

CITY OF GOSNELLS
ORDINARY COUNCIL MEETING
26 FEBRUARY 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 26 February 2002. The Mayor declared the meeting open at 7.32pm and welcomed those members of the public present in the public gallery, Councillors and staff.

PRESENT

ELECTED MEMBERS

MAYOR

DEPUTY MAYOR

COUNCILLORS

P M MORRIS JP

R MITCHELL

S IWANYK

C MATISON

J BROWN JP

MD DEVEREUX JP

R CROFT

AJ SMITH

O SEARLE JP

A PISANO JP

STAFF

CHIEF EXECUTIVE OFFICER

COMMUNITY SERVICES DIRECTOR

CORPORATE SERVICES DIRECTOR

INFRASTRUCTURE DIRECTOR

COORDINATOR PLANNING & SUSTAINABILITY

REGULATORY SERVICES DIRECTOR

MINUTE SECRETARY

MR S JARDINE

MS A COCHRAN

MR R BOUWER

MR W CORBE

MR T PRICE

MR T PERKINS

MS A CRANFIELD

PUBLIC GALLERY

10

1. APOLOGIES

Leave of Absence

Cr NJ Smith was granted Leave of Absence from 23 February to 10 March 2002 vide Resolution 3 of 12 February 2002 Ordinary Council Meeting.

Absent (no apology tendered)

Cr T Askew.

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

2. DECLARATIONS OF INTEREST

Cr A Pisano declared a Financial Interest in item 12.1.1 “Gosnells Town Centre Revitalisation Reference Group Minutes”.

Reason: Owns property in the Gosnells Town Centre.

Cr J Brown declared a Financial Interest in item 12.5.4 “Amendment to Local Commercial Strategy : Distribution of Retail Floorspace within Southern River”.

Reason: Owns property in Southern River.

Cr MD Devereux declared a Financial Interest in item 12.1.1 “Gosnells Town Centre Revitalisation Reference Group Minutes”.

Reason: Family Trust owns property in Gosnells Town Centre.

3. ANNOUNCEMENTS BY THE MAYOR

(without discussion)

The Mayor circulated to Councillors a list of functions and events she had attended since Tuesday 12 February 2002.

The Mayor gave recognition to the two new representatives from the local newspapers present in the Public Gallery, namely Danielle Gray from the Community Newspaper and Joeley Pettit from The Examiner.

4. REPORTS OF DELEGATES

Cr J Brown reported that on Friday 22 February 2002, herself and Cr C Mation deputising for the Mayor, attended the launch of the Langford Green Corps Project. Cr Brown advised the team would focus on the restoration and revitalisation of the junction of the Canning River and Yule Brook and surrounding parklands with the duration of the program being 26 weeks.

Cr J Brown conveyed thanks and appreciation to the City’s Coordinator Strategic Planning, Mr Tim Price, for his attendance at a meeting of the Rotary Club of Maddington on Monday 25 February 2002 at which he spoke on various Planning issues.

Cr C Mation reported that on 20 February 2002, herself and Cr J Brown being Council’s delegates to the South East Metropolitan Regional Council (SEMRC) attended a Municipal Waste Advisory Council (MWAC) meeting held at Local Government House at which the Minister for the Environment, Judy Edwards, made an announcement in relation to the recently appointed Waste Management Board. Mr Noel Davies, Chairperson provided information on the role and function of the Board and its relationship to the various agencies at State and Local Government and Industry level.

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

12 February 2002 Ordinary Council Meeting

The following question was posed at the 12 February 2002 Ordinary Council Meeting with the response as already provided to the correspondent listed accordingly:

* Mr Tom Miller of 6 Turley Court, Langford asked the following question:

- Q 1 Could information be provided to how development of vacant land at the corner of Brookman Avenue and Nicholson Road has proceeded contrary to public expectations and public assurances?

Response: In reply to Mr Miller, the Manager Planning Services forwarded the following written response on the 25 February 2002:

“I refer to the following question asked by you at the above meeting:

“Could information be provided to how development of vacant land at the corner of Brookman Avenue and Nicholson Road has proceeded contrary to public expectations and public assurances?”

Unfortunately, I am uncertain of the expectations and assurances you are referring to and therefore in what way the subdivisional development in question is contrary to that. You may wish to submit further explanation in order that I may address your question fully, however, I provide the following advice in the interim.

The land between Brookman and Ruby Avenues was originally set aside for a future high school. The Ministry for Education no longer requires the site and was therefore sold. The land was rezoned from Public Purposes (High School) to Residential "A" at the R17.5 density code in September 1997 following a public submission period from 4 April to 16 May 1997.

Subdivisional development has since then occurred through subdivision applications made by the owners of different parcels of that land.

The land immediately on the corner of Brookman Avenue and Nicholson Road was owned by the Water Corporation, containing a drainage compensating basin. This land has since been sold, with the drainage function being transferred to another site within the development.

From an article appearing in the Gosnells Examiner dated 21 February 2002 it would, however, appear that you believe that this land was to be reserved as a "natural amphitheatre and wildlife sanctuary". I am not aware of any plans being presented to Council that have ever indicated such reservation."

5.1 QUESTION TIME

Nil.

5.2 PUBLIC STATEMENTS

Nil.

6. CONFIRMATION OF MINUTES

COUNCIL RESOLUTION

62 Moved Cr MD Devereux Seconded Cr AJ Smith

"That the Minutes of the Special Council Meeting held on Tuesday 5 February 2002 be confirmed."

CARRIED 9/1

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

AGAINST: Cr J Brown.

COUNCIL RESOLUTION

63 Moved Cr A Pisano Seconded Cr R Croft

“That the Minutes of the Ordinary Council Meeting held on Tuesday 12 February 2002 be confirmed.”

CARRIED 10/0

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

AGAINST: Nil.

COUNCIL RESOLUTION

64 Moved Cr MD Devereux Seconded Cr J Brown

“That the Minutes of the Special Council Meeting held on Tuesday 19 February 2002 be confirmed.”

CARRIED 10/0

FOR: Cr S Iwanyk, Cr C Matison, Cr J Brown, Cr MD Devereux, Cr R Croft, Cr AJ 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. 1.3.1E.

- * Cr AJ Smith tabled a petition initiated by Tom Thompson of 52A Towncentre Drive, Forest Lakes containing 76 signatures in relation to erection of 50kmh signposts. The petition stated:

“We the undersigned electors of the City of Gosnells request 50kmh signposts to be erected and the speed limits to be enforced (Town Centre Drive Forest Lakes, Thornlie) for the following reasons:

- 1) A lot of vehicles use this road as a speedway;*
- 2) Many seniors living in area cross this road to footpath;*
- 3) Kindergarten along this road.*

Cr AJ Smith requested, in accordance with Clause 2.26(4)(b) of the City of Gosnells Standing Orders Local Law 1998, that the petition be received and a report be prepared by the appropriate staff for presentation to Council for consideration.

8. LEAVE OF ABSENCE

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

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

Cr C Matison requested leave of absence from 3 March 2002 to 8 March 2002 to enable attendance at a Conference in Adelaide.

COUNCIL RESOLUTION

65 Moved Cr R Croft Seconded Cr MD Devereux

“That Cr C Matison be granted leave of absence from 3 March 2002 to 8 March 2002, inclusive.”

CARRIED 10/0

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

AGAINST: 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

66 Moved Cr A Pisano Seconded Cr R Mitchell

“That the following item 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 Closure and Disposal of Portion of Reserve 29952 Yule Street, Maddington.”

CARRIED 10/0

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

AGAINST: Nil.

12.5.3 CLOSURE AND DISPOSAL OF PORTION OF RESERVE 29952 YULE STREET, MADDINGTON

File: R29952 Approve Ref: 0102/0135CL (EH) Psrpt021Feb02
Name: G & A Herren
Location: Portion of R29952 adjoining Lot 26 and 27 Yule Street, Maddington
Zoning: MRS: Urban
TPS No. 6: Water Courses
Appeal Rights: N/A
Previous Ref: Nil
Area: 1338m²

PURPOSE OF REPORT

For Council to consider a request to close a portion of drain reserve 29952 Yule Street, Maddington.

BACKGROUND

Council received a request from owner of Lot 27 to close the portion of drain reserve due to associated crime problems. The drain reserve is Crown Land vested in Council.

Preliminary Investigations

The application was referred to all relevant service authorities requesting comment regarding the proposal to close and dispose of the drain reserve. All service authorities advised that no services were located within the reserve and therefore there were no objections to the proposed closure.

The proposal was advertised to adjoining landowners. At the end of the advertising period, one submission had been received supporting closure and expressing interest to purchase the portion abutting their property.

DISCUSSION

The drain reserve is an open drain. Technical Services have advised that there are no objections to the subject portion of the reserve being closed subject to the drain being piped with appropriate sized pipes and easements of sufficient width being granted free of cost to Council.

Both the owners of Lot 26 and 27 have expressed interest in purchasing the portion of the reserve that abuts their property. It is recommended that Council request the portion of drain reserve to be closed and disposed to the abutting landowners subject to the drain being piped and filled to Council specifications, easement being granted to Council for future maintenance and all costs being paid by the owners of Lots 26 and 27.

(Location Plan here)

Diagrams can be viewed at Council's Libraries and Administration Centre

FINANCIAL IMPLICATIONS

Nil for Council. All costs to be met by the owners of Lots 26 and 27.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION

67 Moved Cr MD Devereux Seconded Cr R Mitchell

“That Council request the Department of Land Administration to close a portion of Reserve 29952 Yule Street, Maddington, for disposal to abutting landowners (Lots 26 and 27) subject to:

1. The landowners piping and filling the drain to Council specifications.
2. Easement being granted to Council of sufficient width to accommodate future maintenance of the drain.
3. All costs associated with the closure and disposal, piping and filling being paid by the owners of Lots 26 and 27 Yule Street, Maddington.”

CARRIED 10/0

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

AGAINST: Nil.

11. MINUTES OF COMMITTEE MEETINGS

11.1 BUSH FIRE ADVISORY COMMITTEE

File: 9.11.7

(MB)

Appendix: 11.1A Minutes of City of Gosnells Bush Fire Advisory Committee meeting held on 30 January 2002

PURPOSE OF REPORT

For Council to receive the Minutes and consider the recommendations of the City of Gosnells Bush Fire Advisory Committee meeting held on 30 January 2002.

BACKGROUND

The City of Gosnells Bush Fire Advisory Committee meets quarterly to discuss and advise Council on all fire related matters affecting the City. The Committee is formed under the provisions of the Bush Fires Act 1954.

There were two (2) recommendations made at the Bush Fire Advisory Committee meeting held on 30 January 2002 that require Council's adoption.

DISCUSSION

The business of the meeting is reported in the Minutes of the City of Gosnells Bush Fire Advisory Committee held on 30 January 2002 provided as Appendix 11.1A.

Recommendations 10 and 11 of the meeting pertain to the election of office bearers within the City of Gosnells Bush Fire Brigade. The election of these officers was held in accordance with guidelines contained within the City of Gosnells Bush Fire Brigade Administration Manual.

FINANCIAL IMPLICATIONS

Nil.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION

68 Moved Cr MD Devereux Seconded Cr J Brown

“That Council receive the Minutes of City of Gosnells Bush Fire Advisory Committee Meeting held on 30 January 2002 as attached in Appendix 11.1A.”

CARRIED 10/0

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

AGAINST: Nil.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION

69 Moved Cr MD Devereux Seconded Cr J Brown

“That Recommendation 13 of the Bush Fire Advisory Committee Meeting held on 30 January 2002 (as attached as Appendix 11.1A) which reads:

“That Captain R Smith and First Lieutenant I Lowe be appointed as Bush Fire Control Officers of the Gosnells Bush Fire Brigade.”

be adopted.”

CARRIED 10/0

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

AGAINST: Nil.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION

70 Moved Cr MD Devereux Seconded Cr J Brown

“That Recommendation 14 of the Bush Fire Advisory Committee Meeting held on 30 January 2002 (as attached as Appendix 11.1A) which reads:

“That Council endorse the list of officers from the recent brigade AGM

- | | |
|---|----------------------|
| <i>Deputy Bush Fire Control Officer</i> | <i>Mark Audrain</i> |
| <i>Captain/Fire Control Officer</i> | <i>Rod Smith</i> |
| <i>1st Lieutenant</i> | <i>Ian Lowe</i> |
| <i>2nd Lieutenant</i> | <i>Brian Cook</i> |
| <i>3rd Lieutenant</i> | <i>Jason Clark</i> |
| <i>4th Lieutenant</i> | <i>Graham Bear</i> |
| <i>5th Lieutenant</i> | <i>Andrew French</i> |
| <i>Communications Lieutenant</i> | <i>Bill Watson"</i> |

be adopted.”

CARRIED 10/0

FOR: Cr S Iwanyk, Cr C Matison, Cr J Brown, Cr MD Devereux, Cr R Croft, Cr AJ 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

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

7.46pm – Cr MD Devereux and Cr A Pisano left the meeting.

12.1.1 GOSNELLS TOWN CENTRE REVITALISATION REFERENCE GROUP MINUTES

File: 3.1.20G (SJ)

Appendix: 12.1.1A Minutes from Reference Group Meeting of 7 December 2001

12.1.1B Minutes from Reference Group Meeting of 1 February 2002

PURPOSE OF REPORT

To advise Council of the outcome of the meetings of the Gosnells Town Centre Reference Group held on the 7 December 2001 and 1 February 2002, and to make recommendations on the outcomes.

DISCUSSION

Minutes of 7 December 2001

A meeting of the Reference Group took place on Friday, 7 December 2001. The business of the meeting is reported in the minutes provided as Appendix 12.1.1A.

Minutes of 1 February 2002

A meeting of the Reference Group took place on Friday, 1 February 2002. The business of the meeting is reported in the minutes provided as Appendix 12.1.1B.

From the business of the meeting, three items are submitted for Council's consideration as follows:-

1. Civic Centre Artwork Project

The group considered and endorsed the process and project brief for this project which forms part of the overall Public Art Strategy for the Gosnells Town Centre.

2. Light Pole Banners

The group was asked to input into the number of banners to be produced and the themes to be reflected on the banners which are to be displayed through the Gosnells Town Centre.

3. Housing Strategies – Gosnells Town Centre

The group was presented with an outline of the housing options within the Gosnells Town Centre Plan and endorsed the progression of these sites. The issue of South City Housing's approach for a site in Wheatley Street, was debated by the group and the matter is now presented to Council for consideration.

FINANCIAL IMPLICATIONS

Funding towards the provision of three sets of 28 banners, at a total cost of \$42,000, with the provision made for rotation and maintenance four times yearly at a total cost of approximately \$6,000 is to be met from the Town Centre Street Furniture Budget – Job Number 2307.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION

71 Moved Cr R Mitchell Seconded Cr R Croft

“That Council adopt the Artist's Brief, as contained in Appendix 12.1.1B, for the Civic Complex Public Art Work Project and that the Artist's Brief be distributed appropriately to interested artists.”

CARRIED 8/0

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

AGAINST: Nil.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION

72 Moved Cr R Mitchell Seconded Cr R Croft

“That Council authorise the calling of tenders for the provision of three sets of twenty-eight (28) banners (estimated cost \$42,000), following the three (3) themes of Festive Season, Pioneer/Heritage and Environment and further, provision be made for rotation and maintenance four times yearly at a total cost of approximately \$6,000 from the Town Centre Street Furniture Budget – Job Number 2307.”

CARRIED 7/1

FOR: Cr S Iwanyk, Cr C Matison, Cr J Brown, Cr R Croft, Cr AJ Smith, Cr R Mitchell and Cr PM Morris.

AGAINST: Cr O Searle.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION

73 Moved Cr R Mitchell Seconded Cr R Croft

“That Council initiate investigation, promotion and progression of potential housing sites within the Gosnells Town Centre.”

CARRIED 8/0

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

AGAINST: Nil.

STAFF RECOMMENDATION

Moved Cr R Mitchell Seconded Cr R Croft

That Council formally endorse the approaches of South City Housing Association Incorporated to State Government bodies regarding the early release of the subject land (Lot 1283 Wheatley Street) for sale and development by the same.

LOST 0/8

FOR: Nil.

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

7.52pm – Cr MD Devereux and Cr A Pisano returned to the meeting.

Notation

The Mayor, upon the return of Cr MD Devereux and Cr A Pisano to the meeting, advised that Council had endorsed the first three (3) staff recommendations as contained in the Agenda, with the fourth being lost.

12.2 COMMUNITY SERVICES

12.2.1 HOUSING, CRIME AND STRONGER COMMUNITIES CONFERENCE – MELBOURNE 6 TO 7 MAY 2002

File: (MC)

Appendix: 12.2.1A Conference Programme – Housing, Crime and Stronger Communities

PURPOSE OF REPORT

To advise and seek the approval of Council for an elected member and the Manager SafeCity to attend the Housing, Crime and Stronger Communities Conference to be held in Melbourne from the 6-7 of May 2002.

BACKGROUND

The Australian Institute of Criminology, in conjunction with the Australian Housing and Urban Research Institute, have combined to initiate the development and organising of this conference which is aimed at providing a forum for practitioners and researchers on a number of conference topics. These topics include:-

- Urban design and crime
- Neighbourhood management/Community renewal/Housing management
- Housing and community participation
- Community issues and housing
- Illicit drug use and public housing
- Local government, housing and crime
- Public Housing and other social issues
- Responses to crime risk
- Development of good practice

The Manager SafeCity has also prepared an abstract for a presentation of the City of Gosnells SafeCity Urban Design Strategy at the conference, which has been accepted.

DISCUSSION

A decision regarding attendance by staff is required so as to be able to advise the conference organisers of the City of Gosnells availability to participate in the conference. The Manager SafeCity will be provided with not only the opportunity to hear and network with industry professionals from around the nation but also to deliver a paper of the workings, findings and recommendations of the City's Urban Design Strategy. By attending the conference it provides unique staff training, development and value in learning and gaining further experience in the field of crime prevention and social issues.

The conference offers the opportunity to learn, share information and experience from practitioners from various industries around the nation regarding a number of issues including housing, social needs and responses and the relationship and management to crime. In addition, attendance at the conference would provide an opportunity to showcase the SafeCity Urban Design Strategy at a conference that, since its launch in November 2001, has generated enormous interest from around Australia and overseas.

The Australian Institute of Criminology (AIC), a federal agency, is Australia's national center for the analysis and dissemination of criminological data and information. The Institute aims to be responsive to the needs of government and the community with respect to policy issues in the fields of justice and the prevention and control of crime.

The City of Gosnells is held in high regard by the AIC as a significant leader in the area of crime prevention strategies in Australia. Whilst in Melbourne the Manager SafeCity would also be able to meet with senior representatives from the AIC, who will also be attending the conference, to discuss the SafeCity Urban Design Strategy and in particular the ongoing development and progress of the City's SafeCity Initiative. The SafeCity Urban Design Strategy documents on the findings of the study were provided to the Institute following the visit to the City of Gosnells by the Director of the AIC, Dr Adam Graycar, who attended the City as part of the official launch of the strategy.

FINANCIAL IMPLICATIONS

Costs per person are as follows – subject to availability:

Conference Registration	445
Return Conference Airfare (Qantas)	718
Accommodation (3 nights)	450
Out of Pocket Expenses, approximately	250
Total	\$1,863

Funds are available in Account Nos. 40401.110.1023 and 60505.110.1023 Training and Conference for attendance by an Elected Member and Manager SafeCity respectively.

STAFF RECOMMENDATION

Moved Cr R Mitchell Seconded Cr A Pisano

That Council authorise Councillor _____ and the Manager SafeCity to attend the Housing, Crime and Stronger Communities Conference in Melbourne from 6-7 May 2002 inclusive for an approximate cost of \$1,863 each, with funds being met from Members Training/Conference Account No. 40401.110.1023 and SafeCity Training/Conference Account 60505.110.1023 respectively.

Amendment

In light of there being no nomination for a Councillor to attend the Housing, Crime and Stronger Communities Conference, Cr R Mitchell moved the following amendment to the staff recommendation:

Moved Cr R Mitchell Seconded Cr A Pisano

That the staff recommendation be amended by deleting the words “Councillor _____ and” where they appear in the first line after the word “authorise”, deleting the word “each” where it appears in the fourth line after the figure “\$1,863”, deleting the words “Members Training/Conference Account No. 40401.110.1023 and” where they appear in the fourth and fifth lines and deleting the word “respectively” where it appears in the sixth line after the numerals “60505.110.1023”, with the amended recommendation to read:

“That Council authorise the Manager SafeCity to attend the Housing, Crime and Stronger Communities Conference in Melbourne from 6-7 May 2002 inclusive for an approximate cost of \$1,863, with funds being met from SafeCity Training/ Conference Account 60505.110.1023.”

CARRIED 9/1

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

AGAINST: Cr C Matison.

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

COUNCIL RESOLUTION

74 Moved Cr R Mitchell Seconded Cr A Pisano

“That Council authorise the Manager SafeCity to attend the Housing, Crime and Stronger Communities Conference in Melbourne from 6-7 May 2002 inclusive for an approximate cost of \$1,863, with funds being met from SafeCity Training/Conference Account 60505.110.1023.”

CARRIED 9/1

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

AGAINST: Cr C Matison.

12.3 CORPORATE SERVICES

12.3.1 FINANCIAL REPORTS – JANUARY 2002

File: 7.8.1/1.3.6E (IB) feb26_02fin

Appendix:	12.3.1A	Commentary and report on variances
	12.3.1B	Operating Statement by Directorate
	12.3.1C	Statement and graphs showing breakdown of operating income and expenditure by program
	12.3.1D	Balance Sheet
	12.3.1E	Summaries of Reserves, Town Planning Schemes
	12.3.1F	Debtors report
	12.3.1G	Investment report
	12.3.1H	Capital Works Report
	12.3.1I	Financial Forecast to 30 June 2002

PURPOSE OF REPORT

To seek Council approval to adopt the financial reports for the month of January 2002.

BACKGROUND

Recommendation 41 of the Strategic Planning committee meeting held 21 November 2000 refers:

“That in accordance with regulation 34 of the Local Government (Financial Management) Regulations 1996, Council receive the following reports on a monthly basis:

- 1. Summary and report on variances*
- 2. Operating Statement by Directorate*
- 3. Graphs showing breakdown of operating income and expenditure by programme*
- 4. Debtors report*
- 5. Investments report*
- 6. Capital Expenditure report.”*

DISCUSSION

The financial statements and commentary for the month of January 2002 are appended, and now include a Financial Forecast to 30 June 2002. This forecast will be prepared on a quarterly basis in future.

FINANCIAL IMPLICATIONS

Nil.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION

75 Moved Cr MD Devereux Seconded Cr AJ Smith

“That in accordance with regulation 34 of the Local Government (Financial Management) Regulations 1996, Council adopt the following reports, attached as per Appendix 12.3.1A to 12.3.1I for the period ended 31 January 2002:

- A. Commentary and report on variances
- B. Operating Statement by Directorate
- C. Statement and graphs showing breakdown of operating income and expenditure by program
- D. Balance Sheet
- E. Summaries of Reserves, Town Planning Schemes
- F. F. Debtors report
- G. Investment report
- H. Capital Works Report
- I. Financial Forecast to 30 June 2002”

CARRIED 9/1

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

AGAINST: Cr O Searle.

12.3.2 PAYMENT OF ACCOUNTS (Item dealt with after item 12.4.1)Notation

Due to an oversight by the Mayor, item 12.3.2 was inadvertently overlooked and subsequently dealt with after item 12.4.1 Tender 70/2002 – 2x6 Wheel 25m³ Rear Loader Rubbish Trucks and Tender 71/2002 – Wheel Loader”.

12.4 INFRASTRUCTURE

12.4.1 TENDER 70/2002 – 2X6 WHEEL 25M³ REAR LOADER RUBBISH TRUCKS AND TENDER 71/2002 – WHEEL LOADER

File: 1.10.70/2002 / 1.10.71/2002

(AW)

AW2.1b

PURPOSE OF REPORT

To seek Council approval to award tenders for Council's vehicle fleet as identified in Tenders 70/2001 and 71/2001.

BACKGROUND

Tenders were called and closed at 2.00 pm on Tuesday 22 January 2002 for the supply of two rubbish trucks and one wheel loader to undertake kerbside collection within the City of Gosnells.

A TENDER 70/2001 – 2 x 6 WHEEL 25m³ REAR LOADER RUBBISH TRUCKS

The following tenders were received:

COMPANY NAME	VEHICLE MAKE AND MODELL	YEAR	ENGINE SIZE (L)	BRAKE POWER (KW,RPM)	WORKSHOP MANUAL (\$)	PURCHASE PRICE (\$) Net of GST
MacDonald Johnston	JP5A-28M ³	2002	**Compactor Only**			\$107,510 each
Skipper Trucks	Iveco Acco F 2350G/275	2002	8.3	205	\$759	\$243,070 each
Major Motors	Isuzu FVZ 1400	2002	9.8	199	\$550	\$244,364 each

DISCUSSION

The tender submitted by MacDonald Johnston is for the compactor unit only, whereas the tenders submitted by Skipper Trucks and Major Motors include both the compactor and truck. The price included in Skipper Trucks and Major Motors tenders for the compactors are exactly the same as tendered by MacDonald Johnston.

An assessment of the tenders from Major Motors and Skipper Trucks, shown below, was undertaken in accordance with the evaluation matrix as specified in the tender.

Evaluation Matrix

		Skipper Trucks	Major Motors
Customer Service	10%	10	10
The ability to supply parts in a timely manner	20%	15	10
Price	70%	70	69
Total	100%	95	89

The above assessment indicates Skipper Trucks as scoring the highest percentage, as the trucks they are offering meet all required specifications, it will be recommended to accept this tender.

Transfer from Reserve

At the Ordinary Council Meeting of 18 December 2001 the following Resolution (1013) was passed:

“That in accordance with Section 6.11(2) of the Local Government Act 1995 Council give local public notice of its intent to transfer the sum of \$570,000 from the MGB Plant and Equipment Reserve for the purpose of purchasing plant and equipment to enable the introduction of a Council operated Bulk Kerbside Refuse Collection Service.”

This transfer has been advertised and no submissions have been received, subsequently the funds are available for the purchase of the above rubbish trucks.

B TENDER 71/2001 – WHEEL LOADER

The following tenders were received:

COMPANY NAME	VEHICLE MAKE AND MODEL	YEAR	ENGINE SIZE (L)	BRAKE POWER (KW,RPM)	WORKSHOP MANUAL (\$)	PURCHASE PRICE (\$) Net of GST
CJD Equipment	Volvo L30B	2001	2.73L	43/2300	Inc	\$91,236
CJD Equipment	Volvo L35B	2001	2.73L	52/2500	Inc	\$97,839
Komatsu	Komatsu WA75-3	2001	3.32L	42/2500	Inc	\$89,750
CTC Equipment	JCB 407BZX	2001	4L	48.5/2000	Inc	\$99,400
CTC Equipment	JCB 520-50	2001	4L	53/2200	Inc	\$93,314
Westrac Equipment	Cat 906	2001	2.95L	47	\$570	\$102,800

Westrac Equipment	Cat 908	2001	4L	64	\$570	\$117,100
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An assessment of the tenders, shown below, was undertaken in accordance with the evaluation matrix as specified in the tender.

Evaluation Matrix

		CJD Equip (Option 1)	CJD Equip (Option 2)	Komatsu	CTC Equip (Option 1)	CTC Equip (Option 2)	Westrac (Option 1)	Westrac (Option 2)
Customer Service	10%	10	10	10	10	10	10	10
The ability to supply parts in a timely manner	20%	14	14	17	15	15	18	18
Price	70%	69	64	70	63	67	61	54
Total	100%	93	88	97	88	92	89	82

The above assessment indicates Komatsu as scoring the highest percentage, as the machine they are offering meets all required specifications, it will be recommended to accept this tender.

FINANCIAL IMPLICATIONS

As stated above \$570,000 has been transferred from the MGB Plant and Equipment Reserve for the purchase of the two rubbish trucks and a wheel loader. The total required for the two trucks and loader is \$575,890. It is anticipated that the shortfall of \$5,890 will be covered by savings in the Capital Plant Replacement Programme for 2001/2002 or alternatively transferred from the Plant and Equipment Reserve at the end of the financial year.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION

76 Moved Cr R Mitchell Seconded Cr J Brown

“That Council award Tender 70/2001 for the supply of two only trucks fitted with 25m³ rear loading rubbish compaction units, to Skipper Trucks Belmont at a cost of \$243,070 each.”

CARRIED 10/0

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

AGAINST: Nil.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION

77 Moved Cr R Mitchell Seconded Cr J Brown

“That Council award Tender 71/2001 for the supply of one only WA75-3 wheel loader, to Komatsu Australia Pty Ltd at a cost of \$89,750.”

CARRIED 10/0

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

AGAINST: Nil.

12.3.2 PAYMENT OF ACCOUNTS

File: 7.5.3

(GW)

feb26_02acc

PURPOSE OF REPORT

To advise Council of payments made for the period 16 January 2002 to 19 February 2002.

DISCUSSION

Payments of \$4,228,101.89 as detailed in the cheque listing for the period 16 January 2002 to 19 February 2002 which was circulated to Councillors under separate cover and will be tabled at the meeting, have been approved by the Director Corporate Services under delegated authority.

Notation

The Mayor tabled the Cheque Listing for the period 16 January 2002 to 19 February 2002.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION

78 Moved Cr R Croft Seconded Cr A Pisano

“That Council note the payment of accounts as shown in the cheque listing for the period 16 January 2002 to 19 February 2002, as tabled.”

CARRIED 10/0

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

AGAINST: Nil.

12.5 PLANNING AND SUSTAINABILITY

12.5.1 DEVELOPMENT APPLICATION – COTTAGE INDUSTRY (ART STUDIO) - NO. 32 (LOT 782) DELLAR ROAD, MADDINGTON

File:	219669	Approve Ref:	0102/0763	(LS)	Psrpt023Feb02
Name:	J Dowling and C Oakes				
Location:	No. 32 (Lot 782) Dellar Road, Maddington				
Zoning:	MRS:	Urban			
	TPS No. 6	Residential (R17.5)			
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:	Nil.				
Area:	1741m ²				
Appendices:	12.5.1A	Site plan and elevations dated 8 January 2002			
	12.5.1B	Clause 11.2 (Matters to be considered by local government) of Town Planning Scheme No. 6			

PURPOSE OF REPORT

For Council to consider an application proposing the addition of an art studio at No. 32 (Lot 782) Dellar Road, Maddington, as it does not comply with the requirements for cottage industries as outlined in Town Planning Scheme No. 6, and is therefore outside of the authority delegated to staff.

BACKGROUND

An application proposing the construction of an art studio and additions to an existing residence at No. 32 (Lot 782) Dellar Road, Maddington was received by Council on 8 January 2002.

The development proposal incorporates the construction of a new two storey building to accommodate an art studio, having an area of 79.2m². In addition, the existing weatherboard residence will be modified and extended to include a second storey housing a games room, as well as on the ground floor the addition of a new lounge, kitchen, dining, laundry and 4th bedroom. The application also proposes a new swimming pool with a canopy as well as a brick outbuilding to be used as a pool store and shower.

The applicant submitted a letter detailing the proposal as well as including a statement of the artist's intentions, which reads as follows:

“Julie Dowling has become one of Australia’s best artists with international and national demand for her works. The proposed art studio at the above address has been designed for the prominent West Australian artist.

It is the artist's intention to utilise the space solely for creating art. It is important that she is able to work and generate artworks from a considered space, that is her proposed artist studio, where she can be self-contained with shower and wc, kitchenette, store and office. This space is her workspace; separate to her living and private space which is the existing house where she and her immediate family live. At present this prominent artist has been working out of a shed structure that is both temporary and ephemeral.

Her works are publicly exhibited and sold elsewhere in galleries around Australia and abroad. Minor exhibitions for friends and family may occur once a year in the studio, without intention to sell artwork."

A site plan and elevations of the proposal illustrating the extent of the proposed development have been included as Appendix 12.5.1A to this report.

DISCUSSION

Legal Compliance

The proposed art studio is classified as a cottage industry under Town Planning Scheme No. 6, which is defined as:

"a trade or light industry producing arts and crafts goods which does not fall within the definition of a home occupation and which:

- (a) does not cause injury to or adversely affect the amenity of the neighbourhood;*
- (b) where operated in a residential zone, does not employ any person other than a member of the occupier's household;*
- (c) is conducted in an outbuilding which is compatible with the principal uses to which land in the zone in which it is located may be put;*
- (d) does not occupy an area in excess of 50 square metres; and*
- (e) does not display a sign exceeding 0.2 square metres in area."*

The application, consisting of plans dated 8 January 2002, generally complies with the requirements of the City of Gosnells Town Planning Scheme No. 6, and the Residential Planning Codes with the exception of the following:

	Required	Provided
Maximum floor area for cottage industry	50m ²	79.2m ²
Maximum aggregate area for outbuildings	90m ²	128.5m ²

Clause 5.5 (Variations to Site and Development Standards and Requirements) of Town Planning Scheme No. 6 allows for the Council to approve an application that does not comply with a standard or requirement prescribed under the Scheme, provided that it has due regard to clause 11.2 (Matters to be Considered by Local Government) and is satisfied that the non-compliance will not have an adverse effect upon the occupiers or users of the development, the inhabitants of the locality or the likely future development of the locality.

Consultation

As a result of the potential for overlooking from the art studio into adjacent properties, as well as the proposed wall on the rear boundary, the application was referred to potentially affected owners and occupiers of nearby properties.

(Location Plan here)

Diagrams can be viewed at Council's Libraries and Administration Centre

Of the three neighbouring properties that were consulted, one objection was received relating to the proposed boundary wall located on the rear boundary shared with No. 6 Akma Court. The boundary wall forms a part of the proposed brick outbuilding that will accommodate a pool store and shower. The contents of the objection are summarised below.

Schedule of Submissions

No.	Name/Address	Description of Affected Property: Lot No, Street, etc	Summary of Submission	Staff Comment
1.	T & L Donoghue	6 (Lot 77) Akma Court Maddington	Objection to proposed boundary wall on the basis that there are many alternative locations for the outbuilding, and that it will impact upon the visual amenity of their property as well as their privacy.	Whilst not considering the boundary wall to be excessive in height or length, it is acknowledged that the subject lot is considerable in size, and the applicant has the ability to locate the outbuilding elsewhere on the lot.

Comment

The addition of an art studio to the residence at No. 32 Dellar Road, Maddington is a positive step in the introduction of compatible non-residential land uses into residential areas. This is considered to contribute to a more sustainable form of development as outlined in strategic planning documents like "Liveable Neighbourhoods". Cottage industries, by their very definition have limited impact on their residential surrounds, and it is considered that the current proposal has been designed generally to limit negative impacts such as overlooking of other properties from the studio and the new upper storey of the residence. The exception to this would be the proposed balcony, however the majority of this balcony faces inwards over the subject lot itself with only a two metre portion directly facing the properties to the north-west. It should also be added that no objections were received in relation to the balcony.

In relation to the objection received from the owners of the property to the rear, it is recommended that the boundary wall to the pool store/shower outbuilding be setback 1.0 metre in accordance with the maximum setback requirements of the Residential Planning Codes in order to satisfy the objection. This is primarily due to the size of the lot being such that a boundary wall is not considered necessary to accommodate the building.

Whilst the design of the art studio and dwelling addition is modern, it is considered that rather than detract from its surrounds, the buildings will add interest to the existing streetscape. The proposal also constitutes the development of an architecturally designed building in the Maddington area, which potentially raises interest and investment in an area, and as such should be encouraged.

In terms of the matters to be considered in the application's determination as outlined in Town Planning Scheme No. 6 clause 11.2 (included as Appendix 12.5.1B), it is considered that approval of the application will not be contradictory to any of the aims or provisions of the Scheme, and would not detract from the amenity of the surrounding area.

Given the above, it is recommended that the application be approved subject to conditions aimed at negating the impact of the proposal on nearby properties, including the relocation of the boundary wall proposed on the rear fence-line.

FINANCIAL IMPLICATIONS

Nil.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION
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79 Moved Cr MD Devereux Seconded Cr A Pisano

“That Council approve the application for an art studio at No. 32 (Lot 782) Dellar Road, Maddington, subject to the following conditions:

1. Boundary wall for the proposed pool store/shower outbuilding is to be relocated to a minimum of 1.0 metre from the boundary shared with No. 6 Akma Court.
2. Art studio activities are to be limited to 79.2m².
3. Art studio is not to be used as a separate residence.
4. No person other than a member of the occupier's household is to be employed in association with the cottage industry.

5. No signage is to be displayed in relation to the cottage industry that exceeds 0.2m² in area.
6. Proposed fencing is to be modified to achieve a more visually permeable structure. Amended details are to be lodged prior to the issue of a building licence.
7. Activities to be carried out in the proposed art studio are limited to the production and display of artist's work. Sales are not permitted from the property.
8. Standard condition 5.1."

CARRIED 10/0

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

AGAINST: Nil.

12.5.2 DEVELOPMENT APPLICATION – LOW-COST FOOD OUTLET - NO. 40 (LOT 5) ORR STREET, MADDINGTON

File: 210501 Approve Ref: 0102/0750 (LS) Psrpt024Feb02

Name: Perth City Mission

Location: No. 40 (Lot 5) Orr Street, Maddington

Zoning: MRS: Urban

 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 28 November 1995 (Res 246)

Area: 1975m²

Appendices: 12.5.2A Correspondence from applicant received 11 December 2001

 12.5.2B__ Photograph of demountable building

PURPOSE OF REPORT

For Council to consider an application proposing the addition of a low-cost food outlet to the existing Wattle House Community Centre at No. 40 (Lot 5) Orr Street, Maddington, within a demountable building located on the site.

BACKGROUND

Site History

No. 40 (Lot 5) Orr Street, Maddington has been utilised for community service related operations by the Perth City Mission since October 1994. In November 1995, the Council

approved the location of a temporary office building on site for a twelve-month period, on the premise that the building was required for a short time prior to the redevelopment of the whole site into a larger and more permanent community centre. This permanent community centre was issued with development approval on 19 April 1996, and was completed and occupied shortly after, however, the temporary building structure has remained on site until the present day being utilised as additional office space.

Application Details

An application proposing the utilisation of a demountable office building for the purpose of providing a low-cost food outlet was received by Council on 11 December 2001. The proposal is described by Perth City Mission as a minor undertaking within the context of the other services provided on site, stating that it will enhance the existing emergency relief programme already delivered from of Wattle House.

(Location Plan here)

Diagrams can be viewed at Council's Libraries and Administration Centre

The proposed food outlet will operate Wednesdays to Fridays from 9am to 1pm, and will be coordinated initially by an existing (Perth City Mission) employee, with the potential for 2-3 volunteers to eventually run the service. The goods to be sold will be limited to basic grocery items in sealed packages or containers as accessed through the bulk buying facility of Second Harvest, Belmont. The applicant has indicated that there will be no food preparation on the premises and that all food sold will comply with the date code regulations. Further details relating to the centre's operation are provided in correspondence submitted to Council by the applicant, which is included as Appendix 12.5.2A.

(Site Plan here)

Diagrams can be viewed at Council's Libraries and Administration Centre

DISCUSSION

Compliance with Town Planning Scheme No. 6

The building to be used to accommodate the low-cost food outlet is a rectangular demountable building measuring 7.2 metres in length and 3.0 metres in width. It has a metal roof with a minimal pitch, and two glass windows. The building has been painted green and has also been provided with a verandah extending across the building's face (Appendix 12.5.2B). The building is not visible from either the street or any adjoining property.

The proposed use is considered to fall under the definition of 'shop'. Within a mixed business zone, shop is listed as a 'D' use in the Town Planning Scheme No. 6 (TPS 6) Zoning Table, which is a use that may be permitted, but only where Council has exercised its discretion. The delegations of authority to staff applicable following the gazettal of TPS 6 do allow for the approval of shops in mixed business zones, however, it is considered necessary for Council to

determine this application as it was a previous Council resolution that the demountable building only be located on the site for a period of twelve months.

TPS 6 lists the objectives of a 'Mixed Business' zone as to "*provide for a variety of commercial activities including showrooms and other forms of bulk retailing/display in strategically located areas of the City*", and it is considered that the current application does not conflict with these objectives. In addition, other Scheme requirements that the application should meet such as those relating to car parking provision are also deemed to comply.

TPS 6 requires car parking to be provided at a rate of 1 space for every 15m² of net lettable area with a minimum provision of four spaces. In this instance the proposed shop has an area of 21.6m², which results in the minimum car parking requirement of four bays. A Community Centre is not specifically mentioned in the car parking table of TPS 6, however, Wattle House is considered to share some common characteristics with the definition of office. In accordance with clause 5.13.1 of TPS 6 the car parking required for the remainder of the development has been determined on the basis of a minimum provision of four car parking spaces per building, resulting in a requirement for twelve bays, hence an overall parking requirement for sixteen bays results. There is sufficient room on site to accommodate these sixteen bays.

Summary

Although the demountable building located on site is a temporary structure, it has been constructed soundly and has been painted to maximise the building's level of amenity. In addition, the building will be provided with air-conditioning, electricity and floor coverings.

Whilst a permanent building would be more desirable, the application complies with the requirements of the town planning scheme and is not considered to detract from the visual amenity of any adjoining properties. In addition, it is also recognised that as community needs change, so will the requirements of the Wattle House Community Centre. This results in a need for a more flexible form of development that may be altered as required, and in this regard a temporary building is appropriate.

It is considered that the application proposes an additional use that has merit and will provide a community benefit to residents with limited incomes in the locality. Given the negligible impact that the proposal will have on nearby properties, and that the application generally complies with the requirements of Town Planning Scheme No. 6 it is recommended that the application be approved.

FINANCIAL IMPLICATIONS

Nil.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION

80 Moved Cr MD Devereux Seconded Cr AJ Smith

“That Council approve the application for a low-cost food outlet at No. 40 (Lot 5) Orr Street, Maddington, subject to the following conditions:

1. Operations are limited to:
 - (i) opening hours : Wednesday to Friday 9.00am to 1.00pm.
 - (ii) number to employees not to exceed 3.
 - (iii) goods to be sold are limited to basic items of household grocery lines in sealed packages or containers.
2. Standard conditions 3.1 (16), 6.1; and advice notes D3.1, D12.1 and D18.”

CARRIED 10/0

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

AGAINST: Nil.

Notation

During debate Cr J Brown advised she would move the following amendment to the staff recommendation:

“Amendment

That point (ii), which reads “number to employees not to exceed 3” be deleted as she did not believe it was necessary nor could Council adequately police it.”

Due to lack of a Secunder the amendment lapsed.

12.5.3 CLOSURE AND DISPOSAL OF PORTION OF RESERVE 29952 YULE STREET, MADDINGTON (*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.

The Mayor advised the meeting that Cr J Brown, due to owning property in Southern River had disclosed a Financial Interest in the following item in accordance with Section 5.60 of the Local Government Act 1995.

7.58pm – Cr J Brown left the meeting.

12.5.4 AMENDMENT TO LOCAL COMMERCIAL STRATEGY : DISTRIBUTION OF RETAIL FLOORSPACE WITHIN SOUTHERN RIVER

File: 12.7.2 (TP) Psrpt020Feb02

Previous Ref: OCM 28 September 1999 (Resolution 860)

Appendix 12.5.4A Southern River District Structure Plan – Proposed Centres

PURPOSE OF REPORT

To advise Councillors of the findings of a study undertaken to investigate the appropriate distribution of retail floorspace within Southern River and to seek Council's adoption of a preferred option as the basis for complementary amendments to the City of Gosnells draft Local Commercial Strategy.

BACKGROUND

At its meeting held 28 September 1999 Council considered a draft Local Commercial Strategy for the municipality which had been advertised for public comment. The draft Local Commercial Strategy generally sought to provide a rational basis for allocation of retail and commercial floorspace throughout the City and was based on detailed computer modelling of retail catchments utilising demographic, commercial floorspace and other pertinent information.

At the time of its consideration of the draft Local Commercial Strategy the Southern River-Forrestdale-Brookdale-Wungong District Structure Plan (Southern River District Structure Plan) was yet to be finalised by the WA Planning Commission (WAPC). As such the draft Local Commercial Strategy was unable to be definitive regarding retail floorspace allocation within the locality of Southern River. The Southern River District Structure Plan which was finalised in January 2001, provided for a series of integrated "village centres" and "neighbourhood centres" based on Liveable Neighbourhoods Design concepts (ie retail/commercial nodes within a series of walkable catchments building up to comprise an integrated and coherent urban area). Whilst the draft Local Commercial Strategy was unable to provide fixed floorspace levels for retail development in Southern River ahead of the Southern River District Structure Plan it did, however, canvass potential options for Council consideration. These were generally:

- (a) endorse the principle embodied in Southern River District Structure Plan of a series of connected centres along the urban village model; or
- (b) a more traditional approach of providing the majority of retail floorspace within one larger district centre to service the locality.

Council adopted the general principles embodied in the Southern River District Structure Plan and at its meeting of 28 September 1999 (Resolution 860) formally resolved to adopt the draft Local Commercial Strategy. Council's endorsement of the draft Local Commercial Strategy was though subject to a series of recommended amendments one of which was:

“(iv) Refinement of the retail provision for a network of local centres in Southern River”

The current report addresses the need for refinement of the draft Local Commercial Strategy now that the Southern River District Structure Plan has been finalised. Also specific development proposals have been discussed with proponents which demand a formal Council position in terms of the allocation of retail floorspace amongst the various proposed centres within Southern River.

A schematic plan attached as Appendix 12.5.4A which shows the Southern River District Structure Plan proposed series of neighbourhood and village centres. Each centre is given a reference number – SR01 to SR15 and are referenced throughout this report. At this time it should be noted Council has previously approved floorspace provision for both SR01 (the Amherst Centre at the intersection of Warton, Amherst and Holmes Roads – total 6,750m² NLA) and SR03 (neighbourhood centre at the intersection of Furley Road and Warton Road – 400m² NLA). It is also drawn to Councillors' attention that proponents have been liaising extensively with Council staff regarding submission of development plans in respect of SR06 on Ranford Road. It is these on-going negotiations which have prompted the need for Council consideration of retail floorspace and its distribution in the locality at this time

Limitation of Computer Modelling

Computer models seek to simulate real events and scenarios in order to provide meaningful information which can assist decision-makers. In the case of the subject study the objective is to forecast future retail spending patterns in order to gauge the economic viability of various proposed centres under a range of potential scenarios.

Common elements of computer modelling exercises are the need to make assumption and the need to simplify. This is due to the model's use of mathematical formulations to capture “real” events and influences which are inherently complex and, as they relate to human behaviour, can contain unpredictable elements.

This subject study uses a mathematics “gravity” model which (necessarily) incorporates assumption relating to the relative attractiveness of an individual centre to potential customers. This factors in consideration of the type of centre (large, small, etc), the likely range of goods to be offered, its relative accessibility. Also basic assumptions are made regarding future population levels in a given area. Simplification of potential influences on future retail spending patterns is also necessary in order to make the model manageable. A vast range of potential “influences” may operate on an individual's spending patterns. These include ethnicity, cultural and socio-economic characteristics, the physical design and aesthetics of a centre and others.

Despite the use of assumption and simplification inherent in computer models they can offer a rational basis for forecasting and area a valuable decision-making tool. The subject study utilises an accepted methodology (see below) within the field. It does need to be recognised, however, that the study's findings are a guide only and do not represent concrete cast iron forecasts regarding the future performance of a centre.

Retail Modelling Study

A draft report has been prepared by Shrapnel Urban Planning (authors of the original Local Commercial Strategy document). The methodology and the various options which were considered are presented below.

Methodology

For purposes of information the basic assumptions and methodological approach are summarised below. The full text is available in the Common Room for Councillors information.

- The study uses a detailed neighbourhood centres level model based on a mathematical "gravity" analysis to measure the number of people living in an area who will be attracted to a specific centre.
- The primary study area is the locality of Southern River and the locality of Canning Vale (Canning Vale included as centre SR01 has a catchment to both the north and south of Warton Road).

The secondary catchment area is the balance of the Southern River District Structure Plan area as well as a section of the surrounding Perth metropolitan area including selected regional and district centre beyond the secondary catchment.

- The modelling is for the estimated ultimate population within the Southern River District Structure Plan area. The plan has a long-term implementation horizon with only 50% occupation by 2026. This indicates the need for regular five-yearly reviews.
- The centres used within the model are a combination of existing and proposed regional, district and neighbourhood centres including those identified within the Southern River District Structure Plan. Within Southern River there are 15 proposed centres four of which are the larger ones designated as village centres on the schematic plan in this report. The model also assumes a centre within the City of Armadale of 8,500m² NLA retail floorspace.
- The model uses Department for Planning and Infrastructure Category 5 Shop Retail Floorspace – this is controlled through the WAPC Metropolitan Centres Policy Document (May 1999). This classification relates to the range of goods and services normally found in retail shopping centres where comparison and convenience

shopping occurs. It excludes goods normally found in showrooms (eg tiles) which are termed “other retail”.

- The model outputs which indicate the performance level of centres is the estimated “floorspace per capita” ratio (designated fs/capita in Table 1 below). This is the total amount of potential retail trade attracted to each centre under particular model options. The performance level of each centre is measured against the regional average for all centres. The Perth metropolitan region average fs/capita for all non-CBD centres is 1.54m². This represents a benchmark: fs/capita greater than 1.54m² indicates *below* average performance and an fs/capita greater than 1.54m² indicated above (the smaller the fs/capita ratio the higher the retail turnover per square metre of floorspace, ie there is less floorspace required per customer for a given turnover figure).

Model Options and Outcomes

The three options presented in Table 1 represent the range of possibilities within the Southern River locality.

Table 1 – Comparison of Modelled Options of Retail Floorspace Distribution
For Proposed Centres in Southern River

Centre Reference	Option 1		Option 2		Option 3	
	Allocated Floorspace m ² NLA	fs/capita	Allocated Floorspace m ² NLA	fs/capita	Allocated Floorspace m ² NLA	fs/capita
SR01 *	6,750	1.88	6,750	1.88	6,750	1.88
SR02	-	-	100	1.68	-	-
SR03 *	400	2.16	400	2.14	400	2.16
SR04	-	-	100	1.60	-	-
SR05	-	-	100	1.67	-	-
SR06	4,500	1.67	3,500	1.63	4,500	1.67
SR07	-	-	100	1.67	-	-
SR08	4,500	1.44	3,500	1.45	2,500	1.42
SR09	-	-	400	1.41	400	1.41
SR10	-	-	1,500	1.29	1,800	1.30
SR11	-	-	100	1.54	100	1.55
SR12	-	-	100	1.41	100	1.44
SR13	-	-	400	1.49	500	1.52
SR14	4,500	1.40	3,500	1.39	4,500	1.43
SR15	-	-	100	1.52	100	1.55
Total	20,650	1.61	20,650	1.59	21,650	1.60
Total less SR01 & SR03	13,500	1.50	13,500	1.46	14,500	1.48

* Committed Floorspace – SR01 is “Amherst Centre at the intersection of Warton, Amherst and Holmes Roads.
- SR03 is local centre at the corner of Warton and Furley Roads.

- (a) **Option 1:** This option allocates all available retail floorspace to the major village centres of SR06, SR08 and SR14 and provides for a floorspace allocation of 4,500m² per centre. (Note committed allocation for SR01 and SR03 along Warton

Road). No floorspace is allocated to any of the other centres. The 4,500m² figure has been selected for this option as it is considered to be the minimum reasonable size for a neighbourhood centre if it is to be anchored by a major chain supermarket. This reflects previous advice received by staff from the development industry, the author of the subject study and the Urban Design Section of the Department for Planning and Infrastructure to the effect that minimum viable floorspace for a supermarket would be between 3,000m²-3,500m² with supporting specialty shops of between 1,000m²-1,500m². For this option the model makes the following findings:

- (i) The estimated performance of centres SR01 and SR03 is below the benchmark average. (NB: fs/capita values above 1.56m² are below average.) These are the two centres for which Council has already allocated floorspace.
 - (ii) Village centres SR08 and SR14 will perform better than average with 4,500m² retail floorspace. In theory these centres could accommodate more floorspace, however, this is not recommended as it would over provide retail floorspace throughout the Southern River locality, and further negatively effect the performance potential of other centres including strategically placed SR06 on Ranford Road which will serve both the localities of Southern River and Forrestdale within the City of Armadale.
 - (iii) The relatively strong performances calculated for SR08 and SR14 are for the long-term, “ultimate” development situation as they are very well located and accessible to a large catchment population over this extended timeframe.
 - (iv) Option 1 presents a viable option for floorspace provisions in Southern River from a purely commercial perspective. The lack of retail floorspace in other neighbourhood centres is a matter of concern referred to in the discussion section of this report.
- (b) **Option 2:** Option 2 involves allocating retail floorspace to all proposed centres (both village and neighbourhood). Under this option the three neighbourhood centres are reduced to 3,500m² NLA each (ie SR06, SR08 and SR14). The results from modelling this option are as follows:
- (i) Whilst performance of individual centres varies considerably overall there is improved performance as a result of increased number of centres retaining slightly more of the trade within the Southern River locality.
 - (ii) SR10 (neighbourhood centre on Southern River Road) performs strongly even allocated a maximum potential of 1,500m² NLA.
 - (iii) Of the other neighbourhood centres only SR09 and SR13 warrant expansion to 400m² NLA.

- (iv) The centres towards the south-eastern end of the Southern River locality tend to perform better than those in the north-west because they are further from intense competition, ie existing and proposed centres in locality of Canning Vale, the City of Armadale, the Forest Lakes shopping centre and the Livingston shopping centre within the City of Canning.
 - (v) This option is found to be feasible but is not recommended by the study on the basis that “... *in a system that seeks to replace district centre floorspace with a pattern of neighbourhood and local centres, at least two of the neighbourhood centres should have the potential to support large supermarkets to service the major weekly shopping needs of the local population.*” The scenario depicted in Option 2 does not do that, nor would any options that provides retail floorspace or the local centre sites (reference to supermarket retail trends contained in Discussion section).
- (c) **Option 3:** Option 3 represents a compromise between Options 1 and 2. It excludes retail floorspace from four of the neighbourhood centres in the north-western portion of the locality being SR02, SR04, SR05 and SR07. It achieves this by reducing the size of one village centre (SR08) to 2,500m² NLA. The study finds that:
- (i) Centres SR08 to SR15 being those centres either on or to the south of Southern River Road perform above the average benchmark of 1.54 for the fs/capita ratio indicator of performance.
 - (ii) The total population equivalent which is a direct measure of the attractiveness of shopping centres to the catchment population, is the highest under this option (21,650 for Option 3 -v- 20,650 for Options 1 and 2).
 - (iii) Option 3 includes an additional 1,000m² NLA of retail floorspace and also allows two of the village centres (SR06 and SR14) to be large enough to accommodate a major supermarket (ie 4,500m² NLA).
 - (iv) Option 3 is the preferred study option.

DISCUSSION

As previously mentioned Council has endorsed the concept of providing retail floorspace in Southern River within a series of integrated, smaller-scale centres rather than in the form of one large district centre. This reflects the Southern River-Forrestdale-Brookdale-Wungong District Structure Plan where smaller commercial centres service the retail and other needs of catchments within generally a 400 metre radius.

The subject study attempts to provide a rational basis to determine the allocation of floorspace between the various centres and examines a series of possible options. The study concludes that providing retail floorspace within the 15 proposed centres for Southern River does not

provide the optimum solution and risks the establishment of commercially unviable centres. The study indicates that Option 3, which deletes retail floorspace from four of the proposed smaller neighbourhood centres in the northern portion of the locality, will provide the best overall mix and best serve the retail needs of the future urban area. It is to be noted that the Southern River District Structure Plan aims to produce a robust urban form that is flexible enough to allow for responses to changing situations. Similarly the Local Commercial Strategy will be reviewed on a regular basis and may be amended as appropriate.

It is to be noted that Southern River includes extensive areas which are set aside under the Southern River District Structure Plan for conservation and/or drainage purposes. This mitigates against an optimum distribution of centres and also limits population density. In turn this acts as a constraint on the overall provision of economically viable retail floorspace. The amount and distribution of retail floorspace must therefore be considered and carefully focussed in order to produce both socially and economically sustainable outcomes.

It is to be further noted, as referenced in the study, that a noticeable retail trend of recent times has been toward larger retail operations which offer a more diverse range of goods. An example of this would be a supermarket retailing floral goods and a range of plants normally found in florists and nurseries and also freshly baked bread and cakes traditionally sold from small bakeries. The trend therefore is toward larger retail operators at the expense of smaller operators with 3,000m² minimum emerging as a requirement by developers for supermarket proposals. This further reinforces the need for economically viable centres to have a certain critical retail floorspace mass. The study has, in effect, highlighted that the projected population densities within Southern River are not capable of sustaining retail operations at all of the 15 proposed centres. Commercial “reality” is therefore in potential conflict with an urban design philosophy which seeks to promote sustainable communities.

In an attempt to resolve this problem Council staff have discussed the matter with the Urban Design Section of the Department for Planning and Infrastructure (Malcolm McKay, Principal Designer for the Southern River District Structure Plan). Advice has been received to the effect that the issue has been raised previously in relation to a range of development proposals throughout the metropolitan area and elsewhere. A view has been formed that a small centre is capable of functioning without a retail component providing that activity generating land uses can be focussed into the centre. This would include at the most basic level facilities such as a public telephone and a post box and could include also small scale office development, medical centres, community infrastructure including offices for statutory authorities and surrounding higher density residential development. On this basis the proposed network of centres under the Southern River District Structure Plan is seen as remaining viable even without a retail component in some of the smaller centres identified in the subject study.

As mentioned previously computer modelling outcomes are seen as a guide to decision-making rather than being prescriptive. The study does provide a rational basis for floorspace allocation and addresses the need for a degree of certainty regarding future outcomes. Also the Local Commercial Strategy may be amended as part of a regular review process to reflect changing situations.

As mentioned previously computer modelling outcomes are seen as a guide to decision-making rather than being prescriptive. The study does provide a rational basis for floorspace allocation and addresses the need for a degree of certainty regarding future outcomes.

It is therefore recommended that Option 3 be adopted by Council and that the City's Local Commercial Strategy be amended accordingly.

FINANCIAL IMPLICATIONS

Nil.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION

81 Moved Cr A Pisano Seconded Cr R Mitchell

“That Council adopt Option 3 in relation to the revision of the draft Local Commercial Strategy in terms of the distribution of retail floorspace within the locality of Southern River and that staff be directed to prepare a submission to the WA Planning Commission seeking approval to amend the City's draft Local Commercial Strategy with retail floorspace provision for proposed centres in Southern River in accordance with the plan as contained in Appendix 12.5.4A and the following table:

Centre	m ² NLA
SR01	6,750
SR02	0
SR03	400
SR04	0
SR05	0
SR06	4,500
SR07	0
SR08	2,500
SR09	400
SR10	1,800
SR11	100
SR12	100
SR13	500
SR14	4,500
SR15	100

CARRIED 9/0

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

AGAINST: Nil.

Additional Motion

Cr MD Devereux moved the following additional motion:

COUNCIL RESOLUTION

82 Moved Cr MD Devereux Seconded Cr AJ Smith

“That Council authorise staff to conduct a further review of the retail floor space distribution within the area encompassed by the Southern River District Structure Plan in 2007, or before if the need arises.”

CARRIED 9/0

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

AGAINST: *Nil.*

8.01pm – Cr J Brown returned to the meeting.

Notation

The Mayor, upon the return of Cr J Brown to the meeting, advised that Council had endorsed the staff recommendation as contained in the Agenda together with an additional motion.

12.5.5 WESTERN AUSTRALIAN PLANNING COMMISSION STATEMENT OF PLANNING POLICY – TELECOMMUNICATIONS INFRASTRUCTURE

File: HC12/1/1 Approve Ref: (EH) Psrpt022Feb02

Name: Western Australian Planning Commission

Appendix: 12.5.5A Statement of Planning Policy – Telecommunications Infrastructure (Final Draft)

PURPOSE OF REPORT

For Council to consider the Final Draft of the Telecommunications Infrastructure Planning Policy by Western Australian Planning Commission and provide comments on the draft policy.

BACKGROUND

In 1991, the deregulation of the telecommunications industry followed with the introduction of the *Telecommunications Act 1991*. This legislation gave carriers the right to construct telecommunications facilities on any land or attach a facility to a building or other structure.

Although carriers were subject to consultation and environmental assessment procedures, they were immune from State planning and environmental legislation.

On 1 July 1997, the original Telecommunications Act was repealed and replaced by the *Telecommunications Act 1997*. The main effect of the new legislation was that it required the installation of telecommunications facilities, except those that are exempted specifically by the legislation, to comply with State (and local) planning and environmental approval procedures.

The Statement of Planning Policy provides a policy framework for the preparation, assessment and determination of applications for planning approval of telecommunications facilities in WA.

DISCUSSION

The Draft Policy aims to provide the framework to facilitate the development of an effective statewide telecommunications network in a manner consistent with the economic, environmental and social objectives of planning in WA as set out in the Town Planning and Development Act and State Planning Strategy.

The Policy provides a number of guiding principles for the location, siting and design of telecommunications infrastructure. These principles include:

- Co-location of facilities should be sought.
- Facilities should be designed and sited to minimise adverse impacts on character and amenity of residential areas.
- Unless it is impractical, telecommunication towers should be located within commercial, business, industrial and rural areas.
- The design and siting of towers and ancillary facilities should be integrated with existing buildings and structures, unless it is impractical.
- Measures such as surface mounting, concealment, colour co-ordination, camouflage and landscaping should be used to minimise the visual impact of facilities.

The policy does not provide specific requirements such as buffer distances from residential and sensitive areas. Council's existing Policy 5.2.25 Telecommunications Infrastructure is consistent with the above principles and does, however, provide specific requirements such as buffer distances and maximum height. Therefore, the Draft Policy does not conflict with Council's existing policy relating to telecommunications infrastructure but reinforces it.

As the Draft Policy reinforces Council's existing policy relating to telecommunications facility and emphasises co-location, it will be recommended that the Western Australian Planning Commission be advised Council has no objections to the Draft Policy.

FINANCIAL IMPLICATIONS

Nil.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION

83 Moved Cr A Pisano Seconded Cr MD Devereux

“That Council advise the Western Australian Planning Commission that the City of Gosnells has no objections to the Final Draft of the Statement of Planning Policy for Telecommunications Infrastructure as it reinforces Council’s existing policy relating to telecommunications infrastructure.”

CARRIED 6/5

FOR: Cr C Matison, Cr R Croft, Cr R Mitchell, Cr A Pisano and Cr PM Morris..

AGAINST: C S Iwanyk, Cr J Brown, Cr MD Devereux, Cr AJ Smith and Cr O Searle.

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

Notation

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

“Foreshadowed Motion

That Council advise the Western Australian Planning Commission that the City of Gosnells objects to the Final Draft of the Statement of Planning Policy for Telecommunications Infrastructure as it fails to reinforce Council’s existing policy relating to telecommunications infrastructure buffer distances for ‘Residential’ and ‘Sensitive Areas’.

Reason

City of Gosnells Policy 5.2.25 directs that telecommunications infrastructure is not to be sited on land currently zoned or proposed to be zoned ‘Residential’. In addition such facilities not to be located within 100 metre radius of residential dwellings and ‘Sensitive Areas’. ‘Sensitive Areas’ is defined as existing and proposed residential areas, schools, child/day care centres, nursing homes, hospitals and the like.”

12.5.6 APPOINTMENT OF AUTHORISED EMPLOYEE – PLANNING COMPLIANCE OFFICER

File: HC12/1/1

(BH) Psrpt025Feb02

PURPOSE OF REPORT

For Council to provide authorisation to the City's Planning Compliance Officer to carry out the functions of an authorised employee in accordance with Clause 12.1.2 of the City's Town Planning Scheme No. 6.

BACKGROUND

The Planning Compliance Officer is currently an authorised employee of the City of Gosnells for the purposes of the City's now defunct Town Planning Scheme No. 1, Clause 39. To continue to be of effect there needs to be a fresh authorisation by the Council under the new Town Planning Scheme No. 6.

Clause 12.1.2 of the Town Planning Scheme No. 6 states:

“An employee of the local government authorised by the local government may, at all reasonable times and with such assistance as may be required, enter any building or land for the purpose of ascertaining whether the provisions of the Scheme are being observed”.

DISCUSSION

Under Clause 12.3 of the Town Planning Scheme No. 6 the local government can delegate the exercise of any of its powers to the CEO. The CEO may then further delegate those to any employee of the local government and appoint employees as authorised persons as the necessity arises.

Until this is given consideration there is an immediate need for the Planning Compliance Officer to be given continuity of authority to carry out the duties in accordance with Town Planning Scheme No. 6.

FINANCIAL IMPLICATIONS

Nil

STAFF RECOMMENDATION AND COUNCIL RESOLUTION

84 Moved Cr A Pisano Seconded Cr R Croft

“That under the provisions of Clause 12.1.2 of Town Planning Scheme No. 6, Council delegate the administration of the Scheme and appointment of

authorised persons to perform any of the functions of an authorised person under the Scheme to the Chief Executive Officer subject to the following:

- (i) authorised persons must be employees of the Council; and
- (ii) the Chief Executive Officer having the option to refer any matter to Council for decision.”

CARRIED BY ABSOLUTE MAJORITY 10/0

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

AGAINST: *Nil.*

12.6 REGULATORY SERVICES

12.6.1 NEGLECTED/DILAPIDATED BUILDING – 2 SHEOAK ROAD, MADDINGTON

File: 213940 (PS) Rpt009Feb02
Name: Kennon Nominees Ptd Ltd
6 Aralia Place, Dianella Heights WA 6109
Location: Lot 143, No 2 Sheoak Road, Maddington
Zoning: Shopping Centre
MRS
TPS No. 1
Appeal Rights: Yes
Area: 1663sqm

PURPOSE OF REPORT

For Council to consider serving formal Notice upon the owner of the land requiring the neglected and dilapidated retail shops to be taken down and requiring all resultant debris to be removed from the site.

BACKGROUND

Since August 2000 Council has been aware that most of the retail shops at lot 143 Sheoak Road, Maddington had been vacated by the tenants and that the building itself was being continually vandalised. At the end of August 2000 local residents advised this office that the plate glass windows of all the shops had been broken yet no attempt by the owners had been made to remove the glass. Concern was expressed for the safety of children who frequent the area from the nearby primary school. Inspections carried out by Council officers revealed that the carpark and pathways in front of the shops were strewn with shards of glass which presented a significant risk of injury to passersby. As the owner did not commence the removal of the debris, and in consideration of residents, Council staff organised to clean away the broken glass and make the surrounds safe.

Correspondence was sent to the property owner advising of what was occurring and requested that the buildings be properly maintained and secured against further damage. Due to the number of claims made for damage it is understood that the building's insurer will no longer provide insurance cover. Additionally the owner has been unable to attract tenants to the building. In an effort to prevent further damage to the building timber ply hoardings were fixed to the front windows and doors of all the shops. Despite these measures which are not ideal and do not enhance the amenity of the area vandalism and damage is still occurring. An inspection carried out at the property by Council's Building Surveyor on 24 January 2002 revealed the timber hoardings have been removed from the window and door openings on two of the shops and the glass again has been broken. Also the doors to several of the water closets at the rear of the development have been torn from their hinges and the pans, basins, taps and light fittings inside have been vandalised.

(Site Plan here)

Diagrams can be viewed at Council's Libraries and Administration Centre

Council's SafeCity Manager has been liaising with the building owner and the local police in an effort to resolve the ongoing vandalism.

He advises that these particular shops have been the subject of a considerable number of complaints from both residents and businesses in the immediate area in terms of the attraction of anti-social behaviour and the shops being used as a form of "hanging out" location for young people. There has also been a number of complaints and sightings of drug abuse in the shops.

SafeCity, along with the Police, Department of Community Development and the Maddington Shopping Centre have been conducting a HYPE youth programme in the shopping area over the past weeks, which has achieved some positive outcomes in respect to building a rapport and understanding with the youth who frequent the area. The unfortunate situation is that having such an environment, meaning the vacant derelict shops in the same location, creates an outlook on the area that does not do any justice for Maddington nor assist the work of all parties concerned as it merely adds to the associated problems.

Over past months the SafeCity Manager has spent a considerable amount of time and effort with the owner of the vacant shops in trying to explore possible options for the future of the premises with the view to obtaining resolution of this protracted problem.

He has further liaised with the Officer in Charge of the Gosnells Police which prompted a written response expressing the view that:-

"The problems being generated by these premises are a constant drain on valuable police and council resources, which has reached the point where decisive action is required to bring these problems to an end."

DISCUSSION

The continuing vandalism and apparent reluctance of the building owner to repair the building to a satisfactory condition has caused numerous complaints to be lodged with this office regarding the adverse affect the building is having upon the neighbourhood.

As the building has no occupiers and the owner has taken no action to improve or maintain the security and amenity of the building Council now has to consider serving Notice upon the owner requiring the neglected building to be taken down.

Section 408 of the Local Government (Miscellaneous Provisions) Act provides, where a building within the district which is considered by the Local Government to be neglected, for that Local Government to serve formal Notice requiring the owner or occupier to put the building into such a state of repair and good condition as is to the satisfaction of the Local Government, or to take the building down. Due to the problems associated in finding tenants

even if the building was repaired, and the reluctance of insurers to cover the cost of further damage, the repair of the premises would appear a fruitless task when in all likelihood the vandalism and antisocial behaviour will continue.

FINANCIAL IMPLICATIONS

If the requisitions contained in the Notice are not complied with and a subsequent court order compelling the owner to comply is also not obeyed, the Local Government may by its agents, servants and workmen enter upon the land on which the neglected building stands and execute the order. The Local Government may recover the costs and expenses as well as the costs of the proceedings for recovery from a competent court of jurisdiction.

If the requisitions contained in the Notice and any Court Order are not complied with the financial implications for Council to carry out the required works will be the subject of a further report.

STAFF RECOMMENDATION

Moved Cr J Brown Seconded Cr R Mitchell

That in Council's opinion the building situated at Lot 143, number 2 Sheoak Road, Maddington is a neglected building and is not fit for occupation and is in such condition as to be prejudicial to the inhabitants of the neighbourhood as defined by Section 407 of the Local Government (Miscellaneous Provisions) Act 1960 (as amended).

LOST 1/9

FOR: Cr AJ Smith.

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

STAFF RECOMMENDATION

Moved Cr J Brown Seconded Cr R Mitchell

That Council serve Notice upon Kennon Nominees Pty Ltd of 6 Aralia Place, Dianella Heights WA 6109, being the owners of the building on land in portion of Canning Location 13 and being Lot 143 on Plan 01156, Volume 01541, Folio 00762, situated at Number 2 Sheoak Road, Maddington, under Section 408(1)(c) of the Local Government (Miscellaneous Provisions) Act 1960 (as amended) requiring the masonry wall, and steel roofed retail shops to be taken down and requiring all resultant debris to be removed from the site within 35 days of the date of service of the Notice subject to any appeal rights.

LOST 1/9

FOR: Cr AJ Smith.

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

STAFF RECOMMENDATION**Moved Cr J Brown Seconded Cr R Mitchell**

That should Council's Notice to Kennon Nominees Pty Ltd not be complied with, within the specified time, or set aside by appeal, Council make complaint to a Court of Petty Sessions to obtain an order to direct Kennon Nominees Pty Ltd of 6 Aralia Street, Dianella Heights, to comply with the Notice served upon them to take down the neglected shops and to remove all resultant debris from Lot 143 Sheoak Road, Maddington.

LOST 1/9

*FOR: Cr AJ Smith.**AGAINST: Cr S Iwanyk, Cr C Matison, Cr J Brown, Cr MD Devereux, Cr R Croft, Cr R Mitchell, Cr O Searle, Cr A Pisano and Cr PM Morris.***STAFF RECOMMENDATION****Moved Cr J Brown Seconded Cr R Mitchell**

That should a Court Order issued to Kennon Nominees Pty Ltd to take down the neglected retail shop building and to remove all resultant debris from the site not be complied with, within the time specified by that order, then a further report be tabled to Council outlining the financial implications for Council to carry out the requirements of the court order.

LOST 1/9

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

Cr MD Devereux moved the following foreshadowed motion:

COUNCIL RESOLUTION**85 Moved Cr MD Devereux Seconded Cr A Pisano**

That Council refer item 12.6.1 "Neglected/Dilapidated Building – 2 Sheoak Road, Maddington" back to enable staff to more clearly define the actual building area to be considered for demolition.

CARRIED 10/0

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

12.6.2 CITY OF GOSNELLS IMMUNISATION SERVICE

File: 13.1.6

(WE)

rpt011Feb02

PURPOSE OF REPORT

To provide Council with an evaluation of the City's revised Immunisation Service and to seek endorsement for the continuation of the current Immunisation Service and partnership arrangement with the Armadale Health Service

BACKGROUND

At the Ordinary Council Meeting on 28 November 2000, a detailed report was presented to Council in relation to the then City's Immunisation Service.

The report considered various factors influencing immunisation provision and presented a number of options for service delivery ranging from a rationalisation of existing services to termination of the services. It also pointed out that the trend within local government was to re-assess their role in the provision of child immunisation or discontinue the service altogether. Furthermore, the report also considered the potential of liability, declining school immunisation rates and recommended that the School Immunisation programme be discontinued.

Council subsequently resolved the following vide Resolutions 996 to 1002.

Resolution 996

“That the City of Gosnells enter into a partnership with the Armadale Health Service to provide joint Child Immunisation Clinics and the existing schedule of vaccines be administered by appropriately qualified Child Health nurses under the supervision of a Health Department of Western Australian medical practitioner.”

Resolution 997

“That, as from 1 January 2000, the City of Gosnells reduce the number of monthly child immunisation clinics from six to two locations, with clinics being located in existing facilities at:

*Westfield Street, Maddington; and
Thornlie Avenue, Thornlie.”*

Resolution 998

“That the proposed child immunisation clinics be open for up to two (2) hours on each scheduled occasion. The dates and times of the revised child immunisation clinics be advertised in a newspaper circulating in the District.”

Resolution 999

“That Council acknowledge the excellent service provided by Dr Christina Rajanayagam at both the City of Gosnells child health and school immunisation clinics over a number of years.”

Resolution 1000

“That the school immunisation programme be discontinued and the service not be offered in the 2001-2002 financial year.”

Resolution 1001

“That each primary school in the District be advised, in writing, of the discontinuance of the City of Gosnells School Immunisation Programme and a suitable advertisement be placed in a newspaper circulating in the District.”

Resolution 1002

“That the Manager Health Services report to Council in February 2002 evaluating the revised City child immunisation clinic format.”

DISCUSSION

Following the above Resolutions by Council, the City's Immunisation Service was reviewed and arrangements put in place by Council's Health Services Branch together with the Armadale Health Service, for the introduction of the new service.

As a consequence the following City of Gosnells Immunisation Service Schedule was adopted and introduced on 5 January 2001.

Maddington Child Health Centre, Westfield Street, Maddington.

First Friday of the month.

9:00am - 11:00am.

Thornlie Child Health Centre, Thornlie Avenue, Thornlie.

Third Friday of the month.

9:00am - 11:00am.

In addition to the above, immunisation clinics are now attended by two Community Health Nurses, contracted from the Armadale Health Service, and two Environmental Health Officers from the City's Health Services Branch. Furthermore, immunisation vaccinations are now administered by Armadale Health Services staff with all administrative functions provided by City Environmental Health Officers.

12 Month Review

A review of attendance figures at the City immunisation clinics, as a whole, indicates that attendances are lower than in previous years. The following table shows the number of clients and vaccines administered over the last three (3) years, with the shaded area showing statistics since the revised Immunisation Service was implemented.

	1999 (Jan-Dec)	2000 (Jan-Dec)	2001 (Jan-Dec)
No of Clients	1136	1058	654
Vaccines Administered	2559	2419	1476

As can be seen by the above table, these figures indicate a significant decrease in the total number of attendances since the introduction of the new service. However, it should be noted that there has been a gradual decrease in attendances since 1994. This was addressed in the report to Council (28/11/2000) and was predominantly due to changes introduced by the Commonwealth Government and the provision of immunisation by other service providers such as general practitioners.

Although the total number of attendances has decreased significantly during 2001, it should also be noted that the number of attendances at the above clinics has seen a significant increase. In 2000 the number of attendances at the Thornlie and Maddington clinics was 269 and 183 respectively. In comparison, 328 attended the Maddington clinic (45% increase) and 326 attended the Thornlie clinic (18% increase).

Furthermore, the introduction of the new service has provided Council with an estimated saving of \$8,500 per annum. The estimated cost for the new service as outlined above has been calculated at less than \$5,000. The savings provided will also allow the Health Services Branch to develop promotional material, in partnership with the Armadale Health Service, to emphasise the importance and benefits of childhood immunisation in preventing communicable diseases such as measles, mumps, rubella and pertussis (whooping cough).

The partnership with the Armadale Health Services (AHS) has been very successful and they have indicated to Council via correspondence that they are satisfied with the current arrangement and look forward to the continuation of the service through 2002.

Finally, the revised City's Immunisation Service now also better reflects the National Health and Medical Research Council and the Department of Health requirements for the administering of vaccines and there has been no negative feedback from the community.

FINANCIAL IMPLICATIONS

Council currently budgets to provide an Immunisation Service at two (2) locations within the City using staff from the Armadale Health Service and Council's Health Services Branch. The

cost to operate the current format is considerably less than previous operations, detailed figures where stated in the report of November 2000.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION

86 Moved Cr MD Devereux Seconded Cr A Pisano

“That Council continue to provide an Immunisation Service in partnership with the Armadale Health Service at the Maddington Child Health Centre and Thornlie Child Health Centre on a monthly basis.”

CARRIED 8/2

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

AGAINST: Cr AJ Smith and Cr O Searle.

12.6.3 DELEGATE – ZONE CONTROL AUTHORITIES

File: 1.3.5A

(JS) Rpt010Feb02

PURPOSE OF REPORT

To seek the nomination of a Councillor as a delegate on the newly formed Agriculture Protection Board Zone Control Authorities, which was formerly the Regional Advisory Committee for the Agriculture Protection Board.

BACKGROUND

A letter to Councillor Julie Brown, delegate to the Agriculture WA - Swan Regional Advisory Committee, was received from Mr Richard Walker, Executive Officer of the Agriculture Protection Board stating the following:

“During the last round of Regional Advisory Committee (RAC) meetings, members were advised of the Government’s intention to press ahead with the Machinery of Government Task Force recommendation for full integration of the Agriculture Protection Board with the Department of Agriculture. In line with this intent, the Minister for Agriculture has since directed that the Board’s current regional advisory structure be synchronised with the Department’s new equivalent. The joint conduct of Board and Departmental consultation arrangements will assist the integrated consideration of industry development, sustainability and bio-security issues.

To implement the Minister’s directive, Board has agreed to abolish all existing zones (and therefore the regions within them) and constitute five new zones in the pastoral areas, and fifteen new zones in the agricultural areas. Accordingly

all current Regional Advisory Committee appointments have now been terminated.”

DISCUSSION

Under the new zone structure the City of Gosnells is within the boundaries of the zone of Swan.

Nominations close on Friday 8 March 2002. All nominations must be supported by a short resume outlining the skills and expertise of each nominee. A meeting schedule is to be advised at a future date.

FINANCIAL IMPLICATIONS

Nil.

STAFF RECOMMENDATION

Moved Cr A Pisano Seconded Cr C Matison

That Councillor _____ be appointed Delegate and Councillor _____ be appointed Deputy Delegate to the Agriculture Protection Board Zone Control Authorities Committee to May 2003.

Amendment

Cr MD Devereux nominated Cr J Brown as Delegate and Cr J Brown nominated Cr C Matison as Deputy Delegate to the Agriculture Protection Board Zone Control Authorities Committee, resulting in the following amendment to the staff recommendation:

Moved Cr MD Devereux Seconded Cr R Croft

That the staff recommendation be amended by deleting the lines “_____” where they appear in the first and second lines after the word “Councillor” and substituting them with the names “J Brown” and “C Matison” after the word Councillor, with the amended recommendation to read:

“That Councillor J Brown be appointed Delegate and Councillor C Matison be appointed Deputy Delegate to the Agriculture Protection Board Zone Control Authorities Committee to May 2003.”

CARRIED 10/0

FOR: Cr S Iwanyk, Cr C Matison, Cr J Brown, Cr MD Devereux, Cr R Croft, Cr AJ 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 Presiding Member then put the substantive motion, which reads:

COUNCIL RESOLUTION

87 Moved Cr MD Devereux Seconded Cr R Croft

“That Councillor J Brown be appointed Delegate and Councillor C Matison be appointed Deputy Delegate to the Agriculture Protection Board Zone Control Authorities Committee to May 2003.”

CARRIED 10/0

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

AGAINST: Nil.

12.6.4 ANNUAL GENERAL MEETING OF ELECTORS – 11 FEBRUARY 2002

File: (TP) Rpt012Feb02

Appendix: 12.6.4A Minutes of Meeting

PURPOSE OF REPORT

For Council to confirm the Minutes of the Annual General Meeting of Electors held on Monday 11 February 2002.

BACKGROUND

The Annual General Meeting of Electors, attended by 73 electors was conducted on Monday 11 February 2001, the Minutes of which are attached as Appendix 12.6.4A.

DISCUSSION

The Minutes are presented to Council for confirmation as an accurate record of the proceedings of that meeting.

FINANCIAL IMPLICATIONS

Nil.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION

88 Moved Cr R Mitchell Seconded Cr A Pisano

“That the Minutes of the Annual General Meeting of Electors held on Monday 11 February 2002 (as contained in Appendix 12.6.4A) be confirmed as an accurate record of that meeting.”

CARRIED 10/0

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

AGAINST: Nil.

13. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

13.1 PROPOSED POLICY - LEASE AND LICENCE TENANCY AGREEMENTS

The following motion was proposed by Cr C Matison during “Notices of Motion for Consideration at the Following Meeting” at the Ordinary Council Meeting held 12 February 2002 for inclusion in “Motions for Which Previous Notice Has Been Given” of the 26 February 2002 Ordinary Council Meeting.

MOTION

That Council consider a Policy in regard to the Lease and Licence Tenancy Agreements for Council Facilities outlining the eligibility of the various organisations in relation to the application and granting of the Lease or Licence Tenancy Agreements for the use of Council Facilities.

COUNCILLOR COMMENT

Cr C Matison provided the following written reason for the above motion:

“The adoption of this policy would give clear guidelines as to which organisations are eligible for Lease Agreements and which organisations are eligible for Licence Agreements, when required by Council to do so or when applying to Council for such an arrangement in regard to Council facilities.”

COUNCIL RESOLUTION

89 Moved Cr C Matison Seconded Cr AJ Smith

That Council consider a Policy in regard to the Lease and Licence Tenancy Agreements for Council Facilities outlining the eligibility of the various organisations in relation to the application and granting of the Lease or Licence Tenancy Agreements for the use of Council Facilities.

CARRIED 10/0

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

AGAINST: Nil.

13.2 PEDESTRIAN ACCESSWAY (PAW) CLOSURE – SHILLINGTON WAY AND CHEVALIER WAY, THORNLIE

The following motion was received in writing from Cr M Devereux in accordance with Clause 2.27.1(a) of the City of Gosnells Standing Orders Local Law 1998 for inclusion in “Motions of Which Previous Notice Has Been Given” of the 26 February 2002 Ordinary Council Meeting.

MOTION

That the PAW between Shillington Way and Chevalier Way be closed.

STAFF COMMENT

Item 12.5.7 of the Agenda for the Ordinary Council Meeting on 12 February 2002 referred to this issue, with a staff comment recommending the PAW not be closed.

The staff recommendation was not supported by Councillors with the vote being 4 for and 6 against. A foreshadowed motion was not put by Councillors and as such status quo remains with the PAW being left open.

COUNCIL RESOLUTION

90 Moved Cr MD Devereux Seconded Cr AJ Smith

“That the PAW between Shillington Way and Chevalier Way be closed.”

CARRIED 6/4

FOR: Cr MD Devereux, Cr R Croft, Cr AJ Smith, Cr O Searle, Cr A Pisano and Cr PM Morris.

AGAINST: Cr S Iwanyk, Cr C Matison, Cr J Brown and Cr R Mitchell.

14. NOTICES OF MOTION FOR CONSIDERATION AT THE FOLLOWING MEETING

Nil.

15. URGENT BUSINESS (by permission of Council)

91 Moved Cr AJ Smith Seconded Cr MD Devereux

“That Cr O Searle be granted permission to put forward a an item of urgent business.”

CARRIED 10/0

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

AGAINST: Nil.

Proposed Motion

That the Maddington Golf Course Committee be reconvened without delay, that the Consultants report which was promised by mid December be given priority on the Agenda and the Committee be given an explanation for the delay between the meetings.

Notation

The Mayor ruled, upon advice from the Director Regulatory Services, that the proposed motion would not be allowed, as it was not considered an item of urgent business in accordance with the City of Gosnells Standing Orders Local Law 1998 in that it did not have financial or legal implications and the matter could await inclusion in a later Agenda. The Mayor subsequently suggested that Cr Searle submit her proposed motion to the CEO in the appropriate manner to enable inclusion in the next Agenda.

16. CONFIDENTIAL MATTERS

Nil.

17. CLOSURE

The Mayor declared the meeting closed at 8.34pm.