | Title  | Amend | Revoke | Change/Reason  |
|------------|--|-------|--------|--|
| 2.1.3      | Termite Treatment – Council Buildings            | ✓     |        | Delete the title <i>“Technical Services”</i> where it appears in the first line and substitute it with <i>“City Facilities”</i> to reflect structural change within the organisation.                              |
| 2.2.1      | Vehicle Policy                                   |       | ✓      | Revoke existing Policy and substitute with a new Policy 2.2.1 that addresses Best Practice in fleet management.  |
| 2.2.2      | Turn-over of Councils Light Vehicle Fleet        |       | ✓      | Revoke existing Policy as the intent has been incorporated into the proposed new Vehicle Policy.   |
| 2.2.3      | Fire Extinguishers in Council Plant and Vehicles | ✓     |        | Amend by deleting all words after the word “provided” where it appears in the first line and substituting them with the following <i>“in the City’s commercial fleet of vehicles except supervisors vehicles.”</i> |

| Policy No. | Title  | Amend | Revoke | Change/Reason   |
|------------|--|-------|--------|---|
| 2.3.1      | Coin Operated Meters For Floodlighting Of Recreation Ovals |       | ✓      | Floodlights no longer operate through coin operated meters. This policy has been superseded by policy 2.4.16 'Usage of Sports Grounds'.   |
| 2.3.2      | Coin Operated Power Supply                                 |       | ✓      | Power to City Facilities and Floodlights no longer operate through coin operated meters. This policy has been superseded by policy 2.4.16 'Usage of Sports Grounds'.  |
| 2.3.3      | Interchange Shelters – Ovals                               | ✓     |        | Amend the title by deleting the word "Ovals" and substituting it with the words "Active Reserves" to reflect current terminology.<br>Amend paragraph 1 by including the words "and through" after to word "of" where it appears in the first dot point.   |
| 2.3.4      | Development of Parklands by Community Groups               | ✓     |        | Amend by including the words "wetland and conservation areas" after the word "parkland" where it appears in the first line as it is within those areas that the greatest community support is received.   |
| 2.3.5      | Council Reserves – Line Marking                            |       | ✓      | This Policy has been superseded by Policy 2.4.16 'Usage of Sports Grounds'.   |
| 2.3.7      | Floodlighting Sports Reserves                              |       | ✓      | This Policy has been superseded by Policy 2.4.16 'Usage of Sports Grounds'.   |
| 2.3.9      | Street Tree Management – Public Utilities Services         |       | ✓      | Revoke existing Policy and substitute with a new Policy 2.3.9 titled Street Trees and Verges.   |
| 2.3.11     | Powerline Clearances for Council Works                     |       | ✓      | Guidelines for powerline clearances are governed by state legislation.  |
| 2.4.2      | Private Contractors Reinstatement Bond                     | ✓     |        | a) Amend the title to read "Road Crossings and Road Reinstatement Bonds".<br>b) Policy has been expanded to take into account present day practices and minimise inconvenience and cost to the community.   |
| 2.4.5      | Upgrading of Existing Roads as a Condition of Subdivision  | ✓     |        | 1. Insert the following words adjacent the heading "Reason":<br>"To upgrade road condition fronting new subdivisions to appropriate standard for adjacent development."<br>2. Clause 1 is amended by:<br>a) Deleting the words "contained within the one half of the Road Reserve" where they appear in the second and third lines.<br>b) Adding a new sentence at the end of the Clause which reads "The Subdivider is then entitled to pursue 50% of the construction costs from the landowner abutting the other half of the road reserve under Section 28A of the Town Planning and Development Act".<br>Clause 2 is deleted.<br>Clause 3 – Delete the words "partially or wholly" where they appear in the first line and the words "or part thereof" where they appear in the third line.<br>Renummer Clauses 2 to 6.<br>These amendments ensure the total upgrade of |

| Policy No. | Title  | Amend | Revoke | Change/Reason   |
|------------|--|-------|--------|---|
|            |  |       |        | the road surface abutting new development at the time of subdivision.   |
| 2.4.9      | Supervision of the Construction of Road and Drainage Works Within the City of Gosnells | ✓     |        | <p>a) Title is amended by deleting the words “<i>within the City of Gosnells</i>” as it is a City Policy.</p> <p>b) Clause 2, tenth paragraph, is amended by inclusion of the following after the word “<i>supervision</i>” where it appears in the last line “<i>The contract sum for calculation of supervision fees it to include a sum for earthworks that is attributed to road construction. This component is determined as 15% of the contract earthworks sum that relates to the construction within road reserves.</i>”</p> <p>c) Clause 2, twelfth paragraph, is amended by the inclusion of the following after the word “<i>contract</i>” where it appears in the second line: “<i>and Section 295 of the Local Government (Miscellaneous Provisions) Act 1960</i>”.</p> <p>These amendments better clarify the intent of the Policy.</p>  |
| 2.4.11     | Pedestrian and Cyclist Facilities in New Urban Subdivisions                            |       | ✓      | Revoke existing Policy and substitute it with a new policy titled “ <i>Pedestrian and Cyclist Facilities</i> ” that also takes into account content of Policy 2.4.12.   |
| 2.4.12     | Footpath and Dual Use Path Alignments/Width  |       | ✓      | Revoke existing Policy as its content has been incorporated into the proposed new Policy 2.4.11.  |
| 3.2.2      | Community Sponsorship  | ✓     |        | <p>a) Amend the title of the Policy by adding the words “<i>And Funding Programme</i>” after the word “<i>Sponsorship</i>”.</p> <p>b) Amend the “<i>Reason</i>” to address sponsorship of the City by external agencies.</p> <p>c) Include a new paragraph at the commencement of the Policy to read: “<i>The City of Gosnells will actively seek funding opportunities from government and corporate organisations for its programmes and services or as value adding partnership arrangements. Any pursuit of sponsorship or funding by the City of Gosnells must comply with the City of Gosnells Joint Promotions Policy (Policy No. 1.1.2)</i>”.</p> <p>d) Under “<i>Community Sponsorship Programme Categories</i>” at “<i>3. Minor Capital Works and Improvements</i>” delete “<i>Other</i>” and substitute it with:<br/> “• <i>Minor Capital Works</i><br/> • <i>Essential Equipment</i>”<br/> to enable funding submissions to be further categorised.</p> <p>e) Include under the category “<i>School Chaplaincy</i>” the following: “<i>Note the</i></p> |

| Policy No. | Title   | Amend | Revoke | Change/Reason  |
|------------|---|-------|--------|--|
|            |   |       |        | <i>Chaplaincy Programme is allocated \$35,000 and this is to be included in the annual budget process for the consideration of Council (Res 354 OCM22/5/2001).</i> to ensure staff are aware of the requirement and its origin.  |
| 4.2.1      | Information Technology                          |       | ✓      | Revoke the existing Policy and substitute it with a new Policy 4.2.1 Information Technology which has been written to address current trends within the electronic information industry.   |
| 5.1.9      | Footpath and Kerb Deposits                      | ✓     |        | a) Delete the term " <i>Council</i> " where it appears throughout the Policy and substitute it with the words " <i>the City of Gosnells</i> " as it is the City that administers the Policy not Council.<br>b) Delete the numerals " <i>110, 330 and 1,375</i> " where they appear in (a) and (b) and substitute them with " <i>220, 550 and 3,300</i> " respectively, to better reflect current cost of path replacement.   |
| 5.1.10     | Subdivision Clearance                           | ✓     |        | Amend the title by including the words " <i>Outbuildings Affecting</i> " before the word " <i>Subdivision</i> " to better define the intent of the policy.   |
| 5.3.4      | Commercial Poultry Farming                      |       | ✓      | Revoke as this requirement is now incorporated into Planning Policy 6.2.12.  |
| 5.3.7      | Treatment of Insects on Council Controlled Land | ✓     |        | a) Renumber the Policy to 2.3.15 as this Policy is administered by the Manager Parks and Environmental Operations.<br>b) Delete the words " <i>Building Services</i> " where they appear after the word " <i>and</i> " in the second line and substitute them with the words " <i>Environmental Operations.</i> " to reflect recent organisational change.   |
| 5.4.7      | Retiring Councillors – Recognition              | ✓     |        | Amend the entire policy including the titled by deleting the word " <i>Councillors</i> " where it appears and substitute it with " <i>Elected Members</i> ".<br>Delete all wording after the word " <i>of</i> " where it appears in the last line of the first paragraph and substitute it with the following: " <i>their name plaque, a certificate of service and a City of Gosnells plaque inscribed depicting their years of service.</i> " The Policy as currently worded is very difficult to administer and can impose considerable cost on the City. |
| 5.4.9      | Administration Centre Booking of Meeting Rooms  | ✓     |        | In Clause 1<br>a) Delete all wording after the word " <i>functions</i> " where it appears in the third line.<br>b) Insert the words " <i>made available for hire or use by the public or organisations or</i> " after the word " <i>be</i> " where it appears in the second line.<br>c) Insert the word " <i>related</i> " after the word " <i>Council</i> " where it appears first in the third   |

| Policy No. | Title  | Amend | Revoke | Change/Reason   |
|------------|--|-------|--------|---|
|            |  |       |        | line.<br>d) Insert the words “or meetings coordinated by the City” after the word “functions” where it appears in the third line<br>In Clause 2 delete the opening paragraph and substitute it with the following:<br><i>“Councillors wishing to use any of the meeting rooms for purposes aligned with 1. above shall adopt the following process.”</i>  |
| 5.4.12     | Conferences/ Study Tours /Training Workshops |       | ✓      | This Policy has been rewritten in such a manner that the various components are placed in sequential order. While greater than 90% of the wording of the Policy has not changed it is proposed to revoke the existing Policy and substitute it with a new Policy 5.4.12 of the same title for simplicity. The Policy has been enhanced by the inclusion of wording relating to the insurance of airline tickets, use of frequent flyer points, payment of costs for accompanying persons and acquittal of expenses, all issues that require addressing to ensure the City is open and accountable.  |
| 5.4.14     | Advisory Committees                          | ✓     |        | a) In Clause 6, fourth paragraph, include the following words after the word “member” where it appears in the last line “ <i>The election process and the outcome of the vote are to be recorded in the Minutes of the meeting.</i> ” to define the process required.<br>b) In sub-clause 10.1 include after the paragraph (B) relating to “ <i>Interest in Land</i> ” the following definition:<br><i>“Closely Associated Person<br/>For the purpose of this policy a person is to be treated as being closely associated with a relevant person if the person is either in partnership, an employee, a beneficiary under trust, or an object of a discretionary trust, a body corporate or a spouse, defacto partner or a child of that relevant person.”</i><br>c) In sub-clause 11.2 Delete the numbers “1998” in the second line and substitute them with “2003” to reflect the recent adoption of the Standing Orders Local Law 2003. |
| 5.4.16     | Ratepayers/Progress Associations – Minutes   | ✓     |        | a) After the word “ <i>application</i> ” where it appears in the first line include the word “ <i>annually</i> ”. This will enable the City to maintain an up to date mail register for these groups.<br>b) Before the word “ <i>Council</i> ” where it appears in the second line include the word “ <i>Ordinary</i> ”, in order to better clarify the minutes that will be made available.  |
| 5.4.18     | Anonymous Complaints                         | ✓     |        | Delete the words “ <i>contact details</i> ” where they appear in the second line and substitute them with “ <i>residential or postal address</i> ”. With an   |

| Policy No. | Title   | Amend | Revoke | Change/Reason   |
|------------|---|-------|--------|---|
|            |   |       |        | ever increasing number of communications now days being via email it is not always possible to authenticate the source of the complaint.  |
| 5.4.21     | Question Time and Public Statements at Council Meetings | ✓     |        | <p>a) Delete the word “<i>Ordinary</i>” where it appears before the word “<i>Council</i>” in the first line.</p> <p>b) Include the words “<i>or committee</i>” after the word “<i>Council</i>” where it appears in the first line.</p> <p>c) Include the words “<i>open to members of the public</i>” after the word “<i>meeting</i>” where it appears in the first line;</p> <p>d) Delete the words “<i>members of</i>” where they appear after the word “<i>enable</i>” in the second line.</p> <p>These changes better reflect practices currently in place.</p> |
| 5.4.23     | Elected Members Allowances and Expenses                 | ✓     |        | In sub-clause 1.4.3, paragraph B) include the words “ <i>or designated service provider,</i> ” after the word “ <i>Directorate</i> ” where it appears in the third line, in order to address the fact that maintenance of computer services is under separate contract to the City.   |
| 5.4.25     | Swearing in of Councillors                              |       | ✓      | Revoke and substitute with a new Policy of the same title and number. The existing Policy has been extensively rewritten to better document the process to be followed.   |
| 5.4.28     | Use of Councils Common Seal                             | ✓     |        | <p>In the Reason delete the numbers “<i>1998</i>” in the last line and substitute them with “<i>2003</i>” to reflect the recent adoption of the Standing Orders Local Law 2003.</p> <p>In paragraph (f) delete the word “<i>leases</i>” and substitute it with the words “<i>Local Laws</i>” in order to correct a typographical error.</p>   |

Planning policies have not been incorporated into this review as they are required to be submitted to a comprehensive public consultation phase in accordance with the provisions of Town Planning Scheme No. 6. Work is currently underway on their review which will be the subject of a further report to Council at a later date.

## FINANCIAL IMPLICATIONS

Nil.



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| STAFF RECOMMENDATION |
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**Moved Cr S Moss Seconded Cr P Wainwright**

That Council, following the annual review of policies in accordance with Council Policy 5.4.5, adopt the amendments contained within Appendix 13.6.2A to the following policies:

| Policy No. | Policy   |
|------------|--|
| 2.1.3      | Termite Treatments – Council Buildings   |
| 2.2.3      | Fire Extinguishers in Council Plant and Vehicles                                       |
| 2.3.3      | Interchange Shelters – Ovals   |
| 2.3.4      | Development of Parklands by Community Groups   |
| 2.4.2      | Private Contractors Reinstatement Bond   |
| 2.4.5      | Upgrade of Existing Roads as a Condition of Subdivision                                |
| 2.4.9      | Supervision of the Construction of Road and Drainage Works Within the City of Gosnells |
| 3.2.2      | Community Sponsorship  |
| 5.1.9      | Footpath and Kerb Deposits   |
| 5.1.10     | Subdivision Clearance  |
| 5.3.7      | Treatment of insects on Council Controlled Land  |
| 5.4.7      | Retiring Councillors – Recognition   |
| 5.4.9      | Administration Centre Booking of Meeting Rooms   |
| 5.4.14     | Advisory Committees  |
| 5.4.16     | Ratepayers/Progress Associations – Minutes   |
| 5.4.18     | Anonymous Complaints   |
| 5.4.21     | Question Time and Public Statements at Council Meetings                                |
| 5.4.23     | Elected Members Allowances and Expenses  |
| 5.4.28     | Use of Councils' Common Seal   |

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| STAFF RECOMMENDATION |
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**Moved Cr S Moss Seconded Cr P Wainwright**

That Council, following the annual review of policies in accordance with Council Policy 5.4.5, revoke the following policies as contained within Appendix 13.6.2B as they are superseded by Policy 2.4.16 “Usage of Sports Grounds”:

| Policy No. | Policy   |
|------------|--|
| 2.3.1      | Coin Operated Meters for Floodlighting of Recreation Ovals |
| 2.3.2      | Coin Operated Power Supply                                 |
| 2.3.5      | Council Reserves – Line Marking                            |
| 2.3.7      | Floodlighting Sports Reserves                              |

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| STAFF RECOMMENDATION |
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**Moved Cr S Moss Seconded Cr P Wainwright**

That Council, following the annual review of policies in accordance with Policy 5.4.5, revoke Policy 2.3.11 Powerline Clearances for Council Works as contained in Appendix 13.6.2B as this policy is obsolete with such clearances now covered by state legislation.

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| STAFF RECOMMENDATION |
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**Moved Cr S Moss Seconded Cr P Wainwright**

That Council, following the annual review of policies in accordance with Policy 5.4.5, revoke Policy 5.3.4 Commercial Poultry Farming as contained in Appendix 13.6.2B as this policy is superseded with the controls now contained within Planning Policy 6.2.12.

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| STAFF RECOMMENDATION |
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**Moved Cr S Moss Seconded Cr P Wainwright**

That Council, following the annual review of policies in accordance with Policy 5.4.5, revoke Policy 2.2.1 Vehicle Policy and Policy 2.2.2 Turnover Councils Light Vehicle Fleet as contained in Appendix 13.6.2B and substitute them with a new Policy 2.2.1 Vehicle Policy as contained in Appendix 13.6.2C.

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| STAFF RECOMMENDATION |
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**Moved Cr S Moss Seconded Cr P Wainwright**

That Council, following the annual review of policies in accordance with Policy 5.4.5, revoke Policy 2.3.9 Street Tree Management – Public Utilities Services as contained in Appendix 13.6.2B and substitute it with a new Policy 2.3.9 Street Trees and Verges as contained in Appendix 13.6.2C.

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| STAFF RECOMMENDATION |
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**Moved Cr S Moss Seconded Cr P Wainwright**

That Council, following the annual review of policies in accordance with Policy 5.4.5, revoke Policy 2.4.11 Pedestrian and Cyclist Facilities in Urban Subdivisions and Policy 2.4.12 Footpath and Dual Use Path Alignments/Width as contained in Appendix 13.6.2B and substitute them with a new Policy 2.4.11 Pedestrian and Cyclist Facilities as contained in Appendix 13.6.2C.

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| STAFF RECOMMENDATION |
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**Moved Cr S Moss Seconded Cr P Wainwright**

That Council, following the annual review of policies in accordance with Policy 5.4.5, revoke Policy 4.2.1 Information Technology as contained in Appendix 13.6.2B and substitute it with a new Policy 4.2.1 Information Technology as contained in Appendix 13.6.2C.

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| STAFF RECOMMENDATION |
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**Moved Cr S Moss Seconded Cr P Wainwright**

That Council, following the annual review of policies in accordance with Policy 5.4.5, revoke Policy 5.4.12 Conference/Study Tours/Training Workshops as contained in Appendix 13.6.2B and substitute them with a new Policy 5.4.12 Conference/Study Tours/Training Workshops as contained in Appendix 13.6.2C.

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| STAFF RECOMMENDATION |
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**Moved Cr S Moss Seconded Cr P Wainwright**

That Council, following the annual review of policies in accordance with Policy 5.4.5, revoke Policy 5.4.25 Swearing in of Councillors as contained in Appendix 13.6.2B and substitute them with a new Policy 5.4.25 Swearing in of Elected Members as contained in Appendix 13.6.2C.

Amendment to Staff Recommendation (9 of 10)

*During debate Cr R Hoffman moved the following amendment to staff recommendation (9 of 10) to maintain the status quo regarding accrual and use of frequent flyer points until the Department of Local Government clarifies its previous advice regarding this issue:*

*“That staff recommendation (9 of 10) be amended by inserting the following words after the numerals “13.6.2C” where they appear at the end of the recommendation:*

*“, subject to further amendment to the proposed policy by deleting the third dot point in sub-paragraph 3(i) Air fares, which reads:*

- “• Frequent flyer points accrued from flights funded by the City shall be redeemed and used for Council business only.”*”

*Cr R Croft seconded Cr Hoffman's proposed amendment.*

*At the conclusion of debate the Mayor put Cr Hoffman's proposed amendment to staff recommendation (9 of 10), which reads:*

**Moved Cr R Hoffman Seconded Cr R Croft**

“That staff recommendation (9 of 10) be amended by inserting the following words after the numerals “13.6.2C” where they appear at the end of the recommendation:

“, subject to further amendment to the proposed policy by deleting the third dot point in sub-paragraph 3(i) Air fares, which reads:

- Frequent flyer points accrued from flights funded by the City shall be redeemed and used for Council business only.””

with the amended recommendation to read:

“That Council, following the annual review of policies in accordance with Policy 5.4.5, revoke Policy 5.4.12 Conference/Study Tours/Training Workshops as contained in Appendix 13.6.2B and substitute them with a new Policy 5.4.12 Conference/Study Tours/Training Workshops as contained in Appendix 13.6.2C, subject to further amendment to the proposed policy by deleting the third dot point in sub-paragraph 3(i) Air fare, which reads:

- *Frequent flyer points accrued from flights funded by the City shall be redeemed and used for Council business only.””*

CARRIED 11/1

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

**AGAINST:** Cr S Moss.

Amendment to Staff Recommendation (1 of 10)

*During debate Cr Hoffman moved the following amendment to staff recommendation (1 of 10) above to maintain the status quo where the Mayor has the opportunity to give consent to make Administration Centre bookings of meeting rooms:*

“That staff recommendation (1 of 10) be amended by inserting the words:

“subject to further amendment to:

- (i) *Policy 5.4.9 Administration Centre Booking of Meeting Rooms by the inclusion of the words “, unless the prior consent of the Mayor is obtained with requests being made in writing.” after the word “City” where it appears in the fifth line of the Paragraph 1.”*

*at the end of the table.”*

*Cr W Barrett seconded Cr Hoffman’s proposed amendment.*

*At the conclusion of debate the Mayor put Cr Hoffman’s proposed amendment to staff recommendation (1 of 10), which reads:*

**Moved Cr R Hoffman Seconded Cr W Barrett**

That staff recommendation (1 of 10) be amended by inserting the words:

“subject to further amendment to:

- (i) *Policy 5.4.9 Administration Centre Booking of Meeting Rooms by the inclusion of the words “, unless the prior consent of the Mayor is obtained with requests being made in writing.” after the word “City” where it appears in the fifth line of the Paragraph 1.”*

at the end of the table, with the amended recommendation to read:

“That Council, following the annual review of policies in accordance with Council Policy 5.4.5, adopt the amendments contained within Appendix 13.6.2A to the following policies:

| <b>Policy No.</b> | <b>Policy</b>  |
|-------------------|--|
| 2.1.3             | Termite Treatments – Council Buildings   |
| 2.2.3             | Fire Extinguishers in Council Plant and Vehicles                                       |
| 2.3.3             | Interchange Shelters – Ovals   |
| 2.3.4             | Development of Parklands by Community Groups   |
| 2.4.2             | Private Contractors Reinstatement Bond   |
| 2.4.5             | Upgrade of Existing Roads as a Condition of Subdivision                                |
| 2.4.9             | Supervision of the Construction of Road and Drainage Works Within the City of Gosnells |
| 3.2.2             | Community Sponsorship  |
| 5.1.9             | Footpath and Kerb Deposits   |
| 5.1.10            | Subdivision Clearance  |
| 5.3.7             | Treatment of insects on Council Controlled Land  |
| 5.4.7             | Retiring Councillors – Recognition   |
| 5.4.9             | Administration Centre Booking of Meeting Rooms   |

|        |   |
|--------|---|
| 5.4.14 | Advisory Committees                                     |
| 5.4.16 | Ratepayers/Progress Associations – Minutes              |
| 5.4.18 | Anonymous Complaints                                    |
| 5.4.21 | Question Time and Public Statements at Council Meetings |
| 5.4.23 | Elected Members Allowances and Expenses                 |
| 5.4.28 | Use of Councils’ Common Seal                            |

subject to further amendment to:

- (i) Policy 5.4.9 Administration Centre Booking of Meeting Rooms by the inclusion of the words “, unless the prior consent of the Mayor is obtained with requests being made in writing.” after the word “City” where it appears in the fifth line of the Paragraph 1.”

CARRIED 12/0

*FOR:* Cr W Barrett, Cr R Croft, Cr R Hoffman, 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.

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

Amended Staff Recommendation (1 of 10):

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

**425 Moved Cr R Hoffman Seconded Cr W Barrett**

“That Council, following the annual review of policies in accordance with Council Policy 5.4.5, adopt the amendments contained within Appendix 13.6.2A to the following policies:

| Policy No. | Policy   |
|------------|--|
| 2.1.3      | Termite Treatments – Council Buildings   |
| 2.2.3      | Fire Extinguishers in Council Plant and Vehicles                                       |
| 2.3.3      | Interchange Shelters – Ovals   |
| 2.3.4      | Development of Parklands by Community Groups   |
| 2.4.2      | Private Contractors Reinstatement Bond   |
| 2.4.5      | Upgrade of Existing Roads as a Condition of Subdivision                                |
| 2.4.9      | Supervision of the Construction of Road and Drainage Works Within the City of Gosnells |
| 3.2.2      | Community Sponsorship  |
| 5.1.9      | Footpath and Kerb Deposits   |
| 5.1.10     | Subdivision Clearance  |
| 5.3.7      | Treatment of insects on Council Controlled Land  |

|        |   |
|--------|---|
| 5.4.7  | Retiring Councillors – Recognition                      |
| 5.4.9  | Administration Centre Booking of Meeting Rooms          |
| 5.4.14 | Advisory Committees                                     |
| 5.4.16 | Ratepayers/Progress Associations – Minutes              |
| 5.4.18 | Anonymous Complaints                                    |
| 5.4.21 | Question Time and Public Statements at Council Meetings |
| 5.4.23 | Elected Members Allowances and Expenses                 |
| 5.4.28 | Use of Councils' Common Seal                            |

subject to further amendment to:

- (i) Policy 5.4.9 Administration Centre Booking of Meeting Rooms by the inclusion of the words “, unless the prior consent of the Mayor is obtained with requests being made in writing.” after the word “City” where it appears in the fifth line of the Paragraph 1.”

CARRIED 12/0

*FOR:* Cr W Barrett, Cr R Croft, Cr R Hoffman, 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.

*The Mayor then put the remaining staff recommendations including amended recommendation (9 of 10), which read:*

Staff Recommendation (2 of 10):

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| STAFF RECOMMENDATION AND COUNCIL RESOLUTION |
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#### **426 Moved Cr S Moss Seconded Cr P Wainwright**

“That Council, following the annual review of policies in accordance with Council Policy 5.4.5, revoke the following policies as contained within Appendix 13.6.2B as they are superseded by Policy 2.4.16 “Usage of Sports Grounds”:

| Policy No. | Policy   |
|------------|--|
| 2.3.1      | Coin Operated Meters for Floodlighting of Recreation Ovals |
| 2.3.2      | Coin Operated Power Supply                                 |
| 2.3.5      | Council Reserves – Line Marking                            |
| 2.3.7      | Floodlighting Sports Reserves                              |

CARRIED 12/0

*FOR:* Cr W Barrett, Cr R Croft, Cr R Hoffman, 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 10):

STAFF RECOMMENDATION AND COUNCIL RESOLUTION

**427 Moved Cr S Moss Seconded Cr P Wainwright**

“That Council, following the annual review of policies in accordance with Policy 5.4.5, revoke Policy 2.3.11 Powerline Clearances for Council Works as contained in Appendix 13.6.2B as this policy is obsolete with such clearances now covered by state legislation.”

CARRIED 12/0

*FOR: Cr W Barrett, Cr R Croft, Cr R Hoffman, 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 10):

STAFF RECOMMENDATION AND COUNCIL RESOLUTION

**428 Moved Cr S Moss Seconded Cr P Wainwright**

“That Council, following the annual review of policies in accordance with Policy 5.4.5, revoke Policy 5.3.4 Commercial Poultry Farming as contained in Appendix 13.6.2B as this policy is superseded with the controls now contained within Planning Policy 6.2.12.”

CARRIED 12/0

*FOR: Cr W Barrett, Cr R Croft, Cr R Hoffman, 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 10):

STAFF RECOMMENDATION AND COUNCIL RESOLUTION

**429 Moved Cr S Moss Seconded Cr P Wainwright**

“That Council, following the annual review of policies in accordance with Policy 5.4.5, revoke Policy 2.2.1 Vehicle Policy and Policy 2.2.2 Turnover Councils Light Vehicle Fleet as contained in Appendix 13.6.2B and substitute them with a new Policy 2.2.1 Vehicle Policy as contained in Appendix 13.6.2C.”

CARRIED 12/0

*FOR: Cr W Barrett, Cr R Croft, Cr R Hoffman, 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 10):

STAFF RECOMMENDATION AND COUNCIL RESOLUTION

**430 Moved Cr S Moss Seconded Cr P Wainwright**

“That Council, following the annual review of policies in accordance with Policy 5.4.5, revoke Policy 2.3.9 Street Tree Management – Public Utilities Services as contained in Appendix 13.6.2B and substitute it with a new Policy 2.3.9 Street Trees and Verges as contained in Appendix 13.6.2C.”

CARRIED 12/0

*FOR:* Cr W Barrett, Cr R Croft, Cr R Hoffman, 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 10):

STAFF RECOMMENDATION AND COUNCIL RESOLUTION

**431 Moved Cr S Moss Seconded Cr P Wainwright**

“That Council, following the annual review of policies in accordance with Policy 5.4.5, revoke Policy 2.4.11 Pedestrian and Cyclist Facilities in Urban Subdivisions and Policy 2.4.12 Footpath and Dual Use Path Alignments/Width as contained in Appendix 13.6.2B and substitute them with a new Policy 2.4.11 Pedestrian and Cyclist Facilities as contained in Appendix 13.6.2C.”

CARRIED 12/0

*FOR:* Cr W Barrett, Cr R Croft, Cr R Hoffman, 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 10):

STAFF RECOMMENDATION AND COUNCIL RESOLUTION

**432 Moved Cr S Moss Seconded Cr P Wainwright**

“That Council, following the annual review of policies in accordance with Policy 5.4.5, revoke Policy 4.2.1 Information Technology as contained in Appendix 13.6.2B and substitute it with a new Policy 4.2.1 Information Technology as contained in Appendix 13.6.2C.”

CARRIED 12/0

*FOR:* Cr W Barrett, Cr R Croft, Cr R Hoffman, 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.

Amended Staff Recommendation (9 of 10):

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| COUNCIL RESOLUTION |
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**433 Moved Cr R Hoffman Seconded Cr R Croft**

“That Council, following the annual review of policies in accordance with Policy 5.4.5, revoke Policy 5.4.12 Conference/Study Tours/Training Workshops as contained in Appendix 13.6.2B and substitute them with a new Policy 5.4.12 Conference/Study Tours/Training Workshops as contained in Appendix 13.6.2C, subject to further amendment to the proposed policy by deleting the third dot point in sub-paragraph 3(i) Air fare, which reads:

“• *Frequent flyer points accrued from flights funded by the City shall be redeemed and used for Council business only.*”

CARRIED 12/0

*FOR:* Cr W Barrett, Cr R Croft, Cr R Hoffman, 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 10):

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| STAFF RECOMMENDATION AND COUNCIL RESOLUTION |
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**434 Moved Cr S Moss Seconded Cr P Wainwright**

“That Council, following the annual review of policies in accordance with Policy 5.4.5, revoke Policy 5.4.25 Swearing in of Councillors as contained in Appendix 13.6.2B and substitute them with a new Policy 5.4.25 Swearing in of Elected Members as contained in Appendix 13.6.2C.”

CARRIED 12/0

*FOR:* Cr W Barrett, Cr R Croft, Cr R Hoffman, 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.

**13.6.3 DELEGATE - BOOGURLARRI COMMUNITY HOUSE ASSOCIATION**

File: A5/2/1 (JS) Rpt035Aug04

Previous Ref: Resolution 379 of 10 June 2003 Ordinary Council Meeting

**PURPOSE OF REPORT**

To inform Council of correspondence received from Boogurlarri Community House Association (Inc.) seeking a Council Delegate to their Committee of Management.

**BACKGROUND**

At the Special Council Meeting held on 6 May 2003 Council nominated Cr Pauline Wainwright to the Boogurlarri Community House Committee of Management with that committee being advised accordingly.

A letter was subsequently received from their Manager, Ms Lorena Rose which stated in part:

*“In response to your correspondence date 8 May 2003 I advise Boogurlarri Community House welcomes broad based membership and representation on its management committee. However, we are not aware of any delegation from the City of Gosnells and we currently do not have any vacancies.*”

Following this correspondence Council resolved (Resolution 379):

*“That Council note the advice from the Manager of Boogurlarri Community House Association (Inc.) and no longer provide a Council delegate to the Committee of Management for that organisation.”*

**DISCUSSION**

A letter was forwarded to Councillor Pauline Wainwright recently from Boogurlarri Community House stating in part:

*“...I confirm our invitation to have a Councillor from the City of Gosnells as a member of the Boogurlarri Community House (Inc) (BCH) – Committee of Management.*”

*It would appear that some confusion has occurred in the past where an invitation had been extended by BCH, followed by you expressing an interest in joining with this Committee and unfortunately this did not then eventuate. Please be assured that BCH would welcome your involvement as a Committee Member.”*

This Committee meets on the last Wednesday of each month commencing 6pm at Boogurlarri House, 82 Langford Ave, Langford.

**FINANCIAL IMPLICATIONS**

The only cost to the City would be the reimbursement of travelling expenses for attending meetings, funds for which have been budgeted.

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| <b>STAFF RECOMMENDATION</b> |
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**Moved Cr R Mitchell Seconded Cr S Moss**

That Council appoint Councillor \_\_\_\_\_ as delegate to the Boogurlarri Community House – Committee of Management for the period 11 August 2004 to 7 May 2005.

Nomination

*Cr D Griffiths nominated Cr P Wainwright for appointment to the Community House – Committee of Management. Cr R Croft seconded the nomination resulting in the following amendment to the staff recommendation:*

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

That the staff recommendation be amended by deleting the line “\_\_\_\_\_” where it appears in the first line after the word “Councillor” and substituting it with the name “P Wainwright”, with the amended recommendation to read:

“That Council appoint Councillor P Wainwright as delegate to the Boogurlarri Community House – Committee of Management for the period 11 August 2004 to 7 May 2005.”

CARRIED 12/0

*FOR: Cr W Barrett, Cr R Croft, Cr R Hoffman, 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.*

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

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

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

“That Council appoint Councillor P Wainwright as delegate to the Boogurlarri Community House – Committee of Management for the period 11 August 2004 to 7 May 2005.”

CARRIED 12/0

*FOR: Cr W Barrett, Cr R Croft, Cr R Hoffman, 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. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

Nil.

**15. NOTICES OF MOTION FOR CONSIDERATION AT THE FOLLOWING MEETING****15.1 BECKENHAM SKATEBOARD FACILITY – PROGRESS REPORT REQUEST**

*Cr O Searle proposed the following motion for inclusion in “Motions of Which Previous Notice Has Been Given” of the 24 August 2004 Ordinary Council Meeting agenda.*

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|--|
| <b>PROPOSED MOTION FOR 24 AUGUST 2004 AGENDA</b> |
|--|

*That Council be provided with a brief report indicating the progress of a skateboard facility in the Beckenham area.*

**COUNCILLOR COMMENT**

No written reason for the proposed motion was provided by Cr Searle.

**15.2 NEWSPAPER ARTICLE ON HARMONY FIELDS – REPORT REQUEST**

*Cr O Searle proposed the following motion for inclusion in “Motions of Which Previous Notice Has Been Given” of the 24 August 2004 Ordinary Council Meeting agenda.*

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|--|
| <b>PROPOSED MOTION FOR 24 AUGUST 2004 AGENDA</b> |
|--|

*That the CEO present a brief report to the Council to outline what steps the City has taken to rectify the misinformation contained in an article printed on page 6 of the 22 July 2004 edition of the Examiner Newspaper containing a statement that indicated that the City had recently endorsed a \$1.7 million kick start for the Harmony Fields Project in Maddington.*

**COUNCILLOR COMMENT**

No written reason for the proposed motion was provided by Cr Searle.

**16. URGENT BUSINESS**

(by permission of Council)

Notation

*Cr S Moss moved the following motion to enable consideration of an item of urgent business.*

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| COUNCIL RESOLUTION |
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**436 Moved Cr S Moss Seconded Cr W Barrett**

“That Council, in light of the consent of the Presiding Member, grant permission to bring forward an item of Urgent Business relating to the Beijing Sino-Pacific Mayoral and Trade Conference and Educational Expo– 22 August to 1 September 2004, to this Ordinary Council Meeting in accordance with Clause 2.11 of the City of Gosnells Standing Orders Local Law 2003.”

CARRIED 12/0

*FOR: Cr W Barrett, Cr R Croft, Cr R Hoffman, 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.*

**16.1 BEIJING SINO-PACIFIC MAYORAL AND TRADE CONFERENCE AND EDUCATIONAL EXPO– 22 AUGUST TO 1 SEPTEMBER 2004**

File: E10/1/1 (PW) Psrpt113Aug2004  
Previous Ref: Nil

**PURPOSE OF REPORT**

To seek approval for Mayoral attendance at the Sino Pacific Mayoral and Trade Conference and Educational Expo in Beijing.

**BACKGROUND**

An invitation has been received from the Australian International Trade Association (AITA) to attend the Mayoral and Trade Conference from 22 August 2004 to 1 September 2004. This invitation recognises support received from the City of Gosnells for AITA’s China Australia Seminar held in Perth in 2002.

**DISCUSSION**

It is widely recognised that business should think global and that barriers to trade are being eroded by the ease of international communication. AITA is an organisation established specifically to promote Australian industry, trade, agriculture and education abroad.

Government and business delegations to promote bi-lateral communication leading to education and trade links have proven to be beneficial to Western Australian educators and business. The offer from AITA is a personal invitation to the Mayor and includes meeting the costs of all meals, internal transfers and accommodation in China. The itinerary involves visits to three distinct areas Beijing, Chengdu, and Shanghai. Other delegates attending this event include representatives from:

City of Parramatta (New South Wales)  
City of Lake Macquarie (New South Wales)  
Town of Sarina (Queensland)  
MP Rotorua New Zealand  
University of Tasmania (Tasmania)  
University of Ballarat (Victoria)  
Education Queensland and others across Australia and New Zealand

The conference visit takes place between 22 August and 1 September 2004 and offers an opportunity to further promote the City of Gosnells internationally. The offer to meet accommodation and travel costs for the Mayor within the country is a measure of the reputation that has been built through previous links with AITA through delegations in Western Australia. A reciprocal visit to attend the conference will further enhance this relationship and help create linkages with one of the World's fastest growing economies. A potential free trade agreement is currently being discussed between Australia and China.

Experience of foreign investment within the City by Asian business over the past two to three years indicates that the involvement of the Mayor as the official representative of the City is of enormous benefit, if not crucial to harnessing such opportunities.

### **FINANCIAL IMPLICATIONS**

To attend the Beijing Sino Pacific Mayoral and Trade Conference and Educational Expo it will be necessary to travel to Sydney to depart with the group attending the event and on to Beijing at an approximate cost of \$2,250. This amount includes \$650 return travel to Sydney and \$1,600 return travel to China. Given the offer from AITA to meet food, accommodation and travel costs within China this presents a relatively low cost opportunity to promote the City internationally.

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| <b>STAFF RECOMMENDATION AND COUNCIL RESOLUTION</b> |
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#### **437 Moved Cr R Croft Seconded Cr R Hoffman**

“That Council approve attendance by the Mayor at the Beijing Sino-Pacific Mayoral and Trade Conference and Educational Expo in China between 22 August 2004 and 1 September 2004 at a cost of \$2,250 to be met from Job S2000.1362.223 - Training and Conferences.”

CARRIED 10/2

*FOR:* Cr W Barrett, Cr R Croft, Cr R Hoffman, 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 AND COUNCIL RESOLUTION****438 Moved Cr R Croft Seconded Cr R Hoffman**

“That Council grant the Mayor leave of absence from 21 August 2004 until 2 September 2004 to attend this Conference.”

CARRIED 10/2

***FOR:** Cr W Barrett, Cr R Croft, Cr R Hoffman, 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.*



**17. CONFIDENTIAL MATTERS**Notation

*To enable closure of the meeting to members of the public to allow discussion of a Confidential Item Cr S Moss moved the following motion:*

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| COUNCIL RESOLUTION |
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**439 Moved Cr S Moss Seconded Cr P Wainwright**

“That Council declare the meeting closed to members of the public at 9.20pm to allow for discussion of confidential matters in accordance with Section 5.23(2)(c) of the Local Government Act 1995.”

CARRIED 12/0

*FOR: Cr W Barrett, Cr R Croft, Cr R Hoffman, 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.*

*9.20pm - Members of the Public left the meeting.*

**17.1 THE AGONIS CAFE FACILITY**

File: R13/1/15

(PW) Psrpt106Aug2004

Appendix: 17.1A Confidential Report

A confidential report on the above matter is contained in Appendix 17.1A. The confidential report has not been distributed to members of the public.

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| STAFF RECOMMENDATION AND COUNCIL RESOLUTION |
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**440 Moved Cr J Brown Seconded Cr S Moss**

“That Council approve continued negotiations to locate a quality operator for the café facility in The Agonis with a further report to be presented on the appointment of an operator and appropriate lease conditions.”

CARRIED 12/0

*FOR: Cr W Barrett, Cr R Croft, Cr R Hoffman, 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.*

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| STAFF RECOMMENDATION AND COUNCIL RESOLUTION |
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**441 Moved Cr J Brown Seconded Cr S Moss**

“That Council support the provision of \$80,000 to complete works required to bring the café facility up to a lettable standard with expenditure to be met from the Building Construction Reserve.”

CARRIED BY ABSOLUTE MAJORITY 12/0

*FOR: Cr W Barrett, Cr R Croft, Cr R Hoffman, 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.*

*9.22pm - At the conclusion of confidential matters Cr R Hoffman moved the following motion:*

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| COUNCIL RESOLUTION |
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**442 Moved Cr R Hoffman Seconded Cr R Croft**

“That Council re-open the meeting to members of the public at 9.22pm.”

CARRIED 12/0

*FOR: Cr W Barrett, Cr R Croft, Cr R Hoffman, 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.*

*9.22pm - The meeting was re-opened to members of the public.*

**18. CLOSURE**

The Mayor declared the meeting closed at 9.23pm.