



**ORDINARY COUNCIL MEETING
24 JUNE 2008**

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Minutes of the Ordinary Council Meeting held in the Council Chambers, City of Gosnells Administration Centre, 2120 Albany Highway, Gosnells on Tuesday 24 June 2008.

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. In doing so she advised those present that this meeting was the end of an era for Council as it would be the last meeting held in these chambers, with the temporary relocation to the former Maddington Football and Sportsmans Club brought about due to the refurbishment of the building.

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 O SEARLE JP
CR J BROWN
CR D GRIFFITHS
CR B WIFFEN JP
CR S IWANYK
CR R HOFFMAN
CR C FERNANDEZ
CR W BARRETT
CR P M MORRIS AM JP Honorary Freeman
CR R MITCHELL
CR L GRIFFITHS

STAFF

CHIEF EXECUTIVE OFFICER
ACTING DIRECTOR COMMUNITY ENGAGEMENT
DIRECTOR CORPORATE SERVICES
DIRECTOR INFRASTRUCTURE
DIRECTOR PLANNING & SUSTAINABILITY
DIRECTOR GOVERNANCE
MINUTE CLERK
MANAGER URBAN REGENERATION
MANAGER CITY GROWTH

MR D SIMMS
MR G BRADBROOK
MR R BOUWER
MR D HARRIS
MR L KOSOVA
MR T PERKINS
MISS S MACGROTTY
MR E BRITS
MR S O'SULLIVAN

PUBLIC GALLERY

5

APOLOGIES

Nil

APPROVED LEAVE OF ABSENCE

Nil

3. DECLARATIONS OF INTEREST

Cr W Barrett declared an Impartiality Interest in item 12.2 "City of Gosnells RoadWise Committee Meeting – 7 May 2008".

Reason: Presiding Member of the RoadWise Committee.

Cr PM Morris declared an Impartiality Interest in item 12.1 "City of Gosnells Heritage Advisory Committee Meeting – 5 June 2008".

Reason: Member of the Heritage Advisory Committee.

4. ANNOUNCEMENTS BY THE PRESIDING MEMBER
(without discussion)

The Mayor circulated to Councillors a list of functions and events she had attended since Tuesday 10 June 2008.

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

10 June 2008 Ordinary Council Meeting

* Mrs J Napolitano of 10 Rangeview Place, Canning Vale asked the following questions:

Q 2 Is the Gosnells City Council aware that Mr Tony Vandendries may have a possible conflict of interest over the drainage problems in Canning Vale as;

a) He has acted as a developer in Canning Vale.

b) He has acted as a consultant to the Carratti/Pollock entities, such as Mammoth Investments in Canning Vale and liaised with Gosnells City Council on their behalf on their developments in Canning Vale.

c) He was a director of BSD and the person responsible or so it may appear for the design and Infrastructure works included in Amendment 478 for the Gosnells City Council for the Canning Vale area?

Response: In reply to Mrs Jennifer Napolitano the Director Planning and Sustainability provided the following written response on 20 June 2008.

“The City is aware of the previous and current roles performed by Mr Van Den Dries in relation to the development of land within the Canning Vale Outline Development Plan (ODP) area.

Because Mr Van Den Dries is still active in developing land in Canning Vale, he would undoubtedly (as would all landowners within the ODP area) have an interest in and be affected by the drainage issues that have arisen in Canning Vale. Furthermore, developments that Mr Van Den Dries has been involved with in Canning Vale in the past, may also have contributed in some way to those drainage issues, although this would also be true of any development in the ODP area.

Although Mr Van Den Dries has obvious interests in developing land in the ODP area, it is not the City’s place to comment on whether he has any “conflict of interest” per se. What I can say though is that, to the best of the City’s knowledge, Mr Van Den Dries has no connection whatsoever with Connell Wagner; the consulting firm engaged by the City to conduct a drainage review of Canning Vale.

I trust this addresses your query.

Should you have any queries in relation to this matter please do not hesitate to contact me on 9391 3202.”

* Mrs S Baraiolo of 19 Victoria Road, Kenwick asked the following question:

Q 1 Would the City of Gosnells consider placing a moratorium on all future applications for Commercial Vehicle parking in the Kenwick, Maddington areas until such time as the TPS 6 policy is completed, or until such time as the new zoning is accepted by the Minister? I will submit a detailed report on my reasoning with evidence of why it should be considered within the next two weeks.

Response: In reply to Mrs Sandra Baraiolo the Director Planning and Sustainability provided the following written response on 20 June 2008.

“As mentioned in my letter to the Association, dated 9 October 2007 (copy attached), City staff are currently finalising a draft Commercial Vehicle Parking Policy, to replace Council’s existing Policy on this matter. When the draft Policy is presented to Council, staff will seek Council’s consideration of imposing a moratorium on the determination of Commercial Vehicle Parking applications throughout the City (not just in Maddington and Kenwick), until such time as the review of the Commercial Vehicle Parking Policy has been completed.

If Council does impose a moratorium on the determination of Commercial Vehicle Parking applications, I would only consider it appropriate for such moratorium to operate until Council adopts a new Commercial Vehicle Parking Policy, rather than until the zoning of the

proposed Maddington Kenwick Strategic Employment Area is changed, as that could take some considerable time.

I will ensure that a copy of the draft Commercial Vehicle Parking Policy is provided to your Association for comment once Council has approved it for public advertising.”

6.1 QUESTION TIME

Nil

6.2 PUBLIC STATEMENTS

- * Mr Ferguson Miller who had earlier faxed a Submission on Item 13.5.2 was called to the microphone, but was not present at the meeting.
- * Mr Nick DiLello of 1/33 Teddington Road, Burswood representing Taggart Developments and Glenariff Holdings made a public statement in relation to item 13.5.2 “Amendment No. 47 to Town Planning Scheme No. 6 – Final Adoption – Establishment of development contribution arrangement for the West Canning Vale outline development area” speaking in favour of the amendment. Mr DiLello announced that the report deals with the evaluation of a fair and equitable allocation of costs and compensation for land and that Glenariff Holdings believe the proposed outcomes are acceptable. Mr DiLello further advised that Glenariff Holdings are the largest contributor to the existing scheme with the total contributions being in order of \$6 million.
- * Mr Paul Kotsoglo of Planning Solutions made a public statement in relation to item 13.5.2 “Amendment No. 47 to Town Planning Scheme No. 6 – Final Adoption – Establishment of development contribution arrangement for the West Canning Vale outline development area” speaking against the amendment. Mr Kotsoglo advised that the establishment of the development contribution arrangements is a significant issue which is requiring a considerable amount of resources from individual landowners and developers. Mr Kotsoglo further advised that if Council accepted this amendment it would result in developers and landowners being adversely impacted by the State Government failure to address the acquisition of Conservation Category Wetlands subject of the Canning Vale ODP area, resulting in the Council being burdened with costs which are rightly the State’s responsibility.

7. CONFIRMATION OF MINUTES

COUNCIL RESOLUTION

251 Moved Cr J Brown Seconded Cr D Griffiths

That the Minutes of the Ordinary Council Meeting held on 10 June 2008 be confirmed.

CARRIED 11/0

FOR: Cr D Griffiths, Cr B Wiffen, Cr S Iwanyk, Cr J Brown, Cr R Hoffman, Cr C Fernandez, Cr W Barrett, Cr P Morris, Cr R Mitchell, Cr L Griffiths, and Cr O Searle.

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 and may be viewed subject to provisions of Freedom of Information legislation.

- * Cr D Griffiths presented eight submissions initiated by various residents in the Gosnells Ward, all of which were objecting the Development Application – Proposed High School – 100 Mills Road West, Martin.

The submissions will be forwarded to relevant staff for investigation and response.

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| STAFF RECOMMENDATION AND COUNCIL RESOLUTION |
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252 Moved Cr B Wiffen Seconded Cr R Hoffman

That the submissions be received and reports be prepared.

CARRIED 11/0

FOR: Cr D Griffiths, Cr B Wiffen, Cr S Iwanyk, Cr J Brown, Cr R Hoffman, Cr C Fernandez, Cr W Barrett, Cr P Morris, Cr R Mitchell, Cr L Griffiths, and Cr O Searle.

AGAINST: Nil.

9. APPLICATIONS FOR LEAVE OF ABSENCE

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

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

Cr R Hoffman requested leave of absence from 12 July to 4 September 2008, which includes the 22 July, 12 August and 26 August Ordinary Council Meetings, for personal reasons.

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| COUNCIL RESOLUTION |
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253 Moved Cr PM Morris Seconded Cr W Barrett

That Council grant leave of absence to Cr R Hoffman from 12 July to 4 September 2008 inclusive.

CARRIED 11/0

FOR: Cr D Griffiths, Cr B Wiffen, Cr S Iwanyk, Cr J Brown, Cr R Hoffman, Cr C Fernandez, Cr W Barrett, Cr P Morris, Cr R Mitchell, Cr L Griffiths, and Cr O Searle.

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.

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| COUNCIL RESOLUTION |
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254 Moved Cr R Hoffman 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 13.5.2 Amendment No. 47 to Town Planning Scheme No. 6 – Final Adoption – Establishment of development contribution arrangement for the West Canning Vale outline development area.

CARRIED 11/0

FOR: Cr D Griffiths, Cr B Wiffen, Cr S Iwanyk, Cr J Brown, Cr R Hoffman, Cr C Fernandez, Cr W Barrett, Cr P Morris, Cr R Mitchell, Cr L Griffiths, and Cr O Searle.

AGAINST: Nil.

13.5.2 AMENDMENT NO. 47 TO TOWN PLANNING SCHEME NO. 6 – FINAL ADOPTION – ESTABLISHMENT OF DEVELOPMENT CONTRIBUTION ARRANGEMENT FOR THE WEST CANNING VALE OUTLINE DEVELOPMENT PLAN AREA

| | |
|-----------------|---|
| Author: | S O'Sullivan |
| Application No: | PF06/00063 |
| Zoning: MRS: | Urban |
| TPS No. 6: | Residential Development |
| Review Rights: | Nil, however, final determination is with the Minister for Planning and Infrastructure |
| Previous Ref: | OCM 26 April 2005 (Resolutions 148-149) OCM 12 February 2008 (Resolutions 32-33) |
| Appendices: | 13.5.2A Amendment No. 47 text and report (as advertised) 13.5.2B Draft Development Contribution Plan (as advertised with Amendment No. 47) 13.5.2C Revised Amendment No. 47 text and report 13.5.2D Revised Development Contribution Plan 13.5.2E Map 1 – Outline Development Plan area |

PURPOSE OF REPORT

For Council to consider the final adoption of Amendment No. 47 to Town Planning Scheme No. 6 (TPS 6), which proposes to insert provisions into the Scheme to formally establish a development contribution arrangement (DCA) to fund the provision of common infrastructure works (CIW) and the acquisition of land for public purposes within the West Canning Vale Outline Development Plan (ODP) area.

BACKGROUND

The West Canning Vale ODP provides a framework for coordinated subdivision and development of an area of approximately 60ha comprised of lots in multiple land ownership.

Implementation of the ODP requires various infrastructure works to be completed and land set aside for public purposes. Because of these development requirements and the fact that there are multiple landowners within the ODP area, it was always intended that a DCA would be required to facilitate the equitable provision of infrastructure and land for public use.

Council at its meeting of 26 April 2005 resolved (Resolution 148) to initiate Amendment No. 47 to TPS 6 to insert provisions in the Scheme to formally establish a DCA for the West Canning Vale ODP area.

More than three years has passed since Amendment No. 47 was initiated. The delay in progressing the amendment to the current stage, where Council is now requested to consider whether to grant it final adoption, has been due to the following reasons:

- Planning Consultants Roberts Day, acting on behalf of Glenariff Holdings Pty Ltd (Glenariff), drafted the amendment documentation to facilitate planning processes relating to the West Canning Vale ODP area. There was considerable liaison between the City and Roberts Day over several months to discuss the form and content of this documentation.

- Due to its complexity, the City took some time to review the amendment documentation and make various modifications that were considered necessary.
- The amendment was then referred to the Environmental Protection Authority (EPA).
- Following the EPA's review, the amendment was advertised for public comment.
- As will be detailed in the following sections of this report, various issues of considerable complexity were raised in submissions made during the public comment period. These submissions have taken considerable time to be reviewed and appropriate responses drafted.
- Throughout this period, staff resources have been limited and priority has been given to the assessment of numerous ODP modifications and subdivision proposals and the vetting of proposed arrangements made by subdividers to satisfy the various approval conditions in the ODP area. These matters have typically been actively pursued by landowners and the time needed by City staff to deal with them has been to the detriment of being able to promptly progress the amendment.

Amendment No. 47 proposes that the cost of providing the following items be shared among developers in the West Canning Vale ODP area:

- Land for drainage purposes.
- Shared use paths.
- Upgrading of Ranford Road (50% of the cost of one carriageway and 50% of the cost of earthworks for the second carriageway for the abutting length of Ranford Road).
- Construction of a 270m subdivisional entry road off Ranford Road.
- Land for the widening of Ranford Road.
- Land for the widening of Nicholson Road.
- Land identified as Conservation Category Wetlands and associated buffers to be set aside for conservation.
- Traffic management devices (two roundabouts and 25% of the cost of signals at the intersection of Ranford Road and Campbell Road).
- Relocation of telecommunications and electricity services associated with the upgrading of Ranford Road and Nicholson Road.
- Rehabilitation and protective works associated with the Conservation Category Wetlands.
- Land identified for Public Open Space (POS).
(Note: The terms Local Open Space (LOS) and (POS) are used interchangeably throughout this report and the draft DCP, as the ODP refers to POS as LOS to be consistent with TPS 6 terminology. POS is however a more generic and commonly accepted terminology).

By virtue of the provisions of Schedule 12 of TPS 6, the following works and costs are also proposed as CIW:

- Drainage (construction of basins, swales and piped drains, installation of landscaping and the preparation of a drainage management plan)
- City administration of the DCA

Consultation – Amendment No. 47

The advertised Amendment No. 47 document contained two main parts.

The first part of the document (see Appendix 13.5.2A) set out the proposal to insert provisions into Schedule 12 of TPS 6 and included a report detailing the background to and rationale for the proposed amendment.

The second part of the document contained a draft Development Contribution Plan (DCP), which is contained in Appendix 13.5.2B. The draft DCP set out the estimated costs of the proposed CIW and POS contributions in addition to details relating to the intended operation of the draft DCA. The draft DCP was based on land values and cost estimates applicable at February 2007 and identified a provisional CIW contribution rate of \$244,033 per ha of developable land and POS contribution rate of 10.7%. The draft DCP was indicative only and was intended to assist in explaining how the DCA would operate. Interestingly, many of the comments received during the consultation period on Amendment No. 47 have focused on the draft DCP.

CIW cost estimates, as detailed in the draft DCP, are summarised in the following table:

| Summary of CIW Cost Estimates as contained in advertised draft Development Contribution Plan | |
|--|-----------------------|
| Proposed Common Infrastructure Works (CIW) | Estimated Cost |
| Drainage Construction | \$530,000 |
| Land to be acquired for Drainage (50% = 10,015m ² @ \$110/m ²) | \$1,116,500 |
| Shared Paths (5,284m) | \$410,000 |
| Road Construction | \$690,000 |
| Land to be acquired for Road Widening | \$2,684,000 |
| Land to be acquired for Conservation (42,310m ² @\$110m ²) | \$4,654,100 |
| Traffic Management | \$253,000 |
| Service Relocation | \$540,000 |
| Conservation area works | \$250,000 |
| Administration and Studies | \$100,000 |
| Total | \$11,227,600 |
| Contribution rate for land developable for residential and commercial purposes* (46.0085ha) | \$244,033/ha |
| <i>* excludes wetlands, road widening, public open space and existing roads remaining in use as roads.</i> | |

The draft DCP also contained details outlining the calculation of contributions towards POS. Based on the extent of land required for POS on the ODP and that which is developable for residential purposes (49.27ha, which includes proposed POS) the draft DCP identified that a contribution rate of 10.7% would be required to generate sufficient funds to fund the cost of acquisition of POS identified on the ODP.

Land to be acquired for public purposes is proposed to be funded by either CIW contributions or POS contributions, or a combination of both, as follows:

| Land Acquisition Funding Source | |
|--|-----------------------------------|
| Purpose | Funding Source |
| Conservation Category Wetland | CIW contributions |
| Wetland Buffers | POS contributions |
| Land for Drainage | 50% CIW and 50% POS contributions |
| Land for Road Widening | CIW contributions |

The draft DCP proposed that land required for public purposes be acquired at a value based on a common englobo valuation set by Council for the ODP area on the advice of a licensed valuer. Consistent with the approach taken by Council in the Canning Vale ODP area, the valuation process assumes all land required for public purposes is developable regardless of its specific designation on the ODP and typically is based on a Residential R20 basis.

The indicative land valuation basis included in the draft DCP appended to the advertised Amendment No. 47 document, was \$1,100,000/ha (\$110/m²). However, as will be detailed in the Discussion section of this report, recent valuation advice obtained by the City suggests \$1,350,000/ha (\$135m²) would be an applicable current common land value.

Additional details of the proposed amendment are contained in the Discussion section of this report.

Referral to Environmental Protection Authority

In accordance with Section 48 of the Environmental Protection Act 1986 and Section 81 of the Planning and Development Act 2005, Amendment No. 47 was referred to the EPA for review prior to being publicly advertised. The EPA determined that no environmental assessment was required.

Public Consultation - Landowners

Following receipt of the EPA's determination, the proposal was advertised for public comment for 42 days. The advertising was undertaken by means of a sign on site, newspaper advertisement, letters to relevant government agencies and letters to affected landowners.

The City received 13 submissions during the advertising period, of which one raised no objection, 10 objected and two provided comment on the proposal. A summary of submissions received and staff comments thereon are provided in the Schedule of Submissions below.

Schedule of Submissions

| 1. | Name and Postal Address: Steven D C Hall PO Box 4088 Canning Vale East WA 6155 | Affected Property: Lot 279 Ranford Road Canning Vale |
|--|--|---|
| Summary of Submission | | Staff Comment |
| <p>Objects to proposal.</p> <p>1.1 We object to any proposal which would have any bearing on or restrict the fair and just compensation for land to be resumed for the intended Ranford Road works.</p> <p>1.2 We expect as promised by the government department responsible at the time we purchased the land to be fairly and justly compensated.</p> <p>1.3 We expect that the land required for roadworks would be valued by government independently and by our own valuers and a price then agreed by both parties.</p> | | <p>Noted. Amendment No. 47 is intended to establish a framework for the fair and equitable sharing of costs associated with the West Canning Vale ODP, including the acquisition of land for the widening of Ranford Road.</p> <p>The proposed establishment of a common land value to apply uniformly across the West Canning Vale ODP is consistent with the current approach to administration of other DCAs within the City of Gosnells, as set out in Schedule 12 of TPS 6. The requirements of Schedule 12 provide for a Licensed Valuer to be appointed by Council after consultation with landowners to determine an englobed land value that will be applied for the purpose of establishing contribution rates and the amount of compensation payable for land ceded for public purposes.</p> <p>The draft DCP appended to the Amendment document nominated an indicative provisional common land value of \$1,100,000/ha, which was considered by City staff to reasonably represent englobed land market values prevailing in the area at the time the draft DCP was prepared (circa December, 2006).</p> <p>Following consultation with all affected landowners within the West Canning Vale ODP, Council at its meeting of 25 September 2007 resolved (Resolution 458) to appoint Propell National Valuers to determine the current land valuation basis for the West Canning Vale ODP area. Propell's valuation report was submitted in December 2007 and suggested that a land valuation basis of \$1,350,000/ha was appropriate.</p> <p>It should be noted that since receiving this submission, the City has entered into arrangements with the submitter to acquire the portion of Lot 279 Ranford Road required for road widening, including agreement on the amount of compensation.</p> <p>See the staff response to submission 1.1.</p> <p>See the staff response to submission 1.1.</p> |

| Summary of Submission | Staff Comment |
|---|--|
| <p>1.4 The approximate values indicated by the City are an insult to our intelligence and seem to indicate possible benefit to another party. The prices fall a long way short of anything “fair and just” and are undemocratic to say the least. We should not have to pay for the possible mistakes of past land valuers or various developers internal arrangements or others.</p> | <p>See the staff response to submission 1.1.</p> |
| <p>1.5 The City has asked for our permission to enter the land and commence works. We are not objectionable to the City getting their job done, however your terms of “use now and pay very little compensation later” are a bitter pill to swallow, totally unacceptable and definitely not fair or just or even amiable.</p> | <p>See the staff response to submission 1.1.</p> |
| <p>1.6 Our hope is that the City will respond to our grievance in a manner that befits them rather than force me to protect what I believe is the right thing to do.</p> | <p>See the staff response to submission 1.1.</p> |

| | | |
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| <p>2.</p> | <p>Name and Postal Address: Peter and Marlene Green Lot 284 Fairlie Road Canning Vale WA 6155</p> | <p>Affected Property: Lot 284 Fairlie Road Canning Vale</p> |
|-----------|--|--|

| Summary of Submission | Staff Comment |
|---|--|
| <p>Objects to proposal</p> | |
| <p>2.1 We object to the excessively high cost implications of this Amendment, primarily centered around three key points being Ranford Road, Nicholson Road and Public Open Space contributions.</p> | <p>Noted. See the staff comments that respond to the specific aspects of this submission in the following sections of this Schedule and in the Discussion section under the heading Contributions and Compensation for Land required for Public Purposes.</p> |
| <p>2.2 The cost of land acquisition and formation of the second carriageway of Ranford Road is not required as a consequence of this area being developed. The traffic contribution from the entire West Canning Vale area to Ranford Road is less than 0.001%. Ranford Road is a key linkage to the southern suburbs and a regional and freight route to the south-west. Any impost on resident landowners cannot be justified and should be removed from the amendment. Landholders on Ranford Road have always been aware that this land would be resumed for road widening purposes and as a result we chose not to purchase those lots. We should not be held liable – it is a State responsibility.</p> | <p>It is acknowledged that the section of Ranford Road abutting the West Canning Vale ODP area fulfills a significant regional traffic role and that the traffic it presently carries and will carry in future has and will have origins and destinations that are external to the ODP area. Despite its regional function, the responsibility for the construction of Ranford Road, like many others with a similar role in the regional road network, has been passed onto Local Government.</p> <p>Even so, development facilitated by the West Canning Vale ODP will generate a substantially greater proportion of traffic on the abutting section of Ranford Road than that which is asserted by this submission. The widening of Ranford Road will be of direct benefit to the ODP area by providing a means of access to the regional road network and services and facilities near and far.</p> |

| Summary of Submission | Staff Comment |
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| <p>2.3 The same applies to Nicholson Road – this is a registered regional freight route. Resident landowners in West Canning Vale are not responsible for its development or State regional services. This area does not impact on that road structure whatsoever. Any impost on landowners is unacceptable.</p> | <p>Further discussion on responsibilities for the construction of regional roads, State Government and Council approaches to the subject and reasons why developers within the ODP area should contribute towards a proportion of the cost of upgrading Ranford Road as proposed, is contained under the heading of Regional Road Funding Responsibilities in the Discussion section.</p> <p>Amendment No. 47 does not propose that the cost of upgrading Nicholson Road be shared among landowners within the West Canning Vale ODP area. This is due to recognition of the regional freight role of Nicholson Road and the fact that the ODP area has a long frontage to this road in comparison to the extent of the developable area within the ODP. The Amendment does however propose that the cost of the land required for widening Nicholson Road and the relocation of existing electricity services within the road reserve be shared among landowners. The rationale for this approach is that a widened Nicholson Road would provide some direct benefit to the ODP area in terms of access. Furthermore, funding the land acquisition cost from developer contributions would be consistent with approaches to compensation for landowners abutting Nicholson Road in the Canning Vale ODP area, where both land acquisition and construction costs are shared by developers and consistent with broad resolutions Council has made on several previous occasions for landowners who cede land for public purposes to be fairly and equitably compensated.</p> <p>Sharing the land acquisition cost among those landowners who would most directly benefit from the road widening would reduce the burden on the wider community to provide infrastructure which many would not enjoy any direct benefit from.</p> |
| <p>2.4 Planning legislation requires contributions by landowners of between 8% and 10% paid towards the creation of public open space (POS). We have no issue complying with this requirement. The additional 11% to 12% being sought by this amendment under the guise of POS contributions cannot be justified under any legislation or planning requirements in this State. If the areas alleged to be Conservation Category Wetlands (CCW) are in fact CCW then they should be preserved by the State for the State. We are not and will not be held liable for that land acquisition nor its development. The then Minister for the Environment, Hon Mrs Judy Edwards, confirmed that they had made a mistake in categorising these areas as CCW – they are not. Neither Council nor the Department for Planning and Infrastructure has any legitimate right or mechanism to take land from private ownership and then make surrounding landowners pay for it by simply calling it POS when it clearly exceeds planning requirements.</p> | <p>A fundamental objective of Amendment No. 47 is to establish an equitable arrangement for the sharing of costs associated with development of the West Canning Vale ODP. The Amendment proposes that contributions be made by developers to fund the cost of acquisition of land required for conservation, drainage and recreational purposes.</p> <p>The draft DCP makes a distinction between land for wetland conservation and land for drainage and recreational purposes. In terms of land for drainage and recreational purposes, the proposed contribution rate of 10.7% of developable area is consistent with State Government POS policy.</p> <p>It is acknowledged that the requirement to fund the acquisition of 4.3210ha of land for wetland conservation represents an additional burden for developers in the ODP area.</p> <p>However, the ODP was adopted after a protracted period that involved extensive landowner consultation, various iterations of the plan, assessment by Council and, ultimately, determinations by the Western Australian Planning Commission. The extent of land set aside for wetland conservation on the adopted ODP reflects</p> |

| Summary of Submission | Staff Comment |
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| | <p>the outcomes of determinations by the Minister for the Environment, and represented a substantially reduced wetland area to that originally mapped by the State Government. There has been no evidence provided to support the submitter's claim that the former Minister for the Environment confirmed that a mistake had been made in the classification of the CCWs within the ODP area.</p> <p>Had the ODP not been prepared, it is possible that very little of the ODP area would have been permitted to be developed. The negotiated environmental outcome and associated approach to funding the compensation of landowners required to cede land for wetland conservation has actually been to the benefit of all landowners within the ODP area.</p> <p>It is beyond the scope of Amendment No. 47 to again review the extent of the defined wetlands or the process through which they were defined.</p> <p>The issues concerning the responsibility for the acquisition of land for wetland conservation and related compensation for affected landowners are complicated. Further comment on these issues is detailed in the Discussion section under the heading Contributions and Compensation for Land required for Public Purposes.</p> |

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| 3. | <p>Name and Postal Address: L & B Douglas Lot 285 Fairlie Road Canning Vale WA 6155</p> | <p>Affected Property: Lot 285 Fairlie Road Canning Vale</p> |
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| Summary of Submission | Staff Comment |
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| <p>Objects to proposal.</p> <p>3.1 We object to the proposed requirement for contributions to be made to the cost of the following works:</p> <p><i>“3a) 50% of the contribution towards constructing one carriageway and full earthworks, shared path and drainage for Ranford Road (where it abuts the ODP area)</i></p> <p><i>3b) full earthworks for the second carriageway of Ranford Road (where it abuts the ODP area).”</i></p> <p>on the following basis:</p> <p>i) We strongly object to any contributions to major regional arterial routes such as Ranford and Nicholson Roads on the basis that the contributing traffic volumes supported by several traffic management studies do not support the percentage contribution rates suggested by Council. For example, on the basis that Ranford Road carries in the vicinity of 40,000 to 50,000 vehicles per day and at best</p> | <p>See the staff responses to submissions 2.2 and 2.3.</p> |

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| Campbell Estate will contribute no | |
| <p>more than 1500 vehicle movements per day, this would equate to a percentage contribution rate of only 3%. How can Council justify a 50% contribution rate?</p> <p>ii) Ranford Road between Warton and Southern River Road has recently been awarded a \$5 million Federal grant for upgrade works to a dual carriageway. Why has this not been applied to this section of Ranford Road?</p> <p>iii) Major arterial and regional road upgrades should be funded by the State Government in conjunction with the City and should have been upgraded long before now. This makes any contribution associated with the amendment highly inequitable.</p> <p>3.2 We object to the proposed requirement for contributions to be made to the following cost: <i>“3d) the cost of the acquisition of land required for road widening of Nicholson Road and Ranford Road (where these roads abut the ODP area).”</i></p> | <p>The City has not applied for a grant from the Federal Government for the section of Ranford Road that abuts the West Canning Vale ODP area through Auslink’s Strategic Regional Program, as such a proposal would not satisfy the Program’s stated criteria. This is because while the upgrading of the abutting section of Ranford Road would improve traffic movement and increase safety, it is not considered to be of regional significance so as to warrant a Federal Government grant.</p> <p>With regard to the portion of Ranford Road between Warton Road and Southern River Road, the Federal Government in 2006 awarded the Cities of Armadale and Gosnells a grant through the Auslink Program for the upgrading of that section of Ranford Road. It should be noted however that the grant was for a sum of \$3.5 million, not \$5 million as stated by the submitter.</p> <p>The section of Ranford Road for which the grant was awarded runs through a wetland of high environmental significance (Conservation Category Wetland, a Bush Forever site and an Environmental Protection Policy lake). The resulting impact of an appropriate solution to mitigate environmental impacts on construction costs is substantial and warranted Federal Government assistance. Further, it was understood that this grant was considered favourably as this section of Ranford Road forms the municipal boundary between the Cities of Armadale and Gosnells and much of the adjacent land has no development potential. It would therefore have been difficult to secure sufficient funds from developers to meet total construction costs of the grant-funded section of road as part of the normal subdivision and development process.</p> <p>See the staff responses to submissions 2.2 and 2.3 and comments under the heading of ‘Regional Road Funding Responsibilities’ in the Discussion section.</p> <p>See the staff responses to submissions 2.2 and 2.3 and comments under the heading of ‘Regional Road Funding Responsibilities’ in the Discussion section.</p> |

| Summary of Submission | Staff Comment |
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| <p>on the following basis:</p> <ul style="list-style-type: none"> i) The properties abutting Ranford Road within Campbell Estate have, from their inception, had road easements registered on their titles. This would therefore deem the responsibility for acquisition of the easement with the State Government or the governing city authority. It is not the responsibility of others to fund this land acquisition. By definition an easement provides the right to construct a pipeline under the land or a powerline over the land – it does not specify that neighbours are required to provide compensation for an easement that would have been on the title at the time they purchased the land. ii) Nicholson Road is a registered blue freight route and significant regional link and as such should also fall within the State Government's responsibility to fund. iii) The adjoining Ranford estate has made no contribution to improvements of Nicholson Road and has not had to give up any property whatsoever. Why is Campbell estate left to foot the whole cost of widening this road? Once again this makes the amendment highly inequitable for landowners within the ODP area. <p>3.3 We object to the proposed requirement for contributions to be made to the following cost:</p> <p><i>“3f) the cost of provision of perimeter fencing or other associated management treatments for the identified Conservation Category Wetlands (CCW's); and</i></p> <p><i>3g) the cost of acquisition of land identified for public open space as shown on the adopted ODP, which for the purpose of the cost sharing arrangement includes CCW's and land for drainage purposes.”</i></p> <p>On the following basis:</p> <ul style="list-style-type: none"> i) We object to funding an unreasonable degree of POS, which exceeds that normally allocated to developments of this nature. A standard contribution rate of 10% is | <p>See the staff responses to submission 2.3 and comments under the heading of 'Regional Road Funding Responsibilities' in the Discussion section.</p> <p>The adjoining Ranford Estate is located within the City of Canning and as such, the City of Gosnells is not responsible for nor privy to any cost sharing arrangements that may exist.</p> <p>The landowners abutting Nicholson Road within the West Canning Vale ODP area are required to cede land for road widening as the Metropolitan Region Scheme (MRS) indicates that the Nicholson Road reservation encroaches into lots on the City of Gosnells side only. In this regard, the Western Australian Planning Commission is the administrator of the MRS, and therefore, such matters are outside of the City of Gosnells' control.</p> <p>The draft DCP (as advertised) requires developers make a 10.7% contribution to POS. Funds generated are to be used to acquire land for recreational and drainage purposes within the ODP area. A contribution rate of 10.7% (bearing in mind it funds the cost of acquiring approximately 1.0ha of land for drainage in addition to land for recreation) is consistent with WAPC POS policy.</p> <p>Because of conservation requirements specific to the West Canning Vale ODP, the draft DCP requires developers to also contribute to the cost of acquiring land for CCWs, as part of the CIW contribution.</p> <p>The issue of applying developer contributions to fund compensation to landowners required to give up land for conservation has many complexities. Ultimately, the DCA to be established under Amendment No. 47 strives to achieve an equitable solution for funding conservation in the absence of other funding streams being made available to Council.</p> |

| Summary of Submission | Staff Comment |
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| <p>acceptable, however in this case, the contribution is double that at over 21%, mostly attributable to the highly questionable CCW areas.</p> <p>ii) We object to the use of highly questionable wetland areas being deemed and treated as POS within the terms of this Scheme. The fact that the CCW areas are to be fully fenced off from the general public is contradictory to the true meaning of POS in the context of amenable and useable space.</p> <p>iii) There is unequivocal evidence that proves the areas deemed as CCW are in fact not CCW at all. It has been proven to the Minister for the Environment that the only factor categorising this area as conservation value is the existence of Purdey's Donkey Orchid which was in fact based on incorrect GPS (geographic position system) data supplied by CALM (former Department of Conservation and Land Management). When checked, the rare flora was actually located in the adjoining Ranford Estate which is now fully developed. There is in fact no evidence of rare flora within Campbell Estate and this area is not categorised as conservation category.</p> | <p>It will be recommended by City staff that Council seek advice from the State Government regarding the possibility of State Government funds being utilised to finance what may be considered 'regionally significant' common infrastructure costs (see Discussion section later in this report).</p> <p>In the event that the State Government does not provide any funds to cover those costs, Council, if it wishes for landowners to be fairly compensated, must establish a framework for costs to be shared amongst all landowners within the West Canning Vale ODP. In the absence of any financial contribution from the State Government, City staff do not consider it particularly unreasonable that the beneficiaries of the West Canning Vale ODP, being the developing landowners, be responsible for funding the protection (through acquisition) of environmentally significant land that may be detrimentally affected by the development ultimately facilitated by the ODP. It should be noted that such an approach has been, and continues to be, applied to the development of similarly environmentally constrained and fragmented areas in Canning Vale and Southern River.</p> <p>It is acknowledged that the proposed Amendment No. 47 wording erroneously states that Local Open Space includes CCWs and land for drainage purposes. As detailed in the response to submission 3.3(i), the intent is that there are separate contribution requirements for acquiring land for recreation and drainage as opposed to land for CCW's. It will be recommended that the amending resolutions and draft DCP be modified to clarify the different contributions. The recommended modifications are discussed under the heading Recommended Modifications to Amendment No. 47 in the Discussion section of this report.</p> <p>It is beyond the scope of Amendment No. 47 to again review the extent of the defined wetlands or the process through which they were defined. Instead, the proposed amendment seeks to establish a framework for the sharing of costs associated with the implementation of the West Canning Vale ODP. The ODP was finalised after a protracted series of events and planning processes that involved public consultation and consideration by Council, the Western Australian Planning Commission the Ministers for Planning and Infrastructure and the Environment.</p> |

| Summary of Submission | Staff Comment |
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| <p>iv) Current earthworks abutting the alleged CCW areas should be sufficient evidence to prove that these areas are a far cry from being wetlands.</p> <p>v) Any conservation areas so deemed are for the benefit of all Western Australians and should subsequently be funded by the State.</p> <p>vi) For a handful of landowners to fund this questionable conservation program for the benefit of all Western Australians is highly inequitable.</p> | <p>See the staff response to submission 3.3(iii).</p> <p>It will be recommended by City staff that Council seek advice from the State Government regarding the possibility of State Government funds being utilised to finance what may be considered 'regionally significant' common infrastructure costs (see Discussion section later in this report).</p> <p>In the event that the State Government does not provide any funds to cover those costs, Council, if it wishes for landowners to be fairly compensated, must establish a framework for costs to be shared amongst all landowners within the West Canning Vale ODP. In the absence of any financial contribution from the State Government, City staff do not consider it particularly unreasonable that the beneficiaries of the West Canning Vale ODP, being the developing landowners, are responsible for funding the protection (through acquisition) of environmentally significant land that may be detrimentally affected by the development ultimately facilitated by the ODP. It should be noted that such an approach has been, and continues to be, applied to development of similarly environmentally constrained and fragmented land in Canning Vale and Southern River.</p> <p>The submitter's opinion is noted.</p> |

| 4. | <p>Name and Postal Address: Fairlie Grove Pty Ltd 70A Drummond Street Bedford WA 6052</p> | <p>Affected Property: Lot 6 Fairlie Road Canning Vale</p> |
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| Summary of Submission | | Staff Comment |
| Objects to proposal | | Noted. |

| 5. | <p>Name and Postal Address: Planning Solutions PO Box 8701 Perth BC WA 6849 Attention: Paul Kotsoglo On behalf of Fairlie Grove Pty Ltd and Douglas Green Development Co.</p> | <p>Affected Property: Lot 6 Fairlie Road Lot 284 Fairlie Road Lot 285 Fairlie Road Canning Vale</p> |
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| Summary of Submission | | Staff Comment |
| <p>Objects to proposal.</p> <p>5.1 Ranford Road is identified as an 'Other Regional Road' reservation under the provisions of the Metropolitan Region Scheme (MRS). The lots within the ODP area fronting Ranford Road are all affected by the aforementioned reservation.</p> | | Noted. |

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| <p>5.2 Ranford Road is a significant regional road within the Perth Metropolitan Region and its necessity for widening and upgrading is, in our opinion, not solely a direct consequence of the ODP and subsequent subdivision. That is, the portion of Ranford Road abutting the ODP area acts as a significant east-west regional traffic movement route.</p> | <p>See the staff comment in response to submission 2.2.</p> |
| <p>5.3 The regional status of Ranford Road has previously been acknowledged by the City of Gosnells. Specifically, in January 2007 the Federal Member for Canning, Mr. Don Randall, announced, in the presence of representatives of the City of Gosnells and Shire of Serpentine Jarrahdale, that the portion of Ranford Road, between Southern River and Warton Roads (ie east of the ODP area) will receive a \$5 million federal funding for upgrade works associated with the AusLink Strategic Regional programme. It is understood that both the Cities of Armadale and Gosnells are each contributing \$750,000.00 towards the aforementioned upgrade works associated with Ranford Road.</p> <p>The January 2007 'The Randall Report' states:</p> <p><i>“Ranford Road will become an important freight link that connects Western Australia’s southern regions with Armadale, Fremantle and Perth. The area is experiencing rapid residential, commercial and industrial growth and the improvements in transport linkage are crucial to the corridor’s long term sustainability and growth.”</i></p> <p>Clearly, the question exists “Has the City sought funding from the Federal Government of Australia for the upgrading of Ranford Road (abutting the ODP area) under the AusLink Strategic Regional programme?” If not, it is appropriate that funding should formally be requested and provided in the same way as it has been provided for the other portions of the road. To do otherwise is clearly unfair and a disproportional imposition on the ODP and its landowners.</p> | <p>See the staff comment in response to submissions 2.2 and 3.1(ii).</p> |
| <p>5.4 It is clear that Ranford Road is recognised as significant route for residential, commercial and industrial traffic and that these forms of traffic are not a direct consequence of the ODP. Accordingly, the nexus between the ODP and Ranford Road is, in our opinion, not strong enough to impose the upgrading requirements upon the ODP area and its landowners.</p> | <p>See the staff comment in response to submission 2.2.</p> |

| Summary of Submission | Staff Comment |
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| <p>5.5 As mentioned above, properties within the ODP area fronting Ranford and Nicholson Roads are subject to an MRS reservation (ie Other Regional Roads).</p> <p>Part 11 of the Planning and Development Act 2005 (herein referred to as 'the Act'), provides landowners the right to seek compensation where land has been injuriously affected.</p> <p>The DCP proposes to resume the land required for road widening, as well as its upgrading and service relocation, through the administration of the ODP. Put simply, the landowners within the ODP are to absorb the costs for what is clearly 'public works' that are providing a regional purpose.</p> | <p>See the staff comment in response to submissions 2.2 and 2.3.</p> |
| <p>5.6 With regard to the abovementioned, the proposed DCP provisions shall result in an unfair and unreasonable impost, as regional 'public works' are to be absorbed on a local ODP basis. This is clearly inconsistent with the AusLink Strategic Regional programme, which has already acknowledged Ranford Road as a significant regional road servicing a variety of communities and purposes.</p> | <p>See the staff comment in response to submission 2.2.</p> |
| <p>5.7 Furthermore, the ODP and associated DCP seeks to restrict the use of the land reserved under the MRS, and is therefore potentially inconsistent with the MRS and may be construed as an attempt to circumvent landowners' rights to compensation conveyed by Part 11 of the Act.</p> | <p>It is not clear what is meant by the statement that the ODP and associated DCP seek to restrict the use of land reserved under the MRS. The ODP simply reflects MRS reserves for road widening and Amendment No. 47 seeks to provide an equitable framework for the sharing of costs associated with that road widening being undertaken.</p> |
| <p>5.8 The Metropolitan Region Improvement Fund (MRIF) and Metropolitan Region Improvement Tax (MRIT) exist for the purposes of "...reviewing, amending, carrying out and giving effect to the Metropolitan Region Scheme". The Act conveys that the MRIT and MRIF are to be expended in connection with:</p> <ul style="list-style-type: none"> • Establishment and maintenance works in association with the MRS. • Development, maintenance and management of any land that is reserved under the MRS. | <p>Noted, however the City is not the custodian of and therefore has no direct access to these funds.</p> <p>Land for Ranford Road and Nicholson Road, including the required widening of these roads, is reserved under the MRS. The use of MRIF and MRIT funds for the cost of widening these roads would appear to be consistent with the relevant enabling legislation. However, WAPC Planning Bulletin No. 18 indicates that the cost of widening roads reserved under the MRS as 'Other Regional Roads', which is the designation afforded to Ranford Road and Nicholson Road, should be met by adjoining landowners at the time of subdivision or development.</p> |

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| <ul style="list-style-type: none"> • The carrying out of works incidental to such development, maintenance and management associated with land for any purpose associated with its reservation. <p>5.9 In the Department of Treasury and Finance’s recent (2006) State Tax Review Interim Report, the MRIT is described as, “...a trust fund for expenditure by the WAPC primarily on land acquisitions for road reserves, parks, recreation areas and the “Bush Forever” program”.</p> <p>5.10 It is undeniable that Ranford and Nicholson Roads, which are regional roads, service a regional community. Accordingly, the ODP and associated DCP must not include costs associated with the resumption of land required for the widening and upgrading of Ranford and Nicholson Roads (including service relocation costs). Failure to do so shall, in our opinion, result in non-compliance with the abovementioned provisions of the Act and contravene the intent and purpose of the MRIT and MRIF.</p> <p>5.11 As the land resumption, and construction associated with Nicholson and Ranford Roads result in a total cost of \$3,374,000.00 under the provisions of the DCP, such a significant cost cannot be unfairly absorbed entirely by the ODP area and its landowners.</p> | <p>In the case of the West Canning Vale ODP area, the immediately adjoining landholdings to Ranford Road and Nicholson Road are small in relation to the proportion of land required for widening these roads. Similarly the value of these landholdings is small compared to the costs associated with road widening. Given the relevant content of Bulletin No. 18 and the philosophy consistently espoused by Council in respect to fair and equitable compensation for landowners required to cede land for public purposes, Amendment No. 47 proposes the cost of road widening be shared among the ODP area as opposed to forcing the burden to be carried by only the immediately abutting landowners.</p> <p>Noted.</p> <p>The State Government, not the City of Gosnells, is the administrator of the MRIT and the MRIF, and as such, the State Government determines how it allocates associated funds. In this regard, it will be recommended by City staff that Council seek advice from the State Government regarding the possibility of State Government funds being utilised to finance what may be considered ‘regionally significant’ common infrastructure costs (see Discussion section later in this report).</p> <p>In the event that the State Government does not provide any funds to cover those costs, Council, if it wishes for landowners to be fairly compensated, for ceding land for road widening must establish a framework for costs to be shared amongst all landowners within the ODP area.</p> <p>The submitter’s opinion is noted. However, City staff do not consider it particularly unreasonable that the beneficiaries of the West Canning Vale ODP, being the developing landowners, are responsible for funding associated common infrastructure.</p> <p>With regard to the total cost referred to in the submission, it should be noted that the exact figures are subject to change, to account for cost and land value escalation. The issue of updating contribution rates is discussed under the heading of Recommended Modifications to Amendment No. 47 in the Discussion section.</p> |

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| <p>5.12 The Campbell Estate Transport Planning Final Report (December 2004) prepared by Environmental Resources Management Australia (ERM) was prepared for the local structure planning associated with the ODP and sought to examine the then existing traffic conditions and resultant conditions associated with subsequent development associated with the ODP.</p> <p>Of major importance were ERM's conclusive findings that clarified that Nicholson Road is part of the 'Primary Network' of designated freight roads within the Metropolitan Region. Furthermore, Ranford Road abutting the ODP area is part of the 'Secondary Network' of designed freight roads.</p> <p>It is understood from ERM's report that the then existing traffic volumes warranted widening and upgrading to the aforementioned roads.</p> <p>In addition to the preceding sections referring to the Act, MRIF and MRIT, it is clear that there is overwhelming evidence conveying that both Ranford and Nicholson Roads, abutting the ODP area, are regional roads servicing a regional community. Accordingly, any widening and upgrading of these roads must be applied at a regional/state level. In this case, the MRIF and MRIT is the appropriate vehicle for such regional improvements.</p> | <p>See the staff comment in response to submission 5.10.</p> |
| <p>5.13 The CCW area contained within the ODP amounts to 4.231 hectares and is attributed a value of \$4,654,100.00, which is to be absorbed by the ODP area and its constituents. A further \$250,000.00 is attributed to the development of the CCW area.</p> | <p>Noted. With regard to the total cost referred to in the submission, it should be noted that the exact figures are subject to change to account for cost and land value escalation. The issue of updating contribution rates is discussed under the heading of Recommended Modifications to Amendment No. 47 in the Discussion section.</p> |
| <p>5.14 It is understood that there has been significant debate regarding the classification of the CCWs within the ODP area, as methodologies to determine such CCW classification in light of overwhelming evidence from landowners appears to be subjective. Notwithstanding, this is a separate matter that is to be addressed in a separate forum external to the proposed Amendment No. 47.</p> | <p>Noted. See staff response to submission 3.3(iii).</p> |
| <p>5.15 CCWs are undoubtedly an environmental asset for the benefit of all West Australians. As outlined in the preceding section, the MRIT and MRIF is the appropriate vehicle for the Government to resume/acquire land of public value. Clearly, the landowners of the ODP area absorbing the entire costs for the acquisition of CCW land that is a (general) public asset is an inequitable and unreasonable impost on the ODP.</p> | <p>Agreed, however the approach of the State Government in respect to failing to provide a mechanism to acquire CCWs that its own processes have identified has left Council with few options in pursuing fair and equitable compensation for affected landowners.</p> <p>See the staff comments in response to submissions 3.3 and 5.10.</p> |

| Summary of Submission | Staff Comment |
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| 5.16 It is further noted that at the time of initiating Amendment No. 47, Council considered an estimated 'Common Infrastructure Works and Orders of Cost' table. It is understood at this juncture that CCW land was not be acquired by the ODP area and would appropriately be acquired through other appropriate planning mechanisms (i.e. MRIT/MRIF). | The submitter's understanding is incorrect. Whilst the initial estimated 'Common Infrastructure Works and Orders of Cost' table (as contained in the report presented to Council's meeting of 26 April 2005, when Amendment No. 47 was initiated) did not include the acquisition of CCWs as a common infrastructure cost, it specifically included the land as part of the overall POS calculation. For clarity, the draft DCP prepared following the initiation of Amendment No. 47 separated the CCWs component of open space from the land to be set aside for drainage and recreational use. |
| 5.17 The land designated as CCW is zoned 'Urban' under the MRS and is not reserved. Should such land be of environmental significance, then an appropriate 'Parks and Recreation' reservation must be applied to the subject CCW land. To do otherwise ignores the principles of orderly and proper planning and undermines proper access to compensation provided for under Part 11 of the Act. | It is correct that the land designated by the West Canning Vale ODP as CCW is zoned Urban under the MRS, but is not reserved for a public purpose such as Parks and Recreation. In this regard, the Western Australian Planning Commission, not the City of Gosnells, is the administrator of the MRS. |
| 5.18 The authorities are compelled to ensure that Amendment No. 47 and its associated DCP are fair and reasonable. As advertised, the Amendment does not result in an equitable outcome, is not consistent with the MRIT and MRIF and must therefore not be supported. | See the staff comments in response to submissions 3.3 and 5.10. |
| 5.19 The preservation of what is considered to be an environmental asset is clearly of state significance and must be appropriately dealt with as a 'state' issue, as opposed to shadowing the burden on a local community. In this regard, the Council of the City of Gosnells is requested to escalate such an issue with relevant State and Federal members and the appropriate government/service authorities. It is submitted that this matter must be addressed prior to advancing Amendment No. 47, as to do otherwise may deny the ODP landowners access to natural justice. | It will be recommended by staff that Council seek advice from the State Government regarding the possibility of State Government funds being utilised to finance what may be considered 'regionally significant' common infrastructure costs. See the discussion under the heading Contributions and Compensation for Land required for Public Purposes in the Discussion section of this report. |
| 5.20 The WAPC's Planning Bulletin No. 18 (February 1997) – Developer Contributions for Infrastructure provides guidance to the planning and development industry regarding developer contributions associated with subdivision of land. In essence, "Developer contributions are legally enforceable contributions that a developer is required to make for the provision of infrastructure and which are directly related to the needs arising from the development." | Noted. |
| 5.21 As stated within the abovementioned Planning Bulletin, the principles that generally apply in determining the validity of developer contributions are listed as | Noted. |

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| follows: | |
| <ul style="list-style-type: none"> • The subject subdivision must create or contribute to the need for the particular infrastructure or facility for which the contribution is being sought. • The contribution must be fair and reasonable and reflect the true costs of the infrastructure or facility. • The contribution should be fairly apportioned between multiple landowners proportional to the share of the need created by each landowner's subdivision. • A financial contribution must be spent within a reasonable period of time • There should be accountability in the manner in which the contributions are determined and expended. <p>5.22 The Amendment No. 47 documentation, as advertised, expresses that adherence to the abovementioned Planning Bulletin has been achieved. Whilst it is acknowledged that the Planning Bulletin is a guidance tool, the important principles emphasised above relate to the promotion of fairness, accountability, proportional costs, and the creation of a defined need.</p> <p>5.23 Amendment No. 47 and its associated DCP propose to impose state/regional matters (i.e. regional road upgrades and conservation of CCWs) on a localised area. Clearly, an imposition of regional/state values on a local community is not fair and is not appropriately apportioning costs. Accordingly, Amendment No. 47 is not consistent with the fundamental principles contained within the abovementioned Planning Bulletin for the reasons outlined above.</p> | <p>Noted.</p> <p>See the staff comments in response to submissions 3.3 and 5.10.</p> <p>City staff consider that Amendment No. 47 and the associated draft Development Contribution Plan (DCP) are consistent with the Western Australian Planning Commission's Planning Bulletin No. 18 – Developer Contributions for Infrastructure for the following reasons:</p> <ul style="list-style-type: none"> • Schedule 1 of Planning Bulletin No.18 specifically states that, with regard to district distributor roads, the developer is to cede the requisite land free of cost and also contribute to the initial stage of road construction, including all earthworks, 2 lanes unkerbed, dual use path on one side, grade separated pedestrian crossings and drainage. • The ODP and subsequent subdivisions will lead to a significant intensification in use of land in the area, thus creating the need to protect an environmentally important feature, as determined by an exhaustive environmental assessment process. • The contributions, as indicated within the draft DCP, reflect the true costs of the requisite infrastructure. • The contributions, as indicated within the draft DCP, are proposed to be apportioned fairly between all landowners within the ODP area. |

| Summary of Submission | Staff Comment |
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| <p>5.24 It is understood that various subdivision applications have been approved by the WAPC in the ODP area and that conditions have been imposed requiring the developer/ landowner to enter into a legal agreement with Council committing to the satisfaction of the DCP, once formalised.</p> | <p>The submitter's understanding is correct.</p> |
| <p>5.25 We further understand that some developers within the ODP area may have paid the City an agreed value per hectare contribution based on a concept DCP available at the time of subdivision. Should this be the case and no further payments are required from the relevant developer/landowner, then a significant shortfall shall eventuate in the City satisfying the proposed DCP, which may result in remaining subdividers/landowners compensating 'underpaid' contributions. The City's attention is highlighted to this issue in the event that previous subdividers/landowners may have entered into payment agreements with the City.</p> | <p>As subdivision of the West Canning Vale ODP area has progressed ahead of the finalisation of Amendment No. 47, it has been necessary for the City to enter into legal agreements with developers. The legal agreements typically require a preliminary contribution to be made based on current estimate CIW and POS costs. The agreements also secure the ability for the City to later adjust contributions once final costs are determined upon the finalisation of Amendment No. 47 and either require a 'top-up' payment or refund depending on the final outcome of the amendment.</p> |
| <p>5.26 The preceding sections clearly demonstrate that Amendment No. 47 and its associated DCP do not achieve an equitable and reasonable outcome in relation to the acquisition and conservation of important state and regional public assets. The Amendment as advertised proposes to impose \$8,568,100 of state/regional asset-related costs onto the landowners within the ODP area. Accordingly, Amendment No. 47 must not be supported for the following reasons, as emphasised in the above submission:</p> <ul style="list-style-type: none"> • The Federal Government's AusLink Strategic Regional Programme clearly acknowledges the state/regional significance of Ranford Road as warranting improvement to service a state/regional community and purpose. • The acquisition of regional roads, such as Nicholson and Ranford Roads, warrant improvement through the MRIT and MRIF. • The acquisition of land for regional road widening purposes through the ODP and its landowners is inconsistent with Part 11 of the Planning and Development Act 2005 and may be construed as an attempt to circumvent landowners' rights to compensation under the Act; | <p>Noted.</p> <p>See the staff comments in response to submissions 2.2 and 2.3.</p> <p>See the staff comments in response to submissions 2.2, 2.3 and 5.10.</p> <p>The purpose of Amendment No. 47 is not to circumvent landowners' rights to compensation pursuant to Part 11 of the Planning and Development Act 2005, but to equitably share the costs associated with the development of the West Canning Vale ODP area. The proposal is similar to that applied in association with the Canning Vale ODP.</p> |

| Summary of Submission | Staff Comment |
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| <ul style="list-style-type: none"> • Previous traffic investigations undertaken in 2004 confirmed that Nicholson and Ranford Roads warranted upgrading at this previous juncture. Therefore, such a need for improvements cannot be directly attributed to the ODP; and • The acquisition of a state public asset such as CCWs must not be entirely absorbed through the ODP and its landowners. Rather, the provisions of the MRIT/MRIF exist to acquire and conserve such public assets. <p>5.27 Given the above, it is clear that Amendment No. 47 and its associated DCP does not promote an equitable environment, and unfairly places significant cost burdens onto the landowners of the ODP. The City's Officers and Elected Members are respectfully requested not to support and not to progress Amendment No. 47 until such time that the Amendment promotes equity and fairness in light of the matters raised in the submission. In particular, engaging constructive dialogue with State and Federal Members is warranted given the various issues of 'state' significance, which is not appropriate for dealings through a localised ODP.</p> <p>5.28 We respectfully request the opportunity to submit additional submissions, be notified of Ordinary Council meetings where the subject matter shall be considered and present a deputation accordingly.</p> | <p>See the staff comments in response to submissions 2.2 and 2.3.</p> <p>See the staff comments in response to submissions 2.4 and 5.10.</p> <p>The submitter's opinion is noted, however it will be recommended that Amendment No. 47 be adopted by Council for final approval generally as proposed. It will also be recommended that Council seek advice from the State Government regarding the possibility of State Government funds being utilised to finance what may be considered 'regionally significant' common infrastructure costs. See the discussion under the heading Contributions and Compensation for Land required for Public Purposes in the Discussion section of this report.</p> <p>Notwithstanding the above, it will be recommended by City staff that Council seek advice from the State Government regarding the possibility of State Government funds being utilised to finance some portion of the common infrastructure costs (see Discussion section later in this report). In this regard, it is not considered necessary that Amendment No. 47 be delayed pending a response from the State Government as the proposed cost sharing framework is required regardless of any government funding that may eventuate.</p> <p>Noted. It is standard practice to write to those people who made a submission to advise when matter will be presented to Council.</p> |

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| 6. | Name and Postal Address: Peter Hughes PO Box 255 West Perth WA 6872 | Affected Property: 888 (Lot 1) Nicholson Road (corner Ranford Road) Canning Vale |
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| Summary of Submission | Staff Comment |
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| <p>Objects to proposal.</p> <p>The proposed compensation value for the road widening is way below the current value of the land.</p> | <p>See the staff response to submission 1.1.</p> <p>It should be noted that since receiving this submission, Lot 1 Ranford Road has been sold and the City is in negotiation with the new landowner for the acquisition of the portion of the property required for road widening.</p> |

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| 7. | Name and Postal Address: Y & K Teh 88 Ten Seldam Circle Winthrop WA 6150 | Affected Property: Lot 278 Ranford Road Canning Vale |
| Summary of Submission | | Staff Comment |
| <p>Objects to proposal.</p> <p>The compensation value proposed for the compulsory road widening is considered to be way below the current value of the land.</p> | | <p>See the staff response to submission 1.1.</p> <p>It should be noted that since receiving this submission, the portion of Lot 278 Ranford Road required for road widening has been ceded as part of the subdivision of this property. A legal agreement has been entered into with the landowner, which recognises the value of the ceded land and offsets this value against contribution obligations applicable to the lot. The agreement also recognises the provisional nature of road widening being a CIW and allows for retrospective adjustment of contributions and compensation payable should Amendment No. 47 ultimately be approved by the Minister for Planning and Infrastructure in a form different to which has been proposed.</p> |

| 8. | Name and Postal Address: Roberts Day Level 1, 130 Royal Street East Perth WA 6004 Attention: Maureen Hegarty On behalf of Taggart Developments. | Affected Property: Various landholdings in the West Canning Vale ODP area | | | | | | | | |
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| Summary of Submission | | Staff Comment | | | | | | | | |
| <p>Comments on proposal.</p> <p>In respect to the TPS Amendment Report:</p> <p>8.1 There is a need to clarify the situation regarding Public Open Space (POS) and Conservation Category Wetlands (CCW) and land for drainage requirements.</p> <p>Section 4.1 (i) proposes the following items as Common Infrastructure Works/Costs:</p> <p style="padding-left: 40px;"><i>“The cost of acquisition of land identified for public open space as shown on the adopted ODP, which for the purposes of the cost sharing arrangement includes CCW’s and land for drainage purposes;</i></p> <p style="padding-left: 40px;"><i>The development of basic public open space infrastructure including bollards and grass.”</i></p> <p>CCW and land for drainage should be separate from POS and included as a Common Infrastructure Works (CIW) cost, as they should be contributed to by non-residential land, whereas POS is only contributed to by residential land. This would then be consistent with the DCP as explained on page 1 in paragraph 2 of the Introduction.</p> | | <p>Noted.</p> <p>This aspect of the submission identifies certain anomalies between the drafting of the Scheme provisions proposed by Amendment No. 47, the supporting Amendment report and the draft DCP.</p> <p>On one hand clause 4 of the Amendment No. 47 text and clause 4.1 i) of the Amendment report suggest that the cost of acquiring land for POS includes land for CCWs and drainage, whereas the draft DCP distinguishes that contributions towards POS and CCWs are separate. The following table indicates the intended contributions approach:</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">Purpose</th> <th style="text-align: left;">Funding Source</th> </tr> </thead> <tbody> <tr> <td>Conservation Category Wetland</td> <td>CIW contributions</td> </tr> <tr> <td>Wetland Buffers</td> <td>POS contributions</td> </tr> <tr> <td>Land for Drainage</td> <td>50% CIW and 50% POS contributions</td> </tr> </tbody> </table> <p>It will be recommended that Council support a modification being made to the Amendment No. 47 text and report to consistently detail the manner by which contributions for POS, as distinct from land for wetland conservation and drainage, will be applied.</p> | Purpose | Funding Source | Conservation Category Wetland | CIW contributions | Wetland Buffers | POS contributions | Land for Drainage | 50% CIW and 50% POS contributions |
| Purpose | Funding Source | | | | | | | | | |
| Conservation Category Wetland | CIW contributions | | | | | | | | | |
| Wetland Buffers | POS contributions | | | | | | | | | |
| Land for Drainage | 50% CIW and 50% POS contributions | | | | | | | | | |

| Summary of Submission | Staff Comment |
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| <p>8.2 Basic public open space infrastructure should be clarified in the DCP and items should be costed and included in the Common Infrastructure Costs (CIC). The CIC should include all costs associated with the agreed levels of landscaping as described in an agreement between developers and Council.</p> | <p>See the Table of Recommended Modifications to Amendment No. 47 in the Discussion section (see recommended modifications 1, 2, 4 and 5).</p> <p>This aspect of the submission has identified certain anomalies between the drafting of the Scheme provisions proposed by Amendment No. 47, the supporting Amendment report and the draft DCP. It is also advocating that all costs associated with works within CCW and POS be funded by the DCA.</p> <p>On one hand clause 4.1 i) of the Amendment report suggests that the development of basic POS infrastructure, such as bollards and grass is proposed as a CIW, whereas the Amendment text and draft DCP make no provision for such works to be commonly funded.</p> <p>The draft DCP includes an allowance of \$250,000 for the cost of CCW development. This allowance is limited to providing CCW perimeter fencing, a boardwalk, the preparation of a Wetland Management Plan, vegetation and groundwater monitoring and rehabilitation of redundant existing roads within the CCW/POS. These are considered to be basic works intended to protect the wetlands. The draft DCP does not make allowance for landscaping or other parkland treatments within POS, except where relating to drainage basin/swale revegetation (for nutrient stripping).</p> <p>Discussion on why the draft DCP does not include additional POS works is contained in the staff response to submission 8.12.</p> <p>It will be recommended that the proposed contribution approach to CCW-related works (and not POS-works) be maintained in the DCP. If this is supported by Council, no modification to the Amendment No. 47 text is required. However it will be necessary to amend the Amendment report (section 4.1) to remove the reference to the development of basic POS infrastructure including bollards and grass.</p> <p>See the Table of Recommended Modifications to Amendment No. 47 in the Discussion section (see recommended modification 4).</p> |
| <p>8.3 The estimated cost of works in the last paragraph on page 4 is \$270,000. The DCP document refers to a figure of \$244,033.</p> | <p>It is acknowledged that there is a discrepancy between the estimated CIW contribution rate in the Amendment No. 47 report and rate detailed in the draft DCP.</p> <p>It will be recommended that Council support a modification being made to the Amendment No. 47 report and the draft DCP to update contribution rates to reflect current estimated costs and ensure that no discrepancy exists.</p> <p>See the Table of Recommended Modifications to Amendment No. 47 in the Discussion section (recommended modifications 4 and 5).</p> |

| Summary of Submission | Staff Comment |
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| <p>8.4 Section 4.2 refers to a requirement for actual costs to be updated on an annual basis. Designation of a particular month will assist in reconciling payments made under the terms of legal agreements prior to gazettal of the TPS amendment and adoption of the DCP.</p> <p>In respect to the Text Amendment:</p> <p>8.5 Schedule 12 provisions – Item 2 – CIW additional to those detailed in the Twelfth Schedule of the Scheme should be changed to reflect the following:</p> <p>i) Terminology in item 2 should reflect the items as works as opposed to costs.</p> <p>ii) Item 2b should be deleted as it is covered by item 2a. This is explained in section 6.4 of DCP. The TPS text amendment drafting should reflect the DCP.</p> | <p>Clause 7.4 of Schedule 12 of TPS 6 requires CIW cost estimates to be reviewed annually.</p> <p>The DCA associated with the West Canning Vale ODP is only one of approximately twelve existing or draft DCAs in operation in the City. The process and timing of the review of cost estimates is essentially an operational matter, though there is considered to be merit in completing annual reviews for all DCAs concurrently in accordance with a defined timetable. One possibility is that the reviews are timed to coincide with any changes Council may make to contribution rates coming into effect at the commencement of each financial year.</p> <p>The submitter’s suggestion does not necessitate any modification to Scheme provisions, however it will be further examined as part of the ongoing process of business improvement in respect to the City’s administration of DCAs.</p> <p>Noted but not agreed.</p> <p>TPS 6 makes a distinction between CIW and common infrastructure costs (CIC), which is in accordance with guidance contained in the WAPC’s Model Text provisions for developer contributions.</p> <p>In simple terms the distinction is made to recognise the difference between a CIW, which is a physical work (eg the cost of a path) and a CIC, which is a cost associated with completing a CIW (eg engineering design) or the general administration of a DCA (eg valuation fees).</p> <p>From a practical viewpoint however, CIW contributions are based on the combined allowance for the cost of providing CIW and CIC.</p> <p>Amendment No. 47 has been drafted specifically to accord with the manner in which TPS 6 is drafted. This is most evident in terms of the definitions for CIW and CIC.</p> <p>One of the roles of a DCP is to explain, in practical terms, the intended operation of a contribution arrangement given that the statutory provisions are drafted in a relatively complex manner. No change to the terminologies of CIW and CIC in the Amendment No.47 text will therefore be recommended.</p> <p>Not agreed.</p> <p>Clause 2a) refers to the requirement for 50% of the cost of constructing one carriageway, earthworks, a shared path and drainage to be a CIW.</p> <p>Clause 2b) refers to the requirement for the cost of earthworks of the second carriageway to be a CIW.</p> <p>The two requirements are separate and the approach for these costs to be shared among developers is consistent with the WAPC’s Bulletin No. 18.</p> |

| Summary of Submission | Staff Comment |
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| <p>iii) CCW and drainage land should be included.</p> | <p>Not agreed.</p> <p>Section 2 of the Amendment No. 47 text lists the works that are to be commonly funded. Section 3 of the Amendment No. 47 text lists the costs that are to be commonly funded. As the acquisition of land is a 'cost' and not a 'work', reference to the cost of CCW and drainage acquisition is best placed in Section 3, as drafted.</p> |
| <p>iv) Land for Nicholson Road widening should be included.</p> | <p>Not agreed.</p> <p>Section 2 of the Amendment No. 47 text lists the works that are to be commonly funded. Section 3 of the Amendment No. 47 text refers to the list of costs that are to be commonly funded. As the acquisition of land is a 'cost' and not a 'work', reference to the cost of land required for widening Nicholson Road is best placed in Section 3, as drafted</p> |
| <p>8.6 Schedule 12 provisions – Item 3 – cost contributions additional to those detailed should be changed to reflect the following:</p> <p>i) Item 3b should be deleted as per item 2b above.</p> <p>ii) Item (g) should be reworded to reflect/distinguish between land for POS and land included a CIW cost.</p> | <p>Noted, but not agreed.</p> <p>On first reading, it seems that clause 3b) of the Amendment No. 47 text (which provides for earthworks of the second carriageway of the abutting section of Ranford Road to be a CIC) is a duplication of clause 2b) (which provides for the earthworks to be a CIW).</p> <p>It is acknowledged that the drafting of the Amendment in this manner is somewhat cumbersome. However this is due to the reasons explained in the staff response to submission 8.5.</p> <p>A less complicated rationale is that earthworks for Ranford Road will involve a physical work that has some associated physical and non-physical costs.</p> <p>Reference therefore to these costs in section 2 (CIW) and section 3 (CIC) is required.</p> |
| <p>8.7 Schedule 12 provisions – Item 4 – should be redrafted to reflect/distinguish between land for POS and land included a CIW cost.</p> | <p>Agreed.</p> <p>See the staff comment in response to submission 8.1.</p> |
| <p>8.8 Appendix A (Assessment of CIW against Bulletin No. 18) – Assessment of CIW Item 9 should reflect issues raised above (that is, distinguishing between land for POS and CCW and land for drainage.</p> | <p>Agreed.</p> <p>See the staff comment in response to submission 8.1.</p> |
| <p>In respect to the DCP:</p> <p>8.9 1.0 Introduction – second paragraph - figure for CIW Costs is different from the figure in TPS Amendment Report.</p> <p>2.0 Land and Cost Contribution Table:</p> | <p>Agreed.</p> <p>See the staff comment in response to submission 8.1.</p> |

| Summary of Submission | Staff Comment |
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| <p>i) Table should reflect ODP shown in Section 3.0 (which appears to include recent modifications).</p> <p>ii) Contribution Area Map shown at 4.2 should be based on ODP and Land and Cost Contribution Table.</p> <p>iii) Separate Contribution Area Maps should be done for POS and for CIW.</p> | <p>Agreed.</p> <p>It will be recommended that Council support a modification being made to the draft DCP to reflect the current ODP, as it has been modified since Amendment No. 47 was drafted and advertised for public comment.</p> <p>See the Table of Recommended Modifications to Amendment No. 47 in the Discussion section (recommended modification 5).</p> <p>Agreed.</p> <p>It will be recommended that Council support a modification being made to the draft DCP to reflect the current extent of the Contribution Area, as it has changed since Amendment No. 47 was drafted and advertised for public comment as a result of modifications made to the ODP.</p> <p>See the Table of Recommended Modifications to Amendment No. 47 in the Discussion section (recommended modification 5).</p> <p>Agreed.</p> <p>It will be recommended that Council support a modification being made to the draft DCP to insert an additional Contribution Area map. Due to differences in the respective contribution liabilities between POS and CIW, the inclusion of separate Contribution Area maps for POS and CIW to better illustrate contribution parameters is considered to have merit.</p> <p>See the Table of Recommended Modifications to Amendment No. 47 in the Discussion section (recommended modification 5).</p> |
| <p>8.10 4.3 – Calculation of Public Open Space (and Associated Drainage) - second dot point refers to land requirements in addition to POS as being included in the POS calculation. Need clarification as this seems contrary to paragraph 3 in the Introduction where it states that the cost of acquisition of land for drainage, road widening and CCW's are CIW costs and are therefore not included in POS land.</p> | <p>Agreed.</p> <p>It is acknowledged that the calculation of cost estimates for funding the acquisition of land for drainage is complicated.</p> <p>Clause 4.3 of the Draft DCP details how the POS contribution percentage is calculated.</p> <p>Calculations are, in part, complicated by the fact that land for drainage is closely integrated with POS. Under the ODP and WAPC policy, a 50% credit for integrated drainage may count towards the satisfaction of POS requirements.</p> <p>Notwithstanding the POS credit scenario, a fundamental objective of the DCA is to ensure sufficient funds are collected from contributions to compensate landowners who provide land for drainage.</p> <p>Landowners giving up land for drainage would be entitled to receive compensation for 100% of the value of the land, notwithstanding that the land received only a 50% credit in POS calculations.</p> <p>Given 2.03ha of land is required for drainage purposes, the proposal is for 50% of that area to be funded from POS contributions, with the balance area (1.015ha) to be funded by CIW contributions.</p> |

| Summary of Submission | Staff Comment |
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| <p>8.11 4.5 – Land for Conservation Category Wetlands and Drainage (not included in POS Calculations) - needs clarification. Does this mean some land for CCW's and drainage is included in POS calculations and is this a reference to drainage land which is receiving 50% credit for POS?</p> <p>8.12 6.0 – Common Infrastructure Works – Costing Details:</p> <p>i) Costs for items of infrastructure are out of date. The costs should be updated and the contribution rate adjusted.</p> <p>ii) Cost items for CCW development should cover items required by Council to be included in approved landscape plans to address environmental and agreed level of landscaping issues.</p> | <p>It will be recommended that Council support a modification being made to the draft DCP to provide clearer explanation of drainage contribution calculations.</p> <p>See the Table of Recommended Modifications to Amendment No.47 in the Discussion section (recommended modification 5).</p> <p>See the staff comments in response to submission 8.1 and 8.10.</p> <p>Agreed.</p> <p>As some time has passed since Amendment No. 47 was advertised, and since the draft DCA was prepared, it is necessary to update the draft DCP to reflect current cost estimates and contribution rates</p> <p>It will be recommended that Council support a modification being made to the draft DCP to incorporate updated CIW cost estimates and related contribution rates to reflect current unit rates and land valuations.</p> <p>See the Table of Recommended Modifications to Amendment No.47 in the Discussion section (recommended modification 5).</p> <p>It is difficult when drafting a DCP, as was the case with the West Canning Vale DCA, to envisage all possible costs that might be associated with development of an ODP area. This is generally due to the fact that cost parameters are estimated ahead of detailed works plans being prepared and because different developers have different approaches to the level of enhancement they will undertake to public areas.</p> <p>The draft DCP includes an allowance of \$250,000 for the cost of CCW development. This allowance is limited to providing CCW perimeter fencing, a boardwalk, the preparation of a Wetland Management Plan, vegetation and groundwater monitoring and rehabilitation of redundant existing roads within the CCW/POS. These are considered to be basic works intended to protect the wetlands. The draft DCP does not make allowance for landscaping or other parkland treatments within POS, except where relating to drainage basin/swale revegetation (for nutrient stripping).</p> <p>This aspect of the submission does not detail which additional landscaping items should be included as common works or costs.</p> <p>There are complexities associated with determining what CCW works should be an individual subdivider's responsibility and those that should be borne by the broader ODP area.</p> |

| Summary of Submission | Staff Comment |
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| <p>iii) The City of Canning has sought to have additional drainage requirements associated with widening of Nicholson Road accommodated in the ODP area. Nicholson Road widening is not a CIW cost and the cost of these drainage works should not be included in CIW cost for the ODP, they should be covered by the City's road widening budget.</p> <p>iv) Has land from the Govan Road Closure been included as a CIW cost or will it be given up by Crown/DPI at no cost to ODP owners.</p> <p>v) The plan referred to in the Table under section 6.1 should form part of DCP document (ie Sketch Plan 2768.3/10B of October 2004)</p> | <p>The submitter's client and other landowners in the ODP area have expressed reservations in committing to undertake wetland-protective or enhancement works if there is to be no reimbursement paid by the DCA towards the costs.</p> <p>As detailed in this Schedule of Submissions, there have been objections to the West Canning Vale DCA funding CCW acquisition and related development costs. It would be likely that additional cost allowances for CCW development would exacerbate the level of angst that obviously exists among some landowners with the proposal for the DCA to fund wetland-related costs.</p> <p>It will therefore be recommended that the cost allowance for CCW development be maintained as set out in the draft DCP, except for a minor cost adjustment to account for cost changes since the draft DCP was advertised. The main implication of this approach is that while basic wetland-protective works will be funded by the DCA, some costs associated with wetlands will have to be met by individual subdividers whose land contains a wetland, as this is part of the cost of developing environmentally constrained land. This is considered to represent a reasonable and balanced approach.</p> <p>Stormwater from Nicholson Road has been approved by the City's Technical Services branch to be directed into an area of POS in the West Canning Vale ODP area. This has necessitated the originally proposed drainage basins to be enlarged so as to be of a sufficient size to cater for an increased volume of stormwater. No additional land for open space has had to be set aside as a result of this decision and as such, there is negligible impact on costs (drainage basin construction in the draft DCP is costed at \$3.50/m³). In any event, no change is recommended to the basin cost estimates in the DCP other than to account for inflation of construction costs since the draft DCP was advertised.</p> <p>The portions of Govan Road that are to be closed and incorporated into POS will remain in Crown ownership. It is therefore not necessary for these land areas to be included as a CIW or POS acquisition cost.</p> <p>Agreed.</p> <p>As a result of a series of modifications to the West Canning Vale ODP, the subject sketch plan is now superseded. As such, it will be recommended that Council support the inclusion of an updated drainage concept plan within the DCP.</p> <p>See the Table of Recommended Modifications to Amendment No. 47 in the Discussion section (recommended modification 5).</p> |

| Summary of Submission | Staff Comment |
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| vi) Second paragraph of section 6.4 describes the situation relating to the CIW item for Ranford Road construction. The TPS Amendment Text should reflect the DCP. | See the staff comment in response to submission 8.5(ii). |
| vii) Road Construction Costs described in 6.4 were previously presented in a table similar to drainage costs in 6.1. Due to the nature of costs, presentation in a table would assist in clarity and ease of reference. | <p>Agreed.</p> <p>It will be recommended that Council support the inclusion of a unit cost schedule detailing the specific components that make up the total road construction cost estimate.</p> <p>See the Table of Recommended Modifications to Amendment No. 47 in the Discussion section (recommended modification 5).</p> |

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| 9. | <p>Name and Postal Address: Landmark Nominees 8/454 Roberts Road Subiaco WA 6008 Attention: Colin Conceicao On behalf of Eastview Nominees Pty Ltd</p> | <p>Affected Property: Lot 13 Campbell Road Lot 14 Nicholson Road Canning Vale</p> |
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| Summary of Submission | Staff Comment |
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| <p>Comments on proposal.</p> <p>The following comments have been provided in respect to the draft DCP contained in the amendment document:</p> <p>9.1 1.0 Introduction –</p> <p>i) there is a discrepancy in the cost contribution payable of \$244,033/ha of developable land compared with \$270,000/ha stated in the amendment document. Please clarify.</p> <p>ii) the list of CIW should include POS development and infrastructure. Development of POS benefits all residential landowners and the associated cost must be met by all residential landowners.</p> | <p>Agreed.</p> <p>See the staff comment in response to submission 8.3.</p> <p>Not agreed.</p> <p>Clause 3.6.1 of the WAPC’s Policy No. DC 2.3 – Public Open Space in Residential Areas states “the Commission’s requirements that land for public open space be given up as a condition of subdivisional approval do not extend to the physical development of the land. It is the intention that when such land is vested in the relevant local government, development should be undertaken through the budget of that local authority at the appropriate time”. Therefore, City staff consider that to require all developing landowners to contribute to POS development would be inconsistent with Commission Policy. It is noted that some developers may choose to develop areas of POS to improve the marketability of an area, however, such improvements are an individual developers’ prerogative, and should not be communally funded through the proposed cost sharing arrangement.</p> <p>See also the staff comment in response to submission 8.12 (ii).</p> |

| Summary of Submission | Staff Comment |
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| <p>9.2 2.0 Land and Cost Contribution Schedule – on the basis that compensation is payable under the DCP, the CCW buffer areas must be attached to the CCW areas and not to POS areas. The provision of CCW buffers is directly linked to the CCW to protect wetlands. CCW are set aside in the interest of preserving a significant environmental feature and the CCW and buffers are not intended for passive recreational use and therefore should not be considered as POS. Therefore the commercial landowners have an equal if not greater responsibility to contribute towards the CCW and buffer acquisition cost as the residential landowners. Commercial developments have almost 100% of their properties paved or roofed and a very high amount of runoff containing pollutants that contribute to wetland degradation.</p> | <p>Noted.</p> <p>It is agreed that the CCW buffers are related to the CCW, however in practicality the buffers in the ODP area will largely serve a recreational and drainage function that will be of benefit to all land uses.</p> <p>The WAPC’s Planning Bulletin No. 18 does not require commercial land to contribute to POS. It should be noted however that a portion of the proposed POS (1.015ha) will be provided as a Common Infrastructure Cost rather than as standard POS. This is effectively an acknowledgment that some portions of the proposed open space will serve an important drainage function for residential and non-residential uses alike.</p> |
| <p>9.3 4.0 Contribution/Compensation Overview -</p> <p>i) Eastview Nominees supports the inclusion of CCW and road widening in the Order of Costs with (the cost of) compensation payable equitably distributed amongst residential and commercial landowners. CCW buffers should be included as stated above.</p> <p>ii) Eastview Nominees supports POS and associated drainage land acquisition being included in the Order of Costs with (the cost of) compensation payable equitably distributed amongst all residential landowners.</p> <p>iii) Where commercial land and R30/R40 residential land connects to drainage (which is probable in all cases due to the high water table), this land should pay a higher proportional rate for drainage land acquisition and main drainage works based on the higher runoff generated compared to R20 residential land. This may be calculated easily by the engineers from the drainage design guidelines and the costs should be apportioned appropriately.</p> <p>iv) Page 6 and 8 Tables and calculations – the CCW area of 4.44ha should be increased to include CCW buffers.</p> | <p>Noted.</p> <p>Noted.</p> <p>While in an ideal sense there may be some merit in the cost of drainage infrastructure and related land being apportioned to developers on the proportion of stormwater that their particular development contributes to the overall drainage system, such an approach would be very difficult to accurately quantify and establish contribution parameters for. This is due to it being virtually impossible to accurately forecast the likely area of impervious surfaces resulting from each development and therefore set contribution rates accordingly. The methodology for apportioning drainage costs to the ODP area is set out in the draft DCP and is consistent with the approach used in the DCA associated with the Canning Vale ODP.</p> <p>See the staff comment in response to submission 9.2.</p> |

| Summary of Submission | Staff Comment |
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| <p>9.4 4.4 POS Valuation and Compensation Process – Eastview Nominees supports the valuation of POS by a Licensed Valuer to determine the rate that will be applied to establish required contributions. However the valuation should be based on improved value. Landowners without POS increase their lot yields and profits at the detriment of landowners with POS. Whilst unimproved value has been used in the past it is about time that this anomaly is rectified and the Scheme provides the ideal opportunity to compensate landowners whose land includes POS. Landowners with POS not only lose lot yield but pay more for infrastructure by having to pay for half the cost of roads and services fronting POS.</p> | <p>Noted, but not agreed.</p> <p>The submission is advocating a valuation process based on the 'fair nett expectance' methodology, as opposed to the 'market value' methodology that is established in Schedule 12 of TPS 6.</p> <p>The fair nett expectancy methodology would be more complex, difficult and costly to administer as it would involve individual valuations needing to be done annually for each parcel of land that is identified for a public purpose. There are 20 individual lots in the ODP area that have some portion required for a public purpose. In some cases the land areas required for public purposes are very small and the cost of obtaining a valuation could be greater than the cost of the land.</p> <p>It is administratively simpler to have a single common valuation prepared. It is also more equitable as all landowners are treated the same, regardless of land use.</p> <p>While landowners who are required to give up land for a public purpose are denied the ability to develop their land, they are also not exposed to the risk and cost that goes with land development. The fair nett expectancy methodology potentially would expose Council to a funding shortfall. If there was a major escalation in land values and a property was valued based on its development potential and a significant proportion of the ODP had already been developed, there would be little ability for Council to pass on the increased cost through contributions.</p> <p>There is additional discussion on how land is valued in a DCA under the heading of Valuation Methodology in the Discussion section of this report.</p> |
| <p>9.5 4.5 Land for CCW and Drainage - Eastview Nominees supports the acquisition of additional land for drainage and associated drainage infrastructure and for CCW as a cost to commercial and residential developments to be included in the Order of Costs. The CCW buffers should be included and removed from POS items.</p> | <p>See the staff comment in response to submission 9.2.</p> |

| Summary of Submission | Staff Comment |
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| <p>9.6 4.6 CCW and Road Widening Valuation and Compensation Process – Eastview Nominees supports a valuation of CCW and road widening by a Licensed Valuer to determine the rate that will be applied to establish the required contributions. However the valuation should be based on improved value. Landowners without CCW and road widening benefit by higher lot yields and profits at the detriment of landowners with CCW and road widening. Whilst unimproved value has been used in the past it is about time that this anomaly is rectified and the Scheme provides the ideal opportunity to compensate landowners whose land include CCW and road widening. The development cost abutting CCW are higher because of servicing single side road frontages.</p> | <p>See the staff comment in response to submission 9.4.</p> |
| <p>9.7 5.0 Summary of CIW Costs –</p> <p>i) Drainage Construction – apart from the costs detailed in 6.1, this cost needs to include the cost to reimburse some landowners who are required by WAPC subdivision approval conditions to prepare detailed Drainage and Nutrient Management Plans or Urban Water Management Plans on their land and to implement and manage the recommended works for a period of up to two years. Eastview Nominees suggest that the landowner could request ENV (environmental consultants) commence the design pre-development with Council input and that Council implements and manages the works with all costs met under the Contribution Plan. This will ensure that the standard of recommended work is undertaken by one contractor, is easily managed, is consistent and meets Council expectations.</p> <p>ii) Drainage Construction - Landmark Management Pty Ltd wrote to the City on 31 May 2007 making suggestions on how the developer responsibilities listed in the ENV Urban Water Management Plan prepared for the ODP area should be managed. Landmark has not received any feedback from Council staff to date.</p> | <p>Not agreed.</p> <p>The purpose of the proposed scheme amendment and draft DCP is to establish a framework for the sharing of costs, incurred through the development of the West Canning Vale ODP, that serve a communal function and/or provide a communal benefit.</p> <p>The draft DCP makes allowance for the preparation of an estate-level drainage management plan for the ODP area, however it does not make provision for each individual subdivider to prepare their own drainage management plan.</p> <p>The onus is on subdividers to prepare their own drainage management plan and associated drainage design that accords with the overall drainage management plan.</p> <p>The fact that there is a DCA-funded, estate-level drainage management plan minimises the cost for individual subdividers as they only have to demonstrate how their own development accords with the overall plan.</p> <p>City staff have liaised with the submitter since receiving their submission and have responded to the correspondence of 31 May 2007.</p> |

| Summary of Submission | Staff Comment |
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| <p>iii) Drainage Construction – Eastview Nominees understands that drainage from Nicholson Road will be directed into basin CE1 which will need to be enlarged and associated drainage works added. We are not aware of how this cost will be treated. The cost needs to be included in the Contribution Plan. The same may not apply to Ranford Road.</p> | <p>See the staff comment in response to submission 8.12 (iii).</p> |
| <p>iv) Land to be acquired for drainage – Eastview Nominees agrees that land to be acquired for drainage should be included in the Orders of Cost shared by commercial and residential landowners, but the land should be valued on improved value not unimproved value as stated.</p> | <p>See the staff comment in response to submission 9.4.</p> |
| <p>v) Shared paths – agreed.</p> | <p>Noted.</p> |
| <p>vi) Road Construction – WAPC Planning Bulletin 18, Item 6.2 states that the final stage of road construction for a District Distributor Road (which Ranford Road is) “is to be funded by local government” and “final stage of road construction when traffic demand warrants including second carriageway, full drainage, upgrading of initial carriageway, bus bays, turning facilities, lighting, all kerbing and landscaping” is a “Council cost”. Nonetheless we note Council is requiring the Scheme contribute 50% of the second carriageway cost and based on other Council’s Schemes this seem appropriate. We assume Council has unsuccessfully applied for State and/or Commonwealth grants to pay for these works or portions of these works hence the need for the Scheme to contribute.</p> | <p>See the staff comment in response to submission 2.2 in regard to the issue of State Government funding and the staff comment in response to submission 3.1 (ii) in regard to the issue of Federal Government funding.</p> |
| <p>vi) Resumption for Road Widening – Eastview Nominees agrees that land to be acquired for road widening should be included in the Orders of Cost shared by Commercial and Residential landowners but the land should be valued on improved value not unimproved value as stated.</p> | <p>See the staff comment in response to submission 9.4.</p> |
| <p>vii) Resumption for CCW - Eastview Nominees agrees that land to be acquired for CCW should be included in the Orders of Cost shared by Commercial and Residential landowners but the land should be valued on improved value not unimproved value as stated. The CCW buffers should be added to the CCW area and deleted from the POS area.</p> | <p>See the staff comments in response to submissions 9.2 and 9.4.</p> |

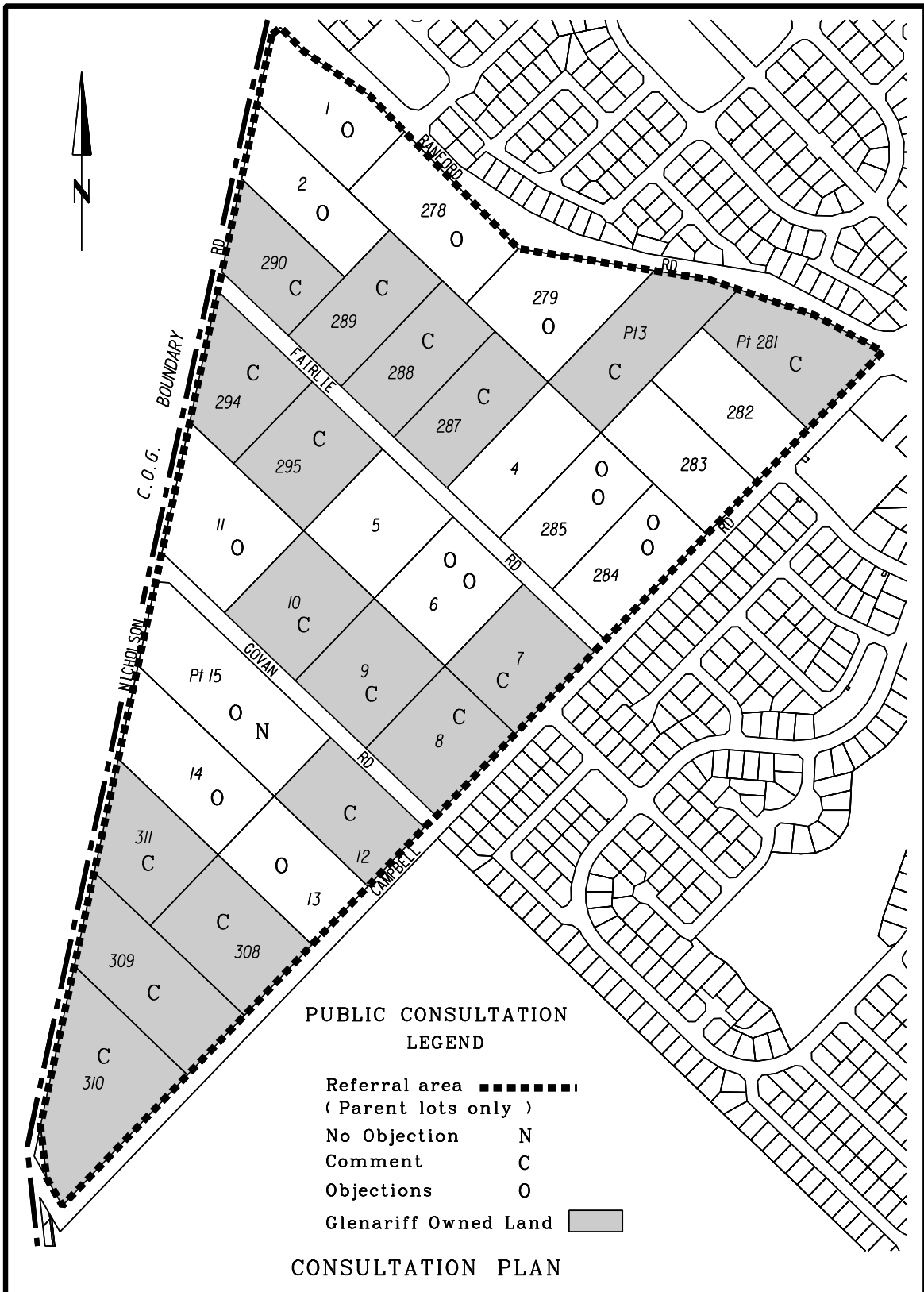
| Summary of Submission | Staff Comment |
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| viii) Traffic Management – agreed | Noted. |
| <p>ix) Service Relocation – Eastview Nominees objects to the cost to relocate (placing underground) existing power in Nicholson Road being included in the Orders of Cost unless the works are necessary to ensure power supply to the Campbell Estate development. Aesthetically underground aerial mains are preferred, however if others outside the Scheme area are benefiting as well then the cost must be shared with others. The Scheme has no direct frontage to Nicholson Road and individual landowners have to pay for their own underground power on their land and it is unfair that they have to contribute to putting external powerlines underground as well.</p> <p>x) CCW Development – the nominated works and costs detailed on page 17 only cover a small portion of the works required under the ENV West Canning Vale Wetland Management Plan report (October 2005). More detailed reports are required to be undertaken on the individual lots containing CCW and the soft and hard landscaping and rehabilitation works to be implemented with ongoing management and maintenance needs to be considered and costed and the developer responsibilities reviewed when the full extent of works is known. This cost could be as much as \$500,000 to \$1,000,000 if the CCW buffers are included as they should be and this needs to be addressed now. The current allowance of \$250,000 is inadequate and there will be a shortage of funds for the balance of required works. There is currently no item for POS improvement costs and Eastview Nominees suggest a budget cost be included in the Scheme Costs to be shared by all residential landowners.</p> | <p>Not agreed.</p> <p>The need to relocate services within Ranford and Nicholson Roads results from the requisite widening and upgrading of those roads. As such, City staff consider that the works effectively form part of the road construction work and their inclusion is therefore consistent with the Western Australian Planning Commission’s Planning Bulletin No. 18 – Developer Contributions for Infrastructure and the WAPC’s Policy No. DC 1.7 – General Road Planning.</p> <p>Developers are not otherwise required to contribute towards the cost of upgrading Nicholson Road, despite the upgrading providing some benefit to future residents of the ODP area.</p> <p>See also the staff comments in response to submission 2.2.</p> <p>See the staff comments in response to submissions 8.12 (ii) and 9.1(ii).</p> |
| xi) General Administration and Studies – agreed. | Noted. |
| xii) School Sites – agreed. | Noted. |

| 10. | Name and Postal Address: Ferguson Fforde Miller PO Box 3075 Joondalup WA 6919 Attention: Frank Fforde On behalf of Hin Min and Liat Kim Woon | Affected Property: Lot 11 Govan Road Canning Vale |
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| Summary of Submission | | Staff Comment |
| Objects to proposal. | | |
| 10.1 | The landowner cannot develop their lot in the ODP area as the land is required for road widening, conservation wetlands and open space. The owner would prefer to develop as this is what they purchased the land for. | Whilst the landowner may prefer to develop their land, this is not possible due to Lot 11 being identified by the West Canning Vale ODP for road widening, conservation category wetlands and public open space. |
| 10.2 | It is understood that owners who give up their land for road widening, CCW and POS will be compensated based on the englobo value of the land as if zoned residential, from contributions from those owners able to develop their land for residential use. | The submitter's understanding of the proposal is correct. |
| 10.3 | It is also understood that the Development Contribution Plan is to operate for a period of five years, unless otherwise determined by Council, and that an extension to the initial five year period may be required. | The submitter's understanding of the relevant provisions of TPS 6 is correct. Clause 4.2 of Schedule 12 of TPS 6 states that the development contribution arrangement is not to operate for more than five (5) years, unless the period of operation is extended by Council. |
| 10.4 | We believe that the period of operation of the ODP should be for no greater than five years. This should be enforced so that those owners giving up their land do not have to wait any longer than five years to receive compensation for giving up their land for road widening, surplus open space and CCW. It would be to Council's benefit that this apply so that any increases in englobo value do not significantly exceed contributions received from those owners able to develop in the ODP area. | Noted. The draft DCP states that it is to operate for a period of five (5) years, unless otherwise determined by Council, consistent with Clause 4.2 of Schedule 12 within TPS 6. With regard to the issue of timing of landowner compensation, see the discussion under the heading of Implications for Council in the Discussion section. |
| 10.5 | We believe the necessary valuations carried out by the Licensed Valuer as detailed in Clause 4.4 of Appendix B (the draft Development Contribution Plan) will be in accordance with Clause 16 of Schedule 12 of TPS 6. This clause requires the Licensed Valuer appointed by Council to determine the englobo rate of undeveloped land to be applied for the purpose of establishing the contribution required. | The submitter's understanding of the proposed valuation process and methodology are correct. See the discussion under the heading of Valuation Methodology in the Discussion section. |
| 10.6 | In respect to Clause 4.4 of Appendix B, the clause should be expanded to define that the englobo value is the value of the land if it were not required for road widening, surplus open space or CCW (therefore residential). This value can then be the basis for contributions for those able to develop in the ODP. This is in accordance with the Pointe Gourde Principle. | See the staff comment in response to submission 9.4. |

| 11. | Name and Postal Address: Ferguson Fforde Miller PO Box 3075 Joondalup WA 6919 Attention: Frank Fforde On behalf of Mondei Pty Ltd | Affected Property: Lot 2 Nicholson Road Canning Vale |
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| Summary of Submission | | Staff Comment |
| Objects to proposal. | | |
| 11.1 | The landowner cannot develop their lot in the ODP area as the land is required for road widening, conservation wetlands and surplus open space. The owner would prefer to develop as this is what they purchased the land for. | See the staff comment in response to submission 10.1. |
| 11.2 | It is understood that owners who give up their land for road widening, CCW and POS will be compensated based on the englobo value of the land as if zoned residential, from contributions from those owners able to develop their land for residential use. | See the staff comment in response to submission 10.2. |
| 11.3 | It is also understood that the Development Contribution Plan is to operate for a period of five years, unless otherwise determined by Council, and that an extension to the initial five year period may be required. | See the staff comment in response to submission 10.3. |
| 11.4 | We believe that the period of operation of the ODP should be for no greater than five years. This should be enforced so that those owners giving up their land do not have to wait any longer than five years to receive compensation for giving up their land for road widening, surplus open space and CCW. It would be to Council's benefit that this apply so that any increases in englobo value do not significantly exceed contributions received from those owners able to develop in the ODP area. | See the staff comment in response to submission 10.4. |
| 11.5 | We believe the necessary valuations carried out by the Licensed Valuer as detailed in Clause 4.4 of Appendix B (the draft Development Contribution Plan) will be in accordance with Clause 16 of Schedule 12 of TPS 6. This clause requires the Licensed Valuer appointed by Council to determine the englobo rate of undeveloped land to be applied for the purpose of establishing the contribution required. | See the staff comment in response to submission 10.5. |
| 11.6 | In respect to Clause 4.4 of Appendix B, the clause should be expanded to define that the englobo value is the value of the land if it were not required for road widening, surplus open space or CCW (therefore residential). This value can then be the basis for contributions for those able to develop in the ODP. This is in accordance with the Pointe Gourde Principle. | See the staff comment in response to submission 9.4. |

| 12. | <p>Name and Postal Address: Ferguson Fforde Miller PO Box 3075 Joondalup WA 6919 Attention: Frank Fforde On behalf of Delta Bay Holdings</p> | <p>Affected Property: Lot 15 Nicholson Road, Canning Vale</p> |
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| Summary of Submission | | Staff Comment |
| <p>Objects to proposal.</p> | | |
| 12.1 | <p>The landowner cannot develop their lot in the ODP area as the land is required for road widening, conservation wetlands and surplus open space. The owner would prefer to develop as this is what they purchased the land for.</p> | <p>Noted. While a portion of Lot 15 is identified by the West Canning Vale ODP for road widening, conservation category wetlands and public open space, approximately 6,700m² of the lot is identified as Residential R20, where residential subdivision and/or development could and has been approved to occur.</p> |
| 12.2 | <p>It is understood that owners who give up their land for road widening, CCW and POS will be compensated based on the englobo value of the land as if zoned residential, from contributions from those owners able to develop their land for residential use.</p> | <p>See the staff comment in response to submission 10.2.</p> |
| 12.3 | <p>It is also understood that the Development Contribution Plan is to operate for a period of five years, unless otherwise determined by Council, and that an extension to the initial five year period may be required.</p> | <p>See the staff comment in response to submission 10.3.</p> |
| 12.4 | <p>We believe that the period of operation of the ODP should be for no greater than five years. This should be enforced so that those owners giving up their land do not have to wait any longer than five years to receive compensation for giving up their land for road widening, surplus open space and CCW. It would be to Council's benefit that this apply so that any increases in englobo value do not significantly exceed contributions received from those owners able to develop in the ODP area.</p> | <p>See the staff comment in response to submission 10.4.</p> |
| 12.5 | <p>We believe the necessary valuations carried out by the Licensed Valuer as detailed in Clause 4.4 of Appendix B (the draft Development Contribution Plan) will be in accordance with Clause 16 of Schedule 12 of TPS 6. This clause requires the Licensed Valuer appointed by Council to determine the englobo rate of undeveloped land to be applied for the purpose of establishing the contribution required.</p> | <p>See the staff comment in response to submission 10.5.</p> |
| 12.6 | <p>In respect to Clause 4.4 of Appendix B, the clause should be expanded to define that the englobo value is the value of the land if it were not required for road widening, surplus open space or CCW (therefore residential). This value can then be the basis for contributions for those able to develop in the ODP. This is in accordance with the Pointe Gourde Principle.</p> | <p>See the staff comment in response to submission 9.4.</p> |

| 13. | Name and Postal Address: Delta Bay Holdings Pty Ltd 24 Wilkinson Gardens Winthrop WA 6150 | Affected Property: Lot 15 Nicholson Road Canning Vale |
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| Summary of Submission | | Staff Comment |
| Supports the proposal and provides comment. | | |
| 13.1 | We support the proposed amendment, particularly the inclusion of compensation provision for areas of core conservation value based on average valuations. | Noted. |
| 13.2 | The amendment fails to provide clear timing and procedures for the payment of compensation for core conservation areas. We submit that this should be an obligation on the Council to pay such compensation within one year of the amendment taking effect or in the case of Lot 15, which has some subdivision potential, upon the subdivision of the land specifically when the subdivider is required to pay his Scheme costs to Council. | Noted. Council is constrained in its ability to compensate landowners for the provision of land for public purposes by the availability of funds. There are competing demands from many landowners within the ODP area for reimbursement or compensation for the provision of land for public purposes. This is a matter discussed in detail under the heading of Implications for Council in the Discussion section of this report. |
| 13.3 | The amendment does not make it clear that the Scheme is responsible for the costs of works (required by the Scheme or upon subdivision) within excess POS areas. For example, Lot 15 is required under the ODP to provide land for POS well in excess of normal ODP requirements. The owner should not be responsible for incurring costs for excess POS provision which is in effect POS for other owners within the ODP area. This should be made clear in the amendment. | The proposed scheme amendment text clearly states that landowners who provide land in excess of the contribution rate for public open space are to be reimbursed by the Scheme to the value of the land as determined in accordance with the Twelfth Schedule. Furthermore, such direction is clearly included within the draft DCP. |



DISCUSSION

There have been a range of views expressed by landowners in the submissions that relate directly to the principles upon which Amendment No. 47 has been drafted and the intended operation of the proposed DCA for the West Canning Vale ODP area.

A key issue of difference between landowners relates to the proposal to collect developer contributions to compensate landowners who are required to cede land for public purposes, in particular land required for wetland conservation and the widening of Nicholson Road and Ranford Road.

Objections have also been expressed in respect to the proposal for landowners to fund the upgrade of Ranford Road, the land valuation process and contribution calculation methodology and queries have been raised regarding to the operation of the DCA, particularly the timing of compensation for land to be ceded for public purposes.

Notwithstanding that Amendment No. 47 is still only a proposal, the reality is that subdivision in the West Canning Vale ODP is underway and the DCA is effectively in operation. The establishment and administration of DCA's is inherently complex and poses significant financial implications for Council, both immediately and in future. A program for implementation of the DCA will be recommended in order to address key financial concerns.

Modifications to Amendment No. 47 and its associated documents will also be recommended to ensure the DCA can operate as transparently and efficiently as possible.

The following section of this report focusses on these matters.

Contributions and Compensation for Land required for Public Purposes

There is a single key issue of difference that is evident in the submissions. This issue is centred on the proposal to collect developer contributions to compensate landowners who are required to cede land for public purposes.

On one hand, there are landowners who object to the proposed requirement to make a contribution towards the cost of acquiring land for CCW's and the widening of Ranford Road and Nicholson Road. This objection typically has been made by landowners who are able to develop all or most of their land for residential purposes and is based primarily on a contention that the responsibility for meeting the cost of widening regional roads and acquiring land for conservation lies with the Federal or State Government rather than a handful of landowners.

On the other hand, there are landowners who object to the proposed valuation methodology set out in TPS 6 on the basis that it does not provide fair or prompt compensation for being required to cede land for road widening or conservation. In most cases, this objection has come from landowners who have little or no development potential afforded to them by the ODP.

Contributions/Compensation for Conservation Category Wetlands

A fundamental objective of Amendment No. 47 is to establish an equitable arrangement for the sharing of costs associated with development of the West Canning Vale ODP. Central to the arrangement is the funding of land required for conservation.

The need for this type of arrangement is principally due to the failure of State Government policies and processes that require protection of land with conservation value, to extend to actually funding land acquisition and compensation to affected landowners.

In this regard, it is understood that, as part of the initial stages of the planning for the West Canning Vale ODP area, the State Government advised that no funding would be provided to compensate landowners who cede land for conservation. As such, proposed Amendment No. 47 and the draft DCP were prepared on the premise that all costs would be met exclusively by developing landowners. Without such arrangement being put in place, landowners whose land is required for CCW under the ODP, would not be afforded any opportunity for compensation.

It appears there is general acceptance for contribution funds to be used to compensate landowners who are required to cede land for POS and drainage. This is not the case however in respect of CCWs.

There are various approaches that Council could take in acquiring CCWs, with different associated scenarios for compensating landowners. These approaches could generally vary between the following:

- Paying no compensation and/or assigning the CCWs no credit towards satisfying the particular landholding's POS obligation (the latter assumes land has subdivision/development potential in the first place, which is not the case with some landholdings in the West Canning Vale ODP)
- Assigning the CCWs a partial credit towards satisfying the particular landholding's POS obligation (again assuming land has subdivision/development potential)
- Paying compensation based on a 'rural' value or
- Paying compensation based on an assumed 'urban' value, either on an unimproved or improved value.

Amendment No. 47 proposes that contributions be made by developers to fund the cost of acquisition of land required for conservation, drainage and recreational purposes, with compensation based on an unimproved urban value approach.

The draft DCP makes a distinction between land for wetland conservation and land for drainage and recreational purposes. In terms of land for drainage and recreational purposes, the proposed contribution rate of 10.7% of developable area is consistent with State Government POS policy.

It is acknowledged that the requirement to fund the acquisition of land for wetland conservation represents an additional burden for developers in the ODP area. This burden, in current land values, is in the order of \$6,000,000 and represents a developer contribution of around \$130,000 for each hectare of developable land in the ODP area.

The Western Australian Planning Commission generally compensates landowners required to give up land for CCW, such as those reserved for Parks and Recreation in the MRS, based on a 'rural' value. A 'rural' value is typically 35% of an unimproved urban value. This approach, based on current land values, would add a burden of \$2,100,000 for developers in the ODP area (or approximately \$45,500 for each hectare of developable area).

While it would be open to Council to consider land identified as CCW as undevelopable and therefore require it to be given up either free of cost, with no or partial POS credit or compensated at a 'rural' value, these approaches would be in conflict with a long standing Council position that advocates landowners ceding land for conservation to be fairly and equitably compensated.

The financial implications of the DCA are discussed further under the heading of Implications for Council.

It should be noted that the ODP was adopted after a protracted period that involved extensive landowner consultation, various iterations of the plan, assessment by Council and, ultimately, determination by the Western Australian Planning Commission. The extent of land set aside for wetland conservation on the adopted ODP reflects the outcomes of determination by the Minister for the Environment, and represents a substantially reduced wetland area to that originally mapped by the State Government.

Had the ODP not been prepared, it is likely that a substantially smaller proportion of the ODP area would have been permitted to be developed. The negotiated environmental outcome and associated approach to funding the compensation of landowners required to cede land for wetland conservation has actually been to the benefit of the majority of landowners within the ODP area.

It will be recommended that the proposal for developers within the ODP area to make contributions towards the acquisition of land for conservation proceed as drafted. However, it will also be recommended that Council endorse the City to seek advice from the State Government as to whether it would be willing to contribute to the costs associated with acquiring CCW land in the West Canning Vale ODP area. It is important to note that seeking such advice will not restrict the progression of proposed Amendment No. 47, which only seeks to establish a framework for the sharing of costs within the ODP.

As detailed in the following sections of this report, it will be recommended that Council adopt an interim contribution rate and land valuation to be applied for the time being. The interim contribution rate will be based upon the presumption that the State Government will not make any contribution towards the acquisition of CCWs, thereby representing the worst case scenario for landowners. If there is to be a contribution by the State Government, the legal agreements entered into with developers who have already completed subdivision would enable the City to adjust their final contributions accordingly and possibly provide a refund. The same approach could be followed for those developers who develop in future.

In the absence of any financial contribution from the State Government, City staff consider it is reasonable, given the history of the ODP and the constrained nature of the land that the beneficiaries of the West Canning Vale ODP, being the developing landowners, be responsible for funding the protection (through acquisition) of land for conservation. This is consistent with Council's established approach for protecting conservation value land elsewhere in Canning Vale and in Southern River.

Contributions/Compensation for land for widening Ranford and Nicholson Roads

As stated in the preceding section of this report, a fundamental objective of Amendment No. 47 is to establish an equitable arrangement for the sharing of costs associated with development of the West Canning Vale ODP. Part of the arrangement involves acquiring land required for widening Ranford Road and Nicholson Road.

The need for this type of arrangement is principally due to the State Government passing the responsibility of constructing regional roads onto local government.

Some of the submissions received advocate that these costs should not be borne by landowners within the ODP area. This argument is based mainly on the contention that the ODP area will contribute only a small proportion of traffic to these roads and that these roads should be funded by the Federal or State Government.

The Western Australian Planning Commission's Planning Bulletin No. 18 – Developer Contributions for Infrastructure, states that in circumstances where subdivision or development is proposed adjacent to a regional road (like Ranford Road), it is reasonable to require the developer to undertake (or contribute to the costs of) road construction, including all earthworks, provision of a carriageway, a dual use path on one side, grade separated pedestrian crossings and drainage. As there is no single developer in the ODP area, but rather multiple landowners, it is considered reasonable that the cost of widening Nicholson Road and Ranford Road and part of the cost upgrading Ranford Road, be shared among the ODP area.

It is acknowledged that the section of Ranford Road abutting the West Canning Vale ODP area fulfills a significant regional traffic role and that the traffic it presently carries and will carry in future, has and will have, origins and destinations that are external to the ODP area. Despite its regional function, the responsibility for the construction of Ranford Road, like many others with a similar role in the regional road network, has been passed onto Local Government.

Even so, development facilitated by the West Canning Vale ODP will generate a substantially greater proportion of traffic on the abutting section of Ranford Road than has been asserted in some of the submissions.

It is estimated that development of the ODP area, which includes residential and commercial uses, will ultimately generate in the order of 10,000 vehicle movements each weekday on the abutting section of Ranford Road and approximately 2,000 vehicle movements per day on the abutting section of Nicholson Road. Traffic counts completed in 2006, prior to any substantial development of the ODP area, indicated traffic volumes to be in the order of 18,000 vehicles per day on the abutting section of Ranford Road. It is considered reasonable to project that the abutting section will carry 30,000 vehicles each day within ten years and, ultimately, traffic volumes in the order of 40,000 vehicles per day, due to the extent of urban development planned to occur in areas adjacent to Ranford Road and the likelihood that this section of Ranford Road will provide access between new development areas and facilities like the Livingstone

District Centre and further afield to the Kwinana Freeway and Fremantle. The widening of Ranford Road will be of direct benefit to the ODP area, as a means of access to local facilities and the broader road network.

Amendment No. 47 does not propose that the cost of upgrading Nicholson Road be shared among landowners within the West Canning Vale ODP area. This is due to recognition of the regional freight role of Nicholson Road and the fact that the ODP area has a long frontage to this road in comparison to the extent of the developable area within the ODP. The Amendment does however propose that the cost of the land required for widening Nicholson Road and the relocation of existing electricity services within the road reserve be shared among landowners. The rationale for this approach is that a widened Nicholson Road would provide some direct benefit to the ODP area in terms of access.

Furthermore, funding the land acquisition cost from developer contributions would be consistent with approaches to compensation for landowners abutting Nicholson Road in the Canning Vale ODP area, where both land acquisition and construction costs are shared by developers and consistent with broad resolutions Council has made on several previous occasions for landowners who cede land for public purposes to be fairly and equitably compensated.

Sharing the land acquisition cost among those landowners who would most directly benefit from the road widening would reduce the burden on the wider community to provide infrastructure which many would not enjoy any direct benefit from.

Some submissions advocate that Council seek funding for upgrading Nicholson Road and Ranford Road from the Federal or State Government, rather than require contributions from developers.

The Federal Government funds regional road improvements through its Auslink Strategic Regional Program. The City has not applied for a grant from the Federal Government for the section of Ranford Road that abuts the West Canning Vale ODP area, through Auslink, as such a proposal would not satisfy the Program's stated criteria. This is because while the upgrading of the abutting section of Ranford Road would improve traffic movement and increase safety, it is not considered to be of regional significance so as to warrant a Federal Government grant.

With regard to the portion of Ranford Road between Warton Road and Southern River Road, the Federal Government in 2006 awarded the Cities of Armadale and Gosnells a grant through the Auslink Program for the upgrading of that section of Ranford Road. The grant was for a sum of \$3.5 million, not \$5 million as stated by one of the submissions.

The section of Ranford Road that the grant was awarded for cuts through a wetland of high environmental significance (Conservation Category Wetland, a Bush Forever site and an Environmental Protection Policy lake). The resulting impact of an appropriate solution to mitigate environmental impacts on construction costs is substantial, and warranted Federal Government assistance. Further, it was understood that this grant was considered favourably as this section of Ranford Road forms the municipal boundary between the Cities of Armadale and Gosnells and much of the adjacent land has no development potential. It would therefore have been difficult to secure sufficient funds from developers to meet total construction costs of the grant-funded section of road as part of the normal subdivision and development process.

It is understood that, as part of the initial stages of the planning for the West Canning Vale ODP area, the State Government advised that no funding would be provided to compensate landowners who cede land for road widening. As such, proposed Amendment No. 47 and the draft DCP were prepared on the premise that the land component for widening the abutting sections of Nicholson Road and Ranford Road and part of the road upgrading costs would be met by developing landowners.

Even so, it will be recommended that Council require City staff to again seek advice from the State Government as to whether it would be prepared to provide funds to the DCA to offset the costs of widening these roads.

As detailed in the sections of this report that follow, it will be recommended that Council adopt an interim contribution rate and land valuation to be applied for the time being. The interim contribution rate will be based upon the presumption that the State Government will not make any contribution towards the cost of widening Nicholson and Ranford Roads, thereby representing the worst case scenario for landowners. If there is to be a contribution by the State Government, the legal agreements entered into with developers who have completed subdivision, would enable the City to adjust their final contributions accordingly and possibly provide a refund. The same approach could be followed for those developers who develop in future.

In the absence of any financial contribution from the State Government, City staff consider it reasonable for developers to contribute towards these roads given that improvements to Nicholson Road and Ranford Road would benefit residents in the ODP area. It should be noted that such an approach has operated, and continues to operate, in other parts of Canning Vale and in Southern River.

Valuation Methodology

Amendment No. 47 is intended to establish a framework for the fair and equitable sharing of costs associated with the West Canning Vale ODP. Central to this framework is the manner in which land required for public purposes is valued.

To ensure that adequate funds are collected to acquire the land identified on the ODP for POS, CCWs and road widening, it is necessary to set contribution rates based on a current broadacre land valuation. The land valuation is also used as a basis to determine the amount of compensation for the acquisition of land required for public purposes.

The requirements of Schedule 12 of TPS 6 provide for a Licensed Valuer to be appointed by Council after consultation with landowners, to determine an engloba land value that will be applied for the purpose of establishing contribution rates and the amount of compensation payable for land ceded for public purposes.

Some concerns were expressed in the submissions in respect of the valuation methodology set out in the draft DCP. These submissions were made by landowners who are required to cede land for either CCW, POS or road widening and advocated a valuation methodology known as fair nett expectancy. That methodology takes into account an improved value of land. In other words, this would account for the potential financial returns a developer may have obtained had they been permitted to develop their land (instead of being obliged to cede it for a public purpose).

Such a methodology would be contrary to the 'market value' methodology that is established in Schedule 12 of TPS 6.

Schedule 12 defines 'Value' as follows:

"the capital sum which an unencumbered estate in fee simple of the land might reasonably be expected to realise if offered for sale on such terms and conditions as a bonafide seller would require:

- (a) on the basis that there are no buildings, fences or other improvements of the like nature on the land;*
- (b) on the assumption that any rezoning necessary for the purpose of the development has come into force; and*
- (c) taking into account the added value of all other improvements on or appurtenant to the land."*

Therefore, pursuant to TPS 6, the valuation is required to be undertaken on the basis that the land is unimproved rather than improved.

The fair nett expectancy methodology would be more complex, difficult and costly to administer as it would involve individual valuations needing to be done annually for each parcel of land that is identified for a public purpose. There are 20 individual lots in the ODP area that have some portion required for a public purpose. In some cases the land areas required for public purposes are very small and the cost of obtaining a valuation could be greater than the cost of the land.

It is more administratively efficient to have a single common valuation prepared. It is also more equitable as all landowners are treated the same, regardless of land use.

While landowners who are required to give up land for a public purpose are denied the ability to develop their land, they are also not exposed to the risk and cost that goes with land development. The level of risk and cost is a difficult matter to quantify and would further complicate valuation processes and administration of the DCA.

The fair nett expectancy methodology would potentially expose Council to a funding shortfall. It would be difficult to estimate the combined value of land required for public purposes based on development potential and financial returns and therefore difficult to set contribution rates that would guarantee sufficient funds to acquire this land. Further, if a significant proportion of the ODP had already been developed and there was a major escalation in potential returns from development and, in turn, land values, there would be little ability for Council to pass on the increased cost through contributions.

The valuation methodology set out in Schedule 12 of TPS 6 represents a more workable approach and a balance between reasonable contribution obligations and the amount of compensation paid.

The draft DCP appended to the Amendment document nominated an indicative provisional common land value of \$1,100,000/ha, which was considered by City staff to reasonably represent engloba land market values prevailing in the area at the time the draft DCP was prepared.

Following consultation with all affected landowners within the West Canning Vale ODP, Council at its meeting of 25 September 2007 resolved (Resolution 458) to appoint Propell National Valuers to determine the current a land valuation basis for the West

Canning Vale ODP area. Propell's valuation report was submitted in December 2007 and suggested that a land valuation basis of \$1,350,000 was appropriate.

The proposed establishment of a common land value to apply uniformly across the West Canning Vale ODP is consistent with the current approach to administration of other DCAs within the City of Gosnells, as set out in Schedule 12 of TPS 6.

It will be recommended that \$1,350,000 be adopted as the land valuation basis for the time being and reflected in a modified DCP (see Appendix 13.5.2D).

It should be noted that Schedule 12 provides the ability for a landowner to object to a valuation set by Council.

Need for Updated CIW Costs

Contribution rates need to reflect the current estimated cost of providing CIW and acquiring land for POS, otherwise a shortfall in funds may result. A shortfall in funds would result in Council either not being able to ensure all CIW are provided and POS is acquired, or having to pass this cost onto the broader community. It has been necessary to update the cost estimates contained in the draft DCP, as a result of the recommended land valuation basis and the time that has passed since the estimated CIW costs contained in the draft DCP (approximately 18 months).

The following table details current cost estimates and in turn a preliminary CIW contribution rate.

| Summary of Revised Common Infrastructure Works Costs | |
|--|-----------------------|
| Proposed Common Infrastructure Works (CIW) | Estimated Cost |
| Drainage Construction | \$640,000 |
| Land to be acquired for Drainage (10,015m ² @ \$135/m ²) | \$1,370,250 |
| Shared Paths (5284 /linear metre) | \$422,720 |
| Road Construction | \$689,849 |
| Land to be acquired for Road Widening | \$3,252,000 |
| Land to be acquired for Conservation (42,310m ² @\$135m ²) | \$5,795,000 |
| Traffic Management | \$267,000 |
| Service Relocation | \$581,000 |
| Conservation area works | \$262,000 |
| Administration and Studies | \$120,000 |
| Total | \$13,399,819 |
| Contribution rate for land developable for residential and commercial purposes* (45.8518ha) | \$292,242/ha |
| <i>* excludes wetlands, road widening, public open space and existing roads that are to remain as roads.</i> | |

When comparing this table to the table that detailed the summary of CIW, as advertised for public comment, earlier in this report, it will be evident that there is a minor adjustment to the developable area (reduction of 0.1567ha). The adjustment is due to the refinement of several lot areas that were not accurate in the draft DCP and better definition of land required for public purposes through surveying that has occurred since the draft DCP was prepared. The estimated cost for "Road Construction" has been amended to exclude 50% of the cost earthworks of the second carriageway to Ranford Road, as the draft ODP incorrectly allowed for 100% of the cost of earthworks.

It should be noted that the CIW developable area includes Lot 1 Ranford Road. Lot 1 was developed for showrooms approximately five years ago, prior to adoption of the West Canning Vale ODP and initiation of Amendment No. 47. A legal agreement was entered into with the developer of Lot 1 to require them to make contributions to CIW once contributions were determined. However, the agreement did not provide a caveatable interest in Lot 1 and the land has since been sold. The new landowner has indicated they do not consider they have any responsibility to make a CIW contribution and that this responsibility lies with the previous landowner. The City will continue to pursue a CIW contribution from Lot 1, whether it be the current or previous owner, however there is a risk that the City may not be successful in this regard. While one option would be to remove Lot 1 from the CIW contributing area, this would have the effect of passing the contribution otherwise applicable to Lot 1 (currently estimated at \$414,253) onto the balance of the DCA area. It is considered to be unfair and inequitable that other landowners in the DCA area be further burdened to make up this potential shortfall in funds. It will therefore be recommended that the DCP, and the CIW contribution rates it incorporates, be based on a CIW contribution area that includes Lot 1.

Implications for Council

The establishment of a DCA for the West Canning Vale ODP area represents a significant potential financial burden for Council. Any DCA that Council takes on the management of, has an inherent degree of financial risk and administrative cost. The main risk is that the funds to be collected may not be sufficient to meet the cost of the infrastructure required, which could result due to an escalation in the cost of infrastructure or if landowners choose not to develop. Amendment No. 47 needs to progress to finalisation, given that land within the ODP area is fragmented among multiple landowners, development is underway and Council has previously resolved (and presumably would continue to want) to ensure development proceeds in a manner that will see affected landowners fairly and equitably treated.

It will be recommended that certain modifications are made to Amendment No. 47 and the associated supporting report and DCP. These recommended modifications are intended to ensure the DCA can be administered as effectively as possible. Details of the recommended modifications are contained in the table under the heading Recommended Modifications to Amendment No. 47.

The most significant of the recommended modifications relates to the implementation and operation of the DCA, as opposed to the statutory provisions contained in Amendment No. 47. There are many aspects of the operation of the DCA that will have practical implications for Council, most particularly the manner in which landowners who are required to cede land for public purposes will be dealt with.

It will be recommended that the DCP be modified to outline how certain aspects of the DCA will operate, including an update to contribution rates to reflect changes in land values and CIW cost estimates since the draft DCP was prepared. Land values and cost estimates quoted throughout the following section of this report reflect the recommended modifications that will be made in terms of adjusted values and costs.

The table below details that there is in excess of \$17 million worth of land required for different public purposes, as identified on the ODP and proposed to be funded by developer contributions. Some of this land has already been acquired through subdivision processes.

| Land required for Public Purposes – West Canning Vale ODP | | | | | | |
|---|---------------------|--------------------------------------|--|---------------------|--------------------------------|--------------------|
| No. | Property | Land Area Required (m ²) | Purpose | % of Total Lot Area | Cost (@ \$135/m ²) | Acquisition Status |
| 1 | Lot 1 Ranford | 2,236 | Road | 12.88 | \$301,860 | No Action |
| 2 | Pt Lot 3 Ranford* | 2,051 | Road | 11.24 | \$276,885 | In Progress |
| 3 | Lot 278 Ranford | 2,559 | Road | 13.07 | \$345,465 | Acquired |
| 4 | Lot 279 Ranford | 2,350 | Road | 11.79 | \$317,250 | In Progress |
| 5 | Pt Lot 281 Ranford* | 3,836 | Road | 21.49 | \$517,860 | In Progress |
| 6 | Lot 4 Fairlie | 4,101 | POS | 25.66 | \$553,635 | In Progress |
| 7 | Lot 5 Fairlie | 8,751 | POS | 51.64 | \$1,181,385 | In Progress |
| 8 | Lot 287 Fairlie | 3,574 | POS | 21.81 | \$482,490 | No Action |
| 9 | Lot 289 Fairlie | 3,077 | POS | 18.77 | \$415,395 | No Action |
| 10 | Lot 290 Fairlie* | 1,330 | Road | 9.13 | \$179,550 | In Progress |
| 11 | Lot 290 Fairlie | 8,227 | POS | 56.47 | \$1,110,645 | No Action |
| 12 | Lot 294 Fairlie* | 1,509 | Road | 9.09 | \$203,715 | In Progress |
| 13 | Lot 294 Fairlie | 6,543 | POS | 39.43 | \$883,305 | No Action |
| 14 | Lot 295 Fairlie | 5,777 | POS | 33.99 | \$779,895 | No Action |
| 15 | Lot 10 Govan | 2,139 | POS | 12.89 | \$288,765 | Acquired |
| 16 | Lot 11 Govan | 18,757 | CCW | 88.30 | \$2,532,195 | No Action |
| 17 | Lot 11 Govan | 1,413 | Road | 6.65 | \$190,755 | No Action |
| 18 | Lot 11 Govan | 1,073 | POS | 5.05 | \$144,855 | No Action |
| 19 | Pt Lot 15 Nicholson | 11,135 | CCW | 41.93 | \$1,503,225 | No Action |
| 20 | Pt Lot 15 Nicholson | 845 | Road | 3.18 | \$114,075 | No Action |
| 21 | Pt Lot 15 Nicholson | 6,097 | POS | 22.96 | \$823,095 | No Action |
| 22 | Lot 2 Nicholson | 11,353 | CCW | 75.69 | \$1,532,655 | No Action |
| 23 | Lot 2 Nicholson | 3,646 | POS | 24.31 | \$492,210 | No Action |
| 24 | Lot 14 Nicholson | 1,679 | CCW | 8.24 | \$226,665 | No Action |
| 25 | Lot 14 Nicholson | 948 | Road | 4.65 | \$127,980 | No Action |
| 26 | Lot 14 Nicholson | 9,320 | POS | 45.75 | \$1,258,200 | No Action |
| 27 | Lot 309 Nicholson | 1,142 | Road | 5.04 | \$154,170 | Acquired |
| 28 | Lot 310 Nicholson | 2,060 | Road | 7.53 | \$278,100 | Acquired |
| 29 | Lot 311 Nicholson | 1,440 | Road | 8.95 | \$194,400 | Acquired |
| Total Land for Public Purposes | | 128,968 | Total Cost | | \$17,410,680 | |
| Total Land yet to be Acquired | | 119,268 | Cost of Land yet to be Acquired | | \$16,149,780 | |

Note:

All land areas are subject to survey

All \$ amounts are exclusive of GST and reflect a land value of \$135/m² (\$1.35 million/ha). Some of the land acquired already was settled at a lower value.

The acquisition of the portion of properties No. 2, 5, 10 and 12 (as indicated by an asterisk) have already been committed to by Council at its meeting of 12 February 2008.

At the time of writing this report, the City holds \$4,871,378 in the CIW account and \$2,037,175 in the POS account established for the DCA associated with the West Canning Vale ODP. These funds have predominately come from preliminary contributions made by Glenariff through the initial stages of subdivision of the Glenariff

Estate. \$1,159,475 from the CIW account has already been committed by Council (Resolution 32 from the 12 February 2008 OCM) to acquire portion of sites 2, 5, 10 and 12 (as listed in the preceding table) from Glenariff, which will be paid once Glenariff satisfies the conditions under part 3 of Council's Resolution 32.

Clearly, the funds held in trust are insufficient to concurrently meet all of the land acquisition obligations and other CIW costs.

At the present time there is an outstanding claim made by Glenariff in respect of its excess provision of 2.3966ha of POS from Stage 5A of the Glenariff Estate. The claim value for this area of POS is \$3,235,410 (excluding GST), which exceeds the POS funds held in trust. Council at its meeting held on 12 February 2008 resolved (as part of Resolution 32) that this claim be rejected, as payment prior to finalisation of Amendment No. 47 and the setting of priorities for POS acquisition would be premature and potentially prejudicial to other landowners within the ODP area and the effective operation of the associated development contribution arrangement. Glenariff, through its solicitors, has indicated it will seek to redress Council's rejection of this claim through the Supreme Court.

There are no other current unresolved claims for POS reimbursement or prefunded CIW, however there are properties that have subdivision approval that will soon cede POS. There is also a request from landowners to compulsorily acquire land for POS and a subdivisional road that is delaying their ability to subdivide. Two injurious affection claims have also been received, with a third claim mooted. Details of these matters are as follows (references to the site numbers in brackets correlate with the site numbers contained in the Table titled Land required for Public Purposes – West Canning Vale ODP that was detailed earlier in this report):

- Lot 2 Nicholson Road – a 1.6190 ha lot, portion of which is required for CCW (site 22) and the rest for POS (site 23). The City refused a development application for stables within the CCW/POS area in September 2007 and a claim for injurious affection has since been lodged.
- Lot 11 Govan Road – a 2.0910 ha lot, which is required for CCW (site 16), road widening (site 17) and POS (site 18). The City refused a development application for three grouped dwellings on Lot 11 in September 2007 and a claim for injurious affection has since been lodged.
- Lot 14 Nicholson Road – a 2.0370ha lot, of which 1.0990ha is required for CCW (site 24) and POS (site 26). Road widening (site 25) is also required. The landowner has subdivision approval and construction works are in progress. A claim for compensation for the CCW, excess POS provision and ceding the land for road widening is imminent.
- Lot 15 Nicholson Road – a 2.6558 ha lot, of which 1.7130 ha is required for CCW (site 19) and POS (site 21). Road widening (site 25) is also required. The landowner has requested compensation for the portion of land required for POS. Seemingly, in an attempt to force injurious affection compensation, an application has recently been submitted for planning approval within the CCW/POS area for two grouped dwellings.
- Lot 5 Merrion Ramble – a 1.6946 ha lot, of which 0.6830 ha is required for POS (site 7). The owner of the adjoining Lot 6 Govan Road and Glenariff, through their planning consultants, have requested that Council compulsorily acquire the portion of Lot 5 required for POS and a local road to facilitate subdivision of

their land. Initial feedback from the owner of Lot 5 suggests that they would not be cooperative if Council was to take such action.

Council does not currently hold sufficient funds to immediately meet all of these claims and therefore needs to consider the options available, as presented below.

Option 1 – Borrow

This option would involve Council taking out a loan in the order of \$12 million (to be used in conjunction with the \$6 million already collected) to fund the acquisition of all required land within the ODP. Whilst this option has some merit in terms of swiftly settling landowner grievances and securing land for road widening, conservation and recreation, this would expose Council to considerable financial risk as it could be some time before the loan is repaid as this would depend on the pace at which development occurs and contributions are made. In the meantime, interest on borrowings would accrue.

Even if this was a risk Council was prepared to consider, advice from the City's Financial Services Branch suggests that Council has very limited borrowing capacity at present, due to the loans already taken out to fund other significant capital projects throughout the City.

Option 2 – Order of Request

This option would involve acquiring land on a 'first come, first serve' basis using the funds available at any given time. While this approach would not expose Council to the financial burden of paying interest on a substantial loan, it may restrict the City's ability to acquire strategically important parcels of land, and could cause financial difficulty for landowners, or pass the burden of completing development of the ODP area onto the wider community. There is the potential, depending on how funds are used in the meantime, for there to be delays in completing certain CIW or providing land for open space. Examples of difficulties might include delays to the urgently required upgrade of Ranford Road, or construction of the drainage system, or the potential decline in the environmental value of wetlands while they remain in private ownership, or a temporary lack of space for recreation for residents of the ODP area.

There may also be significant negative financial implications for Council as landowners may be entitled to claim interest on the value of land that has been ceded for public purposes but which has not been reimbursed. Further, Council, through the courts, may be compelled to meet the cost of defending or paying out on successful claims for injurious affection, due to denying landowners the ability to develop land that is required to be set aside for a public purpose.

Option 3 – Identify Strategic Priorities

Given limited borrowing capacity and problems with an ad hoc approach to landowner compensation, a third option is for Council to prioritise the acquisition of land and completion of CIW using funds available at any given time, in accordance with an adopted prioritisation assessment.

This approach would have some merit as it would not expose the City to the financial burden of paying interest on a substantial loan, but would allow the City some control in acquiring strategically important parcels of land. The following details are provided as a guide to what is considered to be the relative importance of the various land required for public purposes within the ODP area:

- The acquisition of land for road widening should be given the highest priority due to increasing traffic congestion and potential traffic conflict being experienced on adjoining regional roads, particularly Ranford Road between Nicholson Road and Campbell Road.
- The acquisition of land for CCWs should be given a high priority due to their environmental significance.
- The acquisition of land for POS should be prioritised below the acquisition of land for CCWs. POS immediately adjacent to CCWs should be prioritised ahead of other POS, as it typically contains buffer areas needed to protect the wetlands.
- The acquisition of land for the ultimate drainage system should be afforded the next level priority, given that it is possible for temporary drainage arrangements to be made within subdivided areas.
- Land for otherwise unconstrained POS should be afforded the lowest priority for acquisition.

While the ordering of these priorities is considered to be a reasonable basis upon which to undertake a program of land acquisition, there are some practical problems with this approach. One problem is that several land parcels have different purposes (a combination of CCW, road and POS). It would be inefficient and impractical to acquire parts of a property over different stages. Further, as the following table shows, most properties fall into either a high or medium category of priority, meaning that there would still be difficulty in assigning priorities.

| Land Acquisition Priority Table | | | |
|--|---------------------|----------------|-------------------------|
| No. | Property | Purpose | Priority Ranking |
| 1 | Lot 1 Ranford | Road | High |
| 2 | Pt Lot 3 Ranford | Road | High |
| 3 | Lot 278 Ranford | Road | High |
| 4 | Lot 279 Ranford | Road | High |
| 5 | Pt Lot 281 Ranford | Road | High |
| 6 | Lot 4 Fairlie | POS | Low |
| 7 | Lot 5 Fairlie | POS | Low |
| 8 | Lot 287 Fairlie | POS | Medium |
| 9 | Lot 289 Fairlie | POS | Medium |
| 10 | Lot 290 Fairlie | Road | Medium |
| 11 | Lot 290 Fairlie | POS | Medium |
| 12 | Lot 294 Fairlie | Road | High |
| 13 | Lot 294 Fairlie | POS | Medium |
| 14 | Lot 295 Fairlie | POS | Medium |
| 15 | Lot 10 Govan | POS | Medium |
| 16 | Lot 11 Govan | CCW | High |
| 17 | Lot 11 Govan | Road | High |
| 18 | Lot 11 Govan | POS | Medium |
| 19 | Pt Lot 15 Nicholson | CCW | High |
| 20 | Pt Lot 15 Nicholson | Road | High |

| No. | Property | Purpose | Priority Ranking |
|-----|---------------------|---------|------------------|
| 21 | Pt Lot 15 Nicholson | POS | Medium |
| 22 | Lot 2 Nicholson | CCW | High |
| 23 | Lot 2 Nicholson | POS | Medium |
| 24 | Lot 14 Nicholson | CCW | High |
| 25 | Lot 14 Nicholson | Road | High |
| 26 | Lot 14 Nicholson | POS | Medium |
| 27 | Lot 309 Nicholson | Road | N/A |
| 28 | Lot 310 Nicholson | Road | N/A |
| 29 | Lot 311 Nicholson | Road | N/A |

The fundamental problem with this approach is that landowners will undertake subdivision of land based on their own program and not in the same sequence as the ideal priorities. Landowners could also seek to force acquisition through injurious affection claims. This is likely to compromise the effectiveness of any prioritisation approach council may adopt.

It will therefore be recommended that Council adopt the following general approach to land acquisition and associated financial arrangements:

- Priority should be given to landowners who have actually ceded land for public purposes, whether it be through subdivision or voluntarily, generally in the order in which the ceding occurs.
- In circumstances where landowners have not obtained subdivision or development approval, the acquisition of land that has little or no development potential should be pursued by the City as funds and resources allow, ahead of land that has greater development potential.

Outstanding Claims by Glenariff Holdings Pty Ltd

As mentioned earlier in this report there is at the present time an outstanding claim made by Glenariff in respect of its excess provision of 2.3966ha of POS from Stage 5A of the Glenariff Estate. There are also related claims by Glenariff that it over-paid CIW and POS contributions in two earlier stages of the Estate. Council at its meeting on 12 February 2008 considered these claims and a claim for road widening for Ranford Road and Nicholson Road and resolved (Resolution 32) as follows:

“That Council determine the claim for reimbursement submitted by Glenariff Holdings Pty Ltd on 6 December 2007 for excess Public Open Space provision and land for road widening of Nicholson Road and Ranford Road in the West Canning Vale Outline Development Plan area in the following manner:

- 1) *The claim of \$3,235,410 for land ceded for Public Open Space (excess provision Stage 5A) be rejected as payment at this time prior to finalisation of Amendment No. 47 to Town Planning Scheme No. 6 and the setting of priorities for Public Open Space acquisition would be premature and potentially prejudicial to other landowners within the West Canning Vale Outline Development Plan area and the effective operation of the associated development contribution arrangement.*

- 2) *The claim of \$77,966.63 and \$115,289.24 for (respectively) overpayment of Public Open Space and Common Infrastructure Works contributions from previous stages of the Glenariff Estate and associated GST be rejected as the applicant has not been able to demonstrate how its previous land area calculations (upon which POS contributions were calculated) were incorrect and GST was not paid on the original contribution amounts.*
- 3) *The claim for land to be given up for road widening – Stage 2A, Stage 5A, Lot 3 and Lot 281 Ranford Road be accepted (resulting in a reimbursement of \$1,159,475 plus GST if applicable), subject to the following:*
 - i) *Confirmation of all land areas by survey.*
 - ii) *In the case of Stage 5A, the finalisation of Deposited Plan 57004 that results in the actual ceding of the road widening area for Nicholson Road.*
 - iii) *In the case of Lots 3 and 281 Ranford Road, Glenariff Holdings confirming that it is still the registered proprietor of these lots and remains entitled to the reimbursement or, in the event of the land having been sold, obtains and provides to the City written confirmation from the purchaser that it will make no claim against the ODP for the value of the land required for widening for Ranford Road.*
 - iv) *Glenariff Holdings granting access to the City and its contractors to the road widening land to enable the completion of road widening works for Ranford Road, to the satisfaction of the Chief Executive Officer.*
 - v) *Arrangements being made to the satisfaction of the Director Planning and Sustainability for the transfer to the City of the portions of Lots 3 and 281 Ranford Road required for road widening.*
 - vi) *Glenariff Holdings Pty Ltd demonstrating to the satisfaction of the Manager Financial Services, its eligibility to claim GST.”*

It is now open to Council to revisit the Glenariff claims rejected under part 1 and 2 of the above resolution given that it will be recommended that Council adopt Amendment No. 47 for final approval and endorse a land acquisition approach that will essentially involve financial arrangements being made with landowners, to acquire land for public purposes in the order in which it is ceded.

It will be recommended that the following claims be agreed by Council for the following reasons:

- Surveying of Lots 3 and 281 Ranford Road has been completed and identified the precise land areas for road widening. The area of road widening is 168m² greater than what the original road widening reimbursement claim was based on. Therefore it will be recommended that Council approve the amount of \$22,680 (plus GST) being reimbursed to Glenariff, in addition to the amount to

be reimbursed in accordance with Part 3 of Resolution 32, subject to the same terms and conditions listed therein.

- It will be recommended that Council agree to pay Glenariff's claim for \$3,235,410 (plus GST) for surplus land ceded for POS in Stage 5A of the Glenariff Estate. The POS was shown on a deposited plan cleared by the City in May 2008. Approval of the formal creation of the POS by the WAPC and Landgate is imminent.
- It will be recommended that Council approve the refund of \$115,289.24 for miscalculated POS contributions in Stages 1B and 2A of the Glenariff Estate. Glenariff has been able to adequately demonstrate how the contributions were miscalculated. Glenariff has claimed GST on this refund amount. This should not be supported as Glenariff did not pay GST on the original contributions. GST is not applied to developer contributions. GST may be paid by the City on land purchases or CIW expenditure, however the City can seek a tax credit for GST and therefore does not need to apply GST to contributions.
- It will be recommended that Council approve the refund of \$77,966.63 for miscalculated CIW contributions in Stages 1B and 2A of the Glenariff Estate. Glenariff has been able to adequately demonstrate how the contributions were miscalculated. GST will not be refunded for the same reasons that were detailed in the preceding point.

There are some additional points to note in respect to the claim for \$3,235,410 (plus GST) for surplus land ceded for POS in Stage 5A of the Glenariff Estate, as follows:

- Most of the funds held in the West Canning Vale ODP DCA accounts originate from contributions made by Glenariff. It would have been open to Glenariff to structure their staging of subdivision and contribution arrangements differently, and for the City to have accepted a scenario, where the POS in Stage 5A could have been ceded as part of an earlier stage of subdivision and the resulting POS credit position that would have established could have been used to satisfy POS contribution obligations in subsequent stages of subdivision without the need for cash contributions. Instead the reverse has actually occurred where Glenariff's initial stages of subdivision ceded only a very small amount of land for POS and contributions to satisfy POS requirements were made in the form of cash.
- The land ceded for POS in stage 5A does not include any land for CCWs. As detailed throughout this report, the POS contribution rate under the West Canning Vale ODP is 10.7%, which is only marginally greater than usual subdivisional POS requirements under WAPC policy and would apply regardless of whether there was a contribution arrangement established for funding the costs of other development infrastructure and the acquisition of land for public purposes. It would be open to Council to make arrangements to equalise the shared provision of POS, even if Amendment No.47 was not proposed or further progressed, as this is a matter now permitted under the Planning and Development Act 2005.
- It should be recognised that Glenariff is the only landowner in the West Canning Vale ODP area to actually cede land for POS and therefore provide new residents within the area with access to POS. Their claim for reimbursement should be prioritised accordingly.

- It is considered that the preceding three points leave it open to Council to accept Glenariff's claims immediately without the need to wait for the finalisation of Amendment No.47.
- As was detailed earlier in this report, the City currently holds \$4,871,378 in the CIW account and \$2,037,175 in the POS account for the West Canning Vale ODP DCA. The claim for POS reimbursement obviously exceeds the POS funds currently held. It is acceptable financial practice for the POS account to be overdrawn, as long as the overdrawn amount is offset by an equal or greater positive balance in the related CIW account. The overdrawing of the POS account should only be temporary, as additional POS contributions are anticipated from other subdivisions occurring in the ODP in the near future.

Should Council adopt the recommendation to agree to Glenariff's claims it will be necessary to also adopt budget variations to authorise the release of funds from the West Canning Vale ODP DCA accounts. The budget variations are explained in the Financial Implications section of this report.

Recommended Modifications to Amendment No. 47

As was detailed in the Background section of this report, the advertised Amendment No. 47 document contained two main parts. The first part contained the Amendment No. 47 text and report and the second the draft DCP.

The following table details several recommended modifications to Amendment No. 47 to address certain comments made in the submissions and ensure currency of the DCP and consistency between the DCP and Amendment document. Where applicable, proposed deletions are shown with ~~strikethrough~~ text, with proposed new text underlined.

It should be noted that modifications recommended to the Amendment Text will ultimately be matters for the Minister for Planning and Infrastructure to determine. It is considered that the recommended modifications are minor in nature and do not warrant readvertising of the amendment proposal.

| Table of Recommended Modifications to Amendment No. 47 | | |
|--|---|---|
| Modification No. | Recommended Modification | Reason/Purpose |
| Amendment Text | | |
| 1. | Modify proposed clause 3(g) as follows: <i>(g) the cost of acquisition of land identified for public open space as shown on the adopted ODP, which for the purpose of the cost sharing arrangement includes CCWs and land for 50% of the land required for drainage purposes.</i> | To clarify the manner by which contributions for POS, as distinct from land for wetland conservation and drainage will be applied. (see staff comment in response to submission 8.1) |

| Modification No. | Recommended Modification | Reason/Purpose |
|-------------------------|---|--|
| 2. | <p>Proposed clause 4 and 4(c) being modified as follows:</p> <p>4. <i>In respect to the provision of public open space as shown on the adopted ODP, which for the purpose of the cost sharing arrangement includes <u>excludes</u> CCWs and 50% of the land required for drainage purposes the following is applicable:</i></p> <p>(c) <i>Landowners who provide land in excess of the contribution rate determined under clause 3(g) 4(a) for such uses as district drainage, CCWs and public open space, are to be reimbursed by the Scheme to the unimproved value of the land as determined by a licensed valuer or otherwise agreed. in accordance with the Twelfth Schedule.</i></p> | <p>To clarify the manner by which contributions for POS, as distinct from land for wetland conservation and drainage will be applied. The modification also seeks to clarify how landowners who provide land for POS in excess of the usual contribution obligation will be treated.</p> <p>(see staff comment in response to submission 8.1).</p> <p>Council should also note that legal advice obtained by the City from McLeod's suggested clause 4c) needed modification. The recommended modification will address the concerns expressed by McLeods in respect to its original drafting.</p> |
| 3. | <p>Insert a map – to be known as Map 1 - (as contained in Appendix 13.5.2E) into proposed Attachment C of Schedule 12 to detail the area within which the DCA will operate.</p> <p>Note - The extent of the DCA area correlates to the extent of land included within the West Canning Vale ODP and should not be confused with the CIW and POS contribution areas (as detailed in the revised DCP in Appendix 13.5.2D). The extent of the CIW contribution area and the POS contribution areas vary from the DCA area and from each other due to the manner in which land for public purposes, such as road widening, CCWs and POS is deducted from the respective contribution areas.</p> | <p>It has become evident that although referred to in Council's Resolution 148 from 26 April 2005 (to adopt Amendment No. 47), a plan indicating the extent of the development contribution area was not specifically proposed to be inserted into Schedule 12 of TPS 6. Such a change is minor and does not affect the intent of the Scheme Amendment.</p> |
| Amendment Report | | |
| 4. | <p>Endorse the revised Amendment report, as contained in Appendix 13.5.2C, with the following modifications:</p> <ul style="list-style-type: none"> Consistently detail the manner by which contributions for POS, as distinct from land for wetland conservation and drainage will be applied. <p>(see staff comment in response to submission 8.1)</p> <ul style="list-style-type: none"> Delete the words "<i>The development of basic public open space infrastructure including bollards and grass.</i>" in section 4.1 to correct the anomaly with the draft DCP in respect to cost allowances for CCW/POS-related works. <p>(see staff comment in response to submission 8.2)</p> | <p>To ensure the Amendment report adequately describes the proposed amendment and contains information that is consistent with the Amendment text and DCP.</p> |

| Modification No. | Recommended Modification | Reason/Purpose |
|--|---|--|
| | <ul style="list-style-type: none"> • To update current preliminary CIW contribution rates, the land valuation basis and developable areas and to ensure consistency with the related details in the draft DCP. (see staff comment in response to submission 8.3) | |
| Draft Development Contribution Plan | | |
| 5. | <p>Adopt the revised DCP, as contained in Appendix 13.5.2D, with the following modifications:</p> <ul style="list-style-type: none"> • Detail current preliminary CIW contribution rates, the land valuation basis and developable areas and to ensure consistency with the related details in the draft DCP. (see staff comment in response to submission 8.3 and 8.12i)). • Include a copy of the current adopted ODP. (see staff comment in response to submission 8.9 i)). • Include a copy of the revised contribution area plans to clarify what land contributes to the different elements of the DCA. (see staff comment in response to submission 8.9 ii) and iii)). • Include additional text to detail how contributions towards the acquisition of land for drainage are calculated. (see staff comment in response to submission 8.10). • Replace the plan in section 6.1 to reflect the updated indicative broad drainage system. (see staff comment in response to submission 8.12 v)). • Include a table in section 6.4 detailing the different components of the cost estimate for the upgrading of Ranford Road. (see staff comment in response to submission 8.12 vii)). | To ensure the DCP clearly details the intended operation of the DCA, particularly in respect to contribution parameters and current rates. |

CONCLUSION

Amendment No. 47 to TPS 6 will facilitate the establishment of a DCA associated with the development of the West Canning Vale ODP. A series of recommendations will be made in respect to final adoption of Amendment No. 47, implementation arrangements and reimbursement payments to Glenariff Estate as follows:

- It will be recommended that Council adopt the amendment for final approval and forward a recommendation to the Minister for Planning and Infrastructure to approve the amendment subject to several minor modifications.
- It will be recommended that Council adopt a revised DCP on an interim basis, which sets out a preliminary CIW contribution rate of \$292,242/ha and a land valuation basis of \$1,350,000/ha and endorse revisions to the supporting report associated with Amendment No. 47.
- It will be recommended that advice be sought from the State Government as to whether it would be prepared to make a contribution towards the DCA to offset portion of or all the costs of acquiring land for CCWs and the widening of Nicholson Road and Ranford Road, and the upgrade of Ranford Road to enable developer contributions to be discounted by the value of any agreed offset.
- It will be recommended that the outstanding claims for reimbursement made by Glenariff be agreed and settled.

FINANCIAL IMPLICATIONS

Numerous financial implications have been detailed in the Discussion section of this report, particularly under the heading of Implications for Council.

Should Council adopt the recommendation to agree to Glenariff's claims it will be necessary to also adopt budget variations to authorise the release of funds from the West Canning Vale ODP DCA accounts. The following budget variations will be recommended:

| Account Number | Type | Account Description | Debit \$ | Credit \$ |
|----------------------|----------------------|---|-----------|-----------|
| GL32.1060.3762 | Increase Expenditure | West Canning Vale Outline Development Plan – Common Infrastructure Works | 22,680 | |
| GL32.1060.2313 | Increase Income | West Canning Vale Outline Development Plan Reserve | | 22,680 |
| | Reason: | To acquire land for the widening of Nicholson Road and Ranford Road in the West Canning Vale Outline Development Plan area. | | |
| JL 10-10074-3800-000 | Increase Expenditure | West Canning Vale Outline Development Plan – Public Open Space | 3,235,410 | |
| JL 10-10074-2400-000 | Increase Income | West Canning Vale Outline Development Plan – Public Open Space Reserve | | 3,235,410 |
| | Reason: | To reimburse Glenariff Holdings Pty Ltd for surplus POS ceded in Stage 5A of the Glenariff Estate in the West Canning Vale Outline Development Plan area. | | |
| GL 32-1060-3762 | Increase Expenditure | West Canning Vale Outline Development Plan – Other Expenditure | 115,289 | |
| GL 32-1060-2228 | Increase | West Canning Vale Outline | | 115,289 |

| Account Number | Type | Account Description | Debit \$ | Credit \$ |
|-----------------|----------------------|---|----------|-----------|
| | Income | Development Plan – Public Open Space Reserve | | |
| | Reason: | To refund Glenariff Holdings Pty Ltd for the overpayment of public open space contributions made in Stages 1B and 2A of the Glenariff Estate in the West Canning Vale Outline Development Plan area. | | |
| GL 32-1060-3762 | Increase Expenditure | West Canning Vale Outline Development Plan – Other Expenditure | 77,966 | |
| GL 32-1060-2313 | Increase Income | West Canning Vale Outline Development Plan – Common Infrastructure Works Reserve | | 77,966 |
| | Reason: | To reimburse Glenariff Holdings Pty Ltd for the over payment of common infrastructure works contributions made in Stage 1B and 2A of the Glenariff Estate in the West Canning Vale Outline Development Plan area. | | |

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| STAFF RECOMMENDATION (1 of 9) |
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Moved Cr R Mitchell Seconded Cr L Griffiths

That Council, pursuant to Town Planning Regulation 17(1), note the submissions received and endorse the responses to those submissions prepared by City staff.

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| STAFF RECOMMENDATION (2 of 9) |
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Moved Cr R Mitchell Seconded Cr L Griffiths

That Council pursuant to Town Planning Regulation 17(2)(a) adopt Amendment No. 47 to Town Planning Scheme No. 6 for the purpose of amending the Scheme Text by:

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

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

1. “West Canning Vale Outline Development Plan Area” means the area generally bounded by Nicholson, Campbell and Ranford Roads as shown on Map 1, titled West Canning Vale Outline Development Plan Area.
2. Common Infrastructure works additional to those detailed in the Twelfth Schedule of the Scheme as follows:

- (a) 50% of the contribution towards constructing one carriageway and full earthworks, shared path and drainage for Ranford Road (where it abuts the ODP area).
 - (b) Full Earthworks for the second carriageway of Ranford Road (where it abuts the ODP area).
 - (c) Traffic management, including 25% for one set of traffic signals at the Ranford Road intersection of Campbell Road in and abutting the ODP area,
 - (d) The construction of shared paths in the ODP area and peripheral roads
 - (e) Service relocation in the upgrading of Nicholson Road where it abuts the ODP area; and
 - (f) The provision of perimeter fencing and other associated management treatments for the identified Conservation Category Wetlands (CCWs).
3. Cost contributions additional to those detailed in the Twelfth Schedule of the Scheme, as follows:
- (a) 50% of the contribution towards constructing one carriageway and full earthworks, shared path and drainage for Ranford Road (where it abuts the ODP area).
 - (b) full Earthworks for the second carriageway of Ranford Road (where it abuts the ODP area).
 - (c) the cost of traffic management including 25% for one set of traffic signals at Ranford Road intersection with Campbell Road.
 - (d) the cost of the acquisition of land required for the road widening of Nicholson Road and Ranford Roads (where these roads abut the ODP area).
 - (e) the cost of shared paths.
 - (f) the cost of provision of perimeter fencing or other associated management treatments for the identified Conservation Category Wetlands (CCWs).
 - (g) the cost of acquisition of land identified for public open space as shown on the adopted ODP, which for the purpose of the cost sharing arrangement includes CCWs and land for drainage purposes.

4. In respect to the provision of public open space as shown on the adopted ODP, which for the purpose of the cost sharing arrangement includes CCWs and land for drainage purposes the following is applicable:
 - (a) Council shall calculate the proportion of public open space shown on the adopted ODP to the net developable area and use this figure as the basis to determine the contribution rate.
 - (b) A public open space contribution may be provided as either land or a payment equivalent to the value of the land required for public open space or a combination of the two in accordance with the ODP.
 - (c) Landowners who provide land in excess of the contribution rate determined under clause 3(g) for such uses as district drainage, CCWs and public open space, are to be reimbursed by the Scheme to the unimproved value of the land as determined by a licensed valuer or otherwise agreed.
3. Inserting into 1.0 of Schedule 12 - the following after the interpretation "Valuer":

"Development Contribution Plan" means a document containing plans and schedules that outline the operational aspects of the development contribution arrangement and may include, but is not limited to, details pertaining to the extent and cost of common infrastructure works and the methodology for the apportionment of costs within the ODP area.
4. Inserting the following after 17.0 of Schedule 12:

"18.0 Development Contribution Plan

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

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| STAFF RECOMMENDATION (3 of 9) |
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Moved Cr R Mitchell Seconded Cr L Griffiths

That Council forward Amendment No. 47 to the Western Australian Planning Commission with a recommendation that the amendment be modified prior to final approval by the Hon. Minister for Planning and Infrastructure, as follows:

1. to insert a contribution map (as contained in Appendix 13.5.2E) into proposed Attachment C of Schedule 12 of the Scheme.
2. to modify clause 3(g) to read as follows:
 - (g) *the cost of acquisition of land identified for CCWs and 50% of the land required for drainage purposes.*
3. to modify clause 4 and 4(c) to read as follows:
 4. *In respect to the provision of public open space as shown on the adopted ODP, which for the purpose of the cost sharing arrangement excludes CCWs and 50% of the land required for drainage purposes the following is applicable:*
 - (c) *Landowners who provide land in excess of the contribution rate determined under clause 4(a) for public open space, are to be reimbursed by the Scheme to the value of the land as determined in accordance with the Twelfth Schedule.*

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| STAFF RECOMMENDATION (4 of 9) |
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Moved Cr R Mitchell Seconded Cr L Griffiths

That Council endorse the modified supporting report associated with Amendment No. 47 as contained in Appendix 13.5.2C.

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| STAFF RECOMMENDATION (5 of 9) |
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Moved Cr R Mitchell Seconded Cr L Griffiths

That Council adopt on an interim basis the revised Development Contribution Plan as contained in Appendix 13.5.2D, including the contribution rate of \$292,242/ha for common infrastructure works and a land valuation of \$1,350,000/ha for local open space contributions and the acquisition of other land in accordance with the West Canning Vale Outline Development Plan.

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| STAFF RECOMMENDATION (6 of 9) |
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Moved Cr R Mitchell Seconded Cr L Griffiths

That Council seek advice from the State Government as to whether it would be prepared to make a contribution towards the Development Contribution Arrangement associated with the West Canning Vale Outline Development Plan to offset portion of or all the costs of acquiring land for Conservation Category Wetlands and the widening of Nicholson Road and Ranford Road and the upgrade of Ranford Road to enable developer contributions to be discounted by the value of any agreed offset.

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| STAFF RECOMMENDATION (7 of 9) |
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Moved Cr R Mitchell Seconded Cr L Griffiths

That Council adopt the following general approach to land acquisition and associated financial arrangements in the West Canning Vale Outline Development Plan area:

1. Priority should be given to landowners who have actually ceded land for public purposes, whether through subdivision or voluntarily, generally in the order in which the ceding occurs; and
2. In circumstances where landowners have not obtained subdivision or development approval, the acquisition of land that has little or no development potential should be pursued by the City as funds and resources allow, ahead of land that has greater development potential.

STAFF RECOMMENDATION (8 of 9)

Moved Cr R Mitchell Seconded Cr L Griffiths

That Council agree to the following payments to be made to Glenariff Holdings Pty Ltd:

1. An amount of \$22,680 (plus GST), being for the precise road widening area from Lots 3 and 281 Ranford Road, in addition to the amount of \$1,159,475 (plus GST) to be reimbursed to Glenariff Holdings Pty Ltd in accordance with part 3 of Council's Resolution 32 from its meeting of 12 February 2008, subject to the same terms and conditions specified therein.
2. An amount of \$3,235,410 (plus GST) for surplus land ceded for Public Open Space in Stage 5A of the Glenariff Estate.
3. An amount of \$115,289.24 (no GST payable), being a refund for miscalculated Public Open Space contributions in Stages 1B and 2A of the Glenariff Estate.
4. An amount of \$77,966.63 (no GST payable), being a refund for miscalculated Common Infrastructure Works contributions in Stages 1B and 2A of the Glenariff Estate.

STAFF RECOMMENDATION (9 of 9)

Moved Cr R Mitchell Seconded Cr L Griffiths

That Council approve the following adjustments to the Municipal Budget

| Account Number | Type | Account Description | Debit \$ | Credit \$ |
|----------------------|----------------------|--|-----------|-----------|
| GL32-1060.3762 | Increase Expenditure | West Canning Vale Outline Development Plan – Common Infrastructure Works | 22,680 | |
| GL32.1060.2313 | Increase Income | West Canning Vale Outline Development Plan Reserve | | 22,680 |
| JL 10-10074-3800-000 | Increase Expenditure | West Canning Vale Outline Development Plan – Public Open Space | 3,235,410 | |
| JL 10-10074-2400-000 | Increase Income | West Canning Vale Outline Development Plan – Public Open Space Reserve | | 3,235,410 |
| GL 32-1060-3762 | Increase Expenditure | West Canning Vale Outline Development Plan – Other Expenditure | 115,289 | |
| GL 32-1060-2228 | Increase Income | West Canning Vale Outline Development Plan – Public Open Space Reserve | | 115,289 |
| GL 32-1060-3762 | Increase Expenditure | West Canning Vale Outline Development Plan – Other Expenditure | 77,966 | |
| GL 32-1060-2313 | Increase Income | West Canning Vale Outline Development Plan – Common Infrastructure Works Reserve | | 77,966 |

(ABSOLUTE MAJORITY REQUIRED)

Additional Motion

During debate Cr PM Morris moved the following additional motion to the staff recommendations

“That Council staff prepare a separate report for Council’s consideration on the issues, implications and opportunities associated with amending Town Planning Scheme No. 6 to introduce a development contribution call-in power or due date for the payment of development contributions levied by the City in accordance with Part 7 and Schedule 12 of the Scheme.”

Cr PM Morris provided the following reason for the motion:

“For Council staff to investigate and report back to Council on the merits of amending Town Planning Scheme No. 6 to introduce a call-in power or due date for the payment of development contributions.”

Cr J Brown seconded Cr PM Morris’s additional motion.

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| STAFF RECOMMENDATION (1 of 9) AND COUNCIL RESOLUTION |
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255 Moved Cr R Mitchell Seconded Cr L Griffiths

That Council, pursuant to Town Planning Regulation 17(1), note the submissions received and endorse the responses to those submissions prepared by City staff.

CARRIED 10/1

FOR: Cr D Griffiths, Cr B Wiffen, Cr S Iwanyk, Cr J Brown, Cr R Hoffman, Cr C Fernandez, Cr W Barrett, Cr P Morris, Cr R Mitchell, Cr L Griffiths.

AGAINST: Cr O Searle.

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| STAFF RECOMMENDATION (2 of 9) AND COUNCIL RESOLUTION |
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256 Moved Cr R Mitchell Seconded Cr L Griffiths

That Council pursuant to Town Planning Regulation 17(2)(a) adopt Amendment No. 47 to Town Planning Scheme No. 6 for the purpose of amending the Scheme Text by:

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

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

1. “West Canning Vale Outline Development Plan Area” means the area generally bounded by Nicholson,

Campbell and Ranford Roads as shown on Map 1, titled West Canning Vale Outline Development Plan Area.

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

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

- (g) the cost of acquisition of land identified for public open space as shown on the adopted ODP, which for the purpose of the cost sharing arrangement includes CCWs and land for drainage purposes.
4. In respect to the provision of public open space as shown on the adopted ODP, which for the purpose of the cost sharing arrangement includes CCWs and land for drainage purposes the following is applicable:
- (a) Council shall calculate the proportion of public open space shown on the adopted ODP to the net developable area and use this figure as the basis to determine the contribution rate.
- (b) A public open space contribution may be provided as either land or a payment equivalent to the value of the land required for public open space or a combination of the two in accordance with the ODP.
- (c) Landowners who provide land in excess of the contribution rate determined under clause 3(g) for such uses as district drainage, CCWs and public open space, are to be reimbursed by the Scheme to the unimproved value of the land as determined by a licensed valuer or otherwise agreed.
3. Inserting into 1.0 of Schedule 12 - the following after the interpretation "Valuer":
- "Development Contribution Plan" means a document containing plans and schedules that outline the operational aspects of the development contribution arrangement and may include, but is not limited to, details pertaining to the extent and cost of common infrastructure works and the methodology for the apportionment of costs within the ODP area.
4. Inserting the following after 17.0 of Schedule 12:
- "18.0 Development Contribution Plan
- Pursuant to Clause 7.3.1, Council may prepare a Development Contribution Plan detailing the operation of the development contribution arrangement as provided for in Schedule 12."

CARRIED 10/1

FOR: Cr D Griffiths, Cr B Wiffen, Cr S Iwanyk, Cr J Brown, Cr R Hoffman, Cr C Fernandez, Cr W Barrett, Cr P Morris, Cr R Mitchell, Cr L Griffiths.

AGAINST: Cr O Searle.

STAFF RECOMMENDATION (3 of 9) AND COUNCIL RESOLUTION

257 Moved Cr R Mitchell Seconded Cr L Griffiths

That Council forward Amendment No. 47 to the Western Australian Planning Commission with a recommendation that the amendment be modified prior to final approval by the Hon. Minister for Planning and Infrastructure, as follows:

1. to insert a contribution map (as contained in Appendix 13.5.2E) into proposed Attachment C of Schedule 12 of the Scheme.
2. to modify clause 3(g) to read as follows:
 - (g) *the cost of acquisition of land identified for CCWs and 50% of the land required for drainage purposes.*
3. to modify clause 4 and 4(c) to read as follows:
 4. *In respect to the provision of public open space as shown on the adopted ODP, which for the purpose of the cost sharing arrangement excludes CCWs and 50% of the land required for drainage purposes the following is applicable:*
 - (c) *Landowners who provide land in excess of the contribution rate determined under clause 4(a) for public open space, are to be reimbursed by the Scheme to the value of the land as determined in accordance with the Twelfth Schedule.*

CARRIED 10/1

FOR: Cr D Griffiths, Cr B Wiffen, Cr S Iwanyk, Cr J Brown, Cr R Hoffman, Cr C Fernandez, Cr W Barrett, Cr P Morris, Cr R Mitchell, Cr L Griffiths.

AGAINST: Cr O Searle.

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| STAFF RECOMMENDATION (4 of 9) AND COUNCIL RESOLUTION |
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258 Moved Cr R Mitchell Seconded Cr L Griffiths

That Council endorse the modified supporting report associated with Amendment No. 47 as contained in Appendix 13.5.2C.

CARRIED 10/1

FOR: Cr D Griffiths, Cr B Wiffen, Cr S Iwanyk, Cr J Brown, Cr R Hoffman, Cr C Fernandez, Cr W Barrett, Cr P Morris, Cr R Mitchell, Cr L Griffiths.

AGAINST: Cr O Searle.

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| STAFF RECOMMENDATION (5 of 9) AND COUNCIL RESOLUTION |
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259 Moved Cr R Mitchell Seconded Cr L Griffiths

That Council adopt on an interim basis the revised Development Contribution Plan as contained in Appendix 13.5.2D, including the contribution rate of \$292,242/ha for common infrastructure works and a land valuation of \$1,350,000/ha for local open space contributions and the acquisition of other land in accordance with the West Canning Vale Outline Development Plan.

CARRIED 10/1

FOR: Cr D Griffiths, Cr B Wiffen, Cr S Iwanyk, Cr J Brown, Cr R Hoffman, Cr C Fernandez, Cr W Barrett, Cr P Morris, Cr R Mitchell, Cr L Griffiths.

AGAINST: Cr O Searle.

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| STAFF RECOMMENDATION (6 of 9) AND COUNCIL RESOLUTION |
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260 Moved Cr R Mitchell Seconded Cr L Griffiths

That Council seek advice from the State Government as to whether it would be prepared to make a contribution towards the Development Contribution Arrangement associated with the West Canning Vale Outline Development Plan to offset portion of or all the costs of acquiring land for Conservation Category Wetlands and the widening of Nicholson Road and Ranford Road and the upgrade of Ranford Road to enable developer contributions to be discounted by the value of any agreed offset.

CARRIED 10/1

FOR: Cr D Griffiths, Cr B Wiffen, Cr S Iwanyk, Cr J Brown, Cr R Hoffman, Cr C Fernandez, Cr W Barrett, Cr P Morris, Cr R Mitchell, Cr L Griffiths.

AGAINST: Cr O Searle.

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| STAFF RECOMMENDATION (7 of 9) AND COUNCIL RESOLUTION |
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261 Moved Cr R Mitchell Seconded Cr L Griffiths

That Council adopt the following general approach to land acquisition and associated financial arrangements in the West Canning Vale Outline Development Plan area:

1. Priority should be given to landowners who have actually ceded land for public purposes, whether through subdivision or voluntarily, generally in the order in which the ceding occurs; and
2. In circumstances where landowners have not obtained subdivision or development approval, the acquisition of land that has little or no development potential should be pursued by the City as funds and resources allow, ahead of land that has greater development potential.

CARRIED 10/1

FOR: Cr D Griffiths, Cr B Wiffen, Cr S Iwanyk, Cr J Brown, Cr R Hoffman, Cr C Fernandez, Cr W Barrett, Cr P Morris, Cr R Mitchell, Cr L Griffiths.

AGAINST: Cr O Searle.

STAFF RECOMMENDATION (8 of 9) AND COUNCIL RESOLUTION

262 Moved Cr R Mitchell Seconded Cr L Griffiths

That Council agree to the following payments to be made to Glenariff Holdings Pty Ltd:

1. An amount of \$22,680 (plus GST), being for the precise road widening area from Lots 3 and 281 Ranford Road, in addition to the amount of \$1,159,475 (plus GST) to be reimbursed to Glenariff Holdings Pty Ltd in accordance with part 3 of Council's Resolution 32 from its meeting of 12 February 2008, subject to the same terms and conditions specified therein.
2. An amount of \$3,235,410 (plus GST) for surplus land ceded for Public Open Space in Stage 5A of the Glenariff Estate.
3. An amount of \$115,289.24 (no GST payable), being a refund for miscalculated Public Open Space contributions in Stages 1B and 2A of the Glenariff Estate.
4. An amount of \$77,966.63 (no GST payable), being a refund for miscalculated Common Infrastructure Works contributions in Stages 1B and 2A of the Glenariff Estate.

CARRIED 10/1

FOR: Cr D Griffiths, Cr B Wiffen, Cr S Iwanyk, Cr J Brown, Cr R Hoffman, Cr C Fernandez, Cr W Barrett, Cr P Morris, Cr R Mitchell, Cr L Griffiths.

AGAINST: Cr O Searle.

STAFF RECOMMENDATION (9 of 9) AND COUNCIL RESOLUTION

263 Moved Cr R Mitchell Seconded Cr L Griffiths

That Council approve the following adjustments to the Municipal Budget

| Account Number | Type | Account Description | Debit \$ | Credit \$ |
|----------------------|----------------------|--|-----------|-----------|
| GL32-1060.3762 | Increase Expenditure | West Canning Vale Outline Development Plan – Common Infrastructure Works | 22,680 | |
| GL32.1060.2313 | Increase Income | West Canning Vale Outline Development Plan Reserve | | 22,680 |
| JL 10-10074-3800-000 | Increase Expenditure | West Canning Vale Outline Development Plan – Public Open Space | 3,235,410 | |
| JL 10-10074-2400-000 | Increase Income | West Canning Vale Outline Development Plan – Public Open Space Reserve | | 3,235,410 |
| GL 32-1060-3762 | Increase Expenditure | West Canning Vale Outline Development Plan – Other Expenditure | 115,289 | |
| GL 32-1060-2228 | Increase Income | West Canning Vale Outline Development Plan – Public Open Space Reserve | | 115,289 |
| GL 32-1060-3762 | Increase Expenditure | West Canning Vale Outline Development Plan – Other Expenditure | 77,966 | |
| GL 32-1060-2313 | Increase Income | West Canning Vale Outline Development Plan – Common Infrastructure Works Reserve | | 77,966 |

CARRIED BY ABSOLUTE MAJORITY 10/1

FOR: Cr D Griffiths, Cr B Wiffen, Cr S Iwanyk, Cr J Brown, Cr R Hoffman, Cr C Fernandez, Cr W Barrett, Cr P Morris, Cr R Mitchell, Cr L Griffiths.

AGAINST: Cr O Searle.

COUNCIL RESOLUTION

264 Moved Cr PM Morris Seconded Cr J Brown

That Council staff prepare a separate report for Council’s consideration on the issues, implications and opportunities associated with amending Town Planning Scheme No. 6 to introduce a development contribution call-in power or due date for the payment of development contributions levied by the City in accordance with Part 7 and Schedule 12 of the Scheme.

CARRIED 11/0

FOR: Cr D Griffiths, Cr B Wiffen, Cr S Iwanyk, Cr J Brown, Cr R Hoffman, Cr C Fernandez, Cr W Barrett, Cr P Morris, Cr R Mitchell, Cr L Griffiths, and Cr O Searle.

AGAINST: Nil.

12. MINUTES OF COMMITTEE MEETINGS

The Mayor advised the meeting that Cr PM Morris due to being a member of the Heritage Advisory Committee, had disclosed an Impartiality Interest in the following item in accordance with Regulation 34C of the Local Government (Administration) Regulations 1996.

12.1 CITY OF GOSNELLS HERITAGE ADVISORY COMMITTEE MEETING – 5 JUNE 2008

Author: S Gurney

Previous Ref: Nil

Appendix: 12.1A Minutes of the City of Gosnells Heritage Advisory
Committee Meeting held on Thursday 5 June 2008

PURPOSE OF REPORT

For Council to receive the Minutes of the City of Gosnells Heritage Advisory Committee Meeting held on Thursday 5 June 2008.

BACKGROUND

The City of Gosnells Heritage Advisory Committee meets every two (2) months to oversee issues of management and care of Council's heritage properties and broader heritage issues within the City of Gosnells. The business of the meeting as reported in the Minutes of the Heritage Advisory Committee meeting held on 5 June 2008 is attached as Appendix 12.1.A.

DISCUSSION

There were no recommendations made at the meeting held on 5 June 2008 which require Council's consideration.

FINANCIAL IMPLICATIONS

Nil.

| |
|---|
| STAFF RECOMMENDATION AND COUNCIL RESOLUTION |
|---|

265 Moved Cr D Griffiths Seconded Cr R Hoffman

That Council receive the Minutes of the City of Gosnells Heritage Advisory Committee Meeting held on Thursday 5 June 2008 attached as Appendix 12.1A.

CARRIED 11/0

FOR: Cr D Griffiths, Cr B Wiffen, Cr S Iwanyk, Cr J Brown, Cr R Hoffman, Cr C Fernandez, Cr W Barrett, Cr P Morris, Cr R Mitchell, Cr L Griffiths, and Cr O Searle.

AGAINST: Nil.

The Mayor advised the meeting that Cr W Barrett due to being the presiding member 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.

12.2 CITY OF GOSNELLS ROADWISE COMMITTEE MEETING – 7 MAY 2008

Author: S Kalbarczyk

Previous Ref: Nil

Appendix: 12.2A Minutes of the City of Gosnells RoadWise Committee Meeting held on Wednesday 7 May 2008

PURPOSE OF REPORT

For Council to receive the Minutes of the RoadWise Committee Meeting held on Wednesday 7 May 2008.

BACKGROUND

The City of Gosnells RoadWise Committee meets on the first Wednesday of every month. The Committee was 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 programs and promotions
- Develop programs and initiatives which target groups and issues identified in the State Road Safety Strategy

The Minutes of the meeting are attached as Appendix 12.2A.

DISCUSSION

There were two recommendations arising from the RoadWise Committee meeting held on Wednesday, 7 May 2008, being:

“That Council appoint an Elected Member to replace Cr John Henderson before the next RoadWise Committee Meeting to be held on 4 June 2008.”

and

“That Council approve and accept the cost of \$1,920 for four retractable legs to be built into the crash trailer to stabilise it when stationary and supporting a crash car as a RoadWise display unit.”

At its meeting of 13 May 2008, Council adopted Resolution 183, which reads:

“That Council appoint Councillor L Griffiths as Delegate to the RoadWise Committee for the period up until the 2009 Local Government Elections.”

In regards to the installation of four retractable legs to the crash trailer, the Director Infrastructure has previously approved for this work to be undertaken using funding from the RoadWise budget (Account No 51-1415-3392).

The other main point of discussion at the meeting was:

- **Random Breath Testing (RBT):** In addition to the \$100 fuel voucher competition, the Committee members discussed and agreed to the suggestion put forward by Ms M Carey for the next RBT event – to purchase bottled water and attach printed stick-on labels with messages promoting road safety, such as *Don't Drink and Drive*. The competition entry details will be on the stick-on labels and the prize will be iPod Shuffle equipment.

FINANCIAL IMPLICATIONS

The installation of retractable legs to the crash trailer costs \$1,920. This will be funded from Account No 51-1415-3392 / RoadWise Expenditure.

| |
|---|
| STAFF RECOMMENDATION AND COUNCIL RESOLUTION |
|---|

266 Moved Cr L Griffiths Seconded Cr S Iwanyk

That Council receive the Minutes of the Meeting of the City of Gosnells RoadWise Committee held on Wednesday 7 May 2008 attached as Appendix 12.2A.

CARRIED 11/0

FOR: Cr D Griffiths, Cr B Wiffen, Cr S Iwanyk, Cr J Brown, Cr R Hoffman, Cr C Fernandez, Cr W Barrett, Cr P Morris, Cr R Mitchell, Cr L Griffiths, and Cr O Searle.

AGAINST: Nil.

13. REPORTS

13.1 CHIEF EXECUTIVE OFFICER'S REPORT

Author: D Simms
Previous Ref: OCM 22 April 2008 (Resolution 128)
Appendix: 13.1.1A Sustainability Checklist

PURPOSE OF REPORT

For Council to further consider the proposal contained within the Systemic Sustainability Study (SSS) prepared by the Western Australian Local Government Association (WALGA) to reform local government through in part the establishment of a Regional Local Government Model.

BACKGROUND

Council, at its Ordinary Meeting on 22 April 2008, adopted Resolution 128 which reads:

"That Council:

- 1. Congratulate the Western Australia Local Government Association for taking a pro-active leadership role in establishing a reform agenda for local government in Western Australia that addresses the long-term sustainability of local government.*
- 2. Advise the Western Australia Local Government that in relation to the series introduction of a Regional Governance Model for local government, Council seeks an extension of time until the June 2008 to allow Council sufficient time to explore this model.*
- 3. Confirm its support and leadership in working with the Western Australia Local Government to promote and implement the remaining recommendations as outlined in Appendix 13.1.1B to this report."*

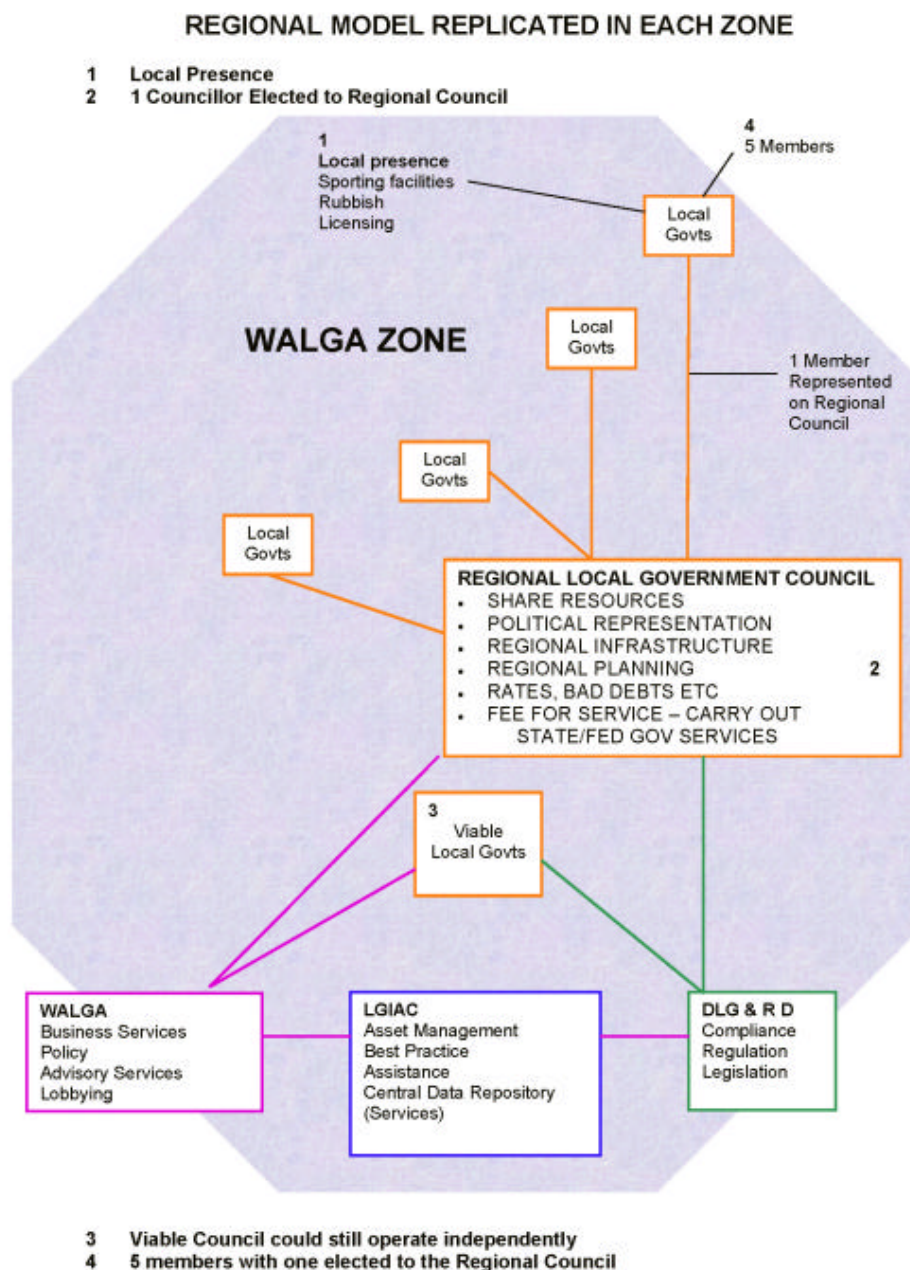
This report now deals with the aspects contained within the Systemic Sustainability Study relating to the introduction of a regional governance model.

DISCUSSION

The SSS report provides for a journey of reform for the industry over the next ten years which integrates effective service and infrastructure planning and delivery (on a regional or state wide basis) with appropriate political representation (on a local basis).

The SSS report also provides for a Sustainability Checklist (see Appendix 13.1.1A). The Sustainability Checklist is intended to assist individual local governments understand and improve their sustainability.

As detailed in the Regional Model below, it is proposed that non-sustainable local governments will over the next ten year period move towards a regional local government model.



Viable local governments may retain their independence or decide to be involved within a regional local government model. As is the current case, viable local governments like the City of Gosnells will continue to look for opportunity to gain further economies of scales through regional resource sharing and through the formation of strategic alliances with other local governments to provide a stronger advocating role with state and federal government. Examples of this include the City of Gosnells involvement in the National Growth Areas Alliance, Outer Metropolitan Growth Councils Policy Forum and the Rivers Regional Council.

WALGA has taken a strong leadership role in developing a reform agenda for local government. In representing 142 local governments of a variety of sizes and communities of interest, it will always be difficult to develop a reform agenda that will be accepted by such a diverse industry.

Whilst for large sustainable local governments like the City of Gosnells, regional service provision and strategic alliances with other local governments may be a more appropriate means of improving our long term sustainability, for other smaller local governments a guided transition from local to regional local government is essential.

The SSS draft report proposed that the Regional Model should provide a transition mechanism for Local Government, helping it to adjust from a local to regional service delivery model. It proposed that the Regional Model should:

- Manage the capacity constraints upon Local Government in attracting and retaining the personnel needed to deliver the variety of services and functions currently provided by Local Government
- Create a platform which promotes more coherent planning, funding and management of services and functions, including asset management and infrastructure funding
- Act as a catalyst for engagement with the State and Commonwealth Governments in the planning and funding of service and infrastructure delivery
- Present a challenge to the other spheres of government to better articulate their regional planning strategies and mechanisms
- Allow the flexibility needed to address the diverse circumstances presenting across WA
- Retain the strengths of the current Local Government representational arrangements, whilst creating accountable and transparent governance for the range of functions proposed for delivery through regional and state-wide platforms.

The draft report outlined a proposed Regional Model that would apply to each WALGA Zone (Gosnells is a member of the South East Zone). The regional model is designed to retain representation in local communities, whilst using the leverage of the collective region for the delivery of key services. Whilst forming regional local governments around WALGA Zones is a starting point, other options need to be considered. For example Councils within the Outer Metropolitan Growth Council Policy Forum are in the main the larger local governments that share many key strategic issues and may be better suited to forming a regional shared service model and advocacy role.

The model also proposes the creation of a new Local Government Independent Assessment Commission that would be responsible for promoting Local Government sustainability generally. It is believed that this may add another layer of bureaucracy and whilst not dismissing the idea, it is suggested a further review should be conducted on the role of the Department of Local Government & Regional Development to determine if this role could not be achieved through a strategic restructure of that Department.

The SSS report noted that the proposed Regional Council Model is not a 'one size fits all' response, neither is it a 'static' model. The model is designed to ensure long-term Local Government sustainability, whilst also possessing the flexibility to allow Councils to adapt to changing demands, expectations and circumstances over time. It is based on a 10-Year Plan, divided into three stages:

1. Early Stage (years 1-3) - model would be entirely driven by an evaluation of the range of services provided and functions fulfilled by local governments; short term goal is to create greater economies and efficiencies in the service delivery

and the asset management of assets; WALGA State Council has endorsed the use of existing WALGA Zone boundaries for the definition of 'Region' for the early stages of the transition process.

2. Middle Stage (Years 4-8) – model encourages gradual exposure of local governments and their communities to increasing levels of functional delivery at a regional level, and responding by creating suitable governance structures; model allows flexibility for experimentation and a gradual increase in the number and range of services and functions delivered through regional and state-wide arrangements; new service models will emerge as standards for the sector, but can be adapted to the circumstances of particular regions.
3. Final Stage (Years 9-10) - there is no intention of dictating a universal outcome upon which 'success' will be judged, and the final form of Regional Model delivery will vary across regions; however, it is intended that the variance will be justifiable by the diverse circumstances applying in different regions, rather than on 'parochialism'.

In summary, the concept of regional local governments provides a strong starting point to guide unsustainable local governments towards a more viable future. For other larger local governments the regional model does not prevent sustainable and viable local governments from exploring regional shared services and advocacy whilst retaining their local identity.

FINANCIAL IMPLICATIONS

Nil.

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| STAFF RECOMMENDATION AND COUNCIL RESOLUTION |
|---|

267 Moved Cr R Hoffman Seconded Cr B Wiffen

That Council further advise the Western Australian Local Government Association (WALGA) that in regards to the SSS report, Council:

1. supports the introduction of a standard sustainability checklist as a means of assessing the sustainability of local governments within Western Australia
2. supports the move to a Regional Model for local governments that are not sustainable and viable in their current structure
3. supports viable local governments continuing to explore regional shared services and forming strategic partnership with other local governments for the purpose of advocating on key strategic issues
4. requests WALGA, in partnership with the Department for Local Government and Regional Government (DLG&RD), explore if the function of the proposed Local Government Independent Assistance Commission could not be carried out through a restructured DLG&RD
5. requests that WALGA consider alternate options to its proposal for the establishment of Regional Local Government Councils around the current WALGA Zone boundaries.

CARRIED 11/0

FOR: Cr D Griffiths, Cr B Wiffen, Cr S Iwanyk, Cr J Brown, Cr R Hoffman, Cr C Fernandez, Cr W Barrett, Cr P Morris, Cr R Mitchell, Cr L Griffiths, and Cr O Searle.

AGAINST: Nil.

13.2 COMMUNITY ENGAGEMENT**13.3 CORPORATE SERVICES****13.3.1 TENDER 28/2008 – COMPUTER NETWORK SWITCHING GEAR**

Author: P Campbell
 Previous Ref: Nil
 Appendix: Nil

PURPOSE OF REPORT

To advise Council of submissions received in relation to Tender 28/2008 – Computer Network Switching Gear and recommend the most advantageous tender for the purpose of awarding a contract

BACKGROUND

Tender 28/2008 was advertised in the West Australian newspaper on Saturday 10 May 2008 and closed on 27 May 2008.

At the close of Tenders, submissions were received from the following four companies:

| Company | Address |
|----------------------------|---|
| Alphawest Services Pty Ltd | Level 2/1260 Hay Street, West Perth WA 6005 |
| ComputerCorp | 578-586 Murray Street, West Perth WA 6005 |
| L7 Solutions | 256 Adelaide Terrace, Perth WA 6000 |
| NEC Australia Pty Ltd | 143 Colin Street, West Perth WA 6005 |

DISCUSSION

As part of the Information Technology Infrastructure fit out for the Civic Centre Redevelopment project, the core network switch is to be replaced with switching equipment which will support both the increase in staff numbers due to relocation to the new Civic Centre and future staff appointments.

The tender asked for a response against the specifications for the items listed in the table below.

The first item is a Core Switch which will sit at the heart of the network. The Optional Supervisor Engine is a second switch which acts as a backup device in the event of failure or malfunction of the Core Switch. Whilst this switch is optional, it is seen as a core component of risk managing the network and providing for business continuity in the event of an incident.

| Cisco Core Switch Supervisor Engine 720 3B | | |
|---|------------------|---|
| Units | Code | Description |
| 1 | WS-C6513S | Catalyst650013-slotchassis,20RU,noPS,noFanTray |
| 1 | 733ISK9-12233SXH | CiscoCAT6000-SUP720IOSIPSERVICESSH |
| 1 | WS-SUP720-3B | Catalyst6500/Cisco7600Supervisor720FabricMSFC3PFC3B |
| 1 | CF-ADAPTER-SP | SPadapterforSUP720andSUP720-10G |
| 8 | WS-X6148A-GE-TX | Catalyst650048-port10/100/1000GEMod.,RJ-45 |
| 1 | WS-X6748-GE-TX | Cat650048-port10/100/1000GEMod:fabricenabled,RJ-45 |

| Cisco Core Switch Supervisor Engine 720 3B | | |
|---|--|---|
| Units | Code | Description |
| 1 | WS-F6700-CFC | Catalyst6500CentralFwdCardforWS-X67xxmodules |
| 2 | WS-C6K-13SLT-FAN2 | HighSpeedFanTrayforCatalyst6513/Cisco7613 |
| 2 | WS-CAC-3000W | Catalyst65003000WACpowersupply |
| 1 | CAB-AC-16A-AUS | PowerCord,250VAC,16A,AustraliaC19 |
| 1 | MEM-C6K-CPTFL512M | Catalyst6500Sup720/Sup32CompactFlashMem512MB |
| 1 | BF-S720-64MB-RP | BootflashforSUP720-64MB-RP |
| 1 | MEM-S2-512MB | Catalyst6500512MBDRAMontheSupervisor(SUP2orSUP720) |
| 1 | MEM-MSFC2-512MB | Catalyst6500512MBDRAMontheMSFC2orSUP720MSFC3 |
| 1 | MEM-XCEF720-256M | Catalyst6500256MBDDR,xCEF720(67xxinterface,DFC3A) |
| 1 | WS-F6700-CFC | Catalyst6500CentralFwdCardforWS-X67xxmodules |
| 1 | CON-OS-WS-C6513 | 8x5xNBDOnsiteSvc,Catalyst6513Chassis |
| Optional Supervisor Engine | | |
| 1 | WS-SUP720-3B | Catalyst6500/Cisco7600Supervisor720FabricMSFC3PFC3B |
| 1 | CF-ADAPTER-SP | SPadapterforSUP720andSUP720-10G |
| 1 | MEM-C6K-CPTFL512M | Catalyst6500Sup720/Sup32CompactFlashMem512MB |
| 1 | BF-S720-64MB-RP | BootflashforSUP720-64MB-RP |
| 1 | MEM-S2-512MB | Catalyst6500512MBDRAMontheSupervisor(SUP2orSUP720) |
| 1 | MEM-MSFC2-512MB | Catalyst6500512MBDRAMontheMSFC2orSUP720MSFC3 |
| 1 | MEM-XCEF720-256M | Catalyst6500256MBDDR,xCEF720(67xxinterface,DFC3A) |
| | Service charges for installation of Core Switch Supervisor Engine 720 3B | Scope of works to be detailed |

A schedule of the tendered prices from each Tenderer is shown below:

| Cisco Core Switch Supervisor Engine 720 3B | | | | | |
|---|-------------------|------------------|---------------------|---------------------|-------------|
| Units | Code | Alphawest | ComputerCorp | L7 Solutions | NEC |
| 1 | WS-C6513S | \$10,075.00 | \$11,102.00 | \$9,893.09 | \$12,933.91 |
| 1 | 733ISK9-12233SXH | \$0.00 | | \$0.00 | \$0.00 |
| 1 | WS-SUP720-3B | \$18,499.00 | \$20,383.35 | \$18,164.42 | \$23,747.59 |
| 1 | CF-ADAPTER-SP | \$0.00 | \$0.00 | | \$0.00 |
| 8 | WS-X6148A-GE-TX | \$37,000.00 | \$40,765.76 | \$36,328.00 | \$47,494.08 |
| 1 | WS-X6748-GE-TX | \$9,910.00 | \$10,919.67 | \$9,730.96 | \$12,721.94 |
| 1 | WS-F6700-CFC | \$0.00 | \$0.00 | | \$0.00 |
| 2 | WS-C6K-13SLT-FAN2 | \$492.00 | \$1,085.00 | \$966.88 | \$632.04 |
| 2 | WS-CAC-3000W | \$3,964.00 | \$4,367.48 | \$3,892.04 | \$10,176.67 |
| 1 | CAB-AC-16A-AUS | \$0.00 | \$0.00 | \$0.00 | \$0.00 |
| 1 | MEM-C6K-CPTFL512M | \$0.00 | \$724.44 | \$645.58 | \$844.00 |

| Cisco Core Switch Supervisor Engine 720 3B | | | | | |
|---|------------------|--------------------|---------------------|---------------------|---------------------|
| Units | Code | Alphawest | ComputerCorp | L7 Solutions | NEC |
| 1 | BF-S720-64MB-RP | \$0.00 | \$0.00 | \$0.00 | \$0.00 |
| 1 | MEM-S2-512MB | \$0.00 | \$2,620.59 | \$2,335.31 | \$0.00 |
| 1 | MEM-MSFC2-512MB | \$0.00 | \$2,620.59 | \$2,335.31 | \$0.00 |
| 1 | MEM-XCEF720-256M | \$0.00 | \$0.00 | \$0.00 | \$0.00 |
| 1 | WS-F6700-CFC | \$0.00 | \$10,920.00 | \$0.00 | \$0.00 |
| 1 | CON-OS-WS-C6513 | \$11,554.00 | \$15,232.80 | \$19,641.80 | \$21,259.36 |
| | Sub-total | \$91,494.00 | \$120,741.68 | \$103,933.39 | \$129,809.59 |

| Optional Supervisor Engine | | | | | |
|---|----------------------------|---------------------|---------------------|---------------------|---------------------|
| Units | Code | Alphawest | ComputerCorp | L7 Solutions | NEC |
| 1 | WS-SUP720-3B | \$18,499.00 | \$20,383.35 | \$18,164.42 | \$23,747.59 |
| 1 | CF-ADAPTER-SP | \$0.00 | \$0.00 | \$0.00 | \$0.00 |
| 1 | MEM-C6K-CPTFL512M | \$657.00 | \$703.34 | \$645.58 | \$0.00 |
| 1 | BF-S720-64MB-RP | \$0.00 | \$0.00 | \$0.00 | \$0.00 |
| 1 | MEM-S2-512MB | \$0.00 | \$2,544.26 | \$2,335.31 | \$0.00 |
| 1 | MEM-MSFC2-512MB | \$0.00 | \$2,544.26 | \$2,335.31 | \$0.00 |
| 1 | MEM-XCEF720-256M | \$0.00 | \$0.00 | \$0.00 | \$0.00 |
| | Sub-Total | \$19,156.00 | \$26,175.21 | \$23,480.62 | \$23,747.59 |
| | Installation Costs | \$12,000.00 | \$7,360.00 | \$10,338.50 | ***\$6,000 |
| | Total Tendered Cost | \$122,650.00 | \$154,276.89 | \$137,752.51 | \$159,557.18 |
| | | Ex GST | Ex GST | Ex GST | Ex GST |
| *** \$1200/day quoted; 5 days estimated for tender evaluation | | | | | |

When reviewing tenders, consideration was given to the specifications put forward and how these met the tender request; the cost of each configuration against budget targets; supplier business information, experience and methodology in the supply and installation of similar equipment.

Each of the Tenderers has demonstrated significant experience and knowledge in the supply, configuration and installation of this equipment, which meant that the tendered price became the point of difference in the tender evaluation process.

The outcome of the evaluation process is shown in this table and demonstrates the considerable cost variation between the tenders:

| Tender Evaluation Matrix Scoring | | | | | | |
|--|-----------------------|-----------|------------|-------------|------|-------------|
| | | Weighting | | | | 100% |
| | | 50% | 30% | 15% | 5% | |
| Tenderer | Tendered Price ex GST | Cost | Experience | Methodology | OH&S | Total Score |
| Alphawest | \$122,650 | 50 | 30 | 15 | 5 | 100 |
| ComputerCorp | \$154,277 | 37 | 30 | 15 | 5 | 87 |
| L7 Solutions | \$137,753 | 44 | 30 | 15 | 5 | 94 |
| NEC ** | \$159,557 | 35 | 30 | 15 | 5 | 85 |
| ** includes estimated 5 days installation cost | | | | | | |

Alphawest Services Pty Ltd submitted the lowest total tender price for the equipment; all proposed equipment met the tender specification and the submission is the most cost effective proposal.

FINANCIAL IMPLICATIONS

Budget has been provided by Council within the Civic Centre Redevelopment budget to fund the purchase of the above equipment as part of the overall project cost.

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| STAFF RECOMMENDATION AND COUNCIL RESOLUTION |
|---|

268 Moved Cr R Mitchell Seconded Cr S Iwanyk

That Council award Tender 28/2008 – Computer Network Switching Gear, to Alphawest Services Pty Ltd, Level 2, 1260 Hay Street, West Perth WA 6005 at a total cost of \$122,650.00 (GST exclusive) with funds being met from Account number JL12-10029-3800.257 Civic Centre Redevelopment.

CARRIED 11/0

FOR: Cr D Griffiths, Cr B Wiffen, Cr S Iwanyk, Cr J Brown, Cr R Hoffman, Cr C Fernandez, Cr W Barrett, Cr P Morris, Cr R Mitchell, Cr L Griffiths, and Cr O Searle.

AGAINST: Nil.

13.3.2 PAYMENT OF ACCOUNTS

Author: L Blair
Previous Ref: Nil
Appendix: Nil

PURPOSE OF REPORT

To advise Council of payments made for the period 1 May 2008 to 31 May 2008.

DISCUSSION

Payments of \$14,046,464.35 as detailed in the cheque and EFT payment listing for the period 1 May 2008 to 31 May 2008 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.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION**269 Moved Cr C Fernandez Seconded Cr J Brown**

That Council note the payment of accounts as shown in the cheque and EFT payment listing for the period 1 May 2008 to 31 May 2008.

CARRIED 11/0

FOR: Cr D Griffiths, Cr B Wiffen, Cr S Iwanyk, Cr J Brown, Cr R Hoffman, Cr C Fernandez, Cr W Barrett, Cr P Morris, Cr R Mitchell, Cr L Griffiths, and Cr O Searle.

AGAINST: Nil.

13.3.3 FINANCIAL ACTIVITY STATEMENTS - MAY 2008

Author: F Sullivan

Previous Ref: Nil

Appendix: 13.3.3A Financial Reports – May 2008

PURPOSE OF REPORT

For Council to adopt the Financial Activity Statement Report for the month of May 2008.

BACKGROUND

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

- Commentary and report on variances
- Operating Statement by Programme
- Balance Sheet
- Statement of Financial Activity
- Reserve Movements
- Capital Expenditure Detail
- Outstanding Debtor Information
- Investment Report
- Rates Report

DISCUSSION

The Financial Activity Statement Report for the month of May 2008 is attached as Appendix 13.3.3A.

FINANCIAL IMPLICATIONS

Nil.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION**270 Moved Cr R Hoffman Seconded Cr J Brown**

That Council, in accordance with Regulation 34 of the Local Government (Financial Management) Regulations, adopt the following reports, contained in the Financial Activity Statement Report for the month of May 2008, attached as per Appendix 13.3.3A.

- A. Commentary and report on variances
- B. Operating Statement by Programme
- C. Balance Sheet
- D. Statement of Financial Activity
- E. Reserve Movements
- F. Capital Expenditure Detail
- G. Outstanding Debtor Information
- H. Investment Report
- I. Rates report

CARRIED 11/0

FOR: Cr D Griffiths, Cr B Wiffen, Cr S Iwanyk, Cr J Brown, Cr R Hoffman, Cr C Fernandez, Cr W Barrett, Cr P Morris, Cr R Mitchell, Cr L Griffiths, and Cr O Searle.

AGAINST: Nil.

13.3.4 BUDGET VARIATIONS

Author: R Bouwer
 Previous Ref: Nil
 Appendix: Nil

PURPOSE OF REPORT

To seek approval from Council to adjust the 2007/2008 Municipal Budget.

DISCUSSION

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

- is incurred in a financial year before the adoption of the annual budget by the local government
- is authorised in advance by Council resolution
- 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.

FINANCIAL IMPLICATIONS

| Account Number | Type | Account Description | Debit \$ | Credit \$ |
|-----------------------|-------------------------|---|---------------------|----------------------|
| JL14-80102-3800-000 | Increase Expenditure | Left Turn Slip Lane - Garden St at Sugarwood Dr - Capital Purchase | 10,000 | |
| JL14-80019-3800-000 | Decrease Expenditure | Traffic Management - Various - Capital Purchase | | 10,000 |
| | Reason: | Additional funds required to cover over expenditure and to facilitate completion of the project. | | |
| JL14-80104-3800-000 | Increase Expenditure | Roundabout - Discovery Dr and Expedition Dr - Capital Purchase | 40,000 | |
| JL14-80019-3800-000 | Decrease Expenditure | Traffic Management - Various - Capital Purchase | | 40,000 |
| | Reason: | The variation is required to cover over expenditure on the project and to facilitate costs associated with road widening, survey and legal costs, and installation of a new boundary fence. The new fence will be constructed in 2008/2009. | | |
| JL14-80112-3800-000 | Increase Expenditure | Upgrade access to Administration Building at Albany Hwy - Capital Purchase | 30,000 | |

| Account Number | Type | Account Description | Debit \$ | Credit \$ |
|---------------------|----------------------|--|----------|-----------|
| JL14-80074-3800-000 | Decrease Expenditure | Federation Pde South - Stage 1 - Capital Purchase | | 18,902 |
| JL14-80027-3800-000 | Decrease Expenditure | Federation Pde North - Capital Purchase | | 11,098 |
| | Reason: | The variation is required to cover over expenditure and to facilitate completion of the project (brick paving and landscaping the median strip, installation of island at the Administration Building access etc). | | |
| JL14-80110-3800-000 | Increase Expenditure | Construction of roundabout - Amherst Rd and Katrine Pde - Capital Purchase | 72,242 | |
| JL14-80118-3800-000 | Decrease Expenditure | On Street parking - Birchington St, Beckenham - Capital Purchase | | 40,000 |
| JL14-80027-3800-000 | Decrease Expenditure | Federation Pde North - Capital Purchase | | 32,242 |
| | Reason: | Additional funds required to cover over expenditure which has occurred on the project. | | |
| JL14-84032-3800-000 | Increase Expenditure | Road Rehabilitation - Eynesford St - King St to Brome St - Capital Purchase | 17,237 | |
| JL14-84033-3800-000 | Decrease Expenditure | Whiteman St - Fagence Wy to Berehaven Ave - Capital Purchase | | 16,507 |
| JL14-80027-3800-000 | Decrease Expenditure | Federation Pde North - Capital Purchase | | 730 |
| | Reason: | The road has been rehabilitated. The variation is required to cover a previous error. The funding was incorrectly assigned to Job Number 84033 and not 84032 and is now being corrected. | | |
| JL14-84045-3800-000 | Increase Expenditure | Road Rehabilitation - Stalker Rd - Terence St to Eudoria St - Capital Purchase | 23,905 | |
| JL14-80027-3800-000 | Decrease Expenditure | Federation Pde North - Capital Purchase | | 6,552 |
| JL14-80025-3800-000 | Decrease Expenditure | Kerb Replacement - Various Locations - Capital Purchase | | 13,059 |
| JL14-80019-3800-000 | Decrease Expenditure | Traffic Management Projects - Various - Capital Purchase | | 1,164 |
| JL14-80028-3800-000 | Decrease Expenditure | Streetscape Minor Works - Capital Purchase | | 3,130 |
| | Reason: | The road has been | | |

| Account Number | Type | Account Description | Debit \$ | Credit \$ |
|---------------------|----------------------|--|----------|-----------|
| | | rehabilitated. The variation is required to cover and over expenditure on the project. | | |
| JL14-84046-3800-000 | Increase Expenditure | Road Rehabilitation - Dorothy St - Hicks St to Croft St - Capital Purchase | 12,732 | |
| JL14-80028-3800-000 | Decrease Expenditure | Streetscape Minor Works - Capital Purchase | | 3,126 |
| JL14-85000-3800-000 | Decrease Expenditure | Minor Works - Footpaths - Capital Expenditure | | 9,606 |
| | Reason: | The road has been rehabilitated. The variation is required to cover an over-expenditure on the project. | | |
| JL14-85021-3800-000 | Increase Expenditure | Footpath Construction - Peppermint Dr / Bluebell Crt - Capital Purchase | 7,493 | |
| JL14-85019-3800-000 | Decrease Expenditure | Footpath Construction - Dove St / Partridge Wy - Capital Purchase | | 1,193 |
| JL14-85024-3800-000 | Decrease Expenditure | Footpath Construction - Shere St / Stretton Wy - Capital Purchase | | 3,142 |
| JL14-87014-3800-000 | Decrease Expenditure | Footpath Rehabilitation - Bernice Wy Reserve | | 646 |
| JL14-87017-3800-000 | Decrease Expenditure | Footpath Rehabilitation - Foreman St - Capital Purchase | | 1,525 |
| JL14-87018-3800-000 | Decrease Expenditure | Footpath Rehabilitation - Gaskin Rd / Foreman St - Capital Purchase | | 987 |
| | Reason: | The road has been rehabilitated. The variation is required to cover an over expenditure on the project. | | |
| JL14-84016-3800-000 | Increase Expenditure | Road Rehabilitation - Murdoch Rd - Hume Rd to Berehaven Ave - Capital Purchase | 11,834 | |
| JL14-84037-3800-000 | Decrease Expenditure | Heather St - Gosnells Rd to Eastwood St - Capital Expenditure | | 5,587 |
| JL14-84039-3800-000 | Decrease Expenditure | Orr St - Blackburn St to Olga Rd - Capital Purchase | | 3,557 |
| JL14-84041-3800-000 | Decrease Expenditure | Dulwich St - Railway Pde to Brixton St - Capital Purchase | | 2,690 |
| | Reason: | The road has been rehabilitated. The variation is required to cover over expenditure which has occurred on the Murdoch Rd project. | | |

| Account Number | Type | Account Description | Debit \$ | Credit \$ |
|---------------------|-------------------------|---|-------------|--------------|
| JL14-80016-3800-000 | Increase Expenditure | William St / Luyer Ave - Roundabout Construction - Capital Purchase | 133,040 | |
| JL14-88010-3800-000 | Decrease Expenditure | Improvement to Stormwater Drainage Network - Capital Purchase | | 133,040 |
| | Reason: | The variation is required to cover over expenditure on the project and to facilitate costs associated with road widening, survey and legal costs, and installation of a new boundary fence. The new fence will be constructed in 2008/2009. | | |
| JL14-80129-3800-499 | Increase Expenditure | Crash barrier - Thornlie Ave & Spring Rd - Capital Purchase | 4,848 | |
| JL14-80137-3800-499 | Increase Expenditure | Bollards & path - Phillip St - Capital Purchase | 1,973 | |
| JL14-80033-3800-499 | Increase Expenditure | Lissiman St Tactile Pavers - Capital Purchase | 1,498 | |
| JL14-80023-3800-000 | Decrease Expenditure | Minor Works - Capital Purchase | | 8,319 |
| | Reason: | Works have been completed. Budget variation is required to cover expenditure. | | |
| JL92-91001-3126-000 | Increase Expenditure | Library Book Purchases - Children's Library | 4,000 | |
| JL92-91001-3278-000 | Decrease Expenditure | Program Activities – Children's Library | | 4,000 |
| | Reason: | Purchase of additional stock for junior collections at the four City of Gosnells libraries (including the new Canning Vale library). | | |

STAFF RECOMMENDATION

Moved Cr C Fernandez Seconded Cr L Griffiths

That Council approve the following adjustments to the Municipal Budget:

| Account Number | Account Description | Debit \$ | Credit \$ |
|-----------------------|---|---------------------|----------------------|
| JL14-80102-3800-000 | Left Turn Slip Lane - Garden St at Sugarwood Dr - Capital Purchase | 10,000 | |
| JL14-80019-3800-000 | Traffic Management - Various - Capital Purchase | | 10,000 |
| JL14-80104-3800-000 | Roundabout Discovery Dr and Expedition Dr - Capital Purchase | 40,000 | |
| JL14-80019-3800-000 | Traffic Management - Various - Capital Purchase | | 40,000 |
| JL14-80112-3800-000 | Upgrade access to Administration Building at Albany Hwy - Capital Purchase | 30,000 | |
| JL14-80074-3800-000 | Federation Pde South - Stage 1 - Capital Purchase | | 18,902 |
| JL14-80027-3800-000 | Federation Pde North - Capital Purchase | | 11,098 |
| JL14-80110-3800-000 | Construction of roundabout - Amherst Rd and Katrine Pde - Capital Purchase | 72,242 | |
| JL14-80118-3800-000 | On Street parking - Birchington St, Beckenham - Capital Purchase | | 40,000 |
| JL14-80027-3800-000 | Federation Pde North - Capital Purchase | | 32,242 |
| JL14-84032-3800-000 | Road Rehabilitation - Eynesford St - King St to Brome St - Capital Purchase | 17,237 | |
| JL14-84033-3800-000 | Whiteman St - Fagence Wy to Berehaven Ave - Capital Purchase | | 16,507 |
| JL14-80027-3800-000 | Federation Pde North - Capital Purchase | | 730 |
| JL14-84045-3800-000 | Road Rehabilitation - Stalker Rd - Terence St to Eudoria St - Capital Purchase | 23,905 | |
| JL14-80027-3800-000 | Federation Pde North - Capital Purchase | | 6,552 |
| JL14-80025-3800-000 | Kerb Replacement - Various Locations - Capital Purchase | | 13,059 |
| JL14-80019-3800-000 | Traffic Management Projects - Various - Capital Purchase | | 1,164 |
| JL14-80028-3800-000 | Streetscape Minor Works - Capital Purchase | | 3,130 |

| Account Number | Account Description | Debit \$ | Credit \$ |
|-----------------------|--|---------------------|----------------------|
| JL14-84046-3800-000 | Road Rehabilitation - Dorothy St - Hicks St to Croft St - Capital Purchase | 12,732 | |
| JL14-80028-3800-000 | Streetscape Minor Works - Capital Purchase | | 3,126 |
| JL14-85000-3800-000 | Minor Works - Footpaths - Capital Expenditure | | 9,606 |
| JL14-85021-3800-000 | Footpath Construction - Peppermint Dr / Bluebell Crt - Capital Purchase | 7,493 | |
| JL14-85019-3800-000 | Footpath Construction - Dove St / Partridge Wy - Capital Purchase | | 1,193 |
| JL14-85024-3800-000 | Footpath Construction - Shere St / Stretton Wy - Capital Purchase | | 3,142 |
| JL14-87014-3800-000 | Footpath Rehabilitation - Bernice Wy Reserve | | 646 |
| JL14-87017-3800-000 | Footpath Rehabilitation - Foreman St - Capital Purchase | | 1,525 |
| JL14-87018-3800-000 | Footpath Rehabilitation - Gaskin Rd / Foreman St - Capital Purchase | | 987 |
| JL14-84016-3800-000 | Road Rehabilitation - Murdoch Rd - Hume Rd to Berehaven Ave - Capital Purchase | 11,834 | |
| JL14-84037-3800-000 | Heather St - Gosnells Rd to Eastwood St - Capital Expenditure | | 5,587 |
| JL14-84039-3800-000 | Orr St - Blackburn St to Olga Rd - Capital Purchase | | 3,557 |
| JL14-84041-3800-000 | Dulwich St - Railway Pde to Brixton St - Capital Purchase | | 2,690 |
| JL14-80016-3800-000 | William St / Luyer Ave - Roundabout Construction - Capital Purchase | 133,040 | |
| JL14-88010-3800-000 | Improvement to Stormwater Drainage Network - Capital Purchase | | 133,040 |
| JL14-80129-3800-499 | Crash barrier - Thornlie Ave & Spring Rd - Capital Purchase | 4,848 | |
| JL14-80137-3800-499 | Bollards & path - Phillip St - Capital Purchase | 1,973 | |
| JL14-80033-3800-499 | Lissiman St Tactile Pavers - Capital Purchase | 1,498 | |
| JL14-80023-3800-000 | Minor Works - Capital Purchase | | 8,319 |
| JL92-91001-3126-000 | Library Book Purchases - Children's Library | 4,000 | |
| JL92-91001-3278-000 | Program Activities - Children's Library | | 4,000 |

(ABSOLUTE MAJORITY REQUIRED)

Amendment

During debate Cr R Hoffman moved the following amendment to the staff recommendation:

“That the staff recommendation be amended by deleting the words “approve the following” where they appear after the word “Council” in the first line and substitute them with; “subject to the deletion of

| | | | |
|---------------------|--|---------|---------|
| JL14-80112-3800-000 | Upgrade access to Administration Building at Albany Hwy - Capital Purchase | 30,000 | |
| JL14-80074-3800-000 | Federation Pde South - Stage 1 - Capital Purchase | | 18,902 |
| JL14-80027-3800-000 | Federation Pde North - Capital Purchase | | 11,098 |
| JL14-80016-3800-000 | William St / Luyer Ave - Roundabout Construction - Capital Purchase | 133,040 | |
| JL14-88010-3800-000 | Improvement to Stormwater Drainage Network - Capital Purchase | | 133,040 |

approve the remaining”

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

“to ensure that funding allocations remain aligned to the appropriate budget account.”

Cr PM Morris Seconded Cr R Hoffman’s proposed amendment.

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

Moved Cr R Hoffman Seconded Cr PM Morris

That the staff recommendation be amended by deleting the words “approve the following” where they appear after the word “Council” in the first line and substitute them with; subject to the deletion of

| | | | |
|---------------------|--|---------|--------|
| JL14-80112-3800-000 | Upgrade access to Administration Building at Albany Hwy - Capital Purchase | 30,000 | |
| JL14-80074-3800-000 | Federation Pde South - Stage 1 - Capital Purchase | | 18,902 |
| JL14-80027-3800-000 | Federation Pde North - Capital Purchase | | 11,098 |
| JL14-80016-3800-000 | William St / Luyer Ave - Roundabout Construction - | 133,040 | |

| | | | |
|---------------------|---|--|---------|
| | Capital Purchase | | |
| JL14-88010-3800-000 | Improvement to Stormwater Drainage Network - Capital Purchase | | 133,040 |

approve the remaining”

with the amended recommendation to read:

That Council subject to the deletion of;

| | | | |
|---------------------|--|---------|---------|
| JL14-80112-3800-000 | Upgrade access to Administration Building at Albany Hwy - Capital Purchase | 30,000 | |
| JL14-80074-3800-000 | Federation Pde South - Stage 1 - Capital Purchase | | 18,902 |
| JL14-80027-3800-000 | Federation Pde North - Capital Purchase | | 11,098 |
| JL14-80016-3800-000 | William St / Luyer Ave - Roundabout Construction - Capital Purchase | 133,040 | |
| JL14-88010-3800-000 | Improvement to Stormwater Drainage Network - Capital Purchase | | 133,040 |

approve the remaining adjustments to the Municipal Budget:

| Account Number | Account Description | Debit \$ | Credit \$ |
|---------------------|---|----------|-----------|
| JL14-80102-3800-000 | Left Turn Slip Lane - Garden St at Sugarwood Dr - Capital Purchase | 10,000 | |
| JL14-80019-3800-000 | Traffic Management - Various - Capital Purchase | | 10,000 |
| JL14-80104-3800-000 | Roundabout Discovery Dr and Expedition Dr - Capital Purchase | 40,000 | |
| JL14-80019-3800-000 | Traffic Management - Various - Capital Purchase | | 40,000 |
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| JL14-80027-3800-000 | Federation Pde North - Capital Purchase | | 32,242 |
| JL14-84032-3800-000 | Road Rehabilitation - Eynesford St - King St to Brome St - Capital Purchase | 17,237 | |
| JL14-84033-3800-000 | Whiteman St - Fagence Wy to Berehaven Ave - Capital Purchase | | 16,507 |
| JL14-80027-3800-000 | Federation Pde North - | | 730 |

| Account Number | Account Description | Debit \$ | Credit \$ |
|-----------------------|---|---------------------|----------------------|
| | Capital Purchase | | |
| JL14-84045-3800-000 | Road Rehabilitation - Stalker Rd - Terence St to Eudoria St - Capital Purchase | 23,905 | |
| JL14-80027-3800-000 | Federation Pde North - Capital Purchase | | 6,552 |
| JL14-80025-3800-000 | Kerb Replacement - Various Locations - Capital Purchase | | 13,059 |
| JL14-80019-3800-000 | Traffic Management Projects - Various - Capital Purchase | | 1,164 |
| JL14-80028-3800-000 | Streetscape Minor Works - Capital Purchase | | 3,130 |
| JL14-84046-3800-000 | Road Rehabilitation - Dorothy St - Hicks St to Croft St - Capital Purchase | 12,732 | |
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| JL14-85000-3800-000 | Minor Works - Footpaths - Capital Expenditure | | 9,606 |
| JL14-85021-3800-000 | Footpath Construction - Peppermint Dr / Bluebell Crt - Capital Purchase | 7,493 | |
| JL14-85019-3800-000 | Footpath Construction - Dove St / Partridge Wy - Capital Purchase | | 1,193 |
| JL14-85024-3800-000 | Footpath Construction - Shere St / Stretton Wy - Capital Purchase | | 3,142 |
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| JL14-84016-3800-000 | Road Rehabilitation - Murdoch Rd - Hume Rd to Berehaven Ave - Capital Purchase | 11,834 | |
| JL14-84037-3800-000 | Heather St - Gosnells Rd to Eastwood St - Capital Expenditure | | 5,587 |
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| JL14-80129-3800-499 | Crash barrier - Thornlie Ave & Spring Rd - Capital Purchase | 4,848 | |
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| JL14-80033-3800-499 | Lissiman St Tactile Pavers - Capital Purchase | 1,498 | |
| JL14-80023-3800-000 | Minor Works - Capital Purchase | | 8,319 |
| JL92-91001-3126-000 | Library Book Purchases - Children's Library | 4,000 | |
| JL92-91001-3278-000 | Program Activities – Children's Library | | 4,000 |

CARRIED 11/0

FOR: Cr D Griffiths, Cr B Wiffen, Cr S Iwanyk, Cr J Brown, Cr R Hoffman, Cr C Fernandez, Cr W Barrett, Cr P Morris, Cr R Mitchell, Cr L Griffiths, and Cr O Searle.

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

271 Moved Cr R Hoffman Seconded Cr PM Morris

That Council subject to the deletion of;

| | | | |
|---------------------|--|---------|---------|
| JL14-80112-3800-000 | Upgrade access to Administration Building at Albany Hwy - Capital Purchase | 30,000 | |
| JL14-80074-3800-000 | Federation Pde South - Stage 1 - Capital Purchase | | 18,902 |
| JL14-80027-3800-000 | Federation Pde North - Capital Purchase | | 11,098 |
| JL14-80016-3800-000 | William St / Luyer Ave - Roundabout Construction - Capital Purchase | 133,040 | |
| JL14-88010-3800-000 | Improvement to Stormwater Drainage Network - Capital Purchase | | 133,040 |

approve the remaining adjustments to the Municipal Budget:

| Account Number | Account Description | Debit \$ | Credit \$ |
|---------------------|--|----------|-----------|
| JL14-80102-3800-000 | Left Turn Slip Lane - Garden St at Sugarwood Dr - Capital Purchase | 10,000 | |
| JL14-80019-3800-000 | Traffic Management - Various - Capital Purchase | | 10,000 |
| JL14-80104-3800-000 | Roundabout Discovery Dr and Expedition Dr - Capital Purchase | 40,000 | |
| JL14-80019-3800-000 | Traffic Management - Various - Capital Purchase | | 40,000 |
| JL14-80110-3800-000 | Construction of roundabout - Amherst Rd and Katrine | 72,242 | |

| Account Number | Account Description | Debit \$ | Credit \$ |
|-----------------------|---|---------------------|----------------------|
| | Pde - Capital Purchase | | |
| JL14-80118-3800-000 | On Street parking - Birchington St, Beckenham - Capital Purchase | | 40,000 |
| JL14-80027-3800-000 | Federation Pde North - Capital Purchase | | 32,242 |
| JL14-84032-3800-000 | Road Rehabilitation - Eynesford St - King St to Brome St - Capital Purchase | 17,237 | |
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| JL14-85021-3800-000 | Footpath Construction - Peppermint Dr / Bluebell Crt - Capital Purchase | 7,493 | |
| JL14-85019-3800-000 | Footpath Construction - Dove St / Partridge Wy - Capital Purchase | | 1,193 |
| JL14-85024-3800-000 | Footpath Construction - Shere St / Stretton Wy - Capital Purchase | | 3,142 |
| JL14-87014-3800-000 | Footpath Rehabilitation - Bernice Wy Reserve | | 646 |
| JL14-87017-3800-000 | Footpath Rehabilitation - Foreman St - Capital Purchase | | 1,525 |
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| JL14-84016-3800-000 | Road Rehabilitation - Murdoch Rd - Hume Rd to Berehaven Ave - Capital | 11,834 | |

| Account Number | Account Description | Debit \$ | Credit \$ |
|---------------------|---|-------------|--------------|
| | Purchase | | |
| JL14-84037-3800-000 | Heather St - Gosnells Rd to Eastwood St - Capital Expenditure | | 5,587 |
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| JL14-80023-3800-000 | Minor Works - Capital Purchase | | 8,319 |
| JL92-91001-3126-000 | Library Book Purchases - Children's Library | 4,000 | |
| JL92-91001-3278-000 | Program Activities – Children's Library | | 4,000 |

CARRIED BY ABSOLUTE MAJORITY 11/0

FOR: Cr D Griffiths, Cr B Wiffen, Cr S Iwanyk, Cr J Brown, Cr R Hoffman, Cr C Fernandez, Cr W Barrett, Cr P Morris, Cr R Mitchell, Cr L Griffiths, and Cr O Searle.

AGAINST: Nil.

13.4 INFRASTRUCTURE

13.5 PLANNING AND SUSTAINABILITY

13.5.1 AMENDMENT NO. 71 TO TOWN PLANNING SCHEME NO. 6 - FINALISATION - REZONING OF PT LOT 21 AND LOTS 201 AND 500 ALBANY HIGHWAY, MADDINGTON FROM GENERAL RURAL TO RESIDENTIAL DEVELOPMENT AND MODIFICATION OF THE ADDITIONAL USE PROVISIONS

| | |
|-----------------|---|
| Author: | C Windass |
| Reference: | Various |
| Application No: | PF/06/00012 |
| Applicant: | Masterplan |
| Owner: | Goswell Investments Pty Ltd |
| Location: | Pt Lot 21 and Lots 201 and 500 Albany Highway, Maddington |
| Zoning: MRS: | Urban |
| TPS No. 6: | General Rural |
| Review Rights: | Nil. However final determination is with the Minister for Planning and Infrastructure. |
| Area: | Pt Lot 21 - 8,578m ² Lot 201 - 1.087ha Lot 500 - 7,674m ² |
| Previous Ref: | OCM 11 September 2007 (Resolutions 416 and 417) OCM 26 June 2007 (Resolution 267) OCM 14 May 2002 (Resolutions 281-288) |
| Appendix: | 13.5.1A Scheme Amendment Map |

PURPOSE OF REPORT

For Council to consider final adoption of Amendment No. 71 to Town Planning Scheme No. 6 (TPS 6).

BACKGROUND

Council, at its Meeting of 11 September 2007 resolved (Resolutions 416 and 417) to initiate Amendment No. 71 for the purpose of:

- Rezoning Pt Lot 21 and Lots 201 and 500 Albany Highway, Maddington from General Rural to Residential Development; and
- Modifying Schedule 2 of the Scheme Text (Additional Uses) to read as follows:

| No. | Description of Land | Additional Use | Conditions |
|-----|--|--|------------|
| 2. | Pt Lot 21, Lots 201 and 500 Albany Highway, Maddington | Motor Vehicle, Boat or Caravan Sales; Motor Vehicle Repair; Motor Vehicle Wash | |

DISCUSSION

Public Consultation

In accordance with Council's Resolution 417 of its meeting held on 11 September 2007, Amendment No. 71 was referred to the Environmental Protection Authority (EPA) for comment and the Western Australian Planning Commission for information.

The EPA advised that Amendment No. 71 did not require assessment under Part IV Division 3 of the Environmental Protection Act 1986 and provided advice and recommendations in relation to wetland management and drainage, a summary of which is detailed under the heading Environmental Considerations later in this report. (Note: The EPA's advice is not included in the Schedule of Submissions received during advertising, as their advice is separate from those submissions).

Accordingly, the proposal was advertised for public comment in accordance with Council's Resolution.

The advertising was conducted via a sign on site, a newspaper advertisement and letters to surrounding landowners. A total of 8 submissions were received during the advertising period, comprising 6 comments/non-objections (including 5 from government agencies) and 2 objections.

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

Schedule of Submissions

| 1 | Name and Postal Address: Alan and Henry Wall 2097 Albany Highway Maddington WA 6109 | Affected Property: 2097 (Lot 5) Albany Highway Gosnells |
|----------------------------|---|--|
| Summary of Submission | | Staff Comment |
| Objection to the proposal. | | Noted. |
| 1.1 | Redevelopment Works of the subject land carried out over recent years has been completed prior to any consultation with us. | Redevelopment of the site does not automatically warrant referral to adjoining landowners. The proponent has indicated that they are willing to notify adjoining landowners of their building plans before commencing development. |
| 1.2 | We experience problems with spot lights shining directly into our property. | The current lighting situation is outside the scope of this proposal. Any further development with respect to lighting can be assessed via the development approval process. |
| 1.3 | We experience problems with the radio playing at excessive levels and at very early hours. | The proponent has indicated that they propose to put in place a Construction Management Plan and Operational Management Plan in order to address onsite activities with a view to mitigating disruption to neighbouring properties. The proponent has also indicated that they propose to put in place a Communications Strategy whereby neighbours who may be disrupted can obtain direct contact with Management to have any issues rectified. |

| Summary of Submission | Staff Comment |
|--|---|
| 1.4 We experience problems with respect to the public address system utilised, as it can be heard by ourselves when we are seated inside our home. | The current situation with respect to the public address system is outside the scope of this proposal. Any further development of the site associated with noise emissions will be assessed via the development approval process or by the City's Health Services Branch (where applicable), in accordance with the Environmental Protection (Noise) Regulations. |
| 1.5 Disregard has been given to our driveway where heavy equipment has been utilised during demolition and construction of previous buildings on the site, which has resulted in our crossover being broken. | This is a civil matter to be resolved between landowners. It should be noted that any repairs to crossovers along Albany Highway require Main Roads and City approval. |
| 1.6 Concerns regarding the rezoning as there is no limitation on operating hours for service work. | Potential impacts that may occur as result of development are assessed via the development approval process, not via the rezoning process. |
| 1.7 The remainder of the surrounding areas are still rural with no definitive decision for future development of the 'General Rural' areas. | The South Maddington Outline Development Plan (ODP) was prepared to provide a framework to facilitate residential development for the majority of the area, with limited commercial development being restricted to the northern half of the ODP area. Council at its meeting held on 11 March 2008 considered a report on the status of the ODP and resolved (Resolution 75) to seek comments from landowners on their intent for and attitudes towards development. That consultation period has concluded and staff will be submitting a report to Council on the matter, in the near future, in accordance with Council's Resolution 76 from 11 March 2008. |

| | | |
|---|---|---|
| 2 | Name and Postal Address: Bryan Rich and Sonya Fisher 2065 Albany Highway Maddington WA 6109 | Affected Property: 2065 (Lot3) Albany Highway Maddington |
|---|---|---|

| Summary of Submission | Staff Comment |
|---|--|
| Comment on the proposal. | Noted. |
| 2.1 Concern regarding whether a carwash, if open to the public, would be a 24 hour establishment. | The proponent has indicated that there are currently no plans to operate a public carwash on the subject site. However, if a proposal for a carwash is submitted in future any potential impacts likely to occur as a result of the proposal would be assessed via the development approval process. |
| 2.2 We support the growth in the Local Community close to the Town Centre and Station. | Noted. |
| 2.3 Requesting that the City rezone the two neighbouring land parcels to the north of the subject land as it will further support growth in the Local Community close to the Town Centre and Station. | Refer to staff response to submission 1.7. |

| 3 | Name and Postal Address: Kenneth and Yvonne Power 2070 Albany Highway Beckenham WA 6107 | Affected Property: 2070 (Lot 27) Albany Highway Maddington |
|--|---|--|
| Summary of Submission | | Staff Comment |
| <p>Objection to the proposal.</p> <p>3.1 Activities beyond normal trading hours can be disruptive, particularly public access businesses such as carwashes. We strongly oppose this type of public activity.</p> <p>3.2 Would prefer not to have 24 hour activities where vehicles stop/start, doors bang and people converse from one car to another as display vehicles are inspected.</p> <p>3.3 The present P.A. system is audible but acceptable during normal work hours (8am to 6pm). We would not want increased volume from the P.A. or for it to be relocated closer to our land or for it to be used after normal working hours.</p> <p>3.4 We are sometimes disturbed by security alarms at night, some of which appear to be false. Expansion of the business may exacerbate this problem.</p> <p>3.5 Concerned that driveways onto Albany Highway so close to Gosnells Road West intersection will create dangerous situations with sometimes relatively unskilled people trailing vans, boats, etc into and out of the subject property's driveway.</p> | | <p>Noted.</p> <p>Refer to staff response to submission 2.1.</p> <p>Refer to staff response to submissions 1.3 and 1.6.</p> <p>Refer to staff response to submissions 1.3 and 1.4.</p> <p>Refer to staff response to submissions 1.3 and 1.6.</p> <p>Albany Highway is under the control of Main Roads Western Australia (MRWA) and therefore any rezoning or development applications involving access from Albany Highway are required to be referred to this agency for comment prior to the City making a determination on the proposal.</p> <p>Refer to submission 4 for MRWA's comment on the proposal.</p> |

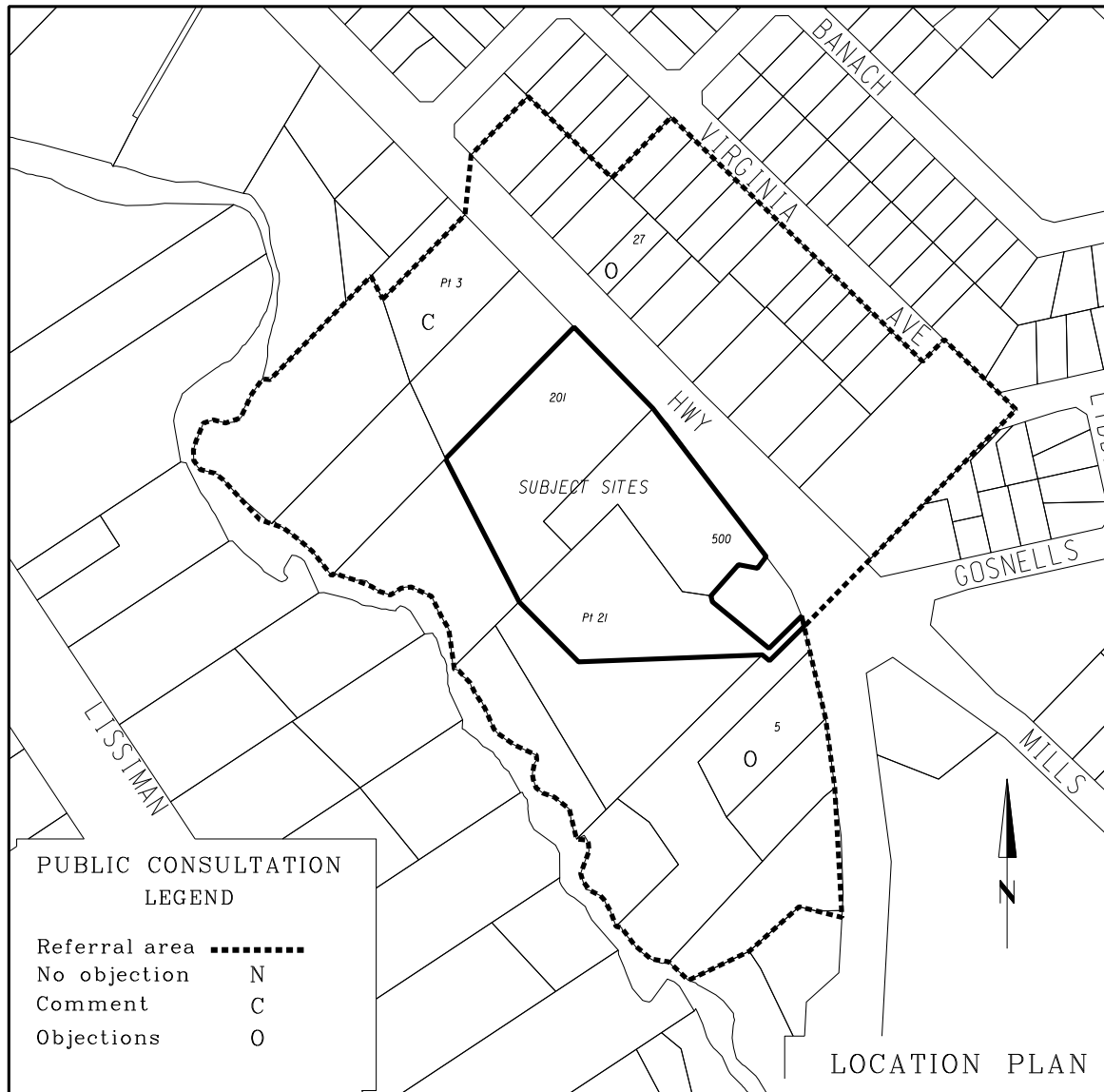
| 4 | Name and Postal Address: Main Roads Western Australia PO Box 6202 East Perth WA 6892 | |
|---|--|---------------|
| Summary of Submission | | Staff Comment |
| <p>Comment on the proposal.</p> <p>The proposed Scheme Amendment is acceptable to Main Roads. At the development or subdivision application stages Main Roads will seek to rationalize the number and location of crossovers.</p> | | <p>Noted.</p> |

| 5 | Name and Postal Address: Western Power Locked Bag 2511 Perth WA 6001 | |
|--------------------------------------|--|---------------|
| Summary of Submission | | Staff Comment |
| <p>No objection to the proposal.</p> | | <p>Noted.</p> |

| | | |
|---|---|----------------------|
| 6 | Name and Postal Address: Water Corporation PO Box 100 Leederville WA 6902 | |
| Summary of Submission | | Staff Comment |
| <p>No objection to the proposal.</p> <p>Development of the subject land for residential development may require water reticulation mains to be upgraded at the developers cost.</p> <p>Also a private wastewater pump station serving the current development will need to be graded out and the area served by the construction of a gravity sewer to be constructed approximately 500m along Albany Highway to Helm Street at the developer's cost.</p> | | Noted. |

| | | |
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| 7 | Name and Postal Address: Department of Education and Training 151 Royal Street East Perth WA 6004 | |
| Summary of Submission | | Staff Comment |
| No objection to the proposal. | | Noted. |

| | | |
|--|---|----------------------|
| 8 | Name and Postal Address: WestNet Energy 12-14 The Esplanade Perth WA 6000 | |
| Summary of Submission | | Staff Comment |
| <p>Comment on the proposal.</p> <p>If the Gas Network is affected by the proposal and WestNet Energy works are required then the following conditions must be met:</p> <ul style="list-style-type: none"> • All work carried out on AlintaGas Network's existing Network to accommodate the proposed subdivision/amalgamation or any development will be at the proponent's expense. • WestNet Energy requires one month's notice prior to the commencement of the work on site. | | Noted. |



Environmental Considerations

The advice provided by the Environmental Protection Authority (EPA) recommended that an integrated Water Management Plan (WMP) be prepared prior to the commencement of site works to the satisfaction of the Department of Water. The WMP is required to show detailed site conditions and demonstrate that the proposed stormwater management infrastructure will not alter the local hydrology and groundwater levels and protect the water quality and ecology of the downstream and groundwater receiving environment. In this regard, all stormwater drainage within the development should be designed in accordance with the principles of Best Management Practice as outlined in the Department of Water’s Stormwater Management Manual for Western Australia (2004-2007).

In respect of the above, a Water Management Plan can be required as a condition of development approval. To ensure this requirement is observed in future, it will be recommended that the Additional Use text proposed to be introduced by Amendment No. 71, is modified to include a condition for development of the additional uses to be supported by a Water Management Plan.

CONCLUSION

The proposed Scheme Amendment is supported for the following reasons:

- The rezoning of the subject land from Rural to Residential Development under Town Planning Scheme No. 6 is consistent with the City's Strategic objectives for the South Maddington ODP area
- The list of proposed Additional Uses will facilitate the expansion of the Prosser Toyota business operation without compromising any existing commercial centres or the future planning of the local area

It will therefore be recommended that the proposed Scheme amendment be adopted, subject to a recommendation being provided to the Minister for Planning and infrastructure for a condition to be inserted in Schedule 2 of the Scheme, corresponding to the subject land, requiring a Water Management Plan to be submitted in support of any future proposal to develop the Additional Uses on site, in accordance with advice received from the EPA.

FINANCIAL IMPLICATIONS

All costs associated with the Scheme Amendment, including preparation of the amendment documentation and advertising, will be borne by the applicant.

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| STAFF RECOMMENDATION (1 OF 4) |
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Moved Cr R Mitchell Seconded Cr D Griffiths

That Council, pursuant to Town Planning Regulation 17(1), note the submissions received in respect of Amendment No. 71 to Town Planning Scheme No. 6 and endorse the responses to those submissions prepared by Council staff.

STAFF RECOMMENDATION (2 of 4)

Moved Cr R Mitchell Seconded Cr D Griffiths

The Council, pursuant to Town Planning Regulation 17(2) (a) adopt Amendment No. 71 to Town Planning Scheme No. 6 for the purpose of:

- i) rezoning Pt Lot 21 and Lots 201 and 500 Albany Highway, Maddington, from General Rural to Residential Development; and
- ii) modifying Schedule 2 of the Scheme Text (Additional Uses) to read as follows:

| No. | Description of Land | Additional Use | Conditions |
|-----|--|--|------------|
| 2 | Pt Lot 21, Lots 201 and 500 Albany Highway, Maddington | Motor Vehicle, Boat or Caravan Sales; Motor Vehicle Repair; Motor Vehicle Wash | |

STAFF RECOMMENDATION (3 of 4)

Moved Cr R Mitchell Seconded Cr D Griffiths

That Council forward Amendment No. 71 to Town Planning Scheme No. 6 to the Western Australian Planning Commission with a recommendation that the amendment be approved by the Minister for Planning and Infrastructure, subject to the following modification being made:

- Adding the following condition to Schedule 2 of Town Planning Scheme No. 6, corresponding to Item 2 of that Schedule (Pt Lot 21, Lots 201 and 500 Albany Highway, Maddington):
 - “1. *An integrated water management plan shall be required in association with any application for development of Additional Uses on the subject land, in accordance with advice received from the Environmental Protection Authority in respect of Amendment No. 71 to Town Planning Scheme No. 6.*”

STAFF RECOMMENDATION (4 of 4)

Moved Cr R Mitchell Seconded Cr D Griffiths

That Council inform those persons who made a submission on Amendment No. 71 to Town Planning Scheme No. 6 of its decision.

Amendment

During debate Cr R Hoffman moved the following amendment to staff recommendation 2 of 4:

“That the staff recommendation 2 of 4 be amended by deleting the word “The” at the start of the recommendation and replacing it with the word “That”.”

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

“To ensure consistency in terminology with recommendations to Council.”

Cr J Brown Seconded Cr R Hoffman’s proposed amendment.

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

Moved Cr R Hoffman Seconded Cr J Brown

That staff recommendation 2 of 4 be amended by deleting the word “The” at the start of the recommendation and replacing it with the word “That”;

with the amended recommendation to read:

“That Council, pursuant to Town Planning Regulation 17(2) (a) adopt Amendment No. 71 to Town Planning Scheme No. 6 for the purpose of:

- i) rezoning Pt Lot 21 and Lots 201 and 500 Albany Highway, Maddington, from General Rural to Residential Development; and
- ii) modifying Schedule 2 of the Scheme Text (Additional Uses) to read as follows:

| No. | Description of Land | Additional Use | Conditions |
|-----|--|--|------------|
| 2 | Pt Lot 21, Lots 201 and 500 Albany Highway, Maddington | Motor Vehicle, Boat or Caravan Sales; Motor Vehicle Repair; Motor Vehicle Wash | |

CARRIED 11/0

FOR: Cr D Griffiths, Cr B Wiffen, Cr S Iwanyk, Cr J Brown, Cr R Hoffman, Cr C Fernandez, Cr W Barrett, Cr P Morris, Cr R Mitchell, Cr L Griffiths, and Cr O Searle.

AGAINST: Nil.

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

Amended Staff Recommendation (2 of 4)

COUNCIL RESOLUTION

272 Moved Cr R Hoffman Seconded Cr J Brown

That Council, pursuant to Town Planning Regulation 17(2) (a) adopt Amendment No. 71 to Town Planning Scheme No. 6 for the purpose of:

- i) rezoning Pt Lot 21 and Lots 201 and 500 Albany Highway, Maddington, from General Rural to Residential Development; and
- ii) modifying Schedule 2 of the Scheme Text (Additional Uses) to read as follows:

| No. | Description of Land | Additional Use | Conditions |
|-----|--|--|------------|
| 2 | Pt Lot 21, Lots 201 and 500 Albany Highway, Maddington | Motor Vehicle, Boat or Caravan Sales; Motor Vehicle Repair; Motor Vehicle Wash | |

CARRIED 11/0

FOR: Cr D Griffiths, Cr B Wiffen, Cr S Iwanyk, Cr J Brown, Cr R Hoffman, Cr C Fernandez, Cr W Barrett, Cr P Morris, Cr R Mitchell, Cr L Griffiths, and Cr O Searle.

AGAINST: Nil.

STAFF RECOMMENDATION (1 OF 4) AND COUNCIL RESOLUTION

273 Moved Cr R Mitchell Seconded Cr D Griffiths

That Council, pursuant to Town Planning Regulation 17(1), note the submissions received in respect of Amendment No. 71 to Town Planning Scheme No. 6 and endorse the responses to those submissions prepared by Council staff.

CARRIED 11/0

FOR: Cr D Griffiths, Cr B Wiffen, Cr S Iwanyk, Cr J Brown, Cr R Hoffman, Cr C Fernandez, Cr W Barrett, Cr P Morris, Cr R Mitchell, Cr L Griffiths, and Cr O Searle.

AGAINST: Nil.

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| STAFF RECOMMENDATION (3 of 4) AND COUNCIL RESOLUTION |
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274 Moved Cr R Mitchell Seconded Cr D Griffiths

That Council forward Amendment No. 71 to Town Planning Scheme No. 6 to the Western Australian Planning Commission with a recommendation that the amendment be approved by the Minister for Planning and Infrastructure, subject to the following modification being made:

- Adding the following condition to Schedule 2 of Town Planning Scheme No. 6, corresponding to Item 2 of that Schedule (Pt Lot 21, Lots 201 and 500 Albany Highway, Maddington):

“1. An integrated water management plan shall be required in association with any application for development of Additional Uses on the subject land, in accordance with advice received from the Environmental Protection Authority in respect of Amendment No. 71 to Town Planning Scheme No. 6.”

CARRIED 11/0

FOR: Cr D Griffiths, Cr B Wiffen, Cr S Iwanyk, Cr J Brown, Cr R Hoffman, Cr C Fernandez, Cr W Barrett, Cr P Morris, Cr R Mitchell, Cr L Griffiths, and Cr O Searle.

AGAINST: Nil.

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|--|
| STAFF RECOMMENDATION (4 of 4) AND COUNCIL RESOLUTION |
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275 Moved Cr R Mitchell Seconded Cr D Griffiths

That Council inform those persons who made a submission on Amendment No. 71 to Town Planning Scheme No. 6 of its decision.

CARRIED 11/0

FOR: Cr D Griffiths, Cr B Wiffen, Cr S Iwanyk, Cr J Brown, Cr R Hoffman, Cr C Fernandez, Cr W Barrett, Cr P Morris, Cr R Mitchell, Cr L Griffiths, and Cr O Searle.

AGAINST: Nil.

**13.5.2 AMENDMENT NO. 47 TO TOWN PLANNING SCHEME NO. 6 – FINAL
ADOPTION – ESTABLISHMENT OF DEVELOPMENT CONTRIBUTION
ARRANGEMENT FOR THE WEST CANNING VALE OUTLINE
DEVELOPMENT PLAN AREA (*ITEM BROUGHT FORWARD – REFER TO
ITEM 11*)**

The above item was brought forward in accordance with paragraph (9) of Sub-Clause 2.15.4 of the City of Gosnells Standing Orders Local Law 1998 and is relocated under Item 10 “Items Brought Forward for the Convenience of those in the Public Gallery” as the first report in these Minutes.

13.5.3 PROPOSED OUTLINE DEVELOPMENT PLAN – MADDINGTON

Author: R Hall
Application No: PF08/00001
Applicant: Development Planning Strategies
Owner: Various
Location: Land generally bound by Maddington Road, Dellar Road and Alcock Street.
Zoning: MRS: Urban Deferred
TPS No. 6: General Rural
Review Rights: Yes. State Administrative Tribunal against any discretionary decision of Council.
Area: Approximately 14.3 ha
Previous Ref: OCM 27 May 2008 (Resolution 214)
Appendix: 13.5.3A Proposed Outline Development Plan – Maddington Road Precinct B

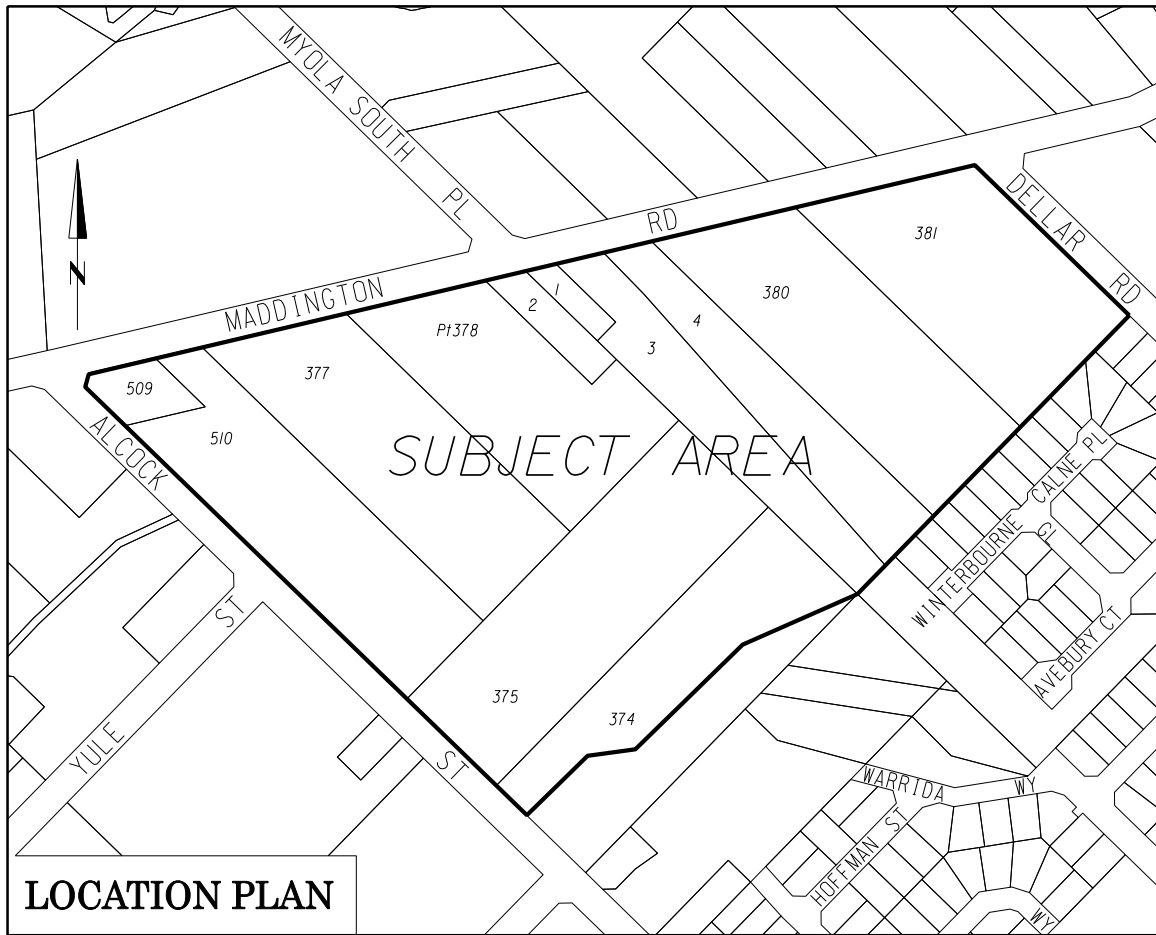
PURPOSE OF REPORT

For Council to consider pursuant to clause 7.4.2 of Town Planning Scheme No. 6 (TPS 6), whether a proposed Outline Development Plan (ODP) for the area known as Maddington Road Precinct B is satisfactory for advertising for public comment.

BACKGROUND

Council at its meeting on 27 May 2008 resolved (Resolution 214) to support the lifting of the Urban Deferred zoning under the Metropolitan Region Scheme (MRS) for land generally bounded by Maddington Road, Tarling Place and Alcock Street, on behalf of landowners who have collaborated to progress the planning for the area. Council's Resolution 214 also recommended to the Western Australian Planning Commission (WAPC) that the subject land be automatically rezoned to Residential Development under TPS 6 at the time the Urban Deferred status is lifted.

An ODP has now been proposed to further progress the planning for the area south of Dellar Road extending to Alcock Street, known as Maddington Road Precinct B. The area north of Dellar Road extending to Tarling Place, known as Maddington Road Precinct A is being prepared by a different planning consultant and will be presented to Council for its consideration at a later date.



DISCUSSION

Proposed ODP

The proposed ODP indicates a development layout that makes provision for the construction of new roads, a range of residential density codes and three new areas of Public Open Space (POS). The key elements of the proposed ODP are as follows:

- The provision for residential density codes of R20/R25, R30 and R40, which would likely yield approximately 195 new lots ranging in area from 220m² to 500m².
- The creation of three POS areas, including two central areas of 5,100m² and 4,400m² and a third area of 5,600m² abutting the Maddington Branch Drain and future POS designated under Council's Town Planning Scheme No. 9A, which adjoins the ODP area.
- The requirement for a Detailed Area Plan (DAP) to be prepared for lots coded R30 and R40 and lots that would directly adjoin areas of POS and laneway lots adjacent to Maddington Road.
- The requirement for uniform fencing abutting Maddington Road.
- Retaining the existing Place of Worship on Alcock Road.

The following comments are provided in relation to the proposed ODP:

Residential Densities

The ODP proposes a split residential density code of R20/25 as the base coding for the ODP area. This is intended to allow lots designated with a split coding to be subdivided down to the minimum lot size permitted by the R25 coding (320m²), providing that the average lot size required by the lower R20 coding (500m²) is still achieved. Hence, the split coding would provide for a broader range of lot sizes than would normally be achievable under a single density coding.

While staff support the intention of this split coding, the manner in which the split coding is to apply to the ODP area is not entirely consistent with clause 5.3.1 of TPS 6.

Clause 5.3.1 relates to the application of split density codes and generally states that: where a split density code is depicted on the Scheme Map (or ODP, as in this case), development must conform to the lower density code applicable to the lot, unless the Council determines that development in accordance with the higher density code is acceptable having regard to the following matters:

- (a) the traffic generated by the proposed development and traffic conditions in the vicinity of the site;
- (b) the availability and capacity of services, including sewerage, drainage and public transport;
- (c) the provision and standard of local amenities including public open space, recreational and community facilities, dual use/footpath network and commercial facilities;
- (d) comprehensive development plans and planning policies that Council may adopt from time to time;

and before considering whether to approve a development at the higher density code, the Council must, unless otherwise determined, require the proposal to be advertised as per the requirements clause 10.4.

In accordance with this clause, it is open to Council to accept the split density coding for the areas depicted on the proposed ODP and, through advertising of the ODP, fulfill the requirement of clause 5.3.1 for "the proposal" (allowing development up to the R25 density) to be advertised, before subdivision or development is approved at the higher density. If this does not occur, then (pursuant to clause 5.3.1) every individual subdivision or development proposal seeking to take advantage of the higher R25 density, would need to be advertised before being determined. Staff consider this would be cumbersome and place unnecessary administrative burden on the City and developers alike.

Council staff have assessed the extent of the proposed split coding and are satisfied that any subsequent subdivision or development in those areas, up to the maximum R25 density, will be acceptable in terms of items (a)-(d) listed under clause 5.3.1.

If the split R20/R25 coding is to be maintained on the ODP, staff will recommend that the ODP report be amended and a notation be added to the ODP to explain the application of the split coding, and that the advertising required by clause 5.3.1 will be undertaken via advertisement of the proposed ODP.

In addition to the R20/R25 coding, densities of R30 (average lot size 300m²) and R40 (average lot size 220m²) proposed. The proposed R30 and R40 areas are considered appropriate as they take advantage of the proximity to the amenity provided by the proposed POS. A higher density of development in these areas will provide a high level of passive surveillance from increased dwellings directly overlooking these areas, and increased activity from a higher number of residents that would have convenient access to the POS as a result of these higher densities, than if the area were developed at the R20 density.

Road Layout

The proposed road layout has an access road linking Alcock Road and Dellar Road. A roundabout is proposed along this linkage which intersects with a lateral street providing access to lots and areas of POS. There are two access roads proposed abutting, but not providing vehicular access onto, Maddington Road. These two short roads will allow for the passage of pedestrian movement only between the ODP area and Maddington Road, whilst also providing relief in the uniform fencing that is proposed along Maddington Road. There are also several short culs-de-sac proposed in keeping with provisions of Council's Safe City Urban Design Strategy and Liveable Neighbourhoods.

The proposed road layout is considered to be functional and would promote good vehicular and pedestrian movement.

Servicing Considerations

The applicant engaged Cardno BSD to prepare a Preliminary Site Investigation, Environmental Review and Engineering Services Report. A summary of the findings are detailed below:

- The Investigation identified potential issues with regards to land capability in terms of groundwater levels and infiltration, however it was considered that these can be appropriately managed through the engineering and planning stages of the subdivision process.
- The Review revealed that the historical clearing and land use of the area for agriculture has resulted in minimal remnant vegetation that would not suit any species of priority fauna found in the area and therefore the site has little conservation value.
- The Report confirms that all necessary services can be provided to the ODP area to meet the anticipated demand, including sewer, water, power and drainage. A large open earth channel drain known as the Maddington Branch Drain which runs through the majority of Lot 374 Alcock Road will need to be incorporated into the development of the proposed POS. The other existing smaller open channel drain in the area can be redirected into a piped flow as part of the detailed engineering design process.

Public Open Space

Western Australian Planning Commission (WAPC) policy provides that 10% of the net subdividable land is to be given up free of cost for POS. The proposed ODP identifies three areas totaling 15,100m² to be set aside for POS, which is equivalent to 11.19% of the ODP net subdividable area. However there is 3,000m² of land required for drainage swales that is proposed within two of the POS areas. Consistent with WAPC Policy, it is proposed that the land required for drainage be afforded a 50% credit (ie 1,500m²) towards satisfying the POS requirement for the ODP area, subject to the site being suitably designed and constructed. This would result in a total of 13,600m² of land area that performs a POS function, which is equivalent to 10.07% of the ODP net subdividable area.

The POS is not equally distributed over all the existing lots within the proposed ODP area. Therefore there is a need to introduce an arrangement for the equitable sharing of costs for the provision of land for POS. As there are only limited common infrastructure items and with many of the landowners collaborating together, a Developer Contribution Plan is not proposed. Items of infrastructure will be provided by the landowners without any cost sharing arrangement being administered by the City. The existing POS cash-in-lieu system that currently operates throughout the City can be used to equitably share the provision of POS among all landowners.

In general terms, it is considered that the location and dimension of the proposed POS areas have planning merit on the basis of good accessibility and potential recreational function and utility.

The portion of POS that is proposed to adjoin the existing Maddington Branch Drain and proposed POS area under TPS 9A is considered to have merit for maintenance reasons in that the POS area would be consolidated and provide an opportunity for a wider area to provide for a combination of passive recreation and conservation purposes. The other two areas of POS are in excess of 4,000m² in size, which is the desired minimum POS size for maintenance purposes.

It should be noted that the land designated as POS under TPS 9A is still in private ownership and acquisition is a separate process through the provisions of that scheme.

Interface with Maddington Road

Land opposite the ODP area, on the north side of Maddington Road, is zoned Composite Residential/Light Industry under TPS 6. That area is characterised by industrial development which consists mostly of large outbuildings and hard stand areas. It is considered undesirable and unnecessary for residential development within the ODP area to directly overlook the industrial land opposite, which is a source of potential noise and visual impacts.

To minimise the impacts that the industrial activities on the opposite side of Maddington Road could have on future dwellings in the ODP area, the applicant has proposed to construct a uniform wall along Maddington Road at the time of subdivision, to the City's satisfaction. This requirement is reflected in a notation on the proposed ODP.

Permeability between the ODP area and Maddington Road will be available through two access roads, which will allow pedestrian movement only between the subject area and Maddington Road. These access roads will have direct frontage lots that will

provide passive surveillance over the area. The access roads will improve the visual impact of the wall from Maddington Road by separating it into smaller sections whilst providing an important pedestrian linkage to and from the subject site.

Urban Form

The proposed urban form is generally consistent with the City's policies, in particular the Safe City Urban Design Strategy. The design of the ODP is considered to encourage mostly single residential development, although some grouped dwellings will also be accommodated. To ensure appropriate built form for lots coded R30 and R40 and abutting the POS and access roads (adjacent to Maddington Road), the proposed ODP will require a Detailed Area Plan (DAP) to be approved for those areas prior to development occurring. The DAP will need to address the built form of dwellings and the interface between public and private areas.

Metropolitan Region Scheme Status

The land is currently zoned Urban Deferred under the Metropolitan Region Scheme (MRS). Council at its meeting on 27 May 2008 (Resolution 214) supported a proposal to lift the Urban Deferred status of the land under the MRS to become Urban zoned land. That proposal is expected to be determined by the Minister for Planning and Infrastructure within the coming months.

In light of this situation, three possible scenarios could arise should Council give consent to advertise the proposed ODP:

1. If the proposal to lift the Urban Deferred status of the land under the MRS is endorsed by the Minister during the advertising period of the ODP, the proposed ODP may proceed to be considered for adoption as the land would most likely also be automatically rezoned to Residential Development under TPS 6.
2. If the proposal to lift the Urban Deferred status of the land under the MRS has not yet been determined by the Minister at the close of the advertising period for the ODP, the proposed ODP could not proceed to adoption, as the subject land would still be zoned Urban Deferred under the MRS and General Rural under TPS 6.
3. If the proposal to lift the Urban Deferred status of the land under the MRS is refused by the Minister, the proposed ODP would be presented to Council with a recommendation that it not be adopted, as the land would not be appropriately zoned.

Each possible scenario demonstrates that the proposed ODP can be given consent to advertise while the proposal to lift the Urban Deferral of the site progresses. Advertising the proposed ODP is not considered to be premature or prejudicial to the proposed lifting of the Urban Deferred status, given that consent to advertise under clause 7.4.2 of TPS 6 does not guarantee final adoption of the ODP. As such, Council would have sufficient control of the ODP planning process to ensure the ODP only progresses to adoption if and when the land is appropriately zoned under the MRS and TPS 6.

CONCLUSION

The proposed ODP provides a framework for the orderly and proper planning of the area known as Maddington Road Precinct B. The applicant has sufficiently addressed the technical and planning requirements applicable to the proposed ODP and the subject land to allow it to be advertised for public comment.

It will be recommended that changes be made to the ODP and its accompanying report, to address the application of the split density coding, as stated in the Discussion of this report prior to formal advertising of the proposed ODP.

FINANCIAL IMPLICATIONS

Nil.

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| STAFF RECOMMENDATION AND COUNCIL RESOLUTION |
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276 Moved Cr R Mitchell Seconded Cr PM Morris

That Council, pursuant to clause 7.4.2 (b) of Town Planning Scheme No. 6, determine that the proposed Maddington Road Precinct B Outline Development Plan (ODP), as contained in Appendix 13.5.3A, is satisfactory for the purpose of advertising, subject to the ODP report and plan being modified to the satisfaction of the Director Planning and Sustainability, to explain the manner in which the proposed split density coding is to apply to the ODP area, with regard to clause 5.3.1 of Town Planning Scheme No. 6.

CARRIED 11/0

FOR: Cr D Griffiths, Cr B Wiffen, Cr S Iwanyk, Cr J Brown, Cr R Hoffman, Cr C Fernandez, Cr W Barrett, Cr P Morris, Cr R Mitchell, Cr L Griffiths, and Cr O Searle.

AGAINST: Nil.

13.5.4 DEVELOPMENT APPLICATION – PROPOSED PORTICO/CANOPY TO BROOKLANDS TAVERN/BOTTLESHOP – 7 (LOT 344) HOLMES STREET, SOUTHERN RIVER

Author: R Windass
Reference: 215437
Application No: DA08/02483
Applicant: Jevland Enterprises Pty Ltd
Owner: Jevland Enterprises Pty Ltd
Location: 7 (Lot 344) Holmes Street, Southern River
Zoning: MRS: Urban
TPS No. 6: Residential Development
Review Rights: Yes. State Administrative Tribunal against a refusal or any condition(s) of approval.
Area: 1.6ha
Previous Ref: Nil.
Appendix: Nil.

PURPOSE OF REPORT

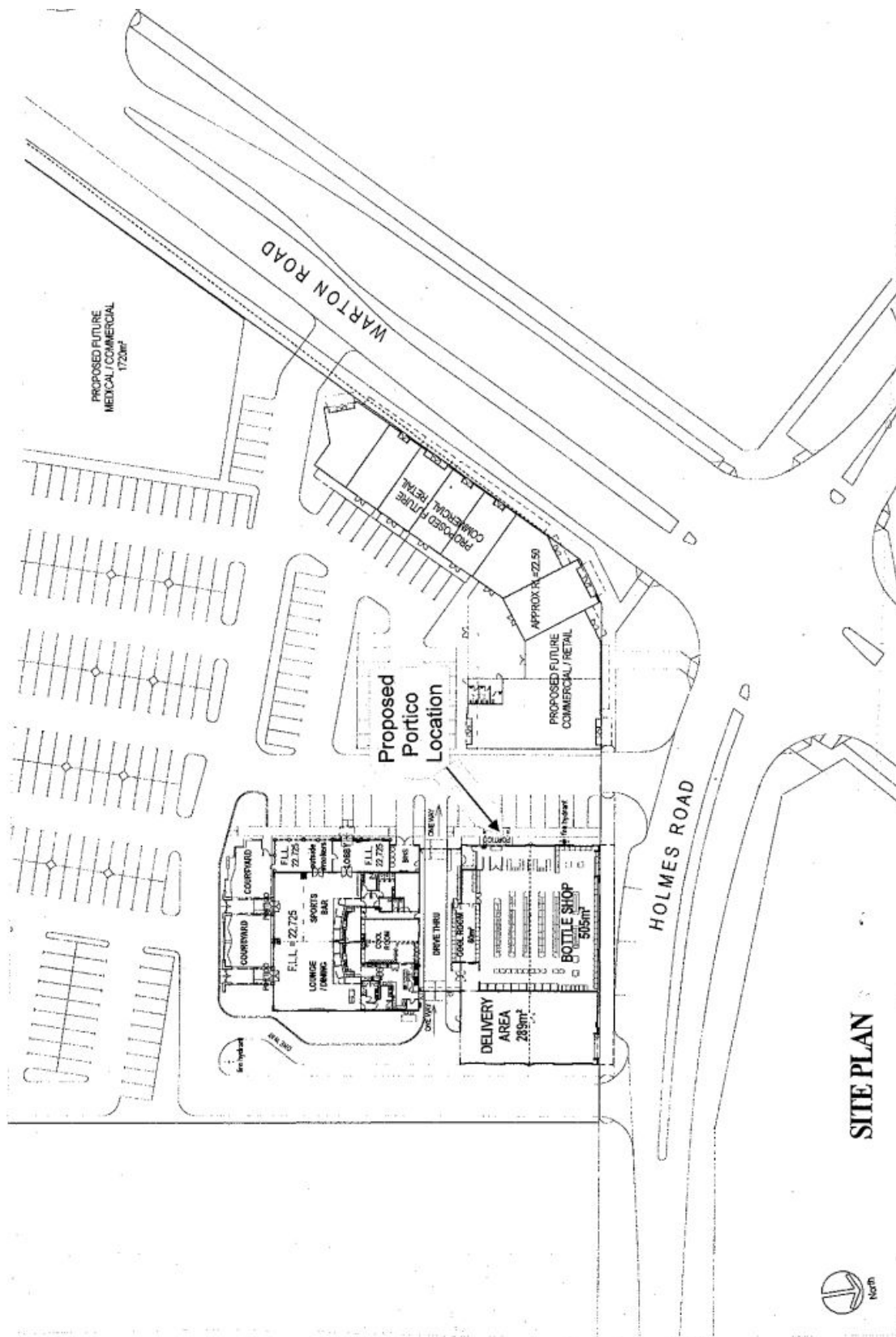
For Council to consider an application for planning approval for additions to Brooklands Tavern/Bottleshop at 7 (Lot 344) Holmes Street, Southern River, as determination of the proposal is outside the authority delegated to staff.

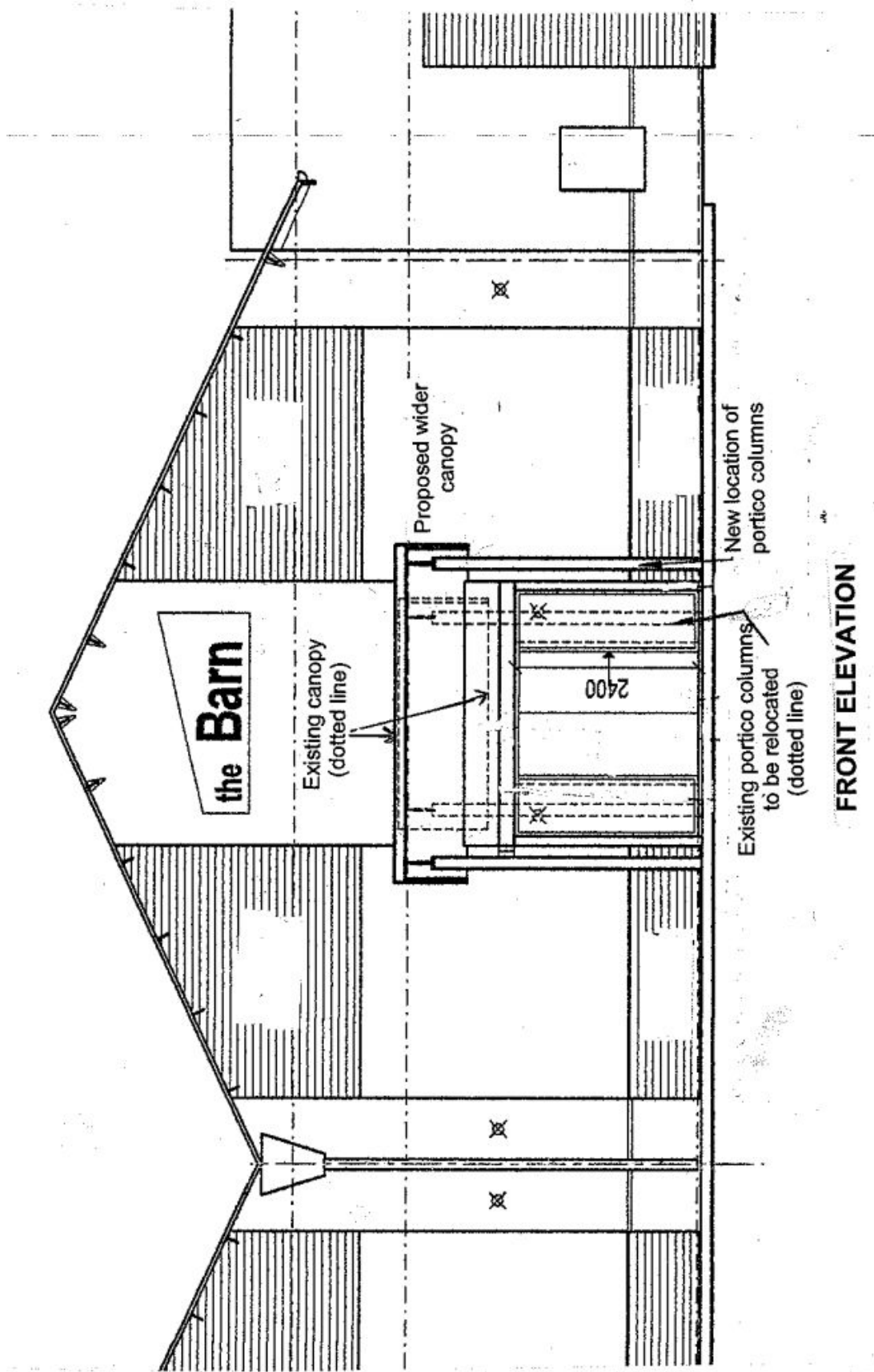
BACKGROUND**Proposal**

The proposal is for a new portico/canopy at the entrance of the bottleshop component of the tavern/bottleshop. It is proposed to replace the existing portico/canopy with a portico/canopy that is slightly larger and provides a more prominent focal point to the bottleshop entrance. The new structure will not be any higher than the existing portico/canopy.

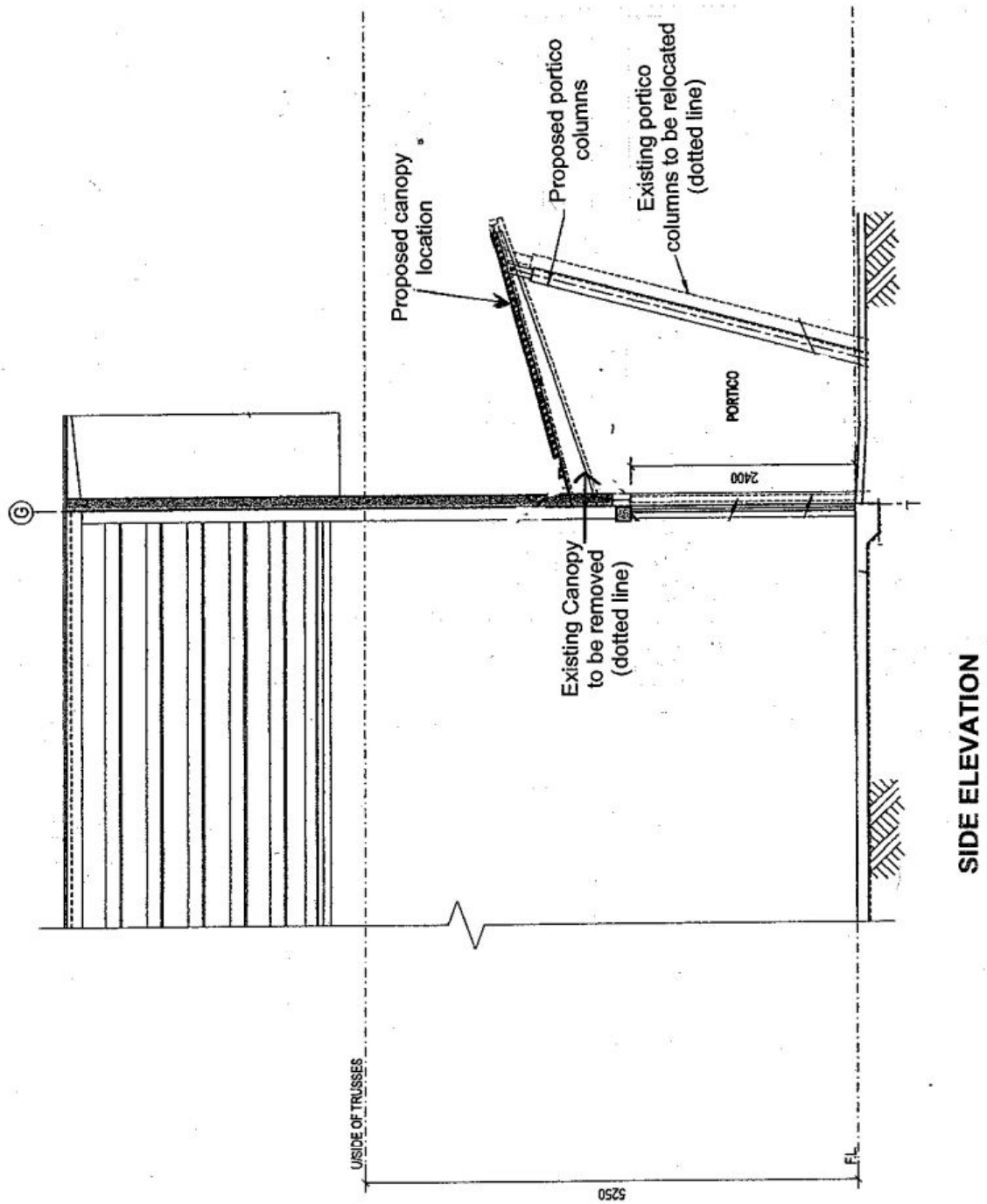
Site Description

The subject site is 1.6ha in area and contains the Brooklands Tavern and Restaurant and associated parking. The site is bounded by Holmes Street to the north and Warton Road to the west. The site plans and elevations for the proposed portico/canopy are shown below:





FRONT ELEVATION



DISCUSSION**Town Planning Scheme No. 6**

The subject site is zoned "Residential Development" under Town Planning Scheme No. 6 (TPS 6). A Tavern is an "A" use in the Residential Development zone, meaning a use not permitted unless approved by Council after advertising. The proposed portico/canopy is incidental to the approved tavern on the site and is therefore classified as a "Tavern" use that requires advertising before being determined.

The proposal complies with all relevant provisions of TPS 6.

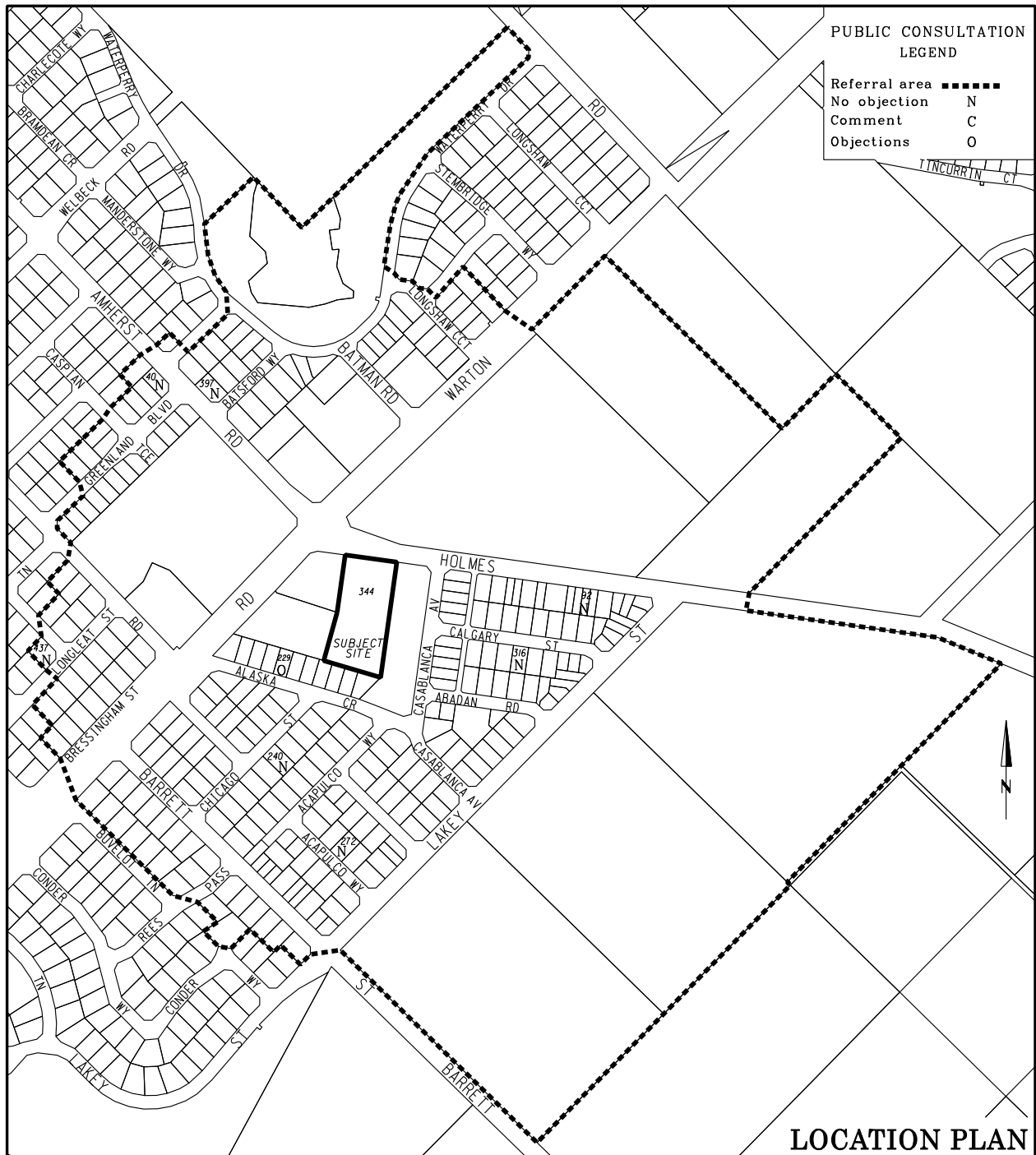
Consultation

The proposal was advertised for public comment for 14 days in accordance with Council Policy/TPS 6 requirements. From a total of 8 submissions received there were two objections and 6 non objections. A summary of these submissions and staff comments thereon are provided in the Schedule of Submissions included in this report.

Schedule of Submissions

| | | |
|--|---|---|
| 1 | Name and Postal Address: N Ward 30 Alaska Crescent Southern River WA 6110 | Affected Property: 30 (Lot 229) Alaska Crescent Southern River |
| Summary of Submission | | Staff Comment |
| Object to the proposal. I have had a lot of hoons doing burn outs at the hotel waking me up. I think this proposal would make things worse for people living in the area as well as people who plan to build at a later date. | | The proposal is for a portico only and is unlikely to result in anti-social behaviour outside the tavern. |
| 2 | Name and Postal Address: S George 18 Jilakin Loop Canning Vale WA 6155 | Affected Property: 16 (Lot 437) Longleat Street Southern River |
| Summary of Submission | | Staff Comment |
| Object to the proposal. | | Noted. |
| 3 | Name and Postal Address: G Sinclair PO Box 4028 Myaree WA 6154 | Affected Property: 11 (Lot 240) Chicago Street Southern River |
| Summary of Submission | | Staff Comment |
| No objection to the proposal. | | Noted. |

| | | |
|-------------------------------|--|--|
| 4 | Name and Postal Address: K and S Weary 256 Amherst Road Canning Vale WA 6155 | Affected Property: 256 (Lot 397 (Strata Lot 1)) Amherst Road Canning Vale |
| Summary of Submission | | Staff Comment |
| No objection to the proposal. | | Noted. |
| 5 | Name and Postal Address: V and K Henare 49 Bert Street Gosnell WA 6110 | Affected Property: 1 (Lot 40) Greenland Boulevard Southern River |
| Summary of Submission | | Staff Comment |
| No objection to the proposal. | | Noted. |
| 6 | Name and Postal Address: I Lau 10 Calgary Street Southern River WA 6110 | Affected Property: 10 (Lot 316) Calgary Street Southern River |
| Summary of Submission | | Staff Comment |
| No objection to the proposal. | | Noted. |
| 7 | Name and Postal Address: M Jorgonson PO Box 1211 Applecross WA 6153 | Affected Property: 33A (Lot 92) Holmes Street Southern River |
| Summary of Submission | | Staff Comment |
| No objection to the proposal. | | Noted. |
| 8 | Name and Postal Address: S and J Hogan 5 Acapulco Way Southern River WA 6110 | Affected Property: 5 (Lot 272) Acapulco Way Southern River |
| Summary of Submission | | Staff Comment |
| No objection to the proposal | | Noted. |



Amenity

The proposed portico/canopy is unlikely to result in any detrimental impacts to the amenity of the locality as the new structure is similar to, and only slightly larger than the existing one. City staff consider that the design of the portico complements the tavern and will provide a more prominent focal point to the entrance of the bottleshop and visually distinguish between the drive-through section of the bottleshop and the bar areas. It will therefore be recommended that the application be approved, subject to appropriate conditions, as listed in the Staff Recommendation.

FINANCIAL IMPLICATIONS

Nil.

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| STAFF RECOMMENDATION AND COUNCIL RESOLUTION |
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277 Moved Cr R Hoffman Seconded Cr L Griffiths

That Council approve the application for a portico/canopy to Brooklands Tavern and Restaurant at 7 (Lot 344) Holmes Street, Southern River, 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. The existing car bays on the site are to be maintained to the City's satisfaction.

Advice Notes

1. The applicant is advised of the need to obtain a Building Licence for the proposed fence from the City's Building Services Branch prior to the commencement of work. Attention is drawn to the requirements of the Building Code of Australia in this regard.
2. The applicant's attention is drawn to the requirements for access to buildings for people with disabilities in accordance with the Building Code of Australia and AS1428.1. Detailed drawings are to be submitted with the building licence application identifying means of access from car parking areas to the entrance of the building and throughout the building, as required by AS1428.1.
3. This is a development approval issued under the Metropolitan Region Scheme and the City of Gosnells Town Planning Scheme No. 6. It is not 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 approvals are obtained prior to the commencement of any development covered by this approval.

CARRIED 11/0

FOR: Cr D Griffiths, Cr B Wiffen, Cr S Iwanyk, Cr J Brown, Cr R Hoffman, Cr C Fernandez, Cr W Barrett, Cr P Morris, Cr R Mitchell, Cr L Griffiths, and Cr O Searle.

AGAINST: Nil.

**13.5.5 MADDINGTON KENWICK SUSTAINABLE COMMUNITIES
PARTNERSHIP REVIEW AND REVISED DIRECTION**

| | |
|---------------|--|
| Author: | L Kosova |
| Previous Ref: | OCM 24 June 2003 (Resolution 430) OCM 23 July 2002 (Resolution 600) |
| Appendices: | 13.5.5A Summary of Partnership Successes 13.5.5B Partnership Review Findings 13.5.5C Schedule for Reallocation of Funds to Maddington Town Centre 13.5.5D Schedule of Projects to be handed over to other partners 13.5.5E Maddington Town Centre Concept Project Plan |

PURPOSE OF REPORT

To inform Council of the findings of a recent review of the Maddington Kenwick Sustainable Communities Partnership (MKSCP), and to obtain Council endorsement of relevant recommendations from the MKSCP Steering Committee, arising from that review.

BACKGROUND

During the first few months of 2008, the MKSCP management team conducted a comprehensive review of the MKSCP, to identify ways to better manage Partnership workloads, project progress and expectations, and to ensure that projects can be delivered within available staff resources and budgets.

The two key findings of the review are summarised as follows:

1. There appears to be a misconception in some circles that the Partnership has not achieved much to date; although this is not at all the case, as is clear from the Summary of Partnership Successes outlined in Appendix 13.5.5A. To overcome this misconception, the MKSCP management team is putting in place measures to ensure the Partnership's achievements are more widely known and celebrated.
2. Insufficient resources (time, funding and staff) are available to deliver the current 4-Year Implementation Plan. Furthermore, too great a percentage of time is being spent on administrative functions.

The future directions for the Partnership resulting from this review are that:

- Due to its success, the Partnership must be continued, but revised in light of new information and direction to be more outcomes focussed and manageable.
- Partnership projects will need to be rationalised and prioritised
- Partners will need to be re-engaged, sub-agreements will need to be developed for priority projects and existing projects will need to be handed over to willing and able partners.

In addition to the review, the City also sought advice from the Minister for Planning and Infrastructure and the Department for Planning and Infrastructure's (DPI's) Director General (DG), in relation to infrastructure provision and pre-funding by the State Government to support Partnership initiatives. The advice received clearly expressed that the Partnership would need to change the way it functions, to focus exclusively on one major program and to assign all possible resources to delivering that program.

Importantly, this does not mean that other Partnership initiatives would cease altogether, but rather (in the true spirit of partnership) they would be handed over to the partnering agencies that have core responsibility in delivering those initiatives, subject to acceptance by those agencies. At a later stage, when the Partnership's first major project or program has been successfully delivered, the Partnership could look at tackling other projects in the Maddington and Kenwick areas.

The MKSCP Steering Committee considered the Partnership review at its Special Meeting of 30 April 2008 and resolved as follows:

- "1. That the Steering Committee note and endorse the management team's Partnership review findings, as summarised in Appendix 7.1a. (See Appendix 13.5.5B)*
- 2. That the Steering Committee recommend to the City of Gosnells and the State Government of WA to review and extend the Maddington Kenwick Sustainable Communities Partnership Agreement to incorporate and address the following principles, to the satisfaction of the City's Chief Executive Officer, Department for Planning and Infrastructure's Director General and Steering Committee Co-Chairs (being the City's Mayor, Cr O, Searle and Member for Kenwick, Hon S. McHale):*
 - a. more outcomes focussed and manageable Partnership Structure*
 - b. more strategic role for the Steering Committee*
 - c. three meetings per annum for the Steering Committee unless otherwise determined by the Co-Chairs*
 - d. replacement of the Technical Committee with stronger project team(s) and*
 - e. direct reporting from the project team(s) to the Steering Committee*
- 3. That the Steering Committee, subject to agreement by the partners, amend the Partnership's funding agreement and governance documents to align with new Partnership Agreement.*
- 4. That the Steering Committee endorse the Maddington Town Centre (MTC) sub-program as the Partnership priority for the next 4 years and furthermore that the Steering Committee:*

- a. *Approve the re-allocation of funds from projects that have not been actioned or started in the 4-Year Implementation Plan, as identified in Appendix 7.1e, to the MTC sub-program. (See Appendix 13.5.5C)*
 - b. *Develop a sub-agreement with relevant agencies and partners to progress the MTC sub-program*
5. *That the Steering Committee delegate the management of the Partnership projects and associated seed funding to the relevant partners as identified in Appendix 7. 1f with a proper delegation agreement and reporting requirements to the approval of the Steering Committee Co-Chairs.*
 6. *That the Steering Committee accord a high priority to the implementation of the Communications and Marketing Plan ensuring that the successes of the Partnership to date are well broadcast and understood in the community.”*

Resolutions 2, 3 and 4 above require determination by Council to give practical effect to the Committee's recommendations and direction, as outlined in the Discussion section below.

In relation to Resolution 5 above, a list of Partnership projects that are proposed to be handed over to partnering agencies is attached as Appendix 13.5.5D. The list includes a summary of Partnership funds that are available to each project.

DISCUSSION

Steering Committee Resolutions

Resolution 2

In respect of the Steering Committee's second resolution from its meeting of 30 April 2008, it will be recommended that Council adopt the recommendation contained in that resolution and authorise the City's Chief Executive Officer to review and extend the MKSCP Partnership Agreement, in accordance with the terms listed in that resolution.

Resolution 3

In respect of the Steering Committee's third resolution, it will be recommended that Council authorise the City's Chief Executive Officer and Mayor to, where necessary and on behalf of the City, amend and endorse the Partnership's funding agreement and governance documents to align with new Partnership Agreement.

Resolution 4

In respect of the Steering Committee's fourth resolution, it will be recommended that Council:

- Endorse the Steering Committee's decision to nominate the Maddington Town Centre (MTC) sub-program as the Partnership's priority project for the next 4 years.

- Endorse the Partnership's re-allocation of funds from projects that have not been actioned or started in the 4-Year Implementation Plan, as identified in Appendix 13.5.5B, to the MTC sub-program. The formal reallocation of these funds will need to occur via a budget variation, which will be presented in a separate report to Council in future.
- Authorise the City's Chief Executive Officer and Mayor to, where necessary and on behalf of the City, endorse a sub-agreement(s) with relevant agencies and partners to progress the MTC sub-program.

Maddington Town Centre – Concept Project Plan

At the 6 February 2008 Economic Development Portfolio briefing, the Director, Planning and Sustainability provided a presentation to Councillors on the status of the Maddington Town Centre project, which included a suite of development objectives for the Railway Station/Operations Centre Precinct.

The action sheet from that Portfolio briefing was considered at the Strategic Planning Committee meeting of 19 February 2008 and, in response, the Committee adopted the following recommendation:

“That Council endorse the development objectives presented to the Economic Development Portfolio Briefing for the Maddington Town Centre Operations Centre and Railway Precinct, as the basis for planning and investigation of options for development of the precinct and to raise the profile of the precinct.”

This recommendation was, in turn, adopted by Council at its meeting of 26 February 2008 (Resolution 43).

Following from this Council resolution and further to the MKSCP Steering Committee's recent endorsement of the Partnership Review (the Committee's fourth resolution in particular), City staff have prepared a Concept Project Plan for the Maddington Town Centre project (see Appendix 13.5.5E).

The Concept Project Plan is intended to provide a single, comprehensive reference guide for the various elements of the MTC project, including the issues, opportunities, constraints and likely cost and funding implications of the project. The Concept Project Plan accords with the development objectives endorsed by Council for the MTC Operations Centre and Railway Precinct.

It is proposed that, subject to Council's in-principle endorsement, the Project Plan will be used to facilitate further, higher-level, discussions and negotiations with the State Government to secure the various agency and funding commitments required to deliver this exciting revitalisation project. Once the State Government's position is known on the various commitments set out in the Project Plan, City staff will be able to:

- Update the Plan for formal adoption by Council
- Submit a separate report for formal Council approval for the reallocation of any Council funds or resources to support the project, now or in the future.

It will be recommended that Council endorse in-principle, the Maddington Town Centre Concept Project Plan, to facilitate further, high-level, discussions and negotiations with the State Government to secure the various agency and funding commitments required to deliver this exciting revitalisation project.

FINANCIAL IMPLICATIONS

There will be no direct financial implications for Council arising from the Staff Recommendations.

Council's endorsement, in-principle, of the MTC Concept Project Plan will not affect the need for Council to formally approve budget variations required to allocate or reallocate funding to this project. However, such endorsement will enable staff to escalate discussions with the State Government to more clearly define and secure its financial commitment to the project.

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| STAFF RECOMMENDATION (1 of 4) |
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Moved Cr C Fernandez Seconded Cr L Griffiths

That Council adopt the following resolution by the Maddington Kenwick Sustainable Communities Partnership (MKSCP) Steering Committee at its meeting of 30 April 2008:

“That the Steering Committee recommend to the City of Gosnells and the State Government of WA to review and extend the Maddington Kenwick Sustainable Communities Partnership Agreement to incorporate and address the following principles, to the satisfaction of the City’s Chief Executive Officer, Department for Planning and Infrastructure’s Director General and Steering Committee Co-Chairs:

- a. more outcomes focussed and manageable Partnership Structure.*
- b. more strategic role for the Steering Committee.*
- c. three meetings per annum for the Steering Committee unless otherwise determined by the Co-Chairs.*
- d. replacement of the Technical Committee with stronger project team(s) and*
- e. direct reporting from the project team(s) to the Steering Committee”*

And further, that Council authorise the City’s Chief Executive Officer to review and extend the MKSCP Partnership Agreement, in accordance with the terms listed in that resolution.

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| STAFF RECOMMENDATION (2 of 4) |
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Moved Cr C Fernandez Seconded Cr L Griffiths

That Council endorse the following resolution by the Maddington Kenwick Sustainable Communities Partnership (MKSCP) Steering Committee at its meeting of 30 April 2008:

“That the Steering Committee, subject to agreement by the partners, amend the Partnership’s funding agreement and governance documents to align with new Partnership Agreement.”

And further, that Council authorise the City’s Chief Executive Officer and Mayor to, where necessary and on behalf of the City, amend and endorse the Partnership’s funding agreement and governance documents to align with the new Partnership Agreement.

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| STAFF RECOMMENDATION (3 of 4) |
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Moved Cr C Fernandez Seconded Cr L Griffiths

That Council:

- (i) Endorse the Steering Committee’s decision to nominate the Maddington Town Centre (MTC) sub-program as the Partnership’s priority project for the next 4 years.
- (ii) Endorse the Partnership’s re-allocation of funds from projects that have not been actioned or started in the 4-Year Implementation Plan, as outlined in Appendix 13.5.5C, to the MTC sub-program, with the formal reallocation of these funds to be the subject of a separate budget variation report to be presented to Council for consideration in future.
- (iii) Authorise the City’s Chief Executive Officer and Mayor to, where necessary and on behalf of the City, endorse a sub-agreement(s) with relevant agencies and partners to progress the MTC sub-program.

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| STAFF RECOMMENDATION (4 of 4) |
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Moved Cr C Fernandez Seconded Cr L Griffiths

That Council endorse in-principle, the Maddington Town Centre Concept Project Plan attached as Appendix 13.5.5E, to facilitate further, high-level, discussions and negotiations with the State Government to secure the various agency and funding commitments required to deliver the Maddington Town Centre project, with a separate report to be presented to Council in future to consider formally adopting the Project Plan, once the State Government’s position on and commitment to the project is defined.

Amendment

During debate Cr J Brown moved the following amendment to staff recommendation (1 of 4).

“That staff recommendation 1 of 4 be amended by inserting the words “and Mayor” in the concluding paragraph, immediately after the words “the City’s Chief Executive Officer”.”

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

“To duly authorise both the CEO and Mayor to review and extend the Partnership Agreement, as intended by the relevant resolution of the Partnership’s Steering Committee.”

| *Cr R Hoffman Seconded Cr J Brown’s proposed amendment.*

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

| **Moved Cr J Brown Seconded Cr R Hoffman**

That staff recommendation 1 of 4 be amended by inserting the words “and Mayor” in the concluding paragraph, immediately after the words “the City’s Chief Executive Officer”.

with the amended recommendation to read:

“That Council adopt the following resolution by the Maddington Kenwick Sustainable Communities Partnership (MKSCP) Steering Committee at its meeting of 30 April 2008:

“That the Steering Committee recommend to the City of Gosnells and the State Government of WA to review and extend the Maddington Kenwick Sustainable Communities Partnership Agreement to incorporate and address the following principles, to the satisfaction of the City’s Chief Executive Officer, Department for Planning and Infrastructure’s Director General and Steering Committee Co-Chairs:

- a. more outcomes focussed and manageable Partnership Structure.
- b. more strategic role for the Steering Committee.
- c. three meetings per annum for the Steering Committee unless otherwise determined by the Co-Chairs.
- d. replacement of the Technical Committee with stronger project team(s) and
- e. direct reporting from the project team(s) to the Steering Committee”

And further, that Council authorise the City's Chief Executive Officer and Mayor to review and extend the MKSCP Partnership Agreement, in accordance with the terms listed in that resolution."

CARRIED 11/0

FOR: Cr D Griffiths, Cr B Wiffen, Cr S Iwanyk, Cr J Brown, Cr R Hoffman, Cr C Fernandez, Cr W Barrett, Cr P Morris, Cr R Mitchell, Cr L Griffiths, and Cr O Searle.

AGAINST: Nil.

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

Amended Staff Recommendation (1 of 4)

COUNCIL RESOLUTION

278 Moved Cr J Brown Seconded Cr R Hoffman

That Council adopt the following resolution by the Maddington Kenwick Sustainable Communities Partnership (MKSCP) Steering Committee at its meeting of 30 April 2008:

"That the Steering Committee recommend to the City of Gosnells and the State Government of WA to review and extend the Maddington Kenwick Sustainable Communities Partnership Agreement to incorporate and address the following principles, to the satisfaction of the City's Chief Executive Officer, Department for Planning and Infrastructure's Director General and Steering Committee Co-Chairs:

- a. more outcomes focussed and manageable Partnership Structure.
- b. more strategic role for the Steering Committee.
- c. three meetings per annum for the Steering Committee unless otherwise determined by the Co-Chairs.
- d. replacement of the Technical Committee with stronger project team(s) and
- e. direct reporting from the project team(s) to the Steering Committee"

And further, that Council authorise the City's Chief Executive Officer and Mayor to review and extend the MKSCP Partnership Agreement, in accordance with the terms listed in that resolution.

CARRIED 11/0

FOR: Cr D Griffiths, Cr B Wiffen, Cr S Iwanyk, Cr J Brown, Cr R Hoffman, Cr C Fernandez, Cr W Barrett, Cr P Morris, Cr R Mitchell, Cr L Griffiths, and Cr O Searle.

AGAINST: Nil.

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| STAFF RECOMMENDATION (2 of 4) AND COUNCIL RESOLUTION |
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279 Moved Cr C Fernandez Seconded Cr L Griffiths

That Council endorse the following resolution by the Maddington Kenwick Sustainable Communities Partnership (MKSCP) Steering Committee at its meeting of 30 April 2008:

“That the Steering Committee, subject to agreement by the partners, amend the Partnership’s funding agreement and governance documents to align with new Partnership Agreement.”

And further, that Council authorise the City’s Chief Executive Officer and Mayor to, where necessary and on behalf of the City, amend and endorse the Partnership’s funding agreement and governance documents to align with the new Partnership Agreement.

CARRIED 11/0

FOR: Cr D Griffiths, Cr B Wiffen, Cr S Iwanyk, Cr J Brown, Cr R Hoffman, Cr C Fernandez, Cr W Barrett, Cr P Morris, Cr R Mitchell, Cr L Griffiths, and Cr O Searle.

AGAINST: Nil.

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| STAFF RECOMMENDATION (3 of 4) AND COUNCIL RESOLUTION |
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280 Moved Cr C Fernandez Seconded Cr L Griffiths

That Council:

- (i) Endorse the Steering Committee’s decision to nominate the Maddington Town Centre (MTC) sub-program as the Partnership’s priority project for the next 4 years.
- (ii) Endorse the Partnership’s re-allocation of funds from projects that have not been actioned or started in the 4-Year Implementation Plan, as outlined in Appendix 13.5.5C, to the MTC sub-program, with the formal reallocation of these funds to be the subject of a separate budget variation report to be presented to Council for consideration in future.
- (iii) Authorise the City’s Chief Executive Officer and Mayor to, where necessary and on behalf of the City, endorse a sub-agreement(s) with relevant agencies and partners to progress the MTC sub-program.

CARRIED 11/0

FOR: Cr D Griffiths, Cr B Wiffen, Cr S Iwanyk, Cr J Brown, Cr R Hoffman, Cr C Fernandez, Cr W Barrett, Cr P Morris, Cr R Mitchell, Cr L Griffiths, and Cr O Searle.

AGAINST: Nil.

STAFF RECOMMENDATION (4 of 4) AND COUNCIL RESOLUTION

281 Moved Cr C Fernandez Seconded Cr L Griffiths

That Council endorse in-principle, the Maddington Town Centre Concept Project Plan attached as Appendix 13.5.5E, to facilitate further, high-level, discussions and negotiations with the State Government to secure the various agency and funding commitments required to deliver the Maddington Town Centre project, with a separate report to be presented to Council in future to consider formally adopting the Project Plan, once the State Government's position on and commitment to the project is defined.

CARRIED 11/0

***FOR:** Cr D Griffiths, Cr B Wiffen, Cr S Iwanyk, Cr J Brown, Cr R Hoffman, Cr C Fernandez, Cr W Barrett, Cr P Morris, Cr R Mitchell, Cr L Griffiths, and Cr O Searle.*

***AGAINST:** Nil.*

13.6 GOVERNANCE

13.6.1 CITY OF GOSNELLS - SIGNS LOCAL LAW 2008

Author: C Palmer
Previous Ref: OCM 11 March 2008 Resolution 84
Appendix: Nil

PURPOSE OF REPORT

To advise Council of the outcome of the public submission period associated with the process for the proposed new Local Law entitled City of Gosnells Signs Local Law 2008.

BACKGROUND

At the Ordinary Meeting of Council held 11 March 2008, Council resolved (Resolution 84) to commence the process to adopt this new Local Law, simultaneously repealing the existing Local Laws Relating to Signs, Hoardings and Bill Posting.

DISCUSSION

In accordance with the requirements of Section 3.12 of the Local Government Act 1995 public submissions were invited on the proposed local law by advertisements placed in the West Australian on Saturday 29 March 2008, the Comment News on Tuesday 1 April 2008 and the Weekend Examiner on Thursday 3 April 2008 with a copy of the Local Law forwarded to the City's Libraries and the Minister for Local Government. Submissions on the proposed Local Law closed on Wednesday 14 May 2008.

Staff also forwarded a copy of the Local Law to Council's Solicitors McLeods for comment.

At the close of the advertising period, no public submissions had been received, although McLeods had made comment and the Department of Local Government and Regional Development (DLGRD) had verbally indicated it would make comment.

Correspondence was received from the DLGRD dated 16 May 2008, which advised that the Joint Standing Committee on Delegated Legislation (JSCDL) is currently reviewing the issue of the regulation of signage on private land through local laws. That correspondence stated in part:

"The Committee has raised legal issues as to whether there is power for local governments to use the Local Government Act 1995 to regulate provisions set out in planning schemes. In particular, the JSCDL has concerns about infringement notices being made under local laws to regulate planning matters.

As your proposed local law is intended to provide for such matters, it is strongly recommended that you do not proceed to gazette this law at this time until the Committee resolves its views. Should you proceed with progressing this local law, the JSCDL is likely to have concerns which may result in it moving a disallowance motion in the Parliament.

The Department has recently sought advice on this matter and it is understood that the Local Government Act 1995 can only be used to regulate signage on

private land where it is to control nuisances relating to signage on or adjacent to thoroughfares or other local government property.

It is noted that the Department for Planning and Infrastructure (DPI) is intending to introduce new regulations for local government to provide for infringement notices to regulate planning schemes. It is intended that the new regulations are to operate later in the year."

In light of the advice from the DLGRD it will be recommended that Council not proceed with the proposed Signs Local Law 2008 until the JSCDL has resolved the issue of signage regulation on private land. To do so could result in expenditure by the City on the progress of a law that would more than likely be disallowed by the JSCDL.

In the interim the City can continue to operate under the By Laws Relating to Signs, Hoardings and Bill Postings which have been in place since 1966.

FINANCIAL IMPLICATIONS

Nil.

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

That Council resolve not to proceed with the proposed Signs Local Law 2008 until further information is available from the Joint Standing Committee on Delegated Legislation on the issue of signage regulation on private land, and the Department for Planning and Infrastructure has introduced their new regulations that will enable local governments to provide for Infringement Notices to regulate planning schemes, and the Minister for Local Government be advised accordingly.

CARRIED 11/0

FOR: Cr D Griffiths, Cr B Wiffen, Cr S Iwanyk, Cr J Brown, Cr R Hoffman, Cr C Fernandez, Cr W Barrett, Cr P Morris, Cr R Mitchell, Cr L Griffiths, and Cr O Searle.

AGAINST: Nil.

14. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

15. NOTICES OF MOTION FOR CONSIDERATION AT THE FOLLOWING MEETING

Nil

16. URGENT BUSINESS
(by permission of Council)

Nil

17. CONFIDENTIAL MATTERS

Nil

18. CLOSURE

The Mayor declared the meeting closed at 8:04pm.