



**ORDINARY COUNCIL MEETING
22 FEBRUARY 2005**

TABLE OF CONTENTS – MINUTES

1.	OFFICIAL OPENING/ANNOUNCEMENT OF VISITORS/DISCLAIMER	1
2.	RECORD OF ATTENDANCE/APOLOGIES/APPROVED LEAVE OF ABSENCE	2
3.	DECLARATIONS OF INTEREST	2
4.	ANNOUNCEMENTS BY THE PRESIDING MEMBER.....	3
5.	REPORTS OF DELEGATES	3
6.	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
6.1	QUESTION TIME.....	6
6.2	PUBLIC STATEMENTS	9
7.	CONFIRMATION OF MINUTES	10
8.	THE RECEIVING OF PETITIONS, DEPUTATIONS AND PRESENTATIONS.....	10
9.	APPLICATIONS FOR LEAVE OF ABSENCE	10
10.	QUESTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN.....	11
11.	ITEMS BROUGHT FORWARD FOR THE CONVENIENCE OF THOSE IN THE PUBLIC GALLERY	11
13.5.7	DEVELOPMENT APPLICATION – FAST FOOD OUTLET (DRIVE- THROUGH COFFEE SHOP) – 11 (LOT 102) WIMBLEDON STREET, BECKENHAM	12
14.1	COMMERCIAL VEHICLE PARKING AT 110 (LOT 270) VICTORIA ROAD, KENWICK – REPORT REQUEST	27
12.	MINUTES OF COMMITTEE MEETINGS	29
12.1	CITY OF GOSNELLS ROADWISE COMMITTEE	29
12.2	STRATEGIC PLANNING COMMITTEE.....	31
13.	REPORTS	33
13.1	CHIEF EXECUTIVE OFFICER’S REPORT	33

13.1.1	INTERNATIONAL CITIES, TOWN CENTRES AND COMMUNITIES CONFERENCE – QUEENSLAND 1 TO 3 JUNE 2005	33
13.2	COMMUNITY ENGAGEMENT.....	35
13.3	CORPORATE SERVICES.....	36
13.3.1	FINANCIAL REPORTS – JANUARY 2005.....	36
13.3.2	PAYMENT OF ACCOUNTS	38
13.3.3	TENDER NUMBER 1/2005 – SUPPLY OF PERSONAL COMPUTERS	39
13.4	INFRASTRUCTURE	42
13.4.1	HARMONY FIELDS, MADDINGTON - RESIDENTIAL SUBDIVISION .	42
13.5	PLANNING AND SUSTAINABILITY	45
13.5.1	SOUTHERN RIVER PRECINCT 1 OUTLINE DEVELOPMENT PLAN – OPTIONS TO PROGRESS PLANNING TOWARDS FINALISATION	45
13.5.2	AMENDMENT NO. 33 TO TOWN PLANNING SCHEME NO. 6 – FINALISATION – RECODING OF 174 (LOT 100) HOMESTEAD ROAD, GOSNELLS FROM “R17.5” TO “R30”	73
13.5.3	TOWN PLANNING SCHEME AMENDMENT, PROPOSAL TO INITIATE – TOWN PLANNING SCHEME NO. 6 – REZONING OF LOT 21 CANNING MILLS ROAD, MARTIN FROM GENERAL RURAL TO SPECIAL RURAL	79
13.5.4	TOWN PLANNING SCHEME AMENDMENT - PROPOSAL TO INITIATE A TEXT AMENDMENT TO TOWN PLANNING SCHEME NO. 6 – 37 (LOT 72) VICTORIA ROAD, KENWICK FOR AN ADDITIONAL USE OF “STORAGE (FENCING AND PLAYGROUND EQUIPMENT CONTRACTOR)”	87
13.5.5	DEVELOPMENT APPLICATION – OVERSIZE OUTBUILDING – 20 (LOT 15) DUDLEY ROAD, KENWICK	92
13.5.6	DEVELOPMENT APPLICATION – PYLON SIGN FOR HUNGRY JACKS – 210 (LOT 2) SPENCER ROAD, THORN LIE	100
13.5.7	DEVELOPMENT APPLICATION – FAST FOOD OUTLET (DRIVE- THROUGH COFFEE SHOP) – 11 (LOT 102) WIMBLEDON STREET, BECKENHAM <i>(ITEM BROUGHT FORWARD – REFER TO ITEM 11)</i>	106
13.5.8	ROAD WIDENING - PROPOSED CLOSURE OF PORTIONS OF RESERVES 34270 AND 34271 KELVIN ROAD, MADDINGTON AND DEDICATION AS ROAD.....	107
13.5.9	NAMING OF BRIDGE - EXTENSION OF TONKIN HIGHWAY OVER WUNGONG RIVER.....	110
13.6	REGULATORY SERVICES.....	113
13.6.1	PARKING LOCAL LAWS.....	113

14.	MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	115
14.1	COMMERCIAL VEHICLE PARKING AT 110 (LOT 270) VICTORIA ROAD, KENWICK – REPORT REQUEST <i>(ITEM BROUGHT FORWARD – REFER TO ITEM 11)</i>	115
15.	NOTICES OF MOTION FOR CONSIDERATION AT THE FOLLOWING MEETING	115
16.	URGENT BUSINESS.....	115
17.	CONFIDENTIAL MATTERS.....	115
18.	CLOSURE	115

Minutes of the Ordinary Council Meeting held in the Council Chambers, City of Gosnells Administration Centre, 2120 Albany Highway, Gosnells on Tuesday 22 February 2005.

1. OFFICIAL OPENING/ANNOUNCEMENT OF VISITORS/DISCLAIMER

The Mayor declared the meeting open at 7.30pm 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 _____

2. RECORD OF ATTENDANCE/APOLOGIES/APPROVED LEAVE OF ABSENCE

ELECTED MEMBERS

MAYOR	CR P M MORRIS AM JP Honorary Freeman
DEPUTY MAYOR	CR R CROFT
	CR W BARRETT
	CR R HOFFMAN
	CR P WAINWRIGHT
	CR R MITCHELL
	CR S MOSS
	CR O SEARLE JP
	CR C MATISON
	CR J BROWN JP
	CR S IWANYK (<i>Arrived 7.33pm</i>)
	CR D GRIFFITHS

STAFF

CHIEF EXECUTIVE OFFICER	MR S JARDINE
DIRECTOR COMMUNITY ENGAGEMENT	MS A COCHRAN
DIRECTOR CORPORATE SERVICES	MR R BOUWER
DIRECTOR INFRASTRUCTURE	MR D HARRIS
DIRECTOR PLANNING & SUSTAINABILITY	MR R HAEREN (<i>Departed 8.49pm</i>)
DIRECTOR REGULATORY SERVICES	MR T PERKINS
MINUTE SECRETARY	MS A CRANFIELD

PUBLIC GALLERY

18

APOLOGIES

Nil.

APPROVED LEAVE OF ABSENCE

Nil.

3. DECLARATIONS OF INTEREST

Cr R Hoffman declared an Impartiality Interest in item 12.1 “City of Gosnells RoadWise Committee”.

Reason: Chairman of RoadWise Committee.

Cr P Wainwright declared an Impartiality Interest in item 12.1 “City of Gosnells RoadWise Committee”.

Reason: Council delegate to RoadWise Committee.

Cr S Moss declared an Impartiality Interest in item 12.1 “City of Gosnells RoadWise Committee”.

Reason: Community representative on RoadWise Committee.

Cr S Iwanyk declared an Impartiality Interest in item 12.1 “City of Gosnells RoadWise Committee”.

Reason: Committee member to City of Gosnells RoadWise Committee.

Cr S Iwanyk declared an Impartiality Interest in item 13.5.2 “Amendment No. 33 to Town Planning Scheme No. 6 – Finalisation – Recoding of 174 (Lot 100) Homestead Road, Gosnells From “R17.5” to “R30” ”.

Reason: Family member is a tenant in the current dwelling.

4. ANNOUNCEMENTS BY THE PRESIDING MEMBER

(without discussion)

The Mayor circulated to Councillors a list of functions and events she had attended since Tuesday 8 February 2005.

5. REPORTS OF DELEGATES

(without debate)

Nil.

7.33pm - Cr S Iwanyk arrived at the meeting.

6. 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 MEETINGS8 February 2005 Ordinary Council Meeting

The following questions were posed at the 8 February 2005 Ordinary Council Meeting with the response as already provided to the correspondent listed accordingly:

* Mr Warner Baxter of 37 Kelvin Road, Maddington asked the following questions:

Q 1 Why did the City of Gosnells Department of Planning and Infrastructure approve on 21 July 2003 the construction of 8 dwellings at 47 Kelvin Road, which are clearly spaced to the ratio of R40 zoning without any application for subdivision which under the City of Gosnells Town Planning Scheme No. 6 the zoning for the property is residential R17.5?

Response: The Mayor advised the question would be taken on notice with a written response to be provided by staff.

Q 2 Why did the City of Gosnells Department of Planning and Infrastructure allow this, when I made them aware that I had been assured by the State Department of Planning and Infrastructure that the dwellings were too high density in their construction on only the portion of the site to the present zoning of 17.5?

Response: The Mayor advised the question would be taken on notice with a written response to be provided by staff.

Q 3 How did the Department come to the conclusion that because the density may change under Scheme 21 to R40 that anyone should be allowed to breach the present zoning of R17.5?

Response: The Mayor advised all questions would be taken on notice with a written response to be provided by staff.

Response: In reply to Mr Baxter the Manager City Planning provided the following written response on 21 February 2005:

“The City provides the following response to your question asked in ‘Question Time’ at the 8 February 2005 Ordinary Meeting of Council regarding the development at the abovementioned property:

Question 1:

Why did the City of Gosnells Department of Planning and Infrastructure approve on 21 July 2003 the construction of 8 dwellings at 47 Kelvin Road, which are clearly spaced to the ratio of R40 zoning without application for subdivision which under the City of Gosnells Town Planning Scheme No. 6 the zoning for the property is residential R17.5?

Response:

Development Approval was issued on 21 July 2003 for the construction of Eight Grouped Dwellings on the property in accordance with the current zoning (R17.5). Notwithstanding the above advice, approval for subdivision of the land has not yet been issued by the Western Australian Planning Commission (WAPC). It is not unusual for the developer to receive planning approval for the construction of the dwellings prior to obtaining subdivision approval from the WAPC for subdivision of the land.

Question 2:

Why did the City of Gosnells Department of Planning and Infrastructure allow this, when I made them aware that I had been assured by the State Department of Planning and Infrastructure that the dwellings were too high density in their construction on only the portion of the site to the present zoning of 17.5?

Response:

When this development was approved, the Residential Design Codes of Western Australia (2002) allowed for development to adhere to the site requirements of the 1991 design codes which allowed an average of 500m² per lot with no minimum lot size. The developers of the subject property maintained the average lot size by developing smaller lots at the front and leaving a large parcel of land at the rear.

Question 3:

How did the department come to the conclusion that because the density may change under Scheme 21 to R40 that anyone should be allowed to breach the present zoning of R17.5?

Response:

The development approval for the construction of Eight Grouped Dwellings on the property was in accordance with the current zoning (R17.5) and therefore there was no "breach" of zoning.

I trust that the above information provided is satisfactory, however if you wish to clarify any of the above matters, please contact Andrew Lefort of Council's City Planning Services Branch on 9391 3358."

6.1 QUESTION TIME

* Mrs Linda Macri of 1600 Balfour Street, Southern River asked the following questions in relation to item 13.5.1 “Southern River Precinct 1 Outline Development Plan – Options to Progress Planning Towards Finalisation” of the agenda:

Q 1 Do the Council and staff comprehend the flow on effects from implemented schemes Gosnells Shire has adopted, and that a fee simple land title is worthless? As longstanding ratepayers who invested in the area, many are being penalized by having part or all of their property resumed for conservation under Bush Forever and Wetlands. As normal families like yourselves, it is grossly unfair to expect us to pay for amenities the community will use or benefit from and would any of you forsake up to 90% of your property value?

Q 2 Will Council and staff recommend that rural zoned land be afforded at the very least \$7 per square metre as the part of Lot 1765 Southern River Road sold to the Water Board in October 2002? This land sold zoned under rural.

Response: The Director Planning and Sustainability advised that as discussed on a number of occasions, Council recognised the impact and was acting within its jurisdictions to try to make it as fair as possible. He added that some of the processes were imposed by the State Government and were outside of Council’s direct control. He advised that in relation to the value applied to a lot, this was based on a valuation negotiated by an agency; therefore, it was not possible for Council to determine the value. The value would depend on the process the compensation was being paid through i.e. the local government via a Town Planning Scheme; compulsory acquisitions under the Public Works Act; or compulsory acquisition under the Metropolitan Region Scheme. Each stipulating the process to be followed and all were legislated, which Council must abide by it as much as any other party.

Mrs Macri disagreed on one thing stating that Bush Plan was implemented from Gosnells Shire, not from State.

The Director Planning and Sustainability clarified that the Bush Forever was an initiative of the State Government and was implemented by the State Government. He added that the State Government imposed and stipulated on the City of Gosnells, along with other similarly affected local governments, the methods that each Council must deal with through the planning process. He reiterated that the State Government, through its Bush Forever Office located within the Department of Planning and Infrastructure, was clearly responsible for the initiation, adoption and implementation of the Bush Forever Plan.

- * Mr Ralph Prestage of 51 Dover Crescent, Wembley Downs asked the following questions in relation to item 13.5.1 “Southern River Precinct 1 Outline Development Plan – Options to Progress Planning Towards Finalisation” of the agenda:

- Q 1 How can the City of Gosnells contemplate continuing or approving any further development particularly Precinct 1 when there has been no resolution or means to provide for an amount to be paid to those landowners whose land is to be taken in providing a public amenity as Bush Forever, Wetland or Public Open Space?

Response: The Director Planning and Sustainability advised the City was obliged to continue the process for Precinct 1 as the land was currently zoned urban, and under the zoning requirements of the Town Planning Scheme, an Outline Development Plan was required to be prepared. In his opinion the City had acted in an open and accountable manner and he was comfortable with the processes undertaken. He added the process referred to by Mr Prestage was where the State Government was seeking to acquire land adjoining the Precinct and was something that the Council was aware of but had not direct control over. He advised the two processes must be kept separate, however, Council was required to meet its obligations under the Town Planning and Development Act as well as its Town Planning Scheme to complete the planning of that area.

Mr Prestage commented that if the State imposes some harshness on ratepayers then you just ignore it?

The Mayor advised that no, Council did not ignore it, however, he had the opportunity to take the matter up with his local member who could take it forward to a State level on his behalf, reiterating that Council was obliged to follow a State process.

- Q 2 To what extent has the Council considered the many submissions lodged with it bringing this anomaly of blatant discrimination and undemocratic victimization to those land owners to the notice of the Council including the several recommendations how the payment should be funded or for the exchange of Council land? In view of this will the Council cease all development until this contentious and unfair situation has been resolved to the satisfaction of the affected ratepayers?

Response: The Director Planning and Sustainability advised that Council could not legally cease development, and if Council chose to ignore the process, the WA Planning Commission would continue to approve subdivisions. He added there were subdivisions within Precinct 1 that Council had not supported; however, approval had been gained through the WA Planning Commission. In response to the second part of the question he advised that the fundamental difference was that local governments such as the City of Gosnells had an open and accountable

process, allowing members of the public to attend this evening to ask questions, unfortunately the same process does not apply with the State Government agencies. Therefore, those issues need to be taken up with the relevant State Government agency. In closing he stated that the City had acted in the best interests of the community and had previously raised concerns with the State Government relating to the process of acquisition adding that the City of Gosnells was also feeling the impact as it had land holdings that were similarly affected.

Mr Prestage commented that other Councils, such as the Shire of Kalamunda, had imposed a levy on blocks being developed to provide a surplus of funds to pay out for public open space and enquired why this was not considered as an option.

Response: The Director Planning and Sustainability advised that the City of Gosnells did apply such a levy stating it was a requirement of the Outline Development Plan within the Precinct 1 area that 16% cash or land be provided for public open space. He suggested that, even within the Shire of Kalamunda, the levies would not be applied to the acquisition of land identified by the State Government, with the State Government having land tax which was their method for raising funds to purchase land they identified. In his opinion it would be inappropriate for Council to use ratepayers and landowners funds when they were already being required to contribute in their own right. This was a broader community issue as it did not just affect landowners within this immediate area, but landowners throughout the State. In closing he reiterated that it was something the State Government would need to address.

Mr Prestage disagreed with the Director stating that Kalamanda Shire imposed a fee of \$5,000 on every developed block.

- * Mr Ian Archibald of 168 Homestead Road, Gosnells asked the following question in relation to item 13.5.2 Amendment No. 33 to Town Planning Scheme No. 6 – Finalisation – Recoding of 174 (Lot 100) Homestead Road, Gosnells From “R17.5” to “R30” of the agenda. Mr Archibald stated that there was a golden opportunity for Council to develop a prestige area if it took a total planning view of Homestead Road. Following is the question contained on his question time form:

Q 1 Why does not Council have a full schematic plan for Homestead Road rather than deal with Lot 1200 in isolation?

Response: The Director Planning and Sustainability advised it was definitely Council’s intent to take a holistic view adding there would be a plan for the remainder of the land. The only reason this particular allotment was able to be considered separately was because the drainage and sewerage catchment was separate to the rest of the land.

- * Mr Jurek Wilczynski of 9 Stidwell Street, Canning Vale asked the following question in relation to the park and lake at the Promenade Estate?

Q 1 It appears the developer has a financial problem and nothing has been done in the past 2 years. Does the Council have any plans to complete development of the park and lake?

Response: The Director Planning and Sustainability advised to his knowledge much of the remaining land associated with The Promenade Estate had changed hands, however, he was not privy to the exact details. It was a private land development and they were still required to fulfill their obligations, however, the timing would depend on market demand and what the developer saw as the best staging. The Director advised he would confirm in writing the name of the developer of the remainder of the land.

6.2 PUBLIC STATEMENTS

- * Mr Neil Teo of Planning Solutions (Aust) Pty Ltd (Applicant), Suite 1, 255 Beaufort Street, Perth made a public statement in relation to item 13.5.7 “Development Application – Fast Food Outlet (Drive- Through Coffee Shop) – 11 (Lot 102) Wimbledon Street, Beckenham” speaking in favour of the staff recommendation. Mr Teo provided a brief outline of the proposed development and addressed concerns raised during the public consultation period in relation to traffic, noise, visual impacts and littering. In closing he respectfully requested Council support the officer’s recommendation and grant approval for the proposal.
- * Mr George Walczak of 99 Victoria Road, Kenwick made a public statement in relation to item 14.1 “Commercial Vehicle Parking At 110 (Lot 270) Victoria Road, Kenwick – Report Request” speaking in favour of the proposed motion expressing the hope that Council would give the motion their full endorsement to get the owner to comply with his approval for 2 coaches, stating that as Council were aware, the owner since moving in had not complied, with residents having to put up with as many as 6 coaches coming to and from the property 7 days a week 24 hours a day. In relation to the review of the Commercial Parking Policy he stated that Council had not asked for compliance which he believed had set a dangerous precedent making a mockery of Town Planning laws, adding the excuse nothing could be done until the outcome of public consultation was completed was rubbish. He gave an example of Saturday’s referendum seeking public comment on extended trading hours, with shops not currently allowed to open on Sundays, and if they did, they would be fined. He questioned why Council had bylaws and made approvals if they were not willing to enforce them. In his opinion Council should not ignore the majority of residents and not bend over backward for one individual who was breaking approval and using the cost of possible appeal as an excuse to do nothing.

7. CONFIRMATION OF MINUTES

COUNCIL RESOLUTION

44 Moved Cr J Brown Seconded Cr W Barrett

“That the Minutes of the Ordinary Council Meeting held on 8 February 2005, be confirmed.”

CARRIED 12/0

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

AGAINST: Nil.

8. THE RECEIVING OF PETITIONS, DEPUTATIONS AND PRESENTATIONS

All petitions 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 R Croft presented a petition initiated by Garth Baden Lello of 22 Schaffers Place, Thornlie containing 30 signatures. The petition stated:

“We the undersigned electors of the City of Gosnells request to have the construction of a dual use path between 22 and 17 Schaffers Place Thornlie cancelled for the following reason:

Decrease in home value, increase in vandalism of property, pedestrian and bicycle traffic, risk of infections from discarded drug implements, increase in home burglary.”

The petition will be forwarded to relevant staff for investigation and response to the petition initiator.

9. APPLICATIONS FOR LEAVE OF ABSENCE

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

- (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.

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

Nil.

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

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

45 Moved Cr J Brown 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 13.5.7 Development Application – Fast Food Outlet (Drive- Through Coffee Shop) – 11 (Lot 102) Wimbledon Street, Beckenham; and
- * Item 14.1 Commercial Vehicle Parking At 110 (Lot 270) Victoria Road, Kenwick – Report Request.

CARRIED 12/0

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

AGAINST: Nil.

13.5.7 DEVELOPMENT APPLICATION – FAST FOOD OUTLET (DRIVE-THROUGH COFFEE SHOP) – 11 (LOT 102) WIMBLEDON STREET, BECKENHAM

File: 233773 **Approve Ref:** 0405/1745 (AL) Psrpt022Feb05
Name: Planning Solutions
Location: 11 (Lot 102) Wimbledon Street, Beckenham
Zoning: MRS: Urban
TPS No. 6: Local Centre
Appeal Rights: Yes. State Administrative Tribunal against a refusal or any condition(s) of approval.
Area: 2,533m²
Previous Ref: Nil

PURPOSE OF REPORT

For Council to consider a Development Application for a fast food outlet (drive-through coffee shop) at 11 (Lot 102) Wimbledon Street, Beckenham as the proposal is outside the authority delegated to staff.

BACKGROUND**Site Description**

The subject site has an area of 2,533m² and is located approximately 15km south-east of the Perth Central Business District, on the corner of Albany Highway and Kenwick Link, Beckenham. The subject site is surrounded by light industrial and commercial development to the north and east, and residential development to the south and west.

The site is currently vacant and fenced off from the street (cyclone fencing and barbed wire). The site contains four large concrete slabs located towards the front which remain from its previous land use as a shed sales yard. There is also an existing structure located towards the rear of the site which was previously used as an office and shed/storage facility.

Access to the existing development is provided by a slip lane accessible from Albany Highway and Kenwick Link (shown on Location Plan) which is located on the front of Lots 100, 101 and 102 and includes parking facilities. There is also a Right of Carriageway located at the rear of the abovementioned lots which is primarily used for servicing the commercial tenancies (eg waste disposal, deliveries).

Proposal

The proposed application for fast food outlet on the subject site has been submitted to facilitate the development of premises commercially identified as “Muzz Buzz”. The proposed development adopts a drive-through concept where customers are able to

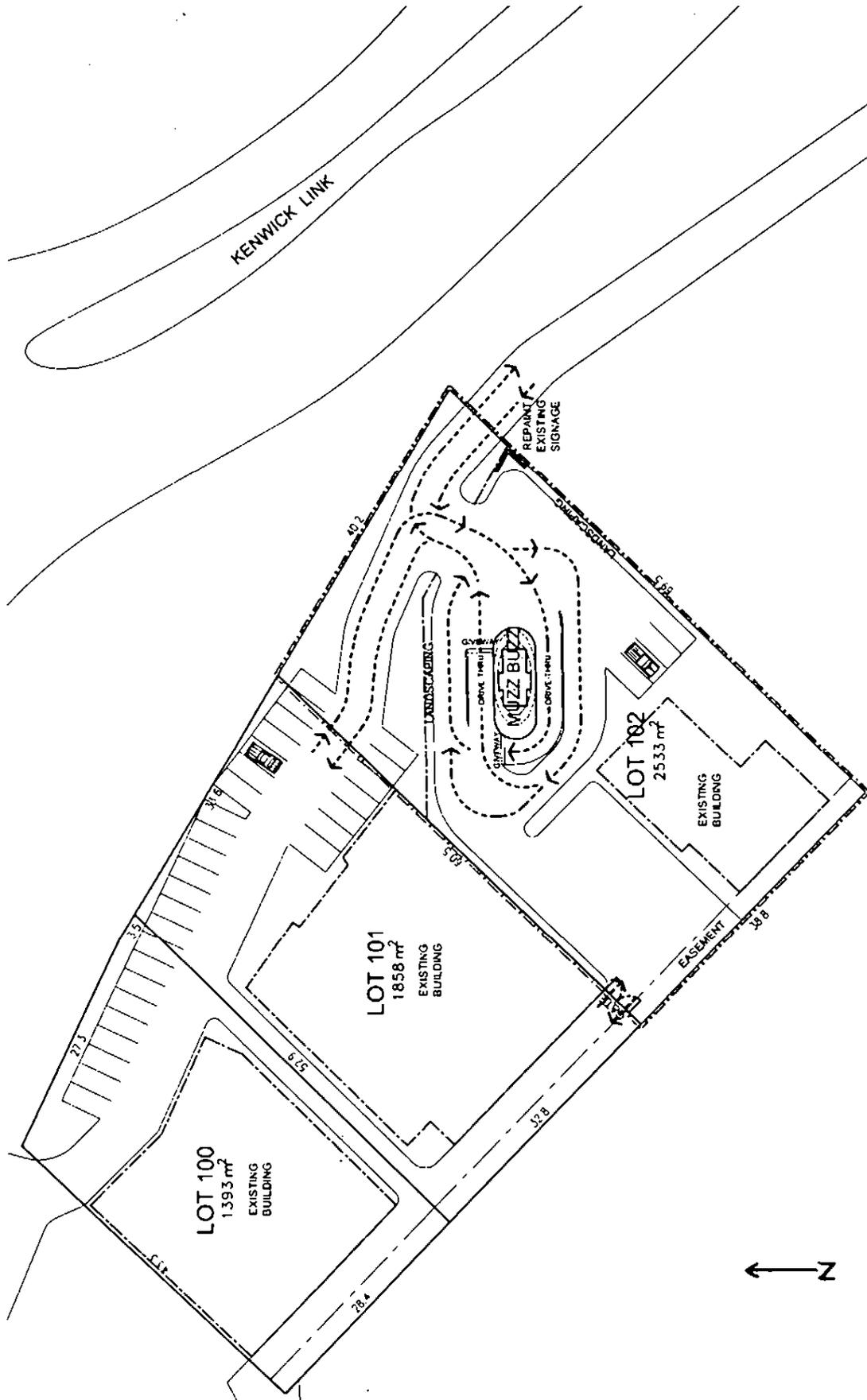
purchase coffee, other non-alcoholic beverages and a limited range of incidental pre-prepared food items (such as muffins and biscuits) from their vehicles whilst travelling to their destinations. Several other “Muzz Buzz” drive-through coffee outlets have opened in Perth and they are located in Great Eastern Highway Belmont, Stirling Highway Mosman Park and High Street Fremantle.

The proposed fast food outlet is to be constructed within the existing display yard area of the site and the proponent proposes to construct a new building which has a floor area of 21m². The proponent also proposes to construct three car parking spaces, therefore providing a total of 7 carparking spaces on the site.

The proponent has advised that they wish to retain the existing building at the rear of the property which is vacant and not to be used by this development. The proponent has advised that the future use of this building is unknown and therefore will remain pending any future use or development. Future use and/or redevelopment of this existing building would be subject to a new Development Application and compliance with TPS 6 in terms of parking, setbacks etc would need to be assessed. The proponent has also advised that the drive-through coffee shop is the minor/ancillary use on the site and the development of the existing building when developed would be the main use.

It is anticipated that patrons will drive into the site, purchase their beverage (or food item) and leave the premises, with little or no need to park and leave their vehicles. The proposal is entirely directed to a drive-through trade and does not include a “walk up” service.

The proposed opening hours of the development are Weekdays (Monday-Friday) from 6:00am until 6:00pm and Weekends (Saturday and Sunday) from 7:00am until 4:00pm.

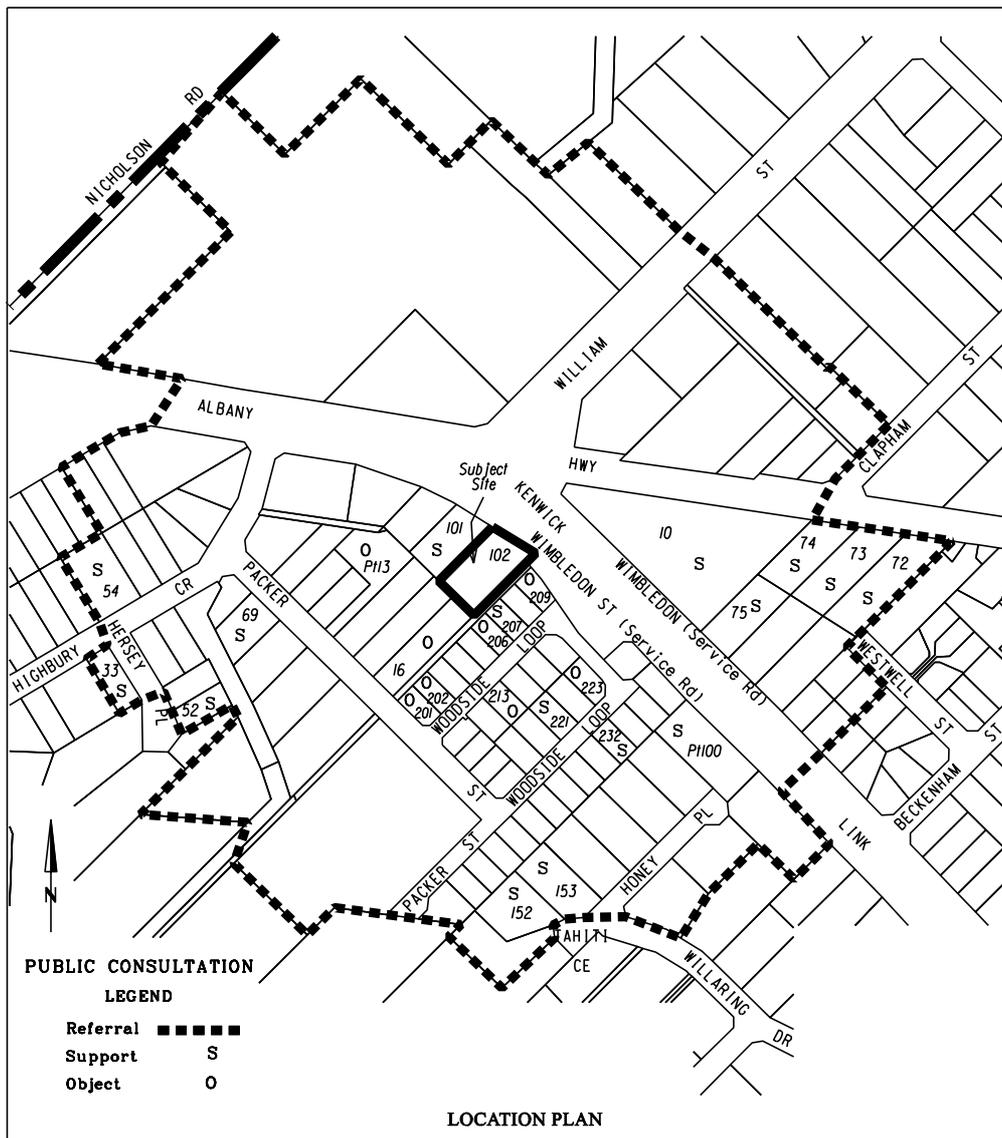


No.	Name/Address	Description of Affected Property: Lot No, Street, etc	Summary of Submission	Staff Comment
			3) Concerned about bright lights from development. 4) Concerned about litter from development. 5) Concerned about visual amenity. 6) Concerned about value of property being affected by development. 7) Concerned about odour from coffee fumes.	Dismissed – The proposed lighting includes some sensor lighting for safety to operate when outlet is closed and some small “bunker” lights attached to the building. Dismissed – The drive-through concept caters for those travelling to destinations where litter will be disposed of. Dismissed – Site is currently vacant and considered visually unappealing. Dismissed - There is no evidence suggesting this type of development will affect property values. Noted. This proposal is not considered to be a high generator of odour.
4.	F Beuerwijk	7 (Lot 101) Wimbledon Street Beckenham	Support.	Noted.
5.	J Care	5 (Lot 213) Woodside Loop Beckenham	Object. 1) Concerned about increased traffic flow. 2) Would like the area to remain quiet with no connection from Woodside Loop to Wimbledon Street.	Noted. Noted. Lot 213 is located approximately 95m from the site and it is unlikely that noise from the subject site would be heard. This proposal is not considered to be a high noise generator and is consistent with other Local Centre uses. Dismissed – This development does not propose to construct any road connections.
6.	A & G Connell	2 (Lot 201) Woodside Loop Beckenham	Object. 1) Increased noise levels. 2) Possibility of traffic from Kenwick Link and Wimbledon Street using Woodside Loop. 3) Reduced security to homes in Woodside Loop. 4) Would support proposal if masonry wall was constructed along Kenwick Link near Woodside Loop.	Noted. See comment at 3.2. Dismissed – See comment at 5.2. Dismissed – No evidence to support concern. Site is currently vacant and proposed activity on the site is likely to improve security. Dismissed - See comment at 1.2.
7.	J & J Crawford	7 (Lot 101) Wimbledon Street Beckenham	Support.	Noted.

No.	Name/Address	Description of Affected Property: Lot No, Street, etc	Summary of Submission	Staff Comment
8.	R & L Grainger	18 (Lot 16) Packer Street Beckenham	Object. 1) Traffic Concerns from Kenwick Link onto the service road. 2) Concerned about traffic issues in the general area.	Noted. See comment at 2. Noted. Comment relates to broader issue currently the subject of an Engineering Study.
9.	D Grogan	12 (Lot 100) Honey Place Beckenham	Support.	Noted.
10.	S V & L M Hillman	22 (Lot 33) Highbury Crescent Beckenham	Support. Supports proposal but with the following concern: Traffic congestion in the area needs urgent attention.	Noted – See comment at 8.2.
11.	S Jones	17 (Lot 221) Woodside Loop Beckenham	Support – Conditional Supports proposal if Masonry wall is erected along Kenwick Link near Woodside Loop.	Noted. Dismissed – See comment at 1.2.
12.	J Kellock	1525 (Lot 74) Albany Highway Beckenham	Support.	Noted.
13.	M & S Loughton	1 (Lot 153) Tahiti Cove Beckenham	Support. Development of this type in the area would be a desirable use of this space – low impact, low noise and enhancement of lifestyle options for the community.	Noted.
14.	C Maliunas	1509 (Lot 10) Albany Highway and Lot 75-20 Wimbledon Street Beckenham	Support.	Noted.
15.	S & N Gonsalves	34 (Lot 232) Woodside Loop Beckenham	Support. 1) Supports proposal with the following comments: A brick wall should be constructed with pedestrian access to Wimbledon Street off Woodside Loop. 2) Upgrade of Children's Park at the corner of Packer Street and Highbury Crescent 3) Better street signs required to identify Woodside Loop and Packer Street.	Noted. Dismissed – See comment at 1.2. Dismissed - Comment not relevant to proposal. Comment has been referred to City's Infrastructure Department. Dismissed - Comment not relevant to proposal. Comment has been referred to City's Infrastructure Department.
16.	G Newbury	12 (Lot 13) Packer Street Beckenham	Object 1) Concerned about Traffic flow from Albany Highway. 2) Concerned about Traffic flow past Arrow Computers/Ferrari Suit Hire.	Noted. See comment at 2. Noted. See comment at 2.

No.	Name/Address	Description of Affected Property: Lot No, Street, etc	Summary of Submission	Staff Comment
			3) Concerned about trading hours.	Noted. Refer to comments regarding opening hours in Discussion section of report.
17.	M Nicerio	4 (Lot 202) Woodside Loop Beckenham	Object Concerned about noise from vehicles using the proposed development.	Dismissed – Lot 202 is located approximately 100m from the site and it is unlikely that noise from the subject site would be heard. This proposal is not considered to be a high noise generator and is consistent with other Local Centre uses.
18.	D Randall	6 (Lot 52) Hersey Place Beckenham	Support	Noted.
19.	R & M Skinner	11 (Lot 54) Highbury Crescent Beckenham	Support Think it will be an interesting addition to the neighbourhood.	Noted.
20.	N Tyrrell	12 (Lot 206) Woodside Loop Beckenham	Object 1) Concerned that trading hours will change, after development opens. 2) Concerned about noise and volume of people. 3) Requests that developers erect a brick wall along full length of proposed site at least 2.1m high. 4) Concerned about vehicle headlights.	Noted. Refer to comments regarding opening hours in Discussion section of report. Noted – See comment at 3.2. Noted. It is considered that the current fencing, drainage reserve and proposed landscaping will provide a sufficient buffer between subject site and Lot 206. Dismissed – Fencing between residential properties and subject lot would prevent vehicle headlights causing nuisance.
21.	A Warwick	3 (Lot 152) Tahiti Cove Beckenham	Support – Conditional 1) Supports proposal provided: Traffic flow does not impede or restrict those wishing to attend other shops on same route. Access roads at present are narrow and heavier traffic will impact on flow. 2) Site is used exclusively as designated. Most businesses around that area have “short lives”.	Noted. Refer to comments in Discussion regarding traffic. If the landowner/occupier wishes to change the use, a new application will be required by Council. The site is zoned Local Centre and commercial uses are legitimate.

No.	Name/Address	Description of Affected Property: Lot No, Street, etc	Summary of Submission	Staff Comment
22.	G Watts	14 (Lot 207) Woodside Loop	Support – Conditional 1) Supports proposal with the following concerns: Increase in traffic flow may result in an increase in noise pollution from vehicles, people and speakers. 2) Increase in pollution from vehicle emissions. 3) Litter may be thrown over fence to adjoining properties. 4) May lead to diminished enjoyment of residential property.	Noted. Traffic and noise generated by the proposal is considered to be consistent with other Local Centre uses. This proposal is not considered to be a high noise generator. Site is zoned for commercial use and location is adjacent to major arterial traffic routes. Dismissed – See comment at 3.4. Noted – Site is zoned Local Centre and commercial uses are legitimate.
23.	W Wright	1531 (Lot 72) Albany Highway Beckenham	Support	Noted.



Additional Consultation

During the City's public consultation process associated with the subject proposal, the applicant engaged in their own consultation process, providing nearby residential occupants with a detailed understanding of the proposal. A petition was submitted to Council containing 15 additional signatories demonstrating support for the proposal. The wording on the petition was:

"Based on the information I have had sent to me from the Council and the discussions I have had with the Muzz Buzz team, I have no objections to a Muzz Buzz Beckenham store starting business on the corner of Albany Highway and Kenwick Link."

Main Roads Western Australia

The proposal was referred to Main Roads for their comment as the subject land is located on a Primary Regional Road. Main Roads advised that the development was acceptable to them subject to the following conditions being imposed:

1. No earthworks shall encroach onto the Kenwick Link reserve.
2. No stormwater drainage shall be discharged onto the Kenwick Link reserve.
3. No vehicle access shall be permitted onto the Kenwick Link reserve.
4. The applicant shall make good any damage to the existing verge vegetation within the Kenwick Link reservation.
5. Redundant driveways shall be removed and the verge and its vegetation made good at the applicants cost.

DISCUSSION**Town Planning Scheme No. 6**

The subject site is zoned Local Centre under the City's Town Planning Scheme No. 6 (TPS 6). A Fast Food Outlet is an "A" use which means that the use is not permitted unless the local government has exercised its discretion by granting planning approval after giving special notice in accordance with clause 10.4. Council's Staff do not have delegation to approve a Fast Food Outlet.

Council's TPS 6 states that the objective of the Local Centre Zone is:

"To provide for predominantly convenience retailing and community facilities which serve the local community, and provides a high level of accessibility for local residents."

TPS 6 defines a fast food outlet as:

“fast food outlet means premises used for the preparation, sale and serving of food to customers in a form ready to be eaten without further preparation, primarily off the premises, but does not include a lunch bar.”

The development appears to be consistent with the objectives of a Local Centre and the definition of a Fast Food Outlet.

Clause 5.8.3 of TPS 6 relates to land zoned for commercial purposes which adjoins land zoned for residential purposes as follows:

“On any land which is zoned for Commercial purposes and which adjoins land zoned for residential purposes, the commercial development shall be screened from the abutting residential land by a masonry or similarly constructed wall or fence not less than 2 metres in height and by trees and shrubs to the satisfaction of the Council.”

The proposal does not currently comply with this clause because the original commercial use of the property was approved prior to the introduction of TPS 6. However, because the proposed development is considered the ancillary/minor use of the site, applying this clause to the proposed development may be considered onerous. The applicant has also stated that the imposition of this clause requiring them to construct a masonry or similar wall on the boundary abutting residential properties would render the development economically unviable and is unnecessary.

There is also currently a 5 metre wide drainage reserve on the south-eastern Boundary of the subject site between the subject lot and the residential lots on Woodside Loop. Notwithstanding the above comments, it should be noted that in the event of the landowner/occupier wishing to develop the existing building in the future compliance with the provisions of TPS 6, including compliance with Clause 5.8.3, would be required.

Parking

The proposed development has a floor area of 21m² and will require parking provision at the rate of 4 bays per 2.5m² of waiting area as specified in clause 5.13 of TPS 6 relating to vehicle parking and access. The proposed development is a drive-through only with no facility to dine on the premises. The applicant wishes to provide seven spaces to comply with the requirements of TPS 6. In the event of development of the existing building, the landowner/occupier would be required to comply with the provisions of TPS 6 in regard to parking.

Traffic

The vehicular traffic levels anticipated to be generated from the subject site are considered to be consistent with other commercial/retail uses in the area. As such the proposal is unlikely to significantly increase general traffic in the area. Traffic studies have been undertaken by the proponent analysing the traffic volumes of an existing

“Muzz Buzz” drive-through coffee outlet located at 239 Great Eastern Highway, Belmont. Although it can be demonstrated that the traffic volume on Great Eastern Highway is more than double that of Albany Highway and Kenwick Link, the report demonstrates that the “Muzz Buzz” development on Great Eastern Highway has minimal traffic impacts. A similar outcome may be anticipated in regard to the subject proposal.

The traffic studies revealed that during a six hour period, a total of 237 vehicles visited the Belmont site. This equates to approximately 39 vehicles per hour, 3 vehicles every five minutes, or 0.6 vehicles per minute. On average, each vehicle (ie customer) is serviced in less than one minute. The minimal waiting time is a result of pre-made coffee beverages and staff exiting the building during peak periods to retrieve customer orders and reduce potential waiting times. It should be noted that the traffic studies revealed that 39% of the outlet’s business was conducted before 9.00am. It is not considered that the proposal would materially alter traffic volumes along Albany Highway and Kenwick Link.

It is considered that the area proposed to be used for cars queuing whilst ordering and waiting for their order is large enough to accommodate all customer vehicles on site. Containing all vehicles on site would therefore not cause an interruption to traffic flow or prevent access to other vehicles wishing to access nearby sites.

Amenity

Currently, the subject site remains vacant and is fenced off from the street. The existence of several large concrete slabs at the front of the site provides an unattractive streetscape. The construction of the proposed development and associated landscaping is considered to assist in rejuvenating the site by transforming it from a dilapidated, unused site into a functional business. The subject site is surrounded by commercial developments to the North and East and residential development to the west and south. As the proposal does not require the use of any noisy machinery or equipment, it is considered that the development will not adversely affect the amenity of the area.

Proximity to Residential Properties

Six residential properties abut the proposed development site. The fencing separating the commercial and residential properties is constructed of Supersix fibro cement. The nature of the proposal as a drive-through facility will result in vehicles travelling close to the rear boundaries of the residential properties to the south-east of the subject lot. A substantial amount of trade is likely to be conducted before 9.00am, however, the 5 metre wide reserve, existing fencing separating the subject lot and the residential lots on Woodside Loop and proposed landscaping on the site is considered to provide a sufficient buffer and screen to these residential properties.

The distance between the proposed development and the common boundary with the residential lots to the rear of the subject lot (Lot 15 and Lot 16 Packer Street) is approximately 30 metres. These lots are relatively large (approximately 2,000m²) and the dwellings are located to the front of the lots (ie away from the subject lot). The distance between the dwellings and the proposed development is considered to be

significant, therefore providing a sufficient barrier between the residential and commercial uses. Also the existing building on the subject lot will act as a visual screen/buffer to the proposed development.

Hours of Operation

Whilst the hours of operation (Weekdays from 6:00am until 6:00pm and Weekends from 7:00am until 4:00pm) are considered to be consistent with other Local Centre uses, the presence of residential development within approximately 50 metres of the subject site and approximately 25 metres from the proposed new building should be taken into account. However, the development is considered to be a relatively low noise generator and proposes to operate during daytime hours only. The opening hours of the proposal are considered to be generally consistent with opening hours of other Local Centre uses.

CONCLUSION

The proposed drive-through coffee shop to be located on the subject site is consistent with the objectives of a Local Centre under the City's TPS 6 and considered to be an effective use of the currently vacant and dilapidated site. The proposal also complies with the parking, setback and landscaping requirements of the scheme. Due to the proximity of the development to residential properties, it is proposed to restrict the hours of operation as a condition of development to those detailed in the submitted proposal should the development be approved.

Overall, the proposal is believed to provide a convenient service to local residents and passing traffic and improve the existing visual amenity and streetscape.

FINANCIAL IMPLICATIONS

Nil.

STAFF RECOMMENDATION

Moved Cr R Croft Seconded Cr S Moss

That Council approve the application for drive-through coffee shop at 11 (Lot 102) Wimbledon Street, Beckenham, subject to the following conditions:

1. Standard Conditions 5.1, 5.2, 6.1 and 7.1.
2. Hours of operation are not to exceed Weekdays (Monday to Friday) 6.00am-6.00pm and Weekends (Saturday and Sunday) 7.00am-4.00pm.
3. No earthworks shall encroach onto the Kenwick Link reserve.
4. No stormwater drainage shall be discharged onto the Kenwick Link reserve.

5. No vehicle access shall be permitted onto the Kenwick Link reserve.
6. The applicant shall make good any damage to the existing verge vegetation within the Kenwick Link reservation.
7. Redundant driveways shall be removed and the verge and its vegetation made good at the applicants cost.

Amendment

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

“That the staff recommendation be amended to include relevant landscaping conditions, which were omitted in error at time of compilation of the Agenda, by inserting the numbers and word “4.1, 4.3 and 4.4 (\$10,000),” after the word “Conditions’ where it appears at condition 1.”

Cr R Hoffman Seconded Cr Matison’s proposed amendment.

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

Moved Cr C Matison Seconded Cr R Hoffman

That the staff recommendation be amended to include relevant landscaping conditions, which were omitted in error at time of compilation of the Agenda, by inserting the numbers and word “4.1, 4.3 and 4.4 (\$10,000),” after the word “Conditions’ where it appears at condition 1, with the amended recommendation to read:

“That Council approve the application for drive-through coffee shop at 11 (Lot 102) Wimbledon Street, Beckenham, subject to the following conditions:

1. Standard Conditions 4.1, 4.3 and 4.4 (\$10,000), 5.1, 5.2, 6.1 and 7.1.
2. Hours of operation are not to exceed Weekdays (Monday to Friday) 6.00am-6.00pm and Weekends (Saturday and Sunday) 7.00am-4.00pm.
3. No earthworks shall encroach onto the Kenwick Link reserve.
4. No stormwater drainage shall be discharged onto the Kenwick Link reserve.

5. No vehicle access shall be permitted onto the Kenwick Link reserve.
6. The applicant shall make good any damage to the existing verge vegetation within the Kenwick Link reservation.
7. Redundant driveways shall be removed and the verge and its vegetation made good at the applicants cost.”

CARRIED 10/2

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

AGAINST: Cr S Moss and Cr O Searle.

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

COUNCIL RESOLUTION

46 Moved Cr C Matison Seconded Cr R Hoffman

“That Council approve the application for drive-through coffee shop at 11 (Lot 102) Wimbledon Street, Beckenham, subject to the following conditions:

1. Standard Conditions 4.1, 4.3 and 4.4 (\$10,000), 5.1, 5.2, 6.1 and 7.1.
2. Hours of operation are not to exceed Weekdays (Monday to Friday) 6.00am-6.00pm and Weekends (Saturday and Sunday) 7.00am-4.00pm.
3. No earthworks shall encroach onto the Kenwick Link reserve.
4. No stormwater drainage shall be discharged onto the Kenwick Link reserve.
5. No vehicle access shall be permitted onto the Kenwick Link reserve.
6. The applicant shall make good any damage to the existing verge vegetation within the Kenwick Link reservation.
7. Redundant driveways shall be removed and the verge and its vegetation made good at the applicants cost.”

CARRIED 10/2

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

AGAINST: Cr S Moss and Cr O Searle.

14.1 COMMERCIAL VEHICLE PARKING AT 110 (LOT 270) VICTORIA ROAD, KENWICK – REPORT REQUEST

The following motion was proposed by Cr S Moss during “Notices of Motion for Consideration at the Following Meeting” at the Ordinary Council Meeting held 8 February 2005 for inclusion in “Motions for Which Previous Notice Has Been Given” of the 22 February 2005 Ordinary Council Meeting.

PROPOSED MOTION

That staff prepare a report outlining:

- (1) Complaints received by staff over the last 6 months regarding alleged breaches of the approval for 110 (Lot 270) Victoria Road, Kenwick which allows for the parking of 2 commercial vehicles; and
- (2) Options for pursuing legal action against the owner to ensure the terms of the approval are complied with and only 2 commercial vehicles are parked on the property.

COUNCILLOR COMMENT

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

“This issue has been left with no suitable closure for all residents concerned due to workshops which took precedence and I believe it should be dealt with and finalised.”

STAFF COMMENT

The Director Planning and Sustainability provides the following comment in relation to the proposed motion:

“Since August 2004, letters expressing concern with coach parking activities at Lot 270 Victoria Road, Kenwick have been received from the residents of three properties in the Kenwick locality. One of these residents has written on several occasions and made regular enquiries with City Planning staff in relation to the matter. Also, at Council’s meeting of 24 August 2004, a petition containing 32 signatures was tabled requesting that Council not approve an alternative use class for tourist coaches at Lot 270 Victoria Road or allow any multiple commercial vehicle parking due to concerns with noise, impacts on public safety and the inconsistency of the activity with the area’s Rural zoning. Enquiries in respect to Council’s approach to coach parking activities at Lot 270 Victoria Road have also been made by the Department for Local Government and Regional Development and the office of Sheila McHale MLA.

To ensure a landowner complies with the terms and conditions of a planning approval, the usual course of action is to issue a notice under Section 10 of the

Town Planning and Development Act 1928 for an alleged failure to comply with the approval and, therefore, breach of Town Planning Scheme No.6. Failure to comply with a Section 10 notice could be pursued through court action to a maximum fine prescribed in the Act of \$50,000 and up to \$5,000 per day for ongoing breaches. The threat or achievement of such a penalty is often an effective method to ensure compliance with an approval. It would also be open to Council in this instance to revoke the approval for commercial vehicle parking altogether and then if necessary pursue compliance using Section 10. Both options would require Council resolution to initiate. However, given that the draft revised Local Planning Policy for Commercial Vehicle Parking is currently being advertised for public comment and if finalised as drafted will provide for Council to consider a proposal for the parking of up to three self-propelled commercial vehicles on a Rural zoned property, it is considered appropriate to await the outcome of the public review of the draft Policy prior to resolving a course of action in respect to Lot 270 Victoria Road.”

PROPOSED MOTION

Moved Cr S Moss Seconded Cr O Searle

That staff prepare a report outlining:

- (1) Complaints received by staff over the last 6 months regarding alleged breaches of the approval for 110 (Lot 270) Victoria Road, Kenwick which allows for the parking of 2 commercial vehicles; and
- (2) Options for pursuing legal action against the owner to ensure the terms of the approval are complied with and only 2 commercial vehicles are parked on the property.

LOST 2/10

FOR: Cr S Moss and Cr O Searle.

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

12. MINUTES OF COMMITTEE MEETINGS

Cr R Hoffman due to being Chairman of the RoadWise Committee, Cr P Wainwright due to being a Council delegate to the RoadWise Committee, Cr S Moss due to being a community representative to the RoadWise Committee and Cr S Iwanyk due to being a committee member to RoadWise disclosed at Item 2 of the Agenda "Declarations of Interest", an Impartiality Interest in the following item in accordance with Regulation 34C of the Local Government (Administration) Regulations 1996.

12.1 CITY OF GOSNELLS ROADWISE COMMITTEE

File: T7/1/5 (FS) FS2.1B
Appendix: 12.1A Minutes of the City of Gosnells RoadWise Committee
Meeting held on Wednesday 2 February 2005

PURPOSE OF REPORT

For Council to receive the Minutes of the RoadWise Committee Meeting held on Wednesday 2 February 2005.

BACKGROUND

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

DISCUSSION

The business of the meeting is reported in the Minutes provided as Appendix 12.1A. There was one recommendation of the Committee which does not require consideration of Council.

The main points of discussion at the meeting were as follows:

- The "Drink Driving Campaign" run by the Office of Road Safety to promote safe driving during the Christmas period was very well received and supported by those Hotels who received promotional material. Participating establishments were: Lynwood Arms, Lakers Tavern, Market City Tavern, Gosnells Hotel and Thornlie Hotel.
- The "Random Breath Testing" event held on 9 December 2004 was very successful. A tabled newspaper article reported that "Police District traffic personnel stopped more than 406 vehicles during a two hour operation".
- The "Don't Turn Your Break Into A Wake" cavalcade held on Friday 10 December 2004 received coverage from the media, with reporters and news helicopters filming the event.
- Draft Future Plans for the RoadWise Committee in 2005 are as follows:

Date	Event	Road Safety Council's Campaign	Attendee/s
6 February	<i>People in Parks</i> Treasure Island theme Canning Vale	Speed	Cr R Hoffman
20 February	<i>People in Parks</i> Pets in the Park Armstrong Park Huntingdale	Speed	Cr R Hoffman and Ms S Moss
20 March	<i>People in Parks</i> The Ocean theme Nolan Avenue Reserve Southern River	Fatigue	TBA
10 April	<i>People in Parks</i> Stride and Ride Homestead Park, Thornlie	Fatigue	Cr P Wainwright
28 May	<i>Child Restraint</i> Checking Maddington Centro	Restraints	Cr P Wainwright
18 June	<i>Free Vehicle Checks</i> Location TBA	Restraints	TBA
July	<i>RBT</i> Location TBA	Drink Driving	To be coordinated with the Regional Group
21 August to 12 November	<i>Cop Some Cash</i>	Speed	TBA
9 December	<i>Don't Turn Your Break Into A Wake</i>	Drink Driving	TBA

FINANCIAL IMPLICATIONS

Nil.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION

47 Moved Cr R Croft Seconded Cr P Wainwright

“That Council receive the Minutes of the Meeting of the City of Gosnells RoadWise Committee held on Wednesday 2 February 2005 attached as Appendix 12.1A.”

CARRIED 12/0

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

AGAINST: Nil.

12.2 STRATEGIC PLANNING COMMITTEE

File: C3/8/1_05 (TP) Rpt005Feb05
Appendix: 12.2A Minutes of the Strategic Planning Committee meeting held on 15 February 2005

PURPOSE OF REPORT

For Council to receive the Minutes of the Strategic Planning Committee meeting held on 15 February 2005 and adopt the recommendations there-in.

BACKGROUND

The Strategic Planning Committee meets quarterly on the third Tuesday of February, May, August and November of each year, to discuss issues of strategic importance.

The Minutes of the Strategic Planning Committee meeting held on Tuesday 15 February 2005 are attached as Appendix 12.2A.

DISCUSSION

There were a total of nine (9) recommendations adopted by the Committee, of which the following two (2) require the consideration of Council.

Recommendation 5

“That Council Officers draft a Rights and Responsibilities document for the Maddington Kenwick Sustainable Communities Partnership for consideration and adoption by the various stakeholder groups.”

At the 31 January 2005 Economic Development Portfolio Briefing the Draft Action Implementation Plan for the Maddington Kenwick Sustainable Communities Partnership was presented. The plan has been released for community comment with the comment period being extended until 20 February 2005 to obtain the widest possible consultation. The Briefing identified roles and responsibilities of the various stakeholders as a crucial factor to the future success of the project as a whole resulting in Recommendation 5 above, which requires adoption by Council.

During debate of the Chief Executive Officer’s report titled ‘City Of Gosnells Strategic Plan - Key Performance Activities Achievements Report 2004’ Cr R Croft moved the following additional motion, which reads:

Recommendation 8

“That Council commends the Chief Executive Officer, Executive and staff for an outstanding year of achievement as reflected in the 2004 Strategic Plan.”

FINANCIAL IMPLICATIONS

Nil.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION**48 Moved Cr R Hoffman Seconded Cr S Moss**

“That Council receive the Minutes of the Strategic Planning Committee meeting held on 15 February 2005 attached as Appendix 12.2A.”

CARRIED 12/0

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

AGAINST: Nil.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION**49 Moved Cr R Hoffman Seconded Cr S Moss**

“That Council adopt Recommendation 5 of the Strategic Planning Committee held on 15 February 2005, which reads:

“That Council Officers draft a Rights and Responsibilities document for the Maddington Kenwick Sustainable Communities Partnership for consideration and adoption by the various stakeholder groups.””

CARRIED 12/0

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

AGAINST: Nil.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION**50 Moved Cr R Hoffman Seconded Cr S Moss**

“That Council adopt Recommendation 8 of the Strategic Planning Committee held on 15 February 2005, which reads:

“That Council commends the Chief Executive Officer, Executive and staff for an outstanding year of achievement as reflected in the 2004 Strategic Plan.””

CARRIED 12/0

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

AGAINST: Nil.

13. REPORTS

13.1 CHIEF EXECUTIVE OFFICER'S REPORT

13.1.1 INTERNATIONAL CITIES, TOWN CENTRES AND COMMUNITIES CONFERENCE – QUEENSLAND 1 TO 3 JUNE 2005

File: M7/2/1 (SJ)

Appendix: 13.1.1A Conference Registration Programme – International Cities, Town Centres and Communities Conference

PURPOSE OF REPORT

To seek the approval of Council for an Elected Member and the Chief Executive Officer to attend the International Cities, Town Centres and Communities Conference to be held in Yeppoon, Queensland from 1 to 3 June 2005.

BACKGROUND

The key theme of the Conference is to share perspectives, innovative ideas, and opportunities for exploring and developing ways to successfully turn community aspirations into creating vibrant and livable communities. It will bring together professionals to discuss best practice in the planning, development and management of cities, towns and communities.

The Chief Executive Officer has been invited to present a paper at this International Conference on 'Successful Urban Revitalisation through Strategic Partnerships'.

DISCUSSION

This Conference offers the chance to showcase the work currently being undertaken by the City of Gosnells. Council's knowledge and understanding of effective practices nationally and internationally relating to the 'Liveability' agenda and the transformation of Cities and Towns in a sustainable manner will also be broadened. Besides personal development and learning, the Conference will provide opportunities for positive outcomes for the City, particularly in the light of the significant urban renewal schemes currently being undertaken.

FINANCIAL IMPLICATIONS

The estimated cost per person is as follows:

Congress Registration	\$695
Return Conference Airfare	\$781
Accommodation (4 nights)	\$560
Expenses	\$226
Total	\$2,262

Funds are available in JobS2000.1362.223 Members – Training and Conferences and JobS1000.1362.223 Chief Executive Officer - Training and Conference for attendance by an Elected Member and the Chief Executive Officer respectively.

STAFF RECOMMENDATION

Moved Cr J Brown Seconded Cr R Hoffman

That Council authorise Councillor _____ and the Chief Executive Officer to attend the International Cities, Town Centres and Communities Conference to be held in Queensland from 1 to 3 June 2005 at an approximate cost of \$2,262 per person, with funds being met from JobS2000.1362.223 Members – Training and Conferences and JobS1000.1362.223 Chief Executive Officer - Training and Conferences respectively.

No Nomination

In light of there being no nomination for a Councillor to attend the International Cities, Town Centres and Communities Conference, Cr J Brown moved the following amendment to the staff recommendation, which was seconded by Cr R Hoffman:

Moved Cr J Brown Seconded Cr R Hoffman

That the staff recommendation be amended by deleting the words “Councillor _____ and” where they appear in the first line after the word “authorise”, deleting the words “per person” where they appear in the fourth line after the figure “\$2,262”, deleting the numerals and words “JobS2000.1362.223 Members – Training and Conferences and” where they appear in the fifth line after the word “from” and deleting the word “respectively” where it appears in the seventh line, with the amended recommendation to read:

“That Council authorise the Chief Executive Officer to attend the International Cities, Town Centres and Communities Conference to be held in Queensland from 1 to 3 June 2005 at an approximate cost of \$2,262, with funds being met from JobS2000 JobS1000.1362.223 Chief Executive Officer - Training and Conferences.”

CARRIED 12/0

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

AGAINST: Nil.

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

COUNCIL RESOLUTION

51 **Moved Cr J Brown Seconded Cr R Hoffman**

“That Council authorise the Chief Executive Officer to attend the International Cities, Town Centres and Communities Conference to be held in Queensland from 1 to 3 June 2005 at an approximate cost of \$2,262, with funds being met from JobS2000 JobS1000.1362.223 Chief Executive Officer - Training and Conferences.”

CARRIED 12/0

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

AGAINST: Nil.

13.2 COMMUNITY ENGAGEMENT

13.3 CORPORATE SERVICES

13.3.1 FINANCIAL REPORTS – JANUARY 2005

File:	F1/6/1	(FS)	feb22_05fin
Previous Ref:	Strategic Planning Committee 21 November 2000 (Resolution 41)		
Appendix:	13.3.1A	Commentary and report on variances	
	13.3.1B	Operating Statement by Directorate	
	13.3.1C	Statement and graphs showing breakdown of operating income and expenditure by programme	
	13.3.1D	Balance Sheet	
	13.3.1E	Summaries of Reserves, Town Planning Schemes	
	13.3.1F	Debtors report	
	13.3.1G	Investment report	
	13.3.1H	Cash Flow Projection to 30 April 2005	
	13.3.1I	Capital Works Report	

PURPOSE OF REPORT

For Council to adopt the financial reports for the month of January 2005.

BACKGROUND

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

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

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

DISCUSSION

The financial statements and commentary for the month of January 2005 are appended.

FINANCIAL IMPLICATIONS

Nil.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION

52 Moved Cr P Wainwright Seconded Cr R Croft

“That Council, in accordance with regulation 34 of the Local Government (Financial Management) Regulations 1996, adopt the following reports, attached as per Appendix 13.3.1A to 13.3.1I for the period ended 31 January 2005:

- 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 April 2005
- I. Capital Works Report.”

CARRIED 12/0

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

AGAINST: Nil.

13.3.2 PAYMENT OF ACCOUNTS

File:

F1/6/1

(GW)

Feb22_05acc

PURPOSE OF REPORT

To advise Council of payments made for the period 1 February 2005 to 15 February 2005.

DISCUSSION

Payments of \$4,236,188.19 as detailed in the cheque listing for the period 1 February 2005 to 15 February 2005 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 1 February 2005 to 15 February 2005.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION**53 Moved Cr J Brown Seconded Cr C Matison**

“That Council note the payment of accounts as shown in the cheque listing for the period 1 February 2005 to 15 February 2005.”

CARRIED 12/0

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

AGAINST: Nil.

13.3.3 TENDER NUMBER 1/2005 – SUPPLY OF PERSONAL COMPUTERS

File: TEN/1/2005 (PC) feb22_05ten

Appendix: 13.3.3A Tender Evaluation Matrix

PURPOSE OF REPORT

To advise Council of the result of Tender 1/2005 for the supply of ninety (90) Personal Computers and to recommend a supplier.

BACKGROUND

In the 2004/2005 Budget Council provided funding for the replacement of equipment identified in the Infrastructure Maintenance schedule. The total number of personal computers required is ninety (90).

DISCUSSION

Tender 1/2005 was advertised on 8 January 2005 in the West Australian newspaper and closed on 25 January 2005. Submissions were received from fourteen (14) companies as follows:

Name	Address
Brennan IT	Level 28, 140 St George's Terrace, Perth WA 6000
CDM	251-257 Scarborough Beach Road, Mt Hawthorn WA 6915
Computer Corp	578-586 Murray Street, West Perth WA 6005
Corporate Express	23 Miles Road, Kewdale WA 6105
Dell	14 Aquatic Drive, Frenchs Forest NSW 2086
Digital Ventures	17 Aldous Place, Myaree WA 6154
DPI Systems Pty Ltd	Suite 4, 53 Grandview Street, Pymble NSW 2073
Fujitsu Australia Limited	410 Murray Street, Perth WA 6000
Haines Norton WA (Pty) Ltd	24 Parkland Road, Osborne Park WA 6017
JH Computer Services	43 Labouchere Road, South Perth WA 6151
Moncrief	2 Oswald Street, Victoria Park WA 6100
Netplus Micro Computers	3 Hector Street, Osborne Park WA 6017
Stott & Hoare	28 Hasler Road, Osborne Park WA 6017
Volante Systems	Level 4, Eastpoint Plaza, 233 Adelaide Terrace, Perth WA 6000

The tenderers provided quotations for a number of makes of equipment, with a number of configurations.

The specification requested, in simple terms, personal computers in a small form factor case with a minimum Pentium 4 2.8ghz processor, 512mb of ram, minimum 40gb hard disk drive, keyboard and mouse, all covered by a three (3) year warranty. Low fan noise levels were also noted as a consideration, together with the requirement of adequate speakers for voicemail. Windows XP Pro was specified as the desktop operating system.

Tenderers were requested to provide separate costing for 17" and 19" LCD monitors and upgrade options including 1Gb ram and CD/DVD burner/readers.

The following is a simple analysis of the quotes received for 90 base systems tendered with a 17" LCD monitor. The base price column of table does not purport to represent all configurations or options quoted, but to evaluate systems on price in the same configuration. The configured price represents the total price based on the City of Gosnells required PC configurations.

A tender evaluation matrix on these systems is attached as Appendix 13.3.3A.

Company	Make / Model	Base Price	Configured Price
Brennan IT	HP DC7100 SFF 520	\$164,721	\$169,683
CDM	CDM D865GLCLK	\$135,828	\$141,509
CDM	CDM D915GAGLK	\$139,095	\$144,776
Computer Corp	IBM S51	\$147,971	\$155,554
Corporate Express	HP DC7100 SFF 520	\$154,017	\$161,377
Dell	Optiplex GS280 SF	\$152,856	\$156,369
Digital Ventures	Not stated	\$218,374	\$222,822
DPI Systems Pty Ltd	HP DC7100 SFF	\$138,996	\$147,656
Fujitsu Australia Limited	HP DC7100 SFF	\$163,530	\$168,953
Haines Norton WA (Pty) Ltd	Acer Veriton 3600GT	\$197,460	\$202,304
JH Computer Services	Acer Veriton 3600GT	\$136,620	\$140,459
Moncrief	HP DC7100 SFF	\$140,612	\$148,638
Netplus Micro Computers	Netpro	\$129,150	\$132,146
Stott & Hoare	IBM S50 8184D3M ex Rental	\$150,210	\$139,827
Stott & Hoare	IBM S50 8184D3M New	\$134,190	\$155,127
Volante Systems	Ipex Lacrosse AllStation X	\$141,867	\$144,406
Volante Systems	Ipex Shreveport AllStation X	\$141,867	\$144,406

When reviewing the tenders, consideration was given to the specifications put forward and how these met the tender request; the cost of each configuration against budget targets; supplier business information and warranty details; balanced against the requirement of systems to support the business of the City of Gosnells for a period of three (3) years.

The proposal from Dell has been identified as the Tender of preference on this occasion. Their system specification is of a high standard. Dell has been a previous supplier to the City and has a good track record both in system performance and support.

The cost of the systems is within budget, and allows for the purchase of LCD monitors for all units. The ongoing changeover to LCD monitors from CRT monitors is seen as a positive step forward in technology provision for the City, providing a higher level of support to users including the benefit of a smaller footprint and improved working space, whilst helping to reduce power costs and lowering emissions.

Some systems will include additional ram and CD-Writing support, according to business needs.

FINANCIAL IMPLICATIONS

Monies have been provided by Council within the 2004/2005 Budget to fund the purchase of the above equipment, in job number 301.700.3 IT Infrastructure Maintenance.

The cost schedule is:

Component	Total Cost \$
90 Base Units	\$111,870
79 x 17" LCD Monitors	\$33,370
11 x 19" LCD Monitors	\$7,055
8 x CD-RW/DVD-RW	\$695
3 x 1Gb Ram	\$409
Standard Operating Environment Setup Costs	\$2,970
Total Purchase Cost	\$156,369

STAFF RECOMMENDATION AND COUNCIL RESOLUTION
--

54 Moved Cr J Brown Seconded Cr C Matison

“That Council award Tender 1/2005 to Dell Computers, 14 Aquatic Drive, Frenchs Forest, NSW 2086 for the purchase of ninety (90) Personal Computers, configured as required by Council, at a total cost of \$156,369 (GST Inclusive).”

CARRIED 10/2

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

AGAINST: Cr S Moss and Cr O Searle.

13.4 INFRASTRUCTURE

13.4.1 HARMONY FIELDS, MADDINGTON - RESIDENTIAL SUBDIVISION

File: 231313 (MB) MB2.1b
Previous Ref: OCM 26 October 2004 (Resolution 614)

PURPOSE OF REPORT

To seek Council approval to proceed with the proposed residential subdivision at Harmony Fields, Maddington.

BACKGROUND

At its Ordinary Council Meeting held on 26 October 2004, Council considered a Business Plan for Harmony Fields (former Maddington Golf Course site).

The Business Plan was produced to facilitate the sale of part of Lot 361 Alcock Street, Maddington, Lot 121 and part Lot 394 Ballard Street, Maddington for residential development to provide part funding for the development of the Harmony Fields Land Use and Recreation Plan.

At the 26 October 2004 Ordinary Council Meeting Council adopted the following resolution:

Resolution 614

“That Council approve the Harmony Fields Business Plan as written in the Appendix 13.4.6A for advertising and that it be put out for public comment as this is a requirement of the Local Government Act.”

DISCUSSION

The Harmony Fields Business Plan was advertised for a six-week period from 6 November 2004 until 17 December 2004. At the close of the public comment period no comments had been received.

The Local Government Act 1995 (Section 3.59) requires the local government to consider any submissions made and make any subsequent changes to the Business Plan prior to deciding to proceed or not with the land transaction. An absolute majority of Council is required.

Given that there was no public comment on the Harmony Fields Business Plan, it is considered that the residential development can now proceed with the funds generated from the sale of the lots being used to part fund the development of Harmony Fields.

The Harmony Fields Business Plan has an indicative subdivision of 14 residential Lots. Subsequent review of the area identified for the subdivision, Carter Street to Ballard Place, confirms that it can accommodate 20 lots at median size of 571 m². Discussion with local estate agents confirms that these size lots have market appeal and can be expected to sell for \$80,000- \$85,000 in this location.

The land is currently zoned Urban under the Metropolitan Region Scheme and Lots 361 and 394 are reserved for Local Open Space under Town Planning Scheme No 6. The City of Gosnells will require approval from the Minister for Planning and Infrastructure to rezone the land for residential development. It is anticipated that the Town Planning Scheme amendment will take approximately 12 months to complete. Lot 121 is currently zoned residential.

If Council decides to proceed with the subdivision the following scope of work will need to be undertaken prior to the commencement of construction of the subdivision:

- (a) Production of a detailed sub-divisional plan indicating the location of the lots and access road in order to determine the boundary of the required rezoning.
- (b) Amend Town Planning Scheme No 6 (TPS 6) by rezoning part Lot 394 and part Lot 361 from Local Open Space to Residential R17.5.
- (c) Close existing pedestrian access way between Ballard Place and the Local Open Space.
- (d) Following the closure of the access way and amendment of TPS 6, lodge and finalise a subdivision application to the Western Australian Planning Commission.

It should be noted that Council will be required to lodge an application with the Western Australia Planning Commission (WAPC) for the subdivision and public access way closure. Council will be subject to the decision including any conditions imposed.

FINANCIAL IMPLICATIONS

The Harmony Fields Business Plan indicates that the cost for development of the residential subdivision is in the order of \$753,000 including design fees, infrastructure, and administration costs. The net income to the City from the development and sale of the 14 Lots identified in the Business Plan is projected to be in the order of \$367,000, assuming the lots are sold for an average price of \$80,000. If 20 lots are developed and sold for an average of \$80,000 the net income to the City will be in the order of \$720,000.

In the event that surplus funds are generated from the sale of the residential lots, it is proposed that funds in excess of those required to finalise the implementation of the Harmony Fields Land Use and Recreation Plan will be referred to the Maddington Kenwick Sustainable Communities Partnership Reserve Account.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION

55 Moved Cr R Mitchell Seconded Cr P Wainwright

“That Council note there were no submissions received in relation to the Harmony Fields Business Plan and authorise staff to proceed with the residential subdivision of part Lot 394, Lot 121 Ballard Place and part Lot 361 Alcock Street, Maddington with the view to achieving the optimum lot yield from the land available, as that would not be significantly different from what was proposed in the Business Plan, with funds realised from the sale of the lots being utilised in the development of the Harmony Fields Land Use and Recreation Plan.”

CARRIED BY ABSOLUTE MAJORITY 11/1

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

***AGAINST:** Cr O Searle.*

13.5 PLANNING AND SUSTAINABILITY

13.5.1 SOUTHERN RIVER PRECINCT 1 OUTLINE DEVELOPMENT PLAN – OPTIONS TO PROGRESS PLANNING TOWARDS FINALISATION

File:	S8/1/9	(KN)	Psrpt021Feb05
Previous Ref:	OCM 11 June 2002 (Resolutions 407-409) OCM 10 June 2003 (Resolutions 350-351)		
Appendices:	13.5.1A Southern River Precinct 1 Outline Development Plan (As advertised) 13.5.1B Southern River Precinct 1 – Proposed Sub-Precincts 13.5.1C Southern River Precinct 1 – Core Conservation Areas 13.5.1D Southern River Precinct 1 – Proposed Outline Development Plan		

PURPOSE OF REPORT

For Council to consider the planning for Southern River Precinct 1 and provide direction for the finalisation of an Outline Development Plan.

BACKGROUND

In January 2001, the Western Australian Planning Commission (WAPC) released the Southern River/Forrestdale/Brookdale/Wungong District Structure Plan (DSP). The DSP provides a guide to future development within the district and the management of key environmental issues. The Southern River locality has been divided into a number of precincts in order to facilitate planning and development. Precinct 1 (Holmes Street) comprises 19 properties, approximately bounded by the future Garden Street extension, Warton Road, Barrett Street, Lakey Street and Holmes Street (See Location Plan). The ODP area is bounded by the Canning Vale ODP area to the North-West, Town Planning Scheme No. 17 Area to the North-East and future Regional Open Space to the South.

An Enquiry by Design Workshop was convened in October 2001 to assist with the preparation of a draft ODP for Precinct 1, with the workshop bringing together the ideas and objectives of all key stakeholders including landowners, the City and relevant government agencies. Based on the information compiled at the workshop, a draft Outline Development Plan was prepared by Turner Master Planners Australia on behalf of the City. Council at its meeting on 11 June 2002 considered the draft Outline Development Plan for the Southern River Precinct 1 (Holmes Street) and resolved as follows (Resolutions 407-409):

Resolution 407

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

(i) A Drainage Nutrient Management Plan

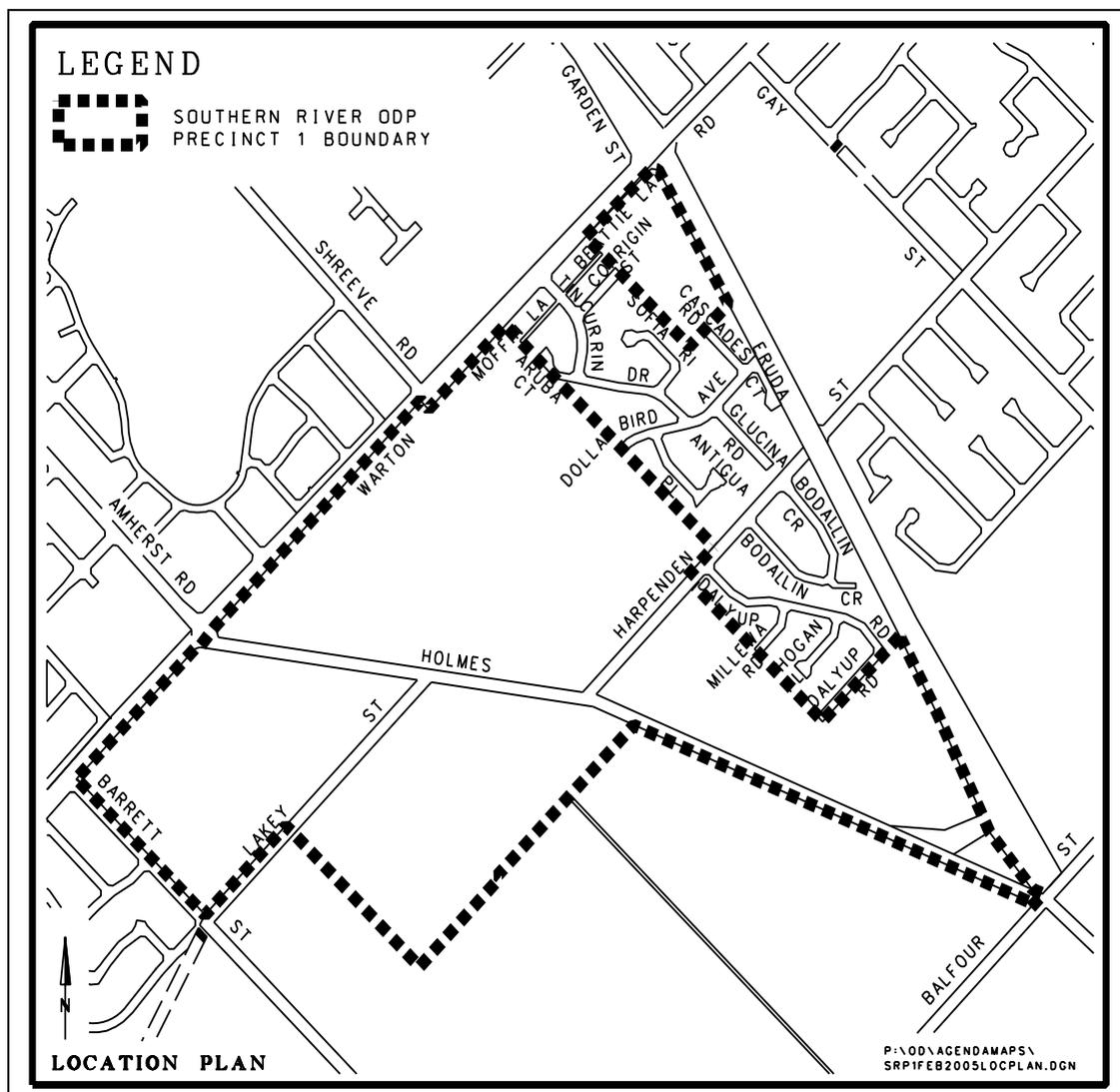
- (ii) A schedule of common infrastructure works.
- (iii) Full ODP and Amendment Documentation.”

Resolution 408

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

Resolution 409

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



Following the receipt of the required additional information, a report was presented to Council at its meeting of 10 June 2003 when it was resolved (Resolutions 350 and 351):

Resolution 350

“That Council, pursuant to Section 7.4 of the City of Gosnells Town Planning Scheme No. 6 determine the Southern River Precinct 1 (Holmes Street) Outline Development Plan to be satisfactory for advertising for a period of not less than 21 days to landowners, the general public and relevant government agencies.”

Resolution 351

“That Council pursuant to Section 7 of the Town Planning and Development Act 1928 (as amended) forward a copy of the ODP to the Western Australian Planning Commission.”

The ODP was formally advertised for comment from government agencies and landowners in August 2003. The advertised ODP (see Appendix 13.5.1A) was based on the information provided to the City at the 2001 EBD workshop and further consultation with all relevant government agencies. Broadly, the ODP aimed to achieve a mixture of residential densities, assist in the facilitation of the development of the Amherst Town Centre, identify and protect core conservation areas and establish multiple use corridors for both passive and active recreation uses and drainage and nutrient management.

Through the formal advertising of the ODP, a number of outstanding issues were identified by the various government agencies. The greatest concern was that of the lack of certainty of the core conservation areas that were required to be retained and in particular what was required to be retained in order to achieve effective ecological linkages through the ODP area. In an effort to expedite the planning for Southern River Precinct 1, the City facilitated a number of landowner/agency workshops during 2004 addressing such matters as environmental linkages, cost sharing and future urban form. These workshops provided the opportunity for all stakeholders, including landowners, to properly understand the issues needing to be resolved for the finalisation of the ODP.

As mentioned before, a number of outstanding issues have been identified for the ODP, with these issues effectively stalling the progress of planning for Council staff and landowners alike. Council staff now consider that in the interests of achieving orderly and proper planning in a timely manner and to allow subdivision and development to occur on a progressive basis, the breaking up of the ODP area into six workable sub-precincts is required (See Appendix 13.5.1B). This staging of the ODP will allow issues facing each specific precinct to be examined in a more detailed manner and may allow landowners to progress investigations and identify solutions for specific issues. In this scenario, the City would seek to facilitate further discussions between landowners and the various government agencies and for the sub-precincts to still remain within the overall framework of an ODP.

Concurrent with progressing the ODP for Precinct 1, the Western Australian Planning Commission (WAPC) granted subdivision approvals over various parcels of land. In determining the applications, the WAPC had consideration for the outstanding matters in the ODP and whether the granting of subdivision approval would prejudice the finalisation of the ODP. In all instances, the granting of subdivision approval was conditional on the subdivider making a future cost contribution towards “Common Infrastructure Works” upon the finalisation of cost-sharing arrangements for the Precinct. A number of the new residential lots have recently been sold for residential development purposes with the need to provide certainty for new residents in respect of density coding, the general location of local facilities and their ability to further develop (ie grouped dwellings). Accordingly, it is recommend that a portion of ODP is adopted for those areas where subdivision approval has already been granted (see sub-precincts 1A and 1D).

This report provides Council with an opportunity to consider the outstanding issues and provide direction for finalising the ODP recognising both short and long term objectives.

DISCUSSION

Advertising of ODP

As outlined previously, the ODP was formally advertised in August 2003. The following schedules outline the submissions received from both landowners and relevant government agencies:

Schedule of Submissions – Government Agencies

No.	Agency	Summary of Submission
1.	Department of Environmental Protection; and Water and Rivers Commission	<p>The wetland mapping used in the production of this ODP does not reflect the most up to date mapping held by the WRC. A copy of the most up to date mapping was provided to the City of Gosnells by Bronwen Keighery (of the Department of Environmental Protection) at the Enquiry by Design Workshop. This mapping was produced after field verification of vegetation communities and wetland boundaries for the Enquiry by Design Workshop. The WRC requests that the ODP be redesigned to reflect the true extent of wetland, in particular of Conservation Category Wetlands.</p> <p>Conservation Category Wetlands (CCW's) are located on Lots 1578, 1585, 1586, 7 and 2 within the ODP area. CCW's are wetlands with high ecological values and are the highest priority wetlands for protection. CCW's are recognized under objective one of the Wetlands Conservation Policy for Western Australia as “valuable”. Therefore, government agencies and the Environmental Protection Authority consider there should be no further loss and degradation of these wetlands. Their protection also requires the retention of an adequate buffer. There are also CCW's adjoining the ODP area which require retention of an adequate buffer.</p> <p>A dry land buffer starting from the furthestmost extent of the wetland as mapped by WRC to the outside edge of the proposed development is required around CCW's to help safeguard ecological processes and functions within the wetland. The minimum buffer required for this type of development is 50 metres (please see attached position statement). The proposed development has the potential to lead to the degradation of wetland associated vegetation through altered water regimes resulting from urban development as well as nutrient input and weed invasion.</p>

No.	Agency	Summary of Submission
		<p>Of particular concern to the Wetlands Program is the proposed Residential R20 development (Lot 1585) adjacent to the Conservation Reserve and Harpenden Street. This development is located directly within the two CCWs and is not supported by the WRC. Furthermore, the use of the CCW identified on Lot 7 for public open space and drainage is not supported by the WRC. The Garden Street Extension is also proposed to be constructed directly through a CCW, leaving this wetland fragmented, with part of the CCW on each side of the road. The ODP makes mention of work that has been undertaken to investigate the viability of moving this road, but does not provide detail on the results of this investigation for the reader to make an assessment. The WRC does not support the construction of Garden St. If this road were to progress, the WRC would require suitable offset for loss of CCW functions and values.</p> <p>Also of concern, is the absence of any provision of buffers to CCW's located within and directly adjacent to the ODP area. The ODP depicts areas of Open Space and Residential Development directly abutting CCWs. For CCWs located within the ODP, buffer provisions will be required for CCWS identified on Lots 2, 7, 1586 and 1585. Consideration of buffers for wetlands located on Lots 1604, 1610, 1607, 1605 and 1606 also needs to be made.</p> <p>The use and management of areas designated as "POS", "Open Space" and "Open Space and Drainage" is not defined and in some areas is proposed over CCWs. This is inconsistent with WRC policy. Furthermore, the WRC does not support the use of wetland buffers for drainage or active recreation activities.</p> <p>The WRC does not support the ODP in its current form due to the issues associated with CCW's as outlined above.</p> <p>The WRC notes that there is Declared Rare Flora in the vicinity of this ODP and recommends that the City of Gosnells consults with the Department for Conservation and Land Management in relation to this.</p> <p>The ODP documentation makes reference to the WRC attending the Enquiry by Design Workshop held prior to development of this ODP. It should be noted, that only the Stormwater Section of the WRC was represented at this workshop and input from the agency would therefore have focussed on the stormwater aspects of the plan, rather than the protection of Conservation Category Wetlands.</p> <p>The third objective listed on page 6 of the ODP outlines that the ODP aims to provide for the retention of significant environmental features including wetlands and remnant bushland. The WRC feels that the ODP in its current form fails to meet this objective and needs to be revisited to address the concerns outlined above.</p>
2.	Environmental Protection Authority	<p>The EPA Service Unit believes the ODP does not adequately protect the environmental values of the area.</p> <p>A resolution of the strategic planning for this area is complicated because Bush Forever (BF) Site 125 covers approximately 40% of the ODP area and a satisfactory solution requires a successful resolution of BF Site 125. The EPA is guided by its Guidance 10 in providing advice on Bush Forever sites and, in the instance of BF Site 125, a strategic negotiated planning solution is required. That is, there should be a reasonable outcome where the bushland is protected and retained (usually in its entirety).</p> <p>BF Site 125 is very significant for biodiversity conservation and is one of the largest remaining areas of the Southern River Vegetation Complex in the Perth Metropolitan Region (PMR). In conservation terms any reduction in the size of this Bush Forever Site cannot be justified.</p> <p>The Department of Environmental Protection (DEP) provided information relating to the natural values of the Bush Forever Site both prior to and during the Enquiry by Design workshop held in October 2001. This comment focused on protection of the bushland areas in best condition and those areas that connect the various bushland areas in BF Site 125. Critical to adequate protection was the realignment of Garden Street.</p>

No.	Agency	Summary of Submission
		<p>Prior to the workshop the then Ministry for Planning (MfP) wrote to Turner Master Planners outlining the Bush Forever issues associated with the Site. The letter concluded that they considered a satisfactory outcome for the Bush Forever Site in the area of the ODP would require the protection of at least 17.6ha in two core areas (Warton Road area and Garden Street/Holmes Street area) and the realignment of Garden Street. The letter also pointed out that protection of the additional 11.2ha of the Bush Forever Site could be negotiated.</p> <p>The current ODP appears to be a substantial departure from the position requested by the then MfP referred to above. Both core Bush Forever sites have been reduced in size. With regard to the Warton Road area, there has been no additional area proposed to compensate for the loss of the "hard edge" to urban development. This hard edge also compromises the vegetated link in Lots 1588 and 10 Harpenden Street as there is no longer a direct connection. The EPA Service Unit recognizes the desire to achieve a road frontage to Antiqua Place in terms of improved management, however, it is considered that the environmental loss outweighs the gains.</p> <p>The Garden Street/Holmes Street area has been reduced to half the sumpland and none, or very little, of the associated dampland or upland apart from a narrow area of approximately 0.5 hectares. The portion of wetland which would remain if severed by Garden Street has a very large edge to area ratio and it would be unlikely to retain its regional values over time.</p> <p>It would appear that the plan has been based on incorrect information, particularly regarding the extent of the wetlands and their values.</p> <p>Accordingly, it is recommended that the plan be reviewed in the light of the correct extent of those conservation category wetlands, including adequate buffers in the ODP. It is understood that the correspondence from the Department of Environment will clarify this matter further.</p> <p>With regard to the proposed drainage, Council would be aware of the draft Memorandum of Understanding (MoU) developed between government agencies and the relevant local authorities to implement the Southern River Urban Water Management Strategy (UWMS). The UWMS places a greater emphasis on source controls and catchment management and introduces the concept of natural streamlines in addition to protecting wetlands and groundwater from drying out.</p> <p>In reviewing the UWMS, the EPA advised that it favours a staged approach to development based on precautionary principles which would allow for monitoring of the impacts of development on water quality and hydrology and subsequent adaptive management approaches for later stages of development if required.</p> <p>With regard to the above matter, it is noted in the ODP documentation that the Study Team has met with officers of the Water and Rivers Commission and that in-principle support has been confirmed for the proposed Water Management Strategy for the ODP area. It should be noted that the concept of "Living Streams" adopted in the UWMS may require larger areas of open space to provide for solutions to water quality and quantity. The UWMS also proposes that some conservation category wetlands will continue to be part of the drainage system. The EPA Service Unit does not support drainage into or out of wetlands other than those identified in Section 7 of the UWMS report.</p>
3.	Department of Education and Training	<p>The Department provided a response in April 2000 to the Southern River-Forrestdale-Brookdale-Wungong Draft Structure Plan, and stated that two primary school sites would be required in the area bounded by Warton Road, Ranford Road, Southern River Road and Garden Street. Subsequently the Department was persuaded that the large conservation areas would result in only one primary school site being required in this cell.</p> <p>In early 2003 the Department obtained residential lot data that confirmed that two primary school sites would be required in this cell, and the search for a potential primary school site in the vicinity of the intersection of Holmes Street and Lakey Street commenced. The Department formally advised the City of Gosnells in March 2003 of the need for a second primary school site in this area.</p>

No.	Agency	Summary of Submission
		As the Outline Development Plan does not show provision for a primary school site, the Department is looking forward to working with the City and formally identifying such a site on the Plan.
4.	Water Corporation	<p>The last paragraph should be updated to the following.</p> <p><i>“There is also an existing DN300 water main in Warton Road to the north of the proposed development area that extends as far as Tincurrin Drive. To the south of the development, a DN400 extends to Sandringham Promenade. A DN300 extension to connect the two mains is required to serve the development”.</i></p> <p><i>“The ODP area is divided into two catchment areas, these being north and south of Holmes Street. A DN900 pressure main is located in Holmes Street. The current existing gravity mains are:</i></p> <ul style="list-style-type: none"> • <i>A DN450 main in Harpenden Street.</i> • <i>A DN375 in Shreeve and Dollarbird Roads.</i> <p>The current scheme plan shows that the area south of Holmes Street will ultimately gravity feed back to a proposed permanent pump station on Lot 1601 to the east of the ODP. This flow will be conveyed to the Waterworks Road pump station. However the initial staged flow could be taken to the DN450 in Harpenden Street, and it is expected this may need to be via a temporary pump station.</p> <p>A Memorandum of Understanding (MOU) is being considered for the Southern Rivers area to ensure a high level of consultation to integrate and capacity build expertise within key stakeholder organizations. A Water Cycle Plan (WCP) will fill any critical gaps in data knowledge for the District Structure Plan.</p> <p>The WCP will provide adequate comfort and guidance to agencies, landowners, developers and other stakeholders that urban development in the catchment can occur in line with current best practice and within the objectives of the SWS.</p>
5.	Department of Conservation and Land Management	<p>It is noted that in discussion of the principles of the ODP the issue of interface between residential properties along Antiqua Place and the adjoining bushland is canvassed. This indicates that the means of providing a hard edge boundary between development and the bushland is to create a new row of lots fronting on to the bushland, which is shown in the ODP as also requiring a road frontage. The Department considers this requirement for clearing within the Bush Forever site as being unnecessary and alternative means for managing the interface should be examined, including use of walkways. It is noted that this option also reduces the connectivity with adjacent bushland across Harpenden Street.</p> <p>The Department supports the provision of a pathway from Dollarbird Avenue through the largest retained portion of the Bush Forever site, rather than the provision of a road.</p> <p>In the section discussing the different options for acquisition of conservation areas, the minutes indicate that if the full cost of the acquisition of the conservation areas were borne through developer contributions that it would <i>“...likely prevent any development from proceeding”</i>. This indicates that the proposal for development in this area does not satisfy the definition of sustainability from the draft State Sustainability Strategy that requires “simultaneous environmental, social and economic improvement” The Department therefore concurs with the comment on page 19 that an alternative solution is required, and that such a solution is a sustainable outcome delivering simultaneous environmental, social, and economic improvement.</p> <p>In general the ODP report is deficient in its discussion and interpretation of the environmental and conservation values within the study area.</p> <p>The whole of the Bush Forever vegetation identified within the ODP area is not protected by this proposal and it would be expected that the implications of this on the conservation of the Southern River Vegetation Complex would be canvassed within the document.</p>

No.	Agency	Summary of Submission
		<p>There are also errors in the figures relating to Bush Forever. Figures 4 and 11 are incorrect in displaying the Bush Forever site boundary. It is important that Figure 11 as an Opportunities and Constraints mapping exercise should show the correct boundaries of factors under consideration.</p> <p>Section 8.2 refers to two species of Declared Rare Flora occurring on Bush Forever Site 125, without naming them. The Department’s records show that there are three DRF Species recorded from within or in close proximity to the ODP area, these species being <i>Caladenia huegellii</i>, <i>Drakaea elastica</i> and <i>Diuris purdiei</i>.</p> <p>The Department therefore recommends that any area containing native vegetation and proposed for development be the subject of a flora survey, specifically to determine the occurrence of Declared Rare and other priority flora that may occur in the area. The outcome of such a survey should then be used to determine subdivision design, accommodating the location and management requirements of any significant flora identified. In this regard the Department concurs with the recommendation in the ODP that pt Lot 1580 and the Garden Street reservation be the subject of a full flora survey.</p> <p>The addition of another row of houses and a road at Antiqua Place will unnecessarily impact on the Bush Forever site. It also reduces the connectivity to and therefore the objective of the conservation and open space linkage across Harpenden Street. The Department does not support the ingress into the Bush Forever site as proposed.</p> <p>In reference to the Conservation (Bush Forever) area of 1.36 ha in the south east corner – the Department is aware that this is a portion of a larger area of Conservation Category Wetland. The proposal in the ODP retains only part of this wetland and the long term viability of this portion of the wetland could be severely compromised by the construction of Garden Street at its indicated location. The Department recommends the retention of the whole Conservation Category Wetland and an associated management buffer.</p> <p>The proposed treatment of the Public Open Space link through to Holmes Street is queried. It is not clear if it is intended that this would remain a vegetated link or if it will be developed POS. As a vegetated remnant, the POS value as an ecological corridor is minimal and its long term viability questionable. As developed POS the linkage would have little or no ecological function.</p> <p>The Department is aware that the area within this ODP was identified within Bush Forever as requiring a Strategic Negotiated Planning Solution outcome. This Department understands that the objectives of a Strategic Negotiated Planning Solution include:</p> <p><i>“To optimize conservation and planning objectives for sites with multiple ownership. To provide a fair and equitable distribution of open space (including Bush Forever Sites) when coordinating future development in areas of multiple ownership, while seeking to protect the Bush Forever Sites in their entirety, where possible and a reasonable outcome.”</i></p> <p>It should be noted that the Department has not been involved in any Bush Forever related negotiations in the ODP area and is not aware that the ODP provided reflects an agreed Negotiated Planning Solution, or that it provides a reasonable outcome.</p>

Schedule of Submissions - Landowners

No.	Name/ Postal Address	Description of Affected Property: Street No., Lot No., Street, etc	Summary of Submission	Staff Comment
1.	R A & M S Jesson	Lot 6 Warton Road, Southern River.	<p>The Draft ODP plan print shows Commercial Non-Retail. Requires the Draft ODP to be amended to show the frontage of Lot 6 as Commercial with Retail permitted.</p> <p>Strongly objects to Council's proposal of a shared approach to the cost sharing to allow the acquisition of the Bush Forever sites.</p> <p>The Bush Forever site benefits the whole of the State and should be placed in a reservation to be acquired by the State.</p> <p>Strongly objects to the subdivisional design shown ... The ODP places our home within Local POS. Not only do we lose our home but lose value from not being able to develop our best land. We don't see the need for Local Public Open Space when the locality includes so much land for Bush Forever. Subdivisional design is not fair in that we are required to fund the total construction of roads abutting POS, thus making our subdivision less viable. The Council should pay for half the construction of roads and infrastructure for roads abutting or opposite POS because the POS will also contribute to the increased traffic flow.</p>	<p>Noted. However can be addressed as a part of future detailed planning for sub-precinct 1C.</p> <p>Noted, refer further comments later in discussion section.</p> <p>Noted, refer further comments later in discussion section.</p> <p>Noted. However can be addressed as a part of future detailed planning for sub-precinct 1C.</p> <p>The areas of core conservation required for retention do not provide active/useable open space. Noted. However can be addressed as a part of future detailed planning for sub-precinct 1C.</p>
2.	Dominic Maddestra Property Development Consultant 27 Angwin Street East Fremantle	Lot 100 Warton Road, Southern River	<p>The changes proposed include:</p> <ol style="list-style-type: none"> 1) Deletion of the proposed road between Lot 100 Warton Road and the adjoining POS. The POS will abut a commercial development to the north and the requirement for a road between those two uses is considered unnecessary. 2) Deletion of the proposed residential use on Lot 100 as the whole of the land has been approved for commercial purposes. 	<p>Approved subdivision and development application over Lot 100 Warton Road, reflects these desired changes.</p>

No.	Name/ Postal Address	Description of Affected Property: Street No., Lot No., Street, etc	Summary of Submission	Staff Comment
			<p>The proposed changes will:</p> <p>1) Enable road linkage between Holmes Street and the proposed residential area to the west. It will achieve the objectives of the current plan with less road to construct and a larger area of POS. Additionally, by deleting the road between the POS and Lot 100 it reduces the desirability of using the carparking area of Lot 100 as a shortcut to Warton Road and deletes a T Junction close to the busy intersection of Holmes Street and Warton Road.</p> <p>2) Bring the ODP into line with Council's approvals in the locality by deleting proposed residential development on Lot 100.</p>	<p>Noted. However, subdivision approvals granted over all adjoining properties.</p> <p>Noted.</p>
3.	Roberts Day Town Planning – Design 9 Havelock Street West Perth	Lot 102 and 103 Lakey Street and Lot 1575 Holmes Street	<p>The submission relates to the Public Open Space (POS) contribution of 16.74%.</p> <p>According to the ODP, the 16.74% POS levy comprises contributions towards POS, drainage and conservation areas to be acquired through the ODP. It is considered reasonable to levy for the required 10% POS and a 50% drainage credit, however, it is not considered reasonable to levy for the acquisition of conservation areas.</p> <p>Our Client is not opposed to the preservation of these areas, however, the preservation of these sites is a State responsibility and therefore their acquisition should be funded by the State.</p>	<p>Noted.</p> <p>Noted, refer further comments later in discussion section.</p> <p>Noted, refer further comments later in discussion section.</p>

No.	Name/ Postal Address	Description of Affected Property: Street No., Lot No., Street, etc	Summary of Submission	Staff Comment
			<p>There is no such DC Policy that requires individual land owners to contribute to the provision of Bush Forever sites. Bush Forever is a State initiative and was never intended to be imposed on individuals to fund.</p> <p>It is considered that the POS contribution requirement of 16.74% as proposed in the ODP represents an onerous and requirement which is unreasonable and should be modified to remove the contribution associated with the acquisition of conservation areas.</p>	<p>Noted, refer further comments later in discussion section.</p> <p>Noted.</p>
4.	Barber Real Estate Suite 3.6, 9 Bowman Street, South Perth	Southern River Precinct 1 (Holmes Street) Outline Development Plan	<p>The ODP has recommended lights on Warton Road and a cost contribution of $\frac{1}{8}$ toward this. There is no anticipation of heavy pedestrian traffic on this intersection. I would recommend consideration be given to placing a roundabout on this intersection (works well on Nicholson Road and Huntingdale Road), and that the lights be placed on the Harpenden Street/Garden Street intersection (where lights will be essential to accommodate pedestrian access).</p> <p>Request that some medium density housing be accommodated near the proposed neighbourhood centre on land not yet developed ie Lot 5 Harpenden Street.</p> <p>We believe that a more appropriate use of this land is community use/medium density housing, with minimal POS (for drainage require only – if any), to increase the potential viability of the Holmes Street area.</p>	<p>Noted. However Garden Street has been identified as an “Other Regional Road” under the MRS and will in the long-term carry heavy volumes of traffic through from Canning Vale to Tonkin Hwy. The approval of Main Roads will be required prior to the final location of traffic signals being finalised/ constructed.</p> <p>Area outside the ODP area and subject to further detailed planning.</p> <p>Area outside the ODP area and subject to further detailed planning. Amherst Town Centre site will also provide community/commercial uses to area.</p>

No.	Name/ Postal Address	Description of Affected Property: Street No., Lot No., Street, etc	Summary of Submission	Staff Comment
5.	A Warner 160 Holmes Street Southern River	Lot 4 Holmes Street, Southern River.	<p>Do not object. However, the proposal to develop a commercial centre at the intersection of Holmes Street and Warton Road seems to me to be a poor option as this will over time become an extremely busy intersection.</p> <p>As this is a completely new development it would be advisable to develop the commercial centre along one of the side roads such as Holmes Street to avoid this potential hazard.</p> <p>To not include the development that has already occurred within the natural boundaries of the proposed development in the suggested cost sharing is unfair on those that will be expected to contribute. Whilst I appreciate that retrospective legislation or as in this case cost sharing would be extremely unpopular, these residents will enjoy the benefits of the development once it is complete.</p> <p>The alignment of the Garden Street extension is projected to pass at the rear of my property previously known as Lot 4 Holmes Street. This section of bush is in quite good condition and is particularly attractive and unspoiled.</p> <p>Property within poultry farm buffer. Considers his property should be within SR Precinct 2. 1000 square metre drain is projected for the southern end of my property. Although I will be compensated for this why would Council wish to use ratepayers money for my land when the drain could be located on the eastern side of Garden Street which is already controlled by Council?</p>	<p>A commercial development site requires exposure and significant traffic volumes. Traffic will be controlled by traffic signals.</p> <p>The Amherst Town Centre Site has been identified as a strategic centre in the City's Draft Commercial Strategy and the Network City Strategy.</p> <p>These parcels of land now outside the ODP area gained subdivision approval prior to the formulation of the ODP. It is not considered possible nor reasonable for retrospective contributions to be sought.</p> <p>Noted. Council staff currently negotiating with the DPI with regards to their position on the current alignment.</p> <p>Noted. Sub-Precinct 1E subject to further detailed planning.</p>

No.	Name/ Postal Address	Description of Affected Property: Street No., Lot No., Street, etc	Summary of Submission	Staff Comment
6.	Sippets Nominees Pty Ltd Lot 3 Holmes Street Southern River	Lot 3 Holmes Street, Southern River	<p>Conservation area of 1.36ha is totally out of order and if this Bush Forever portion is needed it should be on land on the other side of the proposed Garden Street extension. This would then abut against the Conservation and Open Space area.</p> <p>If Council is still insisting on taking this land for Conservation we will be seeking compensation in the vicinity of \$350,000.00, which is 5 blocks at current market value of \$90,000.00, equals \$450,000.00 less development costs \$20,000.00 per block. The amount on offer of \$150,000.00 for 1.36ha is unrealistic and any attempt to provide under Market Value will be fought most strenuously.</p>	<p>Noted. Garden Street extension subject to further detailed design however mapping suggests that a significant portion of CCW still within Lot 3.</p> <p>Noted, refer further comments later in discussion section.</p>
7.	PJ Logan on behalf of PJ & SA Logan Lot 1587 and Lot 2 Holmes Street, Southern River	Lots 1587 and 2 Holmes Street Southern River.	<p>To assist fair outcomes I would suggest the Town Planning Scheme provide for an arbitration process to ensure that there is a fair value outcome for all landowners required to sell their land for conservation purposes.</p> <p>The funds required to purchase the "conservation" within a "Scheme" should be a combination of contributions from:</p> <ol style="list-style-type: none"> 1) The State Government (Bush Forever Office) – as requiring the land for Parks and Recreation Reserves and "core conservation" and taking on the major responsibility for funding of this land purchase. 	<p>Noted, refer further comments later in discussion section.</p> <p>Noted.</p>

No.	Name/ Postal Address	Description of Affected Property: Street No., Lot No., Street, etc	Summary of Submission	Staff Comment
			<p>2) The Local Authority – for securing an amenity of “Open Space” (OS) within a city for the benefit of all landowner/residents. This could effectively be funded by a similar mechanism to Public Open Space contributions, either from within the “Scheme” or from a combination of “Scheme” contributions and contributions from a wider catchment.</p> <p>3) From landowners participating in the “Scheme”.</p> <p>The landowner contribution should relate to the “non-core conservation” areas similar to Canning Vale. This “non-core conservation” would be added to the POS areas and become a direct Scheme Cost.</p> <p>In ODP No.1 the unusual circumstance arises that the City owns part of the “core conservation” and therefore, based upon the above suggested 15% formula equating to 2 hectares, this portion of the City’s land should become a “Scheme Cost” at “unaffected value”.</p> <p>Whether all of the 2 hectare portion of the City’s land as Open Space should be borne by specific landowners within ODP No.1, or partly contributed to by some other portions of the district needs to be further considered by the City, particularly if the principle is to be carried forward to other future ODP areas.</p>	<p>Noted.</p> <p>Noted.</p> <p>Noted.</p> <p>Noted</p>

No.	Name/ Postal Address	Description of Affected Property: Street No., Lot No., Street, etc	Summary of Submission	Staff Comment
			<p>The balance of the “core conservation” should be a matter of negotiated purchase between landowners affected by the “core conservation” and the Government, with the suggestion that the City be involved in facilitating a fair value outcome through an arbitration process when necessary.</p> <p>Given the extent of Open Space within the ODP, as well as the nearby Gosnells Golf Course and Sutherlands Park in close proximity, there appears to be an abnormal extent of land generally allocated to recreation compared to residential purposes.</p> <p>...all of the proposed residential areas should be given some flexibility of potentially higher than “R20” density.</p> <p>In particular reference to Lot 1587, located at the corner of Harpenden and Holmes Streets, the north-west portion of this lot is most suitable for a higher than “R20” density. This land is adjoined by the proposed Regional Open Space on two sides and is only 500 metres from the proposed Amherst Town Centre/Commercial Precinct along Warton Road.</p> <p>When such local “conservation” and Public Open Space areas are to be acquired by the Scheme, the acquisition value should be established by well funded fair principles supported by independent valuation.</p> <p>Scheme Costs should be reviewed at least annually and be based on independent land valuations which should be formally notified to the landowners in the Scheme, giving opportunity for objections and review of valuations.</p>	<p>Noted, refer further comments later in discussion section.</p> <p>In addition to land being required for conservation purposes, there is a need to provide land for local active and passive recreational purposes.</p> <p>Noted. However will be subject to further detailed planning for sub-precinct 1E.</p> <p>Noted.</p> <p>Noted. Canning Vale ODP does undertake this process and as will all the City’s future Outline Development Plans</p>

No.	Name/ Postal Address	Description of Affected Property: Street No., Lot No., Street, etc	Summary of Submission	Staff Comment
8.	Name not supplied 22 Dollarbird Road Southern River WA 6110	22 Dollarbird Road, Southern River.	Object We do object to Dollarbird Road connecting to Harpenden Road. We do not object to the houses going next to the bush.	Noted. However will be subject to further detailed planning for sub-precinct 1C.
9.	G McCafferty, M Allan and M Preedy Lot 1607 Lakey / Barrett Street Southern River WA 6110	Lot 1607 Lakey Street Southern River.	Object Whilst I approve of the development in general I strongly disapprove of having to give up my land at 40% of the value. As our land is classified as environmental / conservation area it would appear to me that is value would be more not less, there are very few blocks that haven't been back filled or stripped of their natural habitat. This land is my future and I have worked hard, I will not allow anybody to take this from me at 40% of the value, as determined by the departments.	Noted. Refer further comments later in discussion section.
10.	J Cominelli 30 Tincurrin Drive Southern River WA 6110	30 Tincurrin Drive, Southern River.	Object The extension of Harpenden Street to Holmes Street and the extension of Garden Street must be priority to prevent all traffic from new development on Harpenden Street coming through Tincurrin Drive to Warton Road.	Noted. However will be subject to further detailed planning for sub-precincts 1C and 1F.
11.	L Guadagnino, M Guadagnino, B Guadagnino & D Guadagnino Lot 1601 Balfour Street Southern River WA 6110	Lot 1601 Balfour Street, Southern River.	Object Why would we be expected to be asked to accept 40% of the full urban value of our land when our neighbours in the same area have received full urban value. It seems unrealistic to expect me to have to virtually accept less than full urban value for my land.	Noted. Refer further comments later in discussion section.
12.	L Campbell 89 Barrett Street Southern River WA 6110	89 Barrett Street, Southern River.	Object The amount of money being offered is classed in my opinion as theft. I strongly object to the amount of land set aside for bush plan.	Noted. Refer further comments later in discussion section.
13.	C Campbell Lot 1612 Barrett Street Southern River WA 6110	Lot 1612 Barrett Street, Southern River.	Object If the government wants our land they should pay the value of urban land that surrounds us.	Noted. Noted. Refer further comments later in discussion section.

No.	Name/ Postal Address	Description of Affected Property: Street No., Lot No., Street, etc	Summary of Submission	Staff Comment
14.	P Ranieri Lot 2 Holmes Street Southern River WA 6110	Lot 2 Holmes Street, Southern River.	Object I have been running a Poultry Farm for 20 years on Lot 2 and as you are aware there is a 500 metre buffer zone around Poultry Farms. This Outline Development Plan falls in the 500 metre buffer zone of my farm, so I do object to his plan as I can see future problems.	Noted. Refer further comments later in discussion section.
15.	Dr Pushpa Warton Road Small Animal Hospital Lot 7 Warton Road Southern River WA 6110	Lot 7 Warton Road, Southern River.	Object 1) I operate a veterinary practice on Lot 7 Warton Road and sell produce direct to the public. The Outline Development Plan illustrates the frontage to my land as commercial in the legend but the fine print states commercial non-retail. I am therefore disadvantaged by the Outline Development Plan because the plan takes away my current right to trade direct to the public. 2) I object strongly to the concept that I should contribute to the purchase of Bush Forever sites. Council should demand on behalf of its ratepayers that the Bush Forever sites be placed in reservations to be acquired by the State. The cost sharing proposal is rejected outright as it is unreasonable and unfair. 3) The Outline Development Plan does not accurately reflect the position of my current practice's location, and should be amended to accurately reflect the position of the veterinary buildings.	Noted. Refer further comments later in discussion section. Also subject to further detailed planning for sub-precinct 1C. Noted. Refer further comments later in discussion section. Noted. However will be subject to further detailed planning for sub-precinct 1C.

No.	Name/ Postal Address	Description of Affected Property: Street No., Lot No., Street, etc	Summary of Submission	Staff Comment
			5) The Outline Development Plan illustrates Public Open Space being taken from my land. The total frontage of the Public Open Space is bordered by a road. The scheme should reimburse me 50% of the road construction costs for my land fronting the Public Open Space as the Public Open Space will generate equal or greater traffic flow.	Noted. However will be subject to further detailed planning for sub-precinct 1C.
16.	Y Gouges 273 St Kilda road Kewdale WA 6105	Lot 1604 Holmes Street, Southern River.	Object If land is needed to accomplish the State Government and the City of Gosnells plan for Bush Forever, the City of Gosnells must: Impose a levy on all ratepayers (beneficiaries) to compensate affected landowners. City should lobby Federal Government and State Government to provide compensating grants Impose a Levy on Land Developers to compensate for the additional open space amenity affected by Bush Forever	Noted. Refer further comments later in discussion section. Noted. Noted. Noted.
17.	J A and M R Reibec 13 Antigua Place Southern River WA 6110	13 Antigua Place, Southern River.	Object We object to the Outline Development Plan, mainly to the proposed row of houses to be built behind our back fence. We bought our property on the understanding that the natural bush would be staying natural.	Noted. However will be subject to further detailed planning for sub-precincts 1C.
18.	R and L Prestage 51 Doyer Crescent Wembley Downs WA 6019	Southern River Precinct 1 (Holmes Street) Outline Development Plan	Object The cost of providing Bush forever sites is therefore not that of an individual but to be shared equally by all who will benefit. The raising of funds to meet this public and government requirement should be borne as contributions from:	Noted. Refer further comments later in discussion section.

No.	Name/ Postal Address	Description of Affected Property: Street No., Lot No., Street, etc	Summary of Submission	Staff Comment
			<p>Local authority – A share of the cost to provide Bush forever sites can be recovered from rates or levy on the target area or from the whole community as it enhances the standing of the City.</p> <p>State Government – A major share of the cost should be borne by the State Government due to its wish to have the Bush forever Sites.</p> <p>Developers – In addition to the 10% of land for POS, a share of the cost of the land for Bush Forever should be borne by the developers (or urban land owners) either in the target area or from all developments within the City's boundary. There may be some areas where little or no Bush Forever sites exist.</p>	<p>Noted. Refer further comments later in discussion section.</p> <p>Noted. Refer further comments later in discussion section.</p> <p>Noted. Refer further comments later in discussion section.</p>
19.	M and P King 24 Tincurrin Drive Southern River WA 6110	24 Tincurrin Drive, Southern River.	Do not object.	Noted.
21.	A and J Glink 4 Jarvis Place Kalgoorlie WA 6430	14 Bressingham Street, Canning Vale.	Do not object.	Noted.
22.	A A Corgat 19 Potter Street Huntingdale WA 6110	19 Potter Street, Huntingdale.	Do not object.	Noted.
23.	E B and M I Cornejo 493 Aitken Drive Winthrop WA 6150	4 Bressingham Street, Canning Vale.	Do not object.	Noted.
24.	Z and P Bafile PO Box 137 Cottesloe WA 6911	Lot 1578 Warton Road, Southern River.	<p>Object</p> <p>In our view based on valuations we have had and other professional advice from values and estate agents the correct value of the Lot 1578 has been grossly undervalued and should be approximately \$1,202,950.</p>	Noted. Refer further comments later in discussion section.
25.	H and K Bermingham 4 Sofia Rise Southern River WA 6110	4 Sofia Rise, Southern River.	Do not object.	Noted
26.	R H White 1 Ripley Circle Canning Vale WA 6155	1 Ripley Circle, Canning Vale	Do not object.	Noted

No.	Name/ Postal Address	Description of Affected Property: Street No., Lot No., Street, etc	Summary of Submission	Staff Comment
27.	P and B Macri 5 Keera Court Maddington WA 6109	1600 Balfour Street Southern River	Object I oppose what is being offered for the conservation area. That being 40% of the full urban value and find it totally unacceptable.	Noted. Refer further comments later in discussion section.
28.	J and L Macri 1600 Balfour Street Southern River WA 6110	1600 Balfour Street Southern River	Object We strongly oppose the strategic negotiated planning solution referred to on page 4. In particular to a reference of 40 % of full urban value to be paid as compensation to private property owners. To involve or include private property while awaiting response from a Government Committee hearing and to set about a precedence that would have profound affect in setting a grossly deflated value to the properties required for Bush plan and Wetland categories is inappropriate.	Noted. Refer further comments later in discussion section.
29.	T and A Macri Lot 1600 Balfour Street Southern River WA 6110	1600 Balfour Street Southern River	Object 1) To my understanding what applies in precinct one will also apply to future precincts and we come under precinct 2) I think it is disgusting how Government can offer 40% of the lands value.	Noted. Refer further comments later in discussion section.
30.	J F Carrasco C/- Mrs D Morris 10 Serpentine Street Richmond Town Bangalore 560025 South India	Lot 278 Warton Road, Southern River.	Do not object. I agree to the Development Plan within the boundaries shown on the map, as long as the neighbour's properties and my own are not affected in any way.	Noted.
31.	(Name Not Supplied) 28 Tincurrin Drive Southern River WA 6110	28 Tincurrin Drive Southern River WA 6110	Object When we purchase our property nearly 2 years ago we were told that the bush land across the road and surrounding bush land was to be left alone, but according to your plans the bush is being made into public open space. You also intend putting a road through Dollarbird, do you realise that all the traffic will be taking a short cut to Warton Road through Tincurrin Drive, our street could not cope with all the traffic that this will create.	Noted. However will be subject to further detailed planning for sub-precincts 1C.

No.	Name/ Postal Address	Description of Affected Property: Street No., Lot No., Street, etc	Summary of Submission	Staff Comment
32.	E Di Toro No address supplied	Southern River Precinct 1 (Holmes Street) Outline Development Plan	Object We wish to advise we object to the proposal in relation to all, especially the 40% of value for compensation. If the government wishes to purchase our land it will be for the same residential value of all the other blocks in the area. The value will also be based on current market value and current sales.	Noted. Refer further comments later in discussion section.
33.	J and S Riding 22 Dollarbird Road Southern River WA 6110	22 Dollarbird Road Southern River.	Object We object to the development of Dollarbird being a ring road and connecting Dollarbird to Harpenden Road and Glucina Avenue as it would cause a problem for this estate regards to the flow of traffic down Tincurrin into Dollarbird and Glucina.	Noted. However will be subject to further detailed planning for sub-precincts 1C.

As can be seen from the submissions received, some significant issues were raised by the various government agencies and landowners during the formal advertising period which require further consideration. All of the environmental agencies advised that the wetland values within the ODP area required further consideration, despite the ODP being based on the official state government dataset and the “core” conservation areas previously identified by the Bush Forever Office. Both the Department of Environment and the Environmental Protection Authority expressed further concerns regarding the adequacy of buffer areas to identified wetland, suggesting that a 50 metre dryland buffer be provided around all Conservation Category Wetlands (CCW’s). The Department of Conservation and Land Management expressed concerns with regards to the lack of acknowledgement of identified declared rare flora and suggested that further flora studies were required.

When the ODP was presented to Council for consent to advertise, the notion of a three-way split of cost contributions was considered – with landowners, local government and state government all partially responsible for the acquisition of land for public purposes. During the advertising period, the majority of landowner submissions, including a number of those from outside the ODP area, were concerned with the 16.74% Public Open Space requirement and the potential levels of compensation to be provided to landowners who are required to provide land for conservation purposes. It is acknowledged that this amount is in excess of the standard 10% requirement and that the acquisition of core conservation areas should be that of the responsibility of the relevant state agencies. The matter of cost sharing requires further consideration by Council, in conjunction with landowners and relevant government agencies – it is difficult, however, for this to be achieved, until such time as the urban form and the definition of areas required for conservation purposes is progressed and reasonable certainty available.

Cost Sharing Arrangements

A key function of many Outline Development Plans is the establishment of cost-sharing arrangements for the provision of “common infrastructure works”, where the costs of providing district-level infrastructure are effectively shared between landowners at the time of subdivision or development. In accordance with Schedule 12 of TPS 6, the advertised ODP proposed to establish a cost-sharing mechanism for common infrastructure including the following:

- The acquisition of Bush Forever sites, Conservation Category Wetlands and land for public open space.
- The construction/widening of Warton Road.
- Traffic Lights at Warton/Garden and Warton/Holmes.
- The construction of Dual Use Paths.
- The construction Drainage and Multiple Use Corridors.
- Management Costs and Fees.

As outlined earlier, the extent of common infrastructure works within the ODP area (and resulting cost-contributions from landowners) is dependent on the final urban form. With further discussion required with landowners and government agencies on the ODP, particularly with respect to ecological linkages and protection of wetland values, it is not possible for Council to finalise the cost-sharing arrangements at this time.

The creation of sub-precincts in the ODP area is intended to facilitate further discussion with landowners and government agencies, expediting the finalisation of planning for the area. Once progress has been achieved with the ODP, a further report can be provided to Council to establish the cost-sharing arrangements for the area. As a general principle and to minimise the financial risk to landowners and Council, it is recommended that the scope of “common infrastructure works” shared through cost-sharing arrangements be minimised. For example, dual use paths and drainage infrastructure commonly shared through ODPs can likely be addressed at the subdivision level.

With the upcoming development in precincts 1A, 1D and 1F, and the push for further development within the remaining sub-precincts, there is a need to progress both the ODP and cost sharing arrangements as quickly as possible. Until such time as the cost sharing arrangements are finalised, all developers will be required to enter into legal agreements with the City to ensure fair and equitable contributions.

City as a Landowner

Whilst acting as the facilitator for the ODP, it should also be noted that the City is also a significant landowner within the overall ODP area. Currently the City owns Lots 1585 Harpenden Street and Lot 1586 (1 and 2) Holmes Street. However, Lot 1585 and the majority of Lot 1586 fall within Bush Forever site 125 and have been identified by the Bush Forever office as being required for retention. In progressing the planning for Precinct 1, Council staff have been careful to separate the City’s financial interests from

its desire to finalise planning for the area with the financial and planning matters being progressed by different business units.

Garden Street

During the October 2001 Enquiry by Design Workshop, one of the options explored was for the realignment of Garden Street in order to minimise the fragmentation that its construction would have on a Conservation Category Wetland (CCW) at the south-eastern end of the ODP area. However, it was the Department of Planning and Infrastructures position at that point in time that a realignment was not a feasible option and that the resources required to realign Garden Street would be better utilised elsewhere.

In recent times the DPI have again been exploring a number of options for realigning Garden Street and how this realignment and construction could be funded. The Department has not yet made clear their official position or intentions for Garden Street, however it is understood that they are considering an option that would see the road traverse further to the south to minimise the impact that construction would have on the abovementioned CCW. Such an alignment would have adverse effects on all landowners within sub-precinct 1E and a number of landowners along Holmes Street within Southern River Precinct 2 ODP (adopted by Council 13 July 2004).

This lack of certainty has led to frustration for both landowners and the City in that it has halted the progression of the ODP and in some cases resulted in uncertainty over the future of dwellings and/or future development potential. It is understood that the Department for Planning and Infrastructure (DPI) is currently progressing investigations for Garden Street, both in terms of physical form and process for determining an outcome. The future alignment of Garden Street has the potential to impact on the finalisation of planning for sub-precinct 1E.

Community Purpose Site

The land owned by the City on the corner of Warton and Holmes Street has long been identified for a range of residential, commercial and community uses as part of the rapidly developing Amherst Town Centre. It is anticipated that an Expression of Interest Document will be circulated in the near future to potential development partners for this site, providing Council the opportunity to further consider the urban form and financial considerations associated with the development of this site.

Poultry Farms

To the immediate east of the ODP area, poultry farms exist on both sides of the intersection of Balfour and Holmes Street. The WAPC's Statement of Planning Policy 4.3 generally recommends a 500 metre buffer from such uses.

It is of the understanding of Council staff that one of the poultry farms has recently discontinued operations, whilst the owners of the remaining farms propose to cease operations in the short to medium term. The proposed ODP depicts both the existing poultry farms and the required 500 metre buffer (See Appendix 13.5.1D). Should the

existing farms remain, development would have to be staged in accordance with the phasing out of their operations.

The Creation of Sub-Precincts

Given the number of complex and long-running issues facing the ODP, Council staff now consider the breaking up of the ODP area into sub-precincts as the most effective method of facilitating further discussion between landowners, consultants and relevant government agencies and ultimately delivering solutions to outstanding issues for the ODP. In addition, this approach also allows the City to finalise portions of the ODP where issues have previously been resolved and subdivisions approved – this is important to meet the short-term need of providing certainty for the recently created residential lots.

The following provides an overview of the outstanding issues relating to each sub-precinct, as a basis for further discussion with landowners and government agencies:

- Precinct 1B – Comprises of Lots 1608 and 1609 Holmes Street. Both of these lots are currently zoned Rural under the Metropolitan Region Scheme (MRS) and General Rural under TPS 6. Both however are currently subject to an amendment to the MRS to Urban and to Residential Development under TPS 6.
- Precinct 1C – Much of this precinct is in the ownership of the City and has been identified as being required for retention by the Department of Environment. There are also two individual landowners (Lots 6 and 7 Warton Road). The two issues faced by this sub-precinct are that of the DoE's requirement for an ecological linkage from sub-precinct 1B through to the CCW wetland in the south-east and the definition of wetland and buffers areas required for retention (particularly over Lot 6 Warton Road).
- Precinct 1E – Comprises of four lots and three different individual landowners. At the time of the formal advertising period for the ODP, the various environmental agencies all had concerns with the lack of a dry land buffer around the Conservation Category Wetland and were not satisfied that the current configuration of the proposed open space on Lot 2 Holmes Street would provide an adequate ecological link to the proposed Parks and Recreation Reserve to the immediate south. The DPI's current investigations into the possible realignment of Garden Street have also placed an element of uncertainty over this parcel of land.
- Precinct 1F – Comprises one property in the ownership the City, intended for the development of residential, commercial and community uses as part of the Amherst Town Centre. None of the outstanding issues identified in the ODP affect this site, with the key focus being on progressing investigations into the future built form and land uses as quickly as possible to meet community needs and expectations.

Recognising the identified outstanding issues within the ODP area, the creation of sub-precincts is viewed by Council staff as the most appropriate way to finalise the planning for the area as quickly as possible, providing individual landowners the opportunity to

seek resolutions to outstanding issues relevant to the future subdivision and development of their land.

Adoption of Precincts 1A and 1D

As outlined earlier, subdivision approval has already been granted for portions of the ODP area. Subdivision approval for Lot 1580 Warton Road was granted in November 2003. Site works however have only commenced recently given the presence and subsequent requirement for the transferral of declared rare flora. Subdivision approvals for Lot 1575 Holmes Street, Lots 100 and 101 Warton Road and Lots 101 and 102 Lakey were also granted in 2004. These approvals will result in approximately 134 residential lots. Development Approval has also been granted for a tavern site on Lot 100 Warton Road (intersection with Holmes).

It is considered critical that an ODP be adopted over these areas with existing approvals in order to provide certainty in terms of applicable residential density codings and until such time as the WAPC adopt an ODP over this area, the City is also unable to grant Development Approval for group dwellings (ie more than one dwelling on one lot).

Within proposed Precinct 1A, the original ODP depicted a row of lots fronting Barrett Street as having a Residential R20 coding. The majority of this sub-precinct is shown as having a Greater than R20, medium density residential density coding, as it falls within a 400 metre walkable catchment of the Amherst Town Centre Site. Given that a significant portion of this walkable catchment falls within proposed Parks and Recreation Reserve it is considered appropriate to give the remainder of the ODP area the higher residential density coding in order to encourage a variety of lots sizes and housing styles.

CONCLUSION

The planning for Precinct 1 has been frustrating for landowners and the City alike. In order to achieve a sustainable and timely outcome for the area it is important that Precinct 1 be divided into sub-precincts. This approach will facilitate further discussion between landowners and relevant state agencies and hopefully the early resolution of outstanding issues. This approach will also allow the City to finalise portions of the ODP (Precinct 1A and 1D) where subdivisions have been approved and provide some certainty in the short-term for the recently created residential lots.

FINANCIAL IMPLICATIONS

The City clearly has a strong financial interest in the ODP area, as a significant landowner, facilitator of planning processes and potential underwriter of cost-sharing arrangements. The early resolution of outstanding issues in the ODP area is clearly of benefit to the City and landowners alike in terms of being able to achieve a sustainable urban form that provides for protection of areas of environmental significance, realises development potential and minimises financial risks associated with cost-sharing arrangements. It is intended that a further report be presented to Council to outline the different options available to the City on cost-sharing arrangements. The creation of

sub-precincts does not prejudice the options available to Council or landowners but rather expedite planning and further discussions.

STAFF RECOMMENDATION (1 of 4)

Moved Cr W Barrett Seconded Cr D Griffiths

That Council note the submissions received during the advertising of the original Southern River Precinct 1 Outline Development Plan.

STAFF RECOMMENDATION (2 of 4)

Moved Cr W Barrett Seconded Cr D Griffiths

That Council support the creation of six sub-precincts within the Southern River Precinct 1 Outline Development Plan area, to enable the Outline Development Plan to be adopted in stages as planning is finalised, as shown in Appendix 13.5.1D.

STAFF RECOMMENDATION (3 of 4)

Moved Cr W Barrett Seconded Cr D Griffiths

That Council pursuant to Section 7.4 of Town Planning Scheme No. 6 adopt sub-precincts 1A and 1D of the Southern River Precinct 1 Outline Development Plan and forward it to the Western Australian Planning Commission for adoption as shown in Appendix 13.5.1D.

STAFF RECOMMENDATION (4 of 4)

Moved Cr W Barrett Seconded Cr D Griffiths

That Council seek support from the various relevant State Agencies for the timely finalisation of the Southern River Precinct 1 Outline Development Plan in the interests of achieving fair and equitable outcomes for all landowners.

Additional Motion

During debate Cr C Matison moved the following additional motion to the staff recommendations:

“That Council lobby the State Government to facilitate a fair and equitable compensation to landowners of Conservation Category Wetlands and Bush Forever sites based on current market value.”

Cr Matison provided the following reason for the motion:

“To assist affected landowners to be fairly compensated.”

Cr R Hoffman seconded Cr Matison’s additional motion.

Amendment to Additional Motion

Following further debate Cr Matison moved the following amendment to her additional motion:

“That the additional motion be amended by inserting the words “strongly urge the Western Australian Local Government Association (WALGA) to” after the word “Council” where it appears in the first line and inserting the words “using all mechanisms available to them” after the word “value” where it appears in the third line, with the amended motion to read:

“That Council strongly urge the Western Australian Local Government Association (WALGA) to lobby the State Government to facilitate a fair and equitable compensation to landowners of Conservation Category Wetlands and Bush Forever sites based on current market value using all mechanisms available to them.”

The seconder, Cr R Hoffman agreed to amended additional motion.

8.35pm - The Director Regulatory Services left the meeting.

8.37pm – The Director Regulatory Services returned to the meeting.

At the conclusion of debate the Mayor put Cr Matison’s additional motion, which reads:

COUNCIL RESOLUTION

56 Moved Cr C Matison Seconded Cr R Hoffman

“That Council strongly urge the Western Australian Local Government Association (WALGA) to lobby the State Government to facilitate a fair and equitable compensation to landowners of Conservation Category Wetlands and Bush Forever sites based on current market value using all mechanisms available to them.”

CARRIED 12/0

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

AGAINST: Nil.

The Mayor then put the staff recommendations, which read:

STAFF RECOMMENDATION AND COUNCIL RESOLUTION

57 Moved Cr W Barrett Seconded Cr D Griffiths

“That Council note the submissions received during the advertising of the original Southern River Precinct 1 Outline Development Plan.”

CARRIED 12/0

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

AGAINST: Nil.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION

58 Moved Cr W Barrett Seconded Cr D Griffiths

“That Council support the creation of six sub-precincts within the Southern River Precinct 1 Outline Development Plan area, to enable the Outline Development Plan to be adopted in stages as planning is finalised, as shown in Appendix 13.5.1D.”

CARRIED 8/4

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

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

STAFF RECOMMENDATION AND COUNCIL RESOLUTION

59 Moved Cr W Barrett Seconded Cr D Griffiths

“That Council pursuant to Section 7.4 of Town Planning Scheme No. 6 adopt sub-precincts 1A and 1D of the Southern River Precinct 1 Outline Development Plan and forward it to the Western Australian Planning Commission for adoption as shown in Appendix 13.5.1D.”

CARRIED 8/4

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

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

STAFF RECOMMENDATION AND COUNCIL RESOLUTION

60 Moved Cr W Barrett Seconded Cr D Griffiths

“That Council seek support from the various relevant State Agencies for the timely finalisation of the Southern River Precinct 1 Outline Development Plan in the interests of achieving fair and equitable outcomes for all landowners.”

CARRIED 8/4

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

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

The Mayor advised the meeting that Cr S Iwanyk, due to a family member being a tenant in the current dwelling had disclosed an Impartiality Interest in the following item in accordance with Regulation 34C of the Local Government (Administration) Regulations 1996.

13.5.2 AMENDMENT NO. 33 TO TOWN PLANNING SCHEME NO. 6 – FINALISATION – RECODING OF 174 (LOT 100) HOMESTEAD ROAD, GOSNELLS FROM “R17.5” TO “R30”

File: TP/6/33 **Approve Ref:** 0304/0172AA (EH) psrpt013Feb05
Name: Dykstra & Associates
Location: 174 (Lot 100) Homestead Road, Gosnells
Zoning: MRS: Urban
TPS No. 6: Residential R17.5
Appeal Rights: Nil, however, final determination is with the Minister for Planning and Infrastructure.
Area: 6,745m²
Previous Ref: OCM 10 August 2004 (Resolutions 417 and 418)

PURPOSE OF REPORT

For Council to consider support for the finalisation of Amendment No. 33 to Town Planning Scheme No. 6 (TPS 6), to recode 174 (Lot 100) Homestead Road, Gosnells, from R17.5 to R30.

BACKGROUND

Site Description

Lot 100 currently accommodates an existing dwelling located approximately 40 metres from the Homestead Road boundary. The existing dwelling would be demolished as part of the redevelopment of the site. The remainder of the property contains some scattering of trees, with no under-storey vegetation.

An aged persons grouped dwelling complex adjoins the south-east of the site (Lot 99, zoned Residential R30). The Perth – Armadale Railway Line abuts at the rear of the subject site and land to the south and west of the site along Homestead Road is zoned Residential (R17.5) with properties on the eastern side of Homestead Road comprising larger lots ranging from approximately 5,600m² to 18,000m² in area. These lots have future development potential which is currently constrained by servicing issues.

Proposal

The applicant proposes to develop 18 grouped dwellings at a density of “Residential R30”. It is proposed the units will be two storey with the living area on the ground floor and 3 bedrooms on the second floor. The applicant has stated that the proposed rezoning “will enable Lot 100 to be developed to allow for a high quality, well serviced and well designed grouped housing complex.” The proposal allows for the construction of a Right of Way (ROW) along the entire length of the northern boundary which can be widened when the adjoining Lot 101 is developed to be a full width public road.

Outcome of Advertising Period

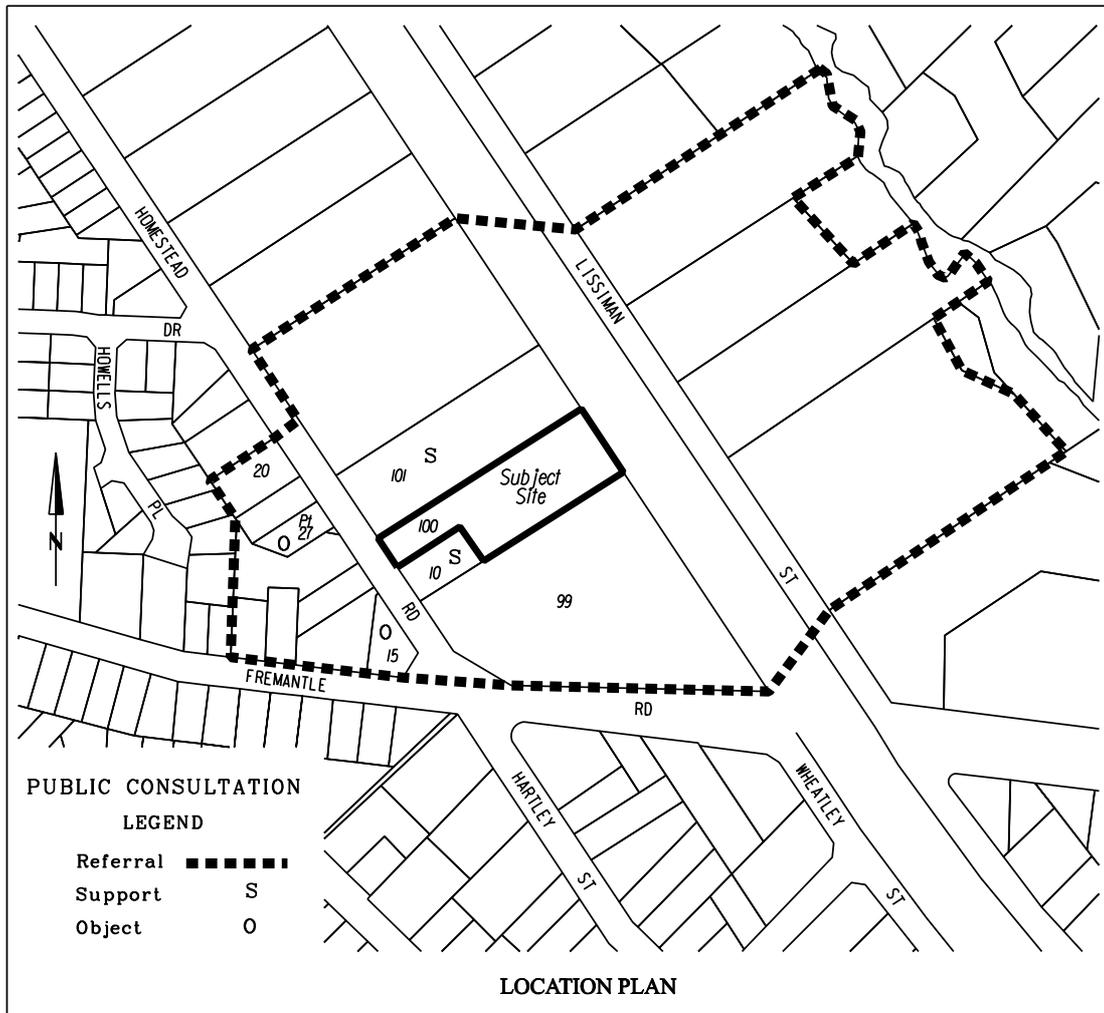
Council resolved to initiate Amendment No. 33 at its Ordinary Meeting of 10 August 2004. The advertising period took place for 42 days between 6 October and 17 November 2004 by way of a sign on site, newspaper advertisement, letters to nearby landowners and a letter to the Public Transport Authority.

The outcome of the advertising period is summarised in the table below.

Schedule of Submissions

No.	Name Address	Description of Affected Property: Lot No, Street, etc	Summary of Submission	Staff Comment
1.	A D Clark	167 (Lot 27) Homestead Road, Gosnells	Objection There is currently a large amount of traffic on Homestead Road and a lack of speed and safety controls. Increase in density will increase traffic.	Noted. Refer to Discussion – Traffic.
2.	L & D Sheedy 33 Rangeview Road, High Wycombe	176 (Lot 10) Homestead Road, Gosnells	Non Objection 1) Please consider recoding Lot 10 to R30/R40 to be consistent with surrounding properties. 2) Fencing should be consistent in appearance and paid for by developer. 3) Adequate parking to avoid overflow onto Lot 10. 4) Sewerage development plans should consider the requirements of Lot 10.	Refer to Discussion section of report. Would form part of Development Application process for the proposed dwellings. Would form part of Development Application process for the proposed dwellings. Landowner would need to confirm with Water Corporation if connection is available.
3.	M Delahunty	35 (Lot 15) Fremantle Road, Gosnells	Objection 1) Recoding will devalue area. 2) Increase in density will increase traffic to already busy intersection (Homestead Road and Fremantle Road). 3) Would set precedent for the rest of large undeveloped properties. 4) 340m ² blocks are too small and don't see the need for high density living.	Dismissed. No evidence to suggest this will occur. Noted. Refer to Discussion – Traffic. The remaining undeveloped land requires an Outline Development Plan prior to further development. There is an identified need to provide a variety of housing type and size to cater for changing demographics.
4.	ICS & JL Archibald	168 (Lot 101) Homestead Road, Gosnells	Non Objection 1) Area bounded by Homestead Road and Railway is unique and Council should have in place a statement plan.	Noted. Council has identified the need for an Outline Development Plan to coordinate further development of this area.

No.	Name Address	Description of Affected Property: Lot No, Street, etc	Summary of Submission	Staff Comment
			2) Concerned about drainage once Lot 100 is filled. 3) Ensure that post and rail fencing is carefully dismantled when Lot 100 being developed and the developer constructs a new fence so Lot 101 can still enjoy peace and quiet.	Refer to Discussion – Stormwater Disposal. Would form part of Development Application process for the proposed dwellings.
5.	Public Transport Authority PO Box 8125, Perth 6849	Adjoining Railway Reserve	Non Objection	Noted. The PTA provided development conditions (relating to fencing, noise from railway, etc) which can be considered and imposed at the time of Development Application.



DISCUSSION

Lot 10 Homestead Road

During the advertising period, the owner of Lot 10 Homestead Road submitted a non-objection and requested that Lot 10 be included in the area being recoded. If the subject amendment was finalised as currently proposed, both Lots 99 and 100 Homestead Road would be zoned Residential R30 with Lot 10 (1,350m²) being zoned Residential R17.5. Lot 10 is a smaller 1,350m² property located between Lot 99 and Lot 100. Lot 10 has the same, if not better, accessibility to services and facilities as Lot 100 and is considered to also be located within the existing sewer and drainage catchment.

Lot 10 currently contains a duplex development. A density of R30 could potentially result in either the redevelopment of the site for four grouped dwellings or the development of an additional duplex. It is considered acceptable that Lot 10 is included in the subject amendment.

Traffic

Homestead Road is classified as a Local Distributor Road under Council's adopted Road Network Hierarchy, and as such is required to carry through traffic in addition to local traffic generated by residents.

Results of the most recent traffic study conducted in Homestead Road in March 2002, show that the average weekday traffic volume travelling past 163 (Lot 20) Homestead Road is 1,594 vehicles, which is below the desirable volume for this class of road of up to 6000 vehicles per day. The 85th percentile speed or operational speed is 64kmph, which while being higher than the posted speed limit of 50kmph is typical of recorded speeds on many other similarly classified roads throughout the City.

The intersection of Homestead Road and Fremantle Road is an angled four-way intersection that has been highlighted for treatment in the next Black Spot program, should it meet the selection criteria.

The proposed development of 18 grouped dwellings on Lot 100 could potentially result in 180 vehicle trips per day (based on 10 trips per dwelling). Development at the existing R17.5 density is likely to result in approximately 110 vehicle trips per day (based on 11 dwellings). The net increase in vehicle trips per day as a consequence of any future development at the R30 standard would therefore be approximately 70. Given that the estimated number of vehicle trips per day utilizing Homestead Road is 1,600, this represents an increase of less than 5%.

For these reasons it is considered that the proposed rezoning and development of Lot 100 would not substantially increase the traffic on Homestead Road.

Stormwater Disposal

When Amendment No. 33 was previously considered at the Ordinary Council Meeting of 10 August 2004, Council resolved to:

“... advise the applicant that it will not support finalisation of the Amendment until geotechnical information and a Drainage Plan has been provided to satisfy Council in relation to site drainage.”

The Engineer engaged by the applicant previously advised that stormwater drainage could be contained on-site but Council’s Technical Services Branch advised that the development should be connected to the City’s stormwater drainage system.

The applicant has submitted a Geotechnical Report that recommends the stormwater be disposed of via Council’s stormwater system as the site is not suitable for soakwells (due to the very low permeability of the clay soils).

A Drainage Strategy has been submitted demonstrating that the City’s existing stormwater system has the capacity to drain Lot 100. The Engineer (Van Der Meer Consulting) has recommended the installation of a number of on-site storage pits within the sand fill layer to collect stormwater from the paved areas and roof runoff. The installation of an outflow pipe would then discharge the stormwater from the site to the City’s stormwater system.

Council’s Technical Services Branch has advised that the above proposal is acceptable.

Sewer

The Water Corporation has confirmed in writing that Lot 100 is within the catchment for the existing sewer system.

CONCLUSION

The subject site is accessible to public services and facilities in the Gosnells town centre and is located within the existing infrastructure catchment. It is considered rational to include adjoining Lot 10 in the proposed density increase. The subject site can be adequately serviced in terms of stormwater disposal and sewer provision and impacts on local traffic flows are considered to be minimal and within the design parameters for Homestead Road.

It will therefore be recommended that Council resolve to adopt the amendment for finalisation with modification to include the adjoining Lot 10.

FINANCIAL IMPLICATIONS

Nil.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION**61 Moved Cr P Wainwright Seconded Cr W Barrett**

“That Council, pursuant to Town Planning Regulation 17(1), uphold in part the submission(s) received; and further, pursuant to Town Planning Regulation 17(2), adopt Amendment No. 33 to Town Planning Scheme No. 6 to recode 174 (Lot 100) Homestead Road, Gosnells, from R17.5 to R30, for final approval, with the following modifications:

1. 176 (Lot 10) Homestead Road, Gosnells to be recoded from R17.5 to R30.”

CARRIED 12/0

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

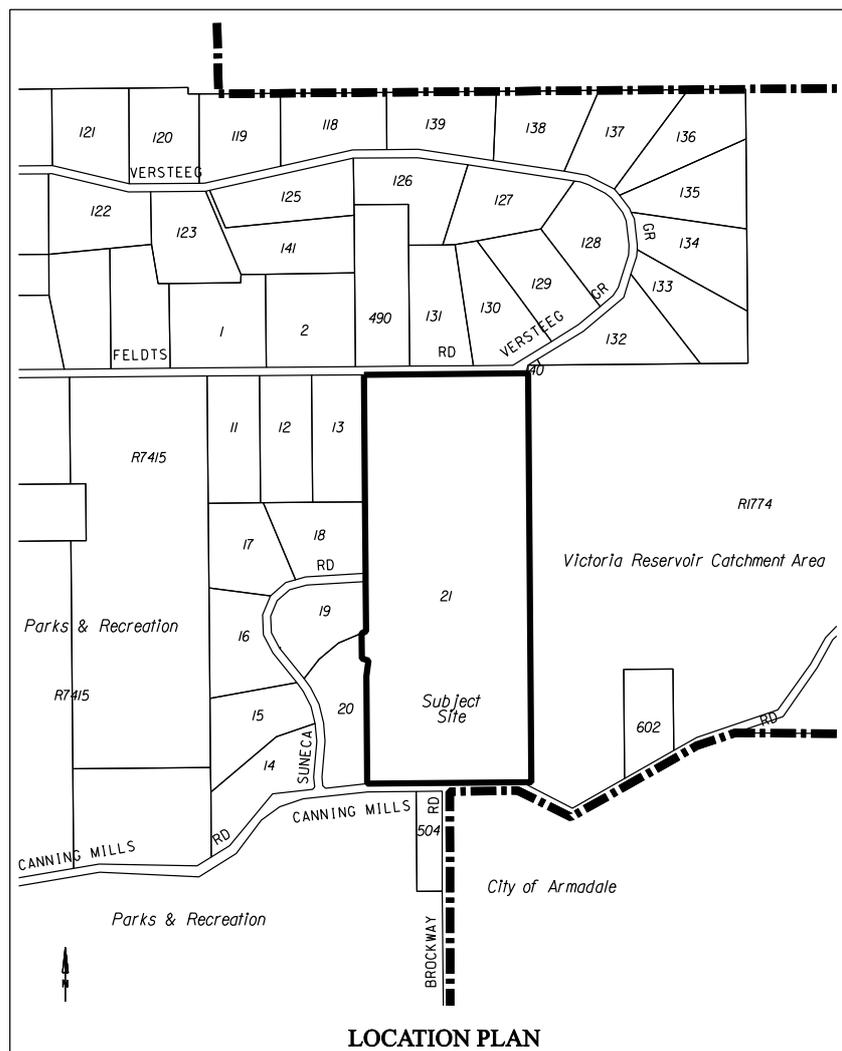
***AGAINST:** Nil.*

13.5.3 TOWN PLANNING SCHEME AMENDMENT, PROPOSAL TO INITIATE – TOWN PLANNING SCHEME NO. 6 – REZONING OF LOT 21 CANNING MILLS ROAD, MARTIN FROM GENERAL RURAL TO SPECIAL RURAL

File: TPS/6/43 Approve Ref: 0405/0188AA (SC) Psrpt014Feb05
 Name: S, C and G Sinagra
 Location: Lot 21 Canning Mills Road, Martin.
 Zoning: MRS: Rural
 TPS No. 6: General Rural
 Appeal Rights: Initiation - none, however consent to advertise is subject to approval by the Western Australian Planning Commission.
 Area: 40.6432ha

PURPOSE OF REPORT

For Council to consider initiation of an amendment to Town Planning Scheme No. 6 (TPS 6), to rezone Lot 21 Canning Mills Road, Martin, from “General Rural” to “Special Rural”, to facilitate rural-residential subdivision as recommended by the draft Foothills Rural Strategy.



BACKGROUND

Site Description

The subject land is 40.6432 hectares in area with primary access from Canning Mills Road. The land is located between “Special Rural” zoned land to the west and north, reserved State Forest to the east and Parks and Recreation land to the southwest. Properties within the City of Armadale also lie to the southeast.

The land contains an existing decommissioned packing shed (1,100m² in area) adjacent to the western boundary, two spring fed dams and service infrastructure comprising power lines and access roads. It is currently used for low intensity rural pursuits including cattle grazing on the lower elevations.

The site slopes down from both western and eastern sides to form a gentle valley with natural drainage lines running generally in a north south direction. The land is predominantly cleared with scattered native vegetation located in the northern portion of the lot.

The soils are classified as D2 - Dwellingup 2 comprising gravel and laterite on the slopes and Y1 – Yarragil 1 comprising yellow brown earths to sandy clays over clays on the valley floor. A detailed Land Capability Study undertaken previously confirmed the soil profiles as generally high capability for proposed “Special Rural” rural/residential living land uses.

Proposal

The proposed amendment will facilitate the development of 10 lots with an area of not less than 4 hectares each. The design and lot layout is compatible with the existing lots to the west and north of the subject site, which are zoned “Special Rural”.

The proposal together with indicative Subdivision Guide Plan incorporates the following:

- A 100 metre hazard separation zone along eastern boundary adjacent to abutting State Forest and along the southern boundary adjacent to the Parks and Recreation reserved land and rural zoned land within City of Armadale. (The need to separate habitable buildings from extreme bushfire risk with a minimum 100metre “hazard” buffer is identified in the joint Western Australian Planning Commission (WAPC) Fire and Emergency Services Authority (FESA) document “Planning for Bushfire Protection” December 2001).
- A strategic fire break is proposed to extend from Suneca Road and along the eastern side boundary abutting State Forest land between Feldts Road and Canning Mills Road, to improve accessibility and provide emergency access/egress within the subdivision.
- Use of building envelopes with additional vegetative screening to protect, manage and enhance the land.

- Conventional on-site effluent disposal systems within the proposed building envelopes are considered appropriate given the large lot sizes, low intensity of development and high capability of soils for nutrient retention and microbial purification. Consultation has been undertaken with the City's Environmental Health staff with respect to suitability of the site for conventional onsite effluent disposal and management of stormwater.
- Drainage to be in accordance with Water Sensitive Urban Design principles.
- Access to the lots is to be provided from Canning Mills Road, Feldts Road and via extension of Suneca Road, which would be constructed to a sealed standard.
- Bush fire management applicable to the individual lots includes provision of a water tank of at least 90,000 litres capacity.
- Rural land use and development controls are incorporated in Clause 5.11.4 of the City of Gosnells Town Planning Scheme No. 6. Land use provisions relative to the Special Rural zone regarding retention of native vegetation and trees are detailed in Clause 5.11.5. In addition Schedule 11 of TPS 6 provides further provisions relevant to specific Special Rural areas.

The proponent has advised that the proposed "Special Rural" zoning is consistent with the strategic planning and environmental rationale and the intent of the Draft Foothills Rural Strategy, with respect to lot size, land capability and environmental considerations which have been addressed. The proposed zoning also provides an avenue for appropriate land use and management controls to protect and rehabilitate the land and to provide a sustainable form of development.

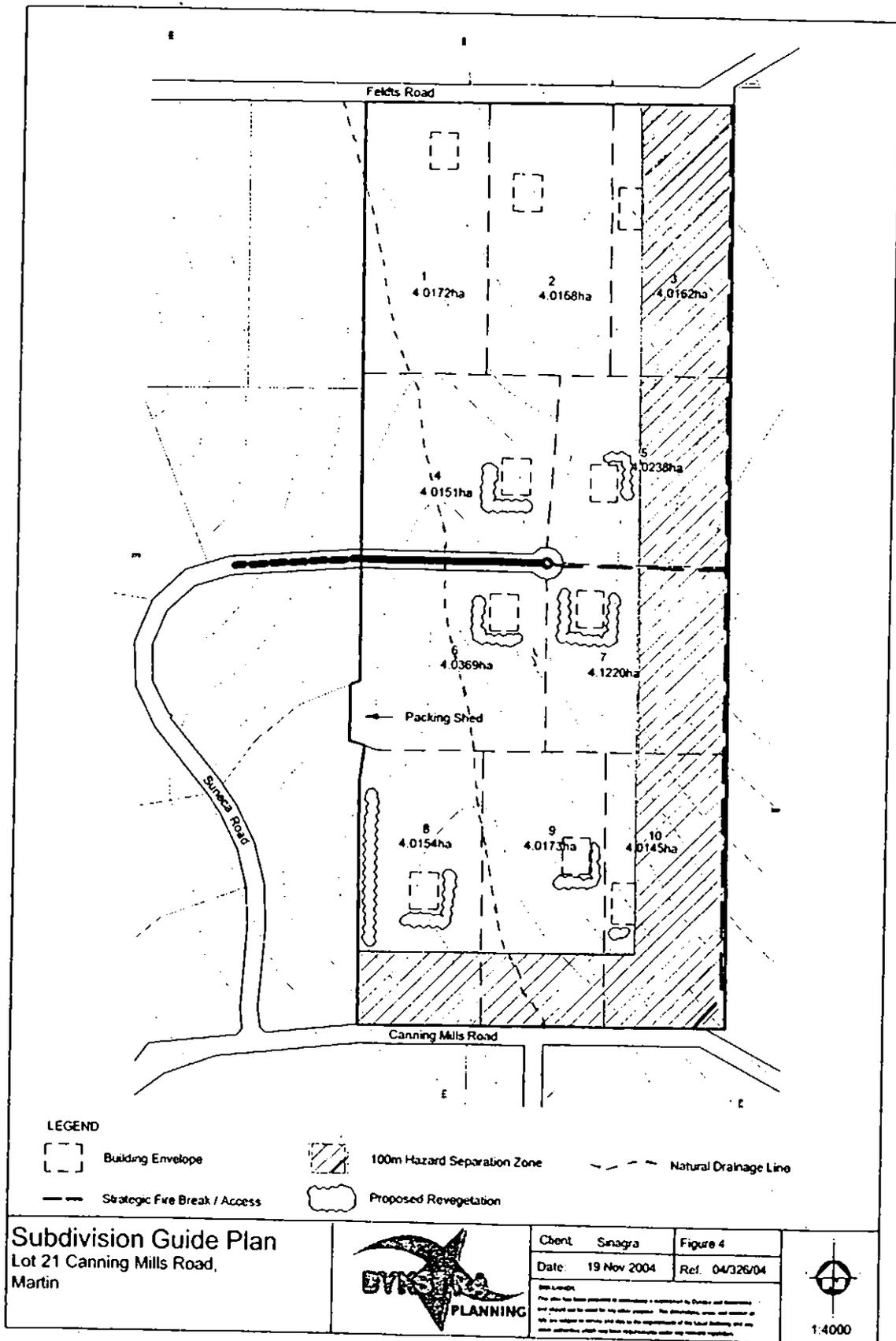
DISCUSSION

Draft Rural Foothills Strategy

The Foothills Rural Strategy was adopted by Council at the ordinary meeting of Council held on 13 April 2004 and is currently awaiting endorsement by the Western Australian Planning Commission.

The subject land is located within Precinct No. 1 – Martin Escarpment. This precinct is located on top of the Darling Escarpment and is characterised by a combination of elevated topography, valley formations, remnant vegetation, commercial orchards and rural residential activities. The objectives of this precinct are to protect, conserve and enhance the landscape character and natural environment including remnant vegetation and watercourses, within the context of rural-residential activities with a recommended minimum lot size of 4 hectares. To this end the draft Foothills Rural Strategy recommends the rezoning of land in the precinct from "General Rural" to "Special Rural" to establish an appropriate planning framework for rural-residential subdivision. The subject scheme amendment is a necessary precursor therefore to future proposed subdivision of the land.

The proposed amendment accords with the objectives of Precinct No. 1 of the Draft Rural Foothills Strategy with respect to lot size, land use activities and conservation of the environment.



Fire and Emergency Services Authority (FESA)

Consultation with FESA has been undertaken and they have confirmed that there are no “in principle” objections to the proposed subdivision design which incorporates a strategic fire break access and 100 metre Hazardous Separation zone. It should be noted that should the amendment be initiated, the amendment documents would be forwarded to FESA for comment. In addition, any subdivision application would also be forwarded to FESA for comment.

Drainage

Although the proposed amendment incorporates both stormwater drainage and on-site effluent disposal design strategies, the ultimate design details would be assessed and approved on finalisation of the subdivision.

Town Planning Scheme No. 6 Requirements

When considering future applications for planning approval on the proposed lots Council is required to have regard to Clause 5.11 – Rural Zones with respect to any potential conflict with existing land uses in the locality and to the purpose and intent of the zone. In assessing applications for development within land zoned Special Rural, Council may impose site appropriate conditions relating to impacts on the native vegetation, natural landscape, retention of trees, existing rural character, firebreaks, fencing and building envelopes as set out in Clause 5.11.5 – Special Rural Requirements. Also further development provisions are detailed in Schedule 11 for specific Special Rural zones areas (ie Versteeg Grove /Feldts Road area).

In the case of the subject proposal, the proponent has submitted detailed provisions applicable to the subject land. These relate to issues such as lot size, subdivision guide plan, building envelopes, retention of vegetation, building height limit, keeping of animals, stormwater and drainage management techniques, signs, hoarding and advertisements, water tanks of at least 90,000 litres capacity. Fire management plans, revegetation, and assessment of land use conflicts with respect to rural/residential amenity and rural commercial/industrial activities.

There are, however, several areas of overlap with the existing Rural zone provisions set out in Clause 5.11 and Schedule 11. It should also be noted that the Subdivision Guide Plan for the subject land represents a development control mechanism in its own right. Staff have analysed the proposed submitted provisions and cross referenced them with existing TPS 6 provisions and other relevant legislation as follows:

Proponents Draft Schedule 11 – Special Rural Zones – Provisions Relating to Specified Areas.

Defined Area	Provisions	Staff Comment
<p>2. Lot 21 Canning Mills Road, Martin</p>	<p>2.1 The minimum lot size shall be 4.0 hectares.</p> <p>2.2 Subdivision shall generally be in accordance with the approved Subdivision Guide Plan.</p> <p>2.3 Any residence or other outbuildings shall only be constructed within the Building Envelope shown on the Subdivision Guide Plan. Council may approve the construction of buildings associated with land uses that may be permitted by Council on the subject land outside designated Building Envelopes.</p> <p>2.4 No indigenous vegetation or trees shall be destroyed or cleared except, but subject (sic) to the developer of the estate/landowner obtaining the prior consent in writing of the Council, where such vegetation is dead, diseased or where the clearing is required for the purpose of a firebreak, dwelling, outbuilding, fence, drainage systems and/or driveways.</p> <p>2.5 Building height shall be limited to two (2) storeys, with buildings not to exceed 6.0 metres wall height or 9.0 metres ridge height from natural ground level.</p> <p>2.6 The keeping of horses, sheep, goats and other grazing animals shall be subject to the prior approval of the Council and these animals shall be restricted to fenced areas of the lot to the satisfaction of Council. Approval to keep animals shall not exceed the stocking rates recommended by the Department of Agriculture for the applicable pastures types.</p> <p>2.7 Stormwater and drainage management techniques shall incorporate the principles of Water Sensitive Design to the satisfaction of Council.</p> <p>2.8 Signs, hoarding or advertisements shall not be erected without the prior written approval of the Council.</p> <p>2.9 For each dwelling there shall be a water tank of at least 90,000 litres capacity</p>	<p>Agree. Lot size incorporated in Draft Rural Strategy, therefore no need to include in Schedule 11.</p> <p>Agree. Amend to read “All subdivision and development shall be in accordance with the approved Subdivision Guide Plan unless otherwise approved by Council”.</p> <p>Agree. To be notated on Subdivision Guide Plan, therefore no need to include in Schedule 11. Not required - Refer 2.2 above.</p> <p>Agree, already included in TPS 6 Clause 5.11 provisions. Any other clearing of vegetation requires planning approval.</p> <p>All applications to be assessed on their merit in accordance with scheme provisions, therefore no need to include in Schedule 11.</p> <p>Already included in TPS 6 Table 1 – Zoning Table, Clause 5.11 provisions and City of Gosnells Health Local Laws 1999.</p> <p>Agree. To be notated on Subdivision Guide Plan, therefore no need to include in Schedule 11..</p> <p>Already included in the City’s Local Laws.</p> <p>Agree – to be inserted in Schedule 11.</p>

Defined Area	Provisions	Staff Comment
	<p>2.10 The subdivider shall prepare and implement a Fire Management Plan that identifies the need for and the construction requirements relative to strategic firebreaks, water supplies and equipment and any other fire management requirements that may be deemed necessary, to the specifications and satisfaction of the local authority and FESA</p> <p>2.11 The subdivider shall, in accordance with the Subdivision Guide Plan, plant indigenous trees and shrubs of a species and at a density and distribution to the satisfaction of the Council prior to the transfer of a lot(s) to a new owner.</p> <p>2.12 Council, in exercising its discretion in relation to land uses that, in accordance with Table 1 – Zoning Table, may be approved in the Special Rural zone, will seek to ensure there is no conflict between Rural Residential amenity and Commercial Rural/Industrial activities.</p>	<p>Agree, however would be a requirement of subdivision approval therefore no need to include in Schedule 11.</p> <p>Revegetation to be notated on Subdivision Guide Plan, therefore no need to include In Schedule 11.</p> <p>Already included in TPS 6 Clause 11.2 – Matters to be considered in assessing planning applications and Clause 5.11, therefore no need to include in Schedule 11.</p>

As can be seen the majority of the provisions prepared by the proponent do not need to be specifically incorporated into Schedule 11 as they are or can be, addressed through notation on the subdivision guide plan or will be addressed at the development stage through existing scheme provisions and local laws. As such, it is recommended that the Subdivision Guide Plan be advertised concurrently with the amendment documentation, and approved by Council with modifications if required, on finalisation of the amendment. Therefore the special provisions for Lot 21 Canning Mills Road, Martin for inclusion in Schedule 11 are as follows:

Defined Area	Provisions
Lot 21 Canning Mills Road, Martin	<ol style="list-style-type: none"> 1. All subdivision and development shall be in accordance with the approved Subdivision Guide Plan unless otherwise approved by Council. 2. For each dwelling there shall be a water tank of at least 90,000 litres.

CONCLUSION

The purpose of this report is for Council to consider a proposed amendment to Town Planning Scheme No. 6. Existing TPS 6 provisions together with the above text amendment to Schedule 11 and the appropriate notated Subdivision Guide Plan will ensure that subdivision/development will accord with the intent and purpose of the Special Rural zone. Importantly, bush fire protection measures have been addressed. Initiation of the subject scheme amendment is recommended.

FINANCIAL IMPLICATIONS

Nil

STAFF RECOMMENDATION AND COUNCIL RESOLUTION

62 Moved Cr D Griffiths Seconded Cr R Mitchell

“That Council, pursuant to Section 7 of the Town Planning and Development Act, 1928 (as amended), initiate an amendment to the City of Gosnells Town Planning Scheme No. 6 to rezone Lot 21 Canning Mills Road, Martin, from “General Rural” to “Special Rural” and amend the text to include Lot 21 Canning Mills Road, Martin in Schedule 11 – Special Rural Zones – Provisions Relating to Specific Areas as follows:

Defined Area	Provisions
Lot 21 Canning Mills Road, Martin	1. All subdivision and development shall be in accordance with the approved Subdivision Guide Plan unless otherwise approved by Council 2. For each dwelling there shall be a water tank of at least 90,000 litres.

CARRIED 12/0

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

AGAINST: Nil.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION

63 Moved Cr D Griffiths Seconded Cr R Mitchell

“That Council approve the concurrent advertising of the Subdivision Guide Plan for Lot 21 Canning Mills Road, Martin, with the amendment to rezone the subject land from “General Rural” to “Special Rural” following which a further report will be presented to Council.”

CARRIED 12/0

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

AGAINST: Nil.

13.5.4 TOWN PLANNING SCHEME AMENDMENT - PROPOSAL TO INITIATE A TEXT AMENDMENT TO TOWN PLANNING SCHEME NO. 6 – 37 (LOT 72) VICTORIA ROAD, KENWICK FOR AN ADDITIONAL USE OF “STORAGE (FENCING AND PLAYGROUND EQUIPMENT CONTRACTOR)”

File: TPS/6/44 **Approve Ref:** 0405/0190AA (EH) Psrpt016Feb05
Name: Dykstra & Associates
Location: 37 (Lot 72) Victoria Road, Kenwick
Zoning: MRS: Rural
TPS No. 6: General Rural
Appeal Rights: Initiation - none, however consent to advertise is subject to approval by the Western Australian Planning Commission.
Area: 19,089m²

PURPOSE OF REPORT

For Council to initiate a text amendment to Town Planning Scheme No. 6 (TPS 6) for 37 (Lot 72) Victoria Road, Kenwick for an additional use of ‘Storage (Fencing and Playground Equipment Contractor)’ as Council approval is required to proceed.

BACKGROUND

Site Description

No. 37 (Lot 72) Victoria Road, Kenwick has an area of 19,089m². The land is flat, and is provided with vehicular access from Victoria Road and is traversed by Council owned drainage land. The portion of land adjacent to Victoria Road (north of the drain) is approximately 11,344m² and is relatively clear of vegetation and undeveloped. The portion of land south of the drain is approximately 7,730m² and is the developed portion of Lot 72 including the existing residence.

Site History

The landowners have operated a business from Lot 72 since 1988. The scale and scope of the business has undergone a number of changes since 1988 and today the business operations of Westpark Services Pty Ltd revolves around the installation of playground equipment, fencing and gates. The business appears to have been operating since 1988 without complaint from adjoining landowners. Development Approval for the use of Lot 72 has not been obtained by the landowner.

Proposal

The applicant has applied for an Additional Use to legitimise the business being operated from Lot 72. The additional use proposed is for Storage (Fencing and Playground Equipment Contractor). The business being operated from Lot 72 is mainly storage with incidental fabrication. Playground equipment, etc is ordered to fulfill tenders and is stored in a neat and organised manner until its installation is required. Minor fabrication (cutting, tack welding, bending, etc) of gates and fencing is undertaken within the existing workshop on approximately 1-2 days per week when an

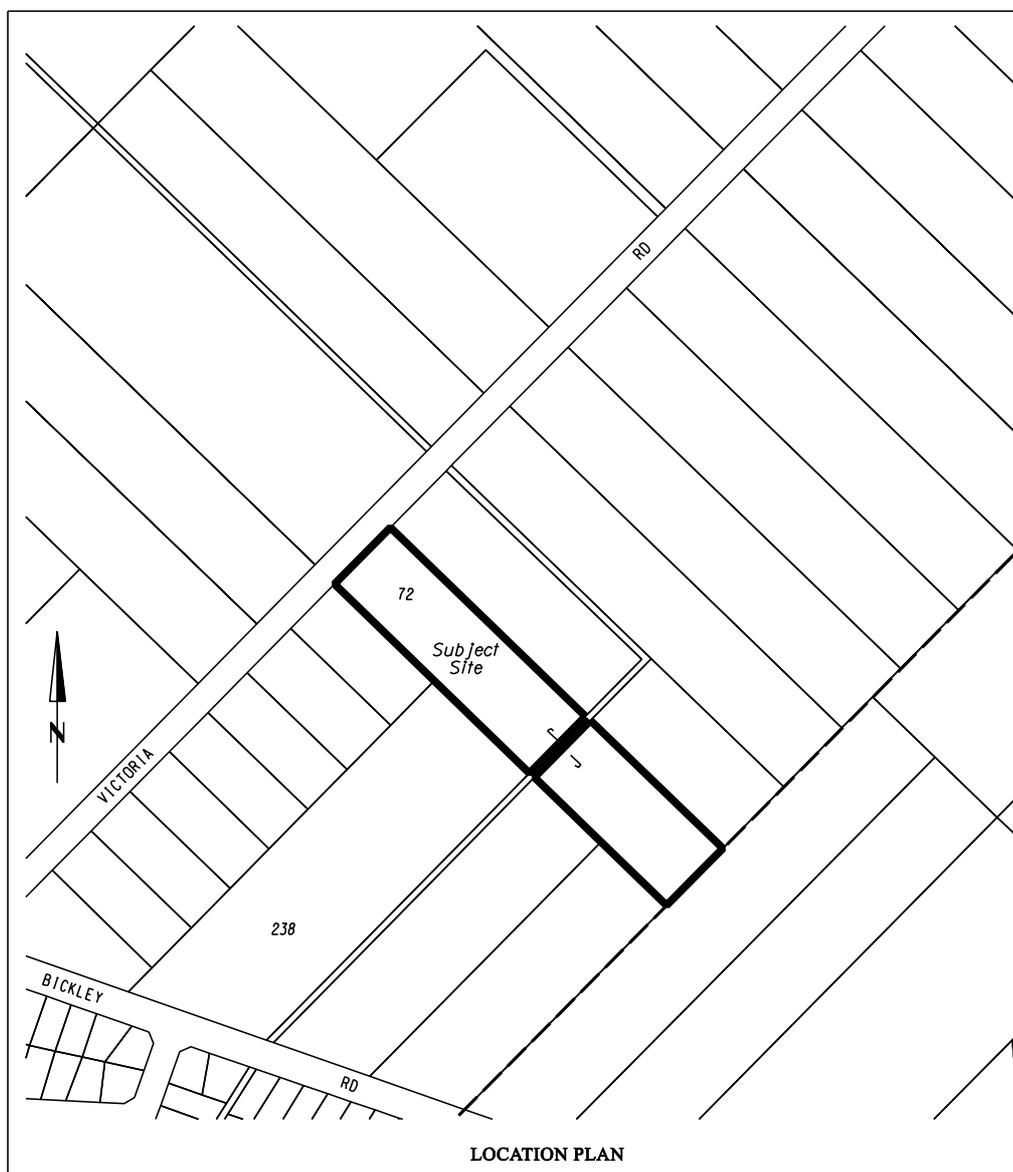
order is being filled. Maintenance of existing playgrounds also requires the occasional fabrication of new parts. The applicant has submitted a Concept Development Plan indicating the layout of the property.

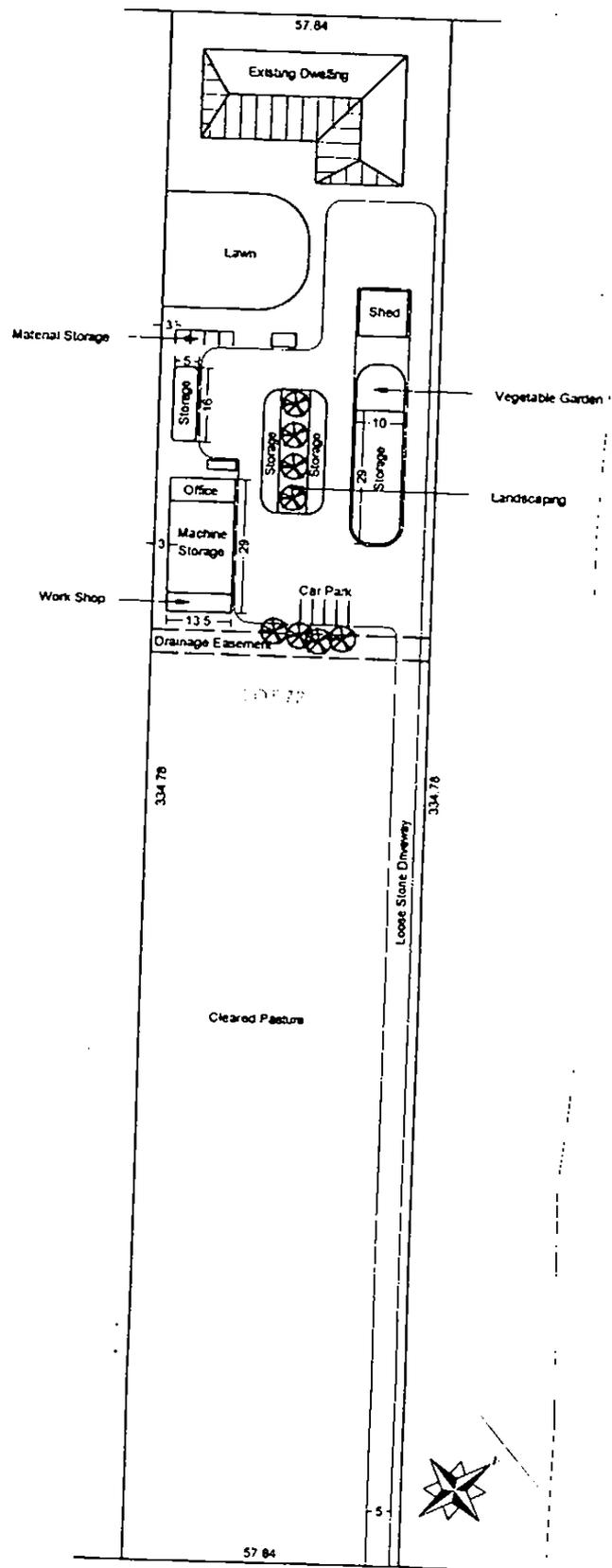
The subject property is zoned “General Rural” under TPS 6. The TPS 6 definition of “Storage” is “premises used for storage of goods, equipment, plant or materials”.

Table 1: Zoning Table, designates this use class (No. 66 Storage) as an “X” use in the General Rural zone, which means that it is not permitted by the Scheme.

Clause 4.5 specifies that despite anything contained in the Zoning Table, land specified in Schedule 2 – Additional Uses, may be used for the specific use or uses that are listed in addition to those uses permitted in the Scheme.

The applicant has therefore requested an amendment to Schedule 2 of TPS 6 to include an additional use for the business at Lot 72.





Victoria Road
Concept Development Plan

DISCUSSION

The materials and equipment stored on Lot 72 in relation to the business operated from the site are stored in an organised and tidy manner. The storage area on Lot 72 is screened from view from adjoining residences by existing vegetation, with the exception of Lot 238 Bickley Road (see Location Plan). Should the proposed amendment be approved and gazetted, the landowner will be required to submit a Development Application for the proposed additional use for assessment.

The absence of complaints from local residents regarding the longstanding business operation on the subject site is seen as indicative of a small scale operation with minimal off-site impacts. Should the subject amendment be initiated, the adjoining landowners will have the opportunity to comment during the advertising period.

The recommended additions to Schedule 2 are as follows:

No.	Description of Land	Additional Use	Conditions
	37 (Lot 72) Victoria Road, Kenwick	Storage (Fencing and Playground Equipment Contractor)	<ol style="list-style-type: none"> 1. Storage is limited to playground equipment, fencing, gates and incidental materials. 2. Incidental fabrication of fencing, gates and playground equipment repairs is limited to maximum of 2 days per week, excluding Sunday. 3. Area utilised for the additional use is to be in accordance with a Concept Development Plan approved by Council.

It is considered that the Concept Development Plan submitted by the applicant should be advertised concurrently with the amendment documentation and considered by Council, with modifications as required on finalisation of the amendment.

CONCLUSION

The business currently operating from Lot 72 is considered not to be injurious to the amenity of nearby properties. The operation is small scale and mainly consists of the storing of fencing and playground equipment in an organised manner. The fabrication undertaken on the site is limited in scale and considered to be incidental to the main use of storage. It will therefore be recommended that Council initiate the proposed amendment for advertising to the public.

FINANCIAL IMPLICATIONS

Nil.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION

64 Moved Cr P Wainwright Seconded Cr D Griffiths

“That Council, pursuant to Section 7 of the Town Planning and Development Act, 1928 (as amended), amend Town Planning Scheme No. 6 text by adding the following to Schedule 2 – Additional Uses:

No.	Description of Land	Additional Use	Conditions
	37 (Lot 72) Victoria Road, Kenwick	Storage (Fencing and Playground Equipment Contractor)	1. Storage is limited to playground equipment, fencing, gates and incidental materials. 2. Incidental fabrication of fencing, gates and playground equipment repairs is limited to maximum of 2 days per week, excluding Sunday. 3. Area utilised for the additional use is to be in accordance with a Concept Development Plan approved by Council

CARRIED 11/1

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

***AGAINST:** Cr O Searle.*

**13.5.5 DEVELOPMENT APPLICATION – OVERSIZE OUTBUILDING –
20 (LOT 15) DUDLEY ROAD, KENWICK**

File:	224152	Approve Ref:	0405/1803	(SC)	Psrpt015Feb05
Name:	DG Bradford				
Location:	20 (Lot 15) Dudley Road, Kenwick.				
Zoning: MRS:	Urban				
TPS No. 6:	Residential R17.5				
Appeal Rights:	Yes. State Administrative Tribunal against a refusal or any condition(s) of approval.				
Area:	3,883m ²				
Previous Ref:	OCM 22 July 2003 (Resolution 494)				

PURPOSE OF REPORT

For Council to consider a development application for a partially constructed, oversize outbuilding at 20 (Lot 15) Dudley Street, which is outside authority delegated to staff.

BACKGROUND**Site History**

Council at its Ordinary Meeting held on 22 July 2003 (Resolution 494), approved an application for an oversize outbuilding measuring 120m² (15m x 8m) in area with a sloping roof with wall heights of 3 metres and 3.6 metres, subject to the following conditions:

- “1. The building being constructed of material to match the residence;*
- 2. The outbuilding not being utilised for any commercial purposes;
and*
- 3. Standard conditions 5.1 and 5.3.”*

A building licence was then granted on 27 October 2003 in accordance with the plans approved at OCM 22 July 2003. Construction of the outbuilding was subsequently commenced, however, this was not in accordance with either the development approval or with the plans submitted in relation to the building licence. Following a site inspection by Council's Building Surveyor, the applicant on 23 September 2004 submitted amended building plans in relation to the building licence, which accorded with the design and size of the partially constructed outbuilding.

Town Planning Scheme No. 6

Clause 9.2 (b) (iv) Permitted Development – of the City of Gosnells Town Planning Scheme No. 6 (TPS 6), allows for the erection of an ancillary outbuilding without the need for planning approval subject to compliance with the floor area and height standards specified. (These standards are the same as those detailed in relevant Council Policy 6.2.3 – see below).

Clause 9.3 of TPS 6 also states that the City may amend a planning approval prior to the commencement of the use or development subject of the planning approval. In this instance, construction of the outbuilding had been commenced, therefore a fresh development application was required to be processed for the amended plans. It should be noted that although the revised plans and advice regarding the requirement for additional height had been received in September 2004, the signed application to commence development (Form 1) was not received until 27 January 2005.

Clause 1.2 of TPS 6 details a range of matters that Council needs to consider when determining a development application. Specific relevant issues are examined in the Discussion section.

Policy 6.2.3 Outbuildings – Rural and Residential Areas.

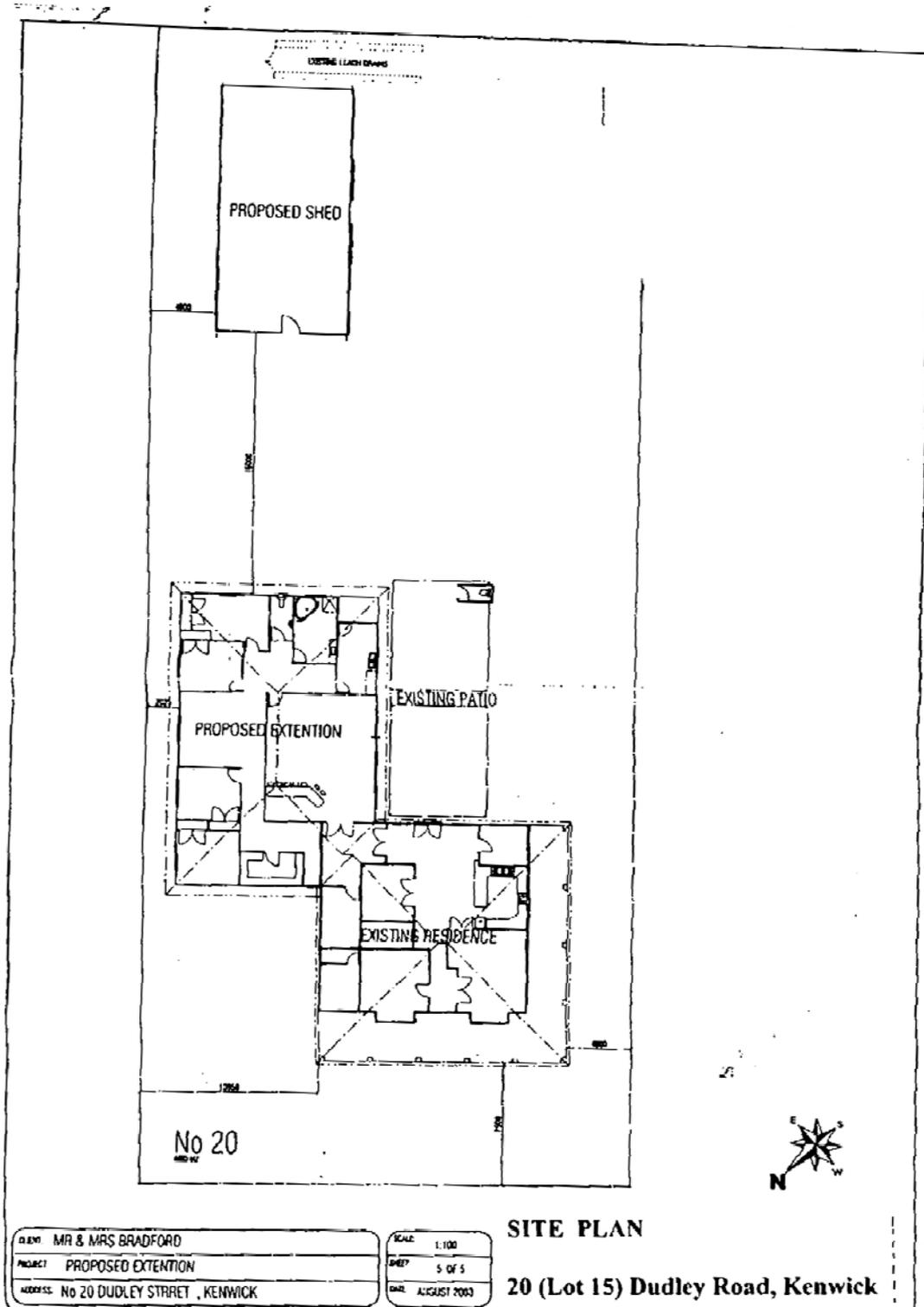
Council's Policy prescribes a maximum floor area of 90m², wall height of 3 metres and maximum building height of 4.2 metres for residential zoned sites with an area in excess of 1,000m². Applications for variations to the policy requirements may be assessed on their merits, taking into account individual circumstances where appropriate. Council policy also requires that consideration be given to the nature of cladding materials (eg Colorbond, zincalume sheeting) in terms of potential visual impacts.

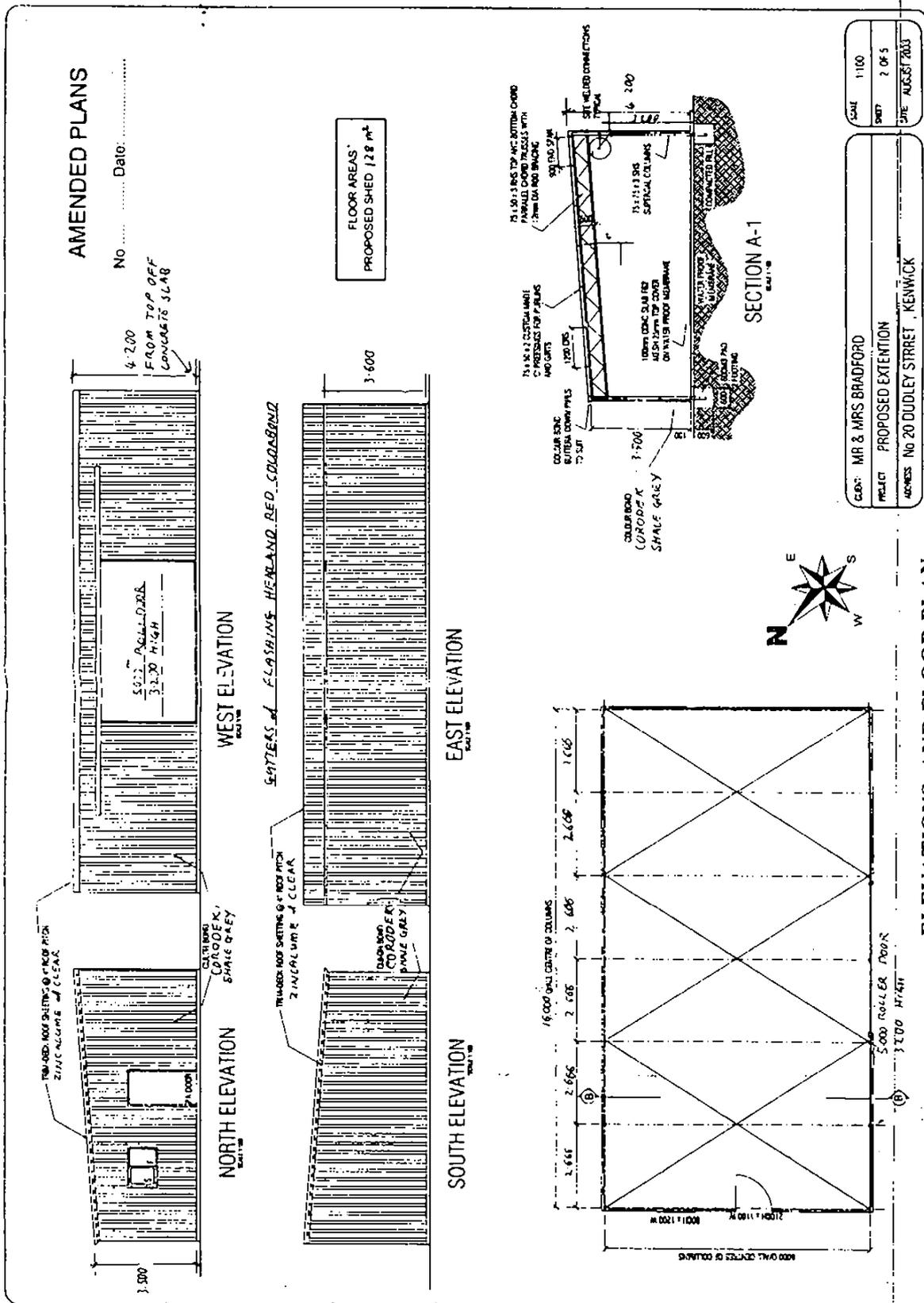
Proposal

The amended proposal is for a 128m² metal clad outbuilding measuring 16m x 8m with a sloping roof, with wall heights amended to 3.6 metres and 4.2 metres. The wall closest to the side (north) boundary has been increased from 3 metres to 3.6 metres and the other wall (southern elevation) from 3.6 metres to 4.2 metres. The applicant advised that he believed that the increased wall height would not require separate approval, as the outbuilding was still within the maximum 4.2 metre building height as detailed in Clause 9.2 of TPS 6.

The applicant had advised that the increased wall height is required to accommodate a boat and to allow for a roll-up door instead of sliding doors. Staff requested details of the boat, however, the applicant has since advised that the purchase of the boat did not proceed and the applicant is yet to locate another boat to purchase.

The construction materials and the use of the outbuilding have remained the same, however, the amended plans for the partially constructed outbuilding increase the floor area by 8m² and the wall height by 0.6 metres, compared to the plans approved by Council on 22 July 2003.





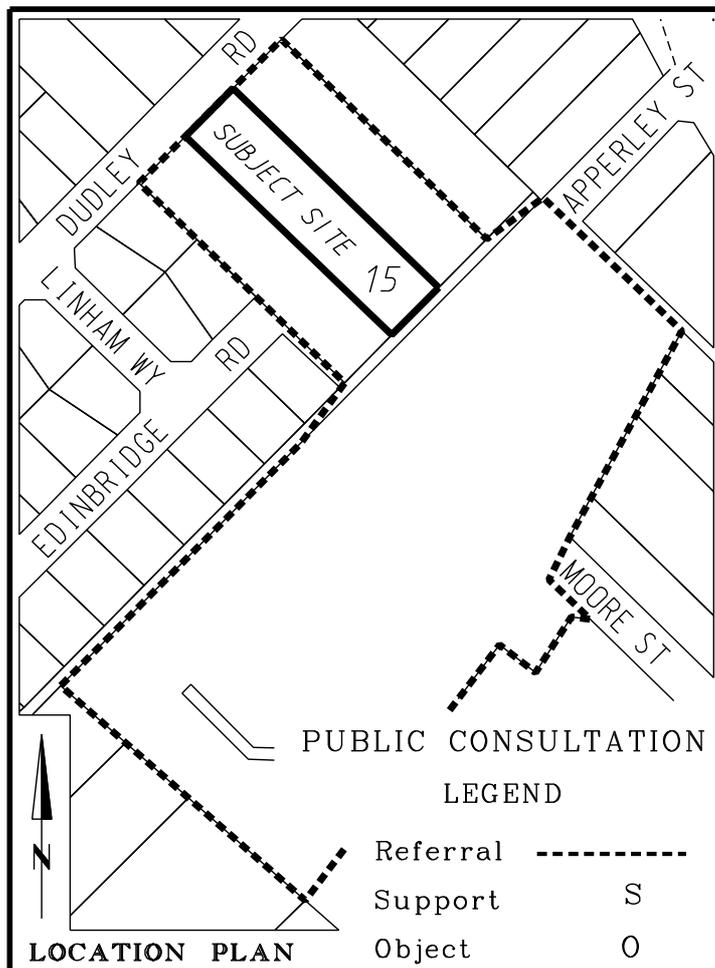
DISCUSSION

Public Consultation

In accordance with staff delegations, the amended outbuilding plans were referred to the surrounding properties for comment. Although the referral letter referred to the increase in height only, the outbuilding has also been increased in length by 1 metre (now 16m x 8m), which was notated on the plans. One objection has been received which is outlined in the submission table below.

Schedule of Submissions

No.	Name/Address	Summary of Submission	Staff Comment
1.	Confidential (Name Supplied)	Objection. 1) Applicant deliberately breaching terms of approval and outbuilding should conform to current approval 3 metres and 3.6 metres wall height 2) Concerns that a builders yard is being developed in a residential area. 3) Area is currently zoned for future medium density housing.	Noted. Refer Discussion section. Noted. Refer Discussion section. Noted. Under the Local Housing Strategy, the area has been endorsed by Council for future R60 due to its proximity to the Kenwick Train Station.



Previous Justification for Oversize Outbuilding

In relation to the original development application, the applicant had previously advised that the oversized outbuilding was required in order to store a vintage hobby vehicle, work vehicle and trailer and recreational vehicle. The applicant had stated that he is a contract carpenter (who works off site) and requires adequate storage for work associated vehicles and tools.

Amenity

The outbuilding is located 16 metres from the rear of the dwelling and 4 metres from the north eastern side boundary. There is some mature vegetation located along this side boundary which will provide some screening. Access to the outbuilding and rear of the lot is located on the opposite side of the lot (south eastern side boundary). A site inspection was undertaken by the City's Building Surveyor and Planning Compliance Officer on 26 August 2004, where it was confirmed by the owner that the metal tubing and sheeting on site were to be used in the construction of the shed, and the outbuilding was not going to be used for commercial purposes as a builders yard.

It should be noted that the original approval was conditional upon "The outbuilding not being utilised for any commercial purposes". Any breach of this condition would be referred to the City's Planning Compliance Officers for investigation and issuing of infringements if necessary.

Variation to Council's Development Approval

The applicant's justification for raising the height of the outbuilding is the desired installation of a roller door to allow for storage of a boat. Also the applicant has advised that he did not think this was a problem as Council's Policy allows a maximum building height of 4.2 metres. It is evident though that the maximum outbuilding wall height of 3.6 metres, previously approved by Council, has been exceeded.

In summary, the area of the outbuilding area (128m²) has been altered by an increase of 8m² and the wall heights of the subject outbuilding by an increase of 0.6 metres from the original approval granted by Council 22 July 2003. Given the increase in size and height the following options can be considered.

Option 1 – Council not support the increased size and height of the outbuilding and therefore the subject development application be refused. This option would require the applicant to modify the outbuilding to accord with the previous planning approval and building licence. In the event of non-compliance legal action may be instigated by way of a Section 10 Direction in accordance with the provisions of the Town Planning & Development Act 1928 requiring the outbuilding to be brought into compliance with the approved plans. (Authority to issue Section 10 Directions is delegated to the Director of Planning and Sustainability, the Manager City Planning and the Coordinator Planning Implementation).

Option 2 – Council support the increased size and height of the subject outbuilding and issue planning approval. The amended plans for the building licence would then be stamped accordingly.

In assessing a development application, Clause 11.2 requires that due regard must be given to a range of matters including the following which are seen as relevant to the subject proposal:

- 11.2(b) orderly and proper planning: The proponent has partially constructed a building contrary to Council's development approval.
- 11.2(f) any relevant Local Planning Policy: The partially constructed building exceeds policy requirements and, although previously approved, it is considered insufficient justification for further variation has been provided to the existing approval.
- 11.2(i) compatibility of the use with its setting: The subject outbuilding is an oversize structure within a residential setting. Council's Outbuilding Policy is based on a development standard which is seen as appropriate. Due to concerns raised together with further proposed residential development the increased size and height is not supported.
- 11.2(n) preservation of the amenity of the locality: An objection was received and presented to Council in the report for its meeting held on 22 July 2003 specifically referencing a potential adverse impact on residential amenity.
- 11.2(o) the relationship of the proposal to adjoining land with reference to height, bulk, scale and appearance. The subject outbuilding exceeds floor area and wall height standards.
- 11.2(y) any relevant submissions received on the application: An objection has been received to the current proposal for increased area and wall height. Refer 11.2(n) above for previous objection.
- 11.2(za) and any other planning consideration relevant: The subject site and the surrounding area has been identified for potential increases in residential density to R60 under the draft Local Housing Strategy Kenwick Precinct given its proximity to the Kenwick train station. In this context a further increase in floor area and wall height of the subject outbuilding may be seen as potentially prejudicial to future medium density built form outcomes.

The increase of 8m² in area and 0.6 metres in wall height could be considered to be minimal. However given the increased size and height is to accommodate a boat which is yet to be purchased and that outbuilding construction was modified without approval, together with the above requirements of Clause 11.2, it is recommended that Option 1 be supported.

CONCLUSION

The subject, partially constructed outbuilding exceeds the wall height and floor area approved by Council at its meeting of 22 July 2003. The applicant's stated justification

for constructing the outbuilding contrary to the development approval is not considered to be sustained and an abutting landowner has objected. Also the subject proposal is considered to be not compatible with a range of matters identified in Clause 11.2 of TPS 6 which need to be considered by Council when assessing development applications. Compliance with approved plans is therefore recommended.

FINANCIAL IMPLICATIONS

Should legal action be undertaken, legal fees, funds for which have been budgeted, should be recouped in part, subject to a favourable ruling by the Courts.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION
--

65 Moved Cr D Griffiths Seconded Cr W Barrett

“That Council refuse the application for a 128m² oversize outbuilding with a sloping roof and wall height of 3.6 metres and 4.2 metres at 20 (Lot 15) Dudley Road, Kenwick, for the following reasons:

1. The proposal does not accord with Council approval dated 22 July 2003 in respect of an oversize outbuilding which does not meet the requirements of Council Policy 6.2.3 and Clause 9.2 (b)(iv) of Town Planning Scheme No. 6.
2. Justification by the owner for variation to size and height of the outbuilding is not sustained.
3. The subject proposal is seen as being detrimental to the amenity of the area in terms of its size, scale and impacts on adjoining property and is seen as incompatible with future medium density residential development. As identified in the City’s draft Local Housing Strategy in the Kenwick Precinct.”

CARRIED 12/0

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

AGAINST: Nil.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION
--

66 Moved Cr D Griffiths Seconded Cr W Barrett

“That Council advise the applicant to modify the partially constructed outbuilding at 20 (Lot 15) Dudley Road, Kenwick, so that it accords with the plans approved by Council at its meeting of 22 July 2003 (Resolution 494) and the Building Licence issued 27 October 2003 within 28 days from the date of formal notification to the applicant of Council’s resolution.”

CARRIED 12/0

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

AGAINST: Nil.

13.5.6 DEVELOPMENT APPLICATION – PYLON SIGN FOR HUNGRY JACKS – 210 (LOT 2) SPENCER ROAD, THORNLIE

File: 215909 **Approve Ref:** 0405/1775 (EH) Psrpt017Feb05
Name: Hungry Jacks Pty Ltd
Location: 210 (Lot 2) Spencer Road, Thornlie
Zoning: MRS: Urban
 TPS No. 6: Mixed Business
Appeal Rights: Yes. State Administrative Tribunal against a refusal or any condition(s) of approval.
Area: 2,689m²

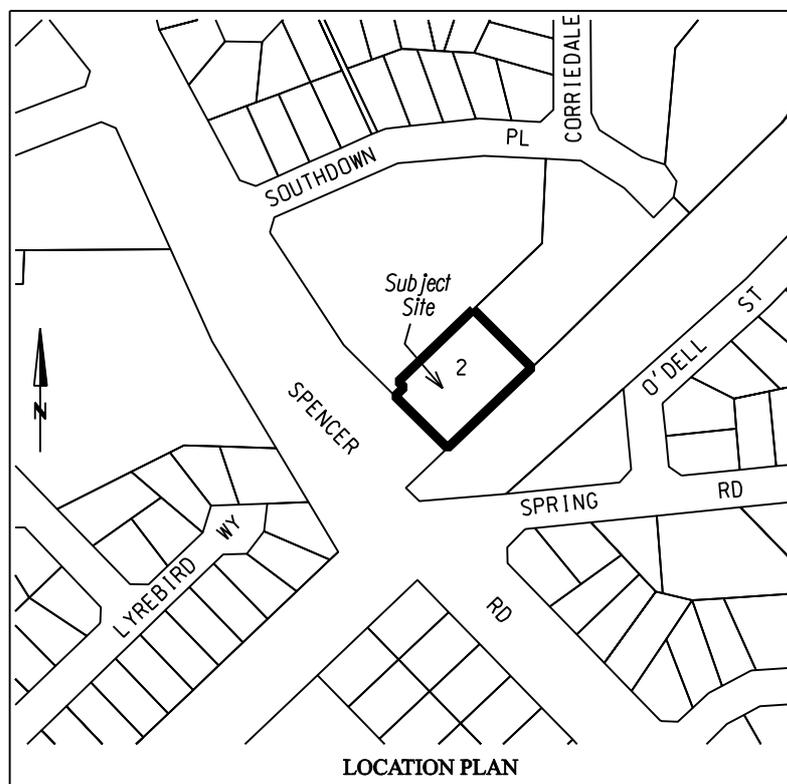
PURPOSE OF REPORT

For Council to consider an application for a new pylon sign for Hungry Jacks at 210 (Lot 2) Spencer Road, Thornlie as the proposal is outside the authority delegated to staff.

BACKGROUND

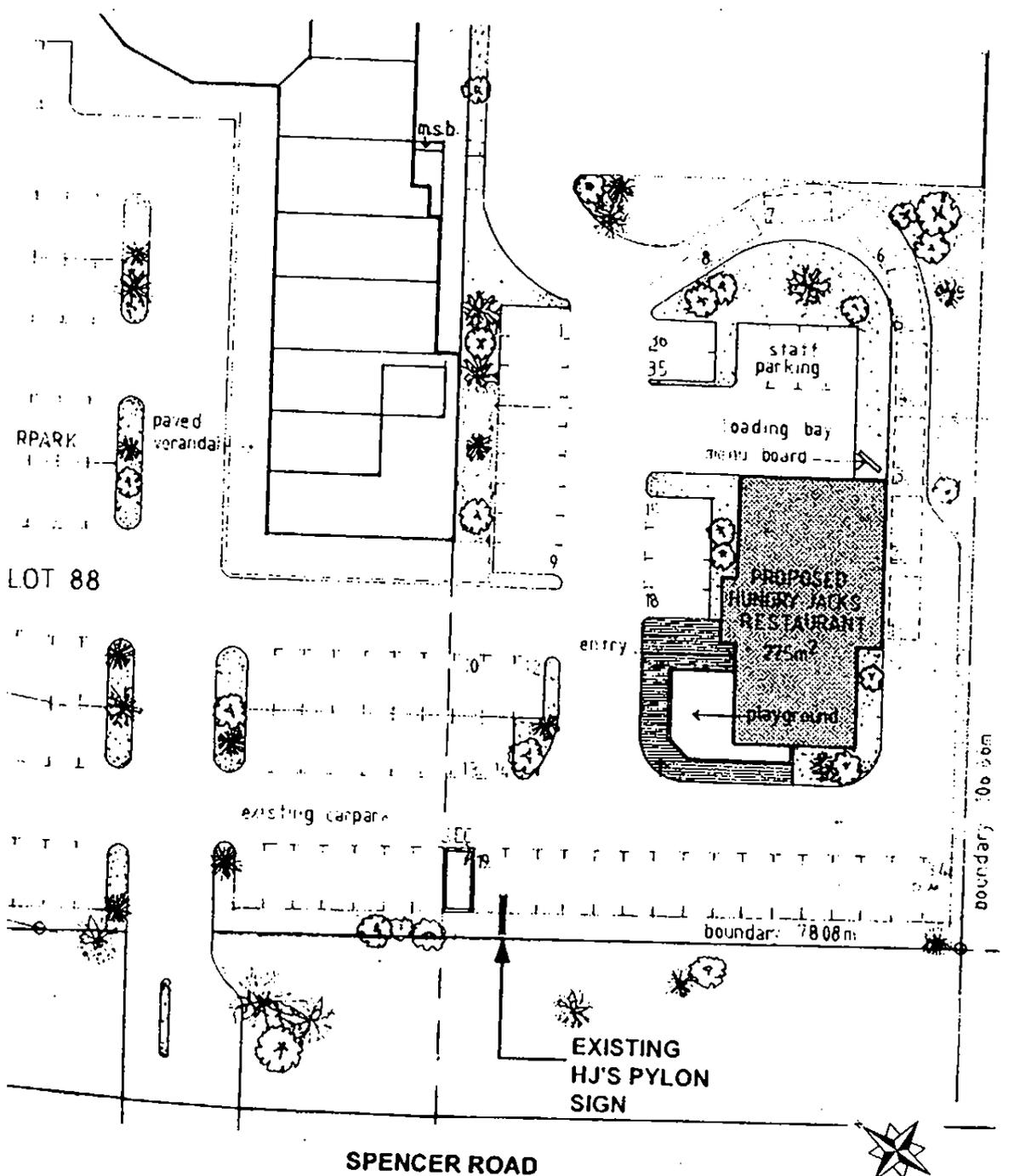
Site History

A Development Approval was issued in 1989 for the development of Hungry Jacks at 210 (Lot 2) Spencer Road, Thornlie and a Sign Licence Approval followed in 1990 for the installation of the existing pylon sign. The approved sign was 6 metres in height and 2.4 metres in width.



Proposal

The application proposes to replace the existing pylon sign with a higher pylon sign to provide improved exposure. The proposed sign will have a total height of 12.5 metres compared to its current height of 6.5 metres. It is proposed the new sign will have a headway clearance of 7.7 metres. The sign is currently located within the property boundaries of Lot 2 and the proposed new sign will be installed in the same location as the existing sign.





**PROPOSED ILLUMINATED PYLON SIGN
SIGN TYPE 1
N.T.S**

The applicant has provided that “*due to the current construction of the freeway ramp immediately adjacent the site – the sign is no longer visible to traffic from either direction*”. The ‘freeway ramp’ referred to by the applicant is the new Spencer Road bridge currently being constructed over the new passenger rail line. The existing pylon sign will not be visible to motorists travelling north or south along Spencer Road once the new bridge is open to traffic, due to different height levels.

DISCUSSION

Town Planning Scheme No. 6 Requirements

Clause 5.12.1 – General, states:

“For the purpose of this Scheme, the erection, placement and display of advertisements and the use of land or buildings for that purpose is development within the definition of the Act requiring, except as otherwise provided, the prior planning approval of the Council. Planning approval is required in addition to any licence pursuant to Council's Signs Local Law.”

Clause 5.12.3 – Consideration of Applications, states:

“Without limiting the generality of the matters which may be taken into account when making a decision upon an application for planning approval to erect, place or display an advertisement, Council shall examine each such application in the light of the objectives of the Scheme and with particular reference to the character and amenity of the locality within which it is to be displayed, including its historic or landscape significance and traffic safety, and the amenity of adjacent areas which may be affected.”

Signage Local Law

Council’s Signs, Hoardings and Billposting Local Law has the following provisions relating to pylon signs:

5.12.1 A pylon sign shall:

- (a) not have any part thereof less than 2.7m or more than 6m above the level of the ground immediately below it;*
- (b) not exceed 2.6m measured in any direction across the face of the sign or have a greater superficial area than 4m²;*

The following is a comparison of the existing and proposed sign against the local law provisions:

Local Law Requirement	Existing Sign (metres)	Proposed Sign (metres)
Min. Headway clearance of 2.7m	4.4	7.7
Max. height of 6m	6.0	12.5
Max. dimension of 2.6m measured across the face	2.4	3.6
Max. superficial area of 4m ²	Approx. 6m ² each side	Approx. 15m ² each side

It is clear from the comparison that the proposed sign does not comply with the requirements of the local law. However, clause 5.12.3 of the Local Law states that *“Notwithstanding the provisions of sub-by-law 5.12.1 and 5.12.2, approval for the erection of a pylon sign that does not meet the requirements of these by-laws may only be granted by the resolution of the Council.”*



EXISTING PYLON SIGN

It is evident from the photograph that the Spencer Road bridge is higher than the existing sign and therefore will not be visible to passing motorists. The new pylon sign is proposed at a height that would be visible to passing motorists on the bridge, as indicated in the below photograph.



PROPOSED PYLON SIGN

Traffic

The Technical Services Branch do not have any concerns with the proposed pylon sign in relation to the impact on traffic safety.

General Comments

Approval of the proposed new pylon sign for Hungry Jacks may set a precedent for the existing signs on the adjoining site for KFC and the Spencer Village Shopping Centre to also be increased in height. After an inspection of the site, City Planning consider that the existing KFC sign would not need to be increased in height to the extent of the

Hungry Jack's sign due to its location in relation to the bridge. The existing Spencer Village sign may require an increase to a similar height at the proposed Hungry Jack's sign.

CONCLUSION

City Planning consider that the amenity of the locality will not be detrimentally affected if the existing pylon sign was replaced with that proposed. If the face of the sign was made to comply with the Local Law, it is envisaged that the sign would look awkward and disproportionate. It will therefore be recommended that Council approve the application for a new Hungry Jack's pylon sign at 12.5 metres high.

FINANCIAL IMPLICATIONS

Nil.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION

67 Moved Cr S Moss Seconded Cr R Mitchell

“That Council approve the application for a new pylon sign at 12.5 metres for Hungry Jack's at 210 (Lot 2) Spencer Road, Thornlie.”

CARRIED 11/1

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

AGAINST: Cr J Brown.

13.5.7 DEVELOPMENT APPLICATION – FAST FOOD OUTLET (DRIVE-THROUGH COFFEE SHOP) – 11 (LOT 102) WIMBLEDON STREET, BECKENHAM (*ITEM BROUGHT FORWARD – REFER TO ITEM 11*)

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 2003 and is relocated under Item 11 “Items Brought Forward for the Convenience of those in the Public Gallery” as the first report in these Minutes.

13.5.8 ROAD WIDENING - PROPOSED CLOSURE OF PORTIONS OF RESERVES 34270 AND 34271 KELVIN ROAD, MADDINGTON AND DEDICATION AS ROAD

File: KEL.5 (BE) Psrpt019Feb05
Name: City of Gosnells
Location: Kelvin Road, Maddington (Entrance to Operations Centre)
Zoning: MRS: N/A
TPS No. 6: N/A
Appeal Rights: Nil
Area: 400m²

PURPOSE OF REPORT

A Council resolution is required to close portion of Reserves 34270 and 34271, and request the Minister for Lands to dedicate the land as “public road” pursuant to Section 56 of the Land Administration Act 1997.

BACKGROUND

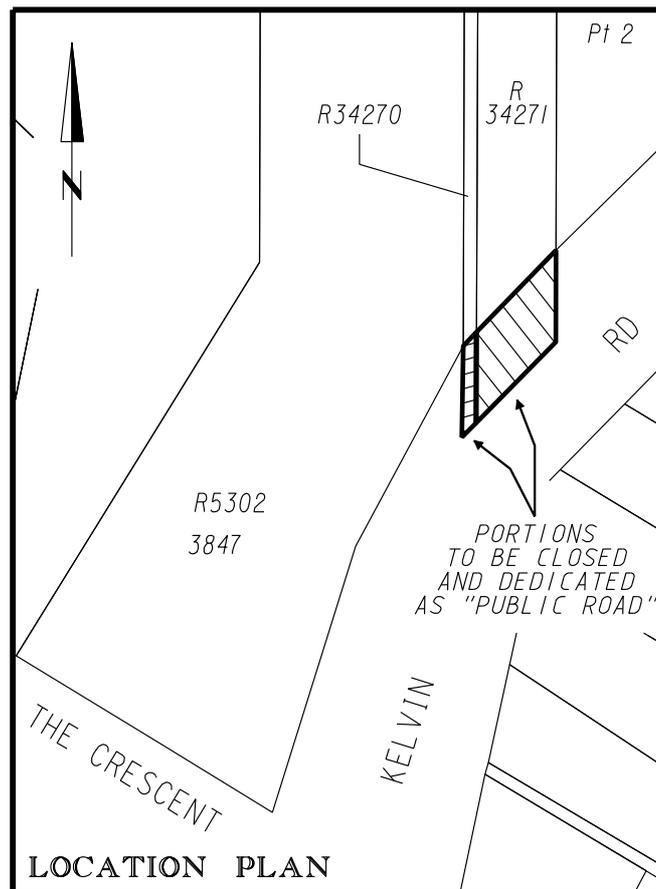
The section of Kelvin Road from Albany Highway to the Stebbing Road and Maddington Road roundabout was widened to dual-carriageway standard in 1996/1997. However, there are several portions of land adjacent to where the road widening has taken place that were not dedicated at that time as “public road”.

Portions of Reserves 34270 and 34271 are two of the land parcels that were not dedicated as road and both these reserves protrude approximate 20.0 metres into the road reserve (see Location Plan).

DISCUSSION

Reserve 34270 is under the management of the Water Corporation and is used for the purpose of “water supply”. Subsequently, the City has written to the Water Corporation seeking comment on the closure of portion of this reserve and they have advised that they have no objection to the closure and dedication of the portion as public road.

Reserve 34271 is under the management of the City of Gosnells and is used for the purpose of “parking/recreation”. The reserve is primarily used as a vehicle access to the Operations Centre and Maddington Recreation Ground, and is known as Canning Park Avenue.



The closure and dedication as road of these portions of the reserves will finalise the road widening of Kelvin Road from Albany Highway to the Stebbing Road and Maddington Road roundabout.

CONCLUSION

As there was no objection from the Water Corporation to the closure and dedication of Reserve 34270 and the City has management responsibility for Reserve 34271, it will be recommended that Council request the Department for Planning and Infrastructure – Land Asset Management Services to close the subject portions of the reserves and dedicate the land as “public road” pursuant to Section 56 of the Land Administration Act 1997.

FINANCIAL IMPLICATIONS

Nil.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION

68 Moved Cr D Griffiths Seconded Cr R Croft

“That Council request the Department for Planning and Infrastructure – Land Asset Management Services pursuant to Section 56 of the Land Administration Act 1997 to close portion of Reserve 34270 and portion of Reserve 34271 and to dedicate those portions of land as “public road” for the road widening of Kelvin Road, Maddington.”

CARRIED 12/0

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

AGAINST: Nil.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION

69 Moved Cr D Griffiths Seconded Cr R Croft

“That Council indemnify the Minister for Lands pursuant to Section 56 of the Land Administration Act 1997, against any claim for compensation in association with the closure/dedication as “public road” of portion of Reserve 34270 and portion of Reserve 34271 for the road widening of Kelvin Road, Maddington.”

CARRIED 12/0

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

AGAINST: Nil.

13.5.9 NAMING OF BRIDGE - EXTENSION OF TONKIN HIGHWAY OVER WUNGONG RIVER

File:	TON.3 & P8/1/8	(BE)	Psrpt020Feb05
Name:	Main Roads Western Australia		
Location:	Bridge over Wungong River on Tonkin Highway Extension Between Albany Highway and Ranford Road, Southern River		
Appeal Rights:	Nil		
Area:	N/A		
Previous Ref:	Nil		

PURPOSE OF REPORT

To consider a request from Main Roads Western Australia to name a new bridge over the Wungong River on the Tonkin Highway Extension between Albany Highway and Ranford Road, Southern River and to seek approval for the name from the Department of Land Information – Geographic Names Committee.

BACKGROUND

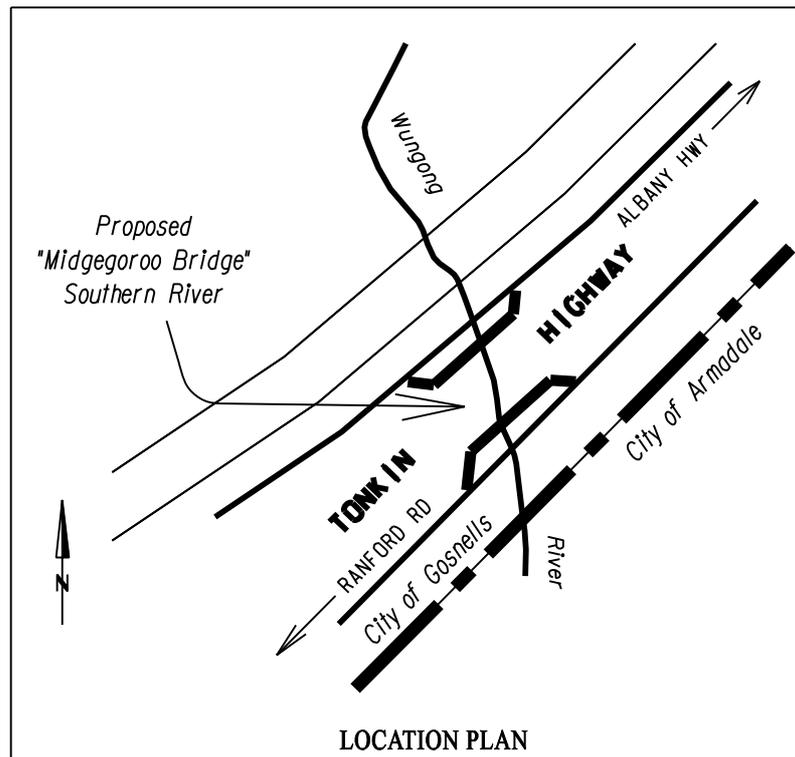
The reservation for the Tonkin Highway extension from Mills Road West to Ranford Road was reserved under the Metropolitan Region Scheme (MRS) in 1981, following the South East Corridor Stage 'A' Report (Minister for Planning 1980). In late 1996, the reservation was extended south to Mundijong Road based on the South East Corridor Structure Plan. In its ultimate form, the section between Mills Road West and Mundijong Road is planned as a six lane, divided, Controlled Access Highway with grade separated intersections.

The Tonkin Highway extension will provide a bypass road that will reduce the volume of heavy traffic in the urban areas of Kelmscott, Armadale, Byford and Mundijong. Within the City of Gosnells, access to Tonkin Highway will be provided through interchanges at Albany Highway and the Corfield Street extension, and traffic lights at Mills Road East and Mills Road West, Champion Drive and Ranford Road. In addition, bridges will be constructed over the Canning River, Albany Highway, Perth-Armadale railway line, Corfield Street and the Wungong River.

The City has recently received a request from Main Roads Western Australia to endorse the name of "Midgegoroo" for the bridge over the Wungong River, in Southern River.

DISCUSSION

Main Roads Western Australia and their contactor have been consulting with members of the local Aboriginal community regarding the naming of the bridge and acknowledgement of the heritage value of the area traversed by the highway.



A meeting was held between the contractor and members of the Aboriginal community on 5 March 2004, where it was decided that the name "Midgegoroo" would be appropriate to commemorate the Aboriginal elder of that name, who lived in the area at the time of European settlement.

Information plaques are to be erected on the site to acknowledge the significance of the Aboriginal heritage site. One of the plaques will commemorate the story of the Frog Dreaming, in accordance with the wishes of the Aboriginal community.

The naming of the bridge has been through the clearance process as required by the Aboriginal Heritage Act 1972.

CONCLUSION

As Main Roads Western Australia have conducted all the necessary liaison with the local Aboriginal community regarding the clearing process and also liaised with them with regard to the naming of the bridge, it is recommended that the name "Midgegoroo" be forwarded to the Department of Land Information – Geographic Names Committee for approval.

FINANCIAL IMPLICATIONS

Nil.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION

70 Moved Cr P Wainwright Seconded Cr R Hoffman

“That Council request the Department of Land Information – Geographic Names Committee, pursuant to Part 2 Clause 26 of the Land Administration Act 1997, to approve the name “Midgegoroo” for the bridge that will span the Wungong River on Tonkin Highway, in Southern River.”

CARRIED 10/2

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

AGAINST: Cr W Barrett and Cr J Brown.

8.49pm – The Director Planning and Sustainability left the meeting.

13.6 REGULATORY SERVICES

Notation

The Mayor to read aloud the following statement in relation the proposed Parking Local Laws:

“This evening we are proposing to commence the process of repealing the existing City of Gosnells Parking and Parking Facilities Local Law 2000 and making a new proposed City of Gosnells Parking and Parking Facilities Local Law 2005. The Parking and Parking Facilities Local Law has been in force since July 2000 and has served the City well. However, staff have identified that the new local law proposed tonight is necessary to reflect changes to the Road Traffic Code in relation to the definition of "stopping" and "standing" and introduce new offences which better reflect contemporary safety and amenity issues.

A statewide public notice inviting comments on this proposal will be advertised in the newspaper circulating throughout the district and the State, at the Council Administration Building and all City libraries. Submissions will be received for up to six weeks from the date of advertisement and I encourage anyone interested to write in to us with their views.”

13.6.1 PARKING LOCAL LAWS

File: L1/2/11 (RLW) Rpt004Feb05
Previous Ref: 13 June 2000
Appendix: 13.6.1A City of Gosnells Parking and Parking Facilities Local Law 2005

PURPOSE OF REPORT

To initiate the process of repeal of the City of Gosnells Parking and Parking Facilities Local Law 2000 and the adoption of a new local law titled City of Gosnells Parking and Parking Facilities Local Law 2005.

BACKGROUND

The City’s existing Parking and Parking Facilities Local Law was gazetted on 9 August 2000 with minor amendment on 4 September 2000.

DISCUSSION

The existing Parking and Parking Facilities Local Law 2000 now requires significant amendment brought about by changes to the Road Traffic Code in relation to “No Standing” which has become “No Stopping”. There are also changes in distances from children’s crossings, pedestrian crossings and the like. Another issue is that vehicles displaying an ACROD permit have extended privileges, and these too require change along with other suggested improvements by Local Laws WA which was established by the Western Australian Local Government Association (WALGA).

WALGA Local Laws WA have also advised that National Competition Policy public benefit test which was applied previously does not require revision.

The proposed Parking and Parking Facilities Local Law 2005 provides for several new Prescribed Offences which carry a modified penalty, this is reflected in the Schedule 2 of the local law. Prescribed offences are those which can be dealt with by the issue of Infringement Notices.

The maximum penalty remains at \$70 apart from one increase which is for “stopping in disabled parking area”. This increase which calls for a penalty of \$120 is brought about by a recent amendment to the *Local Government (Parking for Disabled Persons) Regulations 1988* and being a Regulation is uniform across Western Australia.

The total number of Prescribed Offences increases from 45 in the existing local laws to 70 in the proposed Parking and Parking Facilities Local Law 2005. This increase in the number of offences is brought about by greater urbanisation and the need to provide adequate parking controls which contribute to amenity, pedestrian safety and road safety.

There are various processes involved in adopting and repealing existing local laws which include state-wide public notice, display of copies of the proposed local law for public inspection at the Administration Centre and the Gosnells, Thornlie and Kenwick libraries for a period of six weeks from the publication of the state-wide public notice. A copy of the proposed local law is also sent to the Minister for Local Government. At the expiry of the comment period all comment will be considered and where appropriate incorporated in the proposed local law with a further report to Council for adoption.

FINANCIAL IMPLICATIONS

Advertising costs and other charges relating to gazettal of the local law are contained with the current 2004/2005 City of Gosnells budget.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION
--

71 Moved Cr C Matison Seconded Cr R Croft

“That Council give public notice that it proposes to repeal the existing City of Gosnells Parking and Parking Facilities Local Law 2000 and adopt the City of Gosnells Parking and Parking Facilities Local Law 2005 as attached in Appendix 13.6.1A and invite submissions from the public about the proposed local law for a period of six (6) weeks from the date of advertisement.”

CARRIED 12/0

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

AGAINST: Nil.

14. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**14.1 COMMERCIAL VEHICLE PARKING AT 110 (LOT 270) VICTORIA ROAD, KENWICK – REPORT REQUEST (*ITEM BROUGHT FORWARD – REFER TO ITEM 11*)**

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 2003 and is relocated under Item 11 “Items Brought Forward for the Convenience of those in the Public Gallery” as the second report in these Minutes.

15. NOTICES OF MOTION FOR CONSIDERATION AT THE FOLLOWING MEETING

Nil.

16. URGENT BUSINESS
(by permission of Council)

Nil.

17. CONFIDENTIAL MATTERS

Nil.

18. CLOSURE

The Mayor declared the meeting closed at 8.53pm.