

CITY OF GOSNELLS

ORDINARY COUNCIL MEETING 9 NOVEMBER 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 9 November 2004.

1. OFFICIAL OPENING/ANNOUNCEMENT OF VISITORS/DISCLAIMER

The Presiding Member declared the meeting open at 7.30pm and welcomed those members of the public present in the public gallery, Councillors and staff.

7.31pm – Cr R Mitchell left the meeting.

DISCLAIMER

The Presiding Member 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 Presiding Member 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

PRESIDING MEMBER, 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 CR D GRIFFITHS
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STAFF

A/CHIEF EXECUTIVE OFFICER	MR T PERKINS
DIRECTOR COMMUNITY ENGAGEMENT	MS A COCHRAN
DIRECTOR CORPORATE SERVICES	MR R BOUWER
DIRECTOR INFRASTRUCTURE	MR D HARRIS
DIRECTOR PLANNING & SUSTAINABILITY	MR R HAEREN
MINUTE SECRETARY	MRS M FLEAY

PUBLIC GALLERY

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APOLOGIES

Nil.

APPROVED LEAVE OF ABSENCE

Cr PM Morris was granted Leave of Absence vide Resolution 596 of the Ordinary Council Meeting held on 26 October 2004.

Cr R Hoffman was granted Leave of Absence vide Resolution 596 of the Ordinary Council Meeting held on 26 October 2004.

3. DECLARATIONS OF INTEREST

Cr C Mation declared an Impartiality Interest in item 13.5.6 “Western Australian Environmental Awards Presentation Evening – 19 November 2004”.

Reason: Council Delegate to the South East Regional Energy Group.

Cr J Brown declared Financial Interest in item 13.5.3 “Submission on Proposed Bush Forever and Related Lands Metropolitan Region Scheme Amendment and Draft Bushland Policy for the Perth Metropolitan Region (SPP 2.8)”.

Reason: Own land opposite Bush Forever site Passmore and Phoebe Street, Southern River.

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

Reason: Council delegate to Safe City Taskforce.

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

Reason: Chairman of Safe City Taskforce.

4. ANNOUNCEMENTS BY THE PRESIDING MEMBER

(without discussion)

Nil.

7.32pm - Cr Mitchell returned to the meeting.

5. REPORTS OF DELEGATES

(without debate)

Cr J Brown reported that the Armadale Community Advisory Committee was the only CAC to receive commendations on the work initiatives they had undertaken as part of the Armadale Health Services in the recent Australian Council on Healthcare Standards Periodic Review Accreditation Surveyors, resulting in continued Accreditation status for a further two years.

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

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

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

Questions and statements are to be –

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

QUESTIONS TAKEN ON NOTICE AT PREVIOUS MEETINGS AWAITING RESPONSE

Nil.

RESPONSES TO QUESTIONS TAKEN ON NOTICE AT PREVIOUS MEETINGS12 October 2004 Ordinary Council Meeting

The following questions were posed at the 12 October 2004 Ordinary Council Meeting with the responses as already provided to the correspondent listed accordingly:

* Mrs Napolitano, owner of Lot 10 Amherst Road, Canning Vale asked the following questions:

- Q 1 Have any subdividers or developers in amendment 478 area provided more Public Open Space than they were required to do under the Outline Development Plan and were those subdividers paid or compensated for giving up this extra Public Open Space and was the extra Public Open Space taken off the total Public Open Space required for Amendment 478 area?
- Q 2 Why did Steven Walker tell the West Australian Planning Commission that Gosnells City Council calculation for Public Open Space on Lot 9 Amherst Road was 6035 square metres, Lot 10 Amherst Road was 7441 square metres, Lot 28 Birnam Road was 7201 square metres and from where did he get these figures?
- Q 3 Did Steven Walker tell the West Australian Planning Commission that Gosnells City Council calculations for Public Open Space on the three lots above were definitely needed for the ODP and could not be reduced because the developers to date have short changed Gosnells City Council by 7000 square metres approximately of Public Open Space in amendment 478 area and they are trying to make it up on those properties that are left?
- Q 4 As Gosnells City Council did not notify my neighbours Mr and Mrs Gannoum of Lot 111 Amherst Road, Canning Vale and Mr and Mrs Frank Spagnolo of Corner Nicholson and Saddleback Canning Vale as they are supposed to under Policy 6.1.1.2, will Gosnells City Council endeavour in future to notify all remaining property owners in Amendment 478 area of any proposed subdivision adjoining them by either Public Open Space or boundary, or a subdivision that they may overlook?

Response: In reply to Mrs Napolitano the Director Planning and Sustainability provided the following written response on 8 November 2004:

“Responses to Questions - Ordinary Council Meeting held on 12 October 2004

I refer to your questions posed during public question time at the Ordinary Meeting of Council held on 12 October 2004 and provide the following responses:

Question 1: Have any subdividers or developers in amendment 478 area provided more Public Open Space than they were required to do under the Outline Development Plan and were those subdividers paid or compensated for giving up this extra Public Open Space and was the extra Public Open Space taken off the total Public Open Space required for Amendment 478 area?

Response: The Canning Vale Outline Development Plan provides a framework for subdivision. Exact details and areas of public open space required are determined at the subdivision stage when detailed designs are prepared. The Canning Vale Outline Development Plan also provides a statutory mechanism to ensure equitable contributions to public open space requirements. If a landowners chooses to provide public open space over and above that required under the Outline Development Plan they would not generally be compensated.

Question 2: Why did Steven Walker tell the West Australian Planning Commission that Gosnells City Council calculation for Public Open Space on Lot 9 Amherst Road was 6035 square metres, Lot 10 Amherst Road was 7441 square metres, Lot 28 Birnam Road was 7201 square metres and from where did he get these figures?

Response: The Department for Planning and Infrastructure requested this information, and the City of Gosnells calculations were provided by its Information Services Section. Please note that the City of Gosnells calculations figure shown on the plan for Lot 10 is 7,411m² not 7,441m².

Question 3: Did Steven Walker tell the West Australian Planning Commission that Gosnells City Council calculations for Public Open Space on the three lots above were definitely needed for the Outline Development Plan and could not be reduced

because the developers to date have short changed Gosnells City Council by 7,000m² approximately of Public Open Space in amendment 478 area and they are trying to make it up on those properties that are left?

Response: Council's records indicate that this advice was not provided to the Department for Planning and Infrastructure.

Question 4: As Gosnells City Council did not notify my neighbours Mr and Mrs Gannoum of Lot 111 Amherst Road, Canning Vale and Mr and Mrs Frank Spagnolo of Corner Nicholson and Saddleback Canning Vale as they are supposed to under Policy 6.1.1.2, will Gosnells City Council endeavour in future to notify all remaining property owners in Amendment 478 area of any proposed subdivision adjoining them by either Public Open Space or boundary, or a subdivision that they may overlook?

Response: Yes, the City will ensure that relevant owners are notified pursuant to Policy 6.1.1.2."

26 October 2004 Ordinary Council Meeting

The following questions were posed at the 26 October 2004 Ordinary Council Meeting with the responses as already provided to the correspondent listed accordingly:

- * Mrs Jennifer Napolitano, as the owner of Lot 10 Amherst Road, Canning Vale, asked the following questions:
 - Q 1 Why did Gosnells City Council need to install storm water pipes in the Public Open Space/drain reserve corner Birnam Road and Clere Pass last week and why wasn't this at developers cost?
 - Q 3 Regarding the raising and resurfacing of Amherst Road, Canning Vale, is Gosnells City Council aware that there is a significant dip in Amherst Road between lot 111 and lot 10 where the new road finishes and the old road starts, that will cause storm water runoff to again fill that section of the Council's existing drain in the verge in front of lot 10 and cause stagnant water to pool amongst the vegetation?
 - Q 4 Is the junction of the old Amherst Road and the new between lot 111 and lot 10 a traffic hazard and wasn't it supposed to level out right up to the zigzag 45km sign so that there was no dip in the road where it joins?

Response: In reply to Mrs Napolitano the Director Infrastructure provided the following written response on 4 November 2004:

“OCM 26 October 2004 – Questions Taken on Notice - Amherst Road, Canning Vale – Various Issues

In response to your Questions Taken on Notice tabled at the Ordinary Council Meeting held on 26 October 2004, you are advised the following.

With respect to the recent drainage works at the corner of Birnam Road and Clere Pass, these were carried out to improve the original drainage system that was not working as well as anticipated when installed. Improvement works will assist in reducing the water levels in the drainage reserve on Comrie Road.

Regarding your question as to the condition of Amherst Road, sections of both Amherst Road and Fraser Road have been reconstructed at higher levels than the existing roads to meet drainage requirements and be upgraded to an urban standard. The sections that are upgraded relate to the roads adjacent to the lots that are being subdivided. Further sections will be upgraded as subdivision continues. In the interim, there will be a need to provide temporary connections between the existing road and the road built to the ultimate configuration.

The subdivision of Lot 9 will require the reconstruction of Amherst Road for the frontage of Lot 9 with a temporary connection to the existing road in front of Lot 10. When Lot 10 subdivides, there will be a requirement for Lot 10 to upgrade that part of Amherst Road for the frontage of Lot 10 and then to connect back to the existing road. Due to the differences in height between the roads, there will be a need for a smooth transition.

If you have any further queries regarding the above, please contact Mr Brad Harris, Manager Technical Services on 9391 3227.”

6.1 QUESTION TIME

* Mr Lawrence Douglas of Lot 285 Fairlie Road, Canning Vale, asked the following questions:

Q 1 Given the involvement of myself and other landowners have had in attempting to progress the development of Campbell Estate over the past 6 years, why were we excluded from a recent meeting held on 19

October with the EPA service unit and others to discuss environmental issues relating to the Campbell Estate?

Response: The Director Planning and Sustainability advised that depending on the position of the individual agency, it was not normal practice for meetings with agencies to be open for general invitation. The Director explained that as he was on leave at that time, he would seek additional information and provide a written response.

Q 2 Why was another land owner invited to that meeting?

Response: The Director Planning and Sustainability advised that as he was on leave he would investigate the circumstances and provide a written response.

* Mr Ralph Prestage of 51 Dover Crescent, Wembley Downs asked the following question:

Q 1 The Agenda item 13.5.3 relates to the Council making a submission on behalf of all landowners of designated Bush Forever sites and buffer zones in the City of Gosnells. In relation to this, will the Council consider including a request to the WA Planning Commission that legislation and policies currently being prepared by the WAPC adopt those Recommendations 1 to 37 of the Report of the Standing Committee on Public Administration and Finance in Relation to the Impact of State Government Actions and Processes on the Use and Enjoyment of Freehold and Leasehold Land in Western Australia Report, 7 May 2004. In particular, adopt Recommendation 33 as this would assist in determining a fair and just means of valuation thereby restricting protracted delays and immense costs in determining disputes?

Response: The Director Planning and Sustainability explained that although he did not have the details of the enquiry he advised that Mr Prestage's general intent was consistent with what Council had sought in the past, being that the processes provide for equitable and clear process resulting in fair treatment for all landowners. The Director advised he would investigate further and provide a written response.

Mr Prestage clarified that the submission to the WAPC be updated in view of the report issued by the Legislative Council which recommends that the Land Administration Act of 1997 should be used in determining valuations and the Council minute referred to market value. This adds clarification and avoids disputes if it is adopted.

6.2 PUBLIC STATEMENTS

- * Mr Alexei Fedotov of Mallesons Stephen Jaques, Level 10, 152 St George's Terrace Perth made a public statement on item 13.5.1 "Amendment No. 35 to Town Planning Scheme No. 6 – Finalisation – Text Amendment to Town Planning Scheme No. 6 to Include Conditions Relating to Restricted Use "Shop" in Item 4 (2) of Schedule 3 – Restricted Uses" speaking against the staff recommendation. Mr Fedotov outlined that the original application by Makro on the lot was for a showroom, however they were now operating a shop within a showroom. He felt this was unfair and inequitable to shop operators in the neighbourhood and felt that Council should not retrospectively approve uses of the developers who did not comply with regulations and the Town Planning Scheme.

- * Mr Peter Webb of Peter D Webb and Associates, Consultants in Town Planning and Urban Design, Unit 2, 19 York Street, Subiaco made a public statement in relation to item 13.5.1 "Amendment No. 35 to Town Planning Scheme No. 6 – Finalisation – Text Amendment to Town Planning Scheme No. 6 to Include Conditions Relating to Restricted Use "Shop" in Item 4 (2) of Schedule 3 – Restricted Uses". Mr Webb advised that he was the planning consultant representing Makro Warehouse and commended the staff recommendation within the report. He explained that he had reviewed the objecting correspondence including objections from Woolworths and the City of Canning and was concerned that these were mainly legal and economic issues associated with the proposal and not on issues of proper planning. He believed these objections appeared to be against the Makro Warehouse as a whole not the subject of this scheme amendment and requested Council's support in dismissing the objections and supporting the progression of the amendment to the Honourable Minister of Planning and Infrastructure for final approval

Notation

The Presiding Member advised that due to the extent of public interest and taking into account the number of submissions on various aspects of item 13.5.2 "West Canning Vale (Campbell Estate) Outline Development Plan – Finalisation", he would permit more than one statement for and one statement against on this item.

- * Mr Erwin Roberts, Managing Director of Roberts Day, Town Planning and Design made a public statement in relation to item 13.5.2 "West Canning Vale (Campbell Estate) Outline Development Plan – Finalisation" speaking in favour of the staff recommendations. Mr Roberts advised that Roberts Day had prepared the Campbell Estate Outline Development Plan. He explained that the ODP had been subject to a 28 day advertising period and 47 submissions were received from landowners, government agencies and community members outside the ODP area. Also, a landowner evening was held and attended by 19 people including Councillors and landowners, and an additional meeting with government agencies to discuss specific issues relating to those agencies. The main issues raised during advertising were in relation to: the Conservation

Category Wetlands; the Public Open Space contribution; the acknowledgement of the existing church; traffic management and residential densities. Mr Roberts advised that through collaboration with Council on the main issues raised, the ODP addressed these concerns and outlined the modifications made relating to each main concern raised. He believed the ODP reflected community, government agency and Council input and represented a significant and acceptable outcome and thus, sought Council's endorsement of the ODP.

- * Mr Peter Webb of Peter D Webb and Associates, Consultants in Town Planning and Urban Design, Unit 2, 19 York Street, Subiaco made a public statement in relation to item 13.5.2 "West Canning Vale (Campbell Estate) Outline Development Plan – Finalisation" speaking against the staff recommendation. Acting on behalf of lot 278 Ranford Road, Mr Webb sought Council's approval to increase the proposed mixed business zoning from approximately one third to approximately three quarters of the western portion of the site. He explained that the eastern quarter of the site would remain residential to enable the residential character in the entry statement into the ODP area from Ranford Road through to lot 278. He asked Council to consider the extension of the mixed business zone because he felt the removal of previously mixed business zoned lot 2, for Conservation Category Wetland, compromised the critical mass of mixed business zone area and should be replaced with an equal area of commercial land. He believed that the residential development of lot 278 was not compatible with the existing high traffic volumes on Ranford Road and expressed that an attractive commercial development facing Ranford Road would be far more appropriate than residential development backing on to it

- * Ms Vanessa Jakovich of Freehills, Level 36 QV1 Building, 250 St George's Terrace, Perth made a public statement in relation to item 13.5.2 "West Canning Vale (Campbell Estate) Outline Development Plan – Finalisation" speaking against the staff recommendation. Ms Jakovich explained she believed the designation of two lots as Category Two Wetlands was based on preliminary information from the Department of Environment, which was not designed for the purpose of finally determining the status of land as a wetland, and she also believed there was doubt as to whether this preliminary assessment was correct. Ms Jakovich expressed that the 34% designated wetland would be incapable of development under the current Outline Development Plan and felt this to be far in excess of the regular 10% for Public Open Space provision for this type of development, and a significant waste of valuable land resources. She expressed that sterilisation of land from development based on such preliminary information, was premature, unfair and would result in wasted opportunity. Ms Jakovich, on behalf of her client, requested that Council consider nominating the land presently designated as wetlands, as developable land, allowing it to be integrated into the design until such time as it is excluded under the Environmental Planning Policy process, once that is completed by the EPA under the appropriate statutory processes in which landowner rights would be protected.

- * Mr Hin Min Woon (Geoffrey) of 2 Fourth Avenue, Applecross made a public statement in relation to item 13.5.2 “West Canning Vale (Campbell Estate) Outline Development Plan – Finalisation” speaking against the staff recommendation. Mr Woon queried the reason for reversal of Council submission of super lot subdivision prior to the Outline Development Plan. He believed that no details were included in the ODP submission in relation to guarantees from Council that compensation to landowners whose land would be classified as CCW would be fair and equitable. He believed that Council was preempting the Minister’s decision on CCW and felt that the whole Campbell Estate had similar vegetation. He expressed general support for developments in the progressive society, however, objected to any disadvantage of becoming a victim in the process caused by bureaucratic authorities.

- * Mr Paul Collins of Lloyd Collins Property Consultants, PO Box 7641 Cloisters Square Perth, made a public statement in relation to item 13.5.2 “West Canning Vale (Campbell Estate) Outline Development Plan – Finalisation” acting on behalf of the Uniting Church, owners of lot 282 Campbell Road, Canning Vale. Mr Collins referred to the notation on the Outline Development Plan of lot 282 as a ‘place of worship’ and expressed that the words ‘and community purpose’ should be added to reflect site use. He explained that the Church was concerned it could be squeezed out if its current uses were not properly noted on the ODP and urged Councillors to support an amendment to the notation to include the words ‘and community purpose’. Mr Collins further referred Councillors to an indicative road as shown wholly on lot 282 on the ODP map, expressing that the indicative road should divide equally between lots 282 and 283. He expressed that the majority land developer was currently selling land based on the indicative road layout, which suggested these roads were more permanent than indicative. He urged Councillors to support an amendment to the ODP to show this road dividing equally over lots 282 and 283. Mr Collins explained that the Church welcomed exemption from the Public Open Space contribution for the portion of lot 282 set aside as a place of worship and community purpose and added that they no longer wished to pursue an exemption from the common infrastructure costs. He expressed that this decision was not a reflection of the Church’s intention for the site which was still to establish stage one of a worship and community centre, once the ODP was finalised.

- * Mr Paul Collins of Lloyd Collins Property Consultants, PO Box 7641 Cloisters Square Perth, made a public statement in relation to item 13.5.4 Development Application – Request for Extension of Time Frames for Development Approvals for the Uniting Church at 255 (Lot 282) Campbell Road, Canning Vale requesting a two year extension on its current use of lot 282. Mr Collins stated that whilst an ODP was not yet in place, as well as the Church having to now fund its share of the common infrastructure costs, the proper approach would be to grant a two year extension for the Church’s current use of the property.

- * Mr Lawrence Douglas of Lot 285 Fairlie Road, Canning Vale, made a public statement in relation to item 13.5.2 “West Canning Vale (Campbell Estate) Outline Development Plan – Finalisation” stating that he rejected the West Canning Vale ODP in its entirety. He explained that Council’s decision could set a dangerous precedent in the history of land rights within Western Australia. He believed that Council was pandering to Government agencies in ceding private land to the Government and transferring the responsibility of compensation on to adjoining landowners. He felt Council had disregarded objecting submissions and that the proposed plan ignored existing and permanent residences. He felt that Council had supported the give away of an unprecedented 34% of this area to the Government without any scientific evidence or supporting documentation and questioned that the issue of these wetlands had not been finalised by the state so why was the City so keen to give them up. Mr Douglas expressed that he believed the ODP had no legislative status, his rights for fair compensation were being denied and that he would seek to take action for compensation using whatever means available at law.
- * Mr Peter Green of Lot 284 Fairlie Road, Canning Vale made a public statement in relation to item 13.5.2 “West Canning Vale (Campbell Estate) Outline Development Plan – Finalisation” stating that he and Marlene Green rejected the West Canning Vale ODP in its entirety. Mr Green believed that Council had not acted in a professional and equitable manner choosing to hand over 34% of privately owned land without supporting scientific evidence or documentation, imposing compensation responsibility onto landowners and wanting landowners to pay for the removal of existing roads and the construction of Conservation Wetlands. He felt the ODP did not recognise existing roads and residences and that Council had no concern for the rights of ratepayers, supporting a developer who did not have legal access to all of the land. He outlined Council’s expectations and conditions that he believed inflicted financial penalty without resident consent. Mr Green stated that the ODP was unfair, inequitable and not sustainable and was not a legal document supported by legislation and stressed that if approved, he would be taking action for compensation by whatever means available at law.

7. CONFIRMATION OF MINUTES

COUNCIL RESOLUTION

627 Moved Cr O Searle Seconded Cr P Wainwright

“That the Minutes of the Ordinary Council Meeting held on 26 October 2004, be confirmed.”

CARRIED 10/0

FOR: Cr W Barrett, 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 R Croft.

AGAINST: Nil.

8. THE RECEIVING OF PETITIONS, DEPUTATIONS AND PRESENTATIONS

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

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

Nil.

9. APPLICATIONS FOR LEAVE OF ABSENCE

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

- (1) A Member seeking the Council's approval to take leave of absence shall give written notice to the CEO prior to the commencement of the meeting.
- (2) The notice referred to in paragraph (1) shall include the period of leave of absence required and the reasons for seeking the leave.

* Cr S Moss requested leave of absence from 28 November 2004 to 10 December 2004 for personal reasons, which includes the 7 December 2004 Ordinary Council Meeting.

COUNCIL RESOLUTION

628 Moved Cr R Mitchell Seconded Cr O Searle

“That Council grant leave of absence to Cr S Moss from 28 November 2004 to 10 December 2004, inclusive.”

CARRIED 10/0

FOR: Cr W Barrett, 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 R Croft.

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 Presiding Member 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

629 Moved Cr P Wainwright Seconded Cr D Griffiths

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

- * Item 13.5.1 Amendment No. 35 to Town Planning Scheme No. 6 – Finalisation – Text Amendment to Town Planning Scheme No. 6 to Include Conditions Relating to Restricted Use “Shop” in Item 4 (2) of Schedule 3 – Restricted Uses;
- * Item 13.5.2 West Canning Vale (Campbell Estate) Outline Development Plan – Finalisation; and
- * Item 13.5.4 13.5.4 Development Application – Request for Extension of Time Frames for Development Approvals for the Uniting Church at 255 (Lot 282) Campbell Road, Canning Vale.”

CARRIED 10/0

FOR: Cr W Barrett, 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 R Croft.

AGAINST: Nil.

13.5.1 AMENDMENT NO. 35 TO TOWN PLANNING SCHEME NO. 6 – FINALISATION – TEXT AMENDMENT TO TOWN PLANNING SCHEME NO. 6 TO INCLUDE CONDITIONS RELATING TO RESTRICTED USE “SHOP” IN ITEM 4 (2) OF SCHEDULE 3 – RESTRICTED USES

File: TP/6/35 **Approve Ref:** 0304/0175AA (EH/TP) Psrpt156Nov2004
Name: Peter Webb and Associates
Location: Lot 1 Nicholson Road, Canning Vale
Zoning: MRS: Urban
TPS No. 6: Residential Development
Appeal Rights: Nil, however, final determination is with the Minister for Planning and Infrastructure.
Area: 1.7335ha
Previous Ref: OCM 27 April 2004 (Resolution 194)
OCM 13 April 2004 (Resolution 179)

PURPOSE OF REPORT

For Council to consider the finalisation of Amendment No. 35 to Town Planning Scheme No. 6 (TPS 6), by amending the text to include conditions relating to the restricted use “Shop” in Item 4 of Schedule 3 of the Scheme.

Specifically the subject amendment, if finalised, will allow for the operation of a retail tenancy up to 400m² within the existing Makro Warehouse development on the subject site.

Whilst the following report is concerned specifically with the subject scheme amendment, there is detailed discussion of wider strategic issues raised by some of the objectors in relation to the nature of the operation of the Makro Warehouse development. This should though be seen as a separate matter.

BACKGROUND

At the Ordinary Council Meeting of 27 April 2004, Council resolved (Resolution 194):

“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:

<i>No.</i>	<i>Description of Land</i>	<i>Restricted Use</i>	<i>Conditions</i>
4	<i>Lot 1 Nicholson Road (corner of Ranford Road), Canning Vale</i>	1) <i>Tavern</i> 2) <i>Uses permissible in Mixed Business Zone and Schedule 2 (12), excluding the uses Convenience Store and Fast food outlet.</i>	1) <i>Tavern limited to 200m² floor area</i> 2) <i>Shop use to be limited to 400m².</i> 3) <i>Shop use to be carried out as an associated part of and within the same tenancy as a Discount Variety Store.</i>

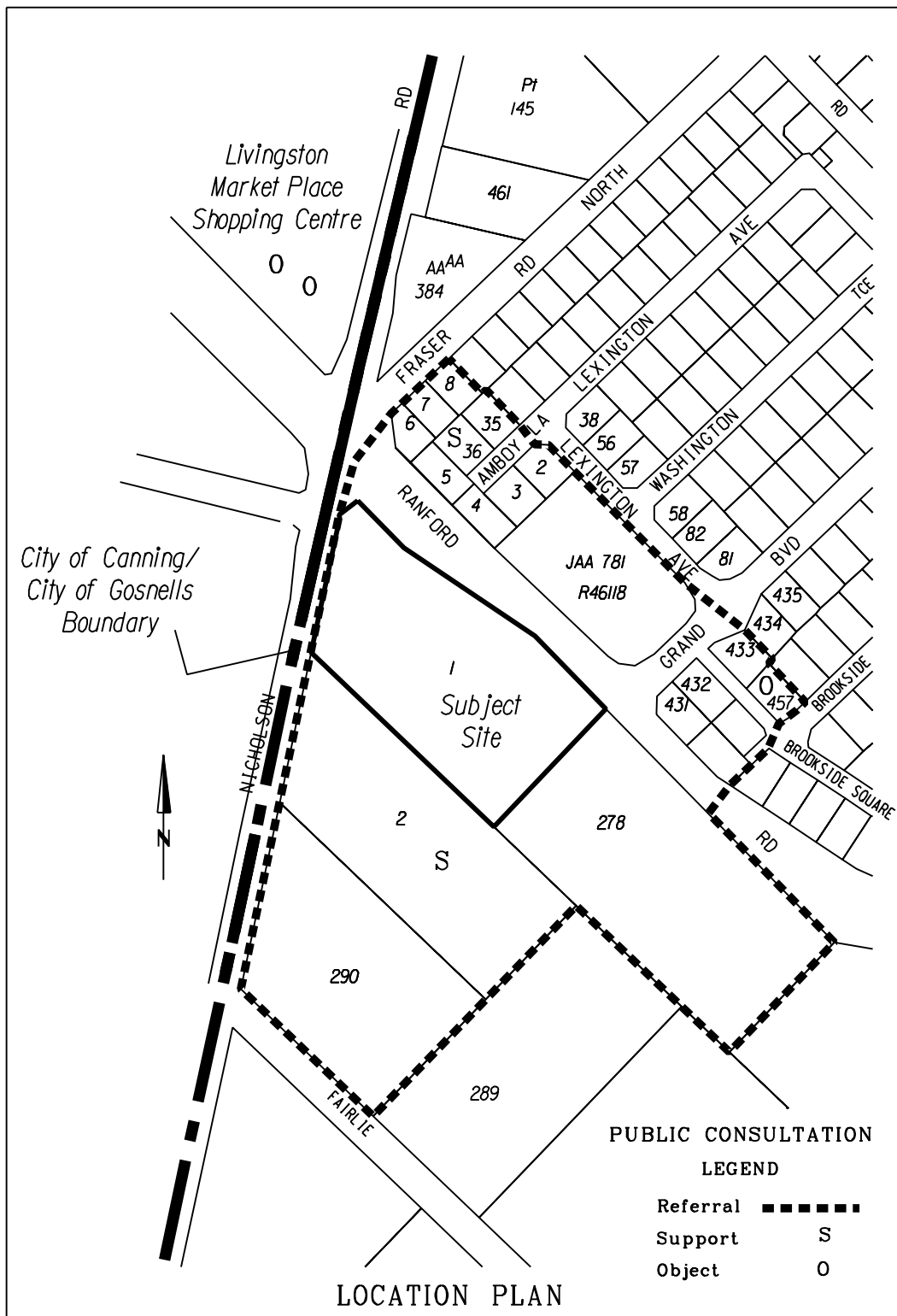
The amendment was advertised for public comment for a period of 42 days with the advertising period concluding on 15 September 2004. The amendment was advertised in the West Australian newspaper and letters were sent to nearby landowners and the adjoining City of Canning. Following is a schedule summarising the submissions received.

Schedule of Submissions

No.	Name Address	Description of Affected Property: Lot No, Street, etc	Summary of Submission	Staff Comment
1.	F Monteiro	5 (Lot 36) Amboy Lane, Canning Vale	Non Objection Providing it does not cause disruption to traffic.	Noted Proposed amendment will not affect existing traffic management arrangements.
2.	N Everett	30 (Lot 457) Brookside Square, Canning Vale	Objection	Noted
3.	Vinko Tolj Holdings Pty Ltd 4 Munro Court, Noranda	Lot 236 Ranford Road, Canning Vale (within City of Canning - outside referral area)	Non Objection	Noted
4.	Hartono	Lot 2 Nicholson Road, Canning Vale	Non Objection Council should widen the commercial area along Nicholson Road.	Noted Location of commercial development to be investigated in review Local Commercial Strategy (LCS). Also Outline Development Plan (ODP) for West Canning Vale designates areas along Nicholson Road as Conservation Category Wetland (CCS).
5.	City of Canning Locked Bag 80, Welshpool	Adjoining Local Authority	Objection 1) Nature of goods do not comply with "Showroom" use but are more consistent with "Shop" use.	Refer to Discussion section – Use Classification

No.	Name Address	Description of Affected Property: Lot No, Street, etc	Summary of Submission	Staff Comment
			<p>2) Makro contains more than 400m² of retail floorspace which directly competes with Livingston Shopping Centre.</p> <p>3) Ranford and Nicholson Roads cannot be viewed as barriers to district shopping centre.</p> <p>4) Significant parking and traffic problems when Makro opened due to marketing program prior to Christmas. Predict will occur again.</p> <p>5) Should be classified as "retail establishment" with appropriate carparking requirements.</p> <p>6) Needs to substantiate all retail floorspace with expected population (Local Commercial Strategy).</p>	<p>Refer to Discussion section – Use Classification.</p> <p>Refer to Discussion section – District Centre. (Subject site not considered to be part of District Centre.) Parking and traffic problems associated with the opening of the new Makro store prior to compliance with conditions of development approval. No evidence that this will re-occur.</p> <p>Refer to Discussion section – Use Classification. Investigation of a new use class seen as having merit.</p> <p>Refer to Discussion section – Local Commercial Strategy.</p>
6.	MGA Town Planners PO Box 104, West Perth	On behalf of Woolworths (located within Livingston Shopping Centre)	<p>Objection</p> <p>1) The shop activities of Makro are of a District character.</p> <p>2) Shop/retail activities occupy more than 50% of floor space.</p> <p>3) Original Makro proposal should have been referred to WAPC for approval because it is either part of the District Centre or referred in accordance with Appendix 1 of Metro Centres Policy.</p> <p>4) The premises are very basic with no ceilings and exposed services. Created an industrial environment rather than shop.</p>	<p>Metro Centres Policy states that bulky goods retailing should be located within Regional and District Centres or in designated Mixed Business areas. The subject site is designated as a Mixed Business area under Council's draft LCS and under the draft ODP for the relevant precinct.</p> <p>Refer to Discussion – Use Classification.</p> <p>Subject site not considered to be within the District Centre. Refer to Discussion section – District Centre.</p> <p>Agreed. Style of development of showroom nature not shop. Also refer to Discussion section – Use Classification.</p>

No.	Name Address	Description of Affected Property: Lot No, Street, etc	Summary of Submission	Staff Comment
			<p>5) Makro has significant economic advantage due to occupying land not zoned for shopping, building low-cost premises.</p> <p>6) "Discount Variety Store" is slightly different name to "Discount Department Store" which is shop use.</p> <p>7) Makro is not complementary to District centre. Makro similar to Big W which is planned for District Centre.</p>	<p>Economic factors are not a planning consideration.</p> <p>Refer to Discussion section – Terminology.</p> <p>Makro was approved as a showroom which is considered to be complementary to adjoining District Centre.</p>
7.	Mallesons Stephen Jaques Level 10, Central Park, 152 St Georges Terrace, Perth	On behalf of Fabcot Pty Ltd (owner of Livingston Shopping Centre)	<p>Objection</p> <p>1) Nature of goods do not comply with "Showroom" use but are more consistent with "Shop" use.</p> <p>2) TPS 6 requires ODP for Res Dev land. There was no ODP prior to approval of Makro</p> <p>3) Shop nature of Makro would be inconsistent with City of Canning Local Commercial Strategy for District Centre.</p> <p>4) LCS does not show a designated centre for this site.</p> <p>5) The bulky goods sold from Makro account for only a small proportion of total floorspace.</p>	<p>Refer to Discussion section – Use Classification.</p> <p>Council has been progressing an ODP since 1997 with the latest advertised version of 2002 showing the subject site as "Mixed Business". This is consistent with current uses listed in Schedule 3, namely "uses permitted in Mixed Business zones excluding convenience store, fast food outlet and shop".</p> <p>Refer to Discussion section – District Centre.</p> <p>Refer to Discussion section – Local Commercial Strategy.</p> <p>Refer to Discussion section – Use Classification.</p>



DISCUSSION

Firstly, it is acknowledged that the intention of the proposed amendment is to allow for a future development application by Millers to be submitted and considered by Council to operate a retail outlet as an integral part of and within the Makro Warehouse. The majority of submissions received related mainly to the nature of the use within the overall Makro Warehouse development rather than the subject amendment. The use classification of Makro Warehouse does not form part of this application and is a separate, though related, issue which will be dealt with at the development application stage. At this stage Council is considering finalisation of the subject amendment, however, staff have discussed all issues provided in the submissions.

Use Classification

The showroom development on the subject Lot 1 Nicholson road was approved in May 2003 based on information provided to the City. In accordance with Town Planning Scheme No. 6 (TPS 6), a showroom is defined as:

“premises used to display, sell by wholesale or retail, or hire, automotive parts and accessories, camping equipment, electrical light fittings, equestrian supplies, floor coverings, furnishings, furniture, household appliances, party supplies, swimming pools or goods of a bulky nature”.

The following table provides a breakdown of the nature of goods currently sold by Makro, floorspace allocation and relationship to the showroom use (provided by the applicant). It is noted that this breakdown differs from that submitted with the development application. The floorspace utilised by Millers has not been included in this calculation as this table demonstrates the showroom nature of Makro and the subject amendment is being dealt with separately.

Goods Category	Actual floorspace used (m ²)	Showroom Use
Aromatherapy	8	n/a
Automotive	16	Automotive parts and accessories
Books	16	n/a
Confectionery	48	n/a
Consumables (eg cleaning products)	33	Goods of bulky nature accounts for a portion of this category.
Craft	48	n/a
Cards/Wrap	33	n/a
Electrical	152	Electrical light fittings
Frames/Prints	60	Furnishings
Furniture	300	Furniture
Footwear	60	n/a
Gardening	120	Goods of a bulky nature
Foodstuffs	47	n/a

Goods Category	Actual floorspace used (m ²)	Showroom Use
Giftware	8	n/a
Health and Beauty	32	n/a
Household	40	Household appliances
Hardware	90	Goods of a bulky nature
Kitchenware	90	Household appliances
Manchester	66	Furnishings
Misc. (bulk display/promotion)	230	Goods of a bulky nature
Outdoor/Camping	120	Camping equipment
Pet	60	50% are considered to be Goods of a bulky nature
Party	17	n/a
Rugs/Mats	30	Furnishings
Storage (eg containers)	160	Goods of a bulky nature
Stationery	50	n/a
Socks/Underwear	30	n/a
Sound/Vision	266	Household appliances
Travel (eg suitcases)	65	Goods of a bulky nature
Toys	60	Goods of a bulky nature

A site inspection carried out during the preparation of this report noted that the typical products which may be generally categorized as non-bulky products are generally limited lines (including uncommon brands) that are sold in large volume units. For example, 5 litre bottles of cleaning fluids, boxes of bottled water (24 x 600ml bottles) and bulk packets of pens. Some of these products may therefore be seen as consistent with a showroom operation.

The only portion of the Makro Warehouse that is clearly not a showroom is Millers. It is noted that once the City's staff became aware of this a Section 10 Direction was issued and is still in place but subject to an Appeal and ongoing case management. The Section 10 Direction also resulted in the removal of "perishable" items such as milk and bread from sale.

Products typical of a showroom utilise approximately 80% of the available floorspace. It is therefore evident that the majority of items sold from the premises (excluding Millers) are consistent with the definition of "showroom" in TPS 6.

The Makro Warehouse has been constructed and presented as a typical showroom/warehouse. It is constructed with concrete tilt panels, no ceiling and concrete floors internally (with some areas carpeted).

The City of Canning have suggested in their submission that Makro should be considered as a "retail establishment" which is defined under the City of Canning Town Planning Scheme No. 40 as:

“any building where goods of a bulky or non-bulky character, not normally purchased on daily basis, are kept for display or sale by retail or wholesale and the area for display and sale is not less than 500m².”

When the Makro Warehouse operation is compared to Canning’s definition of “Showroom” it is evident that, if Makro was established within the City of Canning, it would be classed as a “retail establishment”. Showrooms within the City of Canning are defined as:

“a building or part of a building wherein goods are displayed and offered for sale by wholesale or by retail, excluding the sale of foodstuffs, liquor or beverages; items of clothing or apparel, fabrics, footwear, magazines, newspapers, books and paper products; medicinal or pharmaceutical products; china, glassware or domestic hardware; items of personal adornment, small electrical goods or a domestic nature; toys and generally items of a cash and carry nature related to daily household and recreation needs and consumption.”

It is to be noted that the City of Gosnells TPS 6 “showroom” definition is in accordance with the Model Scheme Text. Neither the Model Scheme Text nor TPS 6 include a use class equivalent to “retail establishment”.

The City of Canning has been proactive in this matter in establishing an intermediate use class of “retail establishment”. It is relevant to note here that the City of Canning does not include the floorspace of such uses that are located on Albany Highway directly opposite the Westfield Carousel Shopping Centre (eg Toys R Us) within the retail floorspace for the Cannington Strategic Regional Centre. The City of Canning’s comment regarding the need to substantiate retail floorspace against expected population levels (see 5(6) of Schedule of Submissions) is therefore somewhat puzzling. Notwithstanding this a demographic analysis is presented in the Local Commercial Strategy section later in this report.

The City has acknowledged that there has been a change in retail trends over recent years. This has seen the emergence of new retail models which blur the traditional distinction between showroom and retail shops. For example, outlets such as WA Salvage and Toys R Us sell a range of goods including those typically found in retail shops. Local authority town planning schemes have generally been slow to react to these changes and many, including the City’s TPS 6, do not adequately provide use classes to allocate to such establishments.

Planning staff have commenced discussions with the State Government to consider establishing a new framework for commercial activities in conjunction with “Dialogue with the City” and “Network City”. In the local context, a review of the Local Commercial Strategy (LCS) is foreshadowed to address the changing nature of retailing and to take account of demographic factors.

In the meantime, staff consider that the Makro Warehouse does generally comply with a “showroom” use as defined in TPS 6 with the exception of the Millers component. This view is based on the range and nature of the goods sold. Also the construction and presentation of the Makro Warehouse building is seen as reflecting a showroom operation rather than a retail shop. In any event, it is considered appropriate that Council acknowledges the need to review the planning framework in relation to commercial establishments in the light of evolving retail trends.

District Centre

A critical factor in Council’s consideration of the subject proposal is whether the subject site should be seen as a component of the Livingston District Centre which is subject to WAPC retail floorspace restrictions.

Staff do not consider that Lot 1 forms part of the District Centre located within the City of Canning (Livingston Market Place) for the following reasons.

- Lot 1 is separated from the District Centre by Ranford and Nicholson Roads, both very busy arterial roads, thus preventing convenient pedestrian access.
- The City of Canning has submitted that Ranford and Nicholson Roads “cannot be viewed as barriers to a District Shopping Centre”. The District Centre was developed prior to Liveable Neighbourhoods and has a car-based urban form and design not suited to pedestrian activity. Pedestrian access from the District Centre to the subject site is difficult and there is little or no functional relationship between the two sites.
- The subject land was vacant until the construction of the Makro Warehouse development in 2003. Historically Lot 1 has not been seen as part of the District Centre.
- The Livingston Market Place main shopping centre building is located approximately 370 metres to the north of the subject site.
- If Lot 1 was part of the District Centre, it would be anticipated that proposals affecting the District Centre would be referred to the City of Gosnells by the City of Canning for comments. A search of Council’s records did not reveal any such proposals being referred for comments even though the Livingston Centre has recently significantly expanded.

MGA Planners (on behalf of Woolworths) have commented that the if Makro Warehouse was regarded as part of the District Centre, it required the approval of the Western Australian Planning Commission (WAPC) because the total floorspace of the District Centre will exceed the maximum permissible. This is acknowledged, however, as previously mentioned, it is questionable whether Lot 1 does form part of the District Centre. This report contends that the subject site is not part of the District Centre and that the Makro Warehouse (with the exception of Millers) is considered to comply with the approved Showroom use and therefore did not require approval from the WAPC in respect of the allocation of district centre retail floorspace. If Council adopts the subject amendment for finalisation for a Shop of up to 400m² to be carried out as an associated

part of and within the same tenancy as Makro, reference to the WAPC for final approval will in any event be required.

It has always been intended that uses on Lot 1 should be complementary to the adjoining District Centre. It is considered that 400m² of retail space (for Millers) does comply with demographically based retail floorspace allocations in the area (see Local Commercial Strategy section).

Terminology

It is acknowledged that use of “discount variety store” in the scheme amendment text was inappropriate and misleading terminology. The Makro Warehouse has been approved as a showroom and it is therefore considered appropriate that the amendment refers to a “*shop use to be carried out as an associated part of and within the same tenancy as a Showroom*”. If Council resolves to adopt the amendment for finalisation, it is recommended that the terminology “showroom” be used instead of “discount variety store”.

At this point, the nature of the 400m² should be clarified as being either net lettable area (NLA) or gross floor area (GFA). NLA excludes areas such as service areas (toilets, cleaner’s cupboards, tearooms, plant rooms, etc). The restriction of 400m² was calculated based on the excess parking bays provided on site. For a shop, TPS 6 requires 1 parking bay for every 15m² NLA. Therefore, it is appropriate that the amendment should refer to the maximum of 400m² being NLA. If Council resolves to support the subject scheme amendment it is recommended that the terminology of the Scheme Text be amended appropriately, ie substitute “showroom” for “discount variety store” and specify 400m² NLA.

Strategic Framework

Metropolitan Centres Policy

The Metropolitan Centres Policy Statement (Statement of Planning Policy No. 4.2 [SPP 4.2] WAPC October 2000) is concerned with the development of centres (eg Neighbourhood, District, Regional) within a defined centre hierarchy and mainly focuses on retail floorspace allocation and centre functions. The subject site was approved as a showroom and is not seen as being part of the Livingston District Centre.

SPP 4.2 does provide some locational criteria for bulky goods retailing such as retail warehouses, hypermarkets and showrooms stating (at Section 4.1.9) that such uses should be either within a regional or district centre or in a designated mixed business area. The subject site (and a portion of adjoining Lot 278) are within a designated mixed business area in the draft LCS and on the ODP for West Canning Vale. Also the current TPS 6 and the proposed scheme amendment text specifically allows for uses on the subject site which “... *are permissible in Mixed Business zone...*”

Mixed business areas in turn should be located with “... *access to major roads and public transport...*” In terms of the subject site, it is relevant to note that it is located at the intersection of two regional roads (ie Nicholson and Ranford Roads). The subject site is not though considered to be part of the nearby District Centre either locationally or functionally for the reasons detailed previously. The subject site therefore is appropriately located for showroom development as it is designated for mixed business uses and is highly accessible. Application of SPP 4.2 procedures relating to WAPC referral and determination are not therefore strictly relevant. It is to be noted however that final determination of the subject amendment will be by the Hon. Minister for Planning following WAPC input.

Local Commercial Strategy (LCS)

Council’s LCS sets out the allocation and hierarchy of commercial centres within the City of Gosnells. The LCS was endorsed by Council in 1999 and was amended in 2002 to include Southern River. The LCS has not yet been endorsed by the WAPC. A review of the LCS is required due to the time that has elapsed since it was referred to the WAPC for endorsement and as previously mentioned, the need to address changes in retailing.

The LCS utilised a modelling methodology which divides the City into Main Road Zones, for the purpose of calculating and allocating the amount of retail floorspace required to serve each zone. The subject site is within Main Roads Zone 389 (Zone 389) to which the LCS currently allocates a maximum retail floorspace of 4,500m² (0.53m² per person). Subsequently in dealing with development applications for additional retail floorspace for Zone 389, it was acknowledged that the LCS underestimated the growth potential of Zone 389. For example, the LCS refers to the average people per dwelling being 2.6 in accordance with the 1996 Census. However, the 2001 Census indicates the average has increased to 3.2. Together with a review of the average lot size in Zone 389 being approximately 625m², staff have recalculated the required retail floorspace (NLA) as follows:

Dwelling estimate for 2026	5,164 *
Average people per dwelling (2001 Census)	3.2
Estimated population	16,525
NLA per person (MCP)	0.53 m ²
Total required NLA	8,758 m ²

* This figure is based on existing development trends of an average lot size of 625m² (including provision for roads) at a coding of R17.5. No allowance has been made for medium density development which has, and will, occur throughout the area. The figure may therefore be seen as a conservative estimate.

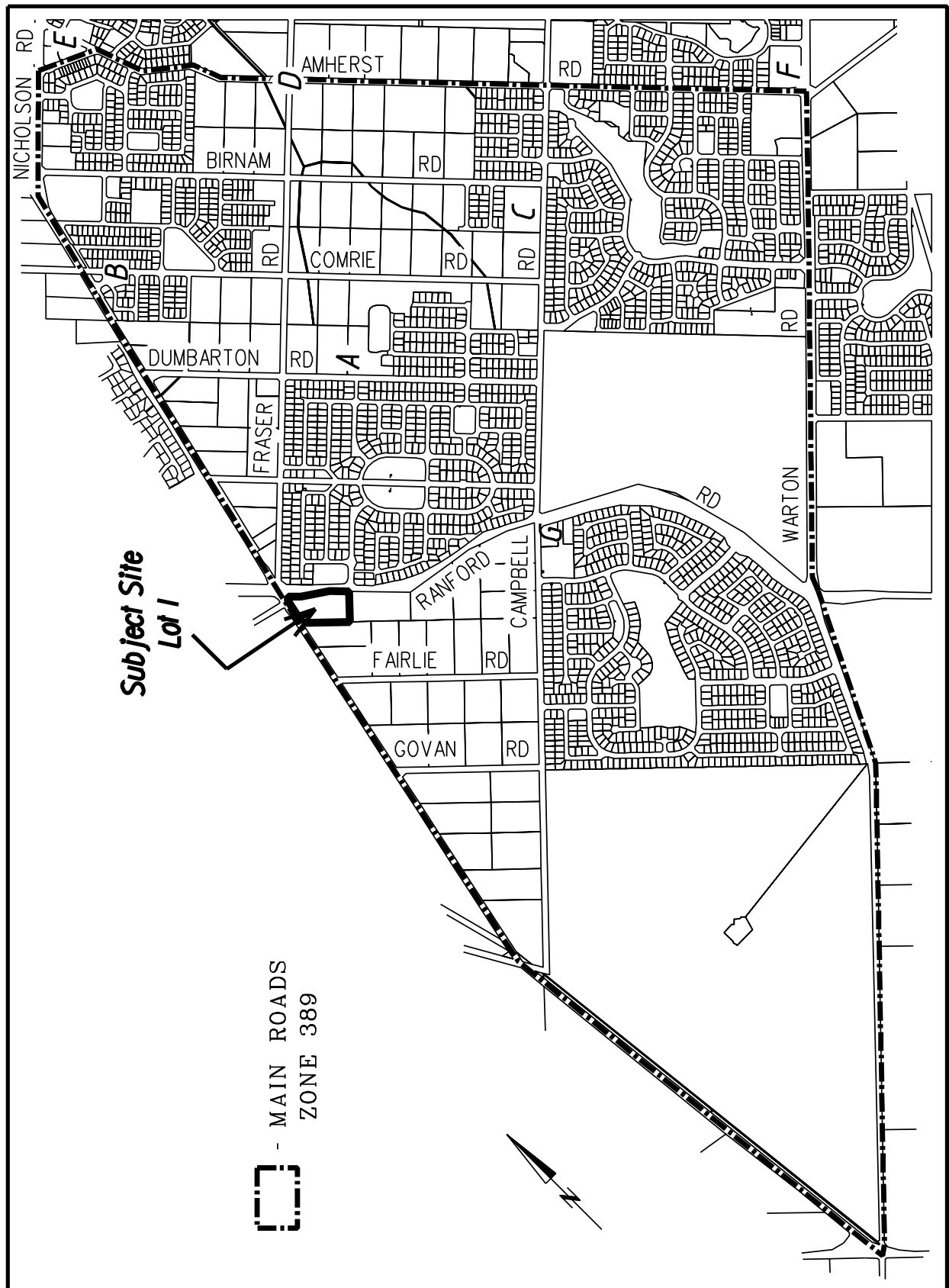
Zone 389 also includes portion of the Canning Vale Outline Development Plan (ODP) area. The Canning Vale ODP shows the following mixed-use neighbourhood centres within Zone 389:

No.	Location (see Locality Plan)	Centre Total	MRZ 389
A	Dumbarton Road	300	300
B	Corner Nicholson and Comrie Roads	300	150
C	Campbell Road	300	300
D	Corner Amherst and Fraser Road	1,250	625
E	Corner Nicholson and Amherst Roads	550	183
F	Corner Warton and Amherst Roads	6,750	1,687
G	Corner Ranford and Campbell Roads	3,485	3,485
Total		12,935	6,730
Note: All figures are in m ² NLA			
Note: The MRZ 389 column shows that portion of the centre located within Main Roads Zone 389.			

Where necessary, the above table represents only that portion of a centre's retail floorspace that is located within Zone 389. For example, Neighbourhood Centre D is located on the boundary of two Main Roads Zones, so its total retail floorspace is halved for the purposes of this exercise.

The staff recalculation of retail floorspace required for Zone 389 (8,758m²) shows that there is capacity in terms of catchment population to sustain approximately 2,000m² of additional retail floorspace.

The LCS identifies the subject site as being a "mixed business area". The LCS states that "*mixed business areas...are potentially suitable for showrooms and other forms of car-oriented commercial development, except shop-front retail development*". The LCS therefore confirms the suitability of the subject site for showroom development and that capacity exists for 400m² retail space proposed by the subject amendment.



SUMMARY

- Makro Warehouse development was approved as a “showroom” use based on information supplied by the proponents.
- Subsequent to the commencement of operations Council took appropriate action in relation to complaints regarding the nature of goods for sale. Specifically a Section 10 Direction was issued in respect of the sale of perishable (eg milk and bread) resulting in these items being removed from sale and in respect of the sale of clothing via Millers. The subject scheme amendment, if finalised, will formalise the operation of the Millers tenancy.
- Lot 1 is the subject of additional and restricted uses which allows for uses permissible in the Mixed Business zone. This includes both showroom and shop uses with the subject scheme amendment proposing a 400m² restriction on the shop use. The statutory TPS 6 framework is therefore consistent with the subject scheme amendment.
- A “shop” use is a permissible use in the Residential Development zone. Analysis of the demographic changes (ie average household occupancy) and a reduction in average lot sizes, compared to predictions indicates sufficient capacity within the relevant Main Roads zone (the area unit used for LCS modelling) to support additional retail floorspace.
- The subject site is not seen as an integral component of the Livingston District Centre. As such WAPC retail floorspace restrictions specified in Statement of Planning Policy 4.2 are not considered to be relevant. The development of a showroom on the subject site does though comply with a primary locational criteria specified in this document.
- Consultants representing Woolworths Pty Ltd and the owners of the Livingston District Centre (Fabcot Pty Ltd) together with the City of Canning, have raised detailed objections regarding the nature of the operation of the overall Makro Warehouse use. These objections are noted and underline the need for the City of Gosnells to undertake a review of the local strategic context provided by the LCS in order to appropriately address new retail models that have emerged in recent times. The concept of a new “retail establishment” use differentiated from traditional “showroom” and “shop” uses as advocated by the City of Canning (see Schedule of Submissions 2(5)) is seen as having merit. It is significant to note here that the City of Canning does not include the floorspace of “retail establishments” within the floorspace limits of the Cannington Strategic Regional Centre.
- The objectors’ comments (referenced above) though do not relate specifically to the subject scheme amendment which is concerned with the establishment of 400m² of shop space on the subject site as opposed to the overall Makro Warehouse use.

CONCLUSION

The subject amendment proposes to amend the text to include conditions relating to restricted use “shop” in Item 4 of Schedule 3 of the Scheme. This would permit Millers to lodge a development application for Council consideration to operate a Millers shop within the established Makro Warehouse. The majority of submissions received related specifically to the nature of Makro Warehouse and did not relate to the subject scheme amendment. Notwithstanding this, within this report staff address these submissions and have provided sufficient grounds that the Makro Warehouse complies with the TPS 6 definition of showroom. It is considered that the proposed scheme amendment would not compete with the adjoining District Centre within the City of Canning and it is therefore recommended that Council adopt the amendment for finalisation with a modification to amend the terminology of discount variety store to showroom and limit floor area.

FINANCIAL IMPLICATIONS

Nil.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION
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630 Moved Cr R Mitchell Seconded Cr D Griffiths

“That Council, pursuant to Town Planning Regulation 17(1), uphold in part the submission(s) received; and further, pursuant to Town Planning Regulation 17(2), adopt Amendment No. 35 to Town Planning Scheme No. 6 to amend the text to include conditions relating to restricted use “Shop” in Item 4 of Schedule 3 of the Scheme, for final approval modified 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 ² floor area 2) Shop use to be limited to 400m ² NLA. 3) Shop use to be carried out as an associated part of and within the same tenancy as a Showroom.”

CARRIED 9/1

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

AGAINST: Cr R Croft.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION

631 Moved Cr R Mitchell Seconded Cr D Griffiths

“That Council acknowledge the need to review the strategic framework relating to commercial establishments in the City’s Local Commercial Strategy in light of evolving retail trends and that staff be authorised to take the necessary action to pursue this matter.”

CARRIED 9/1

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

***AGAINST:** Cr R Croft.*

13.5.2 WEST CANNING VALE (CAMPBELL ESTATE) OUTLINE DEVELOPMENT PLAN – FINALISATION

File:	S8/1/1	(MP/SC)	Psrpt158Nov04
Name:	Roberts Day Group on behalf of Fermanagh Investments Pty Ltd		
Location:	West Canning Vale		
Zoning: MRS:	Urban		
TPS No. 6:	Residential Development		
Appeal Rights:	Should Council determine that the ODP is not satisfactory, the applicant may request a determination by the WA Planning Commission		
Area:	60ha		
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) OCM 10 August 2004 (Resolution 400)		
Appendices:	13.5.2A Advertised West Canning Vale Outline Development Plan (Click to view) 13.5.2B Revised West Canning Vale Outline Development Plan (Click to view) 13.5.2C Common Cost Tables (Click to view) 13.5.2D Schedule of Modifications (Click to view)		

PURPOSE OF REPORT

For Council to consider the proposed West Canning Vale Outline Development Plan (ODP) prior to referral to the Western Australian Planning Commission for its determination.

BACKGROUND

There have been a number of different ODPs prepared for the West Canning Vale area over the years. Council considered an ODP in August 2002 and 8 July 2003. The main challenges of previous ODPs have related to planning for the environmental assets of the area. The 2003 version of the ODP was not supported by the Environmental Protection Authority and the Western Australian Planning Commission as it : “...*fails to adequately address the environmental issues, including the Conservation Category Wetlands, affecting the site...the City should therefore consider reviewing the ODP in an effort to develop a concept that will meet the environmental requirements of the Environmental Protection Authority*”

Council at its meeting of 10 August 2004 considered the current draft ODP for the West Canning Vale area as being satisfactory for the purposes of advertising.

The ODP has been prepared by Roberts Day on behalf of Fermanagh Pty Ltd, the latter having purchased land holdings in the West Canning Vale area with many others under

contract to purchase. Notwithstanding this, Council needs to consider the fact that the current ODP area consists of 32 individual lots with 24 landowners.

A full copy of the proposed West Canning Vale Outline Development Plan documentation has been made available in the Councillors' Common Room.

DISCUSSION

Advertising Outcomes

The proposed ODP was advertised for 28 days and notification letters, including relevant information were sent to all landowners, neighbouring residents (refer to Location Plan) and relevant government agencies.

During the advertising period a landowners' information evening was held, which was attended by 19 people including landowners and Councillors. City staff and planning consultants, Roberts Day, were available to take questions.

The City received 47 submissions during the advertising period. Of the 47, 18 came from landowners within the ODP referral area, 10 from government agencies and 19 from members of the community located outside of the ODP area. Nine submissions supported the ODP, 31 objected and 7 provided conditional support. It should be noted that 18 submissions came from members of the Billabong Church. A summary of these submissions follows:

Schedule of Submissions

No.	Name/Address	Description of Affected Property: Lot No, Street, etc	Summary of Submission	Staff Comment
1.	K & R Lowden	Lot 311 Nicholson Road, Canning Vale	Support.	Noted.
2.	I Johnson	294 (Lot 838) Campbell Road, Canning Vale	Support. 1) Makes reference to items 3-12 of submission 4 in OCM 10 August 2004 as summarised: Design issues within ODP including, landscaped gardens not estate wall along Ranford Road, Campbell Road to be main entrance, deep-water bodies not swales, building covenants for high standards of development, no further commercial along Ranford Road, buffers between commercial and residential to minimize criminal activity and reduce traffic noise, streetscape, brick paving, and cycle ways to be high standard with low maintenance landscaping	Noted. Where possible best practice solutions to such issues will be carried out.

No.	Name/Address	Description of Affected Property: Lot No, Street, etc	Summary of Submission	Staff Comment
			and environmental management resulting in a financially viable development.	
			<p>2) Speed humps and roundabouts to be installed on Govan and Fairlie Roads if opened to Nicholson Road.</p> <p>3) Speed humps and/or roundabouts to be established on Campbell Road to slow speeding traffic.</p> <p>4) Questions the density of dwellings and number of storeys as high rise would detract from ambience of the area.</p> <p>5) Requests clarification as to the type of development proposed on the corner of Ranford and Campbell Roads</p>	<p>ODP proposes closure of access from Govan Road onto Nicholson Road and the closure of Fairlie Road. This will enable rehabilitation of former roads to CCWs to occur, together with providing a new, safe, access road onto Nicholson Road with full turning intersections which are currently not possible on the existing constructed Govan Road.</p> <p>The advertised ODP shows proposed roundabout at the 4-way intersection of Campbell Road and Alexandria Blvd. An additional roundabout is proposed in the Revised ODP at the intersection of Yindanna Entrance. These roundabouts will assist in controlling traffic speed.</p> <p>The ODP proposes densities "Greater than R20" which would allow for medium density housing with the possibility of two-three storeys homes, as provided by the R Codes.</p> <p>Mixed use development is intended for this site that can include uses that seek to achieve a greater diversity of land uses, including medium density housing and strong pedestrian focus, complimentary to residential development. The types of land uses that the ODP document proposes for the site include: tavern, restaurant and associated uses. Such uses however are subject to further planning assessment processes.</p>
3.	Ranford Primary School, P & C Association Orkney Crescent Canning Vale 6155		<p>Support</p> <p>1) ODP area within school's catchment area.</p>	Noted.

No.	Name/Address	Description of Affected Property: Lot No, Street, etc	Summary of Submission	Staff Comment
			2) Request consideration of vehicle, pedestrian and cycle routes within ODP and surrounding area for school users given the proposed closure of Govan Road. Linkages need to be maintained.	Refer Discussion Section.
4.	Ms J McGlenn	262 (Lot 969) Campbell Road, Canning Vale	Objection. Concerns regarding future local road opposite onto Campbell Road shown on indicative subdivision plan.	Design of local roads undertaken at subdivision stage, however the road in question will now become a four-way intersection with a roundabout at Yindanna Entrance.
5.	Robert Locke For Uniting Church GPO Box M952 Perth WA 6843	Lot 282 Campbell Road, Canning Vale.	Conditional Objection. 1) ODP does not acknowledge the existing church site for church and community purposes on Lot 282. 2) A 1ha site is to be set aside for Church proposes. The remaining portion of land will accommodate residential development to fund new church and community centre. 3) Proposed road layout shows extension of Alexandria Blvd through Lot 282 reducing effective site area required to accommodate church and community centre. Requests the configuration of this road be altered to minimize impact on church site. 4) Requests zoning change to 'Community Purpose' 5) ODP and Indicative Plan needs to be consistent in designating site as "Density greater than R20".	Appendix 13.5.2B – Revised ODP acknowledges the existing church use on Lot 282 with "Place of Worship" annotation. Appendix 13.5.2B designates remaining portion of Lot 282 as mixed use, which can include residential and non residential uses. The details of the types of uses considered appropriate will be determined via a Detailed Area Plan and development approval processes. Appendix 13.5.2B now shows proposed road re-aligned further south to accommodate this request whilst maintaining road safety and orderly subdivision. New church sites within the City have generally remained zoned as "Residential" as there is no community purpose zone in TPS 6 to accommodate such a use. Places of Worship can be considered under the current 'residential development' zone. Appendix 13.5.2B acknowledges the existing use of this site for church and community purposes. Has been addressed in Appendix 13.5.2B

No.	Name/Address	Description of Affected Property: Lot No, Street, etc	Summary of Submission	Staff Comment
			<p>6) Residential development on Lot 282 to be R40 coding due to proximity to local centre.</p> <p>7) Church seeks exemptions of POS and infrastructure contributions with the 1ha lot to be excluded from calculations.</p> <p>8) Development of Lot 282 has been on hold for 3 years pending ODP.</p> <p>9) Church is willing to partake in reciprocal car parking with adjacent mix use development.</p>	<p>The details of the types of uses considered appropriate will be determined via a Detailed Area Plan and development approval processes. Notwithstanding this, a R40 density would be considered appropriate given the close vicinity to both neighbourhood and district centres.</p> <p>The 1ha church purposes area has been excluded from the net developable area given that it is a non residential land use and exemptions from POS contributions are commonly allowed in these instances. However the Church is required to contribute toward infrastructure contributions given it will derive benefits from the infrastructure to be provided by the proposed cost sharing arrangement. Refer to Discussion.</p> <p>Note Church's decision to not proceed with development. However development approvals have been granted for the site to be used for place of worship and associated uses for which timeframes have been extended.</p> <p>ODP is not preventing the development of the site.</p> <p>Support this approach however the matter shall be determined between the landowners at the time of developing a Detailed Area Plan for the area and/or at the development stage.</p>
6.	C Iacobellis President Billabong Playgroup 9 Tucker Court, Canning Vale	Billabong Church & Playgroup Lot 282 Campbell Road, Canning Vale.	Objection. Request Lot 282 Campbell Road be shown as Mixed Use on ODP to allow for existing use and future development.	Issues relating to the Uniting Church site have been addressed in Submission 9. Refer Discussion Section.
7.	W H Langlands 39 Riverbank Drive, Gosnells	Billabong Church & Playgroup Lot 282 Campbell Road, Canning Vale.	Objection Request Lot 282 Campbell Road be shown as 'Mixed Use' on ODP to ensure existing use and future development and maintenance of property.	As above. Refer Discussion Section.

No.	Name/Address	Description of Affected Property: Lot No, Street, etc	Summary of Submission	Staff Comment
8.	D Pritchard 5 Leicester Crescent, Canning Vale	Billabong Church & Playgroup Lot 282 Campbell Road, Canning Vale.	Objection. Request Lot 282 Campbell Road be shown as 'Mixed Use' on ODP to ensure existing use and future development and maintenance of property.	Refer Discussion Section.
9.	S Amaria 20 Ashridge Tirm, Canning Vale 6155	Billabong Church & Playgroup Lot 282 Campbell Road, Canning Vale.	Objection. Request Lot 282 Campbell Road be shown as 'Mixed Use' on ODP to ensure existing use and future development and maintenance of property.	Refer Discussion Section.
10.	E & D Watt 6 Mettier Court, Canning Vale.	Billabong Church & Playgroup Lot 282 Campbell Road, Canning Vale.	Objection. Request Lot 282 Campbell Road be shown as 'Mixed Use' on ODP to ensure existing use and future development and maintenance of property.	Refer Discussion Section.
11.	K Povey 36 Illawarra Crescent, Canning Vale.	Billabong Church & Playgroup Lot 282 Campbell Road, Canning Vale.	Objection. Request Lot 282 Campbell Road be shown as 'Mixed Use' on ODP to ensure existing use and future development and maintenance of property.	Refer Discussion Section.
12.	J Warren 14 Bracken Road, Thornlie	Billabong Church & Playgroup Lot 282 Campbell Road, Canning Vale	Objection. Request Lot 282 Campbell Road be shown as 'Mixed Use' on ODP to ensure existing use and future development and maintenance of property.	Refer Discussion Section.
13.	R Gibson 8 Sholto Crescent, Canning Vale	Billabong Church & Playgroup Lot 282 Campbell Road, Canning Vale	Objection. Request Lot 282 Campbell Road be shown as 'Mixed Use' on ODP to ensure existing use and future development and maintenance of property.	Refer Discussion Section.
14.	K Ford 5 Jasper Corner, Canning Vale	Billabong Church & Playgroup Lot 282 Campbell Road, Canning Vale	Objection. Request Lot 282 Campbell Road be shown as 'Mixed Use' on ODP to ensure existing use and future development and maintenance of property.	Refer Discussion Section.
15.	L Clements 30 Eastwood Parade, Canning Vale	Billabong Church & Playgroup Lot 282 Campbell Road, Canning Vale	Objection. Request Lot 282 Campbell Road be shown as 'Mixed Use' on ODP.	Refer Discussion Section.
16.	G Mueller 10 Dame Pattie Drive, Willetton	Billabong Church & Playgroup Lot 282 Campbell Road, Canning Vale	Objection. Request Lot 282 Campbell Road be shown as 'Mixed Use' on ODP to ensure existing use and future development and maintenance of property.	Refer Discussion Section.

No.	Name/Address	Description of Affected Property: Lot No, Street, etc	Summary of Submission	Staff Comment
17.	M & S Sheehy 14 Medip Mews, Willetton	Billabong Church & Playgroup Lot 282 Campbell Road, Canning Vale	Objection. Request Lot 282 Campbell Road be shown as 'Mixed Use' on ODP to ensure existing use and future development and maintenance of property.	Refer Discussion Section
18.	S Wood 13 Redgum Court, Thornlie	Billabong Church & Playgroup Lot 282 Campbell Road, Canning Vale	Objection Should be provisions for Community based activities.	Refer Discussion Section
19.	S Watson 63 Jilakin Loop, Canning Vale.	Billabong Church & Playgroup Lot 282 Campbell Road, Canning Vale	Objection. Concerns that existing Billabong Community Centre is not shown on ODP.	Refer Discussion Section.
20.	B & M Hill 8 Kirby Way, Samson 6163	Billabong Church Community Centre Lot 282 Campbell Road, Canning Vale	Objection. ODP does not indicate existing Billabong Church or future Community Centre.	Refer Discussion Section.
21.	M McLean 5 Prendwick Way, Willetton 6155	Billabong Church Lot 282 Campbell Road, Canning Vale	Objection. 1) ODP does not zone Lot 282 "Community Purpose". 2) Billabong Church on lot 282 has been operating for 3 years providing activities and support for over 100 Canning Vale families, including church facility and Playgroup sessions. The existing building is also hired to the wider community emphasising growing demand for a local meeting facility.	Noted. Refer Discussion Section.
22.	N Sampson 23 Sedges Grove, Canning Vale	Billabong Church Lot 282 Campbell Road, Canning Vale	Objection. Uses the Billabong Church, Playgroup and Craft Group regularly, and ODP does not indicate existing use or future development and maintenance of property.	Refer Discussion Section
23.	D Sampson 23 Sedges Grove, Canning Vale	Billabong Church Lot 282 Campbell Road, Canning Vale	Objection. Requests ODP be amended to show Billabong Community Centre that is used for playgroups, Weight Watchers, two craft groups, marriage course, parenting courses Spring Festival, and the Paperbark Band and church services.	Refer Discussion Section

No.	Name/Address	Description of Affected Property: Lot No, Street, etc	Summary of Submission	Staff Comment
24.	K Smith	252 (Lot 964) Campbell Road, Canning Vale	Support Request traffic management measures to reduce speed in Campbell Road and restrict heavy vehicles using Campbell Road to avoid Ranford Road and Nicholson Road intersection.	ODP shows proposed roundabout at the 4-way intersection of Campbell Road and Alexandria Blvd. An additional roundabout is also proposed in the Revised ODP at the intersection of Yindanna Entrance. These roundabouts will assist management of traffic and discourage "rat running".
25.	A & P Cunningham	278 (Lot 977) Campbell Road, Canning Vale	Objection. 1) Concerns with Fairlie Road and Govan Road opening onto Nicholson Road. 2) Speed humps and roundabouts will address traffic, vehicles taking short cuts to avoid traffic lights and reduce potential danger to residents. 3) Query regarding number dwellings per lot and number of storeys. 4) Query regarding commercial development corner Campbell and Ranford Roads	ODP proposes no vehicular access from Nicholson Road to Fairlie and Govan Roads with a new link road providing access to Nicholson Road. The Traffic Management Plan prepared by ERM has adequately addressed such issues. The ODP proposes densities "Greater than R20" which would allow for medium density housing with the possibility of two-three storeys homes, as provided by the R Codes. Mixed use development is intended for this site, which is considered complimentary to residential development. The types of land uses that the ODP proposes for the site include: tavern, restaurant and associated uses. Such uses however are subject to further planning approval processes.
26.	D G Coombes	18 (Lot 391) Ovadell Place, Canning Vale	Objection. 1) Concerns regarding Mixed Use area as enough commercial outlets, showrooms and shops. 2) Concerns regarding CCW as no flow effect for the wildlife to migrate to other gene pools. 3) No roads to connect Campbell Road and Nicholson Road.	Mixed use development is intended for this site, which is considered complimentary to residential development. The types of land uses that the ODP discusses for the site include: tavern, restaurant and associated uses. Such uses however are subject to further planning approval processes. Noted. Noted.

No.	Name/Address	Description of Affected Property: Lot No, Street, etc	Summary of Submission	Staff Comment
27.	C Thomson Lot 309 Campbell Road, Canning Vale.	333 (Lot 309) Campbell Road, Canning Vale.	Support.	Noted.
28.	L & T Matson	300 (Lot 835) Campbell Road, Canning Vale.	Objection. Concerns regarding traffic with respect to Campbell Road opening onto Nicholson Road and current use of Govan Road as a 'race track' between Campbell Road and Nicholson Road.	Noted. Govan Road will be closed and a new connection created to Nicholson Road that will go through the estate.
29.	R Detata	266 (Lot 971) Campbell Road, Canning Vale.	Support	Noted.
30.	L & B Douglas	Lot 285 Fairlie Road, Canning Vale.	Objection. 1) Requests Ranford Road construction and land resumption costs be a more equitable mechanism. Percentage of ODP traffic to be determined and used for cost contributions 2) Nicholson Road resumption should be paid for by state as Nicholson Road is a 'primary network designated freight route' 3) Traffic management to avoid short cuts and 'rat run' through estate. 4) Mixed use development Lots 281, 3 and 282 accessible from Campbell Road only, with extensions to mixed business on Lot 278 only use existing entry from Lot 1 with entry from Ranford Road removed to provide safe route for residents. 5) Concerns regarding extent of Conservation Category Wetlands (CCWs) allocated to ODP area as ODP indicate CCWs, which are clearly not CCWs.	The City is currently requiring a 50% contribution to the cost of one carriageway. This is consistent with WAPC guidance on developer contributions principles. Noted. However, Nicholson Road is designated an Other Regional Road and as such is a Local Government rather than a State Government responsibility. The Transport Planning Report prepared by ERM addresses this issue and consequently has designed a road traffic system that should avoid "rat running" situations. The proposed revised ODP indicates a road layout that further discourages "rat running". This issue will be also be given further consideration at the detailed subdivision stage. Noted. The identification of CCWs on the ODP has been based on information provided from the Department of Environmental (formally Water and Rivers Commission) and the EPA Service Unit.

No.	Name/Address	Description of Affected Property: Lot No, Street, etc	Summary of Submission	Staff Comment
			<p>6) Requests Council should not support the CCW allocated to the area and advise DoE and support landowners.</p> <p>7) Objects to 34% POS contribution.</p> <p>8) Contends that wetland profile has changed over years with urban development in surrounding areas and general degradation of vegetation.</p> <p>9) Object to contribution to perimeter fencing to protect alleged CCW.</p> <p>10) Objects to provision of 2nd shared pathways on Ranford, Nicholson and Campbell Roads.</p>	<p>Given the process to endorse the ODP Council is bound to have regard for advice from relevant State Government departments.</p> <p>In order to achieve an equitable and sustainable development outcome for the ODP area a 34% POS contribution is required.</p> <p>Noted.</p> <p>No evidence provided to substantiate claim.</p> <p>Perimeter fencing is necessary to sustain the environmental values of the wetlands and considered a reasonable common infrastructure cost, which, has been included in other ODPs within the City.</p> <p>Requirement for such pathways are part of Liveable Neighbourhood principles which provide for improved walkability within and surrounding residential areas.</p>
31.	Peter Webb & Associates PO Box 920 Subiaco. for Joint Venture Partner P Hughes and owners Mr and Mrs Teh	Lot 278 Ranford Road, Canning Vale	<p>Objection.</p> <p>1) Lot 278 is shown as portion for 'Mixed Business' and a portion 'Residential greater than R20'. Requests all of Lot 278 be designated as a Mixed Business zone.</p> <p>2) A Development Concept Plan proposal has been presented for the whole of Lot 278 that includes an extension of the mixed business zone, resulting in ¾ of the lot being earmarked for mixed business and ¼ for residential development.</p>	<p>The determination of portion of the site for Mixed Business is in alignment with the extent of the CCW area that abuts the site, ensuring adequate treatment of the interface area. In addition, this area has been earmarked as such since the August 2002 version of the ODP.</p> <p>Refer Discussion Section.</p> <p>As per above. The development proposal shown on the residential portion of the site does not reflect mixed use development nor will it adequately address interface issues with the abutting land to the south.</p> <p>Mixed use development of a residential scale and nature is considered more appropriate on this site ensuring complimentary land uses to the abutting residential area.</p>

No.	Name/Address	Description of Affected Property: Lot No, Street, etc	Summary of Submission	Staff Comment
			<p>3) Interface issues include surveillance of side and rear of commercial development, with appropriate landscaping of high canopy trees and discreet low-level lighting.</p> <p>4) Facades of commercial buildings adjacent to residential modified to incorporate architectural relief to provide heightened interest and roof hipped to reflect a residential character.</p> <p>5) Argues against residential land use on Lot 278 based on Ranford Road being an Important Regional Road will ultimately be designed as a four lane road</p> <p>6) Arguments supporting commercial development on Lot 278 include: Ranford Road could accommodate a range of commercial activity given its importance in context to the regional road network</p> <p>7) The City's Local Commercial Strategy acknowledges Mixed Business type activity in the Canning Vale area.</p> <p>8) Argues that a critical mass is required to ensure that commercial development can be supported and survive long term.</p> <p>9) Adjacent Lot 1 has been developed with a successful Mixed Business development that would be complimentary to the development concept proposal for Lot 278.</p>	<p>The proposal does not adequately address interface issues. Mixed business activity lends towards bulky buildings of a non residential scale and character, which makes addressing the interface difficult.</p> <p>Noted. However it is the activity and building scale and nature of Mixed Business development that does not lend it self to form an appropriate interface with residential development given that it tends to be showroom warehouse/bulky goods.</p> <p>Noted. However this site could provide for a mixture of uses from Residential to non residential development with a strong pedestrian focus, enhancing the surrounding residential development</p> <p>Noted. However the location of regional roads is one element of planning considerations for such commercial activity.</p> <p>Mixed Business activity has been acknowledged on the corner of Nicholson and Ranford Roads however the extent of this area has not been prescribed.</p> <p>Noted. However this is a financial consideration not a planning one.</p> <p>Noted. However only portion of Lot 278 is supported for an extension of the Mixed Business zone and the land uses for the remaining portion will be determined via a Detailed Area Plan and shall be mixed use in nature.</p>
32.	P & ME Green	Lot 284 Fairlie Road, Canning Vale	<p>Objection.</p> <p>1) Requests previous issues raised be incorporated into ODP. It is assumed that this relates to comments raised in OCM 10 August 2004.</p>	<p>Previous issues raised have been addressed and where appropriate incorporated into the ODP.</p>

No.	Name/Address	Description of Affected Property: Lot No, Street, etc	Summary of Submission	Staff Comment
			<p>2) Not opposed to high quality residential subdivision.</p> <p>3) Concerns regarding formulation of ODP as 'information nights' did not address landholders/residents' as a group.</p> <p>4) Land identified as Conservation category Wetland lacks justification and evidentiary support. Believes original study was to develop drainage and nutrient management plans study but BBG consultants established ideological wetlands analysis.</p> <p>5) Concerns regarding Fermanagh Investments Pty Ltd with respect to acquisition CCWs and potential "land swap"</p> <p>6) Concerns regarding POS calculations. Buffer areas adjacent to wetlands are unwarranted.</p> <p>7) Swales instead of unlined deep water bodies will detract from amenity of area and do not meet community expectations.</p> <p>8) Dual use path along Ranford Road already exists.</p> <p>9) Commercial along Ranford Road to be limited to avoid traffic issues.</p> <p>10) Contributions to Important Regional Roads (IRR) traffic lights not justified.</p> <p>11) Existing road structure main entry will conflict with established residences.</p>	<p>Noted.</p> <p>Information evenings are generally organised to allow individual landowners and residents to discuss issues on a one to one basis. There is no statutory requirement to hold information nights or to address landowners/residents as a group.</p> <p>The identification of CCWs on the ODP has been based on information provided from the Department of Environmental (formally Water and Rivers Commission) and the EPA Service Unit.</p> <p>As above for point 4.</p> <p>The requirement for buffer areas is a requirement of DoE and provides for an interface between the core conservation category wetlands and urban development. Drainage function is also to be provided within buffer. Buffer is credited towards required POS.</p> <p>Noted.</p> <p>No evidence presented to demonstrate this.</p> <p>ODP proposes one ornamental deep water body.</p> <p>This is in accordance with Liveable Neighbourhoods and Council Policy.</p> <p>Noted.</p> <p>The contribution is based on 25% of the total cost of the traffic lights and is considered reasonable.</p> <p>Noted.</p> <p>Owners of existing residences have not raised concern.</p>

No.	Name/Address	Description of Affected Property: Lot No, Street, etc	Summary of Submission	Staff Comment
			<p>12) Concerns road layout with Campbell, Alexandria connecting with Nicholson Road producing 'rat run'.</p> <p>13) 34% contribution POS is rejected.</p> <p>14) Studies funded by 21 landowner/residents not considered.</p> <p>15) Traffic volumes of low density residential area should be reflected in regional context of traffic flows past the site and landholder contributions on (IRR).</p> <p>16) The following infrastructure cost sharing is considered excessive:</p> <ul style="list-style-type: none"> * IRR road costs * Land resumptions IRR and freight routes * Fencing wetlands * Dual use paths * Traffic lights on IRR * Costs 3-4 times higher than paid by adjoining subdivisions. <p>17) OCM 27.2.2001 resolved to progress with finalisation of ODP as a matter of priority, yet proposed ODP will result in demise of this area as a viable urban development with crippling financial burden on current landowners.</p>	<p>Appendix 13.5.2A has now removed this connection.</p> <p>In order to achieve an equitable and sustainable development outcome for the ODP area a 34% POS contribution is required.</p> <p>Information from previous studies has been incorporated into the ODP where appropriate.</p> <p>Landowner contributions for IRR are based on State guidelines for developer contributions.</p> <p>Noted.</p> <p>However such items are considered reasonable cost sharing items based on State guidelines for developer contributions and reflective of the nature of the ODP and extent of the common infrastructure required.</p> <p>No evidence presented to substantiate comments.</p>
33.	N Soh For Powerwide Enterprises Pty Ltd 5 Fairlie Road, Canning Vale	296 (Lot 5) Fairlie Road, Canning Vale	Support. Supports ODP, however, contribution of the acquisition of public school site has not been included in contribution costs that would increase common infrastructure costs.	This is generally resolved through a separate process managed by the EDWA via the subdivision stage.

No.	Name/Address	Description of Affected Property: Lot No, Street, etc	Summary of Submission	Staff Comment
			<p>Objection</p> <p>1) Objects to 34% contribution POS and CCW's requirements within Campbell Estate as they are set aside to reduce significant environmental impacts caused by nearby projects (Tonkin Hwy, Roe Hwy, and Perth-Mandurah Railway), therefore owners within Campbell Estate should not be solely responsible</p> <p>2) Contribution of 34% POS CCW will greatly effect cost of development of the land.</p>	<p>Environmental offsets for State Government road works have no relationship to the area being set aside for CCWs.</p> <p>CCWs have been determined by the DoE and EPA Service Unit.</p> <p>In order to achieve an equitable and sustainable development outcome for the ODP area a 34% POS contribution is required.</p>
34.	Shu Ha Tan & Chew Siew Choo & family	Lot 283 Campbell Road, Canning Vale	<p>Objection.</p> <p>Concerns ODP wetland mapping plans are incorrect as family home built in 1998 and is considered part of core conservation area. Other existing homes have been excluded from the mapping.</p>	<p>Subject site has been identified by Dept of Environment as conservation. ODP documentation includes DoE wetland map with ODP designating subject lot 'Residential Density Greater than R20'.</p> <p>Acknowledge inconsistency with DoE mapping of homes as conservation areas.</p>
35.	M Atkinson Michelledeg@hotmail.com		<p>Objection.</p> <p>Concerns regarding clearing of land within the City and requests bush land remain intact for benefit of community and the environment.</p>	<p>ODP shows over 34% land set aside for Conservation Category Wetlands and buffer areas.</p>
36.	Freehills GPO Box U1942 Perth WA 6845 On behalf of Eastview Nominees Pty Ltd.	Lot 13 Campbell Road & Lot 14 Nicholson Road, Canning Vale.	<p>Objection.</p> <p>Requests that no references to wetlands for Lots 13 and 14 as DoE has advised that no wetlands exist and lots to be shown as 'developable land' on ODP.</p>	<p>The identification of CCWs and their protection in the ODP area has been based on information provided from the Department of Environmental (formally Water and Rivers Commission) and the EPA Services Unit.</p>
37.	Corner Stone & Legal on behalf of Mondei Pty Ltd	Lot 2 Nicholson Road	<p>Objects.</p> <p>1) The identification of Lot 2 as a reserve is not based on sufficiently detailed study of the site.</p>	<p>The identification of Lot 2 as Core Conservation Category Wetland has been based on information made available by the Department of Environment and the Environmental Protection Authority.</p>

No.	Name/Address	Description of Affected Property: Lot No, Street, etc	Summary of Submission	Staff Comment
			<p>2) City will be liable for compensation should rezoning of the land occur. Propose to challenge the City should this occur. Requests that the City progress a rezoning of the land.</p> <p>3) Matters will be challenged through Writs Certiorari Mandamus or Prohibition.</p>	<p>A request to rezone this site has already undergone planning processes however it was not supported by the Environmental Protection Authority as a wetland was identified on the site. ODP provides a “compensation” mechanism through cost sharing provisions.</p> <p>Noted. This relates to three different approaches for the landowner to pursue legal action against the City under the Supreme Court.</p>

Schedule of Submissions (Government Agencies)

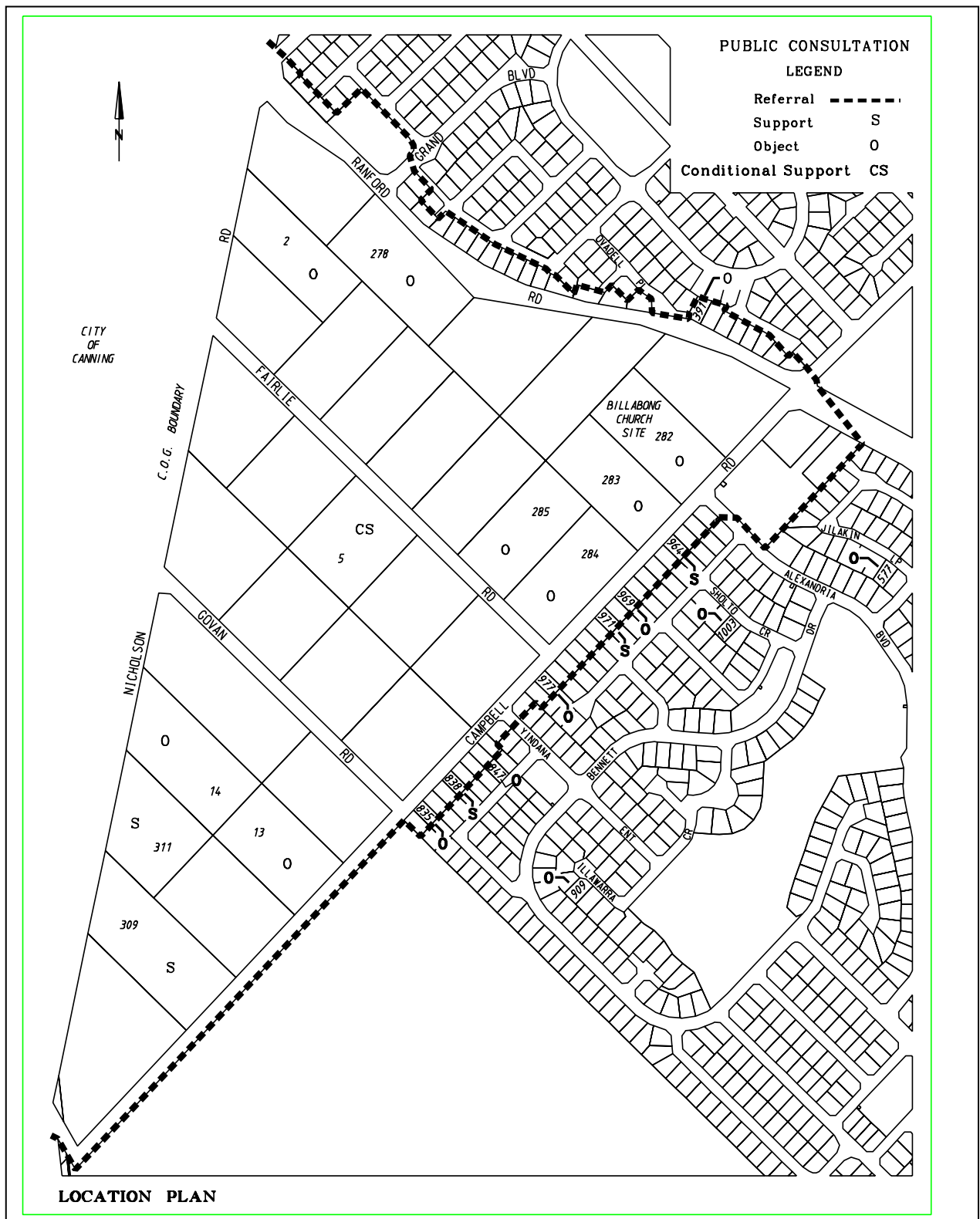
No.	Agency	Summary of Submission	Staff Comment
1.	Department for Planning & Infrastructure	<p>Support.</p> <p>No objection in principle to land use proposals depicted in the ODP however the following comments are made:</p> <p>1) Treatment of areas of environmental significance remains to be resolved with the DoE and the EPA; noting some inconsistency with the recently released Draft Environmental Protection (Swan Coastal Plain Wetlands) Policy 2004.</p> <p>2) Residential densities depicted in ODP are supported, however, inconsistency between Figure 11 (ODP), which depicts northern sector for “Residential Density Greater than R20” and Figure 12 (Indicative Layout Plan) which depicts Residential R20 needs to be addressed.</p> <p>3) ODP residential densities should be achieved on the ground and subdivision proposals that do not achieve residential density may not be supported.</p> <p>4) Impact of Jandakot Airport and associated aircraft noise needs to be highlighted. Memorials will be considered at the subdivision stage.</p> <p>5) Impact on school site provisions to be concluded with the Department of Education and Training.</p> <p>6) Hierarchy of internal roads to be further assessed when ODP is referred to WAPC for its final endorsement.</p>	<p>Noted.</p> <p>Refer Discussion Section for full comment.</p> <p>Agree. This issue has been discussed with applicant and resolved as per Appendix 13.5.2B.</p> <p>Agree. However subdivisions are determined by the Western Australian Planning Commission and this has not been their approach in other ODP areas.</p> <p>Noted. The ODP document has been amended accordingly to address this issue.</p> <p>Noted. EDWA has advised of the need of a temporary school site in the ODP area and have advised that they are happy to work with the developers to accommodate such a site.</p> <p>Noted.</p>

No.	Agency	Summary of Submission	Staff Comment
		<p>7) Future tenure and management of CCW's to be resolved through ODP process.</p> <p>8) Boundary of ODP to be clearly depicted and notated on Legend of Figure 11.</p> <p>9) POS provision and distribution is supported on basis of 10% provision (8% land, 2% enhancement / cash-in-lieu). 100% credit will be supported for the POS contained within designated buffer areas of the CCWs and accommodating drainage on the proviso that these areas are suitable to be developed as usable POS.</p> <p>10) ODP cost contributions with respect to POS and conservation provision and to be reviewed, and 'Retirement Village' should not be excluded for the purposes of calculating the Net Developable Area. A number of other associated calculations should be reviewed.</p>	<p>Noted. However these matters will be resolved at the subdivision stage. In all likelihood the City of Gosnells will be responsible for the management of the CCW after the expiration of the developer's management obligations. Agree.</p> <p>Agree. Staff have already discussed this issues with the applicant and changes made accordingly. However it should be reiterated that useable semi active Local Open Space areas are highly desirable given the limited areas available to serve the proposed community. Refer Discussion Section.</p>
2.	Department of Aboriginal Affairs PO Box 7770, Cloisters Square, Perth 6850	Confirms that the City has undertaken a desktop analysis to determine if there are any previously registered sites within the ODP. It is recommended that an archeological and ethnographic survey of the land be undertaken to mitigate against any possible disturbance of Aboriginal sites that have not been previously recorded.	Noted. The onus to address Aboriginal Heritage issues lies with the developer and is addressed at subdivision stage. The issue has been earmarked in the ODP document
3.	Main Roads WA PO Box 6202 East Perth 6892	No comment.	Noted.
4.	Alinta Gas GPO Box W2030, Perth 6846	Support. Note standard subdivisional work requirements.	Noted.
5.	Department of Conservation and Land Management	<p>1) Reiterated advice given for previous ODP (2002) with respect to remnant vegetation, rare and threatened flora and fauna.</p> <p>2) Prior to the approval of the ODP the proponent should survey the remnant vegetation found within the proposed development area for the presence of Declared Rare Flora and Threatened Ecological Communities populations.</p> <p>3) Based on the results of this survey the ODP should incorporate areas of conservation value within Public Open Space.</p> <p>4) The proponent or their nominated consultant, to liaise with CALM during the preparation of the Rare Flora Management Plan and Fauna Management Plan.</p>	<p>Noted.</p> <p>A Flora survey has already been undertaken and it is understood that the proponent recently undertook a review of this survey particularly to consider Declared Rare Flora and other matters and interest to CALM. Protection of conservation areas have already been determined to be the core conservation areas where high ecological values exist. However it is understood that should Declared Rare Flora be found in the ODP area that appropriate protection action will be taken.</p> <p>Noted. It is understood that the proponent has undertaken to prepare these management plans in consultation with CALM and other relevant agencies.</p>

No.	Agency	Summary of Submission	Staff Comment
6.	FESA	Comment on ODP to be provided when infrastructure/ working plans submitted for development to ensure services and access tracks are installed to enable Fire Services to support the area.	Noted.
7.	Department of Industry and Resources	No concerns regarding ODP and supports allocation of land for industrial development	Noted. ODP does not include allocation of land for industrial purposes.
8.	Department of Education and Training	Campbell Estate is currently part of Ranford Primary School catchment. The proposed development will create pressure on the existing school. Consideration of an interim school facility will be required of approx. 2ha and could be accommodated in residential buildings or the like. DET requests the developer to liaise directly with them regarding the interim school arrangement.	Noted. DET and developers to liaise with regard to the interim school facility. It is envisaged that liaison with the City will also occur as part of this process.
9.	Department of Environment	<ol style="list-style-type: none"> 1) Comments provided to provide guidance to Council. Notwithstanding this advice, any proposed subdivision of development for the site is likely to have significant impact and require referral to the EPA. 2) 18.37ha of conservation category wetland (CCW) exists within the ODP area. In Dec 2003, the DoE recommended a core conservation area of 9.86ha and a 2ha area of CCW and associated upland vegetation for buffer, POS and drainage and nutrient management purposes. The ODP proposes to protect an area of 8.89ha, 1ha less than DoE's recommendation. DOE also acknowledges that this ODP proposes to protect an increased area compared to the August 2002 version of the ODP. 3) Proposed widening of Nicholson Road will require clearing of approx. 0.97ha of the core CCW area thus reducing the area required for protection. 4) Proposed east-west road off Nicholson Road would require clearing of vegetation and fragmenting of the CCW. 	<p>Noted.</p> <p>Noted. It is the intention of the ODP to reflect the requirements of the DoE. The ODP document and mapping will reflect the requirement of 9.86ha for core CCWs and 2ha for buffer. However this may not be able to be determined at the ODP stage as detailed design work has not commenced and the DoE has not released the CCW data in a suitable electronic format to the applicant as yet.</p> <p>The reduced area of CCW is a result of the land required for the widening of Nicholson Road. The ODP will ensure that the 9.86ha is retained. This will be done by using portion of the buffer areas and additional areas adjacent to the CCWs. This road was originally established in accordance with the desire for two access points from the ODP area onto Nicholson Road in accordance with Liveable Neighbourhoods. Whilst the road would enhance the internal traffic movements of the ODP area traffic consultants, ERM and City staff do not consider it to be essential. DPI transport staff have also provided verbal advice to this effect.</p>

No.	Agency	Summary of Submission	Staff Comment
		<p>5) Stormwater and Urban Water Sensitive Design Issues: The function of the permanent water body is proposed as an “integral part of the drainage strategy” but the ODP does not demonstrate this. This water body is not consistent with DoE policy. Temporary water storage for infrequent major events should be integrated into landscaped areas. Should the City support a permanent water body within the central POS its purpose would be for aesthetic/ornamental purposes. The volume need not be derived from any water quantity or quality.</p> <p>6) The Drainage Plan does not disclose the design storm event for the areas of inundation shown in the POS areas. The design should address the area required for the 1 year ARI event. Given the detention of frequent events ‘at source’ the area of inundation of the swales should be substantially reduced.</p> <p>7) A preliminary EPA Position Statement, Environmental Offsets establishes the purpose and scope of offsets. CCW’s are considered ‘critical assets’ and as such the ODP needs to establish how it will address this statement.</p> <p>8) Land within ODP is subject to Acid Sulphate Soils</p> <p>9) Clearing of vegetation needs to be in accordance with the Environmental Protection Act.</p> <p>10) Declared Rare Flora and Fauna, priority species and threatened ecological communities should be undertaken in conjunction with a search of the CALM database prior to clearing.</p> <p>11) Minimisation of edge effects on the adjacent Bush Forever sites should be considered at the subdivision and development stages.</p> <p>12) POS be designed to minimal grassed areas and landscaping should utilise species that are indigenous to the area.</p>	<p>DoE and EPA Services Unit staff have advised informally that the creation of such a road would need significant justification given the high environmental values of the CCW. Accordingly the east-west road has been removed from the ODP, refer Appendix 13.5.2A</p> <p>Agree. The applicant has advised that the water body is not critical to stormwater collection, treatment and disposal however it has aesthetic and irrigation management benefits. The City has also advised the applicant that the size and shape of the proposed central water body should minimize the impact on the recreational function and utility of the proposed POS area.</p> <p>Noted. Detailed design elements will be provided and designed with best practice solutions.</p> <p>It is envisaged that protection, enhancement and management of the CCWs in public ownership provides adequate offsets to address this statement.</p> <p>This issue has been addressed in the ODP document, which recommends appropriate management practices at subdivision stage.</p> <p>Agree.</p> <p>Noted.</p> <p>Noted. Where applicable, the requirement for Detailed Area Plans can address such issues.</p> <p>Noted. However the development of POS areas will depend on the purpose of the POS area. There needs to be a balance with passive and active POS areas across the ODP area and grassed areas may be required to accommodate this. Best practice turf installation and maintenance will be addressed in landscape design and management plan.</p>

No.	Agency	Summary of Submission	Staff Comment
		13) The subject site is located within the Perth Groundwater Area, where licenses for the use of groundwater including dewatering will be required.	Noted
10.	City of Canning	<p>Objection.</p> <p>1) ODP shows Mixed Business development corner Ranford Road and Nicholson Road and Mixed Use corner Ranford Road and Campbell Road but uses not clearly defined in TPS 6.</p> <p>2) Activity corridor on Ranford Road as promoted by "Dialogue with the City" does not automatically qualify adjoining land on Ranford Road for commercial purposes.</p> <p>3) Mixed Business should be designated "other Retail Uses" – generally bulky goods"</p> <p>4) Believes extension of Mixed Business site along Ranford Road is a duplication of Makro warehouse and Big W located in the Livingston Shopping Centre and contrary to the City's Draft Local Commercial Strategy.</p> <p>5) Requests ODP be reviewed in the context of Draft Commercial Strategy to substantiate retail floorspace.</p>	<p>Mixed Business is a zone clearly defined under TPS, however Mixed Use is a term used for areas where a greater diversity of land uses including residential is sought.</p> <p>The types of uses considered appropriate will be determined via a Detailed Area Plan and development approval processes.</p> <p>Noted.</p> <p>However the Metropolitan Centres Policy promotes Mixed Business zones adjacent to, or in close proximity of Regional and District Centres.</p> <p>TPS objectives for Mixed Business Zone is "to provide for a variety of commercial activities including showrooms and other forms of bulk retailing/display in strategically located areas of the City".</p> <p>This is in accordance with Metropolitan Centres Policy and TPS 6 objectives.</p> <p>ODP does not propose additional retail floor space. The types of uses considered appropriate in the mix use area will be determined via a Detailed Area Plan and development approval processes.</p> <p>The types of uses located within the Mixed Business zone will be complimentary to the District Centre.</p>



Issues Arising from Submissions

The most frequent issues raised in the public submissions related to the Conservation Category Wetlands, the 34% Public Open Space (POS) contribution, acknowledgement of the existing Billabong Church and associated uses, concerns with traffic management and clarification of residential densities. Other issues relate to the items listed as Shared Costs on the Common Works and Infrastructure schedule. Issues raised by landowners outside of the ODP related to the Billabong Church, traffic management and clarification of the proposed mixed business area on Lot 278 Ranford Road and mixed use area on the corner of Ranford and Campbell Roads. All of these issues are discussed below together with issues raised by government agencies.

During and following the advertising period City staff have liaised with a number of landowners with regard to submissions lodged on the ODP, which has resulted in some changes being made to the ODP. Following is a summary of issues:

Conservation Category Wetlands (CCWs) and Public Open Space (POS) areas

The requirement to preserve Conservation Category Wetlands has been a major factor in the design of the ODP. This is largely due to advice received from the Environmental Protection Authority (EPA) in December 2003, which included a plan illustrating the “core” conservation wetland areas that were required to be protected to achieve an environmentally acceptable outcome. The core conservation areas are shown on the ODP map and failure to recognise these would most likely result in the ODP and subsequent subdivision and development proposals not being supported by the EPA.

It is the intention of the ODP to reflect the requirements of the Department of Environment (DoE) and EPA. The ODP document and mapping will reflect the requirement of 9.86ha for core CCWs and 2ha for buffer. The widening required for Nicholson Road however has reduced the CCW area, as the requirement was not factored into previous advice received from the DoE and EPA. The City, DoE and EPA staff and the applicant discussed this issue and an undertaking was made to ensure that the 9.86ha core area be reflected on the final ODP and on any other planning applications such as subdivision. It should be noted that the applicant believes the shortfall due to road widening to be approximately 6,200m². The determination of the exact area will be done at the detailed design stage when survey work will be carried out. Given the fact that the east-west road is no longer required, this land can now be included as CCW and the truncations required on Nicholson Road for Govan and Fairlie roads can also be added which will assist with the shortfall of CCW.

Whilst the ODP provides good environmental outcomes the provision of POS may not necessarily satisfy the active recreational needs of future residents of the ODP area given that a large percentage of POS is being set aside for conservation purposes, wetland buffer and drainage.

The applicant has also committed to developing a Wetland and Public Open Space Management Plan to ensure that appropriate management measures are in place to enhance the CCWs.

Some submissions objected to the ODP on the basis that the identification of CCWs was questionable and that the 34% POS contribution was considered high. The identification of CCWs is based on advice received from the EPA and DoE and given the statutory framework this ODP provides the best outcome to secure development and environmental outcomes for the area. With regard to the 34% contribution, whilst this is considered high, this ensures that landowners of CCWs will be compensated in an equitable manner.

Drainage/Stormwater Management

The ODP proposes 4 detention basins/swales to be constructed in accordance with Water Sensitive Urban Design principles. Drainage design has been done at a conceptual level and will be subject to further detailed design work. However the function of the open water body located in the central POS is not essential to stormwater management and therefore will only perform an ornamental and irrigation function. There are a number of management issues relating to such water bodies.

City staff have discussed the matter with the applicant who has advised that the purpose of this water body is largely aesthetic. Accordingly, the size of the proposed central water body and its orientation should be designed to minimize the impact on the recreational function and utility of the proposed POS area. In addition, the proposed inclusion of the \$16,000 cost for the lining of the central water body as a shared ODP cost is not appropriate and should be removed from the cost tables.

The applicant has committed to developing a Lake Design and Management Plan.

Draft Environmental Protection (Swan Coastal Plain Wetlands) Policy 2004.

This policy and its proposed implementation plan are designed to protect the environmental values of the most important Swan Coastal Plain wetlands, including most CCWs.

Advertising of the above policy by the Environment Protection Authority occurred concurrently with the ODP and a number of enquiries were received about how this policy would affect the development of the ODP area. The ODP as it stands has been through various planning stages and negotiations with the Department of Environment and the Environment Protection Authority; it is now at a stage where it is considered to have achieved an environmentally acceptable development outcome.

Council has lodged a submission relating to this policy in which the EPA was advised that the proposed policy did not have regard for affected areas for which planning processes and negotiations with State Government agencies, especially DoE, were well under way. West Canning Vale ODP was specifically referenced with regard to this comment. As yet, there is no clear picture with regard to the draft policy.

Residential Densities

Following advertising some submissions raised concern with the inconsistencies of the residential densities proposed in the Indicative Subdivision Layout plan versus those shown in the ODP. This matter has been addressed with the inclusion of specific density codings wherever possible on both maps, which will assist with the implementation of the ODP.

Traffic Management

A number of submissions raised concern with the potential for “rat running” through the ODP area, however, the Transport Planning study prepared by ERM consultants does not identify any issues pertaining to this.

The proposed east-west road was originally established in accordance with the desire for two access points from the ODP area onto Nicholson Road and in accordance with Liveable Neighbourhoods. The DoE have raised concerns with the inclusion of such a road, as it would require the clearing of vegetation in the CCW and fragment the CCW. Whilst the road would enhance the internal traffic movements of the ODP area Traffic consultants, ERM and City staff do not consider it to be essential. DPI transport staff have also provided verbal advice to this effect.

DoE and EPA Services Unit staff have advised informally that the creation of such a road would need significant justification given the high environmental values of the CCW. Accordingly the east-west road has been removed from the ODP.

There have been changes to the ODP to show the proposed road layouts for the indicative internal subdivisional roads and the neighbourhood connector roads, to assist with implementation. It should be noted however that the indicative roads will be subject to change through the detailed subdivision design stage. Neighbourhood connectors will be fixed and changes made shall generally be in accordance with the alignments shown.

Two road re-alignments of neighbourhood connectors have occurred based on submissions received. One being: the proposed neighbourhood distributor meeting Campbell Road south of Alexandra Boulevard being re-aligned to extend to Yindanna Entrance and a roundabout to be constructed at this intersection. This addresses concerns of nearby residents and also provides for better traffic management. The inclusion of a roundabout at this intersection will need to be factored into the ODP costs. The second being: the proposed neighbourhood connector extending from Alexandria Boulevard onto the Uniting Church site being re-located further south to minimise the separation of the parcel of land as much as possible.

As a result of the re-alignments and removal of the proposed east-west road the internal road layout pattern has changed. This has created additional four-way intersections without roundabouts that are not in accordance with liveable neighbourhoods. It is suggested that four-way intersections are minimised and resolved at the detailed design stage and associated ODP funded roundabouts are reviewed through the Amendment to TPS No. 6, formalising the ODP common costs.

Additionally, it should be noted that no ODP funded roads are proposed on the Revised ODP (Appendix 13.5.2B).

Billabong Church Site

The Billabong Church site is owned by the Uniting Church of Australia and has an existing development approval to use the land for church purposes and associated uses such as youth centre and playgroup. The Church currently operates in temporary accommodation however it intends to develop the site with permanent buildings.

City staff met with representatives from the Uniting Church to discuss their submission that is summarised as Submission 5 in the above schedule. Issues raised in this submission have been addressed with:

- Recognition of the existing church and associated uses on the site being made through an annotation on the ODP as “Place of Worship” which, accords with the relevant land use in TPS 6, refer Appendix 13.5.2A.
- The proposed road off Campbell Road onto Lot 282 being reconfigured to ensure minimal disturbance to the site.
- A Detailed Area Plan (DAP) being identified for the site, enabling appropriate treatment of interface areas and addressing the issue of reciprocal parking arrangements. The DAP will also address the appropriate land uses for the remaining portion of the site not required for “Place of Worship”.

In addition, 18 submissions of objections were received from members of the Billabong Church and Playgroup. It is envisaged that the concerns of these members have been addressed in response to the Uniting Church’s submission.

With regards to the Uniting Church’s request to be exempt from cost sharing, staff consider it reasonable to exempt the church from POS contributions as it is a non residential development however contributions towards the common works and infrastructure costs would be required. The Church facility like other land uses in the ODP area all add to the demand for and use of infrastructure. The ODP cost sharing arrangements are to be equitable towards all landowners and as such the Uniting Church are required to pay their share of Common Works and Infrastructure Costs.

It should be noted that previous development approvals issued for this site have required that the Uniting Church enter into a legal agreement with Council to pay the required Common Works and Infrastructure costs of the ODP.

Proposed Mixed Business and Mixed Uses

There has been a request to extend the Mixed Business zone on Lot 278 from approximately half of the site to three quarters of the site with the remaining portion being for residential development. A development concept has been submitted in support of this request that, was made available in the Councillor Common Room. The delineation of the portion of the site for Mixed Business as shown on the advertised version of the ODP was based on the alignment of the CCW area that abuts the site, providing for adequate treatment of the interface area. This area has been earmarked as such since the August 2002 version of the ODP.

The portion of Lot 278 previously identified as Residential greater than R20 on the advertised ODP has now been identified as requiring a Detailed Area Plan to determine the types of land uses and ensure that design is complimentary to the surrounding residential development. Staff have also discussed the suitability of a mixed use type of development on this site.

The development concept plan shown for the residential portion of the site does not reflect mixed use development nor will it adequately address interface issues with the abutting land to the south. Mixed use development of a residential scale and nature is considered more appropriate for this portion of the site ensuring complimentary land uses to the abutting residential area.

The ODP does not propose any additional retail floor space and the types of uses considered appropriate in the mixed use area will be determined via a Detailed Area Plan and separate development approval processes.

The types of uses located within the Mixed Business zone will be complimentary to the District Centre in accordance with the Metropolitan Centres Policy which promotes Mixed Business zones adjacent to, or in close proximity of Regional and District Centres.

With regards to the mixed use site proposed on the corner of Ranford and Campbell Roads the applicant has expressed the desire to develop a tavern, restaurant and associated uses. This area is also subject to a Detailed Area Plan process that will establish a number of planning outcomes including the detail of suitable land uses etc.

Cost Sharing Issues:

The draft Cost Sharing tables currently require a 34.14% contribution toward POS and a Common Works and Infrastructure requirement of \$77,888 per hectare payable at the time of subdivision or development. A table illustrating the scope and cost of all of the common items is included as Appendix 13.5.2C.

Cost Sharing tables have been drafted for the purposes of providing landowners with an indication of the principles and likely costs associated with the ODP. However it needs to be noted that cost sharing arrangements are intended to be formalised through an Amendment to TPS 6 and will undergo another advertising period.

Having said this, a number of issues were raised in the submissions that relate to cost sharing and have resulted in the following changes to the draft Tables:

- The Net Developable Area calculation needs to include the Retirement Village (which had been shown on the advertised Indicative Subdivision Plan) as this is considered residential development and exclude 1 hectare for the Place of Worship site from the POS calculations.
- Revisions to the POS calculations have occurred to reflect the modified ODP.

Drainage design has been prepared at a conceptual level and requires further refinement to clarify the relationship and ratios between drainage areas and open space areas. Therefore detailed information regarding both the drainage design and the provision of open space will be required to enable cost sharing arrangements and POS contributions to be accurately defined prior to these items being formalised through an amendment to TPS 6.

Some submissions raised specific issues relating to the following Cost Sharing items: POS contribution of 34% being high, contributions towards construction of Important Regional Roads and traffic signals and perimeter fencing.

Whilst the POS contribution of 34% may be considered high, such a contribution is required to ensure a sustainable development outcome for the area. This also ensures that sufficient Conservation Category Wetlands are protected in accordance with Department of Environment and EPA Service Unit requirements. Without this protection, development of the area is unlikely to be supported by these agencies.

Proposed contributions to the land requirements for road widening of Important Regional Roads are in accordance with State guidelines on developer contributions. Construction of the Nicholson Road upgrade will be funded by road and municipal funding as previously agreed by Council. Landowners will be required to contribute to the construction costs of half of one carriageway on Ranford Road and 25% of the total cost toward traffic signals. They will also need to contribute to land requirements for road widening. The provision of perimeter fencing to conservation areas as a cost sharing item has been required in other ODPs in the City. Contributions to these cost sharing items are considered reasonable and are in many cases less than standard items in other ODPs.

Super lot Subdivision Proposal

As an Outline Development Plan is not considered a “proposal” under current environmental legislation, City staff have considered lodging a super lot subdivision over the ODP area on behalf of consenting landowners. A subdivision is considered a “proposal” under the Environmental Protection Act. The purpose of this is to assist with the determination of environmental matters, providing landowners and the City with a level of certainty. Initial letters have already been sent to landowners advising them of this proposal and is likely to be given further consideration.

CONCLUSION

Whilst a number of objections were received during the advertising period, these objections related largely to issues that have been addressed or issues that are affected by other processes such as the draft Environmental Protection Policy on wetlands of the Swan Coastal Plain.

Some submissions raised concern with issues relating to cost sharing, where possible modifications have been made to the draft cost sharing tables. However, further detail and discussion relating to the cost sharing for the ODP is still subject to an amendment to TPS 6, which will require to be advertised.

There is no doubt that the issue of the identification of Conservation Category Wetlands has been the most controversial and whilst the outcomes do not satisfy all landowner's desires, the outcome that has been reached for the ODP is a reflection of a sustainable development outcome within the statutory framework. Without such an outcome there is doubt as to whether development would be supported in the ODP area.

Strategic Planning for the West Canning Vale area has been a challenging and lengthy process and Council's consideration to support the ODP is a positive step toward sustainable development outcomes.

FINANCIAL IMPLICATIONS

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

STAFF RECOMMENDATION (1 of 4)

Moved Cr R Mitchell Seconded Cr W Barrett

That Council, pursuant to Clause 7.4 of the City of Gosnells Town Planning Scheme No. 6, adopt the West Canning Vale (Campbell Estate) Outline Development Plan subject to the modifications as set out in Appendix 13.5.2D and forward the modified Outline Development Plan to the Western Australian Planning Commission for their endorsement.

STAFF RECOMMENDATION (2 of 4)

Moved Cr R Mitchell Seconded Cr W Barrett

That Council, note the following commitments made by the proponent which shall be addressed prior to Council supporting subdivision and/or development of the ODP area:

1. A Lake Design and Management Plan (to include mosquito and midge management) being prepared to the satisfaction of the City of Gosnells.
2. A Drainage and Nutrient Management Plan being prepared to the satisfaction of the Department of Environment and the City of Gosnells.
3. A Flora and Fauna Survey being undertaken to the satisfaction of the Department of Conservation and Land Management.
4. A Fauna Management Plan being prepared to the satisfaction of the Department of Environment.
5. A Wetland and Open Space Management Plan (demonstrating weed and fire management) being prepared to the satisfaction of the Department of Environment and City of Gosnells.
6. Road Construction and Rehabilitation Management Plan being prepared to the satisfaction of the Department of Environment and the City of Gosnells.
7. The submission of details of the size, location and function of the lined ornamental lake and adjacent Open Space areas to be to the satisfaction of the City of Gosnells.

STAFF RECOMMENDATION (3 of 4)

Moved Cr R Mitchell Seconded Cr W Barrett

That Council advise the applicant that an Amendment to Town Planning Scheme No. 6, to introduce cost sharing provisions for the West Canning Vale Outline Development Plan area will be progressed. This Amendment will formalise the cost sharing arrangements and clarify all items and methodology.

STAFF RECOMMENDATION (4 of 4)**Moved Cr R Mitchell Seconded Cr W Barrett**

That Council advise owners of the two Mixed Use areas located within the West Canning Vale Outline Development area that approvals under Town Planning Scheme No. 6 are required for both Detailed Area Plans and Development Applications.

Notation

In accordance with Clause 3.3.11 of the City of Gosnells Standing Orders Local Law 2003, the Presiding Member advised Cr C Matison that her 5 minute period for debate had expired. Cr O Searle moved the following motion to enable an extension of time for debate and Cr S Moss seconded Cr O Searle's motion:

COUNCIL RESOLUTION**632 Moved Cr O Searle Seconded Cr S Moss**

“That Cr C Matison be granted an extension of time to speak on the motion.”

CARRIED 10/0

FOR: Cr W Barrett, 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 R Croft.

AGAINST: Nil.

Foreshadowed Motion

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

“That Council make no determination on 13.5.2 until a thorough Conservation Category Wetlands has been completed and until such time as Councillors, Staff and residents have met as a group.”

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

STAFF RECOMMENDATION AND COUNCIL RESOLUTION (1 of 4)**633 Moved Cr R Mitchell Seconded Cr W Barrett**

“That Council, pursuant to Clause 7.4 of the City of Gosnells Town Planning Scheme No. 6, adopt the West Canning Vale (Campbell Estate) Outline Development Plan subject to the modifications as set out in Appendix 13.5.2D and forward the modified Outline Development Plan to the Western Australian Planning Commission for their endorsement.”

CARRIED 6/4

FOR: Cr P Wainwright, Cr R Mitchell, Cr C Matison, Cr S Iwanyk, Cr D Griffiths and Cr R Croft.

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

STAFF RECOMMENDATION AND COUNCIL RESOLUTION (2 of 4)
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634 Moved Cr R Mitchell Seconded Cr W Barrett

“That Council, note the following commitments made by the proponent which shall be addressed prior to Council supporting subdivision and/or development of the ODP area:

1. A Lake Design and Management Plan (to include mosquito and midge management) being prepared to the satisfaction of the City of Gosnells.
2. A Drainage and Nutrient Management Plan being prepared to the satisfaction of the Department of Environment and the City of Gosnells.
3. A Flora and Fauna Survey being undertaken to the satisfaction of the Department of Conservation and Land Management.
4. A Fauna Management Plan being prepared to the satisfaction of the Department of Environment.
5. A Wetland and Open Space Management Plan (demonstrating weed and fire management) being prepared to the satisfaction of the Department of Environment and City of Gosnells.
6. Road Construction and Rehabilitation Management Plan being prepared to the satisfaction of the Department of Environment and the City of Gosnells.
7. The submission of details of the size, location and function of the lined ornamental lake and adjacent Open Space areas to be to the satisfaction of the City of Gosnells.”

CARRIED 6/4

FOR: Cr P Wainwright, Cr R Mitchell, Cr C Matison, Cr S Iwanyk, Cr D Griffiths and Cr R Croft.

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

STAFF RECOMMENDATION AND COUNCIL RESOLUTION (3 of 4)
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635 Moved Cr R Mitchell Seconded Cr W Barrett

“That Council advise the applicant that an Amendment to Town Planning Scheme No. 6, to introduce cost sharing provisions for the West Canning Vale Outline Development Plan area will be progressed. This Amendment will formalise the cost sharing arrangements and clarify all items and methodology.”

CARRIED 6/4

FOR: Cr P Wainwright, Cr R Mitchell, Cr C Matison, Cr S Iwanyk, Cr D Griffiths and Cr R Croft.

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

STAFF RECOMMENDATION AND COUNCIL RESOLUTION (4 of 4)
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636 Moved Cr R Mitchell Seconded Cr W Barrett

“That Council advise owners of the two Mixed Use areas located within the West Canning Vale Outline Development area that approvals under Town Planning Scheme No. 6 are required for both Detailed Area Plans and Development Applications.”

CARRIED 6/4

FOR: Cr P Wainwright, Cr R Mitchell, Cr C Matison, Cr S Iwanyk, Cr D Griffiths and Cr R Croft.

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

Notation

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

13.5.4 DEVELOPMENT APPLICATION – REQUEST FOR EXTENSION OF TIME FRAMES FOR DEVELOPMENT APPROVALS FOR THE UNITING CHURCH AT 255 (LOT 282) CAMPBELL ROAD, CANNING VALE

File: 227258 **Approve Ref:** 0203/0906 (PT) Psrpt155Nov04
 Name: Peter Jodrell Architect
 Location: 225 (Lot 282) Campbell Road, Canning Vale
 Zoning: MRS: Urban
 TPS No. 6: General Rural
 Appeal Rights: Yes. Town Planning Appeal Tribunal against a refusal or any condition(s) of approval.
 Area: 1.6392ha
 Previous Ref: OCM 22 October 2002 (Resolutions 864-866)
 OCM 19 December 2000 (Resolution 1020)

PURPOSE OF REPORT

For Council to consider an application for extension of the duration of existing development approval for Stage 1 of the Canning Vale Uniting Church and extension of timeframe of existing temporary approval for place of worship and associated activities at 255 (Lot 282) Campbell Road, Canning Vale, as the proposal is outside authority delegated to staff.

BACKGROUND

At its Ordinary Meeting of 19 December 2000 (Resolution 1020), Council resolved to approve Stage One of the Canning Vale Uniting Church (“The Billabong”) at 225 (Lot 282) Campbell Road, Canning Vale, subject to standard and appropriate conditions (development approval dated 28 December 2000). Stage One consisted of two buildings; one being the existing outbuilding on Lot 282, and the other being a new building (see Site Plan). Those buildings would be served by 29 carparking bays and a 3 bay drop off zone, located at the rear of the new building.

The proposed use and standard hours of operation for the two buildings was as shown below.

Use	Hours	Building
Administration	Monday to Friday : 8.30am – 5.30pm	New Building
Café	Monday to Sunday : 9.00am – 5.30pm	New Building
Playgroup	Monday to Friday : 9.00am – 12noon	New Building
Chapel/Auditorium/Meeting	Monday to Sunday : 8.30am – 10.30pm	New Building
After School Kids Club	Wednesday and Friday : 3.00pm – 6.00pm	Existing Outbuilding
Youth Club	Friday and Saturday : 7.00pm – 10.30pm	Existing Outbuilding

On 27 May 2002 the City received a building licence application for a patio extension to the existing outbuilding. It became apparent, as a result, that the outbuilding was now accommodating uses other than the approved activities, including a playgroup and the regular Sunday church services. The applicant was subsequently advised of the need to seek development approval for the additional uses; it was also recommended to the applicant that the development application seek approval for the proposed patios and a storeroom extension to the outbuilding, which had previously received building approval only.

The church subsequently obtained building and health approval from the City to fit-out the existing outbuilding as a public building that could accommodate up to 50 people. Those works have now been undertaken and it is confirmed that the outbuilding complies with the requirements of Town Planning Scheme No. 6 (TPS 6) (eg carparking provisions).

It is noted that the original Approval to Commence Development was issued under the provisions of Town Planning Scheme No. 1 (TPS 1), prior to TPS 6 being gazetted. In this respect, it was considered appropriate to request that a new application be made, since amendments to the City's standard conditions of approval had been made.

Council at its Ordinary Meeting on 22 October 2002 resolved to approve a development application for an existing outbuilding to be used for a variety of church based activities, as follows (Resolutions 864):

“That Council approve the development application for the uses of Administration, Playgroup, Chapel/Auditorium/Meeting, After School Kids Club and Youth Club to be carried out from the existing outbuilding, the erection of two patios and one other shade structure and the upgrade of the existing storeroom at 225 (Lot 282) Campbell Road, Canning Vale, subject to:

- 1. The proposed patios not being enclosed.*
- 2. Building Licences being issued for all relevant works on site.*
- 3. The extended use of the existing outbuilding to be for a period not more than 2 years and at the expiration of this time, the uses of the existing outbuilding is to revert back to Youth Club and After School Kids Club.*
- 4. Standard Conditions 5.1, 7.1, 9.1.”*

A development approval for these activities was issued on 28 October 2002.

At the same meeting, Council resolved to approve a request to extend the duration of the development approval dated 28 December 2000 for Stage 1 of the Uniting Church, for a further two years (Resolution 865):

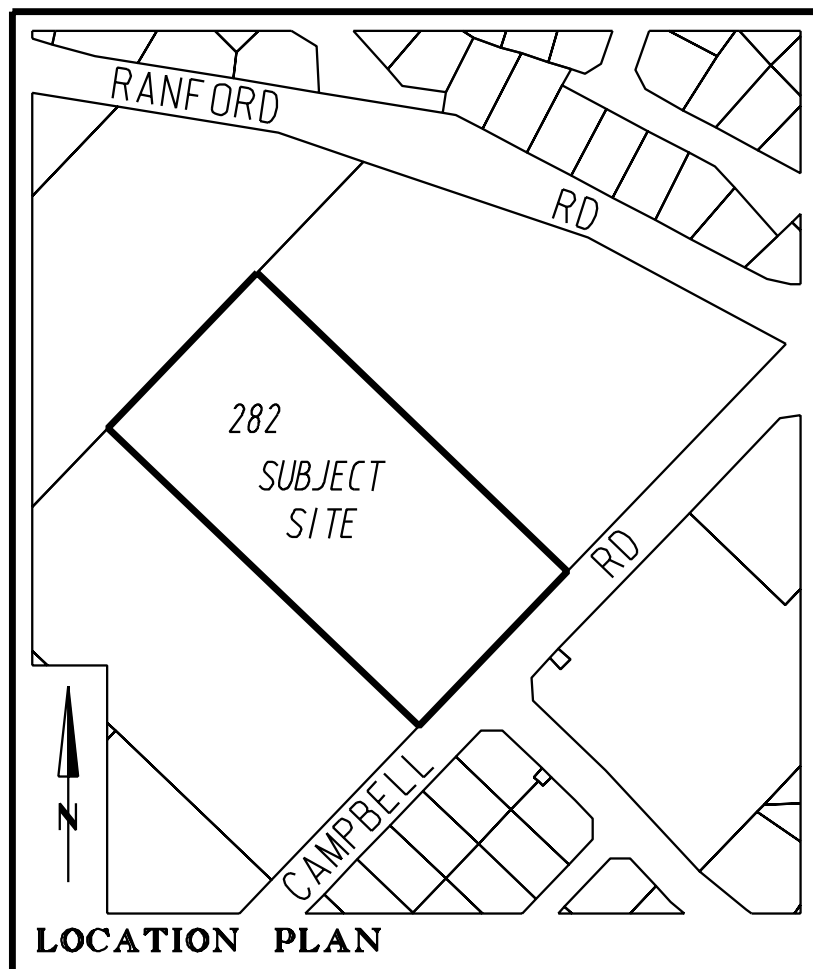
“That Council approve the request to extend the Development Approval dated 19 December 2000 for a further two years in accordance with Clause 11.5 of Town Planning Scheme No. 6.”

Council also resolved that further development of the site would be required to be consistent with an adopted ODP for the area (Resolution 866), as follows:

“That Council advise the applicant that any further development of the site will be required to be consistent with an adopted Outline Development Plan for the area, in terms of design and contribution towards common infrastructure costs.”

Proposal

The applicant requests an extension to the timeframe of the approval for the temporary use of the existing outbuilding as a place of worship (and other incidental church-based activities) by a further two years, or until the gazettal of the Campbell Estate ODP. The applicant has also requested that a two year extension for commencement of development be given to their overall development approval for 255 (Lot 282) Campbell Road.



DISCUSSION

In support of the application, the applicant has provided the following:

“In looking back over the various and ongoing proposals for the precinct, our clients are of the view that it is in the best interests of the community that the first stage of their new centre be deferred until such time as the ODP is finalised and the issues of location of roads, public open space, zones, etc are finalised. This is particularly pertinent with respect to the latest proposal to create a roundabout at Alexandria Boulevard with the road into the Campbell Estate passing through the southwest portion of our client’s site, possibly passing through our existing temporary building.

In light of the above, I request that Council favourably consider a request for an extension by two years or until the ODP is finalised and gazetted by relevant authorities (whichever is the latest) of our Approval to Commence Development. In addition we seek a similar extension to our Approval for use of the existing building as a Place of Public Assembly for the purposes previously agreed. It is also requested that no further fees be levied to this extension of Approval.

Our clients remain committed to their redevelopment of the site and are eagerly awaiting the finalisation of the Outline Development Plan so that they can reactivate their proposals, (possibly in a revised form), to take account of the final road layouts and surrounding uses.”

Clause 11.5 of TPS 6 makes provision for Council to extend the term of a planning approval upon application for an extension.

The proposed administration, playgroup, chapel/auditorium/meeting, after school kids club and youth club uses are considered to be both complimentary, and incidental, to the predominant (place of) worship use. The additional uses being applied for are currently carried out from the outbuilding and no complaints from adjoining properties have been received. The proposed activities are considered unlikely to cause any disturbance by way of noise or traffic, given the separation distance (70m to 80m) between the buildings and the nearest property boundaries/residences.

As Council will be aware, the subject site is located within the West Canning Vale area (Campbell Estate) for which an ODP is currently being progressed. This ODP is the subject of a separate report on this Agenda seeking Council adoption of the ODP. Future development on the site (ie additional to the existing development approval and that sought in this report) has been discussed with the applicants who have foreshadowed possible residential development on the rear portion of the site to be facilitated by subdivision and land sale. The applicant has already been formally advised via a Council resolution from the 22 October 2004 OCM that any future development of the site will need to accord with an adopted ODP both in terms of design and contribution to infrastructure costs.

CONCLUSION

In light of the above, it is recommended that the development approvals for both the use of the existing outbuilding and Stage 1 of the Canning Vale Uniting Church be extended for a further period of 12 months, subject to compliance with appropriate standard conditions. It is expected that the ODP will have been finalised within this timeframe.

FINANCIAL IMPLICATIONS

Nil.

STAFF RECOMMENDATION

Moved Cr P Wainwright Seconded Cr J Brown

That Council approve an extension of the two-year timeframe stipulated in the development approval dated 28 October 2002 for the uses of administration, playgroup, chapel/auditorium/meeting, after school kids club and youth club to be carried out from the existing outbuilding at 225 (Lot 282) Campbell Road, Canning Vale, for a further period of 12 months to 28 October 2005.

STAFF RECOMMENDATION

Moved Cr P Wainwright Seconded Cr J Brown

That Council approve the request to extend the duration of the development approval dated 28 December 2000 for Stage 1 of the Canning Vale Uniting Church at 255 (Lot 282) Campbell Road, Canning Vale, for a further 12 months to 28 December 2005.

Additional Motion

During debate Cr W Barrett moved the following additional motion to the staff recommendations:

“That Council grants delegation of authority to the Chief Executive Officer to issue any further 12 monthly renewal if the need so arrises.”

Cr W Barrett provided the following reason for the motion:

“To allow for flexibility but to ensure that appropriate progress is made.”

Cr D Griffiths seconded Cr W Barrett’s additional motion.

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

STAFF RECOMMENDATION AND COUNCIL RESOLUTION

637 Moved Cr P Wainwright Seconded Cr J Brown

“That Council approve an extension of the two-year timeframe stipulated in the development approval dated 28 October 2002 for the uses of administration, playgroup, chapel/auditorium/meeting, after school kids club and youth club to be carried out from the existing outbuilding at 225 (Lot 282) Campbell Road, Canning Vale, for a further period of 12 months to 28 October 2005.”

CARRIED 10/0

FOR: Cr W Barrett, 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 R Croft.

AGAINST: Nil.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION

638 Moved Cr P Wainwright Seconded Cr J Brown

“That Council approve the request to extend the duration of the development approval dated 28 December 2000 for Stage 1 of the Canning Vale Uniting Church at 255 (Lot 282) Campbell Road, Canning Vale, for a further 12 months to 28 December 2005.”

CARRIED 10/0

FOR: Cr W Barrett, 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 R Croft.

AGAINST: Nil.

The Presiding Member then put Cr W Barrett’s additional motion, which reads:

COUNCIL RESOLUTION

639 Moved Cr W Barrett Seconded Cr D Griffiths

“That Council grants delegation of authority to the Chief Executive Officer to issue any further 12 monthly renewal if the need so arises.”

CARRIED 9/1

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 R Croft.

AGAINST: Cr J Brown.

12. MINUTES OF COMMITTEE MEETINGS

Cr R Mitchell, due to being Chairman of the Safe City Taskforce and Cr S Iwanyk, due to being Council delegate to Safe City Taskforce, 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: C1/2/1 (MC)
Appendix: [12.1A Minutes of Safe City Task Force Meeting held on 11 October 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 11 October 2004.

BACKGROUND

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

There was one (1) committee recommendation made at the meeting held on 11 October 2004, and two (2) staff recommendations which require Council's adoption.

DISCUSSION

The business of the meeting is reported in the Minutes of the Safe City Task Force meeting held on 11 October 2004 provided as Appendix 12.1A.

Recommendation 16

"That Mr Paul Billing of Yule Brook College and Mr Steve Richards of Wirrabirra Primary School be accepted as members on the Safe City Task Force subject to Council approval."

The Committee accepted that the two representatives should be offered a place on the Task Force Committee subject to Council approval. Both principals are aware that they are representatives of all High Schools and Primary Schools within the City of Gosnells. Both are to report back to their various associations that they represent.

The City of Gosnells through the Safe City Initiative conducts annual community safety awards. The awards reflect recognition of the fact that contributions to community safety and crime prevention are made from various, diverse sources. The aim is to identify and promote the best practices to use as role models/ examples for the rest of the community. There are three categories:

- Safe City Community Initiative Award,

- Safe City Initiative Community Kids Award, and
- Constable Peter Ball Memorial Youth Award

Nominations have been called for and close on the 15 November 2004 with the presentations being made as part of the City of Gosnells Australia Day Celebration. A selection panel has been put forward by the Taskforce.

The City of Gosnells in partnership with the Examiner Newspaper conducts an annual Christmas Lights competition. The Christmas Lights Competition is aimed at encouraging residents to decorate their homes and spread the joy of Christmas within the community and promote a sense of community. A selection panel has been put forward by the Taskforce.

FINANCIAL IMPLICATIONS

Costs associated with the Awards and Christmas Lights competition are contained within the Safe City Initiative 2004/2005 Operating Budget.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION

640 Moved Cr W Barrett Seconded Cr P Wainwright

“That Council receive the Minutes of the Safe City Task Force Committee Meeting held on 11 October 2004 as attached in Appendix 12.1A.”

CARRIED 10/0

FOR: Cr W Barrett, 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 R Croft.

AGAINST: Nil.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION

641 Moved Cr W Barrett Seconded Cr P Wainwright

“That Council adopt Recommendation 16 of the Safe City Task Force Meeting held on 11 October 2004 (attached as Appendix 12.1A) which reads:

“That Mr Paul Billing of Yule Brook College and Mr Steve Richards of Wirrabirra Primary School be accepted as members on the Safe City Task Force subject to Council approval.””

CARRIED 10/0

FOR: Cr W Barrett, 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 R Croft.

AGAINST: Nil.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION

642 Moved Cr W Barrett Seconded Cr P Wainwright

“That Council appoint the Mayor, Councillor Ron Mitchell, Mr Terry Brown and Senior Sergeant Stephen Byrne to the selection panel to adjudicate on the 2004 Safe City Community Safety Awards.”

CARRIED 10/0

FOR: Cr W Barrett, 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 R Croft.

AGAINST: Nil.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION

643 Moved Cr W Barrett Seconded Cr P Wainwright

“That Council appoint Councillor Ron Mitchell, Ms Gail McNab and Craig Wright to the selection panel to adjudicate on the 2004 Safe City Bright City Christmas Lights Competition.”

CARRIED 10/0

FOR: Cr W Barrett, 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 R Croft.

AGAINST: Nil.

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

13.2 COMMUNITY ENGAGEMENT

13.2.1 AUSTRALIA DAY AWARDS 2005 - DELEGATION OF AUTHORITY TO THE SELECTION PANEL

File: A8/2/1

(AC)

PURPOSE OF REPORT

For Council to approve and delegate authority to adjudicate Australia Day Awards nomination(s) and for Council to appoint two (2) Councillors to the Awards selection panel.

BACKGROUND

The City of Gosnells has for several years been involved in the presenting of these Australia Day Awards for local community individuals and groups.

DISCUSSION

The Australia Day Council of Western Australia advises on selection criteria guidelines that in order to maintain the prestige of the Awards, one (1) selection should be made in each category on the basis of outstanding service to the local community in any field considered appropriate by the selection panel. The Australia Day Council categories for the Premier's Australia Day Active Citizenship Awards are:

- Citizen of the Year,
- Young Citizen of Year, and
- Community Event or Service of the Year.

Advertisements calling for nominations for the awards will be placed in the local community newspapers and the COG News.

The selection panel will use the following criteria upon which to select the winners:

- Significant contribution to the local community,
- Demonstrated leadership on community issues resulting in the enhancement of community life,
- A significant initiative which has brought about positive changes and added value to community life, and
- Inspiring qualities as a role model for the community.

FINANCIAL IMPLICATIONS

Costs associated with the selection process and awards presentations are minimal and have been included within the Operating Budget for the Community Programmes Branch.

8.44pm – *The Director Planning and Sustainability left the meeting.*

STAFF RECOMMENDATION AND COUNCIL RESOLUTION

644 Moved Cr D Griffiths Seconded Cr R Mitchell

“That Council, in accordance with section 5.16(1) of the Local Government Act 1995 delegate authority to a selection panel consisting of the Mayor, Councillors and Chief Executive Officer (or his delegate), to adjudicate on Australia Day Awards nomination(s) for the year 2005.”

CARRIED BY ABSOLUTE MAJORITY 10/0

FOR: Cr W Barrett, 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 R Croft.

STAFF RECOMMENDATION

Moved Cr D Griffiths Seconded Cr R Mitchell

That Council appoint Councillor _____ and Councillor _____ to the selection panel to adjudicate on Australia Day Awards for the year 2005.

Nomination

Cr C Matison nominated Cr J Brown, for appointment to the selection panel for the Australia Day Awards for the year 2005.

Cr D Griffiths nominated Cr R Croft, for appointment to the selection panel for the Australia Day Awards for the year 2005.

Cr S Iwanyk nominated Cr P Wainwright, for appointment to the selection panel for the Australia Day Awards for the year 2005, resulting in the following amendment to the staff recommendation (2 of 2):

Moved Cr C Matison Seconded Cr S Iwanyk

That the staff recommendation be amended by deleting the line and words “_____ and Councillor _____” where they appear in the first line after the word Councillor and substituting it with the names “J Brown, Councillor R Croft and Councillor P Wainwright”, with the amended recommendation to read:

“That Council appoint Councillor J Brown, Councillor R Croft and Councillor P Wainwright to the selection panel to adjudicate on Australia Day Awards for the year 2005.”

CARRIED 10/0

FOR: Cr W Barrett, 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 R Croft.

AGAINST: Nil.

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

COUNCIL RESOLUTION

645 Moved Cr C Matison Seconded Cr S Iwanyk

“That Council appoint Councillor J Brown, Councillor R Croft and Councillor P Wainwright to the selection panel to adjudicate on Australia Day Awards for the year 2005.”

CARRIED 10/0

FOR: Cr W Barrett, 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 R Croft.

AGAINST: Nil.

8.46pm – The Director Planning and Sustainability returned to the meeting.

13.3 CORPORATE SERVICES

13.3.1 FINANCIAL REPORTS - SEPTEMBER 2004

File:	F1/6/1	(CP)	Nov9_04fin
Previous Ref:	Strategic Planning Committee 21 November 2000 (Resolution 41)		
Appendix:	13.3.1A	Commentary and report on variances (Click to view)	
	13.3.1B	Operating Statement by Directorate (Click to view)	
	13.3.1C	Statement and graphs showing breakdown of operating income and expenditure by programme (Click to view)	
	13.3.1D	Balance Sheet (Click to view)	
	13.3.1E	Summaries of Reserves, Town Planning Schemes (Click to view)	
	13.3.1F	Debtors report (Click to view)	
	13.3.1G	Investment report (Click to view)	
	13.3.1H	Cash Flow Projection to 31 December 2004 (Click to view)	
	13.3.1I	Capital Works Report (Click to view)	

PURPOSE OF REPORT

For Council to adopt the consolidated financial reports for the month of September 2004.

BACKGROUND

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

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

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

DISCUSSION

The consolidated financial statements and commentary for the month of September 2004 are appended.

FINANCIAL IMPLICATIONS

Nil.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION

646 Moved Cr J Brown Seconded Cr S Moss

“That Council, in accordance with regulation 34 of the Local Government (Financial Management) Regulations 1996, adopt the following reports, attached as per Appendix 13.3.1A to 13.3.1I for the period ended 30 September 2004:

- A. Commentary and report on variances
- B. Operating Statement by Directorate
- C. Statement and graphs showing breakdown of operating income and expenditure by programme
- D. Balance Sheet
- E. Summaries of Reserves, Town Planning Schemes
- F. Debtors report
- G. Investment report
- H. Cash Flow Projection to 31 December 2004
- I. Capital Works Report”

CARRIED 10/0

FOR: Cr W Barrett, 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 R Croft.

AGAINST: Nil.

13.3.2 ANNUAL FINANCIAL REPORT FOR THE YEAR ENDED 30 JUNE 2004

File: F1/6/2 A1/1/7/8 (CP) Nov9_04

Appendix: [13.3.2A Audited Annual Financial Report for the year ended 30 June 2004](#) (Click to view)**PURPOSE OF REPORT**

To present to Council the Audited Annual Financial Report for the year ended 30 June 2004.

BACKGROUND

The Audited Annual Financial Report for the year ended 30 June 2004 is attached as Appendix 13.3.2A, and is presented for the information of Councillors. The audit is complete and no major issues have been advised.

DISCUSSION**Statement of Financial Performance**

The Statement of Financial Performance for the year ended 30 June 2004 shows a surplus of \$12,801,045. This surplus reflects how the net assets of the City have increased during the year and is recorded in the Statement of Financial Position. The \$12,801,045 surplus increases the City's Equity Accounts. It includes net transfers of \$643,673 and \$525,775 to increase General Reserves and Town Planning Schemes respectively with the remaining \$11,631,597 being credited to the Accumulated Surplus.

Rates Setting Statement

The Rate Setting Surplus of \$7,309,196 comprises the actual surplus arising from operations for the year after eliminating funds used for capital asset purchases and sales and after adding back depreciation. The quantum of uncompleted capital and operational works which will be required to be carried forward will soon be determined and referred to Council at the next Ordinary Meeting.

FINANCIAL IMPLICATIONS

The 2003/2004 Rates Setting surplus will be \$7,309,196.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION
--

647 Moved Cr S Moss Seconded Cr J Brown

“That Council accept the Audited Annual Financial Report for the year ended 30 June 2004 as attached in Appendix 13.3.2A.”

CARRIED 10/0

FOR: Cr W Barrett, 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 R Croft.

AGAINST: Nil.

13.4 INFRASTRUCTURE

13.4.1 TENDER 54/2004 - SUPPLY AND INSTALLATION OF TRAFFIC SIGNALS - WARTON ROAD AND AMHERST ROAD/HOLMES STREET INTERSECTION, CANNING VALE

File: WAR.5; AMH.1; HOL.4; F3/6/1; TEN/54/2004 (OP) OP11.1a

Appendix: [13.4.1A Geometric design for the layout of intersection of Warton Road and Amherst Road/Homes Street, Canning Vale](#) ([Click to view](#))

PURPOSE OF REPORT

For Council to award Tender 54/2004 - Supply and Installation of Traffic Signals - Warton Road and Amherst Road/Holmes Street Intersection, Canning Vale.

BACKGROUND

Tender 54/2004 which involves the supply and installation of traffic signals at the intersection of Warton Road and Amherst Road/Holmes Street, was advertised in the West Australian newspaper on 9 October 2004. At tender closing on 26 October 2004, only one submission had been received.

DISCUSSION

As part of the 2003/2004 State Black Spot Programme, the City of Gosnells successfully applied for funding to improve the intersection of Warton Road and Amherst Road/Holmes Street in Canning Vale, by installing traffic signals and associated channelisation. This intersection is positioned at number 26 in the City of Gosnells Intersection Crash Ranking, in regards to casualty crashes, with the predominant crash types being right angle. There have been 20 crashes at the intersection in the past five years, with seven of these being casualty crashes.

The existing intersection layout is of a four-way configuration to a semi-rural standard under "Give Way" control. Warton Road is the major through road and consists of one lane in each direction, with limited room for a vehicle to overtake a turning vehicle. Amherst Road and Holmes Street are the minor legs of the intersection, under "Give Way" control, and consists of one lane in each direction, with room for two vehicles to store side-by-side on both approaches to the intersection.

Warton Road in its ultimate configuration will be a four lane divided road with a wide median island. The Warton Road and Amherst Road/Holmes Street intersection has been designed to accommodate the ultimate configuration of Warton Road and will be constructed with two through lanes with one right turn lane on both approaches of Warton Road. Amherst Road and Holmes Street will consist of one combined through/left turn lane and one right turn lane. A copy of the geometric design for the ultimate layout is shown in Appendix 13.4.1A.

Tenders were called on 9 October 2004 in which interested parties were invited to submit their completed tender documentation before 2.00pm on Tuesday the 26 October 2004, at which time the tender was closed. One tender was received prior to the cut-off date and is listed below:

Company Name	Address	Price (Excluding GST)
Downer Engineering	33 Kewdale Road, Welshpool WA 6106	\$102,007.13

Council officers undertook the assessment of the company and the price tendered, which were assessed using the Weighted Price Method shown as follows:

Contract Evaluation and Weighting Table	Experience and Ability to Perform	Methodology	Price	Timing	Total Weighted Score
	15%	15%	60%	10%	100%
Downer Engineering	15%	15%	60%	10%	100%

There are only two recognised traffic signal installers in Western Australia, with Downer Engineering being one of them. Downer Engineering is also Main Roads WA – Traffic Control Infrastructure Contract (TCIC – Contract Number 3/98) Term Network Contractor.

Downer Engineering is a division of Downer EDI Limited, an Australian listed company which provides comprehensive engineering and infrastructure management services to the public and private rail, road, power, telecommunications, mining and resource sectors in Australia, New Zealand, South East Asia, Hong Kong and the Pacific.

Downer Engineering has extensive experience in the supply and installation of new traffic control signal projects, and is almost exclusively used by Main Roads WA on the majority of new traffic control signal sites.

FINANCIAL IMPLICATIONS

A summary of what has been spent to date on the Warton Road/Amherst Road project and the amount of funds required is set out in the table below.

Project Estimated Cost	\$940,000
Funds Spent in 2003/04	\$203,749
Funds carried forward to 04/05	\$17,184
Works Outstanding	\$719,067

The total amount of State Black Spot funding received was \$120,000, with the City of Gosnells contributing a further \$60,000 towards the works. However, with the extent of the channelisation required, the cost of the underground power and extension of works to include upgrade of Holmes Street, Warton Road and Amherst Road in accordance with adjoining developments and the outline development plans, the estimate of construction costs is \$940,000, including signals and underground power.

The City of Gosnells was successful in obtaining a further \$72,930 (of which \$40,000 was received last financial year) in State Black Spot Funding and has been negotiating with the adjoining property owners for contributions to underground power and cost contributions through conditions of development. This amounts to \$217,000 in contributions.

Additionally, the Canning Vale ODP had funding contributions for various works in this vicinity and a total of \$469,137 will be recommended for the project, made up from the following contributions:

- 25% of traffic signals - \$39,394
- Warton Road widening – Amherst Road to Garden Street -\$329,963
- Service Relocations – Warton Road - \$99,780

It is therefore proposed to increase Job80065 to include the above amounts.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION
--

648 Moved Cr D Griffiths Seconded Cr C Matison

“That Council approve budget variations as follows:

Job Number	Type	Description	DR	CR
Job80065.100.3	Capital	Warton Rd/ Amherst Rd	\$719,067	
Job80065.9750.49	Income	Transfer from ODP		\$469,137
Job80065.7255.52	Income	Grant (State) - Black Spot Fund		\$32,930
Job80065.9035.53	Income	Contributions - Capital		\$217,000”

CARRIED BY ABSOLUTE MAJORITY 10/0

FOR: Cr W Barrett, 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 R Croft.

AGAINST: Nil.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION**649 Moved Cr D Griffiths Seconded Cr C Matison**

“That Council award Tender 54/2004 - Supply and Installation of Traffic Signals - Warton Road and Amherst Road/Holmes Street Intersection, Canning Vale to Downer Engineering, 33 Kewdale Road, Welshpool WA 6106, at a contract value of \$102,007.13 excluding GST.”

CARRIED 10/0

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

***AGAINST:** Nil.*

13.4.2 TENDER 56/2004 - OUTRIGHT SALE OF TWO VEHICLES

File: TEN/56/2004

(DD)

DD11.1a

PURPOSE OF REPORT

For Council not to award Tender 56/2004 for the outright sale of two vehicles:

- McDonald Steel Roller NB 6 – Plant No. VE118, Registration No. XEG 012
- Ford Falcon XR6 Sedan – Plant No. V7000, Registration No. 1BMO 839

BACKGROUND

Tender 56/2004 was advertised in the West Australian newspaper on 4 September 2004 and closed on 22 September 2004. At close of tender one submission had been received for the outright purchase of the Ford Falcon XR6 sedan, Registration No. 1BMO 839.

The McDonald Steel Roller is approximately 40 years old and surplus to the City's requirements. Initially, it was envisaged that the roller may have had only scrap value, however, it was mooted by persons in the "machinery" industry that there may be some interest in its outright sale. It is understood that machinery of this type is being refurbished and sent to countries such as Vietnam and Cambodia. It was therefore decided to try and sell the roller, and in accordance with regulations regarding the disposal of Council owned assets, a tender was advertised in the West Australian newspaper on Saturday 4 September 2004.

Council's previous policy on the replacement of light passenger and commercial vehicles is 24 months or 60,000 kilometres, whichever the sooner. A review of "trade-in" prices and new purchase prices indicates an average changeover cost of approximately \$8,200 per vehicle. Council staff are constantly reviewing ways in which to reduce the increasing costs associated with the City's passenger vehicle fleet and are currently investigating the advantages and disadvantages associated with the introduction of a guaranteed buy-back scheme, which will be the subject of a future report.

Information from the motor traders industry indicated that the difference in trade-in prices between a two year old vehicle with 60,000 kilometres and a two year old vehicle with less than 40,000 kilometres could be substantial and that the difference between those and that of a relatively new vehicle with less than 20,000 kilometres would be significant. It was therefore decided to advertise a vehicle with low kilometres to see if there was a significant difference in changeover prices. A seven month old Ford Falcon XR6 Sedan with 16,000 kilometres was also advertised in the West Australian newspaper on Saturday 4 September 2004.

DISCUSSION

When tenders closed on 22 September 2004, only one submission, for the purchase of the Ford Falcon XR6 Sedan was received from The Perth Auto Alliance, 216 Newcastle Street, Perth. There were no submissions for the purchase of the steel roller. The submitted price for the Ford Falcon XR6 Sedan was \$30,500. The replacement price of a similar vehicle through the State Government Purchasing Scheme is \$30,727, making a changeover cost of \$227 plus on-road costs. It should be noted, that the above exercise was carried out on the basis of trading a higher specification vehicle (ie vehicles used by the Executive Team), it is thought that standard passenger vehicles, would not attract any significant savings.

As stated earlier in this report, the existing changeover cost for a vehicle every two year period is \$8,200. As the vehicle advertised was only seven months old, it would be changed approximately three times in a two year period making a total changeover cost of \$600 to \$700. It can be seen that there is a significant difference in trade-in values between two year old vehicles with 60,000 kilometres and newer vehicles with less than 20,000 kilometres. Obviously, a higher frequency of changeover would, apart from the actual changeover cost, incur the cost of the additional time expended by staff in arranging the changeovers. However, as the City owns a small number of these higher standard vehicles, the increased number of changeovers could be handled by the current staff and significant savings could be achieved. The additional benefits in changing vehicles more frequently is that the City's passenger fleet remains more current and has a higher asset/replacement value.

As the motor vehicle industry is dynamic and fluid, the local government tender process does not allow local governments to avail itself of the benefits of rapid changeovers. The City purchases its vehicles through the State Government Purchasing Scheme and disposes of vehicles by tender or auction. Auction is a quick and simple method of disposal as it has less administrative requirements than the tender process. If the City were to send vehicles to auction, at random times, to ascertain the "market" and the price was beneficial (potential nil changeover cost), it could dispose of the vehicle and purchase a replacement through the Scheme. If the price is not beneficial, the vehicle would be returned to the City for continued use. The City only incurs costs if the vehicle is sold. The decision to sell is made at the time of auction and only if beneficial to the City. To contain any risk a reserve price is set through negotiation with the auction house.

It will be recommended that the City sells the McDonald Steel Roller for scrap value only and that the tender submitted by The Perth Auto Alliance for the outright purchase of a Ford Falcon XR6 Sedan not be accepted. Council's Vehicle Policy 2.2.1 provides for a flexible approach to the changeover of the City's light vehicle fleet with particular emphasis to be given to the make and model of a vehicle, the kilometers travelled to ensure the most cost-effective outcome at any given time and current industry and market trends.

FINANCIAL IMPLICATIONS

Nil.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION

650 Moved Cr S Moss Seconded Cr P Wainwright

“That Council not accept the tender from The Perth Auto Alliance for the outright purchase for a Ford Falcon XR6 Sedan – Registration No. 1BMO 839 and that the McDonald Steel Roller – Registration No. XEG 012 be sold for scrap.”

CARRIED 10/0

FOR: Cr W Barrett, 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 R Croft.

AGAINST: Nil.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION

651 Moved Cr S Moss Seconded Cr P Wainwright

“That Council authorise the Director Infrastructure to send vehicles to auction, at random times, to ascertain the “market” and if the price is competitive, dispose of the vehicle and purchase a replacement through the Scheme.”

CARRIED 10/0

FOR: Cr W Barrett, 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 R Croft.

AGAINST: Nil.

13.4.3 TENDER 57/2004 – STORMWATER POLLUTANT TRAPS

File: TEN/57/2004 (KK) KK11.1a

Appendix: 13.4.3A [Drawing No.1 showing location of stormwater pollutant trap to be installed in Burslem Drive, Thornlie \(Click to view\)](#)

13.4.3B [Drawing No.2 showing location of stormwater pollutant trap to be installed in Astley Street, Gosnells \(Click to view\)](#)

PURPOSE OF REPORT

For Council to award Tender 57/2004 – Stormwater Pollutant Traps, as advertised in The West Australian newspaper on 8 September 2004.

BACKGROUND

Council in the 2004/2005 Budget approved a total of \$52,400 for the installation of stormwater gross pollutant traps to improve the quality of stormwater being discharged into a river or receiving water bodies. As part of the Town Centre Revitalisation Project, a total of \$50,000 has been allocated to install a pollutant trap to improve water quality at the Pioneer Park outlet.

A tender was called to undertake the survey, design, supply and installation of two gross pollutant traps at the locations of Burslem Drive, Maddington and Astley Street, Gosnells. The locations are shown in Drawing No. 1, Appendix 13.4.3A and Drawing No. 2, Appendix 13.4.3B. The tender also requested costs for a 12 months optional water quality monitoring programme.

The tender document specified that tenders may be for all or part of the requirements and may be accepted by the Principal either wholly or in part. The Principal is not bound to accept the lowest tender and may reject any or all tenders submitted.

The tender was advertised in The West Australian newspaper on Saturday 18 September 2004 and closed at 2.00pm on 6 October 2004. Five tenders were received, as outlined below:

Company Name	Address
Ecosol Pty Ltd	121 Wright Street, Adelaide SA 5000
Triple T Contracting Pty Ltd	27 Stoneykirk Loop, Kingsley WA 6026
Civil and Construction Pty Ltd	15 Wildfire Road, Maddington WA 6989
Mako Civil Pty Ltd	PO Box 137, Maddington WA 6989
Wormall Pty Ltd	21-23 Eva Street, Maddington WA 6109

DISCUSSION

Details of the tenders received from various companies for the proposed two pollutant traps are listed in the table below:

Company Names	Tender Prices Submitted (excl. GST)	
	Burslem Drive	Astley Street
Civil and Construction Pty Ltd	\$44,200.00	\$54,550.00
Mako Civil Pty Ltd	\$74,648.00	\$36,161.00
Triple T Contracting Pty Ltd	\$61,450.00	\$60,400.00
Wormall Pty Ltd	\$93,825.00	\$59,550.00
Ecosol Pty Ltd	\$83,965.80	\$76,979.80

All the tenders submitted have been assessed primarily against the mandatory requirements, which define the tenderer's ability to perform the requirements of the contract, these being price, relevant experience, references, methodology, management system, technical skills and resources.

Summary of the gross pollutant traps suggested for Burslem Drive are as follows:

Company Name	Proposed Unit	Cost of Unit	Treatment Flow Rate L/sec	Storage Capacity m ³	Officer Rating
Ecosol Pty Ltd	RSF 4000	\$78,301.80	714	4.83	2
Triple T Contracting Pty Ltd	Humegard HG40B	\$61,450.00	1,580	12.00	1
Triple T Contracting Pty Ltd (Alternative)	CDS	\$61,450.00	170	1.5	6
Civil and Construction Pty Ltd	Rocla Can Trap	\$44,200.00	1,400	1.08	4
Mako Civil Pty Ltd	CleansAll 750	\$74,648.00	750	Not available	5
Wormall Pty Ltd	EcoBite 2250	\$92,825.00	736	2.60	3

Contract evaluation and weighting table for Burslem Drive, as follows:

Category	Weight %	Company Name				
		Mako Civil Pty Ltd	Wormall Pty Ltd	Civil & Construction Pty Ltd	Ecosol Pty Ltd	Triple T Contracting Pty Ltd
Price	50	30	24	50	28	36
Relevant Experience	10	10	10	10	10	10
References	5	5	5	5	5	5
Methodology	20	20	20	0	20	20
Management system	5	5	5	0	5	5
Technical skills	5	5	5	5	5	5
Resources	5	5	5	5	5	5
Total %	100%	80%	74%	75%	78%	86%

CommentsCivil and Construction Pty Ltd:

The tender received from Civil and Construction Pty Ltd proposed the installation of a “Rocla Can Trap” unit which has a treatment flow rate of 1,400 litres per second and a storage capacity of 1.08 cubic metres. The storage capacity of the unit suggested is not adequate to store the expected gross pollutant to be generated from 24 hectares. Also the tender document received from Civil and Construction Pty Ltd does not include a signed copy of “Form of Tender”, methodology and management systems.

Mako Civil Pty Ltd:

The tender received from Mako Civil Pty Ltd provides all the information necessary to assess the tender against the rest of the tender documents received. Mako Civil Pty Ltd proposed to install a “CleansAll” unit which has the capacity to treat up to 750 litres per second.

Triple T Contracting Pty Ltd:

The tender received from Triple T Contracting Pty Ltd provides all the information necessary to assess the tender against the rest of the tender documents received. Triple T Contracting Pty Ltd suggested two alternative units, “Humegard” and “CDS” units. The “Humegard” unit has a treatment flow rate of 1,580 litres per second and a storage capacity 12 cubic metres. The “CDS” unit suggested has a treatment flow rate of 170 litres per second and a storage capacity of 1.5 cubic metres. The “CDS” unit is considered to be inadequate for this site. Therefore, if accepted the City of Gosnells would specify the “Humegard” unit.

Wormall Pty Ltd:

The tender received from Wormall Pty Ltd specified the supply and installation of “Eco-Bite 2250”. The unit has a treatment flow rate of 736 litres per second and a storage capacity of only 2.6 cubic metres. Wormall were also the only Tenderer to provide an optional cost for water quality monitoring at a cost of \$12,500. This has not been included in the comparison of costs.

Ecosol Pty Ltd:

The tender received from Ecosol Pty Ltd provides a clear description of the proposed unit in relation to the size of the unit, treatment flow rate and storage capacity. The unit specified for Burslem Drive in the tender document has the capacity to treat 714 litres per second and has a storage capacity of 4.83 cubic metres.

Summary of the Gross Pollutant Traps suggested for Astley Street:

Company Name	Proposed Unit	Cost of Unit	Treatment Flow Rate L/sec	Storage Capacity m ³	Officer Rating
Ecosol Pty Ltd	RSF 4000	\$76,979.80	485	4.83	3
Triple T Contracting Pty Ltd	Humegard HG27B	\$60,400.00	1110	7.00	1
Civil and Construction Pty Ltd	Rocla Can Trap	\$54,550.00	900	0.72	5
Mako Civil Pty Ltd	Versa Trap	\$36,161.00	150	Not available	4
Wormall Pty Ltd	EcoBite 2250	\$59,550.00	736	2.60	2
Triple T Contracting Pty Ltd (Alternative)	CDS P1012	\$60,400.00	170	1.5	6

Contract Evaluation and Weighting Table for Astley Street:

Category	Weight %	Company Name				
		Mako Civil Pty Ltd	Wormall Pty Ltd	Civil & Construction Pty Ltd	Ecosol Pty Ltd	Triple T Contracting Pty Ltd
Price	50	50	30	33	23	30
Relevant Experience	10	10	10	10	10	10
References	5	5	5	5	5	5
Methodology	20	20	20	0	20	20
Management system	5	5	5	0	5	5
Technical skills	5	5	5	5	5	5
Resources	5	5	5	5	5	5
Total %	100%	100%	80%	58%	73%	80%

Comments

Civil and Construction Pty Ltd:

The tender received from Civil and Construction Pty Ltd provides all the necessary information on the suitability of the product to treat the run-off generated from the catchment areas as provided in the tender document. The tender received does not include a signed copy of the "Form of Tender", Safety Policy and Procedure. The unit has a storage capacity of only 0.72 cubic metres, which is inadequate to store pollutant generated from the 32 hectare catchment.

Mako Civil Pty Ltd:

The tender received from Mako Civil Pty Ltd provides all the information necessary to assess this tender against the rest of the tender documents received, however their tender to install a “VersaTrap VT18/12A” Gross Pollutant Trap in Astley Street, which has a treatment flow rate of only 150 litres per second at an outlet which could have a peak flow rate of excess of 800 litres per second, is not considered adequate for this site.

Triple T Contracting Pty Ltd:

The tender received from Triple T Contracting Pty Ltd provides all the information necessary to assess this tender against the rest of the tenders. Triple T Contracting Pty Ltd provided two types of units namely, “Humegard model HG27” and “CDS P1012”. The suggested “Humegard” unit has a treatment flow rate of 1,110 litres per second, while the “CDS” unit suggested for this site has a treatment flow rate of only 170 litres per second. The “CDS” unit proposed in the tender document is not considered to be adequate for this site. Therefore if accepted the City of Gosnells would specify the “Humegard” unit.

Wormall Pty Ltd:

The tender received from Wormall Pty Ltd provides all the information necessary to assess this tender against the rest of the tenders. The Gross Pollutant Trap “Eco-Bite 2250” proposed by Wormall has a storage capacity of 2.6 cubic metres. The limited storage capacity of the Gross Pollutant Trap could increase the frequency of cleaning thus increasing the operational cost of the unit by approximately \$500 per year.

Ecosol Pty Ltd:

The tender received from Ecosol Pty Ltd provides a clear description of the proposed unit in relation to the size of the unit, treatment flow rate and storage capacity. The unit specified for Astley Street in the tender document has a treatment flow rate capacity of 485 litres per second and storage of 4.83 cubic metres.

Reference checks for Triple T Contracting Pty Ltd, Wormall Pty Ltd, and Ecosol Pty Ltd have been made. Positive responses were received in relation to the capability, performance, communication and resources of each of these companies in carrying out the design, delivery and installation of the proposed gross pollutant traps.

FINANCIAL IMPLICATIONS

Taking into consideration the treatment flow rate, the storage capacity and the matrix system as shown above, the tenders submitted by Triple T Contracting Pty Ltd to undertake the survey, design, supply and installation of “Humegard model HG40B” at a cost of \$61,450 in Burslem Drive in the proposed location as shown in Drawing No. 1, Appendix 13.4.3A and at a cost of \$60,400 to survey, design, supply and install “Humegard model HG27B” in Astley Street as shown in Drawing No. 2, Appendix 13.4.3B, are considered to be the most appropriate.

Additionally, 10% needs to be allowed for overhead charges to cover the cost of administration of the contracts. This is an additional \$12,185.

A total of \$52,400 is available in the 2004/2005 budget towards the installation of gross pollutant traps and \$50,000 for the installation of a gross pollutant trap in Astley Street as part of Town Centre Revitalisation. The shortfall of funding of \$31,635 needs to be transferred from the \$116,747 allocated for general drainage purposes in the 2004/2005 budget.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION

652 Moved Cr S Moss Seconded Cr C Matison

“That Council award Tender 57/2004 – Stormwater Pollutant Traps to Triple T Contracting Pty Ltd of 27 Stoneykirk Loop, Kingsley WA 6026, to install a “Humegard model HG40B” gross pollutant trap in Burslem Drive, Maddington in the location shown in Drawing No. 1, Appendix 13.4.3A, at a total cost of \$61,450 and a “Humegard model HG27B” gross pollutant trap in Astley Street, Gosnells in the location shown in Drawing No. 2, Appendix 13.4.3B, at a total cost of \$60,400.”

CARRIED 10/0

FOR: Cr W Barrett, 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 R Croft.

AGAINST: Nil.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION

653 Moved Cr S Moss Seconded Cr C Matison

“That Council approve budget variations as follows:

Job Number	Type	Description	DR	CR
Job86021.100.3	Capital	Pioneer Park Silt Trap	\$16,440	
JobC40001.100.3	Capital	Gross Pollutant Traps	\$15,195	
JobC40002	Capital	Drainage Problems: Upgrade various		\$31,635

CARRIED BY ABSOLUTE MAJORITY 10/0

FOR: Cr W Barrett, 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 R Croft.

AGAINST: Nil.

13.4.4 RETURNED SERVICES LEAGUE OF AUSTRALIA GOSNELLS SUB BRANCH HALL - FUTURE MANAGEMENT

File: 210412

(JWF)

JWF11.2a

PURPOSE OF REPORT

To seek approval from Council to assume full management responsibility for the RSL Hall in Mills Road West, Gosnells for public usage.

BACKGROUND

As far as can be ascertained, the RSL Hall was built by the League in 1946 and was further extended by its members in the 1960's. The Sub Branch has enjoyed exclusive use of the hall for the whole period to the present time. Council records indicate that there was a lease in existence for at least some of this time that expired in 1982. Since this period the Sub Branch has occupied the building without a formal agreement.

An annual ex gratia rental is paid to the City that currently is \$365.56 inclusive of GST. The original basis for this payment is not known but is increased each year by CPI.

The Sub Branch takes bookings from the public and retains the revenues obtained.

The City has been maintaining the facility at an annual cost of between \$8,000 and \$10,000 which includes an element of cleaning.

At its December 2000 meeting, Council resolved to enter into negotiations with all applicable organisations with a view of entering into lease or licence agreements.

DISCUSSION

Formal discussions were taken up with the RSL (WA) Branch and the local Sub Branch that principally sought to evidence the Sub Branch's exclusive occupation of the hall by way of the RSL entering a lease for the building.

The outcome of these discussions is that the Sub Branch does not wish to enter into a lease and has requested that Council take over full responsibility of the hall from 1 December 2004.

In making this request, the Sub Branch has requested a number of conditions be met to ensure that its members are not disadvantaged. These conditions are listed in the recommendations. Staff consider that the majority of requests are reasonable. A request for unconditional use of the facility on giving of 14 days notice at the possible exclusion of another booking could be seen to be of some concern. This can be tempered with the proposed clause which gives the Manager City Facilities authority to agree or otherwise.

FINANCIAL IMPLICATIONS

The City's Facilities Booking Coordinator will take bookings from the public for which there will be no additional cost. It is envisaged that the additional revenue from public bookings will more than compensate for the additional cleaning that will be required.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION**654 Moved Cr P Wainwright Seconded Cr W Barrett**

“That Council agree to the request of the Returned Services League Gosnells Sub Branch to take over management responsibility of the RSL Hall at Part Lot 17, Mills Road West, Gosnells as from 1 December 2004.”

CARRIED 10/0

FOR: Cr W Barrett, 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 R Croft.

AGAINST: Nil.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION**655 Moved Cr P Wainwright Seconded Cr W Barrett**

“That Council in recognition that the RSL built the hall, the City agree to allow the Sub Branch free ongoing use of the facility for Branch orientated purposes on the following booking priority basis:

- Anzac Day
- 12 other days per year (minimum)
- On giving of 14 days notice, irrespective of whether the hall is booked, the RSL is given priority. (This priority booking will only be granted if in the opinion of the Manager City Facilities the original hirer is not unreasonably disadvantaged).”

CARRIED 10/0

FOR: Cr W Barrett, 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 R Croft.

AGAINST: Nil.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION**656 Moved Cr P Wainwright Seconded Cr W Barrett**

“That Council in recognition of the RSL history with the hall, approve that it always remains known as the “Gosnells RSL Hall”.”

CARRIED 10/0

FOR: Cr W Barrett, 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 R Croft.

AGAINST: Nil.

13.4.5 GOSNELLS TOWN CENTRE-UNDERGROUNDING OF POWER AND USE OF OUTREACH BANNER LIGHT POLES

File: R3/1/15, TEN/51/2004 (BH) BH11.1a

Previous Ref: OCM 14 September 2004 (Resolution 509)

PURPOSE OF REPORT

To advise Council of the position of the Gosnells Town Centre Reference Group regarding the Gosnells North Undergrounding of Power Project, specifically the portion within the Gosnells Town Centre area and to review the proposed limit of extension of Town Centre Outreach Banner Light poles from Dorothy Street to Clara Street.

BACKGROUND

The State Underground Power Programme in Gosnells North is a partnership between the State Government (through the Office of Energy), Western Power and the City of Gosnells. As part of the project, the power lines along Albany Highway from Dorothy Street to Verna Street are to be placed underground.

The existing Gosnells Town Centre Outreach Banner Light poles from the Albany Highway Traffic Bridge to Dorothy Street were installed under a previous programme of undergrounding of power on Albany Highway within the Town Centre Revitalisation Scheme area. These street lighting poles are of a higher standard than that provided as part of the undergrounding of power project by Western Power and include attachments to affix banners and hanging baskets.

At its Ordinary Council Meeting held on 14 September 2004, Council awarded the Tender 51/2004 to Ingal EPS to supply 22 Outreach Banner Light Poles for Albany Highway from Dorothy Street to Gerald Street with Resolution 509, which reads:

“That Council award Tender 51/2004 – Supply of 22 Outreach Banner Light Poles for Albany Highway, Dorothy Street to Gerald Street, Gosnells to INGAL EPS, 41 Austin Avenue, Kenwick WA 6107, at a price of \$60,498.80, to be funded from Job87006.”

Ingal EPS was the sole tenderer for the works. Ingal EPS formally known as Riverton Engineering also supplied the current lighting poles on Albany Highway from the Canning River Bridge to Dorothy Street.

On-site construction works for the undergrounding of power on Albany Highway south of Dorothy Street commenced in mid-September 2004. Therefore any change in the scope of the works involving the purchase and installation of Town Centre Outreach Banner Light Poles requires quick determination in order to prevent delays and additional costs to the Gosnells North Undergrounding of Power Project.

DISCUSSION

The next stage of undergrounding of power within the Town Centre precinct extends from Dorothy Street to Verna Street. The installation of Outreach Banner Poles is limited to Gerald Street under the currently awarded tender.

The use of the unique pole design was intended to delineate a point of difference for the Town Centre, whilst providing for a sense of arrival was also needing to be considered. Gerald Street was also at a point where the Albany Highway curves and was considered to provide a straight avenue effect. The cost implications are also a consideration, with each pole and luminaries costing approximately \$3,530 plus installation, and the City needing to maintain the poles and the luminaries.

Due to the linear nature of the commercial development along Albany Highway, the delineation point of the “core” commercial precinct is not precise. Commercial development extends beyond Gerald Street, although dissipating beyond Clara Street, therefore, should the theme be continued it would be appropriate to extend the Outreach Banner Light Poles on Albany Highway to Clara Street.

This would require a purchase of an additional 22 Outreach Banner Light Poles at a cost of \$60,500, plus purchase of 22 luminaries at a cost of \$17,160, plus additional installation charges by undergrounding of power contractor of \$73,885. This amount would be offset by an amount of \$10,000 being the amount Western Power would be required to contribute to a standard installation. The significant additional costs are associated with the specific requirements for additional cabling, circuitry and separate phasing to the Western Power system.

The other matter for consideration is the use of banners and hanging baskets within this section. At present, the Outreach Banner Light Poles to be supplied by Ingal EPS under the current contract has the provision to include hanging baskets. However, currently, there is no provision for an irrigation reticulation system from Dorothy Street to Gerald Street, which would incur an additional cost of approximately \$15,000 to install. The poles have provision for banners, however additional banners would need to be purchased. Additionally there is a high ongoing cost for the maintenance of the hanging baskets and banners due to the requirements for traffic management.

The Town Centre Reference Group has considered a number of options being:

Option 1

Extension of Outreach Banner Light to Gerald Street as per current tender arrangements.

Option 2

The purchase of a further 22 Outreach Banner Light Poles to extend along Albany Highway from Gerald Street to Clara Street from Ingal EPS at a cost of \$60,498.80, plus additional installation charges by undergrounding of power contractor. This was initially estimated by Western Power at \$20,000 but has now been quoted at a cost \$63,885.

Option 3

The installation of irrigation reticulation at an additional estimated cost of \$15,000 to Gerald Street and \$30,000 to Clara Street, to service additional hanging baskets costing a further \$5,500 to Gerald Street and \$11,000 from Dorothy Street to Clara Street.

Following significant discussion on issues of design and equity, the Reference Group have sought to extend the use of the poles to Clara Street. This position requires an amendment to the existing budget to allow works to proceed.

Further to Town Centre Reference Group meeting the Underground Power Contractor has now confirmed that installation costs and Ingal EPS has confirmed that \$60,498.80 does not include supply of luminaries.

Item	Stage 1	Stage 2
Budget	\$80,251	Nil
Light/Banner Poles	\$60,498	\$60,498
Lights	\$17,160	\$17,160
Foundation for poles	\$1,600	\$1,600
Installation/cabling	\$71,504	\$73,885
Western Power Contribution	-\$10,000	-\$10,000
Additional Funds Required	\$64,446	\$143,143

CONCLUSION

From a design perspective it is essential to maintain a point of difference in the treatment of light fittings and street furniture along Albany Highway. The extension of the theme to Clara Street will require additional funding of \$143,143. Overall, both stages require additional funding of \$207,589.

The Town Centre Revitalisation Project was contributing \$600,000 towards the Gosnells Underground Power Project, due to the significant benefits to the Town Centre and works in Albany Highway and Lissiman Street. However the Town Centre budgeted works for street lighting and underground power equate to \$725,450. The differences of \$125,450 could be used to offset the additional cost of extending the theme lighting to Clara Street.

The proposed installation works would be included in the underground power installation project and therefore, the City of Gosnells would get charged the additional installation costs as part of the overall project. Therefore funds will not be required until 2005/2006.

There is an urgent need to determine if the works are to extend to Clara Street due to the current delay in the project as the installation of underground power in this area is currently underway and awaiting a decision from Council as per the type of works required. The City will also be programming the reinstatement of verges as per the standard applying to the rest of the Town Centre.

FINANCIAL IMPLICATIONS

It was expected that the Gosnells Town Centre Revitalisation Scheme would contribute \$600,000 from its budget towards the Gosnells North Underground Power Project, however there is a total of \$725,450 of lighting and power related projects that could be used to offset agreed works for the Gosnells North Underground Power Project and the Town Centre.

This would provide an additional \$125,450 with the remaining \$82,139 having been provided for in the 2005/2006 contribution to the Gosnells North Underground Power Project.

Additional costs associated with any agreed increased scope of works for the Gosnells North Underground Power Project would be paid at the financial conclusion of the project when the final cash call is paid in February 2006.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION
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657 Moved Cr S Moss Seconded Cr D Griffiths

“That Council approve the installation of the decorative street lighting between Dorothy Street and Clara Street.”

CARRIED 8/2

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

AGAINST: Cr S Moss and Cr O Searle.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION
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658 Moved Cr S Moss Seconded Cr D Griffiths

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

Account Number	Account Description	Debit \$	Credit \$
JobC70001.700.3	Gosnells Underground Power Project	725,450	
Job87003.39.3	Underground Power		199,331
Job87005.39.3	Fremantle Road Lights		46,813
Job87006.39.3	Albany Highway Lighting Poles		80,251
Job87011.39.3	Albany Highway Street Lighting – Dorothy Street to Verna Street		332,180
Job87016.39.3	Street Lighting – Dorothy Street to Towncentre		66,875

CARRIED BY ABSOLUTE MAJORITY 8/2

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

AGAINST: Cr S Moss and Cr O Searle.

13.4.6 TEMPORARY STAFF RELOCATION COSTS

File: 231338

(GT)

GT11.1a

PURPOSE OF REPORT

The purpose of this report is to seek Council endorsement for the transfer of \$67,500 from the Building Construction Reserve for furniture and fittings required for the temporary relocation of staff to the Agonis Civic Centre and subsequent refurbishment of the current administration building of \$20,000 from the Administration Building Reserve.

Council support is also sought for the transfer of \$5,500 for the purchase of plates and cutlery for the new Agonis Civic Function Room to encourage and support medium sized functions being held in the venue.

BACKGROUND

Progressive increases in staff have resulted in a need to temporarily relocate a number of staff to the Business Incubator located in the new Agonis Centre. Staff from Policy and Strategy, Environmental Management and Safe City, a total of thirteen (13) staff will be relocating to the Agonis until the new Administration building extension is completed.

Following this move some internal relocation will occur to free up more space and improve working conditions for the remaining staff. Human Resources and Payroll staff will relocate to the east wing previously occupied by Policy and Strategy. Marketing and Communications Services will relocate to the offices previously occupied by Safe City and the Subdivisional Engineer and his Assistant Engineer will relocate to a portion of the east wing.

As a result, the Administration Centre will have some capacity for increased staff numbers over the next two years; however this will be only in the areas of the east and north wing.

DISCUSSION**Staff Relocation to the Agonis:**

An amount of \$38,500 had been included in the 2004/2005 Capital Budget for the relocation of staff to the Agonis, however, this figure was based on only five to six staff being relocated. In discussions with the Executive Team it was decided by the Executive Team that it would be more appropriate to relocate entire business units and preferably those with a high proportion of their work being project based. After much deliberation, the staff to be relocated were finalised on the provision that their working environment in terms of space or amenity would not be compromised.

It was agreed that new furniture should be purchased that would be suitable for relocation to the new Administration Centre at a later date thus leaving the current desks for new staff within the current Administration Centre.

Current computers used by the staff would move with them to the Agonis with new computers being purchased when additional staff were employed.

Internal Relocation of Human Resources, Payroll and Marketing:

In order to create appropriate space internally for the Human Resources team it was agreed to relocate the Manager Communications and Marketing and staff upstairs to the space previously occupied by Safe City to facilitate communication with the Chief Executive Officer and the Mayor's Personal Assistant.

With the addition of a Occupational Safety and Health Officer, Human Resources and Payroll totalled six staff and a redesign of the east wing was discussed which included space for these staff. In addition, due to the sensitive and confidential nature of Human Resources, it was decided that a small sound proof meeting room could be created to assist in their compassionate treatment of staff.

Internal Relocation of Subdivisional Engineer and Assistant:

As the Subdivisional Engineer's work is closely linked to planning approvals it was also decided that closer work proximity would be desirable in any internal relocations. In order to achieve these, a further two work stations including an area with a layout bench has been created in the east wing.

Cutlery and Plates for the Agonis Civic Function Room:

In order for the Civic Function Room to attract future functions, basic plates, cups, glasses and cutlery are required. As these were not included in the original Capital Budget for the facility a budget variation has been requested to enable the purchase of these items before the first bookings take place.

FINANCIAL IMPLICATIONS

To facilitate the purchase of assets and cost of relocations, requires the following movements:

Job	Description	DR	CR
Job300.700.3	Purchase of Furniture and Equipment	\$73,000	
JobS1503.9512.49	Transfer from Building Construction Reserve		\$73,000
JobC10009.143.3	Refurbish Administration Building	\$20,000	
JobC10009.5004.49	Transfer from Administration Building Construction Reserve		\$20,000

STAFF RECOMMENDATION AND COUNCIL RESOLUTION
--

659 Moved Cr S Moss Seconded Cr W Barrett

“That Council approve the following adjustments to the Municipal Budget to accommodate costs associated with the transfer of staff to The Agonis Business Incubator, renovation of the east wing to accommodate staff from Human Resources and Technical Services and for the purchase of plates and cutlery for The Agonis Civic Function Room.

Job	Account Description	DR	CR
Job300.700.3	Furniture and Equipment	\$73,000	
JobS1503.9512.49	Building Construction Reserve		\$73,000
JobC10009.143.3	Administration Building	\$20,000	
JobC10009.5004.49	Administration Building Construction Reserve		\$20,000

CARRIED BY ABSOLUTE MAJORITY 10/0

FOR: Cr W Barrett, 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 R Croft.

AGAINST: Nil.

13.5 PLANNING AND SUSTAINABILITY

13.5.1 AMENDMENT NO. 35 TO TOWN PLANNING SCHEME NO. 6 – FINALISATION – TEXT AMENDMENT TO TOWN PLANNING SCHEME NO. 6 TO INCLUDE CONDITIONS RELATING TO RESTRICTED USE “SHOP” IN ITEM 4 (2) OF SCHEDULE 3 – RESTRICTED USES (*ITEM BROUGHT FORWARD – REFER TO ITEM 10*)

The above item was brought forward in accordance with paragraph (9) of Sub-Clause 2.15.4 of the City of Gosnells Standing Orders Local Law 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 WEST CANNING VALE (CAMPBELL ESTATE) OUTLINE
DEVELOPMENT PLAN – FINALISATION *(ITEM BROUGHT FORWARD –
REFER TO ITEM 10)***

The above item was brought forward in accordance with paragraph (9) of Sub-Clause 2.15.4 of the City of Gosnells Standing Orders Local Law 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.

Cr J Brown, due to owning land opposite bush forever site Passmore and Phoebe Street, Southern River, disclosed at Item 2 of the Agenda "Declarations of Interest", a Financial Interest in the following item in accordance with Section 5.60 of the Local Government Act 1995.

9.18pm – Cr J Brown left the meeting.

13.5.3 SUBMISSION ON PROPOSED BUSH FOREVER AND RELATED LANDS METROPOLITAN REGION SCHEME AMENDMENT AND DRAFT BUSHLAND POLICY FOR THE PERTH METROPOLITAN REGION (SPP 2.8)

File: R8/1/3 (SO'S) Psrpt157Nov04
Previous Ref: OCM 23 March 1999 Resolution 150
OCM 14 October 2003 Resolution 656
Appendix: [13.5.3A Map showing location of Bush Forever sites in City of Gosnells](#) (Click to view)

PURPOSE OF REPORT

For Council to endorse a submission on legislative and policy provisions proposed by the Western Australian Planning Commission as part of the implementation of its Bush Forever strategy.

BACKGROUND

Bush Forever aims to protect 51,200 hectares of regionally significant vegetation identified across 287 sites throughout the coastal plain portion of the Perth Metropolitan Region. It proposes the reservation of land with high conservation value for eventual government acquisition and management and recognises opportunities for land use planning processes and other mechanisms to protect bushland while accommodating compatible development.

Council first considered on a report on Bush Forever, known at that time as Perth's Bushplan, at its meeting held on 23 March 1999. While expressing strong support for the strategy, Council sought recognition of issues relating to adequate compensation, the requirement for a suitable regulatory framework to achieve bushland protection and appropriate negotiated outcomes through planning processes and the need for support for Local Government in managing Bush Forever sites and other locally significant bushland.

Council, at its meeting held on 14 October 2003, in relation to the proposed Southern River Precinct 2 Outline Development Plan, resolved:

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

Metropolitan Region Scheme Amendment 1082/33 – Bush Forever and Related Lands and the Draft Statement of Planning Policy 2.8 (SPP 2.8) – Bushland Policy for the Perth Metropolitan Region are being advertised for public comment until 12 November 2004 as a key part of the implementation of Bush Forever. Details of the proposals have been on public display at the Administration Centre and are available in the Councillors' Common Room.

DISCUSSION

Proposal Summary

The package of Bush Forever proposals released for public comment includes:

1. MRS Amendment 1082/33, which proposes to:
 - i) amend the MRS Text to establish a Bush Forever Protection Area (BFPA) and related provisions and requirements;
 - ii) amend the MRS to create a BFPA over Bush Forever sites zoned and reserved in the MRS; and
 - iii) amend the MRS to reserve a number of Bush Forever sites for Parks and Recreation;
2. Draft SPP 2.8, prepared under Section 5AA of the Town Planning and Development Act, which provides:
 - i) a statutory policy and implementation framework for the protection and management of regionally significant bushland within a BFPA; and
 - ii) policy measures for other areas of native vegetation outside of a BFPA that support the preparation of local bushland protection strategies by all Local Governments in the metropolitan region.

The main implications of the proposals are as follows:

Creation of a Bush Forever Protection Area

A BFPA is a new control to be introduced into the MRS. The identified 287 Bush Forever sites across the Perth Metropolitan Region are proposed to be included in a BFPA. Under the MRS Act, a local authority town planning scheme must be made consistent with the MRS. A BFPA shown on the MRS will therefore need to be reflected on the district town planning scheme and will apply as an overlay on top of the underlying zoning. Town planning scheme text provisions, based on the Special Control Area provisions of the Model Scheme Text, will also need to be introduced. Under changes proposed to the MRS text and a future amended Notice of Delegation to local authorities, development proposals within a BFPA will need to be determined by the Commission. The role of the local authority in this regards needs to be clarified.

As detailed below, some BFPA's are to be reserved for Parks and Recreation and acquired by the State Government, whereas others will remain zoned under the MRS. Proposals for land use and development within a BFPA will be assessed under the criteria of SPP 2.8.

A BFPA will also provide a statutory means to offer incentives such as State land tax concessions, conservation covenants and local rate concessions. Covenants and rate concessions may be applied to situations where bushland is retained and protected in private ownership, such as rural, special rural or cluster subdivision and development. Most BFPA's proposed in the City of Gosnells are in an existing or future urban context, therefore bushland areas being retained are likely to be protected within public reserves. Accordingly, there is considered to be limited potential for the use of these incentives in the City.

The requirement for determination of proposals in a BFPA by the Commission is considered appropriate, however it is unclear why provision is not being made for the creation of a BFPA in the MRS to automatically translate into a local town planning scheme, in the same way that a MRS reserve is reflected in a local town planning scheme. It seems to be an unnecessary duplication of processes and burden on Local Government to be required to initiate and progress what will essentially be an identical amendment to its district town planning scheme, particularly given that the BFPA and related town planning scheme provision will overlay rather than replace the pre-existing zoning or reservation of the respective schemes.

Further guidance will be required from the Commission in terms of the content of required town planning scheme amendments and the new development application referral processes.

Reservation for Parks and Recreation

The MRS Amendment also proposes the reservation of substantial areas for Parks and Recreation. Ninety-four of the 287 proposed BFPA sites, amounting to approximately 20,000 hectares, are proposed to be reserved in this manner. These sites will ultimately be acquired and generally managed by the State Government.

The remainder of the BFPA sites are either already reserved for Parks and Recreation or for other public use, or are to remain zoned under the MRS for a variety of purposes (eg Rural, Private Recreation, Urban and Urban Deferred).

Bush Forever Protection Areas in the City of Gosnells

As detailed in Table 1, there are 16 proposed BFPA's within the City of Gosnells. The 16 sites include numerous landholdings in government, private and institutional ownership that are either zoned or reserved in the MRS and Town Planning Scheme No. 6 (TPS 6) in a variety of ways. In summary;

- Four of the sites are existing MRS Parks and Recreation reserves that are already in government ownership, namely Canning and Southern River

foreshores, Greater Brixton Street wetlands, Tom Bateman Reserve and land near the corner of Southern River and Ranford Roads;

- One of the sites is an existing MRS Special Use reserve (Canning Vale prisons area);
- Two of the sites are zoned for Private Recreation, namely Gosnells Golf Course and Sutherlands Park, where a BFPA is proposed over portion of each. Council is the responsible authority for these sites and the inclusion within a BFPA will have implications for any future proposals for development and use of the land;
- Three of the sites are proposed to be wholly reserved for Parks and Recreation. This includes existing local TPS 6 open space reserves at Mary Carroll Park and land adjacent to the Kenwick Library and Community Centre on Brixton Street and privately owned land comprising Balannup Lake in Southern River. Portions of the sites at Passmore Street and at Holmes/Barrett Streets in Southern River are proposed to be reserved for Parks and Recreation, with the balance remaining zoned under the MRS for future urban development.
- Two of the sites involve rural land in White Road, Orange Grove and Clifford Street, Maddington; and
- In addition to the balance of the Passmore and Holmes/Barrett Streets sites described above, there are two sites in Southern River (Dallan Street and Phoebe Street) that involve land identified for future urban development that will not be reserved in the MRS for Parks and Recreation.

There are a numerous implications resulting from the Bush Forever proposals, which vary depending on the existing and proposed zoning and reservation under the MRS and the existing and likely future tenure of Bush Forever sites.

A significant implication is that the State Government will be responsible for acquiring land that is in private ownership and to be reserved for Parks and Recreation in the MRS. Consistent with Resolution 656 of OCM 14 October 2004, Council should include in its submission a statement that compensation paid to these owners should be fair and reasonable and reflective of its location within a rapidly expanding urban context.

The State Government is not, however, going to acquire the privately owned BFPA land that is not proposed for reservation for Parks and Recreation in the MRS. It is these sites that are likely to implicate most upon the City of Gosnells, as negotiated planning solutions will be required in an endeavour to balance the objectives for bushland against development requirements and wider social and economic needs.

It is expected that Outline Development Plans (ODPs) will be the mechanisms to achieve these solutions and that the Plans will be likely to involve cost sharing arrangements that require developers contribute towards the cost of compensating those whose land is required for conservation purposes, as is already envisaged in the draft ODPs for the Southern River Precincts 1 and 2 and West Canning Vale. Given fragmentation of land ownership in these and other precincts, the City will need to lead

in the preparation of ODPs. There is a resource implication, and an inherent complexity, for the City in progressing the planning required.

Guidance on land use and development and criteria for negotiated planning solutions forms a large component of SPP 2.8, which is a matter Council requested when considering the original Bush Forever/Bushplan strategy. The proposed SPP 2.8 is discussed below.

There will also be implications for the two sites reserved for Private Recreation (Sutherlands Park and Gosnells Golf Course). The inclusion within a BFPA will necessitate any proposal that may impact upon the environmental values of the sites to be assessed under the requirements of the MRS and SPP 2.8.

The submission should acknowledge the environmental values of these sites, but seek recognition for their importance in catering for the growing recreational demand generated by extensive new and future urban development in the Canning Vale and Southern River locales.

Table 1 - Bush Forever sites in the City of Gosnells

BFPA Site Ref	Location	Current MRS Zoning or Reservation	Proposed changes under MRS Amendment	Ownership	Consistency of BFPA areas with Bush Plan proposals 1999
387	Greater Brixton Street Wetlands	Parks and Recreation / Public Purpose (SU)	Addition of BFPA	Private/WAPC/ UWA	No Change
53	Clifford Street, Maddington	Rural/Primary Regional Road	Addition of BFPA	Main Roads/ City of Gosnells	No Change
51	White Road, Orange Grove	Rural	Addition of BFPA	Private	No Change
422	Kenwick Road, Kenwick	Urban	Addition of BFPA and reservation for Parks and Recreation	City of Gosnells	No Change
456	Tom Bateman Reserve, Langford and Thornlie	Parks and Recreation	Addition of BFPA	Main Roads/WAPC	Altered to remove part of the reservation for Roe Hwy
246	Canning River Regional Park	Parks and Recreation	Addition of BFPA	Crown/WAPC	Addition of area to provide green link to site 464
124	Mary Carroll Park and surrounds, Gosnells	Urban	Addition of BFPA and reservation for Parks and Recreation	City of Gosnells	No Change
255	Dallen Road, Southern River	Urban Deferred/ Parks and Recreation	Addition of BFPA	Private	No Change
464	Matson Street, Southern River	Urban Deferred	Addition of BFPA	Private	No Change
340	Phoebe Street, Southern River	Urban Deferred	Addition of BFPA	Private/WAPC	No Change
465	Passmore Street, Southern River	Rural/Urban Deferred	Addition of BFPA and reservation for Parks and Recreation	Private/WAPC	No Change

BFPA Site Ref	Location	Current MRS Zoning or Reservation	Proposed changes under MRS Amendment	Ownership	Consistency of BFPA areas with Bush Plan proposals 1999
413	Balannup Lake, Ranford Road Southern River	Rural/Parks and Recreation	Addition of BFPA and reservation for Parks and Recreation	Private/WAPC	No Change
125	Holmes Street, Southern River	Rural/Urban/Urban Deferred	Addition of BFPA and reservation for Parks and Recreation	Private/ City of Gosnells/WAPC	Addition of 1ha area of conservation category wetland, already in Crown ownership
467	Gosnells Golf Course	Private Recreation	Addition of BFPA over portion of Golf Course site	Crown – management order to City of Gosnells - leased to Golf Club	No Change
472	Prisons Area, Canning Vale	Public Purpose - Prison	Addition of BFPA	Department of Justice	No Change

Draft Statement of Planning Policy 2.8

A SPP is prepared under section 5AA of the Town Planning and Development Act and forms part of the State Planning Framework. The Act requires that in preparing or amending a local town planning scheme, local authorities are to have due regard for the provisions of a SPP and where appropriate can incorporate their provisions by reference into the town planning scheme.

Draft SPP 2.8 aims to provide a statutory policy and implementation framework for bushland protection and management issues in the Perth Metropolitan Region. Its key provisions include:

- i) Recognising regionally significant bushland and its management as a primary purpose in a BFPA as part of an area's essential environmental infrastructure, while also recognising existing commitments and approvals and wider social and economic considerations;
- ii) Taking all reasonable steps to avoid, minimise or mitigate any likely adverse impacts on regionally significant bushland;
- iii) Policy measures for each BFPA site implementation category;
- iv) A requirement for the use of a Statement of Environment Effects and Environmental Management Plans to provide for specific and consistent information to support proposals that will have an adverse impact on regionally significant bushland within a BFPA;
- v) Decision-making criteria for negotiated planning solutions and rural subdivision for conservation; and
- vi) Support for the preparation of local bushland protection strategies by all Local Governments in the Perth Metropolitan Region.

The content of draft SPP 2.8 is generally supported. The Policy objectives are reflective of the principles of sustainability and its measures provide a useful framework for planning assessment and decision making processes. In particular, the adoption of Statement of Environmental Effects and requirements for management plans to be provided are considered to represent a sound approach to ensuring consistent supporting information and clear management commitments are provided in association with development proposals. The inclusion of criteria relating to negotiated planning solutions is also considered beneficial from a regulatory viewpoint.

Draft SPP 2.8 does not however address the issue of fair and adequate compensation for affected landowners. While it provides for cost-sharing mechanisms to be established to distribute the cost of acquiring bushland, no guidance is provided on valuation methodologies and principles and the onus of bushland protection through acquisition is essentially passed onto those landowners who wish to develop and upon Council as administrator and banker of the cost-sharing arrangement. This exposes Council to greater financial risk.

Relationship with Environmental Agencies and their Legislation

The role and powers of the Environmental Protection Authority (EPA) and Department of Environment (DoE) and their relationship with the latest Bush Forever proposals requires comment, particularly in respect to negotiated planning solutions for land in a BFPA proposed for urban development.

It has been the recent experience of the City that the process of pursuing negotiated planning solutions where urban development proposals involve significant bushland is complex, protracted and not necessarily delivering sustainable or implementable outcomes.

While the objectives of the SPP 2.8 acknowledge the need to balance bushland protection issues against wider social and economic needs, the ability of the EPA/DoE to override negotiated solutions or to have little regard to the vehicles that deliver these solutions, for example ODPs, can make it difficult to achieve such a balance.

The regulatory framework within which SPP 2.8 is to be applied and the various agencies involved clearly needs to be supportive and capable of providing sustainable and implementable outcomes.

Management of Bush Forever sites

Council engaged BSD Consultants in 2002 to assess the management implications of Bush Forever for the City of Gosnells. The study found that while the City is and would become responsible for managing substantial parkland areas, bushland management costs are significantly lower than for other areas and that even with a growing utilisation and appreciation of bushland in the community, the majority of bushland is in very good to excellent condition and the City is well-placed to manage bushland resources in a cost-effective manner. There is nothing in the latest proposals that would change these findings.

As mentioned above, there are implications for the City in dealing with urban development proposals that involve BFPA sites in terms of establishing and administering arrangements to fund bushland acquisition.

Council already incurs costs in managing bushland areas and these will increase as more areas come into Council control. Implications include the need to provide sufficient resources for bushland management, enhance the capacity of staff involved in natural area management to effectively maintain and protect bushland areas and develop a bushland protection strategy for the district, management plans for each BFPA site and bushland education programs.

Summary

The protection of significant bushland is unquestionably a worthwhile and important pursuit. The latest Bush Forever proposals represent the implementation of a strategy which is afforded high status by the State Government. In effect, the acquisition and management of bushland will come at a cost that is to be borne both directly and indirectly by State and Local Government, developers and the wider community.

In the case of the City of Gosnells, substantial areas are to be set aside for bushland protection. Again, their acquisition and management will come at a cost, however there are numerous potential benefits that can result in terms of biodiversity, landscape, habitat and natural heritage protection, meeting educational, recreational and other social needs and enhancing the uniqueness, perception and vitality of the Gosnells area.

Council should continue to support the objectives of Bush Forever, but also to seek recognition for issues relating to adequate compensation for affected landowners, the need for a regulatory framework that functions effectively, particularly with respect to achieving a balance between environmental objectives and social and economic needs, and government support in acquiring bushland areas and in their ongoing management.

FINANCIAL IMPLICATIONS

The proposed MRS Amendment and Draft SPP 8.2 have potential financial implications for the City of Gosnells on several levels, as discussed throughout this report:

1. While the protection and conservation of key bushland areas is generally consistent with the City's Strategic Plan, the broader community implications from a land use, service provision and financial perspective need to be considered. The setting aside of land for conservation reserves will impact on the form and extent of new urban development. The reduction in developable area and the resulting loss of potential rate revenue is likely to have a bearing on the planning for and provision of infrastructure, community facilities and services and commercial opportunities. The exact financial implications are difficult to quantify, though need to be broadly considered in the pursuit of a sustainable urban environment.
2. Where land is proposed as a BFPA, but is not for Parks and Recreation in the MRS, and is within an area identified for future urban development, as is the case for Bush Forever sites 125, 255, 340, 413 and 464 in Southern River,

negotiated planning solutions will be required. It is expected that Outline Development Plans will be the mechanisms to achieve these solutions and that the Plans will be likely to involve cost sharing arrangements that require developers, in effect, to contribute towards the cost of compensating those whose land is required for conservation purposes. This will add to the costs of development for landowners and like other cost sharing arrangements in place in the district, Council, and ultimately the wider community, carries the economic burden of administering the arrangements and associated financial risks. Exposure to financial risk can be minimised through proper management of cost sharing arrangements, including strategies that address development processes, understanding and cooperation from other government agencies involved, development staging and timeframes and processes for compensation.

3. The inclusion of freehold land owned by Council within a BFPA will implicate on the development potential of the land and the financial returns development may generate or the options for development of community facilities. The objective to achieve fair compensation should apply equally to Council owned land as it should to land held in private ownership, though this may not eventuate.
4. Council already incurs costs in managing bushland areas and these will increase as more areas come into Council control. Implications include the need to provide sufficient resources for bushland management, enhance the capacity of staff involved in natural area management to effectively maintain and protect bushland areas and develop a bushland protection strategy for the district, management plans for each BFPA site and bushland education programs.
5. The preparation of a local bushland protection strategy and other management plans will have a cost implication for Local Government. Fortunately, much of the work involved for Gosnells is already underway and is being resourced as part of the Perth Biodiversity Project and other programs undertaken.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION
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660 Moved Cr R Mitchell Seconded Cr P Wainwright

“That Council make a submission to the Western Australian Planning Commission on its package of Bush Forever proposals, based on the content of the staff report.”

CARRIED 9/0

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 R Croft.

AGAINST: Nil.

9.21pm - Cr J Brown returned to the meeting.

Notation

The Presiding Member, upon the return of Cr J Brown to the meeting, advised that Council had endorsed the staff recommendation as contained in the agenda.

13.5.4 DEVELOPMENT APPLICATION – REQUEST FOR EXTENSION OF TIME FRAMES FOR DEVELOPMENT APPROVALS FOR THE UNITING CHURCH AT 255 (LOT 282) CAMPBELL ROAD, CANNING VALE (*ITEM BROUGHT FORWARD – REFER TO ITEM 10*)

The above item was brought forward in accordance with paragraph (9) of Sub-Clause 2.15.4 of the City of Gosnells Standing Orders Local Law 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 TENDER 59/2004: TOWN SQUARE CONSTRUCTION

File: Ten/59/2004 (AP) Psrpt154Nov04
Previous Ref: OCM 26 August 2003, OCM 13 July 2004

PURPOSE OF REPORT

To present results of Tender 59/2004 for Gosnells Town Square Construction.

BACKGROUND

The Town Square is a major construction project within the Gosnells Town Centre Revitalisation project. Council Resolution 596, 26 August 2003, awarded the design, tender documentation and contract administration for New Town Square consultancy contract to Woodhead International. Woodhead International's main landscape sub-consultant is PlanE. Davis Langdon is the City's independent cost consultant for the project.

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

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

Tenders for construction of Town Square were initially advertised in the "West Australian" newspaper on 29 May 2004 with a closing dated of 21 June 2004 and subsequently two conforming tenders were received.

Council at its meeting held on 13 July 2004 resolved as follows (Resolution 355):

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

A further review of design and tender documentation was carried out by project landscape sub-consultant, PlanE, with a view to attracting more tenders. Revised tender documentation was completed in early September 2004.

DISCUSSION

Tenders were advertised for Town Square Construction in The West Australian newspaper on 18 September 2004 with a closing dated of 8 October 2004.

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

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

Five tenders were submitted and prices are listed below:

Company Name	Conforming Tender Price (Exc GST)
Kato Concrete and Civil 29 Truganina Road Malaga 6090	\$1,592,822.00
Works Infrastructure 130 Fauntleroy Avenue Redcliffe WA 6104	\$1,292,963.00
Environmental Industries 123 Huntingdale Road Huntingdale WA 6110	\$1,255,952.74
DME Contractors Unit 5, 10 O'Connor Way Wangara WA 6065	\$1,061,992.50
AARDE, 15 Stone Street Armadale WA 6112	\$848,532.07

The tender evaluation panel consisted of a representative from PlanE and three representatives from the City. Tenders were evaluated and scored according to evaluation matrix specified in the tender document.

The subsequent tender evaluation matrix scores are listed below.

Company Name	Experience in Similar Works	Personnel and Subcontractors	Price	Tender Score
Kato Concrete and Civil	6%	6%	21%	33 %
Works Infrastructure	24%	24%	26%	74 %
Environmental Industries	18%	6%	27%	51 %
DME	18%	24%	32%	74 %
AARDE	6%	12%	40%	58 %

Works Infrastructure and DME scored an equal highest of 74%. DME has tendered the second lowest tender price, and Works Infrastructure's tender price is \$230,970.50 higher than DME's tender price.

The preferred tenderer from the evaluation matrix is DME.

The pre tender estimate from project cost consultant Davis Langdon was \$944,000.

FINANCIAL IMPLICATIONS

The Town Square construction is budgeted within the Town Centre Revitalisation account of 2004/2005 financial year. Current budget for 2004/2005 is \$491,044 the balance of the costs will be found from Town Centre budget.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION**661 Moved Cr W Barrett Seconded Cr P Wainwright**

“That Council award Tender 59/2004 for Gosnells Town Square Construction to DME Contractors of Unit 5, 10 O’Connor Way, Wangara 6065, at a tender price of \$1,061,992.50 (excluding GST).”

CARRIED 8/2

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

AGAINST: Cr S Moss and Cr O Searle.

Cr C Matison, due to being Council Delegate to the South East Regional Energy Group, 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.

13.5.6 WESTERN AUSTRALIAN ENVIRONMENTAL AWARDS PRESENTATION EVENING – 19 NOVEMBER 2004

File: C4/2/2 (RH) Psrpt159Nov04
Appendix: 13.5.6A [Copy of Invitation to Awards Presentation Evening \(Click to view\)](#)

PURPOSE OF REPORT

To advise and to seek the approval of Council for an Elected Member to attend the Western Australian Environmental Awards Presentation on 19 November 2004.

BACKGROUND

The South East Regional Energy Group, comprising the City of Gosnells, City of Armadale and Serpentine-Jarrahdale Shire, has been selected as a finalist in the Energy Efficiency category of the SGIO WA Environment Awards for its innovative "switch your thinking!" programme.

The "switch your thinking!" (SYT) programme was instigated to enable the South East Regional Energy Group Councils and their communities to implement measures which will save energy and operating costs, and reduce greenhouse gas emissions. The programme has been strategically designed to engage the community in participating in achieving our regional emissions reduction target of 15% by the year 2010 (set as part of the Councils' involvement in the Cities for Climate Protection™ programme.

International experience shows that changing the way people behave with respect to energy conservation is never an easy thing to do. SYT epitomises a systematic and locally tailored approach to social marketing. Based on literature research and surveys of the community, the programme has been designed to address specific barriers and opportunities to changing environmental behaviour associated with the south-east metropolitan region.

DISCUSSION

The Minister for the Environment has invited representatives of the South East Regional Energy Group to attend the Awards Presentation Evening at the Perth Convention Exhibition Centre on Friday 19 November, where this year's winners will be announced. Tickets are available at \$60.00 per person.

The Mayor, Chief Executive Officer and Acting Manager Policy and Strategy will also be attending the Awards Presentation Evening for the City's entry in the Eco Building category of the Awards - The Agonis: ecologically sustainable design, construction and operation, which has also been selected as a finalist.

FINANCIAL IMPLICATIONS

The cost of attending this event per person is \$60. This expenditure can be met from JobS2000.1362.223 (Training and Conferences – Elected Members).

STAFF RECOMMENDATION

Moved Cr J Brown Seconded Cr W Barrett

That Councillor(s) _____ be authorised to attend the Western Australian Environmental Awards Presentation Evening at a cost of \$60 per delegate and the cost of such attendance being met from Job No. Job2000.1362.223 (Training and Conferences – Elected Members).

Nomination

Cr J Brown nominated Cr C Matison and Cr D Griffiths to attend the Western Australian Environmental Awards Presentation Evening. Cr W Barrett seconded the nomination resulting in the following amendment to the staff recommendation:

Moved Cr J Brown Seconded Cr W Barrett

That the staff recommendation be amended by deleting the line “_____” where it appears in the first line after the word Councillor(s) and substituting it with the names “C Matison and D Griffiths and including “on 19 November 2004,” after the word “Evening” where it appears in the second line, with the amended recommendation to read:

“That Councillor(s) C Matison and D Griffiths be authorised to attend the Western Australian Environmental Awards Presentation Evening on 19 November 2004, at a cost of \$60 per delegate and the cost of such attendance being met from Job No. Job2000.1362.223 (Training and Conferences – Elected Members).”

CARRIED 10/0

FOR: Cr W Barrett, 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 R Croft.

AGAINST: Nil.

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

COUNCIL RESOLUTION

662 Moved Cr J Brown Seconded Cr W Barrett

“That Councillor(s) C Matison and D Griffiths be authorised to attend the Western Australian Environmental Awards Presentation Evening on 19 November 2004, at a cost of \$60 per delegate and the cost of such attendance being met from Job No. Job2000.1362.223 (Training and Conferences – Elected Members).”

CARRIED 10/0

FOR: Cr W Barrett, 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 R Croft.

AGAINST: Nil.

13.6 REGULATORY SERVICES

13.6.1 ANNUAL REPORT

File: F1/6/2 (TP) rpt043Oct04

Appendix: [13.6.1A AnnualReport \(Click to view\) Part A](#)
[13.6.1A Annual Report \(Click to view\) Part B](#)

PURPOSE OF REPORT

For Council to accept the City of Gosnells Annual Report for the 2003/2004 financial year.

BACKGROUND

Section 5.54(1) of the Local Government Act 1995 requires a local government to accept its Annual Report for the preceding financial year by no later than 31 December after that financial year.

Further, in accordance with Section 5.55, as soon as practical after the report has been accepted, the Chief Executive Officer is to give local public notice of its availability.

DISCUSSION

The Annual Report contained within Appendix 13.6.1A outlines the activities of and financial statements for the City for the period 1 July 2003 to 30 June 2004.

The Report is to be presented to the Annual Electors Meeting which is scheduled for Monday 13 December 2004, commencing 7.00 pm.

Council Policy 5.4.1 Annual Electors Meeting prescribes that the Annual General Meeting of Electors for the City will be held on the fourth Monday of November. As per Resolution 620 of 26 October 2004 Ordinary Council Meeting the date for the Annual Electors Meeting has been rescheduled to Monday 13 December 2004.

FINANCIAL IMPLICATIONS

Nil.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION

663 Moved Cr J Brown Seconded Cr D Griffiths

“That Council accept the City of Gosnells Annual Report for the 2003/2004 financial year.”

CARRIED 10/0

FOR: Cr W Barrett, 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 R Croft.

AGAINST: Nil.

14. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

14.1 JOHN OKEY DAVIS GRAVESTONE – RELOCATION TO CITY OF GOSNELLS MUSEUM

The following motion was proposed by Cr J Brown during “Notices of Motion for Consideration at the Following Meeting” at the Ordinary Council Meeting held 26 October 2004 for inclusion in “Motions for Which Previous Notice Has Been Given” of the 9 November 2004 Ordinary Council Meeting.

PROPOSED MOTION

That Council relocate the John Okey Davis gravestone in a prominent location within the City of Gosnells Museum.

COUNCILLOR COMMENT

Cr J Brown provided the following written comment in relation to the proposed motion:

“After further discussion with the Gosnells Heritage Advisory Committee it was decided that the most appropriate location for the historical gravestone would be at the City of Gosnells Museum. It is close to the original grave. Staff and volunteers at the Museum are qualified to answer question relating to the history and background of the John Okey Davis family.”

STAFF COMMENT

The Manager Community Information and Heritage provides the following comment in relation to the proposed motion:

“The locating of the John Okey Davis Gravestone at the City of Gosnells-Wilkinson Museum would not be a preferred location due to:

- *Available space at the Museum is limited to enable a prominent display of this item.*
- *Security is limited at the Museum due to structural design, general isolation of location and limited hours when staff are present and the museum is open to the public. Curator is at the Museum on a part time basis.*
- *Limited opening hours for public to access as the Museum is only open to the public on Wednesdays and Sundays.*

The Knowledge Centre is a preferred location due to:

- *The central location will afford greater exposure and accessibility by the public, school groups and for visitors to the Centre.*

- *Heritage and general library staff would be available to provide background information on the gravestone and the Okey Davis family.*

A further review of the gravestone location will be made in line with the grant and a final permanent location within the new Knowledge Centre will be recommended in line with maximising the opportunity for the general public to view and receive information about this important artifact.”

PROPOSED MOTION

Moved Cr J Brown Seconded Cr S Moss

That Council relocate the John Okey Davis gravestone in a prominent location within the City of Gosnells Museum.

MOTION WITHDRAWN BY MOVER AND
SECONDER

15. NOTICES OF MOTION FOR CONSIDERATION AT THE FOLLOWING MEETING**15.1 JOHN OKEY DAVIS GRAVESTONE**

Cr J Brown proposed the following motion for inclusion in "Motions of Which Previous Notice Has Been Given" of the 23 November 2004 Ordinary Council Meeting agenda.

PROPOSED MOTION FOR 23 NOVEMBER 2004

That the original John Okey Davis gravestone be kept in storage pending a report from the conservation specialist as part of the successful Lotterywest Interpretation Grant.

COUNCILLOR COMMENT

Cr J Brown provided the following written comment in relation to the proposed motion:

"After further discussions at their meeting last Thursday (4.11.04) the Gosnells Heritage Advisory Committee moved a motion: "That the original John Okey Davis gravestone be kept in storage pending a report from the conservation specialist as part of the successful Lotterywest Interpretation Grant". The City of Gosnells acquired funding for a conservation management report for the original headstone of 1829 pioneers, John and Frances Okey Davis and for signage for the pioneer gravesite. Grant funding from Lotterywest for \$1,681 has been secured and the conservation consultant is currently being appointed. Correct heritage management practices will be addressed in the report and consideration given that we follow preserving and presenting our most important European monument to the people of the City of Gosnells."

16. URGENT BUSINESS
(by permission of Council)

Nil.

17. CONFIDENTIAL MATTERS

Nil.

18. CLOSURE

The Presiding Member declared the meeting closed at 9.36pm.