



ORDINARY COUNCIL MEETING
18 DECEMBER 2018

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Minutes of the Ordinary Council Meeting held in the City of Gosnells Civic Centre Council Chambers, 2120 Albany Highway, Gosnells on Tuesday 18 December 2018.

1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS/DISCLAIMER

The Mayor declared the meeting open at 7.31pm and welcomed members of the public present in the public gallery, Councillors and staff.

1.1 DISCLAIMER

The Mayor read aloud the following statement:

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

1.2 RECORDING OF COUNCIL MEETINGS

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

Following publication and distribution of the meeting minutes to Elected Members the digital recording will be available on the City's website.

For further information please contact the Business Services Support Officer on 9397 3046.

I _____ (THE PRESIDING MEMBER) CERTIFY THAT THESE MINUTES WERE CONFIRMED BY THE COUNCIL OF THE CITY OF GOSNELLS ON 12 FEBRUARY 2019.

2. RECORD OF ATTENDANCE

ELECTED MEMBERS

MAYOR
DEPUTY MAYOR

CR G DEWHURST
CR T LYNES
CR P ABETZ
CR C BRETT
CR J BROWN
CR D GOODE JP
CR D GRIFFITHS
CR J JONES
CR R MITCHELL
CR O SEARLE JP
CR S WILLIAMSON

STAFF

CHIEF EXECUTIVE OFFICER
ACTING DIRECTOR COMMUNITY ENGAGEMENT
DIRECTOR BUSINESS SERVICES
ACTING DIRECTOR INFRASTRUCTURE
DIRECTOR PLANNING & DEVELOPMENT
MINUTE CLERK

MR I COWIE
MS T METTAM
MR G BRADBROOK
MS M REID
MR C TERELINCK
MS S WARNES

PUBLIC GALLERY

2

2.1 APOLOGIES

Nil.

2.2 LEAVE OF ABSENCE

Nil.

3. DISCLOSURE OF INTEREST

Mr I Cowie declared a Direct Financial Interest in Item 13.5.3 "Chief Executive Officer – Annual Performance and Remuneration Review 2018".

Reason: Relates to his remuneration.

Cr T Lynes declared a Direct Financial Interest in Items 13.3.1 "Lease of Tom Bateman Baseball Stadium" and 13.3.2 "Lease of Tom Bateman House".

Reason: Cr T Lynes accepted a notifiable gift from Baseball WA since she was last elected.

Cr T Lynes declared a Proximity Interest in Item 16.1 "Tender 39/2018 – Maddington Kenwick Strategic Employment Area (MKSEA) Precinct 1".

Reason: Cr T Lynes and owns property in the MKSEA Precinct 1.

Cr P Abetz declared a Direct Financial Interest in Items 13.3.1 "Lease of Tom Bateman Baseball Stadium" and 13.3.2 "Lease of Tom Bateman House".

Reason: Cr P Abetz accepted a notifiable gift from Baseball WA since she was last elected.

Cr C Brett declared a Direct Financial Interest in Items 13.3.1 "Lease of Tom Bateman Baseball Stadium" and 13.3.2 "Lease of Tom Bateman House".

Reason: Cr C Brett accepted a notifiable gift from Baseball WA since she was last elected.

Cr C Brett also declared an Impartiality Interest in Item 13.4.3 "Australia Day WA Community Citizen of the Year Awards – Consideration and Approval of Awards 2018".

Reason: Cr C Brett is a member of the Labor Party. Chris Tallentire (a Labor Party MLA) has nominated an individual for the Australia Day Awards.

Cr J Brown declared a Direct Financial Interest in Items 13.3.1 "Lease of Tom Bateman Baseball Stadium" and 13.3.2 "Lease of Tom Bateman House"..

Reason: Cr J Brown accepted a notifiable gift from Baseball WA since she was last elected.

Cr J Jones declared a Direct Financial Interest in Items 13.3.1 "Lease of Tom Bateman Baseball Stadium" and 13.3.2 "Lease of Tom Bateman House".

Reason: Cr J Jones accepted a notifiable gift from Baseball WA since she was last elected.

Cr S Williamson declared a Direct Financial Interest in Items 13.3.1 "Lease of Tom Bateman Baseball Stadium" and 13.3.2 "Lease of Tom Bateman House".

Reason: Cr S Williamson accepted a notifiable gift from Baseball WA since she was last elected..

Cr S Williamson declared a Direct Financial Interest in Item 16.1 "Tender 39/2018 – Maddington Kenwick Strategic Employment Area (MKSEA) Precinct 1".

Reason: Cr S Williamsons husband is employed by one of the entities that submitted a tender.

Permission was granted by the Acting Director General of the Department of Local Government, Sport and Cultural Industries under section 5.69(3)(a) of the *Local Government Act 1995* allowing disclosing member Cr Lynes, Cr Brown, Cr Abetz, Cr Jones, Cr Brett and Cr Williamson to fully participate in the discussion and decision making relating to Items 13.3.1 and 13.3.2 at this meeting.

4. ANNOUNCEMENTS BY THE PRESIDING MEMBER

(without discussion)

The Mayor circulated to Councillors a list of functions and events he had attended between 28 November 2018 and 18 December 2018.

The Mayor advised that Council has received a letter of appreciation from YouthCare for its support during the year.

The Mayor thanked Councillors and staff for their efforts during the year and detailed highlights of 2018 along with some goals and priorities for 2019.

5. REPORTS OF DELEGATES

(without discussion)

Cr C Brett advised that she has been representing Council on the board of William Langford House (WLH). WLH has recently been given approval for funding by the Department of Communities to continue as a neighbourhood centre. The Mayor advised that Forest Lakes Family Centre has also been successful in its funding application for two years.

Cr D Goode advised that he attended a function held by Neighbourhood Watch celebrating their efforts for the year. He has a Christmas card from Neighbourhood Watch thanking the City for its ongoing support.

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

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

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

Questions and statements are to be –

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

QUESTIONS TAKEN ON NOTICE AT PREVIOUS MEETINGS AWAITING RESPONSE

Nil.

RESPONSES TO QUESTIONS TAKEN ON NOTICE AT PREVIOUS MEETINGS

Nil.

6.1 QUESTION TIME

Nil.

6.2 PUBLIC STATEMENTS

Nil.

7. CONFIRMATION OF MINUTES

STAFF RECOMMENDATION AND COUNCIL RESOLUTION

417 Moved Cr O Searle Seconded Cr S Williamson

That the Minutes of the Ordinary Council Meeting held on 27 November 2018, as published and distributed be confirmed as an accurate record.

CARRIED 11/0

FOR: *Cr P Abetz, Cr C Brett, Cr J Brown, Cr D Goode, Cr D Griffiths, Cr J Jones, Cr T Lynes, Cr R Mitchell, Cr O Searle, Cr S Williamson and Cr G Dewhurst.*

AGAINST: *Nil.*

8. RECEIVING OF PETITIONS AND PRESENTATIONS

Petitions and Presentations are made in accordance with the requirements outlined in the City of Gosnells Standing Orders Local Law 2016.

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

Nil.

9. APPLICATIONS FOR LEAVE OF ABSENCE

Clause 4.10 of the City of Gosnells Standing Orders Local Law 2016 states:

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

Nil.

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

Nil.

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

Nil.

12. REPORTS OF COMMITTEE MEETINGS

Nil.

13. REPORTS

13.1 CHIEF EXECUTIVE OFFICE

Nil.

13.2 PLANNING AND DEVELOPMENT

13.2.1 DRAFT MODIFIED LOCAL PLANNING POLICY 2.5 - HOME BASED ACTIVITIES - FINAL ADOPTION

Director: C Terelinck
Author's Declaration Nil.
of Interest:
Application No: PF12/00018
Previous Ref: OCM 23 October 2018 (Resolution 343)
OCM 28 August 2018 (Deferred)
OCM 8 November 2016 (Resolution 403)
OCM 13 November 2012 (Resolution 545)
OCM 8 November 2011 (Resolution 528)
Appendix: 13.2.1A Draft Local Planning Policy 2.5 - Home Based Activities

PURPOSE OF REPORT

For Council to consider endorsing an amended Local Planning Policy 2.5 - Home Based Activities (LPP 2.5).

BACKGROUND

In November 2011, Council adopted a revised LPP 2.5, which provides guidance on the assessment and determination of applications involving a Home Based Activity (including Home Occupation and Family Day Care activities). Some minor amendments to LPP 2.5 have been made to the policy since it was adopted.

In October 2018, Council reconsidered a proposal to modify LPP 2.5, which included modified car parking requirements and the inclusion of bushfire planning requirements, and resolved to advertise the draft Policy. A copy of the draft Policy is contained as Appendix 13.2.1A.

DISCUSSION

Consultation

The draft Policy was advertised for public comment for a period of 29 days, being from 1 November 2018 to 30 November 2018, by way of:

- Advertisement in a local newspaper (Comment News); and
- Displayed on the City's website.

No submissions were received.

Item 13.2.1 Continued

Statutory Process

The *Planning and Development (Local Planning Schemes) Regulations* outline the procedure that the local government must follow after the expiry of the period within which submissions may be made. The local government must:

- “(a) *review the proposed policy in the light of any submissions made; and*
- “(b) *resolve to:*
 - “(i) *proceed with the policy without modification; or*
 - “(ii) *proceed with the policy with modification; or*
 - “(iii) *not proceed with the policy.*”

It is recommended that Council proceeds to adopt the draft Policy without modification, and to publish a notice advising of the Policy adoption in accordance with the *Planning and Development (Local Planning Schemes) Regulations*.

CONCLUSION

The draft policy provides for revised car parking requirements and the inclusion of bushfire planning requirements.

It is recommended that Council adopts the draft Policy.

FINANCIAL IMPLICATIONS

The cost of publishing a notice in a newspaper circulating in the district can be met through Council's approved operational budget.

STATUTORY IMPLICATIONS

- *Planning and Development (Local Planning Schemes) Regulations 2015.*
- Town Planning Scheme No. 6.

VOTING REQUIREMENTS

Simple Majority required.

Item 13.2.1 Continued

STAFF RECOMMENDATION AND COUNCIL RESOLUTION (1 OF 2)
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418 Moved Cr C Brett Seconded Cr J Brown

That Council, pursuant to Clause 4(3) of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, adopts modifications to Local Planning Policy 2.5 - Home Based Activities, as contained in Appendix 13.2.1A.

CARRIED 11/0

FOR: Cr P Abetz, Cr C Brett, Cr J Brown, Cr D Goode, Cr D Griffiths, Cr J Jones, Cr T Lynes, Cr R Mitchell, Cr O Searle, Cr S Williamson and Cr G Dewhurst.

AGAINST: Nil.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION (2 OF 2)
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419 Moved Cr C Brett Seconded Cr J Brown

That Council, pursuant to Clause 4(4) of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, publishes notice of modified Local Planning Policy 2.5 - Home Based Activities, in a newspaper circulating the Scheme area.

CARRIED 11/0

FOR: Cr P Abetz, Cr C Brett, Cr J Brown, Cr D Goode, Cr D Griffiths, Cr J Jones, Cr T Lynes, Cr R Mitchell, Cr O Searle, Cr S Williamson and Cr G Dewhurst.

AGAINST: Nil.

**13.2.2 AMENDMENT NO. 167 TO TOWN PLANNING SCHEME NO. 6 -
MADDINGTON KENWICK STRATEGIC EMPLOYMENT AREA (1301/57) -
INTRODUCING DEVELOPMENT CONTRIBUTION PLAN PROVISIONS
FOR MKSEA PRECINCT 3 (DCA 12)**

Director:	C Terelinck
Author's Declaration of Interest:	Nil.
Property Number:	Various.
Application No:	PF16/00003
Applicant:	Taylor Burrell Barnett Town Planning & Design
Owner:	Various.
Location:	Area bound by Roe Highway, Bickley Road, Brook Road and Shire of Kalamunda district boundary.
Zoning:	MRS: Industrial
TPS No. 6:	General Industry Rural
Review Rights:	Initiation - none, however consent to advertise is subject to approval by the Western Australian Planning Commission.
Previous Ref:	OCM 8 March 2016 (Resolutions 165-167)
Appendices:	13.2.2A Draft Development Contribution Plan 13.2.2B Development Contribution Plan Boundary Plan 13.2.2C Precinct Plan

PURPOSE OF REPORT

For Council to consider endorsing a draft Development Contribution Plan Report (DCPR) to progress the establishment of a Special Control Area over a portion of Precinct 3 of the Maddington Kenwick Strategic Employment Area (MKSEA), to provide for the infrastructure and administration items to be funded.

BACKGROUND

The MKSEA is bound by Bickley Road, Tonkin Highway, the boundary with the Shire of Kalamunda and Roe Highway. The area was first identified in 1990 for future industrial development by the (then) State Planning Commission (now the Western Australian Planning Commission (WAPC)). It should be noted that adjacent land north of Welshpool Road East, in the Shire of Kalamunda, was also included in these plans.

On 8 March 2016, Council resolved to:

1. Rezone land contained generally within Precinct 3A of the Maddington Kenwick Strategic Employment Area from General Rural to General Industry; and
2. Establish a Special Control Area generally over Precinct 3A of the MKSEA to facilitate development contributions for shared infrastructure.

Council also resolved that, subject to the submission of a draft Development Contribution Plan Report to the City's satisfaction, Council would amend Town Planning Scheme No. 6 by:

Item 13.2.2 Continued

1. Establishing a Development Contribution Plan over Precinct 3 of the Maddington Kenwick Strategic Employment Area;
2. Inserting Attachment L - Maddington Kenwick Strategic Employment Area Precinct 3 in to Schedule 12 - Development Contribution Plans, as follows:

Reference No.	DCP 12
Area Name	DCA 12 (Maddington Kenwick Strategic Employment Area - Precinct 3)
Relationship to other planning instruments	The Development Contribution Plan operates in association with the Maddington Kenwick Strategic Employment Area Precinct 3 Structure Plan(s) or Outline Development Plan(s), adopted pursuant to clause 22 of Schedule 2 Part 4 Planning and Development (Local Planning Schemes) Regulations 2015.
Infrastructure and administration items to be funded	<ol style="list-style-type: none"> 1. Upgrade the intersection of Welshpool Road East and Coldwell Road. 2. Modification to the intersection of Welshpool Road East and Brook Road. 3. Upgrade the intersection of Grove Road, Coldwell Road and Edward Street. 4. Upgrade the intersection of Brook Road and Grove Road. 5. Extension of reticulated sewer to development area. 6. Realignment of Grove Road north of Coldwell Road. 7. Land acquisition costs for local road network. 8. Land acquisition costs for local drainage network. 9. Upgrade of local road network. 10. Construction of local drainage network. 11. Preparation of Development Contribution Plan Reports. 12. General Administration.
Method for calculating contributions	All landowners within the DCP 12 shall make a contribution to the cost of common infrastructure and administration items, based on net lot areas, as detailed in the Development Contribution Plan Report.
	<p>The general formula for the requisite contribution is as follows:</p> <p>Area of total DCA (A) is as per Clause 6.4.3 of TPS 6</p> <p>Total DCA cost (B) = cost of infrastructure items + cost of administrative items</p> <p>Contribution Rate (C) = Total DCA cost (B) / Area of total DCA (A)</p> <p>Area of subject site (D) is as per Clause 6.4.9 of TPS 6</p> <p>Owner's cost contribution = Contribution Rate (C) x Area of subject site (D)</p>
Period of operation	Five years from the date of gazettal of Amendment 167 to Town Planning Scheme No. 6.
Priority and timing	As set out in the Development Contribution Plan Report or in accordance with any relevant Council resolution.

Item 13.2.2 Continued

Reference No.	DCP 12
Review process	<i>Council will review the Development Contribution Plan Report annually and will adjust the cost estimate of infrastructure items and land valuations as required.</i>

Since the above resolutions of Council, the following notable events have occurred:

- In December 2016, Amendment 165 was approved by the Minister for Planning, and Precinct 3A was rezoned from General Rural to General Industry under TPS 6;
- In August 2018, Council endorsed a modification to the Precinct 3A Structure Plan to incorporate Lot 414 Grove Road, Kenwick into the Structure Plan Area. The amended Structure Plan is yet to receive final approval by the Minister for Planning; and
- The applicant has been liaising with the City and the City of Kalamunda for the preparation of a draft DCPR to the satisfaction of both cities.

The applicant has now submitted a draft DCPR (Appendix 13.2.2A), the consideration of which forms the basis of this report.

DISCUSSION

Town Planning Scheme No. 6

Clause 5.4 of TPS 6 sets out the requirements for the creation and implementation of DCPs. Upon adoption of a DCP, landowners will be liable for cost contributions and the payment and administration of such funds will be in accordance with the scheme requirements.

State Planning Policy 3.6 - Development Contribution Plans for Infrastructure

State Planning Policy 3.6 - Development Contribution Plans for Infrastructure (SPP 3.6) sets out the principles and considerations that apply to development contributions for the provision of infrastructure and the form, content and process to be followed.

The draft DCPR is believed to address the principles.

Development Contribution Plan Boundary

Amendment 167 sought the creation of a DCP over the entirety of Precinct 3 of MKSEA, as it was assumed that Precincts 3A and 3B would transition to General Industry under TPS 6 at the same time. The location of each Precinct is shown below.

Item 13.2.2 Continued



The infrastructure proposed for Precinct 3A will also be used by parts of Precinct 3B, if and when rezoning of this Precinct is approved. Consequently, the applicant proposing the DCP has included some land within Precinct 3B in the DCP area.

The City has agreed to this approach, but remains concerned that should those lots within Precinct 3B fronting Coldwell Road ultimately be excluded, there could be a diminished contribution base, resulting in higher contributions or an inequitable share of the cost amongst remaining landowners in the DCP area. The applicant has agreed to a legal agreement in this respect, which is further discussed in this report.

A plan showing the draft DCP area is contained as Appendix 13.2.2B.

Given the boundary of the draft DCP area has been modified from Council’s March 2016 approval (when it was assumed that all of Precincts 3A and 3B would be covered), the wording of the proposed scheme text in the amendment is proposed to be modified to reflect the changes. The wording of the proposed scheme text is contained in the resolution.

Land Deductions

In calculating the area of an owner’s land and the total area of land in the draft DCA area that requires a contribution, the area of land excludes land identified as unavailable for development.

Item 13.2.2 Continued

Land within the draft DCP area that is proposed to be excluded from the contribution area includes areas of wetland, the Yule Brook floodplain, existing and proposed road reserves, drainage basins and land that is otherwise constrained due to its shape, size or access limitation.

As such, whilst the total land area within the draft DCP area is 177.6384ha, the net contribution area is 97.3653ha once land required to be deducted has been excluded.

Common Infrastructure Items

The list of common infrastructure items proposed to be funded by the draft DCPR varies slightly from those originally proposed, given the boundary of the draft DCP area has been modified to now exclude those lots fronting Brook Road, and reticulated sewer is not available to the development area. The infrastructure and administration items to be funded by the draft DCPR are now as follows:

1. Upgrade the intersection of Grove Road/Hale Road/Welshpool Road East;
2. Upgrade the intersection of Grove Road and Coldwell Road;
3. Upgrade the intersection of Coldwell Road and Welshpool Road East;
4. Upgrade Coldwell Road (east);
5. Upgrade Coldwell Road (west);
6. Upgrade Courtney Place (within the City of Kalamunda only);
7. Kalamunda Wedge Drainage Basin (within the City of Kalamunda only);
8. General Administration;
9. Preparation of Development Contribution Plan Reports;
10. Finance Costs for Pre-funding Infrastructure (A);
11. Finance Costs for Pre-funding Infrastructure (B); and
12. Finance Costs for Pre-funding Infrastructure (C).

A number of these items are exclusively within the City of Kalamunda or may affect discrete parts of the DCP area. For that reason, the structure of the draft DCPR is such that not all landowners contribute to all items of infrastructure.

The draft DCPR proposes eight precincts (A-H), with landowners only contributing to items of infrastructure where they benefit from provision. A copy of the draft Precinct Plan is contained as Appendix 13.2.2C.

The details of precinct cost contribution items are contained in the draft DCPR.

Local infrastructure, including local road upgrades and the provision of site and catchment drainage infrastructure, is to be provided by individual landowners in accordance with a condition of subdivision or development, and in accordance with the relevant planning framework. A finance cost for pre-funding infrastructure is also proposed, which is further discussed in this report.

Item 13.2.2 Continued

Given the infrastructure and administration items to be funded via the DCP have been modified from Council's March 2016 approval, the wording of the proposed scheme text in the amendment is required to be modified to reflect the changes. The wording of the proposed scheme text is contained in the resolution.

Finance Costs

In order to facilitate the coordinated delivery of infrastructure some pre-funding of common infrastructure works is required. It is anticipated that this pre-funding will be undertaken either by developers looking to progress a stage of development, or by the local government(s) looking to assist the progression of development more generally. The draft DCP therefore includes finance costs, which are the costs associated with finance for the pre-funding of infrastructure where these costs are reasonably covered. The principle behind the finance costs is that the entity that pre-funds the infrastructure for the cost of the money borrowed and invested should be compensated. The rate of return used to calculate finance costs is proposed at a flat rate of 6% per annum to ensure suitable re-imburement for the pre-funding of infrastructure works.

A developer has commenced construction of infrastructure on-site (including the intersection of Grove Road and Welshpool Road, and the realignment of Grove Road), and would therefore be compensated under Finance Cost A and B under the proposed arrangement (as shown in Table 4 of Appendix 13.2.2A). It is noted that this infrastructure was required to provide appropriate access to service approved development applications on land owned by the initial developer. Whilst it is considered appropriate for the DCP to reimburse the costs of the road works where funds are available as this is a common infrastructure item, it is not necessarily considered appropriate that a developer gain interest on the cost of the initial investment, given the infrastructure would otherwise be required to be provided to facilitate their development.

The City will further consider this matter upon consideration of submissions on the draft DCPR following advertising, with the possibility of deleting proposed Finance Costs A and B.

For proposed Finance Cost C, which represents the cost of borrowing applicable to pre-funding of required road works for the development of the Kalamunda Wedge precinct, the finance costs are considered appropriate given the need to wholly construct the upgrade of Courtney Place in one stage due to level differences, and fragmented ownership. This item is wholly within the City of Kalamunda and is therefore not included in the Amendment for the City of Gosnells.

Contribution Summary

The various changes to the draft DCPR as discussed above result in the estimated cost for common infrastructure being \$21,811,294 over a total contribution area of 97.3653ha. The contribution rate for each precinct is proposed as follows:

Item 13.2.2 Continued

Precinct	Land Area (Hectares)	Net Contribution Area (Hectares)	Contribution Rate (\$m²)
A	42.6679	37.0623	\$8.33
B	24.035	19.4700	\$8.67
C	9.3200	8.1967	\$30.57
D	15.9853	9.6953	\$44.45
E	4.2500	3.5283	\$8.33
F	8.324	8.2728	\$47.55
G	2.0017	1.8140	\$73.95
H	11.0538	9.3259	\$49.77

Peer Review

To ensure the estimated costs of common infrastructure are accurate, the City of Kalamunda has agreed to share the cost of a peer review by a suitably qualified quantity surveyor or engineering firm of the proposed cost of infrastructure items. This can occur concurrently with the continual progression of the draft DCPR, with any changes to costs being included in a final DCPR (which the Council will be required to endorse prior to its operation).

Period of Operation

Given the level of infrastructure required, the City considers it appropriate that the DCP operate for a period of ten years. This will ensure adequate time to develop the infrastructure items included in the draft DCPR, with consideration for those landowners who are not currently ready to develop their land for industrial purposes. Further, the City considers this should provide adequate time to resolve the environmental issues associated with Precinct 3B. The timing and implementation of the development will be monitored by the City, with the DCP being reviewed annually as required by TPS 6.

Administrative Operation

Given the arrangement includes land in both the City of Kalamunda and the City of Gosnells, as the majority of land is within the City of Gosnells, the City has agreed to administer the final DCP. A legal agreement will be drawn up between the two Local Governments for this purpose. It is intended that the legal agreement will deal with such matters as the collection of contributions and responsibilities for the financial implications of the arrangement.

Legal Agreement

As previously mentioned, given the uncertainty of the development potential of those lots fronting Coldwell Road in Precinct B, the City is concerned there could be a diminishing contribution base, resulting in higher contributions or an inequitable share of the cost. To ensure the City is not exposed to financial risk as a result of including these lots, the applicant has agreed to a legal agreement specifying that the applicant will not seek compensation from the City should there be inadequate funds available in the DCP to reimburse the applicant for their initial works. It is therefore considered acceptable to include land within Precinct 3B in the DCP.

Item 13.2.2 Continued

The deed will provide that the initial developer who has undertaken construction of infrastructure items prior to the establishment of the DCP will not seek any credit, off-set, refund, payment or compensation in respect of the initial infrastructure works that it is undertaking if there are inadequate funds available in the DCP to reimburse the developer for such works.

Due to the pivotal role of the agreement, it is recommended that Council's support for the progression of the contribution arrangement is conditional upon the finalisation of the deed to the satisfaction of the CEO.

Statutory ProcessDeveloper Contribution Plan

Part 7 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations) deals with Development Contribution Plans. In accordance with Part 7, section 72 of the Regulations, the identification of a development contribution area and the preparation of a development contribution plan, or the amendment of an area or plan, are to be prepared as part of the preparation or adoption of a local planning scheme or as a complex amendment to a local planning scheme.

Amendment 167

In accordance with the requirements of the Regulations, Amendment 167 was required to be initiated as a complex amendment. Where a responsible authority (being the local government) has resolved to amend a Scheme, it shall be forwarded to the Environmental Protection Authority (EPA) to determine whether the amendment requires an environmental assessment.

Concurrently, in accordance with the Regulations, the amendment also needs to be referred to the WAPC to determine whether it is suitable for advertising. Where no environmental assessment is required and consent has been granted by the WAPC, the responsible authority shall advertise the complex amendment for a minimum period of 60 days, by way of:

- Publishing a notice in a newspaper circulating in the Scheme area.
- Displaying a copy of the notice in the offices of the local government for the period of making submissions set out in the notice.
- Giving a copy of the notice to each public authority that the local government considers is likely to be affected by the amendment.
- Publishing a copy of the notice and the amendment on the website of the local government.
- Advertising the amendment as directed by the WAPC and in any other way the local government considers appropriate.

Item 13.2.2 Continued

After the conclusion of the advertising period, Council is required to consider the submissions and pass a resolution either supporting the amendment, with or without modification, or not supporting the amendment. After passing a resolution, the amendment is to be forwarded to the WAPC to review and provide a recommendation to the Minister for Planning.

CONCLUSION

The draft DCP needs to progress given that land within the MKSEA is fragmented among multiple landowners, development is underway and public infrastructure costs need to be shared in a fair and equitable manner.

It will be recommended that Council adopts the draft DCPR for the purposes of advertising.

FINANCIAL IMPLICATIONS

The establishment of a DCP for a portion of MKSEA Precinct 3 represents a potential financial burden for Council. The main risk is that the funds to be collected may not be sufficient to meet the cost of the infrastructure required, which could result due to an escalation in the cost of infrastructure or land being excluded for environmental reasons, or delays in the roll-out of infrastructure if landowners choose not to develop. Notwithstanding, the draft legal agreement will ensure the predominant landowner will not seek reimbursement for development works should there be insufficient funds available in the DCP upon completion of development of the DCP area.

STATUTORY IMPLICATIONS

- *Planning and Development Act 2005.*
- Town Planning Scheme No. 6.
- *Planning and Development (Local Planning Schemes) Regulations 2015.*
- State Planning policy 3.6 - Development Contributions for Infrastructure.
- Local Planning Policy 5.8 - MKSEA Planning Framework.

VOTING REQUIREMENTS

Staff Recommendation 1 of 4 and 2 of 4: Absolute Majority required.

Staff Recommendations 3 of 4 and 4 of 4: Simple Majority required.

Item 13.2.2 Continued

STAFF RECOMMENDATION AND COUNCIL RESOLUTION (1 OF 4)

420 Moved Cr J Jones Seconded Cr D Griffiths

That Council, pursuant to Clause 35(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, determines that Amendment 167 is a complex amendment as it proposes to identify a development contribution area and the preparation of a development contribution plan.

CARRIED BY ABSOLUTE MAJORITY 11/0

FOR: Cr P Abetz, Cr C Brett, Cr J Brown, Cr D Goode, Cr D Griffiths, Cr J Jones, Cr T Lynes, Cr R Mitchell, Cr O Searle, Cr S Williamson and Cr G Dewhurst.

AGAINST: Nil.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION (2 OF 4)

421 Moved Cr J Jones Seconded Cr D Griffiths

That Council, subject to the submission of a Legal Agreement to the City's satisfaction and pursuant to Section 75 of the *Planning and Development Act 2005*, amends Town Planning Scheme No. 6 by:

1. Establishing a Development Contribution Plan over a portion Precinct 3 of the Maddington Kenwick Strategic Employment Area;
2. Inserting Attachment L - Maddington Kenwick Strategic Employment Area - Portion of Precinct 3 into Schedule 12 - Development Contribution Plans, as follows:

Reference No.	DCP 12
<i>Area Name</i>	<i>DCA 12 (Maddington Kenwick Strategic Employment Area - Portions of Precinct 3)</i>
<i>Relationship to other planning instruments</i>	<i>The Development Contribution Plan operates in association with the Maddington Kenwick Strategic Employment Area Precinct 3 Structure Plan(s) or Outline Development Plan(s), adopted pursuant to clause 22 of the Schedule 2 Part 4 Planning and Development (Local Planning Schemes) Regulations 2015.</i>
<i>Infrastructure and administration items to be funded</i>	<ol style="list-style-type: none"> 1. Upgrade the intersection of Grove Road/Hale Road/Welshpool Road East. 2. Upgrade the intersection of Grove Road and Coldwell Road. 3. Upgrade the intersection of Coldwell Road and Welshpool Road East. 4. Upgrade Coldwell Road (east). 5. Upgrade Coldwell Road (west); 6. Upgrade Courtney Place. 7. Kalamunda Wedge Drainage Basin. 8. General Administration. 9. Preparation of Development Contribution Plan Reports. 10. Finance Costs for Pre-funding Infrastructure (A). 11. Finance Costs for Pre-funding Infrastructure (B). 12. Finance Costs for Pre-funding Infrastructure (C).

Item 13.2.2 Continued

Reference No.	DCP 12																																													
<i>Method for calculating contributions</i>	<p>All landowners within the DCP 12 shall make a contribution to the cost of common infrastructure and administration items, based on net lot areas, as detailed in the Development Contribution Plan Report and in accordance with the apportionment shown in the following table:</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr style="background-color: #cccccc;"> <th style="text-align: center;">Infrastructure Item</th> <th style="text-align: center;">Precinct A</th> <th style="text-align: center;">Precinct B</th> <th style="text-align: center;">Precinct C</th> <th style="text-align: center;">Precinct D</th> </tr> </thead> <tbody> <tr> <td>CIW 1A</td> <td style="text-align: center;">✓</td> <td style="text-align: center;">✓</td> <td style="text-align: center;">✓</td> <td style="text-align: center;">✓</td> </tr> <tr> <td>CIW 1B</td> <td style="text-align: center;">✓</td> <td style="text-align: center;">✓</td> <td style="text-align: center;">✓</td> <td style="text-align: center;">✓</td> </tr> <tr> <td>CIW 1C</td> <td style="text-align: center;">✓</td> <td style="text-align: center;">✓</td> <td style="text-align: center;">✓</td> <td style="text-align: center;">✓</td> </tr> <tr> <td>CIW 2A (West)</td> <td style="text-align: center;">x</td> <td style="text-align: center;">x</td> <td style="text-align: center;">✓</td> <td style="text-align: center;">✓</td> </tr> <tr> <td>Administration Costs</td> <td style="text-align: center;">✓</td> <td style="text-align: center;">✓</td> <td style="text-align: center;">✓</td> <td style="text-align: center;">✓</td> </tr> <tr> <td>DCP Preparation Costs</td> <td style="text-align: center;">✓</td> <td style="text-align: center;">✓</td> <td style="text-align: center;">✓</td> <td style="text-align: center;">✓</td> </tr> <tr> <td>Finance Cost A</td> <td style="text-align: center;">x</td> <td style="text-align: center;">✓</td> <td style="text-align: center;">x</td> <td style="text-align: center;">✓</td> </tr> <tr> <td>Finance Cost B</td> <td style="text-align: center;">x</td> <td style="text-align: center;">x</td> <td style="text-align: center;">x</td> <td style="text-align: center;">✓</td> </tr> </tbody> </table> <p>The general formula for the requisite contribution is as follows: Area of total DCA (A) is as per Clause 6.4.3 of TPS 6 Total DCA cost (B) = cost of infrastructure items + cost of administrative items, preparation costs and finance costs Contribution Rate (C) = Total DCA cost (B) / Area of total DCA (A) Area of subject site (D) is as per Clause 6.4.9 of TPS 6 Owner's cost contribution = Contribution Rate (C) x Area of subject site (D)</p>	Infrastructure Item	Precinct A	Precinct B	Precinct C	Precinct D	CIW 1A	✓	✓	✓	✓	CIW 1B	✓	✓	✓	✓	CIW 1C	✓	✓	✓	✓	CIW 2A (West)	x	x	✓	✓	Administration Costs	✓	✓	✓	✓	DCP Preparation Costs	✓	✓	✓	✓	Finance Cost A	x	✓	x	✓	Finance Cost B	x	x	x	✓
Infrastructure Item	Precinct A	Precinct B	Precinct C	Precinct D																																										
CIW 1A	✓	✓	✓	✓																																										
CIW 1B	✓	✓	✓	✓																																										
CIW 1C	✓	✓	✓	✓																																										
CIW 2A (West)	x	x	✓	✓																																										
Administration Costs	✓	✓	✓	✓																																										
DCP Preparation Costs	✓	✓	✓	✓																																										
Finance Cost A	x	✓	x	✓																																										
Finance Cost B	x	x	x	✓																																										
<i>Period of operation</i>	Ten years from the date of gazettal of Amendment 167 to Town Planning Scheme No. 6.																																													
<i>Priority and timing</i>	As set out in the Development Contribution Plan Report or in accordance with any relevant Council resolution.																																													
<i>Review process</i>	Council will review the Development Contribution Plan Report annually and will adjust the cost estimate of infrastructure items and land valuations as required.																																													
<i>Area Name</i>	DCA 12 (Maddington Kenwick Strategic Employment Area - Portions of Precinct 3)																																													
<i>Relationship to other planning instruments</i>	The Development Contribution Plan operates in association with the Maddington Kenwick Strategic Employment Area Precinct 3 Structure Plan(s) or Outline Development Plan(s), adopted pursuant to clause 22 of the Schedule 2 Part 4 Planning and Development (Local Planning Schemes) Regulations 2015.																																													

CARRIED BY ABSOLUTE MAJORITY 11/0

FOR: Cr P Abetz, Cr C Brett, Cr J Brown, Cr D Goode, Cr D Griffiths, Cr J Jones, Cr T Lynes, Cr R Mitchell, Cr O Searle, Cr S Williamson and Cr G Dewhurst.

AGAINST: Nil.

Item 13.2.2 Continued

STAFF RECOMMENDATION AND COUNCIL RESOLUTION (3 OF 4)
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422 Moved Cr J Jones Seconded Cr D Griffiths

That Council forwards Amendment No. 167 to Town Planning Scheme No. 6 to the Environmental Protection Authority for comment, pursuant to Section 81 of the *Planning and Development Act 2005* and subject to no objection being received, advertises the amendments for public comment for a period of 60 days in accordance with Clause 38(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

CARRIED 11/0

FOR: Cr P Abetz, Cr C Brett, Cr J Brown, Cr D Goode, Cr D Griffiths, Cr J Jones, Cr T Lynes, Cr R Mitchell, Cr O Searle, Cr S Williamson and Cr G Dewhurst.

AGAINST: Nil.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION (4 OF 4)
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423 Moved Cr J Jones Seconded Cr D Griffiths

That Council endorses the draft Development Contribution Plan report for a portion of Precinct 3 of the Maddington Kenwick Strategic Employment Area, attached as Appendix 13.2.2A, for the purposes of consultation with directly affected landowners.

CARRIED 11/0

FOR: Cr P Abetz, Cr C Brett, Cr J Brown, Cr D Goode, Cr D Griffiths, Cr J Jones, Cr T Lynes, Cr R Mitchell, Cr O Searle, Cr S Williamson and Cr G Dewhurst.

AGAINST: Nil.

13.2.3 DEVELOPMENT APPLICATION - EIGHT GROUPED DWELLINGS - 100 (LOT 33) ATTFIELD STREET, MADDINGTON

Director: C Terelinck
Author's Declaration Nil.
of Interest:
Property Number: 223464
Application No: DA17/00152
Applicant: C C Chan
Owner: Can 55 Station Pty Ltd
Location: 100 (Lot 33) Attfield Street, Maddington
Zoning: MRS: Urban
TPS No. 6: Residential Development (Residential R30 under Central Maddington ODP)
Review Rights: Yes. State Administrative Tribunal against any discretionary decision of Council.
Area: 2,630m²
Previous Ref: Nil.
Appendices: 13.2.3A Development Plans

PURPOSE OF REPORT

For Council to consider an application for planning approval for eight Grouped Dwellings at 100 (Lot 33) Attfield Street, Maddington, as the proposal is outside the authority delegated to staff due to non-compliance with Local Planning Policy 1.1.1 - Residential Development (LPP 1.1.1).

BACKGROUND**Site History**

The history of the development application is as follows:

- In May 2017, an application was lodged with the City seeking approval for eight Grouped Dwellings. The City sought revised plans due to non-compliance with the provisions of State Planning Policy 3.1 - Residential Design Codes (R-Codes) and LPP 1.1.1, which were not forthcoming.
- In February 2018, a new designer was appointed and revised plans were submitted. The revised plans required significant further refinement from a planning and drainage perspective, with numerous meetings with the applicant and City officers to reach an acceptable outcome.
- In July 2018, revised development plans were submitted which required further refinement from a drainage perspective.
- In October 2018, revised drainage information was submitted which enabled the City to proceed with its assessment of the July 2018 development plans.

Item 13.2.3 Continued

Site Description and Planning Framework

The subject site contains an existing dwelling and associated outbuildings, and is located close to the intersection of Attfield Street and Olga Road. Surrounding development includes low density residential development with potential for redevelopment at a higher density. Maddington Central Shopping Centre is located within 250m of the subject site.

A map identifying the location of the subject site follows.



Proposal

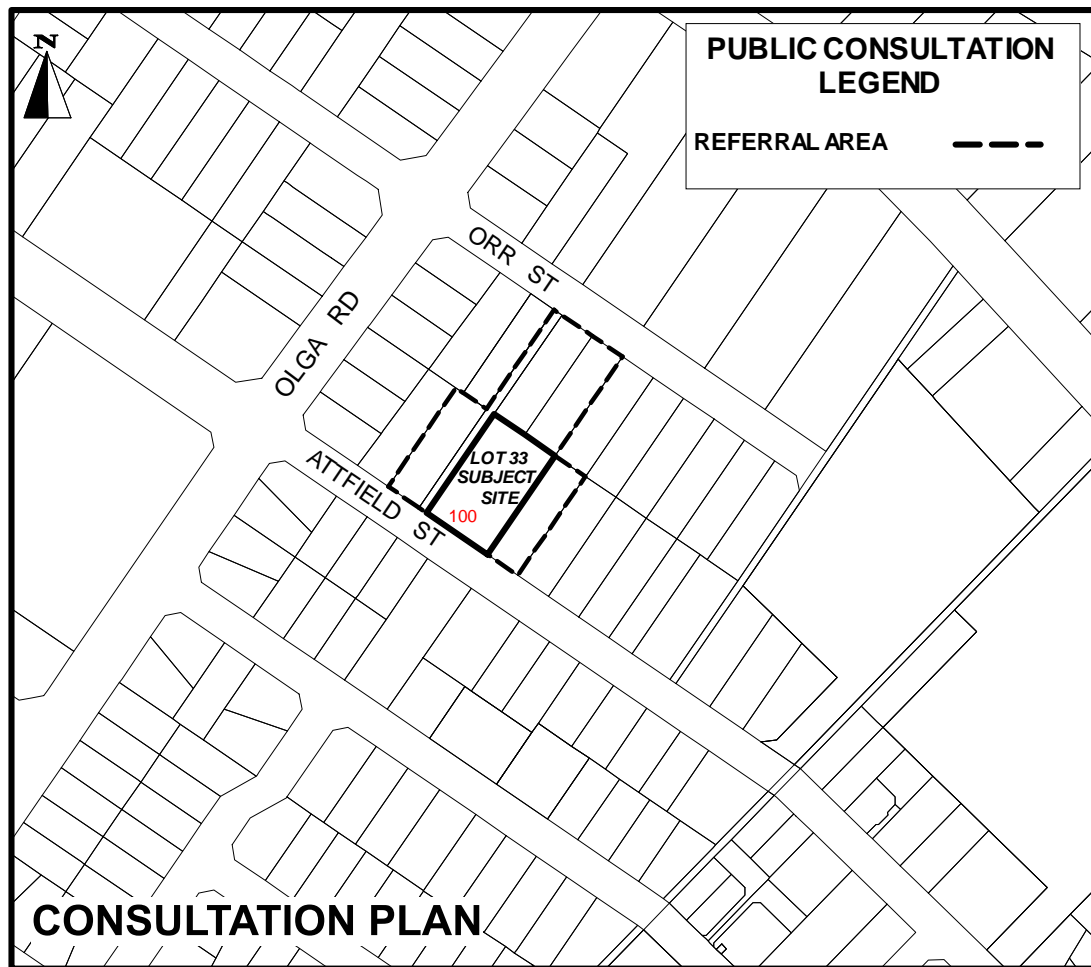
The application involves the demolition of the existing dwelling and associated outbuildings and the development of eight Grouped Dwellings on the subject site.

The site, floor and elevation plans are contained as Appendix 13.2.3A.

Consultation

The proposal was required to be advertised for public comment in accordance with Council Policy. The consultation was for a period of 14 days, being from 7 November 2018 to 21 November 2018. Letters were sent to the owners of six properties within the consultation area, and in addition, four occupiers of properties were also invited to comment.

Item 13.2.3 Continued



In response, no submissions were received.

DISCUSSION

Town Planning Scheme No. 6

The subject site is zoned Residential Development under TPS 6 and designated R30 under the Central Maddington Outline Development Plan. In accordance with TPS 6, a Grouped Dwelling is a 'D' use in the Residential zone, meaning it is not permitted unless the local government has exercised its discretion by granting planning approval.

State Planning Policy 3.1 - Residential Design Codes (R-Codes)

The purpose of the R-Codes is to provide a comprehensive basis for the control of residential development throughout Western Australia. With respect to the operation of the R-Codes, where a proposal does not meet the 'Deemed-to-Comply' (prefixed by 'C') provisions, the local government is to exercise judgement to determine the proposal against the 'Design Principles' (prefixed by 'P').

Item 13.2.3 Continued

Applications that do not comply with the Deemed-to-Comply Criteria can be assessed against relevant Design Principles, with that assessment guided by the City’s LPP 1.1.1 which prescribes:

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

The subject proposal complies with the relevant Deemed-to-Comply criteria of the R-Codes or Column B of LPP 1.1.1, or is deemed acceptable by not falling within the Column C criteria of LPP 1.1.1, with the exception of those provisions detailed in the table below.

	R-Codes and Policy Provision	Assessment/Comment
1.	<p>5.1.4 Open Space</p> <p>C4 Open Space provided in accordance with Table 1. The site of the grouped dwelling, for the purposes of calculating the open space requirements, shall include the area allocated for the exclusive use of that dwelling and the proportionate share of any associated property.</p> <p>P4 Development incorporates suitable open space for its context to:</p> <ul style="list-style-type: none"> • Reflect the existing and/or desired streetscape character or as outlined under the local planning framework. • Provide access to natural sunlight for the dwelling; • Reduce building bulk on the site, consistent with the expectations of the applicable density code and/or as outlined in the local planning policy framework; • Provide an attractive setting for the buildings, landscape vegetation and streetscape. • Provide opportunities for residents to use space externally to the dwelling for outdoor pursuits and access within/around the site; and 	<p>A minimum of 45% Open Space for each Grouped Dwelling is required. Open Space of between 38% and 42% has been provided for each Grouped Dwelling.</p> <ul style="list-style-type: none"> • The proposed development is of a similar style to existing Grouped Dwelling developments within the City. There are no design requirements under the local planning framework. • Each dwelling is afforded access to natural light via major openings to the outdoor living areas. • The proposed dwellings are of a similar design afforded in developments of an R30 density. • The two front dwellings are setback to provide for an attractive entry to the development. The inclusion of landscaping throughout the front setback and also throughout the common property is considered to enhance the visual amenity of the development. • The outdoor living areas provided for each dwelling are compliant with the minimum size requirements under the R-Codes.

Item 13.2.3 Continued

	R-Codes and Policy Provision	Assessment/Comment
	<ul style="list-style-type: none"> Provide space for external fixtures and essential purposes. 	<ul style="list-style-type: none"> The proposed dwellings provide adequate space to cater for external fixtures and essential purposes as required. <p>Based on the above, it is considered that the proposal complies with Design Principal P4.</p>
	<p>LPP 1.1.1</p> <p>Column B - Open space provided around a building where:</p> <p>i) The development complies with Deemed-to-Comply provisions in Section 5.1.2 (Street Setback) and 5.1.3 (Lot Boundary Setback), or variations permitted to these sections by other provisions of this Policy; and</p> <p>ii) The development provides for an outdoor living area which is 20% greater than the size requirements of Table 1 (24m²)</p> <p>Column C - Development deemed not to comply with Clause 5.1.2 (Street Setback), 5.1.3 (Lot Boundary Setback), 5.3.1 (Outdoor Living Areas) and 5.4.5 (Utilities and Facilities) and the cumulative effects of variations to these provisions.</p>	<p>The proposal is compliant with the setback requirements.</p> <p>The proposal does not provide Outdoor Living Areas which are 20% greater than the 24m² required by Table 1, however, the minimum of 24m² has been achieved.</p> <p>The proposal complies with the provisions outlined in Column C.</p>
	<p>5.3.7 Site Works</p> <p>C7.1 Excavation or filling between the street and building, or within 3m of the street alignment, whichever is the lesser, shall not exceed 0.5m, except where necessary to provide for pedestrian or vehicle access, drainage works or natural light for a dwelling.</p> <p>C7.2 Excavation of filling within a site and behind a street setback line limited by compliance with building height limits and building setback requirements.</p> <p>P7.1 Development that considers and responds to the natural features of the site and require minimal excavation/fill.</p> <p>P7.2 Where excavation/fill is necessary, all finished levels respecting the natural ground level at the lot boundary of the site and as viewed from the street.</p>	<p>The site is required to be filled greater than 0.5m in order to enable drainage works to be satisfactorily completed.</p> <p>Compliance with building height limits and building setback requirements are achieved.</p> <p>The proposed development is considered to respond to the natural features of the site. The fill required is to ensure that the subject site and proposed development can be adequately drained.</p> <p>As the required fill is necessary, the City considers it appropriate to include a condition of approval that any major opening in a room with a finished floor level greater than 0.5m above natural ground level be adequately screened to ensure privacy is maintained.</p>

Item 13.2.3 Continued

	R-Codes and Policy Provision	Assessment/Comment
	<p>LPP 1.1.1</p> <p>Column B - Development deemed to comply with:</p> <ul style="list-style-type: none"> - 5.3.7 Design Principles P7.1 and 7.2 (Site Works); - 5.4.1 Deemed to comply provisions C1.1 and C1.2 (Visual Privacy) - 5.4.2 Deemed to Comply provisions C2.1 and C2.2 (Solar Access for Adjoining Sites); and - Any variations permitted by the policy. <p>Column C - Development deemed to not comply with Design Principle P7.1 and P7.2 (Site Works).</p>	<p>The proposal complies with the performance criteria of the R-Codes and the discretion available in LPP 1.1.1 as outlined above.</p> <p>The City considers that the proposal complies with Design Principles P7.1 and P7.2 for the reasons outlined above.</p>

CONCLUSION

The proposal is supported as it is generally compliant with the requirements of the R-Codes and LPP 1.1.1 and where non-compliant, the variations are considered acceptable for reasons outlined in this report.

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

FINANCIAL IMPLICATIONS

Nil

STATUTORY IMPLICATIONS

- Town Planning Scheme No. 6.
- State Planning Policy 3.1 - Residential Design Codes.
- Local Planning Policy 1.1.1 - Residential Development.
- Central Maddington Outline Development Plan.

VOTING REQUIREMENTS

Simple Majority required.

Item 13.2.3 Continued

STAFF RECOMMENDATION AND COUNCIL RESOLUTION

424 Moved Cr T Lynes Seconded Cr J Jones

That Council approves the application for eight Grouped Dwellings at 100 (Lot 33) Attfield Street, Maddington, dated 8 June 2017 and revised plans dated 29 July 2018, subject to the following conditions:

1. Prior to applying for a Building Permit, the landowner/applicant shall contribute towards development infrastructure, pursuant to Town Planning Scheme No. 6 and the Central Maddington Structure Plan Development Contribution Plan Report.
2. Prior to applying for a Building Permit, all existing septic tanks and leach drains are to be decommissioned and all components removed to the satisfaction of the City of Gosnells, with the applicant providing a Statutory Declaration confirming as such.
3. Prior to applying for a Building Permit, major openings and unenclosed outdoor active habitable spaces, which have a floor level of more than 0.5m above natural ground level and overlook any part of any other residential property behind its street setback line, must be designed with permanent screening to restrict views within the cone of vision from those major opening and/or unenclosed active habitable spaces, in accordance with Clause 5.4.1 of the Residential Design Codes.

The Visual Privacy requirements must be implemented and thereafter maintained for the duration of the development to the satisfaction of the City of Gosnells.

4. Prior to the occupation of the development, the common property accessway being constructed and drained at the landowner's cost to the specifications and satisfaction of the City of Gosnells.
5. Prior to applying for a Building Permit, a Landscape Plan for the development site and the adjoining road verge(s) is to be submitted and approved to the satisfaction of the City of Gosnells. The following details are to be included:
 - (i) Existing street trees and vegetation to be retained on the site;
 - (ii) Landscape treatments such as lawn, mulch areas, paving and bin collection areas;
 - (iii) The location, species, quantity and pot size of proposed trees and shrubs; and
 - (iv) Areas to be irrigated.
6. Prior to the occupation of the development, the landscaping and irrigation of the development site and the adjoining verges is to be installed in accordance with the approved landscape plan/Residential

Item 13.2.3 Continued

Design Codes and thereafter maintained to the satisfaction of the City of Gosnells.

7. The drainage plan, endorsed by the City on 31 October 2018, is to be implemented, and all required drainage infrastructure thereafter maintained, to the satisfaction of the City.
8. Fencing abutting Attfield Street shall be visually permeable in accordance with the Residential Design Codes, Local Planning Policy 4.8 and Local Planning Policy 4.10, as applicable to the satisfaction of the City of Gosnells and maintained for the life of the development.
9. All crossovers are to be located and constructed to the City of Gosnells specifications.
10. Prior to applying for a Building Permit, a lighting plan detailing lighting to communal streets and accessways, pathways, areas of communal open space and car parking areas is to be provided.

Prior to the occupation of the development, the lighting plan is to be implemented and thereafter maintained for the duration of the development to the satisfaction of the City of Gosnells.

11. Prior to applying for a Building Permit, the design must be modified to ensure above ground meter boxes and water meters are not located in a street setback area. Where unavoidable, suitable screening shall be provided to the satisfaction of the City of Gosnells and maintained for the duration of the development.
12. Prior to applying for a Building Permit, the standard of finish to the wall(s) built up to boundaries must be to the satisfaction of the adjoining owner(s) or, in the case of a dispute, to the satisfaction of the City of Gosnells.

CARRIED 11/0

FOR: *Cr P Abetz, Cr C Brett, Cr J Brown, Cr D Goode, Cr D Griffiths, Cr J Jones, Cr T Lynes, Cr R Mitchell, Cr O Searle, Cr S Williamson and Cr G Dewhurst.*

AGAINST: *Nil.*

13.3 INFRASTRUCTURE

13.3.1 LEASE OF TOM BATEMAN BASEBALL STADIUM

Author: B Garvey
 Author's Declaration Nil.
 of Interest:
 Previous Ref: OCM 27 May 2003 Resolution 330
 OCM 22 September 2009 Resolution 463
 Appendix: 13.3.1A Tom Bateman Revised Lease Area
 13.3.1B Tom Bateman Indicating Existing and Revised Lease Area

PURPOSE OF REPORT

To seek Council approval to relinquish the existing lease for the Baseball Stadium on Tom Bateman Reserve (Baseball Stadium) and to grant a new lease over the Baseball Stadium to Baseball WA.

BACKGROUND

At its meeting of 27 May 2003 Council resolved to lease to Baseball WA the land comprising the Baseball Stadium on Tom Bateman Reserve on the following terms:

Resolution 331

“That Council incorporate the following terms and conditions in the Lease agreement with Baseball WA Limited:

Rental (a) For the period from the Date of Commencement to either the completion of Stage 2 or the fifth anniversary of the Date of Commencement whichever is the sooner:

\$1 per annum payable on demand

(b) For the period from the fifth anniversary of the Date of Commencement or the completion of Stage 2, whichever first occurs, to the end of the term, including any extensions:

An amount equal to 0.5% of the replacement cost of the buildings on the Premises calculated or recalculated on each anniversary of the Date of Commencement.

Term Total of 21 years

Location As depicted on Plan attached as Appendix 12.4.7A

Lease Agreement Lessee to meet 50% of the costs in preparing the Sublease.”

At its meeting on 22 September 2009 Council Resolved (by Resolution 463) to formalise the description of the leased area, set the date of termination of the lease to

Item 13.3.1 Continued

22 December 2024 and to align the lease with Council policy to charge not for profit groups an amount equal to the rates and Emergency Services Levy applicable to the property.

As Baseball WA is currently seeking to expand its facilities on site, it is requesting a new lease to accommodate its plans.

DISCUSSION

Baseball WA has received a grant from the Federal Government for an amount of \$6,000,000 to make improvements to the baseball stadium at Tom Bateman Reserve.

The proposed works include:

- Permanent grandstand extension (to replace the temporary grandstand)
- Raised viewing deck behind new grandstand with undercroft below
- New entry and forecourt behind Tom Bateman House (with new disability access ramp)
- Change room extensions
- New toilet block
- Concourse extension
- Improved spectator amenities.

The existing lease for the premises expires on 22 December 2024. Owing to the proposed works to be undertaken at the Baseball Stadium, Baseball WA has requested a new lease with a 21 year term. Under the Management Order the maximum period of lease permitted is 21 years. The intention of Baseball WA is to relinquish the existing lease and enter into a new lease for the maximum term of 21 years.

Baseball WA is proposing a slight increase to its leased area as part of the new lease, as outlined in Appendices 13.3.1A and 13.3.1B. This proposed increase will facilitate vehicular field access and ensure all the infrastructure of Baseball WA is included in the leased area.

The lease requires the consent of the Department of Planning, Lands and Heritage. The Department has advised that it will not consent to the lease until it has received the endorsement of Council.

Baseball WA is a company incorporated under the *Corporations Act* rather than an association incorporated under the *Associations Incorporation Act* which the City's relevant leasing policy (Tenancy Agreements (Leases and Licences) for City Property) is principally concerned with. The Company's constitution provides that profits cannot be distributed in any way to members or directors except in the ordinary course of employment or services rendered in normal commercial terms approved specifically by resolution of the Board. Staff are of the opinion that it is appropriate to deal with Baseball WA as a not-for-profit organisation, in light of this constitutional provision a peppercorn rent can be proposed, with the Tenant responsible for the payment of Local Government rates, Emergency Services Levy, outgoings, maintenance and structural repairs.

Item 13.3.1 Continued

FINANCIAL IMPLICATIONS

Local Government Rates for 2018/19 are \$4,927.07 and the Emergency Services Levy is \$1,035.75. Both the Local Government Rates and the Emergency Services Levy are based upon the Gross Rental Value as determined by Landgate.

STATUTORY IMPLICATIONS

Section 3.58 of the *Local Government Act 1995* provides for the disposition of local government property that includes leasing. If the proposed lease is approved by Council, the City is required to give local public notice of the proposed lease in accordance with the terms of clauses 3.58(3) and 3.58(4) of the *Local Government Act 1995* and to consider any submissions made by members of the public regarding the transaction before the lease can be finalised.

VOTING REQUIREMENTS

Simple Majority Required.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION (1 OF 2)
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425 Moved Cr R Mitchell Seconded Cr J Brown

That Council agrees to terminate the existing lease between the City of Gosnells and Baseball WA in respect of the Baseball Stadium at a time immediately prior to the commencement of a new lease between the City of Gosnells and Baseball WA in respect of the Baseball Stadium.

CARRIED 11/0

FOR: Cr P Abetz, Cr C Brett, Cr J Brown, Cr D Goode, Cr D Griffiths, Cr J Jones, Cr T Lynes, Cr R Mitchell, Cr O Searle, Cr S Williamson and Cr G Dewhurst.

AGAINST: Nil.

Item 13.3.1 Continued

STAFF RECOMMENDATION AND COUNCIL RESOLUTION (2 OF 2)

426 Moved Cr R Mitchell Seconded Cr J Brown

That Council agrees, subject to the Department of Planning, Lands and Heritage consenting to the lease and no submissions raising substantive objection to the proposal being received following public advertising under the provisions of section 3.58 of the *Local Government Act 1995*, to lease to Baseball WA the Baseball Stadium at Tom Bateman Reserve, as identified in Appendix 13.3.1A on the following Terms:

Lease commencement:	1 February 2019
Rental:	Peppercorn
Term of lease:	Twenty One years
Local government rates and the Emergency Services Levy:	Payable by Tenant
Utility costs:	Payable by Tenant
Structural and Non Structural Repairs:	Payable by Tenant
Maintenance:	Payable by Tenant

CARRIED 11/0

FOR: Cr P Abetz, Cr C Brett, Cr J Brown, Cr D Goode, Cr D Griffiths, Cr J Jones, Cr T Lynes, Cr R Mitchell, Cr O Searle, Cr S Williamson and Cr G Dewhurst.

AGAINST: Nil.

13.3.2 LEASE OF TOM BATEMAN HOUSE

Author: B Garvey
Author's Declaration Nil.
of Interest:
Previous Ref: Nil.
Appendix: 13.3.2A Tom Bateman House Lease Area

PURPOSE OF REPORT

To seek Council approval to lease the house located adjacent to the Baseball Stadium on Tom Bateman Reserve known as Tom Bateman House (Tom Bateman House) to Baseball WA.

BACKGROUND

Tom Bateman House was constructed in the 1950's and was previously leased to a Council employee until 2017. Since this time Tom Bateman House has remained vacant. Baseball WA has expressed an interest to use Tom Bateman House as its administrative headquarters. Baseball WA presently leases the baseball stadium located on Tom Bateman Reserve from the City where its temporary headquarters are located. Tom Bateman House sits adjacent to the stadium. Tom Bateman House is a management category three historical building under the City's Local Heritage Inventory, indicating that Tom Bateman House has some historical significance.

DISCUSSION

Tom Bateman Reserve is managed by the City pursuant to a management order that restricts any development at Tom Bateman Reserve to "Recreation and Conservation" uses only. The Department of Planning, Lands and Heritage (DPLH) has advised that this would preclude most commercial activities. DPLH has also advised the City informally that Baseball WA using Tom Bateman House as an administrative headquarters would not breach the management order as it is ancillary to a recreational use of the Reserve.

The City has sought advice from valuers and real estate agents regarding the use of the Property. The general outlook for the suburban commercial office market remains subdued. Furthermore, Tom Bateman House lacks the two strongest assets attributed to suburban offices namely direct road access and ample parking. For these reasons the City does not believe that there would be significant interest in a commercial tenancy at Tom Bateman House.

Vehicular access to Tom Bateman House is via a sealed road, off the main parking area, that runs alongside the baseball stadium. As part of the Nicholson Road "rail-over" grade separation project that was recently completed by Main Roads Western Australia, the existing sealed access from Nicholson Road to Tom Bateman House was removed. Presently, Tom Bateman House does not have a sealed parking area, with the nearest car park located adjacent to the stadium, approximately 140 metres away.

The condition of Tom Bateman House also raises issues as to its commercial viability. Tom Bateman House, whilst structurally sound, requires upgrading and renewal. The real estate agent engaged by the City advised that he would be unable to lease Tom

Item 13.3.2 Continued

Bateman House in its present condition and that substantial works to the inside of the premises would need to be undertaken, under a residential lease. Under a commercial lease the Tenant would be responsible for the cost of fitting out the premises.

Baseball WA has proposed to lease Tom Bateman House as its administrative headquarters, see Appendix 13.3.2A for a plan of the leased area. Baseball WA has offered to lease the premises on a “peppercorn” basis and will commit to spending a minimum \$10,000 per annum for each of five years on improvements to Tom Bateman House. Baseball WA’s proposal does not include funding for capital works associated with the structure, water and/or electricity supply. Should a problem arise in relation to structural elements, the City would be responsible.

Owing to its proximity through their existing lease and operations at the baseball stadium, Baseball WA is able to achieve synergies between both Tom Bateman House and the Stadium that other tenants would be unable to replicate. Having a common tenant between Tom Bateman House and the stadium addresses security and access concerns at Tom Bateman House while ensuring this historical site is utilised, maintained and does not fall into disrepair.

Baseball WA is a company incorporated under the *Corporations Act* rather than an association incorporated under the *Associations Incorporation Act* which the City’s relevant leasing policy (Tenancy Agreements (Leases and Licences) for City Property) is principally concerned with. The Company’s constitution provides that profits cannot be distributed in any way to members or directors except in the ordinary course of employment or services rendered on normal commercial terms approved specifically by resolution of the Board. Staff are of the opinion that it is appropriate to deal with Baseball WA as a not-for-profit organisation, on this basis a peppercorn rent can be proposed, with the Tenant responsible for the payment of Local Government rates, Emergency Services Levy, outgoings and non-capital maintenance.

The lease requires the consent of the Department of Planning, Lands and Heritage. The Department has advised that it will not consent to the lease until it has received the endorsement of Council.

FINANCIAL IMPLICATIONS

Local Government Rates for 2018/19 are \$1,240.38 and the Emergency Services Levy is \$260.75. Both the Local Government Rates and the Emergency Services Levy are based upon the Gross Rental Value as determined by Landgate.

STATUTORY IMPLICATIONS

Section 3.58 of the *Local Government Act 1995* provides for the disposition of local government property that includes leasing. If the proposed lease is approved by Council, the City is required to give local public notice of the proposed lease in accordance with the terms of clauses 3.58(3) and 3.58(4) of the *Local Government Act 1995* and to consider any submissions made by members of the public regarding the transaction before the lease can be finalised.

VOTING REQUIREMENTS

Simple Majority Required.

Item 13.3.2 Continued

STAFF RECOMMENDATION AND COUNCIL RESOLUTION

427 Moved Cr J Brown Seconded Cr C Brett

That Council agrees, subject to the Department of Planning, Lands and Heritage consenting to the lease and no submissions raising substantive objection to the proposal being received following public advertising under the provisions of section 3.58 of the *Local Government Act 1995*, to lease to Baseball WA the premises known as Tom Bateman House located on Tom Bateman Reserve as identified in Appendix 13.3.2A on the following terms:

Lease commencement:	1 February 2019
Rental:	Peppercorn
Term of lease:	Five years
Local government rates and the Emergency Services Levy:	Payable by Tenant
Utility costs:	Payable by Tenant
Special Condition:	During the five year term, the Tenant is to make capital improvements to the premises in an amount no less than \$10,000 for each year of the lease.
Outgoings:	Payable by Tenant
Non-Capital Routine Maintenance:	Payable by Tenant

CARRIED 11/0

FOR: Cr P Abetz, Cr C Brett, Cr J Brown, Cr D Goode, Cr D Griffiths, Cr J Jones, Cr T Lynes, Cr R Mitchell, Cr O Searle, Cr S Williamson and Cr G Dewhurst.

AGAINST: Nil.

13.4 COMMUNITY ENGAGEMENT

13.4.1 CITY OF GOSNELLS HERITAGE STRATEGY 2018 - 2022

Author:	S. Gurney
Author's Declaration	Nil.
of Interest:	
Previous Ref:	OCM 10 July 2018 (Resolution 207) OCM 23 October 2018 (Resolution 353)
Appendix:	13.4.1A City of Gosnells Heritage Strategy 2018 - 2022

PURPOSE OF REPORT

For Council to consider and adopt the City of Gosnells Heritage Strategy 2018 - 2022.

BACKGROUND

The Heritage Strategy 2018 - 2022 was discussed at the 9 August 2018 History and Heritage Advisory Group (HHAG) meeting. As outlined in the HHAG Minutes from that meeting, members had no further comments on the Heritage Strategy 2018 - 2022 and supported the release of the document for public comment.

At the Ordinary Council Meeting held on 23 October 2018 Council resolved (Resolution 353) to advertise the Heritage Strategy for public comment.

In accordance with that resolution, the strategy was advertised for public comment for 42 days in the following ways:

- Public notice in local newspaper
- Display on City's website
- Notification at the City's libraries
- Forwarded to the Heritage Council of Western Australia

A copy of the Heritage Strategy is attached as Appendix 13.4.1A.

At the Ordinary Council Meeting held on 27 November 2018 Council adopted the City's Strategic Community Plan 2018 - 2028 (Resolution 399). References to the actions contained in the City's Community Plan 2015 - 2025 have been removed and the Heritage Strategy has been amended to reference the appropriate goals and associated outcomes from the City's Strategic Community Plan 2018 - 2028.

Item 13.4.1 Continued

DISCUSSION

The City received one submission from the Department of Planning, Lands and Heritage on the Heritage Strategy 2018 - 2022. A summary of the submission received and staff comment thereon is provided in the following schedule:

Summary of Submission	Staff Comment
<p>1. The document would be further strengthened by referring to the number and type of State Registered places to be identified in the background analysis. In addition, it should provide distinction between different forms of heritage and a recognition that each has separate legislation and a different process for consultation and approval.</p>	<p>Noted. This level of detail isn't necessary for this document.</p>
<p>2. To avoid ambiguity it is suggested that terminology relating to cultural heritage be clarified so that it is consistent with relevant legislation and common use. The heritage survey undertaken by local governments in accordance with the <i>Heritage of Western Australia Act 1990</i> is known as a local government inventory (though these are commonly known as a municipal inventory or MI). In accordance with the Planning Regulations, the local government inventory should inform the compilation of a heritage list, which is associated with the Local Planning Scheme. It is helpful to maintain the distinction between the local government inventory and the heritage list, as they often have different functions and implications. We are happy to provide further guidance if needed.</p>	<p>Where heritage lists are referenced in the Strategy, the words "City's Town Planning Scheme" has been added in order to distinguish between this list and the City's Heritage Inventory.</p>

FINANCIAL IMPLICATIONS

Any implementation of actions contained within the Heritage Strategy 2018 - 2022 which require funding will be included in future operational budgets for Council's consideration.

STATUTORY IMPLICATIONS

Nil.

VOTING REQUIREMENTS

Simple Majority required.

Item 13.4.1 Continued

STAFF RECOMMENDATION AND COUNCIL RESOLUTION
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428 Moved Cr J Brown Seconded Cr S Williamson

That Council adopts the City of Gosnells Heritage Strategy 2018 - 2022 attached as Appendix 13.4.1A.

CARRIED 11/0

FOR: *Cr P Abetz, Cr C Brett, Cr J Brown, Cr D Goode, Cr D Griffiths, Cr J Jones, Cr T Lynes, Cr R Mitchell, Cr O Searle, Cr S Williamson and Cr G Dewhurst.*

AGAINST: *Nil.*

13.4.2 HISTORY AND HERITAGE AWARDS - CONSIDERATION AND APPROVAL OF AWARDS 2018

Author: S. Gurney
Author's Declaration Nil.
of Interest:
Previous Ref: OCM 15/12/2015 Resolution 523
Appendix: 16.3A Confidential Appendix – History and Heritage Awards 2018 – Summary of Applications Submitted and Assessment

PURPOSE OF REPORT

To advise Council of the History and Heritage Awards applications received for 2018 and for Council to determine the recipient under the History Award category in accordance with Policy 3.3.6 History and Heritage Awards Selection.

BACKGROUND

The History and Heritage Awards recognises people in the community who have contributed to the protection and promotion of history and heritage in the City. The Awards consists of two categories:

- History Award, which aims to encourage individuals, groups, or organisations to research and record the history of the City, its people, places, or activities.
- Heritage Award, which aims to promote community awareness of the City's heritage places, promote community involvement in caring for the City's heritage places, recognise the contribution of individuals, groups, or organisations to the City's heritage places and recognise projects that reflect best practice in maintenance, sympathetic development, restoration, conservation and/or interpretation of the City's heritage places.

Policy 3.3.6 – History and Heritage Awards Selection details the assessment and selection process for the awards. In accordance with this policy, applications received are forwarded to Council for its determination of the recipients under the two awards categories.

Invitations to apply for the History and Heritage Awards were advertised in local newspapers on 2 August 2018. In addition to the advertisement; the awards were promoted on the City's Heritage Services Facebook page on 26 February 2018 and 3 October 2018, on posters and flyers at the City's libraries, Museum and the City's Civic Centre and on the websites of both the City and the State Heritage Office. Owners of heritage listed properties were mailed information about the awards on 4 April 2018. At the close of nominations on the 31 October 2018, one application had been received for the History Award category.

The City received no applications for the Heritage Award category.

Item 13.4.2 Continued

DISCUSSION

A summary of the History Award application received together with assessment against the criteria contained within Policy 3.3.6 is included in the Confidential Appendix 16.3A.

The nomination received does not meet the eligibility criteria for the Awards because the content of the publication is mainly based on activities outside the City of Gosnells and as such, it is recommended that Council does not award any prizes for the History and Heritage Awards for 2018.

Should Council approve or not approve the recipient, the announcement of the recipient of the award is to be embargoed until the City's Australia Day event on 26 January 2019.

FINANCIAL IMPLICATIONS

An amount of \$1800 is allocated within the 2018/19 Budget for the History and Heritage Awards.

STATUTORY IMPLICATIONS

Council Policy 3.3.6 - History and Heritage Awards Selection is relevant.

VOTING REQUIREMENTS

Simple majority required.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION (1 OF 2)

429 Moved Cr J Brown Seconded Cr C Brett

That Council does not award any prizes for the History and Heritage Awards for 2018.

CARRIED 11/0

FOR: Cr P Abetz, Cr C Brett, Cr J Brown, Cr D Goode, Cr D Griffiths, Cr J Jones, Cr T Lynes, Cr R Mitchell, Cr O Searle, Cr S Williamson and Cr G Dewhurst.

AGAINST: Nil.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION (2 OF 2)

430 Moved Cr J Brown Seconded Cr C Brett

That the History and Heritage Awards be reviewed as part of an overall review of the City's awards program.

CARRIED 11/0

FOR: Cr P Abetz, Cr C Brett, Cr J Brown, Cr D Goode, Cr D Griffiths, Cr J Jones, Cr T Lynes, Cr R Mitchell, Cr O Searle, Cr S Williamson and Cr G Dewhurst.

AGAINST: Nil.

**13.4.3 AUSTRALIA DAY WA COMMUNITY CITIZEN OF THE YEAR AWARDS -
CONSIDERATION AND APPROVAL OF AWARDS 2018 (*ITEM MOVED –
REFER TO PART 16 CONFIDENTIAL MATTERS*)**

The above item was moved in accordance with Clause 4.15 of the City of Gosnells Standing Orders Local Law 2016 and is relocated under Part 16 “Confidential Matters” as the third report.

13.5 BUSINESS SERVICES

13.5.1 FINANCIAL ACTIVITY STATEMENT - NOVEMBER 2018

Author: R Augustin
Author's Declaration Nil.
of Interest:
Previous Ref: Nil.
Appendix: 13.5.1A Financial Activity Statement Report for the month of November 2018

PURPOSE OF REPORT

For Council to receive the Financial Activity Statement Report for the month of November 2018.

BACKGROUND

In accordance with Regulation 34 of the *Local Government (Financial Management) Regulations 1996*, the following reports are contained in the Financial Activity Statement Report:

- Commentary and report on variances
- Operating Statement by Program
- Balance Sheet
- Statement of Financial Activity
- Net Current Assets Report
- Reserve Movements
- Capital Works Expenditure
- Outstanding Debtor Information
- Rates Report
- Investment Report.

DISCUSSION

The Financial Activity Statement Report for the month of November 2018 is attached as Appendix 13.5.1A.

FINANCIAL IMPLICATIONS

Nil.

STATUTORY IMPLICATIONS

Local Government (Financial Management) Regulations 1996, Regulation 34.

Item 13.5.1 Continued

VOTING REQUIREMENTS

Simple Majority required.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION

431 Moved Cr J Jones Seconded Cr J Brown

That Council, in accordance with Regulation 34 of the *Local Government (Financial Management) Regulations 1996*, receives the following reports, contained in the Financial Activity Statement Report for the month of November 2018, attached as Appendix 13.5.1A:

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

CARRIED 11/0

FOR: Cr P Abetz, Cr C Brett, Cr J Brown, Cr D Goode, Cr D Griffiths, Cr J Jones, Cr T Lynes, Cr R Mitchell, Cr O Searle, Cr S Williamson and Cr G Dewhurst.

AGAINST: Nil.

13.5.2 PAYMENT OF ACCOUNTS - NOVEMBER 2018

Author: R Augustin
 Author's Declaration Nil.
 of Interest:
 Previous Ref: Nil.
 Appendix: 13.5.2A Cheque and EFT Payment Listing for the period
 1 November 2018 to 30 November 2018

PURPOSE OF REPORT

To advise Council of payments made for the period 1 November 2018 to 30 November 2018.

BACKGROUND

Nil.

DISCUSSION

Payments of \$8,612,776.06 as detailed in the cheque and EFT payment listing for the period 1 November 2018 to 30 November 2018, attached as Appendix 13.5.2A, have been approved by the Chief Financial Officer under delegated authority.

FINANCIAL IMPLICATIONS

Nil.

STATUTORY IMPLICATIONS

Local Government (Financial Management) Regulations 1996, Regulation 13 (2) requires a local government to prepare a list of accounts approved for payment under delegated authority showing the payee's name; the amount of the payment; and sufficient information to identify the transaction and the date of the meeting of the Council to which the list is to be presented.

VOTING REQUIREMENTS

Simple Majority required.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION

432 Moved Cr J Brown Seconded Cr D Griffiths

That Council notes the payment of accounts totalling \$8,612,776.06 as shown in the cheque and EFT payment listing, attached as Appendix 13.5.2A, for the period 1 November 2018 to 30 November 2018.

CARRIED 11/0

FOR: Cr P Abetz, Cr C Brett, Cr J Brown, Cr D Goode, Cr D Griffiths, Cr J Jones, Cr T Lynes, Cr R Mitchell, Cr O Searle, Cr S Williamson and Cr G Dewhurst.

AGAINST: Nil.

Notation

7.51pm *Having declared an interest in Item 13.5.3, Mr I Cowie left the meeting.*

13.5.3 CHIEF EXECUTIVE OFFICER - ANNUAL PERFORMANCE AND REMUNERATION REVIEW - 2018

Author: T Hastings
Author's Declaration Nil.
of Interest:
Previous Ref: Nil.
Appendix: 13.5.3A Key Performance Indicators for 2019

PURPOSE OF REPORT

To seek Council's agreement that the Chief Executive Officer (CEO) has met the Key Performance Indicators (KPIs) assigned to him for 2018, to set the CEO's KPIs for 2019 and to approve the renewal of the CEO's contract for five years commencing 9 February 2019.

BACKGROUND

In accordance with the provisions of the *Local Government Act 1995*, the performance of all local government employees is to be reviewed at least once in relation to every year of their employment.

All Councillors are provided with an opportunity to participate in the CEO's performance review.

To assist with the process for the 2018 review, Helen Hardcastle of Learning Horizons was engaged to facilitate the review.

Item 13.5.3 Continued

DISCUSSION

- Ms Hardcastle conducted a workshop with Councillors on the evening of 4 December 2018 to facilitate the review.
- Prior to the workshop, the CEO submitted a report on his and the City's achievements and this was circulated to Councillors for consideration.
- The Directors were also asked to provide feedback on their perception of the CEO's performance and a summary of their responses was distributed to Councillors.
- Councillors were asked to complete a structured questionnaire as part of the performance review process.
- Councillors agreed that, overall, the CEO's performance over the preceding 12 months met or exceeded expectations in the areas for which he has responsibility.
- Councillors considered the CEO's KPIs for the ensuing 12 months. The suggested set of KPIs are contained in Appendix 13.5.3A.
- In acknowledgement of the CEO's past performance, Councillors agreed to offer the CEO a new five year contract.

FINANCIAL IMPLICATIONS

Nil.

STATUTORY IMPLICATIONS

Sections 5.38 and 5.39 (1) and (3)(b) of the *Local Government Act 1995* require the performance of all local government employees to be reviewed at least annually.

VOTING REQUIREMENTS

Simple Majority required.

Item 13.5.3 Continued

STAFF RECOMMENDATION AND COUNCIL RESOLUTION (1 OF 3)

433 Moved Cr O Searle Seconded Cr S Williamson

That Council agrees that the Chief Executive Officer has met the Key Performance Indicators assigned to him for 2018.

CARRIED 11/0

FOR: Cr P Abetz, Cr C Brett, Cr J Brown, Cr D Goode, Cr D Griffiths, Cr J Jones, Cr T Lynes, Cr R Mitchell, Cr O Searle, Cr S Williamson and Cr G Dewhurst.

AGAINST: Nil.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION (2 OF 3)

434 Moved Cr O Searle Seconded Cr S Williamson

That Council adopts the Key Performance Indicators, contained in Appendix 13.5.3A, to guide the Chief Executive Officer's performance over the next 12 months and that those indicators be attached as an addendum to his contact of employment.

CARRIED 11/0

FOR: Cr P Abetz, Cr C Brett, Cr J Brown, Cr D Goode, Cr D Griffiths, Cr J Jones, Cr T Lynes, Cr R Mitchell, Cr O Searle, Cr S Williamson and Cr G Dewhurst.

AGAINST: Nil.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION (3 OF 3)

435 Moved Cr O Searle Seconded Cr S Williamson

That Council, with regard to the positive annual performance review of the Chief Executive Officer, approves a new five year contract for the Chief Executive Officer, on the same terms and conditions as his current contract.

CARRIED 11/0

FOR: Cr P Abetz, Cr C Brett, Cr J Brown, Cr D Goode, Cr D Griffiths, Cr J Jones, Cr T Lynes, Cr R Mitchell, Cr O Searle, Cr S Williamson and Cr G Dewhurst.

AGAINST: Nil.

Notation

7.52pm Mr I Cowie returned to the meeting.

13.5.4 TENDER 24/2018 - SUPPLY AND DELIVERY OF RETICULATION AND ASSOCIATED FITTINGS

Author: M Maw
 Author's Declaration Nil.
 of Interest:
 Previous Ref: Nil.
 Appendix: 13.5.4A List of Commonly Used Items and Prices
 13.5.4B Confidential Appendix - List of All Required Reticulation Parts and Prices

PURPOSE OF REPORT

To advise Council of submissions received in relation to Tender 24/2018 Supply and Delivery of Reticulation and Associated Fittings and recommend the most advantageous tender for the purpose of awarding a contract.

BACKGROUND

The tender was advertised in The West Australian newspaper on Wednesday 7 November 2018 and closed at 2pm on 22 November 2018 to select a contractor to provide Reticulation and Associated Fittings for a period of three years commencing 1 January 2019.

As part of the installation and maintenance of the City's irrigation infrastructure it is essential to have a reliable and cost effective supplier of reticulation parts and associated fittings.

Submissions were received from the following companies:

Company Name	Address
LD Total	172 Burswood Road, Burswood WA 6100
Reece Australia Pty Ltd	118 Burwood Highway, Burwood VIC 3125
Total Eden Pty Ltd	1 Altona Street, Bibra Lake WA 6163

The current contract for the supply of reticulation parts is with Total Eden Pty Ltd.

DISCUSSION

Tender submissions have been assessed by the Evaluation Panel against the evaluation criteria defined within the tender specification: Relevant Experience; Key Personnel, Skills and Resources and the major criteria - Price.

The following table details the Panel's assessment of each tender against the qualitative evaluation criteria.

Item 13.5.4 Continued

Tenderer	Relevant Experience	Key Personnel, Skills and Resources	Total Qualitative Score
Weighting	10%	10%	20%
LD Total	6	6	12
Reece Australia Pty Ltd	8	8	16
Total Eden Pty Ltd	8	8	16

Tenderers were invited to submit prices for over 400 parts. The most commonly used parts as detailed in Appendix 13.5.4A were used to evaluate prices.

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

Tenderer	Price
Weighting	80%
LD Total	79.69
Reece Australia Pty Ltd	78.47
Total Eden Pty Ltd	80.00

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

Tenderer	Qualitative Criteria %	Price %	Total %	Overall Ranking
LD Total	12	79.69	91.69	3
Reece Australia Pty Ltd	16	78.47	94.47	2
Total Eden Pty Ltd	16	80.00	96.00	1

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

Following the assessment of tenders against the criteria detailed in the tender specification, the tender submitted by Total Eden Pty Ltd was assessed as being the most advantageous for the City.

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

FINANCIAL IMPLICATIONS

The services associated with this contract are included in the 2018/19 budget and will be included in relevant budgets for the life of the contract. The amount budgeted for 2018/19 is \$242,000.

Item 13.5.4 Continued

STATUTORY IMPLICATIONS

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

VOTING REQUIREMENTS

Simple Majority required.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION
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436 Moved Cr O Searle Seconded Cr T Lynes

That Council awards Tender 24/2018 – Supply and Delivery of Reticulation and Associated Fittings for a three year period commencing 1 January 2019 to Total Eden Pty Ltd of 1 Altona Street, Bibra Lake WA 6163 in accordance with the pricing schedule attached as Confidential Appendix 13.5.4B subject to yearly rise and fall provisions.

CARRIED 11/0

FOR: Cr P Abetz, Cr C Brett, Cr J Brown, Cr D Goode, Cr D Griffiths, Cr J Jones, Cr T Lynes, Cr R Mitchell, Cr O Searle, Cr S Williamson and Cr G Dewhurst.

AGAINST: Nil.

13.5.5 TENDER 30/2018 - LEASE OF 16 COLOUR PRINTER COPIERS

Author: M Maw
 Author's Declaration Nil
 of Interest:
 Previous Ref: Nil
 Appendix: Nil

PURPOSE OF REPORT

To advise Council of submissions received in relation to Tender 30/2018 – Lease of 16 Colour Printer Copiers and recommend the most advantageous tender for the purpose of awarding a contract.

BACKGROUND

Tenders were advertised in The West Australian newspaper on Wednesday 10 October 2018 and closed at 2pm on 25 October 2018 to select a contractor to provide the lease of 16 Colour Printer Copiers to the City for a period of four years.

Submissions were received from the following companies:

Company Name	Address
Ricoh Australia Pty Ltd	3 Teakle Road, Osborne Park WA 6017
Mediaform Computer Supplies Pty Limited	Unit 3, 3-5 Gibbon Road, Winston Hills NSW 2153
Fuji Xerox	59 Belmont Street, Belmont WA 6104
Forum Group	Suite 1, 28 Belmont Avenue, Belmont WA 6104

The City's existing copiers are leased from Ricoh at a total annual cost of approximately \$110,000.

DISCUSSION

Tender submissions have been assessed by the Evaluation Panel against the evaluation criteria defined within the tender specification: Relevant Experience; Key Personnel, Skills and Resources and the major criteria - Price.

The following table details the Panel's assessment of each tender against the qualitative evaluation criteria.

Item 13.5.5 Continued

Tenderer	Relevant Experience	Key Personnel, Skills and Resources	Total Qualitative Score
Weighting	10%	10%	20%
Ricoh Australia Pty Ltd	9	10	19
Mediaform Computer Supplies Pty Limited	4	4	8
Fuji Xerox	9.5	8	17.5
Forum Group	6	8	14

The submission received from Mediaform Computer Supplies Pty Limited did not adequately address the qualitative requirements of the tender. Therefore, the submission was not considered further due to the potential risk to the City.

Based on the pricing schedule submitted by the remaining tenderers and current print volumes, the total costs of providing the required services for a period of four years are as follows:

Tenderer	Estimated Copy Cost 4 years	Full Rental Cost 4 Years	Estimated Total Cost 4 Years
	\$	\$	\$
Ricoh Australia Pty Ltd	405,038	124,903	463,874
Fuji Xerox	405,038	145,899	550,937
Forum Group	405,038	284,713	689,751

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

Tenderer	Price
Weighting	80%
Ricoh Australia Pty Ltd	80.00
Fuji Xerox	71.04
Forum Group	40.81

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

Tenderer	Qualitative Criteria %	Price %	Total %	Overall Ranking
Ricoh Australia Pty Ltd	19	80.00	99	1
Fuji Xerox	17.5	71.04	88.54	2
Forum Group	14	40.81	54.81	3

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

Item 13.5.5 Continued

Following the assessment of tenders against the criteria detailed in the tender specification, the tender submitted by Ricoh Australia Pty Ltd was assessed as being the most advantageous for the City.

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

FINANCIAL IMPLICATIONS

The annual cost for the Lease of the photocopiers including estimated copy costs will be approximately \$116,000. Sufficient funds are included in Council's adopted budget and will be included in relevant budgets for the term of the lease.

STATUTORY IMPLICATIONS

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

VOTING REQUIREMENTS

Simple Majority required.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION

437 Moved Cr J Brown Seconded Cr D Griffiths

That Council awards Tender 30/2018 – Lease of 16 Colour Printer Copiers for a four year period commencing 1 January 2019 to Ricoh Australia Pty Ltd, 3 Teakle Road, Osborne Park WA 6017 for total lease fees over the four year term of \$124,903 plus copy costs of \$0.005 per black and white copy and \$0.05 per colour copy.

CARRIED 11/0

FOR: Cr P Abetz, Cr C Brett, Cr J Brown, Cr D Goode, Cr D Griffiths, Cr J Jones, Cr T Lynes, Cr R Mitchell, Cr O Searle, Cr S Williamson and Cr G Dewhurst.

AGAINST: Nil.

13.5.6 TENDER 34/2018 - AGONIS AIR CONDITIONER CONSULTANCY

Author: M Maw
 Author's Declaration Nil.
 of Interest:
 Previous Ref: Nil.
 Appendix: Nil

PURPOSE OF REPORT

To advise Council of submissions received in relation to Tender 34/2018 – Agonis Air Conditioner Consultancy and recommend the most advantageous tender for the purpose of awarding a contract.

BACKGROUND

Tenders were advertised in The West Australian newspaper on Wednesday 7 November 2018 and closed at 2pm on 22 November 2018 to appoint a consultant to inspect and assess the condition of the existing air conditioning equipment at the Agonis building. The appointed consultant will design a replacement air conditioning system, and oversee the contractor appointed to undertake the new installation.

Replacement is required because the current system is approximately 12 years old and uses R22 gas which will be phased out from 2020.

Submissions were received from the following companies:

Company Name	Address
Arup Australia Pty Ltd	Level 14, Exchange Tower, 2 The Esplanade, Perth WA 6000
Healey Engineering Pty Ltd	Unit 6, 64 Sixth Road Armadale WA 6112
Norman Disney & Young	Level 11, 200 St Georges Terrace, Perth WA 6000
TABE Engineers	9 Irwin St, East Fremantle WA 6160

DISCUSSION

Tender submissions have been assessed by the Evaluation Panel against the evaluation criteria defined within the tender specification: Relevant Experience, Key Personnel, Skills and Resources, Demonstrated Understanding and the major criteria - Price.

The following table details the Panel's assessment of each tender against the qualitative evaluation criteria.

Item 13.5.6 Continued

Tenderer	Relevant Experience	Key Personnel, Skills and Resources	Demonstrated Understanding	Total Qualitative Score
Weighting	25%	25%	10%	60%
Arup Australia Pty Ltd	15	20	6	41
Healey Engineering Pty Ltd	20	15	6	41
Norman Disney & Young	20	15	8	43
TABE Engineers	15	15	8	38

The total costs of providing the required service for each tenderer are as follows:

Tenderer	Total Fixed Cost Exc. GST
	\$
Arup Australia Pty Ltd	34,600
Healey Engineering Pty Ltd	35,900
Norman Disney & Young	24,200
TABE Engineers	23,550

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

Tenderer	Price
Weighting	40%
Arup Australia Pty Ltd	27.73
Healey Engineering Pty Ltd	26.24
Norman Disney & Young	38.93
TABE Engineers	40.00

Item 13.5.6 Continued

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

Tenderer	Qualitative Criteria 60%	Price 40%	Total 100%	Overall Ranking
Arup Australia Pty Ltd	41	27.73	68.73	3
Healey Engineering Pty Ltd	41	26.24	67.24	4
Norman Disney & Young	43	38.93	81.93	1
TABE Engineers	38	40.00	78.00	2

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

Following the assessment of tenders against the criteria detailed in the tender specification, the tender submitted by Norman Disney & Young was assessed as being the most advantageous for the City.

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

FINANCIAL IMPLICATIONS

The services associated with this contract are included in the 2018/19 budget.

STATUTORY IMPLICATIONS

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

VOTING REQUIREMENTS

Simple Majority required.

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

That Council awards Tender 34/2018 – Agonis Air Conditioning Consultancy to Norman Disney & Young of Level 11, 200 St Georges Terrace, Perth WA 6000 for the contracted sum of \$24,200 ex GST.

CARRIED 11/0

FOR: Cr P Abetz, Cr C Brett, Cr J Brown, Cr D Goode, Cr D Griffiths, Cr J Jones, Cr T Lynes, Cr R Mitchell, Cr O Searle, Cr S Williamson and Cr G Dewhurst.

AGAINST: Nil.

13.5.7 TENDER 40/2018 - SUPPLY AND DELIVERY OF LIMESTONE

Author: Maria Maw
 Author's Declaration Nil.
 of Interest:
 Previous Ref: Nil.
 Appendix: 13.5.7A – Pricing Schedule

PURPOSE OF REPORT

To advise Council of submissions received in relation to Tender 40/2018 - Supply and Delivery of Limestone and recommend the most advantageous tender for the purpose of awarding a contract.

BACKGROUND

Tenders were advertised in The West Australian newspaper on Wednesday 31 October 2018 and closed at 2pm on 15 November 2018 to select a contractor to supply and deliver limestone for a period of three years commencing 1 January 2019.

Submissions were received from the following companies:

Company Name	Address
WA Sand Supply and Haulage Pty Ltd	200 Stirling Crescent, Hazelmere WA 6055
WA Limestone Co	401 Spearwood Avenue, Bibra Lake WA 6163

The work is currently undertaken by All Earth Group Pty Ltd. Expenditure on limestone varies on an annual basis depending upon the nature of construction projects planned and undertaken.

DISCUSSION

Tender submissions have been assessed by the Evaluation Panel against the evaluation criteria defined within the tender specification: Relevant Experience, Key Personnel, Skills and Resources and the major criteria - Price.

The following table details the Panel's assessment of each tender against the qualitative evaluation criteria.

Item 13.5.7 Continued

Tenderer	Relevant Experience	Key Personnel, Skills and Resources	Total Qualitative Score
Weighting	10%	10%	20%
WA Sand Supply and Haulage Pty Ltd	6	6	12
WA Limestone Co	8	6	14

The following schedule of rates is submitted:

Tenderer	\$ per tonne (delivered)	
	Semi Trailer	6/8 Wheeler
WA Sand Supply and Haulage Pty Ltd	\$19.74	\$24.92
WA Limestone Co	\$14.20	\$16.20

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

Tenderer	Price
Weighting	80%
WA Sand Supply and Haulage Pty Ltd	57.55
WA Limestone Co	80.00

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

Tenderer	Qualitative Criteria 20%	Price 80%	Total 100%	Overall Ranking
WA Sand Supply and Haulage Pty Ltd	12	57.55	69.55	2
WA Limestone Co	14	80	94	1

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

Following the assessment of tenders against the criteria detailed in the tender specification, the tender submitted by WA Limestone Co was assessed as being the most advantageous for the City.

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

Item 13.5.7 Continued

FINANCIAL IMPLICATIONS

The services associated with this contract are included in the 2018/19 budget and will be included in relevant budgets for the life of the contract. The amount budgeted for 2018/19 is \$50,000.

The amount expended annually on crushed limestone varies as it is dependent on the construction projects planned for each year.

STATUTORY IMPLICATIONS

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

VOTING REQUIREMENTS

Simple Majority required.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION

439 Moved Cr J Brown Seconded Cr P Abetz

That Council awards Tender 40/2018 – Supply and Delivery of Limestone for a three year period commencing 1 January 2019 to PMR Quarries Pty Ltd Trustee for WA Limestone Unit Trust t/as WA Limestone Co of 401 Spearwood Avenue, Bibra Lake WA 6163 in accordance with the schedule of rates attached as Appendix 13.5.7A.

CARRIED 11/0

FOR: *Cr P Abetz, Cr C Brett, Cr J Brown, Cr D Goode, Cr D Griffiths, Cr J Jones, Cr T Lynes, Cr R Mitchell, Cr O Searle, Cr S Williamson and Cr G Dewhurst.*

AGAINST: *Nil.*

14. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

15. URGENT BUSINESS

(by permission of the Presiding Member)

Nil.

16. CONFIDENTIAL MATTERS

COUNCIL RESOLUTION

440 Moved Cr T Lynes Seconded Cr J Jones

That Council declares the meeting closed to members of the public at 7.55pm to allow for discussion of confidential matters in accordance with section 5.23(2) of the *Local Government Act 1995*.

CARRIED 11/0

FOR: Cr P Abetz, Cr C Brett, Cr J Brown, Cr D Goode, Cr D Griffiths, Cr J Jones, Cr T Lynes, Cr R Mitchell, Cr O Searle, Cr S Williamson and Cr G Dewhurst.

AGAINST: Nil.

Notation

7.55pm *Having declared an interest in Item 16.1, Cr T Lynes and Cr S Williamson left the meeting.*

16.1 TENDER 39/2018 - MADDINGTON KENWICK STRATEGIC EMPLOYMENT AREA (MKSEA) PRECINCT 1

Author: M Maw
Author's Declaration Nil.
of Interest:
Previous Ref: Nil.
Appendix: Confidential report distributed under separate cover.

In accordance with Section 5.23(2)(c) of the *Local Government Act 1995*, the report in relation to this item is confidential as it contains information that relates to a proposed contract.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION

441 Moved Cr C Brett Seconded Cr D Griffiths

That Council delegates to the Chief Executive Officer, the authority to determine Tender 39/2018 – Maddington and Kenwick Strategic Employment Area (MKSEA) Precinct 1 (provision of professional engineering design services and costings for common infrastructure works that will inform a developer contribution plan).

CARRIED BY ABSOLUTE MAJORITY 9/0

FOR: Cr P Abetz, Cr C Brett, Cr J Brown, Cr D Goode, Cr D Griffiths, Cr J Jones, Cr R Mitchell, Cr O Searle and Cr G Dewhurst.

AGAINST: Nil.

Notation

7.56pm Cr T Lynes and Cr S Williamson returned to the meeting.

16.2 PROPOSED VARIATION OF MILLS PARK CAFE LEASING ARRANGEMENTS

Author: B Garvey
Author's Declaration Nil.
of Interest:
Previous Ref: OCM 26 July 2016 (Resolution 263)
Appendix: Confidential report distributed under separate cover.

PURPOSE OF REPORT

In accordance with Section 5.23(2)(c) and (e)(iii) of the *Local Government Act 1995*, the report in relation to this item is confidential as it contains information that relates to a proposed contract and the commercial or financial affairs of a person.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION**442 Moved Cr D Griffiths Seconded Cr C Brett**

That Council agrees, subject to no submissions, raising substantive objection to the proposal being received following public advertising under the provisions of section 3.58 of the *Local Government Act 1995*, to vary the existing lease agreement between the City and ITG Lukman Pty Ltd to reflect a reduction in rent for the period 1 November 2018 – 31 October 2019 as detailed below:

- 75% reduction for the period 1 November 2018 to 28 February 2019,
- 50% reduction for the period 1 March 2019 to 30 June 2019; and
- 25% reduction for the period 1 July 2019 to 31 October 2019.

CARRIED 11/0

FOR: Cr P Abetz, Cr C Brett, Cr J Brown, Cr D Goode, Cr D Griffiths, Cr J Jones, Cr T Lynes,
Cr R Mitchell, Cr O Searle, Cr S Williamson and Cr G Dewhurst.

AGAINST: Nil.

**13.4.3 AUSTRALIA DAY WA COMMUNITY CITIZEN OF THE YEAR AWARDS -
CONSIDERATION AND APPROVAL OF AWARDS 2018**

Author:	C van der Beeke
Author's Declaration of Interest:	A nominee in the Citizen of the Year and the Active Citizenship categories is known to the author and is an employee of the City of Gosnells
Previous Ref:	Nil.
Appendix:	16.4A Confidential Appendix – Australia Day WA Community Citizen of the Year Awards 2018 – Summary of Nominations and Assessments

PURPOSE OF REPORT

To advise the Council of the City of Gosnells Australia Day WA Community Citizen of the Year Awards nominations received for 2018 and for Council to determine the recipients under the nominated categories in accordance with Auspire – The Australia Day Council WA's (Auspire) eligibility criteria and selection guidelines.

BACKGROUND

Local governments across Western Australia (including the City of Gosnells) participate in an annual awards program to recognise individuals and organisations making a notable contribution to their local communities.

The program is the Community Citizen of the Year Awards and includes four award categories as follows:

- Citizen of the Year
- Youth Citizen of the Year
- Senior Citizen of the Year
- Active Citizenship (group or event)

The eligibility criteria and selection guidelines to assess the nominations are specified by Auspire and are detailed below.

Eligibility Criteria

- Nominees should reside or work principally within the local authority making the award.
- Awards may be granted posthumously in recognition of recent achievements.
- Groups of people or couples will not normally be eligible except when meeting the criteria for a community group.
- A person may receive an award on more than one occasion in recognition of their particularly outstanding community contribution or involvement in an alternative initiative.
- Unsuccessful nominees may be nominated in future years.
- Nominations must be apolitical in their nature and should not in any way bring the awards program or local government area into disrepute.

Item 13.4.3

Sitting members of State, Federal and Local Government are not eligible.

Selection Guidelines

In choosing the recipients, consideration should be given to the nominee's achievements in the year immediately prior to receiving the award, as well as their past achievements and ongoing contribution to the community.

Nominations have been assessed using the Australia Day WA Community Citizen of the Year Awards ('the Awards') guidelines. Recipients should have shown:

- Significant contribution to the local community.
- Demonstrated leadership on a community issue resulting in the enhancement of community life.
- A significant initiative which has brought about positive change and added value to community life.
- Inspiring qualities as a role model for the community.

Through September and October 2018, the City called for nominations for the Awards via local newspaper advertising, e-newsletters, through the City's Youth Services networks, the City's website and social media channels. At the close of nominations, a total of 14 nominations were received by the City in the following categories:

Category	Number of Applications Received
Citizen of the Year	7
Youth Citizen of the Year	2
Senior Citizen of the Year	Nil
Active Citizenship (group or event)	5

DISCUSSION

A summary of nominations received by the City under the four categories, together with the assessment against Auspire's eligibility criteria and selection guidelines is included in Confidential Appendix 16.4A.

It should be noted that a Citizen of the Year candidate is a current employee of the City of Gosnells and has worked with members of the assessment panel; additionally the same candidate is a nominee in the Active Citizenship category.

There were no nominations received for the Senior Citizen of the Year Category.

The staff recommendations are based on the comments submitted by the nominators. Historically, no independent investigation has been carried out to assess the comments.

It is for Council to determine the appropriate winners based on their local knowledge of who has been making an outstanding contribution to the community and in context of the applications received. Should Council approve the award recipients, the announcement of the recipients is to be embargoed until the City's Australia Day event on 26 January 2019.

Item 13.4.3

FINANCIAL IMPLICATIONS

An amount of \$500 is allocated within the 2018/19 Budget for the annual membership of Auspire – The Australia Day Council WA.

STATUTORY IMPLICATIONS

Nil.

VOTING REQUIREMENTS

Simple Majority required.

Procedural Motion

During debate Cr T Lynes moved the following procedural motion:

That the City of Gosnells *Standing Orders Local Law 2016* be suspended.

Cr R Mitchell seconded Cr T Lynes' procedural motion.

COUNCIL RESOLUTION

443 Moved Cr T Lynes Seconded Cr R Mitchell

That City of Gosnells *Standing Orders Local Law 2018* be suspended.

CARRIED 11/0

FOR: Cr P Abetz, Cr C Brett, Cr J Brown, Cr D Goode, Cr D Griffiths, Cr J Jones, Cr T Lynes, Cr R Mitchell, Cr O Searle, Cr S Williamson and Cr G Dewhurst.

AGAINST: Nil.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION (1 OF 3)

444 Moved Cr D Griffiths Seconded Cr C Brett

That Council awards the City of Gosnells Australia Day WA Citizen of the Year Award for 2018 to Candidate 1 as listed in Confidential Appendix 16.4A, with the announcement of the winner of the category being embargoed until the City's Australia Day event to be held on 26 January 2019.

CARRIED 11/0

FOR: Cr P Abetz, Cr C Brett, Cr J Brown, Cr D Goode, Cr D Griffiths, Cr J Jones, Cr T Lynes, Cr R Mitchell, Cr O Searle, Cr S Williamson and Cr G Dewhurst.

AGAINST: Nil.

Item 13.4.3

STAFF RECOMMENDATION AND COUNCIL RESOLUTION (2 OF 3)

445 Moved Cr D Griffiths Seconded Cr C Brett

That Council awards the City of Gosnells Australia Day WA Youth Citizen of the Year Award for 2018 to Candidate 1 as listed in Confidential Appendix 16.4A, with the announcement of the winner of the category being embargoed until the City's Australia Day event to be held on 26 January 2019.

CARRIED 11/0

FOR: Cr P Abetz, Cr C Brett, Cr J Brown, Cr D Goode, Cr D Griffiths, Cr J Jones, Cr T Lynes, Cr R Mitchell, Cr O Searle, Cr S Williamson and Cr G Dewhurst.

AGAINST: Nil.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION (3 OF 3)

446 Moved Cr D Griffiths Seconded Cr C Brett

That Council awards the City of Gosnells Australia Day WA Active Citizenship Award for 2018 to Candidate 1 as listed in Confidential Appendix 16.4A, with the announcement of the winner of the category being embargoed until the City's Australia Day event to be held on 26 January 2019.

CARRIED 11/0

FOR: Cr P Abetz, Cr C Brett, Cr J Brown, Cr D Goode, Cr D Griffiths, Cr J Jones, Cr T Lynes, Cr R Mitchell, Cr O Searle, Cr S Williamson and Cr G Dewhurst.

AGAINST: Nil.

COUNCIL RESOLUTION

447 Moved Cr O Searle Seconded Cr T Lynes

That City of Gosnells *Standing Orders Local Law 2018* be resumed.

CARRIED 11/0

FOR: Cr P Abetz, Cr C Brett, Cr J Brown, Cr D Goode, Cr D Griffiths, Cr J Jones, Cr T Lynes, Cr R Mitchell, Cr O Searle, Cr S Williamson and Cr G Dewhurst.

AGAINST: Nil.

COUNCIL RESOLUTION

448 Moved Cr O Searle Seconded Cr T Lynes

That Council re-opens the meeting to members of the public at 8.32pm.

CARRIED 11/0

FOR: *Cr P Abetz, Cr C Brett, Cr J Brown, Cr D Goode, Cr D Griffiths, Cr J Jones, Cr T Lynes, Cr R Mitchell, Cr O Searle, Cr S Williamson and Cr G Dewhurst.*

AGAINST: *Nil.*

17. CLOSURE

The Mayor declared the meeting closed at 8.33pm.