

CITY OF GOSNELLS

ORDINARY COUNCIL MEETING 16 DECEMBER 2003

TABLE OF CONTENTS - MINUTES

PRESENT	2
1. APOLOGIES	2
2. DECLARATIONS OF INTEREST	2
3. ANNOUNCEMENTS BY THE MAYOR.....	3
4. REPORTS OF DELEGATES	4
5. QUESTION TIME FOR THE PUBLIC AND THE RECEIVING OF PUBLIC STATEMENTS ..	5
QUESTIONS TAKEN ON NOTICE AT PREVIOUS MEETINGS AWAITING RESPONSE	5
RESPONSES TO QUESTIONS TAKEN ON NOTICE AT PREVIOUS MEETINGS	5
5.1 QUESTION TIME.....	6
5.2 PUBLIC STATEMENTS	9
6. CONFIRMATION OF MINUTES	10
7. PETITIONS AND MEMORIALS	10
8. LEAVE OF ABSENCE	11
9. QUESTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN	11
10. ITEMS BROUGHT FORWARD FOR THE CONVENIENCE OF THOSE IN THE PUBLIC GALLERY	12
12.5.2 AMENDMENT NO. 26 TO TOWN PLANNING SCHEME NO. 6 – FINALISATION OF AMENDMENT TO SOUTHERN RIVER KENNELS ZONE	13
12.5.3 AMENDMENT NO. 27 TO TOWN PLANNING SCHEME NO. 6 – FINALISATION - RECODING OF 120 (LOT 9001) AND 130 (LOT 9000) LADYWELL STREET, BECKENHAM FROM R20 TO R30	21
12.5.13 PEDESTRIAN ACCESSWAY (PAW) CLOSURE BETWEEN REDGUM COURT AND TIMBERCREST ROAD, THORNIE	29
12.5.14 PROPOSED CLOSURE OF PEDESTRIAN ACCESSWAY BETWEEN ROSS PLACE AND CANNING RIVER RESERVE.....	41
11. MINUTES OF COMMITTEE MEETINGS.....	48
11.1 SAFE CITY TASK FORCE	48
11.2 CITY OF GOSNELLS ROADWISE COMMITTEE	49

11.3	SUTHERLANDS PARK ADVISORY COMMITTEE.....	52
12.	REPORTS	53
12.1	CHIEF EXECUTIVE OFFICER’S REPORT	53
12.1.1	CITY OF GOSNELLS DRAFT STRATEGIC PLAN	53
12.1.2	FEDERAL GOVERNMENT LOBBYING DELEGATION.....	54
12.2	COMMUNITY SERVICES.....	56
12.2.1	LEISURE WORLD AEROBICS ROOM FLOOR.....	56
12.3	CORPORATE SERVICES	58
12.3.1	BUDGET VARIATIONS.....	58
12.3.2	PAYMENT OF ACCOUNTS.....	62
12.4	INFRASTRUCTURE	63
12.4.1	TENDER 41/2003 – PROVISION OF ENGINEERING SURVEYING SERVICES.....	63
12.4.2	TENDER 45/2003 – SUPPLY OF GLAZING SERVICES	65
12.4.3	TENDER 46/2003 - VERGE REINSTATEMENTS/ALTERATIONS	67
12.4.4	TENDER 47/2003 – SUPPLY AND FITTING OF MICHELIN TYRES	69
12.4.5	TENDER 48/2003 - GULLY EDUCATION	73
12.4.6	TENDER 49/2003 - SUPPLY OF HIRED BACKHOE AND OPERATOR	75
12.4.7	TENDER 50/2003 - MINOR CONCRETE WORKS - VEHICULAR CROSSINGS	77
12.4.8	TENDER 54/2003 - SUPPLY AND DELIVERY OF TURF.....	80
12.4.9	HILLSIDE FARM - PROPOSED LEASE WITH MINISTER FOR EDUCATION	82
12.4.10	STRATEGIC DIRECTION FOR WASTE MANAGEMENT IN WESTERN AUSTRALIA AND STATUTORY REVIEW OF WESTERN AUSTRALIA’S WASTE MANAGEMENT AND RECYCLING FUND.....	87
12.5	PLANNING AND SUSTAINABILITY.....	89
12.5.1	TOWN PLANNING SCHEME AMENDMENT, PROPOSAL TO INITIATE – TOWN PLANNING SCHEME NO. 6 – RECODING OF 46 (LOT 190) MIRANDA WAY, GOSNELLS FROM RESIDENTIAL R17.5 TO RESIDENTIAL R25	89
12.5.2	AMENDMENT NO. 26 TO TOWN PLANNING SCHEME NO. 6 – FINALISATION OF AMENDMENT TO SOUTHERN RIVER KENNELS ZONE (ITEM BROUGHT FORWARD – REFER TO ITEM 10)	95

12.5.3	AMENDMENT NO. 27 TO TOWN PLANNING SCHEME NO. 6 – FINALISATION - RECODING OF 120 (LOT 9001) AND 130 (LOT 9000) LADYWELL STREET, BECKENHAM FROM R20 TO R30 (ITEM BROUGHT FORWARD – REFER TO ITEM 10)	96
12.5.4	OUTLINE DEVELOPMENT PLAN AND AMENDMENT 6 TO TOWN PLANNING SCHEME NO. 6 - REZONING OF LOTS 1, 2, 801, 1297 AND 1298 SOUTHERN RIVER ROAD AND LOTS 1300, 1301 AND 1302 CHAMBERLAIN STREET, GOSNELLS	97
12.5.5	PROPOSED AMENDMENT TO THE SOUTHERN RIVER PRECINCT 5 (LAKEY STREET) OUTLINE DEVELOPMENT PLAN.....	106
12.5.6	AMENDMENT TO THE CANNING VALE OUTLINE DEVELOPMENT PLAN – INCREASED RESIDENTIAL DENSITY – 16 (LOT 112) DUMBARTON ROAD, CANNING VALE	110
12.5.7	REVOCATION OF TOWN PLANNING SCHEME NO. 4 – KENNEL AREA	118
12.5.8	DEVELOPMENT APPLICATION – DEMOLITION OF OLD METHODIST CHURCH – 37 (LOT 522) DOROTHY STREET, GOSNELLS	120
12.5.9	DEVELOPMENT APPLICATION – GROUPED DWELLING – 23 (LOT 24) BELMONT ROAD, KENWICK	129
12.5.10	DEVELOPMENT APPLICATION – ELEVEN GROUPED DWELLINGS – 1 (LOT 203) SARAH CLOSE, CANNING VALE.....	137
12.5.11	DEVELOPMENT APPLICATION – SHOWROOM – 373 (LOT 27) SEVENOAKS STREET, BECKENHAM.....	142
12.5.12	LOCAL HOUSING STRATEGY - COUNCIL ENDORSEMENT OF FINAL STRATEGY.....	148
12.5.13	PEDESTRIAN ACCESSWAY (PAW) CLOSURE BETWEEN REDGUM COURT AND TIMBERCREST ROAD, THORNLIE (ITEM BROUGHT FORWARD – REFER TO ITEM 10)	155
12.5.14	PROPOSED CLOSURE OF PEDESTRIAN ACCESSWAY BETWEEN ROSS PLACE AND CANNING RIVER RESERVE (ITEM BROUGHT FORWARD – REFER TO ITEM 10)	156
12.5.15	ROAD CLOSURE: HORLEY ROAD, BECKENHAM AND PORTION OF HESTER STREET, LANGFORD	157
12.5.16	ROAD CLOSURES : PORTION OF AYLESFORD WAY, PORTION OF SPENCER ROAD AND PORTION OF SPRING ROAD, THORNLIE	160
12.5.17	RESPONSE TO PETITION PRESENTED AT OCM 11 NOVEMBER 2003 - CHILD CARE CENTRE - LOTS 424 AND 425 COULTERI NOOK, LOTS 433 AND 434 TOTARA AVENUE, CANNING VALE	163
12.5.18	GOSNELLS TOWN SQUARE: DESIGN DEVELOPMENT STAGE	165
12.5.19	MADDINGTON KENWICK SUSTAINABLE COMMUNITIES PROJECT - BUDGET VARIATION	170
12.6	REGULATORY SERVICES.....	172

12.6.1	DELEGATE AND DEPUTY DELEGATES – APPOINTMENT OF	172
13.	MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	179
13.1	WILLIAM STREET, BECKENHAM SURVEY – REPORT REQUEST	179
13.2	FORMER MADDINGTON GOLF COURSE SITE – FUNDING REQUEST	181
14.	NOTICES OF MOTION FOR CONSIDERATION AT THE FOLLOWING MEETING	182
14.1	GOSNELLS TOWN CENTRE – TREES AND LANDSCAPE PLANTS	182
15.	URGENT BUSINESS (BY PERMISSION OF COUNCIL)	183
15.1	PLANNING INSTITUTE OF AUSTRALIA 2004 NATIONAL CONFERENCE	183
16.	CONFIDENTIAL MATTERS	186
17.	CLOSURE	186

Minutes of the Ordinary Council Meeting held in the Council Chambers, City of Gosnells Administration Centre, 2120 Albany Highway, Gosnells on Tuesday 16 December 2003.

OPENING AND WELCOME

The Mayor declared the meeting open at 7.35pm and welcomed newly elected Cr R Hoffman who was sworn in as a Canning Vale Ward Councillor at a ceremony on the evening of Monday 15 December 2003.

DISCLAIMER

The Mayor read aloud the following statement:

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

COUNCIL MEETINGS – RECORDING OF

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

Notice within the Public Gallery in relation to recordings state:

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

Following documentation of the Minutes and distribution to Elected Members, but by no later than ten (10) business days after an Ordinary Council Meeting, a copy of the digital recording shall be available for purchase by members of the public.

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

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

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

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

PRESENT**ELECTED MEMBERS**

MAYOR
DEPUTY MAYOR
COUNCILLORS

P M MORRIS AM JP
R CROFT
W BARRETT
R HOFFMAN
P WAINWRIGHT
R MITCHELL
S MOSS
O SEARLE JP
C MATISON
J BROWN JP
S IWANYK
D GRIFFITHS

STAFF

CHIEF EXECUTIVE OFFICER
ACTING COMMUNITY SERVICES DIRECTOR
CORPORATE SERVICES DIRECTOR
INFRASTRUCTURE DIRECTOR
PLANNING & SUSTAINABILITY DIRECTOR
REGULATORY SERVICES DIRECTOR
MINUTE SECRETARY

MR S JARDINE
MRS L PHILLIPS STANTON
MR R BOUWER
MR D HARRIS
MR R HAEREN
MR T PERKINS
MS A CRANFIELD

PUBLIC GALLERY

24

1. APOLOGIES

Nil.

2. DECLARATIONS OF INTEREST

Cr J Brown declared an Impartiality Interest in item 12.5.8 “Development Application – Demolition of Old Methodist Church – 37 (Lot 522) Dorothy Street, Gosnells”.

Reason: Director on the Amaroo Board of Directors.

Cr D Griffiths declared an Impartiality Interest in item 11.3 “Sutherlands Park Advisory Committee”.

Reason: Deputy Member on Sutherlands Park Advisory Committee.

Cr D Griffiths declared an Impartiality Interest in item 12.4.9 “Hillside Farm - Proposed Lease with Minister for Education”.

Reason: Deputy Member on Hillside Farm Committee.

Cr C Matison declared an Impartiality Interest in item 12.4.10 “Strategic Direction for Waste Management in Western Australia and Statutory Review of Western Australia’s Waste Management and Recycling Fund”.

Reason: Council’s delegate on South East Metropolitan Regional Council.

Cr C Matison declared an Impartiality Interest in item 12.5.8 “Development Application – Demolition of Old Methodist Church – 37 (Lot 522) Dorothy Street, Gosnells”.

Reason: Council delegate to Board of Directors Amaroo Village and deputy delegate to Heritage Committee.

Cr PM Morris declared an Impartiality Interest in item 12.4.9 “Hillside Farm - Proposed Lease with Minister for Education”.

Reason: Hillside Farm Committee Chairman.

Cr S Iwanyk declared an Impartiality Interest in item 11.1 “Safe City Task Force”.

Reason: Council delegate to Safe City Task Force.

Cr S Iwanyk declared an Impartiality Interest in item 11.2 “City of Gosnells RoadWide Committee”.

Reason: Council delegate to RoadWide Committee.

Cr R Mitchell declared an Impartiality Interest in item 11.1 “Safe City Task Force”.

Reason: Chairman of Safe City Task Force.

Cr R Mitchell declared a Financial Interest in item “13.1 William Street, Beckenham Survey – Report Request”.

Reason: Owns property in William Street, Beckenham.

3. ANNOUNCEMENTS BY THE MAYOR

(without discussion)

The Mayor circulated to Councillors a list of functions and events she had attended since Tuesday 25 November 2003.

The Mayor announced that:

- * At the National Awards for Local Government 2003, the City of Gosnells received two (2) awards, namely:
 - (i) Highly Commended Award in the Information Technology category for “City of Gosnells eWatch”;
 - (ii) Highly Commended Award in the Infrastructure Management category for “City of Gosnells Zero Tolerance = No Graffiti”

- * At the 2003 Premier's Awards for Excellence in Public Sector Management the City of Gosnells was a finalist in the category of Sustainable Environment for the "City of Gosnells Landmark Civic Complex – ESD in Action";
- * At the FESA Community Safety Awards 2003 the City of Gosnells Safer Seniors Audit Program received an award "In recognition of outstanding effort in supporting and promoting Community Safety in Western Australia";
- * At the Ministry for Disability Services 2003 Accessible Community Awards the City of Gosnells, in the category of Large Local Government, received a Commendation for "improvements in access to the Western Australian Community" which was awarded for leading the way in the universal design of its aquatic leisure facility;
- * The Australian Building Greenhouse Commitment Agreement between the City of Gosnells and the Sustainable Energy Development Office was signed by the Hon. Eric Ripper on behalf of the State Government on Wednesday 10 December 2003, with the City "committed to achieving a 4.5 star Building Greenhouse Rating for the Gosnells Civic Complex", with current best practice for buildings being 3 stars.
- * On Friday 5 December 2003 the Gosnells Award for Business Excellence was presented to Gosnells Pool and Spa at the Local Chambers Annual Business Awards Dinner. The Mayor thanked the Deputy Mayor, Cr Croft, for presenting the award on behalf of the City adding that the City also received a Certificate of Appreciation as sponsor of the award.
- * At the Insurance Commission of Western Australia Road Safety Awards 2003 for the category of Inspiration Award the City of Gosnells RoadWise Committee was a finalist for its "simulated car crash scene".
- * On Saturday afternoon 13 December 2003 at a neighbourhood park in Kenwick, the Premier of Western Australia, the Hon. Dr Geoff Gallop signed an historic agreement for the "Maddington/Kenwick Sustainable Communities Partnership" which was a first in Western Australia.

4. REPORTS OF DELEGATES

Nil.

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

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

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

Questions and statements are to be –

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

QUESTIONS TAKEN ON NOTICE AT PREVIOUS MEETINGS AWAITING RESPONSE

Nil.

RESPONSES TO QUESTIONS TAKEN ON NOTICE AT PREVIOUS MEETINGS

25 November 2003 Ordinary Council Meeting

The following question was posed at the 25 November 2003 Ordinary Council Meeting with the responses as already provided to the correspondents listed accordingly:

- * Mr Peter Hitchins of 36 Galaxy Street, Beckenham asked the following question in relation to item 12.5.4 “Objection to notices issued under section 3.25 of the Local Government Act 1995 to remove rubbish, disused equipment, materials and vehicles from 8 (Lot 18) Chevening Place, Beckenham” of the 25 November 2003 agenda:

Q 3 Is not the City staff being a little two-faced proceeding against the Nash family for rubbish on their verge, whilst ignoring requests and petitions from ratepayers regarding rubbish on City verges?

Response: In reply to Mr Hitchins, the Director Planning and Sustainability provided the following written response on 12 December 2003:

“Question Taken on Notice – Ordinary Council Meeting 25 November 2003

I write in relation to your question taken on notice at the Ordinary Council Meeting of 25 November 2003, which read as follows:

“Is not the City staff being a little two-faced proceeding against the Nash family for rubbish on their verge, whilst ignoring requests and petitions from ratepayers regarding rubbish on City verges?”

Further to the response provided to you at the meeting, I wish to add that if you are aware of any Council managed land as untidy as that at 8 (Lot 18) Chevening Place, Beckenham, I would be happy to meet you at the offending site to discuss the matter and seek to rectify the situation.”

5.1 QUESTION TIME

* Mr CD Stagoll of Lot 200 Cormorant Court, Southern River asked the following questions in relation to item 12.5.2 “Amendment No. 26 to Town Planning Scheme No. 6 – Finalisation of Amendment to Southern River Kennels Zone” on the agenda:

- Q 1 Why does Council allow setbacks of 1.5m for catteries and 10m for dog kennels? Smell is greater/or as great from cats.
- Q 2 Is Council aware of Canning City Council requirements for 5m setback and would provide ammunition for challenges under Fair Trading Act?

Response: The Director Planning and Sustainability advised in relation to the setback variation, that the intent of the amendment before Council was to integrate what was a separate Scheme into Council’s district Scheme and that the review of setback requirements could be dealt with as a separate issue, as otherwise the two could become confused and the consultation required would be far more extensive. He added that variations between kennels and catteries were historic and he would need to investigate further as to the reasons why. He stated that Council was aware of the City of Canning’s requirements, however, there were only a handful of local governments that had kennel zones and each of them had different provisions resulting in great variances. The Director advised that the City of Gosnells kennel zone would be the only kennel zone in the foreseeable future, as it was his understanding the other two would be consumed by urban development. In closing he stated that staff were looking to work with the operators of kennels within the Southern River kennel zone to review the setback requirements reiterating that the intent of the amendment before Council this evening was to bring it into line with the Scheme with the review of setbacks to be dealt with as a separate issue.

Notation

The Mayor invited Ms Dawn Blundell of 2 Discovery Driver, Thornlie who had submitted a question time form, to the microphone; however, she declined stating that she would be happy for the following question to be responded to in writing.

- Q 1 Can Mr Hoffman, newly appointed Councillor outline his plans to improve Gosnells City during his term and give an idea of time frames for said plans to be implemented?

Notation

The above question will be responded to in writing.

- * Mr George Walczak of 99 Victoria Road, Kenwick asked the following questions:

- Q 1 What is the Council's requirement in notifying residents or asking for comments when poultry farms reapply/or apply for building modifications/extensions?

Response: The Director Planning and Sustainability advised that he would need to confer with Council's policy, however, he did not believe there was a specified requirement, adding that it had been a practice to consult where extensions were sought.

- Q 2 Is it the Council's policy to approve modifications to an application granted six years ago without consultation with residents who already have a problem with smell from the farm?

Response: The Director Planning and Sustainability advised that he was aware of the application referred to, adding that an assessment is undertaken to determine impact of a development and if significant variance was indicated, consultation may be undertaken. He advised that in this instance given there was a valid approval in place, which could be acted upon, consultation was not agreed to. The Director advised the question would be taken on notice to enable a more comprehensive written response to be provided.

- * Mrs Georgina Bennett of 122 Victoria Road, Kenwick asked the following question:

- Q 1 Why were only 2 objections noted when the matter of the construction of 2 extra sheds at 127 Victoria Road (chicken farm) was brought before a full Council meeting in December 1997 when I have been advised that 6 different landowners objected in writing at the time?

Response: The Director Planning and Sustainability advised the question would be taken on notice to enable investigation following which a written response would be provided.

- * Mrs Christine Jancey of 128 Victoria Road, Kenwick asked the following questions:

Q 1 Does the Council consider increasing the shed sizes and new shed structures at 127 Victoria Road, Kenwick is in the best interest of the residents living in the proximity of the chicken farm considering the fiasco which occurred in Huntingdale?

Response: The Director Planning and Sustainability advised the situation in Victoria Road was substantially different as the area within Huntingdale was zoned 'residential'. He added that the land in Victoria Road was zoned 'general rural' with Council being obliged to consider applications for legitimate uses that fell within that zoning category. He advised that Council could have refused the application, however, it was his opinion that approval would have been granted on appeal given that it was for a legitimate operation within a 'rural' zone.

Q 2 In regards to chicken sheds is a person who is supplied chickens, feed and removal by outside company trucks classed by the Council as a primary producer or a commercial enterprise on rural property?

Response: The Director Planning and Sustainability advised that Council's requirements did not distinguish between a primary producer and a commercial proprietor. He added that under the Town Planning Scheme there were a number of different classifications with poultry farms being classified as a 'rural' industry, which can operate, and have a history of operating, within a 'rural' zone.

- * Mr Neville McArthur of 27 Stevenage Street, Huntingdale asked the following question:

Q 1 Why has the 'No Exit/No Entry' sign not been replaced as was brought up at the last Council meeting, as we were under the impression that this was to be treated as a priority?

Response: The Director Infrastructure advised the issue was referred to Main Roads Team Network Contractors and unfortunately they had no record of the sign and had to go back to Main Roads to seek advice as to the type and location before re-erecting a sign, which had caused the delay in the process.

Mr McArthur commented that he had contacted Main Roads 16 December 2003 and spoken with a gentleman in charge of the Gosnells area who was aware that a sign had been in place but was not aware it was missing.

The Mayor invited Mr McArthur to contact the Director Infrastructure with the gentleman's details after the meeting to enable staff to follow the matter up. The Director clarified that Main Roads had been contacted on more than one occasion with himself phoning them immediately following the last Council meeting.

5.2 PUBLIC STATEMENTS

- * Mr CH Crow of Companion Animal Boarding Association (Inc.), Lot 38 Passmore Street, Southern River made a public statement in relation to item 12.5.2 "Amendment No. 26 to Town Planning Scheme No. 6 – Finalisation of Amendment to Southern River Kennels Zone" speaking against the staff recommendation contained within the agenda. Mr Crow referred to problems relating to the development of Ranford Estate (*located in the City of Canning*) and setbacks. He suggested that in order to comply with the National Competition Policy Council introduce setbacks for kennels in line with the City of Canning's stating that the community were being denied the benefit of additional kennels at a time when they were at a premium, adding that the State Government now recognised the lack of sufficient kennels in the metropolitan area. He questioned the difference in setbacks for catteries and kennels submitting that Council rectify the matter by introducing setbacks similar to the City of Canning.

Notation

The Mayor announced that the period for receiving of public statements had expired, with Cr R Croft moving the following motion to enable an extension of time:

COUNCIL RESOLUTION

775 Moved Cr R Croft Seconded Cr P Wainwright

"That an extension of time be granted for the receiving of public statements from the public during item 5.2 "Public Statements".

CARRIED 12/0

FOR: Cr W Barrett, Cr R Croft, Cr R Hoffman, Cr P Wainwright, Cr R Mitchell, Cr S Moss, Cr O Searle, Cr C Matison, Cr J Brown, Cr S Iwanyk, Cr D Griffiths and Cr PM Morris.

AGAINST: Nil.

- * Marianna Collie of 20 Redgum Court, Thornlie made a public statement in relation to item 12.5.13 "Pedestrian Accessway (PAW) Closure Between Redgum Court and Timbercrest Road, Thornlie" speaking against the staff recommendation contained within the agenda. Mrs Collie urged Council to support Option 2 as outlined in the agenda to install gates. She added the majority of respondents supported closure of the PAW and asked if Council would be responsible for the continuing cost of vandalism and theft if the PAW remained open. In response to objections submitted she advised that the PAW was not used by children to access schools as they all went by car; was not a

shortcut to Huntingdale shops as they were located in the opposite direction, and was not used to access bus stops as there were none located in Timbercrest Road. In her opinion railed gates would stop vandals from using the PAW and would discourage theft and anti-social behaviour and requested that Council consider installing such gates on a trial basis.

Notation

The Mayor advised Mr Ee Leong Lim of 23 Timbercrest Road, Thornlie who had submitted a public statement in relation to item 12.5.13 "Pedestrian Accessway (PAW) Closure Between Redgum Court and Timbercrest Road, Thornlie that, in accordance with Council policy, statements were limited to a maximum of two people per item (one speaking for and one speaking against), and as his statement was similar to that of the previous speaker she was unable to accept it this evening.

- * Mrs Roberta Richardson of 11 Ross Place, Thornlie made a public statement in relation to item 12.5.14 "Proposed Closure of Pedestrian Accessway Between Ross Place and Canning River Reserve" speaking in favour of the staff recommendation contained within the agenda. Mrs Richardson explained her reasons for supporting closure of the PAW, which she believed would increase security in the street, adding that she would like the opportunity to purchase if closed.

6. CONFIRMATION OF MINUTES

COUNCIL RESOLUTION

776 Moved Cr R Mitchell Seconded Cr P Wainwright

"That the Minutes of the Ordinary Council Meeting held on 25 November 2003, be confirmed."

CARRIED 12/0

FOR: Cr W Barrett, Cr R Croft, Cr R Hoffman, Cr P Wainwright, Cr R Mitchell, Cr S Moss, Cr O Searle, Cr C Matison, Cr J Brown, Cr S Iwanyk, Cr D Griffiths and Cr PM Morris.

AGAINST: Nil.

7. PETITIONS AND MEMORIALS

All petitions, memorials and letters are to be handed to the Chief Executive Officer immediately following verbal advice to the meeting.

A copy of all documentation presented by Councillors is located on File No. C3/1/5 and may be viewed subject to provisions of Freedom of Information legislation.

* Cr O Searle presented two (2) letters from:

- (i) Kathy Walczak of 99 Victoria Road, Kenwick; and
- (ii) RJ & G Bennett of 122 (Lot 13) Victoria Road, Kenwick

regarding concerns over the approval for expansion of the poultry farm at 127 (Lot 246) Victoria Road, Kenwick.

The letters will be forwarded to relevant staff for investigation and provision of an appropriate response to both correspondents.

8. LEAVE OF ABSENCE

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

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

Nil.

9. QUESTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN

(without discussion)

Written notice of the following question was received from Cr D Griffiths, after the Agenda had been finalised, in accordance with the provision of Clause 2.21.1 of the City of Gosnells Standing Orders Local Law 1998.

Question 1: Could Council be provided with the latest information relating to:

- i) The new Canning Vale Police Station;
- ii) The State Government's position relating to Police Stations; and
- iii) Has the Minister of Police, Michelle Roberts, responded to the City of Gosnells, and if so what is their position?

Response: The CEO advised that a letter was forwarded to the Minister for Police on 20 June 2003 requesting information relating to a new police station for Canning Vale and a follow up letter was forwarded 17 July 2003. To

date a response had not been received from the Minister and a further letter would be forwarded this week.

Relating to the possibility of the City of Gosnells funding a new Canning Vale Police Station, the CEO advised it would be his recommendation to Council that this should remain a State Government responsibility.

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

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

COUNCIL RESOLUTION

777 Moved Cr R Mitchell Seconded Cr D Griffiths

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

- * Item 12.5.2 Amendment No. 26 to Town Planning Scheme No. 6 – Finalisation of Amendment to Southern River Kennels Zone;
- * Item 12.5.3 Amendment No. 27 to Town Planning Scheme No. 6 – Finalisation - Recoding of 120 (Lot 9001) and 130 (Lot 9000) Ladywell Street, Beckenham from R20 to R30;
- * Item 12.5.13 Pedestrian Accessway (PAW) Closure Between Redgum Court and Timbercrest Road, Thornlie;
- * Item 12.5.14 Proposed Closure of Pedestrian Accessway Between Ross Place and Canning River Reserve.”

CARRIED 12/0

FOR: Cr W Barrett, Cr R Croft, Cr R Hoffman, Cr P Wainwright, Cr R Mitchell, Cr S Moss, Cr O Searle, Cr C Matison, Cr J Brown, Cr S Iwanyk, Cr D Griffiths and Cr PM Morris.

AGAINST: Nil.

12.5.2 AMENDMENT NO. 26 TO TOWN PLANNING SCHEME NO. 6 – FINALISATION OF AMENDMENT TO SOUTHERN RIVER KENNELS ZONE

File: TPS/6/26 **Approve Ref:** 0203/0163AA (SC) Psrpt191Dec03
Zoning: MRS: Rural
TPS No. 6: Kennels (R10)
Appeal Rights: Nil, however, final determination is with the Minister for Planning & Infrastructure.
Previous Ref: OCM 27 May 2003 (Resolution 335)

PURPOSE OF REPORT

For Council to consider support for the finalisation of Amendment No. 26 to Town Planning Scheme No. 6 (TPS 6), to introduce planning controls that are currently within Town Planning Scheme No. 4, which is being recommended for revocation in a separate item included within this Agenda.

BACKGROUND

Town Planning Scheme No 4 (TPS 4) was originally gazetted in 1976 to facilitate and coordinate the development of land for kennel purposes in Southern River. TPS 4 is a Guided Development Scheme, which includes various controls to facilitate subdivision and development of land within the Kennels zone. In order to rationalise its planning regulations regarding kennels, the subject amendment is to incorporate provisions that are currently contained within TPS 4 into the City of Gosnells Town Planning Scheme No. 6, prior to revocation of TPS 4. The provisions proposed to be incorporated into TPS 6 relate to minimum lot size, frontage and setbacks for the Kennels zone, as well as the application of development conditions and removal of the current R10 density code.

Outcome of Advertising

Council resolved to initiate Amendment No 26 at its Ordinary Meeting held on 27 May 2003.

The Environmental Protection Authority (EPA) was notified in writing and formal notice received on 9 September 2003 advising that the amendment did not warrant environmental advice and is therefore deemed assessed by the EPA.

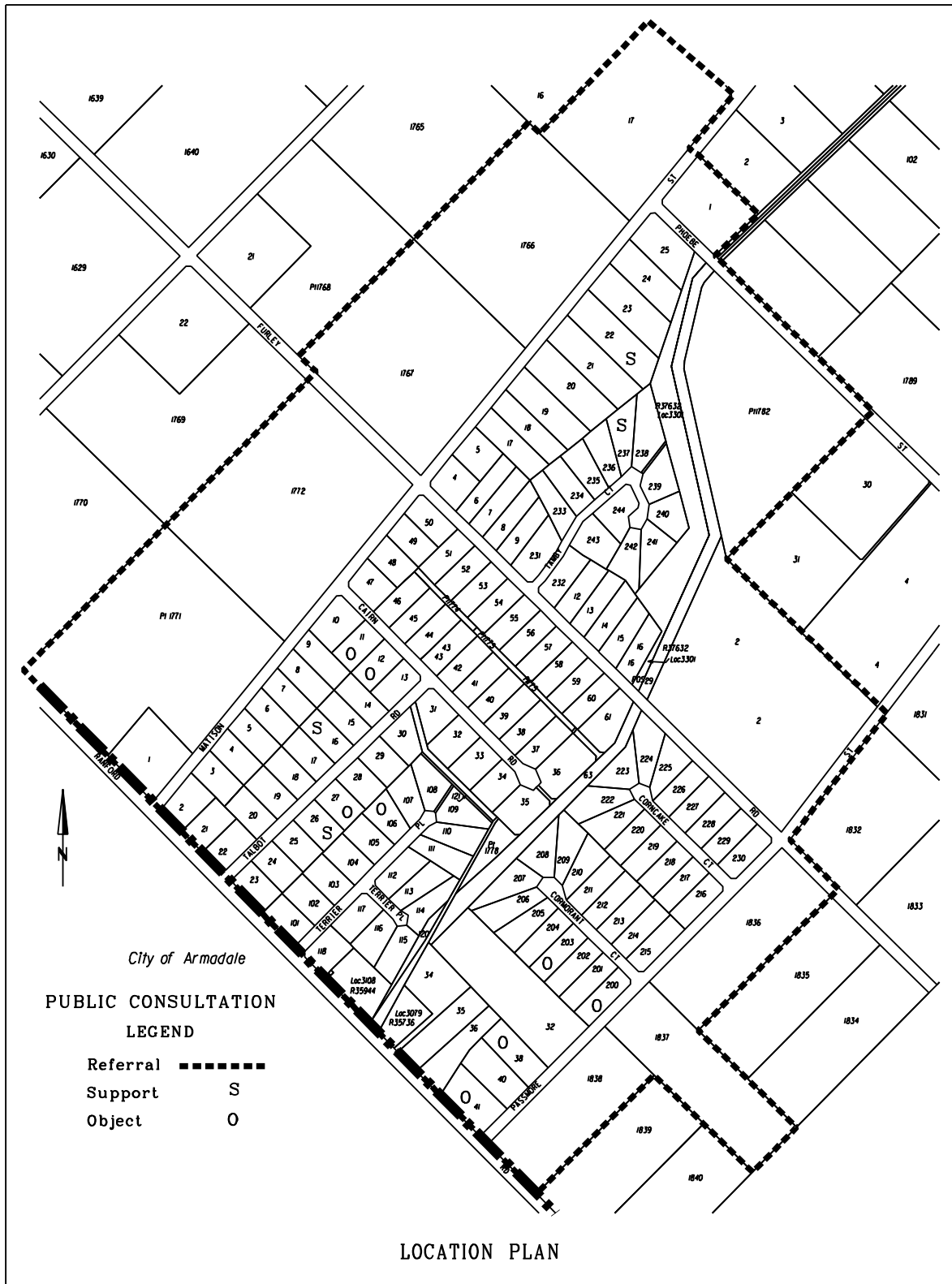
Pursuant to Town Planning Regulations 1967, the amendment was advertised for public comment for 42 days from 1 October 2003 to 12 November 2003 inclusive, with notice of the amendment advertised in the "West Australian" newspaper on 1 October 2003. All owners within the Kennels zone and surrounding lots were notified in writing of the proposed changes and requested to comment (refer Location/Referral plan). A total of 15 submissions were received including six non-objections and nine objections, as summarised in the Schedule of Submissions. Of the six non-objections, only four are located within the TPS 4 scheme area and of the nine objections, eight are located within the TPS 4 scheme area (refer Location/Referral plan).

Schedule of Submissions

No.	Name Address	Description of Affected Property: Lot No, Street, etc	Summary of Submission	Staff Comment
1.	B Abercrombie	Lot 26 Talbot Road Southern River	Non Objection.	Noted.
2.	D Henley 27 Hybrid Court Banjup WA 6164	Lot 16 Talbot Road Southern River	Non Objection. The City must ensure continued viability and existence of the current Kennels zone.	Noted.
3.	K Brotherwood	Lot 12 Cairn Road Southern River	Objection. Concerns non kennel properties close to Kennels zone may lead to problems and complaints from both sets of residents.	No change to surrounding zoning or reserves. All future development shall be in accordance with the district structure plan.
4.	B Knight	Lot 237 Tramby Court Southern River	Non Objection. Concerns regarding future change to Parks and Recreation Bush Forever reserve located corner Ranford Road and Matison Road.	Noted. As per 3 above.
5.	J Renisch	Lot 11 Cairn Road Southern River	Non Objection. Concerns regarding future change to Parks and Recreation Bush Forever reserve located corner Ranford Road and Matison Road and retention of buffer to Kennels area.	Noted. As per 3 above. Future Rural and Light Industry zone, plus Parks and Recreation reserve shall provide a buffer to the Kennels area.
6.	City of Armadale		Non Objection.	Noted.
7.	G & C Briggs	Lot 203 Cormorant Court Southern River	Objection. Concerns regarding 10 metre setbacks for kennels. Believes setbacks should be 5 metres and 7 metres to accord with City of Canning requirements.	Refer Discussion Section
8.	Jessica Brown	Lot 41 Passmore Street Southern River	Objection. Concerns regarding 10 metre setbacks for kennels. Believes setbacks should be the same as the City of Canning requirements.	Refer Discussion Section
9.	T Tascone 47 Ailsworth Court Thornlie	Lot 106 Terrier Place Southern River	Objection. Concerns regarding open space west of Matison Street and maintaining buffer.	As per 3 above.
10.	R Griffiths	45 (Lot 22) Matison Street Southern River	Non Objection. 1) Concerns regarding 10 metre side setback as it limits facilities and is an unfair disadvantage. Other Councils require 5 metres, therefore it is discriminatory and contravenes the fair and equal opportunities law.	Refer Discussion Section.

No.	Name Address	Description of Affected Property: Lot No, Street, etc	Summary of Submission	Staff Comment
			2) Concerns regarding future development of Southern River Precinct 3 with respect to impact on home and lifestyle. 3) Concerns regarding failure to provide for battleaxe blocks for future subdivision.	Southern River Precinct 3 Outline Development Plan shall be advertised and all submissions considered by Council in accordance with scheme requirements. Minimum lot size for Kennels zone is 4,000m ² , with no specific exclusion to applications for battleaxe lot type configuration.
11.	Canine Association of WA (Inc) PO Box 1404 Canning Vale 6970 Attention: C Davis Secretary/Registrar		Objection. 1) Setback controls should be changed to match the City of Canning Kennel zone in order to address current discrimination. 2) Amending the minimum setbacks to those of the City of Canning would address the Federal Government's Competition Rules.	Refer Discussion Section Refer Discussion Section
12.	Committee of the Animal Protection Society PO Box 342 Gosnells 6990 Attention: S Reardon (President)	Lot 27 Talbot Road Southern River	Objection. 1) Concerns regarding removal of Parks and Recreation Bush Forever reserve and General Rural buffer abutting Kennels zone when future residential development of Southern River occurs, with respect to increase in dog barking complaints. 2) Concerns that development will result in Kennels zone being relocated at great financial hardship.	No change to surrounding zoning or reserves. All future development shall be in accordance with the district structure plan, which provides for future Rural and Light Industry zones, plus Parks and Recreation reserve buffer to the Kennels area. Noted – as per 12 above.
13.	C D & D Stagoll	Lot 200 Cormorant Court Southern River	Objection. Setbacks to be changed to be consistent with City of Canning requirements to ensure fair market place and comply with Federal Government's rules of Fair Trading: Rear 7 metres Side 5 metres	Refer Discussion Section
14.	Companion Animal Boarding Association (Inc) Lot 38 Passmore Street, Southern River 6110		Objection 1) Believes that setbacks should be consistent with the City of Canning to address the Federal Government's Competition Rules.	Refer Discussion Section.

No.	Name Address	Description of Affected Property: Lot No, Street, etc	Summary of Submission	Staff Comment
			2) Believes that by not complying with City of Canning setbacks landowners within Southern River kennels area will continue to be disadvantaged and may be open to financial penalties.	Refer Discussion Section
15.	C H Crow	Lot 38 Passmore Street Southern River	<p>Objection</p> <p>1) Concerns that by transferring setbacks from TPS 4 to TPS 6 the landowners in the City of Gosnells will continue to be discriminated against when compared with landowners in the City of Canning.</p> <p>2) Since 1998 the residents of the Kennels zone have requested Council to comply with the Federal Government's Competition Rules by bringing the required setbacks in line with the City of Canning.</p>	<p>Refer Discussion Section.</p> <p>Refer Discussion Section.</p>



DISCUSSION

The proposal is to incorporate the various controls to facilitate subdivision and development of land within the Kennels zone that are currently contained within TPS 4 into the City of Gosnells TPS 6, prior to revocation of TPS 4.

Southern River/Forrestdale/Brookdale/Wungong District Structure Plan

A number of submissions raised concerns in relation to the retention of the Parks and Recreation reservation and the buffer around the Kennels area. All future development is required to accord with the Southern River/Forrestdale/Brookdale/Wungong District Structure Plan, which provides for both Rural and Light industry zoned land together with land reserved for Parks and Recreation surrounding the Kennels area, in order to create and maintain a buffer. The proposed scheme amendment provisions do not alter the Parks and Recreation reservation or impact on the buffer provided for under the structure plan.

Setbacks

The City of Canning Town Planning Scheme No. 40 "Special Residential/Kennel Zone" provides specifically for residential dwellings together with kennel activities and is designated Residential R2.5, which requires minimum lot size of 4,000m². In addition, a related Local Law specifies that each kennel and yard shall be constructed no less than the following distances from a lot boundary:

- front boundary - 15 metres
- side boundary - 5 metres
- rear boundary - 7.5 metres

In comparison, the controls within TPS 4 to be inserted into TPS 6 specifies the following distances from the lot boundary for kennel structures:

- front boundary - 30 metres
- side boundary - 10 metres
- rear boundary - 10 metres

The 10 metre separation of dwellings from kennels was imposed to ensure that the amenity of the community was preserved and in order to limit any detrimental impact of both odour and noise to the surrounding properties. Various minor changes to the City's Dogs Local Laws have occurred over the years, including the specific size and height of enclosures, however, the requirement for all kennels or enclosures to be a minimum of 10 metres from the boundary and from any dwelling, has remained the same since 29 October 1976 when TPS 4 was gazetted. The proposal put forward by a number of landowners to reduce the setbacks required to those allowed in the City of Canning was raised with the City's Ranger Services, who would not support the idea,

stating that the 10 metres is required to adequately maintain and preserve the amenity of the area. As such, it is recommended that the 10 metre setback remain unchanged.

National Competition Policy

Comments were also received relating to setbacks being amended to accord with the City of Canning setbacks for kennels, in order to comply with the Federal Government's competition rules. The National Competition Policy relates to market competition. In this instance, the question arises as to whether the City should alter the setbacks for kennels to be consistent with the City of Canning requirements to ensure that kennel development in both local authorities is considered to be fair and equitable. In this regard it should be noted that the zonings of both kennel areas differ, with the City's kennels area designated a specific "Kennels" zone, whilst in the City of Canning the kennels area is designated "Special Residential/Kennels".

All town planning schemes must also consider the specific requirements that are individual to the communities that they represent in order to provide proper and orderly planning. Clause 11.2 of TPS 6 sets out matters that are to be considered by the local government when determining an application, such as giving due regard to the compatibility of the use, preservation of the amenity and effect on the amenity of the surrounding area. The National Competition Policy refers to potential loss of any community service or benefit resulting from planning approval. In this instance, it would be difficult to ascertain whether compliance with a setback of 10metres for kennels located within the City of Gosnells would result in potential loss of a community service or benefit, when compared with the City of Canning kennel properties. As stated previously, the imposition of the 10 metre setback from side and rear boundaries is imposed to adequately address amenity issues, and as such, should remain to ensure the orderly and proper planning of development within the Kennels zone.

CONCLUSION

It is recommended that Council resolve to finalise Amendment No. 26 without modification.

FINANCIAL IMPLICATIONS

Nil.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION

778 Moved Cr D Griffiths Seconded Cr P Wainwright

“That Council, pursuant to Town Planning Regulation 17(1), dismiss the submissions received; and further, pursuant to Town Planning Regulation 17(2), that Amendment No. 26 to Town Planning Scheme No. 6 be adopted for final approval, as follows:

1. To insert clause 5.11.6 – Kennels Requirements

Notwithstanding the requirements of Table 2C, when considering an application for subdivision within the Kennels zone, the minimum lot size shall be 4,000m² with a minimum effective lot frontage of 30 metres.

When considering an application for planning approval in the Kennels zone, Council shall have regard to, and may impose conditions, relating to the following:

- a) the retention of native trees and shrubs.
- b) with respect to corner lots, the primary and secondary streets shall be determined by Council.
- c) to ensure the visual amenity of the area, kennels shall be screened from view from the road.

2. Replace Kennels minimum setbacks in Table 2C as follows:

Zone	Minimum Setbacks		
	Front	Rear	Side
Kennels	10m dwellings 30m kennels 15m outbuildings	20m dwellings 10m kennels 3m outbuildings	5m dwellings 10m kennels 3m outbuildings

3. Remove Residential R10 coding shown over Kennels zone on Town Planning Scheme No. 6 Scheme Map.”

CARRIED 10/2

FOR: Cr W Barrett, Cr R Croft, Cr R Hoffman, Cr P Wainwright, Cr R Mitchell, Cr C Matison, Cr J Brown, Cr S Iwanyk, Cr D Griffiths and Cr PM Morris.

AGAINST: Cr S Moss and Cr O Searle.

12.5.3 AMENDMENT NO. 27 TO TOWN PLANNING SCHEME NO. 6 – FINALISATION - RECODING OF 120 (LOT 9001) AND 130 (LOT 9000) LADYWELL STREET, BECKENHAM FROM R20 TO R30

File:	234522 : 234553 : TPS/6/27	(RH)	Psprt204Dec03
	Approve Ref: 0203/0152AA		
Name:	Development Planning Strategies		
Location:	120 (Lot 9001) & 130 (Lot 9000) Ladywell Street, Beckenham		
Zoning: MRS:	Urban		
TPS No. 6:	Residential R20		
Appeal Rights:	Nil, however, final determination is with the Minister for Planning and Infrastructure.		
Area:	120 (Lot 9001) – 6,143m ² 130 (Lot 9000) – 4,053m ²		
Previous Ref:	OCM 8 July 2003 (Resolutions 477-479)		

PURPOSE OF REPORT

For Council to consider support for the finalisation of Amendment No. 27 to Town Planning Scheme No. 6 (TPS 6), to rezone 120 (Lot 9001) Ladywell Street, 130 (Lot 9000) Ladywell Street and 110 (Lot 346) Brixton Street, Beckenham from Residential R20 to Residential R30.

BACKGROUND

Council at its meeting held on 8 July 2003, resolved in accordance with staff recommendations, to initiate Amendment No. 27 to rezone 120 (Lot 9001) Ladywell Street, 130 (Lot 9000) Ladywell Street and 110 (Lot 346) Brixton Street, Beckenham from Residential R20 to Residential R30.

In accordance with the Town Planning Regulations, 1967 (as amended), the Council is now required to pass a resolution to adopt the amendment with or without modification or to seek not to proceed with the Scheme amendment. Furthermore it is also a requirement of the Regulations that the decision by Council be made within 42 days of the close of the submission period and that the decision be forwarded to the Commission within 28 days. In this instance, the submission period closed on 9 December 2003 and therefore a decision by Council is required by 6 January 2003.

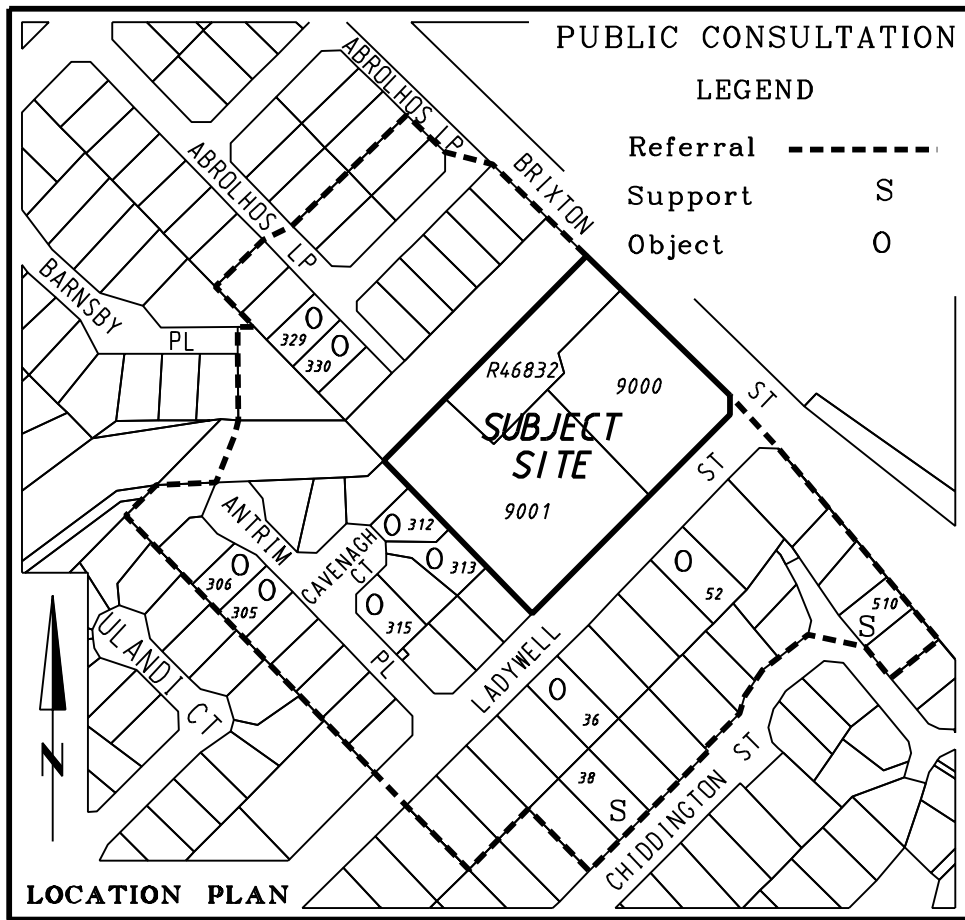
The Environmental Protection Authority was notified in writing and formal notice received on 8 September 2003 advised that the amendment did not warrant environmental advice and that under the provision of section 48A(a) of the Environmental Protection Act, the amendment was therefore deemed assessed by the Environmental Protection Authority.

The amendment was advertised for public comment for 42 days from 21 October 2003 to 9 December 2003. At the close of the submission period, nine objections and two non-objections had been received as summarised in the table below.

Schedule of Submissions

No.	Name Address	Description of Affected Property: Lot No, Street, etc	Summary of Submission	Staff Comment
1.	David and Margaret Jackson PO Box 132 Cannington, 6107	20 (Lot 38) Chiddington Street Beckenham	Non-objection. Providing that: 1) Access to development will not be located opposite the Childcare Centre or Mills Park entrance. 2) Future development will not consist of a corner type retail store, or multi-storey units. 3) Future development to be owner occupied	The applicant has not proposed that access, via an internal loop road, be located directly opposite Mills Park Entrance or the Childcare Centre. The applicant is proposing the creation of residential lots for single house development although a corner store is approved opposite. The City is unable to control dwelling tenure.
2.	Dianne Begg	133 (Lot 52) Ladywell Street Beckenham	Objection. Stated that the opening of the Brixton Street Bridge has significantly increased traffic volumes and created a pedestrian safety concern and that increased residential will increase traffic volumes and only exacerbate the pedestrian/traffic issues.	See Traffic Analysis section.
3.	M. Drew 237 Wright Street Cloverdale	19 (Lot 329) Abrolhos Loop Beckenham	Objection. 1) Believes increased residential development will increase traffic volumes along Brixton Street and therefore Abrolhos Loop. 2) Believes increased residential will also result in an increase in the number of pedestrians with dogs that defecate on the front lawns of Abrolhos Loop residents.	See Traffic Analysis section Increased foot-traffic is seen as a benefit to the City as it would increase the levels of passive surveillance in the area.
4.	Jean-Pierre Dougoud	5 (Lot 313) Cavenagh Court Beckenham	Objection. Believes development within the Reserve would spoil what is a visually appealing, natural setting.	Noted. However, the land is already zoned for Residential development.
5.	Stewart Roch	14 (Lot 306) Antrim Place Beckenham	Objection. No comments given	Noted.
6.	Patrick Johnson	7 (Lot 312) Cavenagh Court Beckenham	Objection. No comments given	Noted.
7.	Christine Clarke	12 (Lot 305) Antrim Place Beckenham	Objection. Stated that development would spoil appreciated existing flora and fauna in the Reserve.	Noted. However, the land is already zoned for residential development.

No.	Name Address	Description of Affected Property: Lot No, Street, etc	Summary of Submission	Staff Comment
8.	Gwen Dicker	125 (Lot 36) Ladywell Street Beckenham	Objection. 1) Believes the reserve is one of the few bushlands/swamplands remaining in the area and does not want to see further loss of existing fauna.	Noted. However, the land is already zoned for residential development.
			2) Has concerns that increased residential will only increase already significant traffic volumes and speeds	See Traffic Analysis section.
9.	Fiona Bannerman and Rodney Nolle	1 (Lot 315) Cavenagh Court Beckenham	Objection. Believes that development would spoil the Reserve and the flora and fauna within it that is personally significant.	Noted. However, the land is already zoned for residential development.
10.	D.Windram	21 (Lot 330) Abrolhos Loop Beckenham	Objection Believes residential development will increase the volumes of foot-traffic along the stormwater bridge and spoil what is a relatively quiet area	Increased foot-traffic is seen as a benefit to the City as it would increase the levels of passive surveillance in the area.
11.	Armando Dos Santos PO Box 436 Bentley WA 6982	40 (Lot 510) Chiddington Street Beckenham	Non-objection	Noted



DISCUSSION

The subject lots are currently zoned Residential R20 under the Town Planning Scheme No. 6 (TPS 6).

The site is located within the Outer Beckenham Housing Precinct of the Local Housing Strategy, which was considered by Council at its Ordinary Meeting of 24 June 2003. Lots 9000, 9001 and 346 are identified on the endorsed plan as being suitable for a density coding of R30, given the lot's proximity to high quality public open space (Mills Park) and a future corner shop.

As mentioned above, during the advertising period, nine objections were received from nearby landowners. Their concerns generally related to the likely traffic increase and the loss of Reserve 46832.

Closure of Reserve 46832

The potential incorporation of this reserve into the development was identified by Council on the basis of the opportunity to reduce the maintenance costs and generate cash in lieu funds for further development at Mills Park. The rationale is also understood to be that the location of Mills Park (opposite the site) provides for local recreational needs.

On examining the issue the pertinent factors in this regard are the design implications for the development and the future development of Yule Brook. Council's Draft Vision 2020 document identifies the opportunity for enhancing the aesthetic and environmental functions of Yule Brook in conjunction with the long term development of Mills Park. In addition the revised design for the development of the site, incorporating the reserved land would result in the development backing onto the drain which would be contrary to Council's Safe City Urban Design Strategy. On these basis' in conjunction with submissions lodged, it is recommended that the amendment proceed, however with the exclusion of the reserved land.

Traffic Analysis

Brixton Street is classified as a District Distributor "B" Road under the Council's adopted Road Hierarchy. The City's traffic engineer has advised that this road can accommodate anywhere between 6,000-8,000 vehicles-per-day (vpd). Current traffic volumes in Brixton Street are approximately 6,500 vpd and given the proposal is unlikely to result in a significant increase to this it is considered acceptable from a traffic viewpoint.

Ladywell Street is classified as a Local Distributor Road. At present, there are no traffic counts available for Ladywell Street. However it is expected that the traffic volumes would be within the desirable range of 3,000-6,000 vpd. As such there would be an insignificant increase in traffic volumes that would be associated with the proposed development.

Abrolhos Loop is classified as a Local Access Road under the Council's Road Hierarchy and although traffic volumes would increase as a result of the proposed development, the amount would be insignificant.

Currently a round-a-bout is proposed for the intersection of Brixton and Ladywell Streets, for 2004/2005, which will assist in the reduction of vehicle speeds in Brixton Street and also assist the right turn movements out of Ladywell Street (onto Brixton).

CONCLUSION

The development of the site for medium density housing is considered to be appropriate from a strategic land use perspective, however the maximum benefit would be derived by maintaining the existing reserve and negotiations with the developers centring on the proposed additions to the reserve for generation of additional cash in lieu funds for the development of that reserve.

FINANCIAL IMPLICATIONS

Nil.

STAFF RECOMMENDATION

Moved Cr S Moss Seconded Cr R Croft

That Council, pursuant to Town Planning Regulation 17(1), uphold in part the submissions received; and further, pursuant to Town Planning Regulation 17(2), that Amendment No. 27 to Town Planning Scheme No. 6 to recode 120 (Lot 9001) and 130 (Lot 9000) Ladywell Street, Beckenham, excluding the adjoining Reserve 46832, be adopted for final approval.

Additional Motion

During debate Cr S Moss moved the following additional motion to the staff recommendation:

“That Council defer consideration of including Reserve 46832 as part of the current amendment proposal subject to further negotiations relating to the future subdivision design to ensure compliance with the City's Safe City Urban Design Strategy.”

Cr S Iwanyk Seconded Cr Moss' proposed additional motion.

Amendment

During debate Cr R Mitchell moved the following amendment to the staff recommendation above to enable staff to negotiate with the proponents to try and achieve the best outcome for the local area and prospective purchasers of blocks within the development:

“That the staff recommendation be amended by deleting the words “excluding the adjoining Reserve 46832,” where they appear in the fifth line after the word “Beckenham”.”

Cr R Croft Seconded Cr Mitchell’s proposed amendment.

Amendment

During debate and following advice from staff, Cr S Moss the Mover of the additional motion agreed that it would be more appropriately included as an additional amendment to the staff recommendation as follows:

“That the staff recommendation be further amended by inserting the words “however, Council defer consideration of including Reserve 46832 as part of the current amendment proposal subject to further negotiations relating to the future subdivision design to ensure compliance with the City’s Safe City Urban Design Strategy” after the word “approval” where it appears at the end of the motion.”

Cr S Iwanyk the Secunder agreed to the change.

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

Moved Cr R Mitchell Seconded Cr R Croft

That the staff recommendation be amended by deleting the words “excluding the adjoining Reserve 46832,” where they appear in the fifth line after the word “Beckenham”, with the amended recommendation to read:

“That Council, pursuant to Town Planning Regulation 17(1), uphold in part the submissions received; and further, pursuant to Town Planning Regulation 17(2), that Amendment No. 27 to Town Planning Scheme No. 6 to recode 120 (Lot 9001) and 130 (Lot 9000) Ladywell Street, Beckenham, be adopted for final approval.”

CARRIED 10/2

FOR: Cr W Barrett, Cr R Croft, Cr R Hoffman, Cr P Wainwright, Cr R Mitchell, Cr C Matison, Cr J Brown, Cr S Iwanyk, Cr D Griffiths and Cr PM Morris.

AGAINST: Cr S Moss and Cr O Searle.

The Mayor then put Cr Moss’ additional proposed amendment, which reads:

Moved Cr S Moss Seconded Cr S Iwanyk

That the staff recommendation be further amended by inserting the words “however, Council defer consideration of including Reserve

46832 as part of the current amendment proposal subject to further negotiations relating to the future subdivision design to ensure compliance with the City's Safe City Urban Design Strategy" after the word "approval" where it appears at the end of the motion, with the amended recommendation to read:

"That Council, pursuant to Town Planning Regulation 17(1), uphold in part the submissions received; and further, pursuant to Town Planning Regulation 17(2), that Amendment No. 27 to Town Planning Scheme No. 6 to recode 120 (Lot 9001) and 130 (Lot 9000) Ladywell Street, Beckenham, be adopted for final approval, however, Council defer consideration of including Reserve 46832 as part of the current amendment proposal subject to further negotiations relating to the future subdivision design to ensure compliance with the City's Safe City Urban Design Strategy."

CARRIED 11/1

FOR: Cr W Barrett, Cr R Croft, Cr R Hoffman, Cr P Wainwright, Cr R Mitchell, Cr S Moss, Cr C Matison, Cr J Brown, Cr S Iwanyk, Cr D Griffiths and Cr PM Morris.

AGAINST: Cr O Searle.

The amendments having been put and carried formed the substantive motion. The Mayor then put the substantive motion, which reads:

COUNCIL RESOLUTION

779 Moved Cr S Moss Seconded Cr S Iwanyk

"That Council, pursuant to Town Planning Regulation 17(1), uphold in part the submissions received; and further, pursuant to Town Planning Regulation 17(2), that Amendment No. 27 to Town Planning Scheme No. 6 to recode 120 (Lot 9001) and 130 (Lot 9000) Ladywell Street, Beckenham, be adopted for final approval, however, Council defer consideration of including Reserve 46832 as part of the current amendment proposal subject to further negotiations relating to the future subdivision design to ensure compliance with the City's Safe City Urban Design Strategy."

CARRIED 11/1

FOR: Cr W Barrett, Cr R Croft, Cr R Hoffman, Cr P Wainwright, Cr R Mitchell, Cr S Moss, Cr C Matison, Cr J Brown, Cr S Iwanyk, Cr D Griffiths and Cr PM Morris.

AGAINST: Cr O Searle.

12.5.13 PEDESTRIAN ACCESSWAY (PAW) CLOSURE BETWEEN REDGUM COURT AND TIMBERCREST ROAD, THORNLIE

File: RED.4 Approve Ref: 0203/0156CL (BF) Psrpt193Dec03

Previous Ref: OCM 13 May 2003 (Resolution 271)

PURPOSE OF REPORT

For Council to consider issues revealed during further investigation of the proposed closure of the pedestrian accessway (PAW) between Redgum Court and Timbercrest Road, Thornlie, and to determine whether the closure should be progressed.

BACKGROUND

History

Over the last three years Council has received two petitions to close the PAW between Redgum Court and Timbercrest Road, due to antisocial behaviour and associated crime problems. The table below outlines the history of requests to close the subject PAW:

First Proposed Closure of the PAW (2000)	
12 September 2000	Petition (99 signatures) requesting closure presented to Council.
15 January 2001	Water Corporation (WC) advised of their objection to closure due to location of a 100mm water main in PAW.
19 February 2001	Convener of petition advised of WC position and that request for closure was therefore not being progressed.

Second Proposed Closure of the PAW (2003)	
3 January 2003	New Petition (39 signatures) received by CEO from a Councillor.
17 January 2003	Council's letter to convener of petition.
9 May 2003	Service Authorities and owners immediately abutting PAW requested to comment on proposed closure.
13 May 2003	Council considered a Notice of Motion regarding the proposed PAW closure.
13 May 2003	Written advice received from WC confirming previous objection to closure due to location of 100 mm water main in PAW.
30 May 2003	Letter sent to the four owners adjoining PAW clarifying certain matters.
6 June 2003	Letter sent to the Department for Planning and Infrastructure requesting their advice on proposed closure.
28 July 03	Advice received from the Department for Planning and Infrastructure that new procedures adopted in May 2003 must be followed requiring consultation and full report on proposal.
27 August 2003	Letter sent to nearby residents seeking comment on proposed closure.
4 September 2003	Written advice from the Department for Planning and Infrastructure that they do not support the closure of the subject PAW. However, they will review their position in the event that the City addresses the requirements of the Western Australian Planning Commission's Planning Bulletin No. 57 Closure of Pedestrian Access Ways – Planning Considerations.

Services Authorities Consultation

The proposal to close the PAW was referred to relevant service authorities for comment, as the presence of public utility services within a PAW can have considerable influence in determining whether a PAW can be closed, with the land being amalgamated into the adjoining properties.

Of the authorities consulted, Alinta Gas advised that they have no objection to the proposed closure. Western Power and Telstra objected to the closure as there is a communication plant and power facilities located in the vicinity. However, they advised that their objections would be withdrawn if a 3 metre wide easement is created to allow access to their facilities at all times.

The Water Corporation has objected to the closure on the grounds that there is an existing 100mm water main located within the PAW. Investigation by Water Corporation revealed that Redgum and Redfern Close are fed from the 150mm water main in Timbercrest Road. If the water main in the PAW were to be removed, there would be a negative impact on customers' services. The Water Corporation also considered that closure of the PAW would affect the security of water supply to 31 properties, and for these reasons they could not recommended that the water main be cut and capped.

Following receipt of the preceding written advice the Water Corporation was again contacted to see if there was any way to quell their objection to the closure. The Water Corporation reiterated its position that an easement over the PAW was not acceptable due to the Water Corporation's liability over the high pressure main installation. The Water Corporation further advised that it would consider an option with standardised lockable gates at both ends of the PAW, so that it could be accessible by the service authorities if necessary.

Department for Planning and Infrastructure (DPI)

Written advice from the DPI set out that it does not support the closure of the subject PAW. Their position will be reviewed in the event that the City addresses the requirements of the Western Australian Planning Commission's "Planning Bulletin No. 57 Closure of Pedestrian Access Ways – Planning Considerations". This Policy was published in May 2003, however, as Council received the petitions requesting closure in January 2003, the closure was initiated under the older procedure. Notwithstanding this, the City has undertaken the analysis set out in the Planning Bulletin as requested by DPI as the new PAW closure process now relies on the amalgamation of the PAW land into the adjoining properties, and hence, the Department for Planning and Infrastructure has the power to overrule any decision by Council as to whether a PAW should be closed or not.

The new procedure outlined in the Planning Bulletin is comprehensive and includes the preparation of several reports. The “planning considerations” include an analysis of local connectivity, quality of alternative routes, impact of closure on alternative routes, access to facilities, relationship to strategic cycle/pedestrian network, social difficulties, and the potential to implement alternatives to closure.

Adjoining Owners

In the past it has been Council’s practice to proceed with the closure of a PAW only where a sufficient number of the adjoining owners have expressed their willingness to purchase a portion of the PAW. During May 2003, the closure of the PAW was advertised to adjoining owners, asking if they would be interested in purchasing a portion of the PAW.

Only one (23 (Lot 45) Timbercrest Road) of the four adjoining owners is willing to purchase the full width of the subject PAW, and one owner (20 (Lot 78) Redgum Court) is willing to amalgamate the portion of the PAW abutting their property if no cost is involved. The two remaining adjoining owners initially objected to the closure (23 Redgum Court and 21 Timbercrest Road respectively). However, owner of 21 Timbercrest Road has recently, during the second advertising, decided to support the closure. Neither of these two owners are prepared to pay for the costs associated with the closure, and the owner of 23 (Lot 77) Redgum Court is still strongly against the PAW closure.

Nearby Owners Advertising

The proposal to close the PAW was advertised to the community by mailing letters to the property owners within the nearby area, as shown on the location plan. The community was invited to make submissions on the proposal during two separate comment periods, firstly on 27 August 2003 and secondly on 16 October 2003 (see Schedule of Submissions below).

The second advertising letter included three options that would be presented to Council for consideration at this meeting. The three options are as follows:

Option 1 – Pursue Closure

- Pursue closure with land being amalgamated with adjoining lots.
- Liaise with Water Corporation regarding protection of water main by way of easement or similar legal protection.
- Liaise with Department of Land Information regarding land apportionment and valuation issues of PAW land.

Option 2 - Gates

- Pursue closure by means of erecting gates at both ends of PAW.

Option 3 – Not to Pursue Closure

- Do not pursue closure. PAW to remain open.

At the completion of the both advertising periods a total of 29 submissions were received, including 26 supporting the closure and 3 objecting to the closure (excluding the service authorities), as shown on the Referral Plan and the Schedule of Submissions. As there were two opportunities to comment on the closure, a number of landowners lodged two submissions, however for the purpose of this report, only the more recent submission has been indicated on the Referral Plan and included in the Schedule of Submissions.

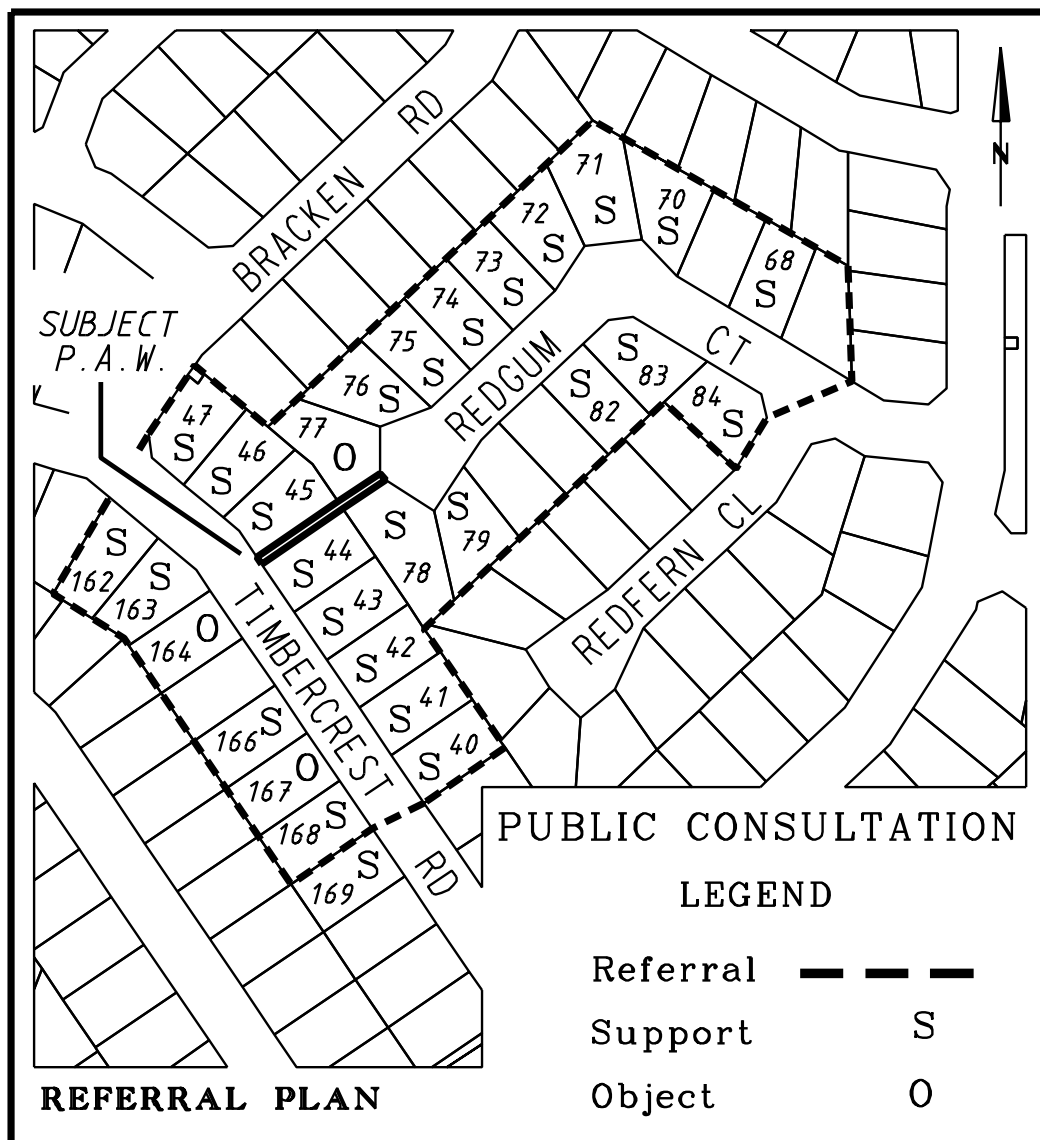
Schedule of Submissions

Submission on advertising on 16 October 2003				
No.	Name Address	Description of Affected Property: Lot No, Street, etc	Summary of Submission	Staff Comment
1.	C E D'Agostino 175 George St, Queens Park	28 (Lot 163) Timbercrest Road, Thornlie	Supports closure of the PAW.	Noted
2.	M R Newport	26 (Lot 164) Timbercrest Road, Thornlie	Objects to closure: 1) He has bought a property because the subject PAW was located at the end of street. 2) In ten years there have been limited amounts of trouble in the PAW, which he can observe from his driveway and bedroom.	Noted
3.	B Hurley	15 (Lot 73) Redgum Court, Thornlie	Supports closure of the PAW.	Noted
4.	Y W Chew	13 (Lot 40) Timbercrest Road, Thornlie	Supports closure of the PAW.	Noted
5.	Mario Marfia	17 (Lot 42) Timbercrest Road	Supports closure of the PAW.	Noted
6.	L Lawrence	15 (Lot 41) Timbercrest Road, Thornlie	Supports closure of the PAW.	Noted
7.	B White	21 (Lot 44) Timbercrest Road, Thornlie	Supports closure of the PAW.	Noted
8.	E E Leong Lim	23 (Lot 45) Timbercrest Road, Thornlie	Supports closure of the PAW.	Noted
9.	N Barker	25 (Lot 46) Timbercrest Road, Thornlie	Supports closure of the PAW.	Noted
10.	B A Hughes	27 (Lot 47) Timbercrest Road, Thornlie	Supports closure of the PAW due to noise disturbance and littering.	Noted
11.	K N Seet	22 (Lot 166) Timbercrest Road, Thornlie	Supports closure of the PAW.	Noted
12.	J Powell	30 (Lot 162) Timbercrest Road, Thornlie	Supports closure of the PAW.	Noted
13.	E K Ho	18 (Lot 168) Timbercrest Road, Thornlie	Supports closure of the PAW.	Noted
14.	M P Robertson	10 (Lot 83) Redgum Court, Thornlie	Supports closure of the PAW due to burglary, bins burnt, car broken into, eggs thrown on driveway and garden.	Noted. The property is 70-80 metres away from the PAW.

Submission on advertising on 16 October 2003				
No.	Name Address	Description of Affected Property: Lot No, Street, etc	Summary of Submission	Staff Comment
15.	A and G Simm	16 (Lot 80) Timbercrest Road, Thornlie	Supports closure of the PAW due to: 1) They were broken into and robbed by persons who escaped via the PAW. 2. During the summer they often have vandalism in the street because of the easy access to their street.	Noted. However, closure may not stop anti-social behaviour in the area.
16.	M Collie	20 (Lot 78) Redgum Court, Thornlie	Supports closure (both Options 1 and 2) of the PAW as owner of property adjacent to PAW due to following disturbances: 1) Breaking of the fence. 2) Dumping of rubbish over fence, throwing pots with smoking ash into backyard, needles, dog's litter, etc. 3) Causing noise by kicking fences. 4) Drinking and shouting within PAW.	Noted. Closure may not stop anti-social behaviour or crime in the area but will make landowners adjacent to the PAW less vulnerable. If the PAW is closed, it should be amalgamated with the adjoining properties at landowners cost.
17.	T Fitzmaurice P O Box 1221, East Vic. Park 6101	19 (Lot 75) Redgum Court, Thornlie	Supports closure of the PAW in order to reduce antisocial behaviour within the PAW. She suggests Option 2 as preferred option, as could be implemented without delay. Option 1 to further investigate as probably more expensive and time consuming..	Noted. Both suggested options would require time in order to liaise with service authorities.
18.	S and S Wood	13 (Lot 72) Redgum Court, Thornlie	Supports closure of PAW as: 1) Their neighbours in the street have been burgled many times. 2) They prefer Option 1 as gates would not necessarily prevent access to PAW.	Noted. Agreed.
19.	L T Ricketts	17 (Lot 74) Redgum Court, Thornlie	Supports closure of PAW as: 1) They have had attempted breaking and stealing. 2) The residents adjacent to the PAW have had objects thrown into their backyard.	Noted.
20.	D and G Hitchman	5 (Lot 68) Redgum Court, Thornlie	Supports closure of the PAW.	Noted.

Submission on advertising on 16 October 2003				
No.	Name Address	Description of Affected Property: Lot No, Street, etc	Summary of Submission	Staff Comment
21.	K and G Robinson	1 (Lot 84) Redfern Close, Thornlie	Supports closure of the PAW as: 1) They have had their home burgled. 2) Drunk teenagers using the PAW for escape cause problems in the street throwing empty bottles and cans on their front yard.	Noted, however, closure may not stop anti-social behaviour in the area.
22.	K Riley P O Box 50 Bentley	9 (Lot 70) Redgum Court, Thornlie	Supports closure of the PAW.	Noted.
23.	T and M Brady	21 (Lot 76) Redgum Court, Thornlie	Support closure of the PAW.	Noted.
24.	P Cain	12 (Lot 82) Redgum Court, Thornlie	Supports closure of the PAW.	Noted.
25.	J L Murray	18 (Lot 79) Redgum Court, Thornlie	Supports closure of the PAW.	Noted.

Submission on advertising on 27 August 2003				
No.	Name Address	Description of Affected Property: Lot No, Street, etc	Summary of Submission	Staff Comment
26.	J P Hornblow	20 (Lot 167) Timbercrest Road, Thornlie	Objects because they use this PAW and they are not aware of any antisocial behaviour within PAW.	Noted.
27.	C Mullane	19 (Lot 43) Timbercrest Road, Thornlie	Supports closure of the PAW.	Noted.
28.	C Bryson	11 (Lot 71) Redgum Court, Thornlie	Supports closure of the PAW.	Noted.
29.	H Whitting	23 (Lot 77) Redgum Court, Thornlie	Objects to closure of the PAW: 1) She is one of the adjoining owners and over a 9 year period she has experienced only two minor incidents. 2) Her three children use the PAW to attend Forest Crescent Primary School. 3) PAW is used daily by children, residents and walkers.	Noted.



DISCUSSION

In considering this proposal, the following points should be noted:

- Inspections by the planning staff for evidence of anti-social behaviour in the PAW have been undertaken on two occasions, once in May 2003 and more recently, on 7 November 2003 at 3.30pm. These inspections revealed minimal litter, fence damage and graffiti.
- Closure of the PAW could reduce crime and anti-social behaviour and is consistent with the SafeCity Urban Design Strategy, however, closure of the PAW will not prevent anti-social behaviour from occurring in the area, and problems could be relocated to other areas.

- The majority of submissions received by residents support closure. According to the submissions, residents experience a variety of antisocial behaviour including alcohol and drug activities, fence damage, excessive noise during the night, theft and lighting fires in rubbish bins. In addition, as indicated in received submissions burglary and stealing in the streets connected by the PAW is apparent, being Timbercrest Road, Redgum Court and Redfern Close.
- One owner, whose property is adjacent to the PAW, has objected to the closure. Her children use the PAW to go to Forest Crescent Primary School, and she indicates only minor problems have been experienced over the last 9 years.
- Only one adjoining owner is willing to purchase the full width of the adjacent portion of the PAW.
- Water Corporation has objected to closure regarding the existence of the water main, which cannot be cut and capped, and they have indicated that an easement is not a suitable option for them. However, they have advised that they would consider the placement of lockable gates at either end of the PAW.
- Western Power and Telstra will support the closure only subject to a 3.0 m easement created to allow full access.
- The effect on likely pedestrian origin destination patterns is as follows:

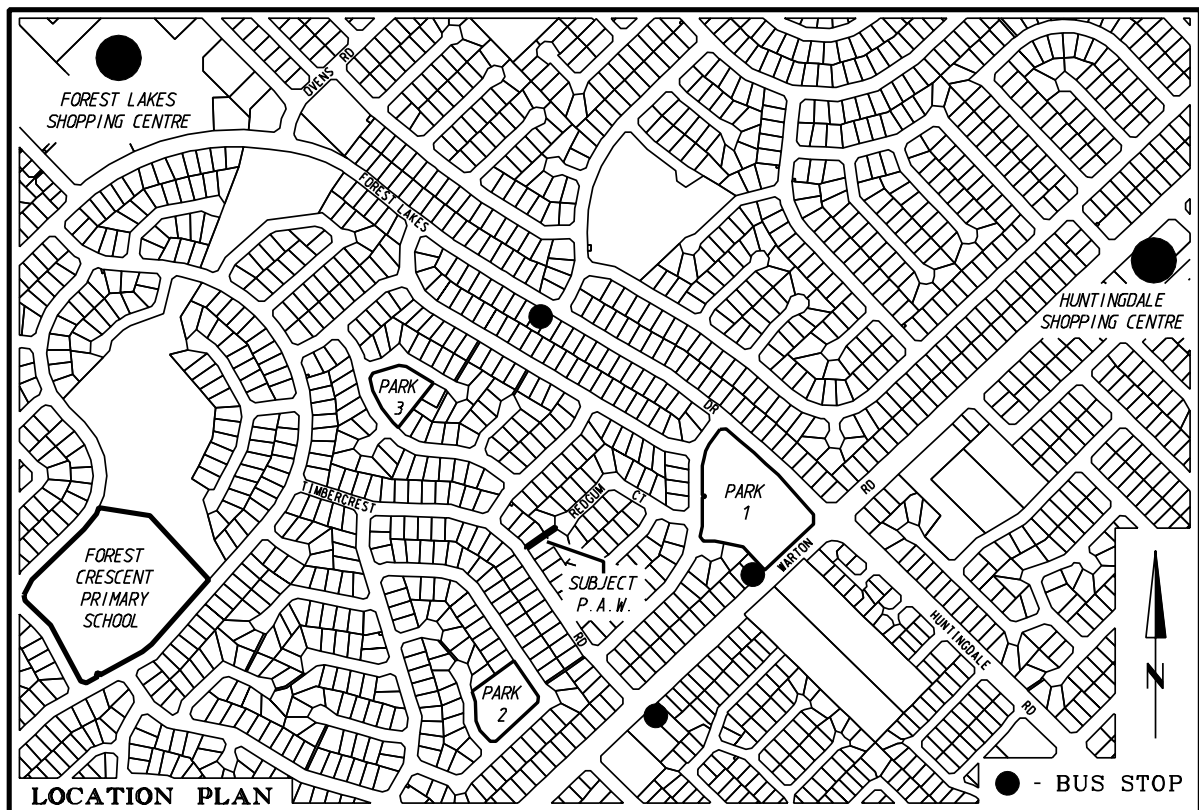
Schools – Access to the Forest Crescent Primary School would be affected by the proposed closure of the PAW. Immediate connection to Timbercrest Road cycle/footpath from Redgum Court would be prevented with pedestrians and cyclists, including children, having to use alternative streets with no current paths.

Parks – Closure would not have an impact on access to parks. There are currently three parks within 400m walking distance with or without closure.

Shops – Closure would increase walking distance to Huntingdale Shopping Centre by approximately 90 metres and to Forest Lakes Shopping Centre by 180 metres. Both shopping centres are more than 1,000 metres from the subject PAW and therefore are not substantially affected.

Bus Stops – Walking distance to two bus stops located on Warton Road would be affected by the proposed closure. Closure of the PAW would increase walking distance to the bus stop on the intersection of Warton and Timbercrest Roads by approximately 250 metres, and to the bus stop on Warton Road abutting a local park, by 90 metres.

Cycle/pedestrian network – Access to cycle/pedestrian network would be affected by the proposed closure of the PAW. There are dual-use paths along Warton Road, Timbercrest Road and Forest Lakes Drive. The subject PAW provides the closest pedestrian link for Redgum Court residents to Timbercrest and Warton Roads cycle/pedestrian network.



The new WA Planning Commission policy for the closure of PAWs requests that as part of the Closure Report, an analysis of the opportunity for alternatives to closure be provided, which involves improvement of lighting, landscaping and even rezoning of land adjacent to the PAW. Investigation of future redevelopment of land adjacent to the PAW in this instance revealed that redevelopment is not feasible due to the large size and good condition of established properties. There is only potential on Lot 78 for an additional house to face the PAW, with the remaining three not suitable for redevelopment. As such, the only alternative options are to investigate possible improvement of the PAW by adequate lighting, landscaping, redesigning of fencing indirect liaison with the owners whose properties are adjacent to the PAW.

In light of the above points it is now appropriate to re-examine the three options presented to residents during the second consultation period:

Option 1 – Pursue Closure

From a planning perspective the impact of closure is marginal in terms of distances and numbers affected. The Water Corporation has indicated it is not prepared to support the amalgamation of PAW land into private landholding even with the protection of an easement. In addition, only one landowner abutting the PAW is prepare to meet the associated costs. Therefore full closure is not feasible.

Option 2 – Gates

The Water Corporation has indicated that it would be prepared to support the enclosure of the PAW through the erection of lockable gates at either end. This option is not recommended by the City's Planning staff as it is considered that gates can actually further exacerbate security problems by creating a space that has no potential to be overlooked, and hence is even less secure. This view was confirmed in the case of the closure of the PAW between Boliver Place and Spencer Road, where following the erection of gates there was a significant increase of incidents of crime and anti-social behaviour. It should also be noted that DPI approval would still be required in the closure process.

Option 3 – PAW to Remain Open

As outlined previously, the subject PAW is considered to provide an important connection to the neighbourhood pedestrian/cycle network. In addition, closure would increase travelling distances to Forest Crescent Primary School and the bus stops on Warton Road, and would direct pedestrian/cycle traffic along an alternative route where there are no paths. Most significantly as there are not enough adjacent owners willing to purchase and amalgamate the PAW into their properties, and as the option of gates may present an even more attractive location for anti-social behaviour and crime it is considered that the option to keep the PAW open is the most desirable.

Given the above, it is considered appropriate that the City review the PAW in terms of maintenance and lighting, and ascertain whether any measures can be implemented to increase safety and security within and surrounding the PAW IN line with the City's SafeCity Urban Design Strategy principles.

CONCLUSION

In summary, although more submissions supporting closure were received than objecting to closure it appears that the closure would have a detrimental impact on the future cycle/pedestrian network in the area and as the Water Corporation will only support closure using gates and this option is not considered desirable from a safety point of view, it is recommended that the PAW remain open.

FINANCIAL IMPLICATIONS

The costs for progressing closure of the PAW would need to be met through the existing City Planning operational budget. However, if the Council resolves to pursue the option of providing gates at either end of the PAW additional cost would arise. Estimated cost of the supply and installation of two gates would cost approximately \$1,200, which could be accommodated within existing operational budgets.

STAFF RECOMMENDATION

Moved Cr J Brown Seconded Cr W Barrett

That Council not support the closure of the pedestrian accessway between Redgum Court and Timbercrest Road, Thornlie, on the following grounds:

- (a) Objection received from Water Corporation.
- (b) Closure of this pedestrian accessway would inconvenience pedestrian and cycle movement.
- (c) Not sufficient number of owners abutting the PAW are prepared to purchase a portion.

The applicant and those who made submissions be advised accordingly.

Foreshadowed Motion

During debate Cr S Moss foreshadowed that she would move the following motion:

“That Council support the closure of the pedestrian accessway between Redgum Court and Timbercrest Road, Thornlie and approve Option 2 - Gates.”

if the motion under debate was defeated.

Foreshadowed Motion

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

“That Council support the closure of the pedestrian accessway between Redgum Court and Timbercrest Road, Thornlie with lockable gates at either end as outlined in option 2, at a cost of \$1,200.”

if the motion under debate was defeated, providing the following written reason:

“Nineteen (19) for closure and only one (1) supporting.”

Having heard Cr Croft’s proposed foreshadowed motion Cr S Moss agreed to withdraw her motion and Seconded Cr Croft’s proposed motion.

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

STAFF RECOMMENDATION

Moved Cr J Brown Seconded Cr W Barrett

That Council not support the closure of the pedestrian accessway between Redgum Court and Timbercrest Road, Thornlie, on the following grounds:

- (a) Objection received from Water Corporation.
- (b) Closure of this pedestrian accessway would inconvenience pedestrian and cycle movement.
- (c) Not sufficient number of owners abutting the PAW are prepared to purchase a portion.

The applicant and those who made submissions be advised accordingly.

LOST 1/11

FOR: Cr J Brown.

AGAINST: Cr W Barrett, Cr R Croft, Cr R Hoffman, Cr P Wainwright, Cr R Mitchell, Cr S Moss, Cr O Searle, Cr C Matison, Cr S Iwanyk, Cr D Griffiths and Cr PM Morris.

The Mayor then put Cr Croft's proposed foreshadowed motion, which reads:

COUNCIL RESOLUTION

780 Moved Cr R Croft Seconded Cr S Moss

“That Council support the closure of the pedestrian accessway between Redgum Court and Timbercrest Road, Thornlie with lockable gates at either end as outlined in option 2 of Item 12.5.3 Pedestrian Accessway (PAW) closure between Redgum Court and Timbercrest Road, Thornlie of the agenda at a cost of \$1,200.”

CARRIED 11/1

FOR: Cr W Barrett, Cr R Croft, Cr R Hoffman, Cr P Wainwright, Cr R Mitchell, Cr S Moss, Cr O Searle, Cr C Matison, Cr S Iwanyk, Cr D Griffiths and Cr PM Morris.

AGAINST: Cr J Brown.

12.5.14 PROPOSED CLOSURE OF PEDESTRIAN ACCESSWAY BETWEEN ROSS PLACE AND CANNING RIVER RESERVE

File: ROS.3 **Approve Ref:** 0203/0157cl (BE) Psrpt194Dec03
Name: S & R Richardson
Location: Adjoining 13 (Lot 37) and 11 (Lot 38) Ross Place, Thornlie
Previous Ref: Nil

PURPOSE OF REPORT

For Council to consider a request to close the pedestrian accessway (PAW) between Ross Place and Canning River Reserve, Thornlie.

BACKGROUND

The proposed PAW closure is at the request of the owners of an adjoining property who have experienced anti-social behaviour and crime including drug use, alcohol consumption, use of unlicensed trail bikes, home invasions and damage to fencing. The matter was previously considered in October 1999, but was not proceeded with as there was considerable opposition to the closure of the PAW from nearby residents at that time.

Government Agencies and Service Authorities Consultation

The proposal was referred to all relevant service authorities for comment, as the presence of public utility services within a PAW can have considerable influence in determining whether a PAW can be closed and the amalgamation of the land into adjoining properties. Western Power, Telstra, Alinta Gas and the Water Corporation all advise that they have no assets in the PAW and do not object to the closure. Also, the City does not have any stormwater drainage within the subject PAW.

Several reports were prepared in accordance with Western Australian Planning Commission (WAPC) "Planning Bulletin No. 57 Closure of Pedestrian Accessways – Planning Considerations" and forwarded to the Department for Planning and Infrastructure (DPI) for comment. The "Assessment Report" summarised the relevance of the accessway in terms of the pedestrian movement network, the impacts of the closure on access to facilities, alternative routes and their safety, and social/crime problems being experienced. The DPI advises that they have no objection to the closure of the subject PAW.

Public Consultation

The community was invited to make submissions on the proposal during an advertising period of 21 days, which closed on 19 August 2003. The proposal to close the PAW was advertised to the community by way of an advertisement in a community newspaper, a poster display at each end of the PAW and a mail out to residents within the referral area (see Location Plan).

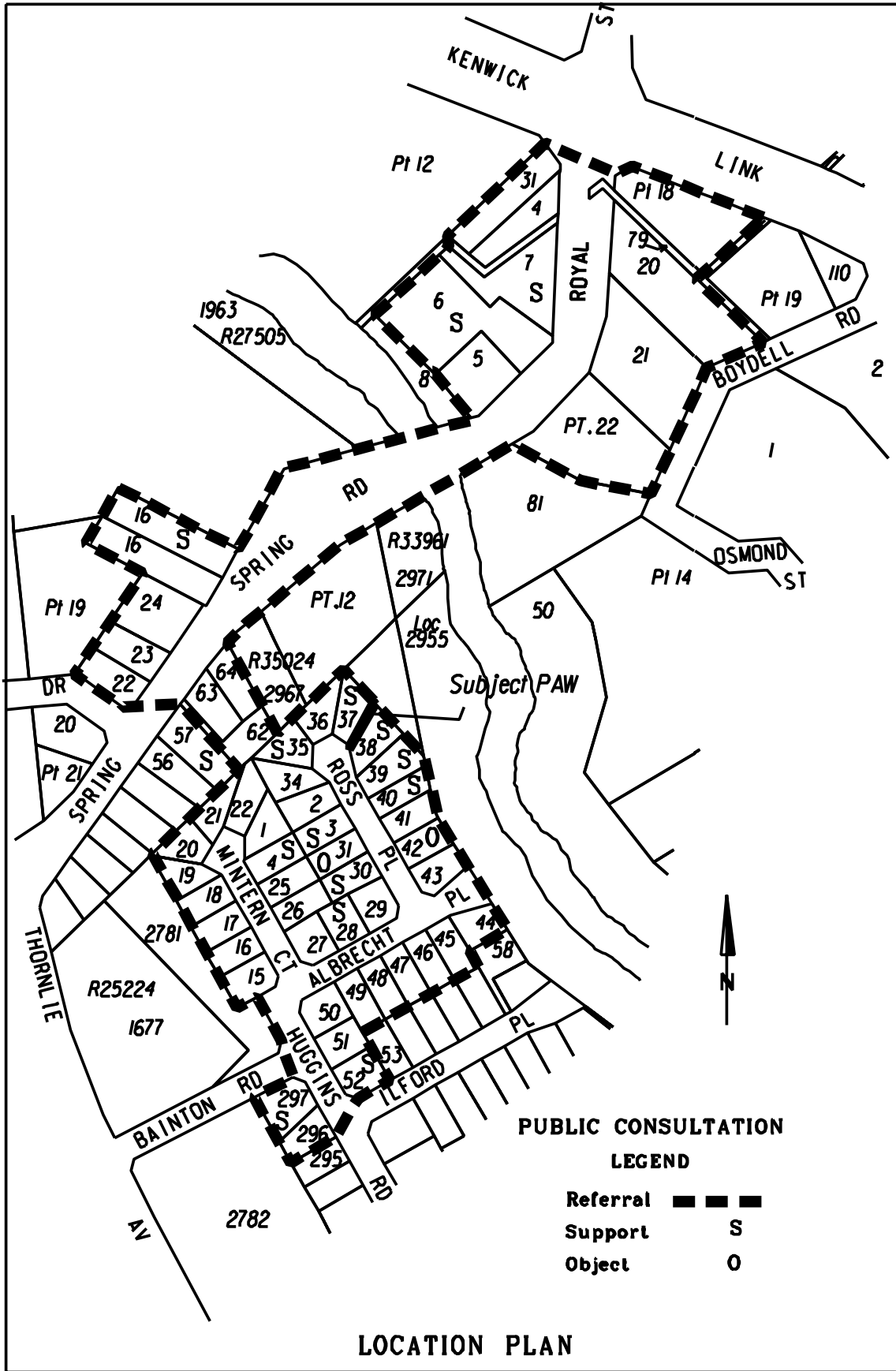
Of the two adjoining landowners to the PAW the applicant (Lot 38) supported the closure and registered their interest in acquiring the full width of the PAW. The other adjoining landowner (Lot 37) supported the closure, but at the time was not interested in acquiring any PAW land. However, in a recent letter from the owners of Lot 37 they have now expressed a desire to purchase half of the PAW land.

At the conclusion of the advertising period seventeen submissions were received (excluding service authorities), fifteen supported the closure of the PAW and two objected to the closure of the PAW.

Submission Table

No.	Name/Address	Description of Affected Property: Lot No, Street, etc	Summary of Submission	Staff Comment
1.	A Hegarty	6 (Lot 31) Ross Place Thornlie	Object. 1) Would no longer have easy access to public open space without walking further. 2) Council has not endeavoured to implement other security measures.	It is a shorter distance to travel to the public open space via Albrecht Place. As mentioned in the report, alternative measures would not be successful.
2.	T Elkes	7 (lot 40) Ross Place Thornlie	Support. 1) Has experienced a lot of petty crime and has witnessed a group use the PAW from the river and entered his property. The group then fled using PAW as escape route. 2) Albrecht Place is a reasonable option to access river.	Noted
3.	V Grant	2A (Lot 297) Bainton Road Thornlie	Support.	Noted
4.	T & J Abbott	10 (Lot 28) Albrecht Place Thornlie	Support. Need to consider not to develop pathways between housing as this will always create nuisances.	Noted This is recognized and PAW's are no longer a recommended practice in new subdivision.
5.	D Ridge	3 (Lot 42) Ross Place Thornlie	Object. 1) Uses PAW daily. It is a quick and easy way to get to and from the bus stop on Spring Road and Kenwick station. If PAW is closed, this would be forced to walk around No. 1 Ross Place, which is avoided for safety reasons. 2) Street light between Nos. 13 and 15 should be moved to between Nos. 11 and 13 to provide lighting of PAW. 3) All houses that back onto river experience anti-social behaviour.	Noted Closure of PAW would result in additional distance of 60 metres. Due to angle of PAW, additional lighting would not solve problems. Noted.

No.	Name/Address	Description of Affected Property: Lot No, Street, etc	Summary of Submission	Staff Comment
6.	A Nash	9 (Lot 39) Ross Place Thornlie	Support. There is easy access to the river at the entrance to cul-de-sac (Albrecht Place) so the PAW serves no real purpose.	Noted
7.	R Newnan & I Sant	3/7 (Lot 16) Spring Road Thornlie	Support.	Noted.
8.	Y Dalgleish	4 (Lot 30) Ross Place Thornlie	Support. Believes PAW contributes to anti-social behaviour witnessed in street.	Noted.
9.	E & E Kilmurray 65 Royal Street Kenwick 6107	55 (Lot 7) Royal Street Kenwick	Support.	Noted.
10.	E & E Kilmurray	65 (Lot 6) Royal Street Kenwick	Support.	Noted.
11.	T Rajah	8 (Lot 3) Ross Place Thornlie	Support.	Noted.
12.	P & B Dorizzi	39 (Lot 52) Huggins Road Thornlie	Support.	Noted.
13.	T & G Pellegrino	14 (Lot 35) Ross Place Thornlie	Support.	Noted.
14.	N Bindon	18A (Lot 57) Spring Road Thornlie	Support.	Noted.
15.	S Hart	13 (Lot 37) Ross Place	Support. Interested in half width of land.	Noted.
16.	S & R Richardson	11 (Lot 38) Ross Place Thornlie	Support. Interested in full width of land.	Noted.
17.	P & A Watts 15 Shasta Road Lesmurdie 6076	7 (Lot 4) Mintern Court Thornlie	Support. Experienced similar anti-social behaviour with PAW in Mintern Court.	Noted



DISCUSSION

The PAW provides access from Ross Place to the nearby Canning River foreshore reserve, which contains existing cycle/footpath network, bench seating and picnic tables.

Site Inspections

During a site inspection in July 2003 a number of pedestrians were seen using the pathway along the river reserve but no pedestrians used the PAW. It was noted that the PAW was narrow, approximately 1.8 metres wide, with a concrete path, angled from Ross Place, giving poor surveillance from adjacent properties and raised at the reserve end, again giving poor surveillance from Canning River. There is no lighting in the PAW and there was no evidence of graffiti, drug use or rubbish but it was noted that some fencing was broken.

During a more recent site inspection (28 November 2003) no pedestrians were seen using the PAW, the PAW was free from rubbish, there was no evidence of graffiti, drug or alcohol use. It is envisaged that the installation of improved lighting would not improve the occurrence of anti-social behaviour due to the layout of the PAW, being an angled entrance from Ross Place and raised level at Canning River making surveillance limited.

It should be noted that both the adjoining properties to the PAW back onto the Canning River reserve and may still experience anti-social behaviour even if the PAW is closed.

Access to Facilities

Within 400 metres of the subject PAW there are two recreational reserves and public bus routes located on Spring Road and Thornlie Avenue. There are no schools or shops located in close proximity to the PAW, therefore there is minimal effect on the access to these facilities should the PAW be closed.

Ross Place is approximately 130 metres long (fourteen residences) and closure of the PAW would add approximately 230 metres of walking (4-5 minutes) for residents at the head of the cul-de-sac accessing the bus route on Spring Road via the foreshore reserve. Ross Place residents nearer to the corner of Albrecht Place would be affected less and closure of the PAW would only add 30-60 metres extra walking (1-2 minutes) to access the bus route at Spring Road. Access to the bus route on Thornlie Avenue will not be effected.

If the PAW were closed, walk and cycle access to the Canning River reserve would mostly affect residents at the cul-de-sac end of Ross Place, as this would add an extra 130 metres to their journey via Albrecht Place. As most residents in this portion of Ross Place are in favour of closure this is not considered a significant issue. Ross Place and Albrecht Place both have constructed pathways, with the pathway on Albrecht Place connecting onto the Canning River reserve.

Analysis of Submissions

The owners of both adjoining properties to the PAW support the closure, with the owners of Lot 38 willing to purchase the full width of the PAW and the owners of Lot 37 willing to purchase half width of the PAW. The proposed PAW closure is at the request of the owners of Lot 38 who have experienced anti-social behaviour and crime, including drug use, alcohol consumption, use of unlicensed trail bikes, home invasions and damage to fencing.

The majority of the submissions received from residents support the closure of the PAW, several of them having experienced anti-social behaviour in the street. Out of the seventeen submissions, fifteen supported the closure and two objected to the closure. Both objections to the closure are from residents in Ross Place who claim that the closure will add extra walking time to access bus services on Spring Road and that alternatives such as the addition of street lighting would reduce anti-social behaviour in the PAW. As mentioned previously, residents in Ross Place near the corner of Albrecht Place would only need to walk an extra 30-60 metres to access the bus route at Spring Road, which would add an extra 1-2 minutes to their walk, which is not considered to be significant. The addition of street lighting in this instance is not considered to provide significant benefit due to the layout of the PAW, being an angled entrance from Ross Place and raised level at Canning River making surveillance limited.

As mentioned previously, the presence of public utility services within a PAW can have considerable influence in determining whether a PAW can be closed and the amalgamation of the land into adjoining properties. As none of the services have assets within the PAW and do not object to the closure, and the City has no stormwater drainage within the PAW, it would be a reasonably easy amalgamation of land if the PAW were to be closed. In this regard, both landowners abutting the PAW have indicated they are willing to purchase their portion of the PAW, and DPI has advised that they do not object to the closure of the PAW.

CONCLUSION

In summary, the closure of the PAW should not significantly effect cycle/pedestrian movement in the area, as it does not form a direct link to community facilities in the area and an alternative route is available to connect to the Canning River reserve cycle/pathways. The closure will effect access to bus routes in Spring Road adding an extra 4-5 minutes of walking time via alternative walking route, however this is not considered to be significant. The PAW is narrow and surveillance from adjacent properties and the Canning River reserve is poor. Both of the adjoining owners are willing to purchase portions of the PAW, the majority of submissions from local residents supported the closure and the DPI is also supportive of the closure. Therefore, it will be recommended that Council support the closure of the PAW subject to all costs relating to the closure being met by adjoining landowners.

FINANCIAL IMPLICATIONS

If the PAW is closed there will be a cost to the City of approximately \$300 to remove the lead-in concrete footpath in the Canning River reserve. All other costs of closure would be met by adjoining landowners.

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

“That Council advise the Department for Planning and Infrastructure – Land Asset Management Services, that it supports the closure of the pedestrian accessway between Ross Place and Canning River reserve, Thornlie, subject to the adjoining landowners meeting the costs of the closure.”

CARRIED 12/0

FOR: Cr W Barrett, Cr R Croft, Cr R Hoffman, Cr P Wainwright, Cr R Mitchell, Cr S Moss, Cr O Searle, Cr C Matison, Cr J Brown, Cr S Iwanyk, Cr D Griffiths and Cr PM Morris.

AGAINST: Nil.

11. MINUTES OF COMMITTEE MEETINGS

The Mayor advised the meeting that Cr S Iwanyk due to being Council's delegate to the Safe City Task Force, and Cr R Mitchell due to being Chairman of the Safe City Task Force had disclosed an Impartiality Interest in the following item in accordance with Regulation 34C of the Local Government (Administration) Regulations 1996.

11.1 SAFE CITY TASK FORCE

File: C1/15

(MC)

Appendix: 11.1A Minutes of Safe City Task Force Meeting held on the
24 November 2003

PURPOSE OF REPORT

For Council to receive the Minutes of the City of Gosnells Safe City Task Force Meeting held on 24 November 2003.

BACKGROUND

The Safe City Task Force meets every second month to provide advice to Council on the Safe City Initiative.

There were no recommendations made at the Meeting held on 24 November 2003, which require Council's adoption.

DISCUSSION

The business of the meeting is reported in the Minutes of the SafeCity Task Force meeting held on 24 November 2003 provided as Appendix 11.1A.

FINANCIAL IMPLICATIONS

Nil.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION

782 Moved Cr D Griffiths Seconded Cr R Croft

“That Council receive the Minutes of the Safe City Task Force Committee Meeting held on 24 November 2003 as attached in Appendix 11.1A.”

CARRIED 12/0

FOR: Cr W Barrett, Cr R Croft, Cr R Hoffman, Cr P Wainwright, Cr R Mitchell, Cr S Moss, Cr O Searle, Cr C Matison, Cr J Brown, Cr S Iwanyk, Cr D Griffiths and Cr PM Morris.

AGAINST: Nil.

The Mayor advised the meeting that Cr S Iwanyk due to being Council's delegate to the RoadWise Committee had disclosed an Impartiality Interest in the following item in accordance with Regulation 34C of the Local Government (Administration) Regulations 1996.

11.2 CITY OF GOSNELLS ROADWISE COMMITTEE

File: T7/1/5

(JB)

JB12.1a

- Appendix:**
- 11.2A Minutes of the City of Gosnells RoadWise Committee Meeting held on Wednesday 6 August 2003.
 - 11.2B Minutes of the City of Gosnells RoadWise Committee Meeting held on Wednesday 3 September 2003.
 - 11.2C Minutes of the City of Gosnells RoadWise Committee Meeting held on Wednesday 5 November 2003.

PURPOSE OF REPORT

For Council to receive the Minutes of the RoadWise Committee Meeting held on Wednesday 6 August 2003, Wednesday 3 September 2003 and Wednesday 5 November 2003 and consider the recommendations therein.

BACKGROUND

The City of Gosnells RoadWise Committee meets on the first Wednesday of every month, to develop strategies, which encourage community participation and education to achieve a safer road environment for the City of Gosnells road users.

There were eight (8) recommendations made at the meetings held on Wednesday 6 August 2003, Wednesday 3 September 2003 and Wednesday 5 November 2003 requiring Council's adoption.

DISCUSSION

The business of the meetings is reported in the Minutes provided as Appendix 11.2A, Appendix 11.2B and Appendix 11.2C.

Recommendation 60 of the Minutes of the RoadWise Committee Meeting held on Wednesday 6 August 2003, is in relation to the formation of a Working Party to discuss the Road Safety Carnival and that Cr S Iwanyk be invited to be a member of this group.

Recommendation 61 of the Minutes of the RoadWise Committee Meeting held on Wednesday 6 August 2003, is in relation to the absence of Community Representative, Mrs Maria Cawte from the last few meetings. It was recommended that Mrs Cawte be granted an extended leave of absence, due to ill health.

Recommendation 62 of the Minutes of the RoadWise Committee Meeting held on Wednesday 3 September 2003, is in relation to Community Representative, Mr Ken Brown chairing the meeting in the absence of the Presiding Member.

Recommendation 63 of the Minutes of the RoadWise Committee Meeting held on Wednesday 3 September 2003, is in the relation to the omission of Mr D Brown's name as Observer and the typing error of the initial "K" Brown instead of "D" Brown as a member of the Working Party for the Road Safety Carnival.

Recommendation 64 of the Minutes of the RoadWise Committee Meeting held on Wednesday 5 November 2003 is in relation to Community Representative, Mr Ken Brown sitting in the position of Presiding Member for the purpose of chairing the Meeting.

Recommendation 65 of the Minutes of the RoadWise Committee Meeting held on Wednesday 5 November 2003 is in relation to the Minutes for the RoadWise Committee Meeting held on Wednesday 6 August 2003 being confirmed.

Recommendation 66 of the Minutes of the RoadWise Committee meeting held on Wednesday 5 November 2003 is in relation to the Minutes for the RoadWise Committee Meeting held on Wednesday 3 September 2003 being confirmed.

Recommendation 67 of the Minutes of the RoadWise Committee Meeting held on Wednesday 5 November 2003 is in relation to Mr Ken Brown taking up the position of Deputy Presiding Member for future meetings, for the purpose of chairing the RoadWise Committee Meetings in the absence of the Presiding Member.

FINANCIAL IMPLICATIONS

Nil

STAFF RECOMMENDATION AND COUNCIL RESOLUTION
--

783 Moved Cr P Wainwright Seconded Cr D Griffiths

"That Council receive the Minutes of the Meetings of the City of Gosnells RoadWise Committee held on Wednesday 6 August 2003, Wednesday 3 September 2003 and Wednesday 5 November 2003, as attached in Appendices 11.2A, 11.2B and 11.2C, respectively."

CARRIED 12/0

FOR: Cr W Barrett, Cr R Croft, Cr R Hoffman, Cr P Wainwright, Cr R Mitchell, Cr S Moss, Cr O Searle, Cr C Matison, Cr J Brown, Cr S Iwanyk, Cr D Griffiths and Cr PM Morris.

AGAINST: Nil.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION

784 Moved Cr P Wainwright Seconded Cr D Griffiths

“That Council adopt Recommendation 60 of the City of Gosnells RoadWise Committee, held on Wednesday 6 August 2003, which reads:

“That Cr S Iwanyk be invited to participate in the Road Safety Carnival Working Group.””

CARRIED 12/0

FOR: Cr W Barrett, Cr R Croft, Cr R Hoffman, Cr P Wainwright, Cr R Mitchell, Cr S Moss, Cr O Searle, Cr C Matison, Cr J Brown, Cr S Iwanyk, Cr D Griffiths and Cr PM Morris.

AGAINST: Nil.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION

785 Moved Cr P Wainwright Seconded Cr D Griffiths

“That Council adopt Recommendation 61 of the City of Gosnells RoadWise Committee, held on Wednesday 6 August 2003, which reads:

“That extended leave of absence be granted to Community Representative, Mrs Maria Cawte.””

CARRIED 12/0

FOR: Cr W Barrett, Cr R Croft, Cr R Hoffman, Cr P Wainwright, Cr R Mitchell, Cr S Moss, Cr O Searle, Cr C Matison, Cr J Brown, Cr S Iwanyk, Cr D Griffiths and Cr PM Morris.

AGAINST: Nil.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION

786 Moved Cr P Wainwright Seconded Cr D Griffiths

“That Council adopt Recommendation 67 of the City of Gosnells RoadWise Committee, held on 5 November 2003, which reads:

“That the Acting Presiding Member, Mr K Brown to take up the position of Deputy Presiding Member, for the purpose of chairing the RoadWise Committee Meetings in the absence of the Presiding Member.””

CARRIED 12/0

FOR: Cr W Barrett, Cr R Croft, Cr R Hoffman, Cr P Wainwright, Cr R Mitchell, Cr S Moss, Cr O Searle, Cr C Matison, Cr J Brown, Cr S Iwanyk, Cr D Griffiths and Cr PM Morris.

AGAINST: Nil.

The Mayor advised the meeting that Cr D Griffiths due to being Deputy Member on the Sutherlands Park Advisory Committee had disclosed an Impartiality Interest in the following item in accordance with Regulation 34C of the Local Government (Administration) Regulations 1996.

11.3 SUTHERLANDS PARK ADVISORY COMMITTEE

File: C1/11

(RW)

RW12.1a

Appendix: 11.3A Minutes of the City of Gosnells Sutherlands Park Advisory Committee Meeting held on 26 November 2003.

PURPOSE OF REPORT

For Council to receive the Minutes and consider the recommendations of the City of Gosnells Sutherlands Park Advisory Committee meeting held on 26 November 2003.

BACKGROUND

The City of Gosnells Sutherlands Park Advisory Committee meets on a quarterly basis. The Committee members are currently providing support and information between the user groups and the City of Gosnells to further develop and enhance the facility for the community as whole.

The Minutes of the City of Gosnells Sutherlands Park Advisory Committee held on 26 November 2003 are attached as Appendix 11.3A.

DISCUSSION

The 26 November 2003 meeting resulted in three recommendations being adopted by the Committee with none requiring consideration of Council.

FINANCIAL IMPLICATIONS

Nil.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION
--

787 Moved Cr R Hoffman Seconded Cr J Brown

“That Council receive the Minutes of the City of Gosnells Sutherlands Park Advisory Committee meeting held on 26 November 2003 as attached in Appendix 11.3A.”

CARRIED 12/0

FOR: Cr W Barrett, Cr R Croft, Cr R Hoffman, Cr P Wainwright, Cr R Mitchell, Cr S Moss, Cr O Searle, Cr C Matison, Cr J Brown, Cr S Iwanyk, Cr D Griffiths and Cr PM Morris.

AGAINST: Nil.

Notation

Cr D Griffiths advised that the Sutherlands Park Advisory Committee, Community Group and staff had worked very well together to progress the Draft Plan and requested that the Director Infrastructure extend the Committee’s gratitude to relevant staff for their efforts in achieving an excellent outcome.

12. REPORTS

12.1 CHIEF EXECUTIVE OFFICER'S REPORT

12.1.1 CITY OF GOSNELLS DRAFT STRATEGIC PLAN

File: S10/1/25 (SJ)

Appendix: 12.1.1A Draft Strategic Plan 2004 to 2006

PURPOSE OF REPORT

For Council to approve the City of Gosnells Strategic Plan for the period 2004 to 2006.

BACKGROUND

The Strategic Plan provides the framework for the future direction of the City of Gosnells and builds on the initial 1998 Plan and the revised and updated Plan of the Year 2000. This Strategic Plan will guide, on a day to day basis, Council's decision making process and the allocation of scarce resources.

Over the past four months, a comprehensive Strategic Planning process involving key stakeholders has developed the City of Gosnells new Strategic Plan for the Years 2004 to 2006.

The draft document was considered at a Special Meeting of the Strategic Planning Committee convened on Tuesday 7 October 2003 and was subsequently approved at the Ordinary Council Meeting held on Tuesday 14 October 2003 for consultation purposes.

DISCUSSION

Following a six week period of public consultation and a final Councillor workshop which was held on Tuesday 9 December 2003, attached as Appendix 12.1.1A is the final document for the consideration of Council. Whilst a number of enquiries were received and several copies of the draft document were circulated, no formal submissions have been received.

FINANCIAL IMPLICATIONS

There are no direct financial implications arising from this report.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION

788 Moved Cr R Croft Seconded Cr P Wainwright

“That Council formally approve the City of Gosnells Strategic Plan for the Years 2004 to 2006 as contained within Appendix 12.1.1A.”

CARRIED 12/0

FOR: Cr W Barrett, Cr R Croft, Cr R Hoffman, Cr P Wainwright, Cr R Mitchell, Cr S Moss, Cr O Searle, Cr C Mation, Cr J Brown, Cr S Iwanyk, Cr D Griffiths and Cr PM Morris.

AGAINST: Nil.

12.1.2 FEDERAL GOVERNMENT LOBBYING DELEGATION

File: M7/2

(SJ)

PURPOSE OF REPORT

To seek approval of Council for the Mayor and Chief Executive Officer or delegate to participate in a delegation to Federal Parliament to lobby for resources.

BACKGROUND

During the course of the recent National General Assembly, the Mayor and Chief Executive Officer held discussions with the Local Federal Member of Parliament for Canning, Mr Don Randall, and senior Federal Government Advisors to try to secure funding for various Council projects.

Mr Randall has subsequently advised that a delegation of Council representatives from his electorate have been invited to meet with Federal Ministers and their advisors in Canberra to discuss key projects over several days in February/March 2004.

DISCUSSION

Preliminary positive discussions have already taken place seeking federal funding towards additional road schemes within the City and also the possibility of a significant financial contribution towards the Maddington Kenwick Sustainable Communities Partnership. This delegation will provide the opportunity for Council representatives to make one to one presentations on an individual basis to several Ministers which is likely to include the Deputy Prime Minister and Minister for Transport, the Attorney General and the Minister for Local Government. Details of the programme will be finalised early in the new year.

In recent years, delegations of this nature have proved to be successful and this is the first occasion that the City has been invited to participate with such a group. It provides an opportunity for the Council to make representations to the appropriate Minister to try to secure federal funding for the City and also to lobby for a further round of Roads to Recovery funding which ceases in June 2005.

FINANCIAL IMPLICATIONS

Estimated costs of the delegation visit per person are as follows - subject to availability:

Return Airfare	\$660
Accommodation: Canberra (3 nights)	\$570
Out of Pocket Expenses	\$230
Total	\$1,460

Funds are available in Account No's. 40401.110.1023 and 11601.181.2754 for attendance by Elected Members and the Chief Executive Officer respectively.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION

789 Moved Cr R Croft Seconded Cr J Brown

“That Council authorise the Mayor and Chief Executive Officer or delegate to participate in the Federal Government lobbying delegation to Canberra to take place in February/March 2004 at an estimated cost of \$1,460 per person with funds being met from Account Numbers 40401.110.1023 Training/Conferences and 11601.181.2754 Consultancy.”

CARRIED 12/0

FOR: Cr W Barrett, Cr R Croft, Cr R Hoffman, Cr P Wainwright, Cr R Mitchell, Cr S Moss, Cr O Searle, Cr C Matison, Cr J Brown, Cr S Iwanyk, Cr D Griffiths and Cr PM Morris.

AGAINST: Nil.

12.2 COMMUNITY SERVICES

12.2.1 LEISURE WORLD AEROBICS ROOM FLOOR

File: L4/2/8 (SC)

Appendix: 12.2.1A A-One Pest Control – Letter of Advice

PURPOSE OF REPORT

To seek Council approval for the expenditure of funds from the Leisure World Reserve Account to undertake unscheduled replacement of the aerobics room floor.

BACKGROUND

The Leisure World aerobics room floor is a timber parquet system that is applied over layers of plywood, rubber sheeting and chipboard, all of which lays on a concrete slab. There is no access or space between the parquet floor and the concrete slab. In October 2003 significant ‘bubbling’ of one section of the floor occurred and a floor maintenance person was scheduled to come and make a repair. Once the damaged section was removed it became apparent that the cause of the problem was active white ants, which have eaten their way through a significant portion of the layers of plywood.

A pest control contractor was contacted to provide an assessment of the damage and provide advice about how to treat the floor and remove the white ants. A copy of their advice is included in the Appendix 12.2.1A.

DISCUSSION

To remove the white ants and prevent them from returning, the floor has to be removed so that the slab can be properly treated. The cost of re-laying the floor is considered to be cost prohibitive when compared to resurfacing the room with a cushioned carpeting system suitable for aerobics and other similar activities. “FLOTEX” carpet has been recommended and inspected by Leisure World staff where it is used for aerobics in centres at Belmont, Leeming and Rockingham.

It is clear from advice that the white ants will continue to eat their way through the under surface of the floor and that further bubbling can be expected at some time. If this poses any risk to patrons, Leisure World will be forced to cancel classes, lose income and provide refunds to some members. Furthermore, with active white ants in the building other wooden components are at risk.

Over the Christmas and New Year period Leisure World does not schedule any classes in the aerobics room so it will be possible to remove the floor, treat the slab and replace with new carpet in time for recommencement of classes in the New Year.

Three quotes for carpet have been sourced for “FLOTEX” Carpet.

Company	Amount (inc GST)
Flooring Solutions - 7/13 Port Kembla Drive, Bibra Lake	\$9,300
Batemans – 6/199 Abernethy Rd, Belmont	\$10,936
Malko Floor Coverings – 6 Finlay Place, Wangara	\$12,205

Leisure World staff recommend the selection of the quote from Flooring Solutions

FINANCIAL IMPLICATIONS

As this work is unscheduled, Leisure World does not have sufficient funds to undertake this work from within the 2003/04 operating budget. It is recommended that the Leisure World Reserve Fund (a/c 9.91.908), which at 1 November 2003 had a balance of \$244,648, be used to meet the cost of the work required.

The cost of undertaking the proposed work shown below

Item	Amount (inc GST)
Remove and dispose of Parquetry Floor	\$1,540
Treat Slab and room surrounds	\$1,600
Floor preparation for carpet*	\$1,000
Install new carpet	\$9,300
Total	\$13,440

*The exact cost of floor preparation for the carpet is not known since the condition of the slab cannot be determined until the floor has been removed.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION
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790 Moved Cr C Matison Seconded Cr D Griffiths

“That Council authorise expenditure of up to \$13,500 from the Leisure World Mechanical Plant Services Reserve Account 9.91.908, to remove the existing floor, treat the white ant infestation and lay new carpet in the Leisure World aerobics room.”

CARRIED BY ABSOLUTE MAJORITY 12/0

FOR: Cr W Barrett, Cr R Croft, Cr R Hoffman, Cr P Wainwright, Cr R Mitchell, Cr S Moss, Cr O Searle, Cr C Matison, Cr J Brown, Cr S Iwanyk, Cr D Griffiths and Cr PM Morris.

AGAINST: Nil.

12.3 CORPORATE SERVICES

12.3.1 BUDGET VARIATIONS

File: F1/4/1

(MR)

Dec16_03bud

PURPOSE OF REPORT

To seek approval from Council to adjust the 2003/2004 Municipal Budget.

DISCUSSION

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

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

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

Account Number	Type	Account Description	Debit \$	Credit \$
Job301.700.3	Capital	IT Equipment: Advanced Road Design Software (Asset No. IT29)	20,845	
Job301.700.3	Capital	IT Equipment: Job Estimating Software (Asset No. IT118)		19,800
71612.181.2765	Expense	Software Maintenance		1,045
	Reason:	Purchase Drafting and Design Software from available budget monies		
31006.220.5500	Expense	Non-Recurrent Operating Expenditure	60,000	
31006.220.5600	Expense	Carry forward Operating Expenditure	56,772	
31005.220.5500	Expense	Non-Recurrent Operating Expenditure - Maddington Industrial Area Redevelopment Study		30,000
30403.220.5500	Expense	Non-Recurrent Operating Expenditure - ODP Martin: bounded by Tonkin Hwy, Mills Rd West & Gosnells Rd		30,000

Account Number	Type	Account Description	Debit \$	Credit \$
31005.220.5600	Expense	Carry forward Operating Expenditure - Local Planning Strategy		53,772
31005.220.5600	Expense	Carry forward Operating Expenditure - Safe City Urban Design Strategy		3,000
	Reason:	Transfer budget monies due to restructure of City Planning and Policy & Strategy Business Units		
Job6952.1.3	Expense	External Contractor Services - Indigenous Community Liaison Officer	47,000	
60505.182.3393	Expense	Indigenous Liaison Officer Service		45,000
Job6952.5000.53	Income	Contributions (Local Organisations) - Indigenous Community Liaison Officer		2,000
	Reason:	Recognise additional award from Violence Prevention Award Trust and transfer current funds to job		
Job300.700.3	Capital	Furniture & Equipment: Purchase of Shelving (Asset No. FE7201)	5,100	
Job300.700.3	Capital	Furniture & Equipment: Purchase of Carpets (Asset No. FE7197)		5,100
	Reason:	Savings from purchase of carpet used to fund purchase of shelving at Thornlie Library		
Job95175.100.3	Capital	Garden St Footpath: Warton Rd to Bridge Rd	17,500	
Job95175.5008.49	Income	Transfer from Canning Vale ODP		17,500
	Reason:	Fund footpath construction from Canning Vale ODP		
Job80051.100.3	Capital	Spencer Rd/Yale Rd – Road Construction	45,000	
Job80051.5004.52	Income	Federal Black Spot Funding: Non-Operating Grants		45,000
	Reason:	Additional funding from DoTARS for increased scope of works to traffic control signal modifications		
Job80050.100.3	Capital	Ranford Rd/Warton Rd - Road Construction	95,000	
Job80050.5004.52	Income	Federal Black Spot Funding: Non-Operating Grants		95,000

Account Number	Type	Account Description	Debit \$	Credit \$
	Reason:	Additional funding from DoTARS for increased scope of works to intersection modification		

STAFF RECOMMENDATION AND COUNCIL RESOLUTION

791 Moved Cr P Wainwright Seconded Cr R Croft

“That Council approve the following adjustments to the Municipal Budget:

Account Number	Account Description	Debit \$	Credit \$
Job301.700.3	IT Equipment: Advanced Road Design Software (Asset No. IT29)	20,845	
Job301.700.3	IT Equipment: Job Estimating Software (Asset No. IT118)		19,800
71612.181.2765	Software Maintenance		1,045
31006.220.5500	Non-Recurrent Operating Expenditure	60,000	
31006.220.5600	Carry forward Operating Expenditure	56,772	
31005.220.5500	Non-Recurrent Operating Expenditure - Maddington Industrial Area Redevelopment Study		30,000
30403.220.5500	Non-Recurrent Operating Expenditure - ODP Martin: bounded by Tonkin Hwy, Mills Rd West & Gosnells Rd		30,000
31005.220.5600	Carry forward Operating Expenditure - Local Planning Strategy		53,772
31005.220.5600	Carry forward Operating Expenditure - Safe City Urban Design Strategy		3,000
Job6952.1.3	External Contractor Services - Indigenous Community Liaison Officer	47,000	
60505.182.3393	Indigenous Liaison Officer Service		45,000

Account Number	Account Description	Debit \$	Credit \$
Job6952.5000.53	Contributions (Local Organisations) - Indigenous Community Liaison Officer		2,000
Job300.700.3	Furniture & Equipment: Purchase of Shelving (Asset No. FE7201)	5,100	
Job300.700.3	Furniture & Equipment: Purchase of Carpets (Asset No. FE7197)		5,100
Job95175.100.3	Garden St Footpath: Warton Rd to Bridge Rd	17,500	
Job95175.5008.49	Transfer from Canning Vale ODP		17,500
Job80051.100.3	Spencer Rd/Yale Rd – Road Construction	45,000	
Job80051.5004.52	Federal Black Spot Funding: Non-Operating Grants		45,000
Job80050.100.3	Ranford Rd/Warton Rd - Road Construction	95,000	
Job80050.5004.52	Federal Black Spot Funding: Non-Operating Grants		95,000

CARRIED BY ABSOLUTE MAJORITY 12/0

***FOR:** Cr W Barrett, Cr R Croft, Cr R Hoffman, Cr P Wainwright, Cr R Mitchell, Cr S Moss, Cr O Searle, Cr C Matison, Cr J Brown, Cr S Iwanyk, Cr D Griffiths and Cr PM Morris.*

***AGAINST:** Nil.*

12.3.2 PAYMENT OF ACCOUNTS

File: F1/6/1

(GW)

Dec16_03acc

PURPOSE OF REPORT

To advise Council of payments made for the period 19 November 2003 to 3 December 2003.

DISCUSSION

Payments of \$10,694,598.95 detailed in the cheque listing for the period 19 November 2003 to 3 December 2003 which was circulated to Councillors under separate cover and will be tabled at the meeting, have been approved by the Director Corporate Services under delegated authority.

Notation

The Mayor tabled the cheque listing for the period 19 November 2003 to 3 December 2003.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION**792 Moved Cr S Moss Seconded Cr R Croft**

“That Council note the payment of accounts as shown in the cheque listing for the period 19 November 2003 to 3 December 2003, as tabled.”

CARRIED 12/0

***FOR:** Cr W Barrett, Cr R Croft, Cr R Hoffman, Cr P Wainwright, Cr R Mitchell, Cr S Moss, Cr O Searle, Cr C Matison, Cr J Brown, Cr S Iwanyk, Cr D Griffiths and Cr PM Morris.*

***AGAINST:** Nil.*

12.4 INFRASTRUCTURE

12.4.1 TENDER 41/2003 – PROVISION OF ENGINEERING SURVEYING SERVICES

File: TEN.41/2003

(BH)

BH12.1a

PURPOSE OF REPORT

For Council to award Tender 41/2003 for the Provision of Engineering Surveying Services for the period of two (2) years commencing 17 December 2003 to 1 December 2005.

BACKGROUND

Tender 41/2003 was advertised in the West Australian Newspaper on 18 October 2003 and closed at 2.00pm on Thursday 6 November 2003 with submissions being received from the following nine companies:

Fugro Spatial Solutions	18 Prowse Street, West Perth WA 6005
Sorensen Short and Assoc	4 O'Connor Way, Wangara WA 6065
Lenz and Milne	PO Box 44, Mt Hawthorne WA 6915
BGE Surveying	PO Box 2448, Bunbury WA 6231
Level & Detail Surveys	72 Kenwick Road, Kenwick WA 6017
Warren King and Midland Survey Services	2 Victoria Street, Midland WA 6056
Hawker Moss Surveyors	89 Forrest Street, Cottesloe WA 6011
Spectrum Survey and Mapping	5 Cresswell Road, Balcatta WA 6021
Connell Wagner	Level 4, Sheraton Court, 207 Adelaide Terrace, East Perth WA 6004

DISCUSSION

The following prices were submitted:

Tenderers Name	Heavy Road Per hour	Medium Road Per hour	Light Road Per hour	As Constructed survey Per hour
Fugro Spatial Solutions	\$156.00	\$156.00	\$108.00	\$108.00
Sorensen Short and Assoc	\$99.00	\$93.50	\$90.75	\$93.50
Lenz and Milne	\$125.00	\$125.00	\$125.00	\$125.00
BGE Surveying	\$88.00	\$88.00	\$88.00	\$88.00
Level and Detail Surveys	\$66.00	\$66.00	\$66.00	\$66.00
Warren King and Midland Survey Services	\$220.00	\$175.00	\$83.50	\$93.50
Hawker Moss Surveyors	\$93.50	\$93.50	\$93.50	\$93.50
Spectrum Survey and Mapping	\$93.50	\$93.50	\$93.50	\$93.50
Connell Wagner	\$85.00	\$80.00	\$75.00	\$75.00

The Tender documentation proposed that this Tender would be evaluated using several criteria including tendered price, quality and service, past performance and experience, management staffing, Occupational Health and Safety, customer focus and delivery period. The evaluation was undertaken by two officers in the Technical Services Branch familiar with requirements of the provision of survey services.

A matrix was prepared and became part of Council's tender documents that were forwarded to all Tenderers. The following is a summary of those tender evaluation matrixes for this Tender.

Tenderers Name	Experience 20%	Methodology 20%	Capacity 10%	Price 50%	Totals 100%
Fugro Spatial Solutions	20	10	5	25%	60
Sorensen Short & Assoc	10	15	0	35%	60
Lenz and Milne	20	10	10	26%	66
BGE Surveying	20	20	10	38%	88
Level & Detail Surveys	20	10	10	50%	90
Warren King and Midland Survey Services	10	5	0	23%	38
Hawker Moss Surveyors	15	10	0	35%	60
Spectrum Survey & Mapping	20	0	5	35%	60
Connell Wagner	20	15	10	42%	87

Level and Detail Surveys scored the highest points and are a professional local firm with extensive experience in Local Government and private sector surveying. They were the previous preferred tender for provision of surveying services for the City of Gosnells producing high quality work with quick response times. Given their knowledge of the City of Gosnells, the highest points rating and their previous experience, Level and Detail Surveys are strong recommended to carry out surveying services for the next two-year period.

FINANCIAL IMPLICATIONS

In the past two years the City of Gosnells has spent approximately \$90,000 on external survey services. The costs of the survey is allocated to individual projects as part of the construction cost of the projects. Due to the amount spent over the previous year the Local Government Act requires this process to be put to tender.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION

793 Moved Cr J Brown Seconded Cr R Croft

“That Council award Tender 41/2003 – Provision of Engineering Surveying Services to Level and Detail Surveys, of 72 Kenwick Road, Kenwick WA 6017 to carry out Surveying Services for a contract period of two (2) years commencing 17 December 2003 to 1 December 2005.”

CARRIED 12/0

FOR: Cr W Barrett, Cr R Croft, Cr R Hoffman, Cr P Wainwright, Cr R Mitchell, Cr S Moss, Cr O Searle, Cr C Matison, Cr J Brown, Cr S Iwanyk, Cr D Griffiths and Cr PM Morris.

AGAINST: Nil.

12.4.2 TENDER 45/2003 – SUPPLY OF GLAZING SERVICES

File: TEN/45/2003

(PJB)

PB12.1a

Appendix:

12.4.2A Pricing Schedule

12.4.2B Assessment of Tenders Summary Sheet

PURPOSE OF REPORT

For Council to award Tender 45/2003 for the Supply of Glazing Services for the period 1 January 2004 to 31 December 2006.

BACKGROUND

Tender 45/2003 was advertised in the West Australian Newspaper on Saturday 18 October 2003.

The previous contract for glazing service expired on 30 September 2003.

DISCUSSION

Tenders for the supply of glazing services closed on 5 November 2003 and submissions were received from the following two (2) companies.

Name	Address
General Glass Pty Ltd	7/35 Austin Avenue Maddington WA 6109
Glazewell Glass Pty Ltd	1-2/15 Dellamarta Rd Wangara WA 6065

Pricing

Both submissions have been assessed against the evaluation criteria within the tender documents, which define the tenderer's ability to perform the requirements of the contract. These include relevant experience, skills and experience of key personnel, methodology and cost.

Together with providing hourly rates for works undertaken, tenderers were requested to provide a lump-sum price for the supply of commonly used glass types, such as tinted, laminated and obscure.

Evaluation

It can be determined from the matrix that General Glass and Glazewell Glass provided a comprehensive response to matters relating to relevant experience, including key personnel and methodology. Therefore it is considered that both tenderers would be capable of meeting the City's service needs with regards to glazing services.

Out of the two tenderers, General Glass offered the most price competitive submission. Pricing Schedule and Assessment of Tenders Summary are submitted as Appendix 12.4.2A and Appendix 12.4.2B respectively.

Therefore it is recommended that the tender submitted by General Glass is the most advantageous to the City.

FINANCIAL IMPLICATIONS

The works associated with this contract are included in the 2003/2004 Parks and Building Services Operational Budget and will be included in subsequent maintenance budgets. Last year's expenditure amounted to \$70,691.

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

“That Council award Tender 45/2003 - Supply of Glazing Services to General Glass Pty Ltd, 7/35 Austin Avenue, Maddington, for the period 1 January 2004 to 31 December 2006 in accordance with the schedule of rates, as shown in Appendix 12.4.2A.”

CARRIED 12/0

FOR: Cr W Barrett, Cr R Croft, Cr R Hoffman, Cr P Wainwright, Cr R Mitchell, Cr S Moss, Cr O Searle, Cr C Matison, Cr J Brown, Cr S Iwanyk, Cr D Griffiths and Cr PM Morris.

AGAINST: Nil.

12.4.3 TENDER 46/2003 - VERGE REINSTATEMENTS/ALTERATIONS

File: TEN/46/2003

(DD)

DD12.1a

PURPOSE OF REPORT

For Council to award Tender 46/2003–Verge Reinstatements/Alterations for a two-year period commencing 1 January 2004.

BACKGROUND

Tender 46/2003 was advertised in the West Australian newspaper on 25 October 2003. Impeccable Landscaping currently have the contract for verge reinstatements/alterations and have been responsible for the following works as required after construction and maintenance works:

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

DISCUSSION

Tenders closed on 11 November 2003 and submissions were received from the following three companies.

Name	Address
Wards Handyman	24 Glyndebourne Avenue, Thornlie 6108
Impeccable Landscaping	11 Sandridge Street, Gosnells 6110
Collova Contracting	28 Teutonia Court, High Wycombe 6057

Tenders were assessed on a range of criteria including experience, safety, skills, qualifications and price. The following matrix outlines the assessment.

		Wards Handyman	Impeccable Landscaping	Collova Contracting
Normal hours labour		\$40	\$33	\$35
After hours labour		\$80	\$33	\$35
% materials on cost		12.50%	10.00%	15.00%
Normal hours labour	50.00%	41.25%	50.00%	47.14%
After hours labour	10.00%	4.13%	10.00%	9.40%
Ability to perform	10.00%	5.00%	10.00%	5.00%
Response to reference	10.00%	10.00%	10.00%	10.00%
Relevant experience	15.00%	10.00%	12.00%	7.00%
Safety policy	5.00%	5.00%	5.00%	4.00%
TOTAL	100.00%	75.38%	97.00%	82.57%
Discounts (14 days)		1.50%	3.00%	3.00%

The above assessment indicates Impeccable Landscaping (current contractor) as being the highest points scorer. During the past two years the service and standard of work provided by Impeccable Landscaping has been exemplary and it is interesting to note that their tendered price is the same as the previous contract. As such, it will be recommended that they be awarded the contract.

FINANCIAL IMPLICATIONS

The financial commitment for Tender 46/2003 is included in the relevant Engineering Operational and Construction Budgets. Last year's expenditure with Impeccable Landscaping amounted to \$260,686 with approximately \$50-60,000 attributable to verge reinstatements/alterations.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION
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795 Moved Cr S Moss Seconded Cr R Croft

“That Council award Tender 46/2003 – Verge Reinstatements/Alterations for a two-year period commencing 1 January 2004, at a price of \$33/hour, to Impeccable Landscaping, 11 Sandridge Street, Gosnells WA 6110.”

CARRIED 12/0

FOR: Cr W Barrett, Cr R Croft, Cr R Hoffman, Cr P Wainwright, Cr R Mitchell, Cr S Moss, Cr O Searle, Cr C Matison, Cr J Brown, Cr S Iwanyk, Cr D Griffiths and Cr PM Morris.

AGAINST: Nil.

12.4.4 TENDER 47/2003 – SUPPLY AND FITTING OF MICHELIN TYRES

File: TEN/47/2003

(AW)

AW12.1a

PURPOSE OF REPORT

For Council to award tender for the supply and fitting of Michelin tyres as identified in Tender 47/2003.

BACKGROUND

Tenders were advertised in The West Australian newspaper on Saturday 11 October 2003 and closed at 2.00pm on Tuesday 28 October 2003 for the supply and fitting of Michelin tyres for a two-year fixed price contract commencing 19 December 2003. Tenders were received from the following:

Company	Address
Marathon Tyres Pty Ltd	169-171 Kewdale Rd, Kewdale WA 6105
Taylor Tyres Pty Ltd	PO Box 5144, South Lake WA 6164

DISCUSSION

Details of the tenders received are as follows:

Item No.	Description	Taylor Tyres	Marathon Tyres
1.	7.00RX16 New Michelin XZA	\$198.00	\$191.00
2.	11RX22.5 New Michelin XZU	\$658.00	\$641.45
3.	7.50x16 New Michelin XZA	\$214.50	\$207.50
4.	8.25Rx16 New Michelin XZA	\$310.00	\$293.80
5.	205/80R 16 New Michelin	\$240.00	\$211.45
6.	225/90R 17.5 New Michelin	\$320.00	\$310.35
7.	225/70R 22.5 New Michelin	\$525.00	\$514.00
8.	700x16 Recap Recamic	\$120.00	\$115.95 Bandag
9.	825x16 Recap Recamic	\$160.00	\$154.80

Details of tenders cont'd

Item No.	Description	Taylor Tyres	Marathon Tyres
10.	750x16 Recap Recamic	\$125.00	\$137.35 Bandag
11.	11R22.5 Recap Recamic	\$243.00	\$230.50
12.	Minor Repair	\$27.50	\$27.50
13.	Major Repair	POA	POA
14.	Wheel Balance Car	\$5.00	\$2.75
15.	Wheel Balance Truck	\$15.00	\$27.50
16.	Wheel Alignment Car	\$20.00	\$36.60
17.	Wheel Alignment Truck	POA	POA

Taylor Tyres offers a further 2.5% discount for payment within 14 days.

An assessment of the tenders was undertaken in accordance with the evaluation matrix as specified in the tender and is shown below.

EVALUATION MATRIX		
	Taylor Tyres	Marathon Tyres
Relevant Experience 10%	8%	7%
Ability to Perform 10%	8%	6%
Tyre Management Services 10%	10%	8%
Price 70%	68%	70%
Total %	94%	91%

The evaluation of the tenders was based on material provided by both companies as well the City's past history with the two companies.

The price evaluation was based on Items 2 and 11 as these two items account for approximately 80% of the tyre budget. These items are the new tyres and recaps used for the rubbish trucks.

The current contract for the supply and fitting of tyres is with Taylor Tyres and previously was with Marathon Tyres. The remaining assessments were based on information supplied by the tenderers and past experience with both companies. The current contractor, Taylor Tyres, has an excellent tyre management system and has provided excellent customer service and performance throughout their current two-year contract.

Taylor Tyres relevant experience in the industry includes, currently contracting to a number of Local Government Authorities including Gosnells, Armadale, Belmont, Subiaco and Mosman Park. Whereas Marathon Tyres relevant experience consists of the previous contract with the City of Gosnells which expired in July 2001, City of Belmont and the FESA contract which expires in May 2005. Based on this information Taylor Tyres was awarded 8% and Marathon Tyres 7%.

The ability to perform was evaluated on information provided and the service provided by both companies when contracting to the City of Gosnells. The information provided by Taylor Tyres is extensive including details of the number of service vehicles operated and past experience of all the tyre fitters employed by them. The information provided by Marathon Tyres related to training provided to employees. The service provided by Marathon Tyres when previously contracting to the City of Gosnells was at times inadequate. Fitters did not attend the Operating Centre on a regular basis and were not on time. Also tyres were not fitted on the correct rotation causing extra wear and expense. Taylor Tyres have provided excellent service for the last two years under the current contract. Therefore Taylor Tyres were awarded 8% for this category and Marathon Tyres 6%.

Taylor Tyres has an excellent tyre management system which they have provided during their current contract. It provides detailed reports on the condition of all rubbish truck tyres and the cost per kilometre of each tyre. Marathon Tyres did not have a tyre management system when contracting to the City of Gosnells but did provide limited details of their current system. Based on this information Taylor Tyres were awarded 10% and Marathon Tyres 8% for this category.

Furthermore the contract documents specified public liability insurance to the value of \$10 million, Marathon Tyres have only \$5 million in public liability insurance and Taylor Tyres have \$20 million.

Taylor Tyres Pty Ltd have scored highest in the evaluation matrix and it will be recommended to accept their tender.

FINANCIAL IMPLICATIONS

The budget for the supply and fitting of tyres is included in the Plant Operating Budget. Last year's expenditure amounted to \$68,551.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION

796 Moved Cr D Griffiths Seconded Cr P Wainwright

“That Council award Tender 47/2003, Supply and Fitting of Michelin Tyres, to Taylor Tyres Pty Ltd for a two-year fixed price contract commencing 19 December 2003 at the rates tabled below:

Item No.	Description	Taylor Tyres
1.	7.00RX16 New Michelin XZA	\$198.00
2.	11RX22.5 New Michelin XZU	\$658.00
3.	7.50x16 New Michelin XZA	\$214.50
4.	8.25Rx16 New Michelin XZA	\$310.00
5.	205/80R 16 New Michelin	\$240.00
6.	225/90R 17.5 New Michelin	\$320.00
7.	225/70R 22.5 New Michelin	\$525.00
8.	700x16 Recap Recamic	\$120.00
9.	825x16 Recap Recamic	\$160.00
10.	750x16 Recap Recamic	\$125.00
11.	11R22.5 Recap Recamic	\$243.00
12.	Minor Repair	\$27.50
13.	Major Repair	POA
14.	Wheel Balance Car	\$5.00
15.	Wheel Balance Truck	\$15.00
16.	Wheel Alignment Car	\$20.00
17.	Wheel Alignment Truck	POA

CARRIED 12/0

FOR: Cr W Barrett, Cr R Croft, Cr R Hoffman, Cr P Wainwright, Cr R Mitchell, Cr S Moss, Cr O Searle, Cr C Matison, Cr J Brown, Cr S Iwanyk, Cr D Griffiths and Cr PM Morris.

AGAINST: Nil.

12.4.5 TENDER 48/2003 - GULLY EDUCATION

File: TEN/48/2003

(DD)

DD12.2a

PURPOSE OF REPORT

For Council to award Tender 48/2003 – Gully Education for a two-year period commencing 1 January 2004.

BACKGROUND

Tender 48/2003 was advertised in the West Australian newspaper on 25 October 2003. The current contractor is Western Educting Services Pty Ltd and in 2002/2003 the City expended \$102,122 on contract gully education.

DISCUSSION

Tenders for gully education closed on 11 November 2003 and only one submission from Western Educting Services Pty Ltd, 201 Burslem Drive, Maddington WA 6109, was received.

The submission was assessed on a range of criteria such as experience, occupational health and safety, referees, equipment, skills and qualifications and price. The following matrix details the assessment evaluation. It also includes, for comparison purposes, the prices being currently paid under the existing contract.

Evaluation Criteria	Maximum Possible Score	Score
Price	60%	60%
Experience	10%	8%
Occupational health and safety	5%	4%
Equipment	5%	3%
Skills and qualifications	10%	9%
Response to referees	10%	8%
TOTAL	100%	92%
Summary of Prices	2004/2005	2002/03
Up to 1.5m deep, up to 1.2m }	\$23.65	\$31.50
1.51m to 2.5m deep, up to 1.2m }	\$27.50	\$33.00
> 2.5m deep, 1.2m } and over	\$31.35	\$38.50

The service provided by Western Educting Services Pty Ltd under the existing contract has been more than satisfactory and as they are the only tenderer (at a considerably reduced rate) it will be recommended that the contract be awarded to Western Educting Services Pty Ltd. It can be seen that the schedule of prices is less than the previous tender and it can only be speculated as to the reasons why. The decrease in rates can only benefit the City of Gosnells in that more work can be executed from the same level of expenditure or that it will be less expensive to do the same amount of work as executed under the existing contract.

FINANCIAL IMPLICATIONS

The financial commitment for Tender 48/2003 is included in the relevant Engineering Operational and Construction Budgets. Last year’s expenditure amounted to \$102,121.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION
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797 Moved Cr S Moss Seconded Cr D Griffiths

“That Council award Tender 48/2003 – Gully Eduction for a two year period commencing 1 January 2004 to Western Educting Services Pty Ltd, 201 Burslem Drive, Maddington WA 6109, for the following prices:

Up to 1.5m deep, up to 1.2m	\$23.65
1.51m to 2.5m deep, up to 1.2m	\$27.50
> 2.5m deep, 1.2m and over	\$31.35

”
CARRIED 12/0

FOR: Cr W Barrett, Cr R Croft, Cr R Hoffman, Cr P Wainwright, Cr R Mitchell, Cr S Moss, Cr O Searle, Cr C Matison, Cr J Brown, Cr S Iwanyk, Cr D Griffiths and Cr PM Morris.

AGAINST: Nil.

12.4.6 TENDER 49/2003 - SUPPLY OF HIRED BACKHOE AND OPERATOR

File: TEN/49/2003

(DD)

12.3a

PURPOSE OF REPORT

For Council to award Tender 49/2003 – Supply of Hired Backhoe and Operator for a two year period commencing 1 January 2004.

BACKGROUND

Tender 49/2003 was advertised in the West Australian newspaper on 25 October 2003. Council's Engineering Operations hire backhoes and operators usually for short periods of time to supplement construction and maintenance works. The major benefit of hiring a backhoe and operator is flexibility, it allows the use of the plant when and where it is required, for exactly how long it is required. There are no minimum call-out fees etc.

DISCUSSION

Tenders for the hire of backhoe and operator closed on 11 November 2003 and submissions were received from the following three companies.

Name	Address
BA and H Fraser	14 Frederic Street, Gosnells 6110
D and M Currie	9 Norbury Way, Langford 6147
Mayday Earthmoving	PO Box 83, Kingsway 6065

The tenders were assessed on a range of criteria including price, relevant experience, ability and equipment. The following matrix outlines the assessment.

		BA and H Fraser Contracting	D and M Currie	Mayday Earthmoving
Price	55.00%			
Hourly		\$77.00	\$49.50	\$58.00
Daily (8 hours)		\$66.00	\$49.50	\$58.00
Weekly (4 hours)		\$60.50	\$49.50	\$58.00
		35.36%	55.00%	46.94%
Experience	20.00%	15.00%	20.00%	10.00%
Ability	15.00%	15.00%	15.00%	10.00%
Equipment	10.00%	7.00%	7.00%	5.00%
Discount (14 days)		10.00%		
TOTAL	100.00%	72.36%	97.00%	71.94%

D and M Currie are the current contractors (at an hourly rate of \$44.00) and have provided a satisfactory service. As such it will be recommended that they be awarded the new contract.

It should be noted that the hourly rate includes licensing, fuels, oils and lubricants and that no payment will be made for any time for which the machinery and any other contractor owned ancillary equipment suffer breakdown or failure.

FINANCIAL IMPLICATIONS

The financial commitment for Tender 49/2003 is included in the relevant Engineering Operational and Construction Budgets. Last year's expenditure amounted to \$52,756.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION
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798 Moved Cr R Mitchell Seconded Cr C Matison

“That Council award Tender 49/2003 – Supply of Hired Backhoe and Operator for a two-year period commencing 1 January 2004, at a cost of \$49.50 per hour to D and M Currie, 9 Norbury Way, Langford WA 6147.”

CARRIED 12/0

***FOR:** Cr W Barrett, Cr R Croft, Cr R Hoffman, Cr P Wainwright, Cr R Mitchell, Cr S Moss, Cr O Searle, Cr C Matison, Cr J Brown, Cr S Iwanyk, Cr D Griffiths and Cr PM Morris.*

***AGAINST:** Nil.*

12.4.7 TENDER 50/2003 - MINOR CONCRETE WORKS - VEHICULAR CROSSINGS

File: TEN/50/20003

(DD)

DD12.4a

PURPOSE OF REPORT

For Council to award Tender 50/2003 – Minor Concrete Works – Vehicular Crossings for a two-year period commencing 1 January 2004.

BACKGROUND

Tender 50/2004 was advertised in the West Australian newspaper on 25 October 2003 and closed on 11 November 2003. Submissions were received from the following four companies.

Name	Address
Paul Every	105 Harpenden Street, Huntingdale 6110
Sandtech Pty Ltd	6 Inverness Street, Malaga 6090
Peter Hegarty	9 Kelly Close, Parmelia 6167
Westside Concrete Contractors Pty Ltd	Lot 107 Casuarina Place, Henley Brook 6055

DISCUSSION

The submitted tenders were assessed using a detailed evaluation table that was included in the tender documentation. The tenders were assessed on a range of criteria including experience, safety, equipment and machinery. The score range for each criteria was clearly defined in the tender document. The submitted information was compared and rated as shown on the following evaluation table. The lowest submitted price was given the maximum set point and was used as the benchmark in assessing other prices.

Evaluation Criteria	Maximum Possible Score	Paul Every	Sandtech Pty Ltd	Peter Hegarty	Westside Concrete
Experience	20.00%	20.00%	19.67%	19.33%	14.67%
Safety	15.00%	12.00%	15.00%	11.00%	15.00%
Equipment and Machinery	5.00%	4.67%	5.00%	3.67%	5.00%
Skills and Qualifications	10.00%	10.00%	10.00%	10.00%	9.00%
Price	50.00%	48.00%	42.00%	50.00%	45.00%
TOTAL	100.00%	94.67%	91.67%	94.00%	88.67%

The above price evaluation was based on the supply and lay of insitu concrete for a residential crossover and no allowance has been made for cutting/ removal of pathway material.

The submitted prices (per m²) are as follows.

Description	Thickness	Paul Every	Sandtech Pty Ltd	Peter Hegarty	Westside Concrete
Residential (w/o mesh)	100mm	\$22.50	\$25.60	\$21.60	\$23.98
Commercial (w/o mesh)	150mm	\$29.50	\$32.65	\$28.80	\$30.80
Commercial (w/o mesh)	200mm	\$37.00	\$39.20	\$35.20	\$44.00
Cutting concrete	lineal metre	\$11.00	-	-	-
Removal of material from apron	m ²	\$5.50	\$4.50	\$11.60	\$5.50
Installation of mesh	m ²	\$4.00	\$4.00	-	\$3.85
Fixed price		No	Yes	Yes	Yes

Analysis of the previous six months crossover construction activity indicates that approximately 25% of all crossovers involve concrete cutting and removal of either concrete or bitumen pathways. Calculations for a typical 5.0 metre wide residential crossover, based on a 75:25 split between no removal and/or cutting of pathways and the removal and/or cutting of pathways indicate that overall Peter Hegarty appears to provide the best overall price.

Cost of crossover (typical 5.0m wide)	Paul Every	Sandtech Pty Ltd	Peter Hegarty	Westside Concrete
Crossover (w/o cutting/removal)	\$742.50	\$844.80	\$712.80	\$791.34
Crossover (with cutting/removal)	\$982.05	\$1,027.44	\$1,010.48	\$986.06
Total cost (based on 75:25 split)	\$3,209.55	\$3,561.84	\$3,148.88	\$3,360.08

However, when the other assessment criteria (experience, safety, equipment and skills) is factored in, it appears that the submission by Paul Every is the most advantageous for the City. Every is a local contractor and has extensive experience with various local governments. Every is the only contractor to include a rise and fall clause in his submission, which in normal circumstances could disadvantage his chances of being awarded the contract. However, as this contract is for a two-year period, it seems unlikely that any contractor could not expect cost increases and absorb them without requesting an increase appears unlikely. Every has indicated that his labour component will remain constant for the period of the contract and that any request for a price adjustment would be to reflect any changes in the cost of concrete only. Therefore, given the City's previous experience with grano contractors and fixed price contracts, it is suggested that the inclusion of a rise and fall clause in the contract may prove beneficial to both parties.

FINANCIAL IMPLICATIONS

The financial commitment for Tender 50/2003 is included in the relevant Engineering Operational and Construction Budgets. Last year’s expenditure amounted to \$143,355.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION
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799 Moved Cr S Moss Seconded Cr P Wainwright

“That Council award Tender 50/2003 – Minor Concrete Works – Vehicular Crossings for a two-year period commencing 1 January 2004 to Paul Every, 105 Harpenden Street, Huntingdale 6110, at the following rates.

Description	Thickness	Paul Every
Residential (w/o mesh)	100mm	\$22.50
Commercial (w/o mesh)	150mm	\$29.50
Commercial (w/o mesh)	200mm	\$37.00
Cutting concrete	lineal metre	\$11.00
Removal of material from apron	m ²	\$5.50
Installation of mesh	m ²	\$4.00
Fixed price		No

”
CARRIED 12/0

FOR: Cr W Barrett, Cr R Croft, Cr R Hoffman, Cr P Wainwright, Cr R Mitchell, Cr S Moss, Cr O Searle, Cr C Matison, Cr J Brown, Cr S Iwanyk, Cr D Griffiths and Cr PM Morris.

AGAINST: Nil.

12.4.8 TENDER 54/2003 - SUPPLY AND DELIVERY OF TURF

File: TEN/54/2003

(DD)

12.5a

PURPOSE OF REPORT

For Council to award Tender 54/2003 – Supply and Delivery of Turf for a two-year period commencing 1 January 2004.

BACKGROUND

Tender 54/2003 was advertised in the West Australian newspaper on 25 October 2003. West Coast Turf are the current contractors and in 2002/2003 the City expended \$40,556 and so far in 2003 (July to present) the City has expended \$31,186 on the supply of turf for verge reinstatements/alterations required after construction and maintenance works.

DISCUSSION

Tenders for the Supply and Delivery of Turf closed on 11 November 2003 and submissions were received from the following organisations.

Name	Address
Complete Turf Supplies	3119 Wanneroo Road, Carabooda 6063
West Coast Turf	82 Heron Place, South Yunderup 6208

The tenders were assessed on price only and the following matrix details the prices for the various types of turf.

Description	Unit	Complete Turf Supplies	West Coast Turf
Winter Green turf	m ²	\$3.96	\$3.85
Greenlees Park turf	m ²	\$3.96	\$3.85
Queensland Blue turf	m ²	\$7.40	\$9.00
Buffalo Grass	m ²	\$9.35	\$8.80
Kikuyu turf	m ²	\$3.96	\$3.85
Shredded turf (supply, deliver and install)	0-1,000 m ²	\$0.85	\$0.65
	1,000-5,000 m ²	\$0.55	\$0.65

It can be seen from the above matrix that the prices submitted by West Coast Turf for the four most common types of turf (Winter Green, Greenlees Park, Kikuyu and Buffalo) required by the City are the cheapest. The quantity of Queensland Blue turf required under this contract forms a small percentage of the total requirement suggesting that the price differential in favour of Complete Turf Supplies need not be considered.

West Coast Turf are the current contractors and during the previous two years their service has been exemplary and it will be recommended that the contract be awarded to them.

FINANCIAL IMPLICATIONS

The financial commitment for Tender 54/2003 – Supply and Delivery of Turf is included in the relevant Engineering Operational and Construction Budgets. Last year’s expenditure amounted to \$40,556.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION
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800 Moved Cr S Moss Seconded Cr D Griffiths

“That Council award Tender 54/2003 – Supply and Delivery of Turf to West Coast Turf, 82 Heron Place, South Yunderup 6208 for a two-year period commencing 1 January 2004 at the following prices.

Description	Unit	Price
Winter Green turf	m ²	\$3.85
Greenlees Park turf	m ²	\$3.85
Queensland Blue turf	m ²	\$9.00
Buffalo Grass	m ²	\$8.80
Kikuyu turf	m ²	\$3.85
Shredded turf (supply, deliver and install)	0-1,000 m ²	\$0.65
	1,000-5,000 m ²	\$0.65

CARRIED 12/0

FOR: Cr W Barrett, Cr R Croft, Cr R Hoffman, Cr P Wainwright, Cr R Mitchell, Cr S Moss, Cr O Searle, Cr C Matison, Cr J Brown, Cr S Iwanyk, Cr D Griffiths and Cr PM Morris.

AGAINST: Nil.

The Mayor advised the meeting that herself due to being Chairman of Hillside Farm Committee, and Cr D Griffiths due to being Deputy Member on the Hillside Farm Committee had disclosed an Impartiality Interest in the following item in accordance with Regulation 34C of the Local Government (Administration) Regulations 1996.

12.4.9 HILLSIDE FARM - PROPOSED LEASE WITH MINISTER FOR EDUCATION

File: 231312 (JWF) JF12.1a
Previous Ref: Ordinary Council Meeting 27 August 2003 - Resolution 697
Appendix: 12.4.9A Plan of Leased Area

PURPOSE OF REPORT

To seek Council approval to enter into a new sublease with the Minister for Education for the expanded area of Hillside Farm.

BACKGROUND

In February 1996 Council agreed to lease from the Western Australian Planning Commission several lots in Hayward Road, Martin known as Fratico Farm. This land was added to in 1999 by the addition of a further two lots. The lease is for twenty-five years (25) years with a right to renew for a further twenty-five (25) years.

Council currently subleases to the Minister for Education portion of the land being Lots 3, 4, 40, 41 and portion of Location 332 for an Education Centre known as Hillside Farm Education Centre. Hillside Farm and its environs forms part of Fratico Farm.

It is intended to increase the subleased area by adding the balance of Location 332 and all of Location 109 by what is known as the Common area of Hillside Farm that is currently utilised predominately by the Work for the Dole Scheme, Permaculture WA and the Education Department. This has been agreed to so as to form a more coordinated approach to the management of the land by the Education Department with a reduced input by the City.

At its 27 August 2002 meeting Council considered the various management options as provided in the Hillside Farm Management Review Report and it was resolved vide Resolution 697 that Option C contained in that Report be adopted and the Director of Infrastructure be authorised to enter discussions with the Education Department with a view of implementing the option that was also recommended by the Hillside Farm Management Committee at the time.

Option C read as follows:

“Option C – Extension of Education Department of WA lease

This option involves the extension of the current Education Department of Western Australia lease to include the Common Area of Hillside Farm, in doing so replacing the City of Gosnells Hillside Farm Management Committee as the managing body of the Common Area.

The primary benefit of this option lies in the synergies it provides in relation to the existing on-site management resources at the Hillside Farm Education Centre, which have the potential to provide the technical expertise and co-ordination resources necessary to assist and oversee current and future user group and community involvement.

In comparing the underlying philosophies of both the Hillside Farm Common Area and the Hillside Farm Education Centre, one can also identify striking similarities.

As a result of the stakeholders workshops undertaken as a part of the study process, the Vision and Mission of the Hillside Farm Common Area have been identified as being ;

Vision - "That Hillside Farm be a great place for community education and learning."

Mission - "To develop and preserve Hillside Farm as a resource that promotes sustainable living practices through education and recreation."

In comparison, the philosophy of the Hillside Farm Education Centre is one which seeks to provide educational learning opportunities for students through agriculturally based programmes, underpinned by the concept of sustainability.

As a result, one can see that there is clearly identifiable link between the two through the promotion of educational opportunities within the overall context of the sustainability concept. Hence one can suggest that it would be more effective for both groups to work as one rather than independently and given that the Hillside Farm Education Centre has the appropriate management structure already in place, it would seem logical that this be used to manage the activities of the Common Area as well.

This option also addresses the existing weaknesses associated with co-ordination and direct property management and will also clarify issues relating to delegated authority, committee role and address concerns in relation to Council processes. The implementation of this option will also give the Hillside Farm Education Centre greater scope in its programme development, given the number of projects that can be undertaken by students (in partnership with the community) as a part of the development of the Common Area. This would prove to be extremely beneficial given the growing numbers of students visiting the centre and plans to eventually make the centre's programmes available to schools within the wider metropolitan area. One may also consider this option as a logical progression in the management of Hillside Farm, given the already extensive involvement and investment of the Education Department in the Hillside Farm Education Centre and in the provision of facilities on the Common Area.

However, there are a number of factors which require further consideration. The first of these is to ensure the development of a suitable management structure that will include existing user groups, including the proposed Friends of Hillside Farm and encourage the participation of the community. The development of such a structure could be based on that of the Lansdale Farm School, which has successfully integrated community involvement into the management of an educational facility.

The other main issue relating to this option involves the funding of ongoing maintenance of existing infrastructure located on the common area and of future developments on the common area.

The adoption of this option would see the City's role go from one of direct provision to one of facilitation. As a result it is envisaged that the City would maintain a level of grant funding to cover the ongoing maintenance costs associated with existing infrastructure on the common area, as has been outlined within Option B. In terms of the cost of future developments, it is envisaged that external funding would be sought for development items within the plan with a large proportion of the development being undertaken by the existing user groups, employment training programmes, students and the general community."

The Hillside Farm Management Review recommendation reads:

"13.3 Recommendation

Based on the above findings and analysis, it is recommended that the City further explore the adoption of option C as a future management structure for Hillside Farm.

This proposed structure will enhance existing synergies in relation to the utilisation of the existing Hillside Farm Education Centre on site management structure to co-ordinate the activities within the common area."

The Recreation and Leisure Development Officer advised the Committee members that the Education Department of Western Australia (EDWA), through the Directors of the Canning Education District had been briefed on the report and its recommendation, and further advised that EDWA, through the Canning Education District supported the Review recommendation in principle and will enter into further discussions.

The Committee unanimously supported the recommendation of the Hillside Farm Management Review. The Committee did, however, feel that it was of paramount importance that the community was able to be continually involved in the ongoing development of the common area and that the community were able to continue to hire the existing community facilities on the common area.

The Education Department intends to form a strategic management committee (yet to be named and appointed) with several sub-committees to manage specialised areas,

eg education programming, environmental planning and community input. The City will be invited to participate on this/these Committee/s at the appropriate time.

DISCUSSION

Discussions with Education Department have now reached the stage where a new draft lease has been agreed to, although once finalised it will need to be approved by the Department's legal staff and the Crown Solicitor.

FINANCIAL IMPLICATIONS

Half cost of lease preparation- approximately \$400.

Loss of rental income will be approximately \$3,500 pa.

Savings in building maintenance, gardening and utility costs – approximately \$9000 pa.

Current cost to clean two public toilet blocks is \$6860 pa. The level of ongoing Council responsibility for this cost is yet to be negotiated.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION

801 Moved Cr J Brown Seconded Cr P Wainwright

“That Council approve of a new sublease to the Minister for Education for the area known as Hillside Farm, being Lots 3, 4, 40 and 41 and Locations 332 and 109 Hayward Road, Martin.”

CARRIED 12/0

FOR: Cr W Barrett, Cr R Croft, Cr R Hoffman, Cr P Wainwright, Cr R Mitchell, Cr S Moss, Cr O Searle, Cr C Matison, Cr J Brown, Cr S Iwanyk, Cr D Griffiths and Cr PM Morris.

AGAINST: Nil.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION

802 Moved Cr J Brown Seconded Cr P Wainwright

“That Council approve of the following terms and conditions of the sublease to the Minister for Education:

Lease Rental	Peppercorn.
Term	Commence 1 January 2004 to 7 February 2021.
Renewal Option	25 Years from 8 February 2021.
Lease Purpose	All or any of the following purposes- recreation, except sporting events, agricultural, educational, environmental heritage studies and tourism

together with other activities incidental to the predominant use purposes.

Special Terms

Any Gibbs Cottage (Municipal Heritage Listed Building) works that will alter the character of the building must be approved by Council.

Community to be involved in ongoing development of the common area and be able to continue to hire existing community facilities on the common area.

Form of Agreement Standard Lease Agreement.”

CARRIED 12/0

FOR: Cr W Barrett, Cr R Croft, Cr R Hoffman, Cr P Wainwright, Cr R Mitchell, Cr S Moss, Cr O Searle, Cr C Matison, Cr J Brown, Cr S Iwanyk, Cr D Griffiths and Cr PM Morris.

AGAINST: Nil.

The Mayor advised the meeting that Cr C Matison due to being Council's delegate on the South East Metropolitan Regional Council had disclosed an Impartiality Interest in the following item in accordance with Regulation 34C of the Local Government (Administration) Regulations 1996.

12.4.10 STRATEGIC DIRECTION FOR WASTE MANAGEMENT IN WESTERN AUSTRALIA AND STATUTORY REVIEW OF WESTERN AUSTRALIA'S WASTE MANAGEMENT AND RECYCLING FUND

File: W2/1/1 (DD) DD12.6a
Appendix: 12.4.10A - Executive Summary and Recommendations
12.4.10B - SEMRC's Response to Government

PURPOSE OF REPORT

To seek Council's endorsement of a response to the Waste Management Board's request for comments regarding their proposed Strategic Direction for Waste Management in Western Australia document together with the Statutory Review of Western Australia's Waste Management and Recycling Fund.

BACKGROUND

In September 2003, the Waste Management Board released for public comment the following two (2) publications:

- Strategic Direction for Waste Management in Western Australia;
- Western Australia's Waste Management and Recycling Fund – Recommendations for the Statutory Review of the Fund;

and requested that comments be submitted by 15 December 2003.

The Strategic Direction outlines the Government's proposed approach to managing waste in Western Australia and builds on the WASTE 2020 Taskforce recommendations. In 1998, a levy on waste disposed to landfill was introduced and there was a statutory requirement for a review after three (3) years of operation. In 2001, the review, which was approved by the Minister for the Environment split this task into two parts, with a separate review of the grants programme and the landfill levy.

DISCUSSION

As both documents are inter-related, in parts, the South East Metropolitan Regional Council (SEMRC) has prepared a response combining both documents.

As part of the review/consultation process, the Waste Management Branch of the Department of Environment has conducted a number of forums/workshops to ascertain views/comments from interested organisations/individuals regarding the two documents. The Executive Summary and Recommendations from both documents are attached as Appendix 12.4.10A.

On 24 October 2003, Councillor Matison, the Manager Engineering Operations and the Chief Executive Officer of the SEMRC attended one of the workshops, which was very informative and thought provoking. On 6 November 2003, the SEMRC held a workshop to brief all elected members within the region on these documents and to seek their feedback. Apart from the City's two elected Regional Councillors (Councillors Matison and Brown), the Chief Executive Officer, Director Infrastructure and Manager Engineering Services, the session was also attended by City of Gosnells Councillors Griffiths, Barrett and Mitchell. The workshop outlined the recommendations of the documents and robust discussion regarding their potential significance and impact on the region ensued. The ideas and concerns raised during the workshop were noted and used as the basis of the response by the SEMRC.

The proposed response is to be presented to the SEMRC's Ordinary Council Meeting to be held on 11 December 2003.

It is not the intention of this report to detail and discuss the proposed recommendations in detail, as it is assumed the proposed response by the Regional Council caters for the needs and concerns of the City. The SEMRC's response to the request for comments was prepared by the Chief Executive Officer and members of the Regional Council's Technical Advisory Committee and is attached as Appendix 12.4.10B. The response identifies the elements that the region believes are of significant importance in the development of an overarching waste management framework and it will be recommended that the Council endorse the contents of the document.

FINANCIAL IMPLICATIONS

Nil.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION

803 Moved Cr J Brown Seconded Cr R Hoffman

“That Council endorse the South East Metropolitan Regional Council's response to the Waste Management Board with regard to the proposed Strategic Direction for Waste Management in Western Australia and the Statutory Review of Western Australia's Waste Management and Recycling Fund.”

CARRIED 12/0

FOR: Cr W Barrett, Cr R Croft, Cr R Hoffman, Cr P Wainwright, Cr R Mitchell, Cr S Moss, Cr O Searle, Cr C Matison, Cr J Brown, Cr S Iwanyk, Cr D Griffiths and Cr PM Morris.

AGAINST: Nil.

12.5 PLANNING AND SUSTAINABILITY

12.5.1 TOWN PLANNING SCHEME AMENDMENT, PROPOSAL TO INITIATE – TOWN PLANNING SCHEME NO. 6 – RECODING OF 46 (LOT 190) MIRANDA WAY, GOSNELLS FROM RESIDENTIAL R17.5 TO RESIDENTIAL R25

File: TPS/6/29 **Approve Ref:** 0203/0165AA (SC) Psrpt201Dec03
Name: Kris Kennedy Town Planner for Aussie Investment Pty Ltd
Location: 46 (Lot 190) Miranda Way, Gosnells
Zoning: MRS: Urban
TPS No. 6: Residential R17.5
Appeal Rights: Initiation – none. However, final determination is with the Minister for Planning and Infrastructure.
Area: 2,810m²

PURPOSE OF REPORT

For Council to consider initiation of an amendment to Town Planning Scheme No. 6 (TPS 6), to recode No. 46 (Lot 190) Miranda Way, Gosnells, from Residential R17.5 to Residential R25.

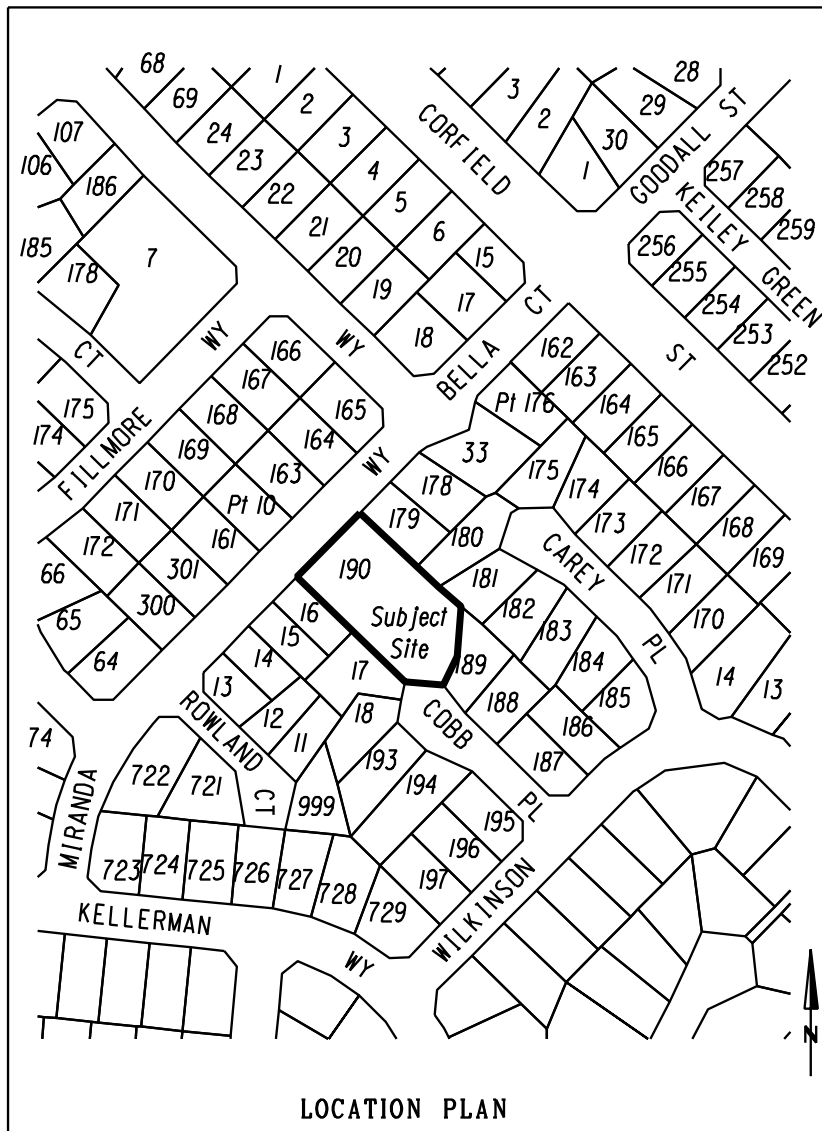
BACKGROUND

Site Description

The subject site is flat and contains a single fibro/tile dwelling. The surrounding properties contain single residential development.

Proposal

The applicant is proposing to recode 46 (Lot 190) Miranda Way, Gosnells from R17.5 to R25 to allow for the development of six single residential lots (refer Development Concept Plan). Under the current R17.5 code an average lot size of 571m² per dwelling is required. This results in the subject lot having a maximum development potential of five single residential lots (utilising the 5% variation allowed for under the Performance Criteria 3.1.3 of the Residential Planning Codes). Under the R25 code, the average lot size requirement reduces to 350m² per dwelling, however the applicant's proposal would result in an average lot size of 480m².



Insert Development Concept Plan

Local Housing Strategy

Council is currently reviewing residential densities throughout the City as part of its review of the Local Housing Strategy. The Local Housing Strategy aims to provide the City with a clear rationale for determining future housing needs and the capacity for increasing residential density, in order to cater for future population growth and change.

The subject lot is located within the South Gosnells Precinct of the Local Housing Strategy, however it is not part of the area endorsed by Council as suitable for medium density development. The applicant is seeking Council's support for initiating the proposed amendment under the Local Housing Strategy Interim Text provisions that relate to exceptions (adopted by Council at the 17 December 2002 OCM). Included within these exceptions is the following:

- Large Lots

Large sites within an established urban area, such as those resulting from former institutions or industrial development, may also present opportunities for providing a greater range of dwelling types at higher densities. Large sites offer the opportunity for comprehensive design and avoidance of impacts often associated with higher density development. In this regard, these sites are able to incorporate buffers to reduce impacts on adjacent established areas.

Where large sites are located within established residential areas outside of areas highlighted on a Local Housing Strategy Precinct Plan as being suitable for higher density development, the City may support a recoding of the lot to a higher density. However, the required town planning scheme amendment will not be initiated until the City has received an acceptable development concept. Once such a development concept is received the proponent will be tied to the concept through its endorsement as an Outline Development Plan or Detailed Area Plan under Part 7 of the City of Gosnells Town Planning Scheme No. 6, or alternatively through entering into a legal agreement with the City.

Further, the Interim Text states that Council may consider in some circumstances, "spot rezoning" to facilitate development of land in accordance with the Strategy at an earlier time. In assessing an application for such an application, the Strategy states that the City shall have regard to the following matters:

- Whether the proposal accords with the Local Housing Strategy recommendations in relation to location and density proposed.
- Whether an Outline Development Plan is required to coordinate subdivision design and/or infrastructure provision.
- Whether the rezoning of the lot in isolation will compromise future development of other surrounding lots.

In support of the proposed amendment, the applicant submitted a report providing justification for the amendment. The points raised in the report are summarised as follows:

- Accessibility to facilities is a key principle in the Local Housing Strategy. The subject lot is within 250 metres of a bus stop, within 1.5 kilometres of a train station, within 500 metres of a local shop, 400 metres of a primary school and 250 metres of a local park.
- Promotion of diverse housing options is a key principle in the Local Housing Strategy and the existing R17.5 coding does not allow for sufficient diversity in housing.
- An analysis of demographic trends in the area clearly substantiates the need for greater diversity in housing provision in the City of Gosnells as the median age in 2001 is 32 with household structure of couples without children accounting for nearly 32% of all households in the City of Gosnells.
- The 571m² per dwelling as permitted by the current density is considered too large to provide accommodation or housing for the majority of single or two person households and the proposed R25 provides greater flexibility to respond to housing requirements of the population of the area.
- The subject lot is clearly large, being 2,810m² in area compared to the prevailing lot size of 600m² with dual road frontage. The lot may be subdivided with no amenity impact upon the adjoining property and contribute to the provision of variety of housing provision within the City of Gosnells.
- The amenity of the neighbourhood will not be effected by the proposed six lots, as only one additional lot would be constructed, the lots are intended for single houses and the resultant lot size of 480m² is only marginally smaller than the prevailing lot sizes.
- Additional traffic volume would be minimal with the recoding allowing only one additional lot.
- The land can be subdivided and readily connected to all services. The proposal to increase the density to Residential R25 is consistent with the objectives of Metroplan which states:

“As a general guideline, the minimum residential density code for seweraged residential areas should be R20. Local Government should identify and carefully justify those circumstances where residential densities should be higher or lower than R20 having regard to physical servicing constraints and the character of the particular area.”

- Approval of the proposal is unlikely to set an undesirable precedent in the area. The circumstances relating to the land, in particular, its land area are considered unique within this locality. In addition, the ultimate development of the land in accordance with this plan will contribute significantly to the amenity of the area.

DISCUSSION

It is considered that the proposal is not consistent with the Local Housing Strategy as it is outside of the area endorsed by Council as suitable for medium density housing. This is confirmed through reference to the Accessibility Indicator Map prepared for the South Gosnells Precinct, which shows the subject lot as significantly less accessible than the area endorsed by Council. As such, it is recommended that Council does not initiate the amendment.

The applicant's submission raised a number of points in support of the proposal, which are responded to as follows:

Accessibility to Facilities, Promotion of a Variety of Housing Options and Demographic Analysis

As mentioned above, the lot is not considered to have an "Accessibility Index" that warrants an increase in residential density (as calculated for the Local Housing Strategy Accessibility Indicator Maps). The distances referred to in relation to the subject lot's proximity to services and facilities are no more convenient than for a significant portion of the City.

As far as the promotion of a diversity of housing options is concerned, it is not disputed that this is a key principle of the Local Housing Strategy. However, the Strategy seeks to focus smaller lots (and therefore smaller dwellings) around nodes of activity and the subject lot is not within one of these nodes. Similarly, the applicant's presentation of demographic information indicating a demand for smaller lots is not disputed – and the Local Housing Strategy once implemented will address this issue.

Large Nature of the Subject Lot and its Suitability for Development

The "Large Lot" provisions contained within the Local Housing Strategy Interim Text were not included to allow for proposals such as this. The provision clearly states that the type of lot being referred to is a lot remaining undeveloped as a result of previously being used for a land extensive activity, such as a former institution or industrial development. Furthermore, the lot sizes envisaged to fit into this exception were generally in excess of 4,000m². The provision was not intended to allow for redevelopment of residential land to higher densities just because a lot exists that is currently not developed to its maximum density, and is surrounded by smaller lots.

The suitability of the lot for redevelopment in terms of its ability to be serviced, its two street frontages and the minimal additional impact in terms of traffic that would result, is also not disputed, however, it is not considered that these factors warrant development in excess of the five lots currently allowed for under the R17.5 coding.

Precedent

The applicant states that the application is unlikely to set a precedent, as the situation in this instance is unique, particularly given the large lot area. This is not considered to be the case, as across the City there are many lots of this size, with many of these having a higher degree of accessibility than the subject lot.

Given the above, it is recommended that Council does not initiate the proposed recoding.

FINANCIAL IMPLICATIONS

Nil.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION

804 Moved Cr D Griffiths Seconded Cr R Mitchell

“That Council not initiate an Amendment to Town Planning Scheme No. 6 for the recoding of 46 (Lot 190) Miranda Way, Gosnells, from R17.5 to R25 for the following reasons:

1. The amendment is not considered consistent with the recommendations of the Local Housing Strategy as it is outside of the area endorsed by Council as suitable for medium density development.
2. The subject lot is not considered to be consistent with the “Large Lot” provisions provided for under the Local Housing Strategy Interim Text.
3. The initiation of this amendment prior to the finalisation of the Local Housing Strategy and the yet to be progressed Implementation and Monitoring Program is considered premature and inappropriate.”

CARRIED 12/0

FOR: Cr W Barrett, Cr R Croft, Cr R Hoffman, Cr P Wainwright, Cr R Mitchell, Cr S Moss, Cr O Searle, Cr C Matison, Cr J Brown, Cr S Iwanyk, Cr D Griffiths and Cr PM Morris.

AGAINST: Nil.

**12.5.2 AMENDMENT NO. 26 TO TOWN PLANNING SCHEME NO. 6 –
FINALISATION OF AMENDMENT TO SOUTHERN RIVER KENNELS
ZONE (*ITEM BROUGHT FORWARD – REFER TO ITEM 10*)**

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

**12.5.3 AMENDMENT NO. 27 TO TOWN PLANNING SCHEME NO. 6 –
FINALISATION - RECODING OF 120 (LOT 9001) AND 130
(LOT 9000) LADYWELL STREET, BECKENHAM FROM R20 TO R30
(ITEM BROUGHT FORWARD – REFER TO ITEM 10)**

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

12.5.4 OUTLINE DEVELOPMENT PLAN AND AMENDMENT 6 TO TOWN PLANNING SCHEME NO. 6 - REZONING OF LOTS 1, 2, 801, 1297 AND 1298 SOUTHERN RIVER ROAD AND LOTS 1300, 1301 AND 1302 CHAMBERLAIN STREET, GOSNELLS

File:	S8/1/15, TPS/6/6	(SRW)	Psrpt200Dec03
Name:	Civil Technology		
Location:	Area generally bounded by the Southern River, Southern River Road and Chamberlain Street, Gosnells.		
Zoning: MRS:	Urban Deferred		
TPS No. 6:	General Rural		
Appeal Rights:	Nil, however, final determination is made by the Minister for Planning and Infrastructure		
Area:	20.3ha approximately		
Previous Ref:	OCM 12 August 2003 (Resolution 539) OCM 26 March 2002 (Resolution 198) OCM 28 August 2001 (Resolutions 702-707)		
Appendices:	12.5.4A Previous ODP 12.5.4B Proposed ODP		

PURPOSE OF REPORT

For Council to re-consider an amendment to Town Planning Scheme No. 6 and an accompanying Outline Development Plan for the area bounded by Southern River Road, Chamberlain Street and the Southern River. In association with this matter, this report provides Council with the opportunity to consider the “lifting of urban deferment” for the subject land under the Metropolitan Region Scheme.

BACKGROUND

Council at its meeting of 28 August 2001 (Resolutions 702 and 704) considered an application from Broughton Planning to rezone seven lots located in the area bounded by Southern River Road, Chamberlain Street and the Canning River (refer Location Plan). The proposal was to rezone the land from “Deferred Urban” to “Residential Development” under Town Planning Scheme No. 1 (TPS 1). An associated Outline Development Plan (ODP) was also submitted. Resolutions 702 and 704 read as follows:

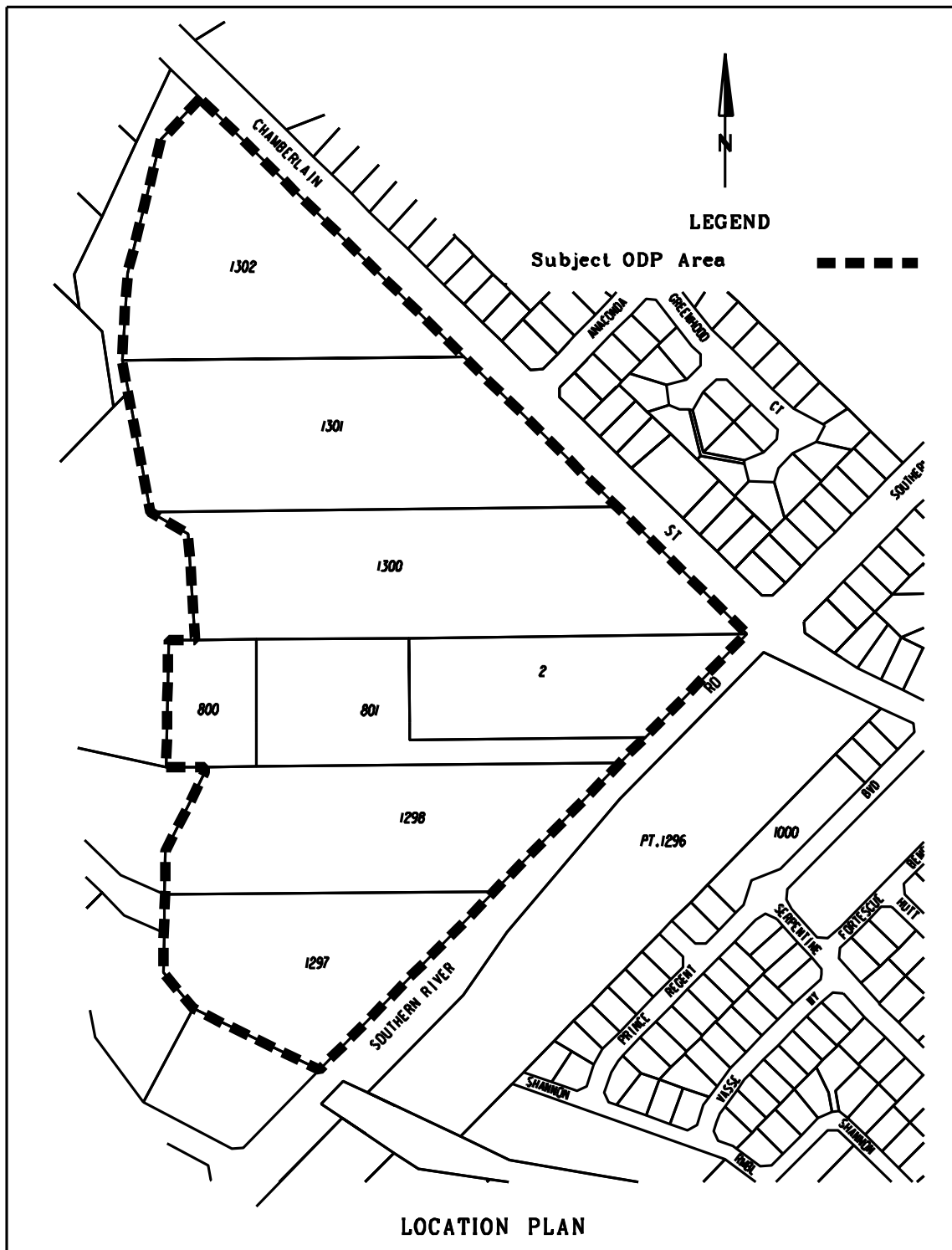
Resolution 702

“That the applicant be advised that Council supports “in-principle” the application to rezone Lots 1, 2, 1297 and 1298 Southern River Road and Lots 1300, 1301 and 1302 Chamberlain Street, Gosnells, from “Urban Deferred” to “Residential Development” once TPS 6 has been gazetted subject to finalisation, to the satisfaction of Council, of a legal agreement, at the applicant’s cost, relating to the irrevocable closure of the poultry farm on Lot 1298 Southern River Road, prior to any formal development approvals being granted.”

Resolution 704

“That Council request the WA Planning Commission via the South East District Planning Committee to amend the Metropolitan Region Scheme zoning over Lots 1, 2, 1297 and 1298 Southern River Road and Lots 1300, 1301 and 1302 Chamberlain Street, Gosnells, from “Urban Deferred” to “Urban”.”

A copy of the previous ODP is included at Appendix 12.5.4A.



In line with Council's previous resolutions, following the publication of Town Planning Scheme No. 6 in the "Government Gazette", Amendment No. 6 was initiated by Council at its meeting of 26 March 2002 when it was resolved as follows (Resolution 198):

"That Council, pursuant to Section 7 of the Town Planning and Development Act, 1928 (as amended) initiate an amendment to the City of Gosnells Town Planning Scheme No. 6 to rezone Lots 1, 2, 1297 and 1298 Southern River Road and Lots 1300, 1301 and 1302 Chamberlain Street, Gosnells, from "General Rural" to "Residential Development" subject to finalisation, to the satisfaction of Council, of a legal agreement, at the applicant's cost, relating to the irrevocable closure of the poultry farm on Lot 1298 Southern River Road, prior to any formal development approvals being granted."

Following various attempts by Kevin Broughton of Broughton Planning to have the above-mentioned legal agreement executed, it became apparent that this would not be achieved. Furthermore, in early 2003 Broughton Planning ceased operating as a business. Correspondence was sent to all landowners seeking expressions of interest to engage a planning consultant and progress the planning for the area, however no responses were achieved. Based on the lack of progress, Council considered the matter at its meeting of 12 August 2003 and resolved as follows (Resolution 539):

"That Council, pursuant to Section 7 of the Town Planning and Development Act, 1928 (as amended), advise the WA Planning Commission that it does not wish to proceed with Amendment No. 6 to Town Planning Scheme No. 6 to rezone Lots 1, 1297 and 1298 Southern River Road and Lots 1300, 1301 and 1302 Chamberlain Street, Gosnells, from Urban Deferred to Residential Development due to the absence of a proponent, appropriate documentation and legal agreement relating to the irrevocable closure of the poultry farm on Lot 1298 Southern River Road."

Following the consideration of the matter by Council, Civil Technology on behalf of a number (but not all) of the landowners made contact with the City and the Department for Planning and Infrastructure (DPI) with a view to progressing the planning for this area. A plan of subdivision has already been lodged with the Western Australian Planning Commission (WAPC), however it is envisaged that the subdivision would be progressed concurrently with scheme amendments and an ODP.

This report provides the opportunity for Council to consider the re-initiation of a previous scheme amendment, the lifting of Urban Deferment under the Metropolitan Region Scheme and an Outline Development Plan to guide future subdivision and development.

DISCUSSION

As outlined in the background, three key issues have previously prevented further planning for the area occurring, as follows:

- The lack of a proponent,
- The lack of formal documentation,
- The lack of a legal agreement relating to the irrevocable closure of the poultry farm on Lot 1298 Southern River Road.

These matters are discussed further in the following sections and ultimately form the basis for a recommendation to progress the planning in this area.

Lack of a Proponent and Formal Documentation

Kevin Broughton of Broughton Planning was previously representing a number of the landowners within the ODP area, however Broughton Planning no longer operates as a business. Civil Technology has essentially replaced Broughton Planning as the proponent through the preparation of necessary documentation and as such the lack of a proponent is no longer a constraint to further planning.

Lack of a Legal Agreement

With respect to existing poultry farms, it has been common practice for Council to require the execution of a legal agreement relating to the irrevocable closure of the poultry farm prior to the urbanisation of the area. This was necessary to provide appropriate “safeguards” to prevent subdivision or development within 500 metres of an operational poultry farm. Following on from previous difficulties of getting such a legal agreement, the applicant engaged both the City and the DPI in further discussion regarding the need for a legal agreement.

The main concern that various poultry farm operators have expressed in the past has been the potential time delay between ceasing operating the farm (ie. at the commencement of the planning processes) and the finalisation of planning processes. Realistically, a two to three year planning process is not uncommon where Scheme Amendments and Outline Development Plans are required, with no guarantee of a particular outcome at the outset.

Based on further discussions with DPI, support for the rezoning of land including poultry farms can provide an incentive for a poultry farm operator to cease operating and to further subdivide and/or develop their land. One needs to be mindful to avoid a “catch-22” situation that could otherwise occur, with the poultry farm continuing to operate until subdivision occurs, with subdivision not able to occur until the poultry farm ceases to operate.

Historically, there has been a lack of a clear planning framework for addressing poultry farms and associated buffers in an urban context, hence the need for some form of legal agreement. With the release of Statement of Planning Policy No. 5 (SPP5) in 1998, clear guidance and safeguards have been provided for the WAPC and the City. One of the objectives from SPP5 is to “*encourage the relocation of poultry farms on land required for residential or rural-residential development*”. In terms of achieving this objective, SPP5 states the following:

“In new development areas, consideration will be given to provide incentives to encourage existing poultry farms to relocate. These incentives may take the form of higher order zonings, special area levies or including the affected farms in town planning development schemes.”

This report proposes to include the existing poultry farm within the land parcel to be rezoned and coordinated through the progression of an ODP, to provide an incentive for the poultry farm to either cease operating or relocate. This approach is further supported by a plan of subdivision that has already been lodged with the WAPC which proposes residential development on the existing poultry farm site.

In addition to the above, Council staff further discussed the use of legal agreements with DPI. Based on discussions with local authorities in the north-west Corridor of the Perth Metropolitan Area, it became apparent that most other Local Authorities do not use legal agreements as the provisions of SPP5 provide appropriate guidance and safeguards. It is understood that previous negotiations and outcomes involving a former poultry farm in Balfour Street, Huntingdale, provided the impetus for the release of SPP5.

“Lifting of Urban Deferment” under the Metropolitan Region Scheme

The subject land is currently zoned “Urban Deferred” under the Metropolitan Region Scheme (MRS). This zone recognises the future development potential of the area, however identifies various potential constraints to development. Historically, this area has remained as “Urban Deferred” due primarily to the presence of a poultry farm on Lot 1298 Southern River Road. In accordance with the discussion above, the existence of a poultry farm is no longer a constraint to achieving an Urban zoning under the MRS.

The WAPC in advice has indicated that it will provide support for the lifting of “urban deferment” upon:

- The proponent demonstrating that the adjacent poultry farm will cease its activities before final approval is granted to subdivision of any part of the subject land;
- Demonstrating that the land can be serviced by urban infrastructure;
- The City of Gosnells indicating its support for the land to be included within the “Urban Zone”;
- There being landowner support for subdivision; and

- There being a co-ordinated subdivision and/or development plan over the subject land.

Each of these matters have now been addressed and as such the staff recommendation for this report includes a formal request to achieve the lifting of “Urban Deferment” through the South East District Planning Committee.

Outline Development Plan

To provide a framework for the future subdivision and development of the area, it is considered necessary for an ODP to be progressed concurrently with any scheme amendment. Under the provisions of TPS. 6 for land zoned “Residential Development”, any zone on an ODP shall have the same effect as if it were zoned directly under the Scheme itself. The use of development zones in conjunction with ODP’s provides a flexible approach to planning for rapidly developing areas, as greater consideration can be given to achieving planning objectives as opposed to adhering to strict administrative provisions and requiring formal scheme amendments

An Outline Development Plan is provided in Appendix 12.5.4B as an initial step, Council is required to consider whether the ODP is satisfactory for advertising prior to adopting the ODP for final approval. The ODP provides for predominantly residential development at a density of R17.5, the provision of public open space and a potential mixed use centre at the intersection of Southern River Road and Chamberlain Street.

Based on previous approaches from the landowner of Lot 1301 and 1302, there has been an expressed desire to create a “heritage farm” on portions of these two properties. The landowner has a long association with the area and does not wish to develop or subdivide his properties at this time, but rather develop the property such that it may be open to the public. Should this proceed, it is likely such a proposed use would be classified as an “exhibition centre”, a discretionary use requiring advertising under the Scheme in a Residential Development zone. A formal application and assessment would be required for the proposal to proceed, with detailed design considerations being able to be addressed at this time. In the interim, however, the interface between a future heritage farm and residential subdivision will need to be carefully considered to achieve the objectives of the SafeCity Urban Design Strategy. Rather than leaving portions of these properties with “Urban Deferred” and “General Rural” zonings, it is recommended that these properties be included in rezoning process, however, shown on the ODP as “Private Recreation”. This would facilitate ease of any future subdivision of the land if the landowner should choose to develop by way of an amendment to the ODP.

In essence, the ODP is very similar to that previously considered and supported by Council. For this reason, and that the ODP is considered consistent with the objectives of TPS 6, it is recommended that the ODP be progressed in conjunction with the lifting of Urban Deferment under the MRS and an amendment to TPS 6.

Land Zoned “Urban Deferred” Opposite the ODP Area

Following previous Council resolutions, Council staff have been involved in discussions with the Department for Planning and Infrastructure regarding the “lifting of urban deferment” under the Metropolitan Region Scheme for both the ODP area and Pt Lot 1296 and Lot 1000 on the southern side of Southern River Road. As outlined previously, the principle reason for the “Urban Deferred” zone has been the existence of a poultry farm on Lot 1298 Southern River Road. With the removal of this constraint, there is no reason why Lot 1000 and 1296 should not be included in the Urban zone. Previous consultation with the landowners has provided support for this approach. Should an Urban Zone be achieved under the MRS, an amendment to TPS 6 would be required in due course, however it is understood that there would be no significant challenges to this being achieved.

District Level Infrastructure Contributions

Discussions have been held between Council staff and the applicant regarding the provision and coordination of district level infrastructure. It is common for large Outline Development Plans to include cost-sharing mechanisms, whereby developer contributions are managed by Council. This is generally necessary where the scope of works is beyond that capable of being addressed through subdivision processes. Based on the information provided to Council staff by the applicant regarding the provision of services and the small scale of the ODP area, it does not appear necessary to establish a cost sharing mechanism; necessary infrastructure will be provided through subdivision processes only.

A contribution towards the provision of a traffic control device at the intersection of Chamberlain Street and Southern River Road in addition to the upgrading of Southern River Road have previously been the subject of discussion with Broughton Planning and more recently the applicant. The position of Council to require these devices would not be altered by the provision, or lack thereof, of a cost sharing mechanism.

Finally on this matter, the potential financial risk to Council associated with managing and coordinating costs are avoided by not establishing cost sharing mechanisms. All costs remain the responsibility of landowners at the time of subdivision or development.

Public Consultation

Should Council support the re-initiation of the Scheme Amendment and the draft ODP, extensive consultation with the community would be required to be undertaken prior to finalisation. It is anticipated that both the ODP and Scheme Amendments would be advertised concurrently to ensure clarity for the community and government agencies when reviewing the proposals.

CONCLUSION

Based on the information presented to Council, the previous constraints to progressing the further planning of this area have been addressed. With a proponent, formal documentation and the issues associated with the existing poultry farm addressed, it is necessary to progress Scheme Amendments and an ODP to guide future subdivision and development.

FINANCIAL IMPLICATIONS

Due to the small scale of the ODP, comprising 14 hectares of developable area, it is not considered necessary for Council to establish a cost-sharing mechanism for the provision of district level infrastructure. A plan of subdivision has already been lodged for the majority of the ODP area, which will provide a framework for coordinating the considered appropriate infrastructure to service future subdivision and development.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION

805 Moved Cr S Iwanyk Seconded Cr C Matison, Cr P Wainwright and Cr R Croft

“That Resolution 539 of the Ordinary Council Meeting held on 12 August 2003, which reads as follows:

“That Council, pursuant to section 7 of the Town Planning and Development Act, 1928 (as amended), advise the WA Planning Commission that it does not wish to proceed with Amendment No. 6 to Town Planning Scheme No. 6 to rezone Lots 1, 1297 and 1298 Southern River Road and Lots 1300, 1301 and 1302 Chamberlain Street, Gosnells, from Urban Deferred to Residential Development due to the absence of a proponent, appropriate documentation and legal agreement relating to the irrevocable closure of the poultry farm on Lot 1298 Southern River Road.”

be revoked.”

CARRIED BY ABSOLUTE MAJORITY 8/4

FOR: Cr W Barrett, Cr R Croft, Cr R Hoffman, Cr P Wainwright, Cr R Mitchell, Cr C Matison, Cr S Iwanyk and Cr PM Morris.

AGAINST: Cr S Moss, Cr O Searle, Cr J Brown and Cr D Griffiths.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION

806 Moved Cr R Hoffman Seconded Cr C Matison

“That Council formally request the Perth Region Planning Committee, through the South East District Planning Committee to consider the “lifting of Urban Deferment” under the Metropolitan Region Scheme for the area bounded by Southern River Road, Chamberlain Street and the Southern River in addition to Pt Lot 1296 Southern River Road and portion of Lot 1000 Prince Regent Boulevard.”

CARRIED 9/3

FOR: Cr W Barrett, Cr R Croft, Cr R Hoffman, Cr P Wainwright, Cr R Mitchell, Cr O Searle, Cr C Matison, Cr S Iwanyk and Cr PM Morris.

AGAINST: Cr S Moss, Cr J Brown and Cr D Griffiths.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION

807 Moved Cr R Hoffman Seconded Cr C Matison

“That Council, pursuant to clause 7.4.2 of Town Planning Scheme No. 6 deem the Outline Development as shown in Appendix 12.5.4B Plan satisfactory for advertising subject to the following:

1. The designation of portion of Lots 1301 and 1302 as “Private Recreation”.
2. The designation of the existing poultry farm on Lot 1298 on the ODP.”

CARRIED 9/3

FOR: Cr W Barrett, Cr R Croft, Cr R Hoffman, Cr P Wainwright, Cr R Mitchell, Cr O Searle, Cr C Matison, Cr S Iwanyk and Cr PM Morris.

AGAINST: Cr S Moss, Cr J Brown and Cr D Griffiths.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION

808 Moved Cr R Hoffman Seconded Cr C Matison

“That Council, pursuant to section 7 of the Town Planning and Development Act, 1928 (as amended) re-initiate Amendment 6 to the City of Gosnells Town Planning Scheme No 6 to rezone portions of Lots 1297, 1298, 1300, 1301, 1302 and Lots 801 and 2 from “General Rural” to “Residential Development”.”

CARRIED 9/3

FOR: Cr W Barrett, Cr R Croft, Cr R Hoffman, Cr P Wainwright, Cr R Mitchell, Cr O Searle, Cr C Matison, Cr S Iwanyk and Cr PM Morris.

AGAINST: Cr S Moss, Cr J Brown and Cr D Griffiths.

**12.5.5 PROPOSED AMENDMENT TO THE SOUTHERN RIVER PRECINCT 5
(LAKEY STREET) OUTLINE DEVELOPMENT PLAN**

File:	S8/1/13	(SRW)	Psrpt198Dec03
Name:	Chappell and Lambert Planning Consultants		
Location:	Ranford Road, Southern River		
Zoning: MRS:	Urban		
TPS No. 6:	Residential Development		
Appeal Rights:	Determination of the matter by the Western Australian Planning Commission may be requested by the applicant if not satisfied with Council decision.		
Previous Ref:	OCM 10 June 2003 (Resolutions 367-368) OCM 11 February 2003 (Resolutions 52-53) OCM 9 July 2002 (Resolution 503) OCM 26 April 2000 (Resolutions 251-252)		
Appendices:	12.5.5A Existing Southern River Precinct 5 Outline Development Plan 12.5.5B Proposed Amendment to the Southern River Precinct 5 Outline Development Plan		

PURPOSE OF REPORT

For Council to consider an amendment to the Southern River Precinct 5 (Lakey Street) Outline Development Plan to relocate an area of public open space as a central spine for "The Boardwalk" Estate.

BACKGROUND

Council at its Ordinary Meeting of 26 April 2000 considered and adopted an ODP to facilitate the urbanisation of land in Southern River generally bounded by Warton Road, Ranford Road and Balfour Street. At that meeting the following resolution was adopted (Resolution 251):

"That Council approve the Outline Development Plan submitted to facilitate the urban development of land generally bounded by Warton Road, Ranford Road and Balfour Street, Southern River and advise the Western Australian Planning Commission accordingly."

The Outline Development Plan (ODP) seeks to provide a strategic direction for the future land use within the ODP area by identifying areas of land for different land uses such as residential, open space and mixed use. For the residential area within the ODP, a base density coding of R20 has been incorporated, with particular areas being designated "Residential Density Greater than R20".

Council at its meetings of 11 February 2003 and 10 June 2003 considered minor amendments to the ODP to redistribute areas of public open space and corresponding residential densities. In general terms, the areas designated for higher residential densities have been allocated within a 400 metre radius walkable catchment of future local centres. The existing ODP is attached as Appendix 12.5.5A.

Through past planning processes, a Conservation Category Dampland (CCD) was identified on Lot 1617, with the rear portion of the property identified through the ODP for protection as part of a future reserve for recreation and conservation purposes. Lot 1617 has not previously been included in plans of subdivision for the area due to not being owned by Stockland, the developers of "The Boardwalk" Estate. It is understood that the property is currently the subject of an offer to purchase from Stockland, subject to the granting of subdivision approval and corresponding amendment to the ODP.

Chappell & Lambert Planning Consultants, on behalf of Stockland, have formally requested an amendment to the ODP. In essence, the amendment seeks to reallocate public open space to create a central spine through the development. The original Precinct 5 ODP is included as Appendix 12.5.5A and the revised ODP as would result from this amendment is included as Appendix 12.5.5B.

DISCUSSION

Amendment to an ODP

In considering any amendment to an ODP, Council is required to consider the objectives of the ODP and the material intent of the ODP. The established objectives of the ODP include the facilitation of subdivision in the area, a water-sensitive approach to urban water management and the protection of environmental values. Should Council deem an amendment to an ODP to not materially alter the intent of the ODP, Council is simply required to adopt the amendment and forward the matter to the WA Planning Commission for determination. Alternatively, if an amendment is considered to be significant in nature, the amendment is required to be advertised for public comment for a period of not less than 21 days.

Proposed Amendment

The inclusion of Lot 1617 Furley Road within "The Boardwalk" Estate will enable the central spine of public open space, to the south of Furley Road, to be extended north to link into the "Bush Forever" site and associated conservation areas immediately to the north of "The Boardwalk" Estate. Drainage and hydrological studies undertaken by JDA Hydrological and Wood & Grieve Engineers confirm that the drainage of the site can be appropriately incorporated into a landscaped drainage swale within the open space area and subsequently piped along the northern boundary to link into the public open space/drainage site adjoining Balfour Street in the north-east of the site.

EPCAD Landscape Consultants, have prepared preliminary Landscape Concept Plans on how the public open space can be sensitively landscaped to complement and enhance the natural features and attributes of the site. ATA Environmental Consultants will prepare an appropriate Management Plan in consultation with Council and the Department of Environment to ensure the preservation of the Wetland and its integration with the adjoining Bush Forever site.

Comment from the Department of Environment

The proponent has discussed the proposed amendment extensively with the Department of Environment, with in-principle support being provided as no formal assessment is provided for ODPs. Detailed designed considerations and further analysis, if required, can adequately be addressed through subdivision processes.

Southern River/Forrestdale/Brookdale/Wungong District Structure Plan

The broader context for the ODP was established through the Southern River/Forrestdale/Brookdale/Wungong District Structure Plan, released in January 2001. The District Structure Plan identifies the environmental significance of Lot 1617 and encourages the protection of environmental values through local structure planning processes.

The release of the District Structure Plan was premised on the finalisation of the Urban Water Management Strategy involving all key stakeholders. The strategy seeks to maximise overland flows of stormwater in the context of a “living streams” approach to achieve quality and quantity objectives. The proposed amendment to the ODP facilitates a greater focus on sensitive urban water management and the principles behind the Urban Water Management Strategy.

CONCLUSION

The proposed amendment to the ODP will facilitate the inclusion of Lot 1617 in the subdivision of the surrounding area and create a central POS “spine” to achieve recreational, drainage and movement objectives. The amendment is consistent with the objectives previously established through the ODP. Furthermore, the amendment is considered minor in nature in that it does not in the opinion of Council staff alter the material intent of the ODP. On this basis, the staff recommendation is for Council to adopt the amendment to the ODP and forward the matter to the Western Australian Planning Commission for determination.

FINANCIAL IMPLICATIONS

Council is required to establish and maintain trust accounts for each ODP area and as such this report does not propose any direct impact on municipal funds. The common infrastructure works/costs and resulting cost contributions are currently the subject of discussion between relevant stakeholders and as such the proposed amendments to the ODP will not effect established cost sharing mechanisms.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION

809 Moved Cr R Mitchell Seconded Cr C Matison

“That Council, in accordance with clause 7.5 of the Town Planning Scheme No. 6, adopt a minor change to the Southern River Precinct 5 (Lakey Street) Outline Development Plan to achieve the following:

1. The relocation of an area of public open space from Lots 1615 and 1616 to Lot 1617;
2. The designation of the area currently shown as “public open space” on Lots 1615 and 1616 as “Residential R20” and “Residential Density Greater than R20”; and
3. The designation of an area on Lots 1615 and 1616 currently shown as “Residential Density Greater than R20” as “Residential R20”.

as shown in Appendix 12.5.5B.”

CARRIED 12/0

FOR: Cr W Barrett, Cr R Croft, Cr R Hoffman, Cr P Wainwright, Cr R Mitchell, Cr S Moss, Cr O Searle, Cr C Matison, Cr J Brown, Cr S Iwanyk, Cr D Griffiths and Cr PM Morris.

AGAINST: Nil.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION

810 Moved Cr R Mitchell Seconded Cr C Matison

“That Council authorise staff to forward a copy of the proposed amendment to the Southern River Precinct 5 (Lakey Street) Outline Development Plan to the WA Planning Commission for consideration.”

CARRIED 12/0

FOR: Cr W Barrett, Cr R Croft, Cr R Hoffman, Cr P Wainwright, Cr R Mitchell, Cr S Moss, Cr O Searle, Cr C Matison, Cr J Brown, Cr S Iwanyk, Cr D Griffiths and Cr PM Morris.

AGAINST: Nil.

12.5.6 AMENDMENT TO THE CANNING VALE OUTLINE DEVELOPMENT PLAN – INCREASED RESIDENTIAL DENSITY – 16 (LOT 112) DUMBARTON ROAD, CANNING VALE

File:	S8/1/2	(SW)	Psrpt190Dec03
Name:	Robert Auguste & Associates		
Location:	Lot 112 Dumbarton Road, Canning Vale		
Zoning: MRS:	Urban		
TPS No. 6:	Residential Development		
Appeal Rights:	Nil		
Area:	1.3279ha		
Previous Ref:	N/A		
Appendix:	12.5.6A Applicant's submission in support of indicative subdivision plans, indicative development plans and plan showing proposed integration with the adjoining lots		

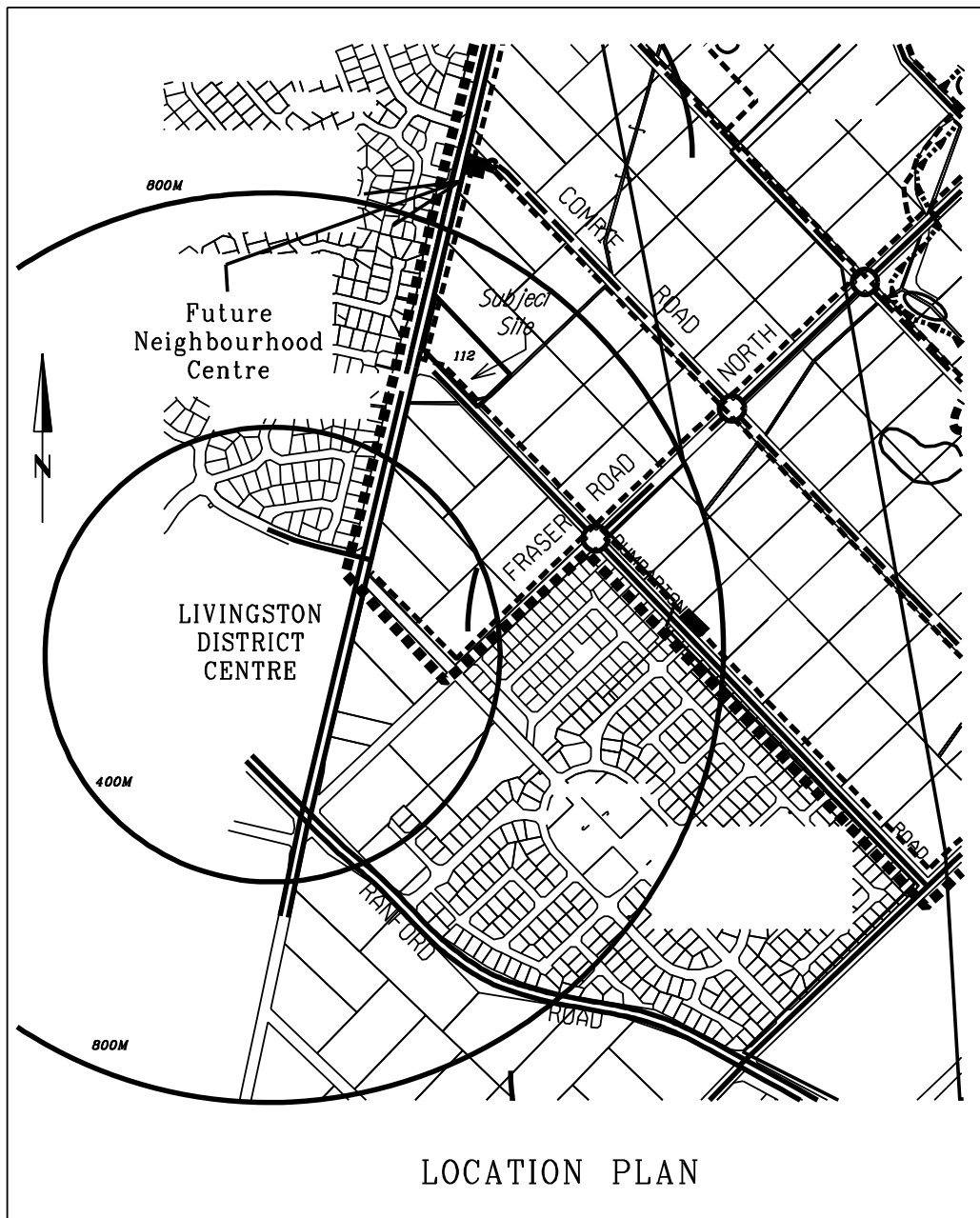
PURPOSE OF REPORT

For Council to consider an amendment to the Canning Vale Outline Development Plan (ODP) in accordance with clause 7.5 of Town Planning Scheme No. 6 (TPS 6) to increase residential densities on Lot 112 Dumbarton Road, Canning Vale.

BACKGROUND

The subject land is currently designated "Residential R17.5" under the Canning Vale ODP. The subject land is within 500 metres from the Livingston District Centre on the corner of Ranford and Nicholson Roads and 400 metres from a future neighbourhood centre located on the corner of Comrie Road and Nicholson Road (refer location plan). Lot 112 is located on the corner of Nicholson Road which provides good access to public transport via existing bus routes and the possible future Nicholson railway station site located approximately one kilometre to the north. The lot also abuts the Canning Vale High School site and an area of public open space that is shown on the Canning Vale ODP but is yet to be ceded and developed.

Council at its Ordinary Meeting of 26 March 2002 considered a similar amendment to the Canning Vale ODP to amend the designation of Pt Lots 50, 51 and 52 corner Nicholson Road and Birnam Road from "Residential R17.5" to "Residential Density Greater than R17.5". Council at that meeting resolved to support the amendment as a minor amendment to the ODP.



Proposal

The proposed amendment to the Canning Vale ODP seeks to facilitate the development of three separate grouped dwelling developments comprising a total of 30 individual strata lots. The strata lots would range in size from 235m² to 374m², which equates to an R40 density. Indicative subdivision plans, indicative development plans (See Site Plan) and a plan showing proposed integration with the adjoining lots (See Integration Plan) have been submitted. In support of these plans, the applicant has submitted information, which outlines the ways in which they believe the plans adhere to the principles of the Canning Vale ODP and address the City's SafeCity Urban Design Strategy. The information is included in full within Appendix 12.5.6A, however, the main rational centers on the proximity to service centers and the facilitation of a design outcome which will create passive surveillance.

Insert Site Plan

In order to demonstrate that their concept does not prejudice the future development of any adjoining lot, the applicant submitted an Integration Plan (refer plan). As mentioned above, the Integration Plan provides for a share road on the common boundary of Lots 112 and 113.

Insert Integration Plan

An Interface Plan (refer plan) indicates the proposed method of dealing with the site's common boundary to Nicholson Road. The proposed use of permeable fencing, minimisation of solid fencing and provision of surveillance over Nicholson Road meets the City's SafeCity Urban Design Strategy requirements.

Insert Interface Plan

DISCUSSION

The essential elements which Council needs to consider and determine, is the level of amendment (minor or major), the suitability of the site for development of this density and should this be acceptable the desirability of the concept plan.

Determination of Amendment Type

In accordance with clause 7.5 of TPS 6 Council may adopt a minor change to or departure from an Outline Development Plan, if in the opinion of the Council, the change or departure does not materially alter the intent of the Outline Development Plan.

The question at hand is whether the increasing of densities within a portion of the ODP constitutes an alteration of intent. The basic intent of the ODP is for the land to be developed for residential purposes and clearly this will not be altered by the current amendment. More specifically the ODP seeks to create an urban form which is sustainable in that it provides for a range of housing in walkable catchments and supports public transport use. Therefore should Council consider the proposal to be consistent with this intent, it would be considered to be a minor amendment.

Strategic Location

Through the preparation of Outline Development Plans and the draft Local Housing Strategy, the City has been seeking to encourage increased residential densities in strategic locations. Access to public transport, community, commercial facilities and public open space has formed the basis of determining these strategic locations. Generally, perceived walking distance to those strategic locations and the nature of the facilities has determined the extent of the increased residential density.

The Canning Vale ODP was developed to encourage a range of densities and generally identifies strategic areas as being within 200 metres of the 8 neighbourhood centres, within 400 metres of the Amherst Town Centre and within 800 metres of the future Nicholson Railway Station and Town Centre. The ODP recognises the Livingston District Centre, and it was based on the proximity of this centre that the previous application by Cedar Woods was supported by Council. The proposed amendment to increase residential density within a distance of 500 metres from the Livingston District Centre is consistent with the ODP principles and objectives.

It should be noted that there has been minimal implementation of higher residential densities surrounding the designated centres within the ODP. The opportunity to encourage increased residential densities through high standards of urban form is welcomed and would assist in meeting the objectives of the ODP.

Variety of Housing Stock to Meet Future Demands

The demographic profile of Perth continues to change, with decreasing household sizes based on couples without children and the aging population. The proposed product would seek to cater to the demands of retirees and young couples alike, promoting community interaction and easy access to a range of services and facilities, consistent with the Liveable Neighbourhoods – Community Design Code.

Development Concept

The development concept submitted generally meets the intent of the ODP and Council's Safe City Urban Design Guidelines. Any development on the site would remain subject to development approval where assessment would be undertaken in detail, however some feedback is considered warranted so that matters may be addressed prior to lodgement of a development application. The concept proposes a suitable interface with Nicholson Road, however clarification on the treatment of the pedestrian access between lots 5 and 14 is required. The plans show a 1.2 metre wide footpath and bin pads on Nicholson Road. The path will need to be increased to 1.5 metres and the bin pads relocated as rubbish trucks do not service Nicholson Road. The interface plan does indicate that adjoining dwellings will overlook the access. The treatment of lot 30 will also need to be addressed, given it would appear to have double frontage. Overall the concept is a reasonable basis for pursuing the development of the site.

CONCLUSION

Staff consider that the proposal does not materially alter either the intent of the ODP, and on this basis it is recommended that Council support the proposed amendment to the ODP as a minor amendment. The increasing of residential densities to facilitate grouped dwelling development and subdivision within close proximity to the Livingston District Centre and a future neighbourhood centre is consistent with the ODP objectives and is supported by the Local Housing Strategy and the "Liveable Neighbourhoods – Community Design Code".

The applicant has demonstrated a thorough understanding of the principles underpinning the Canning Vale ODP and SafeCity Urban Design Strategy, and this is reflected in the concept plans that have been submitted in support of the proposal. Further, with regard to the site's context the plans maintain a high level of permeability and integration with the adjoining lots, and provide for good surveillance of the adjoining high school site and public open space.

The requirement for both subdivision and development applications will ensure that detailed design issues are satisfactorily addressed.

FINANCIAL IMPLICATIONS

Nil.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION

811 Moved Cr C Matison Seconded Cr R Hoffman

“That Council, in accordance with clause 7.5.1 of the City of Gosnells Town Planning Scheme No. 6, adopt a minor change to the Canning Vale Outline Development Plan in designating 16 (Lot 112) Dumbarton Road, Canning Vale, “Residential Density Greater than R17.5”.”

CARRIED 9/3

FOR: Cr W Barrett, Cr R Croft, Cr R Hoffman, Cr P Wainwright, Cr R Mitchell, Cr C Matison, Cr S Iwanyk, Cr D Griffiths and Cr PM Morris.

AGAINST: Cr S Moss, Cr O Searle and Cr J Brown.

12.5.7 REVOCATION OF TOWN PLANNING SCHEME NO. 4 – KENNEL AREA

File: TPS/4 (DR) Psrpt188Dec2003

Previous Ref: OCM 23 July 2003 (Resolution 591)

PURPOSE OF REPORT

To seek Council resolution to recommend to the Minister for Planning and Infrastructure that Town Planning Scheme No. 4 (TPS 4) – Kennel Area – be revoked without further review.

BACKGROUND

Council at its Ordinary Council Meeting on 23 July 2002 resolved to invite submissions on the desirability of reviewing its Guided Town Planning Schemes (Resolution 591) in accordance with the requirements of the Town Planning and Development Act, which included TPS 4.

TPS 4 was established in 1979 to create and assist the development of the Southern River Kennel Zone. The scheme incorporates provisions relating to the development and management of kennels within the kennel zone.

The scheme area is now fully developed in accordance with its zoning and the provisions relating to the development and management of kennels are to be incorporated within the District Zoning Scheme, Town Planning Scheme No. 6 (TPS 6) via Amendment No. 26 which concluded advertising on 12 November 2003, and is considered in this Agenda.

Result of Advertising

Public submissions were sought on the need to review TPS 4 from 30 September to 17 November 2003. Advertisement was made in a local newspaper and affected landowners advised directly in writing. Displays were available for inspection at Council's Administration Centre as well as the Gosnells and Thornlie libraries. No submissions were received.

DISCUSSION

With finalisation of Amendment No. 26 to TPS 6, TPS 4 will effectively become redundant. Given this, and that no submissions were received regarding the need to review the scheme, it is considered that TPS 4 can be revoked without further review.

FINANCIAL IMPLICATIONS

Nil.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION

812 Moved Cr J Brown Seconded Cr D Griffiths

“That Council, pursuant to Sections 7AA and 7(4)(c) of the Town Planning and Development Act (1928) request that the Minister for Planning and Infrastructure revoke City of Gosnells Town Planning Scheme No. 4 without further review.”

CARRIED 12/0

FOR: Cr W Barrett, Cr R Croft, Cr R Hoffman, Cr P Wainwright, Cr R Mitchell, Cr S Moss, Cr O Searle, Cr C Matison, Cr J Brown, Cr S Iwanyk, Cr D Griffiths and Cr PM Morris.

AGAINST: Nil.

Cr J Brown due to being Director on the Amaroo Board of Directors, and Cr C Matison due to being Council's delegate to the Board of Directors Amaroo Village and deputy delegate to the Heritage Committee disclosed at Item 2 of the Agenda "Declarations of Interest", an Impartiality Interest in the following item in accordance with Regulation 34C of the Local Government (Administration) Regulations 1996.

12.5.8 DEVELOPMENT APPLICATION – DEMOLITION OF OLD METHODIST CHURCH – 37 (LOT 522) DOROTHY STREET, GOSNELLS

File: 208817 **Approve Ref:** 0304/1296 (LS) Psrpt202Dec03
Name: Amaroo Village
Location: 37 (Lot 522) Dorothy Street, Gosnells
Zoning: MRS: Urban
TPS No. 6: Residential R30/R40
Appeal Rights: Yes. Town Planning Appeal Tribunal against a refusal or any condition(s) of approval.
Area: 2,630m²
Previous Ref: OCM 19 December 1991 (Resolution 330)
OCM 17 December 2002 (Resolution 1023)
Appendix: 12.5.8A Extract from City's Municipal Heritage Inventory

PURPOSE OF REPORT

For Council to consider an application for demolition of the Old Methodist Church at No. 37 (Lot 522) Dorothy Street, Gosnells as the proposal is outside the authority delegated to staff.

BACKGROUND

Site Description

Lot 522 is flat and accommodates the Old Methodist Church. The verge contains one crossover, a footpath and a bus stop without seating. The front of the property between the verge and the Church contains an informal carpark which is unmarked and constructed of gravel. The rear portion of the property behind the Church is vacant and contains some scattered trees.

An extract from the City's Municipal Heritage Inventory (MHI) providing a description of the building is as follows:

"This 1905 built Church is a rectangular building with an extension to the south for the entry. The main brick building has timber sash windows (three on either side) and a corrugated iron roof. The south end porch has the foundation stone set in the brickwork. This would appear to be an extension to the main building. Internally the building has timber floors and a timber lined cathedral ceiling. The building is in deteriorating condition with the exterior walls having bows in them, despite the construction of piers with infill walling being the original construction."

Site History

Amaroo Village purchased Lot 522 in 1990. In 1991 the City received an application to demolish the Old Methodist Church; that application was considered by Council at its Ordinary Meeting of 19 December 1991, where it was resolved to:

- “1. *Request from the Gosnells Historical Society written evidence and copies of any material which identifies its historical significance to the Gosnells Community.*
2. *Confer with the National Trust as to whether there is any material available to show that the old church is of historical significance.*
3. *Place an advertisement in the local newspaper requesting from the public any information that may be of significance in confirming the heritage value of the old church in its present form to the community.”*

During the resulting public consultation period there was significant opposition to the proposed demolition, and the applicant subsequently withdrew the proposal to demolish the Church.

In 1993 Amaroo Village submitted a development application for renovation of the Church, and an extension to accommodate a day care program for frail aged and disabled persons. That development application was due to be considered by Council at its Ordinary Meeting of 27 July 1993, however at it the applicant's request it was held in abeyance pending the submission of further advice. That development application was subsequently withdrawn.

In 1994 the City commissioned a structural assessment of the Old Methodist Church and at that time the church required some restoration works, however it did not constitute a safety hazard in its unoccupied state. Amaroo Village requested an updated building inspection in 1997 and that inspection was carried out by City Staff, who determined that restoration works were required as a matter of urgency. The owner obtained Lotteries Commission funding for restoration works in 1998. It is understood that these funds financed a report on the structural condition of the building and the extent of work required to restore it.

In August 2003 the City received a request from an adjoining landowner that the Old Methodist Church be demolished on account of it being in poor condition and the subject of vandalism and trespassing.

Municipal Heritage Inventory (MHI)

The Old Methodist Church is included in the City's MHI, and has been given a management category of "B", which is:

"Worthy of a high level of protection: to be retained and conserved; provide maximum encouragement to the owner under the City of Gosnells District Planning Scheme to conserve the integrity of the place. A more detailed Heritage Assessment/Impact Statement to be undertaken before approval given for any major redevelopment. Incentives to promote conservation to be considered."

The section of the MHI dealing with the Old Methodist Church is reproduced in full, as Appendix 12.5.8A.

Town Planning Scheme No. 6 (TPS 6)

At its Ordinary Meeting of 17 December 2002 Council resolved to adopt a Heritage List under TPS 6; the adopted list of heritage buildings includes the Old Methodist Church. The purpose of the Heritage List is to identify those places within the City that are of cultural heritage significance and worthy of conservation under the provisions of TPS 6.

The stated reason for including the Old Methodist Church on the Town Planning Scheme Heritage List was as follows:

"The Gosnells Methodist Church has important aesthetic, historic, and social heritage significance. As the oldest Church and public building in Gosnells it has strong historical links with the past. For more than ninety years the Church has provided a venue for many social occasions, particularly for the youth of the Gosnells District."

At the time of the Heritage List being prepared, Amaroo Village submitted an objection to the proposed inclusion of the Old Methodist Church. The following is a relevant excerpt from the Minutes of the 17 December 2002 Ordinary Council Meeting:

"In relation to the Old Methodist Church, it should be reiterated that a property's inclusion on the Heritage List does not necessarily prevent demolition or hinder development, the provisions simply establish a decision-making framework, which requires the consideration of heritage issues. It also ensures that through requiring development approval for most works (including demolition) the City is made aware of all modifications to the places and therefore has a mechanism to apply appropriate conditions, for example a condition requiring a comprehensive archival record of the place prior to demolition/redevelopment."

As stated above, the Council resolved to include the church on the Heritage List.

Clause 9.2 of TPS 6 requires a development application for the proposed demolition of any building included within the Heritage List.

Proposal

The proposal is to demolish the Old Methodist Church on Lot 522 and leave the church hall on the adjoining Lot 523 for a period of 6 to 12 months, after which the hall will also be demolished and then the two adjoining lots would be completely redeveloped, as a single site. Currently, two concepts that presume demolition of both buildings are being considered for development:

- Eight two and three bedroom independent aged person dwellings with the provision to extend to 16 dwellings with the eventual acquisition of further adjoining land in the future; and
- An assisted-living aged persons lodge comprising 28 one-bedroom studio units with the provision to extend to 40 studio units with the eventual acquisition of further adjoining land in the future.

The applicant wishes to demolish the Old Methodist Church now, as they consider it to be in dangerous condition. They also note that the church has been the subject of on-going vandalism and trespassing.

In support of the application, the applicant has provided the following information:

- The applicant is willing to work with the Gosnells Historical Society to preserve whatever information it can;
- The applicant is willing to incorporate materials recycled from the Church building within the proposed redevelopment, including the original foundation stone of the Church;
- They do not have the funds required to undertake the necessary restoration works (approximately \$300,000); and
- There is little community support for the restoration of the building, financial or otherwise (Amaroo Village organised an article in the local newspaper seeking public input and support).

DISCUSSION

The Old Methodist Church is the oldest church and public building in the City of Gosnells, as such there is no dispute that the building has a high degree of historical, social and cultural significance. The following submission was lodged by Prof. G McDonald, Chairman of the City of Gosnells Heritage Advisory Committee, at the time the building was being considered for entry on the TPS 6 Heritage List:

“In simple historical terms the Methodist Church was the first Church built in the newly developed Gosnells estate in 1905. Significantly it is the only remaining early Church still standing on its original site. It was also the first public building of any kind in the new estate and served in a variety of roles for the newly developing suburb. In September of 1905, for example, it provided the

venue for the first Gosnells state school when the Inspector General of Education, Cecil Andrews, agreed to set up a provisional school in the Church building. It continued to serve as such until the opening of the Gosnells State School on the corners of May and Hicks streets in 1907. The Church continued to serve the new suburb in a variety of ways over the next decades and as such contributed in no small measure to the developing community identity of Gosnells. As such the Church has an important heritage value to the present City of Gosnells.

The old Methodist Church though has even more heritage significance than the evidence provided above. While at a cursory glance the Church building appears architecturally unimpressive it is in its own way unique. At a time when most outer suburban and country Churches were being built of weatherboard and iron the solid brick construction marks the Gosnells Methodist Church as being rather different. Indeed, the Church was the solid physical symbol of the critical role which the Methodists, and the Methodist Church, played in the Gosnells Estate Company and the creation of the new suburb. Of the four original directors two, James and Wheatley were Methodist Clergymen, and the other two Hicks and Lissiman were staunch Methodists. This meant that the new estate was envisaged as more than just a pure business venture. Indeed it was Wheatley who provided the venture with its social conscience and its spiritual heart. Like other Methodists of the time Wheatley had been active in the Labour movement at the beginning of the new century. He had been actively involved in solving industrial disputes in Fremantle and in ministering to the needs of the poor settlers who were trying to wrest a living from the sands of the ill advised Jandakot estate and preaching social justice and equity from the pulpit of his Church. Thus for Wheatley and his fellow Methodist Directors the Gosnells estate would be more than just a business venture. They saw in the good lands of the Gosnells estate an arcadia where solid working class men and women could bring up their families free from the evils of idleness, drink and larrikinism.(p112 The Gosnells Story)When Hick's wife then laid the foundation stone for the new Church in January of 1905 it was for a building which represented the Director's social vision for the new community. Built by donations by East Perth Methodists the building was, like the society it served, to be solid unpretentious and with good clean lines. As such it is a symbol of a unique period both in the social history of the city and the state."

It is highly desirable to see the Old Methodist Church retained and conserved, however it must be acknowledged that the money now required to restore the building is substantial. In determining this application for demolition a number of factors should be taken into consideration.

Amaroo Village have stated on a number of occasions that given the costs involved they are unwilling to retain and conserve the building, and have not expressed interest in exploring the incentives provided for under TPS 6. In addition, they are concerned about an increasing likelihood that the vandals repeatedly entering the property are going to injure themselves and take legal action.

Whilst TPS 6 contains provisions requiring development approval for buildings listed on the Town Planning Scheme Heritage List, it does not provide provisions that expressly prevent demolition. Rather, it provides more general provisions that add the consideration of heritage significance to the decision-making framework. This would be different if the Old Methodist Church was included on the State Register of Heritage Places, which does provide express provisions that can prevent development.

In relation to the potential for the building to be included on the State Register of Heritage Places, it should be noted that the church was referred to the Heritage Council of WA. Following a review of the place, the Heritage Council Register Committee agreed that the place did not warrant further assessment for consideration for entry in the Register of Heritage Places.

Options

1. Refuse Demolition. This would result in an appeal which is likely to be supported by the Town Planning Appeal Tribunal. More importantly Council would need to explore funding for making the building safe in order to prevent liability exposure.
2. Council seek to acquire and renovate the building. This option is considered impractical and financially unachievable.
3. Council approve demolition, subject to conditions such as having a comprehensive record of the building development and reusing elements of the building in any development of the site. This is considered the most practical outcome given the state of the building and the level of protection afforded to it.

CONCLUSION

There is no dispute over the local historical significance of the Old Methodist Church, however it is noted that the costs of now bringing the church back to a reasonable condition are significant. Furthermore, without the support of the owner of the building nor statutory provisions to require the building's retention and conservation, it is considered inappropriate to refuse demolition.

As such, it is recommended that Council approve the application for demolition subject to appropriate conditions that will ensure a record of the building is maintained.

FINANCIAL IMPLICATIONS

Nil.

STAFF RECOMMENDATION

Moved Cr S Moss Seconded Cr R Croft

That Council approve the application for demolition at No. 37 (Lot 522) Dorothy Street, Gosnells, subject to the following conditions:

1. A comprehensive archival record of the place by a suitably qualified professional is to be submitted prior to issue of a demolition licence.
2. The foundation stone and bricks from the church are to be conserved.
3. Materials and design elements from the church building are to be incorporated into the subsequent development application to the satisfaction of the Director Planning and Sustainability.

Amendment

During debate Cr R Hoffman moved the following amendment to the staff recommendation above to ensure the public is made aware of the reasons for this decision and the intentions of the applicant for the future of this site:

“That the staff recommendation be amended by inserting a fourth condition, which reads:

4. *That Council request the applicant to provide additional information to the community in the form of a public display, including information on the historical background of the Old Methodist Church and the plans to redevelop the site.”*

Cr R Mitchell Seconded Cr Hoffman’s proposed amendment.

Foreshadowed Motion

During debate Cr D Griffiths foreshadowed that he would move the following motion:

“That an independent assessment and evaluation be undertaken by a structural engineer to ascertain the condition of the original brick building.”

if the motion under debate was defeated, providing the following written reason:

“Due to the historical significance of the building, Council has a responsibility to ensure the retention of the building.”

Foreshadowed Motion

During debate the Mayor read aloud the following suggested foreshadowed motion prepared by staff, which more appropriately reflected Cr Griffiths' intent, with Cr Griffiths agreeing to the new wording:

“That Council defer the application for demolition at No. 37 (Lot 522) Dorothy Street, Gosnells until such time as the owners provide a structural engineers report to Council on the condition of the subject building.”

Cr R Croft Seconded Cr Griffiths' proposed motion.

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

Moved Cr R Hoffman Seconded Cr R Mitchell

“That the staff recommendation be amended by inserting a fourth condition, which reads:

4. That Council request the applicant to provide additional information to the community in the form of a public display, including information on the historical background of the Old Methodist Church and the plans to redevelop the site.”

with the amended recommendation to read:

“That Council approve the application for demolition at No. 37 (Lot 522) Dorothy Street, Gosnells, subject to the following conditions:

1. A comprehensive archival record of the place by a suitably qualified professional is to be submitted prior to issue of a demolition licence.
2. The foundation stone and bricks from the church are to be conserved.
3. Materials and design elements from the church building are to be incorporated into the subsequent development application to the satisfaction of the Director Planning and Sustainability.
4. That Council request the applicant to provide additional information to the community in the form of a public display, including information on the historical

background of the Old Methodist Church and the plans to redevelop the site.”

CARRIED 7/5

FOR: Cr W Barrett, Cr R Hoffman, Cr P Wainwright, Cr R Mitchell, Cr S Moss, Cr O Searle and Cr PM Morris.

AGAINST: Cr R Croft, Cr C Matison, Cr J Brown, Cr S Iwanyk and Cr D Griffiths.

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

COUNCIL RESOLUTION

813 Moved Cr R Hoffman Seconded Cr R Mitchell

“That Council approve the application for demolition at No. 37 (Lot 522) Dorothy Street, Gosnells, subject to the following conditions:

1. A comprehensive archival record of the place by a suitably qualified professional is to be submitted prior to issue of a demolition licence.
2. The foundation stone and bricks from the church are to be conserved.
3. Materials and design elements from the church building are to be incorporated into the subsequent development application to the satisfaction of the Director Planning and Sustainability.
4. That Council request the applicant to provide additional information to the community in the form of a public display, including information on the historical background of the Old Methodist Church and the plans to redevelop the site.”

CARRIED 7/5

FOR: Cr W Barrett, Cr R Hoffman, Cr P Wainwright, Cr R Mitchell, Cr S Moss, Cr O Searle and Cr PM Morris.

AGAINST: Cr R Croft, Cr C Matison, Cr J Brown, Cr S Iwanyk and Cr D Griffiths.

Notation

As Council adopted the amended staff recommendation the foreshadowed motion from Cr Griffiths was not proceeded with.

**12.5.9 DEVELOPMENT APPLICATION – GROUPED DWELLING – 23 (LOT 24)
BELMONT ROAD, KENWICK**

File: 223432 **Approve Ref:** 0304/1279 (SC) Psrpt196Dec03
Name: K & P Hailwood
Location: 23 (Lot 24) Belmont Road, Kenwick
Zoning: MRS: Urban
TPS No. 6: Residential R17.5
Appeal Rights: Yes. Town Planning Appeal Tribunal against a refusal or any condition(s) of approval.
Area: 1.5208ha

PURPOSE OF REPORT

For Council to consider an application for Grouped Dwelling at No. 23 (Lot 24) Belmont Road, Kenwick as the proposal is outside the authority delegated to staff.

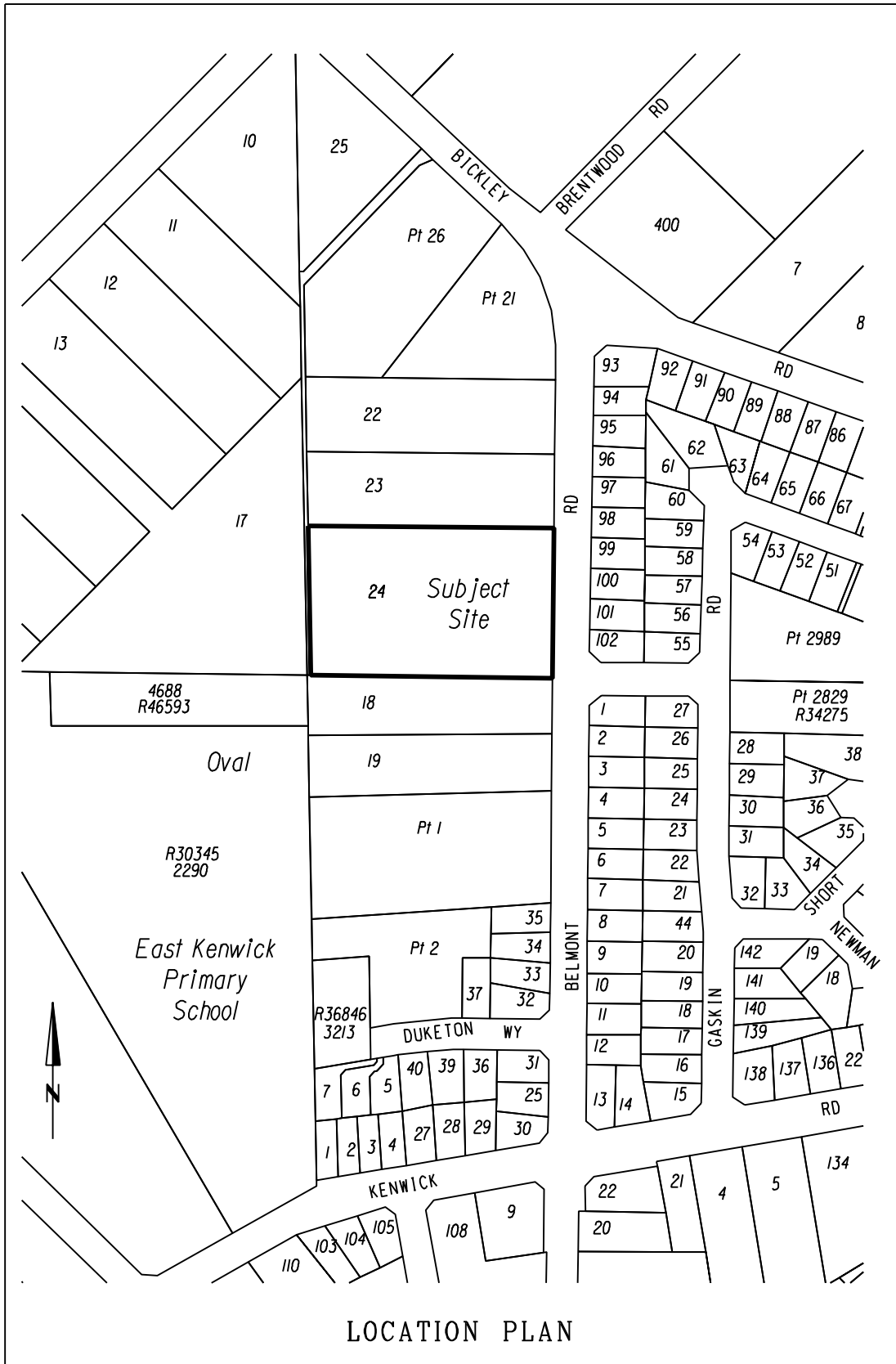
BACKGROUND**Site Description**

The subject site is flat and contains a brick and iron dwelling, stables, and paddocks, with some scattered mature trees. The properties either side are large lots containing single dwellings with open grassed areas. Single residential development is located opposite. The lot to the rear is vacant, however, a building licence for a single dwelling has been issued. This rear lot is also designated as a conservation category wetland, however, the main area of native vegetation is located in the southern corner, adjacent Council owned land and the East Kenwick Primary School oval.

Proposal

The proposal is for a grouped dwelling comprising of a new dwelling whilst retaining the existing dwelling. The Water Corporation has advised that no sewer connection is available to the subject lot; therefore the applicants seek approval to install additional septic tanks and leach drains on the property for the new dwelling. The applicant has advised that the lot is jointly owned with her parents, with both parties currently residing in the existing dwelling. It is proposed that the parents would continue to live in the existing dwelling and the applicant in the proposed new dwelling. The owners wish to keep the lot as one until such time as an overall subdivision guide plan for the area is finalised.

The applicants have been advised of Town Planning Scheme No. 6 (TPS 6) and Council Policy requirements for grouped dwellings with respect to sewer requirements. The applicants were further advised that consideration could be given to Ancillary Accommodation without sewer subject to Council approval however, they did not want to be limited to 60m² or located within 6 metres of the existing dwelling.



LOCATION PLAN

Insert Site plan

Insert elevation

Town Planning Scheme No. 6

Clause 5.3.2. of The City of Gosnells TPS 6 states:

“Subject to the provisions of clause 5.3.3, all residential development must be connected to a comprehensive reticulated sewerage system.”

Clause 5.3.3 states:

“Where connection to a comprehensive reticulated sewerage system is not available, no development with on-site effluent disposal in excess of that of a single house or single residential equivalent shall be approved unless the proposed development is in accordance with the provisions of the Government Sewerage Policy.”

Clause 5.3.4 states:

“Notwithstanding the provisions of the Residential Planning Codes, the Council may, at its discretion, refuse to grant planning approval for a development involving grouped or multiple dwellings where the Council considers:

- (a) the proposed development would prejudice the potential of the coordinated road pattern for the area to serve the surrounding properties;*
- (b) the proposed development would circumvent the provision of normal subdivisional requirements such as road access, drainage, open space and/or the provision of other infrastructure.*

The Council may, alternatively, grant planning approval for such development subject to such conditions as may be necessary to provide for satisfactory street access, drainage, open space and/or other infrastructure, and in accordance with the provisions of the Residential Planning Codes”.

The Government Sewerage Policy clause 5.2.2 Large Lots states:

“Proposals for large lot subdivision do not involve the creation of lots less than 2,000m², or density development exceeding R5, provided the responsible authorities are satisfied that no significant detriment to the environment is likely and there is no further opportunity for subdivision without sewerage.”

Council Policy

Policy 5.3.2 Multi Unit Residential Developments states:

“That any development other than single residential not be approved unless a reticulated sewer connection is available to the lot”.

Policy 6.1.9 Two Houses On One Lot states:

“In a Residential Zone

Council’s Town Planning Scheme states one house on one lot unless the development complies with the Residential Planning Codes (ie grouped dwelling).”

The application is presented to Council for determination as staff delegation to approve grouped dwellings is subject to connection to sewer.

DISCUSSION

Although the proposal complies with the Residential Design Codes with respect to setbacks and area per dwelling, and the City’s Town TPS 6 with respect to zoning, it does not comply with clause 5.3.2 of the City’s Town Planning Scheme. In assessing the proposal, consideration must also be given to the Government Sewerage Policy, TPS 6 - clause 5.3.3 and clause 5.3.4 together with Council Policies 5.3.2 and 6.1.9 as detailed above.

In this instance, the subject lot is 15,277m² in area and zoned Residential R17.5, which permits a minimum lot size of 500m² and an average lot size of 571m² per dwelling. Therefore the proposal is able to comply with the minimum 2,000m² per dwelling for on site effluent disposal as specified in the Government Sewerage Policy, together with minimum lot size requirements as set out in Table 1 of the Residential Design Codes.

Although the subject site is located within an area of Kenwick that is zoned Residential R17.5, at this time the City has not endorsed a subdivision guide plan detailing the future road network for the area. As stated in clause 5.3.4 of TPS 6, Council may refuse to grant approval for a development where it is considered that approval would

prejudice the potential of a coordinated road pattern. Alternatively, Council may grant planning approval subject to conditions that provide for satisfactory street access, drainage etc, and in accordance with the Residential Design Codes.

In assessing the current application, the distance between the existing and proposed dwelling is considered to allow for a future road between or to the rear of the two dwellings, therefore it is not envisaged that the location of the proposed dwelling will preclude future development with respect to any future road pattern of the area.

With respect to on site effluent disposal approval would be contrary to Council Policy 5.3.2. Consideration should also be given to site conditions and likely health and environmental impacts. The City's records show that the soil type is S8 – "sandy clay" for the front half of the lot and designated S10 – "sand" for the rear portion of the lot. On site effluent disposal systems can be accommodated, however there are potential environmental problems within both these soil types. Any potential environmental impacts could be mitigated by the use of an alternative treatment unit. Where developments have been approved in locations not connected to reticulated sewerage, this type of condition has been applied.

It should also be noted that should Council approve the application with on-site effluent disposal, it has the potential to set a precedent for other lots within this area to apply for grouped dwelling development prior to the overall subdivision guide plan for the area being finalised.

As stated above, it is a TPS 6 and policy requirement to approve all grouped dwellings subject to connection to sewer. Council may consider a variation to this condition if the subject lot complies with the Government Sewerage Policy relating to large lots, therefore Council can consider the following options:

Option 1

Council recommend approval for the grouped dwelling, subject to sewer connection in accordance with both scheme and policy requirements, even though no sewer is available.

Option 2

Council recommend refusal for the grouped dwelling with on site effluent disposal as approval without sewer connection is contrary to Council policy requirements.

Option 3

Council recommend approval subject to on-site effluent disposal in the form of an alternative treatment unit as the proposal complies with the Government Sewerage Policy and it is considered that approval would not be prejudicial to the future coordinated subdivision design of the area.

CONCLUSION

The applicant wishes to apply for a grouped dwelling on the above property with on-site effluent disposal. The proposal complies with the zoning and setbacks requirements of TPS 6 and the Residential Design Codes, however a reticulated sewerage connection is unavailable at this point in time. The proposal also complies with the Government Sewerage Policy with respect to minimum lot area of 2,000m² per dwelling for on site effluent disposal. However approval would be contrary to Council Policy No. 5.3.2 and may also set a precedent for similar development prior to the overall subdivision guide plan for the area being finalised.

The applicant is aware of the future development potential of the surrounding area, and has located the proposed dwelling to ensure minimal impact on any future development. It is therefore recommended that the application be approved, subject to standard conditions.

FINANCIAL IMPLICATIONS

Nil.

STAFF RECOMMENDATION

Moved Cr P Wainwright Seconded Cr R Mitchell

That Council approve the application for a Grouped Dwelling at 23 (Lot 24) Belmont Road, Kenwick, subject to the following conditions:

1. On site stormwater drainage disposal.
2. Submission of revised plans detailing proposed dwelling to be located 600mm above natural ground level, prior to issue of the building licence.
3. Standard Condition 6.2 and Advice Notes D12.1, D14.1.

Amendment

During debate Cr R Hoffman moved the following amendment to the staff recommendation above to rectify a typographical error:

“That the staff recommendation be amended to rectify a typographical error by deleting the numerals “6.2” where they appear in condition 3 and substituting them with the numerals “6.3”.”

Cr R Croft Seconded Cr Hoffman’s proposed amendment.

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

Moved Cr R Hoffman Seconded Cr R Croft

That the staff recommendation be amended to rectify a typographical error by deleting the numerals “6.2” where they appear in condition 3 and substituting them with the numerals “6.3”., with the amended recommendation to read:

“That Council approve the application for a Grouped Dwelling at 23 (Lot 24) Belmont Road, Kenwick, subject to the following conditions:

1. On site stormwater drainage disposal.
2. Submission of revised plans detailing proposed dwelling to be located 600mm above natural ground level, prior to issue of the building licence.
3. Standard Condition 6.3 and Advice Notes D12.1, D14.1.”

CARRIED 12/0

FOR: Cr W Barrett, Cr R Croft, Cr R Hoffman, Cr P Wainwright, Cr R Mitchell, Cr S Moss, Cr O Searle, Cr C Matison, Cr J Brown, Cr S Iwanyk, Cr D Griffiths and Cr PM Morris.

AGAINST: Nil.

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

COUNCIL RESOLUTION

814 Moved Cr R Hoffman Seconded Cr R Croft

“That Council approve the application for a Grouped Dwelling at 23 (Lot 24) Belmont Road, Kenwick, subject to the following conditions:

1. On site stormwater drainage disposal.
2. Submission of revised plans detailing proposed dwelling to be located 600mm above natural ground level, prior to issue of the building licence.
3. Standard Condition 6.3 and Advice Notes D12.1, D14.1.”

CARRIED 12/0

FOR: Cr W Barrett, Cr R Croft, Cr R Hoffman, Cr P Wainwright, Cr R Mitchell, Cr S Moss, Cr O Searle, Cr C Matison, Cr J Brown, Cr S Iwanyk, Cr D Griffiths and Cr PM Morris.

AGAINST: Nil.

**12.5.10 DEVELOPMENT APPLICATION – ELEVEN GROUPED DWELLINGS –
1 (LOT 203) SARAH CLOSE, CANNING VALE**

File: 236239 **Approve Ref:** 0304/1293 (RD) Psrpt195Dec03
Name: Scott Park Homes
Location: 1 (Lot 203) Sarah Close, Canning Vale
Zoning: MRS: Urban
TPS No. 6: Residential Development
Appeal Rights: Yes. Town Planning Appeal Tribunal against a refusal or any condition(s) of approval.
Area: 4,207 m²
Previous Ref: Nil
Appendix: 12.5.10A Site Plan

PURPOSE OF REPORT

For Council to consider an application for Eleven Grouped Dwellings at No. 1 (Lot 203) Sarah Close, Canning Vale as the applicant has requested Council's determination.

BACKGROUND**Site Description**

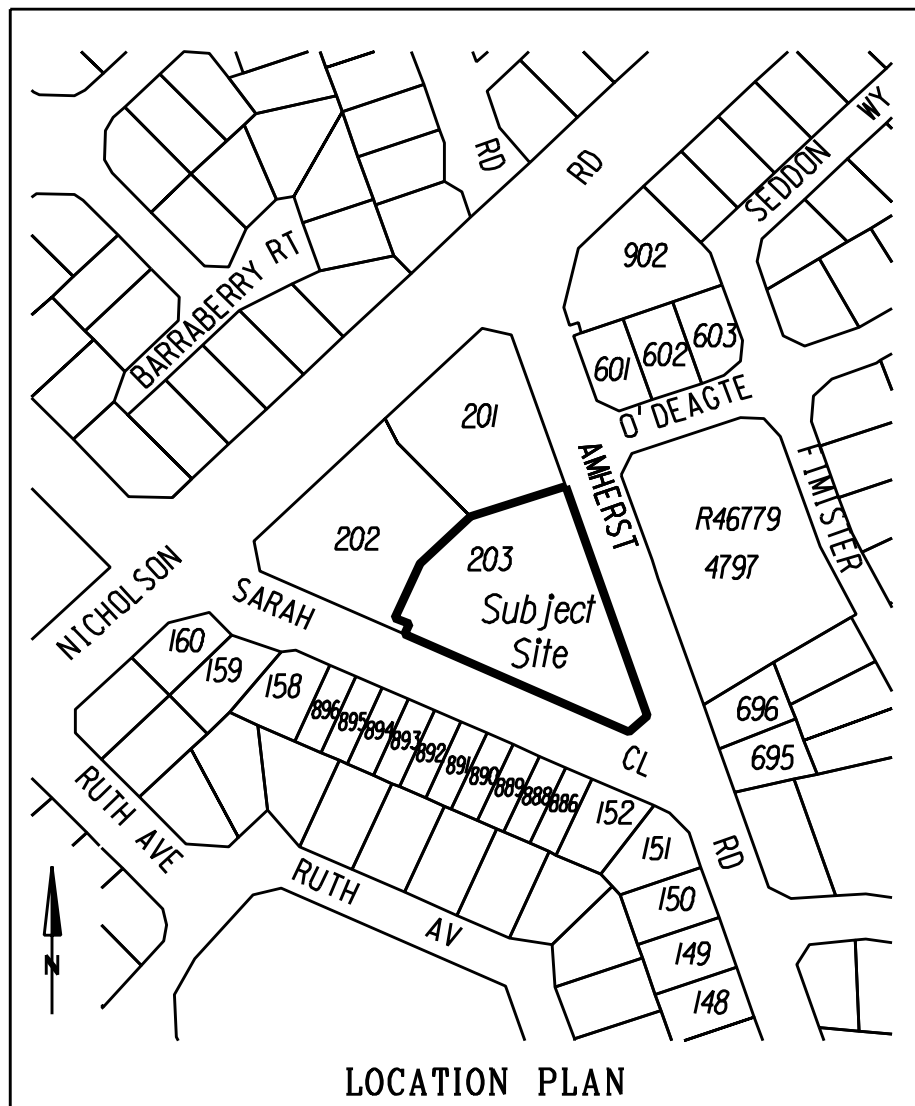
The subject lot is zoned "Residential Development" under the City of Gosnells Town Planning Scheme No. 6 (TPS 6) and is subject to the provisions of the Canning Vale Outline Development Plan (ODP). The lot is triangular and has an area of 4,207m², and adjoins an existing service station/convenience store and a fast food store. The lot has two road frontages to Amherst Road and Sarah Close (see Location Plan). The site is generally flat and undulating; it is currently vacant and there is no vegetation.

Proposal

The applicant, Scott Park Homes of 11 Delawney Street, Balcatta, propose eleven single storey grouped dwellings on behalf of MCMC Pty Ltd on the subject lot (refer Site Plan – Appendix 12.5.10A).

The proposal essentially contains two types of building floor design; both are 3-bedroom units with an average building area of 175 m². Units 1, 2, 3 and 4 face Sarah Close; Units 6, 7, and 8 face Amherst Road; Units 9, 10, and 11 face the communal driveway with an entrance via Amherst Road; and Unit 5 is located on the Corner of Sarah Close and Amherst Road. The front setbacks of the units are between 4.1-5.0 metres.

Following the application's lodgement and assessment negotiations took place between the responsible planning officer and the applicant regarding the compliance with the Scheme requirements and the Residential Design Codes (R-Codes). The officer raised a number of issues, and as a result the applicant lodged revised plans addressing most of the conditions with the exception of modifying Unit 5.



Unit 5 of the proposal, which is located on the corner of Sarah Close and Amherst Road, does not comply with the following requirements of Council Policy No. 6.2.1.1 Residential Development Urban Design Guidelines:

- “3.4 Dwellings on corner lots shall be designed to articulate a corner; i.e. the building will be required to contribute positively to both streetscapes;
- 6.2 Fences and walls to corner sites should allow the dwelling to address both streets; and
- 7.1 Outdoor living areas should be located to the rear or side of a dwelling.”

Also, Unit 5 does not comply with the following criteria of the Council’s SafeCity Urban Design Strategy:

- Houses on corner lot should be designed to offer surveillance of the street on both sides. Wherever possible, blank sidewalls should be avoided, and houses should be designed to “turn the corner”. This helps increase surveillance, and reduces opportunities for graffiti.

The applicant was requested to redesign Unit 5 in order to comply with the above requirements; however, agreement could not be reached after negotiation. The applicant wishes to seek approval without modification of Unit 5 and as such, the matter is being presented to Council for determination. In support of their proposal the applicant has made the following submission:

“A great deal of time and thought has been put into designing Unit 5. We wanted to minimize courtyards abutting courtyards, yet maximizing the size of the courtyard, orientate the front of the house to face the park, and maximize the awkward use of the “wedge” part of the site. We believe the positioning of 1.8m high fencing as shown provides both privacy and security to this unit. Fencing is a simple yet effective deterrent. The verge at this corner is already of sufficient size.”

DISCUSSION

The application for eleven grouped dwellings complies with TPS 6 requirements with respect to zoning and density as well as the R-Codes with respect to elements subject to conditions, which have been reflected on the revised site plan (refer Appendix 12.5.10A) Unit 5 however, does not comply with requirements of the Council’s Urban Design Guidelines and SafeCity Urban Design Strategy as mentioned above with respect to not addressing the street frontages, particularly Sarah Close, where a 1.8m high and 27m long non-permeable fence facing the street is proposed (see the Elevations). This is likely to cause a negative impact on the street amenity and provides no opportunity for passive surveillance of the street and surrounding properties.

The aforementioned requirements of the City’s Urban Design Guidelines and SafeCity Urban Design Strategy are aimed to ensure urban amenity and a safer community, especially on newly proposed residential housing. Although the applicant has advised that the design of Unit 5 maximises the size of the courtyard and awkward use of the “wedge” part of the site, it is possible for the proponent to redesign the floor plan in order to comply with the above requirements. This would result in the two street frontages being positively addressed, the passive surveillance being achieved, and the street amenity being enhanced. This can be accomplished by the following arrangements:

- Shift the courtyard to its west boundary to be adjacent to Unit 4, and move the building closer to the east boundary; and
- Delete the fence on the east portion of the lot where possible so that the entrance can face Amherst Road or Sarah Close and major opening windows can face both streets.

In addition, the relocation of the courtyard to the west would result in greater privacy for Unit 5 than is currently proposed.

Insert Elevations

CONCLUSION

The proposal does not comply with the Council's Design Guidelines clause 3.4, 6.2 and 7.1 and the requirements of the SafeCity Urban Design Strategy. The responsible officer requested the proponent to redesign Unit 5 in order to comply with the above requirements. However, agreement could not be reached. The proponent wishes to seek approval without modification of the current plan. Given that the proposal as submitted does not comply with the criteria stated above, the application as submitted is not supported. However, it is recommended that the application be approved subject to conditions, including a condition requiring the redesign of Unit 5.

FINANCIAL IMPLICATIONS

Nil

STAFF RECOMMENDATION AND COUNCIL RESOLUTION

815 Moved Cr S Moss Seconded Cr R Croft

“That Council approve the application for the eleven grouped dwellings at 1 (Lot 203) Sarah Close, Canning Vale, subject to the following conditions:

1. Unit 5 to be redesigned to address both the Sarah Close and Amherst Road street frontages with windows to provide passive surveillance of both streets.
2. Fencing for Unit 5 to be redesigned consistent with Condition 1, with non-permeable fencing along street boundaries only permitted where screening to private outdoor areas is required.
3. Standard Conditions 4.1 4.4 (\$22,000), 5.1, 6.1, 9.1, 33.1, 35.1, 37.1; and Advice Note D20.4.”

CARRIED 12/0

FOR: Cr W Barrett, Cr R Croft, Cr R Hoffman, Cr P Wainwright, Cr R Mitchell, Cr S Moss, Cr O Searle, Cr C Matison, Cr J Brown, Cr S Iwanyk, Cr D Griffiths and Cr PM Morris.

AGAINST: Nil.

**12.5.11 DEVELOPMENT APPLICATION – SHOWROOM – 373 (LOT 27)
SEVENOAKS STREET, BECKENHAM**

File: 231776 **Approve Ref:** 0304/1268 (BF) Psrpt197Dec03
Name: M Loughton
Location: 373 (Lot 27) Sevenoaks Street, Beckenham
Zoning: MRS: Urban
TPS No. 6: General Industry
Appeal Rights: Yes. Town Planning Appeal Tribunal against a refusal or any condition(s) of approval.
Area: 3,178 m²

PURPOSE OF REPORT

For Council to consider an application for a showroom at No. 373 (Lot 27) Sevenoaks Street, Beckenham as the proposal is outside the authority delegated to staff.

BACKGROUND**Proposal**

The application proposes to change the use of an existing warehouse with an office to “Showroom” (timber retail and trade sales).

Site Description and History

The subject site is located on the southern side of the railway reserve within General Industry zoned land and on the boundary with City of Canning Mixed Business zoned land. The area north of railway reserve is zoned Residential. The lot is 3,178m² in area and contains an existing building (warehouse) of 1,190m² and an office of 100m² in area.

The applicant states in the application that the warehouse is currently vacant, however, a site inspection on 1 December 2003 revealed that the warehouse has a sign on the front façade with the name “Allwood-Timber” and at the time of inspection a truck loaded with timber arrived on site.

Town Planning Scheme No. 6

The subject lot is zoned “General Industry” under the Town Planning Scheme No. 6 (TPS 6). The proposed use is showroom, ie retailing of bulky goods. Zoning Table 1 designates Use Class 64 “Showroom” as an “A” use within a General Industry zone, which means that Council is required to advertise the application for comment in accordance with clause 10.4, before making a determination. Staff delegation for approving such an application is conditional on no objections being received during this required advertising period.

TPS 6 parking requirements for Showroom is one space for every 50m² of floor area resulting in the requirement for 27 carparking bays. As 32 bays are provided for on site, the application complies.

Insert site plan

Rail Station Precinct Study – Queens Park, Cannington and Beckenham – Optimising Integration between Landuse Transport and Urban Form

The above Ministry for Planning (currently Department for Planning and Infrastructure (DPI)) study, which has been done as a concept plan, has allocated the subject site and area along Sevenoaks Street as Business Commercial/Residential development.

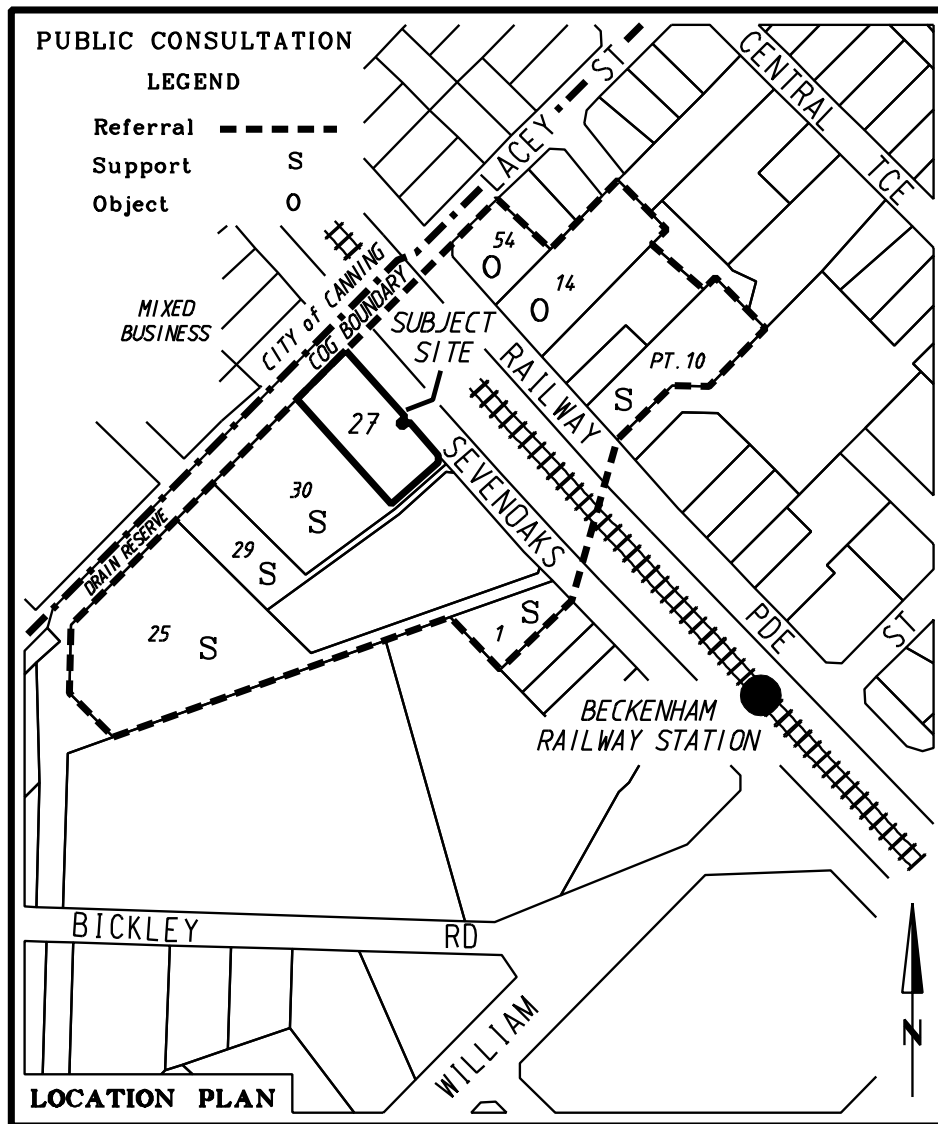
Public Consultation

The proposal was advertised in accordance with the City's Advertising/Referral of Development Application Policy No. 6.1.1.1 to nine surrounding landowners for a period of 14 days. A total of seven submissions were received, five supporting and two objecting to the proposal. The results of the advertising are shown in the table below, and the location of the submitters' properties is shown on the Location Plan.

Schedule of Submissions

No.	Name/Address	Description of Affected Property: Lot No, Street, etc	Summary of Submission	Staff Comment
1.	E Cianciosi 15 Deverall Way, Bentley	391 (Lot 1) Sevenoaks Street Beckenham	Support.	Noted
2.	P S Lutter	2/375 (Lot 29) Sevenoaks Street Beckenham	Support.	Noted
3.	P S Lutter	2/375 (Lot 30) Sevenoaks Street Beckenham	Support.	Noted
4.	W Brown	389 (lot 25) Sevenoaks Street Beckenham	Support.	Noted
5.	M Bridges	340 (Lot 14) Railway Parade Beckenham	Objects due to the possible increase of traffic on the Residential zoned land on Railway Parade, particularly at a time when increased residential densities are proposed for the area. Suggests blocking Railway Parade at the William Street intersection.	The current proposal is considered unlikely to generate significant increases in traffic, however, the concerns relating to the density increases as a result of the Local Housing Strategy are noted. In this regard, the City is currently progressing a traffic study for the Beckenham area (taking into account the Local Housing Strategy recommendations) and these issues will be addressed prior to the finalisation of the density increases.
6.	A and J Famlonga	348 (Lot 10) Railway Parade Beckenham	Support conditionally if development would not cause any noise from its operation, (eg chain saws, or similar).	Noted Operations would be subject to the Noise Regulations (1997).

No.	Name/Address	Description of Affected Property: Lot No, Street, etc	Summary of Submission	Staff Comment
7.	P F Millett	336 (Lot 54) Railway Parade Beckenham	Objects due to traffic issues. Believes that future traffic will pass through Railway Parade and cross at the first available railway crossing into Sevenoaks Street, as there is no right turn from William Street at the intersection with Sevenoaks Street.	Noted. At this point there is no evidence that this situation will arise. Also refer staff comment for submission 5 above.



DISCUSSION

The proposal is to establish a showroom (timber retail sales) within an existing building. Although an “A” use within a General Industry zone, it is considered an highly appropriate use, particularly given the allocation of this site as “Business Commercial/Residential” development under the DPI Railway Station Precinct Plan

that looks at future redevelopment of the land surrounding the Beckenham railway station.

The application generally complies with the requirements of TPS 6. If no objection was received in relation to the application, its approval would be within the authority delegated to staff. However, as two objections were received, both raising concerns about traffic, the following comments are provided for Council's consideration.

Traffic

The two objections received relate to a possible increase in traffic along Railway Parade. According to objections there are already some traffic issues as traffic cannot turn right to Sevenoaks Street from William Street, so drivers use Railway Parade as a detour to go to Sevenoaks Street. There is no evidence that this proposal will increase the traffic problem on Sevenoaks Street. As mentioned previously, the City's Infrastructure Directorate is progressing a Beckenham Traffic Study, which will address traffic issues in the area. According to the City's Traffic Engineer no significant increase in traffic is expected in local roads as a result of this proposal.

Location

The proposal is located within a General Industry zone and adjacent to a Mixed Business zone within the City of Canning, ie mainly showroom-type development. The existing warehouse is in close proximity to the Beckenham railway station and opposite Residential zoned. Land. There is a railway reserve between the Residential and General Industry zoned land. As such, this is considered an appropriate area for showroom-type development.

Noise

The business activities should be contained inside the existing building, including timber cutting and similar activities. A condition requiring this should be imposed if Council resolves to approve the application. Notwithstanding this, the business would be required to comply with the Noise Regulations (1997).

Carparking

TPS 6 requires the provision of 27 carparking bays. As total of 32 bays would be provided on site, the application complies.

CONCLUSION

There is no evidence that traffic will be increased significantly due to the proposed timber retail and trade business. Traffic issues for the Beckenham area will be addressed by a traffic study prior to rezoning of the Beckenham precinct of the Local Housing Strategy proceeds. Use of the proposal would not have any detrimental impact on the residential development. It is therefore recommended that the application be approved.

FINANCIAL IMPLICATIONS

Nil

STAFF RECOMMENDATION AND COUNCIL RESOLUTION**816 Moved Cr S Moss Seconded Cr R Mitchell**

“That Council approve the application for Showroom at 373 (Lot 27) Sevenoaks Street, Beckenham, subject to the following conditions:

1. Activities are restricted to inside the existing building; no loading and unloading or timber cutting is to occur outside.
2. The carparking area and landscaping located in the front setback area is to be maintained to a high standard, and is not to be used for the storage of machinery or equipment, or for the stacking or storing of raw materials or products of manufacture.
3. Standard Conditions 3.1 (27) and 7.1.”

CARRIED 12/0

FOR: *Cr W Barrett, Cr R Croft, Cr R Hoffman, Cr P Wainwright, Cr R Mitchell, Cr S Moss, Cr O Searle, Cr C Matison, Cr J Brown, Cr S Iwanyk, Cr D Griffiths and Cr PM Morris.*

AGAINST: *Nil.*

12.5.12 LOCAL HOUSING STRATEGY - COUNCIL ENDORSEMENT OF FINAL STRATEGY

File:	S/10/22	(LS)	Psrpt199Dec03
Previous Ref:	OCM 8 February 2000 (Resolution 55) OCM 18 December 2001 (Resolutions 1037-1038) OCM 27 August 2002 (Resolution 708) OCM 17 December 2002 (Resolution 984) OCM 25 February 2003(Resolutions 85-88) OCM 24 June 2003 (Resolutions 401,402, 427-429) OCM 28 October 2003 (Resolutions 689, 705-706)		
Appendix:	12.5.12A Local Housing Strategy Final Document		

PURPOSE OF REPORT

To seek Council adoption of the City of Gosnells Local Housing Strategy and support its referral to the Western Australian Planning Commission.

BACKGROUND

Council resolved to review the City's Local Housing Strategy (the Strategy) in June 2000 with its main aim being to provide strategic direction to meet future housing needs within the City by identifying areas that have the capacity to accommodate increased residential densities in order to cater for population growth and change. The level of detail required to review the Local Housing Strategy is the most extensive work that the City of Gosnells has done in this particular area to date.

The document is divided into two main parts - the first part (Sections 1-5), outlining the strategic context of the Local Housing Strategy as well as research on key issues; the second part (Sections 6-9) being the Strategy itself, setting out the recommendations relating to density within each Housing Precinct.

Whilst the Department for Planning and Infrastructure's 1992 Guidelines for the Preparation, Form and Content of Local Housing Strategies remain the most current, it is considered that since their inception there has been a shift in local government emphasis away from the control of population and housing stock directly to a more general focus on contributing to the principles of Liveable Neighbourhoods and the creation of sustainable urban environments.

This being the case, the City of Gosnells Local Housing Strategy will contribute to a more sustainable form of residential development by facilitating more compact residential areas, which in turn make more efficient use of infrastructure. This has been achieved through: the proposed residential densities being based on accessibility to services and facilities; the promotion of diverse housing options; and adherence wherever possible to the Liveable Neighbourhoods principles.

The methodology used to develop this Strategy included the identification of 16 Housing Precincts within the City. Following this, the primary focus of the Strategy was to establish areas suitable for higher residential densities through the development

of accessibility mapping which, took into account the location of railway stations/public transport routes, public open space areas, local and retail centres and community facilities. This mapping was combined with a number of considerations such as: a survey of the existing housing stock; demographic characteristics; basic assessment of existing; and future infrastructure provisions; identification of significant environmental and/or other constraints to development; and consideration of 400 metre pedestrian catchment areas around railway stations and local shopping centres (equivalent of a five minute walk).

Advertising and public consultation was carried out in 3 stages with up to 4 Precincts being advertised at each stage for 28 days. This included sending out information sheets to every household as their relevant Precinct was advertised. Submissions were assessed and Council endorsed Local Housing Strategy Plans for each stage.

Following the completion and endorsement of the first eight Precincts a review of the process to develop the Strategy took place and it was resolved to prepare Local Housing Strategy Plans for only 11 of the 16 Precincts. The reason for this was to recognise that separate planning processes were underway in the Precincts of: South Huntingdale, Southern River, Canning Vale, West Martin and North Maddington. This decision was consistent with the exclusion of the guided development schemes Town Planning Scheme 20 and 21, and the South Maddington Outline Development Plan from the Central Maddington and North Gosnells precincts that had been advertised and adopted as part of the first stage.

This Strategy has due regard to State and Metropolitan Planning Strategies, Policies and Guidelines namely the State Planning Strategy, Metroplan, the Urban Expansion Policy, Liveable Neighborhoods and the Metropolitan Region Scheme.

From a local planning perspective this Strategy will form an integral part of the development of the Local Planning Strategy along with other relevant local strategies. The City's District Zoning Scheme, Town Planning Scheme No. 6 (the Scheme) will ultimately be used to implement the Local Housing Strategy, as any increases in density will be effected through the progression of an amendment to the Scheme.

Key environmental features that may provide opportunities or constraints to the Strategy's implementation have been highlighted and include many examples where key infrastructure (including community facilities) has excess capacity. However, the prevalence of relatively impermeable soils in many parts of the City combined with a high groundwater table has led to drainage issues, and in some cases areas are prone to flood. It is acknowledged that the Local Housing Strategy through its facilitation of an increased number of dwellings may further exacerbate these problems and as such, its implementation will be dependent upon their resolution.

The Strategy identifies that the combination of: changes in household size to smaller households; an ageing population; and changing work patterns illustrates a need for a greater variety of housing options within the City. At 2001, 93% of dwellings were separate houses, with only 6.5 percent of dwellings being a mix of semi detached and unit style dwellings. These percentages demonstrate a deficiency in current housing stocks to meet the needs of a community whose characteristics have changed

considerably in the last 10 years. Through identifying areas suitable for higher densities across the municipality the Strategy seeks to encourage a greater variety of dwelling type to cater for the demographic changes occurring in the community whilst seeking to maintain variety within localities.

DISCUSSION

The Strategy's key recommendations are as follows:

- Residential densities included within the City's District Zoning Scheme shall generally reflect those as identified in the endorsed Local Housing Strategy Plans for each Precinct.
- An Implementation and Monitoring Program (Program) is required to ensure the Strategy is implemented in a coordinated and planned manner. This Program will:
 - 1) provide likely timeframes and recommendations for the progression of development within the areas identified for higher densities through the use of guided development schemes, outline development plans and/or policies; and
 - 2) outline the process to monitor the implementation of the key recommendations, the effectiveness of the Strategy and the process of reviewing the document.
- Precincts affected by other planning processes must have due regard to the strategic intent of the Local Housing Strategy and in particular the key principles.
- Further consideration be given to modifying the base residential density code across the Town Planning Scheme No. 6 Scheme Area from R17.5 to R20.

Once Council has endorsed the Strategy (included as Appendix 12.5.12A it will be referred to the Western Australian Planning Commission for their endorsement.

The Council has considered the Local Housing Strategy a number of times since its initial resolution to support its revision. A summary of the past Council resolutions that relate to the Strategy is provided in the following table:

History of Previous Council Resolutions

Date of OCM	Resolution
8 February 2000	Council supported the revision of the Local Housing Strategy.
22 May 2001	Council endorsed the principles and methodology for the review, which identified 16 Housing Precincts.
	The 16 Housing Precincts were given a priority according to the perceived pressure and capacity for their redevelopment, and were to be progressed in four separate stages.

Date of OCM	Resolution
18 December 2001	Council granted consent to advertise Stage 1 Precincts, these included: Central Beckenham, Central Maddington, Kenwick and North Gosnells. Priority was given to these precincts as they were considered generally older areas near railway stations, or where infill sewerage is being developed and likely to experience re-development pressure first.
27 August 2002	Council granted consent to advertise Stage 2 Precincts, which included: Outer Beckenham, Langford, Thornlie East and Thornlie West.
17 December 2002	Council adopted the draft Local Housing Strategy Interim Text and Stage 1 recommendations for Central Beckenham, Central Maddington, Kenwick and North Gosnells Precincts.
25 February 2003	Council adopted Langford, Thornlie East and Thornlie West Precincts, being part of Stage 2. Adoption of the Outer Beckenham Precinct however was deferred until such time as a workshop with landowners occurred.
24 June 2003	Following the Beckenham workshop held on 1 May 2003, Council adopted a revised plan for both the Central Beckenham and Outer Beckenham Precincts. Council also consented to advertise 3 of the Stage 3 Precincts, which included South Thornlie, South Gosnells and North Huntingdale. In addition, a review of the staged process was endorsed whereby South Huntingdale and the Stage 4 Precincts, which comprise the mostly undeveloped (or newly developed) areas of Southern River, Canning Vale, West Martin and North Maddington would undergo independent planning processes as to those used for Stages 1-3. Additional exceptions, including Corner Lots and Lots Backing onto Public Open Spaces were also endorsed to be included in the Interim document.
28 October 2003	Council adopted Stage Three recommendations, being South Thornlie, South Gosnells and North Huntingdale.

It should be noted that in finalising the document minor departures from the Interim Text document occurred (adopted by Council 17 December 2002). The most significant changes were made in the sections relating to where exceptions would be considered, how these exceptions were to be implemented, how the more broad strategy would be implemented and why the final five precincts were progressed differently from the other eleven. These changes are briefly outlined below, however for more detailed information refer to the final Local Housing Strategy document included as Appendix 12.5.12A.

Exceptions

It was identified that there was a need for greater clarity in how and when the exception provisions would be applied. It was seen that the Interim Text provisions were being misinterpreted and would result in a significant potential for “spot” recordings. As the Local Housing Strategy was prepared to avoid this type of isolated and ad-hoc amendment to Town Planning Scheme No. 6, the provisions that relate to most exceptions are now proposed to be incorporated into the TPS 6 Scheme Text, eg. The ability to develop corner lots that have a maximum density of one dwelling, with an additional dwelling to fulfill the City’s SafeCity objectives of surveillance over the secondary street, will become a TPS 6 Scheme Text provision.

Progression of Stage 4

During the development of the Local Housing Strategy Council resolved to take into account the fact that separate planning processes were occurring in the following Precincts:

- Canning Vale
- Southern River
- West Martin
- North Maddington
- South Huntingdale

As referred to in earlier sections of the Strategy, the precincts mentioned above comprise mostly of developing areas on the City's urban fringe. These areas are being planned and developed through independent processes, either through the endorsement of/or progression of guided development schemes (including their review) and/or outline development plans.

It is important that these planning processes have due regard to the strategic intent and key principles of this Strategy. As such, the recommendations for these precincts will be to reflect the key principles of the Local Housing Strategy into the planning processes already underway in these areas. As the planning of these areas is subject to change, no Strategy Plans have been included in the Local Housing Strategy document.

Implementation

In order to implement the recommendations contained within the Local Housing Strategy an Implementation and Monitoring Program is considered essential to identify priority areas to be recoded, areas that require additional planning and areas that can be recoded without further planning at the request of landowners. This document will provide direction to Council, planning staff and the public.

As part of this report, it is recommended that prior to the finalisation of the Implementation and Monitoring Program, Council make a general presumption against initiating amendments, regardless of whether they accord with the Local Housing Strategy density proposals. The reason for this is that during the progression of the Local Housing Strategy it became apparent that many areas recommended for density increases have significant environmental or infrastructure related issues that must be addressed prior to increasing density. The Implementation and Monitoring Program will seek to quantify these issues and establish whether they will preclude redevelopment to the densities proposed by the Local Housing Strategy until such time as additional infrastructure upgrade or coordination has occurred.

Notwithstanding this, in exceptional circumstances a landowner initiated recoding may be supported where the landowner has presented a proposal for the recoding of the whole or a significant part of a precinct recommended for a higher density. In such instances, the landowner would be required to demonstrate that the recoding will coordinate the redevelopment of a precinct or self-contained area in a strategic and orderly manner, and that all environmental/infrastructure issues have been addressed. It

should be noted that such an amendment application is being presented to Council for finalisation as part of this Agenda.

CONCLUSION

The City of Gosnells Local Housing Strategy will provide benefit to the City through fulfilling the following functions:

- It will reflect appropriate policy measures found within the State Planning Framework and facilitate their incorporation at a local level;
- It will identify locations suitable for new housing development, redevelopment and infill;
- It will assist assessment of applications for rezoning or development by identifying those areas most suitable for residential density increases based on established and accepted principles and criteria, and as such will discourage “spot rezoning” of residential land outside of those areas;
- It will provide a degree of certainty and direction for the public, Council and staff in relation to residential densities;
- It will provide a context for the preparation and review of town planning schemes in respect of the residential development and density provisions contained within the scheme;
- It will provide a degree of influence over future Council service provision and capital works expenditure; given the Strategy’s potential affect on population in particular areas.

As the Council has already provided its support for the Strategy on numerous occasions it is now recommended that the Council adopt the final Local Housing Strategy document, so that it can be forward to the Western Australian Planning Commission for their endorsement.

FINANCIAL IMPLICATIONS

Where the Implementation and Monitoring Program highlights the need for additional planning work to be undertaken (eg. outline development plans, drainage studies etc.), these planning processes will be required to compete with other Council activities as part of the budget process. In instances where no further planning is required, amendments will be progressed within the existing City Planning operational budget.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION

817 Moved Cr R Mitchell Seconded Cr P Wainwright

“That Council adopt the City of Gosnells Local Planning Strategy included as Appendix 12.5.12A and forward the document to the Western Australian Planning Commission for their endorsement.”

CARRIED 12/0

FOR: Cr W Barrett, Cr R Croft, Cr R Hoffman, Cr P Wainwright, Cr R Mitchell, Cr S Moss, Cr O Searle, Cr C Matison, Cr J Brown, Cr S Iwanyk, Cr D Griffiths and Cr PM Morris.

AGAINST: Nil.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION

818 Moved Cr R Mitchell Seconded Cr P Wainwright

“That Council endorse the use of the draft Local Housing Strategy as the assessment tool for applications presented to Council prior to the endorsement of the Local Housing Strategy by the WA Planning Commission.”

CARRIED 12/0

FOR: Cr W Barrett, Cr R Croft, Cr R Hoffman, Cr P Wainwright, Cr R Mitchell, Cr S Moss, Cr O Searle, Cr C Matison, Cr J Brown, Cr S Iwanyk, Cr D Griffiths and Cr PM Morris.

AGAINST: Nil.

12.5.13 PEDESTRIAN ACCESSWAY (PAW) CLOSURE BETWEEN REDGUM COURT AND TIMBERCREST ROAD, THORNLIE *(ITEM BROUGHT FORWARD – REFER TO ITEM 10)*

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

12.5.14 PROPOSED CLOSURE OF PEDESTRIAN ACCESSWAY BETWEEN ROSS PLACE AND CANNING RIVER RESERVE *(ITEM BROUGHT FORWARD – REFER TO ITEM 10)*

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

12.5.15 ROAD CLOSURE: HORLEY ROAD, BECKENHAM AND PORTION OF HESTER STREET, LANGFORD

File: HOR.1 & HES.1 **Approve Ref:** 0304/0159CL (BE) Psrpt192Dec03

Name: Department for Planning and Infrastructure

Location: Horley Road, Beckenham and Hester Street, Langford

Previous Ref: Nil

PURPOSE OF REPORT

To consider a request from the Department for Planning and Infrastructure (DPI) for the closure/disposal of Horley Road, Beckenham, and portion of Hester Street, Langford.

BACKGROUND

In September 2002, the DPI wrote to the City seeking consideration of a proposal to close Horley Road, Beckenham and a portion of Hester Street, Langford on behalf of the Western Australian Planning Commission (WAPC).

The WAPC has been progressively acquiring land in the Beckenham area as part of the Metropolitan Region Scheme network of regional open space. The DPI acquires and manages land on behalf of the WAPC and is in the process of amalgamating property and implementing a management regime for the Beckenham land.

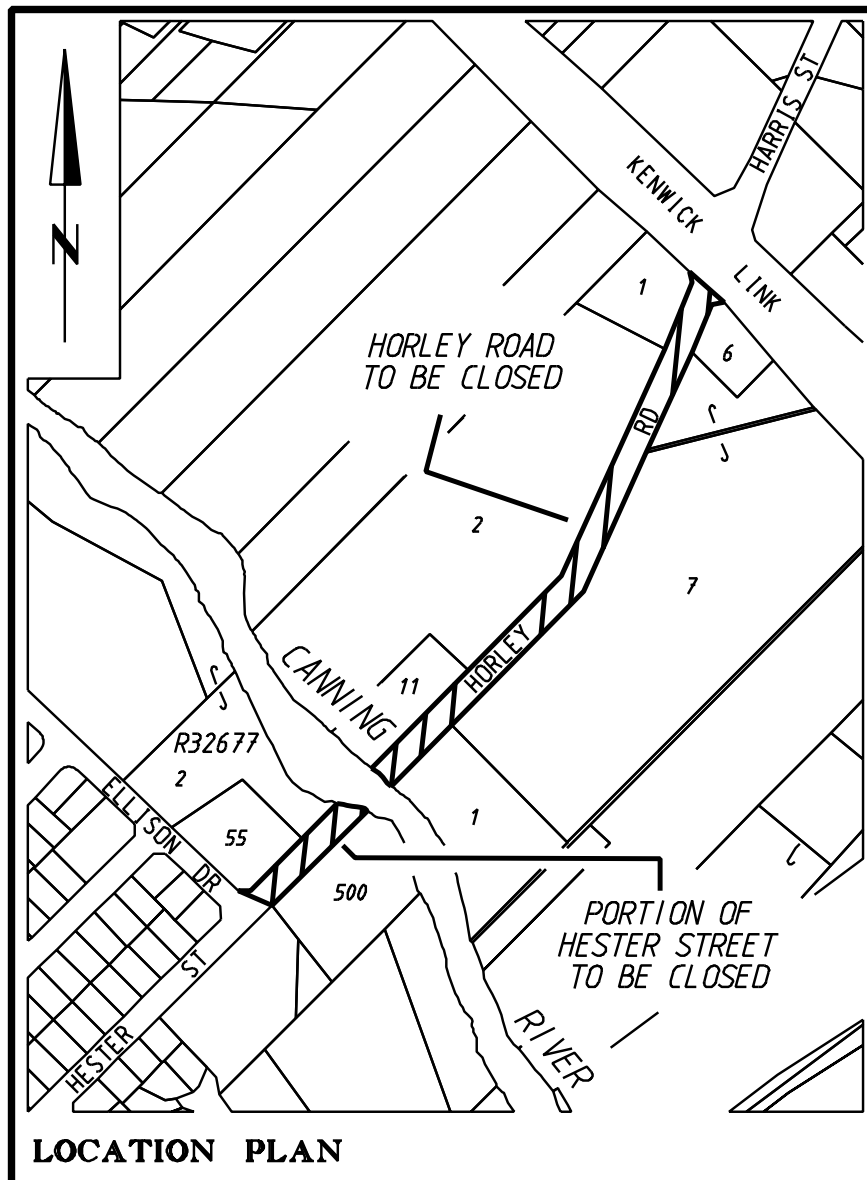
The DPI wishes to close Horley Road to vehicle traffic and combine the management of the land in the road reserve with adjoining WAPC land. The land would be converted to a Crown Reserve for the purpose of "Recreation" and vested in the WAPC.

The DPI has also suggested that a portion of Hester Street be closed between Ellison Drive and the Canning River, which could become part of Hester Park, a regional reserve managed by the City.

DISCUSSION

In accordance with section 58 of the Land Administration Act 1997, the proposal was referred to the public utility services authorities and advertised in a community newspaper. The Water Corporation has no services within either road reserve and has no objections to the road closures. Telstra, Western Power and Alinta Gas all have services within the road reserve and would require either relocation or easements lodged in their favour. No submissions were received from the advertising in the community newspaper.

Access to freehold land is not affected by either closure, as all adjoining land is owned by the WAPC. The existing dwelling (Lot 1) on the corner of Horley Road and Kenwick Link is being refurbished by the DPI and a workshop and storage area is being developed opposite on Lot 6 for use by a variety of community based organizations. A car park will also be constructed by the DPI adjacent to Kenwick Link for use by the public wishing to access the reserve for Parks and Recreation.



CONCLUSION

As there were no objections during the advertising period relating to the proposal and Horley Road and the subject portion of Hester Street are not required for road purposes, it is recommended that Council request the Department for Planning and Infrastructure (Land Asset Management Services) to close/dispose of Horley Road, Beckenham and the subject portion of Hester Street, Langford.

FINANCIAL IMPLICATIONS

Council does not receive any funds from the closure/disposal of public road reserve land and the DPI will fund all costs associated with the closure and amalgamation of land. There would be no additional maintenance costs associated with the subject portion of Hester Street road reserve land being amalgamated into Hester Park, as the City is already responsible for the maintenance of the unmade road reserve.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION

819 Moved Cr R Croft Seconded Cr R Hoffman

“That Council request the Department for Planning and Infrastructure (Land Asset Management Services), pursuant to section 58 of the Land Administration Act 1997, to close/dispose of Horley Road, Beckenham adjoining Lot 1, Lot 2 and Lot 11, subject to the Department for Planning and Infrastructure meeting all costs associated with the closure and amalgamation into adjoining reserves.”

CARRIED 12/0

FOR: Cr W Barrett, Cr R Croft, Cr R Hoffman, Cr P Wainwright, Cr R Mitchell, Cr S Moss, Cr O Searle, Cr C Matison, Cr J Brown, Cr S Iwanyk, Cr D Griffiths and Cr PM Morris.

AGAINST: Nil.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION

820 Moved Cr R Croft Seconded Cr R Hoffman

“That Council request the Department for Planning and Infrastructure (Land Asset Management Services), pursuant to section 58 of the Land Administration Act 1997, to close/dispose of the portion of Hester Street, Langford adjoining Reserve 32677 and Lot 55, subject to the Department for Planning and Infrastructure meeting all costs associated with the closure and amalgamation into adjoining Reserves 32677 (Lot 2), which is vested to the City of Gosnells.”

CARRIED 12/0

FOR: Cr W Barrett, Cr R Croft, Cr R Hoffman, Cr P Wainwright, Cr R Mitchell, Cr S Moss, Cr O Searle, Cr C Matison, Cr J Brown, Cr S Iwanyk, Cr D Griffiths and Cr PM Morris.

AGAINST: Nil.

12.5.16 ROAD CLOSURES : PORTION OF AYLESFORD WAY, PORTION OF SPENCER ROAD AND PORTION OF SPRING ROAD, THORNLIE

File: R2/1/8 **Approve Ref:** 0304/0161CL (BE) Psrpt189Dec03
Name: Public Transport Authority - New Metro Rail
Previous Ref: OCM 13 March 2001 (Resolution 162-164)
OCM 25 March 2003 (Resolution 190)

PURPOSE OF REPORT

To consider a request from the Public Transport Authority (New Metro Rail) for the closure of portion of Aylesford Way, portion of Spencer Road and portion of Spring Road, Thornlie to facilitate the construction of the new Spencer Road Bridge, Thornlie Transit Interchange Station and associated car parking requirements (see location plan).

BACKGROUND

New Metro rail is seeking Council's support to close portions of road in and around the area set aside for the new Thornlie Transit Interchange Station. The proposed station is located in the vicinity of Aylesford Way and Spencer Road, Thornlie abutting the existing freight rail reserve. The station is in close proximity to Roe Highway and the Spencer Village Shopping Centre.

The station will, at this stage, be a passenger station terminus on the Kenwick spur line, however, design of the site will cater for future potential extensions of the passenger rail line to Nicholson Road and beyond. The station is planned as a model station with bus transfer, park and ride, passenger drop-off and pedestrian and cycle facilities being provided for.

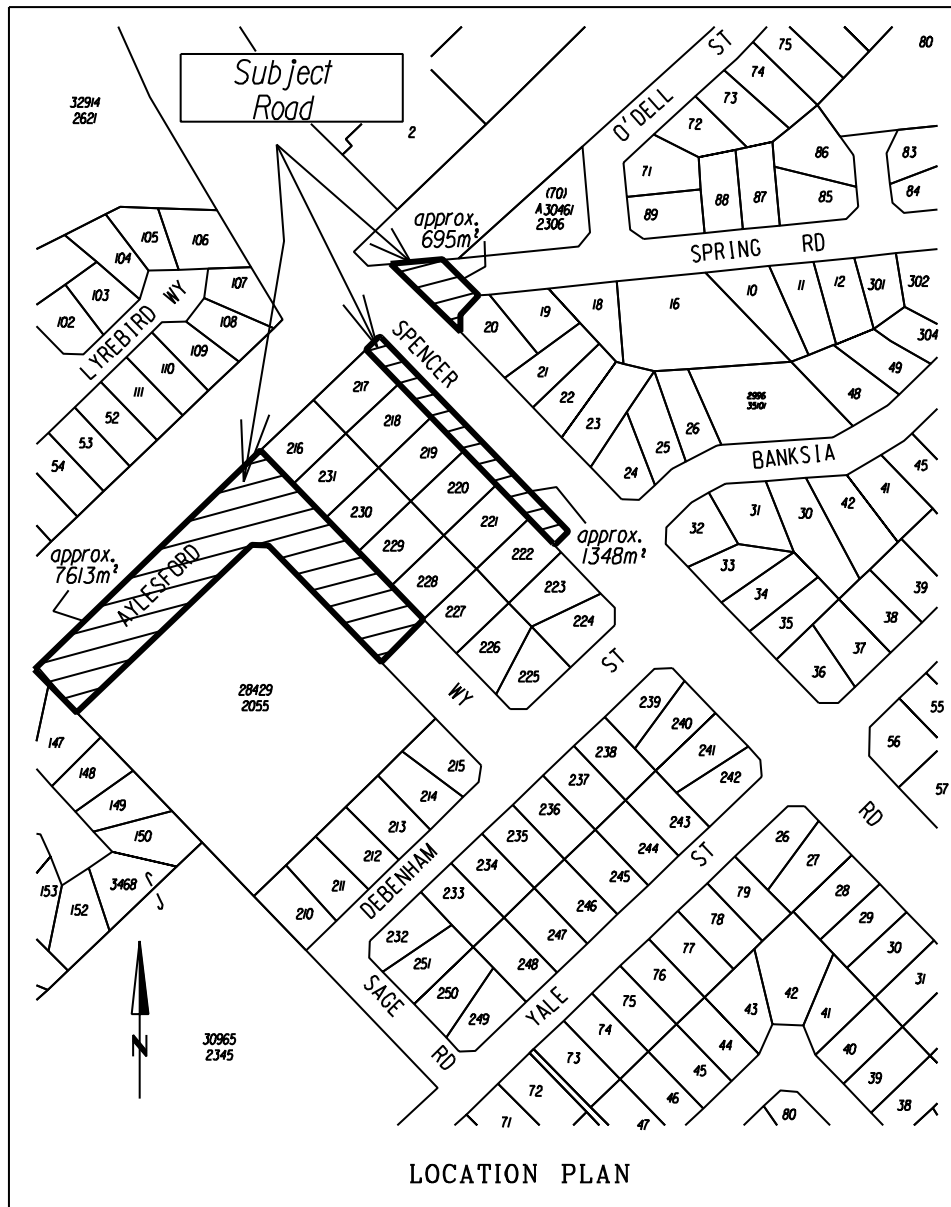
Spencer Road will be raised over the rail line with the station and its associated infrastructure, such as parking, located at existing grade. There will be two parking areas to the south and south west of the station, associated bus interchange areas and a new signal intersection on Spencer Road. It is anticipated that construction of the station will commence in early 2004, with completion occurring in approximately mid 2005.

Previous Council Resolutions

Council at its Ordinary Meeting of 13 March 2001 supported a concept plan for the new Thornlie Transit Interchange Station.

Council at its Ordinary Meeting of 25 March 2003 endorsed the footprint of the preliminary design concept of the proposed Thornlie Transit Interchange Station, subject to the City, New Metro Rail and their nominated representatives resolving design issues.

The footprint endorsed at Council's Ordinary Meeting of 25 March 2003 necessitates the closure of portions of the subject roads.



DISCUSSION

In accordance with section 58 of the Land Administration Act 1997, the proposal was referred to the public utility service authorities, the Department for Planning and Infrastructure (DPI) and advertised in a community newspaper for a period of 35 days. The DPI had no objections to the proposal and no submissions were received from the advertising in the community newspaper.

Alinta Gas and the Water Corporation have mains piping in the vicinity that require cutting, capping and re-directing. Western Power has a 132KV line that requires relocating, plus ancillary works associated with the station and Telstra has cables in the vicinity that will require cutting and re-directing. All of the above works are being coordinated and funded through New Metro Rail.

CONCLUSION

As there were no objections during the advertising of the proposal and the subject portion of Aylesford Way, portion of Spencer Road and portion of Spring Road are not required for road purpose under the new Thornlie Transit Interchange Station proposal, it is recommended that Council request the Department for Planning and Infrastructure (Land Asset Management Services) to close/dispose of the subject portions of road.

FINANCIAL IMPLICATIONS

Nil – Council does not receive any funds from the closure/disposal of public road reserve land and all costs will be borne by the proponent.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION**821 Moved Cr R Hoffman Seconded Cr S Moss**

“That Council request the Department for Planning and Infrastructure (Land Asset Management Services), pursuant to section 58 of the Land Administration Act 1997, to close/dispose of the portion of Aylesford Way adjoining Lots 216, 228-231 and Reserve 28429, portion of Spencer Road adjoining Lots 217-222 and portion of Spring Road adjoining Lot 20, Thornlie (as shown hatched on plan), subject to the Public Transport Authority (New Metro Rail) meeting all costs associated with the closures.”

CARRIED 11/1

FOR: Cr W Barrett, Cr R Croft, Cr R Hoffman, Cr P Wainwright, Cr R Mitchell, Cr S Moss, Cr C Matison, Cr J Brown, Cr S Iwanyk, Cr D Griffiths and Cr PM Morris.

AGAINST: Cr O Searle.

12.5.17 RESPONSE TO PETITION PRESENTED AT OCM 11 NOVEMBER 2003 - CHILD CARE CENTRE - LOTS 424 AND 425 COULTERI NOOK, LOTS 433 AND 434 TOTARA AVENUE, CANNING VALE

File: 234510

Approve Ref: 0102/0853

(EH)

Psrpt203Dec03

PURPOSE OF REPORT

To provide Council with a response to the petition presented to Council at the OCM of 11 November 2003 by Mr D Richardson in relation to the approved child care centre at Lots 424 and 425 Coulteri Nook and Lots 433 and 434 Totara Avenue, Canning Vale.

BACKGROUND

A Development Application for a Child Care Centre at Lots 424 and 425 Coulteri Nook and Lots 433 and 434 Totara Avenue, Canning Vale was received on 14 May 2002 from Roberts Day Group. A conditional Development Approval was issued on 18 June 2002.

A petition was presented to Council at the OCM of 11 November 2003 stating:

“We the undersigned electors of the City of Gosnells request the child care centre approval for Totara, Comrie and Coulteri Nook Canning Vale be re-evaluated for the following reasons:

No residents were notified, Council did not use up to date address list when sending out letters.”

DISCUSSION

The subject land is zoned Residential Development under Town Planning Scheme No. 6 (TPS 6). A child care centre is a “D” use within the Residential Development zone and as such the use is not permitted unless the local government has exercised its discretion by granting planning approval. The Manager City Planning has delegated authority to approve a child care centre, subject to compliance with TPS 6.

Advertising

There is no statutory requirement under TPS 6 for a discretionary use to be advertised for public comment. Council’s Policy 6.1.1.1 (Advertising/Referral of Development Applications) was adopted on 25 February 2003 and reviewed on 26 August 2003. This Policy requires child care premises to be advertised to landowners within a 200m radius or the nearest 14 lots.

Prior to the adoption of the policy, City Planning staff advertised applications for discretionary uses in accordance with clause 10.4.3 of TPS 6. In this instance, it was considered appropriate for the subject application to be referred to nearby landowners in within a 100m radius. In compiling landowner and corresponding address information City Planning refer to Council’s GIS system, which is directly linked to the rating system. Letters were sent on 20 May 2002 to landowners extracted from Council’s

rating system, which is considered to be the source for up-to-date address details. In this instance, the majority of properties were in the ownership of Kalara Corporation (the developer of the current residential lots).

During the 14 day advertising period, one submission was received which did not object to the proposal.

Assessment

The application complied with TPS 6 and policy requirements and as no objections were received during the advertising period, the application was conditionally approved on 18 June 2002. Conditions were placed on the development limiting the operational hours to be 7.00am to 6.00pm Monday to Friday and a 2m high masonry wall is required to be constructed to side boundaries adjacent to neighbouring residential lots to reduce noise. These neighbouring residential lots include Lot 426 Coulteri Nook and Lot 432 Comrie Road.

CONCLUSION

The advertising and assessment process undertaken for the development application for a child care centre at Lots 424 and 425 Coulteri Nook and Lots 433 and 434 Totara Avenue, Canning Vale was in accordance with TPS 6 and policy requirements and therefore it is considered there are no grounds for Council to reconsider or revoke the development approval issued in June 2002.

FINANCIAL IMPLICATIONS

Nil

STAFF RECOMMENDATION AND COUNCIL RESOLUTION

822 Moved Cr C Matison Seconded Cr J Brown

“That Council notify Mr D Richardson that the advertising and assessment process undertaken for the development application for a child care centre at Lots 424 and 425 Coulteri Nook and Lots 433 and 434 Totara Avenue, Canning Vale was in accordance with Town Planning Scheme No. 6 and policy requirements and therefore there are no grounds for Council to reconsider or revoke the development approval issued on 18 June 2002.”

CARRIED 12/0

FOR: Cr W Barrett, Cr R Croft, Cr R Hoffman, Cr P Wainwright, Cr R Mitchell, Cr S Moss, Cr O Searle, Cr C Matison, Cr J Brown, Cr S Iwanyk, Cr D Griffiths and Cr PM Morris.

AGAINST: Nil.

12.5.18 GOSNELLS TOWN SQUARE: DESIGN DEVELOPMENT STAGE

File: Ten 34/2003 (KR) Psrpt205Dec03

Previous Ref: OCM 26 August 2003 (Resolution 596)

PURPOSE OF REPORT

For Council to approve the removal of the Marri tree located on the northern edge of the Town Square site, adjacent to Albany Highway, and to approve the use of the recommended Cut-leaf Oriental Plane tree species within the overall design.

BACKGROUND

The tender for the Design, Tender Documentation and Contract Administration was advertised on 28 June 2003 and closed on 15 July 2003.

Council, at its meeting on 26 August 2003 (Resolution 596), supported the appointment of Woodhead International, in conjunction with PlanE, as the preferred tenderer:

“That Council award Tender 34/2003: Design, Tender Documentation and Contract Administration for the new Town Square Gosnells to Woodhead International in the sum of \$89,800.”

The preliminary design concept for the Town Square was presented at a Council Briefing on 5 November 2003 for consideration, as well as by the Gosnells Town Centre Reference Group on 14 November 2003.

DISCUSSION

The new Gosnells Town Square will be located adjacent and to the north- east of the Gosnells Civic Complex. The Gosnells Civic Complex is currently under construction by Consolidated Constructions. The Town Square site is approximately 35 metres wide and 70 metres in length. The levels of the existing site fall by about 2.5 metres from the high point on the southern corner to the low point on the northern corner.

The Town Square is not a discrete or independent component of the Town Centre Revitalisation Scheme. It has critical linkages to the Civic Complex, Federation Parade South and Pioneer Park. It is proposed as a place where activities such as festivals, events, markets, performances, lunching, socialising, playing and alfresco dining will occur.

During the design development stage, concern was raised by the consultants relating to a mature Marri tree. An independent arboriculturist (Arbor Centre Pty Ltd) was commissioned in November 2003 to evaluate the tree within the context of the proposed Town Square design. The following comments are extracted from the consultant's report:

<i>“Species:</i>	<i>Marri ~ Eucalyptus calophylla</i>
<i>Current Health and Vigour:</i>	<i>Average</i>
<i>Structural Form:</i>	<i>Average</i>
<i>Estimated Height:</i>	<i>20 m</i>
<i>Estimated Trunk Caliper:</i>	<i>700-800 mm</i>

This is a relatively old Marri in average condition. A large wound is present at the base of the trunk (above middle) and is most likely due to a past mechanical injury of some sort ... It is however showing proper formation of reaction wood and the tree appears to present no structural hazards. There is a reasonable amount of tip die-back and some weak branch unions where past lopping for height reduction has been performed. There (sic) appears somewhat lack-lustre and slightly chlorotic in some areas of the canopy. There appears to have been a grade change and associated root disturbance in recent history that could be responsible for a decline in overall tree health.”

The report further adds that:

“Root-zone excavations as well as reduction in canopy size to allow for structure will be the most prominent on the north west side of the tree but other areas may be affected as well. Additionally there will be a one-meter increase in grade to allow for hard structure that will most likely have adverse effects on the affective root zone and central feader of this specimen. Finally, other variables such as soil compaction from equipment, possible changes in soil chemistry, probable water deficits and potential mechanical damage can have negative implications to the future of this specimen.”

The report concludes with the following recommendation:

“Considering the current condition of this tree and the extent of inevitable disturbances to its immediate environment it may be that individual tree preservation is not the most viable option. Elaborate and potentially costly design changes and engineering practices would need to be incorporated along with extensive tree surgery and root-zone management methods. Cost implications for preservation could range from \$15,000 to \$25,000 and will give no guarantee for successful retention.

In this situation practicality may lend itself more to removal of this tree contingent on new tree plantings being incorporated into overall design.”

The recommendation from Woodhead International and PlanE is consistent with the professional opinion of Arbor Centre Pty Ltd.

An appropriate mitigation strategy would include:

- Collection of seed from the existing tree, possible at most times of the year and fairly easy to obtain large quantities from fallen fruits.

- Storage of the seed, with appropriate protection against insect predation (dependent upon time of storage)
- Propagation of seed, generally in October/November by a suitably reliable nursery. Some specimens could be grown by local schools to involve young persons in the project. Nursery back-up would avoid potentially embarrassing outcomes should school propagation fail.
- Growing of seedlings to a suitable size. Best planted at two years plus.
- Installation of young Marri trees in an appropriate location.
- The use of the fallen tree in the City's River restoration work in the Canning River

The second outstanding issue which requires clarification relates to the proposed tree planting. The consultants have recommended tree planting to consist either of Citrus trees, (as reflected in the original design concept) or taller deciduous trees, with the Cut-leaf Oriental Plane (*Platanus orientalis* "Digitata") trees being the preferred species.

These two species are reflected in computer simulation graphics prepared. Colour copies of these images will be available from Friday 12 December 2003 until the evening of the Ordinary Meeting of Council on 16 December 2003 for viewing in the Councillors Common Room, or upon request from the Director Planning and Sustainability.

The original proposed species of Citrus trees (in the early stage design) was considered as it will produce little or no fruit, to minimise any maintenance issues.

Subsequently, the Cut-leaf Oriental Plane tree was considered as an alternative. The selection criteria of the Cut-leaf Oriental Plane is based on:

- Continuation of similar theme to town centre
- Provision of broad-spreading trees for shade and structure
- Deciduous species for summer shade and winter sun
- Hardy species able to withstand urban environments

Alternative species that were considered to be suitable included:

- Chinese Elms (*Ulmus parvifolia*)
- Claret Ash (*Fraxinus* "Raywoodii")
- Honey Locust (*Gleditsia triacanthos*)
- Manchurian Pear (*Pyrus ussuriensis*)

The Cut leaf Plane is of the same family as the London Plane, however is not as large and has finely serrated leaves which are considered to provide a more decorative appearance. Furthermore, this species will be more appropriate for smaller spaces such as the Town Square.

Consideration was given to use of Native species, however, none met the desired criteria, particularly the need to allow for winter light into the square.

Therefore, the recommendation from the consultants is for the use of the Cut-leaf Oriental Plane tree species.

Support for the removal of the Marri tree and the use of the Cut-leaf Oriental Plane tree species in the proposed design is sought in order to finalise the design layout for the Town Square.

The project program, subject to the above approvals, is outlined as follows:

Principal sign-off (Preliminary Design and Detailed Design)	12/2003
Advertise Construction Tender	01/2004
Approval of Tender Documentation	02/2004
Tender Process Initiated	02/2004
Close Tenders	03/2004
Tender Assessment/Report	03/2004
Council Approval of Tender	03/2004
Award Contract	03/2004
Commence on site	04/2004
Practical Completion	08/2004

FINANCIAL IMPLICATIONS

There are no additional financial implications associated with this report.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION

823 Moved Cr D Griffiths Seconded Cr R Croft

“That Council to approve the removal of the Marri tree located on the northern edge of the Town Square site, adjacent to Albany Highway.”

CARRIED 11/1

FOR: Cr W Barrett, Cr R Croft, Cr R Hoffman, Cr P Wainwright, Cr R Mitchell, Cr S Moss, Cr O Searle, Cr J Brown, Cr S Iwanyk, Cr D Griffiths and Cr PM Morris.

AGAINST: Cr C Matison.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION**824 Moved Cr D Griffiths Seconded Cr R Croft**

“That Council approve the use of the recommended Cut-leaf Oriental Plane tree species within the overall Town Square design.”

CARRIED 11/1

***FOR:** Cr W Barrett, Cr R Croft, Cr R Hoffman, Cr P Wainwright, Cr R Mitchell, Cr S Moss, Cr O Searle, Cr J Brown, Cr S Iwanyk, Cr D Griffiths and Cr PM Morris.*

***AGAINST:** Cr C Matison.*

**12.5.19 MADDINGTON KENWICK SUSTAINABLE COMMUNITIES PROJECT -
BUDGET VARIATION**

File: R13/2/1 (JP) Psrpt206Dec03
Previous Ref: OCM 24 June 2003 (Resolution 430)
OCM 11 November 2003 (Resolution 737)

PURPOSE OF REPORT

To consolidate the Planning and Sustainability Directorate budget in order to provide funding to allow key initial stages of the Maddington Kenwick Sustainable Communities Project community visioning programme to be implemented in accordance with the timeframe outlined in the Partnership Agreement between the City and the Western Australian State Government.

BACKGROUND

At the 24 June 2003 Ordinary Council Meeting endorsed the Maddington Kenwick Sustainable Communities Initiative Partnership Agreement (Resolution 430):

“That Council authorise the signing of the “Maddington Kenwick Sustainable Communities Initiative Partnership Agreement between the Government of Western Australia and the City of Gosnells” as attached as Appendix 12.5.9A.”

Planning for the first year of the Maddington Kenwick Sustainable Communities Project is close to completion. Within the first year the Maddington Kenwick Sustainable Communities Partnership, an extensive community visioning programme will be undertaken in accordance with the requirements of the Partnership Agreement between the City and the State Government.

With the financial demands made upon the project during start-up, which have included basic administrative expenses, conducting background research, early promotional activities, an early start project and an introductory consultation project, it is now necessary to request a budget variation to provide adequate funding for the first stage of the project.

DISCUSSION

In order to meet the timeline established in the Partnership Agreement it is necessary to begin the first stage of the community visioning programme in February 2004. This stage involves the development of a community profile and a values statement for Maddington Kenwick. While some of the background work has already been conducted, it is critical to engage with the community to establish the community values component of the first stage of a five stage model process.

This budget variation will provide necessary additional funds to ensure that the first stage can be planned and implemented in order to allow the Project to meet the timeframe established by the Partnership Agreement. With the January 2004 recess it is

necessary to request the budget variation in December 2003 so planning for the first stage of the community-visioning programme can begin during the Holiday Period.

FINANCIAL IMPLICATIONS

The total amount sought to initiate stage 1 is \$27,000.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION

825 Moved Cr P Wainwright Seconded Cr R Mitchell

“That Council approve the following budget variations

		Debit	Credit
20403.110.1023	Staff Training Conferences		\$1,000
30403.181.2754	Consultancy		\$1,000
30403.181.2760	Legal Expenses		\$2,000
30403.182.3392	Strategies		\$3,000
31005.110.1023	Staff Training Conferences		\$1,000
31005.181.2750	Advertising and Promotions		\$2,000
31005.182.3341	Promotions		\$1,000
31006.110.1023	Staff Training Conferences		\$1,000
31006.181.2750	Advertising and Promotions		\$1,800
31006.182.3341	Promotions		\$1,000
31302.181.2754	Consultancy		\$5,000
31302.182.3341	Promotions		\$1,200
Job No. 2362.3.3	Marketing Campaign		\$6,000
Job 2412.35.3	Maddington Kenwick Project	\$27,000	

CARRIED BY ABSOLUTE MAJORITY 12/0

FOR: Cr W Barrett, Cr R Croft, Cr R Hoffman, Cr P Wainwright, Cr R Mitchell, Cr S Moss, Cr O Searle, Cr C Matison, Cr J Brown, Cr S Iwanyk, Cr D Griffiths and Cr PM Morris.

AGAINST: Nil.

12.6 REGULATORY SERVICES

12.6.1 DELEGATE AND DEPUTY DELEGATES – APPOINTMENT OF

File: C1/2/8 : C1/2/7 : T7/1/5 : C1/2/1 : C3/6/3_03 (AC) Rpt061Dec03

PURPOSE OF REPORT

For Council to appoint replacement delegates to various committees' vacancies for which occurred following the resignation of former Canning Vale Ward Cr AJ Smith on 31 August 2003.

BACKGROUND

At the Special Council Meeting held on 6 May 2003 following the ordinary elections for local government, Council nominated delegates to a range of committees and community organisations, with former Cr AJ Smith being nominated as delegate to the following:

Name of Committee / Group	Delegate	Deputy	Meeting Schedule	Venue
Crime Prevention Committee of Armadale (Safer WA)	Cr A J Smith	Cr S Iwanyk	Second Thursday of Month @ 2.30pm	Rotates City of Gosnells City of Armadale
Gosnells and District Neighbourhood Watch Committee	Cr A J Smith	Cr S Moss	Monthly 2nd Wednesday @ 7.30pm	Maddington Metro
RoadWise Committee	Cr A J Smith	Cr S Iwanyk	First Wednesday of month @ 7.00pm	City of Gosnells
Safe City Taskforce	Cr R Mitchell Cr S Iwanyk Cr AJ Smith		Bi-monthly on Mondays @ 4.30pm	City of Gosnells

With the exception of the Safe City Taskforce, which has three (3) delegates, all of the above have an appointed deputy delegate who can attend committee meetings in the absence of a delegate.

In addition to the above, former Cr AJ Smith was also appointed as deputy delegate to the Communications Portfolio, with Cr J Brown the Portfolio Holder.

DISCUSSION

Due to there being a deputy delegate, and in the case of the Safe City Taskforce two other delegates, to attend meetings of the above committees, it was considered appropriate to await the outcome of the 11 December 2003 Extraordinary Election, to afford all Councillors, including the newly elected member, the opportunity to nominate.

At the time of compiling this agenda the results of the 11 December 2003 extraordinary postal election held to fill the Canning Vale vacancy were not known.

FINANCIAL IMPLICATIONS

The financial implications of the proposals within this report are minimal and would only relate to reimbursement of travelling allowance to Councillors.

STAFF RECOMMENDATION

Moved Cr D Griffiths Seconded Cr R Croft

That Council appoint Cr _____ as delegate to the Crime Prevention Committee of Armadale (Safer WA) for the period 17 December 2003 to 7 May 2005.

STAFF RECOMMENDATION

Moved Cr D Griffiths Seconded Cr R Croft

That Council appoint Cr _____ as delegate to the Gosnells and Neighbourhood Watch Committee for the period 17 December 2003 to 7 May 2005.

STAFF RECOMMENDATION

Moved Cr D Griffiths Seconded Cr R Croft

That Council appoint Cr _____ as delegate to the RoadWise Committee for the period 17 December 2003 to 7 May 2005.

STAFF RECOMMENDATION

Moved Cr D Griffiths Seconded Cr R Croft

That Council appoint Cr _____ as delegate to the Safe City Taskforce for the period 17 December 2003 to 7 May 2005.

STAFF RECOMMENDATION

Moved Cr D Griffiths Seconded Cr R Croft

That Council appoint Cr _____ as deputy delegate to the Communications Portfolio for the period 17 December 2003 to 7 May 2005.

Nomination - Staff Recommendation 1 of 5:

Cr D Griffiths nominated Cr S Iwanyk as delegate to the Crime Prevention Committee of Armadale (Safer WA), Seconded Cr C Matison, resulting in the following amendment to the staff recommendation:

“That the staff recommendation be amended by deleting the line “_____” where it appears in the first line after the word “Councillor” and substituting it with the name “S Iwanyk”.”

Nomination - Staff Recommendation 2 of 5:

Cr R Croft nominated Cr P Wainwright as delegate to the Gosnells and Neighbourhood Watch Committee, Seconded Cr D Griffiths, resulting in the following amendment to the staff recommendation:

“That the staff recommendation be amended by deleting the line “_____” where it appears in the first line after the word “Councillor” and substituting it with the name “P Wainwright”.”

Nomination - Staff Recommendation 3 of 5:

Cr R Mitchell nominated Cr R Hoffman as delegate to the RoadWise Committee, Seconded Cr D Griffiths, resulting in the following amendment to the staff recommendation:

“That the staff recommendation be amended by deleting the line “_____” where it appears in the first line after the word “Councillor” and substituting it with the name “R Hoffman”.”

No Nomination - Staff Recommendation 4 of 5:

In light of there being no nomination for a Councillor for appointment to the Safe City Task Force, the following amendment to the staff recommendation resulted:

“That the staff recommendations be amended by deleting the words “appoint Cr _____” where they appear in the first line after the word “Council” and substitute them with the words “, in light of there being no nomination, not nominate a Councillor”.”

9.45pm – The Director Planning and Sustainability left the meeting.

Nomination - Staff Recommendation 5 of 5:

Cr D Griffiths nominated Cr R Hoffman as deputy delegate to the Communications Portfolio, Seconded Cr R Croft, resulting in the following amendment to the staff recommendation:

“That the staff recommendation be amended by deleting the line “_____” where it appears in the first line after the word “Councillor” and substituting it with the name “R Hoffman”.”

9.46pm – *The Director Planning and Sustainability returned to the meeting.*

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

Amendment to Staff Recommendation 1 of 5:

Moved Cr D Griffiths Seconded Cr C Matison

That the staff recommendation be amended by deleting the line “_____” where it appears in the first line after the word “Councillor” and substituting it with the name “S Iwanyk”, with the amended recommendation to read:

“That Council appoint Cr S Iwanyk as delegate to the Crime Prevention Committee of Armadale (Safer WA) for the period 17 December 2003 to 7 May 2005.”

CARRIED 12/0

FOR: Cr W Barrett, Cr R Croft, Cr R Hoffman, Cr P Wainwright, Cr R Mitchell, Cr S Moss, Cr O Searle, Cr C Matison, Cr J Brown, Cr S Iwanyk, Cr D Griffiths and Cr PM Morris.

AGAINST: Nil.

Amendment to Staff Recommendation 2 of 5:

Moved Cr R Croft Seconded Cr D Griffiths

That the staff recommendation be amended by deleting the line “_____” where it appears in the first line after the word “Councillor” and substituting it with the name “P Wainwright”, with the amended recommendation to read:

“That Council appoint Cr P Wainwright as delegate to the Gosnells and Neighbourhood Watch Committee for the period 17 December 2003 to 7 May 2005.”

CARRIED 12/0

FOR: Cr W Barrett, Cr R Croft, Cr R Hoffman, Cr P Wainwright, Cr R Mitchell, Cr S Moss, Cr O Searle, Cr C Matison, Cr J Brown, Cr S Iwanyk, Cr D Griffiths and Cr PM Morris.

AGAINST: Nil.

Amendment to Staff Recommendation 3 of 5:

Moved Cr R Mitchell Seconded Cr D Griffiths

That the staff recommendation be amended by deleting the line “_____” where it appears in the first line after the word “Councillor” and substituting it with the name “R Hoffman”, with the amended recommendation to read:

“That Council appoint Cr R Hoffman as delegate to the RoadWise Committee for the period 17 December 2003 to 7 May 2005.”

CARRIED 12/0

FOR: Cr W Barrett, Cr R Croft, Cr R Hoffman, Cr P Wainwright, Cr R Mitchell, Cr S Moss, Cr O Searle, Cr C Mation, Cr J Brown, Cr S Iwanyk, Cr D Griffiths and Cr PM Morris.

AGAINST: Nil.

Amendment to Staff Recommendation 4 of 5:

Moved Cr D Griffiths Seconded Cr R Croft

That the staff recommendations be amended by deleting the words “appoint Cr _____” where they appear in the first line after the word “Council” and substitute them with the words “, in light of there being no nomination, not nominate a Councillor”, with the amended recommendations to read:

“That Council, in light of there being no nomination, not nominate a Councillor as delegate to the Safe City Taskforce for the period 17 December 2003 to 7 May 2005.”

Amendment to Staff Recommendation 5 of 5:

Moved Cr D Griffiths Seconded Cr R Croft

That the staff recommendation be amended by deleting the line “_____” where it appears in the first line after the word “Councillor” and substituting it with the name “R Hoffman”, with the amended recommendation to read:

“That Council appoint Cr R Hoffman as deputy delegate to the Communications Portfolio for the period 17 December 2003 to 7 May 2005.”

CARRIED 12/0

FOR: Cr W Barrett, Cr R Croft, Cr R Hoffman, Cr P Wainwright, Cr R Mitchell, Cr S Moss, Cr O Searle, Cr C Mation, Cr J Brown, Cr S Iwanyk, Cr D Griffiths and Cr PM Morris.

AGAINST: Nil.

The amendments having been put and carried formed five substantive motions. The Mayor then put the substantive motions, which reads:

COUNCIL RESOLUTION

826 Moved Cr D Griffiths Seconded Cr C Matison

“That Council appoint Cr S Iwanyk as delegate to the Crime Prevention Committee of Armadale (Safer WA) for the period 17 December 2003 to 7 May 2005.”

CARRIED 12/0

FOR: Cr W Barrett, Cr R Croft, Cr R Hoffman, Cr P Wainwright, Cr R Mitchell, Cr S Moss, Cr O Searle, Cr C Matison, Cr J Brown, Cr S Iwanyk, Cr D Griffiths and Cr PM Morris.

AGAINST: Nil.

COUNCIL RESOLUTION

827 Moved Cr R Croft Seconded Cr D Griffiths

“That Council appoint Cr P Wainwright as delegate to the Gosnells and Neighbourhood Watch Committee for the period 17 December 2003 to 7 May 2005.”

CARRIED 12/0

FOR: Cr W Barrett, Cr R Croft, Cr R Hoffman, Cr P Wainwright, Cr R Mitchell, Cr S Moss, Cr O Searle, Cr C Matison, Cr J Brown, Cr S Iwanyk, Cr D Griffiths and Cr PM Morris.

AGAINST: Nil.

COUNCIL RESOLUTION

828 Moved Cr R Mitchell Seconded Cr D Griffiths

“That Council appoint Cr R Hoffman as delegate to the RoadWise Committee for the period 17 December 2003 to 7 May 2005.”

CARRIED 12/0

FOR: Cr W Barrett, Cr R Croft, Cr R Hoffman, Cr P Wainwright, Cr R Mitchell, Cr S Moss, Cr O Searle, Cr C Matison, Cr J Brown, Cr S Iwanyk, Cr D Griffiths and Cr PM Morris.

AGAINST: Nil.

COUNCIL RESOLUTION

829 Moved Cr D Griffiths Seconded Cr R Croft

“That Council, in light of there being no nomination, not nominate a Councillor as delegate to the Safe City Taskforce for the period 17 December 2003 to 7 May 2005.”

CARRIED 12/0

FOR: Cr W Barrett, Cr R Croft, Cr R Hoffman, Cr P Wainwright, Cr R Mitchell, Cr S Moss, Cr O Searle, Cr C Matison, Cr J Brown, Cr S Iwanyk, Cr D Griffiths and Cr PM Morris.

AGAINST: Nil.

COUNCIL RESOLUTION

830 Moved Cr D Griffiths Seconded Cr R Croft

“That Council appoint Cr R Hoffman as deputy delegate to the Communications Portfolio for the period 17 December 2003 to 7 May 2005.”

CARRIED 12/0

FOR: Cr W Barrett, Cr R Croft, Cr R Hoffman, Cr P Wainwright, Cr R Mitchell, Cr S Moss, Cr O Searle, Cr C Matison, Cr J Brown, Cr S Iwanyk, Cr D Griffiths and Cr PM Morris.

AGAINST: Nil.

13. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Cr R Mitchell, due to owning property in William Street, Beckenham, disclosed a Financial Interest in the following item in accordance with Section 5.60 of the Local Government Act 1995.

9.48pm – Cr R Mitchell left the meeting.

13.1 WILLIAM STREET, BECKENHAM SURVEY – REPORT REQUEST

The following motion was proposed by Cr O Searle during “Notices of Motion for Consideration at the Following Meeting” at the Ordinary Council Meeting held 25 November 2003 for inclusion in “Motions for Which Previous Notice Has Been Given” of the 16 December 2003 Ordinary Council Meeting.

PROPOSED MOTION

That a brief report be submitted informing Council as to the progress of the planned survey of William Street, Beckenham with such report to advise the anticipated starting and completion date of the survey.

COUNCILLOR COMMENT

No written reason for the proposed motion was provided by Cr Searle.

STAFF COMMENT

The Manager Technical Services provides the following comment in relation to the proposed motion:

A traffic and planning consultant has been commissioned at the start of December to undertake a review of traffic and transport issues within the Beckenham area. The scope of the study includes:

- * To review the effectiveness of traffic management measures introduced by the City of Gosnells and identify additional measures or modifications required.
- * Where appropriate, to provide concept design of traffic management measures to achieve the above objectives.
- * To identify and respond to local residents’ concerns on traffic matters and other road related issues and determine whether, and to what extent, improvement measures are warranted.
- * To determine whether excessive through traffic movements are occurring on local roads within the Beckenham locality and identify roads having traffic volumes exceeding the maximum for that class under the City of Gosnells Functional Road Hierarchy and recommend remedial measures.
- * To review the existing road layout with a view to recent network changes and future land use patterns.

- * To provide future road network planning for Outline Develop Planning and infrastructure development.

The Consultant will undertake a review of the area with particular regard to existing traffic volumes, crash statistics, road network layout and travel times. Consultation with relevant stakeholders including State Government Agencies and the City of Canning will be undertaken and Public Consultation will be undertaken through a public meeting, proposed to be held at the end of January/early February.

The results of the traffic study will then be presented to Council for consideration of the recommendations and appropriate funding requirements to implement the recommendations.

PROPOSED MOTION

Moved Cr O Searle Seconded Cr S Moss

That a brief report be submitted informing Council as to the progress of the planned survey of William Street, Beckenham with such report to advise the anticipated starting and completion date of the survey.

WITHDRAWN BY MOVER AND SECONDER

Notation

At the conclusion of debate the Mover and Seconder withdrew, in light of the staff comment contained within the agenda, and as a result the motion was not proceeded with.

9.49pm – Cr R Mitchell returned to the meeting.

Notation

The Mayor, upon the return of Cr R Mitchell to the meeting, advised that Cr Searle had withdrawn her motion.

13.2 FORMER MADDINGTON GOLF COURSE SITE – FUNDING REQUEST

The following motion was proposed by Cr O Searle during “Notices of Motion for Consideration at the Following Meeting” at the Ordinary Council Meeting held 25 November 2003 for inclusion in “Motions for Which Previous Notice Has Been Given” of the 16 December 2003 Ordinary Council Meeting.

PROPOSED MOTION

That a sum of \$400,000 be considered on the forthcoming budget to progress work on the former golf course site in Maddington.

COUNCILLOR COMMENT

No written reason for the proposed motion was provided by Cr Searle.

STAFF COMMENT

The Manager City Facilities provides the following comment in relation to the proposed motion:

A capital budget proposal will be put forward in the current process, which will include projected capital expenditure on the Former Maddington Golf course over the next 4 years. Final confirmation of the figures will occur on Councils endorsement of the plan.

PROPOSED MOTION

Moved Cr O Searle Seconded Cr S Moss

That a sum of \$400,000 be considered on the forthcoming budget to progress work on the former golf course site in Maddington.

WITHDRAWN BY MOVER AND SECONDER

Notation

At the conclusion of debate the Mover and Seconder withdrew, in light of the staff comment contained within the agenda and additional advice received from the Director Infrastructure at the meeting, and as a result the motion was not proceeded with.

14. NOTICES OF MOTION FOR CONSIDERATION AT THE FOLLOWING MEETING**14.1 GOSNELLS TOWN CENTRE – TREES AND LANDSCAPE PLANTS**

Cr C Matison proposed the following motion for inclusion in “Motions of Which Previous Notice Has Been Given” of the 10 February 2004 Ordinary Council Meeting agenda.

PROPOSED MOTION FOR 10 FEBRUARY 2004

That Council consider the selection of a wider variety of trees and landscape plants for the Gosnells Town Centre than currently used to provide a more diverse introduction of colour and shade to soften the impact of the built environment.

COUNCILLOR COMMENT

Cr C Matison provided the following written comment in relation to the proposed motion:

“To encourage the use of a more diverse species of trees/plants to give a range of colour, vibrancy and shady canopy trees etc to create an inviting consumer experience, reduction of heat during summer months by reducing pavement exposure to the sun and attracting visitors to the centre because of the colourful visual experience which, if carefully designed could provide a tourist attraction in itself, such as Grafton in NSW.”

15. URGENT BUSINESS (BY PERMISSION OF COUNCIL)Notation

Cr P Wainwright moved the following motion to enable consideration of an item of urgent business.

COUNCIL RESOLUTION

831 Moved Cr P Wainwright Seconded Cr R Mitchell

That Council, in light of the consent of the Presiding Member, grant permission to bring forward an item of Urgent Business relating to item 15.1 “Planning Institute of Australia 2004 National Conference” to this Ordinary Council Meeting in accordance with Clause 2.11 of the City of Gosnells Standing Orders Local Law 1998.

CARRIED 12/0

FOR: Cr W Barrett, Cr R Croft, Cr R Hoffman, Cr P Wainwright, Cr R Mitchell, Cr S Moss, Cr O Searle, Cr C Matison, Cr J Brown, Cr S Iwanyk, Cr D Griffiths and Cr PM Morris.

AGAINST: Nil.

15.1 PLANNING INSTITUTE OF AUSTRALIA 2004 NATIONAL CONFERENCE

File: A1/1/13/1 (MH) Psrpt207Dec03
Appendix: 15.1A Provisional Conference Programme – Planning on the Edge

PURPOSE OF REPORT

To advise and to seek the approval of Council for an Elected Member and the Manager City Planning to attend the National Planning Institute of Australia Conference in Hobart Tasmania from 22-26 February 2004.

BACKGROUND

The Conference is hosted by the Planning Institute of Australia (PIA). The Conference is a significant event in the Planning Professions’ Calendar. Attendance at the conference allows Council to keep abreast of trends and network with senior practitioners and agencies.

DISCUSSION

The Conference Theme is Planning on the Edge with a keynote speaker being Paul Keating and a speaker of interest being Professor Bill Randolph from University of Western Sydney’s Urban Frontiers Program which researches Urban Regeneration Programs. Topics covered by speakers include Sustainable Cities, Growth Expansion and Fringe Development, Green Buildings, Restoring the Environment, Resource Utilisation and Cultural Landscapes. A conference outline is included in the Appendix 12.5.

FINANCIAL IMPLICATIONS

The estimated cost of attending this event per person is as follows:

Registration	\$970 (includes one field trip)
Flight	\$773
Accommodation	\$850
Expenses	\$210
Total	\$2,803

This expenditure can be met from Account 40401.110.1023 and 31006.110.1023 (Training and Conferences) for attendance by an Elected Member and staff member respectively.

STAFF RECOMMENDATION

Moved Cr J Brown Seconded Cr R Hoffman

That Councillor _____ and the Manager City Planning, be authorised to attend the 2004 National Planning Institute of Australia Conference to be held in Hobart from the 22 February 2004 to 26 February 2004, inclusive at an estimated cost of \$2,803 per delegate with the cost of such attendance being met from account 40401.110.1023 (Training and Conferences) and account 31006.110.1023 (Training and Conferences) respectively.

Amendment

Cr R Croft nominated Cr C Matison to attend the 2004 National Planning Institute of Australia Conference, Seconded by Cr R Hoffman, resulting in the following amendment to the staff recommendation:

“That the staff recommendation be amended by deleting the line “_____” where it appears in the first line after the word Councillor and substituting it with the name “C Matison”.”

Amendment

Cr R Mitchell nominated Cr S Iwanyk to attend the 2004 National Planning Institute of Australia Conference, Seconded by Cr D Griffiths, resulting in the following additional amendment to the staff recommendation:

“That the staff recommendation be further amended by inserting the words “, Councillor S Iwanyk” after the name “Matison” where it appears in the first line.”

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

Moved Cr R Croft Seconded Cr R Hoffman

That the staff recommendation be amended by deleting the line "_____ " where it appears in the first line after the word Councillor and substituting it with the name "C Matison", with the amended recommendation to read:

"That Councillor C Matison and the Manager City Planning, be authorised to attend the 2004 National Planning Institute of Australia Conference to be held in Hobart from the 22 February 2004 to 26 February 2004, inclusive at an estimated cost of \$2,803 per delegate with the cost of such attendance being met from account 40401.110.1023 (Training and Conferences) and account 31006.110.1023 (Training and Conferences) respectively."

CARRIED 12/0

FOR: Cr W Barrett, Cr R Croft, Cr R Hoffman, Cr P Wainwright, Cr R Mitchell, Cr S Moss, Cr O Searle, Cr C Matison, Cr J Brown, Cr S Iwanyk, Cr D Griffiths and Cr PM Morris.

AGAINST: Nil.

The Mayor then put Cr Mitchell's proposed additional amendment to the staff recommendation, which reads:

Moved Cr R Croft Seconded Cr R Hoffman

"That the staff recommendation be further amended by inserting the words ", Councillor S Iwanyk" after the name "Matison" where it appears in the first line, with the amended recommendation to read:

"That Councillor C Matison, Councillor S Iwanyk and the Manager City Planning, be authorised to attend the 2004 National Planning Institute of Australia Conference to be held in Hobart from the 22 February 2004 to 26 February 2004, inclusive at an estimated cost of \$2,803 per delegate with the cost of such attendance being met from account 40401.110.1023 (Training and Conferences) and account 31006.110.1023 (Training and Conferences) respectively."

CARRIED 12/0

FOR: Cr W Barrett, Cr R Croft, Cr R Hoffman, Cr P Wainwright, Cr R Mitchell, Cr S Moss, Cr O Searle, Cr C Matison, Cr J Brown, Cr S Iwanyk, Cr D Griffiths and Cr PM Morris.

AGAINST: Nil.

The amendments having been put and carried formed the substantive motion. The Mayor then put the substantive motion, which reads:

COUNCIL RESOLUTION

832 Moved Cr R Mitchell Seconded Cr D Griffiths

“That Councillor C Matison, Councillor S Iwanyk and the Manager City Planning, be authorised to attend the 2004 National Planning Institute of Australia Conference to be held in Hobart from the 22 February 2004 to 26 February 2004, inclusive at an estimated cost of \$2,803 per delegate with the cost of such attendance being met from account 40401.110.1023 (Training and Conferences) and account 31006.110.1023 (Training and Conferences) respectively.”

CARRIED 12/0

FOR: Cr W Barrett, Cr R Croft, Cr R Hoffman, Cr P Wainwright, Cr R Mitchell, Cr S Moss, Cr O Searle, Cr C Matison, Cr J Brown, Cr S Iwanyk, Cr D Griffiths and Cr PM Morris.

AGAINST: Nil.

16. CONFIDENTIAL MATTERS

Nil.

17. CLOSURENotation

The Mayor extended sincere thanks to Councillors, the CEO, Directors and staff for their outstanding efforts during 2003 wishing all concerned the very best for the festive season.

Cr R Croft thanked Mayor for her continued efforts at Council and in the community.

The Mayor declared the meeting closed at 10.03pm.