



**ORDINARY COUNCIL MEETING
22 JULY 2008**

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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 22 July 2008.

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.

DISCLAIMER

The Mayor read aloud the following statement:

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

COUNCIL MEETINGS – RECORDING OF

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

Notice within the Public Gallery in relation to recordings state:

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

Following documentation of the Minutes and distribution to Elected Members a copy of the digital recording shall be available for purchase by members of the public.

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

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

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

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

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

ELECTED MEMBERS

MAYOR
DEPUTY MAYOR

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

STAFF

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

MR D SIMMS
MS A COCHRAN
MR R BOUWER
MR D HARRIS
MR L KOSOVA
MR G BRADBROOK
MISS S MACGROTTY

PUBLIC GALLERY

25

APOLOGIES

Nil

APPROVED LEAVE OF ABSENCE

Cr R Mitchell was granted Leave of Absence vide Resolution 232 of the Ordinary Council Meeting held on 10 June 2008.

Cr R Hoffman was granted Leave of Absence vide Resolution 253 of the Ordinary Council Meeting held on 24 June 2008.

3. DECLARATIONS OF INTEREST

Cr PM Morris declared an Impartiality Interest in item 13.3.2 "Financial Activity Statement – June 2008".

Reason: Life Member of Thornlie Football and Sports Club.

Cr W Barrett declared an Impartiality Interest in item 13.3.2 "Financial Activity Statement – June 2008".

Reason: Life Member of Thornlie Football and Sports Club.

4. ANNOUNCEMENTS BY THE PRESIDING MEMBER
(without discussion)

The Mayor circulated to Councillors a list of functions and events she had attended since Tuesday 8 July 2008.

5. REPORTS OF DELEGATES
(without debate)

Cr J Brown reported that she had received an email in the form of a letter from Elmer Dickwig, in which she thanked the staff and Councillors whom attended the Ghost Walk Volunteers Function. Cr Brown further thanked staff Paul Farina and Fiona Henry who organised the event.

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

* Mr Keith Agar of 109 Brook Road, Kenwick asked the following question:

Q 1 It is my belief that the Gosnells Shire sent letters to all the residents in 3B fronting Coldwell Road that they could subdivide their properties down to 5 acres from 10 acres with the provision the entry was off Coldwell road only for both properties. Please confirm this?

Response: The Director Planning and Sustainability announced that he could not confirm or deny, but would look into the matter and provide a response in writing.

- * Mr Warner Baxter of 37 Kelvin Road, Maddington asked the following questions:

Q 1 Has the City of Gosnells carried out a social impact study and an environmental study to assess the possible negative impact on the area as the Outline Development Plan covers such a large area of higher density?

Response: The Director Planning and Sustainability clarified that Mr Baxter was talking about the Central Maddington outline development plan, and stated that he needed a geographical area in which the boundary relates. Once this information was provided by Mr Baxter the Director Planning and Sustainability stated the City has not undertaken social and environmental studies to determine the impact of high density in the area, however the City has undertaken a detailed drainage investigation and is continuing further investigations.

Q 2 Why were the stakeholders not informed that by changing from the Scheme 21 plan to the Outline Development Plan the City of Gosnells would no longer be responsible for the drainage? This was a requirement set down by the State Planning and Infrastructure Department if Scheme 21 was adopted.

Response: The Director Planning and Sustainability stated that he would need to look into the matter in more detail, as the suggestion that landowners in the affected area were not informed that moving from Scheme 21 to an Outline Development Plan meant that the City was no longer responsible for drainage infrastructure is unclear because the City is always going to be responsible for its own drainage infrastructure. The Director Planning and Sustainability further stated that Mr Baxter's question requires clarification.

The Mayor stated that the question would be taken on notice and responded to in writing

- * Mrs Irene Liddelow of 478 Bickley Road, Kenwick asked the following questions:

Q 1 At the last Precinct 1 meeting, there was an issue that came up that there could be amendments to the truck parking in that area. Is it possible for Council to amend its policy on truck parking in the interim? If this is correct then is Council willing to accept an assimilation for this as Precinct 1 is coming up for rezoning to light industrial?

Response: The Director Planning and Sustainability stated that the matter is open to Council to amend its commercial vehicle parking policy and advised that the Council had received numerous requests from residents and ratepayers to do so and in fact Staff are currently working on an amended policy to bring to Council in the near future.

Q 2 In regards to the employment scheme in the area, it has come to my notice that in 2003 they were trying to build it up, and now they are saying that it is 2011 and there is quite a lot of people that have gone

away, as their jobs are no longer in Maddington. Something like 40 employees and about 12 different businesses moved away, which is quite sad for the area to lose these good people to an area we want to build up. Could something be done about that, when we consider employment and people's lives?

Response: The Mayor advised that the question would be taken on notice and responded to in writing with the response also being published in the minutes, for the information of other people who may have a similar interest.

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

Q 1 Would the City of Gosnells please consider urgently the extension of time for the draft Kenwick Vision Plan for 2008? As a large number of residents have not had the opportunity to look at or comment on the plan as the Kenwick Library's copy was missing for approximately four weeks and residents would like to comment as the information the report is based upon, is almost 18 years old and well and truly outdated.

Response: The Director Planning and Sustainability stated that in relation to the question, the City is prepared to consider extending the consultation period and certainly residents are welcome to submit their comments on the vision plan beyond the close of the consultation period, because the staff members who will be dealing with that project will be on extended leave soon after the advertising period. Therefore no action will occur straight away. The Director Planning and Sustainability said he would not commit to a set time frame for submissions to be received beyond the advertised closing date and will advise all affected landowners if the City is going to extend the time frame.

6.2 PUBLIC STATEMENTS

* Mr Keith Agar of 109 Brook Road, Kenwick made a public statement in relation to item 13.5.1 "Planning for the Maddington Kenwick Strategic Employment Area – Consideration of submissions on revised concept plan" speaking against the recommendation of the Water Corporation Plan 1 for the 3B Concept Plan Yule Brook. Mr Agar made note of feeling offended and let down by the Gosnells Council even after putting faith into the City when working on the planning and development, to be then told that the concept plan 3 proposal was going before Council tonight and if voted for, the 3B Water Corporation report and its contents conducted in 2007 for 3B to remain a flood plain support for Yule Brook. Mr Agar stated that the report had not been seen and the people were not advised of this at the co-operation meeting and questioned how many more concept plans and years in this charade will go on. Mr Agar further announced that concept plan 3B would appear to take another 5 to 10 years if ever settled as industrial, and asked why won't the City, Councillors and staff help their ratepayers in this period, stating that the City could allow Precinct 3B to be sub-divided into smaller lots like 2½ acres to give the ratepayers somewhere to go or stay. Mr Agar concluded with a statement that he understood the City had approved the subdivision to area now 3B some years ago in Coldwell Road.

- * Mr Hank Kremer of 20 Ronsaro Drive, San Remo made a public statement in relation to item 13.5.1 "Planning for the Maddington Kenwick Strategic Employment Area – Consideration of Submissions on revised Concept Plan" speaking against the item and strongly objecting to the recommendations within the report. Mr Kremer stated that the landowners in Precinct 3B are most profoundly affected by the recommendations on page 44 and up until the 18 July 2008 the landowners were led to believe a series of events would be taking place. In summary this included the Aboriginal Heritage survey having not been commissioned, and that the Options for the conveyance of storm water through Precinct 3A would need to be closely examined but there had been no detailed drainage studies done. Mr Kremer stated that the recommendations are premature and unfair to landowners who have not had the opportunity to discuss, assess and comment upon the many issues raised by the revised concept plan. Some of these issues included, not being made aware of the Water Corporations options for the upgrading of the Yule Brook drain, not being provided with sufficient information, and not having the opportunity to dispute the validity of the Floodplain diagram. Mr Kremer concluded his statement by announcing to Councillors that the recommendations should be deferred, pending further investigation, public comments and consultation.

7. CONFIRMATION OF MINUTES

COUNCIL RESOLUTION

326 Moved Cr J Brown Seconded Cr B Wiffen

That the Minutes of the Special Council Meeting held on 19 June 2008 be confirmed.

CARRIED 9/0

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

AGAINST: Nil.

COUNCIL RESOLUTION

327 Moved Cr J Brown Seconded Cr L Griffiths

That the Minutes of the Special Council Meeting held on 7 July 2008 be confirmed.

CARRIED 8/1

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

AGAINST: Cr C Fernandez.

COUNCIL RESOLUTION

328 Moved Cr D Griffiths Seconded Cr J Brown

That the Minutes of the Ordinary Council Meeting held on 8 July 2008 be confirmed.

CARRIED 9/0

FOR: Cr D Griffiths, Cr B Wiffen, Cr S Iwanyk, Cr J Brown, Cr C Fernandez, Cr W Barrett, Cr P Morris, 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 L Griffiths presented a petition initiated by Caroline Dunlop of 2 Goddard Way, Langford containing 39 signatures. The petition stated:

"We the undersigned electors of the City of Gosnells request that the Development Application – Proposed Multiple Dwellings and Commercial Unit at 51 (Lot 37) Spencer Road, Langford, referred to in the Council's letter of 24 April 2008, addressed, among others, to the initiator of this petition, be not approved, for the following reasons;

- *Spencer Road is a busy main road and the location of this development right at the corner of this road and View Avenue will make this corner unsafe.*
- *The extra traffic generated by the dwellings and the commercial unit will make View Avenue less safe. Many school children use View Avenue on their way to the Brookman Primary School.*
- *Locating the crossover off View Avenue will also make this road less safe and could lead to congestion at this point of the road.*
- *The crossover is sited too close to the turn off from Spencer Road.*
- *The development will generate more noise.*
- *A commercial facility is out of place in this residential area and may generate much noise and attract vandalism and anti social behaviour.*
- *A two storey development is out of place in this residential area.*
- *The plans envisage 16 bins facing Spencer Road. This would be most unattractive.*

COUNCIL RESOLUTION

329 Moved Cr L Griffiths Seconded Cr W Barrett

That the petition be received and reports be prepared.

CARRIED 9/0

FOR: Cr D Griffiths, Cr B Wiffen, Cr S Iwanyk, Cr J Brown, Cr C Fernandez, Cr W Barrett, Cr P Morris, 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 the City of Gosnells Standing Orders Local Law.

COUNCIL RESOLUTION

330 Moved Cr W Barrett Seconded Cr J 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 13.5.1 Planning for the Maddington Kenwick Strategic Employment Area – Consideration of Submissions on Revised Concept Plan;
- * Item 13.5.2 Proposed Outline Development Plan – Central Maddington Sub-Precinct E

CARRIED 9/0

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

AGAINST: Nil.

13.5.1 PLANNING FOR THE MADDINGTON KENWICK STRATEGIC EMPLOYMENT AREA – CONSIDERATION OF SUBMISSIONS ON REVISED CONCEPT PLAN

Author:	L Gibson
Reference:	Project: MKSEA/Concept Plan
Application No:	PF07/00063
Applicant:	N/A
Owner:	Various
Location:	Area generally bounded by Bickley Road, Tonkin Highway, Welshpool Road and Roe Highway
Zoning: MRS:	Rural
TPS No. 6:	General Rural
Review Rights:	Nil
Area:	Approximately 585ha
Previous Ref:	OCM 27 November 2007 (Resolutions 549-550) OCM 13 March 2007 (Resolutions 85-88) OCM 10 June 2003 (Resolutions 373-374)
Appendices:	13.5.1A Draft Concept Plan Version 2 (as advertised for comment) 13.5.1B Landowner Consultation – Location Plan 1 (Rural Area) 13.5.1C Landowner Consultation – Location Plan 2 (Residential Areas) 13.5.1D Yule Brook Floodplain Plan 13.5.1E Draft Modified Concept Plan Version 3 (as modified in response to comment received)

PURPOSE OF REPORT

For Council to consider submissions from landowners and government agencies on the revised Concept Plan for the Maddington Kenwick Strategic Employment Area (MKSEA).

BACKGROUND

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

At the abovementioned meeting, Council considered the submissions received from landowners on the original Concept Plan and resolved as follows:

Resolution 549

“That Council note the submissions received during the advertising of the Concept Plan for the Maddington Kenwick Strategic Employment Area.”

Resolution 550

“That Council advertise the draft modified Concept Plan for the Maddington Kenwick Strategic Employment Area, attached as Appendix 13.5.1D, for public comment until Thursday 28 February 2008:

i) Letters to:

- Landowners within the Maddington Kenwick Strategic Employment Area*
- Owners of land adjacent to Bickley Road and abutting the Maddington Kenwick Strategic Employment Area*
- Owners of land within the Shire of Kalamunda south of Welshpool Road, between Roe Highway and Tonkin Highway; and*
- Government and Servicing agencies, as deemed appropriate by the Director Planning and Sustainability*

ii) An advertisement twice in a local newspaper.

iii) Display at the Kenwick Library.

iv) Display on the City’s website.”

Consultation**Advertising of Modified Concept Plan**

Advertising of the draft modified Concept Plan (attached Appendix 13.5.1A) commenced on 8 January 2008 and concluded on 28 February 2008. In total, 67 submissions were received, 59 of which were from landowners and eight from government agencies. The submissions received from landowners are categorised as follows:

- 19 submissions raised no objection to the modified Concept Plan.
- 28 submissions objected to the modified Concept Plan.
- 12 submissions provided only comment on the modified Concept Plan.

A summary of the matters raised in the submissions and staff comments in response are detailed in Table 1.

A list of persons making submissions and related submission reference numbers are contained in Table 2.

The properties of landowners that made submissions are indicated as such on Location Plans 1 and 2 attached Appendices 13.5.1B and 13.5.1C.

Table 1 – Matters Raised in Submissions

Response	Submission Reference Number (SR No.)	Total
No Objection	2, 3, 4, 7, 9, 10, 13, 14, 15, 18, 22, 24, 25, 34, 35, 36, 37, 38, 39,	19
Objection	5, 8, 11, 16, 19, 20, 26, 27, 28, 29, 31, 32, 33, 41, 42, 45, 46, 47, 49, 50, 51, 52, 53, 54, 55, 56, 57, 59	28
Comment	1, 6, 12, 17, 21, 23, 30, 40, 43, 44, 48, 58,	12

Matter Raised	Staff comment	SR No.
1. Road Alignments and General Traffic Matters		
1.1 Suggests that Clifford Street should be extended to provide a link between Kelvin and Victoria Roads.	Noted. The advertised Concept Plan indicates Clifford Street as being extended northwest to Victoria Road.	3
1.2 Is concerned with the proposed road layout, particularly as one or more of the proposed roads would run through an existing dwelling. Would prefer any proposed roads to be aligned along existing property boundaries.	Noted. The roads shown on the draft revised Concept Plan are indicative only. They were shown to provide a general indication of the form of future development. The actual alignment of roads will be a key matter to be addressed by future, more detailed planning. While road planning will need to have regard to design standards and traffic safety/management considerations, there is scope to also have regard to potential impacts on specific properties.	5, 40, 59
1.3 Would like to know where the proposed roads will be located.	Noted. See staff comment in response to matter 1.2.	11
1.4 Is concerned with the potential traffic impacts (number and type of vehicles) that the proposed industrial area will have on existing residential and rural-residential uses. Considers that access to the proposed industrial area should be obtained via Kelvin Road and not from Bickley Road, due to the potential impact on the existing residential area.	Increased levels of traffic as a result of industrial development will be inevitable. It is acknowledged however that the detailed design of any future road layout and mitigation of potential impacts resulting from increased traffic are matters that will need to be appropriately addressed through future, more detailed planning.	48, 49, 50, 53
1.5 As Wattle Grove residents, we are concerned with the possibility of Coldwell Road being utilised as the main thoroughfare into the proposed industrial area.	Noted. Access to the MKSEA from Welshpool Road is currently provided at two T-junctions, namely Coldwell and Brook Roads. The preliminary transport study was commissioned to assess: <ul style="list-style-type: none"> Traffic volumes and the effectiveness of the existing road network. Suitable access points and internal road layout for the development of the area. Improvements in the existing road network required to accommodate the traffic generated by the development. The study (by consultants Cardno BSD) found that the existing major road network, with some upgrades could accommodate the traffic generated from development of the MKSEA. The study also suggested that Coldwell Road was the best option as an access road for heavy traffic due to:	57, 58

Matter Raised	Staff comment	SR No.
	<ul style="list-style-type: none"> • The existence of the Wattle Grove Primary School at the corner of Brook and Welshpool Roads, making Brook Road a less desirable option. • The intersection of Coldwell Road is well spaced between the intersections of Welshpool Road between Roe and Tonkin Highways. • Adequate width exists for upgrading the Welshpool Road/Coldwell Road intersection. <p>Notwithstanding the above, it is acknowledged that the planning for the MKSEA, and particularly Precincts 3A and 3B must have regard to any potential impacts on the land within the Shire of Kalamunda, south of Welshpool Road. It is expected that such issues will be appropriately addressed through future, more detailed planning.</p>	
2. Impacts on Yule Brook and adjoining land		
<p>2.1 Would like Council to consider straightening Yule Brook to allow for faster water movement, and therefore, a more effective drainage system.</p> <p>Considers that Yule Brook should be realigned along the rear boundaries of properties along Coldwell and Brook Roads, so that its impact on affected landowners is minimised.</p>	<p>Yule Brook is recognised as having environmental significance as well as performing a district drainage function. It is likely that Yule Brook will need to be retained, protected and environmentally enhanced.</p> <p>As detailed previously, staff have received advice from the Water Corporation that it had engaged Australian Cultural Heritage Management Pty Ltd (ACHM) to undertake an Aboriginal ethnographic and archaeological cultural heritage survey of part of the Yule Brook Main Drain catchment area in the MKSEA. The cultural heritage survey was undertaken on 15 September 2007 and involved representatives from Noongar families with links to the Perth metropolitan area, the Water Corporation and ACHM. The survey recommends (among other things) the protection of Yule Brook along its current alignment for cultural and environmental reasons.</p> <p>Furthermore, current water management best practice generally promotes, where possible, the reduction of flow rates, thereby facilitating the retention of water as close to the source as possible and the reduction of nutrient exportation. In this regard, the Water Corporation has recently advised the City of a number of options for the proposed upgrade of the Yule Brook Main Drain. This matter is further discussed in the Government Agency Submissions section of this report.</p> <p>Based on the above, City staff do not support the suggestion to realign Yule Brook.</p>	19, 46
<p>2.2 Considers that Yule Brook is an artificial waterway and therefore is of little environmental significance.</p>	<p>Yule Brook is one of three main tributaries of the Canning River. It is a natural watercourse at its headwaters, maintaining its natural channel form and vegetation. It has, though, been subjected to vegetation clearing and modification into a steep-sided channel on some private properties in the MKSEA. Despite these modifications, Yule Brook retains its important watercourse values and functions, including aquatic fauna habitat and breeding areas.</p> <p>Further to the above, the protection of waterways is well enshrined in State Government environmental and planning policies, including the following:</p>	45, 46

Matter Raised	Staff comment	SR No.
	<ul style="list-style-type: none"> • Statement of Planning Policy No. 2 – Environment and Natural Resources Policy; • Statement of Planning Policy No. 2.9 – Water Resources; and • Statement of Planning Policy No. 2.10 – Swan Canning River System. <p>The above policies promote the protection, conservation and enhancement of the natural environment and specifically, water resources.</p>	
3. Environmental and Amenity Impacts		
<p>3.1 Has concerns regarding the possible conflict between proposed industrial uses and existing rural uses.</p> <p>Queries what type of interface will exist between proposed industrial uses and existing rural uses.</p>	<p>Noted. City staff acknowledge that the staged transition of an area from large semi-rural landholdings to a functioning industrial estate will invariably result in some form of conflict between relatively incompatible land uses. As such, appropriate measures must be implemented to ensure that landowners wishing to remain on their rural property will not be excessively impacted by newly established industrial uses. The precise nature of those measures is a matter that is required to be appropriately addressed through future, more detailed planning.</p> <p>Further to the above, City staff consider it appropriate to amend the Concept Plan to make reference to the locations where such measures will be required to be implemented. Further discussion on the matter is contained later in this report.</p>	2, 8, 48
<p>3.2 The MKSEA is being detrimentally affected by industrial land uses currently being undertaken without approval.</p>	<p>Noted. The City has previously, and continues to, investigate all allegations of non-compliance with Town Planning Scheme No. 6 (TPS 6) and associated policies. If such non-compliance is evident landowners should report the details to the City's Planning Implementation Branch for appropriate action.</p>	11
<p>3.3 The proposed industrial area will have a detrimental impact on the environment.</p> <p>Has concerns regarding the potential for increased levels of pollution that may result from the proposed industrial uses.</p>	<p>Noted. The City acknowledges the value of the natural environment that exists in the area. Planning for the MKSEA is focussed on delivering an appropriate scale and style of industrial development to expand the economic bases of Maddington and Kenwick, while also respecting and enhancing the key environmental attributes of the area. In this regard, it is the intention of the City and the Maddington Kenwick Sustainable Communities Partnership that the MKSEA will be a leading example of innovative and sustainable industrial development within an environmentally sensitive area.</p> <p>In order to achieve the above, numerous studies and investigations are required to be undertaken to adequately inform any future planning and development. Further details of the tasks recently completed, recently commenced and yet to commence are included in the Discussion section below.</p>	16, 48, 54, 55, 56
<p>3.4 The development potential for Precinct 2 is being restricted by the existing Brixton Street wetlands.</p>	<p>Noted. It is agreed that the potential development of Precinct 2 is constrained by the Greater Brixton Street Wetlands.</p> <p>These wetlands are environmentally significant for the following reasons:</p> <ul style="list-style-type: none"> • They are classified as Conservation Category Wetlands under the Geomorphic Wetlands Swan Coastal Plain dataset; 	27, 32

Matter Raised	Staff comment	SR No.
	<ul style="list-style-type: none"> • they exhibit outstanding flora diversity with at least 518 taxa (a third of the taxa recorded for the Swan Coastal Plain); • 75% of the wetland's vegetation is in 'excellent to very good' condition; • they have been nominated for inclusion in the Register of the National Estate; • they are subject to protection under the Commonwealth Environment Protection and Biodiversity Conservation Act 1999; • they have been recommended to be designated as the Yule Brook Nature Reserve; • they have been subject to long-term research studies and served as a reference area for the identification of flora of the eastern side of the Swan Coastal Plain; • they contain plant communities representative of the eastern side of the Swan Coastal Plain. <p>The Greater Brixton Street Wetlands are therefore afforded protection through various government legislation and policies and planning for the adjoining area must have regard to their requirements. The wetlands however are not the sole constraint to development in Precinct 2.</p> <p>The issue of wetlands and associated requisite buffers is a matter that requires further investigation and will need to be appropriately addressed through future, more detailed planning.</p>	
<p>3.5 Does not believe extensive buffers are required to the existing wetlands.</p>	<p>The submitter's opinion is noted, however, the requirement for wetland buffers is well enshrined in State Government environmental and planning policy, in particular the (then) Water and Rivers Commission Position Statement: Wetlands (2001), which provides a guide to the wetland buffer requirements for a range of land uses. In this regard, buffer distances range from 50m to 1,000m, depending on the particular land use involved, and are required to:</p> <p><i>"...protect wetlands from potential deleterious impacts while helping safeguard and maintain ecological processes and functions within the wetland and, wherever possible, in the buffer."</i></p> <p>Buffers are likely to be required around existing wetlands to ameliorate any impact of the surrounding uses on those wetlands, although a case-by-case assessment may be required to determine wetland extent, value, function and appropriate buffer widths within individual landholdings. As detailed on the draft Concept Plan, the issue of requisite wetland buffers is a matter that requires further investigation (including the botanical study currently being undertaken) and will need to be appropriately addressed through future, more detailed planning.</p>	<p>42, 45, 46</p>

Matter Raised	Staff comment	SR No.
<p>3.6 Questions why Council removed the previous buffer area adjacent to Brook Road.</p> <p>Questions what will replace the previous buffer area.</p>	<p>Council at its meeting of 27 November 2007 resolved to modify the Version 1 Concept Plan to (among other changes) remove the notional 100m CCW buffer to reduce the level of uncertainty regarding required buffer widths, particularly in instances where existing roads are located within notional buffers but in effect define a practical wetland edge. It should be noted however that the deletion of the buffer from the Concept Plan does not change the fact that State Government policies will still apply to environmental buffers and that the requisite environmental buffers will need to be appropriately determined through future, more detailed planning.</p>	19
<p>4. Compensation for Land Required for Public Purposes</p>		
<p>4.1 Questions if, and how, the City is going to compensate landowners whose land is identified for roads and/or wetlands.</p>	<p>The identification of necessary development infrastructure (including the acquisition of land for public purposes), the cost of infrastructure and the manner in which the infrastructure will be provided are key matters that will need to be appropriately addressed through future, more detailed planning.</p> <p>There are numerous options to fund the cost of the requisite infrastructure. One option is for Council to establish a formal arrangement to share the cost of development infrastructure amongst all landowners within the MKSEA. This approach is provided for in the Western Australian Planning Commission's Planning Bulletin No. 18 – Developer Contributions for Infrastructure, which states:</p> <p><i>“Developer contributions are legally enforceable contributions that a developer is required to make for the provision of infrastructure and which are directly related to the needs arising from the development. These contributions usually take three forms:</i></p> <ul style="list-style-type: none"> • <i>The ceding of land for roads, public open space, primary school sites, drainage and other reserves.</i> • <i>Construction of infrastructure works which are transferred to public authorities upon completion.</i> • <i>Monetary contributions to acquire land or undertake works by public authorities or others.”</i> <p>The establishment of a contribution arrangement is typically formalised through either an amendment to TPS 6 in association with an Outline Development Plan or the production of a Guided Development Scheme. Both approaches will require more detailed planning and consideration to determine the principles upon which the approach to landowner compensation will be based, type and extent of common works, their cost, the method by which costs will be levied and the necessary powers to effectively operate the arrangement.</p>	11, 34

Matter Raised	Staff comment	SR No.
5. Land Uses / Notations shown on Concept Plan		
5.1 Queries what range of uses will be permitted in the proposed 'Eco-Industry' precinct.	<p>There is no Scheme or other statutory definition for 'Eco-Industry'. City staff envisaged that the Eco-Industry precinct(s) would cater for benign industrial activities that present little or no risk of environmental harm or pollution, due to the nature of the goods/materials stored, used and/or manufactured on site, the processes employed in the activity, the design of development, and the by-products produced.</p> <p>The Eco-Industry precinct shown on the Concept Plan generally applies to land that is environmentally sensitive but considered to be potentially developable. Importantly, in this precinct the precise nature and extent of development able to be sustained on site will need to be determined during more detailed planning phases in future.</p>	4, 11
5.2 Queries the implications of the "subject to further investigation" notation.	At present there is insufficient information relating to the land north of Victoria Road to enable this area to be identified on the Concept Plan as free from constraints for development. Further investigation of the environmental characteristics of Precinct 2 and the development of strategies to manage environmental impacts are necessary before this could possibly occur.	31
6. Validity and Consequences of Areas of Environmental / Heritage Value		
6.1 Questions the validity of the wetland classification that exists over a property. The environmental details as shown on the submitter's property are considered to be incorrect. Considers that the Eco-Industry zoning proposed adjacent to Victoria Road should be removed or reduced as there are no environmental values associated with the land.	The preliminary environmental review (flora, vegetation, fauna and wetlands) was undertaken by consultants Cardno BSD in late 2004 – early 2005. In order to more accurately define the ecological values of the study area, the City engaged a consultant Botanist to undertake a comprehensive flora and wetland survey. The survey, which commenced in Spring 2007 and is now close to completion is intended to help define the extent of existing wetlands and the significance and condition of vegetation so as to inform the future planning of the area.	8, 14, 15, 30
6.2 Questions the validity of the claim that parts of the MKSEA are of Aboriginal Heritage significance.	<p>As detailed in the agenda item referred to Council's 27 November 2007 meeting, the Water Corporation previously engaged consultant Australian Cultural Heritage Management Pty Ltd to undertake a survey of Yule Brook and its surrounds to determine the extent to which drainage upgrades, such as widening the existing brook and stormwater storage in the Yule Brook Main Drain catchment at Kenwick, would be possible without disturbing Aboriginal heritage. It is understood the drainage upgrades are required to reduce the risk and incidence of flooding along Yule Brook between Lesmurdie and the Canning River in Beckenham. The study area for the abovementioned survey was the southern portion of Lot 2008.</p> <p>Some of the key findings and recommendations of the survey are summarised as follows:</p>	42, 45, 46

Matter Raised	Staff comment	SR No.
	<ul style="list-style-type: none"> • One new archaeological site has been discovered adjacent to Yule Brook towards the railway/Roe Highway and the cul-de-sac end of Bickley Road. The presence of another site has been identified away from Yule Brook (to the north), also towards the railway/Roe Highway. High levels of vegetation across the survey area prevented full identification of this latter site and as such, additional survey work should be conducted in summer. • No work should be undertaken by the Water Corporation which could disturb either of the above sites, either directly, or by causing them ultimately to be flooded by the construction of an artificial drainage area. • Damage to the sites would be unavoidable if drainage upgrades proceeded (such as widening of the brook and stormwater storage in the brook's catchment). As such, the Water Corporation should investigate alternative locations (ie other than the survey area) to undertake any drainage upgrade works for the Yule Brook catchment. • Although the survey area in general has long since been cleared for rural purposes, there is considered to be no justification to widen Yule Brook, which inevitably would result in the destruction of the remnant vegetation on its banks and in its bed. For this reason, and because of the brook's mythological significance in terms of the Waugal, the indigenous informants requested that the entire length of Yule Brook be declared a site under the Aboriginal Heritage Act 1972. • It would be acceptable if the Water Corporation were to carry out drainage works for flood mitigation on the part of the brook that is already significantly disturbed (ie downstream of the study area, west of Roe Highway), even if the entire brook is declared as an Aboriginal heritage site. • Yule Brook's banks and bed should be cleared of weeds / introduced plant species and revegetated exclusively with local Western Australian plant varieties. <p>Relative to the above recommendations and findings of the Aboriginal cultural heritage survey, it should be noted that City staff are in the process of engaging an Aboriginal Heritage Consultant to undertake a desktop survey of potential Aboriginal cultural heritage significance within the MKSEA. Furthermore, whilst landowners may question the validity of the claim that parts of the MKSEA are of Aboriginal Heritage significance, the provisions of the Aboriginal Heritage Act 1972 must be observed.</p>	
<p>6.3 Questions how long the wetlands study will take and if / when affected landowners will be notified.</p>	<p>The City is currently working with the botanist to finalise the survey. It is anticipated that the results of the study will be made available to affected landowners and the general public shortly thereafter.</p>	<p>11</p>

Matter Raised	Staff comment	SR No.
7. Modification to Precinct Boundaries		
7.1 Considers that Precincts 1 and 2 should be modified so that Precinct 1 includes all land east of Brentwood Road.	Disagreed. City staff consider that there is currently insufficient information and certainty in respect of the land north-west of Victoria Road, to enable it to be developed for industrial purposes in an environmentally acceptable manner. Further investigation of the environmental characteristics of Precinct 2 and the development of strategies to manage environmental impacts are necessary before the progression of that precinct could be contemplated. As such, City staff do not support the expansion of Precinct 1 to include all land east of Brentwood Road.	28
7.2 Considers that Precincts 3A and 3B should be modified so that the boundary between the precincts is parallel to Yule Brook.	Refer to staff response to submission 6.2 above. In response to the abovementioned findings and recommendations, Council at its meeting of 27 November 2008 resolved (Resolution 550) to advertise a draft modified Concept Plan, which, among other things, stipulated that the land adjoining Yule Brook is to be restricted to its current use (ie semi rural living purposes) due to its environmental and Aboriginal cultural significance and its role as a drainage corridor, until or unless further investigations warrant a change to this position. Whilst City staff consider it appropriate to undertake further Aboriginal heritage studies, in the absence of the requisite further information, it is not considered appropriate to modify the Precinct boundaries at this time.	41
7.3 Considers that Precinct 1 should be modified so as to create two precincts, one either side of Kelvin Road, as the area east of Kelvin Road is less constrained and the landowners are ready to develop.	Council at its meeting of 10 June 2003 resolved to designate three precincts within MKSEA, with Precinct 1 divided into two sub-precincts (1A and 1B). Precinct 1A included all land southeast of Kelvin Road to the MKSEA boundary. Precinct 1B extended from Kelvin Road to the rear property boundaries of the landholdings located on the southeastern side of Victoria Road. The original precinct boundaries were based on the information available at the time, prior to community consultation and various technical studies being completed. The technical studies completed in 2006 revealed that the land northwest of Victoria Road was located within the groundwater catchment area for the Greater Brixton Street wetlands (Bush Forever site 387). In light of the additional technical information, Council at its meeting on 13 March 2007 adopted a revised precinct plan removing the two sub-precincts (1A & 1B) within Precinct 1 and extending the Precinct 1 boundary to Victoria Road. This was based on Precinct 1 having the following characteristics: <ul style="list-style-type: none"> • It is an area forming a logical extension to the existing Maddington industrial area. • The area is able to be serviced by infrastructure (water, wastewater, gas etc). • It is located outside of the groundwater catchment for the greater Brixton Street wetland area. • There are only limited interface problems with existing residential properties on the opposite side of Bickley Road. 	12

Matter Raised	Staff comment	SR No.
	<ul style="list-style-type: none"> The area is sufficiently large in size to attract quality development and provide a stimulus for the regeneration of the existing industrial area. <p>At the same meeting (13 March 2007) Council resolved to formally request that the Western Australian Planning Commission progress an amendment to the MRS to rezone the land within Precinct 1 from General Rural to Industrial.</p> <p>Subsequent advice received from the Department for Planning and Infrastructure (DPI) suggested that the Department would not be likely to support progressing an MRS amendment over an area geographically smaller than that already proposed.</p> <p>It is considered prudent that planning for Precinct 1 be undertaken in a manner that addresses the whole of Precinct 1, particularly given the broad-level planning processes still required, including amending the Metropolitan Region Scheme (MRS) and TPS 6, establishing a framework for funding development infrastructure costs, undertaking further environmental investigations and developing water management plans.</p> <p>There is no reason, however, why land southeast of Kelvin Road cannot ultimately develop independently from the rest of Precinct 1.</p>	
<p>7.4 Considers that Precincts 3A and 3B should be modified so as to form one precinct.</p> <p>Considers that the issues affecting Precinct 3B (drainage, cultural and environmental) also affect Precinct 3A.</p>	<p>Disagreed. City staff consider it appropriate to maintain the two areas as separate precincts due to number and complexity of constraints that apply to Precinct 3B, all of which are related to issues concerning Yule Brook and the Greater Brixton Street Wetlands.</p> <p>The advantage of the above approach is that it potentially allows planning for the relatively unconstrained Precinct 3A to be progressed independently of Precinct 3B. In this regard, however, it is acknowledged that the planning for Precinct 3A will have some impact on Precinct 3B (and vice versa), and as such, any future planning of the precincts must have regard for the existing and potential future land uses within the adjoining precinct.</p>	<p>42, 47</p>
<p>8. Land Uses</p>		
<p>8.1 Considers that Precinct 2 should be rezoned to Residential.</p> <p>Considers that Precincts 3A and 3B should be rezoned to Residential, as this would be a better outcome in terms of environmental conservation and land use consistency.</p> <p>Would prefer the area to remain rural.</p>	<p>Metroplan (1990) and the Foothills Structure Plan (1992) identified the MKSEA as a future strategic industrial area. The development of the MKSEA to expand the City's employment base has since been adopted as a key initiative of the Maddington Kenwick Sustainable Communities Partnership between the City, the State Government and the community. For these reasons, the City is undertaking investigations and planning of the area on the basis of industrial development occurring.</p>	<p>23, 29, 42, 43, 44, 45, 46</p>

Matter Raised	Staff comment	SR No.
	<p>While there is the opportunity to consider alternate land uses (ie other than industrial) within the MKSEA, City staff have not been directed to pursue such matters at this time. Notwithstanding the above, it is considered likely that, if any portion of the MKSEA is deemed inappropriate for industrial purposes, those areas will also be inappropriate for residential purposes. In any event, the composition of uses within the MKSEA will be a matter to be appropriately addressed through future, more detailed planning.</p> <p>With regard to landowners wishing to retain their rural property, it is important to note that landowners will not be forced to sell or develop their land. If landowners choose to continue living in the area if and when it is ultimately rezoned, subdivided and developed for industrial purposes then that is their prerogative.</p>	
8.2 Would like to subdivide their property into smaller rural lots if industrial land uses are not possible.	If industrial uses are not possible in any area of the MKSEA, Council will need to consider what other uses may be appropriate in such an area. One option available to Council may be to support more intensive rural-residential subdivision, however, the composition of uses within the MKSEA will be a matter that will need to be appropriately addressed through future, more detailed planning.	17
8.3 Considers that the use of the Composite Residential/Light Industry zone (formerly Composite "A" zone) would be an appropriate zoning to reduce any impact on existing rural lots.	Noted. The Concept Plan does not specifically provide for nor prevent composite land uses within the MKSEA. The exact nature of industrial uses will be a matter to be appropriately addressed through future, more detailed planning.	1, 2, 8, 19, 31
9. Miscellaneous Comments		
9.1 Is concerned with the amount of time the planning for the MKSEA is taking. Is frustrated at not being able to develop at this time.	Whilst City staff appreciate the level of public interest in, and the perceived lack of progress with, the planning of the MKSEA, it must be acknowledged that changing an area of approximately 585ha from rural-residential land uses to a functioning industrial estate is a significant planning exercise, involving a plethora of complex tasks, as the area is constrained for development by a range of factors. Further details of the tasks recently completed, recently commenced and yet to commence are included in the Discussion section of this report.	3, 6, 13, 15, 21
9.2 Aggrieved that insufficient/incorrect information was provided by the City of Gosnells, prior to the submitter purchasing land in the area.	City staff are not aware of the particulars of the information that was provided to the submitter, however, City staff can confirm that the submitter purchased their land within the MKSEA prior to February 2000. At the time of purchase, the industrialisation of the subject area was a potential future concept only and not a firm planning proposal. As such, definitive information relating to the future of the area would not have been available.	8
9.3 Considers that owners of residential land adjacent to the proposed MKSEA should be consulted.	City staff can confirm that owners of the residential-zoned land along Bickley Road, adjacent the MKSEA, were consulted as part of Council's most recent advertising exercise.	16, 54, 55, 56
9.4 Appears that the City of Gosnells is trying to establish a large regional park, with no access to the public.	City staff are unsure what the submitter is referring to.	20

Matter Raised	Staff comment	SR No.
<p>9.5 Considers that the properties within Precinct 2 are subject to significant degradation due to them not being managed in an environmentally sensitive manner. Suggest that the land should be rezoned now to allow well-managed development to occur, thereby helping to preserve the Brixton Street wetlands.</p>	<p>City staff consider that there is currently insufficient information and certainty in respect of the land within Precinct 2, to enable it to be developed for industrial purposes in an environmentally acceptable manner. Further investigation of the environmental characteristics of Precinct 2 and the development of strategies to manage environmental impacts are necessary before the progression of that precinct could be contemplated.</p> <p>City staff acknowledge that some portions of Precinct 2 have been significantly degraded due to previous and/or current land uses. However, notwithstanding the physical condition of some of the lots within the precinct, it is not considered appropriate to rezone the area at this time, ahead of the necessary planning investigations being undertaken.</p>	28
<p>9.6 Considers that the protection of environmental assets that exist in strategic locations (such as the MKSEA) leads to development being undertaken in outer lying suburbs which results in an increase in the emission of greenhouse gases. As such, considers that the Greater Brixton Street Wetlands should not limit any development potential in Precinct 2.</p> <p>Considers that some compromises must be made with respect to the protection of environmentally significant land. Otherwise, land for industrial purposes may become too fragmented and lead to an increased cost of development.</p>	<p>City staff consider it entirely inappropriate to consider not affording adequate protection to an identified environmental asset so as to allow additional development to occur in a location that may, in some limited way, lead to a reduction in greenhouse gas emissions elsewhere. Such an approach would be counter-productive as it would effectively be trading the loss of an environmentally significant area for the pursuit of a more nebulous environmental objective. With regard to the issues of buffers and what impact they may have on the development potential of Precinct 2, refer to staff response to submission 3.5.</p>	30, 32

Table 2 – Submitter Details

Submission Reference No.	Name and Postal Address	Affected Property
1.	G Satori 458 Bickley Road Kenwick WA 6107	458 (Lot 237) Bickley Road Kenwick
2.	J Liddlelow 470 Bickley Road Kenwick WA 6107	470 (Lot 404) Bickley Road Kenwick
3.	R Terrace 127 Victoria Road Kenwick WA 6107	127 (Lot 988) Victoria Road Kenwick
4.	P Colby 113 Victoria Road Kenwick WA 6107	113 (Lot 15) Victoria Road Kenwick
5.	N Kewick PO Box 8197 PBC WA 6849	532 (Lot 4) Bickley Road Kenwick
6.	I Swetman 15 Victoria Road Kenwick WA 6107	15 (Lot 4) Victoria Road Kenwick

Submission Reference No.	Name and Postal Address	Affected Property
7.	K & G Walczak 99 Victoria Road Kenwick WA 6107	99 (Lot 51) Victoria Road Kenwick
8.	G Reeves 77 Victoria Road Kenwick WA 6107	77 (Lot 18) Victoria Road Kenwick
9.	A Duross 62 Clifford Street Maddington WA 6109	62 (Lot 101) Clifford Street Maddington
10.	G Brennan PO Box 479 Gosnells WA 6990	314 (Lot 7) Kenwick Road Maddington
11.	J Colwill 55 Victoria Road Kenwick WA 6107	55 (Lot 14) Victoria Road Kenwick
12.	J Farano 69B Fremantle Road Gosnells WA 6110	592 (Lot 51) Bickley Road Maddington
13.	G Seymour PO Box 305 Welshpool WA	484 (Lot 10) Bickley Road Maddington
14.	A Teh PO Box 28 Applecross WA 6154	61 (Lot 252) Clifford Street Maddington
15.	J Teh 88 Ten Seldam Circle Winthrop WA 6150	61 (Lot 252) Clifford Street Maddington
16.	P & J Townend 358 Bickley Road Kenwick WA 6107	358 (Lot 278) Bickley Road Kenwick
17.	R Khose 149 Brentwood Road Kenwick WA 6107	149 (Lot 221) Brentwood Road Kenwick
18.	W Harman 30 Victoria Road Kenwick WA 6107	30 (Lot 16) Victoria Road Kenwick
19.	F Sharp 48 Boundary Road Kenwick WA 6107	48 (Lot 6) Boundary Road Kenwick
20.	T Isbister 78 Brentwood Road Kenwick WA 6107	78 (Lot 132) Brentwood Road Kenwick
21.	V Sinagra 19A St Michael Terrace Mount Pleasant WA 6153	32 (Lot 129) Brentwood Road Kenwick
22.	T & A Byrne 64 Brentwood Road Kenwick WA 6107	64 (Lot 4) Brentwood Road Kenwick
23.	M Savietto 94 Holmes Road Maida Vale WA 6057	177 (Lot 218) Brentwood Road Kenwick
24.	S Fong 19 Eckersley Heights Winthrop WA 6150	410 (Lot 233) Bickley Road Kenwick
25.	V Fong 19 Eckersley Heights Winthrop WA 6150	410 (Lot 233) Bickley Road Kenwick
26.	C Dumbreck 34 Victoria Road Kenwick	34 (Lot 15) Victoria Road Kenwick
27.	A Leighton 14 Hallin Court Ardross WA 6153	Lot 133 Boundary Road Kenwick

Submission Reference No.	Name and Postal Address	Affected Property
28.	R & M Bertolini 10 Chatton Street Dianella WA 6059	113 (Lot 9) Brentwood Road Kenwick
29.	E Boterhoven & D Buxton 104 Brentwood Road Kenwick 6107	104 (Lot 601) Brentwood Road Kenwick
30.	Gray and Lewis Land Use Planners On behalf of N & M Kanair Suite 5, 2 Hardy Street South Perth WA 6151	142 (Lot 138) Brentwood Road Kenwick
31.	L & G Turpin 111 Boundary Road Kenwick WA 6107	111 (Lot 21) Boundary Road Kenwick
32.	Group Submission signed by: L & G Turpin D Jones F Sharp T Isbister D & A Leighton V Sinagra c/- 111 Boundary Road Kenwick WA 6107	Various
33.	Peter Newitt 63 Coldwell Road Kenwick WA 6107	63 (Lot 12) Coldwell Road Kenwick
34.	C & J Smith 54 Edward Street Kenwick WA 6107	54 (Lot 17) Edward Street Kenwick
35.	R Harvey 11 Sandridge Street Gosnells WA 6110	57 (Lot 11) Coldwell Road Kenwick
36.	S Karu 48 Edward Street Kenwick WA 6107	48 (Lot 101) Edward Street Kenwick
37.	J Buckland 102 Grove Road Kenwick WA 6107	Lots 200, 302 & 500 Grove Road Kenwick
38.	S Caruso 49 Edward Street Kenwick WA 6107	49 (Lot 53) Edward Street Kenwick
39.	S & M Crampton 118 Grove Road Kenwick WA 6107	118 (Lot 301) Grove Road Kenwick
40.	C Carr PO Box 396 Welshpool WA 6986	58 (Lot x) Edward Street Kenwick
41.	Royal View Pty Ltd PO Box 1065 Canning Bridge WA 6153 Attention: David Skinner	31 (Lot 2008) Grove Road Kenwick
42.	Group Submission signed by: H Kremer G Palmer B West R Balchin G Taylor F Sharp K Agar c/- 101 Brook Road Kenwick WA 6107	Various
43.	L Osborne 41 Brook Road Kenwick WA 6107	41 (Lot 8) Brook Road Kenwick

Submission Reference No.	Name and Postal Address	Affected Property
44.	H Moniewski 25 Brook Road Kenwick WA 6107	25 (Lot 7) Brook Road Kenwick
45.	K & K Agar 109 Brook Road Kenwick WA 6107	109 (Lot 70) Brook Road Kenwick
46.	H Kremer 20 Ronsard Drive San Remo WA 6210	Lot 74 Brook Road Kenwick
47.	W & M Thomas 58 Coldwell Road Kenwick WA 6107	58 (Lot 68) Coldwell Road Kenwick
48.	L Watson 471 Bickley Road Kenwick WA 6107	471 (Lot 133) Bickley Road Kenwick
49.	R McNamara 449 Bickley Road Kenwick WA 6107	449 (Lot 97) Bickley Road Kenwick
50.	M & D Hayward 395 Bickley Road Kenwick WA 6107	395 (Lot 86) Bickley Road Kenwick
51.	R Williams 447 Bickley Road Kenwick WA 6107	447 (Lot 98) Bickley Road Kenwick
52.	T & T Callaghan 443 Bickley Road Kenwick WA 6107	443 (Lot 100) Bickley Road Kenwick
53.	E Carlisle 44A Gaskin Road Kenwick WA 6107	44A (Lot 62) Gaskin Road Kenwick
54.	S Harris 433 Bickley Road Kenwick WA 6107	433 (Lot 105) Bickley Road Kenwick
55.	R Littlemore 423 Bickley Road Kenwick WA 6107	423 (Lot 110) Bickley Road Kenwick
56.	L Keegan 411 Bickley Road Kenwick WA 6107	411 (Lot 78) Bickley Road Kenwick
57.	R Veersma 9 Coldwell Road Wattle Grove WA 6107	9 Coldwell Road Wattle Grove
58.	D Bartlett 39 Coldwell Road Wattle Grove WA 6107	39 Coldwell Road Wattle Grove
59.	M Woods 34 Courtney Place Wattle Grove WA 6107	34 Courtney Place Wattle Grove

In accordance with Council's Resolution 550 from its meeting of 27 November 2007, the draft modified Concept Plan was also referred to a number of government agencies for review and comment. Subsequently, the City received eight submissions from government agencies, with a summary of those submissions and staff comments thereon detailed in Table 3 below.

Table 3 – Government Agency Submissions

1.	Name and Postal Address: Department of Indigenous Affairs PO Box 7770 Cloisters Square Perth WA 6850	
	Summary of Submission	Staff Comment
1.1	<p>It is noted that in the Minutes of the Ordinary Council Meeting of 27 November 2007, under the heading Aboriginal Cultural Heritage, there is reference to a survey carried out by the Australian Cultural Heritage Management Pty Ltd for the Water Corporation. Although the Department of Indigenous Affairs (DIA) does not appear to have a copy of this report, the information reported in the Minutes is very useful referring to one new archeological site, the presence of another site and the request for declaration of the entire length of Yule Brook as a site. It would be appreciated if a copy of the report could be made available to DIA in accordance with section 15 of the <i>Aboriginal Heritage Act 1972</i> in order to update its records.</p>	<p>The Water Corporation has provided a copy of the report to the Department of Indigenous Affairs.</p>
1.2	<p>The Department advises the City of Gosnells that it should not rely solely on that survey in relation to the identification of Aboriginal sites in the Maddington Kenwick Strategic Employment Area (MKSEA). DIA has six Aboriginal heritage sites registered for the area that appear to be in addition to those referred to in the Minutes. It seems likely therefore that other Aboriginal heritage sites could be in the area. DIA recommends that an Aboriginal heritage survey of the whole area be conducted prior to any decisions by the City of Gosnells to develop the MKSEA, in order to identify all possible Aboriginal heritage sites. Ideally the proposed plan could then be modified to avoid the Aboriginal heritage sites identified, or if this is not possible, and in order to not breach the Aboriginal Heritage Act 1972, a notice should be lodged under section 18 of the Act seeking consent to use land that contains an Aboriginal site.</p>	<p>Noted. The City is in the process of engaging an Aboriginal Heritage Consultant to undertake a desktop survey of the potential cultural heritage within the MKSEA. It is acknowledged that further, more detailed studies are likely to be required as a result of the desktop study and, in this regard, it will be recommended that the draft Concept Plan be modified to reflect such a requirement. Further details of the recommended modification to the draft Concept Plan is contained in Table 4 later in this report.</p>

2.	<p>Name and Postal Address: Department for Planning and Infrastructure Strategic Biodiversity Planning 469 Wellington Street Perth WA 6000</p>	
Summary of Submission		Staff Comment
2.1	<p>With regard to Precinct 1, the concept plan proposes an MRS amendment for rezoning this area from Rural to Industrial. This amendment is currently being considered by the WAPC. The WAPC has advised that the application for rezoning is on hold pending negotiations with Strategic Biodiversity Planning.</p>	<p>Noted. City staff responded to the DPI's concerns by way of a letter dated 26 March 2008.</p>
2.2	<p>With regard to Precinct 2, it is agreed that those issues outlined under "The following matters need to be addressed" on the concept plan should be addressed. Strategic Environmental Planning advises that the area is subject to the following environmental constraints:</p> <ul style="list-style-type: none"> • Bush Forever area 387 is substantially occupied by Conservation Category wetlands and contains Declared Rare and Priority Flora, Vulnerable and Priority Fauna, Threatened Ecological Communities and the Guilford vegetation complex. An appropriate buffer from wetland dependant vegetation, in accordance with the recommendations in the Waters and Rivers Commission Position Statement: Wetlands, should be applied and shown on any development plan. • Strategic Biodiversity planning would not support the rezoning of Bush Forever area 387 from Parks and Recreation to Industrial. • The area contains two conservation category wetlands within Lots 137 and 222 Brentwood Road, Priority 3 flora within Lots 9 and 226 Brentwood Road, Priority 4 flora within Lot 227 Brentwood Road and remnants of the Guildford vegetation complex which are located outside the Bush Forever area. Consideration should be given to conserving some or all of these remnants via the planning process (eg Covenants, development offsets, zoning etc) 	<p>Noted.</p>
2.3	<p>With regard to Precinct 3A, there are no know environmental constraints that are relevant to the Strategic Biodiversity Planning.</p>	<p>Noted.</p>

Summary of Submission	Staff Comment
2.4 With regard to Precinct 3B, the concept plan does not include any development in this precinct and, therefore, no comment is required from Strategic Biodiversity Planning.	Noted.

3.	Name and Postal Address: Western Power Locked Bag 2511 Perth WA 6001	
Summary of Submission		Staff Comment
No objection to the proposal.		Noted.

4.	Name and Postal Address: Main Roads Western Australia Po Box 6202 East Perth WA 6892	
Summary of Submission		Staff Comment
No objection to the proposal. Main Roads WA has reviewed the 14 modifications made to the Concept Plan by Council at its meeting of 27 November 2007 and advises that it has no objections in principle as they do not adversely impact on the major road network or the findings of the transport study previously undertaken by Cardno BSD in May 2006.		Noted. Noted.

5.	Name and Postal Address: Swan River Trust PO Box 6740 East Perth WA 6892	
Summary of Submission		Staff Comment
No objection to the proposal. The proposed modified concept plan location is not within or abutting the Swan River Trust's Development Control Area and is unlikely to impact on the Canning River system, therefore the Trust has no comment or objections to the proposal.		Noted. Noted.

6.	Name and Postal Address: Department of Water 7 Ellam Street Victoria Park WA 6100	
Summary of Submission		Staff Comment
The Department of Water has no further comments on this plan, beyond those already provided in relation to the planning for the Maddington Kenwick Strategic Employment Area.		Noted. The comments that the Department of Water is referring to relate primarily to the need for a District Water Management Strategy (DWMS) for the entire MKSEA based on two years of surface and groundwater monitoring. The Department has also advised that if a hydrological detachment between Precinct 1 and Precincts 2/3A/3B can be demonstrated, it would be willing to accept an interim DWMS for Precinct 1 only, to support the proposed amendment to the MRS. In this regard, City staff have engaged consultant GHD to prepare an interim DWMS to satisfy the Department of Water's requirements.

7.	Name and Postal Address: Public Transport Authority PO Box 8125 Perth Business Centre WA 6849	
Summary of Submission		Staff Comment
7.1	Precincts 3A/3B are considered to be a good site for an intermodal freight terminal with warehousing and logistics facilities. Precinct 3A has good access to the Forrestfield-Fremantle freight line.	It is acknowledged that Precinct 3A is located in close proximity to the Forrestfield-Fremantle freight line and as such, may be considered an appropriate area to establish an intermodal freight terminal with associated facilities. Nevertheless, City staff consider that significant further investigation is required to determine if such a use should ultimately be developed in that precinct.
7.2	There are no immediate or firm plans for a freight rail spur line into Precinct 3A or 3B. Any such spur line would only be justified if a private sector party was prepared to invest in establishing an intermodal terminal and related facilities in the precincts.	
7.3	At present, the PTA is working with the DPI and Fremantle Ports to assess a number of potential sites for a short haul (mainly container) freight terminal within the metropolitan area. The terminal would be primarily used for intra urban movement of freight by rail from the sea freight terminals at Fremantle Ports. Three sites have been selected for evaluation – Kewdale, Perth Airport and Forrestfield. The option of Precincts 3A and 3B will be discussed by the working group as part of the study.	

Summary of Submission	Staff Comment
<p>7.4 Given the growth of container freight forecast through Fremantle Ports' terminals, and the significant policy and community support for transfer of freight to rail, it would be prudent strategic planning to preserve these precincts for a future intermodal terminal and related facilities.</p>	<p>With regard to the 'preservation' of land within Precincts 3A and 3B for the purposes of a future intermodal terminal, it should be noted that Precinct 3A is subject to future planning processes (that is, an MRS Amendment, TPS 6 Amendment and an ODP) and Precinct 3B is, pursuant to the draft Concept Plan, to remain as is (that is, semi rural living purposes) until or unless further investigations warrant a review of this position. As such, no significant development will occur within these areas until and unless all issues (including drainage, vegetation, wetlands, zoning etc) have been appropriately addressed.</p>

<p>8.</p>	<p>Name and Postal Address: Water Corporation PO Box 100 Leederville WA 6902</p>
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Summary of Submission	Staff Comment
<p>8.1 The Water Corporation is currently conducting a scheme review of the Yule Brook Main Drain system. As a result of the environmental concerns raised by the DEC regarding flow interactions with the adjacent Brixton Street wetlands and indigenous heritage issues, the Water Corporation will seek to maintain the existing floodplain of the Yule Brook and will not undertake infrastructure upgrades to the system through this area. The Scheme review is expected to be completed by the end of June 2008.</p>	<p>Further correspondence has since been received from the Water Corporation, which is addressed under the heading of 'Yule Brook Main Drain Scheme' within the Discussion section later in this report.</p>
<p>8.2 The subject land is located with the Water Corporation's Foothills Gravity Water Supply Scheme. Water services could be extended to the land, however, some major works and systems upgrading/augmentation will need to be undertaken at the developers' expense to cater for the increased demand.</p>	<p>Noted.</p>
<p>8.3 The Water Corporation's water scheme planning for the area indicates the general network of future water reticulation and distribution mains through the area, which will need to be installed and accommodated within road reserves as part of the future subdivision in the MKSEA.</p>	<p>Noted.</p>
<p>8.4 The MKSEA land is located within the Water Corporation's Wattle Grove Sewer District. The Water Corporation has not yet undertaken wastewater scheme planning for the servicing of the land. Sewerage services could be extended to the land following the completion of planning for the area. However, some major works and systems upgrading/augmentation will need to be undertaken at the developers' expense.</p>	<p>Noted.</p>

Consultation Groups

As detailed in the agenda item presented to the 27 November 2007 Ordinary Council Meeting, a petition received in response to advertising of the original (February 2007) Concept Plan suggested a working committee be formed with Council and City planners to “endeavor to satisfy the needs of the whole community”. In response, City staff called for nominations from interested landowners and, in turn, established consultation groups for each of the four MKSEA precincts. At the time of writing this report, City staff had met with each of the consultation groups four times, to discuss precinct-based issues relating to the draft Concept Plan. It is expected that staff will continue to meet with the consultation groups every six to eight weeks, or as otherwise deemed appropriate, as planning for the area progresses.

DISCUSSION

Yule Brook Main Drain Scheme

Further to the Water Corporation’s submission on the MKSEA Concept Plan (as referred to in Table 3 – Government Agency Submissions, earlier in this report), subsequent correspondence was received from the Corporation with regard to its review of the Yule Brook Main Drain Scheme.

In its correspondence, the Water Corporation detailed three possible options for the proposed upgrading of the Yule Brook Main Drain, required to reduce the risk and incidence of flooding along Yule Brook between Lesmurdie and the Canning River in Beckenham. The options are as follows:

- Harris Street Channel Upgrade

This option involves upgrading the existing channel between the Binley Brook Branch Drain and Wimbledon Street, Beckenham, to accommodate the very large flows from the upstream catchment which are expected to reach 24m³/s during a 10 year annual recurrence interval storm event. The Water Corporation has already acquired land in the area between the branch drain and Wimbledon Street to construct the new channel and is liaising with various landowners with a view to integrating the Corporation’s requirements into the proposed Yule Brook Precinct 2 Outline Development Plan.

- Yule Brook Upgrade Option 1

This option involves the removal of the existing Brookland Street culvert, the installation of an additional 1500mm diameter pipe under the Perth – Armadale railway, raising the road level at the intersection of Sydenham Street and Railway Parade and, most importantly for the MKSEA, the retention of the existing floodplain associated with Yule Brook, between Roe Highway and Welshpool Road. The extend of the floodplain in the MKSEA is illustrated at Appendix 13.5.1D

This option is the Water Corporation’s preferred option for financial, social and environmental reasons.

- Yule Brook Upgrade Option 2

This option involves the provision of a large compensating basin (approximately 300,000m³) being located downstream (south) of Welshpool Road. This option is not favoured by the Water Corporation due to the high financial cost associated with the amount of land required to accommodate such a basin.

The Water Corporation further advised that for the preferred “Yule Brook Upgrade Option 1” to be implemented, it will be essential for the City to ensure that particular floodplain widths are incorporated into the planning for the MKSEA. It also advised that failure to do so would result in increased flooding of urban properties.

In order to advance the drainage planning for the subject area, the Water Corporation is seeking the City’s endorsement of Yule Brook Upgrade Option 1, so as to enable the upgrade projects to be placed on the Corporation’s Capital Works Program.

With regard to the above, it should be noted that Version 2 of the draft Concept Plan (November 2007) is generally consistent with the Corporation’s Yule Brook Upgrade Option 1 as it identifies Yule Brook and its associated floodplain as being contained within the Yule Brook Precinct (Precinct 3B) which is subject to the following notation:

“The main feature of the Yule Brook Precinct is the brook which runs between Welshpool Road and Roe Highway. Yule Brook and its surrounds have environmental, drainage and Aboriginal cultural heritage significance and it is therefore not considered appropriate at this time to provide for any form of industrial development in the precinct. As such, the status quo should remain (ie the area being used for semi-rural living purposes) until or unless further investigations warrant a review of this position.”

Based on the above, it will be recommended that Council endorse the Water Corporation’s “Option 1” as the preferred option so as to enable the upgrade projects to be placed on the Corporation’s Capital Works Program. Furthermore, it will be recommended that the Concept Plan be modified to more accurately reflect the Water Corporation’s Yule Brook floodplain width requirements (as shown in Appendix 13.5.1D). It will also be recommended that the Water Corporation undertake consultation with affected landowners to convey details of the upgrade plan. Further details of the recommended modification to the draft Concept Plan are contained in Table 4 below.

The existing Yule Brook floodplain is detailed in the plan contained in Appendix 13.5.1E.

Recommended Modifications to the Concept Plan

A comprehensive review of the draft Concept Plan has been undertaken, in light of the submissions received during the advertising period. In response, City staff will recommend that a series of modifications be made to the plan. In this regard, a draft modified Concept Plan incorporating these recommended modifications is attached as Appendix 13.5.1D.

The following table details the recommended modifications and provides explanations as to why changes are considered necessary.

Table 4 – Schedule of Recommended Modifications to the Concept Plan

Rev No.	Recommended Modification	Reason
1	Remove the "Transition Precinct" designation from the land abutting Bickley Road, between Brentwood Road and Victoria Road.	As the area is located within Precinct 2, it is subject to further investigations, and therefore it is not considered appropriate to give any further designation relating to potential land uses, until such time as those investigations have been completed.
2	Extend "Subject to Further Investigations" designation so as to include 111 (Lot 21) Boundary Road and the zoned portion of 123 (Lot 23) Boundary Road.	The two subject lots are located within Precinct 2, with that precinct designated as subject to further investigation. It is considered appropriate that these lots also be subject to the abovementioned designation.
3	Modify the boundary between Precincts 2 and 3B so that 70 (Lot 18) is excluded from Precinct 2 and included in Precinct 3B.	Whilst Brook Road was originally considered a logical boundary between Precincts 2 and 3B, Lot 18 is effectively isolated from all other zoned land within Precinct 2 by the existing Greater Brixton Street Wetlands. Furthermore, given that the lot is located approximately 50m from Yule Brook, it is considered appropriate that it be subject to the notation that applies to Precinct 3B, relating to environmental, drainage and Aboriginal heritage significance of Yule Brook, and stipulating that the status quo (ie rural land use) should remain.
4	Reflect the modified alignment of the municipal boundary between the City of Gosnells and the Shire of Kalamunda, to include all of Lot 109 Victoria Road within the City of Gosnells. Additionally, it is recommended that the "Subject to Further Investigations" designation be extended to include all of Lot 109.	The Minister for Local Government recently accepted a recommendation of the Local Government Advisory Board to amend the district boundary of the City of Gosnells and the Shire of Kalamunda. The amendment involves including Lot 109, in its entirety, within the City of Gosnells.
5	Modify Precinct 3A to apply a "Transition Precinct" designation to the land adjacent Precinct 3B and within the Shire of Kalamunda.	Given that Precinct 3A of the MKSEA is directly adjacent to Precinct 3B and the Shire of Kalamunda, in the interest of orderly and proper planning it is considered necessary to ensure that any interface and/or land compatibility issues are appropriately addressed as part of future planning processes. This will require a collaborative approach between the Shire of Kalamunda and the City of Gosnells.
6	Modify the existing Precinct 3A notation to read as follows: <i>"Proposed industrial development subject to drainage issues being addressed, including determination of the amount and location of land required for drainage purposes. Furthermore, the planning for this precinct must appropriately address any interface and/or land compatibility issues relating to adjoining or nearby land within both the City of Gosnells and the Shire of Kalamunda"</i>	See Reason 5 above.

Rev No.	Recommended Modification	Reason
7	Modify the boundary between Precincts 3A and 3B and the indicative road network within Precinct 3A.	As detailed above, the Water Corporation has advised that it will seek to maintain the existing floodplain of the Yule Brook, incorporating minimum floodplain widths. As such, it is considered necessary that the Concept Plan reflect those minimum widths. As the boundary between Precincts 3A and 3B will be modified, it will necessitate a subsequent modification to the indicative road network that applies to Precinct 3A.
8	Modify the existing Precinct 3B notation so as to insert the following text: <i>“Furthermore, given the drainage significance of Yule Brook, it is recommended a Local Planning Policy be prepared to guide all future development within the Brook’s floodplain.”</i>	As detailed above, the Water Corporation has advised that it will seek to maintain the existing floodplain of the Yule Brook, which is located within Precinct 3B. As such, City staff consider it appropriate to prepare a Local Planning Policy to guide the type and location of any development proposed within the floodplain area, to ensure that the Water Corporation is able to appropriately deal with stormwater and that any development is not compromised by its location relative to the floodplain.
9	Add the following notation to the Concept Plan: <i>“Given the potential existence of Aboriginal cultural heritage within the MKSEA, Site Identification Surveys will be required to be undertaken on a precinct basis, prior to Council considering any proposed Outline Development Plan for such a precinct”.</i>	As detailed in the staff response to the Department of Indigenous Affairs’ comments earlier in this report, it is likely that further, more detailed studies will be required subsequent to the proposed desktop study. Therefore, It is considered appropriate to apply a notation to the Concept Plan advising of the need for such studies to be undertaken as a prerequisite to future, more detailed planning.

Path Forwards

The report presented to Council’s 13 March 2007 meeting outlined the intended path forwards for progressing planning for the MKSEA. The details provided in that report are still relevant. As has been mentioned throughout this report, there are several planning matters that have recently been completed, are currently being progressed, or yet to be commenced, as follows:

Work completed

- The City engaged an environmental consultant (Strategen) to scope the work involved in the formulation of a District Water Management Strategy for the MKSEA. A strategy is necessary to ensure any negative impacts of development on waterways, groundwater and wetlands can be mitigated. A draft framework of the Strategy has been completed and has been referred to the Department of Water for review.

Work currently being progressed

- The City has engaged a consultant Botanist (Arthur Weston) to undertake a survey to define the extent of the existing wetlands and the significance and condition of vegetation within the MKSEA. This botanical survey will inform the future planning of the MKSEA and is close to completion.

- The City engaged an environmental consultant (Aquaterra) to produce a surface and ground water monitoring program, which will capture data on the nature of hydrological conditions in the MKSEA to inform the requisite District Water Management Strategy. The program has been completed and has been referred to the Department of Water for review.
- The City engaged a multi-disciplinary consultant (Cardno BSD) to produce Model Guidelines for New Industrial Developments. The guidelines are to have a general focus on promoting more sustainable forms of industrial development. Part of the consultant's brief is to prepare a Discussion Paper on the recommended application of the Guidelines to the MKSEA project. The work is being funded through a grant obtained by the Swan Catchment Council from the Federal Government and is due for completion by September 2008.
- The City has engaged an engineering consultant (GHD) to prepare an interim District Water Management Strategy for Precinct 1 of the MKSEA. The purpose of this interim strategy is to provide additional support to the proposed MRS amendment, which seeks to rezone the Precinct 1 area from Rural to Industrial, ahead of the overall District Water Management Strategy required for the whole MKSEA.

Work yet to be commenced

- Aboriginal cultural heritage survey – City staff have drafted a brief for the completion of an Aboriginal cultural heritage survey of Yule Brook and its surrounds, independent of the study previously undertaken on behalf of the Water Corporation. The intent of the survey will be to further examine the possible implications of any identified Aboriginal heritage sites and the cultural significance of Yule Brook.
- The City will need to engage a hydrological consultant to implement the abovementioned surface and ground water monitoring program. Given the anticipated cost of the work (approximately \$150,000), it will be necessary to request tenders from suitably qualified consultants.
- Traffic Impact Assessment – The Concept Plan (when finalised) needs to be tested in respect to the appropriateness of the proposed road network and its potential impact on local roads and its ability to connect to the regional road network.
- Framework for Infrastructure provision – A framework needs to be developed outlining the servicing needs of MKSEA and the manner in which development infrastructure will be provided and land for public purposes acquired. This may, in part, ultimately require the establishment of development contribution arrangements for equitably sharing the cost of infrastructure provision and land acquisition.

CONCLUSION

Submissions from landowners on the Concept Plan indicate a range of different views on, attitudes to and concerns with, future land use change and development of the MKSEA. These submissions have been vital in refining the plan and informing future planning of the area. It will be recommended that Council note the submissions received during the advertising period and endorsed the recommended staff response to those submissions.

A review of the draft Concept Plan in light of the submissions received, from both landowners and government agencies, has resulted in recommended modifications being made to the said plan. In this regard, it will be recommended that the draft modified Concept Plan (attached as Appendix 13.5.1E) be adopted by Council as the basis for future investigation and planning of the Maddington Kenwick Strategic Employment Area.

FINANCIAL IMPLICATIONS

Funding has been set aside in the operational budget of the City Growth branch to undertake the various tasks associated with the continued planning for the MKSEA. Additional planning will likely require additional resources, which will be the subject of future budget processes.

STAFF RECOMMENDATION (1 of 4) AND COUNCIL RESOLUTION
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331 Moved Cr D Griffiths Seconded Cr J Brown

That Council note the submissions received during the advertising period of the Maddington Kenwick Strategic Employment Area Concept Plan and endorse the responses to those submissions prepared by Council staff.

CARRIED 9/0

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

AGAINST: Nil.

STAFF RECOMMENDATION (2 of 4) AND COUNCIL RESOLUTION
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332 Moved Cr D Griffiths Seconded Cr J Brown

That Council endorse the Water Corporation's "Yule Brook Upgrade Option 1" as the preferred option for the conveyance of stormwater through the Maddington Kenwick Strategic Employment Area, including the retention of the Brook's floodplain, as illustrated in Appendix 13.5.1D, in response to the Corporation's Yule Brook Main Drain Scheme Review and further, that Council request the Corporation to undertake consultation with all affected landowners of its upgrade plans.

CARRIED 9/0

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

AGAINST: Nil.

STAFF RECOMMENDATION (3 of 4) AND COUNCIL RESOLUTION
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333 Moved Cr D Griffiths Seconded Cr J Brown

That Council adopt the draft modified Concept Plan attached as Appendix 13.5.1E, as the basis for future investigation and planning of the Maddington Kenwick Strategic Employment Area.

CARRIED 9/0

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

AGAINST: Nil.

STAFF RECOMMENDATION (4 of 4) AND COUNCIL RESOLUTION
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334 Moved Cr D Griffiths Seconded Cr J Brown

That Council advise the following stakeholders of its decision in respect of the draft modified Concept Plan for the Maddington Kenwick Strategic Employment Area:

- (i) Landowners within the Maddington Kenwick Strategic Employment Area.
- (ii) Landowners adjacent to Bickley Road and abutting the Maddington Kenwick Strategic Employment Area.
- (iii) Landowners within the Shire of Kalamunda south of Welshpool Road between Roe Highway and Tonkin Highway.

CARRIED 9/0

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

AGAINST: Nil.

13.5.2 PROPOSED OUTLINE DEVELOPMENT PLAN – CENTRAL MADDINGTON SUB-PRECINCT E

Author:	R Hall
Reference:	Various
Application No:	PF07/00036
Applicant:	Dykstra Planning
Owner:	Various
Location:	Various lots along Albany Highway, generally between Apley Street and Gosnells Road West, Maddington
Zoning: MRS:	Urban
TPS No. 6:	Residential R30
Review Rights:	Yes. State Administrative Tribunal or the Western Australian Planning Commission against any discretionary decision of Council.
Area:	Approximately 4.1 hectares
Previous Ref:	OCM 23 October 2007 (Resolution 495) OCM 10 April 2007 (Resolutions 135-136) OCM 8 August 2006 (Resolutions 364-366)
Appendices:	13.5.2A Proposed Central Maddington Sub-precinct E Outline Development Plan (as advertised) 13.5.2B Proposed Central Maddington Sub-precinct E Outline Development Plan (as modified)

PURPOSE OF REPORT

For Council to consider adopting the draft Outline Development Plan (ODP) for Central Maddington Sub-Precinct E, pursuant to Clause 7.4.7 of Town Planning Scheme No. 6 (TPS 6).

BACKGROUND

Council at its meeting of 23 October 2007 considered a draft ODP for the Central Maddington Sub-Precinct E area (as contained in Appendix 13.5.2A) and resolved (Resolution 495) that the draft ODP was satisfactory for advertising.

Public Consultation

In accordance with Council's resolution, the ODP was advertised for a period of 21 days by way of letters to all landowners within 100m of the subject area and relevant government agencies, in addition to an advertisement in a local newspaper.

The City received 21 submissions during the advertising period, of which 11 raised no objection, 5 provided comment on the proposal and 5 raised an objection. A summary of submissions received and staff comments thereon are provided in the following Schedule of Submissions.

Schedule of Submissions

1	Name and Postal Address: Xuan Ta & Chi Pham 361A Daily Street Cloverdale WA 6105	Affected Property: 14 (Lot 507) Pickford Avenue Maddington
Summary of Submission		Staff Comment
No objection to the proposal.		Noted.
2	Name and Postal Address: Renlong Han 662 Stirling Highway Mosman Park WA 6012	Affected Property: 2086 (Lot 20) Albany Highway 2088 (Lot 19) Albany Highway 4 (Lot 112) Gosnells Road West Maddington
Summary of Submission		Staff Comment
No objection to the proposal		Noted.
3	Name and Postal Address: Name and address withheld by request	Affected Property: 2076 (Lot 5) Albany Highway 2080 (Lot 21) Albany Highway Maddington
Summary of Submission		Staff Comment
No objection to the proposal. Very pleased to see this ODP progress through Council. The City will benefit from new development and the removal of dilapidated housing stock.		Noted.
4	Name and Postal Address: R Dodds 3 Apley Street Maddington WA 6109	Affected Property: 3 (Lot 15) Apley Street Maddington
Summary of Submission		Staff Comment
No objection to the proposal.		Noted.
5	Name and Postal Address: N Read 9/12 Auric Place Maddington WA 6109	Affected Property: Unit 31, 6 (Lot 174) Auric Place Maddington
Summary of Submission		Staff Comment
No objection to the proposal.		Noted.

6	Name and Postal Address: Phil Hopwood PO Box 1332 Canning Vale WA 6155	Affected Property: 2064 (Lot 13) Albany Highway Maddington
Summary of Submission		Staff Comment
<p>Comment on the proposal.</p> <p>6.1 ODP should only apply to Area 1 where actual plan and costs are known and owners have agreed to joint fund.</p> <p>6.2 Area 2 development is prevented unless approval can be gained to put easements through other people's property. Why is there no storm water drain provided along Albany Highway?</p>		<p>Noted.</p> <p>Council's Policy 6.4.2.1 – Planning Implementation Framework for Local Housing Strategy and Large Lot Outline Development Plan (ODP) Areas, section 1.9 addresses this matter. The Policy states that Council will not consider adopting an ODP for any area geographically smaller than the LHS sub-precinct to which it relates, unless Council is satisfied that a smaller ODP area reflects a self contained development cell and that progression of the ODP will not prejudice orderly and proper planning within the sub-precinct.</p> <p>Staff consider there are common issues applicable to Areas 1,2 and 3 (ie drainage requirements) and accordingly, it is appropriate that the ODP establishes principles and provides guidance to the subsequent Detailed Area Plan stage, to ensure orderly planning within the sub-precinct is not compromised.</p> <p>Advertising of the ODP revealed that modifications were needed to the plan to facilitate appropriate drainage of the ODP area. As a result, an additional drainage option is proposed to be included for Area 2, which would allow for new drainage infrastructure to be provided in Albany Highway, if the alternate options cannot be achieved. This additional drainage option for Area 2 is reflected in the proposed modified ODP attached as Appendix 13.5.2B.</p> <p>The onus rests with the landowners within each Area to coordinate and fund any requisite drainage solutions to enable redevelopment within each Area.</p>

7	Name and Postal Address: J Wydell 1 Virginia Avenue Maddington WA 6109	Affected Property: 7 (Lot 26) Pitchford Avenue Maddington
Summary of Submission		Staff Comment
<p>Comment on the proposal.</p> <p>7.1 I am concerned about the additional vehicular traffic that will travel into, along and out of Virginia Avenue. Likewise, I am extremely concerned about the additional vehicular traffic which would travel on Pitchford Avenue from Albany Highway.</p> <p>7.2 Could the City of Gosnells in conjunction with the other relevant authorities and WA government departments, have traffic lights installed at the junction of Pitchford Avenue and Albany Highway. Also, please building a small traffic roundabout at the T-junction of Pitchford Avenue and Virginia Avenue.</p>		<p>Noted.</p> <p>The connection of Virginia Avenue through Pt Lot 19 will provide a linkage which will achieve an improved interconnectivity within the street network in this locality.</p> <p>The intersection treatments along Pitchford Avenue are considered appropriate to safely accommodate the traffic likely to be generated by future development within the ODP area. Traffic signals will be installed at the intersection of Albany Highway and Gosnells Road West.</p>

Summary of Submission	Staff Comment
<p>7.3 The excessive speed at which ever-increasing numbers of vehicles rush down Pitchford Avenue today is frightening. I truly fear someone will be killed. It is only a matter of time until we see a fatality here. Could Gosnells Council please arrange for road signs at each end of Pitchford Avenue limiting traffic speed to a maximum of 20km/h.</p>	<p>Pitchford Avenue is designated as a Local Distributor Road according to the Main Roads Functional Road Hierarchy and is considered to be of a dimension and design standard to safely accommodate the traffic likely to be generated by future development within the ODP area.</p> <p>The speed limit for all built up urban areas, including along Pitchford Avenue, is 50km/h which is set by the WA State Government. Motorists who disobey speed limits are in breach of laws administered by the WA Police.</p>

8	<p>Name and Postal Address: David Bonner 10 Fourth Avenue Kensington WA 6151</p>	<p>Affected Property: 20 (Lot 69) Virginia Avenue Maddington</p>
Summary of Submission	Staff Comment	
<p>Comment on the proposal.</p> <p>8.1 I have no objection to the land being rezoned and houses being built on the designated area.</p> <p>8.2 I object to the road reserve being developed so that Virginia Avenue becomes connected. The attraction of buying in the street was due to it being a no through road.</p>	<p>Noted.</p> <p>Noted. The land is already zoned Residential R30. The proposed ODP will facilitate development to that maximum density.</p> <p>See staff response to submission 7.1.</p>	

9	<p>Name and Postal Address: Edwa Vickers 2074 Albany Highway Maddington WA 6109</p>	<p>Affected Property: 2074 (Lot 16) Albany Highway Maddington</p>
Summary of Submission	Staff Comment	
<p>Comment on the proposal.</p> <p>I wish to object to the proposed easement on my property for the purpose of drainage outflow to Pitchford Avenue or alternatively through adjacent lots fronting Virginia Avenue as it would affect the value of my property.</p>	<p>Noted.</p> <p>See staff response to submission 6.2.</p>	

10	<p>Name and Postal Address: Libero Parisotto 36 Canter Court Orange Grove WA 6109</p>	<p>Affected Property: 2058 (Lot 11) Albany Highway Maddington</p>
Summary of Submission	Staff Comment	
<p>Object to proposal.</p> <p>10.1 The Central Maddington development has already been divided into five precincts. The proposed ODP for Sub-precinct E further divides the area into three sections. This is not acceptable. The drainage requirements should be submitted for the whole Sub-precinct E, not for Area 1 only.</p>	<p>Noted.</p> <p>The identification of Areas 1, 2 and 3 is appropriate to enable further detailed planning once common issues have been resolved. This will not compromise the future development of each respective area.</p>	

Summary of Submission	Staff Comment
<p>10.2 The need to have consolidated access points to Albany Highway is unfair. It prevents individual owners from developing their own blocks. Each owner should be able to develop their own block based on their current access rights.</p> <p>10.3 If the City wanted a more sensible consolidated access strategy to Albany Highway, it should have made all the blocks between Albany Highway and Virginia Avenue part of Precinct E.</p>	<p>Access to Albany Highway is controlled by Main Roads WA. It is the practice of Main Roads to require crossover points to be minimised and consolidated in new development areas. The ODP provides an appropriate response to this issue by providing the opportunity for crossover locations to be provided through a Detailed Area Plan.</p> <p>The Local Housing Strategy does not promote the rezoning (to a higher residential density) of land along Pitchford Avenue, as it does for Sub-Precinct E. The area to which the ODP applies is the same as that which was rezoned in accordance with Council's Local Housing Strategy.</p> <p>The ODP and subsequent DAP will provide the opportunity to resolve access issues appropriately.</p>

11	<p>Name and Postal Address: S Bettineschi 6 Lydden Street Maddington WA 6109</p>	<p>Affected Property: 6 (Lot 116) Lydden Street Maddington</p>
Summary of Submission	Staff Comment	
<p>Object to proposal.</p> <p>The City of Gosnells is prepared to increase its rates revenue by approving these sorts of developments in areas where the infrastructure is inadequate. It then wants the existing residents to pay for the upgrade of the infrastructure. I was under the impression that the rates I pay go towards keeping all these things in good working order and adequate to cope with any increase in properties and residents.</p>	<p>Noted.</p> <p>The matter of rates is not related to this proposal.</p> <p>The submitter is located outside of the proposed ODP area and is not subject to any costs. Any new or upgraded infrastructure required to cater for new, higher density development will need to be paid for by the developer(s) of that area. This is commonplace across the state.</p>	

12	<p>Name and Postal Address: S Bryan 29 Banach Street Maddington WA 6109</p>	<p>Affected Property: 29 (Lot 104) Banach Street Maddington</p>
Summary of Submission	Staff Comment	
<p>Object to proposal.</p> <p>The undeveloped area should be left for the enjoyment of residents as a recreation area.</p>	<p>Noted.</p> <p>The land covered by the ODP is privately owned, zoned Residential and is suitable for residential development. There is an existing Local Open Space reserve known as Holling Street Reserve directly opposite the submitter's property that will remain and is not affected by the proposed ODP.</p>	

13	<p>Name and Postal Address: H Bartholomew 2072 Albany Highway Maddington WA 6109</p>	<p>Affected Property: 2072 (Lot 15) Albany Highway Maddington</p>
Summary of Submission		Staff Comment
<p>Object to proposal.</p>		<p>Noted.</p>
13.1	<p>Its main aim seems to facilitate the destruction of my neighbourhood, replacing it with overcrowded housing. I have objected to higher density zoning of this area all along, and I will continue to object.</p>	<p>Approval of the proposed ODP will facilitate redevelopment of the existing properties. Staff consider that this will occur in a positive manner to complement and enhance the character of the area.</p> <p>The land has a density code of R30 (Average lot size of 300m²). R30 is the lowest medium density code and does not permit multiple dwellings. It is considered the subsequent development as a result of this proposal will yield predominantly single storey housing.</p>
13.2	<p>Higher density development will be detrimental to me personally and has no benefits to me in any way, so any assertion that I stand to gain from this plan is not sufficient to refute my objections.</p>	<p>Noted.</p>
13.3	<p>Consider that the opening of Virginia Avenue as a through road for vehicles is unfair to existing residents of Virginia Avenue and Lydden Street.</p>	<p>See staff response to submission 7.1.</p>
13.4	<p>We understand that traffic signals are planned at the intersection of Gosnells Road and Albany Highway. If Virginia Avenue is made a through road, it seems likely to be used as a "rat run" by drivers traveling south on Albany Highway and wishing to bypass the signals to get onto Gosnells Road.</p>	<p>See staff response to submission 7.1.</p>
13.5	<p>If any future residents of Area 1 must have vehicle access to Virginia Avenue, this could surely be achieved without opening the street as a through road. Pedestrian and cycle access through Virginia Avenue should, however, be retained.</p>	<p>See staff response to submission 7.1.</p>
13.6	<p>The plan does not show clearly how all the properties in Area 1 would be connected to the upgraded drainage in Virginia Avenue. It is not clear whether the existing residents of Virginia Avenue will be forced to have pipes running through their properties.</p>	<p>See staff response to submission 6.2.</p>
13.7	<p>Although it appears that no immediate changes to drainage are planned for Area 2, it is not clear whether residents in that area are required to contribute financially to changes to drainage in the area. I would like assurance in writing that we will not have to pay anything unless we choose to redevelop our property. I am concerned that imposing high costs on residents who do not wish to redevelop may potentially be used to force us out of the area.</p>	<p>The notations on the ODP state that drainage is to be upgraded through a landowner coordinated approach. It is not intended that the City will administer a developer contribution arrangement. Drainage infrastructure upgrades will be required prior to clearance of subdivision conditions or construction of dwellings to the higher density.</p>

Summary of Submission	Staff Comment
<p>13.8 A shaded area on the map sent to us was marked as 'controlled access', but the plan contains no explanation of what this means. From our meeting with Council staff we understand that it's something to do with numbers of driveways onto Albany Highway, but no formal details of any such restrictions are as yet available.</p>	<p>The purpose of the area marked 'controlled access' is to identify that access is controlled by Main Roads WA and that the detailed planning will determine the location of future crossovers. This is covered by notation 3 on the ODP. In the event landowners do not wish to redevelop, current access arrangement will remain unchanged.</p>
<p>13.9 Overall the plan and supporting documentation seems incomplete. More information should be provided and residents should be further given the opportunity to comment before any final plan is approved.</p>	<p>The ODP was considered satisfactory for advertising on the basis of the information previously submitted. Further information and details will need to be provided by developing landowners through Detailed Area Plans and subdivision or development applications.</p>

<p>14</p>	<p>Name and Postal Address: Trevor Vickers 4 Warrick Court Kelmscott WA 6111</p>	<p>Affected Property: 19 (Lot 17) Virginia Avenue Maddington</p>
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Summary of Submission	Staff Comment
<p>Object to proposal.</p>	<p>Noted.</p>
<p>14.1 I wish to strongly object to the opening of Virginia Avenue as per of this development proposal. Opening of Virginia Avenue will increase the traffic throughput and have a detrimental impact on the amenity of the existing section of Pitchford Avenue. Further, the increase in traffic from both the proposed development and traffic from the eastern end of Virginia Avenue towards Pitchford Avenue will have a serious impact on the already hazardous intersection of Pitchford Avenue and Albany Highway. Clearly, it would be more sensible and safe to direct all traffic from the proposed development towards Gosnells Road and provide traffic control signals at Albany Highway and Gosnells Road. This intersection already carries traffic from Tonkin Highway and is a major connecting road. Direct access from the proposed development to Albany Highway can also be made.</p>	<p>See staff response to submissions 7.1 and 7.2.</p>
<p>14.2 The section of Virginia Avenue off Pitchford Avenue has never had through traffic since the road was made over 50 years ago.</p>	<p>See staff response to submission 7.1.</p>
<p>14.3 Through connection of Virginia Avenue has the potential to lower existing property values and create a potential raceway, which will have a serious impact on the safety of the existing, quiet streetscape.</p>	<p>There is no evidence to support the claim that property values will be negatively affected by this proposal. See staff response to submission 7.1.</p>
<p>14.4 There is no valid reason for the through connection to traffic of Virginia Avenue.</p>	<p>See staff response to submission 7.1.</p>

Summary of Submission	Staff Comment
14.5 An alternative drainage system for the proposed development and properties along Albany Highway should be considered, given that most of the properties for the proposed development front Albany Highway. This may prove more costly to the current developer but will not impact property owners along Virginia Avenue.	See staff response to submission 6.2.
14.6 All of the properties along Albany Highway have been rezoned to R30 and as such the City of Gosnells should ensure that this initial development forms part of the plan for all of the rezoned land. The current proposal does not include any valid drainage plan for Area 2.	See staff response to submissions 6.2 and 13.9.
14.7 If the proposed drainage along Virginia Avenue should proceed, the developer must be accountable for maintaining and reinstating the existing drainage connections from properties along Virginia Avenue to the existing stormwater drainage system. Experience from recent installation of deep sewerage along Virginia Avenue has shown that contractors need to be held accountable and that the City of Gosnells needs to be extremely diligent in inspection of the works undertaken.	The City will ensure any drainage works are completed to an acceptable standard.
14.8 Any work undertaken along Virginia Avenue should include filling the open drain at 19/21 Virginia Avenue. This work needs to be completed by Council regardless of the proposed development.	Noted. Drainage upgrades will need to be carried out by developing landowners.
14.9 I would also like to strongly object to any proposed drainage easements to my property in Virginia Avenue due to both the impact on property value and also the restrictions on land usage and the potential future buildings envelopes	See staff response to submission 6.2.

15	<p>Name and Postal Address: Main Roads Western Australia PO Box 6202 East Perth WA 6892</p>
Summary of Submission	Staff Comment
No objection to the proposal.	Noted.
15.1 The proposed ODP is acceptable to Main Roads and the proposal to control and consolidate access onto Albany Highway is supported.	Noted.
15.2 Please note that development applications will still be required to be referred to Main Roads WA for comment.	Noted.

16	Name and Postal Address: Water Corporation PO Box 100 Leederville WA 6902	
Summary of Submission		Staff Comment
No objection to the proposal.		Noted.
16.1	Reticulated water is currently available to the subject area by extension if required. All water mains must be laid within the existing and proposed road reserves within the development site, on the correct alignment in accordance with the Utility Providers Code of Practice.	Noted.
16.2	Reticulated sewerage is currently available to the subject area by extension if required. All sewer mains must be laid within the existing and proposed road reserves within the development site, on the correct alignment in accordance with the Utility Providers Code of Practice.	Noted.
16.3	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 works.	Noted.
16.4	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.

17	Name and Postal Address: Alinta Gas PO Box 8491 Perth BC 6849	
Summary of Submission		Staff Comment
No objection to the proposal.		Noted.
There are existing gas mains in the area. Any work carried out on Alinta's existing network to accommodate the development will be at the proponent's expense.		Noted.

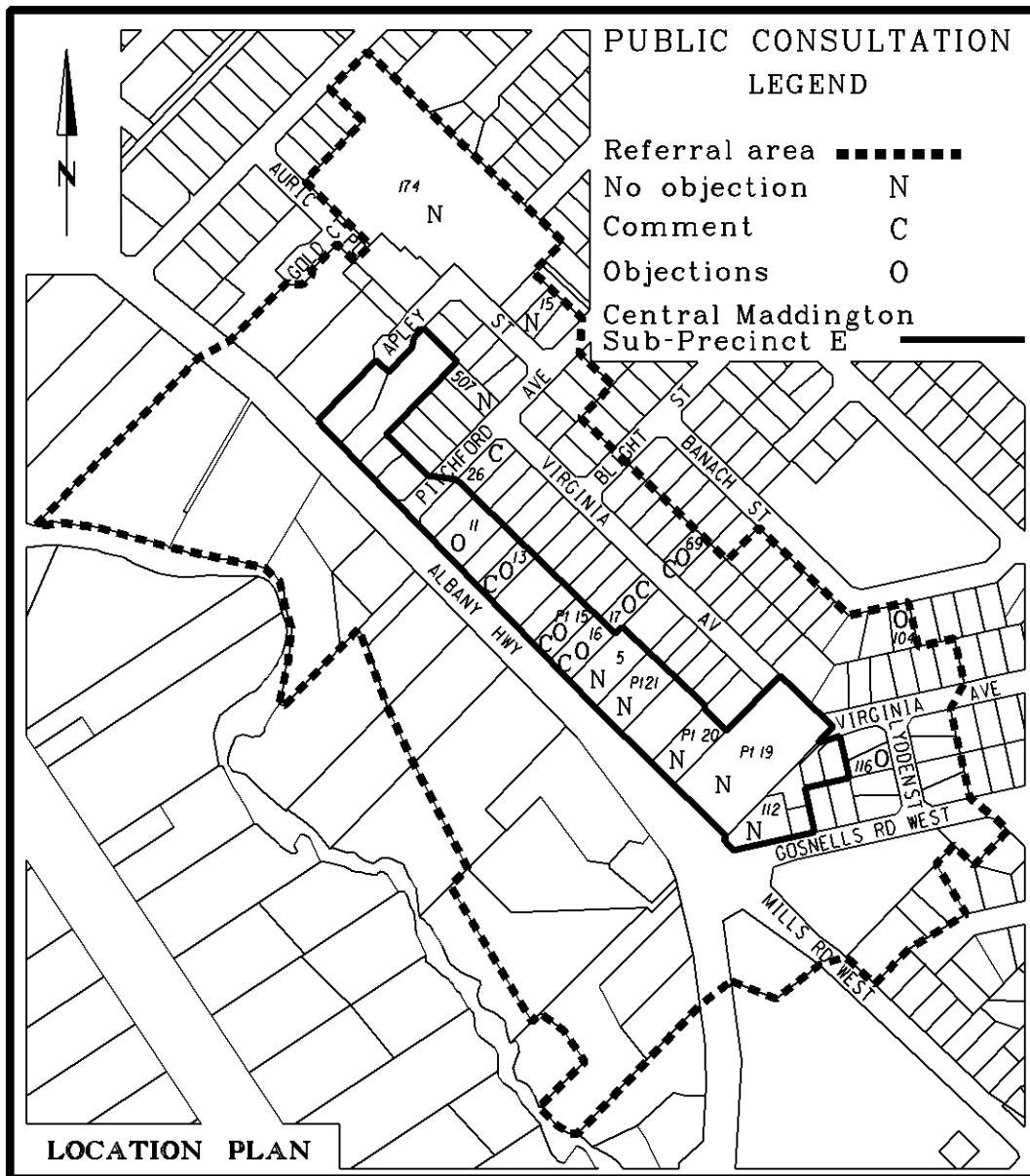
18	Name and Postal Address: Department of Education and Training 151 Royal Street East Perth WA 6004	
Summary of Submission		Staff Comment
No objection to the proposal.		Noted.

19	Name and Postal Address: Western Power Locked Bag 2511 Perth WA 6001	
Summary of Submission		Staff Comment
No objection to the proposal.		Noted.
The costs of any changes to the existing power system, if required, will be the responsibility of the individual developer.		Noted.

20	Name and Postal Address: Department of Indigenous Affairs PO Box 7770 Cloisters Square Perth WA 6850	
Summary of Submission		Staff Comment
Comment on the proposal.		Noted.
20.1 The land for development does not contain any registered sites. However, as the register contains information for areas surveyed for heritage values this statements is of limited utility.		Noted.
20.2 It is recommended that the City commission a heritage survey for the LGA to provide guidance and recommendations for future development. Such an initiative would reduce risk and exposure to litigation. Research on heritage values often proves to be a great asset to sustainable development and quality of life aspects.		Noted, although no such city-wide survey is planned at this point in time.

21	Name and Postal Address: Department of Planning and Infrastructure Strategic Biodiversity Planning 469 Wellington Street Perth WA 6000	
Summary of Submission		Staff Comment
No objection to the proposal.		Noted.
21.1 The proposal is outside the boundary of Bush Forever area 246 – Canning and Southern Rivers, Beckenham to Martin/Kelmscott. As such Strategic Biodiversity Planning has no objections to the above ODP.		Noted.

Summary of Submission	Staff Comment
21.2 Please note that all stormwater resulting from the proposal should be contained on site. The Swan River Trust and the Department of Environment and Conservation should be consulted to ensure the nearby Canning River is not negatively impacted upon.	Noted. Where stormwater drainage cannot be contained on site, it will need to be discharged into the upgraded drainage network.



DISCUSSION

Modifications to the Proposed Yule Brook Precinct 1 ODP

Following consideration of submissions received during advertising, staff will recommend the following minor modifications be made to the advertised ODP. A modified ODP, incorporating these recommended changes, is attached as Appendix 13.5.2B.

Recommended Modification		Reason/Comment
1.	Additional drainage information being shown on the plan.	To more clearly depict the existing, upgraded and new drainage locations and specification.
2.	Inclusion of additional provisions under General Requirements.	To provide guidance on and to address the following matters raised through advertising and further staff assessment of the ODP: <ul style="list-style-type: none"> • Interface with Albany Highway. • Waste collection. • Filling of land. • Storm water drainage disposal methods. • Consolidated access from Albany Highway.
3.	Inclusion of an additional provision under Area 1 requirements.	To provide guidance as to where the storm water drainage will be disposed.
4.	Inclusion of an additional provision under Area 2 requirements.	To provide an additional drainage option for new drainage infrastructure along Albany Highway.
5.	Inclusion of an additional provision under Area 3 requirements.	To provide guidance as to where the storm water drainage will be disposed.

CONCLUSION

The proposed Central Maddington Sub-Precinct E ODP, with modifications, provides a framework for orderly and proper planning of that area. It will therefore be recommended that Council adopt the modified Central Maddington Sub-Precinct E ODP attached as Appendix 13.5.2B.

FINANCIAL IMPLICATIONS

Nil.

STAFF RECOMMENDATION (1 of 2) AND COUNCIL RESOLUTION
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335 Moved Cr B Wiffen Seconded Cr C Fernandez

That Council, pursuant to clause 7.4.7(a) of Town Planning Scheme No. 6 note the submissions received in respect of the proposed Central Maddington Sub-Precinct E Outline Development Plan and endorse the staff comments in response to those submissions and adopt the modified plan attached as Appendix 13.5.2B, and refer it to the Western Australian Planning Commission for approval in accordance with clause 7.4.9 of the Scheme.

CARRIED 9/0

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

AGAINST: Nil.

STAFF RECOMMENDATION (2 of 2) AND COUNCIL RESOLUTION**336 Moved Cr B Wiffen Seconded Cr C Fernandez**

That Council advise all submitters and landowners of its decision in respect of the Central Maddington Sub-Precinct E Outline Development Plan.

CARRIED 9/0

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

***AGAINST:** Nil.*

12. MINUTES OF COMMITTEE MEETINGS

Nil

13. REPORTS

Nil

13.1 CHIEF EXECUTIVE OFFICER'S REPORT

Nil

13.2 COMMUNITY ENGAGEMENT

Nil

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 June 2008 to 30 June 2008.

DISCUSSION

Payments of \$8,708,041.20 as detailed in the cheque and EFT payment listing for the period 1 June 2008 to 30 June 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

337 Moved Cr L Griffiths Seconded Cr B Wiffen

That Council note the payment of accounts as shown in the cheque and EFT payment listing for the period 1 June 2008 to 30 June 2008.

CARRIED 9/0

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

AGAINST: Nil.

The Mayor advised the meeting that Cr PM Morris due to being a life member of the Thornlie Football and Sports Club had disclosed an Impartiality Interest in the following item in accordance with Regulation 34C of the Local Government (Administration) Regulations 1996.

The Mayor advised the meeting that Cr W Barrett due to being a life member of the Thornlie Football and Sports Club had disclosed an Impartiality Interest in the following item in accordance with Regulation 34C of the Local Government (Administration) Regulations 1996.

13.3.2 FINANCIAL ACTIVITY STATEMENTS - JUNE 2008

Author: F Sullivan

Previous Ref: Nil

Appendix: 13.3.2A Financial Activity Statement Report - June 2008

PURPOSE OF REPORT

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

BACKGROUND

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

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

DISCUSSION

The Financial Activity Statement Report for the month of June 2008 is attached as Appendix 13.3.2A.

FINANCIAL IMPLICATIONS

Nil.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION

338 Moved Cr C Fernandez Seconded Cr D Griffiths

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 June 2008, attached as Appendix 13.3.2A.

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

CARRIED 9/0

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

AGAINST: Nil.

13.4 INFRASTRUCTURE

13.4.1 TENDER 17/2008 – MOWING OF PUBLIC OPEN SPACE

Author: M Hamling
Previous Ref: Nil
Appendix: Nil

PURPOSE OF REPORT

To advise Council of submissions received in relation to Tender No 17/2008 – Mowing of Public Open Space and recommend the most advantageous tender for the purpose of awarding a contract.

BACKGROUND

Tenders were advertised in The West Australian newspaper on Saturday 19 April 2008 and closed on Wednesday 14 May 2008 for the provision of Mowing of Public Open Space for a period of 36 months.

Seven submissions were received as follows:

Company	Address
Turf Management Services	31 Harlond Avenue, Malaga WA 6090
Environmental Industries	Locked Bag 3, Gosnells WA 6990
Lochness Landscapes	10 Wenn Road, Singleton WA 6175
Grounds and Gardens	3 Athens Entrance, Port Kennedy WA
Westate	46 Weston Street, Naval Base WA
ATM Civil	22-24 Clayton Street , Bellevue WA
More 4 Less Mowing	PO Box 495, Armadale WA 6992

DISCUSSION

Contractors were asked to price the mowing of public open space according to the mowing schedule (number of events) over the life of the contract. The public open space was divided into three separate schedules depending on the frequency of visits required over the life of the tender.

The tender from More 4 Less Mowing was rejected as the company was only interested in mowing 22 reserves out the 104 reserves listed on the mowing schedule.

The remaining submissions were assessed against the mandatory requirements, which define the Tenderers ability to perform the requirements of the contract, these being relevant experience of the contractor, availability of plant and equipment to fulfill the contract, references and safety policy.

The following matrix details the evaluation of each submission on the criteria contained in the tender documentation.

Category	Turf Management Services WA	Environmental Industries	ATM Civil	Grounds and Gardens Pty Ltd	Westate Landscaping	Lochness Landscape
Experience (15%)	15.00%	15.00%	7.50%	15.00%	15.00%	15.00%
Equipment and Plant (5%)	15.00%	15.00%	10.00%	15.00%	15.00%	15.00%
Performance History (5%)	5.00%	1.66%	2.50%	1.66%	1.66%	5.00%
Safety (5%)	5.00%	5.00%	3.16%	5.00%	5.00%	5.00%
Total Percentage	40.00%	36.66%	23.16%	36.66%	36.66%	40.00%
Rank In Score	1	2	3	2	2	1

Prices were calculated on the total cost of mowing the 104 parks listed on the pricing schedules over the three years.

Tenderer	Price	Ranking on Price Only	Matrix on Price 60%	Matrix on Other 40%	Total 100%	Ranking on Matrix
Turf Management Services WA	\$842,942.72	1	60.00%	40.00%	100.00%	1
Environmental Industries	\$2,599,813.80	6	19.45%	36.66%	56.11%	6
ATM Civil	\$1,233,478.76	2	41.00%	23.16%	64.16%	5
Grounds and Gardens Pty Ltd	\$1,240,188.44	4	40.78%	36.66%	77.44%	4
Westate Landscaping	\$1,235,164.00	3	40.95%	36.66%	77.61%	3
Lochness Landscape	\$1,297,412.00	5	38.98%	40.00%	78.98%	2

The above assessment indicates that Turf Management Services, with 100%, is the highest point scorer. Turf Management Services is the City's current Contractor and their performance has been excellent. The company has completed all aspects of the specification to the satisfaction of City staff and has always been approachable and cooperative in the execution of the contract.

FINANCIAL IMPLICATIONS

The services associated with this contract are included in the relevant operating budgets and will be included in the annual budgets for the life of this contract.

STAFF RECOMMENDATION

Moved Cr D Griffiths Seconded Cr L Griffiths

That Council award Tender 17/2008 - Mowing of Public Open Space to Turf Management Services, 31 Harlond Avenue, Malaga WA 6090, commencing 1 August 2008 for a period of three years, in accordance with the following tendered schedule of rates:

Schedule One				
Description	Suburb	Price Per Event	Number of Events	Amount \$
Banksia Estate Public Access area	Gosnells	75.78	68	5,153.04
Farnham Place Reserve	Gosnells	100.04	68	6,802.72
Harry Street Reserve	Gosnells	21.91	68	1,489.88
Jennings Court Reserve	Langford	41.43	68	2,817.24
Knight Street Reserve	Langford	40.43	68	2,749.24
Prendiville Way Reserve	Langford	61.95	68	4,212.60
Newenden Street Reserve (Gordon Graham Park)	Thornlie	27.10	68	1,842.80
Bernice Way Reserve	Thornlie	46.36	68	3,152.48
Glyndebourne Avenue Reserve	Thornlie	130.00	68	8,840.00
Jana Road Reserve	Thornlie	15.18	68	1,032.24
Kelton Way Reserve	Thornlie	12.96	68	881.28
Lindsay Clarke Park	Thornlie	58.40	68	3,971.20
Luke Court Reserve (Paley Park)	Thornlie	13.38	68	909.84
Mc Alister Place Reserve	Thornlie	33.27	68	2,262.36
Melvin Avenue Reserve	Thornlie	21.30	68	1,448.40
Menzies Place Reserve	Thornlie	32.97	68	2,241.96
Spring Road Reserve	Thornlie	13.70	68	931.60
Birchington Street Reserve	Beckenham	9.25	68	629.00
Chiddington Street Reserve	Beckenham	7.45	68	506.60
Highbury Crescent Reserve	Beckenham	15.48	68	1,052.64
Lowth Road Reserve 1	Beckenham	8.90	68	605.20
Railway Parade Reserve	Beckenham	7.05	68	479.40
Rochester Avenue Reserve	Beckenham	68.82	68	4,679.76
Streatham Street Reserve	Beckenham	315.21	68	21,434.28
Westwell Street Reserve	Beckenham	7.70	68	523.60
Mauri Lyons Reserve Ladywell Street	Beckenham	50.35	68	3,423.80
Woodlupine Brook	Beckenham	990.85	68	67,377.80
Alton Street Reserve	Kenwick	29.60	68	2,012.80
Bridal Place Reserve	Kenwick	148.20	68	10,077.60
Gaskin Road Reserve	Kenwick	98.80	68	6,718.40
Park Road Reserve	Kenwick	33.34	68	2,267.12
Stretton Way Reserve	Kenwick	42.29	68	2,875.72
Orr Street Reserve	Maddington	12.73	68	865.64
Mable Davis Park	Gosnells	24.03	68	1,634.04
Chelsfield Street Reserve	Gosnells	95.19	68	6,472.92
Corbett Street Reserve	Gosnells	30.89	68	2,100.52
Crandon Street Reserve	Gosnells	39.96	68	2,717.28
Ecton Street Reserve	Gosnells	35.00	68	2,380.00
Eileen Street Reserve	Gosnells	9.71	68	660.28

Schedule One				
Description	Suburb	Price Per Event	Number of Events	Amount \$
Eynesford Street Reserve	Gosnells	37.54	68	2,552.72
Hosken Street Reserve	Gosnells	42.28	68	2,875.04
Keston Place Reserve	Gosnells	16.30	68	1,108.40
Lyminge Street Reserve	Gosnells	67.25	68	4,573.00
Marquis Court Reserve	Gosnells	32.96	68	2,241.28
Orlestone Street Reserve	Gosnells	21.60	68	1,468.80
Orsett Way Reserve	Gosnells	15.50	68	1,054.00
Otterden Street Reserve North	Gosnells	10.75	68	731.00
Otterden Street Reserve South	Gosnells	10.08	68	685.44
Prescott Drive Reserve	Gosnells	65.77	68	4,472.36
Prince Street Reserve	Gosnells	28.50	68	1,938.00
Rede Street Reserve	Gosnells	44.66	68	3,036.88
Reigate Street Reserve	Gosnells	32.60	68	2,216.80
Station Street Reserve	Gosnells	8.11	68	551.48
Glover Place Reserve	Huntingdale	17.04	68	1,158.72
Newborough Place Reserve	Huntingdale	17.71	68	1,204.28
Princess Street Reserve Charles Hook Park	Huntingdale	260.02	68	17,681.36
Nantellis Way Reserve	Martin	20.90	68	1,421.20
Ashford Street Reserve	Maddington	38.59	68	2,624.12
Auric Place Reserve	Maddington	24.42	68	1,660.56
Berry Court Reserve	Maddington	16.52	68	1,123.36
Clifton Street Reserve	Maddington	34.62	68	2,354.16
Haffner Court Reserve	Maddington	30.94	68	2,103.92
Maple Place Reserve	Maddington	38.37	68	2,609.16
Sheoak Road Reserve	Maddington	22.90	68	1,557.20
Simms Park	Maddington	31.58	68	2,147.44
Stead Street Reserve	Maddington	13.62	68	926.16
Westfield Street Reserve- North	Maddington	99.75	68	6,783.00
Willow Way Reserve	Maddington	58.26	68	3,961.68
Astley Street Reserve North	Gosnells	10.36	68	704.48
Hicks Street Reserve	Gosnells	125.02	68	8,501.36
Robinson Park	Gosnells	525.83	68	35,756.44
Langford River Foreshore	Langford	265.24	68	18,036.32
Gosnells River Foreshore	Gosnells	151.05	68	10,271.40
John Okey Davis Park	Gosnells	956.65	68	65,052.20
Swingler Way Reserve	Gosnells	183.73	68	12,493.64
Huntingdale River Foreshore	Huntingdale	926.92	68	63,030.56
Thornlie River Foreshore	Thornlie	3,807.60	68	258,916.80
Celebration Street Reserve	Beckingham	10.97	68	745.96
Temby Street Reserve	Beckingham	24.78	68	1,685.04
Dowarn Green Reserve	Canning Vale	44.37	68	3,017.16
Kanani Drive Reserve	Canning Vale	18.85	68	1,281.80
Lacey Street Reserve	Beckingham	9.11	68	619.48
Total Schedule One		11,046.58		751,167.44

Schedule Two				
Description	Suburb	Price Per Event	Number of Events	Amount \$
Bracadale Way (Formerly Known	Canning Vale	231.80	36	8,344.80

Schedule Two				
Description	Suburb	Price Per Event	Number of Events	Amount \$
as Saddleback) Reserve				
Jurien Way Reserve	Thornlie	28.98	36	1,043.28
Partridge Way Reserve South	Thornlie	14.00	36	504.00
Gravity Street Reserve	Beckenham	14.73	36	530.28
Ladywell Street Reserve East	Beckenham	7.80	36	280.80
Lowth Road Reserve 2	Beckenham	8.08	36	290.88
Lowth Road Reserve 3	Beckenham	10.36	36	372.96
Lynstead Street Reserve	Beckenham	31.61	36	1,137.96
Duketon Way Reserve	Kenwick	23.70	36	853.20
Keera Court Reserve	Maddington	11.40	36	410.40
Westfield Street Reserve - South	Maddington	7.50	36	270.00
Foreshore Place Reserve	Gosnells	22.80	36	820.80
Hume Road Wildlife Reserve Culligan Road Reserve	Thornlie	85.50	36	3,078.00
Polo Cross Ground Lot 100 Southern River Road	Southern River	179.07	36	6,446.52
Curlewis Sreet Reserve (Verges Kingsford/Hannan)	Huntingdale	9.83	36	353.88
Tom Bateman Wetland (Adjoining Cameron Street)	Canning Vale	199.50	36	7,182.00
Harmony Fields Dry Areas Only	Maddington	1,605.50	36	57,798.00
Total Schedule Two		2,492.16		89,717.76

Schedule Three				
Description	Suburb	Price Per Event	Number of Events	Amount \$
Woodmore Road Reserve	Langford	33.57	12	402.84
Dellavanzo Street Reserve	Maddington	25.28	12	303.36
Sandridge Street Reserve	Gosnells	11.91	12	142.92
Curlewis Street Reserve	Huntingdale	100.70	12	1,208.40
Total Schedule Three		171.46		2,057.52

Total Schedule One				751,167.44
Total Schedule Two				89,717.76
Total Schedule Three				2,057.52
Grand Total all Schedules				842,942.72

Additional Mowing (parks not listed in schedule)				98.00 per hectare
Broadacre and detail mowing as per specification		Minimum charge		98.00
Heavy slashing (other Council property and road reserve)				130.00 per hectare
Rough cutting		Minimum charge		130.00

Amendment

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

“That the staff recommendation be amended by correcting the spelling of the suburb Beckenham where it appears as “Beckingham” in the suburb column of Schedule One.”

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

“To correct a typographical error”

Cr B Wiffen Seconded Cr J Brown’s proposed amendment.

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

Moved Cr J Brown Seconded Cr B Wiffen

“That the staff recommendation be amended by correcting the spelling of the suburb Beckenham where it appears as “Beckingham” in the suburb column of Schedule One”

with the amended recommendation to read:

“That Council award Tender 17/2008 - Mowing of Public Open Space to Turf Management Services, 31 Harlond Avenue, Malaga WA 6090, commencing 1 August 2008 for a period of three years, in accordance with the following tendered schedule of rates:

Schedule One				
Description	Suburb	Price Per Event	Number of Events	Amount \$
Banksia Estate Public Access area	Gosnells	75.78	68	5,153.04
Farnham Place Reserve	Gosnells	100.04	68	6,802.72
Harry Street Reserve	Gosnells	21.91	68	1,489.88
Jennings Court Reserve	Langford	41.43	68	2,817.24
Knight Street Reserve	Langford	40.43	68	2,749.24
Prendiville Way Reserve	Langford	61.95	68	4,212.60
Newenden Street Reserve (Gordon Graham Park)	Thornlie	27.10	68	1,842.80
Bernice Way Reserve	Thornlie	46.36	68	3,152.48
Glyndebourne Avenue Reserve	Thornlie	130.00	68	8,840.00
Jana Road Reserve	Thornlie	15.18	68	1,032.24
Kelton Way Reserve	Thornlie	12.96	68	881.28
Lindsay Clarke Park	Thornlie	58.40	68	3,971.20
Luke Court Reserve (Paley Park)	Thornlie	13.38	68	909.84
Mc Alister Place Reserve	Thornlie	33.27	68	2,262.36
Melvin Avenue Reserve	Thornlie	21.30	68	1,448.40
Menzies Place Reserve	Thornlie	32.97	68	2,241.96
Spring Road Reserve	Thornlie	13.70	68	931.60
Birchington Street Reserve	Beckenham	9.25	68	629.00

Schedule One				
Description	Suburb	Price Per Event	Number of Events	Amount \$
Chiddington Street Reserve	Beckenham	7.45	68	506.60
Highbury Crescent Reserve	Beckenham	15.48	68	1,052.64
Lowth Road Reserve 1	Beckenham	8.90	68	605.20
Railway Parade Reserve	Beckenham	7.05	68	479.40
Rochester Avenue Reserve	Beckenham	68.82	68	4,679.76
Streatham Street Reserve	Beckenham	315.21	68	21,434.28
Westwell Street Reserve	Beckenham	7.70	68	523.60
Mauri Lyons Reserve Ladywell Street	Beckenham	50.35	68	3,423.80
Woodlupine Brook	Beckenham	990.85	68	67,377.80
Alton Street Reserve	Kenwick	29.60	68	2,012.80
Bridal Place Reserve	Kenwick	148.20	68	10,077.60
Gaskin Road Reserve	Kenwick	98.80	68	6,718.40
Park Road Reserve	Kenwick	33.34	68	2,267.12
Stretton Way Reserve	Kenwick	42.29	68	2,875.72
Orr Street Reserve	Maddington	12.73	68	865.64
Mable Davis Park	Gosnells	24.03	68	1,634.04
Chelsfield Street Reserve	Gosnells	95.19	68	6,472.92
Corbett Street Reserve	Gosnells	30.89	68	2,100.52
Crandon Street Reserve	Gosnells	39.96	68	2,717.28
Ecton Street Reserve	Gosnells	35.00	68	2,380.00
Eileen Street Reserve	Gosnells	9.71	68	660.28
Eynesford Street Reserve	Gosnells	37.54	68	2,552.72
Hosken Street Reserve	Gosnells	42.28	68	2,875.04
Keston Place Reserve	Gosnells	16.30	68	1,108.40
Lyminge Street Reserve	Gosnells	67.25	68	4,573.00
Marquis Court Reserve	Gosnells	32.96	68	2,241.28
Orlestone Street Reserve	Gosnells	21.60	68	1,468.80
Orsett Way Reserve	Gosnells	15.50	68	1,054.00
Otterden Street Reserve North	Gosnells	10.75	68	731.00
Otterden Street Reserve South	Gosnells	10.08	68	685.44
Prescott Drive Reserve	Gosnells	65.77	68	4,472.36
Prince Street Reserve	Gosnells	28.50	68	1,938.00
Rede Street Reserve	Gosnells	44.66	68	3,036.88
Reigate Street Reserve	Gosnells	32.60	68	2,216.80
Station Street Reserve	Gosnells	8.11	68	551.48
Glover Place Reserve	Huntingdale	17.04	68	1,158.72
Newborough Place Reserve	Huntingdale	17.71	68	1,204.28
Princess Street Reserve Charles Hook Park	Huntingdale	260.02	68	17,681.36
Nantellis Way Reserve	Martin	20.90	68	1,421.20
Ashford Street Reserve	Maddington	38.59	68	2,624.12
Auric Place Reserve	Maddington	24.42	68	1,660.56
Berry Court Reserve	Maddington	16.52	68	1,123.36
Clifton Street Reserve	Maddington	34.62	68	2,354.16
Haffner Court Reserve	Maddington	30.94	68	2,103.92
Maple Place Reserve	Maddington	38.37	68	2,609.16
Sheoak Road Reserve	Maddington	22.90	68	1,557.20
Simms Park	Maddington	31.58	68	2,147.44
Stead Street Reserve	Maddington	13.62	68	926.16

Schedule One				
Description	Suburb	Price Per Event	Number of Events	Amount \$
Westfield Street Reserve- North	Maddington	99.75	68	6,783.00
Willow Way Reserve	Maddington	58.26	68	3,961.68
Astley Street Reserve North	Gosnells	10.36	68	704.48
Hicks Street Reserve	Gosnells	125.02	68	8,501.36
Robinson Park	Gosnells	525.83	68	35,756.44
Langford River Foreshore	Langford	265.24	68	18,036.32
Gosnells River Foreshore	Gosnells	151.05	68	10,271.40
John Okey Davis Park	Gosnells	956.65	68	65,052.20
Swingler Way Reserve	Gosnells	183.73	68	12,493.64
Huntingdale River Foreshore	Huntingdale	926.92	68	63,030.56
Thornlie River Foreshore	Thornlie	3,807.60	68	258,916.80
Celebration Street Reserve	Beckenham	10.97	68	745.96
Temby Street Reserve	Beckenham	24.78	68	1,685.04
Dowarn Green Reserve	Canning Vale	44.37	68	3,017.16
Kanani Drive Reserve	Canning Vale	18.85	68	1,281.80
Lacey Street Reserve	Beckenham	9.11	68	619.48
Total Schedule One		11,046.58		751,167.44

Schedule Two				
Description	Suburb	Price Per Event	Number of Events	Amount \$
Bracadale Way (Formerly Known as Saddleback) Reserve	Canning Vale	231.80	36	8,344.80
Jurien Way Reserve	Thornlie	28.98	36	1,043.28
Partridge Way Reserve South	Thornlie	14.00	36	504.00
Gravity Street Reserve	Beckenham	14.73	36	530.28
Ladywell Street Reserve East	Beckenham	7.80	36	280.80
Lowth Road Reserve 2	Beckenham	8.08	36	290.88
Lowth Road Reserve 3	Beckenham	10.36	36	372.96
Lynstead Street Reserve	Beckenham	31.61	36	1,137.96
Duketon Way Reserve	Kenwick	23.70	36	853.20
Keera Court Reserve	Maddington	11.40	36	410.40
Westfield Street Reserve - South	Maddington	7.50	36	270.00
Foreshore Place Reserve	Gosnells	22.80	36	820.80
Hume Road Wildlife Reserve Culligan Road Reserve	Thornlie	85.50	36	3,078.00
Polo Cross Ground Lot 100 Southern River Road	Southern River	179.07	36	6,446.52
Curlewis Sreet Reserve (Verges Kingsford/Hannan)	Huntingdale	9.83	36	353.88
Tom Bateman Wetland (Adjoining Cameron Street)	Canning Vale	199.50	36	7,182.00
Harmony Fields Dry Areas Only	Maddington	1,605.50	36	57,798.00
Total Schedule Two		2,492.16		89,717.76

Schedule Three				
Description	Suburb	Price Per Event	Number of Events	Amount \$
Woodmore Road Reserve	Langford	33.57	12	402.84
Dellavanzo Street Reserve	Maddington	25.28	12	303.36
Sandridge Street Reserve	Gosnells	11.91	12	142.92
Curlewis Street Reserve	Huntingdale	100.70	12	1,208.40

Total Schedule Three	171.46	2,057.52
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Total Schedule One		751,167.44
Total Schedule Two		89,717.76
Total Schedule Three		2,057.52
Grand Total all Schedules		842,942.72

Additional Mowing (parks not listed in schedule)		98.00 per hectare
Broadacre and detail mowing as per specification	Minimum charge	98.00
Heavy slashing (other Council property and road reserve)		130.00 per hectare
Rough cutting	Minimum charge	130.00

CARRIED 9/0

FOR: Cr D Griffiths, Cr B Wiffen, Cr S Iwanyk, Cr J Brown, Cr C Fernandez, Cr W Barrett, Cr P Morris, 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

339 Moved Cr J Brown Seconded Cr B Wiffen

That Council award Tender 17/2008 - Mowing of Public Open Space to Turf Management Services, 31 Harlond Avenue, Malaga WA 6090, commencing 1 August 2008 for a period of three years, in accordance with the following tendered schedule of rates:

Schedule One				
Description	Suburb	Price Per Event	Number of Events	Amount \$
Banksia Estate Public Access area	Gosnells	75.78	68	5,153.04
Farnham Place Reserve	Gosnells	100.04	68	6,802.72
Harry Street Reserve	Gosnells	21.91	68	1,489.88
Jennings Court Reserve	Langford	41.43	68	2,817.24
Knight Street Reserve	Langford	40.43	68	2,749.24
Prendville Way Reserve	Langford	61.95	68	4,212.60
Newenden Street Reserve (Gordon Graham Park)	Thornlie	27.10	68	1,842.80
Bernice Way Reserve	Thornlie	46.36	68	3,152.48
Glyndebourne Avenue Reserve	Thornlie	130.00	68	8,840.00
Jana Road Reserve	Thornlie	15.18	68	1,032.24
Kelton Way Reserve	Thornlie	12.96	68	881.28
Lindsay Clarke Park	Thornlie	58.40	68	3,971.20
Luke Court Reserve (Paley Park)	Thornlie	13.38	68	909.84
Mc Alister Place Reserve	Thornlie	33.27	68	2,262.36
Melvin Avenue Reserve	Thornlie	21.30	68	1,448.40
Menzies Place Reserve	Thornlie	32.97	68	2,241.96
Spring Road Reserve	Thornlie	13.70	68	931.60

Schedule One				
Description	Suburb	Price Per Event	Number of Events	Amount \$
Birchington Street Reserve	Beckenham	9.25	68	629.00
Chiddington Street Reserve	Beckenham	7.45	68	506.60
Highbury Crescent Reserve	Beckenham	15.48	68	1,052.64
Lowth Road Reserve 1	Beckenham	8.90	68	605.20
Railway Parade Reserve	Beckenham	7.05	68	479.40
Rochester Avenue Reserve	Beckenham	68.82	68	4,679.76
Streatham Street Reserve	Beckenham	315.21	68	21,434.28
Westwell Street Reserve	Beckenham	7.70	68	523.60
Mauri Lyons Reserve Ladywell Street	Beckenham	50.35	68	3,423.80
Woodlupine Brook	Beckenham	990.85	68	67,377.80
Alton Street Reserve	Kenwick	29.60	68	2,012.80
Bridal Place Reserve	Kenwick	148.20	68	10,077.60
Gaskin Road Reserve	Kenwick	98.80	68	6,718.40
Park Road Reserve	Kenwick	33.34	68	2,267.12
Stretton Way Reserve	Kenwick	42.29	68	2,875.72
Orr Street Reserve	Maddington	12.73	68	865.64
Mable Davis Park	Gosnells	24.03	68	1,634.04
Chelsfield Street Reserve	Gosnells	95.19	68	6,472.92
Corbett Street Reserve	Gosnells	30.89	68	2,100.52
Crandon Street Reserve	Gosnells	39.96	68	2,717.28
Ecton Street Reserve	Gosnells	35.00	68	2,380.00
Eileen Street Reserve	Gosnells	9.71	68	660.28
Eynesford Street Reserve	Gosnells	37.54	68	2,552.72
Hosken Street Reserve	Gosnells	42.28	68	2,875.04
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Marquis Court Reserve	Gosnells	32.96	68	2,241.28
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Orsett Way Reserve	Gosnells	15.50	68	1,054.00
Otterden Street Reserve North	Gosnells	10.75	68	731.00
Otterden Street Reserve South	Gosnells	10.08	68	685.44
Prescott Drive Reserve	Gosnells	65.77	68	4,472.36
Prince Street Reserve	Gosnells	28.50	68	1,938.00
Rede Street Reserve	Gosnells	44.66	68	3,036.88
Reigate Street Reserve	Gosnells	32.60	68	2,216.80
Station Street Reserve	Gosnells	8.11	68	551.48
Glover Place Reserve	Huntingdale	17.04	68	1,158.72
Newborough Place Reserve	Huntingdale	17.71	68	1,204.28
Princess Street Reserve Charles Hook Park	Huntingdale	260.02	68	17,681.36
Nantellis Way Reserve	Martin	20.90	68	1,421.20
Ashford Street Reserve	Maddington	38.59	68	2,624.12
Auric Place Reserve	Maddington	24.42	68	1,660.56
Berry Court Reserve	Maddington	16.52	68	1,123.36
Clifton Street Reserve	Maddington	34.62	68	2,354.16
Haffner Court Reserve	Maddington	30.94	68	2,103.92
Maple Place Reserve	Maddington	38.37	68	2,609.16
Sheoak Road Reserve	Maddington	22.90	68	1,557.20
Simms Park	Maddington	31.58	68	2,147.44

Schedule One				
Description	Suburb	Price Per Event	Number of Events	Amount \$
Stead Street Reserve	Maddington	13.62	68	926.16
Westfield Street Reserve- North	Maddington	99.75	68	6,783.00
Willow Way Reserve	Maddington	58.26	68	3,961.68
Astley Street Reserve North	Gosnells	10.36	68	704.48
Hicks Street Reserve	Gosnells	125.02	68	8,501.36
Robinson Park	Gosnells	525.83	68	35,756.44
Langford River Foreshore	Langford	265.24	68	18,036.32
Gosnells River Foreshore	Gosnells	151.05	68	10,271.40
John Okey Davis Park	Gosnells	956.65	68	65,052.20
Swingler Way Reserve	Gosnells	183.73	68	12,493.64
Huntingdale River Foreshore	Huntingdale	926.92	68	63,030.56
Thornlie River Foreshore	Thornlie	3,807.60	68	258,916.80
Celebration Street Reserve	Beckenham	10.97	68	745.96
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Schedule Two				
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Partridge Way Reserve South	Thornlie	14.00	36	504.00
Gravity Street Reserve	Beckenham	14.73	36	530.28
Ladywell Street Reserve East	Beckenham	7.80	36	280.80
Lowth Road Reserve 2	Beckenham	8.08	36	290.88
Lowth Road Reserve 3	Beckenham	10.36	36	372.96
Lynstead Street Reserve	Beckenham	31.61	36	1,137.96
Duketon Way Reserve	Kenwick	23.70	36	853.20
Keera Court Reserve	Maddington	11.40	36	410.40
Westfield Street Reserve - South	Maddington	7.50	36	270.00
Foreshore Place Reserve	Gosnells	22.80	36	820.80
Hume Road Wildlife Reserve Culligan Road Reserve	Thornlie	85.50	36	3,078.00
Polo Cross Ground Lot 100 Southern River Road	Southern River	179.07	36	6,446.52
Curlewis Street Reserve (Verges Kingsford/Hannan)	Huntingdale	9.83	36	353.88
Tom Bateman Wetland (Adjoining Cameron Street)	Canning Vale	199.50	36	7,182.00
Harmony Fields Dry Areas Only	Maddington	1,605.50	36	57,798.00
Total Schedule Two		2,492.16		89,717.76

Schedule Three				
Description	Suburb	Price Per Event	Number of Events	Amount \$
Woodmore Road Reserve	Langford	33.57	12	402.84
Dellavanzo Street Reserve	Maddington	25.28	12	303.36
Sandridge Street Reserve	Gosnells	11.91	12	142.92

Curlewis Street Reserve	Huntingdale	100.70	12	1,208.40
Total Schedule Three		171.46		2,057.52

Total Schedule One		751,167.44
Total Schedule Two		89,717.76
Total Schedule Three		2,057.52
Grand Total all Schedules		842,942.72

Additional Mowing (parks not listed in schedule)		98.00 per hectare
Broadacre and detail mowing as per specification	Minimum charge	98.00
Heavy slashing (other Council property and road reserve)		130.00 per hectare
Rough cutting	Minimum charge	130.00

CARRIED 9/0

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

AGAINST: Nil.

13.4.2 TENDER 32/2008 – BUILDING CLEANING – COUNCIL ADMINISTRATION AND CIVIC CENTRE

Author: J Browning
 Previous Ref: Nil
 Appendix: Nil

PURPOSE OF REPORT

To advise Council of submissions received in relation to Tender 32/2008 – Building Cleaning – Council Administration and Civic Centre, and recommend the most advantageous tender for the purpose of awarding a contract.

BACKGROUND

Tenders were advertised in The West Australian newspaper on Saturday 14 June 2008 and closed on 3 July 2008 to select a contractor to provide cleaning services to the City's Administration and Civic Centre for a period of three years.

Due to the ongoing redevelopment of the Centre the scope of the contract was staged to provide services to the following areas.

Stage	Areas To Be Serviced
Stage 1	Existing offices and 2 transportable buildings
Stage 2	New office block and 2 transportable buildings
Stage 3	New office block, refurbished existing offices and function area

Submissions were received from the following companies:

Company Name	Address
Duclene Pty Ltd	PO Box 426, North Perth WA 6906
Golden Coast Cleaning Services	45 Earlston Place, Booragoon WA 6154
Jasneat Pty Ltd	PO Box 3008, Carlisle South WA 6101
DMP (WA) Pty Ltd	109 Canning Road, Kalamunda WA 6076

DISCUSSION

Tenderers were requested to provide information in response to qualitative and compliance selection criteria. Tenderers were also requested to provide monthly prices for the three stages of the contract. These prices have been multiplied to reflect the estimated times of each stage and are shown in the table below.

Tenderer	Stage 1 (7 months)	Stage 2 (7 months)	Stage 3 (22 months)	Total (36 months)
Duclene Pty Ltd	\$23,387.00	\$35,469	\$160,160	\$219,016.00
Golden Coast Cleaning Services	\$23,884.00	\$31,850	\$183,502	\$239,236.00
Jasneat Pty Ltd	\$22,890.00	\$29,400	\$152,680	\$204,970.00
DMP (WA) Pty Ltd	\$27,527.50	\$30,030	\$141,570	\$199,127.50

Each company provided satisfactory responses against the compliance criteria relating to financial position and Occupational Safety and Health and progressed to the qualitative assessment where their responses were scored and weighted as shown below:

Tenderer	Relevant Company Experience	Methodology	OSH	Price	Total Score
Possible score	30%	15%	5%	50%	100%
Duclene Pty Ltd	18	10.5	3.5	45.46	77.46
Golden Coast Cleaning Services	24	9	4	41.62	77.12
Jasneat Pty Ltd	24	10.5	3.5	48.57	86.57
DMP (WA) Pty Ltd	24	12	3.5	50	89.50

Each tenderer provided good responses to the qualitative selection criteria, with DMP and Jasneat providing the lowest and second lowest price respectively (approximately 2.5% difference). A reference check was therefore conducted for these two companies and the referees were asked to rate the performance of the respective company. The referees for Jasneat rated their performance as good. The referees for DMP rated their performance as good to very good.

It will be recommended that Council award this contract to DMP (WA) Pty Ltd as the company has demonstrated that it is capable of delivering the type and quality of service required by the City at the most cost effective price.

Monthly costs for each of the stages will be as follows:

Stage	Monthly Cost
Stage 1	\$3,932.50
Stage 2	\$4,290.00
Stage 3	\$6,435.00

FINANCIAL IMPLICATIONS

The services associated with this contract are included in the 2008/2009 operating budget and will be included in the relevant budgets for the life of this contract.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION

340 Moved Cr D Griffiths Seconded Cr C Fernandez

That Council award Tender 32/2008 – Building Cleaning – Council Administration and Civic Centre to DMP (WA) Pty Ltd of 109 Canning Road, Kalamunda WA 6076 for a three-year period from 1 August 2008 for the following monthly rates excluding GST:

Stage	Monthly Cost
Stage 1	\$3,932.50
Stage 2	\$4,290.00
Stage 3	\$6,435.00

CARRIED 9/0

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

AGAINST: Nil.

13.4.3 PROPOSED TELECOMMUNICATIONS EQUIPMENT CABIN AT LOT 4 BRIXTON STREET, BECKENHAM (MILLS PARK) - VODAFONE NETWORK PTY LTD

Author: J Flatow
Previous Ref: Nil
Appendix: 13.4.3A Site Plans

PURPOSE OF REPORT

To seek Council approval to lease a portion of Lot 4 Brixton Street, Beckenham (Mills Park) to Vodafone Network Pty Ltd (Vodafone) for the purposes of erecting an equipment cabin adjacent to an existing telecommunication mono pole.

BACKGROUND

The City entered into a 10 year lease on 1 February 2003 with Hutchison 3G Pty Ltd (Hutchison) to erect a telecommunication mono pole and equipment cabin at Mills Park. In September 2004 Telstra Corporation Limited became the second carrier to erect an equipment cabin and utilise the mono pole. The current application, if approved would be the third and final carrier that can utilise this particular site.

DISCUSSION

The maximum lease term that can be offered to Vodafone is approximately 4.5 years to coincide with the termination of the head lease on 31 January 2013.

Vodafone initially approached the City on the basis that the lease term available to them was less than five years. As such, the lease term presents a capital investment risk to Vodafone should the head lease and its own lease not be renewed in 2013.

Following negotiations between the City and Vodafone the City has received an offer to lease based on the following details:

- Annual rent of \$12,000 per annum plus GST
- Annual rent reviews of 5% compounding
- Vodafone to pay the City's reasonable legal fees associated with the lease agreement

Officers believe Vodafone's offer is fair and reasonable, given the limited lease term that can be approved.

There is a requirement to advertise the proposed lease in accordance with sections 3.58(3) and (4) of the Local Government Act 1995. It is proposed that, as in the past, Council approve of the lease subject to no valid submissions being received. If valid submissions are received the matter will be referred to Council for its determination.

It will also be recommended that, if the lease is granted, the rent received be transferred to the Mills Park Reserve Fund.

FINANCIAL IMPLICATIONS

The lease to Vodafone will generate an annual rental revenue of \$12,000, increased automatically by 5% per annum for the duration of the lease.

STAFF RECOMMENDATION (1 of 3) AND COUNCIL RESOLUTION
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341 Moved Cr D Griffiths Seconded Cr L Griffiths

That Council, in accordance with section 3.58(3) and (4) of the *Local Government Act 1995*, advertise its intention to lease,

1. approximately 7.5 square meters of Lot 4 Brixton Street, Beckenham (part of Mills Park) to Vodafone Network Pty Ltd for the purposes of erecting an equipment cabin adjacent to the existing monopole as depicted on site plans attached as Appendix 13.4.3A
2. subject to no valid submissions being received in response to 1 above in the opinion of the Director Infrastructure, approve the following terms and conditions of lease of part of Lot 4 Brixton Street, Beckenham (part of Mills Park) to Vodafone Network Pty Ltd:

Rental:	\$12,000 per annum
Rental Reviews:	5% per annum compounding
Lease Commencement:	As soon as possible
Term of Lease:	To terminate 31 January 2013
Equipment Box Construction:	To be coloured to match existing infrastructure

CARRIED 9/0

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

AGAINST: Nil.

STAFF RECOMMENDATION (2 of 3) AND COUNCIL RESOLUTION
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342 Moved Cr D Griffiths Seconded Cr L Griffiths

That Council advise Vodafone Network Pty Ltd that it will expect to negotiate with Vodafone on commercial rental terms existing at the time, if the lease is to be renewed as at 1 February 2013.

CARRIED 9/0

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

AGAINST: Nil.

STAFF RECOMMENDATION (3 of 3) AND COUNCIL RESOLUTION

343 Moved Cr D Griffiths Seconded Cr L Griffiths

That Council approve the transfer of the rental income received from the lease of the equipment cabin from Vodafone Network Pty Ltd at Mills Park to the Mills Park Reserve Fund Account No 9720-000-2-000000.

CARRIED 9/0

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

AGAINST: *Nil.*

13.4.4 GOSNELLS TOWN CENTRE PEDESTRIAN WAYFINDING AND SIGNAGE STRATEGY

Author: J. Woolmer
Previous Ref: Nil
Appendix: 13.4.4A Wayfinding Report

PURPOSE OF REPORT

To advise Council of the outcome of Stage 1 of the Gosnells Town Centre Pedestrian and Signage Wayfinding Strategy and to seek Council's approval to complete Stages 2 and 3.

BACKGROUND

Following receipt of grant funding from the Department of Health, J.A. Grant and Associates was appointed to audit the Gosnells Town Centre in order to prepare a report documenting a wayfinding and signage strategy as part of the City's Integrated Transport Strategy. On 13 August 2007 Dr John Grant, of J.A. Grant and Associates conducted a wayfinding presentation for TravelSmart Officers from the Metropolitan area, City of Gosnells Councillors and relevant staff.

DISCUSSION

Wayfinding signage is intended to assist people to utilise the public transport system and alternative modes of transport such as cycling and walking.

Wayfinding signage presents information graphically and includes specific travel times, walking route information and the associated walking times. Universal access information, toilet facilities and public seating is also shown.

The report by J.A. Grant and Associates involved the preparation of a signage strategy, following an audit of the Gosnells Town Centre that identified barriers to walking and formulating recommendations for improvements to the pedestrian environment. This integral part of the project plan has been completed and the full report is attached as Appendix 13.4.4A, documenting the types of signs required with proposed locations.

The existing City of Gosnells corporate colours will be used to attract and build recognition across the signage system. The maps are world's best practice, '*where you are is what you see*' heads-up mapping. Beyond the mapping panels the wayfinding system includes independent directional signs around the periphery of the town centre to facilitate walking beyond the centrally mapped zone.

Subject to Council approval, the City of Gosnells would be the first local government in Western Australia to implement a wayfinding signage strategy, which is becoming increasingly important as petrol prices rise and more people are using public transport, walking and cycling.

Stage 2 of the Wayfinding project will involve the design of individual maps and signs for the various locations outlined in the report, and is estimated to cost \$20,000.

Stage 3 of the project would involve the manufacture and installation of the maps and signs, as identified in the report, and is estimated to cost \$38,500. Therefore, the total cost of Stage 2 and Stage 3 is estimated at \$58,500.

An amount of \$45,000 has been included in the 2008/2009 budget for the Wayfinding project under Job 14-80151-1357-498.

Additionally, a grant funding application for this project was submitted to the Department for Planning and Infrastructure in December 2007. The City is yet to be advised of the outcome of this application, however, the City is confident its application will be successful.

If the City is unsuccessful in gaining the grant funds then the project will be staged over subsequent financial years.

FINANCIAL IMPLICATIONS

The total project cost for Stages 2 and 3 of the Wayfinding Strategy is estimated at \$58,500, of which \$45,000 has been approved in Council's 2008/2009 operating budget. The remaining funding shortfall of \$13,500 is proposed to be funded through a grant from the Department for Planning and Infrastructure. However, until such time as that additional external funding is received, there will be insufficient funds in the City's operational budget to complete Stage 3 of the project. It will therefore be recommended that Council approve the implementation of Stage 2, with a further report being presented to Council to consider commencing with Stage 3 after a determination has been made in the City's grant funding submission.

STAFF RECOMMENDATION (1 of 2) AND COUNCIL RESOLUTION

344 Moved Cr J Brown Seconded Cr W Barrett

That Council endorse the Gosnells Town Centre Pedestrian Wayfinding and Signage Strategy attached as Appendix 13.4.4A.

CARRIED 9/0

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

AGAINST: Nil.

STAFF RECOMMENDATION (2 of 2) AND COUNCIL RESOLUTION

345 Moved Cr J Brown Seconded Cr W Barrett

That Council approve the implementation of Stage 2 of the Gosnells Town Centre Pedestrian Wayfinding Strategy, being the design of maps and signs, with a separate report being presented to Council in future for the commencement of Stage 3 (manufacture and installation of maps and signs), once the outcome of the City's grant submission is known.

CARRIED 9/0

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

AGAINST: Nil.

13.5 PLANNING AND SUSTAINABILITY

13.5.1 PLANNING FOR THE MADDINGTON KENWICK STRATEGIC EMPLOYMENT AREA – CONSIDERATION OF SUBMISSIONS ON REVISED CONCEPT 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.

13.5.2 PROPOSED OUTLINE DEVELOPMENT PLAN – CENTRAL MADDINGTON SUB-PRECINCT E (*ITEM BROUGHT FORWARD – REFER TO ITEM 11*)

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

13.5.3 DRAFT DEVELOPMENT CONTRIBUTION PLAN – SOUTHERN RIVER PRECINCT 2 OUTLINE DEVELOPMENT PLAN

Author: L Gibson
Reference: Southern River Precinct 2 Outline Development Plan
Application No: PF07/00049
Applicant: City of Gosnells
Owner: Various
Location: Southern River Precinct 2 Outline Development Plan Area
Zoning: MRS: Urban
TPS No. 6: Residential Development
Review Rights: Clause 16 of the Twelfth Schedule of Town Planning Scheme No. 6 stipulates the means by which a landowner may challenge a valuation
Area: Approximately 310ha
Previous Ref: OCM 10 June 2008 (Resolutions 239-240)
Appendix: 13.5.3A Draft Southern River Precinct 2 Outline Development Plan Development Contribution Plan

PURPOSE OF REPORT

For Council to consider a draft Development Contribution Plan (DCP) for the Southern River Precinct 2 Outline Development Plan (ODP) area.

BACKGROUND

Council at its meeting of 10 June 2008 considered a proposed amendment (No. 88) to Town Planning Scheme No. 6 (TPS 6) to modify the terms and extent of a development contribution arrangement that operates in association with the Southern River Precinct 2 ODP. At that meeting Council resolved (Resolutions 239 and 240) to adopt Amendment No. 88 and forward it to the Environmental Protection Authority (EPA) for comment and to the Western Australian Planning Commission (WAPC) for information.

In discussing Amendment No. 88, the staff report to Council on 10 June 2008 stated as follows:

“Council staff are currently preparing a draft DCP for Southern River Precinct 2, which will outline the operation of the expanded Development Contribution Arrangement and will detail CIW and POS costs, along with the manner in which contribution rates have been determined. The draft DCP will be presented to Council for endorsement prior to the proposed Scheme Amendment being advertised for public comment. This will enable the draft DCP to be advertised concurrently with the proposed Scheme Amendment.”

This report presents the draft Southern River Precinct 2 Outline Development Plan Development Contribution Plan for Council’s consideration.

DISCUSSION

As detailed above, a draft DCP has been prepared and sets out the intended operation of the proposed expanded Southern River Precinct 2 Development Contribution Arrangement (DCA). The draft DCP is contained in Appendix 13.5.3A and details Common Infrastructure Works (CIW) and Public Open Space (POS) costs and the manner in which contribution rates have been determined.

The CIW costs that are proposed to be shared among developers in the Southern River Precinct 2 ODP area include:

- Drainage (construction of piped and open trunk drainage to convey stormwater from within and upstream of the ODP area to established outlets).
- Upgrading of Holmes Street (50% of the cost of one carriageway and earthworks for the second carriageway and a shared use path for the abutting length of Holmes Street).
- Upgrading of Ranford Road (50% of the cost of one carriageway and earthworks for the second carriageway and one shared use path for the abutting length of Ranford Road).
- Upgrading of Southern River Road (50% of the cost of one carriageway and earthworks for the second carriageway and a shared use path for the abutting length of Southern River Road).
- Land acquisition for the widening of Southern River Road.
- Traffic management devices (25% of the cost of signals at the intersection of Southern River Road and Holmes Street and 50% of the cost of a roundabout at the intersection of Southern River Road and Lander Street).
- Land acquisition for Conservation Category Wetlands.
- CCW Development (including perimeter fencing and a public access boardwalk).
- General Administration and Studies (including the costs of preparation of the ODP and an Urban Water Management Strategy and the City's administration of the contribution arrangement).

It should be noted that certain assumptions have been made in the draft DCP in respect of the extent of POS to be provided in the Phases 2 and 3 areas (see page 5 of 22 in Appendix 13.5.3A for a plan of Phases 1, 2 and 3). As land within the Phase 2 and 3 areas abuts wetlands, a buffer is likely to be required in the form of Local Open Space. The WAPC in reserving land for Parks and Recreation under the Metropolitan Region Scheme (MRS), within and abutting Southern River Precinct 2, has generally only reserved the core of wetlands and other bushland and not any associated buffer.

It will be recommended that the draft DCP be included in the documentation prepared for public review as part of the formal advertising process of Amendment No. 88 to TPS 6.

Interim Adoption of Draft Development Contribution Arrangement

Development within Phase 1 of the Southern River Precinct 2 ODP area (which is essentially the Bletchley Park estate) is likely to continue and land within the Phase 2 and 3 areas is likely to be the subject of subdivision and development during the period that Amendment No. 88 will be progressed. It will therefore be recommended that Council adopt the draft DCP on an interim basis as it will likely take between 12 and 18 months to finalise Amendment No. 88 and the City will, during this time, need to ensure that any subdivision and development that occurs makes proper arrangements to satisfy contribution obligations.

The draft DCP, which is based on a set of cost estimates and land valuation advice provided by Propell National Valuers, indicates a CIW contribution rate of \$85,971/ha and a land valuation basis of \$1,200,000/ha for POS contributions and compensation for the acquisition of land for public purposes.

CONCLUSION

A draft DCP has been prepared and sets out the intended operation of the proposed expanded Southern River Precinct 2 Development Contribution Area (DCA), including details of CIW and POS costs and the manner in which contribution rates have been determined. Given that Council has previously resolved to initiate Amendment No. 88 to TPS 6, the draft DCP will be included in the amendment documentation prepared for public review as part of the formal advertising process.

It will be recommended that Council adopt the draft DCP on an interim basis to ensure that any subdivision and development that occurs in Precinct 2 prior to finalisation of the amendment, makes proper arrangements to satisfy contribution obligations.

FINANCIAL IMPLICATIONS

The costs associated with processing Amendment No. 88 to TPS 6 (including the preparation and advertising of the draft DCP) will be met by the City Growth operational budget.

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

That Council adopt on an interim basis the draft Development Contribution Plan for the Southern River Precinct 2 Outline Development Plan area, attached as Appendix 13.5.3A, which establishes a preliminary contribution rate of \$85,971/ha for common infrastructure works and a land valuation basis of \$1,200,000/ha for contributions towards local open space and the acquisition of land for public purposes.

CARRIED 9/0

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

AGAINST: Nil.

STAFF RECOMMENDATION (2 of 2) AND COUNCIL RESOLUTION
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347 Moved Cr J Brown Seconded Cr L Griffiths

That Council endorse the inclusion of the draft Development Contribution Plan for the Southern River Precinct 2 Outline Development Plan area, attached as Appendix 13.5.3A, in the documentation associated with Amendment No. 88 to Town Planning Scheme No. 6, which is to be advertised for public comment.

CARRIED 9/0

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

AGAINST: Nil.

13.5.4 PROPOSED AMENDMENTS TO LOCAL PLANNING POLICY NO. 6.3.1 – OUTLINE DEVELOPMENT PLANS

Author:	C Donnelly
Reference:	Subject – Outline Development Plans – Outline Development Plan Management Subject – Governance – Planning Policies
Previous Ref:	OCM 14 August 2007 (Resolution 380) OCM 23 October 2007 (Resolutions 496-499)
Appendices:	13.5.4A Local Planning Policy No. 6.3.1 – Outline Development Plans (as adopted by Council) 13.5.4B Local Planning Policy – Outline Development Plans (showing proposed amendments as tracked changes) 13.5.4C Local Planning Policy – Outline Development Plans (proposed amended Policy)

PURPOSE OF REPORT

For Council to consider amending Local Planning Policy No. 6.3.1 – Outline Development Plans to refine the intended approach to the assessment and determination of proposed Outline Development Plans (ODPs) and proposed changes to ODPs, particularly in respect to determining whether a proposal is satisfactory for advertising for public comment.

BACKGROUND

ODPs are increasingly being used within the City to guide and facilitate subdivision and development in both broad acre and infill development areas.

Requirements for the preparation, assessment and operation of ODPs are contained in Part 7 of the City's Town Planning Scheme No. 6 (TPS 6).

To aid the interpretation of the provisions of Part 7 of TPS 6, deliver business improvements for processing ODPs and provide improved certainty and consistency in decision-making and advice, Council at its meeting of 23 October 2007 adopted the Local Planning Policy 6.3.1 – Outline Development Plans, as contained in Appendix 13.5.4A.

The objectives of the Policy are to:

- Establish standards for the identification, assessment and determination of a minor change to or departure from an ODP pursuant to Clause 7.5 of TPS 6.
- Elaborate on the provisions of TPS 6 regarding a minor change to or departure from an ODP.
- Elaborate on the provisions of TPS 6 regarding land use classifications contained within an ODP.
- Establish standards for the assessment and determination of applications for planning approval in areas subject to a classification of "Residential Density Greater Than R17.5" or "Residential Density Greater Than R20" on an ODP.

At the same meeting, Council also resolved to delegate authority to the Chief Executive Officer to adopt a minor change to an ODP pursuant to TPS 6 and the Policy.

Since adoption, the Policy has been applied by staff to process minor changes to ODPs, provide advice with regard to land use classifications and permitted residential densities and in the assessment of residential development and subdivision applications.

To facilitate additional improvements in respect of the city's dealings with ODPs, amendments are proposed to the Policy which will establish standards for the assessment and determination of whether a proposed ODP or major change to an ODP is satisfactory for advertising. No such guidance currently exists, meaning Council must determine, on the individual merits of each proposal, whether an ODP or proposed change to an ODP is satisfactory for advertising.

Several other minor amendments are also proposed to enhance clarity and consistency within the Policy.

The proposed amendments to the Policy are identified in Appendix 13.5.4B, which shows tracked changes with ~~striketrough~~ identifying words to be deleted and proposed new wording shown in ***bold and italics***. A copy of the proposed amended Policy incorporating those changes is attached as Appendix 13.5.4C.

DISCUSSION

Town Planning Scheme No. 6 Requirements for Advertising

Clause 7.4.2 of TPS 6 sets out three options for Council when it first considers a proposed ODP or major change to an ODP. The options are to determine that:

- i) The proposal is satisfactory for advertising for public comment.
- ii) Advertising for public comment is not to occur until further details have been provided or modifications made.
- iii) The proposal is not satisfactory for advertising for public comment.

To elaborate on Clause 7.4.2, it is proposed to insert a new Part 4 into Local Planning Policy No. 6.3.1 – Outline Development Plans. These provisions will identify what standards must be met for a proposed ODP or major change to an ODP to be considered satisfactory for advertising for public comment.

The proposed standards relate to compliance with the City's TPS 6 and the Metropolitan Region Scheme, consistency with any applicable broader ODP(s) or Structure Plan(s), and general compliance with the planning direction of Council and the State Government set through Policy and Strategies.

The adoption of standards for determining whether an ODP proposal is satisfactory for advertising will ensure that proposals are complete and consistent with the principles of orderly and proper planning prior to advertising occurring. The standards will also provide greater certainty for applicants in terms of the requirements for the preparation

of proposed ODPs and major changes to ODPs and for the City in terms of the assessment and determination of whether such proposals are satisfactory for advertising.

The proposed Part 4 of the Policy will also contain provisions identifying the methods by which a proposed ODP or major change to an ODP will be advertised. This will ensure a consistent approach to the advertising of such proposals.

Other Minor Amendments

The adopted Local Planning Policy No. 6.3.1 – Outline Development Plans sets out the purpose and objectives of each part of the Policy. These purposes and objectives should be the same. There is however a slight difference between the objective listed in provision 2.0 of Part 3 of the Policy and the corresponding reason at the commencement of the Policy. It is proposed to amend the Policy, as shown in Appendix 13.5.4B, to correct this inconsistency.

Provision 3.5 of Part 1 of the adopted Policy makes reference to another “Clause” within the Policy. This reference to a “Clause” should in fact be “provision”. It is proposed to amend the Policy, as shown in Appendix 13.5.4B, to ensure consistent wording throughout the Policy when making reference to other provisions in the Policy.

Part 3 of the adopted Policy deals with “Residential Density Greater Than R17.5” and “Residential Density Greater Than R20” classifications on ODPs. Since the Policy was adopted by Council, the Canning Vale ODP, which included the “Residential Density Greater Than R17.5” classification, was modified to (among other things) replace the classification of “Residential Density Greater R17.5” with the term “Higher Density Node”. To ensure the provisions of the Policy apply to the new classification of “Higher Density Node”, it is proposed to amend Part 3 of the Policy, as shown in Appendix 13.5.4B, to make reference to this new classification.

Each of the preceding three proposed amendments to the Policy are considered minor and administrative in nature and will not alter the intent of the Policy.

Statutory Process

Clause 2.4 of TPS 6 sets out the procedure for amending a Local Planning Policy. If Council supports the proposed amended Policy, with or without modifications, it must be advertised for public comment for a period of not less than 21 days. Advertising is proposed to be undertaken in the following manner, consistent with the requirements of TPS 6:

- Advertisement in a local newspaper for two consecutive weeks.
- Display on the City’s website.

After the closure of the advertising period, Council is required to review the proposed amended Policy in light of any submissions received and may either adopt the Policy with or without modifications or not proceed with the Policy.

Proposed Delegation of Authority

With a large number of ODPs currently proposed and in operation in the City, administration of ODP-related processes represents a significant workload for planning staff and Council. This workload is only anticipated to increase given the likelihood that more ODPs will be prepared in the future.

If Council adopts the proposed amended Policy after advertising, it is intended to seek a new delegation of authority from Council to the Chief Executive Officer (who may then on-delegate the authority to staff) to determine whether a proposed ODP or major change to an ODP is satisfactory for advertising in accordance with Clause 7.4.2 of TPS 6 and the adopted Policy.

Such delegation would enable City staff to efficiently deal with new proposed ODPs and major changes to existing ODPs under the direction set by Council through the Policy.

It is also intended in future to seek a further delegation of authority from Council to enable ODPs or major changes to ODPs pursuant to Clause 7.4.15 of TPS 6 to be adopted by the Chief Executive Officer (CEO). Clause 7.4.15 requires that Council, having been informed that the Western Australian Planning Commission has approved a proposal, finally adopt the ODP or major change. This is a mandatory administrative requirement of TPS 6 and, as such, is the only option available to Council. If this function were delegated to the CEO, staff would be able to complete this administrative step, without the need to submit a report to Council, thus reducing the amount of time and resources required to make such decision.

Adoption of an ODP or major change to an ODP pursuant to Clause 7.4.15 of TPS 6 is the final procedural step in the approvals process. Providing delegation to staff to adopt the ODP or major change will allow for further business improvements in respect of the processing of ODPs.

CONCLUSION

City staff consider that the proposed amendments to Local Planning Policy 6.3.1 – Outline Development Plans are critically important in delivering further business improvements in the City's processing of ODPs.

It will therefore be recommended that Council, pursuant to Clause 2.4.6 of TPS 6, advertise the proposed amended Local Planning Policy 6.3.1– Outline Development Plans, as contained in Appendix 13.5.4C for public comment.

FINANCIAL IMPLICATIONS

The cost of advertising the proposed amended Policy can be met from the operational budget.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION

348 Moved Cr B Wiffen Seconded Cr J Brown

That Council, pursuant to Clause 2.4.6 of Town Planning Scheme No. 6, advertise the proposed amended Local Planning Policy No. 6.3.1 – Outline Development Plans, attached as Appendix 13.5.4C, for public comment for a period of not less than 21 days, by way of:

1. Advertisement in a local newspaper for two consecutive weeks.
2. Display on the City's website.

CARRIED 9/0

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

AGAINST: Nil.

13.5.5 DEVELOPMENT APPLICATION – CIRCUS – 77 (PT LOT 155) ATTFIELD STREET, MADDINGTON

Author:	A Bratley
Reference:	216676
Application No:	DA08/02676
Applicant:	Anton Gasser/Silver's Circus
Owner:	CPT Manager Limited
Location:	77 (Pt Lot 155) Attfield Street, Maddington
Zoning: MRS:	Urban
TPS No. 6:	Regional Centre
Review Rights:	Yes. State Administrative Tribunal against any discretionary decision of Council.
Area:	1.5606ha
Previous Ref:	OCM 12 June 2007 (Resolutions 245-247) OCM 27 June 2006 (Resolution 315) OCM 24 May 2005 (Resolution 231) OCM 28 October 1997 (Resolution 669)
Appendix:	Nil

PURPOSE OF REPORT

For Council to consider an application for planning approval for a temporary circus (Silver's Circus) at 77 (Pt Lot 155) Attfield Street, Maddington as the proposal is outside the authority delegated to staff. It is also proposed to change the delegation of authority from Council, to allow such applications to be determined at officer level in future.

BACKGROUND

At its meeting on 28 October 1997, Council resolved (Resolution 669) to require that future applications to conduct a circus in the district be referred to it for determination. At its meeting on 12 June 2007 (Resolution 246), Council revoked Resolution 669 and granted the following delegated authority to the Chief Executive Officer to determine future applications for planning approval for the operation of a circus by "Circus Joseph Ashton" at 77 (Pt Lot 155) Attfield Street, Maddington adjacent to the Centro Maddington Shopping Centre (Resolution 247):

"The authority to determine applications for planning approval for the operation of a circus by "Circus Joseph Ashton" at Pt Lot 155 Attfield Street, Maddington.

- 1. Not more than one planning approval may be granted per calendar year for the operation of a circus on the subject land.*
- 2. Any planning approval granted for the operation of a circus on the subject land shall only be valid for the period during which the circus will setup and operate.*
- 3. In the case of a planning approval, this delegation can only be exercised to approve a circus on the subject land for a period up to one month and to cater for up to 550 patrons."*

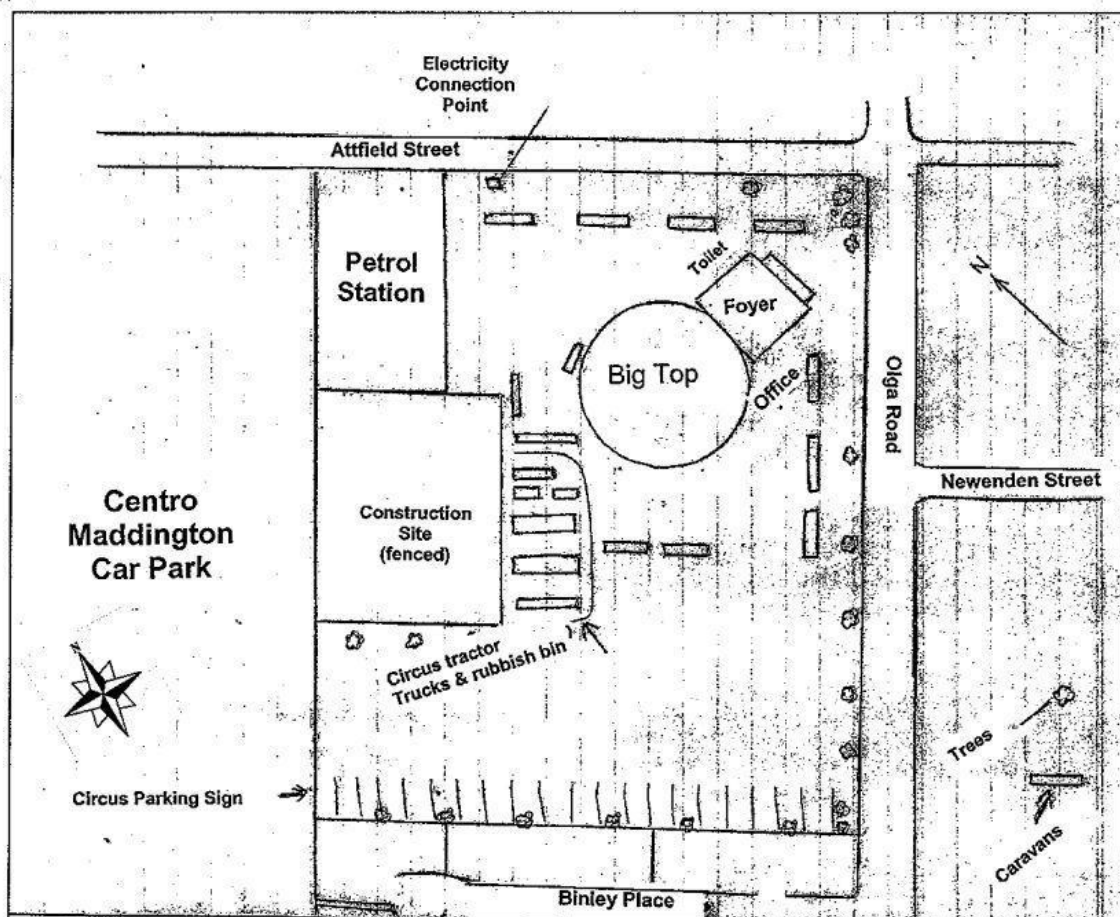
Site Description

The subject site, bounded by Attfield Street and Olga Road, Maddington is adjacent to the Centro Maddington Shopping Centre. The 1.560ha lot is mostly vacant except for a fuel convenience store built on part of the site. The fenced construction site shown on the site plan is a car wash facility approved by the City, which is currently under construction.

Proposal

It is proposed that the circus operate on 77 (Pt Lot 155) Attfield Street from 28 July to 24 August 2008 at 8pm on weekdays, at 2pm and 8pm on Saturdays and at 2pm Sundays. Each show will be of approximately two hours duration. The circus tent has the capacity to seat up to 350 people for each performance, however the shopping centre car park has 2,136 car parking bays with approximately 700 car parking bays adjacent to the circus site.

There will be no exotic animals featuring in the shows.



SITE PLAN

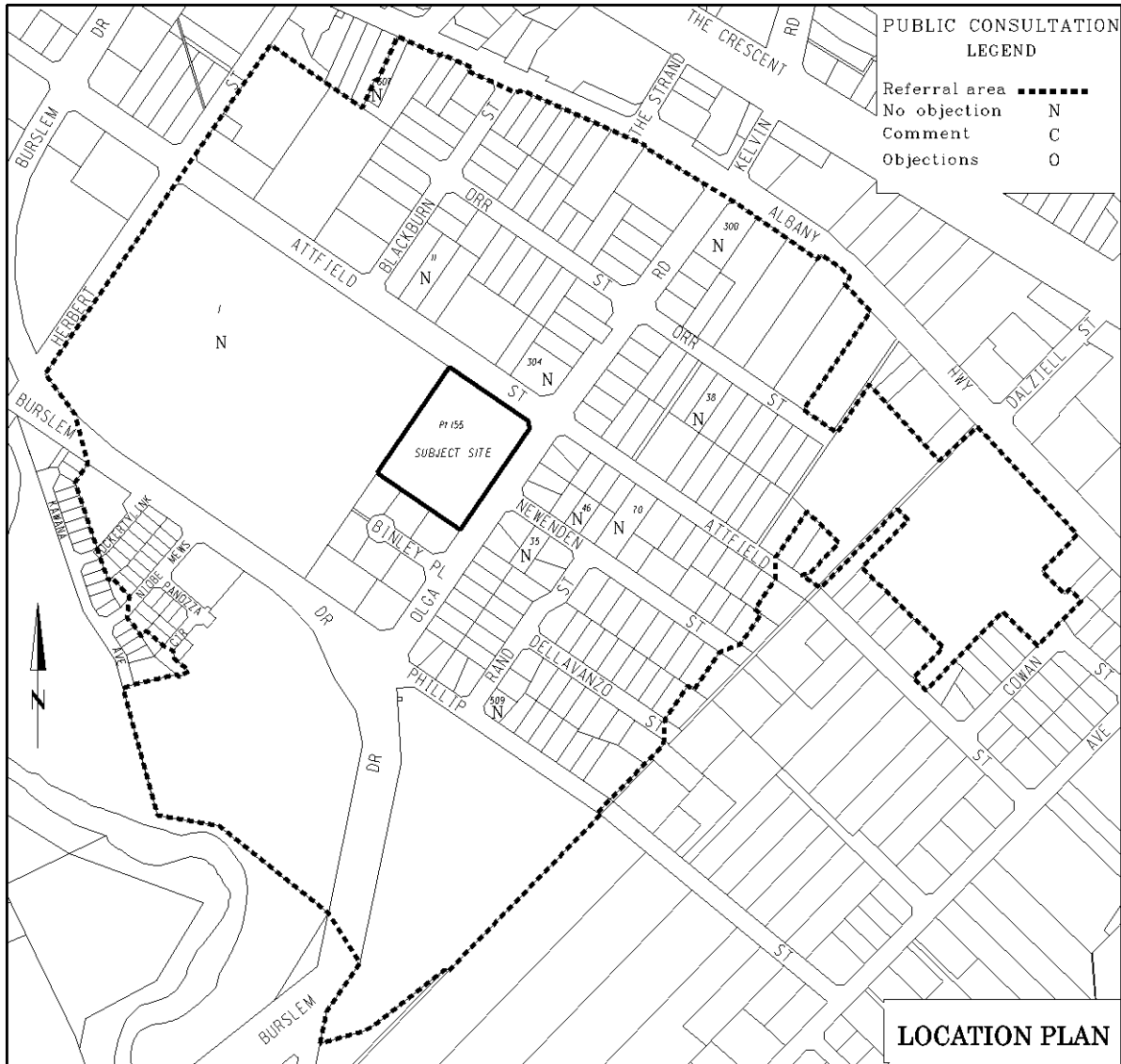
Consultation

The proposal was advertised for public comment for 14 days in accordance with Town Planning Scheme No. 6 (TPS 6) requirements, during which time 10 submissions were received, all raising no objection to the proposal. A summary of these submissions and staff comments thereon are provided in the Schedule of Submissions included in this report.

Schedule of Submissions

1	Name and Postal Address: Ivor Cohen PO Box 7790 Cloisters Square Perth WA 6850	Affected Property: 1869 (Lot 607) Albany Highway Gosnells
Summary of Submission		Staff Comment
No objection to proposal. Council should ensure that traffic management provisions are in place to provide that patrons attending the circus do not inconvenience owners and occupiers of adjacent or surrounding properties.		Traffic volumes are expected to be less than that experienced during the peak periods of the operation of the adjoining Centro Maddington Shopping Centre. As such it is considered that there is no need for additional traffic management measures to be implemented.
2	Name and Postal Address: Robert Cornell 53B Orr Street Maddington WA 6109	Affected Property: 53B (Strata Lot 1) Orr Street Maddington
Summary of Submission		Staff Comment
No objection to proposal This should be an enjoyable event for people in our community. I have no objections for the proposal.		Noted.
3	Name and Postal Address: Myrna and Ron Biffin 103 Attfield Street Maddington WA 6109	Affected Property: 103 (Lot 70) Attfield Street Maddington
Summary of Submission		Staff Comment
No objection to proposal. Happy to have the circus back in Maddington.		Noted.
4	Name and Postal Address: Andrew Page Centro Properties Group Pty Ltd PO Box 292 Maddington WA 6109	Affected Property: 43 (Lot 1) Attfield Street Maddington
Summary of Submission		Staff Comment
No objection to proposal.		Noted.

5	Name and Postal Address: B Lovel 2925 Albany Highway Kelmescott WA 6111	Affected Property: 70 (Lot 11) Attfield Street Maddington
Summary of Submission		Staff Comment
No objection to proposal.		Noted.
6	Name and Postal Address: Asha Van Der Burg 3 Newenden Street Maddington WA 6109	Affected Property: 3 (Lot 35) Newenden Street Maddington
Summary of Submission		Staff Comment
No objection to proposal.		Noted.
7	Name and Postal Address: Valma Saunders 10 Phillip Street Maddington WA 6109	Affected Property: 10 (Lot 509) Phillip Street Maddington
Summary of Submission		Staff Comment
No objection to proposal.		Noted.
8	Name and Postal Address: Victor Yancazes 31 Rawling Street Glendalough WA 6016	Affected Property: 23 (Lot 304) Olga Road Maddington
Summary of Submission		Staff Comment
No objection to proposal.		Noted.
9	Name and Postal Address: P A Glanville PO Box 404 Applecross WA 6953	Affected Property: 1909 (Lot 300) Albany Highway Maddington
Summary of Submission		Staff Comment
No objection to proposal.		Noted.
10	Name and Postal Address: Linda Forward 6 Newenden Street Maddington WA 6109	Affected Property: 6 (Lot 46) Newenden Street Maddington
Summary of Submission		Staff Comment
No objection to proposal.		Noted.



DISCUSSION

Town Planning Scheme No. 6

Under the Zoning Table of TPS 6 a circus falls under the definition of “Recreation – Private” and is listed as a discretionary “D” use in a Regional Centre zone, meaning the use is not permitted unless Council has exercised its discretion by granting planning approval.

The proposal complies with all relevant provisions of TPS 6, although the following provisions relating to parking warrant some additional discussion.

TPS Clause Requirements		Assessment/Comment
1.	<p>Table 3A – Parking Standards – Recreation Private</p> <p>Spectator seating – 1 space for every 4 seats provided.</p> <p>Other – 1 space for every 20m² active area.</p> <p>Staff – 1 space for every staff member present during peak operation.</p>	<p>The applicant has indicated the seating capacity is for 350 people. Consequently, 88 car parking bays are required.</p> <p>A total of 2,136 car parking bays on the Centro Maddington Shopping Centre site are available with approximately 700 bays available immediately adjoining the subject site.</p> <p>The circus is proposed to hold eight shows per week, with only two being held whilst the shopping centre is open. However, these shows are not held during peak periods of the shopping centre, so City staff do not anticipate any conflicts would occur.</p> <p>Centro Shopping Centre Management has agreed to the application being lodged and has no objections to the circus patrons utilising the its car parking. It has been observed that the supply of parking at the centre is rarely fully utilised.</p>

Future Circus Events

This is the fourth consecutive year that a circus company has sought approval to conduct their shows on Pt Lot 155 Attfield Street, Maddington. In the previous three years, approval was sought by “Circus Joseph Ashton”.

Given that circuses have been successfully operated on the subject site for several years now, it is considered reasonable to expand Council’s existing delegation of authority (which is currently limited to approval for “Circus Joseph Ashton”) to allow staff to determine all applications for planning approval for circuses generally on the site. It will therefore be recommended that Council amend the existing delegation of authority to the Chief Executive Officer (CEO) to determine all future circus applications for the site, regardless of the circus operator, subject to the same conditions as applying to the existing delegation of authority.

CONCLUSION

The proposal is supported as it meets the relevant requirements of TPS 6 and is consistent with circus events that have been temporarily operated on the site in previous years.

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

It will also be recommended that Council amend its existing delegation of authority to the Chief Executive Officer to determine all future circus applications at 77 (Pt Lot 155) Attfield Street, Maddington, regardless of the circus operator.

FINANCIAL IMPLICATIONS

Nil.

STAFF RECOMMENDATION (1 of 2)

Moved Cr W Barrett Seconded Cr L Griffiths

That Council approve the application for a circus by "Silver's Circus" at 77 (Pt Lot 155) Attfield Street, 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. This approval is only valid for the period between 28 July 2008 and 24 August 2008 inclusive, with circus performances to only occur between 30 July and 24 August 2008 inclusive.

Advice Notes

1. The circus is to comply in all respects with the Health (Food Hygiene) Regulations 1993, the City of Gosnells Health Local Law 1999 and the Health (Public Buildings) Regulations 1992. In this regard it must be noted that approval is required from the City's Health Services Branch, prior to the commencement of activities on site.
2. 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.

STAFF RECOMMENDATION (2 of 2)

Moved Cr W Barrett Seconded Cr L Griffiths

That Council, pursuant to clause 12.3.1 of Town Planning Scheme No. 6 and section 5.45(1)(b) of the Local Government Act 1995, amend Delegation 56 – Planning Approval for Operation of Circus, to read as follows:

“The authority to determine future applications for planning approval for the operation of a circus at Pt Lot 155 Attfield Street, Maddington subject to the following conditions:

- 1. Not more than one planning approval may be granted per calendar year for the operation of a circus on the subject land.*
- 2. Any planning approval granted for the operation of a circus on the subject land shall only be valid for the period during which the circus will setup and operate.*
- 3. In the case of a planning approval, this delegation can only be exercised to approve a circus on the subject land for a period up to one month and cater for up to 550 patrons.”*

Amendment to Staff Recommendation (2 of 2)

During debate Cr PM Morris moved the following amendment to the staff recommendation (2 of 2)

“That staff recommendation (2 of 2) appearing on page 70 to page 71 of the agenda be amended by removing the words of Condition 1;

- 1. Not more than one planning approval may be granted per calendar year for the operation of a circus on the subject land.*

and change the numbers of the remaining two conditions to reflect the adjusted numbering.”

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

“To enable the CEO under delegated authority to approve more than one circus to be approved”.

Cr J Brown Seconded Cr PM Morris’ proposed amendment.

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

Proposed Amendment to Staff Recommendation (2 of 2)

Moved Cr PM Morris Seconded Cr J Brown

That staff recommendation (2 of 2) appearing on page 70 to page 71 be amended by removing the words of Condition 1;

- “1. Not more than one planning approval may be granted per calendar year for the operation of a circus on the subject land.”

and change the numbers of the remaining two conditions to reflect the adjusted numbering.

With the amended recommendation to read:

“That Council, pursuant to clause 12.3.1 of Town Planning Scheme No. 6 and section 5.45(1)(b) of the Local Government Act 1995, amend Delegation 56 – Planning Approval for Operation of Circus, to read as follows:

“The authority to determine future applications for planning approval for the operation of a circus at Pt Lot 155 Attfield Street, Maddington subject to the following conditions:

1. *Any planning approval granted for the operation of a circus on the subject land shall only be valid for the period during which the circus will setup and operate.*
2. *In the case of a planning approval, this delegation can only be exercised to approve a circus on the subject land for a period up to one month and cater for up to 550 patrons.”*

CARRIED 9/0

FOR: Cr D Griffiths, Cr B Wiffen, Cr S Iwanyk, Cr J Brown, Cr C Fernandez, Cr W Barrett, Cr P Morris, 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 together with the other staff recommendation, which read:

STAFF RECOMMENDATION (1 of 2) AND COUNCIL RESOLUTION

349 Moved Cr W Barrett Seconded Cr L Griffiths

That Council approve the application for a circus by "Silver's Circus" at 77 (Pt Lot 155) Attfield Street, 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. This approval is only valid for the period between 28 July 2008 and 24 August 2008 inclusive, with circus performances to only occur between 30 July and 24 August 2008 inclusive.

Advice Notes

1. The circus is to comply in all respects with the Health (Food Hygiene) Regulations 1993, the City of Gosnells Health Local Law 1999 and the Health (Public Buildings) Regulations 1992. In this regard it must be noted that approval is required from the City's Health Services Branch, prior to the commencement of activities on site.
2. 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 9/0

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

AGAINST: Nil.

COUNCIL RESOLUTION

350 Moved Cr PM Morris Seconded Cr J Brown

“That Council, pursuant to clause 12.3.1 of Town Planning Scheme No. 6 and section 5.45(1)(b) of the Local Government Act 1995, amend Delegation 56 – Planning Approval for Operation of Circus, to read as follows:

“The authority to determine future applications for planning approval for the operation of a circus at Pt Lot 155 Attfield Street, Maddington subject to the following conditions:

1. *Any planning approval granted for the operation of a circus on the subject land shall only be valid for the period during which the circus will setup and operate.*
2. *In the case of a planning approval, this delegation can only be exercised to approve a circus on the subject land for a period up to one month and cater for up to 550 patrons.”*

CARRIED BY ABSOLUTE MAJORITY 9/0

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

AGAINST: Nil.

13.6 GOVERNANCE

13.6.1 COMPULSORY VOTING IN LOCAL GOVERNMENT ELECTIONS – WALGA SURVEY

Author: G Bradbrook
Previous Ref: OCM 24 October 2006 (Resolution 530)
Appendix: Nil

PURPOSE OF REPORT

For Council to establish a position on compulsory voting in local government elections.

BACKGROUND

Correspondence dated 13 June 2008 has been received from the Western Australian Local Government Association (WALGA) seeking local government feedback with respect to compulsory voting in local government elections. WALGA is seeking to establish a local government position on compulsory voting at its October 2008 State Council Meeting.

WALGA's request for local government feedback on compulsory voting was distributed to elected members on 25 June 2008 to enable Councillors to have input into the development of the City's position. At the closing date for Councillor feedback, no responses had been provided.

As a component of its 2007 election campaign, the federal Labor Party detailed a commitment to compulsory voting in local government elections. As such, it is important for local governments to establish a position with respect to this issue.

WALGA is seeking feedback with respect to the following specific issues:

1. Does Council support the principle of compulsory voting in local government elections?
2. Does Council support the introduction of compulsory voting in local government elections under current electoral arrangements?
3. If Council supports the introduction of compulsory voting under current electoral arrangements, what changes to the electoral arrangements would see Council withdraw its support?
4. Would Council support the introduction of optional preferential voting in local government elections as an alternative to proportional preferential voting?

DISCUSSION

Voting in Western Australian local government elections has always been voluntary and in comparison to other States that have compulsory voting in local government elections, participation rates in Western Australia have been lower. In the 2007 local government elections, the average voter turnout across Western Australia was 33.8 percent. The turnout for the City of Gosnells October 2007 election was 26.6 percent.

Linked to the issue of compulsory voting is the issue of proportional preferential voting (PPV) which was introduced for the 2007 local government elections. It is worth noting

that at its meeting on 24 October 2006 Council considered a report with respect to the introduction of PPV for local government elections and adopted Resolution 530 which reads:

“That Council express its serious concern and opposition to the proposed introduction to local government of a proportional preferential voting system and that the Chief Executive Officer be requested to write to the State Government and Local State Members of Parliament accordingly.”

The Federal Government’s commitment to the introduction of compulsory voting in local government elections incorporates a combination of optional preferential voting and proportional representation. Optional preferential voting, sometimes referred to as partial preferential voting, allows voters to vote in the following ways:

1. Allocate a single preference only;
2. Allocate a partial distribution of preferences; or
3. Allocate a full distribution of preferences.

The primary argument in support of optional preferential voting is that it allows voters the opportunity to vote for the candidates they support without being forced to allocate preferences to candidates they either do not support or do not know. Conversely, it is argued that optional preferential voting can become a de-facto first past the post system if sufficient voters only indicate a first preference.

In local government elections, it is considered likely that if optional preferential voting was introduced, many voters may choose to allocate only a single first preference, as candidates for local government elections in Western Australia tend not to have a high level of recognition within the community and voters may be unaware of who they are voting for and on what election platform.

An additional consideration with respect to PPV and a key distinction between State and Federal Governments, and local government elections is the issue of electoral and ward boundaries. It is suggested that PPV may be more appropriate for State and Federal systems where only one candidate is elected to each seat. However, at a local government level, this issue is more complex as there is often more than one vacancy in each ward (the local government equivalent of an electorate) to be filled.

It is suggested that if compulsory voting is to be introduced, then proportional preferential voting should be replaced with a return to the first past the post system. However it is considered that such a change is unlikely given its very recent implementation.

Fundamental to the argument for compulsory voting is increased participation which would require candidates and Councillors to consider the full electorate. The Western Australian Electoral Commission suggests that older residents are more likely to vote in voluntary local government elections than younger members of the community. This can lead to a narrow reflection of the community’s needs and interests and it is claimed that compulsory voting would require consideration of the view of the entire electorate rather than a narrow range of views from those who vote.

Additionally, evidence from other countries where voting is voluntary suggests that people who have lower levels of education and are from lower socio-economic backgrounds are less likely to vote. Hence, it tends to be middle to upper class voters that determine the outcome of elections and therefore have a disproportionate say in policy decisions. Such outcomes tend to disadvantage people from lower socio-economic backgrounds, who it is argued, are most in need of, and reliant on, government assistance and proactive policy.

It is also argued that increased voter participation enhances the democratic legitimacy of the Council, as Councillors would have the confidence that they have been elected by the majority of the community. Under the existing system of voluntary voting it is possible for a candidate to be elected to a Council with minimal broad community support. In such circumstances, an argument exists that the Council may not be well positioned to reflect the views and aspirations of the broader community it represents.

A further argument in favour of compulsory voting is to seek consistency with State and Federal elections where voting is compulsory. The shift from first past the post voting to PPV for the October 2007 local government election was partially justified by the State Government on this basis.

Whilst there exist a number of arguments that would appear to support the notion of compulsory voting in local government elections, there are also many arguments against its introduction.

Whilst no specific research has been undertaken in Western Australia, research undertaken in South Australia in relation to compulsory voting in local government elections found 66 percent of respondents did not support its introduction. It would be reasonable to assume that a similar view may be shared by West Australian voters.

A more philosophical argument against compulsory voting is that in a liberal democratic society, forcing people to participate in the political process infringes their liberty to abstain. Whether or not one agrees with this assertion, Australians are accustomed to being required to vote and hence, the validity of this argument is somewhat eroded.

Notwithstanding the validity of the argument, it could also be said that residents are able to participate in the governance process more directly at a local government level through the capacity to ask questions and make public statements at Council meetings irrespective of whether they vote or not, whereas similar opportunities rarely exist at a State or Federal level.

The counter argument to the philosophical position that compelling a person to vote infringes their liberty to abstain is that compulsory voting has the capacity to enhance the democratic process by ensuring Councillors are elected by a majority of electors, strengthening their "mandate" and claims that they represent the community.

A further argument against compulsory voting is that compelling the electorate to vote does not necessarily generate interest in the political process. It is likely that compulsory voting would result in an increased number of uninformed or informal votes, however, this needs to be weighted against the current system in Western Australian local government elections where on average, in excess of 60 percent of the electorate does not have their say. In the City's October 2007 elections, 73.4 percent of eligible voters did not participate in the election.

One of the most compelling arguments against compulsory voting is the increased cost to local governments of holding elections. This would be particularly so under the current system where half the number of offices of member of Council expire every two years. The issue of whether terms of office for Councillors ought to be amended if compulsory voting is introduced is raised by WALGA as an issue, however, Council is not being requested to establish a position in relation to this matter at this time.

A final practical issue with respect to compulsory voting that requires consideration is whether property owners should be compelled to vote. Under present arrangements, both residents and land owners are entitled to vote in local government elections. In Victoria and New South Wales where voting in local government elections is compulsory, voting for property owners remains voluntary. It is suggested that a similar approach ought to be adopted in Western Australia should compulsory voting be introduced or many land owners could be required to vote in a number of local government elections.

CONCLUSION

Whilst many arguments for and against the introduction of compulsory voting exist, and many practical issues would need to be addressed before it could be implemented, WALGA has requested that local governments advise of whether or not they support the *principle* of compulsory voting in local government elections.

As a principle, it will be recommended that Council support compulsory voting in local government elections as it offers significant potential to:

- Increase participation in the political process;
- Enhance the democratic legitimacy of the Council;
- Ensure that the views of the entire electorate are considered in the decision making process; and
- Ensure greater diversity of voters leading to Councils that are more representative of the communities that elect them.

With respect to whether or not Council would support the introduction of compulsory voting under current electoral arrangements, it is suggested that several practical issues would need to be addressed before a recommendation would be presented to Council to this effect, including:

- The abolition of proportional preferential voting in favour of a return to the first past the post system;
- Modifications to electoral terms for Councillors to ensure voters are not compelled to vote in local government elections every two years;
- Ensuring that voting in local government elections for property owners remains optional;
- Penalties for non-voters and enforcement thereof; and
- The cost to local government of conducting compulsory elections.

FINANCIAL IMPLICATIONS

Nil. Local Governments are only being requested to clarify their positions with respect to the introduction of compulsory voting at this time.

STAFF RECOMMENDATION (1 of 3)

Moved Cr D Griffiths Seconded Cr B Wiffen

That Council advise the Western Australian Local Government Association that it supports the principle of compulsory voting in local government elections.

STAFF RECOMMENDATION (2 of 3)

Moved Cr D Griffiths Seconded Cr B Wiffen

That Council advise the Western Australian Local Government Association that it does not support the introduction of compulsory voting in local government elections under the current electoral arrangements for the following reasons:

1. It does not support a continuation of Proportional Preferential Voting in local government elections;
2. The cost of conducting elections that involve compulsory voting every two years would be excessive;
3. The issue of compelling property owners to vote in local government elections needs to be resolved;
4. The resources and costs associated with enforcing penalties for non-voters are likely to be significant and clarification with respect to how these costs would be met is required.

STAFF RECOMMENDATION (3 of 3)

Moved Cr D Griffiths Seconded Cr B Wiffen

That Council advise the Western Australian Local Government Association that it does not support the introduction of optional preferential voting as an alternative to proportional preferential voting.

Foreshadowed Motion

During debate Cr PM Morris foreshadowed that if the motions under debate were defeated she would move the following motions:

1. "That Council advise the Western Australian Local Government Association that it does not support the principle of compulsory voting in Local Government Elections."
2. "That Council advise the Western Australian Local Government Association that it does support the introduction of Optional Preferential Voting as an alternative to Proportional Preferential Voting."

providing the following written reason:

"This goes against the democratic principle for 200 years in Local Government."
"All Council to have options available to it in any election."

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

STAFF RECOMMENDATION (1 of 3) AND COUNCIL RESOLUTION
--

351 Moved Cr D Griffiths Seconded Cr B Wiffen

That Council advise the Western Australian Local Government Association that it supports the principle of compulsory voting in local government elections.

CARRIED 6/3

FOR: Cr D Griffiths, Cr B Wiffen, Cr J Brown, Cr C Fernandez, Cr L Griffiths, and Cr O Searle.

AGAINST: Cr S Iwanyk, Cr W Barrett and Cr P Morris.

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

352 Moved Cr D Griffiths Seconded Cr B Wiffen

That Council advise the Western Australian Local Government Association that it does not support the introduction of compulsory voting in local government elections under the current electoral arrangements for the following reasons:

1. It does not support a continuation of Proportional Preferential Voting in local government elections;
2. The cost of conducting elections that involve compulsory voting every two years would be excessive;
3. The issue of compelling property owners to vote in local government elections needs to be resolved;
4. The resources and costs associated with enforcing penalties for non-voters are likely to be significant and clarification with respect to how these costs would be met is required.

CARRIED 6/3

FOR: Cr D Griffiths, Cr B Wiffen, Cr J Brown, Cr C Fernandez, Cr L Griffiths, and Cr O Searle.

AGAINST: Cr S Iwanyk, Cr W Barrett and Cr P Morris.

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

353 Moved Cr D Griffiths Seconded Cr B Wiffen

That Council advise the Western Australian Local Government Association that it does not support the introduction of optional preferential voting as an alternative to proportional preferential voting.

CARRIED 6/3

FOR: Cr D Griffiths, Cr B Wiffen, Cr J Brown, Cr C Fernandez, Cr L Griffiths, and Cr O Searle.

AGAINST: Cr S Iwanyk, Cr W Barrett and Cr P Morris.

14. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

15. NOTICES OF MOTION FOR CONSIDERATION AT THE FOLLOWING MEETING

Nil

16. URGENT BUSINESS
(by permission of Council)

Nil

17. CONFIDENTIAL MATTERS

Nil

18. CLOSURE

The Mayor declared the meeting closed at 8:30pm.