

CITY OF GOSNELLS

**ORDINARY COUNCIL MEETING
TUESDAY 11 JUNE 2002**

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PLEASE NOTE: Diagrams, Maps and Plans and Appendices are not included in these Minutes, however, can be viewed in the hard copy of this document kept at Council's Libraries and Administration Centre.

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Minutes of the Ordinary Council Meeting held in the Council Chambers, Administration Centre, Gosnells on Tuesday 11 June 2002.

OPENING AND WELCOME

The Mayor declared the meeting open at 7.34pm and welcomed those members of the public present in the public gallery, Councillors and staff.

DISCLAIMER

The Mayor read aloud the following statement:

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

COUNCIL MEETINGS – RECORDING OF

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

Notice within the Public Gallery in relation to recordings state:

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

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

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

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

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

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

PRESENT

ELECTED MEMBERS

| | |
|--------------|----------------|
| MAYOR | P M MORRIS JP |
| DEPUTY MAYOR | R MITCHELL |
| COUNCILLORS | S IWANYK |
| | C MATISON |
| | J BROWN JP |
| | MD DEVEREUX JP |
| | R CROFT |
| | NJ SMITH |
| | O SEARLE JP |
| | A PISANO JP |

STAFF

| | |
|------------------------------------|----------------|
| CHIEF EXECUTIVE OFFICER | MR S JARDINE |
| COMMUNITY SERVICES DIRECTOR | MS A COCHRAN |
| CORPORATE SERVICES DIRECTOR | MR R BOUWER |
| INFRASTRUCTURE DIRECTOR | MR W CORBE |
| PLANNING & SUSTAINABILITY DIRECTOR | MR R HAEREN |
| REGULATORY SERVICES DIRECTOR | MR T PERKINS |
| MINUTE SECRETARY | MS A CRANFIELD |

PUBLIC GALLERY

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1. APOLOGIES

Cr AJ Smith.

2. DECLARATIONS OF INTEREST

Cr S Iwanyk declared an Impartiality Interest in item 11.1 “Hillside Farm Management Committee”.

Reason: Deputy Delegate to the Hillside Farm Management Committee.

Cr S Iwanyk declared a Financial Interest in item 12.4.2 Corfield Street – Dorothy Street to Eileen Street, Gosnells Construct Second Carriageway”.

Reason: Family owns investment property.

Cr A Pisano declared a Financial Interest in Item 12.5.7 “Civic Complex Project – Councillor Design Feedback”; and Item 12.5.8 “Civic Complex Project – Carparking”.

Reason: Property and business ownership.

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Cr PM Morris declared an Impartiality Interest in item 11.1 “Hillside Farm Management Committee”.

Reason: Member of the Hillside Farm Management Committee.

Cr MD Devereux declared an Impartiality Interest in:

Item 11.1 “Hillside Farm Management Committee”;

Item 12.5.8 “Civic Complex Project – Carparking.

Reason: Chairperson of the Hillside Farm Management Committee and Member of the Board of Management for the Committee of Steps and Lotteries House.

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3. ANNOUNCEMENTS BY THE MAYOR

(without discussion)

The Mayor circulated to Councillors a list of functions and events she had attended since Tuesday 28 May 2002.

Notation

Cr R Mitchell moved the following procedural motion:

COUNCIL RESOLUTION

Moved Cr R Mitchell Seconded Cr MD Devereux

“That Council suspend Clause 2.8 ‘Order of Business’ of the City of Gosnells Standing Orders Local Law 1998 to enable an announcement of significant community interest.”

CARRIED 10/0

FOR: Cr S Iwanyk, Cr C Matison, Cr J Brown, Cr MD Devereux, Cr R Croft, Cr NJ Smith, Cr R Mitchell, Cr O Searle, Cr A Pisano and Cr PM Morris.

AGAINST: Nil.

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Cr R Mitchell then proceeded to read the following announcement:

“I take this opportunity, as the Deputy Mayor, to congratulate The Mayor on being awarded an AM.

Cr Patricia Morris is the first ever female Mayor (from 1989 – 1993) of the City of Gosnells, the fourth largest local government in Western Australia.

Pat has been in her current term as Mayor since May 1999.

In April this year, Pat completed 16 years as a Councillor.

Pat's service to the community has been widely recognised and acknowledged, beyond Local Government, through her positive contributions to numerous voluntary organisations, sporting bodies and Government appointed task forces, which are too numerous to mention individually.

She has a high profile and is well known throughout the Local Government industry across Australia, as a strong advocate and tireless worker for her local community.

Pat has been awarded the AM for service to local government and to the community, through safety, policing, crime prevention, welfare, service and sporting organisations and as an advocate for indigenous communities.

On behalf of my fellow Councillors, the Executive Team and staff of the City of Gosnells, I would like to say congratulations on being awarded an AM in the Queens Birthday Honours List of the year 2002."

At the conclusion of his announcement, Cr R Mitchell moved the following motion:

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

Moved Cr R Mitchell Seconded Cr A Pisano

"That Standing Orders be resumed."

CARRIED 10/0

FOR: Cr S Iwanyk, Cr C Matison, Cr J Brown, Cr MD Devereux, Cr R Croft, Cr NJ Smith, Cr R Mitchell, Cr O Searle, Cr A Pisano and Cr PM Morris.

AGAINST: Nil.

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4. REPORTS OF DELEGATES

Cr S Iwanyk reported that she recently attended an Expo of Community Services at Thornlie Tafe conducted by the tutors and students who were completing their Certificate Three. Cr Iwanyk stated the Expo was very worthwhile and informative, and incorporated a myriad of community services subjects including drug use and family abuse.

Cr S Iwanyk reported, for the information of the Executive Team and Councillors, on the progress of petitions previously forwarded to the RoadWise Committee on the issues of traffic problems and speeding vehicles in the City.

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

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

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

Questions and statements are to be –

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

QUESTIONS TAKEN ON NOTICE AT PREVIOUS MEETINGS AWAITING RESPONSE

Nil.

RESPONSES TO QUESTIONS TAKEN ON NOTICE AT PREVIOUS MEETINGS

28 May 2002 Ordinary Council Meeting

The following questions were posed at the 28 May 2002 Ordinary Council Meeting with the responses as already provided to the correspondents listed accordingly:

Mrs Mei Lin Clarke of 35 Longfield Road, Maddington asked the following questions:

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I would like to ask the Council if:

Q 1 Given that the Global Groundwater Report contains only an Exploratory License (from the Water and Rivers Commission (WRC)) No. 00110362 that does not indicate the specific figure of 37,500 cubic metres, could Council please furnish details of the following:

- (a) The number (No.) of the WRC 'Allocation Licence' that specified this 37,500 cubic metre allocated figure (on maximum of 5 hectares of land)?*

A copy of this WRC 'Allocation Licence' in its entirety?

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Will Council please highlight the particular section of that 'Allocation Licence' that states that the WRC (given other water demands in the area) is unlikely to allocate

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additional water to the rest of the Former Maddington Golf Course (and therefore, limiting the irrigated area to only 5 hectares)?

Would Council please clarify and explain all these issues in writing as well?

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- Q 2 (a) *Would it be possible for Council, given the saline quality of this available water, to request (1) surrounding nurseries (2) State/Federal Government salinity experts for advice on salt-resistant grasses, native or otherwise, conducive to the area, and therefore negate the need for supplemented scheme water re: the Former Maddington Golf Course?*

Will it then be necessary to commission a report, payable by ratepayers, if the advice can be freely obtained from the nurseries/State or Federal Governmental agencies in this regard?

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- (c) *Would Council please clarify and explain these issues in writing as well?*

Response: In reply to Mrs Clarke, the Director Infrastructure provided the following written response on the 10 June 2002:

“In response to your questions relating to the availability of water at the former Maddington Golf Course Site raised at the Ordinary Council Meeting on 28 May 2002 we advise as follows:

Question One

You are correct in stating that the Global Groundwater Report contains only an Exploratory Licence. The actual figure of 37,500 cubic metres comes from the Waters and Rivers Commission estimation of future allocations given other demands in the area. The City has not as yet applied for an extraction licence but is assured by the Commission that this allocation is set aside for use at the former Maddington Golf Course Site.

Question Two

In relation to your query about the level of water salinity at the site and salt-tolerant plant species, we advise that you are correct in stating that much of this information is readily available. There is no immediate necessity to commission a consultant as the mix of facilities has not as yet been determined.”

28 May 2002 Ordinary Council Meeting

Mr John Henderson of 21 Costello Street Maddington asked the following questions:

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Q 2 Why hasn't the tree at 22 Costello Street been lopped?

Response: In reply to Mr Henderson, the Director Infrastructure provided the following written response on the 11 June 2002. A copy of the response was also forwarded to the owner of 22 Costello Street, Maddington:

"I refer to your Question Taken on Notice at the Ordinary Council Meeting on 28 May 2002 regarding the verge tree at 22 Costello Street, Maddington.

The tree is a Eucalyptus species, Eucalyptus melliodora or similar sub species growing on the non-wired side of Costello Street. The low voltage power supply in this street has no influence on the tree. The house power supply wires which cross the street are outside of the 300mm clearance zone.

The tree was inspected on 10 June 2002 and did not reveal any requirements for lopping. From an arboreal perspective the tree is sound and does not require any work at this time.

The inspection noted that the house power wire to both 22 and 24 Costello Street, Maddington, passes over another tree growing on the front of 24 Costello Street, Maddington. The requirement for line clearing is not immediate and this will be actioned on the next occasion a crew is working in this street.

Thank you for your enquiry."

5.1 QUESTION TIME

Mr Peter Hitchins of 36 Galaxy Street, Beckenham, As. (*sic*) Secretary of the Bickley Ward Progress and Ratepayers Association, asked the following questions:

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Q 1 Is former Councillor Tom Askew still entitled to financial assistance from the City if the City takes legal action against him in relation to the concerns he had raised with the Minister and Department of Local Government whilst he was a serving Elected Member of Council?

Response: The Chief Executive Officer advised that the Council had requested a report from the CEO on options to recover ratepayer's monies in respect of the allegations made by former Cr Askew. Consequently, it was not appropriate at this point to answer the question

raised as to whether or not a former Councillor would or would not be entitled to ratepayer support.

- Q 2 Reference item 12.1 (*sic*) on page 5 of tonight's Agenda. What benefits would we ratepayers enjoy, were a Councillor to attend the conference at 'Caloundra' in August?

Response: The Mayor advised that she believed the benefits of Councillors attending Conferences have been evident for a very long time and that Councillors have attended many conferences, from which they have provided reports to Council. Many of the things now enjoyed in this City are a result of that. She explained that conferences formed part of Councillor's training as many come into the position with little or no knowledge of local government. The Mayor pointed out that conferences afforded Councillors the opportunity of training and education and allowed them to bring back information that is of benefit to the City and the community.

Mr Hitchins sought clarification as to the benefits of this particular conference also stating that with the Chief Executive Officer attending, was it necessary for him to be accompanied by a Councillor.

Response: The Mayor explained that the conference in Caloundra in Queensland was a conference at an international level dealing with issues relating to improving Cities and Towns arising from changes within the World and Australia today, and that Councillors come back and inform other Councillors and also work very closely with Council staff at progressing initiatives and ideas that they have learnt.

Mr Neville McArthur of 9 Matilda Street, Huntingdale asked the following questions:

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- Q 1 Is there a representative on the RoadWise Committee from Main Roads WA?; and
- Q 2 If not, would it be possible as I feel the issues discussed by RoadWise would be relevant to Main Roads WA in future traffic management issues?

Response: The Director Infrastructure advised that Main Roads is not represented on the City of Gosnells RoadWise Committee, however, Main Roads do have a representative on the State Roadwise Committee.

The Mayor added that the State Government RoadWise Committee emanates from the Western Australian Local Government Association which involves all local governments within the community. At the State level she clarified that the Director was indicating Main Roads are represented adding that officers employed to liaise with local

government would bring forward issues from local government RoadWise delegates to the State level.

Ms Nuala Brown of 217 Corncrake Court, Southern River asked the following questions in relation to item 12.1.1 “Creating Livable Cities Conference - Caloundra, Queensland 18 to 21 August 2002”:

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Q 1 Given that the City of Gosnells CEO has been invited to speak at the Creating Livable Cities Conference in Caloundra, Queensland 18 - 21 August 2002, can the Council advise why the ratepayers are being asked to bear the cost of this trip rather than the Conference organisers or are the Conference organisers bearing part of the costs already?

Response: The Mayor advised that she had already explained the reason for Council’s involvement and that these days it was common practice whether it was local government or any other forum that the expenses are covered by those that are attending.

Ms Brown queried further whether this applied even if they are invited.

Response: The Mayor advised that it was and that the City had also done so on certain occasions.

Q 2 If the Council vote not to allow the costs to be borne by ratepayers, what will the CEO do, given that the brochures appear to already have been printed, advertising the fact that the CEO, City of Gosnells is a speaker?

Response: The Mayor explained that the City has no control over what is printed adding that it was not a City of Gosnells function and that until the Councillors voted on the item this evening, no action would be taken.

5.2 PUBLIC STATEMENTS

Mr Brian McCubbing of 14 Matsen Close, Booragoon made a public statement in relation to item 12.5.3 “Development Application – Temporary Pharmacy, 271-289 (Lot 14) Amherst Road, Canning Vale”. He referred to the information package he had handed out to all Councillors and advised that Mr John Cooke, a pharmacist who was also attending the meeting would be able to assist with any questions of a technical nature regarding pharmacy regulations. Mr McCubbing spoke against the staff recommendation contained within the report and in doing so addressed the issues of precedent, amenity and justification of use, which he believed were the three grounds on which the officers had based their recommendation to refuse the application. In closing he asked that Council consider the proposal favourably.

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Henry Dykstra of 6/2954 Albany Highway, Kelmscott made a public statement in relation to item 12.5.4 “Development Application – Fast Food Outlet – Unit 3, No. 10 (Lot 1002) Warton Road, Huntingdale” speaking against the staff recommendations contained within the Agenda. Mr Dykstra confirmed close consultation with Council’s Planners and Engineers had occurred resulting in various issues relating to traffic and amenity being addressed, with officers indicating in the report that these issues could be managed. Mr Dykstra addressed the issues of site location, odour and lighting, adding that the proposal would foster new business activity in the area with Domino’s having the potential to employ up to 60 people, including youth. He stated that the proposal was consistent with zoning under new Town Planning Scheme 6 and was also consistent with Council’s Local Commercial Strategy. In closing he requested that Council consider the proposal on its merits and approve the application.

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6. CONFIRMATION OF MINUTES

COUNCIL RESOLUTION

Moved Cr MD Devereux Seconded Cr R Mitchell

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“That the Minutes of the Ordinary Council Meeting held on 28 May 2002, be confirmed.”

CARRIED 10/0

FOR: Cr S Iwanyk, Cr C Matison, Cr J Brown, Cr MD Devereux, Cr R Croft, Cr NJ Smith, Cr R Mitchell, Cr O Searle, Cr A Pisano and Cr PM Morris.

AGAINST: Nil.

7. PETITIONS AND MEMORIALS

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

A copy of all tabled documentation is located on File No. C3/1/5.

Cr MD Devereux tabled a copy of 20 completed survey forms titled “Huntingdale News – May 2002” in relation to traffic and parking problems in roads joining and including Matilda Street, Huntingdale..

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Cr Devereux requested the survey forms be presented to Council and forwarded to the RoadWise Committee for consideration at their next meeting.

Cr C Matison tabled a letter from Mr Brian Cooper, D Mellowship and M Cooper, partners of Aggy’s Coffee Lounge and Lunch Bar situated at Unit 2, 10 Warton Road, Huntingdale in relation to item 12.5.4 “Development Application – Fast Food Outlet – Unit 3, No. 10 (Lot 1002) Warton Road, Huntingdale” of this evening’s Agenda, requesting Council’s support in approving the application for a Domino’s Pizza outlet in Huntingdale.

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Cr C Matison requested the letter be included on the Records File relating to the matter. The letter will be forwarded to relevant staff for investigation and provision of an appropriate response to Mr Brian Cooper, D Mellowship and M Cooper.

Cr R Croft tabled a petition initiated Geoff Rayner - Bellray Pty Ltd trading as Domino's Pizza of 1140 Albany Highway, Bentley containing 159 signatures in support of the development application for a Domino's Pizza (Item 12.5.4 "Development Application – Fast Food Outlet – Unit 3, No. 10 (Lot 1002) Warton Road, Huntingdale" of this evening's Agenda). The petition stated:

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"We the undersigned electors of the City of Gosnells request that Domino's Pizza be allowed to trade in Unit 3, 10 Warton Road, Thornlie for the following reasons:

For the convenience of the public and the benefit of the people working within the complex and because of the excellent location."

Cr R Croft tabled the petition for the information of all Councillors. The letter will be forwarded to relevant staff for investigation and provision of an appropriate response to Mr Rayner.

Cr R Croft tabled a letter from Mr Lindsay Holland of 4 Wood Place, Forest Lakes requesting Council consider proclaiming the Forest Lakes area of Thornlie as a separate suburb with its own postcode.

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The letter will be forwarded to relevant staff for investigation and provision of an appropriate response to Mr Holland.

Cr NJ Smith tabled a letter from the Bickley Ward Progress and Ratepayers Association signed by P Htchins (*sic*), Acting Secretary (no address provided) requesting the City desist with action against former Cr Tom Askew and current serving Cr O Searle.

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Notation

As the letter was a statement and did not call for a response it will be forwarded to the relevant staff for inclusion on the Records File relating to the matter.

8. LEAVE OF ABSENCE

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

* 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.

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(2) The notice referred to in paragraph (1) shall include the period of leave of absence required and the reasons for seeking the leave.

Nil.

9. QUESTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN

(without discussion)

Nil.

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

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

COUNCIL RESOLUTION

Moved Cr O Searle Seconded Cr R Mitchell

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

Item 12.5.3 Development Application – Temporary Pharmacy, 271-289 (Lot 14) Amherst Road, Canning Vale;

Item 12.5.4 Development Application – Fast Food Outlet – Unit 3, No.10 (Lot 1002) Warton Road, Huntingdale; and

Item 12.5.8 Civic Complex Project - Carparking.”

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CARRIED 10/0

FOR: Cr S Iwanyk, Cr C Matison, Cr J Brown, Cr MD Devereux, Cr R Croft, Cr NJ Smith, Cr R Mitchell, Cr O Searle, Cr A Pisano and Cr PM Morris.

AGAINST: Nil.

**12.5.3 DEVELOPMENT APPLICATION – TEMPORARY PHARMACY, 271-289
(LOT 14) AMHERST ROAD, CANNING VALE**

File: 226632 **Approve Ref:** 0102/0829 (SW) psrpt088Jun02
Name: Hindley and Associates Pty Ltd
Location: 271-289 (Lot 14) Amherst Road (Corner Warton Road),
Canning Vale
Zoning: MRS: Urban
TPS No. 6: Residential Development
Appeal Rights: Yes. Minister for Planning and Infrastructure (Appeals
Office) or Town Planning Appeal Tribunal against a refusal or
any condition(s) of approval.
Previous Ref: Item 12.5.5, Resolution No. 475 OCM 27/6/00
Area: 3.5409ha

PURPOSE OF REPORT

For Council to consider an application for a temporary pharmacy at 271-289 (Lot 14) Amherst Road, Canning Vale, as the proposal is outside Council's delegation to staff.

BACKGROUND

At its Ordinary Meeting dated 27 June 2000, Council approved a development application for a mixed-use neighbourhood centre on this site. The applicant has recently submitted a request for re-approval of that development; as the current approval is due to expire on 14 July 2002.

The applicant's client has obtained approval from the Australian Community Pharmacy Authority (ACPA) to dispense pharmaceuticals under the Pharmaceutical Benefits Scheme (PBS). A condition of that approval requires that a pharmacy should be operational on-site by no later than 14 July 2002; if that condition is not complied with the approval will lapse.

As the client is still finalising arrangements for the first stage of the development, there will not be a permanent building on-site by 14 July 2002. The applicant is therefore seeking approval for a temporary pharmacy, for a period of not more than two years.

Insert Location Plan

The proposed temporary pharmacy is a 120m², 6m x 20m transportable building that is clad in non-masonry materials (see elevation plan). The temporary pharmacy would contain a minimal number of windows, as a security measure because of the drugs kept in the building. In order to “break up” the 20 metre length of the building, which contains no windows, the applicant is proposing the painting of the building in the pharmacy’s corporate colours (refer elevation plan).

Insert Elevation Plan

The temporary pharmacy is proposed to be located 4 metres from the (widened) Warton Road reserve; the distance from the temporary pharmacy to the existing Warton Road carriageway would be approximately 20 metres (see site plan). People driving along Warton Road would see the 20 metre long side of the temporary pharmacy.

Insert Site Plan

If approved, it is recommended that a condition be applied to this development application requiring that the road widening be given up. The access driveway and carparking area would be constructed to the minimum sealed and kerbed standard and ultimately incorporated into the first stage of development.

TPS 6 states that the minimum setback to Warton Road is subject to the design requirements of the Council.

Clause 5.8.2 of TPS 6 states that for Commercial zoned properties:

“Unless otherwise determined by the Council, any building shall comply with the following requirements:

- (a) each façade of the building shall be constructed of masonry, concrete or glass or a combination of one or more of those materials or similar materials as approved by the Council; and*
- (b) where the bottom 2 metres is masonry, Council may approve the use of metal, timber or other paneling above the masonry base.”*

Clause 11.5.1(a) of TPS 6 states that Council may specify an approval period of less than two years if it wishes.

Clause 5.5.1 of TPS 6 states that:

“Except for development in respect of which the Residential Planning Codes apply, if a development is the subject of an application for planning approval and does not comply with a standard or requirement prescribed under the Scheme, the local government may, despite the non-compliance, approve the application unconditionally or subject to such conditions as the local government thinks fit.”

The applicant has submitted the following in support of their application:

- *“Clearly, the Neighbourhood Centre site is the most appropriate location for a pharmaceutical dispensary. In terms of providing the best level of service to the community, and it is important to ensure that this capability is protected by enabling compliance with the conditions.”*
- *“In terms of the appropriateness of using a temporary building for this purpose, it is quite common for such buildings to be used for temporary purposes in this way. In particular, in this locality, temporary buildings are regularly used as sales offices for the various residential estates in the locality. Demanding the use of more permanent construction techniques, such as solid brick construction, is not only an unnecessary added expense, it is also environmentally wasteful.”*

- *“It is also relevant to consider that the site will, during the various construction phases of the overall commercial development, house one or more transportable buildings for use as construction site offices, workers amenities etc. the location of such buildings on a construction site is typically approved without question, and the community would have a natural expectation that such buildings will exist on the site before and during construction.”*
- *“Given that the proposed location for the temporary building is well removed from the nearest house in the Brookland Green housing estate which adjoins the subject site to the immediate west and that bush and other vegetation is located between the proposed location and the nearest house we don’t see the question of the façade of the temporary building as being a major issue.”*
- *“We would therefore submit that the community is unlikely to make any objection to the location of a temporary transportable building on the site, particularly given that its purpose is to provide a facility for the benefit of the local community.”*

Clause 11.2 (x) of TPS 6 states that the potential loss of any community service or benefit resulting from the planning approval is a matter to be considered by Council.

As the proposal would be accessed from Warton Road, it has been referred to the Department of Planning and Infrastructure (DPI) for its comment. That comment is yet to be received.

DISCUSSION

Clause 5.5.1 to TPS 6 gives Council the ability to consider this application on its merits and vary the requirement contained within Clause 5.8.2. Before making this decision there are some issues that require consideration.

Firstly, the intent of Clause 5.8.2 is to protect amenity. In those terms, non-masonry materials are deemed to be sub-standard, and this criteria is intended to be applied regardless of the permanency of the structure. The proposed painting of the transportable building is not considered to significantly improve its appearance.

The applicant’s analogy of a land sales office is partially relevant, as those buildings are similar in terms of their cladding, but much smaller. It is also noted that Land Sales offices are usually located on internal subdivisional roads, rather than Other Regional Roads.

At the moment Council has no policy on Land Sales Offices, however a draft policy proposes the removal of the office and any bitumen/hardstand areas within a time period of two years from the date of approval, or upon sale of all lots within the subdivision, whichever is the lesser. The intent of this draft requirement is to achieve removal of the structure before it affects the amenity of the surrounding residential area.

The point about the temporary pharmacy being screened from the adjoining residential area is taken, however consideration must also be given to the fact that the temporary pharmacy would be highly visible from Warton Road. Warton Road, being an Other Regional Road, carries a high volume of traffic. In the year 2000, this section of Warton Road carried 14,000 vehicles per day. It can be assumed that the average daily figure has increased since that time given the additional residential development that has occurred in this area.

The amount of time that the temporary pharmacy would spend on site is also an important consideration; if it was only on-site for a period of construction such as one or two months, the impact on amenity would not be too significant, however if it remained on-site for the full two years the impact on amenity would be significant. The minimum amount of time required to construct the first stage is approximately 12 months. Council could approve the temporary pharmacy for that period of time, however, it is also considered that leaving the temporary building on site for that period of time would have a negative impact on amenity.

If approved, a condition could be applied requiring the planting of shade trees in the carpark at this stage (refer site plan). It is unlikely, however, that given the spacing of those trees that the building would be screened from Warton Road to any great extent.

Another issue that requires consideration is that of precedent. If Council was to approve this application, it would create a precedent for similar applications to be approved in the future.

The applicant, in stating that the "Neighbourhood Centre site" is the most appropriate location for a pharmaceutical dispensary, is referring to Lot 14. This statement is incorrect, as the neighbourhood centre consists of the future development on all four corners of the Warton Road/Amherst Road/Holmes Road intersection.

Further, Lot 14 is one of three sites comprising the neighbourhood centre that have been allocated retail floorspace by Council and could contain a pharmacy. Neither site is considered to be a more appropriate location for a pharmacy.

The potential "loss" of the temporary pharmacy facility, if this application were refused is, as mentioned above, a planning consideration. In this regard, the applicant has not demonstrated that there is the local demand to justify the construction of a pharmacy on the site at the moment; their purpose in placing the temporary building on-site is to secure their client's ACPA approval. Some local residents and passing trade would use the temporary pharmacy if it was placed on site, however, given that the surrounding residential catchment is only partially developed, demand for the service is, as yet, incomplete.

In summary, it is noted that the materials and size of the temporary pharmacy have the potential to impact upon amenity. Given that the temporary building could be located in this highly visible position for up to two years, the potential impact upon amenity is considered to be significant. It is considered that this potential impact upon amenity

would out way the community benefits that may result from approving the temporary pharmacy. On that basis, it is recommended that Council refuse this application.

FINANCIAL IMPLICATIONS

Nil.

STAFF RECOMMENDATION

Moved Cr R Mitchell Seconded Cr C Matison

That Council refuse the application for a temporary pharmacy at 271-289 (Lot 14) Amherst Road, Canning Vale as the materials and size of the temporary pharmacy, located in this highly visible position for up to two years, would have a significant impact upon amenity.

LOST 0/10

FOR: Nil.

AGAINST: Cr S Iwanyk, Cr C Matison, Cr J Brown, Cr MD Devereux, Cr R Croft, Cr NJ Smith, Cr R Mitchell, Cr O Searle, Cr A Pisano and Cr PM Morris.

Foreshadowed Motion

During debate Cr O Searle foreshadowed that she would move the following motion if the motion under debate was defeated:

COUNCIL RESOLUTION

Moved Cr O Searle Seconded Cr NJ Smith

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“That Council approve the application for a temporary pharmacy at 271-289 (Lot 14) Amherst Road, Canning Vale, subject to:

1. The developer entering into a legal agreement with Council, at the developer’s expense that requires the temporary pharmacy building to be removed from the site within 18 months of the date of approval.
2. Access from Warton Road being designed and constructed to the satisfaction of the Department of Planning and Infrastructure and the Director Infrastructure.
3. Standard conditions 3.1 (8), 3.2, 4.1, 4.3, 4.4(\$10,000), 5.1, 6.1, 7.1, 21.2 and Advice Notes D1.1, D2.1, D3.1, D5.1, D14.1.”

CARRIED 10/0

FOR: Cr S Iwanyk, Cr C Matison, Cr J Brown, Cr MD Devereux, Cr R Croft, Cr NJ Smith, Cr R Mitchell, Cr O Searle, Cr A Pisano and Cr PM Morris.

AGAINST: Nil.

**12.5.4 DEVELOPMENT APPLICATION – FAST FOOD OUTLET – UNIT 3,
NO. 10 (LOT 1002) WARTON ROAD, HUNTINGDALE**

File: 216523 **Approve Ref:** 0102/0813 (LS) Psrpt092Jun02
Name: G & A Rechichi and R & J Urquhart
Location: Unit 3, 10 (Lot 1002) Warton Road, Huntingdale
Zoning: MRS: Urban fronts Other Regional Roads
TPS No. 6: Mixed Business
Appeal Rights: Yes. Minister for Planning and Infrastructure (Appeals Office) or Town Planning Appeal Tribunal against a refusal or any condition(s) of approval.
Previous Ref: OCM 27 February 2001 (Resolution 93)
Area: Lot 1002 = 4219m²
Unit 3 = 158m²
Appendices: 12.5.4A Extract of Consultant's Report dated March 2002
12.5.4B Supplementary submission from Consultant dated 22 May 2002

PURPOSE OF REPORT

For Council to consider an application proposing a fast food outlet at Unit 3, 10 (Lot 1002) Warton Road, Huntingdale as it is outside of the authority delegated to staff.

BACKGROUND

An application proposing a change of use to one of the tenancies located at No. 10 Warton Road was received by Council on 2 April 2002. The subject site is zoned 'Urban' in the Metropolitan Region Scheme and 'Mixed Business' under the City of Gosnells Town Planning Scheme No. 6 (TPS 6). Under the City of Gosnells Town Planning Scheme No. 1 the site was zoned 'Residential A' with the additional use of Medical Centre and Office.

Insert Site Plan

The tenancy forms a part of a commercial development with ten strata units sharing a common parking area containing 60 car parking bays. Lot 1002 has an area of 4219m² and is triangular in shape with a 116-metre frontage to Warton Road. The tenancy subject to this application is Unit 3, the largest of the ten units having an area of 158m². Other tenancies on the site include a veterinary clinic, lunch bar, real estate office, trophy business, chiropractor and settlement agent. Vehicular access to the site is primarily from Warton Road, with two secondary access points provided to Lilac Place.

The application proposes a change of use for Unit 3 to 'Fast Food', a use class designated as an 'A' use within a Mixed Business zone under TPS 6. The Scheme defines an 'A' use as a use that is:

“not permitted unless the local government has exercised its discretion by granting planning approval after giving special notice in accordance with clause 10.4”.

In this regard the application was advertised in accordance with clause 10.4 with notices being sent to owners and occupiers of properties within 300-metres of the subject site.

Upon completion of the 14-day comment period a total of twenty submissions were received by Council. Of these submissions thirteen stated an objection to the proposal and seven stated no objection. These submissions are summarised in the schedule of submissions.

Location Plan

Schedule of Submissions

| No. | Name Address | Description of Affected Property: Lot No, Street, etc | Summary of Submission | Staff Comment |
|-----|---------------|---|--|--|
| 1. | M & D Dagnall | 32 (Lot 2) Warton Road, Huntingdale | Objection. Concerned about the effect the proposal will have on traffic in the area and believes that this will result in further difficulties for them in accessing Moss Street. | See Traffic and Carparking Section below. |
| 2. | P Envine | 9 (Lot 29) Lilac Places, Huntingdale | Objection. Concerned that cooking smells will affect amenity and that the proposal will further impact upon traffic problems in the area. In addition, states that rubbish disposal will be a problem and that when purchasing his property was told that the subject lot tenancies were to be occupied by offices only. | See Impact on Amenity section below for discussion on cooking odours. See Traffic and Carparking Section below. It is also acknowledged that there may be an increased amount of rubbish disposed of incorrectly by customers. It is also acknowledged that until the gazettal date of TPS 6 the tenancies within the subject lot were restricted to professional offices with the exception of the lunch bar. |
| 3. | S & J Simmons | 10 (Lot 26) Empire Way, Thornlie | Objection. States that there is a proliferation of take-away stores in the Thornlie area. States that crime in the area has increased significantly and that the proposal would provide another place for youth to "hang-out". | This proposal would involve the relocation of an existing store. A portion of customers would pick up their pizza from the store in preference to having it home-delivered. It is noted that there would be no tables inside the store for patrons to use once they have picked up their pizza, which means that a small proportion of people may eat their pizza in the carpark before leaving. There is no evidence however that this would result in loitering or anti-social behaviour. The proposal would increase the number of legitimate users who are at this center after-hours, thereby providing additional surveillance. |
| 4. | D Lister | 12 (Lot 85) Danohill Street, Huntingdale | No objection. | Noted. |

| No. | Name Address | Description of Affected Property: Lot No, Street, etc | Summary of Submission | Staff Comment |
|-----|--|---|---|--|
| 5. | C Phillips PO Box 408, Cannington | 11 (Lot 109) Moss Street, Huntingdale | Objection. Believes that the fast food outlet is not complementary to the existing medical centre and will encourage young people to loiter and cause congestion in the parking area. States that there are already two pizza shops in close proximity. States that the proposal is likely to worsen the existing traffic problems associated with the intersection of Warton Road and Moss Street. | See 3 above. See Traffic and Carparking Section below. |
| 6. | J Vernon | 9 (Lot 175) Majestic Court, Thornlie | No objection. | Noted. |
| 7. | J Thurlaway | 9 (Lot 147) Empire Way, Thornlie | Objection. States that there are already a sufficient number of pizza outlets in the area, and that the proposal will increase vehicular noise late at night and increase litter and vandalism in the area. | See 2 and 3 above. |
| 8. | G Van Leeuwen | 7 (Lot 28) Lilac Place, Huntingdale | Objection. Believes that the proposal will attract an increasing amount of anti-social behaviour and crime. Concerned that the proposal will increase traffic problems at the intersection of Moss Street and Warton Road. Believes that there is already a proliferation of pizza outlets. Suggests alternative more suitable locations, Huntingdale Village, Forest Lakes Shopping Centre, Huntingdale Shopping Centre. | See 3 above. See Traffic and Carparking Section below. |
| 9. | B Coopek | Unit 2, 10 (Lot 1002) Warton Road, Huntingdale | No objection. Believes that the proposal will bring new business into the area and improve security through increased passive surveillance. | Noted. |
| 10. | R Robertson | 1 (Lot 155) Imperial Court, Thornlie | Objection. Concerned about traffic generated. | See Traffic and Carparking Section below. |
| 11. | R & P Van Dam 6 Colony Court, Thornlie | 24 (Lot 31) Yulan Court, Huntingdale | Objection. Will amplify existing problems associated with the intersection of Moss Street and Warton Road. Objects to the likely smell associated with fast food outlets, and believes that the proposal would result in an increased number of undesirable people loitering in the area. | See Traffic and Carparking Section below. See 3 above. See Impact on Amenity section below for discussion on cooking odours. |

| No. | Name Address | Description of Affected Property: Lot No, Street, etc | Summary of Submission | Staff Comment |
|-----|---|---|---|--|
| 12. | P Sinfield | 3 (Lot 156) Imperial Court, Thornlie | No objection subject to no impediment to access to other businesses in the vicinity, no decrease in safety and security of local residents and businesses, and no rubbish being scattered by customers. | Noted. The scattering of rubbish by customers is beyond the control of Council. |
| 13. | Z & G Bunduc 14 Bushlark Rise, Canning Vale | 2 (Lot 21) Yulan Court, Huntingdale | No objection. | Noted. |
| 14. | G Morgan | 24 (Lot 31) Yulan Court, Huntingdale | Objection. States that the intersection of Warton Road and Moss Street will not be adequate for the increased volumes of traffic. The intersection is already congested and regularly has accidents. Objects to the likely odour and the likely increase in undesirable people being in the area late at night. States that car parking is likely to be a problem during the day. | See Traffic and Carparking Section below. See Impact on Amenity section below for discussion on cooking odours. See 3 above. See Traffic and Car parking section for discussion on carparking. |
| 15. | D Tilbrook | 11 (Lot 30) Lilac Place, Huntingdale | No objection. | Noted. |
| 16. | M Karanikolaou | 3 (Lot 55) Moss Street, Huntingdale | Objection. States concern over traffic congestion at the intersection of Moss Street and Warton Road and believes a fast food outlet would amplify problems. | See Traffic and Carparking Section below. Not stated which problems they are referring to. |
| 17. | J Durack c/- 10/16 St Georges Terrace, Perth | 14 (Lot 1001) Lilac Place, Huntingdale | No objection subject to sufficient car parking being provided. | Noted. The peak times of the pizza shop operation will coincide with time that most of the other tenancies are closed therefore reciprocal car parking can be argued. |
| 18. | M Maxwell | 7 (Lot 81) Moss Street, Huntingdale | Objection. States that the proposal will further increase problems associated with traffic in Moss Street. | See Traffic and Carparking Section below. |
| 19. | G Price | 3 (Lot 5) Wattle Way, Huntingdale | Objection. Concerned about likely increase in traffic at the intersection of Moss Street and Warton Road, states that the proposal will worsen existing situation. | See Traffic and Carparking Section below. |
| 20. | A & J Wheelen | 7 (Lot 158) Imperial Court, Thornlie | Objection. Increased traffic late at night, noise from customers, rubbish strewn everywhere, concerned that their street could be used as a short cut. | See Traffic and Carparking Section below. See 2 and 3 above. Imperial Court may be used as a pedestrian/cycle route to the centre. |

The application was also referred to the Western Australian Planning Commission (WAPC) for comment due to the location of the subject lot fronting a road designated as "Other Regional Road" in the Metropolitan Region Scheme. In a letter received on 14 May 2002 the Department for Planning and Infrastructure stated on behalf of the WAPC that they have no objections to the proposal based on the retention of the left-in left-out only access to Warton Road.

DISCUSSION

Although not stated in the report submitted with the application, the applicant has advised that it is the intention to relocate the existing Domino's Pizza located in Binley Place, Maddington to Unit 3, 10 Warton Road if this application is approved. The applicant also provides the following information:

Lighting and Security

"Any lighting, car parking and pedestrian activity will be screened from the residential properties to the south of Lilac Place by the nature of the building bulk which separates this activity from the residential area ... Improved lighting [of the car park area] will provide improved security for this area after normal business hours."

After Hours Operation

"Whilst the proposed Domino's Pizza shop will operate beyond the typical hours of business, it is important to note that the peak period of operation is from approximately 5:00pm to 7:00pm, and that after this time the customer and delivery activity is sporadic."

Odour Potential

"In terms of potential food odours, this new store will be installing a state of the art invent canopy which encloses the three ovens and induces air and extracts air at the same time, with the result that even inside the store food odours are extremely minimal."

An extract of the consultant's report providing additional information and arguments in favour of the application has been included as Appendix 12.5.4A. In addition, a supplementary submission from the consultant is also included as Appendix 12.5.4B.

City of Gosnells Local Commercial Strategy

The Western Australian Planning Commission's policy statement 'Metropolitan Centres', highlights fast food within Planning Land Use Category 5 – 'Shop/Retail' by WA Standard Land Use Classification. This results in fast food outlets being included in Shop/Retail floorspace calculations for the purpose of the City of Gosnells Draft Local Commercial Strategy. In the past the Council has resolved not to include fast food outlets that have a restaurant component into Shop/Retail floorspace calculations based on the nature of these types of establishments sharing little in common with other

types of shops. However, this is not considered to be the case with pick-up only outlets which as a result are considered to constitute Shop/Retail floorspace.

The Local Commercial Strategy highlights the subject property as a Local Centre and states in relation to these centres that there will be the need for an overall rationalisation to ensure their viability. Following the gazettal of TPS 6 the subject lot was rezoned to Mixed Business rather than Local Centre, reflecting this intention to reduce the number of local centres. Given the location of a “true” neighbourhood centre within 400 metres, on the corner of Warton Road and Matilda Street, this site was an obvious choice for rationalisation. The Mixed Business classification was believed more appropriate as a number of the existing tenancies provide services for catchments much larger than the local neighbourhood, for example the Settlement Agent.

The following recommendations were made in the Local Commercial Strategy relating to Mixed Business areas:

“Very importantly, that stronger and more effective development controls be imposed to ensure that Shop Retail uses do not locate in the Mixed Business areas. The only retail uses that should be permitted in these areas should be designated Other Retail uses”.

Other Retail uses include showrooms and other forms of bulky goods retailing.

The Local Commercial Strategy highlights the importance of strengthening the Local and District Centres by keeping vacancy rates low and through implementing sound civic design techniques. It is considered that by allowing additional Shop/Retail uses outside of these centres it is effectively decreasing the viability of similar businesses located within the Local and District Centres. This in turn has implications for the Liveable Neighbourhoods Community Code objectives of a more sustainable urban design generally, and has particular relevance for some areas within the City where Local and District Centres are already experiencing difficulty due to the level of social disadvantage experienced by their surrounding population.

In this instance, the approval of a fast food outlet may take away focus from the Huntingdale Local Centre and the Thornlie and Forest Lakes District Centres. Given the high profile of the intersection of Warton and Spencer Roads, it is considered a real possibility that the approval of one fast food premises may encourage others to also seek to locate on the subject site.

Mixed Business Zones

Town Planning Scheme No. 6 outlines the objectives of a Mixed Business zone as being:

“To provide for a variety of commercial activities including showrooms and other forms of bulk retailing/display in strategically located areas of the City”.

The Local Commercial Strategy goes further to state that *“Office/Business uses and showrooms of high quality appearance should continue to be encouraged”.*

Both of these documents highlight the proposal's inappropriateness given the subject lot's zoning, and seek to encourage other non-retailing business activities. However, it should also be noted that during the course of the current application's assessment concerns about the appropriateness of the Mixed Business zoning of the subject property and the adjoining lot have arisen. This is primarily due to the emphasis on showroom development for Mixed Business zones. Given the existing building consists of relatively small tenancies the ability of such a development to accommodate bulk retailing activity is questionable. In addition, the development is currently characterised by office and similar professional activities as a result of the previous zoning under Town Planning Scheme No. 1. It is considered that this type of office related activity is the most desirable use of this property, and the continued application of a Mixed Business zone may compromise this.

Traffic and Carparking

There are two existing traffic problems affecting this site.

A median island provides for left-out movements only onto Warton Road, and a number of drivers who leave the site and wish to go east exit left onto Warton Road and then do a dangerous U-turn at the Moss Street median break. The City's Traffic Engineer intends asking Main Roads to place a no U-Turn sign in this location.

These U-turning drivers should leave the site by accessing Lilac Place via one of the two existing crossovers, turning right into Moss Street, and then turning right into Warton Road across the median break. The problem here is that in peak hour, traffic waiting to turn right onto Warton Road stacks up on Moss Street, past Lilac Place which is located only a short distance from Warton Road. Thus drivers wishing to make the correct movement east from this site face lengthy delays and congestion in doing so.

An alternative right turn onto Warton Road is available at Matilda Street, however the route to get there is comparatively lengthy and unlikely to be used for that reason.

The concern voiced in several submissions is that this proposal would create additional traffic and therefore exacerbate these existing problems. This concern was raised with the applicant at which time it was suggested that these traffic problems would form a recommended reason for refusal of the application in any subsequent report to Council.

As a result of this discussion and discussions held with the City's Traffic Engineer, the applicants have agreed to modify the proposal to more adequately address the traffic issues. These modifications include the applicant's contribution towards the construction of a slip lane capable of holding up to three cars where U-Turns could be executed more safely. The applicant has indicated that a contribution of 50% towards the cost of construction of this lane would be made available based on an estimated cost of \$10,000-\$15,000. The applicant has limited the contribution to 50% stating that the slip lane would resolve a traffic problem that already exists for the other tenancies on site. Whilst it is acknowledged that this may be the case, it is recommended that Council only support the application if the full cost of construction is met by either the applicant or the applicant in combination with the other landowners.

In relation to car parking Table 3A of TPS 6 specifies that fast food outlets require a minimum provision of car parking to be provided at a rate of one bay for every 2.5m² of queuing area. The current application proposes a queuing area of 21.5m² and as such requires nine car parking bays. As mentioned previously the 60 car parking bays on Lot 1002 are shared amongst the ten tenancies. The applicant has indicated that the tenancy would have the exclusive use of eight car parking bays, and the ability to use other tenancies' car parking during peak night times when a large proportion of the other tenancies are unoccupied. It is considered that although the veterinary clinic also operates after 5.00pm, arguments for reciprocal car parking can be recognised for the site.

It should be noted however that whilst the current application is not considered to create an unacceptable car parking situation, the two lots would not support additional similar uses being approved. This is due to the car parking requirement for fast food uses being greater than the requirements for the existing uses on site.

Impact on Amenity

The introduction of a fast food outlet to the existing commercial development at 10 Warton Road has the potential to impact on the amenity of surrounding residential properties at a number of levels. The site is currently characterised by businesses that keep standard hours, generally closing prior to 6.00pm. The veterinary clinic and chiropractor have extended hours on nominated evenings, however, neither of these businesses would open until 1.00am as would be the case for the pizza outlet on Friday and Saturday evenings. As such, it is considered reasonable to assume that if approved, this development will have an increased negative impact on surrounding properties in terms of increased traffic generated late at night. In addition, there is the potential for light spillage (not limited to car park lighting) and the generation of localised odours. The applicant has submitted information to Council that argues that these issues will be adequately addressed through the implementation of sound management techniques.

In support of the application, the proponent has stated that the application would benefit the surrounding area in terms of providing greater security through opportunities for increased passive surveillance in the evenings and through occupying a vacant tenancy that has proven difficult to lease. Whilst acknowledging that this may be the case, these benefits do not resolve the underlying issue being that the proposal is seen as being better suited to other locations within the City.

Options

In determining this application the Council can choose to either refuse the application, or to approve it subject to the provision of a slip lane to address the traffic concerns raised in the previous section of this report. In addition, if the Council chooses to approve the application it should ensure that adequate conditions are imposed to control lighting, signage and the control of odours.

Summary

It is considered that the proposal to change the use of Unit 3, 10 Warton Road, Huntingdale to that of a fast food outlet is inappropriate for this site for the reasons outlined in the previous sections of this report. The grounds for refusal revolve around the view that there are more appropriate zones within the City for this type of activity, and that if approved this fast food outlet would provide unnecessary competition to similar outlets in Local and District Centres where their operation should be encouraged. It is also considered likely that if one application for a fast food outlet is approved in this commercial development it would set an undesirable precedent for other similar proposals.

The report has also highlighted that the current zoning of the subject lot may not be the most appropriate given the existing uses on site and the planning intentions for the area. In addition, there is an inconsistency between TPS 6 and the Local Commercial Strategy in relation to the subject site. As a result it is also recommended that Council review the current Mixed Business zoning of the subject property and ascertain if any other types of zone would be more suitable. Similarly it is also recommended that the Local Commercial Strategy be updated to exclude this centre from the list of Local Centres within the City.

FINANCIAL IMPLICATIONS

Nil.

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

Moved Cr NJ Smith Seconded Cr MD Devereux

That Council refuse the application submitted by Domino's Pizza on behalf of G & A Rechichi and R & J Urquhart for a Fast Food Outlet at Unit 3, 10 (Lot 1002) Warton Road, Huntingdale, on the basis that:

1. The application is considered to be potentially detrimental to the amenity of the surrounding residential properties.
2. Alternative zones such as Local, Neighbourhood, District and Regional Centre are considered more suitable to accommodate this type of land use.
3. Approval of the application would provide an undesirable precedent for similar proposals in this area.

LOST 0/10

FOR: Nil.

AGAINST: Cr S Iwanyk, Cr C Matison, Cr J Brown, Cr MD Devereux, Cr R Croft, Cr NJ Smith, Cr R Mitchell, Cr O Searle, Cr A Pisano and Cr PM Morris.

Foreshadowed Motion

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

COUNCIL RESOLUTION

Moved Cr R Croft Seconded Cr C Matison

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“That Council approve the application submitted by Domino’s Pizza on behalf of G & A Rechichi and R & J Urquhart for a Fast Food Outlet at Unit 3, 10 (Lot 1002) Warton Road Huntingdale, subject to the following conditions:

1. A detailed management plan covering the fast food outlet’s operations in relation to traffic management (including parking), signage, lighting, odour control, rubbish disposal and delivery driver’s access and egress, is to be submitted and complied with to the satisfaction of the Director Planning and Sustainability and the Director Infrastructure.
2. The full cost of the construction of a slip-lane capable of holding up to three cars to enable them to perform u-turns safely be met by the applicant, prior to the issue of a certificate of classification from Council’s Building Services.
3. Adequate provision is to be made for the disposal of rubbish.
4. The fast food outlet is approved for take-away business only, no dining will be permitted within the premises.
5. Standard condition 6.1 and advice notes D3.1, D17.1, D18.”

CARRIED 10/0

FOR: Cr S Iwanyk, Cr C Matison, Cr J Brown, Cr MD Devereux, Cr R Croft, Cr NJ Smith, Cr R Mitchell, Cr O Searle, Cr A Pisano and Cr PM Morris.

AGAINST: Nil.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION

Moved Cr NJ Smith Seconded Cr MD Devereux

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“That Council authorise staff to investigate an amendment to the City of Gosnells Town Planning Scheme No. 6 to rezone the subject lot from “Mixed Business” to “Office” which relates more closely to the existing development on site and the planning intentions for the area.”

CARRIED 10/0

FOR: Cr S Iwanyk, Cr C Matison, Cr J Brown, Cr MD Devereux, Cr R Croft, Cr NJ Smith, Cr R Mitchell, Cr O Searle, Cr A Pisano and Cr PM Morris.

AGAINST: Nil.

Amendment

During debate Cr C Matison moved the following amendment to the staff recommendation:

“That the second staff recommendation be amended by the addition of the following words “and a further report be presented to Council” after the word “area” where it appears at the end of the paragraph.”

Following further debate Cr C Matison subsequently withdrew her proposed amendment.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION

Moved Cr NJ Smith Seconded Cr MD Devereux

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“That Council amend the draft Local Commercial Strategy to delete the subject lot and the lot adjoining it from being referred to as a Local Centre under the hierarchy of centres.”

CARRIED 10/0

FOR: Cr S Iwanyk, Cr C Matison, Cr J Brown, Cr MD Devereux, Cr R Croft, Cr NJ Smith, Cr R Mitchell, Cr O Searle, Cr A Pisano and Cr PM Morris.

AGAINST: Nil.

The Mayor advised the meeting that Cr A Pisano, due to owning property and business had disclosed a Financial Interest in the following item in accordance with Section 5.60 of the Local Government Act 1995.

8.20pm – Cr A Pisano left the meeting.

12.5.8 CIVIC COMPLEX PROJECT - CARPARKING

File: 3.1.20b

(NS) psrpt089Jun02

Appendix: 12.5.8A Gosnells Civic Complex – Undercroft Parking Issues

PURPOSE OF REPORT

To advise Council of the current Stakeholder concerns relating to the Civic Complex carparking, to outline the options available to the City and to seek endorsement of a recommended course of action and outcome.

BACKGROUND

At the presentation by Architects to Councillors as part of the selection process for the Architectural Consultancy, a Councillor view was expressed that the undercroft parking for the building would be retained for public use with no specific allocation for Council staff or the building tenants. This view has been re-iterated by at least two other Councillors over the course of the project.

This view of the use of the carpark has been expressed to all building tenants who have firmly expressed their concerns for safety if the carpark is managed in this manner. The stakeholders concerns can be summarised as follows:

- The undercroft carpark will provide a number of dark places for a person wishing to perpetrate an unlawful act or to hide or to spring out and attack someone.
- Multiple unguarded entries and exits make access control difficult
- Passive surveillance is limited in a undercroft carpark.
- The security concerns related to a undercroft carpark are far greater than those related to an open above ground carpark
- The library have specific concerns due to the regular late opening hours which they maintain.
- The Lotteries House Tenants are also concerned due to the after hours work which they undertake. Their situation is complicated due to the nature of the work they do as they believe that they are more at risk from clients or people associated with their clients.

The issues related to the security of the undercroft carpark have been addressed with specialised Council Staff asked for their input to help resolve or clarify the issues. The Manager SafeCity has been consulted and has provided the following advise:

- CCTV would not be an adequate solution as it is a retrospective security tool unless a security person is paid to constantly monitor the system. Furthermore the Closed Circuit Television unit would not be able to view every space by way of camera vision in the undercroft area, particularly when vehicles are stationary.
- A hybrid solution of some security parking and some public parking would be an unsatisfactory compromise as this would create a number of weak spots within the system. Vehicle security could be achieved but personal security would be compromised due to common circulation areas.
- A system of public parking during the day and security parking at night would have complicated and expensive management issues as the general public who left their car parked after the deadline would not be able to access it once the security parking arrangements started. The Council does not currently have the resources to manage such an arrangement.
- Vehicles in any open carpark at night are vulnerable to being used as hiding places for people to "spring out" to those who are attending their vehicle. In a undercroft carpark there is less natural and passive surveillance placed on the area. Therefore by allowing the carpark to be open to the public, even during daytime hours, the area in terms of the vehicles and those people entering and

exiting their vehicles at the parking area, would become more vulnerable to an opportunity for a crime to occur.

- It is important to note that the fundamental principles of the SafeCity Urban Design Strategy are to make crime harder to commit by designing out opportunities. This can limit crime significantly, as can considering the needs of vulnerable people. The parking facility must be made and used in a "manageable" sense and provide social control and thus crime control.

Advice was also sought from the Manager Human Resources who advised that the City would have a duty of care to its employees to provide a safe work environment. If the undercroft carpark was to be available for use by the general public, the City would need to ensure at all times consideration for staff safety, in particular when staff are working at night or on weekends. At these times staff would be required to access cars where the car park may be empty and there would be few people in the vicinity to assist in the event of an attack. There may also be implications for public liability with regards to the general public.

The Lotteries House Management Committee and the Lotteries Commission have such strong concerns about this issue that they have informed the Project Manager that they are not prepared to sign off their component of the sketch design until the above issue is resolved.

A previous report has been presented to Council at the OCM held on the 9 April 2002. A foreshadowed motion was put forward and passed by Council (res. 232)

“That Council refer item 12.5.3 Carparking Civic Complex back to allow staff to review best practice information on carparking design/public safety and to enable a workshop to be conducted between Council and the various stakeholder groups prior to a further report being presented to Council for consideration.”

A best practice guide to undercroft parking was sought. The Manager SafeCity and Urban Design Officer carried out an analysis of the Civic Complex undercroft parking design using the City of Melbourne's Safe City carpark accreditation scheme. This scheme is recognised internationally for its best practice approach to consumer safety. The attached report was presented to a stakeholder workshop with presentation of the options for debate, analysis and the reaching of mutual understanding so that a compromise between the various positions of Council and Tenants could be reached.

DISCUSSION

As outlined above, personal security has been identified as one of the main issues that need to be addressed when making a decision on carparking options. Issues of importance that must not be overlooked in decision making include accessibility and operationality. It needs to be noted that stakeholders will apportion differing degrees of importance to these three criteria and this needs to be considered when assessing the best outcome for the management of the carpark.

It should also be noted that whatever option for carparking is chosen, it will have a neutral effect on previous carparking analysis undertaken. This is due to the fact that the allocation of car bays to Tenants or for public use will have the same effect on the net demand for parking.

The City of Melbourne's accreditation scheme has been useful as a technical assessment tool of the various options available as it allows an unbiased analysis of carpark safety and amenity and assigns a "score" based on the fulfilment of a broad range of criteria. The star rated scoring system is as follows:-

| | |
|---------------------------|--|
| **** (four star over 75%) | "State of the Art", superior operating and security conditions supported by 'value added services' |
| *** (three star 50-75%) | Satisfactory operating and security conditions |
| ** (two star 25-50%) | Acceptable but should be improved |
| * (one star under 25%) | Needs improvement |

It is important to note that there are cost implications for each option due to the need to upgrade security measures in-line with the recommendations of the accreditation scheme. The justification for this spending and the options available to the City and the rating they achieve are more fully discussed in the attached report. It also needs to be noted that the carpark has been designed as a private carpark. Change of use to a public carpark will require additional costs associated with turning bays required under legislation. This cost has been included in the costing for option one.

Due to the technical nature of the contents a summary of the three "viable" options follows:

Option One - Fully Public Unsecured

| | | |
|--------|---|------------|
| Rating | - | Three Star |
| Score | - | 50% |
| Cost | - | \$61,000 |

Option Two - Tenants Only Secure

| | | |
|--------|---|------------|
| Rating | - | Three Star |
| Score | - | 51% |
| Cost | - | \$15,000 |

Option Three- Fully Public Secure

| | | |
|--------|---|--|
| Rating | - | Four Star |
| Score | - | Over 75% |
| Cost | - | \$ (may have both capital and recurrent cost implications) |

Based on the City of Melbourne's Safe City Car Parks Accreditation Scheme, Option Two provides the best compromise between cost, safety and accessibility. The concept of paying a fee for parking in the Gosnells Town Centre at this stage of revitalisation, no matter how safe, makes Option Three somewhat unviable. Although scoring relatively well when compared with Option Two, Option One does carry significant cost while not actually addressing the requirements for increased occupant safety. The majority of points achieved by Option One are related to increased amenity. Selection

of Option Two is dependant on raising a lease fee for tenants to cover the use and maintenance of the facility as outlined in the report at \$95 per bay per year not including GST. This cost would need to be reviewed against CPI each year.

Dealing with Special Events

The demand for parking in the Town Centre increases when special events are held. These events often occur after working hours and as such it is proposed that the undercroft carpark be made available to the general public on these occasions. This can be ensured through the leasing arrangements entered into with the Tenants.

Accessibility

Officers have undertaken a desktop analysis of accessibility issues in consideration of the sensitivity of an undercroft parking area being set aside solely for use of tenants of the building and the potential impact this has on the accessibility of parking for customers and patrons of this landmark facility.

The proximity of Civic Complex entrances to parking is perhaps the greatest determinant of the success of the complex, particularly for the customers of the Library, Civic Hall, Lotteries House and Business Centre. The number of bays within 40 metres of the various entrances are shown below for both undercroft parking users and those who choose to park at ground level.

| No. of Bays within 40m | Library | Civic Hall | Lotteries House | Business Centre |
|------------------------|--------------------|------------|--------------------|-----------------|
| Undercroft | 10* ⁽¹⁾ | 6 | 31* ⁽²⁾ | 38 |
| Ground | 18 | 22 | 36 | 27 |

⁽¹⁾ This 40m route includes a less than ideal small flight of stairs

⁽²⁾ This figure is substantially reduced if the lift doors do not open into Lotteries House

Naturally, as the distance a user walks increases, the number of bays for each location begins to equalise until eventually all bays in the undercroft and ground level are within the same reach. It can be seen from the table that from a customer point of view, parking at ground level is a superior option in terms of accessibility for the majority of users. From an operational point of view and given that tenants using the undercroft would have the longest walk and the longest stay at the complex, this arrangement is satisfactory. Ground level bays are generally in close proximity to the shelter of the building's verandahs, so the potential inequity of covered access for the public is minimised to a short open-air distance if the fully enclosed bays of the undercroft were reserved for tenants.

Managing who uses which bays can be achieved through time restrictions, identification and tenant advice. Seniors could be reserved specific convenient bays in much the same way that an ACROD system would operate, while several 15 minute bays would work well for the Library. The City currently does not have the resources to police such an arrangement and this would need to be factored into such a proposal. It is unlikely that tenants or staff of the complex would use ground level bays, given the benefits of

parking below ground and the reservation and free availability of the 62 bays specifically for their use.

Tenant Uptake

Should a tenants only secure parking area be preferred by Council. The key requirement for ensuring this arrangement would be palatable is the demonstration that an existing demand is present for the parking area from within the tenant groups.

The following breakdown of bay usage is conservatively estimated based on discussion with user groups and is a provisional estimate that is subject to change. The Lotteries House tenants have stated a commitment that all tenants are prepared to pay for bays under a secure tenant parking arrangement, the library have confirmed their requirement and the business incubator requirement has been based on the business plan prepared for the organisation-

| | |
|--|------------------|
| Lotteries House (2 bays per tenant) | 24 |
| Business Centre (1 bay per initial demand) | 20 |
| Library Staff (1 bay per staff) | 10 |
| Civic Hall Reserve (for hires set-up) | 6 |
| Council Reserve (maintenance) | 2 |
| Total | <u>62</u> |

Following the precautionary principle, it can be seen that once the Business Centre is fully leased, demand for a further 10 bays will be created. Additionally, many of the Lotteries House tenants are likely to require more than two bays from day one of operation. With this in mind, it is unlikely that the undercroft will be under utilised by fee-paying tenants from early in the complex's operation.

Lotteries House Discussions

As an outcome of the workshop between Councillors and Lotteries House Tenants, a meeting was held between the Mayor, representatives of the Lotteries House Tenants and the Project Manager to discuss potential solutions to the problems associated with a public carpark. While the Tenants reiterated their position that a secured parking area was the only option that would alleviate their concerns for security, the following items were discussed:

| | | \$ |
|----|--|--------|
| 1. | Changes to the design to accommodate turning bays as per Australian Standards for public carparking. | 23,000 |
| 2. | High level of lighting in the carpark and around the building at ground level to reduce shadows | 10,500 |
| 3. | Flood lighting (or similar effect) at entries to the building and carpark | 2,100 |
| 4. | Landscaping to reduce the potential for hiding places and increase lines of sight | 0 |
| 5. | Liaison with Police to increase patrols of the area | 0 |
| 6. | Panic buttons (phone system) to be incorporated into the basement design. (This will have vandalism and operational issues which will need to be resolved) | 5,000 |
| 7. | Relocate the carpark entry to the Federation Parade side of the building (this has been explored and can be accommodated) | 22,000 |
| 8. | Bank all retaining walls along the Astley street elevation to maximise sight lines and | 0 |

| | | |
|-----|---|-------|
| | reduce the potential for hiding places | |
| 9. | Secure bin store and archive storage area (reduces hiding areas) | 1,200 |
| 10. | Shut down the carpark after operational hours. (no access) (note: need to manage in relation to late library times and hall bookings) (the Manager City Facilities has expressed concerns relating to the operation of such a facility) | 6,000 |
| 11. | Southern entry door – The door is to be operational between 7am and 5.30pm. The door will only be operational as a fire door after these times and will not be available for general access and egress. | 2,000 |
| 12. | Secure gaps between the Lotteries House veranda and basement ventilation (ensure no hiding spots) | 0 |
| 13. | Extend the entry foyer to the Lotteries House into the veranda 500mm to provide 180 degree view | 3,000 |
| 14. | Remove alcoves from entries to the ground floor (reduce hiding spots) | 1,200 |
| 15. | Security controlled access door from the courtyard into the Lotteries House (foyer & kitchen) | 2,000 |
| 16. | The issue of security control of the lift access was not resolved and will have implications to the Business Incubator which will need to be discussed and costed. However the following methods were discussed: <ul style="list-style-type: none"> • Security access control 24hrs. This removed the availability of clients and the disabled to use the lift to access the lotteries house via the carpark. • Removing access to the basement from the lift. Implications as stated above but provides the greatest 24hr security • Provide security lobbies for the lift that would allow standard operation of the lift 24hrs a day and the security lobbies would become operational after hours or alternatively 24hrs a day. This would provide full access for clients, staff and the disabled with a manageable security provision. | 6,500 |

Should Council wish to allocate the Civic Complex undercroft parking area for public parking, Council may also wish to explore the potential of implementing the above items to improve the safety of the carpark and address some of the concerns of stakeholders associated with a public carpark.

Examples from Other Local Governments

City of Stirling – Osborne Park Library

Discussions with the Centre Manager revealed that the 60 bay area is enclosed with barred windows and roller doors that close after 6pm. Due to there being no ground level parking, no bays are reserved for staff or customers with the intention being that staff have secure access to their vehicles after 6pm. Customers are able to get to their cars through the library if they inadvertently leave them there after this time and remove them via a pressure pad activated roller door (this has security implications). CCTV to video is in operation 24 hours a day on a continuous loop.

Although remarkably similar to the Gosnells Town Centre proposal, there are important distinctions. The absence of ground level bays makes the reservation of the undercroft impossible, as do the low tenant and staff numbers. This undercroft is also virtually fully open on two sides and is much more open to passive surveillance. Consideration needs to be given to the potential of unauthorised access through the library into an unsurveilled space after hours, however the CCTV would act as some deterrent.

City of Wanneroo – Administration Building

The City of Wanneroo's 23 bay undercroft area is strictly reserved for senior staff, bicyclists and Councillors. It does not serve as a useful comparison due to its fully enclosed basement nature and small size. There is also ample at grade parking for the few customers who visit the facility

City of Joondalup – Joondalup Regional Library

This facility is purpose designed as a two part fully open large free public basement area and a smaller fully secure staff area. The Branch Librarian stated that the public area was somewhat under-utilised due to the large at-grade parking nearby. There were also perceptions that it was unsafe because it was under-utilised, but that this would change as this regional facility became more popular.

St John of Gods Hospital - Murdoch

The facility provides some undercroft parking for staff as well as an expanse of at grade parking. Due to the regimental scheduling of staff working hours, security guards are allocated at parking areas at times of shift changes to monitor staff safety. Staff also exit the buildings to access their cars in organised groups at the end of the shift for added safety.

Sensitivity Analysis

This report has dealt fundamentally with the criteria of safety, whilst only touching on the issues of accessibility and operability. Although a technical argument has been made for the importance of safety, an equally sound argument can be made in terms of access and operation. Any debate or determination is coloured by how an individual assigns relative importance to each of these criteria. As tenants have clearly expressed their perception of safety as the foremost issue it has been given higher weighting in this report. This is a supportable position given the desirability and logical priority of a safe but hard to access building over one that is not safe but easy to access.

The information contained in this report has been based on the information available at the time for the purposes of clarifying a Council position on the preferred status of the Civic Complex carpark. The City of Gosnells can in no way guarantee the safety of any person using the carpark facility irrespective of how the carpark is management as public or tenant secure. Using the best available research, the recommended strategy is designed to minimise risk to persons using the parking facility. The level of commitment given to clarifying the best solution is an indication of the City of Gosnells' dedication to community safety through the *SafeCity* initiative.

The final recommendation is a balanced view of no preferential treatment, but a practical solution to a complex problem. As such it will be recommended on the basis of cost and personal security that the Civic Complex carpark be made a secure tenant parking area.

FINANCIAL IMPLICATIONS

The costs to implement a base security system for the undercroft has been allowed for within the Civic Complex Project budget. To upgrade this system suitable to meet the needs of Option Two would cost in the order of \$15,000 (estimate provided by Davis Langdon Australia). This money can be accommodated through the use of exiting budgeted contingency funds.

Ongoing costs for the maintenance and upkeep of the security system and carpark would be met by an annual fee paid for by users.

Notation

Cr MD Devereux, due to being a Member of the Board of Management for the Committee of Steps and Lotteries House disclosed an Impartiality Interest in the item under discussion in accordance with Regulation 34C of the Local Government (Administration) Regulations 1996.

STAFF RECOMMENDATION

Moved Cr NJ Smith Seconded Cr R Croft

That the Civic Complex undercroft carpark be designed as a fully secured parking area for the use of tenants and that Council authorise the levy of a nominal fee of \$104.50 per year per bay to be levied against the allocated users of the parking bays for the upkeep of the security system and maintenance of the carparking area.

LOST_0/9

FOR: Nil.

AGAINST: Cr S Iwanyk, Cr C Matison, Cr J Brown, Cr MD Devereux, Cr R Croft, Cr NJ Smith, Cr R Mitchell, Cr O Searle and Cr PM Morris.

Foreshadowed Motion

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

COUNCIL RESOLUTION

Moved Cr R Croft Seconded Cr R Mitchell

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“That the Civic Complex undercroft carpark be designed as a fully secured parking area for the use of tenants during normal business hours and that Council authorise an annual fee, per bay, equal to full cost recovery of operating the car park, and subject to annual review, with such costs being charged against allocated users of the parking bays.”

CARRIED 8/1

FOR: Cr S Iwanyk, Cr C Matison, Cr MD Devereux, Cr R Croft, Cr NJ Smith, Cr R Mitchell, Cr O Searle and Cr PM Morris.

AGAINST: Cr J Brown.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION

Moved Cr NJ Smith Seconded Cr R Croft

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“That in the lease agreement with Tenants that the carpark be made available for general public parking at times when special events are held in the Town Centre and Hall after hours.”

CARRIED 8/1

FOR: Cr S Iwanyk, Cr C Mattison, Cr MD Devereux, Cr R Croft, Cr NJ Smith, Cr R Mitchell, Cr O Searle and Cr PM Morris.

AGAINST: Cr J Brown.

8.35pm – Cr A Pisano returned to the meeting.

Notation

The Mayor, upon the return of the Cr A Pisano to the meeting, advised that Council had foreshadowed the first staff recommendation and endorsed the second staff recommendation as contained in the Agenda.

11. MINUTES OF COMMITTEE MEETINGS

The Mayor advised the meeting that herself, due to being a Member of the Hillside Farm Management Committee, Cr S Iwanyk, due to being Deputy Delegate to the Hillside Farm Management Committee and Cr MD Devereux, due to being Chairperson of the Hillside Farm Management Committee had disclosed an Impartiality Interest in the following item in accordance with Regulation 34C of the Local Government (Administration) Regulations 1996.

11.1 HILLSIDE FARM MANAGEMENT COMMITTEE

File: 4.6.10 (SS) SS6.1a

Appendix: 11.1A Minutes of Hillside Farm Management Committee Meeting held on 7 May 2002.

PURPOSE OF REPORT

For Council to receive the Minutes and consider the recommendations of the Hillside Farm Management Committee Meeting held on 7 May 2002.

BACKGROUND

The Hillside Farm Management Committee meets on a monthly basis to discuss the development of the community component of the farm. The volunteer committee members are currently providing labour to develop infrastructure of the farm. The Education Department continues to provide considerable assistance to develop the community component of the farm.

The Minutes of the City of Gosnells Hillside Farm Management Committee held on 7 May 2002 are attached as appendix 11.1A.

DISCUSSION

The 7 May 2002 meeting resulted in two recommendations being adopted by the Committee with only one of these requiring consideration by Council, this being:

Framed Photographs

The Committee discussed the framing of photographs presented to the City resulting in the following recommendation:

Recommendation 3

“That -

- (a) the framed photographs of Hillside Farm be recorded as property of Hillside Farm and be returned to the City to be displayed;*
- (b) the framed photographs be returned to the School Room building at Hillside Farm once the building is properly secured; and*
- (c) the framed photographs be available for loan to suitable organisations.”*

Staff support the above Recommendation.

FINANCIAL IMPLICATIONS

Nil

STAFF RECOMMENDATION AND COUNCIL RESOLUTION

Moved Cr NJ Smith Seconded Cr MD Devereux

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“That Council receive the Minutes of the Hillside Farm Management Committee Meeting held on 7 May 2002 as attached in Appendix 11.A.”

CARRIED 10/0

FOR: Cr S Iwanyk, Cr C Matison, Cr J Brown, Cr MD Devereux, Cr R Croft, Cr NJ Smith, Cr R Mitchell, Cr O Searle, Cr A Pisano and Cr PM Morris.

AGAINST: Nil.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION

Moved Cr NJ Smith Seconded Cr MD Devereux

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“That Committee recommendation 3 of the Hillside Farm Management Committee meeting held on 7 May 2002, which reads:

“That -

- (a) *the framed photographs of Hillside Farm be recorded as property of Hillside Farm and be returned to the City to be displayed;*
- (b) *the framed photographs be returned to the School Room building at Hillside Farm once the building is properly secured; and*
- (c) *the framed photographs be available for loan to suitable organisations.”*

be adopted.”

CARRIED 10/0

FOR: Cr S Iwanyk, Cr C Matison, Cr J Brown, Cr MD Devereux, Cr R Croft, Cr NJ Smith, Cr R Mitchell, Cr O Searle, Cr A Pisano and Cr PM Morris.

AGAINST: Nil.

12. REPORTS

12.1 CHIEF EXECUTIVE OFFICER'S REPORT

12.1.1 CREATING LIVABLE CITIES CONFERENCE – CALOUNDRA, QUEENSLAND 18 TO 21 AUGUST 2002

File: C4/2/1 (SJ)

Appendix: 12.1.1A Conference Registration Programme

PURPOSE OF REPORT

To advise and to seek the approval of Council for an elected member and the Chief Executive Officer to attend the Creating Livable Cities Conference to be held in Caloundra, Queensland from the 18 to 21 August 2002.

BACKGROUND

The Chief Executive Officer has been invited to present at the 2002 International Cities and Town Centres Conference on the City of Gosnells strategic approach to creating a more Livable City.

The key theme of the conference is to examine how to successfully turn community aspirations into creating 'liveable' cities and towns that perform socially, environmentally and economically.

DISCUSSION

The conference offers the opportunity to showcase the work currently being undertaken by the City of Gosnells. The conference will also provide an opportunity to learn from others in the field and see national and international examples relating to the 'Liveability' agenda in terms of the viability and sustainability of Towns and Cities.

FINANCIAL IMPLICATIONS

The estimated cost per person is as follows:

| | |
|--|----------------|
| Conference Registration (Early Bird by 01/07/02) | 640 |
| Return Conference Airfare (Qantas) | 780 |
| Accommodation (4 nights) | 560 |
| Out of Pocket Expenses, approximately | 250 |
| Total | \$2,230 |

Funds are available in Account Nos. 40401.110.1023 and 11601.110.1023 Training and Conference for attendance by an Elected Member and the Chief Executive Officer respectively.

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

Moved Cr R Mitchell Seconded Cr C Matison

That Council authorise Councillor _____ and the Chief Executive Officer to attend the Creating Livable Cities Conference to be held in Caloundra, Queensland from the 18 to 21 August 2002 inclusive for an approximate cost of \$2,230 each, with funds being met from Account No. 40401.110.1023 and 11601.110.1023 respectively.

Amendment

Cr C Matison nominated Cr MD Devereux to attend the Creating Livable Cities Conference to be held in Caloundra, Queensland resulting in the following amendment to the staff recommendation:

Moved Cr C Matison Seconded Cr R Croft

That the staff recommendation be amended by deleting the line “_____” where it appears in the first line after the word Councillor and substituting it with the name “MD Devereux”, with the amended recommendation to read:

“That Council authorise Councillor MD Devereux and the Chief Executive Officer to attend the Creating Livable Cities Conference to be held in Caloundra, Queensland from the 18 to 21 August 2002 inclusive for an approximate cost of \$2,230 each, with funds being met from Account No. 40401.110.1023 and 11601.110.1023 respectively.”

CARRIED 10/0

FOR: Cr S Iwanyk, Cr C Matison, Cr J Brown, Cr MD Devereux, Cr R Croft, Cr NJ Smith, Cr R Mitchell, Cr O Searle, Cr A Pisano and Cr PM Morris.

AGAINST: Nil.

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

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

Moved Cr C Matison Seconded Cr R Croft

“That Council authorise Councillor MD Devereux and the Chief Executive Officer to attend the Creating Livable Cities Conference to be held in Caloundra, Queensland from the 18 to 21 August 2002 inclusive for an approximate cost of \$2,230 each, with funds being met from Account No. 40401.110.1023 and 11601.110.1023 respectively.”

CARRIED 10/0

FOR: Cr S Iwanyk, Cr C Matison, Cr J Brown, Cr MD Devereux, Cr R Croft, Cr NJ Smith, Cr R Mitchell, Cr O Searle, Cr A Pisano and Cr PM Morris.

AGAINST: Nil.

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12.2 COMMUNITY SERVICES

12.2.1 BUDGET VARIATION – PURCHASE OF ELECTRIC PODIATRY DRILL

File: 4. 6.26

(BH)

PURPOSE OF REPORT

To seek Council approval for a budget variation for the purpose of purchasing a replacement podiatry drill for use in the Podiatry Service provided from the Addie Mills Centre.

BACKGROUND

The City of Gosnells provides a podiatry service for Seniors and people with a disability. The service is located at the Addie Mills Centre, with 64 customers attending per four (4) day week.

On 30 May 2002, the electric podiatry drill, which is an essential piece of equipment for the provision of an effective service, ceased to operate. As the replacement of this type of minor equipment cannot be anticipated, there is no provision within the current financial year's operational podiatry budget to purchase a replacement drill.

The Addie Mills Centre Plant and Equipment Reserve 9.91.924 has been established for the purpose of replacement and/or major repair of plant and equipment located at Addie Mills Centre.

DISCUSSION

The drill is used for the safe and effective trimming of toenails, which is the primary reason Seniors and people with a disability attend a podiatry service. Until a replacement drill can be purchased, the podiatry contractors are using a manual file, which they report as delivering a vastly inferior result. In addition, this method is time consuming to the extent that it is not possible to perform additional necessary procedures required by customers.

Although it has not been possible to verify the actual purchase date of the drill, it is considered that the current drill equipment is over six (6) years old. Over the past twelve month period, \$845 has been expended on repairs to the current drill equipment, which represents almost 29% of the cost of a new drill. Given the estimated age of the current drill, combined with the likelihood of additional repairs being required in the future, continually repairing the drill is considered to not be beneficial considering the effect on service delivery for the customer base whenever the drill equipment fails to be operational. The Manager Seniors and Disability Services has been advised by the supplier of the current drill equipment and by professional podiatry staff, that they consider the current drill is unsuitable for repair.

FINANCIAL IMPLICATIONS

The current balance within the Addie Mills Centre – Plant and Equipment Reserve 9.91.924 is \$16,183. The cost of a new electric podiatry drill is \$2,965 GST inclusive.

STAFF RECOMMENDATION

Moved Cr A Pisano Seconded Cr NJ Smith

That Council approve a budget variation for the purpose of purchasing a replacement podiatry drill from the Addie Mills Centre - Plant and Equipment Reserve account

| Account Number | Account Description | Credit \$ | Debit \$ |
|----------------|--|--------------|-------------|
| 60805.121.1700 | Podiatry Service Capital Items Expensed | 2,965 | |
| 9.91.924 | Addie Mills Centre- Plant and Equipment Reserve | | 2,965 |

Amendment

During debate Cr J Brown moved the following amendment to the staff recommendation above to in order to rectify a typographical error:

Moved Cr J Brown Seconded Cr MD Devereux

That the staff recommendation be amended to rectify a typographical error by reversing the order of the words “Credit” and “Debit” to read “Debit” followed by the word “Credit”, where they appear in the top line of the table after the words “Account Description”, with the amended recommendation to read:

“That Council approve a budget variation for the purpose of purchasing a replacement podiatry drill from the Addie Mills Centre - Plant and Equipment Reserve account

| Account Number | Account Description | Debit \$ | Credit \$ |
|----------------|---|-------------|--------------|
| 60805.121.1700 | Podiatry Service Capital Items Expensed | 2,965 | |
| 9.91.924 | Addie Mills Centre- Plant and Equipment Reserve | | 2,965” |

CARRIED 9/1

FOR: Cr S Iwanyk, Cr C Matison, Cr J Brown, Cr MD Devereux, Cr R Croft, Cr NJ Smith, Cr R Mitchell, Cr A Pisano and Cr PM Morris.

AGAINST: Cr O Searle.

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

COUNCIL RESOLUTION

Moved Cr J Brown Seconded Cr MD Devereux

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“That Council approve a budget variation for the purpose of purchasing a replacement podiatry drill from the Addie Mills Centre - Plant and Equipment Reserve account

| Account Number | Account Description | Debit \$ | Credit \$ |
|----------------|--|-------------|--------------|
| 60805.121.1700 | Podiatry Service Capital Items Expensed | 2,965 | |
| 9.91.924 | Addie Mills Centre- Plant and Equipment Reserve | | 2,965” |

CARRIED BY ABSOLUTE MAJORITY 9/1

FOR: Cr S Iwanyk, Cr C Matison, Cr J Brown, Cr MD Devereux, Cr R Craft, Cr NJ Smith, Cr R Mitchell, Cr A Pisano and Cr PM Morris.

AGAINST: Cr O Searle.

12.3 CORPORATE SERVICES

12.3.1 BUDGET VARIATIONS

File: 7.11.1

(MR) june11_02bud

PURPOSE OF REPORT

To seek approval from Council to adjust the 2001/2002 Municipal Budget.

DISCUSSION

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

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

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

| Account Number | Account Description | Debit \$ | Credit \$ |
|----------------|--|-------------|--------------|
| Job622.143.1 | Southern River Progress Hall – Building Construction | 4,846 | |
| Job2823.500.1 | Sanctuary Waters Meeting Room – Building Maintenance | | 4,846 |
| Reason: | Additional costs for internal toilets funded from unspent monies relative to completed works | | |
| Job92027.143.3 | Mills Park Playground | 14,634 | |
| Job586.143.1 | Mills Park Sewer Connection | | 10,407 |
| Job92014.143.1 | Mills Park Disabled Playground | | 4,227 |
| Reason: | Complete Playground upgrade from available funds relative to sewer connection and Disabled Playground | | |
| Job1305.700.3 | IT Equipment – Facility Management Services | 10,000 | |
| Job629.143.1 | Council Chamber Airconditioning | | 10,000 |
| Reason: | Utilise available funds to enhance Building Management System to include Energy Management software. | | |
| 61617.181.2754 | Consultancy | 9,000 | |

| Account Number | Account Description | Debit \$ | Credit \$ |
|----------------|---|-------------|--------------|
| 60505.182.3393 | Community Liaison Service | | 9,000 |
| Reason: | Reassessment of service delivery to enable external analysis of Leisure World Business Plan | | |
| Job86016.100.3 | Mills Park Oval No. 3 – Drainage Construction | 53,300 | |
| Job86015.100.1 | Nicholson Road/Birnam Road Intersection – Drainage Construction | | 53,300 |
| Reason: | Funds available due to design change utilised to provide for higher class of pipe required by Water Corporation | | |
| 60807.110.1003 | Salaries – Casuals | 11,222 | |
| 60807.350.6251 | Grants | | 11,222 |
| Reason: | Additional HACC grant received, used to pay Casual Salaries | | |

STAFF RECOMMENDATION

Moved Cr NJ Smith Seconded Cr R Mitchell

That the following adjustments be made to the Municipal Budget:

| Account Number | Account Description | Debit \$ | Credit \$ |
|----------------|--|-------------|--------------|
| Job622.143.1 | Southern River Progress Hall – Building Construction | 4,846 | |
| Job2823.500.1 | Sanctuary Waters Meeting Room – Building Maintenance | | 4,846 |
| Job92027.143.3 | Mills Park Playground | 14,634 | |
| Job586.143.1 | Mills Park Sewer Connection | | 10,407 |
| Job92014.143.1 | Mills Park Disabled Playground | | 4,227 |
| Job1305.700.3 | IT Equipment – Facility Management Services | 10,000 | |
| Job629.143.1 | Council Chamber Airconditioning | | 10,000 |
| 61617.181.2754 | Consultancy | 9,000 | |
| 60505.182.3393 | Community Liaison Service | | 9,000 |
| Job86016.100.3 | Mills Park Oval No. 3 – Drainage Construction | 53,300 | |
| Job86015.100.1 | Nicholson Road/Birnam Road Intersection – Drainage | | 53,300 |

| Account Number | Account Description | Debit \$ | Credit \$ |
|----------------|---------------------|----------|-----------|
| | Construction | | |
| 60807.110.1003 | Salaries – Casuals | 11,222 | |
| 60807.350.6251 | Grants | | 11,222 |

Amendment

During debate Cr C Matison moved the following amendment to the staff recommendation:

Moved Cr C Matison Seconded Cr J Brown

That the staff recommendation be amended by deleting the following words where they appear as the first two items within the table, as the identified need for these funds is no longer required:

| | | | |
|---------------|---|-------|-------|
| “Job622.143.1 | Southern River Progress Hall – Building Construction | 4,846 | |
| Job2823.500.1 | Sanctuary Waters Meeting Room – Building Maintenance” | | 4,846 |

with the amended recommendation to read:

“That the following adjustments be made to the Municipal Budget:

| Account Number | Account Description | Debit \$ | Credit \$ |
|----------------|---|----------|-----------|
| Job92027.143.3 | Mills Park Playground | 14,634 | |
| Job586.143.1 | Mills Park Sewer Connection | | 10,407 |
| Job92014.143.1 | Mills Park Disabled Playground | | 4,227 |
| Job1305.700.3 | IT Equipment – Facility Management Services | 10,000 | |
| Job629.143.1 | Council Chamber Airconditioning | | 10,000 |
| 61617.181.2754 | Consultancy | 9,000 | |
| 60505.182.3393 | Community Liaison Service | | 9,000 |
| Job86016.100.3 | Mills Park Oval No. 3 – Drainage Construction | 53,300 | |
| Job86015.100.1 | Nicholson Road/Birnam Road Intersection – Drainage Construction | | 53,300 |
| 60807.110.1003 | Salaries – Casuals | 11,222 | |
| 60807.350.6251 | Grants | | 11,222” |

CARRIED 9/1

FOR: Cr S Iwanyk, Cr C Matison, Cr J Brown, Cr MD Devereux, Cr R Croft, Cr NJ Smith, Cr R Mitchell, Cr A Pisano and Cr PM Morris.

AGAINST: Cr O Searle.

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

COUNCIL RESOLUTION

Moved Cr C Matison Seconded Cr J Brown

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“That the following adjustments be made to the Municipal Budget:

| Account Number | Account Description | Debit \$ | Credit \$ |
|-----------------------|---|-----------------|------------------|
| Job92027.143.3 | Mills Park Playground | 14,634 | |
| Job586.143.1 | Mills Park Sewer Connection | | 10,407 |
| Job92014.143.1 | Mills Park Disabled Playground | | 4,227 |
| Job1305.700.3 | IT Equipment – Facility Management Services | 10,000 | |
| Job629.143.1 | Council Chamber Airconditioning | | 10,000 |
| 61617.181.2754 | Consultancy | 9,000 | |
| 60505.182.3393 | Community Liaison Service | | 9,000 |
| Job86016.100.3 | Mills Park Oval No. 3 – Drainage Construction | 53,300 | |
| Job86015.100.1 | Nicholson Road/Birnam Road Intersection – Drainage Construction | | 53,300 |
| 60807.110.1003 | Salaries – Casuals | 11,222 | |
| 60807.350.6251 | Grants | | 11,222” |

CARRIED BY ABSOLUTE MAJORITY 9/1

FOR: Cr S Iwanyk, Cr C Matison, Cr J Brown, Cr MD Devereux, Cr R Croft, Cr NJ Smith, Cr R Mitchell, Cr A Pisano and Cr PM Morris.

AGAINST: Cr O Searle.

12.4 INFRASTRUCTURE

12.4.1 ROADS TO RECOVERY FUNDING

File:

(RMcC)

RMcC6.1a

PURPOSE OF REPORT

To inform Council of recent changes to Roads to Recovery funds by the Federal Government for 2002/2003, 2003/2004 and 2004/2005 financial years and approve construction schedules accordingly.

BACKGROUND

The Minister for Transport and Regional Services wrote to Councils on 15 May 2002 to advise of the Government's budget decision to re-phase the funding for the "Roads to Recovery" programme. The Commonwealth Government will deliver to Councils the whole of the \$1.2 Billion Roads to Recovery Programme, however it claims it has been necessary to re-phase this programme in order to meet important budgetary priorities over the next two years.

DISCUSSION

The Roads to Recovery Programme as a whole has been re-phased by \$100M in 2002/2003 from \$300M to \$200 million. The \$100M reduction in 2002/2003 will be reinstated in 2004/2005. The funding for the remaining years of the Roads to Recovery Programme is now \$200M in 2002/2003, \$300M in 2003/2004 and \$250M in 2004/2005.

This will mean a proportional reduction in Councils' allocation in 2002/2003, ie from \$567,380 to \$376,189, which is approximately two thirds of the 2002/2003 figure.

A new Path Programme has been drawn up to detail how the changes to the Roads to Recovery Programme for 2002/2003 financial year will affect Councils' Footpath Construction and Footpath Rehabilitation Programmes (Programme attached as Appendix 12.4.1A).

As a result of the changes, jobs that are affected will be moved to the top of the Programme in the next financial year.

It is proposed that the new Works Programme for 2002/2003 is carried out as follows:

Roads To Recovery Footpath Rehabilitation 2002/2003

| ROAD NAME | Start-Finish |
|------------------|-----------------------------------|
| RUSHBROOK WAY | Cassidy Street to Cassidy Street |
| SELBY STREET | Spencer Road to Martindale Avenue |
| TURLEY COURT | Turley Way to Cul-De-Sac |
| TURLEY WAY | House 12 to Turley Court |
| WALTER STREET | Crandon Street to Stalker Road |
| WILFRED ROAD | Cameron Street to Wilfred Court |
| BRIXTON STREET | Saturn Street to Bickley Road |
| BRIXTON STREET | Bickley Road to Dulwich Street |
| SPENCER ROAD | House 436 to Connemara Drive |
| CLARA STREET | Hicks Street to Percy Street |
| DEBENHAM STREET | School to Spencer Road |
| GASKIN ROAD | House 21 to Kenwick Road |
| GASKIN ROAD | House 40 to House 47 |
| GASKIN ROAD | Foreman Street to House 40 |
| WHEATLEY STREET | Stalker Road to Dorothy Street |
| FREMANTLE ROAD | Hartley Street to King Street |

*** Moved from 2002/2003 to 2003/2004 Financial Years**

| ROAD NAME | Start-Finish |
|---------------------|----------------------------------|
| *DOROTHY STREET | Albany Highway to Croft Street |
| *MILDENHALL STREET | Nethercott Street to Olney Place |
| *ROYAL STREET | Albany Highway to Kenwick Link |
| *BRIXTON STREET | Bickley Road to Dulwich Street |
| *CELEBRATION STREET | Elizabeth Street to North Street |
| *CORTIS WAY | House 25 to Downhill Way |

Roads To Recovery Footpath Construction 2002/2003

| ROAD NAME | Start-Finish |
|-------------------------|----------------------------------|
| LYMINGE STREET | Orlestone Street to Manby Street |
| MANBY STREET | Lyminge Street to Blanche Street |
| CANNING RIVER CYCLE WAY | Various |

There will be no change to Road to Recovery Footpath Construction Programme in its entirety.

FINANCIAL IMPLICATIONS

Nil.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION

Moved Cr NJ Smith Seconded Cr MD Devereux

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“That Council adopt the changes to the Roads to Recovery Footpath Construction and Footpath Rehabilitation Programmes as set out below and amend the Draft Principal Activity Plan accordingly.

Roads to Recovery Footpath Rehabilitation 2002/03 to 2003/04

| ROAD NAME | Start /Finish | Length | Width | Cost | Year |
|-----------------|-------------------------------|--------|-------|-----------|-------------------|
| RUSHBROOK WAY | Cassidy St to Cassidy St | 530 | 2.0 | \$ 24,380 | 2002/03 |
| SELBY ST | Spencer Rd to Martindale Ave | 250 | 2.0 | \$ 15,000 | |
| TURLEY CT | Turley Wy to Cul-De-Sac | 350 | 2.0 | \$ 16,100 | |
| TURLEY WY | House 12 to Turley Ct | 100 | 2.0 | \$ 4,600 | |
| WALTER ST | Crandon St to Stalker Rd | 140 | 2.0 | \$ 6,440 | |
| WILFRED RD | Cameron St to Wilfred Ct | 1000 | 2.0 | \$ 60,000 | |
| BRIXTON ST | Saturn St to Bickley Rd | 80 | 2.0 | \$ 4,800 | |
| BRIXTON ST | Bickley Rd to Dulwich St | 200 | 2.0 | \$ 12,000 | |
| SPENCER RD | House 436 to Connemara Drive | 1100 | 2.0 | \$ 66,000 | |
| CLARA ST | Hicks St to Percy St | 100 | 2.0 | \$ 6,000 | |
| DEBENHAM ST | School to Spencer Rd | 220 | 2.0 | \$13,200 | |
| GASKIN RD | House 21 to Kenwick Rd | 500 | 2.0 | \$ 23,000 | |
| GASKIN RD | House 40 to House 47 | 180 | 2.0 | \$ 8,280 | |
| GASKIN RD | Foreman St to House 40 | 100 | 2.0 | \$ 4,600 | |
| WHEATLEY ST | Stalker Rd to Dorothy St | 280 | 2.0 | \$ 16,800 | |
| FREMANTLE RD | Hartley St to King St | 350 | 2.0 | \$ 20,200 | 2002/03 \$301,400 |
| *DOROTHY ST | Albany Hwy to Croft St | 550 | 2.0 | \$ 33,000 | 2003/04 |
| *MILDENHALL ST | Nethercott St to Olney Pl | 150 | 2.0 | \$ 6,900 | |
| *ROYAL ST | Albany Hwy to Kenwick Link | 500 | 2.0 | \$ 30,000 | |
| *BRIXTON ST | Bickley Rd to Dulwich St | 80 | 2.0 | \$ 4,800 | |
| *CELEBRATION ST | Elizabeth St to North St | 1100 | 2.0 | \$ 50,600 | |
| *CORTIS WY | House 25 to Downhill Way | 250 | 2.0 | \$ 11,500 | |
| DELBRIDGE DR | House 12 to Masters St | 180 | 2.0 | \$ 8,280 | |
| DELBRIDGE DR | House 12 to Bickley Rd | 100 | 2.0 | \$ 4,600 | |
| DUNHOLME PL | Harpden St to Cul-De-Sac | 150 | 2.0 | \$ 6,900 | |
| ELIZABETH ST | William St to Jubilee St | 100 | 2.0 | \$ 6,000 | |
| GAZE CT | Whiteman St to Cul-De-Sac | 100 | 2.0 | \$ 4,600 | |
| HUNT ST | Thornlie Ave to Berehaven Ave | 180 | 2.0 | \$ 8,280 | |
| LALOR RD | Kenwick Rd to Belmont Rd | 600 | 2.0 | \$ 27,600 | |
| LUKE CT | McNamara Drive to Cul-De-Sac | 100 | 2.0 | \$ 4,600 | |
| PENHURST CT | Elvington St to Cul-De-Sac | 200 | 2.0 | \$ 9,200 | |
| PYTCHLEY ST | Ailsworth Crt to Ovens Rd | 80 | 2.0 | \$ 3,680 | |
| RAVENHILL RD | Thornlie Ave to Connemara Dr | 370 | 2.0 | \$ 22,200 | |
| WESTON ST | Helm St to Kelvin Rd | 1000 | 2.0 | \$ 60,000 | |
| PAW | Various | 0 | 2.0 | \$ 9,600 | |
| KENWICK RD | Belmont Rd to Wanaping Rd | 1200 | 2.0 | \$ 72,000 | |
| KENWICK RD | House 199 to Belmont Rd | 500 | 2.0 | \$ 30,000 | |

| | | | | | |
|--------------|---------------------------|------|-----|-----------|--------------------------|
| WESTFIELD ST | Gosnells Rd to Helm St | 1000 | 2.0 | \$ 60,000 | |
| DULWICH ST | Tooting St to Brixton St | 620 | 2.0 | \$ 37,200 | |
| OLGA RD | Albany Hwy to Newenden St | 400 | 2.0 | \$ 24,000 | |
| SPENCER RD | House 299 to House 307 | 100 | 2.0 | \$ 6,000 | |
| SPENCER RD | Yale Rd Intersection | 20 | 2.0 | \$ 1,200 | |
| WILLIAM ST | Central Tce to North St | 550 | 2.0 | \$ 33,000 | |
| WILLIAM ST | Diamond St to House 175 | 100 | 2.0 | \$ 6,000 | |
| WILLIAM ST | Elizabeth St to Luyer Ave | 500 | 2.0 | \$ 30,000 | 2003/04 \$611,840 |

Roads to Recovery Footpath Construction 2002/03 to 2003/04

| | | | | | |
|-------------------------|--------------------------------|-----|-----|-----------|----------------------------|
| LYMINGE STREET | Orlestone St to Manby St | 400 | 2.0 | \$ 24,000 | 2002/03 |
| MANBY STREET | Lyminge St to Blanche St | 90 | 2.0 | \$ 5,400 | |
| CANNING RIVER CYCLE WAY | Various | 800 | 2.0 | \$ 45,500 | 2002/03 \$74,900 |
| CROFT STREET | Dorothy St To May St | 500 | 2.0 | \$ 18,000 | |
| HOMESTEAD ROAD | Foreshore Pl to existing path. | 250 | 2.0 | \$ 18,000 | |
| OLGA ROAD | Attfield St to Burslem Drive | 300 | 2.0 | \$ 18,000 | |
| ELIZABETH STREET | Jubilee St to Lacey St | 220 | 2.0 | \$ 13,200 | |
| CONNEMARA DRIVE | Ravenhill St to Glenbrook St | 400 | 2.0 | \$ 24,000 | 2003/04 \$91,200 |
| BICKLEY RD | Kelvin Rd to Kenwick Rd | 650 | 2.0 | \$ 39,000 | 2004/05 |
| CANNING RIVER CYCLE WAY | Various | 800 | 2.0 | \$ 45,500 | |
| MADDINGTON ROAD | House 396 to White Road | 600 | 2.0 | \$ 78,000 | |
| MILLS PARK 3 | Bridge to Brixton St | 800 | 2.0 | \$ 48,000 | |
| DAVISON ST | Belmont Rd to Kelvin Rd | 850 | 2.0 | \$ 81,000 | 2004/05 \$291,500 ” |

CARRIED 10/0

FOR: Cr S Iwanyk, Cr C Matison, Cr J Brown, Cr MD Devereux, Cr R Croft, Cr NJ Smith, Cr R Mitchell, Cr O Searle, Cr A Pisano and Cr PM Morris.

AGAINST: Nil.

The Mayor advised the meeting that Cr S Iwanyk, due to family owning investment property had disclosed a Financial Interest in the following item in accordance with Section 5.60 of the Local Government Act 1995.

8.48pm – Cr S Iwanyk left the meeting.

12.4.2 CORFIELD STREET – DOROTHY STREET TO EILEEN STREET, GOSNELLS CONSTRUCT SECOND CARRIAGEWAY

File: COR.4, ATT.1 & RIV.2

(OP)

OP6.1a

PURPOSE OF REPORT

To seek Council approval to transfer funds to the Corfield Street Second Carriageway Construction Project by cancelling the construction of the proposed roundabout at the intersection of Attfield Street/River Avenue in Maddington, and to transfer surplus funds from the 2001/2002 Road Rehabilitation Budget to the 2001/2002 Road Construction Budget, and adjust the 2001/2002 Municipal Budget accordingly.

BACKGROUND

Recommendation 450 of the 5 November 1996 Technical Services Committee Meeting, which was adopted by Resolution 295 of the 26 November 1996 Ordinary Council Meeting, reads:

“That the information regarding the traffic survey along River Avenue be received and at this stage a roundabout at the Attfield Street/River Avenue intersection, estimated to cost \$30,000, be considered for the end of the Five Year Construction Programme with the need for the project being reassessed in the year prior to construction.”

DISCUSSION

As part of the 2001/2002 Road Construction Budget, Council approved funding of \$900,000 for the construction of the second carriageway of Corfield Street, between Dorothy Street and Eileen Street, Gosnells.

Detailed designs and drawings for this work has now been completed. Unfortunately this has revealed that a further \$300,000 is required due to:

A 10 metre widening required from two lots in Corfield Street near the intersection of Eileen Street to accommodate the second carriageway. With the original estimate it was assumed that this land would be given up free of cost as part of the subdivision of the land. As this subdivision has not occurred, this land now has to be purchased for approximately \$40,000.

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It was also assumed in the original estimate that the subdivision of this land would extend a piped drainage system that is a considerable distance away, close to this section of Corfield Street. Unfortunately this has not eventuated which has meant that a costly and complex storage/soakage system has had to have been designed to cater for the stormwater. This is estimated to cost approximately \$260,000.

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To facilitate this shortfall, it is requested that unexpended monies from other projects be transferred to the Corfield Street project.

Following Resolution 295 of the Ordinary Council Meeting 26 November 1996 and as part of Council's Capital Works Programme, a roundabout at the Attfield Street/River Avenue intersection in Maddington was programmed to be constructed in the 2001/2002 financial year.

As can be seen from the above, it is a requirement of Resolution 295 of the Ordinary Council Meeting of 26 November 1996, that the project be reassessed. This has now been done and the following results have been obtained:

Crash statistics obtained from Main Roads WA show that in the five-year period from 1 January 1996 to 31 August 2001, no crashes were reported at this intersection.

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From previous traffic survey information conducted on River Avenue, the daily traffic volume is 656 vehicles per day and the operating speed is 66km/h.

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Both Attfield Street and River Avenue are classified as Local Distributor Roads under Gosnells adopted road hierarchy, and as such, the speeds experienced along River Avenue are within acceptable guidelines for a street of its classification. Additionally, as no accidents have been reported in the last five-year period, Council funds would be better suited for projects with higher priorities.

In accordance with the Council resolution the project has been reassessed and in light of the fact that there is no identified safety need for this roundabout, it would be prudent to utilise funds available on more pressing road projects.

After completing the annual 2001/2002 Road Rehabilitation Programme, it was identified that there were \$100,000 in savings in two sections of Attfield Street, which were not required for any other re-surfacing projects. This has eventuated because when the original budget for Attfield Street was prepared, it was considered that a large section of the pavement would have to be re-constructed. When the actual work was carried out it was found that a far less costly stabilizing solution would suffice. It is proposed that these funds are also re-allocated to assist in the completion of the Corfield Street Second Carriageway Construction.

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

| Account Number | Account Description | Debit | Credit |
|----------------|----------------------------------|-----------|-----------|
| Job81006.100.1 | Attfield St/River Ave Roundabout | | \$100,000 |
| Job80029.100.3 | Corfield St Second Carriageway | \$100,000 | |

| Account Number | Account Description | Debit | Credit |
|----------------|--------------------------------|-----------|-----------|
| Job83041.100.3 | Attfield St Resurfacing | | \$100,000 |
| Job85081.100.3 | Attfield St Resurfacing | | \$100,000 |
| Job80029.100.3 | Corfield St Second Carriageway | \$200,000 | |

FINANCIAL IMPLICATIONS

Nil - Re-allocation of Funds.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION

Moved Cr MD Devereux Seconded Cr R Mitchell

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“That Council approve the cancellation of the proposed roundabout at the intersection of Attfield Street/River Avenue in Maddington, and that the \$100,000 allocated in the 2001/2002 financial year be transferred to Corfield Street Second Carriageway Construction Project, and the following adjustments be made to the Municipal Budget.

| Account Number | Account Description | Debit | Credit |
|----------------|----------------------------------|-----------|-----------|
| Job81006.100.1 | Attfield St/River Ave Roundabout | | \$100,000 |
| Job80029.100.3 | Corfield St Second Carriageway | \$100,000 | |

CARRIED BY ABSOLUTE MAJORITY 8/1

FOR: Cr C Matison, Cr J Brown, Cr MD Devereux, Cr R Croft, Cr NJ Smith, Cr R Mitchell, Cr A Pisano and Cr PM Morris.

AGAINST: Cr O Searle.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION

Moved Cr MD Devereux Seconded Cr R Mitchell

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“That Council approve that the following surplus funds in the 2001/2002 Road Rehabilitation Budget be transferred to the 2001/2002 Road Construction Budget as part of Corfield Street Second Carriageway Construction Project, and the following adjustments be made to the Municipal Budget.

| Account Number | Account Description | Debit | Credit |
|----------------|--------------------------------|-----------|-----------|
| Job83041.100.3 | Attfield St Resurfacing | | \$100,000 |
| Job85081.100.3 | Attfield St Resurfacing | | \$100,000 |
| Job80029.100.3 | Corfield St Second Carriageway | \$200,000 | |

CARRIED BY ABSOLUTE MAJORITY 8/1

FOR: Cr C Matison, Cr J Brown, Cr MD Devereux, Cr R Croft, Cr NJ Smith, Cr R Mitchell, Cr A Pisano and Cr PM Morris.

AGAINST: Cr O Searle.

Foreshadowed Motion

During debate Cr O Searle foreshadowed that she would move the following motion:

“That all monies over and above the cost of two bus shelters for Orange Grove and approximately 60 metres of kerbing outside a Kelvin road property to alleviate a severe drainage problem to be expended on Corfield Street second carriageway.”

if the motion under debate was defeated. Due to lack of a Seconder the motion lapsed.

8.54pm – Cr S Iwanyk returned to the meeting.

Notation

The Mayor, upon the return of Cr S Iwanyk to the meeting, advised that Council had endorsed the staff recommendations as contained in the Agenda.

12.5 PLANNING AND SUSTAINABILITY

12.5.1 AMENDMENT NO. 5 TO TOWN PLANNING SCHEME NO. 6 – RECODING FINALISATION FROM R17.5 TO R30 – NO. 5 (LOT 6) SWIFT CLOSE, HUNTINGDALE

File: TP/6/5 **Approve Ref:** 0102/0131AA (BF) Psrpt093Jun02
Name: Kelvin Oliver Planning Consultant
Location: Lot 5 (No. 6) Swift Close, Huntingdale
Zoning: MRS: Urban
TPS No. 6: Residential R17.5
Appeal Rights: No direct appeal rights. Minister has final determination once Council resolves to initiate a Scheme Amendment
Previous Ref: OCM 13 June 2000 (Recommendation Lost)
OCM 10 April 2001 (Resolution 269)
OCM 26 March 2002 (Resolution 197)
Area: 1,444m²

PURPOSE OF REPORT

For Council to finalise Amendment No. 5 to Town Planning Scheme No. 6 (TPS 6) to recode Lot 5 Swift Close, Huntingdale, from Residential R17.5 to Residential R30.

BACKGROUND

Application History

Council considered a rezoning proposal for the site at its Ordinary Meeting of 13 June 2000. At this meeting Council did not support the staff recommendation to initiate the requested Scheme Amendment as Councillors held concerns regarding an increase in the number of dwellings and hence vehicles in a potential future cul-de-sac. (The current subdivisional guide plan for the area (ie TPS 17 area – Huntingdale) shows Pilot Road as a cul-de-sac at its junction with both Balfour Street to the south-east and Swift Close to north-west. A proposed cul-de-sac head is shown directly in front of the subject lot.)

The current use of Swift Close and Pilot Road as a direct through access to the “Bindoon Loop” precinct is an interim measure only pending the provision of alternative road access to the precinct via new subdivisional roads.

After 13 June 2000 meeting one of these alternative access roads, being Lynford Gate (T-intersection with Balfour Street – see location plan) was constructed.

The proponent’s lodgment of a new application reflected the new road access. Apart from this aspect the new application was identical to the previous application of 13 June 2000. At its Ordinary Meeting of 10 April 2001 (Resolution 269), Council resolved:

“That Council, pursuant to Section 7 of the Town Planning and Development Act, 1928 (as amended) initiate an amendment to the City of Gosnells Town Planning Scheme No. 6, once it is gazetted, to rezone Lot 5 Swift Close, Huntingdale, from Residential R17.5 to Residential R30 subject to:

1. *The preparation, at the applicant’s cost of the requisite amendment documentation.
The applicant paying advertising and administration costs to Council.*
3. *A maximum of 4 units being developed on the site.”*

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TPS 6 was gazetted on 15 February 2002. As Amendment No. 5 to TPS 6 was considered by Council prior to that gazettal, Council at its Ordinary Meeting of 26 March 2002 formally resolved to initiate it (Resolution 197). Given that Council had previously considered the proposal in detail, that process was purely administrative.

Advertising – Public Submission

The Scheme Amendment was granted advertising for public comment for 42 days, with the public submission period closing on 24 May 2002. Council placed one sign on site and notification was sent to adjoining landowners. The amendment was also advertised in the Western Australian newspaper.

At the conclusion of the advertising period, two written submissions opposing the rezoning had been received. The submissions received are summarised in the following Schedule of Submissions.

Schedule of Submissions

| No. | Name Address | Description of Affected Property: Lot No, Street, etc | Summary of Submission | Staff Comment |
|-----|--------------|---|---|---|
| 1. | Glenn Delpup | 24 Limbee Glade (Lot 4) Huntingdale | Objects: (a) Additional 4 units will increase traffic in the street. (b) If Council was going to construct the proposed cul-de-sac he would not object to the proposal. | (a) The existing zoning will allow construction of 2 units. An increase of 2 unit for proposed Residential R30 would result in an increase of approximately 20 vpd, as explained in Discussion section of this report. (b) Cul-de-sac is to be constructed once an alternative route has been developed. |

| No. | Name Address | Description of Affected Property: Lot No, Street, etc | Summary of Submission | Staff Comment |
|-----|--------------|---|---|--|
| 2. | David Manser | 133 Bindoon Loop (Lot 455) Huntingdale | <p>Objects:</p> <p>(a) Approval may set a precedent for high-density development in the area due to fact that there are a number of larger undeveloped lots in the area. Increasing the number of dwellings will increase traffic volumes, which can be detrimental to the safety of children.</p> <p>(b) Originally they have bought the property due to proposed cul-de-sac in front of their property and housing styles in the area.</p> <p>(c) Concerned about the size and style of the future residential development.</p> | <p>(a) Council's new Local Housing Strategy once adopted will be a guide for increased residential density within the City. It is more likely that medium and high residential density will be concentrated in proximity of local centres and railway stations.</p> <p>(b) Noted. See Discussion section.</p> <p>(c) Noted See Discussion section.</p> |

Insert Location Plan

DISCUSSION

The principal issues of concern and objection were as follows:

1. Recoding will increase traffic volume in the street therefore the safety of children may be affected.
2. Cul-de-sac should remain.
3. Size and design style of the proposed dwellings on the subject site.
4. Increased residential density may set a precedent to high-density development in the area.

Traffic

The current zoning will allow construction of 2 units on the subject site, which is 1,444m² in area. Proposed zoning and rezoning initiation resolution will allow construction of 2 units more than under the current zoning. It is estimated that one household generates approximately 10 vehicle movements per day (vpd), so an additional 2 dwellings will aggregate an addition of 20 vpd. Both the existing and future road patterns are capable of safely accommodating an additional 20 vpd.

Town Planning Scheme No. 17 for Huntingdale shows Pilot Road as a cul-de-sac at its junction with both Balfour Street to the south-east and Swift Close to north-west. A proposed cul-de-sac head is shown directly in front of the subject lot. The current use of Swift Close and Pilot Road as a direct through access to Bindoon Loop is an interim measure only pending the provision of alternative road access to the area via new subdivisional roads.

Design

In assessing dwelling design on the subject lot Council will apply the same criteria as for any other residential development within the City of Gosnells area.

Density

The proposed coding, R30, provides for medium density residential development, as opposed to high density residential development (ie R80 and above).

This was the last “spot” recoding initiated by Council prior to the introduction of the revised Local Housing Strategy. It was endorsed because it was considered to provide a variety of housing choice in an area that has significantly less than 10% medium density housing (being the previous criteria).

The criteria for higher density codings under the revised Local Housing Strategy require that a site be within a 5 minute walking distance (ie 400 metres) of public transport, public services and private services. It is unlikely that this site would receive a higher density coding if it was assessed under these criteria, as it is just over 400 metres from the Huntingdale Village Shopping Centre. As the same criteria will be applied to adjoining lots it is unlikely that a precedent would be created.

CONCLUSION

The rezoning finalisation is recommended primarily for reasons of providing a greater housing choice in the area in light of trends towards smaller households. Also as the new access to Bindoon Loop precinct via Lynford Gate has eased traffic in Swift Close and Pilot Road.

FINANCIAL IMPLICATIONS

Nil

STAFF RECOMMENDATION AND COUNCIL RESOLUTION

Moved Cr NJ Smith Seconded Cr R Croft

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“That Council, pursuant to Town Planning Regulation 17(1) reject the submissions of objection received; and pursuant to Section 7 of the Town Planning and Development Act 1928 (as amended), finalise amendment No. 5 to Town Planning Scheme No. 6 to recode 5 (Lot 6) Swift Close, Huntingdale from Residential R17.5 to Residential R30, without modifications.”

CARRIED 9/1

FOR: Cr S Iwanyk, Cr C Matison, Cr MD Devereux, Cr R Croft, Cr NJ Smith, Cr R Mitchell, Cr O Searle, Cr A Pisano and Cr PM Morris.

AGAINST: Cr J Brown.

12.5.2 DEVELOPMENT APPLICATION – GARAGE ADDITION TO EXISTING AGED CARE FACILITY, 186 (LOT 101) MILLS ROAD WEST, GOSNELLS

File: 206727 **Approve Ref:** 0102/0803 (SC) Psrpt091Jun02
Name: Association for Christian Senior Citizens Homes
Location: Lot 101, Mills Road West, Martin
Zoning: MRS: Rural
TPS No. 6: General Rural
Appeal Rights: Yes. Minister for Planning and Infrastructure (Appeals Office) or Town Planning Appeal Tribunal against a refusal or any condition(s) of approval.
Previous Ref: OCM 23.4.02 (Resolution 248)
Area: 1.7093ha

PURPOSE OF REPORT

For Council to approve an application for a garage addition to the existing aged persons facility, at “Manoah Village”, at 86 (Lot 101) Mills Road West, Martin

BACKGROUND**Scheme Requirements**

Under the current “General Rural” zoning of the land “Aged or Dependent Persons’ Accommodation” (Use Class 1) is an “X” use which means a use that is not permitted by the Town Planning Scheme No. 6 (TPS 6).

Clause 4.8 of TPS 6 allows for Non-Conforming Uses. Non-Conforming Uses allow that a use that was being lawfully operated prior to the gazettal of TPS 6 to continue to operate after the said use becomes prohibited by virtue of TPS 6.

Clause 4.9 of TPS 6 allows for extensions and changes to a non conforming use, however, the application is required to be determined by Council.

Proposal

A building licence application proposing a 23m² garage addition was lodged with Council on 21 May 2002. The proposed steel framed and clad garage shall match the two existing garages located adjacent to Units 3 and 4.

Council’s records show that Manoah Village previously operated with non-conforming use rights under Town Planning Scheme No. 1, and many extensions to that non conforming use have been approved. The most recent approval for extension to the non conforming use was an approved under TPS 6 for additions to Unit 1, which was approved at the Ordinary Council Meeting held on 23 April 2002 (Resolution 248), as follows:

“That Council approve the additions to Unit 1 at Manoah Village at 86 (Lot 101) Mills Road West, Martin, subject to:

1. Issue of a building licence.

Standard Condition 5.1.”

Currently there are 42 dwelling units and 85 parking bays on site.

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Insert location Plan

Insert Site Plan

DISCUSSION

The proposed garage is considered to be a minor addition that is compatible with the existing use on site. The application, therefore, was not referred to surrounding properties, as the garage addition was not considered to impact or affect the amenity of the area. Further, the proposal complies with scheme requirements and standards such as setbacks from boundaries. For these reasons the application is recommended that it be approved.

FINANCIAL IMPLICATIONS

Nil.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION

Moved Cr MD Devereux Seconded Cr R Mitchell

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“That Council approve the garage addition at Manoah Village at 86 (Lot 101) Mills Road West, Martin, subject to the issue of a building licence.”

CARRIED 10/0

FOR: Cr S Iwanyk, Cr C Matison, Cr J Brown, Cr MD Devereux, Cr R Croft, Cr NJ Smith, Cr R Mitchell, Cr O Searle, Cr A Pisano and Cr PM Morris.

AGAINST: Nil.

12.5.3 DEVELOPMENT APPLICATION – TEMPORARY PHARMACY, 271-289 (LOT 14) AMHERST ROAD, CANNING VALE (*Item Brought Forward – Refer to Item 10*)

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

12.5.4 DEVELOPMENT APPLICATION – FAST FOOD OUTLET – UNIT 3, NO. 10 (LOT 1002) WARTON ROAD, HUNTINGDALE (*Item Brought Forward – Refer to Item 10*)

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

12.5.5 SOUTHERN RIVER PRECINCT 1 (HOLMES STREET) OUTLINE DEVELOPMENT PLAN – APPROVAL TO SEEK PUBLIC COMMENT AND TO INITIATE SCHEME AMENDMENTS

| | | | |
|---------------|--|---|---------------|
| File: | 12.8.8 | (SRW) | Psrpt090Jun02 |
| Zoning: MRS: | Urban Deferred, Urban and Rural | | |
| TPS No. 6: | Residential Development, Residential R17.5 and Rural | | |
| Appeal Rights | Scheme Amendment Initiation - none, however consent to advertise is subject to approval by the Western Australian Planning Commission. | | |
| Appendices: | 12.5.5A | Southern River Precinct 1(Holmes Street) Outline Development Plan | |
| | 12.5.5B | Options developed at Enquiry-by-Design Workshop | |

PURPOSE OF REPORT

To enable Council to consider the Southern River Precinct 1 (Holmes Street) Outline Development Plan for submission to the Western Australian Planning Commission and seeking public comment prior to finalisation.

BACKGROUND

Tenders were called for suitably qualified consultants in May 2001 to develop an Outline Development Plan (ODP) for the Southern River Precinct 1 (Holmes Street) Study Area. The tender specifies the area and establishes the requirement for the design to consider Bush Forever Sites and “Liveable Neighbourhoods - Community Design Code” principles involving extensive consultation. On 25 July 2001 Council awarded the tender for the preparation of the ODP to Turner Master Planners.

The regional context for the Outline Development Plan area includes the Southern River/Forrestdale/Brookdale/Wungong District Structure Plan, released by the Western Australian Planning Commission in January 2001. The Structure Plan was based on the recommendations of Perth Bushplan (1998) and has required further technical assessment in respect of stormwater management.

The draft Urban Water Management Strategy (UWMS) for the Southern River/Forrestdale/Brookdale/Wungong District Structure Plan area was prepared by JDA Consultant Hydrologists in 2001. The strategy addresses issues of stormwater management on a catchment based approach addressing issues of flood management, water quality management and implementation. The final UWMS is currently being considered by the Department of Environmental Protection (DEP).

Insert Location Plan

DISCUSSION

In the development of the ODP, the following major issues have needed to be considered:

- A recognition of the conservation values of the area, particularly Bush Forever Sites and Conservation Category Wetlands.
- Consistency with the draft Urban Water Management Strategy.
- Consistency with the Liveable Neighbourhoods – Community Design Code.
- Residential design based on achieving “walkable” neighbourhoods.
- The need for effective movement patterns, by car, public transport, foot and bicycle.
- Common infrastructure works including drainage, sewerage, road upgrading etc.

Overall, an appropriate balance between conservation and development is required.

To facilitate effective consultation and discussion, an Enquiry-by-Design (EBD) Workshop formed part of the project brief for the planning consultants, with the workshop being held in October 2001. The Bush Forever Office provided a briefing paper for discussion on the management/interface of the Bush Forever Sites located within the ODP area. One of the key components of the briefing paper was the designation of “core” conservation areas within the Bush Forever Sites detailing the key areas of bushland that the Bush Forever Office aimed to retain in the development of an ODP. At the workshop, three options were developed, based on input from the land owners, stakeholders and relevant authorities in addressing the above-mentioned major issues (refer Appendix 12.5.5B).

In essence option 1 provided a balance between development and conservation, however would likely result in relatively high levels of contributions from the land owners for land acquisition which is dependent upon the determination by the Department for Planning and Infrastructure in respect of POS credits for Bush Forever sites.

Garden Street, though currently unconstructed through the ODP area, is designated as an “Other Regional Road” under the Metropolitan Region Scheme. The realignment of Garden Street, as per option 2, was considered at the Enquiry-by-Design workshop as a possible measure to prevent the fragmentation of the conservation category wetland at the south-eastern end of the ODP area and provide a consolidated bushland area incorporating the bushland within Sutherland Park. The DPI has recently evaluated the likely costs associated with the realignment of Garden Street and have indicated a likely cost of \$1.5m on the basis of the acquisition of land that would be required under the Metropolitan Region Scheme. The DPI has indicated that the resources required to realign Garden Street would likely be better utilised elsewhere, such as for other Bush Forever Sites.

Option 3 was developed as an option for reducing the amount of land required for conservation and public open space, ie. maximum development potential. This option does not reflect the intent of the Bush Forever Office in achieving protection of “core” conservation areas, with residential development consuming the edges of conservation areas and providing negligible buffers.

The ODP currently before Council is generally based on Option 1, however it omits a vegetation corridor the east of Harpenden Street as this area was not designated by the Bush Forever Office as being part of the “core” conservation areas and therefore is acceptable for development.

Bush Forever Sites

The ODP area incorporates vegetation of regional significance, reflected in Bush Forever Site 125 covering a significant portion of the area. Representatives from the Bush Forever office were present at the Enquiry by Design Workshops. A briefing paper was prepared by the Bush Forever Office for the Enquiry-by-Design Workshops,

detailing the key areas of bushland that the Bush Forever Office aimed to retain in the development of an ODP. The Draft ODP has been based on the recommendations of the Bush Forever Office and is generally in accordance with their previously stated position.

The Bush Forever Office is supportive of utilising Negotiated Planning Solutions (NPS) to achieve the following:

- Maximise bushland retention, particularly core conservation values to achieve a balance between the needs of conservation and development.
- To encourage best practice through performance and design criteria to achieve conservation objectives while offering opportunities for innovative and sustainable planning outcomes.

The implementation guidelines for strategic NPS include:

- Encouraging land coordination and cost sharing arrangements as a mechanism for strategic coordination of bushland conservation and an *equitable* and *reasonable* outcome for private landowners affected by Bush Forever sites.
- Set aside Bush Forever sites as conservation reserves and purchase through land owner contributions and cost-sharing arrangements or for land owners to set aside such land free of cost over and above the normal POS requirements.

Council is committed to achieve a sustainable outcome in conjunction with the Bush Forever Office and the Department for Environmental Protection. Achieving sustainable outcomes requires consideration of social and economic sustainability and not solely environmental protection, ie the triple bottom line.

For the Bush Forever sites, it is envisaged that management plans will need to be prepared, however at present, the issue of future management of Bush Forever sites remains unresolved and will require negotiation between the Bush Forever Office, Local Government, the Department for Conservation and Land Management and the Department for Environmental Protection.

Common to all three options considered at the EBD workshop was a linkage across the Bush Forever site, utilising an existing firebreak trail. The Bush Forever Office have indicated that they are not prepared to support a road linkage but may be prepared to support a dual-use path to allow for pedestrian and cycle movements between residential areas and the new village centre utilising the alignment of the existing firebreak trail. The opportunity also exists for the co-location of major infrastructure such as a sewer main with the dual use path. Council staff recommend that a dual-use path be provided in lieu of a road to achieve an appropriate outcome based on conservation and accessibility objectives.

Wetlands

The ODP area contains a number of conservation category, resource enhancement and multiple use wetlands. Most of the conservation category wetlands are contained within Lots 1588, 1578, 1585, 2 and 3 where the significant vegetation occurs. All of the wetland areas contain vegetation of a type and condition that warrants classification as Conservation Category.

In accordance with the management categories outlined in the Environmental Protection Authority's (EPA) Bulletin 686, Conservation Category Wetlands possess a high degree of naturalness. Resource Enhancement wetlands are defined as modified but with no clearly recognised human uses in their settings. Wetlands in the Multiple Use Management Category have been severely degraded, possessing few natural attributes and limited human use interest.

Linkages Between Conservation Areas

In considering the ODP, the importance of retaining connectivity between vegetated areas to enable flora and fauna movements has been recognised, though seriously constrained by previous subdivision approvals granted within the study area. In particular, the linkage between the vegetation adjacent to Garden Street on the eastern side of Harpenden Street and the Bush Forever area on the Western side of Harpenden Street is of significance though difficult to achieve. The installation of fauna underpasses under the road network to provide linkages between conservation areas is an effective approach to recognising the needs of flora and fauna within the existing constraints such as previously approved subdivisions.

Interface With Bushland Areas

To minimise the impacts of urbanisation on the conservation values of remnant vegetation within the ODP area, the following were considered in the development of the ODP:

- Avoid housing backing onto bush land which can lead to degradation through garden refuse dumping.
- Carefully design the bushland/development interface to minimise problems of weed infestation and management by including a hard edge, ie road or path, to bush land and establish buffer zones of less intensive land uses next to high priority conservation areas.

In light of the design of the existing development based around Antiqua Place, to the north-east of Lot 1585, it is considered imperative from an urban design, security and bush fire management perspective that a road linkage be provided between Dollarbird Avenue and Harpenden Street (refer Appendix 12.5.5A). The road link would allow the creation of a "hard edge" to the conservation areas and to improve visual surveillance from the adjoining properties. The DEP and Bush Forever Office have indicated possible support for this component but only on the basis that the public open space and drainage area shown on Lot 7 be ceded for conservation purposes. This approach would be dependent upon achieving an alternative drainage solution and the

Department for Planning and Infrastructure exercising discretion in providing credit for required Public Open Space contributions being given for Bush Forever Sites.

For other interfaces between development/public open space and Bush Forever sites, irrigation and nutrient management plans should be prepared in conjunction with the use of appropriate fencing, dual use paths, planted native vegetation buffers, bollards etc.

Drainage Nutrient Management Plan for Study Area

In accordance with the objectives of the Urban Water Management Strategy (UWMS) prepared by JDA Consultants for the Southern River/Forrestdale/Brookdale/Wungong Structure Plan, a drainage and nutrient management plan will need to be finalised prior to submission of the ODP to the Western Australian Planning Commission for consideration. To accord with the objectives of the Water and Rivers Commission and the UWMS, the opportunity exists for joint POS and drainage swales to be incorporated into the ODP, allowing for stormwater disposal as close to the source as possible.

Reasonable and Equitable Distribution of Costs

In accordance with the guidelines for Negotiated Planning Solutions, ODP's incorporating cost-sharing arrangements are to be utilised for the purpose of purchasing conservation reserves in conjunction with land being set aside free of cost over and above the normal POS requirements. Where significant land is required to be set aside for conservation purposes, one of the key objectives of NPS's, that of *reasonable* and *equitable* outcomes for private land owners becomes very difficult to achieve. Should cost-sharing for infrastructure and land acquisition be unreasonable, the land will likely remain undeveloped for a considerable period of time, ultimately to the detriment of land owners, the City and the Bush Forever Sites; an issue that requires further consideration by the Department for Planning and Infrastructure.

Council is a significant land owner in the ODP area, owning four lots with a total area of 17 hectares (20% of the precinct), which accommodate the majority of the Bush Forever Sites. Should Council surrender the "core" Bush Forever sites upon its land (approximately 7ha) free of cost for the purpose of conservation, the cost-sharing requirements for the other land owners would be reduced significantly. However, the land was purchased by Council as future landbank and not for conservation purposes. The effect of Council giving up this land free of cost for Bush Forever purposes is equivalent to Council making a contribution from the general revenue of the City and therefore all the City's ratepayers to benefit the landowners within this ODP area. This is not considered reasonable, equitable nor sustainable and is therefore not supported.

The standard requirement from the Department for Planning and Infrastructure is for 8 to 10% of subdivision areas to be ceded free of cost to the crown for the purpose of public open space. The standard guidelines for Negotiated Planning Solutions do not provide for Bush Forever Sites to be credited towards the open space requirements, however should the Department for Planning and Infrastructure exercise discretion on this matter by allowing partial credit, the land contributions required from the land owners would be reduced. Irrespective of credit being provided for Bush Forever Sites,

the ODP will need to demonstrate sufficient public open space for active and passive recreation purposes.

Common Infrastructure Works

One of the key purposes of preparing Outline Development Plans is to establish cost-sharing mechanisms for common infrastructure in accordance with Schedule 12 of City of Gosnells Town Planning Scheme No. 6. Ultimately through a Scheme Amendment process, an attachment could be added to Schedule 12 of the Scheme outlining the specific common infrastructure works for the Holmes Street ODP area. Specific works for this area include:

- The acquisition of Bush Forever sites, Conservation Category Wetlands and land for public open space.
- The construction/upgrading of “Other Regional Roads”, ie. Garden Street and Warton Road.
- The construction of Dual Use Paths.
- The construction Drainage and Multiple Use Corridors.
- Management Costs and Fees.

All owners within an area the subject of an Outline Development Plan prepared and adopted pursuant to the provisions of Part 7 of the Scheme, are required to make a cost contribution in order to enable and facilitate Common Infrastructure.

Scheme amendment to TPS 6 – Specific Infrastructure Costs

Schedule 12 of Town Planning Scheme No. 6 provides for “*Common Infrastructure Provisions Relating to Outline Development Plan areas, covering administrative procedures, typical common infrastructure costs and cost contributions from land owners. Where specific cost-sharing provisions are required, ie for individual ODP areas, an amendment to the Town Planning Scheme is necessary to introduce an Attachment to the Twelfth Schedule of the Scheme. This Attachment shall form the basis of cost contributions from land owners.*” The staff recommendation is for a Scheme Amendment to be initiated to introduce Attachment B - “Specific Infrastructure Costs for Southern River Precinct One (Holmes Street)”

Scheme amendment to TPS 6 – Lot 1575

In accordance with the Metropolitan Region Scheme (MRS), Local Authorities are required within a period of 3 months to take necessary steps to update their Town Planning Schemes to remove any inconsistencies that may exist with the MRS. Lot 1575 was originally zoned “Urban Deferred” instead of “Urban” on the basis of the poultry farm that was operating on the site at the time; the poultry farm has since ceased to operate.

Discussions with the Department for Planning and Infrastructure have indicated it to be appropriate for a Town Planning Scheme Amendment to be initiated and progressed

concurrently with the re-consideration of its “Urban Deferred” status under the Metropolitan Region Scheme by the Western Australian Planning Commission. Council staff have been advised that the reconsideration of the “Urban Deferred” status will likely occur in the near future. The staff recommendation is for Council to initiate a Scheme Amendment to rezone Lot 1575 from “Rural” to “Residential Development”, requiring all future development and subdivision of the land to be in accordance with an approved Outline Development Plan. This Scheme Amendment should remain separate from the Scheme Amendment required to introduce the provisions into the Scheme related to common infrastructure works, as this will ensure delays to each amendment are minimised.

Ultimately, a further scheme amendment to the Town Planning Scheme will be required to rezone the remaining Lots 1608 and 1609 from “Rural” to “Residential Development”. At present, these lots are zoned “Rural” under the Metropolitan Region Scheme and as such the rezoning of these lots under the City of Gosnells Town Planning Scheme No. 6 can not be undertaken until the Metropolitan Region Scheme is amended. The staff recommendation to Council is to request an amendment to the Metropolitan Region Scheme for the rezoning of lots 1608 and 1609 from ‘Rural’ to ‘Urban’ through the South East District Planning Committee.

FINANCIAL IMPLICATIONS

As outlined earlier in this report, the financial implications to Council primarily relate to Council owned Lots 1585 Harpenden Street and Lots 1 and 2 Holmes Road, affected by the “core” Bush Forever areas. Should Council surrender its land free of cost for the purpose of reducing the overall common infrastructure costs for other land owners, a foregone income stream would clearly result. The land was purchased by Council as land bank and not for conservation purposes and surrender of this land free of cost is a cost to the wider City of Gosnells community for the financial benefit of landowners within the ODP area. This is not considered reasonable or equitable.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION

Moved Cr NJ Smith Seconded Cr MD Devereux

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“That Council support the Southern River Precinct 1 (Holmes Street) Outline Development Plan and forward the plan to the WA Planning Commission and seek public comment upon the receipt of the following information to the satisfaction of the Director Planning and Sustainability:

- (i) A Drainage Nutrient Management Plan
- (ii) A schedule of common infrastructure works.
- (iii) Full ODP and Amendment Documentation.”

CARRIED 10/0

FOR: Cr S Iwanyk, Cr C Matison, Cr J Brown, Cr MD Devereux, Cr R Croft, Cr NJ Smith, Cr R Mitchell, Cr O Searle, Cr A Pisano and Cr PM Morris.

AGAINST: Nil.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION

Moved Cr NJ Smith Seconded Cr MD Devereux

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“That Council pursuant to Section 7 of the Town Planning and Development Act 1928 (as amended) initiate an amendment to the City of Gosnells Town Planning Scheme No. 6 to rezone Lot 1575 Holmes Street, Southern River, from “Rural” to “Residential Development”.”

CARRIED 10/0

FOR: Cr S Iwanyk, Cr C Matison, Cr J Brown, Cr MD Devereux, Cr R Croft, Cr NJ Smith, Cr R Mitchell, Cr O Searle, Cr A Pisano and Cr PM Morris.

AGAINST: Nil.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION

Moved Cr NJ Smith Seconded Cr MD Devereux

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“That Council request an amendment to the Metropolitan Region Scheme to rezone lots 1608 and 1609 from ‘Rural’ to ‘Urban’ through the South East District Planning Committee.”

CARRIED 10/0

FOR: Cr S Iwanyk, Cr C Matison, Cr J Brown, Cr MD Devereux, Cr R Croft, Cr NJ Smith, Cr R Mitchell, Cr O Searle, Cr A Pisano and Cr PM Morris.

AGAINST: Nil.

12.5.6 TENDER NO. 34/2002 - SUPPLY AND/OR LAYING OF PAVING

File: 3.1.20C

(NS) Psrpt086Jun02

PURPOSE OF REPORT

To have Council award Tender 34/2002 for the supply and/or laying of concrete block pavers for a two-year contract. The majority of the contract works will be undertaken as part of the Revitalisation of Gosnells Town Centre Project.

BACKGROUND

Based on the estimated requirements of paving and its installation for the Town Centre Project over the next two years it was considered that the market be tested for a medium term contract to meet these requirements. It was also considered that the tender process would ensure expectations of quality in the Town Centre would be better met.

DISCUSSION

A tender to enter into a contract for a period of two years for the supply and/or supply and lay and/or the laying of concrete and block pavers for the City of Gosnells was advertised on Wednesday the 24 April 2002 with tenders closing at 2.00pm Friday 10 May 2002. Six tenders were received.

In order to provide a tender assessment process that ensured maximum value to the City, the tender was split between supply and installation. As manufacturers of paving products regularly supply local government, this arrangement ensured competitiveness at all levels of the tender.

Tender 34/2002

| | Paving Description m ² | Name of Tenderer | | | | | |
|------------------------------|--------------------------------------|------------------|---------------|-----------------------|-----------------|-------------|------------|
| | | Hugh and Co | Midland Brick | The Red and the Green | LP + SL Coppens | Metro Brick | Urbanstone |
| Supply only of Paving | 400 x 400 precast paver | 55.65 | 45.10 | N/A | 65.00 | N/A | 52.70 |
| | Points (90) A | 73 | 90 | 0 | 62 | 0 | 77 |
| | 230 x 114 clay paver | 18.60 | 16.95 | N/A | 23.00 | 18.50 | N/A |
| | Points (90) B | 82 | 90 | 0 | 66 | 82 | 0 |
| Laying only of Paving | 400 x 400 precast paver | 20.50 | N/A | 24.20 | 22.00 | N/A | N/A |
| | Points (60) C | 60 | 0 | 50 | 56 | 0 | 0 |
| | porphyry stone | \$200 | N/A | \$55.00 | \$40.00 | N/A | N/A |
| | Points (60) D | 12 | 0 | 44 | 60 | 0 | 0 |
| Supply and Lay | 400 x 400 precast paver | 77.00 | N/A | 92.80 | 87.00 | N/A | N/A |
| | Points (60) E | 60 | 0 | 50 | 53 | 0 | 0 |
| | 230 x 114 clay paver | 35.00 | N/A | 38.25 | 45.00 | N/A | N/A |
| | Points (60) F | 60 | 0 | 55 | 47 | 0 | 0 |
| Extras | concrete footing | 8.00 | N/A | 16.50 | 7.70 | N/A | N/A |
| | Points (60) G | 58 | 0 | 47 | 60 | 0 | 0 |
| | edge restraint | 12.00 | N/A | 7.70 | 5.50 | N/A | N/A |
| | Points (60) H | 28 | 0 | 43 | 60 | 0 | 0 |

| Supply Matrix | | Name of Tenderer | | | | | |
|---------------|-----|------------------------|---------------|-----------------------|-----------------|-------------|------------|
| | | Hugh and Co | Midland Brick | The Red and the Green | LP + SL Coppens | Metro Brick | Urbanstone |
| Quality | 10% | 8 | 7 | N/A | 9 | 8 | 9 |
| Price | 90% | Refer rows A & B Above | | | | | |

| Laying Matrix | | Name of Tenderer | | | | | |
|---------------------------------|-----|-------------------------|---------------|-----------------------|-----------------|-------------|------------|
| | | Hugh and Co | Midland Brick | The Red and the Green | LP + SL Coppens | Metro Brick | Urbanstone |
| Experience | 10% | 9 | N/A | 7 | 8 | N/A | N/A |
| Safety, inc. Traffic Management | 10% | 8 | N/A | 7 | 7 | N/A | N/A |
| Equipment and Machinery | 10% | 7 | N/A | 8 | 8 | N/A | N/A |
| Skills and Qualifications | 10% | 7 | N/A | 8 | 7 | N/A | N/A |
| Price | 60% | Refer rows C to H Above | | | | | |

| Matrix Total | | Name of Tenderer | | | | | |
|-----------------------|-------------------------|------------------|---------------|-----------------------|-----------------|-------------|------------|
| | | Hugh and Co | Midland Brick | The Red and the Green | LP + SL Coppens | Metro Brick | Urbanstone |
| Supply only of Paving | 400 x 400 precast paver | 81 | 97 | N/A | 71 | N/A | 86 |
| | 230 x 114 clay paver | 90 | 97 | N/A | 75 | 90 | N/A |
| Laying only of Paving | 400 x 400 precast paver | 91 | N/A | 80 | 86 | N/A | N/A |
| | porphyry stone | 43 | N/A | 74 | 90 | N/A | N/A |
| Supply and Lay | 400 x 400 precast paver | 91 | N/A | 80 | 83 | N/A | N/A |
| | 230 x 114 clay paver | 91 | N/A | 85 | 77 | N/A | N/A |
| Extras | concrete footing | 89 | N/A | 77 | 90 | N/A | N/A |
| | edge restraint | 59 | N/A | 73 | 90 | N/A | N/A |

Based on the evaluation matrix it is recommended that the City award the tender for supply to Midland Brick and award the tender for laying to both LP and SL Coppens and Hugh and Co. By awarding the laying contract to two contractors, the City is able to complete work on restricted schedules with assurance that one of two contractors will be able to meet the needs of the City.

The objective of the tender was to test the market for the best value for money for the goods and services tendered available to the City. The tender looked at three options which included supply only, laying only and both supply and lay contracts. After evaluation it is considered that there was no financial advantage to the City in awarding a contract for the supply and lay of concrete block pavers as the cost of separately purchasing the products and the service are cheaper than to have a single contractor provide both.

FINANCIAL IMPLICATIONS

There are no direct financial implications for the appointment of contractors as recommended. Services will be on an as needs basis with the costs apportioned to individual project budgets.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION

Moved Cr MD Devereux Seconded Cr J Brown

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“That Council award the supply component of Tender 34/2002 – Supply and/or Laying of Paving - for the supply of paving, being 400mm x 400mm precast concrete pavers and 230mm x 14mm clay pavers, to Midland Brick in accordance with the tender documents 34/2002 and tender submission for a two year contract period ending 30 June 2004.”

CARRIED 10/0

FOR: Cr S Iwanyk, Cr C Matison, Cr J Brown, Cr MD Devereux, Cr R Croft, Cr NJ Smith, Cr R Mitchell, Cr O Searle, Cr A Pisano and Cr PM Morris.

AGAINST: Nil.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION**Moved Cr MD Devereux Seconded Cr J Brown**

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“That Council award the laying component of Tender 34/2002 – Supply and/or Laying of Paving as follows:

- i) 400mm x 400mm precast concrete pavers and concrete footing and edge restraint to L P and S L Coppens and also to Hugh and Co; and
- ii) 100mm x 100mm porphyry stone sets to L P and S L Coppens;

in accordance with tender documents 34/2002 and tender submissions for a contract period of two years ending 30 June 2004.”

CARRIED 10/0

FOR: Cr S Iwanyk, Cr C Matison, Cr J Brown, Cr MD Devereux, Cr R Croft, Cr NJ Smith, Cr R Mitchell, Cr O Searle, Cr A Pisano and Cr PM Morris.

AGAINST: Nil.

The Mayor advised the meeting that Cr A Pisano, due to owning property and business had disclosed a Financial Interest in the following item in accordance with Section 5.60 of the Local Government Act 1995.

8.56pm – Cr A Pisano left the meeting.

12.5.7 CIVIC COMPLEX PROJECT – COUNCILLOR DESIGN FEEDBACK

File: 10.10.6 (DL) Psrpt085Jun02
Appendix: 12.5.7A Hall redesign options

PURPOSE OF REPORT

To provide Council with a list of design requirements established at the Councillor design workshop held on Wednesday 24 April 2002 and seek Council approval and direction for changes in the scope of the project.

BACKGROUND

The Civic Complex design has undergone some evolution and changes since the concept was initially proposed at the presentation at which the architects were selected. As part of the selection process all submissions presented to Council were required to conform with the project brief which Architects were issued with.

Since the appointment of the Architects, consultation with Stakeholders has been extensive with the result being alterations to the initial concept proposal that was presented to Council as part of the selection process.

This consultation has progressed under the framework and terms set out by the project brief which was endorsed by Council (OCM 9 October 2001 Resolution 874):

“That Council approve the Gosnells Town Centre Civic Complex Construction Brief and authorise tenders be called for the appointment of Design Consultants.”

The project brief described in detail the parameters of the project, the process to be undertaken and the elements to be accommodated by the building. This document has been the basis on which staff and consultants have proceeded.

A workshop was held on the 2 April 2002 to brief Councillors on the development of the Civic Complex project as part of the approval process. Some issues were raised by Councillors concerning the aesthetic appearance and material selection proposed for the new Civic Complex. As such and as an outcome of this first workshop a second workshop was convened on Wednesday 24 April 2002. The purpose of this second workshop was to provide Council staff with the opportunity to receive feedback and direction from Councillors as to their desired outcomes for the project.

DISCUSSION

The Councillor workshop which was attended by seven Councillors, Council Officers, the Project Architect and Quantity Surveyor provided a forum for Councillors to voice their views of the current proposal. The objective of this workshop was to enable council staff to get a clear direction on issues that Councillors believe require further resolution. This has been developed into a definitive list for consideration of the full Council so that the project can proceed toward Council endorsement.

Aesthetic Issues

A number of issues were raised during the workshop which have been recommended to be included into the scope of works for the project and are listed below accompanied by their financial implications:

| | |
|--|------------------|
| Replace zincalume cladding with an alternative. | \$25,000 |
| Replace the majority of rendered brickwork with face brickwork | \$20,000 |
| Increase the balcony along the Albany Highway elevation | \$21,000 |
| Increase the number of skylights on the roof (dormer windows) | \$30,000 |
| Increase the number of roof gables | \$15,000 |
| Change roof colour to a traditional red | \$0 |
| Extend hip roof over crèche along Astley Street | \$20,000 |
| Additional consultants fees | \$11,700 |
| Contingency | \$10,000 |
| Total | \$152,700 |

As stated previously the initial proposal presented by the Architects as part of their selection was very much a concept design in which a base for the project was provided for further evolution. The design has undergone change through consultation with tenants and has been costed at a number of stages of the process as outlined within the brief. The proposal which has been presented to Councillors at the workshops complies in every respect to the project brief and has been costed in accordance with the project budget.

The above changes to the scope of the project could be considered minor and could be accommodated within the project without any major redesign. Having said this, the building would remain compliant with the brief and functional requirements of the project without the above changes. These changes would however have an impact on the project program and budget. It would be expected that practical completion for the hand over of the building would be pushed back to February 2004.

Hall Capacity

An issue that was raised at the Councillor workshop which has major implications to the project, both in terms of time and cost, relates to the size proposed for the hall. The hall has been designed to accommodate 120 people seated in a cabaret configuration in accordance with the approved brief. A proposal to increase this to approximately 200 people was suggested at the workshop. Analysis of the use of the current civic centre which formed the rationale for the size of the original proposal is as follows:

Regular Bookings (ie weekly, monthly):

- Currently there are twenty one regular bookings for the civic centre.
- Of those twenty one, only five will not be able to use the new hall as it is currently proposed.
- Of those five, all have been offered alternative venues within the City with two accepting and the other three making their own arrangements.

Yearly Bookings (events):

- There are currently thirteen events booked for the civic centre per year.
- Of those thirteen, only four cannot be accommodated within the new hall as it is currently proposed.
- Of the four who can not be accommodated all four have been offered alternative venues with only one not accepting the offer.

There does however seem to be a demand for a larger hall for special one off functions such as birthdays, engagements etc. Based on historical bookings, demand for a larger hall would be expected to be in the order of two to four functions a month.

The opportunity exists to assist user groups to maximise use of the Civic Complex and surrounds through the conduct of training seminars which could be organised by the Community Programmes Branch. The seminars would focus on function and event management which could give community organisations assistance with different layout and promotion options. Additionally, Community Programmes staff would be able to utilise its event management expertise to assist individual organisations with their specific needs. It is considered that training and assistance of this nature could provide groups the opportunity to present their functions and events in a different way to maximise their promotion potential.

Based on current usage of the existing Civic Centre it could be argued that to provide a hall greater than that proposed would not provide the same value for money for the capital expended as will currently be achieved. It is questionable whether the expenditure of additional municipal funds represents good value. This is due to the fact that demand for a larger hall is limited in the existing Civic Centre as outlined above.

Future Requirements

The City's vision for the Town Centre Revitalisation and Civic Complex has been widely recognised, however the provision of a larger hall needs to be balanced against capital and operational funding limitations. Potential increases in use of the facility due to an improved standard cannot be accurately assessed or substantiated and as such a detailed quantitative analysis cannot be included within this report.

A brief survey of the local high schools and sports groups has been undertaken to gauge their present and future requirements for a large hall to seat approximately 190. Their response is as follows:

| Organisation | Comments | Potential Future Use | |
|-------------------------------------|--|----------------------|-----------------------------|
| | | Seat 120 | Seat 190 |
| Gosnells SHS | Indicated a hall size of 190 would be suitable | No | Yes |
| Yule Brook College | Use their own facilities | No | No |
| Rehoboth Christian School | Not sufficient in size (requirement for approx 700) | No | No |
| Thornlie SHS | Not sufficient in size (requirement for approx 700) | No | No |
| Gosnells Croquet Club Inc | No requirement as they use their own facilities | No | No |
| Huntingdale Tee-Ball Club | They have a requirement greater than 190 and as such would not use the facility | No | No |
| Rebels Mens' Softball Club | Normal requirement of around 90 people | Yes | No |
| Dale Districts Mens Softball Assoc. | Normal requirement of around 90 people | Yes | No |
| Thornlie Football and Sports Club | Have a requirement for a much larger venue | No | No |
| Beckenham Angels Soccer Club | Have an immediate requirement for a small hall but believe they will need bigger in the future | Yes | Yes (in approx three years) |

| Organisation | Comments | Potential Future Use | |
|--------------------------------------|--|----------------------|----------|
| | | Seat 120 | Seat 190 |
| Gosnells City Soccer & Social Club | Only have a requirement for a 120 capacity hall. | Yes | No |
| Orange Grove Horse & Pony Club Inc | Use their current facilities which accommodate around 150 | No | No |
| Kenwick Senior Football Club Inc | They have a requirement greater than 190 and as such would not use the facility | No | No |
| Gosnells Junior Football Club Inc | They have a requirement greater than 190 and as such would not use the facility | No | No |
| Huntingdale Junior Football Club Inc | Indicated that their function sizes vary and would use both a 120 seat and 190 seat hall | Yes | Yes |
| Thornlie Hawks Softball Club | They have a requirement for less than 120 seat but currently use Maddington | Yes | No |
| Southern River Football Club | Have a requirement for approx 100 seat hall. Have no requirement for larger | Yes | No |
| Southern Saints Football Club | Have a requirement for approx 90 seat hall. Have no requirement for larger | Yes | No |
| Gosnells Gaiters Softball Club Inc | Have functions of varying size and would use both a 120 and 190 seat hall. | Yes | Yes |

The above table gives some indication of the demand which would be created by increasing the size of the hall. From the feedback received from user groups, it was indicated that while a hall suitable to seat 190 occupants marginally increased the demand for the facility, a hall far larger would need to be provided to accommodate all potential uses and functions.

The occasional demand for this type of function may lend itself to being accommodated through the ability of the hall to utilise the courtyard area. This option could be further enhanced by the use of a tent structure for the courtyard which could be installed for the few events which would require the additional capacity.

There are a number of green field sites within the City that would lend themselves to the construction of a large multi-purpose hall which can be used for a number of community uses and be used on the required occasion to seat up to 350 occupants at a function.. These sites are located in such strategic areas as Southern River and Canning Vale which are the areas of growth within the City. This would provide greater value for money to the City if the requirement for such a facility was deemed to be necessary.

Expansion Options

The increase to the hall size has wider implications to the design than the simple increase in floor area to the hall. Three options have previously been proposed to Council (OCM 14 May 2002, Resolution 314, which was referred back), of those three proposals, Council has requested that further information be provided on the implications of the option below.

This option involves reconfiguring the hall to accommodate 192 people in a cabaret style configuration. The expected capital cost and implications of this option are as follows:

| | |
|---|-------------------------|
| • An increase in the hall will result in a redesign of the library and other community facilities surrounding the hall. | Costs incl. below |
| • Increased floor area of the hall to accommodate 192 guests in a cabaret style with a head table, dance floor and increased circulation. Gross total floor area increase of 160m ² (@\$1,400/sqm) | \$225,000 |
| • Additional acoustic treatment to isolate the hall | \$100,000 |
| • An increase in toilet facilities will be required to cater for the increased capacity | \$10,000 |
| • Increase kitchen capacity and upgrade standard to commercial quality | \$140,000 |
| • Additional kitchen equipment for increased capacity | \$210,000 |
| • Additional Consultant Fees | \$62,000 |
| • Contingency | \$60,000 |
| Total | <u>\$807,000</u> |

All costings have been provided by Davis Langdon Australia Quantity Surveyors. The costings have been based on the limited information available at this point and may vary as more detailed proposals are explored.

The Architects have been instructed to review some broad sketch proposals to explore the full impact of the increased hall size on the surrounding buildings. They have provided three proposals which have been included as an Appendix 12.5.7A.

The Architects have provided a list of implications associated with the size increase for each option. These implications are as follows:

OPTION 1

Implications

- Reduction in size of courtyard:

| Existing | Proposed |
|------------------------------------|--------------------------------------|
| 28.0m x 13.0m (364m ²) | 24.4m x 13.0m (317.2m ²) |

- Requires significant re-design of ground floor business incubator and community facilities.
- Requires re-design of library, interactive heritage centre and first floor business incubators.
- Results in the loss of a designated meeting room to the Library although they will have shared access to the community meeting room.

- Requires possible re-design of proposed northern road layout requiring removal of some existing mature trees.
- Minor impact on size of future civic square as design is pushed towards square by approximately 1m.
- May increase extent of first floor business incubator offices overlooking hall roof.
- The three community facility meeting rooms are not centrally located or positioned in the most desirable locations for access and aspect.
- Poor location of small community facilities meeting rooms, ie adjacent commercial kitchen.
- Area increase of 180m².

OPTION 2

Implications

- Requires significant re-design of community facilities.
- Requires re-design of library, interactive heritage centre, and first & ground floor business incubators.
- Possibly requires re-design of proposed road layout which may include removal of some existing mature trees.
- Results in the loss of a designated meeting room to the Library although they will have shared access to the community meeting room.
- Impacts on size of future civic square as design pushes towards square by approximately 5m.
- Would require additional demolition of existing toy library.
- The three community facility meeting rooms are not centrally located or positioned in the most desirable locations for access and aspect.
- Retains existing courtyard size.
- Minor increase in area to library and gallery.
- Area increase of 236.6m².

Note: The configuration of this option would require an additional \$110,000 plus fees to the budget proposed above. This would result in an overall variation of \$927,000 for this option.

OPTION 3

Implications

- Reduction in size of courtyard.

| Existing | Proposed |
|------------------------------------|------------------------------------|
| 28.0m x 13.0m (364m ²) | 24.4m x 14.2m (347m ²) |

- Requires significant re-design of ground floor business incubator and community facilities.
- Requires re-design of library, interactive heritage centre and first floor business incubators.
- Results in the loss of a designated meeting room to the Library although they will have shared access to the community meeting room.
- Requires possible re-design of proposed northern road layout requiring removal of some existing mature trees.
- Minor impact of size of future civic square as design pushed towards square by approximately 1m.
- May increase extent of first floor business incubator offices overlooking hall roof.
- May require additional demolition of existing toy library. (*implications for the accommodation of the aboriginal liaison services in the interim*)
- Relocates three community facility meeting rooms to be adjacent to Heritage Centre to be in a central location that services as a multipurpose meeting facility with pleasant aspect.
- Area increase of 180m².

Should Council wish to proceed with this variation to the project, the Architects have provided the following recommendation:

Recommendations

Option 3 is recommended by Woodhead International:

- It does not significantly impact on the future Civic Square.
- The reduced courtyard size will not be too detrimental.
- Locates meeting rooms to ensure maximum benefit and aspect

Although option three has been recommended by the Architects, special mention of the required relocation of the Aboriginal Liaison Service during the construction period is highly likely. This may have additional cost implications to the City.

Project Funding

There are a number of options available to Council by way of funding the extension to the project. The implications of these options are as follows:

1. **Reprioritise the Capital Works Programme** – Proposed Council funding for capital works next financial year is expected to be \$4,400,000. Funds can be prioritised and redirected to fund the increased size in the hall. Should Council prefer this option, review of the capital works budget would need to be undertaken with direction from Council as to what projects are to be removed from the budget.
2. **Asset Sales** – A one off revenue raising option for Council to fund the potential increase in the hall size is through asset sales. This option would need to be explored further to identify Council assets that were considered surplus to the current and future needs of the City.
3. **Harpenden Street Reallocation** – As per Council Resolution 57 at the OCM 12 February 2002, the sale of Harpenden Street has been allocated to provide funding contributions to the civic complex to provide cash flow to the project. This money has been intended to be paid back at the completion of the project when other properties are sold (ie the Gosnells Library Site). The sale of Harpenden Street could be allocated to the project to fund the additional capital required to increase the size of the hall. The allocation of these funds to the project limits the potential funding for other and future strategic projects expected to be undertaken by the City.
4. **Loan** – Funding for the Civic Complex can be funded through borrowing if the additional cost cannot be substituted for an alternative capital project.

Funds will be drawn down during the construction phase with the interest being capitalised. It is estimated that this will result in a total loan requirement of approximately \$850,000.

The City of Gosnells has had for some years, and in common with other responsible local governments, a debt free policy for the following reasons:

- Council control over its own destiny because of immunity to external market forces setting interest rates.
- Current ratepayers paying for current needs without leaving an unfortunate legacy for future generations.
- Current revenue being wholly available for each years requirements without prior commitment.
- An environment of efficient planning and matching commitment to existing resources with the overall discipline of living within our means.

If it is decided to borrow funds, the following rates are applicable. These will be fixed for the duration of the loan.

Ten year repayment basis 6.56% \$116,131

Instalments are paid monthly and interest is calculated on a daily basis on Western Australian Treasury rates.

The following additional annual income will be required to fund this program of repayments:

| | |
|------------------------------------|----------|
| | \$ |
| Required Income | 116,131 |
| Likely income (currently \$36,000) | (40,000) |
| Annual Shortfall | 76,131 |

Council currently has a resolution on the borrowing of funds. The policy requires that any project which utilises borrowed funds must be self funded sufficient to maintain the on going costs and repayment of the loan. The revenue earned from the use of the hall would not be sufficient to meet such a requirement.

Project Delays

It is considered that delays would be substantial due to the requirement to redesign the library and business incubator and further stakeholder consultation. As the change in the scope of the project would be substantial, the Local Government Act 1995 requires that the business plan for the project be amended and re-advertised. It is expected that the time associated with this aspect of the change would include a minimum of one week to amend the business plan followed by the provision of state-wide public notice for a period of 42 days seeking public submissions. Following close of submissions a report would need to be submitted to Council for further consideration outlining the submissions received and seeking a determination of Council by an absolute majority. Assuming that additional redesign and Stakeholder consultation takes an additional four weeks, the project would be scheduled to be handed over in June 2004.

It is likely given the City’s strategic priorities that objections would be received during the public submission stage of the business plan amendment process.

These delays to the project would have profound effects on our existing commitments to key stakeholders and also impact on the conditions of funding arrangements with external funding bodies. For example the City has recently negotiated an extension to the agreement for funding for the business incubator. Should Council wish to approve an increase in the hall, this agreement will need to be reviewed.

Several years ago Council undertook consultation with the community over the potential to revitalise the Town Centre. The project did not proceed from this false start and Council was criticised for its inaction. Further delays to the project may open the

City up to further criticism and reduce community confidence in the Council. The business incubator and lotteries house stakeholders have expressed their concerns relating to the expected delays to the project should the changes to the hall be approved.

The current economic environment within the construction industry is considered to be very competitive. It is considered that this will continue for the next four to five months, it is hard to predict the market conditions past this point and increased costs to the project may result as a consequence of further delays.

Due to the fundamental changes to the project which the increase to the hall size would create and the relative current low use of the existing facility in relation to capital cost it will be recommended that all changes to the scope of the project be approved excluding the increase in floor area to the Hall. It is acknowledged that the increase in the hall size would make it available to a wider range of user groups however when the opportunity cost of such an investment is considered within the current budgetary process, the additional expenditure can not be rationalised against the advantages received by a minority of the community. In addition the changes at this late stage of the process will cause delays to the associated projects, in particular the Lotteries House and Business Incubator. On the grounds outlined above that a change in the brief of this degree at this stage is not supported by staff.

FINANCIAL IMPLICATIONS

The costs of the suggested changes to the appearance of the building will require an increase in the project budget in the amount of \$152,700. Council has previously resolved the use of funds from the sale of property in Huntingdale to contribute to the funding of the Civic Complex project (OCM 12 February 2002, Resolution 57):

“That Council use income from the sale of Lot 1362, Loc 976 and Lot 1582 Harpenden Street to make funding contributions to the Civic Complex project.”

It is proposed that the required increase in budget of \$152,700 be provided from the sale of this property.

It also needs to be noted that a decision on the management of the carpark for the Civic Complex will be considered at the same OCM. The consideration of the carpark will also have financial implications to the project that would need to be considered when reviewing the changes addressed within this report.

Following the conclusion of the second Councillor workshop, the Architects have been instructed to cease work pending direction from Council as to proposed changes in the scope of the project. It needs to be noted that under the conditions of the Architectural Services Agreement entered into by the City that the Architects are entitled to costs and expenses reasonably incurred by reason of the suspension. The work conducted by the Architects to explore the redesign options is additional to their scope of service and has been commissioned on an hourly rate.

At this stage of the project, there are no other time related costs associated with delays.

9.01pm – Cr MD Devereux left the meeting.

9.08pm – Cr MD Devereux returned to the meeting.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION

Moved Cr NJ Smith Seconded Cr R Mitchell

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“That Council authorise the following changes to the proposed Civic Centre Complex:

- (i) replacement of zincalume cladding with an alternative;
- (ii) replace the majority of rendered brickwork with face brickwork;
- (iii) increase the balcony area along the Albany Highway elevation;
- (iv) increase the number of skylights on the roof by six (dormer windows);
- (v) increase the number of roof gables by two;
- (vi) change the roof colour to a traditional red; and
- (vii) extend the hip roof over the crèche along Astley Street.

and that the increase in the budget allocation of \$152,700 including the consultants fees and contingency for the proposed Civic Centre design be funded from the sale of Lot 1362, Loc 976 and Lot 1582 Harpenden Street as per Resolution 57 of the Ordinary Council Meeting held on 12 February 2002.”

CARRIED 8/1

FOR: Cr S Iwanyk, Cr C Matison, Cr J Brown, Cr MD Devereux, Cr R Croft, Cr R Mitchell, Cr O Searle and Cr PM Morris.

AGAINST: Cr NJ Smith.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION

Moved Cr NJ Smith Seconded Cr R Mitchell

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“That Council retain the Gosnells Town Centre Complex Construction Brief as adopted at the Ordinary Council Meeting held 9 October 2001 (Resolution 874).”

CARRIED 6/3

FOR: Cr S Iwanyk, Cr C Matison, Cr MD Devereux, Cr R Croft, Cr R Mitchell, Cr PM Morris.

AGAINST: Cr J Brown, Cr NJ Smith and Cr O Searle.

Foreshadowed Motion

During debate Cr J Brown foreshadowed that she would move the following motion:

“That Council adopt Option 2 increasing the size of the hall in the Gosnells Town Centre Complex.”

if the motion under debate was defeated. Due to lack of a Seconder the motion lapsed.

Additional Motion

During debate Cr C Matison moved that she would move the following additional motion to ensure a future requirement for a larger Civic Function Centre if need arises:

“That staff investigate and report on the matter of providing a larger Civic Function Centre that will serve the future community in terms of future needs.”

if the motion under debate was defeated. Due to lack of a Seconder the motion lapsed.

9.23pm - Cr A Pisano returned to the meeting.

Notation

The Mayor, upon the return of Cr A Pisano to the meeting, advised that Council had endorsed the staff recommendations as contained in the Agenda.

12.5.8 CIVIC COMPLEX PROJECT - CARPARKING (*Item Brought Forward – Refer to Item 10*)

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

12.6 REGULATORY SERVICES

12.6.1 POSTERS TAVERN, 72 LANGFORD AVENUE, LANGFORD – APPLICATION TO VARY ENTERTAINMENT CONDITION OF LICENCE

File: 229516

(RLW) rpt041Jun02

PURPOSE OF REPORT

For Council to provide comment on an application received by the Department of Racing, Gaming and Liquor from Posters Tavern, 72 Langford Avenue, Langford, to vary the entertainment condition of their existing Tavern licence.

BACKGROUND

A letter was received from the Department of Racing, Gaming and Liquor dated 14 May 2002 seeking comment from Council regarding an application to vary the entertainment condition for Posters Tavern lodged with that office on 7 May 2002. The letter from the Department states:

“The licensee is seeking approval to vary the entertainment condition so that reference to ‘immodest’ is removed in relation to that part of the premises known as lounge bar/dining room. In effect, if this application is granted, it will allow the licensee to have adult entertainment in that part of the licensed premises.”

“I would appreciate it if you could provide me with any comments that you might have regarding this application by 11 June 2002.”

In their application to the Department, the Posters Tavern has requested a variation to their existing licence to permit this activity on Thursdays from 5.00pm to 8.00pm.

Council’s Health Services has subsequently written to the Department advising that Council will consider and provide comment upon this application at the Ordinary meeting of Council on 11 June 2002.

DISCUSSION

Posters Tavern currently operates under a Tavern Licence which is a Category A Licence under the provisions of the Liquor Licensing Act 1988.

This application for a variation to the entertainment condition has no effect on the existing hours of operation as permitted by the existing licence issued by the Department of Racing, Gaming and Liquor.

The provisions of the City’s Alcohol Policy and Management Plan “Assessment Criteria” have been used to assess the above application.

1. Is the application likely to increase the extent of alcohol abuse?

The stated reason provided by the licensee for requesting this variation is that “it has been requested by our regular customers to have adult entertainment”. It is therefore assumed that more patrons may be attracted to the establishment. There is no evidence at this time that the provision of adult entertainment would necessarily cause an increase in individual alcohol consumption.

2 & 3. Are people who reside, work or travel in the vicinity of the licensed premises likely to experience any undue degree of offence, annoyance, disturbance or inconvenience?

Unlikely due to the Tavern’s location but may be better able to be determined after the trial period recommended by the Police to the Director of Liquor Licensing.

Do Police or surrounding residents support the proposal? If they object, are there reasonable grounds to support the objection.

Council’s Alcohol Policy and Management Plan, suggests that all properties, within 200 metres of the premises are to be advised of the application and invited to comment, where applicable. Officers do not believe that it is appropriate to carry out public consultation in this instance because the applicant has not sought a variation to the hours of operation.

Discussions have also been held with the Police from the South East Metropolitan Police Alcohol and Drug Unit and they have provided a copy to Council of their submission to Department of Racing, Gaming and Liquor which in part states:

“After examining the submission the South East Metropolitan Alcohol and Drug Advisers are prepared to approve the application for a modified period of only 6 months, due to the owners being new and to see if there is a demand for this type of entertainment.”

The Police have recommended a strict set of conditions which are a recognised standard for this type of application be placed upon an approval the Director of Liquor Licensing may contemplate.

4. Is there an established need for the proposal?

The licensee has stated in the application that there is a demand for this type of entertainment.

5. The number of similar licences and the availability of alcohol in the general area.

Liquor can be obtained at Bev Bridson Pavilion as a result of Club Restricted license previously approved by the Director Liquor Licensing. Council considered a variation to this licence at its Ordinary meeting on 14 May 2002. The application from Posters Tavern however, as previously stated relates specifically to a variation to an entertainment condition and will not increase the hours when alcohol will be available in the general area.

6. Any other relevant factors as determined by Council from time to time.

Not applicable.

CONCLUSION

The requested variation to the entertainment condition does not affect the existing approved hours of operation of Posters Tavern. The Police have advised that they will be recommending a six month trial period to allow assessment of how patrons and owners respond to the proposed entertainment and provided that the conditions they have set are observed they have no objection to the application.

FINANCIAL IMPLICATIONS

Nil.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION

Moved Cr MD Devereux Seconded Cr R Croft

“That the Director of Liquor Licensing be advised that Council does not object to the application from the licensee of Posters Tavern to vary the entertainment condition so that reference to *immodest* is removed in relation to that part of the premises known as lounge bar/dining room subject to the conditions recommended by the Police Service South East Metropolitan Alcohol and Drug Office being complied with at all times.”

CARRIED 8/2

FOR: Cr S Iwanyk, Cr C Matison, Cr J Brown, Cr MD Devereux, Cr R Croft, Cr NJ Smith, Cr R Mitchell and Cr A Pisano.

AGAINST: Cr O Searle and Cr PM Morris.

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12.6.2 POLICY – USED CLOTHING AND OTHER RECYCLING RECEPTACLES

File: (RLW) rpt042Jun02

Appendix: 12.6.2A Proposed Policy 5.3.11 - Installation and Maintenance of Used Clothing and Other Recycling Receptacles in Public Places.

PURPOSE OF REPORT

To provide information to Council regarding the perceived need for a proposed local law as opposed to a policy on the maintenance and amenity of used clothing and other material recycling receptacles within the City.

BACKGROUND

Staff presented a brief report to Council on 12 February 2002 as a result of a Notice of Motion from Cr A Smith at a previous meeting of Council.

“That a Policy be developed on the installation and maintenance of both profit and non profit organisation material recycling bins within the City.”

The following reason was provided for the Motion:

“At the present time a number of both non-profit and profit organisations are locating recycling bins within the City.

A number either have deposited material overflowing or being scavenged by irresponsible persons who leave the refuse (sic) material lying on the ground around the bin. This is both unsightly and unhealthy and there is a need to formulate regulations for their control.”

Council considered the staff report which canvassed the formulation of remedies including a policy and a local law but suggested a precautionary approach in relation to a local law in the final paragraph of the report:

“While such an approach may provide the City with statutory powers to control these facilities it may be seen by charitable organisations as being unreasonable and subsequently have detrimental effect on the image of the local government.”

Staff favoured the notice of motion “that a policy be developed on the installation and maintenance of both profit and non profit organisation material recycling bins within the City”.

Councillor Smith’s motion was subsequently amended by Council and the following Resolution 48 of 12 February 2002 Ordinary Council Meeting was adopted:

“That a local law be developed on the installation and maintenance of both profit and non profit organisation material recycling bins within the City.”

DISCUSSION

At the same meeting 12 February 2002 a petition containing six (6) signatures was tabled. The petition stated:

“We the undersigned electors of the City of Gosnells request the removal of the clothing bin from Martindale Ave shops Thornlie for the following reasons:

Bin is continually overfilled and encourages dumping of items used to damage shops and littering road.”

Matters contained within the above petition were investigated by Health Services officers and it was revealed that the offending clothing bin was located on Lindsay Clarke reserve which is property under the care and control of Council. Since that time several more complaints have been received about these types of bins located on local government property.

It is interesting to note that all complaints referred to above have originated from bins which have been located on land under the care and control of Council. At this point, it is very difficult to determine whether in fact permission has been sought in the past for this type of activity. It is assumed that this has not occurred. The existing local laws (City of Gosnells Local Government Property Local Law 2000) already provide some control in this regard but the local law does not appear to provide a precise and clear remedy.

The only time that these types of bins draw negative criticism is when irresponsible persons deposit material which is not suitable for placement in the bins provided by the charitable organisations. This is generally no fault of the charitable organisation or the landowner.

In the past when issues such as litter complaints have occurred and the bins have been placed on private property ie. shopping centre carparks etc., Environmental Health Officers have generally found that the co-operation of the shopping centre can be obtained and one way or another, the area is cleaned up. If the charitable organisations are uncooperative, the owner of the land generally assists by requesting removal of the bins.

The level of complaint from residents about these types of bins is minimal and in recent times, most of the complaints requiring investigation relate to charity bins that are located on Council land. Clearly this can be controlled by the Infrastructure Directorate. The issue of these types of disposal bins must also be considered in the context of recycling and form part of the City’s recycling and waste minimisation strategy.

Staff are therefore of the opinion that at this time there is no need for the adoption of a local law. When these receptacles are located on local government property, the issue can be adequately controlled by the City’s Infrastructure Directorate.

There are of course receptacles located throughout the City in public places which are on private property (shopping centres, churches and other public places) where access is also available 24 hours per day. Complaints about these receptacles will continue to be handled by the City’s Health and Rangers branch as they have been for many years.

CONCLUSION

The drafting of a local law is not at this time seen by staff to be desirable as there are already existing methods available to staff to ensure timely remedy to any complaints that may be received about these types of facilities.

Should a local law be drafted it would:

- take considerable staff resources in the area of research and time;
- result in the need for a legal opinion to ensure the proposed law was not ultra vires;
- result in advertising and gazettal costs; and
- may raise questions about the need and public benefit of such a local law.

The proposed Policy 5.3.11 (Attached as Appendix 12.6.2A) is seen as a method of formalising the processes and providing a clear cut integrated organisation-wide procedure for dealing with any issues of this nature which may arise from time to time.

It will therefore be recommended to Council that Resolution 48 of 12 February 2002 be revoked and the proposed Policy 5.3.11 be adopted.

FINANCIAL IMPLICATIONS

Nil.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION

Moved Cr MD Devereux Seconded Cr NJ Smith, Cr R Croft and Cr C Matison

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“That Council Resolution 48 of 12 February 2002 which reads:

“That a local law be developed on the installation and maintenance of both profit and non profit organisation material recycling bins within the City.”

be revoked.”

CARRIED BY ABSOLUTE MAJORITY 10/0

FOR: Cr S Iwanyk, Cr C Matison, Cr J Brown, Cr MD Devereux, Cr R Croft, Cr NJ Smith, Cr R Mitchell, Cr O Searle, Cr A Pisano and Cr PM Morris.

AGAINST: Nil.

STAFF RECOMMENDATION

Moved Cr MD Devereux Seconded Cr C Matison

That Council adopt proposed Policy 5.3.11 - Installation and Maintenance of Used Clothing and Recycling Receptacles in Public Places, as contained in attached Appendix 12.6.2A.

Amendment

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

Moved Cr O Searle Seconded Cr MD Devereux

That the staff recommendation be amended by the addition of the words “subject to the inclusion of the provision that receptacles are to be emptied on at least a weekly basis unless by prior agreement with Council’s Director Regulatory Services being included in the application form of Policy 5.3.11” at the end of the recommendation after the numerals “12.6.2A”, with the amended recommendation to read:

“That Council adopt proposed Policy 5.3.11 - Installation and Maintenance of Used Clothing and Recycling Receptacles in Public Places, as contained in attached Appendix 12.6.2A, subject to the inclusion of the provision that receptacles are to be emptied on at least a weekly basis unless by prior agreement with Council’s Director Regulatory Services being included in the application form of Policy 5.3.11.”

CARRIED 10/0

FOR: Cr S Iwanyk, Cr C Matison, Cr J Brown, Cr MD Devereux, Cr R Croft, Cr NJ Smith, Cr R Mitchell, Cr O Searle, Cr A Pisano and Cr PM Morris.

AGAINST: Nil.

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

COUNCIL RESOLUTION

Moved Cr O Searle Seconded Cr MD Devereux

“That Council adopt proposed Policy 5.3.11 - Installation and Maintenance of Used Clothing and Recycling Receptacles in Public Places, as contained in attached Appendix 12.6.2A, subject to the inclusion of the provision that receptacles are to be emptied on at least a weekly basis unless by prior agreement with Council’s Director Regulatory Services being included in the application form of Policy 5.3.11.”

CARRIED 10/0

FOR: Cr S Iwanyk, Cr C Matison, Cr J Brown, Cr MD Devereux, Cr R Croft, Cr NJ Smith, Cr R Mitchell, Cr O Searle, Cr A Pisano and Cr PM Morris.

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AGAINST: Nil.

13. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

13.1 RAINWATER TANKS – PROPOSED POLICY

The following motion was proposed by Cr MD Devereux during “Notices of Motion for Consideration at the Following Meeting” at the Ordinary Council Meeting held 28 May 2002 for inclusion in “Motions for Which Previous Notice Has Been Given” of the 11 June 2002 Ordinary Council Meeting.

MOTION

That Council prepare a policy to support property owners to install rainwater tanks on their properties, also that for a period of say six months that Council charges no fees to allow the installation of the rainwater tanks (max 2,000 litres) to assist the City’s sustainability program.

COUNCILLOR COMMENT

To assist in the orderly and controlled installation of rainwater storage tanks. This will allow all residents of the City to obtain proper directions to maintain public health and learn the proper way to maintain the tanks in accordance with environmental health guidelines, whereas now the tanks are being installed without public health guidelines and a maintenance program.

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| PROPOSED MOTION |
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Moved Cr MD Devereux Seconded Cr NJ Smith

That Council prepare a policy to support property owners to install rainwater tanks on their properties, also that for a period of say six months that Council charges no fees to allow the installation of the rainwater tanks (max 2,000 litres) to assist the City’s sustainability program.

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FOR: Cr MD Devereux, Cr R Croft and Cr NJ Smith.

AGAINST: Cr S Iwanyk, C Matison, Cr J Brown, Cr R Mitchell, Cr O Searle, Cr A Pisano and Cr PM Morris.

14. NOTICES OF MOTION FOR CONSIDERATION AT THE FOLLOWING MEETING

COUNCIL RESOLUTION

Moved Cr A Pisano Seconded Cr NJ Smith

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“That Cr R Mitchell be granted permission to put forward a proposed motion for consideration at the 25 June 2002 Ordinary Council Meeting.”

CARRIED 10/0

FOR: Cr S Iwanyk, Cr C Matison, Cr J Brown, Cr MD Devereux, Cr R Croft, Cr NJ Smith, Cr R Mitchell, Cr O Searle, Cr A Pisano and Cr PM Morris.

AGAINST: Nil.

Proposed Motion

14.1 TEMPORARY FENCED BMX TRACK – REPORT REQUEST

That a report be brought to Council regarding the possibility of providing a temporary fenced informal BMX track on the Maddington Golf Course site.

COUNCIL RESOLUTION

Moved Cr R Mitchell Seconded Cr O Searle

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“That the above proposed motion 14.1 “Temporary Fenced BMX Track – Report Request” be included at item 13. “Motions of Which Previous Notice Has Been Given” of the 25 June 2002 Ordinary Council Meeting.”

CARRIED 10/0

FOR: Cr S Iwanyk, Cr C Matison, Cr J Brown, Cr MD Devereux, Cr R Croft, Cr NJ Smith, Cr R Mitchell, Cr O Searle, Cr A Pisano and Cr PM Morris.

AGAINST: Nil.

COUNCIL RESOLUTION

Moved Cr A Pisano Seconded Cr NJ Smith

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“That Cr O Searle be granted permission to put forward a proposed motion for consideration at the 25 June 2002 Ordinary Council Meeting.”

CARRIED 10/0

FOR: Cr S Iwanyk, Cr C Matison, Cr J Brown, Cr MD Devereux, Cr R Croft, Cr NJ Smith, Cr R Mitchell, Cr O Searle, Cr A Pisano and Cr PM Morris.

AGAINST: Nil.

14.2 SECURITY PATROL SURVEY – REPORT REQUEST

That a report be brought to Council outlining the possibilities of Council sending out with the rate notices a simple survey to determine the interest of the ratepayers in having a security patrol 24 hours a day in the City, outlining to ratepayers that this, if supported, would mean either an increase in their rates (they could tick if they are in favour of a rate increase), or a reduction in some other service.

COUNCIL RESOLUTION

Moved Cr O Searle Seconded Cr NJ Smith

“That the above proposed motion 14.2 “Security Patrol Survey – Report Request” be included at item 13. “Motions of Which Previous Notice Has Been Given” of the 25 June 2002 Ordinary Council Meeting.”

CARRIED 6/5

FOR: Cr J Brown, Cr MD Devereux, Cr NJ Smith, Cr R Mitchell and Cr O Searle.

AGAINST: Cr S Iwanyk, Cr C Matison, Cr R Croft, Cr A Pisano and Cr PM Morris.

DECIDING VOTE: As the votes were equally divided, the Mayor, Cr PM Morris cast a second vote FOR the recommendation.

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COUNCIL RESOLUTION

Moved Cr R Mitchell Seconded Cr MD Devereux

“That Cr R Croft be granted permission to put forward a proposed motion for consideration at the 25 June 2002 Ordinary Council Meeting.”

CARRIED 10/0

FOR: Cr S Iwanyk, Cr C Matison, Cr J Brown, Cr MD Devereux, Cr R Croft, Cr NJ Smith, Cr R Mitchell, Cr O Searle, Cr A Pisano and Cr PM Morris.

AGAINST: Nil.

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Proposed Motion

14.3 RECOUPMENT OF COSTS INCURRED IN RESPONDING TO CR O SEARLE’S UNSUBSTANTIATED ALLEGATIONS – REPORT REQUEST

That Council authorise the Chief Executive Officer to investigate all possible avenues of recouping costs incurred by the City in researching and responding to baseless allegations made by Councillor Olwen Searle JP to the Minister for Local Government and Regional Development and report back to Council on options available to recoup ratepayers’ monies expended.

9.51pm – Cr O Searle left the meeting.

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| COUNCIL RESOLUTION |
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Moved Cr R Croft Seconded Cr R Mitchell

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“That the above proposed motion 14.3 “Recoupment of Costs Incurred in Responding to Cr O Searle’s Unsubstantiated Allegations – Report Request” be included at item 13. “Motions of Which Previous Notice Has Been Given” of the 25 June 2002 Ordinary Council Meeting.”

CARRIED 6/3

FOR: Cr S Iwanyk, Cr MD Devereux, Cr R Croft, Cr R Mitchell, Cr A Pisano and Cr PM Morris.

AGAINST: Cr J Brown, Cr C Matison and Cr NJ Smith.

9.52pm – Cr O Searle returned to the meeting.

15. URGENT BUSINESS (by permission of Council)

Nil.

16. CONFIDENTIAL MATTERS

Nil.

17. CLOSURE

The Mayor declared the meeting closed at 9.52pm.