



**ORDINARY COUNCIL MEETING  
26 APRIL 2006**

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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 Wednesday 26 April 2006.

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

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

### **DISCLAIMER**

The Mayor read aloud the following statement:

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

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

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

Notice within the Public Gallery in relation to recordings state:

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

*Following documentation of the Minutes and distribution to Elected Members 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

DEPUTY MAYOR

CR P M MORRIS AM JP Honorary Freeman

CR C MATISON

CR O SEARLE JP

CR R MITCHELL

CR J HENDERSON

CR S IWANYK

CR D GRIFFITHS

CR J BROWN

CR R HOFFMAN

CR R CROFT

CR W BARRETT

### STAFF

CHIEF EXECUTIVE OFFICER

DIRECTOR COMMUNITY ENGAGEMENT

DIRECTOR CORPORATE SERVICES

DIRECTOR INFRASTRUCTURE

DIRECTOR PLANNING & SUSTAINABILITY

DIRECTOR REGULATORY SERVICES

MINUTE SECRETARY

MR S JARDINE

MS A COCHRAN

MR R BOUWER

MR D HARRIS

MR L KOSOVA

MR T PERKINS

MS A CRANFIELD

### PUBLIC GALLERY

8

### APOLOGIES

Nil.

### APPROVED LEAVE OF ABSENCE

Cr P Wainwright was granted Leave of Absence vide Resolution 129 of the Ordinary Council Meeting held on 28 March 2006.

## 3. DECLARATIONS OF INTEREST

Cr R Hoffman declared an Impartiality Interest in item 12.1 "City of Gosnells RoadWise Committee".

**Reason:** Member of the RoadWise Committee.

Cr D Griffiths declared an Impartiality Interest in item 12.1 "City of Gosnells RoadWise Committee".

**Reason:** Member of the RoadWise Committee.

Cr R Mitchell declared a Financial Interest in item 13.3.4 “Budget Variations”.

**Reason:** Owner of property in William Street (Job 80501.100.3).

Cr C Mation declared an Impartiality Interest in item 13.5.8 “South East Regional Centre for Urban Landcare - Request for Support Regarding Changes to Delivery of Federal Funding”.

**Reason:** Council delegate to the South East Regional Centre for Urban Landcare (SERCUL).

**4. ANNOUNCEMENTS BY THE PRESIDING MEMBER**  
(without discussion)

The Mayor circulated to Councillors a list of functions and events she had attended since Tuesday 11 April 2006.

**5. REPORTS OF DELEGATES**  
(without debate)

Nil.

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

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

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

Questions and statements are to be –

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

**QUESTIONS TAKEN ON NOTICE AT PREVIOUS MEETINGS AWAITING RESPONSE**

Nil.

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

Nil.

## 6.1 QUESTION TIME

- \* Mrs Pat Middle of 4 Greenland Boulevard, Canning Vale asked the following question in regard to item 13.5.5 “Development Application - Fast Food Outlet (Takeaway Pizza) and Associated Signage - Tenancy 20A, 271 (Lot 101) Amherst Road, Canning Vale” of the agenda:

Q 1 If this tenancy was actually approved, what timeframe would there be allowed on it, as in would it have a closure of say 8 o'clock in the evening or 10 o'clock in the evening timeframe?

**Response:** The Director Planning and Sustainability replied that the application proposed opening hours of Sunday to Thursday 11am to 11pm and Friday to Saturday 11am to 1am. He added that the Department of Consumer and Employment Protection (DOCEP) had advised that Fast Food Outlets were exempt from the Retail Trading Act 1987 and therefore did not have to comply with retail trading hours set by the DOCEP. The Director advised that at present, if the application was approved subject to the recommended conditions contained in the agenda report, the opening hours would be as stated, however, Council could impose conditions restricting the operating times to other than these times.

## 6.2 PUBLIC STATEMENTS

- \* Mr Jason Wallis of Unit 10, 56 Kings Park Road made a public statement in relation to item 13.5.3 “Southern River Precinct 2 - Revised Outline Development Plan” speaking in favour of the staff recommendations. Mr Wallis advised he wished to address two items, namely provision of primary schools in the area and the Urban Water Management Strategy, which had both previously been raised as issues, which he believed had been fairly well explained in the agenda report. He stated that the revised ODP before Council was the result of some significant consultation between City staff and his team Wallis Properties, which he believed both parties would look back on in the passage of time and be proud of. He advised that one of the major changes to the revised ODP was that the primary schools had been relocated slightly adding his team was working closely with the Department of Education and Training in terms of providing a primary school fairly promptly. In regard to the Urban Water Management Strategy, Mr Wallis advised his team was working very closely with the Water Corporation and there was a myriad of solutions to the issues raised which he believed would be resolved in a short time.
  
- \* Mr David Pearson of 36 Lissiman Street, Gosnells made a public statement in relation to item 13.5.4 “Development Application – Reconsideration of Determination for Proposed Dwelling – 36 (Pt Lot 1104) Lissiman Street, Gosnells ”. Mr Pearson stated that four years ago during a final consultation meeting he asked the Mayor how long they would be living in limbo due to the proposed changes to the zoning in Lissiman Street, and advised he was given an assurance the proposed rezoning would solve the issue. He added nothing had

changed, except for the worse with building costs doubling in the past four years as Council had a statute that prevented them from living in their old house while the new one was being constructed. He reassured Council they had no intention of contravening any Council by-laws and did not wish to subdivide or otherwise develop their land without an Outline Development Plan in place. He referred to the legal opinion sought by Council adding this was only one opinion which may differ from another source. He expressed concern at the delay in considering the application by Council and questioned if the by-law was as clear cut as the Director Planning and Sustainability and his legal advisers insisted, why they were not informed months ago, and furthermore if Council had no discretion why the matter was before them for consideration. In closing Mr Pearson reiterated his family were law abiding ratepayers who only ever wanted to build a new house on their land following which they would demolish the old house and urged Council to let common sense prevail.

- \* Mrs Pat Middle of 4 Greenland Boulevard, Canning Vale made a public statement in relation to item 13.5.5 “Development Application - Fast Food Outlet (Takeaway Pizza) and Associated Signage - Tenancy 20A, 271 (Lot 101) Amherst Road, Canning Vale” speaking against the staff recommendation. Mrs Middle stated that in view of the City’s recent RoadWise efforts within the community, she believed it would be a backward step for Council to approval the development application as the speed of cars driving along Amherst Road was already a concern to residents. She believed that in allowing the fast food outlet on the outer perimeter of a shopping complex, Council would be encouraging further opportunities for fast drivers trying to beat the lights at Warton and Amherst Roads, dangerous driving within the confines of the parking bays and young people loitering around the food outlet making a nuisance of themselves. In closing Mrs Middle stated that Council needed to take a responsible attitude in preventing these issues from arising in the first place and asked that the application be refused.

## 7. CONFIRMATION OF MINUTES

COUNCIL RESOLUTION
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### 176 **Moved Cr S Iwanyk Seconded Cr R Croft**

That the Minutes of the Ordinary Council Meeting held on 11 April 2006, be confirmed.

CARRIED 11/0

*FOR: Cr O Searle, Cr R Mitchell, Cr J Henderson, Cr C Matison, Cr S Iwanyk, 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.

The Mayor, Cr PM Morris requested leave of absence from 28 April 2006 to 8 May 2006 for personal reasons.

<b>COUNCIL RESOLUTION</b>
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### **177 Moved Cr R Hoffman Seconded Cr J Brown**

That Council grant leave of absence to Cr PM Morris from 28 April 2006 to 8 May 2006, inclusive.

**CARRIED 11/0**

*FOR: Cr O Searle, Cr R Mitchell, Cr J Henderson, Cr C Matison, Cr S Iwanyk, 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
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### 178 Moved Cr W Barrett Seconded Cr R Mitchell

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

- \* Item 13.5.1 Amendment No. 41 to Town Planning Scheme No. 6 – Finalisation - Rezoning of Lots 1608 and 1609 Lakey Street, Southern River from General Rural to Residential Development;
- \* Item 13.5.3 Southern River Precinct 2 - Revised Outline Development Plan;
- \* Item 13.5.4 Development Application – Reconsideration of Determination for Proposed Dwelling – 36 (Pt Lot 1104) Lissiman Street, Gosnells; and
- \* Item 13.5.5 Development Application - Fast Food Outlet (Takeaway Pizza) and Associated Signage - Tenancy 20A, 271 (Lot 101) Amherst Road, Canning Vale.

CARRIED 11/0

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

*AGAINST:* Nil.

### **13.5.1 AMENDMENT NO. 41 TO TOWN PLANNING SCHEME NO. 6 – FINALISATION - REZONING OF LOTS 1608 AND 1609 LAKEY STREET, SOUTHERN RIVER FROM GENERAL RURAL TO RESIDENTIAL DEVELOPMENT**

File: TPS/6/41      Approve Ref: 0405/0186AA (PW)      Psrpt041Apr06  
Applicant: Planning Solutions  
Owner: Claymont Land Pty Ltd  
Location: Southern River Precinct 1  
Zoning:MRS: Rural  
TPS No. 6: General Rural  
Review Rights: Nil, however, final determination is with the Minister for Planning and Infrastructure.  
Area: Lot 1608 – 6.1715ha  
Lot 1609 – 7.5373ha  
Previous Ref: OCM 12 October 2004 (Resolution 577 )  
OCM 10 June 2003 (Resolutions 350-351)  
OCM 11 June 2002 (Resolutions 407-409)

#### **PURPOSE OF REPORT**

For Council to consider support for the finalisation of Amendment No. 41 to Town Planning Scheme No. 6 (TPS 6), to rezone Lots 1608 and 1609 Lakey Street, Southern River from “General Rural” to “Residential Development”.

#### **BACKGROUND**

##### **Site Description**

Lots 1608 and 1609 are 13.709ha in aggregate area and are bound by Lakey Street, Holmes Street, Lot 1605 Holmes Street, Lot 1606 Barrett Street and Lot 1607 Lakey Street. The subject site is flat to undulating with scattered introduced and remnant vegetation. Approximately half of the area of the two lots contains uncontrolled fill.

##### **Proposal**

Lots 1608 and 1609 Lakey Street are within Southern River Outline Development Plan (ODP) Precinct 1, which is being implemented through progressive rezoning. Currently the subject land is zoned General Rural. Finalisation of Amendment No. 41 will allow for urban development of the land in accordance with an ODP, which is progressing towards finalisation.

## Planning Background

- At the 11 June 2002 OCM Council resolved to request an amendment to the Metropolitan Region Scheme (MRS) to rezone Lots 1608 and 1609 from Rural to Urban;
- At the 10 June 2003 OCM Council resolved to advertise the ODP for public comment;
- At the 12 October 2004 OCM Council resolved to initiate amendment No. 41 to Town Planning Scheme No. 6 (TPS 6) to rezone Lots 1608 and 1609 from General Rural to Residential Development; and
- The MRS Amendment has received Ministerial finalisation and is awaiting gazettal.

## Outcomes of Advertising Period

In accordance with Council's resolution from 12 October 2004 to initiate Amendment No. 41, the amendment was referred to the Environmental Protection Authority (EPA) for comment. After seeking advice from the Department of Environment (DoE) concerning a contaminated site assessment and negotiations with the applicant, the EPA determined the amendment did not require further environmental assessment. The amendment was subsequently advertised for a 42 day period between 18 January 2006 and 1 March 2006 by way of newspaper advertisement, letters to nearby landowners and all relevant government agencies.

A total of 22 submissions were received during the advertising period, with one objection and all others providing comment or raising no objection.

A summary of submissions received and staff comments thereon are provided in the Schedule of Submissions below.

## Schedule of Submissions

1	<b>Name and Postal Address:</b> Jay Hewavitharana 254A Railway Parade East Cannington WA 6107	<b>Affected Property:</b> Lot 269 Lakey Street Southern River
<b>Summary of Submission</b>		<b>Staff Comment</b>
Object to proposal.		Noted
1.1	Believed the subject site was to be a parkland. Concerned residential development will not offer the same views.	The draft ODP for this precinct identifies the subject land for predominantly residential purposes.
1.2	Concerned about the increase in population and subsequent traffic noise.	Refer to comment in response to submission 1.1 above. Increased residential population will generate additional traffic movements.

2	<b>Name and Postal Address:</b> Beau Alderson 15 Brookside Square Canning Vale WA 6155	<b>Affected Property:</b> 9 (Lot 306) Abadan Road Southern River
<b>Summary of Submission</b>		<b>Staff Comment</b>
No objection to the proposal.		Noted
3	<b>Name and Postal Address:</b> M. Santineer and S Stonham 22 Explorer Drive Thornlie WA 6108	<b>Affected Property:</b> 8 (Lot 290) Casablanca Avenue Southern River
<b>Summary of Submission</b>		<b>Staff Comment</b>
No objection to the proposal.		Noted
4	<b>Name and Postal Address:</b> Neil & Felicia Sullivan 7 Pinaster Boulevard Canning Vale WA 6155	<b>Affected Property:</b> 19 (Lot 311) Casablanca Avenue Southern River
<b>Summary of Submission</b>		<b>Staff Comment</b>
No objection to the proposal.		Noted
5	<b>Name and Postal Address:</b> Merv & Carol Mills 5 Luton Court Canning Vale WA 6155	<b>Affected Property:</b> 31 (Lot 332) Casablanca Avenue Southern River
<b>Summary of Submission</b>		<b>Staff Comment</b>
No objection to the proposal.		Noted
6	<b>Name and Postal Address:</b> Karl Jones 52 Woolcott Avenue Henley Brook WA 6055	<b>Affected Property:</b> 16 (Lot 313) Calgary Avenue Southern River
<b>Summary of Submission</b>		<b>Staff Comment</b>
No objection to the proposal.		Noted
7	<b>Name and Postal Address:</b> L & D Carbon 13 Merrifield Circle Leeming WA 6149	<b>Affected Property:</b> 26 (Lot 259) Barrett Street Southern River
<b>Summary of Submission</b>		<b>Staff Comment</b>
No objection to the proposal.		Noted
8	<b>Name and Postal Address:</b> Roland D'Mello 15 Northfield Crescent Canning Vale WA 6155	<b>Affected Property:</b> 5 (Lot 304) Abadan Road Southern River
<b>Summary of Submission</b>		<b>Staff Comment</b>
No objection to the proposal.		Noted

9	<b>Name and Postal Address:</b> G. Quinn PO Box 451 Kwinana WA 6966	<b>Affected Property:</b> 6 (Lot 318) Calgary Street Southern River
<b>Summary of Submission</b>		<b>Staff Comment</b>
No objection to the proposal.		Noted

10	<b>Name and Postal Address:</b> Susan Gorton 19 Wakehurst Place Kelmscott WA 6111	<b>Affected Property:</b> 41 (Lot 293) Lakey Street Southern River
<b>Summary of Submission</b>		<b>Staff Comment</b>
No objection to the proposal.		Noted

11	<b>Name and Postal Address:</b> David Chuang 21 Tantini Close Parkwood WA 6147	<b>Affected Property:</b> 7 (Lot 323) Calgary Street Southern River
<b>Summary of Submission</b>		<b>Staff Comment</b>
No objection to the proposal.		Noted
11.1 Concerned about lack of schools and parks to service increased population.		This matter will be considered and addressed through the ODP for this area.

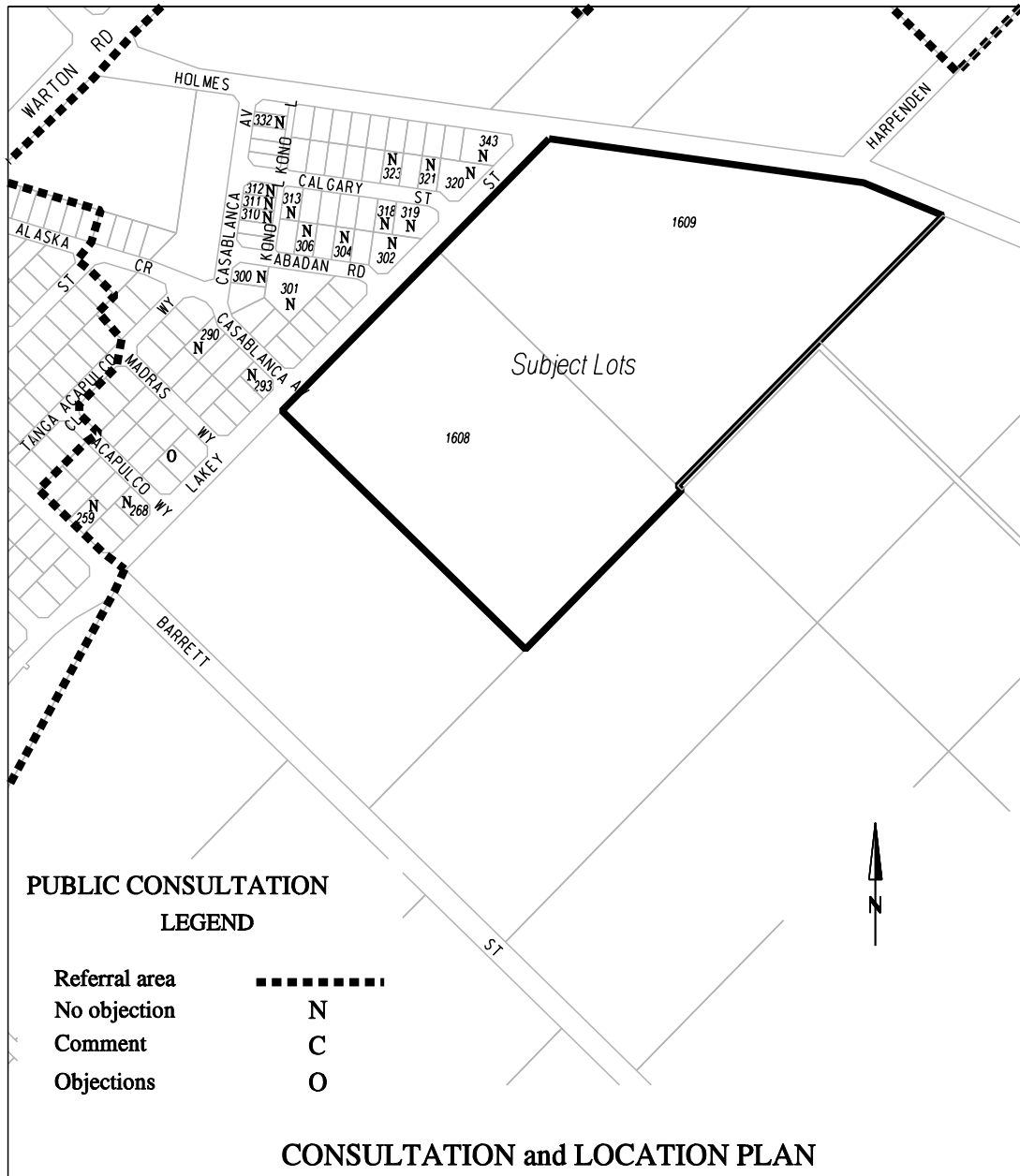
12	<b>Name and Postal Address:</b> Murray and Mamie Little 42 Spinifex Way Canning Vale WA 6155	<b>Affected Property:</b> 3 (Lot 321) Calgary Street Southern River
<b>Summary of Submission</b>		<b>Staff Comment</b>
No objection to the proposal.		Noted
12.1 Concerned about potential Homeswest housing.		It is not known if any or how much affordable housing might be provided in this area. In any event this issue is not a relevant consideration at this scheme amendment stage.

13	<b>Name and Postal Address:</b> Ross Minett 7 Morville Pass Canning Vale WA 6155	<b>Affected Property:</b> 51 (Lot 268) Lakey Street Southern River
<b>Summary of Submission</b>		<b>Staff Comment</b>
No objection to the proposal.		Noted

14	<b>Name and Postal Address:</b> Piefer & Andrea Holwerder 10 Nolan Avenue Southern River WA 6110	<b>Affected Property:</b> 17 (Lot 310) Casablanca Avenue Southern River
<b>Summary of Submission</b>		<b>Staff Comment</b>
No objection to the proposal.		Noted
14.1 Concerned about potential grouped housing.		This issue is more appropriately addressed through the ODP.

15	<b>Name and Postal Address:</b> Dale Alcock PO Box 76 Osborne Park WA 6017	<b>Affected Property:</b> 21 (Lot 312) Casablanca Avenue 27 (Lot 330) Casablanca Avenue Southern River
<b>Summary of Submission</b>		<b>Staff Comment</b>
No objection to the proposal.		Noted
16	<b>Name and Postal Address:</b> Claymont Land Pty. Ltd. Level 1, 189 St. Georges Terrace Perth WA 6000	<b>Affected Property:</b> 4 (Lot 301) Abadan Road 1 (Lot 302) Abadan Road 13 (Lot 319) Lakey Street 1 (Lot 343) Lakey Street 1 (Lot 320) Calgary Street
<b>Summary of Submission</b>		<b>Staff Comment</b>
No objection to the proposal.		Noted
17	<b>Name and Postal Address:</b> Department of Environment	
<b>Summary of Submission</b>		<b>Staff Comment</b>
No objection to the proposal.		Noted
17.1 Respondent is satisfied all environmental issues will be adequately addressed by the EPA		See Discussion section of this report.
18	<b>Name and Postal Address:</b> Water Corporation	
<b>Summary of Submission</b>		<b>Staff Comment</b>
No objection to the proposal.		Noted
19	<b>Name and Postal Address:</b> Department of Education and Training	
<b>Summary of Submission</b>		<b>Staff Comment</b>
No objection to the proposal.		Noted
20	<b>Name and Postal Address:</b> Alinta	
<b>Summary of Submission</b>		<b>Staff Comment</b>
No objection to the proposal.		Noted
21	<b>Name and Postal Address:</b> Department for Planning and Infrastructure Bush Forever Office	
<b>Summary of Submission</b>		<b>Staff Comment</b>
Comment on proposal.		Noted
21.1 Concerned about buffers to adjoining wetlands		These issues are more appropriately addressed through the ODP process.
21.2 Concerned about stormwater treatment		
21.3 Concerned about fencing for animal control		

22	<b>Name and Postal Address:</b> Department of Conservation and Land Management	
<b>Summary of Submission</b>		<b>Staff Comment</b>
Comment on proposal. Recommends a spring flora survey		Noted This advice can be incorporate into the ODP for the area.





## **DISCUSSION**

### **Planning Issues**

Amendment No. 1081/33 to the MRS is awaiting gazettal and will rezone the subject lots to Urban to allow for residential development. Finalisation of Amendment No. 41 to TPS 6 will make TPS 6 consistent with the MRS and permit the progression of planning for the area.

Implementation of the ODP requires staged rezoning of the ODP area. Amendment No. 41 is consistent with the intent of the ODP and will aid in its implementation.

### **Environmental Issues**

Environmental constraints on the site are:

- The site is adjacent to Conservation Category Wetlands (CCW);
- Approximately half the site contains uncontrolled fill between 1 and 3 metres deep;
- Uncontrolled fill parts of the site may be contaminated with asbestos and pesticide;

The applicant commissioned Bowman Bishaw Gorham to write a report on environmental issues pertaining to the lots and suggest remedial measures. After negotiation with the applicant, the EPA has received an undertaking that the recommendations of the report will be implemented at the subdivision stage of development. The EPA considers this will produce an acceptable environmental outcome.

## **CONCLUSION**

It is recommended that Amendment No. 41 be finalised because:

- It is consistent with orderly planning and implementation of the Southern River Precinct 1 ODP;
- It will ensure that TPS 6 is consistent with the MRS;
- No substantive objections have been received; and
- Issues of urban form and environmental protection will be more appropriately addressed through the finalisation of the ODP.

## **FINANCIAL IMPLICATIONS**

Nil.

STAFF RECOMMENDATION (1 of 2)
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**Moved Cr W Barrett Seconded Cr D Griffiths**

That Council note the submissions received during advertising of Amendment No. 41 to Town Planning Scheme No. 6 and endorse the response to these submissions prepared by Council staff; and further that Council, pursuant to Town Planning Regulation 17(2) adopt Amendment No. 41 to Town Planning Scheme No. 6, without modification, for the purpose of rezoning Lots 1608 and 1609 Lakey Street, Southern River, from “General Rural” to “Residential Development”.

STAFF RECOMMENDATION (2 of 2)
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**Moved Cr W Barrett Seconded Cr D Griffiths**

That Council, pursuant to Town Planning Regulation 18, forward Amendment No. 41 to Town Planning Scheme No. 6 to the Western Australian Planning Commission for final approval.

Amendment

*During debate the Mayor read aloud the following amendment to staff recommendation (1 of 2) which Cr R Mitchell moved and Cr R Croft seconded:*

*“That staff recommendation (1 of 2) be amended to rectify a typographical error by deleting the word “Regulating” where it appears in the fourth line after the word “Planning” and substituting it with the word “Regulation”.”*

*At the conclusion of debate the Mayor put Cr Mitchell’s proposed amendment, which reads:*

**Moved Cr R Mitchell Seconded Cr R Croft**

That staff recommendation (1 of 2) be amended to rectify a typographical error by deleting the word “Regulating” where it appears in the fourth line after the word “Planning” and substituting it with the word “Regulation”, with the amended recommendation to read:

“That Council note the submissions received during advertising of Amendment No. 41 to Town Planning Scheme No. 6 and endorse the response to these submissions prepared by Council staff; and further that Council, pursuant to Town Planning Regulation 17(2) adopt Amendment No. 41 to Town Planning Scheme No. 6, without modification, for the purpose of rezoning Lots 1608 and 1609 Lakey Street, Southern River, from “General Rural” to “Residential Development”.”

CARRIED 11/0

*FOR:* Cr O Searle, Cr R Mitchell, Cr J Henderson, Cr C Matison, Cr S Iwanyk, 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:*

COUNCIL RESOLUTION

**179 Moved Cr R Mitchell Seconded Cr R Croft**

That Council note the submissions received during advertising of Amendment No. 41 to Town Planning Scheme No. 6 and endorse the response to these submissions prepared by Council staff; and further that Council, pursuant to Town Planning Regulation 17(2) adopt Amendment No. 41 to Town Planning Scheme No. 6, without modification, for the purpose of rezoning Lots 1608 and 1609 Lakey Street, Southern River, from “General Rural” to “Residential Development”.

CARRIED 11/0

*FOR:* Cr O Searle, Cr R Mitchell, Cr J Henderson, Cr C Matison, Cr S Iwanyk, 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

**180 Moved Cr W Barrett Seconded Cr D Griffiths**

That Council, pursuant to Town Planning Regulation 18, forward Amendment No. 41 to Town Planning Scheme No. 6 to the Western Australian Planning Commission for final approval.

CARRIED 11/0

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

*AGAINST:* Nil.

**13.5.3 SOUTHERN RIVER PRECINCT 2 - REVISED OUTLINE DEVELOPMENT PLAN**

File:	S8/1/10	Approve Ref:	(KN)	Psrpt067Apr06
Applicant:	Roberts Day Town Planning and Design			
Owner:	Devoncourt Pty Ltd, T S Emmanuel, Dawes and Son Pty Ltd, Emanuel Exports, P D and M Tilli, Guce Pty Ltd and Dolphin Bay Pty Ltd			
Location:	Area generally bound by Balfour Street, Furley Road, Southern River Road and Holmes Street, Southern River.			
Zoning:MRS:	Urban			
TPS No. 6:	Residential Development			
Review Rights:	Nil			
Area:	Approximately 159ha			
Previous Ref:	OCM 14 February 2006 (Resolutions 36-38) OCM 8 November 2005 (Resolutions 495-496) OCM 13 July 2004 (Resolutions 331-333) OCM 14 October 2003 (Resolutions 657-660) OCM 27 August 2002 (Resolutions 704-706)			
Appendices:	13.5.3A Revised Outline Development Plan (Phase One) 13.5.3B Revised Outline Development Plan (Phase Two - including non-urban areas) 13.5.3C Adopted Outline Development Plan 13.5.3D Southern River Precinct Plan 13.5.3E Department for Education and Training Submission 13.5.3F Letter of undertaking from Wallis Consulting.			

**PURPOSE OF REPORT**

For Council to consider adopting the Revised Southern River Precinct 2 Outline Development Plan (ODP) in accordance with Clause 7.4.7 of Town Planning Scheme No. 6 (TPS 6).

**BACKGROUND**

Council at its meeting on 8 November 2005 (Resolution 495) adopted the Southern River Precinct 2 ODP over the subject land (see Location Plan). The Dawes and Emanuel families (predominant landowners) subsequently engaged a consultant team to review the adopted ODP, make improvements and progress a revised ODP for the area.

Council considered the revised ODP at its meeting on 14 February 2006 and resolved (Resolutions 36, 37 and 38 respectively) the following:

- Determine that the revised ODP was satisfactory for the purposes of advertising without modification.
- Advertise the revised ODP for public comment.

- Advise the proponent that the following matters will need to be addressed before Council can consider adopting the revised ODP under Clause 7.4.7 of TPS 6:
  - An amendment to the Local Water Management Strategy providing a suitable alternative to the currently proposed major drainage swales in the northern portion of the ODP area; and
  - The securing of a High School site by the Department for Education and Training either within the Outline Development Plan area or further to the south of Southern River Road.

## DISCUSSION

### Advertising Outcomes

In accordance with Council's resolutions from 14 February 2006 the revised ODP was advertised for public comment from 27 February until 27 March 2006 by way of letters to all landowners within the ODP area, nearby landowners (within approximately 300 metres of the ODP area) and relevant government agencies. Additionally, an advertisement was placed in both local newspapers (Examiner and Comment) inviting comment on the revised plan.

A total of 17 submissions were received during the advertising period; 11 submissions coming from landowners within the ODP area and nearby residents with 6 submissions from relevant government agencies. Of the submissions received 4 supported the ODP, 6 provided conditional support, 4 provided comment on it and 3 submissions objected to the revised ODP. The following is a summary of the submissions received:

### Schedule of Modifications

#### Landowners

	<b>Name and Postal Address:</b> Boardwalk Ratepayers Associations PO Box 1346 Canning Vale WA 6970	<b>Affected Property:</b> Various properties with The Boardwalk Estate
<b>Summary of Submission</b>	<b>Staff Comment</b>	
Commented: 1.1 Requested a strong focus be put on the pickup/set-down area for the primary school and that this area be serviced from internal roads only. 1.2 Requested primary school be serviced by a controlled pedestrian crossing. 1.3 All water required for parks and gardens should be supplied via bore or scheme water. 1.4 Requested traffic calming measures be put in place along Balfour Street.	The location of the pick up/set-down area for either proposed primary school is not yet determined. The City will negotiate with the Department for Education and Training in finding an appropriate location. Whilst not confirmed, it is anticipated that the southern primary school will be serviced by a pedestrian crossing at Balfour Street. It is proposed that all Parks and Gardens will be reticulated by bore water. Balfour Street will contain a number of roundabouts at intersections. The City has required roundabouts at intersections near the proposed southern primary school site.	

2.	<b>Name and Postal Address:</b> Christine Campbell 889 Barrett Street Southern River WA 6110	<b>Affected Property:</b> 89 (Lot 1612) Barrett Street Southern River WA 6110
Summary of Submission		Staff Comment
Comment Expressed concerns in regard to the inequities of land values as a result of the Outline Development Plan.		Noted. Subject landowner's property is identified as regionally significant conservation area by Bush Forever. Compensation responsibility for eventual acquisition of this land rests with the WA Planning Commission not the City. See the "Bush Forever" section later in this report.

3.	<b>Name and Postal Address:</b> Chappell and Lambert Town Planning and Urban Design (on behalf of Stockland WA Development Pty Ltd) PO Box 796 Subiaco WA 6904	<b>Affected Property:</b> Various lots within The Boardwalk Estate.
Summary of Submission		Staff Comment
Conditional Support 3.1 Supports relocation of proposed Local Centre (Child Care Centre) and proposed Primary School sites from Balfour Street, to a more internal location within Precinct 2. If this relocation is not possible these facilities should be designed to be accessed by vehicles from within Precinct 2, mitigating any impact on the Boardwalk residents. 3.2 Requests cost-sharing arrangements be restructured to include a financial contribution towards the upgrading of portions of Ranford Roads, specifically between Warton Road and Lakey Street and the intersection of Wright Road and Ranford Road due to the increase in traffic volumes on Ranford Road due to allocation of Balfour Street as the main entry road into Precinct 2. 3.3 Requests realignment of Balfour Street along the north-western side of the Phase 2 Regional Reserve to allow for the relocation of the Balfour Street/Ranford Road intersection further to the south-east in order to meet current intersection spacing requirements.		Noted. See the "Village and Local" Centre Section later in this report.  See the "Cost-Sharing Arrangements" section later in this report.  See "Rationalisation of ODP" section later in this report. Current intersection spacing between Balfour Street and Wright Road complies with Liveable Neighbourhoods Edition 3.

4.	<b>Name and Postal Address:</b> E Ditoro 9 Gemini Way Carlisle WA 6101	<b>Affected Property:</b> Lot 1614 Balfour Street Southern River WA 6101
Summary of Submission		Staff Comment
Objection Object to their property being identified for conservation purposes. Consider property should be rezoned to Urban. Alternative being that they are compensated at an urban rate.		Noted. See "Bush Forever" section later in this report.

5.	<b>Name and Postal Address:</b> Peter Goff (MGA Town Planners on behalf of Stockland) PO Box 104 West Perth WA 6872	<b>Affected Property:</b> Lot 1625 Ranford Road Southern River WA 6101
<b>Summary of Submission</b>		<b>Staff Comment</b>
<p>Conditional Support</p> <p>Stockland supports the Revised ODP subject to the relocation of Lot 1625 Ranford Road, Southern River into the Southern River Precinct 5 ODP area. They request the relocation of the lot for the following reasons:</p> <p>5.1 Bush Forever Site 413 clearly divorces the developable portion of Lot 1625 from the balance of Precinct 2.</p> <p>5.2 The revised ODP proposes a new major road entrance into the Emanuel and Daws land along the north-eastern boundary of Lot 1625, adding to its dissociation from the development of the Precinct 2 area.</p> <p>5.3 Consider there is an ability to relocate Balfour Street further to the east to increase intersection spacing between Balfour Street and Wright Road. This re-alignment of Balfour Street would rely on the integration of Lot 1625 with the planning for Precinct 5.</p> <p>5.4 Stockland own adjacent land parcels and intend on integrating planning for both land parcels. This integration would be assisted by the expansion of Precinct 5 to include Lot 1625.</p> <p>5.5 Suggest relocating Lot 1625 from Precinct 2 to Precinct 5 will not impact on public open space or common infrastructure contributions for Precinct 2.</p>		<p>Noted. See the “Rationalisation of ODP” and “Bush Forever” sections later in this report.</p> <p>Noted. However this is not considered a valid reason to remove the subject lot from the ODP area.</p> <p>The proposed entry road would commence near the northern-most tip of Lot 1625 but does not follow the north-east boundary of that Lot, it actually dissects Lot 1632, which is owned by the proponent and located immediately to the north-east of Stockland’s Lot 1625. This is not considered a valid reason for removing Lot 1625 from the ODP area.</p> <p>The revised ODP that was deemed suitable by Council for the purpose of advertising relates to Phase 1 only, which covers the area bound by Ranford Road, Balfour Road, Furley Road, Holmes Street and Southern River Road. The suggested relocation of Balfour Street relates to the section of Balfour Street between Ranford Road and Furley Road, which is beyond the area covered by the Phase 1 ODP. The merits of relocating this section of Balfour Road further east can be investigated during consideration of the planning for Phase 2 of the ODP in future.</p> <p>Although Stockland’s Lot 1625 is contained within the Southern River Precinct 2 ODP area it is within Phase 2, not Phase 1 of the ODP. Integrated planning for Lot 1625 and any adjacent lots owned by Stockland in the adjoining Southern River Precinct 5 ODP area (particularly Lot 9020) can occur during the planning for Phase 2. The City would require a coordinated and integrated approach to planning across ODP Precincts and as such Staff do not support changing the precinct boundaries to include Lot 1625 in Precinct 5 instead of Precinct 2.</p> <p>Noted. However changing the Precinct 5 ODP boundary to include Lot 1625 will provide no apparent benefit to the planning of the area and would create an additional administrative burden for the City. The principles of the Precinct 5 cost-sharing arrangement have already been established, however the scheme amendment to finalise these arrangements has not been gazetted.</p>

6.	<b>Name and Postal Address:</b> L Guadagnino Lot 1601 Balfour Street Southern River WA 6101	<b>Affected Property:</b> Lot 1601 Balfour Street Southern River WA 6101
Summary of Submission		Staff Comment
<p>Comment</p> <p>6.1 Request to know why their property has been designated as public open space?</p> <p>6.2 Request to know if, how and when they will be compensated?</p> <p>6.3 Requests acknowledgment of the fact that they have operated a business from the property the last 20 years.</p>		See response to Submission 2.

7.	<b>Name and Postal Address:</b> R Prestage 51 Dover Crescent Wembley Downs WA 6019	<b>Affected Property:</b> Lot 1614 Barrett Street Southern River WA 6101
Summary of Submission		Staff Comment
<p>Objection</p> <p>7.1 Requests assurance that the fill requirements for Phase 1 will not result in winter flooding for Phases 2 and 3. Considers that should development of Phase 1 have a detrimental impact on Phases 2 and 3, these landowners should be adequately compensated.</p> <p>7.2 Does not consider that their property should be classified as a wetland.</p> <p>7.3 Suggests a levy of approx. \$14,000 plus GST on each residential lot be applied to provide funds towards those offered by the State or Federal Government to provide for the acquisition of private property for a public benefit.</p> <p>7.4 Suggests proceeds from the sale of all Council land should be used to assist in acquiring regionally significant assets.</p>		<p>The submitter's property has been identified as a regionally significant conservation area by the WAPC's Bush Forever initiative. See the "Bush Forever" section later in this report.</p> <p>Surface and groundwater within the ODP area drains to the north east, through to the Forrestdale Main Drain and Southern River. The resultant development in Phase 1 of the ODP is therefore not expected to result in flooding in Phases 2 and 3.</p> <p>The submitter's property has been identified by the Department of Environment's Geomorphic Dataset as Conservation Category Wetland. See "Wetlands" section of this report.</p> <p>The City does "levy" developers for the cost of land required for public purposes (such as drainage areas, wetlands). However, the existing cost-sharing arrangements for Precinct 2 do not extend to those areas 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 need to be acquired by the WAPC.</p> <p>See comment in response to Submission 7.4 above. This is a State Government responsibility.</p>



8.	<b>Name and Postal Address:</b> Prestige Project Management (on behalf of Guce Holding Pty Ltd) PO Box 1553 Subiaco WA 6009	<b>Affected Property:</b> Lot 1742 Holmes Street Southern River.
Summary of Submission		Staff Comment
Support Support the removal of the local centre from Lots 1742 and 1743 Holmes Street given that no retail floor space had been allocated to it.		Noted.

9.	<b>Name and Postal Address:</b> SPM Projects (on behalf of Southern River Holding Pty Ltd) PO Box 379 South Fremantle WA 6162	<b>Affected Property:</b> Lot 1001 Holmes Street Southern River WA 6101
Summary of Submission		Staff Comment
Conditional Support 9.1 Concerned about the removal of a high school site from Precinct 2 and likelihood of the site being moved into Southern River Precinct 3. Furthermore, concerned about the implications of the high school site being located within Precinct 3 from a cost-sharing perspective, which will result in less developable land and higher common infrastructure and conservation costs. 9.2 Requests a restructuring of the cost-sharing arrangements so that Precinct 2 provides for 80% and Southern River Precinct 3B 20% of the cost of upgrading Southern River Road due to the disproportional amounts of developable land (Precinct 2 having proportionately more developable land).		Noted. See "School Sites" section later in this report. The Department of Education has required the proponents of Precinct 2 to provide two primary school sites due to a shortage of primary schools in the locality and has agreed to locate a high school site within Precinct 3.  See "Cost-Sharing" section later in this report. Council staff do not consider such an arrangement equitable. All development within Precinct 3 will contribute towards the upgrading of Southern River Road and not just sub-precinct 3B. Regardless, this matter is not relevant to consideration of the revised ODP as the eventual cost-sharing arrangements for Precinct 2 are already contained in Town Planning Scheme No. 6.

10.	<b>Name and Postal Address:</b> M Tilli 40 Stockman Way Cannington WA	<b>Affected Property:</b> Lot 1642 Lander Street Southern River WA 6101
Summary of Submission		Staff Comment
Objection 10.1 Objects to the allocation of Resource Enhancement wetland, wetland buffers and public open space on property. 10.2 Considers the revised ODP renders property economically unviable to develop.		Noted. See "Wetlands" section later in this report .  Cost-sharing arrangements and local open space contributions will fund the cost of acquiring Conservation Category Wetland and associated buffer and any public open space provided in excess of required 10%.

11.	<b>Name and Postal Address:</b> D Walker Unit 3 76 Matheson Road Applecross WA 6153	<b>Affected Property:</b> Lot 1625 Ranford Road Southern River WA 6101
<b>Summary of Submission</b>		<b>Staff Comment</b>
11.1 Supports the relocation of Lot 1625 from Precinct 2 to Precinct 5 as considers will expedite development.		See responses to Submission 5

### Government Agencies

12.	<b>Name and Postal Address:</b> Main Roads WA PO Box 6202 East Perth WA 6892	
<b>Summary of Submission</b>		<b>Staff Comment</b>
Support Although the ODP proposed traffic signals, signals are not always warranted. Main Roads Approval is required prior to the implementation of signals.		Noted

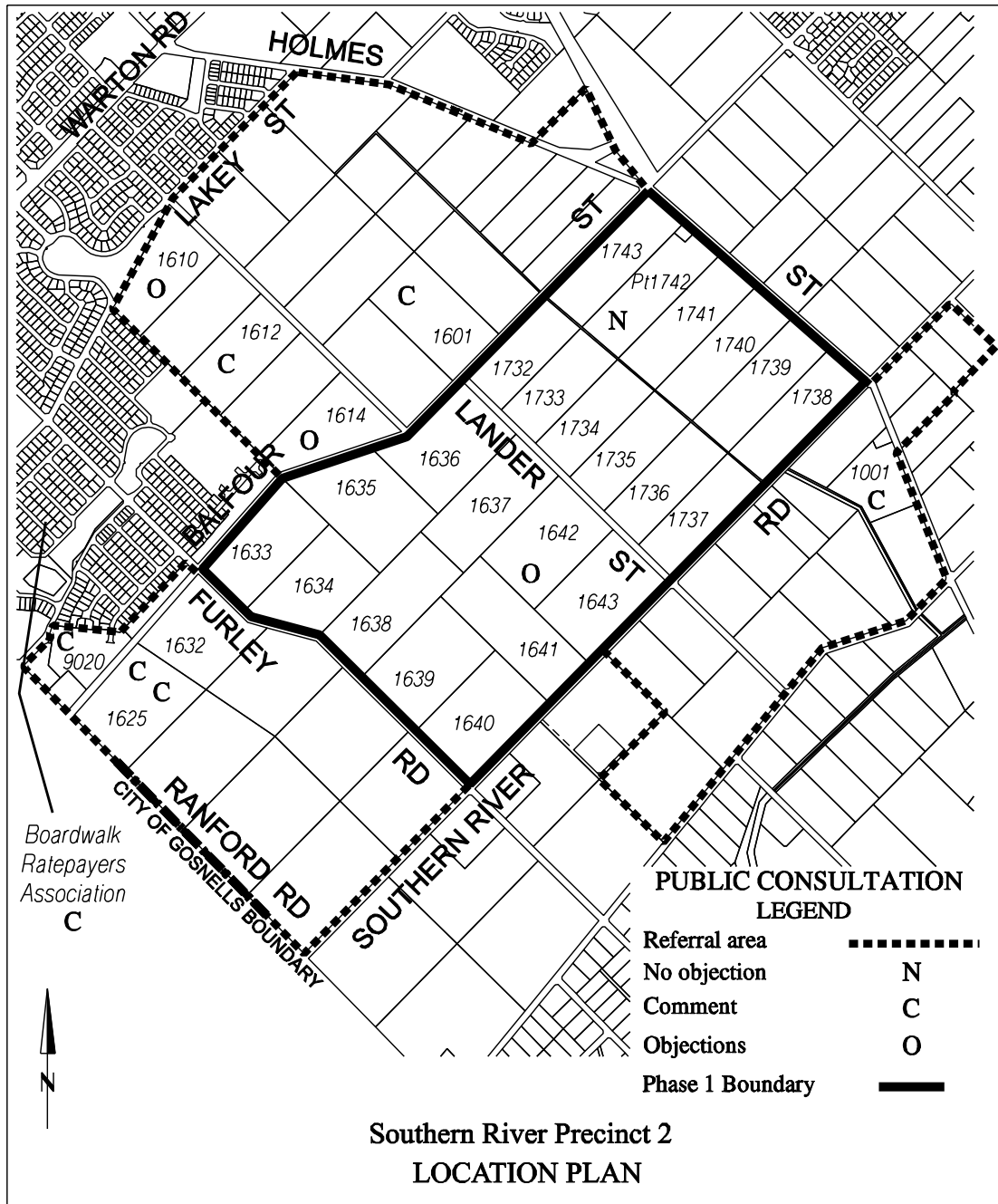
13.	<b>Name and Postal Address:</b> Alinta Gas GPO Box W2030 Perth WA 6846	
<b>Summary of Submission</b>		<b>Staff Comment</b>
Support Advised that all development in the ODP area must have regard to the following: <ul style="list-style-type: none"> <li>All work carried out on Alinta's existing Network to accommodate the proposed subdivision/amalgamation or any development will be at the proponent's expense.</li> <li>Alinta requires one month's notice to the commencement of work on site.</li> </ul>		Noted

14.	<b>Name and Postal Address:</b> Department of Education and Training (DET)	
<b>Summary of Submission</b>		<b>Staff Comment</b>
Support 14.1 Support the ODP and the provision of two primary school sites. 14.2 Advise that DET and DHW have engaged a consultant to locate an appropriate site for a high school within Precinct 3.		Noted. See "School Sites" section later in this report.  Noted.

15.	<b>Name and Postal Address:</b> Department of Environment 7 Ellam Street Victoria Park WA 6100	
<b>Summary of Submission</b>		<b>Staff Comment</b>
Support. 15.1 No objection to the proposal. 15.2 Advised that previous comments on the ODP still apply.		Noted. See "Wetlands" Section later in this report.

16.	<b>Name and Postal Address:</b> Department of Housing and Works (DHW) Private Bag 22 East Perth WA 6892	
<b>Summary of Submission</b>		<b>Staff Comment</b>
Comment Support the proposal but consider the finalisation of the ODP without the identification of a high school site within the locality as premature.		Noted. See "School Sites" section later in this report. The Department for Education and Training has supported the ODP and committed to finding an appropriate school site within Precinct 3. It should also be noted that the location of a future high school site is not limited to those land parcels in the ownership of the Department of Housing and Works.

17.	<b>Name and Postal Address:</b> Water Corporation PO Box 100 Leederville WA 6902	
<b>Summary of Submission</b>		<b>Staff Comment</b>
Objection 17.1 Until an Arterial Drainage Plan has been completed for the Southern River/Forrestdale/Brookdale/Wungong District Structure Plan area, Water Corporation cannot support the ODP. 17.2 The Arterial Drainage Plan is likely to be completed by mid 2006. However, preliminary results indicate the possible need for a regional compensating basin(s) west of Holmes Street. The Revised ODP does not depict the required basin, which results in a high risk for future flooding in the area.		Noted. See "Urban Water Management" section later in this report. See "Urban Water Management" section later in this report.



**Issues Arising from Advertising Period**

School Sites

The revised ODP provides for two primary school sites, whereas the adopted ODP provided for one primary school site and a high school site. As outlined in the Department of Education and Training’s (DET) submission (See Appendix 13.5.3E), there is a need for an additional primary school site in the Southern River locality. Subsequently the proponents, on the advice of DET, agreed to provide two primary school sites. DET has confirmed that a future high school site will be selected within Southern River Precinct 3. DET and the Department of Housing and Works (a major

landowner within Precinct 3) have engaged a planning consultant to locate an appropriate site within the area.

Council staff consider that the confirmation from DET that a high school site will be located within Precinct 3 or nearby satisfies Council's Resolution 38 from the 14 February 2006 OCM for this issue to be resolved.

Some concerns were also raised in the submissions regarding the location of the southern primary school site along Balfour Street and more specifically the location and treatment of pickup/set-down areas. Whilst these areas have not yet been specifically designated they will be allocated by DET during the planning approval stage of the development. At that stage the City can encourage the location of pickup/set-down areas on one of the surrounding subdivisional roads rather than, or in addition to Balfour Street. Concerns were also raised in the submissions about the provision of pedestrian crossings for the primary school sites. Again this issue will be addressed by DET at the detailed design stage.

#### Urban Water Management

Council at its 14 February 2006 meeting required the proponent to amend the Local Water Management Strategy to provide a suitable alternative to the proposed major drainage swales in the northern portion of the ODP area. To address this matter, the proponent liaised further with both Council staff and the Water Corporation and has made a commitment to addressing this matter in the future, with a written undertaking included as Appendix 13.5.3F.

Parallel with this ODP, an arterial drainage plan is being prepared by the Water Corporation for the Southern River/Forrestdale/Brookdale/Wungong District Plan Area. Following the finalisation of the arterial drainage plan, the proponent will be required to amend the Local Water Management Strategy (LWMS) for the ODP to fully address the requirements of the Water Corporation and the City of Gosnells. Implementation of that part of the ODP incorporating the major drainage swales will not occur (through subdivision) for a number of years, with the arterial drainage plan likely to be finished by mid this year.

The Water Corporation in their submission on the ODP raised concerns about future flooding in the Southern River locality if the ODP progresses ahead of the arterial drainage plan being finalised for the Southern River/Forrestdale/Brookdale/ Wungong District Structure Plan area. Notwithstanding the Water Corporation's concerns, Council staff do not support deferring the revised ODP until the arterial drainage plan is finalised for the following reasons:

- Adoption of the ODP at this stage will not prevent urban water management and drainage issues from being resolved prior to subdivision, because the City can require the LWMS and ODP to be amended prior to supporting any further subdivision of land within Precinct 2. This is consistent with the City's approach to urban water management in many other developing areas of the City, particularly Canning Vale.

- Even if the ODP is adopted by Council it could be some months before it is finally approved by the Western Australian Planning Commission, by which time it is anticipated the Water Corporation would have finalised the arterial drainage plan. Subdivision approval and eventual development of the land would be even further into the future, thus providing ample time for the LWMS, ODP and detailed subdivision design to be amended (if required) to reflect the arterial drainage plan.

#### Cost-Sharing Arrangements

An amendment to TPS 6, outlining all Common Infrastructure works relating to the original ODP, was gazetted in November 2004. In light of the revision to the ODP and therefore potentially the identified common infrastructure works, the City will need to consider amending TPS 6 after adopting the revised ODP, to introduce new cost-sharing provisions that will reflect the revised ODP design. These new provisions, like the existing, will apply to the entire ODP area, including those areas not currently appropriately zoned under the MRS or TPS 6. Whilst the revised cost-sharing provisions are still to be finalised, it is envisaged that they will cover the following general works and costs:

- District level drainage construction;
- Regional Road land acquisition and construction (Southern River, Ranford Road and future Garden Street);
- Traffic Management;
- Conservation Category Wetland land acquisition and enhancement; and
- General administration and studies.

In addition to this future Scheme amendment a Developer Contribution Plan should also be required to articulate the operational aspects of the cost-sharing arrangements.

During the advertising period of the ODP, a number of issues were raised regarding specific cost-sharing arrangements for acquiring land for and upgrading of Southern River and Ranford Roads. In the case of Southern River Road, it was suggested that Precinct 2 contribute towards 80% for the cost of upgrading the road, whilst Precinct 3 would contribute 20%. The justification put forward for this approach was that Precinct 3 (see Appendix 13.5.3D for location) has proportionately less developable land than Precinct 2 and would therefore generate less traffic. This proposal is considered unjustified in that although not fully quantified, it would appear that Precincts 2 and 3 will have similar amounts of developable land. No future traffic projections were provided to support this claim. Regardless, this is a cost-sharing matter relating to the future Scheme Amendment and does not relate directly to the revised ODP.

While the specific cost-sharing arrangements for Precinct 2 will be determined by the future amendment to TPS 6 and associated developer contribution plan, it is anticipated that the cost of upgrading Southern River Road will be shared equally between Southern River Precincts 2 and 3 for the section of road adjoining the respective Precincts.

With regard to the upgrading of Ranford Road one submission suggested that given the traffic volumes likely to be generated on Ranford Road from the Precinct 2 area, cost-sharing arrangements for Precinct 2 should include the cost of upgrading Ranford Road between Lakey Street and Warton Road (see Location Plan) and the upgrading of the intersection of Wright Road and Ranford Road. The existing cost-sharing arrangements contained in TPS 6 for Precinct 2 require a 50% contribution towards the cost of constructing Ranford Road between Balfour Street and Southern River Road. No contribution is currently required to the intersection of Wright Road and Ranford Road. These cost-sharing arrangements are not anticipated to change when the revised cost contributions are prepared for Precinct 2. This issue is relevant to the future Scheme amendment but does not directly relate to the revised ODP before Council.

#### Rationalisation of ODP Area

Two submissions were received during the advertising period requesting that Lot 1625 Ranford Road (south-west portion of Phase 2) be removed from the ODP area and included in the Precinct 5 ODP. Council staff do not support this suggestion or the reasons provided to justify this suggestion because:

- The City has already issued Development Approval for the construction of Balfour Street on its existing alignment, from Ranford Road to the new subdivisional road through Lot 1632 Balfour Road.
- The Balfour Road intersection with Ranford Road is approximately 220m from the Wright Road intersection with Ranford Road. This separation distance complies with the standards outlined in Liveable Neighbourhoods.
- The inclusion of Lot 1625 into Precinct 5 will neither assist nor hinder the integrated planning with adjoining land parcels as the City would require this to occur in any case.
- Removing the subject lot from Precinct 2 and including it in Precinct 5 would present an unnecessary administrative burden to the City with no apparent benefit to the City, the proponents of either Precinct 2 or 5, or the integrated planning of the area.
- Planning for development of Lot 1625 and its integration with surrounding land parcels can now occur as the environmental and zoning constraints which previously prevented this from occurring will be imminently resolved. Changing the precinct boundaries to include Lot 1625 in Precinct 5 rather than Precinct 2 would not shorten this planning process.

### Bush Forever Sites 125 and 413

Whilst Council is not being asked to consider Phases 2 and 3 of the ODP area (only Phase 1 – see Appendix 13.5.3B), numerous concerns have been raised by landowners within these other phases regarding the allocation and effect of Bush Forever sites 125 and 413. Essentially these two Bush Forever sites have been deemed regionally significant by the Western Australian Planning Commission's Bush Forever initiative. Subject to the finalisation of amendments to the MRS to reserve these areas for the purposes of "Parks and Recreation", the WAPC will be responsible for compensating affected landowners.

One submission requested a "levy" being placed upon development within the ODP to contribute towards the compensation to be provided by the WAPC. Council's previous approach to such situations is that neither the City nor other unaffected landowners should be held financially responsible for the acquisition of land required for a regional purpose and identified by the State where there is an established compensation mechanism (such as amendments to the Metropolitan Region Scheme). Where there is no State Government compensation mechanism in place and land is required to be set aside to achieve the urbanisation of an area (such as Lander Swamp in the centre of the Phase One area), then the City will seek to arrange for a cost-sharing mechanism to be established to compensate affected landowners. It is not intended to alter the City's position in this respect.

### Wetlands

One submission raised concerns in regard to the retention of buffers to a Conservation Category Wetland (Lander Swamp) and Resource Enhancement Wetlands (part of Lander Swamp). On this point the revised ODP proposes the same wetland and associated buffer areas as the adopted ODP. The Environmental Protection Authority (EPA) assessed the adopted ODP in conjunction with the original scheme amendment (Amendment 30 to TPS 6) that rezoned the subject area (Phase 1) from "General Rural" to "Residential Development" under TPS 6. The EPA deemed the amendment to TPS 6 as environmentally acceptable and supported the retention of the wetlands and buffers proposed by the adopted ODP. The Department of Environment in its advice on the same scheme amendment and adopted ODP essentially reflected the EPA's comments.

In some instances, Resource Enhancement Wetlands (REW) are not considered through planning processes as capable of retention in an urban setting. However both Council staff and the states environmental decision-making agencies considered that the REW portion of Lander Swamp should be retained and provided with an appropriate buffer given that part of it is classified as an Environmental Protection Policy Lake and is considered to be in good environmental condition.

### Village and Local Centres

The revised ODP provides for two centres. The village centre near Southern River Road has been provided for in accordance with the Southern River/Forrestdale/Brookdale/Wungong District Structure Plan (2001). This centre will form a gateway into the ODP via Southern River Road and will incorporate a combination of retail and



mixed use development. In accordance with City Draft Commercial Strategy, the portion of the centre within the ODP area has been allocated 1,250m<sup>2</sup> of retail floor space.

A smaller local centre has been proposed adjacent to the primary school in the south-west of the ODP area. It is intended that this local centre will facilitate development of a Child-Care centre and as such, the ODP proposes to restrict the use of this centre to child-care centre only. The original ODP and the existing Southern River Precinct 5 ODP designated this local centre at the intersection of Balfour Street and Furley Road. The proponent has proposed to locate the centre approximately 450m to the north in order to co-locate the proposed Child-Care Centre with the southern primary school. Council staff support the relocation of this centre given the local centre in question has not been allocated any retail floor space by the City's Draft Commercial Strategy, the support for the relocation of the centre by the adjoining landowners (See Submission 3) and the land use efficiencies created by co-locating two such facilities.

The relocation of this centre does however create an issue in regard to how to treat those areas with Southern River Precinct 5 that have already been allocated for high residential densities based upon their proximity to this existing centre (although not established). Council staff consider that given that there has been some take-up of the higher residential densities and there is further ability for some higher density development within future stages of the Boardwalk Estate, the Local Centre west of Balfour Street should be retained. Furthermore, Council staff consider that given the land originally identified for a local centre still remains undeveloped and therefore there remains an opportunity for a local centre to be developed on the site, plus the areas close proximity to the recently completed Southern River Shopping Centre (Ranford Road), both the Local Centre and the allocation of higher densities should remain.

The adopted Southern River Precinct 2 ODP also proposed a Local Centre in the north-west portion of the ODP area (See Appendix 13.5.3C). This Local Centre was also not allocated any retail floor space in the City's Draft Commercial Strategy. The revised ODP has removed this centre entirely. The proponent identified that the main reasons for the removal of the centre were that the majority of its catchment fell within Bush Forever Site 125 (un-developable land) and the site's location and relative close proximity to two Village/Neighbourhood Centres (Amherst/Warton and Southern River Road). Given these reasons and the landowner's support for removal of the local centre (see Submission 8), it is considered appropriate that the centre be deleted.

## **CONCLUSION**

Planning for the Southern River locality is particularly difficult given the multitude of environmental and physical constraints facing the area and the high levels of fragmented land ownership. In this instance, Council staff consider that the revised ODP adequately addresses all of the previously mentioned constraints and will provide an improved urban form outcome over the current adopted ODP.

Furthermore in accordance with Resolution 38 of the 14 February 2006 Ordinary Council Meeting, Council staff consider the following outstanding matter have been addressed:

- The Precinct 2 Local Water Management Strategy will be appropriately amended following the finalisation of the Water Corporation's Arterial Drainage Plan. A letter of undertaking (see Appendix 13.5.3F) from the developer gives Council staff confidence that the appropriate changes will be made.
- A High School site will be located within Southern River Precinct 3. A letter from the Department for Education and Training (see Appendix 13.5.3E) confirms their commitment to locating a High School Site within Precinct 3.

Other issues raised in the submissions have been either adequately addressed, are outside the scope of the ODP, will be addressed through a future amendment to TPS 6 to establish revised cost-sharing arrangements or through the finalisation of the ODP for Phases 2 and 3. Council staff therefore recommend that Council adopt the ODP as advertised.

## FINANCIAL IMPLICATIONS

Nil.

STAFF RECOMMENDATION (1 of 2) AND COUNCIL RESOLUTION
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### 181 Moved Cr C Matison Seconded Cr R Mitchell

That Council note the submissions received during advertising of the revised Southern River Precinct 2 Outline Development Plan (ODP) and endorse the responses to those submissions prepared by Council staff and adopt the revised ODP as depicted in Appendix 13.5.3A without modification, pursuant to Clause 7.4.7(a) of Town Planning Scheme No. 6.

CARRIED 11/0

*FOR:* Cr O Searle, Cr R Mitchell, Cr J Henderson, Cr C Matison, Cr S Iwanyk, 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
--

### 182 Moved Cr C Matison Seconded Cr R Mitchell

That Council pursuant to Clause 7.4.9 of Town Planning Scheme No. 6 forward the revised Southern River Precinct 2 Outline Development Plan (as depicted at Appendix 13.5.3A) to the Western Australian Planning Commission for approval.

CARRIED 11/0

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

*AGAINST:* Nil.

**13.5.4 DEVELOPMENT APPLICATION – RECONSIDERATION OF DETERMINATION FOR PROPOSED DWELLING – 36 (PT LOT 1104) LISSIMAN STREET, GOSNELLS**

File: 206352 Approve Ref: 0506/2225 (TP) Psrpt061Apr06  
Applicant: Ashmy Pty Ltd  
Owner: D & J Pearson  
Location: 36 Lissiman Street, Gosnells  
Zoning:MRS: Urban  
TPS No. 6: Residential Development  
Review Rights: Yes. State Administrative Tribunal against a refusal or any condition(s) of approval.  
Area: 6,126m<sup>2</sup>  
Previous Ref: OCM - 14 February 2006 (Resolution 40)

**PURPOSE OF REPORT**

For Council to reconsider its decision on an application for planning approval of a proposed dwelling at 36 (Pt Lot 1104) Lissiman Street, Gosnells in accordance with an order of the State Administrative Tribunal (SAT).

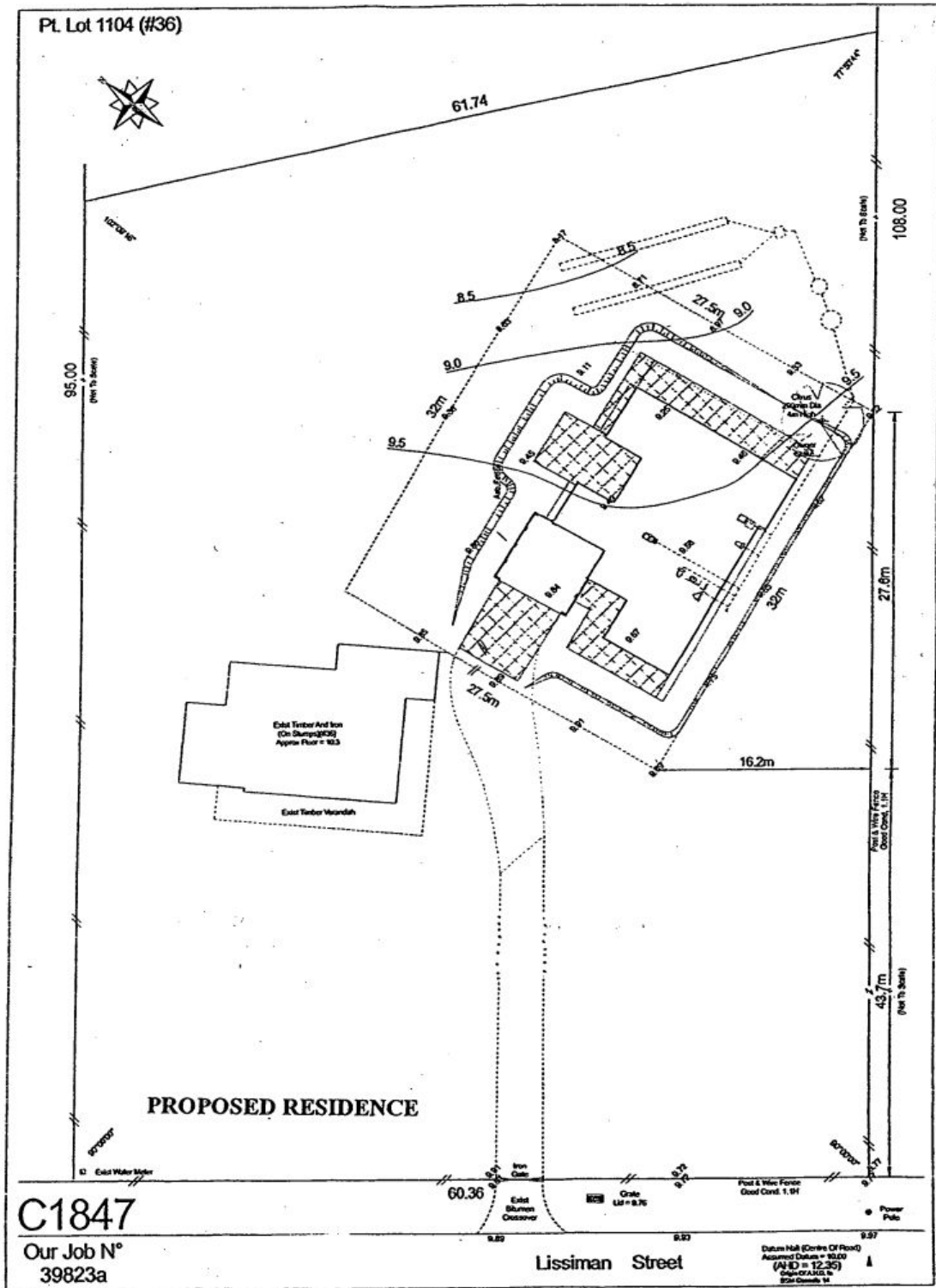
**BACKGROUND**

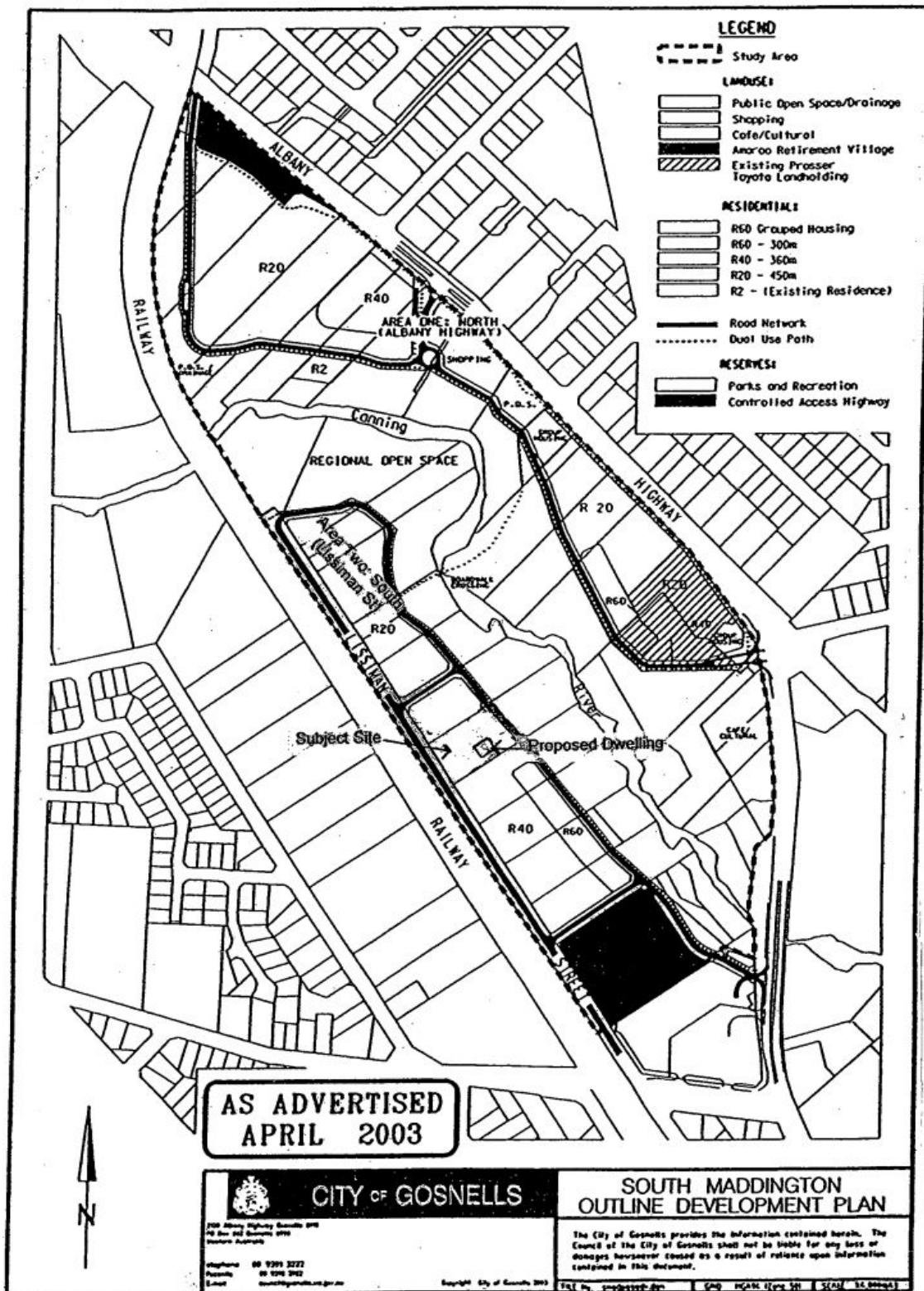
Council at its meeting on 14 February 2006 refused an application to construct a new dwelling on the property while temporarily retaining the existing dwelling (and then later decommissioning it). The basis of this decision was that the proposed development constituted a grouped dwelling on land zoned “Residential Development” under Town Planning Scheme No. 6 (TPS 6) and Clause 7.2.1 of TPS 6 requires an Outline Development Plan (ODP) to be in place before the City will approve any development on land within that zone. Given that the South Maddington ODP (which includes the subject lot) is yet to be finalised, it was considered that approval of the development would be contrary to Clause 7.2.1 of TPS 6.

The landowners subsequently sought a SAT review (appeal) of Council’s determination. A Directions Hearing was held at the SAT on 5 April 2006 where the presiding member issued an order that Council formally reconsider its determination.

Plans relating to the application refused by Council on 14 February 2006 are provided below for ease of reference.







## DISCUSSION

### Revocation Motion

The Director Planning and Sustainability provided comments in response to a Notice of Motion to revoke Council's refusal decision from 14 February 2006, which was contained in the Council Agenda for the meeting on 11 April 2006. The main comments provided by the Director in respect of this matter are summarised below:

1. This report will provide Council with the opportunity to consider revoking its previous refusal decision. However, revoking that decision will not on its own cause an approval to be granted for the application (because it will then be "undetermined") and Council would still need to formally determine the application.
2. Staff have no objection in principle to what is being proposed on the property and would probably have recommended approval for it if the property were zoned "Residential" with a designated R-Coding (such as "Residential R17.5), rather than "Residential Development" as it currently is. However, Clause 7.2.1 of TPS 6 requires an ODP to be in place for land zoned "Residential Development" before the City will grant any planning approval for development of that land and because an ODP is not in place for this particular "Residential Development" zone staff could not support the planning application.
3. The City has previously sought legal advice about whether Council has any discretion to support subdivision or approve development in the "Residential Development" zone prior to finalisation of an ODP. That legal advice supports the position adopted by staff in respect to the application and Council's decision to refuse that application. Staff have sought fresh legal advice which is discussed later in this report.
4. Revoking Council's previous refusal decision could extinguish or compromise the applicant's current application for review (appeal) with the SAT, as it would remove the decision against which the applicant is appealing, which could in turn require the applicant to pursue a fresh appeal.

Although it is open to Council to revoke the previous refusal decision this is not supported as it will not resolve the issue at hand and could unnecessarily complicate current appeal proceedings.

### Legal Advice

Staff have obtained fresh legal advice from McLeods Barristers and Solicitors regarding Council's ability to approve the proposed development and in their advice McLeods have stated that:

- (a) In their opinion it is not open to the Council to approve the proposed development because "*when the language of TPS 6 as a whole is considered, the legislative intention of clause 7.2.1 is to preclude the recommendation of*

*subdivision approval or the issue of planning approval for development on any land within a Residential Development Zone prior to there being an Outline Development for the zone adopted by the Council pursuant to clause 7.4.15.”*

- (b) Although they see no reason to alter the view expressed previously, they do acknowledge that a contrary view is arguable because clause 7.1(a) of TPS 6 suggests that Council can determine there is no need for comprehensive planning of a Residential Development Zone and therefore no need for an ODP. However, this clause is at odds with clause 7.2.1 and in their opinion is not the intention of that clause.
- (c) The SAT, in the case *WA Plantation Resources Pty Ltd -v- City of Bunbury [2005] WASAT 194* delivered a decision on a matter which included the question whether a planning application could be approved in the absence of a Structure Plan or Development Guide Plan adopted by Council under the City of Bunbury’s applicable Town Planning Scheme.

Although the relevant provision of the City of Bunbury’s Town Planning Scheme differed somewhat to that in the City of Gosnells’ TPS 6 the SAT agreed that the relevant Scheme clause meant what it said and that the development in question could not be approved as the City of Bunbury had refused to adopt a Structure Plan for the affected area.

While the Tribunal’s decision in the City of Bunbury case is of relevance and interest, it does not necessarily mean, of itself, that the Tribunal would come to the same conclusion in the current circumstance, given that the wording of the relevant clauses in the City of Gosnells’ TPS 6 are not identical to those in the City of Bunbury’s Scheme.

- (d) Clause 5.5.1 of TPS 6 (Variations to Site and Development Standards and Requirements) cannot be used to vary the “requirement” of the Scheme in this instance for an ODP to be in place prior to the City granting development approval.
- (e) The applicant’s proposal necessarily is to construct what will be a Grouped Dwelling, at least at the time of Council’s decision. *“The fact that the existing dwelling is to be decommissioned and services to it disconnected before the new dwelling is made habitable does not alter that fact. It will only be when the old dwelling is demolished the new dwelling will become a single house. It follows that the possibility of an exemption from the need to obtain planning approval will only arise if and when the existing dwelling is demolished”.*
- (f) If the applicant wishes to continue with the review application (appeal) in the SAT, it is recommended that the City request the Tribunal to make a determination on the “preliminary issue” of whether it is possible to grant approval to the proposed development having regard to clause 7.2.1 of TPS 6. If the decision then goes in the way of the City the appeal will be at an end and, similarly, if it goes in favour of the applicant, then the City could consent to the proposed development, subject to appropriate conditions. Because this question



is a legal one the Tribunal may determine that the City and the applicant be represented by a legal practitioner, pursuant to Section 239(2) of the Planning and Development Act 2005.

### **State Administrative Tribunal Directions Hearing**

At the SAT Directions Hearing of 5 April 2006 the respondents (landowners) tendered Statutory Declarations to the effect that:

- The existing house at 36 Lissiman Street will be decommissioned and rendered unfit for habitation immediately once the proposed residence is completed.
- The existing house will be demolished in a timely manner.
- A demolition license will be obtained to demolish the existing house.

The SAT Presiding Member issued an order (pursuant to S31 of the SAT Act) requiring Council to reconsider its decision of 14 February 2006 in the light of the abovementioned Statutory Declarations, prior to a further Directions Hearing to be held on 28 April 2006. (Failure to comply with the order may lead to the Council being in contempt of the SAT). Further orders were also issued requiring submission of a 'Statement of Issues, Facts and Contentions' by 19 April 2006 together with a schedule of recommended conditions in the event of any future SAT determination to uphold the review (the conditions to be on a 'without prejudice' basis). Due to the timeframe stipulated staff will provide this information to the Tribunal on a 'without prejudice' basis ahead of Council reconsidering its previous refusal decision on this matter.

In view of the current appeal proceedings and the legal advice recently received from McLeods it is recommended that Council reaffirm its previous refusal decision and request the Tribunal to make a determination on the "preliminary issue" of whether it believes it is lawfully possible to grant approval to the proposed development having regard to clause 7.2.1 of TPS 6. In that case a copy of the relevant legal advice would be provided to the Tribunal.

If the Tribunal in considering this preliminary issue determines that it is not legally possible for Council to approve the development then the appeal will be at an end. Alternatively, if the Tribunal determines that it is legally possible for approval to be granted notwithstanding an ODP is not in place, then the City can consent to the development subject to appropriate conditions and the Tribunal can then approve the development.

### **CONCLUSION**

Whilst staff have no objections in principle to the proposed development the legal advice received specifically in relation to this matter concludes that Council cannot approve the development without an ODP first being in place. On this basis it is recommended that Council reaffirm its determination of 14 February 2006 to refuse the application and advise the SAT accordingly, and also request that SAT determine the preliminary issue as to whether it is legally possible to approve the development in the absence of an ODP.

**FINANCIAL IMPLICATIONS**

Costs associated with obtaining fresh legal advice have been met from relevant City Planning operational expenditure accounts.

STAFF RECOMMENDATION (1 of 2) AND COUNCIL RESOLUTION
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**183 Moved Cr R Mitchell Seconded Cr R Hoffman**

That Council advise the State Administrative Tribunal that it has reconsidered its decision of 14 February 2006 to refuse the application for a dwelling at 36 (Pt Lot 1104) Lissiman Street, Gosnells, and based on legal advice recently received from McLeods Barristers and Solicitors reaffirms that decision because approval of the development would be contrary to Clause 7.2.1 of Town Planning Scheme No. 6 given that an Outline Development Plan is not in place to guide subdivision and development within this “Residential Development” zone.

CARRIED 10/1

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

*AGAINST:* Cr J Henderson.

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

**184 Moved Cr R Mitchell Seconded Cr R Hoffman**

That Council request the State Administrative Tribunal to make a determination on the “preliminary issue” of whether it is legally possible to grant approval to the proposed development having regard to clause 7.2.1 of the City’s Town Planning Scheme No. 6.

CARRIED 10/1

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

*AGAINST:* Cr J Henderson.

**13.5.5 DEVELOPMENT APPLICATION – FAST FOOD OUTLET (TAKEAWAY PIZZA) AND ASSOCIATED SIGNAGE – TENANCY 20A, 271 (LOT 101) AMHERST ROAD, CANNING VALE**

File: 236811 Approve Ref: 0506/2313 (AL) Psrpt062Apr06  
Applicant: Peter D Webb and Associates  
Owner: Spectator Investments Pty Ltd and Shoreden Pty Ltd  
Location: 271 (Lot 101) Amherst Road, 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: 2.8537 ha  
Previous Ref: Nil

**PURPOSE OF REPORT**

For Council to consider an application for planning approval for a fast food outlet (takeaway pizza) and associated signage at Tenancy 20A, 271 (Lot 101) Amherst Road, Canning Vale as the proposal is outside the authority delegated to staff, which specifically excludes the land use “Fast Food Outlet” from those uses which staff can determine under delegated authority.

**BACKGROUND****Site Description and Surrounding Uses**

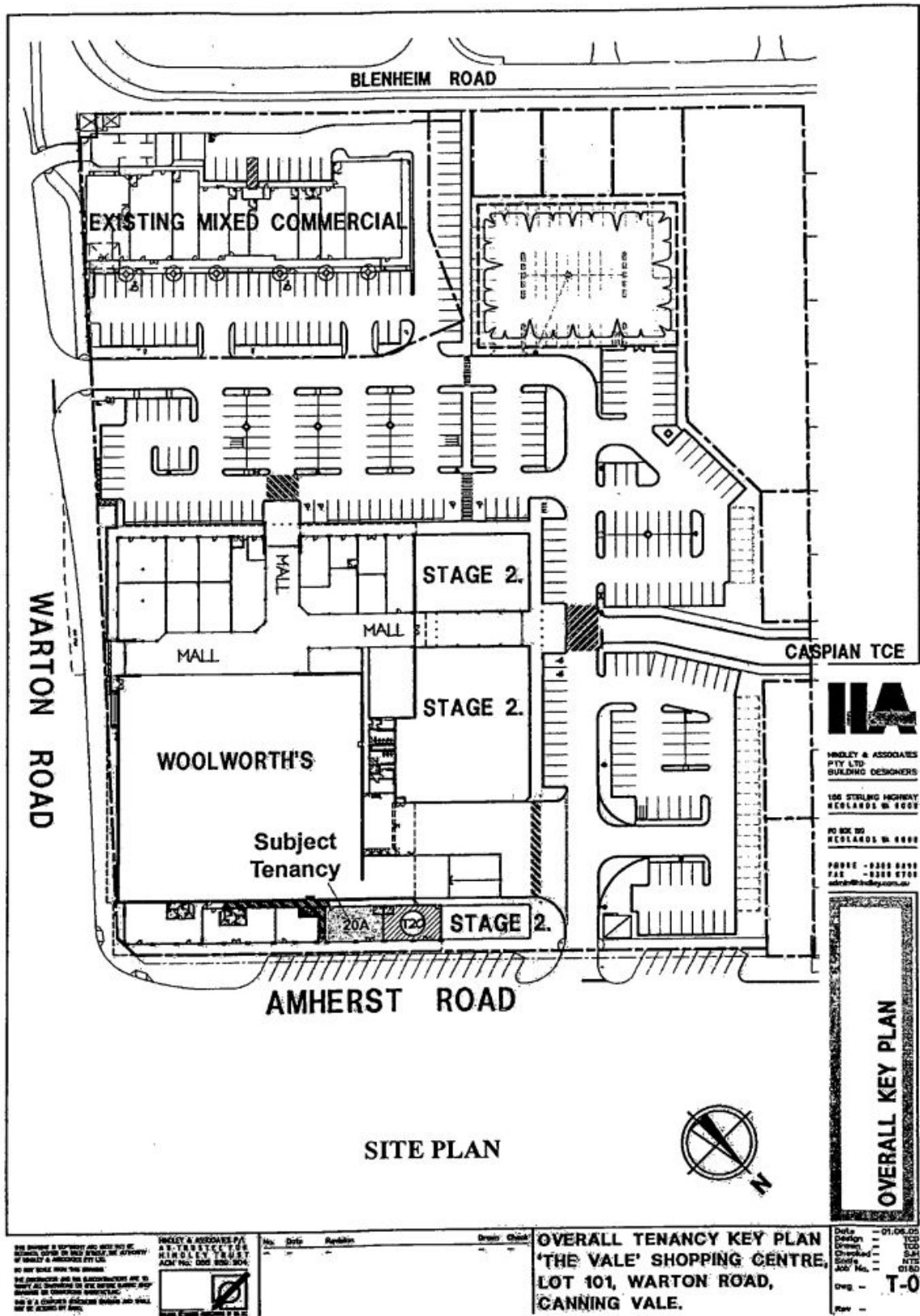
The subject tenancy is located within the Vale Shopping Centre on the western corner of Lot 101 Amherst Road Canning Vale. The total floor area of the tenancy is 110m<sup>2</sup>.

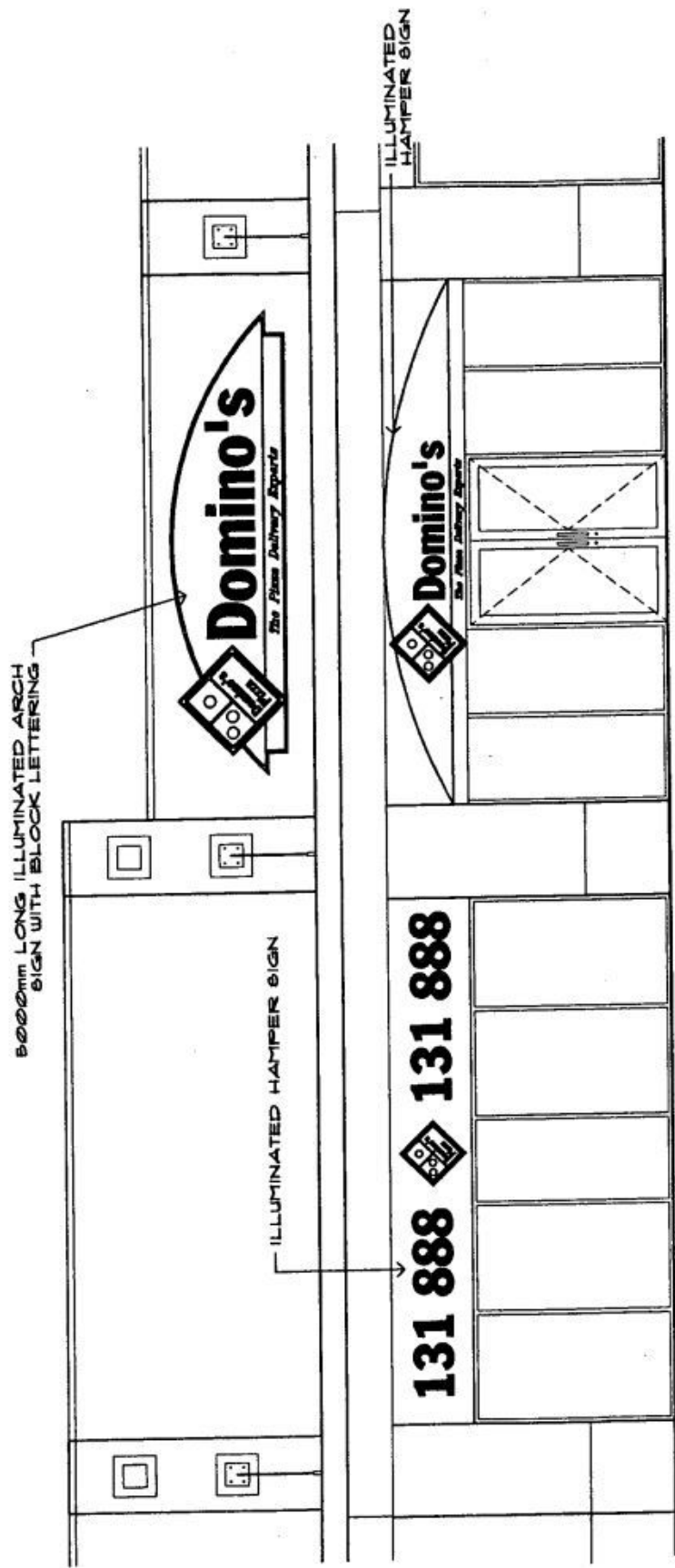
**Proposal**

It is proposed to fit out the subject tenancy as a “Domino’s Pizza” takeaway fast food outlet. Two tables, each with four seats, will be available for customers. The remainder of the tenancy is to comprise kitchen and storage facilities.

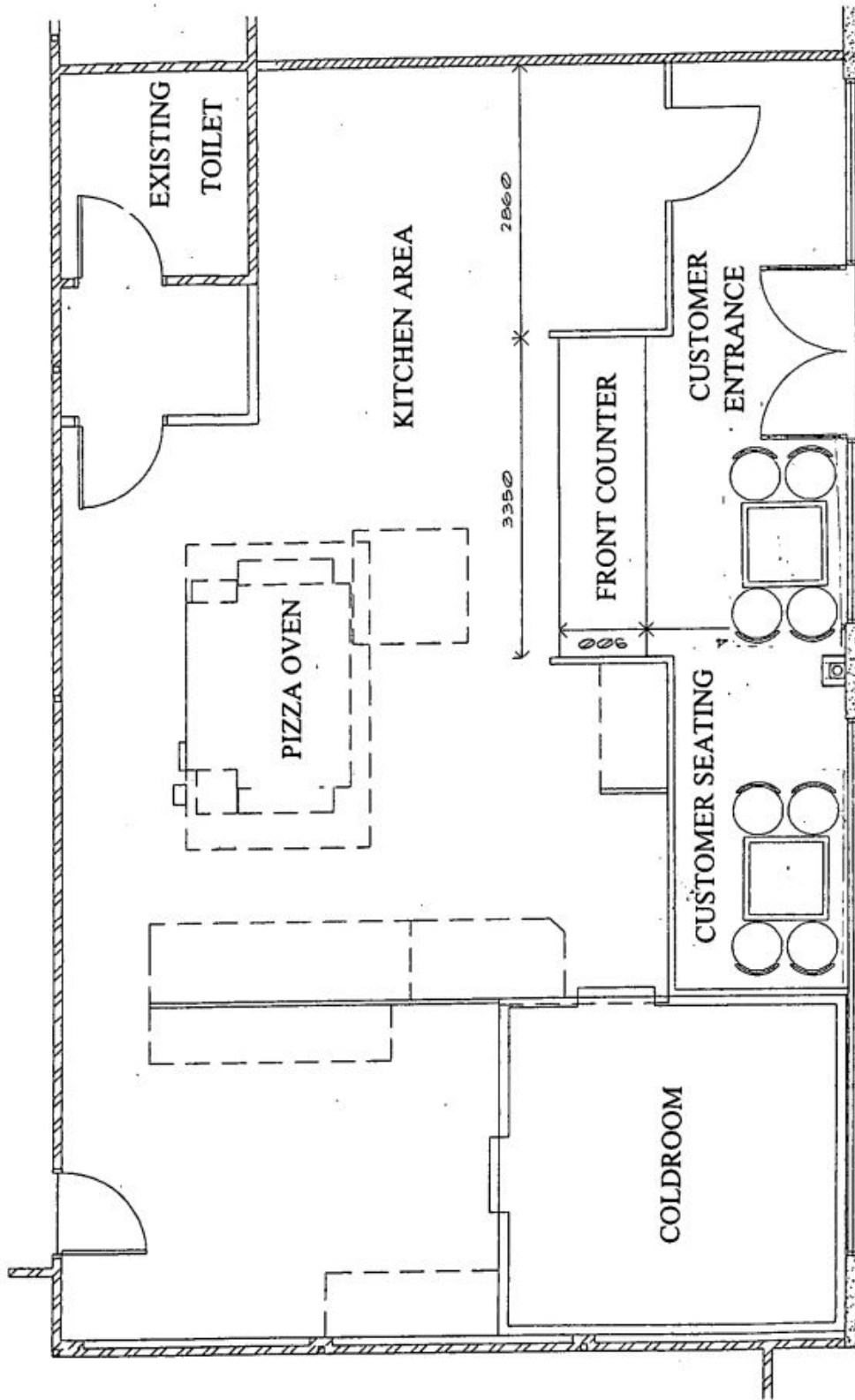
The proponent has advised that the proposed trading hours for the store will be between the hours of 11am and 11pm, Sunday to Thursday and 11am to 1am, Friday and Saturday. A maximum of 20 staff will be working in and from the store during peak times; 10 of whom will be undertaking deliveries from the store.

The proposal also includes signage on the front of the building.





FRONT ELEVATION



**FLOORPLAN**

## Consultation

The proposal was advertised for public comment for 14 days in accordance with Council Policy/TPS 6 requirements, during which time 20 submissions were received. A summary of these submissions and staff comments thereon are provided in the Schedule of Submissions below.

### Schedule of Submissions

1	<b>Name and Postal Address:</b> N Middle 4 Greenland Boulevard Canning Vale WA 6155	<b>Affected Property:</b> 4 (Lot 2) Greenland Boulevard Canning Vale
<b>Summary of Submission</b>		<b>Staff Comment</b>
Object to the proposal.  Concerned that the proposal will increase volume of vehicles late at night in the area.		Noted.  The proposed fast food outlet is not considered to significantly increase traffic volumes in the locality, although some additional traffic movements are to be expected, particularly during peak pick-up and delivery times.
2	<b>Name and Postal Address:</b> M Crocker 6 Bressingham Street Canning Vale WA 6155	<b>Affected Property:</b> 6 (Lot 427) Bressingham Street Canning Vale
<b>Summary of Submission</b>		<b>Staff Comment</b>
Object to the proposal.  Concerned that this sort of business contributes to heart disease and diabetes and should be avoided. Believes that it is the Government's duty to look after people.		Noted.  This is not a valid planning consideration.
3	<b>Name and Postal Address:</b> D and R Hahn 22 Greenland Boulevard Canning Vale WA 6155	<b>Affected Property:</b> 22 (Lot 11) Greenland Boulevard Canning Vale
<b>Summary of Submission</b>		<b>Staff Comment</b>
No Objection to proposal.		Noted.
4	<b>Name and Postal Address:</b> D Singh 242 Amherst Road Canning Vale WA 6155	<b>Affected Property:</b> 242 (Lot 198) Amherst Road Canning Vale
<b>Summary of Submission</b>		<b>Staff Comment</b>
No Objection to proposal.		Noted.
5	<b>Name and Postal Address:</b> B Ng 5 Barrett Street Southern River WA 6110	<b>Affected Property:</b> 5 (Lot 873) Barrett Street Southern River
<b>Summary of Submission</b>		<b>Staff Comment</b>
No Objection to proposal.		Noted.

6	<b>Name and Postal Address:</b> Shoredon Pty Ltd 2/166 Stirling Highway Nedlands WA 6009	<b>Affected Property:</b> 271 (Lot 101) Amherst Road Canning Vale
<b>Summary of Submission</b>		<b>Staff Comment</b>
No Objection to proposal. The pizza outlet is a logical use for the tenancy as it is not invasive or noxious to the locality.		Noted.

7	<b>Name and Postal Address:</b> BMC Properties PO Box 268 Nedlands WA 6909	<b>Affected Property:</b> 395 (Lot 102) Warton Road Canning Vale
<b>Summary of Submission</b>		<b>Staff Comment</b>
No Objection to proposal. The proposed use fits well within the normal scope for a neighbourhood shopping centre and deserves support by Council.		Noted.

8	<b>Name and Postal Address:</b> D Ylerick 2 Caspian Terrace Canning Vale WA 6155	<b>Affected Property:</b> 2 (Lot 32) Caspian Terrace Canning Vale
<b>Summary of Submission</b>		<b>Staff Comment</b>
No Objection to proposal.		Noted.

9	<b>Name and Postal Address:</b> A Cockburn-Campbell 103 Waterperry Drive Canning Vale WA 6155	<b>Affected Property:</b> 103 (Lot 158) Waterperry Drive Canning Vale
<b>Summary of Submission</b>		<b>Staff Comment</b>
No Objection to proposal.		Noted.

10	<b>Name and Postal Address:</b> P Minniti Newstyle Asset Pty Ltd PO Box 3335 Malaga WA 6945	<b>Affected Property:</b> 17 (Lot 237) Chicago Street Southern River
<b>Summary of Submission</b>		<b>Staff Comment</b>
No Objection to proposal.		Noted.

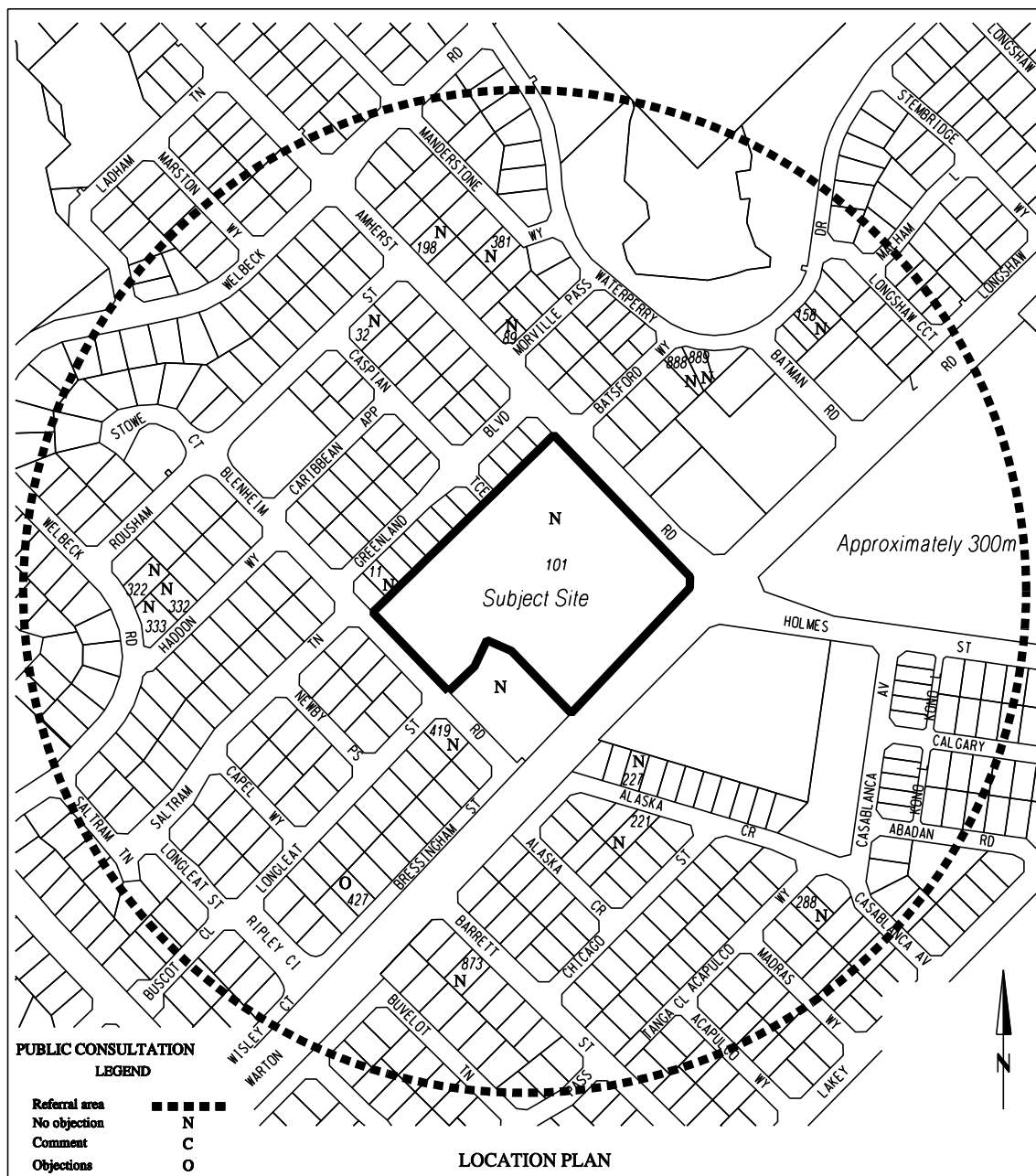
11	<b>Name and Postal Address:</b> C Fitzsimons 31 Welbeck Road Canning Vale WA 6155	<b>Affected Property:</b> 31 (Lot 322) Welbeck Road Canning Vale
<b>Summary of Submission</b>		<b>Staff Comment</b>
No Objection to proposal.		Noted.



12	<b>Name and Postal Address:</b> H Davies 4 Haddon Way Canning Vale WA 6155	<b>Affected Property:</b> 4 (Lot 332) Haddon Way Canning Vale
<b>Summary of Submission</b>		<b>Staff Comment</b>
No Objection to proposal.		Noted.
13	<b>Name and Postal Address:</b> K Moore 2 Haddon Way Canning Vale WA 6155	<b>Affected Property:</b> 2 (Lot 333) Haddon Way Canning Vale
<b>Summary of Submission</b>		<b>Staff Comment</b>
No Objection to proposal.		Noted.
14	<b>Name and Postal Address:</b> J Bozikovich 27 Longleat Street Canning Vale WA 6155	<b>Affected Property:</b> 27 (Lot 419) Longleat Street Canning Vale
<b>Summary of Submission</b>		<b>Staff Comment</b>
No Objection to proposal.		Noted.
15	<b>Name and Postal Address:</b> P Braithwaite 11 Manderstone Way Canning Vale WA 6155	<b>Affected Property:</b> 11 (Lot 381) Manderstone Way Canning Vale
<b>Summary of Submission</b>		<b>Staff Comment</b>
No Objection to proposal.		Noted.
16	<b>Name and Postal Address:</b> R Golos and S Hunter 15A Amherst Road Canning Vale WA 6155	<b>Affected Property:</b> 15A (Lot 889) Amherst Road Canning Vale
<b>Summary of Submission</b>		<b>Staff Comment</b>
No Objection to proposal.		Noted.
17	<b>Name and Postal Address:</b> Temily Developments 6 Lucas Loop Canning Vale WA 6155	<b>Affected Property:</b> 2 Batsford Way Canning Vale
<b>Summary of Submission</b>		<b>Staff Comment</b>
No Objection to proposal.		Noted.
18	<b>Name and Postal Address:</b> D Sampson 95 Carawatha Avenue Mt Nasura WA 6112	<b>Affected Property:</b> 26 (Lot 227) Alaska Crescent Southern River
<b>Summary of Submission</b>		<b>Staff Comment</b>
No Objection to proposal.		Noted.

Summary of Submission		Staff Comment
19	<b>Name and Postal Address:</b> R Minnett 7 Morville Pass Canning Vale WA 6155	<b>Affected Property:</b> 7 (Lot 89) Morville Pass Canning Vale
Summary of Submission		Staff Comment
No Objection to proposal.		Noted.

20	<b>Name and Postal Address:</b> 1 Homer 21 Lycett Turn Southern River WA 6110	<b>Affected Property:</b> 17 (Lot 221) Alaska Crescent Southern River
Summary of Submission		Staff Comment
No objection to proposal.		Noted.



## **DISCUSSION**

### **Town Planning Scheme No. 6**

“Fast Food Outlet” is an “A” use in the “Residential Development” zone under Town Planning Scheme No. 6 (TPS 6), meaning a use not permitted unless Council has exercised its discretion to approve it after advertising to surrounding landowners. Under the Canning Vale Outline Development Plan, the site is identified as a mixed use centre.

TPS 6 carparking standards for fast food outlets are based both on the amount of customer queuing area and the amount of floor area used for seating. On this basis the subject proposal generates the need for 6 carparking bays. There is an existing provision of 7 carparking bays for this tenancy based on the previous retail use of the tenancy. Hence, sufficient parking is available for this development in accordance with Scheme requirements.

The proposal complies with all other relevant provisions of TPS 6.

### **Signage Local Laws**

The proposed signage for the tenancy complies with all aspects of the Signage Local Laws.

### **Amenity**

A distinction may be made, in terms of scale and potential impacts, between “stand-alone” fast food outlets and those which locate within tenancies incorporated within the main body of a shopping centre building. Typically “stand alone” fast food outlets incorporate a drive-through facility, are larger in floor area, have larger development footprints (to allow for increased parking and landscaping) and have increased potential for off site impacts when compared to fast food outlets of the type proposed in this case.

Given the nature of the proposed fast food outlet and that the nearest residential property is over 90m from the subject tenancy it is considered that the subject proposal does not raise any significant amenity issues and is therefore supported.

## **CONCLUSION**

The proposal is supported because it is:

- of a relatively small scale in an existing shopping centre tenancy;
- contained within a shopping centre and is compatible with other retail functions;
- consistent with the objectives of the Mixed Use Centre zoning within the Canning Vale Outline Development Plan.

It is therefore recommended that the proposal be approved subject to appropriate conditions as listed in the staff recommendation.

## **FINANCIAL IMPLICATIONS**

Nil.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION
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**185 Moved Cr S Iwanyk Seconded Cr R Mitchell**

That Council approve the application for a fast food outlet (takeaway pizza) and associated signage at 20A, 271 (Lot 101) Amherst Road, Canning Vale, subject to the following conditions and advice notes:

**Conditions**

- 1) Development may only be carried out in accordance with the terms of the application as approved herein and any approved plan.
- 2) Satisfactory arrangements being made with the City for the disposal of industrial wastewater.

**Advice Notes**

- 1) The applicant is advised of the need to apply for a building licence from the City's Building Branch prior to the commencement of any fit-out. Your attention is drawn to the requirements of the Building Code of Australia in this regard.
- 2) With reference to Condition 2 the applicant is advised that the approval of the Water Corporation is required for disposal of all industrial wastewater produced from activities on-site.
- 3) The applicant's attention is drawn to the following requirements in respect to air handling systems:
  - i) Air-handling systems, water systems or cooling towers shall be designed and installed in accordance with the Health (Air-handling and Water Systems) Regulations 1994 and the Australian Standard 3666 entitled "Air-Handling and Water Systems of Buildings- Microbial Control".
  - ii) Certification in writing from a practising mechanical engineer that the design and installation complies in all respects with the Health (Air-handling and Water Systems) Regulations 1994, and the Australian Standard 3666, and the building licence application.
- 4) The applicant's attention is drawn to the following requirements in respect to food preparation:

- i) Detailed plans and specifications of all food preparation and storage (including refuse) areas are to be submitted and approval obtained from the City's Health Services Branch before construction or fit out is commenced.
  - ii) Such areas must comply in all respects with the Health (Food Hygiene) Regulations 1993 and the City's Eating House Local Laws.
- 5) This is a development approval issued under the Metropolitan Region Scheme and the City of Gosnells Town Planning Scheme No. 6. It is not an approval or consent to commence or carry out development under any other written law, act, statute, or agreement, whether administered by the City of Gosnells or not. It is the applicant's responsibility to ensure all relevant approval are obtained prior to the commencement of any development covered by this approval.

CARRIED 10/1

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

**AGAINST:** Cr J Brown.

## 12. MINUTES OF COMMITTEE MEETINGS

*The Mayor advised the meeting that Cr R Hoffman and Cr D Griffiths due to being members of the RoadWise Committee had disclosed an Impartiality Interest in the following item in accordance with Regulation 34C of the Local Government (Administration) Regulations 1996.*

### 12.1 CITY OF GOSNELLS ROADWISE COMMITTEE

File: T7/1/5 (DF) DF3.1b

Appendix: 12.1A Minutes of the City of Gosnells RoadWise Committee Meeting held on Wednesday 5 April 2006

### PURPOSE OF REPORT

For Council to receive the Minutes of the RoadWise Committee Meeting held on Wednesday 5 April 2006.

### BACKGROUND

The City of Gosnells RoadWise Committee meets on the first Wednesday of every month. The Committee is established with the guiding principles to:

- Improve road safety in the City of Gosnells.
- Raise community awareness of road safety issues and initiatives in the City of Gosnells.
- Facilitate community planning, development and implementation of road safety programmes and promotions.
- Develop programmes and initiatives which target groups and issues identified in the State Road Safety Strategy.

The business of the meetings is reported in the Minutes provided as Appendix 12.1A.

### DISCUSSION

There was one (1) recommendation made at the Meeting held on Wednesday 5 April 2006 requiring Council's adoption.

Mr Pierre Yang of Langford attended the meeting as an observer and when approached with the view to taking up a position of Community Representative on the Committee he responded in the affirmative.

Recommendation 5

*“That Council approve membership on the RoadWise Committee for a community representative, with that position being filled by Pierre Yang.”*

The other main points of discussion at the meeting were:

- **Road Safety Awards:** The City of Gosnells – William Street Channelisation – was the winner and Presiding Member accepted the award as she was attending the Annual Roads Forum conference in Geraldton.
- **RBT Event:** Four (4) RoadWise Committee members were to attend the Random Breath Test (RBT), to be held on 6 April 2006, being: Presiding Member, Mr A Gill, Mr D Miller, Mr M Wubbels and Ms M Carey. Members were to hand out bags to motorists who were stopped, with each bag containing a puzzle game, a road safety brochure and a petrol fuel competition slip worth \$100.
- **Child Car Restraints:** The City of Wanneroo RoadWise Committee is submitting a report and a recommendation to Council to request that a condition on new developments for Child Care Centres be that they must have two trained Child Car Restraint Fitter and Checkers on staff at all times.
- **Coffee Runs:** WA Police, RoadWise and motor cyclists are invited to join the *Coffee Runs* to be held on Sunday 23 April 2006 on Garden Island.
- **Crash Trailer Display:** Mr M Wubbels is to submit a grant application, with Ms M Carey's assistance, to the Grants Committee to obtain funding towards the cost of a crash trailer.

## FINANCIAL IMPLICATIONS

Nil.

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

That Council receive the Minutes of the Meeting of the City of Gosnells RoadWise Committee held on Wednesday 5 April 2006 attached as Appendix 12.1A.

CARRIED 11/0

*FOR:* Cr O Searle, Cr R Mitchell, Cr J Henderson, Cr C Matison, Cr S Iwanyk, 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****187 Moved Cr J Brown Seconded Cr D Griffiths**

That Council adopt Recommendation 5 of the City of Gosnells RoadWise Committee Meeting held on Wednesday 5 April 2006, which reads as follows:

*“That Council approve membership on the RoadWise Committee for a community representative, with that position being filled by Pierre Yang.”*

**CARRIED 11/0**

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

**AGAINST:** Nil.

*8.06pm – Cr R Hoffman left the meeting.*

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



### **13.3 CORPORATE SERVICES**

#### **13.3.1 FINANCIAL ACTIVITY STATEMENT REPORT – MARCH 2006**

File: F1/6/1 (FS) apr26\_06fn

Appendix: 13.3.1A Financial Activity Statement Report for March 2006

#### **PURPOSE OF REPORT**

For Council to adopt the Financial Activity Statement Report for the month of March 2006.

#### **BACKGROUND**

In accordance with Financial Management Regulation 34 the following reports are contained in the Financial Activity Statement Report:

- Operating Statement by Directorate
- Balance Sheet
- Statement of Financial Activity
- Reserve Movements
- Capital Expenditure Detail
- Rating Information
- Outstanding Debtor Information
- Investment Report

The commentary and report on variances for the month of March 2006 is contained in the budget review of estimated expenditure to 30 June 2006.

#### **DISCUSSION**

The Financial Activity Statement Report for the month of March 2006 is attached as Appendix 13.3.1A.

#### **FINANCIAL IMPLICATIONS**

Nil.

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

That Council, in accordance Regulation 34 of the Local Government (Financial Management) Regulations, adopt the following reports, contained in the Financial Activity Statement Report for the month of March 2006, attached as per Appendix 13.3.1A:

- A. Operating statement by Directorate
- B. Balance Sheet
- C. Statement of Financial Activity
- D. Reserve Movements
- E. Capital Expenditure Detail
- F. Rating Information
- G. Outstanding Debtor Information
- H. Investment Report

**CARRIED 10/0**

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

**AGAINST:** Nil.

### 13.3.2 BUDGET REVIEW OF ESTIMATED EXPENDITURE TO 30 JUNE 2006

File: F1/4/1

(MW)

Apr26\_06rev

#### PURPOSE OF REPORT

To report to Council on the results of the budget review undertaken at 31 March 2006, comparing the amended budget to the estimated expenditure and revenue to 30 June 2006.

#### BACKGROUND

The Budget Review as required by Regulation 33A of the Local Government (Financial Management) Regulations 1996 is completed for presentation to Council.

Regulation 33A of the Local Government (Financial Management) Regulations 1996 states:

*“(1) Between 1 January and 31 March in each year a local government is to carry out a review of its annual budget for that year.*

*(2) Within 30 days after a review of the annual budget of a local government is carried out it is to be submitted to the council.*

*(3) A council is to consider a review submitted to it and is to determine\* whether or not to adopt the review, any parts of the review or any recommendations made in the review.*

*\*Absolute majority required.*

*(4) Within 30 days after a council has made a determination, a copy of the review and determination is to be provided to the Department.”*

#### DISCUSSION

Following is a summary of the material differences analysed by schedule.

The permanent differences are expected to remain to year end.

The timing differences are expected to be resolved by 30 June 2006.

#### Operating Income

##### Governance

The advertising rebate was received in excess of anticipated budget. End of year projections indicate an increase in revenue of \$13,000. (Permanent difference)

##### General Purpose Funding

The interest earned on Council's investments is over budget due to strong stock and credit markets combined with delayed capital works. Projections indicate the full year interest on Municipal Funds to be \$144,000 over budget. (Permanent difference)

#### Transport

Revenue from the energy grants credit scheme was not budgeted for and an amount of \$131,000 has been claimed and will be received. (Permanent difference)

#### Economic Services

Revenue is over budget due to the total instalment revenue for the underground power project not being budgeted for. This will require a budget variation to offset expenditure over budget. (Timing difference)

### **Operating Expenditure**

#### Governance

Employee costs including training and legal expenses are under budget. End of year projections indicate the expenditure will be as per budget. (Timing difference)

#### Community Amenities

The Road Recycling Operation will be \$30,000 under budget. (Permanent difference)

#### Transport

Depreciation on roads and sale of assets are under budget with depreciation expected to be under budget by year end. There are no cash implications from this variance. (Permanent difference)

#### Economic Services

Underground power expenditure is over budget due to increased scope of works and early completion of the project. A budget variation for both expenditure and revenue is required to reduce the over budget amounts. (Permanent difference)

#### Other Property and Services

The delay in some of the capital and maintenance projects has affected the allocation of overheads to date. The completion of the projects planned to 30 June 2006 will rectify the overhead allocations. (Timing difference)

### **Capital Works**

### Land and Buildings

Land and buildings are under expended to date, although architectural contracts have been let and various planning exercises have commenced. The anticipated carry forwards are as follows - (1) Administration Building \$850,000, (2) Operations Centre \$340,000 and (3) Canning Vale High School change-rooms \$150,000. (Timing difference)

### Roads and Paths

The majority of projects will be completed by June 2006 with two major projects to be partially carried forward to 2006/2007 being Nicholson Road and Ranford Road/Campbell Road Traffic Lights. (Timing difference)

### Drains

All projects will be completed except for one drainage project on Lakeside Drive reserve which will entail a \$100,000 carry forward due to late approval and design requirements. (Timing difference)

### Parks

Completions to March 2006 amount to \$1,500,000 and an additional \$2,300,000 underway to be completed by June 2006. Various park developments will be carried forward including Peace Court Park and Harmony Fields. (Timing difference)

### Plant and Equipment

The Plant replacement programme is expected to be completed by year end with several major plant items currently tendered. (Timing difference)

### Grants for Capital Construction

Grants Revenue is currently under budget due to design programming issues however with a focus on grant funded projects the invoicing of grants is expected to be on budget by 30 June 2006. An additional \$252,000 in State Black Spot Funding was approved in March 2006 from Main Roads WA. (Timing difference)

### Proceeds from Disposal of Assets

The plant replacement programme is expected to be completed by year end and the proceeds from disposal of assets is expected to be on budget. (Timing difference)

## **Budget Impact**

The cash savings projected in net operating expenditure for the 2005/2006 financial year are approximately \$404,000.

### FINANCIAL IMPLICATIONS

The forecast of cash surplus expected at 30 June 2006 is \$404,000 which is made up of \$144,000 from Municipal Fund Interest, Energy Grants Credits Scheme income of \$130,000 and surplus funds from the Recycling Area of \$30,000.

An additional \$100,000 of savings is expected from various other accounts by year end and will be available in 2006/2007. A further report will be provided to council to allocate these savings to projects.

STAFF RECOMMENDATION (1 of 2) AND COUNCIL RESOLUTION

#### 189 Moved Cr D Griffiths Seconded Cr R Croft

That Council receive the report on the Budget Review of Estimated Expenditure to 30 June 2006.

**CARRIED BY ABSOLUTE MAJORITY 10/0**

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

*AGAINST:* Nil.

STAFF RECOMMENDATION (2 of 2) AND COUNCIL RESOLUTION

#### 190 Moved Cr D Griffiths Seconded Cr R Croft

That Council approve the following adjustments to the 2005/2006 Municipal Budget to account for the completed Underground Power Project:

Accounts	Account Description	Debit	Credit
51002.182.3379	Recycling Area		30,000
51201.330.6212	Energy Grants Credits Scheme		130,000
70301.360.6850	Interest on Investments (Municipal)		144,000
71304.330.6211	Underground Power Rates Levy		793,000
71304.220.5500	Non-Recurrent Operating Expenditure	1,097,000	
		\$1,097,000	\$1,097,000

**CARRIED BY ABSOLUTE MAJORITY 10/0**

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

*AGAINST:* Nil.

**13.3.3 PAYMENT OF ACCOUNTS**

File: F1/6/1

(GW)

Apr26\_06acc

**PURPOSE OF REPORT**

To advise Council of payments made for the period 22 March 2006 to 18 April 2006.

**DISCUSSION**

Payments of \$4,909,395.53 as detailed in the cheque listing for the period 22 March 2006 to 18 April 2006 which was circulated to Councillors under separate cover and will be tabled at the meeting, have been approved by the Director Corporate Services under delegated authority.

Notation

*The Mayor tabled the cheque listing for the period 22 March 2006 to 18 April 2006.*

**STAFF RECOMMENDATION AND COUNCIL RESOLUTION****191 Moved Cr R Croft Seconded Cr J Brown**

That Council note the payment of accounts as shown in the cheque listing for the period 22 March 2006 to 18 April 2006.

**CARRIED 10/0**

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

**AGAINST:** Nil.

*The Mayor advised the meeting that Cr R Mitchell due to being an owner of property in William Street referred to in Job 80501.100.3 had disclosed a Financial Interest in the following item in accordance with Section 5.60 of the Local Government Act 1995.*

8.07pm – Cr R Mitchell left the meeting.

### 13.3.4 BUDGET VARIATIONS

File: F1/4/1

(RM)

Apr26\_06bv

#### PURPOSE OF REPORT

To seek approval from Council to adjust the 2005/2006 Municipal Budget.

#### BACKGROUND

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 \$
Job80512.100.3	Increase Expenditure	Wooramel Cr – Road Rehabilitation	26,350	
Job80515.100.3	Increase Expenditure	Ulm Ct – Road Rehabilitation	750	
Job80504.100.3	Increase Expenditure	Knight Street – Road Rehabilitation	3,200	
JobC20012.100.3	Increase Expenditure	Forest Lakes Dr/Ovens Rd – Roundabout	10,000	
Job80302.100.3	Increase Expenditure	Dorothy St/Hicks St - Roundabout and Medians	20,000	
Job80307.100.3	Increase Expenditure	Spencer Rd, Warton Rd to Regal Dr – State Black Spot Funding	44,000	
JobC20010.100.3	Increase Expenditure	Westfield St to Pitchford Ave – State Black Spot Funding	15,000	
Job80512.5004.52	Increase Income	Wooramel Crescent – Road Rehabilitation		26,350
Job80515.5004.52	Increase Income	Ulm Court - Road Rehabilitation		21,750



Account Number	Type	Account Description	Debit \$	Credit \$
Job80503.5004.52	Increase Income	Ellison Dr - Spencer Rd to Clarice Ct - Road Rehabilitation		32,900
Job80504.5004.52	Increase Income	Knight St - Ellison Dr to Randall Way - Road Rehabilitation		33,200
Job80503.5004.52	Decrease Expenditure	Ellison Dr - Spencer Rd to Clarice Ct - Road Rehabilitation		5,100
	<b>Reason</b>	Roads to Recovery - Reallocation of Roads to Recovery income and increase in State Black Spot project due to extra road resurfacing		
Job80522.100.3	Increase Expenditure	Hume Road – Road Rehabilitation	3,614	
Job80521.100.3	Increase Expenditure	Dunnell St – Road Rehabilitation	1,022	
Job80512.100.3	Increase Expenditure	Wooramel Cr – Road Rehabilitation	813	
Job80509.5004.52	Decrease Income	Morley St – Road Rehabilitation	12,109	
Job80510.5004.52	Decrease Income	Gascoyne Rd – Road Rehabilitation	16,533	
Job80514.5004.52	Decrease Income	Kingsdown Rd – Road Rehabilitation	6,934	
Job80501.100.3	Increase Expenditure	William St – Road Rehabilitation	30,000	
Job80522.5004.52	Increase Income	Hume Rd – Road Rehabilitation		33,614
Job80521.5004.52	Increase Income	Dunnell St – Road Rehabilitation		1,022
Job80512.5004.52	Increase Income	Wooramel Cr – Road Rehabilitation		813
Job80509.100.3	Decrease Expenditure	Morley St – Road Rehabilitation		12,109
Job80510.100.3	Decrease Expenditure	Gascoyne Rd – Road Rehabilitation		16,533
Job80514.100.3	Decrease Expenditure	Kingsdown Rd – Road Rehabilitation		6,934
	<b>Reason</b>	Roads to Recovery projects – changes to reflect reduced actual costs. Savings to William Street		
Job1526.146.1	Increase Expenditure	Wash down bay cleanup - Operations Centre Maintenance	750	
51404.120.1500	Decrease Expenditure	Purchases/Consumables – Mechanics Overheads		750

Account Number	Type	Account Description	Debit \$	Credit \$
	<b>Reason</b>	Transfer to Operations Centre Maintenance		
61126.110.1003	Increase Expenditure	Salaries - Casual – Community programmes	147,000	
61126.110.1001	Decrease Expenditure	Salaries – Permanent – Community Programmes		147,000
	<b>Reason</b>	Transfer of Salaries – Permanent to Salaries - Casual to cover interim use of casual staff		
Job659.143.3	Increase Expenditure	Lot 143 Sheoak Road Shops Upgrade	16,600	
Job653.143.3	Decrease Expenditure	Roof Restraint Programme - Occupational Health and Safety Requirements		16,600
	<b>Reason</b>	To fund additional expenditure required to fit out Sheoak Road Shops		
61123.110.1021	Increase Expenditure	Staff Recruitment – Library Administration	2,750	
61122.181.2750	Decrease Expenditure	Advertising & Promotions – Kenwick Library		1,547
61120.110.1021	Decrease Expenditure	Staff Recruitment – Knowledge Centre		430
61120.181.2750	Decrease Expenditure	Advertising & Promotions – Knowledge Centre		773
	<b>Reason</b>	Additional advertising required due to staff turnover and maternity leave coverage.		
Job80403.100.3	Increase Expenditure	Stephen St – Road Improvements	30,000	
Job80403.5005.53	Decrease Income	Stephen St – Contributions		20,800
JobC20032.100.3	Decrease Expenditure	East Kenwick Primary School – Road Improvements		4,200
JobC20017.100.3	Decrease Income	Spencer Rd – Service Road – Road Improvements		5,000
	<b>Reason</b>	Increase cost for Stephen Street funded from increased income and savings from other projects		
Job96136.100.3	Increase Expenditure	SE66 – Perth Bicycle Network – Footpath Rehabilitation	20,183	
Job96137.100.3	Decrease Expenditure	SE36 – Perth Bicycle Network – Footpath Rehabilitation		20,183
	<b>Reason</b>	Southern River Boardwalk project – rationalising Perth		

Account Number	Type	Account Description	Debit \$	Credit \$
		Bicycle Network funding into one account		
Job2396.14.3	Increase Expenditure	Switch Your Thinking – Greenhouse Project	10,000	
Job2396.5008.49	Increase Income	Transfer from Maddington Kenwick Revitalisation Reserve		10,000
	<b>Reason</b>	Transfer of funds from Maddington Kenwick project to the Switch Your Thinking programme for the Greenhouse Project		

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

That Council approve the following adjustments to the Municipal Budget:

Account Number	Account Description	Debit \$	Credit \$
Job80512.100.3	Wooramel Crescent – Road Rehabilitation	26,350	
Job80515.100.3	Ulm Court – Road Rehabilitation	750	
Job80504.100.3	Knight Street – Road Rehabilitation	3,200	
JobC20012.100.3	Forest Lakes Drive/Ovens Road – Roundabout	10,000	
Job80302.100.3	Dorothy St/Hicks St - Roundabout and Medians	20,000	
Job80307.100.3	Spencer Rd, Warton Rd to Regal Dr – State Black Spot Funding	44,000	
JobC20010.100.3	Westfield St to Pitchford Ave – State Black Spot	15,000	
Job80512.5004.52	Wooramel Crescent – Road Rehabilitation		26,350
Job80515.5004.52	Ulm Court - Road Rehabilitation		21,750
Job80503.5004.52	Ellison Dr - Spencer Rd to Clarice Ct - Road Rehabilitation		32,900
Job80504.5004.52	Knight St - Ellison Dr to Randall Way - Road Rehabilitation		33,200

<b>Account Number</b>	<b>Account Description</b>	<b>Debit \$</b>	<b>Credit \$</b>
Job80503.5004.52	Ellison Dr - Spencer Rd to Clarice Ct - Road Rehabilitation		5,100
Job80522.100.3	Hume Road – Road Rehabilitation	3,614	
Job80521.100.3	Dunnell St – Road Rehabilitation	1,022	
Job80512.100.3	Wooramel Cr – Road Rehabilitation	813	
Job80509.5004.52	Morley St – Road Rehabilitation	12,109	
Job80510.5004.52	Gascoyne Rd – Road Rehabilitation	16,533	
Job80514.5004.52	Kingsdown Rd – Road Rehabilitation	6,934	
Job80501.100.3	William St – Road Rehabilitation	30,000	
Job80522.5004.52	Hume Rd – Road Rehabilitation		33,614
Job80521.5004.52	Dunnell St – Road Rehabilitation		1,022
Job80512.5004.52	Wooramel Cr – Road Rehabilitation		813
Job80509.100.3	Morley St – Road Rehabilitation		12,109
Job80510.100.3	Gascoyne Rd – Road Rehabilitation		16,533
Job80514.100.3	Kingsdown Rd – Road Rehabilitation		6,934
Job1526.146.1	Wash down bay cleanup - Operations Centre Maintenance	750	
51404.120.1500	Purchases/Consumables – Mechanics Overheads		750
61126.110.1003	Salaries - Casual	147,000	
61126.110.1001	Salaries - Permanent		147,000
Job659.143.3	Lot 143 Sheoak Road Shops Upgrade	16,600	
Job653.143.3	Roof Restraint Programme - Occupational Health and Safety Requirements		16,600
61123.110.1021	Staff Recruitment – Library Administration	2,750	
61122.181.2750	Advertising & Promotions – Kenwick Library		1,547

<b>Account Number</b>	<b>Account Description</b>	<b>Debit \$</b>	<b>Credit \$</b>
61120.110.1021	Staff Recruitment – Knowledge Centre		430
61120.181.2750	Advertising & Promotions – Knowledge Centre		773
Job80403.100.3	Stephen St – Road Improvements	30,000	
Job80403.5005.53	Stephen St – Contributions		20,800
JobC20032.100.3	East Kenwick Primary School – Road Improvements		4,200
JobC20017.100.3	Spencer Rd – Service Road – Road Improvements		5,000
Job96136.100.3	SE66 – Perth Bicycle Network – Footpath Rehabilitation	20,183	
Job96137.100.3	SE36 – Perth Bicycle Network – Footpath Rehabilitation		20,183
Job2396.14.3	Switch Your Thinking – Greenhouse Project	10,000	
Job2396.5008.49	Transfer from Maddington Kenwick Revitalisation Reserve		10,000

**CARRIED BY ABSOLUTE MAJORITY 9/0**

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

**AGAINST:** Nil.

8.08pm – Cr R Mitchell returned to the meeting.

#### Notation

The Mayor, upon the return of Cr R Mitchell to the meeting, advised that Council had endorsed the staff recommendation as contained in the agenda.

**13.3.5 RATING - VALUATION BASE**

File: F1/3/1

(WA)

Apr26\_06rur

**PURPOSE OF REPORT**

For Council to consider applying to the Minister for Local Government and Regional Development to change the method of valuation for 26 properties in the City of Gosnells from Unimproved Values to Gross Rental Values.

**BACKGROUND**

Section 6.28 (1) of the Local Government Act 1995 provides that the Minister for Local Government and Regional Development shall determine the method of valuation of land to be used by a local government as the basis for a rate and publish a notice of determination in the Government Gazette.

In determining the method of valuation to be used the Minister is to have regard for the following general principles:

- Where land used predominantly for rural purposes, the unimproved value of the land is applied
- Where land used predominantly for non-rural purposes, the gross rental value of the land is applied.

For the purposes of this section the valuation used shall be the valuation in force as supplied by the Valuer General's Office in accordance with the Valuation of Land Act 1978.

**DISCUSSION**

As a result of a rural review recently conducted by staff it is proposed that an application be made to the Minister to change the method of valuation for the properties listed below from Unimproved Value to Gross Rental Value to take effect from 1 July 2006.

In all cases the use of the land has changed from predominantly rural to predominantly non-rural therefore requiring the method of valuation to change from the unimproved value to the gross rental value.

The change from unimproved values to gross rental values will result in a redistribution of rates for those properties affected. Where previously the rates were payable on the value of the land, they will now be payable on the rental value of the property

<b>SCHEDULE OF PROPERTIES TO BE INCLUDED IN GROSS RENTAL VALUE AREA 2006/2007</b>						
Asst Number	Lot Number	Street Number	Street Name	Area	Use	Plan Diagram /
206592	8		Holmes Street	9592	Residential	D52558
202331	101		Hughes Street	15209	Residential	D90858
209623	114		Bushy Grove	20227	Subdivision	P13764
212457	20		Nicholson Road	23413	Subdivision	D69080
215276	20	279	Shreeve Road	20003	Residential	D76576
226612	9	91	Amherst Road	14493	Subdivision	P4865
226613	8	99	Amherst Road	15176	Subdivision	P4865
226620	21	138	Amherst Road	21701	Subdivision	D28354
227002	9000	75	Birnam Road	11144	Subdivision	DP38448
227005	44	91	Birnam Road	1472	Subdivision	P4865
227019	37		Birnam Road	18261	Commercial	P4865
227248	32	17	Campbell Road	16555	Subdivision	D56038
227446	9003	56	Comrie Road	10895	Commercial	DP43638
227448	88	71	Comrie Road	14711	Subdivision	P4865
227974	9001		Elgin Road	27951	Subdivision	DP46608
228234	28	94	Fraser Road North	36548	Subdivision	D36717
228235	34	30	Fraser Road North	20618	Subdivision	P12902
228236	701	281	Fraser Road North	13706	Subdivision	DP35453
228238	36		Haigh Road	20828	Subdivision	P12902
228241	461	858	Nicholson Road	3509	Industrial	DP33179
230446	18		Nicholson Road	12166	Residential	P4865
230447	3		Nicholson Road	8207	Residential	D54495
230448	5		Nicholson Road	4544	Residential	D54822
237066	152	2	Batman Road	7143	Subdivision	DP45388
240264	9002	189	Fraser Road North	2942	Subdivision	DP43638
234449	141, 142, 118, 800, 9009 & 9003	37	Dumbarton Road	14777	Subdivision	P28422

## FINANCIAL IMPLICATIONS

Nil.

## STAFF RECOMMENDATION AND COUNCIL RESOLUTION

**193 Moved Cr J Brown Seconded Cr R Croft**

That Council apply to the Minister for Local Government and Regional Development for approval to change part of Council's rating boundaries from Unimproved Values to Gross Rental Values in respect to the following properties:

Lot Number	Street Number	Street Name	Plan / Diagram
8		Holmes Street	D52558
101		Hughes Street	D90858
114		Bushy Grove	P13764
20		Nicholson Road	D69080
20	279	Shreeve Road	D76576
9	91	Amherst Road	P4865
8	99	Amherst Road	P4865
21	138	Amherst Road	D28354
9000	75	Birnam Road	DP38448
44	91	Birnam Road	P4865
37		Birnam Road	P4865
32	17	Campbell Road	D56038
9003	56	Comrie Road	DP43638
88	71	Comrie Road	P4865
9001		Elgin Road	DP46608
28	94	Fraser Road North	D36717
34	30	Fraser Road North	P12902
701	281	Fraser Road North	DP35453
36		Haigh Road	P12902
461	858	Nicholson Road	DP33179
18		Nicholson Road	P4865
3		Nicholson Road	D54495
5		Nicholson Road	D54822
152	2	Batman Road	DP45388
9002	189	Fraser Road North	DP43638
141, 142, 118, 800, 9009 & 9003	37	Dumbarton Road	P28422

**CARRIED 10/0**

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

**AGAINST:** Nil.



## **13.4 INFRASTRUCTURE**

### **13.4.1 GOSNELLS GOLF CLUB (INC) APPLICATION FOR LOAN THROUGH WA TREASURY CORPORATION AND REQUEST FOR NEW LEASE**

File: C5/3/44\_L03

(JWF)

JW4.1b

#### **PURPOSE OF REPORT**

For Council to consider an application to surrender the Gosnells Golf Club's Inc existing lease and agree to a new twenty-one (21) year lease and the Club's request for a self supporting loan of \$800,000.

#### **BACKGROUND**

The Gosnells Golf Club Inc has an existing lease with the City for the whole of Reserves 24862 and 26784. The lease is due to expire on 30 June 2015.

The Club is seeking to utilise the borrowing capacity of the City to raise a self-supporting loan of \$800,000 through the WA Treasury Corporation to replace an existing loan the Club has with a commercial bank (Bankwest). The principal purpose of seeking the self-supporting loan is to save on current interest rates, an amount of approximately \$17,000 per annum in repayments.

The Club is also intending to erect a major maintenance building to replace a thirty year old building at a cost of approximately \$450,000. It is intended not to borrow for this facility with it being financed by a levy on members over a period of years that is part of the Club's strategic plan and agreed to by members.

To ensure that the Club has guaranteed tenancy for the longest possible time permitted under the Management Order for the Reserves it requests that it be granted approval to surrender the current lease and enter a new lease for a twenty-one (21) year period. The Club has been provided a draft standard lease agreement and is aware of the current policy relating to rent being assessed on a percentage of the capital value of improvements as it relates to building improvements.

#### **DISCUSSION**

##### **Lease Surrender and New Lease**

The Club's existing lease that expires in 2015 contains a rent clause that states the rent will be an amount equivalent to the amount of a self-supporting loan and once the loan expires that it be at the rate of \$250 per annum plus annual CPI increases for the remaining term of the lease. The loan has been extinguished and the current rental based on the lease agreement is \$332.65 per annum.

Discussions have been held with the Club in terms of Council's current policy as it relates to the rent payable for new leases. This Policy (Policy 2.1.7) provides for an annual rental of 0.5% of the replacement cost of the property.

This policy has in the past been interpreted as the cost of the property to mean the improvements on the land to be leased.

In the case of the Gosnells Golf Club Inc the value of the building improvements has been assessed to be \$1,660,099.28. This translates to an annual rental of \$8,345. There is an argument that improvements include the value of the golf course, also includes fairways, greens and reticulation. The value of these improvements has been assessed at \$5,693,900. Rental based strictly on this interpretation of Council policy would amount to an additional \$28,469 per annum. It is seen as important that the integrity of the Council Policy is maintained, but given that the Club has wholly at its own expense built and maintained the course it is suggested that it would not be appropriate to charge rental for these improvements in addition to the buildings.

It can well be argued that all the improvements have been provided by the Club at no cost to the City (except the risk and cost of maintaining self-supporting loans) but there does need to be a consistent basis for assessing rent, therefore it is argued that the building improvements are seen as a reasonable basis for rental calculation.

Subject to self supporting loan considerations staff have no objection to the surrender of the existing lease and entering a new twenty-one (21) year lease in accordance with standard lease arrangements on the basis of rental as stated above, being \$8,345.

The Club has agreed to the proposed lease arrangements.

The Club was requested to provide membership information and in particular the number of members living in the City of Gosnells. The Club advised that as at 8 February 2006 it has a total of 1,093 financial members with 493 residing in the City.

The Club also advised that the following initiatives are undertaken for juniors:

- *“Junior clinics for kids in the area - coaching by the Golf Professional at relatively cheap rates;*
- *Development of school based golf programs integrated with golf club junior membership and lessons by the golf professional; and*
- *Active Junior program catering for our juniors' development, both golf and personal.”*

## Self Supporting Loan Request

The City's Manager Financial Services advises:

*“That in reviewing the Gosnells Golf Club's request for a self supporting loan two areas of risk have been identified.*

*The first area of risk is the club's ability to repay the loan principal and interest.*

*In assessing the above mentioned risk the following points have been considered:*

- *This request is to refinance an existing loan at a lower interest rate resulting in an annual saving to the club of approximately \$17,000.*
- *The club is projecting a cash surplus for the next 3 financial years of \$179,000, \$90,000 and \$218,000 respectively.*
- *The club has achieved an unaudited cash surplus to the end of January 2006 of \$224,581.*
- *The club has been able to substantiate a stable and growing membership base.*

*The second area of risk is the impact the additional borrowing will have on Council's debt portfolio and Councils ability to borrow into the future.*

*Council currently has the capacity to borrow approximately \$30 million based on the Western Australian Treasury Corporation guidelines of Debt Service Ratio of 10% (as defined in the Local Government (Financial Management) Regulations) and Gross debt to Revenue of 60%.*

*It is envisaged that Council will be requiring to borrow approximately \$29 million over the next two years to fund various long term and short term projects.*

<i>Administration Building</i>	<i>\$20 million</i>
<i>Operations Centre</i>	<i>\$3 million</i>
<i>Working Capital - Harmony Fields</i>	<i>\$1 million</i>
<i>Working Capital - Robinson Park</i>	<i>\$1 million</i>
<i>Working Capital - Cnr Holmes and Warton</i>	<i>\$3 million</i>
<i>Working Capital - Underground Power</i>	<i><u>\$1 million</u></i>
	<i><u>\$29 million”</u></i>

As a means of further protecting the City's interest an independent investigation was requested of Mr Ron Back a Local Government advisor that the City has used in the past, to examine the proposal and provide advice.

Mr Back made the following comments as to the application:

- *“The current Club administration appears to have the ability to ensure all obligations will be met by the Club;*
- *Suitable governance processes are currently in place at the Club that will reduce the exposure risk of the City with respect to the advance;*
- *There would appear to be very little community benefit arising from providing such a substantial finance arrangement to a private club. It is possible that the City could draw adverse reaction from its community;*
- *Existing arrangements with Bankwest will likely exclude the City from a charge over the club’s property at Lot 514 Sandringham Promenade, Canning Vale;*
- *The re assessment of the Club’s lease may involve the imposition of a lease payment to the City. This may adversely impact on the club’s financial plans;*
- *The City appears to have the capacity to accommodate such a loan within its debt profile;*
- *There are inherent risks associated with the City providing self supporting loans to the community; and*
- *Any financial accommodation provided to the Club should encompass adequate conditions to protect the City’s interest.”*

If the City was to approve a self-supporting loan then it needs to adopt a business approach and to this end Mr Back suggests:

- *“A separate Deed should be prepared to evidence the loan arrangements with the Club responsible for the full cost;*
- *Loan repayments be made by the Club to the City on a monthly basis in advance on a direct debit basis;*
- *Consideration of requiring personal guarantees from office bearers or bank guarantee to cover instalments;*
- *Consideration being given to accepting real property as a security with all costs associated with this securities and guarantees being met by the Club.”*

Notwithstanding the possibility that an arrangement could be reached with the Club, the Executive Team is of the view that Council should not support the application for a self-supporting loan. This view is based on the grounds that it could compromise the City’s limit on borrowing as explained in the Manager of Financial Services report, which may in turn jeopardise local government projects in the future. The City has also had an adverse experience with a sporting organisation in the past where it failed to repay a self-supporting loan. The Executive Team advises that it has no objection to renegotiating a new lease, if the Club wished to pursue this matter.

**FINANCIAL IMPLICATIONS**

No adverse implications if Council agrees with the staff recommendations.

STAFF RECOMMENDATION (1 of 2)
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**Moved Cr R Croft Seconded Cr J Brown**

That Council decline to utilise its loan borrowing capacity to provide a self-supporting loan to the Gosnells Golf Club Inc to extinguish an existing loan that the Club has with a commercial lender.

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

**Moved Cr R Croft Seconded Cr J Brown**

That Council advise the Gosnells Golf Club Inc that has no objection to negotiating on a new twenty one (21) year lease if the Club wishes to pursue this option, subject to the lease incorporating an annual rental equal to 0.5% of the replacement cost of the built structure.

Amendment

*During debate the Mayor read aloud the following amendment to staff recommendation (2 of 2) which Cr D Griffiths moved and Cr W Barrett seconded:*

*“That staff recommendation (2 of 2) be amended to rectify a typographical error by inserting the word “it” after the word “that” where it appears in the first line.”*

*At the conclusion of debate the Mayor put Cr Griffiths’ proposed amendment, which reads:*

**Moved Cr D Griffiths Seconded Cr W Barrett**

That staff recommendation (2 of 2) be amended to rectify a typographical error by inserting the word “it” after the word “that” where it appears in the first line, with the amended recommendation to read:

“That Council advise the Gosnells Golf Club Inc that it has no objection to negotiating on a new twenty one (21) year lease if the Club wishes to pursue this option, subject to the lease incorporating an annual rental equal to 0.5% of the replacement cost of the built structure.”

**CARRIED 10/0**

**FOR:** Cr O Searle, Cr R Mitchell, Cr J Henderson, Cr C Matison, Cr S Iwanyk, Cr D Griffiths, Cr J Brown, 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 staff recommendation (1 of 2) and the substantive motion, which read:*

STAFF RECOMMENDATION (1 of 2) AND COUNCIL RESOLUTION
--

**194 Moved Cr R Croft Seconded Cr J Brown**

That Council decline to utilise its loan borrowing capacity to provide a self-supporting loan to the Gosnells Golf Club Inc to extinguish an existing loan that the Club has with a commercial lender.

**CARRIED 10/0**

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

*AGAINST: Nil.*

COUNCIL RESOLUTION
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**195 Moved Cr D Griffiths Seconded Cr W Barrett**

That Council advise the Gosnells Golf Club Inc that it has no objection to negotiating on a new twenty one (21) year lease if the Club wishes to pursue this option, subject to the lease incorporating an annual rental equal to 0.5% of the replacement cost of the built structure.

**CARRIED 10/0**

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

*AGAINST: Nil.*

**13.4.2 BURSLEM DRIVE, MADDINGTON - UNDERPASS CLOSURE**

File: F3/2/23

(BIH)

BH4.1b

Previous Ref: OCM 6 December 2005 (Resolution 579, 580 and 581)

**PURPOSE OF REPORT**

To advise Council of the outcome of the Office of Crime Prevention's response to the request to close the Burslem Drive underpass, Maddington and seek Council support for a resolution to the future of the underpass.

**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 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.

However, as part of the detailed design, a review of the function, security and urban form of the underpass was undertaken and a report presented to the Ordinary Council Meeting of 6 December 2005, where it was resolved:

## Resolution 579

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

## Resolution 580

*"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."*

## Resolution 581

*“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.”*

The City wrote to the Office of Crime Prevention advising of Council’s decision and the reasons for this decision. A site meeting was then held with an officer from the Office of Crime Prevention to discuss the issues in more detail on site and illustrate the issues that the City of Gosnells believed warranted the closure of the underpass. However, the Office of Crime Prevention did not support this request.

There was no response from either the owners of Maddington Centro or Thornlie TAFE on the closure of the underpass.

## **DISCUSSION**

The Office of Crime Prevention proposed two options to the City of Gosnells, being:

- “(a) The City of Gosnells proceeds with the closure of the underpass and returns in full the funds provided under the Designing Safer Communities Fund.*
- (b) The City of Gosnells works with Office of Crime Prevention officers to identify actions to continue the project to meet its original objectives on the understanding that no further funding will be provided by the Office of Crime Prevention in addition to the \$50,000 already committed.”*

With Option (a) the Office of Crime Prevention is suggesting that the following requirements be met, some outside the original funding application, being:

- “1. Reduce the height of the existing concrete wall on the east side (shopping centre side) and replace it with permeable walls.*
- 2. Increase natural light in the underpass through the use of grills in verge area to allow light to permeate through to underpass.*
- 3. Remove ramp section on east side and elongate the subway towards the carpark in a straight line with a slight incline.*
- 4. Provide overlooking activities adjacent and close to the elongated pathway.”*

While point 1 above can be achieved, the concrete walls currently provide a form of crash protection to an errant vehicle entering the underpass area. The estimated cost to remove existing concrete walls and replace with permeable material is \$10,000.



The grill section can be cut into the top of the underpass, however this is expected to be very expensive due to the requirements to excavate the overlying material, cutting through the top of the concrete underpass and then constructing the grill and shaft component. It is also unknown as to how the existing underpass would structurally cope with a section being removed when it was not part of the original design and has a traffic load bearing requirement on top. This would not be recommended due to the cost and uncertainty of the structural changes to a 27 year old culvert. The estimated cost of the installation of a lighting grill is in the vicinity of \$40,000.

Point 3 requires significant excavation into the existing carpark area. This area is partly a 20 metre section of Herbert Street road reserve and the remainder would belong to the shopping centre. Whilst there is limited impact on the shopping centre due to the carparks in this area having limited use it would affect the current parking and internal road layout. It is not known if there is any impact on services in the area.

The biggest impact is on any future development of this area. The Maddington Town Centre Enquiry by Design workshop looked at several concepts for the Town Centre which may be possible in the future. These included the connection of Herbert Street through to Burslem Drive and the development of built form directly abutting in the form of either residential or commercial. The extension of the ramp on the east side would prevent the development of this area in that manner due to the land requirements needed to provide the gradients from the underpass. The estimated cost to widen out the land and reinstate the carpark area based on the costs to excavate one half of the west side of the road is estimated at \$100,000.

The reasons for closing the pedestrian underpass were detailed in the report to the Ordinary Council Meeting of 6 December 2005, where Council supported the closure of the underpass. Given the position of the Office of Crime Prevention and the impacts their recommended treatment options will have on the future development of the area, the cost of the project and potentially the structural integrity of the underpass, it is recommended that Council proceed with the closure of the underpass and seek the support of the Office of Crime Prevention to utilise the \$50,000 grant funding on an appropriate project in conjunction with the Maddington/Kenwick Sustainable Communities Partnership Project. Failing receipt of this support the grant monies would be returned to the Office of Crime Prevention.

It would be proposed to complete the at grade pedestrian refuge on Burslem Drive and the small section of connecting shared use path this financial year. Funding would then be required next year from minor works funding to undertake the closure of the underpass, which would involve bricking up the existing entrances and removing the ramp on the eastern side of Burslem Drive. Additionally, a new 400 watt power watch light would be installed so that the new path link is illuminated to a high standard.

## FINANCIAL IMPLICATIONS

An amount of \$100,000 was allocated to the upgrade of the Burslem Drive underpass in the financial years of 2004/2005 and 2005/2006. Of this amount, \$50,000 was income provided by the Office of Crime Prevention. To date \$43,000 has been spent and \$57,000 remains on the project.

There are sufficient funds in the budget to return the Office of Crime Prevention funding and also complete the minor works of providing the pedestrian refuge island, complete the at grade footpath link across Burslem Drive and the power watch light, this financial year.

The closure of the pedestrian underpass is expected to cost an estimated \$15,000 and could be funded from the Minor Road Improvement Account next financial year. The closure will also reduce operating costs through reduced graffiti maintenance, vandalism costs and asset maintenance.

To undertake the recommended improvements as suggested by the Office of Crime Prevention would cost an estimated \$150,000.

STAFF RECOMMENDATION (1 of 2) AND COUNCIL RESOLUTION
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### 196 Moved Cr R Mitchell Seconded Cr R Croft

That Council seek the support of the Office of Crime Prevention to utilise the \$50,000 grant funding, provided for the upgrading of the Burslem Drive Underpass, on an appropriate project in conjunction with the Maddington Kenwick Sustainable Communities Partnership Project.

**CARRIED** 10/0

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

*AGAINST:* Nil.

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

### 197 Moved Cr R Mitchell Seconded Cr R Croft

That Council consider the funding of the closure of the pedestrian underpass and removal of the wall structure on the eastern side of Burslem Drive from the 2006/2007 Minor Road Improvement Account at an estimated cost of \$15,000.

**CARRIED** 10/0

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

*AGAINST:* Nil.



### **13.5 PLANNING AND SUSTAINABILITY**

#### **13.5.1 AMENDMENT NO. 41 TO TOWN PLANNING SCHEME NO. 6 – FINALISATION - REZONING OF LOTS 1608 AND 1609 LAKEY STREET, SOUTHERN RIVER FROM GENERAL RURAL TO RESIDENTIAL DEVELOPMENT (*ITEM BROUGHT FORWARD – REFER TO ITEM 11*)**

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

**13.5.2 OUTLINE DEVELOPMENT PLAN ADOPTION – VARIOUS LOTS IN CHAMBERLAIN STREET AND SOUTHERN RIVER ROAD, GOSNELLS**

File:	S8/1/15	(PW)	Psrpt063Apr06
Applicant:	Prestige Project Management Pty Ltd		
Owner:	Various		
Location:	Lots 2, 801, 803 and 1297 Southern River Road and Lots 806, 1301 and 1302 Chamberlain Street, Gosnells		
Zoning:MRS:	Urban		
TPS No. 6:	Residential Development		
Review Rights:	Nil		
Area:	15.6778ha		
Previous Ref:	OCM 14 February 2006 (Resolutions 32-33) OCM 8 November 2005 (Resolution 507) OCM 22 June 2004 (Resolutions 318-320) OCM 16 December 2003 (Resolutions 805-808) OCM 12 August 2003 (Resolution 539) OCM 26 March 2002 (Resolution 198) OCM 28 August 2001 (Resolutions 702-707)		
Appendix:	13.5.2A Outline Development Plan – Chamberlain Street, Gosnells		

**PURPOSE OF REPORT**

For Council to adopt the approved Chamberlain Street Outline Development Plan (ODP) pursuant to Clause 7.4.15 of Town Planning Scheme No. 6 (TPS 6).

**BACKGROUND**

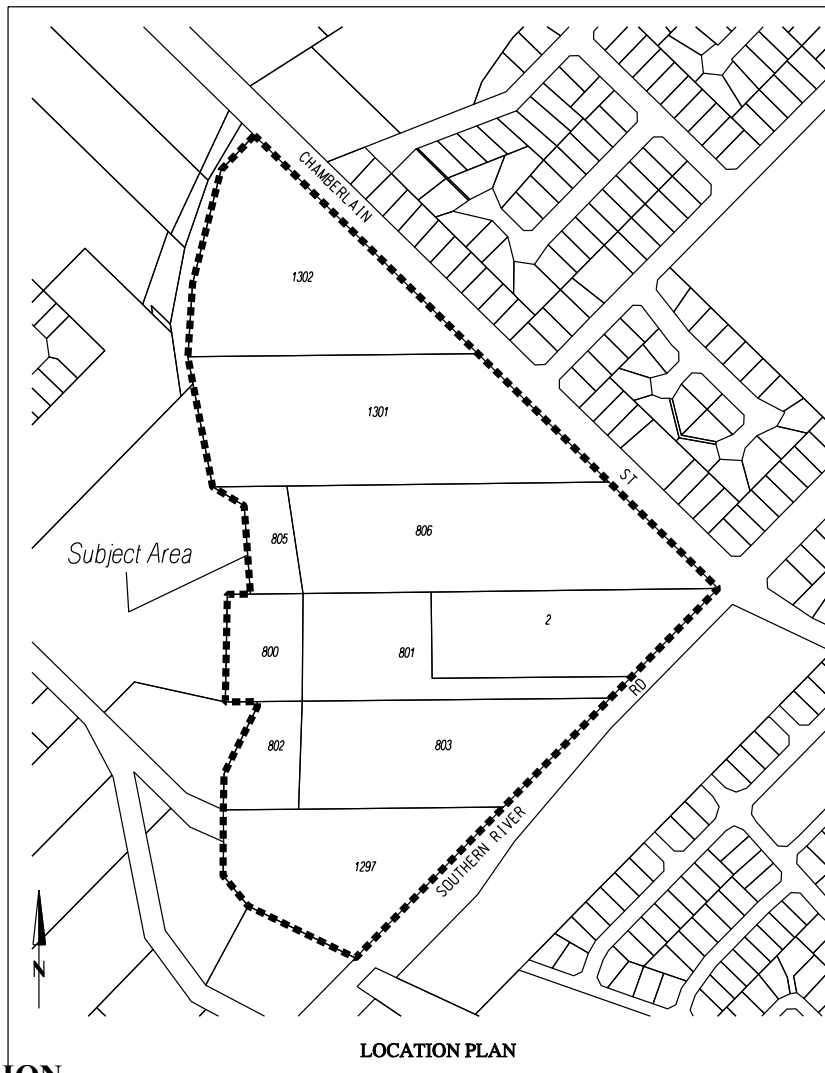
Council at its meeting on 8 November 2005 adopted a Schedule of Modifications to the ODP which were required by the Western Australian Planning Commission (WAPC). The Commission subsequently approved the ODP in accordance with Clause 7.4.10 of TPS 6.

**DISCUSSION**

Council is now required to adopt the ODP under Clause 7.4.15 of TPS 6. This is a statutory requirement of the Scheme and there are no other options available to Council.

Subdivision which complies with the ODP is proceeding in the subject area. Adoption of the ODP will formalise planning control for existing development and allow future planning to be implemented in an orderly manner.

In accordance with Scheme provisions, once the ODP is adopted a copy of the plan is to be forwarded to the proponent, the WAPC and any other person the Council deems appropriate.



**CONCLUSION**

Council is required to adopt the ODP to complete the statutory ODP process under the Scheme. This is the only option available for consideration.

**FINANCIAL IMPLICATIONS**

Nil.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION

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

The Council, pursuant to Clause 7.4.15 of Town Planning Scheme No. 6, adopt the Chamberlain Street Outline Development Plan as depicted in Appendix 13.5.2A and forward a copy of the plan to the proponent, affected landowners within the ODP area and the Western Australian Planning Commission.

**CARRIED 10/0**

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

*AGAINST:* Nil.

**13.5.3 SOUTHERN RIVER PRECINCT 2 - REVISED OUTLINE DEVELOPMENT PLAN (*ITEM BROUGHT FORWARD – REFER TO ITEM 11*)**

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

**13.5.4 DEVELOPMENT APPLICATION – RECONSIDERATION OF DETERMINATION FOR PROPOSED DWELLING – 36 (PT LOT 1104) LISSIMAN STREET, GOSNELLS (*ITEM BROUGHT FORWARD – REFER TO ITEM 11*)**

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



**13.5.5 DEVELOPMENT APPLICATION – FAST FOOD OUTLET (TAKEAWAY PIZZA) AND ASSOCIATED SIGNAGE – TENANCY 20A, 271 (LOT 101) AMHERST ROAD, 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 fourth report in these Minutes.

**13.5.6 DELEGATION OF AUTHORITY – AMENDMENT**

File: A1/3/1

(LK) Psrpt059Apr06

Previous Ref: OCM 10 August 2004 (Resolution 424)

**PURPOSE OF REPORT**

For Council to amend the current Delegation of Authority made under the Local Government Act 1995 to the Chief Executive Officer to appoint and authorise persons for the purpose of issuing directions and initiating legal proceedings for breach of the provisions of Town Planning Scheme No. 6 (TPS 6).

**BACKGROUND**

At the Ordinary Council Meeting on 10 August 2004 resolution 424 was passed by absolute majority, which stated:

*“That Council pursuant to Section 5.42 of Division 4 of Part 5 of the Local Government Act 1995, delegate the exercise of its powers and duties to the Chief Executive Officer as follows:*

*‘The authority to appoint persons or classes of persons to be authorised for the purposes of issuing directions and initiate legal proceedings in accordance with Sections 10 and 10AB of the Town Planning and Development Act 1928 for breach of the provisions of Town Planning Scheme No. 6.’ ”*

**DISCUSSION**

On 9 April 2006 the new Planning and Development Act 2005 came into effect, replacing the former Town Planning and Development Act 1928. As a result of this proclamation and the revocation of the former Act the reference in the abovementioned delegation of authority to Sections 10 and 10AB of the Town Planning and Development Act 1928 are no longer applicable, having now been replaced by the following Sections of the Planning and Development Act 2005 – Sections 214(2) and (3) (replacing Section 10(2) and (3) of the former Act) and Section 218 (replacing Section 10AB of the former Act).

The delegation of authority granted by Council on 10 August 2004 needs to be amended to correctly refer to the new provisions of the Planning and Development Act 2005 to enable staff to issue directions and initiate legal proceedings for breaches of TPS 6.

**FINANCIAL IMPLICATIONS**

Nil.

STAFF RECOMMENDATION (1 of 2) AND COUNCIL RESOLUTION
--

**199 Moved Cr J Brown Seconded Cr R Croft**

That Council, in light of the repeal of the Town Planning and Development Act 1928, revoke Delegation 44 Town Planning and Development Act – Appointment of Authorised Person, which reads:

*“The authority to appoint persons to be authorised for the purpose of Issuing directions and initiate legal proceedings in accordance with Sections 10 and 10AB of the Town Planning and Development Act 1928 for breach of provisions of Town Planning Scheme No. 6.”*

CARRIED BY ABSOLUTE MAJORITY 10/0

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

**AGAINST:** Nil.

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

**200 Moved Cr J Brown Seconded Cr R Croft**

That Council pursuant to Section 5.42 of Division 4 of Part 5 of the Local Government Act 1995, delegate the exercise of its powers and duties to the Chief Executive Officer as follows:

*“The authority to appoint persons to be authorised for the purpose of issuing directions and initiating legal proceedings in accordance with Section 214(2) and (3) and Section 218 of the Planning and Development Act 2005 for breach of provisions of Town Planning Scheme No. 6.”*

CARRIED BY ABSOLUTE MAJORITY 10/0

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

**AGAINST:** Nil.

### **13.5.7 SUBMISSION ON PROPOSED GUIDELINE FOR THE DETERMINATION OF WETLAND BUFFER REQUIREMENTS**

File: E3/5/2 (SRW) Psrpt066Apr06  
Previous Ref: Nil  
Appendices: 13.5.7A Water and Rivers Commission Wetlands Position Statement  
13.5.7B Proposed decision making processes for defining wetland buffers  
13.5.7C Proposed submission to the Western Australian Commission

#### **PURPOSE OF REPORT**

For Council to provide a response to the Western Australian Planning Commission (WAPC) on its document titled "Guideline for the Determination of Wetland Buffer Requirements" which is available for public comment.

#### **BACKGROUND**

The Commission's guideline has been developed to assist landowners, developers, planners and architects to identify an appropriate buffer between wetlands and land uses that will enhance or maintain the significant attributes and values of the wetland. The guideline is intended to be used where a change in land use or development is proposed in the immediate vicinity of a wetland (ie within a lot containing a wetland or adjacent to a wetland) where the future use or development is likely to conflict with the established wetland management objective. This may include urban, some public purposes, intensive rural, commercial or industrial uses and development. The guideline will be of particular relevance to the City in the future consideration of Outline Development Plans in localities such as Southern River and West Martin. The lack of a clear guideline for determining wetland buffer requirements has historically created a number of administrative and technical challenges for the City.

#### **DISCUSSION**

##### **Historical Approach to Wetlands**

The former Water and Rivers Commission (now incorporated into the Department of Environment) outlined in their Wetland Position Statement that wetlands not only include lakes with open water but areas of seasonally, intermittently or permanently waterlogged soil. The Commission also suggested that approximately 25% of the Swan Coastal Plain between Moore River and Mandurah is classified as wetland.

Swan Coastal Plain wetland evaluation methodologies have historically been used to assign wetlands to one of the three following management categories:

- C category (conservation): wetlands with high conservation value for both natural or human use;
- R category (resource enhancement): wetlands with moderate natural and human use attributes that can be restored or enhanced; and

- M category (multiple use): wetlands that score poorly on both natural and human use attributes.

Each category has management objectives that will ensure retention of the values, functions and attributes associated with the wetland. A copy of the Water and Rivers Commission Wetlands Position Statement is provided in Appendix 13.5.7A.

The first challenge for the City in planning for areas containing wetland values is achieving clarity and accuracy in the classifications of the core wetland areas. The Department of Environment maintains a “geomorphic wetlands dataset” for the Swan Coastal Plain, assigning the above-mentioned wetland classifications. Due to the significant area covered by the dataset, the integrity and accuracy of the data is very limited and at best a starting point for further investigation. Both the City and developers expend considerable funds in engaging environmental consultants to accurately define wetland areas, refining the State Government’s dataset; putting the onus on landowners to assess and reevaluate the wetland management category.

Once the boundaries of the core wetland area are defined, the second challenge comes in the form of trying to define an appropriate buffer to the wetland area. Buffers provide an important interface to adjacent land use, assisting in maintaining the attributes and values of the wetland.

Historically, a standard 50 metre buffer requirement has applied to areas of conservation category wetland status, with the scope for further discussion about the exact width, form and function of the buffer area with respect to revegetation, drainage and recreational opportunities. The proposed guideline is intended to move away from a “generic requirement” to a more site-responsive approach.

Whilst supportive of site-responsive planning approaches, City staff have considerable concern where there is a lack of clarity and responsibility in decision making processes and the additional costs that may be incurred in accurately seeking to define wetland areas and associated buffers. The Department of Environment’s (DoE) position that Outline Development Plans (ODPs) are not considered to be “proposals” under the Environmental Protection Act 1986 and therefore not subject of formal environmental impact assessment, creates further difficulties for all stakeholders as it is at this stage in the planning process that most wetland definition occurs.

Once wetlands and their buffers have been defined, the next challenge in planning for future growth is land acquisition, enhancement and on-going management. With land in fragmented ownership, the City is commonly required to establish cost-sharing arrangements as part of Outline Development Plans to fund the acquisition and enhancement of wetland areas through developer contributions. The financial burden to landowners at the time of subdivision and development is considerable, as is the financial risk to the City in taking responsibility for the management of cost-sharing arrangements.

Finally, the issues of future management and the apportioning of responsibility between local and state governments remain unresolved.

### **A Critical Review of the Proposed Guideline**

The guideline outlines a systematic approach to the determination of wetland buffer requirements, as provided in Appendix 13.5.7B. The importance of having a document that clearly articulates the steps required and decision-making processes for wetland buffers should not be underestimated and as such the existence of the document in itself represents considerable progress.

The Western Australian Local Government Association (WALGA) has undertaken an initial review of the Draft Guideline, recognising the importance of the document in facilitating the protection of wetlands through the land use planning system. WALGA has identified that, whilst the assessment processes described in the guideline is sound, the document suffers from a lack of clarity in processes for its implementation. In particular WALGA has raised the following concerns:

- The guideline lacks process for compensating landowners who lose a significant proportion of their property to buffering;
- The guideline is not linked to any formal policy processes or triggers for implementation;
- Role and responsibilities for implementation are unclear;
- Requirements for application in broadacre situations are unclear;
- Appropriate times of year for wetland assessment should be defined, given the seasonal nature of many wetlands;
- Responsibility for management and maintenance of buffer zones is not clarified in the guideline; and
- The guideline should only become formalised subsequent to a trial period, aimed at resolving issues of implementation.

The concerns raised by WALGA are strongly supported by City staff. A number of other matters have been identified by City staff for consideration by Council in lodging a submission; these matters are outlined below.

Beyond the initial identification of an appropriate buffer between wetlands and land uses that will enhance or maintain the significant attributes and values of the wetland, it is considered that a significant shortcoming exists in the lack of guidance towards compatible and incompatible uses of buffers. On at least two occasions, the document refers obliquely to grassed areas, and to impacts from stormwater, but does not provide further guidance. This still leaves a very unclear area that can significantly compromise the purpose of the buffer and the integrity of the wetland.

The document entitled “Decision Process for Stormwater Management in WA” (Department of Environment and Swan River Trust 2005) provides that:

*“There shall be no new constructed stormwater infrastructure within Conservation Category Wetlands and their buffers, or other conservation value*

*wetlands and their buffers, or within a waterway foreshore area (eg no pipes or constructed channels within these wetlands and their buffers, or within waterway foreshore areas), unless authorised by the DoE or the Environmental Protection Authority. For Resource Enhancement and Multiple Use category wetlands, stormwater management shall be consistent with the objectives outlined in the Position Statement: Wetlands (WRC, 2001)."*

It is suggested that the draft "Guideline for the Determination of Wetland Buffer Requirements" should reiterate, or at least reference this position.

In the City's experience, it is already evident that inappropriate development and use of wetland buffers in the Canning Vale area has compromised Conservation Category Wetland values and the long-term integrity of those wetlands. In the absence of clear guidelines as to appropriate development and land use within wetland buffers, continuation of current ad hoc decision-making has the potential to undermine the objectives of the draft guideline.

At the same time, there needs to be consideration of buffer use in the guidelines from the perspective of buffer size. It could well be argued that a smaller buffer with a dedicated rehabilitation function is environmentally superior to a wider buffer whose function is compromised by inappropriate use such as grassing, landscaping and drainage infrastructure.

It is recommended that Council, in its response to the WAPC:

- Endorse in-principle the objectives and methodology for determining wetland buffers;
- Include comment on the lack of guidance on appropriate land development and use within buffers, which has the potential to undermine the objectives of the draft guidelines, but also plays a role in determining buffer width; and
- Include comment on various other matters as outlined in Appendix 13.5.7C.

## **CONCLUSION**

The draft guideline represents a significant step towards an outcome/performance-based approach to wetland buffer definition. The potential exists to achieve superior environmental outcomes through the proper definition of wetlands and their buffers. The guideline does though fall short in actually providing guidance on appropriate and compatible buffer development and use. Furthermore, the guideline in its proposed form, does not provide clarity in decision-making processes, which in turn may create additional administrative and technical difficulties for Council in planning for future urban growth.

## FINANCIAL IMPLICATIONS

The financial implications to the City of wetland buffer definition will be experienced on a number of levels. The expenses incurred by the City and the land development industry in engaging environmental consultants to more accurately define the wetland dataset of the State government are considerable. Once the wetland buffer requirements are identified, land acquisition and enhancement works are generally required exposing both the City and the development industry to considerable costs. Finally, the management of wetlands and their buffers potentially creates considerable costs for the City and generally remains an issue unresolved.

STAFF RECOMMENDATION (1 of 2)
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### **Moved Cr D Griffiths Seconded Cr W Barrett**

That Council authorise the Director of Planning and Sustainability to lodge a submission consistent with Appendix 13.5.7C with the Western Australian Planning Commission on the document titled "Guideline for the Determination of Wetland Buffer Requirements" advising of Council's in-principle support for the document, subject to the following modifications being made prior to its finalisation:

- A process for compensating landowners who lose a proportion of their property to wetlands or buffering;
- A linkage to formal policy processes or triggers for implementation;
- Clarification of role and responsibilities for implementation, including decision-making processes;
- Clarification of requirements for application in broadacre situations;
- Inclusion of advice on appropriate times of year for wetland assessment should be defined, given the seasonal nature of many wetlands;
- Further advice be provided on the compatible and incompatible uses of buffers, recognising that in some circumstances a smaller buffer of dedicated rehabilitation is environmentally superior to a wider buffer whose function is compromised by inappropriate use such as grassing, landscaping and drainage infrastructure.
- Clarification of the responsibility for management and maintenance of buffer zones; and
- The guidelines should only become formalised subsequent to a trial period, aimed at resolving issues of implementation.
- Cost of actually providing this advice assistance, cost-shifting issue.



STAFF RECOMMENDATION (2 of 2)
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**Moved Cr D Griffiths Seconded Cr W Barrett**

That Council forward a copy of its submission on the document "Guideline for the Determination of Wetland Buffer Requirements" (as contained in Appendix 13.5.7C) to the Western Australian Local Government Association for its consideration and inclusion in its submission to the Western Australian Planning Commission.

Foreshadowed Motion

*During debate Cr J Brown foreshadowed that she would move the following motion to replace staff recommendations (1 of 2) and (2 of 2):*

*"That Council authorise the Director of Planning and Sustainability to lodge a submission with the Western Australian Planning Commission on the document titled "Guideline for the Determination of Wetland Buffer Requirements" advising of Council's in-principle support for the document, subject to the following modifications being made prior to its finalisation:*

- 1) A process for compensating landowners who lose a proportion of their property to wetlands or buffering;*
- 2) A linkage to formal policy processes or triggers for implementation;*
- 3) Clarification of role and responsibilities for implementation, including decision-making processes;*
- 4) Clarification of requirements for application in broad acre situations;*
- 5) Inclusion of documented and clearly defined advice on appropriate times of year for wetland assessment given the seasonal nature of many wetlands;*
- 6) Further advice being provided on the compatible and incompatible uses of buffers, recognising that in some circumstances a smaller buffer of dedicated rehabilitation is environmentally superior to a wider buffer, the purpose of which is compromised by inappropriate use such as grassing, landscaping and drainage infrastructure;*

*8.13pm – Cr R Hoffman returned to the meeting.*

- 7) Clarification of the responsibility for management and maintenance of buffer zones;*

- 8) *The guidelines should only become formalised subsequent to a trial period, aimed at resolving issues of implementation; and*
- 9) *Recognition being given to the costs associated with accurately defining wetlands and buffer requirements. The additional costs associated with wetland buffer definition should be borne by the State government not the local government, consistent with the State's Wetland Policy."*

*if the motions under debate were defeated, providing the following written reason:*

*"To more accurately reflect the intent."*

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

STAFF RECOMMENDATION (1 of 2) AND COUNCIL DECISION(LOST)

## **201 Moved Cr D Griffiths Seconded Cr W Barrett**

That Council authorise the Director of Planning and Sustainability to lodge a submission consistent with Appendix 13.5.7C with the Western Australian Planning Commission on the document titled "Guideline for the Determination of Wetland Buffer Requirements" advising of Council's in-principle support for the document, subject to the following modifications being made prior to its finalisation:

- A process for compensating landowners who lose a proportion of their property to wetlands or buffering;
- A linkage to formal policy processes or triggers for implementation;
- Clarification of role and responsibilities for implementation, including decision-making processes;
- Clarification of requirements for application in broadacre situations;
- Inclusion of advice on appropriate times of year for wetland assessment should be defined, given the seasonal nature of many wetlands;
- Further advice be provided on the compatible and incompatible uses of buffers, recognising that in some circumstances a smaller buffer of dedicated rehabilitation is environmentally superior to a wider buffer whose function is compromised by inappropriate use such as grassing, landscaping and drainage infrastructure.
- Clarification of the responsibility for management and maintenance of buffer zones; and

- The guidelines should only become formalised subsequent to a trial period, aimed at resolving issues of implementation.
- Cost of actually providing this advice assistance, cost-shifting issue.

LOST 0/11

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

## STAFF RECOMMENDATION (2 of 2) AND COUNCIL DECISION(LOST)

**202 Moved Cr D Griffiths Seconded Cr W Barrett**

That Council forward a copy of its submission on the document “Guideline for the Determination of Wetland Buffer Requirements” (as contained in Appendix 13.5.7C) to the Western Australian Local Government Association for its consideration and inclusion in its submission to the Western Australian Planning Commission.

LOST 0/11

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

*As the staff recommendations were lost the Mayor invited Cr J Brown to put her foreshadowed motion, which Cr C Matison seconded.*

## COUNCIL RESOLUTION

**203 Moved Cr J Brown Seconded Cr C Matison**

That Council authorise the Director of Planning and Sustainability to lodge a submission with the Western Australian Planning Commission on the document titled “Guideline for the Determination of Wetland Buffer Requirements” advising of Council’s in-principle support for the document, subject to the following modifications being made prior to its finalisation:

- 1) A process for compensating landowners who lose a proportion of their property to wetlands or buffering;
- 2) A linkage to formal policy processes or triggers for implementation;
- 3) Clarification of role and responsibilities for implementation, including decision-making processes;

- 4) Clarification of requirements for application in broad acre situations;
- 5) Inclusion of documented and clearly defined advice on appropriate times of year for wetland assessment given the seasonal nature of many wetlands;
- 6) Further advice being provided on the compatible and incompatible uses of buffers, recognising that in some circumstances a smaller buffer of dedicated rehabilitation is environmentally superior to a wider buffer, the purpose of which is compromised by inappropriate use such as grassing, landscaping and drainage infrastructure;
- 7) Clarification of the responsibility for management and maintenance of buffer zones;
- 8) The guidelines should only become formalised subsequent to a trial period, aimed at resolving issues of implementation; and
- 9) Recognition being given to the costs associated with accurately defining wetlands and buffer requirements. The additional costs associated with wetland buffer definition should be borne by the State government not the local government, consistent with the State's Wetland Policy.”

CARRIED 11/0

***FOR:** Cr O Searle, Cr R Mitchell, Cr J Henderson, Cr C Matison, Cr S Iwanyk, 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's delegate to the South East Regional Centre for Urban Landcare (SERCUL) had disclosed an Impartiality Interest in the following item in accordance with Regulation 34C of the Local Government (Administration) Regulations 1996.*

### **13.5.8 SOUTH EAST REGIONAL CENTRE FOR URBAN LANDCARE - REQUEST FOR SUPPORT REGARDING CHANGES TO DELIVERY OF FEDERAL FUNDING**

File: O1/1/75 (WvL) Psrpt058Apr06  
Previous Ref: OCM 709/7/12/2004, OCM 270/25/5/2004  
Appendix: 13.5.8A 30 January 2006 correspondence from the Chair of the  
South East Regional Centre for Urban Landcare

#### **PURPOSE OF REPORT**

For Council to provide a response to correspondence from the Chair of the South East Regional Centre for Urban Landcare (SERCUL) who has expressed concern at the ramifications of proposed changes to the delivery of Natural Heritage Trust (NHT) funding through the Swan Catchment Council's (SCC) Investment Plan 2006-2008.

#### **BACKGROUND**

The City received via the Mayor correspondence dated 30 January 2006 from Mrs Pat Hart, the Chair of SERCUL (Appendix 13.5.8A).

SERCUL expressed concern that its role in regional Natural Resource Management (NRM) coordination and community support is jeopardised by the SCC's proposed new delivery model, the Investment Plan 2006-2008, for NHT funding.

Under the SCC's Investment Plan 2006-2008, all sub-regional groups including SERCUL, will have all NHT funding withdrawn. This funding will be absorbed into larger, more strategic projects. SERCUL and other sub-regional groups will have the opportunity to tender for twelve of these projects, which were advertised publicly by the SCC on 1 April 2006.

The SCC Investment Plan 2006-2008 proposes:

- Withdrawal of all NHT funding for staff from sub-regional NRM groups such as SERCUL.
- All NHT-funded projects to be put out to tender.

In the case of SERCUL, this would mean:

- The termination of the position of Sub-Regional Coordinator.
- The termination of 4 officer positions.
- The likely relocation of 3 non-NHT positions out of south-east region.

- The likely closure of SERCUL and the Landcare Centre on Horley Road, Beckenham.

Under this arrangement the significant service provided by SERCUL through support for community-based Landcare work in the south-east region would cease. The Investment Plan 2006-2008 does not in any real sense address this loss.

## **DISCUSSION**

SERCUL was established under the SCC just over one year ago, replacing the ten-year old Canning Catchment Coordinating Group, to establish a professional strategic approach to NRM. It is the opinion of City officers that SERCUL has been very successful in achieving this objective in a very short time.

SERCUL is a valuable partner and technical resource to the City of Gosnells and is currently a key player in a significant number of local and regional NRM projects with the City and others. The key to this success has been the effective work of the Sub-Regional Coordinator.

The City has been aware for some months through rumour and hearsay of potentially negative implications of proposed changes to delivery of NHT funds through SCC's Investment Plan 2006-2008. The SCC has not been generous in the provision of formal advice on the Investment Plan 2006-2008, beyond brief newsletter updates and requests for information relating to the south-east region's concerns have not been satisfactorily responded to in the opinion of City staff.

Other partner Councils in our region have already received and considered Mrs Hart's correspondence and supported SERCUL's concerns through correspondence to relevant State and Federal Ministers, and other avenues. The City of Gosnells chose to await the outcome of an SCC Investment Plan 2006-2008 forum, held on 4 April 2006, before presenting a report to Council.

Information provided at the 4 April 2006 forum, and responses by SCC representatives to questions posed, addressed the following key points of concern:

### **Evaluation of the current NRM delivery structure**

SCC undertook no evaluation of the current sub-regional delivery structure. The new structure was not examined in terms of its potential negative impacts on community support and local government activities. No representation was consequently made by the SCC to the State Investment Committee on behalf of concerned stakeholders, despite these concerns being raised at the earliest possible opportunity.

### **Sub-Regional Coordinator positions**

These will be discontinued as of 30 June 2006. The Local Government Reference Group has forwarded a briefing note to the SCC recommending that the SCC and sub-regional groups work together to identify alternative sources of funding to retain these positions.

The SCC General Manager advised at the briefing, though, that local governments might wish to consider funding these positions if they believed they were important.

### **Community Support**

Despite information provided, it was the general opinion of local government practitioners at the forum that community NRM support is a significant casualty of the Investment Plan 2006-2008. It is felt that community groups will default to local government for support. Ironically, an integral element of community support provided by SERCUL is the Sub-Regional Coordinator.

In summary:

- There are real concerns about the potential negative impact of the SCC's Investment Plan 2006-2008 on SERCUL and its successful partnership programmes and projects with Local Governments and the community in the south east region.
- The Investment Plan 2006-2008 and its potential impacts have been poorly communicated to Local Governments in the region and there has been no initiative from the SCC to address the issue until very recently and due in part to Mrs Hart's correspondence with Mayors in the region.

It is recommended that Council write to the SCC, SERCUL, Western Australian Local Government Association and relevant Federal and State ministers expressing support for the existing funding model in the SERCUL sub-region, and concern at the proposed change to the delivery of NHT funding as identified in this report and with particular reference to potentially negative impacts associated with the loss of the Sub-Regional Coordinator position.

### **FINANCIAL IMPLICATIONS**

There are no immediate financial implications associated with this report.

STAFF RECOMMENDATION
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### **Moved Cr R Croft Seconded Cr R Hoffman**

That Council write to the Swan Catchment Council, South East Regional Centre for Urban Landcare, Western Australian Local Government Association and relevant Federal and State ministers expressing support for the existing funding model in the South East Regional Centre for Urban Landcare sub-region, and concern at the proposed change to the delivery of Natural Heritage Trust funding as identified in this report and with particular reference to potentially negative impacts associated with the loss of the Regional Coordinator position.

### Amendment

*During debate Cr J Brown moved the following amendment to the staff recommendation:*

*“That the staff recommendation be amended by inserting the words “Local Parliamentarians” after the words “, and State ministers” where they appear in the third line.”*

*Cr Brown provided the following written reason for the proposed amendment:*

*“The Council needs to give all the support available to them to assist the South East Regional Centre for Urban Landcare.”*

*Cr C Matison Seconded Cr Brown’s proposed amendment.*

*At the conclusion of debate the Mayor put Cr Brown’s proposed amendment, which reads:*

### **Moved Cr J Brown Seconded Cr C Matison**

That the staff recommendation be amended by inserting the words “Local Parliamentarians” after the words “, and State ministers” where they appear in the third line, with the amended recommendation to read:

“That Council write to the Swan Catchment Council, South East Regional Centre for Urban Landcare, Western Australian Local Government Association and relevant Federal and State ministers, and State Parliamentarians expressing support for the existing funding model in the South East Regional Centre for Urban Landcare sub-region, and concern at the proposed change to the delivery of Natural Heritage Trust funding as identified in this report and with particular reference to potentially negative impacts associated with the loss of the Regional Coordinator position.”

CARRIED 11/0

**FOR:** Cr O Searle, Cr R Mitchell, Cr J Henderson, Cr C Matison, Cr S Iwanyk, 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, which reads:*



COUNCIL RESOLUTION
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**204 Moved Cr J Brown Seconded Cr C Matison**

That Council write to the Swan Catchment Council, South East Regional Centre for Urban Landcare, Western Australian Local Government Association and relevant Federal and State ministers, and State Parliamentarians expressing support for the existing funding model in the South East Regional Centre for Urban Landcare sub-region, and concern at the proposed change to the delivery of Natural Heritage Trust funding as identified in this report and with particular reference to potentially negative impacts associated with the loss of the Regional Coordinator position.

CARRIED 11/0

***FOR:** Cr O Searle, Cr R Mitchell, Cr J Henderson, Cr C Matison, Cr S Iwanyk, 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 TENDER 8/2006 – DESIGN AND PRINT SERVICES

File: TEN8/2006

(KG)

Rpt008Apr06

#### PURPOSE OF REPORT

To advise Council of submissions received in relation to Tender 8/2006 - Design and Print Services and recommend the most advantageous tender for the purpose of awarding a two-year contract, with the option to extend for a further 12 months.

#### BACKGROUND

Tenders were advertised in the West Australian newspaper on Saturday 11 February 2006 and closed on Tuesday 28 February 2006 for the supply of design and print services for the publication of the City's documents.

Tenderers were advised that the City would appoint a pool of designers/printers to meet the City of Gosnells design and print requirements. Tenderers were invited to submit design only, print only and/or design/print tenders, according to the services they provide, to enable the City to select Contractors who best met the design and print requirements.

Twenty one responses, which are listed in the following table, were received and considered by the Manager Communications and Marketing and Manager Purchasing Services:

Company	Address
Ink	141 Charles Street, West Perth 6005
Artery Media Solutions	4/2684 Albany Highway, Kelmscott 6111
Spirit Visual	10 Shasta Road, Lesmurdie 6076
Price Advertising and Consulting	227 Bagot Road, Subiaco 6005
Jaz Creative	47 Hampden Road, Nedlands 6009
Point Design	81 Edward Street, Perth 6000
Graffic Jam	33 Probert Road, Thornlie 6108
Chameleon Creative	113 Newcastle Street, Northbridge 6000
Redline	1316 Hay Street, West Perth 6005
Key2Design	43/5 Aberdeen Street, Perth 6000
Gosnells Print and Design	2316 Albany Highway, Gosnells 6990
Snap Printing Maddington	15 Blackburn Street, Maddington 6109
Kathryn White	2A Petrel Court, Huntingdale 6110
Worldwide Online Printing	13/781 Canning Highway, Applecross 6153
Print Smart	3/95 Kelvin Road, Maddington 6109
Metropress	11/105 Lord Street, Perth 6000
Abbott and Co	21 Glassford Road, Kewdale 6105
Advance Press	186 Railway Parade, Bassendean 6054
Quality Press	9 Roberts St West, Osborne Park 6017

<b>Company</b>	<b>Address</b>
Mad Art	76 Drummond St, Bedford 6052
Fineline Print and Copy Service	11 Bramall Street, East Perth 6004

The following five responses were determined to be non-compliant as they addressed only part of the tender requirements:

- Quality Press – incomplete tender package (no documentation)
- Worldwide Online Printing – provided generic print samples only
- Point Design – non-compliant with required financial details
- Mad Art – incomplete details of organisational set-up
- Abbott and Co – no production costs supplied against examples provided

### **Tendered Prices**

Tenderers were required to submit the following in support of their tender application:

#### Design Services

- Hourly rate for design services for print media
- Hourly rate for design services for multimedia (web pages, CDs, interactive pdfs etc)
- Print management rate
- Cost of providing artwork in various formats (eg burning to CD-Rom, providing in layers, in EPS format etc)

Examples of work were to be submitted with these rates, indicating hours taken and costs involved in their production, so their quality and cost effectiveness could be assessed.

#### Print Services:

- Examples of work undertaken for clients, indicating stock used, cost of production per 1,000, 5,000 and 10,000+, cost of additional print run, special finishes, die-cuts, short run laser printing (e.g. production of 50 A3 posters).

#### Design and Print Services:

- Tenderers placing a submission for design and print services were required to include a cost schedule for both the above, plus examples with full costings attached.

Details of the compliant tenders received are as follows:

<b>Designer Services</b>				
<b>Designer</b>	<b>Design Charge Hourly Rate</b>	<b>Print Management Charge</b>	<b>Multimedia Design Charge</b>	<b>Burning to CD Rom etc</b>
Ink	\$105	10% of overall project	\$105	Nil
Artery Media Solutions	\$75	20%-25% of overall project	\$75	Existing files \$15 (depends on format required)
Spirit Visual	\$70	\$60 (incl. client consultation, presentations, visioning etc)	Not Submitted	Not Submitted
Price Advertising and Consulting	\$80	Nil	\$80	Nil
Key2Design	\$99 (\$88 for desktop publishing of basic text)	10% of overall project	\$99	\$88 (equates to approx. \$27.50 per task)
Jaz Creative	\$130	\$110	\$150	\$50
Redline	\$120	\$110	\$120	\$100
Chameleon Creative	\$110	\$110	\$110	\$110

<b>Printers (with Design Service)</b>				
<b>Printer</b>	<b>Artwork Hourly Rate</b>	<b>Print Examples*</b>	<b>Multimedia Design Charge</b>	<b>Burning to CD Rom etc</b>
Print Smart	\$75	\$446.63 = 4-col A4 brochures folded to DL 150gsm gloss 500	Not Applicable	\$20
Metropress	\$54	\$1,068 = City of Gosnells business cards – 16 kinds 4-col 340gsm Splendorgel 8,000	Not Applicable	Not Applicable
Advance Press	\$45	\$720 Plus artwork \$135 = 4-col A4 brochure folded to DL, 5,000	\$55	Between \$10-\$50
FineLine Print and Copy	\$70	5,000 for \$850 Plus artwork \$210 = 4-col A4 brochures folded to DL brochure 130gsm matt art	Not Applicable	Not Applicable
Gosnells Print and Design	\$100	**5,000 for \$795 A4 4-col brochure folded to DL on 150gsm coated paper	\$100	CD burn \$20 File conversion \$30 Digital proof \$15
Snap Printing Maddington	\$100	5,000 for \$1,329.76 Plus artwork \$272.73 = 4-col two sides	\$100	Not Applicable

<b>Printers (with Design Service)</b>				
<b>Printer</b>	<b>Artwork Hourly Rate</b>	<b>Print Examples*</b>	<b>Multimedia Design Charge</b>	<b>Burning to CD Rom etc</b>
		Satin 300gsm 120mm x 480mm folded into four panels		
Graffic Jam	\$90	Not Submitted	Not Submitted	\$25 supply of CD, proofs = cost +10%
Kathryn White	\$100	\$50	\$150	\$100

- \* Printers and designers submitted various items of work at differing cost and standard. This work was assessed against standard of artwork, cost of production, finish and whether it was considered the tenderer could meet the requirements of the City in a quality and cost effective manner.
- \*\* While the hourly rate design charge for artwork for Gosnells Print and Design was relatively high, the comprehensive pricing schedule submitted by the tenderer demonstrated that the short time taken to produce documents made them very competitive in terms of charging overall. Also this company indicated it would quote and charge by the half hour, which, again, would bring costs down.

## **DISCUSSION**

The City of Gosnells produces a comprehensive range of brochures, flyers and newsletters. It uses a mix of design-only, design and print and print-only methods to produce this material in formats that follow the City's style guide. In addition, it produces a range of quality documents, including, but not limited to, an annual report, budget booklet, budget newsletter, strategic plan, urban regeneration information packages and newsletters, and economic development and marketing material.

An assessment of the compliant submissions was undertaken in accordance with the tender documentation. Evaluation was conducted in a manner that enabled the design and print services to be assessed separately.

### **Design Services**

These were evaluated on price charged for design hours, print management, plus charges for laser copies, burning to CD, production of multimedia etc. Value for money was assessed against the design hours quoted for production and quality of the examples provided.

<b>Design Services</b>	<b>Relevant Experience</b>	<b>Methodology</b>	<b>Price</b>	<b>Total Weighted Score</b>
	<b>35%</b>	<b>15%</b>	<b>50%</b>	<b>100%</b>
Ink	15	8	33.33	<b>56.33</b>
Artery media solutions	15	10	46.66	<b>71.66</b>
Spirit Visual	10	6	50	<b>66</b>
Redline	30	10	29.16	<b>69.16</b>
Chameleon Creative	30	15	31.81	<b>76.81</b>
Price Advertising & Consulting	15	6	43.75	<b>64.75</b>
Key2Design	25	6	35.35	<b>66.35</b>
Jaz Creative	15	9	26.92	<b>50.92</b>

### **Printers (with Design Service)**

These were evaluated on price charged for basic design service, plus additional charges for laser copies, burning to CD, use of stock pictures, etc. Value for money was assessed against the overall quality and finish of the costs quoted for the examples provided, i.e. stock used, whether mono or 4-colour, binding, etc.

<b>Printers (with Design Service)</b>	<b>Relevant Experience</b>	<b>Methodology</b>	<b>Price</b>	<b>Total Weighted Score</b>
	<b>35%</b>	<b>15%</b>	<b>50%</b>	<b>100%</b>
Graffic Jam	15	6	25	<b>46</b>
Gosnells Print and Design	25	10	22.5	<b>57.5</b>
Snap Printing Maddington	25	8	22.5	<b>55.5</b>
Kathryn White	25	12	22.5	<b>59.5</b>
Print Smart	25	8	30	<b>63</b>
Metropress	25	8	41.66	<b>74.66</b>
Advance Press	25	8	50	<b>83</b>
Fineline Print and Copy Service	20	6	32.14	<b>32.14</b>

In order to ensure flexibility in the sourcing of design, production and printing requirements it will be recommended Council award the tender to one design company and six printers with this pool of seven companies, comprising:

- Chameleon Creative
- Advance Press
- Metropress

- Print Smart
- Kathryn White
- Gosnells Print and Design
- Snap Printing Maddington

## FINANCIAL IMPLICATIONS

Flexibility provides the means to secure the quality required at the price the City is prepared to pay. Creating a pool should result in a high quality, cost effective and efficient design and print service for the City, funds for which are contained within budget allocations for respective branches.

### STAFF RECOMMENDATION AND COUNCIL RESOLUTION

#### 205 Moved Cr R Mitchell Seconded Cr J Brown

That Council award Tender 8/2006 Design and Print Services to a panel of design and print agencies in accordance with the fee structures submitted, with the panel made up of the following businesses:

Company	Address
Chameleon Creative	113 Newcastle Street, Northbridge 6000
Advance Press	186 Railway Parade, Bassendean 6054
Metropress	11/105 Lord Street, Perth 6000
Print Smart	3/95 Kelvin Road, Maddington 6109
Kathryn White	2A Petrel Court, Huntingdale 6110
Gosnells Print and Design	2316 Albany Highway, Gosnells 6990
Snap Printing Maddington	15 Blackburn Street, Maddington 6109

for a two year period commencing on 27 April 2006, with an option to extend for a further 12 months.

CARRIED 11/0

*FOR:* Cr O Searle, Cr R Mitchell, Cr J Henderson, Cr C Matison, Cr S Iwanyk, 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)

COUNCIL RESOLUTION

**206 Moved Cr R Croft Seconded Cr W Barrett**

That Council, in light of the consent of the Presiding Member, grant permission to bring forward an item of Urgent Business relating to “Joint Promotion Opportunity – Jobs Fair Maddington” to this Ordinary Council Meeting in accordance with Clause 2.11 of the City of Gosnells Standing Orders Local Law 2003.

CARRIED 11/0

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

*AGAINST: Nil.*

**16.1 JOINT PROMOTION OPPORTUNITY - JOBS FAIR MADDINGTON**

File: E10/1/1

(PW) Psrpt068Apr06

Previous Ref: Nil

**PURPOSE OF REPORT**

To seek Council approval to use the City logo in joint promotion of a major jobs fair to be held in Maddington on 27 May 2006.

**BACKGROUND**

According to the Department of Employment and Workplace Relations (DEWR) Labour Market Summary (LMS), Western Australia’s unemployment rate rose slightly during the March 2006 quarter to 4.2%. Whilst this is historically a very low level of unemployment, the South East Metropolitan regional unemployment rate was estimated at 4.8% or 0.6% higher than the State average. This indicates that this region has a persistently higher unemployment rate than the State average and suggests that pockets of higher unemployment exist within the region and the City. Research undertaken to underpin the Maddington Kenwick Sustainable Communities Partnership (MKSCP) indicates that these suburbs do suffer a higher than average unemployment rate and from issues related to long term unemployment.

At the same time the State is suffering a well documented skills shortage. The LMS report also highlights the fact that the Skilled Vacancy Index measuring the increase or decrease in skilled jobs available rose by 2.3%.

These trends indicate a strong economy that has a range of quality jobs that companies are having difficulty in filling.

One option to help redress the imbalance is to establish a forum to enable employers to market their job opportunities directly to potential employees. This strategy was recently implemented in Midland organised by a company called Entreprende Australia Pty Ltd with support from the local Chamber of Commerce and the City of Swan. The



event was held on a Saturday and attracted 6,000 people interested in seeking employment. Over forty employers exhibited offering an extensive range of positions. The event was so successful that of the 600 jobs on offer at the event 381 had been filled as a result of the jobs fair two weeks after the event. Employers ranged from international companies to local employers and where an employer had a limited number of jobs to offer this was managed by the event organiser. Recruitment agencies also took space at the event.

The success of the Midland jobs fair and involvement of the City of Swan gives testament to the ability of Entreprende Australia Pty Ltd to manage such an event.

## **DISCUSSION**

Local participation is required to successfully run such an event and the City of Gosnells has been approached by Entreprende Australia Pty Ltd to become a Project Partner in presenting this opportunity for residents. In order to hold such a large scale event it was necessary to find an appropriate venue that is close to public transport and able to cope with large numbers of people. Centro Maddington Shopping Centre was approached to determine whether a suitable venue could be found in the Maddington Kenwick area. Centro Maddington has agreed to host this event and arrangements are being put in place to accommodate up to sixty employers to exhibit their job opportunities on the day.

City involvement as a Project Partner would involve the use of the City logo in all newspaper advertising and mention of the City as a partner in radio advertising for the event. As such the potential involvement of the City is covered by the City's Joint Promotions Policy 1.1.2 and would require Council approval of the use of the City logo and name in support of the event. The event has been assessed against and complies with the checklist set out in the Policy for entering into such a partnering arrangement.

As the event is located in Maddington it also offers the opportunity for MKSCP to become a partner to raise the profile of the MKSCP and to show that the City and the MKSCP is taking practical steps to provide opportunities that can enhance or improve the quality of life of residents.

## **FINANCIAL IMPLICATIONS**

The cost of organising the event, hiring and erecting stands and the majority of the promotional costs will be met from payments made by participating employers. The City has already provided assistance in-kind in sourcing the venue however achieving a similar number of attendees as the Midland event will require extensive advertising across several types of media. Assistance has been requested to adequately promote the Jobs Fair through media outlets. The total contribution requested is \$5,000. It is envisaged that MKSCP will also become involved in this event as a Project Partner and that this requested contribution can be met by the City and MKSCP on an equal basis. This would require a financial input from the City of \$2,500 which can be met from Account 31302.182.3341 Promotions.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION
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**207 Moved Cr R Hoffman Seconded Cr O Searle**

That Council approve becoming a Project Partner in the Jobs Fair Maddington event to be run by Entreprende Australia Pty Ltd on 27 May 2006 in Centro Maddington Shopping Centre and approve the use of the City logo and name in advertising material for the event, and further that Council approve of a contribution of \$2,500 towards the event, with the funds being met from Account 31302.182.3341 – Promotions.

CARRIED 11/0

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

*AGAINST:* Nil.

**17. CONFIDENTIAL MATTERS**

Nil.

**18. CLOSURE**

The Mayor declared the meeting closed at 8.23pm.