



**ORDINARY COUNCIL MEETING  
10 FEBRUARY 2009**

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Minutes of the Ordinary Council Meeting held in the Temporary Council Chambers, Former Maddington Football and Sportsmans Club; Canning Park Avenue, Maddington, on Tuesday 10 February 2009.

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

The Mayor declared the meeting open at 7.30pm and welcomed those members of the public present in the public gallery, Councillors and staff, as well as introducing the newly appointed Chief Executive Officer Ian Cowie and Director Planning and Sustainability Chris Terelinck.

### **DISCLAIMER**

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**

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 Officer 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 T BROWN  
CR R MITCHELL  
CR L GRIFFITHS

**STAFF**

CHIEF EXECUTIVE OFFICER  
DIRECTOR COMMUNITY ENGAGEMENT  
DIRECTOR CORPORATE SERVICES  
DIRECTOR INFRASTRUCTURE  
DIRECTOR PLANNING & SUSTAINABILITY  
DIRECTOR GOVERNANCE  
MINUTE CLERKS

MR I COWIE  
MS A COCHRAN  
MR R BOUWER  
MR D HARRIS  
MR C TERELINCK  
MR T PERKINS  
MISS S MACGROTTY  
MRS K BAINBRIDGE  
MR J HOFLAND  
MR S O'SULLIVAN

MANAGER PLANNING IMPLEMENTATION  
MANAGER CITY PLANNING

**PUBLIC GALLERY**

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**APOLOGIES**

Nil

**APPROVED LEAVE OF ABSENCE**

Nil

**3. DECLARATIONS OF INTEREST**

Cr B Wiffen declared an Impartiality Interest in item 12.2 "City of Gosnells RoadWise Committee Meeting – 3 December 2008".

**Reason:** RoadWise Committee Member.

Cr W Barrett declared an Impartiality Interest in item 12.1 "Audit Committee Meeting - 3 February 2009.

**Reason:** .Audit Committee Member.

Cr W Barrett declared an Impartiality Interest in item 12.2 "City of Gosnells RoadWise Committee Meeting – 3 December 2008".

**Reason:** .Chairperson RoadWise Committee.

Cr L Griffiths declared an Impartiality Interest in item 12.2 "City of Gosnells RoadWise Committee Meeting – 3 December 2008".

**Reason:** RoadWise Committee Member.

#### **4. ANNOUNCEMENTS BY THE PRESIDING MEMBER**

(without discussion)

The Mayor circulated to Councillors a list of functions and events she had attended since Tuesday 16 December 2008.

#### **5. REPORTS OF DELEGATES**

(without debate)

Cr R Hoffman reported that the Rivers Regional Council intend to hold another Workshop on either the second or third Thursday in March which will be similar to the workshop in November 2008. The Workshop will be an update, looking at future directions and this time there will be a lot more time for questions with only one hour of presentations. Cr Hoffman further stated that the Rivers Regional Council were considering slowing down the process because of the current economic environment.

Cr PM Morris reported that she represented Council at the Constitutional Summit in Melbourne in December 2008 and had submitted a comprehensive report to the Acting Director Governance. Cr Morris further stated that as a Council, we would need a star person that can keep abreast at both the State and National progress as it is very likely to be a consideration at the next Federal Election and may also be linked with either one or two constitutional amendments for consideration. There was a unanimous declaration voted on by approximately 700 delegates for this to go forward to the Federal Government to request the constitutional recognition of local government in Australia.

Cr PM Morris further reported that at the Australia Day Awards there were a lot of people naturalised, but this is an important day, one in which we can recognise and give a critique on the people of our community. At the Awards there were five people who received certificates of 25 years and over, one lady who received the recognition of citizen of the year, and a young man who received the young citizen of the year award. Cr Morris further stated that she was very disappointed with the critique on why the seven people were not recognised on the day, stating that she knew why these people had won the awards due to the fact she nominated some, however other people were not informed as to why these people were being recognised. Cr Morris concluded by stating that in the future she would hope there would be a critique done on each person so everyone knows what marvelous volunteers are in the community.

The Mayor reported on Cr Morris's first report about the Constitutional Recognition and stated that the matter is very important, because if the matter does not get up it could be years if not decades before there is a chance for this to come before the people of Australia again. The Elected Members need to be on top of this so that they can tell people in the community why this is happening and the benefits to the people.

The Mayor further announced that she was also disappointed with the Australia Day Awards and thought that the certificate presented to those wonderful people who give many hours of volunteering to the people in our City would have been on the certificate of presentation. The Mayor concluded by stating that the report by Cr Morris would be taken on board because these people should be recognised in the right way.

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

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

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

Questions and statements are to be –

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

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

Nil

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

Nil

### **6.1 QUESTION TIME**

\* Mrs. Sandra Baraiolo of 19 Victoria Road, Kenwick asked the following questions:

- Q 1 Will Council now take further steps to revoke for the second time the Commercial Vehicle Parking Permit of 15 Victoria Road, Kenwick who has now conceded to Council and in Court, that he has breached his permit 7 times, further court action is pending. The proponent has been operating a vehicle depot that requires a 200m noise buffer under EPA Guidance Statement No.3, and his Prime Movers are less than 3 meters away from my bedrooms?
- Q 2 Are Commercial Prime Movers allowed to park on permitted properties with commercial goods on the trailers whilst in transit?



- Q 3 If the permit holder has changed the Prime Movers, will they be automatically approved or will it be subjected to a new application?

**Response:** The Mayor advised Mrs. Baraiolo that since the Director Planning and Sustainability was new to the City, that the responses to her questions would be responded to in writing.

## 6.2 PUBLIC STATEMENTS

- \* Mr. Neil Teo of Dynamic Planning made a public statement in relation to item 13.5.3 "Amendment No.90 to Town Planning Scheme No.6 and Central Beckenham Sub Precinct I Outline Development Plan" speaking in favour of the staff recommendations and expressing his full support. Mr. Teo stated that Dynamic Planning and the City Planners have worked collaboratively to address the complex and fragmented sub-precinct containing approximately 50 landholdings. The submissions that were received queried the costings and this will be addressed as part of a future "Developer Contribution Plan". Mr. Teo reiterated to the Council and landowners of Sub-Precinct I that the exercise was being funded solely by 'Challenge Developments' therefore, it is necessary to appreciate the importance of progressing the planning framework in a manner that recognises both commercial consideration as well as community considerations and expectations.

## 7. CONFIRMATION OF MINUTES

COUNCIL RESOLUTION
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### 1 Moved Cr J Brown Seconded Cr L Griffiths

That the Minutes of the Special Council Meeting held on 18 November 2008 be confirmed.

CARRIED 12/0

*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 T Brown, Cr R Mitchell, Cr L Griffiths, and Cr O Searle.

*AGAINST:* Nil.

COUNCIL RESOLUTION
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### 2 Moved Cr W Barrett Seconded Cr B Wiffen

That the Minutes of the Ordinary Council Meeting held on 16 December 2008 be confirmed.

CARRIED 12/0

*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 T Brown, 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 J Brown presented a non conforming petition initiated by Derek Lewington of 33 Spencer Road, Langford containing 37 signatures. The petition stated:

*"We the undersigned electors of the City of Gosnells request the City of Gosnells concern at the amount of equipment in the Gym and hope that you will give consideration to the extending of the gym at your earliest possible convenience.*

*For the following reasons: Due to the limited size of the gym causes overcrowding, this may lead to an accident and injury to one of the gym members."*

COUNCIL RESOLUTION

## 3 Moved Cr J Brown Seconded Cr R Hoffman

That the petition be forwarded to relevant staff for investigation and response to the petition initiator.

CARRIED 12/0

*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 T Brown, 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.

Nil

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

Nil

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

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

COUNCIL RESOLUTION
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**4 Moved Cr W Barrett Seconded Cr T Brown**

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

- \* Item 13.5.3 Amendment No.90 to Town Planning Scheme No.6 and Central Beckenham Sub Precinct I Outline Development Plan.

CARRIED 12/0

**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 T Brown, Cr R Mitchell, Cr L Griffiths, and Cr O Searle.

**AGAINST:** Nil.

**13.5.3 AMENDMENT NO. 90 TO TOWN PLANNING SCHEME NO. 6 AND CENTRAL BECKENHAM SUB PRECINCT I OUTLINE DEVELOPMENT PLAN**

Author:	R Windass
Reference:	Central Beckenham Sub-Precinct 'I' ODP
Application No:	PF07/00041 & PF07/00054
Applicant:	Dynamic Planning
Owner:	Various
Location:	Central Beckenham Sub-Precinct I
Zoning: MRS:	Urban
TPS No. 6:	Residential R17.5
Review Rights:	None for the proposed Scheme Amendment, although review rights to the State Administrative Tribunal apply to any discretionary decision of Council.
Area:	8.85ha
Previous Ref:	OCM 11 March (Resolutions 63 – 65)
Appendices:	13.5.3A Advertised Outline Development Plan
	13.5.3B Varied Outline Development Plan
	13.5.3C Location Plan Showing Submissions Received for Town Planning Scheme No. 6 Amendment No. 90
	13.5.3D Location Plan Showing Submissions Received for Central Beckenham Sub-Precinct I

**PURPOSE OF REPORT**

For Council to consider:

1. Final adoption of Amendment No. 90 to Town Planning Scheme No. 6 (TPS 6) to rezone various lots within the Central Beckenham (Sub-Precinct I) Local Housing Strategy Precinct from Residential R17.5 to Residential Development and to rezone Lots 20 and 62 Camberwell Street (zoned Light Industry and located outside but immediately bordering Sub-Precinct I) to Residential Development. The amendment will also apply a Special Control Area to the subject area for cost sharing purposes.
2. Adoption of a Draft Outline Development Plan (ODP) for Central Beckenham Sub-Precinct I with or without modification pursuant to clause 7.4.7 of TPS 6.

**BACKGROUND**

To facilitate the subdivision and development of land in accordance with the Sub-Precinct I Outline Development Plan, Amendment No. 90 will need to be finally gazetted and both Council and the Western Australian Planning Commission (WAPC) will need to adopt the ODP. Similarly a Developer Contribution Plan outlining Common Infrastructure funding arrangements for landowners in the ODP area is to be advertised for public comment and considered by Council prior to subdivision and development being allowed to occur.

### Public Consultation – Amendment No. 90

Council at its Ordinary Meeting of 11 March 2008 resolved (Resolution 63) to initiate Amendment No. 90 to TPS 6 to rezone land within the Local Housing Strategy Precinct Central Beckenham Sub-Precinct I from Residential R17.5 to Residential Development. In addition Council resolved to initiate the rezoning of a portion of Light Industrial zoned land immediately adjoining the precinct to Residential Development and include it within the ODP area. This Amendment will provide a suitable zoning for an adopted ODP to guide future subdivision and development in the area.

In accordance with Council's Resolution 64 from its meeting of 11 March 2008, staff forwarded the Scheme Amendment documents to the Environmental Protection Authority (EPA) for comment and Western Australian Planning Commission (WAPC) for information.

On 14 July 2008 the EPA wrote to the City advising that the level of assessment required was "Not Assessed" and it was not necessary to provide any advice or recommendations. The WAPC noted the Council's intent to advertise the scheme amendment and on Wednesday 30 July 2008 Amendment No. 90 was advertised for public comment in The West Australian newspaper. Affected landowners were notified of the proposal in writing and several signs were placed on-site. The submission period for Amendment No. 90 closed on 9 September 2008. The City received 28 submissions specific to the amendment comprising 9 non objections, 2 objections and 17 comments. A summary of submissions received and staff comments thereon are provided in the Schedule of Submissions below.

### Schedule of Submissions – Scheme Amendment No. 90

1	<b>Name and Postal Address:</b> R A Thakshala and K Rathnayake 3 Wilpon Street Beckenham WA 6107	<b>Affected Property:</b> 3 (Lot 63) Wilpon Street Canning Vale
<b>Summary of Submission</b>		<b>Comment</b>
Object to the proposal.		Noted.
1.1	We are not happy that Lot 63 will be green (P.O.S) in the subdivision concept plan and we would like it to be a red hatched line in the scheme amendment map.	<p>A POS contribution is required to be made by landowners in the form of land to be developed into parkland, or a cash in lieu payment to be utilised in maintaining and/or upgrading existing POS with the broader area.</p> <p>It has been determined that POS is not specifically required in Sub-Precinct 'I' as it would be better located in other areas of Central Beckenham. Therefore, landowners POS obligation will be met by the provision of cash-in-lieu of open space.</p> <p>It is recommended that the POS indicated as green on the ODP be removed and replaced with a density of R30.</p> <p>The proposed POS area is still to be hatched in red on the zoning map as part of Amendment No. 90 and is referred as the Residential Development zone. This will form the foundation for the Outline Development Plan which introduces elements such as density codings and POS. Refer to the POS section of the report.</p>

	<b>Summary of Submission</b>	<b>Comment</b>
1.2	There is public open space already very close to my house which is hardly used by residents, therefore I don't think we need large amounts of open space near our land.	There is already POS in Wilpon Street approximately 20 metres from the proposed POS. There is no evidence that this POS is not being used by nearby residents. See response to submission 1.1

2	<b>Name and Postal Address:</b> R Pulley 1570 Albany Highway Beckenham WA 6107	<b>Affected Property:</b> 1570 (Lot 80) Albany Highway Beckenham
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	<b>Summary of Submission</b>	<b>Comment</b>
	Object to the proposal.	Noted.
2.1	I have no objection to my property being rezoned to R30.	Noted.
2.2	I strongly object to paying any amount of money to the Council for the upgrade of common infrastructure, that we all expect our Council, to whom we pay rates, to provide. Why should those registered landowners in sub-precinct 'I' be expected to pay when many other landowners get it without being expected to 'contribute'.	State Planning Policy 3.9 – Developer Contributions for Infrastructure explains that the cost of infrastructure associated with redevelopment proposals is to be paid by the beneficiary. In this instance the beneficiaries are individual landowners who intend to develop their properties.
2.3	There has never been adequate drainage in the Beckenham area – it's a well known fact. Council should have upgraded this many years ago – now they expect to pass on the cost of this to residents within Sub-Precinct 'I' should they wish to develop their land. Does Council propose to pass on similar costs to other Beckenham landowners in other precincts, should they want to develop their sites or is it just us?	There is currently no technical data available on the status of the existing drainage system in Beckenham. What is understood is that additional upgrades to drainage are required to facilitate the proposed increased densities, and these upgrades are contained in the Cardno BSD Drainage Strategy.
2.4	If I'm not ready to develop my land and my neighbour is, then how does Council propose to manage this conundrum? Also, what if I have deep sewerage and they don't? Who pays?	Infrastructure upgrades are not provided to each lot as they are developed but are prioritised to those areas where the demand is highest. In the short term individual landowners may develop their lots in advance of their neighbours if there may be enough capacity in the existing infrastructure to cope with new development.  Sewerage is not proposed to be included within the developer contribution plan to be administered by the City. As a result the provision of sewerage to individual lots and the associated costs are to be negotiated between landowners in conjunction with the Water Corporation. Refer to the Sewerage section of the report.
2.5	Council has not provided any form of a report to residents indicating just how much this is all likely to cost. Does Council think we will willingly sign a blank cheque?	The exact cost of infrastructure upgrades is yet to be determined and is to be contained within the Developer Contribution Plan to be provided by the applicant. This will be advertised to affected landowners and presented to Council at a future meeting. Subdivision and Development of Land within the ODP area is not to occur until the DCP has been finalised.

Summary of Submission	Comment
<p>2.6 It would seem to me that all of this proposed R30 rezoning has come out because the registered proprietor of Lots 20, 62 and 1 Camberwell Street Beckenham has submitted a request to the City to amend sub-precinct 'I' and the western portion of Lot 62 and Lot 1 Camberwell Street to a Residential Development zone. It would seem we are all expected to 'foot the bill' for infrastructure upgrades just to necessitate changes this particular individual has requested.</p>	<p>The subject area is identified in Council's Planning Implementation Framework Policy for Local Housing Strategy Areas as an area proposed for increased residential densities, subject to the preparation of an Outline Development Plan. The interests of the landowners of Lots 20, 62 and 1 primarily relate to the redevelopment of these lots; however they were expected to prepare an ODP at their expense for the entire precinct. The infrastructure upgrades required for the precinct will benefit all landowners and therefore it is not unreasonable to expect all landowners to fund the provision of this infrastructure.</p>
<p>2.7 The amount of traffic travelling up and down Clapham Street, entering from Albany Highway and Camberwell Street has increased dramatically. If local housing density increases what does the Council propose to do about improving traffic measures.</p>	<p>A variety of options are being considered with respect to improving traffic management for the subject area. These options will be explored in more detail in future through the preparation of a Developer Contribution Plan, in which it will be determined exactly what is required and how much it will cost.</p>
<p>2.8 Why does the Council believe the cost of traffic upgrades in a common infrastructure cost to be funded via developer contributions (landowners). I get the feeling the Council thinks this small area currently up for rezoning would be the only ones using the roads affected, so just pass on that cost as well. Doesn't all the public get the benefit from safer streets?</p>	<p>A minimum standard of infrastructure is required to facilitate increased densities in the subject area, including traffic management upgrades. The increased density and all required infrastructure upgrades proposed directly benefit all landowners within the subject area. Therefore, it is not unreasonable to expect landowners to fund the upgrades.</p>
<p>2.9 Can Council tell me why they see the proposed purchase of public open space on Wilpon Street as a common infrastructure cost to be borne by landowners? Again, we haven't asked for this proposed R30 change so why does Council think we would want to pay for this as well.</p>	<p>Landowners are not required to fund the full cost of infrastructure associated with other adjoining areas proposed for higher densities. However a contribution for these infrastructure items is still required relative to its broader relationship with adjoining areas. Refer to the Infrastructure and Contribution Arrangement section of the report.</p> <p>POS contributes to the recreational needs of local residents and therefore is an important part of the social and physical well being of a community. The density proposed for the area is double than what currently exists and therefore the provision of additional open space would benefit increased numbers of residents in the area.</p> <p>It has been determined that POS is not specifically required in Sub-Precinct I as it would be better located in other areas of Central Beckenham. Therefore, landowners POS obligation will be met by the provision of cash-in-lieu of open space.</p> <p>Landowners who do wish to develop their lots are not obligated to pay any developer contributions once the land has been rezoned. Contributions are only payable should landowner wish to subdivide or develop. See response to submission 2.2. Refer to the POS Section of the report.</p>

Summary of Submission	Comment
<p>2.10 Why is Council not paying for the necessary upgrades themselves? Or if they can't afford it then pressing our State Government for funding. I pay my rates and taxes and that's enough. Surely the Council can see that by upgrading the infrastructure themselves, they would be encouraging landowners to develop their sites, generating increased revenue.</p>	<p>See responses above.</p>

<p>3</p>	<p><b>Name and Postal Address:</b>                  Alan W Duross                  62 Clifford Street                  Maddington WA 6109</p>	<p><b>Affected Property:</b>                  48 (Lot 3) Beckenham Street                  Beckenham.</p>
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Summary of Submission	Comment
<p>Comment on the proposal.</p>	<p>Noted.</p>
<p>3.1 Rezone the northwest side of Beckenham Street to R60 instead R30 using the street property verges as the buffer zone, not our properties, Lots 2, 3, 4, 5, 6. Dynamic Planning can't give us an idea on how the proposed development is to be constructed. One can only assume you are going to end up with units with their air conditioners running down our fence line humming night and day, or a car park with cars slamming doors all hours of the night and day.</p>	<p>The density of R60 is expected to facilitate high density of development within 400m of the Beckenham Train Station. A density of R30 is typically considered medium density development and is appropriate for areas within 800m of the train station. The lots the submitter refers to are within 800m of the train station and therefore R30 is the most appropriate density for these lots. This is consistent within State Planning Policy, "Liveable Neighbourhoods". The claim that R60 development adjoining R30 development will create unacceptable levels of noise is rejected. The interface between R60 and R30 development is not unreasonable.</p>
<p>3.2 I am not opposed to progress but don't sacrifice us by using our properties as buffer zones, use Beckenham Street. This gives us the opportunity to stay and put up with the noise or to move on and get back the full potential of what our properties would be worth.</p>	<p>The lots referred to will not be adversely impacted upon by adjoining R60 development. R30 is not a buffer but rather an acceptable level of density adjoining the proposed R60 lots. Financial implications of this proposal are not a valid planning consideration.</p>
<p>3.3 By opening Beckenham Street and Albany Highway up to full traffic use, traffic increases will increase accidents, and cars taking short cuts from William Street. Isn't that the reason it was closed in the first place.</p>	<p>The modification of the Albany Highway/Beckenham Street T Junction to facilitate the full flow of traffic both left and right and in and out of this area is just one of the traffic upgrades being considered to improve traffic management in the subject area. The exact upgrading to be provided will be determined in future and be reflected in the Developer Contribution Plan. The full implications of these upgrades in relation to traffic safety will be considered by the City's Technical Services branch.</p>



4	<b>Name and Postal Address:</b> Beverly Parker 7 Wilpon Street Beckenham WA 6107	<b>Affected Property:</b> 1 (Lot 61) Coleman Place Beckenham
Summary of Submission		Comment
<p>Comment on the proposal.</p> <p>I wish to strongly object to the positioning of the public open space as there is already a park opposite the site. Therefore I fail to see the need for another in such close proximity. However, after speaking with Council's Planning staff they have assured me Parks and Environment are not in agreement of the site chosen for the park. If this is the case then I would support the proposal for the rezoning.</p>		<p>Noted.</p> <p>See response to submission 1.1 and 1.2.</p>
5	<b>Name and Postal Address:</b> Bruce Smith 5 Teele Street Beckenham WA 6107	<b>Affected Property:</b> 5 (Lot 47) Teele Street Beckenham
Summary of Submission		Comment
<p>Comment on the proposal.</p> <p>5.1 My concern is with the influx of more people into the area and therefore an abundance of off-street parking should be made compulsory. The streets around our area are very narrow and as soon as cars are parked on the road side, others then have to mount the kerb to safely pass.</p> <p>5.2 Case in point, new 12 unit development on Camberwell Street. Too many cars per unit leading to cars parking on verges and road. It is inevitable that the population in our area will expand but consideration in keeping the streets clear for pedestrians and other road users should be made a priority.</p>		<p>Noted.</p> <p>The City considers that verge parking should be provided in strategic locations throughout the subject area to improve the flow of traffic. The exact details are to be determined in future and contained within the Developer Contribution Plan. Refer to the Roads section of the report.</p> <p>The City considers that high density development such as the R60 proposed in the subject area could benefit from verge parking to ensure excess street parking does not occur.</p> <p>See response to submission 5.1.</p>
6	<b>Name and Postal Address:</b> Domenic D'Agnone 21 Vista Grove Mount Nasura WA 6112	<b>Affected Property:</b> 1 (Lot 56) Wilpon Beckenham
Summary of Submission		Comment
<p>Comment on the proposal.</p> <p>We don't have any objections to the proposed R30 zoning. However, our property is designated as public open space and we are not in favour of this proposal. We have only just built a new house on the property in 2007 and we have intention to build on the balance of the land.</p>		<p>Noted.</p> <p>See response to submission 1.1.</p> <p>Refer to the POS section of the report.</p>

7	<b>Name and Postal Address:</b> John Andre Gardin 6 Coleman Place Beckenham WA 6107	<b>Affected Property:</b> 13 (Lot 67) Wilpon Street and 6 (Lot 65) Coleman Place Beckenham
Summary of Submission		Comment
Comment on the proposal.		Noted.
7.1	I would basically like to know what the infrastructure costs would include. I realise that the costs would cover the upgrade of drainage systems and the continuation of Coleman Place.	The infrastructure upgrades proposed for the subject area are detailed in the relevant sections of the report. The exact details of the upgrades and associated costs have not yet been determined and will be considered in more detail in the preparation of the Developer Contribution Plan (DCP). The DCP is to be prepared in future and advertised to affected landowners, and will be presented to Council for final adoption.
7.2	Who pays for the acquisition of lots/blocks that have been earmarked for public open space.	There are several options available to Council which are discussed in detail in the POS section of the report. However staff recommend that the POS be removed from the ODP as land for POS is not specifically required within the sub-precinct. Landowners POS obligations will be met by the provision of cash-in-lieu of open space. See response to submission 1.1.
7.3	I know that exact figures are difficult to provide but I would appreciate some sort of "ball park" figure.	Noted. See response to submission 7.1.
7.4	More specific information should be provided to persons affected by the amendment.	Noted. See response to submission 7.1.
8	<b>Name and Postal Address:</b> Leigh Barrett 19 Lumper Street Bunbury WA	<b>Affected Property:</b> 50 (Lot 2) Beckenham Street Beckenham
Summary of Submission		Comment
Comment on the proposal. Provisional support of the Residential Development zone subject to the Outline Development Plan being advertised for comment and adopted before any development occurs within Sub-Precinct 'I'.		Noted.
9	<b>Name and Postal Address:</b> Walter Pusey 6 Wilpon Street Beckenham WA 6107	<b>Affected Property:</b> 6 (Lot 54) Wilpon Street Beckenham
Summary of Submission		Comment
Comment on the proposal.		
9.1	I wish to object to the position of the public open space as it will be opposite my property and there is already a park in close proximity.	Noted.
9.2	I do however agree with the proposal to rezone if the public open space is removed.	See response to submission 1.1 and 1.2.

10	<b>Name and Postal Address:</b> John E Cardy 1572 Albany Highway Beckenham WA 6107	<b>Affected Property:</b> 1572 (Lot 8) Albany Highway Beckenham
<b>Summary of Submission</b>		<b>Comment</b>
<p>Comment on the proposal.</p> <p>10.1 I do not object to the rezoning of Central Beckenham Sub-Precinct 'I' from R17.5 to Residential Development.</p> <p>10.2 I do not agree to making any payments to developer contribution plan because I have no intention of demolishing my house and being able to use the rezoning to my advantage.</p>		<p>Noted.</p> <p>Landowners who do not wish to develop their lots are not obligated to pay any developer contributions once the land has been rezoned. Contributions are only collected from landowners who wish to subdivide or develop their properties.</p>

11	<b>Name and Postal Address:</b> Lie E Saccon 1/453 Sevenoaks Street Beckenham WA 6107	<b>Affected Property:</b> U1 453 (Lot 38, Strata Lot 2) Sevenoaks Street Beckenham
<b>Summary of Submission</b>		<b>Comment</b>
<p>Comment on the proposal</p> <p>Yes I am happy for this to occur but would like to know when they will develop my area at Beckenham. The lot number is 225794 and at this time I know that my area hasn't been done yet.</p>		<p>Noted</p> <p>The property is located in Central Beckenham Sub-Precinct H which has been given a priority rating of 2 (1 being the highest) with respect to the order the City intends to progress the planning for this area. Given the sheer number of these precincts proposed for density increases, the variation and complexity of the various issues in each precinct, and the comprehensive planning that needs to occur, it is impossible to provide an exact timeframe as to when the City is able to progress these proposals. Should landowners not wish to wait for Council, it is open to them to engage a planning consultant to facilitate the planning for the precinct ahead of the City.</p>

12	<b>Name and Postal Address:</b> Greg Scott 29 Renou Street Queens Park WA 6107	<b>Affected Property:</b> 446 (Lot 51) Railway Parade Beckenham
<b>Summary of Submission</b>		<b>Comment</b>
<p>Comment on the proposal.</p> <p>All properties near the rail system should be rezoned without having to do a development plan from as soon as possible.</p>		<p>Noted.</p> <p>Not all areas proposed for density increases require the preparation of Outline Development Plan. ODPs are expected for areas requiring more comprehensive planning as it is intended that the ODP will facilitate the coordination of subdivision and development of these areas more easily. Areas requiring an ODP are indicated in Council's Planning Implementation Framework Policy for Local Housing Strategy Areas.</p>

13	<b>Name and Postal Address:</b> Phillip J Barnes 17 Sullivan Street Beckenham WA 6107	<b>Affected Property:</b> 455 (Lot 39) Sevenoaks Street Beckenham
<b>Summary of Submission</b>		<b>Comment</b>
Comment on the proposal. This is great, there should be more of it.		Noted.
14	<b>Name and Postal Address:</b> Murray Hayes PO Box 451 Kelmscott WA 6991	<b>Affected Property:</b> 21-23 (Lot 17) Mona Avenue Beckenham
<b>Summary of Submission</b>		<b>Comment</b>
Comment on the proposal. The whole area needs rezoning to tidy it up.		Noted.
15	<b>Name and Postal Address:</b> Thekla A. Przytula 2120 Albany Highway Gosnells WA 6110	<b>Affected Property:</b> 473 (Lot 7) Sevenoaks Street Beckenham
<b>Summary of Submission</b>		<b>Comment</b>
No objection to the proposal.		Noted.
16	<b>Name and Postal Address:</b> Alex McCaughan 26 Clapham Street Beckenham WA 6107	<b>Affected Property:</b> 26 (Lot 12) Clapham Street Beckenham
<b>Summary of Submission</b>		<b>Comment</b>
No objection to the proposal.		Noted.
17	<b>Name and Postal Address:</b> Frank Symes 28 Camberwell Street Beckenham WA 6107	<b>Affected Property:</b> 28 (Lot 35) Camberwell Street Beckenham
<b>Summary of Submission</b>		<b>Comment</b>
No objection to the proposal.		Noted.
18	<b>Name and Postal Address:</b> Raymond Binns 64 Beckenham Street Beckenham WA 6107	<b>Affected Property:</b> 64 (Lot 41) Beckenham Street Beckenham
<b>Summary of Submission</b>		<b>Comment</b>
No objection to the proposal.		Noted.
19	<b>Name and Postal Address:</b> Cece Mulia 5/34 Camberwell Street Beckenham WA 6107	<b>Affected Property:</b> U5 34 (Lot 5) Camberwell Street Beckenham
<b>Summary of Submission</b>		<b>Comment</b>
No objection to the proposal.		Noted.

20	<b>Name and Postal Address:</b> Barry Lathwell 8 Clapham Street Beckenham WA 6107	<b>Affected Property:</b> 8 (Lot 1) Clapham Street Beckenham
<b>Summary of Submission</b>		<b>Comment</b>
No objection to the proposal.		Noted.
21	<b>Name and Postal Address:</b> Robyn Thurlow 11 Wilpon Street Beckenham WA 6107	<b>Affected Property:</b> 11 (Lot 68) Wilpon Street Beckenham
<b>Summary of Submission</b>		<b>Comment</b>
No objection to the proposal.		Noted.
22	<b>Name and Postal Address:</b> Dalibor and Tatiana Krutak 53 Armadale Street St Lucia QLD 4067	<b>Affected Property:</b> 9 (Lot 14) Mona Avenue Beckenham
<b>Summary of Submission</b>		<b>Comment</b>
No objection to the proposal.		Noted.
23	<b>Name and Postal Address:</b> Connie Jarosz 35 Beckenham Street Beckenham WA 6107	<b>Affected Property:</b> 35 (Lot 32) Beckenham Street Beckenham
<b>Summary of Submission</b>		<b>Comment</b>
No objection to the proposal.		Noted.
24	<b>Name and Postal Address:</b> Heritage Council of Western Australia PO Box 6201 EAST PERTH WA 6892	
<b>Summary of Submission</b>		<b>Comment</b>
<p>Comment on the proposal.</p> <p>There are two heritage-listed houses situated within Central Beckenham Sub-Precinct '1', Montrose House and Hatch House. In our view the Outline Development Plan should explicitly state that the conservation of these houses is a necessary or desired planning outcome arising from the redevelopment of the area.</p>		<p>Agreed.</p> <p>Refer to the Heritage section of the report.</p>
25	<b>Name and Postal Address:</b> Western Power Locked Bag 2520 Perth WA 6001	
<b>Summary of Submission</b>		<b>Comment</b>
Comment on the proposal.		

Summary of Submission	Comment
25.1 Perth One Call Service (Phone 110 or 9424 8117) must be contacted and location details (of Western Power's underground cable) obtained prior to any excavation commencing.	Noted.
25.2 Work Safe requirements must be observed when excavation work is undertaken in the vicinity of Western Power's assets.	Noted.
25.3 Western Power is obliged to point out that the cost of any changes to the existing (power) system, if required, will be the responsibility of the individual developer.	Noted.

26	<p><b>Name and Postal Address:</b>                  Telstra                  Team Manager – Forecasting                  Forecasting &amp; Area Planning – South                  Western Access - Network &amp; Technology                  Locked Bag 2525                  PERTH WA 6001</p>
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Summary of Submission	Comment
Comment on the proposal. 26.1 Telstra has no negative comment to make. 26.2 Telstra looks forward to the next step in the approval process that allows for a Detailed Area Plan to be developed for this sub-precinct.	Noted.

27	<p><b>Name and Postal Address:</b>                  Water Corporation                  PO Box 100                  Leederville WA 6902</p>
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Summary of Submission	Comment
Comment on the proposal. 27.1 The development can be served with water supply from the existing system that currently exists throughout the precinct area. 27.2 Sewerage exists throughout the precinct area, although not all the lots are serviced. To serve these in-service lots, extensions will be required from the existing sewerage system. 27.3 The development is not within a Drainage Catchment Area. According to State Planning Policy 2.9 Water Resources and Planning Bulletin 61 Urban Water Management, a Local Water Management (LWMS) is required at subdivision stage. LWMS includes drainage and water efficiency components.	Noted.  Noted.  Noted.

Summary of Submission	Comment
27.4 The principle followed by the Water Corporation for the funding of subdivision or development is one of user pays. The developer is expected to provide all reticulated works and to contribute to headworks. In addition the developer may be required to fund new works or the upgrading of existing works to provide for the increase demand resulting form the development. The Corporation may also require land being ceded free of cost for works.	Noted.
27.5 The Water Corporation has no objection to the proposed change in zoning, as the size of Sub-Precinct 'I' is not sufficiently large enough for the change from the original zonings to have any significant effects on our infrastructure.	Noted.
27.6 The information provided above is subject to review and may change depending on the timing of the development. If the development has not proceeded within the next 6 months, the developer is required to contact the Corporation in writing to confirm if the information is still valid.	Noted.
27.7 Developers should liaise with the Water Corporation at the preliminary planning stage of any development to determine the Corporation's requirements.	Noted.

28	<b>Name and Postal Address:</b> Department of Planning and Infrastructure Urban Transport Systems Office 469 Wellington Street Albert Facey Perth WA 6000
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Summary of Submission	Comment
Comment on the proposal.	
28.1 DPI's Urban Transport Systems Directorate has no objection to the proposed Town Planning Scheme Amendment on transport planning grounds, subject to the comments below being taken into consideration.	Noted.
28.2 The subject property abuts Sevenoaks Street, which is reserved as a Category 2 Other Regional Road (ORR) in the Metropolitan Region Scheme (MRS).	Noted.

Summary of Submission	Comment
<p>28.3 The lots on the corner of Sevenoaks Street are affected by a truncation reservation widening requirement, as per the attached Western Australian Planning Commission (WAPC) Land Requirement Plan number 10718/1. It is advised that you obtain a Clause 42 certificate form the Department's Land Information section which is a legal document showing the exact dimensions of the Sevenoaks Road ORR reservation, to confirm the exact extent of road widening requirements affecting the subject land.</p>	<p>Noted.</p>
<p>28.4 It is noted that the Amendment Plan identifies this land widening requirement; however, the draft Outline Development Plan does not incorporate the road widening requirement into the subdivision design.</p>	<p>The land required for road widening in Sevenoaks Street is not required to be identified on the ODP. The acquiring of land for road widening will be achieved through the development of affected sites and the referral of such proposals to the DPI.</p>
<p>28.5 Urban Transport Systems will provide more detailed comments to the City of Gosnells on the Outline Development Plan during its advertising period. One of the main issues will be the design of the subdivision adjacent to the Other Regional Road, particularly the access arrangements propose. In this regard, the Commission's Regional Roads (Vehicular Access) Policy D.C. 5.1, recommends rationalizing the number of crossovers onto regional roads and suggests that where alternative access is or could be made available from side or rear streets or from rights of way, no access shall be permitted to the regional road unless special circumstances apply. Formal comments on the Outline Development Plan will be provided once advertising is initiated.</p>	<p>Noted.</p> <p>It will be recommended that the ODP include an appropriate notation to advise landowners along Sevenoaks Street of the DP's requirements with respect to access arrangements.</p>

Location Plan showing submissions received is attached as Appendix 13.5.3C.

### Public Consultation – Sub-Precinct I Outline Development Plan

On 11 March 2008 Council resolved (Resolution 65) that the proposed ODP for Sub-Precinct I as contained in Appendix 13.5.3A was satisfactory for advertising. The ODP was advertised for a period of 21 days in accordance with TPS 6, by way of letters to all affected landowners and relevant government agencies and was published on the City's website.

The submission period for the ODPs closed on 1 October 2008. The City received 21 submissions of which 4 submitters raised no objections, 5 raised objections and 12 provided comments. A summary of submissions received and staff comments thereon are provided in the Schedule of Submissions below.



**Schedule of Submissions – Central Beckenham Sub-Precinct I**

29	<b>Name and Postal Address:</b> Garth Palmer 5 Coleman Place Beckenham WA 6107	<b>Affected Property:</b> 5 (Lot 60) Coleman Place Beckenham
<b>Summary of Submission</b>		<b>Comment</b>
Object to the proposal		Noted.
29.1	I object to the Council development plan on the following basis:	Noted. The submitter's primary concern relates to the designation of POS over his property. It is recommended that the POS be removed from the ODP area. See staff response to submission 1.1.
29.2	On the basis that I purchased the property within the last 12 months.	
29.3	There is a newly built house on the rear half of the lot and therefore I would lose two houses.	
29.4	Four tenants occupy the two houses on the lot, one in front and a family of three in the rear.	
29.5	I plan to subdivide in the next six months which will increase my property value, which will no doubt be lost if the lot is reclaimed by the government.	
29.6	I purchased during the housing boom and the current market value would not be a fair sale relative to the purchase cost.	
29.7	I currently reside overseas but intend to return to Australia within the next 12 months and occupy the new building.	

30	<b>Name and Postal Address:</b> Sharon Jones 8 Bromley Street Beckenham WA 6107	<b>Affected Property:</b> 8 (Lot 40) Bromley Street Beckenham
<b>Summary of Submission</b>		<b>Comment</b>
Object to the proposal		Noted.
30.1	I am opposed to any high density housing developments in this area for the following reasons:	Noted.  The submitter's property is located within 400m of the Beckenham Train Station. The density increase proposed within the subject area is intended to achieve a higher proportion of residents within close proximity to public transport. The rationale behind this proposal is based on the principle of achieving future sustainable development for local communities. It is acknowledged that the submitter prefers the lifestyle associated with a large property however it is considered that this lot and all others within the subject area are strategically important in relation to current planning philosophy and it is recommended that Council continue to progress the proposal and the proposed increased densities.
30.2	Specifically bought property in this area because of the large blocks and the lifestyle it allows.	

Summary of Submission		Comment
30.3	Being surrounded by high density housing will seriously impact on our quality of lifestyle e.g. loss of privacy.	It is expected that the introduction of increased densities in the area will change the character of the area over time. However City staff do not support the submitter's claim that higher density housing has serious impacts on the quality of lifestyle.
30.4	Increased population can only result in increased crime rates, traffic, noise etc.	Increasing the population within the subject area is likely to result in increased traffic and noise over time as lots are gradually developed. Given the strategic importance of the submitter's property with respect to the proximity of the Beckenham Train Station, it is considered that the application should continue to be progressed.  See staff response to submission 30.2.
30.5	Concerns regarding the impact on Yule Brook and the Canning River which are not usually taken into account on council maps and plans.	The City's Technical Services Branch is aware that proposals for redevelopment have potential implications for surrounding water bodies. These implications are given due consideration in the assessment of these proposals.

31	<b>Name and Postal Address:</b> Rauleigh Webb 27 Beckenham Street Beckenham WA 6107	<b>Affected Property:</b> 27 (Lot 6) Beckenham Street Beckenham
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Summary of Submission		Comment
Object to the proposal.		Noted.
31.1	The proposed amendment provides no benefit to residences on the opposite side of Albany Highway. In fact the higher density proposed for the area is likely to reduce the value of existing nearby residences.	Lot 41 Beckenham Street is contained within the Yule Brook Large Lot Outline Development Plan Area which requires an ODP to coordinate subdivision and development. This ODP area is not designated for significant increased densities as this would not assist in achieving sustainable development in keeping with current planning policy.  There is no evidence to support the claim that increasing residential densities within the subject area will adversely affect the value of neighbouring properties.
31.2	The proposed DCP area is just a random selection of nearby residences with houses less than 50m from my house falling outside of the proposed DCP area. How can you possibly say that a property 50m further from the proposed DCP area should not suffer the additional costs of the DCP.	The DCP area is not a random selection of residences but has been identified in Council's Local Housing section of the report.

Summary of Submission	Comment
<p>31.3 The proposed public open space is within 20m of an already existing park currently heavily underutilised by existing residences. Why the residences of the DCP area should be forced to pay for approximately \$1.6 million of public open space in this development, when they have had no say in the development of the proposal is a travesty.</p>	<p>City Staff acknowledge the existence of a park within 20m of the proposed POS. POS is a well established developer contribution item and therefore should Council require POS within the subject area, its provision is to be funded by landowners.</p> <p>POS contributes to the recreational needs of local residents and therefore is an important part of the social and physical well being of a community. The density proposed for the area is double than what currently exists and therefore the provision of additional open space would benefit increased numbers of residents in the area.</p> <p>It has been determined that POS is not specifically required in Sub-Precinct I as it would be better located in other areas of Central Beckenham. Therefore, landowners POS obligation could also be met by the provision of cash-in-lieu of open space. See also response to submission 1.1 and the 'POS' section of the report.</p>
<p>31.4 Local residents should have a say in how their suburb is to be developed. Approximately 90% of the proposed residential development area is already residential. To increase densities in this area will mean the loss of many substantial homes, resulting in a significant loss of the character of Beckenham, which is the reason I moved here over 15 years ago.</p>	<p>The redevelopment of the subject area is based on State Planning Policy, Liveable Neighbourhoods which encourages increased densities in residential areas within a walkable catchment to a train station or shopping centre. The principal aim of this policy is to achieve future sustainable development for local communities such as Beckenham.</p> <p>TPS 6 requires all amendments and Outline Development Plans to be advertised to affected landowners so they have the opportunity to be involved in the planning of their area. The character of an area is not permanent but actually changes over time. The proposal represents a phase in the changing character of Beckenham and will occur gradually over time as landowners decide to develop their properties.</p>
<p>31.5 This proposal should be rejected as one, as it will destroy the suburb of Beckenham therefore the Council should vote against the proposal.</p>	<p>This proposal will facilitate changes to the evolving character of Beckenham in a manner that aims to achieve future sustainable development for the local community.</p>

32	<p><b>Name and Postal Address:</b> Mario Balmer PO Box 62 Riverton WA 6148</p>	<p><b>Affected Property:</b> 8 (Lot 502) Harris Street Beckenham</p>
Summary of Submission	Comment	
<p>Object to the proposal.</p> <p>32.1 Currently it is almost impossible to enter Albany Highway from Harris Street or to exit Albany Highway Street into Harris Street due to large volumes of traffic at almost anytime of the day. With higher density in Sub-Precinct 'I' traffic plus accidents will increase unless through traffic is forced through Kenwick Link.</p>	<p>Noted.</p> <p>Increasing residential densities within the subject area is likely to increase traffic in the area. This is the reality of such proposals. As a result City Staff propose a number of traffic upgrades to improve traffic management in the vicinity.</p> <p>Refer to the Roads section of the report.</p>	

Summary of Submission	Comment
32.2 I prefer the area to be left as it is, high density development does not leave room for gardens and native birdlife.	Noted. Increasing densities facilitates the creation of smaller lots. However space for gardens is still available.
32.3 Our main roads are not designed to carry even the existing amount of traffic, why make it worse.	A number of traffic upgrades are proposed to improve traffic management throughout the area. Refer to the Roads section and Traffic section of this report.
32.4 I'm concerned that stormwater from new houses will end up in the Yule Brook and flooding may occur.	Staff consider this proposal will not create flooding in relation to the nearby Yule Brook. See Staff response to submission 30.5.

33	<b>Name and Postal Address:</b> Lindsay K Waldon 57 Bywood Way Lynwood WA 6147	<b>Affected Property:</b> 53 (Lot 57) Albany Highway Beckenham
Summary of Submission	Comment	
Object to the proposal. I object to the proposed development plan.	Noted. No reason for objection provided.	

34	<b>Name and Postal Address:</b> Ursula Fitzpatrick 51 Beckenham Street Beckenham WA 6107	<b>Affected Property:</b> 51 (Lot 58) Beckenham Street Beckenham
Summary of Submission	Comment	
<p>Comment on the proposal.</p> <p>34.1 I think rezoning to R60 in this area would be detrimental to existing residents. We have already experienced increased traffic flow in the last few years and developing a high density area would increase this by tenfold.</p> <p>34.2 Currently our area is a traditional residential area and I would like to see it kept that way.</p>	<p>Noted.</p> <p>Staff acknowledge that the proposal will result in increased traffic to the area but do not agree that this will be detrimental to existing residents in the area.</p> <p>See Staff response to submission 32.1 and 32.3.</p> <p>It is expected that the introduction of increased densities in the area will change the character of the area. The submitter's lots and the subject area are strategically important with respect to the area's close proximity to the Beckenham Train Station, and the aim of achieving future sustainable development for the Beckenham community. Therefore staff consider the proposal and associated increased densities should be progressed</p>	

35	<b>Name and Postal Address:</b> Greg Hackshaw 49 Beckenham Street Beckenham WA 6107	<b>Affected Property:</b> 45 (Lot 76), 49 (Lot 77), 52 (Lot 8), 58 (Lot 18) Beckenham Street 30 (Lot 13) Clapham Street 27 (Lot 15), 21 (Lot 14) Camberwell Street Beckenham
Summary of Submission	Comment	
Comment on the proposal.	Noted.	

Summary of Submission	Comment
35.1 I believe the density should be kept at a maximum of R30 for the whole area.	Noted.
35.2 To change Lots 62, 20 and 1 to R60 would be creating a potential “ghetto type” environment in an area that has traditionally been a quiet, leafy residential area. I am not opposed to re-zoning or the right of people to maximize their capital investments but changing a zoning from Industrial to R60 is going too far.	The proposed R60 density coding is expected to facilitate high density development within 400m of the Beckenham Train Station. This is consistent with State Planning Policy, Livable Neighbourhoods.
35.3 The traffic flow and parking issues associated with such a large development would cause enormous loss of amenity to the local residents in what is already an area of reasonably busy traffic flow.	The proposed R60 coding applies to a relatively small portion of the subject area and includes development standards that facilitate an appropriate standard of development.
35.4 There are other large areas of land in the very close vicinity which could be used for high density developments that have far better road access and parking availability if this is a necessity.	Staff acknowledge that this proposal will result in increased traffic to the area but do not agree that this will create a loss of amenity. See staff response to submission 32.1 and 32.3.
35.5 The monetary gain to be had from rezoning Industrial to R30 is quite significant so I don't think any of the interested parties are going to be financially disadvantaged.	The desire to increase residential densities in the City is not based solely on the suitability of sites with respect to road access and parking availability. The subject area has been identified in Council's Local Housing Strategy a being suitable for increased densities based on the areas close proximity to the Beckenham Train Station. Refer to the Local Housing section of the report.
	Noted. The rezoning of land from Industrial to Residential is based on planning policy. Financial implications are not a valid planning consideration.

36	<b>Name and Postal Address:</b> John E Cardy 1572 Albany Highway Beckenham WA 6107	<b>Affected Property:</b> 1572 (Lot 8) Albany Highway Beckenham
Summary of Submission	Comment	
Comment on the proposal. I would like to reiterate my comments written on the previous form on 21/9/08 as I like the privacy my block of land affords me at the present time.	Noted. Refer to Staff response to submission 10.2.	

37	<b>Name and Postal Address:</b> Domenic D'Agnone 21 Vista Grove Mount Nasura WA 6112	<b>Affected Property:</b> 1 (Lot 56) Wilpon Street Beckenham
Summary of Submission	Comment	
Comment on the proposal We don't have any objections to the proposed R30 zoning. However, our property is designated as public open space and we are not in favour of this proposal. We have only just built a new house on the property in 2007 and we have intentions to build on the balance of the land.	Noted. Refer to submission 1.1.	

38	<b>Name and Postal Address:</b> Olivia Pascoe 2 Wilpon Street Beckenham WA 6107	<b>Affected Property:</b> 2 (Lot 34) Wilpon Street Beckenham
Summary of Submission		Comment
Comment on the proposal.		Noted.
38.1	If such development is to take place I would like to see an overall plan with roads etc in order to develop the blocks.	No additional public roads are proposed for the subject area. Private accessways for individual lots are more suitably determined via development and subdivision proposals.
38.2	I am not keen for the public open space to be opposite me as it attracts dubious elements.	See Staff response to submission 1.1.
38.3	Roads need to be wider.	Staff do not consider that the roads in the subject area need to be widened.  Refer to the Roads section and traffic section of the report.
38.4	Underground power should be installed.	The requirement for underground power is to be considered in more detail through subdivision proposals for individual lots and is to be determined by Western Power.
38.5	I would like to see more residential than commercial bordering Clapham Street behind Pensene Corner.	Council is prepared to consider applications to rezone industrial land on Clapham Street to residential and they will be assessed on their individual merit.
38.6	I would like to see Midland Brick, and Hot Mix leave the area.	Noted.

39	<b>Name and Postal Address:</b> Natalie Mercuri 2 Milmo Lane Maylands WA 6107	<b>Affected Property:</b> 15 (Lot 15) Mona Avenue Beckenham
Summary of Submission		Comment
Comment on the proposal.		Noted.
39.1	I believe that this area between the railway and highway should be zoned R60 due to the transport facilities and that this would be an ideal opportunity to start addressing the shortage of housing.	The submitter's lot is situated within Central Beckenham Sub-Precinct 'B' which is designated for a proposed density increase of R60 due to its close proximity to the Beckenham Station. This is consistent with State Planning Policy, Livable Neighbourhoods.
39.2	I also believe this entire area should be re-zoned at the same time. I don't see why we have to continue to wait to be re-zoned.	The areas proposed for density increases have been divided into planning precincts based on the complexity of the planning issues relating to each one. The areas which are less complex have been prioritised to be progressed first. Given the large numbers of precincts proposed for density increases, and the variety and complexity of planning issues associated with each precinct and the comprehensive planning involved with each one, the City is unable to provide accurate timeframes for the rezoning of these areas.

40	<b>Name and Postal Address:</b> Louis J Berney 1542 Albany Highway Beckenham WA 6107	<b>Affected Property:</b> 1542 (Lot 6) Albany Highway Beckenham.
<b>Summary of Submission</b>		<b>Comment</b>
Comment on the proposal.		Noted.
41	<b>Name and Postal Address:</b> David Barrie 44 Beckenham Street Beckenham WA 6107	<b>Affected Property:</b> 44 (Lot 4) Beckenham Street Beckenham
<b>Summary of Submission</b>		<b>Comment</b>
No objection to the proposal The Five lots bounded by Camberwell Street, Beckenham Street and Albany Highway be included in the R60 zoning.		Noted. See staff response to submission 3.1.
42	<b>Name and Postal Address:</b> Terence John Pitsikas 101 Sexton Road Inglewood 6052	<b>Affected Property:</b> 469 (Lot 73) Sevenoaks Street Beckenham
<b>Summary of Submission</b>		<b>Comment</b>
No objection to the proposal.		Noted.
43	<b>Name and Postal Address:</b> Barry Lathwell 8 Clapham Street Beckenham WA 6107	<b>Affected Property:</b> 8 (Lot 1) Clapham Street Beckenham
<b>Summary of Submission</b>		<b>Comment</b>
No objection to the proposal.		Noted.
44	<b>Name and Postal Address:</b> Heritage Council of Western Australia PO Box 6201 EAST PERTH WA 6892	
<b>Summary of Submission</b>		<b>Comment</b>
Comment on the proposal. There are two heritage-listed houses situated within Central Beckenham Sub-Precinct '1', Montrose House and Hatch House. In our view the outline Development Plan should explicitly state that the conservation of these houses is a necessary or desired planning outcome arising from the redevelopment of the area.		See response to submission 24.

45	<b>Name and Postal Address:</b> Western Power Locked Bag 2520 Perth WA 6001	
<b>Summary of Submission</b>		<b>Comment</b>
Comment on the proposal.		
45.1	Perth One Call Service (Phone 110 or 9424 8117) must be contacted and location details (of Western Power's underground cable) obtained prior to any excavation commencing.	Noted.
45.2	Work Safe requirements must be observed when excavation work is undertaken in the vicinity of Western Power's assets.	Noted.
45.3	Western Power is obliged to point out that the cost of any changes to the existing (power) system, if required, will be the responsibility of the individual developer.	Noted.

46	<b>Name and Postal Address:</b> Telstra Team Manager – Forecasting Forecasting & Area Planning – South Western Access - Network & Technology Locked Bag 2525 PERTH WA 6001	
<b>Summary of Submission</b>		<b>Comment</b>
Comment on the proposal.		
Telstra has no negative comment to make.		Noted.

47	<b>Name and Postal Address:</b> Department of Planning and Infrastructure Urban Transport Systems Office 469 Wellington Street Albert Facey House Perth WA 6000	
<b>Summary of Submission</b>		<b>Comment</b>
Comment on the proposal.		
47.1	The subject property abuts Sevenoaks Street, which is reserved as a Category 2 Other Regional Road (ORR) in the Metropolitan Region Scheme (MRS).	Noted.
47.2	The lots on the corner of Sevenoaks Street are affected by a truncation reservation widening requirement, as per the attached Western Australian Planning Commission (WAPC) Land Requirement Plan number 10718/1. It is advised that you must obtain a Clause 42 certificate from the Department's Land Information section which is a legal document showing the exact dimensions of the Sevenoaks Road ORR reservation, to confirm the exact extent of road widening requirements affecting the subject land.	Agreed.



Summary of Submission	Comment
<p>47.3 It is noted that the Outline Development Plan submitted with your correspondence does not acknowledge the road widening requirement and therefore it is recommended that the Outline Development Plan be modified to reflect this requirement.</p>	<p>See staff response to submission 28.4.</p>
<p>47.4 Although the proposed Outline Development Plan only abuts a portion of Sevenoaks Street ORR, the Department is of the view that the entire subdivision proposal might become a significant traffic generator in the future. This proposal therefore justifies the need for a Transport Impact Statement to assist the Department in assessing the transport impacts of the development on Sevenoaks Street.</p>	<p>The City has since received advice from the DPI that a Traffic Impact Statement is no longer required.</p>
<p>47.5 The information currently supporting this development application is considered insufficient to enable the Department to assess the transport implications of the proposed development. The Department therefore requests additional information from the applicant in accordance with the WAPC Transport Assessment Guidelines for Developments.</p>	<p>See staff response to submission 47.4.</p>
<p>47.6 Another matter relates to the proposed subdivision concept plan submitted with Amendment No. 90 documentation which indicates that several lots and two new roads would gain access directly onto Sevenoaks Street. The Commission's Regional Roads (Vehicular Access) Policy D.C 5.1, recommends rationalising the number of crossovers onto regional roads and suggests that where alternative access is or could be make available from side or rear streets or from rights of way, no access shall be permitted to the regional road unless special circumstances apply.</p>	<p>See staff response to submission 28.5.</p>
<p>47.7 It is therefore recommended that all lots fronting Sevenoaks Street shall be provided with alternative access, either via Teele Street to restrict vehicle access onto the Other Regional Road Reservation of Sevenoaks Street.</p>	<p>See staff response to submission 28.5.</p>
<p>47.8 The Department will provide more detailed transport advice regarding the proposal back to the City of Gosnells once the required transport statement is made available to Urban Transport Systems for further consideration.</p>	<p>See staff response to submission 28.4.</p>

48	<b>Name and Postal Address:</b> Water Corporation PO Box 100 Leederville WA 6902	
<b>Summary of Submission</b>		<b>Comment</b>
Comment on the proposal.		Noted.
48.1	<p><b>Water</b></p> <p>The subject area falls within the Kewdale – South Perth Water Supply Scheme. Reticulated water is currently available to the subject area. If extensions are required, all water mains must be laid within the existing and proposed road reserves within the development site, on the correct alignment and in accordance with the Utility Providers Code of Practice.</p> <p>Due to the extensive area that will have an increase in development density revised planning will need to be undertaken to determine service requirements. Therefore developers should liaise with the Water Corporation at the preliminary planning stage of any development to determine the Corporation’s current servicing and land requirements.</p>	Noted.
48.2	<p><b>Wastewater</b></p> <p>The subject area falls within the East Cannington Sewer District. Reticulated sewerage is currently available to the subject area. If extensions are required, all sewer mains should be laid within the existing and proposed road reserves within the development site, on the correct alignment and in accordance with the Utility Providers Code of Practice.</p> <p>Due to the extensive area that will have an increase in development density revised planning will need to be undertaken to determine service requirements. Therefore developers should liaise with the Water Corporation at the preliminary planning stage of any development to determine the Corporation’s current servicing and land requirements.</p> <p>Existing pump stations may need to be upgraded due to this increase in development density. If an upgrade of a pump station is required, appropriate land will need to be provided for the new works and the odour buffer that will surround the works. The extent of the buffers for all pump stations, existing or upgraded, should be determined at the development planning/design stage to ensure that only compatible land use is within the buffer.</p>	Noted.

Summary of Submission	Comment
<p>48.3 Drainage</p> <p>The subject area falls within the Lacey Street and Yule Brook Drainage Catchments.</p> <p>The Corporation's information system indicates the presence of Acid Sulphate Soils (ASS). The disturbance of Acid Sulphate Soils (ASS) in the subject area could have adverse changes to the quality of groundwater and the nearby waterways, leading to acidification of the water and damage to existing and future infrastructure resulting in increased development and maintenance costs. Water Corporation's recommendation is for the City of Gosnells to advise the developers to have management procedures in place to prevent the potentially unacceptable impacts associated with the disturbance of the ASS.</p>	Noted.
<p>48.4 Urban Water Management</p> <p>Water strategy and management issues should be addressed in accordance with the State Water Strategy 2003, State Water Plan 2007, and WAPC Bulletin 61 Urban Water Management.</p>	Noted.
<p>48.5 Proposed Development</p> <p>The implementation of Water Corporation existing and/or future planning for the provision of the infrastructure to service the area is dependant on the timing of development within the area. Developers should liaise with the Water Corporation at the preliminary planning stage of any development to determine the Corporation's current servicing and land requirements.</p>	Noted.
<p>48.6 General Comments</p> <p>The principle followed by the Water Corporation for the funding of subdivision or development is one of user pays. The developers are expected to provide all water and sewerage reticulation. A contribution for Water, Sewerage and Drainage headworks may also be required. In addition the developers may be required to fund new works or the upgrading of existing works and protection of all Water Corporation works. Any temporary works needed are required to be fully funded by developers. The Water Corporation may also require land being ceded free of cost for works.</p>	Noted.

49	<b>Name and Postal Address:</b> Main Roads Western Australia PO Box 6202 EAST PERTH WA 6892	
Summary of Submission		Comment
	Comment on the proposal.	Noted.
49.1	Main Roads supports the rezoning of the subject lands within the Outline Development Plan (ODP) Central Beckenham Sub Precinct to "Residential Development". However Main Roads has some concerns as outlined below.	Noted.
49.2	The ODP impacts on Albany Highway which is a State road under the responsibility of the Commissioner for Main Roads. In the event of subdivision/ amalgamation or development application, Main Roads will seek to rationalize the number of existing crossovers onto Albany Highway. Frontage access may be allowable subject to the approval of Main Roads. If this is alternative access via a local road, then no access onto Albany Highway will be allowable.	It will be recommended that the ODP include an appropriate notation to advise landowners along Albany Highway of Main Roads requirements with respect to access arrangements.
49.3	Main Roads recommends that Council adopts a Strategic Access Policy for Albany Highway in conjunction with this Office and DPI which sets out to minimise crossover points on the road network.	Staff consider that a strategic access policy is not required however a notation will be included on the ODP advising of Main Roads Requirements.
49.4	Main Roads suggests that a review of the Planning Design Concept for Albany Highway for this precinct is required to set a new land protection line (road reservation boundary). The existing Albany Highway reservation comprises a 4 lane undivided road with limited mobility for pedestrians and cyclists and the following issues should also be taken into consideration:	Noted. Main Roads concerns can be addressed at a later stage in the planning process once the exact traffic upgrades has been determined. Any proposed upgrades will be referred to Main Roads for their approval.
49.5	Provision of a central median to accommodate safe pedestrian crossings	Noted.
49.6	Provision of adequate verge in accordance with the utility code of practice.	Noted.
49.7	Accommodate cyclists with on road cycling facilities.	Noted.
49.8	Undertaking a traffic impact assessment to determine the predicted traffic movements for all modes of transport.	Noted.

Summary of Submission	Comment
<p>49.9 With the intensification of residential development in this precinct, the demand for infrastructure upgrades (i.e. power, sewer, water, telcos) is imminent. The existing services corridor within the Albany highway road reserve may not be able to accommodate the requirement for additional or upgrading of the installation of major trunk services. The Utility Providers Code Practice states that 5.1 metres is required for utility providers when using a standard alignment. This spacing has recently been endorsed by the WAPC infrastructure Co-coordinating Committee.</p> <p>49.10 At the time of subdivision and /or development Main Roads would also impose the following conditions:</p> <ol style="list-style-type: none"> <li>1) The applicant is required to undertake a noise study to demonstrate that subdivision planning and design for residential or other noise sensitive buildings are such that external levels of road traffic noise will not exceed Leq (Day) of 60 dB(A) or Leq (Night) of 55 dB(A), or to demonstrate that building design is such that internal levels of road traffic noise will comply with values listed in Australian Standard 2107 – Acoustics – Recommended design sound levels and reverberation times for building interiors.</li> <li>2) No earth works shall encroach onto the Albany Highway reserve.</li> <li>3) No stormwater drainage shall be discharged onto the Albany Highway reserve.</li> <li>4) The applicant shall make good any damage to the existing verge vegetation within the Albany Highway reservation.</li> <li>5) Redundant driveways shall be removed and the verge and its vegetation made good at the applicant's cost.</li> <li>6) No vehicle access shall be permitted onto the Albany Highway reserve.</li> <li>7) No vehicle access shall be permitted onto the Albany Highway reserve.</li> </ol> <p>Or in the event of the subject Lot having alternative access, the following would apply:</p>	<p>Noted.</p> <p>Noted. The standards of noise referred to in the submission relate to the Environmental Protection (Noise) Regulations 1997.</p>

Summary of Submission	Comment
<p>8) No vehicle access shall be permitted to or from Albany Highway reserve from the proposed Lot. This shall be noted on the deposited plan in accordance with section 129BA of the Transfer of Land Act (as amended) as a restrictive covenant for the benefit of Main Roads WA at the expense of the applicant.</p> <p>9) The developer shall be responsible for all costs association with any intersection upgrades along Albany Highway. The includes signing, road marking, relocation of services, street lighting to Main Roads costs involved in the checking of the design and construction drawings.</p>	

A Location Plan showing submissions received is attached as Appendix 13.5.3D.

## DISCUSSION

### Variation to the Advertised ODP

The ODP advertised to affected landowners varied slightly to the ODP presented to the meeting of 11 March 2007 in which Council gave its consent to advertise. The advertised ODP is attached at Appendix 13.5.3A .The variations are listed below:

1. The area shaded in pink which is reflective of the Light Industry zone was changed to a colour reflective of a Residential zone.
- 2 The proposed strata lot boundaries were removed as it is not necessary to show this level of detail on the ODP.

The ODP was amended so that it could be more easily understood for the purposes of advertising. The pink area referred to in point 1 relates to the current Light Industrial zone and was altered to reflect the proposed Residential zone. The strata boundaries referred to in point 2 were removed as this level of detail is more appropriately addressed through individual applications for subdivision or development.

In order to raise awareness and assist the public the ODP was forwarded to affected landowners as part of the advertisement of Amendment No. 90. The slightly revised ODP was advertised separately at a later date.

### Local Housing Strategy

Policy No. 6.4.2.1 provides the framework for implementing the recommendations of the Local Housing Strategy which, for Sub-Precinct I, includes an increase in density from Residential R17.5 to Residential R25, the provision of an Outline Development Plan, and cost contributions for infrastructure upgrades.

Council adopted the Local Housing Strategy and Policy 6.4.2.1 for the purpose of identifying and designating specific residential areas for increased densities in accordance with the WAPC's Livable Neighbourhoods Policy which encourages

increased densities in residential areas within a walkable catchment to a train station or shopping centre.

The ODP proposes a density of Residential R60 for Lots 20 and 62 Camberwell Street and proposes to apply an R30 density to the remaining lots in the precinct. These densities are higher than those proposed in Council's Policy No. 6.4.2.1 and were given in principle support by Council at its meeting on 11 March 2007, subject to advertising and final adoption. To facilitate the implementation of the ODP it is proposed to rezone the subject lots to Residential Development (no density coding), enabling densities to be allocated through the ODP.

### **Light Industry Zone**

Lot 20 and the north-western half of Lot 62 Camberwell Street are zoned Light Industry and are proposed to be rezoned to Residential Development, with a density of Residential R60 applied through the ODP. These Light Industry areas are outside the Local Housing Strategy Precinct (Sub-Precinct I). The inclusion of Lots 20 and the Light Industry zoned part of Lot 62 within the rezoning for Sub-Precinct I provides the opportunity to develop the site with an improved interface between the remaining Residential and Light Industry zones.

### **Local Planning Policy – Planning Implementation Framework for Local Housing Strategy and Large Lot Outline Development Plan Areas**

Policy 6.4.2.1 outlines specific planning requirements for each Local Housing Sub-Precinct. Central Beckenham Sub-Precinct 'I' has been identified as requiring a Scheme Amendment, an Outline Development Plan (ODP) and to establish cost sharing arrangements for infrastructure upgrades.

The issue of the requisite common infrastructure upgrades is proposed to be addressed by the application of a Special Control Area over the entire Scheme Amendment area that will require a developer contribution arrangement to be established for the upgrading of common infrastructure in the area, prior to the City supporting any subdivision or approving any development in the area.

### **Infrastructure and Contribution Arrangement**

The provision of increased densities in the ODP area requires a minimum level of infrastructure to be provided to accommodate the increased numbers of people expected to reside in the area. To facilitate the provision of infrastructure within Sub-Precinct I, TPS 6 requires a Developer Contribution Plan (DCP) to be prepared outlining the infrastructure upgrades required, associated costs, and how these costs are to be equitably apportioned between landowners within the ODP area.

The DCP is to be prepared in accordance with the contribution arrangement principles contained with Schedule 12 of TPS 6. These principles are based on WAPC Bulletin 18 – Developer Contributions For Infrastructure, which provides guidance to local governments on the scope and method for establishing contributions through the subdivision process. Draft State Planning Policy 3.6 Development Contribution for Infrastructure also sets out standard development contributions for infrastructure to be applied by the WAPC on the subdivision of land, and provides a consistent, accountable and transparent system for local governments to plan and charge development contributions over and above the standard provisions through developer contribution plans

### **Equitable Cost Sharing Arrangement**

The items considered appropriate for inclusion in a DCP are outlined in SPP 3.6. The key principle behind who is responsible for the provision and cost of these items is that the 'beneficiary pays'. In the case of sub-precinct I, the beneficiaries are individual landowners who intend to take advantage of the proposed density and develop their properties. It is the Council's responsibility to ultimately administer the DCP to facilitate the provision of infrastructure in a timely manner. Once provided, the Council takes ownership of the new infrastructure and is responsible for its on-going maintenance.

In accordance with the principles of SPP 3.6, contributions can be sought for items of infrastructure that are required to support the development of an area. These include standard items such as public open space, roads and utilities but may also include additional items defined in SPP 3.6 as structures, systems and capabilities which help communities and neighbourhoods to function effectively.

Principally, contributions can only be sought from developers for items associated with the development area and whereby the demand for these items has been created through the redevelopment process. The items proposed to be included in the DCP are detailed in further sections of the report.

The DCP must also apportion costs for infrastructure items between landowners in a fair and reasonable manner. To achieve this, a contribution rate is to be determined on a per hectare basis and is applied to the developable land of individual landowners against the total area of developable land within the ODP area. A detailed explanation of developer contributions and how they are to be calculated will be contained within the DCP.

The DCP is to be prepared by the applicant and is to be advertised to affected landowners and presented to Council for final adoption. As part of the initiation of Amendment No. 90, text is proposed to be introduced into TPS 6 requiring that the DCP be prepared in conjunction with the ODP. It is considered that the ODP can be adopted ahead of the DCP on the premise that no subdivision and development is to occur until the DCP has been finalised. Finalisation of the DCP will require a separate report to Council and will be considered at a future meeting.

### **Drainage**

A number of drainage upgrades are required to facilitate development of the ODP area. Drainage has long since been established as a contribution item and is to be contained within the DCP.

In May 2007 Council commissioned Cardno BSD to prepare a drainage strategy showing the drainage upgrades required to implement the densities outlined in the Local Housing Strategy (LHS) for the Beckenham area. The applicant seeks Council support for adoption of the ODP subject to the BSD strategy being implemented through the DCP. The City's Technical Services Branch has several concerns regarding the information presented in proposed ODP. The concerns are outlined below.



1. The upgrades proposed in the BSD strategy are based on a density of R25 which was the density originally supported by Council through the adoption of its Planning Implementation Framework Policy for Local Housing Strategy Areas. Council has since given its support to a density of R30 throughout the majority of the precinct and a pocket of R60. Support for this density is based on the precinct's close proximity to Beckenham train station and does not assume that the existing drainage infrastructure in the precinct can support this density. The onus is on the applicant to show how the drainage will function effectively to accommodate the increased density. The proposed new density is inconsistent with the density originally proposed in the LHS and the proposed upgrades outlined in the BSD strategy; therefore it is unclear how the drainage is to be accommodated and whether or not the information presented in the BSD strategy will be sufficient for the proposed R30 and R60 density (for a density of R25).
2. The information provided in the BSD strategy only relates to drainage infrastructure required for Sub-Precinct I and does not consider the potential 'flow on' effects of the upgrades. Development of Sub-Precinct I may result in the immediate demand for drainage upgrades outside the sub-precinct and it is currently unknown whether this is likely to occur or how this will be funded. Currently the contribution area, designated a Special Control Area, only relates to Sub-Precinct I which was adopted by Council in its initiation of Amendment No. 90. Currently there is no arrangement in place for potential contributions for drainage infrastructure required outside the precinct.
3. If Council assumes the risk associated with the concerns outlined above in the points 1 and 2 then it is potentially liable if the drainage infrastructure proposed proves to be inadequate.

The exact cost and type of drainage upgrades required are to be contained within the Developer Contribution Plan which is to be prepared and considered by Council at a future meeting. Amendment No. 90 proposes to introduce text into TPS 6 requiring that a Developer Contribution Plan be prepared in conjunction with the Outline Development Plan and therefore subdivision and development will not be supported until both DCP and ODP have been finalised. In this regard City Planning Staff consider that drainage solutions for Sub-Precinct I do not have to be addressed prior to the adoption of the ODP as they can be adequately addressed and implemented through the preparation and adoption of the DCP.

#### Local Water Management Strategy

The City requires the applicant to prepare a Local Water Management Strategy (LWMS) for the ODP area to address the water management related aspects of the proposal. This document is to provide detailed information as to how the subdivision will address water quantity and quality issues as well as meeting the requirements of the State Government's recently released Better Urban Water Management Framework. The LWMS is to incorporate the details contained within the BSD strategy and elaborate on those elements, referred to in points 1 to 3 above, where further information and clarification is required.

An Urban Water Management Plan (UWMP) is typically prepared and implemented at the subdivision stage, and is a further requirement of the Better Urban Water Management Framework. The UWMP typically has a focus on the design, construction and implementation of the drainage solution for a subdivision to address the effective function of the drainage system outlined in the LWMS.

The ODP area is comprised of many landowners and therefore it is impractical to coordinate the preparation and implementation of an UWMP between so many landowners at the subdivision stage. It is considered that a LWMS incorporating appropriate details reflective of a UWMP will be adequate to address the City's water management concerns. A LWMS is to be provided and approved by the City through the adoption of the DCP.

### **Sewerage**

Sewerage is one of the contribution items identified in SPP 3.6. Approximately half of the ODP area is not connected to sewer which will be essential to accommodate the higher densities proposed. The previous report to Council initiating Amendment No. 90 considered that the cost of providing sewer should be shared between all landowners within the sub-precinct which could be facilitated through the inclusion of sewer as an item in the DCP. Whilst SPP 3.6 considers sewer to be a contribution item city staff consider that it is not appropriate that it be included in the DCP.

Sewer infrastructure is provided, owned and maintained by the Water Corporation, the authority responsible for such infrastructure. The inclusion of sewer as an item in the DCP means that Council has some liability for its provision and Council does not have the ability to ensure that it is provided. It is recommended that the costs and provision of sewer is to be negotiated between landowners in the ODP area in consultation with the Water Corporation.

### **Roads**

There are no new roads being proposed in Sub-Precinct I. Originally, consideration was given to extending Coleman Place through to Albany Highway. However, Albany Highway is a Regional Road under the control of Main Roads, which has advised the City that it does not want Coleman Place to connect with Albany Highway.

A number of traffic management measures could be incorporated into the ODP area to improve traffic flow. These include:

- Beckenham Street being opened to left in/left out at Albany Highway.
- Interface between residential and industrial land to be delineated by an entry statement.
- Pedestrian facilities being provided to include shared paths serving the R60 lots as well as paths along Sevenoaks Street connecting to the train station and path along Camberwell Street up to William Street.
- Four way intersection at Beckenham/Wilpon/Mona to be upgraded to incorporate a roundabout or intersection islands.
- Traffic signals to be incorporated at the Sevenoaks/Albany Highway intersection.

The above measures involving Albany Highway will require further consideration and consultation with Main Roads. The remaining measures extend into other LHS precincts which arguably should be responsible for sharing the cost of this infrastructure. Nevertheless it would not be unreasonable for the Council to expect some contribution from landowners toward improving traffic management within the ODP area.

An increase in density will create the demand for additional visitors parking within the area. The requirement for visitors parking is typically applied through development applications relating to individual lots and unless otherwise approved by Council is to be contained completely on-site. Staff consider that it is appropriate to provide some verge parking in strategic locations to reduce the potential for visitors parking on the street and potentially impeding the flow of traffic through the area. In addition, to improve the amenity of the streetscape a minimum standard of landscaping and road treatments should be provided.

It is considered appropriate that the provision of traffic management measures, verge parking and streetscape enhancement should be funded by landowners within the ODP area and should be items included in the DCP. The exact details of what is to be provided and what costs should be borne by landowners in the precinct is to be determined through the preparation of the DCP, in which landowners will be given the opportunity to comment before the DCP is presented to Council for final adoption.

### **Public Open Space**

Public Open Space (POS) is a well established contribution item funded by developers. A contribution is required to be made by landowners in the form of land to be developed into parkland, or cash in lieu payment to be utilised in maintaining and/or upgrading existing POS with the broader area. The minimum contribution rate for either land or cash in lieu is commonly 10% therefore it is considered that this contribution rate should apply to Sub-Precinct I.

The proposed ODP shows approximately 4,000m<sup>2</sup> of POS to be provided at the corner of Beckenham Street and Wilpon Street. The City has considered the proposal and determined that land for POS is not required in Sub-Precinct I and would be better located in other areas of Central Beckenham. The City is currently in the process of reviewing POS within the entire City and preparing a POS Strategy to be considered by Council later this year.

Whilst there is no requirement for a POS contribution in the form of land in sub-precinct 'I', it is considered reasonable to expect landowners in the ODP area to pay a cash in lieu contribution toward the provision and upgrading of existing POS within their locality. Given that this proposal represents an increase in density almost double than what already exists, it is important to provide additional open space for the increased number of residents expected to reside in the area in future.

If Council decides that POS is required in the location proposed or anywhere else in sub-precinct I, consideration needs to be given to the options available for land acquisition, presented below.

### Option 1 – Borrow

This option would involve Council taking out a loan in the order of \$2 million 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.

### Option 2 – Order of Request

This option would involve acquiring land on a 'first come, first served' 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 Common Infrastructure Works (CIW) or providing land for open space. Examples of difficulties might include delays to the construction of the drainage system, 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 they have not been reimbursed.

### 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 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 any City-led priorities system. 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.

### Recommended Approach

Given the complexities of land acquisition and advice from Parks and Environmental Operations stating that land for POS is not required in sub-precinct 'I', it is recommended that the POS be removed from the ODP and that all landowners within the ODP area be required to make a cash contribution toward POS of 10%. Subsequently, the ODP should be modified to show the proposed POS area as residential land at a density of R30, which is consistent with the immediately adjoining lots in the ODP.

**Traffic**

It is considered that the implication of this proposal with respect is satisfied that the current road system is adequate to accommodate the proposed increase in density with only minor modifications. However, landowners will be required to contribute toward the provision of some traffic infrastructure such as pedestrian paths and verge parking, as detailed in a previous section of this report. Some roads within the ODP area are under the control of external agencies and therefore the proposal was referred to these agencies for comment. Advice from these agencies is considered in more detail below.

Main Roads

Albany Highway is a regional road under the control of Main Roads. Main Roads has advised the City that it does not wish to approve the extension of Coleman Place to Albany Highway as the intention is to limit vehicular access to this regional road. For this reason they have also requested that existing crossovers along Albany Highway be consolidated where possible with access ways to be confined to existing crossovers.

On consideration of advice from Main Roads, Coleman Place will not be extended. Consolidation of crossovers is difficult to achieve as it is dependent on the timing and willingness of neighbours with a common boundary to subdivide and develop in unison.

In light of the comments provided by Main Roads it is recommended that the ODP be modified to include a notation advising landowners on Albany Highway of Main Roads requirements.

Urban Transport Systems

Sevenoaks Street is a Category 2 Other Regional Road under the control of the Department for Planning and Infrastructure (DPI). The DPI has advised the City that crossovers along Sevenoaks should be rationalised and where possible alternative access should be considered. In response to these comments staff recommend that a notation be included on the ODP advising of the DPI's requirements.

**Heritage**

The Heritage Council of Western Australia has advised Council of two properties in the ODP area listed within the City's Municipal Heritage Register. Montrose House is located at 1554 (Lot 78) and Hatch House is located at 50 (Lot 2) Beckenham Street. Staff consider that any development proposals on these sites should result in the conservation of these houses and therefore recommend that these sites be identified on the ODP as being heritage listed sites. A notation should also be included on the ODP advising that the City encourages conservation of heritage buildings, and that applicants proposing the development of heritage sites should contact the City's Heritage Officer for advice prior to the submission of an application for development.

### Options for Determination of the ODP

In accordance with clauses 7.4.7(a) and (b) of TPS 6, Council has the following options available for determining the proposed ODP:

- Adopt the advertised ODP (attached as Appendix 13.5.3B)
- Adopt the advertised ODP, subject to modifications
- Refuse to adopt the advertised ODP

### Summary of Recommended ODP Modifications

It will be recommended that Council adopt the advertised ODP subject to it being modified to the satisfaction of the Director Planning and Sustainability in accordance with the Table of Recommendation Modifications below.

TPS 6 does not specifically provide that Council must readvertise an ODP if it determines that modifications are required at this stage of the ODP process, though it is open for it to do so should it choose. Under TPS 6, there is a later opportunity for the WAPC to determine, in consultation with Council, whether any modifications to the ODP warrant readvertising of the proposal.

<b>Table of Recommended Modifications</b>		
<b>No.</b>	<b>Modification Detail</b>	<b>Reason</b>
1	Add a notation on the ODP advising that access to lots fronting Albany Highway will be limited to existing crossovers, and the City would prefer consideration be given to the consolidation of crossovers where possible.	Albany Highway is a regional road under the control of Main Roads. Main Roads has advised that they wish to limit vehicular access to this regional road therefore require existing crossovers along Albany Highway be consolidated where possible with a minimum requirement for access to be confined to existing crossovers.
<b>Justification for not readvertising the modification to the ODP:</b>		
The modification is minor and aims to provide better guidance on the intended implementation of the ODP. Regardless of the existence of an ODP applications for individual lots are still required to be referred to Main Roads for comment. A notation on the plan predominantly serves to inform landowners and prospective purchases of Main Roads requirements in advance of approval being sought for individual applications.		
2	a) Modify the ODP to remove the proposed POS site and replace with the proposed density of R30.  b) Add a notation stating all landowners within the ODP area be required to make a cash contribution toward POS of 10%	It has been determined that POS is not required in Central Beckenham Sub-Precinct I.  It is considered reasonable to expect landowners in the ODP area to pay a cash in lieu contribution of 10% toward the provision and upgrading of POS within their locality.
<b>Justification for not readvertising the modification to the ODP:</b>		
Submitters affected by POS have requested the modification. In addition, the removal of the POS would have no significant impact on any other land adjoining the proposed POS.		
3	Add a notation on the ODP advising that access to lots fronting Sevenoaks Street will be limited to existing crossovers, and the City would prefer consideration be given to the consolidation of crossovers where possible.	Sevenoaks Street is a Category 2 Other Regional Road (ORR) under the control of DPI's Urban Transport System. DPI has advised that they wish to limit vehicular access to this regional road and therefore require existing crossovers along Sevenoaks Street be consolidated where possible with a minimum requirement for access to be confined to

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<b>No.</b>	<b>Modification Detail</b>	<b>Reason</b>
		existing crossovers.

**Justification for not readvertising the modification to the ODP:**

The modification is minor and aims to provide better guidance on the intended implementation of the ODP. Regardless of the existence of an ODP, applications for individual lots are still required to be referred to DPI for comment. A notation on the plan predominantly serves to inform landowners and prospective purchasers of DPI requirements in advance of approval being sought for individual applications.

4	<p>a) Modify the ODP to include an appropriate symbol on the heritage site to indicate the presence of a heritage building.</p> <p>b) Include a notation on the ODP informing landowners or prospective purchasers that the City encourages conservation of heritage buildings, and that applicants proposing the development of heritage sites should contact the City's Heritage Officer for advice prior to the submission of an application for development.</p>	<p>There are two heritage-listed houses situated within Central Beckenham Sub-Precinct I, Montrose House and Hatch House. The conservation of these houses is a desired planning outcome arising from the redevelopment of the area.</p>
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**Justification for not readvertising the modification to the ODP:**

The modification is minor and aims to provide better guidance on the intended implementation of the ODP.

**CONCLUSION**

Amendment No. 90 to TPS 6 will provide greater flexibility for planning and development in the Central Beckenham Sub-Precinct I and will ultimately lead to the appropriate implementation of an ODP. A Residential Development zone is the most appropriate method to progress the orderly and proper planning of the subject land.

The proposed modifications to the advertised ODP do not materially affect the intent of the ODP and will result in greater certainty for the planning of the area and provide for an improved, better integrated development outcome than the advertised ODP.

The issues relating to drainage will be required to be addressed prior to the adoption of the Developer Contribution Plan and to the satisfaction of the Manager of Technical Services.

It will therefore be recommended that Council adopt the advertised Central Beckenham Sub-Precinct I Outline Development Plan, as contained in Appendix 13.5.3B, subject to the ODP firstly being modified in accordance with the Table of Recommended Modifications contained earlier in this report, after which time it will be forwarded to the WAPC for determination.

**FINANCIAL IMPLICATIONS**

Nil.



## STAFF RECOMMENDATION (1 of 4) AND COUNCIL RESOLUTION

**5 Moved Cr R Mitchell Seconded Cr R Hoffman**

That Council, pursuant to Town Planning Regulation 17(1), note the submissions received in relation to Amendment No. 90 to Town Planning Scheme No. 6 and endorse the staff comments in response to those submissions and pursuant to Town Planning Regulation 17(2)(a), adopt Amendment No. 90 to Town Planning Scheme No. 6 for the purpose of:

1. Rezoning Lots 61, 60, 65, 59, 64 and 79 Coleman Place, Lots 6, 5, 32, 31, 74, 78, 49, 82, 80, 8, 1, 2, 3, 15 and 16 Albany Highway, Lots 73, 72, 7, 6 and 5 Sevenoaks Street, Lots 30, 4, 76, 3, 77, 2, 58 and 57 Beckenham Street, Lots 56, 63, 62, 68, 67, 66, 78 and 79 Wilpon Street and Lots 71, 70 and 69 Teele Street, Beckenham from Residential 17.5 to Residential Development.
2. Rezoning Lot 20 and portion of Lot 62 Camberwell Street from Light Industry to Residential Development, and the remainder of Lot 62 and Lot 1 Camberwell Street from Residential R17.5 to Residential Development.
3. Applying a Special Control Area to the Scheme Maps over the whole of the area being recoded and rezoned as described in 1 and 2 above.
4. Adding a new subclause to clause 6.1.1 to the Scheme Text as follows:

“(h) Central Beckenham Housing Sub-Precinct I”

5. Adding a new clause 6.9 to the Scheme Text as follows:

**“6.9 Central Beckenham Housing Sub-Precinct I”**

- 6.9.1 Subdivision and development undertaken within the Special Control Area will require the upgrading to existing common infrastructure and/or construction of new common infrastructure.
- 6.9.2 The cost of upgrading the common infrastructure in the area shall be equitably shared by all owners within the Special control Area.
- 6.9.3 Prior to subdivision being supported or development being approved within the Special Control Area, Council requires an Outline Development Plan to be approved pursuant to Part 7 of the Scheme, and a Development Contribution Plan identifying

the estimated costs of upgrading the common infrastructure and the associated administration of a Developer Contribution Arrangement and the method for the equitable sharing of the costs by owners to be prepared and approved.

- 6.9.4 The Developer Contribution Arrangement shall operate in accordance with Schedule 12 of the Scheme and is to be prepared in conjunction with the ODP.

CARRIED 12/0

*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 T Brown, Cr R Mitchell, Cr L Griffiths, and Cr O Searle.*

*AGAINST: Nil.*

STAFF RECOMMENDATION (2 of 4) AND COUNCIL RESOLUTION
--

**6 Moved Cr R Mitchell Seconded Cr R Hoffman**

That Council note the submissions received in respect of the proposed Central Beckenham Sub-Precinct I (ODP) contained in Appendix 13.5.3B and endorse the staff comments in response to those submissions.

CARRIED 12/0

*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 T Brown, Cr R Mitchell, Cr L Griffiths, and Cr O Searle.*

*AGAINST: Nil.*

STAFF RECOMMENDATION (3 of 4)
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**Moved Cr R Mitchell Seconded Cr R Hoffman**

That Council pursuant to Clause 7.4.7(b) of Town Planning Scheme No.6 adopt the Central Beckenham Sub-Precinct I ODP contained in Appendix 13.5.3B, subject to the following modifications being completed to the satisfaction of the Director Planning and Sustainability:

1. Add the following notation:

Lots fronting Albany Highway will be limited to existing crossovers, and the City would prefer consideration be given to the consolidation of crossovers where possible.

2. a) Modify the ODP to remove the POS (indicated on the ODP in green) and replace with the proposed density of R30.
- b) Add the following notation:

All landowners within the ODP area be required to make a cash contribution toward POS of 10%.

3. Add the following notation:

Access to lots fronting Sevenoaks Street will be limited to existing crossovers, and the City would prefer consideration be given to the consolidation of crossovers where possible.

4. a) Modify the ODP to include an appropriate symbol on the heritage site to indicate the presence of a heritage building
- b) Add the following notation

The City encourages the conservation of heritage buildings, and applicants proposing to develop heritage sites should contact the City's Heritage Officer for advice prior to the submission of an application for development.

#### Amendment

*During debate Cr C Fernandez moved the following amendment to staff recommendation 3 of 4:*

*"That staff recommendation 3 of 4 be amended by inserting the following text in "modification 2" after the words "POS of 10%";*

*"to assist in the funding of a future open space acquisition in the Central Beckenham Housing Precinct, to the south of the railway line."*

*Cr C Fernandez provided the following written reason for the proposed amendment:*

*"To ensure adequate public open space is available within the precinct."*

*Cr D Griffiths Seconded Cr C Fernandez's proposed amendment.*

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

#### **Moved Cr C Fernandez Seconded Cr D Griffiths**

*"That staff recommendation 3 of 4 be amended by inserting the following text in "modification 2" after the words "POS of 10%";*

*"to assist in the funding of a future open space acquisition in the Central Beckenham Housing Precinct, to the south of the railway line."*

*with the amended recommendation to read:*

“That Council pursuant to Clause 7.4.7(b) of Town Planning Scheme No.6 adopt the Central Beckenham Sub-Precinct I ODP contained in Appendix 13.5.3B, subject to the following modifications being completed to the satisfaction of the Director Planning and Sustainability:

1. Add the following notation:

Lots fronting Albany Highway will be limited to existing crossovers, and the City would prefer consideration be given to the consolidation of crossovers where possible.

2. a) Modify the ODP to remove the POS (indicated on the ODP in green) and replace with the proposed density of R30.

- b) Add the following notation:

All landowners within the ODP area be required to make a cash contribution toward POS of 10% to assist in the funding of a future open space acquisition in the Central Beckenham Housing Precinct, to the south of the railway line.

3. Add the following notation:

Access to lots fronting Sevenoaks Street will be limited to existing crossovers, and the City would prefer consideration be given to the consolidation of crossovers where possible.

4. a) Modify the ODP to include an appropriate symbol on the heritage site to indicate the presence of a heritage building

- b) Add the following notation

The City encourages the conservation of heritage buildings, and applicants proposing to develop heritage sites should contact the City’s Heritage Officer for advice prior to the submission of an application for development.”

CARRIED 12/0

*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 T Brown, 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
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**7 Moved Cr C Fernandez Seconded Cr D Griffiths**

That Council pursuant to Clause 7.4.7(b) of Town Planning Scheme No.6 adopt the Central Beckenham Sub-Precinct I ODP contained in Appendix 13.5.3B, subject to the following modifications being completed to the satisfaction of the Director Planning and Sustainability:

1. Add the following notation:

Lots fronting Albany Highway will be limited to existing crossovers, and the City would prefer consideration be given to the consolidation of crossovers where possible.

2. a) Modify the ODP to remove the POS (indicated on the ODP in green) and replace with the proposed density of R30.

- b) Add the following notation:

All landowners within the ODP area be required to make a cash contribution toward POS of 10% "to assist in the funding of a future open space acquisition in the Central Beckenham Housing Precinct, to the south of the railway line."

3. Add the following notation:

Access to lots fronting Sevenoaks Street will be limited to existing crossovers, and the City would prefer consideration be given to the consolidation of crossovers where possible.

4. a) Modify the ODP to include an appropriate symbol on the heritage site to indicate the presence of a heritage building

- b) Add the following notation

The City encourages the conservation of heritage buildings, and applicants proposing to develop heritage sites should contact the City's Heritage Officer for advice prior to the submission of an application for development.

CARRIED 12/0

**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 T Brown, Cr R Mitchell, Cr L Griffiths, and Cr O Searle.

**AGAINST:** Nil.

## STAFF RECOMMENDATION (4 of 4) AND COUNCIL RESOLUTION

**8 Moved Cr R Mitchell Seconded Cr R Hoffman**

That Council refer the duly modified Central Beckenham Sub-Precinct I Outline Development Plan to the Western Australian Planning Commission for approval in accordance with Clause 7.4.9 of the Town Planning Scheme No. 6.

CARRIED 12/0

**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 T Brown, Cr R Mitchell, Cr L Griffiths, and Cr O Searle.*

**AGAINST:** *Nil.*

## 12. MINUTES OF COMMITTEE MEETINGS

*Cr W Barrett due to being an Audit Committee Member had disclosed an Impartiality Interest in the following item in accordance with Regulation 34C of the Local Government (Administration) Regulations 1996.*

### 12.1 AUDIT COMMITTEE MEETING - 3 FEBRUARY 2009

Author: R Bouwer

Previous Ref: Nil

Appendix: 12.1A Minutes of the Audit Committee Meeting held  
3 February 2009

#### PURPOSE OF REPORT

For Council to receive the Minutes of the Audit Committee meeting held Tuesday 3 February 2009.

#### BACKGROUND

The Audit Committee meets on the first Tuesday in the months of February, May, August and November of each year, or as required.

The Minutes of the Audit Committee meeting held Tuesday 3 February 2009 are attached as Appendix 12.1A.

#### DISCUSSION

There were a total of three recommendations made at the Audit Committee meeting which require the consideration of Council. The following is a discussion on each recommendation.

##### **Long Service Leave and Annual Leave Accruals**

The report provided a table representing the City's leave liability at 24 January 2009 expressed in hours and dollars by Directorate. The table also provided information on the number of Full Time Equivalents (FTEs) for each Directorate and a summary of leave taken over the previous 12 month period.

Committee Recommendation 2:

*"That the Audit Committee recommend to Council that the Executive Team review the provisions of the Local Government (Long Service Leave) Regulations to determine the feasibility of establishing a policy on the taking of long service leave in order to better manage the long service leave liability to the City."*

##### **2009/2010 Budget – Timetable**

The Budget Timetable outlined the various dates for the Councillor Workshops and the proposed date for the adoption of the 2009/2010 Budget.

## Committee Recommendation 4:

*“That the Audit Committee recommend to Council that the timetable for adoption of the 2009/2010 Budget be received.”*

## Committee Recommendation 5:

*“That the Audit Committee recommend to Council that the Special Council meeting to adopt the Budget be held on 7 July 2009.”*

**FINANCIAL IMPLICATIONS**

Nil.

STAFF RECOMMENDATION (1 of 4) AND COUNCIL RESOLUTION
--

**9 Moved Cr J Brown Seconded Cr PM Morris**

That Council receive the Minutes of the Audit Committee meeting held Tuesday 3 February 2009 attached as Appendix 12.1A.

CARRIED 12/0

**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 T Brown, Cr R Mitchell, Cr L Griffiths, and Cr O Searle.

**AGAINST:** Nil.

STAFF RECOMMENDATION (2 of 4) AND COUNCIL RESOLUTION
--

**10 Moved Cr J Brown Seconded Cr PM Morris**

That Council adopt Recommendation 2 of the Audit Committee meeting held on Tuesday 3 February 2009, which reads:

*“That the Audit Committee recommend to Council that the Executive Team review the provisions of the Local Government (Long Service Leave) Regulations to determine the feasibility of establishing a policy on the taking of long service leave in order to better manage the long service leave liability to the City.”*

CARRIED 12/0

**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 T Brown, Cr R Mitchell, Cr L Griffiths, and Cr O Searle.

**AGAINST:** Nil.



STAFF RECOMMENDATION (3 of 4) AND COUNCIL RESOLUTION
--

**11 Moved Cr J Brown Seconded Cr PM Morris**

That Council adopt Recommendation 4 of the Audit Committee meeting held on Tuesday 3 February 2009, which reads:

*“That the Audit Committee recommend to Council that the timetable for adoption of the 2009/2010 Budget be received.”*

CARRIED 12/0

**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 T Brown, Cr R Mitchell, Cr L Griffiths, and Cr O Searle.

**AGAINST:** Nil.

STAFF RECOMMENDATION (4 of 4) AND COUNCIL RESOLUTION
--

**12 Moved Cr J Brown Seconded Cr PM Morris**

That Council adopt Recommendation 5 of the Audit Committee meeting held on Tuesday 3 February 2009, which reads:

*“That the Audit Committee recommend to Council that the Special Council meeting to adopt the Budget be held on 7 July 2009.”*

CARRIED 12/0

**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 T Brown, Cr R Mitchell, Cr L Griffiths, and Cr O Searle.

**AGAINST:** Nil.

*Cr B Wiffen due to being a RoadWise Committee Member had disclosed an Impartiality Interest in the following item in accordance with Regulation 34C of the Local Government (Administration) Regulations 1996.*

*Cr L Griffiths due to being a RoadWise Committee Member had disclosed an Impartiality Interest in the following item in accordance with Regulation 34C of the Local Government (Administration) Regulations 1996.*

*Cr W Barrett due to being the Chairperson 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 – 3 DECEMBER 2008**

Author: L Thornton

Previous Ref: Nil

Appendix: 12.2A Minutes of the City of Gosnells RoadWise Committee Meeting held on Wednesday 3 December 2008

### **PURPOSE OF REPORT**

For Council to receive the Minutes of the RoadWise Committee Meeting held on Wednesday 3 December 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 no recommendations from the RoadWise Committee meeting held on Wednesday, 3 December 2008 requiring Council's consideration.

### **FINANCIAL IMPLICATIONS**

Nil

## STAFF RECOMMENDATION AND COUNCIL RESOLUTION

**13 Moved Cr C Fernandez Seconded Cr R Mitchell**

That Council receive the Minutes of the Meeting of the City of Gosnells RoadWise Committee held on Wednesday 3 December 2008 attached as Appendix 12.2A.

CARRIED 12/0

***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 T Brown, Cr R Mitchell, Cr L Griffiths, and Cr O Searle.*

***AGAINST:** Nil.*

## 13. REPORTS

### 13.1 CHIEF EXECUTIVE OFFICER'S REPORT

### 13.2 COMMUNITY ENGAGEMENT

## 13.3 CORPORATE SERVICES

### 13.3.1 PAYMENT OF ACCOUNTS

Author: L Blair  
Previous Ref: Nil  
Appendix: Nil

#### PURPOSE OF REPORT

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

#### DISCUSSION

Payments of \$9,532,558.61 as detailed in the cheque and EFT payment listing for the period 1 December 2008 to 31 December 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
---

### 14 Moved Cr R Hoffman Seconded Cr J Brown

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

CARRIED 12/0

*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 T Brown, Cr R Mitchell, Cr L Griffiths, and Cr O Searle.*

*AGAINST: Nil.*

**13.3.2 FINANCIAL ACTIVITY STATEMENTS - DECEMBER 2008**

Author: L Blair

Previous Ref: Nil

Appendix: 13.3.2A Financial Activity Statement Report - December 2008

**PURPOSE OF REPORT**

For Council to adopt the Financial Activity Statement Report for the month of December 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 Program
- 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 December 2008 is attached as Appendix 13.3.2A.

**FINANCIAL IMPLICATIONS**

Nil.

## STAFF RECOMMENDATION AND COUNCIL RESOLUTION

**15 Moved Cr W Barrett Seconded Cr C Fernandez**

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 December 2008, attached as Appendix 13.3.2A.

- A. Commentary and report on variances
- B. Operating Statement by Program
- 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 12/0

**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 T Brown, Cr R Mitchell, Cr L Griffiths, and Cr O Searle.*

**AGAINST:** *Nil.*

**13.3.3 BUDGET VARIATIONS**

Author: R Bouwer  
 Previous Ref: Nil  
 Appendix: Nil

**PURPOSE OF REPORT**

To seek approval from Council to adjust the 2008/2009 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
JL14-80038-3800-499	Increase Expenditure	Traffic Signal - Olga Rd/Attfield St - Capital Purchase	80,000	
JL14-80048-3800-499	Increase Expenditure	Nicholson Rd/Amherst Rd - Capital Purchase	24,000	
JL14-80104-3800-499	Increase Expenditure	Roundabout Discovery Dr/Expedition Dr - Capital Purchase	40,000	
JL14-80106-3800-499	Increase Expenditure	Left Turn Slip Lane Corfield St/King St - Capital Purchase	14,000	
JL14-80038-1359-498	Increase Income	Traffic Signal - Olga/Attfield St - State Black Spot Funding		80,000
JL14-80048-1359-498	Increase Income	Nicholson Rd/Amherst Rd - State Black Spot Funding		24,000
JL14-80104-1359-498	Increase Income	Roundabout Discovery Dr/Expedition Dr - State Black Spot Funding		40,000
JL14-80106-1359-498	Increase Income	L-turn Slip Lane Corfield St/King St - State Black Spot Funding		14,000

Account Number	Type	Account Description	Debit	Credit
	<b>Reason:</b>	Additional funding received from Main Roads for new traffic signals at Olga Rd/Attfield St & Nicholson Rd/Amherst Rd intersections, a new roundabout at Discovery Dr/Expedition Dr intersection and new left turn lane at Corfield St/King St intersection.		
JL14-80036-3800-499	Increase Expenditure	Warton Rd/Garden St - Capital Purchase	100,000	
JL14-80036-1359-498	Increase Income	Warton Rd/Garden St - State Black Spot Funding		100,000
	<b>Reason:</b>	Additional funding received from Main Roads for traffic signals at intersection at Warton Rd and Garden St.		
JL13-30567-3800-000	Increase Expenditure	Welder - Capital Purchase	3,200	
JL13-30567-2407-000	Increase Income	Plant and Equipment Reserve Capital		3,200
	<b>Reason:</b>	Replacement for workshop welder.		
JL16-50119-3800-000	Increase Expenditure	Portable BBQ and Gas bottle - Capital Purchase	2,226	
JL16-50105-3800-000	Decrease Expenditure	Sauna Seats and Wall repair - Capital Purchase		2,226
	<b>Reason:</b>	Purchase of portable BBQ and Gas bottle for outdoor area.		
JL91-92209-3210-000	Increase Expenditure	COG Acquisitive Arts Competition - Advertising & Promotions	2,000	
JL91-92209-3218-000	Increase Expenditure	COG Acquisitive Arts Competition - Hire Equipment	1,781	
JL91-92209-3388-000	Increase Expenditure	COG Acquisitive Arts Competition - Printing	800	
JL91-92210-3125-000	Decrease Expenditure	Art and Wellbeing - Minor Equipment		1,000
JL91-92210-3210-000	Decrease Expenditure	Art and Wellbeing - Advertising & Promotion		731
JL91-92210-3223-000	Decrease Expenditure	Art and Wellbeing - Receptions		1,000
JL91-92210-3388-000	Decrease Expenditure	Art and Wellbeing - Printing		250



Account Number	Type	Account Description	Debit	Credit
JL91-92210-3389-000	Decrease Expenditure	Art and Wellbeing - External Contractor		1,600
	<b>Reason:</b>	To cover costs of installation of exhibition including a professional art designer/installer to more safely install artworks in a shopping centre environment.		
JL92-91001-3001-000	Increase Expenditure	Young People's Library Services - Casual Salaries	2,792	
JL92-91001-3000-000	Decrease Expenditure	Young People's Library - Wages and Salaries		2,792
	<b>Reason:</b>	Transfer of Wages and Salaries budget to Casual Salaries		
JL12-10073-3800-261	Increase Expenditure	Renewal of existing roof at Civic Centre - Capital Purchase	91,000	
JL12-10056-3800-261	Decrease Expenditure	Asbestos removal from City Facilities - Capital Purchase		21,000
JL12-10054-3800-261	Decrease Expenditure	Roof Restraint Program - Capital Purchase		10,000
JL12-10078-3800-261	Decrease Expenditure	Mechanical Services - Various - Capital Purchase		10,000
JL12-10079-3800-261	Decrease Expenditure	Upgrade Physical Security - Capital Purchase		10,000
JL20-20007-3201-209	Decrease Expenditure	Addie Mills Centre - Building Maintenance		40,000
	<b>Reason:</b>	To complete the Civic Centre roof replacement project using savings from other projects.		
JL31-95023-3214-566	Increase Expenditure	Education and Family Support - Consultancy – Maddington Kenwick Early Years Rhyme Time Program	10,190	
JL31-95023-3214-567	Increase Expenditure	Education and Family Support - Consultancy - Maddington Kenwick Early Years School Readiness Project	30,000	
JL31-95023-3214-518	Decrease Expenditure	Education and Family Support - Consultancy - Child and Play Facilities Improvement		20,000
JL31-95023-3214-519	Decrease Expenditure	Education and Family Support - Consultancy - Establish Childcare Improvement Working Group		20,000

Account Number	Type	Account Description	Debit	Credit
JL31-95023-2224-000	Decrease Expenditure	Maddington Kenwick Sustainable Communities - Reserve		190
	<b>Reason:</b>	Reallocation to the newly established Maddington Kenwick early years rhyme time and school readiness projects. Projects approved by MKSCP Steering Committee at its 15 /12/2008 meeting.		
JL34-95700-3383-000	Increase Expenditure	City Growth - Non Recurrent Expenditure	29,026	
JL34-95700-2224-000	Increase Income	City Growth - Maddington Kenwick Sustainable Communities - Reserve		29,026
	<b>Reason:</b>	Transfer of the final contribution from Maddington Kenwick Sustainable Communities Partnership seed funding as endorsed at the Steering Committee meeting on 15 December 2008 towards the Maddington Kenwick strategic Employment Area in City Growth.		
JL32-95300-3001-000	Increase Expenditure	Planning Implementation - Salaries and Wages	26,422	
JL32-95300-3030-000	Increase Expenditure	Planning Implementation - Superannuation	2,378	
JL32-95300-2224-000	Increase Revenue	Maddington Kenwick Reserve		28,800
	<b>Reason:</b>	Bickley Brook compliance and Eco Park Project has been handed over from MKSCP to Planning Implementation. This budget variation will transfer the 2007/2008 budget from MKSCP Reserve to Planning Implementation account for the purpose of employing a compliance officer to run the project. Project approved by MKSCP Steering Committee at its 15 December 2008 meeting.		
JL21-20094-3263-000	Increase Expenditure	Sheoak Shops - Lease and Rental Expenses	15,000	
JL21-20094-2224-000	Increase Income	Maddington Kenwick Reserve		15,000

Account Number	Type	Account Description	Debit	Credit
	<b>Reason:</b>	Transfer funds from MKSCP to City Facilities account as MKSCP is contributing towards the lease of the Maddington Community Hub. Project approved by MKSCP Steering Committee as its 15 December 2008 meeting.		
JL31-95015-3210-564	Increase Expenditure	Peace Court Linear Concept - Advertising and Promotion - Community Involvement	4,000	
JL31-95015-3295-564	Increase Expenditure	Peace Court Linear Park Concept - Sundry Expense - Community Involvement	5,000	
JL15-60175-3800-755	Increase Expenditure	Peace Court Art Project - Capital Purchase - Hard Landscaping	25,000	
JL31-95017-3214-564	Decrease Expenditure	Energy/Water Saving Program - Consultancy - Peace Court Park Community Involvement		30,000
JL31-95010-3210-541	Decrease Expenditure	Maddington Kenwick Administration - Advertising and Promotion - Partnership Communications		4,000
	<b>Reason:</b>	Transfer of funds required for advertising and promotion from the Partnership Communication budget. These projects were approved by MKSCP Steering Committee at its 15 December 2008 meeting.		
JL92-91001-3000-000	Increase Expenditure	Young People's Library Services - Wages and Salaries	1,735	
JL92-91001-3001-000	Decrease Expenditure	Young People's Library Services - Casual Wages		1,735
	<b>Reason:</b>	Funding reallocation to cover changes in internal staff changes due to workers' compensation issue		

STAFF RECOMMENDATION AND COUNCIL RESOLUTION

**16 Moved Cr R Mitchell Seconded Cr L Griffiths**

That Council approve the following adjustments to the Municipal Budget:

Account Number	Account Description	Debit	Credit
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Account Number	Account Description	Debit	Credit
JL14-80038-3800-499	Traffic Signal - Olga Rd/Attfield St - Capital Purchase	80,000	
JL14-80048-3800-499	Nicholson Rd/Amherst Rd - Capital Purchase	24,000	
JL14-80104-3800-499	Roundabout Discovery Dr/Expedition Dr - Capital Purchase	40,000	
JL14-80106-3800-499	Left Turn Slip Lane Corfield St/King St - Capital Purchase	14,000	
JL14-80038-1359-498	Traffic Signal - Olga/Attfield St - State Black Spot Funding		80,000
JL14-80048-1359-498	Nicholson Rd/Amherst Rd - State Black Spot Funding		24,000
JL14-80104-1359-498	Roundabout Discovery Dr/Expedition Dr - State Black Spot Funding		40,000
JL14-80106-1359-498	L-turn Slip Lane Corfield St/King St - State Black Spot Funding		14,000
JL14-80036-3800-499	Warton Rd/Garden St - Capital Purchase	100,000	
JL14-80036-1359-498	Warton Rd/Garden St - State Black Spot Funding		100,000
JL13-30567-3800-000	Welder - Capital Purchase	3,200	
JL13-30567-2407-000	Plant and Equipment Reserve Capital		3,200
JL16-50119-3800-000	Portable BBQ and Gas bottle - Capital Purchase	2,226	
JL16-50105-3800-000	Sauna Seats and Wall repair - Capital Purchase		2,226
JL91-92209-3210-000	COG Acquisitive Arts Competition - Advertising & Promotions	2,000	
JL91-92209-3218-000	COG Acquisitive Arts Competition - Hire Equipment	1,781	
JL91-92209-3388-000	COG Acquisitive Arts Competition - Printing	800	
JL91-92210-3125-000	Art and Wellbeing - Minor Equipment		1,000
JL91-92210-3210-000	Art and Wellbeing - Advertising & Promotion		731
JL91-92210-3223-000	Art and Wellbeing - Receptions		1,000
JL91-92210-3388-000	Art and Wellbeing - Printing		250
JL91-92210-3389-000	Art and Wellbeing - External Contractor		1,600
JL92-91001-3001-000	Young People's Library Services - Casual Salaries	2,792	

Account Number	Account Description	Debit	Credit
JL92-91001-3000-000	Young People's Library - Wages and Salaries		2,792
JL12-10073-3800-261	Renewal of existing roof at Civic Centre - Capital Purchase	91,000	
JL12-10056-3800-261	Asbestos removal from City Facilities - Capital Purchase		21,000
JL12-10054-3800-261	Roof Restraint Program - Capital Purchase		10,000
JL12-10078-3800-261	Mechanical Services - Various - Capital Purchase		10,000
JL12-10079-3800-261	Upgrade Physical Security - Capital Purchase		10,000
JL20-20007-3201-209	Addie Mills Centre - Building Maintenance		40,000
JL31-95023-3214-566	Education and Family Support - Consultancy – Maddington Kenwick Early Years Rhyme Time Program	10,190	
JL31-95023-3214-567	Education and Family Support - Consultancy - Maddington Kenwick Early Years School Readiness Project	30,000	
JL31-95023-3214-518	Education and Family Support - Consultancy - Child and Play Facilities Improvement		20,000
JL31-95023-3214-519	Education and Family Support - Consultancy - Establish Childcare Improvement Working Group		20,000
JL31-95023-2224-000	Maddington Kenwick Sustainable Communities - Reserve		190
JL34-95700-3383-000	City Growth - Non Recurrent Expenditure	29,026	
JL34-95700-2224-000	City Growth - Maddington Kenwick Sustainable Communities - Reserve		29,026
JL32-95300-3001-000	Planning Implementation - Salaries and Wages	26,422	
JL32-95300-3030-000	Planning Implementation - Superannuation	2,378	
JL32-95300-2224-000	Maddington Kenwick Reserve		28,800
JL21-20094-3263-000	Sheoak Shops - Lease and Rental Expenses	15,000	
JL21-20094-2224-000	Maddington Kenwick Reserve		15,000
JL31-95015-3210-564	Peace Court Linear Concept - Advertising and Promotion - Community Involvement	4,000	

Account Number	Account Description	Debit	Credit
JL31-95015-3295-564	Peace Court Linear Park Concept - Sundry Expense - Community Involvement	5,000	
JL15-60175-3800-755	Peace Court Art Project - Capital Purchase - Hard Landscaping	25,000	
JL31-95017-3214-564	Energy/Water Saving Program - Consultancy - Peace Court Park Community Involvement		30,000
JL31-95010-3210-541	Maddington Kenwick Administration - Advertising and Promotion - Partnership Communications		4,000
JL92-91001-3000-000	Young People's Library Services - Wages and Salaries	1,735	
JL92-91001-3001-000	Young People's Library Services - Casual Wages		1,735

**CARRIED BY ABSOLUTE MAJORITY 12/0**

**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 T Brown, Cr R Mitchell, Cr L Griffiths, and Cr O Searle.

**AGAINST:** Nil.

**13.3.4 BAD DEBT - WRITE OFF - 2008/2009 BUDGET**

Author: F Faranda  
Previous Ref: Nil  
Appendix: Nil

**PURPOSE OF REPORT**

For Council to authorise the amount of \$2,719.74 owed by Civil Technology (Austoak Holdings Pty Ltd and Term Pty Ltd) to be written off as a bad debt in accordance with section 6.12 (1) (c) of the Local Government Act 1995.

**BACKGROUND**

On 25 January 2007 the City of Gosnells issued Invoice (Number 5874) to Civil Technology (Austoak Holdings Pty Ltd and Term Pty Ltd) for the amount of \$13,939.09. The Invoice was issued for the recovery of costs incurred by the City during the construction of a round-a-bout at the Chamberlain Street/Drysdale Place intersection in Gosnells. The developer, Civil Technology, failed to provide adequate signage to warn traffic of the part built round-a-bout.

In response to action raised by the City, Austoak Holdings Pty Ltd pursued a counter-claim for the sum of \$33,561. Austoak Holdings claimed that costs associated with delays were incurred due to the collapse of an easement drain during the development and were the responsibility of the City.

**DISCUSSION**

At a pre-trial conference held on 11 December 2008 a compromise was struck and the core balance of \$11,219.35 of the outstanding debt was recovered. However in order to finalise the matter in accordance with the pre-trial settlement the remaining balance of \$2,719.74 needs to be written off as a bad debt.

**FINANCIAL IMPLICATIONS**

The amount of \$2,719.74 has been provided for as a doubtful debt and the formal elimination from the debtors' ledger will not impact on the operating result of the City of Gosnells for the year ended 30 June 2009.

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

That Council authorise the amount of \$2,719.74 owing by Civil Technology (Austoak Holdings Pty Ltd and Term Pty Ltd) to be written off in accordance with section 6.12 (1) (c) of the Local Government Act 1995.

**CARRIED BY ABSOLUTE MAJORITY 12/0**

**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 T Brown, Cr R Mitchell, Cr L Griffiths, and Cr O Searle.

**AGAINST:** Nil.

**13.3.5 2008/2009 BUDGET - UNCOMPLETED WORKS**

Author: F Faranda  
 Previous Ref: Nil  
 Appendix: Nil

**PURPOSE OF REPORT**

To seek approval from Council to adjust the 2008/2009 Municipal Budget.

**BACKGROUND**

At the time the 2008/2009 Budget was adopted by Council on 7 July 2008, the annual financial statements for the 2007/2008 financial year had not been completed. The actual value of uncompleted works to be carried forward into the 2008/2009 Budget was therefore only an estimate based on information and reports available at that time.

**DISCUSSION**

The 2007/2008 annual financial statements have now been completed and audited and the actual income and expenditure to be carried forward has been finalised. Many of the carried forward projects included in the 2008/2009 Budget now require a budget variation to reflect the actual surplus. The audited surplus at the year ended 30 June 2008 was \$9,596,007. The estimated surplus adopted in the Annual Budget for 2008/2009 was \$13,113,279.

Council approval is sought to reduce the carried forward income and expenditure from 2007/08 (including a \$400,000 budgeted surplus to 30 June 2009) to \$11,146,007. To fully fund these uncompleted works it is intended that \$1,550,000 of current leave liabilities anticipated to be unspent by 30 June 2009 be excluded from the actual surplus calculated at the year ended 30 June 2008, therefore increasing the actual surplus from \$9,596,007 to \$11,146,007.

**Net Current Assets**

	<b>2007/08 Adjusted Actual</b>	<b>2007/08 Audited Actual</b>	<b>2007/08 Estimated Actual</b>
<b>Current Assets</b>			
Cash - Unrestricted	10,241,580	10,241,580	19,279,036
Cash - Restricted	47,218,757	47,218,757	35,968,531
Receivables	2,657,106	2,657,106	2,870,770
Inventories	341,099	341,099	352,775
	<b>60,458,542</b>	<b>60,458,542</b>	<b>58,471,112</b>
<b>Less Current Liabilities</b>			
Payables and Provisions	(9,063,382)	(9,063,382)	(9,389,302)
Excluded unspent leave entitlements	1,550,000		
<b>NET CURRENT ASSET POSITION</b>	<b>52,945,160</b>	<b>51,395,160</b>	<b>49,081,810</b>
Less Cash – Restricted (Reserves, Bonds and Retentions)	(41,799,153)	(41,799,153)	(35,968,531)
<b>SURPLUS CARRIED FORWARD</b>	<b>11,146,007</b>	<b>9,596,007</b>	<b>13,113,279</b>



The lower than anticipated surplus is attributable to a \$549,131 adjustment in the non-current annual leave provision from 2006/2007 being reclassified as a current liability as a result of changes in the Australian Accounting Standard AASB 119 Employee Benefits and \$1,230,450 of long service leave entitlements becoming a current liability as at 30 June 2008.

Section 6.2(3) of the Local Government Act 1995 allows exclusions from the annual budget as otherwise prescribed.

Regulation 32 of the Local Government (Financial Management) Regulations 1996 prescribes:

*“A local government may exclude from the calculation of the budget deficiency...*

*(f) current liabilities which, by their nature, are restricted, to the extent that they are proposed in the annual budget to remain uncleared at the end of the financial year.”*

Of the total current leave liabilities of \$4,131,863 at the year ended 30 June 2008, \$1,550,000 is anticipated to remain uncleared as at 30 June 2009.

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.

Council approval is therefore sought for the following budget adjustments.

**FINANCIAL IMPLICATIONS**

<b>Account Number</b>	<b>Type</b>	<b>Account Description</b>	<b>Debit \$</b>	<b>Credit \$</b>
JL12-10025-3384-000	Decrease Expenditure	Lot 8 Holmes Street - Carry forward expenditure		186,022
JL12-10026-2416-000	Increase Transfer from Reserve	Redevelopment Operations Centre		266
GL12-10029-3384-000	Decrease Expenditure	Stage 1 - Redevelopment Civic Centre - Carry forward expenditure		334,227
JL12-10052-3384-000	Decrease Expenditure	Construction of Amherst Village Community Centre - Carry forward expenditure		384,120
JL12-10049-3384-000	Decrease Expenditure	Construction of Tom Bateman Res Pavilion - Carry forward expenditure		2,303
JL16-10060-3384-000	Increase Expenditure	Recarpeting Leisure World foyer, entrance & offices - Carry forward expenditure	455	
JL13-30426-3384-000	Decrease Expenditure	Ford Falcon BF Trayback Ute		25,000
JL13-30426-2407-000	Decrease Transfer from Reserve	Ford Falcon BF Trayback Ute	7,278	
JL-11-50000-3384-000	Increase Expenditure	IT Equipment Refresh - Carry forward expenditure	428	
JL11-50056-3384-000	Increase Expenditure	Equip & software for Rangers - Carry forward expenditure	67,933	
JL16-50079-3384-000	Increase Expenditure	Touch screen 6 point sale computers - Carry forward expenditure	2,865	
JL14-80076-3842-000	Decrease Expenditure	Maddington Village Traffic Calming - Carry forward expenditure		6,490
JL14-80076-2412-000	Decrease Transfer from Reserve	Maddington Village Traffic Calming	6,490	
JL14-80138-3384-000	Decrease Expenditure	Connemara Dr – Spencer Rd/Camberley St - Carry forward expenditure		504
JL14-80141-3384-000	Decrease Expenditure	Maddington Rd at Eva St - Carry forward expenditure		658
JL14-80142-3384-000	Decrease Expenditure	Forest Lakes Dr – Ovens Rd/Towncentre Dr - Carry forward expenditure		1,112

Account Number	Type	Account Description	Debit \$	Credit \$
JL14-80033-3384-000	Decrease Expenditure	Dorothy St/Lissiman St - Splitter Island - Carry forward expenditure		10,426
JL14-80035-3384-000	Decrease Expenditure	Spencer Rd/Wilfred Rd - L Turn Lane - Carry forward expenditure		11,839
JL14-80004-3384-000	Decrease Expenditure	Fremantle Rd/Homestead Rd - Junction Improvement - Carry forward expenditure		5,035
JL14-80012-3384-499	Decrease Expenditure	Ranford Rd, Nicholson Rd - Campbell Rd - 2nd Cwy - Carry forward expenditure		3,141
JL14-80036-2506-000	Decrease Transfer from Reserve	Warton Rd/Garden St - Traffic Signals	8,482	
JL14-80036-3384-499	Decrease Expenditure	Warton Rd/Garden St - Traffic Signals - Carry forward expenditure		8,482
JL14-80038-3384-000	Decrease Expenditure	Olga Rd/Attfield St - Traffic Signals - Carry forward expenditure		587
JL14-80046-3384-000	Decrease Expenditure	Ranford Rd/Campbell Rd Traffic Lights - Carry forward expenditure		222
JL14-80048-3384-499	Decrease Expenditure	Nicholson Rd/Amherst Rd - Carry forward expenditure		398
JL14-80063-3384-000	Decrease Expenditure	Southern River Rd - Carry forward expenditure		59
JL14-80098-3384-000	Decrease Expenditure	Traffic Signals Dorothy St/Wheatley St - Carry forward expenditure		11,065
JL14-80100-3384-000	Decrease Expenditure	L Turn Slip Lane/Islands Kelvin Rd Eva St - Carry forward expenditure		2,292
JL14-80102-3384-000	Decrease Expenditure	L Turn Slip Lane & Signs Garden St - Carry forward expenditure		4,390
JL14-80103-3384-000	Decrease Expenditure	Safety Barrier, Speed Signs Mills Rd (E) - Carry forward expenditure		487
JL14-80104-3384-499	Decrease Expenditure	R/about Discovery Dr & Expedition Dr - Carry forward expenditure		5,937
JL14-80105-3384-000	Decrease Expenditure	L Turn Slip Lane Nicholson Rd/Spencer Rd - Carry forward expenditure		397
JL14-80106-3384-000	Decrease Expenditure	L Turn Slip Lane Corfield St/King St - Carry forward expenditure		85,248
JL14-80107-3384-000	Decrease Expenditure	Median Islands Kenwick Rd/Brixton St - Carry forward expenditure		848

Account Number	Type	Account Description	Debit \$	Credit \$
JL14-80108-3384-000	Decrease Expenditure	Median Islands & Bus Embayment Spencer Rd - Carry forward expenditure		1,249
JL14-80021-3384-499	Decrease Expenditure	Ranford Rd, Tonkin Hwy -Southern River Rd - 2nd Cwy - Carry forward expenditure		523,886
JL14-80023-3384-000	Decrease Expenditure	Minor Works - Various Road Improvements - Carry forward expenditure		16,301
JL14-80066-3384-000	Decrease Expenditure	Kelvin Rd – Stages 1&2 - Carry forward expenditure		3,135
JL14-80068-3384-000	Decrease Expenditure	Nicholson Rd - Garden St to Hughes St - Carry forward expenditure		102,000
JL14-80112-3384-000	Decrease Expenditure	Upgrade of Access Civic Centre Albany Hwy - Carry forward expenditure		35,362
JL14-80114-3384-000	Decrease Expenditure	Warton Rd Duplication between Garden St - Carry forward expenditure		57,057
JL14-80115-2506-000	Decrease Transfer from Reserve	Ranford Rd Duplication Nicholson Rd/Campbell Rd	696	
JL14-80115-3384-000	Decrease Expenditure	Ranford Rd Duplication Nicholson Rd/Campbell Rd - Carry forward expenditure		16,910
JL14-80116-3384-000	Decrease Expenditure	Contrib to City of Armadale Ranford Rd Duplication - Carry forward expenditure		711,281
JL14-80148-3384-000	Decrease Expenditure	Access Road to St Emilie's School Carpark - Carry forward expenditure		3,766
JL14-84018-3384-000	Decrease Expenditure	Nicholson Rd (Sthbnd), Spencer Rd –Ruby Ave - Carry forward expenditure		1,379
JL14-84047-3384-000	Decrease Expenditure	Maddington Rd - Boyle Lane to Reservoir Rd - Carry forward expenditure		92,105
JL14-84048-3384-000	Decrease Expenditure	Stennett St - Miranda Wy to Kellerman Wy - Carry forward expenditure		2,921
JL14-84051-3384-000	Decrease Expenditure	Crack Sealing - Various - Carry forward expenditure		15,000
JL14-80024-3384-000	Decrease Expenditure	Land Acquisitions - Expenses - Carry forward expenditure		23,000
JL14-85025-3384-000	Decrease Expenditure	Orr St Footpath Construction - Carry forward expenditure		12,000

Account Number	Type	Account Description	Debit \$	Credit \$
JL14-85026-3384-000	Decrease Expenditure	Harpden St Footpath Construction - Carry forward expenditure		2,000
JL14-85027-3384-000	Decrease Expenditure	Goodall St Footpath Construction - Carry forward expenditure		5,000
JL14-85028-3384-000	Decrease Expenditure	Mills Rd Footpath Construction - Carry forward expenditure		13,000
JL14-88014-2506-000	Decrease Transfer from Reserve	Lot 79 Comrie Rd Canning Vale	2,929	
JL14-88014-3384-000	Decrease Expenditure	Lot 79 Comrie Rd Canning Vale - Carry forward expenditure		2,929
JL14-88013-3384-000	Decrease Expenditure	Les Sands Pavilion Carpark Refurbishment - Carry forward expenditure		8,127
JL14-80074-2406-000	Increase Transfer from Reserve	Federation Pde South - Stage 1		34
JL14-80074-3384-000	Increase Expenditure	Federation Pde South - Stage 1 - Carry forward expenditure	34	
JL14-80117-3384-000	Decrease Expenditure	Improvement of St lighting - Various - Carry forward expenditure		29,635
JL14-80131-3384-000	Decrease Expenditure	Burslem Dr Underpass - Carry forward expenditure		5,000
JL14-80132-3384-000	Decrease Expenditure	Bike Rack - Leisure World - Carry forward expenditure		166
JL14-80133-3384-000	Decrease Expenditure	Bike Rack - Civic Centre - Carry forward expenditure		75
JL14-80134-3384-000	Decrease Expenditure	Bike Rack - Kenwick Library - Carry forward expenditure		70
JL14-80135-3384-000	Decrease Expenditure	Bike Rack - Thornlie Community Centre - Carry forward expenditure		70
JL14-80136-3384-000	Decrease Expenditure	Bike Rack - Kenwick Community Centre - Carry forward expenditure		70
JL14-80032-3384-000	Decrease Expenditure	Bus Shelters - New - Carry forward expenditure		22,317
JL14-80123-3384-000	Decrease Expenditure	Tactile Paving Bus Stops - Various locations - Carry forward expenditure		3,750

Account Number	Type	Account Description	Debit \$	Credit \$
JL14-88000-3384-000	Decrease Expenditure	Drainage problems - various - Carry forward expenditure		605
JL15-88005-3384-000	Decrease Expenditure	Lakeside Dr Reserve - Carry forward expenditure		1,839
JL12-60003-3384-000	Decrease Expenditure	Harmony Fields - Residential Development Stage 3 - Carry forward expenditure		784,891
JL15-60044-3384-000	Decrease Expenditure	Landscape - Packer Park - Carry forward expenditure		8,910
JL15-60069-2501-000	Decrease Transfer from Reserve	Peace Ct Park	20	
JL15-60107-3384-000	Decrease Expenditure	Sutherlands Park Reserve "H" - Pump Upgrade - Carry forward expenditure		30,000
JL15-60112-3384-000	Decrease Expenditure	Spinifex Reserve - Repair & extend irrigation - Carry forward expenditure		21,450
JL15-60114-3384-000	Decrease Expenditure	Roundabout (Corfield St) Tonkin Hwy - Faux Pave - Carry forward expenditure		965
JL15-60134-3384-000	Decrease Expenditure	Ellis Brook Valley - Carry forward expenditure		56,319
JL15-60135-3384-000	Decrease Expenditure	Harmony Fields Passive Recreation - Carry forward expenditure		12,624
JL15-60135-2412-000	Increase Transfer from Reserve	Harmony Fields Passive Recreation		12,218
JL15-60135-1301-716	Increase Capital Income	Harmony Fields Passive Recreation		28,824
JL12-10028-3384-000	Increase Expenditure	Tom Bateman Complex Pavilion Stage 1	67,500	
JL12-10028-1479-000	Increase Capital Income	Tom Bateman Complex Pavilion Stage 1		85,000
JL16-10032-3384-000	Increase Expenditure	Leisure World façade painting - Carry forward expenditure	6,890	
JL16-10033-3384-000	Increase Expenditure	Leisure World Perimeter Fencing - Carry forward expenditure	6,240	
JL12-10073-3384-000	Increase Expenditure	WPMP - New steps to Cassidy Rd Pavilion - Carry forward expenditure	40,000	

Account Number	Type	Account Description	Debit \$	Credit \$
JL12-10073-2417-000	Increase Transfer from Reserve	WPMP - New steps to Cassidy Rd Pavilion - Carry forward reserve transfer		40,000
JL13-30322-2407-000	Increase Transfer from Reserve	Truck - Hino Dutro 4.5 tonne Cab Chassis + tray - Carry forward reserve transfer		28,570
JL13-30407-1501-000	Increase Capital Income	Toyota Coaster Bus - Proceeds on Sale of Asset		30,000
JL13-30415-3601-000	Increase Capital Income	Ford Falcon BF Ute - Proceeds on Sale of Asset		16,500
JL13-30421-3601-000	Increase Capital Income	Toyota Prado - Proceeds on Sale of Asset		16,500
JL13-30436-3601-000	Increase Capital Income	Holden Captiva Wagon Auto - Proceeds on Sale of Asset		16,000
JL13-30439-3601-000	Increase Capital Income	Holden Captiva - Proceeds on Sale of Asset		18,000
JL13-30457-3601-000	Increase Capital Income	Nissan Pathfinder - Proceeds on Sale of Asset		33,000
JL11-50052-3384-000	Increase Expenditure	Notebook computer - Coordinator Emergency - Carry forward expenditure	1,996	
JL14-80144-3384-000	Increase Expenditure	Dorothy St - painted and raised islands - Carry forward expenditure	3,047	
JL14-80146-3384-000	Increase Expenditure	Burslem Dr Pedestrian Crossing - Carry forward expenditure	2,877	
JL14-80034-3384-000	Increase Expenditure	Thornlie Ave/Spring Rd - Roundabout - Carry forward expenditure	3,500	
JL14-80001-3384-000	Increase Expenditure	Garden St, Warton Rd - Harpenden St - Construct - Carry forward expenditure	17,809	
JL14-80071-3384-000	Increase Expenditure	Nicholson Rd - Birnam Rd to Hughes St - Carry forward revenue	166,614	
JL14-80072-3384-000	Increase Expenditure	Lauterbach Dr - Carry forward expenditure	40,000	
JL14-80072-1477-000	Increase Capital Income	Lauterbach Dr - Carry forward income		40,000
JL14-80149-3384-499	Increase Expenditure	Yale Road Primary School On Street Parking - Carry forward expenditure	100,000	

Account Number	Type	Account Description	Debit \$	Credit \$
	e			
JL14-84022-3384-000	Increase Expenditure	Anaconda Dr, Corfield St – Chamberlain St - Carry forward revenue	9,000	
JL14-80130-1353-000	Increase Capital Income	Bridge 927 - Royal Street Kenwick		20,000
JL14-80119-3384-000	Increase Expenditure	On St parking Huntingdale Primary School - Carry forward expenditure	50,000	
JL15-60068-3384-000	Increase Expenditure	Repairs, Sealing, Signage etc. - Carry forward expenditure	36,204	
JL15-60075-3384-000	Increase Expenditure	Berehaven Reserve - Major Renovation - Carry forward expenditure	20,000	
JL15-60090-2413-000	Increase Transfer from Reserve	Sutherlands Park Cricket Wicket		28,000
JL15-60090-3384-000	Increase Expenditure	Sutherlands Park Cricket Wicket - Carry forward expenditure	28,000	
JL12-60097-1367-000	Increase Capital Income	New cricket wicket - Sutherlands Park Reserve		4,216
JL12-60097-1479-000	Increase Capital Income	New cricket wicket - Sutherlands Park Reserve		4,216
JL12-60097-3384-261	Increase Expenditure	New cricket wicket - Sutherlands Park Res - Carry forward expenditure	5,630	
JL15-60105-3384-750	Increase Expenditure	Packer Park-Bore Relining - Carry forward expenditure	15,000	
JL15-60110-3384-000	Increase Expenditure	Forest Crescent Reserve - Bore, Cabinet - Carry forward expenditure	25,425	
JL15-60111-3384-000	Increase Expenditure	Greenway Reserve - Bore, Pump, Cabinet - Carry forward expenditure	13,893	
JL15-60125-3384-758	Increase Expenditure	Woodlupine Reserve-Play Equip - Carry forward expenditure	14,746	
JL15-60138-3384-761	Increase Expenditure	Spencer Rd/Roe Hwy Embankments - Carry forward revenue	20,269	
GL31-1050-3384	Decrease Expenditure	Gosnells Golf Course Bushland Management Plan - Carry forward operating expenditure		5,600
GL51-1415-3384	Increase Expenditure	Travel Smart - Carry forward operating expenditure	26,336	



<b>Account Number</b>	<b>Type</b>	<b>Account Description</b>	<b>Debit \$</b>	<b>Credit \$</b>
GL51-1415-3384	Increase Expenditure	RoadWise - Carry forward operating expenditure	5,000	
JL31-95100-3384-000	Decrease Expenditure	Switch Your Thinking Unspent Sponsorship Funds - Carry forward operating expenditure		26,500
JL31-95106-3384-000	Increase Expenditure	Switched on Business Unspent Grants - Carry forward operating expenditure	102,616	
JL31-95106-1301-000	Increase Capital Income	Switched on Business Unspent Grants		66,735
JL34-95703-3384-000	Increase Expenditure	Southern River ODP 3 - Carry forward expenditure	19,650	
JL34-95705-3384-000	Increase Expenditure	Preparation of LPS/TPS Review - Carry forward expenditure	435	
JL34-95707-3384-000	Increase Expenditure	MKSEA Planning - Carry forward expenditure	82,701	
JL34-95710-3384-000	Increase Expenditure	Model Industrial Guidelines - Carry forward expenditure	1,375	
JL90-90203-3384-000	Decrease Expenditure	CARE Program - Carry forward operating expenditure		5,000
JL90-90315-3384-000	Decrease Expenditure	SEPS Program - Carry forward operating expenditure		371
JL91-92309-3384-000	Decrease Expenditure	Committed to community Groups - Carry forward operating expenditure		12,163
JL91-92312-3384-000	Decrease Expenditure	Committed to community Groups - Carry forward operating expenditure		2,158
JL91-92500-3384-000	Decrease Expenditure	Leisure World - Admin - Carry forward operating expenditure		40,000
JL94-94010-3384-000	Decrease Expenditure	Indigenous Oral History Project - Carry forward operating expenditure		8,500
JL42-40210-2634-000	Increase Transfer to Reserve	Sanitation Surplus Transfer to Reserve - Sanitation Reserve	107,982	
GL33-1360-3384	Increase Expenditure	Economic Development Projects - Carry forward operating expenditure	160,585	
GL54-1423-3651	Increase Expenditure	Civic Centre Loan Interest	539,059	
JL31-95011-3384-000	Increase Expenditure	Maddington Village - Carry forward operating expenditure	172,064	

Account Number	Type	Account Description	Debit \$	Credit \$
JL31-95014-3384-000	Increase Expenditure	Improving Connectivity Madd/Ken - Carry forward operating expenditure	395	
JL31-95023-3384-000	Increase Expenditure	Early Childhood Education and Family Support - Carry forward operating expenditure	8,954	
JL31-95026-3384-000	Increase Expenditure	Co-ordination of Education and Training - Carry forward operating expenditure	1,457	
JL31-95028-3384-000	Increase Expenditure	Business Development Program - Carry forward operating expenditure	58,141	
JL31-95034-3384-000	Increase Expenditure	Heritage Program - Carry forward operating expenditure	651	
JL34-95711-3384-000	Increase Expenditure	Compensation Payment re Lot 11 Holmes St, Southern River	45,000	
JL90-90101-3384-000	Increase Expenditure	Parent Workshop - Carry forward operating expenditure	616	
JL90-90503-3384-000	Increase Expenditure	Inclusive Recreation Service General - Carry forward operating expenditure	5,132	
JL90-90504-3384-000	Increase Expenditure	Inclusive Recreation Service Littlies - Carry forward operating expenditure	1,591	
JL90-90505-3384-000	Increase Expenditure	Inclusive Recreation Service Sibs - Carry forward operating expenditure	1,102	
JL90-90508-3384-000	Increase Expenditure	Take A Break Holiday Program - Carry forward operating expenditure	36,065	
JL90-90509-3384-000	Increase Expenditure	Take a Break Carers Retreats - Carry forward operating expenditure	15,302	
JL90-90510-3384-000	Increase Expenditure	Take a Break Awesome Fun Club - Carry forward operating expenditure	1,150	
JL90-90511-3384-000	Increase Expenditure	SafetyLynx Program - Carry forward operating expenditure	264	
JL90-90511-3384-000	Increase Expenditure	SafetyLynx Program - Carry forward operating expenditure	853	
JL90-90616-3384-000	Increase Expenditure	Break Dance - Carry forward operating expenditure	276	
JL90-90631-3384-000	Increase Expenditure	Work for the Dole - Carry forward operating expenditure	750	
JL90-90632-3384-000	Increase Expenditure	Youth Health Expo - Carry forward operating expenditure	869	

Account Number	Type	Account Description	Debit \$	Credit \$
JL90-95035-3384-000	Increase Expenditure	STR8 Talking - Mentors - Carry forward operating expenditure	21,303	
JL90-95036-3384-000	Increase Expenditure	STR8 Talking - Stronger Family - Carry forward operating expenditure	21,585	
JL90-95037-3384-000	Increase Expenditure	STR8 Talking - Active Youth - Carry forward operating expenditure	17,238	
JL90-95038-3384-000	Increase Expenditure	STR8 Talking - Speedy Decisions - Carry forward operating expenditure	47,231	
JL90-95039-3384-000	Increase Expenditure	STR8 Talking - Its My Place - Carry forward operating expenditure	27,479	
JL90-95040-3384-000	Increase Expenditure	STR8 Talking - Youth Forum - Carry forward operating expenditure	25,402	
JL90-95041-3384-000	Increase Expenditure	STR8 Talking - Evaluation and Research - Carry forward operating expenditure	36,964	
JL91-20037-1301-000	Increase Income	Don Russell Performing Arts Centre - Carry forward operating grant income		6,749
JL91-92107-3384-000	Increase Expenditure	Club Development - Carry forward operating expenditure	18,405	
JL92-91102-1301-000	Increase Income	Indigenous Oral History Project		33,726
JL92-91102-3384-000	Increase Expenditure	Indigenous Oral History Project	19,789	
JL43-90456-1584-000	Increase Income	Gosnells Road West & Alcock Street Private Works Carry forward		115,117
JL43-40456-3384-000	Increase Expenditure	Gosnells Road West & Alcock Street Private Works Carry forward	71,188	
GL99-9999-9600	Increase Opening Surplus	Equity	1,967,272	

STAFF RECOMMENDATION AND COUNCIL RESOLUTION

**18 Moved Cr L Griffiths Seconded Cr R Hoffman**

That Council in accordance with section 6.8 (1) (b) of the Local Government Act 1995, approve the following adjustments to the 2008/2009 Municipal Budget.

Account Number	Account Description	Debit \$	Credit \$
JL12-10025-3384-000	Lot 8 Holmes Street - Carry forward expenditure		186,022

Account Number	Account Description	Debit \$	Credit \$
JL12-10026-2416-000	Redevelopment Operations Centre		266
GL12-10029-3384-000	Stage 1 - Redevelopment Civic Centre - Carry forward expenditure		334,227
JL12-10052-3384-000	Construction of Amherst Village Community Centre - Carry forward expenditure		384,120
JL12-10049-3384-000	Construction of Tom Bateman Res Pavilion - Carry forward expenditure		2,303
JL16-10060-3384-000	Recarpeting Leisure World foyer, entrance & offices - Carry forward expenditure	455	
JL13-30426-3384-000	Ford Falcon BF Trayback Ute		25,000
JL13-30426-2407-000	Ford Falcon BF Trayback Ute	7,278	
JL-11-50000-3384-000	IT Equipment Refresh - Carry forward expenditure	428	
JL11-50056-3384-000	Equip & software for Rangers - Carry forward expenditure	67,933	
JL16-50079-3384-000	Touch screen 6 point sale computers - Carry forward expenditure	2,865	
JL14-80076-3842-000	Maddington Village Traffic Calming - Carry forward expenditure		6,490
JL14-80076-2412-000	Maddington Village Traffic Calming	6,490	
JL14-80138-3384-000	Connemara Dr – Spencer Rd/Camberley St - Carry forward expenditure		504
JL14-80141-3384-000	Maddington Rd at Eva St - Carry forward expenditure		658
JL14-80142-3384-000	Forest Lakes Dr – Ovens Rd/Towncentre Dr - Carry forward expenditure		1,112
JL14-80033-3384-000	Dorothy St/Lissiman St - Splitter Island - Carry forward expenditure		10,426
JL14-80035-3384-000	Spencer Rd/Wilfred Rd - L Turn Lane - Carry forward expenditure		11,839
JL14-80004-3384-000	Fremantle Rd/Homestead Rd - Junction Improvement - Carry forward expenditure		5,035
JL14-80012-3384-499	Ranford Rd, Nicholson Rd - Campbell Rd - 2nd Cwy - Carry forward expenditure		3,141
JL14-80036-2506-000	Warton Rd/Garden St - Traffic Signals	8,482	

<b>Account Number</b>	<b>Account Description</b>	<b>Debit \$</b>	<b>Credit \$</b>
JL14-80036-3384-499	Warton Rd/Garden St - Traffic Signals - Carry forward expenditure		8,482
JL14-80038-3384-000	Olga Rd/Attfield St - Traffic Signals - Carry forward expenditure		587
JL14-80046-3384-000	Ranford Rd/Campbell Rd Traffic Lights - Carry forward expenditure		222
JL14-80048-3384-499	Nicholson Rd/Amherst Rd - Carry forward expenditure		398
JL14-80063-3384-000	Southern River Rd - Carry forward expenditure		59
JL14-80098-3384-000	Traffic Signals Dorothy St/Wheatley St - Carry forward expenditure		11,065
JL14-80100-3384-000	L Turn Slip Lane/Islands Kelvin Rd Eva St - Carry forward expenditure		2,292
JL14-80102-3384-000	L Turn Slip Lane & Signs Garden St - Carry forward expenditure		4,390
JL14-80103-3384-000	Safety Barrier, Speed Signs Mills Rd (E) - Carry forward expenditure		487
JL14-80104-3384-499	R/about Discovery Dr & Expedition Dr - Carry forward expenditure		5,937
JL14-80105-3384-000	L Turn Slip Lane Nicholson Rd/Spencer Rd - Carry forward expenditure		397
JL14-80106-3384-000	L Turn Slip Lane Corfield St/King St - Carry forward expenditure		85,248
JL14-80107-3384-000	Median Islands Kenwick Rd/Brixton St - Carry forward expenditure		848
JL14-80108-3384-000	Median Islands & Bus Embayment Spencer Rd - Carry forward expenditure		1,249
JL14-80021-3384-499	Ranford Rd, Tonkin Hwy - Southern River Rd - 2nd Cwy - Carry forward expenditure		523,886
JL14-80023-3384-000	Minor Works - Various Road Improvements - Carry forward expenditure		16,301
JL14-80066-3384-000	Kelvin Rd – Stages 1&2 - Carry forward expenditure		3,135
JL14-80068-3384-000	Nicholson Rd - Garden St to Hughes St - Carry forward expenditure		102,000

<b>Account Number</b>	<b>Account Description</b>	<b>Debit \$</b>	<b>Credit \$</b>
JL14-80112-3384-000	Upgrade of Access Civic Centre Albany Hwy - Carry forward expenditure		35,362
JL14-80114-3384-000	Warton Rd Duplication between Garden St - Carry forward expenditure		57,057
JL14-80115-2506-000	Ranford Rd Duplication Nicholson Rd/Campbell Rd	696	
JL14-80115-3384-000	Ranford Rd Duplication Nicholson Rd/Campbell Rd - Carry forward expenditure		16,910
JL14-80116-3384-000	Contrib to City of Armadale Ranford Rd Duplication - Carry forward expenditure		711,281
JL14-80148-3384-000	Access Road to St Emilie's School Carpark - Carry forward expenditure		3,766
JL14-84018-3384-000	Nicholson Rd (Sthbnd), Spencer Rd –Ruby Ave - Carry forward expenditure		1,379
JL14-84047-3384-000	Maddington Rd - Boyle Lane to Reservoir Rd - Carry forward expenditure		92,105
JL14-84048-3384-000	Stennett St - Miranda Wy to Kellerman Wy - Carry forward expenditure		2,921
JL14-84051-3384-000	Crack Sealing - Various - Carry forward expenditure		15,000
JL14-80024-3384-000	Land Acquisitions - Expenses - Carry forward expenditure		23,000
JL14-85025-3384-000	Orr St Footpath Construction - Carry forward expenditure		12,000
JL14-85026-3384-000	Harpenden St Footpath Construction - Carry forward expenditure		2,000
JL14-85027-3384-000	Goodall St Footpath Construction - Carry forward expenditure		5,000
JL14-85028-3384-000	Mills Rd Footpath Construction - Carry forward expenditure		13,000
JL14-88014-2506-000	Lot 79 Comrie Rd Canning Vale	2,929	
JL14-88014-3384-000	Lot 79 Comrie Rd Canning Vale - Carry forward expenditure		2,929
JL14-88013-3384-000	Les Sands Pavilion Carpark Refurbishment - Carry forward expenditure		8,127
JL14-80074-2406-000	Federation Pde South - Stage 1		34

Account Number	Account Description	Debit \$	Credit \$
JL14-80074-3384-000	Federation Pde South - Stage 1 - Carry forward expenditure	34	
JL14-80117-3384-000	Improvement of St lighting - Various - Carry forward expenditure		29,635
JL14-80131-3384-000	Burslem Dr Underpass - Carry forward expenditure		5,000
JL14-80132-3384-000	Bike Rack - Leisure World - Carry forward expenditure		166
JL14-80133-3384-000	Bike Rack - Civic Centre - Carry forward expenditure		75
JL14-80134-3384-000	Bike Rack - Kenwick Library - Carry forward expenditure		70
JL14-80135-3384-000	Bike Rack - Thornlie Community Centre - Carry forward expenditure		70
JL14-80136-3384-000	Bike Rack - Kenwick Community Centre - Carry forward expenditure		70
JL14-80032-3384-000	Bus Shelters - New - Carry forward expenditure		22,317
JL14-80123-3384-000	Tactile Paving Bus Stops - Various locations - Carry forward expenditure		3,750
JL14-88000-3384-000	Drainage problems - various - Carry forward expenditure		605
JL15-88005-3384-000	Lakeside Dr Reserve - Carry forward expenditure		1,839
JL12-60003-3384-000	Harmony Fields - Residential Development Stage 3 - Carry forward expenditure		784,891
JL15-60044-3384-000	Landscape - Packer Park - Carry forward expenditure		8,910
JL15-60069-2501-000	Peace Ct Park	20	
JL15-60107-3384-000	Sutherlands Park Reserve "H" - Pump Upgrade - Carry forward expenditure		30,000
JL15-60112-3384-000	Spinifex Reserve - Repair & extend irrigation - Carry forward expenditure		21,450
JL15-60114-3384-000	Roundabout (Corfield St) Tonkin Hwy - Faux Pave - Carry forward expenditure		965
JL15-60134-3384-000	Ellis Brook Valley - Carry forward expenditure		56,319
JL15-60135-3384-000	Harmony Fields Passive Recreation - Carry forward expenditure		12,624
JL15-60135-2412-000	Harmony Fields Passive Recreation		12,218

<b>Account Number</b>	<b>Account Description</b>	<b>Debit \$</b>	<b>Credit \$</b>
JL15-60135-1301-716	Harmony Fields Passive Recreation		28,824
JL12-10028-3384-000	Tom Bateman Complex Pavilion Stage 1	67,500	
JL12-10028-1479-000	Tom Bateman Complex Pavilion Stage 1		85,000
JL16-10032-3384-000	Leisure World façade painting - Carry forward expenditure	6,890	
JL16-10033-3384-000	Leisure World Perimeter Fencing - Carry forward expenditure	6,240	
JL12-10073-3384-000	WPMP - New steps to Cassidy Rd Pavilion - Carry forward expenditure	40,000	
JL12-10073-2417-000	WPMP - New steps to Cassidy Rd Pavilion - Carry forward reserve transfer		40,000
JL13-30322-2407-000	Truck - Hino Dutro 4.5 tonne Cab Chassis + tray - Carry forward reserve transfer		28,570
JL13-30407-1501-000	Toyota Coaster Bus - Proceeds on Sale of Asset		30,000
JL13-30415-3601-000	Ford Falcon BF Ute - Proceeds on Sale of Asset		16,500
JL13-30421-3601-000	Toyota Prado - Proceeds on Sale of Asset		16,500
JL13-30436-3601-000	Holden Captiva Wagon Auto - Proceeds on Sale of Asset		16,000
JL13-30439-3601-000	Holden Captiva - Proceeds on Sale of Asset		18,000
JL13-30457-3601-000	Nissan Pathfinder - Proceeds on Sale of Asset		33,000
JL11-50052-3384-000	Notebook computer - Coordinator Emergency - Carry forward expenditure	1,996	
JL14-80144-3384-000	Dorothy St - painted and raised islands - Carry forward expenditure	3,047	
JL14-80146-3384-000	Burslem Dr Pedestrian Crossing - Carry forward expenditure	2,877	
JL14-80034-3384-000	Thornlie Ave/Spring Rd - Roundabout - Carry forward expenditure	3,500	
JL14-80001-3384-000	Garden St, Warton Rd - Harpenden St - Construct - Carry forward expenditure	17,809	
JL14-80071-3384-000	Nicholson Rd - Birnam Rd to Hughes St - Carry forward revenue	166,614	



<b>Account Number</b>	<b>Account Description</b>	<b>Debit \$</b>	<b>Credit \$</b>
JL14-80072-3384-000	Lauterbach Dr - Carry forward expenditure	40,000	
JL14-80072-1477-000	Lauterbach Dr - Carry forward income		40,000
JL14-80149-3384-499	Yale Road Primary School On Street Parking - Carry forward expenditure	100,000	
JL14-84022-3384-000	Anaconda Dr, Corfield St – Chamberlain St - Carry forward revenue	9,000	
JL14-80130-1353-000	Bridge 927 - Royal Street Kenwick		20,000
JL14-80119-3384-000	On St parking Huntingdale Primary School - Carry forward expenditure	50,000	
JL15-60068-3384-000	Repairs, Sealing, Signage etc. - Carry forward expenditure	36,204	
JL15-60075-3384-000	Berehaven Reserve - Major Renovation - Carry forward expenditure	20,000	
JL15-60090-2413-000	Sutherlands Park Cricket Wicket		28,000
JL15-60090-3384-000	Sutherlands Park Cricket Wicket - Carry forward expenditure	28,000	
JL12-60097-1367-000	New cricket wicket - Sutherlands Park Reserve		4,216
JL12-60097-1479-000	New cricket wicket - Sutherlands Park Reserve		4,216
JL12-60097-3384-261	New cricket wicket - Sutherlands Park Res - Carry forward expenditure	5,630	
JL15-60105-3384-750	Packer Park-Bore Relining - Carry forward expenditure	15,000	
JL15-60110-3384-000	Forest Crescent Reserve - Bore, Cabinet - Carry forward expenditure	25,425	
JL15-60111-3384-000	Greenway Reserve - Bore, Pump, Cabinet - Carry forward expenditure	13,893	
JL15-60125-3384-758	Woodlupine Reserve-Play Equip - Carry forward expenditure	14,746	
JL15-60138-3384-761	Spencer Rd/Roe Hwy Embankments - Carry forward revenue	20,269	
GL31-1050-3384	Gosnells Golf Course Bushland Management Plan - Carry forward operating expenditure		5,600
GL51-1415-3384	Travel Smart - Carry forward operating expenditure	26,336	

<b>Account Number</b>	<b>Account Description</b>	<b>Debit \$</b>	<b>Credit \$</b>
GL51-1415-3384	RoadWise - Carry forward operating expenditure	5,000	
JL31-95100-3384-000	Switch Your Thinking Unspent Sponsorship Funds - Carry forward operating expenditure		26,500
JL31-95106-3384-000	Switched on Business Unspent Grants - Carry forward operating expenditure	102,616	
JL31-95106-1301-000	Switched on Business Unspent Grants		66,735
JL34-95703-3384-000	Southern River ODP 3 - Carry forward expenditure	19,650	
JL34-95705-3384-000	Preparation of LPS/TPS Review - Carry forward expenditure	435	
JL34-95707-3384-000	MKSEA Planning - Carry forward expenditure	82,701	
JL34-95710-3384-000	Model Industrial Guidelines - Carry forward expenditure	1,375	
JL90-90203-3384-000	CARE Program - Carry forward operating expenditure		5,000
JL90-90315-3384-000	SEPS Program – Carry forward operating expenditure		371
JL91-92309-3384-000	Committed to community Groups – Carry forward operating expenditure		12,163
JL91-92312-3384-000	Committed to community Groups – Carry forward operating expenditure		2,158
JL91-92500-3384-000	Leisure World – Admin – Carry forward operating expenditure		40,000
JL94-94010-3384-000	Indigenous Oral History Project – Carry forward operating expenditure		8,500
JL42-40210-2634-000	Sanitation Surplus Transfer to Reserve – Sanitation Reserve	107,982	
GL33-1360-3384	Economic Development Projects - Carry forward operating expenditure	160,585	
GL54-1423-3651	Civic Centre Loan Interest	539,059	
JL31-95011-3384-000	Maddington Village - Carry forward operating expenditure	172,064	
JL31-95014-3384-000	Improving Connectivity Madd/Ken - Carry forward operating expenditure	395	

<b>Account Number</b>	<b>Account Description</b>	<b>Debit \$</b>	<b>Credit \$</b>
JL31-95023-3384-000	Early Childhood Education and Family Support – Carry forward operating expenditure	8,954	
JL31-95026-3384-000	Co-ordination of Education and Training – Carry forward operating expenditure	1,457	
JL31-95028-3384-000	Business Development Program – Carry forward operating expenditure	58,141	
JL31-95034-3384-000	Heritage Program – Carry forward operating expenditure	651	
JL34-95711-3384-000	Compensation Payment re Lot 11 Holmes St, Southern River	45,000	
JL90-90101-3384-000	Parent Workshop – Carry forward operating expenditure	616	
JL90-90503-3384-000	Inclusive Recreation Service General – Carry forward operating expenditure	5,132	
JL90-90504-3384-000	Inclusive Recreation Service Littlies – Carry forward operating expenditure	1,591	
JL90-90505-3384-000	Inclusive Recreation Service Sibs – Carry forward operating expenditure	1,102	
JL90-90508-3384-000	Take A Break Holiday Program – Carry forward operating expenditure	36,065	
JL90-90509-3384-000	Take a Break Carers Retreats – Carry forward operating expenditure	15,302	
JL90-90510-3384-000	Take a Break Awesome Fun Club – Carry forward operating expenditure	1,150	
JL90-90511-3384-000	SafetyLynx Program – Carry forward operating expenditure	264	
JL90-90511-3384-000	SafetyLynx Program – Carry forward operating expenditure	853	
JL90-90616-3384-000	Break Dance – Carry forward operating expenditure	276	
JL90-90631-3384-000	Work for the Dole – Carry forward operating expenditure	750	
JL90-90632-3384-000	Youth Health Expo - Carry forward operating expenditure	869	
JL90-95035-3384-000	STR8 Talking – Mentors – Carry forward operating expenditure	21,303	

Account Number	Account Description	Debit \$	Credit \$
JL90-95036-3384-000	STR8 Talking – Stronger Family – Carry forward operating expenditure	21,585	
JL90-95037-3384-000	STR8 Talking – Active Youth – Carry forward operating expenditure	17,238	
JL90-95038-3384-000	STR8 Talking – Speedy Decisions – Carry forward operating expenditure	47,231	
JL90-95039-3384-000	STR8 Talking – Its My Place – Carry forward operating expenditure	27,479	
JL90-95040-3384-000	STR8 Talking – Youth Forum – Carry forward operating expenditure	25,402	
JL90-95041-3384-000	STR8 Talking – Evaluation and Research – Carry forward operating expenditure	36,964	
JL91-20037-1301-000	Don Russell Performing Arts Centre – Carry forward operating grant income		6,749
JL91-92107-3384-000	Club Development - Carry forward operating expenditure	18,405	
JL92-91102-1301-000	Indigenous Oral History Project		33,726
JL92-91102-3384-000	Indigenous Oral History Project	19,789	
JL43-40456-1584-000	Gosnells Road West & Alcock Street Private Works Carry forward		115,177
JL43-40456-3384-000	Gosnells Road West & Alcock Street Private Works Carry forward	71,188	
GL99-9999-9600	Equity	1,967,272	

**CARRIED BY ABSOLUTE MAJORITY 12/0**

**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 T Brown, Cr R Mitchell, Cr L Griffiths, and Cr O Searle.

**AGAINST:** Nil.

## 13.4 INFRASTRUCTURE

### 13.4.1 TENDER 41/2008 – METAL FRAMED BUS SHELTERS – SUPPLY, INSTALLATION AND ASSOCIATED WORK

Author: J Dowling  
Previous Ref: Nil  
Appendix: Nil

#### PURPOSE OF REPORT

To advise Council of submissions received in response to Tender 41/2008 – Metal Framed Bus Shelters – Supply, Installation and Associated Works and recommend the most advantageous tender for the purpose of awarding a contract for a three-year period commencing 1 March 2009.

#### BACKGROUND

Tender 41/2008 was advertised in The West Australian newspaper on Wednesday 15 October 2008 and closed on Thursday 30 October 2008 for the supply, installation and associated works for metal framed bus shelters.

Submissions were received from the following five companies:

Name	Address
Adshel Street Furniture	Suite 7, 1050 Hay Street, West Perth WA 6005
Adherent Constructions	220 Railway Parade, Queens Park WA 6107
Galena Nominees Pty Ltd	54 Kurnell Road, Welshpool WA 6106
National Corporate Imaging	Unit 1 / 72 Clavering Road, Bayswater WA 6053
Metroshel Pty Ltd	3 The Lodge, Mt Claremont, WA 6010

#### DISCUSSION

The tender requires the supply and installation of three types of bus shelter:

- **Type 1 Shelter:** Standard, low cost cantilever shelter with security mesh installed for general purpose use.
- **Type 2 Shelter:** High quality contemporary style shelter for use in high profile modern settings.
- **Type 3 Shelter:** High quality heritage style shelter for use in heritage listed areas and similar environments.

In addition, the tender includes provision for separate site preparation, separate bus shelter installation and separate tactile paving installation to deal with situations such as relocating existing shelters. A total of 14 combinations were requested in the pricing schedule as summarised below:

Item	Tendered Price				
	Adshel	Adherent	Galena	National	Metroshel
Supply and install Type 1	\$9,450	\$11,000	\$9,630	\$9,470	\$10,200
Supply and install Type 2	\$14,130	\$12,000	\$9,910	\$10,990	\$11,080
Supply and install Type 3	\$13,300	\$12,600	\$12,150	\$12,970	\$11,100
Site inspections, service locations	Included	\$1,050	\$180	\$560	\$380
Site preparation to suit Type 1	\$3,600	\$4,500	\$2,450	\$2,600	\$300-\$500/m <sup>2</sup>
Site preparation to suit Type 2	\$4,250	\$5,000	\$2,685	\$2,600	\$300-\$500/m <sup>2</sup>
Site preparation to suit Type 3	\$4,250	\$6,000	\$2,685	\$2,600	\$300-\$500/m <sup>2</sup>
Install at existing site - Type 1	\$3,600	\$5,300	\$1,650	\$1,560	\$2,750
Install at existing site - Type 2	\$4,250	\$5,800	\$2,110	\$1,690	\$2,750
Install at existing site - Type 3	\$4,250	\$6,800	\$2,110	\$1,690	\$2,750
Demolish, remove existing concrete shelter incl disposal	\$1,190	\$1,500	\$3,200	\$1,870	\$1,325
Demolish, remove existing metal shelter incl disposal	\$910	\$1,400	\$1,115	\$1,660	\$1,125
Demolish, remove existing metal shelter incl deliver to CoG	\$910	\$1,400	\$770	\$1,350	\$1,125
Tactile paving (5m <sup>2</sup> )	\$220 /m <sup>2</sup>	\$900	\$1,810	\$220 /m <sup>2</sup>	\$1,250

The City's annual program typically involves the supply and installation of four to six Type 1 shelters at new sites and the installation of tactile paving (5 square metres) at existing sites, therefore these items were used to establish the price comparison in the evaluation table below.

Item	Adshel	Adherent	Galena	National	Metroshel
Supply and install Type 1	\$9,450	\$11,000	\$9,630	\$9,470	\$10,200
Site inspections, service locations	Included	\$1,050	\$180	\$560	\$380
Site preparation to suit Type 1	\$3,600	\$4,500	\$2,450	\$2,600	\$3,250
Tactile paving with new shelter	\$1,100	\$900	\$1,810	\$1,100	\$1,250
Tactile paving at existing shelter	\$1,100	\$900	\$1,810	\$1,100	\$1,250
Total	\$15,250	\$18,350	\$15,880	\$14,830	\$16,330

Tender submissions were assessed in accordance with the evaluation criteria set out in the tender documents and results of these assessments are detailed in the following table:

Evaluation Criteria	Adshel	Adherent	Galena	National	Metroshel
Relevant experience (30%)	30%	0%	30%	15%	20%
Methodology (15%)	15%	15%	15%	15%	15%
Occupational Safety and Health (5%)	5%	5%	5%	5%	5%
Price (50%) (The lowest price tendered will be used as the benchmarked criteria in assessing price)	49%	38%	46%	50%	45%
Total score	99%	58%	96%	85%	85%
Ranking on matrix	1	5	2	=3	=3

Although Adshel is slightly more expensive than National in providing a typical Type 1 shelter scenario and tactile paving, the company has extensive experience in this work

throughout Australia. The City has worked with the company in relation to the advertising shelters on major routes and it is a very professional organisation.

National, as a company, has no experience in this work although the General Manager has extensive previous experience in the provision of bus shelters as a Project Manager with one of the other tenderers.

Galena has similar capability to Adshel but is more expensive than Adshel and National in the price comparison table.

Based on assessed higher level of experience it will be recommended that Tender 41/2008 be awarded to Adshel Street Furniture.

### FINANCIAL IMPLICATIONS

The 2008/2009 budget provides a total of \$90,750 for the installation of bus shelters. In addition, \$35,500 is provided for the installation of tactile paving. Similar funding will be included in annual budgets for the life of the contract.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION
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#### 19 Moved Cr R Hoffman Seconded Cr R Mitchell

That Council award Tender 41/2008 – Metal Framed Bus Shelters – Supply, Installation and Associated Works to Adshel Street Furniture of Suite 7, 1050 Hay Street, West Perth WA 6005 for a three-year period commencing 1 March 2009 for the following schedule of costs.

Item	Tendered Price
Supply and install Type 1	\$9,450
Supply and install Type 2	\$14,130
Supply and install Type 3	\$13,300
Site inspections, service locations	Included
Site preparation to suit Type 1	\$3,600
Site preparation to suit Type 2	\$4,250
Site preparation to suit Type 3	\$4,250
Install at existing site - Type 1	\$3,600
Install at existing site - Type 2	\$4,250
Install at existing site - Type 3	\$4,250
Demolish, remove existing concrete shelter incl disposal	\$1,190
Demolish, remove existing metal shelter incl disposal	\$910
Demolish, remove existing metal shelter incl deliver to CoG	\$910
Tactile paving (5m <sup>2</sup> )	\$220 /m <sup>2</sup>

CARRIED 12/0

**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 T Brown, Cr R Mitchell, Cr L Griffiths, and Cr O Searle.

**AGAINST:** Nil.

**13.4.2 TENDER 43/2008 - TYRE MANAGEMENT SERVICES**

Author: D Denton  
Previous Ref: Nil  
Appendix: Nil

**PURPOSE OF REPORT**

To advise Council of submissions received in relation to Tender 43/2008 – Tyre Management Services and recommend the most advantageous tender for the purpose of awarding a contract for a three-year period commencing 11 February 2009.

**BACKGROUND**

Tender 43/2008 was advertised in the West Australian newspaper on 10 December 2008 and when tenders closed on 8 January 2009, only one submission was received from the following organisation.

<b>Company</b>	<b>Address</b>
Taylor Tyres Pty Ltd	33 Hope Valley Road, Naval Base WA 6165

**DISCUSSION**

Taylor Tyres Pty Ltd has been the City's supplier and fitter of Michelin tyres for the past seven years and to date has provided an exemplary service.

Previously, the City has awarded a contract for the supply and fitting of Michelin tyres only and as part of this contract the contractor has provided the City with tyre management services. Tyre management services include the inspection of truck tyres and the rotation thereof when required together with the supply, replacement and repair of tyres as needed. The contractor inspects the trucks three times a week after hours, records wear and tear and takes remedial action where necessary. This service has proved to be extremely beneficial to the City as it ensures maximum life/usage from the tyres without compromising safety.

During the past few years several tyre suppliers have indicated that they can also provide tyre management services. Therefore considering the value of this service to the City it was decided to include it as an integral part of Tender 43/2008. Tender 43/2008 calls for tyre management services together with the supply and fitting of Michelin tyres.

The City has for a number of years specified Michelin tyres for its trucks for three main reasons. Firstly, the life of a Michelin truck tyre outlasts other brands of tyre - almost twice the kilometrage. Secondly, the City uses recapped tyres on the "drive" wheels of its trucks and new tyres on the "steer" wheels, a new tyre is \$620 and a recap tyre is \$235. Michelin tyres can be recapped five/six times before the casing is rejected whereas other brands of tyre can only be recapped two/three times, and the cost of the cases is in excess of \$100 each. Thirdly, the Recap Recamic tyres use Michelin rubber, therefore the recap material is the same as the case and tends to provide a stronger bond.

The following matrix details the tendered prices, together with current contract prices for a range of tyres and services required by the City:



Item	Description	Unit	2005/2008 Contract Price	Tendered Price Year 1	Tendered Price Year 2	Tendered Price Year 3
1	7.00R 16 New Michelin XZA	\$ ea	185	240	247	271
2	11R22.5 New Michelin XZU 3 Steers	\$ ea	620	658	677	697
3	7.50R 16 New Michelin XZA	\$ ea	200	257	264	271
4	8.25R 16 New Michelin XZA	\$ ea	285	359	369	380
5	205/80R 16 New Michelin Tubeless	\$ ea	240	299	307	316
6	225/90 17.5 New Michelin	\$ ea	305	387	398	409
7	225/70R 22.5 New Michelin	\$ ea	495	392	403	415
8	700x16 Recap Recamic	\$ ea	150	98	102	106
9	825x16 Recap Recamic	\$ ea	158	176	182	186
10	750x16 Recap Recamic	\$ ea	155	102	106	110
11*	11R22.5 Recap Recamic X2H	\$ ea	235	275	283	291
12	Minor repair - truck	\$ ea	15	20	25	28
13	Major repair - truck	\$ ea	70	70	73	76
14	Callouts	\$/hr		100	105	110
15	Normal hours labour rate	\$/hr	60	70	75	80
16	After hours labour rate	\$/hr	110	90	95	100
17	Tyre Inspections			3 x week	3 x week	3 x week

The prices quoted exclude GST and Taylor Tyres Pty Ltd offers a 5% discount for payment within 14 days. Tyre inspections and rotations are included at no additional cost.

Item No 11 (11R22.5 Recap Recamic) is the type of tyre most used by the City (used on refuse collection vehicles and heavy tip trucks) and represents between 85% to 90% of the City's expenditure on tyres, which in 2007/2008 was \$133,343 and \$64,183 in the current financial year to date.

The tender was assessed in accordance with the tender documentation and the result of that assessment is shown below:

Evaluation Criteria	Weighting (%)	Taylor Tyres (%)
Relevant experience	30	30
Methodology	10	10
Skills and experience of key personnel	10	10
Price	50	50
<b>TOTAL</b>	<b>100</b>	<b>100</b>

It should be noted that Taylor Tyres Pty Ltd introduced the provision of tyre management services to the City and apart from tyre inspections and rotations, reports on tyre condition, age and cost per kilometre are provided for all tyres used on the City's refuse collection vehicles and heavy tip trucks.

**FINANCIAL IMPLICATIONS**

The financial commitment for Tender 43/2008 will be included in the relevant Plant Operating Budgets for the life of the contract.

## STAFF RECOMMENDATION AND COUNCIL RESOLUTION

**20 Moved Cr D Griffiths Seconded Cr J Brown**

That Council award Tender 43/2008 – Tyre Management Services to Taylor Tyres Pty Ltd, 33 Hope Valley Rd, Naval Base, WA 6165, for a three-year period commencing on 16 February 2009, for the following prices.

Item	Description	Tendered Price Year 1	Tendered Price Year 2	Tendered Price Year 3
1	7.00R 16 New Michelin XZA	\$240/ea	\$247/ea	\$271/ea
2	11R22.5 New Michelin XZU 3 Steers	\$658/ea	\$677/ea	\$697/ea
3	7.0R 16 New Michelin XZA	\$257/ea	\$264/ea	\$271/ea
4	8.25R 16 New Michelin XZA	\$359/ea	\$369/ea	\$380/ea
5	205/80R 16 New Michelin Tubeless	\$299/ea	\$307/ea	\$316/ea
6	225/90 17.5 New Michelin	\$387/ea	\$398/ea	\$409/ea
7	225/70R 22.5 New Michelin	\$392/ea	\$403/ea	\$415/ea
8	700 x 16 Recap Recamic	\$98/ea	\$102/ea	\$106/ea
9	825 x 16 Recap Recamic	\$176/ea	\$182/ea	\$186/ea
10	750 x 16 Recap Recamic	\$102/ea	\$106/ea	\$110/ea
11*	11R22.5 Recap Recamic X2H	\$275/ea	\$283/ea	\$291/ea
12	Minor repair – truck	\$20/ea	\$25/ea	\$28/ea
13	Major repair – truck	\$70/ea	\$73/ea	\$76/ea
14	Callouts	\$100/hr	\$105/hr	\$110/hr
15	Normal hours labour rate	\$70/hr	\$75/hr	\$80/hr
16	After hours labour rate	\$90/hr	\$95/hr	\$100/hr
17	Tyre inspections	3 x week	3 x week	3 x week

CARRIED 12/0

**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 T Brown, Cr R Mitchell, Cr L Griffiths, and Cr O Searle.

**AGAINST:** Nil.

**13.4.3 TENDER 44/2008 - VERGE REINSTATEMENTS / ALTERATIONS**

Author: B Mills  
Previous Ref: Nil  
Appendix: Nil

**PURPOSE OF REPORT**

To advise Council of submissions received in relation to Tender 44/2008 – Verge Reinstatements/Alterations and recommend the most advantageous tender for the purpose of awarding a contract for a three-year period commencing 11 February 2009.

**BACKGROUND**

Tender 44/2008 was advertised in the West Australian newspaper on 10 December 2008 and closed on Tuesday 8 January 2009.

Submissions were received from the following two companies:

<b>Name</b>	<b>Address</b>
Environmental Industries	123 Huntingdale Road, Huntingdale WA 6110
Impeccable Landscaping	11 Sandridge Street, Gosnells WA 6110 (Office) 57 Coldwell Road, Kenwick WA 6107 (Depot)

The contract for verge reinstatements/alterations requires the contractor to be responsible for the following works as required after the completion of construction and maintenance works:

- Reticulation repairs
- Limestone walls
- Brick paving
- Mulching
- Minor repairs

The current contractor is Impeccable Landscaping who has held the contract for the past seven years.

**DISCUSSION**

The following matrix details the submitted prices:

Description	Unit	Impeccable Landscaping			Environmental Industries		
		Year 1	Year 2	Year 3	Year 1	Year 2	Year 3
Standard labour (skilled)	\$/hr	\$36.00	\$37.00	\$38.00	\$45.00	\$45.00	\$45.00
Standard labour (unskilled)	\$/hr	\$33.00	\$33.00	\$33.00	\$39.50	\$39.50	\$39.50
Excavator hire (mini)	\$/hr	\$55.00	\$55.00	\$55.00	\$70.00	\$73.50	\$77.20
% materials on cost	%	10%	10%	10%	7.5%	7.5%	7.5%

Tenders were assessed against the evaluation criteria detailed in the tender documentation. The following matrix outlines this assessment.

Tenderer	Evaluation Criteria				
	Price	Safety	Experience	Methodology	Total
Impeccable Landscaping	50%	5%	30%	15%	100%
Environmental Industries	41.11%	5%	30%	15%	91.11%

The prices scored in the evaluation matrix are based on the average of the prices submitted for the supply of standard labour (skilled), for the entire three years.

Both tenderers adequately fulfilled the requirements of the tender and the submissions were of a high standard. From the information supplied both tenderers have the experience, safety systems and methodology required to execute the requirements of the contract to the full satisfaction of the City. Therefore they have both been given the maximum possible weighted score for these criteria.

Impeccable Landscaping has achieved the highest score when assessed against the evaluation criteria. During the past two years the service and standard of work provided by Impeccable Landscaping as the current contractor has been of a high standard. As such, it will be recommended that Impeccable Landscaping be awarded the contract.

## FINANCIAL IMPLICATIONS

The financial commitment for Tender 44/2008 is included in the relevant Engineering Operational and Construction Budgets and will be included in these budgets for the life of the contract.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION

**21 Moved Cr L Griffiths Seconded Cr R Hoffman**

That Council award Tender 44/2008 – Verge Reinstatements/ Alterations to Impeccable Landscaping, 11 Sandridge Street, Gosnells WA 6110 for a three year period commencing 16 February 2009 at the following prices:

<b>Description</b>	<b>Year 1</b>	<b>Year 2</b>	<b>Year 3</b>
Standard labour (skilled)	\$36/hr	\$37/hr	\$38/hr
Standard labour (unskilled)	\$33/hr	\$33/hr	\$33/hr
Excavator hire (mini)	\$55/hr	\$55/hr	\$55/hr
% materials on cost	10%	10%	10%

CARRIED 12/0

**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 T Brown, Cr R Mitchell, Cr L Griffiths, and Cr O Searle.

**AGAINST:** Nil.

**13.4.4 TENDER 49/2008 – SUPPLY OF BACKHOE AND OPERATOR**

Author: B Mills  
 Previous Ref: Nil  
 Appendix: Nil

**PURPOSE OF REPORT**

To advise Council of submissions received in relation to Tender 49/2008 – Supply of Backhoe and Operator and recommend the most advantageous tender for the purpose of awarding a contract for a three-year period commencing 11 February 2009.

**BACKGROUND**

Tender 49/2008 was advertised in the West Australian Newspaper on 10 December 2008 and closed on 8 January 2009. Submissions were received from the following three companies:

Name	Address
Allwest Plant Hire	44 Lock View, Bedforddale WA 6112
Trenchbusters	21 Rockingham Road, Naval Base WA 6165
MMM (WA) Pty Ltd	6 Cockram Road, Martin WA 6110

**DISCUSSION**

The following matrix details the submitted prices:

Description	Backhoe and Operator (normal hours 7am to 5pm) \$/Hour	Backhoe and Operator (outside normal hours of 7am to 5pm) \$/Hour	Minimum Charge
<b>Allwest Plant Hire</b>			
Year 1	\$78.00	\$88.00	\$624.00
Year 2	\$79.00	\$89.00	\$632.00
Year 3	\$81.00	\$91.00	\$648.00
<b>Trenchbusters</b>			
Year 1	\$112.50	\$142.50	\$500.00
Year 2	\$118.00	\$155.00	\$520.00
Year 3	\$130.00	\$160.00	\$540.00
<b>MMM (WA) P/L</b>			
Year 1	\$115.00	\$138.00	\$460.00
Year 2	\$126.00	\$151.00	\$504.00
Year 3	\$137.00	\$165.00	\$548.00

Tender submissions were assessed against the evaluation criteria as detailed in the tender specification.

The following table shows the scores assigned to each tender submission by the evaluation panel.

Tenderer	Evaluation Criteria			
	Price 50%	Experience 30%	Skills 20%	Total 100%
Allwest Plant Hire	50%	30%	20%	100%
Trenchbusters	33.09%	30%	20%	83.09%
MMM (WA) Pty Ltd	31.60%	30%	20%	81.60%

As there are many submitted prices, the prices have been evaluated on the supply of Backhoe and Operator for normal hours between 7am and 5pm as this is the most commonly required service.

All tenderers adequately fulfilled the requirements of the tender and the submissions were of a very high standard. From the information supplied all tenderers have the capacity to execute the requirements of the contract to the full satisfaction of the City.

As can be seen from the submitted prices the cheapest hourly rate was submitted by Allwest Plant Hire. The company's minimum charge is also high and the City would be required to pay for a minimum of eight hours use. The prices submitted by the other two tenderers are \$112.50/hour and \$115/hour, both of which are significantly higher than the price tendered by Allwest Plant Hire

However, it should be noted that the price submitted by Allwest Plan Hire amounts to a 41.8% increase in comparison to the previous contract for the provision of this service, which expired on 31 December 2008.

It will therefore be recommended that the contract for the hire of a backhoe and operator not be awarded at this time and that an evaluation of the need for this contracted service, in contrast to expanding the 'in house' service, be conducted.

## FINANCIAL IMPLICATIONS

Nil.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION
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### 22 Moved Cr J Brown Seconded Cr T Brown

That Council not award Tender 49/2008 – Supply of Backhoe and Operator and officers undertake an assessment of whether or not it would be more advantageous for the City to undertake the required works in-house.

CARRIED 12/0

**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 T Brown, Cr R Mitchell, Cr L Griffiths, and Cr O Searle.

**AGAINST:** Nil.

### 13.4.5 TENDER 50/2008 - PURCHASE OF ONE 6 X 4 TRUCK MOUNTED SINGLE PERSON OPERATED SIDE LOADING REFUSE COMPACTION UNIT

Author: D Denton  
 Previous Ref: Nil  
 Appendix: Nil

#### PURPOSE OF REPORT

To advise Council of submissions received in relation to Tender 50/2008 – Purchase of One 6 x 4 Truck Mounted Single Person Operated Side Loading Refuse Compaction Unit and recommend the most advantageous tender for the purpose of awarding a contract.

#### BACKGROUND

Tenders were advertised in The West Australian newspaper on Wednesday 10 December 2008 and closed on Tuesday 8 January 2009 for the purchase of one 6 x 4 truck mounted single person operated side loading refuse compaction unit.

Submissions were received from the following two companies:

Company	Address
Skipper Trucks	268 Great Eastern Highway, Belmont WA 6104
Truck Centre (WA) Pty Ltd	76 Great Eastern Highway, South Guildford WA 6055

#### DISCUSSION

Details of the tenders received are as follows:

6 x 4 Truck Mounted Single Person Operated Side Loading Refuse Compaction Unit			
Company	Make and Model	Year	Purchase Price \$
Skipper Trucks	Iveco Acco F2350 G/285	2009	327,300
Truck Centre (WA) P/L	Volvo FE 320	2009	371,824

The City currently operates 13 waste collection vehicles – nine for domestic waste, one for commercial waste, one for parks and street bins and two for bulk kerbside collections. Tender 50/2008 is for the purchase of one additional domestic waste collection vehicle.

The current fleet of domestic refuse collection vehicles has the capacity to service 40,000 households per week and it has been calculated that sometime in 2009/2010 the number of services required will exceed that number necessitating an additional collection vehicle. The contract needs to be awarded as soon as possible as there is a lengthy waiting period (10-12 months) for manufacture/delivery.



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

Evaluation Criteria	Tenderer		
	Weighting %	Skipper Trucks %	Truck Centre (WA) Pty Ltd %
Ability to supply parts in a timely manner	20	20	20
Customer service	10	10	10
Driver Assessment	10	10	10
Workshop Assessment	10	10	9
Price – the lowest price is used as the benchmark	50	50	44
<b>TOTAL</b>	<b>100%</b>	<b>100%</b>	<b>93%</b>

It can be seen from the above matrix that Skipper Trucks attained the highest score when assessed against the evaluation criteria.

Both vehicles would be fitted with MacDonald Johnston 22m<sup>3</sup> Sport Gen V side loading compaction units and from the tender documentation and assessments it is suggested that both trucks offered would be suitable to meet the City's requirements. It will therefore be recommended that the contract be awarded to Skipper Trucks.

#### FINANCIAL IMPLICATIONS

The financial commitment for this tender is \$327,300 to be funded from the MGB Plant and Equipment Reserve Fund.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION
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#### 23 Moved Cr T Brown Seconded Cr D Griffiths

That Council award Tender 50/2008 – Purchase of One 6 x 4 Truck Mounted Single Person Operated Side Loading Refuse Compaction Unit, to Skipper Trucks, 268 Great Eastern Highway, Belmont WA 6104, for the supply of one Iveco Acco F2350 G/285 truck with a MacDonald Johnston Engineering 22m<sup>3</sup> Sport Gen V side loading compaction unit for \$327,300 to be funded from the MGB Plant and Equipment Reserve Fund.

CARRIED 12/0

**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 T Brown, Cr R Mitchell, Cr L Griffiths, and Cr O Searle.

**AGAINST:** Nil.

**13.4.6 PROPOSED LICENCE TO USE LAND FOR PUBLIC PARKING BEING PORTION OF LOTS 4211 AND 4212 ALBANY HIGHWAY, GOSNELLS FROM THE PUBLIC TRANSPORT AUTHORITY OF WESTERN AUSTRALIA**

Author: J Flatow

Previous Ref: Nil

Appendix: 13.4.6A Land to be subject to a licence from the PTA

**PURPOSE OF REPORT**

To seek Council approval to enter into a 21 year licence agreement to use portion of Lots 4211 and 4212 Albany Highway, Gosnells owned by the Public Transport Authority of Western Australia for public parking purposes.

**BACKGROUND**

As part of the "Revitalisation of Gosnells Town Centre", staff have been negotiating for some years with the Public Transport Authority of Western Australia (PTA) to formally secure land between the Gosnells Police Station and the Gosnells Bowling Club Inc for public parking purposes. The parking is required as an overflow from the Gosnells train station car park, town centre parking and patrons of the Gosnells Bowling Club Inc.

The proposed licence relates to land that was previously leased from the then Western Australian Government Railways Commission that expired through the effluxion of time and contained a parking area, child health clinic and public toilets. The child health clinic and toilets have been demolished and the proposed total tenancy area contains no improvements except for a portion that has been sealed for public parking. The land has been consolidated into two lots (Lots 4211 and 4212) and the PTA proposes to issue the licence for a portion of each lot.

Concept plans have been prepared that show that the total area can be advantageously developed for Town Centre parking when required in the future.

**DISCUSSION**

The PTA has a preference for a licence rather than a lease. The land that would be the subject of the licence is shown in Appendix 13.4.6A. From the City's perspective there are no objections to a licence approach in lieu of a lease as it allows the opportunity to reduce the ongoing costs to the City.

The licence proposes an annual licence fee of \$1 if demanded. Other conditions of licence have been checked by City staff who are of the view that they are fair and reasonable.

The City would be responsible as it is at present for all normal outgoings associated with the site.

**FINANCIAL IMPLICATIONS**

It is estimated that the outgoings will be approximately \$800 per annum. The cost to formally construct the parking area with 75 parking bays is estimated to be \$155,000, which is listed for 2009/2010 Budget consideration.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION
---

**24 Moved Cr R Hoffman Seconded Cr D Griffiths**

That Council approve of entering into a licence agreement to use portions of Lots 4211 and 4212 Albany Highway, Gosnells totalling 2,260 square metres, as depicted on Appendix 13.4.6A, being Plan No 7157 from the Public Transport Authority of Western Australia (PTA) on the following terms:

Licence Fee:	\$1 per annum payable on demand
Licence Term:	21 years
Date of Commencement:	1 March 2009
Permitted Purpose:	Car park for Community Parking
Outgoings:	All rates and taxes levied on the site together with PTA management fees

CARRIED 12/0

**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 T Brown, Cr R Mitchell, Cr L Griffiths, and Cr O Searle.

**AGAINST:** Nil.

**13.4.7 REQUEST FOR MEMORIAL - HEATHER BOWLER, MEMBER OF THE FRIENDS OF ELLIS BROOK VALLEY**

Author: G Bremner  
Previous Ref: Nil  
Appendix: Nil

**PURPOSE OF REPORT**

For Council to approve the placement of a memorial to Heather Bowler within the Ellis Brook Valley Reserve.

**BACKGROUND**

Heather Bowler was actively involved with the Friends of Ellis Brook Valley for many years. She held a number of positions within the Friends Group and developed a strong devotion to the protection of the plant communities within the reserve, and was always willing to impart her knowledge and share her love of the environment with all those she came in contact with.

She will be remembered for her pivotal role in the identification and cataloguing of plant specimens from the Ellis Brook Valley Reserve. This included identification of a number of species of Rare Declared Flora and priority species which previously had not been identified as present within the Reserve, and she was highly regarded by the Western Australian Herbarium for her work. Heather passed away on 6 October 2008.

**DISCUSSION**

A memorial in the form of a simple plaque to be placed at the head of the steps on the Eagle View Trail has been proposed by the Friends Group. This proposal is supported by Officers.

**FINANCIAL IMPLICATIONS**

The cost of installing the plaque as proposed is estimated at \$580. The Friends of Ellis Brook Valley Reserve have confirmed a contribution of up to \$400, along with an in-kind contribution of labour towards the installation of the plaque. Further labour and incidental costs can be met from the Ellis Brook Valley Reserve maintenance account.

STAFF RECOMMENDATION
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**Moved Cr J Brown Seconded Cr R Mitchell**

That Council approve the installation of a plaque in the memory of Heather Bowler within the Ellis Brook Valley Reserve.

Amendment

*During debate Cr PM Morris moved the following amendment to the staff recommendation:*

*“That the staff recommendation be amended by deleting the full stop and inserting the following text after the words “Ellis Brooke Reserve”:*

*“and the final wording of the plaque has the approval of Mr. John Bowler also to have a recognised dedication be undertaken for Council, family and friend of Ellis Brook Valley”*

*Cr PM Morris provided the following written reason for the proposed amendment:*

*“Mrs. Heather Bowler was a dedicated volunteer for some 15-20 years in the Ellis Brook Valley and surrounding area this recognition is fitting.*

*Cr W Barrett Seconded Cr PM Morris’s proposed amendment.*

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

**Moved Cr PM Morris Seconded Cr W Barrett**

That the staff recommendation be amended by deleting the full stop and inserting the following text after the words “Ellis Brooke Reserve”:

“and the final wording of the plaque has the approval of Mr John Bowler also to have a recognised dedication be undertaken for Council, family and friend of Ellis Brook Valley”;

with the amended recommendation to read:

“That Council approve the installation of a plaque in the memory of Heather Bowler within the Ellis Brook Valley Reserve and the final wording of the plaque has the approval of Mr John Bowler also to have a recognised dedication be undertaken for Council, family and friend of Ellis Brook Valley.”

**CARRIED 12/0**

**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 T Brown, 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
--------------------

**25 Moved Cr PM Morris Seconded Cr W Barrett**

That Council approve the installation of a plaque in the memory of Heather Bowler within the Ellis Brook Valley Reserve and the final wording of the plaque has the approval of Mr John Bowler also to have a recognised dedication be undertaken for Council, family and friend of Ellis Brook Valley.

CARRIED 12/0

**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 T Brown, Cr R Mitchell, Cr L Griffiths, and Cr O Searle.

**AGAINST:** Nil.

## 13.5 PLANNING AND SUSTAINABILITY

### 13.5.1 AMENDMENT NO. 84 TO TOWN PLANNING SCHEME NO. 6 – FINALISATION – INCREASED RESIDENTIAL DENSITY FOR VARIOUS LOTS IN THE CENTRAL BECKENHAM (SUB PRECINCT C) LOCAL HOUSING STRATEGY PRECINCT

Author:	L Gibson
Reference:	Various
Application No:	PF07/00043
Applicant:	City of Gosnells
Owner:	Various
Location:	Central Beckenham Sub Precinct C
Zoning: MRS:	Urban
TPS No. 6:	Residential R17.5 and Residential R25
Review Rights:	Nil, however, final determination is with the Minister for Planning
Area:	Approximately 8.7 ha
Previous Ref:	OCM 11 March 2008 (Resolutions 60–62) OCM 28 August 2007 (Resolutions 388–390)
Appendices:	13.5.1A Original Scheme Amendment Map 13.5.1B Modified Scheme Amendment Map

#### PURPOSE OF REPORT

For Council to consider the second round of submissions received in relation to Amendment No. 84 to Town Planning Scheme No. 6 (TPS 6).

#### BACKGROUND

Council at its meeting on 28 August 2007 resolved (Resolutions 388–390) to initiate Amendment No. 84 for the purpose of:

- Increasing the residential density coding for Lots 267, 268, 501, 602, 603 and 606 Wickling Street, Lots 15, 50 and 269 William Street, Lots 4, 5, 6, 15, 16, 19, 20, 135, 136 and 138 Bickley Road, Lots 7, 9, 10, 17, 18 and 137 Railway Parade, Lots 6, 9, 10, 10, 11, 11, 11, 12, 12, 13, 13, 14, 17, 24, 25, 79, 90, 502 and 601 Streatham Street and Lot 8 Dulwich Street, Beckenham from Residential R17.5 to Residential R60.
- Increasing the residential coding for Lots 8 and 136 Bickley Road, Beckenham from Residential R25 to Residential R60.
- Rezoning a portion of Lot 50 and Lots 7, 8 and 9 William Street and Lots 2, 3, 4 and 5 Bickley Road, Beckenham from Residential R17.5 to Residential Development, to provide for residential, mixed use and commercial development opportunities opposite the Beckenham train station.
- Rezoning Lot 2387 (Reserve 31593) Railway Parade, Beckenham from Residential R17.5 to Local Open Space reserve to reflect the purpose of the reserve.
- Applying a “Special Control Area” over the abovementioned lots and incorporating corresponding provisions in Town Planning Scheme No. 6 (TPS 6) to provide for the establishment of a developer contribution

arrangement for the provision of common infrastructure works, such as drainage system upgrades.

A copy of the original Scheme Amendment Map is contained in Appendix 13.5.1A.

In accordance with Council's Resolution 389 from its 28 August 2007 meeting, Amendment No. 84 was referred to the Environmental Protection Authority (EPA) for comment prior to being publicly advertised. The EPA determined that no environmental assessment was required.

Following receipt of the EPA's determination, the proposal was advertised for public comment for 42 days. The advertising was conducted by way of a sign on site, a newspaper advertisement and letters to surrounding landowners. A total of 28 submissions were received comprising of 13 non objections (including two from Government agencies), 9 comments (including one from a Government agency) and 6 objections. These submissions were considered by Council at its meeting of 11 March 2008, where Council resolved (Resolutions 60-62) to adopt Amendment No. 84, subject to a number of minor modifications.

Amendment No. 84 was subsequently referred to Western Australian Planning Commission (WAPC) which forwarded it to the (then) Minister for Planning and Infrastructure for determination. In reviewing the amendment, the (then) Minister directed the City to make the following modifications to the amendment:

- Include Lots 12 and 13 Streatham Street in the area proposed to be recoded to Residential R60;
- Replace the reference to a new clause 6.6 in Part 7 of the Scheme Amendment with the correct reference to a new clause 6.8; and
- Exclude Lot 50 William Street and Lot 2 Bickley Road from the area proposed to be rezoned to Residential Development and include them in the area proposed to be recoded to Residential R60.

A copy of the modified Scheme Amendment Map is contained in Appendix 13.5.1B.

The Minister also directed the City to re-advertise the modified amendment for public comment in accordance with the Town Planning Regulations 1967.

## **DISCUSSION**

### **Public Consultation**

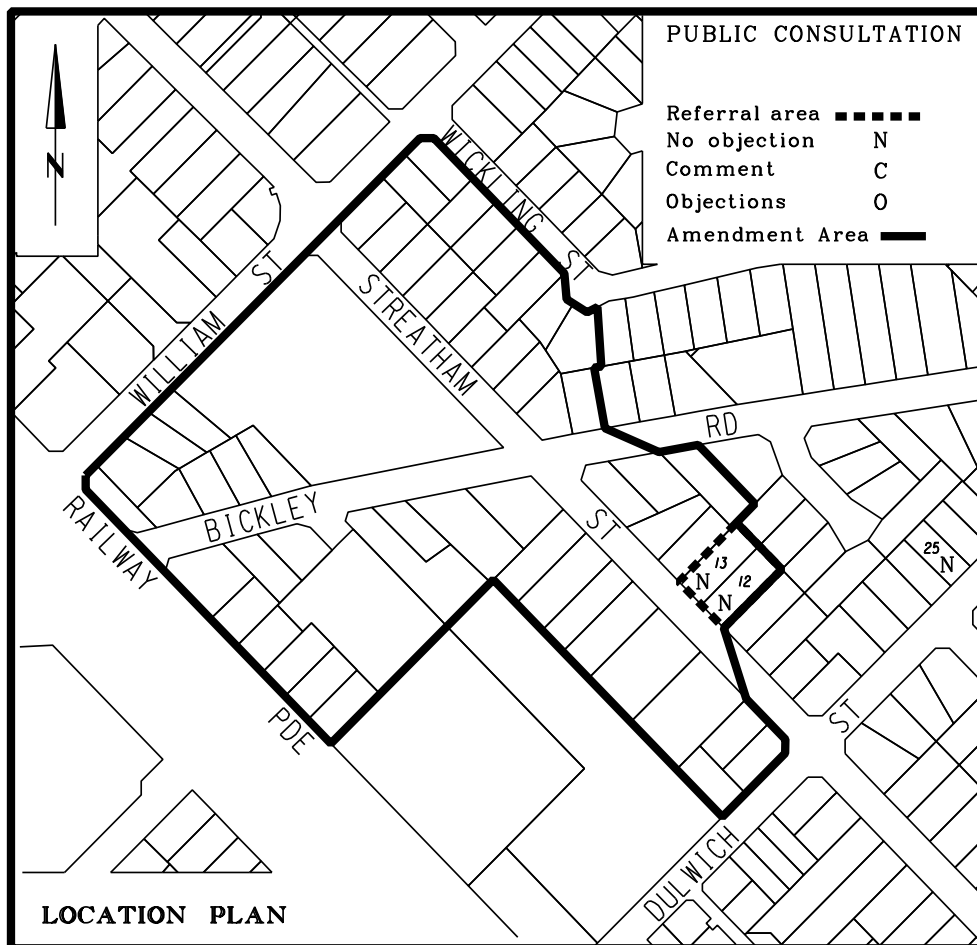
In accordance with the Minister's direction, the amendment was modified and advertised for public comment for 28 days by way of a newspaper advertisement and letters to the owners of Lots 12 and 13 Streatham Street. A total of three submissions were received, all of which raised non objection to the modified proposal. A summary of submissions received and staff recommendations thereon are provided in the following schedule of submissions.

Letters were not sent to the owners of Lot 50 William Street and Lot 2 Bickley Road as they had previously commented on proposal and the abovementioned modifications to Amendment No. 84 (as required by the (then) Minister for Planning and Infrastructure) were in accordance with those owners' previous comments.



**Schedule of Submissions**

1	<b>Name and Postal Address:</b> Sean Collingwood 38 Dulwich Street Beckenham WA 6107	<b>Affected Property:</b> 32 (Lot 12) Streatham Street Beckenham
<b>Summary of Submission</b>		<b>Staff Comment</b>
No objection to the proposal		Noted.
2	<b>Name and Postal Address:</b> B and H Vostan 30 Streatham Street Beckenham WA 6107	<b>Affected Property:</b> 30 (Lot 13) Streatham Street Beckenham
<b>Summary of Submission</b>		<b>Staff Comment</b>
No objection to the proposal		Noted.
3	<b>Name and Postal Address:</b> Marit Nordermeer 38 Dulwich Street Beckenham WA 6107	<b>Affected Property:</b> 38 (Lot 25) Dulwich Street Beckenham
<b>Summary of Submission</b>		<b>Staff Comment</b>
No objection to the proposal		Noted.



**CONCLUSION**

In accordance with Town Planning Regulation 20(3), Council is now required to consider all submissions received in response to the second round of advertising of the amendment, make a recommendation to the WAPC in respect to each submission and forward the submissions (and each subsequent recommendation) to the WAPC. This is the only course of action available to Council.

**FINANCIAL IMPLICATIONS**

Nil.

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

**26 Moved Cr R Mitchell Seconded Cr L Griffiths**

That Council, pursuant to Regulations 20(3)(a) and 20(3)(b) of the Town Planning Regulations 1967, note the submissions received in respect of Amendment No. 84 to Town Planning Scheme No. 6 and endorse the responses to those submissions prepared by Council staff.

CARRIED 11/1

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

**AGAINST:** Cr S Iwanyk.

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

**27 Moved Cr R Mitchell Seconded Cr L Griffiths**

That Council, pursuant to Regulation 20(3)(c) of the Town Planning Regulations 1967, forward Amendment No. 84 to Town Planning Scheme No. 6 (as modified in accordance with the Minister's direction) to the Western Australian Planning Commission.

CARRIED 11/1

**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 T Brown, Cr R Mitchell, Cr L Griffiths, and Cr O Searle.

**AGAINST:** Cr S Iwanyk

**13.5.2 AMENDMENT NO. 85 TO TOWN PLANNING SCHEME NO. 6 – FINALISATION – INCREASED RESIDENTIAL DENSITY FOR VARIOUS LOTS IN THE NORTH GOSNELLS (SUB PRECINCT E) LOCAL HOUSING STRATEGY PRECINCT**

Author:	L Gibson
Reference:	Various
Application No:	PF07/00024
Applicant:	Greg Rowe & Associates (on behalf of owners of Lot 66 Walter Street and Lot 80 Terence Street, Gosnells)
Owner:	Various
Location:	North Gosnells Sub Precinct E
Zoning: MRS:	Urban
TPS No. 6:	Residential R17.5
Review Rights:	Nil, however, final determination is with the Minister for Planning
Area:	Approximately 2.4 ha
Previous Ref:	OCM 8 April 2008 (Resolutions 120-122) OCM 23 October 2007 (Resolution 494) OCM 28 August 2007 (Resolutions 406-407)
Appendices:	13.5.2A Original Scheme Amendment Map 13.5.2B Modified Scheme Amendment Map

**PURPOSE OF REPORT**

For Council to consider the second round of submissions received in relation to Amendment No. 85 to Town Planning Scheme No. 6 (TPS 6).

**BACKGROUND**

Council at its meeting on 28 August 2007 resolved (Resolutions 406-407) to initiate Amendment No. 85 for the purpose of:

- Recoding Lots 6, 62, 63 and 64 Esther Place, Lots 5, 55, 65, 66 and 67 Walter Street, Lots 3, 4, 6, 7, 8, 19, 21, 22, 80, 324, 325 and 660 Terence Street and Lot 20 Stalker Road, Gosnells from Residential R17.5 to Residential R60.
- Applying a Special Control Area to the Scheme Maps over the abovementioned lots and incorporating corresponding provisions in TPS 6 to provide for the establishment of a developer contribution arrangement for the provision of common infrastructure works, such as drainage system upgrades.

Due to a typographical error identified in the report and resolution 406 of the Council meeting held on 28 August 2007, which excluded Lot 660 Terence Street from Amendment 85, a further report was presented to Council on 23 October 2007 at which time Council adopted Resolution 494 which is produced in part below:

*That Council, pursuant to Section 75 of the Planning and Development Act 2005, adopt Amendment No. 85 to Town Planning Scheme No. 6, as depicted in Appendix 13.5.2B, for the purpose of:*

1. *Recoding Lots 6, 62, 63 and 64 Esther Place, Lots 5, 55, 65, 66 and 67 Walter Street, Lots 3, 4, 6, 7, 8, 19, 21, 22, 80, 324, 325 and 660 Terence Street and Lot 20 Stalker Road, Gosnells from Residential R17.5 to Residential R60.*
2. *Applying a Special Control Area to the Scheme Maps over the whole of the area being recoded to Residential R60, as described in 1 above.*
3. *Adding a new subclause to clause 6.1.1 to the Scheme Text as follows:*

*“(f) North Gosnells Housing Sub-Precinct E”*
4. *Adding a new clause 6.7 to the Scheme Text as follows:*

***“6.7 North Gosnells Housing Sub-Precinct E***

  - 6.7.1 *Subdivision and development undertaken within the Special Control Area will require the upgrading of existing drainage infrastructure.*
  - 6.7.2 *The cost of upgrading the drainage infrastructure in the area shall be equitably shared by all owners within the Special Control Area.*
  - 6.7.3 *Prior to subdivision being supported or development being approved within the Special Control Area, Council requires an Outline Development Plan to be approved pursuant to Part 7 of the Scheme, and a Development Contribution Plan to be prepared to identify the estimated costs of upgrading the drainage infrastructure and the associated administration of a Developer Contribution Arrangement and the method for the equitable sharing of the costs by owners.*
  - 6.7.4 *The Developer Contribution Arrangement shall operate in accordance with Schedule 12 of the Scheme.”*

A copy of the original Scheme Amendment Map is contained in Appendix 13.5.2A.

In accordance with Council's modified Resolution 407 of 28 August 2007, Amendment No. 85 was referred to the Environmental Protection Authority (EPA) for comment prior to being publicly advertised. The EPA determined that no environmental assessment was required.

Following receipt of the EPA's determination, the proposal was advertised for public comment for 42 days. The advertising was conducted by way of a sign on site, a newspaper advertisement and letters to surrounding landowners. A total of 25 submissions were received comprising of 16 non-objections (including four from Government agencies), 1 comment (from a Government agency) and 8 objections. These submissions were considered by Council at its meeting on 8 April 2008, where it resolved (Resolutions 120-122) to adopt Amendment No. 85, subject to a minor textual modification.

Amendment No. 85 was subsequently referred to Western Australian Planning Commission (WAPC) which forwarded the matter to the (then) Minister for Planning and Infrastructure for determination. In reviewing the amendment, the (then) Minister directed the City to make the following modifications to the amendment:

- Include Lots 16 and 54 Terence Street in the area proposed to be recoded to Residential R60; and
- Modify proposed Clause 6.7.3 of TPS No. 6 to not require an Outline Development Plan to be approved prior to subdivision being supported or development being approved within the proposed Special Control Area.

A copy of the Scheme Amendment Map, modified in accordance with the Minister's directions, is contained in Appendix 13.5.2B.

The Minister also directed the City to re-advertise the modified amendment for public comment in accordance with the Town Planning Regulations 1967.

## DISCUSSION

### Public Consultation

In accordance with the Minister's direction, the modified amendment was advertised for public comment for 28 days by way of a newspaper advertisement and letters to the owners of Lots 16 and 54 Terence Street. A total of two submissions were received, both of which raised no objection to the modified proposal. A summary of submissions received and staff recommendations thereon are provided in the following schedule of submissions.

### Schedule of Submissions

1	<b>Name and Postal Address:</b> Jay Macek 47 Terence Street Gosnells WA 6110	<b>Affected Property:</b> 47 (Lot 54) Terence Street Gosnells
<b>Summary of Submission</b>		<b>Staff Comment</b>

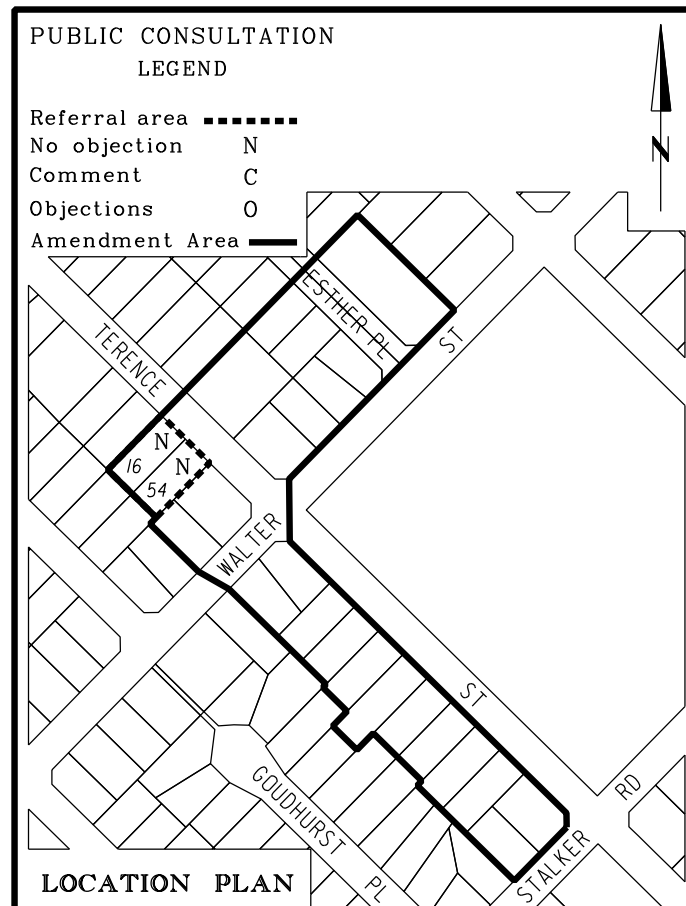
Summary of Submission		Staff Comment
No objection to the proposal.		Noted.

2	<b>Name and Postal Address:</b> Vanessa Hua 61A Bennett Street East Perth WA 6004	<b>Affected Property:</b> 45 (Lot 16) Terence Street Gosnells
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Summary of Submission		Staff Comment
No objection to proposal.		Noted.



**CONCLUSION**

In accordance with Regulation 20(3) of the Town Planning Regulations 1967, Council is now required to consider all submissions received in response to the second round of advertising of the amendment, make a recommendation to the WAPC in respect to each submission and forward the submissions (and each subsequent recommendation) to the WAPC. This is the only course of action available to Council.

**FINANCIAL IMPLICATIONS**

Nil.

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

**28 Moved Cr R Hoffman Seconded Cr L Griffiths**

That Council, pursuant to Regulations 20(3)(a) and 20(3)(b) of the Town Planning Regulations 1967, note the submissions received in respect of Amendment No. 85 to Town Planning Scheme No. 6 and endorse the responses to those submissions prepared by Council staff.

CARRIED 12/0

*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 T Brown, Cr R Mitchell, Cr L Griffiths, and Cr O Searle.

*AGAINST:* Nil.

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

**29 Moved Cr R Hoffman Seconded Cr L Griffiths**

That Council, pursuant to Regulation 20(3)(c) of the Town Planning Regulations 1967, forward Amendment No. 85 to Town Planning Scheme No. 6 (as modified in accordance with the Minister's direction) to the Western Australian Planning Commission.

CARRIED 12/0

*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 T Brown, Cr R Mitchell, Cr L Griffiths, and Cr O Searle.

*AGAINST:* Nil.

**13.5.3 AMENDMENT NO. 90 TO TOWN PLANNING SCHEME NO. 6 AND CENTRAL BECKENHAM SUB PRECINCT I OUTLINE DEVELOPMENT PLAN (*ITEM BROUGHT FORWARD – REFER TO ITEM 11*)**

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



### 13.5.4 AMENDMENT NO. 94 TO TOWN PLANNING SCHEME NO. 6 – FINALISATION – FARNABY LANE AREA, BECKENHAM

Author: L Gibson  
 Reference: Various  
 Application No: PF08/00002  
 Applicant: City of Gosnells  
 Owner: Various  
 Location: Area bound by William Street, Luyer Avenue, Elizabeth Street and the City of Canning municipal boundary.  
 Zoning: MRS: Urban  
           TPS No. 6: Residential R17.5 and Residential R30  
 Review Rights: Nil, however, final determination is with the Minister for Planning  
 Area: Approximately 6.85 hectares  
 Previous Ref: OCM 9 September 2008 (Resolutions 440-444)  
 Appendix: 13.5.4A Scheme Amendment Map

#### PURPOSE OF REPORT

For Council to consider the final adoption of Amendment No. 94 to Town Planning Scheme No. 6 (TPS 6), which proposes to recode the area generally bound by William Street, Luyer Avenue, Elizabeth Street and the City of Canning municipal boundary, from Residential R17.5 to Residential R20.

#### BACKGROUND

Council at its meeting on 9 September 2008 considered options for the extension of Farnaby Lane, Beckenham (including the potential disposal of three City-owned lots that will ultimately front the Farnaby Lane road reserve) and the future development of the land, and resolved as follows:

##### **Resolution 440**

*“That Council seek the approval of the Minister for Planning and Infrastructure to access funds from the Beckenham Public Open Space account (in the order of \$60,000) to facilitate the extension of Farnaby Lane, based on the following cost allocation:*

	<b>Landowner Share</b>	<b>City Share</b>
<i>First 20m (through Lot 66)</i>	<i>Nil</i>	<i>100%</i>
<i>Second 20m (through Lot 52)</i>	<i>100%</i>	<i>Nil</i>
<i>Third 20m (through Lot 67)</i>	<i>Nil</i>	<i>100%</i>
<i>Fourth 20m (through Lot 5)</i>	<i>50%</i>	<i>50%</i>

##### **Resolution 441**

*“That Council abandon use of the 1991 Subdivision Guide Plan for the Farnaby Lane area, attached as Appendix 13.5.5A, as a guide for the planning and development of that area.”*

**Resolution 442**

*“That Council, pursuant to Section 75 of the Planning and Development Act 2005, adopt Amendment No. 94 to Town Planning Scheme No. 6, for the purpose of recoding the area generally bound by William Street, Luyer Avenue, Elizabeth Street, Farnaby Lane and the municipal boundary with the City of Canning, from Residential R17.5 to Residential R20, as depicted in Appendix 13.5.5B.”*

**Resolution 443**

*“That Council forward Amendment No. 94 to Town Planning Scheme No. 6 to:*

- i) The Environmental Protection Authority (EPA) for comment, pursuant to Section 81 of the Planning and Development Act 2005*
- ii) The Western Australian Planning Commission for information*

*and subject to no objections being received from the Environmental Protection Authority, the amendment be advertised for public comment pursuant to Regulation 25(2) of the Town Planning Regulations for a period of 42 days to the satisfaction of the Director Planning and Sustainability.”*

**Resolution 444**

*“That Council require City staff to obtain a licensed land valuation for the disposal of Lots 8, 89 and 106 Farnaby Lane, Beckenham and, if the valuation determines that the combined value of the land exceeds \$1,000,000, authorise City staff to prepare a business plan for Council's approval, in accordance with Section 3.59 of the Local Government Act 1995, to dispose of those lots, with the net proceeds of the disposal to be directed to the Beckenham Local Open Space reserve.”*

**Referral to the Environmental Protection Authority**

In accordance with Resolution 443 above, Section 48 of the Environmental Protection Act 1986 and Section 81 of the Planning and Development Act 2005, Amendment No. 94 was referred to the Environmental Protection Authority (EPA) for review. The EPA determined that no environmental assessment was required.

**Public Consultation**

Following receipt of advice of the EPA's determination, the Amendment No. 94 was advertised for public comment for 42 days. Advertising was undertaken by means of a newspaper advertisement, a sign on site, letters to directly affected landowners and letters to all landowners within 100m of the subject area.

The City received 13 submissions during the advertising period, with six being non-objections (all of which were from Government agencies/service providers) and seven being comments (including four from Government agencies/service providers). A summary of the submissions received and staff responses to each are provided in the following schedule of submissions.

**Schedule of Submissions**

1	<p><b>Name and Postal Address:</b> T Tansley &amp; R Wheeler 11 Salter Point Parade Salter Point WA 6152</p>	<p><b>Affected Property:</b> Unit 1, Lot 53 Elizabeth Street, Units 2 &amp; 3, Lot 53 Farnaby Lane, Beckenham</p>
<b>Summary of Submission</b>		<b>Comment</b>
<p>Comment on the proposal.</p> <p>We see no reason why this area should be restricted to R20 when other blocks on Farnaby Lane are already zoned R30. We consider that R30 should be the standard for all this area.</p>		<p>While it is open to Council to consider recoding the subject area to a residential density greater than R20 (such as R30), City staff do not consider it appropriate to do so for the following reasons:</p> <ul style="list-style-type: none"> <li>• No lots within the subject area are identified as being suitable for a density increase (beyond the base coding of R20) within the City's adopted Local Housing Strategy;</li> <li>• The subject area is located greater than 400m from the nearest commercial centre (located at the intersection of William Street and Tooting Street); and</li> <li>• The subject area is located within the 25-30 ANEF contour as defined by the Western Australian Planning Commission's (WAPC) <i>Statement of Planning Policy No. 5.1 – Land Use Planning in the Vicinity of Perth Airport</i>. In this regard, the Policy states that residential density should be kept to a minimum to reduce the number of dwellings potentially exposed to noise and vibration caused by the use of Perth Airport. As such, City staff consider that any increase in residential density beyond the proposed R20 base coding, would be inconsistent with State Government Policy.</li> </ul> <p>Whilst it is acknowledged that some lots within Farnaby Lane were previously recoded to Residential R30, it should be noted that such recodings occurred prior to the adoption of the City's Local Housing Strategy and the WAPC's Statement of Planning Policy No. 5.1.</p>
2	<p><b>Name and Postal Address:</b> H Oldenhuis 108 Crawford Street East Cannington WA 6107</p>	<p><b>Affected Property:</b> 92 (Lot 64) Elizabeth Street Beckenham</p>
<b>Summary of Submission</b>		<b>Comment</b>
<p>Comment on the proposal.</p>		

Summary of Submission	Comment
I would like the rezoning to be amended to R25 as per the amendment on the other side of Elizabeth Street or the whole of the Beckenham estate, due to the high cost of land filling, the high cost of development in the area and drainage costs with the base of the property being clay.	See the comments in response to submission 1. The costs associated with subdivision and development is noted however, they are not considered a justification for an increase in residential density.

3	<b>Name and Postal Address:</b> Christine Hawley 3/12 Farnaby Lane Beckenham WA 6107	<b>Affected Property:</b> Unit 3, 12 (Lot 42) Farnaby Lane Beckenham
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Summary of Submission	Comment
Comment on the proposal. It is much more sensible to have Farnaby Lane included in the City of Canning. This area is much too far away from Gosnells to be covered by Gosnells Council.	Whilst the submitter's comment is noted, it does not relate to Amendment No. 94

4	<b>Name and Postal Address:</b> Department of Indigenous Affairs PO Box 7770 Cloisters Square Perth WA 6000	
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Summary of Submission	Comment
<p>Comment on the proposal.</p> <p>4.1 The DIA can confirm that there are currently no registered Aboriginal heritage sites within the amendment area.</p> <p>4.2 Notwithstanding the above, it is possible that there are sites that have not yet been reported to the DIA and entered on the Register of Aboriginal sites. The Aboriginal Heritage Act 1972 protects all Aboriginal sites in Western Australia, whether they are known to the DIA or not. It would be prudent for any developers to ensure that they have sufficient knowledge of the Aboriginal heritage values within the amendment area so that they do not commit an offence under the Act.</p>	<p>Noted.</p> <p>Noted.</p>

5	<b>Name and Postal Address:</b> WestNet Energy PO Box 8491 Perth BC 6849	
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Summary of Submission	Comment
<p>Comment on the proposal.</p> <p>Advises developers to contact Dial Before You Dig prior to development going ahead and that all works carried out on Alinta Gas networks to accommodate the development will be at the developer's cost. One month notice is required prior to the commencement of work on site.</p>	This is an issue which will be dealt with at subdivision or development stage by the individual developers. It does not affect the subject recoding.

6	<b>Name and Postal Address:</b> Water Corporation PO Box 100 Leederville WA 6902	
Summary of Submission		Comment
Comment on the proposal.		
6.1	<p>The subject area can be served from the Kewdale South Perth water scheme. Reticulated water is currently available to the subject area. Water mains if required must be laid within road reserves within the area proposed to be developed, on the correct alignment in accordance with the Utility Providers Code of Practice. Due to the extensive area that may have an increase in development density, revised planning will need to be undertaken to determine service requirements. Therefore, developers should liaise with the Water Corporation at the preliminary planning stage of any development to determine the Corporation's current servicing and land requirements.</p>	Noted.
6.2	<p>The subject area can be served from the East Cannington sewerage scheme. Reticulated sewerage is currently available to the subject area by extension. All sewer mains if required should be laid within the road reserves within the area proposed to be developed, on the correct alignment in accordance with the Utility Providers Code of Practice. Due to the extensive area that may have an increase in development density, revised planning will need to be undertaken to determine service requirements. Therefore, developers should liaise with the Water Corporation at the preliminary planning stage of any development to determine the Corporation's current servicing and land requirements.</p>	Noted.
6.3	<p>The subject area falls within the Yule Brook Drainage area.</p>	Noted.
6.4	<p>It is recommended that water strategy issues should be addressed in accordance with the State Water Strategy 2003, and State Water Plan 2007.</p>	Noted. These matters can be addressed as part of the subdivision and development process.
6.5	<p>The principle followed by the Water Corporation for the funding of subdivision or development is one of user pays. The developer is expected to provide all water and sewerage reticulation. A contribution for Water, Sewerage and Drainage headworks may also be required. In addition the developer may be required to fund new works or the upgrading of existing works and protection of those works. Any temporary works needed are required to be fully funded by the developer. The Corporation may also require land being ceded free of cost for</p>	Noted.

Summary of Submission	Comment
works.	
6.6 The information provided above is subject to review and may change depending on the timing and development of nearby lots. If development has not proceeded within the next 6 months, the developer is required to contact the Corporation in writing to confirm if the information is still valid.	Noted.

7	<b>Name and Postal Address:</b> Department of Health PO Box 8172 Perth Business Centre WA 6849		
Summary of Submission	Comment		
Comment on the proposal. All proposed R20 lots are to be connected to sewer in order to comply with the Government Sewerage Policy Perth Metropolitan Region.	Noted.		

8	<b>Name and Postal Address:</b> Department of Education and Training 151 Royal Street East Perth WA 6004		
Summary of Submission	Staff Comment		
No objection to the proposal.	Noted.		

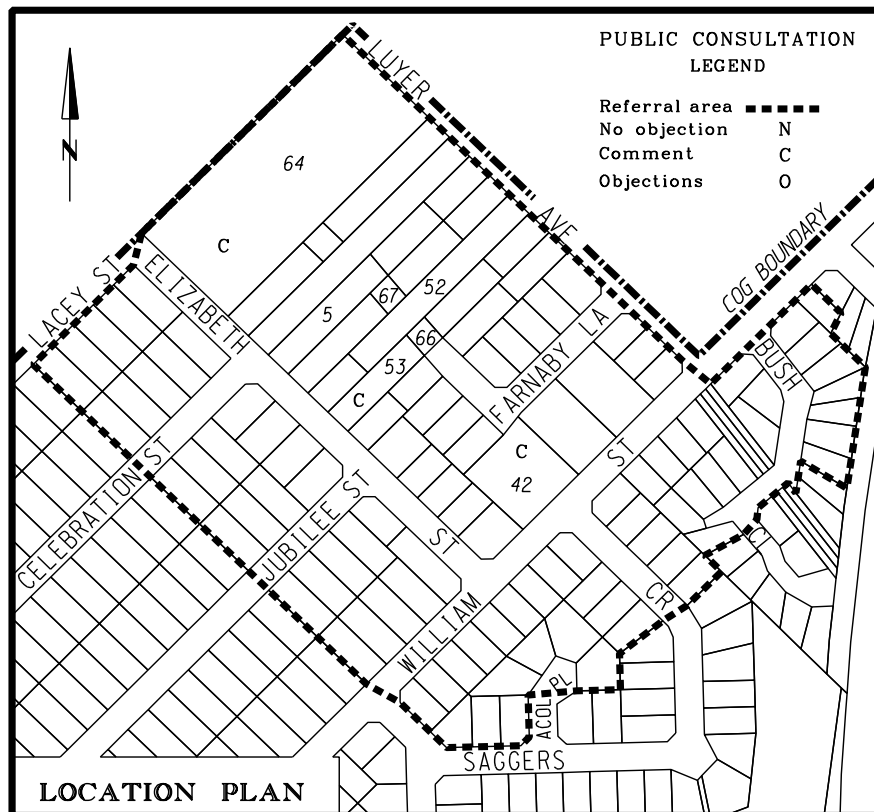
9	<b>Name and Postal Address:</b> Fire and Emergency Services Authority PO Box P1174 Perth WA 6844		
Summary of Submission	Staff Comment		
No objection to the proposal.	Noted.		

10	<b>Name and Postal Address:</b> Department of Water 7 Ellam Street Victoria Park WA 6100		
Summary of Submission	Staff Comment		
No objection to the proposal.	Noted.		

11	<b>Name and Postal Address:</b> Telstra Locked Bag 2525 Perth WA 6001		
Summary of Submission	Staff Comment		
No objection to the proposal.	Noted.		

12	<b>Name and Postal Address:</b> Public Transport Authority PO Box 8125 Perth Business Centre WA 6849	
<b>Summary of Submission</b>		<b>Staff Comment</b>
No objection to the proposal.		Noted.

13	<b>Name and Postal Address:</b> APA Group (Managers of the Parmelia Pipeline) 8 Marchesi Street Kewdale WA 6105	
<b>Summary of Submission</b>		<b>Staff Comment</b>
No objection to the proposal.		Noted.



**DISCUSSION**

The proposed Scheme Amendment is supported for the following reasons:

- The proposed R20 coding is consistent with the recommendations of the City’s Local Housing Strategy for the base residential coding of R20.
- The proposed increase in residential density, whilst minor, would afford additional subdivision/development potential to three City-owned lots (Lots 8, 89 and 106 Farnaby Lane) thereby increasing their commercial value and making them more marketable for sale.

- The proposed allowance for R20 development may provide additional motivation for affected landowners to undertake subdivision which will eventually lead to the completed extension of Farnaby Lane.

### **Extension of Farnaby Lane**

#### Use of Public Open Space funds

In accordance with Resolution 440 of Council's meeting on 9 September 2008, City staff sought the approval of the (then) Minister for Planning and Infrastructure to access funds from the Beckenham Local Open Space reserve account (in the order of \$60,000) to facilitate the extension of Farnaby Lane. In response, Department for Planning and Infrastructure State Land Services staff advised, under delegated authority, that there were no objections to this proposed course of action.

#### Disposal of Land

In accordance with Resolution 444 of Council's meeting on 9 September 2008, City staff engaged a licensed land valuer to determine the value of Lots 8, 89 and 106 Farnaby Lane, Beckenham, so as to inform the property disposal process. The valuation, provided by licensed valuers A. A. Moore & Associates, indicated an estimated combined value of \$1,060,000. Regulation 7 of the Local Government (Functions and General) Regulations 1996 determines that a land transaction with a total value of more than \$1 million is considered to be a major land transaction for the purpose of section 3.59 of the Act. Section 3.59 of the Act requires a Local Government to prepare a Business Plan before it enters into a major land transaction. The Business Plan is required to include an assessment of the issues detailed in section 3.59(3) of the Act and is to be advertised for public comment. City staff are in the process of preparing a business plan which is expected to be presented to Council for consideration in the next few months.

### **CONCLUSION**

It will be recommended that Council adopt Amendment No. 94 for final approval.

### **FINANCIAL IMPLICATIONS**

The construction of Farnaby Lane is expected to cost in the order of \$60,000 which can be met with funds from within the Beckenham Local Open Space reserve account. The background and justification for this approach was outlined in the report to Council on 9 September 2008. The minor costs (approximately \$10,000) associated with disposing of Lots 8, 89 and 106 Farnaby Lane can be met through the Planning Implementation Branch's operational budget. The net proceeds of the sale will be directed to the Beckenham Local Open Space reserve account.



STAFF RECOMMENDATION (1 of 2) AND COUNCIL RESOLUTION
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**30 Moved Cr R Mitchell Seconded Cr J Brown**

That Council, pursuant to Regulation 17(1) of the Town Planning Regulations 1967, note the submissions received in relation to Amendment No. 94 to Town Planning Scheme No. 6 and endorse the responses to those submissions prepared by City staff.

CARRIED 12/0

**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 T Brown, Cr R Mitchell, Cr L Griffiths, and Cr O Searle.

**AGAINST:** Nil.

STAFF RECOMMENDATION (2 of 2) AND COUNCIL RESOLUTION
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**31 Moved Cr R Mitchell Seconded Cr J Brown**

That Council, pursuant to Regulation 17(2)(a) of the Town Planning Regulations 1967, adopt Amendment No. 94 to Town Planning Scheme No. 6 for the purpose of recoding the area generally bound by William Street, Luyer Avenue, Elizabeth Street, Farnaby Lane and the municipal boundary with the City of Canning, from Residential R17.5 to Residential R20, as depicted in Appendix 13.5.4A.

CARRIED 12/0

**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 T Brown, Cr R Mitchell, Cr L Griffiths, and Cr O Searle.

**AGAINST:** Nil.

**13.5.5 OUTLINE DEVELOPMENT PLAN AND AMENDMENT NO. 91 TO TOWN PLANNING SCHEME NO. 6 – INITIATION – RELATING TO VARIOUS LOTS IN THE LARGE LOT OUTLINE DEVELOPMENT PLAN AREA – EILEEN STREET PRECINCT**

Author:	R Windass
Reference:	Various
Application No:	PF07/00044 PF07/00055
Applicant:	Tuscom Subdivision Consultants
Owner:	Various
Location:	Large Lot Outline Development Plan Area - Eileen Street Gosnells
Zoning: MRS:	Urban
TPS No. 6:	Residential R17.5
Review Rights:	None for the proposed Scheme Amendment, although review rights to the State Administrative Tribunal apply to any discretionary decision on the proposed Outline Development Plan.
Area:	2.3495ha
Previous Ref:	Nil
Appendices:	13.5.5A Existing Zoning Map 13.5.5B Proposed Zoning Map 13.5.5C Proposed Outline Development Plan 13.5.5D Indicative Subdivision Plan

**PURPOSE OF REPORT**

For Council to consider:

1. Initiating an amendment to Town Planning Scheme No. 6 (TPS 6), to rezone various lots within the Eileen Street Precinct from Residential R17.5 (existing zoning map attached at Appendix 13.5.5A) to Residential Development (proposed zoning map attached at Appendix 13.5.5B).
2. Whether a proposed Outline Development Plan (ODP) for Eileen Street Precinct 1 (proposed ODP attached at Appendix 13.5.5C) is satisfactory for advertising pursuant to Clause 7.4.2 of Town Planning Scheme No. 6 (TPS 6).

**BACKGROUND****Outline Development Plans for Large Residential Lots**

Council has recognised that a substantial number of large Residential-zoned lots exist throughout the district that have potential for further development, but need a coordinated framework for development given the land is typically in fragmented ownership or requires arrangements for upgrading infrastructure to service new development.

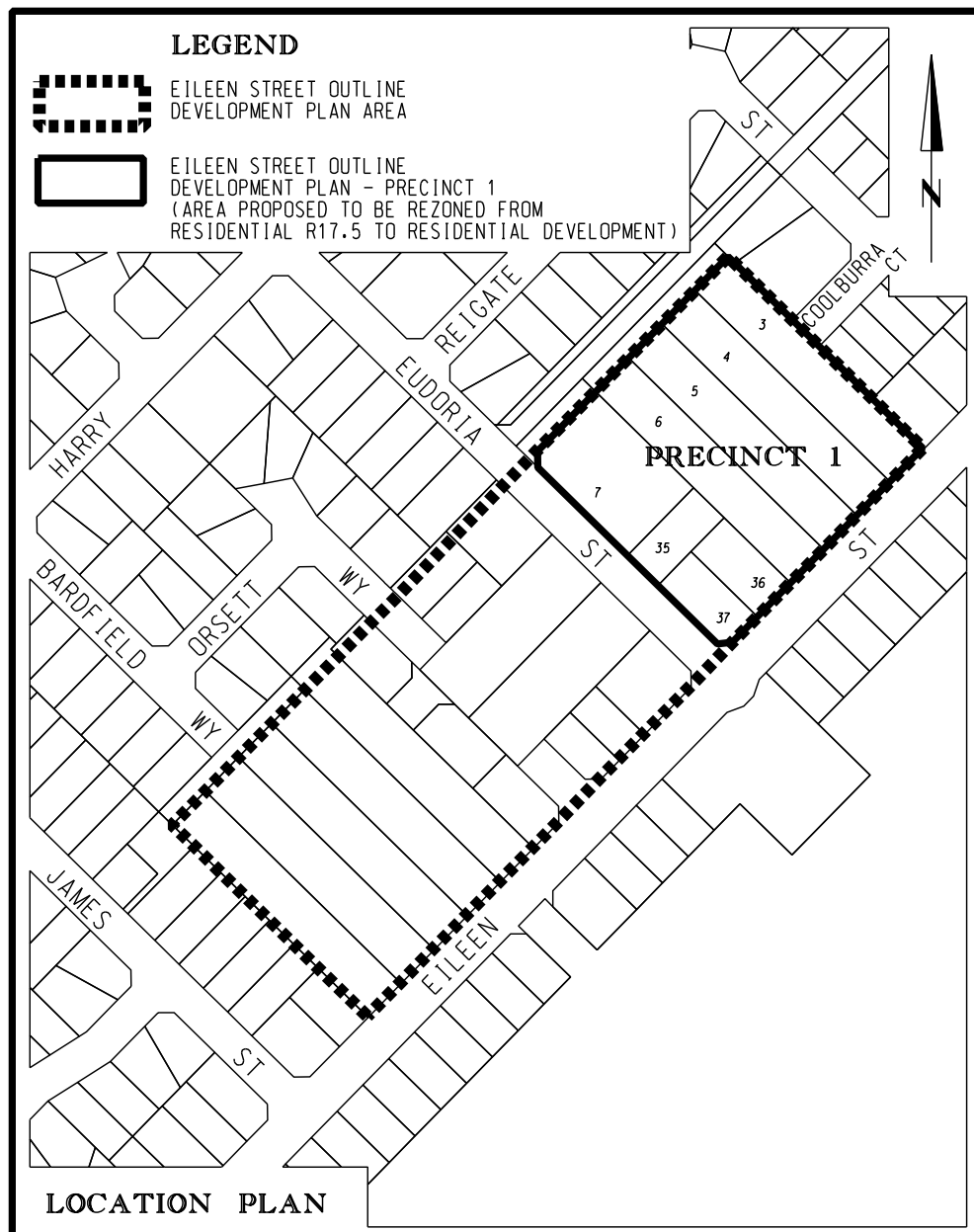
At its meeting on 19 December 2006 Council adopted the Planning Policy – Planning Implementation Framework for Local Housing Strategy and Large Lot Outline Development Plan (ODP) Areas, which identifies 13 precincts as requiring an ODP and adopted criteria for the consideration of proposals for subdivision and development within those precincts.

The Eileen Street precinct is one of the 13 identified Large Lot precincts and approximately half of the designated ODP area is the subject of a landowner-initiated ODP proposal.

**Eileen Street Precinct**

The Eileen Street Precinct was identified in the Large Lot review as requiring an ODP due to it having the following characteristics:

- The existing large lots in fragmented ownership.
- The possible need for the upgrading of drainage infrastructure to cater for future residential development.
- The lack of a road network and the fact that the unfinished ends of several roads in the adjoining subdivisions abut this Precinct or protrude into it.



**Definition of a Sub-Precinct**

The area bounded by Eudoria Street, Eileen Street, road reserve/ROW and the unfinished Coolburra Court is considered to be a logical sub-precinct for preparation of an ODP because of the natural boundaries formed by these components and the need to consider the extension of Coolburra Court through the precinct.

Eileen Street Precinct 1 is located within the Gosnells locality and contains eight privately owned residential lots, of which two Part Lots are reserved for road and a portion of a Right of Way (ROW). The total land area for the ODP is 23,495m<sup>2</sup>.

**Overview of Proposal**

Tuscom Subdivision Consultants, on behalf of the owners of Lot 4 Eileen Street Gosnells has submitted a proposed ODP for Eileen Street Precinct 1 (see Appendix 13.5.5C); and a request to amend Town Planning Scheme No. 6 to rezone Precinct 1 from Residential R17.5 to Residential Development to facilitate the implementation of an ODP.

The key elements of the proposed ODP are as follows:

- The designation of a variety of R20, R25 and R40 density codings.
- The extension of Coolburra Court through the ODP area linking to Eudoria Street, to provide road frontage to proposed new lots and connectivity with the surrounding residential area.

**DISCUSSION****Community Consultation**

An ODP proposal and the subsequent development have the potential to impact on landowners. Accordingly, the planning process provides opportunity for landowner comment, firstly through the implementation of the Residential Development Zone and secondly, the introduction of the overlying ODP. If the proposal is initiated by Council, it will be formally advertised and landowners will be given the opportunity to comment.

**Proposed ODP**

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

Urban Form

The future urban form proposed within the Eileen Street Precinct 1 ODP will be controlled through the administration of Council's Residential Development Policy 6.2.1.1 to ensure good urban form lots have been provided with direct street frontage where possible.

Densities

The residential densities that are proposed range from R20 (Average lot size of 500m<sup>2</sup>) to R40 (Average lot size 220m<sup>2</sup>) with the higher densities located in close proximity to public transport. This is consistent with the principles upon which the Local Housing Strategy is based. An indicative subdivision plan has been provided at Appendix 13.5.5D showing the potential lot yield of the ODP area and the retention of existing dwellings.

### Movement Networks

The proposal provides for a suitable movement network within the sub-precinct via the extension of Coolburra Court to Eudoria Street. The timing of road construction is dependent on the developer who is responsible for the full cost of road construction and associated infrastructure such as drainage.

### Servicing Considerations

The subdivision and development of the ODP area requires the upgrade and/or provision of infrastructure including roads, drainage, scheme water or sewer dependent on the adequacy and location of existing services. Staff consider that the timing and provision of service infrastructure within the ODP area can be coordinated between the relatively small number of landowners and addressed at the time of subdivision.

### Public Open Space

Western Australian Planning Commission (WAPC) Policy provides that 10% of subdividable land be given up free of cost for Public Open Space (POS), though allowance is made for POS requirements to be satisfied through cash-in-lieu contributions or a combination of land/cash. Due to the availability of POS in the vicinity, additional POS is not required to be provided within the ODP area and the landowners POS obligation could be met by the provision of cash-in-lieu of open space.

### Road Reserve and ROW

The Road Reserve/ROW along the north-west boundary of the ODP area was most likely set aside to provide a road connection through the site to Harold Street. A road in this location is no longer required as sufficient connection is made through the site via the proposed new 20m road reserve. In addition the ROW is very close to, and parallel with, Reigate Street, and its construction would create a row of single dwellings 'sandwiched' between two public roads. This is a less than desirable design. In the short to long term the ROW is to remain, however, in future there is potential to dispose of the land to adjoining landowners subject to Council approval.

### **Amendment to TPS 6**

It is proposed to amend TPS 6 to rezone Precinct 1 from Residential R17.5 to Residential Development. The intention of the Residential Development zone is to provide a more flexible planning framework through use of an ODP to guide development. This is the same approach Council has adopted for the planning of new development areas in Canning Vale and Southern River and more recently for West Martin Precincts 1 and 2. An advantage of this approach is that an ODP can be modified if necessary (to change zonings, densities, road layouts, etc) without having to engage in the lengthy TPS 6 amendment process.

### **CONCLUSION**

Amendment 91 to TPS 6 will provide greater flexibility for planning and development in the Eileen Street Precinct 1 and will ultimately lead to the appropriate implementation of an ODP. A Residential Development zone is the most appropriate method to progress the orderly and proper planning of the subject land. Therefore it will be recommended that Council initiate the proposed amendment.

The applicant has sufficiently addressed the technical and planning requirements applicable to the proposed ODP. Therefore the ODP is considered satisfactory for the purposes of advertising for public comment.

### FINANCIAL IMPLICATIONS

All costs associated with advertising the proposed amendment to TPS 6 and Outline Development Plan will be borne by the applicant.

STAFF RECOMMENDATION (1 of 3) AND COUNCIL RESOLUTION
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#### 32 Moved Cr R Hoffman Seconded Cr L Griffiths

That Council, pursuant to Section 75 of the Planning and Development Act 2005, adopt Amendment No. 91 to Town Planning Scheme No. 6 for the purpose of rezoning Lots 37, 36, 6, 5, 4 and 3 Eileen Street and Lots 7 and 35 Eudoria Street, Gosnells from Residential 17.5 to Residential Development.

CARRIED 12/0

*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 T Brown, Cr R Mitchell, Cr L Griffiths, and Cr O Searle.

*AGAINST:* Nil.

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

#### 33 Moved Cr R Hoffman Seconded Cr L Griffiths

That Council forward Amendment No. 91 to Town Planning Scheme No. 6 to:

- i) The Environmental Protection Authority (EPA) for comment, pursuant to Section 81 of the Planning and Development Act 2005; and
- ii) The Western Australian Planning Commission for information

and subject to no objection being received from the Environmental Protection Authority, the amendment be advertised for public comment pursuant to Regulation 25(2) of the Town Planning Regulations 1967 for a period of 42 days to the satisfaction of the Director Planning and Sustainability.

CARRIED 12/0

*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 T Brown, Cr R Mitchell, Cr L Griffiths, and Cr O Searle.

*AGAINST:* Nil.

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

**34 Moved Cr R Hoffman Seconded Cr L Griffiths**

That Council, pursuant to Clause 7.4.2(a) of Town Planning Scheme No. 6, determine that the proposed Eileen Street Sub-Precinct I Outline Development Plan as contained in Appendix 13.5.5C is satisfactory for the purposes of advertising for public comment for a period of 21 days by way of letters to all landowners within the subject area and within 100m of the subject area and relevant government agencies and an advertisement in the local newspaper, to the satisfaction of the Director Planning and Sustainability.

CARRIED 12/0

***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 T Brown, Cr R Mitchell, Cr L Griffiths, and Cr O Searle.*

***AGAINST:** Nil.*

### **13.5.6 TENDER 46/2008 – IMPLEMENTATION OF A SURFACE WATER AND GROUNDWATER MONITORING PROGRAM – MADDINGTON KENWICK STRATEGIC EMPLOYMENT AREA**

Author: L Gibson  
Previous Ref: OCM 27 November 2007 (Resolutions 549-550)  
OCM 22 July 2008 (Resolutions 331-334)  
Appendix: 13.5.6A Extract from Surface Water and Groundwater Monitoring Program (Aquaterra, 2008)

#### **PURPOSE OF REPORT**

To advise Council of submissions received in relation to tender 46/2008 – Implementation of a Surface Water and Groundwater Monitoring Program and recommend the most advantageous tender for the purpose of awarding a contract.

#### **BACKGROUND**

The area bound by Bickley Road, Tonkin Highway, the district boundary with the Shire of Kalamunda and Roe Highway is, for planning purposes, referred to as the Maddington Kenwick Strategic Employment Area (MKSEA). The MKSEA was first identified for future industrial development by the (then) State Planning Commission in 1990 in its metropolitan planning strategy for Perth, Metroplan. The area was later identified by the Commission for future industrial development in the Foothills Structure Plan in 1992. The City of Gosnells is currently involved in an intensive planning exercise to deliver a framework for the future subdivision and development of the area.

Surface water and groundwater management is the key environmental consideration in planning the future of the area.

In April 2007, the City engaged environmental consultant Strategen to scope the information requirements for a District Water Management Strategy (DWMS) for the MKSEA. One of the needs identified was to conduct an investigation that addresses both surface water and groundwater to improve understanding of the hydrological regime and water quality characteristics in the project area. The City engaged hydrological consultant Aquaterra to prepare a Surface Water and Groundwater Investigation and Monitoring Program, which was completed in August 2008. A copy of that program, excluding appendices is contained as Appendix 13.5.6A.

A comprehensive summary of the background to the MKSEA project generally was included in the agenda item presented to the 27 November 2007 Ordinary Council Meeting.

A key element that has emerged through liaison with a range of State Government agencies and preliminary technical studies undertaken to date is the need to adopt a 'total water cycle management' approach to planning for the area. Such an approach is consistent with the Western Australian Planning Commission's Statement of Planning Policy 2.9 (Water Resources) and Better Urban Water Management document.

Tenders for the Implementation of a Surface Water and Groundwater Monitoring Program were invited through an advertisement in The West Australian newspaper on 29 October 2008. The closing date for submissions was 20 November 2008.



At the close of the tender submission period, a total of eight tenders were received from the following consultants (including submitted tender prices, excluding GST):

Company Name	Company Address	Lump Sum Tender Price
Cardno (WA) Pty Ltd	PO Box 155 Subiaco WA 6904	\$199,100
Endemic Pty Ltd	17A Railway Road Subiaco WA 6008	\$268,935
GHD Pty Ltd	PO Box 3106 Perth WA 6832	\$299,187
Greenspan Pty Ltd	70 Cleaver Terrace Belmont WA 6104	\$157,511
OTEK Australia Pty Ltd	Building A, Unit 2 661 Newcastle Street Leederville WA 6007	\$249,625
Richards & Associates (WA) Pty Ltd	PO Box 1979 Malaga WA 6944	\$245,000
SMEC Australia Pty Ltd	Level 6, 12 St George's Terrace Perth WA 6000	No lump sum provided
URS Australia Pty Ltd	Level 3, 20 Terrace Road East Perth WA 6004	\$523,625

SMEC Australia Pty Ltd did not provide a lump sum, as was explicitly required by the tender process. The tender was deemed to be non-conforming and was not assessed further.

## DISCUSSION

### Assessment

Each of the compliant tender submissions received have been assessed by a panel against the tender evaluation criteria. Each tenderer's score against the evaluation criteria is detailed in the table below.

Tenderer	Evaluation Criteria				Total (100%)
	Relevant experience in similar projects (30%)	Methodology (15%)	Occupational Health and Safety (5%)	Tendered Price (50%)	
Cardno (WA) Pty Ltd	6	3	4	39.6	<b>52.6</b>
Endemic Pty Ltd	24	12	4	29.3	<b>69.3</b>
GHD Pty Ltd	12	12	4	26.3	<b>54.3</b>
Greenspan Pty Ltd	6	3	4	50	<b>63.0</b>
OTEK Australia Pty Ltd	6	3	4	31.5	<b>44.5</b>
Richards & Associates (WA) Pty Ltd	12	12	4	32.1	<b>60.1</b>
URS Australia Pty Ltd	24	12	4	15.0	<b>49.0</b>

The assessment of each tenderer's proposal against the evaluation criteria established that Endemic Pty Ltd was best placed to undertake the implementation of the Surface Water and Groundwater Monitoring Program. Whilst Endemic Pty Ltd achieved the highest weighted (total) score, it must be noted that it achieved only the fifth highest score regarding the tendered price. In this instance, City staff support the engagement of Endemic Pty Ltd, notwithstanding the price ranking, as they achieved the equal highest score in all the other criteria and are considered to have provided the best value offer to the City.

**FINANCIAL IMPLICATIONS**

There is currently \$144,563 available within the 'MKSEA Planning' account of the 2008-09 Municipal Budget, which is clearly insufficient to meet the cost of the project, as proposed by Endemic Pty Ltd. Therefore, should Council resolve to engage Endemic Pty Ltd, it must also consider recommended budget variations so as to appropriately fund the project.

With regard to the above, City staff consider it appropriate to reallocate funds through a budget variation to enable Council to engage Endemic Pty Ltd to implement a Surface Water and Groundwater Monitoring Program immediately. It is proposed that the balance of funds required for the project (\$124,372) be funded as follows:

Job Account	Funds Available	Funds to be reallocated	Remaining Funds	Justification
JL 34-95702-3384-000 Maddington Road – ODP	\$31,530	\$31,530	Nil	The planning for the Maddington Road Planning Precinct, including the required planning scheme amendments and Outline Development Plans, is currently being undertaken by landowners and does not require the City to lead this planning.
JL 34-95705-3384-000 LPS/TPS Review	\$54,100	\$17,842	\$36,258	It is likely that the City will undertake a greater portion of requisite tasks 'in-house', thereby requiring fewer funds to facilitate the engagement of consultants to undertake the strategy and scheme review tasks, as was previously anticipated.
JL 34-95708-3384-000 Large Lot ODP Implementation	\$169,740	\$75,000	\$94,740	The immediate pressure for planning involvement by the City Growth branch relates to a number of complex, major projects (including MKSEA, Central Maddington ODP and Southern River Precinct 3). Currently, there is relatively little pressure to progress the planning for the Large Lot ODP area and therefore, the funds are reasonably able to be reallocated to a higher priority project.
<b>TOTAL</b>		\$124,372		

Should Council adopt the recommendation to engage Endemic Pty Ltd it will be necessary to also adopt budget variations to fund the cost of the project. The following budget variations will be recommended:

Account Number	Type	Account Description	Debit \$	Credit \$
JL 34-95702-3384-000	Decrease Expenditure	Maddington Road ODP area – ODP Preparation – Carry forward expenditure		31,530
JL 34-95707-3384-000	Increase Expenditure	Maddington Kenwick Strategic Employment Area	31,530	

Account Number	Type	Account Description	Debit \$	Credit \$
		(MKSEA) – Planning – Carry forward expenditure		
	<b>Reason:</b>	To fund the engagement of a consultant to implement a Surface Water and Groundwater Monitoring Program.		
JL 34-95705-3384-000	Decrease Expenditure	Local Planning Strategy (preparation) and Town Planning Scheme (review) – Carry forward expenditure		17,842
JL 34-95707-3384-000	Increase Expenditure	Maddington Kenwick Strategic Employment Area (MKSEA) – Planning – Carry forward expenditure	17,842	
	<b>Reason:</b>	To fund the engagement of a consultant to implement a Surface Water and Groundwater Monitoring Program.		
JL 34-95708-3384-000	Decrease Expenditure	Large Lot ODP areas – ODP Preparation – Carry forward expenditure		75,000
JL 34-95707-3384-000	Increase Expenditure	Maddington Kenwick Strategic Employment Area (MKSEA) – Planning – Carry forward expenditure	75,000	
	<b>Reason:</b>	To fund the engagement of a consultant to implement a Surface Water and Groundwater Monitoring Program.		

## STAFF RECOMMENDATION AND COUNCIL RESOLUTION

**35 Moved Cr D Griffiths Seconded Cr J Brown**

That Council award Tender 46/2008 – Implementation of a Surface Water and Groundwater Monitoring Program to Endemic Pty Ltd of 17A Railway Road, Subiaco, at a total cost of \$268,935 (excluding GST) and, in accordance with section 6.8(1)(b) of the Local Government Act 1995, approve the following adjustment to the 2008/09 Municipal Budget:

Account Number	Type	Account Description	Debit \$	Credit \$
JL 34-95702-3384-000	Decrease Expenditure	Maddington Road ODP area – ODP Preparation – Carry forward expenditure		31,530
JL 34-95707-3384-000	Increase Expenditure	Maddington Kenwick Strategic Employment Area (MKSEA) – Planning – Carry forward expenditure	31,530	
JL 34-95705-3384-000	Decrease Expenditure	Local Planning Strategy (preparation) and Town Planning Scheme (review) – Carry forward expenditure		17,842
JL 34-95707-3384-000	Increase Expenditure	Maddington Kenwick Strategic Employment Area (MKSEA) – Planning – Carry forward expenditure	17,842	
JL 34-95708-3384-000	Decrease Expenditure	Large Lot ODP areas – ODP Preparation – Carry forward expenditure		75,000
JL 34-95707-3384-000	Increase Expenditure	Maddington Kenwick Strategic Employment Area (MKSEA) – Planning – Carry forward expenditure	75,000	

**CARRIED BY ABSOLUTE MAJORITY 12/0**

**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 T Brown, Cr R Mitchell, Cr L Griffiths, and Cr O Searle.

**AGAINST:** Nil.

**13.5.7 ADOPTION OF MADDINGTON ROAD PRECINCT B OUTLINE DEVELOPMENT PLAN**

Author:	C Windass
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 ) OCM 24 June 2008 (Resolution 276)
Appendices:	13.5.7A Proposed Maddington Road Precinct B – Outline Development Plan as presented to Council 24 June 2008. 13.5.7B Proposed Maddington Road Precinct B – Outline Development Plan as advertised for public comment. 13.5.7C Plan attached to Submission No. 7.

**PURPOSE OF REPORT**

For Council to consider whether to adopt the proposed Maddington Road Precinct B Outline Development Plan (ODP).

**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, Maddington.

Resolution 214 also recommended to the Western Australian Planning Commission (WAPC) that the subject land be automatically rezoned to Residential Development under Town Planning Scheme No.6 (TPS 6) at the time the Urban Deferred status is lifted under provisions of the Planning and Development Act.

The Urban Deferred status of the subject land has recently been lifted by the WAPC and hence, the automatic rezoning of this land by the WAPC (which is currently zoned General Rural under the TPS No. 6) to Residential Development is imminent.

The proposed Maddington Road Precinct B ODP was submitted by Development Planning Strategies for the portion of the MRS/TPS 6 amendment area located south of Dellar Road and extending to Alcock Street. The proposed ODP was considered by Council at its meeting of 24 June 2008, where it resolved (Resolution 276) to determine that it was satisfactory for the purpose of advertising, subject to the ODP report and plan being modified to explain the manner in which a proposed R20/R25 split density coding is to apply to the ODP area, with regard to clause 5.3.1 of TPS 6.

The portion of the MRS/TPS 6 amendment area located north of Dellar Road and extending to Tarling Place, referred to 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.

The version of the ODP that Council considered at its meeting on 24 June 2008 is contained in Appendix 13.5.7A.

Advertising of the Precinct B ODP for public comment has been completed. The advertised version of the ODP is contained in Appendix 13.5.7B. and is now being presented to Council for consideration.

**Public Consultation**

In accordance with Council Resolution 276 of 24 June 2008, the ODP was advertised for public comment for 42 days by way of a sign erected on Maddington Road within the ODP area, a newspaper advertisement in two newspapers circulating throughout the State and locally and letters to surrounding landowners in accordance with Council Policy No. 6.1.1.4.

A total of seven submissions were received, comprising five non-objections, one comment and one objection. A summary of submissions received and staff comments thereon are included in the Schedule of Submissions below.

**Schedule of Submissions**

1	<b>Name and Postal Address:</b> Thi K Y Nguyen, Duc T Tran, Thi A Phan 10 Lassen Gardens Ballajura WA 6066	<b>Affected Property:</b> Lot 374 Alcock Street Maddington
Summary of Submission		Comment
<p>Comment on the proposal.</p> <p>1.1 The Public Open Space (POS) is proposed on much of the rear of our land and therefore we are unable to use this area for residential development. Hence, we would like to request that the POS be relocated to the front portion of our property which comprises an area of approximately 6,000m<sup>2</sup>. We believe that this will optimize the land area and also enhance the precinct.</p> <p>1.2 We would like to apply for increased residential densities for our property and the Maddington Road ODP as a whole on the basis that according to the City of Gosnells Local Housing Strategy certain areas of Maddington have been identified for higher densities. Hence, the Maddington Road ODP would be suitable for increased density as it is in easy reach to:</p>		<p>Noted.</p> <p>The proposed POS is designed to broaden an area of established (and in part, identified but not yet acquired) POS from within the Town Planning Scheme No.9 area. The established POS forms an extension of the linear Peace Park and where it abuts the ODP area contains a creekline in a relatively natural state with some associated remnant vegetation that could benefit from being buffered from residential development in the manner proposed. This proposed POS will provide a link that is logical in its design and will allow for pedestrian movement. To relocate the POS to the front portion of the submitter's site would significantly compromise this link and threaten the creekline vegetation.</p> <p>The parts of the Lot 374 shown on the proposed ODP for residential use are coded R30. This is considered to be an appropriate coding for this land given its location. No significant rationale has been provided by either the proposed ODP or the submission to justify increasing the residential density of the submitters land and/or the ODP area. The City's Local Housing Strategy (LHS) identifies approximately 3,500 properties across the district for a possible density coding change.</p>

Summary of Submission	Comment
<ul style="list-style-type: none"> <li>• Public Transport, especially trains</li> <li>• Local community facilities</li> <li>• Local Shops</li> <li>• Local Parks</li> </ul> <p>1.3 We need more houses to cater for the population growth.</p>	<p>The identified properties are in locations immediately near rail stations or shopping centres, where densities of between R25 and R60 are proposed. The submitter's property does not enjoy an immediate proximity to density anchors like a rail station or a shopping centre like the LHS recoding sub-precincts and therefore provision for higher density is not supported.</p> <p>See staff comment in response to submission 1.2.</p>

2	<p><b>Name and Postal Address:</b> Development Planning Strategies (Planning Consultant for the various landowners within the ODP precinct).</p>	<p><b>Affected Property:</b> Various</p>
Summary of Submission	Comment	
<p>Supports the proposal.</p> <p>We seek to have the item of split coding contained within Part 1 Clause 2.1 amended to remove any confusion associated with the split coding in future. Hence, we seek Council's support in amending the ODP during final endorsement to incorporate this change by removing reference to both R20 and the split coding.</p>	<p>Noted.</p> <p>Refer to discussion under the heading of Residential Density Codings in the Discussion section later in this report.</p>	

3	<p><b>Name and Postal Address:</b> Father Francis (Roman Catholic Church) Lot 375L Alcock Street Maddington WA 6109</p>	<p><b>Affected Property:</b> Lot 375 Alcock Street Maddington</p>
Summary of Submission	Comment	
<p>Objection to the proposal.</p> <p>The land required for existing church facilities, namely the rebuilding of the hall as a Parish Centre and new toilet facilities together with future parking is proposed to utilise the area shown on the ODP as three R20/R25 housing blocks and an area of R40. It is not the intention of the Parish to use the church land for any purpose other than for the development of the church. The ODP as presented has residential blocks superimposed over the existing Parish house and the Church toilet facilities which we object to.</p>	<p>Noted.</p> <p>It will be recommended that Council, should it wish to adopt the proposed ODP, require the ODP to be modified to the extent of the boundary of the Place of Worship site in the manner set out in the plan attached to submission No. 3 (refer to Appendix 13.5.7C and discussion under the heading of Existing Place of Worship in the Discussion section later in this report.</p>	

4	<p><b>Name and Postal Address:</b> N D Irvine PO Box 39 Maddington WA 6109</p>	<p><b>Affected Property:</b> 153 (Lot 380) Maddington Road Maddington</p>
Summary of Submission	Comment	
<p>No objection to the proposal.</p>	<p>Noted.</p>	

5	<p><b>Name and Postal Address:</b> M C Irwin 25 Cavalier Court Thornlie WA 6108</p>	<p><b>Affected Property:</b> 151 (Lot 4) Maddington Road Maddington</p>
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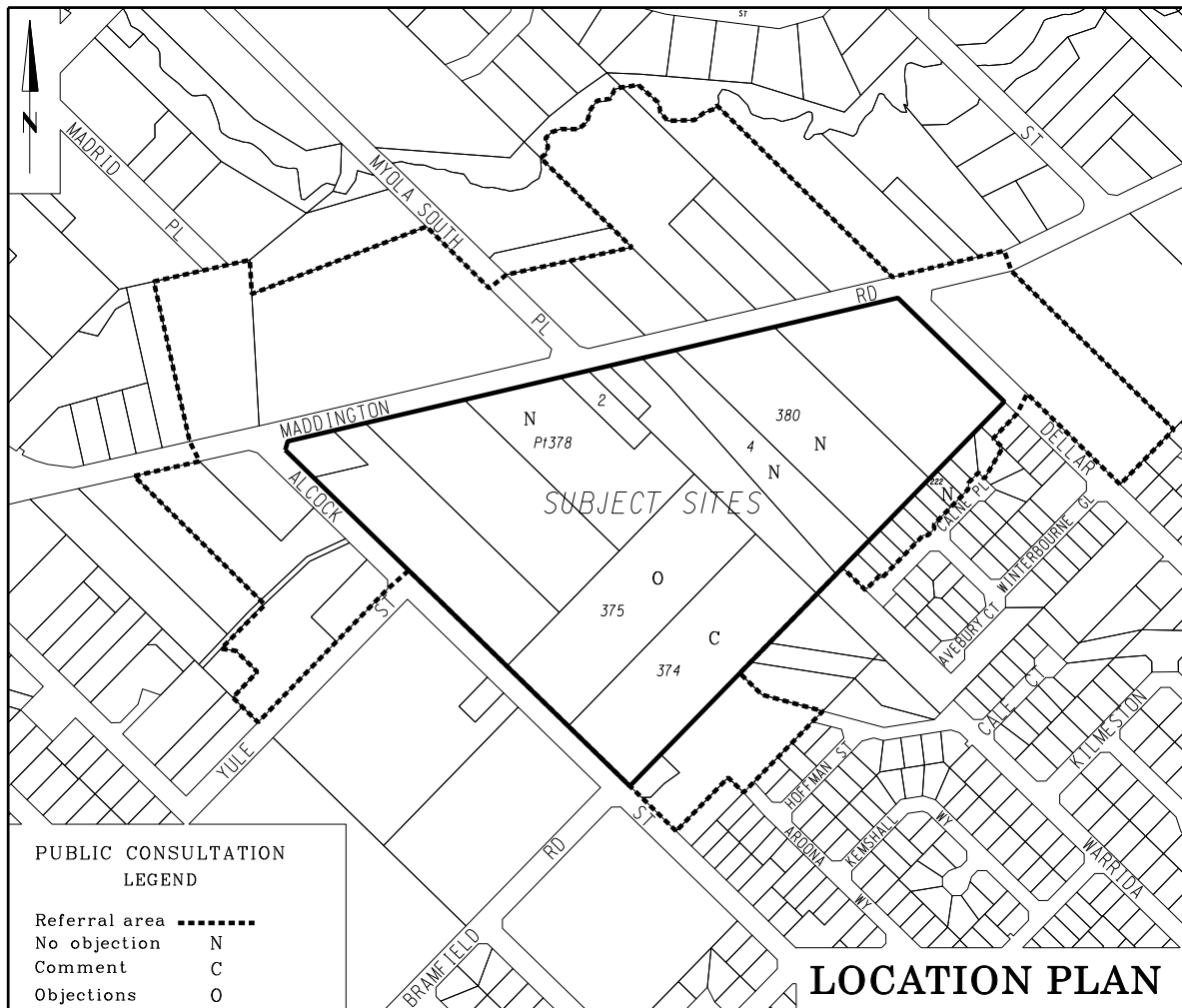
Summary of Submission	Comment
No objection to the proposal. Would prefer that the base density coding is notated at R25 to remove any potential confusion between the permissibility of the R20/25 density allocation.	Noted. Refer to discussion under the heading of Residential Density Codings in the Discussion section later in this report.

6	<b>Name and Postal Address:</b> M Mullane 6 Calne Place Maddington WA 6109	<b>Affected Property:</b> 6 (Lot 222) Calne Place Maddington
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Summary of Submission	Comment
No objection to the proposal.	Noted.

7	<b>Name and Postal Address:</b> P Trevenen PO Box 273 South Perth WA 6951	<b>Affected Property:</b> 141 (Lot 378) Maddington Road Maddington
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Summary of Submission	Comment
No objection to the proposal. This ODP looks very neat and will only enhance the area as it is currently untidy.	Noted.





**DISCUSSION**

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 220m<sup>2</sup> to 500m<sup>2</sup>.
- The creation of three POS areas, including two central areas of 5,100m<sup>2</sup> and 4,400m<sup>2</sup> and a third area of 5,600m<sup>2</sup> 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 Street.

Further detail on the proposed ODP was contained in the report to Council on 24 June 2008.

Few issues were raised in the submissions received during the advertising period. Discussion on the key issues raised and other matters relevant to finalisation of the proposed ODP is provided below.

**Residential Densities**

The ODP proposes a split residential density code of R20/25 as the base coding for much of the ODP area. This is intended to allow lots designated with a split coding to be subdivided to the minimum lot size permitted by the R25 coding (320m<sup>2</sup>), providing that the average lot size required by the lower R20 coding (500m<sup>2</sup>) 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.

The advertised ODP contains the following notation in relation to the split coding:

*“Subdivision and development of land coded with a split density of Residential R20/25 may occur up to a maximum density of R25. The advertising requirements of clause 5.3.1 of Council's Town Planning Scheme No.6, for the split density coding, will be met by advertising of this ODP.”*

Clause 5.3.1 of TPS 6 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;”*

Clause 5.3.1 goes on to state that before considering whether to approve a development at the higher density code, the Council must, unless otherwise determined, require the proposal to be advertised for public comment.

While City staff support the intention of the proposed split coding, it is envisaged that there will be some practical implementation issues associated with its application and, as was suggested in two submissions, the potential for confusion.

To achieve the minimum lot size of 320m<sup>2</sup> under the R25 code in any particular subdivision, an average size of 500m<sup>2</sup> for all lots created would have to be achieved in the same subdivision. An irregular subdivision pattern and potentially disjointed or dysfunctional streetscape could result if different subdividers took different approaches. It could also result that large lots would need to be created to ensure an average lot size of 500m<sup>2</sup> is achieved in a subdivision. Lots larger than 640m<sup>2</sup> could then later be resubdivided under the R25 coding because unless there were specific controls put in place to ensure this did not occur, it would be likely that over time the reasons why the lot was created at a certain size (that is, to achieve the average lot size) would be forgotten.

The drafted ODP notation relating to the split coding does not provide any guidance on how the split coding is to be applied.

The proponent has suggested that Council has already had regard for the matters pursuant to clause 5.3.1 of TPS 6 and subsequently advertised the ODP as per the requirements of clause 10.4 of TPS 6, and hence it has fulfilled its obligations under these clauses to implement the R25 coding. It is open to Council to accept this suggestion or not. City staff are satisfied that any subsequent subdivision or development in the split coded areas would meet the provisions of clause 5.3.1, however it should be noted that these provisions are very broad.

In this instance it is concluded that the split coding is overly and unnecessarily complex. A simpler and more effective approach would be to modify the advertised version of the ODP to delete all reference to the split coding and instead code all areas previously proposed as R20/R25 to simply R25.

### **Existing Place of Worship**

Submission No. 3 objects to the ODP on the basis that it shows residential lots on Lot 375 Alcock Street in a location upon which there are existing Church buildings, being the parish house and the church toilet facilities. The plan contained in Appendix 13.5.7C indicates a revised Place of Worship boundary suggested by the landowner, which is considered to be a reasonable alternative. It would result in a change to the extent of the R40 coded area adjacent to POS Area 1, though it is considered that the revised R40 area would still be capable of development in

accordance with the R40 code. The ODP can readily maintain the requirement for a Detailed Area Plan to be prepared to articulate the built form parameters for the R40 site, including how development will relate to the POS area.

It will be recommended that the ODP be modified in the manner suggested in submission No. 3 and Appendix 13.5.7C.

### **Public Open Space and Drainage**

The report to Council of 24 June 2008 in relation to the proposed ODP contained the following discussion in respect to the provision of POS:

*“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 totalling 15,100m<sup>2</sup> to be set aside for POS, which is equivalent to 11.19% of the ODP net subdividable area. However there is 3,000m<sup>2</sup> 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 (i.e. 1,500m<sup>2</sup>) 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 13,600m<sup>2</sup> 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 4,000m<sup>2</sup> 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.”*

There are two key aspects from the above discussion that need attention. These relate to how the arrangement for equitable provision of POS will actually operate and the need for certain safeguards in respect to ensuring the accommodation of drainage occurs in a manner that does not impact on the recreational function and utility of POS. Associated with the second point is the need to ensure appropriate water management plans are put in place to address drainage and other water related requirements.

While the previous report to Council and the supported report associated with the ODP provide some detail on these matters, the ODP itself provides no detail.

In respect to POS, it will be recommended that the ODP be modified to contain a notation that requires the intended POS contribution and equalisation arrangement to be formalised prior to subdivision or development occurring. In this regard, a POS Contribution Schedule will be required to set out how those landowners who provide in excess of the required POS contribution will be compensated, the process by which land acquisition will occur and the method by which POS contributions will be determined and collected. This is necessary to ensure sufficient funds are collected to meet the cost of land acquisition for POS, without burden to the broader community.

POS areas 1 and 3 shown on the ODP are intended to fulfil a drainage function, in addition to use for recreation purposes. As detailed previously, the combined area required for drainage is estimated by the proponent's engineers as 3,000m<sup>2</sup>. Should the area required for drainage, through detailed design, eventuate as being larger than 3,000m<sup>2</sup>, there would be an impact on the space available for recreational use and potentially mean the ODP does not comply with WAPC's POS policy for 10% provision.

The proponent's engineers have been liaising with the City's Technical Services staff on the water management related aspects of the proposed ODP. The proponent's engineers have now submitted a Local Water Management Strategy (LWMS) for the ODP area. This document is to provide detailed information as to how the subdivision will address water quantity and quality issues as well as meeting the requirements of the State Government's recently released Better Urban Water Management Framework. There are a number of issues within the LWMS which still require clarification. It is therefore recommended that a notation be included within the staff recommendation to enable these issues to be satisfied through conditional approval of the ODP.

The need for an Urban Water Management Plan (UWMP) to be prepared with the subdivision application and approved prior to subdivision approval is subsequently implemented at the subdivision stage, is a further requirement of the Framework. The UWMP typically has a focus on the design, construction and implementation of the drainage solution for a subdivision to address the effective function of the drainage system outlined in the LWMS.

The ODP should be modified to include a notation to stipulate the requirement for a UWMP being approved prior to subdivision and development of the ODP area. The notation should also make reference to the need for POS provision and contribution arrangements to be reviewed if the final drainage solution will require drainage facilities to exceed 3,000m<sup>2</sup>.

### Options for Determination of the ODP

In accordance with clauses 7.4.7(a) and (b) of TPS 6, Council has the following options available for determining the proposed ODP:

- Adopt the advertised ODP (attached as Appendix 13.5.7B)
- Adopt the advertised ODP, subject to modifications
- Refuse to adopt the advertised ODP

### Summary of Recommended ODP Modifications

It will be recommended that Council adopt the advertised ODP subject to it being modified to the satisfaction of the Director Planning and Sustainability in accordance with the Table of Recommended Modifications below:

<b>Table of Recommended Modifications</b>		
<b>No.</b>	<b>Modification Detail</b>	<b>Reason</b>
1	a) Delete the notation on the ODP which refers to the R20/R25 split coding. b) Delete the words "Residential R20/R25" from the Legend. c) Apply a notation of R25 to all residential areas previously included in the R20/R25 split coded area.	The split coding is overly and unnecessarily complex and likely to result in issues in implementation. A base coding of R25 is considered to be acceptable.
<b>Justification for not readvertising the modification to the ODP:</b> The modification is consistent with the stated principles, aims and objectives of the advertised ODP. The modification would achieve a development outcome which is similar in principle to that of the advertised ODP, in that a minimum lot size of 320m <sup>2</sup> would still be required. Allowing an average lot size of 350m <sup>2</sup> instead of 500m <sup>2</sup> is not considered to be a substantial change, nor likely to be of concern to affected landowners given no objections to any proposals for densities greater than R20 during advertising. The subdivisional layout shown on the proposed ODP, while indicative, was designed with R25 as an intended density. There have been no objections to the indicative lot layout shown, with the exception of submission No. 3, which is addressed in modification No. 2.		
2	Modify the extent of the boundary of the Place of Worship site on Lot 375 Alcock Street in the manner set out in the plan attached to submission No. 3 and contained in Appendix 13.5.7C.	To address the concerns of the owner of Lot 375 Alcock Street.
<b>Justification for not readvertising the modification to the ODP:</b> The modification is consistent with the request made in submission No. 3, is reflective of existing uses of Lot 375 and would have no significant impact on any other land.		
3	Add the following notation: "Prior to proposals for subdivision and development being supported, a POS Contribution Schedule is to be approved to set out how those landowners who provide in excess of the required POS contribution will be compensated, the process by which land acquisition will occur and the method by which POS contributions will be determined and collected."	To provide details for affected landowners on the intended operation of the POS contribution arrangement and ensure that sufficient funds are collected to meet the cost of land acquisition for POS, without burden to the broader community.
<b>Justification for not readvertising the modification to the ODP:</b>		

The modification is minor and will provide better guidance on the intended implementation of the ODP.

4	Add the following notation: “An amended Local Water Management Strategy is to be approved by the Western Australian Planning Commission on advisement from the Department of Water and through liaison with the City.”	This document is to provide detailed information as to how the subdivision will address water quantity and quality issues as well as meeting the requirements of the State Government’s recently released Better Urban Water Management Framework.
<b>Justification for not readvertising the modification to the ODP:</b> The modification is minor and will provide better guidance on the intended implementation of the ODP.		
5	Add the following notation: “An Urban Water Management Plan is to be approved prior to proposals for subdivision and development being supported. The Urban Water Management Plan should address the criteria set out in the Local Water Management Strategy.”	To ensure the appropriate design, construction and implementation of a water management solution for the ODP to achieve the effective function of the drainage system and associated water quality and conservation objectives and that sufficient provision of POS occurs in order to meet community needs.
<b>Justification for not readvertising the modification to the ODP:</b> The modification is minor and will provide better guidance on the intended implementation of the ODP.		

TPS 6 does not specifically provide that Council must readvertise an ODP if it determines that modifications are required at this stage of the ODP process, though it is open for it to do so should it choose. Under TPS 6, there is a later opportunity for the WAPC to determine, in consultation with Council, whether any modifications to the ODP warrant readvertising of the proposal.

For the reasons outlined earlier in the Table of Recommended Modifications, staff consider that the recommended modifications to the advertised ODP are minor, do not materially affect the intent of the ODP and will result in an improved, better integrated development outcome than the advertised ODP.

**Town Planning Scheme No. 6 Status**

As detailed earlier in this report, the land subject to the ODP is now zoned Urban under the MRS. The gazettal of the associated automatic rezoning of this land under TPS 6 to Residential Development is imminent. There is considered to be no impediment to Council adopting the ODP in advance of the gazettal of the TPS 6 amendment. The ODP will not have effect however until the TPS 6 amendment is actually gazetted and the ODP is finally adopted by Council (or its delegate) under clause 7.4.15 of TPS 6 (which cannot occur until the WAPC has firstly approved the ODP).

**CONCLUSION**

The proposed ODP provides a framework for the orderly and proper planning of the area known as Maddington Road Precinct B. The proponent has sufficiently addressed the technical and planning requirements applicable to the proposed ODP and the subject land. It will therefore be recommended that Council adopt the advertised Maddington Road Precinct B Outline Development Plan, as contained in Appendix 13.5.7B, subject to the ODP firstly being modified in accordance with the Table of Recommended Modifications contained earlier in this report, after which time it will be forwarded to the WAPC for determination.

**FINANCIAL IMPLICATIONS**

Nil.

STAFF RECOMMENDATION (1 of 3) AND COUNCIL RESOLUTION

**36 Moved Cr R Mitchell Seconded Cr B Wiffen**

That Council note the submissions received in respect of the proposed Maddington Road Precinct B Outline Development Plan (ODP) contained in Appendix 13.5.7B and endorse the staff comments in response to those submissions.

CARRIED 12/0

*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 T Brown, Cr R Mitchell, Cr L Griffiths, and Cr O Searle.*

*AGAINST: Nil.*

STAFF RECOMMENDATION (2 of 3) AND COUNCIL RESOLUTION

**37 Moved Cr R Mitchell Seconded Cr B Wiffen**

That Council pursuant to clause 7.4.7(b) of Town Planning Scheme No. 6 adopt the Maddington Road Precinct B Outline Development Plan contained in Appendix 13.5.7B, subject to the following modifications being completed to the satisfaction of the Director Planning and Sustainability:

1. Delete the notation which refers to the R20/R25 split residential density coding
2. Delete the words "Residential R20/R25" from the Legend
3. Apply a notation of R25 to all residential areas previously included in the R20/R25 split coded area
4. Modify the extent of the boundary of the Place of Worship site on Lot 375 Alcock Street in the manner set out in the plan attached to submission No. 3 and contained in Appendix 13.5.7C
5. Add the following notations:
  - a) Prior to proposals for subdivision and development being supported, a POS Contribution Schedule is to be approved to set out how those landowners who provide in excess of the required POS contribution will be compensated, the process by which land acquisition will occur and the method by which POS contributions will be determined and collected.
  - b) An amended Local Water Management Strategy is to be approved by the Western Australian Planning

Commission on advisement from the Department of Water and through liaison with the City.

- c) An Urban Water Management Plan is to be approved prior to proposals for subdivision and development being supported. The Urban Water Management Plan should address the criteria set out in the Local Water Management Strategy.

CARRIED 12/0

*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 T Brown, Cr R Mitchell, Cr L Griffiths, and Cr O Searle.

*AGAINST:* Nil.

STAFF RECOMMENDATION (3 of 3) AND COUNCIL RESOLUTION
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**38 Moved Cr R Mitchell Seconded Cr B Wiffen**

That Council refer the duly modified Maddington Road Precinct B Outline Development Plan to the Western Australian Planning Commission for approval in accordance with clause 7.4.9 of the Town Planning Scheme No. 6.

CARRIED 12/0

*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 T Brown, Cr R Mitchell, Cr L Griffiths, and Cr O Searle.

*AGAINST:* Nil.



**13.5.8 DEVELOPMENT APPLICATION – RETROSPECTIVE APPROVAL – CHANGE OF USE (FACTORY UNIT TO MOTOR VEHICLE REPAIR) – UNIT 1, 1848 (LOT 12, STRATA LOT 1) ALBANY HIGHWAY, MADDINGTON**

Author: C da Costa  
Reference: 237945  
Application No: DA08/02864  
Applicant: Autoscene Pty Ltd  
Owner: S Rando  
Location: 1848 (Lot 1) Albany Highway, Maddington  
Zoning: MRS: Urban  
TPS No. 6: Light Industry  
Review Rights: Yes. State Administrative Tribunal against any discretionary decision of Council.  
Area: 4,553m<sup>2</sup>  
Previous Ref: Nil.  
Appendix: Nil.

**PURPOSE OF REPORT**

For Council to consider an application for planning approval for a retrospective approval for a change of use (Factory Unit to Motor Vehicle Repair) as the proposal is outside the authority delegated to staff.

**BACKGROUND**

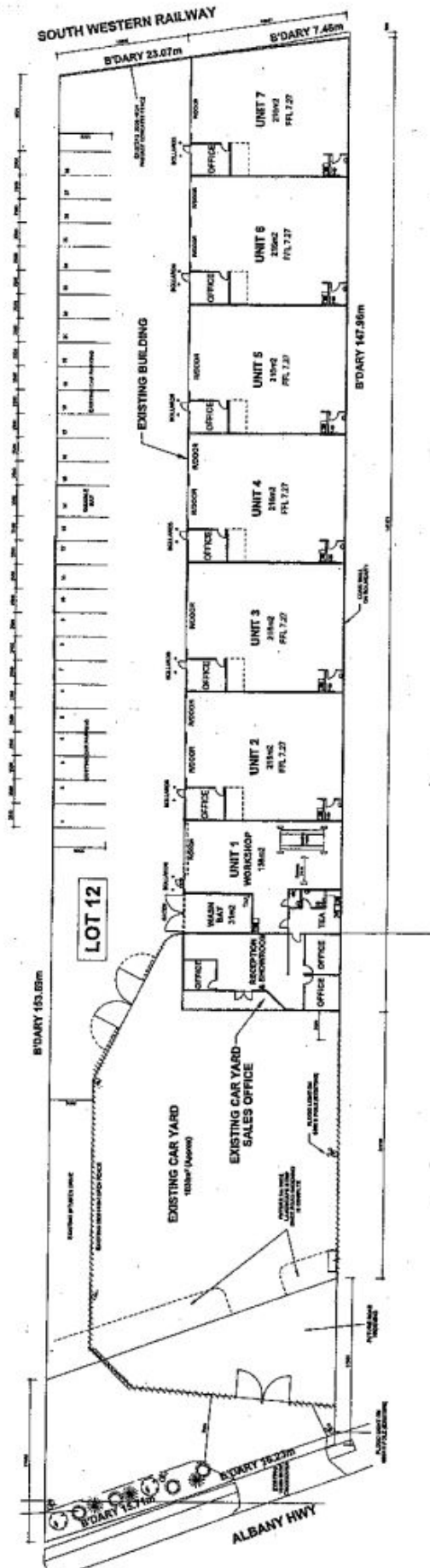
**Site Description**

The subject site is zoned Light Industry and is 4,553m<sup>2</sup> in area. Unit 1 (as indicated in the site plan below) is within an area that has planning approval for the existing display yard and six factory units, issued on 11 November 2002. Unit 1 has been operating as a Motor Vehicle Repair and commenced trading in late October 2003.

**Proposal**

As indicated by the applicant, the following is proposed:

- A proposed Motor Vehicle Repair at Unit 1.
- One wash bay and two hoists located within Unit 1 for the servicing and cleaning of cars.
- One fully qualified mechanic working full time on the premises.
- Hours of operation are Monday, Tuesday, Thursday and Friday between 8.30am to 6pm. Wednesdays between 8.30am to 9pm and Saturdays from 8.30am to 1pm.
- Four carparking bays have been allocated for the exclusive use of Unit 1.



**SITE / FLOOR PLAN**

## Consultation

The proposal was advertised for public comment for 21 days in accordance with Council Policy/TPS 6 requirements, during which time 19 submissions were received, two objecting to the proposal, 17 raising no objection and one which provided comment. A summary of these submissions and staff comments thereon are provided in the following Schedule of Submissions:

**Schedule of Submissions**

1.	<b>Name and Postal Address:</b> D Purser 18 Cavalier Court Thornlie WA 6108	<b>Affected Property:</b> 6/12 (Lot 5, Strata Lot 15) Attfield Street Maddington
<b>Summary of Submission</b>		<b>Comment</b>
<p>Object to the proposal.</p> <p>The property is an over 50 retirement village. I don't think the residents should be subject to the noise such a development would bring.</p>		<p>The proposal is consistent with a Motor Vehicle Repair land use classification, which is a permissible use within the Light Industry zoning of the subject lot.</p> <p>The subject application is located over 200m away from the objector's property, with Albany Highway being located within this separation distance. Owing to this distance, it is highly unlikely that the operation would generate noise which would affect the objector's property, particularly when considering the background noise of traffic on Albany Highway.</p> <p>Any noise generated from the proposal is to be in accordance with the Environmental Protection (Noise) Regulations 1997.</p>
2.	<b>Name and Postal Address:</b> R Sheridan Access Housing Association Inc PO Box 1334 Fremantle WA 6959	<b>Affected Property:</b> 25/208 (Lot 100, Strata Lot 33) Burslem Drive 6/2 (Lot 300, Strata Lot 6) Attfield Street Maddington
<b>Summary of Submission</b>		<b>Comment</b>
<p>Object to the proposal.</p> <p>2.1 Undesirable environmental issue.</p> <p>2.2 Adjacent to families.</p>		<p>The proposal is not expected to generate any undesirable environmental outcomes. The applicant is required to comply with all relevant legislation in relation to environmental issues.</p> <p>The scale and nature of the business is not expected to adversely affect the amenity of the area.</p>

3.	<b>Name and Postal Address:</b> P Taylor 1/27 Attfield Street Maddington WA 6109	<b>Affected Property:</b> 1/27 (Lot 12, Strata Lot 1) Attfield Street Maddington
<b>Summary of Submission</b>		<b>Comment</b>
Comment on the proposal.		
3.1	There are enough Motor Repair businesses in the area.	The City has no regulations on the number of Motor Vehicle Repairs that can be approved within any one given area, and therefore each planning application is assessed on its individual merits.
3.2	I wish you had seen fit to ask this question when Auto Masters was allowed to open right opposite my unit some years ago. That would have received a definite no.	Any other complaints relevant to industrial activities unrelated to this proposal are to be addressed as a separate matter through the City. This submission is outside the scope of the proposal.
4.	<b>Name and Postal Address:</b> S Rando 18 Summer Place Thornlie WA 6108	<b>Affected Property:</b> 1/1848 (Lot 12, Strata Lot 1) Albany Highway Maddington
<b>Summary of Submission</b>		<b>Staff Comment</b>
No objection to the proposal.		Noted.
4.1	We are the owners of the subject property, we would like to notify the City of Gosnells that we have no objections to part of the premises being used as mechanical repairs.	Noted.
4.2	We will allocate four car bays to this particular unit.	Refer to the 'Parking' section of this report.
5.	<b>Name and Postal Address:</b> A Page PO Box 292 Maddington WA 6109	<b>Affected Property:</b> 43 (Lot 1) Attfield Street Maddington
<b>Summary of Submission</b>		<b>Staff Comment</b>
No objection to the proposal.		Noted.
6.	<b>Name and Postal Address:</b> V Townhey 3/27 Attfield Street Maddington WA 6109	<b>Affected Property:</b> 3/27 (Lot 12, Strata Lot 3) Attfield Street Maddington
<b>Summary of Submission</b>		<b>Staff Comment</b>
No objection to the proposal.		Noted.
7.	<b>Name and Postal Address:</b> S Baker 19 Willaring Drive Beckenham WA 6107	<b>Affected Property:</b> 1862A (Pt Lot 122, Strata Lot 1) Albany Highway Maddington
<b>Summary of Submission</b>		<b>Staff Comment</b>
No objection to the proposal.		Noted.

8.	<b>Name and Postal Address:</b> N Fraser 7 Pratt Court Maddington WA 6109	<b>Affected Property:</b> 7 (Lot 154) Pratt Court Maddington
<b>Summary of Submission</b>		<b>Staff Comment</b>
No objection to the proposal.		Noted.

9.	<b>Name and Postal Address:</b> T Sagger PO Box 1054 Kalamunda WA 6076	<b>Affected Property:</b> 3/15 (Lot 478, Strata Lot 3) Blackburn Street 4/15 (Lot 478, Strata Lot 4) Blackburn Street 5/15 (Lot 478, Strata Lot 5) Blackburn Street Maddington
<b>Summary of Submission</b>		<b>Staff Comment</b>
No objection to the proposal.		Noted.

10.	<b>Name and Postal Address:</b> P D'Arcy 3/17 Attfield Street Maddington WA 6109	<b>Affected Property:</b> 3/17 (Lot 11, Strata Lot 3) Attfield Street Maddington
<b>Summary of Submission</b>		<b>Staff Comment</b>
No objection to the proposal.		Noted.

11.	<b>Name and Postal Address:</b> S Gilwey 1878 Albany Highway Maddington WA 6109	<b>Affected Property:</b> 1878 (Lot 1) Albany Highway 1 (Lot 101) Sampson Street 3 (Lot 102) Sampson Street Maddington
<b>Summary of Submission</b>		<b>Staff Comment</b>
No objection to the proposal		Noted.

12.	<b>Name and Postal Address:</b> S Cipriano 9 Blackboy Court Thornlie WA 6108	<b>Affected Property:</b> 1862D (Pt Lot 122, Strata Lot 3) Albany Highway Maddington
<b>Summary of Submission</b>		<b>Staff Comment</b>
No objection to the proposal.		Noted.

13.	<b>Name and Postal Address:</b> S Murphy PO Box 309 Maddington WA 6989	<b>Affected Property:</b> 4/200 (Pt Lot 6, Strata Lot 4) Burslem Drive Maddington
<b>Summary of Submission</b>		<b>Staff Comment</b>
No objection to the proposal.		Noted.

14.	<b>Name and Postal Address:</b> L Crossley 10/2 Attfield Street Maddington WA 6109	<b>Affected Property:</b> 10/2 (Lot 300, Strata Lot 10) Attfield Street Maddington
<b>Summary of Submission</b>		<b>Staff Comment</b>
No objection to the proposal.		Noted.

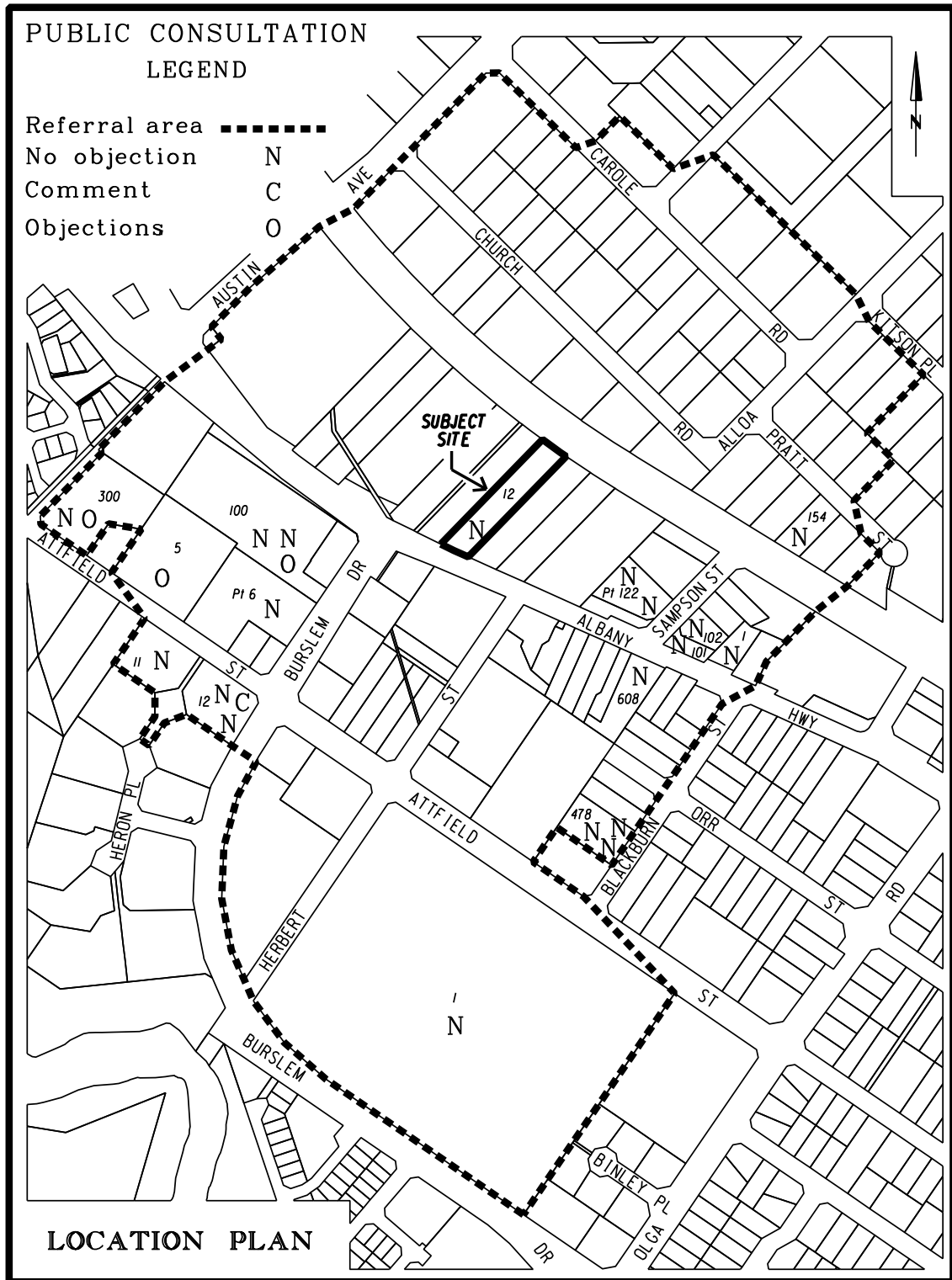
15.	<b>Name and Postal Address:</b> D Pugh PO Box 261 Maddington WA 6109	<b>Affected Property:</b> 31/208 (Lot 100, Strata Lot 27) Burslem Drive Maddington
<b>Summary of Submission</b>		<b>Staff Comment</b>
No objection to the proposal		Noted.

16.	<b>Name and Postal Address:</b> P Donnison 9/27 Attfield Street Maddington WA 6109	<b>Affected Property:</b> 9/27 (Lot 100, Strata Lot 9) Attfield Street Maddington
<b>Summary of Submission</b>		<b>Staff Comment</b>
No objection to the proposal.		Noted.

17.	<b>Name and Postal Address:</b> C Johnson PO Box 2327 Midland WA 6936	<b>Affected Property:</b> 1871 (Lot 608) Albany Highway Maddington
<b>Summary of Submission</b>		<b>Staff Comment</b>
No objection to the proposal.		Noted.

18.	<b>Name and Postal Address:</b> Department of Housing and Works GPO Box S140 Perth WA 6845	<b>Affected Property:</b> 11/208 (Lot 100) Burslem Drive Lot 2 Herbert Street Maddington
<b>Summary of Submission</b>		<b>Staff Comment</b>
No objection to proposal.		Noted.

19.	<b>Name and Postal Address:</b> Public Transport Authority PO Box 8125 Perth Business Centre Perth WA 6849	
<b>Summary of Submission</b>		<b>Comment</b>
No objection to the proposal.		Noted.
19.1	The Public Transport Authority has no objections in principle to the proposed change of land use. Any development would be subject to the following conditions:  All water drainage is to be contained within the site and directed away from the rail reserve. There is to be no water run off onto rail reserve.	The City can condition this point upon approval.
19.2	Fencing to a minimum 1.8m height must be installed to all rail reserve boundaries.	The proposal is located within Unit 1, at the front of the lot. It is therefore considered that this condition is not applicable to this proposal.



**DISCUSSION**

**Town Planning Scheme No. 6 and Land Use Classification**

The subject site is zoned Light Industry under Town Planning Scheme No. 6 (TPS 6). In accordance with Table 1 of TPS 6, Motor Vehicle Repair is an “A” use in a Light Industry zone, meaning that it is not permitted unless the local government has exercised its discretion by granting planning approval after a period of public comment.

Motor Vehicle Repair is defined in TPS 6 as:

*“...premises used for or in connection with –*

*(a) electrical and mechanical repairs, or overhauls, to vehicle; or*

*(b) repairs to tyres,*

*but does not include premises used for recapping or retreading of tyres, panel beating, spray painting or chassis reshaping...”*

**Parking**

The proposed development generally complies with the provisions of Town Planning Scheme No. 6 (TPS 6) with the exception of the carparking provisions which are discussed below.

The carparking standards for a Motor Vehicle Repair – as provided in Table 3a of TPS 6 are listed in the following table with an assessment provided relative to this proposal.

TPS Clause Requirements	Assessment/Comment
Parking Requirements Motor Vehicle Repair: <ul style="list-style-type: none"> <li>• 4 spaces to each working bay, or</li> <li>• 1 space for every 50m<sup>2</sup> gross floor area, whichever is the greater, plus</li> <li>• 1 space for every person employed on site.</li> </ul>	There are two working hoists provided within Unit 1, therefore eights bays are required. Unit 1 is 138m <sup>2</sup> , which would require 2.76 bays to be provided. There is one full time mechanic on the premises, therefore one bay is required. Therefore from the greater calculation, nine parking bays are required.

Unit 1 has four bays allocated exclusively for its business. From the above calculations, nine carparking bays are required for the operation of a Motor Vehicle Repair land use. The City is satisfied that an additional five carparking bays can be accommodated on the subject site, which would therefore satisfy the parking standards set out in Table 3a of TPS 6. Should Council resolve to approve the application, it is recommended that a condition be imposed requiring the applicant to submit an amended plan to the City, showing the additional five bays and such bays are to be marked on the site to the satisfaction of the Manager of Planning Implementation.

The application was also assessed in regard to any potential traffic safety implications, with no concerns being raised providing that the provision of additional carparking bays does not prevent a minimum access width of 6m for the manoeuvring and reversing of cars in and out the bays. The applicant is to demonstrate this upon the submission of an amended plan.



**Noise**

A search of the City's records indicates that no noise complaints related to the operation of the Motor Vehicle Repair at Unit 1 have been received. Any noise generated from activities on the subject site would need to comply with the Environmental Protection (Noise) Regulations 1997.

**CONCLUSION**

The proposal is supported for the following reasons:

- The proposal is consistent with a Motor Vehicle Repair land use classification which is permissible in the Light Industry zone.
- The scale and nature of the business is not expected to adversely affect the amenity of the area.

It will be recommended that the proposal be approved subject to appropriate conditions.

**FINANCIAL IMPLICATIONS**

Nil.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION
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**39 Moved Cr J Brown Seconded Cr W Barrett**

That Council approve the application for a retrospective approval for a change of use (Motor Vehicle Repair) at Unit 1, 1848 (Lot 1) Albany Highway, Maddington, 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. All signage for the proposed development including painted signs are subject to a separate application being lodged and approved by the City. Roof mounted or flashing signage will not be permitted.
3. A minimum of nine carparking bays are to be provided for the exclusive use of Unit 1 and maintained to the satisfaction of the Manager Planning Implementation. The driveways, accessways and carbays are to be paved, drained and marked to City's standards in accordance with the approved plan and Table 3B of Town Planning Scheme No. 6.
4. The applicant is to submit an amended plan to the City, showing the additional five bays, to the satisfaction of the Manager of Planning Implementation

5. All stormwater drainage is to be contained within the site and directed away from the rail reserve. There is to be no water run off onto rail reserve.

**Advice Notes**

1. All operations should comply with the requirements of the Environmental Protection (Noise) Regulations and all other relevant regulations in respect to noise emissions.
2. In relation to Condition 3, provision of carparking for those with special accessibility needs is to be in accordance with Australian Standard 1428.1-2001, with one carparking bay for each 50 carparking bays provided on-site, or part thereof.
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 an approval or consent to commence or carry out development under any other written law, act, statute, or agreement, whether administered by the City of Gosnells or not. It is the applicant's responsibility to ensure all relevant approvals are obtained prior to the commencement of any development covered by this approval.

CARRIED 12/0

**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 T Brown, Cr R Mitchell, Cr L Griffiths, and Cr O Searle.

**AGAINST:** Nil.

**13.5.9 DEVELOPMENT APPLICATION – CHANGE OF USE – RESIDENTIAL DWELLING TO MEDICAL CENTRE (ORTHODONTIST PRACTICE) – 263 (LOT 601) FRASER ROAD NORTH, CANNING VALE**

Author: L Langford  
Reference: 234450  
Application No: DA08/02844  
Applicant: Dr Chris Orloff  
Owner: Orloff Nominees Pty Ltd  
Location: 263 (Lot 601) Fraser Road North, Canning Vale  
Zoning: MRS: Urban  
TPS No. 6: Residential Development  
Review Rights: Yes. State Administrative Tribunal against any discretionary decision of Council.  
Area: 1,470m<sup>2</sup>  
Previous Ref: Nil  
Appendices: 13.5.9A Initial Site Plan submitted with development application.  
13.5.9B Modified Site Plan

**PURPOSE OF REPORT**

For Council to consider an application for planning approval for a change of use from a residential dwelling to an Orthodontic Practice at 263 (Lot 601) Fraser Road North, Canning Vale as the proposal is outside the authority delegated to staff, due to objections being received during the period of advertising of the proposal for public comment.

**BACKGROUND**

The subject Lot contains a residential dwelling which the applicant is proposing to refurbish and convert into an Orthodontist Practice. Plans of the proposed development are contained in Appendix 13.5.9A.

**DISCUSSION****Site Description**

The subject lot is zoned Residential Development under Town Planning Scheme No. 6 (TPS 6), and is located on the corner of Fraser Road North and Fulbrooke Loop, Canning Vale. The lots surrounding the subject site have been predominantly developed for single residential dwellings. Fraser Road North services a high school, and primary school, Residential zoned land (R20) and is a link between various Mixed Use Centres which are bordered by higher density Residential zones (R30-R60).

**Proposal**

The proposal involves the exterior of the existing building being rendered, the construction of a carparking area to accommodate patients and staff and an internal refurbishment of the existing building to accommodate a treatment room, sterilisation area, reception/waiting room, storage areas, office, small staff room, toilets and consulting rooms. The carparking area is proposed to be located at the front and side of the existing building and occupy 14 carparking bays. Hours of operation of the practice are proposed between 9am to 5pm Monday to Friday and Saturday 9am to

3pm. Upon opening of the practice it is proposed that 3 full-time staff (1 x Orthodontist, 1 x Orthodontic Assistant and 1 x Receptionist) will be employed. Following a 12 month period an additional maximum of 3 staff (an additional 1 x Orthodontist, 1 x Orthodontic Assistant and 1 x Receptionist) may be employed. The reception/waiting room is proposed to seat 6 persons. It is proposed that regular orthodontic supplies will be delivered via courier. Orthodontic laboratory work undertaken on the premises would also be sent and received via courier. Infectious waste is proposed to be collected and disposed of as per Environmental Protection Authority (EPA) standards. Side access would be used for all such transports. The practice will be subject to standard sewage and drainage connections and biological waste will be removed in accordance with EPA standards.

### Consultation

The proposal was advertised for public comment for 14 days in accordance with TPS 6 requirements, during which time 13 submissions were received, twelve objections to the proposal and one non-objection to the proposal. A summary of these submissions and staff comments thereon are provided in the following Schedule of Submissions.

### Schedule of Submissions

1.	<b>Name and Postal Address:</b> G Bruckner 105 Le Souef Drive Kardinya WA 6163	<b>Affected Property:</b> 8 (Lot 605) Fulbrooke Loop Canning Vale
Summary of Submission		Comment
Object to the proposal.		
1.1	Significant increase of traffic on Fraser Road and Fulbrooke Loop i.e. higher noise and pollution level, increased risk to pedestrians by incoming and outgoing traffic – couriers, sales representatives and visitors.	Refer to discussion under the heading Traffic and Access later in the report.
1.2	Will have a negative impact on value of surrounding properties.	The potential impact of a proposed development on property values is not a valid planning consideration under TPS 6.
1.3	Possible chance of crime related to pharmaceutical substances kept on premises.	The onus is on the owner to implement security measures to prevent crime. This would ultimately impact on the owner of the Orthodontist Practice and not the surrounding residents. The Safe City Urban Design Strategy is intended to guide development decisions on matters of crime and safety.
1.4	We strongly oppose this proposition of the commercial development as it is in breach with the nature of this residential area.	Council is required to determine the application on its merits. Refer to discussion under the heading Amenity later in this report.

2.	<b>Name and Postal Address:</b> J Philp 16 Lexington Avenue Canning Vale WA 6155	<b>Affected Property:</b> 9 (Lot 664) Trinity Close Canning Vale
<b>Summary of Submission</b>		<b>Comment</b>
Object to the proposal.		
2.1	One underlying concern is that once you pursue business development in the area more businesses will infiltrate the area (which has always been zoned Residential)	Refer to discussion under the heading Amenity later in this report.
2.2	This will lead to a devaluation of surrounding properties. If we had realised there were going to be zoning changes we may well not have purchased Lot 664, Trinity Close.	Refer to the staff response to submission 1.2. This proposal is not a rezoning application but a development application. A Medical Centre is a permissible use in the Residential zone and therefore the City is obliged to determine any development application lodged for a Medical Centre on Residential zoned land.
3.	<b>Name and Postal Address:</b> J Chen & P Wong 34 Frederick Street BELMONT WA 6104	<b>Affected Property:</b> 4 (Lot 669) Cranfield Lane Canning Vale
<b>Summary of Submission</b>		<b>Comment</b>
Object to the proposal.		Noted. No reason for objection provided.
4.	<b>Name and Postal Address:</b> V Tai 20 Northfield Crescent Canning Vale WA 6155	<b>Affected Property:</b> 20 (Lot 186) Northfield Crescent Canning Vale
<b>Summary of Submission</b>		<b>Comment</b>
Object to the proposal.		Noted. No reason for objection provided.
5.	<b>Name and Postal Address:</b> R Ooi 39/7 Deihi Street West Perth WA 6005	<b>Affected Property:</b> 31 (Lot 673) Fullbrooke Loop Canning Vale
<b>Summary of Submission</b>		<b>Comment</b>
Object to the proposal.		Noted. No reason for objection provided.
6.	<b>Name and Postal Address:</b> M Sorosh 22A Pollock Street Bentley WA 6102	<b>Affected Property:</b> 37 (Lot 676) Fulbrooke Loop Canning Vale
<b>Summary of Submission</b>		<b>Comment</b>
Object to the proposal.		Noted. No reason for objection provided.
7.	<b>Name and Postal Address:</b> W Dressels & K Dressels 260 Fraser Road North Canning Vale WA 6155	<b>Affected Property:</b> 260 (Lot 491) Fraser Road North Canning Vale
<b>Summary of Submission</b>		<b>Comment</b>

Summary of Submission	Comment
Object to the proposal.	Noted. No reason for objection provided.

8.	<b>Name and Postal Address:</b> K Blakey 35/474 Murray Street PERTH WA 6000	<b>Affected Property:</b> 254 (Lot 101) Fraser Road North Canning Vale
Summary of Submission	Comment	
Object to the proposal.		
8.1 The area was built as residential and should remain that way.	Refer to discussion under the heading Amenity later in this report.	
8.2 Your plan will increase traffic and introduce new hazards and will be generally detrimental to the surrounding area. I firmly object as I believe there are plenty of business locations this type of operation can go to.	Refer to discussion under the headings Amenity and Traffic and Access later in this report.	
8.3 By allowing this it negates the development of business units such as the ones being constructed on Ranford Road.	This is not a valid planning consideration. In any event, there is no evidence to suggest that this will actually occur.	

9.	<b>Name and Postal Address:</b> S Rioley 266 Fraser Road North Canning Vale WA 6155	<b>Affected Property:</b> 266 (Lot 494) Fraser Road North Canning Vale
Summary of Submission	Comment	
Object to the proposal.		
9.1 I object to the proposal as this is a residential area and don't need more cars on the street.	Refer to discussion under the heading Traffic and Access later in this report.	
9.2 There are plenty of business areas within 5km of the area.	This is not a valid planning consideration.	
9.3 Also if this centre doesn't work out the street is left with an empty commercial type building that anyone can take over. I don't think it is necessary for a business to be in this street.	Refer to the staff response to submission 1.4. It is plausible that should the Orthodontist Practice relocate that another similar business may take over, however, only a permissible use in the Residential zone can be considered. Refer to discussion under the heading Amenity later in this report.	

10.	<b>Name and Postal Address:</b> J Manning 248 Fraser Road North Canning Vale WA 6155	<b>Affected Property:</b> 248 (Lot 104) Fraser Road North Canning Vale
Summary of Submission	Comment	
Object to the proposal.		
10.1 Traffic is already increased along this road with housing developments and during peak hour school periods. Further to that, traffic travels very quickly over this stretch of road.	Refer to discussion under the heading Traffic and Access later in this report.	

Summary of Submission	Comment
10.2 There is plenty of office and commercial space available in Canning Vale to accommodate commercial ventures. I do not see the need for occupying residential areas in a suburb where office/commercial space is readily available.	The abundance of commercial space within the Canning Vale area is not a valid planning consideration within the terms described under TPS 6.  Refer to discussion under the heading Amenity later in this report.
10.3 I would suggest a traffic study be conducted on this road as a dentist will increase traffic flow on Fraser Road North and monitor the pedestrian traffic to the school, shops and passive recreation areas within the locality to provide residents with an informed view of the impact of business hours traffic to the dentist.	Refer to discussion under the heading Traffic and Access later in this report.

11.	<b>Name and Postal Address:</b> Cedar Woods Properties PO Box 788 West Perth WA 6872	<b>Affected Property:</b> Lot 9002 Cambridge Promenade Canning Vale
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Summary of Submission	Comment
Object to the proposal	
11.1 The use is not consistent with the surrounding development.	There are several other non-residential uses occurring within close proximity to the subject site. Refer to discussion under the heading Amenity later in the report.
11.2 The use was not originally a part of the ODP for the area.	The Canning Vale ODP identifies the subject lot as zoned Residential. The City of Gosnells Town Planning Scheme No. 6 is the statutory document which ultimately controls the permissibility of land uses in the Residential zone.
11.3 The increase in local traffic will adversely impact on the amenity of local residents.	Refer to discussion under the heading Traffic and Access later in this report.
11.4 Residents have recently entered the area with the expectation this lot would remain residential.	This is not a valid planning consideration.
11.5 The use would be more appropriate within the adjacent centre.	This is not a valid planning consideration.

12	<b>Name and Postal Address:</b> M T K Soh 298 Fraser Road North Canning Vale WA 6155	<b>Affected Property:</b> 20 (Lot 611) Fulbrooke Loop Canning Vale
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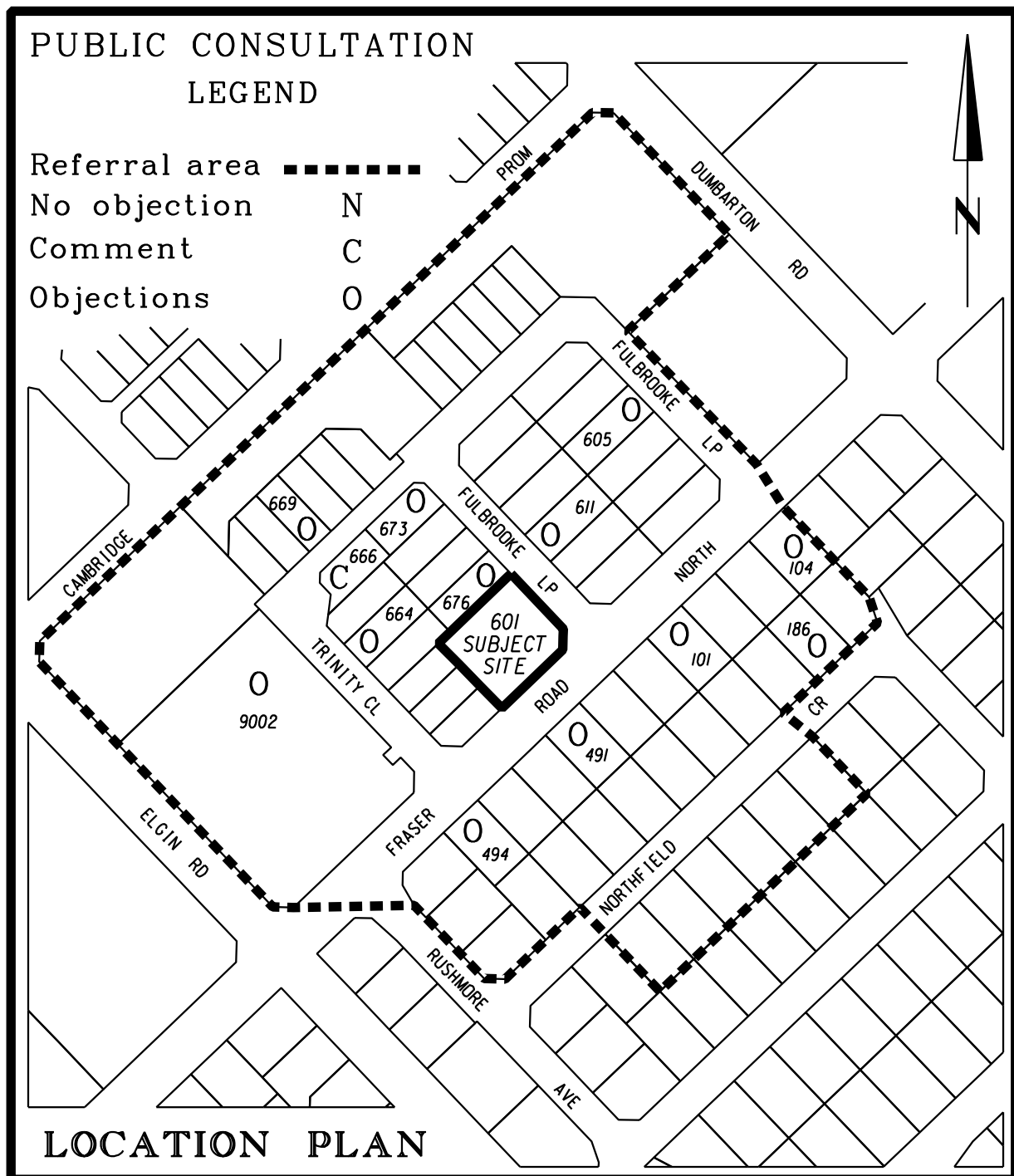
Summary of Submission	Comment
Objection to the proposal.	
12.1 The proposal is inconsistent with the low density residential character of the neighbourhood governed by restrictive covenants that were a condition of sale for the surrounding lots.	Refer to discussion under the heading Amenity later in this report.
12.2 It is unfair to surrounding landowners to allow this development to proceed given the developer's intent for the neighbourhood to accommodate family oriented residential living.	Refer to discussion under the heading Amenity later in this report.

Summary of Submission	Comment
12.3 I note that commercial precincts with adequate parking and traffic infrastructure are relatively near the proposed site which could easily accommodate the orthodontic centre.	This is not a valid planning consideration. Council is required to determine the application on its merits. Refer to discussion under the heading Amenity later in this report.
12.4 I understand that there is a medical centre in the Ranford Road/Campbell Road precinct, a vet near Kambos corner Ranford /Nicholson, a dentist at Livingston, a medical centre and specialist offices at the Waratah Shopping Centre.	This is not a valid planning consideration, within the terms described under TPS 6.
12.5 I do not believe that Fraser Road and other roads surrounding the subject lot are able to adequately and safely handle the additional traffic in the likely scenario that vehicles are parked on the road around the lot.	Refer to discussion under the heading Traffic and Access.
12.6 I note that the proximity of the location to Canning Vale Senior High School and my observation that the road is used by a significant number of students.	Refer to discussion under the heading Traffic and Access.
12.7 As a proprietor of one of those lots surrounding Lot 601, I am very keen to maintain the value of my investment. I purchased the lot on the understanding that the surrounding neighbourhood within the estate would be developed to a high standard for residential purposes, as stated in the restrictive covenants.	The proposal is permissible within the Residential zone, and if allowed would be required to be developed to a suitable standard.
12.8 Assuming that the asphalt/bitumen carpark is deemed acceptable, despite the inconsistency with surrounding property development guidelines, it is a distinct possibility that the development will not be able to safely accommodate staff, patron and delivery vehicles simultaneously.	Refer to TPS Assessment/Comment Table and discussion under the heading Traffic and Access later in this report.
12.9 A plan of the proposed development indicates provision for thirteen carpark spaces plus 1 disabled bay. I note that there is provision for up to six staff and seating for six persons in the waiting area. It is likely that more could be on site undergoing treatment. Parking provision needs to be made for delivery vehicles too.	Refer to discussion under the heading Traffic and Access.
12.10 Whilst I am supportive of development in general, I believe that they should be done only if they are compatible with the general character of the neighbourhood and do not introduce adverse effect that depreciate (rateable) property values.	Refer to discussion under the heading Amenity later in this report.

13.	<b>Name and Postal Address:</b> J Chieng 51 Findlay Road Leeming WA 6149	<b>Affected Property:</b> 13 (Lot 666) Trinity Close Canning Vale
Summary of Submission	Comment	
Comment on proposal.		



Summary of Submission	Comment
13.1 I have no objection to the proposal for an Orthodontic Practice.	Noted.
13.2 I would like to see further renovation/extension made to the property rather than just rendering the front façade.	An existing premises is currently accommodated on the subject lot. City staff consider it unreasonable for the applicant to renovate the existing building in excess of what has been proposed (this being the rendering of the exterior of the building).
13.3 Being a resident (owner) of the neighbourhood, I would like to see renovations made to 'increase' the value of Cambridge Waters Estate.	Noted.



**Town Planning Scheme 6**

The proposed Orthodontist Practice is considered a Medical Centre by definition under the City of Gosnells Town Planning Scheme No. 6 (Scheme), which states:

*“medical centre” means premises, other than a hospital, used by one or more health consultants(s) for the investigation or treatment of human injuries or ailments and for general outpatient care (including preventative care, diagnosis, medical and surgical treatment, and counselling).”*

A medical centre is an “A” use in the Residential zone and hence the proposal was required to be advertised for public comment prior to being presented to Council for determination.

The proposal has been assessed against and complies with all relevant provisions of TPS 6. While there have been some objections made in respect to the proposed change of use, these are considered capable of being addressed through appropriate conditions of planning approval. Discussion on the concerns raised is detailed under the headings of “Traffic and Access” and “Amenity” later in this report.

Discussion on carparking provisions is provided in the following table:

	<b>TPS Clause Requirements</b>	<b>Assessment/Comment</b>
1.	<p><b>5.13.1 Car Parking Requirements</b></p> <p>All non-residential development (other than a Residential Building) is required to provide onsite car parking in accordance with the requirements in Tables 3A and 3B of the Scheme.</p> <p>Where a development is not specified in Table 3A the Council shall determine the car parking requirements having regard to the nature of development, the number of vehicles likely to be attracted to the development and the maintenance of desirable safety, convenience and amenity standards.</p> <p>Town Planning Scheme No. 6 does not prescribe specific requirements for a Medical Centre, though four carbays are required for each consulting room.</p>	<p>14 bays are proposed to be provided on site to cater for the staff and customers of the proposed development. This is considered to meet TPS 6 requirements on the basis of the following:</p> <ul style="list-style-type: none"> <li>There are two consulting rooms, a treatment area, an office, a sterilisation room, a lab, a reception/waiting area, a staff/kitchen and a store room within the proposed Orthodontic Centre. It would not be considered reasonable to classify each room as a ‘consulting room’ for the purposes of calculation of parking requirements, as the applicant has advised that a maximum of two Orthodontists will be occupy the Centre, this being one practitioner operating upon opening and the possible addition of a second practitioner within twelve months of opening. It is accepted that the practitioners would work between their consulting rooms and the treatment area.</li> </ul> <p>On the basis of the above, it is recommended that Council calculate parking provision for the development as follows:</p> <p>Medical Consulting Rooms (x 2) = 8 bays                      Maximum number of staff (6) = 6 bays                      Total Required = 14 bays.                      Total Provided = 14 bays.</p>

**Traffic and Access**

The subject Lot is located on the corner of Fraser Road North and Fulbrooke Loop, Canning Vale. The initial application submitted for the Orthodontist Practice proposed to use an existing crossover to service the development (Refer to Appendix 13.5.9A). Several public submissions were received expressing concern regarding possible negative traffic impacts which could arise as a result of the proposal. Subsequently, the City sought and received, a modified plan to incorporate two crossovers to service the development, being a single crossover for access and a single crossover for egress. The applicant was also requested to modify the carpark design to relocate the disabled carparking bay and provide a 7.5m wide carpark aisle in lieu of the 6m wide carpark aisle proposed by the initial application (Refer to Appendix 13.5.9B). This was to provide improved manoeuvrability for vehicles and more space for pedestrian traffic. Accordingly, City staff consider that no adverse traffic impacts will occur as a result of the proposal.

**Amenity**

Concern has been expressed in some of the submissions regarding the appropriateness of an Orthodontist Practice being located within a Residential zoned area. In this regard, a Medical Centre (Orthodontist Practice) is an "A" use under the Scheme and hence Council has the ability to approve the proposal having due regard for the compatibility of the use or development with its setting; the amount of traffic likely to be generated by the proposal, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety; and the preservation of the amenity of the locality.

In this regard, the land uses allowable in the Residential zone (other than residential development) are limited by the Scheme given that residential areas require a high standard of amenity. These land uses have been included in the Scheme on the basis that they are relatively benign in nature in terms of their ability to impact on the amenity of residential areas, and when appropriately controlled (via a planning approval) these land uses are able exist in a residential setting while preserving the amenity.

In regard to the number of vehicle movements likely to be generated by the proposal, City staff envisage that it will not be in excess of what can reasonably be expected within a Residential zone. Furthermore, following an assessment of the likely traffic impacts of the proposal it was determined as being acceptable in relation to the capacity of the road system to accommodate traffic flow, the likely frequency of traffic movement and to facilitate driver and pedestrian safety.

In relation to preservation of amenity, City staff envisage that no significant adverse impacts will occur as a result of the proposal. Currently, the subject land supports a significant belt of screen vegetation along the perimeter of the property. A significant portion of this vegetation is required to be retained for landscaping. This will facilitate the preservation of visual amenity of the surrounding residents. Furthermore, a landscape plan will be required as a condition of planning approval to ensure that the landscaping meets the standards of the City and is thereafter maintained to a suitably high standard.

## CONCLUSION

The proposed change of use will be recommended for approval subject to appropriate conditions for the following reasons:

- The proposal is consistent with a Medical Centre land use classification which is permissible in the Residential zone.
- The proposal is compliant with the relevant provisions of TPS 6
- The concerns raised in the Schedule of Submissions are considered capable of being addressed and controlled through an appropriately conditioned planning approval as the scale and nature of the business is not expected to adversely impact on the amenity of the surrounding landowners.

## FINANCIAL IMPLICATIONS

Nil.

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

That Council approve the application for a Medical Centre (Orthodontist Practice) at 263 (Lot 601) Fraser Road North, Canning Vale, subject to the following conditions and advice notes:

1. Development may only be carried out in accordance with the terms of the application as approved herein and the modified approved plan, as contained in Appendix 13.5.9B.
2. A minimum of 14 carparking bays are to be provided, prior to the occupation of the building, constructed and maintained to the satisfaction of the Manager Technical Services. The crossovers, vehicle driveways circulating areas, accessways and carbays are to be constructed, sealed, kerbed, paved, drained and line marked to the Manager Technical Services' satisfaction, specifications, current Australian Standards and Guidelines, with the layout to be in accordance with the approved plan and Table 3B of Town Planning Scheme No. 6 and the construction thereof in accordance with the approved detailed pavement and drainage plan to be submitted.
3. The submission of a detailed pavement and drainage plan, hydrologic and hydraulic calculations to the specifications and satisfaction of the Manager Technical Services, indicating the manner detailing stormwater compensation and disposal by which stormwater drainage from the proposed building and all paved areas other surface and roofed areas, with the post-development compensated overflow to be piped connected to the City's comprehensive drainage system at pre-development flow regimes, that is at a maximum flow rate equal to the critical 1 in 5 year average recurrence interval's pre-development flow rate of the undeveloped land, with this rate to be maintained up to the 1 in 100 year average recurrence interval or to all compensation/ infiltration basins facilities are to be located within

the confines of the site. These plans should show all gully entry pit and manhole details, locations; pipe sizes, locations and falls; subsoil drainage details, site specific permeability rates and infiltration potential and requirements; all invert levels; falls off to paved and surrounding surface areas; all details of on-site stormwater compensating and/or infiltration devices and volumes; proposed piped overflow connections to the City's comprehensive road drainage system; soakwells (if any); buildings (including floor levels); other roofed or impervious areas, carparking areas (including pavement levels) and fill (extent and proposed levels).

4. Drainage from all impervious and trafficable areas to be connected to a gross litter, sediment, oil, grease and hydrocarbon trapping device prior to overflowing into the City's comprehensive road drainage system.
5. A landscaping plan for the development site and the adjoining road verge(s) is to be submitted in accordance with the City's development landscaping policy and approved by the City prior to the issue of a building licence.
6. Landscaping and reticulation of the development site and adjoining road verges is to be maintained by the owner/occupier to the satisfaction of the City's Landscape Technical Officer.
7. All signage for the proposed development including painted signs are subject to a separate application being lodged and approved by the City. Roof mounted or flashing signage will not be permitted.
8. The site is to be connected to a reticulated sewerage system.
9. External finishes and colour schemes are to be submitted prior to the issue of Building Licence to the satisfaction of the City.
10. All crossovers are to be located and constructed to the City's specifications.

#### **Advice Notes**

1. In relation to Condition 2, provision of carparking for those with special accessibility needs is to be in accordance with Australian Standard 1428.1-2001, with one (1) carparking bay for each 50 carparking bays being provided on-site, or part thereof.
2. In relation to Condition 5:
  - i) Any landscaping or earthmoving in the street verge is to be set at levels as directed by the City's Infrastructure Directorate to ensure minimum disruption to future footpath levels. In this regard you are required to submit levels to the Infrastructure Directorate.
  - ii) The existing trees within the road verge shall not be removed and written permission shall be obtained from

- the City prior to any earthworks being carried out within 4m of those trees.
- iii) The developer is advised that the City has a Shade Policy which must be considered as part of the development process.
  - iv) Where deciduous tree plantings are proposed, management measures must be developed to avoid leaf fall being delivered to the stormwater drainage network.
3. You are advised of the need to apply for a Building Licence from the City's Building Department prior to the commencement of work. Your attention is drawn to the requirements of the Building Code of Australia in this regard.
  4. Your 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 carparking areas to the entrance of the building and throughout the building, as required by AS1428.1.
  5. A Certificate of Classification is to be applied for and issued by the Manager Building Services prior to any occupation of the building.
  6. Your attention is drawn to requirements for sanitary conveniences to be provided in accordance with the Building Code of Australia, Table F2.3/2.4 and AS1428.1. For further details please contact the City's Building Services Branch.
  7. Where an "Alternative Design Solution" is proposed in place of "Deemed to Satisfy" provisions of the Building Code of Australia, a Design Brief submitted by a suitably qualified Engineer is to be agreed upon in principle by Council prior to the lodgement of the final report. The final report will be required to address all the relevant performance requirements, indicating the satisfactory qualification of all safety provisions of the Building Code of Australia.
  8. Your attention is drawn to the following requirements in respect to handling of clinical waste:
    - i) The occupier of premises in which clinical waste is produced shall comply in all respects with the Environmental Protection (Controlled Waste) Regulations 2004. For further information please contact the Department of Environment.
    - ii) Any liquid waste disposed via the sewer must be first approved by the Water Corporation.

CARRIED 8/4

**FOR:** Cr D Griffiths, Cr B Wiffen, Cr R Hoffman, Cr W Barrett, Cr PM Morris, Cr T Brown, Cr R Mitchell and Cr L Griffiths.

**AGAINST:** Cr S Iwanyk, Cr J Brown, Cr C Fernandez and Cr O Searle.

**13.5.10 COMMERCIAL VEHICLE PARKING – 17 (LOT 13) BYGUM LANE, MARTIN**

Author: A Bratley  
Reference: 203377  
Application No: DA08/02950  
Applicant: Steven Pol  
Owner: Steven Pol  
Location: 17 (Lot 13) Bygum Lane, Martin  
Zoning: MRS: Rural  
TPS No. 6: General Rural  
Review Rights: Yes. State Administrative Tribunal against a refusal or any condition(s) of approval.  
Area: 1.33ha  
Previous Ref: Nil  
Appendix: Nil

**PURPOSE OF REPORT**

For Council to consider an application to park three commercial vehicles at 17 (Lot 13) Bygum Lane, Martin.

This item cannot be determined under the delegated authority because of objections received during the advertising period.

**BACKGROUND**

In August 2008 the City became aware of three commercial vehicles being regularly parked at 17 (Lot 13) Bygum Lane, Martin without planning approval and up to 12 cherry pickers being stored on the property. The occupant was requested to submit an application for planning approval for the parking of commercial vehicles on the property and an application was subsequently received. The applicant was also requested in writing to remove the cherry pickers from the property due to the activity being a land use not permitted under Town Planning Scheme No. 6 (TPS 6), and they have since been removed from the property.

**The Proposal**

The applicant is seeking retrospective planning approval to park three prime-movers and two semi-trailers on the property located at 17 (Lot 13) Bygum Lane, Martin. The commercial vehicles are to be parked on an unsealed hardstand area towards the rear of the property.

The proposed hours of operation are primarily to be Monday to Friday between 7am and 4.30pm as demand requires.

The vehicles are to be used by the applicant and a family relative both of whom reside at the property, in conjunction with their employment to cart sand to and from various subdivisions around the Perth metropolitan areas, none of which shall be stored on the subject property. In addition, the applicant contends that the vehicles may be used to create and maintain fire breaks on the subject property due to past bush fires coming within close proximity to the property.

The applicant has advised that all maintenance is to be conducted at a site in Kewdale.

The proposed vehicle details are:

### Vehicle 1

	Prime-mover	Trailer
Make	Volvo	Volvo
Type	Loader	Tipper
Year	2006	2006
Length	5m	8m
Height	2.8m	2.5m
Tare Weight	9 tonnes	8 tonnes
Licence No.	1 CJN 107	1 TGM 449
Combined Aggregate Weight	17 tonnes	
Overall Length	13m	

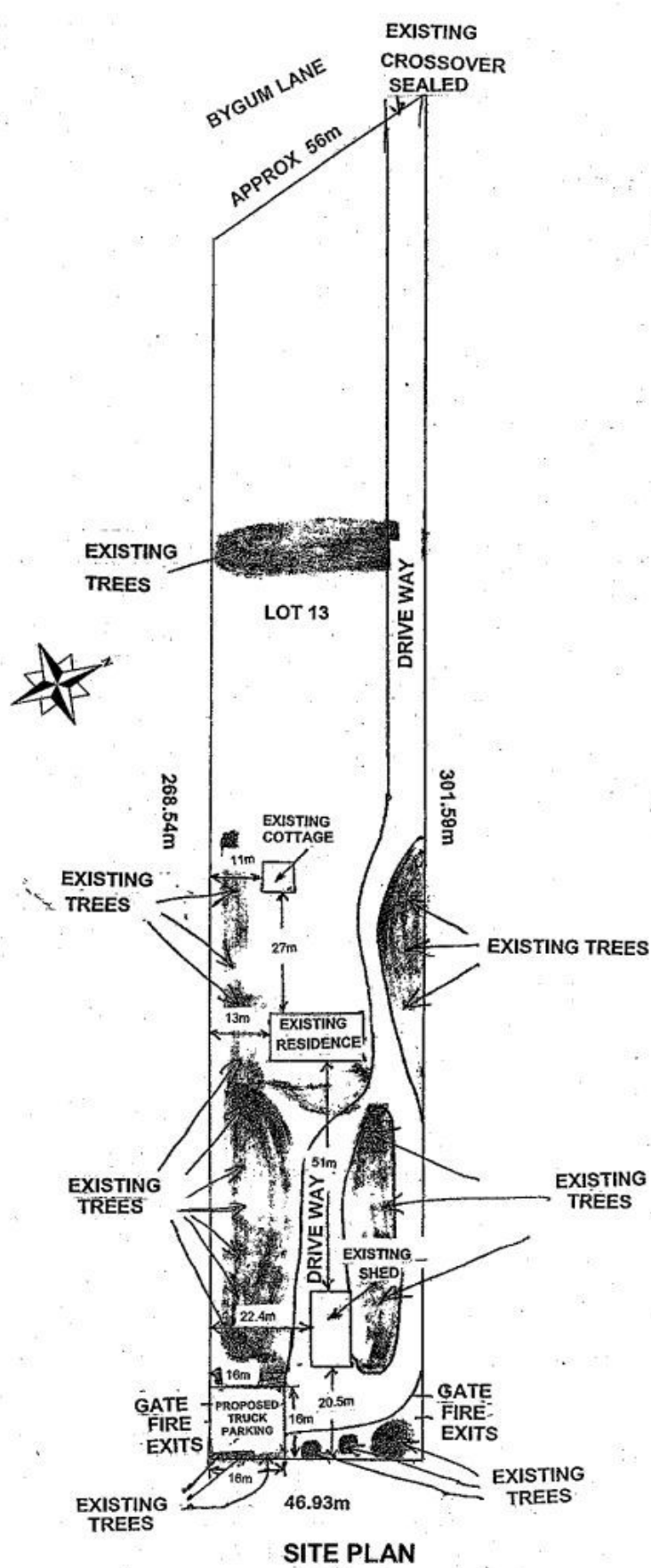
### Vehicle 2

	Prime-mover	Trailer
Make	Volvo	Volvo
Type	Tip tray	Tip tray
Year	2004	2006
Length	5m	8m
Height	2.8m	2.5m
Tare Weight	9 tonnes	7 tonnes
Licence No.	1 CCL 305	1 TGY 117
Combined Aggregate Weight	16 tonnes	
Overall Length	13m	

### Vehicle 3

	Prime-mover
Make	Inter
Type	Flat top
Year	1995
Length	7m
Height	2.4m
Tare Weight	8.5 tonnes
Licence No.	1 BEZ 496





**Town Planning Scheme No. 6**

Under the Zoning Table of Town Planning Scheme No. 6 (TPS 6) Commercial Vehicle Parking in a General Rural Zoning is classed as a “D” use meaning:

*“that the use is not permitted unless the local government has exercised its discretion by granting planning approval”.*

**Local Planning Policy 6.2.4.1 – Commercial Vehicle Parking**

Within the Rural zone, Council Policy No. 6.2.4.1 – Commercial Vehicle Parking policy states:

*“In recognition of the possibility that a household may have more than one resident driving a commercial vehicle, or that a resident may be required to drive different types of commercial vehicles depending on the nature of their trade or profession, up to three commercial vehicles may be permitted to be parked on a property where the vehicles are driven by bona fide occupants of the property as part of their main occupation and Council is of the opinion that the parking activity will not detrimentally impact upon the amenity and safety of the surrounding community.”*

**Public Consultation**

Twelve neighbouring property owners were notified of the proposal and seven responses were received; five supporting and two objections.

**Schedule of Submissions**

1	<p><b>Name and Postal Address:</b>                  Bill Johnson                  46 Hayward Road                  MARTIN WA 6110</p>	<p><b>Affected Property:</b>                  46 (Lot 127) Hayward Road                  Martin</p>
Summary of Submission		Comment
<p>Object to the proposal.</p> <p>The applicant stores and services a large amount of aerial platforms or “cherry pickers” together with semi trailers and service vehicles.</p> <p>The property is therefore used for Light Industrial purposes which is not permitted under the General Rural Zoning covering this area.</p>		<p>It was brought to the attention of City staff that up to 12 cherry pickers were being stored on site, however it was noticed during a recent site inspection that they have now been removed from the subject property.</p> <p>Refer to the Town Planning Scheme No. 6 section of this report.</p>

2	<b>Name and Postal Address:</b> Harry and Kristina Alderson 54 Hayward Road Martin WA 6110	<b>Affected Property:</b> 54 (Lot 25) Hayward Road Martin
Summary of Submission		Staff Comment
Object to the proposal.		
2.1	We are very concerned with the escalation of industrial land uses on 17 Bygum Lane which includes the operation of a transport depot 10 vehicles (3 trucks and 7 cherry pickers).	Refer to the Town Planning Scheme No. 6 and Council Policy 6.2.4.1 – Commercial Vehicle Parking for Rural Zones sections of this report. See staff comment in response to submission 1.
2.2	The current uses be scaled back on the property to be within the permitted parking limit under Policy 6.2.4.1 – Commercial Vehicle Parking for Rural Zones.	See staff comment in response to submission 1.
2.3	That the planning application includes the correct number of vehicles proposed to be parked on the property with appropriate documentation as stated by Policy 6.2.4.1.	See staff comment in response to submission 1. It is proposed that the three commercial vehicles to be parked on site are to be used by the applicant and a family member both of whom reside at the subject property.
2.4	The location and design of the vehicle parking be reconsidered. At present the proposal is inadequately designed resulting in an unfair and unacceptable visual and financial impact on surrounding property.	Should Council approve the application, it would be recommended that a condition be applied requiring a detailed landscape plan be provided and approved by the City's Landscape Technical Officer that shows additional mature landscaping being installed. With regards to any financial impacts the application poses, this is not a planning consideration.
2.5	The proponent has been operating a vehicle depot that requires a 200m noise buffer under EPA Guidance Statement No. 3. However, the trucks and the proposed vehicle parking are located as far away from the proponents house as possible and as close to other noise sensitive dwellings as possible (around 50m - 100m). Given this, the proposed vehicle parking area should be relocated to ensure that the proponent does not continue to benefit from reduced noise emissions at the expense of neighbours.	The activities and nature of the operation presented to Council are best defined as Commercial Vehicle Parking, rather than as a Transport Depot. Should Council approve the application it would be recommended that a condition be applied requiring a detailed landscape plans be provided and approved that shows additional mature landscaping being installed. Should Council approve the application, it would be recommended that a condition be applied restricting the operating hours of the vehicle to reduce the potential for any disturbance. The commercial vehicle's hours of operation and parking location shall then be monitored by the City's Planning Compliance Officers on a regular basis.
2.6	The commercial vehicle parking permit be reviewed each year to ensure that the proponent is complying with the conditions of the approval.	This is not supported as the operation can be adequately managed through conditions of approval, should Council grant approval to the application.

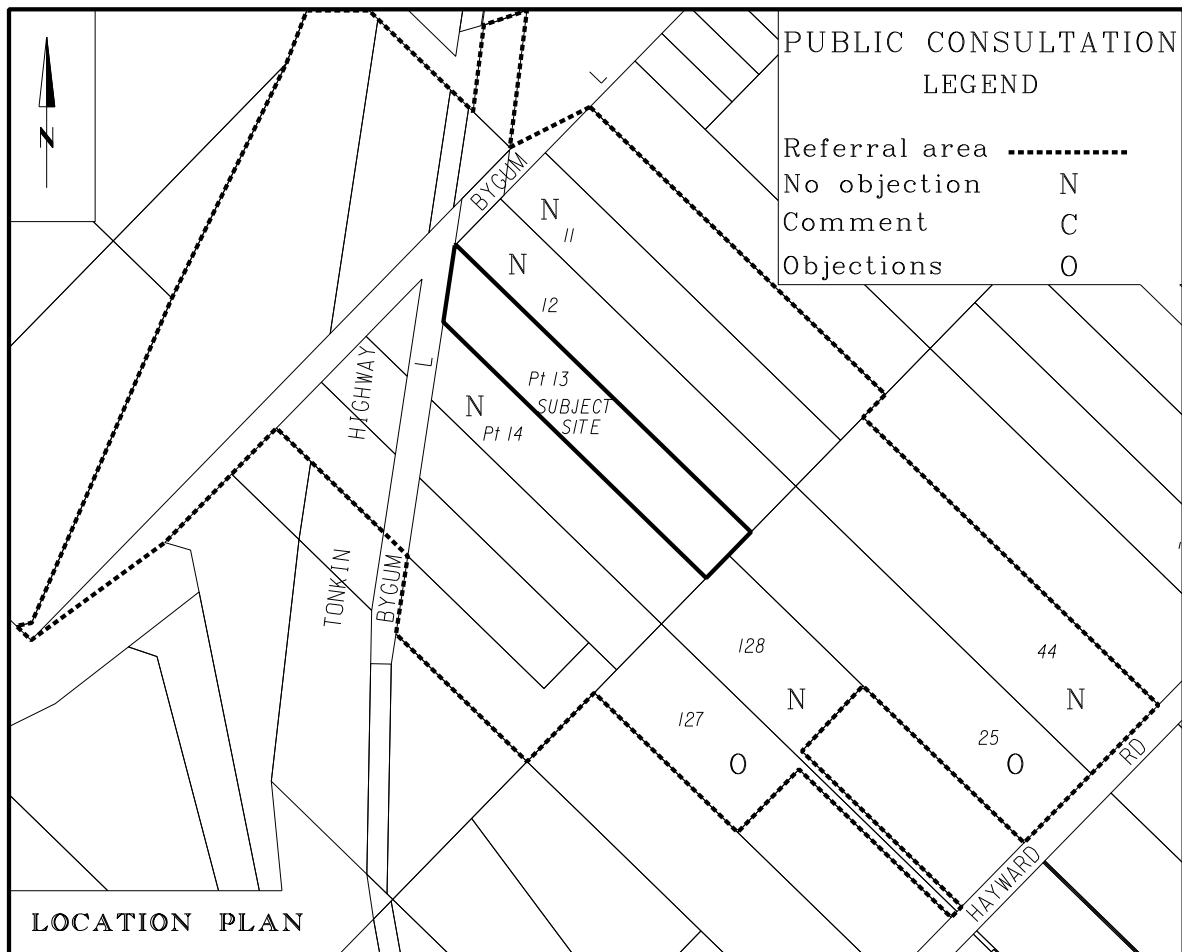
3	<b>Name and Postal Address:</b> Joan King PO Box 48 GOSNELLS WA 6990	<b>Affected Property:</b> 64 (Lot 223) Hayward Road Martin
Summary of Submission		Staff Comment
<p>No objection to proposal.</p> <p>No objection provided the existing trees shown on the plans submitted are maintained and replaced if and when needed.</p>		<p>Should Council approve the application, it would be recommended that a condition be applied requiring that the landscaping be maintained to the satisfaction of the City.</p>

4	<b>Name and Postal Address:</b> Roger and Sharon Trump PO Box 502 KELMSCOTT WA 6991	<b>Affected Property:</b> 48 (Lot 128) Hayward Road Martin
Summary of Submission		Staff Comment
<p>No objection to proposal.</p>		<p>Noted.</p>

5	<b>Name and Postal Address:</b> Jennifer Allen 15 Bygum Lane MARTIN WA 6110	<b>Affected Property:</b> 15 (Lot 12) Bygum Lane Martin
Summary of Submission		Staff Comment
<p>No objection to proposal.</p> <p>We wish to advise that the owners have always been respectful in the times that the vehicles move on and off the property and they do not create any disturbance.</p>		<p>Noted.</p>

6	<b>Name and Postal Address:</b> Brent Willoughby 11 Bygum Lane MARTIN WA 6110	<b>Affected Property:</b> 11 (Lot 11) Bygum Lane Martin
Summary of Submission		Staff Comment
<p>No objection to proposal.</p>		<p>Noted.</p>

7	<b>Name and Postal Address:</b> Peter Northrop 21 Bygum Lane MARTIN WA 6110	<b>Affected Property:</b> 21 (Lot 14) Bygum Martin
Summary of Submission		Staff Comment
<p>No objection to proposal.</p>		<p>Noted.</p>



**DISCUSSION**

**Amenity**

The general issue of potential adverse amenity impacts due to commercial vehicle parking in rural areas has been raised during advertising. Council’s Commercial Vehicle Parking Policy and the provisions of TPS 6 do provide for the parking of commercial vehicles driven by owner/occupiers of a property in the normal operation of their business or trade.

Disturbance to visual amenity could be minimised by the vehicle being parked behind existing mature landscaping along the south west and south east boundaries. The ability of residents in the area to observe the commercial vehicles when parked in the proposed parking area is limited due to these factors as well as the fact that the parking area is positioned behind the dwelling itself. If approved all parking is to be in the proposed parking area and no parking will be permitted on the property forward of the building line or on the street verge.

It shall also be recommended that a detailed landscape plan be provided and approved by the City’s Landscape Technical Officer showing additional landscaping being provided along the south east boundary.

The maintenance of the landscaping and the location where the commercial vehicles are being parked on the property, shall be monitored by the City's Planning Compliance Officers on a regular basis.

In compliance with the Council's Commercial Vehicle Parking Policy minor maintenance or servicing may occur on the proposed parking area, however all major servicing and repairs are to occur off-site.

Concerns were also raised during the advertising period that the proponent has been operating a vehicle depot on the subject property that requires a 200m noise buffer under EPA Guidance Statement No. 3 - Separation Distances between Industrial and Sensitive Land Uses, which was due to the presence of 12 cherry pickers being stored on site. In accordance with Clause 4.4.15 of the City's Policy 6.2.4.1 – Commercial Vehicle Parking for Rural Zones:

*“Any proposal involving the parking of more than either three self-propelled commercial vehicles or four non-self-propelled vehicle attachments will be deemed a Transport Depot. A Transport Depot is not permitted in a Rural zone and is therefore encouraged to locate in a more appropriate area such as an Industrial zone.”*

As the 12 cherry pickers have now been removed from the property and only 3 commercial vehicles remain, City staff deem that a Transport Depot is no longer operating from the site. Therefore the 200m noise buffer requirement as advised during the advertising period is not applicable to this application.

## **CONCLUSION**

The proposal is supported for the following reasons:

- The application generally complies with Council's Commercial Vehicle Parking Policy No. 6.2.4.1.
- Objections and comments raised in the submissions have been assessed and in the opinion of staff are insufficient reasons to refuse the application or may be addressed through appropriate conditions.
- When the commercial vehicle is parked in the proposed parking area, there will be minimal visual impact.
- The proposed hours of operation are expected to minimise the impact the commercial vehicles will have on surrounding residential amenity.
- Traffic and road safety are not expected to be unduly impacted by the proposed commercial vehicle parking.
- The additional landscaping that shall be planted and maintained to the satisfaction of the City's Landscape Technical Officer, shall act as a buffer and minimise the impact any noise and the appearance of the vehicles shall have on the local area.

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

**FINANCIAL IMPLICATIONS**

Nil.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION
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**41 Moved Cr L Griffiths Seconded Cr R Mitchell**

That Council approve the application for the parking of an Inter Flat top truck (registration number 1BEZ 496), a Volvo Tip tray truck (registration number 1CCL 305), a Volvo Tip tray trailer (registration number 1TGY 117), a Volvo Loader truck (registration number 1CJN 107) and a Volvo Tipper trailer (registration 1TGM 449) at 17 (Lot 13) Bygum Lane, Martin, subject to the following conditions and advice notes:

**Conditions**

1. The parking activity may only be carried out in accordance with the terms under which the application was made and the conditions of approval herein. The City must be notified of any proposed change in circumstances of the parking activity. If the City considers a revised application is necessary for the amended parking activity, approval for such must firstly be obtained.
2. The vehicle must, at all times, be parked in the approved location behind the front building setback line and suitably screened, to the satisfaction of the Manager Planning Implementation, from all boundary lines of the property.
3. The applicant is to make arrangements to the satisfaction of the Manager Technical Services for the construction of a sealed crossover between the public road and the private driveway.
4. The area approved to manoeuvre the vehicles must be constructed of hard standing material (e.g. road-base, bitumen, concrete or block paving), to the satisfaction of the City's Manager Planning Implementation.
5. The commercial vehicles shall not be driven from the site before 7am or after 4.30pm Monday to Friday. The vehicles are not to be operated on public holidays without prior Council approval.
6. A landscape plan for the screening of the proposed truck parking area is to be submitted and approved by the City's Landscape Technical Officer.
7. Landscaping and reticulation is to be installed in accordance with the approved landscaping plan to the satisfaction of the City's Landscape Technical Officer.
8. Landscaping and reticulation is to be maintained by the owner/occupier to the satisfaction of the City's Landscape Technical Officer.

9. The approved commercial vehicle is to access and egress the site in a forward motion.
10. Approval of the parking activity does not include allowance for the loading or unloading of the commercial vehicle or the storage of goods in transit.
11. Only maintenance of a minor nature, such as servicing or wheel changing, is to be carried out on the subject property. No panel beating, spray painting or the removal of major body or engine parts is permitted.
12. Washing of the commercial vehicle on the subject lot is to be limited to the use of water and mild detergent, but not involve the use of any solvents, degreasing substances, steam cleaning and any other processes which may cause pollution or degradation of the environment.
13. The approval is personal to the applicant and shall not be transferred or assigned to any other person or property.

**Advice Notes**

1. Under the provisions of Town Planning Scheme No. 6 (clause 5.11.3) a commercial vehicle parking approval can be revoked by the Council upon receipt of substantiated complaints from neighbours and/or non compliance with conditions of approval.
2. The operations must comply with the requirements of the Environmental Protection Act 1986 and the relevant regulations in respect of noise emissions.
3. In relation to Condition 13, waste water shall be contained on-site and not discharged into the stormwater drainage system. Any cleaning that involves equipment or a process that generates, in the opinion of the City, unreasonable noise, odour or other nuisance or has a detrimental environmental impact is not permitted.
4. Where the owner wishes to change the vehicle to a similar size and type, approval will be granted subject to the receipt of appropriate written details of make, type and registration number, being submitted to the City.
5. This is a development approval issued under the Metropolitan Region Scheme and the City of Gosnells Town Planning Scheme No. 6. It is not an approval or consent to commence or carry out development under any other written law, act, statute or agreement, whether administered by the City of Gosnells or not. It is the applicant's responsibility to ensure all relevant approvals are obtained prior to the commencement of any development covered by this approval.

CARRIED 12/0

**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 T Brown, Cr R Mitchell, Cr L Griffiths, and Cr O Searle.

**AGAINST:** Nil.



**13.5.11 COMMERCIAL VEHICLE PARKING – 43 (LOT 125) BYGUM LANE, MARTIN**

Author: A Bratley  
Reference: 222628  
Application No: DA08/02842  
Applicant: Craig Regan  
Owner: Craig Regan  
Location: 43 Bygum Lane, Martin  
Zoning: MRS: Rural

TPS No. 6: General Rural

Review Rights: Yes. State Administrative Tribunal against a refusal or any condition(s) of approval.

Area: 8,418 m<sup>2</sup>

Previous Ref: Nil

Appendix: Nil

**PURPOSE OF REPORT**

For Council to consider an application for retrospective planning approval to park three commercial vehicles at 43 (Lot 125) Bygum Lane, Martin as the application cannot be determined by staff under delegated authority because of objections received during the advertising period.

**BACKGROUND**

In August 2008 following a complaint regarding storage of building materials on the property, the City became aware of three commercial vehicles being regularly parked at 43 (Lot 125) Bygum Lane, Martin without planning approval. The occupant was requested to submit an application for planning approval for the parking of commercial vehicles on the property and an application was subsequently received.

**Proposal**

The applicant is seeking retrospective planning approval to park three commercial vehicles at 43 (Lot 125) Bygum Lane, Martin. The commercial vehicles are to be parked on an existing concrete hardstand area within an unauthorised screen structure.

The proposed hours of operation are primarily to be Monday to Friday between 7am to 5pm as demand requires.

The vehicles are to be laden with building materials (e.g. sand, soil etc.) when parked on the site that are to be stored within containers and then used in conjunction with the owner's business.

The applicant has advised that all maintenance is to be conducted on site.

Details of the nominated commercial vehicles are as follows:

	Prime-mover	Prime-mover	Prime-mover
Make	Case	Acco Inter	Hino
Type	Loader	Flat top	Tipper
Year	1998	1980	2002
Length	7.5m	10m	6m
Height	3.2m	3.2m	2.4m
Tare Weight	12 tonnes	14 tonnes	6 tonnes
Licence Number	1 CIV 198	1 BOT 083	1 ASG 554

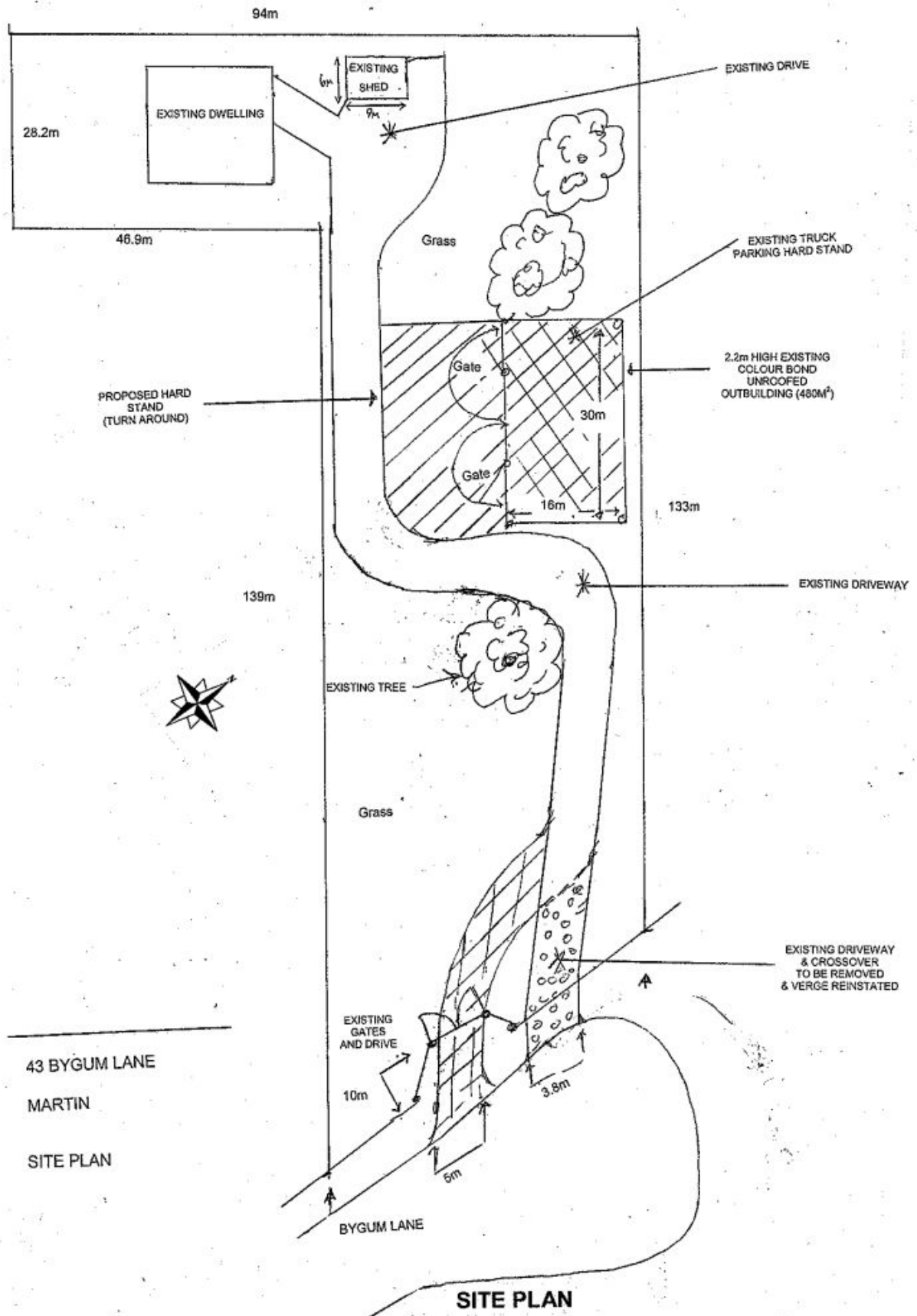
### Site Description

The subject property is 8,418m<sup>2</sup> in area and is zoned General Rural under the City's Town Planning Scheme No.6 (TPS 6). The property contains a brick and tile dwelling, one 54m<sup>2</sup> outbuilding and a 480m<sup>2</sup> colorbond screen structure, all of which are serviced by two crossovers from Bygum Lane adjacent to the south-west boundary. One of the crossovers is to be removed and the verge and kerbing reinstated, however approval has neither been sought or obtained from the City for the new crossover. The property itself is dissected by the Dampier to Kwinana Gas Pipeline which runs centrally through the site.

Mature landscaping exists along the north-east boundary and limited amounts are located centrally on the property. The commercial vehicles are parked within the existing 480m<sup>2</sup> enclosed fenced area which also contains a sea container.

Approval has been obtained by the applicant for the screen structure from the Department for Planning and Infrastructure and WestNet Energy as the structure falls within the Dampier to Kwinana Gas Pipeline easement. However, the applicant has not sought and obtained approval from the City for the structure and therefore the applicant is required to submit a building licence application. This matter is being followed up by the City's Building Services branch.

Building materials such as sand, gravel and soakwells are also being stored within the front setback area of the property that are used in conjunction with the applicant's business. The property owner has been advised by the City that the land use is prohibited under Town Planning Scheme No.6, however the site continues to be used for such purposes. Given that the storage activity cannot be approved, this activity is not included in this application. Regardless of the outcome of the vehicle parking application, the storage of materials will be managed as a compliance issue.



**Town Planning Scheme No. 6**

Under the Zoning Table of Town Planning Scheme No. 6 (TPS 6) Commercial Vehicle Parking in a General Rural Zoning is classed as a “D” use meaning:

*“that the use is not permitted unless the local government has exercised its discretion by granting planning approval”.*

**Local Planning Policy 6.2.4.1 – Commercial Vehicle Parking**

Within the Rural zone, Council Policy No. 6.2.4.1 – Commercial Vehicle Parking policy states:

*“In recognition of the possibility that a household may have more than one resident driving a commercial vehicle, or that a resident may be required to drive different types of commercial vehicles depending on the nature of their trade or profession, up to three commercial vehicles may be permitted to be parked on a property where the vehicles are driven by bona fide occupants of the property as part of their main occupation and Council is of the opinion that the parking activity will not detrimentally impact upon the amenity and safety of the surrounding community.”*

**DISCUSSION**

**Public Consultation**

The proposal was advertised for public comment for 14 days in accordance with Council Policy/TPS 6 requirements. During the submission period one objection and four non-objections were received. A summary of these submissions and staff comments thereon are provided in the Schedule of Submissions as follows:

**Schedule of Submissions**

1	<b>Name and Postal Address:</b> Bill Johnson 46 Hayward Road Martin WA 6110	<b>Affected Property:</b> 46 (Lot 127) Hayward Road Martin
<b>Summary of Submission</b>		<b>Comment</b>
Object to the proposal. The applicant stores and services a number of construction equipment, plant and vehicles on the property. The property is therefore used for Light Industrial purposes which is not permitted under the General Rural Zoning.		City staff concur with the comments made by the submitter.
2	<b>Name and Postal Address:</b> Roger and Sharon Trump PO Box 502 Kelmescott WA 6991	<b>Affected Property:</b> 48 (Lot 128) Hayward Road Martin
<b>Summary of Submission</b>		<b>Staff Comment</b>
No objection to proposal.		Noted.

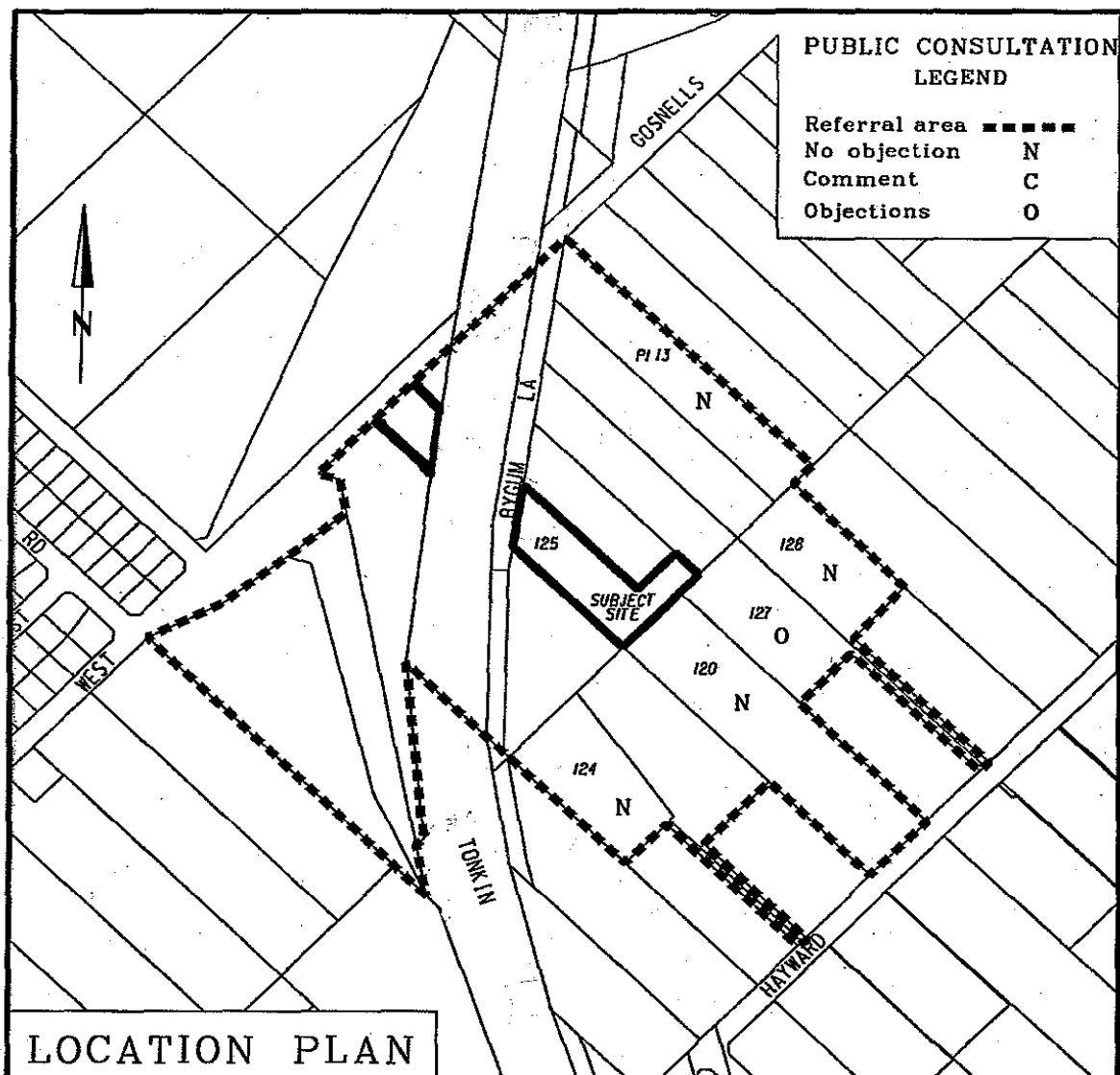
3	<b>Name and Postal Address:</b> Michaela and John Fitzgibbon 34 Hayward Road Martin WA 6110	<b>Affected Property:</b> 34 (Lot 120) Hayward Road Martin
<b>Summary of Submission</b>		<b>Staff Comment</b>
No objection to proposal.		Noted.

4	<b>Name and Postal Address:</b> Steven Pol 17 Bygum Lane Martin WA 6110	<b>Affected Property:</b> 17 (Lot 13) Bygum Lane Martin
<b>Summary of Submission</b>		<b>Staff Comment</b>
No objection to proposal.		Noted.

5	<b>Name and Postal Address:</b> Angus Neil 24A Hayward Road MARTIN WA 6110	<b>Affected Property:</b> 24A (Lot 124) Hayward Road Martin
<b>Summary of Submission</b>		<b>Staff Comment</b>
No objection to proposal.		Noted.



**Local Planning Policy 6.2.4.1 - Commercial Vehicle Parking**

The proposal has been assessed against the relevant provisions of TPS 6, and is considered not to comply with all relevant provisions of TPS 6 as discussed below:

TPS Clause Requirements		Assessment/Comment
1.	<p>11.2 Matters to be considered by local government.</p> <p>(l) The likely effect of the proposal on the natural environment and any means that are proposed to protect or to mitigate impacts on the natural environment.</p> <p>(n) The preservation of the amenity of the locality.</p> <p>(o) The relationship of the proposal to development on adjoining land or on other land in the locality including but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the proposal.</p>	Refer to the Amenity section of this report.

Policy Requirements		Assessment/Comment
2.	<p>4.0 Policy Measures.</p> <p>4.4.11 This Policy does not limit the size of a vehicle which may be permitted to be parked on a rural property, provided the vehicle is driven by an occupant of the property as part of their main occupation and Council is of the opinion that the parking activity will not detrimentally impact upon the amenity and safety of the surrounding community.</p> <p>4.4.14 In determining such a proposal, Council will take into account the type of vehicles involved and the nature of the activities for which they are used</p>	<p>The applicant has confirmed in writing that the commercial vehicles are to be driven by his employees as well as himself.</p> <p>Furthermore no proof of the employees residing at the property has been provided.</p> <p>Refer to the Amenity/Environmental Issues section of this report.</p>

**Amenity**

Council’s Commercial Vehicle Parking Policy and the provisions of TPS 6 do provide for the parking of commercial vehicles driven by owner/occupiers of a property in the normal operation of their business or trade. Commercial Vehicle Parking is a “D” use in the General Rural zone which allows Council to approve the use with conditions that minimise the impact on the amenity of the area.

Disturbance to visual amenity is attempted to be minimised through the vehicles proposing to be parked within a 480m<sup>2</sup> enclosed fenced area, as well as by the existence of mature landscaping along the north-east boundary. Despite these factors nearby residents will still be able to observe the commercial vehicles as currently only two of the commercial vehicles are able to be parked within the structure due to an unauthorised sea container being stored within it. The storage of building materials also currently occurs on the property, and the applicant has confirmed in writing that it is brought onto the property by the commercial vehicles being parked there. The

commercial vehicles are therefore being used in conjunction with what is classified as being the land use of 'Storage' under TPS 6. This land use is prohibited in the Scheme within the General Rural zone.

The owner's continued use of the property in this way is having an ongoing detrimental impact on surrounding residents, evidenced by the complaints received by the City prior to receiving the application and the one objection received during the advertising period.

### **CONCLUSION**

It will be recommended that Council refuse the application on the following basis:

- The requirements of Council's Commercial Vehicle Parking Policy and Town Planning Scheme No.6 have not been met and cannot be adequately addressed through conditions of approval.
- The commercial vehicles are being used in conjunction with the operation of a business involving the storage of building materials that is not considered to be a rural activity and is prohibited in a Rural zone.

It will therefore be recommended that the application be refused, and that Council authorise the Director of Planning and Sustainability to initiate legal proceedings against the current owner of the subject property unless the activity ceases within 30 days as the potential disturbance of the amenity of the area is considered unacceptable.

### **FINANCIAL IMPLICATIONS**

Nil.

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

**42 Moved Cr T Brown Seconded Cr R Hoffman**

That Council refuse the application for commercial vehicle parking of a Case Loader truck (registration number 1CIV 196), Acco Inter Flat Top truck (registration number 1BOT 083) and Hino Tipper truck (registration number 1ASG 554) at 43 (Lot 125) Bygum Lane, Martin for the following reasons:

1. The application does not comply with the following requirements of Policy 6.2.4.1. - Commercial Vehicle Parking:
  - (i) Operators of the commercial vehicles do not reside at the subject property.
  - (ii) The nature of the activities for which the commercial vehicles are used are considered to have an unacceptable impact on the amenity of the local area.
2. The application does not comply with the following requirements of Town Planning Scheme No. 6:
  - (i) The commercial vehicles are being used in conjunction with the storage of building materials on the subject property which is a use not permitted under the Scheme.

CARRIED 12/0

*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 T Brown, Cr R Mitchell, Cr L Griffiths, and Cr O Searle.*

*AGAINST: Nil.*

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

**43 Moved Cr T Brown Seconded Cr R Hoffman**

That should the commercial vehicle parking and storage uses continue to occur on the property after 30 days from the adoption of the Council resolution, Council authorise the Director of Planning and Sustainability to initiate legal proceedings against Craig Regan being the owner of 43 (Lot 125) Bygum Lane, Martin for continuing to use the property for the 'storage' of building materials being a use class not permitted within a General Rural Zone, which is contrary to Clause 12.4 of the City's Town Planning Scheme No. 6 and Section 218 (a) and (b) of the Planning and Development Act 2005 as amended.

CARRIED 12/0

*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 T Brown, Cr R Mitchell, Cr L Griffiths, and Cr O Searle.*

*AGAINST: Nil.*



## 13.6 GOVERNANCE

### 13.6.1 COUNCIL POLICY 5.4.27 - WALGA DELEGATES

Author: G Bradbrook  
Previous Ref: OCM 569/11/11/2008  
Appendix: 13.6.1A Existing WALGA Delegates Policy  
13.6.1B Proposed WALGA Delegates Policy

#### PURPOSE OF REPORT

For Council to adopt amendments to Council Policy 5.4.27 – WALGA Delegates.

#### BACKGROUND

Council adopted Policy 5.4.27 at its Ordinary Meeting on 26 August 2003 (Resolution 596) in order to afford Councillors every opportunity to nominate in a timely manner for positions of delegate on committees identified by the Western Australian Local Government Association and negate the need for unnecessary reporting to Council. A copy of this policy is attached as Appendix 13.6.1A.

Through correspondence dated 17 September 2008 the Western Australian Local Government Association (WALGA) advised that rather than disseminating committee vacancies to the Chief Executive Officer and senior employees for referral to Councillors, WALGA will be contacting all Councillors direct via email in regard to committee vacancies.

In order to ensure consistency between WALGA's amended process for seeking committee nominations and Council Policy, at its Ordinary Meeting on Tuesday, 11 November 2008 Council considered a series of amendments to Council Policy 5.4.27 – WALGA Delegates and made the following resolution (Resolution 569):

*“That Council refer item 13.6.1 – Amendment to Council Policy 5.4.27 – WALGA Delegates back for further consideration to the development of an amended policy that does not require Council to endorse the submission of nominations for committee vacancies to the Western Australian Local Government Association.”*

As this resolution was different to the staff recommendation presented to Council, Council provided the following reason for its decision:

*“Council is not required to endorse the submission of nominations for committee vacancies to the Western Australian Local Government Association as WALGA has its own selection process that is intended to ensure that nominees with the experience most appropriate to the committee on which the vacancy exists are appointed to that committee.*

*Councillors should be free to submit nominations for committee vacancies at their own discretion, however, to ensure Councillors have adequate insurance protection and are able to claim travel costs and out of pocket expenses, such nominations should be made through the office of the CEO.”*

**DISCUSSION**

In accordance with Council's resolution and to reflect the reasons for its decision, Council Policy 5.4.27 has been redrafted. As the revised policy is substantially different to Council's existing policy, copies of both Council's existing policy and the proposed new WALGA Delegates policy are attached for review as Appendices 13.6.1A and 13.6.1B, respectively.

The proposed policy was distributed to all Councillors on 25 November 2008 seeking feedback by Friday, 19 December 2008. At this closing date no comment had been received from Councillors.

It will therefore be recommended that Council adopt the amended WALGA Delegates Policy attached as Appendix 13.6.1B.

**FINANCIAL IMPLICATIONS**

Nil.

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

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

That Council revokes Council Policy 5.4.27 – WALGA Delegates as attached at Appendix 13.6.1A.

CARRIED BY ABSOLUTE MAJORITY 12/0

*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 T Brown, Cr R Mitchell, Cr L Griffiths, and Cr O Searle.

*AGAINST:* Nil.

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

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

That Council adopts the WALGA Delegates Policy attached as Appendix 13.6.1B.

CARRIED 12/0

*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 T Brown, Cr R Mitchell, Cr L Griffiths, and Cr O Searle.

*AGAINST:* Nil.

**13.6.2 2009 LOCAL GOVERNMENT ELECTIONS**

Author: G Bradbrook  
Previous Ref: Nil  
Appendix: Nil

**PURPOSE OF REPORT**

For Council, in accordance with section 4.20(4) of the Local Government Act 1995 (the Act), to declare the Electoral Commissioner responsible for the conduct of the City's 2009 local government elections and to decide that, in accordance with section 4.61(2) of the Act, that election be conducted as a postal election.

**BACKGROUND**

The 2009 Local Government elections will be held on 17 October 2009.

Correspondence dated 11 December 2008 has been received from the Western Australian Electoral Commission requesting that the City determine whether it will request that its 2009 local government elections be conducted by the Electoral Commissioner. The Commissioner has agreed to conduct this election on the City's behalf subject to the election being conducted as a postal election.

Section 4.20(4) of the Act provides for a local government, having first obtained written agreement of the Electoral Commissioner, to declare the Commissioner responsible for the conduct of an election. Further, section 4.61(2) of the Act provides for Council to decide to conduct its election as a postal election. In both instances an Absolute Majority decision of Council is required.

**DISCUSSION**

To date, postal elections have been conducted on behalf of the City by the Electoral Commissioner for the May 2001, May 2003, May 2005 and October 2007 ordinary elections and the July 2002, December 2003 and August 2008 extraordinary elections.

It will be recommended that the Electoral Commissioner be appointed to conduct the City's 2009 ordinary elections, to be held on 17 October 2009, together with any other elections or polls which may also be required on behalf of the City prior to the subsequent ordinary elections in 2011, in the form of a postal election.

**FINANCIAL IMPLICATIONS**

The Western Australian Electoral Commission has estimated the cost of conducting the City's 2009 ordinary elections at \$165,000. This cost will be listed for consideration in Council's 2009/10 budget deliberations.

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

**46 Moved Cr C Fernandez Seconded Cr D Griffiths**

That Council, in accordance with section 4.61(2) of the Local Government Act 1995, decide that the method of conducting the 2009 ordinary local government elections, together with any other elections or polls which may also be required up to but not including the 2011 ordinary election, will be as a postal election.

CARRIED BY ABSOLUTE MAJORITY 12/0

*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 T Brown, Cr R Mitchell, Cr L Griffiths, and Cr O Searle.*

*AGAINST: Nil.*

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

**47 Moved Cr C Fernandez Seconded Cr D Griffiths**

That Council, in accordance with section 4.20(4) of the Local Government Act 1995, declare the Western Australian Electoral Commissioner responsible for the conduct of the 2009 ordinary Local Government elections to be held on 17 October 2009, together with any other elections or polls which may also be required up to but not including the 2011 ordinary elections, on behalf of the City of Gosnells.

CARRIED BY ABSOLUTE MAJORITY 12/0

*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 T Brown, Cr R Mitchell, Cr L Griffiths, and Cr O Searle.*

*AGAINST: Nil.*

**13.6.3 2008 ELECTORS' GENERAL MEETING**

Author: G Bradbrook

Previous Ref:

Appendix: 13.6.3A Minutes of the 2008 Electors' General Meeting

**PURPOSE OF REPORT**

For Council to confirm the Minutes of the 2008 Electors' General Meeting held on Tuesday, 9 December 2008.

**BACKGROUND**

The City's 2008 Electors' General Meeting was held on Tuesday, 9 December 2008. A copy of the Minutes of this meeting is attached as Appendix 13.6.3A.

**DISCUSSION**

There were no decisions made at the 2008 Electors' General Meeting requiring consideration by Council. As such, the Minutes of this meeting are presented for confirmation only.

**FINANCIAL IMPLICATIONS**

Nil.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION
---

**48 Moved Cr S Iwanyk Seconded Cr R Hoffman**

The Council confirm the Minutes of the City of Gosnells 2008 Electors' General Meeting held on Tuesday, 9 December 2008 attached as Appendix 13.6.3A.

CARRIED 12/0

*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 T Brown, Cr R Mitchell, Cr L Griffiths, and Cr O Searle.

*AGAINST:* Nil.

8:22pm - Cr B Wiffen left the meeting.

#### **13.6.4 CITY OF GOSNELLS PROPERTY LOCAL LAW 2009**

Author: G Bradbrook  
Previous Ref: Item 13.6.1 OCM 28 October 2008  
Appendix: 13.6.4A Proposed City of Gosnells Property Local Law 2009

#### **PURPOSE OF REPORT**

For Council, in accordance with section 3.12(4) of the Local Government Act 1995, to make the City of Gosnells Property Local Law 2009.

For Council, in accordance with section 6.8(1)(b) of the Local Government Act 1995, approve a variation to the Municipal Budget to enable the City of Gosnells Property Local Law 2009 to be published in the Government Gazette.

#### **BACKGROUND**

Section 3.16(1) of the Local Government Act 1995 (the Act) requires a local government to review its local laws within eight years of the date on which the local law came into effect. The City of Gosnells Property Local Law 2000 came into effect on 23 August 2000 and as such a report was presented to the Ordinary Meeting of Council on 28 October 2008 with respect to a review of this local law.

As Officers had identified the need for substantial amendments to the City of Gosnells Property Local Law 2000 it was proposed that this local law be repealed and replaced with the City of Gosnells Property Local Law 2009.

Following consideration of the report in relation to this matter, Council made the following resolution (Resolution 531):

*“That Council, pursuant to section 3.12 of the Local Government Act 1995, give Statewide public notice that it intends to make the City of Gosnells Property Local Law 2009 (as detailed in Appendix 13.6.1A) with the purpose and effect of this local law to:*

*Purpose: Provide for the regulation, control and management of activities and facilities on all local government property, with the exception of thoroughfares, within the district.*

*Effect: Establish the requirements with which any person using or being on all local government property within the district, must comply.”*

In accordance with this resolution and section 3.12(3) of the Act, Statewide Public Notice of Council's intent to make the City of Gosnells Property Local Law 2009 was advertised in The West Australian newspaper on 14 November 2008 with the closing date for submissions being 2 January 2009. This notice was also published as a local public notice and a copy was provided to the Minister for Local Government in accordance with sections 3.12(3a) and 3.12(3)(b) of the Act, respectively.

On 22 December 2008 the Department for Local Government and Regional Development (the Department) requested an extension to the 2 January 2009 deadline for public submissions. This request was granted and the Department was given until 16 January 2009 to provide comment.

At 16 January 2009 the City had received only one submission in relation to the proposed City of Gosnells Property Local Law 2009, that being from the Department of Local Government and Regional Development.

## DISCUSSION

In accordance with section 3.12(4) of the Act, after the last day for public submissions in relation to a local law, the local government is to consider any submissions received and may resolve, through an absolute majority decision, to either make the local law as proposed or to make a local law that is not significantly different from what was proposed.

The submission received from the Department contains only minor suggestions intended to improve consistency and terminology within the local law and does not propose any significant amendments.

The proposed City of Gosnells Property Local Law 2009 has been amended to reflect feedback from the Department and each of the amendments made to the proposed local law since it was last presented to Council are detailed in the table below. Additionally, these amendments are tracked within the proposed City of Gosnells Property Local Law 2009 attached as Appendix 13.6.4A with deleted text shown as ~~strikethrough~~ and new text indicated in **bold** and underlined.

Clause	Amendment	Reason
1.3	The subheading "Definitions" has been replaced with the subheading "Interpretation".	Change suggested by the Department to reflect contemporary drafting practice.
1.4	Delete the text <b><u>Interpretation</u></b>  1.4 In this local law unless the context otherwise requires a reference to local government property includes a reference to any part of that local government property."	The term "local government property" is defined within clause 1.3 and does not need to be replicated.
2.7(1)(c)	Delete the word "motorised" and replace with the word "powered".	"Powered" includes both motorised and electrically powered devices and is therefore broader in scope.
2.8	The order of subclauses 2.8(1) and 2.8(2) has been reversed to provide definitions at the start of the clause.	To provide consistency throughout the local law.
2.8(2)(e)	Delete the word "motorised" and replace with the word "powered".	"Powered" includes both motorised and electrically powered devices

		and is therefore broader in scope.
3.8(d)	Delete the symbol "/" and replace with the word "and".	To retain consistency with previous clauses in the local law.
3.12(1)	Delete the numeral "9.2" and replace with the numeral "7.1".	To correct a referencing error.
3.13(1)(b)	After the word "conduct" insert the words "function or" and after the word "events," delete the text "competitions or swim-meets".	The term "function" has a broader definition likely to cover a greater range of activities occurring at Leisure World that the City may need to regulate (e.g. Water polo, sports club training).
4.1(c)	After the word "work" delete the word "practices" and after the word "employee" insert the words "or a contractor engaged by the local government".	To adequately cover contractors engaged by the City and undertaking work on local government property.
4.2	Reverse the order of subclauses (1) and (2) to provide definitions at the start of the clause.  In the re-numbered subclause (1) delete the text "subclause (1)" and replace with the words "this section".	To provide consistency throughout the local law.  Change required as a result of the order of subclauses (1) and (2) being reversed.
4.6(1)	The final subclause to be renumbered from "(c)" to "(d)".	To correct a typographical error.
5.2(1)	After the word "pool" insert the word "and" and prior to the word "gymnasium" insert the word "or".	To ensure clarity and non-ambiguity in interpreting the local law.
5.2(1)(a)(v)	After the word "bathing" insert the word "and" and before the word "workout" insert the word "or".  After the word "pool" insert the word "and" and prior to the word "gymnasium" insert the word "or".	To ensure clarity and non-ambiguity in interpreting the local law.
5.2(4)	After the words "certain persons" insert the words "or for a function".	The local law has provisions to permit functions to be held at an aquatic centre that may require part of the centre to be closed to the public.
5.3	In the subheading delete the words "Swimming Carnivals" and replace with the words "Responsibilities for Conduct at a Function".  Delete the words "carnival or event" where they appear and replace with the word "function".  Delete the words "a swimming pool" and replace with the words	Swimming carnivals fall under the definition of a function and functions other than swimming carnivals may be held at an aquatic centre. The new terminology reflects this.  To provide consistent terminology within the local law.  To provide consistent terminology within the local law.



	“an aquatic centre”.	
5.4(a)	Delete the word “foodstuffs” and replace with the word “food”; delete the letter “s” at the end of the word “drinks”; delete the words “in which foods” and replace with the word “where”; and after the word “prohibited” insert the words “by a sign”.	To provide greater clarity in the local law and consistency with other written legislation.
7.1	In the second last line delete the letter “s” at the end of the word “regulations” and delete the text “and 34”.	Regulation 34 of the Local Government (Functions and General) Regulations 1996 was repealed in December 2004.
8.2(a)	Delete the words “they are” and replace with the words “that person is”.	To use the correct tense within the subclause.
8.5(1)	Delete the words “member of the WA Police Service” on both occasions where it appears and replace the first deletion with the words “a police officer” and the second deletion with the text “police officer”.	To provide consistency with the use of the generic term “an authorised officer” within the local law.
Schedule 1 Clause 4.1	Delete the word “employee” and replace with the words “interrupts, disturbs or interferes with a local government employee or a contractor engaged by the local government working in or on the property”.	To provide consistency between the offence and the relevant clause in the local law.
Schedule 1 Clause 4.6(1)(c)	Delete the words “dressing room” and replace with the words “toilet or other compartment”.	To provide consistency between the offence and the relevant clause in the local law.
Schedule 1 Clause 4.6(1)(d)	Delete the words “Gender not specified using toilet block” and replace with the words “Enter toilet block or change room facility of opposite gender”.	To provide consistency between the offence and the relevant clause in the local law.
Schedule 1 Clause 5.3	Re-number this clause as 5.4.	To correct a referencing error.
Schedule 1 Clause 5.4	Re-number this clause as 5.6 and move this row below Clause 5.5.	To correct a referencing error.
Schedule 1 Clause 6.1(b)	After the word “during” insert the word “those” and after the word “times” insert the word “when”.	To provide for better grammar in drafting of the description of the offence.

In addition to amendments to the draft City of Gosnells Property Local Law 2009 suggested by the Department, Officers have identified some additional minor amendments intended to deliver efficiencies in the management of City events. These proposed amendments are detailed in the table below and are also tracked within the proposed City of Gosnells Property Local Law 2009 attached as Appendix 13.6.4A with deleted text shown as ~~strikethrough~~ and new text indicated in **bold** and underlined.

Clause	Amendment	Reason
3.13(1)(h)(i)	After the word "take" insert the words "or permit to be driven, ridden or taken".	Contractors engaged by the City to deliver community events are regularly required to drive vehicles on to reserves and it is not practical for these contractors to seek formal permits allowing such.
3.13(1)(h)(ii)	After the word "stand" insert the words "or permit to be parked or stood".	Contractors engaged by the City to deliver community events are regularly required to park vehicles on reserves and it is not practical for these contractors to seek formal permits allowing such.
3.13	After subclause (3) insert a new subclause (4) which reads:  "Clauses 3.13(1) (b), (d), (g), (h), (i) and (p) shall not apply to an employee of the local government undertaking activities in the course of his or her duties."	It is considered unnecessary for Officers coordinating community events on behalf of the City to obtain permits under the local law in order to fulfil the responsibilities of their positions.

As the proposed amendments to the draft City of Gosnells Property Local Law 2009 as detailed in the tables above are considered to be minor and do not affect the purpose or effect of the local law, in accordance with section 3.12(4) of the Act, Council may resolve, through an absolute majority decision, to make the local law attached as Appendix 13.6.4A without the requirement for further consultation.

Should Council resolve to make the City of Gosnells Property Local Law 2009 as proposed, the City would be required to publish the local law in the Government Gazette, provide a copy to the Minister for Local Government and give local public notice that the local law has been made. In addition, the City would be required to provide a copy of the local law and an explanatory memorandum prepared in accordance with the *Local Laws – Explanatory Memoranda Directions 2005* (Circular No. 28-2005) to the State Government's Joint Standing Committee on Delegated Legislation.

## FINANCIAL IMPLICATIONS

The cost of publishing the City of Gosnells Property Local Law 2009 in the Government Gazette and issuing local public notice is estimated at \$4,000.

\$1,829 has been included in the advertising and promotions budget within the Governance section for the 2008/09 financial year, with year to date expenditure totalling \$1,289. As such, a budget variation is required in order to provide for the costs associated with making the City of Gosnells Property Local Law 2009.

It is proposed that the funds required for publishing and advertising the City of Gosnells Property Local Law 2009 be transferred from the "Legal Expenses" (GL 40.0420.3219) account to the "Advertising and Promotions" account (GL 40.0420.3210) in the Governance budget. The Legal Expenses account has an adopted budget of \$50,000 with only \$2,102 expended in the year to date and no significant expenditure foreseen for the remainder of the year.

STAFF RECOMMENDATION (1 of 2) AND COUNCIL RESOLUTION

**49 Moved Cr C Fernandez Seconded Cr R Hoffman**

That Council, in accordance with section 3.12(4) of the Local Government Act 1995, make the City of Gosnells Property Local Law 2009 as attached as Appendix 13.6.4A.

(ABSOLUTE MAJORITY REQUIRED)

CARRIED BY ABSOLUTE MAJORITY 11/0

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

**AGAINST:** Nil.

STAFF RECOMMENDATION (2 of 2) AND COUNCIL RESOLUTION

**50 Moved Cr C Fernandez Seconded Cr R Hoffman**

That Council, in accordance with section 6.8(1)(b) of the Local Government Act 1995, approve the following adjustment to the 2008/09 Municipal Budget:

Account Number	Type	Account Description	Debit	Credit
GL40.0420.3210	Increase Expenditure	Advertising and Promotions	4,000	
GL40.0420.3219	Decrease Expenditure	Legal Expenses		4,000

CARRIED BY ABSOLUTE MAJORITY 11/0

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

**AGAINST:** Nil.

**13.6.5 CITY OF GOSNELLS EXTRACTIVE INDUSTRIES LOCAL LAW 2000**

Author: G Bradbrook  
Previous Ref: Item 13.6.2 OCM 25/11/2008  
Appendix: 13.6.5A City of Gosnells Extractive Industries Local Law 2000  
13.6.5B Proposed City of Extractive Industries Amendment Local Law 2009

**PURPOSE OF REPORT**

For Council, in accordance with section 3.16(4) of the Local Government Act 1995 (the Act), to determine to amend the City of Gosnells Extractive Industries Local Law 2000 and, in accordance with section 3.12 of the Act, commence the process to make the City of Gosnells Extractive Industries Amendment Local Law 2009.

**BACKGROUND**

At its meeting on 25 November 2008 Council considered a report with respect to a review of the City of Gosnells Extractive Industries Local Law 2000 and made the following resolution (Resolution 618):

*“That Council approve the proposal to review the City of Gosnells Extractive Industries Local Law 2000, attached as Appendix 13.6.2A, in accordance with the requirements of section 3.16 of the Local Government Act 1995 and that a further report be presented to Council following the close of submissions on this matter.”*

In accordance with this resolution and section 3.16(2) of the Act, Statewide public notice of Council’s intention to review the City of Gosnells Extractive Industries Local Law 2000 was issued on 28 November 2008 with the last date for submissions nominated as 21 January 2009. In accordance with section 3.16(2a) of the Act, this notice was also published as a local public notice.

In addition to issuing the required notices in accordance with the Act, correspondence was forwarded to Boral Resources (WA) Ltd and CEMEX Australia Pty Ltd as existing holders of Extractive Industry Licences, seeking comment on the local law.

At the close of the submission period, only one submission had been received, that being from Boral Resources (WA) Limited.

**DISCUSSION**

The only necessary change to the City of Gosnells Extractive Industries Local Law 2000 identified by Officers is the correction of an omission in clause 7(1)(a)(i). The word “excavation” needs to be inserted at the end of this clause.

As a result of restructuring of State Government departments, Officers have also identified a number of references to State Government departments within the local law that are incorrect. The Department of Local Government and Regional Development advised on 16 January 2009 that the City can correct these references administratively by adding a footnote to the local law. This approach would alleviate the need for Council to adopt amendments correcting these references in the local law.

In accordance with section 3.16(3) of the Act, after the last day for submissions, the local government is to consider any submissions made and provide a report on the review of the local law to Council. Pursuant to section 3.16(4), following consideration of this report Council, through an absolute majority decision, may determine to repeal or amend a local law.

One submission was received from Boral Resources (WA) Limited (Boral) with respect to the City of Gosnells Extractive Industries Local Law 2000. In considering this submission it should be noted that Boral is a current Extractive Industry Licence holder undertaking quarrying activities in Orange Grove. The issues raised by Boral and the Officer's response to each are detailed in the table below.

Summary of Submission	Officer Comment
Consideration should be given to the encroachment of urban environments on quarry sites.	The Extractive Industries Local Law is intended to assist in regulating the conduct of extractive industries within the district. The issue of land use around extractive industry sites is a planning issue and outside the scope of the local law.
Council should consider the application of its Extractive Industries Local Law to construction and demolition waste recycling.	The Extractive Industries Local Law applies only to extractive industries. The issue of construction and demolition waste recycling and the location and planning conditions associated with such industries would be dealt with under the Town Planning Scheme.
The local law does not provide any opportunity to appeal a decision to cancel an Extractive Industry Licence.	<p>Part 9 Division 1 of the Local Government Act 1995 provides the process for dealing with objections and reviews of decisions made to renew, vary or cancel an authorisation granted under a local law.</p> <p>In the event an extractive industry licence was cancelled, in accordance with section 9.4 of the Act, the City would be required to advise the affected person of their right to object against, and apply for a review of, the decision.</p>
Clause 15 of the local law does not allow for the installation of fire breaks without first obtaining the approval of Council.	<p>Clause 15(2) of the local law prevents a person from clearing land within 40m of the boundary of any thoroughfare reserve on land in respect of which a licence has been granted unless approved by the local government.</p> <p>Under the Bush Fires Act 1954, the City may require the owner or occupier of land to install fire breaks.</p> <p>Clause 15(2) of the local law is intended to ensure appropriate visual buffers to extractive industries are retained. The City can enforce the installation of fire</p>

	breaks as required and therefore no changes are proposed to clause 15(2) of the local law.
Believes that the size of the signs required in accordance with clause 15(2)(c) is excessive and would result in unreasonable costs to licensees. Required sign size should be reduced to 600mm by 400mm in accordance with Department of Mines and Petroleum requirements.	<p>Officers have been unable to identify an Australian Standard that defines minimum specifications for signs required to be installed under the local law. Neither Worksafe or the Department of Mines and Petroleum have been able to provide any direction on this matter, however, Worksafe suggested that the City liaise with a sign writer with respect to sign sizes.</p> <p>Subsequent consultation with sign writers suggests that the proposal submitted by Boral is adequate. As such, it is proposed that clause 15(2)(c) of the Extractive Industries Local Law be amended to accord with the proposal submitted by Boral.</p>
Clause 15(2)(d) potentially restricts the ability to harvest and store rainwater on site for recycling. This clause should be reviewed to allow reasonable harvesting capability without the requirement for Council intervention.	<p>Clause 15(2)(d) of the local law requires a licensee to drain and keep drained any excavation on the land so as to prevent the accumulation of water unless the local government approves otherwise.</p> <p>It is anticipated that the City would view favourably proposals to harvest water in order to reduce scheme water demand. However, it is considered appropriate for Council to approve acceptable storage methods to ensure compliance with environmental health requirements.</p>

Where it is proposed that a local law be amended, a local government is required to follow the process outlined in section 3.12 of the Act with respect to making a local law. The amendments would need to be given effect by Council making an amendment local law.

In order to give effect to the amendments proposed to the City of Gosnells Extractive Industries Local Law 2000, a City of Gosnells Extractive Industries Amendment Local Law 2009 has been prepared. A copy of this local law is attached as Appendix 13.6.5B.

The purpose of the City of Gosnells Extractive Industries Amendment Local Law 2009 would be to amend the City of Gosnells Extractive Industries Local Law 2000 with the effect being to correct an omission in the principal local law and to amend the size of signs required to be erected at extractive industry sites.

Should Council endorse the proposal to make the City of Gosnells Extractive Industries Amendment Local Law 2009, the City would be required to give Statewide and local public notice of its intention to do so and provide a minimum period of six weeks for

public submissions. A copy of the proposed local law would also need to be provided to the Minister for Local Government and the Minister for Mines and Petroleum.

At the close of the public submission period, a further report would be presented to Council at which time Council may resolve, in accordance with section 3.12(4) of the Act, to make the City of Gosnells Extractive Industries Amendment Local Law 2009 or to make a local law that is not significantly different to that proposed.

### FINANCIAL IMPLICATIONS

Costs of approximately \$600 will be incurred in giving Statewide and local public notice of Council's intent to make the City of Gosnells Extractive Industries Amendment Local Law 2009. These costs can be met through existing operating budgets.

8:23pm: Cr B Wiffen returned to the meeting.

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

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

That Council, in accordance with section 3.16(4) of the Local Government Act 1995, conclude the review of the City of Gosnells Extractive Industries Local Law 2000 and determine to amend the local law by:

- a) inserting the word "excavation;" at the end of clause 7(1)(a)(i) and
- b) in clause 15(2)(c)(ii) delete the words "1.8 metres" and "1 metre" and replace with the words "600 millimetres" and "400 millimetres", respectively.

CARRIED BY ABSOLUTE MAJORITY 12/0

**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 T Brown, Cr R Mitchell, Cr L Griffiths, and Cr O Searle.

**AGAINST:** Nil.

#### STAFF RECOMMENDATION AND COUNCIL RESOLUTION

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

That Council, pursuant to section 3.12 of the Local Government Act 1995, give Statewide and local public notice that it intends to make the City of Gosnells Extractive Industries Amendment Local Law 2009 (as detailed in Appendix 13.6.5B) with the purpose and effect of this local law as follows:

**Purpose:** To amend the City of Gosnells Extractive Industries Local Law 2000.

**Effect:** To correct an omission in the City of Gosnells Extractive Industries Local Law 2000 and to amend the size of signs required to be erected at extractive industry sites.

CARRIED 12/0

**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 T Brown, Cr R Mitchell, Cr L Griffiths, and Cr O Searle.

**AGAINST:** Nil.

**13.6.6 2009 HEALTHY CITIES CONFERENCE**

Author: G Bradbrook

Previous Ref:

Appendix: 13.6.6A 2009 Healthy Cities Conference Program

**PURPOSE OF REPORT**

For Council to consider approving the attendance by a Councillor(s) at the 2009 Healthy Cities Conference to be held on the Gold Coast, Queensland from Wednesday, 25 through Friday, 27 March 2009.

**BACKGROUND**

The theme for the 2009 Healthy Cities Conference is "Making Cities Liveable". A copy of the Conference program is attached as Appendix 13.6.6A.

The Conference will address issues such as managing population and economic growth, climate change adaptation, managing population health, city design and managing legislation and policy.

**DISCUSSION**

In accordance with Council Policy 5.4.12 Conferences / Study Tours / Training Workshops, a memorandum and copy of the Conference program seeking expressions of interest from elected members to attend the conference was distributed on 22 December 2008 with the closing date for expressions of interest being Friday, 16 January 2009. At this closing date, Councillors R Hoffman and J Brown had expressed an interest in attending the 2009 Healthy Cities Conference.

In accordance with Council Policy 5.4.12 – Conferences/Study Tours/Training Workshops, where more than one Councillor expresses an interest in attending an interstate conference, a report is required to be presented to Council detailing conferences attended by individual elected members, their remaining term of office and whether they have complied with the provisions of clauses 5 and 6 of this Policy. Clauses 5 and 6 of Council Policy 5.4.12 – Conferences/Study Tours/Training Workshops relate to the acquittal of expenses and reporting requirements, respectively.

Council, vide Resolution 483 of its meeting on 14 October 2008, approved Councillor Hoffman's attendance at the Local Government Constitutional Summit held in Melbourne from 8 through 11 December 2008. However, Councillor Hoffman was unable to attend this Summit and has not attended any interstate events in the current financial year. Councillor Hoffman has no reports or acquittals outstanding from previous years.

Councillor J Brown has not attended an interstate conference in the current financial year and has no reports or acquittals outstanding from previous years.

Both Councillor R Hoffman's and Councillor J Brown's terms of office expire on 17 October 2009. As this date is in excess of six months after the date of the 2009 Healthy Cities Conference, clause 2.1 of Council Policy 5.4.12 – Conferences/Study Tours/Training Workshops restricting attendance at interstate conferences where a Councillor has less than six months of their term of office to serve is not applicable.



No staff will be attending the 2009 Healthy Cities Conference.

### FINANCIAL IMPLICATIONS

The estimated cost of attendance per person at the 2009 Healthy Cities Conference is as follows:

Registration	\$850
Return economy airfare	\$923
Accommodation (4 nights)	\$680
Out of Pocket Expenses	\$367
<b>Total</b>	<b>\$2,820</b>

Funds for attendance at the conference by a Councillor(s) can be met through the elected member training account GL 40.0410.3034.000.

STAFF RECOMMENDATION
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#### **Moved Cr R Mitchell Seconded Cr W Barrett**

That Council approve the attendance of Councillor(s) \_\_\_\_\_ at the 2009 Healthy Cities Conference to be held on the Gold Coast from Wednesday, 25 through Friday, 27 March 2009 at an estimated cost of \$2,820 per person.

#### Nominations

*Cr W Barrett nominated Cr R Hoffman to attend the 2009 Healthy Cities Conference, Cr PM Morris seconded the nomination.*

*Cr B Wiffen nominated Cr J Brown to attend the 2009 Healthy Cities Conference, Cr PM Morris seconded the nomination.*

#### Notation

Cr J Brown declined the nomination and with the acceptance of both the mover and seconder the proposed amendment was withdrawn, resulting in the following amendment to the Staff Recommendation.

**Moved Cr W Barrett Seconded Cr PM Morris**

That the staff recommendation be amended by deleting the letter “(s)” where it appears after the words “attendance of Councillor” and deleting the line “\_\_\_\_\_” where it appears after the word “Councillor” in the first line and substituting it with the name “R Hoffman”

with the amended recommendation to read:

“That Council approve the attendance of Councillor R Hoffman at the 2009 Healthy Cities Conference to be held on the Gold Coast from Wednesday, 25 through Friday, 27 March 2009 at an estimated cost of \$2,820 per person.”

CARRIED 9/3

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

**AGAINST:** Cr D Griffiths, Cr J Brown and Cr C Fernandez.

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

STAFF RECOMMENDATION AND COUNCIL RESOLUTION
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**53 Moved Cr W Barrett Seconded Cr PM Morris**

That Council approve the attendance of Councillor R Hoffman at the 2009 Healthy Cities Conference to be held on the Gold Coast from Wednesday, 25 through Friday, 27 March 2009 at an estimated cost of \$2,820 per person.

CARRIED 9/3

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

**AGAINST:** Cr D Griffiths, Cr J Brown and Cr C Fernandez.

**13.6.7 DELEGATION OF AUTHORITY AMENDMENT - DISPOSAL OF REAL ESTATE - HARMONY FIELDS**

Author: G Bradbrook  
Previous Ref: OCM 22 April 2008 Resolution 137  
OCM 13 May 2008 Resolution 181  
OCM 14 October 2008 Resolution 499  
Appendix: 13.6.7A Current Delegated Authority 1.2.7A Disposal of Real Estate – Harmony Fields.

**PURPOSE OF REPORT**

For Council, in accordance with section 5.42(1) of the Local Government Act 1995 (the Act) to amend Delegated Authority 1.2.7A Disposal of Real Estate – Harmony Fields in order to facilitate the sale of land at the Harmony Fields subdivision in accordance with section 3.58(3) of the Act.

**BACKGROUND**

At the Ordinary Council Meeting held on 13 May 2008, Council resolved vide Resolution 181 to provide the CEO with delegated authority to:

- a) Set a reserve price for the sale of individual lots in the Harmony Fields subdivision.
- b) Where the reserve price is not achieved at auction negotiate the sale of the Lot up to a 5% variance.

This delegation was considered in the annual review of Delegated Authority at the Ordinary Council Meeting held 14 October 2008 and remained unchanged.

The City has since appointed via Tender 21/2008, DTZ (WA) Pty Ltd to undertake the marketing and sale of Harmony Fields lots on behalf of the City.

A public auction was held on 6 December 2008 where of the 27 lots available 14 were offered and one sold. Since this time, of the remaining 13 lots originally offered at auction a further 3 have been sold (subject to the buyers obtaining finance within the agreed period) by negotiation under authority delegated by Council.

A further one lot that was not offered for sale at public auction is the subject of an offer for sale. This sale is subject to the buyer obtaining finance within the agreed period and the City giving public notice of the proposed sale in accordance with section 3.58(3) of the Local Government Act 1995.

The City's contracted selling agents have been actively marketing the remaining 23 lots.

**DISCUSSION**

It has been identified that the current delegated authority does not clearly convey authority for the CEO to efficiently manage the sale of those lots which have not been to public auction.

Delegation 1.2.7A Disposal of Real Estate – Harmony Fields includes reference to sections 5.38(2) and (3) of the Local Government Act 1995, which states:

- (2) *Except as stated in this section, a local government can only dispose of property to -*
- (a) *the highest bidder at public auction; or*
  - (b) *the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.*
- (3) *A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property -*
- (a) *it gives local public notice of the proposed disposition -*
    - (i) *describing the property concerned;*
    - (ii) *giving details of the proposed disposition; and*
    - (iii) *inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given;*
- and*
- (b) *it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.*

The drafting of delegation 1.2.7A restricts the authority of the CEO to setting a reserve price for individual lots and where the reserve price has not been achieved at auction, negotiating the sale within a 5% variance.

It is recommended that the Delegation be revised to authorise the CEO to negotiate the sale of land in accordance with both subclauses (2) and (3) of section 3.58 as shown above. The proposed delegation would provide the CEO with the authority to dispose of the lots that have not been offered for auction, subject to the requirements of section 3.58(3) being satisfied.

In addition to expanding the delegation pertaining to the disposal of land at Harmony Fields to allow the sale of lots that have not yet been offered for sale at auction, the current economic crisis has caused substantial change in the Perth land sales market. A recent report from the nation's peak land development body the Urban Development Institute of Australia shows that Perth metropolitan land prices fell 15.8% in the six months to December 2008. Consequently, the City's marketing and sales consultant for the Harmony Fields subdivision DTZ WA Pty Ltd recommends that the variation tolerance be revised to 10% given the declining land sales market. This recommendation is supported by officers in order to facilitate the sale of land at Harmony Fields.

The current delegated authority is provided in Appendix 13.6.7A, and the proposed delegation is shown in the staff recommendation below.

### **FINANCIAL IMPLICATIONS**

The estimated market value of the remaining 23 lots at Harmony Fields as determined by the City's valuer A. A. Moore & Associates on 24 November 2008 is \$4,585,000. Applying the recommended 10% variance to the total estimated market value due to the declining property market would potentially reduce the yield from the sale of the 23 remaining lots to \$4,126,500, equating to lost revenue of up to \$458,500.

It was originally intended that the sale of Harmony Fields lots would yield \$5,385,000 and the sale of various lazy land assets would yield a further \$1,850,000 to fund the repayment of the Harmony Fields development loan of \$6,500,000 by 19 May 2008, which would yield a surplus of \$667,480.

As a result of delays in completing the City’s Public Open Space Strategy which is required in order to obtain approval from the Minister for Planning to dispose of lazy assets intended to part fund the Harmony Fields development and delays in completing the Harmony Fields subdivision, at its meeting on 22 April 2008 Council made the following resolution (Resolution 137):

*“That Council approve the extension to the Harmony Fields Development loan for \$7,063,000 as a short-term loan facility for two years from the 19 May 2008 to be paid down, as land sales receipts are received.”*

At that time it was forecast that the sale of land at the Harmony Fields subdivision would still yield the original estimate of \$5,385,000. At this yield the City was anticipating a net surplus of \$38,000 on the Harmony Fields development.

However, the issue of potentially accepting a lesser price for the remaining lots as proposed could result in the Harmony Fields development delivering a net loss of approximately \$350,000. This sum would need to be identified in future Council budgets.

STAFF RECOMMENDATION (1 of 2) AND COUNCIL RESOLUTION

**54 Moved Cr S Iwanyk Seconded Cr B Wiffen, Cr L Griffiths and Cr C Fernandez**

That Council, in accordance with section 5.45(1)(b) of the Local Government Act 1995, revoke Delegated Authority 1.2.7A Disposal of Real Estate – Harmony Fields.

CARRIED BY ABSOLUTE MAJORITY 12/0

*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 T Brown, Cr R Mitchell, Cr L Griffiths, and Cr O Searle.*

*AGAINST: Nil.*

STAFF RECOMMENDATION (2 of 2) AND COUNCIL RESOLUTION

**55 Moved Cr R Hoffman Seconded Cr S Iwanyk**

That Council, in accordance with section 5.42(1) of the Local Government Act 1995, delegate authority to the Chief Executive Officer to dispose of real estate at Harmony Fields as follows:

<b>2008 1.2. __ DISPOSAL OF REAL ESTATE – HARMONY FIELDS</b>	
<b>Function Delegated:</b> <i>Detail provided for explanation purposes only.</i>	The authority to determine the appropriate method of disposal of lots created in the Harmony Fields

<b>2008 1.2. __ DISPOSAL OF REAL ESTATE – HARMONY FIELDS</b>	
	subdivision in accordance with: <ul style="list-style-type: none"> <li>• s3.58(2) public auction or public tender; or</li> <li>• s3.58(3) direct negotiations</li> </ul>
<b>Statutory Power being Delegated:</b> <i>Delegates shall only act in accordance with the delegated statute, inclusive of all relevant statutory powers and limitations.</i>	Local Government Act 1995 s3.58(2) and (3) Disposing of property
<b>Power is originally assigned to:</b>	Local Government
<b>Statutory Power of Delegation</b>	Local Government Act 1995 s5.42 Delegation of some powers or duties to the CEO s5.43 Limitations on delegations to the CEO
<b>Power Delegated to:</b>	Chief Executive Officer
<b>Council's Conditions on Delegation:</b>	<p>Where a public auction is determined as the method of disposal:</p> <ul style="list-style-type: none"> <li>• set a reserve price for the sale of individual lots in the Harmony Fields subdivision; and</li> <li>• where that reserve price is not achieved at auction negotiate the sale of the lot up to a 10% variance.</li> </ul> <p>Where direct negotiation in accordance with s3.58(3) is determined as the method of disposal:</p> <ul style="list-style-type: none"> <li>• negotiate the sale of the lot up to a 10% variance; and</li> <li>• consider any public submissions received and determine if to proceed with the disposal, ensuring that the reasons for such a determination are recorded.</li> </ul> <p>Note that where a public tender is determined as the method of disposal, the acceptance of a tender remains at the determination of Council.</p>
<b>Statutory Power to Sub-Delegate:</b>	Local Government Act 1995 s5.44 CEO may delegate some powers and duties to other employees

**CARRIED BY ABSOLUTE MAJORITY 12/0**

**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 T Brown, 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****15.1 MADDINGTON HOMESTEAD - HERITAGE LISTING**

*Cr PM Morris proposed the following motion for inclusion in "Motions of Which Previous Notice Has Been Given" of the 24 February 2009 Ordinary Council Meeting agenda.*

PROPOSED MOTION FOR 24 FEBRUARY 2009
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*That the Director Planning and Sustainability provide a comprehensive report to Council in regard to the State Heritage Council and the City of Gosnells listed Harris Homestead property, to seek from the State Heritage Council an up to date report on instructions to the owners regarding preservation, conservation, curtleage area considerations and any works orders placed on the owners, with timeframes or penalties involved, also at what stage is the State Heritage Council with the owners to ensure works listed are being carried out, in near future.*

*Secondly if the owners have requested from Council any variation/alterations to the heritage listed property that require comment or a council resolution within the planning and sustainability of the subdivision.*

**COUNCILLOR COMMENT**

Cr PM Morris provided the following written comment in relation to the proposed motion:

*"Last year advice was given that orders were placed on the owners, some structures have been removed, scaffolding was erected to some sections of the building sometime around October 2008, a caretaker was said to go onto the property concerned – living in a caravan.*

*No work other than the scaffolding has been seen to be done since then, the property is falling into deeper disrepair.*

*Noting this property dates back to the 1830s built by Captain Nairn, of significance not only to the City of Gosnells but the State of Western Australia.*

**16. URGENT BUSINESS**  
(by permission of Council)

STAFF RECOMMENDATION AND COUNCIL RESOLUTION
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**56 Moved Cr B Wiffen Seconded Cr C Fernandez**

That Council, in light of the consent of the Presiding Member, grant permission to present an item of Urgent Business to the agenda relating to Donation – Victorian Bushfire Appeal 2009 to this Ordinary Council Meeting in accordance with Clause 2.11 of the City of Gosnells Standing Orders Local Law 2003.

CARRIED 12/0

*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 T Brown, Cr R Mitchell, Cr L Griffiths, and Cr O Searle.*

*AGAINST: Nil.*

**16.1 DONATION - VICTORIAN BUSHFIRE APPEAL 2009**

Author: T Perkins  
Previous Ref: Nil  
Appendix: Nil

**PURPOSE OF REPORT**

For Council to approve a donation of \$10,000 towards the Australian Red Cross Victorian Bushfire Appeal 2009.

**BACKGROUND**

The bushfires that are currently ravaging the State of Victoria are having a devastating effect on life and property with 173 lives and hundreds of homes lost at this stage.

The Australian Red Cross, along with many other agencies, have established bush fire appeals to assist individuals and communities affected by these fires.

**DISCUSSION**

The 2009 Victorian Bushfire Fund to assist individuals and communities affected by the devastating bushfires in Victoria has been launched by the Premier of Victoria The Hon John Brumby in partnership with the Red Cross and the Federal Government.

An independent panel made up of community leaders will oversee the Fund's operation. Criteria for assistance will include the extent of the hardship and the impact on the person's livelihood.

With many people throughout that State having lost not only loved ones but all their worldly possessions, the community is pulling together to assist those in need and as such a financial contribution by the City may go some way towards assisting their cause.

A financial contribution by the City, while not overcoming the trauma experienced, will go towards assisting those involved, back to normality.



Members of the Executive Team have identified \$10,000 from within the current budget that could be allocated for this purpose, part of which would require a budget variation.

### FINANCIAL IMPLICATIONS

There is currently \$2,500 available within the Community Sponsorship Program area within account 91-92309-3760-000 Minor Capital Works.

In addition, expenditure from Governance account 40-0420-3219 Legal Expenses is under expended for this time of the financial year and as such budget variation of \$7,500 could be approved for the balance of the \$10,000 donation.

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

### 57 Moved Cr B Wiffen Seconded Cr D Griffiths

That Council donate the sum of \$10,000 towards the Australian Red Cross Victorian Bushfire Appeal 2009 with such funds to be expended from account 91-92309-3760-000 Community Sponsorship Program – Minor Capital Works.

CARRIED 12/0

*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 T Brown, Cr R Mitchell, Cr L Griffiths, and Cr O Searle.

*AGAINST:* Nil.

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

### 58 Moved Cr B Wiffen Seconded Cr D Griffiths

That Council approve the following adjustment to the Municipal Budget

Account Number	Description	Debit	Credit
GL 40-0420-3219	Legal Expenses		\$7,500
JL 91-92309-3760-000	Community Sponsorship Program – Minor Capital Works	\$7,500	

CARRIED BY ABSOLUTE MAJORITY 12/0

*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 T Brown, Cr R Mitchell, Cr L Griffiths, and Cr O Searle.

*AGAINST:* Nil.

### 17. CONFIDENTIAL MATTERS

Nil

### 18. CLOSURE

The Mayor concluded the meeting by welcoming both the Chief Executive Officer and the Director Planning and Sustainability to the City of Gosnells and furthermore expressed her thanks to Mr Trevor Perkins who acted as the Acting Chief Executive Officer. The Mayor declared the meeting closed at 8:39pm.