



ORDINARY COUNCIL MEETING
13 AUGUST 2013

TABLE OF CONTENTS - MINUTES

| Item | Report Title | Page No. |
|--------|--|----------|
| 1. | DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS/DISCLAIMER | 1 |
| 2. | RECORD OF ATTENDANCE | 2 |
| 3. | DISCLOSURE OF INTEREST | 2 |
| 4. | ANNOUNCEMENTS BY THE PRESIDING MEMBER | 2 |
| 5. | REPORTS OF DELEGATES | 3 |
| 6. | QUESTION TIME FOR THE PUBLIC AND THE RECEIVING OF PUBLIC STATEMENTS | 3 |
| 6.1 | QUESTION TIME | 4 |
| 6.2 | PUBLIC STATEMENTS | 7 |
| 7. | CONFIRMATION OF MINUTES | 8 |
| 8. | RECEIVING OF PETITIONS AND PRESENTATIONS | 8 |
| 8.1 | REQUEST FOR REVIEW OF THE CITY OF GOSNELLS DEVELOPMENT CONTRIBUTION ARRANGEMENT FIGURE FOR THE CENTRAL MADDINGTON OUTLINE DEVELOPMENT PLAN | 8 |
| 9. | APPLICATIONS FOR LEAVE OF ABSENCE | 9 |
| 10. | QUESTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN | 9 |
| 11. | ITEMS BROUGHT FORWARD FOR THE CONVENIENCE OF THOSE IN THE PUBLIC GALLERY | 10 |
| 13.5.3 | DEVELOPMENT APPLICATION - INDUSTRY - NOXIOUS (RESOURCE RECOVERY AND WASTE ACTIVITIES) - 48 (LOT 280) AND 42 (LOT 281) KELVIN ROAD, MADDINGTON | 11 |
| 13.5.9 | DEVELOPMENT APPLICATION - CHANGE OF USE (RECREATION - PRIVATE TO PLACE OF WORSHIP AND SHOP) - 8/2209 (LOT 20, STRATA LOT 8) ALBANY HIGHWAY, GOSNELLS | 20 |
| 13.6.1 | REVIEW OF COUNCIL POLICY 5.4.23 - COUNCILLOR ALLOWANCES, EXPENSES AND SUPPLIES | 26 |
| 12. | REPORTS OF COMMITTEE MEETINGS | 35 |
| 13. | REPORTS | 36 |
| 13.1 | CHIEF EXECUTIVE OFFICE | 36 |
| 13.1.1 | MAJOR PROJECTS PROGRESS REPORT | 36 |

| Item | Report Title | Page No. |
|--------|---|----------|
| 13.2 | COMMUNITY ENGAGEMENT | 38 |
| 13.2.1 | COMMUNITY SPONSORSHIP PROGRAM - COMBINED REPORT ON SPONSORSHIPS PROVIDED UNDER DELEGATED AUTHORITY WITHIN SPORTS REPRESENTATION/COMMUNITY RECOGNITION, SCHOOL BOOK PRESENTATIONS AND EDUCATION SCHOLARSHIPS CATEGORIES DURING 2011/12 AND 2012/13 | 38 |
| 13.3 | CORPORATE SERVICES | 41 |
| 13.3.1 | BUDGET VARIATIONS | 41 |
| 13.4 | INFRASTRUCTURE | 45 |
| 13.4.1 | TENDER 28/2013 - SUPPLY OF GREENSTOCK | 45 |
| 13.4.2 | MILLS PARK MASTER PLAN PROGRESS REPORT | 48 |
| 13.4.3 | COMMUNITY SPORT AND RECREATION FACILITY FUND SEPTEMBER 2013 SMALL GRANTS ROUND APPLICATIONS | 53 |
| 13.5 | PLANNING AND SUSTAINABILITY | 57 |
| 13.5.1 | DRAFT MODIFIED LOCAL PLANNING POLICY - OUTBUILDINGS AND SEA CONTAINERS | 57 |
| 13.5.2 | DEVELOPMENT APPLICATION - FAMILY DAY CARE - 17 (LOT 648) DUCKBILL LOOP, SOUTHERN RIVER | 60 |
| 13.5.3 | DEVELOPMENT APPLICATION - INDUSTRY - NOXIOUS (RESOURCE RECOVERY AND WASTE ACTIVITIES) - 48 (LOT 280) AND 42 (LOT 281) KELVIN ROAD, MADDINGTON (ITEM BROUGHT FORWARD - REFER TO ITEM 11) | 68 |
| 13.5.4 | DEVELOPMENT APPLICATION - FAMILY DAY CARE - 163 (LOT 219) FRASER ROAD NORTH, CANNING VALE | 69 |
| 13.5.5 | PROPOSED MODIFICATION - AMENDMENT NO. 131 TO TOWN PLANNING SCHEME NO. 6 - REZONING OF LAND TO DEVELOPMENT ZONE - PASSMORE STREET AND RANFORD ROAD, SOUTHERN RIVER | 77 |
| 13.5.6 | DEVELOPMENT APPLICATION - MOTOR VEHICLE REPAIR (SPRAY BOOTH) - 4 (LOT 44) BURWASH PLACE, MADDINGTON | 81 |
| 13.5.7 | PROPOSED MODIFICATION TO AMENDMENT NO. 108 OF TOWN PLANNING SCHEME NO. 6 - SOUTHERN RIVER PRECINCT 1 DEVELOPMENT CONTRIBUTION ARRANGEMENT | 89 |
| 13.5.8 | PROPOSED MODIFICATION TO AMENDMENT NO. 136 TO TOWN PLANNING SCHEME NO. 6 - MADDINGTON ROAD PRECINCTS A AND B DEVELOPMENT CONTRIBUTION ARRANGEMENT | 94 |

| Item | Report Title | Page No. |
|---------|---|----------|
| 13.5.9 | DEVELOPMENT APPLICATION - CHANGE OF USE (RECREATION - PRIVATE TO PLACE OF WORSHIP AND SHOP) - 8/2209 (LOT 20, STRATA LOT 8) ALBANY HIGHWAY, GOSNELLS (ITEM BROUGHT FORWARD - REFER TO ITEM 11) | 98 |
| 13.5.10 | DEVELOPMENT APPLICATION - CONVENIENCE STORE AND TWO MULTIPLE DWELLINGS - 154 (LOT 737) CANNA DRIVE, CANNING VALE | 99 |
| 13.5.11 | DRAFT LOCAL PLANNING POLICY - MADDINGTON KENWICK STRATEGIC EMPLOYMENT AREA PRECINCT 1 | 105 |
| 13.5.12 | PROPOSED METROPOLITAN REGION SCHEME AMENDMENT - MADDINGTON KENWICK STRATEGIC EMPLOYMENT AREA - PHASE 2 | 108 |
| 13.6 | GOVERNANCE | 118 |
| 13.6.1 | REVIEW OF COUNCIL POLICY 5.4.23 - COUNCILLOR ALLOWANCES, EXPENSES AND SUPPLIES (ITEM BROUGHT FORWARD - REFER TO ITEM 11) | 118 |
| 13.6.2 | PARKING COMPLIANCE IN LISSIMAN STREET, GOSNELLS | 119 |
| 13.6.3 | TENDER 24/2013 - CANOPIES FOR RANGER VEHICLES | 124 |
| 14. | MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN | 127 |
| 15. | URGENT BUSINESS | 127 |
| 16. | CONFIDENTIAL MATTERS | 127 |
| 17. | CLOSURE | 127 |

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Minutes of the Ordinary Council Meeting held in the City of Gosnells Civic Centre Council Chambers, 2120 Albany Highway, Gosnells on Tuesday 13 August 2013.

1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS/DISCLAIMER

The Mayor declared the meeting open at 7.30pm and welcomed members of the public present in the public gallery, Councillors and staff.

1.1 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 City staff.

1.2 RECORDING OF COUNCIL MEETINGS

Please take notice that all Council Meetings are digitally recorded, with the exception of Confidential Agenda Items (in accordance with Section 5.23(2) of the Local Government Act 1995) during which time recording will cease.

Following publication and distribution of the meeting minutes to Elected Members the digital recording will be available in the following formats, for purchase 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 Governance Administration Officer on 9397 3012.

I _____ (THE PRESIDING MEMBER)
CERTIFY THAT THESE MINUTES WERE CONFIRMED BY THE COUNCIL OF THE
CITY OF GOSNELLS ON _____.

2. RECORD OF ATTENDANCE

ELECTED MEMBERS

MAYOR
DEPUTY MAYOR

CR D GRIFFITHS
CR R MITCHELL
CR W BARRETT
CR J BROWN
CR T BROWN
CR R HOFFMAN
CR S IWANYK
CR K JONES
CR R LAWRENCE
CR O SEARLE

STAFF

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

MR I COWIE
MS A COCHRAN
MR R BOUWER
MR D SMITH
MR C TERELINCK
MR G BRADBROOK
MRS S OMOND

PUBLIC GALLERY

58

2.1 APOLOGIES

Nil.

2.2 LEAVE OF ABSENCE

Cr G Dewhurst was granted Leave of Absence from the 30 July to 28 August 2013 inclusive; vide Resolution 190 of the 28 May 2013 Ordinary Council Meeting.

3. DISCLOSURE OF INTEREST

Cr J Brown declared a Proximity Interest in Item 13.5.5, "Proposed Modification - Amendment No. 131 to Town Planning Scheme No. 6 - Rezoning of Land to Development Zone - Passmore Street and Ranford Road, Southern River".

4. ANNOUNCEMENTS BY THE PRESIDING MEMBER

(without discussion)

The Mayor announced that it was his great honour to receive the 'Injury Control Council of WA Local Government Achievement Award' on behalf of the City for the City's Home Burglary Prevention DVD.

The Mayor advised that the City's Safe City initiative takes a proactive approach in the area to crime prevention and this DVD was developed as a valuable tool for residents to reduce home burglaries. Nearly 4000 DVD's have been distributed to local residents and it is also accessible on the City's Website.

The Mayor also expressed his congratulations to the the Boogurlarri Community Group, as they recently received an award of Encouragement from the Constable Care Group.

5. REPORTS OF DELEGATES
(without discussion)

Cr J Brown stated that she was tabling a copy of the Armadale Health Service Community Advisory Councils Annual Report 2012-2013. Furthermore, Cr Brown expressed her thanks to the Council for the recent opportunity to attend the official opening of the Rehabilitation and Acute Care Ward Expansion at the Armadale Kelmscott Hospital.

Cr T Brown informed the Council that at the recent South East Regional Centre for Urban Landcare (SERCUL) meeting a special thanks was extended to the City of Gosnells from SERCUL for all the help and assistance provided by the City over the last ten years and also for the grant SERCUL received from the City for its ten year anniversary celebration.

Cr R Hoffman advised that the Rivers Regional Council had obtained legal advice on the tender following the recent announcement on local government amalgamations. The Rivers Regional Council subsequently agreed to postpone the tender process until the issues associated with local government amalgamations have been considered and the tender documentation amended accordingly.

Cr S Iwanyk advised that the Boogurlarri Community Group is going to be changing its name within the next month, to the 'William Langford Association'. Furthermore Cr Iwanyk also advised that Boogurlarri recently received funding for the continuation of the programs they offer to families.

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

A period of 15 minutes is allocated for questions with a further period of 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 3 minutes per speaker is 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

Question Time for the Public commenced at 7.40pm.

Mr Leon Walker of 27/99 Stafford Road, Kenwick asked the following questions:

Q1 Can the City unequivocally guarantee the City of Gosnells ratepayers that there will be no increase in rates as a result of the merger with the City of Canning?

Response The Chief Executive Officer advised that it was too early on in the process to be able to provide an unequivocal answer at the moment. The City will endeavour to make sure the process runs as smoothly and efficiently as possible, but it cannot make any guarantees in relation to rates.

Q2 Will economies of scale resulting from the City's merger with the City of Canning result in rate reductions for City of Gosnells ratepayers?

Response The Chief Executive Officer stated that it was important to note that currently local governments receive grants from the Grants Commission. The Government's proposed local government reforms indicate that if two local governments merge they will each retain their former grants for the next five years before the new entity is assessed as a single grant entity.

This is to acknowledge that for the next five years there are costs involved regarding the amalgamation of local governments and as such, these costs occur before the economies of scale are realised. The State Government has acknowledged this in its current grant formula, and it is believed and expected that a similar type of situation will result from the merger between City of Gosnells and part of the City of Canning.

Mr Ian Tomic of 49 River Avenue, Maddington asked the following questions:

Q1 I would like my bullet point questions answered that were submitted along with the petition to reduce the Central Maddington Contribution Arrangement Fee to the City of Gosnells today via Mayor Dave Griffiths?

Response The Director Planning and Sustainability advised that there were a number of complex questions that were submitted in the preamble to the petition. All these issues will need to be taken into account during the assessment of submissions received in relation to the proposed developer contribution arrangement.

The advertising period for this proposal closes in a couple of weeks and the City will assess all of the submissions before the item is then referred to Council for its consideration.

At the moment the City does not have the answers to the submitted questions as the proposal is still out for advertising and as such, the City is still receiving feedback from the community regarding this proposal.

Q2 As discussed with Cr Ron Hoffman and agreed by him, that it was unfair that non-received submission forms would be counted as having no objection to the proposed Central Maddington Outline Development Contribution Arrangement Fee, and that he would get this changed to not be in the count supporting the draft and that only those received, for or against, should be counted.

Will the Council support this change to make it fairer for all concerned?

Response The Director Planning and Sustainability advised that the City does not ascribe any opinion to people who do not make a submission. If there are submissions against or in favour the City informs the Council of this information.

Further, where a submission provides comment on a proposal, this information is provided to Council for its consideration.

Mrs Glenis Tomic of 49 River Avenue, Maddington asked the following questions:

Q1 In relation to the Planning and Development Act 2005, State Planning Policy 3.6 – Development Contributions for Infrastructure – Item – 6.3.17.2 – If there is an excess the local government is to refund the excess funds to contributing owners for that development contribution area. It would be easy to identify owners from records of the dollar amounts paid.

Why then in the question and answer information brochure – Central Maddington ODP Draft Contribution Development Plan Report does it state – "If it eventuates that more funds are collected from contributions than are needed, surplus funds are to be spent on public facilities within the ODP area". This sentence needs to be removed as the money should be returned to the owners, as per rules under 6.3.17.2.

Will Council amend the ODP Contribution Plan?

Response The Director Planning and Sustainability advised that the question would be taken on notice and when the submission period ends, the City can then propose a recommendation for Council's consideration.

Q2 **As public infrastructure is funded through various sources including – State government taxes, local government property rates, federal assistance grants, user and access charges and fees and charges.**

What percentage of the funds will be used towards the Maddington ODP from those collected from the above sources?

Response The Director Planning and Sustainability advised that the collecting of the ODP funds are intended to be solely for expenditure in that particular local community.

The Chief Executive Officer further advised that the City does spend monies in Central Maddington, and spends monies in a range of places and activities.

It is generally the view taken by the City that if developments are to occur in a specified cell, residents within that cell should pay the cost of the development which is the standard approach in development across Western Australia. These costs are for the development of roads and the like and these costs should not be spread across the broader community.

Mrs Sandra Baraiolo on behalf of the Gosnells District Ratepayers Association at PO Box 427, Maddington asked the following questions:

Q1 Are all Councillors aware that this dust impact study, that was done by Synergetics Pty Ltd, has actually been deemed by the Minister as wrong. The dust impact study that was reviewed by the DEC for this site, is not fully compliant with the DEC's quality modelling guidelines notice?

Response The Chief Executive Officer stated that he understood the email was sent to all Councillors, and based on that, one could presume all Councillors were aware, however could not speak on behalf of all the Councillors.

Q2 Are Councillors aware that the dust impact study did not take into account the cumulative impacts of the PM10 and the PM2.5 of this site? The Minister's response was no, it didn't take into account the dust impact.

Response The Chief Executive Officer stated that again the issue of the cumulative impact was raised with the Councillors at the briefing session prior to this meeting.

Question Time for the Public concluded at 7.51pm.

6.2 PUBLIC STATEMENTS

Public Statement Time commenced at 7.51pm.

6.2.1 Mrs Sandra Baraiolo on behalf of the Gosnells District Ratepayers Association at PO Box 427, Maddington made a statement in relation to Item 13.5.3 "Development Application - Industry - Noxious (Resource Recovery and Waste Activities) - 48 (Lot 280) and 42 (Lot 281) Kelvin Road, Maddington".

Mrs Baraiolo expressed her concerns regarding dust and the impact the facility will have on surrounding businesses and residents, should the Council allow the stockpile heights to be changed from 5 metres to 8 metres.

Mrs Baraiolo addressed various issues regarding the dust impact study, the Minister's responses to this study and the concerns of the Association by urging that the Councillors not approve a stockpile height change.

6.2.2 Mr Joe Algeri from Algeri Planning and Appeals at PO Box 373, Victoria Park made a statement in relation to Item 13.5.3 "Development Application - Industry - Noxious (Resource Recovery and Waste Activities) - 48 (Lot 280) and 42 (Lot 281) Kelvin Road, Maddington".

Mr Algeri expressed his thanks to the Councillors and staff that attended the onsite meeting yesterday and said that he hoped everyone had a better appreciation of the facility, particularly when the only matter in contention with the application is the height of the stockpiles at 8 metres.

In conclusion, Mr Algeri stated that with a positive resolution, 'All Earth' can now concentrate on the entry/weighbridge facility which it intends to complete in early 2014 and will, in effect, eliminate any views to the stockpiles at 8 metres.

Public Statement Time concluded at 7.57pm.

7. CONFIRMATION OF MINUTES

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| STAFF RECOMMENDATION AND COUNCIL RESOLUTION |
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319 Moved Cr J Brown Seconded Cr T Brown

That the Minutes of the Ordinary Council Meeting held on 23 July 2013, as published and distributed be confirmed as an accurate record.

CARRIED 9/1

FOR: Cr W Barrett, Cr J Brown, Cr T Brown, Cr R Hoffman, Cr S Iwanyk, Cr R Lawrence, Cr R Mitchell, Cr O Searle and Cr D Griffiths.

AGAINST: Cr K Jones.

8. RECEIVING OF PETITIONS AND PRESENTATIONS

Petitions and Presentations are made in accordance with the requirements outlined in the City of Gosnells Standing Orders Local Law 2012.

Copies of petitions and any items tabled must be provided to the Chief Executive Officer immediately following completion of the submission.

8.1 REQUEST FOR REVIEW OF THE CITY OF GOSNELLS DEVELOPMENT CONTRIBUTION ARRANGEMENT FIGURE FOR THE CENTRAL MADDINGTON OUTLINE DEVELOPMENT PLAN

Cr R Hoffman presented a petition initiated by Glenis Tomic of 12 Waring Way, Kardinya containing 91 signatures. The petition stated:

"We the undersigned electors of the City of Gosnells request that the City of Gosnells Development Contribution Arrangement figure for the Central Maddington ODP be brought down by at least 50% based on the draft document 09/07/2013 and all new roads removed and less POS, for the following reason:

The cost is too high and everyone should not have to pay for a few peoples new roads."

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| COUNCIL RESOLUTION |
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320 Moved Cr R Hoffman Seconded Cr T Brown

That the petition initiated by Glenis Tomic of 12 Waring Way, Kardinya containing 91 signatures be received and referred to the Chief Executive Officer for action.

CARRIED 10/0

FOR: Cr W Barrett, Cr J Brown, Cr T Brown, Cr R Hoffman, Cr S Iwanyk, Cr K Jones, Cr R Lawrence, Cr R Mitchell, Cr O Searle and Cr D Griffiths.

AGAINST: Nil.

9. APPLICATIONS FOR LEAVE OF ABSENCE

Clause 4.10 of the City of Gosnells Standing Orders Local Law 2012 states:

- “(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 subclause (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

For the convenience of the public gallery, Council may resolve to bring forward any matter that has been raised during Item 6 'Question Time for the Public and the Receiving of Public Statements', Item 8 'The Receiving of Petitions, Deputations and Presentations' or any other minutes item known to be of interest to the public in attendance [Clause 4.12 of the City of Gosnells Standing Orders Local Law 2012].

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| COUNCIL RESOLUTION |
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321 Moved Cr T Brown Seconded Cr J Brown

That for the convenience of the Public Gallery, the following items be brought forward to this point of the meeting for discussion:

- Item 13.5.3 Development Application - Industry - Noxious (Resource Recovery and Waste Activities) - 48 (Lot 280) and 42 (Lot 281) Kelvin Road, Maddington;
- Item 13.5.9 Development Application - Change of Use (Recreation - Private to Place of Worship and Shop) - 8/2209 (Lot 20, Strata Lot 8) Albany Highway, Gosnells;
- Item 13.6.1 Review of Council Policy 5.4.23 - Councillor Allowances, Expenses and Supplies.

CARRIED 10/0

FOR: *Cr W Barrett, Cr J Brown, Cr T Brown, Cr R Hoffman, Cr S Iwanyk, Cr K Jones, Cr R Lawrence, Cr R Mitchell, Cr O Searle and Cr D Griffiths.*

AGAINST: *Nil.*

13.5.3 DEVELOPMENT APPLICATION - INDUSTRY - NOXIOUS (RESOURCE RECOVERY AND WASTE ACTIVITIES) - 48 (LOT 280) AND 42 (LOT 281) KELVIN ROAD, MADDINGTON

Author: L Langford
Author's Declaration Nil.
of Interest:
Reference: 205220, 205248
Application No: DA11/00134
Applicant: Talis Consultants
Owner: Allstate Water Cartage Pty Ltd and Silkbeam Holdings Pty Ltd
Location: 48 (Lot 280) and 42 (Lot 281) Kelvin Road, Maddington
Zoning: MRS: Industrial
TPS No. 6: General Industry
Review Rights: Yes. State Administrative Tribunal against any discretionary decision of Council.
Area: 3.8652ha (combined)
Previous Ref: OCM 14 May 2013 (No Resolution)
OCM 18 December 2012 (Resolution 609)
OCM 11 September 2012 (Resolution 427)
Appendix: 13.5.3A Site Photos dated 13 March 2013
13.5.3B Weighbridge and Gatehouse Concept Plans

PURPOSE OF REPORT

For Council to reconsider its position on four conditions of the planning approval granted on 11 September 2012 and amended on 18 December 2012, as requested by the State Administrative Tribunal (SAT).

BACKGROUND**History**

On 11 September 2012, Council resolved (Resolution 427) to approve a retrospective application for Industry - Noxious (Resource Recovery and Waste Activities) at 48 (Lot 280) and 42 (Lot 281) Kelvin Road, Maddington (the All Earth facility). The application sought approval for the following:

- Processing of materials including sorting, crushing and screening of inert materials on Lot 280
- The redistribution and relocation of the various stock piles over the two lots
- Increasing the allowable height limit of the stock piles from 4.5m for green waste and 5m for other materials, to 8.5m
- The construction of a wall/fence along the rear boundary of the property, where it abuts the Bickley Brook Local Open Space Reserve.

Council resolved to restrict the height of the stockpiles to 5m above natural ground level and to require the installation of two monopole height measuring devices adjacent to the stockpiles so as to easily determine compliance with the height restriction.

Item 13.5.3 Continued

On 18 December 2012, Council resolved (Resolution 609) to amend the approval by modifying Conditions 2, 4, 5 and 7 so as to provide for additional time for the Foreshore Management Plan and Boundary Management and Maintenance Plan required by the approval to be submitted and implemented and to provide for flexibility in the type of measuring aid used to manage stockpile heights. One of the issues raised by the applicant included a request for Council to reconsider increasing the maximum height of the stockpiles to 8m. Council did not resolve to modify that related condition (Condition 3) and retained the 5m height limitation.

An application to review Council's decision was subsequently lodged with the SAT. Initially, the applicant sought to review Conditions 1, 2, 3 and 4 however following discussions at an on-site mediation meeting held on 13 March 2013, only Conditions 3, 6, 7 and 8 are now in contention. These conditions currently read:

- "3. The height of the stockpiles not exceeding 5m above natural ground level.*
- 6. Full implementation and compliance with the submitted Dust Management Plan, dated 23 February 2011, within 30 days from the date of Council's resolution. If compliance with the applicant's commitments is not achieved, the City will initiate legal action to achieve compliance without further notice to All Earth.*
- 7. Full implementation and compliance with the submitted Boundary Management and Maintenance Plan, dated 9 January 2012 (including modifications required by Condition 1) within 90 days of the City's approval of the plan. If compliance with the applicant's commitments is not achieved, the City will initiate legal action to achieve compliance without further notice to All Earth.*
- 8. Full implementation and compliance with the submitted Environmental Report, dated 9 January 2012, within 30 days from the date of Council's resolution. If compliance with the applicant's commitments is not achieved, the City will initiate legal action to achieve compliance without further notice to All Earth."*

As part of the mediation process, the applicant was ordered to provide additional information to the City to justify the height of the stockpiles at 8m and provide revised wording for any conditions which are in dispute.

Pursuant to section 31(1) of the *State Administrative Tribunal Act 2004*, Council was invited to reconsider its decision at its meeting of 14 May 2013. The recommendation to the Council required an absolute majority (being seven votes in favour), however, as only six votes (of nine) were cast in favour, the motion was lost.

Given that only nine of the 11 Councillors were present at the 14 May 2013 meeting, the SAT has again invited Council to reconsider its decision at its meeting on 13 August 2013, pursuant to section 31(1) of the *State Administrative Tribunal Act 2004*.

Item 13.5.3 Continued

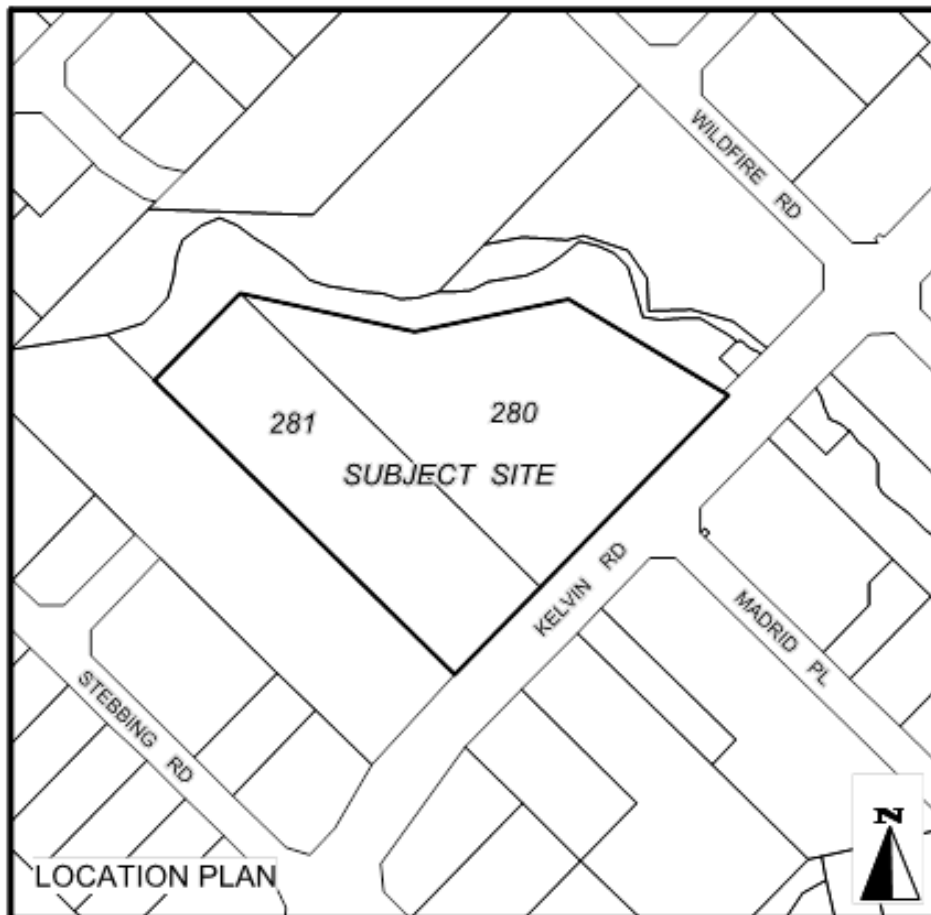
Site Description and Planning Framework

The subject land has high exposure to Kelvin Road and is situated centrally within the General Industry zone. Other industrial activities abut the land with the exception of one dwelling located adjacent to the site on Kelvin Road. The nearest residential zoned properties are approximately 300 metres from the subject property. The significant size, area and frontage of the property, means that it is potentially a landmark in the area and accordingly, its presentation to the public realm is very important in terms of defining the character and quality of the area.

The subject land has a combined area of 3.86ha. The majority of the site is not sealed and consists of a compacted limestone surface. The site has been cleared of vegetation with the exception of an area adjacent to the north-eastern boundary which comprises significant portions of vegetation along Bickley Brook.

A waste transfer station currently operates over the two lots, which accepts inert, green and putrescible waste. A large shed that is partially enclosed is located on Lot 281 and is used for the sorting of green waste and inert materials. A gatehouse and operational weighbridge are located along the front boundary of the site which is used for the oversight of vehicles accessing the land. A small garden centre is also located near the front boundary of the site which sells recycled products and landscape materials. Some of the stockpiling activities are screened by the main administration building at the front of the property.

A map identifying the location of the subject site follows:

Item 13.5.3 Continued**Proposal**

It has been requested that Council reconsider Conditions 3, 6, 7 and 8 of its approval dated 11 September 2012, and amended on 18 December 2012. The following amended conditions have been proposed by the applicant:

3. The height of the stockpiles not exceeding 8m above natural ground level.
6. Full implementation and compliance with the submitted Dust Management Plan, dated 23 February 2011, within 30 days from the date of Council's resolution.
7. Full implementation and compliance with the submitted Boundary Management and Maintenance Plan, dated 9 January 2013 (including modifications required by Condition 1) within 90 days of any revised approval issued by the City.
8. Full implementation and compliance with the submitted Environmental Report, dated 9 January 2012, within 30 days from the date of Council's resolution.

With regard to Condition 3 and as per the applicant's request to Council at its 18 December 2012 meeting, the modified condition seeks to increase the allowable height limit of the stockpiles from 5m to 8m.

Item 13.5.3 Continued

With regard to Conditions 6, 7 and 8, the applicant seeks to remove any reference to the City initiating legal action should the operator not comply with the condition.

With regard to Condition 7, the applicant is seeking to extend the allowable time for the implementation of the Boundary Management and Maintenance Plan from 90 days from the date of Council's amendment to the approval (18 December 2012) to 90 days from the date of any amended approval issued by the City.

Consultation

The original application was advertised for public comment for 14 days in accordance with Council Policy/TPS 6 requirements, during which time 17 submissions were received, eight objecting to the proposal, seven raising no objection and two which provided comment. Further details on the consultation of the original application are contained in the report presented to Council's 11 September 2012 meeting.

DISCUSSION**Invitation to Council to Reconsider its Decision**

As mentioned previously, the SAT invited Council to reconsider its decisions of 11 September 2012 and 18 December 2012, particularly relating to the maximum height limit imposed on the stockpiles and time limits associated with the implementation of conditions. The options for Council are as follows:

- Affirm the previous decision
- Vary the previous decision
- Set aside the previous decision and substitute a new decision.

The relevant issues associated with this reconsideration request are discussed below.

Condition 3 - Stockpile Height

On 11 September 2012 Council imposed a condition limiting the height of the stockpiles to 5m. As part of the amendment request presented to Council on 18 December 2012, the applicant sought reconsideration of the stockpiles height limit imposed to allow for a maximum of 8m, however Council resolved to not modify the related condition due to concerns relating to the size, bulk and visual impact of the stockpiles.

As part of the report presented to Council on 11 September 2012, photos of the stockpiles, as viewed from Kelvin Road, were provided as an attachment to the report to assist Council in its consideration of the application. It should be noted that as part of the mediation process, it became apparent that the stockpiles shown in the photos presented to Council appeared to be much taller than what was on site on the day of mediation, which were approximately 7.5m above natural ground level. Photos showing the stockpiles as seen on the day of mediation are contained in Appendix 13.5.3A.

In light of the above, Council now has the opportunity to reconsider whether 8m stockpiles (0.5m more than what is shown in Appendix 13.5.3A) will affect the ability to achieve its desired appearance for the area based on their height and bulk.

Item 13.5.3 Continued

In considering the proposal, it should be noted that previously it was identified that the sightlines of the stockpiles, as viewed from the public realm, are visible in the following three general locations:

1. The front entrance of the site facing directly into the main driveway access into the site.
2. Approximately 130m south-west of the site entrance along Kelvin Road.
3. On Stebbing Road, at the junction with the Tammin Court road reserve to the south-west of the site.

As discussed in the report presented to Council on 18 December 2012, the applicant is seeking to employ the following measures to screen the stockpiles from public view and therefore alleviate potential amenity impacts associated with the stockpiles:

- Upgrading the weighbridge and gatehouse at the front of the facility such that it will be raised by approximately 6m
- Sealing off the front forecourt area of the existing shed on the site
- Additional landscape screening along Kelvin Road.

In terms of the upgrading of the weighbridge and gatehouse, whilst the applicant is still unable to fully commit to those works being undertaken within a certain timeframe, a concept plan has been provided showing an approximately 6m high weighbridge structure comprising of an inspection platform and office. This plan also shows upgraded boundary fencing, signage and landscaping along the front boundary. These concept plans are contained as Appendix 13.5.3B.

With regard to the sealing of the front forecourt area of the existing shed on the site, it should be noted that this work is required to be done as part of a separate approval relating to the processing of putrescible waste which is anticipated to occur in September 2013, or before such time that the site begins to process putrescible waste.

In terms of the view of the stockpiles from locations 1 and 2, it is clear from the attached photos that the bulk of the stockpiles are significantly less than originally identified. As such, it is considered that the stockpiles measured at 8m would not be of a scale that would give them prominence in their setting. With its setting in an industrial area, the impacts on the streetscape would be negligible. Furthermore, it is considered that any future upgrades to the entrance to the site (weighbridge, landscaping and signage), will further screen the stockpiles and thereby enhance the appearance of the site.

In terms of the view of the stockpiles from location 3 mentioned above, it is considered that neighbouring industrial uses will partially screen the site as viewed from that location. Therefore the activities occurring on the subject site will be in the background and not visually dominant or impactful.

Conditions 6, 7 and 8 - Advice of Legal Action

The applicant has raised concerns with regard to the following wording being included as part of Conditions 6, 7 and 8:

Item 13.5.3 Continued

"If compliance with the applicant's commitments is not achieved, the City will initiate legal action to achieve compliance without further notice to All Earth."

At its meeting of 18 December 2012 Council was requested to reconsider the above wording being included as part of the abovementioned conditions. It was highlighted in the report that it is considered to be necessary to ensure that compliance is maintained for the life of the operation and therefore if compliance is not maintained then it is standard practice for the City to initiate legal action against the offenders. As such, the removal of the above wording from these conditions was not supported.

In further considering this request, it should be noted that Council Policy 5.4.41 Compliance and Enforcement Policy would provide the authority for the City to initiate legal action to achieve compliance should the conditions not be complied with. As such, the abovementioned wording in Conditions 6, 7 and 8 is not strictly necessary and could be removed without affecting the City's ability to initiate legal action in the future, if required.

Condition 7 - Implementation of Boundary Management and Maintenance Plan

As mentioned above, the applicant is seeking to amend Condition 7 to extend the allowable time for the implementation of the Boundary Management and Maintenance Plan from 90 days from the date of Council's amendment to the approval (18 December 2012) to 90 days from the date of any revised approval issued by the City.

Given that this condition was indirectly affected by the application for review with the SAT, it is acknowledged that additional time will now be required to fulfil this condition. In terms of the proposed wording put forward by the applicant, it is considered appropriate to refer to a specific date, but also provide flexibility to the applicant, in the event that a modification to the Plan is approved by the City. As such, it is considered that the following wording is appropriate:

7. Full implementation and compliance with the submitted Boundary Management and Maintenance Plan, dated 9 January 2013 (including modifications required by Condition 1) by 11 November 2013 or, if applicable, within 90 days from the date of any approval by the City to revise the Plan.

It is considered that the above wording would allow for additional time to comply with the condition and it will therefore be recommended that Council apply the above amended condition.

Condition 2 - Submission of Foreshore Management Plan

Although not requested by the applicant, it has been identified that Condition 2 also provides insufficient time for the submission of a Foreshore Management Plan and it is suggested that it be revised such that it be submitted within 90 days from the date of an amended approval. Similar to Condition 7, it is considered that Condition 2 should be amended to allow for additional time for the submission of a Foreshore Management Plan, given that the condition was affected by the application for review. As such, it is considered that the following revised wording is appropriate:

Item 13.5.3 Continued

2. A Foreshore Management Plan shall be prepared to the City's satisfaction by 11 November 2013. The plan should address, but not be limited to, the following issues:
- i) Removal of equipment and materials from the foreshore reserve.
 - ii) Weed management - program for management of weed species present, including complete removal of any Declared Plant species under the *Agricultural and Related Resources Protection Act 1976*.
 - iii) Revegetation of Waterway - proposed revegetation plan including species, planting densities and survival criteria.
 - iv) Erosion Control - required erosion control measures for the subject lot, including deep ripping parallel to the watercourse.
 - v) Management of industrial activities to ensure no damage to waterway vegetation/revegetation, control of sediment potentially entering the waterway and vehicle movements.

CONCLUSION

The requested amendment of conditions is generally supported for the following reasons:

- In terms of the stockpile heights, a maximum height limit of 8m is supported as it is considered that it would not be of a prominent scale and any streetscape amenity impacts would be negligible
- It is considered to be unnecessary for Conditions 6, 7 and 8 to have wording advising of the City's ability to initiate legal action
- With regard to Conditions 2 and 7, it is considered to be reasonable to allow for additional time to comply with these conditions given that they were affected by the application for review which ultimately could have impacted on the outcome of these conditions.

It is therefore recommended that Council vary its previous decisions of 11 September 2012 and 18 December 2012 and modify Conditions 2, 3, 6, 7 and 8 as listed in the staff recommendation.

FINANCIAL IMPLICATIONS

Nil.

STATUTORY IMPLICATIONS

- Town Planning Scheme No. 6
- *State Administrative Tribunal Act 2004*.

VOTING REQUIREMENTS

Absolute Majority required.

Item 13.5.3 Continued

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| STAFF RECOMMENDATION AND COUNCIL RESOLUTION |
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322 Moved Cr R Mitchell Seconded Cr R Hoffman

That Council, pursuant to Section 31 of the *State Administrative Tribunal Act 2004*, vary the planning approval granted on 11 September 2012 and amended on 18 December 2012 for an Industry - Noxious (Resource Recovery and Waste Activities) at 48 (Lot 280) and 42 (Lot 281) Kelvin Road, Maddington, by amending Conditions 2, 3, 6, 7 and 8 to read as follows:

2. A Foreshore Management Plan shall be prepared to the City's satisfaction by 11 November 2013. The plan should address, but not be limited to, the following issues:
 - i) Removal of equipment and materials from the foreshore reserve.
 - ii) Weed management - program for management of weed species present, including complete removal of any Declared Plant species under the *Agricultural and Related Resources Protection Act 1976*.
 - iii) Revegetation of Waterway - proposed revegetation plan including species, planting densities and survival criteria.
 - iv) Erosion Control - required erosion control measures for the subject lot, including deep ripping parallel to the watercourse.
 - v) Management of industrial activities to ensure no damage to waterway vegetation/revegetation, control of sediment potentially entering the waterway and vehicle movements.
3. The height of the stockpiles not exceeding 8m above natural ground level.
6. Full implementation and compliance with the submitted Dust Management Plan, dated 23 February 2011, within 30 days from the date of Council's resolution.
7. Full implementation and compliance with the submitted Boundary Management and Maintenance Plan, dated 9 January 2013 (including modifications required by Condition 1) by 11 November 2013 or, if applicable, within 90 days from the date of any approval by the City to revise the Plan.
8. Full implementation and compliance with the submitted Environmental Report, dated 9 January 2012, within 30 days from the date of Council's resolution.

CARRIED 10/0

FOR: Cr W Barrett, Cr J Brown, Cr T Brown, Cr R Hoffman, Cr S Iwanyk, Cr K Jones, Cr R Lawrence, Cr R Mitchell, Cr O Searle and Cr D Griffiths.

AGAINST: Nil.

13.5.9 DEVELOPMENT APPLICATION - CHANGE OF USE (RECREATION - PRIVATE TO PLACE OF WORSHIP AND SHOP) - 8/2209 (LOT 20, STRATA LOT 8) ALBANY HIGHWAY, GOSNELLS

Author: K Ivory
Author's Declaration Nil.
of Interest:
Reference: 303930
Application No: DA13/00125
Applicant: Real life Church
Owner: Real life Church
Location: 8/2209 (Lot 20, Strata Lot 8) Albany Highway, Gosnells
Zoning: MRS: Urban
TPS No. 6: District Centre
Review Rights: Yes. State Administrative Tribunal against any discretionary decision of Council.
Area: 3,642m²
Previous Ref: Nil.
Appendix: 13.5.9A Site Plan and Floor Plan
13.5.9B Schedule of Submissions

PURPOSE OF REPORT

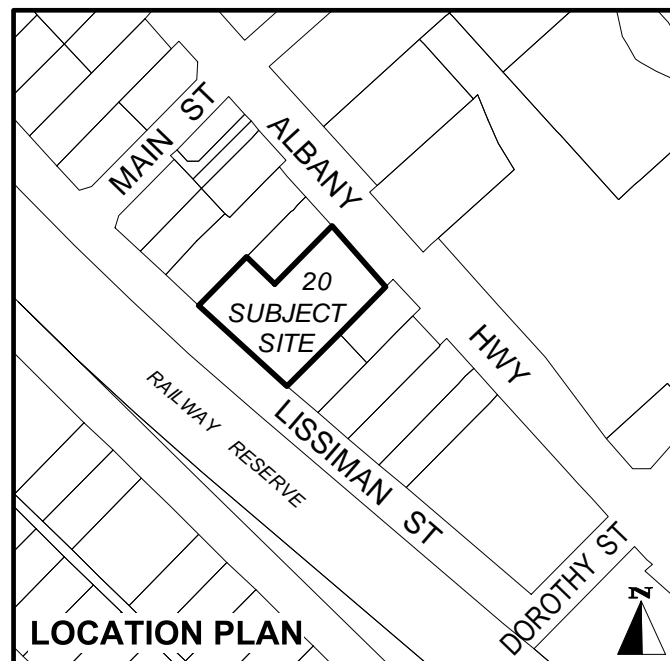
For Council to consider an application for planning approval for a Place of Worship and a Shop at 8/2209 (Lot 20 Strata Lot 8) Albany Highway, Gosnells as the proposal is outside the authority delegated to staff due to objections received during the consultation period.

BACKGROUND**Site Description and Planning Framework**

The subject site contains a number of existing commercial tenancies which are approved to be used for Shop and Recreation - Private purposes. The property is located on Albany Highway which is designated as a Primary Regional Road under the Metropolitan Region Scheme (MRS). The property is located 50m from the Gosnells Train Station and forms part of Gosnells Town Centre Special Control Area.

A map identifying the location of the subject site follows:

Item 13.5.9 Continued



Proposal

The application involves the following:

- The conversion of an existing Recreation - Private premises to a Place of Worship and a Shop
- The use of 350m² of the tenancy as a worship hall and 90m² of the tenancy as a community shop
- A total of 57 car parking bays are available on the subject site, which are shared amongst 10 tenancies
- There will be no external amplification of sound
- The façade is to be upgraded through the removal of old signage and painting the building
- The hours of operation of the Place of Worship are as follows:

| Day | Time | Activity | Maximum attendance |
|-----------|---------------|-----------------------|--------------------|
| Monday | Closed | Nil | N/A |
| Tuesday | 9am - 1pm | Church Administration | Three |
| | 10am - noon | Bible Study | 20 |
| Wednesday | 9.30am - noon | Coffee Morning | 15 |
| Thursday | Closed | Nil | N/A |
| Friday | 9am - noon | Seniors Group | 30 |
| | 3.30pm - 5pm | Kids Group | 20 |
| | 7pm - 11pm | Youth Group | 40 |
| Saturday | Closed | Nil | N/A |
| Sunday | 8.30am - 1pm | Sunday Worship | 280 |

- The hours of operation of the Shop are 9am to 4pm on Tuesdays, Wednesdays, Thursdays and Saturdays.

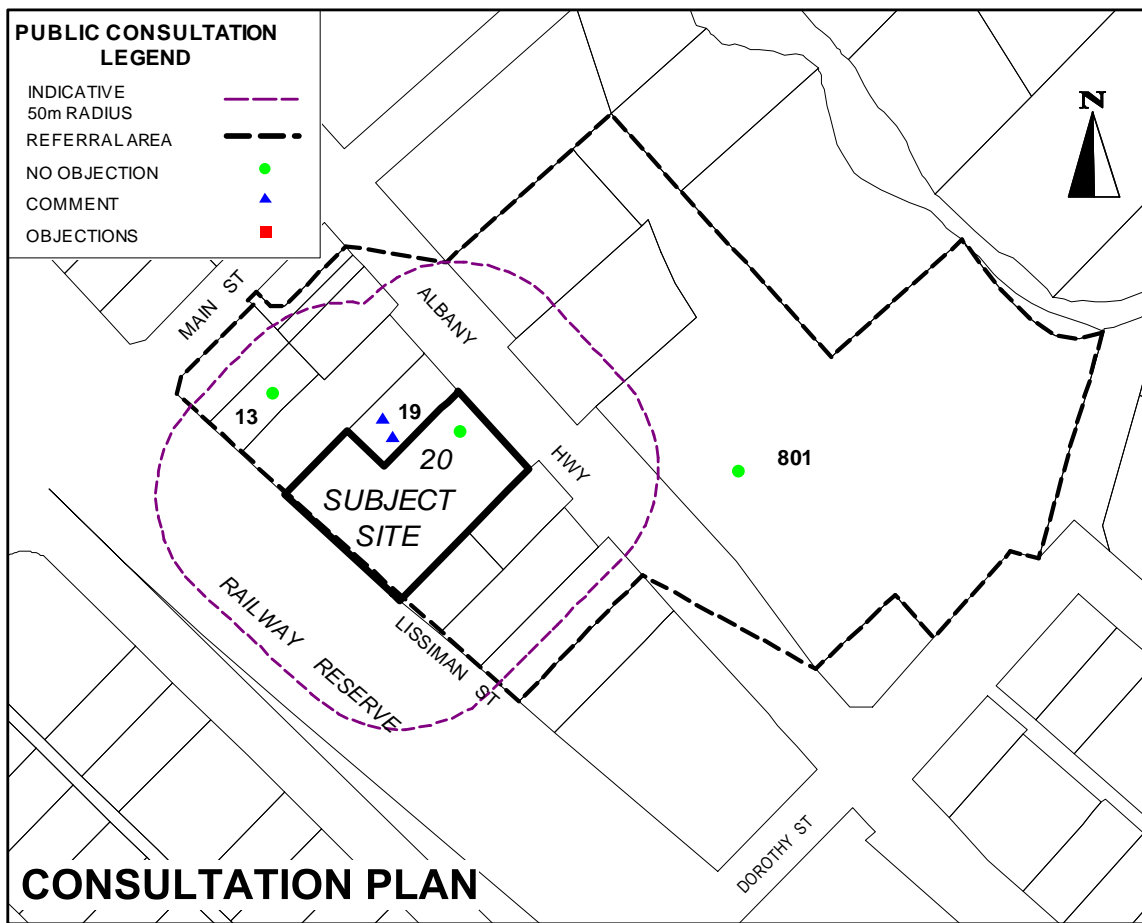
Item 13.5.9 Continued

A site plan and floor plan are contained in Appendix 13.5.9A.

Consultation

The proposal was required to be advertised for public comment, during which time six submissions were received, one raising an objection to the proposal, three raising no-objection and two which provided comment. A summary of these submissions and comments thereon is provided in Appendix 13.5.9B. It is noted that one of the submitters requested that their personal details be withheld and as such their details are not reflected in the submission table or the consultation plan.

A map identifying the consultation area and the origin of each submission follows:



The main issues raised in the submissions are as follows:

- Land use appropriateness
- Car parking.

Each is discussed in the following sections, along with any other applicable technical matters.

Item 13.5.9 Continued

Referrals

The proposal was referred to Main Roads Western Australia (MRWA) due to the site abutting Albany Highway which is designated as a Primary Regional Road under the Metropolitan Region Scheme (MRS). MRWA has no objections to the proposal.

DISCUSSION

Town Planning Scheme No. 6

Land Use Designation

The subject site is zoned District Centre under TPS 6. In accordance with TPS 6, a Place of Worship is a "D" use in the District Centre zone, meaning it is not permitted unless the local government has exercised its discretion by granting planning approval, whilst a Shop is a "P" use in the District Centre zone, meaning it is permitted, provided it complies with other Scheme standards.

Land Use Appropriateness

The objecting submission raised concerns regarding the appropriateness of the Place of Worship in the proposed location. In this regard, the subject site is zoned District Centre under TPS 6, with the objective of that being *"to provide for weekly shopping needs, local offices, health, welfare and community facilities, consistent with the district-serving role of the centre."*

The proposed use is considered to be a community facility and is consistent with the objectives of the zone. Furthermore, as a Place of Worship is a "D" use in the District Centre zone, Council is obliged to consider the application on its individual merits.

Local Planning Policy 2.8 - Planning Guidelines for Places of Worship

Local Planning Policy 2.8 was adopted by Council in March 2011 in response to an increasing trend towards the development of public worship and multi-use facilities within the City. These facilities were generally characterised by occasional gatherings for specific events or practices which can result in changes to traffic flow, parking availability and impact on the prevailing amenity of an area, amongst other town planning factors.

The policy is intended to assist consistent decision-making on planning grounds, in a manner that meets the aims of the Scheme, and therefore expresses the major town planning considerations that the Council will consider when assessing such proposals. These considerations include the following:

- Zoning and Location Factors
- Scale of operation
- Traffic and road hierarchy
- On-site parking.

These issues are addressed below.

Item 13.5.9 Continued

Local Planning Policy 5.2 - Gosnells Town Centre Development

LPP 5.2 provides guidance on determining development within the Gosnells Town Centre Area. It primarily relates to new built form developments and seeks to develop high quality activated streetscapes and a vibrant and active mixed use Town Centre. The proposal seeks to use an existing building and therefore the provisions of LPP 5.2 relating to built form outcomes are not applicable. The proposal is compliant with the relevant provisions of LPP 5.2.

Car Parking

The table below details LPP 5.2 parking requirements for the proposal.

| LPP 5.2 Car Parking Standards | LPP 5.2 Car Parking Requirements | Car Parking Bays Provided |
|--|---|---|
| 1 space for every 100m ² Gross Floor Area (GFA) | <p>The tenancy is 903m² in area, therefore 10 bays are required (rounded up from 9.05)</p> <p>The remaining strata lots have a collective GFA of 657m², therefore seven bays are required. As such, the overall site requires the provision of 17 bays.</p> | The subject site accommodates 57 car parking bays (shared with the other strata lots on 2209 Albany Highway). |

The total car parking bays provided for the entire site is 57 bays, which is in excess of the combined total required by LPP 5.2 for the existing commercial tenancies and the proposed Place of Worship and Shop uses.

Traffic

The subject property is located on Albany Highway which is classified as a 'Primary Regional Road' under the Metropolitan Regional Scheme. The applicants submitted a transport statement in support of the proposed development, which concluded that the proposed development would have minor impacts on the traffic flows in the area. It is considered desirable to have these facilities on higher order roads where the capacity to handle large volumes of traffic is more apparent. In addition, Main Roads Western Australia has no objections to the proposal.

It is also noted that the peak time of operation is complementary to that of many of the adjoining facilities in the area and the usage of the local road system.

CONCLUSION

The proposal is supported for the following reasons:

- The proposal is consistent with the objectives of the District Centre zone
- The proposal complies with the car parking standards of LPP 5.2
- The proposal is not expected to have an impact on vehicular movement and access onto Albany Highway
- The proposal, in using an existing commercial tenancy, is not expected to have a significant impact on the local area.

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

Item 13.5.9 Continued

FINANCIAL IMPLICATIONS

Nil.

STATUTORY IMPLICATIONS

- Town Planning Scheme No. 6
- Local Planning Policy 2.8 - Planning Guidelines for Places of Worship
- Local Planning Policy 5.2 - Gosnells Town Centre Development.

VOTING REQUIREMENTS

Simple Majority required.

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| STAFF RECOMMENDATION AND COUNCIL RESOLUTION |
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323 Moved Cr R Mitchell Seconded Cr O Searle

That Council approve the application for a Place of Worship and Shop at 8/2209 (Lot 20 Strata Lot 8) Albany Highway, Gosnells, dated 24 April 2013 subject to the following conditions:

1. Prior to the occupation of the building, all car parking bays are to be marked to the City's standards in accordance with the approved plan and Table 3B of the Town Planning Scheme No. 6.
2. A signage strategy being prepared for the proposal that indicates the location and type of signage to be used, to the satisfaction of the City, prior to the lodgement of a Building Permit application.
3. No external amplified sound is to be utilised at any time.

CARRIED 10/0

FOR: *Cr W Barrett, Cr J Brown, Cr T Brown, Cr R Hoffman, Cr S Iwanyk, Cr K Jones, Cr R Lawrence, Cr R Mitchell, Cr O Searle and Cr D Griffiths.*

AGAINST: *Nil.*

13.6.1 REVIEW OF COUNCIL POLICY 5.4.23 - COUNCILLOR ALLOWANCES, EXPENSES AND SUPPLIES

Author: G Bradbrook

Author's Declaration Nil.

of Interest:

Previous Ref: OCM 415 - 28 August 2012

Appendix: 13.6.1A Salaries and Allowances Tribunal - Local Government Elected Council Members Determination No. 1 of 2013
13.6.1B Amended Council Policy 5.4.23 - Councillor Allowances, Expenses and Supplies

PURPOSE OF REPORT

For Council to review Council Policy 5.4.23 - Councillor Allowances, Expenses and Supplies to ensure it is consistent with the Salaries and Allowances Tribunal's Local Government Elected Council Members Determination No. 1 of 2013.

BACKGROUND

On 13 July 2012, the *Local Government Amendment Act 2012* (Amendment Act) was published in the Government Gazette. Amongst other things, the Amendment Act transferred responsibility for the determination of Elected Members fees and allowances to the Salaries and Allowances Tribunal. Sections of the Amendment Act relating to Elected Members fees and allowances were proclaimed in the Government Gazette on 8 February 2013 with a commencement date of 1 July 2013.

On 20 June 2013, the Salaries and Allowances Tribunal issued Local Government Elected Council Members Determination No. 1 of 2013 (determination) which prescribes the amount of fees, expenses and allowances to be paid or reimbursed to local government elected members. A copy of this determination is attached as Appendix 13.6.1A.

The Salaries and Allowances Tribunal determination requires Council to review Policy 5.4.23 - Councillor Allowances, Expenses and Supplies to ensure that fees and allowances payable to Councillors are with the prescribed range.

DISCUSSION**Council Meeting Attendance Fees**

The Salaries and Allowances Tribunal's determination enables local governments to establish either a fee per meeting for Committee and Council meetings or an annual attendance fee. The City currently pays Councillors an annual attendance fee of \$14,000 for the Mayor and \$7,000 for Councillors.

For ease of administration and certainty in budgeting, it is recommended that Council continues to pay Councillors an annual attendance fee in preference to a fee per meeting.

Item 13.6.1 Continued

In accordance with the Salaries and Allowances Tribunal's determination, Council is able to establish annual attendance fees within the ranges detailed in the table below:

| For a Council Member other than the Mayor | | For a Council Member who holds the Office of Mayor | |
|---|----------|--|----------|
| Minimum | Maximum | Minimum | Maximum |
| \$24,000 | \$30,000 | \$24,000 | \$45,000 |

Through Council Policy 5.4.23 - Councillor Allowances, Expenses and Supplies, Council has established that annual attendance fees for Councillors are set at the maximum amount permitted, currently \$14,000 for the Mayor and \$7,000 for Councillors.

Consistent with this principle, it is proposed that Policy 5.4.23 be amended to set annual attendance fees at the maximum amount prescribed by the Salaries and Allowances Tribunal. This would result in the Mayor being paid an annual attendance fee of \$45,000 and Councillors paid \$30,000.

It should be noted that it is not proposed to include specific dollar amounts in the amended policy as it is anticipated that the Salaries and Allowances Tribunal will make an annual determination in respect of fees and allowances for local government elected members. The inclusion of specific dollar amounts would require the policy to be amended on an annual basis. By aligning the policy with determinations made by the Salaries and Allowances Tribunal, attendance fees will be adjusted on an annual basis without the requirement for Council to amend its policy.

Mayoral Allowance

The Salaries and Allowances Tribunal's determination prescribes the minimum and maximum allowance that can be paid to Mayors and Presidents. In accordance with the determination, Council is required to establish an allowance to be paid to the Mayor within the range of \$50,000 to \$85,000 per annum.

Council Policy 5.4.23 currently sets the annual allowance to be paid to the Mayor at \$60,000 which reflects the maximum payment permitted by Regulation 33 of the *Local Government (Administration) Regulations 1996*.

Consistent with the principle established through Policy 5.4.23, it is proposed that the annual allowance payable to the Mayor is set at the maximum amount prescribed in the Salaries and Allowances Tribunal's determination which equates to \$85,000 in the 2013/14 financial year.

Deputy Mayoral Allowance

The Salaries and Allowances Tribunal's determination prescribes that the allowance payable to a Deputy Mayor may be up to 25% of the annual allowance paid to the Mayor.

Council Policy 5.4.23 currently sets the annual allowance paid to the Deputy Mayor at 15% of the allowance paid to the Mayor. Consistent with this principle, it is proposed that the Deputy Mayoral allowance as prescribed in Policy 5.4.23 remain unchanged, however, it should be noted that Council has the discretion to vary this provision provided it does not exceed the maximum amount prescribed by the Salaries and Allowances Tribunal.

Item 13.6.1 Continued

Retaining the current policy provision and adoption of the recommendations contained in this report would result in the Deputy Mayor being paid an allowance of \$12,750 in the 2013/14 financial year.

Should Council resolve to amend the policy to increase the annual allowance paid to the Deputy Mayor to the maximum amount prescribed, the allowance paid to the Deputy Mayor would equate to \$21,250 in the 2013/14 financial year.

Allowance for Information and Communications Technology

The Salaries and Allowances Tribunal's determination prescribes the minimum and maximum allowance for information and communications technology that may be paid to Elected Members as \$500 per annum and \$3,500 per annum, respectively.

Council Policy 5.4.23 currently establishes the information and communications technology allowance payable to Councillors as \$1,500 per annum. The existing *Local Government (Administration) Regulations 1996* (Regulations) establish the maximum amount payable to elected members for telephone and information technology expenses at \$2,400 per annum. Therefore, Councillors are currently paid an information and communications technology allowance equivalent to 62.5% of the maximum allowance payable.

Consistent with this principle, it is proposed that Policy 5.4.23 be amended to establish the information and communications allowance payable to Councillors at a rate equivalent to 60% of the maximum amount prescribed in the Salaries and Allowances Tribunal's determination. This would result in Councillors being paid an information and communications technology allowance of \$2,100 in the 2013/14 financial year.

It should be noted that Council has the discretion to vary this provision provided it doesn't exceed the maximum amount prescribed by the Salaries and Allowances Tribunal. However, should Council resolve to increase the information and communications allowance payable to Councillors to the maximum amount prescribed, that should be subject to costs associated with the use of City issued i-Pads being met by Councillors.

Reimbursement of Expenses

The Salaries and Allowances Tribunal's determination does not propose any changes to the nature of expenses for which Elected Members may be reimbursed. The Salaries and Allowances Tribunal has applied a principle that Elected Members should be reimbursed the actual amount of expenses incurred by them in fulfilling the functions of their office. The only exception to this principle is in relation to child care costs where Elected Members may be reimbursed the actual cost of care or an amount of \$25 per hour, whichever is the lesser.

To accord with the Salaries and Allowances Tribunal's determination, it is proposed that clause 3.2 of Policy 5.4.23 be amended to replace the reference to "\$20 per hour" with "the amount prescribed by the Salaries and Allowances Tribunal".

Item 13.6.1 Continued

Minor amendments are also proposed to clause 3.1.2 of Policy 5.4.23. The current provision indicates that Councillors will not be reimbursed for travel expenses if their claim is submitted more than 60 days after the end of the claim period. Whilst it is desirable for Councillors to submit claims for reimbursement of expenses in a timely manner, Regulation 31 of the *Local Government (Administration) Regulations 1996* requires local governments to reimburse Elected Members for travel costs incurred through their attendance at Council and Committee meetings.

Where travel claims are submitted but do not include sufficient information to substantiate the claim, Governance staff currently follow up with Councillors to obtain supporting documentation. This practice will continue, however, for claims submitted more than 60 days after the end of the month to which the claim relates, where insufficient information is provided to substantiate the claim, the claim will be rejected without follow up by Officers.

Consultation

In accordance with clause 3.2 of Policy 5.4.5 - Council Policy Management, proposed amendments to Policy 5.4.23 were circulated to Elected Members for comment for a period of 21 days. During this period one Councillor provided feedback suggesting that the policy should be further amended such that Councillors are paid monthly rather than quarterly as currently occurs. One Councillor commented on this suggestion, proposing that the status-quo be retained.

It is considered that flexibility in payment frequently can be included in the policy to suit individual Councillors with a negligible impact on the Administration. As such, it is proposed that the note at the end of Section 1 of the policy be amended to read:

"All allowances referred to in clause 1 of this policy will be paid in arrears with Councillors able to elect to receive payment monthly, quarterly, biannually or annually."

Amended Policy - 5.4.23 - Councillor Allowances, Expenses and Supplies

Policy 5.4.23 - Councillor Allowances, Expenses and Supplies has been redrafted to give effect to the amendments proposed above. A copy of the amended policy is attached as Appendix 13.6.1B. Where text is proposed to be added to the policy, that text is in **bold** and underlined. Where text is proposed to be deleted from the policy, that text is indicated with a ~~strikethrough~~.

FINANCIAL IMPLICATIONS

If the recommendations associated with this report are endorsed, meeting fees paid to Councillors will total \$375,000 in 2013/14, representing an increase of \$284,000 on 2012/13 figures.

Further, annual allowances paid to the Mayor and Deputy Mayor would total \$97,750 in 2013/14, representing an increase of \$28,750 on allowances paid in 2012/13. It should be noted that this is based on the Deputy Mayor being paid an allowance equivalent to 15% of the allowance paid to the Mayor, however, Council has the discretion to increase this percentage to 25%.

Item 13.6.1 Continued

Information and communications technology allowances paid to Councillors are proposed to increase from \$1,500 per annum to \$2,100 per annum, with the total cost of these allowances amounting to \$25,200 in 2013/14.

The total of meeting fees, allowances and information and communication expenses payable to Elected Members as proposed is \$497,950 in 2013/14. This compares with \$178,000 in the 2012/13 financial year.

A total of \$643,000 has been included in Council's 2013/14 budget for Councillors' meeting fees, allowances, and information and communications allowances.

STATUTORY IMPLICATIONS

Part 5, Division 8 of the *Local Government Act 1995*.

Section 5.63 of the *Local Government Act 1995*.

In accordance with Section 5.63(1)(c) of the *Local Government Act 1995* Elected Members are not required to disclose an interest in an item relating to a fee, reimbursement of an expense or an allowance to which sections 5.98, 5.98A, 5.99, 5.99A, 5.100 or 5.101(2) apply.

Part 8 of the *Local Government (Administration) Regulations 1996*.

Section 7B of the *Salaries and Allowances Act 1975*.

Salaries and Allowances Tribunal - *Local Government Elected Council Members Determination No. 1 of 2013*.

VOTING REQUIREMENTS

Absolute Majority required.

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| STAFF RECOMMENDATION |
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Moved Cr D Griffiths Seconded Cr R Mitchell

That Council adopts amendments to Policy 5.4.23 - Councillor Allowances, Expenses and Supplies as detailed in Appendix 13.6.1B with the effect of the amendments being to determine that:

1. The Mayor is paid an annual allowance equal to the maximum amount permitted to be paid as prescribed by the Salaries and Allowance Tribunal.
2. The Deputy Mayor continues to be paid an annual allowance equivalent to 15% of the annual allowance paid to the Mayor.
3. All Councillors be paid an annual meeting attendance fee equal to the maximum amount permitted to be paid as prescribed by the Salaries and Allowances Tribunal.

Item 13.6.1 Continued

4. All Councillors be paid an information and communications technology allowance equal to 60% of the maximum amount permitted to be paid as prescribed by the Salaries and Allowances Tribunal.
5. The extent to which Councillors may be reimbursed for child care costs being the actual cost of the care or the amount prescribed by the Salaries and Allowances Tribunal, whichever is the lesser.

Amendment to Staff Recommendation (1)

During debate Cr O Searle moved the following amendment to the staff recommendation:

"That the recommendation be amended such that in Appendix 13.6.1B, clause 1.1 remain unchanged from the existing policy and in clause 1.3, the word "maximum" be replaced with the word "minimum" with the amended recommendation to read:

"That Council adopts amendments to Policy 5.4.23 - Councillor Allowances, Expenses and Supplies as detailed in Appendix 13.6.1B with the effect of the amendments being to determine that:

1. *The annual allowance paid to the Mayor be retained at the current level of \$60,000 per annum.*
2. *The Deputy Mayor continues to be paid an annual allowance equivalent to 15% of the annual allowance paid to the Mayor.*
3. *All Councillors be paid an annual meeting attendance fee equal to the minimum amount permitted to be paid as prescribed by the Salaries and Allowances Tribunal.*
4. *All Councillors be paid an information and telecommunications technology allowance equal to 60% of the maximum permitted to be paid as prescribed by the Salaries and Allowances Tribunal.*
5. *The extent to which Councillors may be reimbursed for child care costs being the actual cost of the care or the amount prescribed by the Salaries and Allowances Tribunal, whichever is the lesser."*

Cr O Searle provided the following written reason for the proposed amendment:

"The Council needs to be cognisant of the fact that fees and allowances for Councillors are paid by ratepayers and Councillors should demonstrate leadership by ensuring that unnecessary additional costs are not imposed upon the City's ratepayers".

Cr K Jones Seconded Cr O Searle's proposed amendment.

Item 13.6.1 Continued

Foreshadowed Motion (1)

During debate Cr W Barrett foreshadowed that he would move the following motion if the motion under debate was defeated:

“That Item 13.6.1 be referred back for further discussion and review of the options available at a Councillor Workshop.”

Cr W Barrett provided the following written reason for the proposed motion:

“For all Councillors to be able to attend a workshop to review all options available for consideration”.

At the conclusion of debate the Mayor put Cr O Searle's proposed amendment, which read:

Moved Cr O Searle Seconded Cr K Jones

That Council adopts amendments to Policy 5.4.23 - Councillor Allowances, Expenses and Supplies as detailed in Appendix 13.6.1B with the effect of the amendments being to determine that:

1. The annual allowance paid to the Mayor be retained at the current level of \$60,000 per annum.
2. The Deputy Mayor continues to be paid an annual allowance equivalent to 15% of the annual allowance paid to the Mayor.
3. All Councillors be paid an annual meeting attendance fee equal to the minimum amount permitted to be paid as prescribed by the Salaries and Allowances Tribunal.
4. All Councillors be paid an information and telecommunications technology allowance equal to 60% of the maximum permitted to be paid as prescribed by the Salaries and Allowances Tribunal.
5. The extent to which Councillors may be reimbursed for child care costs being the actual cost of the care or the amount prescribed by the Salaries and Allowances Tribunal, whichever is the lesser.

LOST 5/6

FOR: *Cr W Barrett, Cr J Brown, Cr T Brown, Cr K Jones and Cr O Searle.*

AGAINST: *Cr R Hoffman, Cr S Iwanyk, Cr R Lawrence, Cr R Mitchell and Cr D Griffiths.*

CASTING VOTE: *As the votes were tied, the Mayor cast a second vote, voting against the recommendation.*

Notation

Cr O Searle's proposed amendment was lost and as such was not dealt with any further.

Item 13.6.1 Continued

Amendment to Staff Recommendation (2)

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

"That the recommendation be amended such that in Appendix 13.6.1B, in clause 1.2 reference to "15%" be replaced with "25%", with the amended recommendation to read:

"That Council adopts amendments to Policy 5.4.23 - Councillor Allowances, Expenses and Supplies as detailed in Appendix 13.6.1B with the effect of the amendments being to determine that:

- 1. The Mayor is paid an annual allowance equal to the maximum amount permitted to be paid as prescribed by the Salaries and Allowances Tribunal.*
- 2. The Deputy Mayor be paid an annual allowance equivalent to 25% of the annual allowance paid to the Mayor.*
- 3. All Councillors be paid an annual meeting attendance fee equal to the maximum amount permitted to be paid as prescribed by the Salaries and Allowances Tribunal.*
- 4. All Councillors be paid an information and telecommunications technology allowance equal to 60% of the maximum permitted to be paid as prescribed by the Salaries and Allowances Tribunal.*
- 5. The extent to which Councillors may be reimbursed for child care costs being the actual cost of the care or the amount prescribed by the Salaries and Allowances Tribunal, whichever is the lesser."*

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

"The Deputy Mayor should be remunerated at a higher level than Council's existing policy permits in order to better reflect the expectations of that office."

Cr S Iwanyk Seconded Cr R Hoffman's proposed amendment.

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

Moved Cr R Hoffman Seconded Cr S Iwanyk

That Council adopts amendments to Policy 5.4.23 - Councillor Allowances, Expenses and Supplies as detailed in Appendix 13.6.1B with the effect of the amendments being to determine that:

1. The Mayor is paid an annual allowance equal to the maximum amount permitted to be paid as prescribed by the Salaries and Allowances Tribunal.

Item 13.6.1 Continued

2. The Deputy Mayor be paid an annual allowance equivalent to 25% of the annual allowance paid to the Mayor.
3. All Councillors be paid an annual meeting attendance fee equal to the maximum amount permitted to be paid as prescribed by the Salaries and Allowances Tribunal.
4. All Councillors be paid an information and telecommunications technology allowance equal to 60% of the maximum permitted to be paid as prescribed by the Salaries and Allowances Tribunal.
5. The extent to which Councillors may be reimbursed for child care costs being the actual cost of the care or the amount prescribed by the Salaries and Allowances Tribunal, whichever is the lesser.

CARRIED 6/4

FOR: Cr J Brown, Cr R Hoffman, Cr S Iwanyk, Cr R Lawrence, Cr R Mitchell and Cr D Griffiths.

AGAINST: Cr W Barrett, Cr T Brown, Cr K Jones and Cr O Searle.

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

| | |
|--------------------|------|
| SUBSTANTIVE MOTION | LOST |
|--------------------|------|

Moved Cr D Griffiths Seconded Cr R Mitchell

That Council adopts amendments to Policy 5.4.23 - Councillor Allowances, Expenses and Supplies as detailed in Appendix 13.6.1B with the effect of the amendments being to determine that:

1. The Mayor is paid an annual allowance equal to the maximum amount permitted to be paid as prescribed by the Salaries and Allowances Tribunal.
2. The Deputy Mayor be paid an annual allowance equivalent to 25% of the annual allowance paid to the Mayor.
3. All Councillors be paid an annual meeting attendance fee equal to the maximum amount permitted to be paid as prescribed by the Salaries and Allowances Tribunal.
4. All Councillors be paid an information and telecommunications technology allowance equal to 60% of the maximum permitted to be paid as prescribed by the Salaries and Allowances Tribunal.
5. The extent to which Councillors may be reimbursed for child care costs being the actual cost of the care or the amount prescribed by the Salaries and Allowances Tribunal, whichever is the lesser.

LOST AS ABSOLUTE MAJORITY NOT ACHIEVED 5/5

FOR: Cr R Hoffman, Cr S Iwanyk, Cr R Lawrence, Cr R Mitchell and Cr D Griffiths.

AGAINST: Cr W Barrett, Cr J Brown, Cr T Brown, Cr K Jones and Cr O Searle.

Notation

As an absolute majority was not achieved, the Mayor invited Cr W Barrett to move his foreshadowed motion, which Cr J Brown seconded.

Item 13.6.1 Continued

| |
|---------------------------|
| COUNCIL RESOLUTION |
|---------------------------|

324 Moved Cr W Barrett Seconded Cr J Brown

That Item 13.6.1 be referred back for further discussion and review of the options available at a Councillor Workshop.

CARRIED 9/1

FOR: *Cr W Barrett, Cr J Brown, Cr T Brown, Cr R Hoffman, Cr S Iwanyk, Cr K Jones, Cr R Mitchell, Cr O Searle and Cr D Griffiths.*

AGAINST: *Cr R Lawrence.*

12. REPORTS OF COMMITTEE MEETINGS

Nil.

13. REPORTS

13.1 CHIEF EXECUTIVE OFFICE

13.1.1 MAJOR PROJECTS PROGRESS REPORT

Author: J Phillips
Author's Declaration Nil.
of Interest:
Previous Ref: OCM 23 April 2013
Appendix: 13.1.1A Major Projects Progress Report (April-June 2013)
13.1.1B Major Projects Progress Report 2013-14

PURPOSE OF REPORT

For Council to note the Major Projects Progress Report for April-June 2013; the final report for the 2012-13 financial year. For Council to adopt the Major Projects Progress Report for 2013-14.

BACKGROUND

The City has, for some time, produced quarterly reports in relation to performance against key activities. As part of the City's strategic planning framework, the Major Projects Progress Report is used to report on the progress of key annual strategic activities and projects, which aim to achieve strategic goals and objectives identified in the City's 10-Year Community Plan.

DISCUSSION

The current Major Projects Progress Report has been updated with progress for the April-June quarter and is attached as Appendix 13.1.1A.

The proposed Major Projects Progress Report that identifies the City's key activities for 2013-14 is attached as Appendix 13.1.1B.

FINANCIAL IMPLICATIONS

Nil.

STATUTORY IMPLICATIONS

Nil.

VOTING REQUIREMENTS

Simple Majority required.

Item 13.1.1 Continued

STAFF RECOMMENDATION (1 OF 2) AND COUNCIL RESOLUTION

325 Moved Cr J Brown Seconded Cr R Hoffman

That Council note the Major Projects Progress Report for the April-June 2013 period, attached as Appendix 13.1.1A.

CARRIED 10/0

FOR: Cr W Barrett, Cr J Brown, Cr T Brown, Cr R Hoffman, Cr S Iwanyk, Cr K Jones, Cr R Lawrence, Cr R Mitchell, Cr O Searle and Cr D Griffiths.

AGAINST: Nil.

STAFF RECOMMENDATION (2 OF 2) AND COUNCIL RESOLUTION

326 Moved Cr J Brown Seconded Cr R Hoffman

That Council adopt the Major Projects Progress Report for 2013-14, attached as Appendix 13.1.1B.

CARRIED 10/0

FOR: Cr W Barrett, Cr J Brown, Cr T Brown, Cr R Hoffman, Cr S Iwanyk, Cr K Jones, Cr R Lawrence, Cr R Mitchell, Cr O Searle and Cr D Griffiths.

AGAINST: Nil.

13.2 COMMUNITY ENGAGEMENT

13.2.1 COMMUNITY SPONSORSHIP PROGRAM - COMBINED REPORT ON SPONSORSHIPS PROVIDED UNDER DELEGATED AUTHORITY WITHIN SPORTS REPRESENTATION/COMMUNITY RECOGNITION, SCHOOL BOOK PRESENTATIONS AND EDUCATION SCHOLARSHIPS CATEGORIES DURING 2011/12 AND 2012/13

| | |
|-----------------------------------|--|
| Author: | A Jarvis |
| Author's Declaration of Interest: | Nil. |
| Previous Ref: | Nil. |
| Appendix: | 13.2.1A Report of sponsorships provided under delegated authority during 2011/12 |
| | 13.2.1B Report of sponsorships provided under delegated authority during 2012/13 |

PURPOSE OF REPORT

To inform Council of the sponsorships provided by the City for the Community Sponsorship Program under delegated authority during 2011/12 and 2012/13 within the categories of Sports Representation/Community Recognition, School Book Presentations and Education Scholarships in accordance with Council Policy 3.2.2 – Community Sponsorship Program.

BACKGROUND

The Community Sponsorship Program is facilitated by the City to assist community organisations in the delivery of effective programs and services within our local community and to assist individual community members to achieve high standards in their chosen field of endeavour.

In accordance with Council Policy 3.2.2 – Community Sponsorship Program, a report of the sponsorships provided by the City under delegated authority within the categories of Sports Representation/Community Recognition, School Book Presentations and Education Scholarships is to be submitted to Council for its information.

At the Ordinary Meeting of Council held on 9 July 2013, the City advised that the Community Sponsorship Program report listed as item 13.2.1 would be referred back to Council at a later date to enable Council to receive a composite report of the sponsorships provided by the City under delegated authority for both the 2011/12 and 2012/13 financial years.

DISCUSSION

Sponsorships provided by the City under Delegated Authority during 2011/12

During the 2011/12 financial year, sponsorships provided by the City under delegated authority were as follows:

Item 13.2.1 Continued

- Sports Representation/Community Recognition – a total of 158 sponsorships were awarded to enable participants to compete in a wide range of sporting and cultural pursuits, such as Ice Hockey, Ten Pin Bowling, Soccer, Basketball, Gymnastics, Rugby League, Little Athletics, Judo, Swimming, Tennis, Netball, Scouts, Baseball, Irish Dancing, Figure Skating, Softball, Cricket, Trampolining, Weightlifting, Calisthenics, Music, Darts, Cheerleading and Indoor Hockey
- School Book Presentations – a total of 30 local schools were provided with books to assist with their educational needs
- Education Scholarships – a total of nine scholarships were awarded to local students.

The report containing the list of sponsorships awarded for the above categories for the period 1 July 2011 to 30 June 2012 inclusive is attached as Appendix 13.2.1A.

Sponsorships provided by the City under Delegated Authority during 2012/13

During the 2012/13 financial year, the sponsorships provided by the City under delegated authority were as follows:

- Sports Representation/Community Recognition – a total of 130 sponsorships were awarded to enable participants to compete in a wide range of sporting and cultural pursuits, such as BMX, Scouts, Baseball, Cheerleading, Dance, Music, Irish Dancing, Rowing, Little Athletics, Boccia, Archery, Triathlon, Swimming, Indoor Hockey, Figure Skating, Touch Rugby, Ten Pin Bowling, Petanque, Gymnastics, Tennis, Goal-ball, Robotics, Jui Jitsu, Darts, Tae Kwon Do and Roller Derby
- School Book Presentations – a total of 30 local schools were provided with books to assist with their educational needs
- Education Scholarships – a total of eight scholarships were awarded to local students.

The report containing the list of sponsorships awarded for the above categories for the period 1 July 2012 to 30 June 2013 inclusive is attached as Appendix 13.2.1B.

FINANCIAL IMPLICATIONS

The total sponsorship provided by the City under delegated authority was as follows:

- 2011/12 Financial Year - \$38,698
- 2012/13 Financial Year - \$32,226.

STATUTORY IMPLICATIONS

Council Policy 3.2.2 – Community Sponsorship Program is relevant.

VOTING REQUIREMENTS

Simple Majority is required.

Item 13.2.1 Continued

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

327 Moved Cr J Brown Seconded Cr T Brown

That Council, in accordance with Council Policy 3.2.2 – Community Sponsorship Program, note the report of sponsorships provided by the City under delegated authority within the categories of Sports Representation/Community Recognition, School Book Presentations and Education Scholarships for the period 1 July 2011 to 30 June 2012 attached as Appendix 13.2.1A and for the period 1 July 2012 to 30 June 2013 attached as Appendix 13.2.1B.

CARRIED 10/0

FOR: Cr W Barrett, Cr J Brown, Cr T Brown, Cr R Hoffman, Cr S Iwanyk, Cr K Jones, Cr R Lawrence, Cr R Mitchell, Cr O Searle and Cr D Griffiths.

AGAINST: Nil.

13.3 CORPORATE SERVICES

13.3.1 BUDGET VARIATIONS

Author: F Sullivan
 Author's Declaration Nil.
 of Interest:
 Previous Ref: Nil.
 Appendix: Nil.

PURPOSE OF REPORT

To seek approval from Council to adjust the 2013/14 Municipal Budget.

BACKGROUND

Nil.

DISCUSSION

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

- Is incurred in a financial year before the adoption of the annual budget by the local government
- Is authorised in advance by Council resolution
- Is authorised in advance by the Mayor or President in an emergency.

Approval is therefore sought for the following budget adjustments for the reasons specified.

FINANCIAL IMPLICATIONS

| Account Number | Type | Account Description | Debit \$ | Credit \$ |
|--|----------------------|--|----------|-----------|
| JL12-10249-3800-225 | Increase Expenditure | Hot Water Systems - Capital Purchases | 39,790 | |
| JL12-10249-1355-225 | Increase Income | Hot Water Systems - Non Operating grants | | 39,790 |
| REASON: Grant received from the Department of Resources, Energy and Tourism for the installation of 17 hot water systems. | | | | |
| JL14-88049-3800-499 | Increase Expenditure | Norman St/Verna St Drainage upgrade - Capital Purchases | 100,000 | |
| JL14-88000-3800-499 | Decrease Expenditure | Drainage problems - various - Capital Purchases | | 100,000 |
| REASON: To allocate a specific job number for recently prioritised drainage upgrade project due to a property flooding at Norman Street. | | | | |
| JL14-85075-3800-499 | Increase Expenditure | Lot 109 Fraser Road North - Capital Purchase | 8,285 | |
| JL14-85075-2506-000 | Increase Expenditure | Lot 109 Fraser Road North - Transfer from Reserve - Capital - Canning Vale ODP | | 8,285 |

Item 13.3.1 Continued

| Account Number | Type | Account Description | Debit \$ | Credit \$ |
|--|----------------------|---|----------|-----------|
| REASON: Reimburse Developers of Lot 27 Fraser Road North (WAPC145272) for works included as common infrastructure under the Canning Vale Outline Development Plan - Development Contribution Plan - installation of dual use paths, opposite subject site adjacent to Lot 109 Fraser Road North. | | | | |
| JL14-85076-3800-499 | Increase Expenditure | Ranford Rd & Glenariff Blvd Footpath - Capital Purchases | 17,931 | |
| JL14-85076-2507-000 | Increase Expenditure | Ranford Rd & Glenariff Blvd Footpath - Transfer from Reserve - Capital - West Canning Vale ODP | | 17,931 |
| REASON: Reimburse the City for works included as common infrastructure under the West Canning Vale Outline Development Plan - Development Contribution Plan - installation of dual use paths, following road works to Ranford Road. | | | | |
| JL40-30915-3112-000 | Increase Expenditure | Car - Director Corporate Services - Fuel | 6,400 | |
| JL40-30915-3113-000 | Increase Expenditure | Car - Director Corporate Services - Batteries | 80 | |
| JL40-30915-3114-000 | Increase Expenditure | Car - Director Corporate Services - Licence | 280 | |
| JL40-30915-3115-000 | Increase Expenditure | Car - Director Corporate Services - Oil | 50 | |
| JL40-30915-3116-000 | Increase Expenditure | Car - Director Corporate Services - Plant Parts | 200 | |
| JL40-30915-3117-000 | Increase Expenditure | Car - Director Corporate Services - Tyres | 936 | |
| JL40-30915-3254-000 | Increase Expenditure | Car - Director Corporate Services - External Repair | 300 | |
| JL40-30915-3704-000 | Increase Expenditure | Car - Director Corporate Services - Vehicle Insurance | 1,054 | |
| JL85-96100-3039-000 | Increase Expenditure | Director Corporate Services - Fringe Benefits Tax | 8,000 | |
| JL85-96100-4210-000 | Increase Expenditure | Director Corporate Services - Plant Operating Cost | 9,300 | |
| JL13-30915-3800-000 | Increase Expenditure | Car - Director Corporate Services - Capital Expenditure | 46,000 | |
| JL85-96100-3000-000 | Decrease Expenditure | Car - Director Corporate Services - Wages & Salaries | | 17,300 |
| JL40-30915-4310-000 | Increase Income | Car - Director Corporate Services - Plant Operating Cost Recovery | | 9,300 |
| JL13-30915-2407-000 | Increase Income | Car - Director Corporate Services - Plant & Equipment Reserve - Transfer from Reserve - Capital | | 46,000 |
| REASON: Purchase of Council provided vehicle from Reserve fund for Director Corporate Services as Director has changed remuneration package as agreed by the CEO. | | | | |
| JL14-80226-1359-498 | Decrease Income | Yale Rd - Upgrade existing road lighting - State Black Spot Funding | 195,000 | |
| JL14-80226-3800-499 | Decrease Expenditure | Yale Rd - Upgrade existing road lighting - Capital Purchases | | 195,000 |
| REASON: To reduce budget for Yale Road by grant already received in 2012/13 for Stage 1. | | | | |
| JL31-95108-3000-000 | Increase Expenditure | Switched on Homes - Salaries & Wages | 277,689 | |
| JL31-95108-3001-000 | Increase Expenditure | Switched on Homes - Salaries & Wages - Casual | 62,400 | |
| JL31-95108-3011-000 | Increase Expenditure | Switched on Homes - Allowances | 70 | |

Item 13.3.1 Continued

| Account Number | Type | Account Description | Debit \$ | Credit \$ |
|---|----------------------|---|-------------|--------------|
| JL31-95108-3020-000 | Increase Expenditure | Switched on Homes - Leave - LSL | 8,708 | |
| JL31-95108-3021-000 | Increase Expenditure | Switched on Homes - Leave - Annual & Loading | 25,085 | |
| JL31-95108-3030-000 | Increase Expenditure | Switched on Homes - Superannuation | 8,514 | |
| JL31-95108-3031-000 | Increase Expenditure | Switched on Homes - Workers Compensation | 31,458 | |
| JL31-95108-3125-000 | Increase Expenditure | Switched on Homes - Minor Equipment | 10,000 | |
| JL31-95108-3278-000 | Increase Expenditure | Switched on Homes - Program Activities | 209,000 | |
| JL31-95108-3214-000 | Increase Expenditure | Switched on Homes - Consultancy | 126,576 | |
| JL31-95108-3504-000 | Increase Expenditure | Switched on Homes - Telephones - Mobiles | 36,000 | |
| JL31-95108-3211-000 | Increase Expenditure | Switched on Homes - Audit - Financial | 4,500 | |
| JL31-95108-3220-000 | Increase Expenditure | Switched on Homes - Receptions - External Provider | 5,000 | |
| JL31-95108-1301-000 | Increase Income | Switched on Homes - Government Grant | | 800,000 |
| JL31-95100-3210-000 | Decrease Expenditure | Switch Your Thinking - Admin - Advertising & Promotions | | 5,000 |
| REASON: Grant received from the Department of Resources, Energy and Tourism in relation to the Low Income Energy Efficiency Program to install voltage optimisation units with data loggers in 240 households and to collate data from the units. | | | | |

STATUTORY IMPLICATIONS

Section 6.8 of the *Local Government Act 1995*.

VOTING REQUIREMENTS

Absolute Majority required.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION

328 Moved Cr O Searle Seconded Cr K Jones

That Council approve the following adjustments to the 2013/14 Municipal Budget:

| Account Number | Account Description | Debit \$ | Credit \$ |
|---------------------|--|-------------|--------------|
| JL12-10249-3800-225 | Hot Water Systems - Capital Purchases | 39,790 | |
| JL12-10249-1355-225 | Hot Water Systems - Non Operating grants | | 39,790 |
| JL14-88049-3800-499 | Norman St/Verna St Drainage upgrade - Capital Purchases | 100,000 | |
| JL14-88000-3800-499 | Drainage problems - various - Capital Purchases | | 100,000 |
| JL14-85075-3800-499 | Lot 109 Fraser Road North - Capital Purchase | 8,285 | |
| JL14-85075-2506-000 | Lot 109 Fraser Road North - Transfer from Reserve - Capital - Canning Vale ODP | | 8,285 |

Item 13.3.1 Continued

| Account Number | Account Description | Debit \$ | Credit \$ |
|---------------------|---|-------------|--------------|
| JL14-85076-3800-499 | Ranford Rd & Glenariff Blvd Footpath - Capital Purchases | 17,931 | |
| JL14-85076-2507-000 | Ranford Rd & Glenariff Blvd Footpath - Transfer from Reserve - Capital - West Canning Vale ODP | | 17,931 |
| JL40-30915-3112-000 | Car - Director Corporate Services - Fuel | 6,400 | |
| JL40-30915-3113-000 | Car - Director Corporate Services - Batteries | 80 | |
| JL40-30915-3114-000 | Car - Director Corporate Services - Licence | 280 | |
| JL40-30915-3115-000 | Car - Director Corporate Services - Oil | 50 | |
| JL40-30915-3116-000 | Car - Director Corporate Services - Plant Parts | 200 | |
| JL40-30915-3117-000 | Car - Director Corporate Services - Tyres | 936 | |
| JL40-30915-3254-000 | Car - Director Corporate Services - External Repair | 300 | |
| JL40-30915-3704-000 | Car - Director Corporate Services - Vehicle Insurance | 1,054 | |
| JL85-96100-3039-000 | Director Corporate Services - Fringe Benefits Tax | 8,000 | |
| JL85-96100-4210-000 | Director Corporate Services - Plant Operating Cost | 9,300 | |
| JL13-30915-3800-000 | Car - Director Corporate Services - Capital Expenditure | 46,000 | |
| JL85-96100-3000-000 | Car - Director Corporate Services - Wages & Salaries | | 17,300 |
| JL40-30915-4310-000 | Car - Director Corporate Services - Plant Operating Cost Recovery | | 9,300 |
| JL13-30915-2407-000 | Car - Director Corporate Services - Plant & Equipment Reserve - Transfer from Reserve - Capital | | 46,000 |
| JL14-80226-1359-498 | Yale Rd - Upgrade existing road lighting - State Black Spot Funding | 195,000 | |
| JL14-80226-3800-499 | Yale Rd - Upgrade existing road lighting - Capital Purchases | | 195,000 |
| JL31-95108-3000-000 | Switched on Homes - Salaries & Wages | 277,689 | |
| JL31-95108-3001-000 | Switched on Homes - Salaries & Wages - Casual | 62,400 | |
| JL31-95108-3011-000 | Switched on Homes - Allowances | 70 | |
| JL31-95108-3020-000 | Switched on Homes - Leave - LSL | 8,708 | |
| JL31-95108-3021-000 | Switched on Homes - Leave - Annual & Loading | 25,085 | |
| JL31-95108-3030-000 | Switched on Homes - Superannuation | 8,514 | |
| JL31-95108-3031-000 | Switched on Homes - Workers Compensation | 31,458 | |
| JL31-95108-3125-000 | Switched on Homes - Minor Equipment | 10,000 | |
| JL31-95108-3278-000 | Switched on Homes - Program Activities | 209,000 | |
| JL31-95108-3214-000 | Switched on Homes - Consultancy | 126,576 | |
| JL31-95108-3504-000 | Switched on Homes - Telephones - Mobiles | 36,000 | |
| JL31-95108-3211-000 | Switched on Homes - Audit - Financial | 4,500 | |
| JL31-95108-3220-000 | Switched on Homes - Receptions - External Provider | 5,000 | |
| JL31-95108-1301-000 | Switched on Homes - Government Grant | | 800,000 |
| JL31-95100-3210-000 | Switch Your Thinking - Admin - Advertising & Promotions | | 5,000 |

CARRIED BY ABSOLUTE MAJORITY 10/0

FOR: Cr W Barrett, Cr J Brown, Cr T Brown, Cr R Hoffman, Cr S Iwanyk, Cr K Jones, Cr R Lawrence, Cr R Mitchell, Cr O Searle and Cr D Griffiths.

AGAINST: Nil.

13.4 INFRASTRUCTURE

13.4.1 TENDER 28/2013 - SUPPLY OF GREENSTOCK

Author: D Smith
 Author's Declaration Nil.
 of Interest:
 Previous Ref: Nil.
 Appendix: 13.4.1A Pricing Schedule

PURPOSE OF REPORT

To advise Council of submissions received in relation to Tender 28/2013 – Supply of Greenstock and recommend the most advantageous tender for the purpose of awarding a contract.

BACKGROUND

The tender was advertised in The West Australian newspaper on Wednesday 26 June 2013 and closed at 2pm on 11 July 2013 to select a company to supply greenstock for a period of three years commencing 19 August 2013 until 19 August 2016.

This contract includes the option for the City to extend the term for a further two-year period at its discretion.

The tender was advertised on the basis of the City establishing a list of pre-qualified service providers ("the panel") capable of supplying the products or services requested under the tender.

Submissions were received from the following companies:

| Company Name | Address |
|-------------------------------|---|
| Benara Nurseries | PO Box 2464, Clarkson WA 6030 |
| Domus Nursery | 50 Bahen Road, Hacketts Gully WA 6121 |
| Forestvale Trees | 115 Cumming Road, Oakford WA 6121 |
| Natural Area Holdings Pty Ltd | 99c Lord Street, Whiteman WA 6068 |
| Plantrite | 150 Bingham Road, Bullsbrook WA 6084 |
| Wattle Grove Plant Farm | 40 Hardey Road East, Wattle Grove WA 6107 |

The City currently does not have a contract in place for the supply of greenstock. Procurement of greenstock is undertaken on a request for quotation basis for street tree planting, landscape and revegetation projects. The supply of greenstock is undertaken by a range of suppliers at a total annual cost of approximately \$150,000. This amount may vary depending on the size and complexity of projects and programs.

DISCUSSION

The supply of greenstock is an intrinsic and critical function associated with the beautification of streetscapes (trees species), landscaping of parks and reserves (plant species) as well as revegetation of natural areas (tubestock species). It is essential that reliable and cost-effective providers of this service be appointed.

Item 13.4.1 Continued

Tender submissions have been assessed by the Evaluation Panel against the qualitative evaluation criteria defined within the tender specification: Living Goods and Relevant Experience.

The tender documentation specified the provision of prices for the supply of 19 trees, 12 plants and 10 tubestock species that are most commonly used in planting projects by the City. The prices submitted are documented in Appendix 13.4.1A. – Schedule of Rates.

The following table details the assessment of each tender against the qualitative evaluation criteria as determined by the Panel and ranks each tender against these criteria:

| Tenderer | Qualitative Criteria 20% | Overall Ranking |
|-------------------------------|-------------------------------------|------------------------|
| Benara Nurseries | 16 | 2 |
| Domus Nursery | 12 | 3 |
| Forestdale Trees | 12 | 3 |
| Natural Area Holdings Pty Ltd | 20 | 1 |
| Plantrite | 16 | 2 |
| Wattle Grove Plant Farm | 12 | 3 |

All submissions received were conforming, generally professional, satisfied the City's Occupational Health and Safety requirements, addressed the qualitative criteria and demonstrated the ability to provide the City with the required services.

While price was an important element of the assessment process, in this instance an objective overall assessment was considered inappropriate due to the significant variation in submitted plant variety and species and their respective prices.

In terms of delivering greenstock requirements of trees, plants and tubestock, all local governments in the metropolitan area are generally reliant on the same group of greenstock suppliers and in this case at the same timeframes, as planting is ideally undertaken during late autumn, winter and early spring.

A single supplier would most likely not be able to deliver all requests for greenstock. To overcome this problem and ensure timely delivery of greenstock, it is recommended that contracts be awarded to a panel of suppliers so that large orders can be delivered by one or multiple suppliers without the need for plant species substitution.

Use of individual panel members will be based on the cheapest quote obtained from the three recommended suppliers in the tubestock and tree categories and the four recommended suppliers in the plant category.

Referees were contacted for all tenderers and all referees have provided a satisfactory reference.

*Item 13.4.1 Continued***FINANCIAL IMPLICATIONS**

The services associated with this contract are included in the Parks and Environmental Operations Branch operational and capital works budgets and will be included in relevant budgets for the life of the contract.

STATUTORY IMPLICATIONS

Section 3.57 (1) of the *Local Government Act 1995* requires a local government to invite tenders before it enters a contract of a prescribed kind under which another person is to supply the goods or services.

Part 4 of the *Local Government (Functions and General) Regulations 1996*.

VOTING REQUIREMENTS

Simple Majority required.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION

329 Moved Cr J Brown Seconded Cr W Barrett

That Council award Tender 28/2013 – Supply of Greenstock for a three-year period commencing 19 August 2013 with the option to extend the contract for a further two-year period at the City's discretion to the following panel members based on the respective schedule of rates documented in Appendix 13.4.1A:

| Supply of Tubestock | |
|-------------------------------|---|
| Company Name | Address |
| Natural Area Holdings Pty Ltd | 99c Lord Street, Whiteman WA 6068 |
| Plantrite | 150 Bingham Road, Bullsbrook WA 6084 |
| Wattle Grove Plant Farm | 40 Hardey Road East, Wattle Grove WA 6107 |

| Supply of Plants | |
|-------------------------|---|
| Company Name | Address |
| Benara Nurseries | PO Box 2464, Clarkson WA 6030 |
| Domus Nursery | 50 Bahen Road, Hacketts Gully WA 6076 |
| Plantrite | 150 Bingham Road, Bullsbrook WA 6084 |
| Wattle Grove Plant Farm | 40 Hardey Road East, Wattle Grove WA 6107 |

| Supply of Trees | |
|-------------------------|---|
| Company Name | Address |
| Benara Nurseries | PO Box 2464, Clarkson WA 6030 |
| Forestvale Trees | 115 Cumming Road, Oakford WA 6121 |
| Wattle Grove Plant Farm | 40 Hardey Road East, Wattle Grove WA 6107 |

CARRIED 10/0

FOR: Cr W Barrett, Cr J Brown, Cr T Brown, Cr R Hoffman, Cr S Iwanyk, Cr K Jones, Cr R Lawrence, Cr R Mitchell, Cr O Searle and Cr D Griffiths.

AGAINST: Nil.

13.4.2 MILLS PARK MASTER PLAN PROGRESS REPORT

| | |
|-----------------------------------|--|
| Author: | R Watkins |
| Author's Declaration of Interest: | Nil. |
| Previous Ref: | OCM 13 November 2012 Item 13.4.5 Mills Park Concept Plan Approval and Appointment of Architect. Resolutions 535 and 536 |
| Appendix: | 13.4.2A Mills Park Facilities First Floor Plan 13.4.2B Mills Park Facilities Ground Floor Plan 13.4.2C Mills Park One Oval Facilities Plan 13.4.2D Mills Park Two Oval Facilities Plan 13.4.2E Updated Site Plan |

PURPOSE OF REPORT

To advise Council of the current status of the Mills Park Concept Plan, outline the concept designs for the passive recreation areas, main facility, active reserve buildings and seek permission to progress to the detailed design for the project.

BACKGROUND

At the Ordinary Council Meeting of 13 November 2012, Council considered the Mills Park Concept Plan. That report detailed the history, site issues and investigations that lead to the development of the concept Mills Park Concept Plan. Following consideration of the report Council resolved to adopt resolutions 535 and 536 which read:

Recommendation 535:

"That Council approve the Mills Park Concept Plan attached as Appendix 13.4.5A and the commencement of detailed design based on the Mills Park Concept Plan."

Recommendation 536:

"That Council approve the development of a concept architectural design for the Community Facility at Mills Park."

DISCUSSION

The following is a progress report of actions that have occurred since the 13 November 2012 Ordinary Council Meeting.

Architects Hodge Collard Preston were appointed to design the main facility. The users of Mills Park and Beckenham Community Centre were consulted on their spatial needs within the community facility to inform the design.

Community consultation on the Mills Park Concept Plan commenced with all user groups, residents' representative panel and residents being provided with copies of the Mills Park Site Plan showing the ground layouts. The Site Plan was generally well received but did result in some changes being requested and where feasible these have been included in an updated Site Plan.

Item 13.4.2 Continued

The changes included:

- Expanded facilities on Mills One with larger kiosk. The facility has been relocated to the Roe Highway side of the field to allow for easier access to public toilets for young families
- Inclusion of an additional cricket wicket on the main oval
- Additional shade shelters around the main oval
- Expanded facilities on Mills Two to include change rooms and a kiosk
- Expanded turf area on Mills Two to allow for an additional full size AFL oval
- Lawn bowls greens have been modified to one larger green with 14 rinks.

The updated Site Plan, concept facility designs and estimated Mills Park Concept Plan project costing were presented at a Councillor Workshop on 4 June 2013. This report briefly outlines the presentations and subsequent community consultation.

Site Plan

Cardno's Landscape Architect has provided the amended Site Plan showing the incorporated changes. The updated Site Plan is attached as Appendix 13.4.2E. Cardno also presented the concept for the playgrounds, vegetation and passive areas.

Concept Facilities Plan

Hodge Collard Preston has developed the concept for the main facility which has been designed to include the functions of the Beckenham Community Centre and Mills Park Pavilion One.

One of the key considerations was the connectivity of the facility to the site. For the sports based user groups there are sight lines from the facility to all areas except Mills Two. For the community based users there are sight lines to the district playground, boardwalk and local playground area. The floor plans for the two-storey facility are attached as Appendices 13.4.2A and 13.4.2B.

Not shown on the plans but included in the estimated cost is the proposed plant including a building management system integrated into the City of Gosnells' Civic Building Management System, reverse cycle air conditioning with an economy cycle to allow free cooling where there are favourable weather conditions, zero ozone depleting refrigerants, LED lighting and a CCTV system. Investigations into a 30kW solar power system and a 4kW wind turbine will be undertaken as part of the detailed design phase.

Quantity Surveyors Report

Aquenta Consulting presented the cost estimates for the project acknowledging that the project has some elements of detailed design and others at conceptual design stage. The project will be split into two packages. The first package is for all elements of the Mills Park Concept Plan except the main facility and has an estimated value of \$19.27 million. The second package is the main facility and building surrounds and has an estimated value of \$13.68 million. The total estimated value for the Mills Park Concept Plan is \$32.95 million.

Item 13.4.2 Continued

The estimated construction cost will change as detailed designs are presented and refined. Staff are working with the consultants in an endeavour to achieve a cost under \$30 million.

At the conclusion of the Councillor workshop, staff were requested to seek community comment on the facility design and investigate funding opportunities.

Community Consultation

A community information evening was held on 24 June 2013 at the Beckenham Community Centre. Invitations were sent to over 1,400 Beckenham residents. The consultants and City staff provided information on landscape design, facility design, traffic management, green star and environmental matters. Feedback sheets and information packs were provided to attendees. Over 60 residents attended the evening. The feedback was mainly positive with a few requests to consider relocating elements of the design. Most were appreciative of the City's efforts and pleased with the proposed plans.

Consultation with the user groups of Mills Park and Beckenham Community Centre on the design for the facility has been completed.

Funding

Staff met with the Department of Sport and Recreation (DSR) to seek an approximation of the level of funding that could be achieved for the Concept Plan through the CSRFF. Early indications are that a \$4 million grant is achievable. The grant would be allocated over two years at \$2 million per year. This does not prevent the City from applying under the CSRFF Small Grants Round for other elements such as floodlighting.

Lotterywest has indicated that it would be prepared to contribute a minimum of \$2 million over two years to the project. Once detailed design is finalised, staff will be in a position to identify the true value of the Lotterywest request.

Both State agencies congratulated the City on the level of planning and outcomes achieved under the Concept Plan.

The following table highlights the potential funding that may be achieved for the Mills Park project before the need to consider loan funding.

| Funding Source | Amount \$ |
|--|-------------------|
| Land Sales | Net Return |
| Streatham Street Stage One | 7,000,000 |
| Streatham Street Stage Two (Beckenham Community Centre) | 3,000,000 |
| Central Terrace Hall, 22 Central Terrace, Beckenham | 440,000 |
| Farnaby Lane | 900,000 |
| Wanaping Tennis Site, 16 Wanaping Road, Kenwick | 1,500,000 |
| Total Land Development Contribution | 12,840,000 |
| State Funding | |
| Community Sport and Recreation Facility Fund | 4,000,000 |
| Lotterywest | 2,000,000 |
| Total State Funding | 6,000,000 |
| Mills Park Reserve Account | |

Item 13.4.2 Continued

| Funding Source | Amount \$ |
|--|-------------------|
| Budgeted balance 30 June 2014 | 424,006 |
| Budgeted interest and income to 30 June 2015 | 57,789 |
| Budgeted interest and income to 30 June 2016 | 57,789 |
| Total Mills Park Reserve Account | 539,584 |
| Total identified potential income | 19,379,584 |

The land transaction figures are indicative based on current values. The figures detailed in the table are the projected net return to the City after development costs are deducted.

Streatham Street Reserve subdivision Stage One was considered by Council at the Ordinary Council Meeting 13 September 2011. Stage Two of the subdivision is the Beckenham Community Centre site.

The Central Terrace Hall currently houses a small playgroup in an aged facility in poor condition with sealed asbestos within the structure. The playgroup will be relocated to the proposed Mills Park Community Facility.

Farnaby Lane subdivision was approved for development subject to approval by the Western Australian Planning Commission at the 9 November 2010 Ordinary Council Meeting. The report identified a potential net return to the City of \$1,238,601. Sales are not expected to achieve this due to contamination on the site increasing development costs.

The former Wanaping Tennis Courts, 16 Kenwick Road, Kenwick site is owned fee simple by the City and has a zoning of R30 which could return a 15 unit site to the City.

The Mills Park Reserve derives its income from the rental fees for the Telco tower on site.

FINANCIAL IMPLICATIONS

All of the above financial values are indicative and will be fine-tuned during the detailed design phase. Based on the previous financial projections the project is estimated to have a total value of \$32,950,000, a potential income stream of \$19,379,586 with a balance of \$13,570,416 to be found from other sources.

Acknowledging the desire to achieve a project cost of under \$30 million, projected borrowings are in the order of \$10 - \$14 million.

STATUTORY IMPLICATIONS

Nil.

VOTING REQUIREMENTS

Simple Majority required.

Item 13.4.2 Continued

STAFF RECOMMENDATION (1 OF 3) AND COUNCIL RESOLUTION

330 Moved Cr R Mitchell Seconded Cr W Barrett

That Council note the revised Mills Park Site Plan attached as Appendix 13.4.2E and the continued development of the detailed designs and documentation.

CARRIED 10/0

FOR: Cr W Barrett, Cr J Brown, Cr T Brown, Cr R Hoffman, Cr S Iwanyk, Cr K Jones, Cr R Lawrence, Cr R Mitchell, Cr O Searle and Cr D Griffiths.

AGAINST: Nil.

STAFF RECOMMENDATION (2 OF 3) AND COUNCIL RESOLUTION

331 Moved Cr R Mitchell Seconded Cr W Barrett

That Council approve the Concept Designs for the Mills Park Facilities attached as Appendices 13.4.2A, 13.4.2B, 13.4.2C and 13.4.2D and the commencement of detailed design and documentation based on those designs.

CARRIED 10/0

FOR: Cr W Barrett, Cr J Brown, Cr T Brown, Cr R Hoffman, Cr S Iwanyk, Cr K Jones, Cr R Lawrence, Cr R Mitchell, Cr O Searle and Cr D Griffiths.

AGAINST: Nil.

STAFF RECOMMENDATION (3 OF 3) AND COUNCIL RESOLUTION

332 Moved Cr R Mitchell Seconded Cr W Barrett

That Council, having regard to the fact that Beckenham Community Centre is planned to be an integral part of the Mills Park redevelopment both in terms of the relocation of the Community activity space and a potential funding source, approve the integration of the Beckenham Community Centre within the proposed Mills Park Community Centre and subdivision of the residual land in Streatham Street.

CARRIED 8/2

FOR: Cr W Barrett, Cr J Brown, Cr R Hoffman, Cr S Iwanyk, Cr K Jones, Cr R Lawrence, Cr R Mitchell and Cr D Griffiths.

AGAINST: Cr T Brown and Cr O Searle.

13.4.3 COMMUNITY SPORT AND RECREATION FACILITY FUND SEPTEMBER 2013 SMALL GRANTS ROUND APPLICATIONS

Author: R Watkins
Author's Declaration Nil.
of Interest:
Previous Ref: Nil.
Appendix: Nil.

PURPOSE OF REPORT

For Council to consider the applications for the Community Sport and Recreation Facilities Fund (CSRFF) Small Grants Round for September 2013 and the provision of financial support from the City.

BACKGROUND

The CSRFF is administered by the Department of Sport and Recreation (DSR) with the aim of providing State Government financial assistance for the development of sporting and recreational infrastructure that increases opportunities for physical activity.

To be eligible for a CSRFF grant an applicant must be a local government or an association incorporated in accordance with the *Associations Incorporation Act 1987*.

DSR will make a maximum contribution of one-third of the project cost. Applicants must be able to demonstrate that they can fund the balance of the total cost of the project.

Under the CSRFF guidelines, the City of Gosnells must submit documentation which demonstrates:

- Council's support for each application
- Council's commitment to a contribution (where applicable)
- Council's recommended priority order of applications.

DISCUSSION

In this round there is one application to be considered by Council.

The Gosnells Bowling Club Incorporated is seeking assistance to convert one green to a synthetic surface. The green is located at the corner of Dorothy Street and Albany Highway. The conversion of the green to synthetics has been requested due to increased demand for use and to assist with the establishment of a schools program.

In 2009, the Club converted two greens to synthetic surfaces after securing funding from the CSRFF, Federal Government and the City. The Club contributed cash and entered into a loan with Bendigo Bank which has been repaid in full.

The Club is seeking one-third of the project cost from the CSRFF, one-third from the City with the Club contributing cash for the remaining third.

Item 13.4.3 Continued

Gosnells Bowling Club Incorporated has a sound history of delivering infrastructure projects funded by the CSRFF and is aware of its obligations under this funding scheme. The project has a total cost of \$121,002 ex GST.

| Source | Amount \$ |
|--|----------------------|
| Community Sport and Recreation Facility Fund | 40,334 |
| Gosnells Bowling Club Inc. | 40,334 |
| City of Gosnells | 40,334 |
| Total (GST exclusive) | 121,002 |

The project meets the criteria established for CSRFF funding in that:

- The Gosnells Bowling Club Inc. is an incorporated organisation
- The Gosnells Bowling Club Inc. is able to contribute a minimum of one-third of the cost to the project from its own resources
- The project will provide an opportunity for increased physical activity by supporting the increased demand for access to a synthetic surface and the establishment of a schools program.

Assessment

It is important for the City to determine whether or not each project accords with the strategic direction and financial capacity of the City. The project has been assessed based on benefit to the community and social return on investment. The criteria are:

- Fully addressed funding criteria – based on the application strength and how well the case for support has been developed
- Increase in physical activity – this is the critical criteria that the CSRFF assess the applications against. The higher the ability of the project to increase activity the higher the score awarded
- Impact on current operations – this is the ability of the applicant to continue operating under the current conditions should the application be unsuccessful. A high score suggests a high impact on future operations
- Alignment with the City's Community Plan – does the project align with the City's strategic vision and to what level
- Impact on future asset management costs – this is the level of asset management impact on the City of Gosnells.

| Criteria | Score | Score |
|---|--------------|--------------|
| Fully addressed funding criteria | 10 | 9 |
| The project's ability to increase physical activity | 10 | 7 |
| Impact on current operations if denied | 10 | 5 |
| Alignment with the City's Community Plan | 10 | 5 |
| Impact on future asset management costs | 10 | 9 |
| Total | 50 | 34 |

The project's ability to increase physical activity has been based on programming projections. The impact on current operations is a mid-range score as there is no impact on the City if the project is not funded. The project aligns with the City's

Item 13.4.3 Continued

Community Plan in the areas of support for specific community groups, opportunities to participate in diverse activities and limiting environmental impacts on building and open spaces. The impact on future operations scores highly as the Club will be responsible for all maintenance and replacement of the synthetic surface.

FINANCIAL IMPLICATIONS

The overall funding requirements are summarised as follows:

| Project | CSRFF Funding \$ | Club \$ | City of Gosnells \$ | Total \$ |
|----------------------------|---------------------------------|--------------------|------------------------------------|---------------------|
| Gosnells Bowling Club Inc. | 40,334 | 40,334 | 40,334 | 121,002 |

If supported by Council, it is proposed to fund the project from the Recreation and Community Infrastructure Reserve Account. The Account's purpose is to establish facilities for the wellbeing of the community.

The Recreation and Community Infrastructure Reserve Account has an opening balance of \$1,038,431 and an expected income of \$30,380 during the 2013/14 financial period.

The City of Gosnells has an opportunity to increase the value of its community infrastructure by \$121,002 for a cost of \$40,334 should the application be successful.

STATUTORY IMPLICATIONS

Nil.

VOTING REQUIREMENTS

Simple Majority required.

STAFF RECOMMENDATION (1 OF 2) AND COUNCIL RESOLUTION
333 Moved Cr O Searle Seconded Cr R Lawrence

That Council supports the Gosnells Bowling Club Inc. application for funding through the Community Sport and Recreation Facilities Fund Small Grant Round in September 2013 for the installation of a synthetic surface to one bowling green.

CARRIED 10/0

FOR: *Cr W Barrett, Cr J Brown, Cr T Brown, Cr R Hoffman, Cr S Iwanyk, Cr K Jones, Cr R Lawrence, Cr R Mitchell, Cr O Searle and Cr D Griffiths.*

AGAINST: *Nil.*

Item 13.4.3 Continued

| |
|--|
| STAFF RECOMMENDATION (2 OF 2) AND COUNCIL RESOLUTION |
|--|

334 Moved Cr O Searle Seconded Cr R Lawrence

That Council agree to match the contribution of the Department of Sport and Recreation through the Community Sport and Recreation Facility Fund Small Grant September 2013 round to a maximum of \$40,334.

CARRIED 10/0

FOR: *Cr W Barrett, Cr J Brown, Cr T Brown, Cr R Hoffman, Cr S Iwanyk, Cr K Jones, Cr R Lawrence, Cr R Mitchell, Cr O Searle and Cr D Griffiths.*

AGAINST: *Nil.*

13.5 PLANNING AND SUSTAINABILITY

13.5.1 DRAFT MODIFIED LOCAL PLANNING POLICY - OUTBUILDINGS AND SEA CONTAINERS

Author: A Thompson
Author's Declaration Nil.
of Interest:
Application No: PF12/00022
Previous Ref: OCM 14 May 2013 (Resolution 176)
Appendices: 13.5.1A Draft Modified Local Planning Policy 2.2 -
Outbuildings and Sea Containers
13.5.1B Council Policy 5.1.8 - Second Hand Railway
Carriages and Sea Containers

PURPOSE OF REPORT

For Council to consider the following:

- Final adoption of the draft modified Local Planning Policy 2.2 - Outbuildings and Sea Containers
- The revocation of Council Policy 5.1.8 - Second Hand Railway Carriages and Sea Containers.

BACKGROUND

On 14 May 2013, Council resolved (Resolution 176) to advertise a draft modified Local Planning Policy 2.2 - Outbuildings and Sea Containers and also to publicise its intention to revoke Council Policy 5.1.8 - Second Hand Railway Carriages and Sea Containers for public comment.

The draft modified Policy and proposed revoked Policy were advertised for public comment by way of:

- Advertisement in a local newspaper for two consecutive weeks
- Display on the City's website and at Libraries.

No submissions were received.

DISCUSSION

Draft Modified Local Planning Policy

The most significant changes proposed in the draft modified policy are as follows:

- Clarifying that, for the purposes of the Town Planning Scheme No. 6, what does and does not constitute an outbuilding
- Providing clarification as to when a sea container can be placed on a property without requiring planning approval
- Providing parameters for the assessment of planning applications for sea containers on rural zoned properties. These assessment parameters are

Item 13.5.1 Continued

generally consistent with those contained in Council Policy 5.1.8 - Second Hand Railway Carriages and Sea Containers

- Relaxing the location requirements for outbuildings in rural areas, provided the outbuilding is not visible from the street.

A copy of the draft modified Local Planning Policy is contained as Appendix 13.5.1A.

It should also be noted that the proposed policy has been modified to a minor degree following the public submission period to provide for a suitable standard of appearance in the case of second hand sea containers.

The addition of proposed policy Clause 4.2.6 will highlight the need to ensure that sea containers are of a suitable standard of appearance if they are to be allowed. This condition is proposed to reflect concerns previously expressed by Councillors in relation to the appearance of sea containers.

Revocation of Council Policy

In accordance with Clause 6.3 of Council Policy 5.4.5 - Council Policy Management and Regulation 10 of the *Local Government (Administration) Regulations 1996*, the revocation of Council Policy 5.1.8 - Second Hand Railway Carriages and Sea Containers must be supported by an Absolute Majority of Council.

The Council Policy proposed to be revoked is contained as Appendix 13.5.1B.

CONCLUSION

It is recommended that Council:

- Adopt the draft modified Local Planning Policy 2.2 - Outbuildings and Sea Containers, as contained in Appendix 13.5.1A, and publish a notice of its adoption
- Revoke Council Policy 5.1.8 - Second Hand Railway Carriages and Sea Containers as contained in Appendix 13.5.1B.

FINANCIAL IMPLICATIONS

The cost of publishing a notice of adoption of the draft Policy and the revocation of the Council Policy can be met from the Planning Implementation operational budget.

STATUTORY IMPLICATIONS

- *Planning and Development Act 2005.*
- Town Planning Scheme No. 6.
- Council Policy 5.4.5 - Council Policy Management.
- *Local Government (Administration) Regulations 1996* - Regulation 10.

Item 13.5.1 Continued

VOTING REQUIREMENTS

- Simple Majority required for Staff Recommendations 1 and 2
- Absolute Majority required for Staff Recommendation 3 (requires the support of one third of the Offices of the Members of Council for the matter to be considered).

STAFF RECOMMENDATION (1 OF 3) AND COUNCIL RESOLUTION

335 Moved Cr J Brown Seconded Cr R Mitchell

That Council, pursuant to Clause 2.4.2(a) of Town Planning Scheme No. 6, note that no submissions were received in respect of the draft modified Local Planning Policy 2.2 - Outbuildings and Sea Containers.

CARRIED 10/0

FOR: Cr W Barrett, Cr J Brown, Cr T Brown, Cr R Hoffman, Cr S Iwanyk, Cr K Jones, Cr R Lawrence, Cr R Mitchell, Cr O Searle and Cr D Griffiths.

AGAINST: Nil.

STAFF RECOMMENDATION (2 OF 3) AND COUNCIL RESOLUTION

336 Moved Cr J Brown Seconded Cr R Mitchell

That Council, pursuant to Clause 2.4.2(b) of Town Planning Scheme No. 6, adopt the draft modified Local Planning Policy 2.2 - Outbuildings and Sea Containers, as contained in Appendix 13.5.1A, and pursuant to Clause 2.4.3 of Town Planning Scheme No. 6, publish a notice of the adopted Policy once in a local newspaper circulating in the Scheme area.

CARRIED 10/0

FOR: Cr W Barrett, Cr J Brown, Cr T Brown, Cr R Hoffman, Cr S Iwanyk, Cr K Jones, Cr R Lawrence, Cr R Mitchell, Cr O Searle and Cr D Griffiths.

AGAINST: Nil.

STAFF RECOMMENDATION (3 OF 3) AND COUNCIL RESOLUTION

337 Moved Cr J Brown Seconded Cr R Mitchell

That Council, pursuant to Clause 6.3 of Council Policy 5.4.5 - Council Policy Management and Regulation 10 of the *Local Government (Administration) Regulations 1996*, revoke Council Policy 5.1.8 - Second Hand Railway Carriages and Sea Containers.

CARRIED BY ABSOLUTE MAJORITY 10/0

FOR: Cr W Barrett, Cr J Brown, Cr T Brown, Cr R Hoffman, Cr S Iwanyk, Cr K Jones, Cr R Lawrence, Cr R Mitchell, Cr O Searle and Cr D Griffiths.

AGAINST: Nil.

**13.5.2 DEVELOPMENT APPLICATION - FAMILY DAY CARE - 17 (LOT 648)
DUCKBILL LOOP, SOUTHERN RIVER**

Author: M Wallace
Author's Declaration Nil.
of Interest:
Reference: 309733
Application No: DA13/00174
Applicant: R Ahamed
Owner: R Ahamed & B A Vattekkattayil
Location: 17 (Lot 648) Duckbill Loop, Southern River
Zoning: MRS: Urban
TPS No. 6: Residential Development
Review Rights: Yes. State Administrative Tribunal against any discretionary decision of Council.
Area: 600m²
Previous Ref: Nil.
Appendix: 13.5.2A Site Plan

PURPOSE OF REPORT

For Council to consider an application for planning approval for a Family Day Care at 17 (Lot 648) Duckbill Loop, Southern River, as the proposal is outside the authority delegated to staff due to an objection received during the consultation period.

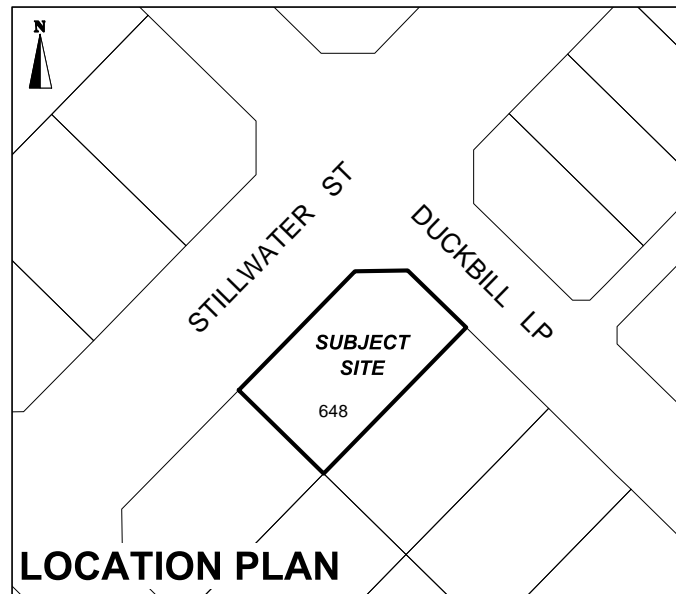
BACKGROUND**Site Description and Planning Framework**

The subject site accommodates an existing single dwelling. Surrounding land uses are comprised of predominantly low density residential development.

The subject site is zoned Residential Development under Town Planning Scheme No. 6 (TPS 6) and is designated Residential R30 under the Southern River Precinct 2 Phase 1 Outline Development Plan (ODP).

A map identifying the location of the subject site follows:

Item 13.5.2 Continued



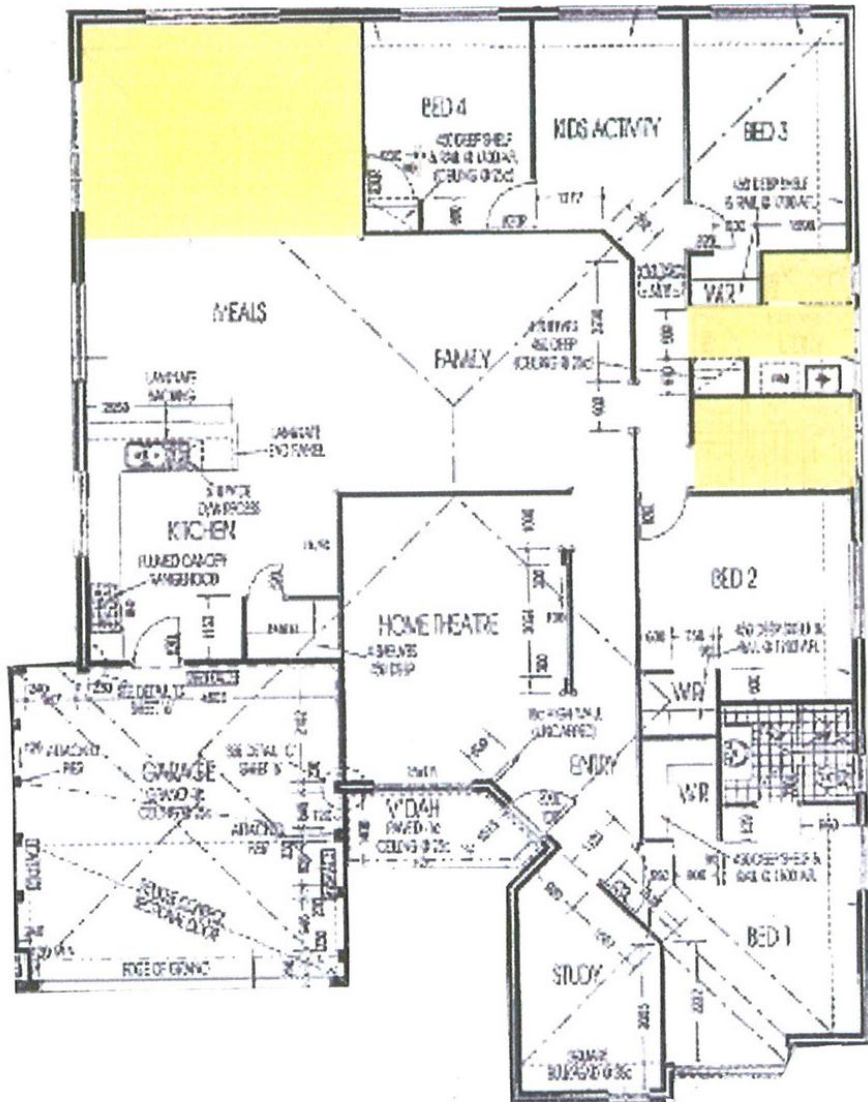
Proposal

The application involves the following:

- The hours of operation will be Monday to Friday, between 6am and 7pm
- The Family Day Care will involve a maximum of seven children (including the applicant's three children)
- The children will occupy the games room of the house. They also have an outdoor play area, which is located a minimum of 1m from the nearest boundary
- The provision of two car parking bays, contained on the existing driveway, within the front setback area.

A floor plan follows, and a site plan is provided as Appendix 13.5.2A.

Item 13.5.2 Continued



FLOOR PLAN

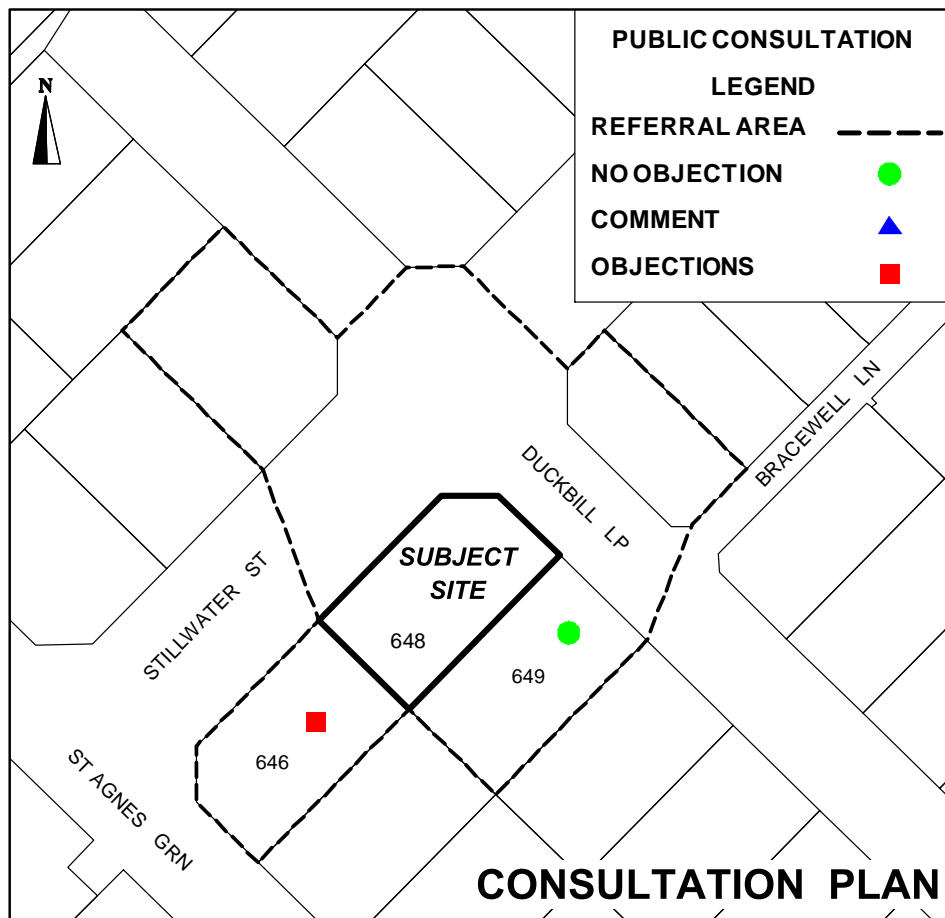
*Item 13.5.2 Continued***Consultation**

The proposal was advertised for public comment for 14 days in accordance with Local Planning Policy 2.5 - Home Based Activities, during which time two submissions were received, one objecting to the proposal and one raising no objection. A summary of these submissions and comments thereon is provided below.

| | | |
|------------------------------|--|--|
| 1. | Affected Property: 2 (Lot 646) St Agnes Green Southern River | Postal Address: 2 St Agnes Green SOUTHERN RIVER WA 6110 |
| Summary of Submission | | Comment |
| Object to the proposal. | | |
| 1.1 | Outdoor play area too close to bedroom and entertaining area resulting in potential noise impacts. | See noise section of report. |
| 1.2 | Traffic produced from the Family Day Care cannot be contained on site. Vehicles will spill onto the verge, creating dangerous obstacles for pedestrians. | See car parking and traffic section of report. |
| 1.3 | A Family Day Care in a residential area will set an undesired precedent in the area. | The presence of children and their care is a common identifying activity associated with residential living. |
| 1.4 | Children who attend the Family Day Care may climb over my fence and drown in my pool. | It is the responsibility of the operator of the Family Day Care to ensure the safety of the children attending the site. In any event, pool enclosures are required to comply with legislation and are subject to inspection by Local Government to ensure compliance. |
| 2. | Affected Property: 19 (Lot 649) Duckbill Loop Southern River | Postal Address: 19 Duckbill Loop SOUTHERN RIVER WA 6110 |
| Summary of Submission | | Comment |
| No objection to the proposal | | Noted. |

A map identifying the consultation area and the origin of each submission follows:

Item 13.5.2 Continued



The main issues raised in the submissions are as follows:

- Appropriateness of the proposal
- Noise
- Traffic and Parking.

Each is discussed in the following sections, along with any other applicable technical matters.

DISCUSSION

Town Planning Scheme No. 6

The subject site is zoned Residential Development under TPS 6 and designated R30 under the Southern River Precinct 2 Phase 1ODP. In accordance with TPS 6, a Family Day Care is a "P" use in the Residential zone, which means the use is permitted, providing it complies with the relevant development standards and the requirements of TPS 6. There is however, an obligation to consider the suitability of the proposal in the context of the surrounding residential environment. It should be noted that the proposed use is typical in residential zones and it is recognised that such facilities provide an essential service to the community.

Item 13.5.2 Continued

Local Planning Policy 2.5 - Home Based Activities

LPP 2.5 provides guidance on determining Home Occupations, Home Businesses and Family Day Care proposals in order to provide consistency in the decision-making process. An assessment on the proposal against LPP 2.5 follows:

| Policy Clause/Requirement | Assessment/Comment |
|---|--|
| 5.1(c) All Home Based Activities may incorporate one advertising sign, no greater than 0.2m ² in area. | No signage is proposed. |
| 5.2(a) The subject site shall have a minimum lot size of 450m ² . | The subject site is 600m ² in area. |
| 5.2(b) The Family Day Care shall involve a maximum of seven children (including the applicant's children). | The proposal is for the care of seven children (including the applicant's own three children). |
| 5.2(c) A minimum of two car parking bays are to be provided on site, in addition to the bays required in association with the dwelling on site. | Two visitor's car bays have been proposed, in addition to two car bays for residential use, with all parking proposed to be contained on site. |
| 5.2(d) A Family Day Care shall only operate between 6am and 7pm, Monday to Friday and between 7am and 6pm on Saturdays unless it can be demonstrated that the use will not impact on the amenity of surrounding properties. | The proposal is to operate between 6am and 7pm Monday to Friday. |
| 5.2(e) Any outdoor play area is to be a minimum of 1.0m from lot boundaries. Play areas may be required to be separated from the boundary by a physical barrier. | The proposed outdoor play area is to be set back 1m from the nearest lot boundaries. |

As demonstrated above, the application complies with the requirements of LPP 2.5.

Amenity

Noise

Concerns have been raised about the potential noise impacts of the proposed Family Day Care. The objectors are concerned that the increased number of people at the site will generate noise in the residential area. Given that a maximum of seven children will be accommodated at the site (including the applicant's own three children), the proposed development is not expected to generate noise in excess of what could be considered acceptable in an urban area or which would detrimentally impact on the amenity of the area.

In any event, the use of the site is required to comply with the *Environmental Protection (Noise) Regulations 1997*.

Car Parking and Traffic

It is anticipated that there will be an increase in traffic generated from the Family Day Care. Given the proposal involves the care of four non-resident children, it would be expected that there would be up to eight vehicle movements per day associated with the Family Day Care.

Item 13.5.2 Continued

An increase of eight vehicle movements per day would not be excessive in terms of what could be reasonably expected in an established residential area, nor would it have any material impact on the prevailing residential amenity of the area. The proposal includes the provision of two additional car spaces contained on the existing driveway within the front setback area and these spaces are considered sufficient for visitors to park their vehicles.

CONCLUSION

The proposal is supported for the following reasons:

- A Family Day Care is typical in a residential zone and it is recognised that such facilities provide an essential service to the local community
- The proposed business is not expected to generate additional traffic that would detrimentally impact on the traffic and safety of the local area
- The development is not expected to detrimentally impact the amenity of the area.

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

FINANCIAL IMPLICATIONS

Nil.

STATUTORY IMPLICATIONS

- Town Planning Scheme No. 6
- Local Planning Policy 2.5 - Home Based Activities.

VOTING REQUIREMENTS

Simple Majority required.

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

338 Moved Cr R Lawrence Seconded Cr K Jones

That Council approve the application for a Family Day Care at 17 (Lot 648) Duckbill Loop, Southern River, dated 24 May 2013, subject to the following conditions:

1. A minimum of two on-site car bays, contained on the existing driveway within the front setback area, are to be provided for client use, with no parking by clients permitted on the road verge.
2. The operation of the Family Day Care use, including the drop off and pick up of children shall only be permitted between 6am and 7pm, Monday to Friday.

Item 13.5.2 Continued

3. No employment of persons outside of the immediate family of the occupier of the house is permitted.
4. No more than seven children, including the applicant's own children, are permitted to be cared for at any one time.
5. Any outdoor play area is to be a minimum of 1m from all lot boundaries.

CARRIED 10/0

FOR: *Cr W Barrett, Cr J Brown, Cr T Brown, Cr R Hoffman, Cr S Iwanyk, Cr K Jones, Cr R Lawrence, Cr R Mitchell, Cr O Searle and Cr D Griffiths.*

AGAINST: *Nil.*

13.5.3 DEVELOPMENT APPLICATION - INDUSTRY - NOXIOUS (RESOURCE RECOVERY AND WASTE ACTIVITIES) - 48 (LOT 280) AND 42 (LOT 281) KELVIN ROAD, MADDINGTON (*ITEM BROUGHT FORWARD - REFER TO ITEM 11*)

The above item was brought forward in accordance with Clause 4.12 of the City of Gosnells Standing Orders Local Law 2012 and is relocated under Item 11 "Items Brought Forward for the Convenience of those in the Public Gallery" as the first report in these Minutes.

**13.5.4 DEVELOPMENT APPLICATION - FAMILY DAY CARE - 163 (LOT 219)
FRASER ROAD NORTH, CANNING VALE**

Author: K Ivory
Author's Declaration Nil.
of Interest:
Reference: 306367
Application No: DA13/00187
Applicant: Shila Datta
Owner: Ujjal Das and Shila Datta
Location: 163 (Lot 219) Fraser Road North, Canning Vale
Zoning: MRS: Urban
TPS No. 6: Residential Development
Review Rights: Yes. State Administrative Tribunal against any discretionary decision of Council.
Area: 413m²
Previous Ref: Nil.
Appendix: Nil.

PURPOSE OF REPORT

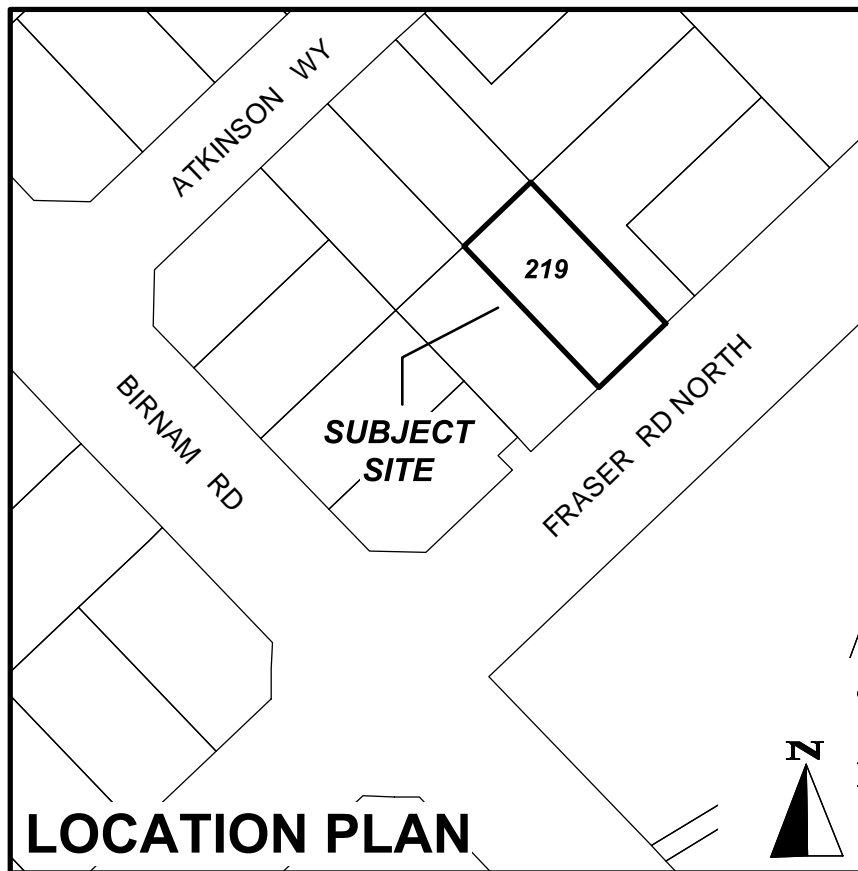
For Council to consider an application for planning approval for a Family Day Care at 163 (Lot 219) Fraser Road North, Canning Vale as the proposal is outside the authority delegated to staff due to objections received during the consultation period.

BACKGROUND**Site Description and Planning Framework**

The subject site accommodates an existing single dwelling. Surrounding land uses comprise predominantly medium density residential development and local open space.

A map identifying the location of the subject site follows:

Item 13.5.4 Continued



Proposal

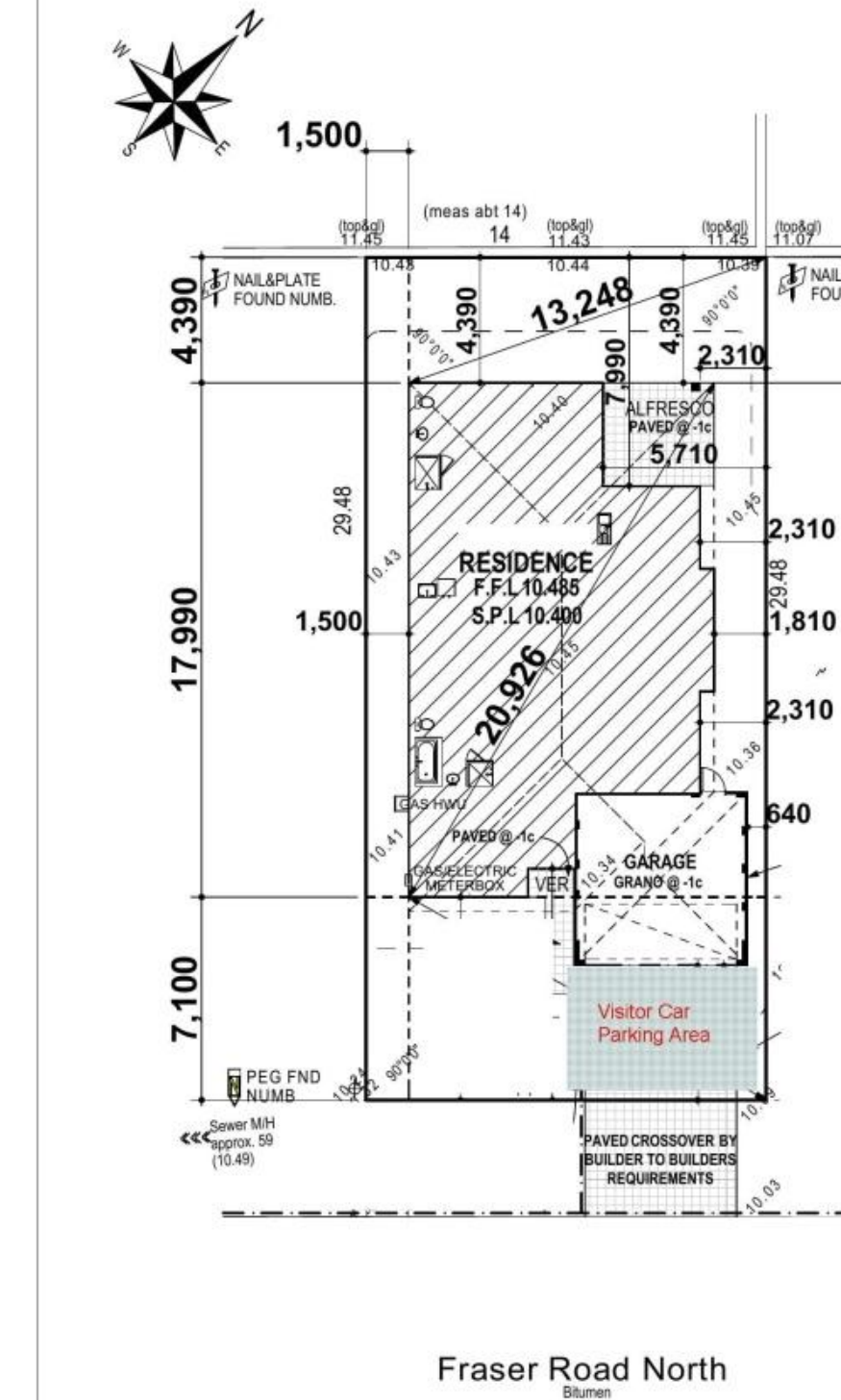
The application involves the following:

- The hours of operation will be 6am to 6pm, Monday to Friday
- The Family Day Care will involve a maximum of six children (including the applicant's two children)
- The children will occupy the kitchen, family room, living room and a bedroom of the dwelling
- The children will be dropped off and picked up by appointment and all cars will be parked within the boundaries of the property.

A site plan and floor plans follow:

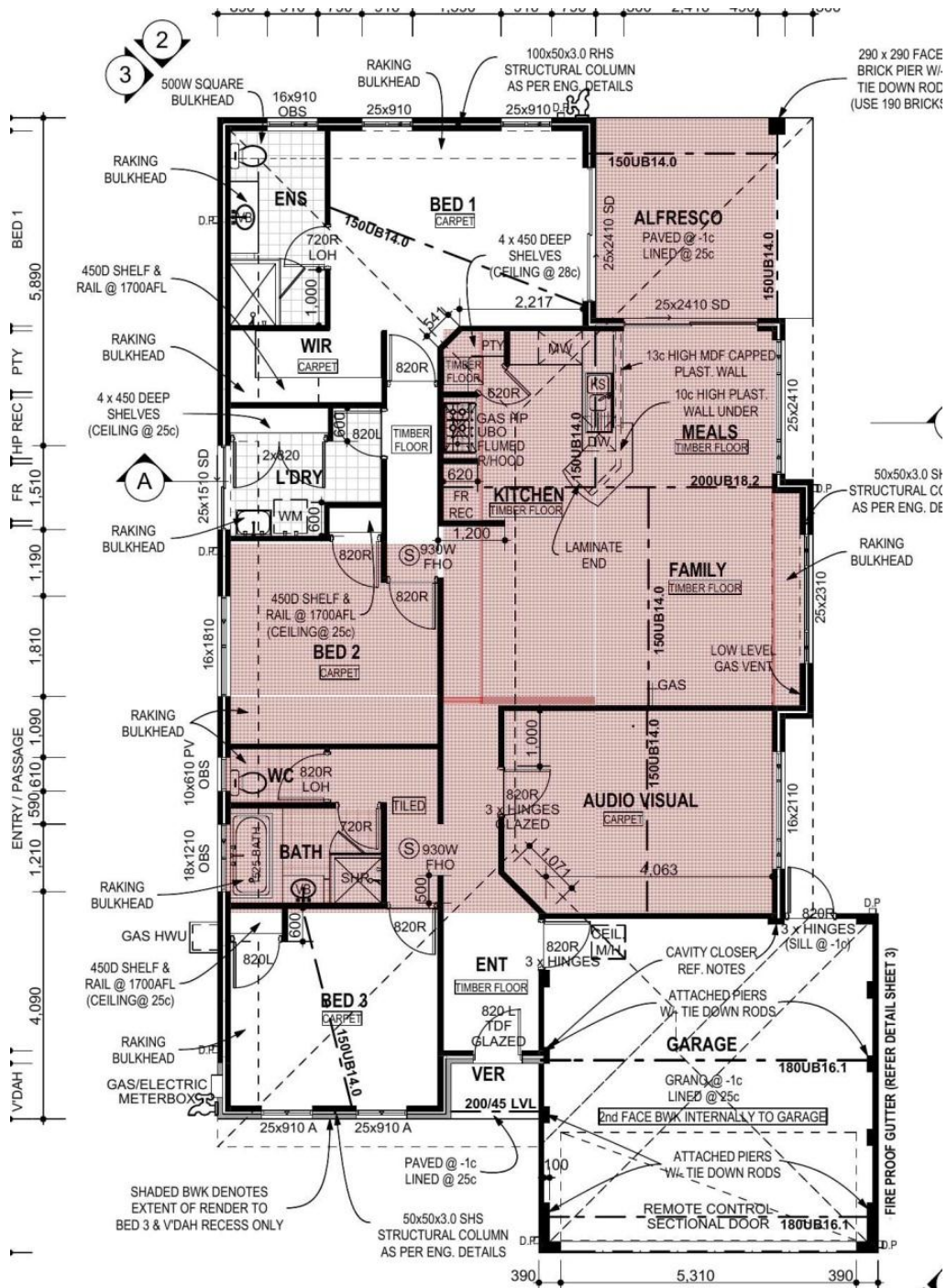
Item 13.5.4 Continued

LOT 219



SITE PLAN

Item 13.5.4 Continued



FLOOR PLAN

Consultation

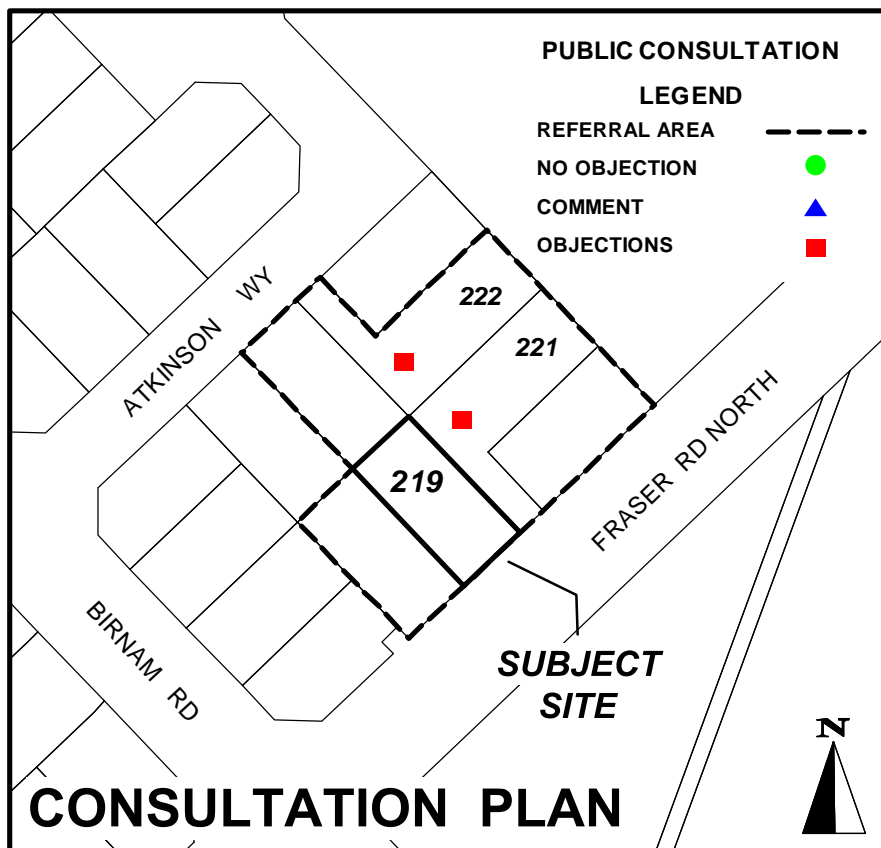
The proposal was required to be advertised for public comment in accordance with Council Policy, during which time two submissions were received, both objecting to the proposal. A summary of these submissions and comments thereon is provided below.

Item 13.5.4 Continued

| 1. | Affected Property: 7 (Lot 222) Atkinson Way Canning Vale | Postal Address: 7 Atkinson Way CANNING VALE WA 6155 |
|--|---|--|
| Summary of Submission | | Comment |
| Objection to the proposal The noise levels generated from the day care facility are excessive for the residential area. | | See discussion which follows. |

| 2. | Affected Property: 161 (Lot 221) Fraser Road North Canning Vale | Postal Address: 161 Fraser Road North CANNING VALE WA 6155 |
|---|--|--|
| Summary of Submission | | Comment |
| Objection to the proposal 2.1 The master bedroom and front door of my property directly abuts the boundary of the proposed family day care. Noise from the lot will have a direct impact on the current tenants and the long term enjoyment of the property. 2.2 The family day care will lower the value of my property. | | See discussion which follows. This is not a valid planning consideration. |

A map identifying the consultation area and the origin of each submission follows:



*Item 13.5.4 Continued***DISCUSSION****Town Planning Scheme No. 6**

The subject site is zoned Residential Development under TPS 6 and designated Higher Density Node (which is akin to Residential R60) under the Canning Vale Outline Development Plan. In accordance with TPS 6, a Family Day Care is a "P" use in the Residential zone, meaning it is permitted by the scheme providing the use complies with the relevant development standards and the requirements of the scheme. There is however, an obligation to consider the suitability of the proposal in the context of the surrounding residential environment.

Local Planning Policy 2.5 - Home Based Activities

LPP 2.5 provides guidance on determining Home Occupations, Home Businesses and Family Day Care proposals in order to provide consistency in the decision-making process. An assessment on the proposal against LPP 2.5 follows:

| Policy Clause/Requirement | Assessment/Comment |
|---|--|
| 5.1(c) All Home Based Activities may incorporate one advertising sign, no greater than 0.2m ² in area. | No signage is proposed. |
| 5.2(a) The subject site shall have a minimum lot size of 450m ² . | The subject site is 413m ² in area, 37m ² smaller than the 450m ² required in LPP 2.5. Whilst the property does not meet the minimum lot size requirement, the dwelling does not share any walls with the neighbouring dwellings and the lot size is sufficient to accommodate a substantial play area of about 55m ² in area which excludes the 1m setback area between the play area and the lot boundaries. |
| 5.2(b) The Family Day Care shall involve a maximum of seven children (including the applicant's children). | The proposal is for the care of six children (including the applicant's two children). |
| 5.2(c) A minimum of two car parking bays are to be provided on site, in addition to the bays required in association with the dwelling on site. | Two visitor's bays have been proposed, in addition to two bays for residential use, with all parking proposed to be contained on site. |
| 5.2(d) A Family Day Care shall only operate between 6am and 7pm, Monday to Friday and between 7am and 6pm on Saturdays unless it can be demonstrated that the use will not impact on the amenity of surrounding properties. | The proposal is to operate Monday to Friday, between 6am and 6pm. |
| 5.2(e) Any outdoor play area is to be a minimum of 1.0m from lot boundaries. Play areas may be required to be separated from the boundary by a physical barrier. | It is unclear whether the outdoor play area is located a minimum of 1.0m from lot boundaries. Should approval be issued it is recommended that a condition be imposed to ensure that the outdoor play area is located as per the policy requirement. |

Item 13.5.4 Continued

Amenity

Noise

Concerns have been raised about the potential noise impact of the proposed Family Day Care. The objectors are concerned that the increased number of people at the site will generate noise in this residential area. Given that a maximum of six children will be accommodated at the site (including the applicant's two children), the proposed development is not expected to generate noise in excess of what could be considered acceptable in an urban environment or which would detrimentally impact on the amenity of the area.

In any event, the use of the site is required to comply with the *Environmental Protection (Noise) Regulations 1997*.

Traffic

It is anticipated that there will be an increase in traffic generated from the Family Day Care. Given that the proposal involves the care of four children (in addition to two of the applicant's own children), it is expected that there would be up to eight vehicle movements per day associated with the Family Day Care.

An increase of eight vehicle movements per day would not be excessive in terms of what could be reasonably expected in an established residential area (particularly given the property fronts Fraser Road North), nor would it have any material impact on the prevailing residential amenity of the locality. The proposal includes the provision of two additional car spaces contained on the existing driveway within the front setback area, which complies with LPP 2.5 and these spaces are considered sufficient for visitors to park their vehicles.

CONCLUSION

The proposal is supported for the following reasons:

- A Family Day Care is typical in residential zones and it is recognised that such facilities provide an essential service to the local community
- The proposed business is not expected to generate additional traffic that would detrimentally impact on the amenity and safety of the local area.

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

FINANCIAL IMPLICATIONS

Nil.

STATUTORY IMPLICATIONS

- Town Planning Scheme No. 6
- Local Planning Policy 2.5 - Home Based Activities
- Canning Vale Outline Development Plan.

Item 13.5.4 Continued

VOTING REQUIREMENTS

Simple Majority required.

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| STAFF RECOMMENDATION AND COUNCIL RESOLUTION |
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339 Moved Cr R Lawrence Seconded Cr R Hoffman

That Council approve the application for a Family Day Care at 163 (Lot 219) Fraser Road North, Canning Vale, dated 6 June 2013, subject to the following conditions:

1. A minimum of two on-site car bays, contained on the existing driveway within the front setback area are to be provided for client use, with no parking by clients permitted on the road verge.
2. The operation of the Family Day Care use, including the drop off and pick up of children shall only be permitted between 6am and 6pm, Monday to Friday.
3. No employment of persons outside of the immediate family of the occupier of the house is permitted.
4. No more than six children including the applicant's own children are permitted to be cared for at any one time.
5. Any outdoor play area is to be a minimum of 1m from all lot boundaries.

CARRIED 9/1

FOR: *Cr W Barrett, Cr J Brown, Cr T Brown, Cr R Hoffman, Cr K Jones, Cr R Lawrence, Cr R Mitchell, Cr O Searle and Cr D Griffiths.*

AGAINST: *Cr S Iwanyk.*

The Mayor advised the meeting that Cr J Brown had disclosed a Proximity Interest in the following item in accordance with Regulation 34C of the Local Government (Administration) Regulations 1996.

9.29pm Cr J Brown left the meeting.

13.5.5 PROPOSED MODIFICATION - AMENDMENT NO. 131 TO TOWN PLANNING SCHEME NO. 6 - REZONING OF LAND TO DEVELOPMENT ZONE - PASSMORE STREET AND RANFORD ROAD, SOUTHERN RIVER

Author: T Baglin
Author's Declaration Nil.
of Interest:
Reference: Various
Application No: PF12/00003
Applicant: Planwest
Owner: Della-Vedova Family
Location: Various lots, Passmore Street and Ranford Road, Southern River
Zoning: MRS: Urban Deferred
TPS No. 6: General rural
Review Rights: N/A
Area: 314ha
Previous Ref: OCM 24 July 2012 (Resolutions 362 to 364)
Appendix: 13.5.5A Modified Amendment No. 131 Map.

PURPOSE OF REPORT

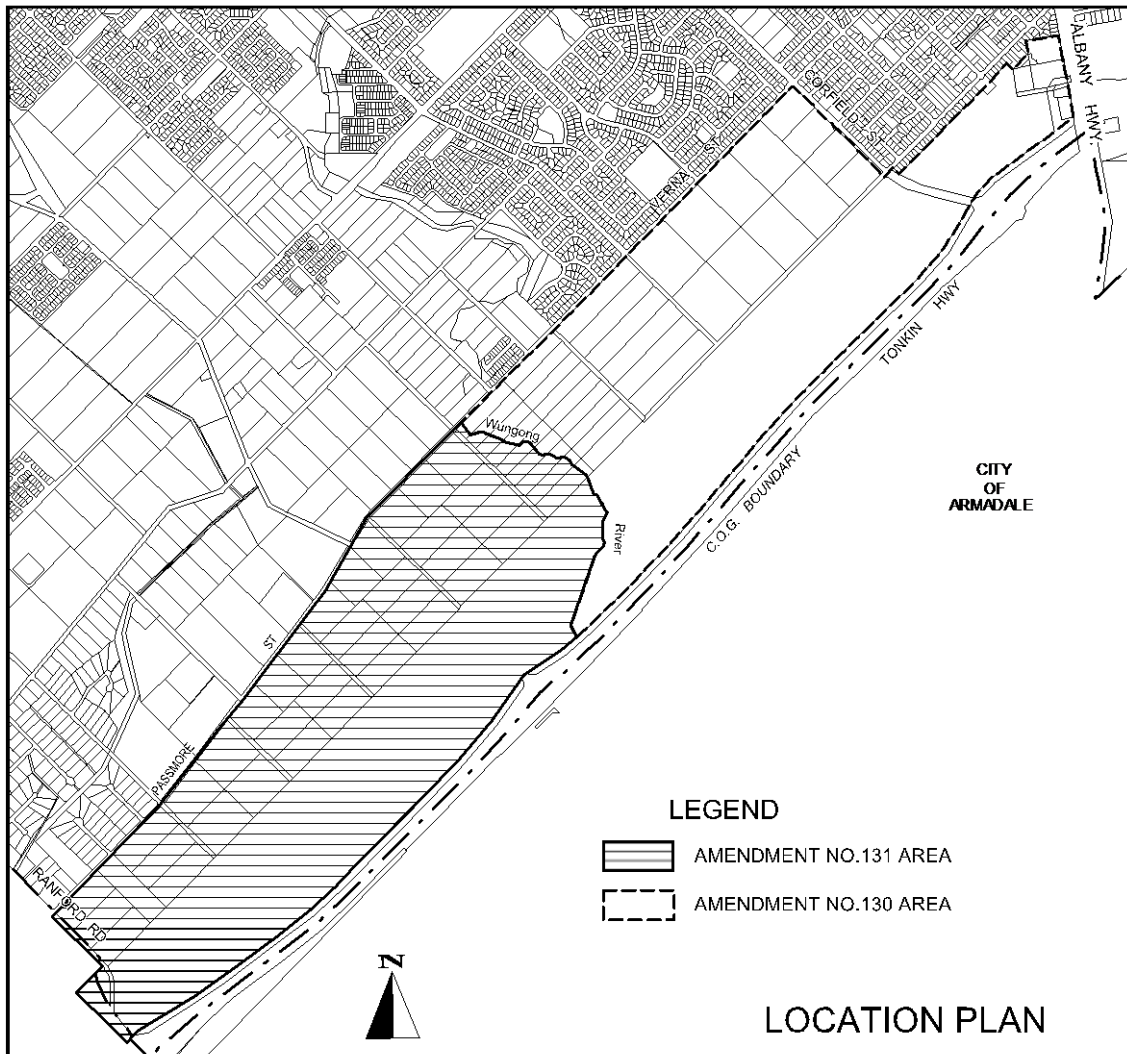
For Council to consider modifications required by the Western Australian Planning Commission (WAPC) to Amendment No. 131 to Town Planning Scheme No. 6 (TPS 6).

BACKGROUND

On 24 July 2012, Council resolved (Resolution 362) to initiate Amendment No. 131.

The amendment proposes the rezoning of land generally bound by Passmore Street, Ranford Road, Tonkin Highway and the Wungong River, Southern River from General Rural to Development, as shown on the Location Plan that follows.

Item 13.5.5 Continued



Amendment No. 131 was forwarded to the WAPC for approval to be advertised for public comment. The WAPC subsequently advised that the amendment proposal requires modification before public consultation may commence.

DISCUSSION

The WAPC requires that Amendment No. 131 be modified to exclude land containing a portion of the Dampier - Bunbury gas pipeline from the area to be rezoned to Development zone and reflect this land as a Public Purposes - Gas Pipeline reserve.

The intention is to properly reflect the use of the land as a gas transmission corridor.

The required modification is consistent with a similar change that was made to Amendment No. 130 in relation to the reservation of the pipeline land.

Item 13.5.5 Continued

CONCLUSION

It is recommended that the Amendment No. 131 be modified to reflect the WAPC's requirements.

The draft modified Amendment No. 131 map is contained in Appendix 13.5.5A.

FINANCIAL IMPLICATIONS

The reservation of land containing the gas pipeline under TPS 6 will have no financial implication for Council, as this land is owned by the entity responsible for the pipeline.

STATUTORY IMPLICATIONS

- *Planning and Development Act 2005*
- *Environmental Protection Act 1986*
- *Town Planning Regulations 1967*
- *Town Planning (Local Government Fees) Regulations 2011*
- Town Planning Scheme No. 6.

VOTING REQUIREMENTS

Simple Majority required.

| |
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| STAFF RECOMMENDATION (1 OF 2) AND COUNCIL RESOLUTION |
|--|

340 Moved Cr R Mitchell Seconded Cr O Searle

That Council, pursuant to Regulations 14 (4) and 25AA(6) of the *Town Planning Regulations 1967*, adopt the following modifications to Amendment No. 131 to Town Planning Scheme No. 6, as directed by the Western Australian Planning Commission in its letter of 1 July 2013:

1. Modify its resolution (to be given resolution number 1) by deleting the following words:

"Reclassifying all the zoned land between Passmore Street, Ranford Road, Tonkin Highway and the Wungong River Metropolitan Region Scheme Parks and Recreation Reserve boundary, Southern River, from "General Rural" to "Development" zone as shown on the Scheme Amendment Map".

and replacing them with the following:

Item 13.5.5 Continued

"Rezoning all the zoned land between Passmore Street, Ranford Road, Tonkin Highway and the Wungong River Metropolitan Region Scheme Parks and Recreation Reserve Boundary, Gosnells, excluding Lot 5040 Tonkin Highway, from "General Rural" to "Development" zone as shown on the Scheme Amendment Map".

2. Insert the following new resolution number 2:

"Reclassifying Lot 5040 Tonkin Highway from "General Rural" to Local Scheme Reserve "Public Purposes - Gas Pipeline" as shown on the Scheme Amendment Map."

3. Modify the Scheme Amendment Map to reflect the above changes.

CARRIED 9/0

FOR: Cr W Barrett, Cr T Brown, Cr R Hoffman, Cr S Iwanyk, Cr K Jones, Cr R Lawrence, Cr R Mitchell, Cr O Searle and Cr D Griffiths.

AGAINST: Nil.

| |
|--|
| STAFF RECOMMENDATION (2 OF 2) AND COUNCIL RESOLUTION |
|--|

341 Moved Cr R Mitchell Seconded Cr O Searle

That Council forward the modified Amendment No. 131 documents to the Western Australian Planning Commission for consent to proceed with public consultation.

CARRIED 9/0

FOR: Cr W Barrett, Cr T Brown, Cr R Hoffman, Cr S Iwanyk, Cr K Jones, Cr R Lawrence, Cr R Mitchell, Cr O Searle and Cr D Griffiths.

AGAINST: Nil.

Notation

9.30pm Cr J Brown returned to the meeting.

Upon the return of Cr Brown, the Mayor advised that Council adopted the staff recommendations as contained in the agenda.

13.5.6 DEVELOPMENT APPLICATION - MOTOR VEHICLE REPAIR (SPRAY BOOTH) - 4 (LOT 44) BURWASH PLACE, MADDINGTON

Author: K Ivory
Author's Declaration Nil.
of Interest:
Reference: 226144
Application No: DA13/00130
Applicant: Mazin Alkiaat
Owner: Mazin Alkiaat
Location: 4 (Lot 44) Burwash Place, Maddington
Zoning: MRS: Urban
TPS No. 6: Light Industry
Review Rights: Yes. State Administrative Tribunal against any discretionary decision of Council.
Area: 1,212m²
Previous Ref: Nil.
Appendix: 13.5.6A Site Plan

PURPOSE OF REPORT

For Council to consider an application for planning approval for a Motor Vehicle Repair (Spray Booth) at 4 (Lot 44) Burwash Place, Maddington as the proposal is outside the authority delegated to staff due to an objection being received during the consultation period.

BACKGROUND**Site History**

On 21 November 2012, the City approved an application for planning approval for a change of use to Motor Vehicle Repairs, Motor Vehicle Sales and a Wreckers Yard.

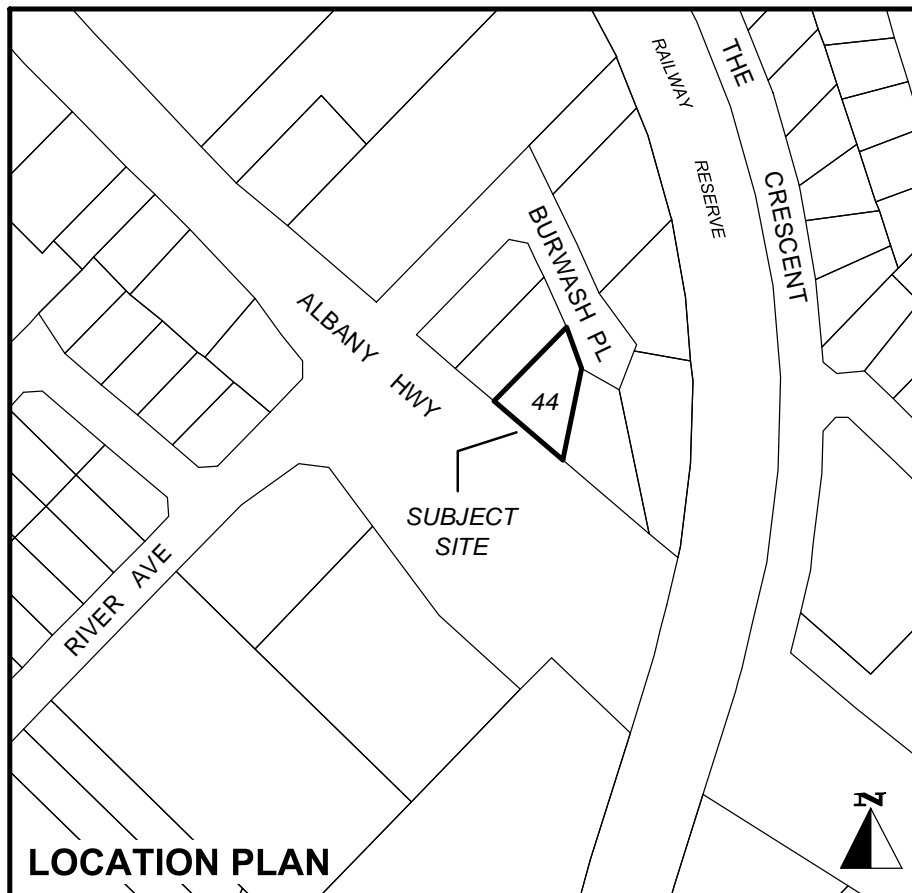
Site Description and Planning Framework

The subject site contains an existing Motor Vehicle Repairs, Wreckers and Sales business. The site has access to both Albany Highway and Burwash Place.

The subject lot is surrounded by other light industrial and commercial properties with land uses including Caravan Sales and Motor Vehicle Repairs.

A map identifying the location of the subject site follows.

Item 13.5.6 Continued

**Proposal**

The application involves the following

- A 34m² motor vehicle spray painting booth on the subject site
- The booth is located 5.7m from Albany Highway and 3m from the nearest property boundary.

A site plan is located in Appendix 13.5.6A.

Consultation

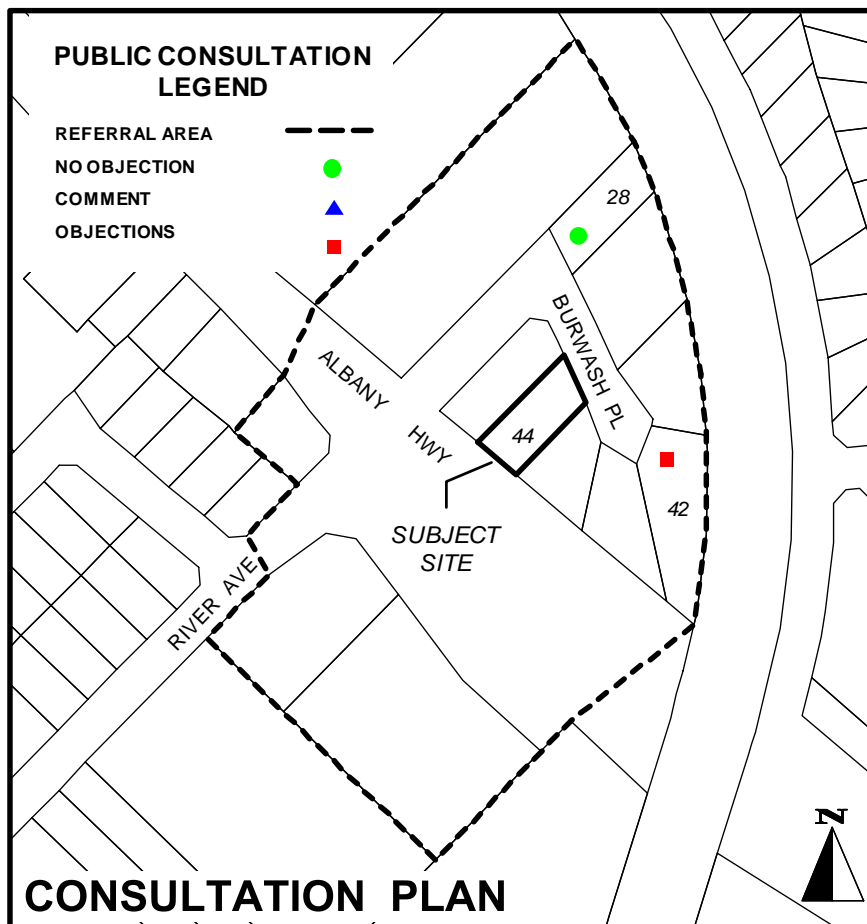
The proposal was required to be advertised for public comment as it is an "A" use under TPS 6. Two submissions were received during the advertising period, one objecting to the proposal and one raising no-objection. A summary of these submissions and comments is provided below.

Item 13.5.6 Continued

| 1. | Affected Property: 1 (Lot 42) Burwash Place Maddington | Postal Address: 15 Cooliabbera MOUNT RICHON WA 6112 |
|---------------------------|---|--|
| Summary of Submission | | Comment |
| Objection to the proposal | | |
| 1.1 | Should not be located on the Albany Highway frontage. | See Visual Amenity section of the report. |
| 1.2 | Fumes from the paint will have an impact on adjoining properties. | See Environmental Impact section of the report. |
| 1.3 | It will devalue the surrounding properties. | This is not a planning consideration. |
| 1.4 | It is not appropriate in this location. | See Land Use Appropriateness section of the report. |

| 2. | Affected Property: 9 (Lot 28) Burwash Place Maddington | Postal Address: 9 Corsair Drive WILLETTON WA 6155 |
|------------------------------|---|--|
| Summary of Submission | | Comment |
| No Objection to the proposal | | Noted. |

A map identifying the consultation area and the origin of each submission follows.



Item 13.5.6 Continued

Referrals

The application was referred to Main Roads Western Australia (MRWA) due to the development abutting a Primary Regional Road reservation. MRWA has no objection to the proposal subject to the application being amended to remove any vehicle access onto Albany Highway. If the application is approved it is recommended that a condition be imposed to reflect MRWA's requirements. The proposal was also referred to the (former) Department of Environment and Conservation (DEC). The DEC's response is discussed below.

DISCUSSION

Town Planning Scheme No. 6

Land Use Permissibility

The subject site is zoned Light Industry under TPS 6. In accordance with TPS 6, Motor Vehicle Repair and its ancillary uses are an "A" use in the Light Industry zone, meaning it is not permitted unless the local government has exercised its discretion by granting planning approval after advertising.

Land Use Appropriateness

Concerns were raised regarding the appropriateness of the proposal on Lot 44. In this regard, the subject site is zoned Light Industry under TPS 6, with the objective of that zone being *'to provide for light and service industries and associated uses.'* The proposal, being Motor Vehicle Repairs, is considered consistent with the objectives of the zone.

Car Parking

The following table outlines TPS 6 parking requirements and the parking available on site.

| Use Class | TPS 6 Car Parking Standards | TPS 6 Car Parking Requirements | Car Parking Bays Provided |
|----------------------|--|---|---|
| Motor Vehicle Repair | 1 space for every 50m ² net floor area; plus 1 space for every staff member present during peak operation. | The floor area designated for this use is 225m ² ; therefore 5.58 bays are required The application involves one full-time employee on site, therefore 1 bay is required. | A total of 7 bays have been provided on site. |
| Total | | 7 bays are required (rounded up from 6.58) | |

It should be noted that car parking bay number five is only accessible if the area under the existing canopy is kept clear. If the application is approved, it will be recommended that a condition be imposed requiring that the area be kept clear so as to ensure access to bay number five.

Item 13.5.6 Continued

Visual Amenity

Concern was raised in relation to the location of the spray booth fronting Albany Highway. The proposed spray booth is located 5.7m from Albany Highway. If the application is approved it is recommended that conditions be imposed to provide for a landscaping strip abutting the Albany Highway frontage which will aid in screening the spray booth from the surrounding area.

Environmental Impacts

An objection raised concern regarding the impact the paint fumes will have on the adjoining lots. The proposal was referred to the DEC for comment, which advised that the coating of vehicles is exempt from the *Environmental Regulations 1987*, however, all spray booths should be constructed in accordance with AS/NZS 4114.1.

CONCLUSION

The proposal is supported for the following reasons:

- The proposal is consistent with a Motor Vehicle Repair land use classification which is approved on site
- The scale and nature of the proposal is not expected to adversely affect the safety, convenience and amenity of the site
- The DEC raised no objections to the proposal.

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

FINANCIAL IMPLICATIONS

Nil.

STATUTORY IMPLICATIONS

Town Planning Scheme No. 6.

VOTING REQUIREMENTS

Simple Majority required.

Item 13.5.6 Continued

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|----------------------|
| STAFF RECOMMENDATION |
|----------------------|

Moved Cr D Griffiths Seconded Cr R Lawrence

That Council approve the application for Motor Vehicle Repairs (Spray Booth) at 4 (Lot 44) Burwash Place, Maddington, dated 1 May 2013 subject to the following conditions:

1. No vehicle access shall be permitted onto Albany Highway. All vehicle access shall be via Burwash Place.
2. The existing vehicle crossover on to Albany Highway shall be removed and the verge reinstated to the satisfaction of the City at the cost of the applicant.
3. A landscape plan for the 3 metre wide area running along the length of the boundary abutting Albany Highway and the adjoining road verge is to be submitted in accordance with the City's Local Planning Policy LPP 4.5 - Development Landscaping, and approved by the City.
4. Landscaping and irrigation of the development site and adjoining road verges in accordance with an approved plan is to be installed within three months of the date of this approval, and thereafter maintained, in accordance with the approved landscaping plan to the satisfaction of the Manager Parks and Environmental Operations.
5. The areas nominated on the approved plan as the display car area, car parking bays, vehicle access areas and the landscaping area abutting Albany Highway are not to be used for the storage of motor vehicles, machinery, equipment or materials which are being wrecked or repaired, or for the stacking or storing of fuel, raw materials, products or by-products or wastes of manufacture, in accordance with Town Planning Scheme No. 6.
6. The area beneath the canopy is to remain clear and unobstructed to facilitate the use of car parking bay number five.

Foreshadowed Motion

During debate Cr R Hoffman foreshadowed that he would move the following motion:

“That Item 13.5.6 be referred back to the Ordinary Council Meeting to be held on 27 August 2013.”

Providing the following written reason for the proposed motion:

“To allow further discussion between Councillors and officers regarding this matter”.

Item 13.5.6 Continued

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

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|----------------------|
| STAFF RECOMMENDATION |
|----------------------|

| |
|------|
| LOST |
|------|

Moved Cr D Griffiths Seconded Cr R Lawrence

That Council approve the application for Motor Vehicle Repairs (Spray Booth) at 4 (Lot 44) Burwash Place, Maddington, dated 1 May 2013 subject to the following conditions:

1. No vehicle access shall be permitted onto Albany Highway. All vehicle access shall be via Burwash Place.
2. The existing vehicle crossover on to Albany Highway shall be removed and the verge reinstated to the satisfaction of the City at the cost of the applicant.
3. A landscape plan for the 3 metre wide area running along the length of the boundary abutting Albany Highway and the adjoining road verge is to be submitted in accordance with the City's Local Planning Policy LPP 4.5 - Development Landscaping, and approved by the City.
4. Landscaping and irrigation of the development site and adjoining road verges in accordance with an approved plan is to be installed within three months of the date of this approval, and thereafter maintained, in accordance with the approved landscaping plan to the satisfaction of the Manager Parks and Environmental Operations.
5. The areas nominated on the approved plan as the display car area, car parking bays, vehicle access areas and the landscaping area abutting Albany Highway are not to be used for the storage of motor vehicles, machinery, equipment or materials which are being wrecked or repaired, or for the stacking or storing of fuel, raw materials, products or by-products or wastes of manufacture, in accordance with Town Planning Scheme No. 6.
6. The area beneath the canopy is to remain clear and unobstructed to facilitate the use of car parking bay number five.

LOST 2/8

FOR: Cr W Barrett and Cr S Iwanyk.

AGAINST: Cr J Brown, Cr T Brown, Cr R Hoffman, Cr K Jones, Cr R Lawrence, Cr R Mitchell, Cr O Searle and Cr D Griffiths.

Notation

As the staff recommendation was lost the Mayor invited Cr R Hoffman to put his foreshadowed motion, which Cr W Barrett seconded.

Item 13.5.6 Continued

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|---------------------------|
| COUNCIL RESOLUTION |
|---------------------------|

342 Moved Cr R Hoffman Seconded Cr W Barrett

That item 13.5.6 be referred back to the Ordinary Council Meeting to be held on 27 August 2013.

CARRIED 10/0

FOR: *Cr W Barrett, Cr J Brown, Cr T Brown, Cr R Hoffman, Cr S Iwanyk, Cr K Jones, Cr R Lawrence, Cr R Mitchell, Cr O Searle and Cr D Griffiths.*

AGAINST: *Nil.*

13.5.7 PROPOSED MODIFICATION TO AMENDMENT NO. 108 OF TOWN PLANNING SCHEME NO. 6 - SOUTHERN RIVER PRECINCT 1 DEVELOPMENT CONTRIBUTION ARRANGEMENT

Author: C Windass
Author's Declaration Nil.
of Interest:
Reference: Nil.
Application No: PF09/00015
Applicant: City of Gosnells
Location: Southern River Precinct 1
Zoning: MRS: Urban
TPS No. 6: Residential Development
Review Rights: Initiation - none, however consent to advertise is subject to approval by the Western Australian Planning Commission
Previous Ref: OCM 11 September 2012 (Resolutions 438-441)
OCM 8 November 2011 (Resolutions 520-523)
Appendix: 13.5.7A Proposed Scheme Amendment Map

PURPOSE OF REPORT

For Council to consider a proposed modification to Amendment No. 108 to Town Planning Scheme No. 6 (TPS 6) at the request of the Western Australian Planning Commission (WAPC).

BACKGROUND

On November 2011, Council resolved to initiate Amendment No. 108 and forward it to the Environmental Protection Authority (EPA) for review and the WAPC for consent to advertise for public comment.

Amendment No. 108 proposes the establishment of a development contribution arrangement (DCA) for Southern River Precinct 1.

Soon after Council initiated Amendment No. 108, a response was provided by the WAPC to another TPS Amendment (Amendment No. 110) that proposed the establishment of a DCA in Southern River Precinct 3.

The WAPC indicated that it was prepared to grant consent for Amendment No. 110 to be advertised for public comment, subject to modifications being made to address the following:

- The method of determining the cost contribution of each owner
- The priority and timing for the provision of infrastructure
- The period during which the DCA is to operate
- An explanation that compensation to owners for the value of improvements will be part of the cost of acquisition of land for a road widening issue.

The modifications were requested to ensure that Amendment No. 110 was consistent with State Planning Policy 3.6 - Development Contributions for Infrastructure (SPP 3.6). Council endorsed these modifications at its meeting of 28 February 2012.

Item 13.5.7 Continued

It was anticipated that the WAPC would similarly require Amendment No. 108 to be modified in the same manner as Amendment No. 110.

Around this time, an appeal was lodged with the State Administrative Tribunal (SAT) by a developer seeking review of approval conditions of a subdivision application relating to land within the proposed Precinct 1 DCA area. The appeal involved issues dealing with road design and traffic management.

The outcome of the SAT appeal resulted in two Common Infrastructure Works (CIW) items being added to the draft DCP report, being the cost of construction of a roundabout proposed at the corner of Holmes Street and Harpenden Street, and the acquisition of land to accommodate the roundabout.

This was deemed appropriate on the basis that it was considered equitable for the cost of these items to be shared amongst landowners within the DCA area, but would necessitate Amendment No. 108 being modified to incorporate the construction cost of the roundabout as a shared cost.

On 11 September 2012, Council resolved (Resolutions 438 and 439) to adopt the proposed modifications for the purpose of advertising and to forward Amendment No. 108 to the EPA and the WAPC for consent to advertise the proposal.

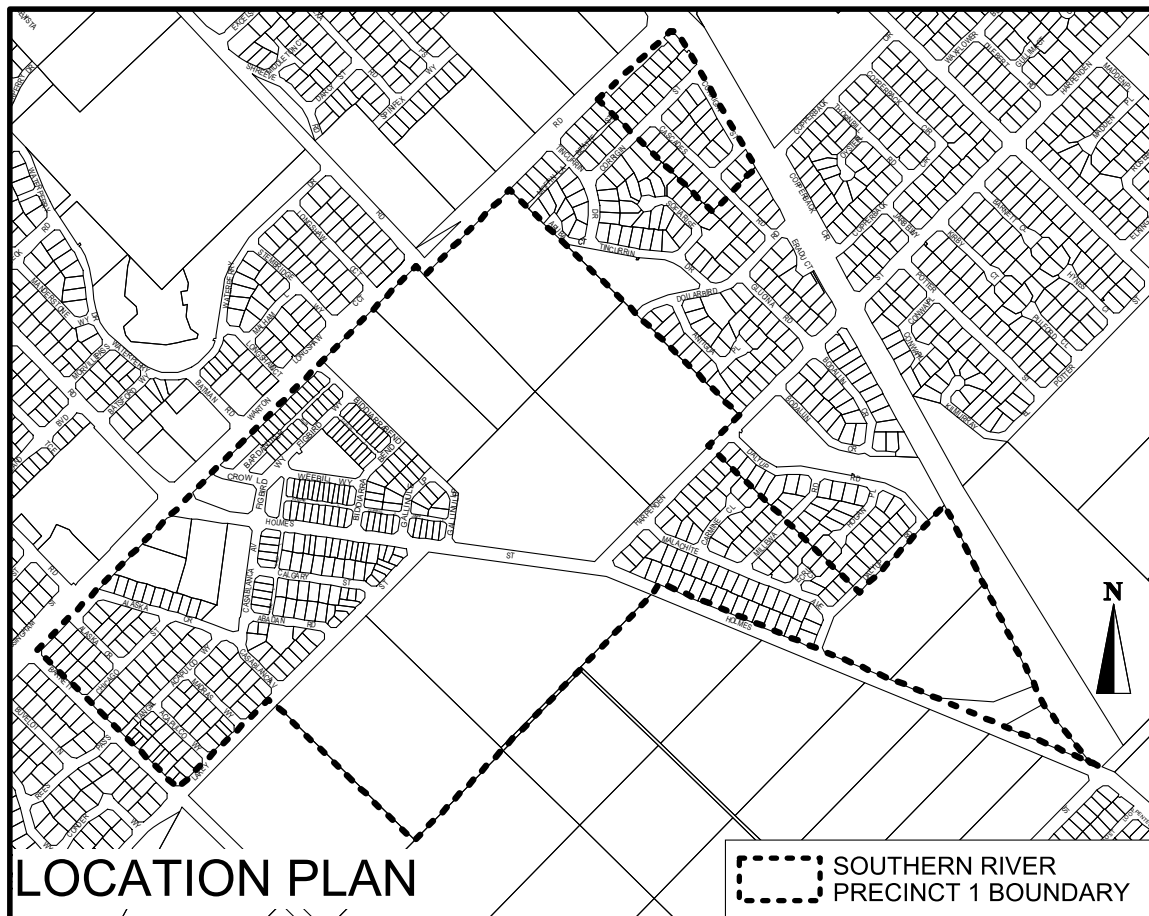
The WAPC gave its consent for the City to advertise Amendment No. 108 on 1 July 2013 subject to a modification being made to the Development Contribution Plan (DCP).

The modification proposed by the WAPC is considered minor and simply involves the inclusion of a formula in the DCP to outline the method for calculating contributions.

Council is now required to consider the modification and forward the proposal to the WAPC for its endorsement prior to commencing advertising.

A location plan showing the extent of Southern River Precinct 1 follows:

Item 13.5.7 Continued



DISCUSSION

The planning history for Southern River Precinct 1 and various aspects considered in the preparation of the DCA are described in previous reports to Council.

The WAPC has requested a modification to the text contained within the DCP to ensure consistency with the principles of SPP 3.6.

The proposed modification involves a formula being included in the DCP which outlines the method for calculating contributions.

The WAPC considers that the inclusion of a formula will provide a transparent approach to the method for calculating contributions, in a manner which is simple to understand and in accordance with SPP 3.6.

The intent is to provide developers with a quick reference and certainty about how development contributions will be calculated.

CONCLUSION

The proposed modification is considered minor in nature and does not change the intended effect of the amendment proposal.

Item 13.5.7 Continued

It will be recommended that Council adopt Amendment No. 108 to TPS 6 with the proposed modification for the purpose of advertising, consistent with the WAPC request.

FINANCIAL IMPLICATIONS

All costs of processing the proposed Scheme Amendment (including the documentation and advertising) will be met by the City Growth operational budget.

STATUTORY IMPLICATIONS

- *Town Planning Regulations 1967* - Amendments to Local Planning Schemes
- *Environmental Protection Act 1986* - (Section 48) - Scheme Assessments.

VOTING REQUIREMENTS

Simple Majority required.

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| STAFF RECOMMENDATION (1 OF 2) AND COUNCIL RESOLUTION |
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343 Moved Cr J Brown Seconded Cr W Barrett

That Council, pursuant to Regulations 14 (4) and 25AA (6) of the *Town Planning Regulations 1967*, adopt the following modification to Amendment No. 108 to Town Planning Scheme No. 6:

Delete the following words within Attachment H:

"As detailed in the Southern River Precinct 1 Outline Development Plan Development Contribution Plan Report,"

and replace them with the following:

"All landowners within the DCA 8 shall make a contribution to the cost of common infrastructure and administrative items, based on net lot areas, as detailed in the Development Contribution Plan Report.

The general formula for the requisite contribution is as follows:

Area of total DCA (A) is as per Clause 6.4.8 of TPS 6

Total DCA cost (B) = cost of infrastructure items + cost of administrative items

Contribution Rate (C) = Total DCA cost (B) / Area of total DCA (A)

Area of subject site (D) is as per Clause 6.4.8 of TPS 6

Owner's cost contribution = Contribution Rate (C) x Area of subject site (D)."

CARRIED 10/0

FOR: Cr W Barrett, Cr J Brown, Cr T Brown, Cr R Hoffman, Cr S Iwanyk, Cr K Jones, Cr R Lawrence, Cr R Mitchell, Cr O Searle and Cr D Griffiths.

AGAINST: Nil.

Item 13.5.7 Continued

| |
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| STAFF RECOMMENDATION (2 OF 2) AND COUNCIL RESOLUTION |
|--|

344 Moved Cr J Brown Seconded Cr W Barrett

That Council forward the modified Amendment No. 108 documents to the Western Australian Planning Commission for consent to proceed with public consultation.

CARRIED 10/0

FOR: *Cr W Barrett, Cr J Brown, Cr T Brown, Cr R Hoffman, Cr S Iwanyk, Cr K Jones, Cr R Lawrence, Cr R Mitchell, Cr O Searle and Cr D Griffiths.*

AGAINST: *Nil.*

13.5.8 PROPOSED MODIFICATION TO AMENDMENT NO. 136 TO TOWN PLANNING SCHEME NO. 6 - MADDINGTON ROAD PRECINCTS A AND B DEVELOPMENT CONTRIBUTION ARRANGEMENT

Author: C Windass
Author's Declaration of Interest: Nil.
Reference: Nil.
Application No: PF12/00006
Applicant: City of Gosnells
Owner: Various
Location: Maddington Road Precincts A and B
Zoning: MRS: Urban
TPS No. 6: Residential Development
Review Rights: Initiation - none, however consent to advertise is subject to approval by the Western Australian Planning Commission.
Area: Maddington Road Precinct A - 16.9871 ha
Maddington Road Precinct B - 13.3540 ha
Previous Ref: OCM 24 July 2012 (Resolutions 373-376)
Appendix: 13.5.8A Proposed Scheme Amendment Map

PURPOSE OF REPORT

For Council to consider proposed modifications to Amendment No. 136 to Town Planning Scheme No. 6 (TPS 6) at the request of the Western Australian Planning Commission (WAPC).

BACKGROUND

On 24 July 2012, Council resolved (Resolution 373) to initiate Amendment No. 136 and forward the proposal to the WAPC for consent to advertise for public comment.

Amendment No. 136 proposes the establishment of a development contribution arrangement (DCA) for Maddington Road Precincts A and B Outline Development Plan (ODP) areas. The proposed Scheme Amendment Map is contained in Appendix 13.5.8A.

On 1 July 2013 the WAPC gave its consent for the amendment to be advertised subject to modifications being made to the development contribution plan (DCP) and report.

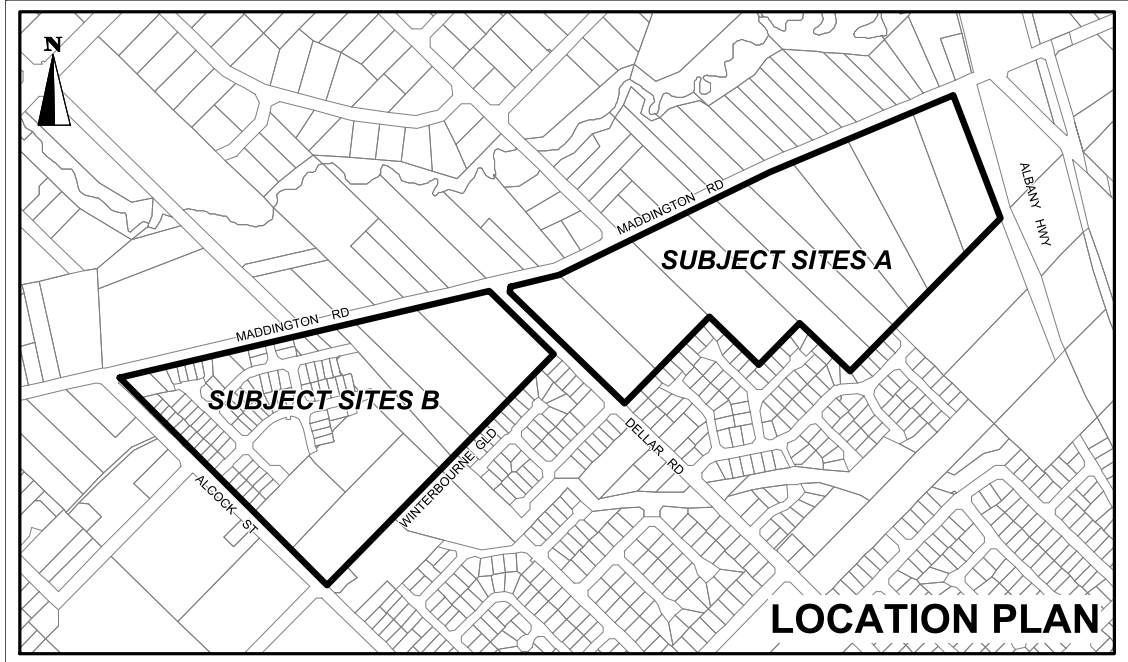
The modifications proposed by the WAPC are considered minor and involve the following:

- The inclusion of a formula in the DCP outlining the method for calculating contributions
- The Public Open Space (POS) areas in the DCP report to be reviewed and the figures accurately reflected throughout the report
- All references to Attachment F within the amendment document to be modified to state Attachment G.

Item 13.5.8 Continued

Council is now required to consider the modifications and forward the proposal to the WAPC for its endorsement prior to commencing advertising.

A location plan showing the extent of Maddington Road Precincts A and B follows:



DISCUSSION

The planning history for Maddington Road Precincts A and B and various aspects considered in the preparation of the DCA are described in the previous report to Council.

The WAPC has requested a modification to the text within the DCP to ensure consistency with the principles of State Planning Policy 3.6 - Development Contributions for Infrastructure (SPP 3.6).

The proposed modification involves a formula being included in the DCP which outlines the method for calculating contributions.

The WAPC considers that the inclusion of a formula will provide a transparent approach to the method for calculating contributions, in a manner which is simple to understand and in accordance with SPP 3.6.

The intent is to provide developers with a quick reference and certainty about how development contributions will be calculated.

The WAPC has also requested that the POS areas in the DCP report are reviewed and the figures accurately reflected throughout the report.

This modification involves the POS areas (expressed as a percentage in the amendment report) being 'rounded off' to the nearest decimal point to be consistent with the figures specified in the DCP report. It is considered a sensible approach to keep the 'rounding off' consistent in the reporting to avoid any confusion.

Item 13.5.8 Continued

The WAPC has also requested all references to Attachment F in the Amendment text be modified to instead refer to Attachment G to reflect the sequential order of DCP's in Schedule 12 of TPS 6.

CONCLUSION

The proposed modifications are considered minor in nature and do not change the intended effect of the amendment proposal.

It will be recommended that Council adopt Amendment No. 136 to TPS 6 with the proposed modifications for the purpose of advertising, consistent with the WAPC request.

FINANCIAL IMPLICATIONS

All costs of processing the proposed Scheme Amendment (including the documentation and advertising) will be met by the City Growth operational budget.

STATUTORY IMPLICATIONS

- *Town Planning Regulations 1967* - Amendment to Local Planning Schemes.
- *Environmental Protection Act 1986* (Section 48) - Scheme Assessments.

VOTING REQUIREMENTS

Simple Majority required.

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| STAFF RECOMMENDATION (1 OF 2) AND COUNCIL RESOLUTION |
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345 Moved Cr R Mitchell Seconded Cr R Lawrence

That Council, pursuant to Regulations 14 (4) and 25AA (6) of the *Town Planning Regulations 1967*, adopt the following modifications to Amendment No. 136 to Town Planning Scheme No. 6:

1. Substitute all references to "Attachment F" with "Attachment G"
2. Delete the following words within the retitled Attachment G:

"As detailed in the Maddington Road Precinct A and B Outline Development Plan areas Development Contribution Plan Report."

and replace them with the following:

"All landowners within the DCA 7 shall make a contribution to the cost of common infrastructure and administrative items, based on net lot areas, as detailed in the Development Contribution Plan Report.

The general formula for the requisite contribution is as follows:

Item 13.5.8 Continued

Area of total DCA (A) is as per Clause 6.4.8 of TPS 6

Total DCA cost (B) = cost of infrastructure items + cost of administrative items

Contribution Rate (C) = Total DCA cost (B) / Area of total DCA (A)

Area of subject site (D) is as per Clause 6.4.8 of TPS 6

Owner's cost contribution = Contribution Rate (C) x Area of subject site (D)."

CARRIED 10/0

FOR: *Cr W Barrett, Cr J Brown, Cr T Brown, Cr R Hoffman, Cr S Iwanyk, Cr K Jones, Cr R Lawrence, Cr R Mitchell, Cr O Searle and Cr D Griffiths.*

AGAINST: *Nil.*

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| STAFF RECOMMENDATION (2 OF 2) AND COUNCIL RESOLUTION |
|--|

346 Moved Cr R Mitchell Seconded Cr R Lawrence

That Council forward the modified Amendment No. 136 documents to the Western Australian Planning Commission for consent to proceed with public consultation.

CARRIED 10/0

FOR: *Cr W Barrett, Cr J Brown, Cr T Brown, Cr R Hoffman, Cr S Iwanyk, Cr K Jones, Cr R Lawrence, Cr R Mitchell, Cr O Searle and Cr D Griffiths.*

AGAINST: *Nil.*

13.5.9 DEVELOPMENT APPLICATION - CHANGE OF USE (RECREATION - PRIVATE TO PLACE OF WORSHIP AND SHOP) - 8/2209 (LOT 20, STRATA LOT 8) ALBANY HIGHWAY, GOSNELLS (*ITEM BROUGHT FORWARD - REFER TO ITEM 11*)

The above item was brought forward in accordance with Clause 4.12 of the City of Gosnells Standing Orders Local Law 2012 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.

13.5.10 DEVELOPMENT APPLICATION - CONVENIENCE STORE AND TWO MULTIPLE DWELLINGS - 154 (LOT 737) CANNA DRIVE, CANNING VALE

Author: R Brockman
Author's Declaration Nil.
of Interest:
Reference: 307130
Application No: DA13/00042
Applicant: Shanti Jo
Owner: Shanti Jo
Location: 154 (Lot 737) Canna Drive, Canning Vale
Zoning: MRS: Urban
TPS No. 6: Residential Development
Review Rights: Yes. State Administrative Tribunal against any discretionary decision of Council.
Area: 477m²
Previous Ref: Nil.
Appendix: 13.5.10A Site, Floor and Elevation Plans
13.5.10B Detailed Area Plan

PURPOSE OF REPORT

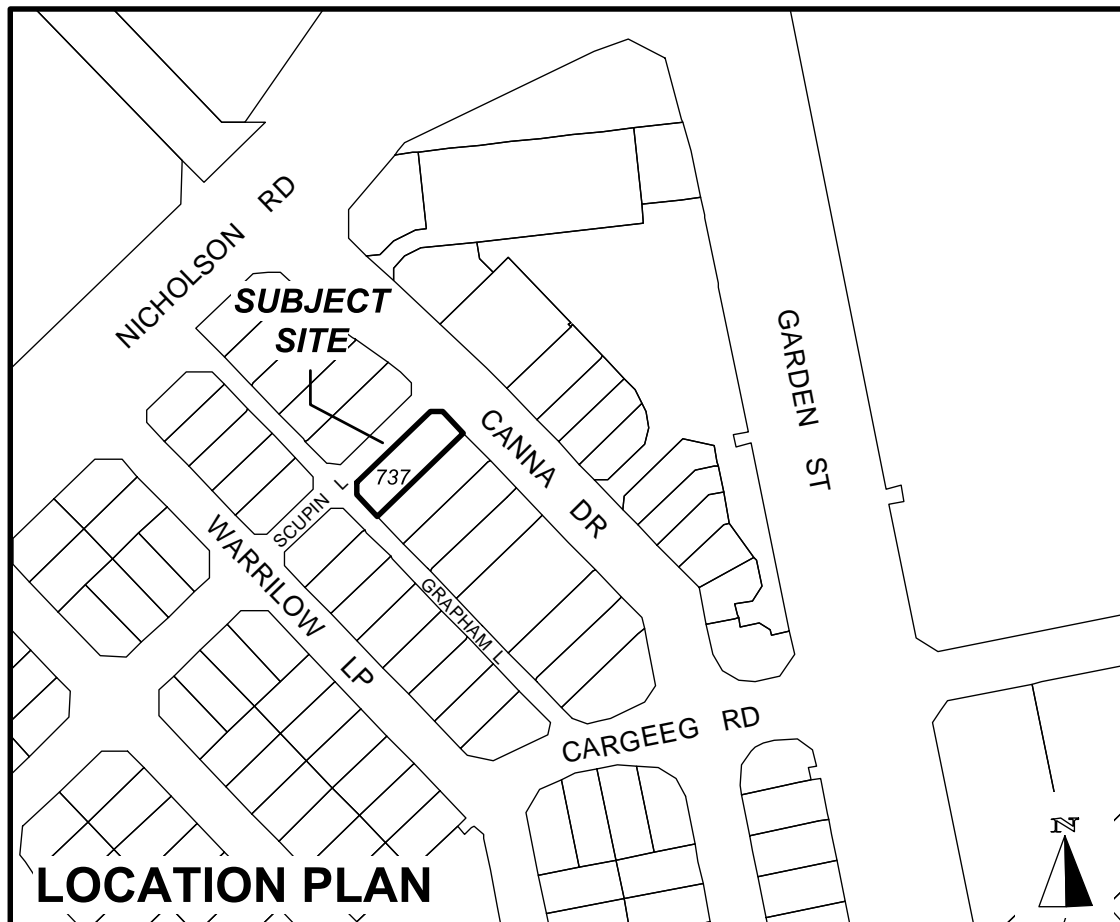
For Council to consider an application for planning approval for a Convenience Store and two Multiple Dwellings at 154 (Lot 737) Canna Drive, Canning Vale as the proposal is outside the authority delegated to staff due to non-compliance with Town Planning Scheme No. 6 (TPS 6).

BACKGROUND**Site Description and Planning Framework**

The subject lot is located on Canna Drive, which is south of the intersection of Garden Street and Nicholson Road. The site is bound by Canna Drive, Scupin Lane (Secondary street and main access) and Grapham Lane (rear laneway). Nearby land uses include low and medium density residential to the south and east and commercial and light industrial uses to the west. The lot is located within 300m of the site set aside for the future Canning Vale Railway Station.

The subject site forms part of the Canning Vale Outline Development Plan (ODP) and is designated Mixed Use Centre. The site is also subject to an approved Detailed Area Plan, which designates the property as "Mixed Use with residential above; commercial/retail on ground floor".

A map identifying the location of the subject site follows:

Item 13.5.10 Continued

Proposal

The application involves the following:

- The construction of a two-storey mixed use development incorporating one commercial tenancy on the ground floor and two (one bedroom/one bathroom) residential dwellings on the upper floor
- The building will have a nil setback to both Canna Drive and Scupin Lane as well as a nil setback to the eastern side boundary
- The Convenience Store comprises of approximately 77m² net lettable area (NLA), and the residential units have a combined area of 103.9m²
- Eight car parking bays and two bicycle racks are proposed to the rear of the building which is accessed via Scupin Lane
- A maximum of two employees are proposed to be on site at any one time
- Hours of operation are proposed to be between 6am and 10pm, seven days a week.

The site plan and elevation plan are contained as Appendices 13.5.10A.

Item 13.5.10 Continued

Consultation

The proposal was not required to be advertised for public consultation.

DISCUSSION

Town Planning Scheme No. 6

The subject site is zoned Residential Development under TPS 6 and designated as a Mixed Use Centre under the Canning Vale Outline Development Plan. In accordance with TPS 6, a Convenience Store and Multiple Dwellings are "D" uses in the Residential Development zone, meaning that they are not permitted unless the local government has exercised its discretion by granting planning approval.

Canning Vale Outline Development Plan (ODP) and Detailed Area Plan (DAP)

The subject site is designated as a Mixed Use Centre under the Canning Vale ODP. The Mixed Use Centres are intended to be commercial focal points in the area, supported by medium density housing generally within a 200m radius of the centre. The ODP intends for Mixed Use Centres to contain facilities for local businesses, leisure and community uses and the sale of convenience goods.

Clause 6.1.1 of the Canning Vale ODP text requires that development on land shall be generally in accordance with an approved DAP.

A DAP was approved for the subject site in August 2011, which sets out the manner in which subdivision and development is to occur. The approved DAP is contained as Appendix 13.5.10B.

The adopted DAP designates the subject site as accommodating mixed use development, with residential above and commercial/retail uses on the ground floor.

Both proposed land uses are consistent with these objectives as they provide convenience retailing and community facilities which will have a high level of accessibility for local residents.

Car Parking

The proposed development complies with all aspects of TPS 6 and the R-Codes with the exception of car parking requirements. The following table details TPS 6 and R-Code car parking requirements.

| Use Class | Car Parking Standards (Scheme Requirements) | Car Parking Required (Scheme Requirements) |
|--------------------|--|---|
| Commercial | | |
| Convenience Store | 1 space for every 15m ² net lettable area, plus One space per employee | The proposed convenience store has 76.79m ² NLA which generates a requirement for six car parking bays. Two employees are proposed generating a requirement of two car parking bays. |
| Total | | Eight car parking bays are required. |
| Residential | | |

Item 13.5.10 Continued

| Use Class | Car Parking Standards (Scheme Requirements) | Car Parking Required (Scheme Requirements) |
|-------------------------------------|--|---|
| Small (<75m ² dwellings) | 1 car bay per dwelling | There are two dwellings which generates a requirement for two car parking bays. |
| Visitors | 0.25 car bays per dwelling | There are two dwellings which generates a requirement of one (rounded up from 0.5) car parking bay. |
| Bicycle | 1 bicycle space to each 3 dwellings for residents. | There are two dwellings which generates a requirement for one bicycle space. |
| Total | | Three car parking bays and one bicycle space required. |
| Overall Total | | 11 car parking bays and one bicycle space are required.. |

The proposal involves the provision of eight car parking bays and two bicycle racks, which is a three bay variation to the Scheme and R-Code requirements.

In terms of the residential parking requirements, it should be noted that the two residential bays required under the R-Codes are contained within private garages, the required visitor's bay will be marked and delineated from the commercial parking bays. In this regard, the proposal is completely R-Codes compliant and only proposes a variation to the commercial parking requirements.

There is scope to consider a variation to the parking requirements on the basis of the following provision of TPS 6 (Clause 5.13.4):

"Where there are two separate and different developments with different hours of peak operation, but being located on the same lot or adjoining lots, the Council may permit a reduction of the required number of car parking bays on either or both lots, provided it is satisfied there would be no resultant lowering of safety, convenience and amenity standards and there is agreement to the reciprocal use of some or all car parking bays."

The proposed variation to the Scheme and R-Codes requirements is supported for the following reasons:

- It is anticipated that the proposed land uses would have differing hours of peak operation, with the convenience store being at its peak in the morning and midday and the residential component expected to be at its peak operation in the evening. While the residential bays are private, it is anticipated that the visitor bay will be available during work hours, resulting in an overall shortfall of two bays for the commercial component.
- In terms of the locality, a number of on-street car parking bays have been constructed for the purposes of servicing the mixed use development lots and it is considered appropriate that these bays are taken into account when considering the parking variation for the subject site.
- The subject site is within a walkable catchment characterised by medium density residential development. Therefore it is expected that some customers using the site will walk and cycle to the site thus reducing the parking demand. This demand is accommodated by the proposed bicycle racks on site.
- It is anticipated that there will be some complementary use of the various land uses contained within the wider Mixed Use Centre in that some customers will frequent a combination of land uses during a visit to the centre.

Item 13.5.10 Continued

- It is not expected that the proposal would result in the lowering of safety, convenience and amenity standards, other than what would normally be expected in a mixed use development.

CONCLUSION

The proposal is supported for the following reasons:

- The proposal complies with all elements of the Residential Design Codes and complies with all but one of the TPS 6 requirements.
- The proposal represents a desirable form of development in a Mixed Use Centre.
- It is generally acknowledged that the flexible application of development standards is required to facilitate mixed use development.

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

FINANCIAL IMPLICATIONS

Nil.

STATUTORY IMPLICATIONS

- Town Planning Scheme No. 6
- Residential Design Codes
- Canning Vale Outline Development Plan.

VOTING REQUIREMENTS

Simple Majority required.

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| STAFF RECOMMENDATION AND COUNCIL RESOLUTION |
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347 Moved Cr R Mitchell Seconded Cr R Lawrence

That Council approve the application for a Convenience Store and Two Multiple Dwellings at 154 (Lot 737) Canna Drive, Canning Vale, dated 11 February 2013 subject to the following conditions:

1. The applicant shall submit a drainage design, prescribing a functional drainage system, including detailed engineering drawings and necessary technical information to demonstrate functionality of the design. The design is to be endorsed prior to the lodgement of a Building Permit application and thereafter implemented to the satisfaction of the City of Gosnells.

Item 13.5.10 Continued

2. A minimum of eight car parking bays are to be provided, prior to the occupation of the building, and maintained to the satisfaction of the City. The driveways, accessways and carbays are to be paved, drained and marked to City's standards in accordance with the approved plan and Table 3B of Town Planning Scheme No. 6.
3. External finishes and colour schemes are to be submitted prior to the lodgement of a Building Permit application and are to be to the satisfaction of the City.
4. Fencing abutting Scupin Lane and Grapham Lane shall be visually permeable in accordance with the Residential Design Codes and any relevant Council policy.
5. A signage strategy being prepared for the proposal that indicates the location and type of signage to be used, to the satisfaction of the City, prior to the lodgement of a Building Permit application.
6. A rubbish bin storage area shall be provided, located and screened from view from all units and the street to the satisfaction of the City.
7. Floodlights shall not be illuminated after 10pm with all illumination being confined to the limits of the development. All lighting is to be in accordance with the City's Animals, Environment and Nuisance Local Law 2009.
8. No more than two employees working at the store at any one time.

CARRIED 10/0**FOR:** *Cr W Barrett, Cr J Brown, Cr T Brown, Cr R Hoffman, Cr S Iwanyk, Cr K Jones, Cr R Lawrence, Cr R Mitchell, Cr O Searle and Cr D Griffiths.***AGAINST:** *Nil.*

13.5.11 DRAFT LOCAL PLANNING POLICY - MADDINGTON KENWICK STRATEGIC EMPLOYMENT AREA PRECINCT 1

Author: L Gibson
Author's Declaration Nil.
of Interest:
Reference: PF13/00037
Previous Ref: Nil.
Appendix: 13.5.11A Draft Local Planning Policy - Maddington Kenwick Strategic Employment Area Precinct 1

PURPOSE OF REPORT

For Council to consider endorsing, for the purposes of advertising, a draft local planning policy which is intended to provide guidance for the assessment and determination of subdivision and development applications within Precinct 1 of the Maddington Kenwick Strategic Employment Area (MKSEA).

BACKGROUND

The MKSEA is an area bound by Bickley Road, Victoria Road, Tonkin Highway and Roe Highway currently being investigated for potential future industrial development.

Precinct 1 of the MKSEA is zoned Industrial under the Metropolitan Region Scheme (MRS) and is proposed to be zoned Business Development under Town Planning Scheme No. 6 (TPS 6). The latter zoning change is expected to occur by late September 2013. Once the Precinct is zoned Business Development under TPS 6, an Outline Development Plan (ODP) will be required to guide subsequent subdivision and development.

Pursuant to Clause 7.2.5 of TPS 6, Council may support subdivision or approve development in the absence of an ODP where it is satisfied that such a proposal will not prejudice the orderly and proper future planning and development of the surrounding area. The purpose of the draft Policy is to guide Council's decision-making on what is and is not likely to prejudice the orderly and proper future planning and development of the surrounding area.

DISCUSSION**Draft Local Planning Policy**

The draft Policy (contained as Appendix 13.5.11A) provides clear guidance on the assessment and determination of proposals involving subdivision and development of land within Precinct 1 of the MKSEA, in the absence of an ODP.

The draft Policy contains similar provisions to Local Planning Policy 3.2 - Co-Ordination of Infill Development, but contains other provisions to:

- Consider the impact of a proposal on nearby rural or residential land; and
- Limit the term of any development approved in the absence of an ODP.

Item 13.5.11 Continued

Statutory Process

In accordance with Clause 2.4 of TPS 6, if Council supports the draft 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, at the Civic Centre and at City Libraries.

After the conclusion of the advertising period, Council will be required to review the draft Policy in light of any submissions received and may either adopt the Policy with or without modifications or not proceed with the Policy.

CONCLUSION

The draft local planning policy will provide an improved decision-making tool to guide the assessment and determination of subdivision and development applications on land within Precinct 1 of the MKSEA.

It will therefore be recommended that Council adopt the draft Local Planning Policy - Maddington Kenwick Strategic Employment Area Precinct 1, for the purpose of advertising for public comment.

FINANCIAL IMPLICATIONS

The costs of advertising the draft local planning policy can be met from the Planning Implementation operational budget.

STATUTORY IMPLICATIONS

- *Planning and Development Act 2005*
- Town Planning Scheme No. 6.

VOTING REQUIREMENTS

Simple Majority required.

Item 13.5.11 Continued

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

348 Moved Cr R Mitchell Seconded Cr R Hoffman

That Council, pursuant to Clause 2.4 of Town Planning Scheme No. 6, advertise the draft Local Planning Policy - Maddington Kenwick Strategic Employment Area Precinct 1 as contained in Appendix 13.5.11A, for a period of not less than 21 days by way of:

- i) Advertisement in a local newspaper for two consecutive weeks.
- ii) Display on the City's website, at the Civic Centre and at City Libraries.
- iii) Letters to all landowners within and immediately surrounding Precinct 1 of the MKSEA.

CARRIED 10/0

FOR: *Cr W Barrett, Cr J Brown, Cr T Brown, Cr R Hoffman, Cr S Iwanyk, Cr K Jones, Cr R Lawrence, Cr R Mitchell, Cr O Searle and Cr D Griffiths.*

AGAINST: *Nil.*

13.5.12 PROPOSED METROPOLITAN REGION SCHEME AMENDMENT - MADDINGTON KENWICK STRATEGIC EMPLOYMENT AREA - PHASE 2

Author: S O'Sullivan
 Author's Declaration Nil.
 of Interest:
 Reference: PF13/00038
 Previous Ref: OCM 13 March 2007 (Resolution 88)
 Appendices: 13.5.12A Proposed Metropolitan Region Scheme Amendment area
 13.5.12B Extract from Environmental Scoping Document
 13.5.12C Extract from draft District Water Management Strategy

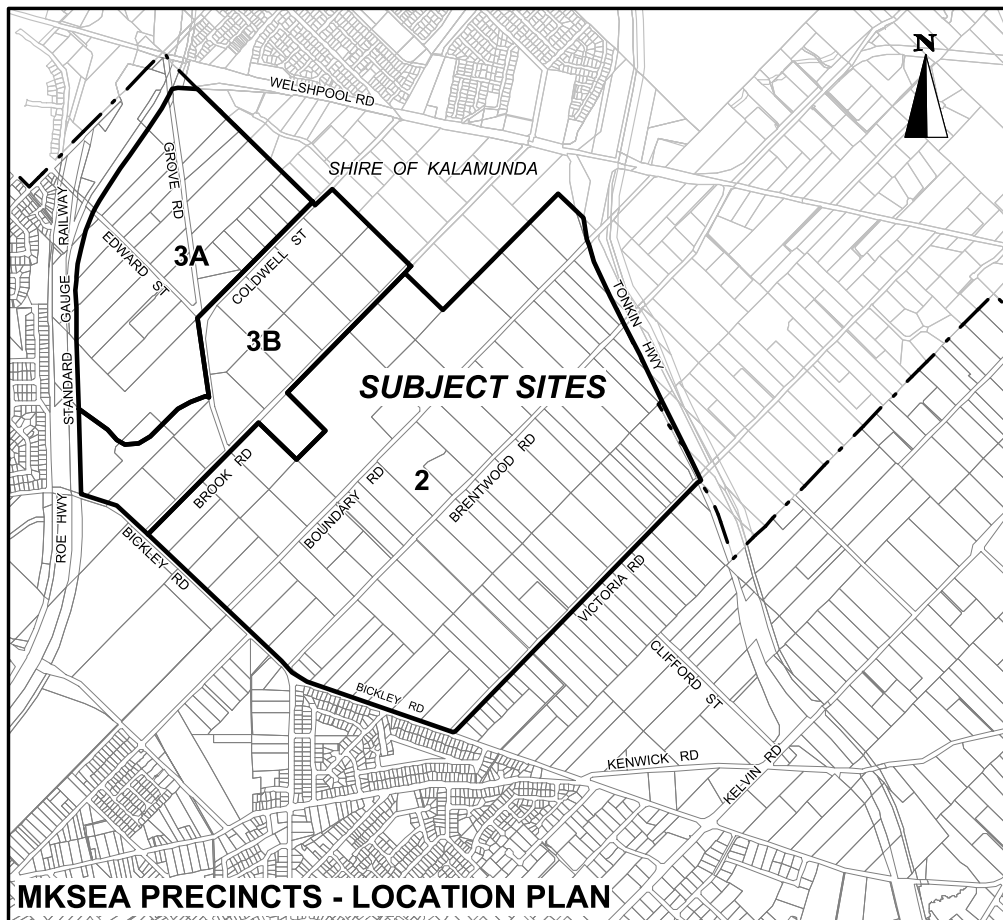
PURPOSE OF REPORT

For Council to consider supporting the lodgement of a request to the Western Australian Planning Commission (WAPC) to initiate an amendment to the Metropolitan Region Scheme (MRS) to rezone land within the Maddington Kenwick Strategic Employment Area (MKSEA) for industrial development.

BACKGROUND

The City in recent years has invested substantial resources into a planning initiative aimed at facilitating industrial development in the MKSEA.

The extent of the MKSEA is shown on the Location Plan that follows:



Item 13.5.12 Continued

Land in the MKSEA was first identified for potential future industrial development in 1990, when the (then) State Planning Commission released the planning strategy, Metroplan, to guide growth and development of the Perth region.

The formation of the Maddington Kenwick Sustainable Communities Partnership by Council and the State Government in 2005 provided impetus to commence a series of investigations into the potential for industrial development in the MKSEA.

Initial investigations completed in 2006 found that the MKSEA was well-located to be developed as a base for business and employment, with scope to deliver many economic and social benefits, but facilitating development would require significant environmental, servicing and coordination issues to be addressed through the land use planning process.

The City then set out in late 2006 to further explore the potential for development by engaging with land owners and government and servicing agencies in preparing a concept plan for the MKSEA.

The concept plan provided a snapshot of the opportunities for and constraints to development based on the information collected to that point and set out the key issues that were still to be addressed.

Council would later in July 2008 adopt the concept plan after two rounds of land owner consultation, but it became evident early in the concept planning process that land in the eastern portion of the MKSEA, defined as Precinct 1, had few environmental constraints, could be connected to existing servicing infrastructure and represented a logical extension of the existing Maddington Industrial Area, whereas significant constraints to development existed in other parts of the MKSEA and further investigation of a range of issues, particularly in Precincts 2 and 3B, was needed.

As a consequence, Council in March 2007 resolved to support a request being made to the WAPC to initiate an amendment to the MRS to rezone land in Precinct 1 from Rural to Industrial. The amendment (Ref: 1211/41) was subsequently initiated by the WAPC in February 2011 and finalised on 18 September 2012.

Council has since initiated, consulted on and given final approval to an amendment to Town Planning Scheme No.6 (TPS 6) to rezone Precinct 1 from General Rural to Business Development. The amendment was forwarded to the WAPC for consideration in May 2013. If approved, the amendment will provide for an Outline Development Plan (ODP) to be prepared and a related contribution arrangement to be established to guide and coordinate development and infrastructure provision in Precinct 1.

Meanwhile, the City continued to work towards the adoption of a planning framework for the rest of the MKSEA by completing various additional investigations between 2008 and 2012. This work included detailed studies of vegetation communities and wetland systems, monitoring of surface and ground water conditions and surveys of Aboriginal heritage and Black Cockatoo habitat. This work has assisted to better identify the unique and complex environmental attributes of the MKSEA as a basis upon which to undertake further planning.

In recent times the focus has been on completing work in support of a proposed second amendment to the MRS to facilitate development in the rest of the MKSEA. Substantial progress has been made in defining a framework for environment impact

Item 13.5.12 Continued

assessment and management to address the State Government's MRS amendment requirements, such that it is timely for Council to now consider endorsing a request being made to the WAPC for an amendment to be initiated.

It is this MKSEA Phase 2 draft MRS amendment proposal that is the subject of this report.

DISCUSSION

Draft MRS Amendment Proposal

It will be recommended that Council resolve to support the lodgement of a request to the WAPC for an amendment to the MRS to be initiated to rezone the land identified on the plan contained in Appendix 13.5.12A for industrial development.

This will be recommended on the basis that the various investigations, studies and concept planning undertaken and the planning and environmental assessment framework established for the MKSEA provide sufficient support to commence the MRS amendment process.

The draft MRS amendment proposal includes land located in Precincts 2, 3A and 3B of the MKSEA, in addition to land in the Shire of Kalamunda (between the City/Shire boundary and Welshpool Road, Wattle Grove), which is broadly identified in the Shire's endorsed Local Planning Strategy for future industrial development.

The City/Shire boundary does not represent a logical planning boundary for the MKSEA. Planning of the MKSEA cannot be properly undertaken without the inclusion of the Wattle Grove land, particularly given its relevance to the consideration of road access, waterway protection and servicing requirements for the broader area. It would be preferable in the interests of orderly and coordinated planning for the Wattle Grove land to be included in the MRS amendment and the future structure planning required for the proposed amendment area.

The City has been liaising with the Shire of Kalamunda to encourage it to seek its Council's support for the inclusion of the Wattle Grove land in the draft MRS amendment proposal. It is understood that that the Kalamunda Shire Council will consider this matter in the near future.

It should be noted that the State Government's recently released local government boundary reform initiative proposes no change to the alignment of the current City of Gosnells/Shire of Kalamunda boundary where it traverses the MKSEA. The possible realignment of the boundary to Welshpool Road, such that all the MKSEA and the Wattle Grove portion to the south are contained in one local authority, should be explored.

Site Description

The key characteristics of the proposed MRS amendment area are summarised below.

Land Area

The proposed amendment area is approximately 415ha, of which approximately 55ha lies within the Shire of Kalamunda.

Item 13.5.12 Continued

Site Context

The proposed amendment area is located approximately 15 kilometres east of the Perth central business district and in close proximity to Perth Airport and industrial areas in Maddington, Welshpool and Kewdale.

The area is flanked by three regional roads (Roe Highway to the west, Welshpool Road to the north and Tonkin Highway to the east). A freight railway lies between the proposed amendment area and Roe Highway.

Bickley Road forms the southern boundary of the proposed amendment area. Residential development lies to the south of Bickley Road. Land west of Roe Highway in Beckenham and north of Welshpool Road in Wattle Grove also contains existing residential development. The avoidance of detrimental impacts of development of the amendment area on these established communities will be a key planning objective.

The Kenwick railway station is located approximately two kilometres south-west of the proposed amendment area.

Existing Properties

The proposed amendment area contains approximately 113 individual properties held by nearly as many land owners. 46 properties are located in Precinct 2, 47 in Precincts 3A and 3B and 20 in the Wattle Grove area in the Shire of Kalamunda.

Properties vary vastly in area from 4206m² to 15.93ha.

The fragmented nature of land and its multiple ownership presents a significant challenge to planning and development of the area.

Land Use

Many of the properties in the proposed amendment area, particularly in Precincts 2, 3A and 3B, are used for rural-residential purposes or are vacant.

Properties in the Wattle Grove portion of the proposed amendment area contain the most variety of uses, including residences, a poultry farm, soil blending plant, horse agistment, former State Government primary school and club premises.

Current MRS Zoning/Reserves

Most of the land included in the proposed amendment area is currently zoned Rural under the MRS, with the exception of the following properties, which are zoned Urban (see Appendix 13.5.12A):

- Pt Lot 32 and 36 Brook Road, Wattle Grove - this land was recently rezoned from Parks and Recreation to Urban by the WAPC
- Pt Lot 243 Bickley Road, Kenwick.

The proposal will be to rezone the land in the proposed amendment area to Industrial, as shown on the plan contained in Appendix 13.5.12A.

Item 13.5.12 Continued

The draft amendment will not propose any change to the Parks and Recreation or Public Purpose reservations that apply under the MRS to the land containing the Greater Brixton Street Wetlands (GBSW).

Environmental Characteristics

Significant investigation of the environmental characteristics of the proposed amendment area has been undertaken, with the following key features identified:

- The GBSW are the most significant environmental feature, forming a spine through the centre of the proposed amendment area and part of an ecological linkage between the Canning River and Darling Escarpment. The GBSW are listed on the Register of the National Estate as a natural feature and of among the most significant and floristically diverse of all Bush Forever sites. The Australian Heritage Database indicates that the GBSW are an 'outstanding place of high botanical and educational significance and is listed in the Australian Register of Significant Wetlands. The place contains the last significant wetland plant community found on the claypans of the Swan Coastal Plain'.
- The Yule Brook runs through the proposed amendment area, generally west of and parallel to the GBSW. The brook fulfils an important drainage role and hydrological and ecological function in sustaining many of the environmental values in and beyond the area.
- Much of the proposed amendment area is defined under the Department of Environmental Regulation's mapping as wetland. While much of the area is defined as Multiple Use or Resource Enhancement category wetland, a small proportion is defined as Conservation category. A study of vegetation completed by consultant botanists for the City recommended some changes to the Department's mapping as a result of site investigations.
- The study referred to above also found other areas of environmental interest throughout the proposed amendment area, including threatened ecological communities listed under both Federal and State Government legislation.
- Surface and ground water monitoring undertaken in the proposed amendment area revealed a complex set of hydrological conditions. Ground water and stream flow has been found to be highly responsive to rainfall as a result of well-formed, rock-like calcrete under and near the GBWS and more broadly due to soils with high clay content at shallow depth and deep road drains throughout the area. Perched groundwater underlying the GBSW commonly approaches or reaches the ground surface, giving rise to the extensive wetland habitat in the area.
- Six Aboriginal heritage sites have been recorded in the proposed amendment area, with possible ethnographic significance associated with Yule Brook.

The significance of these environmental characteristics cannot be overstated. It calls for carefully considered approaches to management of development impacts on areas with environmental significance, in addition to appropriate mechanisms to assemble and secure land that needs to be set aside from development for conservation purposes.

Item 13.5.12 Continued

Servicing

A preliminary assessment of servicing requirements for the MKSEA was undertaken in 2005, with the key findings summarised below:

- Water - the southern portion of the proposed amendment area can be serviced by existing water mains, though the northern portion will need a booster service extended from near Welshpool Road/Hale Road in Wattle Grove. Connecting land in Precinct 2 to the booster service will require consideration of the most appropriate mains alignment to avoid impacts on the GBSW.
- Sewer - a major sewer main extension is required to service the proposed amendment area. The sewer will need to be tunnelled under Roe Highway and extended to the Maida Vale Main Sewer, which lies in Bickley Road to the north of Mills Park, Beckenham.
- Drainage - A network of existing open drains traverse the proposed amendment area, with several drainage catchments. Stormwater management is a key component of water management strategy planning required for the MKSEA, which is discussed in the Planning Framework section that follows.
- Electricity - the existing infrastructure within the proposed amendment area and its immediate surrounds is inadequate to meet likely demands of industrial development. Increased transmission capacity will need to be developed. The construction of an electrical sub-station on Austin Avenue, Kenwick since the 2005 assessment was completed will assist to develop the required increased transmission capacity.
- Gas - An existing high pressure gas transmission main runs through the proposed amendment area, which has capacity to supply substantial gas to this area. Medium pressure mains are located to the south of the area and can readily be extended to service development.
- Telecommunications - The amendment area lies within the boundaries of three telephone exchange areas, with insufficient capacity in the existing systems to cater for future development. This will necessitate the construction of a mini-exchange building to provide best transmission coverage and technology.

It is likely that the WAPC will require updated servicing information when considering the draft MRS amendment request.

It is anticipated that this can be addressed as part of the Local Structure Plan (LSP) to be prepared in the near future to support the amendment proposal. This is discussed in the Planning Framework section that follows.

Roads

The proposed amendment area has numerous internal existing roads, generally constructed to a rural-standard. These will require upgrading and in conjunction with a network of new roads to be constructed, connection to the flanking regional road network.

While located outside of the proposed amendment area, the need for the future upgrade of the intersection of Kelvin Road and Tonkin Highway has been identified. The timing of the upgrade, which is anticipated to involve a Kelvin Road bridge and signalised intersections being constructed over the highway, is not defined. While the upgrade would ultimately be required regardless of whether development of the

Item 13.5.12 Continued

MKSEA occurred or not, development in the area would certainly add demand for it to occur sooner.

Access between the regional and local road network and management of traffic impacts will be a key consideration in subsequent planning stages.

Coordination

The provision of development infrastructure will require coordination in the form of road and service alignments and equitable cost sharing arrangements given the large number of separate properties held in individual ownership.

Council will have to consider funding approaches for infrastructure provision, which may include the need to establish and administer a development contribution arrangement.

Planning Framework

It is considered that there is sufficient understanding of the various issues in the proposed amendment area and an appropriate means to address these issues through a defined framework for plan preparation and environmental impact assessment phases to warrant commencement of a Phase 2 MRS amendment for the MKSEA.

The MSKEA project has had a recent focus on the preparation of an Environment Scoping Document (ESD) and a draft District Water Management Strategy (DWMS) to support a MRS amendment.

Environmental Scoping Document

The ESD has been prepared in close consultation with the Office of the Environmental Protection Authority (EPA). It identifies the key environmental factors and the environmental impact assessment, policy guidance and management plan requirements associated with each of the key planning phases involved in guiding land use change in the MKSEA (these phases being a MRS and TPS amendment, structure plans, subdivision and development applications). The EPA has recently advised that it is satisfied that environmental issues associated with the MKSEA have been adequately identified in accordance with relevant guidelines.

Importantly, the ESD sets out that an MRS amendment will need to be supported by a DWMS, a LSP and a Local Planning Policy (LPP), as discussed below.

An extract from the ESD is contained in Appendix 13.5.12B.

Draft District Water Management Strategy

The draft DWMS sets out the application of best-management practices to achieve the principles, objectives and requirements of total water cycle management, as required by the State Government's Better Urban Water Management guidelines. The draft DWMS was recently referred to various State Government agencies that have an interest in water management for their review and comment and the City is currently awaiting feedback.

An extract from the draft DWMS is contained in Appendix 13.5.12C.

Item 13.5.12 Continued

Local Structure Plan

The ESD indicates that the City will prepare, in support of the MRS Amendment, a LSP and supporting documentation. The LSP will, amongst other planning considerations, address and/or identify:

- Potential direct or indirect impacts on terrestrial flora and vegetation, wetlands, watercourses and terrestrial fauna
- Any set-backs or buffers between future development and adjacent flora, vegetation, wetlands and watercourses
- How these issues are to be addressed in subsequent stages of the planning phases for the MKSEA and through the ultimate development of the site
- Specific environmental outcomes to be achieved for any loss of native vegetation, wetlands, watercourse or fauna
- Management measures to mitigate adverse impacts on significant flora and vegetation, wetlands, watercourses or fauna to meet the EPA's objectives
- Management of industrial emissions to meet EPA environmental objectives, which may include defining any required separation distance between proposed industrial development and land uses sensitive to industrial odour, noise and dust emissions the intended approach to removal of sensitive land uses within the MKSEA to avoid land use conflict and constraints to industrial development.
- The need for a Local Planning Policy to embed orderly land use planning, in particular the need for Outline Development Planning prior to the consideration of any subdivision or development application.

The LSP and its supporting documentation will provide a planning framework to guide subsequent levels of land use planning such as Outline Development Plans and subdivision and development applications.

Local Planning Policy

The preparation of a LPP is set out in the ESD as a pre-requisite to the MRS amendment. The intent of the LPP is to embed the environmental impact assessment process and its associated requirements detailed in the ESD into a local planning framework for the MKSEA, to ensure alignment of planning processes with the requisite information and plans to properly manage environmental aspects.

The key planning stages include:

- MRS Amendment
- TPS Amendment
- Outline Development Plans
- Subdivision
- Development.

At this point in time neither a draft LSP or LPP has been prepared in support of the proposed Phase 2 MRS amendment.

Item 13.5.12 Continued

It will be recommended that Council support the lodgement of a request to the WAPC to initiate the Phase 2 MRS amendment. It is important that this occur now, so as to provide a broad expression of support for the spatial extent of the amendment area and for work to commence on a LSP and LPP.

Several steps will need to be taken before the WAPC will formally consider initiation of the amendment. These steps include:

- Assessment of the DWMS by Government agencies and finalisation of the document to address any requirements that may emerge through the assessment process
- Consideration of support for the MRS amendment by the Shire of Kalamunda for the inclusion of the Wattle Grove land
- Preparation of documentation to support the MRS amendment request by the City, which will largely be a consolidation of all studies, investigations and other background work completed to date
- Various administrative actions by the Department of Planning upon receipt of the MRS amendment request.

As these steps will likely take several months to complete, it is proposed that work commence on the LSP and LPP immediately so that these important pieces of the planning framework can be finalised, or at least substantially progressed, by the time the MRS amendment is formally put before the WAPC to consider initiation.

It could reasonably be expected that the MRS amendment would take approximately two years to complete from initiation, subject to no major obstacles being encountered during the amendment process.

A draft LSP and LPP will be prepared by City staff and presented to Council for consideration in the near future. Consultation with land owners will be an important component of the process.

CONCLUSION

Significant progress has been made installing a planning framework for Precinct 1 of the MKSEA.

The City, through extensive investigation and stakeholder liaison, has developed a sound understanding of the unique characteristics of the rest of the MKSEA, namely Precincts 2, 3A and 3B. A framework for environment impact assessment and management to address the State Government's MRS amendment requirements and subsequent planning stages has been defined.

Planning work has advanced to such an extent that it is now considered timely for Council to consider endorsing a request being made to the WAPC for a Phase 2 amendment to the MRS to be initiated for the rest of the MKSEA in addition to land immediately to the north in the Shire of Kalamunda.

The MRS amendment request will need to be supplemented by the preparation of a LSP and a LPP to further assemble the planning framework required for the MKSEA. Work will commence on these tasks immediately should Council be supportive of the recommendation to make the amendment request to the WAPC.

Item 13.5.12 Continued

FINANCIAL IMPLICATIONS

Costs associated with the preparation of the MRS amendment request can be met from the City Growth operational budget.

STATUTORY IMPLICATIONS

Should the WAPC initiate an amendment to the MRS and that amendment is ultimately approved, Council will be required under the provisions of the *Planning and Development Act 2005* to ensure the local planning scheme is amended to be consistent with changes made to the MRS.

VOTING REQUIREMENTS

Simple Majority required.

STAFF RECOMMENDATION (1 OF 2) AND COUNCIL RESOLUTION

349 Moved Cr R Mitchell Seconded Cr W Barrett

That Council support the lodgement of a request with the Western Australian Planning Commission to initiate an amendment to the Metropolitan Region Scheme to include all existing zoned land within the area shown on the plan contained in Appendix 13.5.12A in the Industrial zone.

CARRIED 10/0

FOR: Cr W Barrett, Cr J Brown, Cr T Brown, Cr R Hoffman, Cr S Iwanyk, Cr K Jones, Cr R Lawrence, Cr R Mitchell, Cr O Searle and Cr D Griffiths.

AGAINST: Nil.

STAFF RECOMMENDATION (2 OF 2) AND COUNCIL RESOLUTION

350 Moved Cr R Mitchell Seconded Cr W Barrett

That Council endorse the planning and environmental impact assessment process and associated requirements outlined in the Environmental Scoping Document summary contained in Appendix 13.5.12B, including the required preparation of a Local Structure Plan and Local Planning Policy as key components of the framework for planning of the Maddington Kenwick Strategic Employment Area.

CARRIED 10/0

FOR: Cr W Barrett, Cr J Brown, Cr T Brown, Cr R Hoffman, Cr S Iwanyk, Cr K Jones, Cr R Lawrence, Cr R Mitchell, Cr O Searle and Cr D Griffiths.

AGAINST: Nil.

13.6 GOVERNANCE

13.6.1 REVIEW OF COUNCIL POLICY 5.4.23 - COUNCILLOR ALLOWANCES, EXPENSES AND SUPPLIES (*ITEM BROUGHT FORWARD - REFER TO ITEM 11*)

The above item was brought forward in accordance with Clause 4.12 of the City of Gosnells Standing Orders Local Law 2012 and is relocated under Item 11 "Items Brought Forward for the Convenience of those in the Public Gallery" as the third report in these Minutes.

13.6.2 PARKING COMPLIANCE IN LISSIMAN STREET, GOSNELLS

Author: G Bradbrook
Author's Declaration Nil.
of Interest:
Previous Ref: OCM 9 July 2013 (Resolution 303)
Appendix: 13.6.2A Map showing parking around Lissiman Street

PURPOSE OF REPORT

To provide a report on parking compliance in Lissiman Street, Gosnells in accordance with Resolution 303 of the Ordinary Council Meeting held on 9 July 2013.

BACKGROUND

In response to a Notice of Motion moved by Cr D Griffiths at the Ordinary Council Meeting held on 9 July 2013, Council made the following resolution:

"That Council requests the Chief Executive Officer to prepare a report in relation to parking compliance in Lissiman Street, Gosnells that details how compliance in time restricted bays is monitored and enforced."

In proposing the Notice of Motion, Cr D Griffiths provided the following reason for the motion:

"Non-compliance with parking time restrictions in Lissiman Street is having an adverse effect on businesses located within the Foothills Shopping Centre. A greater focus on compliance with parking time restrictions is required to assist in ensuring adequate parking is available for customers."

The City provides 165 car parking bays in a car park between Lissiman Street and the Armadale train line as indicated on the map at Appendix 13.6.2A. At the south-western end of the car park there are 20 time-restricted bays with a two-hour parking limit. Time restrictions were applied to these bays in 2005 as a result of complaints in relation to the lack of parking in Lissiman Street for customers of the Foothills Shopping Centre and surrounding businesses. The intention of the parking restrictions was to encourage parking turnover to ensure parking is available for customers of local businesses.

At the north-western end of the car park there are 11 time restricted bays with a four-hour parking limit. Time restrictions were applied to these bays to discourage rail commuters from parking in the bays all day. The City also provides on-street parking in Lissiman Street immediately adjacent to the Foothills Shopping Centre and in the section of Lissiman Street between Main Street and Fremantle Road as indicated in Appendix 13.6.2A. No time restrictions apply to on-street parking in Lissiman Street.

The Public Transport Authority (PTA) provides parking for rail commuters in Wheatley Street, Gosnells as indicated on the map at Appendix 13.6.2A. A total of 115 bays are provided by the PTA in this location.

Item 13.6.2 Continued

DISCUSSION

Parking in the City's car park adjacent to Lissiman Street has always been problematic due to its proximity to the Gosnells Train Station, with this car park being more conveniently located for rail commuters than the PTA's own car park provided for this purpose.

In June 2012, as a result of correspondence to the Minister for Transport in relation to parking availability at train stations, the City received a letter from the Minister's Principal Policy Advisor acknowledging that patronage on the train network had grown substantially which resulted in an increased demand for parking. This letter advised that the PTA had \$8.345 million in funding to upgrade car-parks at stations along the Midland, Armadale and Fremantle lines through to 2013/14. Verbal advice from the PTA obtained on 17 July 2013, indicates that this funding has been fully expended and the PTA has no current plans to provide additional parking in proximity to the Gosnells Train Station.

Rangers conduct regular patrols of the Lissiman Street car park to monitor and enforce compliance with time restrictions. In the twelve months to July 2013, 69 infringement notices were issued to the owners of vehicles for failure to comply with parking restrictions in the Lissiman Street car park. In April 2013 the issue of infringement notices ceased for a period whilst signs indicating time restrictions were replaced as the signs had deteriorated to such an extent that parking restrictions could not be legally enforced. Since the installation of new signage Rangers have recommenced the issue of infringement notices for non-compliance with time restrictions.

The issues in Lissiman Street in relation to parking stem largely from rail commuters parking in the City's car park. Fundamentally, responsibility for providing parking for rail commuters rests with the PTA. However, the more convenient location of the City's car park in Lissiman Street has resulted in extensive use of this facility by rail commuters, often in preference to the parking provided by the PTA.

If the City's intention in providing parking in Lissiman Street is to ensure adequate parking is available for customers of local businesses rather than rail commuters, this could be achieved through the expansion of time restrictions to all parking bays provided in this location. However, further time restrictions would need to be accompanied by appropriate enforcement and this would have resource implications for the City.

Parking restrictions are currently enforced by the City's Rangers who also have a range of other responsibilities. Monitoring and enforcing parking restrictions is labour intensive as it requires chalking of tyres on all vehicles followed by a return visit to issue infringement notices to owners whose vehicles have been parked in excess of the prescribed time. To be most effective, this process needs to be repeated regularly throughout the day commencing when time restrictions begin and concluding when they end. Following the issue of infringement notices, appropriate follow up action is required by the City in terms of issuing payment reminders, dealing with some matters in Court where an alleged offender elects that course of action and referring non-payment of fines to the Fines Enforcement Registry for collection.

The time restrictions in the Lissiman Street car park apply at all times, however, if the intention of enforcement was to discourage rail commuters from parking in the City's car park all day, then enforcement action would be required between the hours of (say)

Item 13.6.2 Continued

7am and 7pm. Based on two hour time restrictions, this would require Rangers to attend the Lissiman Street car park six times per day. If time restrictions were expanded to include all parking bays provided by the City in Lissiman Street, it is estimated that it would take a Ranger at least one hour per visit to chalk tyres and issue infringement notices, noting that the time required would gradually decrease as compliance with time restrictions improves.

Whilst extended parking restrictions and additional enforcement would likely result in more parking being available in Lissiman Street for customers of local businesses, it is also likely that such action would result in parking issues elsewhere either in the Gosnells town centre or at other train stations including Maddington, Thornlie and Kenwick. With the exception of the Seaforth Train Station, parking is already an issue at other train stations within the City and these would likely be exacerbated through the expansion and enforcement of time restrictions in Lissiman Street.

Whilst ongoing enforcement of existing time restrictions in the Lissiman Street car park is likely to result in an improved level of compliance and subsequently, greater availability of short-term parking for customers of local businesses, it is suggested that the most appropriate solution to this issue lies in the provision of additional parking in an appropriate location for rail commuters by the PTA. There would be benefit in Council adopting a policy in relation to the provision of parking at or around train stations to clearly articulate its expectations in relation to this issue. Such a policy could be used by the Administration to advocate for additional parking at local train stations and as a basis for responding to community concerns in relation to the availability of parking in these locations.

Adding further weight to the need for such a policy and the adoption of a formal position by Council is the potential for establishment of an Improvement Plan for the section of Lissiman Street generally between Fremantle Road and Dorothy Street with future development likely to include commercial uses at street level with residential development above. Such development would require appropriate parking for both businesses and residents and whilst sufficient parking to facilitate such land uses may already exist in Lissiman Street, it is currently compromised through its extensive use by rail commuters.

Similarly, at its meeting held on 25 June 2013, Council supported rezoning an area at the corner of Bickley Road and Sevenoaks Street, Beckenham from General Industry to Special Use in order to support a mix of commercial uses and higher density residential development in this location. An increase in population in this location would likely result in an increase in demand for parking at the Beckenham Train Station. Likewise, higher density residential development in the Maddington Town Centre may also generate greater demand for parking at the Maddington Train Station.

It is considered important that Council has an established position on parking at train stations that can be communicated consistently to Government to assist in encouraging the provision of appropriate parking to accommodate current and future requirements.

In addition to parking compliance in the City's car park in Lissiman Street, business owners in the Foothills Shopping Centre have previously expressed concerns in relation to unauthorised parking in the Centre's own car park. The City of Gosnells Parking Local Law 2012 enables the City to enter into an agreement with the owner of a private car park for the City's local law to apply to that car park. Since 2005 there have been numerous discussions with the Foothills Shopping Centre management in

Item 13.6.2 Continued

relation to the establishment of an agreement between the Centre and the City to enable the City's Parking Local Law to be enforced in the car park owned by the Centre. To date the Centre has declined to enter into such an agreement and as such, provisions of the City's Parking Local Law do not apply to the Foothills Shopping Centre car park and cannot be enforced.

FINANCIAL IMPLICATIONS

There are no financial implications associated with this report should Council adopt the recommendations as proposed. However, should Council wish to increase the number of parking bays to which time restrictions apply in the Lissiman Street car park and/or desire a higher level of enforcement, such an approach would have implications for both expenditure and revenue which would be addressed in a future report to Council.

STATUTORY IMPLICATIONS

City of Gosnells Parking Local Law 2012.

VOTING REQUIREMENTS

Simple Majority required.

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| STAFF RECOMMENDATION (1 OF 3) AND COUNCIL RESOLUTION |
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351 Moved Cr R Lawrence Seconded Cr K Jones

That Council notes the report on Parking Compliance in Lissiman Street, Gosnells prepared pursuant to Resolution 303 of the Ordinary Council Meeting held on 9 July 2013.

CARRIED 10/0

FOR: *Cr W Barrett, Cr J Brown, Cr T Brown, Cr R Hoffman, Cr S Iwanyk, Cr K Jones, Cr R Lawrence, Cr R Mitchell, Cr O Searle and Cr D Griffiths.*

AGAINST: *Nil.*

| |
|--|
| STAFF RECOMMENDATION (2 OF 3) AND COUNCIL RESOLUTION |
|--|

352 Moved Cr R Lawrence Seconded Cr K Jones

That Council supports the development of a policy that clearly establishes the Council's expectations, including responsibilities, for the provision of parking at train stations in the City to enable consistent advocacy to Government for the provision of adequate parking to meet current and future needs.

CARRIED 10/0

FOR: *Cr W Barrett, Cr J Brown, Cr T Brown, Cr R Hoffman, Cr S Iwanyk, Cr K Jones, Cr R Lawrence, Cr R Mitchell, Cr O Searle and Cr D Griffiths.*

AGAINST: *Nil.*

Item 13.6.2 Continued

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|--|
| STAFF RECOMMENDATION (3 OF 3) AND COUNCIL RESOLUTION |
|--|

353 Moved Cr R Lawrence Seconded Cr K Jones

That Council supports the Foothills Shopping Centre being invited to enter into an agreement with the City in relation to the car parking located on its land to enable the City's Parking Local Law to apply to those parking bays.

CARRIED 10/0

FOR: *Cr W Barrett, Cr J Brown, Cr T Brown, Cr R Hoffman, Cr S Iwanyk, Cr K Jones, Cr R Lawrence, Cr R Mitchell, Cr O Searle and Cr D Griffiths.*

AGAINST: *Nil.*

13.6.3 TENDER 24/2013 - CANOPIES FOR RANGER VEHICLES

Author: J Lamp
 Author's Declaration Nil.
 of Interest:
 Previous Ref: Nil.
 Appendix: Nil.

PURPOSE OF REPORT

To advise Council of submissions received in relation to Tender 24/2013 - Canopies for Ranger Vehicles and recommend the most advantageous tender for the purpose of awarding a contract.

BACKGROUND

Tenders were advertised in The West Australian newspaper on Wednesday 19 June 2013 and closed at 2pm on 4 July 2013 to select a contractor to provide canopies for ranger vehicles.

Submissions were received from the following companies:

| Company Name | Address |
|---------------------|---|
| Autonexus | 1 Autonexus Drive, Greystanes NSW 2145 |
| Bosston Auto Bodies | 4 Taxoma Circuit, Canning Vale WA 6155 |
| Rosco Trade Mate | 150 Barrington Street, Bibra Lake WA 6163 |

DISCUSSION

Tender submissions have been assessed by the Evaluation Panel against the evaluation criteria defined within the tender specification: Materials / Goods, ability to supply in a timely manner and the major criteria - price.

The following table details the assessment of each tender against the qualitative evaluation criteria:

| Tenderer | Materials / Goods and the ability to supply in a timely manner | Total Qualitative Score |
|---------------------|---|--------------------------------|
| Weighting | 20% | 20% |
| Autonexus | 12 | 12 |
| Bosston Auto Bodies | 20 | 20 |
| Rosco Trade Mate | 0 | 0 |

The tender from Rosco Trade Mate did not demonstrate an ability to meet minimum requirements of this contract as its submission did not demonstrate sufficient relevant experience and capacity to deliver the services required of this contract. Therefore, their tender submission was assessed no further due to the potential risk to the City.

The following tables detail the assessment of each of the remaining tenders against the price submitted.

Item 13.6.3 Continued

| Tenderer | Per canopy | Total for 7 canopies |
|---------------------|------------|----------------------|
| | \$ | \$ |
| Autonexus | 12,826.46 | 89,785.22 |
| Bosston Auto Bodies | 16,362.87 | 114,540.09 |

| Tenderer | Price |
|---------------------|-------|
| Weighting | 80% |
| Autonexus | 80 |
| Bosston Auto Bodies | 63 |

The following table details the combined assessment of each tender against both qualitative criteria and price and ranks each tender.

| Tenderer | Qualitative Criteria % | Price % | Total % | Overall Ranking |
|---------------------|------------------------------|------------|------------|--------------------|
| Autonexus | 12 | 80 | 92 | 1 |
| Bosston Auto Bodies | 20 | 63 | 83 | 2 |

The submissions received were generally professional, satisfied the City's Occupational Health and Safety requirements, addressed the qualitative criteria and demonstrated the ability to provide the City with the required service.

Referees were contacted for the preferred tenderer and all referees have provided a satisfactory reference.

Following the assessment of the criteria, Autonexus was assessed as being the most advantageous to the City. It is worth noting that Autonexus operates out of premises in Canning Vale.

FINANCIAL IMPLICATIONS

The service associated with this contract are included in the 2012/13 budget account JL 13-30913-2407-000. The amount budgeted for 2012/13 is \$114,541.

STATUTORY IMPLICATIONS

Section 3.57 (1) of the *Local Government Act 1995* requires a local government to invite tenders before it enters a contract of a prescribed kind under which another person is to supply the goods or services.

Part 4 of the *Local Government (Functions and General) Regulations 1996*.

VOTING REQUIREMENTS

Simple Majority required.

Item 13.6.3 Continued

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|---|
| STAFF RECOMMENDATION AND COUNCIL RESOLUTION |
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354 Moved Cr J Brown Seconded Cr W Barrett

That Council award Tender 24/2013 - Canopies for Ranger Vehicles to Autonexus of 1 Autonexus Drive, Greystanes NSW 2145 for the lump sum of \$89,785.22 (ex GST).

CARRIED 10/0

FOR: *Cr W Barrett, Cr J Brown, Cr T Brown, Cr R Hoffman, Cr S Iwanyk, Cr K Jones, Cr R Lawrence, Cr R Mitchell, Cr O Searle and Cr D Griffiths.*

AGAINST: *Nil.*

Item 13.6.3 Continued

14. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

15. URGENT BUSINESS
(by permission of Council)

Nil.

16. CONFIDENTIAL MATTERS

Nil.

17. CLOSURE

The Mayor declared the meeting closed at 9.59pm.