



ORDINARY COUNCIL MEETING  
8 JULY 2014

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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 8 July 2014.

**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**

A printed copy of this notice is provided in the Public Gallery:

*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 D GOODE JP  
CR P GRIFFITHS  
CR R HOFFMAN  
CR R LAWRENCE  
CR O SEARLE JP  
CR P YANG

**STAFF**

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

MR I COWIE  
MR J TOOMEY  
MR F SULLIVAN  
MR D HARRIS  
MR C TERELINCK  
MR G BRADBROOK  
MRS K BAINBRIDGE

**PUBLIC GALLERY**

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**2.1 APOLOGIES**

Cr G Dewhurst

**2.2 LEAVE OF ABSENCE**

Nil.

**3. DISCLOSURE OF INTEREST**

Nil.

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

The Mayor advised that a copy of the Mayor's diary for the week from 25 June to 8 July 2014 was available from the desk in the public gallery.

The Mayor commented on the NAIDOC ceremony held yesterday for the flag raising and launch of NAIDOC week which was very well attended and gaining interest in the community.

The Mayor also mentioned the passing of Mr Alby Passmore. The Passmore family and the City of Gosnells have had a long association.

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

Cr J Brown advised that the Armadale Health Service Community Advisory Council of which she is a Delegate has been a part of donating hospital equipment decommissioned by the Armadale Health Service to overseas hospitals to assist with shortages created by the refugee crisis.

**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****24 June 2014 Ordinary Council Meeting**

**Ms Sandra Baraiolo of PO Box 427, Maddington asked the following question at the 24 June 2014 Ordinary Council Meeting:**

**Q1** In the Minutes of the 14 February 2012 the Director Planning and Sustainability stated that since the sea containers located at 15 Victoria Road, Kenwick were no longer on the property, then any future requests to have sea containers on that site would need a separate development application. Why then were the residents written to, by the Council on the 22 June, asking for submissions, in a letter saying that there was previous approval for two sea containers to be loaded and unloaded on this property? To the best of my knowledge no approval of this kind has ever been given. Could I have confirmation that the Director's statement on the 14 February is correct?

**Response:** In reply to Ms Baraiolo the Director Planning & Sustainability provided the following written response on 8 July 2014.

"Thank you for your question at the last Council meeting. For ease of reference I have included it below

*"In the minutes of the 14 February 2012 (sic - Council meeting) the Director Planning and Sustainability stated that since the sea containers located at 15 Victoria Road were no longer on the property, then any future requests to have sea containers on that site would need a separate development application. Why then were the residents written to, by the Council on the 22 June, asking for submissions, in a letter saying that there was previous approval for two sea containers to be loaded and unloaded on this property? To the best of my knowledge no approval of this kind has ever been given. Could I have confirmation that the Director's statement on the 14 February (2012) is correct."*

At the time I took the query on notice.

Your query relates to the relationship between the new application and a pre-existing approval (issued by the Council in December 2011). Some context to the answer is therefore required.

In December 2011, the Council approved an application by the neighbour which comprised two distinct parts;

1. An application for the storage of two sea containers on the land, which the applicant had applied for as a retrospective application, and
2. An amendment to a previous approval for parking and driving trucks associated with the use of 15 Victoria Rd.

It later emerged that photography obtained in research for the application was ambiguous. Sea containers which were said to have been “on the land” may have actually been “on a truck trailer” when photographed. Regardless of the history of this aspect of the 2011 application, the fact remains that 2 sea containers were approved in a location which was deemed acceptable at the time, by virtue of its close compliance with the Council’s relevant policy of the day.

On the issue of the driving and parking of trucks, the application included amended site plans and parking areas, and a request for allowance of a driver of the trucks to be a non-resident. This was approved.

In February 2012, you attended a Council meeting, and queried the status of the sea containers and you were advised that “.... the fact is that the sea containers are now no longer on the site and therefore if the neighbour wanted to put sea containers on his property in the future he would need to submit a separate application.”

At the time, this statement was correct. It should be noted that around this time, the owner of 15 Victoria Road did not have any items in the approved location, because he was in fact installing hard stand (in accordance with the approved plan). Some time after February 2012 a sea container was brought onto the land (placed in the approved location) and it remains in place.

Therefore, the statement made in February 2012 was correct.

We now turn to mid-2014, and the owner of 15 Victoria Road has submitted a new application, which proposes

- An extension to the approved hours the commercial vehicles can be driven to and from the property, from (currently approved) 6.30am to 8.30pm seven days per week, to proposed time periods of 6am to 10.30pm seven days per week. The applicant advises the extended hours will be an irregular occurrence, only when required.
- Commercial vehicles carrying the two previously approved sea containers to be loaded and unloaded on the property, in the location as shown on the site plan.
- Commercial vehicles carrying swimming pools to be parked on the property for short periods and will not be loaded or unloaded on the property.
- An additional parking area for the commercial vehicles on the property.

This application is currently under assessment.

On the basis of the above, and to return to your primary question, the answer is that in mid June residents were invited to comment on a proposal because a land owner had lodged plans which would be subject to public consultation as part of the assessment

process. The letter advised that two sea containers had been previously approved on the land, which is correct. As to the status of the current approval, evidence suggests that sea containers have been on the land in the approved location for some considerable time, and the new application now seeks to re-use that space for another purpose (ie truck and trailer parking).

You should also note that when the new application is determined, the assessment will be guided by a number of changes to the City's Town Planning Scheme and policies which have occurred since the 2011 determination was made. Those changes include;

1. The rezoning of the land,
2. Revisions to Council's Outbuildings and Sea Containers policy, and
3. The adoption of the MKSEA Interim Development Policy.

Should you wish to discuss any further details of the new application, please contact the City's Planning Implementation team."

## 6.1 QUESTION TIME

Question Time for the Public commenced at 7.33pm.

**Mr Richard Peters of 268 (Lot 6) Brook Road, Kenwick asked the following questions:**

**Q1                      What estimated time frame does Council have for MKSEA to change from Rural to Industrial?**

**Response:** The Director Planning & Sustainability advised that if Council votes favourably tonight the intention is to go back to the WA Planning Commission and request that the advertising for the rezoning of the area commences. The advertising process is usually 90 days in the case of region scheme amendment and the rezoning then becomes a state government responsibility. It is hoped there will be an outcome by December.

**Q2                      If the zoning is changed to Industrial, what can be done with the land owners in MKSEA effective immediately?**

**Response:** The Director Planning & Sustainability advised the policy sets out parameters and tasks that the landowners can work together on if they propose to move towards a comprehensive industrial re-zoning and re-subdivision. In terms of other uses for the area a proposed workshop is being held shortly on compliance issues and interim uses in the MKSEA area which may yield some results.



**Ms Sandra Baraiolo of PO Box 427, Maddington asked the following question:**

**Q1**                    **When is the City of Gosnells considering doing an ODP (Outline Development Plan) specifically for Precinct One?**

**Response:**        The Director Planning & Sustainability advised that at this stage the City is not proposing to do an ODP for Precinct One. There is a draft proposal that was prepared by a consultant on behalf of a number of land owners that is held in abeyance at the moment at the consultant's request. If the owners could agree with some critical mass then they can place a proposal before the City.

**Mr Keith Agar of 109 Brook Road, Kenwick asked the following questions in relation to Item 13.5.1:**

**Q1**                    **In the submissions relating to MKSEA the term "Kalamunda Wedge" is mentioned in the comment answers. What does the "Kalamunda Wedge" refer to regarding our submissions for the TPS?**

**Response:**        The Director Planning & Sustainability advised that the "Kalamunda Wedge" is the area of land between Welshpool Road and running back to the City's border. It is shown on page 10 of the Policy document and is the area that is outside of the City of Gosnells but it is an area from a planning sense that needs to be included.

**Q2**                    **Will the inclusion of the "Kalamunda Wedge" delay the proposal?**

**Response:**        The Director Planning & Sustainability advised that the City is encouraging the Shire of Kalamunda to run its rezoning process concurrently with the City of Gosnells so the WA Planning Commission can look at the whole area at the same time. He is in regular contact with the Shire to ensure their process is proceeding in a timely manner including exchange of necessary information to assist them.

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

**Q1** Following the answers to my questions at the OCM on May 27, I sent Councillor Mitchell an email requesting a reply to my letter of April 4. I have had a response to neither. What does the City advise in this matter?

**Response:** The Chief Executive Officer advised Mr Walker to contact Councillor Mitchell.

**Q2** Is it possible that in not replying to my correspondence, Councillor Mitchell is in breach of sections 4.1(a)(iv) and 4.1(a)(v) of the City's Code of Conduct, which as an elected representative, he is obliged to observe under the Local Government Act 1995?

**Response:** The Chief Executive Officer advised that from his memory of the Code of Conduct Councillor Mitchell is not in breach.

**Ms Christine Nisbet of 7 Debenham Street, Thornlie asked the following questions in relation to Item 13.5.5:**

**Q1** Please explain what the recommendation to approve the development of 11 Debenham Street means when the development will provide greater diversity of housing options within the local area when a number of properties are currently owned by developers in the area bound by Spencer Road, Sage Road, Debenham Street, Aylesford Way and the by-road to Spencer Road have the ratio of development blocks of 20 development (currently rented) versus 13 owner occupied. Under the current approval of two blocks for nine unit developments this leaves the density of this area to increase from (prior to development of 15 Debenham Street) 35 single residences to a maximum of 315 (on the assumption that there can be a maximum of nine units per block). Further the 3,000 per day vehicles to access Debenham Street needs clarification as there is only one access/exit point to the area via Yale Road/Sage Street and if the Council would consult the Ranger (who is rarely on hand to book parents for parking illegally) it would know that the congestion prior to the development at 15 Debenham Street is a major issue. There is illegal parking at school drop-off and pick-up times and the Ranger has declared that he/she will not book anyone for illegal parking unless their car blocks a

residential vehicle from moving from their home. Since the development of 15 Debenham Street, workers and the property owner's vehicles have taken up many of the few marked parking bays in the area and on occasions have blocked access to Aylesford Way. As a resident I am extremely disappointed with the Council's lack of action in preventing illegal parking and the lack of replacing signs that have been destroyed, removed etc. in the area. Here we are at 8 July and signage regarding the limited parking during the day Monday to Friday has yet to be put up. I have been a full rate-paying resident at this address for nearly 14 years and am most disappointed at the Council's lack of regard to residents.

**Response:** The Director Planning & Sustainability advised that with regard to the planning implications, the diversity of housing options within the local area means that the planning scheme for Thornlie includes a number of residential densities. The reason for the variation is that in areas close to community hubs the Council has adopted the position where the dwellings in those locations may be of different sizes than typically occurring in Thornlie on lots of different sizes. The density around community hubs such as transport, shopping centres etc. and Debenham Street is in one of those areas. With regard to vehicle capacity on the roads which was mentioned in the report the 3,000 per day is typically ascribed to local access roads and some of the City's smaller roads are designed with that capacity in mind.

With regard to the parking and signage issues the Director Governance advised the City's Rangers patrol around all local schools particularly during drop off and pick up times and aware of the need to enforce parking restrictions in those areas. In terms of the installation of signage, referring to signage intended to deter parking by rail commuters in local streets, that signage is in the process of being installed at the moment. This is happening at a number of train stations around the City with 300-400 signs needing to be installed. This is taking some time to do but we are in the process of doing that.

**Q2** Please explain what the Council considers a reasonable consultation area for the proposed development at 11 Debenham Street, Thornlie when the area consulted of 12 sites including one Government owned site (Yale Primary School), seven owner occupied blocks, one since subdivided site (part owner occupied and the other part

**developer occupied and on sale) and four developer owned (currently rented).**

**Response:** The Director Planning & Sustainability advised that in the City of Gosnells planning scheme this land use is identified as one which should be advertised. The guidelines and extent of advertising comes from Council's adopted Policy. For a development of this type the Policy sets a requirement to consult with land owners within a 50 metre radius of the development site and that intends to cover the people who are going to be affected.

Question Time for the Public concluded at 7.49pm.

## 6.2 PUBLIC STATEMENTS

Nil.

## 7. CONFIRMATION OF MINUTES

### STAFF RECOMMENDATION (1 OF 2) AND COUNCIL RESOLUTION

#### 252 Moved Cr J Brown Seconded Cr D Goode

That the Minutes of the Ordinary Council Meeting held on 24 June 2014, as published and distributed be confirmed as an accurate record.

CARRIED 10/0

**FOR:** Cr W Barrett, Cr J Brown, Cr D Goode, Cr P Griffiths, Cr R Hoffman, Cr R Lawrence, Cr R Mitchell, Cr O Searle, Cr P Yang and Cr D Griffiths.

**AGAINST:** Nil.

### STAFF RECOMMENDATION (2 OF 2) AND COUNCIL RESOLUTION

#### 253 Moved Cr J Brown Seconded Cr D Goode

That the Minutes of the Special Council Meeting held on 1 July 2014, as published and distributed be confirmed as an accurate record.

CARRIED 10/0

**FOR:** Cr W Barrett, Cr J Brown, Cr D Goode, Cr P Griffiths, Cr R Hoffman, Cr R Lawrence, Cr R Mitchell, Cr O Searle, Cr P Yang and Cr D Griffiths.

**AGAINST:** Nil.

**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.

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”.

Cr G Dewhurst requested leave of absence from 7 July to 25 July 2014, which includes the 8 July and 22 July Ordinary Council Meetings, for work commitments.

Cr R Hoffman requested leave of absence from 18 July to 25 July 2014, which includes the 22 July Ordinary Council Meeting, for personal reasons.

<b>COUNCIL RESOLUTION</b>
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**254 Moved Cr R Lawrence Seconded Cr P Yang**

That Council grant leave of absence to:

- Cr G Dewhurst from 7 to 25 July 2014
- Cr R Hoffman from 18 to 25 July 2014.

**CARRIED 10/0**

**FOR:** Cr W Barrett, Cr J Brown, Cr D Goode, Cr P Griffiths, Cr R Hoffman, Cr R Lawrence, Cr R Mitchell, Cr O Searle, Cr P Yang and Cr D Griffiths.

**AGAINST:** Nil.

**10. QUESTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN**

(without discussion)

Nil.

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

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].

COUNCIL RESOLUTION
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**255 Moved Cr R Hoffman Seconded Cr P Yang**

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

- Item 13.5.1 Draft Local Planning Policy - Maddington Kenwick Strategic Employment Area.
- Item 13.5.5 Development Application - Nine Multiple Dwellings - 11 (Lot 212) Debenham Street, Thornlie.
- Item 13.6.1 Designation of dog exercise areas and areas where dogs are prohibited.

**CARRIED 10/0**

**FOR:** *Cr W Barrett, Cr J Brown, Cr D Goode, Cr P Griffiths, Cr R Hoffman, Cr R Lawrence, Cr R Mitchell, Cr O Searle, Cr P Yang and Cr D Griffiths.*

**AGAINST:** *Nil.*

**13.5.1 DRAFT LOCAL PLANNING POLICY - MADDINGTON KENWICK STRATEGIC EMPLOYMENT AREA**

Author: R Windass  
Author's Declaration Nil.  
of Interest:  
Reference: PF14/00013  
Previous Ref: OCM 13 May 2014 (Resolution 150)  
Appendices: 13.5.1A Schedule of Submissions  
13.5.1B Draft Local Planning Policy - Maddington Kenwick Strategic Employment Area Precinct 1

**PURPOSE OF REPORT**

For Council to consider final adoption of the Draft Local Planning Policy (LPP) relating to Precincts 2 and 3 of the Maddington Kenwick Strategic Employment Area (MKSEA).

**BACKGROUND**

On 13 May 2014, Council resolved (Resolution 150) to advertise the draft Local Planning Policy - Maddington Kenwick Strategic Employment Area, for public comment.

The MKSEA (Precincts 2 and 3) is an area bound by Roe Highway, Bickley Road, Victoria Road, Tonkin Highway and the Shire of Kalamunda. The MKSEA is currently being investigated for potential future industrial development.

Before the MKSEA can be developed, an appropriate planning framework needs to be established to ensure future development occurs in a proper and orderly manner. This involves the rezoning of land at both the state and local level and requires the preparation of land use plans. This process must follow a logical order and is to be supported at each phase by an adequate level of planning investigation and assessment.

**Draft Local Planning Policy**

The area includes a variety of geographical features which dictates the nature of planning investigation and assessment required to progress the planning for each precinct. Of most significance are the wetlands, water courses, remnant bushland and unique flora which need an appropriate level of assessment and consideration so they can be integrated within the future development of MKSEA in a sustainable manner.

The Draft LPP (as contained in Appendix 13.5.1B) sets out planning investigation and assessment tasks required at each phase of the planning process. It identifies the responsibility for the preparation and progression of planning and provides criteria on which subdivision and development applications are to be assessed.

*Item 13.5.1 Continued*

## **DISCUSSION**

### **Consultation**

In accordance with Resolution 150, the Draft LPP was advertised for public comment by way of:

- Advertisement in a local newspaper for two consecutive weeks
- Display on the City's website, at the Civic Centre and at City Libraries
- Letters to all landowners within and immediately surrounding Precincts 2 and 3 of the MKSEA.

In response, the City received 55 submissions from landowners; seven objecting to the proposal, 13 providing comment and 35 indicating no objection.

A summary of these submissions and comments thereon is provided as Appendix 13.5.1A.

It should be noted that one submission raised comments beyond the scope of Council's consideration of this policy and was excluded from the Schedule of Submissions. The City will write to this submitter to address these concerns as a separate matter.

### **Issues for Consideration**

#### Time Taken to Progress Planning for the Area

Many landowners expressed concerns about the time taken for planning in Precincts 2 and 3 and have suggested that the Draft LPP should include timeframes for the completion of various planning phases.

The City has made every effort to progress the planning for Precincts 2 and 3 by working towards completing the necessary tasks required to gain the support from the Planning Commission to rezone the land from Rural to Industrial.

To this end the City has achieved the following:

- Attained support from the Environmental Protection Authority (EPA) through the preparation of an Environmental Scoping Document (ESD) which provides details on how various environment issues in the area are to be addressed at each planning phase
- Recommended that the Western Australian Planning Commission (WAPC) initiate an amendment to the Metropolitan Region Scheme (MRS) to rezone MKSEA from the Rural zone to the Industrial zone
- Commissioned the preparation of a District Water Management Strategy which details how stormwater is to be managed in a manner that supports future industrial development



*Item 13.5.1 Continued*

- Prepared a Local Structure Plan that provides valuable information pertaining to the regional transport network, environmental attributes and drainage areas of the MKSEA that will guide future preparation of Outline Development Plans (ODP)
- Commissioned the preparation of a Bushfire Hazard Level Assessment, as required by the WAPC, in accordance with Draft State Planning Policy 3.7 - "Planning for Bushfire Risk", and associated guidelines
- The preparation of this Draft LPP as an information tool for landowners and developers in that it outlines the planning phases that need to be completed and the information required to support each phase, in order for future development to occur.

Providing timeframes for the completion of planning phases in the Draft LPP cannot be accurately predicted due to the need for cooperation and dialogue with various state agencies at each step of the process. The reality is that the planning required for the MKSEA is a massive undertaking requiring a number of investigations in specialised fields and involves a number of reporting and assessment processes. Nevertheless the planning for MKSEA is a priority for the City and it will endeavour to continue to progress planning in a timely manner.

Because timeframes cannot be predicted accurately, it is recommended that timeframes for the completion of the various planning phases not be included in the policy.

Purpose of the Local Structure Plan (LSP)

Questions have been raised as to the purpose of the LSP with concern that it proposes to slow the progress of planning for the MKEA as an additional step in the process.

The LSP is a broad level framework that provides valuable information pertaining to the regional transport network, environmental attributes and drainage areas of the MKSEA.

Rather than hinder the planning of the MKSEA it is more likely to expedite progress in that it provides an important foundation to facilitate the future preparation of ODP's.

Notwithstanding the above, the LSP is required by the EPA and WAPC to enable the support of those agencies to rezone the MRS. If it is not provided it could potentially slow down planning progress for the MKSEA.

In view of the above it is recommended that the requirement for the LSP remain in the draft policy.

District Water Management Strategy (DWMS) Concept Plan

Some concerns have been raised regarding the details shown on a concept plan prepared to facilitate the preparation of a DWMS. As part of a landowner update on the progress of the MKSEA the City sent this concept plan to landowners. This concept plan showed a number of new roads, wetlands and buffers, other areas of environmental interest and areas of public space required for drainage purposes.

*Item 13.5.1 Continued*

The concept plan was intended as a guide to facilitate the preparation of a DWMS and is clearly labelled as such. In respect to the location of proposed new roads these are indicative only and are not bound by a statutory framework. Except for any significant road links shown on the LSP all other new local road networks will be determined through the preparation of ODP's and landowners will be given the opportunity to comment through the consultation process.

Areas of Public Open Space (POS) have been strategically located to serve a drainage function for future development, and are based on the existing hydrology and ecology of the area. The concept is subject to refinement which will be determined through the preparation of ODPs however the open space areas will generally be required in the locations shown.

Separate Precinct Planning for 2, 3a and 3b and the Kalamunda Wedge

Many landowners raised concerns that the current planning for MKSEA, which proposes to rezone the MRS which for Precincts 2, 3a and 3b, may slow the progress of planning for individual precincts if an issue arises in one precinct.

Concerns have also been raised that the progression of planning work for the portion of land in the MKSEA contained within the Shire of Kalamunda (referred to as the Kalamunda wedge) may also slow the progress of the MRS rezoning.

For similar reasons many landowners are also concerned that a plan in the Draft LPP does not show Precincts 3a and 3b as separate precincts but rather as one precinct, being Precinct 3.

The consideration of Precincts 2, 3a and 3b and the Kalamunda wedge as a single proposal to rezone the MRS is not expected to slow the progress of planning for any one precinct. In fact, in seeking the support of the EPA and Planning Commission to have the area rezoned it is vital that these precincts be considered together as they are interrelated in terms of their broader district drainage function, ecological links and regional transport network.

The combined planning approach for the Kalamunda wedge and Precincts 2 and 3 will necessarily disappear when the Shire of Kalamunda and City of Gosnells rezone their respective town planning schemes. This is recognised in Figure 3 in the Draft LPP. In the meantime, it should be noted that the City is endeavouring to assist the Shire of Kalamunda to complete its planning tasks for that area of land.

In respect to the MKSEA contained within the City's boundaries, the appropriate time to separate the area into precincts is at the ODP stage whereby more detailed planning can occur and more site specific consideration can be given to the various planning issues within a defined area.

Submitters are correct in their observation that the Draft LPP shows a plan that does not differentiate between Precincts 3a and 3b. The precincts were intentionally shown as one precinct (Precinct 3) to provide flexibility in the determination of boundaries for future ODP's. It is possible that the future planning for the MKSEA may involve the preparation of several ODP's which include areas of Precincts 3a and 3b under a single ODP. Hence to avoid restrictions posed by boundaries conceptually shown on the original concept plan, it was considered that Precincts 3a and 3b be shown as one

*Item 13.5.1 Continued*

precinct so that different boundaries can be determined through detailed planning at the ODP stage.

In view of the above it is recommended that Precincts 3a and 3b which are shown in the draft policy as being contained within Precinct 3 remain as shown.

Flexibility at Various Planning Phases

One submitter is seeking assurance that the Draft LPP will be as flexible as possible in terms of progressing the planning for MKSEA in the timeliest manner achievable. In this regard it has been questioned whether some of the various planning phases can be progressed concurrently to expedite the planning for MKSEA further.

Nothing in the Draft LPP Policy restricts the progression of planning phases concurrently. However this can only occur to the extent that the highest order planning phase of the two is completed first in order to establish a statutory basis to complete the next one.

It should be noted that the City intends to progress the planning for the MKSEA to the extent that the MRS rezoning has been completed and rezoning of the local Scheme occurs to introduce a Business Development zone. It is anticipated that following completion of these planning phases, landowners will coordinate the preparation of ODP's and consolidate the planning for their properties into discrete cells.

Notwithstanding the above, to expedite the planning for the MKSEA the City proposes to initiate the rezoning of the local Scheme to introduce the Business Development zone to the remaining land in MKSEA concurrently with the rezoning of the MRS. Ultimately the rezoning the local Scheme to Business Development zone requires approval by the Minister of Planning, which will be considered once the MRS has been approved.

In view of the above it is recommended that the draft policy remain as is.

Clarification on Wetlands, Flora and Fauna

Many landowners sought clarification as to how wetlands and significant flora and fauna are to be considered as part of progressing the planning for the MKSEA. Some wanted assurance that environmental attributes will be protected while others suggested that these attributes were not present on their properties.

The LSP and the Draft LPP policy identify wetlands and a nominal surrounding buffer of 50 metres, as well as other areas of environmental concern for the purposes of guiding the future planning of the MKSEA.

The City commissioned Tauss and Western in September 2007 to undertake an environmental study of the MKSEA area, to provide a more detailed analysis of the environmental attributes identified by the Department of Parks and Wildlife (DPaW) Geomorphic Wetlands dataset. This information was seen as critical to more closely identifying environmental attributes that will require further investigation and to seek the support of the EPA for the MRS rezoning.

*Item 13.5.1 Continued*

In its current state, the area's environmental attributes are under threat of degradation. The redevelopment of the area through the MKSEA project provides an opportunity to secure the long term protection and management of the environmental attributes of the area.

Landowners will be required to commission a suitably qualified environment consultant to undertake site specific investigations of identified environmental attributes to ensure they are managed and protected. These investigations are typically done at more detailed planning phases such as the preparation of ODP's and the development of individual properties.

Amenity Impacts to Residential Area

Some landowners abutting Precincts 2 and 3 of the MKSEA raised a number of objections about the land being rezoned industrial while others were mainly concerned with the impacts to their residential amenity in future due to traffic, protection of environmental attributes and the types of land uses that will be located at the residential interface.

The MKSEA has been identified for future industrial purposes for many years and is identified in the State Government's Industrial Lands Strategy.

The planning for the MKSEA has recognised the need to consider the interface between residential and industrial land uses. This is shown on the original concept plan for MKSEA which indicates that land uses at this interface are to be more compatible in terms of their potential impact on residential amenity.

In respect of issues regarding traffic, work involved in the preparation of the LSP has taken into account the management of future traffic movement to ensure regional traffic impacts to the residential area are minimised. As such it is expected that the future road network will direct traffic away from the portion of Bickley Road abutting the residential area and out toward Tonkin Highway. The detailed planning for the road network and land uses at the residential interface will need to be considered at the ODP planning phases and landowners will be given the opportunity to comment at the appropriate planning stage.

**CONCLUSION**

The draft local planning policy will clarify the matters that need to be addressed and the nature of assessment required to establish a planning framework to facilitate future development of the MKSEA. It also serves as an important decision-making tool to guide the assessment and determination of subdivision and development applications on land within Precincts 2 and 3 of the MKSEA.

It will therefore be recommended that Council adopt the draft Local Planning Policy for the Maddington Kenwick Strategic Employment Area.

*Item 13.5.1 Continued*

## FINANCIAL IMPLICATIONS

Nil.

## STATUTORY IMPLICATIONS

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

## VOTING REQUIREMENTS

Simple Majority required.

STAFF RECOMMENDATION (1 OF 2) AND COUNCIL RESOLUTION
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### 256 Moved Cr R Mitchell Seconded Cr P Griffiths

That Council, pursuant to Clause 2.4.2(a) of Town Planning Scheme No. 6, notes the submissions received in respect of the Local Planning Policy - Maddington Kenwick Strategic Employment Area.

CARRIED 10/0

**FOR:** *Cr W Barrett, Cr J Brown, Cr D Goode, Cr P Griffiths, Cr R Hoffman, Cr R Lawrence, Cr R Mitchell, Cr O Searle, Cr P Yang and Cr D Griffiths.*

**AGAINST:** *Nil.*

STAFF RECOMMENDATION (2 OF 2) AND COUNCIL RESOLUTION
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### 257 Moved Cr R Mitchell Seconded Cr P Griffiths

That Council, pursuant to Clause 2.4.2(b) of Town Planning Scheme No. 6, adopts the Local Planning Policy - Maddington Kenwick Strategic Employment Area, as contained in Appendix 13.5.1B.

CARRIED 10/0

**FOR:** *Cr W Barrett, Cr J Brown, Cr D Goode, Cr P Griffiths, Cr R Hoffman, Cr R Lawrence, Cr R Mitchell, Cr O Searle, Cr P Yang and Cr D Griffiths.*

**AGAINST:** *Nil.*

**13.5.5 DEVELOPMENT APPLICATION - NINE MULTIPLE DWELLINGS - 11 (LOT 212) DEBENHAM STREET, THORNLIE**

Author: M Wallace  
Author's Declaration Nil.  
of Interest:  
Reference: Nil.  
Application No: DA14/00127  
Applicant: Infill Property Group  
Owner: Infill Property Developments Pty Ltd & Sportline Holdings Pty Ltd  
Location: 11 (Lot 212) Debenham Street, Thornlie  
Zoning: MRS: Urban  
TPS No. 6: Residential R20/R60  
Review Rights: Yes. State Administrative Tribunal against any discretionary decision of Council.  
Area: 875m<sup>2</sup>  
Previous Ref: Nil.  
Appendices: 13.5.5A Site, Floor and Elevation Plans  
13.5.5B Schedule of Submissions

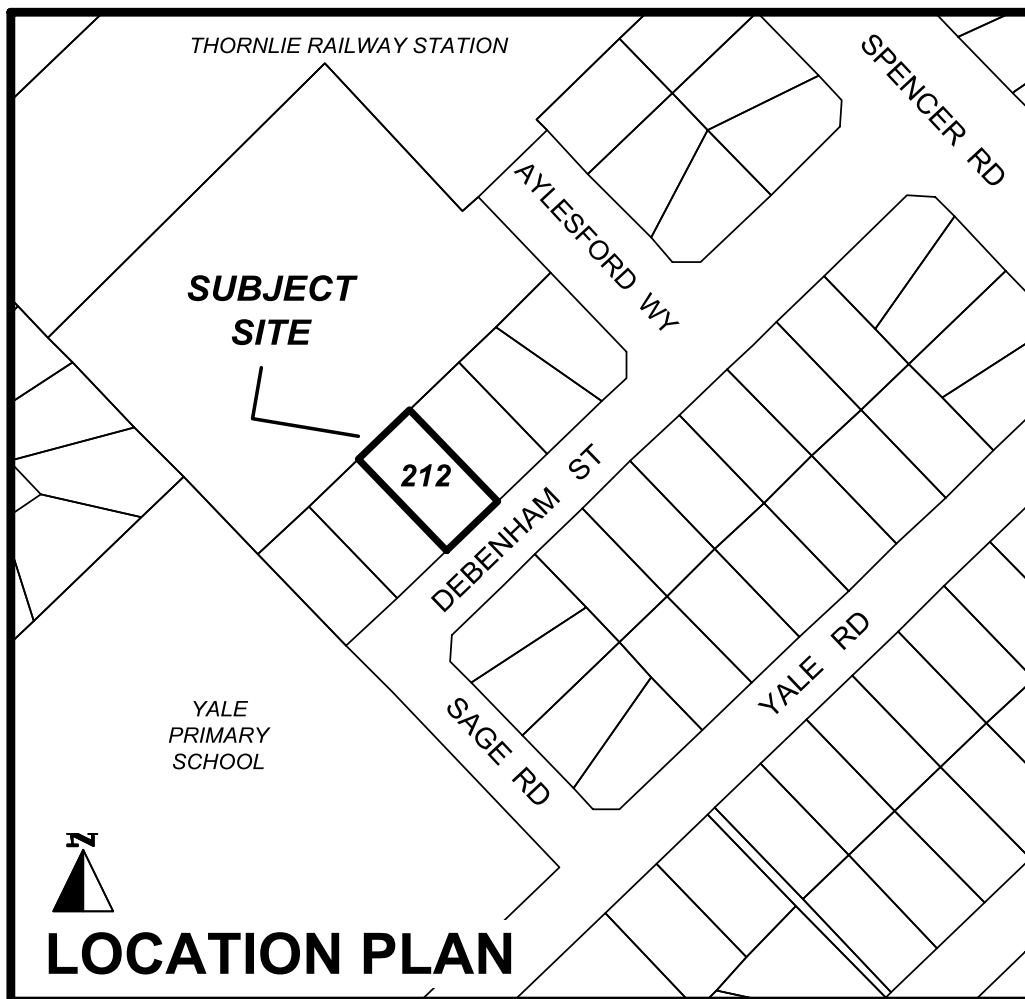
**PURPOSE OF REPORT**

For Council to consider an application for planning approval for nine Multiple Dwellings at 11 (Lot 212) Debenham Street, Thornlie, 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 is located approximately 45m from Yale Primary School, and contains an existing single storey dwelling. The property abuts Aylesford Way Reserve, and is surrounded by low to medium density residential development.

A map identifying the location of the subject site follows.

*Item 13.5.5 Continued*

### Proposal

The application involves the following:

- The construction of nine multiple dwellings, in the form of a two-storey building
- The development consists of one single bedroom dwelling and eight two-bedroom dwellings
- The development proposes a 2.5m setback from the main building line to Debenham Street
- The development proposes a 1.7m setback to Aylesford Way Reserve
- The provision of a common property driveway from Debenham Street
- The provision of nine residential car parking bays, and three visitors' bays.

The site, floor and elevation plans are contained as Appendix 13.5.5A.

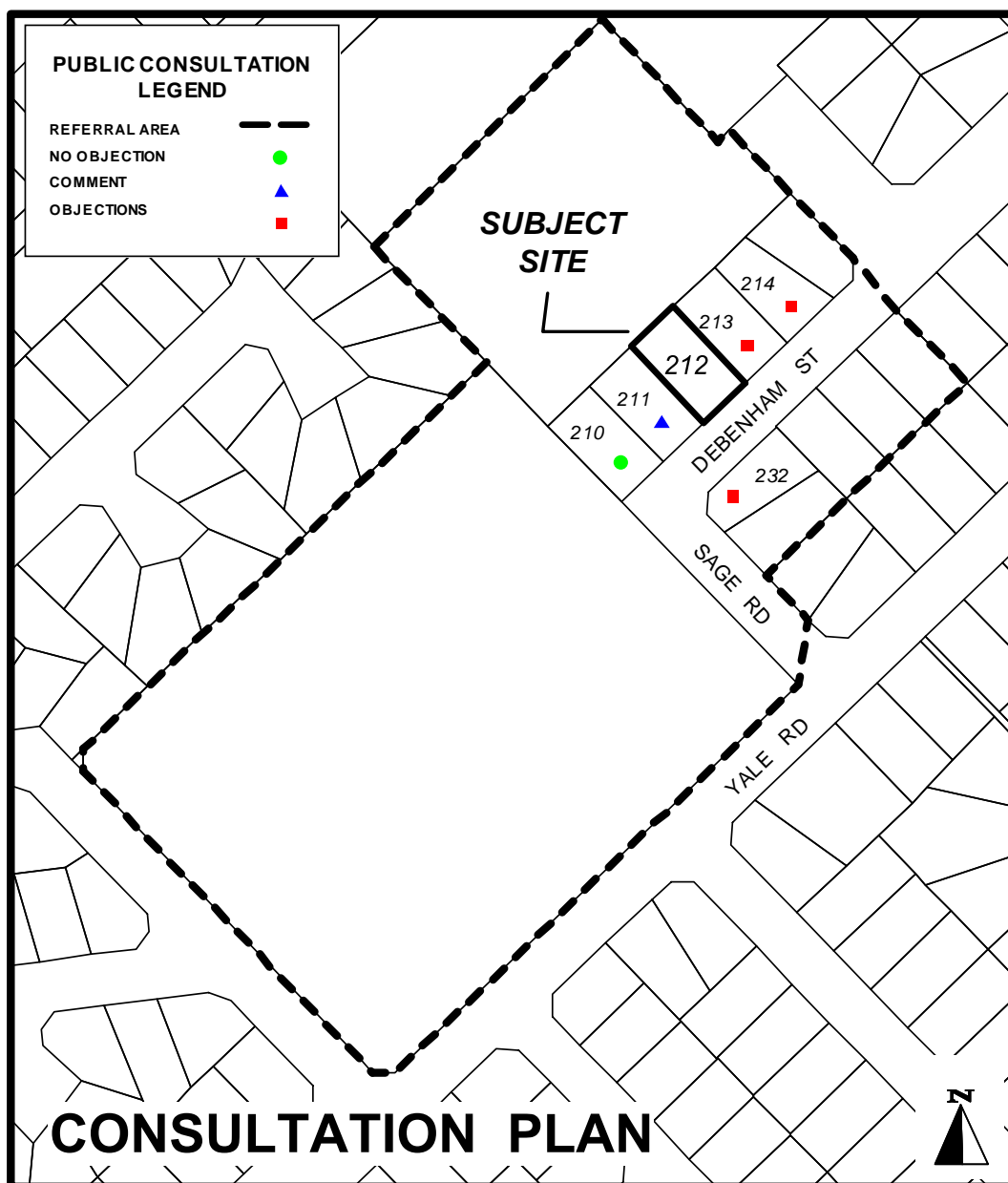
Item 13.5.5 Continued

**Consultation**

The proposal was advertised for public comment in accordance with TPS 6 requirements, for a period of 14 days, being from 8 May 2014 to 22 May 2014. Letters were sent to the owners of 12 properties within the consultation area. In addition, four occupiers of properties were also invited to comment.

Five submissions were received during the advertising period, three objecting to the proposal, one commenting on the proposal, and one submission providing no objection. A summary of these submissions and comments thereon are provided in Appendix 13.5.5B.

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





*Item 13.5.5 Continued*

The main issues raised in the submissions are as follows:

- Appropriateness of proposal given the existing surrounding residential development
- Traffic.

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 R20/R60 under TPS 6. In accordance with TPS 6, a Multiple Dwelling is an "A" use in the Residential zone, meaning it is not permitted unless the local government has exercised its discretion by granting planning approval following advertising.

**Local Planning Policy 4.10 - Subdivision and Development Abutting Public Spaces**

Council's Subdivision and Development Abutting Public Spaces Policy provides guidance on the assessment and determination of applications for subdivision or development of areas abutting Public Spaces.

The application has been assessed against and complies with all relevant provisions of the Policy, in terms of the required surveillance of the abutting Aylesford Way Reserve.

**Residential Design Codes (R-Codes)**

The R-Codes include Deemed-to-Comply Criteria (prefixed by "C") and Design Principles (prefixed by "P"). Applications not complying with the Deemed-to-Comply Criteria can be assessed against the relevant Design Principles, with that assessment guided by the City's Local Planning Policy 1.1.1 - Residential Development (LPP 1.1.1). LPP 1.1.1 prescribes:

- Standards used to determine whether certain Design Principles of the R-Codes are met (Column B)
- Standards of development the City considers to be unacceptable (Column C).

The subject proposal complies with all the relevant Deemed-to-Comply criteria of the R-Codes or Column B criteria of LPP 1.1.1, including provisions relating to density and carparking.

**Traffic**

A number of the submissions raised concerns about the traffic congestion anticipated on Debenham Street due to the existing traffic from Yale Primary School, and the increased residential density of the area. Debenham Street is a short road leading to a service lane parallel to Spencer Road. It is therefore anticipated that the majority of traffic to and from the school uses Yale Road to access Spencer Road. Although it can

*Item 13.5.5 Continued*

be argued that the cumulative impact of additional traffic in the area will have some impact on traffic congestion, the effect in this case is minimal due to the limited number of developments that can occur on Debenham Street.

Furthermore, Debenham Street is designated as an Access Road under the City's adopted Road Network Hierarchy which is able to accommodate a maximum desirable volume of 3,000 vehicles per day. The additional traffic the proposal will generate is not anticipated to impact negatively upon the surrounding roads' functionality. Therefore, the proposal is considered acceptable from a traffic, safety and access perspective.

**CONCLUSION**

The proposal is supported for the following reasons:

- The proposal complies with the requirements of the R-Codes and the City's Residential Development Policy
- The proposal is consistent with the R60 designation applicable to the subject land
- The proposal provides a greater diversity of housing options within the local area
- The proposal is considered to enhance the amenity of the locality by providing passive surveillance to Aylesford Way Reserve.

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
- Local Planning Policy 1.1.1 - Residential Development
- Local Planning Policy 4.10 - Subdivision and Development Abutting Public Spaces.

**VOTING REQUIREMENTS**

Simple Majority required.

Item 13.5.5 Continued

STAFF RECOMMENDATION AND COUNCIL RESOLUTION
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**258 Moved Cr R Mitchell Seconded Cr R Lawrence**

That Council approves the application for nine Multiple Dwellings at 11 (Lot 212) Debenham Street, Thornlie, dated 28 March 2014, subject to the following conditions:

1. All cut and fill is to be retained within the property boundaries by retaining walls designed by a structural engineer and constructed of masonry or a similar approved material.
2. Existing structures nominated on the approved plan are to be demolished to the satisfaction of the City.
3. A landscape plan for the development site and the adjoining road verge(s) is to be submitted in accordance with the City's Landscaping Plan Information Sheet, to the satisfaction of the City's Manager Parks and Environmental Operations, prior to the lodgement of a building permit application.
4. Landscaping and irrigation of the development site and adjoining road verges is to be installed prior to occupying the proposed development, and thereafter maintained, in accordance with the approved landscaping plan to the satisfaction of the Manager of Parks and Environmental Operations.
5. A Waste Collection Management Statement, which details the manner by which rubbish and recycling bins are to be collected from the site, is to be submitted, prior to the lodgement of the building permit application, and thereafter implemented to the City's satisfaction.
6. The drainage plan, endorsed by the City's Technical Services branch on 22 May 2014, is to be implemented, and all required drainage infrastructure thereafter maintained, to the satisfaction of the City.
7. The common property accessway being constructed and drained at the developer's cost to the specifications and satisfaction of the City.
8. The carparking 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 the City's standards in accordance with the approved plan and Table 3B of Town Planning Scheme No. 6.
9. The site is to be connected to the reticulated sewerage system.
10. Fencing abutting Aylesford Way Reserve shall be visually permeable in accordance with Local Planning Policy 4.10.

CARRIED 9/1

**FOR:** Cr W Barrett, Cr D Goode, Cr P Griffiths, Cr R Hoffman, Cr R Lawrence, Cr R Mitchell, Cr O Searle, Cr P Yang and Cr D Griffiths.

**AGAINST:** Cr J Brown.

**13.6.1 DESIGNATION OF DOG EXERCISE AREAS AND AREAS WHERE DOGS ARE PROHIBITED**

Author: J Lamp

Author's Declaration Nil.

of Interest:

Previous Ref: Nil.

Appendix: 13.6.1A Part 5 of the City of Gosnells Dogs Local Law 2011  
13.6.1B Schedule 4 of the City of Gosnells Dogs Local Law 2011

**PURPOSE OF REPORT**

For Council to consider the designation of dog exercise areas and areas where dogs are prohibited following amendments to the *Dog Act 1976*.

**BACKGROUND**

The City's Dogs Local Law 2011 currently specifies the areas within the City where dogs are prohibited and also specifies all designated dog exercise areas.

Recent changes to the *Dog Act 1976* (Dog Act) removed the ability for local governments to designate areas as dog exercise areas and areas where dogs are prohibited through local laws. The amendments also provided a sunset date of 31 July 2014 when existing local law provisions dealing with dog exercise areas and areas where dogs are prohibited become invalid.

The amended Dog Act now enables local governments to establish dog exercise areas or specify places where dogs are prohibited via a Council resolution rather than through a local law. The amendments to the Dog Act are supported as they reduce unnecessary bureaucracy associated with establishing dog exercise areas and areas where dogs are prohibited; however, they require Council to re-establish these areas through a Council resolution.

Part 5 of the City's Dogs Local Law specifies which areas in the City are "places where dogs are prohibited absolutely". Schedule 4 of the local law specifies the areas within the City which are designated as dog exercise areas. Copies of these sections of the local law are attached as Appendix 13.6.1A and Appendix 13.6.1B, respectively.

**DISCUSSION**

Following amendments to the Dog Act, Council may make a resolution designating "Dog exercise areas" and "Places where dogs are prohibited absolutely" rather than having to prescribe these areas in local laws. The Dog Act requires a local government to give public notice of its intention to specify such areas at least 28 days prior to making a determination. However, the Department of Local Government and Communities has advised that unless there are changes to the areas currently specified in the local law, Council can resolve to designate these areas as dog exercise areas or areas where dogs are prohibited without the requirement to give public notice.

*Item 13.6.1 Continued*

As no changes to existing dog exercise areas or areas where dogs are prohibited are proposed, it is recommended that Council retains its existing dog exercise and dog prohibited areas.

### **FINANCIAL IMPLICATIONS**

Nil.

### **STATUTORY IMPLICATIONS**

Section 31(2B) and (3A) of the *Dog Act 1976* is relevant.

### **VOTING REQUIREMENTS**

Absolute Majority required.

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

#### **259 Moved Cr J Brown Seconded Cr P Griffiths**

That council approves the areas as detailed in Appendix 13.6.1B as "Designated dog exercise areas", except for the parts of those areas that:

- (a) have been set apart as a children's playground;
- (b) are being used for sporting or other activities, as permitted by the City, during the times of such use; or
- (c) are a car park.

**CARRIED BY ABSOLUTE MAJORITY 10/0**

**FOR:** Cr W Barrett, Cr J Brown, Cr D Goode, Cr P Griffiths, Cr R Hoffman, Cr R Lawrence, Cr R Mitchell, Cr O Searle, Cr P Yang and Cr D Griffiths.

**AGAINST:** Nil.

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

#### **260 Moved Cr J Brown Seconded Cr P Griffiths**

That council approves the following as areas of the City in which dogs are prohibited absolutely:

- (a) a public building unless permitted by a sign
- (b) a theatre or picture gardens
- (c) all businesses or vehicles classified as food businesses or food transport vehicles under the *Food Act 2008*; and
- (d) a public swimming pool.

**CARRIED BY ABSOLUTE MAJORITY 10/0**

**FOR:** Cr W Barrett, Cr J Brown, Cr D Goode, Cr P Griffiths, Cr R Hoffman, Cr R Lawrence, Cr R Mitchell, Cr O Searle, Cr P Yang and Cr D Griffiths.

**AGAINST:** Nil.

## **12. REPORTS OF COMMITTEE MEETINGS**

Nil.

## 13. REPORTS

### 13.1 CHIEF EXECUTIVE OFFICE

Nil.

## 13.2 COMMUNITY ENGAGEMENT

### 13.2.1 HISTORY AND HERITAGE ADVISORY GROUP MEETING - 5 JUNE 2014

Author: J Toomey

Author's Declaration Nil.

of Interest:

Previous Ref: Nil.

Appendix: 13.2.1A Minutes of the History and Heritage Advisory Group Meeting held on Thursday 5 June 2014

#### PURPOSE OF REPORT

For Council to receive the Minutes of the City of Gosnells History and Heritage Advisory Group (the Group) Meeting held on 5 June 2014.

#### BACKGROUND

In accordance with Policy 3.3.5 - City of Gosnells History and Heritage Advisory Group - Terms of Reference, the Group meets every two months to provide a community perspective on aspects of history and heritage within the care and control of the City of Gosnells. The Minutes of the meeting of the Group held on 5 June 2014 are attached as Appendix 13.2.1A.

#### DISCUSSION

There were no Proposed Actions from the Group meeting held on 5 June 2014 which require Council's consideration.

#### FINANCIAL IMPLICATIONS

Nil.

#### STATUTORY IMPLICATIONS

- City of Gosnells Policy No. 5.4.43 - Advisory Groups - Establishment and Operation
- City of Gosnells Policy No. 3.3.5 - City of Gosnells History and Heritage Advisory Group - Terms of Reference.

#### VOTING REQUIREMENTS

Simple Majority required.

*Item 13.2.1 Continued*

<b>STAFF RECOMMENDATION AND COUNCIL RESOLUTION</b>
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**261 Moved Cr J Brown Seconded Cr O Searle**

That Council receives the Minutes of the City of Gosnells History and Heritage Advisory Group Meeting held on Thursday 5 June 2014 attached as Appendix 13.2.1A.

**CARRIED 10/0**

**FOR:** *Cr W Barrett, Cr J Brown, Cr D Goode, Cr P Griffiths, Cr R Hoffman, Cr R Lawrence, Cr R Mitchell, Cr O Searle, Cr P Yang and Cr D Griffiths.*

**AGAINST:** *Nil.*

**13.3 CORPORATE SERVICES**

Nil.

## 13.4 INFRASTRUCTURE

### 13.4.1 TENDER 10/2014 - BUILDING CLEANING - COUNCIL ADMINISTRATION AND CIVIC CENTRE

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

#### PURPOSE OF REPORT

To advise Council of submissions received in relation to Tender 10/2014 - Building Cleaning - Council Administration and Civic Centre and recommend the most advantageous tender for the purpose of awarding a contract.

#### BACKGROUND

Tenders were advertised in The West Australian newspaper on Wednesday 30 April 2014 and closed at 2pm on 29 May 2014 to select a contractor to provide Building Cleaning - Council Administration and Civic Centre for a period of three years commencing 1 August 2014.

Submissions were received from the following companies:

Company Name	Address
A Cleaner World	3/187 High Street, Fremantle, WA 6160
Advanced National Services	30 Telford Circuit, Yatala, QLD 4207
Airlite Group	52 Roberts Street, Osborne Park, WA 6017
AMC Commercial Cleaning WA Pty Ltd	26/12 Cowcher Place, Belmont, WA 6104
Biooffice Pty Ltd	9 Paitt Street, Willagee, WA 6156
Bright Mark Cleaning	31 Regina Rd, Kelmscott, WA PC 6111
Chris Cleaning and Lite Services	6 Haffner Court, Maddington, WA 6109
Cleandustrial Services Pty Ltd	19 Parkinson Lane, Kardinya Business Park, WA 6163
DMC Cleaning	5/40 Lord Street, East Perth, WA 6004
Dominant Property Services	9 McCaskill Way, Noranda, WA 6062
DRD Partners T/A Southern Cross Cleaning	Unit 7/207 Bank Street, East Victoria Park, WA 6100
Du Clene Pty Ltd	UNIT 2, 290 Victoria Road, Malaga, WA 6090
Glad Cleaning Service T/A Glad Group	672 Murray Street, West Perth WA 6005
International Cleaning Service	27 King Street, Norwood SA 5067
JC Group WA Pty Ltd	37 Railway Avenue, Kelmscott, WA. 6111
Mastercare Property Services	11 Church Street, Northbridge, WA 6003
Mission Impossible Cleaning	Unit 3/2 Panama Street, Canning Vale WA 6155
Multiclean WA Pty Ltd	1/10 Stanford Way, Malaga, WA 6090
OCE Corporate	Level 3, 267 St Georges Terrace, Perth WA 6000
Quad Services Pty Ltd	12 Carlotta Street, Artarmon NSW 2064
Quayclean Australia Pty Ltd	WA Athletics Stadium, Aisle 1, Herb Elliott Drive, Mount Claremont WA 6010
TJS Service Group Pty Ltd	8 Morric Place, Innaloo, WA 6018



*Item 13.4.1 Continued*

The work is currently undertaken by DMC Cleaning at a total annual cost of \$82,990.89.

**DISCUSSION**

Tender submissions have been assessed by the Evaluation Panel against the evaluation criteria defined within the tender specification: Relevant Experience, Capacity to Deliver the Services, Service Delivery Plans indicating Methodology and the major criteria - price.

The following table details the assessment of each tender against the qualitative evaluation criteria as determined by the Panel.

<b>Tenderer</b>	<b>Relevant Experience</b>	<b>Capacity to Deliver the Services</b>	<b>Service Delivery Plans indicating Methodology</b>	<b>Total Qualitative Score</b>
Weighting	15%	15%	15%	45%
A Cleaner World	6	6	9	24
Advanced National Services	9	9	9	27
Airlite Group	9	9	6	24
AMC Commercial Cleaning WA Pty Ltd	9	9	6	24
Biooffice Pty Ltd	0	0	0	0
Bright Mark Cleaning	6	6	9	21
Chris Cleaning and Lite Services	6	6	0	12
Cleandustrial Services Pty Ltd	15	15	12	42
DMC Cleaning	15	15	15	45
Dominant Property Services	9	9	0	18
DRD Partners T/A Southern Cross Cleaning	9	9	12	30
Du Clene Pty Ltd	9	9	9	27
Glad Cleaning Service T/A Glad Group	9	12	12	33
International Cleaning Service	6	6	9	21
JC Group WA Pty Ltd	12	12	6	30
Mastercare Property Services	9	9	9	27
Mission Impossible Cleaning	12	12	9	33
Multiclean WA Pty Ltd	12	9	9	30
OCE Corporate	12	12	9	33
Quad Services Pty Ltd	9	9	6	24
Quayclean Australia Pty Ltd	12	9	9	30
TJS Service Group Pty Ltd	9	9	6	21

*Item 13.4.1 Continued*

The tenders received from A Cleaner World, Airlite Group, AMC Commercial Cleaning WA Pty Ltd, Biooffice Pty Ltd, Bright Mark Cleaning, Chris Cleaning and Lite Services, Dominant Property Services, International Cleaning Service, JC Group WA Pty Ltd, Quad Services Pty Ltd and TJS Service Group Pty Ltd did not display an ability to meet the minimum requirement of this contract as their submissions did not demonstrate either sufficient relevant experience, capacity to deliver the services or methodology required of this contract. Therefore, these tender submissions were excluded from further assessment due to the potential risk to the City.

The total costs of providing the service for the period of the contract for each remaining tender are as follows:

Tenderer	1 August 2014 to 31 July 2017
	\$
Advanced National Services	214,290.00
Cleandustrial Services Pty Ltd	284,544.00
DMC Cleaning	211,837.50
DRD Partners T/A Southern Cross Cleaning	213,408.00
Du Clene Pty Ltd	241,524.00
Glad Cleaning Service T/A Glad Group	229,823.50
Mastercare Property Services	337,946.88
Mission Impossible Cleaning	180,811.97
Multiclean WA Pty Ltd	223,136.92
OCE Corporate	224,000.00
Quayclean Australia Pty Ltd	237,016.69

The following table details the assessment of each tender against the price submitted.

Tenderer	Price
Weighting	55%
Advanced National Services	46
Cleandustrial Services Pty Ltd	35
DMC Cleaning	47
DRD Partners T/A Southern Cross Cleaning	47
Du Clene Pty Ltd	41
Glad Cleaning Service T/A Glad Group	43
Mission Impossible Cleaning	55
Multiclean WA Pty Ltd	45
OCE Corporate	44
Quayclean Australia Pty Ltd	42

*Item 13.4.1 Continued*

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

<b>Tenderer</b>	<b>Qualitative Criteria 45%</b>	<b>Price 55%</b>	<b>Total 100%</b>	<b>Overall Ranking</b>
Advanced National Services	27	46	73	6
Cleandustrial Services Pty Ltd	42	35	77	3
DMC Cleaning	45	47	92	1
DRD Partners T/A Southern Cross Cleaning	30	47	77	3
Du Clene Pty Ltd	27	41	68	8
Glad Cleaning Service T/A Glad Group	33	43	76	4
Mastercare Property Services	27	29	56	9
Mission Impossible Cleaning	33	55	88	2
Multiclean WA Pty Ltd	30	45	75	5
OCE Corporate	33	44	77	3
Quayclean Australia Pty Ltd	30	42	72	7

The submissions from the compliant tenderers were 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.

Referees were not contacted for the preferred tenderer as they are the City's current supplier and fulfil the requirement of the tender specification to a more than satisfactory standard.

Following the assessment of tenders against the evaluation criteria, the tender submitted by DMC Cleaning was assessed as being the most advantageous to the City.

### **FINANCIAL IMPLICATIONS**

The services associated with this contract are included in the 2014/15 budget and will be included in the relevant budgets for the life of the contract. The amount budgeted for 2014/15 is \$160,000 (which includes additional services not allocated within this contract, such as window cleaning, carpet cleaning, sanitary services, etc.).

### **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.

*Item 13.4.1 Continued*

## **VOTING REQUIREMENTS**

Simple Majority required.

<b>STAFF RECOMMENDATION AND COUNCIL RESOLUTION</b>
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### **262 Moved Cr J Brown Seconded Cr D Goode**

That Council awards Tender 10/2014 - Building Cleaning – Council Administration and Civic Centre to DMC Cleaning of 5/40 Lord Street, East Perth WA 6004, for the contracted sum of \$211,837.50 for a three-year period commencing 1 August 2014, subject to yearly rise and fall provisions.

**CARRIED 10/0**

**FOR:** *Cr W Barrett, Cr J Brown, Cr D Goode, Cr P Griffiths, Cr R Hoffman, Cr R Lawrence, Cr R Mitchell, Cr O Searle, Cr P Yang and Cr D Griffiths.*

**AGAINST:** *Nil.*

**13.4.2 TENDER 16/2014 - DEMOLITION OF THE MILLS PARK BOWLING CLUB  
- LOT 203 BRIXTON STREET, BECKENHAM**

Author: P McAllister  
 Author's Declaration of Interest: Nil.  
 Previous Ref: OCM 25 February 2014 (Resolution 57)  
 Appendix: Nil.

**PURPOSE OF REPORT**

To advise Council of submissions received in relation to Tender 16/2014 - Demolition of the Mills Park Bowling Club and other infrastructure - Lot 203 Brixton Street, Beckenham and recommend the most advantageous tender for the purpose of awarding a contract.

**BACKGROUND**

At its meeting of 25 February 2014, Council authorised staff to proceed with the invitation of tenders for the Mills Park Master Plan in accordance with Resolution 57 which reads:

*"That Council approves the invitation of tenders for the Mills Park Master Plan Works Packages One and Two."*

Prior to the invitation of tenders for the Work Packages, forward works including the demolition of the former Mills Park Bowling Club and other redundant infrastructure including practice cricket wickets and a BMX track are required. The site of the former bowls club will be redeveloped into the proposed Community Facility at Mills Park.

Tenders were advertised in The West Australian newspaper on Wednesday 14 May 2014 and closed at 2pm on 29 May 2014 to select a contractor to provide Tender 16/2014 - Demolition of the Mills Park Bowling Club and other infrastructure - Lot 203 Brixton Street, Beckenham.

A submission was received from the following company:

<b>Company Name</b>	<b>Address</b>
Brajkovich Demolition and Salvage (WA) Pty Ltd	PO Box 417, Northbridge WA 6865

**DISCUSSION**

The tender submission has been assessed by the Evaluation Panel against the evaluation criteria defined within the tender specification: Relevant Experience, Capacity to Deliver the Services, Service Delivery Plans including project methodology and the major criteria - Price.

Item 13.4.2 Continued

The price submitted follows:

<b>Tenderer</b>	<b>Price \$</b>
Brajkovich Demolition and Salvage (WA) Pty Ltd	148,000

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

<b>Tenderer</b>	<b>Relevant Experience</b>	<b>Capacity to Deliver the Services</b>	<b>Service Delivery Plans indicating Methodology</b>	<b>Total Qualitative Score</b>
Weighting	15%	15%	15%	45%
Brajkovich Demolition and Salvage (WA) Pty Ltd	12	12	9	33

The following table details the assessment of the tender against the price submitted.

<b>Tenderer</b>	<b>Price</b>
Weighting	55%
Brajkovich Demolition and Salvage (WA) Pty Ltd	55

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

<b>Tenderer</b>	<b>Qualitative Criteria %</b>	<b>Price %</b>	<b>Total %</b>	<b>Overall Ranking</b>
Brajkovich Demolition and Salvage (WA) Pty Ltd	33	55	88	1

The submission received satisfied the City's Occupational Health and Safety requirements, clearly addressed the qualitative criteria and demonstrated the ability to provide the City with the required services.

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

Following the assessment of the criteria, Brajkovich Demolition and Salvage (WA) Pty Ltd was assessed as being advantageous to the City. The tendered price is below the pre-tender estimate for this work.

Should the tender be awarded as recommended, works would commence on 4 August 2014 and take approximately six weeks to complete.

*Item 13.4.2 Continued*

### **FINANCIAL IMPLICATIONS**

The services associated with this contract are included in the budget for the Mills Park project.

### **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.

### **VOTING REQUIREMENTS**

Simple Majority required.

<b>STAFF RECOMMENDATION AND COUNCIL RESOLUTION</b>
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#### **263 Moved Cr R Lawrence Seconded Cr P Yang**

That Council awards Tender 16/2014 - Demolition of the Mills Park Bowling Club and other infrastructure - Lot 203 Brixton Street, Beckenham to Brajkovich Demolition and Salvage (WA) Pty Ltd of PO Box 417, Northbridge WA 6865 for the contracted sum of \$148,000 excluding GST.

**CARRIED 10/0**

**FOR:** Cr W Barrett, Cr J Brown, Cr D Goode, Cr P Griffiths, Cr R Hoffman, Cr R Lawrence, Cr R Mitchell, Cr O Searle, Cr P Yang and Cr D Griffiths.

**AGAINST:** Nil.

**13.4.3 PROPOSED LEASE OF PART LOT 3 STALKER ROAD, GOSNELLS (GOSNELLS RECREATION GROUND) TO TELSTRA CORPORATION LIMITED**

Author: J Flatow  
Author's Declaration of Interest: Nil.  
Previous Ref: Nil.  
Appendix: 13.4.3A Lease Plan

**PURPOSE OF REPORT**

To seek Council approval to enter into a new lease with Telstra Corporation Limited (Telstra) for part of Lot 3 Stalker Road, Gosnells.

**BACKGROUND**

The telecommunications site at Stalker Road consists of a monopole and three equipment cabins. The monopole and one of the cabins was the subject of a new lease arrangement which was reported at the 11 February 2014 Ordinary Council Meeting. The other two cabins are owned by Vividwireless and Telstra.

Telstra's current lease for the equipment cabin terminates on 28 February 2015 and the company is also seeking to secure its tenancy for an extended period.

Telstra has offered an annual rent of \$23,968.02 plus GST and annual rent increases of 3% per annum.

**DISCUSSION**

It will be proposed that the lease for the Telstra equipment cabin be allowed to see out its term and commence a new lease from 1 March 2015 for a nine-year period together with two five-year options. This will allow the proposed Telstra lease to coincide with Vodafone's monopole lease on the site which terminates on 28 February 2034.

The rental offer exceeds the latest licensed valuation provided to Council for facilities of this nature. A Landgate valuation dated 14 January 2014 advises that rental evidence has proven increasingly difficult to find as mobile networks in established areas have near full coverage and fewer sites are being required. The valuation advises that the annual base rental for the City is approximately \$20,000 per annum plus GST and outgoings.

**FINANCIAL IMPLICATIONS**

Rent commencing 1 March 2015 will be \$23,968.02 plus GST increasing annually from 1 March 2016 by 3% per annum. Local government rates for 2013/14 amount to \$1,251.71 and the Emergency Services Levy is \$223.52. Future local government rates will depend on valuations received and the rate struck by Council at its annual budget meetings.



*Item 13.4.3 Continued*

**STATUTORY IMPLICATIONS**

Section 3.58 of the *Local Government Act 1995* provides for the disposition of local government property that includes leasing.

**VOTING REQUIREMENTS**

Simple Majority required.

**STAFF RECOMMENDATION AND COUNCIL RESOLUTION**

**264 Moved Cr O Searle Seconded Cr P Yang**

That Council agrees, subject to no submissions raising substantive objections to the proposal being received following public advertising under the provisions of section 3.58 of the *Local Government Act 1995*, to lease to Telstra Corporation Limited part of Lot 3 Stalker Road, Gosnells in accordance with Appendix 13.4.3A on the following terms:

Lease commencement:	1 March 2015
Rental:	\$23,968.02 plus GST
Term of lease:	Nine years plus two, five-year options
Rent reviews:	3% per annum
Local government rates and the Emergency Services Levy:	Tenant
Utility costs:	Tenant.

**CARRIED 10/0**

**FOR:** *Cr W Barrett, Cr J Brown, Cr D Goode, Cr P Griffiths, Cr R Hoffman, Cr R Lawrence, Cr R Mitchell, Cr O Searle, Cr P Yang and Cr D Griffiths.*

**AGAINST:** *Nil.*

## **13.5 PLANNING AND SUSTAINABILITY**

### **13.5.1 DRAFT LOCAL PLANNING POLICY - MADDINGTON KENWICK STRATEGIC EMPLOYMENT AREA (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.

**13.5.2 DRAFT MODIFIED LOCAL PLANNING POLICY - SIGNAGE AND FLAGS**

Author: L Langford  
 Author's Declaration Nil.  
 of Interest:  
 Application No: PF14/00017  
 Previous Ref: OCM 13 March 2012 (Resolution 110)  
 Appendix: 13.5.2A Draft Modified Local Planning Policy 4.9 - Signage and Flags

**PURPOSE OF REPORT**

For Council to consider whether to advertise a draft modified Signage and Flags Policy.

**BACKGROUND**

On 13 March 2012, Council resolved (Resolution 110) to adopt Local Planning Policy 4.9 - Signage and Flags, which provides guidance for the assessment and determination of applications seeking planning approval for signs and flags.

It has become apparent through assessing development applications for signage that some Policy parameters are unnecessarily restrictive, in that they provide little or no benefit in achieving the objectives of the Policy. As such, it is considered that a review of the current Policy is warranted in order to simplify the assessment process.

**DISCUSSION**

**Proposed Modifications**

The most significant changes proposed in the draft modified policy, and the justifications for these changes are outlined in the table below.

No.	Summary of Change	Justification
1. <i>Pages 2, 3, 4 and 7</i>	The insertion of a general provision (applicable to all types of advertising devices) that states that no advertising devices shall interfere with or be hazardous to vehicular traffic and pedestrians.  The deletion of individual provisions relating to vehicular traffic and pedestrian safety from the criteria specified in Tables 1 and 2.	This provision has been included to avoid repetition, given that all signage should be subject to vehicular traffic and pedestrian safety considerations.
2. <i>Pages 3 and 5</i>	The insertion of a provision that states the maximum proportion of a building façade a wall sign can occupy.  The deletion of existing provisions relating to the amount and location of wall signage.	It is considered that this will simplify the assessment of wall signage by determining it on the basis of how much signage occupies a building façade.
3. <i>Page 5</i>	The insertion of a provision that states, for wall signage in commercial and industrial areas, the sign shall not project above the top of the wall (note: this provision is already provided for wall signs in rural areas).	It is considered that wall signs which protrude from the top of a wall will detract from the streetscape and are therefore not acceptable in a commercial or industrial area.

*Item 13.5.2 Continued*

No.	Summary of Change	Justification
4.  <i>Pages 3 and 5</i>	For wall signage, the maximum protrusion of a sign before it needs to achieve a ground clearance of 2.7m has been changed from 10mm to 30mm.	It is considered that the difference between 10mm and 30mm is negligible from a safety perspective. This modification will provide more flexibility in assessing wall signage applications.
5.  <i>Pages 3 and 7</i>	The deletion of the provision stating that portable signs shall not contain any lettering less than 120mm in height.	Given that portable signs are small and generally only intended for viewing by pedestrians or slow vehicles, it is considered that restricting the letter height is unnecessary.
6.  <i>Pages 3, 6 and 7</i>	The deletion of the side and rear setback provisions for pylon and monolith signs.	This provision is proposed to be deleted as it is considered that the setback of pylon signs and monolith signs from lot boundaries should be dependent on vehicular or pedestrian safety, which is proposed to be addressed by change No. 1 mentioned previously.
7.  <i>Pages 4, 7 and 10</i>	The deletion of provisions relating to direction signs.	These provisions have been removed from the Policy given that under Schedule 5 of Town Planning Scheme No. 6 (TPS 6), direction signs are exempt from requiring planning approval, and therefore assessment against the Policy will not be required.
8.  <i>Page 5</i>	The deletion of the provision stating that for roof signs in commercial and industrial areas only, the sign shall be a minimum 4m above the ground level.	It is considered that this stipulation is not necessary given that a roof sign will be located on the roof of a building, and is therefore restricted by the height of the building.
9.  <i>Page 5</i>	The deletion of the provision stating that semaphore signs shall not be erected under or over any verandah.	It is considered that this provision does not achieve any of the objectives under the Policy, and that it would not be unreasonable to allow for semaphore signs to be located under or over a verandah, providing they do not cause interference with or are hazardous to vehicular traffic and pedestrians. It should be noted that the illustration of a semaphore sign contained within Appendix 1 of the Policy shows it located under a verandah.
10.  <i>Page 6</i>	The deletion of the clause that states for verandah signs (on verandah fascias), the sign shall not exceed beyond the fascia of the building to which it is attached.	Under the locational criteria for verandah signs on verandah fascias, there is a provision which stipulates that the sign shall not project beyond the outer metal frame or the surround of the fascia of the building to which it is attached. It is considered that these provisions have the same meaning, and therefore one should be deleted.
11.  <i>Page 6</i>	The deletion of the clause that states that for verandah signs (on verandah fascias), the sign shall not be located within 2m of another such sign on the fascia of the same verandah.	It is considered that the current provision is too restrictive and the change will have a negligible impact on the streetscape.
12.  <i>Page 6</i>	For verandah signs (located under verandahs), a provision has been modified from requiring signage to be located in front of an entrance to a tenancy, to requiring the sign to be located near the entrance.	It is considered that the current provision is too restrictive and provides little benefit in achieving the objectives of the Policy. As such, the modified provision will provide for more flexibility.

*Item 13.5.2 Continued*

The most informative way to view the impacts of the changes is by viewing the draft modified policy showing the proposed changes is presented in Appendix 13.5.2A with new text shown as **bold and underlined** and deleted text shown as a ~~strikethrough~~ font.

**Statutory Process**

In accordance with Clause 2.4 of TPS 6, if Council supports the draft modified Policy, with or without any further modifications, it must be advertised for public comment for a period of not less than 21 days. Advertising is proposed to be undertaken in the following manner, consistent with the requirements of TPS 6:

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

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

**CONCLUSION**

It will be recommended that Council, pursuant to Clause 2.4 of TPS 6, adopts the draft modified Local Planning Policy 4.9 - Signage and Flags, as contained in Appendix 13.5.2A, for the purpose of advertising for public comment.

**FINANCIAL IMPLICATIONS**

The cost of advertising the draft modified Policy can be met from the Planning Implementation branch's operational budget.

**STATUTORY IMPLICATIONS**

Town Planning Scheme No. 6.

**VOTING REQUIREMENTS**

Simple Majority required.

*Item 13.5.2 Continued*

STAFF RECOMMENDATION AND COUNCIL RESOLUTION
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**265 Moved Cr R Lawrence Seconded Cr P Yang**

That Council, pursuant to Clause 2.4 of Town Planning Scheme No. 6, advertises the draft modified Local Planning Policy 4.9 - Signage and Flags, as contained in Appendix 13.5.2A, for public comment for a period of not less than 21 days, by way of:

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

**CARRIED 10/0**

**FOR:** *Cr W Barrett, Cr J Brown, Cr D Goode, Cr P Griffiths, Cr R Hoffman, Cr R Lawrence, Cr R Mitchell, Cr O Searle, Cr P Yang and Cr D Griffiths.*

**AGAINST:** *Nil.*

**13.5.3 AMENDMENT NO. 152 TO TOWN PLANNING SCHEME NO. 6 -  
RECODING OF LAND BOUND BY ALBANY HIGHWAY, PECKHAM  
STREET, BROMLEY STREET AND HARRIS STREET, BECKENHAM  
FROM RESIDENTIAL R17.5 TO RESIDENTIAL R25**

Author: L Langford  
Author's Declaration Nil.  
of Interest:  
Reference: Various.  
Application No: PF14/00001  
Applicant: Department of Housing  
Owner: Various  
Location: Various  
Zoning: MRS: Urban  
TPS No. 6: Residential R17.5  
Review Rights: Nil, however, final determination is with the Minister for  
Planning  
Area: 5.1165ha  
Previous Ref: OCM 25 February 2014 (Resolutions 53 and 54)  
OCM 17 December 2013 (Resolutions 559 and 560)  
Appendices: 13.5.3A Scheme Amendment Map  
13.5.3B Schedule of Submissions

**PURPOSE OF REPORT**

For Council to consider the final adoption of Amendment 152 to Town Planning Scheme No. 6 (TPS 6) which proposes to recode land bound by Albany Highway, Peckham Street, Bromley Street and Harris Street, Beckenham, from Residential R17.5 to Residential R25.

**BACKGROUND**

On 25 February 2014 Council resolved (Resolution 53) to initiate an amendment to TPS 6 to recode land bound by Albany Highway, Peckham Street, Bromley Street and Harris Street, Beckenham, from Residential R17.5 to Residential R25. A copy of the amendment map is contained as Appendix 13.5.3A.

**Site Description and Planning Framework**

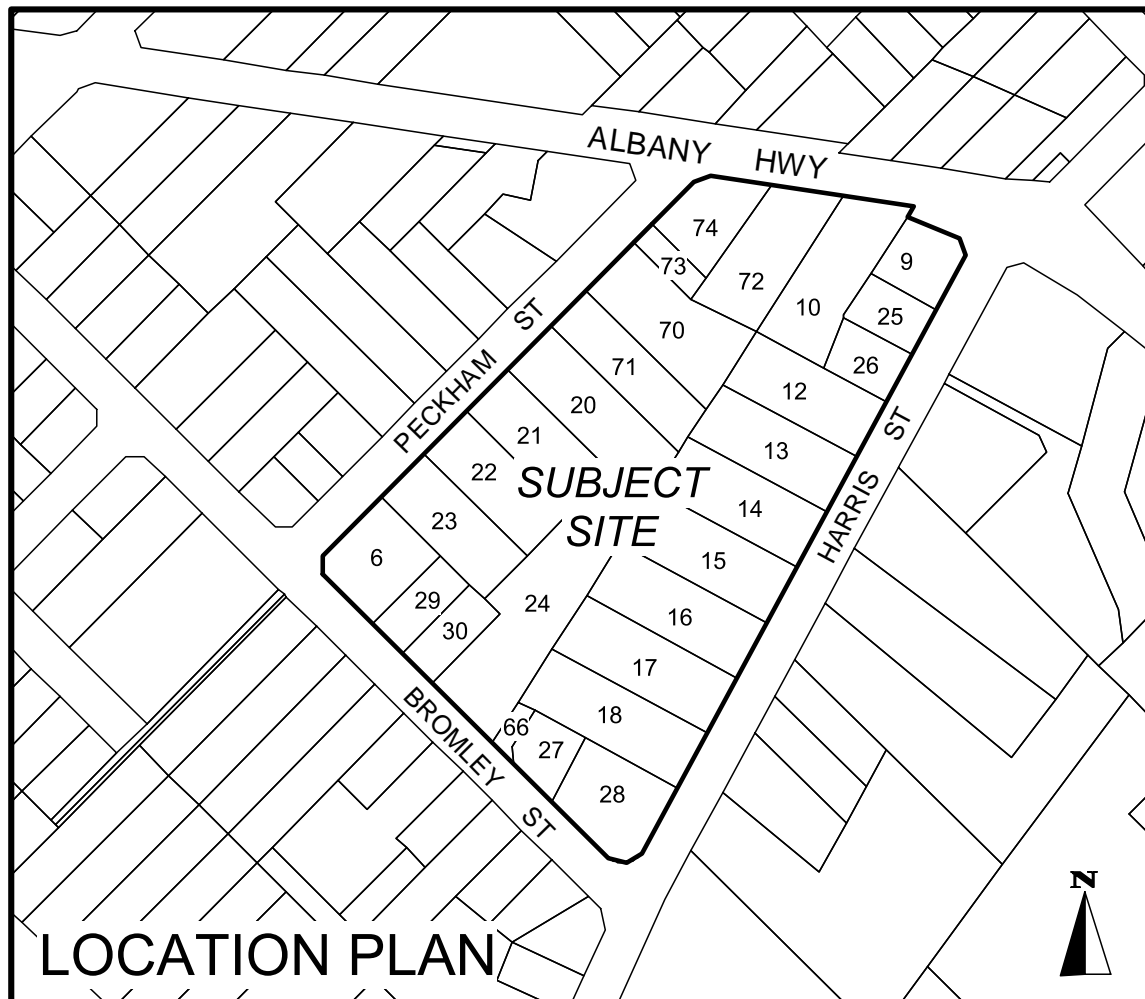
The subject land has a combined land area of approximately 5.1ha and is comprised of 26 properties ranging in area from 476m<sup>2</sup> to 3,696m<sup>2</sup>. Four of the landholdings are currently vacant, with the remaining lots each being occupied by single houses.

The land at its nearest point is located approximately 810m from the Beckenham Train Station and is surrounded by mostly low-density residential dwellings. All surrounding land in proximity to the site that is located south of Albany Highway has an R17.5 coding, and land to the north of Albany Highway has varying densities of between R30 and R60, with the highest density being located closest to the train station.

Item 13.5.3 Continued

The site is identified under Local Planning Policy 3.2 - Co-ordination of Infill Development (LPP 3.2) as forming part of the Peckham Street infill development precinct, where any development and subdivision is subject to Policy requirements relating to transport noise and heritage (where applicable). In terms of heritage, it should be noted that a property within the area, being 1575 (Pt Lot 10) Albany Highway, is a registered place in the City's Heritage Inventory.

A plan identifying the location of the site follows.



**Proposal**

The proposed Scheme Amendment involves recoding land bound by Albany Highway, Peckham Street, Bromley Street and Harris Street from Residential R17.5 to Residential R25.

The Residential Design Codes (R-Codes) stipulate that R17.5 coded land is to have a minimum lot size of 500m<sup>2</sup>, and an average of 571m<sup>2</sup>, while R25 coded land is to have a minimum lot size of 300m<sup>2</sup>, and an average of 350m<sup>2</sup>, for single houses, grouped dwellings and multiple dwellings.



*Item 13.5.3 Continued*

### **Consultation**

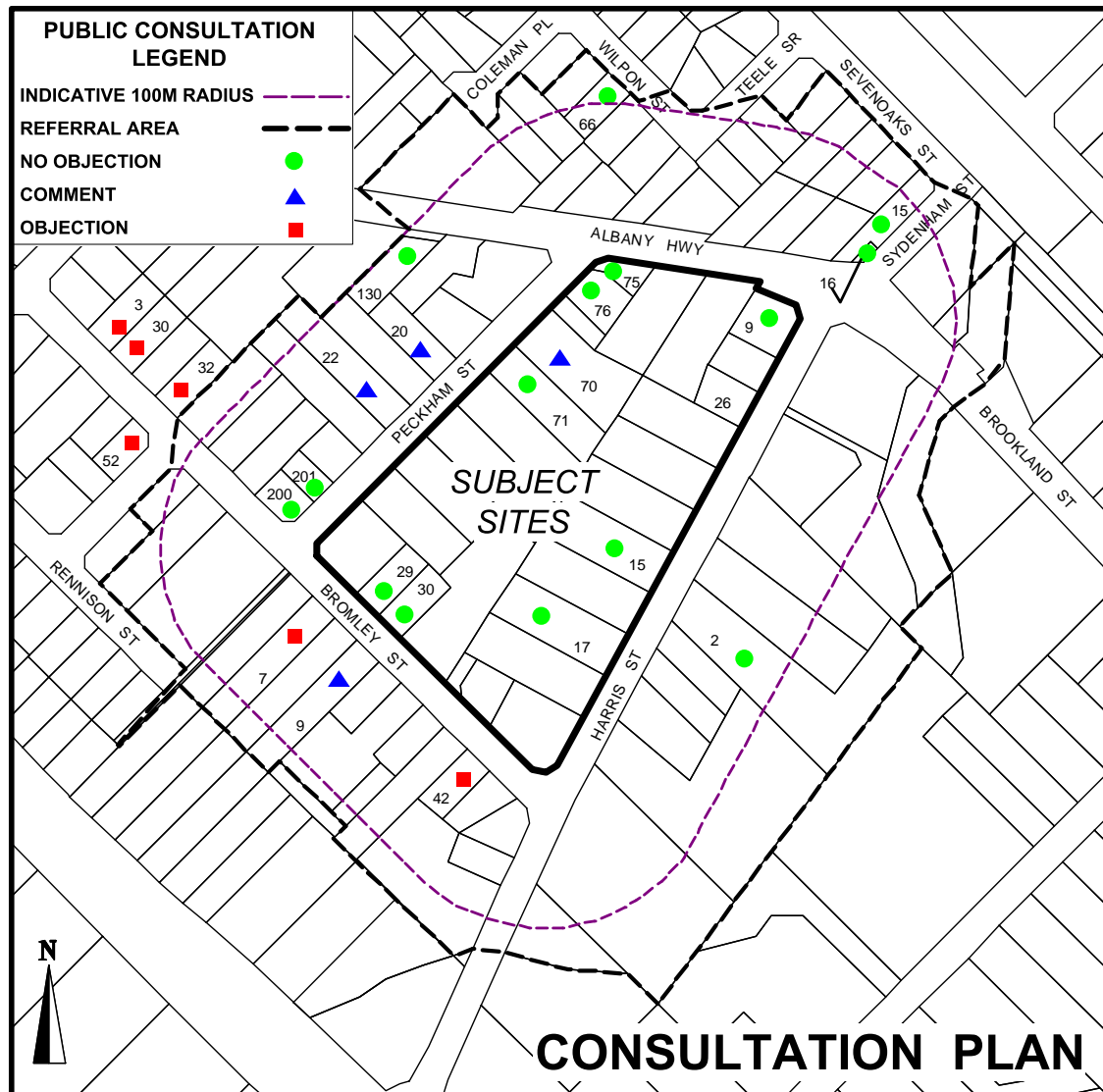
In accordance with Council's Resolution of 25 February 2014, Amendment 152 was referred to the Environmental Protection Authority (EPA) for comment. The EPA determined that no environmental assessment was required. The amendment was then advertised for public comment for a period of 45 days, being from 15 April 2014 to 23 May 2014, by way of:

- Letters being sent to 88 landowners and 30 occupiers within the amendment area and within a 100m radius of the amendment area
- Letters to relevant government agencies
- An advertisement placed in the Comment newspaper
- Advertising on the City's website
- Public displays at the City's Civic Centre and libraries.

The City received 30 submissions during the advertising period, with seven being received from government agencies and 23 from landowners/occupiers. Of the 23 submissions received from landowners/occupiers, six objected to the proposal, four provided comment and 13 raised no objection.

A map identifying the extent of the consultation area and the origin of the submissions follows. It should be noted that two landowners who submitted a no-objection each represent two properties within the consultation area.

Item 13.5.3 Continued



A summary of the submissions received and comments thereon are included in the Schedule of Submissions contained as Appendix 13.5.3B. The relevant issues raised in the submissions are as follows:

- Environmental impacts on Yule Brook
- Desire to expand the amendment area
- Increased traffic.

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

*Item 13.5.3 Continued*

## **DISCUSSION**

### **Proposed Residential Density**

Any proposed change in residential density must be considered in the context of the City's Local Housing Strategy (LHS).

The LHS is a strategic document that identifies certain areas within the City that are appropriate for increased residential densities, so as to cater for population growth and change, whilst contributing to a more sustainable form of residential development. The recommendations of the LHS are consistent with the objectives of relevant State planning documents such as Liveable Neighbourhoods and Directions 2031 and Beyond. Broadly, the objectives of the LHS are to:

- Provide diverse housing options through the provision of different built forms and densities
- Provide a more contained urban development with an emphasis on efficient use of facilities, services and infrastructure
- Encourage and facilitate sustainable design initiatives in keeping with Liveable Neighbourhoods and other Council Policies
- Encourage development that will enhance the amenity of residential areas, and ensure that new housing relates to the character and scale of existing residential development.

The LHS did not make any recommendations for density changes in this location, and generally only suggested density changes for land within a walkable catchment (800m) to train stations and activity centres.

Notwithstanding the above, it should be acknowledged that the area is located marginally outside the walkable catchment to Beckenham Train Station, and it is recognised that Liveable Neighbourhoods suggests a graduation of densities from such transport nodes. As mentioned previously, land on the northern side of Albany Highway has a coding of R30, and as such it is considered that the next lowest coding of R25, would be acceptable for this area. Furthermore, Albany Highway is considered to provide a logical boundary of separation between medium density and low density areas.

### **Urban Form**

In considering the impact that the proposed density change might have on the urban form of an area, Council should have regard to the surrounding streetscape characteristics and the potential urban form.

The following table summarises the main streetscape differences of built form for the R17.5 and the R25 codings as per the R-Codes.

*Item 13.5.3 Continued*

<b>R-Code Provision</b>	<b>R17.5</b>	<b>R25</b>
Lot Size		
<i>Single and Grouped Dwelling Average</i>	571m <sup>2</sup>	350m <sup>2</sup>
<i>Single and Grouped Dwelling Minimum</i>	500m <sup>2</sup>	300m <sup>2</sup>
<i>Multiple Dwelling</i>	571m <sup>2</sup>	350m <sup>2</sup>
Primary Street Setback		
<i>Average</i>	6m	6m
<i>Minimum</i>	3m	3m
Minimum Lot Width	12m	8m

It is considered that the resulting urban form of an R25 coding would not be dissimilar to the current density, as many of the provisions under the R-Codes, including setbacks and open space requirements, are the same. One noticeable difference would be the minimum frontage requirements which is 12m from lots coded R17.5 and 8m for lots coded R25. This difference however is not considered likely to compromise the low-density residential amenity of the area.

**Traffic**

Four submissions raised concerns about the amendment resulting in an increase in traffic on the local roads in the area. Under the Council's adopted Road Network Hierarchy, the immediate surrounding streets (with the exception of Albany Highway) are all designated as Local Access Roads, which are able to accommodate a maximum volume of 3,000 vehicles per day. Any additional traffic the amendment will generate is not anticipated to impact negatively upon the functionality of the surrounding roads, nor will it result in an increase in the number of vehicle movements beyond what could be reasonably expected in a residential area. Furthermore, the precinct is located within 1km of the Beckenham Train Station (representing a 10-15 minute walk), which is expected to encourage the use of public transport services as opposed to the private car.

**Transport Noise**

There are a number of properties within the precinct that are potentially impacted, or may be impacted in the future by adverse traffic noise from Albany Highway. State Planning Policy 5.4 - Road and Rail Transport Noise and Freight Considerations in Land Use Planning (SPP 5.4) aims to protect major transport corridors from incompatible urban encroachment and protect people from unreasonable levels of transport noise by establishing a standardised set of criteria to be used in the assessment of proposals.

For those properties which are potentially impacted by transport noise, a noise assessment will be required at the time of subdivision and development which demonstrates compliance with the parameters contained in SPP 5.4. The noise assessments may require a development to employ a number of building design elements (such as thicker glazing for windows) or require notifications on title advising of potential nuisance from transport noise.

*Item 13.5.3 Continued*

### **Stormwater Management**

Stormwater in this area is currently directed into the City's drainage system located in the road reserves, which has an outlet to the Yule Brook, which then connects to the Canning River. The amendment was referred to the Department of Parks and Wildlife (DPaW) and the Swan River Trust (SRT) for comment. The DPaW raised no objections to the amendment as it considered that any potential environmental impacts will be appropriately addressed through the existing planning framework. The SRT noted that the precinct faces issues with stormwater and groundwater management, due to poor on-site infiltration as a result of the soil type, and advised that future development and subdivision applications will be required to be accompanied by urban water management plans (UWMP) to address these issues.

In response to the SRT's comments, it should be noted that an UWMP is typically only required for developments involving 25 or more lots, which is unlikely to be the case for developments within this precinct due to the existing lot sizes and their development potential under the R25 coding. Stormwater in this precinct is expected to be managed in the same manner as other infill areas in the district, being through (i) on-site retention and (ii) conveyance to the existing piped drainage system being limited to pre-development flow rates.

In terms of the quality of stormwater runoff, given that the stormwater will pass through residential roofing systems rather than through garden areas, it is considered unnecessary to require any stormwater treatment before discharging into the City's drainage system. In the event that it is deemed that runoff for each individual lot needs treatment, it could still be achieved through the use of rain gardens or other methods.

### **Heritage**

As mentioned previously, a property within the area, being 1575 (Pt Lot 10) Albany Highway, is a registered heritage building under the City's Municipal Inventory. In relation to this property, it should be noted that LPP 3.2 states that:

*"Applications for subdivision or development will only be supported where the heritage values of any building or place in the Precinct that is worthy of conservation are not unacceptably impacted on."*

It is considered that the proposed amendment would not have direct implications for the heritage property within the precinct and rather, these matters could be managed through the subdivision and development processes.

### **CONCLUSION**

It will be recommended that Council adopt Amendment No. 152 to TPS 6 and recommend to the WAPC that the amendment be approved.

### **FINANCIAL IMPLICATIONS**

All costs associated with the Scheme Amendment will be borne by the applicant.

Item 13.5.3 Continued

## STATUTORY IMPLICATIONS

- Town Planning Scheme No. 6
- *Town Planning Regulations 1967.*

## VOTING REQUIREMENTS

Simple Majority required.

STAFF RECOMMENDATION (1 OF 3) AND COUNCIL RESOLUTION
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### 266 Moved Cr R Mitchell Seconded Cr D Goode

That Council pursuant to Section 17(1) of the *Town Planning Regulations 1967* notes the submissions received in respect of Amendment No. 152 to Town Planning Scheme No. 6 and endorses the responses to those submissions, as contained in Appendix 13.5.3B.

CARRIED 10/0

**FOR:** Cr W Barrett, Cr J Brown, Cr D Goode, Cr P Griffiths, Cr R Hoffman, Cr R Lawrence, Cr R Mitchell, Cr O Searle, Cr P Yang and Cr D Griffiths.

**AGAINST:** Nil.

STAFF RECOMMENDATION (2 OF 3) AND COUNCIL RESOLUTION
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### 267 Moved Cr R Mitchell Seconded Cr D Goode

That Council forwards Amendment No. 152 to Town Planning Scheme No. 6 to the Western Australian Planning Commission with a recommendation that the amendment be approved by the Minister for Planning.

CARRIED 10/0

**FOR:** Cr W Barrett, Cr J Brown, Cr D Goode, Cr P Griffiths, Cr R Hoffman, Cr R Lawrence, Cr R Mitchell, Cr O Searle, Cr P Yang and Cr D Griffiths.

**AGAINST:** Nil.

STAFF RECOMMENDATION (3 OF 3) AND COUNCIL RESOLUTION
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### 268 Moved Cr R Mitchell Seconded Cr D Goode

That Council informs those persons who made a submission on Amendment No. 152 to Town Planning Scheme No. 6 of its decision.

CARRIED 10/0

**FOR:** Cr W Barrett, Cr J Brown, Cr D Goode, Cr P Griffiths, Cr R Hoffman, Cr R Lawrence, Cr R Mitchell, Cr O Searle, Cr P Yang and Cr D Griffiths.

**AGAINST:** Nil.

**13.5.4 ARMADALE GOSNELLS LANDCARE GROUP - BUSINESS PLAN 2014/15 TO 2018/19**

Author: W van Lieven  
Author's Declaration Nil.  
of Interest:  
Previous Ref: OCM 10 June 2008 (Resolution 243)  
OCM 28 June 2011 (Resolutions 266, 267)  
OCM 26 March 2013 (Resolutions 106, 107)  
Appendix: 13.5.4A Armadale Gosnells Landcare Group Business Plan  
2014/15 to 2018/19.

**PURPOSE OF REPORT**

For Council to consider endorsing the Armadale Gosnells Landcare Group's (AGLG) Business Plan 2014/15 to 2018/19.

**BACKGROUND**

The AGLG is an incorporated not-for-profit community-based Natural Resource Management (NRM) group that has worked in partnership with the Cities of Gosnells and Armadale since 1999. The AGLG plans and coordinates community volunteer-based on-ground natural areas rehabilitation and revegetation activities, including foreshore protection and restoration works, particularly in sensitive areas on the banks of the Canning and Southern Rivers. The Group also works with the City's Parks and Environmental Operations branch on the management of areas of high biodiversity value. The Group has received state and national awards for its work.

The AGLG employs two fulltime staff: the Community Landcare Coordinator and the Community Landcare Officer. The Cities of Gosnells and Armadale have provided financial and administrative support to the AGLG since the 1998/99 financial year, sharing the employment costs of the Community Landcare Coordinator. The Community Landcare Officer position has, until recently, been funded externally.

The AGLG has previously requested that the Cities' financial support incorporate annual increments to keep pace with operating cost increases. In response Council on 10 June 2008 resolved (Resolution 243):

*"That Council request the Director Planning and Sustainability to examine, in consultation with the Armadale Gosnells Landcare Group (AGLG), City of Armadale and Swan Catchment Council, the AGLG's request for Council to link its future financial contributions to CPI to keep pace with the Group's annual operating cost increases, with a separate report on the matter being presented to Council in the future."*

The outcome of that dialogue was the preparation by the AGLG of its Business Plan 2011/12 to 2013/14. The Business Plan's forward financial planning factored in anticipated increases in salary and operating costs. It was presented to Council at its 28 June 2011 meeting, with Council making the following resolutions:

*Item 13.5.4 Continued*

Resolution 266

*“That Council note the proposed increase in annual financial support to the Armadale Gosnells Landcare Group to \$47,776 in the 2011/12 financial year budget, and give due consideration to the allocation of \$49,925 during the development of the 2012/13 budget.”*

Resolution 267

*“That Council endorse the Armadale Gosnells Landcare Group Business Plan 2011/12 to 2013/14 as the strategic financial guide for the Armadale Gosnells Landcare Group.”*

In a report to the 26 March 2013 Ordinary Council Meeting, a variation to the Business Plan 2011/12 to 2013/14 was proposed. The variation related to the two Cities extending financial support to cover the employment costs of the Community Landcare Officer. The proposal was premised on the gradual removal by state and federal governments of all funding for Landcare employment purposes. The proposal was supported by the Natural Areas Partnership concept, whereby the AGLG would provide human resources and skills to assist both Cities to manage their natural areas.

Council resolved positively in this matter, vide Resolutions 106 and 107:

Resolution 106

*“That Council support the staff resource sharing concept outlined in the Armadale Gosnells Landcare Group’s “Natural Areas Proposal” attached as Appendix 13.5.6A.”*

Resolution 107

*“That Council note the proposed increase in annual financial support to the Armadale Gosnells Landcare Group to a total of \$89,513 in the 2013/14 financial year budget.”*

The AGLG has prepared its Business Plan 2014/15 to 2018/19 to replace the current Business Plan upon its expiry.

## **DISCUSSION**

### **The AGLG**

The organisational structure of the AGLG comprises a General Committee, a Staff Management Committee, and two full-time staff. The General Committee comprises representatives of local community environmental groups, an elected Council member and staff representative from each of the Cities of Gosnells and Armadale. The Staff Management Committee includes the AGLG Chair, Deputy Chair and senior environmental staff from both Cities.



*Item 13.5.4 Continued*

The AGLG has an excellent success rate with grant applications and has secured Landcare funding in excess of \$1.7 million since its formation. The Group's consistent success in attracting external funding and contracts for both on ground works and staff employment costs is testament to its reputation and strength.

More recently, the AGLG has been instrumental in supporting the development of large multi-stakeholder environmental projects associated with the Urban Waterways Renewal Project. Worth in excess of four million dollars across the Cities of Gosnells and Armadale, the Project was funded by the Federal and State Governments. Its objective was the enhancement of drainage water quality and biodiversity value through the conversion of existing drainage features into living streams and constructed wetlands. The Project has established a model for future drainage intervention initiatives.

The AGLG receives annual financial support from the Cities of Armadale and Gosnells, and in-kind support by way of office space and administrative services for its two officers.

The Group is also supported by the South-East Regional Centre for Urban Landcare (SERCUL) by way of financial administration, project planning and design assistance, funding, web-hosting, vehicle lease and sub-regional advice and advocacy.

From the beginning of the current financial year, the Cities of Gosnells and Armadale increased their financial support to jointly fund the salaries and on-costs of the Community Landcare Coordinator and Community Landcare Officer. The latter position had previously been funded by external sources that have become all but non-existent.

The Cities have benefited from this enhanced support arrangement through the Natural Areas Partnership, whereby the AGLG has provided human resources and skills to the management of natural areas. The AGLG has assumed a lead role in the management three high priority sites, totalling 8.5 hectares, under the City's Biodiversity Conservation Management Plan.

**Business Plan 2014/15-2018/19**

The AGLG's Business Plan 2014/15 to 2018/19 (see Appendix 13.5.4A) provides a concise background of the Group, its vision, objectives, activities, successes, staffing, external support and partnerships. The purpose of the Business Plan is to provide confidence and certainty for the AGLG, its partner local governments, the community and current and future sponsors. It provides a sound basis for business planning to support the continuation of the important work of the AGLG as a community-based NRM group.

The March 2013 agreement of the Cities of Gosnells and Armadale to jointly fund the Community Landcare Coordinator and Officer positions enables AGLG to continue to undertake its current level of restoration projects and provides the ability to plan future projects. The City's contribution for 2013/14 is \$89,513. The Business Plan projects contributions for the next five years for the operating costs associated with the two AGLG officers as follows:

Item 13.5.4 Continued

Annual Contributions					
	2014/15	2015/16	2016/17	2017/18	2018/19
City of Gosnells	\$90,049	\$94,899	\$99,133	\$103,718	\$108,381
City of Armadale	\$90,049	\$94,899	\$99,133	\$103,718	\$108,381
Total	\$180,098	\$189,798	\$198,266	\$207,436	\$216,762

As the two officers are employed on behalf of the AGLG by the City of Armadale, salary costs will increase annually in line with the City of Armadale Enterprise Agreement salary schedule. Projected increases in other operating costs are based on those experienced in the period of the previous Business Plan.

The City's financial support is proposed to increase by \$536, or 0.6% in the 2014/15 year. Over the life of the Business Plan, the City's support is projected to increase an average of 4.2% per annum to keep pace with natural cost increases. This is a reduction in the projected annual increase of 4.5% provided in the previous Business Plan 2011/12 to 2013/14.

The Business Plan 2014/15 to 2018/19 demonstrates a very positive return on the City's investment in the AGLG through the attraction of grant monies to the region, enhanced community volunteer engagement and improved biodiversity management outcomes. It also provides a sound and measured financial plan to ensure the maintenance of the excellent working relationship that the City has with the AGLG.

It is recommended that Council endorse the Business Plan and give due consideration, in the course of budget deliberations during the period of the Plan, to the allocation of projected financial support to the AGLG.

**FINANCIAL IMPLICATIONS**

The City's current financial support for the AGLG will increase by \$536 – from \$89,513 to \$90,049 in 2014/15. This amount has been factored into the Urban Regeneration 2014/15 budget.

The City's annual financial support over the life of the Business Plan 2014/15 to 2018/19 will be subject to a 4.2% annual increase. This is a reduction in the projected annual increase of 4.5% provided in the Business Plan 2011/12 to 2013/14. This is considered reasonable, and can be accommodated in future Urban Regeneration budgets for Council's consideration.

**STATUTORY IMPLICATIONS**

Nil.

**VOTING REQUIREMENTS**

Simple Majority required.

Item 13.5.4 Continued

STAFF RECOMMENDATION (1 OF 2) AND COUNCIL RESOLUTION
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**269 Moved Cr P Yang Seconded Cr O Searle**

That Council notes the increase in annual financial support to the Armadale Gosnells Landcare Group to \$90,049 in the 2014/15 financial year.

CARRIED 10/0

**FOR:** Cr W Barrett, Cr J Brown, Cr D Goode, Cr P Griffiths, Cr R Hoffman, Cr R Lawrence, Cr R Mitchell, Cr O Searle, Cr P Yang and Cr D Griffiths.

**AGAINST:** Nil.

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

**270 Moved Cr P Yang Seconded Cr O Searle**

That Council endorses the Armadale Gosnells Landcare Group Business Plan 2014/15 to 2018/19 attached as Appendix 13.5.4A as the strategic financial guide for the Armadale Gosnells Landcare Group, and give due consideration in future budgets to the allocation of financial support as projected for the period of the Business Plan.

CARRIED 10/0

**FOR:** Cr W Barrett, Cr J Brown, Cr D Goode, Cr P Griffiths, Cr R Hoffman, Cr R Lawrence, Cr R Mitchell, Cr O Searle, Cr P Yang and Cr D Griffiths.

**AGAINST:** Nil.

**13.5.5 DEVELOPMENT APPLICATION - NINE MULTIPLE DWELLINGS - 11 (LOT 212) DEBENHAM STREET, THORNLIE  
(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.

**13.5.6 REVIEW OF OPERATIONAL DEVELOPMENT CONTRIBUTION PLANS**

Author:	L Gibson
Author's Declaration of Interest:	Nil.
Previous Ref:	OCM 25 June 2013 (Resolutions 262 and 263) - Canning Vale OCM 11 June 2013 (Resolutions 224-226) - Homestead Road OCM 27 November 2012 (Resolutions 583 and 584) - West Canning Vale
Appendices:	13.5.6A Draft modified Canning Vale Outline Development Plan Development Contribution Plan Report 13.5.6B Draft modified West Canning Vale Outline Development Plan Development Contribution Plan Report 13.5.6C Draft modified Homestead Road Outline Development Plan Development Contribution Plan Report

**PURPOSE OF REPORT**

For Council to review the Development Contribution Plan Reports (DCPR) associated with the Canning Vale, West Canning Vale and Homestead Road Outline Development Plans (ODP), as required by Part 6 of Town Planning Scheme No. 6 (TPS 6).

**BACKGROUND**

The City administers Development Contribution Plans (DCP) for the shared provision of infrastructure and land for public purposes in the Canning Vale, West Canning Vale and Homestead Road ODP areas, and is required to review the associated DCPRs.

A summary of the most recent history of each DCP follows:

Area	Most recent Council adoption	Infrastructure Contribution Rate	Public Open Space Contribution Rate
Canning Vale	25 June 2013 (review)	\$56,948/hectare	12.74% @ \$1,600,000/hectare
West Canning Vale	27 November 2012 (review)	\$259,502/hectare	10.7% @ \$1,500,000/hectare
Homestead Road	11 June 2013 (initial adoption)	\$162,276/hectare	10.06% @ \$1,100,000/hectare

**DISCUSSION**

Each of the three DCPs have two separate contribution obligations, as follows:

- Public Open Space (POS), which is payable as part of residential development
- General Infrastructure, which is payable as part of any development.

These matters are discussed below.

Item 13.5.6 Continued

### Public Open Space

Land valuation rates must be set to ensure that adequate funds are collected to acquire the land identified by the ODPs for POS and to determine the amount of reimbursement payable to landowners for the acquisition of such land.

Previous adjustments have been adopted on the basis of valuation advice from Propell National Valuers. Propell was again engaged to provide valuation reports based on current market conditions in the three areas.

Propell's latest valuations were undertaken in May 2014, with the recommended values being as follows.

Area	Previously adopted land valuation	May 2014 land valuation
Canning Vale	\$1,600,000/hectare	\$1,750,000/hectare
West Canning Vale	\$1,500,000/hectare	\$1,750,000/hectare
Homestead Road	\$1,100,000/hectare	\$1,200,000/hectare

It is recommended that Council modify the respective DCPRs accordingly.

### General Infrastructure

General infrastructure costs are effectively comprised of two elements, land infrastructure (being land for drainage, road widening and conservation purposes) and physical infrastructure (including drainage construction, POS development, path construction, road construction, traffic management devices, service relocation and general administration).

Adjustments to the value of the former is based on the same valuation information as POS and adjustments to the value of the latter is determined on the basis of increases to the general construction price index, changes to infrastructure unit cost rates and other inflationary measures.

A recent review of data released by the Australian Bureau of Statistics indicates that an appropriate adjustment for general infrastructure (for example, not land) would be an increase of 3.3%. The use of that index and the Propell's land valuations (as discussed above) would result in the following changes to the DCPRs.

Area	Previously adopted infrastructure rate	Current recommended infrastructure rate
Canning Vale	\$56,948/hectare	\$59,049/hectare
West Canning Vale	\$259,502/hectare	\$292,039/hectare
Homestead Road	\$162,276/hectare	\$168,000/hectare

It is recommended that Council modify the respective DCPRs accordingly.

### CONCLUSION

TPS 6 requires Council to review the three cost sharing arrangements operating within the district. It is recommended that Council adopt revised Development Contribution Plan reports as contained in Appendices 13.5.6A, 13.5.6B and 13.5.6C.

*Item 13.5.6 Continued*

## FINANCIAL IMPLICATIONS

The proposed changes to the contributions rates will have an impact on the contributions payable by developing landowners and the amount of money that can be reimbursed to developing landowners for infrastructure provided.

## STATUTORY IMPLICATIONS

Town Planning Scheme No. 6.

## VOTING REQUIREMENTS

Simple Majority required.

STAFF RECOMMENDATION (1 OF 4) AND COUNCIL RESOLUTION
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### 271 Moved Cr R Lawrence Seconded Cr R Mitchell

That Council adopts a revised Development Contribution Plan Report for the Canning Vale Outline Development Plan, which includes a contribution rate of \$59,049/ha for common infrastructure works and a revised land value of \$1,750,000/ha for public open space contributions and the acquisition of other land, as contained in Appendix 13.5.6A.

CARRIED 10/0

**FOR:** Cr W Barrett, Cr J Brown, Cr D Goode, Cr P Griffiths, Cr R Hoffman, Cr R Lawrence, Cr R Mitchell, Cr O Searle, Cr P Yang and Cr D Griffiths.

**AGAINST:** Nil.

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

### 272 Moved Cr R Lawrence Seconded Cr R Mitchell

That Council adopts a revised Development Contribution Plan Report for the West Canning Vale Outline Development Plan, which includes a contribution rate of \$292,039/ha for common infrastructure works and a revised land value of \$1,750,000/ha for public open space contributions and the acquisition of other land, as contained in Appendix 13.5.6B.

CARRIED 10/0

**FOR:** Cr W Barrett, Cr J Brown, Cr D Goode, Cr P Griffiths, Cr R Hoffman, Cr R Lawrence, Cr R Mitchell, Cr O Searle, Cr P Yang and Cr D Griffiths.

**AGAINST:** Nil.

Item 13.5.6 Continued

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

**273 Moved Cr R Lawrence Seconded Cr R Mitchell**

That Council adopts a revised Development Contribution Plan Report for the Homestead Road Outline Development Plan, which includes a contribution rate of \$168,000/ha for common infrastructure works and a revised land value of \$1,200,000/ha for public open space contributions and the acquisition of other land, as contained in Appendix 13.5.6C.

CARRIED 10/0

**FOR:** Cr W Barrett, Cr J Brown, Cr D Goode, Cr P Griffiths, Cr R Hoffman, Cr R Lawrence, Cr R Mitchell, Cr O Searle, Cr P Yang and Cr D Griffiths.

**AGAINST:** Nil.

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

**274 Moved Cr R Lawrence Seconded Cr R Mitchell**

That Council informs all landowners with outstanding contribution obligations within the Canning Vale, West Canning Vale and Homestead Road Outline Development Plan areas, of Council's decision.

CARRIED 10/0

**FOR:** Cr W Barrett, Cr J Brown, Cr D Goode, Cr P Griffiths, Cr R Hoffman, Cr R Lawrence, Cr R Mitchell, Cr O Searle, Cr P Yang and Cr D Griffiths.

**AGAINST:** Nil.



## **13.6 GOVERNANCE**

### **13.6.1 DESIGNATION OF DOG EXERCISE AREAS AND AREAS WHERE DOGS ARE PROHIBITED** *(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 RIVERSIDE GARDENS ESTATE CARAVAN PARK APPLICATION FOR RENEWAL OF LICENCE**

Author: W Ellis  
Author's Declaration Nil.  
of Interest:  
Applicant Fourmi Pty Ltd trading as Riverside Gardens Estate  
Previous Ref: OCM 11 June 2013 (Resolution 241)  
Appendix: Nil.

**PURPOSE OF REPORT**

For Council to approve the application for renewal of the Riverside Gardens Estate Caravan Park Licence, in accordance with section 7(4) of the *Caravan Parks and Camping Grounds Act 1995 (Act)*.

**BACKGROUND**

An application for the renewal of the Caravan Park licence for Riverside Gardens Estate, located at 2462 Albany Highway Gosnells, has been received by the City. Under regulation 47 of the *Caravan Parks and Camping Grounds Regulations 1997 (Regulations)*, this application must be determined within 35 days of receipt. The Regulations prescribe the duration of the licence as being 12 months.

**DISCUSSION**

Riverside Gardens is a retirement lifestyle village consisting of 298 long stay sites that has been subject to regular inspections by the City's Environmental Health Officers with no major issues being identified.

As the caravan park complies with the requirements of the Act and the Regulations, it is recommended that Council approves the application for renewal of the licence for Riverside Gardens Estate Caravan Park.

**FINANCIAL IMPLICATIONS**

Nil.

**STATUTORY IMPLICATIONS**

*Caravan Parks and Camping Grounds Act 1995.*  
*Caravan Parks and Camping Grounds Regulations 1997.*

**VOTING REQUIREMENTS**

Simple Majority required.

Item 13.6.2 Continued

STAFF RECOMMENDATION AND COUNCIL RESOLUTION
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**275 Moved Cr O Searle Seconded Cr D Goode**

That Council, pursuant to section 7(4) of the *Caravan Parks and Camping Grounds Act 1995*, approves the application for renewal of the licence to operate the facility known as Riverside Gardens Estate located at 2462 Albany Highway, Gosnells.

CARRIED 10/0

**FOR:** Cr W Barrett, Cr J Brown, Cr D Goode, Cr P Griffiths, Cr R Hoffman, Cr R Lawrence, Cr R Mitchell, Cr O Searle, Cr P Yang and Cr D Griffiths.

**AGAINST:** Nil.

**13.6.3 CRYSTAL BROOK CARAVAN PARK - APPLICATION FOR RENEWAL OF LICENCE**

Author: W Ellis  
Author's Declaration Nil.  
of Interest:  
Applicant Anthony Looker and Kimberly Chambers  
Previous Ref: OCM 11 June 2013 (Resolution 242)  
Appendix: Nil.

**PURPOSE OF REPORT**

For Council to approve the application for renewal of the Crystal Brook Caravan Park licence, in accordance with section 7(4) of the *Caravan Parks and Camping Grounds Act 1995* (the Act).

**BACKGROUND**

An application for the renewal of the Caravan Park licence for Crystal Brook Caravan Park, located at 366-388 Kelvin Road Orange Grove, has been received by the City. Under regulation 47 of the *Caravan Parks and Camping Grounds Regulations 1997* (Regulations), this application must be determined within 35 days of receipt.

The Regulations prescribe the duration of the Licence as being 12 months.

**DISCUSSION**

Crystal Brook Caravan Park consists of 95 long stay sites, 83 short stay sites, eight camp sites and 10 overflow sites. The caravan park has been subject to regular inspections by the City's Environmental Health Officers with no major issues being identified.

As the caravan park complies with the requirements of the Act and the Regulations, it is recommended that Council approves the application for renewal of the licence for Crystal Brook Caravan Park.

**FINANCIAL IMPLICATIONS**

Nil.

**STATUTORY IMPLICATIONS**

*Caravan Parks and Camping Grounds Act 1995.*  
*Caravan Parks and Camping Grounds Regulations 1997.*

**VOTING REQUIREMENTS**

Simple Majority required.

Item 13.6.3 Continued

STAFF RECOMMENDATION AND COUNCIL RESOLUTION
---

**276 Moved Cr J Brown Seconded Cr D Goode**

That Council pursuant to section 7(4) of the *Caravan Parks and Camping Grounds Act 1995* approves the application for renewal of the licence to operate the facility known as Crystal Brook Caravan Park located at 366-388 Kelvin Road Orange Grove.

CARRIED 10/0

**FOR:** Cr W Barrett, Cr J Brown, Cr D Goode, Cr P Griffiths, Cr R Hoffman, Cr R Lawrence, Cr R Mitchell, Cr O Searle, Cr P Yang and Cr D Griffiths.

**AGAINST:** Nil.

**14. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

Nil.

**15. URGENT BUSINESS**  
(by permission of Council)

Nil.

## 16. CONFIDENTIAL MATTERS

**NOTATION:** One of the appendices associated with item 16.1 as prescribed in Section 5.23(2)(c) of the *Local Government Act 1995*. Should Council wish to discuss information contained in this appendix it is recommended that the meeting be closed to members of the public.

### 16.1 RIVERS REGIONAL COUNCIL - REQUEST FOR TENDER (RFT) - RECEIPT AND PROCESSING OF WASTE FOR RESOURCE RECOVERY

Author:	D Harris
Author's Declaration of Interest:	Nil.
Previous Ref:	Nil.
Appendix:	16.1A Tables showing waste tonnages that were initially identified by the City of Gosnells as available for treatment of the RRF over 30 years
	16.1B Confidential Appendix - Evaluation Report
	16.1C Participants Agreement
	16.1D Services Agreement

#### PURPOSE OF REPORT

For Council to receive the Rivers Regional Council (RRC) Confidential Report *Evaluation Report - Receipt and Processing of Waste for Resource Recovery - Request for Tender* and to consider the option of being a Participant Council in the Tender in accordance with the Participants Agreement and Services Agreement.

#### BACKGROUND

The RRC released a Request for Tender (RFT) seeking to award a contract for the Receipt and Processing of Waste for Resource Recovery (the Services).

The RFT was advertised on Saturday 7 September 2013 in The West Australian newspaper to procure the services involving the receipt and processing of the RRC Member Councils' and Other Local Governments' waste within a Resource Recovery Facility (RRF). The closing date for tenders was Thursday 5 December 2013. In response six tenders were received.

Following tender evaluation the RRC, at its meeting of 19 June 2014, resolved to adopt the following recommendation:

*"That the Rivers Regional Council:*

- 1. RECEIVE the Evaluation Report by the Tender Evaluation Panel and distribute to Participant Councils and the Shire of Waroona.*
- 2. EXPRESS a favourable disposition to accept the tender from Phoenix Energy for the provision of services to Receive and Process Waste for Resource Recovery for a term of 20 years subject to the satisfaction of the following conditions:*

*Item 16.1 Continued*

- *The commitment of sufficient Participants to enter into the Services Agreement and the Participants Agreement and offering quantities of Committed Waste and Optional Waste satisfactory to the RRC and Phoenix Energy*
  - *Phoenix Energy providing the following to the satisfaction of the RRC:*
    - *Selection of a debt financier or financiers and commitment from that financier or those financiers to provide Phoenix energy's required debt without any material changes from the draft Services Agreement as contained in the RFT;*
    - *A firm commitment from the equity financier to provide equity finance to enable Phoenix Energy to undertake the Services; and*
    - *The identities of the debt and equity financiers and the project financial structure being acceptable following a thorough due diligence investigation.*
3. *SEEK commitments from the proposed Participant Councils as to their willingness to enter into the Services Agreement being awarded to Phoenix energy, and to nominate their annual quantities of Committed Waste and Optional Waste."*

This report outlines the objectives and outcomes of the tender process, the details of the Participants Agreement and the financial impacts on the City of Gosnells if it is to participate in the contract. The report also addresses confirmation of the City's involvement in the contract as a Participant and the quantities of Committed Waste and Optional Waste that the City will have processed through the contract.

**Objectives**

The RRC is seeking to establish a 'Fee for Service' contract with the successful tenderer, which minimises the operational and financial risks to the RRC and Participant Councils.

The Contract is governed by the Services Agreement which details the obligations of the RRC and the contractor in the provision of the Services. In addition, a Participants Agreement is required to formalise the arrangement between the RRC and Participant Councils and outlines the obligations of the Participant Councils to enable the RRC to meet its obligations under the contract.

**DISCUSSION****Outcomes of Evaluation Process**

The six tenders were evaluated by the RRC Tender Evaluation Panel (TEP) to determine which, if any, addressed the requirements of the RFT and provided the best value for money.

The TEP determined that the Preferred Tenderer was Phoenix Energy. The Phoenix Energy tender has proposed a thermal treatment process using the Martin GmbH Grate Furnace System. The tender complied with all the requirements of the RFT.

*Item 16.1 Continued*

When assessed against the weighted evaluation criteria, the Phoenix Energy tender was awarded a score that represented "a very good offer that exceeds the criterion". In addition, the Phoenix Energy tender offered the lowest cost rate per tonne of \$114.89/tonne (ex GST) in year one (2016) of a 20 year term. This amount will rise at a rate equivalent to the sum of half the annual Consumer Price Index and half the annual Producer Price Index. The TEP's determination of Phoenix Energy as the Preferred Tenderer is subject to Phoenix providing greater certainty to the Council that it can deliver on the project financing and contractual commitments that it has made in its Tender and subsequent clarifications.

The TEP therefore recommended that the RRC undertakes a multi-stage resolution process, whereby a first resolution foreshadows the RRC's intention to accept the Phoenix Energy tender, subject to the satisfaction of the following conditions:

- Selection of a debt provider and commitment from that provider to enter into the Agreement without any material changes from the Draft Agreement contained in the RF
- A firm commitment from the equity financier including the financier corporate structure
- The debt and equity providers being acceptable to the RRC including a thorough due diligence investigation.

Upon receipt of clarification satisfying the conditions of the initial resolution, the RRC would consider a second resolution relating to acceptance of the Phoenix Energy tender.

**Participants Agreement**

The following Councils will determine, upon consideration of the Evaluation Report, whether to be included as Participants:

- City of Gosnells
- City of Armadale
- City of Mandurah
- City of South Perth
- Shire of Murray
- Shire of Serpentine-Jarrahdale
- City of Canning
- Town of Victoria Park.

The Participants Agreement is made between the RRC and the Participants, however prior to signing the Participants Agreement, the participating Councils will have to confirm the annual quantities of Committed and Optional Waste that each will deliver to the RRF.



*Item 16.1 Continued*

Upon signing the Participants Agreement, each Participant agrees to provide and deliver Wastes to the contractor on behalf of the RRC and to pay the Participant's fee associated with that Waste in accordance with the Participants Agreement. The obligations of the Participant Councils enable the RRC to meet its obligations under the contract.

If the City confirms its intention to be a Participant in the contract, it will be required to confirm the annual quantities of Committed Waste and Optional Waste that it will deliver to the RRF each year under the contract. If the agreed quantity of Committed Waste is not delivered in a year then the City will need to pay a Shortfall Fee for the amount of Committed Waste not delivered. Optional waste may be delivered for processing up to the agreed quantity at the discretion of the Participant Councils. The Optional Waste can be utilised to top up any shortfall in the Committed Waste tonnages and help prevent payment of the Shortfall Fee.

In addition, an Administration Fee will be paid to the Principal by the Participants to account for the costs associated with the following:

- Coordination of waste supply
- Contract management including:
  - Invoicing and accounting services
  - Contract reviews, audits and variations
- Contribution towards setup of Contract for non-members of RRC.

The Administration Fee will be calculated on a cost per tonne basis and recovered annually via an invoice from the Principal.

It is also proposed that the RRC will invoice the Participants prior to the commencement of waste deliveries an amount for working capital, to ensure that it is able to meet the payment commitments under the Agreement in a timely manner. The invoice amount to each Participating Council will be approximately equivalent to the expected average monthly fee payable by it under the Agreement.

### **Effect of Tender Award**

The financial effects upon the City of Gosnells resulting from participation in a contract awarded to Phoenix Energy are illustrated in the following Tables.

Table 1 shows the direct financial impact to the City of Gosnells resulting from the gate fee charged if it were to utilise the services from Phoenix Energy for the tonnes proposed within the RFT. These rates exclude the Administration Fee.

<b>Waste</b>	<b>Tendered Rate \$/tonne (Excl GST)</b>	<b>Tonnes (Year 1)</b>	<b>Total \$ (Year 1) (Excl GST)</b>
Committed	114.89	43,050	4,946,015
Optional	114.89	22,523	2,587,667
<b>TOTAL</b>		<b>65,573</b>	<b>7,533,682</b>

*Item 16.1 Continued*

The 'committed' waste is based on current Municipal Solid Waste tonnages with growth based on current trends, plus the mixed bulk verge collection. The 'optional' waste is a figure for commercial and industrial waste that is likely to be collected through a waste transfer station should one be established within the City.

Table 2 details the current costs of disposal of the City's various waste streams.

<b>Waste Stream</b>	<b>Cost (\$/tonne)</b>	<b>Tonnes</b>	<b>Total</b>
Household Weekly Collection Waste	97.36	38,319	3,730,738
Mixed Bulk Verge Collection	97.36	4,165	405,504
Separated Green Waste	56.20	4,750	266,950
Litter/Public Place/Events	Included in Household weekly collections		
Commercial and Industrial			
<b>TOTAL</b>		<b>47,234</b>	<b>4,403,192</b>

*(Waste disposal costs include Landfill Levy and Carbon Tax)*

The City should also consider other financial, environmental and social impacts of the proposal prior to becoming a Participant including negating the impact of the landfill levy.

It is possible that some material that could be considered to have a higher environmental value could be "lost" in the thermal process. It is recognised that the waste hierarchy places thermal treatment of waste slightly above landfill and below re-use and recycling, however it should be noted that in many instances the cost of recovering material from the waste stream for re-use and recycling far outweighs the benefit obtained.

There will be increased haulage costs for waste collected within the City and delivered to Kwinana (location of proposed RRF) compared to current practice. However, transport costs will increase once the City's current landfill is closed and an alternative disposal option is negotiated. This is likely to be further away than Cardup.

Based on the current waste disposal costs and the known increases in the landfill levy, the cost of disposing to landfill in 2016 would be \$124.04 per tonne. This is approximately \$10 per tonne greater than the Phoenix Energy tender.

The recent announcement of an increase to the landfill levy provides a greater incentive for the participating Councils to send waste to the RRF. It is anticipated that the landfill levy and hence, the cost of landfilling within the Perth Metropolitan Area, will continue to rise.

Entering into the contract as a Participant would provide the City with greater waste disposal security and financial predictability regarding waste disposal costs for a minimum of 20 years. The tender also offers two five-year extensions at the discretion of the Principal and the Participants.

*Item 16.1 Continued*

While the report mentions an 'Administration Cost', preliminary advice from RRC suggests that this will only be applied to Participants who are not members of RRC.

**Comment**

To continue the progress of awarding the Tender, the RRC is seeking a commitment from participating Councils to confirm their participation and provide annual quantities of Committed and Optional Waste to be delivered to the RRF over the 20 year term.

In addition, all participating Councils must formally agree to and sign the Participants Agreement prior to the Services Agreement having effect.

During the allocated time for Participant Councils to confirm waste tonnages and agree to enter into the Participants Agreement, the RRC Council shall commence the multi-stage resolution process to foreshadow and potentially award the contract to Phoenix Energy.

Following the execution of the Participants Agreement and awarding of the contract, the Participants are to sign the Services Agreement between the Principal (RRC) and the contractor. By becoming signatories to the Services Agreement, the Participants provide greater comfort to the Contractor that the participating local governments can meet their obligations to the Principal in terms of payment, waste volumes and replacing the Principal if needed. This notion within the Services Agreement is supported by the Participants Agreement.

**Waste Tonnages**

The tables attached as Appendix 16.1A show the waste tonnages that were initially identified by the City of Gosnells as available for treatment by the RRF over 30 years.

**FINANCIAL IMPLICATIONS**

Nil.

**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.

**VOTING REQUIREMENTS**

Simple Majority required.

Item 16.1 Continued

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

That Council approves the City of Gosnells being a Participant Council in the Rivers Regional Council's Tender 2013/1 - Receipt and Processing of Waste for Resource Recovery and authorises the Mayor and Chief Executive Officer to sign the Services Agreement and Participation Agreement attached as Appendix 16.1D and Appendix 16.1C, respectively.

CARRIED 10/0

**FOR:** Cr W Barrett, Cr J Brown, Cr D Goode, Cr P Griffiths, Cr R Hoffman, Cr R Lawrence, Cr R Mitchell, Cr O Searle, Cr P Yang and Cr D Griffiths.

**AGAINST:** Nil.

**17. CLOSURE**

The Mayor declared the meeting closed at 8.16pm.