



**ORDINARY COUNCIL MEETING  
8 NOVEMBER 2005**

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Minutes of the Ordinary Council Meeting held in the Council Chambers, City of Gosnells Administration Centre, 2120 Albany Highway, Gosnells on Tuesday 8 November 2005.

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## **1. OFFICIAL OPENING/ANNOUNCEMENT OF VISITORS/DISCLAIMER**

The Mayor declared the meeting open at 7.31pm 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 C MATISON

CR P WAINWRIGHT

CR O SEARLE JP

CR R MITCHELL

CR J HENDERSON

CR D GRIFFITHS

CR J BROWN JP

CR R CROFT

CR W BARRETT

### STAFF

ACTING CHIEF EXECUTIVE OFFICER

MR T PERKINS

DIRECTOR COMMUNITY ENGAGEMENT

MS A COCHRAN

DIRECTOR CORPORATE SERVICES

MR R BOUWER

DIRECTOR INFRASTRUCTURE

MR D HARRIS

DIRECTOR PLANNING & SUSTAINABILITY

MR L KOSOVA

MINUTE SECRETARY

MS A CRANFIELD

### PUBLIC GALLERY

11

### APOLOGIES

Cr S Iwanyk

Chief Executive Officer Mr S Jardine

### APPROVED LEAVE OF ABSENCE

Cr R Hoffman was granted Leave of Absence vide Resolution 470 of the Ordinary Council Meeting held on 25 October 2005.

## 3. DECLARATIONS OF INTEREST

### Notation

*Interest Declared during Item 13.4.1:*

Cr R Mitchell declared a Financial Interest in item 13.4.1 "Optus Mobile Pty Ltd - Application to Lease Portion of Lot 3 Stalker Road, Gosnells (Gosnells Recreation Ground)".

**Reason:** Employed by opposition carrier.

**4. ANNOUNCEMENTS BY THE PRESIDING MEMBER**

(without discussion)

The Mayor circulated to Councillors a list of functions and events she had attended since Tuesday 25 October 2005.

The Mayor announced that the City of Gosnells IT FOR All @ YOUR LIBRARY programme was the finalist in the WA Seniors Awards category of the Active Ageing Innovations Award. She advised this was an IT programme run for Seniors free of charge and provided them with a working knowledge of IT applications with the success of the programme demonstrating the City's commitment to the innovative use of the IT lab at the Knowledge Centre.

The Mayor announced that Mrs Freda Cook – Fitness Coordinator at City of Gosnells Leisure World was the State winner of the Council of the Ageing Living Longer Living Stronger Awards announced recently during the WA Seniors Week. She advised the success of the programme demonstrated the City's commitment to the provision of fitness programmes that improve the health and well-being of seniors living within the community and was an example that a Leisure Centre can provide community based health initiatives.

The Mayor requested the Director Community Engagement pass on best wishes to the staff concerned.

The Mayor announced that at the Premiers Awards of Excellence last week held at the new Convention Centre, the City of Gosnells Maddington, Kenwick Sustainable Communities Partnership was a finalist in the Leadership Awards. She advised the partnership was a groundbreaking initiative with the State Government and City of Gosnells. The Mayor acknowledged and congratulated the Director Planning and Sustainability and his staff for the nomination and asked that he pass on best wishes to staff concerned.

**5. REPORTS OF DELEGATES**

(without debate)

Cr W Barrett reported that last Friday night he attended an Upgrade Tour of Leisure World arranged for Councillors and through the Presiding Member passed on thanks to the Director Community Engagement and her staff. He advised the centre looked fantastic and having spoken to staff they were very happy with the new plant and equipment. He extended special thanks to Kim Johnson, Centre Operations Coordinator, who conducted the tour.

## **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 MEETINGS**

Nil.

### **6.1 QUESTION TIME**

- \* Mr Ralph Prestage of 51 Dover Crescent, Wembley Downs asked the following questions in relation to item 13.5.2 “Southern River Precinct 2 Outline Development Plan” of the agenda:

- Q 1 (a) With regard to rezoning land to residential has the Council considered a recommendation previously put by me that a levy be charged on each residential lot developed to provide funds towards the purchase of privately owned land that is being resumed to provide a public amenity such as bush or wetland as at present a mere pittance is only being offered by the government?
- (b) Has the Council researched my previous comments that the Kalamunda Shire were last year charging a levy of \$12,500 (indexed/reviewed annually) for each residential lot developed in the Cell 9 area to provide funds for the purchase of land for community use? If no enquiries were made why not as a levy would assist many long term ratepayers if used for land resumption?

**Response:** The Director Planning and Sustainability advised that he was not aware of Mr Prestage's previous comments or recommendations to Council and therefore could not provide advice on their status. He added he would be happy to discuss the matter with Mr Prestage after the meeting to obtain more detail following which he would provide a response.

The Mayor invited Mr Prestage to contact the Director during office hours if he was not able to remain until the end of the meeting.

- Q 2 Southern River Infrastructure - Can the Council advise me what development is being taken place on the western side of my Lot 1610 Barrett Street in the area of Lakey Street which was realigned to assist Taylor Woodrow in landscaping their development. The area was rezoned to Public Open Space and I only became aware of the road realignment when I viewed a Road Directory issued at that time. What Government Department is responsible for this development in the City of Gosnells and why has it not been shown in the Council Minutes, that I am aware of? And is it normal that neither the Council nor any Government Department has the courtesy to advise an adjoining land owner if it is a major development?

**Response:** The Director Planning and Sustainability advised that once again he did not have the answer, however, would be happy to research the matter and provide a response to Mr Prestage.

## **6.2 PUBLIC STATEMENTS**

- \* Mr Ralph Prestage of 51 Dover Crescent, Wembley Downs made a public statement in relation to item 13.5.2 "Southern River Precinct 2 Outline Development Plan" stating he wished to record his objection to the deletion of land which was included in the original proposal for Precinct 2, which now excluded land west of Balfour Street. He believed Council became aware of the change in Precinct 2 earlier this year, however, was of the opinion they chose not to advise affected ratepayers until giving notice of this meeting in a letter dated 2 November 2005. He questioned why Council did not object to the change and asked, if so, why the ratepayers were not advised of its actions. He stated he only became aware following notification by another ratepayer that there were no plans included showing the land that had been deleted, in his opinion, an absurd situation.
- \* Mr Martin Wray of 46 Figtree Drive, Canning Vale made a public statement in relation to item 13.5.6 "Development Application – Two Grouped Dwellings – 42 (Lot 431) Figtree Drive, Canning Vale" speaking in favour of the staff recommendation contained in the agenda. In his opinion the development was not in the best interests of the area referring to parking issues and concern that the proposal was opposite a very active child's playground.

**7. CONFIRMATION OF MINUTES**

COUNCIL RESOLUTION
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**492 Moved Cr R Croft Seconded Cr J Brown**

That the Minutes of the Ordinary Council Meeting held on 25 October 2005, be confirmed.

CARRIED 10/0

*FOR: Cr P Wainwright, Cr O Searle, Cr R Mitchell, Cr J Henderson, Cr C Matison, Cr D Griffiths, Cr J Brown, Cr R Croft, Cr W Barrett 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.

Nil.

**9. APPLICATIONS FOR LEAVE OF ABSENCE**

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

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

Cr P Wainwright submitted a written application for leave of absence from 11 to 20 November 2005 to attend a Road Safety Conference on behalf of Council.

COUNCIL RESOLUTION
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**493 Moved Cr C Matison Seconded Cr R Mitchell**

That Council grant leave of absence to Cr P Wainwright from 11 to 20 November 2005, inclusive.

CARRIED 10/0

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

*AGAINST: 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
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**494 Moved Cr R Mitchell Seconded Cr D Griffiths**

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 13.5.2 Southern River Precinct 2 Outline Development Plan; and
- \* Item 13.5.6 Development Application – Two Grouped Dwellings – 42 (Lot 431) Figtree Drive, Canning Vale.”

CARRIED 10/0

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

*AGAINST:* Nil.

**13.5.2 SOUTHERN RIVER PRECINCT 2 OUTLINE DEVELOPMENT PLAN**

File:	S8/1/10	(KN)	Psrpt128Nov05
Applicant:	Roberts Day Town Planning and Design		
Owner:	Devoncourt Pty Ltd, T S Emanuel, Daws and Son Pty Ltd, Emanuel Exports, P D and M Tilli, Guce Pty Ltd and Dolphin Bay Pty Ltd.		
Location:	Area generally bound by Balfour Street, Furley Road, Southern River Road and Holmes Street Southern River		
Zoning: MRS:	Urban		
TPS No. 6:	Residential Development		
Review Rights:	Nil		
Area:	159.4552 ha		
Previous Ref:	OCM 13 July 2004 (Resolutions 331-333) OCM 14 October 2003 (Resolutions 657-660) OCM 27 August 2002 (Resolutions 704-706)		
Appendices:	13.5.2A Outline Development Plan 13.5.2B Letter of WA Planning Commission Approval 13.5.2C Outline Development Plan including non-Urban areas		

**PURPOSE OF REPORT**

For Council to finally adopt the Southern River Precinct 2 Outline Development Plan (ODP) pursuant to Clause 7.4.15 of Town Planning Scheme No.6 (TPS 6) which states:

*“As soon as practicable after receiving notice of the approval of the Proposed Outline Development Plan by the Commission, the Council is to adopt the Proposed Outline Development Plan and forward a copy of the Outline Development Plan to:*

- a) the Proponent;*
- b) the Commission; and*
- c) any other appropriate person or public authority which the Council thinks fit.”*

Adoption of the ODP is now the only option available to Council under TPS 6.

**BACKGROUND**

This report provides Council with the opportunity to adopt the approved Southern River Precinct 2 ODP (see Appendix 13.5.2A), following a recent decision by the Western Australian Planning Commission (WAPC) to grant approval to the ODP (see Appendix 13.5.2B). This is the final step in the statutory planning process for the ODP in accordance with Clause 7.4 of TPS 6 – Adoption and Approval of Outline Development Plans.



**Planning History**

Planning for Southern River Precinct 2 commenced on 27 August 2002 when Council considered a Draft ODP and a request for the lifting of “Urban Deferment” under the Metropolitan Region Scheme (MRS). Urban Deferment of the portion of the ODP bound by Southern River Road, Furley Road, Balfour Street and Holmes Street was subsequently lifted on 8 April 2003 and the land became “Urban” under the MRS.

In accordance with Clause 7.4.2 of TPS 6, Council at its Ordinary Council Meeting (OCM) held on 14 October 2003 deemed a formal ODP for Southern River Precinct 2, satisfactory for seeking public comment. At the same OCM, Council initiated an amendment to TPS 6 to rezone the portion of land zoned "Urban" under the MRS from "General Rural" to "Residential Development" and insert into Schedule 12 of the Scheme Text, details of Common Infrastructure Works/Costs for the ODP area. The ODP and scheme amendment were advertised for a period of 42 days between 21 January 2004 to 3 March 2004.

Following the advertising period, the City together with the proponent worked through and addressed the following issues:

- Buffers to Conservation Category Wetlands;
- The Water Corporation's requirements for an Urban Water Management Strategy over the entire ODP area;
- Location of future Primary and High school sites;
- Future of Southern River Road; and
- Uncertainties in regard to the proposed Common Infrastructure Works and Costs Schedule.

Council at its meeting held on 13 July 2004, resolved (Resolution 332):

*"That Council, pursuant to Section 7.4 of Town Planning Scheme No. 6 adopt the Southern River Precinct 2 Outline Development Plan and forward it to the Western Australian Planning Commission for adoption as shown in Appendix 13.5.3A subject to:*

1. *Schedule 1 Common Infrastructure Works being modified to delete reference to POS in the calculation of the contribution rate and adjust the figure by including the retail area in the calculation.*
2. *A Drainage and Nutrient Management Plan being approved by the Department of Environment prior to approval of subdivision."*

At the same OCM, Council also resolved to finalise the amendment to TPS 6 to rezone the portion of land zoned "Urban" under the MRS from "General Rural" to "Residential Development" and insert into Schedule 12 of the Scheme Text, details of Common Infrastructure Works/Costs for the ODP area.

This amendment was subsequently approved by the Minister for Planning and Infrastructure on 25 November 2004.

## **DISCUSSION**

### **WAPC Consultation and Approval**

Following on from the abovementioned Council Resolution, the ODP was referred to the WAPC, where in accordance with Clause 7.4.13 of TPS 6, the Commission consulted with the City in regards to a series of requested modifications.

These requested modifications were generally as follows:

1. The ODP to be amended to exclude any land not zoned “Residential Development” under TPS 6 or “Urban” under the MRS. This was considered a substantial amendment and is discussed in further detail in the relevant section below.
2. ODP legend to be modified to remove reference to “Aged Housing” and reference to “lake” deleted and replaced with “Conservation Category Wetland.”
3. Standardise the residential density coding of “Greater than R20” and “R30.”
4. The maximum retail floor space or nett lettable area to be set for local centres and mixed business areas within the ODP.
5.
  - a) ODP to be appropriately annotated to outline the requirement for a Stormwater and Nutrient Management Plan to be prepared prior to any subdivision or development. The overall issue of Urban Water Management was considered significant and is discussed in further detail below.
  - b) ODP to be appropriately annotated to outline the requirement for any subdivision and development to incorporate the results of a vegetation survey conducted in conjunction with CALM.
  - c) ODP to incorporate any generic or specific buffers required for the poultry farms and kennel zone.
  - d) ODP to incorporate any Common Infrastructure works, where appropriate.
6. Land table budget to be to be modified to reflect revised ODP area (see point 1) and removal of “Aged Persons” housing. If possible land table budget to be placed on ODP (plan).
7. Undertaking of a comprehensive Traffic Impact Assessment in order to address issues of future road widths, road hierarchy, traffic signals, cycle networks and road design.
8. The ODP (plan) to be amended to clearly indicate the respective road functions and widths, as determined in point 7.

9. ODP (plan) to be appropriately annotated to acknowledge the possible realignment of Garden Street.

Council staff and the proponent liaised extensively with the WAPC in regards to addressing all requested modifications. Whilst two of the matters raised by the WAPC were considered significant and are discussed in greater detail below, the remaining requested modifications were considered relatively minor in nature. Subsequently, the WAPC approved the Southern River Precinct 2 Outline Development Plan in accordance with Clause 7.4.10 of TPS 6 (see Appendix 13.5.2B).

### **Revised ODP Area**

The WAPC requested that those portions not currently zoned “Urban” under the MRS and “Residential Development” be removed from the original ODP area. These areas have previously been left out of amendments to the MRS and TPS 6 due to uncertainties in defining two significant Bush Forever sites; however the ODP had always extended over these areas with the intention that the delineation of the developable area would be reviewed and if necessary revised following the resolution of the Bush Forever issues.

Council staff initially had concerns in the removal of these two areas as the scheme amendment introducing Common Infrastructure Works/Provisions for the ODP incorporated these areas. However following consultation with the WAPC, it was determined that these balance portions, whilst not a part of the approved ODP, could still be shown indicatively in the ODP documentation and that the scheme provisions for Common Infrastructure Works/Provisions would remain unchanged. It is anticipated that development in these “Rural” zoned areas will still generally occur in accordance with this indicative layout (see Appendix 13.5.2C).

### **Urban Water Management**

As was outlined earlier, the WAPC required that the ODP (plan) be appropriately annotated in order to identify the requirement for Stormwater and Nutrient Management Plans for all subdivision and development. Further to this requirement it should be noted that in accordance with the latest requirements of the Southern River/Forrestdale/Brookdale/Wungong District Structure Plan Integrated Land and Water Management Group (consisting of the City of Armadale, Water Corporation, Department of Environment, Department for Planning and Infrastructure and the City of Gosnells), the proponent has been required to prepare an overall Urban Water Management Strategy over the entire ODP area in order to address district level stormwater drainage and water quality issues.

## CONCLUSION

Planning for such a sizeable and strategically important site has been both a lengthy and challenging process. With the WAPC adopting the ODP, Council is now required to finally adopt the ODP in accordance with Clause 7.4.15 of TPS 6. It should be noted that under the provisions of Clause 7.4.15, adoption of the ODP by Council is the only option now available for consideration.

In accordance with Clause 7.4.16 of TPS 6, a copy of the adopted Outline Development Plan will be kept at the Council's administration offices and will be made available for inspection by any member of the public during office hours.

## FINANCIAL IMPLICATIONS

Nil.

STAFF RECOMMENDATION (1 of 2) AND COUNCIL RESOLUTION
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### 495 Moved Cr P Wainwright Seconded Cr W Barrett

That Council, pursuant to Clause 7.4.15 of Town Planning Scheme No. 6, adopt the Southern River Precinct 2 Outline Development Plan as shown in Appendix 13.5.2A.

CARRIED 10/0

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

*AGAINST:* Nil.

STAFF RECOMMENDATION (2 of 2) AND COUNCIL RESOLUTION
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### 496 Moved Cr P Wainwright Seconded Cr W Barrett

That Council, pursuant to Clause 7.4.15 of Town Planning Scheme No. 6, advise all landowners within the Outline Development Plan area, the proponent and the Western Australian Planning Commission of its decision to adopt the Southern River Precinct 2 Outline Development Plan and provide those persons and parties with a copy of the Plan.

CARRIED 10/0

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

*AGAINST:* Nil.

**13.5.6 DEVELOPMENT APPLICATION – TWO GROUPED DWELLINGS –  
42 (LOT 431) FIGTREE DRIVE, CANNING VALE**

**File:** 237363      **Approve Ref:** 0506/2006      (AL)      Psrpt132Nov05  
**Applicant:** The Planning Coordinators  
**Owner:** Highstar Investments Pty Ltd  
**Location:** 42 (Lot 431) Figtree Drive Canning Vale  
**Zoning: MRS:** Urban  
**TPS No. 6:** Residential Development  
**Review Rights:** Yes. State Administrative Tribunal against a refusal or any condition(s) of approval.  
**Area:** 595m<sup>2</sup>  
**Previous Ref:** Nil

**PURPOSE OF REPORT**

For Council to consider an application for two grouped dwellings at 42 (Lot 431) Figtree Drive, Canning Vale. Assessment of the proposal under the Performance Criteria of the Residential Design Codes (R-Codes) is sought in relation to the provision of open space, boundary setbacks and streetscape requirements, which are outside the authority delegated to staff.

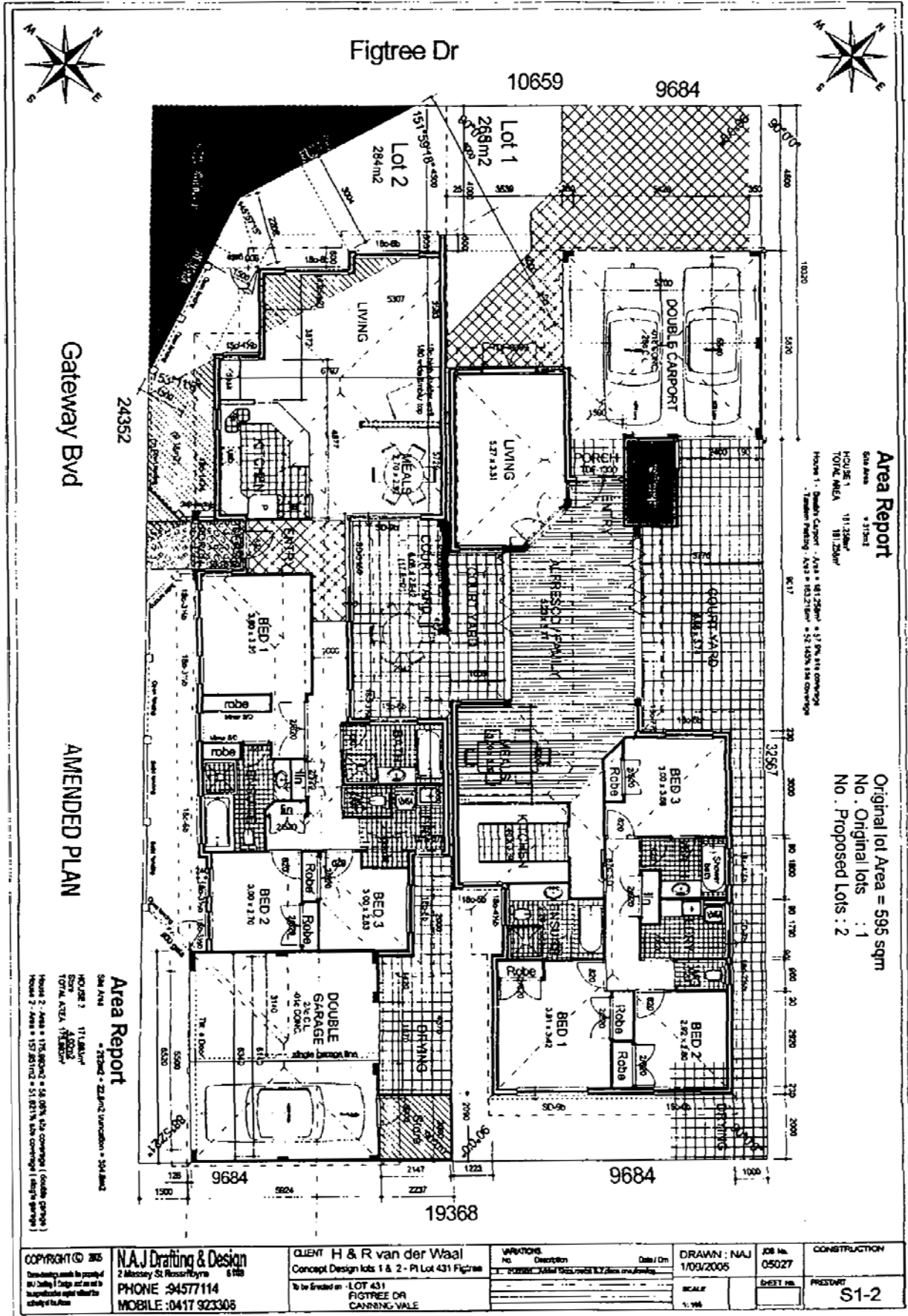
**Site Description**

The site is flat, vacant and cleared of vegetation. It is 595m<sup>2</sup> in area and has a 10.65m frontage to Figtree Drive and 24.35m frontage to Gateway Boulevard. The Western Australian Planning Commission has issued conditional approval to subdivide 42 (Lot 431) Figtree Drive, Canning Vale into two green title lots (application ref. 128592). Titles have not yet been issued for the new lots. When the subdivision is cleared and new titles are created, each of the proposed dwellings would eventually be contained on their own freehold lot.

**Proposal**

The proposal is for the construction of two single storey grouped dwellings. Dwelling 1 (proposed Lot 1), fronting Figtree Drive, is approximately 181m<sup>2</sup> on a proposed lot of 313m<sup>2</sup>. Dwelling 2 (proposed Lot 2), fronting Gateway Boulevard, is approximately 176m<sup>2</sup> on a proposed lot of 302m<sup>2</sup> (including the 20m<sup>2</sup> corner truncation). The proposal complies with all aspects of the Acceptable Development Criteria of the Residential Design Codes except for the provision of open space and buildings on boundaries for both dwellings and the primary street setback and outdoor living area for Dwelling 2 on proposed Lot 2.





**Area Report**

Site Area : 571m<sup>2</sup>  
 HOUSE 1 : 11.23m<sup>2</sup>  
 TOTAL AREA : 18.12m<sup>2</sup>  
 House 1 - Double Carport - Area = 81.23m<sup>2</sup> - 31.9% site coverage  
 - Double Carport - Area = 102.27m<sup>2</sup> - 18.12% site coverage

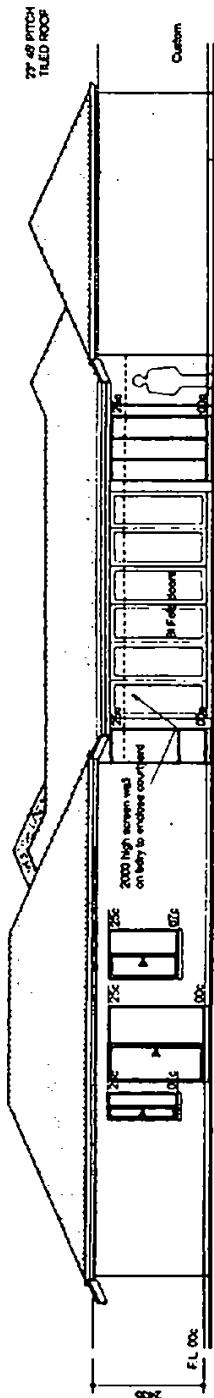
Original lot Area = 595 sqm  
 No. Original lots : 1  
 No. Proposed Lots : 2

Gateway Blvd

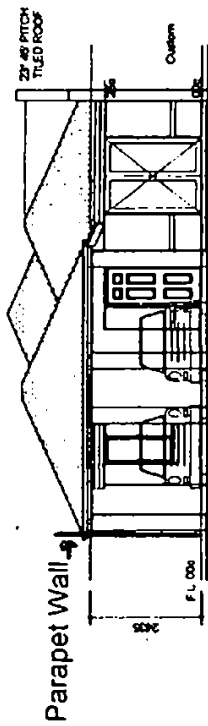
AMENDED PLAN

**Area Report**  
 Site Area : 571m<sup>2</sup>  
 HOUSE 2 : 17.14m<sup>2</sup>  
 HOUSE 1 : 11.23m<sup>2</sup>  
 TOTAL AREA : 18.12m<sup>2</sup>  
 House 2 - Area = 17.14m<sup>2</sup> = 5.81% site coverage (double garage)  
 House 1 - Area = 11.23m<sup>2</sup> = 5.18% site coverage (double garage)

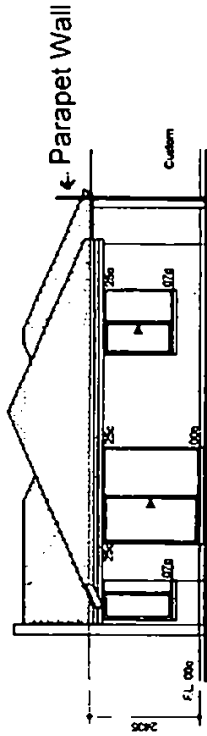
COPYRIGHT © 2005 This drawing is made to the best of the drafter's knowledge and is not to be used for any other purpose without the written consent of the drafter.	<b>N.A.J. Drafting &amp; Design</b> 2 Millersy St Rossiterbyrne 6108 PHONE : 94577114 MOBILE : 0417 923308	CLIENT : H & R van der Waal Concept Design lots 1 & 2 - Pt Lot 431 Figtree	VARIATIONS No. Description Date / Drn 1 - 10/09/2005	DRAWN : NAJ 1/09/2005	JOB No. 05027	CONSTRUCTION S1-2
		To be Erected on : LOT 431 FIGTREE DR CANNING VALE	SCALE 1:100	SHEET No. PRELIM		



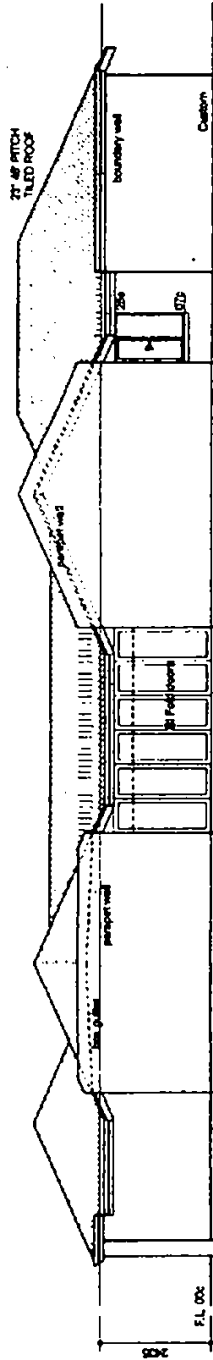
Side Elevation (North-Eastern)



Figtree Drive Elevation

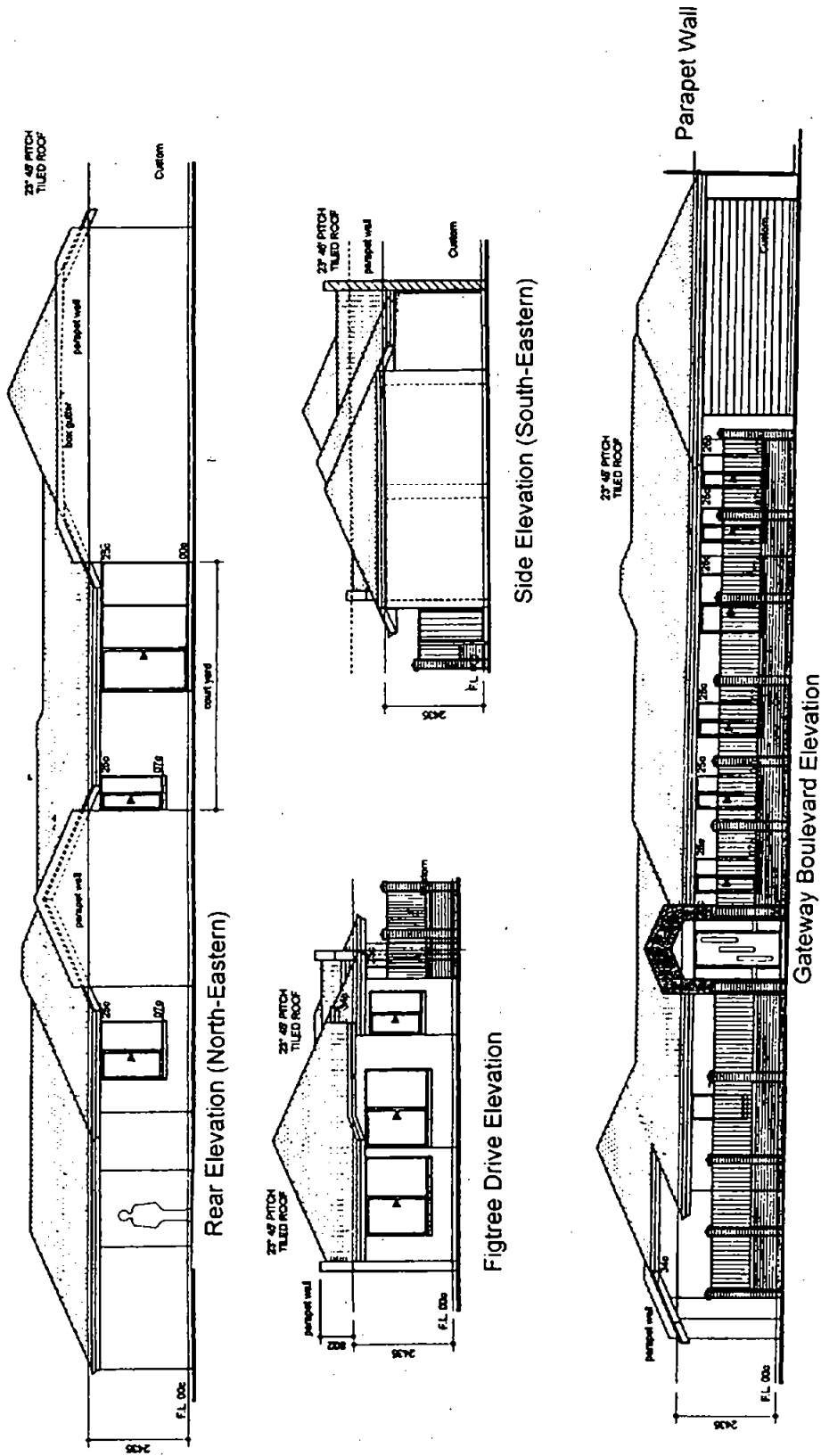


REAR ELEVATION



Side Elevation (South-Western)

**DWELLING 1**  
**(Proposed Lot 1)**



DWELLING 2  
(Proposed Lot 2)

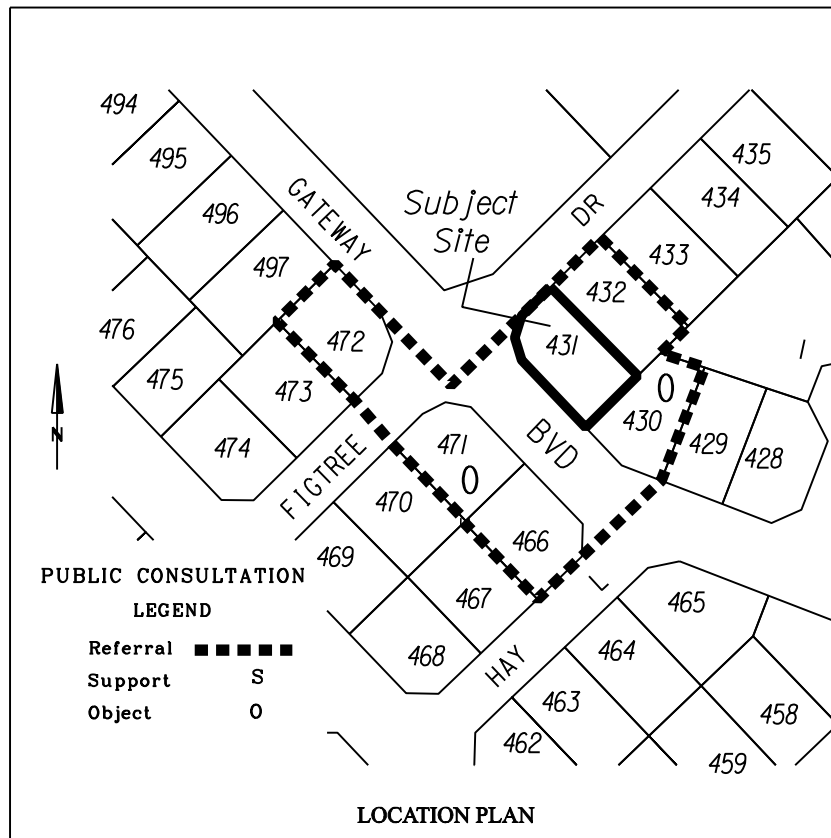
## Consultation

The proposal was referred to four nearby landowners located on both sides of and opposite the subject site. Two submissions were received and they are discussed in the schedule of submissions below.

## DISCUSSION

### Schedule of Submissions

1	<b>Name and Postal Address:</b> M and G Wray 46 Figtree Drive Canning Vale WA 6155	<b>Affected Property:</b> 46 (Lot 471) Figtree Drive Canning Vale
<b>Summary of Submission</b>		<b>Staff Comment</b>
<p>Objection to proposal.</p> <p>1.1 Frontage shown as Gateway Boulevard and so should have a 4m setback or the entry should be at the front on Figtree Drive.</p> <p>1.2 Concerned that Garage is too close to the road and does not allow parking on the driveway clear of the pathway without impeding pedestrian traffic or clear of the road whilst the garage door is being opened.</p> <p>1.3 The proposed residence is not within the planned land use outlined by the developers of Malcolm Park. Blocks fronting the lake were meant to be higher quality single residences.</p>		<p>Please see comment regarding "Boundary Setbacks" in the Discussion section of Report.</p> <p>Parking requirements for the dwelling comply with the Acceptable Development criteria of the R-Codes.</p> <p>The proposal has been assessed in accordance with the Canning Vale Outline Development Plan which allows for densities greater than R17.5 in this location.</p>
2	<b>Name and Postal Address:</b> K Wain 115 Gateway Boulevard Canning Vale WA 6155	<b>Affected Property:</b> 115 (Lot 430) Gateway Boulevard Canning Vale
<b>Summary of Submission</b>		<b>Staff Comment</b>
<p>Objection to proposal</p> <p>2.1 Object to the setback only being 1.5m because this would mean that the public footpath would be used as part of the driveway as there is insufficient room to park a car in front of the garage safely.</p> <p>2.2 No objections to boundary wall as long as the following concerns are addressed:</p> <ul style="list-style-type: none"> <li>• We receive full remuneration for the boundary fence which is currently erected (at our cost) prior to removal, full security is maintained to our property during construction and the front fence which is currently fixed to the boundary fence is securely fixed to the proposed boundary wall.</li> </ul>		<p>Please see Staff Comment at 1.2.</p> <p>Fencing costs and related issues are private matters between neighbouring properties under the Dividing Fences Act. However, it is unlikely that the fence between the two properties would have to be removed to enable the construction of the building up to the boundary.</p>



**Residential Urban Design Guidelines**

The objective of the City of Gosnells Residential Urban Design Guidelines Policy 6.2.1.1 (2.1) in relation to street orientation states that:

*“To provide developments where dwellings address the street and contribute to the continuity of the streetscape....The design should demonstrate front dwellings that address the street and enhance the traditional streetscape, ie houses fronting onto the streets with clearly visible entries and front verandahs or gardens....”*

The entrance for Proposed Dwelling 1 is located inside the double carport. This entry is not considered to be clearly visible from the street, especially when two vehicles are parked in the carport. An entrance that is not clearly visible from the street is considered to detract from the street amenity and the safety of the public realm which are two of the four objectives of the Residential Urban Design Guidelines Policy.

**Town Planning Scheme No. (TPS 6)**

The subject site is zoned “Residential Development” under TPS 6 and is located within the Canning Vale Outline Development Plan area. The site has been designated for a density “Greater than R17.5” which means the proposal can be assessed at the R40 density.

## Residential Design Codes (R-Codes)

The application requires consideration against the performance criteria of the R-Codes with respect to the overall provision of open space on the site, the provision of outdoor living areas and setbacks to the primary street and side boundaries.

### Open Space

The R-Codes Acceptable Development criteria 3.4.1 A1 requires 45 % of the site to be provide as open space.

The provision of 45% open space for Dwelling 1 equates to 140.8m<sup>2</sup> being available around the dwelling as open space, whereas the application proposes to provide 132.3m<sup>2</sup> (42.2%) which is a reduction of 8.5m<sup>2</sup> in open space. The provision of 45% open space for Dwelling 2 equates to 135.9m<sup>2</sup> being available around the dwelling as open space, whereas the application proposes to provide 126m<sup>2</sup> (41.7%) which is a reduction of 9.9m<sup>2</sup>.

The applicant therefore seeks the proposal to be assessed under Performance Criteria 3.4.1 of the R-Codes which requires:

*“Sufficient open space around buildings:*

- *To complement the building;*
- *To allow attractive streetscapes;*
- *To suit the future needs of residents, having regard to the type and density of the dwelling.”*

The R-Codes Acceptable Development criteria 3.4.2 A2 requires a minimum Outdoor Living Area of 20m<sup>2</sup> to be behind the street setback area, directly accessible from a habitable room of a dwelling, with a minimum length and width of 4m with only one-third covered by permanent roof cover. The development does not comply with the Acceptable Development Criteria as Dwelling 2’s outdoor living area does not have a minimum area of 20m<sup>2</sup> and both dwellings do not have a minimum length and width of 4m. Therefore the applicant seeks the proposal to be assessed under the applicable Performance Criteria of the R-Codes which state:

*“An outdoor living area capable of use in conjunction with a habitable room of the dwelling, and if possible, open to winter sun.”*

In support of the proposal and to provide justification under the above Performance Criteria, the applicant has advised the following:

- The proposal provides adequate north eastern oriented open space for drying and outdoor living space.

- The open space to the front of the dwellings overlooks parklands and a lake and the crossovers for Dwellings 1 and 2 on different street frontages allows for adequate landscaping around the dwellings which creates a positively aesthetic development with minimal paved areas visible from the street.
- The garden areas are deliberately designed as useable to ensure the houses are suitable for small/medium families as well as couples.
- The proposal allows for an attractive streetscape whereby the two designs are consistent in style and design and the two dwellings will not look out of place in a streetscape context as the remainder of dwellings and buildings within the Figtree Drive streetscape may include a combination of single houses and multi storey town houses.
- The connectivity of the proposed dwellings within connecting parapet walls is similar to those approved in Esk Close, Canning Vale, where three dwellings are joined by parapet walls on both sides (Lot 424 and Lot 425 Esk Close).

The amount of open space provided by Dwelling 2 in relation to the size of the dwelling is not considered to suit the future needs of residents, having regard to the type and density of the dwelling. This is due to the reduced size and location of the useable outdoor areas which are considered minimal and limited to the courtyard and drying court behind the garage.

Whilst Dwelling 1's outdoor living area is considered to achieve the performance criteria for outdoor living areas, Dwelling 2, which proposes a 17.5m<sup>2</sup> courtyard is not considered to achieve this criteria. The proposed outdoor living area is enclosed on three sides by the dwelling and the fourth side by a fence and although the areas can be used in conjunction with the dwelling's meals area, the design is considered to have limited access to winter sun due to the proximity of Dwelling 1 and is considered to provide a somewhat enclosed and uninviting space for future residents. It is therefore considered that the development does not achieve the performance criteria in relation to the Outdoor Living area for Dwelling 2.

### **Setback Requirements**

The R-Codes Acceptable Development criteria 3.3.2 A2 provides for the construction of boundary walls provided the walls are not higher than 3.5m with an average of 3m for two-thirds of the length of the balance of the boundary behind the front setback, to one side boundary.

The development proposes boundary walls on all three boundaries including the internal boundary between the two dwellings. Although the height and length of each boundary wall complies with the height and length requirements of the Acceptable Development Criteria above, the development proposes buildings abutting three side boundaries which does not comply with the acceptable development criteria. Therefore the applicant seeks the proposal to be assessed under Performance Criteria 3.3.2 P2 of the R-Codes which requires:

*“Buildings built up to boundaries other than the street boundary where it is desirable to do so in order to:*

- *Make effective use of space; or*
- *Enhance privacy; or*
- *Otherwise enhance the amenity of the development; and*
- *Not have any significant adverse effect on the amenity of the adjoining property and*
- *Ensure that direct sun to major openings to habitable rooms and outdoor living areas of adjoining properties is not restricted.”*

In response to the above criteria the applicant has stated that:

*“...the proposal seeks to make the most effective use of space given the request to apply for medium density housing configuration, does not have a significant impact on the adjoining proposed dwelling as it is not blocking light to any major opening or habitable room, and is single storey in height not posing a great overshadow affect on the adjoining unit. The length of the parapet wall is sought to maximise the internal space living/kitchen/dining room of the two dwellings.”*

Due to the narrow width of the lots, the boundary walls are considered to make effective use of space within the building and not compromise direct sunlight to habitable rooms or have any significant impact on the amenity of adjoining dwellings. However, it is considered that the location of both boundary walls between the two proposed dwellings coupled with the 2.1m high wall proposed along the north-eastern boundary of the courtyard for Dwelling 2 (where it adjoins the courtyard for Dwelling 1) will significantly impact on the amenity of Dwelling 2's outdoor living area by creating an enclosed space with limited access to direct sun. Therefore, in this case it is considered that Performance Criteria 3.3.2 P2 has not been achieved for Dwelling 2.

### **Streetscape Requirements**

The R-Codes Acceptable Development Criteria 3.2.1 A1 requires a 4m minimum setback to primary streets.

The R-Codes define a primary street as *“the sole or principal public road that provides access to a site”*.

The proposed dwelling facing Gateway Boulevard (Dwelling 2) has its entrance and garage facing Gateway Boulevard and therefore the dwelling's sole pedestrian and vehicular access is to Gateway Boulevard. The proposal shows Dwelling 2 with a 1.5m primary street setback in lieu of the 4m setback required by the R-Codes.

Therefore, the applicant seeks to have this setback requirement assessed under Performance Criteria 3.2.1 P1 which states that:



*“Buildings set back an appropriate distance to ensure they:*

- contribute to the desired streetscape;*
- provide adequate privacy and open space for dwellings; and*
- allow for safety clearances for easements for essential service corridors.”*

The applicant has provided the following justification to support the 1.5m setback to the primary street for proposed Dwelling 2:

*“In lieu of deleting the proposed entrance, access is provided to both frontages for the purposes of entering the affected dwellings. The dwellings maintain an acceptable development and streetscape pattern as one elevation maintains a 4 metre setback, the other a 1.5 metre setback. The proposals provide adequate privacy and open space to the dwellings, and allowance for safe clearances for any easements of service corridors.”*

In assessing the proposal against the Performance Criteria for boundary setbacks the following issues are considered significant.

- The building form is continuous along the entire frontage to Gateway Boulevard, with a nil setback to the south-eastern lot boundary. There is no break in the street façades of the dwellings which extend for some 47m from the north-eastern lot boundary around Figtree Drive and Gateway Boulevard to the south-eastern lot boundary.
- There are significant lengths of fencing proposed along the Gateway Boulevard frontage. The areas where there is no fencing proposed will be taken up by the driveway and porch, resulting in little or no opportunity for landscaping on the Gateway Boulevard streetscape.
- The lots are each less than 10m wide. Dwelling 1 which only has a frontage to Figtree Drive proposes a double carport. The porch and main entry to the dwelling are only accessible through the carport and the front entrance is not clearly visible from the street.
- The courtyard and other open space areas for Dwelling 2 are considered inadequate in terms of size and do not provide for adequate outdoor living area for the future occupants of the dwelling.

In view of the above the applicant’s justification is not supported and the proposal is not considered to satisfy the Performance Criteria of the R-Codes.

Proposed Dwelling 2 also includes Bedroom 3 with a major opening (greater than 1m<sup>2</sup>) located 1.1m from the boundary. Under the Acceptable Development Criteria 3.3.1 A1, Table 1 requires this to be setback 1.5m from the boundary and therefore this setback does not comply. The applicant has not requested this setback to be assessed under the Performance Criteria and has provided no justification for the reduced setback for Bedroom 3.

**CONCLUSION**

The proposed dwellings are not considered a suitable form of development for the subject site. It is considered that the size and design of the dwellings would result in unacceptable development based on insufficient open space and inadequate outdoor living areas for proposed Dwelling 2 and an unacceptable streetscape. In addition, the development does not comply with the objectives of the City's Residential Development Urban Design Guidelines Policy in relation to street orientation. It is therefore recommended that the application be refused.

<b>STAFF RECOMMENDATION</b>
-----------------------------

**Moved Cr R Mitchell Seconded Cr D Griffiths**

That Council refuse the application for two grouped dwellings at 46 (Lot 431) Figtree Drive, Canning Vale for the following reasons:

1. The proposal does not satisfy the Performance Criteria of the Residential Design Codes in relation to open space, setbacks and streetscape requirements.
2. The design of Dwelling 1 is contrary to the objectives of the City's Residential Development Urban Design Guidelines Policy 6.2.1.1 in terms of street orientation.

Amendment

*During debate Cr J Brown moved the following amendment to the staff recommendation:*

*“That the staff recommendation be amended by deleting the numerals “46” where they appear in the second line and substituting them with the numerals “42”.”*

*Cr Brown provided the following written reason for the proposed amendment:*

*“To rectify a typographical error.”*

*Cr C Matison Seconded Cr Brown's proposed amendment.*

*At the conclusion of debate the Mayor put Cr Brown's proposed amendment, which reads:*

**Moved Cr J Brown Seconded Cr C Matison**

That the staff recommendation be amended by deleting the numerals “46” where they appear in the second line and substituting them with the numerals “42”, with the amended recommendation to read:

“That Council refuse the application for two grouped dwellings at 42 (Lot 431) Figtree Drive, Canning Vale for the following reasons:

1. The proposal does not satisfy the Performance Criteria of the Residential Design Codes in relation to open space, setbacks and streetscape requirements.
2. The design of Dwelling 1 is contrary to the objectives of the City’s Residential Development Urban Design Guidelines Policy 6.2.1.1 in terms of street orientation.”

CARRIED 10/0

*FOR:* Cr P Wainwright, Cr O Searle, Cr R Mitchell, Cr J Henderson, Cr C Matison, Cr D Griffiths, Cr J Brown, Cr R Croft, Cr W Barrett 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
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**497 Moved Cr J Brown Seconded Cr C Matison**

That Council refuse the application for two grouped dwellings at 42 (Lot 431) Figtree Drive, Canning Vale for the following reasons:

1. The proposal does not satisfy the Performance Criteria of the Residential Design Codes in relation to open space, setbacks and streetscape requirements.
2. The design of Dwelling 1 is contrary to the objectives of the City’s Residential Development Urban Design Guidelines Policy 6.2.1.1 in terms of street orientation.

CARRIED 10/0

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

*AGAINST:* Nil.

**12. MINUTES OF COMMITTEE MEETINGS**

**13. REPORTS**

**13.1 CHIEF EXECUTIVE OFFICER'S REPORT**

**13.2 COMMUNITY ENGAGEMENT**

## 13.3 CORPORATE SERVICES

### 13.3.1 FINANCIAL ACTIVITY STATEMENT REPORT – SEPTEMBER 2005

File: F1/6/1 (FS) Nov8\_05fgn  
Appendix: 13.3.1A Financial Activity Statement Report for  
September 2005

#### PURPOSE OF REPORT

For Council to adopt the Financial Activity Statement Report for the month of September 2005.

#### BACKGROUND

In accordance with Financial Management Regulation 34 the following reports are contained in the Financial Activity Statement Report:

- Commentary and report and variances
- Operating statement by Directorate
- Balance Sheet
- Statement of Financial Activity
- Reserve Movements
- Capital Expenditure Detail
- Outstanding Debtor Information
- Various Notes

#### DISCUSSION

The Financial Activity Statement Report for the month of September 2005 is attached as Appendix 13.3.1A.

#### FINANCIAL IMPLICATIONS

Nil.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION
---

#### 498 Moved Cr R Croft Seconded Cr W Barrett

That Council, in accordance Regulation 34 of the Local Government (Financial Management) Regulations, adopt the following reports, contained in the Financial Activity Statement Report for the month of September, attached as per Appendix 13.3.1A:

- A. Commentary and report and variances
- B. Operating statement by Directorate
- C. Balance Sheet
- D. Statement of Financial Activity
- E. Reserve Movements
- F. Capital Expenditure Detail
- G. Outstanding Debtor Information
- H. Various Notes

**CARRIED 10/0**

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

**AGAINST:** *Nil.*

**13.3.2 BUDGET VARIATIONS**

File: F1/4/1

(RM)

Nov8\_05bv

To seek approval from Council to adjust the 2005/2006 Municipal Budget.

**DISCUSSION**

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

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

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

<b>Account Number</b>	<b>Type</b>	<b>Account Description</b>	<b>Debit \$</b>	<b>Credit \$</b>
Job1232.700.3	Increase Expenditure	IT Equipment – Water Area	44,000	
JobC70005.700.3	Decrease Expenditure	Leisure World - Pool Plant Refurbishment		44,000
	<b>Reason:</b>	Replacement of the Building Control Management System which controls lighting, security, water temperature etc at Leisure World including some rewiring - funded from savings from Pool Plant Refurbishment		
JobC60030.143.3	Increase Expenditure	Contracts & Services - Mills Park Floodlighting	1,040	
JobC60030.9562.49	Increase Income	Transfer from Mills Park - POS Reserve Account		1,040
	<b>Reason:</b>	Floodlighting Mills Park – additional cost of materials		

STAFF RECOMMENDATION AND COUNCIL RESOLUTION

**499 Moved Cr J Brown Seconded Cr P Wainwright**

That Council approve the following adjustments to the Municipal Budget:

Account Number	Account Description	Debit \$	Credit \$
Job1232.700.3	IT Equipment – Water Area	44,000	
JobC70005.700.3	Leisure World - Pool Plant Refurbishment		44,000
JobC60030.143.3	Contracts & Services - Mills Park Floodlighting	1,040	
JobC60030.9562.49	Transfer from Mills Park POS Reserve Account		1,040

**CARRIED BY ABSOLUTE MAJORITY 10/0**

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



## 13.4 INFRASTRUCTURE

### 13.4.1 OPTUS MOBILE PTY LTD - APPLICATION TO LEASE PORTION OF LOT 3 STALKER ROAD, GOSNELLS (GOSNELLS RECREATION GROUND)

File: C5/3/73\_L05. (JWF) JW11.1a  
Previous Ref: OCM 21 December 2004, Resolutions 738 and 739  
OCM 8 March 2005 Resolutions 82, 83 and 84  
Appendix: 13.4.1A Site Plan

#### PURPOSE OF REPORT

To seek Council approval to lease approximately 7.5 square metres of Gosnells Recreation Ground for the purposes of erecting a telecommunications equipment box and recommend conditional approval.

#### BACKGROUND

At the Ordinary Council Meeting of 21 December 2004 Council approved an application to lease by Hutchison 3G Australia Pty Ltd a portion of Lot 3 Stalker Road, Gosnells to erect and maintain a telecommunication tower and equipment box at this location.

At the Ordinary Council Meeting of 8 March 2005 Council also approved an application from Telstra Corporation to lease approximately 7.5 square meters of land for the purposes of erecting an equipment box.

Connell Wagner on behalf of Optus Mobile Pty Ltd has lodged an application with the City to lease approximately 7.5 square meters of land adjacent to the Hutchison 3G Australia Pty Ltd and Telstra Corporation equipment boxes to erect an equipment box of its own. It is also proposed to add further antennas to the monopole.

#### DISCUSSION

The Telecommunications (Low-Impact Facilities) Determination 1997 provides the approval requirements for telecommunications equipment.

An equipment box the subject of this application is deemed to be a low-impact facility. Low-impact facilities do not require approval of the Local Government and as such do not require a Development Approval.

City Planning has requested that the Optus equipment box be constructed and painted to match the adjacent toilet block structure, Hutchison 3G Australia Pty Ltd and Telstra Corporation equipment boxes.

The company has offered an annual rental of \$15,000 with 5% per annum automatic rent reviews, which is consistent with the highest rents currently being achieved. The company has requested that two sequential ten year leases be granted.

As the Hutchison 3G Australia Pty Ltd lease, which has the tower in its leased area, is only for ten years duration from the date of the lease then periods in excess of this time frame are not possible. The Telstra Corporation was also restricted to this period. There is a requirement to advertise the proposal under the provisions of section 3.58 (3) and (4) of the Local Government Act 1995. It is proposed as in the past that Council approve of the lease subject to no valid submissions being received. In the event that there are any valid submissions the matter will be brought back to Council for final determination.

The President of the Gosnells Football Club was contacted late last year when the Hutchison 3G Australia Pty Ltd project was being considered. It is advised that the President concurred with the proposed tower and equipment box and the future funding opportunities for the development of the reserve with the income being held in a Reserve Fund to assist with development in the future. It will be proposed to Council that the income from this lease be also transferred to this Reserve Fund.

### **FINANCIAL IMPLICATIONS**

Rent revenue of \$15,000 per annum that is to be increased automatically by 5% per annum.

STAFF RECOMMENDATION (1 of 3)

#### **Moved Cr D Griffiths Seconded Cr C Matison**

That Council, subject to no valid submissions against the proposal being received, under the provisions of section 3.58 (3) and (4) of the Local Government Act 1995 approve the leasing of approximately 7.5 square metres of land on Lot 3 Stalker Road, Gosnells (part of Gosnells Recreation Ground) to Optus Mobile Pty Ltd for the purposes of erecting a telecommunication equipment box.

STAFF RECOMMENDATION (2 of 3)

#### **Moved Cr D Griffiths Seconded Cr C Matison**

That Council approve the following terms and conditions of lease:

Rental:	\$15,000 plus GST per annum.
Rent Review:	Automatic annual rental increase of 5%.
Lease Commencement:	As soon as possible.

Term of Lease:	Approximately nine (9) years to coincide with the conclusion of lease term for the adjacent tower and equipment boxes (28 February 2015).
Equipment Box Construction:	To be constructed and painted to match the existing adjacent City structure and adjoining equipment boxes
Location:	As depicted on the attached Plan in Appendix 13.4.1A.

<b>STAFF RECOMMENDATION (3 of 3)</b>
--------------------------------------

**Moved Cr D Griffiths Seconded Cr C Matison**

That Council approve the transfer of the rental income received from the lease of the Equipment Box to the Gosnells Oval Redevelopment Reserve Account No 9.91.942 to assist with future development of the reserve.

Amendment

*During debate Cr P Wainwright moved the following amendment to staff recommendation (2 of 3):*

*“That staff recommendation (2 of 3) be amended by deleting the words “Approximately nine (9) years to coincide with the conclusion of lease term for the adjacent tower and equipment boxes (28 February 2015).” where they appear adjacent the words “Term of Lease” and substituting them with the words “Up to nine (9) years to coincide with the conclusion of the lease term for the adjacent tower and equipment boxes (28 February 2015) with an initial five (5) year term with an option of a further four (4) years, subject to, on exercising the option, a rent (market) review being undertaken.”.*

*Cr Wainwright provided the following written reason for the proposed amendment:*

*“A market review at five (5) years will keep the rental at market value.”*

*Cr R Croft Seconded Cr Wainwright’s proposed amendment.*

Notation

*At this point in the meeting Cr R Mitchell, due to being employed by an opposition carrier, disclosed a Financial Interest in the following item in accordance with Section 5.60 of the Local Government Act 1995.*

7.57pm – Cr R Mitchell left the meeting.

At the conclusion of debate the Mayor put Cr Wainwright's proposed amendment, which reads:

**Moved Cr P Wainwright Seconded Cr R Croft**

That staff recommendation (2 of 3) be amended by deleting the words "Approximately nine (9) years to coincide with the conclusion of lease term for the adjacent tower and equipment boxes (28 February 2015)." where they appear adjacent the words "Term of Lease" and substituting them with the words "Up to nine (9) years to coincide with the conclusion of the lease term for the adjacent tower and equipment boxes (28 February 2015) with an initial five (5) year term with an option of a further four (4) years, subject to, on exercising the option, a rent (market) review being undertaken", with the amended recommendation to read:

"That Council approve the following terms and conditions of lease:

Rental:	\$15,000 plus GST per annum.
Rent Review:	Automatic annual rental increase of 5%.
Lease Commencement:	As soon as possible.
Term of Lease:	Up to nine (9) years to coincide with the conclusion of the lease term for the adjacent tower and equipment boxes (28 February 2015) with an initial five (5) year term with an option of a further four (4) years, subject to, on exercising the option, a rent (market) review being undertaken.
Equipment Box Construction:	To be constructed and painted to match the existing adjacent City structure and adjoining equipment boxes
Location:	As depicted on the attached Plan in Appendix 13.4.1A. "

CARRIED 9/0

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

**AGAINST:** Nil.

*The amendment was put and carried with the amendment becoming the substantive motion. The Mayor then put the remaining staff recommendations and the substantive motion, which read:*

STAFF RECOMMENDATION (1 of 3) AND COUNCIL RESOLUTION
--

**500 Moved Cr D Griffiths Seconded Cr C Matison**

That Council, subject to no valid submissions against the proposal being received, under the provisions of section 3.58 (3) and (4) of the Local Government Act 1995 approve the leasing of approximately 7.5 square metres of land on Lot 3 Stalker Road, Gosnells (part of Gosnells Recreation Ground) to Optus Mobile Pty Ltd for the purposes of erecting a telecommunication equipment box.

CARRIED 9/0

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

*AGAINST: Nil.*

Amended Staff Recommendation (2 of 3):

COUNCIL RESOLUTION
--------------------

**501 Moved Cr P Wainwright Seconded Cr R Croft**

That Council approve the following terms and conditions of lease:

Rental:	\$15,000 plus GST per annum.
Rent Review:	Automatic annual rental increase of 5%.
Lease Commencement:	As soon as possible.
Term of Lease:	Up to nine (9) years to coincide with the conclusion of the lease term for the adjacent tower and equipment boxes (28 February 2015) with an initial five (5) year term with an option of a further four (4) years, subject to, on exercising the option, a rent (market) review being undertaken
Equipment Box Construction:	To be constructed and painted to match the existing adjacent City structure and adjoining equipment boxes
Location:	As depicted on the attached Plan

in Appendix 13.4.1A.

CARRIED 9/0

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

*AGAINST:* Nil.

STAFF RECOMMENDATION (3 of 3) AND COUNCIL RESOLUTION
--

**502 Moved Cr D Griffiths Seconded Cr C Matison**

That Council approve the transfer of the rental income received from the lease of the Equipment Box to the Gosnells Oval Redevelopment Reserve Account No 9.91.942 to assist with future development of the reserve.

CARRIED 9/0

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

*AGAINST:* Nil.

8.02pm – Cr R Mitchell returned to the meeting.

Notation

*The Mayor, upon the return of Cr R Mitchell to the meeting, advised that Council had endorsed staff recommendations (1 of 3) and (3 of 3) as contained in the agenda and advised of the amendment to staff recommendation (2 of 3).*

**13.4.2 HICKS STREET, GOSNELLS PEDESTRIAN REFUGE ISLANDS**

File: DOR.1 and HIC.1 (OP) OP11.1a

Previous Ref: OCM 13 September 2005 – Dorothy Street/Hicks Street Roundabout

**PURPOSE OF REPORT**

To seek Council approval for the installation of pedestrian refuge islands in Hicks Street at Stalker Road and Holland Street to provide safe pedestrian crossing.

**BACKGROUND**

Resolution 398 of the Ordinary Council Meeting on 13 September 2005 reads:

*“That a further report be submitted to Council outlining the options for introducing central refuge islands in Hicks Street at Stalker Road and Holland Street to provide safe crossing for residents particularly the elderly travelling between Amaroo and the Gosnells Town Centre.”*

Resolution 399 of the Ordinary Council Meeting on 13 September 2005 reads:

*“That Council approve re-opening the access to the northern leg of Hicks Street at the Dorothy Street intersection in Gosnells, in conjunction with the roundabout construction.”*

**DISCUSSION**

At the Ordinary Council Meeting of 13 September 2005, Council resolved that a report be presented outlining the options for installing pedestrian refuge islands in Hicks Street at Stalker Road and Holland Street to provide safe pedestrian crossing, following the re-opening up of the access to the northern section of Hicks Street from Dorothy Street, in conjunction with the construction of a roundabout at this intersection, as part of the 2005/2006 State Black Spot Programme.

**Existing Road Hierarchy**

Dorothy Street is classified as a District Distributor ‘A’ road in the Metropolitan Functional Road Hierarchy and has an average weekday traffic volume of 9,783 vehicles per day in the vicinity of Hicks Street. It is a two-lane divided road providing access from Southern River Road and Corfield Street from the south-west, through to Albany Highway to the north-east.

Hicks Street is classified as a District Distributor ‘B’ road south of Dorothy Street and an Access Road north of Dorothy Street in the Metropolitan Functional Road Hierarchy, and has an average weekday traffic volume of 2260 vehicles per day south of Dorothy Street. Hicks Street is six metres wide north of Dorothy Street and has an average weekday traffic volume of 126 vehicles per day.

Stalker Road is classified as a Local Distributor Road in the Metropolitan Functional Road Hierarchy, and is 9.2 to 9.4 metres wide, with an average weekday traffic volume of 2126 vehicles per day.

Holland Street is classified as an Access Road in the Metropolitan Functional Road Hierarchy, and is 7.35 metres wide.

### **Crash Statistics**

Crash statistics received from Main Roads WA for the five-year period from 1 January 2000 to 31 December 2004, show no crashes were reported at the intersection of Stalker Road and Hicks Street, or the intersection of Hicks Street and Holland Street.

### **Staff Comment**

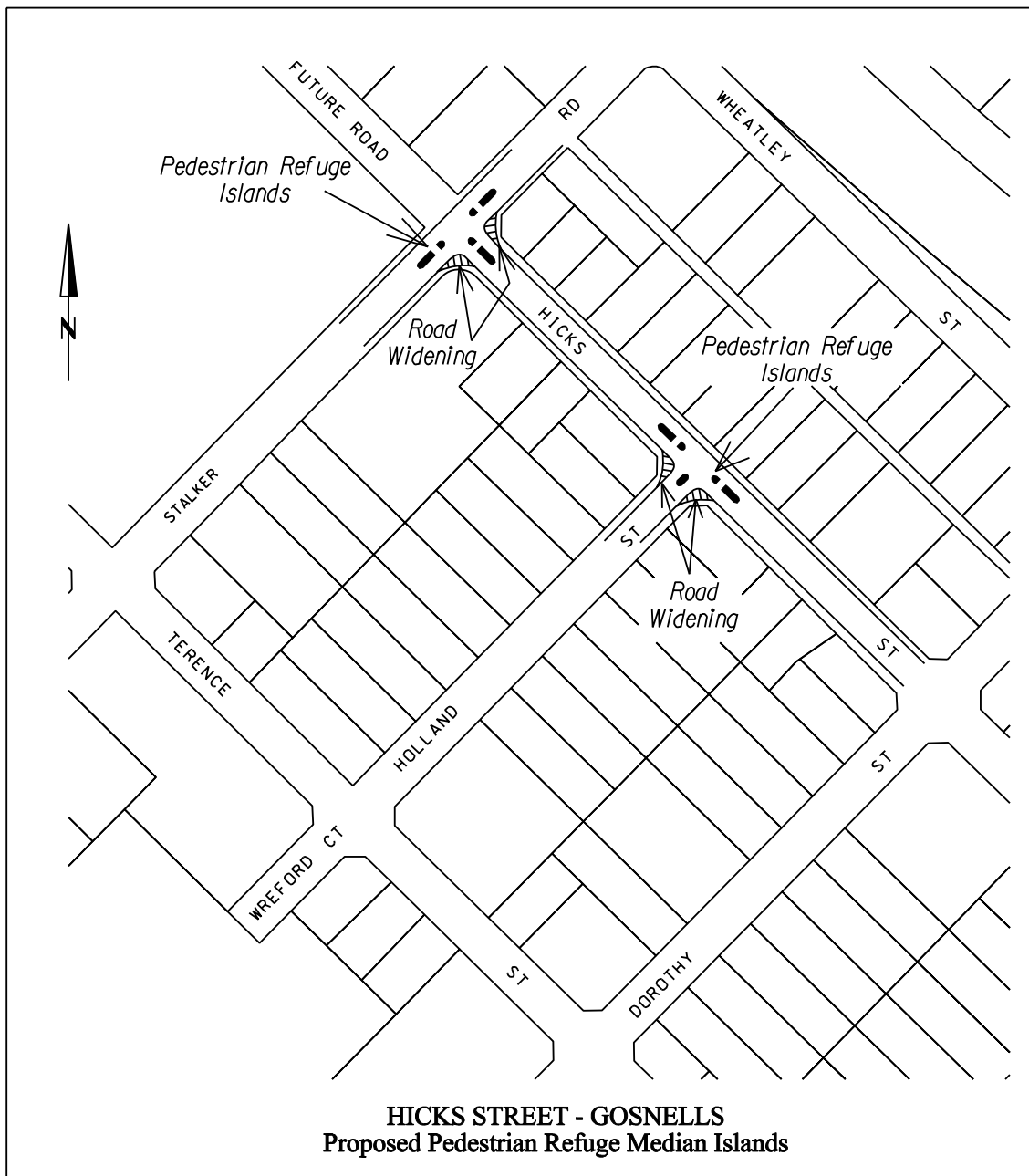
Although no crashes were reported at the intersection of Hicks Street and Holland Street, the installation of pedestrian refuge islands at this intersection is considered appropriate, considering the large number of elderly people residing in the local area and the anticipated increase in traffic volume, due to the re-opening of the northern leg of Hicks Street.

Pedestrian refuge islands at the intersection of Stalker Road and Hicks Street would also provide improved safety for pedestrians at this intersection. However, a roundabout is proposed at this intersection, in conjunction with the future redevelopment of the area which will include the road extension of Hicks Street to Hartley Street, adjacent Gosnells Recreational Ground, as part of the Gosnells Town Centre Revitalisation. This is in accordance with the original concept plans for the Revitalisation of the Gosnells Town Centre, and will be the subject of more detailed proposals later in the year by the Gosnells Town Centre Team.

Therefore it is not considered appropriate that pedestrian refuge islands be installed at the intersection of Stalker Road and Hicks Street at an estimated cost of \$25,000 if in the next couple of years they would be required to be removed as part of the construction of a roundabout.



The proposed pedestrian refuge islands are shown below:



**FINANCIAL IMPLICATIONS**

The cost for constructing pedestrian refuge islands at the intersection of Hicks Street and Holland Street is \$25,000. Should Council elect to construct pedestrian refuge islands at the intersection of Stalker Road and Hicks Street, this is estimated to cost \$25,000 also. Funds are available in Council’s 2005/2006 Capital Works Budget from the Traffic Management Projects account, Job80101.

The impact on long-term asset management is minimal. However, there will be minor ongoing maintenance costs associated with weed spraying and kerb repairs of the traffic islands.

**STAFF RECOMMENDATION (1 of 2) AND COUNCIL RESOLUTION**

**503 Moved Cr J Brown Seconded Cr R Croft**

That Council support the construction of pedestrian refuge islands at the intersection of Hicks Street and Holland Street at an estimated cost of \$25,000.

**CARRIED 10/0**

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

*AGAINST: Nil.*

**STAFF RECOMMENDATION (2 of 2) AND COUNCIL RESOLUTION**

**504 Moved Cr J Brown Seconded Cr R Croft**

That Council approve the following budget variation

<b>Account Number</b>	<b>Type</b>	<b>Account Description</b>	<b>Debit \$</b>	<b>Credit \$</b>
Job80102.100.3	Capital (new)	Hicks Street/Holland Street	25,000	
Job80101.100.3	Capital (existing)	Traffic Management Projects		25,000

**CARRIED BY ABSOLUTE MAJORITY 10/0**

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

*AGAINST: Nil.*

## 13.5 PLANNING AND SUSTAINABILITY

### 13.5.1 PROPOSED AMENDMENT TO CANNING VALE OUTLINE DEVELOPMENT PLAN - LOT 9015 DUMBARTON ROAD AND LOT 88 COMRIE ROAD, CANNING VALE

File:	S8/1/2	(SC)	Psrpt135Nov05
Applicant:	Prestige Project Management Pty Ltd		
Owners:	Various		
Location:	Lot 9015 Dumbarton Road and Lot 88 Comrie Road, Canning Vale		
Zoning: MRS:	Urban		
TPS No. 6:	Residential Development		
Review Rights:	Final determination by the Western Australian Planning Commission where an amendment materially alters the intent of the Outline Development Plan.		
Area:	1.4921ha and 1.4760ha		
Previous Ref:	OCM 10 May 2005 (Resolution 199A)		

#### PURPOSE OF REPORT

For Council to consider an amendment to the Canning Vale Outline Development Plan (ODP) in accordance with Clauses 7.4 and 7.5 of Town Planning Scheme No 6 (TPS 6). The purpose of the amendment is to relocate the proposed "Mixed Use Centre" on Lot 9015 Dumbarton Road to Lot 88 Comrie Road (corner of Fraser Road North) and adjust the surrounding medium density area within a 200 metre radius accordingly.

#### BACKGROUND

##### History

At the Ordinary Meeting of Council held on 10 May 2005, Council resolved to advertise for public comment the proposed amendment to the Canning Vale ODP to relocate the proposed "Mixed Use Centre" on Lot 9015 Dumbarton Road to Lot 128 Comrie Road and adjust the surrounding residential density from "Residential R17.5" to "Residential Density Greater than R17.5" accordingly. Although the City's mapping system showed this lot (at the time) as Lot 128 Comrie Road, a title search has confirmed that it is in fact Lot 88 Comrie Road, with the drain which traverses the site being Lot 128. The City's mapping records have since been corrected accordingly.

**Description of Subject Area**

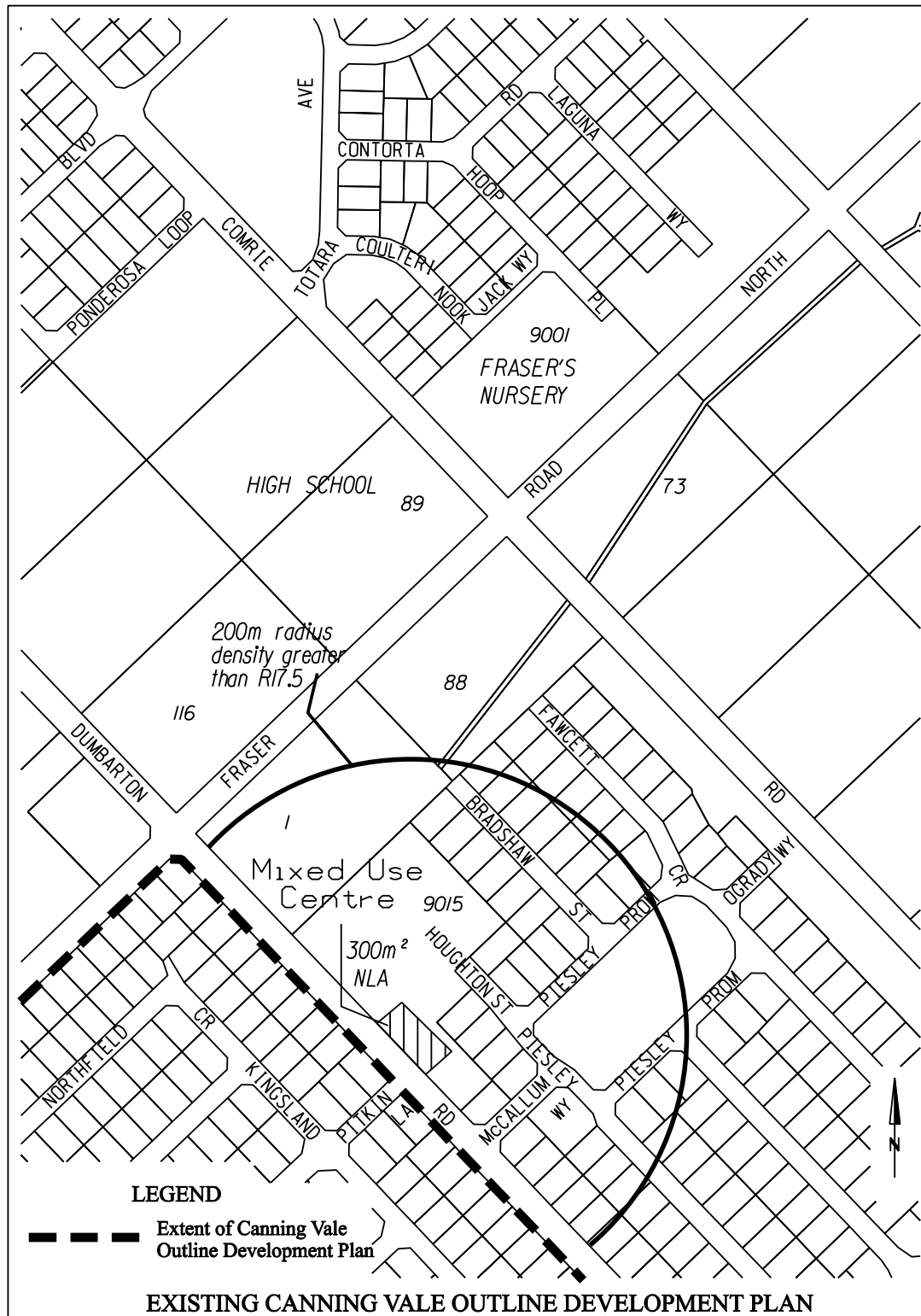
The subject area comprises large undeveloped lots of which Lots 9015 and 116 Dumbarton Road, Lot 73 Fraser Road North and Lot 88 Comrie Road are currently vacant, while Lot 89 Fraser Road North contains a single dwelling. Lot 1 Dumbarton Road (corner Fraser Road North) contains a wholesale nursery (Plant Décor) and Lot 9001 Comrie Road (corner Fraser Road North) contains Fraser's Giftware and Garden Centre. Both Lots 116 and 89 are reserved for Public Purposes – High School under TPS 6 allowing for future expansion of Canning Vale College.

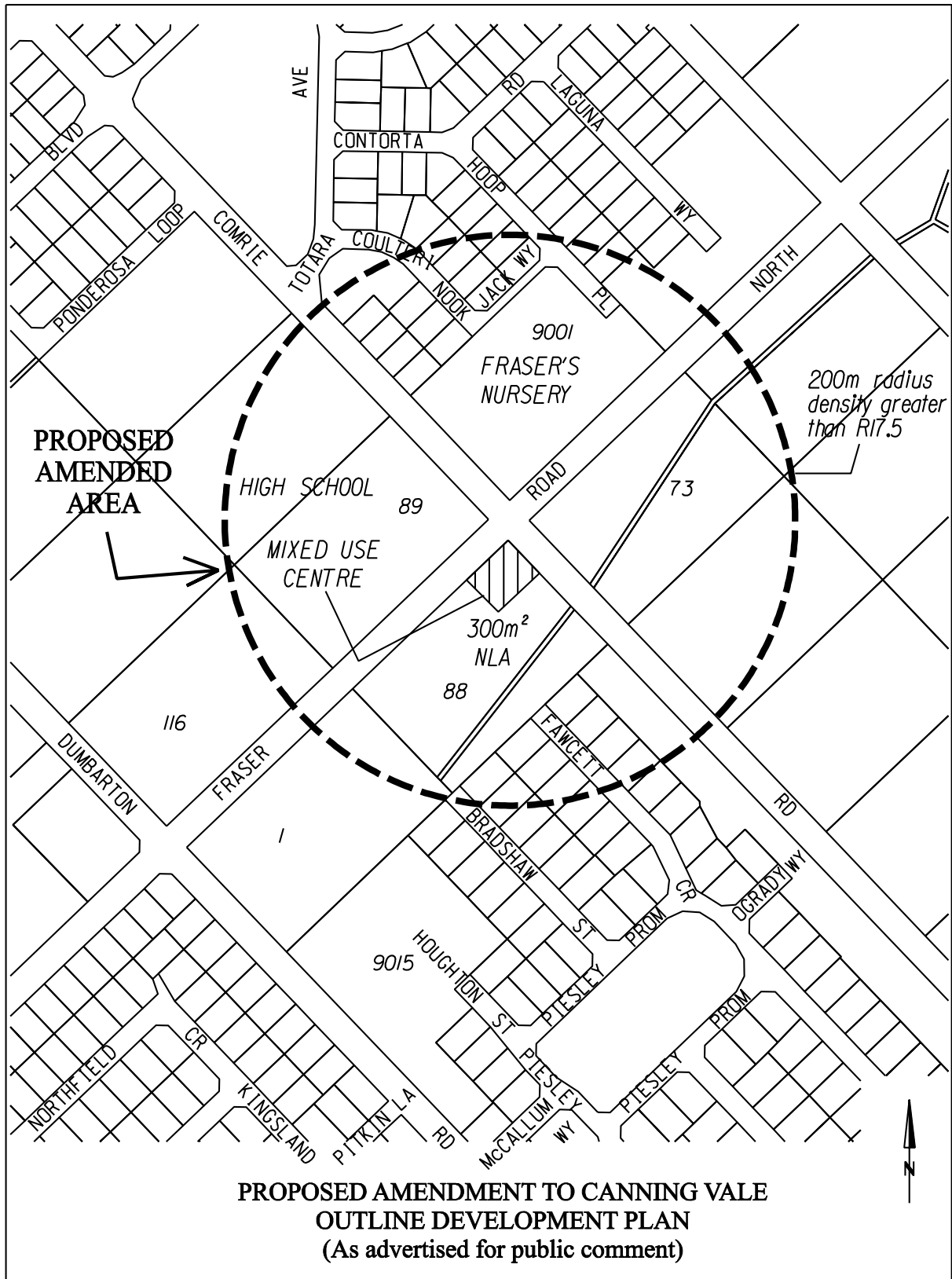
The recently created lots to the east of Lot 9015 (in McCallum Way, Piesley Promenade, Houghton Street and Bradshaw Street) generally contain single dwellings and are located within the 200m radius of the existing designated Mixed Use Centre within the Canning Vale ODP. Although currently designated "Greater than R17.5" on the Canning Vale ODP these lots have been developed to a Residential R17.5 density, or remain vacant.

Development opposite on the southern side of Dumbarton Road comprises single dwellings, which form the final staged development of "The Avenues" estate. This estate is developed to a Residential R17.5 coding with no increased density in close proximity to the Mixed Use Centre currently designated on Lot 9015 Dumbarton Road. The southern side of Dumbarton Road is also outside the Canning Vale Outline Development Plan area.

**Public Consultation**

In accordance with Council's decision from 10 May 2005 the proposal was advertised for public comment to 96 nearby neighbours, in response to which 16 submissions were received. A summary of those submissions and staff comments thereon is provided in the Schedule of Submissions in the Discussion section of this report





**DISCUSSION****Schedule of Submissions**

1	<b>Name and Postal Address:</b> K Hurst 6 Pritchard Place Canning Vale WA 6155	<b>Affected Property:</b> 11 (Lot 790) Bradshaw Street Canning Vale
<b>Summary of Submission</b>		<b>Staff Comment</b>
No Objection		Noted

2	<b>Name and Postal Address:</b> G Lyons 61 Dumbarton Road Canning Vale WA 6155	<b>Affected Property:</b> 61 (Lot 111) Dumbarton Road Canning Vale
<b>Summary of Submission</b>		<b>Staff Comment</b>
No Objection		Noted

3	<b>Name and Postal Address:</b> P & V Donald 8 Clarendon Court Thornlie WA 6108	<b>Affected Property:</b> 12 (Lot 966) Bradshaw Court Canning Vale
<b>Summary of Submission</b>		<b>Staff Comment</b>
No Objection		Noted

4	<b>Name and Postal Address:</b> DTC Lau 1 Pitkin Lane Canning Vale WA 6155	<b>Affected Property:</b> 1 (Lot 116) Pitkin Lane Canning Vale
<b>Summary of Submission</b>		<b>Staff Comment</b>
No Objection		Noted

5	<b>Name and Postal Address:</b> J Pollock Director Greenteak Pty Ltd 665 Welshpool Road Wattle Grove WA 6107	<b>Affected Property:</b> Lot 726 Fawcett Crescent Lot 976 Piesley Promenade Lots 9015 Comrie Road Lot 9016 Comrie Road
<b>Summary of Submission</b>		<b>Staff Comment</b>
No Objection		Noted

6	<b>Name and Postal Address:</b> K House Allday Holdings Pty Ltd Shop 6 & 7 cnr Campbell & Ranford Roads Canning Vale WA 6155	<b>Affected Property:</b> 91 (Lot 44) Birnam Road Canning Vale
<b>Summary of Submission</b>		<b>Staff Comment</b>
No Objection		Noted

7	<b>Name and Postal Address:</b> WL McInerney 89 Dumbarton Road Canning Vale WA 6155	<b>Affected Property:</b> 89 (Lot 125) Dumbarton Road Canning Vale
<b>Summary of Submission</b>		<b>Staff Comment</b>
No Objection  7.1 Prefer not to have retail/commercial mixed use centres in Dumbarton Road to reduce traffic flow etc to the area.  7.2 Prefer to maintain Residential R17.5 density.  7.3 Retail/commercial centre would be more suited in the vicinity of Fraser & Comrie Roads.		Noted. Comments support proposed amendment.

8	<b>Name and Postal Address:</b> C Healey 1 Stidwell Street Canning Vale WA 6155	<b>Affected Property:</b> 1 (Lot 883) Stidwell Street Canning Vale
<b>Summary of Submission</b>		<b>Staff Comment</b>
Comment on Proposal Supports the proposal.		Noted

9	<b>Name and Postal Address:</b> S N Kan Blk 622 Ang Mo Kio Ave 9 #03-34 Singapore 560622	<b>Affected Property:</b> 74 (Lot 987) Dumbarton Road Canning Vale
<b>Summary of Submission</b>		<b>Staff Comment</b>
Comment on Proposal Seeks clarification of whether the dwelling at Lot 987 Dumbarton Road would be adversely affected by the proposal.		Lot 987 Dumbarton Road is currently within the area shown on the ODP for medium density development (greater than R17.5). The proposed amendment will remove this higher density designation meaning that Lot 987 could only be developed for single residential purposes, and could not be further subdivided or developed with grouped dwellings. A single dwelling is currently under construction, therefore it is considered that the proposed amendment will have no impact on this dwelling.

10	<b>Name and Postal Address:</b> A & J Webb 59 Dumbarton Road Canning Vale WA 6155	<b>Affected Property:</b> 59 (Lot 110) Dumbarton Road Canning Vale
<b>Summary of Submission</b>		<b>Staff Comment</b>
Comment on Proposal  10.1 Against movement of high voltage lines currently across the Promenades Estate running along Dumbarton Road.  10.2 Query whether street lights are staying.		Noted. Comments are not relevant to the proposed amendment to the Canning Vale ODP and will be the subject of a separate response by City Planning staff.  As per 10.1 above.



Summary of Submission	Staff Comment
10.3 Query regarding location of footpaths on both sides of Dumbarton Road. Currently school students have to cross Dumbarton Road to walk on existing footpath which is dangerous as it is a busy road.	As per 10.1 above.

11	<b>Name and Postal Address:</b> DJ Hogg 247 Wharf Street Queens Park WA 6107	<b>Affected Property:</b> 7 (Lot 888) Piesley Promenade Canning Vale
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Summary of Submission	Staff Comment
Objection	Noted.
11.1 Concerns that proposed zoning changes will greatly devalue lot and affect development plans.	Lot 888 Piesley Promenade is zoned "Residential Development" and currently designated "Greater than R17.5" density under the Canning Vale ODP. The proposed amendment to the Canning Vale ODP will change the designation to R17.5 thus permitting only one dwelling on site. A search of Councils records has confirmed that to date no building licence application or development application for grouped dwellings has been submitted for this property.
11.2 Query whether the Council would be prepared to compensate for loss of value and future plans.	TPS 6 Clause 12.5 states that a claim for compensation may be made where a lot is injuriously affected by an amendment to the Scheme. Table 1 – Zoning Table states that Grouped Dwellings are a discretionary use within the Residential Development zone, meaning they are not permitted unless Council has exercised its discretion to approve that form of development. Subdivision of the submitters property or development for grouped dwellings are discretionary decisions of the WA Planning Commission and Council respectively and are not permitted "as of right". In this context the proposed change to the Canning Vale ODP will, if approved, remove the "potential" for residential development above the R17.5 density that currently applies to Lot 888.

12	<b>Name and Postal Address:</b> Prestige Project Management Pty Ltd On behalf of Willmington Investments Pty Ltd C/- PO Box 1553 Subiaco WA 6009	<b>Affected Property:</b> 52 (Lot 1) Dumbarton Road Canning Vale
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Summary of Submission	Staff Comment
Objection.	Noted.
12.1 Original proposal was to include 52 (Lot 1) Dumbarton Road fully within the Greater than R17.5 density because: <ul style="list-style-type: none"> <li>The lot already enjoys that benefit and the company plans to develop once it ceases operating as a nursery on the land; and</li> </ul>	Refer Discussion section below and staff comment on submission 11.2 above, which also applies to Lot 1.

Summary of Submission	Staff Comment
<ul style="list-style-type: none"> <li>25% of the area comprising the 200m radius of "Greater than R17.5 density" is within the Canning Vale High School site and as such is not available for residential development on any account. The inclusion of Lot 1 makes more planning sense as it makes up for the loss of the High School site land and allows for greater housing choice and is consistent with the community and WAPC expectations.</li> </ul> <p>12.2 Willmington Investments Pty Ltd is not opposed to the notion of shifting the "density circle" but is opposed to losing an existing benefit and wishes to see the amendment changed to reflect the original proposal submitted which conforms to the principles of orderly and proper development.</p>	<p>Refer Discussion section below and staff comment on submission 11.2 above, which also applies to Lot 1.</p>

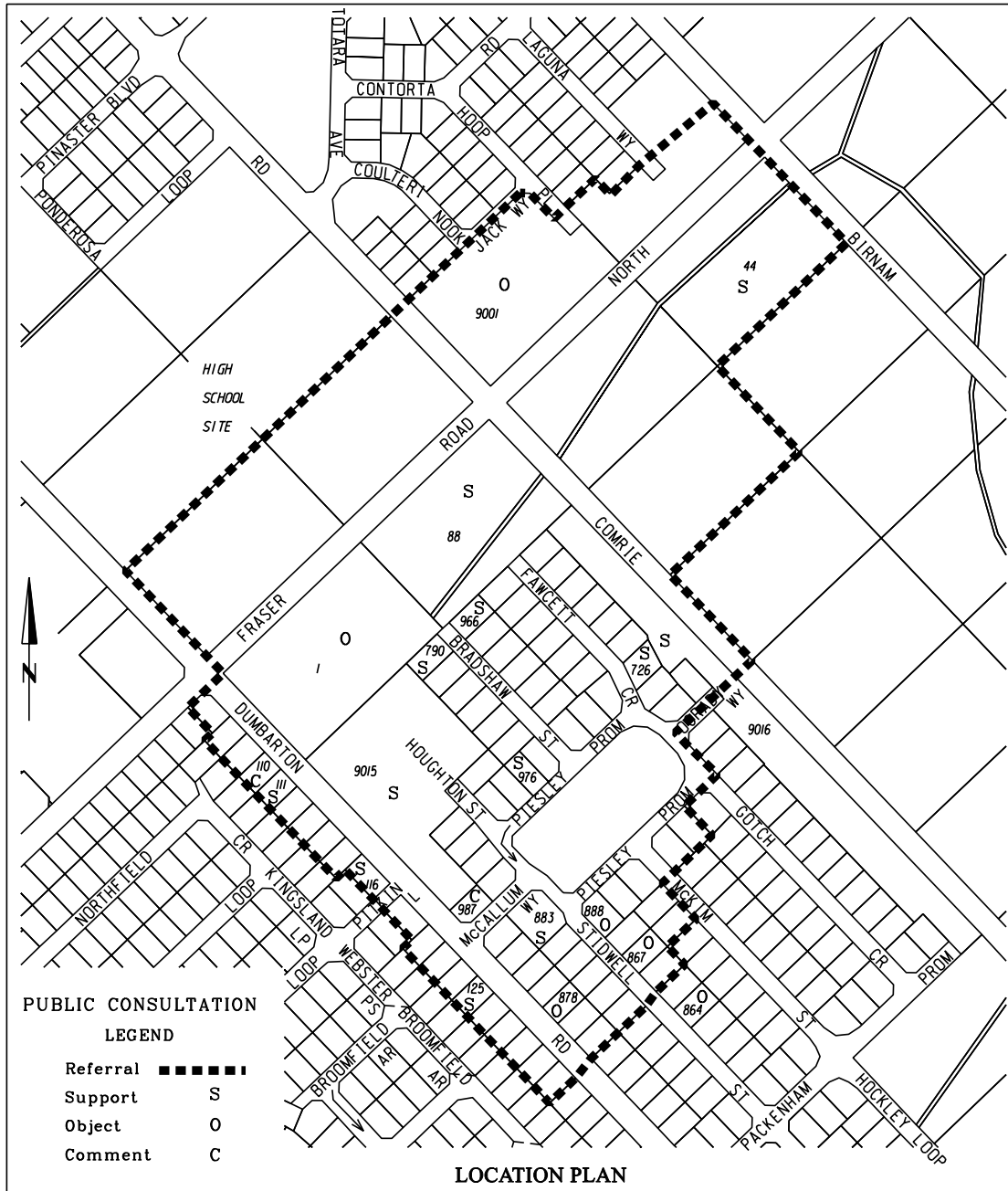
13	<b>Name and Postal Address:</b> I Blevin Fraser's Giftware and Garden Centre Lot 72 Fraser Road Canning Vale WA 6155	<b>Affected Property:</b> 56 (Lot 9001) Comrie Road Canning Vale
Summary of Submission	Staff Comment	
Objection and Comment  13.1 Supports the relocation of the Mixed Use Centre from Dumbarton Road to the intersection of Comrie Road and Fraser Road North.  13.2 Requests that the Mixed Use Centre be located on current Fraser Garden Centre property (Lot 72) instead of corner 71 (Lot 88) Comrie Road, Canning Vale.	<p>Noted.</p> <p>Refer Discussion section with respect to Mixed Use Centre.</p>	

14	<b>Name and Postal Address:</b> L Lei 86 Dumbarton Road Canning Vale WA 6155	<b>Affected Property:</b> 86 (Lot 878) Dumbarton Road Canning Vale
Summary of Submission	Staff Comment	
Objection and Comment  14.1 Opposed to amending plan to shift local centre to corner Comrie Road and Fraser Road North as a nearby deli or other small store would be handy.  14.2 Believes developers are greedy as profit is their only concern as shown by the unfinished Promenades Park.	<p>Noted.</p> <p>Comments are not relevant to the proposed amendment to the Canning Vale ODP. However, the developer has advised that the park is to be developed when the subdivision of the remaining portion of Lot 9015 occurs. A condition of subdivision approval relates to the drainage function of the park which has been completed.</p>	

15	<b>Name and Postal Address:</b> W Mahar 14 Stidwell Street Canning Vale WA 6155	<b>Affected Property:</b> 14 (Lot 864) Stidwell Street Canning Vale
<b>Summary of Submission</b>		<b>Staff Comment</b>
No objection and Comment		
15.1	Believes it would be dangerous to have a shop on Dumbarton Road which is busy in both morning and afternoon with College students.	Disagree. Dumbarton Road is classified as a local distributor road. Consideration of traffic safety would be assessed when processing any planning application for such use.
15.2	Construction of Promenades Park has taken too long and the developer should be instructed to construct the park as it is an ugly site and detracts from the value of the area.	Noted. Refer to staff comment on submission 14.2 above.

16	<b>Name and Postal Address:</b> T Dalton 8 Stidwell Street Canning Vale WA 6155	<b>Affected Property:</b> 8 (Lot 867) Stidwell Street Canning Vale
<b>Summary of Submission</b>		<b>Staff Comment</b>
Objection and Comment		
16.1	The Estate is a disgrace as the park is unusable and the lake area is a swamp.	Refer to staff comment on submission 14.2 above.

The proposal was referred to landowners within the 200m radius of both the existing and relocated mixed use centre. This included both developed and undeveloped lots located on Dumbarton Road through to Comrie Road. The proposal however, was not referred to the owners of the existing single residential lots located to the north and west of Lot 9001 Comrie Road (ie Coulteri Nook and Hoop Place). Although these lots are located within the proposed 200m radius, staff believed that as the lots are fully developed and containing single dwellings with no potential for increased densities referral of the proposal was considered unnecessary. In addition, it was considered that given the location of the High School site on Comrie Road and the adjacent Fraser's Gift and Garden Centre on the corner of Comrie Road and Fraser Road North, the residents who were not consulted would not be affected by (or exposed to) any increased density or proposed relocation of the centre.



**Inclusion of Lot 1 Dumbarton Road in the Residential Density Greater R17.5 Coding.**

Concerns have been raised by the applicant regarding the change to the residential density recoding of Lot 1 Dumbarton Road. A search of Councils records confirmed that the applicant's proposal did indeed show Lot 1 Dumbarton Road being included in the relocated density coding of greater than R17.5. However, the ODP amendment that was advertised for public comment depicted relocation of the Mixed Use Centre and associated higher density residential area, in accordance with Council's decision of 10 May 2005. This means relocation of the higher density 200m radius to the corner of Comrie Road and Fraser Road North. The relocation of this higher density radius effectively reduces the area designated as greater than R17.5 on the Canning Vale ODP for Lot 1 Dumbarton Road from approximately 1ha to approximately 4,000m<sup>2</sup>.

The applicant, in support of their request to apply the higher residential density to all of Lot 1 Dumbarton Road has stated that once the wholesale nursery ceases operating, medium density development of the site would allow for greater housing choice. Further, the applicant believes that because approximately ¼ of the 200m radius for higher density around the relocated mixed use centre is a designated High School site the inclusion of all of Lot 1 as "Residential Density Greater than R17.5" would offset the undevelopable High School land contained within the 200m radius and would contribute to the higher density residential catchment, and therefore viability, of the proposed mixed use centre.

The Canning Vale ODP provides for a residential density of R17.5, and "Residential Density Greater than R17.5". It is based on the principles of Liveable Neighbourhoods with the provision of increased density housing located around transport and commercial nodes to facilitate mixed use urban development. This provides for a variety of lot sizes and housing types to cater for the diverse needs of the community.

The allocation of retail floor area in the Canning Vale ODP ranges from 300m<sup>2</sup> to 550m<sup>2</sup> for the small centres and up to 4500m<sup>2</sup> for the larger centres.

The General Planning Principles on the Canning Vale ODP for Residential densities states:

*"Provision is made for a range of residential densities with medium density development to be provided adjacent to mixed use centres, distributor roads, public transport, POS, and within 800m of the proposed railway station, 400m of district centres and 200m of local centres. The balance of the Canning Vale Urban Area is shown with a minimum residential density of R17.5 in accordance with the City of Gosnells Housing Strategy and surrounding residential estates. R17.5 requires a minimum lot area of 571 m<sup>2</sup> based on walkable catchments of about 800m radius."*

The subject mixed use centre is classified as a local centre with a limit of 300m<sup>2</sup> retail floor area and surrounding 200m radius designated for medium density residential development. It is acknowledged that the High School site limits the amount and potential for higher density development located within the 200m radius of the mixed

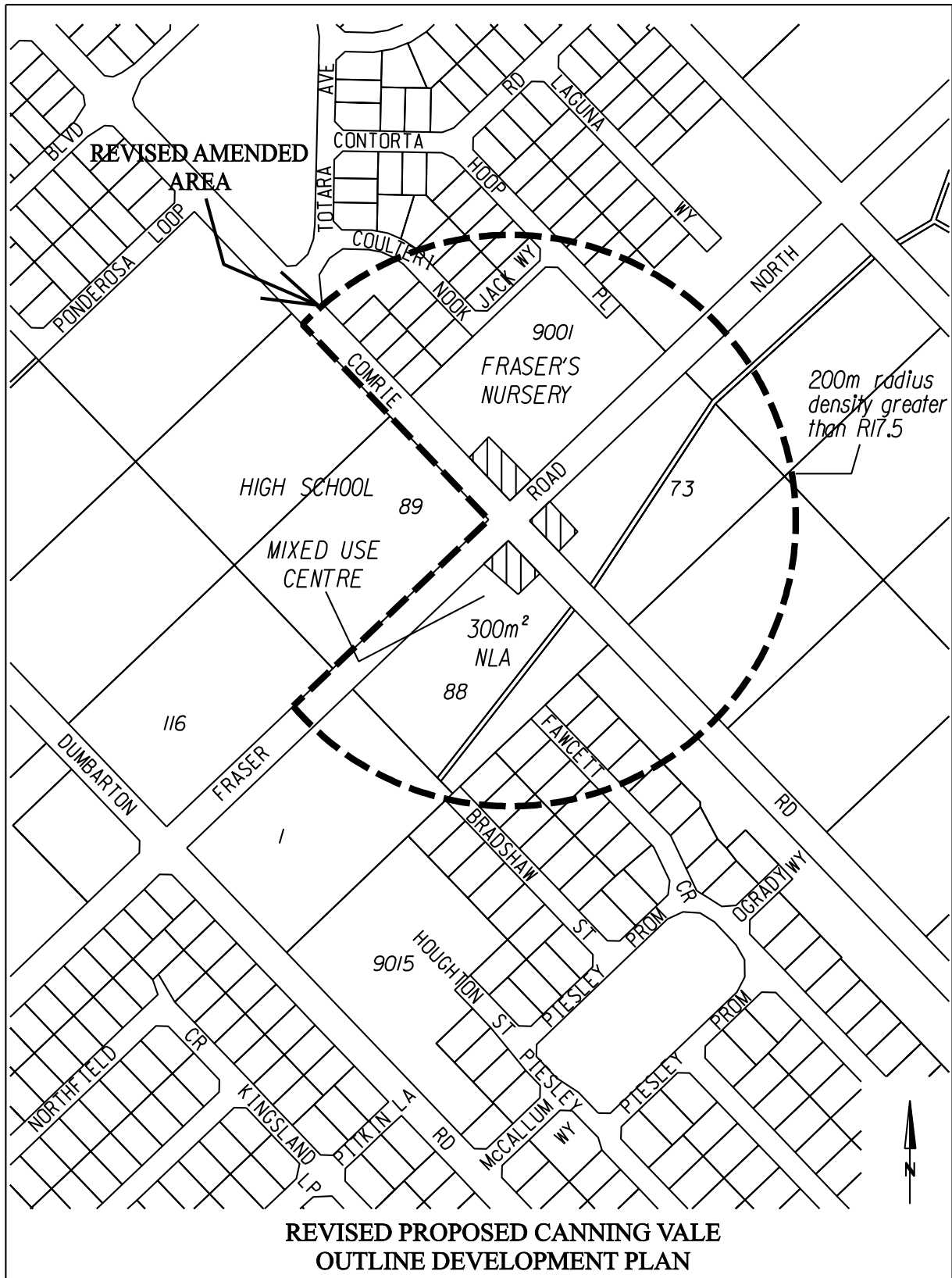
use centre. However, the proposed 200m radius accords with the higher density immediately surrounding local centres as shown in the Canning Vale ODP. The inclusion of all of Lot 1 in the area identified for higher density would result in lots located up to 350m away from the centre being afforded the opportunity to develop at a density greater than R17.5. This is not consistent with the General Planning Principles for the Canning Vale ODP. In addition, if it is considered reasonable to extend this opportunity to Lot 1, it would also be reasonable to consider extending the higher density residential area to other lots within 350m of any local centre in the Canning Vale ODP area. Clearly this would undermine the underlying principles and basis of the ODP. It is therefore considered that a 200m radius around the mixed use centre should be maintained and the inclusion of all of Lot 1 within this higher density area is therefore not supported.

### **Mixed Use Centres**

The owner of Fraser's Giftware and Garden Centre (Lot 9001) has confirmed that he supports the relocation of the mixed use centre from Dumbarton Road to the intersection of Comrie Road and Fraser Road North. However, he has requested that Council consider the 300m<sup>2</sup> retail floorspace of the mixed use centre being located on Lot 9001 Comrie Road (formerly Lot 72 Fraser Road North) rather than exclusively on Lot 88 Comrie Road as currently proposed.

The nature of a mixed use centre where it occurs at an intersection on the Canning Vale ODP is typically distributed across the intersection. This provides a focal point for connectivity for the surrounding area which accords with Liveable Neighbourhoods principles of viability and robustness of built form. The subject mixed use centre has a limit of 300m<sup>2</sup> retail floor space, with no specified limitation with respect to other non retail uses that could be considered and developed at this intersection. Although the applicant stated that a deli/corner store would be developed on the corner of Lot 88 Comrie Road, this would not restrict other retail and non retail uses from being located within the mixed use centre. It is therefore considered that should Council support the relocation of the mixed use centre to the intersection of Comrie Road and Fraser Road North, it should be shown notionally on the Canning Vale ODP on all 3 corners (excluding the High School site) as depicted on the revised proposed ODP shown below.

In accordance with Clause 7.4.5 of TPS 6, a proposed ODP or major amendment to an ODP must be advertised for public comment before being adopted. This has occurred in the case of the proposed amendment to the ODP and as such, Council must now consider the submissions received and either adopt (with or without modifications) or refuse to adopt the proposed amendment as advertised (pursuant to Clause 7.4.7 of TPS 6). In this instance it is proposed to revise the proposed location of the mixed use centre from Lot 88 Comrie Road (as advertised) and show the subject mixed use centre on all 3 corners of the intersection of Comrie Road and Fraser Road North (excluding the High School site). This accords with other mixed use centres shown on the Canning Vale ODP as well as TPS 6 provisions. In addition, as the 300m<sup>2</sup> retail floor space allocated to the subject mixed use centre has not changed, it is not considered necessary to readvertise the revised plan.



Clause 7.6 of TPS 6 allows Council to require the submission of a Detailed Area Plan for a particular lot or lots in order to enhance, elaborate or expand on the details or provisions contained in an ODP. Given the concerns raised by the owner of Lot 9001 Comrie Road (Fraser's Giftware and Garden Centre), it is considered that the issue of allocation of floor space within the proposed mixed use centre should be addressed through a Detailed Area Plan (DAP) for the subject mixed use centre.

As stated in the general planning principles on the Canning Vale ODP, mixed use centres have been located to provide a community focus and facilitate the development of walkable neighbourhoods. Under TPS 6 there is no specific zone called "Mixed Use Centre" therefore these centres may include retail development up to the specified net lettable area (NLA) as well as other non retail uses. In this instance, a DAP is considered to be an appropriate tool to ensure that development within the mixed use centre not only complies with the Canning Vale ODP with respect to the retail net lettable area specified for each centre but also to control use and built form and to address amenity issues in order to ensure proper and orderly planning outcomes.

In accordance with Clause 7.6 of TPS 6, Council can require the DAP to be prepared by the applicant in negotiation with the owners of all 3 lots and approved by Council. Once approved, the DAP would be used as the basis for making recommendations to the WA Planning Commission on subdivision applications and for determining development applications for the affected mixed use site(s).

## **CONCLUSION**

The Canning Vale ODP is based on a design philosophy which provides for a network of retail/commercial, mixed use centres and a graduated range of residential densities. The proposed amendment to relocate the mixed use centre and surrounding higher density designations from Lot 9015 Dumbarton Road to Lot 88 Comrie Road accords with the planning principles and objectives of the Canning Vale ODP and Liveable Neighbourhoods and does not materially alter the intent of the ODP.

Two submissions received have sought to modify the proposed amendment with respect to:

- including all of Lot 1 Dumbarton Road for medium density development; and
- locating the proposed deli/corner store on Lot 9001 Comrie Road (Fraser's Giftware and Garden Centre site).

Given the existence of the High School site and Fraser's Giftware and Garden Centre, as well as bus services provided along Fraser Road North, the proposal to extend the 200m radius higher density designation to include Lot 1 has some merit. However, as the centre is limited to retail 300m<sup>2</sup> NLA, and is therefore classified as a local centre, it is considered that a 200m radius only of higher density coding around the mixed use centre should be maintained in accordance with the general principles of the Canning Vale ODP. The inclusion of all of Lot 1 in this higher density coding is therefore not supported.



Mixed use centres are shown notionally on the Canning Vale ODP at specified intersections with the amount of retail floorspace designated for each centre. This does not however, limit the amount of other non retail uses which can be developed within these centres. The owner of Fraser's Gift and Garden centre has requested that the proposed deli/corner store be located on Lot 9001 Comrie Road as opposed to Lot 88 Comrie Road. To accord with other mixed use centres depicted on the Canning Vale ODP, it is considered appropriate to show the subject mixed use centre on all three corners of this intersection (excluding the High School site). It is also considered that a Detailed Area Plan (DAP) would not only address the concerns raised by the owner of Fraser's Gift and Garden Centre (Lot 9001) with respect to the location of the 300m<sup>2</sup> retail floor space, but would also control development within the mixed use centre. A DAP would also address urban design built form and amenity issues as well as the allocation of other non retail uses at the subject intersection, to the satisfaction of Council. The location of the deli/corner store on Lot 9001 Comrie Road is therefore not supported.

The relocation of the mixed use centre and surrounding 200m radius higher residential density from Dumbarton Road to the intersection of Comrie Road and Fraser Road North subject to a detailed area plan for the Mixed Use centre is therefore supported.

## FINANCIAL IMPLICATIONS

Nil.

STAFF RECOMMENDATION (1 of 2) AND COUNCIL RESOLUTION
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### 505 Moved Cr D Griffiths Seconded Cr R Croft

That Council note the submissions received and in accordance with Clause 7.4.7 of Town Planning Scheme No.6, adopt the revised proposed Canning Vale Outline Development Plan as depicted in this report, showing relocation of the "Mixed Use Centre" and surrounding 200m radius coding of "Residential Density Greater than R17.5" to the intersection of Fraser Road North and Comrie Road, excluding the High School site, subject to the addition of notations on the Outline Development Plan requiring a Detailed Area Plan for the "Mixed Use Centre" located at the intersection of Fraser Road North and Comrie Road to be submitted and approved prior to development and/or subdivision of the Mixed Use Centre or surrounding residential medium density on Lots 88, 73 and 9001.

CARRIED 10/0

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

*AGAINST:* Nil.

STAFF RECOMMENDATION (2 of 2) AND COUNCIL RESOLUTION
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**506 Moved Cr D Griffiths Seconded Cr R Croft**

That Council forward the revised proposed Canning Vale Outline Development Plan to the Western Australian Planning Commission for approval.

CARRIED 10/0

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

*AGAINST: Nil.*

**13.5.2 SOUTHERN RIVER PRECINCT 2 OUTLINE DEVELOPMENT PLAN (*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.

**13.5.3 CHAMBERLAIN STREET, GOSNELLS OUTLINE DEVELOPMENT PLAN**

File:	S8/1/15	(PGW)	Psrpt131Nov05
Applicant:	Prestige Project Management Pty Ltd		
Owner:	Various		
Location:	Lots 2, 801, 803 and 1297 Southern River Road and Lots 806, 1301 and 1302 Chamberlain Street, Gosnells		
Zoning: MRS:	Urban		
TPS No. 6:	Residential Development		
Review Rights:	Nil, final determination by WAPC for ODP.		
Area:	15.6778ha.		
Previous Ref:	OCM 22 June 2004 (Resolution 318-320) OCM 16 December 2003 (Resolutions 805-808) OCM 12 August 2003 (Resolution 539) OCM 26 March 2002 (Resolution 198) OCM 28 August 2001 (Resolutions 702-707)		
Appendices:	13.5.3A Schedule of Modifications 13.5.3B Modified Outline Development Plan incorporating modifications requested by WA Planning Commission. 13.5.3C Advertised Outline Development Plan – 16 December 2003 OCM		

**PURPOSE OF REPORT**

For Council to consider and adopt the modifications to the Chamberlain Street Outline Development Plan (ODP) for the area bounded by Southern River Road, Chamberlain Street and Southern River, as requested by the Western Australian Planning Commission (WAPC) and to decide if the modifications are substantial.

**BACKGROUND**

Council at its meeting of 28 August 2001 considered an application from Broughton Planning to rezone the subject area from 'Deferred Urban' to 'Residential Development' under Town Planning Scheme No. 1 (TPS 1) in conjunction with an Outline Development Plan (ODP). Council resolved to support the rezoning application in-principle, subject to the gazettal of TPS 6 and the finalisation of a legal agreement for the irrevocable closure of a poultry farm on Lot 803 (formerly Lot 1298) Southern River Road.

Following the gazettal of Town Planning Scheme No. 6 (TPS 6) in February 2002, Amendment No. 6 was initiated by Council at its meeting of 26 March 2002 to rezone the area bounded by Southern River Road, the Southern River and Chamberlain Street from 'General Rural' to 'Residential Development' subject to the finalisation of the poultry farm legal agreement.

Following various attempts by Broughton Planning to have the aforementioned legal agreement executed, it became apparent that this would not be achieved. Furthermore, in early 2003 Broughton Planning ceased operating as a business. Correspondence was sent to all landowners seeking expressions of interest to engage a planning consultant and progress the planning for the area, however no responses were received. Based on

the lack of progress, Council considered the matter at its meeting of 12 August 2003 and resolved to advise the WA Planning Commission that it did not wish to proceed with Amendment No. 6 due to the absence of a proponent, appropriate documentation and poultry farm legal agreement.

Shortly after the matter was considered by Council in August 2003, Civil Technology on behalf of a number (but not all) of the landowners made contact with the City and the Department for Planning and Infrastructure (DPI) with a view to progressing the planning for this area. A plan of subdivision had been lodged with the Western Australian Planning Commission (WAPC), however it was envisaged that the subdivision application (WAPC Ref: 122116) would not be determined until the ODP and Amendment No. 6 had been finalised.

Council at its meeting of 16 December 2003 again considered Amendment No. 6 and an ODP for this area, addressing the previously outstanding matters including a lack of proponent, formal documentation and poultry farm legal agreement. It was considered that the outstanding matters had been satisfactorily addressed. Subsequently the ODP and Amendment No. 6 were reinitiated and advertised for public comment, subject to portions of Lots 1301 and 1302 being designated "Private Recreation" and a former poultry farm being shown on Lot 1298 (refer Appendix 13.5.3C).

Council at its meeting held on 22 June 2004 considered the submissions received during advertising of the ODP and Amendment No.6 and resolved to finally adopt the ODP and Amendment No.6. The ODP was subsequently forwarded to the Western Australian Planning Commission for final determination, subject to the same conditions as required at the 16 December 2003 OCM. Amendment No. 6 was finally gazetted on 13 August 2004, rezoning the subject area to Residential Development under TPS 6.

The subdivision application coordinated by Civil Technology for Lots 2, 801 and 803 Southern River Road and Lot 806 Chamberlain Street (WAPC 122116), was approved by the Western Australian Planning Commission (WAPC) on 16 September 2004, following gazettal of Amendment No. 6, but prior to finalisation of the ODP for the area. At the time the City recommended to the WAPC that the application be deferred for the following reasons:

- 1) The land was zoned General Rural under Town Planning Scheme No. 6 (TPS 6) and Amendment No. 6 (at the time of the City's response) and the associated Outline Development Plan had not yet been finalised. Subdivision approval at that stage was considered premature.
- 2) Any approval of the subdivision application would set an undesirable precedent for residential subdivision of rural zoned land without an ODP.

On 29 September 2004 the WAPC resolved to advise the City of Gosnells that the ODP would be endorsed subject to certain modifications being made to reflect the approved subdivision. The WAPC requested 8 modifications to the ODP and these are summarised in Appendix 13.5.3A and are discussed further in the discussion section of this report.

Following the WAPC's approval of the subdivision, the applicants lodged an application for review (i.e. appeal) against some of the approval conditions. Specific conditions of contention in the approval concerned the upgrading of Chamberlain Street and Southern River Road as a subdivision cost and the provision of Public Open Space (POS).

On 11 May 2005 the State Administrative Tribunal (SAT) upheld the application for review against the subdividers having to pay for the road upgrades and deleted it as a condition of approval. POS provision was determined to require a 10% land contribution per lot with no cash in lieu payment. This made the proposed ODP inconsistent with the SAT order, necessitating a revision and redrafting of the ODP.

Prestige Project Management representing the owners of Lots 1301 and 1302 Chamberlain Street approached the City of Gosnells and offered to produce a modified ODP reflecting the Commission's modifications listed in Appendix 13.5.3A, in order to facilitate their subdivision. After discussions with the City Planning Branch and the Department for Planning and Infrastructure (DPI), Prestige Project Management formulated the modified ODP contained in Appendix 13.5.3B which addresses WAPC requirements, the SAT decision and some issues and concerns raised by City Planning staff.

## **DISCUSSION**

### **WAPC and SAT Considerations**

Under clause 7.4.13 of TPS 6 the WAPC is required to consult with Council if modifications to the ODP are requested. Should Council decide the modifications are substantial, then it may decide to advertise them. Of the modifications the WAPC requested some were of a minor nature and are dealt with adequately in Appendix 13.5.3A. The modifications which involve the Heritage Farm, provision of POS and Residential Density, although not considered substantial require further discussion.

### **Modifications to the ODP**

The modified ODP shown at Appendix 13.5.3B (incorporating the changes requested by the WAPC) differs from the previously advertised ODP shown at Appendix 13.5.3C in that it identifies:

- An increase in base density from R17.5 to R20;
- An increase in the amount of Public Open Space;
- An increase in the amount of R30 density overlooking Open Space;
- An increase in the amount of R30 density around the Local Centre;
- Designation of a 400 metre walkable catchment from the Local Centre; and
- Inclusion of the Heritage Farm Lot within the ODP.

### **Advertising the Modified ODP**

Although the ODP was previously advertised for public comment, Council may determine that the modified ODP, reflecting the WAPC's modifications, is so substantially different from the advertised ODP as to warrant advertising of the modified ODP. Clause 7.4.14 of Council's Town Planning Scheme No. 6 applies in this instance and states:

*“If the Council, following consultation with the Commission, is of the opinion that any modification to the Proposed Outline Development Plan is substantial, the Council may:*

- (a) re-advertise the Proposed Outline Development Plan; or*
- (b) require the Proponent to re-advertise the Proposed Outline Development Plan.”*

The modifications requested by the WAPC and reflected in the modified ODP are not considered to be substantial modifications that warrant advertising of the modified ODP because:

- There is a net increase in lot yield for Lot 1297 Southern River Road and as such the modified ODP provides greater benefit to the landowner;
- Prestige Project Management, the proponent of the modified ODP represents the owner of Lots 1301 and 1302 Chamberlain Street;
- Lots 2, 801 and 803 Southern River Road and Lot 806 Chamberlain Street are the subject of an approved subdivision application which, after the incorporation of the SAT decision, will be consistent with the modified ODP;
- No other landowners external to the ODP area are affected by the requested modifications. The impacts on external landowners are not altered by the modifications to the ODP;
- Road layout, lot configuration and residential density are only slightly changed from the original ODP to incorporate the principles of Council's Local Housing Strategy (LHS), design features from Liveable Neighbourhoods and WAPC desired modifications.

### **WAPC Requested Modifications**

Of the modifications requested by the WAPC, some are minor in nature and are adequately dealt with in Appendix 13.5.3A. The remainder are discussed in further detail below.

#### **Modification No. 4 Exclusion of Portions of Lots 1301 and 1302 (Heritage Farm Lot)**

The landowner of Lots 1301 and 1302 has expressed a desire to create a “heritage farm” on portions of these two properties. The landowner has a long association with the area and does not wish to develop or subdivide his properties at this time, but rather develop the property so that it may be open to the public.

When Council resolved to advertise and adopt the original ODP at its meetings held on 16 December 2003 and 22 June 2004 respectively, those resolutions included a requirement to amend the ODP to designate a portion of Lots 1301 and 1302 as “Private Recreation”. This was in response to the landowner of those lots wishing to develop a portion of those lots as a Heritage Farm.

A difficulty arises however due to “Private Recreation” being a land use and not a zone. The WAPC recommends in modification No. 4 in Appendix 13.5.3A that the land be incorporated into the ODP and given an appropriate zoning. In this regard it should be noted that “Private Recreation” such as the Heritage Farm proposed by the owner of Lots 1301 and 1302 is a discretionary use in the Residential Development zone that could already be approved by Council.

To address the WAPC’s modification No. 4 the ODP has been notated to require a Detailed Area Plan (DAP) to be prepared pursuant to section 7.6 of TPS 6 for the Heritage Farm lot, as a prerequisite to any subdivision or development. This will allow issues of amenity and integration of the proposed Heritage Farm and future residential development to be addressed. The DAP can include details such as building envelopes, vehicular access, protection of heritage and conservation areas and special development controls. It is considered that a DAP is the best form of planning control for combining the desired ODP outcome with landowner intentions.

### **Modification No. 6 Residential Density**

The Commission in its recommended modification No. 6 has sought the provision of more medium density areas in the ODP. To address this, the base coding has been increased from R17.5 to R20, which is consistent with the Local Housing Strategy (LHS). Additional increased areas of R30 density are also shown on the modified ODP adjacent to the nominated Local Centre and POS. Where the R30 zone is adjacent to POS it is within the 400 metre walkable catchment of the Local Centre as expressed in Liveable Neighbourhoods and is consistent with the principles of the City’s LHS.

Areas of R30 coding are also provided for lots overlooking the Regional Open Space (ROS) and within the 400 metre walkable catchment of the Local Centre. It is considered R30 coding outside the Local Centre walkable catchment should not be supported as it is inconsistent with the principles of the City’s LHS and Liveable Neighbourhoods.



**Modification No. 7 Public Open Space**

On 11 May 2005 the SAT (Matter Number RD/275/2004) issued its decision on the application for review by Empire Securities Pty Ltd (Civil Technology), Oakmeadow Pty Ltd and Dr. Blowes against approval conditions for the subdivision of Lots 2, 801 and 803 Southern River Road and Lot 806 Chamberlain Street (WAPC 122116). Of particular relevance was the ruling that the 10% POS contribution should be surrendered as land, with no cash-in-lieu component.

The WAPC in modification No. 7 in Appendix 13.5.3A agrees with the SAT and suggests that there is insufficient justification for a reduction in the amount of POS in the ODP. Both the WAPC and SAT have stated that the Regional Open Space is not to be considered in the calculation of the POS contribution. To accommodate the SAT ruling and the WAPC advice, the ODP has been modified to include a 10% land contribution from each subdivider. Approval condition No.6 of subdivision application No. 122116 states the position of the POS should be in agreement with the City of Gosnells. Both DPI and City of Gosnells staff are satisfied with the location of the POS as shown in the modified proposed ODP contained in Appendix 13.5.3B. If further modification of the POS position is required at the detailed subdivision design stage it can be negotiated after the ODP is finalised.

The POS indicated in the modified ODP is adjacent to the Southern River foreshore reserve and in accordance with the SAT decision, provides sufficient area to meet future residential recreational needs.

**CONCLUSION**

Modifications required by the WAPC and SAT to the ODP in consultation with the City of Gosnells planning staff, have been incorporated into a modified ODP. Modification of the ODP in the manner proposed will make the current subdivision approvals within the area consistent with TPS 6 with respect to the need for an ODP in a Residential Development zone. Future subdivision can then be assessed against the adopted framework provided by the ODP. The proposed modifications are not considered to be substantial and therefore it is not considered necessary to require the modified ODP to be advertised.

**FINANCIAL IMPLICATIONS**

Due to the small scale of the ODP, comprising approximately 15.6 hectares of developable area, it is not considered necessary for Council to establish a cost-sharing mechanism for the provision of district level infrastructure. The subdivision processes through the Western Australian Planning Commission will provide for infrastructure necessary to service future subdivision and development within the ODP area.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION
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**507 Moved Cr R Croft Seconded Cr P Wainwright**

That Council note and adopt the Schedule of Modifications as set out in Appendix 13.5.3A and as depicted in the modified Outline Development Plan contained in Appendix 13.5.3B, and advise the Western Australian Planning Commission accordingly.

CARRIED 10/0

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

*AGAINST:* Nil.

### 13.5.4 PROPOSED DETAILED AREA PLAN – 98 (LOT 445) GATEWAY BOULEVARD, CANNING VALE

File: 237352, (SC) Psrpt133Nov05  
Applicant: Chappell & Lambert  
Owner: Lakeview Rise Pty Ltd  
Location: 98 (Lot 445) Gateway Boulevard  
Zoning: MRS: Urban  
TPS No. 6: Residential Development  
Review Rights: Yes. State Administrative Tribunal against a refusal or any condition(s) of approval.  
Area: 2,734m<sup>2</sup>  
Previous Reference: Nil.  
Appendix: 13.5.4A Detailed Area Plan.

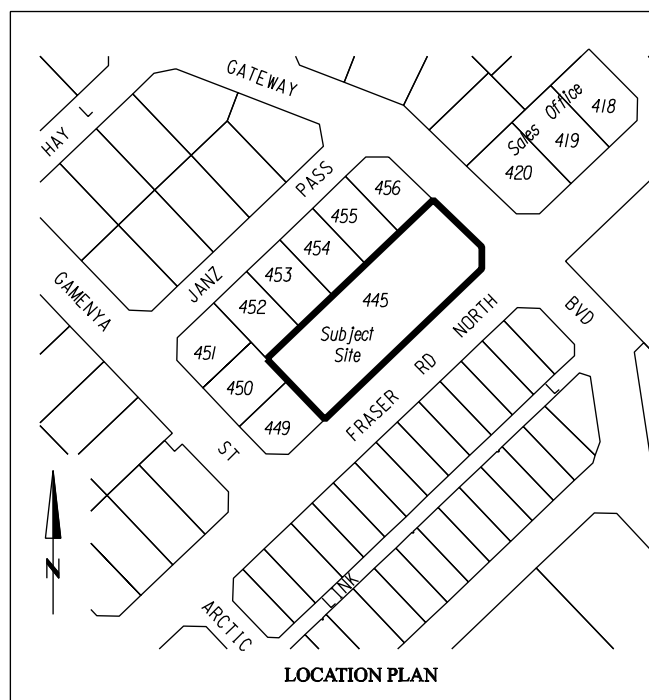
#### PURPOSE OF REPORT

For Council to consider a Detailed Area Plan (DAP) for 98 (Lot 445) Gateway Boulevard, Canning Vale, which is designated Mixed Use Centre and Residential Density Greater than R17.5 on the Canning Vale Outline Development Plan (ODP).

#### BACKGROUND

##### Site Description

The subject lot is vacant, flat and cleared of any vegetation. Surrounding development to the west, south and east comprises a mix of single and grouped dwellings with cottage laneway lots located opposite. To the north, the sales office for the “Malcolm Park Estate” is located on the northwestern corner of Gateway Boulevard and Fraser Road North, with the property located on the northeastern corner of Gateway Boulevard and Fraser Road yet to be developed.



The Canning Vale ODP shows the subject lot as being designated “Mixed Use Centre” and coded “Residential Density Greater than R17.5”. The mixed use centre is shown over the corner of Fraser Road North and Gateway Boulevard and has been allocated 300m<sup>2</sup> net lettable retail floorspace.

### **Proposal**

The applicant has submitted a DAP for Lot 445 Gateway Boulevard (refer Appendix 13.5.4A). Given the proposed narrow lot widths (10m wide) and lot sizes being less than 350m<sup>2</sup> in area (which require development approval, the applicant submitted the DAP to allow for variations to the Residential Design Codes (R-Codes) and negate the need for individual development applications where proposed dwellings comply with the DAP. The applicant believes that development in accordance with the DAP would ensure an efficient built form outcome and contribute towards an attractive streetscape.

The DAP allows for parapet walls on two boundaries of each lot, defines location of garages, driveways and north facing solar orientated courtyards. The DAP also allows for reduction in the primary street setback with front fencing to be visually permeable. Development on proposed Lots 7 and 8 located on the corner of Gateway Boulevard and Fraser Road North is to be designed so as to accommodate mixed use development.

### **DISCUSSION**

#### **Town Planning Scheme No. 6 (TPS 6)**

Clause 7.6 of TPS 6 provides a process for the consideration and determination of proposed DAPs. In this regard, Council is either to approve or refuse the DAP, and if it is approved, refer the DAP to the Western Australian Planning Commission for its information.

#### **Proposed Detailed Area Plan**

The DAP has been specifically prepared for this site in accordance with the principles of the Safe City Urban Design Strategy, Liveable Neighbourhoods Edition 3 and the Canning Vale ODP. The intersection of Gateway Boulevard and Fraser Road North is designated Mixed Use Centre with 300m<sup>2</sup> retail floor space on the Canning Vale ODP. Future development on these lots would need to accord with the DAP which allows for mixed use development and variation of the R-Codes in some aspects to achieve a more desirable site specific design outcome and incorporates the following:

- All development to be located within the building envelopes;
- Development of proposed Lots 7 and 8 is to be designed to accommodate mixed use development;
- Open space requirement varied to 40% (instead of 45%);

- Nil boundary setbacks and other setback variations permitted where shown on the DAP;
- Location of garages, crossovers and north-facing solar courtyards specified; and
- Visually permeable fencing specified.

A survey strata application proposing eight lots with a minimum lot width of 10m and less than 350m<sup>2</sup> in area has been lodged with the Western Australian Planning Commission (WAPC), however this application is yet to be determined. Given the width of the proposed lots and mixed use centre designation, it will be recommended by staff that a condition of subdivision approval will require a DAP for the site. The applicant has preempted this requirement and submitted a proposed DAP for approval. Approval of the DAP would satisfy this condition of subdivision approval should it be imposed by the WAPC.

The DAP will be referred to when applications are received for the proposed strata title lots, including development applications, and the future buildings (ie single dwellings or mixed use, home business/commercial) will need to comply with the DAP.

## CONCLUSION

Staff support the proposed DAP, which has been prepared in conjunction with the planning consultant and in accordance with the principles of the City's Safe City Urban Design Strategy, Liveable Neighbourhoods and the Canning Vale ODP. It is recommended that Council approve the DAP and forward a copy to the WAPC for its information.

## FINANCIAL IMPLICATIONS

Nil.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION
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### 508 Moved Cr R Croft Seconded Cr C Matison

That Council approve the Detailed Area Plan prepared by Chappell and Lambert for Lot 445 Gateway Boulevard, Canning Vale, as contained in Appendix 13.5.4A and forward a copy of the plan to the Western Australian Planning Commission for its information.

CARRIED 10/0

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

*AGAINST:* Nil.

### 13.5.5 DEVELOPMENT APPLICATION – TWO GROUPED DWELLINGS – 9 (LOT 300) CASABLANCA AVENUE, SOUTHERN RIVER

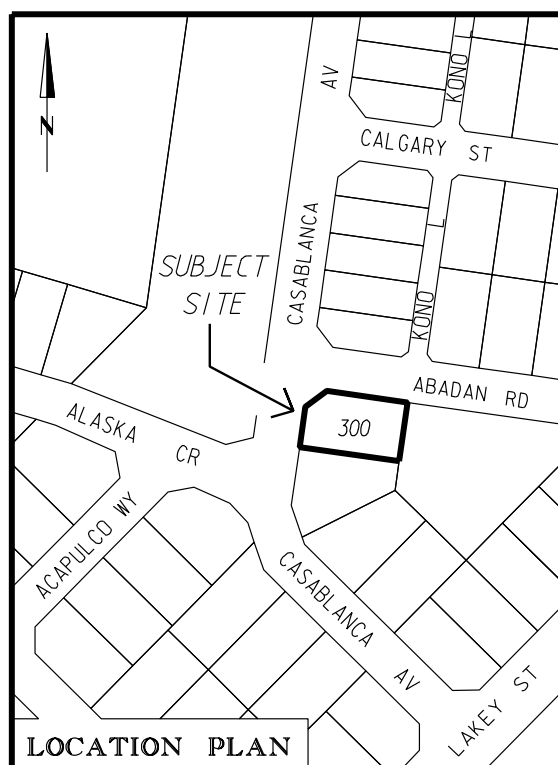
File: 239970                      **Approve Ref:** 0506/2083      (EH)      Psrpt127Nov.05  
Applicant: The Planning Coordinators  
Owner: SMT Money Pty Ltd  
Location: 9 (Lot 300) Casablanca Avenue, Southern River  
Zoning: MRS: Urban  
          TPS No. 6: Residential Development  
Review Rights: Yes. State Administrative Tribunal against a refusal or any  
                          condition(s) of approval.  
Area: 587m<sup>2</sup>  
Previous: Nil  
Reference:  
Appendix: 13.5.5A    Conditions to be imposed on development approval.

#### PURPOSE OF REPORT

For Council to consider an application for two grouped dwellings at 9 (Lot 300) Casablanca Avenue, Southern River. Assessment of the Residential Design Codes (R-Codes) under the Performance Criteria is sought in relation to open space requirements and a reduction in the front garage setback for one of the proposed dwellings, which is outside the authority delegated to staff.

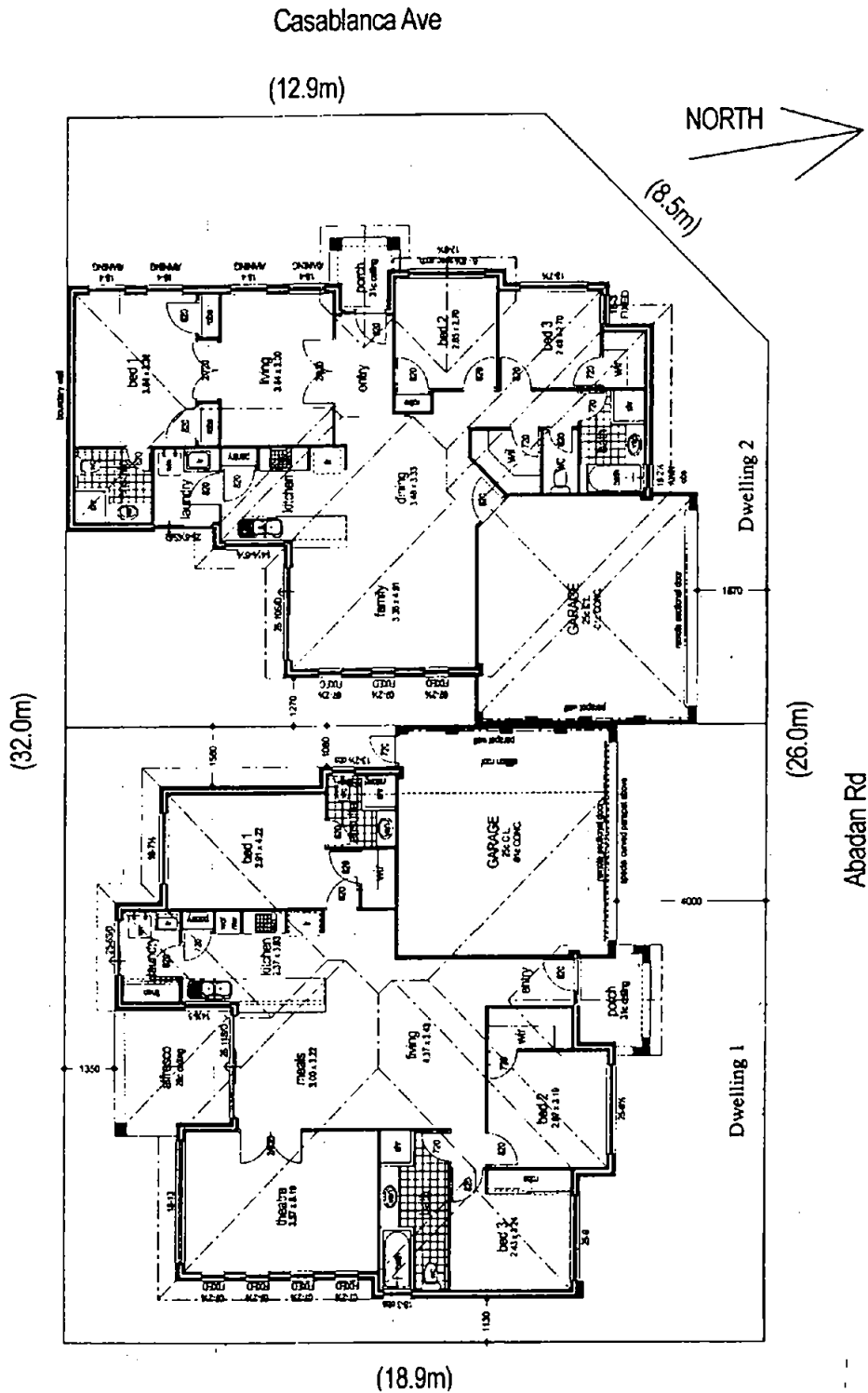
#### Site Description

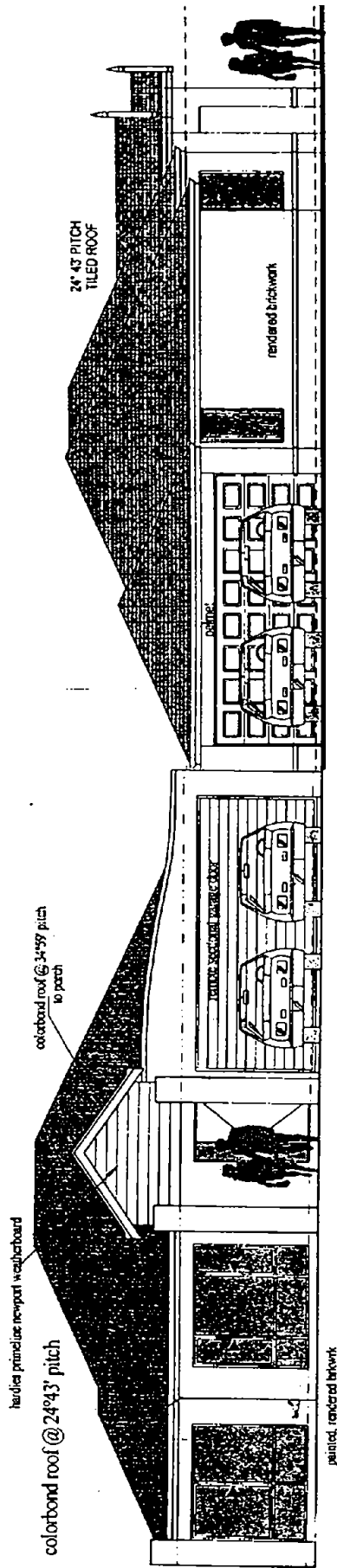
The site is flat, vacant and cleared of vegetation. It is 587m<sup>2</sup> in area with a 12.89m frontage to Casablanca Avenue and 25.99m frontage to Abadan Road. The site overlooks an area of public open space located at the corner of Casablanca Avenue and Alaska Crescent (Lot 8001).



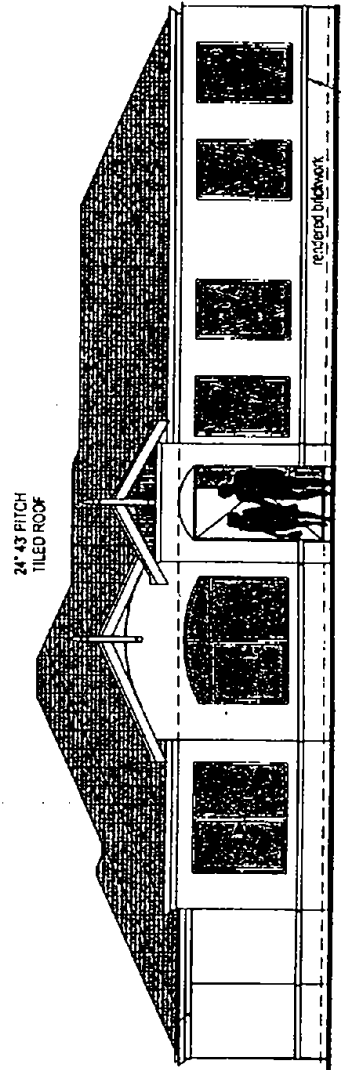
**Proposal**

The proposal is for the construction of two single storey grouped dwellings. Dwelling 1, fronting Abadan Road, is approximately 177m<sup>2</sup> on a proposed lot of 304m<sup>2</sup>. Dwelling 2, fronting Casablanca Avenue with garage access from Abadan Road, is approximately 157m<sup>2</sup> on a proposed lot of 300m<sup>2</sup> (including the corner truncation). The proposal complies with all aspects of the Acceptable Development Criteria of the Residential Design Codes except for the provision of open space for proposed Dwelling 1, setback variation for the garage for proposed Dwelling 1 and storerooms for both proposed dwellings.





Abadan Road Elevation



Casablanca Avenue Elevation



## DISCUSSION

### Residential Design Codes (R-Codes)

#### Storerooms

The R-Codes Acceptable Development criteria 3.10.3 A1 states that:

*“An enclosed, lockable storage area, constructed in a design and material matching the dwelling, accessible from outside the dwelling, with a minimum dimension of 1.5m with an internal area of at least 4sqm, for each Grouped or Multiple Dwelling.”*

The application does not include the provision of storerooms for either dwelling. The applicant has requested that a condition be imposed on an approval requiring storerooms. Should Council support approval of the application, a condition can be imposed requiring the grouped dwellings to be constructed with the inclusion of storerooms complying with the R-Code Acceptable Development criteria.

#### Open Space

The R-Codes Acceptable Development criteria 3.4.2 A2 requires a minimum Outdoor Living Area of 20m<sup>2</sup> to be directly accessible from a habitable room and with only one-third covered by permanent roof cover.

Table 1 states that 45% open space is required. The open space provided to proposed Dwelling 1 is 41.8%. It includes a 9.56m<sup>2</sup> alfresco area, which does not form part of the open space because it is enclosed on more than two sides. If a 4m<sup>2</sup> storeroom was provided (or constructed at a later date by the occupants) the open space provided for Dwelling 1 would be reduced to 40.5%. The provision of 45% open space for Dwelling 1 equates to 136.9m<sup>2</sup> being available around the dwelling as open space, whereas the 41.8% open space proposed for Dwelling 1 (or 40.5% with a storeroom) equates to 127.2m<sup>2</sup> (or 123.2m<sup>2</sup> with a storeroom) which is a reduction of 9.7m<sup>2</sup> (or 13.7m<sup>2</sup> with a storeroom) in open space. The applicant therefore seeks the proposal to be assessed under Performance Criteria 3.4.1 of the R-Codes which requires:

*“Sufficient open space around buildings:*

*To complement the building;*

*To allow attractive streetscapes;*

*To suit the future needs of residents, having regard to the type and density of the dwelling.”*

In support of the proposal, the applicant has advised that

*“the open space, being adequate to the rear of the proposed dwellings, complements the high living standard of each dwelling. The open space to the front...together with the open verge space provides for attractive gardens to be*

*planted with minimal intrusion of large paved driveways...The type of dwelling is small on a small lot, but the usable garden areas are deliberately designed as generous to ensure the houses are suitable for small/medium families as well as couples...The proposal allows for an attractive streetscape whereby this single storey dwelling will not be out of place in a streetscape context, the open space allows for a visual break up in streetscape whilst allowing for connectivity between this dwelling and the remainder of dwellings and buildings.”*

with the Abadan Road and Casablanca Avenue streetscape.

The applicant also advised that:

*“the open space adequately addresses the needs of future residents in providing for adequate courtyard dimensions whilst complying with the acceptable standards for location and dimension of outdoor living space.”*

Although the alfresco area is not included in the open space provisions it is considered that this area will be utilised in the same manner as the remaining open space areas. If the alfresco was not provided and the area it occupied was included as open space, the proposal would be providing 44.9% open space. The size and location of the proposed outdoor living area and other open space on the site is considered to suit the future needs of residents having regard to the type and density of the dwelling without detracting from the streetscape. The proposal is therefore considered to meet the performance criteria 3.4.1 for the provision of open space.

### Setbacks

The R-Codes Acceptable Development criteria 3.2.3 A3.5 requires garages to be set back 4.5m from the primary street. Dwelling 1 proposes its garage to be setback 4m from Abadan Road rather than the required 4.5m. The garage to Dwelling 2 is setback 1.87m from Abadan Road, the secondary street for Dwelling 2, which complies with the 1.5m setback required by the R-Codes. The applicant therefore seeks the proposal (in relation to Dwelling 1) to be assessed under Performance Criteria 3.2.3 P3 of the R-Codes which requires:

*“The setting back of carports and garages so as not to detract from the streetscape or appearance of dwellings, or obstruct views of dwellings from the street and vice versa.”*

In support of the proposal, the applicant advised that:

*“The garage is setback in line with the remainder of the front elevation of the dwelling;*

*The garage is not a dominant feature of the elevation where as it is not protruding forward of the dwelling;*

*The garage is within the structure of the home and will not obstruct views across the streetscape;*

*The car parking arrangement maintains the ability for visitor car parking on the proposed driveway;*

*The setting back of the garage does not detract from the streetscape or appearance of the dwelling or obstruct views of dwelling from the street.”*

Criteria 2.5.1 of the R-Codes requires the local government to advertise a proposed development that requires the exercise of discretion (ie assessment under performance criteria) is in the opinion of the local government it is likely to adversely affect the amenity of an adjoining property.

In this instance, given the compliant setback of the garage to Dwelling 2 at 1.87m it was considered by staff that a reduction of 0.5m for the garage of Dwelling 1 to be setback 4m from the street would not adversely affect the amenity of the adjoining property and therefore the proposal was not advertised for comment.

The proposed 0.5m setback variation for the garage of Dwelling 1 is not considered to detract from the streetscape or appearance of dwellings, or obstruct views of the dwelling and is therefore considered to satisfy Performance Criteria 3.2.3 P3 of the R-Codes.

## **CONCLUSION**

The proposed design makes effective use of space providing a private outdoor living area adjoining the roofed alfresco area to suit the needs of the owner and any future owners. Given the overall design of the dwelling and amount of useable unroofed open space, the proposed provision of 41.8% open space (or 40.5% with storeroom) is considered to meet the objectives of the R-Codes. Given the compliant setback of the adjoining garage of Dwelling 2, the requested 0.5m setback variation for the garage of Dwelling 1 would not adversely impact on the amenity of the adjoining property or streetscape and is considered to meet the objectives of the R-Codes. The imposition of a condition requiring storerooms for the development of grouped dwellings is considered acceptable. It is therefore recommended that the application be approved, subject to appropriate conditions as contained in Appendix 13.5.5A.

## **FINANCIAL IMPLICATIONS**

Nil.

**STAFF RECOMMENDATION AND COUNCIL RESOLUTION****509 Moved Cr D Griffiths Seconded Cr R Croft**

That Council approve the application for two grouped dwellings at 9 (Lot 300) Casablanca Avenue, Southern River, subject to conditions contained in Appendix 13.5.5A.

CARRIED 9/1

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

***AGAINST:** Cr J Brown.*

**13.5.6 DEVELOPMENT APPLICATION – TWO GROUPED DWELLINGS –  
42 (LOT 431) FIGTREE DRIVE, CANNING VALE (*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.

**13.5.7 DEVELOPMENT APPLICATION – HOME BUSINESS AND COMMERCIAL VEHICLE PARKING 13 (LOT 12) HARRIS STREET, BECKENHAM**

**File:** 224634      **Approve Ref:** 0506/0050CVP      (PTS)      Psrpt129Nov05  
**Applicant:** Darrell Kirby  
**Owner:** Darrell Kirby  
**Location:** 13 (Lot 12) Harris Street, Beckenham  
**Zoning: MRS:** Urban  
**TPS No. 6:** Residential R17.5  
**Review Rights:** Yes. State Administrative Tribunal against a refusal or any condition(s) of approval  
**Area:** 2,180m<sup>2</sup>  
**Previous Ref:** Nil  
**Appendix:** 13.5.7A      Conditions to be imposed on development approval.

**PURPOSE OF REPORT**

For Council to consider an application for retrospective planning approval of a Home Business involving the office administration component of the business and the parking of two commercial vehicles used as an integral part of the business at 13 (Lot 12) Harris Street, Beckenham. The application cannot be determined under delegated authority because it does not comply with Council's Commercial Vehicle Parking as it involves the parking of two commercial vehicles on a single residential lot.

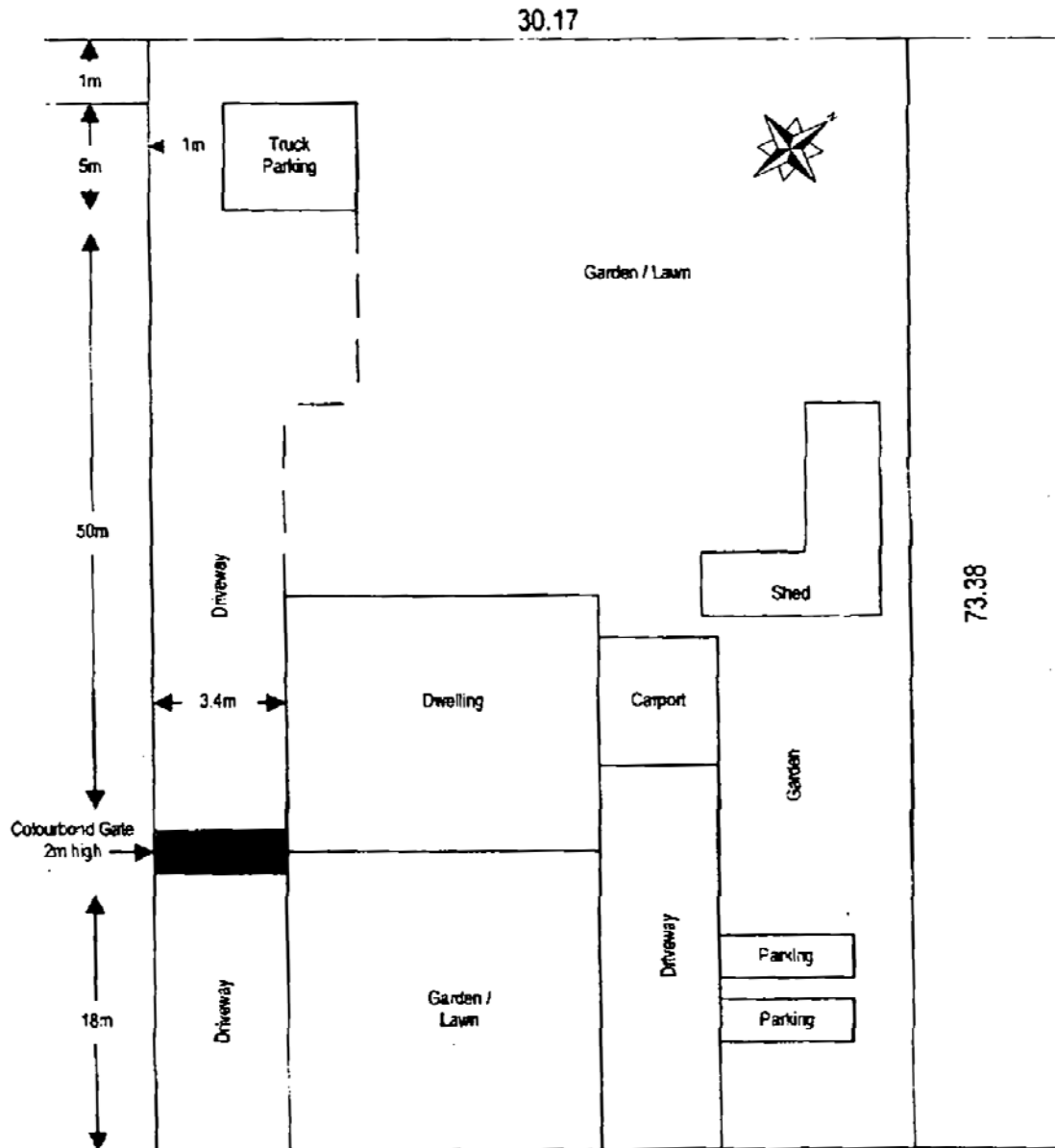
**BACKGROUND****Site Description**

The subject site is a large Residential zoned property measuring 74m x 30.17m on Harris Street and is developed with a brick and tile residence and is fenced on all sides. A cross over and crushed metal driveway adjacent to the western side boundary of the property provide access to the rear of the lot where the two commercial vehicles are housed under cover of an open metal roofed free standing double carport. The residence alignment and double metal gate located slightly to the rear of the building setback line on the driveway effectively screen the rear of the lot and the area where the two commercial vehicles are housed from the view of the passing public travelling in either direction along Harris Street. Mature trees and other vegetation exists along the rear and eastern side boundaries on the rear portion of the lot which help to screen the subject commercial vehicles from view of abutting properties. A standard "super six" fence is installed the full length of the driveway to the western boundary of the property.

**The Proposal**

The subject application has been lodged as a result of the applicant making enquiries in relation to the operation of a "Home Business" to carry out the office/administrative requirements associated with his specialised mobile pressure cleaning operation registered as "Grime Fighters". According to the applicant the property has been used for the Home Business and commercial vehicle parking for the past 4 years. No

previous incidents or complaints from nearby residents/property owners have been reported or received in relation to these activities



Site Plan:  
Lot (12) 13 Harris Street, Beckenham

The applicant is currently and proposes to continue using a small spare bedroom of his residence as an office. This room contains a computer table, chairs, computer and printer, telephone and filing cabinet. The applicant also proposes to continue parking the two commercial vehicles on the subject property in a designated area well to the rear and western side of the property. Vehicle access from Harris Street to the rear parking area is via a separate crossover and security double-gated driveway to that used to house the residents' domestic vehicles. There is little or no view of the rear yard area or

the parked commercial vehicles from Harris Street when travelling in either direction along Harris Street.

The details of the two commercial vehicles are as follows:

Vehicle No: 1	Truck
Make	Mitsubishi
Type	Van truck
Year	1988
Length	4.7m
Height	2.25m
Licence No.	1BTW 543
Overall Length	4.7m

Vehicle No: 2	Truck
Make	Isuzu
Type	Van truck
Year	1999
Length	4.5m
Height	2.15m
Licence No.	1ALO 343
Overall Length	4.5m

### Public Consultation

In accordance with the City's Policy 6.1.1.1 – Advertising/Referral of Development Applications, consultation was undertaken with nearby landowners along Harris Street within approximately 200m of the subject property and affected landowners to the rear of the subject site in Peckham Street. Public consultation undertaken was in respect to the commercial vehicle parking portion of the application and not the Home Business.

A total of 28 nearby property owners were notified and eight formal responses were received; all responses were in support of the application with two of the respondents making comprehensive comments in relation to the application. A summary of submissions received and staff comments thereon is provided in the Discussions section of this report.

### DISCUSSION

#### Town Planning Scheme No. 6

Under the TPS 6 Zoning Table “Commercial Vehicle Parking” and “Home Business” in a Residential Zoning are classified as “D” uses meaning they are not permitted unless Council has exercised its discretion by granting planning approval.

The subject commercial vehicles fit within the TPS 6 definition for commercial vehicles by virtue of having a carrying capacity in excess of 1.5 tonnes and the proposed home business fits the TPS 6 definition of home business in that it does not occupy an area



greater than 50 square metres, only one non-resident employee is engaged and adequate off street car parking is available for that employee.

### **Commercial Vehicle Parking Policy**

The following provisions of the policy relevant to Residential zones are relevant to this application:

- “3.5 This Policy is based on a principle that the entitlement to park a commercial vehicle on a rural or residential zoned property should only extend to an occupier or, where appropriate occupiers of the property. The intent being to limit the scale of the parking activity to a level consistent with community expectations for the amenity of the area and to discourage inappropriate land use;*
- 4.4.2 Only one commercial vehicle per lot will be permitted;*
- 4.4.4 The parked vehicle/s must not obstruct or cause a hazard to vehicular or pedestrian traffic within the adjacent roadway or verge and should allow normal ingress and egress for the household’s private passenger vehicles;*
- 4.4.6 The vehicle should not exceed 3m in height (including the load) and 8m in length;*
- 4.4.7 The visual impact that the commercial vehicle/s is likely to have on the appearance and function of the street;*
- 4.4.9 Exceptions to these requirements may be considered where the size, dimensions and any other features of the lot or the vehicle involved are such that the proposed parking of the commercial vehicle can be done in a manner that in the opinion of Council will not detrimentally impact upon the amenity and safety of the surrounding community.”*

In this instance, the parking of two commercial vehicles is proposed, one vehicle to be driven on a permanent basis by the proponent and property owner/occupier with the second to be driven by a full time employee who is not a family member or resident at the subject property, thereby not complying with the provisions of clauses 3.5 and 4.4.2 of the policy. The two vehicles are to be parked to the rear of the subject property in a designated area which is on the opposite side of the house from where the owners’ domestic vehicles are currently parked, and in accordance with sub clause 4.4.4 will not interfere with the ingress or egress of the household’s private vehicles.

Both commercial vehicles are well under the maximum 8m length specified by clause 4.4.6 being 4.7m and 4.5m respectively. At clause 4.4.7 there is a reference to the visual impact that the commercial vehicle/s is likely to have on the appearance and function of the street and is addressed in the discussion section of this report. Under the heading “Amenity” clause 4.4.9 allows Council to consider variations to the policy on the merits of a specific application if it can be demonstrated that approval would not

lead to adverse amenity and safety impacts. This matter is also addressed in the discussion section of this report under the headings of “Amenity” and “Parking and Traffic”.

### Policy 6.2.6 – Home Business

Council Policy states that Home Businesses are encouraged, as they are a commercial activity that occurs within residential areas during business hours, and can therefore contribute to the vitality and security of those areas. The policy reiterates a number of the criteria relating to Home Business contained in the Scheme. The proposal satisfies all aspects of the Policy with the exception of the following.

The subject site does not meet the policy requirements relating to location as it is located on a Local Access Road. It is, however, located within 80m of Albany Highway and within 200m of an existing Highway Commercial zone between Brookland Street and Albany Highway.

### Schedule of Submissions

1	<b>Name and Postal Address:</b> B & H Geytenbeek 5 Harris Street Beckenham WA 6107	<b>Affected Property:</b> 5 (Lot 25) Harris Street Beckenham
<b>Summary of Submission</b>		<b>Staff Comment</b>
No objection to proposal.  I have never been disturbed by noise or activity of subject commercial vehicles.		Noted.
2	<b>Name and Postal Address:</b> S Davies 15 Harris Street Beckenham WA 6107	<b>Affected Property:</b> 15 (Lot 13) Harris Street Beckenham
<b>Summary of Submission</b>		<b>Staff Comment</b>
No objection to proposal.  Comment that isolation switches should be fitted to subject vehicles to eliminate noise effects caused by “beeping” sounds when vehicles being reversed in driveway. Also commented regarding the occasional early start/late finish.		Noted – Applicant has agreed to fit isolation switches to both commercial vehicles to eliminate noise effects when reversing along driveway. Early starts and late finishes are not normal occurrences and applicant will endeavour to limit these movements as much as possible – this coupled with the isolation switches to eliminate noise should address the concerns raised.
3	<b>Name and Postal Address:</b> J Harris 48 Kooralryn Valley Crescent Jandakot WA 6164	<b>Affected Property:</b> 37 (Lot 18) Harris Street Beckenham
<b>Summary of Submission</b>		<b>Staff Comment</b>
No objection to proposal.		Noted.

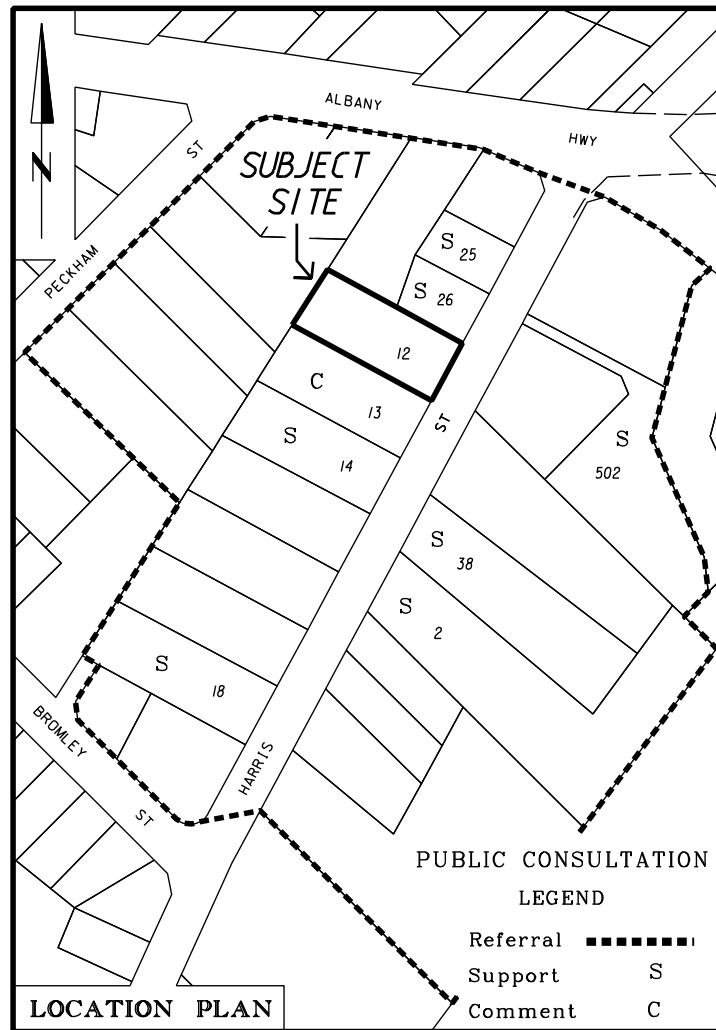
4	<b>Name and Postal Address:</b> D Lloyd 20 Harris Street Beckenham WA 6107	<b>Affected Property:</b> 20 (Lot 38) Harris Street Beckenham
<b>Summary of Submission</b>		<b>Staff Comment</b>
No objection to proposal.		Noted.

5	<b>Name and Postal Address:</b> R & M Moloney 7 Harris Street Beckenham WA 6107	<b>Affected Property:</b> 7 (Lot 26) Harris Street Beckenham
<b>Summary of Submission</b>		<b>Staff Comment</b>
No objection to proposal.		Noted.

6	<b>Name and Postal Address:</b> D T Cooley 24 Harris Street Beckenham WA 6107	<b>Affected Property:</b> 24 (Lot 2) Harris Street Beckenham
<b>Summary of Submission</b>		<b>Staff Comment</b>
No objection to proposal.		Noted.

7	<b>Name and Postal Address:</b> M Balmer PO Box 62 Riverton Forum Riverton WA 6148	<b>Affected Property:</b> 8 (Lot 502) Harris Street BECKENHAM
<b>Summary of Submission</b>		<b>Staff Comment</b>
No objection to proposal.		Noted.

8	<b>Name and Postal Address:</b> B Pridmore 19 Harris Street Beckenham WA 6107	<b>Affected Property:</b> 19 (Lot 14) Harris Street Beckenham
<b>Summary of Submission</b>		<b>Staff Comment</b>
No objection to proposal.		Noted.



**Amenity**

The two proposed commercial vehicles are used by the proponent to operate a specialised mobile pressure cleaning business mainly focusing on graffiti removal at varying sites/establishments and for other industrial cleaning requirements throughout the Perth metropolitan area. The hours of business operation are normally between 7.00am and 6.00pm Monday to Friday with occasional weekend work involved. According to the applicant there have been isolated occasions where early call outs and late finishes have occurred. In this regard and to limit noise impacts on adjoining property owners the applicant has stated that he is prepared to have isolation switches fitted to the vehicles to alleviate the “beeping” sounds caused when the vehicles are reversing into or out of the property driveway.

No mechanical repairs or maintenance work of any description is carried out on the subject commercial vehicles whilst housed at the proponents property. All chemicals used in connection with the pressure cleaning business are collected from distributors off site as and when required. No chemicals or toxic liquids associated with the business are stored on the subject property. These matters can be reinforced by imposing relevant conditions if approved by Council.

The two commercial vehicles, one of which is driven by the applicant and the other by a full time employee who resides off site, are housed well behind the property setback line to the rear of the subject lot and are screened from the view of the roadway/footpath and the passing public by the double metal gate situated behind the property setback to the left (western) side of the property. There is therefore minimal visual impact in relation to neighbouring properties and the passing public. Additionally, screening vegetation along the rear and side boundaries limits visual impacts on abutting properties.

### **Parking and Traffic**

At present, Harris Street in the vicinity of the subject site is a two way carriageway road that intersects with Albany Highway approximately 80m from the subject site. Properties located near to the Albany Highway intersection are therefore subject to traffic noise from Albany Highway on a 24 hour basis.

As previously stated the subject application does not comply with Council's Commercial Vehicle Parking Policy as it involves the parking of two commercial vehicles on the subject single lot. In all other respects, both vehicles meet policy requirements. Council has the ability to consider exceptions to the policy where they can be justified based on the merit of the particular case. Staff support the departure from the Policy in this instance for the following reasons:

1. The Office Administration side of the specialised mobile pressure cleaning business has operated from the subject site for approximately 4 years without complaint.
2. The business does not employ more than 2 people not members of the occupiers household and therefore accords with the TPS 6 definition of a Home Business.
3. Submissions received during the consultation period indicate that the activity does not have a detrimental impact on the amenity of the area.
4. The size of the subject lot (2,180m<sup>2</sup>) is larger than the minimum lot size in the R17.5 density coding (minimum 500m<sup>2</sup> and average of 571m<sup>2</sup>) and as such the lot could conceivably be subdivided into three smaller lots, upon each of which one commercial vehicle could be parked with approval.
5. The size and frontage of the lot (30.17m) enables the parking of two commercial vehicles of the size proposed to be carried out without detriment to adjoining and nearby residents.
6. The two commercial vehicles are kept to the rear of the subject lot. The residence and internal fencing/gate prevent view of the commercial vehicles from Harris Street and existing vegetation limits views from abutting properties.
7. Both of the subject commercial vehicles fall well within all policy requirements in relation to height and length.

## CONCLUSION

Whilst the application does not strictly comply with the provisions of Council's Commercial Vehicle Parking Policy, it is considered, given the circumstances of the application and the size of the lot, that the parking of the two commercial vehicles which form an integral part of the owner's occupation and business will not have any adverse amenity or safety impacts on neighbouring properties or surrounding area, for the reasons mentioned above.

It is therefore recommended that Council grant retrospective planning approval for the Home Business and Commercial Vehicle Parking, subject to appropriate conditions as contained in Appendix 13.5.7A.

## FINANCIAL IMPLICATIONS

Nil.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION
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### 510 Moved Cr D Griffiths Seconded Cr P Wainwright

That Council grant retrospective planning approval for a Home Business (Grime Fighters) and the parking of two commercial vehicles being Mitsubishi van truck registration No. 1BTW 543 and Isuzu van truck registration No. 1ALO 343, at 13 (Lot 12) Harris Street, Beckenham, subject to conditions listed in appendix 13.5.7A.

CARRIED 10/0

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

*AGAINST:* Nil.

## 13.6 REGULATORY SERVICES

### 13.6.1 ILLUMINATED DIRECTIONAL SIGNS - KENWICK LINK AND NICHOLSON ROAD BECKENHAM

File: S2/1/1 (RMC) Rpt033Nov05  
Applicant: Perth Sign Company  
Sponsor: Furniture Spot  
Appeal Rights: Yes. State Administrative Tribunal Against a Refusal

#### PURPOSE OF REPORT

For Council to consider an application to approve the erection of two illuminated directional signs sponsored by Furniture Spot. The location being:

1. The south western corner of Kenwick Link and Albany Hwy, Beckenham.
2. The western corner of Nicholson Road and Albany Highway, Beckenham adjacent to the Nicholson Road slip road.

#### BACKGROUND

An application has been received from Perth Sign Company to erect two illuminated directional signs, both sponsored by The Furniture Spot (mega store) which is located on the corner of William Street and Camberwell Street Beckenham.

When Perth Sign Company first requested Council to consider illuminated directional signs as an alternative provider of street signage it was generally to serve major sponsors such as business parks, shopping centres and the like where large numbers of people rely upon these businesses for either employment or the facilities that they provide. The proposed sponsor in this instance (Furniture Spot) has taken over the vacant building left by the closure of Hardware House. The floor area covers some 7,700 square metres of commercial floor space.

Perth Sign Company has advised the following in support of both applications;

*“Strategy*

*Our client has recently occupied a very extensive premises in the City of Gosnells which, for reasons relating to the down grading of William Street as a major traffic artery, has remained unoccupied for a considerable period of time.*

*To ensure the viability of the business at this location, our client seeks exposure on the two major traffic carriers in the vicinity and the locations he has selected are ideal for this purpose, given clear directional component in the respective inscriptions.*

*Road Identification*

*The sign at Albany Highway – Kenwick Link will compliment existing navigational guide signage to William Street where approaching traffic must diverge prior to the respective stop lines as well as clearly identifying the direction to the railway station.*

*The sign on Nicholson Road will serve to effectively distinguish that part of Nicholson Road from Highbury Crescent (opposite) of which it presently appears to form part, and this function will be enhanced by the existing street sign in the median which identifies Highbury Crescent.*

*Economic Objectives*

*In recent times, Municipalities have (so to speak) become competing economies where local business enterprises vie to attract consumers, which would otherwise patronise similar businesses in other Municipalities.*

*This case could scarcely be better illustrated than in the circumstances the subject of our application, given the many similar businesses (most with good highway exposure) in the City of Canning.*

*These two proposed signs will form a significant addition to our existing network of signs in the City of Gosnells in promoting your local business community and contributing to the economic objectives outlined above.”*











## DISCUSSION

Both proposals have been forwarded to Main Roads Western Australia and Council's Technical Services for advice and comment as to the suitability of each location. Main Roads has not responded to date due to staff shortage. A significant period of time has now elapsed and a decision needs to be obtained for the sponsors benefit.

Technical Services has raised no concerns regarding the proposal. The City of Canning was provided an opportunity to consider the Nicholson Road sign due to its close proximity to our common boundary. The City of Canning chose not to comment due to the proposed location of the sign being within the City of Gosnells.

The content of the Council message panel has been considered in relation to public facilities available in the vicinity. As the Kenwick Link signage is providing direction to William Street with the Beckenham Railway Station being diagonally opposite Furniture Spot, it is suggested that Council's message panel read "**Railway Station**", with the Nicholson Road sign, not having a community facility in the vicinity, to read "Drive Safely".

## FINANCIAL IMPLICATIONS

Under the agreement between the City of Gosnells and Perth Sign Company, the sign is fully maintained by Perth Sign Company. Electricity costs are paid by the company and site rental is paid to Council on an annual basis. There are no costs to Council. The City currently receives an annual rental indexed to CPI of \$484.25 per sign per annum including GST.

<b>STAFF RECOMMENDATION (1 of 2) AND COUNCIL RESOLUTION</b>
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### 511 Moved Cr R Croft Seconded Cr W Barrett

That Council approve the proposed illuminated directional sign proposed by Perth Sign Company located at the south western corner of Kenwick Link and Albany Highway Beckenham, subject to:

1. Compliance with the specifications and terms contained within the agreement between City of Gosnells and Perth Sign Company.
2. Approval from and compliance with Main Roads Western Australia requirements.
3. Compliance with Western Power requirements.
4. The Council Section of the sign containing the words "Railway Station".

**CARRIED 10/0**

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

*AGAINST: Nil.*

**STAFF RECOMMENDATION (2 of 2) AND COUNCIL RESOLUTION****512 Moved Cr R Croft Seconded Cr W Barrett**

That Council approve the proposed illuminated directional sign proposed by Perth Sign Company located at the western corner of Nicholson Road and Albany Highway Beckenham, subject to:

1. Compliance with the specifications and terms contained within the agreement between City of Gosnells and Perth Sign Company.
2. Approval from and compliance with Main Roads Western Australia requirements.
3. Compliance with Western Power requirements.
4. The Council Section of the sign containing the words "Drive Safely".

**CARRIED 10/0**

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

***AGAINST:** Nil.*

**14. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

Nil.

**15. NOTICES OF MOTION FOR CONSIDERATION AT THE FOLLOWING MEETING**

Nil.

**16. URGENT BUSINESS**

(by permission of Council)

Nil.

**17. CONFIDENTIAL MATTERS**

Notation

*To enable closure of the meeting to members of the public to allow discussion of a Confidential Item Cr J Brown moved the following motion:*

<b>COUNCIL RESOLUTION</b>
---------------------------

**513 Moved Cr J Brown Seconded Cr C Matison**

That Council declare the meeting closed to members of the public at 8.08pm to allow for discussion of confidential matters in accordance with Section 5.23(2)(b) of the Local Government Act 1995.

CARRIED 10/0

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

*AGAINST: Nil.*

*8.08pm - Members of the Public left the meeting.*

**17.1 SALE OF LAND UNDER THE MAGISTRATES COURT – CIVIL JUDGMENTS ENFORCEMENT ACT 2004 DUE TO NON PAYMENT OF RATES**

File: F1/3/6

(PF) Nov8\_05conitem

Appendix: 17.1A Confidential Report

**PURPOSE OF REPORT**

A confidential report on the above matter is contained in Appendix 17.1A. The confidential report has not been distributed to members of the public.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION
---

**514 Moved Cr P Wainwright Seconded Cr D Griffiths**

That Council authorise the sale of the property at Lot 135, 108 Weston Street, Maddington by the Maddington Bailiff in accordance with the Magistrates Court - Civil Judgments Enforcement Act 2004, for non payment of Rates and Charges.

CARRIED 10/0

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

*AGAINST: Nil.*

Conclusion of Confidential Matters

At the conclusion of confidential matters the meeting is to be re-opened to members of the public.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION
---

**515 Moved Cr R Croft Seconded Cr P Wainwright**

That Council re-open the meeting to members of the public at 8.09m.

CARRIED 10/0

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

*AGAINST: Nil.*

**18. CLOSURE**

The Mayor declared the meeting closed at 8.09pm.

Notation

*The Mayor following closure of the meeting advised a member of the public who had returned to the meeting that Council had endorsed the staff recommendation as contained within the agenda.*