



**ORDINARY COUNCIL MEETING
26 APRIL 2005**

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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 26 April 2005.

1. OFFICIAL OPENING/ANNOUNCEMENT OF VISITORS/DISCLAIMER

The Mayor declared the meeting open at 7.31pm and welcomed those members of the public present in the public gallery, Councillors and staff.

DISCLAIMER

The Mayor read aloud the following statement:

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

COUNCIL MEETINGS – RECORDING OF

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

Notice within the Public Gallery in relation to recordings state:

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

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

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

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

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

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

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

ELECTED MEMBERS

MAYOR

CR P M MORRIS AM JP Honorary Freeman

DEPUTY MAYOR

CR R CROFT

CR R HOFFMAN

CR P WAINWRIGHT

CR R MITCHELL

CR S MOSS

CR O SEARLE JP

CR C MATISON

CR J BROWN JP

CR S IWANYK (*Arrived 7.32pm*)

CR D GRIFFITHS

STAFF

CHIEF EXECUTIVE OFFICER

MR S JARDINE

DIRECTOR COMMUNITY ENGAGEMENT

MS A COCHRAN

DIRECTOR CORPORATE SERVICES

MR R BOUWER

DIRECTOR INFRASTRUCTURE

MR D HARRIS

DIRECTOR PLANNING & SUSTAINABILITY

MR R HAEREN

DIRECTOR REGULATORY SERVICES

MR T PERKINS

MINUTE SECRETARY

MS A CRANFIELD

PUBLIC GALLERY

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APOLOGIES

Nil.

APPROVED LEAVE OF ABSENCE

Cr Wayne Barrett was granted Leave of Absence vide Resolution 89 of the Ordinary Council Meeting held on 22 March 2005.

7.32pm - Cr S Iwanyk arrived at the meeting.

3. DECLARATIONS OF INTEREST

Cr C Matison declared an Impartiality Interest in item 12.1 "City of Gosnells Heritage Advisory Committee".

Reason: Community representative City of Gosnells Heritage Advisory Committee.

Cr R Mitchell declared an Impartiality Interest in item 12.2 “Safe City Task Force Committee”.

Reason: Chairman of Safe City Task Force Committee.

Cr S Moss declared an Impartiality Interest in item 12.3 “City of Gosnells RoadWise Committee”.

Reason: Community representative on RoadWise Committee.

Cr R Hoffman declared an Impartiality Interest in item 12.3 “City of Gosnells RoadWise Committee”.

Reason: Chairman of RoadWise Committee.

Cr P Wainwright declared an Impartiality Interest in item 12.3 “City of Gosnells RoadWise Committee”.

Reason: Council delegate on RoadWise Committee.

Cr S Iwanyk declared an Impartiality Interest in item 12.2 “Safe City Task Force Committee”.

Reason: Council delegate on Safe City Task Force.

Cr S Iwanyk declared an Impartiality Interest in item 12.3 “City of Gosnells RoadWise Committee”.

Reason: Council delegate on RoadWise Committee.

4. ANNOUNCEMENTS BY THE PRESIDING MEMBER

(without discussion)

The Mayor circulated to Councillors a list of functions and events she had attended since Tuesday 12 April 2005.

The Mayor announced that she attended the official opening of the new Gosnells Train Station on Saturday 17 April 2005, describing it as an outstanding success, at which it was wonderful to see approximately 500 members of the community also in attendance. In commemoration of the opening she presented a large picture frame containing photographs of the old and new train stations.

The Mayor announced that last Tuesday 19 April 2005 the Hon Peter McGauran, Minister for Immigration and Multicultural Affairs made a visit to the City of Gosnells which was an outstanding success showcasing the City. The visit included a Citizenship Ceremony, multicultural residents providing a brief history on their move to Australia, a symbolic tree planting which will be placed in the Peace Garden at Pioneer Park, entertainment, and dialogue session between invited guests and the Minister.

5. REPORTS OF DELEGATES

(without debate)

Nil.

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

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

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

Questions and statements are to be –

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

QUESTIONS TAKEN ON NOTICE AT PREVIOUS MEETINGS AWAITING RESPONSE

Nil.

RESPONSES TO QUESTIONS TAKEN ON NOTICE AT PREVIOUS MEETINGS

Nil.

6.1 QUESTION TIME

- * Ms Lisa Walkley of Lot 32 (50-54) Rushton Road, Martin asked the following question in relation to item 13.5.4 “Development Application – Private BMX/Motor Bike Track – 72-76 (Lot 82) Rushton Road, Martin” of the agenda:

Q 1 There has been some complaints about the noise. What official noise testing has been carried out and what were the results?

Response: The Director Planning and Sustainability advised he would need to refer to the question to the Director Regulatory Services adding that he understood some monitoring had been undertaken as a result of previous noise complaints, however, they were not directly attributed to this application.

The Director Regulatory Services confirmed this was correct advising he believed the last noise readings were carried out sometime in 2001, the results of which indicated noise emissions were far in excess of acceptable noise levels for the area.

- * Mrs Karen Rechichi of 61 Hayward Road, Martin asked the following questions in relation to item 13.5.4 “Development Application – Private BMX/Motor Bike Track – 72-76 (Lot 82) Rushton Road, Martin” of the agenda:

Q 1 Are Councillors aware that the proposed development has been illegally in use for the past year and that a car has also been using track?

Response: The Director Planning and Sustainability advised that he was aware that there had been previous complaints, however, staff had to deal with the application based on the information presented, adding any usage outside of the allowances would have to be dealt with separately as a legal issue.

Q 2 Would Councillors like to live next door to such a development when many are seeking a quiet rural lifestyle?

Response: The Mayor advised that would be up to the individual Councillors to respond.

6.2 PUBLIC STATEMENTS

- * Mr Peter Green of Lot 284 Fairlie Road, Canning Vale made a public statement in relation to item 13.5.2 “West Canning Vale Outline Development Plan” speaking against the staff recommendations contained in the agenda. Mr Green posed a series of questions to Councillors following which he stated if they could justify their rationale and unequivocally support their personal beliefs, with knowledge that they had studied the issues in depth, they should approve the amendments to the scheme, however, if they did not, then they should reject them.

- * Mr Laurence Douglas of Lot 285 Fairlie Road, Canning Vale made a public statement in relation to item 13.5.2 “West Canning Vale Outline Development Plan” speaking against the staff recommendations contained in the agenda. Mr Douglas outlined what he believed were the core facts that had influenced the Minister for the Environment’s decision to reconsider issues relevant to the site. He expressed the view that Council had been misled by the Department of Environment over the existence of Conservation Category Wetlands and referred to information from an environmental consultant in support of this claim. In closing Mr Douglas stated that if Council had any doubt as to the existence of wetlands they should vote to defer the amendment until scientists could prove otherwise.

- * Ms Vanessa Jakovich, representing Eastview Nominees Pty Ltd care of Freehills, 250 St Georges Terrace, Perth made a public statement in relation to item 13.5.2 “West Canning Vale Outline Development Plan” speaking against the staff recommendations contained in the agenda. Ms Jakovich provided an overview indicating the Minister for the Environment had ordered an independent investigation into the existence of Conservation Category Wetlands within the outline development area. She suggested there were serious legal issues that would need to be addressed should Council proceed with the recommendations contained within the agenda suggesting the need for far greater community consultation. In closing she urged Council to defer any decision until such time adequate consultation had taken place and the findings of the Minister were available.

Notation

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

COUNCIL RESOLUTION

144 Moved Cr R Croft Seconded Cr S Moss

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

CARRIED 11/0

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

AGAINST: Nil.

- * Mr Norman Bell, Chairman of Altona Hatchery Pty Ltd, 344 Hawtin Road, Forrestfield, made a public statement in relation to item 13.5.3 “Development Application – Poultry Farm – 64 (Lot 510) Stebbing Road, Maddington” speaking against the staff recommendation contained within the agenda. Mr Bell expressed concern that the application was for a ‘chick hatchery’ and not a ‘poultry farm’ as stated in the agenda, following which he provided an overview of the hatchery and incubation process. He questioned the need for a 500metre buffer zone stating that he did not believe the hatchery posed any nuisance to nearby neighbours giving an example of expanding residential development near the boundaries of their Forrestfield premises. In closing Mr Bell urged Council to support the proposal.

Notation

The Mayor advised Mrs Karen Rechichi and Mr Jon Lennon, who had each submitted a public statement form in relation to item 13.5.4 “Development Application – Private BMX/Motor Bike Track – 72-76 (Lot 82) Rushton Road, Martin, that a maximum of 2 people could speak on the item, one for and one against. As they both wished to speak in favour of the staff recommendation to refuse the application she advised Mr Lennon she would invite Mrs Rechichi to make the statement.

- * Mrs Karen Rechichi of 61 Hayward Road, Martin made a public statement, on behalf of herself and Mr Jon Lennon of Lot 75 Hayward Road, Martin in relation to item 13.5.4 “Development Application – Private BMX/Motor Bike Track – 72-76 (Lot 82) Rushton Road, Martin” speaking for the staff recommendation contained in the agenda. Mrs Rechichi advised she did not believe the proposal was appropriate for a rural property of 1 hectare stating it was impossible to live with the noise, dust and occasional ‘nuisance hooning’ coming from the property, citing two occasions when her family had cause to call the police. In closing Mrs Rechichi suggested the appropriate place for training was an approved BMX/motorbike track.
- * Mr Glen Biffen of Lot 82 Rushton Road, Martin made a public statement in relation to item 13.5.4 “Development Application – Private BMX/Motor Bike Track – 72-76 (Lot 82) Rushton Road, Martin” speaking against the staff recommendation contained in the agenda. Mr Biffen advised he thought he had done the right thing for his boys by building them a private track to supervise and control things. In addressing objections to noise nuisance he referred to the noise test carried out on his property in 2001, requesting a copy of the results, and also referred to a noise complaint last year claiming he was advised by a Council officer excessive noise constituted 4 to 5 times a week. Mr Biffen provided details of riding frequency on his property advising that if the permit was not approved nothing would prevent his boys from riding bikes as there was no proof of excessive noise. In closing he requested Council consider a 3 month trial period in order to put things into place to resolve any issues regarding the proposal.

7. CONFIRMATION OF MINUTES

COUNCIL RESOLUTION

145 Moved Cr S Moss Seconded Cr J Brown

“That the Minutes of the Ordinary Council Meeting held on 12 April 2005, be confirmed.”

CARRIED 11/0

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

AGAINST: Nil.

8. THE RECEIVING OF PETITIONS, DEPUTATIONS AND PRESENTATIONS

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

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

DEPUTATIONS

- * An application in accordance with Clause 2.24 of the Standing Orders Local Law for a Deputation to Council was received on 18 April 2005 from Mr Nick Di Lello, General Manager, Fermanagh. Mr Nick Di Lello in making his deputation provided Council with an overview of the application indicating that the proposed outline development plan had been considered by Council on numerous occasions in the past expressing the view that the work carried out by staff in getting it to this stage was commendable. He urged Council to support the staff recommendations contained in the agenda to enable this development to progress. At the conclusion of his statement the Mayor invited questions from Councillors which were responded to by Mr Di Lello.

PETITIONS

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.

Nil.

10. QUESTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN

(without discussion)

Nil.

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

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

COUNCIL RESOLUTION

146 Moved Cr R Croft Seconded Cr R Hoffman

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

- * Item 13.5.2 West Canning Vale Outline Development Plan;
- * Item 13.5.3 Development Application – Poultry Farm – 64 (Lot 510) Stebbing Road, Maddington; and
- * Item 13.5.4 Development Application – Private BMX/Motor Bike Track – 72-76 (Lot 82) Rushton Road, Martin; and
- * Item 13.6.1 Front Boundary Reduced Setback to Carport - Lot 33 Clovertree Street Maddington.”

CARRIED 11/0

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

AGAINST: Nil.

13.5.2 WEST CANNING VALE OUTLINE DEVELOPMENT PLAN

File:	S8/1/1	(MP)	Psrpt039Apr2005
Name:	Roberts Day Group		
Location:	West Canning Vale		
Zoning: MRS:	Urban		
TPS No. 6:	Residential Development		
Appeal Rights:	Nil, final determination by Minister for Planning and Infrastructure on Scheme Amendment and WAPC on ODP		
Area:	Approx 62ha		
Previous Ref:	OCM 11 February 1997 (Resolution 479) OCM 26 May 1998 (Resolution 1431) OCM 13 April 1999 (Resolution 254) OCM 27 July 1999 (Resolution 654) OCM 27 August 2002 (Resolution 695) OCM 11 February 2003 (Resolutions 13-14) OCM 8 July 2003 (Resolution 472) OCM 10 August 2004 (Resolution 400) OCM 9 November 2004 (Resolutions 632-636)		
Appendix:	13.5.2A West Canning Vale Outline Development Plan – 9 November 2004 13.5.2B Schedule of Modifications 13.5.2C Modified Residential Densities 13.5.2D Advertised ODP of August 2004 13.5.2E Schedules of Estimate Costs 13.5.2F WCVODP Area		

PURPOSE OF REPORT

For Council to consider and adopt modifications to the West Canning Vale Outline Development Plan as requested by the Western Australian Planning Commission (WAPC) and to initiate an amendment to the City of Gosnells Town Planning Scheme No 6 (TPS 6), to establish cost-sharing mechanisms to facilitate future subdivision and development.

BACKGROUND

Council at its meeting of 9 November 2004 considered the public and government agency submissions received during the formal advertising of the West Canning Vale Outline Development Plan (ODP) and resolved to adopt the ODP and seek a formal determination by the WAPC (Appendix 13.5.2A). At this stage, a final determination has not been made on the ODP by the WAPC. The WAPC are following the process as set out in TPS 6, 7.4.13 where they are to consult with the City prior to approving an ODP. A schedule of modifications has been received from the WAPC and is discussed in greater detail in the discussion section of this report and forms Appendix 13.5.2B.

In addition to finalising the ODP to provide guidance on future urban form and receiving formal advice from the EPA and Minister, the City has been requested by the WAPC to initiate an amendment to Town Planning Scheme No. 6 (TPS 6) to establish a

cost-sharing arrangement for the timely and equitable sharing of infrastructure items such as drainage, road widening and land for public open space/conservation.

DISCUSSION

Finalisation and WAPC consideration of ODP

Whilst the WAPC has not formally considered the ODP, the Department for Planning and Infrastructure (DPI) has provided advice and a Schedule of Modifications. Changes to the ODP are required to comply with this advice and the Schedule of Modifications prior to WAPC consideration. There are a number of minor changes requested but the more pertinent ones involve the following; the designation of Mixed Use areas, Residential densities greater than R20, the Common Infrastructure works and costs tables and the need for a temporary school site. These issues are discussed in greater detail below.

In addition to the Schedule of Modifications, the DPI provided further advice on the following matters: the need to introduce a cost sharing mechanism via an amendment to TPS 6, conservation assets are to be ceded to the Crown at the time of subdivision and *“there is an expectation that the density of development (dwellings per site hectare) will approximate the density allocations of the ODP and that the proponent’s commitment to undertake/prepare various surveys and management plans as referenced in the Council’s resolution (9th November 2004) is noted and supported as a necessary precursor to detailed subdivision design.”*

Mixed Business/Mixed Use sites

The DPI has requested that permissible land uses be listed for the mixed use sites subject to Detailed Area Plans (DAPs) on the ODP in the absence a “mixed use” zone in TPS 6. It was always the intention that a DAP process would determine the appropriate land uses for these sites. City staff are concerned that by listing permissible land uses, the need for planning approvals in accordance with TPS 6 will be over looked and may create unrealistic expectations to landowners/developers, that the types of land uses listed will be approved by Council.

The DAP process as set out in 7.6 of TPS 6 provides the City with an opportunity to enhance, elaborate or expand on the details or provisions contained with an ODP. The mixed use sites within the ODP area require a level of detailed planning which is not possible through the ODP and whilst land uses can be listed on the ODP the DAP process will still largely determine suitable land uses.

In response to the DPIs request the types of uses that the City would be prepared to consider include: tavern, restaurant, offices, consulting rooms, private recreation and residential. These uses will only be considered in context with a mixed use development that has strong pedestrian focus, relates to Campbell and Ranford Roads (and other local roads), addresses the interface with abutting land and is complimentary to the Neighbourhood centre.

City staff will be considering the introduction of a mixed use zone to TPS 6 in the near future which will enable such a land use classification to be identified for this area as an amendment to the ODP.

The DPI has also requested; that the residential density code for the site on the corner of Ranford and Campbell Roads be allocated on the ODP, and with regard to both the mixed business and mixed use sites on Lot 278 and the mixed use corner site, that an annotation on the ODP be added to state that a “Shop” or use involving a stand alone retail activity is not a permitted use. The DAP process is considered an appropriate mechanism to determine the residential density code and the types of land uses for the abovementioned sites. However given the proximity of the corner site to the Neighbourhood Centre and the need to facilitate a mixed use development on the site, it is expected that a minimum residential density code of R40 would be achieved.

Through the DAP process a greater level of detail can be determined through the design process, with an understanding of the overall context of the development of the abovementioned sites. The outcomes of the DAP process can then be translated to the ODP as an amendment. However to address the DPIs request, annotations excluding shop and fast food outlet from the Mixed Business and Mixed Use sites will be added to the ODP where appropriate, along with the minimum residential density for the corner site being R40.

Areas Designated Residential Density >R20 (greater than R20)

The ODP considered by Council on 9 November 2004 illustrates a portion of the ODP area as a Residential zone of greater than R20, which was originally intended to allow for a variety of higher densities within the 400 metre and 800 metre radius of the Campbell Road Neighbourhood Centre and the Livingston District Centre respectively. The exact density code of this zone was proposed to be determined at the subdivision stage. The DPI has expressed concerns that this zone as it stands will make implementation of the ODP difficult and has requested definitive residential density codes be allocated. A number of different options were evaluated and densities have been determined with a mix of R25 and R30 densities. The allocation of these densities is shown in Appendix 13.5.2C.

Given that the ODP was originally advertised in August 2004 (Appendix 13.5.2D) with the zone for the affected areas shown as greater than Residential R20 the densities as proposed are considered reasonable and are in line with the Local Housing Strategy principles.

Higher densities are generally preferred within the 400 metre and 800 metre radius of centres, in accordance with sound planning principles and those of the City’s Local Housing Strategy. Should landowners prefer higher densities than those shown on Appendix 13.5.2C at the time of subdivision or development such requests can be considered as modifications to the ODP as set out in Section 7 of TPS 6.

School Site

When forward planning occurred some years ago for the provision of school sites within the general school catchment, the provision for a primary school was to be located within the Sanctuary Waters development. The provision for this school was later considered not necessary. More recently, the Department of Education and Training (DET) has advised that an interim primary school site is required within the ODP area as the development will generate pressure on the Ranford Primary School. A suitable site of approximately 1.5 hectares for a primary school will be required for approximately 10 to 15 years.

City and DET staff, together with the proponent have investigated suitable sites within the general school catchment (that includes the ODP area and its surrounds) and whilst no formal arrangements have been made, discussions have taken place with relevant landowners within the ODP area.

At this stage of the ODP's development it is generally expected that a provision for a school site would be resolved. It is anticipated that a temporary school site location will be known in the near future. However as the school is required as an interim facility and DET are not necessarily bound by a school site shown on an ODP, it is believed that the ODP is best served without a school site being shown. The ODP should reflect the ultimate end use of land and not interim requirements, ensuring that land is not sterilised unnecessarily from development. This matter is to be resolved by DET to the satisfaction of the WAPC.

To accommodate the changes discussed above and listed in the Schedule of Modifications, text changes maybe required to the ODP report and associated Figures.

Super Lot Subdivision Proposal

After the 9 November 2004 Council meeting a super-lot subdivision 'proposal' was lodged with the WAPC which was then forwarded to the Environmental Protection Authority (EPA) and the Hon. Minister for the Environment (Minister), providing an opportunity for the latter to formally consider the environmental values of the area. The subdivision application incorporated the 'core conservation area' as previously identified by the EPA. As a general principle, the EPA/Minister may only consider the environmental values of an area once a 'proposal' has been lodged which in turn provides a reasonable degree of certainty for future planning. The opportunity was provided to all landowners to participate in the super-lot subdivision, however not all landowners chose to participate.

The EPA in its advice on the super-lot subdivision (EPA Bulletin 1162) recognised the importance of a 'strategic approach' to planning for the West Canning Vale area, as progressed by the City in the form of an Outline Development Plan. The EPA advice and level of environmental assessment were open to public appeals, with a number of appeals received. It is anticipated that the Minister for the Environment will be making a determination on the super-lot subdivision and associated appeals within the next 4-6 weeks. Upon the release of the Minister's advice on the super-lot subdivision and associated appeals, the WAPC will be able to grant final approval to the ODP.

Parallel to the super-lot subdivision and at the request of a small number of landowners, the Minister for the Environment agreed to re-evaluate the wetland classifications on four properties. Of the four properties, three properties have already been identified by the EPA as suitable for urban development in the context of the West Canning Vale area. It is understood that the re-evaluation of the wetlands will progress over a number of months and is likely to extend beyond the finalisation of the ODP. Should additional land be identified as being suitable for urban development, Council may amend an adopted ODP through normal statutory processes.

Initiation of Amendment for Cost Sharing Arrangements

As stated in previous Council reports, there is a common need to establish a cost sharing mechanism to fund and co-ordinate the provision of infrastructure. This mechanism is established through TPS 6, Section 7, hence the need to initiate an amendment. The ODP for West Canning Vale proposes the following items as Common Infrastructure Works/Costs:

- Public Open Space
- Conservation Category Wetlands
- Land for Drainage
- Drainage Construction
- Shared Paths
- Regional Road Construction (Ranford Road)
- Land Resumption for Regional Roads
- Traffic Management
- Service Relocation
- Conservation Category Wetlands works
- General Administration and Studies

Details relating to the extent of common works and associated costs will be included in the amendment documentation prepared for public review as part of the advertising process. Draft works/costs schedules were prepared in conjunction with the ODP and last tabled with Council at its 9 November 2004 meeting. These draft schedules are the basis upon which the cost sharing arrangement is proposed to be formalised and are set out in Appendix 13.5.2E.

Once Council agrees to initiate an amendment it is referred to the EPA and upon a suitable response from the EPA, the Scheme Amendment is advertised. A minimum advertising period of 42 days is envisaged, which will provide an opportunity for landowners to have input into the cost-sharing arrangements.

The DPI has requested some minor changes to these schedules which are outlined in Appendix 13.5.2B.

In addition, as part of the amendment process and as set out in the staff recommendation 2 of 3 below, the ODP area is required to be defined as a diagrammatical area on a map, this map can be found as Appendix 13.5.2F.

CONCLUSION

Planning for the West Canning Vale Outline Development area has been a long process and finalisation of the matters as discussed in this report and in the Schedule of Modifications will ensure that the final details relating to the future development of this area will occur in an efficient manner. The initiation of an amendment to TPS 6 will provide landowners with an opportunity to have input into the cost sharing arrangement for the area.

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. The total value of the estimated costs/works is \$3,682,086 which is approximately \$76,646 per hectare of developable land.

STAFF RECOMMENDATION (1 of 3)

Moved Cr R Hoffman Seconded Cr R Mitchell

That Council note and adopt the Schedule of Modifications as set out in Appendix 13.5.2B and advise the Western Australian Planning Commission accordingly.

STAFF RECOMMENDATION (2 of 3)

Moved Cr R Hoffman Seconded Cr R Mitchell

That Council, pursuant to section 7 of the Town Planning and Development Act 1928 (as amended), initiate an amendment to the City of Gosnells Town Planning Scheme No. 6, for the purpose of:

- (1) Adding to Schedule 12 of the Scheme Text Attachment "C" regarding specific Common Infrastructure Works for the West Canning Vale Outline Development Plan Area.
- (2) Inserting "Attachment "C" to Schedule 12 of the Scheme as follows:

"ATTACHMENT "C" – SPECIFIC PROVISIONS RELATING TO THE WEST CANNING VALE ODP AREA

1. "West Canning Vale Outline Development Plan Area" means the area generally bounded by Nicholson, Campbell and Ranford Roads as shown on Map 1, titled West Canning Vale Outline Development Plan Area.

2. Common Infrastructure works additional to those detailed in the Twelfth Schedule of the Scheme as follows-
 - (a) 50% of the contribution towards constructing one carriageway and full earthworks, shared path and drainage for Ranford Road (where it abuts the ODP area)
 - (b) full Earthworks for the second carriageway of Ranford Road (where it abuts the ODP area).
 - (c) traffic management, including 25% for one set of traffic signals at the Ranford Road intersection of Campbell Road in and abutting the ODP area,
 - (d) the construction of shared paths in the ODP area and peripheral roads
 - (e) service relocation in the upgrading of Nicholson Road where it abuts the ODP area; and
 - (f) the provision of perimeter fencing and other associated management treatments for the identified Conservation Category Wetlands (CCWs).

3. Cost contributions additional to those detailed in the Twelfth Schedule of the Scheme, as follows-
 - (a) 50% of the contribution towards constructing one carriageway and full earthworks, shared path and drainage for Ranford Road (where it abuts the ODP area)
 - (b) full Earthworks for the second carriageway of Ranford Road (where it abuts the ODP area).
 - (c) the cost of traffic management including 25% for one set of traffic signals at Ranford Road intersection with Campbell Road
 - (d) the cost of the acquisition of land required for the road widening of Nicholson Road and Ranford Roads (where these roads abut the ODP area).
 - (e) the cost of shared paths

- (f) the cost of provision of perimeter fencing or other associated management treatments for the identified Conservation Category Wetlands (CCWs); and
 - (g) the cost of acquisition of land identified for public open space as shown on the adopted ODP, which for the purpose of the cost sharing arrangement includes CCWs and land for drainage purposes.
4. In respect to the provision of public open space as shown on the adopted ODP, which for the purpose of the cost sharing arrangement includes CCWs and land for drainage purposes the following is applicable:
- (a) Council shall calculate the proportion of public open space shown on the adopted ODP to the net developable area and use this figure as the basis to determine the contribution rate.
 - (b) A public open space contribution may be provided as either land or a payment equivalent to the value of the land required for public open space or a combination of the two in accordance with the ODP.
 - (c) Landowners who provide land in excess of the contribution rate determined under clause 3(g) for such uses as district drainage, CCWs and public open space, are to be reimbursed by the Scheme to the unimproved value of the land as determined by a licensed valuer or otherwise agreed.
- (3) Inserting into 1.0 of Schedule 12 - the following after the interpretation "Valuer":
- "Development Contribution Plan" means a document containing plans and schedules that outline the operational aspects of the development contribution arrangement and may include, but is not limited to, details pertaining to the extent and cost of common infrastructure works and the methodology for the apportionment of costs within the ODP area.
- (4) Inserting the following after 17.0 of Schedule 12:
- "18.0 Development Contribution Plan

Pursuant to Clause 7.3.1, Council may prepare a Development Contribution Plan detailing the operation of the development contribution arrangement as provided for in Schedule 12.”

STAFF RECOMMENDATION (3 of 3)

Moved Cr R Hoffman Seconded Cr R Mitchell

That Council, in light of formal advice from the Environmental Protection Authority that the Scheme Amendment should not be assessed under Section 48A of the Environmental Protection Act, advertise the amendment for not less than 42 days.

Foreshadowed Motion

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

“That Council defer consideration of item 13.5.2 “West Canning Vale Outline Development Plan” of the 26 April 2005 Ordinary Council Meeting until such time as the Minister for the Environment has examined this matter thoroughly and reached a determination, and prior to any further recommendation to Council, all Councillors be briefed by the Planning Officers of the Council so that all questions and all concerns raised by any Councillors can be addressed.”

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

Staff Recommendation (1 of 3):

STAFF RECOMMENDATION AND COUNCIL RESOLUTION

147 Moved Cr R Hoffman Seconded Cr R Mitchell

“That Council note and adopt the Schedule of Modifications as set out in Appendix 13.5.2B and advise the Western Australian Planning Commission accordingly.”

CARRIED 9/2

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

AGAINST: Cr S Moss and Cr O Searle.

Staff Recommendation (2 of 3):

STAFF RECOMMENDATION AND COUNCIL RESOLUTION

148 Moved Cr R Hoffman Seconded Cr R Mitchell

That Council, pursuant to section 7 of the Town Planning and Development Act 1928 (as amended), initiate an amendment to the City of Gosnells Town Planning Scheme No. 6, for the purpose of:

- (1) Adding to Schedule 12 of the Scheme Text Attachment “C” regarding specific Common Infrastructure Works for the West Canning Vale Outline Development Plan Area.
- (2) Inserting “Attachment “C” to Schedule 12 of the Scheme as follows:

“ATTACHMENT “C” – SPECIFIC PROVISIONS RELATING TO THE WEST CANNING VALE ODP AREA

1. “West Canning Vale Outline Development Plan Area” means the area generally bounded by Nicholson, Campbell and Ranford Roads as shown on Map 1, titled West Canning Vale Outline Development Plan Area.
2. Common Infrastructure works additional to those detailed in the Twelfth Schedule of the Scheme as follows-
 - (a) 50% of the contribution towards constructing one carriageway and full earthworks, shared path and drainage for Ranford Road (where it abuts the ODP area)
 - (b) full Earthworks for the second carriageway of Ranford Road (where it abuts the ODP area).
 - (c) traffic management, including 25% for one set of traffic signals at the Ranford Road intersection of Campbell Road in and abutting the ODP area,
 - (d) the construction of shared paths in the ODP area and peripheral roads
 - (e) service relocation in the upgrading of Nicholson Road where it abuts the ODP area; and
 - (f) the provision of perimeter fencing and other associated management treatments for the

- identified Conservation Category Wetlands (CCWs).
3. Cost contributions additional to those detailed in the Twelfth Schedule of the Scheme, as follows-
- (a) 50% of the contribution towards constructing one carriageway and full earthworks, shared path and drainage for Ranford Road (where it abuts the ODP area)
 - (b) full Earthworks for the second carriageway of Ranford Road (where it abuts the ODP area).
 - (c) the cost of traffic management including 25% for one set of traffic signals at Ranford Road intersection with Campbell Road
 - (d) the cost of the acquisition of land required for the road widening of Nicholson Road and Ranford Roads (where these roads abut the ODP area).
 - (e) the cost of shared paths
 - (f) the cost of provision of perimeter fencing or other associated management treatments for the identified Conservation Category Wetlands (CCWs); and
 - (g) the cost of acquisition of land identified for public open space as shown on the adopted ODP, which for the purpose of the cost sharing arrangement includes CCWs and land for drainage purposes.
4. In respect to the provision of public open space as shown on the adopted ODP, which for the purpose of the cost sharing arrangement includes CCWs and land for drainage purposes the following is applicable:
- (a) Council shall calculate the proportion of public open space shown on the adopted ODP to the net developable area and use this figure as the basis to determine the contribution rate.
 - (b) A public open space contribution may be provided as either land or a payment equivalent to the value of the land required for public open space or a combination of the two in accordance with the ODP.

- (c) Landowners who provide land in excess of the contribution rate determined under clause 3(g) for such uses as district drainage, CCWs and public open space, are to be reimbursed by the Scheme to the unimproved value of the land as determined by a licensed valuer or otherwise agreed.
- (3) Inserting into 1.0 of Schedule 12 - the following after the interpretation "Valuer":

"Development Contribution Plan" means a document containing plans and schedules that outline the operational aspects of the development contribution arrangement and may include, but is not limited to, details pertaining to the extent and cost of common infrastructure works and the methodology for the apportionment of costs within the ODP area.

- (4) Inserting the following after 17.0 of Schedule 12:

"18.0 Development Contribution Plan

Pursuant to Clause 7.3.1, Council may prepare a Development Contribution Plan detailing the operation of the development contribution arrangement as provided for in Schedule 12."

CARRIED 9/2

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

AGAINST: Cr S Moss and Cr O Searle.

Staff Recommendation (3 of 3):

STAFF RECOMMENDATION AND COUNCIL RESOLUTION

149 Moved Cr R Hoffman Seconded Cr R Mitchell

"That Council, in light of formal advice from the Environmental Protection Authority that the Scheme Amendment should not be assessed under Section 48A of the Environmental Protection Act, advertise the amendment for not less than 42 days."

CARRIED 9/2

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

AGAINST: Cr S Moss and Cr O Searle.

Notation

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

13.5.3 DEVELOPMENT APPLICATION – POULTRY FARM – 64 (LOT 510) STEBBING ROAD, MADDINGTON

File: 230829 **Approve Ref:** 0405/1848 (SW) Psrpt038Apr05
Name: Altona Hatchery Pty Ltd
Location: 64 (Lot 510) Stebbing Road, Maddington
Zoning: MRS: Industrial
TPS No. 6: General Industry/Local Open Space
Appeal Rights: Yes. State Administrative Tribunal against a refusal or any condition(s) of approval.
Area: 3,040m²
Previous Ref: Nil.

PURPOSE OF REPORT

For Council to consider an application for a poultry farm at 64 (Lot 510) Stebbing Road, Maddington as the proposal is outside the authority delegated to staff.

BACKGROUND**Site Inspection**

The site is zoned General Industry under Town Planning Scheme No. 6 (TPS 6) and contains an existing Office and Warehouse. It is located approximately 75 metres from the nearest residential zoned land (see Location Plan), with an area of public open space separating the industrial zoned land from the residential zoned land.

Town Planning Scheme No. 6 (TPS6)

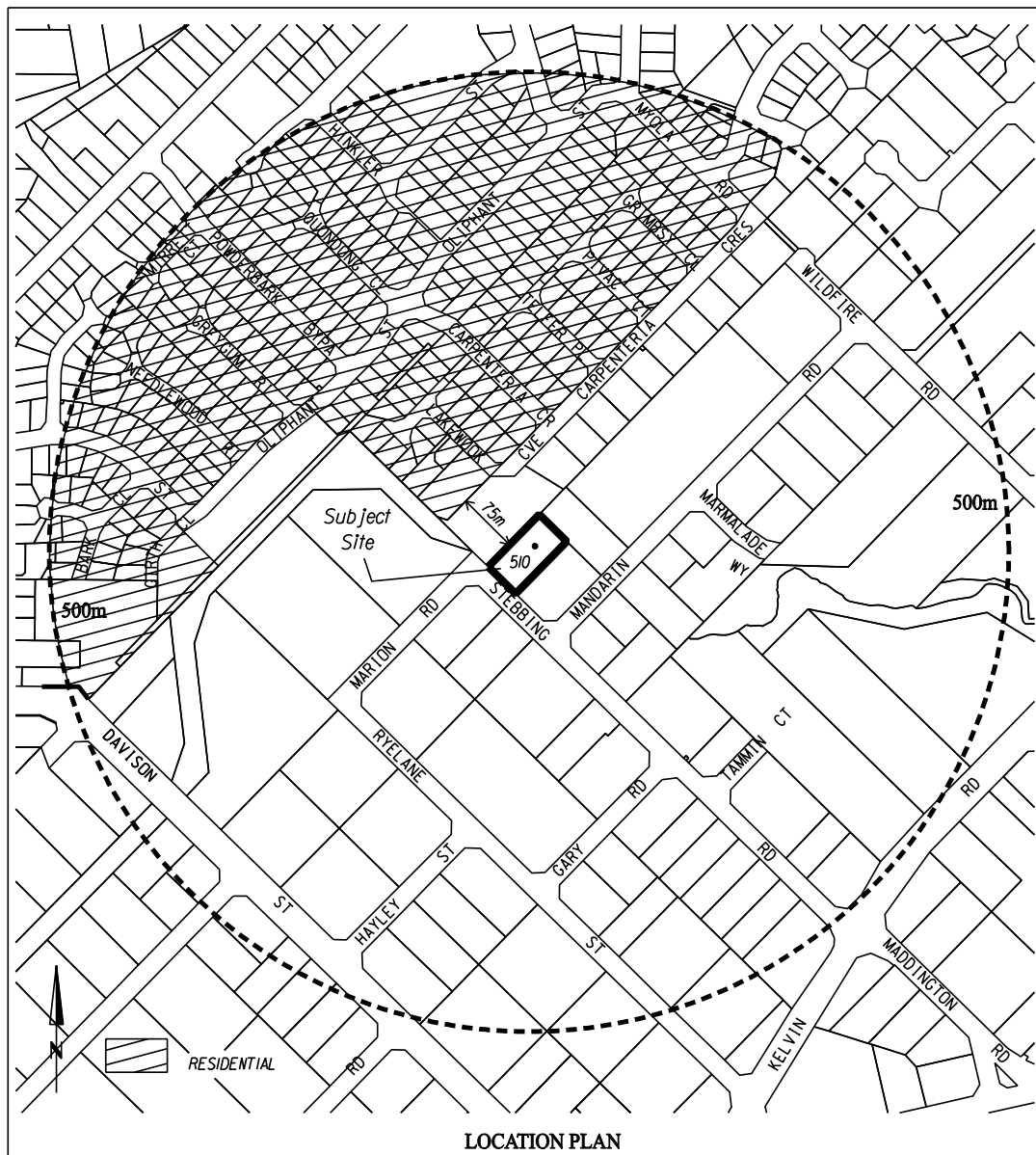
The proposal falls within the Use Class of ‘Animal Husbandry – Intensive’ under TPS6, which means,

“premises used for keeping, rearing or fattening of pigs, poultry (for either egg or meat production), rabbits (for either meat or fur production) and other livestock in feedlots.”

Animal Husbandry – Intensive is an “A” use in the General Industry zone, which means that it is a discretionary use which requires advertising to the public prior to any approval being issued.

TPS6 states that the following relevant matters are to be considered when determining this application for planning approval:

- “(c) any approved statement of planning policy of the Commission;*
- (e) any relevant policy or strategy of the Commission and any relevant policy adopted by the Government of the State;*
- (n) the preservation of the amenity of the locality”*



Policy No. 6.2.12 – Animal Husbandry – Intensive

Policy No. 6.2.12 states that it applies to any lot that is zoned General Rural or Special Rural under TPS6, whereas the subject land is zoned General Industry. However, the following clause within the policy does not appear limited to those zones:

“New development of commercial poultry rearing or egg producing establishments within the City of Gosnells shall not be approved.”

Western Australian Planning Commission (WAPC) Statement of Planning Policy No. 4.3 - Poultry Farms Policy

The purpose of Statement of Planning Policy No. 4.3 (SPP 4.3) is to identify the issues that the WAPC and Local Government should address when considering planning applications involving poultry farms. It defines Poultry Farm as meaning,

“land and buildings used for rearing or keeping of poultry for breeding, commercial egg production or commercial meat production.”

Elsewhere, SPP 4.3 states that there are three principal types of poultry farms: caged birds (egg laying operation), broiler (meat production) and breeder operations.

The section of SPP 4.3 that deals with new poultry farms is reproduced below:

“5. Policy Provisions

5.1 New Poultry Farms

5.1.1 Poultry farming is essentially a rural activity and new poultry farms should be located on rural zoned land.

Because of their potential impacts, new poultry farms should avoid:

- Existing or proposed residential areas and land identified for future residential development in current planning strategies or town planning schemes;*
- Existing or proposed rural-residential areas identified in current planning strategies or town planning schemes;*
- Priority 1 surface and groundwater catchment areas. (Proposed developments on water resource management areas are required to comply with the Waters and Rivers Commission Draft Guidelines for Poultry Sheds.)*

5.1.2 New poultry sheds will only be permitted in accordance with the following general buffer guidelines:

- 500 metres from any existing or future residential zone;*
- 300 metres from any existing or future rural-residential zone;*
- 100 metres from the boundary of the poultry farm.”*

Environmental Code of Practice for Poultry Farms (May 2004)

This Code of Practice was prepared by the poultry industries in Western Australia in conjunction with the State Government and other relevant parties, including local government. The Code:

- Helps interpret controversial issues as appropriate separation buffers from sensitive environments;**
- Makes it easier to understand and manage the issues of concern to Government when establishing or expanding poultry farms;**
- May provide a marketing advantage for the industry as it aims for sustainable, environmentally friendly product practice;**

- Permits benchmarking of farms against recognized acceptable environment practice and assists the industry in dealing with farms that operate in a sub-standard manner, and
- References relevant documentation that will aid in the Best Practice operation and management of a poultry farm.

The Code of Practice describes a hatchery as a type of poultry farm, and endorses the buffers stipulated in SPP 4.3.

Proposal

The following is a summary of the proposed use, which would occupy the existing industrial building (see Site Plan):

- Fertilized eggs are received once a week: these eggs are placed in an incubator for 22 days and then they hatch. The chicks are packed direct from the incubator lines after hatching, and they are distributed within 24 hours of hatching; there is no feeding or watering of the chicks.
- The hatchery generally hatches twice a week, on a Monday and a Thursday. On these days there are up to 15 staff on-site.
- On other weekdays 10 staff would be on-site.
- Hours of operation are 7am to 5pm Monday to Friday, with weekend operations being restricted to essential work or emergency repairs.

The applicant has provided the following information in support of their application:

“Our present hatchery has operated for the past 20 years at 344 Hawtin Road, Forrestfield in the Shire of Kalamunda; it has been completely acceptable by the Shire and residents as not being productive of any noise, odours or nuisance factors.

Enclosed is a copy of a Report to Council dated 18 October 1995 which clearly infers that the WA Planning Commission’s 500m buffer around poultry establishments does not apply to hatcheries.”

DISCUSSION

Despite the applicant’s statement that the standard 500 metre buffer from a new poultry farm to residential development does not apply to hatcheries, neither SPP 4.3 or the Code of Practice exclude hatcheries from either the definition of poultry farm, or the buffer requirement. The proposal does not provide that 500 metre buffer (as shown on the Location Plan), as the site is only 75 metres from residential development. The proposal does not comply with the intent of Policy No. 6.2.12 which is that there should be no new poultry farms within the City of Gosnells.

As mentioned above, Animal Husbandry – Intensive is an “A” use in the General Industry zone, which requires advertising to the public prior to any approval being issued. No advertising has been carried out for the proposal, given the abovementioned non-compliance with buffer requirements and Policy No. 6.2.12.

CONCLUSION

Given the abovementioned non-compliance with the buffer requirements of SPP 4.3 and Policy No. 6.2.12, it is recommended that the proposal be refused.

FINANCIAL IMPLICATIONS

Nil.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION
--

150 Moved Cr S Moss Seconded Cr P Wainwright

“That Council refuse the application for a poultry farm at 64 (Lot 510) Stebbing Road, Maddington for the following reasons:

1. The proposal does not comply with the buffer requirements of Western Australian Planning Commission (WAPC) Statement of Planning Policy No. 4.3 - Poultry Farms Policy.
2. The proposal has the potential to adversely affect the amenity of the locality.”

CARRIED 11/0

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

AGAINST: Nil.

13.5.4 DEVELOPMENT APPLICATION – PRIVATE BMX/MOTOR BIKE TRACK – 72-76 (LOT 82) RUSHTON ROAD, MARTIN

File: 232042 **Approve Ref:** 0405/1818 (SC) Psrpt040Apr05
Name: G R Biffen
Location: Lot 82 Rushton Road, Martin
Zoning: MRS: Rural
 TPS No. 6: General Rural
Appeal Rights: Yes. State Administrative Tribunal against a refusal or any condition(s) of approval.
Area: 9,432m²
Previous Ref: Nil.

PURPOSE OF REPORT

For Council to consider a application for a Private BMX/Motor Bike Track at 72-76 (Lot 82) Rushton Road, Martin as the proposal is outside the authority delegated to staff to determine.

BACKGROUND**Site Description**

The subject lot is 9,432m² in area and zoned 'General Rural' under Town Planning Scheme No. 6 (TPS 6). The surrounding lots comprise single dwellings with rural/residential land use activities such as the keeping of horses. Hillside Farm is located at the end of Hayward Road to the west and Ellis Brook Reserve at the end of Rushton Road.

Site History

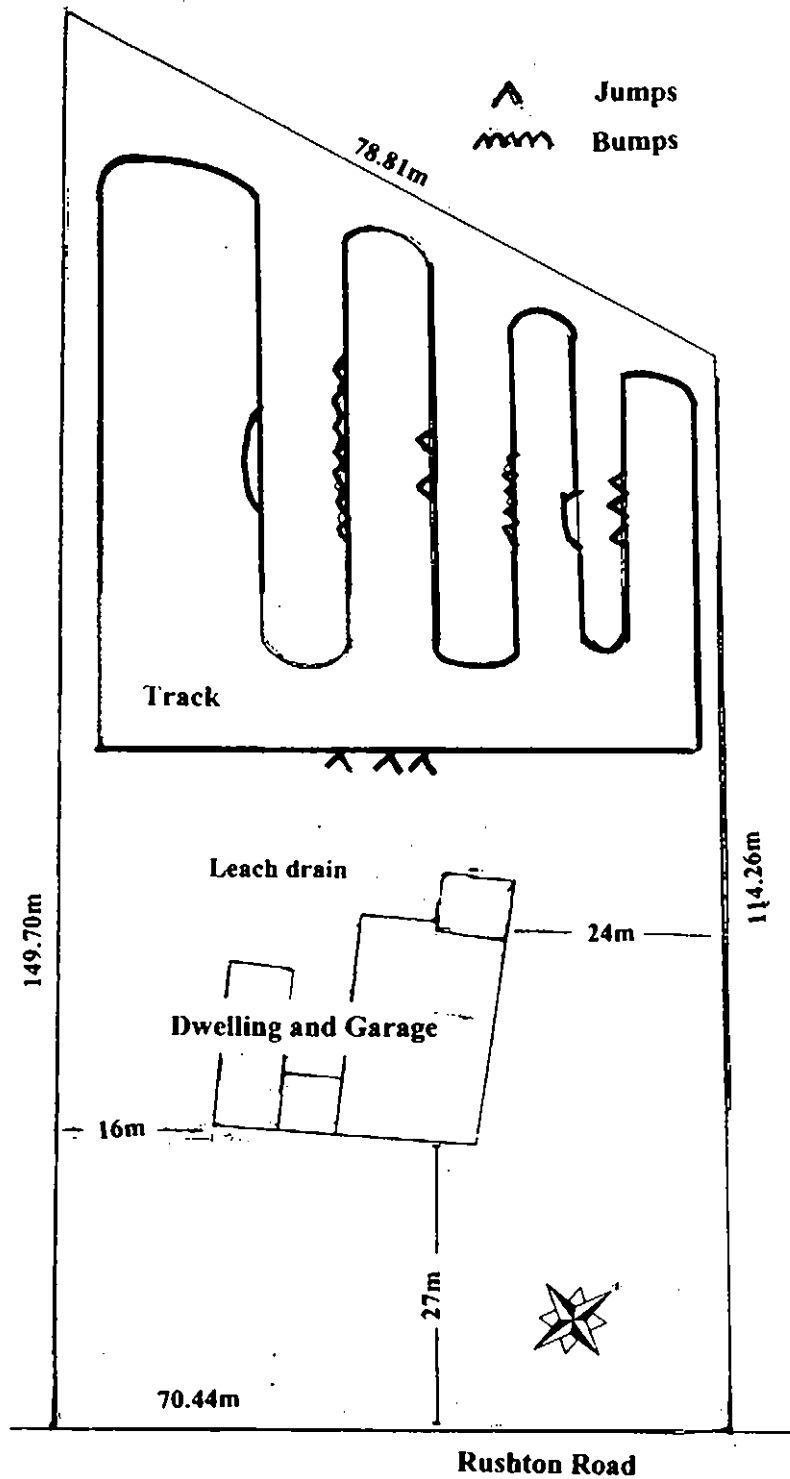
In the past a number of complaints regarding noise nuisance have been received by the City stemming from motorbike use on the property. A check of the City's records confirmed that no formal approval had been sought by the owner for the construction and periodic use of a motor bike track. On 27 September 2004, the owner was formally advised that this was a breach of TPS 6 and the relevant development application forms provided.

The Proposal

On 6 January 2005 a development application for private BMX/Motorbike track was submitted. The applicant has advised that his three sons race Motorcross and BMX as their main sporting activity and in the past three years have reached a high level in these sports. The track was built for training from March to September during the racing and pre-seasons.

The track is dirt only with 6 to 9 jumps together with small stutters and berms at the corners. Most riding takes place between 3.30pm and 6pm Monday to Friday and usually twice per week. The applicant also stated that the alteration of the track with additional jumps would slow the bikes down thus reducing noise levels. This would

allow his sons to concentrate on technique rather than just speed. In addition, more trees would be planted to assist with noise and the visual aesthetics of the property.



SITE PLAN

72 (Lot 82) Rushton Road, Martin.

DISCUSSION

Draft Foothills Rural Strategy

The subject lot is located within Precinct 3 of the Foothills Rural Strategy which is currently with the Western Australian Planning Commission (WAPC) for determination. Any development proposals shall therefore have due regard for the objectives of this precinct area which are as follows:

- Protect, conserve and enhance the landscape character;
- Protect, enhance and conserve the natural environment;
- Protect drinking resources and adjacent reserved areas;
- Protect and manage land uses; and
- Maintain an adequate level of bush fire protection.

Accordingly, the area offers a wide variety of rural land uses including rural-residential and rural industry uses. In assessing the proposal for the BMX/Motorcross track, due consideration must be given to the surrounding rural/residential land uses including keeping of horses.

Public Consultation

In accordance with Policy 6.1.1.1 – Advertising/Referral of Development Applications, the proposal for ‘Private Recreation’ was referred to surrounding landowners within a 300metre radius. A total of 14 submissions were received, 4 supporting the proposal and 10 objections (See Location Plan).

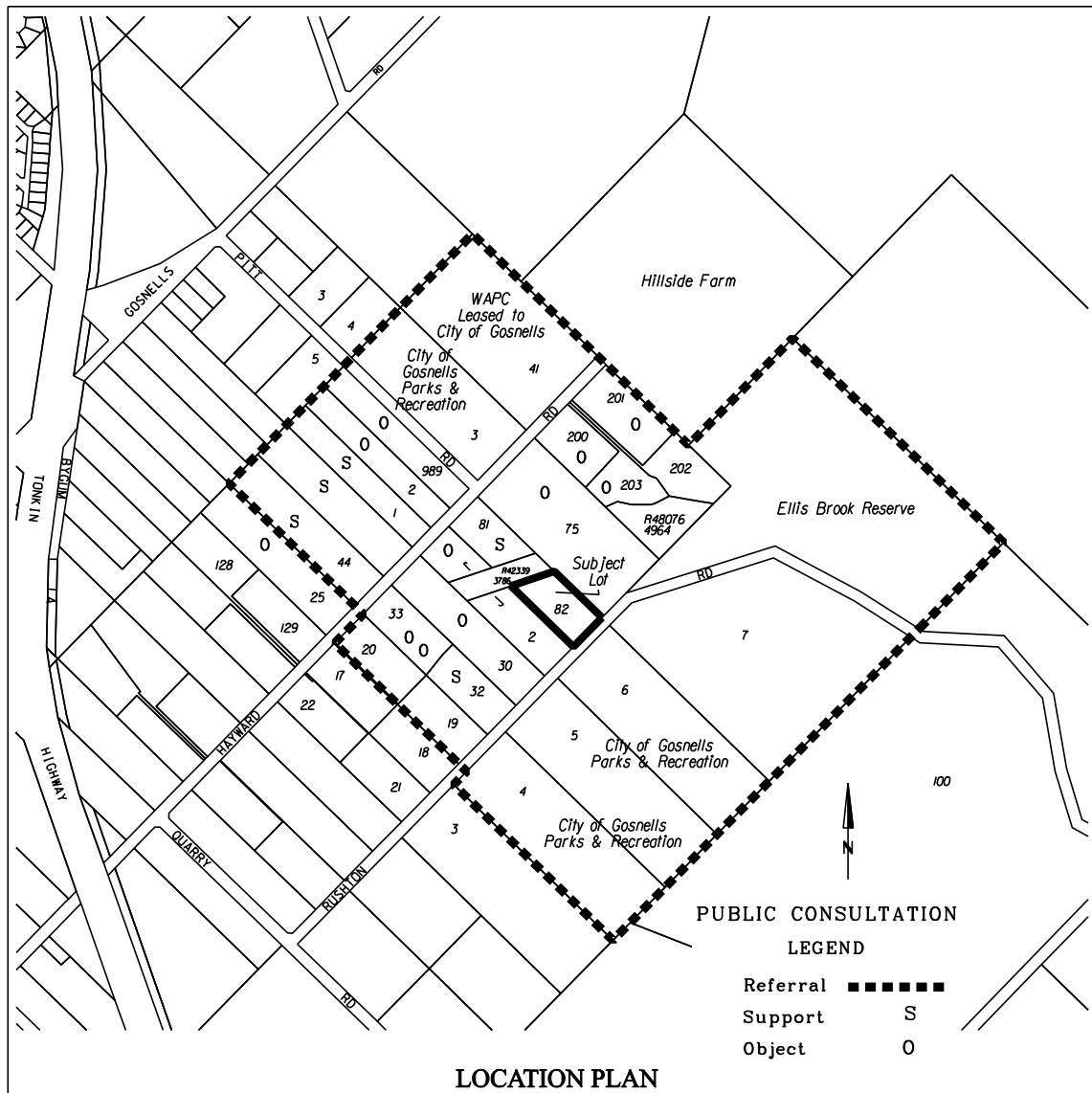
Schedule of Submissions

No.	Name/Address	Description of Affected Property: Lot No, Street, etc	Summary of Submission	Staff Comment
1.	J & P Brown	78 (Lot 1) Hayward Road Martin	Support 1) Agree to times quoted. 2) Suggest tree planting would be of benefit for noise reduction. 3) Object to noise of heavy haulage trucks on Hayward Road during all hours of the night.	Noted. Noted. Noted.
2.	L J Walkley	54 (Lot 32) Rushton Road Martin	Support There is no noise issue and Mr Biffen should be applauded for encouraging his children to participate in sport.	Noted.
3.	WA & J King Pty Ltd PO Box 48 Gosnells	64 & 70 (Lot 44) Hayward Road Martin	Support 1) Additional trees be planted to provide visual screening and minimise noise.	Noted.

No.	Name/Address	Description of Affected Property: Lot No, Street, etc	Summary of Submission	Staff Comment
			2) Times restricted to weekdays 3.30pm – 6pm and Saturday mornings with no use on Sundays or public holidays.	Agree.
4.	CE & C Scoby-Smith	87 (Lot 81) Hayward Road Martin	Support 1) Family has lived here for 32 years and not affected by any noise. 2) Great to see boys having a hobby and an active sport which they enjoy and progress with support from their parents.	Noted. Noted.
5.	EA Burnett	73 (Lot 30) Hayward Road Martin	Object. 1) Excessive noise is stressful 2) Believes more jumps would increase noise as bikes scream when airborne. 3) Dust is also a problem. 4) Applicant also drives car around track which creates more dust.	Refer Discussion section. Refer Discussion section. Refer Discussion section. Noted.
6.	J Lennon	91 (Lot 75) Hayward Road Martin	Object. 1) Noise is an issue (works nights). 2) Dust is an issue especially on windy days. 3) Track is an eyesore. 4) Track devalues properties. 5) Unsuitable location as this a rural area where it is peaceful and quiet (mainly hobby farms) and is 50 metres from Ellis Brook. and close to new picnic and BBQ area. 6) Bikes are banned in the adjacent National Park. 7) Concerns that approval will open flood gates for other motor cross tracks.	Refer Discussion section. Refer Discussion section. Refer Discussion section. There is no evidence that the proposal will devalue properties in the area. Refer Discussion section. Agree – all of road vehicles are banned in Ellis Brook Valley Reserve. Application is for private recreation and is Noted.
7.	A Pickett	77 (Lot 2) Hayward Road Martin	Object. 1) Noise and dust is affecting health.	Refer Discussion section.
8.	S & O McPartland	50 Pitt Road (Lot 989) Martin	Object 1) Noise is an issue as all noise in this valley reverberates on all local homes.	Refer Discussion section.

No.	Name/Address	Description of Affected Property: Lot No, Street, etc	Summary of Submission	Staff Comment
			2) Dust is an issue and applicant also drives car around track which creates more dust.	Noted.
9.	PG & LC Lennon PO Box 13 Gosnells	105 (Lot 200) & 117 (Lot 201) Hayward Road Martin.	Object. 1) Area is zoned rural. 2) Noise and dust from bikes and cars is intolerable and causes discomfort and distress to the horses. 3) City of Gosnells Health Laws 1999 for rural properties states 'soil erosion and tree damage can be seen on many small properties, soil degradation damages the environment, creates dust, causes discomfort and annoyance to neighbours particularly downwind, many of the soils of the costal plain and foothills are fragile'. 4) One of owners of property is asthmatic.	Agree, subject lot is zoned 'General Rural' under TPS 6. Refer Discussion section. Refer Discussion section. Noted.
10.	Mrs D Veitch	63 (Lot 33) Hayward Road, Martin	Object. 1) Motorbikes are not conducive to peaceful rural tone of the area. 2) Extra jumps increase the revs and increases time the bike is in the air still revving. 3) Planting more trees is an admission that the noise is a problem. 4) Concerns regarding noise as 50% of shifts are 12 hour nights resulting in sleeping in the afternoon. Elderly neighbours rest in the afternoons and will also be disturbed by the noise. 5) Dust is a problem with topsoil eroded away by repeated riding and dust covers entire property when windy.	Noted. Refer Discussion section. Noted. Noted. Refer Discussion section.
11.	P Percival PO Box 6745 East Perth WA 6892	63 (Lot 33) Hayward Road Martin	Object. 1) Concerns regarding dust, especially from prevailing Easterly winds.	Refer Discussion section.

No.	Name/Address	Description of Affected Property: Lot No, Street, etc	Summary of Submission	Staff Comment
			2) Concerns regarding noise as extra jumps means more noise. 3) Concerns regarding hours of operation and use of car on the track. 4) Bought property for peace and quiet with horses.	Refer Discussion section. Noted. Proposal is for limited hours of use Monday to Friday. Noted.
12	W & J Barker	82 (Lot 2) Hayward Road Martin	Object. 1) Concerns regarding noise due to the acoustics of the V-shaped valley. 2) Horses and ponies are affected by noise and reverberation. 3) Believes that more jumps will increase noise levels as riders accelerate to attain maximum power just prior to the jumps. 4) Dust from dirt track is a health concern. 5) Area is zoned Special Rural and for the past 14 years have worked hard to restore local bushland including eradicating exotics such as Paterson's Curse, Tagasate, Morning Glory, Lupins, Lovegrass and Cottonbush.	Refer Discussion section. Noted. Noted. Refer Discussion section. Noted.
13	RJ Perkins 28 Weir Crescent Beckenham	113 (Lot 203) Hayward Road Martin	Object 1) Purchase lot to build new home in tranquil rural setting adjacent to Ellis Brook. 2) .Concerns regarding dust and noise.	Noted. Refer Discussion section.
14.	H Alderson	54 (Lot 25) Hayward Road Martin	Object. Area is already polluted with noise from Tonkin Highway at peak hour traffic times, King's Woodchip Mulching Plant and Transport Business, trucks on Hayward Road, the Gun Club on Sundays and aircraft noise	Noted.



In summary the concerns raised related to amenity, dust and noise issues.

Amenity

In assessing a development application, Clause 11.2 of TPS 6 requires that due regard must be given to a range of matters including the following which are seen as relevant to the application currently before Council.

- 11.2(i) compatibility of the use within its setting: Objections have been received regarding noise and dust impact on the surrounding rural/residential development.
- 11.2(l) likely effect of the proposal on the natural environment: Objections have been received regarding detrimental impact on adjacent Ellis Brook and Ellis Brook Reserve picnic area.
- 11.2(n) preservation of the amenity of the locality: Objections have been received regarding detrimental impact on surrounding horse properties.

- 11.2(y) any relevant submissions received on the application: Objections have been received.
- 11.2(za) and any other planning consideration relevant:

The subject lot is located within Precinct 3 of the draft Foothills Rural Strategy whose objectives include the protection of the landscape character and natural environment together with minimising potential for land use conflicts.

The restricted hours of operation of the private BMX/Motorbike track and additional tree planting could be considered to assist in reducing any potential impact. However, given the overall impact on the amenity of the area, including rural residential activities and the adjacent Ellis Brook Valley reserve, the proposal is not considered appropriate.

It should be noted that there are a number of approved Motorcycle and BMX clubs and tracks within the Perth metropolitan area which can be used for practice and training purposes.

Noise and Dust

The Environmental Protection (Noise) Regulations 1997 and the Ambient Air Quality Goals for Total Suspended Particulates as recommended by the National Health and Medical Research Council, Australia (1986) set standards and criteria for noise and dust.

Noise from trail bikes may be considered as “specified equipment” in accordance with regulation 14 of the Environmental Protection (Noise) Regulations 1997 provided that:

- the specified equipment is used in a reasonable manner;
- the specified equipment has not been used more than 2 hours since the beginning of the relevant day; and
- the noise resulting from the use of that specified equipment on those premises, having regard to the duration of the noise emission, the frequency of similar noise emissions from those premises and the purpose for which the equipment is to be used, does not unreasonably interfere with the health, welfare, convenience, comfort or amenity of an occupier of premises receiving the noise.

As most riding takes place for a period greater than 2 hours on any given day and complaints have been received concerning unreasonable noise, it appears unlikely that the trail bikes would meet the assigned levels as determined under the regulations.

Dust, also referred to as particulate matter, is defined as particles that can remain suspended in air. The issue of dust impact is difficult to quantify without sound site-specific technical analysis. Dust may be generated either by wind or the use of the track by BMX/Motorbikes. In this case, dust will likely be generated from both sources. Although dust may be controlled through appropriate buffer distances and the use of dust suppression measures, this has not been demonstrated and an unacceptable dust impact is likely to occur due to site conditions.

Given previous complaints, the number of objections, concerns raised from surrounding landowners, land use conflict with the current zoning plus likely noise and dust emissions, the operation of the private BMX/Motorbike track will have the potential to impact upon and affect the amenity of surrounding sensitive land uses. It is for this reason the proposal is not supported.

CONCLUSION

The proposal for a private BMX/Motorcross track is considered to be not compatible with the range of matters identified in Clause 11.2 of TPS 6, which need to be considered by Council when assessing development applications. In addition the proposal does not comply with the noise and dust criteria and standards of the Environmental Protection (Noise) Regulations 1997 and the Ambient Air Quality Goals for Total Suspended Particulates as recommended by the National Health and Medical Research Council, Australia (1986).

Approval of the application is therefore not supported.

FINANCIAL IMPLICATIONS

Nil.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION
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151 Moved Cr S Iwanyk Seconded Cr D Griffiths

“That Council refuse the development application for a private BMX/Motorcross track at 72-76 (Lot 82) Rushton Road, Martin for the following reasons:

1. The proposal is seen as being detrimental to the amenity of the area with respect to non compatibility of the use with the surrounding rural residential lifestyle, rural activities and Ellis Brook Valley Reserve (refer to Clause 11.2 of Town Planning Scheme No. 6).
2. The proposal is unlikely to comply with Department of Environment (Noise) Regulations 1997.
3. The proposal does not comply with the Ambient Air Quality Goals for Total Suspended Particulates as recommended by the National Health and Medical Research Council, Australia (1986).”

CARRIED 10/1

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

AGAINST: Cr J Brown.

**13.6.1 FRONT BOUNDARY REDUCED SETBACK TO CARPORT - LOT 33
CLOVERTREE STREET MADDINGTON**

File: 228457 Approve Ref: (ES) Rpt008
Name: Patio Innovations
Location: Lot 33 (No.39) Clovertree Street, Maddington
Zoning: MRS: Urban
TPS No. 6: Residential R17.5
Appeal Rights: Yes. State Administrative Tribunal.
Area: 688m²

PURPOSE OF REPORT

For Council to consider a proposal to erect a carport, having a reduced front setback, wall and ridge height outside Council Policy, at the front of the residence at Lot 33 (No.39) Clovertree Street, Maddington.

BACKGROUND

Council is in receipt of a building application to construct a colourbond carport to the front of the existing single storey, brick and tile residence at Lot 33 Clovertree Street, Maddington. The carport, which is to house a caravan, measures 7.3metres x 4.3metres with a head height of 3.4metres and has a pitched gable roof to height of 4.7metres. The proposed front set back is 2.4metres.

A carport is a roofed structure designed to accommodate one or more motor vehicles unenclosed.

Due to existing development of the site, the carport can not be positioned behind the 6m setback or the 3m minimum nominated as “*Acceptable Development*” in the Residential Design Codes.

The maximum building height allowed under Council’s Outbuilding Policy 6.2.3 is 4.2metres to the ridge with 3.0metres to walls.

The applicant has also submitted an application for a codes variation and supporting documentation for the proposal.

The proposal was advertised to the five surrounding lot owners requesting comment. No letters of objection were received.

DISCUSSION

In assessing this proposal, consideration must be given to the impact that this proposal will have on the streetscape as a whole.

Residential Design Codes, Part 3 (Streetscape Requirements) Objective

“To contribute towards attractive streetscapes and security for occupants and passers-by, ensure adequate privacy and open space for occupants and provide an attractive setting for buildings.”

Assessment Against the Residential Design Codes

In order to accommodate and encourage flexibility in designs, the Residential Design Codes are structured to allow for two methods of assessment. The two methods of assessing proposals against the Residential Design Codes are under the “*Acceptable Development*” requirements and “*Performance Criteria*”.

Acceptable Development

The Acceptable Development requirements provide specific requirements relating to residential development. Any development proposals that meet the Acceptable Development requirements are deemed to comply with the objectives of Part 3 (streetscape requirements). The requirement to achieve a 6.0metre average is referenced in this part and achieved. However, the averaging provision allows a maximum reduction of 50% being a minimum setback of 3.0metres, the required setback is 2.4metres.

Performance Criteria

The “*Performance Criteria*” is intended to provide guidance for officers to assess proposals which do not meet the “*Acceptable Development*” requirements against the overall objectives of Part 3 (streetscape requirements) of the Residential Design Codes. “*Performance Criteria*” being:

“Buildings set back an appropriate distance to ensure they;

- *Contribute to the desired streetscape;*
- *Provide adequate privacy and open space for dwellings; and*
- *Allow safety clearances for easements for essential service corridors.*

Minor incursions and projections not to detract from the character of the streetscape.

The setback of carports and garages so as not to detract from the streetscape or appearance of dwellings, or obstruct views of dwellings from the street and visa versa.”

On behalf of the property owners, the applicant (Builder) has submitted an application for a Code Variation. In addition, the property owner has submitted the following written comments in support of their proposal:

Support:

- “1. Purpose of the carport is to house a caravan, which due to the size of the caravan is unable to be stored under a standard carport.
2. Purchase of the caravan represents a large financial investment by the owner and it is necessary to protect it from the elements.”

There have been no comments received as a result of Council neighbour notification.

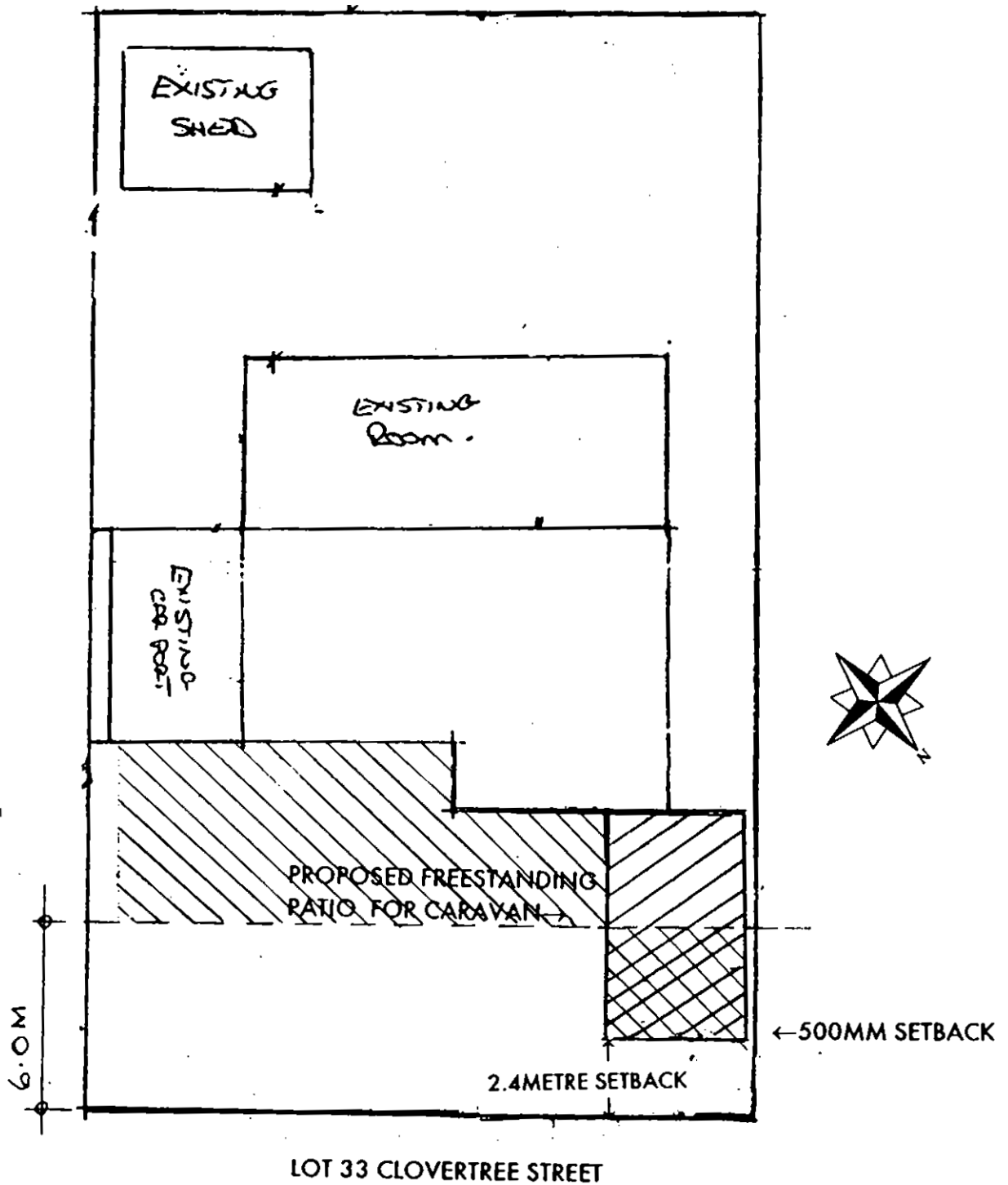
However the adjacent neighbour to the proposal provided a letter of non objection which was submitted with the applicant’s proposal.

Staff Comments

In assessing the proposed variation to the Residential Design Codes for compliance with the Performance Criteria as discussed:

- The Carport does not adversely impact on the streetscape. The Residential Design Codes allows a house and carport to intrude into the street setback area provided there is an *equivalent visible open space area behind the front setback line*. This is achieved with a substantially greater open space area behind the front setback. It is also mentioned that as to not adversely impact the streetscape there should be achieved an open clear view maintained between the dwelling and the street, this is also achieved.
- Provide adequate privacy and open space for dwellings. Open space around the dwelling is provided with a greater than the minimum requirement in front of the dwelling. There are no issues of privacy to neighbouring properties as the use of the structure is for non-habitable purposes. Additionally, no objections were received when the application was advertised regarding this issue.
- The proposed carport does not adversely impact the character of the streetscape, due to the carport being an open structure. The Residential Design Codes allow for neighbouring properties to construct similar or identical structures in the front setback areas. Should the structure have been proposed with the posts setback 3.0metres and with the roof overhang, the structure would be considered in compliance with the Residential Design Codes and approved.
- The proposed carport will have minimal effect on the appearance of the dwelling with the majority of the dwelling still visible from the street, and view from the dwelling will not be interrupted by the construction of the carport.

In making determination on the proposal, it should be noted no objections have been received by any of the property owners who were invited to view the plans and provide written comments.



CONCLUSION

Having considered the application on its merits, staff are of the opinion that the proposal is consistent with the objectives of the relevant Policy and R-Code requirements.

The proposal to reduce the setback from the front boundary to 2.4m to the front of the carport will have minimal effect to the streetscape therefore is in line with the performance requirements of the Residential Design Codes.

FINANCIAL IMPLICATIONS

Nil.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION
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152 Moved Cr R Hoffman Seconded Cr P Wainwright

“That Council approve the building application for the proposed carport, at Lot 33 (No.39) Clovertree Street, Maddington with a reduced front setback of 2.4metres, a head height of 3.4metres and pitched gable roof height of 4.7metres.”

CARRIED 11/0

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

***AGAINST:** Nil.*

12. MINUTES OF COMMITTEE MEETINGS

The Mayor advised the meeting that Cr C Matison due to being a community representative on the City of Gosnells Heritage Advisory Committee had disclosed an Impartiality Interest in the following item in accordance with Regulation 34C of the Local Government (Administration) Regulations 1996.

12.1 CITY OF GOSNELLS HERITAGE ADVISORY COMMITTEE

File: C1/10/1 (PV)
Appendix: 12.1A Minutes of the City of Gosnells Heritage Advisory Committee Meetings held on Thursday 7 April 2005

PURPOSE OF REPORT

For Council to receive the Minutes of the City of Gosnells Heritage Advisory Committee Meeting held on Thursday 7 April 2005 as attached as Appendix 12.1A.

BACKGROUND

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

DISCUSSION

The business of the meeting is reported in the Minutes of the City of Gosnells Heritage Advisory Committee Meeting held on Thursday 7 April 2005 as attached as Appendix 12.1A.

There was one recommendation (Recommendation 13) made at the meeting held on Thursday 7 April 2005 which requires consideration of Council.

Recommendation 13:

“That this Committee endorse the Chairperson to send a letter regarding the retention of the trees located in the Maddington/Kenwick Sustainable Partnership plans, specifically the mature flooded gums located between the Blackburn family practice and the Maverick house property in Blackburn Street, Maddington.”

The meeting discussed an issue of development in Maddington Town Centre and the potential loss of mature trees. Some of these trees are located on privately owned land. The co-ordinator of Maddington Kenwick Sustainable Communities Partnership will attend the next meeting of the City of Gosnells Heritage Advisory Committee meeting to clarify the situation.

FINANCIAL IMPLICATIONS

Nil.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION

153 Moved Cr R Hoffman Seconded Cr S Moss

“That Council receive the Minutes of the Meeting of the Heritage Advisory Committee Meeting held on Thursday 7 April 2005 as attached in Appendix 12.1A.”

CARRIED 11/0

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

AGAINST: Nil.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION

154 Moved Cr R Hoffman Seconded Cr S Moss

“That Council not adopt Recommendation 13 of the City of Gosnells Heritage Advisory Committee meeting held on 7 April 2005, which reads:

“That this Committee endorse the Chairperson to send a letter regarding the retention of the trees located in the Maddington/Kenwick Sustainable Partnership plans, specifically the mature flooded gums located between the Blackburn family practice and the Maverick house property in Blackburn Street, Maddington.”

as the coordinator Maddington Kenwick Sustainable Communities Partnership will attend the City of Gosnells Heritage Advisory Committee meeting on Thursday 2 June 2005 to clarify the situation.”

CARRIED 11/0

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

AGAINST: Nil.

The Mayor advised the meeting that Cr R Mitchell due to being Chairman of the Safe City Task Force Committee, and Cr S Iwanyk due to being a Council delegate to the Safe City Task Force Committee, had disclosed an Impartiality Interest in the following item in accordance with Regulation 34C of the Local Government (Administration) Regulations 1996.

8.55pm – *The Director Planning and Sustainability left the meeting.*

12.2 SAFE CITY TASK FORCE COMMITTEE

File: C1/2/1 (SP)
Appendix: 12.2A Minutes of Safe City Task Force Committee Meeting held on Monday 11 April 2005

PURPOSE OF REPORT

For Council to receive the Minutes of the City of Gosnells Safe City Task Force Committee Meeting held on Monday 11 April 2005.

BACKGROUND

The Safe City Task Force Committee meets every two (2) months to provide advice to Council on the Safe City Initiative.

The Minutes of the Safe City Task Force Committee Meeting held on Monday 11 April 2005 are attached as Appendix 12.2A.

DISCUSSION

There was one recommendation (Recommendation 6) made at the meeting held on Monday 11 April 2005 which requires consideration of Council.

Recommendation 6:

“That the committee invite the Office of Crime Prevention to a meeting with a view of developing a potential partnership to establish proactive parenting and guidance sessions which could be delivered within a community setting.”

FINANCIAL IMPLICATIONS

Nil.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION

155 Moved Cr S Moss Seconded Cr P Wainwright

“That Council receive the Minutes of the Safe City Task Force Committee Meeting held on Monday 11 April 2005 as attached in Appendix 12.2A.”

CARRIED 11/0

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

AGAINST: Nil.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION

156 Moved Cr S Moss Seconded Cr P Wainwright

“That Council adopt Recommendation 6 of the City of Gosnells Safe City Task Force meeting held on Monday 11 April 2005, which reads:

“That the committee invite the Office of Crime Prevention to a meeting with a view of developing a potential partnership to establish proactive parenting and guidance sessions which could be delivered within a community setting.””

CARRIED 11/0

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

AGAINST: Nil.

The Mayor advised the meeting that Cr S Moss due to being a community representative on the RoadWise Committee, Cr R Hoffman due to being Chairman of the RoadWise Committee, Cr P Wainwright due to being a Council delegate on the RoadWise Committee and Cr S Iwanyk due to being a Council delegate on the RoadWise Committee had disclosed an Impartiality Interest in the following item in accordance with Regulation 34C of the Local Government (Administration) Regulations 1996.

12.3 CITY OF GOSNELLS ROADWISE COMMITTEE

File: T7/1/5 (FS) FS4.1b

Appendix: 12.3A Minutes of the City of Gosnells RoadWise Committee Meeting held on Wednesday, 6 April 2005

PURPOSE OF REPORT

For Council to receive the Minutes of the RoadWise Committee Meeting held on Wednesday, 6 April 2005 and consider the recommendations therein.

BACKGROUND

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

DISCUSSION

The business of the meetings is reported in the Minutes provided as Appendix 12.3A.

Recommendation 5 of the Minutes of the RoadWise Committee Meeting held on Wednesday, 6 April 2005, is in relation to the appointment of a Community Representative on the City of Gosnells RoadWise Committee.

Recommendation 5

“That David Miller be recommended for the position of community representative on the City of Gosnells RoadWise Committee.”

Recommendation 6 of the Minutes of the RoadWise Committee Meeting held on Wednesday, 6 April 2005, is in relation to the appointment of a Community Representative on the City of Gosnells RoadWise Committee.

Recommendation 6

“That Neil Somers be recommended for the position of community representative on the City of Gosnells RoadWise Committee.”

The inclusion of Community Representatives joining the City of Gosnells RoadWise Committee will result in improved level of awareness on road safety matters, Community participation and understanding on relevant issues. Through Community

involvement the City of Gosnells will receive greater recognition for its contribution to the public.

The other main points of discussion at the meeting were:

- With regards to the “Defensive Driving Course” dates available to attend are 28 April, 12 May, and 19 May 2005. Course runs from 5:30-7:30pm. There are 20 positions available and participants’ names should be forwarded to the Manager of Technical Services.
- Competition entry forms were handed out to drivers at the Random Breath Test held on the 21 March 2005, approximately 20 entry forms were received with the prize being two \$50 vouchers to Ramon’s at Willow Pond, Canning Vale. Winners are L Lazaro of Kelmscott and L Tuala of Gosnells.
- In relation to Committee Membership an item went to Council on the 12 April 2005 recommending that Council approve membership on the RoadWise Committee for a representative from the Youth Advisory Committee, with the position being filled by Ryan Janes and Daniel Newman on a rotational basis, subject to availability. Additionally two Community representatives have volunteered to join the City of Gosnells RoadWise Committee
- Grant applications for Child Restraints and Drink Driving Campaign (Random Breath Testing) to be submitted by the end of April.

FINANCIAL IMPLICATIONS

Nil.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION

157 Moved Cr R Croft Seconded Cr R Hoffman

“That Council receive the Minutes of the Meeting of the City of Gosnells RoadWise Committee held on Wednesday, 6 April 2005, attached as Appendix 12.3A.”

CARRIED 11/0

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

AGAINST: Nil.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION

158 Moved Cr R Croft Seconded Cr R Hoffman

“That Council adopt Recommendation 5 of the City of Gosnells RoadWise Committee Meeting held on Wednesday 6 April 2005, which reads:

“That David Miller be recommended for the position of Community Representative on the City of Gosnells RoadWise Committee.””

CARRIED 11/0

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

AGAINST: Nil.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION

159 Moved Cr R Croft Seconded Cr R Hoffman

“That Council adopt Recommendation 6 of the City of Gosnells RoadWise Committee Meeting held on Wednesday 6 April 2005, which reads:

“That Neil Somers be recommended for the position of Community Representative on the City of Gosnells RoadWise Committee.””

CARRIED 11/0

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

AGAINST: Nil.

13. REPORTS**13.1 CHIEF EXECUTIVE OFFICER’S REPORT****13.2 COMMUNITY ENGAGEMENT**

13.3 CORPORATE SERVICES

13.3.1 FINANCIAL REPORTS – MARCH 2005

File:	F1/6/1	(FS)	apr26_05fin
Previous Ref:	Strategic Planning Committee 21 November 2000 (Resolution 41)		
Appendix:	13.3.1A Commentary and report on variances		
	13.3.1B Operating Statement by Directorate		
	13.3.1C Balance Sheet		
	13.3.1D Summaries of Reserves, Town Planning Schemes		
	13.3.1E Debtors report		
	13.3.1F Investment report		
	13.3.1G Cash Flow Projection to 30 June 2005		
	13.3.1H Capital Works Report		

PURPOSE OF REPORT

For Council to adopt the financial reports for the month of March 2005.

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 financial statements and commentary for the month of March 2005 are appended.

FINANCIAL IMPLICATIONS

Nil.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION

160 Moved Cr C Matison Seconded Cr O Searle

“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 13.3.1H for the period ended 31 March 2005:

- A. Commentary and report on variances
- B. Operating Statement by Directorate
- C. Balance Sheet
- D. Summaries of Reserves, Town Planning Schemes
- E. Debtors report
- F. Investment report
- G. Cash Flow Projection to 30 June 2005
- H. Capital Works Report.”

CARRIED 11/0

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

***AGAINST:** Nil.*

13.3.2 PAYMENT OF ACCOUNTS

File: F1/6/1

(GW)

Apr26_05acc

PURPOSE OF REPORT

To advise Council of payments made for the period 16 March 2005 to 19 April 2005.

DISCUSSION

Payments of \$9,910,760.91 as detailed in the cheque listing for the period 16 March 2005 to 19 April 2005 which was circulated to Councillors under separate cover and will be tabled at the meeting, have been approved by the Director Corporate Services under delegated authority.

Notation

The Mayor tabled the cheque listing for the period 16 March 2005 to 19 April 2005.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION
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161 Moved Cr S Moss Seconded Cr P Wainwright

“That Council note the payment of accounts as shown in the cheque listing for the period 16 March 2005 to 19 April 2005.”

CARRIED 11/0

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

AGAINST: Nil.

13.3.3 BUDGET VARIATIONS

File: F1/4/1

(RM)

apr26_05bv

PURPOSE OF REPORT

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

DISCUSSION

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

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

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

Account Number	Type	Account Description	Debit \$	Credit \$
JobS1000.1001.1	Expense	Wages – Chief Executive Office	17,000	
JobS1401.1001.1	Expense	Wages – Communications & Marketing		6,000
JobS2050.1001.1	Expense	Wages – Rates Officer		3,000
JobS2060.1001.1	Expense	Wages – Rangers		8,000
	Reason:	To provide funding for the Chief Executive Office Policy Assistant until the end of the financial year.		
JobS1302.1002.1	Expense	Salaries and Wages –Casual City Planning	41,800	
Job301.700.3	Expense	Contracts and Services – IT Equipment	2,200	
JobS1302.1235.754	Expense	Consultancy General City Planning		22,000
JobS1302.1235.856	Expense	Consultancy Planning Project City Planning		10,000
JobS1302.1235.855	Expense	Consultancy Land Administration		2,000
JobS1302.9209.14	Income	Transfer from Reserve TPS 9A		1,500
JobS1302.9215.13	Income	Transfer from Reserve TPS15		1,000
JobS1302.9217.14	Income	Transfer from Reserve TPS 17		2,500
JobS1302.9220.15	Income	Transfer from Reserve TPS20		2,500
JobS1302.9250.16	Income	Transfer from Reserve ODP Canningvale		2,500

Account Number	Type	Account Description	Debit \$	Credit \$
	Reason:	To fund contract staff and purchase IT equipment to progress outstanding work and business improvement investigations funded from budget saving in consultancy and drawn from TPS reserves		
JobS1503.1005.19	Expense	Overhead Recovery Capital – Manager City Facilities	400,000	
JobS1503.1900.37	Income	Overhead Recovery – Manager City Facilities		400,000
	Reason:	To accurately reflect shift of overheads from capital works to maintenance jobs		
JobS2020.1237.11	Expense	External Contractors – Libraries	1,005	
JobS2020.1445.404	Expense	Purchases Periodical – Libraries		1,005
	Reason:	In response to public enquiry additional entry / directional signage is required for Knowledge Centre funded from budget savings		
Job630.143.3	Expense	Wages – Administration Centre	10,187	
Job649.39.3	Expense	Contract and Services - Beckenham Community Centre	9,293	
JobC10005.143.823	Expense	Head Contractor - Misc Building Construction	13,704	
JobC10008.143.823	Expense	Head Contractor – Jean Garvey Reserve	640	
JobC10007.143.823	Expense	Head Contractor – Ops Centre Feasibility Study		30,000
Job630.5004.49	Income	Transfer from Building Reserve		3,824
	Reason:	To fund extra works from Feasibility Study budget savings which will be conducted next financial year		
Job635.143.3	Expense	Contracts & Services - Hester Park	28,189	
Job635.5004.49	Income	Building Construction Reserve – Hester Park		28,189
	Reason:	To complete works started in 2003 funded from Building Construction Reserve		

Account Number	Type	Account Description	Debit \$	Credit \$
Job581.143.3	Expense	Contracts and Services – Hillside Farm	15,421	
Job581.5004.49	Income	Building Construction Reserve – Hillside Farm		15,421
	Reason:	To fund replacement of septic system from Building Construction Reserve		
JobC10003.143.823	Expense	Head Contractor - Southern River Hall	275,000	
JobC10003.7077.190	Income	Reimbursement Insurance – Southern River Hall		211,000
JobC10003.5004.52	Income	Lotteries West Grant – Southern River Hall		19,065
JobC10003.5008.49	Income	Building Construction Reserve – Southern River Hall		44,935
	Reason:	To fund Southern River Hall Re instatement		
JobC10002.5004.52	Income	Grants- Les Sands Pavilion	44,849	
	Income	Contributions – Les Sands Pavilion	44,849	
JobC10002.5008.49	Income	Building Reserve – Les Sands Pavilion		920
JobC10002.143.823	Expense	Head Contractor - Les Sands Pavilion		88,778
	Reason:	To reflect City's contribution to the total project. City was not involved in project management tender or construction		
JobS30.1237.251	Expense	Building Maintenance - Kenwick & Dist Rec	5,280	
JobS41.1237.249	Expense	Electrical – Les Sands Pavilion	1,150	
JobS80.1237.249	Expense	Electrical – Thornlie Football Club	890	
JobS52.1237.248	Expense	Plumbing - Mills Park Bowling Club	360	
JobS80.1237.248	Expense	Plumbing – Thornlie Football Club	566	
JobS41.1237.248	Expense	Plumbing – Les Sands Pavilion	450	
JobS69.261.1	Expense	Wages – Gosnells PCYC	2,000	
JobS21.1237.251	Expense	Building Maintenance – RS Sampson Grandstand	9,304	
JobS77.1900.2	Income	Overhead Recovery - Agonis		5,280
JobS77.1900.2	Income	Overhead Recovery - Agonis		1,150
JobS77.1900.2	Income	Overhead Recovery - Agonis		890
JobS77.1900.2	Income	Overhead Recovery - Agonis		360

Account Number	Type	Account Description	Debit \$	Credit \$
JobS77.1900.2	Income	Overhead Recovery - Agonis		566
JobS77.1900.2	Income	Overhead Recovery - Agonis		450
JobS77.1900.2	Income	Overhead Recovery - Agonis		2,000
JobS77.1900.2	Income	Overhead Recovery - Agonis		9,304
	Reason:	Operational saving in cleaning overhead transferred to building operating expenditure		

STAFF RECOMMENDATION AND COUNCIL RESOLUTION

162 Moved Cr S Moss Seconded Cr R Mitchell

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

Account Number	Account Description	Debit \$	Credit \$
JobS1000.1001.1	Wages – Chief Executive Office	17,000	
JobS1401.1001.1	Wages – Communications & Marketing		6,000
JobS2050.1001.1	Wages – Rates Officer		3,000
JobS2060.1001.1	Wages – Rangers		8,000
JobS1302.1002.1	Salaries and Wages – Casual City Planning	41,800	
Job301.700.3	Contracts and Services – IT Equipment	2,200	
JobS1302.1235.754	Consultancy General City Planning		22,000
JobS1302.1235.856	Consultancy Planning Project City Planning		10,000
JobS1302.1235.855	Consultancy Land Administration		2,000
JobS1302.9209.14	Transfer from Reserve TPS 9A		1,500
JobS1302.9215.13	Transfer from Reserve TPS15		1,000
JobS1302.9217.14	Transfer from Reserve TPS 17		2,500
JobS1302.9220.15	Transfer from Reserve TPS20		2,500
JobS1302.9250.16	Transfer from Reserve ODP Canningvale		2,500
JobS1503.1005.19	Overhead Recovery Capital – Manager City	400,000	

Account Number	Account Description	Debit \$	Credit \$
	Facilities		
JobS1503.1900.37	Overhead Recovery – Manager City Facilities		400,000
JobS2020.1237.11	External Contractors – Libraries	1,005	
JobS2020.1445.404	Purchases Periodical – Libraries		1,005
Job630.143.3	Wages – Administration Centre	10,187	
Job649.39.3	Contract and Services - Beckenham Community Centre	9,293	
JobC10005.143.823	Head Contractor - Misc Building Construction	13,704	
JobC10008.143.823	Head Contractor – Jean Garvey Reserve	640	
JobC10007.143.823	Head Contractor – Ops Centre Feasibility Study		30,000
Job630.5004.49	Transfer from Building Reserve		3,824
Job635.143.3	Contracts & Services - Hester Park	28,189	
Job635.5004.49	Building Construction Reserve – Hester Park		28,189
Job581.143.3	Contracts and Services – Hillside Farm	15,421	
Job581.5004.49	Building Construction Reserve – Hillside Farm		15,421
JobC10003.143.823	Head Contractor - Southern River Hall	275,000	
JobC10003.7077.190	Reimbursement Insurance – Southern River Hall		211,000
JobC10003.5004.52	Lotteries West Grant – Southern River Hall		19,065
JobC10003.5008.49	Building Construction Reserve – Southern River Hall		44,935
JobC10002.5004.52	Grants- Les Sands Pavilion	44,849	
	Contributions – Les Sands Pavilion	44,849	
JobC10002.5008.49	Building Reserve – Les Sands Pavilion		920

Account Number	Account Description	Debit \$	Credit \$
JobC10002.143.823	Head Contractor - Les Sands Pavilion		88,778
JobS30.1237.251	Building Maintenance - Kenwick & Dist Rec	5,280	
JobS41.1237.249	Electrical – Les Sands Pavilion	1,150	
JobS80.1237.249	Electrical – Thornlie Football Club	890	
JobS52.1237.248	Plumbing - Mills Park Bowling Club	360	
JobS80.1237.248	Plumbing – Thornlie Football Club	566	
JobS41.1237.248	Plumbing – Les Sands Pavilion	450	
JobS69.261.1	Wages – Gosnells PCYC	2,000	
JobS21.1237.251	Building Maintenance – RS Sampson Grandstand	9,304	
JobS77.1900.2	Overhead Recovery - Agonis		5,280
JobS77.1900.2	Overhead Recovery - Agonis		1,150
JobS77.1900.2	Overhead Recovery - Agonis		890
JobS77.1900.2	Overhead Recovery - Agonis		360
JobS77.1900.2	Overhead Recovery - Agonis		566
JobS77.1900.2	Overhead Recovery - Agonis		450
JobS77.1900.2	Overhead Recovery - Agonis		2,000
JobS77.1900.2	Overhead Recovery - Agonis		9,304

CARRIED BY ABSOLUTE MAJORITY 11/0

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

AGAINST: Nil.

13.3.4 OCCUPATIONAL SAFETY AND HEALTH POLICY

File: H8/4/1 (ME) April26_05policy
Appendix: 13.3.4A Draft Occupational Safety and Health Policy

PURPOSE OF REPORT

To seek Council approval to adopt the Occupational Safety and Health Policy.

BACKGROUND

The City of Gosnells Occupational Safety Manual was introduced in 2000. As a result of the introduction, a number of policies were revoked and now form part of the Occupational Safety and Health Manual; however after an external audit it was found that the Occupational Safety and Health Policy was not included in the City's Policy Manual.

The Occupational Safety and Health Policy is the overarching document from which the procedures in the Occupational Safety and Health Manual are developed to form a comprehensive document which complies with legislative requirements as per Worksafe.

The Occupational Safety and Health Manual contains the safety and health requirements which stem from the City of Gosnells Occupational Safety and Health Policy and the City of Gosnells Occupational Safety and Health Plan. It was prepared to aid and inform Supervisors and Managers on matters relating to safety and health.

DISCUSSION

The draft Occupational Safety and Health Policy is attached as Appendix 13.3.4A.

The existing Occupational Safety and Health Policy (not adopted by Council) forms part of the Occupational Safety and Health Manual allowing employees, volunteers and contractors access to the City's Policy on safety and health.

If adopted, the Occupational Safety and Health Policy will be displayed in all City buildings.

FINANCIAL IMPLICATIONS

Nil.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION
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163 Moved Cr R Mitchell Seconded Cr S Moss

“That Council adopt the Occupational Safety and Health Policy as attached in Appendix 13.3.4A.”

CARRIED 11/0

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

AGAINST: Nil.

13.3.5 AUSTRALIAN HUMAN RESOURCE INSTITUTE (AHRI) NATIONAL CONVENTION 2005 (PEOPLE LEADING BUSINESS)

File: HR5.3 (PL) Apr26_05ahri
Appendix: 13.3.5A Conference Programme

PURPOSE OF REPORT

To seek the approval of Council for an Elected Member and the Manager Human Resources, to attend the Australian Human Resource Institute (AHRI) National Convention 2005 to be held in Sydney on 6 and 7 June 2005.

BACKGROUND

AHRI is the National association representing Human Resources (HR) professionals and people managers in Australia. The AHRI National Convention 2005 is the largest, most influential forum provided in this country for HR practitioners to learn from leaders in the field and to share their thinking.

DISCUSSION

The Convention offers an opportunity to gain exposure to the ideas, insights, research and best practice solutions of national and international leaders in current and emerging human resource practices. The theme for this year's conference is "leadership". Attendees will have a unique opportunity to network with peers from a diverse range of industries across the nation, which will assist the City in building a strong professional future. A copy of the convention programme is attached as Appendix 13.3.5A.

FINANCIAL IMPLICATIONS

The costs per person (subject to availability) are as follows:

Conference Registration (AHRI member)	\$1,572
Return airfare (Qantas) and 3 nights accommodation	\$1,200
Out of pocket expenses (approximate)	\$250
Total	<u>\$3,022</u>

Funds are available in Account number JobS2000.1362.223, Members' Training/Conferences and Account number JobS1702.1362.223, Human Resources Staff Training/Conferences, respectively.

8.59pm – The Director Planning and Sustainability returned to the meeting.

STAFF RECOMMENDATION

Moved Cr S Iwanyk Seconded Cr J Brown

That Council authorise Councillor _____ and the Manager Human Resources to attend the Australian Human Resource Institute (AHRI) National Convention 2005 to be held in Sydney on 6 and 7 June 2005, at an approximate cost of \$3,022 per person, with funds being met from JobS2000.1362.223 Members Training/Conferences and from JobS1702.1362.223, Human Resources Staff Training/Conferences, respectively.

No Nomination

In light of there being no nomination for a Councillor to attend the Australian Human Resource Institute (AHRI) National Convention 2005, Cr P Wainwright moved the following amendment to the staff recommendation, which was seconded by Cr R Hoffman:

Moved Cr P Wainwright Seconded Cr R Hoffman

That the staff recommendation be amended by deleting the words “Councillor _____ and” where they appear in the first line after the word “authorise”, deleting the words “per person” where they appear in the fourth line after the figure “\$3,022”, deleting the numerals and word “JobS2000.1362.223 Members Training/Conferences and from” where they appear in the fifth line after the word “from” and deleting the word “respectively” where it appears in the seventh line, with the amended recommendation to read:

“That Council authorise the Manager Human Resources to attend the Australian Human Resource Institute (AHRI) National Convention 2005 to be held in Sydney on 6 and 7 June 2005, at an approximate cost of \$3,022, with funds being met from JobS1702.1362.223 Human Resources Staff Training/Conferences.”

CARRIED 11/0

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

AGAINST: Nil.

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

COUNCIL RESOLUTION

164 **Moved Cr P Wainwright Seconded Cr R Hoffman**

“That Council authorise the Manager Human Resources to attend the Australian Human Resource Institute (AHRI) National Convention 2005 to be held in Sydney on 6 and 7 June 2005, at an approximate cost of \$3,022, with funds being met from JobS1702.1362.223 Human Resources Staff Training/ Conferences.”

CARRIED 11/0

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

AGAINST: Nil.

13.4 INFRASTRUCTURE

13.4.1 TENDER 3/2005 SECURITY PATROLS AND GUARD SERVICES

File: TEN/3/2005

(JB)

JB4.1b

PURPOSE OF REPORT

For Council to award Tender 3/2005 – Security Patrols and Guard Services for Council facilities.

BACKGROUND

Tenders were advertised in The West Australian newspaper on 29 January 2005 and closed at 2.00pm on 16 February 2005 for security patrols and guard services to the City for a period of two years. The services include providing timely response to alarm activation at City facilities, safe escort for staff completing work after normal business hours, locking of facilities at night to reduce vandalism and static guards for Council meetings and City events.

DISCUSSION

Details of the tenders received are as follows. Prices exclude GST.

Company name	Address	Estimated monthly cost \$
Callaghan Security Services	PO Box 644, Gosnells, WA 6990	6,431.00
Chubb Security Australia Pty Ltd	63 Abernethy Road, Belmont, WA 6104	14,130.30
Flying Fox Security	34 Catherine Street, Bentley, WA 6102	17,080.00
Australian Maritime & Transport Security (AMT Security)	Old Police Station, Victoria Quay, Fremantle, WA 6160	17,305.84
West Sure Security	PO Box 1331, Morley, WA 6943	6,633.00
Eye Security Australia Pty Ltd	PO Box 189, Belmont, WA 6984	6,149.00

The estimated monthly cost shown above was calculated by multiplying the tendered rates by the estimated monthly usage of each service to provide a realistic figure for assessment purposes.

Tenders were assessed by Council officers using the Weighted Cost Method with the cost range scoring approach in accordance with the Local Government Purchasing and Tender Guide.

All tenderers provided conforming responses in accordance with the request for tender documents and advanced to the qualitative selection process.

Tender evaluation team members conducted individual assessments then discussed the strengths and weaknesses of each submission to provide an agreed score. Weightings and agreed scores are listed below:

Company	Relevant experience in similar contracts 20%		Skills and experience of key personnel 10%		Current capacity and capability 20%		Price 50%		Total score %
	AS	%	AS	%	AS	%	CS	%	
	Callaghan Security Services	4	16	3	6	4	16	4.8	
Chubb Security Australia Pty Ltd	4	16	3	6	3	12	2.2	22	56
Flying Fox Security	2	8	2	4	2	8	1.8	18	38
Australian Maritime & Transport Security (AMT Security)	2	8	2	4	2	8	1.8	18	38
West Sure Security	3	12	3	6	3	12	4.6	46	76
Eye Security Australia Pty Ltd	3.5	14	3.5	7	3	12	5	50	83

AS = Agreed score out of 5

% = Agreed score x weighting divided by 5

CS = Calculated score in accordance with the purchasing and tender guide

The above assessment indicates that Callaghan Security Services achieved the highest score by demonstrating very good company experience, good skills and experience of key personnel, very good capacity and capability to carry out the services requested and they tendered the second lowest schedule of rates.

This company is based in Maddington (approximately 500 metres from the Council Administration Centre) and has provided the requested services to the City for a number of years.

Eye Security Australia Pty Ltd tendered a slightly lower schedule of rates and scored well in the other qualitative criteria, however their submission did not appear to match the proven experience and capability demonstrated by Callaghan Security Services.

FINANCIAL IMPLICATIONS

The services associated with this contract are included in the 2004/2005 budgets for the Infrastructure and Community Engagement Directorates and will be included in the relevant budgets for the life of this contract.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION
--

165 Moved Cr S Moss Seconded Cr D Griffiths

“That Council award Tender 3/2005 – Security Patrols and Guard Services to Callaghan Security Services, PO Box 644 Gosnells, WA 6990 at the tendered schedule of rates (GST exclusive) as shown in the Schedule of Rates below.

Lock up/opening of the following facilities:

Item	Description	Unit	Rate per Unit
1	Hester Park toilet block, Spencer Road, Langford	Item	\$3.50
2	Mills Park No 3 toilet block, Brixton Street, Beckenham	Item	\$3.50
3	Tom Bateman Reserve toilet block, Wilfred Road, Thornlie	Item	\$3.50
4	Tom Bateman Reserve carpark, Wilfred Road, Thornlie	Item	\$3.50
5	Langford Oval gate, Wingrove Road, Langford	Item	\$3.50
6	Leipold Pavilion gate, Gay Street, Huntingdale	Item	\$3.50
7	Community hall opening or closures	Item	\$9.50

Library closures:

Item	Description	Unit	Rate per Unit
8	Thornlie Library, Connemara Drive, Thornlie	Item	\$9.50
9	Kenwick Library, Kenwick Road, Kenwick	Item	\$9.50

Council meetings and function patrolling:

Item	Description	Unit	Rate per Unit
10	Cost per Guard per hour, 0600 – 1800h Mon - Fri	Guard/hr	\$22.00
11	Cost per Guard per hour, 1800 – 0600h Mon - Fri	Guard/hr	\$24.00
12	Cost per Guard per hour, 0600 Sat – 0600 Sun	Guard/hr	\$25.00
13	Cost per Guard per hour, 0600 Sun – 0600 Mon	Guard/hr	\$32.00
14	Cost per Guard per hour, Public Holidays	Guard/hr	\$42.00

Response to alarms on Council buildings

Item	Description	Unit	Rate per Unit
15	Call out fee for attending activated alarm including first 30 minutes attendance.	Per Attendance	\$38.50
16	Per 15 minute fee for remaining on site after attending at any activated alarm as required	Per 15 minutes	\$8.50

Key holding service:

Item	Description	Unit	Rate per Unit
17	Call out fee for attending site including first 30 minutes of attendance.	Per Attendance	\$38.50
18	Per 15 minutes fee for remaining on site after initial attendance	Per 15 minutes	\$8.50

Random patrols on Council buildings:

Item	Description	Unit	Rate per Unit
19	Fee per patrol	Per Attendance	\$3.50

CARRIED 11/0

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

AGAINST: Nil.

13.4.2 TENDER 07/2005 - PURCHASE OF ONE 6X4 REAR LOADING TRUCK MOUNTED REFUSE COMPACTION UNIT

File: TEN/07/2005

(DD)

DD4.1b

PURPOSE OF REPORT

For Council to award Tender 07/2005 for the purchase of one only 6x4 Rear Loading Truck Mounted Refuse Compaction Unit.

BACKGROUND

Tenders were advertised in the West Australian newspaper on Saturday 5 February 2005 and closed on Tuesday 22 February 2005 for the purchase of one only 6x4 Rear Loading Truck Mounted Refuse Compaction Truck, to replace VT524, Isuzu 1400 FV2, registration number 1ASY579. Submissions were received from the following:

Company	Address
WA Hino Sales and Service	24-26 Kewdale Road, Welshpool WA 6106
Skipper Trucks	268 Great Eastern Highway, Belmont WA 6104
Major Motors Pty Ltd	225 Great Eastern Highway, Belmont WA 6104
Smith Broughton and Sons	1 Clayton Street, Midland WA 6056
W and P Truck and Machinery Sales	1835-1841 Hume Highway, Camberfield Vic 3061
MacDonald Johnston Engineering Company Pty Ltd	239 Collier Road, Bayswater WA 6053

DISCUSSION

Details of the tenders received are as follows:

6X4 REAR LOADING REFUSE COLLECTION TRUCK TRADING VT524					
Company	Make & Model	Year	Purchase Price \$	Trade-in or Outright Purchase Price \$	Net Changeover \$
WA Hino Sales and Service	Hino ProRanger 14 (FM1JRPA)	2005	245,165	81,818.18	163,346.82
Major Motors Pty Ltd	Isuzu FVZ 1400	2005	261,850	81,818.18	180,031.82
Skipper Trucks	Iveco Acco (F2350G/285)	2005	261,590	83,350.00	178,240.00
Skipper Trucks	Iveco Acco (F2350G/285) *	2005	265,130	83,350.00	181,780.00
MacDonald Johnston Engineering Co Pty Ltd	19m ³ compactor unit only	Non-conforming tender			
Smith Broughton and Sons	Outright purchase only			67,770.00	
W and P Truck and Machinery Sales	Outright purchase only			75,100.91	

The submission from MacDonald Johnston Engineering Co Pty Ltd is non-conforming as the tender requested a truck and refuse compactor combination and their submission was for the supply of a refuse compactor only.

The second submission from Skipper Trucks (marked *) was for a truck that Skipper Trucks had manufactured “on-spec” for a different client and the sale has not been proceeded with. The truck (cab/chassis) is basically the same as required by the City apart from the rear suspension and engine brake power. Skipper Trucks has submitted it as an alternative tender.

An assessment of the submissions was undertaken in accordance with the tender documentation, and is detailed in the following matrix.

	Skipper Trucks (%)		Major Motors Pty Ltd (%)	WA Hino Sales and Service (%)
		Alternative Submission		
Ability to supply parts in a timely manner (20%)	18	18	18	18
Customer service (10%)	8	8	8	8
Price (70%) – the lowest price is used as the benchmark	65.60	64.73	65.54	70.00
TOTAL	91.60	90.73	91.54	96.00

Fleet vehicle VT524 is a dual axle rear loading refuse collection truck and is used mainly to service commercial properties. It has a factory fitted “external” cab for the driver’s assistant which allows the person to travel between collection points without having to enter the main cab. The new vehicles offered will not have this facility due to safety concerns and ongoing litigation between a plaintiff, the vehicle manufacturers and a local government. The City’s Fleet Services staff have inspected all the vehicles offered with particular attention being made to ease of egress/ingress to the cab, as the driver’s assistant will be required to travel in the cab at all times. There was some concern as to the height of the steps on the Isuzu vehicle offered by WA Hino Sales and Service, however they have agreed in writing to modify the steps to the City’s requirements at no extra cost.

It is therefore the opinion of the City’s Fleet Services staff that any of the vehicles offered would be suitable for Council’s requirements and that the after sales service provided by the tenderers would be satisfactory. It can be seen from the above evaluation matrix that the submission from WA Hino Sales and Service has scored the highest, it will therefore be recommended that the City award the tender to them.

FINANCIAL IMPLICATIONS

The replacement of VT524 is scheduled to take place in 2005/2006. However, as there is generally a 16 to 18 week waiting list for the manufacture of waste collection vehicles, and the replacement vehicle is required as early in the new financial year as possible, the tender has been advertised in the latter part of 2004/2005.

An amount of \$164,000 has been included in the draft 2005/2006 budget to cover the purchase of a new vehicle.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION
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166 Moved Cr P Wainwright Seconded Cr R Hoffman

“That Council award Tender 07/2005, purchase of one 6x4 Rear Loading Truck Mounted Refuse Compaction Unit, to WA Hino Sales and Service, 24-26 Kewdale Road, Welshpool WA 6106, for the supply of one Hino Pro Ranger 14 (FM1JRPA) 6x4 truck with a MacDonald Johnston Engineering rear loading compactor for \$245,165 on the basis of trading-in VT524, registration number 1ASY579 for \$81,818.18, giving a net changeover cost of \$163,346.82.”

CARRIED 11/0

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

AGAINST: Nil.

13.4.3 TENDER 10/2005 – PURCHASE OF ONE ONLY FIVE GANG TRAILED MOWER

File: TEN/10/2005

(DD)

DD4.1b

PURPOSE OF REPORT

For Council to award Tender 10/2005 for the purchase of one only Five Gang Trailed Mower.

BACKGROUND

Tenders were advertised in the West Australian newspaper on Saturday 5 February 2005 and closed on Tuesday 22 February 2005 for the purchase of one only five gang trailed mower, trading VM525, John Deere 5 Gang Mower, registration number 1TAL 578. Submissions were received from the following:

Company	Address
McIntosh and Sons	547 Great Eastern Highway, Redcliffe WA 6104
E and M J Rosher Pty Ltd	1478 Albany Highway Kenwick WA 6107

DISCUSSION

Details of the tenders received are as follows:

5 Gang Trailed Mower _ Trading VM525					
Company	Make and Model	Year	Purchase Price \$	Trade-in or Outright Purchase Price \$	Net Changeover \$
McIntosh and Sons	Ransomes TG 3400		50,000	5,000	45,000
Rosher Pty Ltd	Hayter TM549 (8Blade)		48,825	4,675	44,150
Rosher	Hayter TM549 (6Blade)		45,250	4,250	41,000

An assessment of the submissions was undertaken in accordance with the tender documentation and is detailed in the following matrix.

	McIntosh and Sons	Rosher Pty Ltd (8 Blade)	Rosher Pty Ltd (6 Blade)
Ability to supply parts in a timely manner (20%)	18	18	18
Customer service (10%)	9	9	9
Price (70%) – the lowest price is used as the benchmark	63.35	64.87	70.00
TOTAL	90.35	91.87	97.00

Parks and Environmental Operations staff assessed the mowers offered and made the following observations.

- The Hayter TM 549 is designed to limit of clippings collected on or around the machine during operation. This provides for a safer more efficient operation.
- The Hayter TM 549 (6 blade) does not produce the same quality of cut as the 8 blade mower and is not ideally suited for the City's requirements.
- The Hayter TM 549 (8 blade) is a heavier machine than the Rasomes TG3400 which provides a deeper cut for heavy thatch control.
- The Hayter TM 549 (8 blade) has a spring loaded collision reduction system that limits damage to units if/when they collide with bollard, trees, etc.
- The Hayter TM 549 can be fitted with Electro lift (optional extra, cost \$4,000) unit that enables a safer operation as well as a quick transfer of machinery to the tractor unit. This suits the City's operations as it allows for the rapid change of mowing options behind the same tractor in any given week.

It can be seen from the above matrix that the Hayter TM 549 (6 Blade) machine has the highest score and that the Hayter TM 549 (8 Blade) and Ransomes TG 3400 come second and third respectively. As the Hayter TM 549 (6 Blade) does not completely suit the City's requirements, it will be recommended that the tender be awarded to Rosher Pty Ltd for a Hayter TM 549 (8 Blade) unit, on the basis of trading in VM525.

FINANCIAL IMPLICATIONS

The 2004/2005 Budget has an allocation of \$55,000 for the trade in of VM525 and the purchase of a replacement unit. As the net change over cost is well within the budget allocation it will be recommended that the City also purchases an Electro lift unit to suit Hayter TM549.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION
--

167 Moved Cr O Searle Seconded Cr D Griffiths

“That Council award Tender 10/2005 - Purchase of one only Five Gang Trailed mower to E and M J Rosher Pty Ltd, for the supply of the Hayter TM 549, 8 Blade unit for \$48,825 and trading VM525 for \$4,675, giving a net changeover cost of \$44,150.”

CARRIED 11/0

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

AGAINST: Nil.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION

168 Moved Cr O Searle Seconded Cr D Griffiths

“That Council approve the purchase of an electro lift unit to be fitted to the Hayter TM549 at a cost of \$4,000.”

CARRIED 11/0

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

AGAINST: Nil.

13.4.4 FLOODLIGHTING OF ACTIVE RESERVES

File: F3/2/11 (RW) RW4.1b
 Previous Ref: OCM 23 October 2001 Recommendations 885, 886, 893, 894
 OCM 26 October 2004 Recommendation 616

PURPOSE OF REPORT

To advise Council of the status of the Community Sport and Recreation Facility Fund triennium funding for floodlighting awarded in 2002 and make recommendations to ensure the complete allocation of all of the funding to the City.

BACKGROUND

The Community Sport and Recreation Facility Fund (CSRFF) is an annual funding opportunity provided by the Department of Sport and Recreation to assist with the development or enhancement of community sport and recreation facilities.

The existing floodlighting on many of the City's active reserves was installed before the development of floodlighting standards and as such is inadequate. For example for a senior AFL oval, the existing two floodlighting poles were placed diagonally opposite each other, whereas by current standards they are placed on the same side of the sports area so that spill light on the periphery of each pole is combined to provide a higher standard of light across a larger area. The placement of the existing light poles when combined with the age of the infrastructure fails to meet the current standards. While some active reserves have been upgraded courtesy of the Council, user groups and in some cases a contribution from the State, others are substandard.

In 2001, the City of Gosnells applied for funding to floodlight four active reserves: Langford Sports Complex, Sutherlands Park, Walter Padbury Reserve and Mills Park. The grant was successful and was issued over a three year period. The total value of the CSRFF contribution is \$246,000 allocated across the reserves as follows:

Oval	Total	CSRFF Contribution
Langford Oval	\$200,000	\$ 67,000
Mills Park	\$270,000	\$ 90,000
Sutherlands Park	\$106,000	\$ 35,500
Walter Padbury Reserve	\$160,000	\$ 53,500
Total	\$736,000	\$246,000

DISCUSSION

To date Langford Sports Complex and Sutherlands Park have been completed and acquitted in full. Both Mills Park (Mills 1, 2, 3 and 4) and Walter Padbury Reserve (Hume Road Oval) have not been completed.

The above floodlighting projects have not been completed as the users are unable to make a financial contribution to the funding as per Councils Policy 2.4.16 Usage of Sports Grounds (which now includes floodlighting upgrades and installation) which states:

“Council shall only consider requests for lighting where it can be clearly demonstrated that the Club or Consortium of clubs using a City of Gosnells Sports Ground can clearly meet a contribution of a minimum of one third of all capital costs.”

The difficulty in applying the above policy is that not all community organisations have the financial capacity to support a large contribution to a capital project such as floodlighting, particularly smaller groups. While smaller groups could form a consortium of users, if one member of a proposed consortium is unable to meet the financial obligation it denies the others the opportunity. For many of the larger clubs there is a resentment that they must contribute one third for six months seasonal access whereby the alternate seasonal user reaps the benefits without necessarily making any financial contribution.

The CSRFF report (Ordinary Council Meeting 23 October 2001) stated that the community groups had not been consulted about their ability to make a financial contribution as it was felt that if the funding application was successful, it would make a more attractive proposition to the groups. According to the report, if the groups were unable to meet the obligation then the funding could be returned. The cost of returning this funding is no floodlighting infrastructure upgrades to Mills Park and Hume Road Oval and the loss of a potential \$143,500 in funding from the State.

In the case of Mills Park Ovals 2, 3 and 4 there is no floodlighting at all at this time and at Hume Road Oval there is substandard floodlighting that is of little or no benefit to user groups. At best Hume Road Oval could be described as having security lighting. All are used by small clubs or as an overflow oval for larger clubs who have committed funds developing their main oval.

The three key factors to be considered are:

- the lack of any floodlighting on these reserves,
- the groups inability to contribute; and
- the potential loss of the state funding if not expended.

The funding allocation for the projects has been allocated from Reserve accounts. Under the funding agreement the State will contribute one third of the total cost, Council has the opportunity to spend the funds allocated plus the value of the State’s contribution on Mills Park and Hume Road Oval to provide basic training floodlighting at reserves where little or no flood lighting exists at this time. This will encourage the increased use of the four reserves – Mills 2, 3 and 4 plus Hume Road Oval. This would be undertaken without a contribution from the community.

At this point Council has allocated \$90,000 to Mills Park which would attract \$45,000 from the State giving a total upgrade value of \$135,000, and \$53,500 for Walter

Padbury Reserve which included floodlighting Hume Road Oval (\$25,000) and the proposed multi-sports courts (\$28,500). The State's contribution would be \$12,500 giving a total upgrade of \$37,500 to upgrade Hume Road Oval.

It is recognised that the users are not making a contribution and this may cause resentment with other users who have provided a financial contribution for upgrades at other reserves. An alternative suggestion is offered for Council's consideration.

A more equitable approach to contributing to floodlighting needs to be developed to ensure the future development of floodlighting infrastructure is not denied to all or being borne by the few users who can afford it. One possibility is the development of a floodlighting levy that is imposed on all active night-time reserve users with set rates for juniors and seniors per player.

The levy would be deposited into a Reserve Account that is dedicated to floodlighting upgrades and installations. Under this method, all users would contribute to the account at a fair and equitable rate. It would also remove the need to find substantial capital contributions as users would be contributing over time and investing in their future needs. Alternatively if the club has sufficient funds and decides to expend them to upgrade floodlighting sooner than the levy would allow, financial support for the project could be considered.

Where clubs have contributed to the floodlighting upgrades in the previous three years they would be exempt from contributions for a set period depending on level of contribution. The account would only be used to provide training standard lighting. If clubs require floodlighting standards above the base training level, then an application should be made to Council for consideration. The current policy states that a financial consideration would not be supported by Council as per clause 10.2 c):

“Proposals to upgrade any sports lighting to a higher utilisation level than for training shall be subject to Council assessment of need and subject to the full cost recovery by the user Club(s).”

Requests for upgrades to current floodlighting to appropriate training standards only would be considered under this system.

The development and implementation of a Floodlighting Levy would allow a constant investment in the future floodlighting developments on the City's active reserves and would be considered as part of the City's Fees and Charges Review.

FINANCIAL IMPLICATIONS

The financial implications of upgrading Mills Park and Hume Road Reserves are:

- funds are already budgeted from the Reserve Accounts.
- the City gains improved infrastructure at a subsidised cost.
- the ability to claim \$57 500 from CSRFF to achieve the infrastructure.
- there is no financial contribution from the user groups.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION

169 Moved Cr R Mitchell Seconded Cr R Hoffman

“That Council agree to fund the floodlighting developments at Mills Park and Hume Road Oval to training standards utilising the Community Sport and Recreation Facility Fund grant and the relevant contributions from Councils Reserve Accounts – Mills Park Reserve and Walter Padbury Reserve Account.”

CARRIED 11/0

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

AGAINST: Nil.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION

170 Moved Cr R Mitchell Seconded Cr R Hoffman

“That Council develop a Floodlighting Levy to be charged to all active reserve users with the funds to be dedicated to a Reserve Account to be established for floodlighting developments and improvements.”

CARRIED 11/0

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

AGAINST: Nil.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION

171 Moved Cr R Mitchell Seconded Cr R Hoffman

“That Council approve the allocation of funds from Reserve Account Public Open Space to be used to floodlight Mills Park and Hume Road Oval.

Account	Description	Debit \$	Credit\$
Job 316.1000.3	Beckenham POS Reserve		70,000
Job 3036.1000.3	Mills Park Reserve		20,000
Job C60030	Mills Park Floodlighting	90,000	

CARRIED BY ABSOLUTE MAJORITY 11/0

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

AGAINST: Nil.

13.4.5 USE OF JEAN GARVEY RESERVE, GOSNELLS CHANGEROOMS BY YMCA

File: R36010

(GT)

GT3.1a

PURPOSE OF REPORT

The purpose of this report is to seek Council's support for a donation to cover the cost of fees for the YMCA 'Respect' programme's use of Jean Garvey Reserve, Gosnells change rooms.

BACKGROUND

In late 2003 the YMCA 'Respect' programme started operating from the car park of the Jean Garvey change rooms. This programme has been highly successful in reducing the incidents of petty crime in the area by introducing a range of other activities and using an incentive programme for youth to take up more positive behaviours. The group coordinated by Edith Poa runs programmes once a week from the venue and has cooperated with the City in renovating the change rooms over the past six months.

DISCUSSION

The YMCA 'Respect' programme has already attracted funding from the City for the renovation of the facility and for the wages of the Coordinator from Safe City External Contractors.

Building improvements (capital)	\$10,000
Grant for Coordinator's wages	\$ 5,940

The YMCA has now requested that the hire fees of \$1,200 per annum for the venue, be waived in recognition of the benefit the programme has had on the local community.

It is important to note that since the YMCA programme has been running from Jean Garvey reserve the incidents of vandalism and graffiti have dropped dramatically and the group is regularly involved in clean up programmes in the area. This programme caters for youth who would not be attracted to or serviced by programmes run by groups such as scouts and therefore a waiver of these fees would not be in contradiction with the Council decision to charge these groups.

YMCA is an international organisation and its offices in Western Australia run a range of community programmes and commercial recreation centres, however most of these are run in financial partnership with the local authorities to ensure economic viability and continuity.

YMCA is a recognised provider of youth activities and the City would benefit from developing a stronger relationship with this organisation.

As 'Respect' is an ongoing youth programme it is recommended that the City make an annual operational grant to this organisation in the form of the reimbursement of the hire fees. The operational funding should originate from the Community Programme's Youth programme area and should be tied to a service contract with the YMCA to ensure a constant return on investment. Some reporting mechanisms should also be instituted so that the number of youth being catered for by the group can be recorded.

A well structured partnership agreement with defined outcomes will assist in providing for necessary community infrastructure through the establishment and maintenance of outcome-based youth programmes.

FINANCIAL IMPLICATIONS

The provision of a donation to cover the group's annual hire fees can be met from Job S4014.1850.196 Community Sponsorship Programme Community Project and Services Account within the existing budget.

STAFF RECOMMENDATION

Moved Cr J Brown Seconded Cr R Croft

That Council support the granting of a donation to cover the cost of hire fees of approximately \$1,200 for the YMCA 'Respect' programme currently being run from the Jean Garvey Reserve, Gosnells change rooms, on the condition that a contract for services is drawn up between the City and YMCA to ensure quality of service and statistical information is provided to the City, with funds to be met from Job S4014.1850.196 Community Sponsorship Programme Community Project and Services Account.

Additional Motion

During debate Cr O Searle moved the following additional motion to the staff recommendation:

"That the rent paid to Council by all Scouting and Guiding Groups be at the rate of \$5 per hour."

Cr S Moss seconded Cr Searle's additional motion.

Following further debate Cr Searle advised that she wished to withdraw her proposed additional motion, with the agreement of the seconder, Cr S Moss.

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

STAFF RECOMMENDATION AND COUNCIL RESOLUTION**172 Moved Cr J Brown Seconded Cr R Croft**

“That Council support the granting of a donation to cover the cost of hire fees of approximately \$1,200 for the YMCA ‘Respect’ programme currently being run from the Jean Garvey Reserve, Gosnells change rooms, on the condition that a contract for services is drawn up between the City and YMCA to ensure quality of service and statistical information is provided to the City, with funds to be met from Job S4014.1850.196 Community Sponsorship Programme Community Project and Services Account.”

CARRIED 11/0

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

***AGAINST:** Nil.*

13.4.6 METROPOLITAN REGIONAL ROAD PROGRAMME 2006/2007

File: A4/3/1

(BIH)

BH4.1b

PURPOSE OF REPORT

For Council to adopt a programme for road improvement and rehabilitation projects throughout the City for the 2006/2007 financial year.

BACKGROUND

Metropolitan Regional Road Funding submissions have been called for the Metropolitan Road Programme for the 2006/2007 financial year, with funding submissions being required by 2 May 2005. This funding is an important source of road funding for both road improvement and road rehabilitation projects.

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

The City of Gosnells is particularly dependent on both types of Metropolitan Regional Road Funding due to the growth issues being experienced through the Canning Vale and Southern River areas and the road network in the older suburbs requiring road rehabilitation.

In past years, the City of Gosnells has been successful in obtaining funding for improvement projects such as Kelvin Road dual carriageway (Stebbing Road to Tonkin Highway) and Corfield Street (Dorothy Street to Verna Street). Nicholson Road has also received the maximum funding in 2004/2005 and 2005/2006 to enable the construction of the dual carriageway between Garden Street and Birnam Road.

Following the announcement of additional funding in February 2005, the City of Gosnells received funding for rehabilitation projects for William Street from Brixton Street to Elizabeth Street, Wanaping Road and Bickley Road. It is also likely that funding will be received in 2005/2006 for William Street (Railway Parade to Brixton Street) and sections of Warton Road and Spencer Road.

DISCUSSION**Road Improvement Projects**

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

Traffic volumes in Ranford Road are over 22,000 vehicles per day, which already exceeds the desired volume of traffic that would be considered safe and functional for a single lane road of 15,000 vehicles per day. Warton Road traffic volumes are approximately 14,000 vehicles per day and will quickly exceed 15,000 vehicles per day with current growth rates in the region. Therefore, ideally it would be preferable to upgrade these roads within a two-year period, but funding restrictions are prohibitive.

Garden Street between Warton Road and Harpenden Street is proposed to be constructed as a single carriageway in 2006/2007, subject to availability of Outline Development Plan (ODP) funding. However, if insufficient funding is available for the construction of this road project, there is a strong probability of this project also qualifying for road improvement funding and would need to be considered if ODP funding is not available.

The City of Armadale has received funding for the section of Ranford Road from Tonkin Highway to Southern River Road for duplication in 2006/2007. At this stage the City of Armadale has budgeted for the full cost of the works, but it is likely that a contribution will be required from the City of Gosnells in 2007/2008 which is yet to be advised by the City of Armadale.

The Corfield Street extension to Tonkin Highway will result in increased pressure to upgrade the remaining section of Corfield Street between Verna Street and Eileen Street. The increased development of Canning Vale and Southern River will also see traffic volumes reaching a point where Garden Street between Nicholson Road and Warton Road will require duplication. Approximately two hundred metres of duplication will occur on Garden Street in 2005/2006 as part of the installation of traffic signals at the intersection of Forest Lakes Drive.

It is expected that the section of Ranford Road from Warton Road to Wright Street will be duplicated as a condition of development of future subdivision on the City of Armadale side of Ranford Road. However, the remaining portion from Wright Road to Southern River Road would be required to be constructed by the City of Gosnells and Armadale as it is through a section of Ballannup Lake. The alignment of this section of Ranford Road and final design is being discussed with the City of Armadale, City of Gosnells, Department for Planning and Infrastructure (DPI) and the Environment Protection Authority (EPA).

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

Year	Road	Section	Estimated Cost
2006/2007	Ranford Road	Nicholson Road to Campbell Road (0.8km)	\$1.5 million
2006/2007	Garden Street – ODP project	Warton Road to Harpenden Street– single carriageway (500m)	\$700,000
2007/2008	Warton Road – Stage 1	Garden Street to Amherst Road (1km)	\$1.8 million
2008/2009	Warton Road – Stage 2	Amherst Road to Ranford Road (1.5km)	\$2.7 million
2009/2010	Corfield Street	Verna Street to Eileen Street (0.6 km)	\$1.2 million
2010/2011	Garden Street	Harpenden Street to Holmes Road – single carriageway (1 km)	\$1.2 million
2011/2012	Burslem Drive	Olga Road to Canning River Bridge (0.4km) plus bridge	\$2.8 million
2012/2013	Garden Street – Stage 1 Dualling	Nicholson Road to Forest Lakes Drive (1.3km)	\$2.3 million
2013/2014	Garden Street – Stage 2 Dualling	Forest Lakes Drive to Warton Road (1 km)	\$1.8 million
2014/2015	Ranford Road – jointly with City of Armadale	Wright Road to Southern River Road (1.8km)	\$3.2 million
2015/2021	Southern River Road	Compton Rd to Ranford Road (5km)	\$9 million
2021/2023	Nicholson Road – jointly with City of Canning	Ranford Rd to Warton Road (3km)	\$5.4 million
2023/2024	Spencer Road	Widen for median (2km)	\$2 million
2024/2025	Sevenoaks Street	William Street to Crawford Street (0.9km)	\$1.6 million

The above timeframes would need to be reviewed on an annual basis to consider changing priorities due to changing traffic volumes, pavement condition the road safety of these roads. This is particularly dependent on traffic patterns generated as the residential development continues to grow in Canning Vale and Southern River and the impact of redevelopment and urban infill has on more established areas. The availability of Outline Development Funding to contribute to these projects is also a consideration with regard to implementation.

Other roads in addition to the above table of priorities that would be continued to be monitored for future upgrade but are subject to future traffic studies and are currently outside the funding available include:

- Garden Street – Single carriageway from Passmore Street to Tonkin Highway.
- Sevenoaks Street – William Street to Albany Highway, Beckenham.
- Yale Road, Thornlie.
- Royal Street, Thornlie (including the bridge over Canning River).
- Spring Road, Thornlie.
- Warton Road, Canning Vale (south of Ranford Road).
- Fremantle Road – provision of median.
- Belmont Road, Kenwick.
- Davison Street, Maddington.

The existing road reservation for Yale Road can accommodate a dual carriageway from Nicholson Road to Hargrave Drive. However, the remaining section of Yale Road from Hargrave Drive to Spencer Road is only a 20m road reserve and as such would not accommodate a dual carriageway. A widening of the road reserve would affect eight (8) residential properties and the Yale Primary School.

It is expected that with traffic growth in the Canning Vale area and the construction of the Thornlie Rail Station, that additional traffic volume will require the review of the road reserve in this section of Yale Road. As such it is recommended that a review of the road reservation in this section of Yale Road be undertaken to determine appropriate widths for future traffic growth.

Road Rehabilitation Projects

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

The following projects were successful in 2005/2006:

- William Street – Railway Parade to Brixton Street.
- Nicholson Road – Ranford Road to Warton Road (this project is being submitted by City of Canning with 50% funding required by City of Gosnells).
- Warton Road – Forest Lakes Drive to Spencer Road.
- Spencer Road – Hester Street to Nicholson Road.

Due to the complex nature of the assessment system, several roads are selected from visual inspection for further detailed examination and road testing from which funding applications will be made. For the 2006/2007 financial year the following projects are being considered for funding applications, dependent upon the outcome of the detailed analysis. They are:

- Southern River Road – Holmes Road to Lot 1765.
- Anaconda Drive – Corfield Street to Chamberlain Street.
- Murdoch Drive – Hume Road to Yale Road.
- Nicholson Road – Spencer Road to Metcalfe Road (southern carriageway).
- Maddington Road – Alcock St to Eva Street.

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

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

- Burslem Drive – Olga Road to Albany Highway
- Dorothy Street – Hicks Road to Croft Street
- Royal Street – Kenwick Link to Albany Highway
- Station Street – Lewis Road to Astley Street
- Warton Road – Ranford Road to Nicholson Road

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

FINANCIAL IMPLICATIONS

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

Provision has been made in the Principal Activity Plan for this level of funding and corresponding Municipal contributions. Actual funding levels would be advised prior to setting of budgets for the 2006/2007 financial year, based on the success of the funding applications.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION

173 Moved Cr R Mitchell Seconded Cr S Moss

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

CARRIED 11/0

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

AGAINST: Nil.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION

174 Moved Cr R Mitchell Seconded Cr S Moss

“That Council support the submission of the following roads for metropolitan regional road rehabilitation funding for the 2006/2007 financial year, subject to detailed assessment:

- Southern River Road – Holmes Road to Lot 1765.
- Anaconda Drive – Corfield Street to Chamberlain Street.
- Murdoch Drive – Hume Road to Yale Road.
- Nicholson Road – Spencer Road to Metcalfe Road (southern carriageway).
- Maddington Road – Alcock Street to Eva Street.”

CARRIED 11/0

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

AGAINST: Nil.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION

175 Moved Cr R Mitchell Seconded Cr S Moss

“That Council support the review of the Yale Road Reservation between Hargrave Road and Spencer Road.”

CARRIED 11/0

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

AGAINST: Nil.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION

176 Moved Cr R Mitchell Seconded Cr S Moss

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

Year	Road	Section	Estimated Cost
2006/2007	Ranford Road	Nicholson Road to Campbell Road (0.8km)	\$1.5 million
2006/2007	Garden Street – ODP project	Warton Road to Harpenden Street– single carriageway (500m)	\$700,000
2007/2008	Warton Road – Stage 1	Garden Street to Amherst Road (1km)	\$1.8 million
2008/2009	Warton Road – Stage 2	Amherst Road to Ranford Road (1.5km)	\$2.7 million
2009/2010	Corfield Street	Verna Street to Eileen Street (0.6 km)	\$1.2 million
2010/2011	Garden Street	Harpenden Street to Holmes Road – single carriageway (1 km)	\$1.2 million
2011/2012	Burslem Drive	Olga Road to Southern River Bridge (0.4km) plus bridge	\$2.8 million
2012/2013	Garden Street – Stage 1	Nicholson Road to Forest Lakes Drive (1.3km)	\$2.3 million
2013/2014	Garden Street – Stage 2	Forest Lakes Drive to Warton Road (1 km)	\$1.8 million
2014/2015	Ranford Road – jointly with City of Armadale	Wright Road to Southern River Road (1.8km)	\$3.2 million
2015/2021	Southern River Road	Compton Road to Ranford Road (5km)	\$9 million
2021/2023	Nicholson Road – jointly with City of Canning	Ranford Road to Warton Road (3km)	\$5.4 million
2023/2024	Spencer Road	Widen for median (2km)	\$2 million
2024/2025	Sevenoaks Street	William Street to Crawford Street (0.9km)	\$1.6 million

CARRIED 11/0

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

AGAINST: Nil.

13.5 PLANNING AND SUSTAINABILITY

13.5.1 AMENDMENT NO. 39 TO TOWN PLANNING SCHEME NO. 6 – FINALISATION - RECODING OF 1-15 (LOT 2 AND PORTION OF LOT PT 25) CAMERON STREET, LANGFORD FROM “RESIDENTIAL R17.5” TO “RESIDENTIAL R50” AND ADOPTION OF DETAILED AREA PLAN

File:	TPS/6/39	Approve Ref:	0405/0185AA (EH)	Psrpt037Apr05
Name:	Koltasz Smith			
Location:	1-15 (Lot 2 and portion of Lot Pt 25) Cameron Street, Langford			
Zoning: MRS:	Urban			
TPS No. 6:	Residential R17.5			
Appeal Rights:	Nil, however, final determination is with the Minister for Planning and Infrastructure.			
Area:	12,214m ² (Lot 2 = 4,042m ² , portion of Pt 25 = 8,172m ²)			
Previous Ref:	OCM 14 September 2004 (Resolution 511 - 512)			
Appendix:	13.5.1A Detailed Area Plan			

PURPOSE OF REPORT

For Council to consider support for the finalisation of Amendment No. 39 to Town Planning Scheme No. 6 (TPS 6), to recode 1-15 (Lot 2 and portion of Lot Pt 25) Cameron Street, Langford, from “Residential R17.5” to “Residential R50” and to adopt the associated Detailed Area Plan.

BACKGROUND

Site Description

Lot 2 and Pt 25 are situated on the corner of Nicholson Road and Cameron Street. The land is currently vacant, containing scattered vegetation. Historically, the land was occupied by a nursery which has not been operated since circa 1994/1995.

The surrounding locality is characterised by residential to the south-east and north-east, recreation reserves to the south (R33434 and Tom Bateman south of Roe Highway), service station and convenience store to the south-west (Lot Pt 25) and residential and local open space to the west. Lot Pt 25 is divided by an existing open drain reserve (R44247) and the subject application is relevant to that section of Lot Pt 25 that is on the northern side of the drain reserve.

Outcome of Advertising

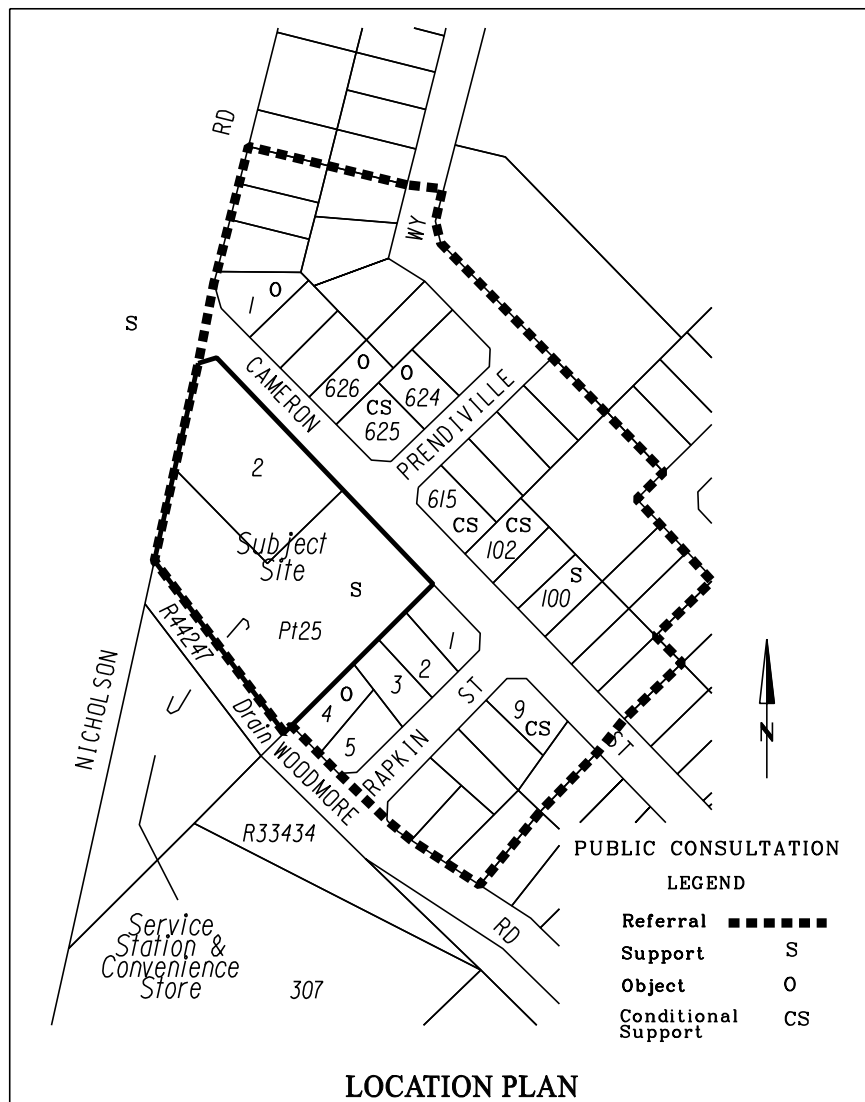
Council resolved to initiate Amendment No. 39 at its Ordinary Meeting of 14 September 2004. The advertising period for the amendment and detailed area plan was 42 days between 23 February 2004 and 6 April 2004. The advertising consisted of a sign on site, newspaper advertisement, letters to nearby landowners and letter to the

City of Canning. A total of 11 submissions were received, 7 non-objections and 4 objections which are tabled below. (Refer Location/Referral Plan)

Schedule of Submissions

No.	Name Address	Description of Affected Property: Lot No, Street, etc	Summary of Submission	Staff Comment
1.	JH Kelly	37 (Lot 625) Prendiville Way, Langford	Conditional Support 1) Agreeable to retirement complex comprising single storey and/or double storey dwellings. 2) Would be suitable to keep existing vegetation such as Moreton Bay Tree and Gum Trees.	Noted Noted The City is aware that the proponent intends to retain vegetation on the site where possible.
2.	JR Bennett	16 (Lot 102) Cameron Street, Langford	Conditional Support Would object if higher than two stories.	Noted
3.	BC Lee	226 (Lot 1) Nicholson Road, Langford	Object Multi-storey apartments will bring excessive and unwanted noise that will most likely occur during irregular hours.	Dismissed Excessive noise levels are not envisaged. Proposal is for a retirement (aged persons) complex.
4.	HJ Jecks	20 (Lot 100) Cameron Street, Langford	Support 1) The site has been an eyesore for years and a danger area for fire and snakes. The proposal will improve the area and add value to nearby homes. 2) Alterations done to intersection of Nicholson Road and Cameron Street are also a great improvement.	Noted Noted
5.	M & B Vella	35 (Lot 624) Prendiville Way, Langford	Object 1) Will disrupt area increasing traffic and noise. 2) Don't like the idea of high buildings.	Current road network has capacity to cater for additional traffic. Noted
6.	B Sorrell	8 (Lot 4) Woodmore Road, Langford	Object 1) Concerned about privacy being invaded if two/three storey dwellings are built as these will overlook our backyard. 2) Can Council assure us that steps will be taken to prevent vermin (rats) coming onto our property once development starts.	Dismissed The Residential Design Codes makes provision to maintain privacy and minimise overlooking. Assessment against Codes requirements will be undertaken when Development Application submitted. Noted Health Services can investigate reports of rat problems with the power to require remedial works to rectify any problems.

No.	Name Address	Description of Affected Property: Lot No, Street, etc	Summary of Submission	Staff Comment
7.	G Vujcich	8 (Lot 626) Cameron Street, Langford	Object To multi-storey apartment plan mainly due to our concern of what type of clientele would it attract and the possible problems (ie crime) in the area.	Dismissed Clientele proposed for development is aged persons. Development of the vacant site will provide opportunities for improved passive surveillance of streets and nearby properties.
8.	MT Cullen	25 (Lot 9) Cameron Street, Langford	Conditional Support Provided the proposal doesn't exceed two storeys.	Noted
9.	R Sebestin	40 (Lot 615) Prendiville Way, Langford	Conditional Support Happy with single storey or two storey dwellings.	Noted
10.	City of Canning Locked Bag 80, Welshpool	Adjoining Local Government	Support	Noted
11.	TBA Holdings Pty Ltd PO Box 211, Somerton VIC	Lot 2 & Pt Lot 25 Nicholson Road, Langford	Support 1) Site's location lends itself to higher density and aged persons development. 2) Aged persons development is consistent and complimentary with existing surrounding development. 3) Proposed up-coding and development is consistent with objective of Residential zone. 4) Local Housing Strategy highlights need for greater variety of housing options. 5) Proposed up-coding will facilitate development of high quality aged persons complex and will allow "ageing in place" to occur. 6) Proposed recoding will facilitate development of the vacant site and adjoining drain reserve. 7) Development concept demonstrates high standard and quality of proposal which will compliment and enhance the surrounding development and streetscape.	Noted Noted Noted Noted Noted Noted



DISCUSSION

The proposal is to recode the subject site from Residential R17.5 to Residential R50 to accommodate the development of two storey multiple dwellings as a retirement complex. The development would consist of 80 dwellings, a central facilities complex, swimming pool and associated parking. In supporting the proposed amendment for the purpose of advertising (OCM 14 September 2004 Resolution 511 and 512), consideration was given to a range of strategic issues including the objectives of the Local Housing Strategy, population changes, existing housing stock, and the broad locational advantages of the site.

The majority of submissions throughout did not oppose the development of two storey buildings but there were concerns in relation to overlooking of adjoining dwellings. The Residential Design Codes (R-Codes) has requirements to ensure appropriate measures are taken to reduce the impact of two storeys on adjoining properties. Compliance against the R-Codes will be assessed when a development application is lodged, if the subject amendment is finalised.

“Aged persons dwellings” is a “D” use in the residential zone, that is a use that is not permitted unless Council has exercised its discretion by approving it. “Multiple dwellings” is however an “A” use which requires advertising prior to Council exercising its discretion. Council can make an undertaking to individuals making a submission that any development application lodged for the proposed multiple storey retirement complex on this site will be advertised to the public to address any detailed design issues such as overlooking.

Nicholson Road and Cameron Street have capacity to cater for the additional traffic. Should Council consider it necessary a Road Safety Audit could be requested as part of any future development application in accordance with Policy 2.4.18.

CONCLUSION

The proposed amendment and detailed area plan are considered to be consistent with the objectives of the residential zone and Local Housing Strategy. Issues such as the potential for overlooking will be assessed against the R-Codes once a development application has been submitted. It is recommended that Council adopt the amendment for final approval without modification and adopt the detailed area plan, subject to finalisation of the amendment.

FINANCIAL IMPLICATIONS

Nil.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION

177 Moved Cr S Moss Seconded Cr J Brown

“That Council, pursuant to Town Planning Regulation 17(1), uphold in part the submissions received; and further, pursuant to Town Planning Regulation 17(2), adopt Amendment No. 39 to Town Planning Scheme No. 6 to recode 1-15 (Lot 2 and portion of Lot Pt 25) Cameron Street, Langford, from “Residential R17.5” to “Residential R50”, for final approval.”

CARRIED 10/1

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

AGAINST: Cr S Moss.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION

178 Moved Cr S Moss Seconded Cr J Brown

“That Council adopt the Detailed Area Plan for 1-15 (Lot 2 and portion of Lot Pt 25) Cameron Street, Langford, subject to finalisation of Amendment No. 39 to Town Planning Scheme No. 6 and forward a copy of the plan to the WA Planning Commission for its information.”

CARRIED 10/1

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

AGAINST: Cr S Moss.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION

179 Moved Cr S Moss Seconded Cr J Brown

“That Council authorise staff to advise persons making a submission that any development application lodged for the proposed multiple storey retirement complex on 1-15 (Lot 2 and portion of Lot Pt 25) Cameron Street, Langford will be advertised to the public to address any detailed design issues.”

CARRIED 10/1

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

AGAINST: Cr S Moss.

13.5.2 WEST CANNING VALE OUTLINE DEVELOPMENT PLAN *(ITEM BROUGHT FORWARD – REFER TO ITEM 11)*

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

**13.5.3 DEVELOPMENT APPLICATION – POULTRY FARM – 64 (LOT 510)
STEBBING ROAD, MADDINGTON (*ITEM BROUGHT FORWARD –
REFER TO ITEM 11*)**

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

13.5.4 DEVELOPMENT APPLICATION – PRIVATE BMX/MOTOR BIKE TRACK – 72-76 (LOT 82) RUSHTON ROAD, MARTIN (ITEM BROUGHT FORWARD – REFER TO ITEM 11)

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

13.5.5 TOWARDS A BIODIVERSITY CONSERVATION STRATEGY FOR WESTERN AUSTRALIA – SUBMISSION ON DISCUSSION PAPER

File: 01/1/73 (WvL) Psrpt041Apr05
Previous Ref: Nil
Appendix: 13.5.5A Draft Comments on the Discussion Paper – “Towards a Biodiversity Conservation Strategy for Western Australia”

PURPOSE OF REPORT

For Council to consider a proposed submission on the discussion paper “Towards a Biodiversity Conservation Strategy for Western Australia”.

BACKGROUND

The Western Australian Government released the discussion paper “Towards a Biodiversity Conservation Strategy for Western Australia” for a four-month consultation period closing Friday 15 April 2005.

Subsequent to this comment period, a formal draft strategy will be developed and released for public comment, following which a final version of the strategy will be completed and presented to Government for endorsement.

DISCUSSION

The City’s proposed submission is attached as Appendix 13.5.5A. The submission has already been forwarded to the Department of Conservation and Land Management as a draft to meet the submission period deadline, with advice that the document is to be considered as a draft only, pending Council’s endorsement.

FINANCIAL IMPLICATIONS

There are no financial implications associated with this report.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION
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180 Moved Cr S Moss Seconded Cr R Hoffman

“That Council authorise formal lodgement of the submission, attached as Appendix 13.5.5A, on the State Government’s discussion paper “Towards a Biodiversity Conservation Strategy for Western Australia”.”

CARRIED 11/0

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

AGAINST: Nil.

13.5.6 SWAN RIVER LEGISLATION AND PARK – COMMENT ON DRAFT BILL

File: W5/1/1 (WvL) Psrpt042Apr05
Previous Ref: Nil
Appendix: 13.5.6A Draft Comments on the Draft Swan and Canning Rivers Management Bill

PURPOSE OF REPORT

For Council to consider a proposed submission on the Draft Swan and Canning Rivers Management Bill.

BACKGROUND

The Western Australian Government released the Draft Swan and Canning Rivers Management Bill for public consultation in mid-December 2004. The comment period closes on Friday 29 April 2005.

Officers of the City of Gosnells have participated, along with some eighty stakeholder groups, in workshops to develop concepts for the draft Bill.

DISCUSSION

The new legislation proposes better management and protection for the Swan and Canning Rivers, including a proposal to establish a multiple use Swan Canning Riverpark. Although not specified in title, the legislation does include the Southern River to Allen Road in the City of Armadale. All reference to “Swan Canning” should be read to include the Southern River.

The current Swan River Trust (SRT) Act (1988) has been unable to adequately deal with activities that influence the health of the Swan and Canning Rivers. The SRT’s statutory powers have been largely limited to advice on development control.

The draft Bill strengthens the powers of the SRT in a number of ways. Some of the key components of the Bill are to:

- Establish the Swan Canning Riverpark, consisting of waterways and adjacent crown land reserves within the current SRT Management area, including the riverbed, to be managed by the SRT. The draft Bill also establishes the catchment area for the SRT as the current policy area of the Environmental Protection (Swan and Canning Rivers) Policy 1997, which includes the catchments of the Swan-Canning and the Avon river basin. This is a considerable expansion of the SRT’s sphere of influence. This initiative will see the revocation of the Environmental Protection (Swan and Canning Rivers) Policy 1997.
- Provide for a more regulatory approach to allow for certain types of development in the proposed SRT Development Control Area to be dealt with by the SRT, rather than requiring those decisions to be dealt with by the Minister, as is currently the case with all Development Applications to the SRT.

Amendments to the Metropolitan Region Scheme (MRS) will also enable Development Applications under MRS clause 30A to be considered by the SRT and Western Australian Planning Commission directly.

- Provide for the establishment of environment and related targets for ecological and community benefits and amenity. These may include levels of nutrients and pollutants in waters within the catchment, and may establish benchmarks, criteria, monitoring and reporting procedures.
- Provide for the development of a River Protection Strategy (to replace Riverplan, the current management guide for the rivers) to guide development of management programmes and performance and management standards
- Provide management activities within the catchment, including partnership agreements, to implement the management programs of the SRT. This requires formal engagement with catchment stakeholders, including Local Governments, to establish clear accountabilities and financial arrangements for partnership agreements.
- Increased regulatory and enforcement powers of the SRT. Part 6 of the draft Bill introduces new regulatory powers and River Protection Notices where action is believed to be required to protect, restore or maintain the ecological and community values and amenity of the proposed Riverpark. This function is new and is directed at diffuse sources of pollution and land owners. It will be an offence not to comply with a River Protection Notice, and penalties will apply.
- Establish a Swan and Canning Rivers Foundation to attract and retain public interest, donations and ongoing support for protection of the rivers, and to act as a mechanism to promote and coordinate contributions from business and others which support the SRT's work.
- Have representation and involvement of the Nyungah community

The membership of the SRT Board will change, with an emphasis on appropriate skills-based community representation. Existing arrangements will continue for the appointment of a member of the Western Australian Planning Commission, as will the appointment of one Local Government representative chosen from a pool of three candidates nominated by the Western Australian Local Government Association (WALGA). The remaining six members would be persons appointed by the Minister who are not elected members of a Local Government.

Under the draft Bill, the Trust would have the overall responsibility for maintaining the ecological and community benefits of the river system by:

- Having powers to establish targets and mechanisms for evaluating achievement of those targets
- Coordinating and promoting the development and implementation of strategies and programs in relation to the river
- Coordinating the activities of other bodies that have functions in relation to the catchment area

Input to the City's comment on the draft Bill has been sought from City Planning, Technical Services, Parks and Environmental Operations and Urban Regeneration business units. The need for, and intent and content of the Draft Swan and Canning Rivers Management Bill is generally supported. The City's proposed submission raises a small number of issues for consideration, and is attached as Appendix 13.5.6A.

FINANCIAL IMPLICATIONS

There are no financial implications associated with this report.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION
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181 Moved Cr R Croft Seconded Cr J Brown

“That Council endorse the proposed submission, attached as Appendix 13.5.6A, on the State Government's Draft Swan and Canning Rivers Management Bill.”

CARRIED 11/0

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

AGAINST: Nil.

13.6 REGULATORY SERVICES

13.6.1 FRONT BOUNDARY REDUCED SETBACK TO CARPORT - LOT 33 CLOVERTREE STREET MADDINGTON (*ITEM BROUGHT FORWARD - REFER TO ITEM 11*)

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

14. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

14.1 RECYCLING – REPORT REQUEST

The following motion was proposed by Cr O Searle during “Notices of Motion for Consideration at the Following Meeting” at the Ordinary Council Meeting held 12 April 2005 for inclusion in “Motions for Which Previous Notice Has Been Given” of the 26 April 2005 Ordinary Council Meeting.

PROPOSED MOTION

That a short report be presented to the Council indicating whether or not any premises being used for the purposes of recycling or the storing of recycled bales is in breach of any conditions or approvals by the Council or any other authority.

COUNCILLOR COMMENT

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

“Roads and Robinson and Western Recycling are each said to be taking 40 tonnes of material per day and it has been reported (front page Canning Times 1st March) that the South Metro Regional Council have established a new sorting line in Maddington where they have hired a warehouse. It was stated (front page Canning Times 4th April) that the facility was handling 80 tonnes per day. This would make 800 tonnes per week.”

STAFF COMMENT

The Director Planning and Sustainability provides the following comment in relation to the proposed motion:

“The proposed motion presents some issues, in that a short report on the situation will need to be founded on many man-hours of investigative work. Investigation(s) regarding compliance with conditions of development approval is typically undertaken, in line with Council's policy, by the City's Compliance staff in response to specific concerns, formally raised by residents. A formal and specific complaint may be seen as establishing a 'mandate' for investigative action. Resources are then directed to site specific investigations.

If the request is related specifically to the South Metro Regional Council operation, Council can be advised that this matter is being followed up by relevant staff. The proposed motion, however reads to seek whether any premises is being used for this purpose, which would require an inspection of all sites. Based on existing resources this could not be conducted within the foreseeable future.

The requested review of compliance matters in respect to the recycling industry operating within the City raises several issues:

1. *There is no specific, "Recycling" land use defined within TPS6. Recycling operations are of a broad nature and could be considered to include motor vehicle wrecking and scrap metal yards as well as domestic waste materials recycling operations.*
2. *Conditions of development approval may be wide ranging and include matters such as drainage, landscaping etc which may be peripheral to concerns raised by the community in regard to recycling operations.*
3. *Checking compliance with the conditions of any Department of Environment (DoE) works license is appropriately a matter for DoE investigation as the City does not have legislative authority in these matters. DoE involvement would therefore be necessary.*
4. *Queries regarding the impartiality of investigations into an industry may be raised without identification of specific concerns.*

In view of the above and to efficiently focus staff resources, it will be difficult to satisfy the perceived intent of the proposed motion, however investigations specifically regarding the South Metro Regional Council operation have commenced."

PROPOSED MOTION

Moved Nil Seconded Nil

That a short report be presented to the Council indicating whether or not any premises being used for the purposes of recycling or the storing of recycled bales is in breach of any conditions or approvals by the Council or any other authority.

LAPSED DUE TO LACK OF A MOVER AND SECONDER

15. NOTICES OF MOTION FOR CONSIDERATION AT THE FOLLOWING MEETING**15.1 DEPARTMENT OF HOUSING AND WORKS TENANTS – REPORT REQUEST**

Cr R Croft proposed the following motion for inclusion in “Motions of Which Previous Notice Has Been Given” of the 10 May 2005 Ordinary Council Meeting agenda.

PROPOSED MOTION FOR 10 May 2005 AGENDA

That a report be brought to the Council, advising different ways we can assist the residents (of the City of Gosnells) who have Department of Housing and Works tenants with records of anti-social behaviour, moved into their street.

COUNCILLOR COMMENT

Cr R Croft provided the following written comment in relation to the proposed motion:

“To try to achieve ways in which the City of Gosnells can work with the Department of Housing and Works and relevant Authorities, to alleviate the sometimes drastic impact it has on residents. These residents are not involved in the decision making process but have to endure the impact on their lifestyles, and are powerless, at present, to change it.”

15.2 RENTAL FOR SCOUTS AND GUIDES – REPORT REQUEST

Cr O Searle proposed the following motion for inclusion in “Motions of Which Previous Notice Has Been Given” of the 10 May 2005 Ordinary Council Meeting agenda.

PROPOSED MOTION FOR 10 MAY 2005 AGENDA

That a report be brought to Council outlining the financial implications (if any) of reducing the rent to Scouting and Guiding groups who use Council facilities, to \$5 per hour, and could Council be told of the ways that we subsidise either Scouting or Guiding groups in the City.

COUNCILLOR COMMENT

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

“When we last raised the rent to these groups we were told that it was to make things equal, consistent, uniform and fair.”

16. URGENT BUSINESS

(by permission of Council)

Nil.

17. CONFIDENTIAL MATTERS

Nil.

18. CLOSURENotation

The Mayor advised this was Cr Moss’ last Ordinary Council Meeting as she had not re-nominated for the 7 May election.

Cr R Croft, as Deputy Mayor, thanked the Mayor and Executive staff for their assistance provided throughout his tenure as deputy.

The Mayor declared the meeting closed at 9.37pm.