

CITY OF GOSNELLS

ORDINARY COUNCIL MEETING 13 JULY 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 13 July 2004.

1. OFFICIAL OPENING/ANNOUNCEMENT OF VISITORS/DISCLAIMER

The Mayor declared the meeting open at 7.30pm 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 O SEARLE JP
	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
A/DIRECTOR PLANNING & SUSTAINABILITY	MR P WHITE
DIRECTOR REGULATORY SERVICES	MR T PERKINS
SENIOR PROJECT OFFICER CITY PLANNING	MR S WILKES
MINUTE SECRETARY	MS A CRANFIELD

PUBLIC GALLERY

25

APOLOGIES

Cr S Moss.

Director Planning and Sustainability, Mr R Haeren.

APPROVED LEAVE OF ABSENCE

Cr Matison was granted Leave of Absence vide Resolution 274 of the Ordinary Council Meeting held on 8 June 2004.

3. DECLARATIONS OF INTEREST

Cr R Mitchell declared a Financial Interest in item 13.4.2 “Telstra Corporation-Limited Application to Lease Portion of Mills Park for an Equipment Shelter”.

Reason: Employee of Telstra.

Cr S Iwanyk declared a Financial Interest in item 13.4.1 “Gosnells Underground Power Project”.

Reason: Family home in project area.

4. ANNOUNCEMENTS BY THE PRESIDING MEMBER

(without discussion)

The Mayor circulated to Councillors a list of functions and events she had attended since Tuesday 22 June 2004.

5. REPORTS OF DELEGATES

(without debate)

Cr J Brown reported that on Thursday 8 July 2004 she attended, on behalf of the Mayor, the VIP Plus Project Awards and Graduation Ceremony held at the Rotary Residential College in Kent Street, East Victoria Park where a number of Aboriginal students graduated including three from Maddington.

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 MEETINGS22 June 2004 Ordinary Council Meeting

The following questions were posed at the 22 June 2004 Ordinary Council Meeting with the responses as already provided to the correspondents listed accordingly:

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

Q 1 In which year can residents expect a footpath in Orbit Street, Beckenham, commenced 19-20 years since, to be completed?

Q 2 Repeat of question at previous OCM. When did the staff make their last request to Main Roads WA relating to speed limits on William and Brixton Streets in Beckenham, and is it still 'the preferred option' of our Infrastructure Department that the current speed limits remain, in spite of ratepayers wishes?

Response: In reply to Mr Hitchins the Director Infrastructure provided the following written response on 29 June 2004:

"Re Question Taken On Notice - Ordinary Council Meeting on 22 June 2004

I refer to your question of the Ordinary Council Meeting of 22 June 2004 relating to the expected construction of a footpath in Orbit Street, Beckenham.

I can advise that the existing footpath in Orbit Street has been listed for reconstruction between Galaxy Street and Galaxy Street as part of the 2004 / 2005 Footpath Rehabilitation Programme.

In relation to the question on speed limits in William and Brixton Streets the City's response of 21 June 2004 relates."

6.1 QUESTION TIME

Notation

The Mayor invited Mrs Linda Macri of 1600 Balfour Street, who had submitted a question time form prior to the commencement of the meeting in relation to item 13.5.3 "Southern River Precinct 2 Outline Development Plan and Amendment No. 30 to Town Planning Scheme No. 6 – Finalisation" of the agenda, to the microphone, however, she was not present at the meeting. The question time form will be forwarded to relevant staff for a written response.

- * Mr Ralph Prestage of 51 Dover Crescent, Wembley Downs (property owner of Lot 1610 Barrett Street, Southern River) asked the following questions in relation to item 13.5.3 "Southern River Precinct 2 Outline Development Plan and Amendment No. 30 to Town Planning Scheme No. 6 – Finalisation" of the agenda:

- Q 1 We were advised that on the 15 March 2004 that a report was being prepared for the Southern River Precinct 2 ODP and that we would be duly notified of the Council meeting date it would be presented. Notice of this meeting was received on the 8 July which provided only 3 working days notice before tonight's meeting the 13 July 2004. Due to its importance is there any reason why such short notice was given?

Response: The Senior Project Officer City Planning advised in relation to the letters sent out to landowners, the ODP was advertised for a period in excess of 42 days providing ample opportunity for landowners to comment and lodge their formal submissions, suggesting the 3 day period was provided as notice for the Council meeting itself.

Notation

The Mayor requested Mr Prestage to ask his questions only, excluding any preamble, advising staff would provide a written response to his questions following the meeting.

- Q 2 At the Council meeting on 14 October 2003 a submission was put to the Council and accepted and my question to that is, has the Council lodged a submission or made any representation on this matter on behalf of those ratepayers?

Response: The Senior Project Officer City Planning advised the opportunity had not yet presented itself for Council to lodge a submission on behalf of landowners adding that based on recent discussions with the Bush Forever Office the Metropolitan Region Scheme was progressing and was being readied for public comment in the near future.

- Q 3 Does the Council intend to comply with its original resolution and submit a submission?

Response: The Senior Project Officer City Planning advised that he could see no reason why Council would not follow through.

- Q 4 Will the Council be continuing this assistance to gain a fair and equitable outcome for those affected ratepayers beyond “the public comment period” as referred to in the resolution of the 14 October 2003?

Response: The Senior Project Officer City Planning advised that he believed Council would continue to support landowners in their desire to seek compensation at market value and to be fair and reasonable. The sentiments of landowners had been clearly expressed to elected members and staff and these would be forwarded through to the Planning Commission.

- Q 5 Does Council consider the area for Bushplan in Precinct 2 to be excessive?

Response: The Senior Project Officer City Planning advised that planning at a regional level was something that had to be considered on a regional basis and was the responsibility of the Planning Commission, and was not a matter Council could have a position on in the context of the ODP. If the City did not reflect the regional planning, it would not be able to progress with any planning as it has to, at a local level, be consistent with the regional planning.

Mr Prestage stated that Council did not take into consideration whether it was excessive or not and just accepted it, to which the Mayor reiterated that it was outside the boundaries of Council’s control and invited Mr Prestage to contact Mr Simon Wilkes during office hours with any further questions he may have.

6.2 PUBLIC STATEMENTS

- * Mr Alan Marsh of 6 Karralika Crescent, Martin made a public statement in relation to item 13.5.8 “Request for Additional Time – Storage Yard for Scrap Metal, 1733 (Lot 78) and 1747 (Lot 101) Albany Highway, Kenwick” speaking against the staff recommendations contained in the agenda. Mr Marsh advised his client had lodged an appeal with the Town Planning Appeals Tribunal against Council’s decision to refuse their development application with a hearing date expected in early September 2004 and the anticipated date the Tribunal would hand down their decision being October. For this reason he believed the recommendation before Council regarding a Section 10 was not reasonable and requested Council stay the Section 10 until after the Tribunal handed down their decision. He added that his client had taken the matter very seriously providing an outline of steps they had taken, since Council’s decision, to address concerns.

7. CONFIRMATION OF MINUTES

COUNCIL RESOLUTION

328 Moved Cr P Wainwright Seconded Cr W Barrett

“That the Minutes of the Ordinary Council Meeting held on 22 June 2004, be confirmed.”

CARRIED 10/0

FOR: Cr W Barrett, Cr R Croft, Cr R Hoffman, Cr P Wainwright, Cr R Mitchell, Cr O Searle, 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.

Nil.

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.

On 6 July 2004 an application for leave of absence was received from Cr R Croft, for the period 6 July to 14 July 2004, due to unforeseen circumstances calling him away on urgent business.

COUNCIL RESOLUTION

329 Moved Cr R Hoffman Seconded Cr W Barrett

“That Council grant Cr R Croft leave of absence for the period 6 July to 14 July 2004 which includes the 13 July 2004 Ordinary Council Meeting.”

CARRIED 10/0

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

AGAINST: Nil.

Notation

Although Cr Croft applied for leave of absence for the above period he was able to be present at the meeting.

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

330 Moved Cr R Hoffman Seconded Cr D Griffiths

“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 13.5.3 Southern River Precinct 2 Outline Development Plan and Amendment No. 30 to Town Planning Scheme No. 6 – Finalisation;
- * Item 13.5.8 Request for Additional Time – Storage Yard for Scrap Metal, 1733 (Lot 78) and 1747 (Lot 101) Albany Highway, Kenwick.”

CARRIED 10/0

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

AGAINST: Nil.

13.5.3 SOUTHERN RIVER PRECINCT 2 OUTLINE DEVELOPMENT PLAN AND AMENDMENT NO. 30 TO TOWN PLANNING SCHEME NO. 6 – FINALISATION

File:	TPS/6/30	(DB)	Ps rpt093Jul04
Name:	MGA Town Planners		
Location:	Area generally bounded by Balfour Street, Furley Road, Southern River Road and Holmes Street, Southern River.		
Zoning: MRS:	Urban, Rural		
TPS No. 6:	General Rural		
Appeal Rights:	Nil, however final determination is made by Hon. Minister for Planning and Infrastructure.		
Area:	326.4 hectares		
Previous Ref:	OCM 27 August 2002 (Resolutions 704-706) OCM 14 October 2003 (Resolutions 657-660)		
Appendix:	13.5.3A Proposed Outline Development Plan – Southern River Precinct 2 (Click to view)		

PURPOSE OF REPORT

For Council to support the finalisation of Amendment No. 30 to Town Planning Scheme No. 6 (TPS 6), to rezone the area generally bounded by Balfour Street, Furley Road, Southern River Road and Holmes Street, Southern River, from “General Rural” to “Residential Development” and text amendment to TPS 6, consider adoption of the Southern River Precinct 2 Outline Development Plan, and recommend Metropolitan Region Scheme (MRS) amendment for Southern River Road.

BACKGROUND

Southern River was identified for Urban Development when the Corridor Plan for Perth was reviewed in 1980. The “Planning for the Future of the Perth Metropolitan Region” report (November 1987) proposed a widening of the South-East Corridor as part of its preferred strategy. This move was later followed by the “Urban Expansion Policy Statement for the Perth Metropolitan Region” (1990) and “Metroplan” (1990) which reiterated this policy position.

An amendment to the Metropolitan Region Scheme (No. 927/33) in July 1993 resulted in Canning Vale being zoned Urban and most of Southern River being zoned Urban Deferred under the Metropolitan Region Scheme (MRS).

In January 2001, the WA Planning Commission (WAPC) endorsed a District Structure Plan for Southern River, Forrestdale, Wungong and Brookdale. The District Structure Plan included a requirement for the Water and Rivers Commission to prepare an Urban Water Management Strategy (UWMS) to run concurrently with the rezoning process.

Council at its meeting on 27 March 2001 adopted the Structure Plan as the basis for local planning in the area and endorsed the principle of progressing local planning on the basis of precinct based Outline Development Plans (ODP).

Council considered a draft ODP for Precinct 2 prepared by MGA Town Planners at its meeting held on 27 August 2002 and requested lifting of urban deferment under the MRS. Urban deferment of a portion of the precinct was lifted on 8 April 2003.

At its meeting on 14 October 2003 Council considered the ODP for Southern River Precinct 2 and resolved (Resolutions 657-660):

Resolution 657:

“That Council, pursuant to Part 7 of the Town Planning and Development Act, 1928 (as amended) amend the City of Gosnells Town Planning Scheme No. 6 by rezoning the area bounded by Balfour Street, Furley Road, Southern River Road and Holmes Street from “General Rural” to “Residential Development” and insert an attachment to Schedule 12 of TPS 6 to establish the “Common Infrastructure Works/Costs” for the ODP area.”

Resolution 658:

“That Council, pursuant to Section 7 of the City of Gosnells Town Planning Scheme No 6 deem the ODP as shown in Appendix 12.5.1A satisfactory for seeking public comment subject to the following modifications:

- 1. The relocation of public open space from adjacent to the primary school site to a central location in the western area of residential development.*
- 2. Residential densities shown as R30/40 – to be replaced by “Residential Density Greater than R20”.*
- 3. A portion of the residential development on Lot 1627 being shown as “Grouped Housing”.*
- 4. All neighbourhood centres shown on the District Structure Plan being illustrated on the ODP.*
- 5. The area of local open space on Lot 1628 abutting Southern River Road being replaced by “Regional Open Space” in accordance with the District Structure Plan.*

and the submission of full documentation by the planning consultant to the satisfaction of Director Planning and Sustainability.”

Resolution 659:

“That Council formally request the Western Australian Planning Commission through the South-East District Planning Committee to amend the Metropolitan Region Scheme from “Rural” to “Urban” for those areas within the ODP area that are not required for regional open space and that these amendments be progressed concurrently with the MRS amendment for the Bush Forever sites.”

Resolution 660:

“That Council advise the Department of Education and Training of the need to undertake planning for future school sites in accordance with orderly and proper planning processes and to finalise the planning for school sites in the Southern River and Huntingdale localities as a matter of priority.”

The amendment documentation and ODP were advertised from 21 January 2004 to 3 March 2004 for public comment, and referred to relevant government agencies. Letters were sent to all landowners within the Precinct 2 and to those with properties in the immediate vicinity. A copy of this documentation has been made available in the Councillors Common Room for perusal.

Government agencies have also been advised of proposals for Southern River Road and comments requested concurrently with the advertising of the ODP as the two issues are considered closely related.

DISCUSSION

Advertising Outcomes

A total of 23 submissions were received in response to the advertising; 14 from landowners within the precinct and 9 from nearby landowners. Comments were also received from eight government agencies. A Schedule of Submissions is included below followed by a map showing the properties contacted and those associated with each of the submissions.

Schedule of Submissions (Land Owners)

No.	Name/Address	Description of Affected Property: Lot No, Street, etc	Summary of Submission	Staff Comment
1.	M Preedy 110 Foxton Drive Oakford 6121	Lot 1607 Barrett Street Southern River	Objects. 1) Dissatisfied about the compensation offered by the DPI.	The formal process for compensation for Lot 1607 will be triggered by an amendment to the Metropolitan Region Scheme to include the land in a Region Reserve.

No.	Name/Address	Description of Affected Property: Lot No, Street, etc	Summary of Submission	Staff Comment
			2) Feels that they have been penalised for keeping bushland on their block, That their land would be worth much more money if they had cleared the bush or been dumping rubbish on the site over the years.	Refer Discussions Section.
2.	U Giancristofaro	199 (Lot 11) Holmes Street Southern River Lot 1742 Holmes Street Southern River	Objects. 1) Do not like the proposed allocation of POS as it affects their property. 2) There is ample POS along Ranford Road, Holmes Street and Southern River Road. 3) At the most, prepared to accept 30% of the POS within the lot. 4) The proposed POS is a disproportionate burden on the subject property compared to Lot 1741 (next-door neighbour).	The location of such uses is determined on the basis of the needs of the overall precinct and district. The cost sharing provisions incorporated in TPS6 and the ODP ensure that the cost of provision of POS is shared equally throughout the precinct.
3.	F W Chong 75A Tweeddale Road Applecross 6135	Lot 3 Holmes Street Southern River	Objects. Fear of losing a portion of land which identified for Bush Forever site.	The inclusion of the Bush Forever sites and buffer areas is a State Government requirement which will be progressed and advertised for public comment through an MRS amendment process. Refer discussion section for full comments.
4.	D Guadagnino	Lot 1601 Balfour Street Southern River	Objects. 1) Strongly oppose property being rezoned to Parks and Recreation (Bush Forever Site). 2) Bush in the green area within the property has been cleared for 20 years and used for firewood storage; therefore there is no value for conservation purpose. It should be zoned for R20.	The inclusion of the Bush Forever sites and buffer areas is a State Government requirement Refer Discussion Section
5.	E Di toro 9 Gemini Way Carlisle 6101	Lot 1614 Balfour Street Southern River	Objects. 1) Because of the property being zoned Parks and Recreation. 2) Only support if the property is zoned Residential Development or compensated according to the value of Residential Development.	The inclusion of the Bush Forever sites is a legislative requirement. Refer Discussion Section.

No.	Name/Address	Description of Affected Property: Lot No, Street, etc	Summary of Submission	Staff Comment
6.	C K Leung 18 Connelly Way Booragoon 6154	Lot 1611 Barrett Street Southern River	Objects. 1) The ODP and rezoning does not adequately protect the interests of the landowners and general community. 2) There was lack of Consultation over the proposal.	There are no specific issues or examples raised. The DSP was prepared, including landowner consultation. The ODP has been formally advertised, providing the opportunity for landowners to have input into the ODP.
7.	C E Campbell	Lot 1612 Barrett Street Southern River	Objects. 1) Because the amount of land being set aside for Bush Forever is excessive. 2) Excessive bush land will lead to potential bushfire and cause substantial damage to the adjacent residential properties. 3) The dumping of rubbish to the bush land has also been a problem and will be escalated with increase of residents in the area. 4) Land owners in SRP2 are not treated equally as compensation is not the same as urban value.	The inclusion of the Bush Forever sites and buffer areas is a State Government requirement The urban/bush interface will have to be carefully managed with regard to a number of issues. Refer Discussion Section
8.	Y Gouges 273 St. Kilda Road Kewdale 6105	Lot 1604 Holmes Street Southern River	Objects. 1) The owners of the land set aside for Bush Forever in SRP2 are treated unfairly. 2) City of Gosnells should ensure ratepayers receive equal benefit by being compensated at urban value for land set aside for Bush Forever. 3) Bush Forever benefits all surrounding suburbs and therefore should not be at the land owners' expense. There are sufficient sources to finance the acquisition of land for Bush Forever (eg Land Taxes, Stamp Duty etc.).	Refer discussion section for full comments.

No.	Name/Address	Description of Affected Property: Lot No, Street, etc	Summary of Submission	Staff Comment
			<p>4) Alternatively, the City of Gosnells could consider imposing a levy on all ratepayers (beneficiaries) to compensate affected landowners; Lobby Federal government and State government to provide compensating grants for the affected landowners without discrimination, (equal to the surrounding land value); and impose a levy on land developers to compensate for the additional open space amenity affected by Bush Forever.</p> <p>5) The land was purchased for the owner's Superannuation and the owner will experience substantial financial loss if the land is not compensated fairly.</p> <p>6) The proposed rezoning should not proceed until the City of Gosnells revises its plan to negotiate for a more effective, fairer and agreeable solution.</p>	
9.	R & L Prestage 51 Dover Crescent Wembley Downs 6019	Lot 1610 Barrett Street Southern River	<p>Objects.</p> <p>1) The subject land should be included in residential or compensated at urban value.</p> <p>2) Subject land is no more significant for Open Space than other properties and is more suitable for residential purposes than the surrounding land zoned residential already, because of its location and elevation</p> <p>3) Land zoned Bush Forever will benefit all other landowners who are able to develop their land for a higher financial return.</p> <p>4) The Bush Forever scheme is a State Government land swindle to deny landowners of their financial future by the devious act of manipulating land zonings.</p> <p>5) City of Gosnells should protect its ratepayers and ensure equality by representing its ratepayers and resolving the problem of inadequate compensation for the subject land.</p>	<p>Refer Discussion Section.</p> <p>The inclusion of the Bush Forever sites and buffer areas is a State Government requirement</p>

No.	Name/Address	Description of Affected Property: Lot No, Street, etc	Summary of Submission	Staff Comment
			<p>6) Land area being rezoned for Bush Forever is excessive and hence increases the costs of land acquisition and management; in addition, it poses a severe fire risk to adjoining properties.</p> <p>7) Where public demand is to be met then funds must be provided by the public to meet these requirements. The State has access to a variety of land related funds it could use for this purpose.</p> <p>8) The cost sharing scheme for common infrastructure works contributed to by the developers within a precinct could be utilised for the full or partial topping up of the compensation.</p>	The urban/bush interface will have to be carefully managed with regard to a number of issues.
10.	P H Jordan	Lot 1627 Ranford Road Southern River	<p>Support:</p> <p>1) Pointed area towards rear of lot should be excluded from the Bush Forever area as it is actually made by shape of horse yards not bushland.</p> <p>2) Narrow area adjacent to Ranford Road is within road widening area so bushland buffer area should also be reduced accordingly.</p> <p>3) Seeks a vehicular access to Ranford Road, even if it is only left in left out.</p>	<p>This issue should be determined in the Bush Forever amendment to the Metropolitan Region Scheme following detailed site assessment.</p> <p>This detail can be further investigated when the use of this lot has been determined.</p>
11.	Dolphin Bay Pty Ltd Suite 5, 2 Hardy Street South Perth, WA 6151	Lot 1743 Holmes Street Southern River	<p>Support.</p> <p>Concerned about possible complicated land exchange that could result from the Indicative Subdivision Plan.</p>	This issue can be addressed at the detailed design stage together with other design issues in the area.
12.	Munitor Nominees Pty Ltd.	Lot 1600 Balfour Street Southern River	<p>Object.</p> <p>1) Appears that nearly 20% of the subject property has been allocated POS whereas only 10% required.</p> <p>2) The government has introduced changes with amendments with little or no notification to property owners or thought as to how it will affect their future or wellbeing.</p> <p>3) The Gosnells Shire should uphold a fair system to every property owner in Gosnells.</p>	<p>The inclusion of the Bush Forever sites and buffer areas is a State Government requirement</p> <p>Refer Discussion Section</p>

No.	Name/Address	Description of Affected Property: Lot No, Street, etc	Summary of Submission	Staff Comment
13.	KingCity Pty Ltd. 27 Angwin Street East, Fremantle 6158	Lots 1 and 2 Holmes Street Southern River	Support Propose to develop to R20 density and with the areas abutting the POS developed to R40 density using smaller single or up to 4 unit sites.	These lots are shown in the ODP at R20 density but changes to the ODP such as higher densities would have to be considered in response to specific design proposals in line with the principles contained in the Local Housing Strategy.
14	Michele Tilli 224 Wharf St Queens Park	Lot 1642 Lander St Southern River	Support and Object 1) Supports the rezoning of Lot 1642 from General Rural to Residential Development. 2) Strongly objects to Lot 1642 being shown as "Public Purposes" (school site and POS). 3) Lot 1642 is no different from surrounding properties and there does not appear to be a rationale for these uses to be allocated to this property.	Noted The location of such uses is determined on the basis of the needs of the overall precinct and district. The cost sharing provisions incorporated in TPS6 and the ODP ensure that the cost of provision of POS is shared equally throughout the precinct. The Department of Education and Training is responsible for the acquisition of the school site.

Schedule of Submissions (Nearby Owners)

No.	Name/Address	Description of Affected Property: Lot No, Street, etc	Summary of Submission	Staff Comment
15.	M Brown NB Residential property not identified on map.	149 Lakey Street Southern River	Support. The City should ensure covenants are applied to the Precinct 2 area to ensure dwellings have a minimum living area of 180 m ² plus a fully enclosed garage.	One of the objectives being pursued is to provide for a variety of housing types. The widespread use of such covenants would be contrary to this objective.
16.	J D Edwards NB Property not shown on map	104 Ranford Road Forrestdale 6112	Support. Property purchasers must be made aware of the Forrestdale kennel area and associated noise; Developers must put memorial on title.	The ODP recognises this issue and it is considered appropriate that lots within the special control area have a notice on the title. This will be achieved through the subdivision process.
17.	B Chester NB Property not shown on map	10 (Lot 507) Skeet Road Forrestdale 6112	Support. The subject property is a poultry farm and would like the City of Gosnells to know that the development proposed within the ODP may occur within the 500 m buffer zone.	Subdivision within the buffer area will have to be staged in line with the phasing out of the poultry farms.

No.	Name/Address	Description of Affected Property: Lot No, Street, etc	Summary of Submission	Staff Comment
18.	P & H Hodgson NB Residential property not identified on map.	133 Lakey Street Southern River	Support. No comment.	
19.	T Morris NB Property not shown on map	5 Wright Road Forrestdale 6112	Support. No comment.	
20.	N Shortland NB Residential property not identified on map.	83 Lakey Street Southern River 6110	Support. The regional open space adjacent to Barrett Street between Lakey and Balfour Streets to remain natural bush.	This bush land is going to be rezoned Regional Open Space for Bush Forever site under a future amendment to the MRS.
21.	J Ridgwell	Lot 6 Holmes Street Southern River 6110	Support with condition. 1) Concern that the ground water quality and quantity not be affected by the proposed ODP. 2) In the event the ground water quality or quantity is affected, expect the City of Gosnells to provide a viable alternative at no cost.	It is envisaged that a stormwater management strategy will have to be in place prior to development. The Water Corporation and the Department of Environment are the responsible agencies for water quality and will address this issue through the management strategy.
22.	P J Logan	Lot 1587 Holmes Street Southern River	Object. 1) The ODP provides no allowance for linkages between bushland conservation areas. 2) Suggests linkages between "Balfour wetland" and Balannup Lake and for further linkage to the south of Southern River Road through the proposed high school site.	The ODP provides a significant area of Regional and Local Public Open Space to comply with State Government requirements. The possible linkages suggested in this submission involve land that has been completely cleared and there is no proposal for bushland conservation areas to the south of Southern River Rd in this location.
23.	MEAL Pty Ltd	Lot 3 Southern River Road Southern River	Support with condition. 1) Advises of intention to develop land outside ODP for commercial uses such as service station, food, convenience retail or medical centre. 2) Support the SR2 ODP with the condition that the commercial development intention of the subject lot is not undermined by the ODP.	The subject of this submission does not relate to this ODP and Scheme amendment. Such facilities need to be provided based on a strategic framework and in a sustainable manner to ensure an appropriate ongoing standard of access to services for the whole community.

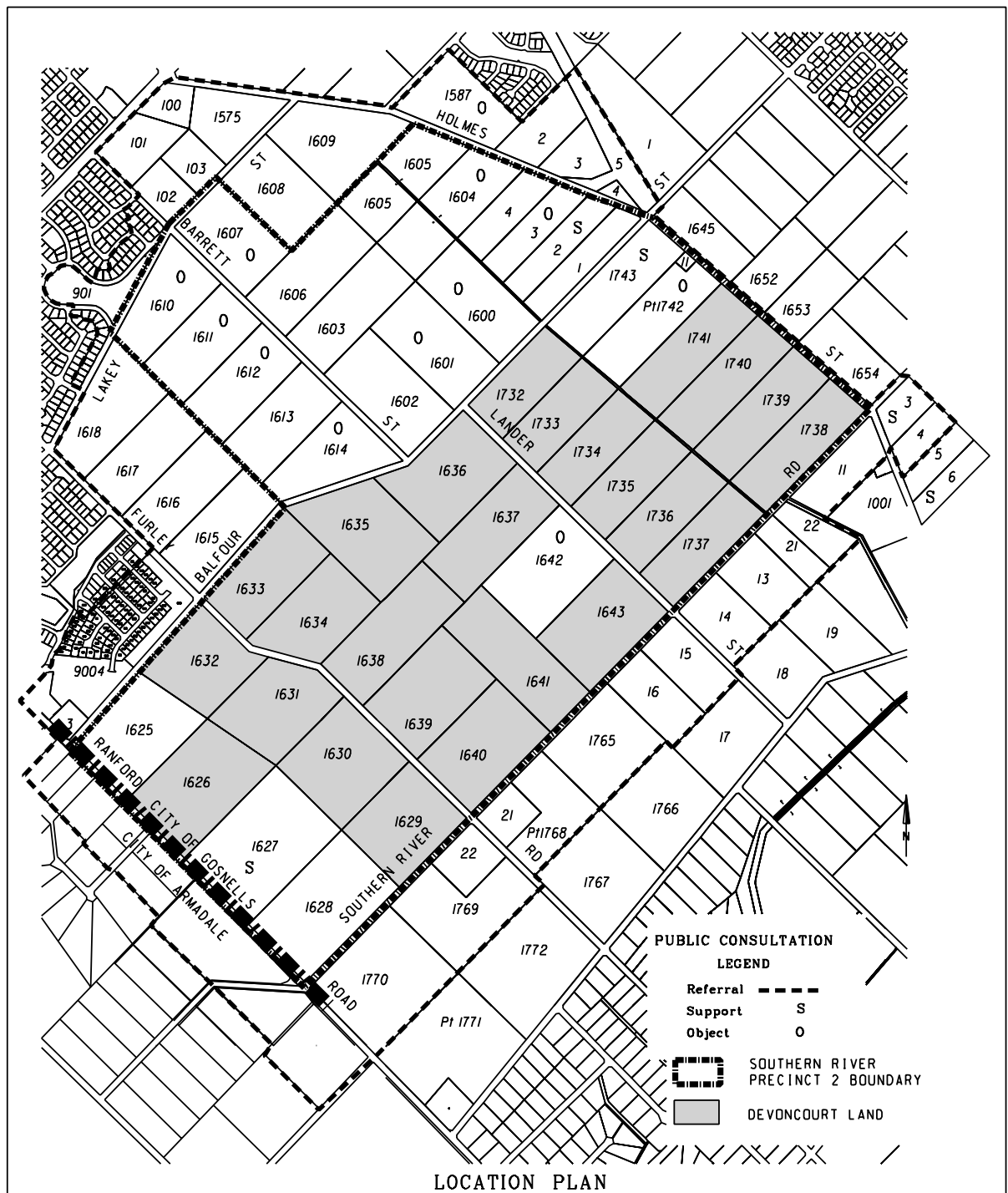
Schedule of Submissions (Government Agencies)

No.	Authority	Summary of Submission	Staff Comments
24.	Department of Land Information	<ol style="list-style-type: none"> 1) Some of the DOLI's Standard Survey Marks within the ODP area may be affected by the future subdivision. 2) The City of Gosnells should advise the DOLI before these Survey Marks are disturbed, so that replacement marks can be arranged. 	Noted
25.	Main Roads Western Australia	<ol style="list-style-type: none"> 1) Expressed concerns on the number of traffic signals proposed by the ODP. 2) Traffic signals do not necessarily provide a solution to all road user problems and if inappropriately located, potentially lead to inefficiencies contributing to delays and crashes. 3) Suggests the City provide justification and evaluation of alternative measures for any proposed traffic signals. Supporting information such as predicted traffic and pedestrian volumes, SIDRA analysis and traffic impact reports should be included for the Main Roads' formal approval. 	The necessary information will be provided at the appropriate time.
26.	Department of Environment	<ol style="list-style-type: none"> 1) A vegetated buffer, 50m wide surrounding all conservation category or resource enhancement wetlands, to be established and maintained to the satisfaction of the DoE. NB This issue was discussed at a subsequent meeting between Council staff and DoE officers. It was concluded at that meeting that 50 metre buffers to CCW's and REW's is standard Department policy but that the ODP would be reported to Council on the basis that only CCW's would be provided with a buffer consistent with other planning areas such as Canning Vale. 2) Prior to commencement of any development on the subject land, the proponent shall prepare and implement a wetland management plan for the wetlands and its buffers, to the satisfaction of the DoE. The Wetland Management Plan shall address, but not be limited to, the following issues: eg. Control of introduced species, fire management, revegetation, public access/recreation, rubbish management, control of nuisance insects, water quality monitoring etc.) 3) A stormwater management strategy/plan being prepared and implemented to the satisfaction of the DoE incorporating the principals of water sensitive design. The stormwater management plans shall be in accordance with the Stormwater Management Manual. The plans shall be submitted to and approved by the DoE prior to development commencing. 4) Stormwater from residential developments should not be directly discharged into any waterways, EPP wetlands or conservation category wetlands. Existing wetlands and vegetation should be protected. 5) Lake Balannup is subject to the Environmental Protection (Swan Coastal Plain Lakes) Policy 1992 which protects the environmental values of the wetland. Therefore it is prohibited to conduct any unauthorised filling, mining, draining (into and out of the wetland) effluent discharge and alteration of water levels of the wetland. No use of development of the proposed lots which any have adverse effect on the lake should be permitted or undertaken. 	<p>While this is the standard Department policy the ODP can only include land in open space where there is a mechanism for acquisition. There is no such mechanism for Resource Enhancement Wetlands and associated buffers. The presumption that RE wetlands are not to be developed has not been applied in other ODP's and would set a huge precedent.</p> <p>Noted</p> <p>Noted</p> <p>Noted</p>

No.	Authority	Summary of Submission	Staff Comments
		<p>6) Prospective purchasers should be made aware of the proximity of the property to Lake Balannup which may limit some forms of development. Any future development proposals on the property should be referred to the DoE for their approval.</p> <p>7) Much of the area is classified as Multiple Use Wetlands. It would be therefore appear necessary to either fill or drain areas to enable development. The DoE would not support the installation of drains as this will alter the hydrology of the adjacent areas of wetland and potentially accelerate the movement of nutrients offsite.</p> <p>8) The subject property is within an area that has been recognised as posing an acid sulphate soils risk. Proposals that may lead to the disturbance of acid sulphate soils should be planned and managed to avoid adverse effects on the natural and built environment, including human health and activities.</p> <p>9) It should be noted that the proposed subdivision is located within the Perth Groundwater Area where there may be a requirement to obtain a Groundwater Licence for the use of groundwater. The issue of a Licence is not guaranteed but if issued will contain a number of conditions including the quantity of water that can be pumped each year.</p>	<p>Noted</p> <p>A detailed Storm Water and Nutrient Management Plan will be required as part of the process.</p> <p>Noted</p> <p>Noted</p>
27.	Department of Indigenous Affairs	No known Aboriginal sites will be impacted by the proposed Outline Development Plan.	Noted
28.	Conservation Commission of Western Australia	<p>1) The functions of National Park and Natural Conservation Authority have been taken over by the Conservation Commission of Western Australia.</p> <p>2) The Conservation Commission has the Balannup Lake Natural Reserve vested in it. The Natural Reserve is managed by the Department of Conservation and Land Management which will provide comments in response to the ODP proposal in relation to any management concerns.</p>	<p>Noted</p> <p>Noted.</p>
29.	Department of Conservation and Land Management	<p>1) Generally support the ODP with regard to the Bush Forever sites within the ODP area having been incorporated into recommendations for Parks and Recreation reservation.</p> <p>2) Do not support the proposal for grouped housing near Ranford Road based on the following:</p> <ul style="list-style-type: none"> • It is inconsistent with the Southern River, Forrestdale, Brookdale, Wungong District Structure Plan, which shows the area as Open Space. • Lake Balannup is mapped as wetland in the Wetland of the Swan Coastal Plain Wetland Atlas and while it is not classified as Conservation Category, development in this location may have implications for the whole of Lake Balannup (including Lake Balannup Nature Reserve on the southern side of Ranford Road), that have not been demonstrated as being manageable as a part of the ODP. 	<p>Noted.</p> <p>The lot in question is significantly altered by its ongoing use and could either be completely included as POS or developed at a higher density as proposed in the ODP. The second option provides a mechanism – common property – and the funding for the area to be managed in the best interests of the adjoining wetland areas.</p>

No.	Authority	Summary of Submission	Staff Comments
		<ul style="list-style-type: none"> • It provides an increased boundary to area ratio with associated management implications from increased use pressure from proximity of high density housing to a conservation area (e.g. aspects such as bushfire risk and management, and possible midge / mosquito nuisance for future residents may be factors which require consideration). • It occurs outside the 450m of walkable catchment to local centres, therefore contradictory to the principle of providing sustainable / walkable neighbourhoods. • It would be more appropriate for the area marked for grouped housing to be retained as Open Space (recreation / community) purpose. <p>3) There are a number of other small areas within the ODP that are mapped in Bush Forever as retaining patches of remnant vegetation. The ODP report does not indicate whether any site-specific environmental or biological assessment has taken place. Without this information the Department is unable to comment on whether the proposed ODP, or any consequent development, meets the requirements of the Wildlife Conservation Act 1950 in reference to threatened species. Therefore, it is recommended that any area containing native vegetation and proposed for development be the subject of a flora survey, specifically to determine the occurrence of Declared Rare and other priority flora that may occur in the area. The outcome of such a survey should then be used to determine subdivision design, and may require accommodating the location and management requirements of any significant flora identified. Survey design and timing should be carried out in consultation with CALM prior to any survey effort being undertaken.</p>	<p>This advice to be passed to the proponent</p>
30.	Department of Education and Training	<p>1) Two primary school sites are required for the overall development cell bounded by Ranford Road, Southern River Road, Garden Street and Warton Road according to WAPC DC 2.4, one primary school site for every 1,500 to 1,800 residential lots (the lot yield for the development cell is expected to be approximately 3,300 lots).</p> <p>2) The DET have identified two possible options for provision of primary school sites in this cell. One retaining the proposed primary school site on the Precinct 2 ODP with an additional school site located in Lot 1608 Lakey Street (within Precinct 1). The other option is two primary school sites to be located in Precinct 2.</p> <p>The Department has further investigated these options and a number of others and subsequently advised it is confident adequate additional sites can be provided outside Precinct 2.</p>	<p>Only one PS site is provided in Structure Plan but it is accepted that the estimated lot yield for the area justifies two sites under the Department's current policy.</p> <p>Further discussions with the Department have identified options for PS sites outside the ODP area and the Department is confident the PS needs of the area can be provided without further change to this ODP.</p>
31.	Water Corporation	<p>1) Attachment 3 of the ODP is no longer current.</p> <p>2) The data shown for wastewater infrastructure is incorrect.</p>	<p>Noted</p> <p>Noted</p>

No.	Authority	Summary of Submission	Staff Comments
		<p>3) Completion of the ODP prior to the Urban Water Management Strategy would be premature and should be placed on hold until that time.</p> <p>NB Subsequent advice from WC is that it is not opposed to the ODP proceeding and previous comments were advice only. The progress of the UWMS should enable opportunities to integrate outcomes into the subdivision process</p> <p>4) Urban Water Management Strategy – the District Structure Plan was endorsed subject to the preparation of an UWMS and an MOU has been entered into by the major stakeholders (including the City of Gosnells) to pursue this matter. The Corporation estimates UWMS will be completed by early 2005 and may require certain aspects of the ODP to be modified.</p> <p>5) Drainage –</p> <ul style="list-style-type: none"> • The use of swales for nutrient absorption as a source control strategy is not appropriate. • Documentation should recognise the drainage constraints in the area which must be addressed before development occurs. • Considerable detail is provided for preparation of appropriate Water and Nutrient Management Plan. <p>6) Servicing –</p> <ul style="list-style-type: none"> • Previous advice regarding water supply continues to apply provided total number of lots remains below 2000. • Greater precision regarding density codes is required to enable sewerage infrastructure and servicing strategy to be identified 	<p>Advice noted and ODP progressed on the basis that outcomes of UWMS be incorporated into later stages of the planning process.</p> <p>Noted</p> <p>Noted</p> <p>Noted</p>



Issues Arising from Submissions

The most frequent issues raised in the public submissions related to the amount of compensation being offered for land required for Regional Open Space, the amount of bushland being set aside, and the proportion of Public Open Space on some properties. These issues are discussed below. Other issues included potential problems with the urban/bushland interface, the detailed boundaries of wetland areas, road access and residential density. Issues raised by landowners outside the ODP related to a request for restrictive covenants, memorials relating to noise from kennels, identification of poultry farm buffers, and future development intentions.

Regional Open Space

The comments regarding Regional Open Space included dissatisfaction with the rationale for including one property instead of another and the total amount required. Often this issue was closely related to that of compensation with the comment “...we have left our block ...as bush and feel we have been penalised.”

The ODP itself does not impact on these properties; the impact will be the Metropolitan Region Scheme amendment to reserve the land as Regional Open Space. Accordingly, this is not an issue for which Council has discretion. The ODP will not be approved by the WAPC if it does not recognise and reflect the Regional Open Space areas depicted in the Structure Plan.

With regard to compensation, the main issue raised is that the compensation being offered to landowners by the WAPC does not reflect urban land values in the area. There are also a number of comments that the landowners expect Council to act or negotiate on their behalf to ensure a fair outcome. Councillors will recall that this matter has been considered at its meeting of 14 October 2003 where it was resolved (Resolution 656):

“That Council lodge a submission during the public comment period with the Western Australian Planning Commission seeking fair and equitable compensation, based on market value, for all landowners of designated Bush Forever sites and buffer zones in the City of Gosnells”

Wetland Buffers

The Department of Environment (DoE) has commented that 50 metre buffers are required around all Conservation Category Wetlands (CCW) and Resource Enhancement Wetlands (REW). There are some areas (eg Lot 1600 Balfour Road and portion of Lots 1 and 2 Holmes Road) where this has not been achieved. Initial comment from the DoE did not raise these instances as specific issues but they were highlighted in later discussions.

Although it is standard DoE policy that 50 metre buffers be provided to all CCW and REW wetlands, it is unreasonable for this policy to be applied indiscriminately in the Southern River area. This area has a significant quantity of wetlands and there is no effective mechanism for acquisition of all REW wetlands and associated buffers, and there are also urban design and other issues that may require consideration. Accordingly, the ODP is recommended for adoption notwithstanding the DoE standard policy has not been applied throughout. This matter has been discussed with the Department and it was recognised that the standard policy can not be achieved in every instance.

Lot 11 Holmes Street and Lot 1642 Lander Street

The indicative subdivision plan shows an area of Public Open Space located wholly on Lot 11 Holmes Street and the whole of Lot 1642 as POS and high school site. The owner of Lot 11 claims he should have no more than 30 percent of the POS area on his property and the owner of Lot 1642 objects to the proposal for his property.

The proposed ODP conforms to the District Structure Plan. The provisions of TPS6 and the ODP enable cost sharing of the POS so that allocation of land for public use can be based on land use objectives and there is minimal difference to individual landowners where the POS is actually located. The acquisition of the high school site is not within the scope of the ODP; the DET is solely responsible for that matter.

Lot 1627 Ranford Road

At its meeting on 14 October 2003 Council resolved in part that *...A portion of the residential development on Lot 1627 being shown as "Grouped Housing"...* and the documentation was modified accordingly. The landowner in his submission is concerned that the existing *Bush Forever* boundaries are the result of land use on the site and not to natural boundaries. He is interested in residential development options. This land is still included in the Rural zone under the MRS and will be affected by the proposed amendment to include the Bush Forever sites in the Regional Open Space reserve. This matter and the eventual reserve boundaries should be addressed during the advertising of the MRS amendment.

The Department of Conservation and Land Management has advised that it does not support grouped housing development of Lot 1627 Ranford Road considering it more appropriate for use as Open Space. Although the Southern River/Forrestdale/Brookdale/Wungong District Structure Plan shows the majority of this lot as Open Space (Including drainage corridors) this may be inappropriate from a functional perspective. There is potential for a higher use of the land, such as a "site sensitive" development at a higher (R60) density that will be able to support and incorporate a mechanism to protect the adjacent wetlands.

Urban Water Management Strategy

The Water Corporation did not initially respond to the request for comment, but have now belatedly advised that it is not prepared to accept any further development in the area until the UWMS has been completed. The Southern River Forrestdale Brookdale Wungong District Structure Plan was endorsed by the WAPC with the Requirement that the Water and Rivers Commission prepare an UWMS. As yet this has not been completed.

Following discussions with departmental officers, the emphasis of the advice was altered to recognise that the outcomes of the Urban Water Management Strategy could be incorporated in subsequent stages of the planning process. The Corporation recognises that the statutory planning process must be progressed and this can occur in conjunction with the development of the UWMS. The required detailed Drainage and Nutrient Management Plan can embody the UWMS outcomes.

Primary School Sites

The Southern River Forrestdale Brookdale Wungong District Structure Plan made provision for only one Primary School site in the Southern River area based in the expected lot yield at the time. Subsequent assessment of the expected lot yields has caused the Department of Education and Training (DET) to advise that provision for two primary school sites is required. The ODP for Precinct 2 was prepared in accordance with the District Structure Plan providing only one Primary School site.

After investigating numerous possible sites for a second primary school, the Department has now advised that it has two potential options outside of Precinct 2 that could provide for the second primary school site in the Southern River area. The Department is confident that a second primary school site will not be required in Precinct 2.

Southern River Road

Discussions with DPI officers regarding the review of preliminary concept plans for Garden Street and Southern River Road indicate that this matter can best be progressed through the formal Metropolitan Region Scheme amendment process. Accordingly it is recommended to request the WAPC to initiate an amendment to the MRS to create an Other Regional Road reservation for Southern River Road from Ranford Road to Corfield Street to protect the land requirements for the current plans.

Common Infrastructure Works and Costs

Schedule 1 of the ODP document details the components and cost calculations for common infrastructure works and the basis for deriving the contribution rate. The final page of the Schedule explains how the costs are allocated. This explanation includes "*Net Developable Area and Retail Area – (less) total POS required*" but the net developable area does not include open space so the formula should refer to net developable area and retail area only.

Another issue with this Schedule is the figure used to calculate the contribution rate (159.1361 ha) is only the net developable area. When the commercial/retail area is added, the figure is 163.3101 ha which results in a contribution rate of \$23,630 rather than the \$24,250 set out in the advertised document. The actual figure is not critical at this stage as all cost calculations will be reviewed immediately prior to final approval.

The ODP report as advertised contains a breakdown of the estimated costs and their calculations based on the best estimate at the time. These costs as estimated at the time amounted to \$24,250 per hectare of land developable for residential and commercial purposes. The estimates would have to be revised on the approval of the ODP reflecting the best estimate of the cost of carrying out the Common Infrastructure Works at that date. Given the time that has elapsed since the initial preparation of the costs and the standards required, it is likely the revision will result in a substantial increase. Schedule 12 of TPS 6 allows Council to revise these costs and it is prudent that the costs be revised on a regular basis following approval of the ODP.

CONCLUSION

The ODP reflects the broad objectives established under the Southern River Forrestdale Brookdale Wungong District Structure Plan and it is recommended that Council adopt it with a requirement that the Drainage and Nutrient Management Plan be approved by the Department of Environment prior to subdivision approval.

The City is obligated to initiate an amendment to rezone the area to reflect an Urban zoning under the MRS. While there is some uncertainty regarding some areas of the ODP, these areas are not included in this amendment. Accordingly it is recommended that Council adopt Amendment 30 for Final Approval.

It is proposed that the provision for the land requirement for Southern River Road be progressed by requesting an amendment to the Metropolitan Region Scheme to designate Southern River Road as an Other Regional Road with reserve widths based on the current land requirements.

FINANCIAL IMPLICATIONS

Council is required to establish separate trust funds for each ODP area so that there is no direct relationship to Municipal funds. If there is a resultant cash shortfall from this ODP, Council is required to make up the extent of such a shortfall. This situation would most likely be the result of a reduction in the net developable area below that estimated due to environmental constraints. Council staff are confident the ODP has been prepared in accordance with the most recent advice.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION

331 Moved Cr D Griffiths Seconded Cr P Wainwright

“That Council, pursuant to Town Planning Regulation 17(1), uphold in part the submissions received; and further, pursuant to Town Planning Regulation 17(2), adopt Amendment No. 30 to Town Planning Scheme No. 6 for final approval, as follows:

1. By rezoning the land bounded by Balfour Street, Furley Road, Southern River Road and Holmes Street, Southern River from “General Rural” zone to “Residential Development”
2. By inserting into Schedule 12 of the Scheme Text details of Common Infrastructure Works/Costs for the Southern River Precinct 2 Outline Development Plan as shown as follows:

*"ATTACHMENT "B" - SPECIFIC PROVISIONS
RELATING TO THE SOUTHERN RIVER PRECINCT 2
OUTLINE DEVELOPMENT PLAN AREA*

1. *"Southern River Precinct 2 Outline Development Plan Area" means the area generally bounded by Balfour Street, Furley Road, Southern River Road and Holmes Street shown on Map 1, titled Southern River Precinct 2 ODP Area.*
2. *Common Infrastructure works additional to those detailed in the Twelfth Schedule of the Scheme as follows:*
 - a) *50% of the contribution towards constructing full earthworks, one carriageway, dual use path (on one side only) and drainage of the following roads:*
 - (i) *Holmes Street (between the precinct boundary south of Harpenden Street and Southern River Road).*
 - (ii) *Ranford Road (between Balfour Street and Southern River Road); and*
 - (iii) *Southern River Road (between Balfour and Holmes Streets).*

- b) *construction, where necessary, for the widening of Southern River Road where this road abuts the ODP area.*
 - c) *upgrading to an urban standard (single pole support) of high voltage above ground 132 kv powerlines which traverse the ODP area; and*
 - d) *the provision of perimeter fencing or other associated management treatments for the identified Conservation Category Wetlands(CCWs).*
3. *Cost contributions additional to those detailed in the Twelfth Schedule of the Scheme, as follows:*
- a) *50% of the contribution towards constructing full earthworks, one carriageway, dual use path (on one side only), grade separated pedestrian crossings and drainage of the following roads:*
 - (i) *Holmes Street (between the precinct boundary south of Harpenden Street and Southern River Road).*
 - (ii) *Ranford Road (between Balfour Street and Southern River Road); and*
 - (iii) *Southern River Road (between Balfour and Holmes Streets).*
 - b) *the cost of acquisition of land for road widening of Southern River Road where this road abuts the ODP area.*
 - c) *the cost of provision of perimeter fencing or other associated management treatments for the identified Conservation Category Wetlands(CCWs).*
 - d) *the cost of acquisition of identified Conservation Category Wetlands (CCWs); and*

- e) *the cost of acquisition of land for identified Community Purpose sites.*
4. *The contribution rate for the provision of open space within the ODP area shall be 18.23% of the net developable area in order to provide for the additional land acquisition for Conservation Category Wetlands (CCWs) which are currently in private ownership, district drainage and community purpose sites.*
- a) *Landowners who provide land in excess of 18.23% net developable area contribution rate for such uses as district drainage, CCWs and POS, are to be reimbursed by the Scheme to the unimproved value of the land as determined by a licensed valuer or otherwise agreed.*
- b) *An open space contribution may be provided in either land component and/or cash-in-lieu for POS development in accordance with the ODP.*
- c) *In determining open space contributions the following POS credits have been agreed:*
- i) *50% credit for drainage compensation basins (designed to 1:25 year flood event);*
- ii) *100% credit for drainage swales (designed to 1:25 year floor event) on this basis that these area are fully usable as passive open space;*
- iii) *100% credit for the CCW fringe areas as passive open space areas; and*
- iv) *no credit for land identified as CCW.””*

CARRIED 8/2

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

AGAINST: *Cr J Brown and Cr S Iwanyk.*

STAFF RECOMMENDATION AND COUNCIL RESOLUTION

332 Moved Cr D Griffiths Seconded Cr P Wainwright

“That Council, pursuant to Section 7.4 of Town Planning Scheme No. 6 adopt the Southern River Precinct 2 Outline Development Plan and forward it to the Western Australian Planning Commission for adoption as shown in Appendix 13.5.3A subject to:

1. Schedule 1 Common Infrastructure Works being modified to delete reference to POS in the calculation of the contribution rate and adjust the figure by including the retail area in the calculation.
2. A Drainage and Nutrient Management Plan being approved by the Department of Environment prior to approval of subdivision.”

CARRIED 8/2

FOR: Cr W Barrett, Cr R Croft, Cr R Hoffman, Cr P Wainwright, Cr R Mitchell, Cr O Searle, Cr D Griffiths and Cr PM Morris.

AGAINST: Cr J Brown and Cr S Iwanyk.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION

333 Moved Cr D Griffiths Seconded Cr P Wainwright

“That Council request an amendment to the Metropolitan Region Scheme, through the South East District Planning Committee, to reserve the land requirement for Southern River Road from Ranford Road to Corfield Street as Other Regional Road Reserve.”

CARRIED 8/2

FOR: Cr W Barrett, Cr R Croft, Cr R Hoffman, Cr P Wainwright, Cr R Mitchell, Cr O Searle, Cr D Griffiths and Cr PM Morris.

AGAINST: Cr J Brown and Cr S Iwanyk.

13.5.8 REQUEST FOR ADDITIONAL TIME – STORAGE YARD FOR SCRAP METAL, 1733 (LOT 78) AND 1747 (LOT 101) ALBANY HIGHWAY, KENWICK

File: 236570 **Approve Ref:** 0304/1339 (SC) Psrtp095Jul04
Name: A J Marsh Pty Ltd on behalf of Bulk Metal traders (Australia)
Location: 1733 (Lot 78) and 1747 (Lot 101) Albany Highway(corner Liddelow Street), Kenwick
Zoning: MRS: Urban
TPS No. 6: General Industry
Appeal Rights: Yes. Town Planning Appeal Tribunal against any issue of Notice.
Area: 1.7553ha
Previous Ref: OCM 27 April 2004 (Resolutions 195 and 196)
Appendices: [13.5.8A Letter from A J Marsh Pty Ltd dated 11 June 2004. \(Click to view\)](#)
[13.5.8B Executive Summary from Vipac Report – Bulk Metal Traders Noise Survey – 2 \(Click to view\)](#)

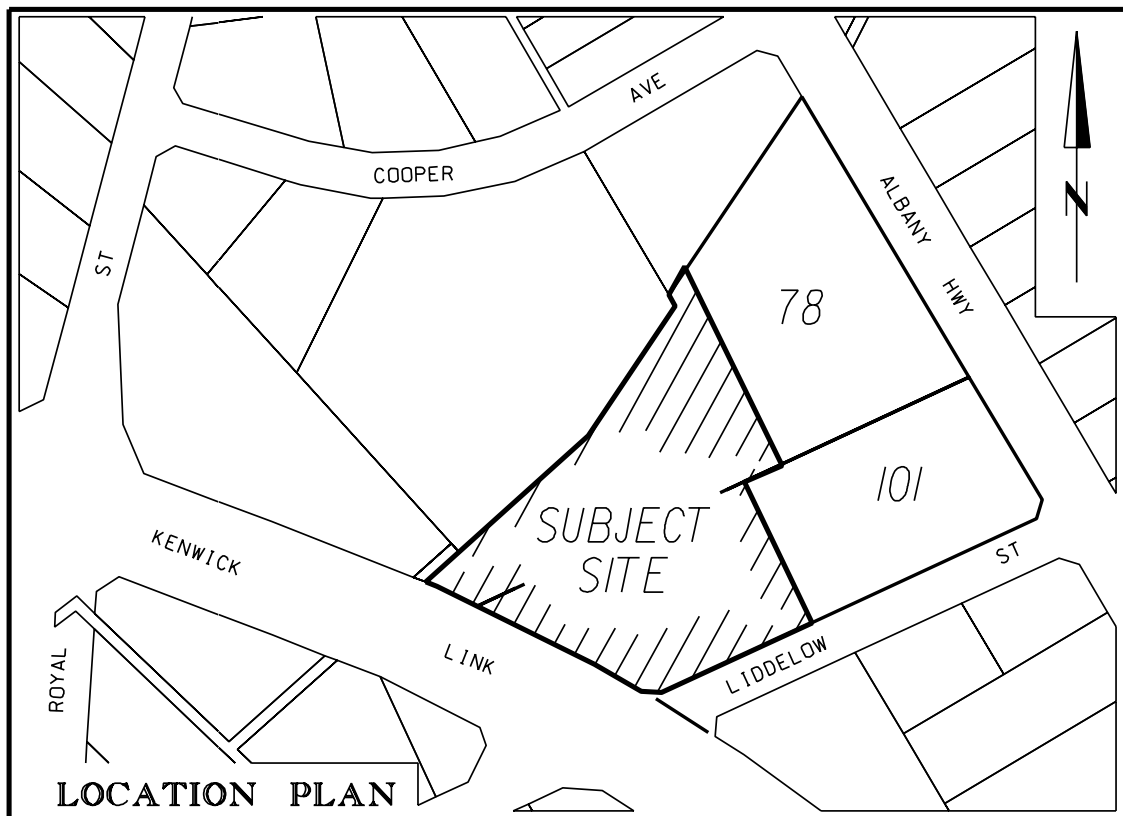
PURPOSE OF REPORT

For Council to consider a request for reconsideration of timeframe for removal of the stockpiles and commencement of legal proceedings following Council decision to refuse to grant development approval for a storage yard for scrap metal at 1733 (Lot 78) and 1747 (Lot 101) Albany Highway, Kenwick.

BACKGROUND

Council at its Ordinary Meeting held on 27 April 2004 resolved (Resolution 195) to refuse the development application for Storage Yard for Scrap Metal at 1733 (Lot 78) and 1747 (Lot 101) Albany Highway (corner Liddelow Street), Kenwick. It was further resolved (Resolution 196):

“That Council authorise the Director Planning and Sustainability to direct the applicant to cease the acceptance of incoming scrap metals immediately at 1733 (Lot 78) and 1747 (Lot 101) Albany Highway (corner Liddelow Street) Kenwick, to remove all stockpiles within 60 days of the notice of refusal of the development application for the Storage Yard for Scrap Metal and, should operations to remove the stockpiles continue past the 60 days of notice of refusal of the development application, that a Section 10 Notice under the Town Planning and Development Act 1928 (as amended) will be issued.”



DISCUSSION

A Section 10 Notice is the power to direct cessation of unlawful development. Subsection (2) states that written direction be given to the owner or any other person undertaking the development to stop and not to recommence. Subsection (3) states that written direction be given to cease operations within a specified timeframe not less than 60 days.

A J Marsh Pty Ltd acting on behalf of the proponent has requested that Council reconsider its timeframe relating to the issue of a Section 10 Notice in order “... to enable him additional time to co-operate with Council and the Kenwick Community to his endeavour to appease all parties.”

In correspondence dated 11 June 2004 (refer Appendix 13.5.8A) the proponent advised that the following action has been taken to date:

- a. *Lodged an appeal with the Town Planning Appeal Tribunal against Council’s decision of 27 April 2004 to refuse its development application.*
- b. *Instructed Vipac Engineers and Scientists Ltd to complete additional testing for noise and to provide stringent conditions to which the Bulk Metal Traders business must adhere to so that Environmental Protection Authority noise specifications are met.*

A copy of the second Vipac Report is attached. You will note that Vipac have concluded that from the additional testing undertaken that Bulk Metal Traders with appropriate management procedures in place can meet Environmental Protection Authority criteria.

- c. Written to Main Roads WA requesting approval to plant additional trees and shrubs along Kenwick Link verge to screen the stockpiles and to improve the Kenwick Link streetscape.*
- d. Working on a plan to relocate stock piles after the next shipment to negate detrimental impact upon the visual amenity of adjoining properties and upon the Kenwick Link streetscape.*
- e. Obtained the use of a water tanker and road sweeper to negate dust nuisance.*
- f. Written to Jennifer Pidgeon Maddington-Kenwick Project Coordinator seeking an urgent meeting to try to address all local issues.”*

A copy of the Executive Summary of the Vipac Noise Survey is attached as Appendix 13.5.8B.

With regard to the on-going unauthorised activities on the site it is noted that the proponent has not ceased the acceptance of incoming scrap metal and has not taken action to remove stockpiles with a view to ceasing the use.

The proponent has lodged an appeal against Council’s refusal and is seeking to determine whether it is practical to comply with EPA noise regulations by changing work practices and using empty sea containers as a noise barrier.

A copy of the grounds for appeal has been received and a case management conference scheduled for 8 July 2004.

With regard to the additional noise testing and Vipac report dated June 2004 the following preliminary concerns are raised.

The conclusion of the Vipac report is that:

“Our measurements show that the nighttime EPA criteria can be met at the nearest residence by using a barrier constructed of sea containers stacked approximately 4 high.”

The stacking of four containers on top of a slightly raised portion of ground on the south-west edge of the property would create a barrier approximately 10 metres high.

This proposed solution is considered unacceptable due to its visual impact on the locality. In addition, City Health Services Branch have advised that the noise report is severely lacking in information in several critical areas. Unless issues are addressed it cannot be established that the operation of the scrap metal yard complies with the requirements of the Environmental Protection (Noise) Regulations.

The preliminary information and response to issues of concern regarding the activity is considered unacceptable.

Notwithstanding this, given that the proponent has lodged an appeal against Council's decision, it is considered reasonable to allow a limited extension of time of 30 days for further information to be provided and assessed by the Director Planning and Sustainability.

However, it is considered that Council should advise the proponent that based on the information received since the matter was last considered by Council, Council's position regarding the issue of a Section 10 Notice has not changed.

It is also considered appropriate for Council to advise those landowners who made submission with respect to the development application of the above.

FINANCIAL IMPLICATIONS

Nil.

Foreshadowed Motions

During debate Cr R Mitchell foreshadowed that he would move the following motions if the staff recommendations were defeated:

“Foreshadowed Motion (1 of 3)

That Council advise the proponent that it is prepared to delay the commencement of any legal proceedings related to the current unauthorised use of Storage Yard for Scrap Metal at 1733 (Lot 78) and 1747 (Lot 101) Albany Highway (corner Liddelow Street), Kenwick, until the current appeal against Councils refusal to grant development approval has been determined by the Planning Appeals Tribunal.

Foreshadowed Motion (2 of 3)

That Council, should the appeal be unsuccessful, and if the operation has not ceased, authorise the Director Planning and Sustainability to issue appropriate Section 10 Notices for the unauthorised use of Storage Yard for Scrap Metal at 1733 (Lot 78) and 1747 (Lot 101) Albany Highway (corner Liddelow Street), Kenwick.

Foreshadowed Motion (3 of 3)

That Council advise landowners who made submissions relating to the development application for a Storage Yard for Scrap Metal at 1733 (Lot 78) and 1747 (Lot 101) Albany Highway (corner Liddelow Street), Kenwick, of Council's resolutions of 13 July 2004."

Cr Mitchell provided the following written reason for his foreshadowed motions:

The alternative recommendations give the appeal process time to be heard before initiating legal action. Since the agenda report was written the company has shown that it is attempting to take measures to address the various issues relating to noise, dust and amenity.

STAFF RECOMMENDATION

Moved Cr R Croft Seconded Cr W Barrett

That Council advise the proponent for the Storage Yard for Scrap Metal at 1733 (Lot 78) and 1747 (Lot 101) Albany Highway (corner Liddelow Street), Kenwick, that it is prepared to grant an additional 30 days, effective from 13 July 2004, for the submission of further information relating to bringing the operation of the site into compliance, to the Director Planning and Sustainability for assessment.

LOST 0/10

FOR: Nil.

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

STAFF RECOMMENDATION

Moved Cr R Croft Seconded Cr W Barrett

That Council advise the applicant that, based on information received since the Storage Yard for Scrap Metal at 1733 (Lot 78) and 1747 (Lot 101) Albany Highway (corner Liddelow Street), Kenwick, was last considered by Council at its Ordinary Meeting held on 27 April 2004, Council's position regarding the issue of a Section 10 Notice has not changed.

LOST 0/10

FOR: Nil.

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

STAFF RECOMMENDATION

Moved Cr R Croft Seconded Cr W Barrett

That Council authorise the Director Planning and Sustainability to issue appropriate Section 10 Notices at the conclusion of the 30 day extension for the unauthorised use of Storage Yard for Scrap Metal at 1733 (Lot 78) and 1747 (Lot 101) Albany Highway (corner Liddelow Street), Kenwick, if the operation has not ceased.

LOST 0/10

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

STAFF RECOMMENDATION

Moved Cr R Croft Seconded Cr W Barrett

That landowners who made submissions relating to the development application for a Storage Yard for Scrap Metal at 1733 (Lot 78) and 1747 (Lot 101) Albany Highway (corner Liddelow Street), Kenwick, be advised of Council's resolutions of 13 July 2004.

LOST 0/10

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

As the staff recommendations were lost the Mayor invited Cr Mitchell to put his foreshadowed motions, which Cr R Hoffman seconded.

COUNCIL RESOLUTION

334 Moved Cr R Mitchell Seconded Cr R Hoffman

“That Council advise the proponent that it is prepared to delay the commencement of any legal proceedings related to the current unauthorised use of Storage Yard for Scrap Metal at 1733 (Lot 78) and 1747 (Lot 101) Albany Highway (corner Liddelow Street), Kenwick, until the current appeal against Councils refusal to grant development approval has been determined by the Planning Appeals Tribunal.”

CARRIED 10/0

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

COUNCIL RESOLUTION

335 Moved Cr R Mitchell Seconded Cr R Hoffman

“That Council, should the appeal be unsuccessful, and if the operation has not ceased, authorise the Director Planning and Sustainability to issue appropriate Section 10 Notices for the unauthorised use of Storage Yard for Scrap Metal at 1733 (Lot 78) and 1747 (Lot 101) Albany Highway (corner Liddelow Street), Kenwick.”

CARRIED 10/0

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

AGAINST: Nil.

COUNCIL RESOLUTION

336 Moved Cr R Mitchell Seconded Cr R Hoffman

“That Council advise landowners who made submissions relating to the development application for a Storage Yard for Scrap Metal at 1733 (Lot 78) and 1747 (Lot 101) Albany Highway (corner Liddelow Street), Kenwick, of Council’s resolutions of 13 July 2004.”

CARRIED 10/0

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

AGAINST: Nil.

12. MINUTES OF COMMITTEE MEETINGS

12.1 CITY OF GOSNELLS HERITAGE ADVISORY COMMITTEE

File: C1/10/1

(LPS)

Appendix: 12.1A [Minutes of the City of Gosnells Heritage Advisory Committee Meeting held on Thursday 3 June 2004](#) ([Click to view](#))

PURPOSE OF REPORT

For Council to receive the Minutes of the City of Gosnells Heritage Advisory Committee Meeting held on Thursday 3 June 2004.

BACKGROUND

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

DISCUSSION

The business of the Meeting is reported in the Minutes of the City of Gosnells Heritage Advisory Committee Meeting held on Thursday 3 June 2004 attached as Appendix 12.1A.

The Community Representative Mrs Pamela Poole has informed the committee that she will resign from her position as community representative on the Heritage Advisory Committee. Mrs Poole has been a committee member over the past three years and her valuable contribution to this committee and the Wilkinson Homestead is appreciated.

There were no recommendations made at the meeting held on Thursday 3 June 2004, which require Council adoption.

FINANCIAL IMPLICATIONS

Nil.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION

337 Moved Cr J Brown Seconded Cr R Croft

“That Council receive the Minutes of the City of Gosnells Heritage Advisory Committee Meeting held on the Thursday 3 June 2004 as attached in Appendix 12.1A.”

CARRIED 10/0

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

AGAINST: Nil.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION

338 Moved Cr J Brown Seconded Cr R Croft

“That Council note the resignation of Community Representative Mrs P Poole from the Heritage Advisory Committee and that an acknowledgement letter is forwarded to her commending her contribution this Committee.”

CARRIED 10/0

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

AGAINST: Nil.

13. REPORTS**13.1 CHIEF EXECUTIVE OFFICER’S REPORT****13.2 COMMUNITY SERVICES****13.3 CORPORATE SERVICES**

13.4 INFRASTRUCTURE

The Mayor advised the meeting that Cr S Iwanyk due to her family home being in the project area had disclosed a Financial Interest in the following item in accordance with Section 5.60 of the Local Government Act 1995.

7.58pm – Cr S Iwanyk left the meeting.

13.4.1 GOSNELLS UNDERGROUND POWER PROJECT

File: R13/1/9 : E5/1/4

(DH)

DH7.1a

Previous Ref: OCM 25 November 2003 – Resolution 764

PURPOSE OF REPORT

To seek Council approval to proceed with the Gosnells Underground Power Project.

BACKGROUND

In consideration of a report to the Ordinary Council Meeting of 25 November 2003 Council resolved:

Resolution 764

“That Council acknowledge the strong community support for the Gosnells Underground Power Project and grant approval to proceed with the detailed submission stage of the Project.”

As part of the detailed submission stage the following major milestones have been achieved:

- Western Power and Office of Energy were advised of the strong community support for the project, ie:
 - Questionnaire response rate – 34.48%.
 - 257 or 83% of respondents favoured the installation of underground power.
 - 219 or 71% of respondents were prepared to pay up to \$1,500 towards the cost of undergrounding power.
- The location of transformer and switch gear units was finalised through consultation with residents, in the form of letter drops and public displays.
- A detail design of the proposed underground power infrastructure and street lighting was conducted.
- Tender submissions were called by Western Power.
- A draft “Project Agreement” has been prepared.

In the 25 November 2003 Ordinary Council Meeting report it was reported that the project area was generally defined by Fremantle Road, King Street, Eudoria Street, Verna Street, Astley Street and Albany Highway and would involve over 1,000 properties at an approximate cost of \$4.5 million.

It was also reported that to accommodate the advertised discounts to pensioners and improvements to the street lighting infrastructure the City would be required to contribute in the order of \$500,000 - \$600,000.

In their letter of 12 March 2004 Western Power advised that the cost estimate based on the detailed design was \$6.339 million. Due to this increased cost a statistical cost analysis was conducted on four Round 3 projects in order to:

- (i) Identify the variables that have an influence on the average cost per lot; and
- (ii) Conduct a sensitivity analysis on the data.

Data from the Gosnells North, Victoria Park South, Shenton Park and City Beach projects was analysed by Western Power and it was found that for every 10% variation in street frontage there was a corresponding adjustment in cost of 5.36%.

For an equivalent number of properties, the Gosnells North Project has a significantly above average street frontage and lot size, resulting in increased material cost to roll out the network.

The initial tender submission indicated a further increase in cost to \$7.507 million. As a result of the tender submissions the City and Western Power entered into separate technical negotiation with the two lowest street service tenderers regarding:

- Perceived risks related to construction work; and
- Measures that may be taken to instigate risks and reduce tender price consideration.

Through these negotiations and a further tender bid by each of the two lowest tenderers, the tendered price has been reduced to \$7.17 million.

The main factors influencing the increases in the tendered price are a 30% increase in cable prices since January 2004, the additional rollout length to be accommodated and the affect clay soil conditions will have on underground thrust-boring operations.

DISCUSSION

In seeking public comment on the underground power project, the City had to base the advertised changes on original budget estimates of \$4,500 per property, which resulted in an agreed charge of \$1,500. This was a deliberate strategy aimed at making the project affordable to an area that had been recognised as having a high proportion of elderly property owners.

Based on the original cost per property of \$4,500 and the number of properties included in the final design being 1,137, a project cost of \$5,116,500 is derived at.

The following financial analysis is based on the tender price of \$7,170,000.

Analysis based on Final Tender Submission		
Number of properties		1,137
Assumed number of registered pensioners		22%
Figures based on standard single residential property charge of		\$1,500
Cost of Project	\$7,170,000	
City's Contribution based on 35%	\$2,509,500	
Additional cost for feature lighting in Albany Highway Powder coating of poles and metal halide luminaires	\$190,000	
City's Total Cost		\$2,699,500
Budget allowance 2004/2005 (Town Centre)	\$600,000	
Income Source	Amount	
Fixed charge paid up front by property owners (35%)	\$459,375	
Pensioners paying up front	\$64,313	
Commercial/others	\$355,268	
Payment by instalments 2004 / 2005	\$324,188	
Total income 2004 / 2005		\$1,203,143
Municipal Funding 2004 / 2005 (Town Centre)		\$600,000
Instalment receipts 2005 / 2006	\$324,188	
Instalment receipts 2006 / 2007	\$324,188	
		\$648,375
Total receipts and Municipal		\$2,451,518
Additional Municipal required 2005 / 2006		\$247,982
City's Total Cost		\$2,699,500
Total Estimated Municipal Funds		\$847,982

While there has been a project increase of \$2,053,500 the majority of this increase (65%) is to be met by Western Power and the Office of Energy.

The above financial analysis is based on the original \$1,500 charge for single residential properties and commercial customer contributions based on consumption evaluations provided by Western Power.

The analysis indicates an expected municipal allocation of approximately \$848,000, which is considerably more than the original \$500,000 - \$600,000 planned for.

Due to the planned undergrounding of power and street lighting upgrade in Albany Highway and lighting upgrades in Dorothy Street, Fremantle Road and Lissiman Street as part of the Towncentre Revitalisation, there is an accumulated budget allocation of \$600,000, which can be used as part of the municipal allocation towards the Gosnells Underground Power Project. All of these works will be included in the underground power project and are planned to be completed first.

The additional municipal funding of \$248,000 has been allowed for in the Principal Activity Plan for 2005 / 2006.

Given that the City has qualified for an additional subsidy of 15% it is considered appropriate that every effort should be made to take advantage of the subsidy. If the opportunity to use the subsidy is passed up, there is no guarantee that the City would qualify for any future project.

It is expected that the cash calls associated with the project will be accommodated over two financial years.

The project is expected to commence in August 2004 and take approximately 10 months to complete.

FINANCIAL IMPLICATIONS

The City's contribution towards the Gosnells Underground Power Project is expected to be in the order of \$848,000 and is subject to charges levied against property owners.

A further report will be submitted to Council seeking endorsement of the schedule of charges and approval for the levying of a service charge under Section 6.38 of the Local Government Act 1995.

The City's contribution has been budgeted for as part of the 2004 / 2005 Budget and the Principal Activity Plan.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION
--

339 Moved Cr D Griffiths Seconded Cr J Brown

“That Council authorise the Mayor and the Chief Executive Officer to enter into an agreement on behalf of the City, with the Honourable Eric Ripper, Minister for Energy and Western Power to implement the Gosnells Underground Power Project.”

CARRIED 9/0

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

AGAINST: Nil.

8.00pm – Cr S Iwanyk returned to the meeting.

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

8.00pm – Cr R Mitchell left the meeting.

13.4.2 TELSTRA CORPORATION-LIMITED APPLICATION TO LEASE PORTION OF MILLS PARK FOR AN EQUIPMENT SHELTER

File: C5/3/61_L04 (JWF) JF7.1a
Previous Ref: OCM 22 October 2002 – Item 12.4.4 – Hutchison Telecoms
Application for Telco Tower Mills Park
Appendix: [13.4.2A Lease Layout Plan \(Click to view\)](#)

PURPOSE OF REPORT

To advise Council of an application to lease 26 square metres of land on Mills Park for an Equipment Shelter for the company's mobile telephone network and to erect six antennas to the existing tower.

BACKGROUND

In October 2002, Council approved of a Telecommunication Tower and equipment shelter at Mills Park for Hutchison Telecoms.

An application has now been received from United KFPW on behalf of Telstra Corporation to erect an equipment shelter adjacent to the existing Hutchison Telecoms equipment shelter and six antennas to the tower.

Under the provisions of the Telecommunications Act the type of facility proposed by Telstra is defined as low impact and does not require Development Approval under the Town Planning and Development Act. Low impact refers solely to the visual impact of the installation.

DISCUSSION

Appendix 13.4.2A provides detail on the proposed lease area and its relationship with existing equipment provided by Hutchison Telecoms.

Appropriate Council field staff were consulted regarding the proposal and it is advised that no objections were raised, subject to proper contact information being provided with contractors on site to ensure minimum disruption to users and playing surface.

Council's Development Control Unit was also consulted and subject to statutory building requirements being adhered to and colours of new equipment erected matching that already installed, no objections were raised.

The amount of lease rental being offered is \$10,000 per annum with a 5% per annum compounding rental review increase for a 10 year period with a request for a further two 5 year options. The lease rental offered for 26 square metres is considered fair, given

that the total lease area for Hutchison Telecoms is 54 square metres with an annual rental of \$13,500 plus 5% automatic increases. The applicant's request for a full 10 year lease and 2 x 5 year options cannot be granted as the original lease with Hutchison Telecoms is only for 10 years with a possible break date after 5 years commencing from 1 February 2003.

As the applicant will be sharing the same tower with Hutchison, Council can only offer a lease with the same break and finishing date. Other proposed conditions are as contained in the staff recommendation.

The draft lease makes provision for the Lessor to obtain legal advice at the cost of the Lessee, up to the value of \$750 for preparation, negotiation and execution of the lease. It is intended that the opportunity be taken to have the proposed lease examined to ensure that Council's interests are reasonably protected.

As with all telecommunication carrier applications to lease land, Council is required to advertise the proposal for a minimum period of 14 days, inviting submissions. Submissions can arguably only be based on matters dealing with the land disposition and this will be the criterion used when determining whether any submissions are substantive and should be brought back to Council.

FINANCIAL IMPLICATIONS

Approval of the lease will provide revenue in excess of \$100,000 over the eight plus years of the term. It is likely that the lease with Hutchison Telecoms will be renewed at the expiry of its lease allowing a renewal of the Telstra lease at the same time.

It will be proposed that the revenue received is transferred to the Mills Park Reserve. This is consistent with all previous telecommunication installation revenues where they are transferred to the appropriate Reserve Fund established to further develop the City Facility.

STAFF RECOMMENDATION

Moved Cr J Brown Seconded Cr P Wainwright

That Council approve the leasing of portion of Lot 4 Brixton Street, Beckenham known as Mills Park to Telstra Corporation Limited for the purpose of erecting a telecommunication equipment shelter and to erect six antennas on the existing tower subject to no substantive submissions received from advertising the proposal under the provisions of section 3.58 (3) and (4) of the Local Government Act.

STAFF RECOMMENDATION

Moved Cr J Brown Seconded Cr P Wainwright

That Council approve of the following terms and conditions of lease, subject to Council lawyers being satisfied that the City's interests are not being unduly compromised:

Rental	\$10,000 per annum plus GST.
Rental Review	Rental to be subject of upward adjustment on an annual basis at the rate of 5% per annum compounding.
Term	To commence as soon as possible and to terminate 31 January 2013.
Break Date	Break date option to be 31 January 2008.
Installation Costs	All installation and ongoing utility costs to be met by Lessee.
Antenna Colours	All new antennas and equipment shelter to be colour matched to existing installation.
Contact Person	Telstra Corporation to provide a contact person for the construction period to ensure minimum disruption to users and playing surface.

STAFF RECOMMENDATION

Moved Cr J Brown Seconded Cr P Wainwright

That Council approve of the rental income being transferred to the Mills Park Reserve Account 9.91.939 Job 3036.

Amendment

During debate Cr P Wainwright moved the following amendment to the staff recommendation (2 of 3) above to reflect current market values:

“That staff recommendation (2 of 3) be amended by deleting the figure “\$10,000” where it appears adjacent the word “rental” and substituting it with the figure \$15,000, and inserting the words “to be negotiated by staff” after the acronym “GST”.”

Cr R Croft seconded Cr Wainwright's proposed amendment.

At the conclusion of debate the Mayor put Cr Wainwright's proposed amendment, which reads:

Moved Cr P Wainwright Seconded Cr R Croft

That staff recommendation (2 of 3) be amended by deleting the figure "\$10,000" where it appears adjacent the word "rental" and substituting it with the figure \$15,000, and inserting the words "to be negotiated by staff" after the letters "GST", with the amended recommendation to read:

"That Council approve of the following terms and conditions of lease, subject to Council lawyers being satisfied that the City's interests are not being unduly compromised:

Rental	\$15,000 per annum plus GST to be negotiated by staff.
Rental Review	Rental to be subject of upward adjustment on an annual basis at the rate of 5% per annum compounding.
Term	To commence as soon as possible and to terminate 31 January 2013.
Break Date	Break date option to be 31 January 2008.
Installation Costs	All installation and ongoing utility costs to be met by Lessee.
Antenna Colours	All new antennas and equipment shelter to be colour matched to existing installation.
Contact Person	Telstra Corporation to provide a contact person for the construction period to ensure minimum disruption to users and playing surface."

CARRIED 9/0

FOR: Cr W Barrett, Cr R Croft, Cr R Hoffman, Cr P Wainwright, Cr O Searle, 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 staff recommendations and the substantive motion, which read:

Staff Recommendation (1 of 3):

STAFF RECOMMENDATION AND COUNCIL RESOLUTION

340 Moved Cr J Brown Seconded Cr P Wainwright

“That Council approve the leasing of portion of Lot 4 Brixton Street, Beckenham known as Mills Park to Telstra Corporation Limited for the purpose of erecting a telecommunication equipment shelter and to erect six antennas on the existing tower subject to no substantive submissions received from advertising the proposal under the provisions of section 3.58 (3) and (4) of the Local Government Act.”

CARRIED 9/0

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

AGAINST: Nil.

Amended Staff Recommendation (2 of 3):

COUNCIL RESOLUTION

341 Moved Cr P Wainwright Seconded Cr R Croft

“That Council approve of the following terms and conditions of lease, subject to Council lawyers being satisfied that the City’s interests are not being unduly compromised:

Rental	\$15,000 per annum plus GST to be negotiated by staff.
Rental Review	Rental to be subject of upward adjustment on an annual basis at the rate of 5% per annum compounding.
Term	To commence as soon as possible and to terminate 31 January 2013.
Break Date	Break date option to be 31 January 2008.
Installation Costs	All installation and ongoing utility costs to be met by Lessee.
Antenna Colours	All new antennas and equipment shelter to be colour matched to existing installation.
Contact Person	Telstra Corporation to provide a contact person for the construction period to ensure minimum disruption to users and playing surface.”

CARRIED 9/0

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

AGAINST: Nil.

Staff Recommendation (3 of 3):

STAFF RECOMMENDATION AND COUNCIL RESOLUTION

342 Moved Cr J Brown Seconded Cr P Wainwright

“That Council approve of the rental income being transferred to the Mills Park Reserve Account 9.91.939 Job 3036.”

CARRIED 9/0

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

AGAINST: Nil.

8.05pm – Cr R Mitchell returned to the meeting.

Notation

The Mayor, upon the return of Cr R Mitchell to the meeting, advised that Council had endorsed staff recommendations 1 and 3 as contained in the agenda, and amended staff recommendation 2 in relation to the rental component.

13.4.3 ALBANY HIGHWAY, KENWICK DEVIATION LAND DEDICATION

File: 216289; 216969 (BIH) BH7.1a

Appendix: 13.4.3A [Deposited Plan 23483 and Plan 37281 \(Click to view\)](#)**PURPOSE OF REPORT**

To obtain Council approval for the transfer of land associated with the deviation of Albany Highway as part of works undertaken for Roe Highway Stage 3.

BACKGROUND

Main Roads Western Australia have written to the City of Gosnells requesting agreement to the transfer of land required for the Albany Highway, Kenwick deviation undertaken as part of Roe Highway Stage 3. The portions of land are Lots 801 and 811 as shown in the deposited plans 37281 and 23483 respectively, which are included as Appendix 13.4.3A.

The original land belongs to the Public Transport Authority and is required as part of the land associated with the re-aligned section of Albany Highway. In order to have this land dedicated as road, the Department of Planning and Infrastructure require the endorsement of Council. Main Roads Western Australia will indemnify Council against all costs and charges in respect to the dedication action.

DISCUSSION

The land transfer formalises the land requirements for the Albany Highway deviation that occurred several years ago as part of Roe Highway Stage 3 and has been functioning as road reserve since construction was completed. There is no financial or administrative input required from the City of Gosnells apart from the agreement to the change in dedication from land owned by the Public Transport Authority to land vested as road reserve which would be then controlled by Main Roads Western Australia.

Therefore it is recommended that the dedication of the land shown on Deposited Plan 37281 (Lot 801) and Plan 23483 (lot 811) be supported.

FINANCIAL IMPLICATIONS

Nil.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION
--

343 Moved Cr R Croft Seconded Cr D Griffiths

“That Council endorse the dedication of the land shown shaded on Deposited Plan 37281 (Lot 801) and on Plan 23483 (Lot 811), attached as Appendix 13.4.3A, under Section 56 of the Land Administration Act.”

CARRIED 10/0

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

AGAINST: Nil.

13.4.4 PROPOSAL TO RENAME LANGFORD AVENUE RESERVE, R33629

File: R33629

(GRB)

GRB7.1A

PURPOSE OF REPORT

To advise Council of a proposal to rename Langford Ave Reserve.

BACKGROUND

Voran, the Urban Renewal Partner working with the State Government for the urban renewal of Langford, in culminating its activities in the area, has proposed to rename Langford Avenue Reserve and has through a community newsletter, invited residents to submit suitable names to be considered by the City of Gosnells.

Submissions closed on 15 June 2004.

The following seven (7) proposals have been forwarded from Voran for the consideration of Council:

Name	Address	Suggested Park name	Reason
E Toplis	121 Spencer Road, Langford	Voran Park	Recognise the work Voran has done for the area.
Katrina Sherwood	92 Langford Avenue, Langford	Revival Park	Langford has been revived. The name will help the community remember the past and help look forward to the future.
Jan Hayes	17 Downhill Way, Langford	The Bill-Tom Murkunga Park	“Bill” – Bill Langford – a long standing member of the Gosnells Road Board that the Langford suburb was named after. “Tom” – Tom Millar – a long standing resident of the suburb who was/is involved in the establishment of Neighbourhood Watch in Langford. A local icon and historian for area. “Murkunga” – meaning “lake” from the Warburton Ranges Aboriginal language.
Osmund Perera	7 View Avenue, Langford	Lynford Langwood Southgate	The park in Langford is also opposite Lynwood – suggested names are made up from both suburbs. Southgate Street is the major street dominating the area.

Name	Address	Suggested Park name	Reason
Nadine Smith	Ferndale	Sarah Knight Park/ Knight Park Sophia Hester Park/ Sophia Park Tom Millar Park	Sarah Hester arrived in Langford in 1830 with her father Thomas Hester who was one of the first farmers in the area. She married Nathan Knight in 1847. She was the last original settler to leave the area in 1875 when she sold the property. Sophia Hester was the first white woman to settle in the area. Mr Millar was involved in establishing Langford Neighbourhood Watch.
Wendy Allan	58 Lynwood Avenue, Lynwood	Avenue Park	The park is situated down one side of Langford Avenue, Langford's main street. Residents of Langford access Lynwood Avenue via the park. Lynwood Avenue also runs directly onto the park.
Michelle Michael	15 Jewel Court, Langford	Moorditj Gurlongars Park	It means "Solid Kids Park". They are Aboriginal words but are able to be said to all different ethnic backgrounds. Langford is Aboriginal traditional land. Aboriginal people have travelled through the area for countless years, using it as a camping spot many times.

DISCUSSION

Council staff considers this proposal as a request to re-name the reserve as the name Langford Avenue Reserve has been utilised for some time in accordance with City of Gosnells Policy 6.1.5.1.

The Policy states:

“General Guidelines

1. *Priority will be given to the naming of Parks and Reserves after an adjacent street or feature to maximise the identification of that park or reserve with an area.*

Renaming of Parks and Reserves

9. *Names chosen for Parks and Reserves are expected to be permanent, and renaming is discouraged. If renaming is proposed because of some exceptional circumstance, a rationale for the name is to be provided.*
10. *Evidence of community support for a change of name must be provided and tabled in a report to Council.”*

Voran has previously mooted a change of name for this reserve to provide some community ownership and a 'sense of place', however there is no exceptional circumstances or rationale provided by the submissions for this to be considered.

The 10 suggested park names do not fully satisfy any specific criteria for the naming of City Parks and Reserves in accordance with Policy 6.1.5.1. These have been submitted to Voran by only 7 respondents, requiring wider community consultation before further consideration can be given to a name change for the reserve.

FINANCIAL IMPLICATIONS

Nil.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION
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344 Moved Cr J Brown Seconded Cr P Wainwright

“That Council not consider the re-naming of Langford Avenue Reserve R33629 as the current name is in keeping with current policy and no exceptional circumstances for the name change have been proposed.”

CARRIED 10/0

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

AGAINST: Nil.

**13.4.5 HARMONY FIELDS (FORMER MADDINGTON GOLF COURSE SITE)
PROJECT, FUNDING OPTIONS**

File: 231313 (GT) GT7.1a

Previous Ref: OCM 23 March 2004 (Resolutions 138 to 142)

PURPOSE OF REPORT

To seek Council approval for progressing funding options for the implementation of the Former Maddington Golf Course Land Use and Recreation Plan.

BACKGROUND

At its Ordinary Council Meeting on 23 March 2004, Council considered the Former Maddington Golf Course Draft Land Use and Recreation Plan. As a result Council adopted the following resolutions, the research on which forms the body of this report.

Resolution 138

“That staff prepare a detailed report on the costings and income for the limited residential development in accordance with the Draft Land Use and Recreation Plan for the Former Maddington Golf Course.”

Resolution 139

“That Council look at all possible funding options to progress Stage 1 of the Land Use and Recreation Plan for the Former Maddington Golf Course as soon as possible.”

Resolution 140

“That Council adopt the Land Use and Recreation Plan for the Former Maddington Golf Course as contained in Appendix 12.4.4B.”

Resolution 141

“That Council approve the name ‘Harmony Fields’ for the park to be developed on the Former Maddington Golf Course Site.”

Resolution 142

“That Council refer the adopted Land Use and Recreation Plan for the Former Maddington Golf Course to the Maddington/Kenwick Sustainability Partnership Steering Committee for the purpose of considering the project for inclusion in the development of the Maddington/Kenwick Action and Implementation Plan.”

DISCUSSION

With respect to Resolution 139, Stage 1 of the development is estimated to cost approximately \$323,500 which incorporates initiation of the following elements:

- Reticulated Parkland
- Landscaping and Vegetation Plan
- Path network

Staff have considered a number of funding options to progress Stage 1 of the implementation of the Former Maddington Golf Course Land Use and Recreation Plan as outlined above, which has strong community support.

Municipal Funding

Currently there is a sum of \$29,000 in the Maddington Golf Course Reserve Account received from the Telco Tower lease. In addition, the sum of \$257,300 is contained in the four year Strategic Financial Plan (for the years 2006/07 and 2007/08).

In the 2004/05 budget the sum of \$125,000 is included to develop the Avila Place Reserve Neighbourhood Park. If Council directs, this project could be deferred for two years until the 2006/07 financial year and the monies could be made available immediately towards the first phase of the Maddington Golf Course Land Use and Recreation Plan.

As part of the budget making process, staff are to recommend that 50% of the underspend from the 2003/04 financial year also be allocated to the Maddington Golf Course Reserve Account. In previous years, this underspend has ranged from about \$320,000 to \$900,000.

Maddington Kenwick Sustainable Communities Partnership

As a strategic priority of Council, and subject to the adoption of the Principal Activity Plan, the sum of \$4.5 million will be allocated from Municipal Funds towards the revitalisation of the Maddington and Kenwick suburbs. Whilst monies could be allocated from this budget towards the project, it is unlikely to achieve the leverage of funding from external sources which is a primary objective of the Maddington Kenwick Sustainable Communities Partnership.

Sale of Lazy Assets

With reference to Resolution 138, Consulting engineers have prepared a report on the indicative development costs and potential income for the proposed creation of a fourteen lot subdivision as identified in the Land Use and Recreation Plan. It should be noted that the land is currently zoned "Parks and Recreation" and the rezoning process required to enable a residential development to occur is likely to take around 10 months.

Indicative costs to develop fourteen lots of approximately 600m² at \$43,572 per lot equates to approximately \$610,000 inclusive of GST. More accurate costs will be achieved on the completion of a detailed sub divisional plan.

An evaluation by a local real estate agent indicates that a lot of this size in the Maddington area sells for an average price of \$75,000. This means the development of fourteen lots could realise an income from sales of \$1,050,000 resulting in a net return on investment of around \$440,000.

It should be noted that the site has capacity for a larger number of lots to be created if desired which would in turn enable a larger portion of the remaining reserve to be developed.

The following land assets were identified as being those which are considered excess to requirements and therefore have the potential to be disposed of without affecting the current needs of the community, which could be allocated to the overall development of the project. The following costs per m² have been used to determine the approximate value of the lots based on undeveloped land and appropriately zoned and subdivided land.

- General rural valued at \$15/m²
- Residential zoned land at \$90/m²

Asset	Location	Lot Area (m²)	Approx Value	Current Zoning
Lot 619 Alcock Street	Maddington	3,872 m ²	\$348,480	Zoned Local Open Space
Lot 59 Berry Court	Maddington	1,641 m ²	\$147,690	Zoned Local Open Space
2886 Haffner Court	Maddington	3,256 m ²	\$293,040	Zoned Residential
Lots 10,11,12,13,14, Kelvin Road	Maddington	123,694 m ²	\$1,855,410	Zoned General Rural
16 Miller Street	Maddington	2,257 m ²	\$203,130	Zoned Local Open Space
Lot 2028 Stead Street	Maddington	1,395 m ²	\$125,550	Zoned Residential
2394 Westfield Street	Maddington	781 m ²	\$70,290	Zoned Residential
Lot 618 Willow Way	Maddington	2,057m ²	\$185,130	Zoned Local Open Space
Total Estimated Value			\$3,228,720	

In order for the City to realise the sale of these assets, a range of issues will need to be considered:

- De-vesting to freehold, land currently held as reserves.
- Rezoning of land if required, (approximately 10 months for POS).
- With any land dealing in excess of \$500,000, preparation of a Business Plan and advertising in accordance with statutory processes.
- Undertaking any proposed subdivision in a rural environment is in accordance with the intent of the draft Foothills Rural Strategy.

The former Kelvin Road Trotting Track site has the potential for up to 12 lots of one hectare, however the cost of preparation of the lots for sale would need to include necessary services and road access for lots without road frontage. These costs cannot be accurately estimated without a detailed sub-divisional plan. The lots may be disposed of in their current form without limitations or delay, making these the best opportunity to raise capital for the Former Maddington Golf Course Land Use and Recreation Plan.

FINANCIAL IMPLICATIONS

Accurate costings will not be achieved until detailed designs are produced, however the notional costs of the Former Maddington Golf Course Land Use and Recreation Plan estimated at \$1.7 million. Return on the sale of lots is estimated to be \$440,000, therefore the City requires additional funding of approximately \$1.3 million to complete the project.

The proposed staged implementation of the Plan indicates an amount of \$323,500 will be required to initiate components of the Plan in the first stage. It is clear that the income gained from the proposed subdivision may not be realised immediately and other sources of income will be required to initiate if not complete the project.

In accordance with the Local Government Act 1995, the subdivision and sale of lots on the former Maddington Golf Course site and the former Kelvin Road Trotting Track would constitute major land transactions and therefore business plans would need to be prepared and advertised in accordance with statutory requirements, at which time consideration of subdivision will be given.

CONCLUSION

It will be the recommendation of staff that the following funding options be considered in order to progress the implementation of Stage 1 of the Former Maddington Golf Course Land Use and Recreation Plan:

- 50% of any surplus from the 2003/04 Budget be allocated to the Maddington Golf Course Reserve Account;

- That commencement of the Avila Place Reserve development be deferred until year 2006/07 and that the sum of \$125,000 be transferred to the Maddington Golf Course Reserve Account; and
- The sum of \$286,300 is already included in the four year Strategic Financial Plan.

The sale of lazy assets will enable the overall Harmony Fields plan to be delivered in the medium term.

Foreshadowed Motions

During debate Cr R Hoffman foreshadowed that he would move the following motions if the staff recommendations (2 of 3) and (3 of 3) were defeated:

“Foreshadowed Motion (2 of 3):

That a report to Council on the 2003/2004 end of year final underspend with recommendation on fair and equitable disbursement of these funds be presented to Council.”

Cr Hoffman provided the following written reason for his foreshadowed motion:

“To follow Council’s responsibility of financial management under the Act to acquit final year underspend in a correct manner.”

“Foreshadowed Motion (3 of 3):

“That lots 10, 11, 12, 13, 14 Kelvin Road, Orange Grove not be considered to be sold.”

Cr Hoffman provided the following written reason for his foreshadowed motion:

“Given the availability of the list of lazy assets provided in the agenda, more than covers the total anticipated cost of Harmony Fields, it is unnecessary to consider selling this land.”

First Additional Motion

During debate Cr Hoffman indicated he would move the following additional motion:

“That the sale of the listed assets valued approximately \$1,373,310 proceed, with proceeds set aside for the development of Harmony Fields improvement plan and staff take the necessary steps to rezone immediately and sell these assets.

<i>Asset</i>	<i>Location</i>	<i>Lot Area (m2)</i>	<i>Approx Value</i>	<i>Current Zoning</i>
<i>Lot 619 Alcock Street</i>	<i>Maddington</i>	<i>3,872 m2</i>	<i>\$348,480</i>	<i>Zoned Local Open Space</i>
<i>Lot 59 Berry Court</i>	<i>Maddington</i>	<i>1,641 m2</i>	<i>\$147,690</i>	<i>Zoned Local Open Space</i>
<i>2886 Haffner Court</i>	<i>Maddington</i>	<i>3,256 m2</i>	<i>\$293,040</i>	<i>Zoned Residential</i>
<i>16 Miller Street</i>	<i>Maddington</i>	<i>2,257 m2</i>	<i>\$203,130</i>	<i>Zoned Local Open Space</i>
<i>Lot 2028 Stead Street</i>	<i>Maddington</i>	<i>1,395 m2</i>	<i>\$125,550</i>	<i>Zoned Residential</i>
<i>2394 Westfield Street</i>	<i>Maddington</i>	<i>781 m2</i>	<i>\$70,290</i>	<i>Zoned Residential</i>
<i>Lot 618 Willow Way</i>	<i>Maddington</i>	<i>2,057m2</i>	<i>\$185,130</i>	<i>Zoned Local Open Space</i>
<i>Total Estimated Value</i>			<i>\$1,373,310</i>	<i>”</i>

Cr Hoffman provided the following written reason for the motion:

“The sale of the lazy assets identified are all in Maddington and can provide a greater benefit to the community, with a recreation facility of excellence.”

Amendment to First Additional Motion

During debate Cr P Wainwright indicated she would move the following amendment to Cr Hoffman’s proposed additional motion:

That the proposed additional motion be amended to include the sale of listed assets being those listed as Residential only”.

Second Additional Motion

During debate Cr P Wainwright indicated she would move the following additional motion:

“That a business plan be prepared for the agreed subdivision of Harmony Fields as outlined in the former Maddington Golf Course Land Use and Recreation Plan.”

At the conclusion of debate the Mayor put the first staff recommendation (1 of 3), which reads:

STAFF RECOMMENDATION AND COUNCIL RESOLUTION

345 Moved Cr P Wainwright Seconded Cr W Barrett

“That Council notes that the sum of \$286,300 has been allocated towards the Harmony Fields Project in the current four-year Principal Activity Plan.”

CARRIED 10/0

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

AGAINST: Nil.

The Mayor then put the second staff recommendation (2 of 3), which reads:

STAFF RECOMMENDATION

Moved Cr P Wainwright Seconded Cr W Barrett

That Council approve the transfer of 50% of any unspent funds from the 2003/2004 Budget to the Maddington Golf Course Reserve Account.

LOST 4/6

FOR: Cr P Wainwright, Cr R Mitchell, Cr O Searle and Cr D Griffiths.

AGAINST: Cr W Barrett, Cr R Croft, Cr R Hoffman, Cr J Brown, Cr S Iwanyk and Cr PM Morris.

Notation

As the second staff recommendation was lost the Mayor invited Cr Hoffman to put his foreshadowed motion (2 of 3), which Cr R Croft seconded.

COUNCIL RESOLUTION

346 Moved Cr R Hoffman Seconded Cr R Croft

“That a report to Council on the 2003/2004 end of year final underspend with recommendation on fair and equitable disbursement of these funds be presented to Council.”

CARRIED 10/0

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

AGAINST: Nil.

The Mayor then put the third staff recommendation (3 of 3), which reads:

STAFF RECOMMENDATION

Moved Cr P Wainwright Seconded Cr W Barrett

That Council approve the preparation of business plans for the subdivision and/or sale of Lots 10,11,12,13 and 14 Kelvin Road and the agreed subdivision proposal for Harmony Fields under the Former Maddington Golf Course Land Use and Recreation Plan.

LOST 2/8

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

AGAINST: Cr R Mitchell and Cr O Searle.

Notation

As the third staff recommendation was lost the Mayor invited Cr Hoffman to put his foreshadowed motion (3 of 3), which Cr R Croft seconded.

COUNCIL RESOLUTION

347 Moved Cr R Hoffman Seconded Cr R Croft

“That lots 10, 11, 12, 13, 14 Kelvin Road, Orange Grove not be considered to be sold.”

CARRIED 8/2

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

AGAINST: Cr R Mitchell and Cr O Searle.

The Mayor invited Cr Hoffman to put his proposed additional motion, which Cr R Croft seconded.

Cr P Wainwright indicated she wished to move her proposed amendment to Cr Hoffman’s additional motion, however, as there was no seconder the amendment lapsed.

The Mayor then put Cr Hoffman’s proposed additional motion, which reads:

COUNCIL RESOLUTION

348 Moved Cr R Hoffman Seconded Cr R Croft

“That the sale of the listed assets valued approximately \$1,373,310 proceed, with proceeds set aside for the development of Harmony Fields improvement plan and staff take the necessary steps to rezone immediately and sell these assets.

Asset	Location	Lot Area (m2)	Approx Value	Current Zoning
Lot 619 Alcock Street	Maddington	3,872 m2	\$348,480	Zoned Local Open Space
Lot 59 Berry Court	Maddington	1,641 m2	\$147,690	Zoned Local Open Space
2886 Haffner Court	Maddington	3,256 m2	\$293,040	Zoned Residential
16 Miller Street	Maddington	2,257 m2	\$203,130	Zoned Local Open Space
Lot 2028 Stead Street	Maddington	1,395 m2	\$125,550	Zoned Residential
2394 Westfield Street	Maddington	781 m2	\$70,290	Zoned Residential
Lot 618 Willow Way	Maddington	2,057m2	\$185,130	Zoned Local Open Space
Total Estimated Value			\$1,373,310	”

CARRIED 8/2

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

AGAINST: Cr R Mitchell and Cr O Searle.

The Mayor invited Cr Wainwright to put her proposed additional motion, which Cr J Brown seconded.

COUNCIL RESOLUTION

349 Moved Cr P Wainwright Seconded Cr J Brown

“That a business plan be prepared for the agreed subdivision of Harmony Fields as outlined in the former Maddington Golf Course Land Use and Recreation Plan.”

CARRIED 10/0

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

AGAINST: Nil.

13.5 PLANNING AND SUSTAINABILITY

13.5.1 AMENDMENT NO. 20 TO TOWN PLANNING SCHEME NO. 6 TEXT – FINALISATION - 1720-1722 (LOTS 1 AND 2) ALBANY HIGHWAY, KENWICK FOR AN ADDITIONAL USE OF “PLACE OF WORSHIP”

File:	TPS/6/20	Approve Ref:	0304/0158AA (EH)	Psrpt088Jul04
Name:	Ethiopian Orthodox Church of Abuna Tekle Haimanot			
Location:	1720-1722 (Lot 2 and Portion of Lot 1) Albany Highway, Kenwick			
Zoning: MRS:	Urban			
TPS No. 6:	General Industry			
Appeal Rights:	Final determination is with the Minister for Planning and Infrastructure.			
Area:	3,786m ²			
Previous Ref:	OCM 11 March 2003 (Resolution 138) OCM 11 November 2003 (Resolution 732)			

PURPOSE OF REPORT

For Council to consider supporting the request by the Minister for Planning and Infrastructure for Amendment No. 20 to Town Planning Scheme No. 6 (TPS 6), to be as an “Additional Use” of “Place of Worship” instead for rezoning from “General Industry” to “Highway Commercial”.

BACKGROUND

At the Ordinary Council Meeting of 11 November 2003 (Resolution 732), Council resolved to adopt Amendment No. 20 for final approval. The Amendment documents were then forwarded to the Western Australian Planning Commission (WAPC) for consideration and final approval. A response has recently been received from the WAPC, which stated:

“...the Hon Minister for Planning and Infrastructure upheld the submissions of non-objection, and has decided not to approve the ... Amendment until such time as the following modification has been effected:

- 1. Apply an “Additional Use” of “Place of Worship” on an appropriate area of Lots 1 and 2 Albany Highway to the existing zoning of “General Industry” instead of the proposed “Highway Commercial” zone. ...”*

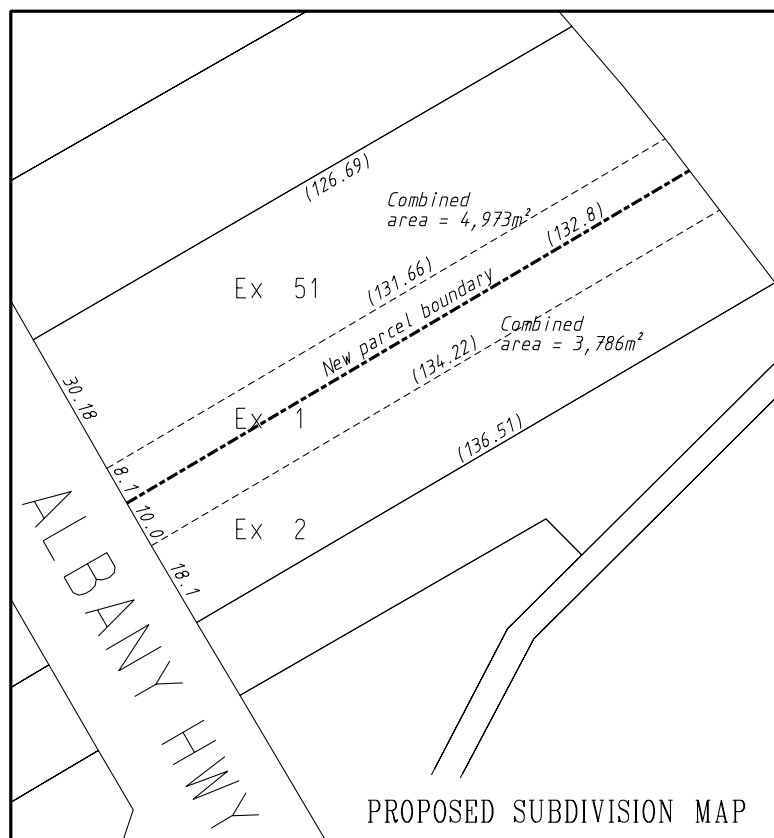
This correspondence did not provide a reason for the modification request. However, WAPC staff have verbally provided the following:

- The “Highway Commercial” zone is not consistent with the zoning of surrounding land;

- There is a need for an overall Strategy to identify the most suitable zonings for this area; and
- If the Ethiopian Orthodox Church sells the property, a “Highway Commercial” zoning would permit other uses that would not be permitted under the “General Industry” zone and may not be suitable in this area.

No. 1720-1722 (Lots 1 and 2) Albany Highway, Kenwick, has an area of 4,874m² and is currently occupied by “Kenwick Motors”. The land is flat, provided with vehicular access from Albany Highway and backs onto the Railway Reserve. Lots 1 and 2 are currently subject to a subdivision application (WAPC Ref 123483) together with the adjoining Lot 51. The subdivision was conditionally approved on 15 March 2004 to create one lot of 3,786m² (proposed lot for place of worship) and one lot of 4,973m². The following plan indicates the location of the subject site and proposed boundary changes.

The subject site is located on the eastern side of Albany Highway, and is approximately 360 metres from the Kenwick Train Station. The subject property is zoned “General Industry” under Town Planning Scheme No. 6 (TPS 6). Surrounding land uses generally include such uses as motor vehicle repairs, motor vehicle sales (including parts and tyres), swimming pool manufacture and sales and showroom/retail uses such as furniture sales and ceramic tiles. The majority of the uses are considered to be more light industrial in nature than general industrial land uses. There is also a relatively high number of properties along Albany Highway (between Austin Avenue and Wanaping Road) that are vacant.



DISCUSSION

A need for a strategic land uses in the area has been identified and will occur as part of the Maddington-Kenwick Strategic Communities Partnership. It is considered that redevelopment and alternative land uses within the area will be beneficial to achieving the objectives of the Partnership. The development of the site as a Place of Worship is not seen as prejudicial to these longer-term strategic considerations, and could have a positive impact on the area through the injection of funds for development of a landmark building.

It is acknowledged that, if landownership changes, a Highway Commercial zoning would permit other land uses that may not be suitable in the area and therefore should not be introduced prior to the strategic review being undertaken. The proposed additional use will permit the subject site being used for a Place of Worship without jeopardising the future of the area.

CONCLUSION

The proposed use is not seen as constraining potential longer-term strategic outcomes and may well act as a positive impetus for future redevelopment in the area. The amendment being finalised as an additional use, rather than a rezoning, will facilitate the proposed use whilst not introducing the opportunity for other potentially incompatible uses allowed under a Highway Commercial zoning to be approved prior to necessary strategic work undertaken. It is therefore recommended that Council resolve to finalise the amendment as an additional use.

FINANCIAL IMPLICATIONS

Nil.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION
--

350 Moved Cr J Brown Seconded Cr R Hoffman

“That Council, pursuant to Town Planning Regulation 17(2), resolve that Amendment No. 20 to Town Planning Scheme No. 6 be adopted for final approval, adding the following to Schedule 2 – Additional Uses:

No.	Description of Land	Additional Use	Conditions
15.	1720-1722 (portion of Lots 1 and 2) Albany Highway, Kenwick (proposed 3,786m ² lot on Subdivision 123483)	Place of Worship	Nil

CARRIED 10/0

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

AGAINST: Nil.

13.5.2 TOWN PLANNING SCHEME AMENDMENT, PROPOSAL TO INITIATE – TOWN PLANNING SCHEME NO. 6 – REZONING OF 1533B (LOT 252) ALBANY HIGHWAY, BECKENHAM FROM PUBLIC PURPOSES - TELSTRA TO OFFICE

File: 230816 (SW) Psrpt092Jul04
Name: Sidney Aggour
Location: 1553B (Lot 252) Albany Highway, Beckenham
Zoning: MRS: Urban
TPS No. 6: Public Purposes - Telstra
Appeal Rights: Initiation - none, however finalisation is subject to approval by the Minister for Planning and Infrastructure.
Area: 3016m²
Previous Ref: OCM 8 May 2001 (Resolution 327)
OCM 26 March 2002 (Resolution 195)
OCM 22 October 2002 (Resolution 841)

PURPOSE OF REPORT

For Council to initiate an amendment to Town Planning Scheme No. 6 (TPS 6), to rezone 1533B (Lot 252) Albany Highway, Beckenham from Public Purposes - Telstra to Office.

BACKGROUND**Site History**

A rezoning of Lot 252 Albany Highway, Beckenham from Public Purposes – Telstra to Light Industry was proposed as Amendment No. 549 to Town Planning Scheme No. 1 (TPS 1). Amendment No. 549 was advertised for the statutory period of 42 days, and at the conclusion of the advertising period, a total of 36 individual replies had been received. All of the submissions except two opposed the Amendment; the principal issues of concern and objection from nearby residents were increased traffic and noise in residential streets, and potential impact upon amenity and safety of residents in the local area. Amendment No. 549 to TPS 1 was adopted for final approval by Council at its Ordinary Meeting of 8 May 2001, subject to a condition that no access should be available to Westwell Street. Amendment No. 549 was not finalised, however, before it was “overtaken” by the gazettal of TPS 6 (Gazetted 15 February 2002)

At the Ordinary Meeting of Council dated 26 March 2002, it was resolved to initiate Amendment No. 8 to TPS 6, which was intended to pick up a number of rezonings that were required as a result of TPS 6 being gazetted, including the one originally proposed under Amendment No. 549 to TPS1. Upon initiation, Amendment No. 8 proposed that Lot 252 be rezoned to Light Industry. At the conclusion of the statutory advertising period, the proposal had again raised significant concern from the surrounding community. This was represented by 32 submissions being received, and of those submissions, 31 objected to the proposal and 1 submission supported the proposal. The main concerns raised in the submissions were:

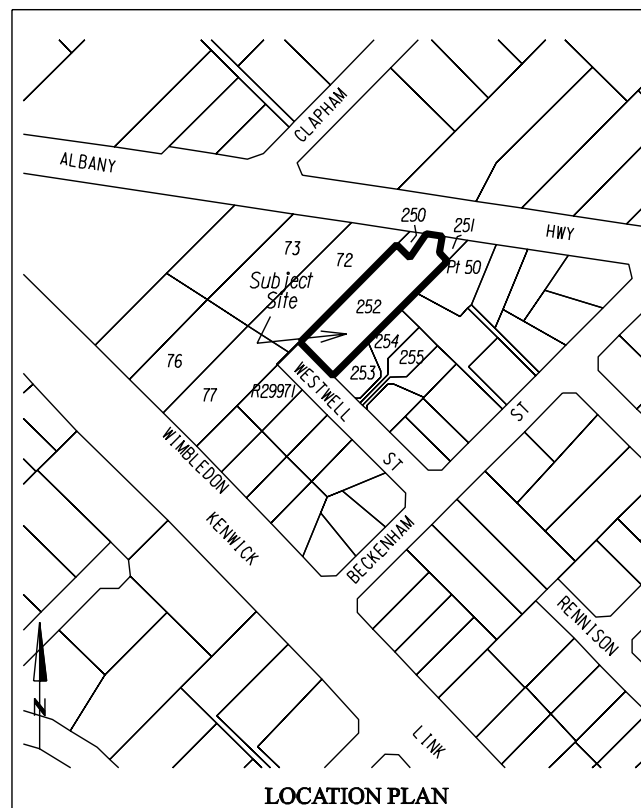
- The amenity of the adjoining residential area would be detrimentally affected by light industrial development of the site. That is, an increase in noise, pollution and traffic volumes would occur;
- Industrial traffic would encroach into a residential neighbourhood if there is access to the site from Westwell Street; and
- The site is identified for Mixed Business Use under the City's Local Commercial Strategy.

As a result of the objections received, the applicant/landowner was consulted regarding the potential option of rezoning the site to Mixed Business, which was seen as suitable means of addressing the abovementioned concerns. The applicant was agreeable to the site being zoned Mixed Business, however, he requested the potential for a car yard (or similar) to be developed on site. At its Ordinary Meeting of 22 October 2002, Council resolved to modify Amendment No. 8 by rezoning Lot 252 to Mixed Business, and modifying the Scheme Text to include Additional Use provisions that provided for Motor Vehicle, Boat or Caravan Sales uses on the site.

In correspondence dated 22 August 2003 the City was advised that Minister for Planning and Infrastructure had determined that the proposed rezoning of the abovementioned lot from Public Purposes – Telstra to Mixed Business zone had been deleted from the Amendment,

“...as development under the proposed zone has the potential to negatively impact on the amenity of the adjacent residential areas.”

The City had not been consulted before the Minister made this decision.



DISCUSSION

Part 3 of TPS 6 gives the City discretion to approve development consistent with an Office zoning on Lot 252, after having regard for the Public Purposes – Telstra zoning. However, it is clearly a desirable outcome for all parties that a suitable alternative zoning be found. The following information is relevant to consideration of what a suitable alternative zoning may be:

- The parent lot was a Telstra site; Lot 252 was previously used as a Telstra depot and as such is vacant, undeveloped and relatively cleared of vegetation. A 25 metre Telstra mobile telephone tower and associated base station are situated on excised Lots 250 and 251 respectively (see Location Plan).
- The adjoining land to the north is zoned Light Industrial.
- The adjoining land to the south, south-east and east of Lot 252 are zoned for residential purposes.
- It is not considered appropriate that Lot 252 be developed for residential purposes, given the close proximity of an existing 25-metre mobile telephone tower on Lot 250 Albany Highway, and the Light Industry zoning to the north.
- It is not considered appropriate that Lot 252 be developed for industrial purposes, given the residential land to the south, south-east and east of Lot 252.

It is considered appropriate to locate some form of low-impact non-retail commercial use on Lot 252, to act as a buffer between the Light Industrial and Residential zonings on either side. The Department of Planning and Infrastructure (DPI) was consulted regarding this matter, and the outcome of those discussions was that:

- The Office zone may be a more appropriate “base” zoning for Lot 252;
- The following discretionary uses in the Office zone were considered to have the potential to affect the amenity of the adjoining residential zoned land, and would therefore be proposed as uses that cannot be approved on Lot 252; Betting Agency, Cinema/Theatre, Club Premises, Convenience Store, Nightclub, Place of Worship, Home Store, Tavern, Recreation – Private, Reception Centre and Restaurant;
- The following may be appropriate uses on Lot 252, as they would have minimal potential to affect the amenity of the adjoining residential zoned land; Bed and Breakfast, Showroom, Warehouse and Caravan Sales; and
- Fast Food Outlet is not considered to be an appropriate use as it could cause potential odour and noise impacts upon adjoining residential zoned land.

Given that a Light Industry or Mixed Business zoning had previously created some concern amongst surrounding landowners because of the discretionary land uses that could be considered within those zones, it was considered appropriate to consider not only a new “base” zoning, but also to restrict those discretionary uses which may cause potential amenity issues, and add other uses that would not cause potential amenity issues. The Restricted Use Schedule works by only permitting those uses that are listed;

which is considered appropriate in this case, given the unusual circumstances and the need to provide adjoining landowners with some certainty.

The owner was provided with this advice on the proviso that neither DPI nor the City could guarantee that any application based upon the recommendations it contained would be successful. The owner subsequently confirmed in writing that he wished to pursue that option, which is now provided to Council for its consideration.

CONCLUSION

It is believed that the abovementioned proposal provides for some low-impact non-retail commercial uses to locate on Lot 252, to act as a buffer between the Light Industrial and Residential zonings on either side. As such it is recommended that Council resolve to initiate the amendment as proposed in the staff recommendation.

FINANCIAL IMPLICATIONS

Nil.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION

351 Moved Cr P Wainwright Seconded Cr W Barrett

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

1. Rezoning 1533B (Lot 252) Albany Highway, Beckenham, from Public Purposes - Telstra to Office.
2. Inserting In Schedule 3 - Restricted Uses the following:

No.	Description of Land	Restricted Use	Conditions
5	1533B (Lot 252) Albany Highway, Beckenham	1. “P”, “D” and “A” uses in the Office zone, excluding the following uses: Betting Agency, Cinema/Theatre, Club Premises, Convenience Store, Nightclub, Place of Worship, Home Store, Tavern, Recreation – Private, Reception Centre and Restaurant. 2. Bed and Breakfast, Showroom, Warehouse and Caravan Sales.	1. No access to Westwell Street 2. The Restricted Uses listed under 1. shall retain their permissibilities from the Use Class table. 3. Bed and Breakfast, Showroom, Warehouse and Caravan Sales shall be treated as “D” uses.

CARRIED 10/0

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

AGAINST: Nil.

13.5.3 SOUTHERN RIVER PRECINCT 2 OUTLINE DEVELOPMENT PLAN AND AMENDMENT NO. 30 TO TOWN PLANNING SCHEME NO. 6 - FINALISATION *(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.

**13.5.4 DEVELOPMENT APPLICATION – FOUR GROUPED DWELLINGS –
15 (LOT 592) SUNCO PARADE, CANNING VALE**

File: 238188 Approve Ref: 0304/1448 (KN) Parpt089Jul04
Name: Westcourt Pty Ltd
Location: 15 (Lot 592) Sunco Parade, Canning Vale
Zoning: MRS: Urban
TPS No. 6: Residential Development
Appeal Rights: Yes. Town Planning Appeal Tribunal against a refusal or any condition(s) of approval
Area: 1,400m²

PURPOSE OF REPORT

For Council to consider an application for four grouped dwellings at 15 (Lot 592) Sunco Parade, Canning Vale. The proposal is outside the authority delegated to staff as it requires consideration of the performance based criteria related to boundary setbacks under Clause 3.3.1 of the Residential Design Codes 2002 (R-Codes).

BACKGROUND**Site Description**

Lot 592 is 1,400m² in area and has dual frontage to Canna Drive and Sunco Parade (See location plan). The subject lot is zoned Residential Development under Town Planning Scheme No. 6 (TPS 6) and is designated as “Residential Density Greater than R17.5” under the Canning Vale Outline Development Plan (ODP). The use of the R40 density code is considered appropriate for assessment of proposals on lots in these areas.

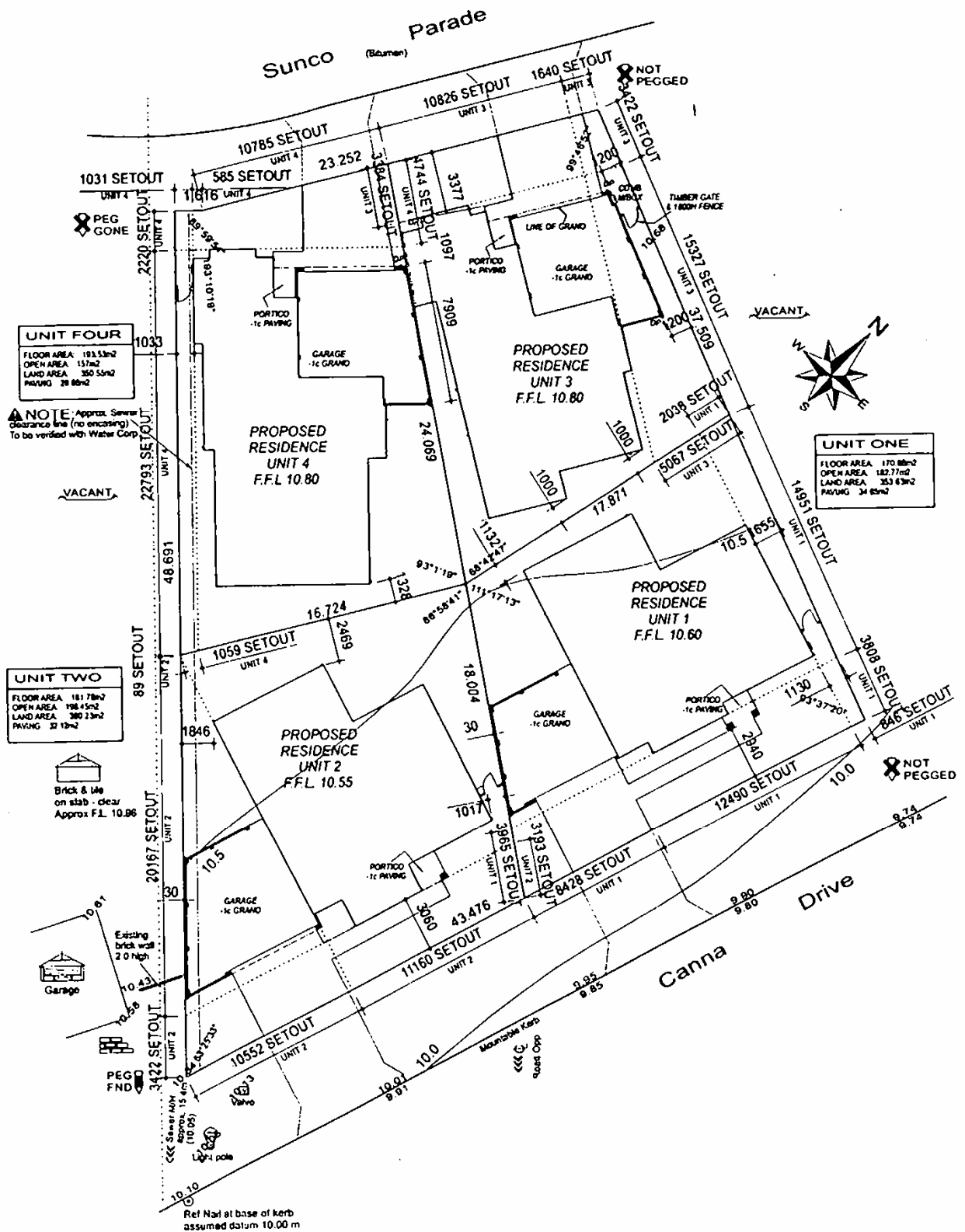
The Proposal

The applicant has proposed four grouped dwellings two each fronting Canna Drive and Sunco Parade. The site area for Unit 1 is 353.63m², 380.23m² for Unit 2, 315.58m² for Unit 3 and 350.55m² for Unit 4. Units 1 and 2 are to have frontage to Canna Drive and Units 3 and 4 are to front Sunco Parade.

Residential Design Codes 2002

The proposal complies with the Acceptable Development Criteria of the R-Codes with the exception of the minimum side boundary setback requirements for Units 1 and 4. Clause 3.3.1 of the R-Codes requires buildings to be setback in accordance with Table 1 and Table 2A and 2B.

Unit 1 proposes a reduced side setback to its northern boundary. The proposed dwelling incorporates a wall with a major opening to a habitable room and is setback at certain points less than 1.5 metres. Table 2B requires a minimum 1.5 metre setback for the entire length of walls with major openings.



Unit 4 proposes a reduced side setback to its western boundary. Here the proposed dwelling has a wall 10.7 metres in length that is at particular points setback at 1 metre. Table 2A requires all walls greater than 9 metres in length to be setback a minimum of 1.5m.

The proponent has requested consideration of these minor variations to the Acceptable Development Criteria based on the Performance Criteria of the R-Codes, being Clause 3.3.1 P1, Buildings Set Back from the Boundary.

These provisions require the following criteria to be met:

“Buildings set back from boundaries other than street boundaries so as to:

- *Provide adequate direct sun and ventilation to the building;*
- *Ensure adequate direct sun and ventilation being available to adjoining properties;*
- *Provide adequate direct sun to the building and appurtenant open spaces;*
- *Assist with protection of access to direct sun for adjoining properties;*
- *Assist in ameliorating the impacts of building bulk on adjoining properties; and*
- *Assist in protecting privacy between adjoining properties.”*

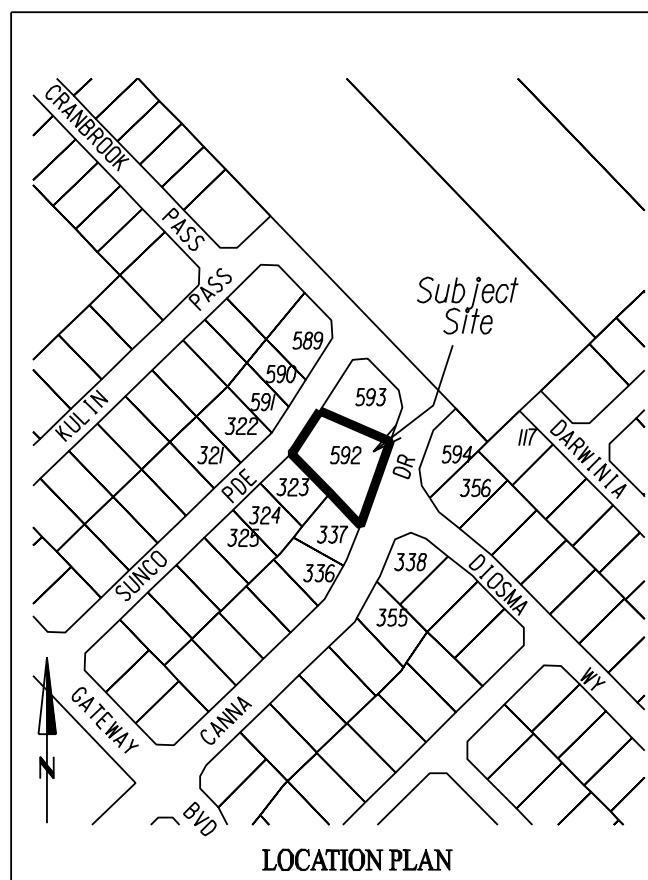
The applicant has submitted the following information in support of this request for consideration under the performance criteria:

- *The design of the units takes full advantage of the block and makes effective use of space.*
- *The varied side setback allows for extra habitable windows to be placed on front elevation, creating a more appealing streetscape and increasing levels of passive surveillance.*
- *The reduced setbacks allow for larger useable outdoor living areas, which permits more winter sun into habitable living areas.*

Schedule of Submissions

Three adjoining landowners were advised of the proposed setback variations and were requested to comment. One submission of objection was received and is summarised in the table below.

No.	Name/Address	Description of Affected Property: Lot No, Street, etc	Summary of Submission	Staff Comment
1.	G Cox Pty Ltd 21 Altona Street, Kensington, Vic 3031	48 (Lot 337) Canna Drive Canning Vale	Setback requirements should be strongly adhered to in medium density areas so as not to impede on neighbouring properties.	Noted. However, variations to setback requirements are minor and application does comply with Performance Criteria of R-Codes. It should also be noted that the setbacks to the boundary of the subject landowner comply with the R-Codes. (See below).



DISCUSSION

As mentioned in the above table, the setbacks to the shared boundary of the objecting landowner comply with the Acceptable Development of the R-Codes. Unit 2 (see site plan) actually proposes a nil boundary wall setback to 48 (Lot 337) Canna Drive, Canning Vale that complies with all of the requirements of the R-Codes. Therefore the immediate impact of the reduced setbacks to the objecting landowner is particularly minimal. No objections were received from 13 (Lot 323) Sunco Parade or 54 (Lot 593) Canna Drive Canning Vale, whose properties are those immediately adjoining the proposed reduced boundary setbacks.

Overall the application meets all the Acceptable Development Criteria under the R-Codes except for the side setback requirements for Units 1 and 4. In assessing the proposal under the Performance of Clause 3.3.1 P1, it is considered that:

1. Given the medium density nature of the proposal, the minor variations to the side setbacks would not negatively impact the proposed built form or significantly impede on neighbouring properties. It is worth noting that all four units propose parapet walls (nil setback) that comply with the Acceptable Development Criteria of the R-Codes.
2. Given the east/west orientation and rectangular shape of the subject and surrounding lots, these minor variations would still easily allow for adequate levels of direct sun and ventilation being available to adjoining properties.
3. Units 1 and 4 have outdoor living areas and windows to habitable rooms orientated north/north east, being ideal with respect to efficient solar orientation and ventilation for the proposed dwellings.

CONCLUSION

The proposal complies with all of the requirements of the Residential Design Codes with the exception of the side setback requirements for Units 1 and 4. Given the medium density nature of the proposed development; the minimal impact the reduced setbacks would have on the objecting landowner; the solar orientation of outdoor living areas and windows to habitable rooms within Units 1 and 4; the minimal impact the proposed built form will have on adjoining properties given their lot sizes, shapes and orientation; and the fact that the proposed variations to the prescribed setbacks outlined under the Acceptable Development Criteria 3.3.1 A1 are particularly minor, it is recommended that Council approve the proposal based on the Performance Criteria subject to standard conditions of development approval.

FINANCIAL IMPLICATIONS

Nil

STAFF RECOMMENDATION AND COUNCIL RESOLUTION
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352 Moved Cr R Hoffman Seconded Cr R Croft

“That Council approve the application for four grouped dwellings at 15 (Lot 592) Sunco Parade, Canning Vale, subject to the following standard conditions 4.1, 4.4 (\$8000 Development Bond), 5.1, 6.1, 9.1, 34.1, 37.1 and 44.1.”

CARRIED 8/2

FOR: Cr W Barrett, Cr R Croft, Cr R Hoffman, Cr P Wainwright, Cr R Mitchell, Cr O Searle, Cr D Griffiths and Cr PM Morris.

AGAINST: Cr J Brown and Cr S Iwanyk.

13.5.5 DEVELOPMENT APPLICATION – CARPARKING VARIATION – 66 (LOT 8) KELVIN ROAD, MADDINGTON.

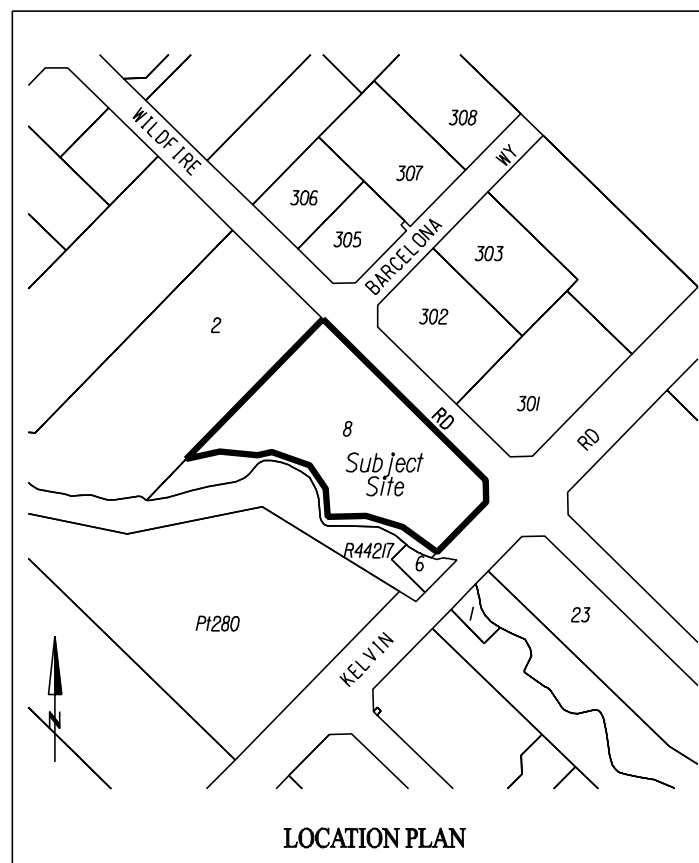
File: 205283 **Approve Ref:** 0203/1170 (SC) Psrpt090Jul04
Name: Western Australian Building Group
Location: Lot 8 Kelvin Road, Maddington
Zoning: MRS: Industrial
 TPS No. 6: General Industry
Appeal Rights: Yes. Town Planning Appeal Tribunal against a refusal or any
 condition(s) of approval.
Area: 1.2102ha

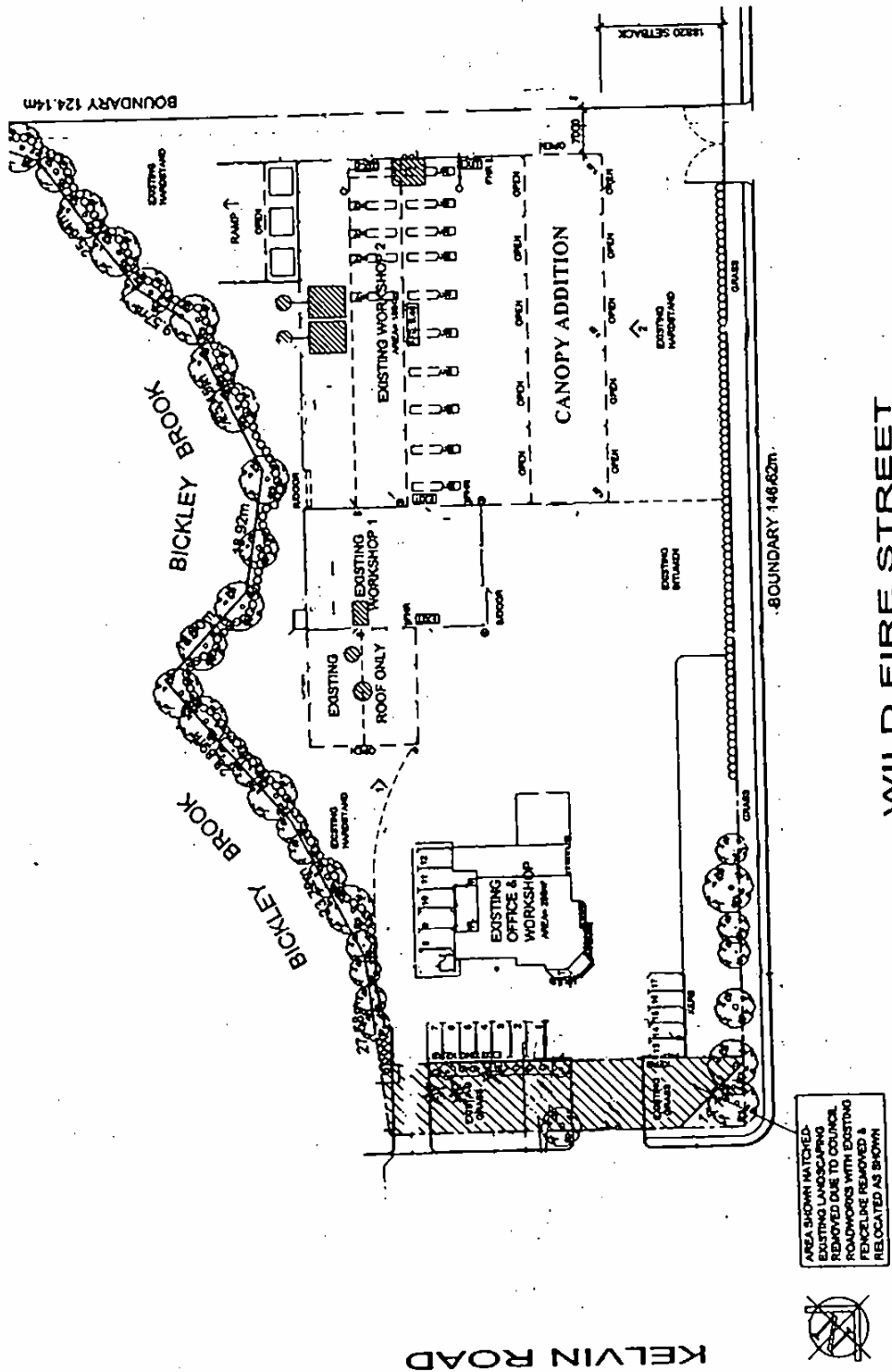
PURPOSE OF REPORT

For Council to consider a reduction in the number of carparking bays at 66 (Lot 8) Kelvin Road, Maddington as a request to vary the requirements of Town Planning Scheme No. 6 (TPS 6) has been submitted by the proponents. Such variations are outside the authority delegated to staff.

BACKGROUND

The subject lot is located on the corner of Kelvin Road and Wildfire Road, Maddington. It is zoned General Industry and contains a concrete manufacturing business (Maddington Concrete) which has been in operation since the 1970's. On 23 June 2003, Council approved a Canopy Addition to the Existing Workshop on site including a toilet facility which provides for disabled access.





SITE PLAN

66 (Lot 8) KELVIN ROAD, MADDINGTON

DISCUSSION

Clause 5.13.1 of TPS 6 states that carparking on site shall be provided in accordance with the requirements of Table No. 3A. The carparking provisions for General Industry developments is calculated at 1 space for every 100m² of open space used for such purposes, plus 1 space for every 100m² of gross floor area, plus 1 space for each employee. The total area of buildings on site is calculated as 3,615m², therefore the number of bays required for the subject site is a minimum of 37 bays. The approved plan for the Canopy Addition dated 23 June 2003 complied with scheme requirements as a total of 40 bays were provided on site.

Clause 5.13.3 Variations to Carparking Requirements states:

“Where the Council is satisfied that the circumstances of the development justify such action and there will not be any resultant lowering of safety, convenience and amenity standards, it may permit a reduction in the number of car parking spaces required by Clause 5.13.1.”

Clause 9.3 Amending or Revoking a Planning Approval.

“The local government may, on written application from the owner of the land in respect of which planning approval has been granted, revoke, or amend the planning approval, prior to the commencement of the use or development subject to planning approval.”

Schedule 9A – Notice of Revocation or Amendment of Planning Approval.

Any amendment to a planning approval requires that a Schedule 9A be issued.

Proposal

The stamped approved site plan for the Canopy Addition to the Workshop dated 23 June 2003, showed 40 carparking bays provided on site. The applicant has requested that Council consider a reduction in carparking bays on site to 17 carparking bays. In support of the variation, the applicant has advised that the current carparking layout needs to be revised due to land being resumed to enable Kelvin Road to be widened. In addition, the proponents have advised that currently 12 staff are employed on the subject site and there are approximately 4 visitors to the site per day. It is contended by the proponent that 17 bays is sufficient to cater for the parking requirements.

Site inspection confirmed that the area surrounding the existing office is sealed. The proposed 17 carparking bays are to be located adjacent to this existing office with access provided from Kelvin Road. As the area is sealed, any overflow parking requirements can be located on site along the northeast side boundary, adjacent to Wildfire Road. Any future expansion of the business would be subject to compliance with the scheme provisions relating to carparking, and therefore this area should be notated on the approved site plan “future parking” to ensure it remains available for future parking if required. Given the above, in this instance, any reduction in the

number of marked carparking bays provided on site, will not reduce the safety, amenity, or convenience for either the staff or customers.

CONCLUSION

Due to the size of the lot, the current use and the number of staff on site, it is considered that the reduction of the carparking bays on site will not impact on the convenience, safety or amenity of the site. It is considered that the provision of 17 carparking bays is sufficient to meet current parking needs on the subject site. It is therefore recommended that the application to vary the TPS6 carparking requirements utilising Clause 5.13.3 of TPS 6 be supported subject to the approved plan for the canopy addition to the workshop dated 23 June 2003 being amended to show an area for “future parking” and the 17 marked carparking bays on site.

FINANCIAL IMPLICATIONS

Nil.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION

353 **Moved Cr R Mitchell Seconded Cr P Wainwright**

“That Council approve the application for a variation in carparking bays at 66 (Lot 8) Kelvin Road, Maddington, and issue the relevant Schedule 9A for the amended plan, subject to appropriate notation on an amended site plan showing an area dedicated for potential future carparking requirements.”

CARRIED 10/0

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

AGAINST: Nil.

13.5.6 POLICY – PROPOSED POLICY ANCILLARY ACCOMMODATION - RURAL ZONES

File: A1/2/1 (SW) Psrpt091Jul04
Previous Ref: 17 December 2002 OCM (Resolutions 1001-1004)
25 February 2003 OCM (Resolutions 124-127)
Appendix: [13.5.6A Draft Policy - Ancillary Accommodation - Rural Zones](#) (Click to view)

PURPOSE OF REPORT

For Council to initiate of a new policy “Ancillary Accommodation – Rural Zones”.

BACKGROUND

Ancillary Accommodation is defined in the Residential Design Codes (R-Codes), as:

“Self-contained living accommodation on the same lot as a Single House that may be attached or detached from the Single House occupied by members of the same family as the occupiers of the main dwelling.”

Ancillary Accommodation was previously referred to as a “granny flat”, ie in Town Planning Scheme No. 1.

Prior to introduction of the R-Codes which were gazetted on 4 October 2002, Council had an Ancillary Accommodation policy. There were, however, discrepancies between that local planning policy and the R-Codes, such as the policy requirement that the ancillary accommodation not contain a laundry. However, that policy could not vary the R-Codes because the elements of the R-Codes that can be varied by local planning policy do not include ancillary accommodation. At the Ordinary Council Meeting held on 17 December 2002 (Resolutions 1001-1004) it was resolved that the discrepancies be dealt with by amending Town Planning Scheme No. 6 (TPS 6) to vary the R-Codes and revoking the policy, which occurred at the OCM held on 25 February 2003 (Resolution 127).

The amendment to TPS 6 was dealt with as part of Amendment No. 22, which was a scheme text amendment that proposed a number of changes or additions to TPS 6 in response to the introduction of the R-Codes. The portion of Amendment No. 22 that dealt with Ancillary Accommodation proposed:

- That a definition for Ancillary Accommodation be inserted into TPS 6;
- That Ancillary Accommodation be inserted, as a Use Class, into the Zoning Table; and
- Inserting the criteria from the old local planning policy into TPS 6.

When the Minister for Planning and Infrastructure considered Amendment No. 22, she finalised the definition and use class for Ancillary Accommodation, but the criteria from the old local planning policy were not finalised as they were seen to conflict with the R-

Codes, reducing consistency across Local Government. Instead, the criteria from the old local planning policy were referred through to the R-Codes Review Team for its consideration.

DISCUSSION

The referral of the criteria from the old local planning policy through to the R-Codes Review Team for its consideration is noted. However, the R-Codes do not apply in the City's Rural zones, and the deletion of that section of Amendment No. 22 means that the City has, with the exception of the definition, no specific criteria against which it should consider applications for Ancillary Accommodation in those zones.

It is therefore proposed that a new local planning policy be prepared that deals specifically with Ancillary Accommodation in the Rural zones (ie General Rural and Special Rural). The rationale for the new criteria are discussed below:

- The criteria under the original policy that Ancillary Accommodation not include a laundry cannot be incorporated into the new policy, as it does not comply with the TPS 6 definition that requires that Ancillary Accommodation be self-contained.
- The location of the Ancillary Accommodation is not considered to be a significant factor within the Rural zones, given the large lot sizes within those zones and the fact that the Ancillary Accommodation is self-contained. As such, no criteria are proposed with regard to the siting of the Ancillary Accommodation on the lot, other than to specify that where the proposed Ancillary Accommodation is not integral to the Single House, the R-Codes requirement for a maximum floorspace of 60m² be applied. That requirement shall ensure that the Ancillary Accommodation shall remain ancillary, where it is separated from the Single House.
- For the purposes of this policy, integration of the Ancillary Accommodation with the Single House refers to the two developments being under the same roof and sharing an internal connection (ie door).
- It is proposed that where the Ancillary Accommodation is integrated with the Single House, the ancillary nature of the proposal is assured and on that basis, greater flexibility should be allowed in terms of size (ie up to 90m²).
- It is considered appropriate to retain the condition of development approval that requires a memorial be placed on the title of the property, at the applicant's expense, to notify future purchasers that the ancillary accommodation is only to be occupied by a member or members of the same family as the occupiers of the main dwelling. Further, to make the actual requirement enforceable, it is recommended that a new condition of development approval be applied that requires that the ancillary accommodation is only to be occupied by a member or members of the same family as the occupiers of the main dwelling.
- The criteria from the R-Codes that one additional carparking space be provided is considered to be applicable to the Rural zones and are therefore included.

It is recommended that Council adopt the Draft local planning policy for the purposes of public advertising; the matter will be referred back to Council prior to finalisation.

FINANCIAL IMPLICATIONS

Nil.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION
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354 Moved Cr D Griffiths Seconded Cr R Hoffman

“That Council seek community comment on the Draft “Ancillary Accommodation – Rural Zones” Policy attached as Appendix 13.5.6A, and the Policy be advertised for 21 days for public comment.”

CARRIED 10/0

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

AGAINST: Nil.

13.5.7 TENDER 14/2004: TOWN SQUARE CONSTRUCTION

File: TEN14/2004

(AP)

Psprt094Jul04

Previous Ref: OCM 26 August 2003

PURPOSE OF REPORT

To present results of Tender 14/2004 for the construction of the new Gosnells Town Square.

BACKGROUND

The Town Square is a major construction project within the Gosnells Town Centre Revitalisation Scheme. Council resolved to award the Design, Tender Documentation and Contract Administration for New Town Square consultancy contract to Woodhead International at its Ordinary Council Meeting held on 26 August 2003. Woodhead International's main landscape sub-consultant is PlanE. Davis Langdon is the City's independent cost consultant for the project.

The design of Town Square includes tiered grass seating areas, a cascading water feature, fibre optic lighting and an outdoor entertainment area. It is located adjacent to the new Agonis Centre and will be a main focal point in the town centre, connecting to Pioneer Park.

The design and tender documentation was completed in mid May 2004.

DISCUSSION

Tenders were advertised for the construction of the Town Square in The West Australian on 29 May 2004 with a closing date of 15 June 2004. Tenderers were required to submit a two option tender, one being a conforming tender and the other an alternative tender. The alternative tender included less expensive materials for a number of design components.

The following evaluation matrix was specified in the tender document for the assessment of tenders.

No.	Detail	Weighting
1	Price	40%
2	Relevant experience	30%
3	Skills & experience of key personnel	30%
	Total	100%

Ten tender documents were collected by prospective tenderers. On request by a number of prospective tenderers the tender closing date was extended to 21 June 2004 to give more time for tender submission.

The tenders submitted and prices are listed below:

Company Name	Conforming Tender Price (Exc GST)	Alternative Tender Price (Exc GST)
Kato Concrete & Civil	Non-Conforming	\$937,555.49
DME Contractors	\$1,149,167.75	\$1,084,765.55
Environmental Industries	\$1,201,614.53	\$1,065,046.28

The tender evaluation panel consisted of a representative each from Woodhead International, PlanE and Davis Langdon and two representatives from the City.

A late tender was received from Dalcon Constructions and was not evaluated as per Local Government Tender Regulations.

Kato Concrete did not submit a conforming tender. Therefore as per 'Tender Conditions' it is a non-conforming tender. However Kato's tender was evaluated for comparison purposes only.

The tender evaluation matrix scores are listed below.

Company Name	Conforming Tender Score	Alternative Tender Score
<i>*Kato Concrete & Civil</i>	24%	64%
DME Contractors	61%	56%
Environmental Industries	86%	83%

** Comparison purposes only (Non-Conforming Submission)*

The preferred tenderer from the evaluation matrix for the conforming tender is Environmental Industries at a price of \$1,201,614. The preferred tenderer for the Alternative Tender is also Environmental Industries at a price of \$1,065,046.28. Environmental Industries is also the lowest complying tenderer for the alternative tender.

The pre-tender estimate of PlanE for the conforming tender was \$594,690. The pre-tender estimate of Davis Langdon for Town Square construction was:

Conforming tender	\$944,000
Alternative tender	\$796,000

FINANCIAL IMPLICATIONS

The Town Square construction is budgeted within the Town Centre Revitalisation Scheme account of 2004/2005 financial year.

The preferred tenderer for the conforming tender, Environmental Industries price is \$257,614 (27%) higher than the pre-tender estimate of \$944,000.

The preferred tenderer for alternative tender, Environmental Industries price is \$269,044 (34%) higher than the pre-tender estimate of \$796,000.

The consultants' (Woodhead International/ PlanE and Davis Langdon) view of tender prices submitted are that they do not represent 'value for money' and that tender prices are higher due to current status in the construction market of high availability of work and high forward contractor commitments.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION
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355 Moved Cr J Brown Seconded Cr D Griffiths

“That Council not accept any tender for Tender No. 14/2004 – Town Square Construction – on the grounds that no conforming tenders were submitted which represent value for money based on independent advice received.”

CARRIED 10/0

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

AGAINST: Nil.

13.5.8 REQUEST FOR ADDITIONAL TIME – STORAGE YARD FOR SCRAP METAL, 1733 (LOT 78) AND 1747 (LOT 101) ALBANY HIGHWAY, 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 second report in these Minutes.

13.6 REGULATORY SERVICES

13.6.1 LAND ACQUISITION - LOT 1767 MATISON STREET, SOUTHERN RIVER

File: 206605 / 231314 (TP) rpt025jul04
Previous Ref: Resolution 237 of 11 May 2004 Ordinary Council Meeting

PURPOSE OF REPORT

To inform Council as to the status of negotiations with the City of Perth over the purchase of Lot 1767 Matison Street, Southern River and obtain approval to enter into a deed of settlement in respect to future claims relating to contamination of the land.

BACKGROUND

Lot 1767 Matison Street, Southern River abuts the former liquid waste disposal facility situated at Lot 1768 Furley Road which was classified as a contaminated site, with remediation currently underway.

Council at its Ordinary Meeting held on 11 May 2004 resolved (Resolution 237) as follows:

“That Council, in accordance with Delegation 30, authorise the Chief Executive Officer to enter into negotiations with the City of Perth for the acquisition of Lot 1767 Matison Street, Southern River.”

As a result of the above resolution a formal offer was put to the City of Perth for the purchase of the land, with that offer being the notional sum of \$1. The offer also proposed the City would be responsible for all costs associated with the sale and transfer of the land.

DISCUSSION

Perth City Council have subsequently considered the offer and resolved, in light of their early operation of the site, which may have contributed to the contamination of the site, to approve the transfer of the land subject to the City of Gosnells entering into a deed of settlement to waive any right to future litigation or monetary claim in respect to contamination of the land in the Furley Road/ Matison Street, Southern River area.

In April the City of Perth obtained a valuation for the property from a licenced Valuer who is commonly recognised as the pre-eminent valuer in Western Australia of land that may be contaminated. His extensive assessment provided the following valuations:

- Current market value – pre remediation - Nil.
- Current market value – post remediation - \$555,000

As part of Ministerial Statement 483 which was the outcome of the Consultative Environmental Review into the former liquid waste disposal facility Council is required to clean up contamination which exists on Lot 1767. Preliminary estimates by Councils' consultants indicated this to be in the vicinity of 28.5% of the total remediation works. With the fixed sum component of the remediation contract being \$1,678,491, that equates to approximately \$478,000. In addition to this the City has expended in excess of \$500,000 on a myriad of soil and groundwater investigations and management plans to satisfy the requirements of the Department of Environmental Protection.

The requirement by the City of Perth for a deed of settlement waiving the right for future litigation or monetary claim is considered fair and reasonable, as the provision of the land will simplify the remediation works and provide the City with the opportunity to better contour the total land mass of Lots 1767 and 1768 which will enhance its development potential at a later date.

Preliminary discussion with Councils' legal advisors suggests there will be no major impediments in drafting such an agreement.

FINANCIAL IMPLICATIONS

The costs for transfer of land and development of deed of settlement could be met from the Southern River Contaminated Site Rehabilitation Reserve as it is expenditure associated with the overall remediation of Lot 1768. This Reserve account currently contains adequate funds for this purpose.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION
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356 Moved Cr R Hoffman Seconded Cr R Mitchell

“That Council accept the offer by Perth City Council to dispose of Lot 1767 Matison Street (Furley Road) Southern River to the City of Gosnells for the sum of one dollar (including GST) and authorise staff to engage solicitors to draft a deed of settlement to waive any right to future litigation or monetary claim against the City of Perth in respect of contamination of land in the Furley Road/Matison Street, Southern River area.”

CARRIED 10/0

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

AGAINST: *Nil.*

14. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

14.1 USED OIL RECYCLING COLLECTION POINTS – REPORT REQUEST

The following motion was proposed by Cr S Moss during “Notices of Motion for Consideration at the Following Meeting” at the Ordinary Council Meeting held 22 June 2004 for inclusion in “Motions for Which Previous Notice Has Been Given” of the 22 June 2004 Ordinary Council Meeting.

PROPOSED MOTION

That a report be presented to Council on the setting up of used oil recycling points throughout the City of Gosnells in conjunction with the Western Australian Local Government Association’s Municipal Waste Advisory Council.

COUNCILLOR COMMENT

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

“The Municipal Waste Advisory Council is assisting Western Australian Councils financially as well as practically by providing used oil recycling collection points along with education and promotional activities to make residents aware of such facilities in their area to encourage the use of the collection points.

Given the toxic, contaminating nature of used oils, the collection points would be a sound and sensible way of encouraging the responsible disposal by residents and businesses (e.g. industrial area) of their used oils. Furthermore, according to information in the June 2004 edition of the Local Government Focus (page 16. Used Oil Recycling Across Australia), “used oils can be recycled, cleaned and used again in a variety of ways, including industrial burner oil, mould oil, hydraulic oil, in bitumen based products, as an additive in manufactured products or as a re-refined base oil for use as a lubricant, hydraulic or transformer oil” – another positive outcome from the recycling of used oils.”

STAFF COMMENT

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

“The Municipal Waste Advisory Council Used Oil Programme offers grants to local governments to establish used oil collection points. The grants cover the supply of the collection tanks and some assistance towards essential site works. MWAC also provide public education and promotion material consisting:

- *Flyers aimed at different sectors;*
- *Officer briefings;*
- *Case studies; and*
- *Press releases – both state and community newspapers.*

The collection tanks are self-contained, prefabricated, transportable and self-bunded, however they do need to be placed on level pads with suitable access for service vehicles.

Ideally, the collection points need to be established at waste transfer facilities, drop-off points or other areas where suitable security can be provided where they can be monitored and secured against potential vandalism. The City's Operations Centre has been discounted for security reasons – public access to the Centre is restricted.

There are two (2) privately owned organisations within the district that accept/recycle used oil, one is located in Maddington the other in Kelmscott and currently residents are being referred to them.

Council staff are currently reviewing the City's Waste Management Strategy which includes the establishment of a waste transfer facility and the provision of a Household Hazardous Waste collection service. It is anticipated that the review will be presented to the Council in the near future.

The City of Canning has just completed the construction of a waste transfer station in Ranford Road, which accommodates used oil and other hazardous waste receival points. Options to make use of this facility will be explored and included in the review of the Waste Management Strategy."

COUNCIL RESOLUTION

357 Moved Cr O Searle Seconded Cr R Mitchell

That a report be presented to Council on the setting up of used oil recycling points throughout the City of Gosnells in conjunction with the Western Australian Local Government Association's Municipal Waste Advisory Council.

CARRIED 10/0

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

AGAINST: *Nil.*

15. NOTICES OF MOTION FOR CONSIDERATION AT THE FOLLOWING MEETING

Nil.

16. URGENT BUSINESS
(by permission of Council)

Nil.

17. CONFIDENTIAL MATTERS

Nil.

18. CLOSURE

The Mayor declared the meeting closed at 9.15pm.