

**CITY OF GOSNELLS**

**ORDINARY COUNCIL MEETING  
27 APRIL 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 27 April 2004.

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

The Mayor declared the meeting open at 7.32pm and welcomed those members of the public present in the public gallery, Councillors and staff.

### **DISCLAIMER**

The Mayor read aloud the following statement:

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

### **COUNCIL MEETINGS – RECORDING OF**

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

Notice within the Public Gallery in relation to recordings state:

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

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

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

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

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

I \_\_\_\_\_ CERTIFY THAT THESE  
MINUTES WERE CONFIRMED BY THE COUNCIL OF THE CITY OF GOSNELLS  
ON \_\_\_\_\_

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

MAYOR	CR P M MORRIS AM JP Honorary Freeman
DEPUTY MAYOR	CR R CROFT
	CR W BARRETT
	CR P WAINWRIGHT
	CR R MITCHELL
	CR S MOSS
	CR O SEARLE JP
	CR C MATISON
	CR J BROWN JP
	CR S IWANYK ( <i>Arrived 7.33pm</i> )
	CR D GRIFFITHS

**STAFF**

CHIEF EXECUTIVE OFFICER	MR S JARDINE
ACTING DIRECTOR COMMUNITY SERVICES	MR S CLARKE
DIRECTOR CORPORATE SERVICES	MR R BOUWER
DIRECTOR INFRASTRUCTURE	MR D HARRIS
DIRECTOR PLANNING & SUSTAINABILITY	MR R HAEREN ( <i>Departed 8.09pm</i> )
DIRECTOR REGULATORY SERVICES	MR T PERKINS
MANAGER CITY PLANNING	MS M HEGARTY
MINUTE SECRETARY	MS A CRANFIELD

*7.33pm - Cr S Iwanyk arrived at the meeting.*

**PUBLIC GALLERY**

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**APOLOGIES**

Nil.

**APPROVED LEAVE OF ABSENCE**

Cr Ron Hoffman was granted Leave of Absence vide Resolution 166 of the Ordinary Council Meeting held on 13 April 2004.

**3. DECLARATIONS OF INTEREST**

Cr R Mitchell declared an Impartiality Interest in item 12.1 "Safe City Task Force".

**Reason:** Chair of the Safe City Task Force Committee.

Cr S Iwanyk declared an Impartiality Interest in item 12.1 "Safe City Task Force".

**Reason:** Member of the Safe City Task Force Committee.

**4. ANNOUNCEMENTS BY THE PRESIDING MEMBER**

(without discussion)

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

**5. REPORTS OF DELEGATES**

(without debate)

Nil.

**6. QUESTION TIME FOR THE PUBLIC AND THE RECEIVING OF PUBLIC STATEMENTS**

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

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

Questions and statements are to be –

- a) Presented in writing on the relevant form to the Chief Executive Officer prior to commencement of the meeting; and
- b) Clear and concise.

**QUESTIONS TAKEN ON NOTICE AT PREVIOUS MEETINGS AWAITING RESPONSE**16 December 2003 Ordinary Council Meeting

\* Mr George Walczak of 99 Victoria Road, Kenwick asked the following questions:

Q 1 What is the Council's requirement in notifying residents or asking for comments when poultry farms reapply/or apply for building modifications/extensions?

Q 2 Is it the Council's policy to approve modifications to an application granted six years ago without consultation with residents who already have a problem with smell from the farm?

**Interim Response:** In reply to Mr Walczak, the Coordinator Planning Implementation forwarded the following written interim response on 5 January 2004:

*“Poultry Farm - 127 (Lot 246) Victoria Road, Kenwick*

*Thankyou for your recent enquiry regarding the abovementioned matter. Please be advised that a response in being prepared, which shall be sent as soon as possible.*

*In the meantime, should you require any assistance please call Stephen Walker on the abovementioned number.”*

- \* Mrs Georgina Bennett of 122 Victoria Road, Kenwick asked the following question:

Q 1 Why were only 2 objections noted when the matter of the construction of 2 extra sheds at 127 Victoria Road (chicken farm) was brought before a full Council meeting in December 1997 when I have been advised that 6 different landowners objected in writing at the time?

**Interim Response:** In reply to Mrs Bennett, the Coordinator Planning Implementation forwarded the following written interim response on 5 January 2004:

*“Poultry Farm - 127 (Lot 246) Victoria Road, Kenwick*

*Thankyou for your recent enquiry regarding the abovementioned matter. Please be advised that a response in being prepared, which shall be sent as soon as possible.*

*In the meantime, should you require any assistance please call Stephen Walker on the abovementioned number.”*

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

Nil.

### **6.1 QUESTION TIME**

- \* Mr Clifford Harris of 22 Bridal Crescent, Kenwick asked the following questions in relation to item 13.5.3 “Development Application – Storage Yard for Scrap Metal – 1733 (Lot 78) Albany Highway, Kenwick” of the agenda:

Q 1 Will Council disclose to the ratepayers present any terms and conditions of any lease or agreement at that premises?

Q 2 Will Council be rejecting outright the application on the grounds of noise, working hours and ratepayers’ strong objections?

**Response:** The Mayor answered the second question advising that Council would make their decision this evening.

The Director Planning and Sustainability responded to the first question advising that Council was not aware of, nor privy to, the terms and conditions of any lease between the operator and his landlord and therefore was not in a position to disclose the requested information.

- \* Dr Hay Man Mak of 2 Rawley Gardens, Mount Claremont asked the following questions in relation to item 13.5.3 “Development Application – Storage Yard for Scrap Metal – 1733 (Lot 78) Albany Highway, Kenwick” of the agenda:

Q 1 I would like to ask the Council what benefit it will derive from such approval to turn the place into a semi-rubbish dump and upsetting all of the surrounding property owners with the noise and unsightly scrap metals and trucks?

Q 2 Unless the Council was to derive a benefit from it, I don’t see why the Council would approve it and if so, I would ask the Council how much they would be prepared to compensate the surrounding property owners from the deleterious effects caused by this application?

**Response:** The Director Planning and Sustainability advised the issues raised were the basis for the officers recommendation for refusal. In terms of compensation, he advised as this was a legal matter, he could not provide comment.

## 6.2 PUBLIC STATEMENTS

- \* Mr John Roman of 251 Heritage Drive, Roleystone made a public statement in relation to item 13.5.3 “Development Application – Storage Yard for Scrap Metal – 1733 (Lot 78) Albany Highway, Kenwick” speaking against the staff recommendation contained within the agenda. In seeking Council’s support for his application for a storage yard for scrap metal, Mr Roman advised he had 23 years experience in the scrap metal industry, with his present company operating in Liddelow Street for 3 years expanding to become the third largest metal exporter in Western Australia. He referred to other much larger scrap metal companies still operating in other Shires in the metropolitan area who have successfully dealt with issues resulting from encroaching housing and traffic. Mr Roman expressed the view all issues of concern could be dealt with, as they had been in other Shires, but did not believe he had been given adequate time to prepare an action plan.
- \* Dr Hay Man Mak of 2 Rawley Gardens, Mount Claremont made a public statement in relation to item 13.5.3 “Development Application – Storage Yard for Scrap Metal – 1733 (Lot 78) Albany Highway, Kenwick” speaking in favour of the staff recommendation contained within the agenda. Dr Mak strongly objected to the proposal due to the development’s close proximity to light industrial and commercial properties, expressing the view that it could become an unsightly semi-rubbish dump with the trucks causing traffic and noise problems. He added that he could not see why Council would approve such a



development unless it was to derive some commercial or financial benefit from the proposal and if that was the case questioned how Council would compensate owners of surrounding properties.

- \* Mr Domenico Papalia of 10 Birringo Way, Martin made a public statement in relation to item 13.5.4 “Development Application – Ancillary Accommodation – Lot 10 Birringo Way, Martin” speaking in favour of the staff recommendation contained within the agenda. Mr Papalia advised that he and his wife had resided at their property at 10 Birringo Way for approximately 40 years and were recipients of an aged pension. In seeking Council’s support for ancillary accommodation he advised it would enable he and his wife to remain on their property into old age with their daughter and son-in-law to care for them as they grew older. Mr Papalia welcomed the proposal from his children to support and care for he and his wife as this would prevent them from burdening residential and community aged care support services.

## 7. CONFIRMATION OF MINUTES

COUNCIL RESOLUTION
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### 191 Moved Cr J Brown Seconded Cr D Griffiths

“That the Minutes of the Ordinary Council Meeting held on 13 April 2004, be confirmed.”

CARRIED 11/0

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

*AGAINST: 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.

- \* Mr Peter Webb, Principal of Peter D Webb and Associates, following prior consent of the Mayor, made a 10 minute presentation as part of a deputation in relation to item 13.5.1 “Town Planning Scheme Amendment, Proposal to Initiate - Town Planning Scheme No. 6 - Text Amendment to Include Conditions Relating to Restricted Use "Shop" in Item 4 (2) of Schedule 3 of The Scheme”. Mr Webb introduced the other members of the deputation prior to providing Council with an overview of the application to date indicating that the development did in fact have prior approval of the City to operate in its present form. He advised that the owners and operators of the site were in support of the

staff recommendation contained within the report and urged Council to support its adoption. At the conclusion of 10 minutes the Mayor invited questions from Councillors all of which were responded to by the deputation.

## **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.

The Mayor, Cr PM Morris requested leave of absence from 23 to 28 May 2004 to attend the 2004 Local Government Managers Association National Congress and Study Tour, which includes the 25 May 2004 Ordinary Council Meeting.

<b>COUNCIL RESOLUTION</b>
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### **192 Moved Cr R Mitchell Seconded Cr P Wainwright**

“That Council grant leave of absence to Cr PM Morris from 23 to 28 May 2004, inclusive.”

CARRIED 11/0

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

*AGAINST: Nil.*

## **10. QUESTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN** (without discussion)

Nil.

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

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

COUNCIL RESOLUTION
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**193 Moved Cr W Barrett Seconded Cr R Croft**

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

- \* Item 13.5.1 Town Planning Scheme Amendment, Proposal to Initiate - Town Planning Scheme No. 6 - Text Amendment to Include Conditions Relating to Restricted Use "Shop" in Item 4 (2) of Schedule 3 of the Scheme;
- \* Item 13.5.3 Development Application – Storage Yard for Scrap Metal – 1733 (Lot 78) Albany Highway, Kenwick; and
- \* Item 13.5.4 Development Application – Ancillary Accommodation – Lot 10 Birringo Way, Martin.”

CARRIED 11/0

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

*AGAINST: Nil.*

**13.5.1 TOWN PLANNING SCHEME AMENDMENT, PROPOSAL TO INITIATE - TOWN PLANNING SCHEME NO. 6 - TEXT AMENDMENT TO INCLUDE CONDITIONS RELATING TO RESTRICTED USE "SHOP" IN ITEM 4 (2) OF SCHEDULE 3 OF THE SCHEME**

File: TPS/6/35 (MH) Psrpt065Apr04  
Name: Peter Webb and Associates  
Location: Lot 1 Nicholson Road, Canning Vale  
Zoning: MRS: Urban  
TPS No. 6: Residential Development  
Appeal Rights: Final determination is by Hon. Minister for Planning once initiated by Council  
Area: 1.7335ha  
Previous Ref: Nil  
Appendices: [13.5.1A Letter to the City from Peter Webb \(Click to view\)](#)  
[13.5.1B Letter to Peter Webb and Associates \(Click to view\)](#)

**PURPOSE OF REPORT**

For Council to reconsider a proposed amendment to Town Planning Scheme No. 6 (TPS 6) to enable "Shop" use to be allowed at Lot 1 Nicholson Road, Canning Vale.

**BACKGROUND**

At the Ordinary Council Meeting on 13 April 2004 Council resolved not to initiate an amendment to TPS 6 to remove restricted use "Shop" from Item 4 (2) of Schedule 3 of the Scheme.

A letter has been received from Peter Webb and Associates on behalf of the occupier of the premises Makro Warehouse requesting that Council reconsider the proposed amendment.

This request is based on the fact that detailed correspondence to the City dated 4 March 2003 advised of a proposal by Makro to occupy one of the Showroom Warehouse tenancies in the complex. This included a schedule of departments and corresponding floor space areas within each of these departments. A copy of this letter is attached in Appendix 13.5.1A. The City's response to this letter indicated that the proposed Makro Warehouse generally complies with the land use of "Showroom" as defined in the Councils TPS 6 and as such the land use on the subject site was acceptable. A copy of the City's letter dated 18 March 2003 is also attached in Appendix 13.5.1B.

**DISCUSSION**

The emerging commercial entity of discount variety stores do not neatly fit into traditional use classes contained within Town Planning Schemes. These types of retail outlets are neither wholly showroom or wholly shop. These establishments include traders as such as Bunnings, WA Salvage, Red Dot Stores, Crazy Clarks and the like.

Where these establishments operate elsewhere in the City they are generally located in a zone where both Showroom and Shop are permissible uses.

In the case of Lot 1 Nicholson Road, the use class Shop is expressly prohibited which presents an obstacle to accommodating these sorts of uses.

It is the opinion of staff that the manner in which Makro Warehouse is operating is predominantly Showroom with a minor area falling within the definition Shop. This is typical of the new retail trend of discount variety stores.

In this regard the following comments are made.

The applicant sought advice from the City regarding the proposed use prior to occupying the premises in question.

The information provided a list of items proposed to be retailed and an indication of the floor area required for each. Their letter indicated that in many respects the facility might be similar to a Bunnings store which whilst having the vast majority of its floor space being set aside for the display and sale of goods of bulk nature also includes small areas of the store set aside for the display and sale of smaller items including screws and bolts, etc.

On this basis the City responded indicating that based on the advice in their letter it was the view of Council staff that the proposed use on the subject site was acceptable.

The Makro Warehouse opened just prior to Christmas 2003. Staff and Councillors received numerous complaints due to the significant traffic, parking and safety issues generated at the time of opening. In order to get these issues addressed as a matter of urgency the City issued notices under Section 10 of the Town Planning and Development Act to Professional Funds Management as the owners of the property and to Makro Warehouse as the occupiers of the property. The notices indicated that the activities carried out on site were in breach of the planning approval on the grounds that:

1. Landscaping on the site and road verges had not been completed in accordance with the conditions of development approval.
2. Ranford Road had not been upgraded in accordance with approved plans.
3. The items and manner in which some goods were being sold by Makro Warehouse constituted a "Shop" and not "Showroom" as per the planning approval.

The owner and applicant exercised their right under the Town Planning and Development Act and appealed the Notices which set in play a negotiation between the City, Makro Warehouse and the Owner.

With regard to the issues identified as being in breach of the planning approval landscaping was the responsibility of the developer and the owner has advised that additional monies are to be spent to improve the landscaping, it is expected that this

work will be completed by the end of April providing there are no unexpected delays. At the latest the work will be completed by mid May. The required upgrade to Ranford Road has now been completed. The issue of part of the premises being used as a Shop is unresolved and is the reason for the current proposal to amend TPS 6.

It became apparent when inspecting the site following the receipt of complaints that the manner in which Makro Warehouse operates was not as understood by staff based on the original letter of 4 March 2003 outlining the proposed activity.

Whilst for the most part the nature of the Makro Warehouse activity was as understood, two specific areas of the activity were of concern. These included the sale of clothing under the Millers Family Club label within the building via a separately partitioned area with separate cash registers and the sale of perishable items, in particular bread and milk. It is the opinion of staff that these activities constitute a Shop use. In addition the floor area allocated to the sale of clothing was significantly greater than that indicated in the letter from Peter Webb dated 4 March 2003 seeking advice on the proposed use.

Notwithstanding this the crux of the issue relates to the inability of TPS 6 to neatly accommodate discount variety stores and the question of whether the use of Lot 1 for Makro Warehouse is acceptable on planning grounds.

If a proposed use or outcome is considered acceptable on planning grounds then it is considered reasonable and appropriate to facilitate the proposal.

In acknowledging the commercial trend towards discount variety stores and given that TPS 6 does not include a use class that neatly fits this type of retail activity an amendment to TPS 6 to enable all aspects of Mako Warehouse activity to be legitimised by the issuing of a development approval under TPS 6 was considered the most appropriate way to resolve the issue in the short term. In the longer term it is considered that an amendment to introduce a new use class to allow for discount variety stores should be contemplated.

The reason for restricting Shop use on the site in the first instance was to ensure that development that occurred on the site was complementary to and did not directly compete with the Livingstone Market Place District Centre on the opposite side of Nicholson Road and that complementary activities could be dealt with.

It is the opinion of staff that a discount variety store will not directly compete and provides a complementary retail form to that of the "Pure" Shop uses located in the district centre.

It is for these reasons that the proposal was supported by staff.

The amendment as put forward on the 13 April 2004 did not propose to include any conditions limiting retail floor space or the nature of the shop use.

In order to provide greater clarity regarding the nature of the shop use considered appropriate in this location an alternative approach would be to continue to include shop

as a restricted use with a restricted floor area and an appropriate description of the manner in which it is to operate.

It is noted that with respect to any future development applications for shop use the area of shop would be restricted to approximately 400m<sup>2</sup> by virtue of the availability of parking on site as outlined in the agenda item 12.5.2 of 13 April 2004.

**CONCLUSION**

On the basis that a discount variety store is considered an acceptable use on the subject lot it is considered appropriate to amend TPS 6 to accommodate this sort of use. It is therefore recommended that TPS 6 be amended to allow the shop use with a restricted floor area and clarify the nature of the operation in the conditions associated with Schedule 3 of TPS 6.

**FINANCIAL IMPLICATIONS**

Irrespective of whether the scheme amendment is approved or not costs relating to prosecution will be incurred and can be met from Account 31006.181.2760. The scheme amendment will however minimise the cost to be incurred by allowing the prosecution to be ceased.

**STAFF RECOMMENDATION AND COUNCIL RESOLUTION**

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

“That Council, pursuant to Section 7 of the Town Planning and Development Act 1928 (as amended), amend Town Planning Scheme text by adding conditions to Item 4(2) of Schedule 3 (Restricted Uses) of the City of Gosnells Town Planning Scheme No. 6 as follows:

No.	Description of Land	Restricted Use	Conditions
4	Lot 1 Nicholson Road (corner of Ranford Road), Canning Vale	1) Tavern 2) Uses permissible in Mixed Business Zone and Schedule 2 (12), excluding the uses Convenience Store and Fast food outlet.	1) Tavern limited to 200m <sup>2</sup> floor area 2) Shop use to be limited to 400m <sup>2</sup> . 3) Shop use to be carried out as an associated part of and within the same tenancy as a Discount Variety Store.

**CARRIED 9/2**

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

*AGAINST:* Cr R Croft and Cr J Brown.

**13.5.3 DEVELOPMENT APPLICATION – STORAGE YARD FOR SCRAP METAL – 1733 (LOT 78) ALBANY HIGHWAY, KENWICK**

File: 222509 **Approve Ref:** 0304/1339 (SC) Psrpt062Apr04  
Name: Bulk Metal Traders (Australia)  
Location: 1733 (Lot 78) & 1747 (Lot 101) Albany Highway, Kenwick  
Zoning: MRS: Urban  
TPS No. 6: General Industry  
Appeal Rights: Yes. Town Planning Appeal Tribunal against a refusal or any condition(s) of approval.  
Area: 1.7553ha  
Appendix: [13.5.3A Location Plan \(Click to view\)](#)

**PURPOSE OF REPORT**

For Council to consider an application for Storage and Processing Yard for Scrap Metal at 1733 (Lot 78) and 1747 (Lot 101) Albany Highway (access from Liddelow Street), Kenwick as the proposal is outside the authority delegated to staff.

**BACKGROUND****Site Description**

The subject site is located on the western side of Albany Highway, with access provided via Liddelow Street. There is no access direct to Kenwick Link. The land is flat and the applicant leases the rear portion of both lots for storage of scrap metal, whilst the front portion of the lots fronting Albany Highway includes separate businesses such as motor vehicle sales yard, part supplies, and a lunch bar etc. Other surrounding land uses generally include such uses as motor vehicle repairs, motor vehicle sales, motor vehicle parts, swimming pool manufacture and sales and showroom/retail uses. The majority of the uses are considered to be more light industrial in nature than general industrial land uses and in general are contained indoors.

**Town Planning Scheme No. 6**

The subject property is zoned “General Industry” under Town Planning Scheme No. 6 (TPS 6). Under the provisions of TPS 6, industrial development within the General Industry zone is designated “D” a use which is not permitted unless Council has granted approval.

**Site History**

Council records show that approval was granted on 1 February 2002 for a portion of 1747 (Lot 101) only, to be used as a “Storage/Contractors Yard” which included storage of scrap metal, stainless steel and cast iron as well as electrical cables and steel and copper pipes and tubing. On 27 November 2002 approval was granted for a 30 tonne weighbridge located along the rear boundary adjacent to the Kenwick Link. No formal approval was granted for the current operation which has now expanded into the adjacent lot. Current activity is now not limited to storage but also involves limited



processing in the form of shearing, cutting and crushing metal. On request, after multiple related noise complaints brought about by the operation of the business between 2100 hours and 2300 hours and weekends had been received, the applicant submitted a formal development application to use the rear portions of 1733 (Lot 78) and 1747 (Lot 101) Albany Highway, for storage and processing of scrap metal.

### **Proposal**

The applicant Bulk Metal Traders Australia, A1 Metal Recyclers, Car Iron Recyclers and Car Crushers (WA) wish to use the subject site for the storage of metal. The main focus of the business is to collect and export heavy scrap steel and alloys in sea containers to India, China, Malaysia and Indonesia. However, the applicant advised that the availability of containers for export together with the difficulties associated with trucking companies being able to discharge cargo for export at the wharf meant that loading sea containers is no longer viable or a practical option, therefore the metal is now being stockpiled for bulk shipment. Heavy steel is cut using an oxy-torch or mechanical shears and the light metal is crushed into blocks. No melting of steel is undertaken on site, and consequently it is not a “prescribed premise”, and does not require to be licensed by the Department of Environment.

There are three stockpiles on site:

Stockpile A = 20m x 6m x 6m high

Stockpile B = 40m x 6m x 6m high

Stockpile C = 40m x 12m x 6m high

The normal hours of operation are 6:00am to 6:00pm Monday to Friday and Saturday 6:00am to 2:00pm. A total of 8 staff are employed at the site. The metal is stockpiled ready for four shipments per year, taking up to four (4) days to load. When loading for a shipment the hours of operation would be extended to up to 18 hours per day, with mobile lighting towers used when working at night as located on the site plan. No light spillage would occur due to distance from the nearest residences and separation by Kenwick Link and Railway line. Access to and from the site is via Liddelow Street, with no direct access to Kenwick Link (refer Site Plan for traffic movement and location of lighting towers and stockpiles).

The applicant has advised that they have a Main Roads Department permit for the sub-contracted vehicles to use the Kenwick Link via Albany Highway on their way to the wharf.

A noise report was also submitted as part of the application. Vipac Engineers and Scientists Ltd (VIPAC) were commissioned to conduct a noise survey around the scrap metal operations at the subject premises. The noise generated during these measurements were representative of the worst case scenario and consisted of grabbing scrap metal from the top of the stockpile and dropping it into an empty metal skip.

In summary, Vipac advised the following:

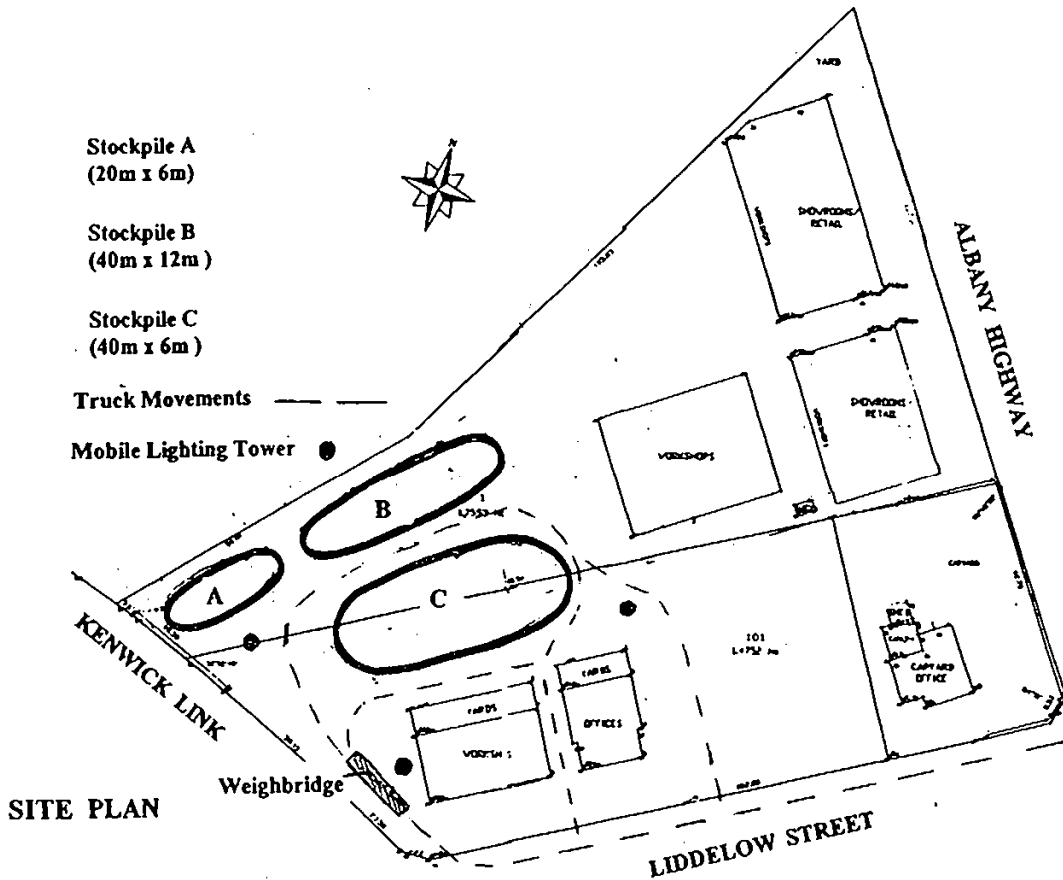
*“Measurements show that there is likely to be a modest exceedence of EPA regulations particularly if operations are to occur during the night.*

*Complaints however are unlikely due to:*

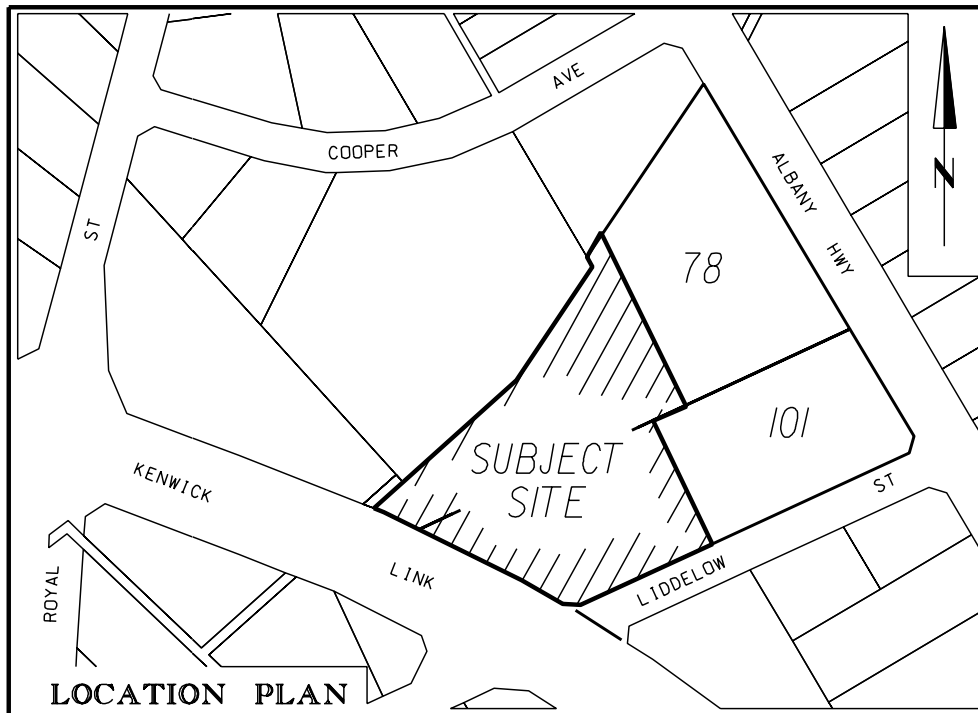
- \* *The infrequent nature of the operation.*
- \* *The fact that calculated noise levels represent extreme “worst case” conditions.*
- \* *The presence of high background noise levels, due mainly to traffic noise from the Kenwick Link.*

*However, we would make the following recommendations in order to reduce the noise impact on nearby residence.*

- \* *Local residents to be given advance notice during nighttime operation (maintain maximum stockpile heights, perimeter fencing etc.)*
- \* *Shielding to be maximised especially during nighttime operation (maintain maximum stockpile heights, perimeter fencing etc.)*
- \* *“Drop heights” should be minimised during the loading operation.”*



**1733 (Lot 78) & 1747 (Lot 101) ALBANY HIGHWAY,  
(LIDDELOW STREET), KENWICK**



## DISCUSSION

The application complies with the standard requirements of TPS 6 for development in “General Industrial” zones, in respect to setbacks, landscaping and carparking. However, in considering applications for planning approval Council is required to have due regard to the matters outlined in Clause 11.2 of TPS 6 (Matters to be Considered by Local Government). These matters include relevant State government policies, the compatibility of a use or development in its setting, the preservation of the amenity of the locality and any other relevant planning consideration.

In early March 2004, City’s Health Services received 21 noise complaints relating to the operation of the scrap metal yard. Investigations at the time revealed that a shipment had been loaded and hours of operation had extended late into the night and early morning. It should be noted that the high number of noise complaints contradicts the opinion stated in the consultants noise report submitted by the applicant.

Some developments or uses have the potential to impact upon the amenity of the surrounding area with respect to factors such as visual amenity, noise and odour. The City of Gosnells Policy 6.1.1.1, states that the size of advertising area for applications within the General Industry zone is a minimum 300 metres or nearest 21 lots.

Given the number of complaints received outside the 300 metre radius, the application was referred to all property owners within a 500 metre radius of the subject site for comments. This accords with the Department of Environment’s Code of Practice for Scrap Metal Recycling Yards which states that premises should not be located within 500 metres of gazetted residential areas.

## Advertising Outcome

A total of 62 submissions were received, relating to 58 properties and 4 from servicing authorities. There were 50 objections, 7 non objections and 5 conditional non objections. The main areas of concern related to noise, dust, visual amenity, environmental impact, increase in traffic, safety issues and the detrimental impact on the future development of the locality of Kenwick.

As the proposal was referred to landowners within a 500 metre radius, the referral/location map is attached as Appendix 13.5.3A.

## Schedule of Submissions

No.	Name/Address	Description of Affected Property: Lot No, Street, etc	Summary of Submission	Staff Comment
1.	Department of Environment		<p>Non Objection.</p> <p>1) Confirmed the premises does not require a licence from the Department of Environment.</p> <p>2) Recommend that all non ferrous metals be stored on impervious hardstand. (Site inspection confirmed this is current practice).</p> <p>3) Premises to have sump on site to contain stormwater run-off in order to prevent stormwater going into adjacent drains and wetlands in the area</p> <p>4) Noise issues to be addressed by the City's Environmental Health staff.</p>	<p>Noted.</p> <p>Noted.</p> <p>Noted.</p> <p>Refer Discussion section.</p>
2.	Main Roads Department		<p>Non Objection</p> <p>1) Subject to no earthworks to encroach onto Kenwick Link and Albany Highway.</p> <p>2) No stormwater drainage to be discharged onto Kenwick Link and Albany Highway.</p> <p>3) No vehicle access permitted directly onto Kenwick Link and all vehicle access restricted to the existing driveway on Albany Highway.</p>	<p>Noted.</p> <p>Noted.</p> <p>Vehicles currently access subject lot via Liddelow Street.</p>

No.	Name/Address	Description of Affected Property: Lot No, Street, etc	Summary of Submission	Staff Comment
			4) No development other than landscaping or carparking permitted within land required for future road widening purposes for Albany Highway. 5) Applicant to make good any damage to existing verge vegetation within Kenwick Link and Albany Highway reservations. Redundant driveways shall be removed and verge and its vegetation made good at the applicants costs.	Noted.  Noted.  Noted.
3.	Western Australian Planning Commission 469 Wellington Street, Perth WA 6000	Various lots Royal Street, Osmond Street and Kenwick Link.	Non Objection Subject to compliance with the City of Gosnells Town Planning Scheme No. 6 (No variations to zonings within TPS 6 will be supported)	Noted.
4.	Leo Hube Industrial Leasing Company Pty Ltd PO Box 115 Kelmscott WA 6111	1712 (Lot 201) Albany Highway, Kenwick.	Non Objection.	Noted.
5.	D Sykes 13 Bradford Street, Kewdale WA 6105	9 (Lot 8) McIntyre Way, Kenwick.	Non Objection.	Noted.
6.	Robert Meyerink	38 (Lot 12) Royal Street, Kenwick	Conditional Non Objection. 1) Does not object to the business, but does object to noise from the late night operations 2) Suggests that containers for shipment be pre filled rather than creating pyramids of scrap metal on site.	Noted. Refer Discussion Section.  Noted.
7.	A Panetta Lot 8 Cooper Avenue, Kenwick.	10 (Lot 9) & 18 (Lot 8) Cooper Avenue, Kenwick	Non Objection.	Noted.
8.	B Diamond	30 (Lot 60) Osmond Street, Kenwick.	Objection Area already affected by noise from traffic on Kenwick Link. Extra noise is not acceptable.	Refer Discussion section.
9.	C D Jack	14 (Lot 514) Chadwell Street, Kenwick	Objection. 1) Concerns regarding health and welfare of the community.	Refer Discussion section.

No.	Name/Address	Description of Affected Property: Lot No, Street, etc	Summary of Submission	Staff Comment
			2) Noise from site is disruptive causing loss of sleep, interference to activities and emotional stress. Cannot open bedroom or lounge windows during normal working hours without being disturbed.	Noted.
10.	R A Essler & A Madden	10 (Lot 36) Aldinga Street, Kenwick.	<p>Objection.</p> <p>1) Concerns regarding safety with respect to sheets of iron from stockpiles being blown onto Kenwick Link.</p> <p>2) Concerns regarding visual amenity as Department of Main Roads has beautified Kenwick Link and the subject lot is unsightly.</p> <p>3) Concerns regarding noise levels and who will monitor and process any breaches.</p> <p>4) Believes that the site has a detrimental effect on the desirability of living in the Kenwick area which does not accord with the City's redevelopment of the older suburbs.</p>	<p>Refer Discussion section.</p> <p>Agree.</p> <p>Refer Discussion section.</p> <p>Agree.</p>
11.	M W & P A Barker	65 (Lot 545) Stafford Road, Kenwick.	<p>Objection.</p> <p>Noise and aesthetic reasons.</p>	Refer Discussion section.
12.	B Bierwat Freedom Pools 1763 Albany Highway, Kenwick	1759 (Lot 39) Albany Highway, Kenwick.	<p>Objection.</p> <p>1) All scrap yards are unsightly and should not be located on a main street.</p> <p>2) The \$100,000 spent beautifying our pool display upgrades the area, whereas the scrap yard degrades the area and will reduce investment into the area.</p>	<p>Noted.</p> <p>Noted.</p>
13.	C Winter	11 Osmond Street, Kenwick.	<p>Objection.</p> <p>1) The metal stockpiles are unsightly.</p> <p>2) Noise emanating from site continues from early morning to late night.</p> <p>3) Should be located elsewhere.</p>	<p>Refer Discussion section.</p> <p>Noted.</p> <p>Noted.</p>

No.	Name/Address	Description of Affected Property: Lot No, Street, etc	Summary of Submission	Staff Comment
14	M V Smith	66 (Lot 22) Royal Street, Kenwick.	Objection. Normal hours of operation reasonable, however, working 18 hours per day when loading is unacceptable with no regard for the health and comfort of the surrounding properties.	Refer Discussion section.
15.	D Mancini	1787 (Lot 1) Albany Highway, Kenwick.	Objection. 1) Scrap metal yard should be located in an industrial area (eg Kelvin Road industrial estate) away from a main arterial road and not within existing commercial area. 2) Negative visual impact 3) Environmentally unfriendly. 4) New development in Kenwick & Maddington should compliment and attract new development..	Noted. The subject lot is zoned General Industry, however, the surrounding land uses include, uses such as showrooms and car sales display yards.  Noted.  Noted.
16.	P Otness 6B Aldinga Street, Kenwick.	6 (Lot 104) Aldinga Street, Kenwick.	Objection. 1) Scrap yard is unsightly and should be located in Canning Vale Industrial area. 2) Goes against redevelopment of Kenwick & Maddington areas particularly when an Aboriginal memorial has been erected where the Link meets Albany Highway.	Refer Discussion section.  Refer Discussion section.
17	R Stone	1 (Lot 524) Chadwell Street, Kenwick.	Objection. Noise levels.	Refer Discussion section.
18	Dr Hayman Mak – Juventas Pty Ltd and Macman Pty Ltd 2 Rawley Gardens Mt Claremont WA 6010	1711 (Lot 101) & 1715 (Lot 102) Albany Highway, Kenwick.	Objection.  1) Scrap yard is unsightly and will cause downgrading of area.  2) Will affect commercial value of area.  3) Concerns regarding traffic generated from the scrap yard.	Refer Discussion section.  Development applications are assessed on merit in accordance with scheme provisions. Refer Discussion section.
19	KM Allen	6 (Lot 85) Amarina Close, Kenwick.	Conditional Non Objection. No access from Liddelow Street direct to Kenwick Link.	Noted. No access direct to the Kenwick Link permitted. Refer to 3 above.

No.	Name/Address	Description of Affected Property: Lot No, Street, etc	Summary of Submission	Staff Comment
20.	R W Davis	10 (Lot 512) Chadwell Street, Kenwick.	Objection. Concerns regarding noise and hours of operation (7 days per week and late into the night).	Refer Discussion section.
21	K A Wilson 8 Gympie Way, Willetton 6155	16 (Lot 72) Belaring Place, Kenwick.	Objection. Should be located in a heavy industrial area and not near houses.	Refer Discussion section.
22	A J Godfrey PO Box 1168 Derby WA 6728	30 (Lot533) Gayhurst Road, Kenwick.	Objection. 1) Concerns regarding noise and dust impact on surrounding properties. 2) Effect of the above proposal on tenants currently enjoying "quiet enjoyment" of property.	Refer Discussion section.  Refer Discussion section.
23	J Licastro	8(Lot 37) Aldinga Street, Kenwick.	Objection. Concerns regarding noise.	Refer Discussion section.
24	A Ferrinda 2592 Albany Highway, Kelmescott.	7 (Lot 36) Royal Street, Kenwick.	Objection.	Noted.
25	Pariz Investments Pty Ltd, 5 Radden Green, Winthrop	10 (Lot 237) Bridal Crescent, Kenwick.	Objection. 1) Site is an eyesore clearly visible from Kenwick Link 2) Increase in hours of operation (up to 18hours) per day is not acceptable and if approved difficult to control.	Refer Discussion section.  Refer Discussion section.
26	J Meyerink	23 (Lot 539) Chadwell Street, Kenwick.	Objection. Excessive noise after normal business hours impacts on neighbourhood and annoys dogs.	Refer Discussion section.
27.	L McEvoy	1750 (Lot 60) Albany Highway, Kenwick.	Objection. 1) Concerns regarding dust. 2) Surrounding area is retail not heavy industry with noisy machinery and heavy vehicles not acceptable.	Refer Discussion section.  Refer Discussion section.
28.	E Rosher	1748 (Lot 59) Albany Highway, Kenwick	Objection. 1) Currently building a new showroom and believe area has a commercial future. 2) Scrap yards do not enhance the value of surrounding properties. 3) Concerns regarding stormwater pollution, as Kenwick area is clay based.	Noted.  Noted.  Refer Discussion section.



No.	Name/Address	Description of Affected Property: Lot No, Street, etc	Summary of Submission	Staff Comment
29	I Jones & L Ellis	10 (Lot 65) Darel Close, Kenwick.	Objection. 1) Scrap yard is an eyesore. 2) Concerns regarding noise and hours of operation.	Noted. Refer Discussion section.
30.	W J Higgs 55 Gloucester Street, Victoria Park	1709 (Lot 7) Albany Highway, Kenwick.	Objection. 1) Not a suitable location for a scrap metal yard as area being redeveloped and upgraded. 2) Concerns regarding dust, fumes and noise. 3) Concerns regarding traffic on highway with heavy trucks and machinery. 4) Scrap yard use is detrimental to surrounding properties and this type of business does not encourage prospective tenants to the area.	Refer Discussion section. Refer Discussion section. Refer Discussion section. Noted. The subject lot is zoned General Industry, however, the surrounding land uses include, uses such as showrooms and car sales display yards.
31	R Hobbs	12 (Lot 66) Darel Close, Kenwick.	Objection. 1) Stockpile of scrap metal is unsightly. 2) Concerns regarding groundwater pollution into Canning River. 3) Type of business should be located in heavy industrial area.	Refer Discussion section. Refer Discussion section. Noted
32.	J Jacks 10 Jeavons Place, South Lake	21 (Lot 69) Belaring Place, Kenwick.	Objection.	Noted.
33	G & V Williamson	35 (Lot 5) Stafford Road, Kenwick.	Objection. Noise of metal crashing can be heard at night.	Noted.
34.	M H Hassen 206 William Street, Beckenham.	25 (Lot 28) Stafford Road, Kenwick.	Objection. Approval would undermine efforts of both City of Gosnells and private developers to upgrade the Kenwick area.	Agree.
35.	N Cordora 13 Cardwell Avenue, Noranda 6062	1751 (Lot 42) Albany Highway, Kenwick.	Objection. 1) Visual concern of stockpile of scrap metal viewed from Kenwick Link. 2) Dust problem. 3) Increased traffic using Liddelwell Street. 4) Business would be better located elsewhere.	Refer Discussion section. Refer Discussion section. Refer Discussion section. Noted.

No.	Name/Address	Description of Affected Property: Lot No, Street, etc	Summary of Submission	Staff Comment
36.	M R Bannister 72 Osmond Street, Kenwick.	68 (Lot 100) Osmond Street, Kenwick.	Objection 1) Concerns regarding hours of operation when residents wish to sleep. 2) Need fencing along Kenwick Link to hide eyesore.	Refer Discussion section.  Noted.
37.	J P Wood, 22 Arbour Court, Romsey Road, Winchester SO225BZ England.	43 (Lot 6) Royal Street, Kenwick.	Objection. Query regarding rezoning of lot 6 Royal Street with respect to study being undertaken for the Kenwick area.	This issue does not relate to the current application and will be dealt with under a combination of the Local Housing Strategy and the Maddington Kenwick Partnership.
38.	C S Harris	22 (Lot 263) Bridal Crescent, Kenwick	Objection. 1) Noise issue. Hours of operation too long (8am to 8pm should be sufficient). 2) Residents already have noise from trains and industry close by. 3) Concerns for future residents in unit development in Bridal Crescent.	Refer Discussion section.  Noted.  Owner of this lot was notified and a submission received.
39.	J Evans, B Evans & M Kinsella 61 Locke View Bedforddale 6112	63 (Lot 12) Rimmer Lane, Kenwick.	Objection. 1) Scrap metal storage yard use is inconsistent and not compatible with surrounding residential uses. 2) Potential for contamination of Canning River and protection of river for the community should not be compromised.	Refer Discussion section.  Refer Discussion section.
40.	E & H West	18 (Lot 71) Belaring Place, Kenwick.	Objection. 1) Kenwick Link is a main road and the scrap metal stockpile is an eyesore and does not enhance the area. 2) Concerns regarding noise.	Refer Discussion section.  Refer Discussion section.
41.	C Butler	28 (Lot 532) Gayhurst Road, Kenwick.	Objection. Concerns regarding noise.	Refer Discussion section.
42.	P Doyle 199 Keane Street, Cloverdale	Lot 61 Osmond Street, Kenwick.	Objection. Concerns regarding noise.  Concerns regarding dust. Concerns regarding stormwater run-off.	Refer Discussion section.  Refer Discussion section. Refer Discussion section.

No.	Name/Address	Description of Affected Property: Lot No, Street, etc	Summary of Submission	Staff Comment
43.	J & S Nicholas	80 (Lot 14) Osmond Street, Kenwick.	<p>Objection.</p> <p>1) Scrap yard has been operating for some time and noise levels when loading at night is horrendous and intrusive.</p> <p>2) Daytime noise is irritating but consistent with industry. Area is predominantly residential and commercial uses and the use is not appropriate.</p>	<p>Refer Discussion section.</p> <p>Refer Discussion section.</p>
44.	E Bloomfield 16 Netherwood Road, High Wycombe.	16 (Lot 526) Gayhurst Road, Kenwick.	<p>Conditional Non Objection.</p> <p>1) Does not object to the business operating standard 8 hours weekdays and Saturday mornings, but does object to noise during longer hours and Sundays.</p> <p>2) Suggest noise barrier along railway line.</p>	<p>Refer Discussion section.</p> <p>Noted, however, not relevant to this application.</p>
45.	J Hasleby	62 (Lot 21) Royal Street, Kenwick.	<p>Objection.</p> <p>1) Concerns regarding noise.</p> <p>2) Scrap yard operation has exceeded hours of operation as worked until 3am and suggest hours limited to 6am to 6pm weekdays and 6am to 2pm Saturdays.</p>	<p>Refer Discussion section.</p> <p>Refer Discussion section.</p>
46.	S Karafil 26 Tenth Road, York	33 (Lot 2) Stafford Road, Kenwick.	<p>Objection.</p> <p>Concerns regarding noise.</p>	Refer Discussion section.
47.	H & L Franke	12 (Lot 75) Belaring Place, Kenwick.	<p>Objection.</p> <p>1) Environmental concerns regarding pollution of compensating basin located corner Kenwick Link and Royal Street and water quality of Canning River endangering animal and human health.</p> <p>2) Aesthetic concerns as stockpile is an eyesore.</p> <p>3) Economic concerns as would have a negative impact on property values in this area.</p>	<p>Refer Discussion section.</p> <p>Refer Discussion section.</p> <p>Refer Discussion section.</p>
48.	L T Bartlett	15 (Lot 226) Bridal Crescent, Kenwick.	<p>Objection.</p> <p>Stockpile is unsightly and too close to residential areas.</p>	Refer Discussion section.

No.	Name/Address	Description of Affected Property: Lot No, Street, etc	Summary of Submission	Staff Comment
49.	B Barcia	39 (Lot 56) Royal Street, Kenwick.	Objection. 1) Stockpile is an eyesore. 2) Concerns regarding noise.	Refer Discussion section. Refer Discussion section.
50.	G Letzia	21 (Lot 27) Stafford, Kenwick.	Objection. Visual concerns and believes scrap metal storage should be located in an industrial or factory area.	Refer Discussion section.
51.	E Twamley	5 (Lot 80) Amarina Close, Kenwick.	Objection. Concerns regarding view of stockpile from Kenwick Link and suggest it be screened to lift area not deteriorate it more.	Refer Discussion section.
52.	R B Cordingley 48 Kooralbyn Valley Crescent, Jandakot 6164	54 (Lot 23) Osmond Street, Kenwick.	Objection. Visual pollution from Kenwick Link.	Agree.
53.	C Manchee	16 (Lot 33) Aldinga Street, Kenwick.	Objection. Eyesore and noise concerns.	Refer Discussion section.
54.	V & H Godfrey 37 Victoria Road, Kenwick.	10 (Lot 6) McIntyre Way, Kenwick.	Non Objection. Suggest fencing to screen from view and noise levels be addressed by Council.	Noted.
55.	P Davies & G Grimes	12 (Lot 35) Aldinga Street, Kenwick.	Objection. 1) Eyesore from Kenwick Link. 2) Noise concerns when loading shipments. 3) Traffic noise from loaded trucks which head south on Albany Highway to Austin Avenue, then turn onto Kenwick Link and when accelerating the noise resonates off the brick wall affecting nearby residents.	Refer Discussion section. Refer Discussion section. Noted.
56.	Z Pelligrini	15 (Lot 34) Osmond Street, Kenwick.	Objection. Noise concerns and visually unacceptable.	Refer Discussion section.
57.	B Carmichael	31 (Lot 100) Stafford Road, Kenwick.	Conditional Non Objection. No after hours loading and visual control to ensure site is not an unsightly mess.	Noted.
58.	V M Parin 320 Victoria Road, Malaga 6090	27 & 31 (Lots 49 & 50) Royal Street, Kenwick.	Objection. 1) Concerns regarding visual pollution due to height of stockpile. 2) Concerns regarding pollution from oil and fuel spillage. 3) Concerns regarding noise impact on surrounding businesses and residential development on north side of Royal Street.	Refer Discussion section. Refer Discussion section. Refer Discussion section.

No.	Name/Address	Description of Affected Property: Lot No, Street, etc	Summary of Submission	Staff Comment
			4) Proposal is detrimental to future residential development around Kenwick Train Station.	The Local Housing Strategy has endorsed future R60 coding around the Kenwick Train Station, which is 500m from subject site.
59.	D McLure	9 (Lot 82) Amarina Close, Kenwick.	Objection. Noise and visual amenity concerns.	
60.	G Clear	13 (Lot 519) Chadwell Street, Kenwick.	Objection. Due to noise issues, believes should be located away from residential areas.	
61.	Priest Tsegay, Ethiopian Orthodox Church	1720 (Lot 2) Albany Highway, Kenwick	Conditional Non Objection. Operation not be harmful or dangerous to the area.	
62.	G Garbellini 11 Quincy Loop, Jiluka 6028	1754 (Lots 724 & 2555) Albany Highway, Kenwick.	Objection. Concerns regarding visual amenity of area and double standards, as approval for pool display opposite required landscaping.	

The main areas of concern related to noise, dust, visual amenity, environmental impact, increase in traffic, safety issues and the detrimental impact on the future development of the locality of Kenwick.

#### **Department of Environment's Environmental Code of Practice for Scrap Metal Recycling Yards (Including Noise Impact)**

The Department of Environment's Environmental Code of Practice for Scrap Metal Recycling Yards recommends that yards should not be located within 500 metres of residential areas, owing to the potential for emission of polluted water, dust, fumes and noise nuisance. The surrounding lots are zoned "General Industry", however, there is land zoned Residential R30 south of the Kenwick Link and land zoned Residential R17.5 north of the railway line which fall within this 500 metre radius. Hence the application does not meet the minimum site location requirements of the Code of Practice. In addition, the Code states that:

*"The premises should be operated in such a manner that during operation, the noise level from the premises, excluding vehicle movements, does not exceed the level of noise deemed appropriate for the premises when having regard for the environment in which it is located. The noise from machinery, plant and equipment should not exhibit any pronounced tonal components, frequency or modulations or impulses which will increase the annoying effect of any noise generated".*

The consultants noise report indicated that in this instance, the level of noise generated during the day from the subject site, would be mitigated by the high background noise associated with traffic usage of the Kenwick Link, however, the report also states that the noise level is likely to exceed the required level particularly at night. Therefore the application does not meet the noise provision requirements of the Environmental Protection (Noise) Regulations 1997.

### **Environmental Impacts**

Concerns were also raised regarding stormwater pollution and dust emissions. The area of the subject site used for open storage is unsealed with no formal stormwater drainage in place to contain water run-off. The applicant advised that a water tank is used to sprinkle down when necessary. Advice received from the Department of Environment states that a stormwater sump should be provided on site to prevent stormwater run off to drains and wetlands in the area.

Loads of scrap dumped from a truck or bin invariably give rise to a small cloud of dust, consisting of rust, paint flakes and accumulated grime. In addition vehicle movement, particularly in dry weather, can further increase problems.

### **Visual Amenity**

The stockpile viewed from the Kenwick Link is approximately 6 metres in height. Although some mature vegetation is located within the Kenwick Link road reserve, and a colorbond fence is located along this boundary, this provides limited screening, however, due to the height, the stockpile can be easily viewed whilst driving along the link.

Albany Highway and the Kenwick Link are both major thoroughfares and create a focal point for the City. Hence, it is in the interest of the Council to ensure that any development does not have a detrimental impact on the visual amenity to these road networks and the surrounding residential and commercial type land uses. Should Council approve the proposal, further screening should be required and the height of the stockpiles should be limited in order to lessen the visual impact. This would also reduce noise impact during the truck loading process.

Concerns were also raised regarding safety issues with respect to the stockpile. It would be the responsibility of the applicant to ensure that the scrap metal storage yard complies with all WorkSafe requirements. In addition, due to the height and location of the stockpiles adjacent to the Kenwick Link, it is considered that the proposal may be a potential safety risk.

### **Draft Local Housing Strategy**

The nearby residential area to the north of the railway line has been identified by the City's Local Housing Strategy for potential future development up to "Residential R60," based on the area's high level of accessibility to the Kenwick Railway Station. This possibility of higher density residential development, within close proximity of the

subject site, would only increase the potential for future noise nuisance and impact of the visual amenity of the area.

### **Maddington Kenwick Sustainable Communities Partnership**

The Maddington Kenwick Sustainable Communities Partnership is a strategic project that aims to regenerate and improve “quality of life” within the Maddington-Kenwick area. The project focuses on four core values of Economy, Environment, Social/Cultural and Urban Form. Taking these values into account, there have been a number of precincts identified for review, including the Kenwick Train Station precinct (which this application is located within).

Although the land is zoned “General Industry”, the majority of the surrounding commercial uses are considered to be more light industrial in nature than general industrial and therefore approval for storage of the scrap metal at the proposed location would not complement the Maddington Kenwick Sustainable Communities Partnership’s and the City’s strategic planning objectives for the overall surrounding area.

### **CONCLUSION**

The main areas of concern related to noise, dust, visual amenity, environmental impact, increase in traffic, safety issues and the detrimental impact on the future development of the locality of Kenwick. As stated above, Council is required to have due regard for the matters outlined in Clause 11.2 of TPS 6 which includes relevant State government policies, the compatibility of a use or development in its setting, the preservation of the amenity of the locality and any other relevant planning consideration when determining this application. It is considered that the proposal would not comply with the objectives of the scheme in that it would have a significant impact on the surrounding businesses and residential dwellings, with respect to visual amenity, dust nuisance, and the proposal is contrary to the strategic planning objectives for the area. In addition, any development approval given to the applicant would not supercede the requirements under the Environmental Protection (Noise) Regulations 1999. However, given the applicants own noise report, City’s Health Services believes it would be hard for the applicant to comply, particularly given the proposed hours of operation. Furthermore the proposal does not comply with location requirements as stated in the Department of Environment Code of Practice for Scrap Metal Recycling Yards.

For these reasons it is recommended that Council resolve to refuse approval.

### **FINANCIAL IMPLICATIONS**

Nil.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION
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**195 Moved Cr P Wainwright Seconded Cr W Barrett**

“That Council having considered the matters outlined in Clause 11.2 of Town Planning Scheme No. 6 (Matters to be Considered by Local Government), refuse the application for Storage Yard for Scrap Metal at 1733 (Lot 78) and 1747 (Lot 101) Albany Highway (corner Liddelw Street), Kenwick, on the grounds that:

1. It does not comply with the Department of Environmental Protection Code of Practice for Scrap Metal Recycling Yards in that it is within 500 metres of land zoned “Residential R17.5 and Residential R30”.
2. Is likely to result in unacceptable levels of noise and dust nuisance to adjoining and surrounding properties.
3. Will have a detrimental impact upon the visual amenity of adjoining properties and upon the Kenwick Link streetscape.
4. Is considered to conflict with the strategic direction for the immediate locality as identified by the Maddington Kenwick Sustainable Communities Partnership.”

CARRIED 11/0

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

*AGAINST: Nil.*

STAFF RECOMMENDATION AND COUNCIL RESOLUTION
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**196 Moved Cr P Wainwright Seconded Cr W Barrett**

“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 Liddelw 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.”

CARRIED 11/0

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

*AGAINST: Nil.*



### 13.5.4 DEVELOPMENT APPLICATION – ANCILLARY ACCOMMODATION – LOT 10 BIRRINGO WAY, MARTIN

File: 221259 **Approve Ref:** 0304/1416 (BF) Psrpt061Apr04  
 Name: Domenico Papalia  
 Location: Lot 10 Birringo Way, Martin  
 Zoning: MRS: Rural  
 TPS No. 6: Special Rural  
 Appeal Rights: Yes. Town Planning Appeal Tribunal against a refusal or any condition(s) of approval.  
 Area: 67,345m<sup>2</sup>

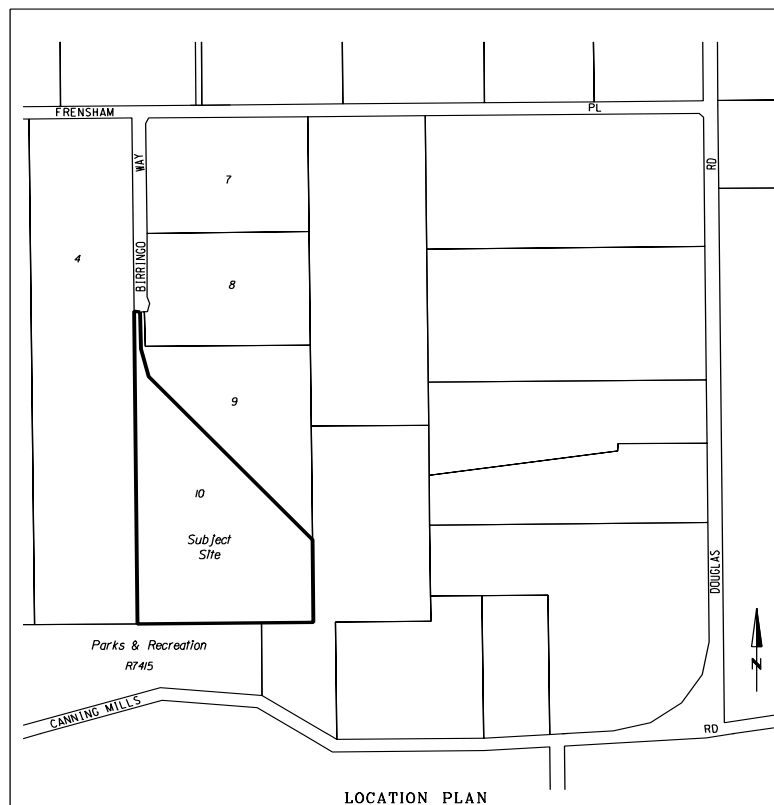
#### PURPOSE OF REPORT

For I to consider an application for Ancillary Accommodation on Lot 10 Birringo Way, Martin, as the proposal is outside the authority delegated to staff.

#### BACKGROUND

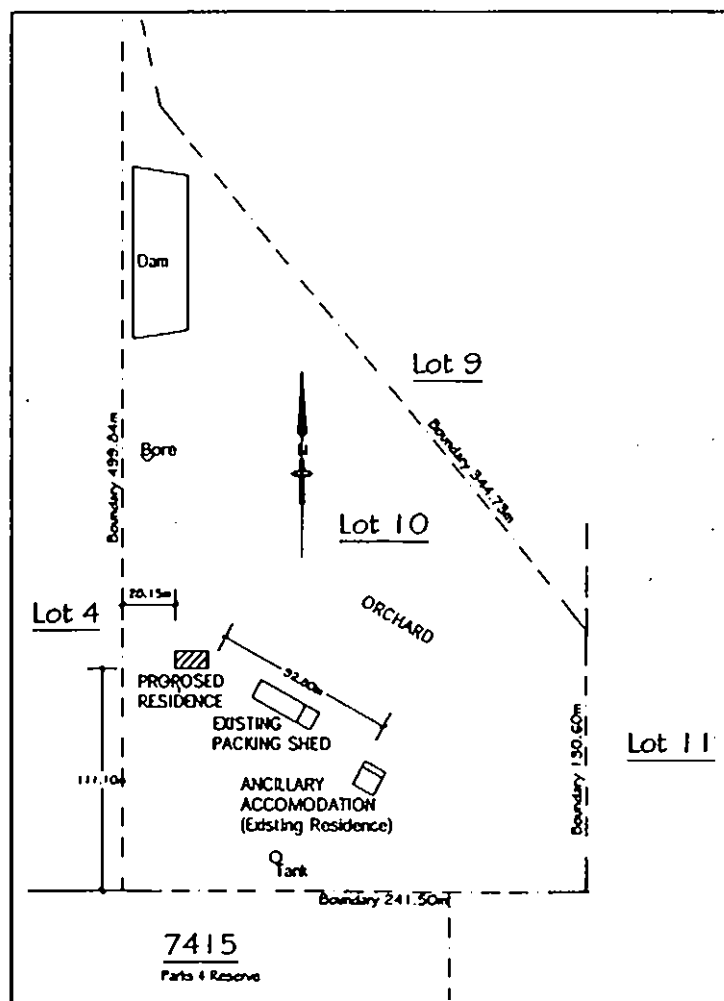
##### Site description and zoning

The subject site is zoned Special Rural under City's Town Planning Scheme No. 6 (TPS 6). Lot 10 Birringo Way is 6.73 hectares in area, battleaxe shaped and contains an existing dwelling and outbuilding, which are located on the southern portion of the lot, ie at the rear of the lot. The north-northeastern part of the subject lot contains a dam and orchard hobby farm, which is currently one of the important sources of the income of the property owners. The subject lot is surrounded by the Special and General Rural zoned land to the north, east and west, and on the south abuts Park and Recreation Reserve. The adjoining Special Rural zoned lots are generally 4.0ha in area.



**Proposal**

The proposal is to classify the existing dwelling as Ancillary Accommodation, and build a new residence of 120m<sup>2</sup>. The existing residence (proposed ancillary accommodation) is 115m<sup>2</sup> in area. The parents (applicants) will live in the proposed ancillary accommodation and the owners' daughter and husband will live in the new residence. The proposed new dwelling is planned to be located closer to the battleaxe leg and dam, approximately 90m away from the ancillary accommodation, as shown on Site Plan below. The applicant states that both couples plan to help each other. The young couple will help in running of the orchard and gradually overtake major activities and the "grannies" will help the young couple raising their future family, whilst continuing to enjoy their current lifestyle on a rural property. Also the owners' daughter and son-in-law plan to share ownership of the property by purchasing a part of the property if the application is approved.



**SITE PLAN**

**Site History**

An application for a caretaker's dwelling on the same property has been recently refused because on Special Rural zoned land "caretaker's dwelling" is a "X" use.

## Town Planning Scheme No. 6 Compliance

Currently Ancillary Accommodation is a use not listed under TPS 6. Council's staff do not have delegation to approve a use not listed.

Clause 4.4.2 of TPS 6 states:

*"If a person proposes to carry out on land any use that is not specifically mentioned in the Zoning Table and cannot reasonably be determined as falling within the type, class or genus of activity of any other use category the local government may:*

- (a) determine that the use is consistent with the objectives of the particular zone and therefore permitted;*
- (b) determine that the use may be consistent with the objectives of the particular zone and thereafter follow the advertising procedures of clause 10.4 in considering an application for planning approval; or*
- (c) determine that the use is not consistent with the objectives of the particular zone and is therefore not permitted."*

Under the provision of Clause 4.2 objectives of the Special Rural Zone are:

*"To provide for small rural lot development in appropriate locations, such as hobby farms, horse breeding and rural residential retreats."*

Ancillary Accommodation is considered not to be inconsistent with these objectives and therefore may be considered.

Amendment No. 22 to TPS 6 proposes Ancillary Accommodation as an "D" use within Special Rural zone and defines it as:

*"Self-contained living accommodation on the same lot as a Single House that maybe attached or detached from the Single House occupied by members of the same family as the occupiers of the main dwelling."*

The Residential Design Codes (R-Codes) include development standards for Ancillary Accommodation. However, as the R-Codes do not apply to Rural Zoned land a local planning policy should be adopted which specifies Ancillary Accommodation applications on land which is not in a Residential zone.

The City has received a letter dated 1 April 2004 from the Western Australian Planning Commission that the Hon Minister for Planning and Infrastructure will approve the above modifications contained in Scheme Amendment No. 22.

## DISCUSSION

The adjoining lots are generally 4.0ha in area. The subject lot is 6.73ha and abuts a Parks and Recreation Reserve to the rear and is accessed via a battleaxe. Due to the size and location of the subject lot it is considered that the proposed ancillary dwelling will accommodate the needs of extended family without compromising the amenity of adjoining properties.

Amendment No. 22 to TPS 6 proposes Ancillary Accommodation as a “D” use within Special Rural zone and the application complies with a proposed definition of the ancillary accommodation.

The ancillary accommodation is considered to be consistent with the intent of a Special Rural zone and proposed use may be supported. However, future misinterpretation or possible claim to subdivide the subject lot on the basis that it contains two dwellings will be avoided by placing appropriate notification on title and including an appropriate condition on the development approval.

## CONCLUSION

The proposal is considered appropriate for the subject site, and is recommended for approval subject to conditions.

## FINANCIAL IMPLICATIONS

Nil.

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

### **197 Moved Cr S Moss Seconded Cr W Barrett**

“That Council approve the application for Ancillary Accommodation on Lot 10 Birringo Way, Martin, subject to the following conditions:

1. Standard Condition 6.2.
2. The ancillary accommodation is to only be occupied by members of the same family as the occupiers of the main dwelling.
3. An S70A Notification is to be placed on the Certificate of Title of the lot to notify potential purchaser that the ancillary accommodation is to be occupied only by persons related to the occupiers of the main dwelling and the dwelling is not to be used as an independent residence nor to be rented out for separate accommodation. A copy of the receipt from the Department of Land Administration of the notification having been lodged shall be submitted to Council prior to the issue of a Building Licence.”

CARRIED 11/0

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

*AGAINST: Nil.*

## 12. MINUTES OF COMMITTEE MEETINGS

*Cr R Mitchell due to being Chair and Cr S Iwanyk due to being a member of the Safe City Task Force Committee disclosed at Item 2 of the Agenda "Declarations of Interest", an Impartiality Interest in the following item in accordance with Regulation 34C of the Local Government (Administration) Regulations 1996.*

### 12.1 SAFE CITY TASK FORCE

File: C1/15

(MC)

Appendix: [12.1A Minutes of the Safe City Task Force Meeting held on the 5 April 2004](#) [\(Click to view\)](#)

### PURPOSE OF REPORT

For Council to receive the Minutes of the City of Gosnells Safe City Task Force Meeting held on 5 April 2004.

### BACKGROUND

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

### DISCUSSION

There were no recommendations made at the Meeting held on 5 April 2004, which require Council's adoption.

The business of the meeting is reported in the Minutes of the Safe City Task Force meeting held on 5 April 2004 provided as Appendix 12.1A.

### FINANCIAL IMPLICATIONS

Nil.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION
---

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

"That Council receive the Minutes of the Safe City Task Force Committee Meeting held on 5 April 2004 as attached in Appendix 12.1A."

CARRIED 11/0

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

*AGAINST: Nil.*

**12.2 CITY OF GOSNELLS HERITAGE ADVISORY COMMITTEE**

File: C1/10/1 (LPS)

Appendix: 12.2A [Minutes of the City of Gosnells Heritage Advisory Committee Meeting held on Thursday 5 February 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 5 February 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.

At the Ordinary Council Meeting held on the 9 March 2004, the Minutes of the City of Gosnells Heritage Advisory Committee Meeting held on Thursday 5 February 2004 were considered with Council resolving (Resolution 92), due to there being several anomalies contained within the Minutes, the following:

*“That Council refer item 11.1 City of Gosnells Heritage Advisory Committee of the 9 March 2004 Ordinary Council Meeting to the next available Ordinary Council Meeting.”*

**DISCUSSION**

This action was brought about following the premature circulation of draft Minutes to members of the Committee, prior to them being reviewed by relevant personnel. The draft copy contained a number of inaccuracies. The necessary corrections were made, which caused confusion amongst members of the Committee when the Minutes were referred to Council. The issue has now been clarified with all concerned.

The business of the Meeting is reported in the Minutes of the City of Gosnells Heritage Advisory Committee Meeting held on Thursday 5 February 2004 attached as Appendix 12.2A.

There were no recommendations made at the meeting held on Thursday 5 February 2004, which require Council adoption.

**FINANCIAL IMPLICATIONS**

Nil.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION
---

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

“That Council receive the Minutes of the City of Gosnells Heritage Advisory Committee Meeting held on Thursday 5 February 2004 as attached in Appendix 12.2A.”

CARRIED 11/0

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

*AGAINST: Nil.*

*8.09pm – The Director Planning and Sustainability left the meeting.*

**13. REPORTS****13.1 CHIEF EXECUTIVE OFFICER’S REPORT**

## 13.2 COMMUNITY SERVICES

### 13.2.1 WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION - YOUR LIBRARIES NEED NEW BOOKS CAMPAIGN

File: C1/15 (BH)

Appendix: [13.2.1A Western Australian Local Government Association Library Funding Campaign fax-back form](#) ([Click to view](#))

#### PURPOSE OF REPORT

For Council to consider the Western Australian Local Government Association's (WALGA) request for endorsement of the Your Libraries Need NEW Books Campaign.

#### BACKGROUND

On 25 September 2003, the City of Gosnells responded to an invitation by WALGA to provide feedback on a Public Library Framework Agreement. The stated aim of the Framework Agreement is: *"to develop an overarching set of principles between State and Local Government for a solid, secure partnership for the Public Library Service."*

On 17 February 2004, WALGA issued an invitation to the City of Gosnells Mayor and Chief Executive Officer to attend the launch of the Your Libraries Need NEW Books Campaign on 3 March 2004. As the Mayor and the Chief Executive Officer were unable to attend, the Manager Community Information and Heritage accepted the invitation and subsequently attended the event.

Accompanying the invitation to attend the launch was an additional WALGA fax-back form which is attached as Appendix 13.2.1A, asking that the City of Gosnells indicate whether it endorses the WALGA Your Libraries Need NEW Books Campaign. The fax-back form also asks that the City of Gosnells indicate which strategies it will use to support the campaign.

#### DISCUSSION

The State Government does not currently have a formal policy regarding funding for book stock to public libraries. The Library Board of Western Australia's policy relating to the provision of resources for public libraries states that:

*"The Board has a standard of 1.25 items per capita as base stock for a public library"*.

(Provision of Resources for Public Libraries: Policy and Plan series No. 1, 1994, p.4)

The City of Gosnells response to the initial WALGA request for feedback reads in part:

*"It is imperative that standards of 1.25 per capita stock supply and 12.5% per annum replacement be included as standards which State Government are committed to fund"*.



The Manager Community Information and Heritage has advised that the City of Gosnells is currently receiving additional book stock to bring the City's libraries up to 1.25 item book stock per capita. This additional book stock is being received as the City of Gosnells allocated portion of an additional 4 million dollars of funding provided by the State Government for this purpose. The City of Gosnells portion of additional book stock will cease in approximately December 2005. While the City's 1.25 items per capita standard of stock is currently being addressed, as the seventh fastest growing Local Government Authority in Australia the City of Gosnells will continue to require additional book stock from the State Library of Western Australia. Equally, the maintenance of the existing stock is well below the accepted standard of 12.5%. Given that adequate funding for the replacement and maintenance of book stock is the main thrust of the campaign, it is the recommendation of staff that Council advises WALGA of its endorsement of Your Libraries Need NEW Books Campaign.

It should be noted however, that some of the strategies suggested by WALGA as methods by which Local Government Authorities can demonstrate support are not in keeping with City of Gosnells Policies. In particular, strategies relating to the display and distribution of campaign material to the public and the collection of petition signatures contravene Council Policy 3.3.3 Information Displays and Advertisements in City of Gosnells Community Facilities and at Community Events, which states in part:

*“Information displays and advertisements by external organisations displayed at City of Gosnells owned or operated facilities or events.....shall comply with the following: Not contain material of a political.....nature. Not contain petitions seeking signatures either for or against an issue.”*

Other strategies have already been undertaken, such as City of Gosnells representation at the campaign launch on 3 March 2004. Neighbouring Local Government Authorities have highlighted book stock funding issues in local newspapers that are distributed throughout the City of Gosnells locality.

Accordingly, it is the recommendation of staff that the City of Gosnells does not endorse all of the strategies listed, but confines its support to advising WALGA in writing of its endorsement for the Your Libraries Need NEW Books Campaign and by proposing to write to the Library Board of Western Australia, relevant government Ministers and local Members of Parliament outlining concerns with public library funding.

## **FINANCIAL IMPLICATIONS**

Nil.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION
---

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

“That Council endorse the Western Australian Local Government Association’s Your Libraries Need NEW Books Campaign, and indicate support for the campaign by proposing to write to the Library Board of Western Australia, relevant Government Ministers and Local Members of Parliament outlining concerns with public library funding.”

CARRIED 11/0

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

*AGAINST: Nil.*

**13.2.2 FILEX CONFERENCE AND EXHIBITION: ATTENDANCE BY LEISURE  
WORLD FITNESS COORDINATOR**

File: L4/2/1

(SC)

**PURPOSE OF REPORT**

To seek the approval of Council for a Councillor and the Leisure World Fitness Coordinator to attend the FILEX (Fitness Industry Convention and Exhibition) to be held in Sydney from 18 –20 June 2004.

**BACKGROUND**

FILEX is the largest annual fitness industry event in the Asia Pacific Region and offers over 200 sessions relevant to the operation, management and promotion of fitness activities. The conference and exhibition will be held over 3 days and provides an opportunity to see and hear about the latest fitness industry trends, equipment and training techniques. This conference represents a great opportunity for industry specific training.

**DISCUSSION**

The successful operation of the Fitness Centre is vital to the ongoing success of Leisure World. This financial year the Fitness Centre and Group Fitness classes are expected to generate over \$240,000 income. This does include income generated from the pool for aquarobics class lane hire and the money spent by fitness users at the café and crèche.

Over the last two years income from the Fitness area has risen after a low of \$213,000 in 2000/01 but this recent growth is still below the \$315,000 achieved in 1998/99. The rise in alternative providers within the catchment has meant Leisure World has to be more responsive to the needs of the local market.

This convention covers a vast number of workshops that will be very useful for Leisure World management as it plans for the Fitness Centre to extend. Also, a number of workshops will present information about new programme and industry trends that can be used to improve the ongoing management and performance of the Fitness Centre and Group Fitness classes.

As the choice of workshops is very extensive the Fitness Coordinator has tried to choose as many as possible that will be relevant to Leisure World. Some of these follow.

Combating Youth Obesity – At Leisure World we interact with many children and their parents and facilitating a better understanding within our customer base will be good for community and promote use of the centre and youth fitness packages.

Practical Strategies For Developing Children's Physical Activity Classes – Leisure World has focussed with some success on this area so new ideas and strategies will be useful.

Staying Strong Throughout Life - A large segment of the Leisure World market is made up of Seniors. It is necessary to encourage and motivate this group to continue their exercise programmes. This session explores the most common health issues and their relationship and relevance to strength training.

A review of the conference programme reveals a range of information workshops and presentations that will be useful to the Fitness Coordinator operating in an increasingly competitive environment.

### **FINANCIAL IMPLICATIONS**

The cost per person to attend this conference is detailed in the table below

<b>Details</b>	<b>Cost</b>
Economy Airfare Sydney return (a discount fare will be purchased subject to availability)	\$754
Accommodation (Ibis Hotel) 3 nights @ \$149 per night	\$447
FILEX registration fee	\$535
Out of Pocket Expenses	\$450
<b>Total Cost Per Person</b>	<b>\$2,186</b>

The cost of attending this conference was included in the 2003/04 Leisure World operating budget.

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

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

That Council authorise Councillor \_\_\_\_\_ and the Leisure World Fitness Coordination to attend the FILEX Conference and Exhibition to be held in Sydney from the 18 – 20 June 2004 at an estimated cost of \$2,186 per person, with funds being met from Account No. 40401.110.1023 Elected Members Training and Conferences and Account No. 61101.110.1023 Staff Training and Conferences.

### No Nomination

*In light of there being no nomination for a Councillor to attend the FILEX Conference and Exhibition, Cr R Mitchell moved the following amendment to the staff recommendation:*

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

That the staff recommendation be amended by deleting the words “Councillor \_\_\_\_\_ and” where they appear in the first line after the word “authorise”, deleting the words “per person” where they appear in the fourth line after the figure “\$2,186”, and deleting the

numerals and word “40401.110.1023 Elected Members Training and Conferences and Account No.” where they appear in the fifth and sixth lines after the words “Account No.”, with the amended recommendation to read:

“That Council authorise the Leisure World Fitness Coordination to attend the FILEX Conference and Exhibition to be held in Sydney from the 18 – 20 June 2004 at an estimated cost of \$2,186, with funds being met from Account No. 61101.110.1023 Staff Training and Conferences.”

CARRIED 11/0

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

*AGAINST:* Nil.

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

COUNCIL RESOLUTION
--------------------

**201 Moved Cr R Mitchell Seconded Cr S Moss**

“That Council authorise the Leisure World Fitness Coordination to attend the FILEX Conference and Exhibition to be held in Sydney from the 18 – 20 June 2004 at an estimated cost of \$2,186, with funds being met from Account No. 61101.110.1023 Staff Training and Conferences.”

CARRIED 11/0

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

*AGAINST:* Nil.

### 13.3 CORPORATE SERVICES

#### 13.3.1 PAYMENT OF ACCOUNTS

File: F1/6/1

(RS)

apr27\_04acc

#### PURPOSE OF REPORT

To advise Council of payments made for the period 17 March 2004 to 20 April 2004.

#### DISCUSSION

Payments of \$8,372,359.15 as detailed in the cheque listing for the period 17 March 2004 to 20 April 2004 which was circulated to Councillors under separate cover and will be tabled at the meeting, have been approved by the Director Corporate Services under delegated authority.

#### Notation

*The Mayor tabled the cheque listing for the period 17 March 2004 to 20 April 2004.*

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

#### **202 Moved Cr W Barrett Seconded Cr R Mitchell**

“That Council note the payment of accounts as shown in the cheque listing for the period 17 March 2004 to 20 April 2004, as tabled.”

CARRIED 11/0

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

*AGAINST: Nil.*

**13.3.2 BUDGET VARIATIONS**

File: F1/4/1

(DN)

apr27\_04bv

**PURPOSE OF REPORT**

To seek approval from Council to adjust the 2003/2004 Municipal Budget.

**DISCUSSION**

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

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

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

<b>Account Number</b>	<b>Type</b>	<b>Account Description</b>	<b>Debit \$</b>	<b>Credit \$</b>
Job82049.39.3	Capital	Huntingdale Road	35,000	
31006.992.9204	Income	Transfer from TPS 17		35,000
	<b>Reason</b>	To fund the increase in the estimated cost for Balfour St to Southern River LRC from increased budget income.		
Job5253.400.3	Expense	Brookland Greens Maintenance	5,000	
40703.120.1512	Expense	Pesticides		3,000
40703.182.3256	Expense	Industrial Audit		2,000
	<b>Reason</b>	To fund the recommendations for the Brookland Greens Midge Mitigation Study from budget savings.		
Job2736.500.3	Expense	Building Maintenance	10,100	
Job61102.1812.754	Expense	Consultancy		10,100
	<b>Reason</b>	To fund the Bench Seating Replacement at Leisure-World from budget savings.		

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

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

Account Number	Account Description	Debit \$	Credit \$
Job82049.39.3	Huntingdale Road	35,000	
31006.992.9204	Transfer from TPS 17		35,000
Job5253.400.3	Brookland Greens Maintenance	5,000	
40703.120.1512	Pesticides		3,000
40703.182.3256	Industrial Audit		2,000
Job2736.500.3	Building Maintenance	10,100	
Job61102.1812.754	Consultancy		10,100

CARRIED BY ABSOLUTE MAJORITY 11/0

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

**AGAINST:** Nil.



## 13.4 INFRASTRUCTURE

### 13.4.1 TENDER 9/2004 – CLEANING OF ADMINISTRATION BUILDING 2120 ALBANY HIGHWAY GOSNELLS

File: TEN/9/2004

(JB)

JB4.1b

#### PURPOSE OF REPORT

For Council to award Tender No 9/2004 – Cleaning of Administration Building, 2120 Albany Highway Gosnells.

#### BACKGROUND

Tender 9/2004 involves the provision of cleaning services to the City of Gosnells Administration Building for a period of 24 months. This tender was advertised in The West Australian on 3 January 2004 and closed on 21 January 2004.

Twelve submissions were received prior to the deadline and are listed below:

Company Name	Address	Price Per Annum (excluding GST)	Price Per Window Clean (excluding GST)
Office Cleaning Experts Pty Ltd	Level 3, 267 St Georges Terrace PERTH WA 6000	\$37,800.00	\$850.00
Advanced National Services Pty Ltd	PO Box 2345 SOUTHPORT QLD 4215	\$43,506.60	\$650.00
Total Corporation Pty Ltd	PO Box 189 KINGSWAY WA 6065	\$29,968.19	\$492.00
Dominant Property Services Pty Ltd	9 McCaskill Way NORANDA WA 6062	\$17,019.00	\$800.00
DMP Commercial Cleaning Services Pty Ltd	11 Collins Road KALAMUNDA WA 6076	\$25,740.00	\$700.00
Golden Coast Cleaning Services Pty Ltd	14 Boxworth Court HUNTINGDALE WA 6110	\$35,750.00	\$800.00
Academy Property Services Pty Ltd	3/14 Halley Road BALCATTWA WA 6021	\$42,135.60	\$420.00
Prestige Property Services Pty Ltd	29 Walters Drive HERDSMAN WA 6017	\$45,511.93	\$490.00
Lists Cleaning Services Pty Ltd	PO Box 591 GOSNELLS WA 6110	\$38,635.00	\$514.80
Thushana Abeywardana	77c Cargill Street VICTORIA PARK WA 6100	\$44,000.00	\$6,000.00
BMW Cleaners Pty Ltd	6 Steppe Court CANNING VALE WA 6155	\$39,000.00	\$475.00
Westralian Cleaning Services Pty Ltd	24 Cocos Drive BIBRA LAKE WA 6965	\$41,090.81	\$2,373.63

**DISCUSSION**

Tenders were assessed by Council Officers using the Weighted Price Method. Tender evaluation board members conducted individual assessments and discussed the strengths and weaknesses of each submission to provide a Board Agreed Score

Four tenderers failed to address the selection criteria as requested by the tender documents and as such were ruled as non-conforming and not assessed any further. They were:

1. Dominant Property Services
2. Academy Property Services
3. Thushana Abeywardana
4. Prestige Property Services

The conforming tenders were then evaluated to provide an agreed score for each tenderer in each criteria. Weightings and agreed scores are listed below:

Tenderer	Relevant experience in similar contracts 25%		Skills and experience of key personnel 15%		Methodology 10%		Price 50%		Total score %
	AS	%	AS	%	AS	%	AS	%	
DMP Commercial Cleaning Services Pty Ltd	2	10	3	9	2	4	4.85	48.5	71.5
Total Corporation Pty Ltd	3	15	3	9	3	6	4	40	70
Advanced National Services Pty Ltd	2	10	1	3	3	6	2.3	23	42
Westralian Cleaning Services Pty Ltd	3	15	3	9	3	6	2.80	28	58
BMW Cleaners Pty Ltd	1	5	2	6	3	6	3.20	32	49
Office Cleaning Experts Pty Ltd	3	15	3	9	2	4	3.44	34	62
Lists Cleaning Services Pty Ltd	3	15	3	9	3	6	3.27	33	63
Golden Coast Cleaning Services Pty Ltd	3	15	3	9	3	6	3.85	39	69

AS = Agreed score out of 5.

% = AS x weighting divided by 5.

The above assessment indicates that Total Corporation, DMP and Golden Coast were the three highest scoring tenders and referee checks were conducted on those companies.

Total Corporation's referees commented that their work standards were quite high and they are quite diverse in the types of services they provide including security and catering.

DMP's referee did not provide a favourable report into that company's performance.

Golden Coast have been cleaning the Council Administration Building for the last six years without major problems and have always maintained an excellent standard of cleaning. They are an honest, trustworthy and security conscious local family company.

It is recommended that the contract be awarded to Golden Coast Cleaning Services Pty Ltd as they are the current contractors for the cleaning of Administration Building, having won the contract six years ago by open tender for a similar price to Total Corp's current tender. The increase in price can be attributed to additions to the scope of work over the period of the contract including the addition of the 230m<sup>2</sup> transportable building. Golden Coast Cleaning Services Pty Ltd provide an excellent service and will not require a closely monitored transition period.

While Total Corporation has tendered a lower price there will be additional supervisory costs for the City in the administration of the initial stages of the contract and the ongoing assessment of the level of service given the low price tendered.

### **FINANCIAL IMPLICATIONS**

The works associated with this contract are included in the Building Cleaning Budget for 2003/2004 and 2004/2005 financial years.

<b>STAFF RECOMMENDATION AND COUNCIL RESOLUTION</b>
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#### **Moved Cr J Brown Seconded Cr R Croft**

That Council award Tender 9/2004 – Cleaning of Administration Building 2120 Albany Highway Gosnells to Golden Coast Cleaning Services Pty Ltd, 14 Boxworth Court, Huntingdale WA 6110, from 3 May 2004 for a period of two (2) years for the annual sum of \$35,750.

#### Amendment

*During debate Cr W Barrett moved the following amendment to the staff recommendation above to more clearly define the terms of the tender:*

*“That the staff recommendation be amended to more clearly define the terms of the tender by inserting the words “for building cleaning and \$800 per window clean” at the end of the motion after the figure “\$35,750”.”*

*Cr R Mitchell seconded Cr Barrett's proposed amendment.*

Additional Motion

*During debate Cr P Wainwright moved the following additional motion to the staff recommendation:*

*“That Council include the use of environmentally safe, child safe, and economical cleaning products in future specifications for the cleaning of Council buildings in accordance with Clause 5.4.9 of the City’s Environmental Management Plan to ensure the City’s activities are managed in a way to avoid or minimise the potential for air, water and soil pollution.”*

*Cr D Griffiths seconded Cr Wainwright’s additional motion.*

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

**Moved Cr W Barrett Seconded Cr R Mitchell**

That the staff recommendation be amended to more clearly define the terms of the tender by inserting the words “for building cleaning and \$800 per window clean” at the end of the motion after the figure “\$35,750”, with the amended recommendation to read:

“That Council award Tender 9/2004 – Cleaning of Administration Building 2120 Albany Highway Gosnells to Golden Coast Cleaning Services Pty Ltd, 14 Boxworth Court, Huntingdale WA 6110, from 3 May 2004 for a period of two (2) years for the annual sum of \$35,750 for building cleaning and \$800 per window clean.”

CARRIED 11/0

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

*AGAINST: Nil.*

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

COUNCIL RESOLUTION
--------------------

**204 Moved Cr W Barrett Seconded Cr R Mitchell**

“That Council award Tender 9/2004 – Cleaning of Administration Building 2120 Albany Highway Gosnells to Golden Coast Cleaning Services Pty Ltd, 14 Boxworth Court, Huntingdale WA 6110, from 3 May 2004 for a period of two (2) years for the annual sum of \$35,750 for building cleaning and \$800 per window clean.”

CARRIED 11/0

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

*AGAINST: Nil.*

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

COUNCIL RESOLUTION
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**205 Moved Cr P Wainwright Seconded Cr D Griffiths**

“That Council include the use of environmentally safe, child safe, and economical cleaning products in future specifications for the cleaning of Council buildings in accordance with Clause 5.4.9 of the City’s Environmental Management Plan to ensure the City’s activities are managed in a way to avoid or minimise the potential for air, water and soil pollution.”

CARRIED 11/0

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

***AGAINST:** Nil.*

### 13.4.2 TENDER 13/2004 – SUPPLY OF TRAFFIC MANAGEMENT AND ROADWORK SERVICE

File: TEN/13/2004

(DD)

DD4.1b

#### PURPOSE OF REPORT

For Council to award Tender 13/2004 – Supply of Traffic Management and Roadwork Services for a two-year period commencing 1 May 2004.

#### BACKGROUND

Tender 13/2004 was advertised in the West Australian Newspaper on 28 February 2004 and closed on 16 March 2004. Submissions were received from the following six companies.

Name	Address
Roadwise Traffic Control	21 Wilber Street, Rossmoyne WA 6148
Total Road Services	27 Urbahns Way, Hillarys WA 6025
Carringtons Traffic Services	35 Kimmer Place, Queens Park WA 6107
WA Road Projects Pty Ltd	22-24 Eva Street, Maddington WA 6109
Advanced Traffic Management	PO Box 1944, Midland WA 6936
Quality Traffic Management	PO Box 163, Maddington WA 6109

#### DISCUSSION

The submitted tenders were assessed using a detailed evaluation table that was included in the tender documentation. The tenders were assessed on a range of criteria including experience, safety, equipment, machinery and price. The score range for each criteria was clearly defined in the tender document. The submitted information was compared and rated as shown on the following evaluation table. The lowest submitted price for each criteria was given the maximum set point and was used as the benchmark in assessing other prices. The following matrices detail the prices submitted for the various activities and signs requested.

Description	Unit	ATM	QTM	Roadwise	Total	Carringtons	WARP
Prepare Traffic Management Plans	\$/Hr	49.50 (40.40)	66.00 (30.30)	55.00 (36.36)	40.00 (50.00)	49.50 (40.40)	60.50 (33.06)
Minimum Charge	Item	N/A	132.00	220.00	80.00	2 hours	242.00

## 1. Normal Hours of Work (Any 8 hours 0600 – 1800)

Description	Unit	ATM	QTM	Roadwise	Total	Carringtons	WARP
Crew of one flagperson, one vehicle and all signs standard	\$/Hr	38.50 (49.43)	38.79 (49.06)	38.06 (50.00)	43.00 (44.26)	51.70 (36.81)	39.87 (47.73)
Crew of two flagpersons, one vehicle and all standard signs	\$/Hr	65.45 (49.66)	68.74 (47.28)	67.81 (47.93)	65.00 (50.00)	73.70 (44.10)	68.00 (47.79)
Additional flagperson	\$/Hr	33.00	29.94	31.90	30.00	36.30	28.87
Minimum Charge	Item	6 hours	116.39	4 hours	172.00	4 hours	4 hours

## 2. Weekday Night Works

Description	UNIT	ATM	QTM	Roadwise	Total	Carringtons	WARP
Crew of one flagperson, one vehicle and all signs standard	\$/Hr	38.50 (50.00)	45.66 (42.16)	45.76 (42.07)	54.00 (35.65)	62.70 (30.70)	43.58 (44.17)
Crew of two flagpersons, one vehicle and all standard signs	\$/Hr	65.45 (49.66)	83.34 (39.00)	75.51 (43.04)	65.00 (50.00)	84.70 (38.37)	73.20 (44.40)
Additional flagperson	\$/Hr	33.00	37.68	36.30	35.00	47.36	32.58
Minimum Charge	Item	6 hours	136.98	4 hours	216.00	4 hours	4 hours

## 3. Weekend/Public Holidays and Weekday Overtime

Description	UNIT	ATM	QTM	Roadwise	Total	Carringtons	WARP
Crew of one flagperson, one vehicle and all signs standard	\$/Hr	44.00 (49.52)	45.66 (47.72)	45.76 (47.62)	54.00 (40.35)	62.70 (34.75)	43.58 (50.00)
Crew of two flagpersons, one vehicle and all standard signs	\$/Hr	70.95 (45.81)	83.34 (39.00)	75.51 (43.04)	65.00 (50.00)	84.70 (38.37)	73.20 (44.40)
Additional flagperson	\$/Hr	38.50	37.68	36.30	35.00	47.30	32.58
Minimum Charge	Item	6 hours	136.98	4 hours	216.00	4 hours	4 hours

## 4. Additional Items

Description	ATM	QTM	Roadwise	Total	Carringtons	WARP
Flashing arrow sign	60.50 (50.00)	82.50 (36.67)	66.00 (45.83)	68.00 (44.48)	82.50 (36.67)	77.00 (39.28)
Water filled barrier	2.42 (50.00)	5.06 (23.91)	3.85 (31.43)	2.50 (48.40)	2.75 (44.00)	3.85 (31.43)
Water filled barrier to AS/NZS 3845: 1999	2.42 (50.00)	25.41	4.40 (27.50)	3.00 (40.33)		26.40
Hire of any single sign (*)	4.40 (25.00)	3.30 (33.33)	2.75 (40.00)	2.20 (50.00)	3.30 (33.33)	2.75 (40.00)
Hire of any single cone or bollard (*)	1.65 (16.67)	1.10 (25.00)	1.10 (25.00)	1.10 (25.00)	1.10 (25.00)	0.55 (50.00)
Portable traffic signals	94.28 (50.00)	189.20 (24.92)	N/a	200.00 (23.57)		202.40 (23.29)
Temporary fixed traffic signals	tba	poa	N/a	200.00		poa
Electronic Notification Boards	247.50 (48.89)	275.00 (44.00)	264.00 (45.83)	300.00 (40.33)		242.00 (50.00)

Figures in brackets indicate score out of 50

As there are many submitted prices and therefore no obvious “cheapest” tenderer, the prices have been evaluated on the following four (4) items as they are the most used sign/activity required by the City.

1. Crew of one flagman, one vehicle and all signs
2. Preparation of Traffic Management Plans
3. Crew of two flagpersons, one vehicle and all signs
4. Flashing arrow sign

The price scores indicated in the evaluation matrix are based on the averages of the above criteria.

### Evaluation Matrix

	Advanced Traffic Management	Quality Traffic Management	Roadwise Traffic Control	Total Road Services	Carringtons Traffic Services	WA Road Projects Pty Ltd
Relevant Experience (30)	28	28	25	26	30	30
Skills (10)	10	10	8	8	10	10
Methodology (10)	10	10	7	8	10	8
Price (50)	50	21.1	39.6	33.9	20.2	22.1
<b>TOTAL</b>	<b>98</b>	<b>69.1</b>	<b>79.6</b>	<b>75.9</b>	<b>70.2</b>	<b>70.1</b>
	1	5	2	3	4	5

All tenderers adequately fulfill the requirements of the tender and have experience in contracting to local governments. It is the opinion of staff that the Council should award Tender 13/2004 to more than one organisation because the proposed future works and maintenance programmes for Engineering Operations and Parks and Gardens appears to be such that the ability to contract the services of more than one organisation may be beneficial.

### FINANCIAL IMPLICATIONS

All costs incurred in relation to the above tender are provided for through existing construction and maintenance budgets.



STAFF RECOMMENDATION AND COUNCIL RESOLUTION
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**206 Moved Cr D Griffiths Seconded Cr W Barrett**

“That Council jointly award Tender 13/2004 – Supply of Traffic Management and Roadwork Services for a two (2) year period commencing 1 May 2004 to:

Advanced Traffic Management, PO Box 1944, Midland, WA 6936, as principal contractor; and to Roadwise Traffic Control, 21 Wilber Street, Rossmoyne, WA 6148 and Total Road Services, 27 Urbahns Way, Hillarys, WA 6025, should Advanced Traffic Management be unavailable during the course of the contract.”

CARRIED 11/0

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

*AGAINST: Nil.*

**13.4.3 TENDER 21/2004 - HIGH FRICTION SURFACING TREATMENT**

File: TEN/21/2004

(OP)

OP4.1b

**PURPOSE OF REPORT**

For Council to consider and award Tender 21/2004 – High Friction Surfacing Treatment.

**BACKGROUND**

Tender 21/2004 was advertised in the West Australian newspaper on 24 March 2004. There is no current tender for this work, as the City of Gosnells has not previously installed this type of High Friction Surfacing Treatment on any roads.

**DISCUSSION**

The City of Gosnells has applied for funding under both the National and State Black Spot Programs for non-skid treatment, in the form of High Friction Surfacing Treatment to be applied to various roads within the City.

Tenders were called on 24 March 2004 in which interested parties were invited to submit their completed tender documentation before 2:00pm on Thursday 8 April 2004, at which time the tender was closed. Three tenders were received prior to the cut-off date, and are listed below:

Company Name	Rate for <250m <sup>2</sup>	Rate for 251m <sup>2</sup> to 500m <sup>2</sup>	Rate for 501m <sup>2</sup> to 1000m <sup>2</sup>	Rate for >1001m <sup>2</sup>	Average Price (Inc GST)
1. Antiskid Industries Pty Ltd 12A Pitt Way, Booragoon					\$47.16m <sup>2</sup>
2. Road and Traffic Services 34 Irvine Street, Bayswater					\$53.63m <sup>2</sup>
3. Country Linemarking 34 Beddingfield Street, Bunbury					\$49.50m <sup>2</sup> (\$48.26m <sup>2</sup> with early payment discount)

Tenders conforming to the specifications and tender documents are accepted and assessed on a range of criteria including experience, service delivery and price.

Tenders were assessed using the Weighted Price Method shown as follows:

<b>Contract Evaluation and Weighting Table</b>	<b>%</b>	<b>Antiskid Industries Pty Ltd</b>	<b>Road and Traffic Services</b>	<b>Country Linemarking (WA) Pty Ltd</b>
Conformance	10%	10%	10%	10%
Safety Management	10%	10%	5%	10%
Delivery	10%	10%	5%	5%
Quality Assurance	5%	5%	2%	5%
References	10%	10%	10%	10%
Insurance	5%	5%	5%	5%
Price	50%	50%	44%	48.9%
<b>Total Weighted Score</b>	<b>100%</b>	<b>100%</b>	<b>81%</b>	<b>93.9%</b>

Due to the similarity between the ability of the tenderers and that all of the tenderers addressed the selection criteria, the main factor separating tenderers was price, with the lowest tender of \$47.16 (average rate per square metre) being received from Antiskid Industries Pty Ltd.

The above assessment indicates that Antiskid Industries Pty Ltd is the highest point scorer and it will be recommended that the contract be awarded to them.

### **FINANCIAL IMPLICATIONS**

The funding associated with this contract will be provided from the National and State Black Spot Programmes.

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

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

“That Council award Tender 21/2004 – High Friction Surfacing Treatment to Antiskid Industries Pty Ltd, 12A Pitt Way, Booragoon for a period of two years from 1 May 2004, at the submitted schedule of rates as set out below.

Rate for <250 m <sup>2</sup>	\$48.40 m <sup>2</sup>
Rate for 251 m <sup>2</sup> to 500 m <sup>2</sup>	\$47.30 m <sup>2</sup>
Rate for 501 m <sup>2</sup> to 1000 m <sup>2</sup>	\$46.75 m <sup>2</sup>
Rate for >1001 m <sup>2</sup>	\$46.20 m <sup>2</sup>

CARRIED 11/0

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

*AGAINST:* Nil.

**13.4.4 METROPOLITAN REGIONAL ROAD PROGRAMME 2005/2006 TO 2009/2010**

File: A4/3/1

(BIH)

BH4.2b

**PURPOSE OF REPORT**

For Council to adopt a program for road improvement and rehabilitation projects throughout the City for the next five-year period.

**BACKGROUND**

Metropolitan Regional Road Funding submissions have been called for the five-year rolling Metropolitan Road Programme for the 2005/2006 to 2009/2010 financial years. This funding is an important source of road funding for both road improvement and road rehabilitation projects.

A maximum of \$1 million is available to the one local government authority each year for road improvement projects and a maximum of \$500,000 available for road rehabilitation projects. Funding is provided on a 2 to 1 ratio which means that Local Government contributes to one-third of the cost of projects.

The City of Gosnells is particularly dependent on both types of Metropolitan Regional Road Funding due to the growth issues being experienced through the Canning Vale and Southern River areas and the older areas requiring road rehabilitation. Unfortunately, the level of State Government funding has decreased from \$13.43 million in 2000/2001 to \$8.5 million in 2003/2004 for Metropolitan Regional Road Group Funding, with a further funding reduction to \$6.59 million anticipated for 2004/2005.

Funding is becoming more difficult to obtain due to the funding cut backs and committed projects from previous years. As a result, projects such as Nicholson Road which was ranked as the number one project for improvement funding for 2004/2005 financial year, will not receive funding and will be required to be resubmitted for funding for the 2005/2006 financial year.

Typical costs associated with the construction of an additional carriageway, landscaped median, shared paths, lighting and upgrade to the existing carriageway is approximately \$1.8 million per kilometre, excluding land requirements. Therefore, these projects require State Government funding in order for projects to proceed.

In past years, the City of Gosnells has been successful in obtaining funding for improvement projects such as Kelvin Road dual carriageway (Stebbing Road to Tonkin Highway) and Corfield Street (Dorothy Street to Verna Street). There has also been successful funding applications for road rehabilitation projects in 2003/2004 for Thornlie Avenue, Kenwick Road and Weston Street.

The City of Gosnells was not successful in receiving any funding in 2004/2005. However, a joint project submitted by the City of Canning for Nicholson Road between Birnam Road and Eucalyptus Boulevard (south) was successful, with a total project cost of \$3 million with the City of Gosnells required to contribute \$500,000.

## DISCUSSION

### Road Improvement Projects

Traffic volumes for roads such as Nicholson Road and Ranford Road are over 20,000 vehicles per day, which already exceeds the desired volume of traffic that would be considered safe and functional for a single lane road of 15,000 vehicles per day. Warton Road traffic volumes are approximately 14,000 vehicles per day and will quickly exceed 15,000 vehicles per day with current growth rates in the region. Therefore, ideally it would be preferable to upgrade these roads within a two-year period, but funding restrictions are prohibitive.

The Corfield Street extension to Tonkin Highway will result in increased pressure to upgrade the remaining section of Corfield Street between Verna Street and Eileen Street.

The following list of improvements projects are considered priority projects for the next 20 years.

Year	Road	Section	Estimated Cost
2005/06	Nicholson Road – stage 1	Birnam Rd to Hughes Rd (1.2 km)	\$2.2 million
2006/07	Nicholson Road – stage 2	Hughes Rd to Garden St (0.8km)	\$1.5 million
2007/08	Ranford Road	Nicholson Rd to Campbell Rd (0.8km)	\$1.5 million
2008/09	Warton Road – Stage 1	Garden St to Amherst Rd (1km)	\$1.8 million
2009/10	Warton Road – Stage 2	Amherst Rd to Ranford Rd (1.5km)	\$2.7 million
2010/11	Corfield Street	Verna St to Eileen Street (0.6 km)	\$1.2 million
2011/12	Burslem Drive	Olga Rd to Southern River Bridge (0.4km) plus bridge	\$1.5 million
2012-15	Garden Street	Nicholson Rd to Warton Rd (2.6km)	\$4.5 million
2015-17	Ranford Road – jointly with City of Armadale	Warton Road to Tonkin Highway (4km)	\$7.2 million
2017-22	Southern River Road	Compton Rd to Ranford Rd (5km)	\$9 million
2022-24	Nicholson Road – jointly with City of Canning	Ranford Rd to Warton Rd (3km)	\$5.4 million
2024/25	Spencer Road	Widen for median (2km)	\$2 million

In addition, Garden Street between Warton Road and Southern River Road is proposed to be constructed as a single carriageway in two stages over the next five-year period. While it is proposed that Outline Development plan (ODP) funding will be sufficient to fund the construction of this road project, it should be noted that there is a strong probability of this project also qualifying for road improvement funding.

The above timeframes would need to be reviewed on an annual basis to consider changing priorities and conditions of these roads as residential development continues to grow in Canning Vale and Southern River and the impact of redevelopment and urban infill has on more established areas. Other roads in addition to the above table of priorities that would be continued to be monitored for future upgrade but are currently outside the funding available include:

- Sevenoaks Street, Beckenham
- Yale Road, Thornlie
- Royal Street, Thornlie (including the bridge over Canning River)
- Spring Road, Thornlie
- Warton Road, Canning Vale (south of Ranford Road)
- Fremantle Road – provision of median
- Belmont Road, Kenwick
- Davison Street, Maddington

### **Road Rehabilitation Projects**

The road rehabilitation projects are for Local and District Distributor Roads that carry over 2,000 vehicles per day. The roads are assessed against many criteria that measure the condition of the road, which include surface cracking, rutting, depression, surface defects, kerb displacement and shoving. Additionally the pavement age, volume of buses per day, percentage of commercial vehicles and total traffic volumes are taken into consideration to determine a points score for the road. The higher the score, the higher the funding opportunity.

Due to the complex nature of the assessment system, several roads are selected from visual inspection for further detailed examination and road testing from which funding applications will be made. For the 2005/2006 financial year the following projects are being considered for funding application, dependent upon the outcome of the detailed analysis. They are:

- William Street – Railway Parade to Luyer Street
- Nicholson Road – Ranford Road to Warton Road (this project is being submitted by City of Canning with 50% funding required by City of Gosnells)
- Gosnells Rd – Westfield Street to Tonkin Highway

- Warton Road – Forest Lakes Drive to Spencer Road
- Spencer Road – Hester Street to Nicholson Road

The projects selected will be evaluated and submitted for funding. These projects then get independently audited and ranked against all other metropolitan submissions. The highest scoring projects then receive funding to the available cut off funding level.

The roads that will be considered for funding for future years are dependent upon the outcome of road asset assessment which is undertaken every year. Roads that would be considered for funding in future years include:

- Burslem Drive – Olga Road to Albany Highway
- Dorothy Street – Hicks Road to Croft Street
- Royal Street – Kenwick Link to Albany Highway
- Anaconda Drive – Chamberlain Street to Corfield Street
- Station Street – Lewis Road to Astley Street

These roads would be subject to review each year and dependent on the projects submitted receiving funding first. Additional roads will be considered dependent on the rate of deterioration of the road network.

## **FINANCIAL IMPLICATIONS**

If funding applications are successful, the City of Gosnells will be required to fund costs of at least one-third of the total project costs. Maximum funding provided is \$1 million for road improvement projects and \$500,000 for road rehabilitation projects.

Provision has been made in the Principal Activity Plan for this level of funding and corresponding Municipal contributions. Actual funding levels would be advised prior to setting of budgets for the 2005/2006 financial year, based on the success of the funding applications.

<b>STAFF RECOMMENDATION AND COUNCIL RESOLUTION</b>
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### **208 Moved Cr P Wainwright Seconded Cr J Brown**

“That Council support the submission of Nicholson Road between Garden Street and Birnam Road and Ranford Road between Nicholson Road and Campbell Road for metropolitan regional road improvement funding for the period 2005/2006 to 2007/2008.”

**CARRIED 11/0**

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

*AGAINST: Nil.*

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

“That Council support the submission of the following roads for metropolitan regional road rehabilitation funding for the 2005/2006 financial year, subject to detailed assessment:

- William Street – Railway Parade to Luyer Street.
- Nicholson Road – Ranford Road to Warton Road (joint project with City of Canning).
- Gosnells Road – Westfield Street to Tonkin Highway.
- Warton Road – Forest Lakes Drive to Spencer Road.
- Spencer Road – Hester Street to Nicholson Road.”

CARRIED 11/0

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

*AGAINST:* Nil.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION
---

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

“That Council adopt in principle the following road improvement priority programme for the next twenty-year period and that the list of projects be reviewed on an annual basis:

Year	Road	Section	Estimated Cost
2005/06	Nicholson Road – stage 1	Birnam Rd to Hughes Rd (1.2 km)	\$2.2 million
2006/07	Nicholson Road – stage 2	Hughes Rd to Garden St (0.8km)	\$1.5 million
2007/08	Ranford Road	Nicholson Rd to Campbell Rd (0.8km)	\$1.5 million
2008/09	Warton Road – Stage 1	Garden St to Amherst Rd (1km)	\$1.8 million
2009/10	Warton Road – Stage 2	Amherst Rd to Ranford Rd (1.5km)	\$2.7 million
2010/11	Corfield Street	Verna St to Eileen Street (0.6 km)	\$1.2 million
2011/12	Burslem Drive	Olga Rd to Southern River Bridge (0.4km) plus bridge	\$1.5 million
2012-15	Garden Street	Nicholson Rd to Warton Rd (2.6km)	\$4.5 million
2015-17	Ranford Road – jointly with City of Armadale	Warton Road to Tonkin Highway (4km)	\$7.2 million
2017-22	Southern River Road	Compton Rd to Ranford Rd (5km)	\$9 million



2022-24	Nicholson Road – jointly with City of Canning	Ranford Rd to Warton Rd (3km)	\$5.4 million
2024/25	Spencer Road	Widen for median (2km)	\$2 million

**CARRIED 11/0**

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

**AGAINST:** Nil.

## **13.5 PLANNING AND SUSTAINABILITY**

### **13.5.1 TOWN PLANNING SCHEME AMENDMENT, PROPOSAL TO INITIATE - TOWN PLANNING SCHEME NO. 6 - TEXT AMENDMENT TO INCLUDE CONDITIONS RELATING TO RESTRICTED USE "SHOP" IN ITEM 4 (2) OF SCHEDULE 3 OF THE SCHEME (*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.

### 13.5.2 DEVELOPMENT APPLICATION – EXTENSION TO WAREHOUSE – 21 (LOT 9) MCINTYRE WAY, KENWICK

File: 225313      **Approve Ref:** 0304/1401      (BF)      Psrpt064Apr04  
Name: Mapel Building Pty Ltd  
Location: 21 (Lot 9) McIntyre Way, Kenwick  
Zoning: MRS: Urban  
TPS No. 6: Light Industrial  
Appeal Rights: Yes. Town Planning Appeal Tribunal against a refusal or any condition(s) of approval.  
Area: 2,061m<sup>2</sup>

#### PURPOSE OF REPORT

For Council to consider an application for extension to a warehouse (for storage of furniture) at No. 21 (Lot 9) McIntyre Way, Kenwick involving a variation to the requirement of Town Planning Scheme No. 6 (TPS 6) in regard to parking which is outside authority delegated to staff.

#### BACKGROUND

##### Site description and zoning

The subject property is zoned Light Industrial under Council's Town Planning Scheme No.6 (TPS 6) and has a lot area of 2,061m<sup>2</sup>. The subject lot abuts three Light Industrial zoned lots and is opposite a railway reserve (refer location plan). There is an existing warehouse on the subject site. Landscaping of the site and street verge is in a poor condition. A development approval for the warehouse extension on Lot 10 has been recently issued for the same property owner and the same business, furniture storage. Lot 10 abuts the subject lot on the south-eastern side. There is no boundary fence between the two lots.



Under the provision of TPS 6, “warehouse” is defined as:

*“premises used to store or display goods and may include sale by wholesale.”*

A warehouse use within the subject zone is a use that is not permitted unless the local government has exercised its discretion by granting planning approval (i.e. “D” use).

Clause 5.13.3 of TPS 6 provides Council the authority to vary the parking requirements as required by TPS 6:

*“Where the Council is satisfied that the circumstances of a 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.”*

## **DISCUSSION**

### **Proposal**

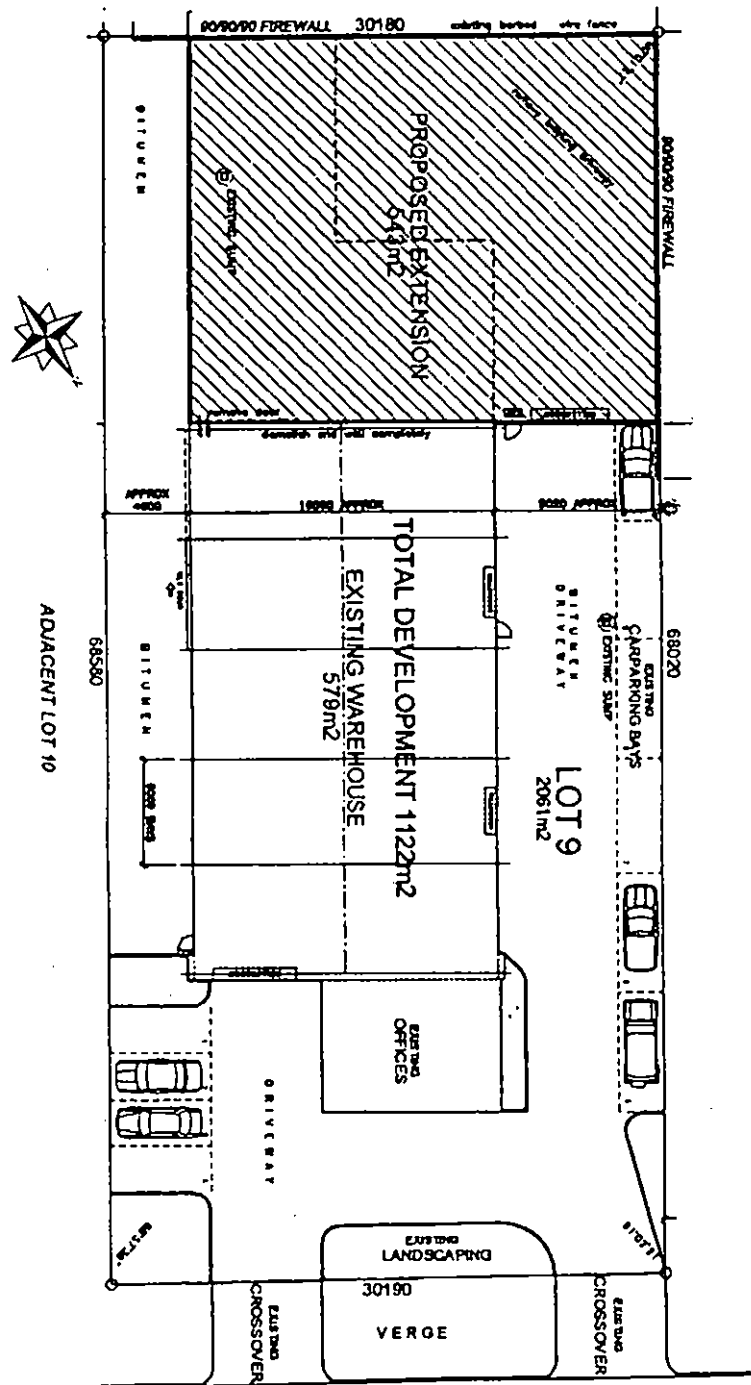
The application seeks to extend a warehouse at the rear. As the site is to be used purely for the storage of furniture and wholesale, only two administration staff will be employed and a limited number of customers will be visiting the premises. Extra persons will only attend the site to store or retrieve items as required, and they will arrive by truck or similar vehicles. A total of 10 constructed bays are proposed, resulting in a parking shortfall of 3 bays. Refer site plan below

In support of the proposed development with a reduced number of car bays the applicant (Mapel Building) states that:

*“The client runs his business from Lot 7 in McIntyre Way and uses Lots 9 and 10 for warehouse for furniture storage only. Lot 10 has already been granted planning approval for the warehouse extension and our client requires the extension to the Lot 9 warehouse because of increased business and any restrictions on the size of the extension will impact on his capacity to service this increased business.*

*He (client) will not be employing any extra staff due to the extensions (on Lot 9 and 10) as they are for warehousing only and even though it will not comply with the scheme requirements in regards to parking, there will be no extra demand for car-parking bays.*

*The client has no intention of selling the properties at this stage and is in fact extending them to suit his current business needs and increased business requirements.”*



MCINTYRE WAY

SITE PLAN

## Town Planning Scheme No. 6 - Parking Provision

The warehouse use is considered to be consistent with the intent of a Light Industrial zone and proposed use may be supported. However, under the provisions of TPS 6, the proposed development would require a minimum of 13 parking bays. The applicant has proposed 10 parking bays.

The proposed extension and existing warehouse will be used only for furniture storage for wholesale. It is considered that a reduction in the required number of parking bays is unlikely to result in the lowering of safety, convenience and amenity standards of the site or surrounding properties. Given that there will be minimum traffic attending the site, it is considered that the reduction of the required car bay provision to 10 is likely to adequately accommodate any infrequent parking generated by the proposal.

### CONCLUSION

In summary, the proposed warehouse extension for use of furniture storage is considered to be a use that is consistent with the intent and the objectives of Light Industrial zone. Given that the proposed use is unlikely to attract a significant amount of traffic to the site, it is considered that a relaxation in parking requirements is acceptable, as such a relaxation would not detrimentally affect the safety, convenience and amenity of the subject site and surrounding properties. Subject to appropriate conditions being imposed the proposal is supported.

### FINANCIAL IMPLICATIONS

Nil

STAFF RECOMMENDATION AND COUNCIL RESOLUTION
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#### 211 Moved Cr R Mitchell Seconded Cr R Croft

“That Council approve the application for Extension to Warehouse at No. 21 (Lot 9) McIntyre Way, Kenwick, subject to the following conditions:

1. Standard Conditions 3.1 (10), 4.1, 4.4 (\$9,000) 5.1, 5.3, 6.1, 7.1, 9.1; and Advice Notes D12.1, D13.1, D14.1, D15.1 (a)(b), D19.1, D2.1, D27.3, D3.1, D5.1.
2. The applicant to demonstrate an appropriate method of stormwater disposal prior to the issue of a building licence.”

CARRIED 9/2

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

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

**13.5.3 DEVELOPMENT APPLICATION – STORAGE YARD FOR SCRAP METAL – 1733 (LOT 78) 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.

**13.5.4 DEVELOPMENT APPLICATION – ANCILLARY ACCOMMODATION –  
LOT 10 BIRRINGO WAY, MARTIN (*ITEM BROUGHT FORWARD –  
REFER TO ITEM 11*)**

The above item was brought forward in accordance with paragraph (9) of Sub-Clause 2.15.4 of the City of Gosnells Standing Orders Local Law 2003 and is relocated under Item 11 “Items Brought Forward for the Convenience of those in the Public Gallery” as the third report in these Minutes.



### **13.5.5 WEST CANNING VALE (CAMPBELL ESTATE) OUTLINE DEVELOPMENT PLAN**

File:	S8/1/1	(SRW)	Psrpt053Apr04
Location:	Area bounded by Ranford, Campbell and Nicholson Roads		
Zoning: MRS:	Urban		
TPS No. 6:	Residential Development		
Area:	Approximately 62ha		
Previous Ref:	OCM 11 February 1997 (Resolution 479) OCM 26 May 1998 (Resolution 1431) OCM 13 April 1999 (Resolution 254) OCM 27 July 1999 (Resolution 654) OCM 27 August 2002 (Resolution 695) OCM 11 February 2003 (Resolutions 13-14) OCM 8 July 2003 (Resolution 472)		
Appendix:	<a href="#">13.5.5A Water and Rivers Commission Position Statement on Wetlands</a> (Click to view)		

#### **PURPOSE OF REPORT**

To provide Council with an update of proceedings with respect to the West Canning Vale (Campbell Estate) Outline Development Plan and provide the opportunity for Council to consider different options for progressing the future planning of the area

#### **BACKGROUND**

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

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

The ODP supported by Council was advertised between 13 September 2002 and 14 October 2002 for public comment, including referral to relevant government agencies. Letters were sent to all landowners and immediately surrounding properties. The submissions received from servicing authorities generally did not raise any concerns with respect to the ODP Area, however the Department of Environmental Protection and the Water Rivers Commission identified concerns, particularly with respect to the protection of wetland features and remnant vegetation. Further discussion on these matters is included within the discussion section of this report

From the landowner submissions, common themes in the submissions were identified including the following:

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

Council at its meeting of 11 February 2003 considered the submissions received from the advertising of the ODP and resolved as follows (Resolution 14):

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

A meeting was held on 17 March 2003 with officers of the above-mentioned state government agencies to discuss the environmental features further. At the meeting, it was agreed that the DEP and the WRC would collaboratively identify the "core" areas of environmental significance. Following on from that meeting, a meeting was scheduled for 10 April 2003 for the DEP and WRC to identify and present the areas that were seen as being of greatest environmental significance. This meeting was cancelled at the request of the officers of the two environmental agencies citing an ability to only provide informal advice, not necessarily representative of the views of the Environmental Protection Authority (EPA).

In a bid to progress the matter further, Council officers met with Dr Wally Cox, Chairperson of the EPA and Mr Kim Taylor, Director of Environmental Assessments at the Environmental Protection Authority Service Unit (EPASU). It became clear from these meetings that the current legislative framework prevented the State environmental agencies from formally considering an ODP as an ODP is not considered a "proposal" under the Environmental Protection Act.

Recognising the limitations in the current legislative framework, in order to progress the planning for this area and to ultimately gain a formal position from the different government agencies, Council at its meeting of 8 July 2003 considered the matter and passed the following resolution (Resolution 472):

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

1. *The realignment of the northern access road from Ranford Road to the boundary of Lot 3 and 279.*

2. *The designation of Lot 281 Campbell Road as “Mixed Use/Residential R40” and corresponding modification to the Schedule of Common Infrastructure Works.*
3. *The relocation of a proposed shared use path from Fairlie Road to Govan Road to link the central area of public open space.”*

In accordance with the above Council resolution, the ODP was forwarded to the Western Australian Planning Commission (WAPC) for determination. Prior to a determination being made, the Commission sought further advice from the EPASU as to the environmental features of the area. The following advice was provided by the EPASU:

*“The Campbell Estate land area contains a number of wetlands considered to be of conservation value. In its current form, the ODP does not adequately protect these valuable wetlands and as such, is considered unacceptable to the EPASU. In order for the EPASU to feel satisfied that the ODP adequately provides for the protection of these wetlands, the ODP would need to recognise the conservation values of the western side of the site.”*

Having received the advice from the EPASU, the WAPC considered the “as advertised” ODP in January 2004 and resolved to not support the ODP, as follows:

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

and

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

Now that the WAPC has made a determination to not support the ODP, Council must consider the different options for progressing the planning for this area.

## **DISCUSSION**

This report provides the opportunity for Council to consider how to progress the planning for this area. The following outlines the key issues to address.

### **Need for an ODP**

In areas of fragmented landownership, there is generally the need to provide a planning framework to guide future subdivision and development. Section 7 of Town Planning Scheme No 6 (TPS 6) provides the statutory framework and administrative provisions for the preparation, adoption and implementation of ODPs. An ODP may be prepared by Council staff or qualified professionals, however it is important to note that Council is under no statutory obligation to prepare an ODP.

The opportunity to establish basic urban design principles, identify areas of conservation value and develop cost sharing mechanisms for district level infrastructure are the principle reasons for an ODP to be prepared for the Campbell Estate area. Should Council resolve to not prepare a new ODP, it is unlikely that the landowners of the area would be able to coordinate the engagement of qualified professionals to undertake the work. On this basis, it is recommended that Council progress the future planning for this area.

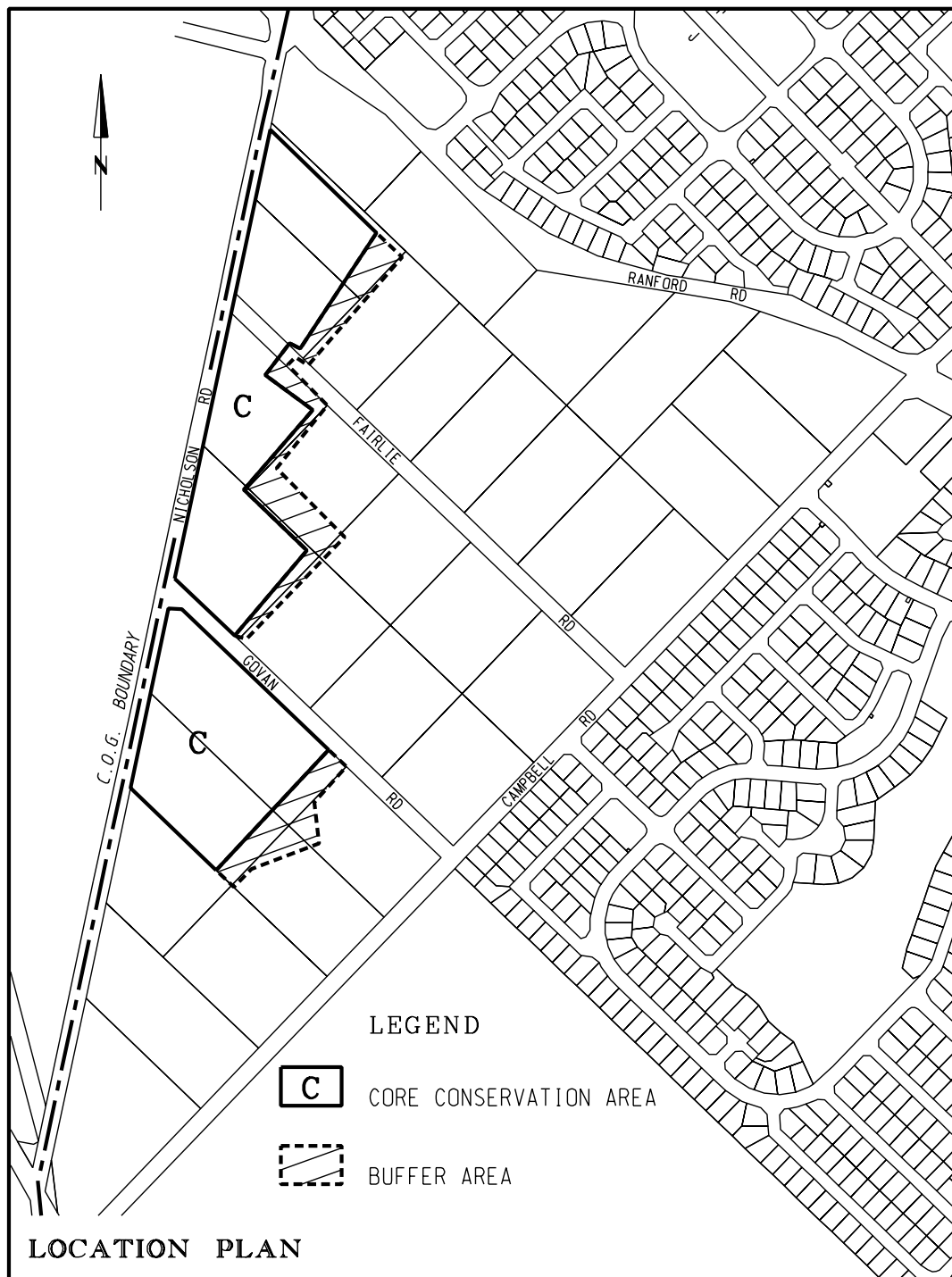
### **Identification of “Priority Areas” for Conservation**

As outlined earlier in this report, Council staff liaised extensively during 2003 with officers of the DEP, EPASU and the Water and Rivers Commission in seeking to determine the level of protection required for wetland features in the ODP area. Recognition of the existing zoning of the land, the extended history of planning for the area and the limited scale of the ODP area, the above-mentioned agencies provided advice to the City of Gosnells and the WAPC as to “priority conservation areas”.

It is important to note that such empirical identification of conservation assets by State environmental agencies is very uncommon and has only been achieved through a cooperative approach to planning for this area. The plan on the following page illustrates the “priority conservation areas” and required buffers within the ODP area. Based on the advice of the EPA and WAPC, any future ODP for this area will need to provide wetland features a level of protection not less than that outlined.

### **Assessment Methodology for Wetland Features**

Council staff have been approached by a number of landowners in the area, questioning the validity of the current wetland classifications, as detailed in the accompanying plan, and the associated need to protect these environmental features. It is important to note that the Department of Environment/Water and Rivers Commission is the responsible agency for such matters and not the City. Accordingly, any reconsideration of wetland values would need to be addressed through these agencies.



Much of the confusion stems from nature of the area being a “dampland” rather than a “wetland” in the traditional sense; a direct expression of groundwater is not necessary for a feature to be considered as having wetland conservation value. The Water and Rivers Commission Position Statement on Wetlands is attached at Appendix 13.5.5A

The evaluation involved an assessment of the environmental studies undertaken for the City by Bowman Bishaw Gorham consultants, previous studies undertaken by Trudgen and Keighery (1995) and Weston (1999), an assessment of environmental features of the site using geographical information system data and ground truthing by officers of the Department of Environment and EPASU. The evaluation was undertaken in accordance with the evaluation framework endorsed by all relevant State Government

agencies, including the EPA and Western Australian Planning Commission. Furthermore, the assessment methodology is consistent with the State Government's Wetland Policy Statement.

The wetland assessment methodology for wetland features has been evolving over the past 15 years, with additional mapping being undertaken and further scientific knowledge being gained. Much of the focus historically has been on the methodology outlined in the EPA Bulletin 686, despite the inherent limitations of this approach. The methodology outlined in this Bulletin is considered to be appropriate for a "first cut" type assessment and generally needs to be supplemented by other assessment criteria.

City staff are satisfied that the evaluation's outcomes are objective and robust. The use of additional time and financial resources to further investigate the wetland classifications, as suggested by some land owners, is considered to be of questionable value.

### **"Strategic Assessment" of Outline Development Plans**

As outlined earlier in this report, the EPA has not traditionally been willing to assess ODPs as it has not considered an ODP to satisfy the definition of a "proposal" under the Environmental Protection Authority. Ordinarily, a review of likely environmental impacts is undertaken by the EPA at the time of rezoning, however no further rezonings are required to facilitate the subdivision and development of the area. Council in the future will need to consider the risks associated with progressing and finalising an ODP for the Campbell Estate area if the matter has not formally been considered by the EPA. It is possible that individual subdivision and development applications may be considered by the EPA if the ODP has not been assessed.

Recent amendments to the Environmental Protection Act have introduced the definition of "Strategic Proposal" which is likely to enable the assessment of ODPs where considered appropriate by the Chairperson of the EPA. Preliminary support has been provided by the EPASU to use this approach for the Campbell Estate area to effectively "lock away" the planning framework once an ODP has neared finalisation. Further advice is currently being sought by the City as to this possible approach, with respect to matters of time, cost and risk.

### **Further Landowner Involvement in a New ODP**

The statutory requirements of TPS 6 outline that Council is required to consider whether an ODP is "satisfactory for advertising", seek public comment for a period of not less than 21 days and then consider the submissions received before making a final determination on the ODP. It is generally considered desirable to engage landowners in additional consultation during the preparation of an ODP prior to the formal advertising of an ODP, however the additional time implications associated with the additional consultation need to be considered.

Landowners have previously had the opportunity to provide comment on an ODP for this area and will again have the opportunity if a new ODP is prepared for the area.

**Options for Council to Consider***(1) To not prepare a new ODP*

Council is under no statutory obligation to prepare an ODP for the area. Pursuant to Section 7 of TPS 6, Council is only required to consider whether an ODP is required for an area prior to supporting subdivision and development.

Should Council choose not to progress a new ODP for this area, landowners would be required to engage suitably qualified professionals to prepare and progress an ODP through statutory processes to facilitate future subdivision and development.. Recognising that there are 32 separate land parcels within the area, it is unlikely that this would be achieved and the area would likely remain undeveloped for an extended period of time.

*(2) To further investigate the wetland classification within the area*

As outlined above, Council staff have been approached by a number of landowners in the area, questioning the validity of the current wetland classifications and the advised need to protect these environmental features. Council could potentially invest further time and financial resources into further reviewing the environmental features, however based on the level of assessment undertaken by the State's responsible agency for wetlands and the environmental studies previously undertaken by Bowman Bishaw Gorham, Council staff believe that there is questionable value in investigating these matters further.

*(3) To prepare a new ODP*

This is the option recommended by Council staff in progressing the planning for this area. The opportunity exists to establish an overall framework that addresses both development and conservation objectives that will facilitate the general subdivision and development of the area. Through the preparation and advertising of an ODP, the opportunity will exist for landowners to have additional input into the process and help shape the future of the area.

**CONCLUSION**

The City of Gosnells is under no statutory obligation to prepare an Outline Development Plan for the West Canning Vale (Campbell Estate) Area. Recognising the extended history of planning for this area, the fragmented land ownership and the extent of cooperation provided by the State environmental agencies, the preparation of a new ODP by the City is considered by Council staff to be the most appropriate way to progress the ultimate subdivision and development of the area.

**FINANCIAL IMPLICATIONS**

In the context of an ODP, the City will generally establish “cost-sharing” mechanisms to provide for the timely provision of “district” level infrastructure associated with the subdivision and development of the area. It is envisaged that the costs associated with the ultimate acquisition of areas identified for conservation purposes would become a “common cost” for the area.

Where a cost sharing mechanism is established, trust accounts are created for the management of specific funds, completely separate to municipal funds. Any shortfall in ODP funds upon the completion of development within an ODP is required to be made good through municipal funds. Accordingly, the City has to consider the degree of financial risk associated with the future development of this area.

<b>STAFF RECOMMENDATION AND COUNCIL RESOLUTION</b>
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**212 Moved Cr W Barrett Seconded Cr R Mitchell**

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

CARRIED 9/2

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

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



### **13.5.6 POLICY RATIONALISATION - OUTBUILDING POLICIES NO. 5.1.16 & 6.2.3**

File: A1/1/10/1 (SW) Psrpt063Apr04  
Previous Ref: OCM 25 February 2003 (Resolution 125)  
OCM 26 August 2003 (Resolution 557)  
Appendix: 13.5.6A [Policy No. 5.1.16 – Outbuildings - Rural and Residential Areas \(Click to view\)](#)  
13.5.6B [Policy No. 6.2.3 – Outbuildings \(Click to view\)](#)

#### **PURPOSE OF REPORT**

For Council to consider rationalisation of the existing Outbuilding Policies.

#### **BACKGROUND**

At the Ordinary Meeting of Council held on 25 February 2003 (Resolution 125) Council resolved to adopt Policy No. 6.2.3 – Outbuildings for final approval. At the Ordinary Meeting of Council held on 26 August 2003 (Resolution 557) Council resolved to adopt an amended version of Policy No. 5.1.16 – Outbuildings - Rural and Residential Areas.

#### **DISCUSSION**

When Council resolved to adopt Policy No. 6.2.3 – Outbuildings for final approval Policy 5.1.16 should have been revoked, as Policy No. 6.2.3 replaces Policy 5.1.16.

#### **CONCLUSION**

It is recommended that Council resolve to revoke Policy No. 5.1.16 – Outbuildings - Rural and Residential Areas.

#### **FINANCIAL IMPLICATIONS**

Nil.

<b>STAFF RECOMMENDATION AND COUNCIL RESOLUTION</b>
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#### **213 Moved Cr R Croft Seconded Cr P Wainwright, Cr S Moss and Cr C Mation**

“That Council revoke Policy No. 5.1.16 – Outbuildings - Rural and Residential Areas as contained in Appendix 13.5.6B, as it has been superseded by Policy No. 6.2.3 – Outbuildings.”

CARRIED BY ABSOLUTE MAJORITY 11/0

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

*AGAINST:* Nil.

**13.5.7 DETAILED AREA PLAN – 52 (LOT 33) SHREEVE ROAD, CANNING VALE**

File: SD122957 **Approve Ref:** 0304/0573SL (SW) Psrpt060Apr04  
 Name: Chappell & Lambert  
 Location: 52 (Lot 33) Shreeve Road, Canning Vale  
 Zoning: MRS: Urban  
 TPS No. 6: Residential Development  
 Appeal Rights: Nil  
 Area: 2.2096ha  
 Previous Ref: N/A  
 Appendix: [13.5.7A Detailed Area Plan \(Click to view\)](#)

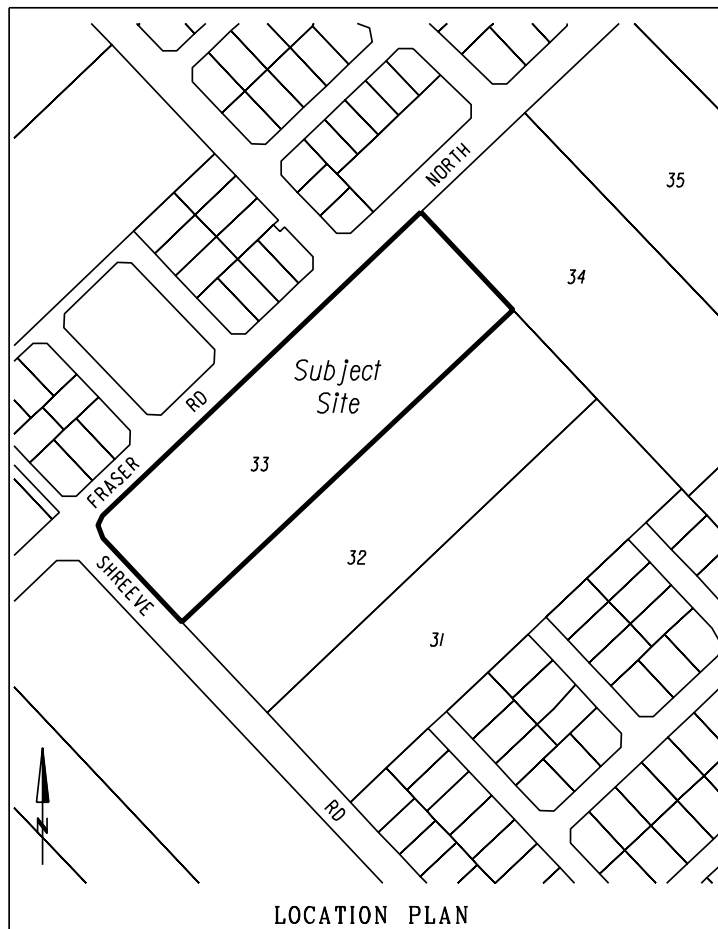
**PURPOSE OF REPORT**

For Council to approve a Detailed Area Plan (DAP) in order to satisfy a condition of subdivision approval.

**BACKGROUND**

**Site Description**

Lot 33 is located within the Canning Vale Outline Development Plan (ODP) area; it is to be subdivided into residential lots that will form part of Stage 7C of the “Malcolm Park” estate (see Location Plan). Only a portion of Lot 33 would be subject to the DAP.



## Outline Development Plan

The ODP shows the northern portion of Lot 33 as being coded “Residential Density Greater than R17.5” and that portion abuts a reserve for recreation. The subdivision application which has been approved over Lots 31, 32 & 33 reflects the medium residential densities shown on, and encouraged by, the ODP. As such the subdivision application was approved by the Western Australian Planning Commission subject to the following conditions:

- “20. *The subdivider shall prepare a Detailed Area Plan for the development of the proposed laneway lots to detail the interface between the development and the laneway and proposed public open space to the satisfaction of the Western Australian Planning Commission.*
21. *Arrangements shall be made to the satisfaction of the Western Australian Planning Commission to ensure that prospective purchasers of the lots the subject of Condition 20 are made aware of the Detailed Area Plan relating to the development of those lots.*
22. *Arrangements shall be made to the satisfaction of the Western Australian Planning Commission to ensure compliance with the Detailed Area Plans.”*

The DAP must be approved by Council in order to satisfy these conditions and enable the subdivision to be finalised and titles issued.

## Town Planning Scheme No. 6

Clause 7.6 of TPS 6 provides a process for the consideration and determination of proposed DAPs. In that regard, Council is either to approve or refuse to approve the DAP, and if it is approved, refer the DAP to the WAPC for its information.

## DISCUSSION

### Proposed Detailed Area Plan

The DAP is a document specifically prepared for this site in accordance with the principles of the SafeCity Urban Design Strategy, Liveable Neighbourhoods Edition 2 and ODP(see Appendix 13.5.7A). For this reason it addresses issues such as:

- Requiring habitable rooms to overlook both the street and rear laneway;
- Restrictions on the amount of solid fencing in front of the building line that may obstruct views of the public realm;

- Requiring garages/carports to only be located on the rear laneway. This will maximise use and (therefore) surveillance of the rear laneway, and provide for the location of additional habitable rooms at the front of the lot where they create overlooking of the public open space opposite;
- Setback/solar access issues associated with having “narrow” lots;
- Requiring a footpath connection between the dwelling and the street.

The DAP will be referred to when applications are received for the proposed green-title lots, and the proposed buildings (ie single dwellings) will have to comply. In that respect, the DAP will vary the R-Codes in some respects, so as to achieve the desired urban design outcomes.

## CONCLUSION

Staff support the proposed DAP, which has been prepared in conjunction with the subdivider’s planning consultants and is in accordance with the principles of the SafeCity Urban Design Strategy and Liveable Neighbourhoods Edition 2. It is recommended that Council adopt the DAP and authorise staff to forward it to the WAPC for its information.

## FINANCIAL IMPLICATIONS

Nil.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION
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### 214 Moved Cr W Barrett Seconded Cr R Croft

“That Council adopt the Detailed Area Plan for 52 (Lot 33) Shreeve Road, Canning Vale as shown in Appendix 13.5.7A, and forward a copy of the plan to the WA Planning Commission for its information.”

CARRIED 8/3

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

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

**13.5.8 TOWN PLANNING SCHEME NO. 6 – ADDITIONS TO HERITAGE LIST**

File: TPS/6 Approve Ref: N/A (KN)  
Previous Ref: 17 December 2002 OCM (Resolution 1024)  
Appendix: [13.5.8A Additions Town Planning Scheme No. 6 Heritage List](#)  
(Click to view)

**PURPOSE OF REPORT**

For Council to approve two additional places to the City of Gosnells Town Planning Scheme No. 6 Heritage List that were inadvertently not included on the original list when it was finalised at the Ordinary Council Meeting held on 17 December 2002. These places were the RSL Monument at 2120 (Lot 14) Albany Highway, Gosnells and the Shangri-La at 62-64 (Lot 551) Homestead Road, Gosnells.

**BACKGROUND**

On 17 December 2002, in accordance the recently approved TPS 6, Council adopted a Scheme Heritage List. As an oversight, two of the heritage places that were considered by Council were not included on the adopted list.

In accordance with TPS 6, the Shangri-La building and the RSL Monument (like all places on the Heritage List) were subject to the following scheme procedures:

*“8.1.3 In considering a proposal to include a place on the Heritage List, the local government is to:*

- (a) notify in writing the owner and occupier of the place and provide them with a copy of the proposed description of the property and the reasons for the proposed entry;*
- (b) invite submissions on the proposal from the owner and occupier of the place within 21 day of the day the notice is served;*
- (c) carry out such other consultations as it thinks fit; and*
- (d) consider any submission made and resolve to enter the place on the Heritage List with or without modification or reject the proposal after consideration of the submission.”*

At the conclusion of this consultation period, no submissions had been received regarding the two subject properties.

**DISCUSSION**

Clause 1.6 of the TPS 6 identifies the aims of the Scheme. Included within these aims is, *“to protect objects and places of outstanding natural (eg landform, water courses), historic, architectural, scientific and cultural significance.”*

“Shangri-La” and the RSL Monument are seen as having a high degree of local cultural heritage significance and are deserved of a mechanism to at least require the building or structure to be properly recorded before any significant redevelopment or demolition. The only way to ensure that this can occur is by including the two subject places on the Heritage List, as unless a property is included on such a list, no development approval is required for demolition of any structure.

The RSL Monument is located on land in the ownership of the City of Gosnells. Given Council's endorsement of the heritage list and commitment to maintaining our cultural heritage, the preservation of all Heritage Places on land in the ownership of the City is considered to be of a high priority.

As previously mentioned, the inclusion of a place on the TPS 6 Heritage List will trigger the requirement for Development Approval and the issuing of a Form 2 (Approval to Commence Development) for most works associated with the place (including internal modification).

## **CONCLUSION**

Given that the Shangri-La and the RSL Monument were initially considered by Council but were unintentionally left off the official Heritage List and that no objections were ever received for the two places being included on the list, it is recommended that these two places be included and adopted as a part of the City of Gosnells TPS 6 Heritage List.

## **FINANCIAL IMPLICATIONS**

Nil.

<b>STAFF RECOMMENDATION AND COUNCIL RESOLUTION</b>
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### **215 Moved Cr J Brown Seconded Cr C Matison**

“That Council, in accordance with Clause 8.1 of the City of Gosnells Town Planning Scheme No. 6, add “Shangri-La” at 62-64 (Lot 551) Homestead Road, Gosnells, and the RSL Monument at 2120 (Lot 14) Albany Highway, Gosnells, to the Heritage List along with the relevant descriptions of each place and reason for their entry.”

**CARRIED 11/0**

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

*AGAINST: Nil.*

## **13.6 REGULATORY SERVICES**

**14. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN****14.1 PETITION FORMAT – REQUEST FOR ADVERTISEMENT**

The following motion was proposed by Cr O Searle during “Notices of Motion for Consideration at the Following Meeting” at the Ordinary Council Meeting held 13 April 2004 for inclusion in “Motions for Which Previous Notice Has Been Given” of the 27 April 2004 Ordinary Council Meeting.

**PROPOSED MOTION**

That in two (2) future advertisements placed in a community newspaper Council indicate that there is a specific format which must be adhered to for all petitions that are to be presented to the Council for consideration.

**COUNCILLOR COMMENT**

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

**STAFF COMMENT**

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

*“In November 2001, in an endeavour to assist the community in the preparation and presentation of petitions to Council, the City developed a Petition Information Sheet and Petition Proforma which clearly outlined the information required in, and layout of a petition. Advice of the availability of this information has been publicised in the local media as well as being included on Councils website.*

*The cost of placing an advertisement in a community newspaper advising the specific format to be adhered to when submitting petitions to Council would be in the vicinity of \$350 per publication. Whether such advertisements would capture the attention of those proposing to initiate a petition or whether in future times those individuals would remember the process is some what subjective.*

*As has been proposed in memorandums circulated in the past it would be beneficial, where Councillors or staff are approached about the presentation of a petition, to advise of the minimum standard required. Where a petitioner submits a document that is not in conformance it would be advisable to provide them with the opportunity to correct the anomaly or present them with a copy of the required format.*

*Rather than incur additional cost in advertising petition information, it may be more beneficial if staff were to prepare a feature article for inclusion in an upcoming edition of the COG News.”*

PROPOSED MOTION
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**Moved Cr O Searle Seconded Cr S Moss**

That in two (2) future advertisements placed in a community newspaper Council indicate that there is a specific format which must be adhered to for all petitions that are to be presented to the Council for consideration.

LOST 2/9

*FOR: Cr S Moss and O Searle.*

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

**14.2 BECKENHAM TRAFFIC STUDY – REPORT REQUEST**

The following motion was proposed by Cr O Searle during “Notices of Motion for Consideration at the Following Meeting” at the Ordinary Council Meeting held 13 April 2004 for inclusion in “Motions for Which Previous Notice Has Been Given” of the 27 April 2004 Ordinary Council Meeting.

**PROPOSED MOTION**

That a brief report be brought to Council indicating the present position of the consultancy report regarding Council’s objectives for William Street and the surrounding roads.

**COUNCILLOR COMMENT**

Cr O Searle provided the following written comment in relation to the proposed motion:

*“People in the area are constantly raising concerns about the roads in their area often through the press and they need to be told that Council has not forgotten them or their problems. We are in fact moving steadily towards a long-term goal. We all need to know where we presently stand so that we can tell the people when they contact any Elected Members.”*

**STAFF COMMENT**

The Senior Traffic and Road Safety Officer provides the following comment in relation to the proposed motion:

*“Technical Services have received the draft report for the Beckenham Traffic Study. Further information is required from the Consultants prior to the final report being completed, which when finalised, will be presented at an Ordinary Council Meeting in May.”*



*The main recommendations submitted by the consultant are:*

- *Reduce William Street to one lane in each direction*
- *Install raised and painted median, with cycle lanes in Brixton Street*
- *Review effectiveness of noise bunds on Roe Highway*
- *Review the bus routes servicing the Beckenham area*
- *Install on-street parking in Birchington Street*
- *Review access and egress for the Highbury Crescent area*
- *Modify sections of William Street including various intersections*
- *Install intersection treatments at Brixton St/Ladywell St, Lacey St/Campbell St, Railway Pde/Sydenham St*
- *Introduce traffic calming treatments on Brixton St, Railway Pde, Ladywell St, Lacey St, Sydenham St, Dulwich St, Jubilee St & Celebration St*
- *Install or improve footpaths on Faversham St, Appledore St, Saturn St, Lowth Road, Sullivan St, Bickley Rd, Brixton St, Dulwich St, Sevenoaks St, Lunar St, Orbit St, & Temby St*
- *Dual Sevenoaks Street between Crawford Street and William Street, and modify Sevenoaks St/William St intersection*
- *Dual Sevenoaks Street between William Street and Albany Highway*
- *The long term grade separation of William Street and the Railway Line.”*

PROPOSED MOTION
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**Moved Cr O Searle Seconded Cr S Moss**

That a brief report be brought to Council indicating the present position of the consultancy report regarding Council's objectives for William Street and the surrounding roads.

WITHDRAWN BY MOVER AND SECONDER

Notation

*At the conclusion of debate the Mover and Secunder withdrew, in light of the staff comment contained within the agenda, and as a result the motion was not proceeded with.*

**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 8.27pm.