



**ORDINARY COUNCIL MEETING
6 DECEMBER 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 6 December 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 C MATISON

CR O SEARLE JP

CR J HENDERSON

CR D GRIFFITHS

CR J BROWN JP

CR R HOFFMAN

CR R CROFT

CR W BARRETT

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 L KOSOVA

A/DIRECTOR REGULATORY SERVICES

MR R WELLS

MINUTE SECRETARY

MS A CRANFIELD

PUBLIC GALLERY

14

APOLOGIES

Cr P Wainwright.

Cr S Iwanyk.

APPROVED LEAVE OF ABSENCE

Cr R Mitchell was granted Leave of Absence vide Resolution 412 of the Ordinary Council Meeting held on 27 September 2005.

3. DECLARATIONS OF INTEREST

Cr D Griffiths declared an Impartiality Interest in item 13.5.4 “Development Application – Demonstration Home – 23 (Lot 609) Willow Way, Maddington”.

Reason: Deputy Delegate on South East Regional Energy Group (SEREG).

Cr C Matison declared an Impartiality Interest in item 13.4.3 “Tender 35/2005 - Supply and Application of Acrylic Surface Coating at Langford Netball Centre, Langford”.

Reason: Life Member of Southern Districts Netball Association.

Cr C Matison declared an Impartiality Interest in item 13.5.4 “Development Application – Demonstration Home – 23 (Lot 609) Willow Way, Maddington”.

Reason: Council Delegate to South East Regional Energy Group.

Cr C Matison declared an Impartiality Interest in item 13.5.10 “Review of Environmental Management Plan”.

Reason: Council Delegate to Environment Management Plan Stakeholder Team.

The Director Corporate Services declared a Financial Interest in item 13.5.2 “Review of Development Contribution Arrangement -Canning Vale Outline Development Plan”.

Reason: Resident of Canning Vale within the ODP area.

4. ANNOUNCEMENTS BY THE PRESIDING MEMBER

(without discussion)

The Mayor circulated to Councillors a list of functions and events she had attended since Tuesday 22 November 2005.

5. REPORTS OF DELEGATES

(without debate)

Cr J Brown passed on thanks from the Kenwick Special School which she attended last Thursday on behalf of the Mayor at which she presented a certificate to Zoe Kelly. Cr Brown in thanking the Mayor for the opportunity to attend advised she was really impressed by the love that was generated in the school by the carers, parents and students.

Cr J Henderson reported that he attended East Maddington Primary School on the Mayor’s behalf for his first book presentation to students.

Cr J Henderson reported that on Monday he also made a presentation at the Bramfield Park Primary School graduation.

Cr J Henderson reported that on Sunday he was invited to the Muslim School open day and fete which he attended on behalf of Council and the Mayor, advising he had a very interesting day.

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

8 November 2005 Ordinary Council Meeting

The following questions were posed at the 8 November 2005 Ordinary Council Meeting with the response as already provided to the correspondent listed accordingly:

- * Mr Ralph Prestage of 51 Dover Crescent, Wembley Downs asked the following questions in relation to item 13.5.2 “Southern River Precinct 2 Outline Development Plan” of the agenda:

Q 1 (a) With regard to rezoning land to residential has the Council considered a recommendation previously put by me that a levy be charged on each residential lot developed to provide funds towards the purchase of privately owned land that is being resumed to provide a public amenity such as bush or wetland as at present a mere pittance is only being offered by the government?

(b) Has the Council researched my previous comments that the Kalamunda Shire were last year charging a levy of \$12,500 (indexed/reviewed annually) for each residential lot developed in the Cell 9 area to provide funds for the purchase of land for community use? If no enquiries were made why not as a levy would assist many long term ratepayers if used for land resumption?

Q 2 Southern River Infrastructure - Can the Council advise me what development is being taken place on the western side of my Lot 1610 Barrett Street in the area of Lakey Street which was realigned to assist Taylor Woodrow in landscaping their development. The area was rezoned to Public Open Space and I only became aware of the road realignment when I viewed a Road Directory issued at that time. What Government Department is responsible for this development in the City of Gosnells and why has it not been shown in the Council Minutes, that I am aware of? And is it normal that neither the Council nor any

Government Department has the courtesy to advise an adjoining land owner if it is a major development?

Response: In reply to Mr Prestage the Director Planning and Sustainability provided the following written response on 30 November 2005:

“Response to Questions - Ordinary Council Meeting of 8 November 2005

Further to my letter of 29 November 2005 I provide the following response to your two questions and public statement posed at the City of Gosnells Ordinary Council Meeting of 8 November 2005.

Question 1

- (A) *Has Council considered a recommendation previously put by you to charge a levy for the acquisition of conservation areas and open space?*

Yes. This recommendation was contained in your submission on the Southern River Precinct 2 Outline Development Plan (ODP) which was considered by Council at its Ordinary Meeting of 13 July 2004 (see attached Minutes). As outlined in the report to Council, the then proposed Outline Development Plan (ODP) recognised those areas identified for future ‘Parks and Recreation’ reservations as a requirement of the Western Australian Planning Commission. The identification of these future ‘Parks and Recreation’ reservations and the associated matter of compensation was not a matter which Council had control over.

The City’s cost sharing provisions for the Southern River Precinct 2 ODP (approved by the Minister for Planning and Infrastructure on 30 November 2004) do not extend to those areas that have been identified for future Parks and Recreation reservations through the WAPC’s Bush Forever initiative. These areas have been deemed regionally significant and as such will be acquired by the WAPC.

- (B) *Has Council researched your previous comments that the Shire of Kalamunda charges a levy for each residential lot created in the “Cell 9 area” for the acquisition of land for community use?*

Council staff have researched your comments and, in discussions with the Shire of Kalamunda, have found that, like the City of Gosnells, the Shire’s developer contribution arrangements are used to collect money for common infrastructure works and the acquisition of land for “community use”. However, this does not extend to the acquisition of land identified as future Parks and

Recreation reservations under the WA Planning Commission's Bush Forever initiative.

Question 2 - What development is occurring on the western side of Lot 1610 Barrett Street?

The recent works undertaken to the immediate west of Lot 1610 Barrett Street have been to facilitate the provision of sewer for Stockland's Boardwalk Estate. These works have been undertaken by Stockland on behalf of the Water Corporation and were undertaken as subdivisional works required to satisfy a condition of subdivision approval, for which separate approval from the City of Gosnells was not required. There is no statutory requirement to seek adjoining landowners consent to undertake subdivisional works.

For your information, in regard to the closure/realignment of the portion of Lakey Street, Council resolved to close this portion of road reserve at its 22 February 2000 Ordinary Council Meeting (see attached Council Minutes). Prior to this resolution, the City, in accordance with Section 58 of the Land Administration Act 1997, undertook a 35 day advertising period which included a number of advertisements being placed in the community newspaper. Subsequently the (then) Department of Land Administration approved the road closure on 11 September 2000 (see attached approval letter). At this point in time the residual portion of land has not been reserved for the purposes of local open space. It was within this strip of land that the abovementioned sewer works took place.

Matters Raised in Public Statement

In relation to the matter of not advising landowners of the removal from the ODP of those areas currently zoned 'Rural' under the Metropolitan Region Scheme (MRS) and the City of Gosnells Town Planning Scheme No. 6 (TPS 6), Council staff did not object to the removal of these areas because:

- The WAPC required removal of these areas as part of its adoption of the ODP.*
- Detailed planning for these areas could not be finalised as the accurate designation of Bush Forever sites and in some cases associated buffers had not, and still have not, been finalised. Planning and further landowner consultation for these areas will be progressed following the finalisation of associated MRS amendments that will clearly define these Bush Forever areas.*
- These areas have not been completely removed from the ODP area and are still depicted on the ODP but with a notation stating that they are subject to further planning.*

I trust that this response to your questions and public statement addresses your queries. However, should you wish to discuss any of the abovementioned matters further, please do not hesitate to contact myself or Kris Nolan of this office on 9391 3351.”

6.1 QUESTION TIME

- * Mr Geoffrey Woon of 2 Fourth Avenue, Applecross asked the following question in relation to item 13.5.3 “Management Plans for the West Canning Vale Area” of the agenda:

Q 1 The question is related to Lot 11. When a consultant submits a DA application the Council is not going to process unless it is signed by the owner’s. Likewise unless settlement is effected by Glenariff the decision to include Lot 11 in the super-lot subdivision is invalid. Why did the Council ignore the procedures when dealing with Lot 11 because we think the decision is not valid without my signature?

Response: The Director Planning and Sustainability advised that Mr Woon had provided letters basically withdrawing any previous consent that he might have provided for the original super-lot subdivision application, which Councillors may recall was lodged to trigger a formal environmental assessment of the West Canning Vale ODP area. He added the City was not ignoring anything and were aware of Mr Woon’s current position. It was his understanding that staff had not yet provided the City’s comments to the WA Planning Commission on the super-lot subdivision application and the application had not yet been determined by the WA Planning Commission.

Mr Woon advised he wished to correct a fact stating that he had not duly withdrawn authority.

The Mayor clarified that the Director had advised that the matter was still being dealt with and nothing had been concluded. She invited Mr Woon to contact the Director for further advice and then asked him to proceed with his second question.

Q 2 The Lot 11 was not authorised by me directly. Why then don’t Council check the procedure and see whether this is a valid authority?

Response: The Director Planning and Sustainability advised the City had not ignored any of its obligations. The WA Planning Commission was the determining authority adding that staff had not yet provided comments in relation to the subdivision application and was aware of Mr Woon’s position.

- * Mrs Yenly Hartono of Lot 2 Nicholson Road, Canning Vale asked the following question in relation to item 13.5.3 “Management Plans for the West Canning Vale Area” of the agenda:

Q 1 Since our lot was never part of the super-lot subdivision, the question is how can our lot be included in the CCW Environmental Management Plan when it has never been assessed?

Response: The Director Planning and Sustainability advised Lot 2 did not need to form part of any super-lot subdivision application or be subject to any formal environmental review process in order for it to be covered by the Management Plans that were before Council for consideration this evening. The Management Plans need to cover the entire ODP area and that is what they have done.

The Mayor invited Mrs Hartono to contact the Director should she require any further clarification.

Notation

The Mayor invited Mrs Jennifer Napolitano owner of Lot 10 (75) Amherst Road, Canning Vale, who had submitted written questions prior to the commencement of the meeting in relation to item 13.5.1 “Proposed Amendment to Canning Vale Outline Development Plan – Lots 10, 11 And 111 Amherst Road And Lots 26, 27 And 28 Birnam Road, Canning Vale”, to the microphone, however, she was not present at the meeting. The questions will be forwarded to relevant staff for a written response.

6.2 PUBLIC STATEMENTS

- * Mr Geoffrey Woon of 2 Fourth Avenue, Applecross made a public statement in relation to item 13.5.3 “Management Plans for the West Canning Vale Area” objecting to the inclusion of Lot 11 Govan Road in the Management Plans as he believed there was no valid authority to include Lot 11 unless settlement was effected by Glenariff Pty Ltd. He advised that on 27 February 2004 he declined an offer to purchase his land by Mr Taggart and Agnes Gospar due to unfair conditions. After a lapse of more than two months he was again approached with Mr Taggart advising he needed to buy land along Nicholson Road with CCW to facilitate his planning application. An offer was submitted on 3 May 2004 with settlement due 30 November 2004 with two months due diligence which would become unconditional on 5 July 2004. On 11 October 2004 the Woon’s received a faxed Letter of Authority for Darren Taggart to act on their behalf to authorise the City of Gosnells to make application for a super-lot subdivision and after consultation with their lawyers and settlement agent who advised it was their legal obligation to the sign, the Woon’s signed the Letter of Authority form. Mr Woon advised Mr Taggart had since defaulted on the contract. On 28 June 2005 during a deputation to Council, Glenariff Pty Ltd stated they had 19 contracts in Campbell estate which included Lot 11 Govan Road, however, they continued to default settlement. Mr Woon stated that based

on the facts provided he had not directly given any authority for the City of Gosnells to include Lot 11 in the super-lot subdivision and he believed inclusion was void until settlement had been effected by Glenariff Pty Ltd. In concluding he requested Council exclude Lot 11 from the Management Plans until settlement had been effected which he was pursuing.

- * Mr Laurence Douglas of Lot 285 Fairlie Road, Canning Vale made a public statement in relation to item 13.5.3 “Management Plans for the West Canning Vale Area” speaking against the staff recommendations contained in the agenda. He stated the Environmental Management Plan (EMP) contained many disclaimers which in his opinion were needed as he believed the document continued to propagate the lie that Declared Rare Flora (DRF) had been found in this estate. He advised that at a meeting on 9 November 2005 with the Minister for the Environment, she had declared DRF did not exist on this estate agreeing that the landowners of the four affected properties had been poorly treated and the process for including them in the super-lot had been badly managed. He added that negotiations were currently underway with the Minister for the Environment and Minister for Planning to re-evaluate the status of the properties and based on his research and confirmation from the Minister, the properties had not been formally assessed by the EPA and questioned how they could be included in an EMP. He advised that unless Council was fully versed with the facts he believed it would be highly inappropriate for them to endorse the current EMP. In concluding he congratulated Council on the selection of Mr Len Kosova as Director Planning and Sustainability who he felt was doing a fine job.

- * Mr Anwar Tandianus of 24 Wilkinson Gardens, owner of Lot 15 Govan Road, Campbell Estate, made a public statement in relation to item 13.5.3 “Management Plans for the West Canning Vale Area” advising that on 2 March 2005 he wrote to Council to withdraw his authority for the inclusion of his property in the super-lot subdivision plan, which was before any evaluation had been conducted by the EPA. On 16 March 2005 he received a letter from City staff advising they were unable to support his withdrawal due to the potential financial risk to other landowners in the area, however, to the best of his knowledge there was no financial risk and in his opinion it was not Council’s responsibility to concern themselves with the financial risks of developers. In his view from 2 March 2005 the City of Gosnells had continued to act illegally on his property questioning how they or anybody could do so without his approval. As the authority was not a legally binding contract he believed he was within his rights to withdraw such authority at any time. He referred to the 9 November 2005 meeting with the Minister for the Environment at which she agreed the decision may have jeopardized her decision on his property’s evaluation as a CCW. He asked how Council could approve an EMP over a property which was not a CCW and urged them to defer the decision pending further negotiations with the Minister for the Environment.

- * Mrs Yenly Hartono of Lot 2 Nicholson Road, Canning Vale made a public statement in relation to item 13.5.3 “Management Plans for the West Canning

Vale Area” speaking against the staff recommendations contained in the agenda. Mr Hartono stated that at a meeting on 9 November 2005 the Minister for the Environment confirmed that the lots outside the super-lot subdivision had not been formally assessed and her Department’s recommendation so far was that Lot 2 was not a final decision. In closing Mrs Hartono requested that Council take Lot 2 off the Management Plan and the current ODP as at this stage the land has not been assessed and was not a CCW.

7. CONFIRMATION OF MINUTES

COUNCIL RESOLUTION

563 Moved Cr J Brown Seconded Cr D Griffiths

That the Minutes of the Ordinary Council Meeting held on 22 November 2005, be confirmed.

CARRIED 9/0

FOR: Cr O Searle, Cr J Henderson, Cr C Matison, Cr D Griffiths, Cr J Brown, Cr R Hoffman, Cr R Croft, Cr W Barrett and Cr PM Morris.

AGAINST: Nil.

8. THE RECEIVING OF PETITIONS, DEPUTATIONS AND PRESENTATIONS

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

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

Nil.

9. APPLICATIONS FOR LEAVE OF ABSENCE

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

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

Cr C Matison requested leave of absence from 19 December 2005 to 9 February 2006 to for personal reasons, which includes the 20 December 2005 Ordinary Council Meeting.

COUNCIL RESOLUTION

564 Moved Cr R Hoffman Seconded Cr J Brown

That Council grant leave of absence to Cr C Matison from 19 December 2005 to 9 February 2006, inclusive.

CARRIED 9/0

FOR: Cr O Searle, Cr J Henderson, Cr C Matison, Cr D Griffiths, Cr J Brown, Cr R Hoffman, Cr R Croft, Cr W Barrett and Cr PM Morris.

AGAINST: Nil.

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

Nil.

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

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

COUNCIL RESOLUTION

565 Moved Cr R Croft Seconded Cr D Griffiths

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

- * Item 13.5.3 Management Plans for the West Canning Vale Area; and
- * Item 13.5.8 Development Application – Single House – 1 (Lot 9) Batsford Way, Canning Vale.

CARRIED 9/0

FOR: Cr O Searle, Cr J Henderson, Cr C Matison, Cr D Griffiths, Cr J Brown, Cr R Hoffman, Cr R Croft, Cr W Barrett and Cr PM Morris.

AGAINST: Nil.

13.5.3 MANAGEMENT PLANS FOR THE WEST CANNING VALE AREA

File:	S8/1/1_B	(SRW)	Psrpt149Dec05
Applicant:	ENV Australia		
Owner:	Various		
Location:	Area bounded by Campbell, Ranford and Nicholson Roads, West Canning Vale		
Zoning: MRS:	Urban		
TPS No. 6:	Residential Development		
Review Rights:	Nil, final determination by Environmental Protection Authority.		
Area:	Approximately 62ha		
Previous Ref:	OCM 26 April 2005 (Resolutions 147-149) OCM 28 June 2005 (Resolutions 275-277) OCM 9 August 2005 (Resolutions 346-347)		
Appendices:	13.5.3A West Canning Vale Outline Development Plan 13.5.3B Statement of Environmental Conditions 13.5.3C Summary of proposed Urban Water Management Plan 13.5.3D Summary of proposed Wetland and Conservation Area Management Plan 13.5.3E Plan of subdivision for Lots 13/14		

PURPOSE OF REPORT

For Council to consider two management plans for the West Canning Vale Area, which have recently been advertised for stakeholder comment.

BACKGROUND

Council at its meeting of 9 August 2005 resolved to adopt the West Canning Vale Outline Development Plan (ODP) (refer Appendix 13.5.3A), pursuant to Cl 7.4.15 of Town Planning Scheme No. 6 (TPS 6). The adoption of the ODP represented the final step in the statutory process for the ODP, with subdivision and development processes now able to commence within the planning framework established by the ODP.

As outlined in previous reports to Council, the formal consideration and ultimate adoption of the ODP for the West Canning Vale Area was progressed in parallel with a 'superlot-subdivision' proposal. The parallel processes enabled the Environmental Protection Authority (EPA) and the Minister for Environment to formally consider the environmental values of the ODP area, providing the necessary certainty for landowners and the City. The Environmental Impact Assessment process concluded in the release of a Statement of Conditions by the Minister for Environment, which is provided in Appendix 13.5.3B. The Statement of Conditions includes a requirement for two management plans to be prepared, being a Wetland and Conservation Area Management Plan and an Urban Water Management Plan.

ENV Australia (environmental consultancy) was engaged by Glenariff Holdings Pty Ltd, a landowner in the West Canning Vale Area, to prepare the required management plans at no cost to the City or other landowners within the area. The draft management plans were provided to all landowners and relevant government agencies for comment, with the opportunity now before Council to consider the submissions

received and to determine a formal position on the management plans. In accordance with the Minister's Statement of Conditions, the management plans need to be prepared to the satisfaction of the Minister on the advice of the EPA.

DISCUSSION

Scope of Management Plans

The two management plans have been prepared to address the requirements outlined in the Statement of Conditions issued by the Minister for Environment. Broadly, the management plans as two documents address the following matters:

- water quality, quantity and conservation mechanisms;
- broad drainage design;
- location of drainage swales and other drainage infrastructure;
- the protection and management of the vegetation and wetland areas to be conserved;
- the use and management of the wetland buffer zones;
- revegetation and rehabilitation strategies for wetland areas; and
- general ecological management of wetland areas.

A summary of each management plan is provided in Appendix 13.5.3C and 13.5.3D. It should be recognised that the management plans are technical in nature and it is not within the scope of the management plans to revisit any of the key planning or environmental principles previously established through the ODP and determined by the Minister for Environment.

Once finalised, the management plans will inform future subdivision/development processes and form the basis of future management regimes. Where necessary, each subdivider will need to demonstrate compliance with the principles and management practices outlined in the management plans.

Statutory Framework

In Western Australia, there is currently no statutory process in place for the consideration and ultimate adoption of environmental management plans such as the two currently before Council. Statutory recognition of management plans is generally achieved by reference to a separate statutory process, such as a formal determination by the EPA or the Minister for Environment. The management plans for the West Canning Vale Area are similar in nature to the management plans that were prepared for the three conservation category wetland (CCW) areas in the Canning Vale Outline Development Plan Area, which have statutory recognition through a Ministerial Statement of Conditions.

Opportunity for Stakeholder Comment

To ensure that all landowners and relevant government agencies had the opportunity to review and provide comment on the management plans prior to formal consideration by Council, the management plans were advertised for a period of twenty-one days with a total of four submissions received from landowners and three from government agencies. A summary of the submissions received and staff comments thereon is provided in the tables below.

Landowner Submissions

1	<p>Name and Postal Address: Eastview Nominees C/- Turner Master Planners Australia PO Box 430, Victoria Park WA 6979</p>	<p>Affected Property: Lots 13/14 Nicholson Road Canning Vale</p>
Summary of Submission		Staff Comment
1.1	<p>Figures 3.3 and 3.4 of the Campbell Estate West Canning Vale Wetland and Conservation Management Plan do not reflect the location of detention basin and swales on Lots 14 and 15 accurately when compared to the JDA, 2005 Report and shown in Figure 7 of the Water Management Plan, which shifts the basin Northwards.</p>	<p>The location of detention basins and swales in the management plans is indicative only and subject to detailed design.</p>
1.2	<p>We are seeking a minor modification to the approved ODP, with a plan of subdivision attached to illustrate.</p>	<p>The statutory process for the consideration of ODP amendments is outlined in the City of Gosnells Town Planning Scheme No. 6 (TPS 6).</p> <p>The proposed plan of subdivision included as Appendix 13.5.3E will be the subject of a separate report to Council in future.</p>
1.3	<p>The groundwater levels in the CCW's have become lower over the last 10 years. The preservation of CCW's and the vegetation contained therein is the main objective of the Campbell Estate West Canning Vale Wetland and Conservation Management Plan. This requires maintaining groundwater levels.</p>	<p>No supporting evidence was provided in respect of the groundwater levels. The preservation of the CCW's and associated vegetation is clearly the main objective of the Campbell Estate West Canning Vale Wetland and Conservation Management Plan.</p>
1.4	<p>Given that groundwater levels have become lower, the best prospect of reversing this trend is to increase recharge of the wetland, albeit indirectly, by adding nutrient-stripped drainage water via infiltration from the detention basins. It is thus prudent to locate the detention basins as close as possible to the wetland and the northwards shift is the best way to achieve this for the drainage from CE1 catchment area (refer Figure 5 in Appendix 13.5.3C).</p>	<p>No supporting evidence has been provided in respect of groundwater levels. Any significant change in surface and groundwater has the potential to impact on wetlands and associated dependent vegetation.</p> <p>Providing additional recharge to the wetland areas would likely require the inundation of wetland and wetland buffer areas, resulting in the ponding of water; there are a number of issues that would need to be considered including the potential presence of midge and mosquitoes.</p> <p>The location of detention basins in the two management plans are indicative only and subject to detailed design.</p>

Summary of Submission	Staff Comment
<p>1.5 With the detention basin shifted northwards, the requirement for a wetland buffer system via public open space remains, however, as only a small portion of Lot 14 contains wetland, the POS boundary should follow the CCW boundary. This is consistent with Campbell Estate West Canning Vale Wetland and Conservation Management Plan. Accordingly, an additional area of about 3,300m² becomes available for development.</p> <p>1.6 This particular 3,300m² is arguably the most degraded vegetation on Lot 14. It is immediately adjacent to Lot 311, the area described in the Weston Report of 1999 as being degraded to completely degraded. The vegetation decline has encroached further into this area since 1999. The area is banksia woodland, and apart from banksia there are no substantial trees remaining alive. The Kunzea understorey in the western part is for the most part dead. There are two areas of substantial dieback, indicative of Phytophthora infection. Accordingly, clearing of this area would more likely improve rather than detract from the overall environmental values of Campbell Estate.</p>	<p>Any reduction in the amount or distribution of POS represents an amendment to the ODP, which is beyond the scope of the two management plans. The statutory process for amending an ODP is outlined in TPS 6.</p> <p>As outlined above, any reduction in POS/increase in development area represents an amendment to the ODP for which there is a statutory process for consideration.</p>

2	<p>Name and Postal Address: P and M E Green Lot 284 Fairlie Road Canning Vale WA 6155</p>	<p>Affected Property: Lot 284 Fairlie Road Canning Vale</p>
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Summary of Submission	Staff Comment
<p>2.1 Report lacks credibility, as evidenced by extensive disclaimer in report</p> <p>2.2 Areas depicted as CCW and references to declared rare flora in management plans are based on incorrect information provided by the City.</p> <p>2.3 Land identified by the City as CCW lacks justification and evidentiary support and is a distortion of fact.</p> <p>2.4 The introduction of buffer areas adjacent to wetlands is unwarranted.</p> <p>2.5 The use of low value swales in place of unlined deep-water bodies will seriously detract from amenity of the area and do not meet community expectations.</p> <p>2.6 All reference to CCW should be removed from the management plans.</p>	<p>The existence of a disclaimer in such reports is a normal professional protocol and is not “evidence” of a lack of credibility.</p> <p>The management plans have been prepared on the advice of the Hon Minister for Environment and the Environmental Protection Authority (EPA). The extent of CCW and buffering public open space areas was determined by the Minister, not the City, during the ODP process.</p> <p>Refer to staff comment in response to 2.2</p> <p>Refer staff comment in response to 2.2</p> <p>The urban water management plan identifies the primary aim for stormwater management as being to minimise collection where possible and retain and treat stormwater where discharge is required. The use of swales is consistent with the principles of water sensitive urban design and satisfies the objectives of the EPA in addressing both water quality and quantity objectives. Any proposals to include “unlined deep-water bodies” as part of the drainage design for the area will be assessed on its individual merit.</p> <p>Refer staff comment in response to 2.2</p>

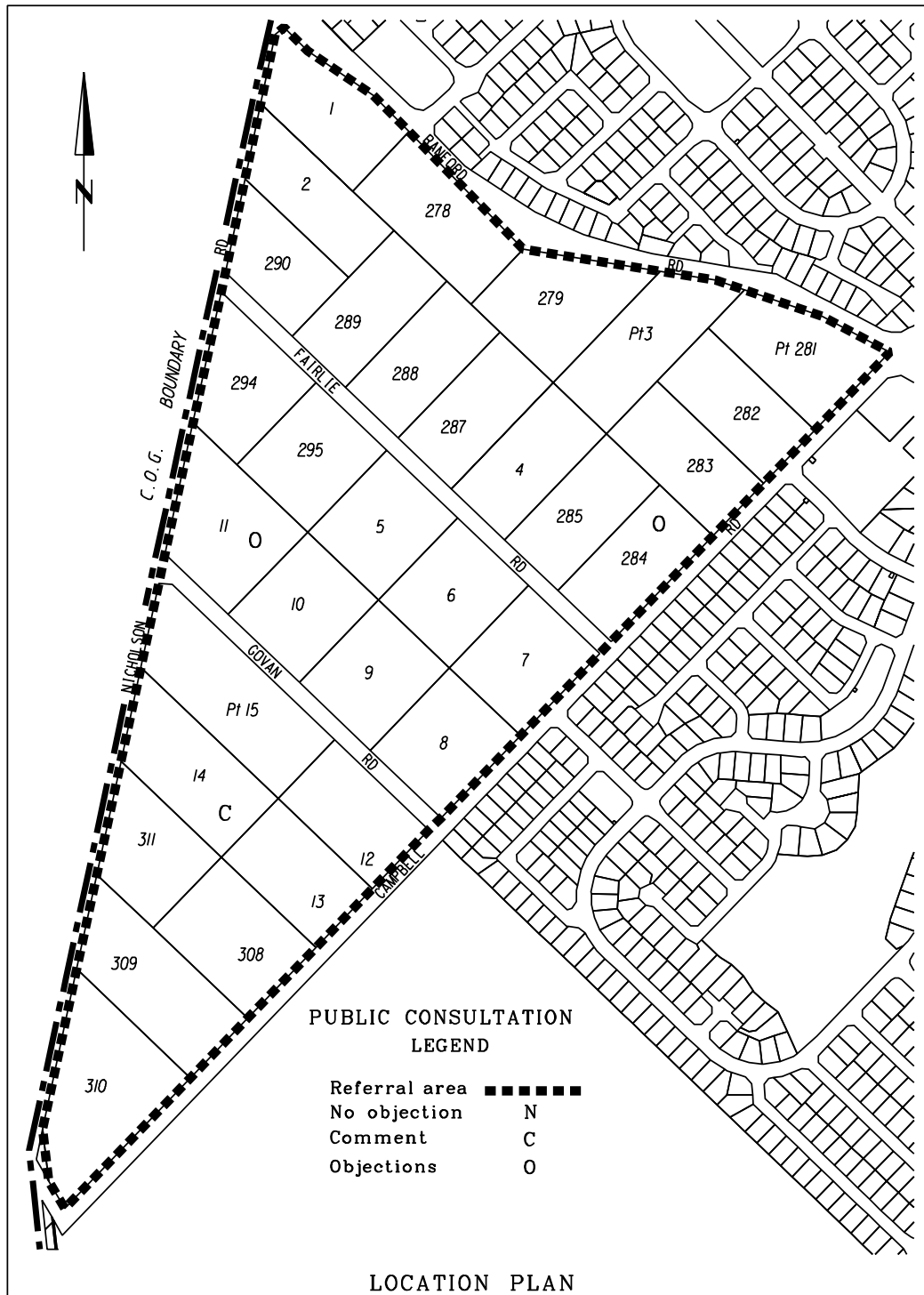
3	Name and Postal Address: Glenariff Holdings Pty Ltd PO Box 106 Riverton WA 6148	Affected Property: Various
Summary of Submission		Staff Comment
No objection to the management plans.		Noted.
4	Name and Postal Address: G Woon 2 Fourth Ave, Applecross WA 6153	Affected Property: Lot 11 Govan Road Canning Vale
Summary of Submission		Staff Comment
4.1	The Statement of Limitation gives no confidence in the report at all	This is the submitters personal opinion. Staff do not share this concern.
4.2	I did not directly provide authority to the City of Gosnells to include Lot 11 in the superlot subdivision. The authority was given to Glenariff Holdings, whilst my land was under contract but has since defaulted and is in legal process	The contractual negotiations between two private parties are not relevant to the City's consideration of the two management plans.

The Location Plan in this report illustrates the landholdings of the submissions received.

Government Agency Submissions

5	Name and Postal Address: Water Corporation PO Box 100, Leederville WA 6902	
Summary of Submission		Staff Comment
5.1	The Urban Water Management Plan provides a comprehensive water planning strategy.	Noted
5.2	The local authority will need to confirm that the existing drainage system downstream of Ranford Road has been designed to accommodate a 300mm outlet pipe from this development.	Staff have confirmed that the downstream drainage system has been designed to accommodate the proposed outlet.
6	Name and Postal Address: Department of Conservation and Land Management (CALM) Locked Bag 104, Bentley Delivery Centre Bentley WA 6983	
Summary of Submission		Staff Comment
6.1	The Department supports the retention and protection of the areas identified as CCW and adjacent buffer areas as outlined in the management plans.	Noted
6.2	The Department acknowledges the management actions stated in the plan and supports their implementation to control adverse impacts of development including inappropriate access, introduction and spread of weeds and dieback. During the construction of the public open space and compensation basins it is recommended that disturbance and clearing of remnant vegetation be minimised to protect existing plant communities and reduce the necessity for revegetation.	Noted.

7	Name and Postal Address: Department of Environment 7 Ellam Street, Victoria Park WA 6100	
Summary of Submission		Staff Comment
7.1	The Department has no objection to the two management plans.	Noted.



CONCLUSION

The management plans have been prepared to address the requirements of the Minister for the Environment and the EPA and once finalised will inform future subdivision/development processes and future management regimes. The management plans have been prepared to address a range of issues consistent with the adopted West Canning Vale Outline Development Plan. Council staff are of the opinion, based on technical assessment and stakeholder comment, that the management plans appropriately address the requirements of the EPA and Hon Minister for Environment.

FINANCIAL IMPLICATIONS

There are no direct financial implications associated with the preparation and adoption of the management plans for the West Canning Vale, as these have been privately funded. The management plans do, however, provide recommendations for future management regimes including future responsibilities for the City. The recommendations provided within the management plans are consistent with the standard approach taken by the City in the management of public open space, environmental assets and drainage systems in urban development areas.

STAFF RECOMMENDATION (1 of 3) AND COUNCIL RESOLUTION
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566 Moved Cr D Griffiths Seconded Cr R Hoffman

That Council endorse the Wetland Conservation Area Management Plan for the West Canning Vale Outline Development Plan area, as advertised, and forward the document to the Environmental Protection Authority for consideration.

CARRIED 8/1

FOR: Cr J Henderson, Cr C Matison, Cr D Griffiths, Cr J Brown, Cr R Hoffman, Cr R Croft, Cr W Barrett and Cr PM Morris.

AGAINST: Cr O Searle.

STAFF RECOMMENDATION (2 of 3) AND COUNCIL RESOLUTION
--

567 Moved Cr D Griffiths Seconded Cr R Hoffman

That Council endorse the Urban Water Management Plan for the West Canning Vale Outline Development Plan area, as advertised, and forward the document to the Environmental Protection Authority for consideration.

CARRIED 8/1

FOR: Cr J Henderson, Cr C Matison, Cr D Griffiths, Cr J Brown, Cr R Hoffman, Cr R Croft, Cr W Barrett and Cr PM Morris.

AGAINST: Cr O Searle.

STAFF RECOMMENDATION (3 of 3) AND COUNCIL RESOLUTION
--

568 Moved Cr D Griffiths Seconded Cr R Hoffman

That Council advise all landowners within the West Canning Vale Outline Development Plan area of its endorsement of the Wetland Conservation Area Management Plan and Urban Water Management Plan.

CARRIED 8/1

FOR: Cr J Henderson, Cr C Matison, Cr D Griffiths, Cr J Brown, Cr R Hoffman, Cr R Croft, Cr W Barrett and Cr PM Morris.

AGAINST: Cr O Searle.

13.5.8 DEVELOPMENT APPLICATION – SINGLE HOUSE – 1 (LOT 9) BATSFORD WAY, CANNING VALE

File: 239670 **Approve Ref:** 0506/2135 (AL) Psrpt148Dec05
 Applicant: BGC Residential
 Owner: P and D Christiansen
 Location: 1 (Lot 9) Batsford Way Canning Vale
 Zoning: MRS: Urban
 TPS No. 6: Residential Development
 Review Rights: Yes. State Administrative Tribunal against a refusal or any condition(s) of approval.
 Area: 292m²
 Previous Ref: Nil
 Appendix: 13.5.8A Conditions to be imposed on development approval.

PURPOSE OF REPORT

For Council to consider an application for a single house at 1 (Lot 9) Batsford Way, Canning Vale. Assessment of the proposal under the Performance Criteria of the Residential Design Codes (R-Codes) is sought in relation to the provision of private open space and boundary setbacks, which are outside the authority delegated to staff.

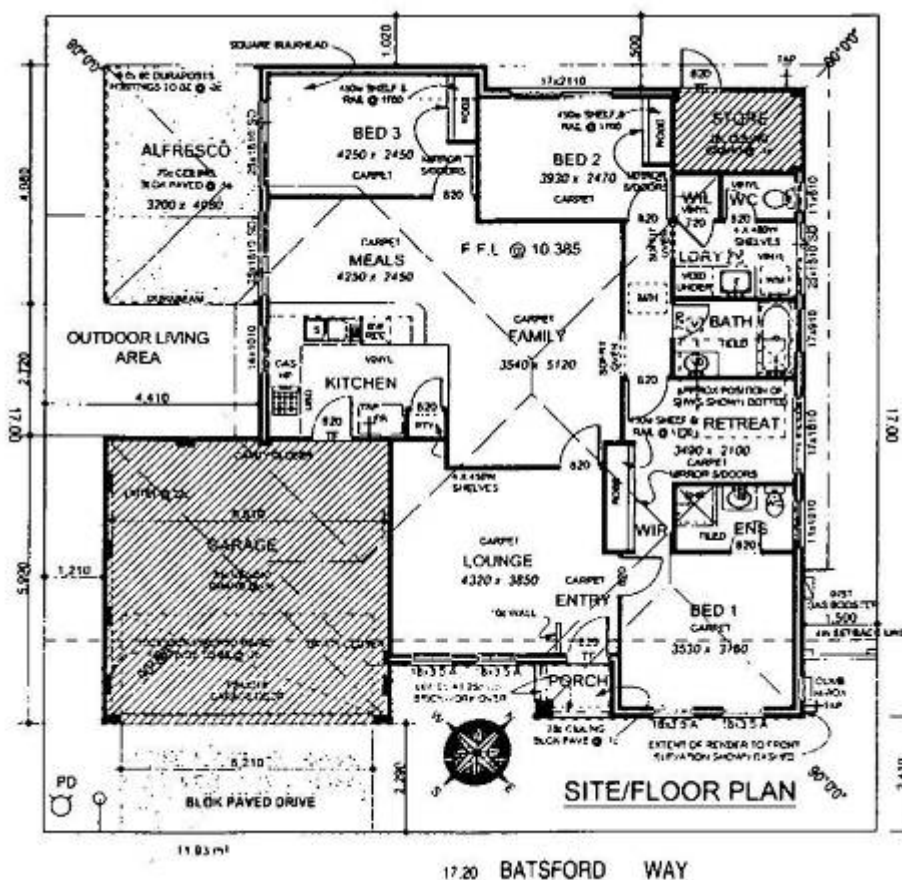
Site Description

The site is flat, vacant and cleared of vegetation. It is 292m² and has a 17.2m frontage to Batsford Way.

Proposal

The proposal is for the construction of one single house (on a lot less than 350m²). The proposed dwelling is approximately 165m² on a lot of 292m². The proposal complies with all aspects of the Acceptable Development Criteria of the R-Codes except for the provision of private open space and boundary setbacks.





Consultation

The proposal was referred to the properties adjoining and opposite the subject site. No submissions were received.

Town Planning Scheme No. 6 (TPS 6)

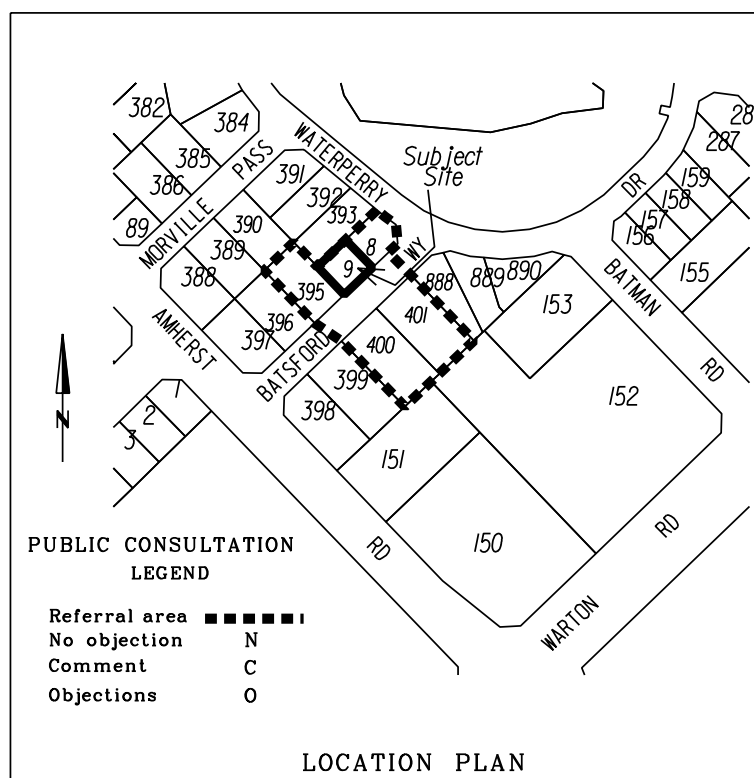
The subject site is zoned “Residential Development” under TPS 6 and is located within the Canning Vale Outline Development Plan area. The site has been designated for a density “Greater than R17.5”. In this instance the proposal has been assessed at the R40 density coding.

DISCUSSION

Residential Design Codes (R-Codes)

The R-Codes include Acceptable Development Criteria (prefixed by “A”) and Performance Criteria (prefixed by “P”). Applications not complying with the Acceptable Development Criteria can be assessed against relevant Performance Criteria. The Performance Criteria assessment applicable to this application is summarised in the following table.

R-Code Clause/Requirement		Assessment/Comment
1.	<p>3.4.1 Open Space Provision</p> <p>A1 45% of the land is required to be provided as open space. Table 1 requires a minimum outdoor living area of 20m².</p> <p>P1 Open space compliments the building, allows attractive streetscapes and suits the future needs of residents.</p>	<p>The application proposes the provision of approximately 44% open space and an outdoor living area of 38.4m², which is larger than required by Table 1.</p> <p>The open space is considered appropriate for the size of the dwelling and will provide sufficient useable area for the future residents. It is considered that 3.4.1 P1 has been satisfied.</p>
2.	<p>3.2.1 Set Back of Buildings Generally</p> <p>A1 Buildings to be set back an average of 4m from the primary street.</p> <p>P1 Building setback to ensure it contributes to the desired streetscape, provide adequate privacy and open space and allow safe clearances for service easements.</p>	<p>The application proposes an average set back of 2.6m from the primary street.</p> <p>The design presents an attractive presentation to the street and allows for a continuation of the streetscape from the adjoining lot on the corner of Waterperry Drive which has a secondary street setback of 1.5m to Batsford Way. The design provides adequate privacy and open space (refer to item 1 above regarding open space) and allows for service easements. It is considered that 3.2.1 P1 has been satisfied.</p>
3.	<p>3.2.3 Setback of Garages and Carports</p> <p>A3.5 Garages to be set back 4.5m from the primary street.</p> <p>P3 Ensure garages and carports do not detract from the streetscape or appearance of dwellings or obstruct views between the dwelling and street</p>	<p>The application proposes a 2.3m setback for the garage from the primary street (Batsford Way).</p> <p>The location of the subject garage allows for a continuation of the streetscape and presents an attractive presentation to the street. The design does not obstruct the view of the dwelling from the street or the view of the street from the dwelling. It is considered that 3.2.3 P3 has been satisfied.</p>



CONCLUSION

The applicant has requested Council to assess the proposed single house under the Performance Criteria of the R-Codes with respect to Open Space and Boundary Setback provisions. The application is considered to achieve the Performance Criteria in relation to these provisions. It is therefore recommended that the proposal be approved subject to appropriate conditions as contained in Appendix 13.5.8A.

FINANCIAL IMPLICATIONS

Nil.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION
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569 Moved Cr D Griffiths Seconded Cr R Croft

That Council approve the application for a Single House at 1 (Lot 9) Batsford Way, Canning Vale, subject to conditions contained in Appendix 13.5.8A.

CARRIED 9/0

FOR: Cr O Searle, Cr J Henderson, Cr C Matison, Cr D Griffiths, Cr J Brown, Cr R Hoffman, Cr R Croft, Cr W Barrett and Cr PM Morris.

AGAINST: Nil.

12. MINUTES OF COMMITTEE MEETINGS

12.1 LOCAL EMERGENCY MANAGEMENT COMMITTEE

File: E11/1/3 (TP) Rpt038Dec05
Appendix: 12.1A Minutes of the Local Emergency Management Committee held on 17 November 2005

PURPOSE OF REPORT

For Council to receive the Minutes of the City of Gosnells Local Emergency Management Committee meeting held on 17 November 2005.

BACKGROUND

The Local Emergency Management Committee (LEMC) generally meets every third month to discuss emergency management planning, any major incidents that have occurred within the City and to update the Emergency Management Plan where changes have occurred.

The Minutes of the Local Emergency Management Committee meeting held on Thursday 17 November 2005 are attached as Appendix 12.2A.

DISCUSSION

There were a total of two (2) recommendations made at the meeting, of which the following one (1) requires the consideration of Council.

Recommendation 4:

“That the Committee adopt the revised Local Emergency Management Arrangements, as presented to the 16 March 2005 meeting, for use in emergency events that may occur within the District.”

Council at its Ordinary Meeting held on 12 April 2005 resolved (Resolution 121) to adopt Recommendation 2 of the LEMC held on 16 March 2005 which reads:

“That the revised City of Gosnells Local Emergency Management Arrangements, subject to the above amendments, be forwarded to the Coordinator South East District Emergency Management Committee for its consideration.”

In light of Resolution 121 the City of Gosnells Local Emergency Management Arrangements (Arrangements) were forwarded to the District Emergency Management Committee (DEMC) for its consideration.

Unfortunately, for reasons beyond the control of the City, the DEMC did not meet in the first three quarters of 2005. As no response had been received from the DEMC in relation to the Arrangements the Officer in Charge was contacted seeking clarification as to the date approval may be granted for implementation of the revised Arrangements.

Advice received was that though they had not been formally assessed by the DEMC they were the most up to date Arrangements within the South East District and as such were suitable for implementation as an operational manual.

It is therefore recommended Council adopt Recommendation 4 of the LEMC held on 17 November 2005 to enable the Arrangements to be used in emergency events that may occur within the District.

FINANCIAL IMPLICATIONS

Nil.

STAFF RECOMMENDATION (1 of 2) AND COUNCIL RESOLUTION

570 Moved Cr R Hoffman Seconded Cr C Matison

That Council receive the Minutes of the Local Emergency Management Committee Meeting held on 17 November 2005 attached as Appendix 12.2A.

CARRIED 9/0

FOR: Cr O Searle, Cr J Henderson, Cr C Matison, Cr D Griffiths, Cr J Brown, Cr R Hoffman, Cr R Croft, Cr W Barrett and Cr PM Morris.

AGAINST: Nil.

STAFF RECOMMENDATION (2 of 2) AND COUNCIL RESOLUTION

571 Moved Cr R Hoffman Seconded Cr C Matison

That Council adopt Recommendation 4 of the Local Emergency Management Committee meeting held on 17 November 2005, which reads:

“That the Committee adopt the revised Local Emergency Management Arrangements, as presented to the 16 March 2005 meeting, for use in emergency events that may occur within the District.”

CARRIED 9/0

FOR: Cr O Searle, Cr J Henderson, Cr C Matison, Cr D Griffiths, Cr J Brown, Cr R Hoffman, Cr R Croft, Cr W Barrett 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 BUDGET VARIATIONS

File: F1/4/1

(RM)

dec6_05bv

PURPOSE OF REPORT

To seek approval from Council to adjust the 2005/2006 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 \$
70302.110.1001	Decrease Expenditure	Rates – Permanent Wages	36,300	
70302.110.1008	Decrease Expenditure	Rates - Allowances	26	
70302.110.1016	Decrease Expenditure	Rates – Leave Annual & Loading	3,550	
70302.110.1005	Decrease Expenditure	Rates – Leave LSL	910	
70302.110.1019	Decrease Expenditure	Rates – Superannuation	5,100	
70302.110.1020	Decrease Expenditure	Rates – Workers Compensation	830	
71611.110.1001	Increase Expenditure	Financial Services – Permanent Wages		36,300
71611.110.1008	Increase Expenditure	Financial Services – Allowances		26
71611.110.1016	Increase Expenditure	Financial Services – Leave Annual & Loading		3,550
71611.110.1005	Increase Expenditure	Financial Services – Leave LSL		910
71611.110.1019	Increase Expenditure	Financial Services – Superannuation		5,100

Account Number	Type	Account Description	Debit \$	Credit \$
71611.110.1020	Increase Expenditure	Financial Services – Workers Compensation		830
	Reason:	Employee expenses reallocated to Rates instead of Financial Services.		
71616.181.2762	Decrease Expenditure	Photocopying		7,000
71616.120.1505	Increase Expenditure	Stationery	7,000	
	Reason:	Realignment of account used during the 2005/2006 budget process.		
71611.181.2756	Decrease Expenditure	Investment Advisor Expenses	15,000	
70301.360.6850	Increase Income	Interest on Investments (Municipal)		15,000
	Reason:	To account for investment advisory charges that were being offset against income received.		
Job2399.57.3	Increase Expenditure	Environmental Management Consultancy		31,500
Job2399.5000.51	Increase Income	Environmental Management Grants Operational	31,500	
	Reason:	To include a \$31,000 (GST exclusive) grant received from the Swan River Trust for Riverbank funding not included in the 2005/06 Budget.		
51001.110.1004	Increase Expenditure	Wages – Sanitation Collection Services		518,480
51001.1110.10001	Decrease Expenditure	Salaries – Permanent Sanitation Collection Services	518,480	
	Reason:	Budget variation to accommodate Wages for Sanitation Jobs transferred from 51001.110.1001 Wages to 51001.110.1004		

STAFF RECOMMENDATION AND COUNCIL RESOLUTION

572 Moved Cr D Griffiths Seconded Cr W Barrett

That Council approve the following adjustments to the Municipal Budget:

Account Number	Account Description	Debit \$	Credit \$
70302.110.1001	Rates – Permanent Wages	36,300	
70302.110.1008	Rates - Allowances	26	
70302.110.1016	Rates – Leave Annual & Loading	3,550	
70302.110.1005	Rates – Leave LSL	910	
70302.110.1019	Rates – Superannuation	5,100	
70302.110.1020	Rates – Workers Compensation	830	
71611.110.1001	Financial Services – Permanent Wages		36,300
71611.110.1008	Financial Services – Allowances		26
71611.110.1016	Financial Services – Leave Annual & Loading		3,550
71611.110.1005	Financial Services – Leave LSL		910
71611.110.1019	Financial Services – Superannuation		5,100
71611.110.1020	Financial Services – Workers Compensation		830
71616.181.2762	Photocopying		7,000
71616.120.1505	Stationery	7,000	
71611.181.2756	Investment Advisor Expenses	15,000	
70301.360.6850	Interest on Investments (Municipal)		15,000
Job2399.57.3	Environmental Management Consultancy		31,500
Job2399.5000.51	Environmental Management Grants Operational	31,500	
51001.110.1004	Wages – Sanitation Collection Services		518,480
51001.1110.10001	Salaries – Permanent Sanitation Collection Services	518,480	

CARRIED BY ABSOLUTE MAJORITY 9/0

FOR: Cr O Searle, Cr J Henderson, Cr C Matison, Cr D Griffiths, Cr J Brown, Cr R Hoffman, Cr R Croft, Cr W Barrett and Cr PM Morris.

AGAINST: Nil.

13.4 INFRASTRUCTURE

13.4.1 TENDER 58/2002 – STREET TREE PRUNING - EXTENSION TO CONTRACT

File: TEN/58/2002 (GRB) GB12.1a

PURPOSE OF REPORT

To seek Council approval for the extension of the contract period for Tender 58/2002 – Street Tree Pruning and advise on the prices submitted for this period.

BACKGROUND

Recommendations adopted at the Ordinary Council Meeting on 22 April 2003 for Tender 58/2002 resolved that three (3) contractors would provide the required services of line clearing, under-pruning, mulching, tree removal and stump grinding, for the period 13 January 2003 to 12 January 2006.

Resolution 232

“That Council award Tender 58/2002 – Tree Pruning Services for the supply of Western Power line clearance requirements and under pruning to Specialised Tree Lopping and Kennedy’s Tree Services in accordance with the schedule of rates in their Tender submission.”

Resolution 233

“That Council award Tender 58/2002 – Tree Pruning Services for the supply of tree removal and stump grinding requirements to Kennedy’s Tree Services and Beaver Tree Services in accordance with the schedule of rates in their respective Tender submissions.”

The City wrote to each of the three existing contractors seeking a submission on prices for a possible extension to the contract period.

Tender Clause 1.2, Length of Contract advises:

“The Council only reserves the option to extend the Contract for a maximum of three (3) years incorporating one pruning cycle each year, based on satisfactory performance in the initial contact period”.

Work allocated to the three contractors during the existing contract period are as follows:

Specialised Tree Lopping, 69 Farnley Street, Mt Lawley 6050
Schedule B - Pruning and mulching in suburbs of Thornlie and Langford.

Kennedy's Tree Services, 21 Berkshire Road, Forrestfield 6058
Schedule B - Pruning and mulching in suburbs of Beckenham, Kenwick, Maddington, Gosnells and Huntingdale.

Beaver Tree Services, 17 Clifton Street, Kelmscott 6111
Schedule C - Tree Removals.

Each of these contractors has performed adequately in the type of work allocated to them under this contract over the initial contract period of three years.

Prices submitted are as follows:

	Specialised Tree Lopping		Beaver Tree Services		Kennedy's Tree Services	
	New price \$	Previous contract \$	New price \$	Previous contract \$	New price \$	Previous contract \$
SCHEDULE B – Pruning & Mulching						
“A” Line Clearing	\$27	\$27	N/A		\$25	\$24
“B” Under Pruning	\$12	\$12	N/A		\$15	\$15
“C” House Line Clearing	\$17	\$17	N/A		\$20	\$20
SCHEDULE C – Tree Removals						
0-5m	\$200	\$320	\$140	\$120	\$120	
5-10m	\$342	\$510	\$400	\$350	\$300	
10-15m	\$558	\$735	\$630	\$550	\$500	
15-20m	\$800	\$950	\$1,040	\$900	\$850	

DISCUSSION

Both Specialised Tree Lopping and Kennedy's Tree Services re-submitted prices indicate only minor overall increases which are well inside CPI figures. The price increase requested by Beaver Tree Services is on average a 15.22% increase.

Whilst Kennedy's have not been involved in tree removals in the initial contract period they have submitted competitive prices and have sufficient resources to undertake both pruning and tree removals concurrently if required.

The pruning and mulching works (predominantly line clearing) have time restraints in order that this work is completed prior to the on-set of winter and it will be recommended that both Specialised Tree Lopping and Kennedy's Tree Services continue this service in their respective allocated areas.

The prices submitted by Kennedy's Tree Services for Tree Removals provide significant cost benefits for the City and it will therefore be recommended that Kennedy's be allocated this work.

FINANCIAL IMPLICATIONS

Both current and future Parks and Environmental Operations recurrent street-tree maintenance budgets will provide sufficient funds for the provision of this service at the prices submitted.

STAFF RECOMMENDATION (1 of 2) AND COUNCIL RESOLUTION**573 Moved Cr C Matison Seconded Cr R Hoffman**

That Council approve the option to extend Tender 58/2002 – Street Tree Pruning to Specialised Tree Lopping, 69 Farnley Street, Mt Lawley 6050, for pruning and mulching services in accordance with Schedule B and the prices submitted, for the period 13 January 2006 to 30 June 2009.

CARRIED 9/0

FOR: Cr O Searle, Cr J Henderson, Cr C Matison, Cr D Griffiths, Cr J Brown, Cr R Hoffman, Cr R Croft, Cr W Barrett and Cr PM Morris.

AGAINST: Nil.

STAFF RECOMMENDATION (2 of 2) AND COUNCIL RESOLUTION**574 Moved Cr C Matison Seconded Cr R Hoffman**

That Council approve the option to extend Tender 58/2002 – Street Tree Pruning to Kennedy's Tree Services, 21 Berkshire Road, Forrestfield 6058, for pruning and mulching and tree removal services in accordance with Schedule B and Schedule C and the prices submitted, for the period 13 January 2006 to 30 June 2009.

CARRIED 9/0

FOR: Cr O Searle, Cr J Henderson, Cr C Matison, Cr D Griffiths, Cr J Brown, Cr R Hoffman, Cr R Croft, Cr W Barrett and Cr PM Morris.

AGAINST: Nil.

13.4.2 TENDER 25/2005 – PROVISION OF ENGINEERING SURVEYING SERVICES

File: TEN.25/2005 (KK) KK12.1A
 Previous Ref: OCM 16 December 2003 – Resolution 793

PURPOSE OF REPORT

To award Tender 25/2005 – Engineering Survey Services to a Surveying Company to carry out Surveying Services for a contract period of two (2) years commencing 1 January 2006 and concluding on 31 December 2007.

BACKGROUND

The tender was advertised in the West Australian newspaper on 15 November 2005 and submissions closed at 2.00 pm on Wednesday 16 November 2005. Thirteen (13) sets of documents were downloaded from the City of Gosnells website, with three (3) tenders being received as outlined below.

- Midland Survey Services
- Level and Detail Surveys
- Connell Wagner Pty Ltd

Tenderers Name	Heavy Road per hour	Medium Road per hour	Light Road per hour	As Constructed survey per hour	Minimum No of hours	Average Rate Based on %
Midland Survey Services	\$140	\$115	\$91	\$91	4	\$107.9
Level and Detail Surveys	\$88	\$88	\$88	\$88	2	\$88
Connell Wagner	\$110	\$110	\$110	\$110	0	\$110
Estimated % of Projects	10%	50%	30%	10%		

DISCUSSION

The Tender evaluation used several criteria including tendered price, quality and service, past performance and experience, management staffing, Occupational Health and Safety, customer focus and delivery period.

The following is the tender evaluation matrix for this Tender.

Tenderers Name	Experience 30%	Methodology 10%	Capacity 10%	Price 50%	Totals 100%
Level and Detail Surveys	30	6	7	50%	93
Midland Survey Services	30	10	10	41%	91
Connell Wagner	30	10	10	40%	90

The three companies that submitted tenders to provide surveying services to the City of Gosnells are all capable of providing the surveying services at a high standard. However Level and Detail Survey in addition to scoring slightly higher than the other two companies is a locally based firm and has been providing surveying services to the City of Gosnells for the last four years.

The Price assessment is based upon estimated volume of work expected in the various road categories of heavy, medium, light and as constructed multiplied by the rates provided for each category.

Level and Details Survey is a firm operated by a sole trader. Due to the high number of survey tasks that is expected in the next two years, it is recommended that the tender for Engineering Survey Services be awarded to two tenderers to ensure that the surveying tasks are completed within the required time frame.

Midland Survey Services has many personnel and the equipment available for survey projects and have undertaken many projects for Main Roads WA and Western Power.

It should also be noted that Connell Wagner is a Consultant on the Engineering Design Panel for the City of Gosnells, where there is a provision for survey costs on a lump sum basis. It is noted that the hourly rate provided in the Engineering Design Tender is \$10/hour lower than the rate tendered for the Engineering Survey Tender and as such, if required, the City of Gosnells would be able to undertake work for specific projects through that annual tender.

FINANCIAL IMPLICATIONS

In the 2004/2005 financial year, over \$85,000 was spent on external survey by Contractors for various capital works projects.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION

575 Moved Cr J Brown Seconded Cr R Croft

That Council award Tender 25/2005 – Engineering Survey Services to Level and Detail Services, 72 Kenwick Road, Kenwick WA 6107 and to Midland Survey Services, 2 Victoria Street Midland WA 6056, for a contract period of two (2) years commencing 1 January 2006 and concluding 31 December 2007, to carry out survey tasks as needed in accordance with the rates as submitted and documented in the following table:

Tenderers Name	Heavy Road Per Hour	Medium Road Per Hour	Light Road Per Hour	As Constructed Survey Per Hour	Min No of Hours
Midland Survey Services	\$140	\$115	\$91	\$91	4
Level and Detail Surveys	\$ 88	\$ 88	\$88	\$88	2

CARRIED 9/0

FOR: Cr O Searle, Cr J Henderson, Cr C Matison, Cr D Griffiths, Cr J Brown, Cr R Hoffman, Cr R Croft, Cr W Barrett and Cr PM Morris.

AGAINST: Nil.

The Mayor advised the meeting that Cr C Matison due to being Life Member of the Southern District Netball Association had disclosed an Impartiality Interest in the following item in accordance with Regulation 34C of the Local Government (Administration) Regulations 1996.

13.4.3 TENDER 35/2005 - SUPPLY AND APPLICATION OF ACRYLIC SURFACE COATING AT LANGFORD NETBALL CENTRE, LANGFORD

File: TEN/35/2005 (KS) KS12.1a

PURPOSE OF REPORT

For Council to award Tender 35/2005 for the Supply and Application of Acrylic Surface Coating at Langford Netball Centre.

BACKGROUND

The tender was advertised in the West Australian newspaper on 20 August 2005 and submissions closed on 8 September 2005.

Submissions were received from the following four suppliers:

Tenderer	Address
West Coast Synthetic Surfaces	17 Evergreen Gardens Carramar WA 6031
Play Maker Sports	PO Box 109 Inglewood WA 6932
Advanced Sporting Surfaces	PO Box 2296 Warwick WA 6024
Sports Surfaces	PO Box 361 Mt Hawthorn WA 6915

The Langford Netball courts were resurfaced with a 30 millimetre coat of bitumen prior to the 2005 winter netball season as part of a complete resurface project funded by the City and a funding grant through the Community Sporting and Recreation Facilities Fund (CSRFF). The second stage of the resurface project is to apply an acrylic coat over the new bitumen surface.

DISCUSSION

The following matrix details the submissions and their subsequent evaluations based on the criteria detailed in the tender documentation.

	Sports Surfaces	Advanced Sporting Surfaces	Playmaker Sports	West Coast Synthetic Surfaces
Experience - Experience in carrying out similar works as specified in this contract within local government or the private sector (10%)	10%	6%	10%	10%
Performance History - Reference – Provide 3 written references showing evidence of successful contracts fulfilled over the past 12 months (10%)	10%	3%	6%	10%
Safety - A written Occupational Health & Safety Manual – copy to be supplied with submission (10%)	5%	0%	10%	5%
Additional references that can be provided showing performance of the product beyond 5 years. These can be written or by way of contact details of organisations administering the courts (10%)	10%	0%	0%	10%
TOTAL PERCENTAGE (40%)	35%	9%	26%	35%
RANK IN SCORE	1	3	2	1

	Sports Surfaces	Advanced Sporting Surfaces	Playmaker Sports	West Coast Synthetic Surfaces
Price	\$82,653	\$95,880	\$105,000	\$77,000
Ranking on Price Only	2	3	4	1
Matrix on Price – 60%	50.95%	43.92%	40.10%	60%
Matrix on Performance – 40%	35%	9%	26%	35%
Total – 100%	86%	53%	66%	95%
TOTAL RANKING	2	4	3	1

There are a number of different acrylic coatings that can be applied to hardcourt surfaces that provide a non-slip surface and are designed to be serviceable for up to six years before a new surface coat can be applied, providing the bitumen base surface holds its integrity.

Extensive discussion and tender assessment was conducted by officers from Parks and Environmental Operations, City Facilities as well as discussion with the netball court user group, Southern Districts Netball Association.

The two leading companies based on the matrix results are West Coast Synthetic Surfaces and Sports Surfaces. Both companies had installed netball courts within the Perth metropolitan area very recently. The Principal Coordinator Parks Operations visited these courts with members of the Southern Districts Netball Association Management Committee to assess the court surfaces.

The first courts visited were located at Mathews Netball Centre in Floreat and had been installed by Sports Surfaces Pty Ltd. The courts were considered to have an excellent playing surface and the reports from players and coaches were that the surface performed exceptionally well through all weather conditions.

The second courts visited were located at the Dulcie Lidlow Netball Centre in Midland and had been installed by West Coast Synthetic Surfaces. The outcome for these courts were that they also had performed exceptionally well through all weather conditions and that they also provided an excellent playing surface.

All tenderers are able to supply a two-tone product that will provide an aesthetically pleasing result for the area by installing the court playing surface in one colour and the court surrounds in a contrasting colour that will provide a lift to the amenity of the area.

In summary, the tender assessment has revealed that at least two companies are very capable of providing an excellent product that has been tested over time and in this instance the difference between these contractors is the tendered price.

The above assessment indicates that West Coast Synthetic Surfaces with a matrix score of 95% represents best value to the City of Gosnells. It will be recommended that the contract be awarded to West Coast Synthetic Surfaces.

FINANCIAL IMPLICATIONS

The Job Number C60018 was allocated in the 2004/2005 budget and was to include all the associated works for the resurfacing of the netball courts, however, several holdups with the bitumen resurface and conflict with the 2005 winter netball season meant that a total of \$114,745 was carried over to the current financial year from the previous year's budget of \$253,400. The cost to complete the project with the acrylic surfacing is \$77,000.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION
--

576 Moved Cr J Henderson Seconded Cr R Hoffman

That Council award Tender 35/2005 for the Supply and Apply of Acrylic Surface Coating at Langford Netball Centre to West Coast Synthetic Surfaces of 17 Evergreen Gardens, Carramar WA 6031, at a cost of \$77,000.

CARRIED 9/0

FOR: Cr O Searle, Cr J Henderson, Cr C Matison, Cr D Griffiths, Cr J Brown, Cr R Hoffman, Cr R Croft, Cr W Barrett and Cr PM Morris.

AGAINST: Nil.

13.4.4 TRAVELSMART HOUSEHOLD PROGRAMME – STAGE 3 PARTICIPATION

File: T6/1/5 (BH) BH12.1a
Previous Ref: OCM 12 February 2002 – 12.4.3 – Travelsmart Individualised Marketing
Appendix: 13.4.4A – Memorandum of Understanding

PURPOSE OF REPORT

To seek Council approval for a commitment and associated funding for the Travelsmart Household Programme for the area approved by the Department for Planning and Infrastructure for the 2006/2007 financial year.

BACKGROUND

Council at its Ordinary Meeting of 12 February 2002 carried Resolutions 26 and 27 which read as follows:

Resolution 26

“That Council advise the Department of Planning and Infrastructure that it is interested in participating in the Travel Smart programme.”

Resolution 27

“That funding of \$136,880.50 for the Travel Smart programme be considered in the budget deliberations for the years 2002/2003 and 2003/2004.”

Following Council’s decisions on this matter an Expression of Interest was forwarded to the Department for Planning and Infrastructure (DPI) detailing the City of Gosnells’ commitment to be involved in the Travelsmart programme. The resolutions carried by Council referred to the whole City, which was subsequently divided into areas and the City participated in Stage 2 of the Household Travelsmart programme with two areas being recently undertaken as follows:

- Part of Thornlie – 11,000 residents,
- Part of the suburbs of Maddington and Gosnells – 17,000 residents.

The areas submitted for stage 3b of the programme were:

- Langford/Beckenham/Kenwick/Thornlie (part) – approximately 8,000 households and 21,500 residents, target population is 80% or 17,200 residents.
- Huntingdale/Thornlie (part)/Gosnells (part) – approximately 7,600 Lots and 20,000 residents, with a target population of 80% or 16,000 residents.

DISCUSSION

The latest advice from the DPI is that the Hon Minister for Planning and Infrastructure, Alannah MacTiernan MLA has selected several areas regarding the delivery of Travelsmart and the Langford/Beckenham/Kenwick/Thornlie (part) suburbs submission has been successful.

DPI is keen to commence delivery of the City of Gosnells Project early in 2006. However, the City would not be required to make a funding contribution until the 2006/2007 financial year.

The City of Gosnells will be required to sign a Memorandum of Understanding (MOU) with the Department for Planning and Infrastructure to ensure the required commitment for funding is achieved, as well as providing an understanding for project scope, area definition, stakeholder responsibilities and project plan and timeframe. The DPI is seeking Council's endorsement of the offer and the MOU signing by the end of December 2005.

The successful area for Stage 3 incorporates three whole suburbs and part of Thornlie. The area is bounded by the City of Canning/Gosnells Boundary, Roe Highway, Spencer Road, Burslem Drive, Austin Avenue, Bickley Road, Wanaping Road, Brixton Street and Roe Highway. See Appendix 13.4.4A.

It is estimated that the Travelsmart project will deliver to the project area:

- 1.2 million fewer car trips
- 12 million fewer car km
- 3,500 tonnes reduction in Greenhouse Gas emissions
- 550,000 more walk trips
- 180,000 more cycling trips
- 180,000 more public transport trips
- 300,000 hours more physical activity

The Travelsmart project will commence in April 2006 with a Baseline Travel survey being undertaken in the area, with the Individualised Marketing commencing in May to July 2006.

Whilst Council has already agreed to support the Travelsmart concept in 2002 it is recommended that the Mayor and Chief Executive Officer be authorised to sign the Memorandum of Understanding for this specific project area that is included in Appendix 13.4.4A.

While the MOU is not necessarily a legally binding document it will commit the City to providing the necessary funds in the budget.

FINANCIAL IMPLICATIONS

The contribution from Council has been set at \$72,240 and this will need to be considered in the City's 2006/2007 budget. It may be prudent to list \$75,000 for budget considerations to accommodate any administration costs and printing costs for additional Travelsmart maps.

The City of Gosnells' contribution is 10% of the total cost of the project, with the DPI contributing \$650,360 with a total project cost of \$722,600. This project cost is broken down to the following components:

Monitoring surveys	\$	80,000
Household service	\$	390,600
Information materials	\$	86,200
Bus information modules	\$	71,400
Project coordination	\$	94,400

STAFF RECOMMENDATION (1 of 2) AND COUNCIL RESOLUTION

577 Moved Cr R Hoffman Seconded Cr D Griffiths

That Council authorise the Mayor and Chief Executive Officer to sign the Memorandum of Understanding for the Travelsmart Household Programme for the area of Beckenham, Kenwick, Langford and Thornlie (part) as included in Appendix 13.4.4A.

CARRIED 9/0

FOR: Cr O Searle, Cr J Henderson, Cr C Matison, Cr D Griffiths, Cr J Brown, Cr R Hoffman, Cr R Croft, Cr W Barrett and Cr PM Morris.

AGAINST: Nil.

STAFF RECOMMENDATION (2 of 2) AND COUNCIL RESOLUTION

578 Moved Cr R Hoffman Seconded Cr D Griffiths

That Council include \$75,000 in the 2006/2007 budget for Travelsmart Stage 3 funding contribution.

CARRIED 9/0

FOR: Cr O Searle, Cr J Henderson, Cr C Matison, Cr D Griffiths, Cr J Brown, Cr R Hoffman, Cr R Croft, Cr W Barrett and Cr PM Morris.

AGAINST: Nil.

13.4.5 BURSLEM DRIVE, MADDINGTON - UNDERPASS CLOSURE

File: F3/2/23

(BH)

BH12.2a

PURPOSE OF REPORT

To seek Council approval to close the Burslem Drive Underpass and construct an “at grade” pedestrian crossing on Burslem Drive, Maddington.

BACKGROUND

In late 2004, the City of Gosnells submitted a funding application to the State Government’s Designing Safer Communities Funding programme, for the upgrade of the Burslem Drive underpass. The Burslem Drive underpass project initially considered several improvements to the following areas:

- Attractive landscaping.
- Landscaping to improve natural and passive surveillance.
- Structure enhancement (including permeable walls and median ventilation/natural light grill).
- Lighting improvements.
- Signage.
- Ramp access.
- Other security/safety devices and equipment.

The following are the proposed construction details that were to be implemented as part of the overall project:

- Remove the steep banks on the west (river side) of the underpass and open up visibility to the entrance/exit of the underpass.
- Landscape those banks in a manner whereby there would be no initial or future vegetation intrusion to the sight lines for the underpass.
- Construction of a pathway from the “new” development south of the underpass to the underpass access point.
- Improve the lighting at each end of the underpass.
- Improve the lighting within the underpass itself.
- Provide appropriate signage for the underpass.

The proposed outcomes of the project were as follows:

- Improved safety of the general area around the underpass,
- Improve safety within the underpass proper,
- Increase actual and implied surveillance at the underpass,
- Connect adjacent developments to the underpass,
- Connect the path network at the Canning River with the Maddington Town centre.

The underpass was constructed in 1979 as a condition of the development of the Centro Maddington Shopping Complex and it has been in service since that time.

Part of the reason why the underpass has come under review is through the community consultation process that was undertaken as part of the Maddington Town Centre Enquiry by Design Workshop and Maddington/Kenwick Action Plan development.

The Maddington/Kenwick Action Plan identifies the upgrade or redevelopment of the underpass as a key action (B14) in achieving the objectives of Strategy 2: Improving Access and Mobility. This Strategy aims to “improve connectivity within Maddington/Kenwick and provide safe, easy access for all”.

The application for funding made to the State Government has been successful and the project has received a grant of \$50,000 from a total project cost of \$100,000. The term of the project is February 2005 to February 2006.

Currently the City has spent \$43,274 in carrying out the major earthworks on the steep banks on the west (river) side of the underpass and constructing the majority of the pathway to the proposed southern development. The remaining funds are now for works on the underpass and its surrounds.

DISCUSSION

Current investigations of the underpass reveal that it is no longer in keeping with the latest standards for such constructions. Its problems are summarised in the following points:

- The actual length of the underpass is 36 metres with the headwalls at the west end being 10 metres and the chicane access ramp at the eastern side being 26 metres.
- The width is only 2 metres at the extremities and the actual underpass proper is 3 metres. This is very constrictive for users.
- The underpass is also very deep and this prevents natural light from entering the tunnel and lighting via electrical equipment is paramount.

- The chicane access ramp at the shopping centre side is very narrow and long and does not allow for pedestrians to see through the underpass prior to actually entering the tunnel.
- There is no actual or perceived surveillance on the shopping side giving no comfort to users.
- The underpass lighting is vandalised and not in operation on many occasions.
- The underpass is prone to graffiti.

In an effort to ascertain usage of the underpass by the community Main Roads Western Australia (MRWA) set up a video surveillance camera directed at the entrance on the Shopping Centre side and the road crossing. The survey was carried out on Wednesday 18 May 2005, between 7.00 am and 5.41 pm and the results shown in the table below. It should be noted that it rained on the afternoon from 2.00 pm.

Description of User	In	Out	Other
Cyclists	11	13	
Pedestrian and Pram	3	3	
Pedestrians General	15	25	
Motorcycle	1	1	
Pedestrian crossing Burslem Drive South to North			4
Pedestrian crossing Burslem Drive North to South			12
Totals	30	42	12

Despite the afternoon weather conditions 72 people used the underpass and the number of people crossing the road is 12 from a total of 84 crossing Burslem Drive in some manner. This represents 14% of the total number of people crossing the roadway who do not use the underpass for whatever reason.

Based on the crime problems associated with the underpass and the numbers of pedestrians already crossing Burslem Drive without using the underpass it is recommended that the initial project be amended and the underpass be closed and an at grade pedestrian crossing facility be provided.

It should be noted that people often seek a direct route to their destination even where this involves informal crossings of busy roads. This fact is evident in the results of the survey carried out at the Burslem Drive underpass. Generally crossings should be positioned, where possible, to meet pedestrian and cycle desire lines of movement. Liveable Neighbourhoods states that "To encourage people to walk, a place must have high pedestrian amenity and efficiency, be stimulating, legible and safe for pedestrians."

The Burslem Drive underpass does not meet the Liveable Neighbourhoods criteria. For example, pedestrian tunnels, narrow passageways, pedestrian bridges, moving escalators and staircases all serve as effective predictors of a user's route. A potential offender will be able to predict where a person is going to end up. This can turn path users into potential crime targets. Such 'movement predictors' are of particular concern when they are isolated or terminate in entrapment spots.

Police statistics cannot specifically identify the underpass as it does not have a specific street address. However, the WA Police advise that in the past four years the underpass has been subject to numerous graffiti complaints common assaults, minor robberies and stealing of bicycles and also a dumping ground for stolen bicycles. The underpass is also used by offenders as an escape route after committing offences at Centro Maddington and Thornlie TAFE. The video surveillance would appear to show an incident where a potential offender is fleeing from Maddington Centro with a staff member in pursuit.

It is proposed that the underpass be closed and that the ends be bricked off and the chicane at the shopping centre be completely filled in. This is to prevent the chicane and underpass from becoming an area for anti-social behaviour which may occur in the area once the underpass is no longer in use.

The current width of Burslem Drive is 10 metres which is capable of catering for two traffic lanes of 3.5 metres (one each way) and a 3 metre wide pedestrian median island in the middle. The sight lines at the location suggested are very good and if two small trees, on the verge, were removed the sight lines would be improved even further. A painted median for the remainder of Burslem Drive could be designed as part of traffic management for this area which would also assist in reducing travel speeds and improving amenity in this area.

In the initial stage the Council may wish to construct the "at grade" pedestrian crossing, fence off the underpass and gauge the community's reaction to the closure. However, the expenditure on the pedestrian crossing will have taken place and any reopening of the underpass would then require further funding from Council. This approach is not recommended as staff believe that the underpass should be closed permanently.

The amendments to the original project should comply with the conditions of the grant as it can be clearly demonstrated that the underpass closure and the new construction will improve safety in the area and match the guidelines for designing out crime in the specific location.

FINANCIAL IMPLICATIONS

Financially the extra funds for the pedestrian facilities can be taken from the savings in not having to upgrade internal lights within the underpass. Also there will be funds available from other lighting savings at each end of the underpass. The remaining funds will be used to shut off the underpass.

STAFF RECOMMENDATION (1 of 3) AND COUNCIL RESOLUTION**579 Moved Cr C Matison Seconded Cr R Hoffman**

That Council support the closing of the underpass in Burslem Drive Maddington.

CARRIED 9/0

FOR: Cr O Searle, Cr J Henderson, Cr C Matison, Cr D Griffiths, Cr J Brown, Cr R Hoffman, Cr R Croft, Cr W Barrett and Cr PM Morris.

AGAINST: Nil.

STAFF RECOMMENDATION (2 of 3) AND COUNCIL RESOLUTION**580 Moved Cr C Matison Seconded Cr R Hoffman**

That Council seek the approval of the Office of Crime Prevention to amend the initial project for the upgrading of the underpass in Burslem Drive to closing of the underpass and the construction of “at grade” pedestrian facilities across Burslem Drive in an adjacent location.

CARRIED 9/0

FOR: Cr O Searle, Cr J Henderson, Cr C Matison, Cr D Griffiths, Cr J Brown, Cr R Hoffman, Cr R Croft, Cr W Barrett and Cr PM Morris.

AGAINST: Nil.

STAFF RECOMMENDATION (3 of 3) AND COUNCIL RESOLUTION**581 Moved Cr C Matison Seconded Cr R Hoffman**

That Council advise the owners of the Maddington Centro Shopping Complex and the Thornlie TAFE of the decision and reasons to close the pedestrian underpass under Burslem Drive.

CARRIED 9/0

FOR: Cr O Searle, Cr J Henderson, Cr C Matison, Cr D Griffiths, Cr J Brown, Cr R Hoffman, Cr R Croft, Cr W Barrett and Cr PM Morris.

AGAINST: Nil.

13.5 PLANNING AND SUSTAINABILITY

13.5.1 PROPOSED AMENDMENT TO CANNING VALE OUTLINE DEVELOPMENT PLAN – LOTS 10, 11 AND 111 AMHERST ROAD AND LOTS 26, 27 AND 28 BIRNAM ROAD, CANNING VALE

File:	S8/1/2	Approve Ref:	0506/0195AA	(SC)	Psrpt155Dec05
Applicant:	Prestige Project Management Pty Ltd				
Owner:	Various				
Location:	Lots 9, 10, 11 and 111 Amherst Road and Lots 26, 27 and 28 Birnam Road				
Zoning: MRS:	Urban				
TPS No. 6:	Residential Development				
Review Rights:	Nil				
Area:	Approximately 10ha				
Previous Ref:	OCM 10 May 2005 (Resolution 189)				

PURPOSE OF REPORT

For Council to consider a proposed amendment to the Canning Vale Outline Development Plan (ODP).

BACKGROUND

The Canning Vale Outline Development Plan (ODP) provides a framework for subdivision and development.

At its Ordinary Meeting on 10 May 2005, Council resolved to advertise a proposed amendment to the Canning Vale ODP for public comment. The amendment involves increasing the residential density coding for Lots 26, 27 and 28 Birnam Road and Lots 10 and 11 Amherst Road, Canning Vale from “Residential R17.5” to “Residential Density Greater than R17.5”, and also the relocation of a proposed drainage basin shown within a future public open space (POS) area from Lot 111 Amherst Road to Lot 9 Amherst Road.

Council’s resolution to advertise the proposed amendment was subject to:

- “1. Lodgement of a Detail Area Plan covering the affected area addressing design and density to the satisfaction of the Director Planning and Sustainability.
2. Lodgement of a Park Development Plan over the future public open space to the satisfaction of the Director Infrastructure.
3. The applicant submitting a legal agreement to the satisfaction of the Director Planning and Sustainability over the timing and development of the corner store on the corner of Amherst and Fraser Roads.”

In accordance with the above resolution the applicant lodged a Detailed Area Plan, which is currently being assessed by staff and will be referred to Council for consideration at a future meeting.

The applicant also submitted a Concept Park Development Plan, which is considered in the Discussion section later in this report.

In relation to part 3 of the above resolution, the applicant has undertaken to prepare the legal agreement regarding the timing and development of the corner store on Lot 110 Amherst Road prior to finalisation of the proposed amendment to the ODP. In view of the above, the proposal was advertised for public comment with two submissions being received. These submissions are discussed later in this report. A condition of subdivision approval for Lot 110 (WAPC 124526) required a Detailed Area Plan for the corner store which was approved by Council at its meeting on 22 November 2005. A development application for the corner store has been submitted and is currently being processed by staff.

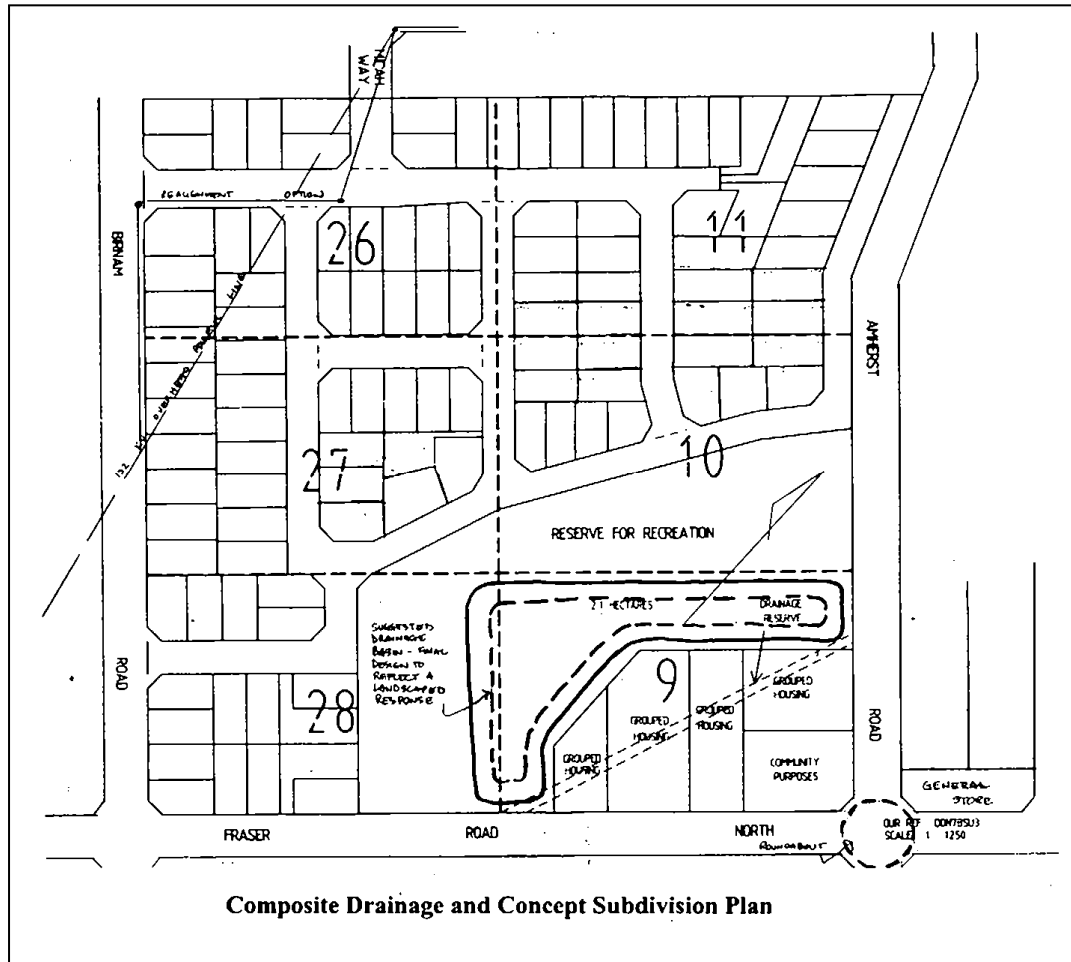
DISCUSSION

Subject Land and Proposal Summary

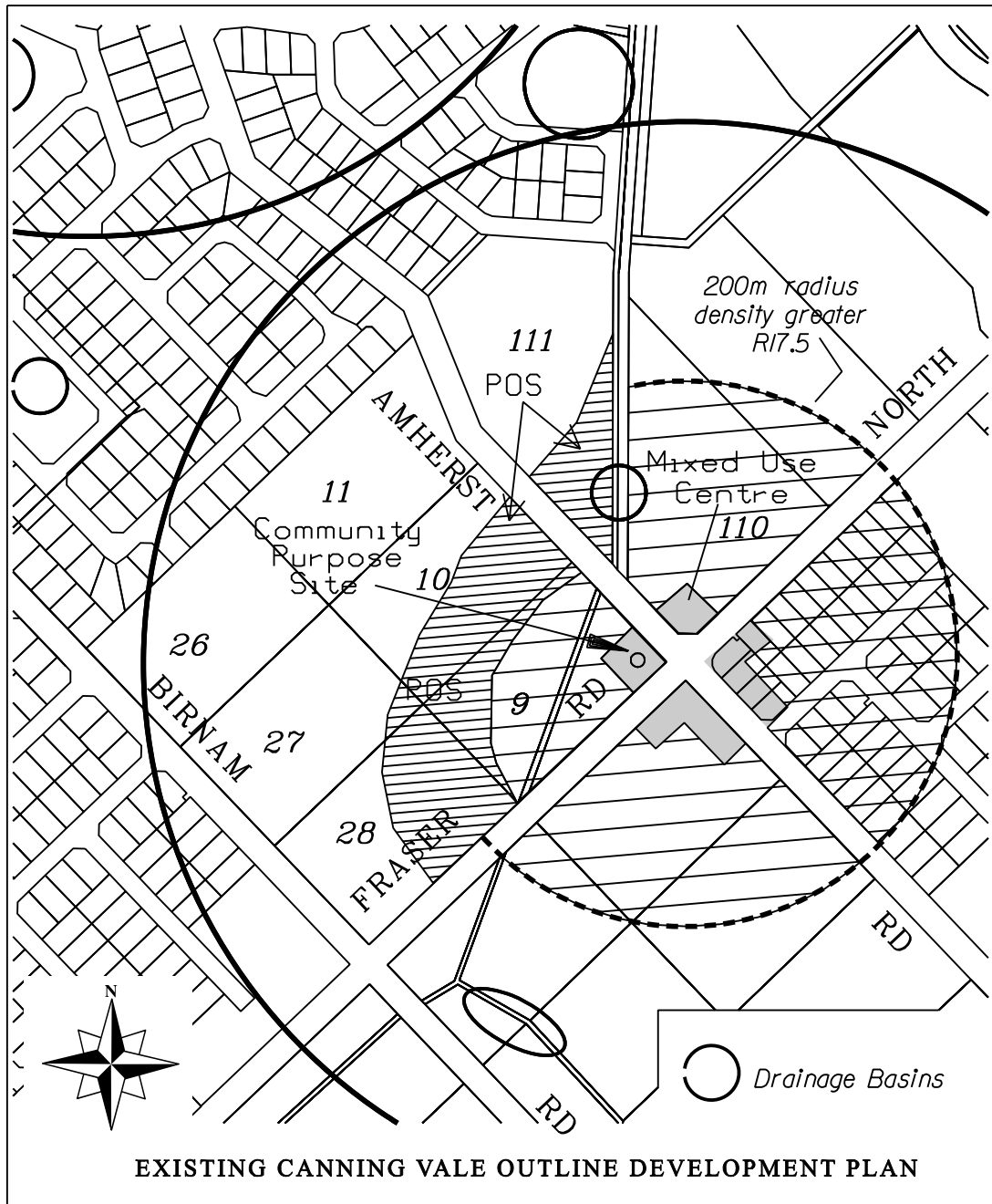
The proposed amendment to the Canning Vale ODP incorporates the following:

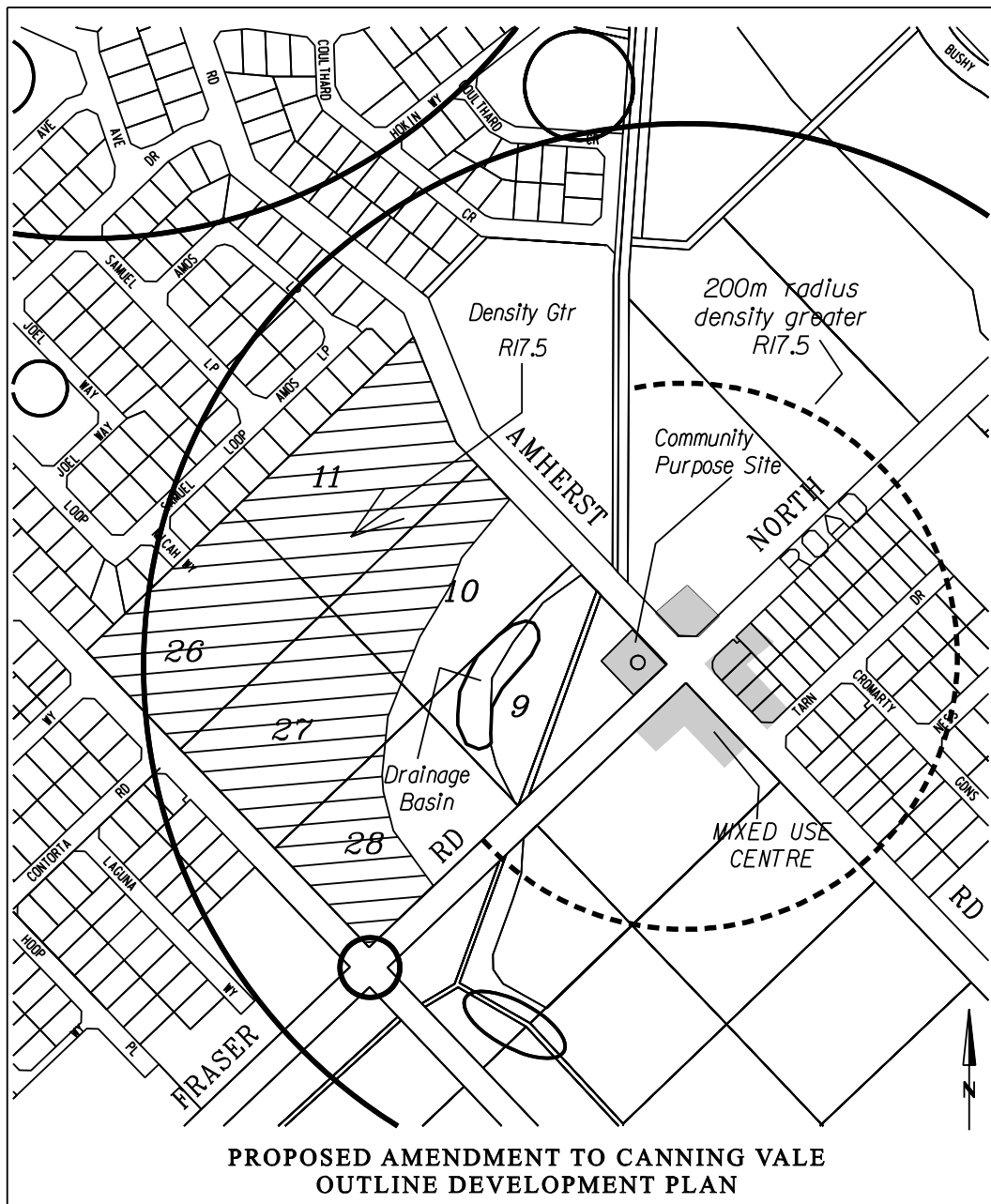
- Relocation of the drainage basin from Lot 111 Amherst Road to Lot 9 Amherst Road, as the owner of Lot 111 Amherst Road does not intend to subdivide at this time. The relocated drainage basin on Lot 9 Amherst Road will provide drainage infrastructure required for the subdivision of Lots 26-28 Birnam Road and Lots 9-11 Amherst Road.
- Increasing the density of Lots 10 and 11 Amherst Road and Lots 26 -28 Birnam Road from “Residential R.17.5” to “Residential Density Greater than R17.5”. The subdivision application (WAPC 128543) for Lots 26-28 Birnam Road and Lot 11 Amherst Road reflects a Residential R20-R25 density coding (generally 500m²-350m² lot sizes) and is pending finalisation of the proposed ODP amendment (refer to of the Composite Drainage and Subdivision Plan). This density of development will need to be reflected on the DAP for the subject area, if the proposed ODP amendment is adopted by Council.

It should be noted that of all the lots affected by the proposed amendment to the ODP, only Lots 10 and 111 Amherst Road are not part of a project management/development arrangement with the applicant.



Composite Drainage and Concept Subdivision Plan



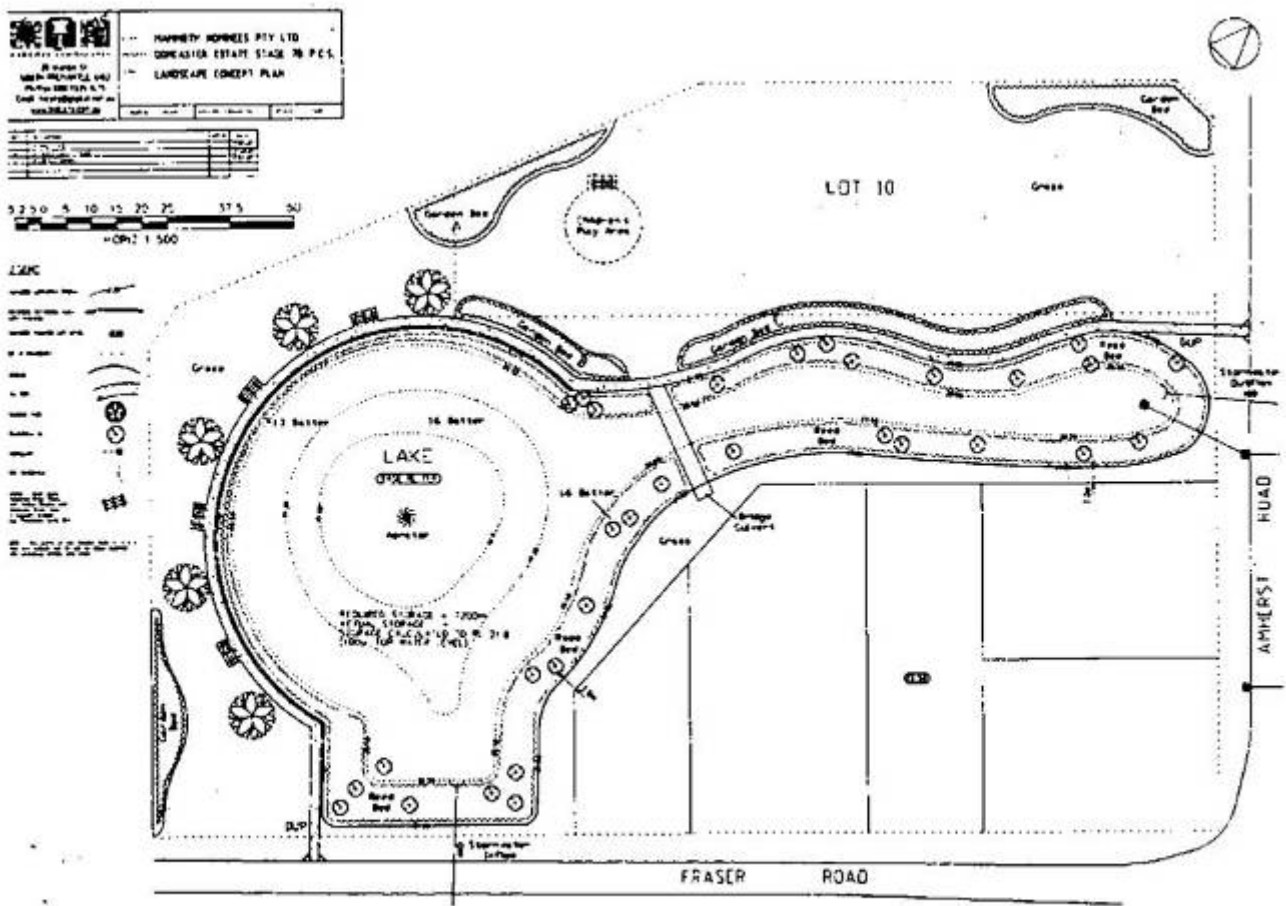


Park Development Plan and Drainage

The Park Development Plan was required to show the drainage function and to address pedestrian/cycle connectivity (across the POS and relocate drainage basin) between the proposed medium density residential development on Lots 10, 11, 26, 27 and 28 and the mixed use centre development at the intersection of Amherst Road and Fraser Road North. The following comments are provided in relation to the submitted Park Development Plan:

- Technical Services has confirmed that the proposed drainage basin to be located wholly on Lot 9 Amherst Road instead of Lot 111 is acceptable and has been approved in principle.
- Consideration of outlet pipes across Amherst Road into the drain reserve R37972 would be undertaken at the subdivision stage.

- A more detailed plan specifying landscape treatments, path construction with links to surrounding road network together with any park furniture (benches, gazebos, play equipment etc) will need to be approved by the City's Parks and Environmental Operations Branch.
- The basin and some related drainage infrastructure are common cost items in the Canning Vale ODP development contribution arrangement and the amended drainage location is cost neutral to the arrangement and will not, on balance, detrimentally impact on the recreational utility of POS proposed in the Canning Vale ODP.
- The Park Development Plan incorporates a dual use path to be located adjacent to the western side of the basin to provide access from the surrounding subdivision lots the mixed use centre to be located at the intersection of Amherst Road and Fraser Road North. This accords with the Canning Vale ODP in respect to its intent for a pedestrian linkage located within this POS area.



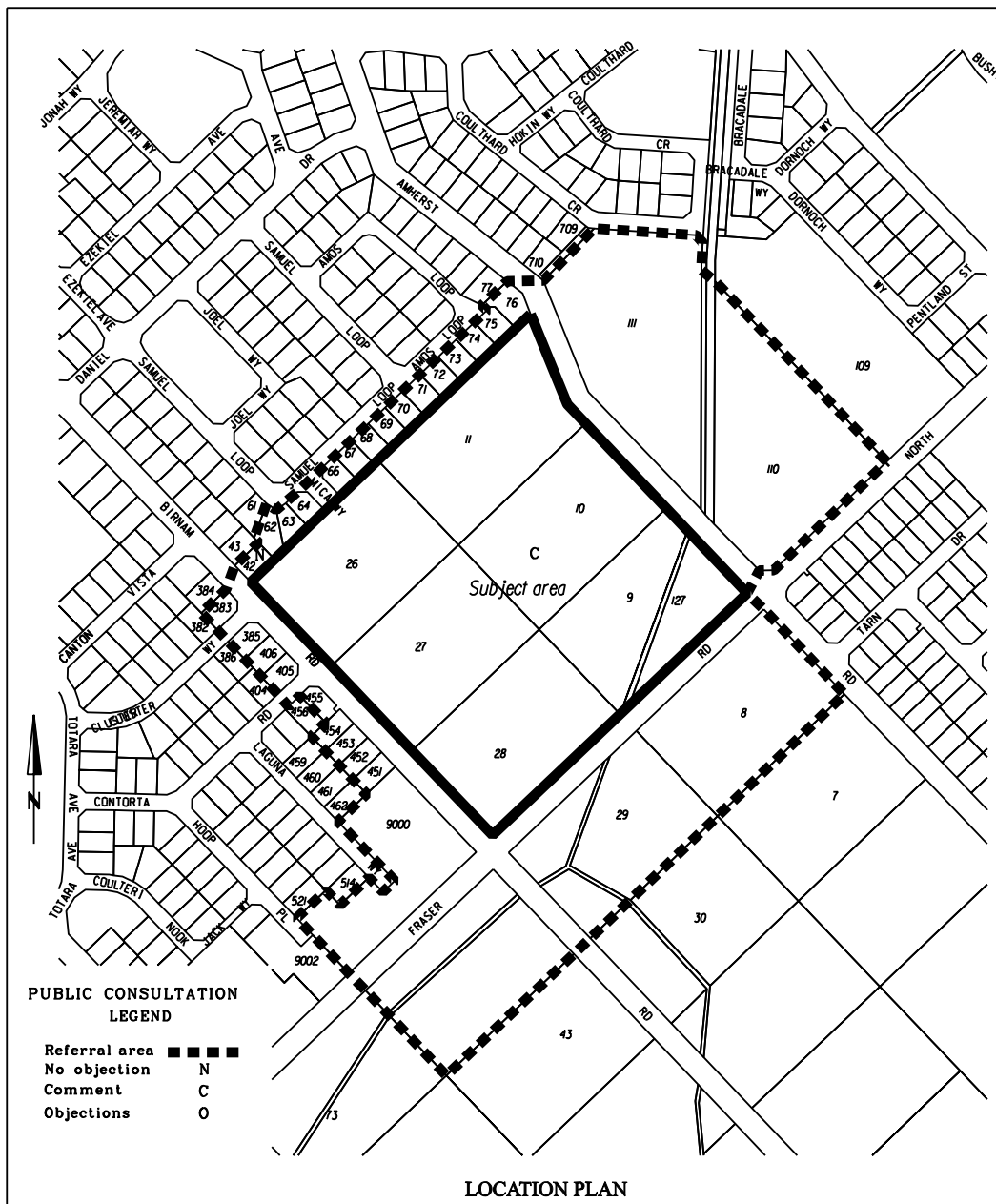
CONCEPT PARK DEVELOPMENT PLAN

Consultation

In accordance with Council's decision, the proposal was advertised for public comment to 32 landowners within and adjacent to the subject area, in response to which 2 submissions were received. A summary of those submissions and staff comments thereon is provided in the Schedule of Submissions below.

Schedule of Submissions

1	Name and Postal Address: S Zarebki and C Brown 52 Birnam Road Canning Vale WA 6155	Affected Property: 52 (Lot 42) Birnam Road Canning Vale
Summary of Submission		Staff Comment
No objection to proposal.		Noted.
2	Name and Postal Address: P and J Napolitano 10 Rangeview Place Canning Vale WA 6155	Affected Property: Lot 10 Amherst Road Canning Vale
Summary of Submission		Staff Comment
2.1	No objection to increase of density and relocation of the drainage basin subject to levels of the surrounding lots having no impact on Lot 10.	Noted.
2.2	Objection to proposed subdivision plan, road layout, lot layout and size and levels.	
2.3	Advises when Lot 10 is subdivided, it would not follow the proposed subdivision. Advises that Lot 10 is not for sale and there is no intention to subdivide in the near future. Concerns that selling lots off the proposed subdivision plan is false and misleading.	
2.4	Advises that when Lot 10 is subdivided in the future, the existing height of land would be retained to capitalise on the views to the hills.	
2.5	Advises that intent for future development of Lot 10 is for a secure estate comprising small lots for premium quality two storey residences overlooking the POS. The design is to be similar to the Glen Iris golf course estate and the proposed development of Lot 9. Dwellings overlooking the POS will enhance the safety aspect of Safe Cities by discouraging abuse of the POS and promoting friendly community-orientated neighbours to watch out for each other and the community's assets	
		The proposed subdivision plan is an indicative concept illustrating the intended road pattern and lot configuration. While it is not binding on landowners nor being considered as part of the proposed ODP amendment, it represents an appropriate urban form, which is, in part, dictated by the necessity for a road bordering the proposed POS area.
		The owners decision to not subdivide at this stage is noted. However, adjoining land is suitable for subdivision and it is appropriate to consider proposals for its development. The onus for responsible marketing of lots lies with the developer.
		Noted. The City's Subdivision Engineer has advised that construction drawings for land adjoining Lot 10 also show retention of current site levels.
		Future development of Lot 10 will be assessed on its merits at the time of any application being submitted.



CONCLUSION

Given the proximity to the mixed use centre, POS and a bus route along Fraser Road North, subdivision of the subject land as shown on the concept subdivision plan is considered appropriate. The proposed density increase on the Canning Vale ODP is required to facilitate subdivision in this manner. However, it is considered necessary that the increased density be subject to subdivision and development being in accordance with the DAP to, in effect, cap the density potential at the Residential R20-R25 density as proposed in the subdivision proposal. The proposal to amend the proposed location of the drainage basin from Lot 111 to Lot 9 Amherst Road to cater for drainage catchment of the surrounding lots is supported. Adoption of the proposed amendment for the ODP is recommended.

FINANCIAL IMPLICATIONS

Nil.

STAFF RECOMMENDATION (1 of 2)

Moved Cr D Griffiths Seconded Cr R Croft

That Council note the submissions received and the staff comments thereon and in accordance with Clause 7.4.7 of Town Planning Scheme No. 6, adopt the proposed amendment to the Canning Vale Outline Development Plan showing the relocation of the drainage basin from Lot 111 Amherst Road to Lot 9 Amherst Road and increasing the residential density coding for Lots 26, 27 and 28 Birnam Road and Lots 10 and 11 Amherst Road, Canning Vale from “Residential R17.5” to “Residential Density Greater than R17.5”, subject to:

- (a) A notation being included on the Outline Development Plan stating that the road layout, lot sizes and configuration for the subject area shall be generally in accordance with a Detailed Area Plan approved by Council.
- (b) The applicant entering into a legal agreement with the City to the satisfaction of the Director Planning and Sustainability regarding the timing and development of the corner store on Lot 110 Amherst Road, Canning Vale.

STAFF RECOMMENDATION (2 of 2)

Moved Cr D Griffiths Seconded Cr R Croft

The Council, pursuant to clause 7.5.2(a) of Town Planning Scheme No. 6, advise the proponent, affected landowners, those persons who made a submission and the WA Planning Commission of Council’s decision and provide them with a copy of the duly amended Outline Development Plan.

Notation

During debate Cr C Matison expressed concern that the plan provided by the applicant had been presented to Council as a Lake, however, at the commencement of the report it referred to the issue as a proposed drainage basin, which clearly indicated the purpose of the facility was a compensating basin. Cr Matison outlined previous problems with compensating basins and water bodies within the City and requested her concerns be noted in the minutes, which the Mayor acceded to.

STAFF RECOMMENDATION (1 of 2) AND COUNCIL RESOLUTION
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582 Moved Cr D Griffiths Seconded Cr R Croft

That Council note the submissions received and the staff comments thereon and in accordance with Clause 7.4.7 of Town Planning Scheme No. 6, adopt the proposed amendment to the Canning Vale Outline Development Plan showing the relocation of the drainage basin from Lot 111 Amherst Road to Lot 9 Amherst Road and increasing the residential density coding for Lots 26, 27 and 28 Birnam Road and Lots 10 and 11 Amherst Road, Canning Vale from “Residential R17.5” to “Residential Density Greater than R17.5”, subject to:

- (a) A notation being included on the Outline Development Plan stating that the road layout, lot sizes and configuration for the subject area shall be generally in accordance with a Detailed Area Plan approved by Council.
- (b) The applicant entering into a legal agreement with the City to the satisfaction of the Director Planning and Sustainability regarding the timing and development of the corner store on Lot 110 Amherst Road, Canning Vale.

CARRIED 8/1

FOR: Cr J Henderson, Cr C Matison, Cr D Griffiths, Cr J Brown, Cr R Hoffman, Cr R Croft, Cr W Barrett and Cr PM Morris.

AGAINST: Cr O Searle.

STAFF RECOMMENDATION (2 of 2) AND COUNCIL RESOLUTION
--

583 Moved Cr D Griffiths Seconded Cr R Croft

The Council, pursuant to clause 7.5.2(a) of Town Planning Scheme No. 6, advise the proponent, affected landowners, those persons who made a submission and the WA Planning Commission of Council’s decision and provide them with a copy of the duly amended Outline Development Plan.

CARRIED 8/1

FOR: Cr J Henderson, Cr C Matison, Cr D Griffiths, Cr J Brown, Cr R Hoffman, Cr R Croft, Cr W Barrett and Cr PM Morris.

AGAINST: Cr O Searle.

The Mayor advised the meeting that the Director Corporate Services due to being a resident of Canning Vale within the ODP area had disclosed a Financial Interest in the following item in accordance with Section 5.60 of the Local Government Act 1995.

8.14pm – The Director Corporate Services left the meeting.

13.5.2 REVIEW OF DEVELOPMENT CONTRIBUTION ARRANGEMENT - CANNING VALE OUTLINE DEVELOPMENT PLAN

File:	S8/1/2	(SO'S)	Psrpt152Dec05
Previous Ref:	OCM 8 June 2004 (Resolutions 292 and 293) OCM 11 February 2003 (Resolution 49) OCM 18 December 2002 (Resolution 1036)		
Appendices:	13.5.2A Summary of Findings and Recommendations arising from the Review of the Development Contribution Arrangement associated with the Canning Vale Outline Development Plan 13.5.2B Draft Canning Vale Outline Development Plan – Revised Schedule of Works		

PURPOSE OF REPORT

For Council to consider the key findings and recommendations arising from a review of the development contribution arrangement associated with the Canning Vale Outline Development Plan (ODP).

BACKGROUND

The City administers various arrangements for the shared provision of development infrastructure. These arrangements are established through either Guided Development Schemes or Outline Development Plans and typically involve the collection of contributions from developers to be later utilised for expenditure on new or upgraded infrastructure, such as regional roads, servicing works and public open space. Some of the arrangements have been in existence since the late 1980's, whereas others have only been initiated over the last few years.

Reviews of all operational development contribution arrangements are underway in order to assess the progress towards achieving their original objectives and address issues experienced in their administration. The arrangement associated with the Canning Vale ODP is the most active, complex and financially significant of all such arrangements administered by the City and as a result has been the initial focus of the reviews.

The Canning Vale ODP arrangement has its statutory basis in Schedule 12 and Attachment A of Town Planning Scheme No. 6 (TPS 6) and has been in operation since 2001. The arrangement involves the collection by the City of developer contributions for the following common infrastructure works:

- Wetland protection works (fencing and boardwalks);
- Reconfiguration of existing 132kV powerlines traversing the Canning Vale ODP area;
- Service relocation works involved in widening Nicholson and Warton Roads;
- Traffic management devices (roundabouts and signals);
- Land for road widening (Nicholson and Warton Roads);
- Regional road works (Nicholson and Warton Roads and Garden Street);
- Shared use paths;
- Drainage infrastructure; and
- Administration and studies.

The arrangement also involves the collection of funds for the acquisition of 43 hectares of land for public open space (POS), which includes land for conservation, drainage and recreational purposes.

This report represents the first of a series to be presented to Council detailing the key findings and recommendations arising from the contribution arrangement reviews.

Council should note that a review of the Canning Vale ODP as an urban structuring and land use planning mechanism has been undertaken in parallel with the review of the contribution arrangement and will be the subject of a future report to Council.

DISCUSSION

The key findings and recommendations arising from the review of the Canning Vale ODP contribution arrangement are contained in Appendix 13.5.2A. In particular, Council's attention is drawn to the following:

- Approximately 70% of the Canning Vale ODP area has been subdivided and developed. Development has triggered contributions towards common infrastructure works of \$3.27 million and POS of \$4.08 million. Developers have also made contributions in the form of common infrastructure works provided as part of their subdivisions, where the expenditure incurred has been offset against their contribution obligations, and through land ceded for POS. \$3.89 million in common infrastructure works expenditure offset arrangements have been recorded. \$2.4 million is presently held in Reserves for common infrastructure works and \$1.1 million for POS.
- Approximately 28 hectares of land has been either ceded by developers or acquired by the City for POS, with around 15 hectares still to be acquired. Substantial progress towards the provision of common infrastructure works has been made. Most notable is the construction of Garden Street and staged upgrade of Nicholson Road, large parts of the planned district drainage and shared use path network and other servicing works.

- While considerable progress towards POS acquisition has been made, rapid land value increases in the Canning Vale ODP area have been observed and will significantly add to the cost of acquiring the remaining 15 hectares of POS. Advice recently obtained from Ray White Commercial Valuations suggests that land in the Canning Vale ODP area, on a broadacre basis, is now valued at \$800,000/ha (or \$80/m²). This is substantially higher than the previous valuation at January 2004 of \$500,000/ha (or \$50/m²), upon which the current POS contribution rate is based. The review has concluded that contribution rates need to be adjusted in line with the valuation advice to ensure sufficient funds will be available to acquire all POS areas identified by the ODP.
- It is estimated that the cost of common infrastructure works yet to be completed is \$5.01 million, based on the current costing parameters factored into the arrangement. However, it is considered that this remaining infrastructure will actually cost substantially more than the current arrangements will be able to collect. It has been found that infrastructure provision, particularly for drainage, powerline and regional road works, will cost significantly more than is currently reflected in the arrangement's cost estimates and contribution rates. This is largely due to changes in the specifications applied by the City and other agencies for certain infrastructure, the failure of original cost estimate parameters to envisage all common infrastructure works-related costs and observed land value and other cost increases. While contribution rates have been updated annually in line with construction price index and land value increases, the updates have failed to fully account for these cost escalations.
- It has been calculated that 116 hectares of land has outstanding contribution obligations, directly correlating to the remaining area to be developed. Approximately half of this remaining area has either subdivision or development approval. Schedule 12 of Town Planning Scheme No stipulates that a development contribution arrangement shall specify the period in which it is to operate, but in any event is not to operate for more than five years. Given that the arrangement will have been in existence for five years in April 2006 and the extent of development still to occur, Council needs to resolve to extend the life of the arrangement. It is recommended that it be extended to 30 June 2009 to ensure the objectives of the arrangement can be met.
- The contribution rate to fund common infrastructure works is currently set at \$31,250/ha. It is recommended that this rate be adjusted to \$40,663/ha to account for estimated cost increases. The supporting basis for this increase is detailed in the revised Schedule of Works document contained in Appendix 13.5.2B. It should be noted that the recommended rate increase seeks to achieve an equitable approach in the City's dealings with developers who provide common infrastructure works and those landowners who have yet to develop while avoiding burdening the wider community with any funding shortfall.
- Several observations of the City's approach to administration of the Canning Vale ODP contribution arrangement have been made, which have been found to be common to all contribution arrangements. The City has generally been diligent in ensuring compliance with contribution requirements and the

regulations governing the management of funds held in trust. However, efficient and effective administration has been hampered by the lack of an integrated management and recording system and constant and thorough review of the arrangements. Recommended responses to administration issues include the formulation of development contribution plans to better articulate the intended operation of the arrangement, the development of integrated management systems (for instance, contribution, expenditure and infrastructure provision monitoring tools), clearer documentation of corporate procedures and an overall review of statutory provisions relating to contribution arrangements.

CONCLUSION

Notwithstanding the issues concerning the City's past approach to contribution arrangement management and subject to the adoption of the recommendations below, it is considered that the Canning Vale ODP contribution arrangement is financially sound and, upon complete development of the area, capable of satisfying its objectives for common infrastructure works and POS provision.

The following course of action is recommended in respect to the Canning Vale ODP contribution arrangement:

- Increase the POS contribution rate based on land valuation advice received;
- Adopt revised costing methodologies for common infrastructure works as outlined in the revised Schedule of Works document;
- Update common infrastructure works contribution rates based on revised costing methodologies and to account for cost increases since the last contribution rate review;
- Review Town Planning Scheme provisions and other procedural guidance relating to development contribution arrangements; and
- Implement recommended administration system improvements.

The basis for these recommendations is provided in Appendix 13.5.2A and 13.5.2B.

FINANCIAL IMPLICATIONS

As detailed above.

STAFF RECOMMENDATION (1 of 4) AND COUNCIL RESOLUTION**584 Moved Cr J Brown Seconded Cr R Croft**

That Council endorse the findings and recommendations arising from the Review of the Development Contribution Arrangement associated with the Canning Vale Outline Development Plan, as contained in Appendix 13.5.2A

CARRIED 9/0

FOR: Cr O Searle, Cr J Henderson, Cr C Matison, Cr D Griffiths, Cr J Brown, Cr R Hoffman, Cr R Croft, Cr W Barrett and Cr PM Morris.

AGAINST: Nil.

STAFF RECOMMENDATION (2 of 4) AND COUNCIL RESOLUTION**585 Moved Cr J Brown Seconded Cr R Croft**

That Council adopt a revised contribution rate of \$40,663/ha for common infrastructure works and a land valuation basis of \$800,000/ha for public open space contributions and the acquisition of other land necessary to satisfy the objectives of the Development Contribution Arrangement for the Canning Vale Outline Development Plan.

CARRIED 9/0

FOR: Cr O Searle, Cr J Henderson, Cr C Matison, Cr D Griffiths, Cr J Brown, Cr R Hoffman, Cr R Croft, Cr W Barrett and Cr PM Morris.

AGAINST: Nil.

STAFF RECOMMENDATION (3 of 4) AND COUNCIL RESOLUTION**586 Moved Cr J Brown Seconded Cr R Croft**

That Council, pursuant to Clause 4.2 (b) of Schedule 12 of Town Planning Scheme No. 6, extend the period for which the development contribution arrangement associated with the Canning Vale Outline Development Plan will operate to 30 June 2009.

CARRIED 9/0

FOR: Cr O Searle, Cr J Henderson, Cr C Matison, Cr D Griffiths, Cr J Brown, Cr R Hoffman, Cr R Croft, Cr W Barrett and Cr PM Morris.

AGAINST: Nil.

STAFF RECOMMENDATION (4 of 4) AND COUNCIL RESOLUTION**587 Moved Cr J Brown Seconded Cr R Croft**

That Council inform all landowners with outstanding contribution obligations within the Canning Vale Outline Development Plan area of Council's decision.

CARRIED 9/0

***FOR:** Cr O Searle, Cr J Henderson, Cr C Matison, Cr D Griffiths, Cr J Brown, Cr R Hoffman, Cr R Croft, Cr W Barrett and Cr PM Morris.*

***AGAINST:** Nil.*

8.15pm – The Director Corporate Services returned to the meeting.

Notation

The Mayor, upon the return of the Director Corporate Services to the meeting, advised that Council had endorsed the staff recommendations as contained in the agenda.

13.5.3 MANAGEMENT PLANS FOR THE WEST CANNING VALE AREA (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.

The Mayor advised the meeting that Cr D Griffiths due to being Deputy Delegate, and Cr C Matison due to being Council Delegate, to the South East Regional Energy Group had disclosed an Impartiality Interest in the following item in accordance with Regulation 34C of the Local Government (Administration) Regulations 1996.

13.5.4 DEVELOPMENT APPLICATION – DEMONSTRATION HOME – 23 (LOT 609) WILLOW WAY, MADDINGTON

File: 220022 **Approve Ref:** 0506/2163 (SC) Psrpt146Dec05
Applicant: City of Gosnells
Owner: Department of Housing and Works
Location: 23 (Lot 609) Willow Way, Maddington.
Zoning: MRS: Urban
TPS No. 6: Residential R17.5
Review Rights: Yes. State Administrative Tribunal against a refusal or any condition(s) of approval.
Area: 680m²
Appendix: 13.5.4A Conditions to be imposed on development approval.

PURPOSE OF REPORT

For Council to consider an application to utilise an existing dwelling at 23 (Lot 609) Willow Way, Maddington, as a “demonstration home” for sustainable living.

Site Description

The site is flat, 680m² in area and contains a single brick and tile dwelling. The surrounding area is characterised by other similar sized residential lots with dwellings built in the 1960’s and 1970’s.

Proposal

In partnership with the South East Regional Energy Group (SEREG) (which includes the Cities of Armadale and Gosnells and Serpentine-Jarrahdale Shire), the Department of Housing and Works, the Maddington-Kenwick Sustainable Communities Partnership, and the Sustainable Energy Department Office, it is proposed to create a model “sustainable house” to be open to the public for a period of twelve months to demonstrate how an existing, older home can be retrofitted for improved energy and water efficiency.

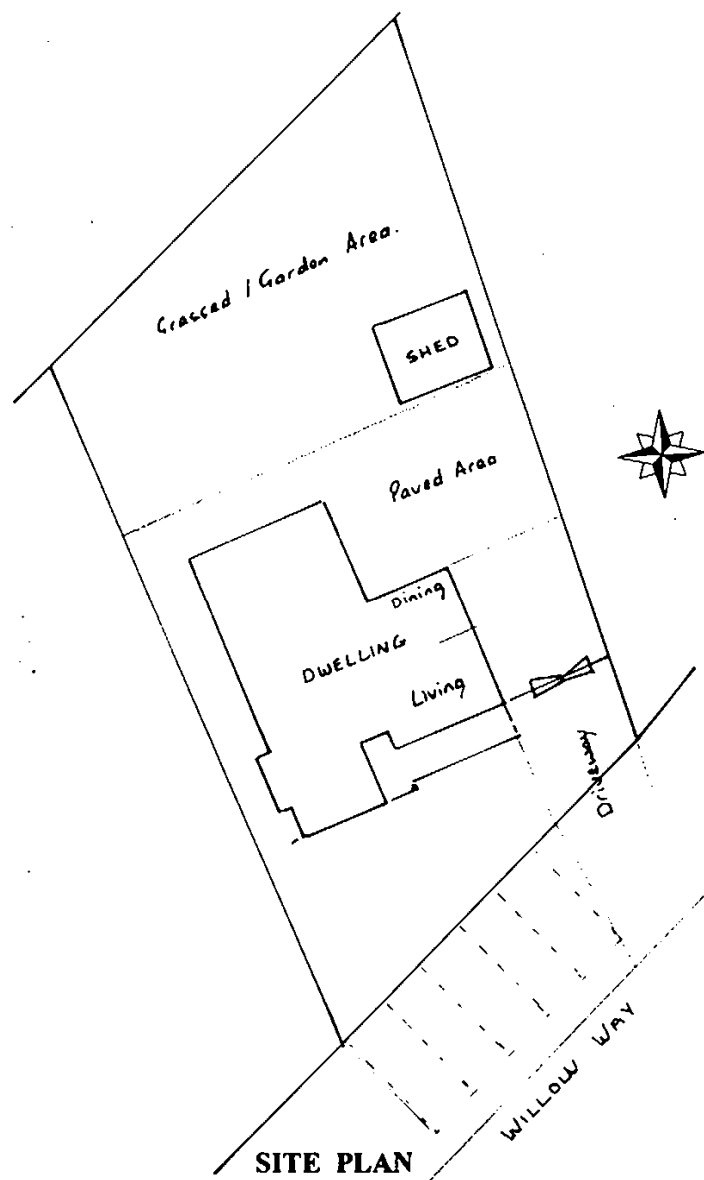
The dwelling is to be retrofitted with the following energy and water efficient appliances:

- Gas boosted solar power water heating;
- AAA shower head and tap aerators installed;
- Dual flush toilet installed;
- Skylights and windows installed;
- Compact fluorescent lighting;

- High star rated fridge and freezer;
- Gas stove and fan forced oven;
- Rainwater tank and grey water tank installed;
- Worm farm and composter set up;
- Energy efficient split system to replace old refrigerated air-conditioner;
- “Whirly-bird” roof vent; and
- Ceiling insulation.

A water-wise garden is also to be created.

The application for planning approval involves displaying the retrofitted home for viewing by the public on Thursdays from 9.00am to 4.00pm and on Saturdays from 10.00am to 2.00pm. The home will also be open for viewing outside these hours by appointment only. The SEREG does not envisage there being more than a couple of visitors at any one time. The driveway is 12m x 5m and can accommodate up to four cars or a school bus. In the event that more than four car loads of people visit the property at any one time, the grassed verge will be used for informal overflow parking and can accommodate up to five cars.



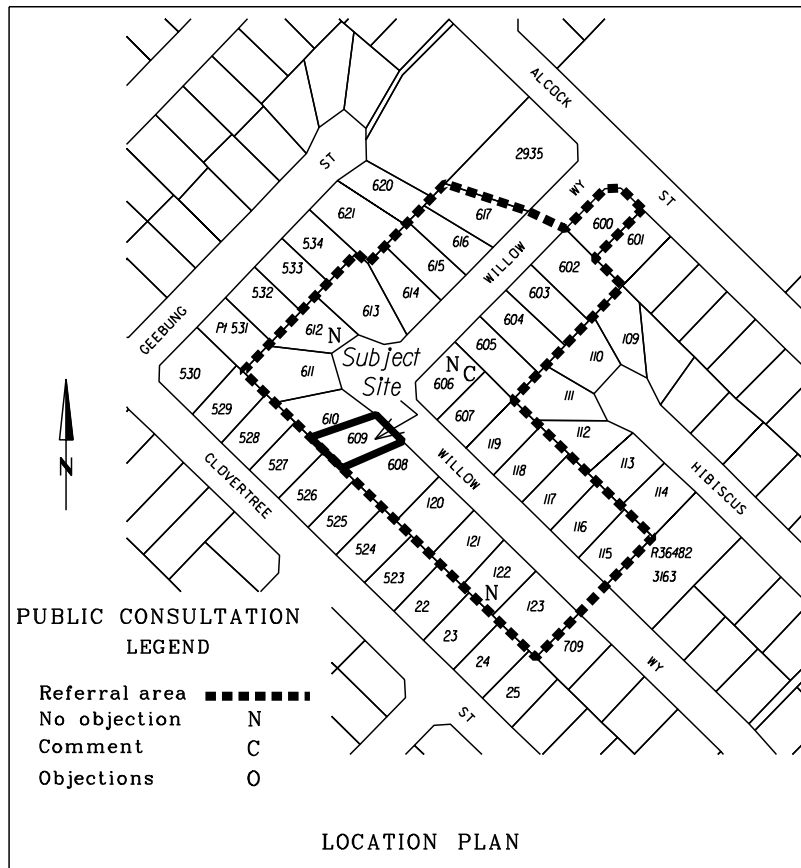
DISCUSSION

Public Consultation

The application was advertised to nearby landowners for a period of 14 days. Three submissions were received, all non objections to the proposal, which are summarised as follows:

Schedule of Submissions

1	Name and Postal Address: C Espina 49 Tyndall Circuit Alexandra Heights WA 6064	Affected Property: 31 (Lot 122) Willow Way Maddington
Summary of Submission		Staff Comment
Non Objection to proposal		Noted.
2	Name and Postal Address: L Gair 14 Willow Way Maddington WA 6109	Affected Property: 14 (Lot 606) Willow Way Maddington.
Summary of Submission		Staff Comment
Non Objection to proposal. Queries whether gardens will be tidied up as now a mess but used to look lovely.		A water wise garden is to be created as part of the sustainable retrofitting of the dwelling.
3	Name and Postal Address: L J Dainton 17 Willow Way Maddington WA 6109	Affected Property: 17 (Lot 612) Willow Way Maddington
Summary of Submission		Staff Comment
Non Objection and comment. Provided comments regarding solar power and wind and suggested list of suppliers and services be provided.		Comments noted and forwarded to Regional Greenhouse Coordinator.



Town Planning Scheme No. 6

An assessment of the proposal against relevant Scheme provisions is provided in the table below.

TPS 6 Clause/Requirement		Assessment/Comment
1.	<p>4.4.2 Where a proposed use is not specifically listed in the zoning table and does not reasonably fall within an existing use class the local government may:</p> <p>(a) determine that the use is consistent with the objectives of the relevant zone and is therefore permitted; or</p> <p>(b) determine that the use may be consistent with the objectives of the relevant zone and thereafter advertise it for public comment; or</p> <p>(c) determine that the use is not consistent with the objectives of the zone and is therefore not permitted.</p>	<p>Use of the existing dwelling as a sustainable demonstration home is a use not listed in the zoning table. This use is consistent with the objective of the Residential zone, which is “To provide for residential development at a range of densities with a variety of housing to meet the needs of different household types through the application of the Residential Design Codes (2002)”. It is therefore considered appropriate to determine that the use is permitted, pursuant to Clause 4.4.2(a).</p>
2.	<p>5.13.1 Car parking bays shall be provided in accordance with Table 3A of the Scheme, which, in this instance, specifies that a minimum of 5 bays are required for a display home.</p>	<p>Although the proposed demonstration home is not strictly a “display home” in the typical sense, it is considered appropriate to apply the same parking standards to this proposal as would normally apply to a display home.</p> <p>Parking is available on site for up to 4 cars in the driveway plus up to 5 cars on the adjacent grassed verge. The City’s Technical Services Branch has advised that this arrangement is acceptable.</p>

The proposal complies in all other respects with relevant Scheme provisions and the City's Display Homes Policy (No. 6.2.7).

CONCLUSION

The use of the land for a demonstration home is consistent with the objectives for the Residential zone and the goal of the City's Strategic Plan to plan and develop a natural environment which aims to be sustainable. It is evident from the consultation period that there is no community opposition to the proposal. It is therefore recommended that the application be approved, subject to appropriate conditions as contained in Appendix 13.5.4A.

FINANCIAL IMPLICATIONS

This project is being undertaken as a joint venture between the Department of Housing and Works and the South East Regional Energy Group (SEREG) of which the City is a member. The project will not require any funding from the City additional to the City's existing contribution to SEREG.

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

That Council approve the application for a demonstration home for sustainable living at 23 (Lot 609) Willow Way, Maddington, subject to conditions contained in Appendix 13.5.4A.

CARRIED 9/0

FOR: Cr O Searle, Cr J Henderson, Cr C Matison, Cr D Griffiths, Cr J Brown, Cr R Hoffman, Cr R Croft, Cr W Barrett and Cr PM Morris.

AGAINST: Nil.

13.5.5 DEVELOPMENT APPLICATION – TWO GROUPED DWELLINGS – 51 (LOT 280) LAKEY STREET, SOUTHERN RIVER

File:	239754	Approve Ref:	0506/2093	(SC)	Psrpt153Dec05
Applicant:	The Planning Coordinators				
Owner:	Highstar Investments Pty Ltd				
Location:	51 (Lot 280) Lakey Street, Southern River				
Zoning: MRS:	Urban				
TPS No. 6:	Residential Development				
Review Rights:	Yes. State Administrative Tribunal against a refusal or any condition(s) of approval.				
Area:	597m ²				
Appendix:	13.5.5A Conditions to be imposed on development approval.				

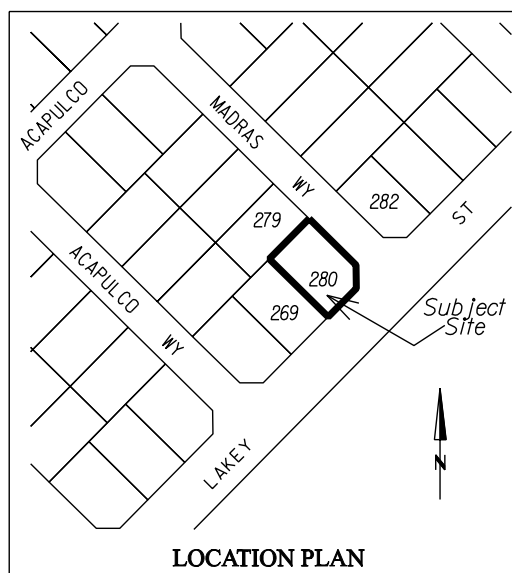
PURPOSE OF REPORT

For Council to consider an application for two grouped dwellings at 51 (Lot 280) Lakey Street, Southern River. Assessment under the Performance Criteria of the Residential Design Codes (R-Codes) is sought in relation to open space/site coverage requirements, outdoor living areas, building setbacks and essential facilities. There is currently no delegated authority for City staff to determine such an application.

Site Description

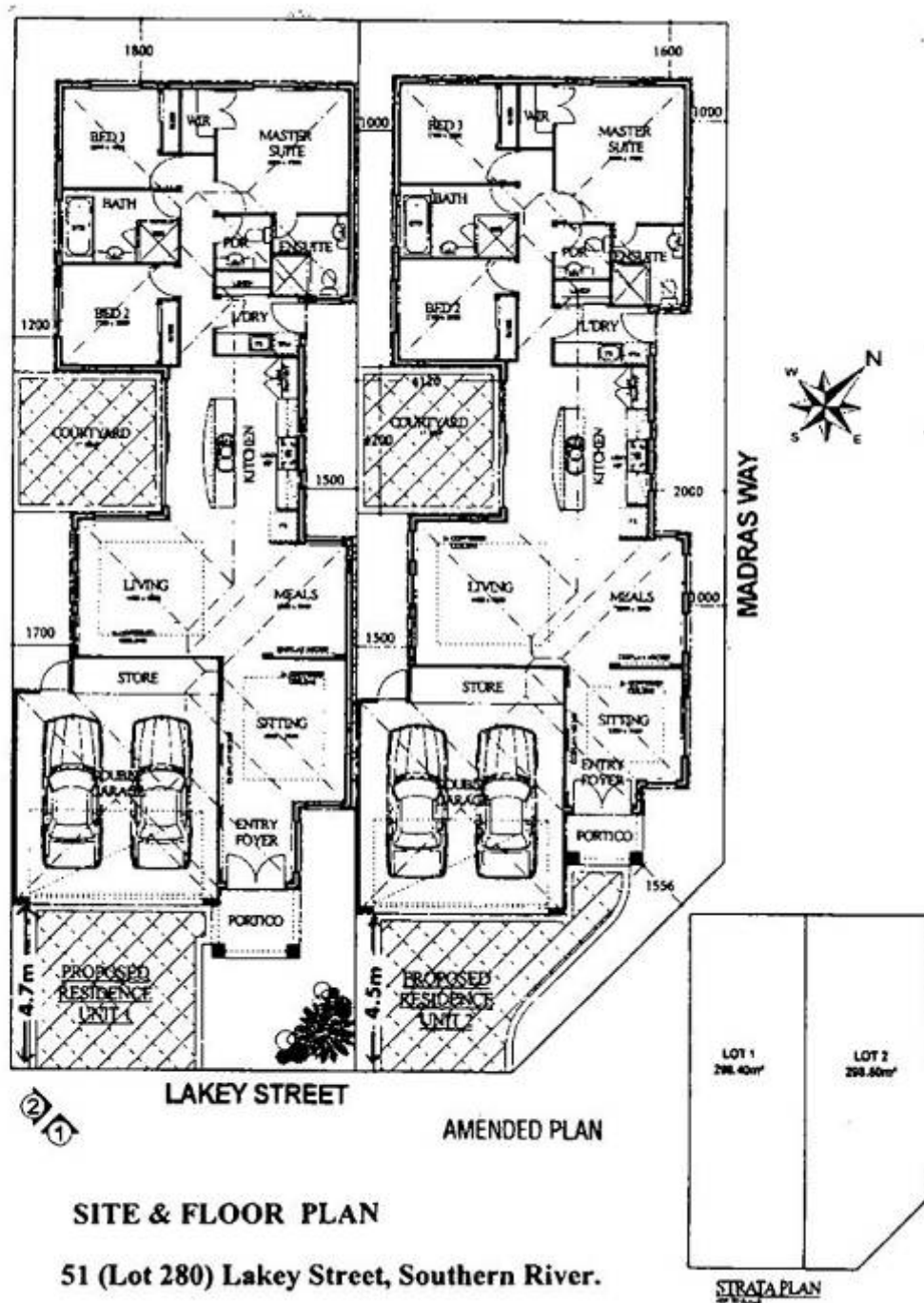
The site is flat, vacant and 597m² in area, with a ~~10.48m-14.5m frontage to Cromarty Gardens and 21m (combined) frontage to Tarn Drive~~ 14.5m frontage to Lakey Street and 24m frontage to Madras Way. The Western Australian Planning Commission granted conditional approval on 19 October 2005 (ref. 128999) for Lot 280 to be subdivided into two lots.

The area surrounding Lot 280 is characterised by similar sized residential lots, within a 200m radius of the developing mixed use centre located at the intersection of Warton Road and Amherst Road. Opposite is Bush Forever site 125 which is to be reserved for regional open space.



Proposal

The proposal is for the construction of two grouped dwellings almost identical in design. Both dwellings have garage access from Lakey Street. Dwelling 1 is approximately 180m² on a proposed lot of 298.4m². Dwelling 2 is approximately 177m² on a proposed lot of 298.5m². The proposal complies with all aspects of the Acceptable Development Criteria of the Residential Design Codes except in respect to the provision of open space, outdoor living areas, building setbacks and essential facilities.





ELEVATIONS

Town Planning Scheme No. 6 (TPS 6)

The subject site is zoned “Residential Development” under TPS 6 and is located within Southern River Outline Development Plan Precinct 1 area. The site has been designated for a density “Greater than R20”. In this instance the proposal has been assessed at the R40 density.

DISCUSSION

Residential Design Codes (R-Codes)

The R-Codes provide Acceptable Development Criteria (prefixed by “A”) for residential development. Applications not complying with Acceptable Development Criteria can be assessed against the relevant Performance Criteria. The Performance Criteria assessment applicable to this application is summarised in the following table:

Dwellings 1 and 2

R-Code Clause/Requirement		Assessment/Comment
1.	<p>3.3.1 Buildings Set Back from the Boundary</p> <p>A1 A minimum setback of 1.5m is required for walls with major openings to habitable rooms.</p> <p>P1 Ensure adequate direct sun and ventilation is available to the building, open spaces and adjoining properties, assist in protecting privacy and impacts of building bulk on adjoining properties.</p>	<p>The application proposes a side setback of 1.2m for Dwelling 1 Bedroom 2 and 1.0m for Dwelling 2 Bedroom 2.</p> <p>No building plans have been submitted for Lot 269 Lakey Street which adjoins Dwelling 1. The Dwelling 2 Bedroom 2 wall is opposite the en suite boundary wall and drying courtyard of Dwelling 1. Whilst the applicant did not provide comprehensive justification for the application of this Performance Criteria he has stated that as an alternative a highlight window could be applied to Bedroom 2 of each dwelling thus reducing the window from a major opening to a minor opening and therefore complying with the Acceptable Criteria. Whilst this could be achieved as a condition if approved by Council, staff believe a higher standard of amenity for future occupants would be achieved by retaining the current window size to Bedroom 2 of each dwelling, than by converting them to highlight windows, which would reduce the amount of ventilation and natural light to those bedrooms. Accordingly, it is considered that 3.3.1 P1 has been satisfied.</p>
2.	<p>3.3.2 Buildings on Boundary</p> <p>A2 Walls no higher than 3.5m with an average of 3m for $\frac{2}{3}$ the length of the balance of the boundary behind the front setback, to one side boundary.</p> <p>P2 Buildings built up to boundaries to make effective use of space or enhance privacy or otherwise enhance the amenity of the development and not have any significant adverse effect on the amenity of the adjoining property and ensure that direct sun to the adjoining property is not restricted.</p>	<p>The application proposes 4 boundary walls on the subject site (including the internal boundary walls between the two dwellings).</p> <p>The boundary walls included in the development are not considered to have a detrimental effect on either of the proposed dwellings or neighbouring properties. It is therefore considered that 3.3.2 P2 has been satisfied.</p>
3.	<p>3.4.1 Open Space Provision</p> <p>A1 45% of the land is required to be provided as open space.</p> <p>P1 Open space compliments the building, allows attractive streetscapes and suits the future needs of residents.</p>	<p>The application proposes the provision of approximately 39% open space for Dwelling 1 and 40% open space for Dwelling 2.</p> <p>The application provides a south-west facing outdoor living area for each dwelling with connection to the north-west rear setback area. The design also includes a separate smaller drying courtyard adjacent to the laundry on the north-east side of each dwelling. This open space is considered appropriate as it provides sufficient useable area for future residents. It is considered that 3.4.1 P1 has been satisfied.</p>
4.	<p>3.4.2 Outdoor Living Areas</p> <p>A2 An outdoor living area is to be provided in accordance with Table 1 of the R-Codes, behind the street setback line, directly accessible from a habitable room, a minimum dimension of 4 metres and have at least $\frac{2}{3}$</p>	<p>The application proposes a 17.3m² outdoor living area for each dwelling, however Table 1 of the R-Codes requires a minimum 20m² for R40 coded lots.</p>

R-Code Clause/Requirement		Assessment/Comment
	without a roof.	
	P2 An outdoor living area capable of use in conjunction with a habitable room of the dwelling and open to winter sun.	The outdoor living area of each dwelling is directly accessible from the kitchen area and open to winter sun, which complies with the Performance Criteria. The application provides a south-west facing outdoor living area with connection to the north-west rear setback area. There is a separate smaller courtyard adjacent to the laundry on the north-east side. The courtyard area complies with the minimum 4m dimension requirement of the R-Codes. Although the design of both dwellings is similar, Dwelling 2 open space varies due to the corner truncation and minimum 1.0m setback to Madras Way. It is considered that 3.4.2 P2 has been satisfied.
4.	3.10.3 Essential Facilities	
	A3.1 A storeroom with a minimum dimension of 1.5m and internal floor area of 4m ² is required.	The application proposes a storeroom of 4m ² that has a minimum internal dimension of 1m.
	P3 External storage that is adequate for the needs of residents without affecting amenity of the locality.	The proposed store for each dwelling is located within the garage and is considered to be sufficient for resident needs. It will not impact on the streetscape or usable open space and therefore it is considered that 3.10.3 P3 has been satisfied.

Residential Development Urban Design Guidelines

An assessment of the proposal under the City’s Residential Development Urban Design Guidelines Policy No. 6.2.1.1 is provided in the table below:

Policy 6.2.1.1 Clause/Requirement		Assessment/Comment
1.	2.1 To address the street and enhance the streetscape, including clearly visible front entries and front verandahs or gardens.	The Lakey Street elevation incorporates front entry and sitting room windows to both dwellings. The sitting room window to Dwelling 1 is located behind the front setback line and therefore the view to the street is restricted. Should Council require the window to be forward of the garage, this would impact further on the open space provision. In this instance, it is considered that the location of the front entry which is forward of the garage setback line, together with the garden area will not have a detrimental impact on the Lakey Street streetscape and is therefore supported.
2.	3.4 Dwellings on corner lots to articulate a corner and address both streets.	Dwelling 2 articulates both Lakey Street and Madras Way streetscape. Should Council support the application, it is recommended that a condition be imposed regarding fencing to Madras Way to ensure passive surveillance is maintained.
3.	8.4 Garages and carports to occupy no more than 30% of the width of the lot boundary or 50% of the width of the ground level street elevation.	The development occupies approximately 60% of the primary street (Lakey Street) boundary and elevation. The garages are setback 4.7m and 4.5m respectively. It is considered that the location of Dwelling 1 front entry which is forward of the garage, Dwelling 2 entry and windows which articulates the corner, together with the landscape garden areas for both dwellings, reduces the dominance and visual impact of the double garages on the Lakey Street streetscape and is therefore

Policy 6.2.1.1 Clause/Requirement	Assessment/Comment
	supported.

CONCLUSION

The application of Performance Criteria relating to open space, outdoor living areas, building setbacks and essential facilities in respect to the proposed grouped dwelling is supported by staff, as is the proposed variation to Policy 6.2.1.1.

FINANCIAL IMPLICATIONS

Nil.

STAFF RECOMMENDATION

Moved Cr J Brown Seconded Cr R Croft

That Council approve the application for two grouped dwellings at 51 (Lot 280) Lakey Street, Southern River, subject to conditions contained in Appendix 13.5.5A.

Notation

Following compilation and distribution of the agenda the Director Planning and Sustainability circulated a memorandum to Councillors advising of incorrect measurements and street names that had appeared in the body of the report in the paragraph contained under the heading "Site Description". The Mayor subsequently read aloud the following paragraph advising the minutes would be corrected administratively:

"The site is flat, vacant and 597m² in area, with a 14.5m frontage to Lakey Street and 24m frontage to Madras Way. The Western Australian Planning Commission granted conditional approval on 19 October 2005 (ref. 128999) for Lot 280 to be subdivided into two lots."

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

STAFF RECOMMENDATION AND COUNCIL RESOLUTION
--

589 Moved Cr J Brown Seconded Cr R Croft

That Council approve the application for two grouped dwellings at 51 (Lot 280) Lakey Street, Southern River, subject to conditions contained in Appendix 13.5.5A.

CARRIED 9/0

FOR: Cr O Searle, Cr J Henderson, Cr C Matison, Cr D Griffiths, Cr J Brown, Cr R Hoffman, Cr R Croft, Cr W Barrett and Cr PM Morris.

AGAINST: Nil.

**13.5.6 DEVELOPMENT APPLICATION – TWO GROUPED DWELLINGS –
1 (LOT 731) TARN DRIVE, CANNING VALE**

File:	239450	Approve Ref:	0506/2094	(AL)	Psrpt154Dec05
Applicant:	The Planning Coordinators				
Owner:	S Minett and T Sutherland				
Location:	1 (Lot 731) Tarn Drive Canning Vale				
Zoning: MRS:	Urban				
TPS No. 6:	Residential Development				
Review Rights:	Yes. State Administrative Tribunal against a refusal or any condition(s) of approval.				
Area:	441m ²				
Previous Ref:	Nil				
Appendix:	13.5.6A Conditions to be imposed on development approval.				

PURPOSE OF REPORT

For Council to consider an application for two grouped dwellings at 1 (Lot 731) Tarn Drive, Canning Vale. Assessment of the proposal under the Performance Criteria of the Residential Design Codes (R-Codes) is sought in relation to the provision of open space and boundary setbacks, which are outside the authority delegated to staff.

Site Description

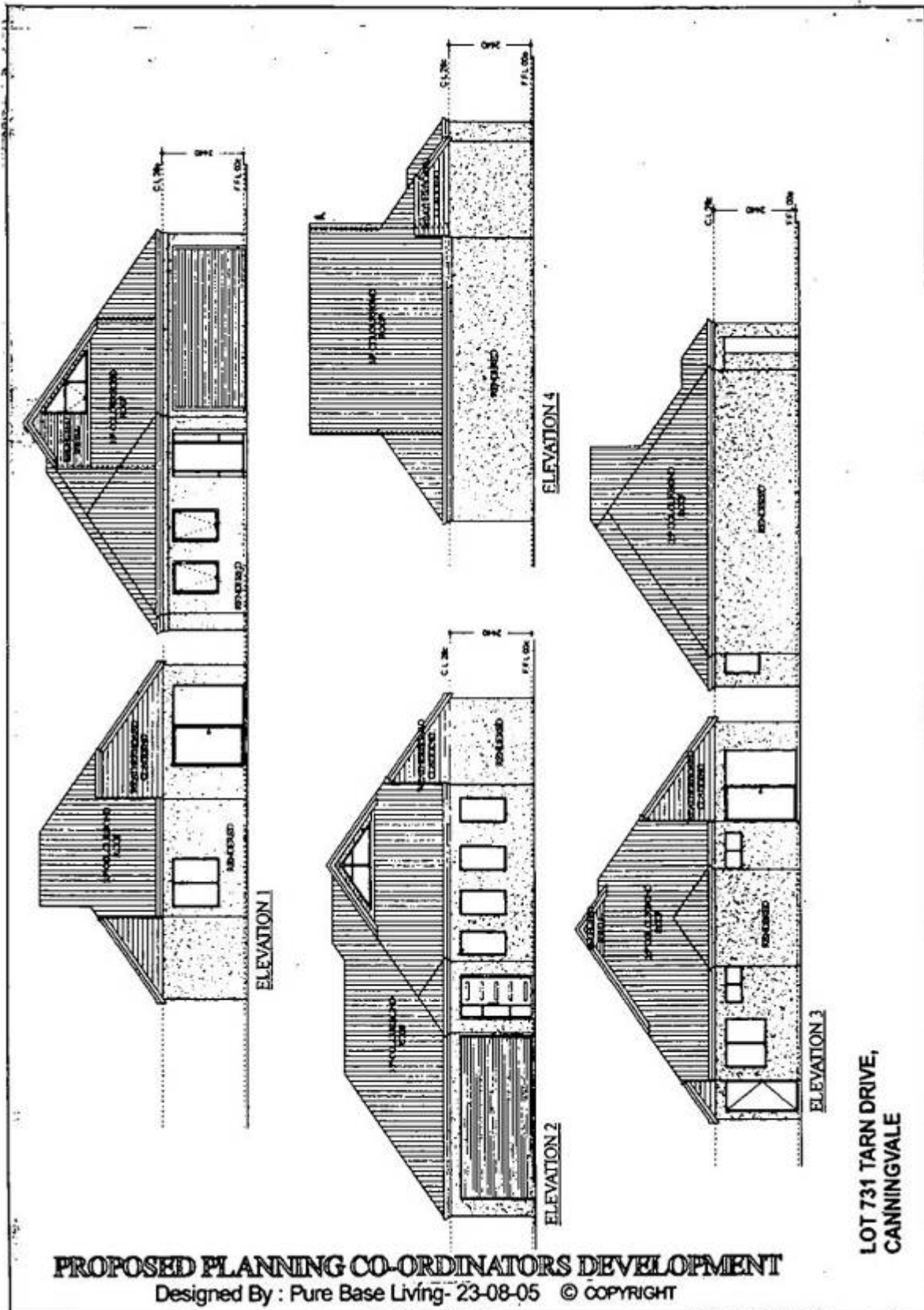
The site is flat, vacant and cleared of vegetation. It is 441m² and has a 10.9m frontage to Tarn Drive and a 21m frontage to Amherst Road.

Proposal

The proposal is for the construction of two single storey with loft grouped dwellings. Unit 1 (proposed Lot 1) is approximately 130m² on a proposed lot of 221m². Unit 2 (proposed Lot 2) is approximately 126m² on a proposed lot of 220m². The proposal complies with all aspects of the Acceptable Development Criteria of the R-Codes except for the provision of open space and boundary setbacks.

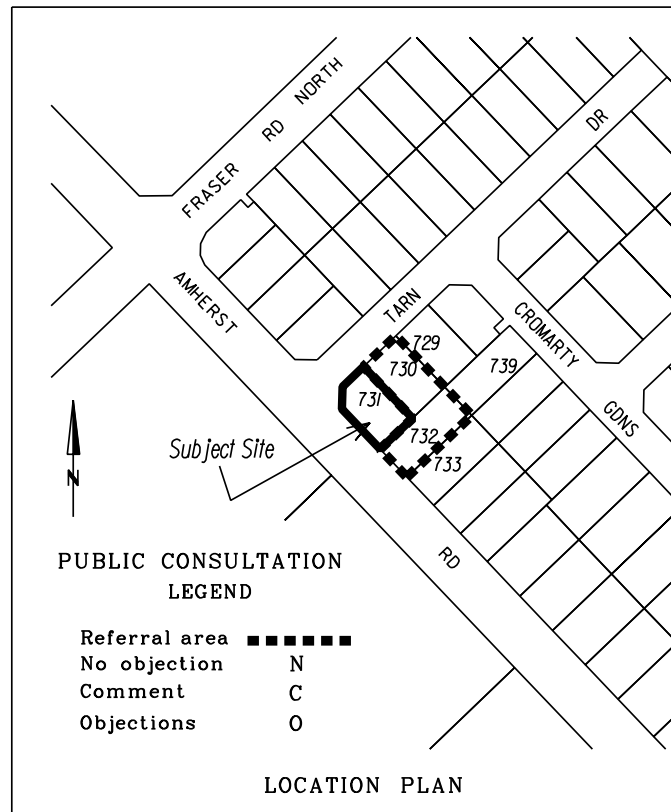


SITE PLAN/FLOOR PLANS



Consultation

The proposal was referred to the two properties adjoining the subject site due to the location of boundary walls. No submissions were received.



Town Planning Scheme No. 6 (TPS 6)

The subject site is zoned “Residential Development” under TPS 6 and is located within the Canning Vale Outline Development Plan area. The site has been designated for a density “Greater than R17.5”. In this instance the proposal has been assessed at the R40 density.

DISCUSSION

Residential Design Codes (R-Codes)

The R-Codes include Acceptable Development Criteria (prefixed by “A”) and Performance Criteria (prefixed by “P”). Applications not complying with the Acceptable Development Criteria can be assessed against the relevant Performance Criteria. The Performance Criteria assessment applicable to this application is summarised in the following table:

Unit 1

R-Code Clause/Requirement		Assessment/Comment
1.	<p>3.4.1 Open Space Provision</p> <p>A1 45% of the land is required to be provided as open space.</p> <p>P1 Open space compliments the building, allows attractive streetscapes and suits the future needs of residents.</p>	<p>The application proposes the provision of approximately 41% open space.</p> <p>The application provides a relatively small outdoor living area in relation to the size of the building and number of potential residents that would be likely to occupy the dwelling. If the Unit was redesigned to increase the outdoor living area to 20m², it would mean that the provision of open space would increase to 43% which is considered more acceptable. Should Council approve the application, this can be imposed as a condition.</p>
2.	<p>3.4.2 Outdoor Living Areas</p> <p>A2 Outdoor living area to be a minimum of 20m², be behind the street setback area, accessible from a habitable room, have a minimum length and width dimension of 4m and have at least $\frac{2}{3}$ without permanent roof cover.</p> <p>P2 Outdoor area capable if use in conjunction with a habitable room and open to winter sun.</p>	<p>The application provides a 16m² outdoor living area.</p> <p>Whilst the performance criteria justification has not been addressed by the applicant, if the outdoor living area is increased to 20m², it would comply with the Acceptable Development Criteria of Table 1 of the R-Codes. Should Council approve the application, this can be imposed as a condition.</p>
3.	<p>3.3.2 Buildings on Boundary</p> <p>A2 Walls no higher than 3.5m with an average of 3m for $\frac{2}{3}$ the length of the balance of the boundary behind the front setback, to one side boundary.</p> <p>P2 Buildings built up to boundaries to make effective use of space or enhance privacy or otherwise enhance the amenity of the development and not have any significant adverse effect on the amenity of the adjoining property and ensure that direct sun to the adjoining property is not restricted.</p>	<p>The application proposes Unit 1 with walls on 2 boundaries of the property.</p> <p>The boundary walls included for Unit 1 are not considered to have a detrimental effect on either of the subject dwellings. The garage and store wall on the boundary abuts a parapet wall on the adjoining dwelling at 3 (Lot 730) Tarn Drive which is currently under construction. It is therefore considered that 3.3.2 P2 has been met.</p>

Unit 2

R-Code Clause/Requirement		Assessment/Comment
4.	<p>3.4.1 Open Space Provision</p> <p>A1 45% of the land is required to be provided as open space.</p> <p>P1 Open space compliments the building, allows attractive streetscapes and suits the future needs of residents.</p>	<p>The application proposes the provision of approximately 42% open space.</p> <p>The application provides a relatively small outdoor living area in relation to the size of the building and number of potential residents that would be likely to occupy the dwelling. If the Unit was redesigned to increase the outdoor living area to 20m², it would mean that the provision of open space would increase to 43% which is considered more acceptable. Should Council approve the application, this can be imposed as a condition.</p>

R-Code Clause/Requirement		Assessment/Comment
5.	<p>3.4.2 Outdoor Living Areas</p> <p>A2 Outdoor living area to be a minimum of 20m², be behind the street setback area, accessible from a habitable room, have a minimum length and width dimension of 4m and have at least $\frac{2}{3}$ without permanent roof cover.</p> <p>P2 Outdoor area capable if use in conjunction with a habitable room and open to winter sun.</p>	<p>Application provides a 16m² outdoor living area.</p> <p>Whilst the performance criteria justification has not been addressed by the applicant, if the outdoor living area is increased to 20m², it would comply with Acceptable Development Criteria of Table 1 if the R-Codes. Should Council approve the application, this can be imposed as a condition.</p>
6.	<p>3.3.1 Buildings Set Back from Boundary</p> <p>A1 Walls with major openings (less than 9m high) to be set back 1.5m from the boundary.</p> <p>P1 Buildings set back from boundaries other than street boundaries so as to provide adequate direct sun and ventilation to the building, adjoining properties and appurtenant open spaces, assist in ameliorating the impacts of building bulk on adjoining properties and assist in protecting privacy between adjoining properties.</p>	<p>The meals area has a major opening and is set back 1m from the common (side) boundary with Unit 1.</p> <p>The set back of the meals area is not considered to impact on the access to sun and ventilation of Unit 2 due to the other major opening which is to the north-facing courtyard. The reduced side setback is also not considered to cause a negative impact on the amenity of Unit 1 which proposes a boundary wall to this reduced setback area due the existence of the boundary wall separating the two units.</p>

Passive Surveillance

It is considered Unit 1 provides limited opportunities for passive surveillance of Amherst Road. Should Council approve the proposal, it is recommended that a condition be imposed on the development approval requiring the plan to be amended to include a window in Bedroom 3 facing Amherst Road. A requirement for a Fencing Plan to be submitted and approved by the City is also recommended as a condition to ensure that any street boundary fencing is visually permeable to achieve an appropriate level of passive surveillance.

CONCLUSION

The applicant has requested Council to assess the proposed grouped dwellings under Performance Criteria of the R-Codes with respect to open space and boundary setback provisions. The three boundary walls included in the development are not considered to cause a detrimental impact on the proposed units or adjoining properties. The open space and size of outdoor living areas proposed is however not considered to achieve the Performance Criteria stipulated in the R-Codes and discussed in the table above. It is considered that if the outdoor living areas were increased to 20m² for each unit, the open space provided would satisfy the Performance Criteria for open space and the Acceptable Development Criteria for outdoor living areas. It is therefore recommended that the proposal be approved subject to appropriate conditions as contained in Appendix 13.5.6A.

FINANCIAL IMPLICATIONS

Nil.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION

590 Moved Cr R Croft Seconded Cr R Hoffman

That Council approve the application for Two Grouped Dwellings at 1 (Lot 731) Tarn Drive, Canning Vale, subject to conditions contained in Appendix 13.5.6A.

CARRIED 9/0

FOR: Cr O Searle, Cr J Henderson, Cr C Matison, Cr D Griffiths, Cr J Brown, Cr R Hoffman, Cr R Croft, Cr W Barrett and Cr PM Morris.

AGAINST: Nil.

**13.5.7 DEVELOPMENT APPLICATION – TWO GROUPED DWELLINGS –
2 (LOT 726) CROMARTY GARDENS, CANNING VALE**

File:	239473	Approve Ref:	0506/2091	(SC)	Psrpt147Dec05
Applicant:	The Planning Coordinators				
Owner:	S M Minett				
Location:	2 (Lot 726) Cromarty Gardens, Canning Vale				
Zoning: MRS:	Urban				
TPS No. 6:	Residential Development				
Review Rights:	Yes. State Administrative Tribunal against a refusal or any condition(s) of approval.				
Area:	427m ²				
Appendix:	13.5.7A Conditions to be imposed on development approval.				

PURPOSE OF REPORT

For Council to consider an application for two grouped dwellings at 2 (Lot 726) Cromarty Gardens, Canning Vale. Assessment of the Residential Design Codes (R-Codes) under the Performance Criteria is sought in relation to private open space requirements and boundary setbacks, which are outside the authority delegated to staff.

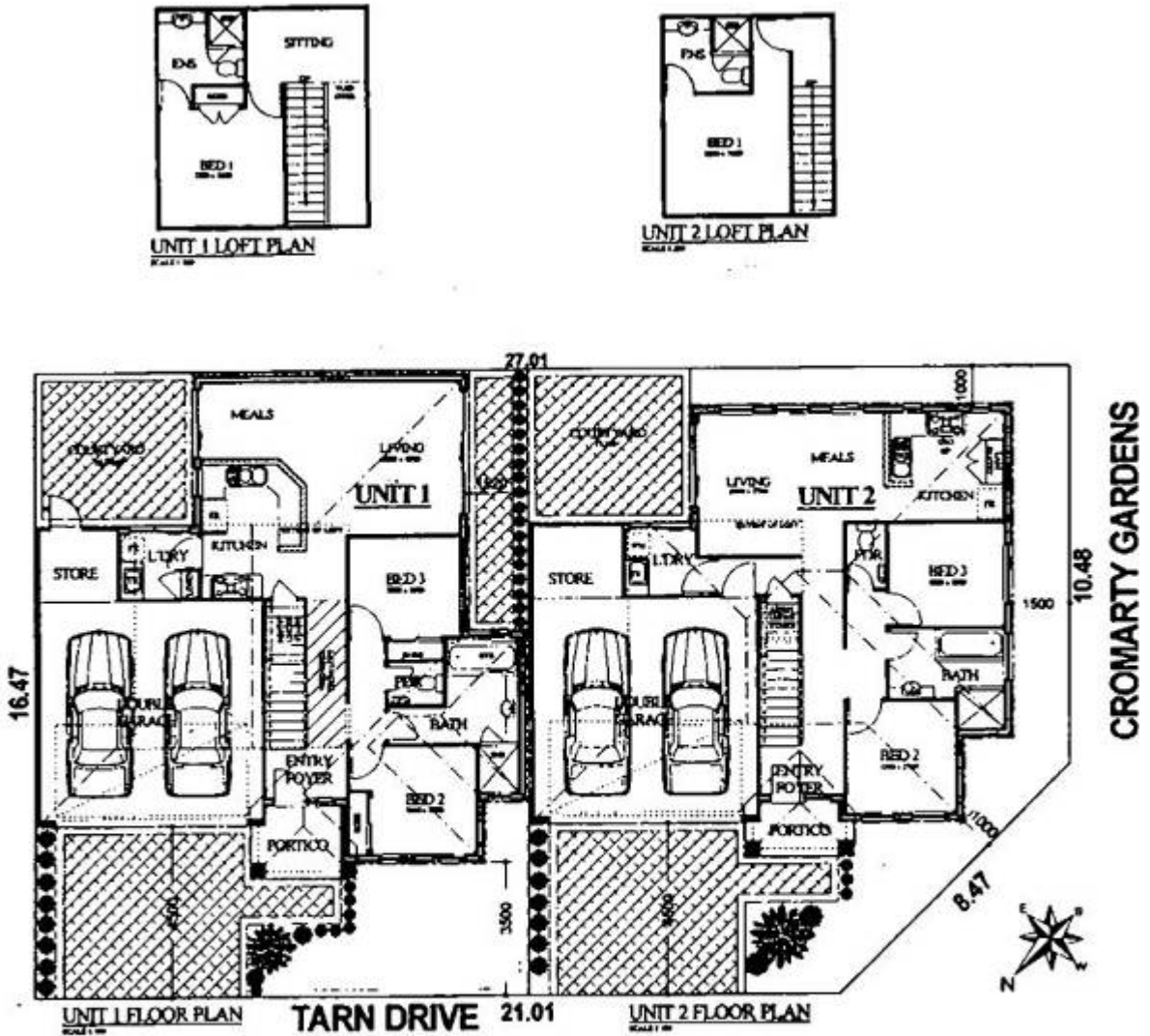
Site Description

The site is flat, vacant and cleared of vegetation. It is 427m² in area with a 10.48m frontage to Cromarty Gardens and 21m (combined) frontage to Tarn Drive. The Western Australian Planning Commission has granted conditional approval (ref. 129000) for Lot 726 to be subdivided into two lots of approximately 214m² and 213m².

The area surrounding Lot 726 is characterised by similar sized residential lots, within 200m radius of the intersection of Fraser Road North and Amherst Road where a mixed use centre, including a future community centre and corner store, is proposed.

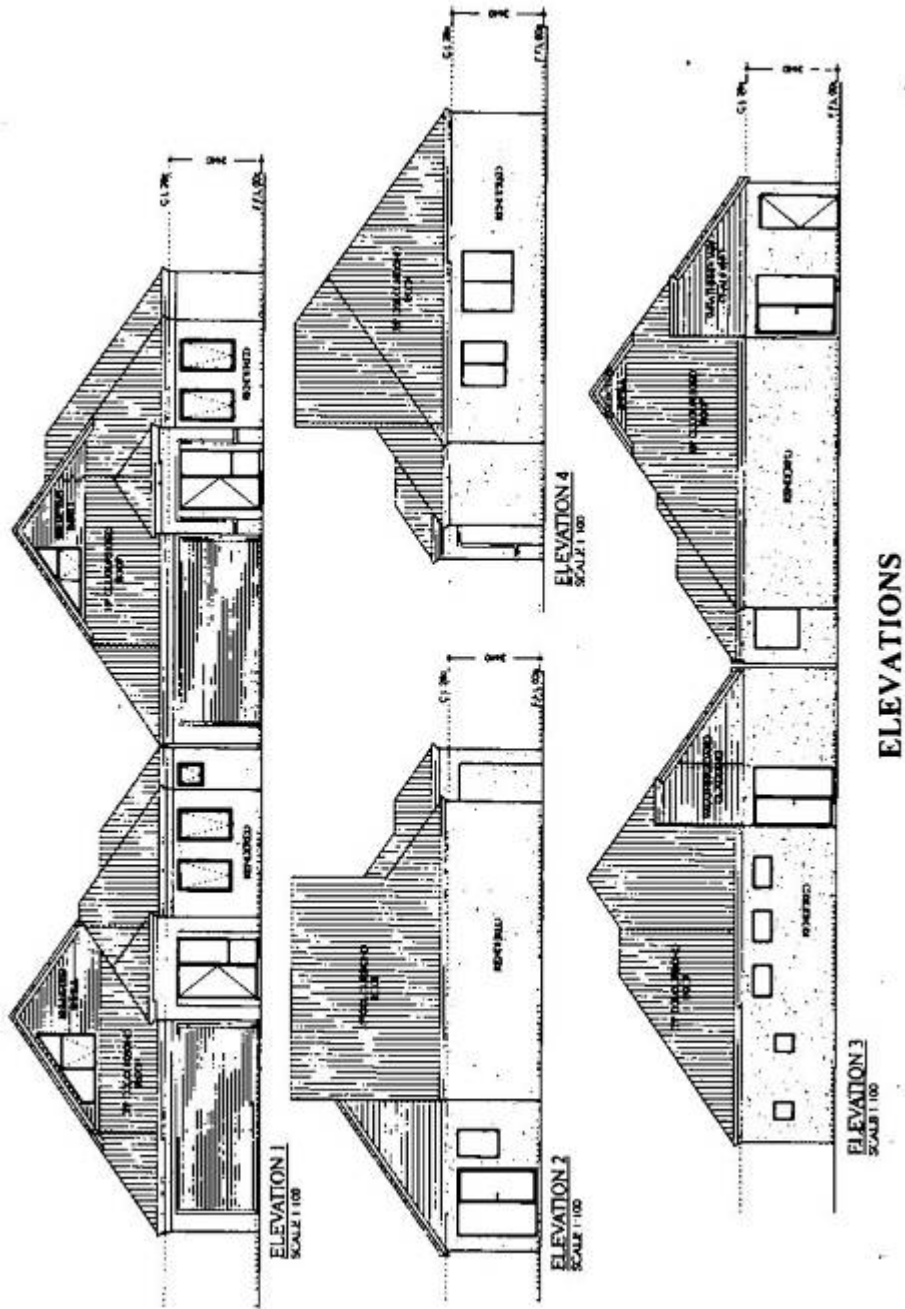
Proposal

The proposal is for the construction of two “loft style” grouped dwellings. Both dwellings have garage access from Tarn Drive. Dwelling 1 is approximately 127m² on a proposed lot of 213m². Dwelling 2 is approximately 120m² on a proposed lot of 214.5m². The proposal complies with all aspects of the Acceptable Development Criteria of the Residential Design Codes except for the provision of open space and outdoor living areas for both proposed dwellings and buildings on boundaries for Dwelling 1.



SITE PLAN

2 (Lot 726) Cromarty Gardens, Canning Vale.



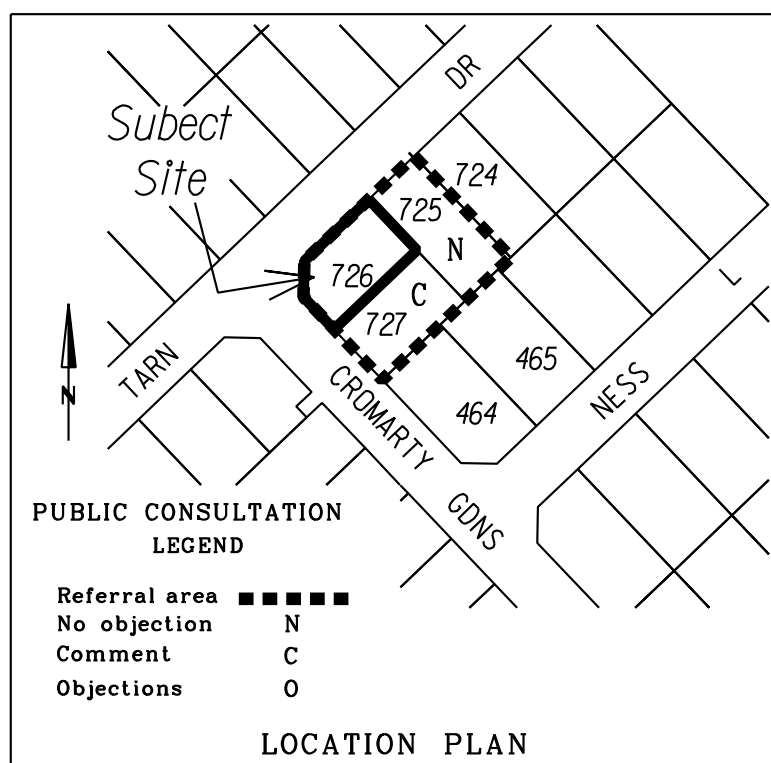
DISCUSSION

Public Consultation

The application was advertised to adjoining landowners for a period of 14 days with respect to the boundary walls proposed for Dwelling 1. Two submissions were received, one non objection and one comment as follows:

1	Name and Postal Address: A Lee, S B Soh and A Woon BLK 106 Rivervale Walk #10-116 Singapore 540106	Affected Property: 25 (Lot 725) Tarn Drive Canning Vale
Summary of Submission		Staff Comment
No objection to proposal		Noted.

2	Name and Postal Address: C and L Potts 7 Daniel Drive Canning vale WA 6155	Affected Property: 4 (Lot 727) Cromarty Gardens Canning Vale
Summary of Submission		Staff Comment
Comment on proposal 2.1 No objection to proposal. 2.2 As looking directly from kitchen window to boundary wall, requests wall colour match "Harvest" Colorbond fencing as required in the developers restrictive covenant.		Noted. Although fencing between neighbours is a civil matter, and the restrictive covenant relating to fence type and colour is between the owner and developer and not a Council matter, approval of the proposed boundary wall subject to the render matching "Harvest" Colorbond fencing is considered an acceptable requirement.



Residential Design Codes (R-Codes)

The R-Codes include Acceptable Development Criteria (prefixed by “A”) and Performance Criteria (prefixed by “P”). Applications not complying with the Acceptable Development Criteria can be assessed under the relevant Performance Criteria. The Performance Criteria assessment under the R-Codes applicable to this application is presented in the tables below:

Dwelling 1:

	R-Code Clause/Requirement	Assessment/Comment
1.	<p>3.3.2 Buildings on Boundary</p> <p>A2iii In areas coded R30 or higher, walls not higher than 3.5m with an average of 3m for $\frac{2}{3}$ length of the boundary behind the front setback are permitted to one side boundary.</p> <p>P2 Buildings built up to boundaries to make effective use of space, or enhance privacy, or enhance the amenity of the development, together with ensuring that direct sun to habitable rooms and outdoor living areas is not restricted as well as not having any adverse impact on the adjoining properties.</p>	<p>The application proposes two boundary walls; garage wall to Lot 725 Tarn Drive and meals and living area wall to Lot 727 Cromarty Gardens.</p> <p>The proposed design of the dwelling makes effective use of space with direct sunlight still available to the adjoining properties. It is considered that 3.3.2 P2 has been satisfied.</p>
2.	<p>3.4.1 Open Space Provision</p> <p>A1 45% of the land is required to be provided as open space.</p> <p>P1 Open space compliments the building, allows attractive streetscapes and suits the future needs of residents.</p>	<p>The application proposes the provision of 40% open space.</p> <p>The application provides a northeast facing outdoor living area and a separate smaller courtyard adjacent to Bedroom 3 and the living room. The open space allows for attractive gardens whilst minimising paved driveway areas and will provide sufficient area to be useable to future residents. It is considered that 3.4.1 P1 has been satisfied.</p>
3.	<p>3.4.2 Outdoor Living Areas</p> <p>A2 An outdoor living area is to be provided in accordance with Table 1 of the R-Codes (in this instance a minimum area of 20m² is required), behind the street setback line, directly accessible from a habitable room, a minimum dimension of 4m and have at least $\frac{2}{3}$ without a roof.</p> <p>P2 An outdoor living area capable of use in conjunction with a habitable room of the dwelling and open to winter sun.</p>	<p>The application proposes a 16.90m² outdoor living area.</p> <p>Although the outdoor living area is directly accessible from the meals area and open to winter sun, which complies with the performance criteria, no performance criteria justification has been supplied with the application. Given the size of the lot, which accords with an R40 coding, Table 1 of the R-Codes requires the provision of a 20m² outdoor living area. Should Council approve the application, it is recommended that a condition be imposed requiring the dwelling to be redesigned to include a 20m² outdoor living area.</p>

Dwelling 2:

R-Code Clause/Requirement		Assessment/Comment
4.	<p>3.4.1 Open Space Provision</p> <p>A1 45% of the land is required to be provided as open space.</p> <p>P1 Open space compliments the building, allows attractive streetscapes and suits the future needs of residents.</p>	<p>The application proposes the provision of 44% open space.</p> <p>Dwelling 2 is a corner lot with a northeast facing outdoor living area. The open space allows for attractive gardens whilst minimising paved driveway areas and will provide sufficient area to be useable to future residents. It is considered that 3.4.1 P1 has been satisfied.</p>
5.	<p>3.4.2 Outdoor Living Areas</p> <p>A2 An outdoor living area is to be provided in accordance with Table 1 of the R-Codes (in this instance a minimum of 20m² is required), behind the street setback line, directly accessible from a habitable room, a minimum dimension of 4m and have at least ²/₃ without a roof.</p> <p>P2 An outdoor living area capable of use in conjunction with a habitable room of the dwelling and open to winter sun.</p>	<p>The application proposes a 16.90m² outdoor living area.</p> <p>Although the outdoor living area is directly accessible from the meals area and open to winter sun, which complies with the performance criteria, no performance criteria justification has been supplied with the application. Given the size of the lot, which accords with an R40 coding, Table 1 of the R-Codes requires the provision of a 20m² outdoor living area. Should Council approve the application, it is recommended that a condition be imposed requiring the dwelling to be redesigned to include a 20m² outdoor living area.</p>

CONCLUSION

The applicant has requested Council to assess the proposed grouped dwellings under the Performance Criteria of the R-Codes with respect to Buildings on Boundaries and Open Space provisions. The proposed boundary walls for Dwelling 1 are considered not to have an adverse impact on adjoining properties. The open space and size of outdoor living areas proposed is however not considered to achieve the performance criteria stipulated in the R-Codes and discussed in the table above. It is considered that if the outdoor living areas were increased to 20m² for each dwelling, the open space provided would suit the needs of the owner and any future owners and satisfy the acceptable development criteria of open space and outdoor living areas. It is therefore recommended that the application be approved, subject to the provision of a minimum 20m² outdoor living area for each dwelling and appropriate conditions as contained in Appendix 13.5.7A.

FINANCIAL IMPLICATIONS

Nil.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION

591 Moved Cr R Croft Seconded Cr R Hoffman

That Council approve the application for two grouped dwellings at 2 (Lot 726) Cromarty Gardens, Canning Vale, subject to conditions contained in Appendix 13.5.7A.

CARRIED 9/0

***FOR:** Cr O Searle, Cr J Henderson, Cr C Matison, Cr D Griffiths, Cr J Brown, Cr R Hoffman, Cr R Croft, Cr W Barrett and Cr PM Morris.*

***AGAINST:** Nil.*

**13.5.8 DEVELOPMENT APPLICATION – SINGLE HOUSE – 1 (LOT 9)
BATSFORD WAY, CANNING VALE (*ITEM BROUGHT FORWARD –
REFER TO ITEM 11*)**

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

13.5.9 SUBMISSION ON DRAFT STATEMENT OF PLANNING POLICY 5.3 - LAND USE PLANNING IN THE VICINITY OF JANDAKOT AIRPORT

File: R7/2/3 (SO'S) Psrpt150Dec05
Appendix: 13.5.9A Jandakot Airport Noise Contours and Flight Track Policy
Plan

PURPOSE OF REPORT

For Council to provide a response to the Western Australian Planning Commission's Draft Statement of Planning Policy 5.3 – Land Use Planning in the Vicinity of Jandakot Airport (Draft SPP 5.3).

BACKGROUND

Section 5AA of the Town Planning and Development Act provides for the Commission to prepare Statements of Planning Policy.

Council, in preparing or amending a Town Planning Scheme, must have due regard for S5AA policies and may incorporate reference to them.

The Commission has released Draft SPP 5.3 for public comment.

DISCUSSION

Draft SPP 5.3 applies to land in the vicinity of Jandakot Airport. In recognition of the importance of the airport as an element of transport infrastructure and the need to minimise adverse impacts on adjacent development, the policy has the objective of protecting airport operations from encroachment by incompatible land use and development while minimising the impact of operations on existing and future communities.

The policy is primarily focussed on aircraft noise and its impacts. Aircraft noise measurement has traditionally used the Australian Noise Exposure Forecast (ANEF) system, which is usually illustrated in the form of noise contours. Concerns have been expressed about the suitability of ANEF as a basis for land use planning for small general aviation airports such as Jandakot. These concerns are mainly due to ANEF contours not adequately reflecting noise nuisance given that airports like Jandakot typically involve light aircraft but with a high volume of movement. Accordingly Draft SPP 5.3 proposes a more conservative approach than is usually specified for different ANEF contours at major airports such as Perth.

Draft SPP 5.3 defines land in the vicinity of the airport as being within one of the three following areas:

- Core Area – defined by the area inside the 20 ANEF contour;
- Inner Frame Area – defined by the area between the 15 and 20 ANEF contours;
and

- Outer Frame Area – defined by the 15 ANEF contour and outer training circuit flight tracks.

The location and extent of the three areas is illustrated on the plan in Appendix 13.5.9A.

The Core Area is not shown on that plan as it is well outside the City of Gosnells municipal boundary and does not affect any land within the City.

The policy measures for each of the three areas are summarised in the following table:

Policy Area	Summary of Policy Measures
Core	<ul style="list-style-type: none"> • No rezoning for residential, rural-residential or special rural development; • No further subdivision which would result in additional dwellings; • Presumption against further noise-sensitive development; • Requires noise amelioration measures on development/building approvals and memorials on title advising of noise potential on noise-sensitive development as conditions of subdivision/development approvals; and • Information should be given to prospective purchasers about noise potential.
Inner Frame	<ul style="list-style-type: none"> • General presumption against rezoning which would permit development involving any residential density increase above one dwelling for every two hectares or equivalent occupational density normally expected for rural-residential development on two hectares; • Recognises that where there is a demonstrated strategic need for more intensive development or logical development infill proposed, appropriate rezoning will be considered; • Policy is not intended to affect pre-existing zoned land or density codings, the implementation of structure plans endorsed by the Commission or development of ancillary accommodation associated with a single dwelling; • No further subdivision that would lead to an increase in number of dwellings unless consistent with the zoning and density coding in place; • Presumption against further noise-sensitive development; • Noise amelioration measures are not mandatory for residential development, however prospective developers/purchasers of residential land are recommended to consider such measures; • Memorials on title advising of noise potential are not required as a condition of subdivision/development approvals; and • Information should be given to prospective purchasers about noise potential.
Outer Frame	<ul style="list-style-type: none"> • No intended limitation is to apply to zoning, subdivision or development; and • Information should be given to prospective purchasers about noise potential.

Other policy measures include:

- Local Government should review zoning and residential density codings under town planning schemes to ensure consistency with the objectives for the three policy areas and give consideration to ways in which the effects noise impacts can be reduced;
- Local Government should include special control areas in town planning schemes to provide an additional head of power to control noise sensitive development in the Core Area;

- New arrangements for the referral to Jandakot Airport Holdings for advice and comment of scheme amendment, subdivision and development proposals and other activities with potential to impact on airport and aircraft operations (eg activities with potential to attract birds or which generate smoke, dust, light and other visual emissions).

COMMENT

The content of Draft SPP 5.3 is considered to represent a sound approach to land use planning in the vicinity of Jandakot Airport.

Only a small part of the City of Gosnells is included in the Draft SPP 5.3 policy area. The West Canning Vale Outline Development Plan area, part of the Sanctuary Waters and Avenues Estates and part of Hakea Prison are included in the Inner Frame Area. There is considered to be no implication on land use planning in this area given that all land is already zoned for residential development and is either developed or covered by a Commission-endorsed structure plan. There will however be a need to ensure prospective purchasers of land within this area are informed of the potential for noise nuisance (on zoning certificates and the like).

Part of the Canning Vale Outline Development Plan area and portions of the Sanctuary Waters and The Avenues Estates and Gosnells Golf Course are included in the Outer Frame Area. The only implication for the City is the need to ensure prospective purchasers of land within this area are informed of the potential for noise nuisance (on zoning certificates and the like).

It is noted that the policy area boundaries, generally and in the City of Gosnells, are on alignments that do not follow practical boundaries. While the only implication of the Draft SPP 5.3 for the City will be the need to inform prospective landowners of the potential for noise nuisance, the proposed alignment of the boundaries will create administrative difficulties in determining when to dispense such information. Policy area boundaries should generally follow a more practical and legible alignment, such as along major roads and obvious land use boundaries.

Further it is noted that there is an anomaly between the boundary of the Inner and Outer Frame Areas, particularly in the vicinity of Hakea Prison. This in effect is a mismatch between the ANEF 15 contour and training circuit flight track, where the contour (and thus the Inner Frame) extends outside of the flight track (and thus the Outer Frame). While there is no material implication of this anomaly, Draft SPP 5.3 should be amended in this location to ensure the policy boundaries are consistent.

In general terms it is considered that Draft SPP 5.3 represents a sound approach to land use planning in the vicinity of Jandakot Airport. It is recommended that Council express no objection to the introduction of Draft SPP 5.3, subject to realignment of policy area boundaries to follow more logical, practical and legible alignments and correction of the anomaly between the Inner and Outer Frame boundaries.

FINANCIAL IMPLICATIONS

Nil. City Planning already has an established system through its provision of zoning certificates to inform prospective purchasers of certain matters prior to settlement.

STAFF RECOMMENDATION (1 of 2) AND COUNCIL RESOLUTION
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592 Moved Cr J Brown Seconded Cr D Griffiths

That Council advise the Western Australian Planning Commission that it has no objection to the introduction of Draft Statement of Planning Policy 5.3 – Land Use Planning in the Vicinity of Jandakot Airport, subject to a rationalisation of policy area boundaries to follow more logical, practical and legible alignments and correction of the anomaly between the Inner and Outer Frame boundaries.

CARRIED 9/0

FOR: Cr O Searle, Cr J Henderson, Cr C Matison, Cr D Griffiths, Cr J Brown, Cr R Hoffman, Cr R Croft, Cr W Barrett and Cr PM Morris.

AGAINST: Nil.

STAFF RECOMMENDATION (2 of 2) AND COUNCIL RESOLUTION
--

593 Moved Cr J Brown Seconded Cr D Griffiths

That Council authorise the Director Planning and Sustainability to advise the WA Planning Commission of a suggested realignment of the policy area boundaries for Draft SPP 5.3 – Land Use Planning in the Vicinity of Jandakot Airport.

CARRIED 9/0

FOR: Cr O Searle, Cr J Henderson, Cr C Matison, Cr D Griffiths, Cr J Brown, Cr R Hoffman, Cr R Croft, Cr W Barrett and Cr PM Morris.

AGAINST: Nil.

The Mayor advised the meeting that Cr C Matison, due to being Council Delegate to the Environmental Management Plan Stakeholder Team had disclosed an Impartiality Interest in the following item in accordance with Regulation 34C of the Local Government (Administration) Regulations 1996.

13.5.10 REVIEW OF ENVIRONMENTAL MANAGEMENT PLAN

File: E3/1/1 (WvL) Psrpt151Dec05
Previous Ref: OCM 26 July 2005 (Resolution 335)
Appendix: 13.5.10A 27 October 2005 Minutes, Environmental Management Plan Review Stakeholder team

PURPOSE OF REPORT

For Council to consider adopting the final revised draft of the Environmental Management Plan (EMP).

BACKGROUND

Council Resolution 335, 26 July 2005, provides:

“That Council approve the revised draft Environmental Management Plan 2005, Volumes I and II, for release for a six-week public comment period, following which submissions will be considered by the Environmental Management Plan Review Stakeholder Team in the final drafting of the Environmental Management Plan 2005 for presentation to the 6 December 2005 Ordinary Council Meeting.”

The six-week public comment period for the revised draft Environmental Management Plan extended from 1 August to 9 September 2005 and was advertised widely in the local print media, on the City’s website, at City Libraries and at the City’s Administration Office. A significant number of stakeholders were also advised by correspondence and provided copies of the draft document.

DISCUSSION

A total of ten submissions were received, providing seventy-four specific comments on the draft document. Submissions were tabulated, and responses to comments recommended by staff. This summary table of submissions and responses was presented to the 27 October 2005 meeting of the EMP Review Stakeholder Team. The endorsed summary table of submissions and responses is included in the minutes of that meeting, which are attached as Appendix 13.5.10A. Highlighting text in the submission table identifies those comments for which the Stakeholder Team recommended amendments to the draft EMP.

Four copies of the proposed final draft of the EMP, volumes one and two, were placed in the Councillors’ Common Room on 30 November 2005. Highlighted text in those documents similarly identifies amendments derived from the Stakeholder Team’s recommendations.

The Stakeholder team considered the naming of the final draft of the EMP, recommending that the document be named the Environmental Management Plan 2006-2009. The recommended name, similar to that of the City's Strategic Plan 2004-2006, better reflects the document's currency and timeframe,

A number of public comments referred to the need to revise proposed timeframes for Actions contained in the revised draft EMP. These indicative timeframes have been overtaken by the review of the EMP, and have become out of date. Timeframes have been reviewed by the Environmental Coordinator, in liaison with officers assigned responsibilities for implementing EMP Actions, and are presented in the final draft of the EMP.

Correspondence has been forwarded to persons and agencies who made submissions on the revised draft EMP, advising them that Council will consider the final draft of the document at its meeting on 6 December 2005.

The EMP Stakeholder Team, at its 27 October 2005 meeting, recommended to Council:

- "1 That the draft revised Environmental Management Plan 2005 be re-named the Environmental Management Plan 2006-2009 in order to reflect its period of currency.*
- 2 That the proposed amendments and additions to the Environmental Management Plan 2006-2009, as detailed in the summary table of public submissions and responses, be endorsed, and that the revised final Environmental Management Plan 2006-2009 be forwarded to Council to consider its adoption.*
- 3 That the Environmental Coordinator, in liaison with relevant City officers, review timeframes associated with Actions contained in the Environmental Management Plan 2006-2009 in order that they be appropriate to the 2006-2009 timeframe of the Plan.*
- 4 That the City correspond to persons who made submissions on the draft revised Environmental Management Plan 2006-2009, advising them of the document's progress and forwarding to Council."*

FINANCIAL IMPLICATIONS

The financial implications arising from implementation of the Environmental Management Plan 2006-2009 will require future budget consideration on a case by case basis.

STAFF RECOMMENDATION (1 of 2)

Moved Cr R Croft Seconded Cr W Barrett

That Council adopt the revised Environmental Management Plan as recommended by the 27 October 2005 meeting of the Environmental Management Plan Review Stakeholder Team, and that the final document be named the Environmental Management Plan 2006-2009 in order to reflect its period of currency.

STAFF RECOMMENDATION (2 of 2)

Moved Cr R Croft Seconded Cr W Barrett

That Council write to Community Delegates on the Environmental Management Plan Review Stakeholder Team, thanking them for their important and significant input into the development of the City's Environmental Management Plan 2006-2009.

Amendment

During debate Cr R Hoffman moved the following amendment to staff recommendation (1 of 2):

“That staff recommendation (1 of 2) be amended by deleting the word “currency” where it appears at the end of the recommendation and substituting it with the word “duration”.”

Cr Hoffman provided the following written reason for the proposed amendment:

“To better reflect the intent of the Portfolio meeting.”

Cr J Brown Seconded Cr Hoffman's proposed amendment.

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

Moved Cr R Hoffman Seconded Cr J Brown

That staff recommendation (1 of 2) be amended by deleting the word “currency” where it appears at the end of the recommendation and substituting it with the word “duration”, with the amended recommendation to read:

“That Council adopt the revised Environmental Management Plan as recommended by the 27 October 2005 meeting of the Environmental Management Plan Review Stakeholder Team, and

that the final document be named the Environmental Management Plan 2006-2009 in order to reflect its period of duration.”

CARRIED 9/0

FOR: Cr O Searle, Cr J Henderson, Cr C Matison, Cr D Griffiths, Cr J Brown, Cr R Hoffman, Cr R Croft, Cr W Barrett 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 and staff recommendation (2 of 2), which read:

Amended Staff Recommendation (1 of 2):

COUNCIL RESOLUTION

594 Moved Cr R Hoffman Seconded Cr J Brown

That Council adopt the revised Environmental Management Plan as recommended by the 27 October 2005 meeting of the Environmental Management Plan Review Stakeholder Team, and that the final document be named the Environmental Management Plan 2006-2009 in order to reflect its period of duration.

CARRIED 9/0

FOR: Cr O Searle, Cr J Henderson, Cr C Matison, Cr D Griffiths, Cr J Brown, Cr R Hoffman, Cr R Croft, Cr W Barrett and Cr PM Morris.

AGAINST: Nil.

STAFF RECOMMENDATION (2 of 2) AND COUNCIL RESOLUTION
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595 Moved Cr R Croft Seconded Cr W Barrett

That Council write to Community Delegates on the Environmental Management Plan Review Stakeholder Team, thanking them for their important and significant input into the development of the City's Environmental Management Plan 2006-2009.

CARRIED 9/0

FOR: Cr O Searle, Cr J Henderson, Cr C Matison, Cr D Griffiths, Cr J Brown, Cr R Hoffman, Cr R Croft, Cr W Barrett and Cr PM Morris.

AGAINST: Nil.

13.6 REGULATORY SERVICES

13.6.1 MEETING DATES FOR THE YEAR 2006

File: C3/1/8_06

(TP)

Rpt039Dec05

PURPOSE OF REPORT

To propose to Council for adoption a schedule of meeting dates for Standing Committees and Council Meetings, for the year 2006.

BACKGROUND

Ordinary Council Meetings are held on the second and fourth Tuesday of each month, with the exception of January which is a recess period for Council.

As it is a requirement of the Local Government Act 1995 to advertise meeting dates at least annually, it is appropriate at this stage to establish a schedule to enable the advertisement to be placed in a local newspaper in January 2006.

Another meeting to be taken into consideration is the Strategic Planning Committee, which is conducted on the third Tuesday of February, May, August and November.

DISCUSSION

A review of the calendar has revealed that two meeting dates clash with public holidays in 2006, namely the fourth Tuesday in April which falls on ANZAC Day; and the fourth Tuesday in December which falls on Boxing Day. As a result meeting dates for April and December require review.

The last time ANZAC Day fell on a scheduled Council Meeting date was in 2000 at which time Council resolved the most appropriate date upon which to convene the meeting would be the following evening on Wednesday 26 April.

In this current year Council elected to bring the December meetings forward to the first and third Tuesday of the month to avoid conducting a meeting on 28 December, which to many in the community is a public holiday. This has been achieved as there are five Tuesdays in November which enable a two week gap between meetings throughout November and December.

This alters, however, in the year 2006 as there are only four Tuesdays in November and bringing forward the December meetings to the first and third Tuesday of the month would result in meetings being conducted on two consecutive weeks, being 28 November and 5 December, which would make the preparation of Agendas and Minutes very onerous and overlapping.

A similar problem existed in the 2000 and 2002 calendar years with Council resolving to conduct one meeting on the third Tuesday of December, thus enabling staff a three week opportunity in that month to prepare reports for consideration by Council.

It will, therefore, be recommended that the second Ordinary Council Meeting of April 2006 be held on Wednesday 26 and that only one Ordinary Council Meeting be convened in December 2006 with that meeting to be held on the third Tuesday (19 December) of the month.

In relation to the Strategic Planning Committee schedule of dates for 2006, they do not conflict with any public holidays and as such it is proposed that they be held on the 21 February, 16 May, 15 August and 21 November 2006.

FINANCIAL IMPLICATIONS

Nil.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION
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596 Moved Cr J Brown Seconded Cr R Hoffman

That Council authorise Local Public Notice advising of the following schedule of meetings for 2006 -

1. Ordinary Council Meetings will be conducted on the following dates, commencing at 7.30pm:
 - 1.1 The second and fourth Tuesdays of the months of February, March, May, June, July, August, September, October and November;
 - 1.2 The second Tuesday and Fourth Wednesday of April; and
 - 1.3 The third Tuesday of December.
2. Strategic Planning Committee meetings will be conducted on the third Tuesday of the months of February, May, August and November 2006, commencing at 4.30pm.

CARRIED 9/0

FOR: Cr O Searle, Cr J Henderson, Cr C Matison, Cr D Griffiths, Cr J Brown, Cr R Hoffman, Cr R Croft, Cr W Barrett and Cr PM Morris.

AGAINST: Nil.

14. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

15. NOTICES OF MOTION FOR CONSIDERATION AT THE FOLLOWING MEETING

Nil.

16. URGENT BUSINESS

(by permission of Council)

Nil.

17. CONFIDENTIAL MATTERS

Nil.

18. CLOSURE

The Mayor declared the meeting closed at 8.22pm.