

CITY OF GOSNELLS

**ORDINARY COUNCIL MEETING
23 SEPTEMBER 2003**

TABLE OF CONTENTS - MINUTES

PRESENT	2
1. APOLOGIES	2
2. DECLARATIONS OF INTEREST	2
3. ANNOUNCEMENTS BY THE MAYOR.....	2
4. REPORTS OF DELEGATES	3
5. QUESTION TIME FOR THE PUBLIC AND THE RECEIVING OF PUBLIC STATEMENTS ..	3
QUESTIONS TAKEN ON NOTICE AT PREVIOUS MEETINGS AWAITING RESPONSE	4
RESPONSES TO QUESTIONS TAKEN ON NOTICE AT PREVIOUS MEETINGS	4
5.1 QUESTION TIME.....	4
5.2 PUBLIC STATEMENTS	5
6. CONFIRMATION OF MINUTES	6
7. PETITIONS AND MEMORIALS	6
8. LEAVE OF ABSENCE	6
9. QUESTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN	7
10. ITEMS BROUGHT FORWARD FOR THE CONVENIENCE OF THOSE IN THE PUBLIC GALLERY	7
12.5.6 POTENTIAL RESIDENTIAL DEVELOPMENT IN GOSNELLS TOWN CENTRE	8
12.6.1 UNCLEAN AND INSANITARY FOOD PREMISES – RUBY CHINESE RESTAURANT, MADDINGTON VILLAGE SHOPPING CENTRE, WESTFIELD STREET, MADDINGTON	12
11. MINUTES OF COMMITTEE MEETINGS.....	15
12. REPORTS	15
12.1 CHIEF EXECUTIVE OFFICER’S REPORT	15
12.2 COMMUNITY SERVICES.....	15
12.3 CORPORATE SERVICES	16
12.3.1 FINANCIAL REPORTS – JULY / AUGUST 2003	16

12.3.2	PAYMENT OF ACCOUNTS.....	18
12.4	INFRASTRUCTURE	19
12.4.1	PARKS AND LEISURE AUSTRALIA – 2003 NATIONAL CONFERENCE “FRESH PARKS, FRESH LEISURE, FRESH WATER”	19
12.4.2	TENDER 37/2003 – SUPPLY OF ELECTRICAL SERVICES.....	22
12.5	PLANNING AND SUSTAINABILITY.....	25
12.5.1	TOWN PLANNING SCHEME NO. 21 - ADOPTION OF SCHEME FOR CONSENT TO ADVERTISE.....	25
12.5.2	TOWN PLANNING SCHEME NO. 17 - PROVISION OF GRAVITY SEWER.....	31
12.5.3	DEVELOPMENT APPLICATION – PLACE OF WORSHIP – 131 (LOT 12) AMHERST ROAD, CANNING VALE.....	37
12.5.4	DEVELOPMENT APPLICATION - DISPLAY HOME - 22 (LOT 860) BUVELOT TURN, SOUTHERN RIVER.....	43
12.5.5	DEVELOPMENT APPLICATION – WASHDOWN BAY – 32 (LOT 23) BROOKLAND STREET, BECKENHAM.....	50
12.5.6	POTENTIAL RESIDENTIAL DEVELOPMENT IN GOSNELLS TOWN CENTRE (ITEM BROUGHT FORWARD – REFER TO ITEM 10)	57
12.5.7	NEW CIVIC COMPLEX : CLOCKTOWER PUBLIC ART PROJECT.....	59
12.6	REGULATORY SERVICES.....	61
12.6.1	UNCLEAN AND INSANITARY FOOD PREMISES – RUBY CHINESE RESTAURANT, MADDINGTON VILLAGE SHOPPING CENTRE, WESTFIELD STREET, MADDINGTON (ITEM BROUGHT FORWARD – REFER TO ITEM 10)	61
13.	MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN.....	62
13.1	ARMADALE HEALTH SERVICE ADVISORY COUNCIL – DEPUTY DELEGATE.....	62
14.	NOTICES OF MOTION FOR CONSIDERATION AT THE FOLLOWING MEETING.....	63
15.	URGENT BUSINESS (BY PERMISSION OF COUNCIL).....	63
16.	CONFIDENTIAL MATTERS.....	63
17.	CLOSURE	63

Minutes of the Ordinary Council Meeting held in the Council Chambers, City of Gosnells Administration Centre, 2120 Albany Highway, Gosnells on Tuesday 23 September 2003.

OPENING AND WELCOME

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

DISCLAIMER

The Mayor read aloud the following statement:

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

COUNCIL MEETINGS – RECORDING OF

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

Notice within the Public Gallery in relation to recordings state:

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

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

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

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

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

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

PRESENT**ELECTED MEMBERS**

MAYOR
DEPUTY MAYOR
COUNCILLORS

P M MORRIS AM JP
R CROFT
W BARRETT
P WAINWRIGHT
R MITCHELL (*Arrived 7.37pm*)
S MOSS
O SEARLE JP
C MATISON
J BROWN JP
S IWANYK
D GRIFFITHS

STAFF

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

MR R HAEREN
MS A COCHRAN
MR C PAGET
MR D HARRIS
MR T PERKINS
MS A CRANFIELD

PUBLIC GALLERY

12

1. APOLOGIES

Chief Executive Officer, Mr Stuart Jardine.

Director Corporate Services, Mr Ron Bouwer.

7.37pm - Cr Mitchell arrived at the meeting.

2. DECLARATIONS OF INTEREST

Cr S Iwanyk declared a Financial Interest in item 12.3.1 "Financial Reports – July / August 2003", in particular pages 17 and 18 of the appendices.

Reason: Job 80029 Road Construction Corfield Street (family investment) and Job 85117 Road Rehabilitation Esther Place (family residence).

3. ANNOUNCEMENTS BY THE MAYOR

(without discussion)

The Mayor circulated to Councillors a list of functions and events she had attended since Tuesday 9 September 2003.

4. REPORTS OF DELEGATES

Cr J Brown reported that on Thursday 18 September 2003 she attended an Agricultural Protection Board Zone Meeting at which a number of speakers were present adding she would provide some of the information to Councillors and staff to enable them to keep abreast of issues raised.

Cr J Brown reported that on Sunday 21 September she attended, on behalf of the Mayor, a special community event “A New Era – New National Parks Day” held at Fred Jacoby Park in Mundaring at which the Hon. Judy Edwards, Minister for the Environment, announced 30 new National Parks were proposed in the Mundaring, Pickering Brook, Canning, Helena and Wandoo areas. She added that the Director Planning and Sustainability and the Horticultural Co-ordinator Mr Greg Bremner were also in attendance and thanked the Mayor for the opportunity to attend.

Cr C Matison presented for the interest of Council a book titled “The Western Australian State Sustainability Strategy” circulated last week at a conference (*The Second Meeting Of The Academic Forum Of Regional Government For Sustainable Development held in Fremantle from 17 to 19 September 2003*), which outlined the future sustainability strategies for the entire State adding that it would be made available in the Common room for interested Councillors.

Cr Matison reported she, along with Cr Brown and various staff, attended the recent “Waste and Recycle 2003 Conference” in Perth from 9 to 12 September 2003 at which she received a CD Rom of the conference proceedings that would be made available in the Common Room for interested Councillors.

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

Nil.

5.1 QUESTION TIME

- * Mr P Hitchins of 36 Galaxy Street, Beckenham asked the following questions in relation to item 12.6.1 “Unclean and Insanitary Food Premises – Ruby Chinese Restaurant, Maddington Village Shopping Centre, Westfield Street, Maddington” on the agenda:

- Q 1 Why is it necessary for our Health Department to request Council approval to take appropriate Court action against people contravening the Health Act?
- Q 2 Are our Health Officers able to revoke the licence of insanitary food premises?
- (a) If so, why wasn't it done in this instance? As ratepayers health should be paramount.
- (b) If not, could Council explore ways to assume that option?

Response: The Director Regulatory Services advised the reason the item was before Council tonight was that staff did not have delegated authority to initiate legal proceedings under the Health Act for this offence, which is an area currently being reviewed. He added that staff did, however, have delegated authority under Section 246 of the Health Act to close premises down if they continued to be maintained in an unclean or insanitary condition. Had the proprietor not complied with the initial notice served on the day, that action would have been taken. In this instance the proprietor took the initiative and cleaned the premises to a satisfactory standard and whilst that standard is maintained they will be able to retain their licence, however, if the premises deteriorates there is every likelihood the licence would be revoked.

Mr Hitchins referred to the last part of his question on whether Council could explore the option to revoke the licence.

Response: The Director Regulatory Services clarified that if the premises fall back into the unsatisfactory standard they were in previously, staff do have the ability to revoke the licence and close the premises, however, whilst the proprietor is working with staff to maintain a reasonable standard there was no requirement to take such action.

Mr Hitchins asked the following question in relation to item 12.5.6 “Potential Residential Development in Gosnells Town Centre” on the agenda stating that it related to the request tonight for Council to agree to sell of part of Pioneer Park:

Q 3 Did not this Council pass a resolution about two years ago to the effect that no more City parks would be sold off, or parts thereof?

Response: The Director Planning and Sustainability advised the proposals being presented this evening were part of an endorsed strategy, being part of the Gosnells Town Centre Revitalisation, which had gone through a public consultation process. His understanding of the resolution referred to, was that it related more to proposed rationalization in terms of closing entire parks, advising the question would be taken on notice to enable further investigation. He stated that this evening’s proposal was about initiating a process, and there would still need to be public consultation and consideration by Council, should any changes to the boundary occur, adding that the land was not owned by the City of Gosnells but the Western Australian Planning Commission.

Following the Director Planning and Sustainability’s response, Mr Hitchins declined to ask the fourth question submitted on his question time form.

5.2 PUBLIC STATEMENTS

- * A gentleman, who did not identify himself, on behalf of Ms Holly He of 23 Gibson Street, Langford, made a public statement in relation to item 12.6.1 “Unclean and Insanitary Food Premises – Ruby Chinese Restaurant, Maddington Village Shopping Centre, Westfield Street, Maddington”. He advised that the restaurant had been sanitised every two-month’s under the lease agreement with the shopping centre adding that the cockroach found by the inspector may have come from grocery boxes brought for the restaurant. He stated that the incident would make Ms He more vigilant in supervising staff and in ensuring that the restaurant’s cleanliness and hygiene is kept up to the standard set by Council and Health legislation.

6. CONFIRMATION OF MINUTES

COUNCIL RESOLUTION

636 Moved Cr W Barrett Seconded Cr R Croft

“That the Minutes of the Ordinary Council Meeting held on 9 September 2003, be confirmed.”

CARRIED 11/0

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

AGAINST: Nil.

7. PETITIONS AND MEMORIALS

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

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

- * Cr J Brown presented a letter from Helen Gowans of the Riverside Gardens Estate Residents Group, 8/2462 Albany Highway, Gosnells expressing concern at the lack of pedestrian traffic lights opposite Seaforth Railway Station.

Cr Brown requested the letter be forwarded to the Director Infrastructure for investigation and provision of an appropriate response to Mrs Gowans.

- * Cr J Brown presented a letter from Nelly Maarssen of 3 Debenham Street, Thornlie in relation to increased rent charges to the local Girl Guides Group.

Cr Brown requested the letter be forwarded to relevant staff for investigation and provision of an appropriate response to Mrs Maarssen.

8. LEAVE OF ABSENCE

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

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

Nil.

9. QUESTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN

(without discussion)

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

637 Moved Cr R Mitchell Seconded Cr P Wainwright

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

- * Item 12.5.6 Potential Residential Development in Gosnells Town Centre; and
- * Item 12.6.1 Unclean and Insanitary Food Premises – Ruby Chinese Restaurant, Maddington Village Shopping Centre, Westfield Street, Maddington.”

CARRIED 11/0

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

AGAINST: Nil.

12.5.6 POTENTIAL RESIDENTIAL DEVELOPMENT IN GOSNELLS TOWN CENTRE

File:	R13/1/3	(KR)	Ps rpt152Sep03
Previous Ref:	OCM 26 February 2003 (Resolution 73)		
Appendices:	12.5.6A	Examples of recent Department of Housing and Works residential developments	
	12.5.6B	Plan of proposed housing sites	

PURPOSE OF REPORT

To seek approval to progress negotiations with the Department of Housing and Works (DHW) for the possible acquisition and development of:

- Lot 4 Albany Highway, Gosnells; and
- A portion of surplus Public Transport Authority (PTA) land within the existing Gosnells Railway Station precinct.

for residential use.

BACKGROUND

The Gosnells Town Centre Reference Group considered a presentation on 1 February 2002 for various strategies for housing development within the Gosnells town centre.

This item was then considered by Council at its meeting of 26 February 2002 and resolved (Resolution 76):

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

DISCUSSION

Critical to the future viability of the Gosnells town centre is well located and appropriate housing types and associated household profiles. Particularly, the economic and social sustainability of the town centre relies on an increased residential base with spending capacity to support the reviving local economy. Currently, the town centre itself has a low residential support base.

There is a clear need to increase the residential population, and more particularly, to diversify the household patterns, as well as explore other housing typologies.

To this end, early discussions were initiated with DHW, PTA and other private sector residential developers to identify housing opportunities within close proximity to the Gosnells town centre.

Several sites (identified in the report to Council on 26 February 2002) were raised in discussions with both DHW and PTA. Formal interest has subsequently been expressed by DHW regarding:

- Lot 4 Albany Highway, Gosnells; and
- A portion of surplus PTA land within the existing Gosnells Railway Station precinct.

These sites are indicated on Appendix 12.5.6B.

Specifically, DHW is interested in the acquisition of both sites with Lot 4 Albany Highway, Gosnells likely in their estimation to be more suitable for singles housing and the station precinct land more suited to aged accommodation. This, however, should be subject to further discussion between the City and DHW.

Further, the size of the sites most suitable to DHW are in the order of 2,000m² and under existing zoning allow for a residential density of R80.

A key point raised to date with DHW has been that any new residential development within or close to the Gosnells town centre should aim to be a model for the housing industry. In response to this, DHW have included some recent examples of residential developments across the Perth metropolitan area (Appendix 12.5.6A).

CONCLUSION

Both sites under consideration require amendments to the Metropolitan Region Scheme and the City of Gosnells Town Planning Scheme No. 6. The PTA land would in addition require formal agreement from the PTA for its redevelopment.

Both sites would require rezoning. The Pioneer Park site is currently reserved "Parks and Recreation" under the Metropolitan Region Scheme (MRS) and the existing Gosnells Railway Station land is reserved "Railways" Under the MRS. The latter will be rezoned in accordance with the Partnership Agreement for the new Gosnells Transport Interchange.

It would also be required to negotiate about suitable tenure arrangements, occupier type, housing design options, financial mechanisms, and joint venture/land release options available in order to ensure that a model housing solution is achieved.

There will be consideration for the interface with the adopted Pioneer Park Masterplan with respect to Lot 4 Albany Highway, Gosnells.

The Gosnells Town Centre Revitalisation: Urban Design Guidelines (2000) will provide support in the determination of suitable housing options.

FINANCIAL IMPLICATIONS

Nil at this stage.

STAFF RECOMMENDATION

Moved Cr R Croft Seconded Cr P Wainwright

That Council authorise the Director Planning and Sustainability to progress detailed negotiations with Department of Housing and Works and the Public Transport Authority to facilitate the acquisition and development of the following properties for appropriate housing:

1. Lot 4 Albany Highway, Gosnells; and
2. A portion of surplus Public Transport Authority land within the existing Gosnells Railway Station precinct.

Foreshadowed Motion

During debate Cr C Matison foreshadowed that she would move the following motion:

“That Council refer item 12.5.6 ‘Potential Residential Development in Gosnells Town Centre’ of the 23 September 2003 Ordinary Council Meeting back to staff for a further report including a clear map of lots referred to in the report.”

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

“For the information of Councillors.”

Cr J Brown seconded Cr Matison’s proposed motion.

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

STAFF RECOMMENDATION

Moved Cr R Croft Seconded Cr P Wainwright

That Council authorise the Director Planning and Sustainability to progress detailed negotiations with Department of Housing and Works and the Public Transport Authority to facilitate the acquisition and development of the following properties for appropriate housing:

1. Lot 4 Albany Highway, Gosnells; and
2. A portion of surplus Public Transport Authority land within the existing Gosnells Railway Station precinct.

LOST 0/11

FOR: Nil.

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

The Mayor then put Cr Matison’s proposed foreshadowed motion, which reads:

COUNCIL RESOLUTION

638 Moved Cr C Matison Seconded Cr J Brown

“That Council refer item 12.5.6 ‘Potential Residential Development in Gosnells Town Centre’ of the 23 September 2003 Ordinary Council Meeting back to staff for a further report including a clear map of lots referred to in the report.”

CARRIED 11/0

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

AGAINST: Nil.

12.6.1 UNCLEAN AND INSANITARY FOOD PREMISES – RUBY CHINESE RESTAURANT, MADDINGTON VILLAGE SHOPPING CENTRE, WESTFIELD STREET, MADDINGTON

File: TRADE / 217971

(WE)

Rpt046Sep03

PURPOSE OF REPORT

To seek Council authorisation to initiate legal proceedings against the proprietor of Ruby Chinese Restaurant, Shop 13, Maddington Village Shopping Centre, Westfield Street, Maddington, for failing to comply with the Health Act 1911 (as amended) and Health (Food Hygiene) Regulations 1993.

BACKGROUND

On 14 August 2003 a food related complaint was received alleging that a cockroach had been found in food (prawn crackers) purchased from the Ruby Chinese Restaurant.

The contaminated item of food was collected from the complainant and subsequently lodged with Local Health Authorities Analyst for examination and production of a report confirming the presence of the cockroach in the food.

DISCUSSION

The current proprietor took possession of the premises on or about 30 January 2003 at which time there were no outstanding health orders on the business. Correspondence from the City at the time stated in part:

“Prior to settlement Council’s Health Services Branch require that the premises are thoroughly cleaned and sanitised and it is also recommended that a licensed pest control operator be engaged to ensure that the premises is free from cockroaches and other vermin.”

Following settlement, an Application For Transfer Of A Licence To Conduct An Eating House was received by the City from the current proprietor and a new Registration and Licence To Conduct An Eating House issued.

The City’s Health Service is concerned at the rapid deterioration of the premises since the change of ownership and the City’s previous assessment on the 8 May 2003 by an Environmental Health Officer during which the proprietor was directed to pay greater attention to detail in relation to cleaning and minor improvements to fixtures. At that time, however, the inspecting officer found no evidence of cockroach infestation.

As a result of the above complaint an inspection of the premises was undertaken by Council Environmental Health Officers at 5:00pm on 14 August 2003.

The inspection revealed that the food premises was in an unclean, untidy and insanitary state. In particular, the following significant breaches of hygiene and cleanliness standards were noted:

- Live cockroaches were found throughout the food premises and in particular within the food preparation area. Discussion with the license holder revealed that no pest control program was in place at the time of inspection.
- Floors throughout the area were littered with waste food, accumulated dirt, broken glass and disused equipment.
- Shelving and benches were dirty and had accumulations of dirt and waste food product.
- Stoves were covered in accumulated dirt, waste food and oily deposits.
- Exhaust canopy was in an unclean condition.
- Hand wash basin was inaccessible and in a dirty condition.
- Wash up sink contained food products (poultry, bones etc) which appeared to be defrosting.
- Floors throughout were littered with waste food and rubbish.
- Plastic storage containers showed evidence of cockroach infestation.
- A quantity of cracked eggs, which showed signs of faecal contamination, were stored on the food preparation bench within the kitchen area. The inspecting officers allege that these were being used in the preparation of meals within the food premises as no other eggs were observed.

During the inspection numerous digital photographs were taken by officers to support statements made in this report.

The proprietor was present during the inspection and was advised that the premises posed a significant health risk and should be thoroughly cleaned and sanitised prior to any further food preparation. The proprietor was issued with a Works Request (No. 3714) which directed certain works to be undertaken within 24 hours to bring the food premises to an acceptable standard. This included the engaging of a licensed pest control operator to eradicate the cockroach infestation. The proprietor was further advised that a follow up inspection would be undertaken at 4:30pm on Friday 15 August 2003.

The follow-up inspection revealed that Works Request (No. 3714) had been substantially complied with and ongoing and more frequent assessments will be undertaken to ensure standards are maintained.

CONCLUSION

The decision to recommend legal action is not taken lightly, however, the City's Health Services Branch is concerned with the poor standards of cleanliness, hygiene and food handling practices by the proprietor.

Environmental Health Officers in carrying out their regular assessments of premises consistently endeavour to educate and emphasise to proprietors the need and requirement to maintain food premises to the required standard of cleanliness so that there is no accumulation of food waste, dirt, grease or other visible matter. Ongoing reminders are given to proprietors that it is essential that premises are kept clean to minimise the likelihood of food becoming contaminated and to discourage vermin and insect pests.

These points are also made clear in writing on the City's record of inspection duplicate form left with the proprietor at every routine assessment of the premises. In this instance it is clear that this advice has been ignored.

Given the severity of the breaches and the risk to public health, it is recommended that legal action be initiated against the proprietor of Ruby Chinese Restaurant for failing to comply with the provisions of the Health Act 1911 (as amended) and obligations under relevant legislation. Whilst the proprietor has carried out works to clean the premises in accordance with the notice issued it is considered the breach is such that it warrants a penalty through the judicial system. Such action will not close the business on this occasion but it should make the proprietor aware of the obligation to maintain the premises in a clean and tidy condition.

FINANCIAL IMPLICATIONS

Nil.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION
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639 Moved Cr J Brown Seconded Cr R Mitchell

“That Council authorise the Manager Health Services to initiate legal proceedings against the proprietor of Ruby Chinese Restaurant, Shop 13, Maddington Village Shopping Centre, Westfield Street, Maddington, for failing to comply with the relevant provisions of the Health Act 1911 (as amended) and Health (Food Hygiene) Regulations 1993.”

CARRIED 11/0

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

AGAINST: Nil.

11. MINUTES OF COMMITTEE MEETINGS

12. REPORTS

12.1 CHIEF EXECUTIVE OFFICER'S REPORT

12.2 COMMUNITY SERVICES

12.3 CORPORATE SERVICES

The Mayor advised the meeting that Cr S Iwanyk, due to Job 80029 Road Construction Corfield Street (family investment) and Job 85117 Road Rehabilitation Esther Place (family residence) referred to in pages 17 and 18 of the appendices, had disclosed a Financial Interest in the following item in accordance with Section 5.60 of the Local Government Act 1995.

8.03pm – Cr S Iwanyk left the meeting.

12.3.1 FINANCIAL REPORTS – JULY / AUGUST 2003

File:	F1/6/1	(CP)	Sep23_03facc
Previous Ref:	Strategic Planning Committee 21 November 2000 (Resolution 41)		
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 programme		
	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 Cash Flow Projection to 30 June 2004		
	12.3.1I Capital Works Report		

PURPOSE OF REPORT

For Council to adopt the consolidated financial reports for the months of July 2003 and August 2003.

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 consolidated financial statements and commentary for the months of July 2003 and August 2003 are appended.

FINANCIAL IMPLICATIONS

Nil.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION

640 Moved Cr J Brown Seconded Cr P Wainwright

“That Council, in accordance with regulation 34 of the Local Government (Financial Management) Regulations 1996, adopt the following reports, attached as per Appendix 12.3.1A to 12.3.1I for the period ended 31 August 2003:

- A. Commentary and report on variances
- B. Operating Statement by Directorate
- C. Statement and graphs showing breakdown of operating income and expenditure by programme
- D. Balance Sheet
- E. Summaries of Reserves, Town Planning Schemes
- F. Debtors report
- G. Investment report
- H. Cash Flow Projection to 30 June 2004
- I. Capital Works Report.”

CARRIED 10/0

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

AGAINST: Nil.

8.04m – *Cr S Iwanyk returned to the meeting.*

Notation

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

12.3.2 PAYMENT OF ACCOUNTS

File: F1/6/1

(GW)

Sep23_03pay

PURPOSE OF REPORT

To advise Council of payments made for the period 20 August 2003 to 16 September 2003.

DISCUSSION

Payments of \$16,891,737.68 detailed in the cheque listing for the period 20 August 2003 to 16 September 2003 which was circulated to Councillors under separate cover and will be tabled at the meeting, have been approved by the Director Corporate Services under delegated authority.

Notation

The Mayor tabled the cheque listing for the period 20 August 2003 to 16 September 2003.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION
--

641 Moved Cr R Mitchell Seconded Cr R Croft

“That Council note the payment of accounts as shown in the cheque listing for the period 20 August 2003 to 16 September 2003, as tabled.”

CARRIED 11/0

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

AGAINST: Nil.

12.4 INFRASTRUCTURE

12.4.1 PARKS AND LEISURE AUSTRALIA – 2003 NATIONAL CONFERENCE “FRESH PARKS, FRESH LEISURE, FRESH WATER”

File: H8/1 (MH) MH9.1a

Appendix: 12.4.1A – Conference Programme

PURPOSE OF REPORT

To seek approval from Council for a Councillor to attend the National Parks and Leisure 2003 Conference in Perth from 26 October to 29 October 2003.

BACKGROUND

Parks and Leisure Australia is the peak organisation for the parks and recreation industry in Australia.

Parks and Leisure Australia conducts an annual conference focusing on the Parks and Leisure industry and where possible combines this with an ongoing international conferencing Programme.

DISCUSSION

2003 has been designated as the international year of fresh water. This recognition of such an important resource has influenced the conference theme of ‘Fresh Parks, Fresh Leisure, Fresh Water’.

We all understand the ramifications of a lack of sufficient water and our access to it. Whether we manage it, play on it or in it, use it or try to save it, water is a resource that affects our recreation and tourism activities.

Sustainability will be the key to our overall success as we consider these issues.

The 2003 Conference has been designed to help us wade through the complex issues we are facing today and how we will manage them in the future.

The organising committee has arranged for high calibre international, national and local speakers and interactive workshops on the following main streams:

- Water Management
- Turf Management
- Risk Management
- Standards
- Community Issues

Included in the Programme is a Parks and Recreation Expo and technical tours, which offer the opportunity to see, discuss and compare the latest products, services and technology from leading suppliers to the parks and recreation industry worldwide.

This conference Programme supports the setting of higher sustainable standards, developing new practices and being more innovative in approaches to the management, planning and provision of recreation and leisure services. With service delivery of the Parks and Building Section constantly being reviewed, valuable techniques and information will be extrapolated from this conference to assist management in the continual improvement of this business unit.

The conference will afford the opportunity to:

- Listen and interact with international and national speakers who are leaders in their chosen fields
- Build on past professional contacts.
- Create new professional contacts.
- Participate in workshops for hands on experience.
- Extract information, techniques and technology for the benefit of the City of Gosnells.

A copy of the conference Programme is attached as Appendix 12.4.3A.

FINANCIAL IMPLICATIONS

Registration fees - PALA Member	\$927
Total per person	\$927

Funds are available from Account No. 40401.110.1023 – Training and Conferences.

STAFF RECOMMENDATION

Moved Cr P Wainwright Seconded Cr W Barrett

That Council authorise Councillor _____ to attend the Parks and Leisure Australia Conference 2003 to be held in Perth from 26 October to 29 October 2003 at a cost of \$927 per person, with funds being met from Account No 40401.110.1023.

Amendment

Cr C Matison nominated Cr D Griffiths, Cr D Griffiths nominated Cr R Croft, and Cr P Wainwright nominated Cr R Mitchell to attend the Parks and Leisure Australia Conference 2003 resulting in the following amendment to the staff recommendation:

Moved Cr C Matison Seconded Cr P Wainwright

That the staff recommendation be amended by deleting the word and line “Councillor _____” where they appear in the first line after the word “authorise” and substituting them with the word and names “Councillors D Griffiths, R Croft and R Mitchell”, with the amended recommendation to read:

“That Council authorise Councillors D Griffiths, R Croft and R Mitchell to attend the Parks and Leisure Australia Conference 2003 to be held in Perth from 26 October to 29 October 2003 at a cost of \$927 per person, with funds being met from Account No 40401.110.1023.”

CARRIED 11/0

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

AGAINST: Nil.

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

COUNCIL RESOLUTION

642 Moved Cr C Matison Seconded Cr P Wainwright

“That Council authorise Councillors D Griffiths, R Croft and R Mitchell to attend the Parks and Leisure Australia Conference 2003 to be held in Perth from 26 October to 29 October 2003 at a cost of \$927 per person, with funds being met from Account No 40401.110.1023.”

CARRIED 11/0

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

AGAINST: Nil.

12.4.2 TENDER 37/2003 – SUPPLY OF ELECTRICAL SERVICES

File: TEN/37/2003

(PJB)

PB9.1b

Appendix:

12.4.2A Pricing Schedule

12.4.2B Assessment of Tenders Summary Sheet

PURPOSE OF REPORT

For Council to award Tender 37/2003 for the Supply of Electrical Services for the period 1 October 2003 to 30 September 2006.

BACKGROUND

Tender 37/2003 was advertised in the West Australian Newspaper on Saturday 9 August 2003.

The previous contract for electrical service expired on 31 July 2003.

DISCUSSION

Tenders for the supply of electrical services closed on 27 August 2003 and submissions were received from the following ten (10) companies.

Name	Address
Alllect Pty Ltd T/A Alllect Services	38 Sorbonne Cres. Canning Vale WA 6155
Avanti Electrics	2/14 Rees St. O'Connor WA 6163
Cotland Investments	201 Sevenoaks St. Cannington WA 6107
GDK Electrical Services	40 Weeks Way Bullcreek WA 6149
Gorey Electrical Services	Unit 1/20 Davidson St. Maddington 6109
High Speed Electrics	28 Summers St. East Perth 6004
Keyoak Pty Ltd	2 Rushby Way Samson 6163
Magenta Electrical	4 Magenta Close Thornlie WA 6108
National Power Services (WA) P/L	Lot 1003 Prinsep Rd. Jandakot WA 6164
Williams Electrical Services	34 Ledger Rd Balcatta WA 6021

Pricing

All submissions have been assessed against the evaluation criteria within the tender documents (attached as Appendix 12.4.2B), which define the Tenderer's ability to perform the requirements of the contract. These include related experience, skills of key personnel, methodology and cost.

Together with providing hourly rates for works undertaken, tenderers were requested to provide a lump sum price for the supply and installation of commonly undertaken tasks, such as the replacement of power outlets and fluorescent light fittings. In total, ten (10) additional items were requested to be priced. Out of these prices, three (3) items were excluded from the evaluation process due to price inconsistencies between tenderers.

The Contract Evaluation and Weighting Table as contained in Appendix 12.4.2B provides a summary of the results over all the evaluation criteria.

Evaluation

It can be determined from the matrix (refer attached Appendix 12.4.2B) that High Speed Electrics, Avanti Electrics, Gorey Electrical Services and Williams Electrical Services provided the most comprehensive response to matters relating to relevant experience, including key personnel and methodology. Both Gorey and Avanti have previously worked for the City with Avanti being the previous service provider under the recently expired contract.

Out of the four top tenderers, High Speed Electrics (HSE) offered the most comprehensive and price competitive submission. Their tender details revealed extensive works in the fields of electrical maintenance and new works for facilities including other local governments, Main Roads Western Australia and Westrail.

The evaluation process has been independently reviewed by Anrob Consulting Pty Ltd who provided the technical specification component of the tender documents and made the following comments regarding the tenders received and the results.

"We believe that any four of the lowest tenderers could satisfactorily complete their contractual obligations for this contract and there are no technical advantages in any of the tenders received."

"It is my opinion that the assessment and evaluation of the tenderers have been carried out in accordance with Local Government requirements and that the tender for the maintenance work submitted by High Speed Electrics is the most advantageous to the City of Gosnells and offers the most value for money."

Therefore it is recommended that the tender submitted by High Speed Electrics (HSE) is the most advantageous to the City.

FINANCIAL IMPLICATIONS

The works associated with this contract are included in the 2003/2004 Parks and Building Services Operational Budget and will be included in subsequent maintenance budgets.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION
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643 Moved Cr R Croft Seconded Cr D Griffiths

“That Council award Tender 37/2003 - Supply of Electrical Services to High Speed Electrics, 28 Summers Street, East Perth, for the period 1 October 2003 to 30 September 2006 in accordance with the schedule of rates, as shown in Appendix 12.4.2A.”

CARRIED 11/0

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

AGAINST: Nil.

12.5 PLANNING AND SUSTAINABILITY

12.5.1 TOWN PLANNING SCHEME NO. 21 - ADOPTION OF SCHEME FOR CONSENT TO ADVERTISE

File:	TP/21	(LS)	Psrpt150Sep03
Previous Ref:	OCM 8 April 2003 (Resolution 216) OCM 13 August 2002 (Resolution 654)		
Appendices:	12.5.1A Proposed Scheme Text 12.5.1B Proposed Scheme Map 12.5.1C Proposed Scheme Report 12.5.1D Cost Apportionment Schedule		

PURPOSE OF REPORT

For Council to adopt the Town Planning Scheme No. 21 documents (included as Appendices 12.5.1A-12.5.1D) so that they can be forwarded to the Western Australian Planning Commission for its examination and the Minister for Planning and Infrastructure's consent to advertise.

BACKGROUND

Council resolved to prepare Town Planning Scheme No. 21 at its Ordinary Council Meeting held on 13 August 2002. It should be noted however, that whilst the formal Scheme process as outlined in the Town Planning Regulations 1967 was not commenced until this resolution, the proposed Scheme had been considered by Council prior to this date and a number of background studies and research had already been commissioned. Additional information on the Scheme's history is provided in the report presented to Council on 13 August 2002.

Proposed Town Planning Scheme No. 21 (TPS 21) will be a development scheme aimed at facilitating an increase in residential density around the Maddington railway station consistent with Western Australian Planning Commission Policy DC 1.6 "Planning to Enhance Public Transport Use". The Scheme's "objects and intentions" were refined following input from the Western Australian Planning Commission and are listed as follows:

- To facilitate and coordinate progressive redevelopment and subdivision of land in the Scheme area.
- To facilitate medium density residential development generally within 800-metres of the Maddington railway station.
- To coordinate the adequate and timely provision of new or improved infrastructure in the Scheme area and to provide for the equitable sharing of costs of infrastructure between owners.
- To provide a mechanism for the City to recover contributions for the provision of infrastructure from development in the Scheme area.
- To provide an efficient drainage system to cater for increased stormwater runoff.

- To encourage a variety of housing types, new concepts and comprehensive development projects to meet the changing needs of the community.
- To encourage small lot subdivision and facilitate efficient use of utility and community services.
- To facilitate a more permeable and safe road network throughout the Scheme area for pedestrians, cyclists and motor vehicles.
- To ensure the amenity of the residential area is maintained and to facilitate a street improvement program.
- To provide for additional areas of local open space to meet the needs of existing and new populations.

These objects and intentions have subsequently been further refined to form the aims of the Scheme as included in the Scheme Text (refer Appendix 12.5.1A)

At the request of the Western Australian Planning Commission, the original Scheme area was also modified with the Council endorsing a reduced Scheme area at its meeting on 8 April 2003. Following this, notices seeking input into the Scheme's preparation were sent to neighbouring local governments and state government agencies as required by the Town Planning Regulations 1967. Seven responses were received and where possible the information contained within them has been incorporated into the draft Scheme.

TPS 21 comprises a Scheme Text, a Scheme Map and a Scheme Report (refer Appendices 12.5.1A-12.5.1D). A related Cost Apportionment Schedule has also been prepared (refer Appendix 12.5.1D) however this Schedule is not considered a Scheme document. A brief overview of the core components of TPS 21 is as follows:

Residential Densities Facilitated by the Scheme

TPS 21 as a development scheme and as such does not allocate zones or residential densities - this function is performed by the City's district zoning scheme Town Planning Scheme No. 6. The role TPS 21 fulfills is one of coordinating development and infrastructure upgrades to facilitate density increases under TPS 6.

Reflecting the general feedback provided to Council staff at a public meeting held in 1997 and informal discussions with landowners more recently, the City proposes a base coding of R30 for the bulk of the Scheme area. It is anticipated that this code will be sufficient to facilitate more efficient use of existing infrastructure, and hence meet strategic objectives for the area.

Consistent with the City's Local Housing Strategy, residential areas surrounding the Maddington railway station have been identified as suitable for an R60 density code. Areas considered slightly less accessible but still located along the major transport routes of the Perth to Armadale rail line, Albany Highway, Kelvin Road and Olga Road have been allocated with an R40 density code.

An R17.5 density coding is proposed for the south-southeast portion of the Scheme area adjacent to the Canning River. This area is generally in excess of 800-metres from the Maddington railway station, and in parts has already been developed to an R17.5 code. It is considered that retaining an R17.5 density will encourage single house development and subdivision patterns consistent with existing development patterns. It is also considered that low density development is more likely to result in greater retention of vegetation, and hence be more compatible with the character of the Canning River.

Roads, Traffic Management and Paths

With the exception of four portions of road that are proposed to be acquired and constructed with Scheme funds, the new roads proposed on the Scheme Map will be achieved as requirements of subdivision or development. Generally, the road reserve widths for these roads will be 14.0 metres, with some exceptions where constraints have required a lesser or greater width.

The location of new roads was determined through consideration of the following:

- Existing development, eg presence and condition of buildings, whether lot/portion of lot is vacant.
- Presence of portions of road reserve or a right-of-way taken on earlier subdivision.
- Presence of drainage reserve that will be piped allowing road construction.
- Continuation of “logic” of existing system and improved permeability throughout Scheme area.
- Liveable Neighbourhoods and SafeCity principles aimed at increasing “walkability” and natural surveillance of the public domain.
- Encouragement of green title subdivision and achievement of desired densities.

In addition to new roads, traffic management measures will be required for vehicle, pedestrian and cyclist safety. As such, two scheme-funded roundabouts are proposed within the Scheme area. Where new accesses are proposed onto Kelvin Road, traffic movements will be restricted to “left-in/left-out” only.

To meet the demands of increasing residential densities, further upgrading and construction of the path network will be required. The Scheme will facilitate improved pedestrian and cyclist accessibility through the funding and construction of additional dual-use paths. These paths will service the major attractors of the Maddington Shopping Centre, the Maddington Primary School, the Canning River and the Maddington railway station.

Local Open Space and Conservation

The Scheme Map provides for 5.16 hectares of local open space within the Scheme area. This amount constitutes a 5.5% contribution rate (based on the nett subdivisible area for residential purposes being 93.7 hectares). In addition, 2.29 hectares (2.4%) is required to be given up for conservation purposes.

The inability to provide a 10% contribution is due to the level of existing development constraining opportunities to achieve additional areas of sufficient size considered suitable for local open space. In addition, large areas of local open space can be found just outside of the Scheme boundary at the Maddington Recreation Ground and Gibbs Park. It should also be noted that whilst not intended to fulfill the role of local open space, the Canning River Regional Reserve provides recreation opportunities within the Scheme area. Notwithstanding this, opportunities may exist for entering into a partnership arrangement with the Maddington Primary School to work towards a sharing arrangement for their oval. This idea will be raised with the Education Department and pursued during the Scheme's advertising period and would result in more open space available for general use within the Scheme area.

Infrastructure Upgrade

The upgrading of drainage infrastructure will be undertaken concurrently with the overall development of the Scheme area as funds become available through developer contributions. Approximately 70% of the Scheme area is serviced by a piped drainage system, and as a result the recommendations generally relate to upgrading existing pipes to a capacity consistent with the increased density. It is also proposed that nutrient management systems be incorporated into the existing piped system.

Cost Apportionment

Common costs within the Scheme area include costs relating to drainage and nutrient management, road construction, streetscape enhancement and administration. These costs have been estimated and apportioned based on an anticipated level of development within the Scheme area to arrive at a cost contribution that developers will be liable for. The cost contribution payable is based on an amount per lot or dwelling for residential development and per lot or tenancy for commercial development. This is considered a preferable option to distributing the costs per hectare developed as the Scheme proposes a variety of residential densities under the City's district zoning scheme. This results in lots of similar size having vastly different development potential, which in turn would make a per hectare contribution seemingly inequitable.

The current estimated contribution is \$3,645 per lot, dwelling or commercial tenancy. Given that this contribution is based on estimates, the Town Planning Scheme No. 21 Scheme Text sets out that it will be reviewed annually over the term of the Scheme (20 years), to ensure that the common cost contribution reflects the changing values of the works being undertaken. Should any cost be less than estimated, the additional funds will be utilised for the provision of additional infrastructure or facilities within the Scheme area.

DISCUSSION

Town Planning Scheme No. 21 will facilitate and guide development within the Scheme area over its 20-year term. Once the Scheme is published in the Government Gazette, anyone developing within the Scheme area must do so in accordance with the Scheme Map and the provisions of the Scheme Text. Additional details that relate to the Scheme Map and the requirements of the Town Planning Scheme No. 21 Scheme Text are provided in the Scheme Report (Appendix 12.5.1D).

As the preparation of the Scheme documents is now complete, Council's consideration of the Scheme documents included as Appendices 12.5.1A-12.5.1D is required, and a resolution to either progress or abandon the Scheme is sought.

The process local governments are required to follow when preparing Town Planning Schemes is outlined in the Town Planning Regulations 1967. To assist in the preparation of TPS 21 the City commissioned a number of studies and reports, including a drainage study, an environmental review, a drainage nutrient management plan and an environmental noise assessment. The information contained in these studies and reports coupled with the City's goals and objectives for the Scheme area has formed the basis of the Scheme Report (Appendix 12.5.1C), which, in turn, has shaped the Scheme Text (Appendix 12.5.1A) and Scheme Map (Appendix 12.5.1B).

In broad terms the Scheme proposes to facilitate a mix of residential densities ranging between R17.5 and R60. The higher densities are proposed for the areas considered to be the most conveniently located in terms of their "accessibility" to key services and community facilities. This principle of linking density to accessibility is also the methodology behind the City's Local Housing Strategy.

To ensure that the increased residential population facilitated by TPS 21 is provided with an adequate level of amenity, the Scheme proposes improvements to existing infrastructure and coordination of new infrastructure where required. In addition, the Scheme distributes the costs associated with such works equitably between landowners who choose to develop or subdivide within the Scheme area.

The density increases envisaged for the Scheme area will be incorporated into Town Planning Scheme No. 6 through the progression of a separate scheme amendment. It is anticipated that this amendment will be initiated following advice of the Minister's final approval of TPS 21.

CONCLUSION

As previously stated, the Town Planning Regulations 1967 require Council's resolution to either progress or abandon Town Planning Scheme No. 21. In this regard, the Scheme documents are provided as appendices to this report for the Council's consideration. It is recommended that Council adopt the Town Planning Scheme No. 21 documents for the purpose of forwarding them to the Western Australian Planning Commission for examination and the Minister for Planning and Infrastructure's consent to advertise.

FINANCIAL IMPLICATIONS

Costs associated with progressing the Scheme will be met through the existing City Planning budget. However, as these costs are included as common infrastructure costs the City is able to recoup them through the developer contributions required by the Scheme.

STAFF RECOMMENDATION

Moved Cr J Brown Seconded Cr P Wainwright

That Council adopt the Town Planning Scheme No. 21 documents as contained in Appendices 12.5.1A-12.5.1D for the purpose of forwarding them to the Western Australian Planning Commission for examination and the Minister for Planning and Infrastructure's consent to advertise.

Foreshadowed Motion

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

"That Council not adopt the staff recommendation at item 12.5.1 "Town Planning Scheme No. 21 - Adoption of Scheme for Consent to Advertise" of the 23 September 2003 Ordinary Council Meeting until such times as adequate provision of the required ten percent of POS can be addressed and a further report be brought to Council after consideration across all Directorates, outlining ways by which the required ten percent can be achieved within the Scheme area."

if the motion under debate was defeated.

Cr S Moss seconded Cr Searle's proposed motion.

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

STAFF RECOMMENDATION AND COUNCIL RESOLUTION

644 Moved Cr J Brown Seconded Cr P Wainwright

"That Council adopt the Town Planning Scheme No. 21 documents as contained in Appendices 12.5.1A-12.5.1D for the purpose of forwarding them to the Western Australian Planning Commission for examination and the Minister for Planning and Infrastructure's consent to advertise."

CARRIED 8/3

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

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

Notation

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

12.5.2 TOWN PLANNING SCHEME NO. 17 - PROVISION OF GRAVITY SEWER

File: TPS/17 **Approve Ref:** (EH) Psrpt156Sep03
Previous Ref: OCM 12 June 2001 (Resolution 402)
Appendix: 12.5.2A Map Showing Proposed Sewer Alignment

PURPOSE OF REPORT

To seek Council's approval for the proposed provision of gravity sewer as Council endorsement is required to proceed and to initiate an Amendment to Town Planning Scheme No. 17.

BACKGROUND

In 2001, a consultant, working on behalf of landowners with unsubdivided landholdings within Town Planning Scheme No. 17 (TPS 17) wrote to Council stating that the lack of sewer service to the unsubdivided landholdings was preventing the further subdivision of the area. It was suggested that the costs involved in providing that service were too prohibitive for any one subdivider, or any small collection of subdividers to fund. On this basis, Council considered including the required infrastructure works as 'scheme works' under TPS 17 and therefore provide a cost-sharing mechanism.

Council resolved in June 2001 to call for tenders on the design and costing of a sewer service to the eastern section (project area) of TPS 17. The project area is bounded by Balfour Street, Gay Street, Southern River Road, the Southern River and Huntingdale Road and contains approximately 67 hectares.

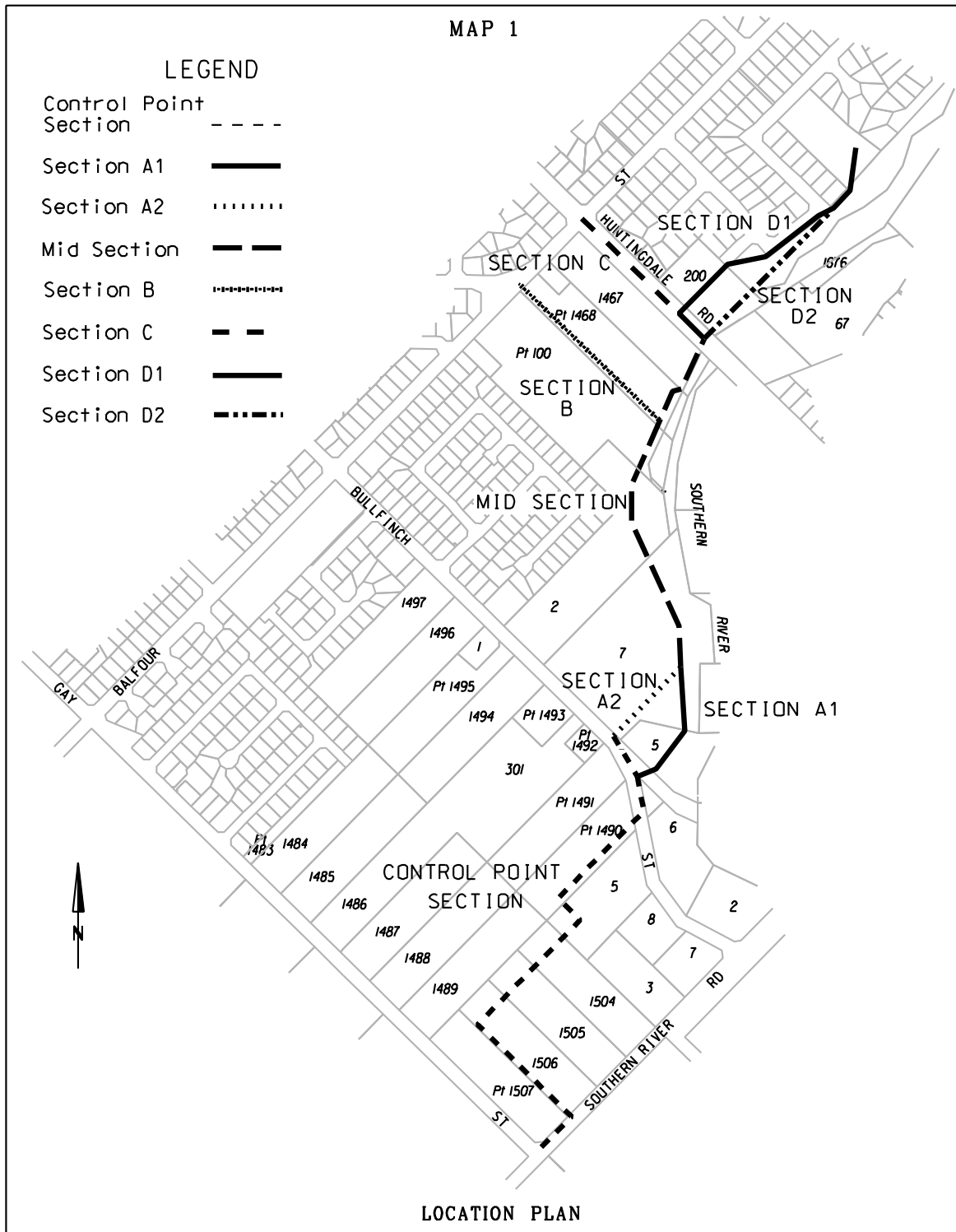
Council engaged the services of Connell Wagner Pty Ltd (the Consultants) to provide a design and costing for the provision of gravity sewer for the project area.

As subdivision approval in the subject area has not been granted and the timeframe for these future developments is unknown, preliminary designs were prepared to service the 'undeveloped areas'. The alignments proposed have therefore had to consider existing structures and existing cadastral boundaries.

DISCUSSION

Water Corporation Funding

Based on preliminary designs prepared by Connell Wagner and confirmed in discussions with Water Corporation the required piped diameters are up to 225mm (DN225). The Water Corporation considers sewers DN300 (300mm) or less as 'minor works' and does not currently have a cost sharing mechanism in place for minor works, which would result in individual developers paying the full cost of the provision of gravity sewer. The Water Corporation has indicated that it will not be contributing funds to the provision of the subject sewer.



Alignment Options

The Consultant has provided a number of options for the alignment of the sewer. The alignment has been broken down into different sections, Sections A1 & A2 (upstream options), B, C, D1 & D2 (downstream options) and the Mid Section. In order to permit the area bounded by Huntingdale Road, Balfour Street, Bullfinch Street and the Southern River to be developed, one upstream option (A1 or A2), one downstream option (B or C or D1 or D2) and the mid-section is required (refer location plan). The following is a description of each section:

- **Section A1 (upstream option):** Near the low point within Bullfinch Street opposite Lot 5. The sewer alignment will run parallel with the Bush Forever boundary inside Lot 5 and will require consent from the owners of Lot 5. This alignment is through a clear paddock and will have minimal impact on existing structures or bushland. Being the natural low point for this catchment, installation of upstream gravity sewers will be easily accomplished with shallow trenching. Excavations within Lot 5 will have a maximum depth of 3.68m. The estimated cost for this is \$55,000.
- **Section A2 (upstream option):** On the western side of the cadastral boundary between Lot 5 and Lot 7. This alignment will entail construction through an existing parking shed and access road, and will also dissect a small eastern portion of this lot. Deep excavation (up to 5.9m) between the low point in Bullfinch Street and this connection point will also be necessary. Consent from the owners of Lot 7 will also be necessary for this alignment. The estimated cost for this alignment is \$85,000.

Either Section A1 or A2 will be required.

- **Section B (downstream option):** This section involves running the sewer extension parallel with the boundary between Lot 100 and Lot 1468. This option will involve major excavations (maximum 8.7m deep) over approximately 250m. There are existing structures within Lot 1468 and large trees near the Southern River end. Lot 100 is vacant land and the sewer would be aligned on this side of the boundary to make construction easy. The estimated cost for this alignment is \$347,000.
- **Section C (downstream option):** Involves running the sewer extension parallel with Huntingdale Road. This option will also involve very deep invert levels (maximum 7.6m deep) over approximately 200m. Due to the number of existing services within the verge of Huntingdale Road, including high voltage power, main drain, and a steel water main, thrust boring beneath the centre of Huntingdale Road would be preferred. The estimated cost for this alignment is \$311,000.
- **Section D1 (downstream option):** Runs approximately 50m along Huntingdale Road then diverts through Lot 200 parallel with the Metropolitan Region Scheme (MRS) boundary and the Bush Forever boundary. The 50m section along Huntingdale Road starts at a depth of nominally 1.5m and increases to 5.7m depth at the 90° bend into Lot 200. The alignment then follows the verge

of Ball Court, Rusthall Way, through Lot 165 and into Reserve 38683. Invert depths vary between 5.2m depth to 6.0m depth along this alignment. The estimated cost for this alignment is \$270,000.

- **Section D2 (downstream option):** Runs directly through Lot 200 then into Lot 165 and Reserve 38683. Invert depths vary between 1.8m depth to 5.5m depth along this alignment. The alignment does not run parallel with cadastral boundary, as sufficient cover above the sewer would not be available. The alignment illustrated achieves minimum cover requirements through Lot 200. The estimated cost of this alignment is \$218,000.

One of these sections (B, C, D1 or D2) will be required.

- **Midsection:** The midsection is the section that will connect the upstream to the downstream. The estimated costs for this section is \$118,000 (end Sections A1/A2 to start Section B) and \$91,000 (start Section B to start Sections C/D1/D2).

This section is required irrespective of other alignments.

- **Control Point Section:** The purpose of this section was to enable to Consultants to determine the correct level for the proposed sewer line north of Bullfinch Street. This section therefore does not form part of the scope of works.

Construction Options

In addition to the different alignment options, this report provides the opportunity for Council to consider different construction options and to determine the scope of works to be included as 'scheme works'.

- **Option 1 – only construct Section D1 or D2.**

During discussions with the Water Corporation on this project, the Water Corporation has suggested that it would be most appropriate if only Section D1 or Section D2 was included as Scheme Works under the provisions of TPS 17, with the balance of works to be done through subdivision processes where the cost of installing 225mm pipe (required pipe size by Water Corporation) is not significantly greater than the standard 150mm pipe. The advantage of this option is the relatively low level of costs involved for Council to pre-fund. The down side of this option is that Lots 2 and 7 may not be able to be developed until Lots 1467, 1468 and 100 are developed.

- **Option 2 – Construct one downstream option (Section B, C, D1 or D2) with a portion of midsection.**

That Council coordinate the provision of sewer via the construction of either Section D1 or Section D2 or Section C or Section B and the midsection up to the edge of Lot 100. This option would ensure that the timing of development of Lot 100 (owned by the Council and Western Australian Planning Commission [WAPC] with no immediate plans for development) would not impede development of Lots 2 and 7. Council staff have held discussions with the

WAPC in relation to various options available for Lot 100 but as yet no options have been agreed.

- **Option 3 – Construct full scope of works required**

That Council coordinate and pre-fund the provision of one downstream option (B or C or D1 or D2), the midsection, and one upstream option (A1 or A2) with the cost of the provision of sewer to be reimbursed by landowners. The implications of this option is increased financial risk for the City associated with a greater scope of works.

CONCLUSION

Council received a joint submission from Civil Technology acting on behalf of the owners of Lots 1468, 102, 1494, 2, 7, 1485, 1484, 301, 1495 and 1487. The owners preferred option is option 3 with the provision of Section A1, Mid Section and Section D2. The approximate cost of this full scope of works is \$500,000. Two of the objectives of TPS 17 are “*to facilitate and co-ordinate progressive subdivision and development of the land within the Scheme Area*” and “*to ensure the provision of services such as reticulated water and sewer throughout the Scheme Area*”.

The Consultants will be required to undertake a detailed design of the final alignment (including a feature survey) and provide Council with a final cost for this option. It is envisaged that should Council resolve to continue with the project, TPS 17 will be amended to include an additional Scheme Cost for those under-developed lots north of Gay Street and South of Huntingdale Road. In view of this, this report also recommends that Council initiate a Scheme Amendment to TPS 17 to include the proposed gravity sewer works as ‘Scheme Works’ and ‘Scheme Costs’.

Lots 1467, 2, 7, 5 and Pt Lots 1468 and 100 will be required to contribute towards the cost of constructing the full scope of works (D2, midsection and A1) and the under-developed lots between Bullfinch Street and Gay Street will contribute towards the cost of constructing D2 only. D2 is outside the area covered by TPS 17 and it is considered imperative to the area between Gay Street and Bullfinch Street that D2 is provided. This will be confirmed by the Consultants prior to cost contributions being adopted.

It is therefore recommended that Council authorises the project to be progressed to provide gravity sewer for the subject portion of TPS 17 based on Option 3.

FINANCIAL IMPLICATIONS

TPS 17 funds are managed through reserve accounts (Job 3104 with a current balance of approximately \$800,000) and as such do not have any relationship to Municipal Funds unless there is a shortfall upon the finalisation of development in the scheme area.

It is anticipated that upon the inclusion of the required works in the Scheme Area that existing Scheme funds will be utilised to ‘up-front’ fund the cost of the works and for such funds to be recovered through later developer contributions.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION

645 Moved Cr C Matison Seconded Cr J Brown

“That Council authorise the Director Planning and Sustainability to proceed with the detailed design and costing of providing gravity sewer to the area of TPS 17 bounded by Huntingdale Road, Balfour Street, Bullfinch Street and the Southern River in the form of Section A1, Mid-Section and Section D2, as shown in Appendix 12.5.2A.”

CARRIED 10/1

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

AGAINST: Cr O Searle.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION

646 Moved Cr C Matison Seconded Cr J Brown

“That Council, pursuant to Section 7 of the Town Planning and Development Act, 1928 (as amended), authorise the Director Planning and Sustainability to initiate an amendment to Town Planning Scheme No. 17 by:

1. Inserting a new table into the Scheme Text titled ‘Town Planning Scheme No.17 – Sewer Costs 1’.
2. Modifying Sections 3, 13 and 14 to reflect the inclusion of additional ‘Scheme Works’ and payment of ‘Scheme Costs’.
3. Adopting a Scheme Map amendment to illustrate the location and scope of proposed works.”

CARRIED 10/1

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

AGAINST: Cr O Searle.

**12.5.3 DEVELOPMENT APPLICATION – PLACE OF WORSHIP – 131 (LOT 12)
AMHERST ROAD, CANNING VALE**

File: 233622 **Approve Ref:** 0304/1205 (SW) Psrpt155Sep03
Name: Peter M Quinn Architect
Location: 131 (Lot 12) Amherst Road, Canning Vale
Zoning: MRS: Urban
TPS No. 6: Residential Development
Appeal Rights: Yes. Town Planning Appeal Tribunal against a refusal or any condition(s) of approval.
Area: 3.0352ha
Previous Ref: OCM 26 April 2000 (Resolution 253)

PURPOSE OF REPORT

For Council to consider an application for a Place of Worship at No. 131 (Lot 12) Amherst Road, Canning Vale as the proposal is outside the authority delegated to staff.

BACKGROUND**Site History**

At the Ordinary Meeting of Council held on 26 April 2000, it was resolved:

“That Council approve the proposed Private Primary School on Lots 4 and 5 Amherst Road, Canning Vale, subject to the following conditions:

- 1. Payment of \$124,277, being the infrastructure levy applied to subdivision and development in the Canning Vale Outline Development Plan area;*
- 2. Lodgement of detailed plans, showing elevations, materials, landscaping, staging and construction details;*
- 3. The land nominated on the approved plan as future road, being ceded free of costs to Council.”*

Following on from this approval staff issued a detailed development approval for the proposed private primary school on 6 March 2001. That first stage of the school has now been completed, and Stage 2 received development approval on 13 June 2003.

Site Description

Lot 12 was formerly Lots 4 and 5 Amherst Road, prior to their amalgamation to create one lot. Lot 12 is 3.0352ha in area and is flat. It contains a dwelling, Stage One of the private primary school, and a large amount of remnant native vegetation. The portion of Amherst Road in front of Lot 12 is yet to be upgraded to an urban standard.

Canning Vale Outline Development Plan (ODP)

Lot 12 is located within the Canning Vale ODP area, and is shown primarily as Residential R17.5, with a small amount of public open space shown on the western-most portion of the lot. The issue of the public open space was previously resolved by an agreement that the school oval shall be located in the western-most portion of the lot, and that the oval shall remain unfenced.

Proposal

The proposal is to use the existing covered assembly area for the school as a place of worship, for a period of approximately five years. It is intended that the place of worship use would relocate once an alternative facility, comprising a church, parish centre and presbytery, is completed within the surrounding area.

It is proposed to enclose the covered assembly area with vertical folding glass doors, a new parish store and a new food preparation/servery structure (see Floor Plan).

The proposed place of worship would be used for mass services on Saturday evenings from 6 - 7pm and on Sunday mornings from 8 - 9am. The average attendance for the mass services on Saturday evenings would be 80 persons and on Sunday mornings approximately 140 persons.

Insert Floor Plan

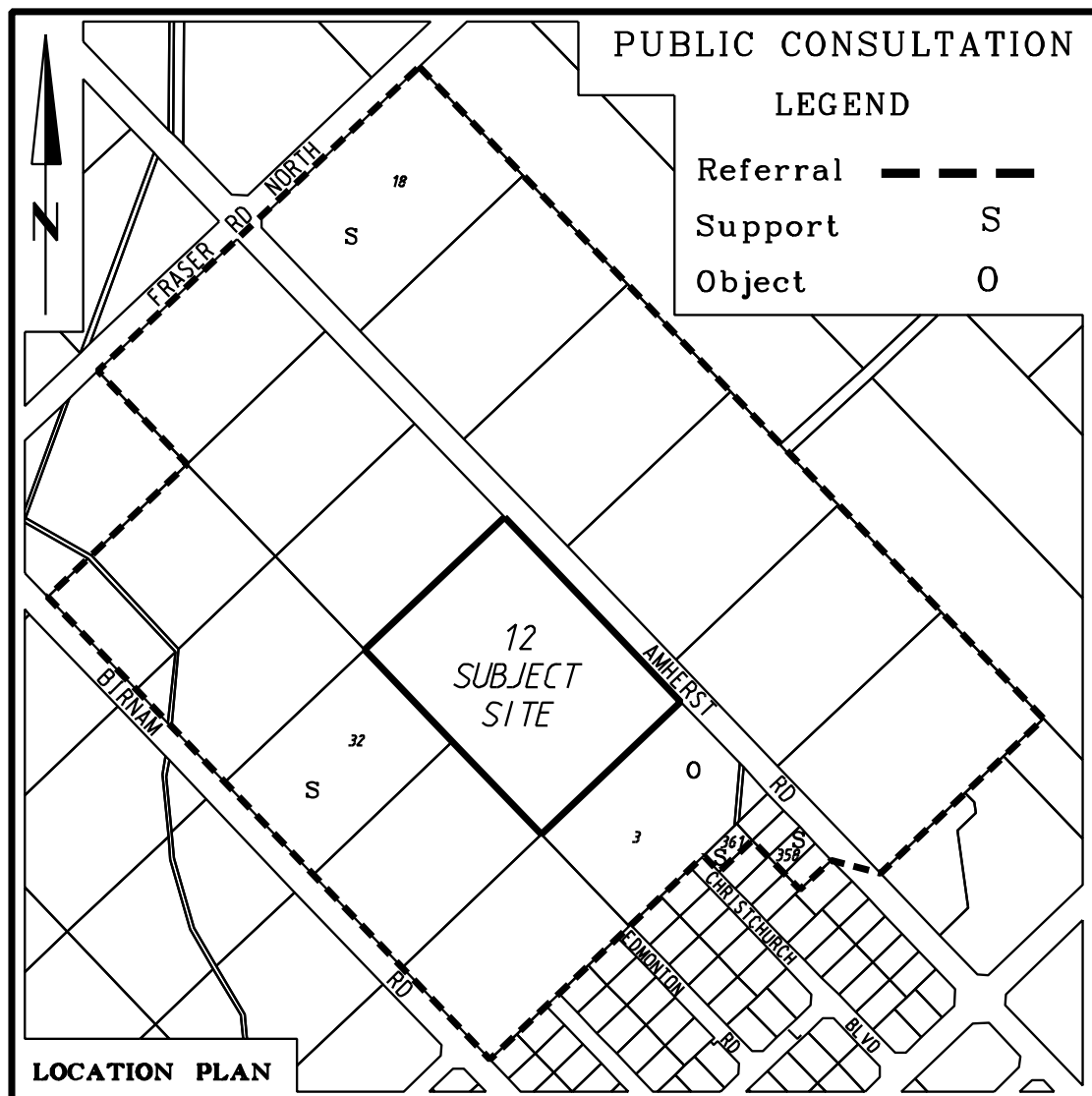
DISCUSSION

Result of Advertising

The proposal was advertised to surrounding landowners in accordance with the City’s Advertising /Referral of Development Applications Policy for a period of 14 days. The location plan shows the properties whose owners made a submission.

Schedule of Submissions

No.	Name/Address	Description of Affected Property: Lot No, Street, etc	Summary of Submission	Staff Comment
1.	R Taggart	106 (Lot 18) Amherst Road Canning Vale	No Objection	Noted
2.	T A & M K Kelly	Lot 32 Birnam Road Canning Vale	No Objection	Noted
3.	J Green	155 (Lot 3) Amherst Road Canning Vale	Objection; objected to the school when it was proposed.	Noted
4.	A Caratti PO Box 1130 Canning Bridge Applecross 6153	171 (Lot 358) Amherst Road, Canning Vale 21 (Lot 361) Christchurch Boulevard Canning Vale	No objection.	Noted.



Compliance with Town Planning Scheme No. 6 (TPS 6)

A place of worship is an “A” use within the Residential Development zone, and as such, it is a discretionary use that requires mandatory advertising. As the proposed use would take place within an existing structure, there are no setback or site cover issues. In regard to carparking, TPS 6 requires the following for a place of worship:

<i>Place of Assembly or Worship</i>	<i>1 space for 4 seats or 1 space for every 4 persons the facility is designed to accommodate, or 1 space for every 2.5m² seating area, whichever is the greater</i>
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It is noted that the place of worship would not operate at the same time as the private primary school, so the two uses can be considered independently in terms of carparking. As such, the carparking requirement for the proposal is 35 bays, whereas the existing carparking provision on Lot 12 is 28 bays. The applicant’s comment regarding this issue is as follows:

“The Stage 3 build (sic) for use in 2005 shall include parking for approximately 32 additional cars. There is existing limestone based off-street parking for approximately 30 cars in front of the existing house.”

It is not unusual for some overflow carparking to be provided in association with a place of worship, however this usually serves infrequent events such as Easter or Christmas, where a higher than average attendance is expected. Given that the average attendance of 140 persons would not be catered for by the existing carparking provision, it is recommended that if Council approves this application, a further seven carparking bays are required.

The proposal complies in all other respects with TPS 6.

Safety

The proposal could assist in making the private primary school more secure, as legitimate users would be on-site to provide additional surveillance after school hours.

Traffic

Amherst Road is a local distributor road, which was forecast to carry up to 5700 vehicle movements per day. As such, the creation of an additional 70 car movements on a Saturday/Sunday will not put the road network under undue pressure.

CONCLUSION

The proposal can comply with TPS 6, and it is recommended that Council resolve to approve the proposal subject to standard conditions and footnotes.

FINANCIAL IMPLICATIONS

Nil.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION

647 Moved Cr P Wainwright Seconded Cr D Griffiths

“That Council approve the application for Place of Worship at No. 131 (Lot 12) Amherst Road, Canning Vale, subject to Standard Conditions 3.1 (35), 4.4 (\$2000); and Advice Notes D3.1, D6.1, D12.1, D18, D27.3.”

CARRIED 11/0

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

AGAINST: Nil.

**12.5.4 DEVELOPMENT APPLICATION - DISPLAY HOME - 22 (LOT 860)
BUVELOT TURN, SOUTHERN RIVER**

File: 234068 **Approve Ref:** 0304/1206 (DDR) Psrpt153Sep03
Name: Westcourt Pty Ltd
Location: 22 (Lot 860) Buvelot Turn, Southern River
Zoning: MRS: Urban
TPS No. 6: Residential R17.5
Appeal Rights: Yes. Town Planning Appeal Tribunal against a refusal or any condition(s) of approval.
Area: 726m²
Previous Ref: Nil

PURPOSE OF REPORT

For Council to consider an application for a Display Home as a submission objecting to the proposal has been received.

BACKGROUND

The subject lot has an area of 726m² and is zoned Residential R17.5 under Council's Town Planning Scheme No. 6 (TPS 6). The subject lot is vacant, and has been cleared. The subject lot abuts the regional road reservation of Warton Road, and there is a pedestrian pathway on the western boundary. Located directly to the rear of the subject site at Lot 875 Barrett Street is a vacant lot which has been prepared as a display home car park for three existing display homes on Barrett Street.

DISCUSSION**The Proposal**

The applicant proposes a brick and tile display home on the subject site. The proposed single dwelling complies with the Acceptable Development Criteria of the Residential Design Codes of Western Australia (R-Codes). It is proposed that no parking bays will be provided on site, and the required parking bays will be provided at Lot 875 Barrett Street, which is a vacant lot on the corner of Barrett Street and Warton Road that has been prepared as a display car park, and which is located directly to the rear of the subject lot. The display carpark at Lot 875 Barrett Street is owned by B and B Day Pty Ltd, and written permission has been given for Plunket Homes to use the display carpark for the display carpark for the proposed display home. It is proposed that customers will park at Lot 875 Barrett Street and access the subject site from the pedestrian pathway located within the Warton Road road reservation, and which extends from Lot 875 Barrett Street to Lot 860 Buvelot Turn.

INSERT SITE PLAN

INSERT FLOOR PLAN

INSERT ELEVATIONS

Regional Reservations

In accordance with the referral requirements for developments on land abutting a regional reservation outlined in the Notice of Delegation (under the provisions of the Western Australian Planning Commission Act) it was not necessary to refer the proposal to Main Roads WA or the Department for Planning and Infrastructure (DPI). This is due to the fact that the proposal does not involve any direct encroachment upon the Warton Road road reservation and does not involve additional, relocated or new access between the subject land and the road reservation.

Policy 6.2.7 Display Homes

Council's Policy 6.2.7 Display Homes states that no display home shall front a road that is shown as either a Primary Distributor or District Distributor (A) road on the City's Road Network Hierarchy, except where alternative access is available from another road or rear laneway. The subject site abuts the Warton Road road reservation which is designated as a District Distributor (A) road on the City's Road Network Hierarchy, however the display home does not front Warton Road, and nor is there any vehicular access to the site from Warton Road.

The Policy also prescribes that generally display homes should be provided on roads designated as Local Distributor or District Distributor (B) roads on the City of Gosnells Road Network Hierarchy Plan. The subject lot is located on Buvelot Turn, which is designated as a local access road on the City of Gosnells Road Network Hierarchy Plan.

Town Planning Scheme No. 6 (TPS 6)

For the purpose of assessment and determination a 'Display Home' is considered as a use not listed in the Zoning Table of Town Planning Scheme No. 6, and is to be determined in accordance with clause 4.4.2 of Council's Town Planning Scheme No. 6 (TPS 6). The proposed display home is located on a local access road, which is not consistent with the preferred location of display homes in accordance with Council's Policy 6.2.7 Display Homes. For this reason the proposal has been assessed in accordance with clause 4.4.2(b) of TPS 6, whereby it was determined that the use may be consistent with the objectives of the residential zone and thereafter the application was referred to surrounding landowners for comment.

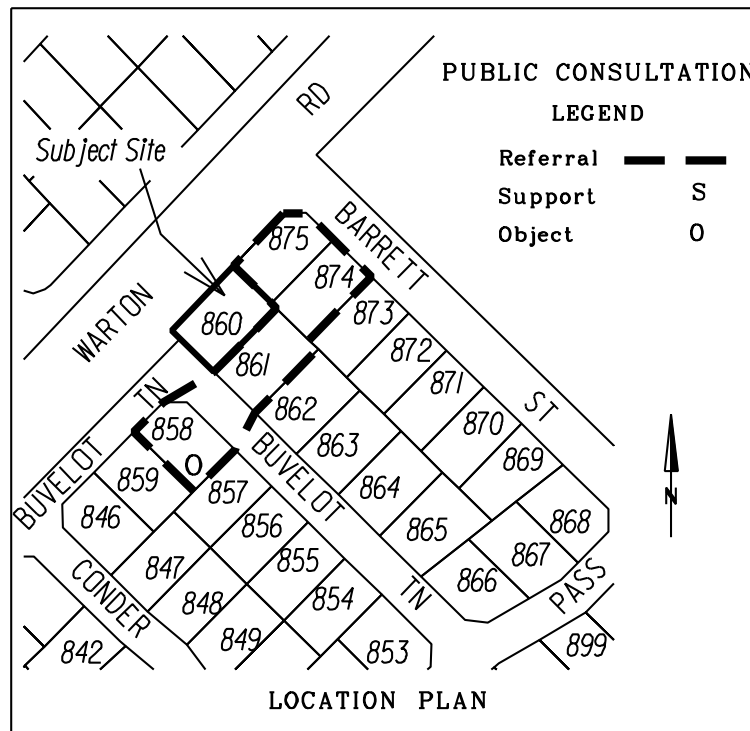
The TPS 6 car parking requirements for display home centres are 5 bays per display home, and the application satisfies this requirement through the provision of parking off-site at Lot 875 Barrett Street. Lot 875 Barrett Street has been prepared as a display home car park for 3 display homes which were approved 20 August 2001. There is provision for 20 car parking bays on Lot 875 Barrett Street, and given that only 5 bays are required for each display home the 20 bays provided are sufficient to meet the parking requirements of another display home.

Public Consultation

The proposal was referred to surrounding landowners for comment for a period of 14 days (refer location plan). One submission of objection was received from an occupant. The comment received is summarised in the submission table set out below.

Schedule of Submissions

No	Name/ Address	Description of Affected Property: Lot No, Street, etc	Summary of Submission	Staff Comment
1.	M Bryant (Occupier)	23 (Lot 858) Buvelot Turn Southern River	Objection. Concerns regarding increased noise, traffic and activity on weekends.	Noted.



The objection was received from 23 (Lot 858) Buvelot Turn which is, located opposite the subject site. Given that the proposed parking spaces are provided in the display car park located to the rear of the subject site the impact of traffic and parking will be less in Buvelot Turn than if the parking was provided on site. It is also considered that the location of the proposed display home is considered appropriate given that it is located within close proximity of three display homes on Barrett Street, and the proposed display home effectively becomes part of this display village through the use of a shared display carparking area located at Lot 875 Barrett Street to the rear of the subject site.

It is therefore recommended that Council approve the application as submitted based on compliance with the R-Codes, as the impact of traffic and parking in Buvelot Turn will be minimised by provision of parking off-site at Lot 875 Barrett Street, located directly to the rear of the subject site.

CONCLUSION

In summary, although an objection has been received in regard to increased traffic and activity in the area, these impacts would be minimised through the provision of parking off-site at Lot 875 Barrett Street, Southern River. Therefore, given that the proposal complies with the Acceptable Development Criteria of the Residential Design Codes of Western Australia it is recommended that the proposal as submitted be supported.

FINANCIAL IMPLICATIONS

Nil.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION

648 Moved Cr D Griffiths Seconded Cr R Mitchell

“That Council approve a display home to be constructed at 22 (Lot 860) Buvelot Turn, Southern River subject to the following conditions:

1. Floodlights are not to be illuminated after 10.00pm and all lighting to be contained within the site.
2. Any proposed signage is subject to the issue of a separate sign licence.
3. The development approval to be subject to annual renewal.
4. Standard Condition 6.1.”

CARRIED 11/0

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

AGAINST: Nil.

**12.5.5 DEVELOPMENT APPLICATION – WASHDOWN BAY – 32 (LOT 23)
BROOKLAND STREET, BECKENHAM**

File: 234476 **Approve Ref:** 0203/1193 (SC) Psrpt154Sep03
Name: S & SD Rando
Location: Lot 23, 32 Brookland Street, Beckenham
Zoning: MRS: Urban
TPS No. 6: Highway Commercial
Appeal Rights: Yes. Town Planning Appeal Tribunal against a refusal or any condition(s) of approval.
Area: 1,686m²

PURPOSE OF REPORT

For Council to consider an application for a washdown bay at No. 32 (Lot 23) Brookland Street, Beckenham as a variation to the requirements of Town Planning Scheme No. 6 (TPS 6) is sought.

BACKGROUND

An application has been received for the proposed construction of a washdown bay to be located with a nil setback to Brookland Street. The washdown bay will be used for the washing of industrial equipment with high pressure jet washdown equipment and will comprise of a brick wall, 3metres in length and 2.7metres high, with a canopy roof set-up. The existing gardens and open metal picket fence to Brookland Street would remain. The site is located between Albany Highway and Brookland Street. The applicant wishes to retain visual connection to Albany Highway, and due to the location of a drainage easement, the existing vehicular access across an adjoining lot to Ladywell Street, and existing showroom and workshop structures, has requested that Council consider the facility within the Brookland Street setback.

Due to concerns raised by Planning Services regarding aesthetics and amenity issues, a revised plan showing the washdown bay as being open sided (no brick wall) with a canopy roof was submitted. The modified structure reduced the overall height from 3 metres to 2.1 metres with the arc of the roof measuring 2.8 metres in height. The open picket fence is 1.8 metres in height.

DISCUSSION

Councils records show that approval for ‘showroom, office and workshop for open air display use’ was granted on 22 October 1990, with correspondence dated 12 October 1993 confirming that the City had no objections to the operation of a used car sales yard operating from the subject site. Currently, a car repair and used car yard operates from the workshop at the rear of the adjacent site (Lot Pt 6) with some vehicles located on the subject lot, and access provided via Ladywell Street through Lots 22 & 23. At the time the application for the washdown bay was received, the workshop, showroom and office building on the subject site were vacant, with the entire lot bitumen sealed. The subject lot together with the adjacent Lot 22, which is also sealed with no internal dividing fence, now contains several mobile cherry pickers and cranes on site for hire from

‘Australian Skyreach’. A drainage easement is located at the rear of Lot 22 into Lot 23, which together with vehicular access from Ladywell Street, limits where a washdown bay could be located. As there is no access permitted to the realigned Albany Highway, the primary street frontage is Brookland Street, which contains a well-established landscape strip of low native plants. An open weave iron fence bounds the entire site, with gates located on both Brookland Street and Ladywell Street frontage. The applicant has also confirmed that the existing open fencing and landscape strip would be retained.

Although an alternative location for the washdown bay was considered, due to the existing vehicular access from Ladywell Street and carparking area at the rear of the lots together with the existing drainage easement and retaining wall, the location of the showroom and workshop doors, existing fencing and gates, no suitable alternative location could be established. The applicant also advised that the washdown bay needed to be located within the existing fenced area for security reasons.

Town Planning Scheme No 6 Requirements

Table No. 2B of TPS 6 requires a minimum front setback of 15m to the primary street and 4.5 metres to the secondary street in Highway Commercial zone. Access to the property is provided from Brookland Street and also from Ladywell Street via the adjacent property, 28 (Lot 22) Brookland Street, which is also owned by the applicant. No access is permitted from Albany Highway due to the realignment and associated bridge over Roe Highway.

Insert Site Plan

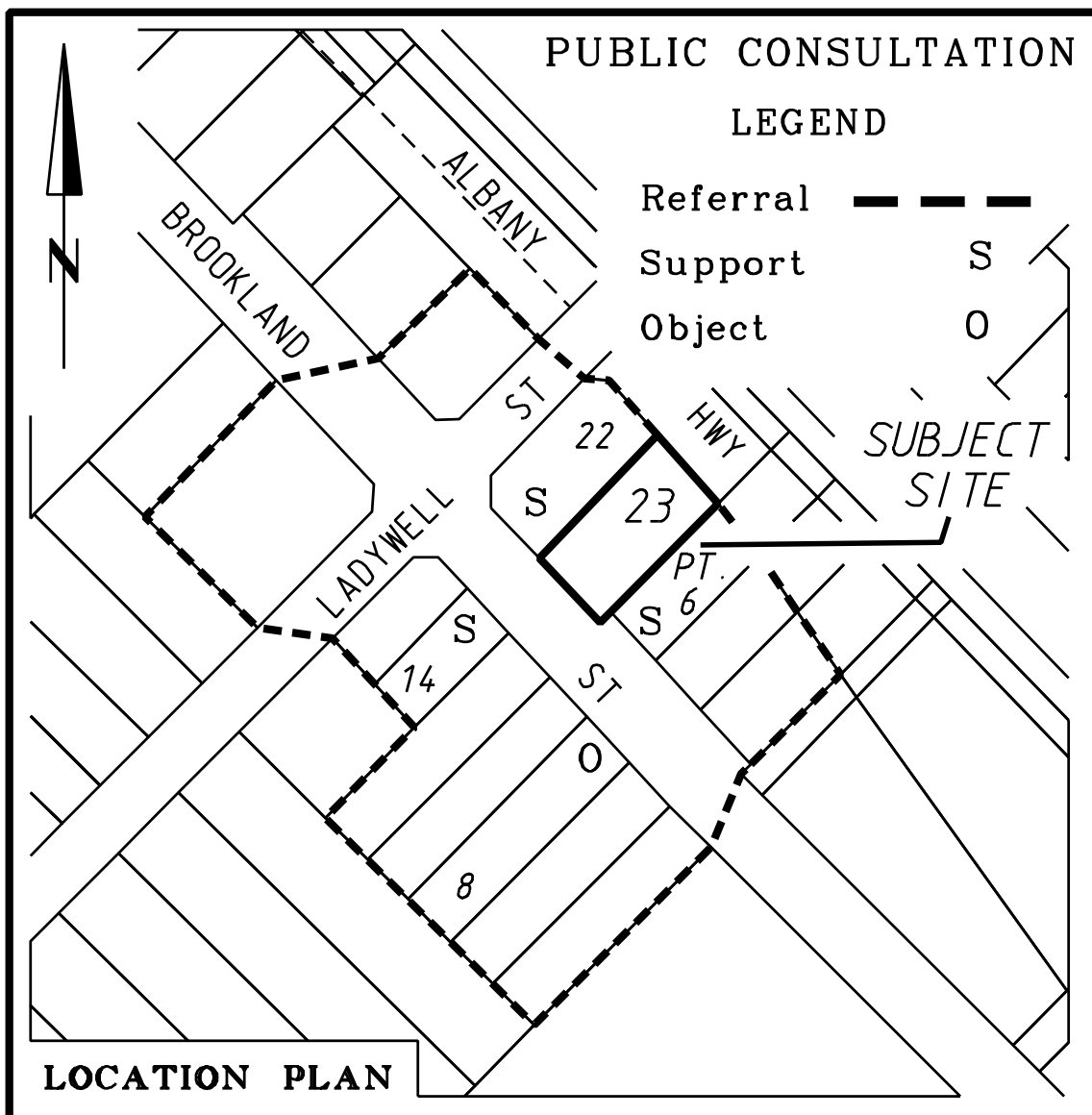
Insert Elevation

Referral

Clause 5.5 of TPS 6 makes provision for Council to approve a non-compliant application, subject to advertising the proposal under Clause 10.4. In addition, in considering variations to site and development standards, Council must have regard for the criteria set out in Clause 11.2 and consideration of the non-compliance upon the locality. Accordingly, the proposal was referred to surrounding landowners for comment. One objection and one non-objection were received from properties located opposite the subject site. The objection raised concerns noise from the facility, whilst one non objection was also conditional upon no noise or pollution from the lot. It is noted that the other non-objection relates to the abutting properties (Lot 22 and Pt Lot 6), which are owned by the applicant. The submissions received are summarised in the Schedule of Submissions.

Schedule of Submissions

No.	Name/Address	Description of Affected Property: Lot No, Street, etc	Summary of Submission	Staff Comment
1.	S Rando (applicant)	28 (Lot 22) & 34 (Lot 6) Brookland Street, Beckenham	Non Objection.	Noted.
2.	Yi Xian Li	25 (Lot 14) Brookland Street, Beckenham	Non Objection No noise or pollution from washdown bay.	Noted. Refer Discussion section.
3.	D Freeman	31 (Lot 8) Brookland Street, Beckenham.	Objection. Concerns regarding noise made when operating a steam or high pressure cleaner in the washdown bay.	Refer Discussion Section.



In assessing the application in accordance with Clause 11.2, Council must have due regard to the aims and provisions of the scheme and the requirements of proper and orderly planning. In this instance, the lots on the northern side of Brookland Street including the subject lot are zoned 'Highway Commercial' thus allowing for commercial activities such as motor vehicle sales and repair, or trade display, whilst the lots on the southern side of Brookland Street are zoned Residential. It is acknowledged that the proposed washdown bay is considered to be a compatible use within the Highway Commercial zoning, but would not be permitted within a residential area. However, this portion of Brookland Street was previously Albany Highway and therefore has always been zoned for both residential and commercial activities.

With respect to health and environmental considerations the proposal incorporates an oil water coalescing plate separator and associated leach drain, thereby ensuring that the waste water is contained and disposed of on site with any oil collected for disposal in sealed containers in accordance with the requirements of the Department of Environmental Protection. In addition, the washdown bay area would be bunded and roofed to ensure that wastewater drains to the collection sump and is treated before disposal. As a condition of approval the applicant would be required to submit an application, to Council's Health Services Branch for approval to construct and install an approved Coalescing Plate Separator together with associated leach drain, prior to issue of the building licence. However, an assessment of the proposal has raised concerns with regard to likely noise and wastewater over-spray from the high pressure jet washdown equipment, which will have the potential to adversely impact upon pedestrians using the concrete footpath running parallel to the open weave iron fence and may also have a visual and noise impact on surrounding residential properties.

In addition to the above, the location of the proposed leach drain in its current format within the 3metre wide landscape strip does not comply with Health Services Branch requirements. It is a requirement that the leach drain be fully inverted 600mm above ground level and surrounded within a sand fill envelope (2metres either side and ends) within a retaining wall (800mm in height). This will impact on the established 3metre wide landscape strip and may impact on the aesthetics and visual amenity of the site.

CONCLUSION

Due to site constraints, the applicant wishes to locate the proposed washdown bay within the front setback. Adjacent land uses include workshops and car sale yards, with residential properties located opposite. Although an open sided washdown bay addresses visual impact of the proposed washdown bay for the residential properties opposite, objection and concerns have been raised in relation to noise and environmental issues. It is therefore recommended that the proposal to locate a washdown bay within the Brookland Street front setback not be supported.

FINANCIAL IMPLICATIONS

Nil.

STAFF RECOMMENDATION

Moved Cr J Brown Seconded Cr R Mitchell

That Council refuse the application for a Washdown Bay at No. 32 (Lot 23) Brookland Street, Beckenham, to be located within the front setback area, for the following reasons:

1. Proposal does not comply with Town Planning Scheme No. 6 setback requirements.
2. Approval of the proposed washdown bay would not be consistent with property and orderly planning with respect to having an adverse impact on amenity, noise and wastewater spray drift to the footpath and a visual impact upon surrounding residential properties.
3. Proposal is unlikely to comply with Environmental Protection (Noise) Regulations 1997.
4. Proposal does not comply with Health Services Branch requirements with respect to leach drain requirements.

Additional Motion

During debate Cr R Croft moved the following additional motion to the staff recommendation:

“That Council authorise staff to negotiate with the applicant for an alternative location of the washdown bay at least 10 metres away from the Brookland Street frontage to provide guidance to staff and the applicant as to what would be deemed suitable for this development to be approved.”

Cr W Barrett seconded Cr Croft’s additional motion.

Foreshadowed Motion

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

“That Council refer item 12.5.5 ‘Development Application – Washdown Bay – 32 (LOT 23) Brookland Street, Beckenham’ of the 23 September 2003 Ordinary Council Meeting back for further consideration; to be re-evaluated and a report be attached advising as to how and under what circumstances this application can be approved.”

if the motion under debate was defeated.

Cr S Moss seconded Cr Searle’s proposed motion.

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

STAFF RECOMMENDATION AND COUNCIL RESOLUTION

649 Moved Cr J Brown Seconded Cr R Mitchell

“That Council refuse the application for a Washdown Bay at No. 32 (Lot 23) Brookland Street, Beckenham, to be located within the front setback area, for the following reasons:

1. Proposal does not comply with Town Planning Scheme No. 6 setback requirements.
2. Approval of the proposed washdown bay would not be consistent with property and orderly planning with respect to having an adverse impact on amenity, noise and wastewater spray drift to the footpath and a visual impact upon surrounding residential properties.
3. Proposal is unlikely to comply with Environmental Protection (Noise) Regulations 1997.
4. Proposal does not comply with Health Services Branch requirements with respect to leach drain requirements.”

CARRIED 8/3

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

AGAINST: Cr P Wainwright, Cr O Searle and Cr C Matison.

The Mayor then put Cr Croft’s additional motion, which reads:

COUNCIL RESOLUTION

650 Moved Cr R Croft Seconded Cr W Barrett

“That Council authorise staff to negotiate with the applicant for an alternative location of the washdown bay at least 10 metres away from the Brookland Street frontage to provide guidance to staff and the applicant as to what would be deemed suitable for this development to be approved.”

CARRIED 9/2

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

AGAINST: Cr S Moss and Cr O Searle.

Notation

As Council adopted the staff recommendation and additional motion from Cr Croft the foreshadowed motion from Cr Searle was not proceeded with.

12.5.6 POTENTIAL RESIDENTIAL DEVELOPMENT IN GOSNELLS TOWN CENTRE (ITEM BROUGHT FORWARD – REFER TO ITEM 10)

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

12.5.7 NEW CIVIC COMPLEX : CLOCKTOWER PUBLIC ART PROJECT

File: R3/1/15 (AP) Psrpt157Sep03
Previous Ref: OCM 22 July 2003 (Resolution 515)

PURPOSE OF REPORT

For Council to approve the style of clock face and dials within the new Civic Complex.

BACKGROUND

The new Civic Complex is a major project within the Gosnells Town Centre revitalisation scheme. The clock tower is a prominent external feature of the new Civic Complex and would be subjected to a high degree of public visibility.

Council at its meeting held on 22 July 2003 resolved as follows (Resolution 515):

“That Council award, in accordance with the Evaluation Panel’s recommendation, the contract for the provision of public artwork in the clock tower of the new Civic Complex to the artist identified in this report, in the sum of \$49,000 (excluding GST).”

Preliminary design of the clock component has been undertaken without the benefit of a decision on the clock tower art work. In addition design development of the artwork has identified a potential modification. Current plans indicate a standard analogue clock with perspex cover.

DISCUSSION

The public art on the clock tower is at present in the design development phase, with on-going discussions between artist, relevant staff and the architects for the complex. An area which Councillors had expressed some concern about in relation to the public art design was in relation to the compass element which was to be located at the top of the aluminium and glass panels. The architects have suggested that this element could be removed whilst maintaining the balance of the piece by treating the clock face. This has resulted in a revisit of the original material proposed for the clock face (perspex) and a review of the contract as this is not included in the artist’s current contract. The potential exists to replace the Perspex material with toughened glass and aluminium clock features to complement panels in the clock tower. This work can be carried out concurrently with the work on the clock tower panels resulting in a good price.

For this option to be considered, a determination is required on the issue of analogue versus a digital clock (with a temperature gauge). The option has also been raised with the building’s architect and the clock tower artist.

Based on feedback from these parties a digital clock is not recommended due to:

- Aesthetics of new civic complex building, with a digital clock and temperature gauge not complementing the design;
- Aesthetics of the approved design of clock tower glass panels;
- The significant increased cost associated with a digital clock and temperature indicator system.

On this basis it is proposed to replace the perspex material with toughened glass and aluminium clock features to complement panels in the clock tower. This work can be carried out concurrently with the work on the clock tower panels resulting in a good price.

FINANCIAL IMPLICATIONS

The analogue clock system, including installation and commissioning, would cost \$17,950 (excluding GST). Four clock dial faces and hand in perspex would cost \$3,950 (excluding GST).

Four clock dial faces in toughened glass with aluminium clock hands would cost \$8,500 (excluding GST), resulting in an additional cost of \$4,550 (excluding GST). The additional cost of \$4,550 would be met by the existing contingency funding of the Civic Complex.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION

651 Moved Cr R Croft Seconded Cr P Wainwright

“That Council approve the installation of an analogue clock system within the Civic Complex clock tower utilising toughened glass faces and aluminium hands.”

CARRIED 11/0

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

AGAINST: Nil.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION

652 Moved Cr R Croft Seconded Cr P Wainwright

“That Council award the contract for design, fabrication and installation of the toughened glass and aluminium clock face to clock tower public artist, Mark Datodi at a cost of \$8,500 to be funded from Account No. 506.501 – Civic Complex.”

CARRIED 11/0

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

AGAINST: Nil.

12.6 REGULATORY SERVICES

12.6.1 UNCLEAN AND INSANITARY FOOD PREMISES – RUBY CHINESE RESTAURANT, MADDINGTON VILLAGE SHOPPING CENTRE, WESTFIELD 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 second report in these Minutes.

13. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

13.1 ARMADALE HEALTH SERVICE ADVISORY COUNCIL – DEPUTY DELEGATE

The following motion was proposed by Cr J Brown during “Notices of Motion for Consideration at the Following Meeting” at the Ordinary Council Meeting held 9 September 2003 for inclusion in “Motions for Which Previous Notice Has Been Given” of the 23 September 2003 Ordinary Council Meeting.

PROPOSED MOTION

That Council appoint Cr Matison as deputy delegate to the Armadale Health Service Advisory Council for the period 24 September 2003 to 7 May 2005.

COUNCILLOR COMMENT

Cr Brown provided the following written comment in relation to the proposed motion:

“To enable a deputy delegate to attend meetings when the appointed delegate is unavailable, which will ensure continued Council representation on the Armadale Health Services Advisory Council at all times.”

STAFF COMMENT

The Director Regulatory Services provides the following comment in relation to the proposed motion:

The appointment of a deputy delegate to the Armadale Health Service Advisory Council, to ensure Councillor representation when the delegate is unavailable or unable to attend meetings, is consistent with the approach adopted by Council when nominating delegates to most committees.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION

653 Moved Cr J Brown Seconded Cr D Griffiths

“That Council appoint Cr Matison as deputy delegate to the Armadale Health Service Advisory Council for the period 24 September 2003 to 7 May 2005.”

CARRIED 10/1

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

AGAINST: Cr R Mitchell.

14. NOTICES OF MOTION FOR CONSIDERATION AT THE FOLLOWING MEETING

Nil.

15. URGENT BUSINESS (BY PERMISSION OF COUNCIL)

Nil.

16. CONFIDENTIAL MATTERS

Nil.

17. CLOSURE

The Mayor declared the meeting closed at 8.56pm.