



**ORDINARY COUNCIL MEETING
24 APRIL 2007**

TABLE OF CONTENTS - MINUTES

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

2. RECORD OF ATTENDANCE/APOLOGIES/APPROVED LEAVE OF ABSENCE 1

3. DECLARATIONS OF INTEREST2

4. ANNOUNCEMENTS BY THE PRESIDING MEMBER.....3

5. REPORTS OF DELEGATES.....3

6. QUESTION TIME FOR THE PUBLIC AND THE RECEIVING OF PUBLIC STATEMENTS4

 QUESTIONS TAKEN ON NOTICE AT PREVIOUS MEETINGS AWAITING RESPONSE4

 RESPONSES TO QUESTIONS TAKEN ON NOTICE AT PREVIOUS MEETINGS5

 6.1 QUESTION TIME.....7

 6.2 PUBLIC STATEMENTS 12

7. CONFIRMATION OF MINUTES..... 12

8. THE RECEIVING OF PETITIONS, DEPUTATIONS AND PRESENTATIONS ... 12

9. APPLICATIONS FOR LEAVE OF ABSENCE..... 12

10. QUESTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN 13

11. ITEMS BROUGHT FORWARD FOR THE CONVENIENCE OF THOSE IN THE PUBLIC GALLERY..... 13

 13.5.5 DEVELOPMENT APPLICATION – TELECOMMUNICATIONS INFRASTRUCTURE (MOBILE TELEPHONE BASE STATION) – 300 (LOT 241) KELVIN ROAD, ORANGE GROVE..... 14

 13.4.1 TELSTRA CORPORATION LIMITED - PROPOSED TELECOMMUNICATION MONOPOLE AND EQUIPMENT SHELTER LEASE - PORTION LOT 241 KELVIN ROAD, ORANGE GROVE 30

 13.5.6 CONSIDERATION OF REVOCATION OF PLANNING APPROVAL - COMMERCIAL VEHICLE PARKING - 15 (LOT 4) VICTORIA ROAD, KENWICK..... 36

12.	MINUTES OF COMMITTEE MEETINGS.....	43
13.	REPORTS	43
13.1	CHIEF EXECUTIVE OFFICER'S REPORT.....	43
13.2	COMMUNITY ENGAGEMENT.....	44
	13.2.1 NATIONAL COMMUNITY SAFETY AND SECURITY CONFERENCE – SYDNEY, 17 TO 18 MAY 2007	44
13.3	CORPORATE SERVICES	47
	13.3.1 PAYMENT OF ACCOUNTS	47
	13.3.2 FINANCIAL ACTIVITY STATEMENTS – MARCH 2007	48
	13.3.3 BUDGET VARIATIONS	49
	13.3.4 SUMMARY OF SIGNIFICANT BUDGET VARIANCE	51
13.4	INFRASTRUCTURE	54
	13.4.1 TELSTRA CORPORATION LIMITED - PROPOSED TELECOMMUNICATION MONOPOLE AND EQUIPMENT SHELTER LEASE - PORTION LOT 241 KELVIN ROAD, ORANGE GROVE (ITEM BROUGHT FORWARD – REFER TO ITEM 11)	54
13.5	PLANNING AND SUSTAINABILITY.....	55
	13.5.1 PROPOSED AMENDMENT NO. 60 TO TOWN PLANNING SCHEME NO. 6 – FINALISATION AND PROPOSED OUTLINE DEVELOPMENT PLAN – YULE BROOK PRECINCT 1, BECKENHAM.....	55
	13.5.2 AMENDMENT NO. 69 TO TOWN PLANNING SCHEME NO. 6 – FINALISATION - REZONING OF 168 (LOT 101) HOMESTEAD ROAD, GOSNELLS FROM RESIDENTIAL R17.5 TO RESIDENTIAL R30.....	66
	13.5.3 TOWN PLANNING SCHEME AMENDMENT, PROPOSAL TO INITIATE AMENDMENT NO. 75 TO TOWN PLANNING SCHEME NO. 6 TO MODIFY THE BOUNDARY OF A LOCAL OPEN SPACE RESERVE ON TOWNCENTRE DRIVE, THORNLIE AND REZONE A PORTION OF LOT 9005 TOWNCENTRE DRIVE, THORNLIE FROM RESIDENTIAL R30 AND DISTRICT CENTRE TO RESIDENTIAL R80	70
	13.5.4 PROPOSED MODIFICATION TO SOUTHERN RIVER PRECINCT 2 OUTLINE DEVELOPMENT PLAN	76

13.5.5	DEVELOPMENT APPLICATION – TELECOMMUNICATIONS INFRASTRUCTURE (MOBILE TELEPHONE BASE STATION) – 300 (LOT 241) KELVIN ROAD, ORANGE GROVE (ITEM BROUGHT FORWARD – REFER TO ITEM 11)	82
13.5.6	CONSIDERATION OF REVOCATION OF PLANNING APPROVAL - COMMERCIAL VEHICLE PARKING - 15 (LOT 4) VICTORIA ROAD, KENWICK (ITEM BROUGHT FORWARD – REFER TO ITEM 11)	83
13.5.7	DRAFT BIODIVERSITY CONSERVATION STRATEGY FOR WESTERN AUSTRALIA – SUBMISSION.....	84
13.5.8	SWITCH YOUR THINKING - INTELLECTUAL PROPERTY LICENCE AGREEMENT.....	86
13.5.9	ECONOMIC DEVELOPMENT AUSTRALIA BOARD MEETING – NEWCASTLE, NEW SOUTH WALES, 13 JULY 2007	90
13.6	GOVERNANCE	92
14.	MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	92
15.	NOTICES OF MOTION FOR CONSIDERATION AT THE FOLLOWING MEETING	92
16.	URGENT BUSINESS	92
17.	CONFIDENTIAL MATTERS	92
18.	CLOSURE	92

Minutes of the Ordinary Council Meeting held in the Council Chambers, City of Gosnells Administration Centre, 2120 Albany Highway, Gosnells on Tuesday 24 April 2007.

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.

7.31pm - Cr S Iwanyk arrived at the meeting.

DISCLAIMER

The Mayor read aloud the disclaimer after item 3 "Declarations of Interest".:

COUNCIL MEETINGS – RECORDING OF

The Mayor read aloud a statement regarding recording of Council Meetings after item 3 "Declarations of Interest".

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

ELECTED MEMBERS

MAYOR

CR P M MORRIS AM JP Honorary Freeman
CR P WAINWRIGHT
CR O SEARLE JP
CR R MITCHELL
CR J HENDERSON
CR S IWANYK (*Arrived 7.31pm during item 1*)
CR D GRIFFITHS
CR J BROWN
CR R HOFFMAN
CR R CROFT
CR W BARRETT

STAFF

CHIEF EXECUTIVE OFFICER
DIRECTOR COMMUNITY ENGAGEMENT
DIRECTOR CORPORATE SERVICES
DIRECTOR INFRASTRUCTURE
DIRECTOR PLANNING & SUSTAINABILITY
DIRECTOR GOVERNANCE
MINUTE SECRETARY

MR S JARDINE
MS A COCHRAN
MR R BOUWER
MR D HARRIS
MR L KOSOVA
MR T PERKINS
MS A CRANFIELD

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

PUBLIC GALLERY

14

APOLOGIES

Cr C Matison, Deputy Mayor.

APPROVED LEAVE OF ABSENCE

Nil.

3. DECLARATIONS OF INTEREST

Cr R Mitchell declared a Financial Interest in item 13.4.1 "Telstra Corporation Limited - Proposed Telecommunication Monopole and Equipment Shelter Lease - Portion Lot 241 Kelvin Road, Orange Grove".

Reason: Telstra employee.

Cr R Mitchell declared a Financial Interest in item 13.5.5 "Development Application – Telecommunications Infrastructure (Mobile Telephone Base Station) – 300 (Lot 241) Kelvin Road, Orange Grove".

Reason: Telstra employee.

Cr D Griffiths declared an Impartiality Interest in item 13.5.8 "Switch Your Thinking - Intellectual Property Licence Agreement".

Reason: Council delegate to the South East Regional Energy Group (SEREG).

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 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.

4. ANNOUNCEMENTS BY THE PRESIDING MEMBER (without discussion)

The Mayor circulated to Councillors a list of functions and events she had attended since Tuesday 10 April 2007.

Centennial Art Exhibition

The Mayor announced that Monday night the City held the opening of the Centennial Art Exhibition at Centro Maddington at which a presentation was made to the selected winners. The Mayor advised there were many beautiful pieces of art and fine photography on display and recommended people attend before the exhibition ends Saturday afternoon.

5. REPORTS OF DELEGATES (without debate)

Residents Meeting – Lancaster Place, Maddington

Cr R Mitchell reported that at the request of a group of local residents he attended a meeting, together with Steve Hemmingway from Gosnells Police, at Lancaster Place, Maddington. Cr Mitchell advised the local residents were concerned about anti-social behaviour, in particular hoon, in their street. Mr Hemmingway explained ways to combat issues such as hoon behaviour. Cr Mitchell added that residents were unaware of innovations and efforts that the City of Gosnells put into partnership programs that were in place to counter issues such as these. Cr Mitchell thanked Mr Hemmingway for the way he presented the programs to the community, which were very well received. Cr Mitchell also thanked staff and volunteers who help to deliver these programs. In closing Cr Mitchell congratulated the residents of Lancaster Place for being proactive in trying to make their street a safer place.

Corporate Lawn Bowls

Cr Mitchell advised that on Friday night he and Cr Matison attended a Corporate Lawn Bowls Challenge between the Cities of Armadale and Gosnells. Cr Mitchell advised there was a fantastic turnout and although it was a shame Gosnells didn't win, resulting in their second loss to Armadale, staff were hoping to make it an annual event. Cr Mitchell extended special thanks to City employee, Mr Peter Salter for organising the event.

ANZAC Services

Cr W Barrett thanked the Mayor for the opportunity to represent her at ANZAC Services at Banksia Hill Detention Centre on 19 April 2007 and this morning at Excelsior Primary School. Cr Barrett advised the services were fantastic with a nurse from the Second World War talking to children at the primary school which was very well received.

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 RESPONSE13 March 2007 Ordinary Council Meeting

* Mrs Biruta (Belyssa) Radzivanas of 66 Wimbledon Street, Beckenham asked the following question in relation to item 13.5.7 "Development Application – Recreation – Private (Dance Tuition) – 66 (Lot 16) Wimbledon Street, Beckenham" of the agenda:

- Q 1 Does the definition of use by 'Recreation – Private' include personal hobby, sport and recreational activities of a group or club nature on the grounds of a private residence that is sufficiently dedicated to the grounds of the activity so that no other private use of the home space is available due to placement by and of apparatus of the activity?

Response: The Director Planning and Sustainability advised the question would be taken on notice to enable him to look at the question in more detail following which a written response would be provided to Mrs Radzivanas.

Additional Information: The Director Planning and Sustainability and a City Planning staff member met with Mrs Radzivanas on 3 April 2007 to seek further clarification on the nature of activities undertaken on the property which is to be provided in writing from the applicant. Upon receipt of this additional information an appropriate response will be forwarded to Mrs Radzivanas.

10 April 2007 Ordinary Council Meeting

* Mrs Jennifer Napolitano owner of 75 (Lot 10) Amherst Road, Canning Vale asked the following questions:

Q1 Who are the landowners with outstanding contribution rates within the Canning Vale Outline Development Plan area (478 area) that the Shire stated in staff recommendation (2 of 2) page 46 item 13.5.4 27 February 2007 that the Shire would inform and has the Shire done so?

Response: The Director Planning and Sustainability advised there were multiple landowners, details of which he would provide to Mrs Napolitano in writing. In relation to whether the landowners were informed the Director advised, yes, this did occur a day or so immediately following the Council meeting.

Q 2 How many of the landowners in 1 above have since receiving that notification from Gosnells City Council paid their outstanding contributions and did the Shire advise all the landowners referred to in 1 above that the valuation by Ray White Commercial Valuers is under dispute and subject to appeal?

Response: The Director Planning and Sustainability advised he could not state how many landowners, if any, had since contacted the City advising if they were aggrieved or not by the valuation amounts and the revised cost contribution schedules provided to them in writing by staff. The Director advised he would need to investigate how many had paid their outstanding contributions as the contributions fall due upon subdivision or a development proceeding not simply on that letter being sent.

RESPONSES TO QUESTIONS TAKEN ON NOTICE AT PREVIOUS MEETINGS

10 April 2007 Ordinary Council Meeting

The following question was posed at the 10 April 2007 Ordinary Council Meeting with the response as already provided to the correspondent listed accordingly:

* Mrs Margaret Bailey of 11 Florey Place, Huntingdale asked the following question:

Q 1 Would the City of Gosnells please consider meeting and working with a small group of volunteers who are ratepayers, to assist in the assessment and suitability of pound dogs to be re-homed in the event that the current rescue groups are full over busy periods and have no room to assist these dogs prior to the due date of these dogs being put to sleep on a weekly basis?

Response: In reply to Mrs Bailey the Manager Health and Ranger Services provided the following written response on 12 April 2007:

“Re-homing of Pound Dogs

I refer to the question posed by you in Question Time during the Ordinary Council Meeting on 10 April 2007 and provide the following response.

In October 1992 the then Council considered a number of matters in relation to the impounding of dogs. The resolutions adopted by Council at that time enhanced or exceeded the then provisions of the Dog Act 1976. This is still the case today.

The resolution made at that time which is pertinent to your question was the City would continue to make dogs available free of charge to animal rescue organisations. In the resolution one particular organisation was named. City records indicate that the organisation has not sought to re-home dogs from the City pound for many years.

For the past 5 to 6 years the City has continued to deal with one organisation in relation to the re-homing of dogs that are unsold or not claimed. To assist with this process Ranger Services authorised personnel have adopted the following guidelines:

“The City, as part of its commitment to reducing the number of dogs euthanased, will make available free of charge impounded unclaimed but not sold dogs to a recognised dog rescue group for the purpose of re-homing subject to:

- a) Dogs with known behavioural issues including anti-social behaviour and dogs that are surrendered by their owners not being available for the re-homing programme;*
- b) The following issues being taken into consideration when officers approve an organisation for the purpose of effecting the re-homing of unsold impounded dogs:*

- *Every effort is made to ensure the bona fides and commitment of the dog rescue group.*
- *Preference will be given to one rescue group as the service provider to ensure a consistent transparent process and for ease of administration.*
- *The rescue group providing a formal commitment to the City that all dogs provided will be given a health check, sterilised and vaccinated as part of the re-homing process.*

No objection will be raised if the nominated rescue group, having met the above criteria, elects to place dogs with other agencies or recognised rescue groups in their endeavours to find suitable and appropriate homes for the animals.”.

These guidelines has been highly effective in dealing with the process of re-homing dogs which are deemed by authorised officers as being suitable for such a process.

Your offer to volunteer assistance is a fine gesture which is appreciated; however I’m more than pleased with the current process at this time as it has proven to be highly effective and efficient in delivering required management outcomes.

The Council is likely to consider this matter further in August 2007 when the annual review of policies and procedures takes place.

Thank you once again for your offer of assistance.”

6.1 QUESTION TIME

- * Mr Graeme Bennier of 226 (Lot 8) Kelvin Road, Orange Grove asked the following questions in relation to item 13.5.5 Development Application – Telecommunications Infrastructure (Mobile Telephone Base Station) – 300 (Lot 241) Kelvin Road, Orange Grove and item 13.4.1 “Telstra Corporation Limited - Proposed Telecommunication Monopole and Equipment Shelter Lease - Portion Lot 241 Kelvin Road, Orange Grove” of the agenda:

- Q 1 Considering the number of objections to the proposal, has Council advised Telstra of the objections and made any request that they reconsider location of the pole to Lots 4 or 239 some 100 metres away?

Response: The Director Planning and Sustainability advised staff had advised Telstra that objections had been received but was uncertain if they had been provided with a full summary of those objections. He added that Telstra had been given access to the agenda report, which was a public document. The Director advised staff had suggested Telstra relocate elsewhere, however he was not aware of the outcome.

In concluding the Director advised the agenda report this evening dealt with the application submitted by Telstra.

- Q 2 The major concern for residents is the construction of the tower which is to be constructed on a 10 metre elevated site increasing the height to 50 plus metres. Has the Council officer who prepared this recommendation been on site to view first hand the impact that this has on residents? If so what was his conclusion?

Response: The Director Planning and Sustainability confirmed the officer who wrote the report had been on site, with comments on his findings contained within the report. He added that as far as impacts on residents these should be addressed in the summary of submissions contained within the report.

- Q 3 The development that is to be built is on a buried refuse site. In light of this wouldn't it be prudent of Council to advise Telstra that the development is to be built on buried refuse?

Response: The Director Infrastructure advised Telstra were certainly aware of the history of the site and part of one of the recommendations is that they are to submit a geotechnical report to ensure the site is suitable for the construction of the tower.

- Q 4 Can I suggest you consider item 13.5.5. before 13.4.1?

Response: The Mayor thanked Mr Bennier.

- * Mrs Sandra Baraiolo of 19 Victoria Road, Kenwick asked the following questions in relation to item 13.5.6 "Consideration of Revocation of Planning Approval - Commercial Vehicle Parking - 15 (Lot 4) Victoria Road, Kenwick" of the agenda:

- Q 1 Can I have a copy of the report that was undertaken for the road stating that it was suitable for the heavy haulage trucks?

- Q 2 We would like a written indication as to how many breaches are allowed considering five breaches have been made to date?

Response: The Director Planning and Sustainability in response to the first question advised no formal report had been prepared, it was an assessment by the City's Senior Road Safety Officer. The Director added that assessment was conveyed to Planning Staff who then included the Senior Road Safety Officer's comments in the report that previously came to Council to determine the application.

In response to the second question could Mrs Baraiolo have a written indication, the Director advised yes, however, as far as how many breaches are allowed that is entirely up to Council to determine and hence the report on the agenda this evening. The Director added that as mentioned to Mrs Baraiolo previously he was not aware of five breaches, only the three listed in the officer's report.

Notation

The Mayor invited Mrs Jennifer Napolitano owner of 75 (Lot 10) Amherst Road, Canning Vale who had faxed seven questions on notice on 18 April 2007 for this evening's meeting to the microphone. The Mayor advised that she would read aloud the questions together with the responses.

* Mrs Jennifer Napolitano owner of 75 (Lot 10) Amherst Road, Canning Vale. Questions and responses read aloud by the Mayor:

Q 1 Could I please have a copy of the results of the customer satisfaction survey done in 2006 for Gosnells City Council?

Response: The Mayor advised a summary of the 2006 survey results is available on the City's website.

Q 2 Could I please have an original copy of the questions asked in the survey and the format used?

Response: The Mayor advised the full consultants report is an internal document.

Q 3 a) Who conducted the survey?

Response: The Mayor advised Advantage Communications and Marketing Pty Ltd

b) How much did it cost?

Response: The Mayor advised \$13,937 inc GST.

c) Were they the same organisation / people / firm that conducted the previous surveys on customer satisfaction for Gosnells City Council since 1997?

Response: The Mayor advised no.

d) Who was chosen to receive the survey?

Response: The Mayor advised the telephone was used to administer this independent survey amongst randomly selected households within each area in proportion to the City's suburb population sizes. Surveys were completed with 400 ratepayers which gives robust results with an error ratio of no more than +/-5% at the 95% confidence level. Calls were made between 13 February 2006 and 4 March 2006.

Q 4 a) Who compiled the results and what actual process was adopted?

Response: The Mayor advised Advantage Communications and Marketing Pty Ltd.

b) When were the results presented to Gosnells City Council, in what format and by whom?

Response: The Mayor advised the results were presented to a Councillor and Executive Team workshop held on 4 April 2006. The workshop was conducted by the CEO, former Manager Communications and Marketing and a representative from Advantage Communications. A copy of the handouts provided following the workshop is available on the Council's website.

- Q 5 How are questions on notice and questions from the public recorded in Council Minutes by Gosnells City Council?

Response: The Mayor responded that the Director Governance advises in accordance with guidelines established by the Department of Local Government and Regional Development a summary of questions and relevant responses thereto is recorded in the Minutes of the Council meeting.

- Q 6 How many farewell breakfasts and / or lunch and / or dinners and / or meetings or any other farewell gatherings / addresses are being organised to farewell Mr Jardine and what are the exact costs to date and estimated and budgeted costs for all forthcoming events until he leaves Gosnells City Council?

Response: The Mayor advised there has been no discussion.

- Q 7 Does Mr Jardine still intend to attend the conference in New Zealand as referred to in previous Gosnells City Council Minutes?

Response: The Mayor advised that at the OCM of 27 February 2007, Council authorised the Mayor and the Chief Executive Officer to attend the International Cities, Town Centres and Communities Conference to be held in Auckland from 26 to 30 June 2007.

The CEO in the presence of the Mayor will be presenting a paper at this International Conference on the successful progress of the Maddington Kenwick Sustainable Communities Partnership, he will be chairing a panel session and also facilitating a poster presentation on the successes of the Community Leadership Network (CLN). In addition he has been asked by Councillor Searle to obtain information relating to New Lynn town centre (Waitakere City Council).

Mrs Napolitano stated she liked to read her own questions advising she had an additional question if time permitted. The Mayor advised the period for Question Time had not expired and invited Mrs Napolitano back to the microphone.

- * Mrs Jennifer Napolitano owner of 75 (Lot 10) Amherst Road, Canning Vale asked the following question:

Q 8 Has Mr Jardine received notice from the Department of Local Government and Regional Development to inform all Councillors about the Local Government Act in relation to 1) Question Time; 2) Statement Time, and has this been done?

Response: The Chief Executive Officer advised yes, communication had been received from the Department of Local Government. He added subsequent to that communication he had raised a number of serious concerns with the Director General of the Department of Local Government which were currently under discussion.

The Mayor invited Mrs Baraiolo, who had submitted additional questions, back to the microphone.

- * Mrs Sandra Baraiolo of 19 Victoria Road, Kenwick asked the following questions in relation to item 13.5.6 "Consideration of Revocation of Planning Approval - Commercial Vehicle Parking - 15 (Lot 4) Victoria Road, Kenwick" of the agenda:

Q 3 Who would be responsible for the damages that may be done to the amenity of the surrounding verges and land as the Prime Movers have difficulty entering and exiting the property as the Prime Mover and trailer attachments are too wide?

Response: The Director Infrastructure advised that if Council had advice and evidence as to who was causing the damage they would seek to secure recompense from the person who had caused that damage.

Q 4 Has a health impact study been completed on the subject site due to the possibilities of the noise to adjoining owners? As you can see with me tonight I have two young school aged children.

Response: The Director Planning and Sustainability advised he was not aware of any such health impact study being undertaken. He added the question might relate to any acoustic modeling that may have occurred on the property, however, he was not aware if this had taken place.

Q 5 Has the concrete crossover been signed off on and completed in accordance with the City of Gosnells heavy vehicle specifications?

Response: The Director Infrastructure advised the question would be taken on notice with a written response to be provided as he was not aware if his staff had inspected for completion and compliance.

Q 6 Has an environmental impact study been completed on the subject site due to the possible wetland area as stated in the Maddington Kenwick Strategic Concept Plan of February 2007, which was supplied to us by the City of Gosnells?

Response: The Director Planning and Sustainability advised no.

6.2 PUBLIC STATEMENTS

- * Mrs Sandra Baraiolo of 19 Victoria Road, Kenwick made a public statement in relation to item 13.5.6 "Consideration of Revocation of Planning Approval - Commercial Vehicle Parking - 15 (Lot 4) Victoria Road, Kenwick" speaking against the staff recommendation contained in the agenda. Mrs Baraiolo stated this was not a neighbour dispute adding they were not the only neighbours to complain. She stated that under TSP6 the approval could be revoked upon receipt of substantiated complaints from neighbours and or non-compliance with conditions, providing an outline of breaches and non-compliance to date. Mrs Baraiolo asked when Council was going to act on this matter as it was not going to go away. In closing she asked who gave the City permission to break road rules by allowing a Prime Mover/trailer combination that she believed was over-length and over-width onto a residential road.

7. CONFIRMATION OF MINUTES

COUNCIL RESOLUTION

140 Moved Cr J Brown Seconded Cr R Croft

That the Minutes of the Ordinary Council Meeting held on 10 April 2007 be confirmed.

CARRIED 11/0

FOR: Cr P Wainwright, Cr O Searle, Cr R Mitchell, Cr J Henderson, Cr S Iwanyk, Cr D Griffiths, Cr J Brown, Cr R Hoffman, 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 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 R Hoffman requested leave of absence from 29 April to 4 May 2007 to attend the Local Government Managers Australia Conference on behalf of Council.

COUNCIL RESOLUTION

141 Moved Cr D Griffiths Seconded Cr P Wainwright

That Council grant leave of absence to Cr R Hoffman from 29 April to 4 May 2007, inclusive.

CARRIED 11/0

FOR: Cr P Wainwright, Cr O Searle, Cr R Mitchell, Cr J Henderson, Cr S Iwanyk, Cr D Griffiths, Cr J Brown, Cr R Hoffman, 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

142 Moved Cr W Barrett Seconded Cr J Brown

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 13.5.5 Development Application – Telecommunications Infrastructure (Mobile Telephone Base Station) – 300 (Lot 241) Kelvin Road, Orange Grove;
- * Item 13.4.1 Telstra Corporation Limited - Proposed Telecommunication Monopole and Equipment Shelter Lease - Portion Lot 241 Kelvin Road, Orange Grove; and
- * Item 13.5.6 Consideration of Revocation of Planning Approval - Commercial Vehicle Parking - 15 (Lot 4) Victoria Road, Kenwick.

CARRIED 11/0

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

AGAINST: Nil.

The Mayor advised the meeting that Cr R Mitchell due to being a Telstra employee had disclosed a Financial Interest in the following item in accordance with Section 5.60 of the Local Government Act 1995.

7.56pm – Cr R Mitchell left the meeting.

**13.5.5 DEVELOPMENT APPLICATION – TELECOMMUNICATIONS
INFRASTRUCTURE (MOBILE TELEPHONE BASE STATION) –
300 (LOT 241) KELVIN ROAD, ORANGE GROVE**

Author: R Hall
Reference: 233784
Application No: DA07/02503
Applicant: Telstra Corporation Limited
Owner: City of Gosnells
Location: 300 (Lot 241) Kelvin Road, Orange Grove
Zoning: MRS: Rural
TPS No. 6: General Rural
Review Rights: Yes. State Administrative Tribunal against any discretionary decision of Council.
Area: 66m² land area required for the proposal
Previous Ref: OCM 23 April 2002 (Resolution 259)
OCM 14 August 2001 (Resolution 646 and 647)
Appendix: 13.5.5A Australian Radiation Protection and Nuclear Safety Agency Fact Sheet on Electromagnetic Energy Series No. 9

PURPOSE OF REPORT

For Council to consider an application for planning approval for Telecommunications Infrastructure (Mobile Telephone Base Station) at 300 (Lot 241) Kelvin Road, Orange Grove as the proposal is outside the authority delegated to staff.

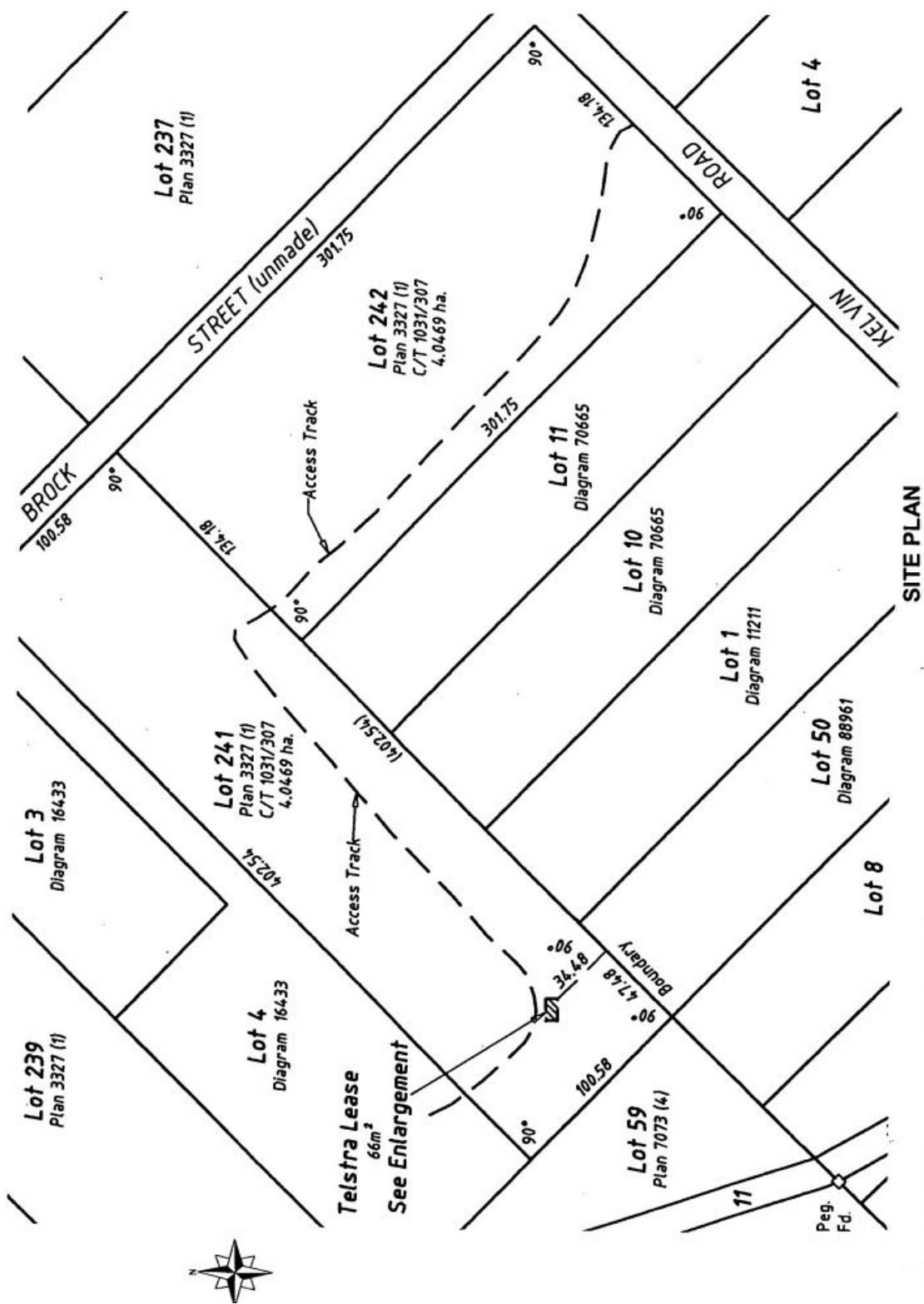
BACKGROUND

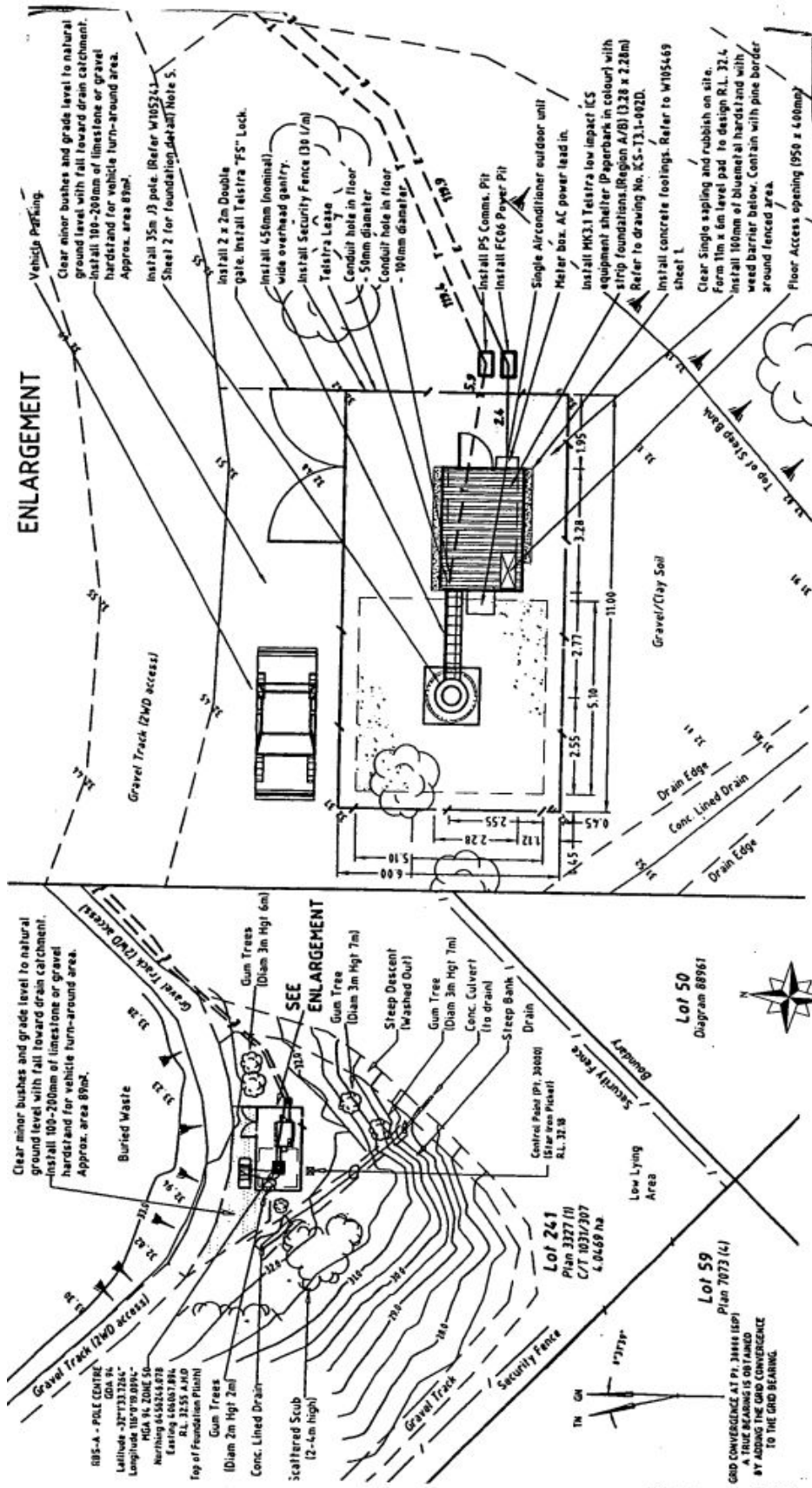
The subject site is owned by the City of Gosnells and is part of the former Kelvin Road Waste Disposal Site which consists of numerous land parcels with a total area of 58 hectares. The site was closed in December 1999. Following the closure, the City prepared a post-closure management plan and future use concept plan which were adopted by Council on 14 August 2001. The Kelvin Road Parklands Master Plan was subsequently adopted by Council on 23 April 2002.

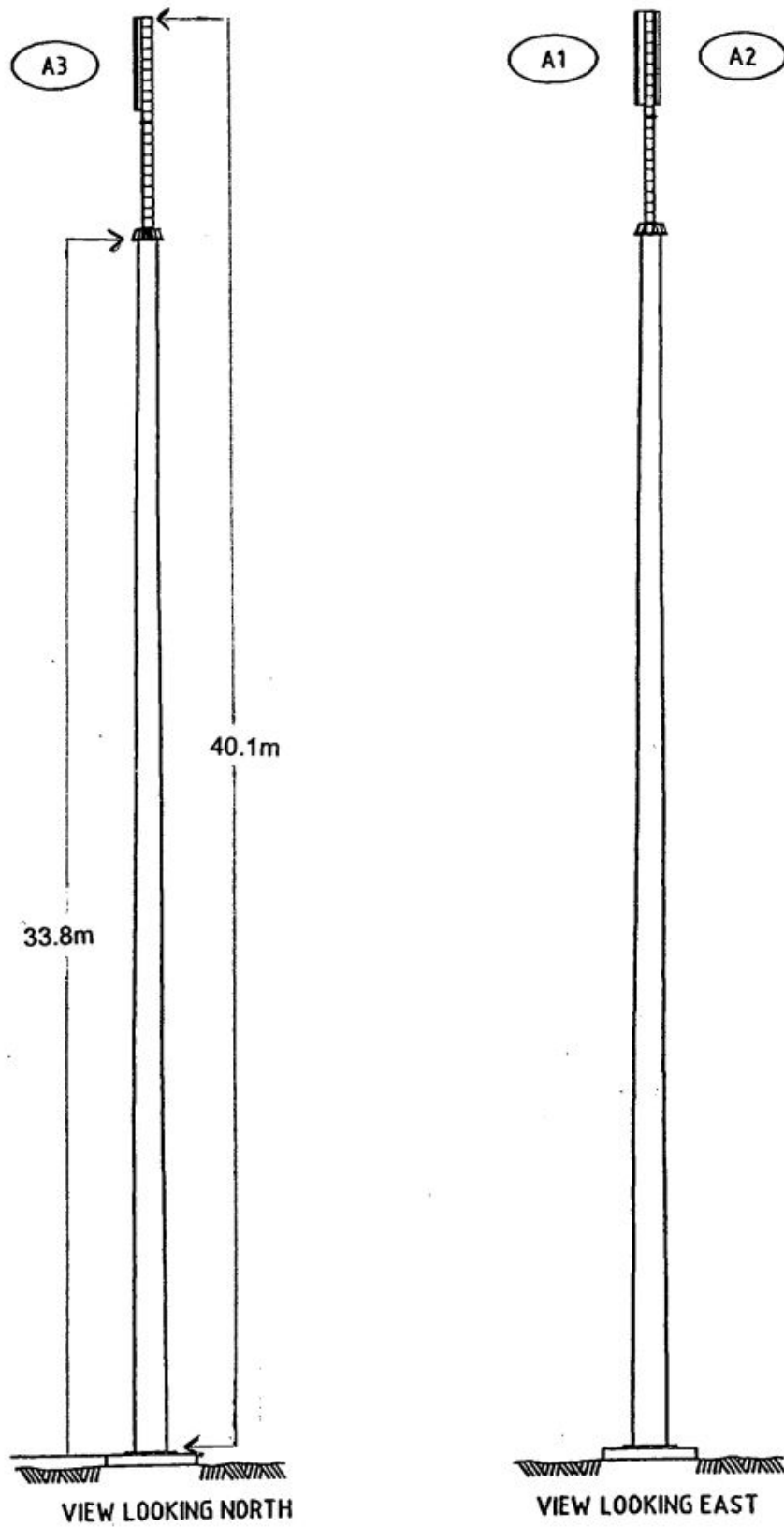
Proposal

The proposal involves installation of a 33.8m slimline monopole with a 6.3m extension making the overall height of the structure 40.1m. It is proposed to install three antennae at the 38.8m level and an equipment room at the base of the structure. The structure has the ability to accommodate four sets of three antennae on the extension and one set of three antennae on the pole itself. The monopole will initially accommodate Telstra's mobile telephone network and the rollout of Telstra's 3G network for high speed broadband wireless internet.

As the proposed telecommunication facility is to be located on City-owned land, Telstra will need to enter into a lease agreement with the City for the construction and continued operation of the facility on the site. A separate report is included in this agenda (item 13.4.1) regarding the proposed leasing of a portion of Lot 241 to Telstra to accommodate this telecommunication facility.







ELEVATIONS

Consultation

The proposal was advertised for public comment for 14 days in accordance with Council Policy/TPS 6 requirements, during which time eight submissions were received, six objecting to the proposal and two non-objections from service authorities. A summary of these submissions and staff comments thereon are provided in the Schedule of Submissions included in this report.

Schedule of Submissions

1	Name and Postal Address: Graeme and Colleen Bennier 226 Kelvin Road Orange Grove WA 6109	Affected Property: 226 (Lot 8) Kelvin Road Orange Grove
Summary of Submission		Staff Comment
Object to the proposal.		
1.1 The tower will create an unsightly visual aspect for those residents on Lots 9, 8, 50, 1, 10 and 11.	If approved, the proposed structure will be required to be painted a neutral non-reflective colour to blend with the immediate local surroundings. The proposal will also be screened by existing mature tree species and infill landscaping as part of the Kelvin Road Parklands Master Plan.	
1.2 The tower is proposed to be erected on an elevated site, increasing the height from our property to approximately 50m in height.	Noted.	
1.3 Suggest the tower be relocated to Lot 239 or Lot 500 as this will reduce the visual concerns of the residents for Lots 9, 8, 50, 1, 10 and 11.	See comments under Location in the Discussion section.	
1.4 The old tip site is already unsightly and will add to the problem.	The Kelvin Road Parklands Master Plan was established to remediate the former refuse site and this remediation is currently underway. As a part of the Master Plan, it is proposed to install further vegetation along lot boundaries with neighbouring properties. Remediation and beautification of the site is a substantial operation which will take time to complete. To date, most of the remediation has occurred on the opposite side of the site.	
1.5 The location of this tower will have a significant impact on property values and ability to sell the land.	The proposed monopole is not expected to impact on property values. Regardless, impacts on property values are not a valid planning consideration.	
1.6 Concerned that the tower will impact on future development and subdivision potential of the land.	Lot 8 is zoned General Rural and this zoning is not proposed to change. The City's Draft Foothills Rural Strategy provides guidance on subdivision and lot sizes in the Rural zoned area of Orange Grove and Martin. The Strategy aims to protect the rural amenity and provide a buffer between different land uses. Lot 8 is located within a precinct that has a defined minimum lot size area of 1ha. The subject property is 1.9577ha in size and therefore the property has no subdivision potential and therefore the proposal does not have an impact on the subdivision potential of the land.	
1.7 Suggests an alternate location within a vacant area on the escarpment.	See comments under Location in Discussion section.	

2	Name and Postal Address: Eddy Hajje 220 Kelvin Road Orange Grove WA 6109	Affected Property: 220 (Lot 9) Kelvin Road Orange Grove
Summary of Submission		Staff Comment
<p>Object to the proposal.</p> <p>2.1 The tower will create an unsightly visual aspect for those residents on Lots 9, 8, 50, 1, 10 and 11.</p> <p>2.2 The tower is proposed to be erected on an elevated site, increasing the height from our property to approximately 50m in height.</p> <p>2.3 Suggest the tower be relocated to Lot 239 or Lot 500 as this will reduce the visual concerns of the residents for Lots 9, 8, 50, 1, 10 and 11.</p> <p>2.4 The old tip site is already unsightly and will add to the problem.</p>		<p>If approved, the proposed structure will be required to be painted a neutral non-reflective colour to blend with the immediate local surroundings. The proposal will also be screened by existing mature tree species and infill landscaping as part of the Kelvin Road Parklands Master Plan.</p> <p>Noted.</p> <p>See comments under Location in Discussion section.</p> <p>The Kelvin Road Parklands Master Plan was established to remediate the former refuse site and this remediation is currently underway. As a part of the Master Plan, it is proposed to install further vegetation along lot boundaries with neighbouring properties. Remediation and beautification of the site is a substantial operation which will take time to complete. To date, most of the remediation has occurred on the opposite side of the site.</p>

3	Name and Postal Address: Neville and Kirrily Trouchet 246 Kelvin Road Orange Grove WA 6109	Affected Property: 246 (Lot 10) Kelvin Road Orange Grove
Summary of Submission		Staff Comment
<p>Object to the proposal.</p> <p>3.1 Concerned about the long term effects of exposure to the operation of Mobile Telephone Communication Towers to children.</p> <p>3.2 The visual unsightliness will have a negative impact on property values.</p>		<p>See comments under Health Concerns in Discussion section.</p> <p>Impacts on property values are not a valid planning consideration.</p>

4	Name and Postal Address: Guy and Maryse Sauzier 234 Kelvin Road Orange Grove WA 6109	Affected Property: 234 (Lot 50) Kelvin Road Orange Grove
Summary of Submission		Staff Comment
<p>Object to the proposal.</p> <p>4.1 Considers that the proposed structure is unsightly.</p>		<p>If approved, the proposed structure will be required to be painted a neutral non-reflective colour to blend with the immediate local surroundings. The proposal will also be screened by existing mature tree species and infill landscaping as part of the Kelvin Road Parklands Master Plan.</p>

Summary of Submission	Staff Comment
4.2 Concerned the proposed structure will interfere with natural light to their property.	The proposed structure is 1m in width at the base and decreases to 0.5m at the top. Due to the small width of the proposed structure it is not considered to impact on natural light.
4.3 The tower will have a negative impact on property values.	Impacts on property values are not a valid planning consideration.
4.4 Concerned the proposal will have a detrimental effect on their chicken farm business.	See comments under Health Concerns in Discussion section.
4.6 The tower is proposed to be erected on an elevated site, increasing the height from our property to approximately 50m in height.	Noted.
4.7 Suggest the tower be relocated to Lot 239 or Lot 500 as this will reduce the visual concerns of the residents for Lots 9, 8, 50, 1, 10 and 11.	See comments under Location in Discussion section.
4.8 The old tip site is already unsightly and will add to the problem.	The Kelvin Road Parklands Master Plan was established to remediate the former refuse site and this remediation is currently underway. As a part of the Master Plan, it is proposed to install further vegetation along lot boundaries with neighbouring properties. Remediation and beautification of the site is a substantial operation which will take time to complete. To date, most of the remediation has occurred on the opposite side of the site.

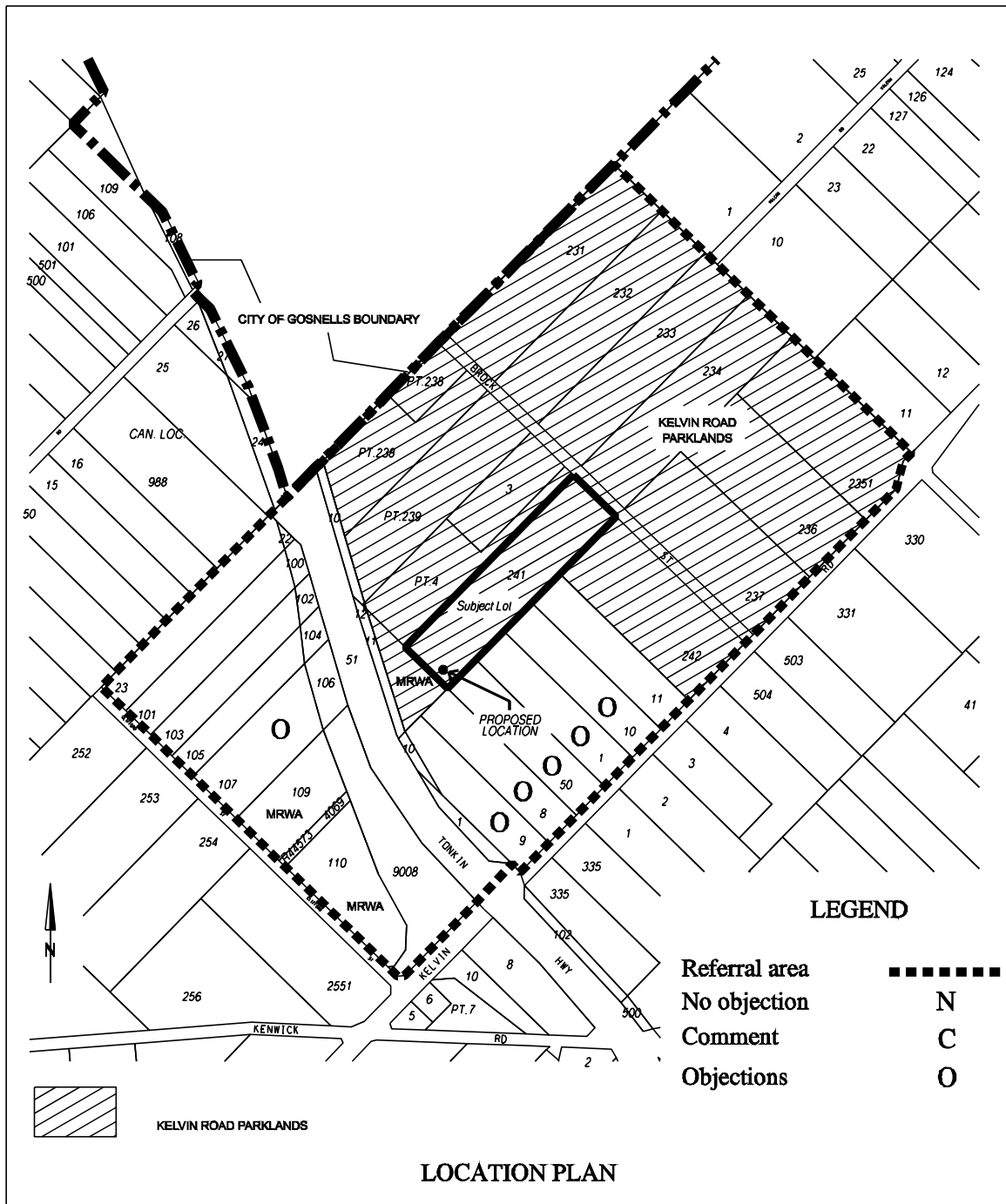
5	Name and Postal Address: M J and J A McLeod Lot 107 Clifford Street Maddington WA 6109	Affected Property: Lot 107 Clifford Street Maddington
Summary of Submission		Staff Comment
Object to the proposal.		
5.1 There is an existing phone tower at the Turf Farm nearby and we do not experience any problem with mobile reception in the area.		See comments under Location in Discussion section.
5.2 Concerned about their health being affected by constant exposure to the Mobile Telephone Antennas.		See comments under Health Concerns in Discussion section.
5.3 Suggests an alternate location or defer the proposal until the surrounding land is no longer suitable for living.		See comments under Location in Discussion section.

6	Name and Postal Address: Don and Diane Stinson 244 Kelvin Road Orange Grove WA 6109	Affected Property: 244 (Lot 1) Kelvin Road Orange Grove
Summary of Submission		Staff Comment
Object to the proposal.		
6.1 Concerned about the implications of the exposure to the Mobile Telephone Antenna on their health.		See comments under Health Concerns in Discussion section.

Summary of Submission	Staff Comment
6.2 Concerned about the prospect of future subdivision and the decreased land value this proposal will cause.	Lot 1 is zoned General Rural and is not proposed to change. The City's Draft Foothills Rural Strategy provides guidance on subdivision and lot sizes in the Rural zoned area of Orange Grove and Martin. The Strategy aims to protect the rural amenity and provide a buffer between different land uses. Lot 8 is located within a precinct that has a defined minimum lot size area of 1ha. The subject property is 2.0234ha in size and therefore the property has the potential to subdivide into two lots. The proposal will not have an impact on subdivision of this scale.
6.3 The tower will create an unsightly visual aspect for those residents on Lots 9, 8, 50, 1, 10 and 11.	If approved, the proposed structure will be required to be painted a neutral non-reflective colour to blend with the immediate local surroundings. The proposal will also be screened by existing mature tree species and infill landscaping as part of the Kelvin Road Parklands Master Plan.
6.4 The tower is proposed to be erected on an elevated site, increasing the height from our property to approximately 50m in height.	Noted.
6.5 Suggest the tower be relocated to Lot 239 or Lot 500 as this will reduce the visual concerns of the residents for Lots 9, 8, 50, 1, 10 and 11.	See comments under Location in Discussion section.
6.6 The old tip site is already unsightly and will add to the problem.	The Kelvin Road Parklands Master Plan was established to remediate the former refuse site and this remediation is currently underway. As a part of the Master Plan, it is proposed to install further vegetation along lot boundaries with neighbouring properties. Remediation and beautification of the site is a substantial operation which will take time to complete. To date, most of the remediation has occurred on the opposite side of the site.

7	Name and Postal Address: Westralia Airports Corporation Pty Ltd Perth Airport PO Box 6 Cloverdale WA 6985	
Summary of Submission		Staff Comment
No objection to proposal.		Noted.

8	Name and Postal Address: Jandakot Airport 16 Eagle Drive Jandakot Airport WA 6164	
Summary of Submission		Staff Comment
No objection to proposal.		Noted.



DISCUSSION

The proposal has been assessed against and complies with all relevant provisions of Town Planning Scheme No. 6 and City Policies with the exception of the following provision of Council’s Telecommunications Infrastructure Policy 6.2.2.1.

Policy Clause Requirement		Assessment/Comment
1.	Design A maximum height of 40m is permitted.	The proposed maximum height is 40.1m. It is considered that the 0.1m or 10 centimeter additional height of the proposed monopole is negligible in the context of the 40m height.

Location

Telstra has advised that the location for the proposed structure is preferred over other sites in the locality for the following reasons:

- Telstra has been investigating site options to improve the mobile telephone coverage to the Orange Grove and Maddington area. Insufficient signal strength currently exists on the eastern side of the existing industrial area through to Tonkin Highway and beyond into the foothills
- Various options have been considered including an existing Vodafone site to the north at the Turf Farm and an existing Telstra site in Harmony Fields. These two existing locations are inadequate to provide for the target area and therefore, co-location at these sites is not suitable
- The site chosen provides good separation to existing residences and, importantly, complies with Council's Telecommunications Infrastructure Policy in respect of the minimum separation distance of 100m from the nearest residence. The proposal is some 300m away from the nearest residence, which exceeds the Policy requirements by some 200m
- Alternate locations within the Kelvin Road Parklands will simply move the proposed structure away from the target area and reduce the signal quality for the target area
- The proposed structure is in a location which does not compromise Council's current and future intentions for the Kelvin Road Parklands.

Health Concerns

With regard to the health concerns expressed by some submitters, it must be noted that the City of Gosnells is not responsible for regulating or otherwise managing electromagnetic energy emissions from mobile phone base stations, that is the responsibility of the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA). The following information is taken from the ARPANSA Fact Sheet on Electromagnetic Energy, which is attached as Appendix 13.5.5A:

- Mobile phone base stations and telecommunications towers produce weak radiofrequency (RF) electromagnetic energy (EME) exposure levels. The weight of national and international scientific opinion is that there is no substantiated evidence that RF emissions associated with living near a mobile phone base station or telecommunications tower poses a health risk
- Levels of RF EME from mobile phone base stations are well below the limits specified by the Australian Communications and Media Authority. A nationwide study published in 2000 by ARPANSA found the typical exposure level from mobile phone base stations is hundreds and sometimes thousands of times below the regulated limit
- The World Health Organisation's current advice is, "*None of the recent reviews have concluded that exposure to RF fields from mobile phones and their base stations cause any adverse health consequences*"

CONCLUSION

The proposal is supported for the following reasons:

- The proposal is compliant with all relevant provisions of Town Planning Scheme No. 6 and City Policies with the exception that it is 10 centimetres above the nominated maximum height. Importantly however, the proposal complies specifically in terms of location requirements for proposed communications towers to be a minimum of 100 metres from the nearest residence
- The subject site represents the most suitable location to provide for the mobile telephone coverage deficiency
- The structure will be adequately screened by existing mature tree species and infill landscaping as part of the Kelvin Road Parklands Master Plan implementation
- The proposal does not interfere with the existing or proposed activities on the former Kelvin Road Waste Disposal Site
- ARPANSA has stated that there is no substantiated evidence that RF emissions associated with living near a mobile phone base station or telecommunications tower poses a health risk.

It will therefore be recommended that the application be approved subject to appropriate conditions as listed in the staff recommendation.

FINANCIAL IMPLICATIONS

The land will be subject to a lease agreement with the City of Gosnells.

STAFF RECOMMENDATION

Moved Cr R Croft Seconded Cr R Hoffman

That Council approve the application for Telecommunications Infrastructure (Mobile Telephone Base Station) at 300 (Lot 241) Kelvin Road, Orange Grove subject to the following conditions and advice notes:

Conditions

1. Development may only be carried out in accordance with the terms of the application as approved herein and any approved plan.
2. A geotechnical report is to be submitted to the satisfaction of the Director Planning and Sustainability certifying that the land is physically capable of development, prior to applying for a building licence and the commencement of or carrying out of any work or use authorised by this approval.
3. Details of the external finish and colour which is to be painted a neutral non-reflective colour to blend with the immediate local

surroundings are to be submitted prior to the issue of Building Licence to the satisfaction of the Manager City Planning.

4. The proponent entering into a lease agreement with the City for lease of the portion of Lot 241 that is required to accommodate the proposed facility.

Advice Notes

1. The applicant is advised of the need to apply for a Building Licence from the City's Building Services Branch prior to the commencement of work.
2. This is a development approval issued under the Metropolitan Region Scheme and the City of Gosnells Town Planning Scheme No. 6. It is not an approval or consent to commence or carry out development under any other written law, act, statute, or agreement, whether administered by the City of Gosnells or not. It is the applicant's responsibility to ensure all relevant approvals are obtained prior to the commencement of any development covered by this approval.

Amendment

During debate the Mayor read aloud the following amendment to the staff recommendation, which Cr J Brown moved and Cr P Wainwright seconded:

"That the staff recommendation be amended in order to protect the City's present and future use of Lots 241 and 242 by inserting the following additional new conditions 5 and 6, which read:

- "5. The proponent shall be responsible for maintaining the access track that services the proposed lease area to the satisfaction of the Director Infrastructure.*
- 6. In the event the underground services interfere with any future development within Lot 241 or Lot 242, the services shall be relocated to an agreed location at the proponent's expense, to the satisfaction of the Director Infrastructure."*

Foreshadowed Motion

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

"That Council approve the application for Telecommunications Infrastructure (Mobile Telephone Base Station) at Lot 239 Kelvin Road, Orange Grove subject to the following conditions and advice notes:

Conditions

1. *Development may only be carried out in accordance with the terms of the application as approved herein and any approved plan.*

2. *A geotechnical report is to be submitted to the satisfaction of the Director Planning and Sustainability certifying that the land is physically capable of development, prior to applying for a building licence and the commencement of or carrying out of any work or use authorised by this approval.*
3. *Details of the external finish and colour which is to be painted a neutral non-reflective colour to blend with the immediate local surroundings are to be submitted prior to the issue of Building Licence to the satisfaction of the Manager City Planning.*
4. *The proponent entering into a lease agreement with the City for lease of the portion of Lot 239 that is required to accommodate the proposed facility.*

Advice Notes

1. *The applicant is advised of the need to apply for a Building Licence from the City's Building Services Branch prior to the commencement of work.*
2. *This is a development approval issued under the Metropolitan Region Scheme and the City of Gosnells Town Planning Scheme No. 6. It is not an approval or consent to commence or carry out development under any other written law, act, statute, or agreement, whether administered by the City of Gosnells or not. It is the applicant's responsibility to ensure all relevant approvals are obtained prior to the commencement of any development covered by this approval."*

if the motion under debate was defeated.

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

Moved Cr J Brown Seconded Cr P Wainwright

That the staff recommendation be amended in order to protect the City's present and future use of Lots 241 and 242 by inserting the following additional new conditions 5 and 6, which read:

- “5. The proponent shall be responsible for maintaining the access track that services the proposed lease area to the satisfaction of the Director Infrastructure.
6. In the event the underground services interfere with any future development within Lot 241 or Lot 242, the services shall be relocated to an agreed location at the proponent's expense, to the satisfaction of the Director Infrastructure.”

with the amended recommendation to read:

“That Council approve the application for Telecommunications Infrastructure (Mobile Telephone Base Station) at 300 (Lot 241) Kelvin Road, Orange Grove subject to the following conditions and advice notes:

Conditions

1. Development may only be carried out in accordance with the terms of the application as approved herein and any approved plan.
2. A geotechnical report is to be submitted to the satisfaction of the Director Planning and Sustainability certifying that the land is physically capable of development, prior to applying for a building licence and the commencement of or carrying out of any work or use authorised by this approval.
3. Details of the external finish and colour which is to be painted a neutral non-reflective colour to blend with the immediate local surroundings are to be submitted prior to the issue of Building Licence to the satisfaction of the Manager City Planning.
4. The proponent entering into a lease agreement with the City for lease of the portion of Lot 241 that is required to accommodate the proposed facility.
5. The proponent shall be responsible for maintaining the access track that services the proposed lease area to the satisfaction of the Director Infrastructure.
6. In the event the underground services interfere with any future development within Lot 241 or Lot 242, the services shall be relocated to an agreed location at the proponent's expense, to the satisfaction of the Director Infrastructure.

Advice Notes

1. The applicant is advised of the need to apply for a Building Licence from the City's Building Services Branch prior to the commencement of work.
2. This is a development approval issued under the Metropolitan Region Scheme and the City of Gosnells Town Planning Scheme No. 6. It is not an approval or consent to commence or carry out development under any other written law, act, statute, or agreement, whether administered by the City of Gosnells or not. It is the applicant's responsibility to ensure all relevant approvals

are obtained prior to the commencement of any development covered by this approval.”

CARRIED 10/0

FOR: Cr P Wainwright, Cr O Searle, Cr J Henderson, Cr S Iwanyk, Cr D Griffiths, Cr J Brown, Cr R Hoffman, 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

143 Moved Cr J Brown Seconded Cr P Wainwright

That Council approve the application for Telecommunications Infrastructure (Mobile Telephone Base Station) at 300 (Lot 241) Kelvin Road, Orange Grove subject to the following conditions and advice notes:

Conditions

1. Development may only be carried out in accordance with the terms of the application as approved herein and any approved plan.
2. A geotechnical report is to be submitted to the satisfaction of the Director Planning and Sustainability certifying that the land is physically capable of development, prior to applying for a building licence and the commencement of or carrying out of any work or use authorised by this approval.
3. Details of the external finish and colour which is to be painted a neutral non-reflective colour to blend with the immediate local surroundings are to be submitted prior to the issue of Building Licence to the satisfaction of the Manager City Planning.
4. The proponent entering into a lease agreement with the City for lease of the portion of Lot 241 that is required to accommodate the proposed facility.
5. The proponent shall be responsible for maintaining the access track that services the proposed lease area to the satisfaction of the Director Infrastructure.
6. In the event the underground services interfere with any future development within Lot 241 or Lot 242, the services shall be relocated to an agreed location at the proponent's expense, to the satisfaction of the Director Infrastructure.

Advice Notes

1. The applicant is advised of the need to apply for a Building Licence from the City's Building Services Branch prior to the commencement of work.

2. This is a development approval issued under the Metropolitan Region Scheme and the City of Gosnells Town Planning Scheme No. 6. It is not an approval or consent to commence or carry out development under any other written law, act, statute, or agreement, whether administered by the City of Gosnells or not. It is the applicant's responsibility to ensure all relevant approvals are obtained prior to the commencement of any development covered by this approval.

CARRIED 9/1

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

AGAINST: Cr O Searle.

Notation

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

Cr R Mitchell due to being a Telstra employee had disclosed a Financial Interest in the following item in accordance with Section 5.60 of the Local Government Act 1995 and remained outside the meeting.

13.4.1 TELSTRA CORPORATION LIMITED - PROPOSED TELECOMMUNICATION MONOPOLE AND EQUIPMENT SHELTER LEASE - PORTION LOT 241 KELVIN ROAD, ORANGE GROVE

Author: J Flatow
Previous Ref: Nil
Appendix: 13.4.1A Site Plans

PURPOSE OF REPORT

To seek Council approval to lease approximately 66 square metres of Lot 241 Kelvin Road, Orange Grove to Telstra Corporation Limited, for the purpose of erecting a telecommunication monopole and equipment shelter.

BACKGROUND

United Group Real Estate Services (WA) Pty Ltd acting on behalf of Telstra Corporation Limited has lodged an application with the City to lease approximately 66 square metres of land from within the previous waste disposal site.

DISCUSSION

Lot 241 is one of a number of lots owned by the City that made up what was the Kelvin Road Waste Disposal site. A copy of the site plan and other plans associated with the application are attached as Appendix 13.4.1A.

As Lot 241 is land locked Telstra plans to install a cable from Kelvin Road through Lot 242 to Lot 241 to the proposed telecommunications monopole and equipment shelter site near the south western edge of the lot. An easement is likely to be required for the length of the cabling required to service the facility, which would run along an existing well formed track to the site.

The proposed development is not located on any part of the lot that has buried refuse.

The Manager Parks and Environmental Operations is satisfied with the proposal and supports the application. There are currently no firm plans for development of the site although broadly it is expected to be of a recreational nature in accordance with the Kelvin Road Parklands Master Plan adopted by Council on 23 April 2002 (Resolution 259). The proposed location of the telecommunication monopole and equipment shelter is not expected to interfere with any future usage at the site.

The rental offer of \$15,000 per annum plus an automatic 5% compounding annual increase for the lease for the first five years is consistent with the highest recently negotiated telecommunication leases, together with a licensed valuation every five years to ensure market rent is maintained. The remaining proposed lease conditions are typical of other telecommunication leases.

To service the monopole tower and equipment shelter, a 2 metre wide easement of approximately 580 metres is likely to be required as shown in Appendix 13.4.1A. Staff have discussed this issue with the City's licensed valuer and consider that, given the length of the easement it would be reasonable to include an annual charge for this

easement in the lease agreement for the telecommunication facility. In this regard it will be recommended that a formal valuation be sought for this easement charge and included in the lease agreement for the proposed facility.

Planning Approval is required for the proposed telecommunication monopole and shelter and is the subject of Item 13.5.5 of this Ordinary meeting of Council.

There is a requirement to advertise the proposed lease for community comment under the provisions of section 3.58 (3) of the *Local Government Act 1995*. It will be recommended, as in the past, that Council approve of the lease subject to no valid objections being received in relation to the lease proposal. In the event that valid objections are received relating to the proposed lease, the matter will be brought back to Council for final determination.

As with most rents received from telecommunication leases it will be recommended that the rental received be transferred to the Refuse Disposal Site Rehabilitation Reserve Account that will assist with development of the adjoining open space.

FINANCIAL IMPLICATIONS

Rent revenue of \$15,000 per annum with licensed valuation for each five-year period thereafter. Annual increments of 5% are to be added annually, between valuations.

STAFF RECOMMENDATION (1 of 4)

Moved Cr D Griffiths Seconded Cr W Barrett

That Council, subject to Planning Approval being granted for the proposed telecommunication monopole and equipment shelter:

- (i) pursuant to s.3.58(3) of the *Local Government Act 1995*, advertise the proposed lease of approximately 66 square metres of land on Lot 241 Kelvin Road, Orange Grove to Telstra Corporation Limited, as illustrated in Appendix 13.4.1A.
- (ii) approve the leasing of approximately 66 square metres of land on Lot 241 Kelvin Road, Orange Grove to Telstra Corporation Limited for the purposes of erecting a telecommunication monopole and equipment shelter in accordance with the plans included as Appendix 13.4.1A, subject to no valid objections being received during the advertising period referred to in (i) above, in the opinion of the Director Infrastructure.

STAFF RECOMMENDATION (2 of 4)

Moved Cr D Griffiths Seconded Cr W Barrett

That Council agree to an easement to accommodate electrical and communication cabling along the existing track traversing Lots 241 and 242 Kelvin Road, Orange Grove generally in accordance with the plans included as Appendix 13.4.1A, subject to an annual charge for that easement being determined by the City's licensed valuer and included in the lease agreement for the proposed telecommunication facility on Lot 241, to the satisfaction of the Director Infrastructure.

STAFF RECOMMENDATION (3 of 4)

Moved Cr D Griffiths Seconded Cr W Barrett

That Council agree to the following terms of the lease:

- Rental: \$15,000 per annum plus an amount to be established by licensed valuation to accommodate the proposed easement for electrical and communication cabling over Lots 241 and 242 Kelvin Road, Orange Grove.
- Rent Reviews: Automatic annual rental increases of 5% per annum compounding together with licensed valuation every five years.
- Lease Commencement: As soon as possible.
- Term of Lease: Ten years with two 5 year options.
- Location: As depicted in Appendix 13.4.1A.

STAFF RECOMMENDATION (4 of 4)

Moved Cr D Griffiths Seconded Cr W Barrett

That Council approve the transfer of the rental income received from the lease to the Refuse Disposal Site Rehabilitation Reserve Account as follows:

Account Number	Account Description	Debit \$	Credit \$
GL54.1380.1664	Telephone Tower Lease Rental Income	15,000	
GL54.1380.2601	Refuse Disposal Site Rehabilitation Reserve		15,000

(ABSOLUTE MAJORITY REQUIRED)

Amendment

The Mayor read aloud the following amendment to staff recommendations (3 of 4) and (4 of 4), which Cr R Hoffman moved and Cr R Croft seconded:

“That Council amend staff recommendation (3 of 4) by deleting the figure ‘\$15,000’ where it appears adjacent the word rental and substituting it with the figure ‘\$17,500’, and amend the table in staff recommendation (4 of 4) by deleting the figure ‘\$15,000’ where it appears in the Debit and Credit columns and substituting it with the figure ‘\$17,500’.”

Cr Hoffman provided the following written reason for the proposed amendment:

“To achieve a more reasonable market return as this rental amount has not changed in three years.”

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

Moved Cr R Hoffman Seconded Cr Croft

That Council amend staff recommendation (3 of 4) by deleting the figure \$15,000 where it appears adjacent the word rental and substituting it with the figure \$17,500, with the amended recommendation to read:

“That Council agree to the following terms of the lease:

Rental: \$17,500 per annum plus an amount to be established by licensed valuation to accommodate the proposed easement for electrical and communication cabling over Lots 241 and 242 Kelvin Road, Orange Grove.

Rent Reviews: Automatic annual rental increases of 5% per annum compounding together with licensed valuation every five years.

Lease Commencement: As soon as possible.

Term of Lease: Ten years with two 5 year options.

Location: As depicted in Appendix 13.4.1A.”

and amend the table in staff recommendation (4 of 4) by deleting the figure \$15,000 where it appears in the Debit and Credit columns and substituting it with the figure \$17,500, with the amended recommendation to read:

“That Council approve the transfer of the rental income received from the lease to the Refuse Disposal Site Rehabilitation Reserve Account as follows:

Account Number	Account Description	Debit \$	Credit \$
GL54.1380.1664	Telephone Tower Lease Rental Income	17,500	
GL54.1380.2601	Refuse Disposal Site Rehabilitation Reserve		17,500”

CARRIED 10/0

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

AGAINST: Nil.

The amendments were put and carried with the amendments becoming the substantive motions. The Mayor then indicated she would put the remaining staff recommendations together with the substantive motions.

Cr O Searle requested that the staff recommendations be put individually, which the Mayor acceded to.

STAFF RECOMMENDATION (1 of 4) AND COUNCIL RESOLUTION
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144 Moved Cr D Griffiths Seconded Cr W Barrett

That Council, subject to Planning Approval being granted for the proposed telecommunication monopole and equipment shelter:

- (i) pursuant to s.3.58(3) of the *Local Government Act 1995*, advertise the proposed lease of approximately 66 square metres of land on Lot 241 Kelvin Road, Orange Grove to Telstra Corporation Limited, as illustrated in Appendix 13.4.1A.
- (ii) approve the leasing of approximately 66 square metres of land on Lot 241 Kelvin Road, Orange Grove to Telstra Corporation Limited for the purposes of erecting a telecommunication monopole and equipment shelter in accordance with the plans included as Appendix 13.4.1A, subject to no valid objections being received during the advertising period referred to in (i) above, in the opinion of the Director Infrastructure.

CARRIED 9/1

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

AGAINST: Cr O Searle.

STAFF RECOMMENDATION (2 of 4) AND COUNCIL RESOLUTION
--

145 Moved Cr D Griffiths Seconded Cr W Barrett

That Council agree to an easement to accommodate electrical and communication cabling along the existing track traversing Lots 241 and 242 Kelvin Road, Orange Grove generally in accordance with the plans included as Appendix 13.4.1A, subject to an annual charge for that easement being determined by the City's licensed valuer and included in the lease agreement for the proposed telecommunication facility on Lot 241, to the satisfaction of the Director Infrastructure.

CARRIED 9/1

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

AGAINST: Cr O Searle.

Amended Staff Recommendation (3 of 4):

COUNCIL RESOLUTION

146 Moved Cr R Hoffman Seconded Cr R Croft

That Council agree to the following terms of the lease:

Rental: \$17,500 per annum plus an amount to be established by licensed valuation to accommodate the proposed easement for electrical and communication cabling over Lots 241 and 242 Kelvin Road, Orange Grove.

Rent Reviews: Automatic annual rental increases of 5% per annum compounding together with licensed valuation every five years.

Lease Commencement: As soon as possible.

Term of Lease: Ten years with two 5 year options.

Location: As depicted in Appendix 13.4.1A.

CARRIED 10/0

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

AGAINST: Nil.

Amended Staff Recommendation (4 of 4):

COUNCIL RESOLUTION

147 Moved Cr R Hoffman Seconded Cr R Croft

That Council approve the transfer of the rental income received from the lease to the Refuse Disposal Site Rehabilitation Reserve Account as follows:

Account Number	Account Description	Debit \$	Credit \$
GL54.1380.1664	Telephone Tower Lease Rental Income	17,500	
GL54.1380.2601	Refuse Disposal Site Rehabilitation Reserve		17,500

CARRIED BY ABSOLUTE MAJORITY 10/0

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

AGAINST: Nil.

8.07pm - Cr R Mitchell returned to the meeting.

Notation

The Presiding Member, upon the return of Cr Mitchell to the meeting, read aloud the amendments to the staff recommendations contained within items 13.5.5 and 13.4.1 dealt with in his absence.

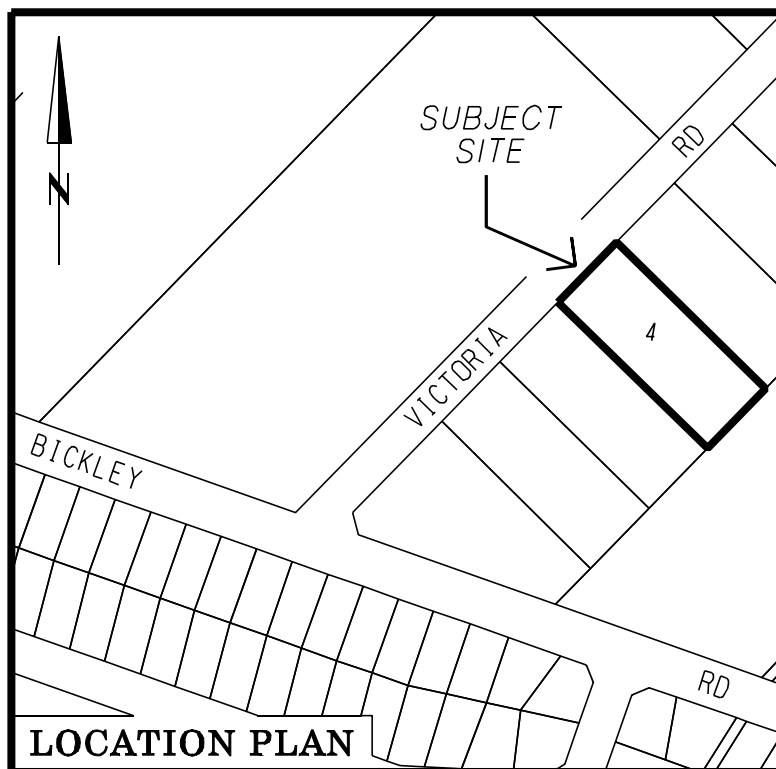
**13.5.6 CONSIDERATION OF REVOCATION OF PLANNING APPROVAL -
COMMERCIAL VEHICLE PARKING - 15 (LOT 4) VICTORIA ROAD,
KENWICK**

Author: T Price
Reference: 226152
Application No: DA06/02546
Owner: Ian George Swetman
Location: 15 Victoria Road, Kenwick
Zoning: MRS: Rural
TPS No. 6: General Rural
Review Rights: Yes. State Administrative Tribunal against any discretionary decision of Council.
Area: 4,047m²
Previous Ref: OCM 26 September 2006 (Resolution 482)
Appendix: Nil

PURPOSE OF REPORT

For Council to consider revoking its planning approval, issued to Mr Ian George Swetman, to park two commercial vehicle combinations and two additional trailers at 15 (Lot 4) Victoria Road, Kenwick.

This matter is referred to Council for consideration as the original application for commercial vehicle parking was previously determined by Council and there is no authority delegated to staff in respect of the revocation of an approval.



BACKGROUND

At its meeting on 26 September 2006, Council granted approval (Resolution 482) to Mr Swetman to park two prime mover/trailer combinations at 15 Victoria Road, Kenwick. The approval was subject to 19 conditions, including the following:

- “2. *Under the provisions of Town Planning Scheme No. 6 (clause 5.11.3) a Commercial Vehicle Parking approval can be revoked by the Council upon receipt of substantiated complaints from neighbours and/or non compliance with conditions of approval.*
4. *The proposed modifications to the gate and driveway as detailed in the approved plan are to be undertaken prior to the commencement of the parking activity and maintained to the City’s satisfaction thereafter.*
6. *The proposed hardstand area shown on the approved plan must be constructed of hard standing material (eg roadbase, bitumen, concrete or block paving) prior to commencement of the parking activity and maintained to the City’s satisfaction thereafter.*
7. *The applicant is to make arrangements to the satisfaction of the City for the construction of a sealed crossover between the public road and the private driveway to be used as access for the commercial vehicle parking prior to commencement of the parking activity.*
11. *Only routine maintenance of a minor nature, such as servicing or wheel changing, is to be carried out on the subject property. No panel beating, spray painting or the removal of major body or engine parts is permitted.*
16. *Only persons permanently residing on the property are permitted to drive the commercial vehicles.*
17. *A landscaping plan is to be submitted to the satisfaction of the Manager City Planning detailing the planting of landscaping within the 2.5m wide ‘Plantation Buffer Zone’ shown on the plan submitted along the north-eastern (side) boundary of 15 (Lot 4) Victoria Road to assist in screening the proposed hardstand parking area. The plan shall provide for the planting of mature and semi-mature native trees and shrubs.*
18. *All landscaping works in accordance with the approved landscaping plan are to be completed prior to the commencement of commercial vehicle parking on the property, and thereafter.*
19. *As an alternative to satisfying conditions 17 and 18 of this approval, the applicant shall construct a solid screen fencing, where such fencing currently does not exist, along the common boundary with the adjoining Lot 5, to the satisfaction of the Manager City Planning. Such fencing is to be 2 metres in height above the natural ground level on Lot 4.”*

In relation to these conditions of approval it must be noted that:

- Several of the conditions, such as those relating to crossover and hardstand construction, landscaping and (alternative) boundary fencing requirements, need to be finalised prior to commencement of any commercial vehicle parking activities. The need for prior compliance with these conditions was explicitly conveyed to the proponent by staff subsequent to Council's approval, verbally and in writing
- Under subclause 3.3 of Council's Commercial Vehicle Parking Policy (No. 6.2.4.1), a commercial vehicle is only deemed to be "parked" on a property if it remains on the property for more than two hours in total over a 24 hour period. Hence, if the vehicle remains on the property for two or less hours in a 24 hour period, it is not deemed to be "parked" and therefore does not trigger the need to comply with Council's conditions of planning approval for the parking activity.

The owners of 19 (Lot 5) Victoria Road, Kenwick (Mr and Mrs Baraiolo) which abuts the subject site, have lodged numerous complaints regarding alleged breaches of Council's planning approval for the parking of commercial vehicles at 15 Victoria Road and have requested that Council revoke its 26 September 2006 approval due to non-compliance with the conditions of that approval. Specifically the complaints relate to:

- Parking of commercial vehicle(s) on 30 September 2006, 13 and 14 January 2007 and on 11 March 2007 prior to compliance with various conditions including the installation of a 2m high screening boundary fence along the common side boundary
- Concerns regarding the inadequacy of the existing side boundary fencing to properly contain the proponent's two dogs

The second complaint listed above, regarding the adequacy of boundary fencing to properly contain the dogs at 15 Victoria Road, was referred to the City's Ranger Services for investigation and they have advised that the fence is adequate for the purpose of containing the dogs in accordance with the City's Dogs Local Law. Regardless, this complaint about the adequate containment of dogs is not relevant to the alleged breaches of conditions of planning approval for commercial vehicle parking on the property.

Mrs Baraiolo has advised staff that she is prepared to provide a sworn statement in support of the above complaints, for evidentiary purposes, should that be required.

DISCUSSION

In considering whether to revoke the planning approval granted for the parking of two commercial vehicle combinations and two additional trailers on the property, Council should note that firstly, condition 2 of the planning approval allows Council to revoke the approval if:

- in Council's opinion substantiated complaints are received from neighbours; and/or
- the applicant fails to comply with a condition(s) of approval

Secondly, clause 5.11.3 (c) of Town Planning Scheme No 6 (TPS 6) states:

“If a vehicle has been parked with the approval of the Council and if, in the opinion of the Council, such vehicle is causing a nuisance or annoyance to neighbours or owners or occupiers of land in the neighbourhood, the Council may revoke its approval, where either, or:

- (i) the applicant is not complying with conditions of approval;*
- (ii) the nature of nuisance or annoyance has been verified; and*
- (iii) the applicant has not rectified the source of nuisance, annoyance or non-compliance within 7 days of written notification;*

after which no person shall park a commercial vehicle upon that land without the further approval of Council.”

Hence, it is open to Council to revoke the approval if the applicant is not complying with any condition of the approval or if in Council's opinion the parking activity is causing a nuisance or annoyance to neighbours and the nature of that nuisance or annoyance has been substantiated and the applicant has not rectified the source of nuisance or annoyance within 7 days of being notified to do so.

Compliance with Conditions of Approval

In relation to compliance with Council's conditions of approval, staff have inspected the subject property and provide the following summary table identifying areas of non-compliance with Council's approval.

Non-Compliance with Conditions of Approval	
Condition Summary	Staff Comment
2. Under the provisions of Town Planning Scheme No. 6 (clause 5.11.3) a Commercial Vehicle Parking approval can be revoked by the Council upon receipt of substantiated complaints from neighbours and/or non compliance with conditions of approval.	The proponent has confirmed that commercial vehicles have been parked on the site on the following occasions prior to several conditions being met: <ul style="list-style-type: none"> • 30 September 2006 to 1 October 2006: overnight to repair fuel tanks prior to receiving Council's letter of development approval (this was received on 2 October 2006) • 14-15 January 2007: overnight parking prior to an interstate trip • 10-11 March 2007: for brake repairs with a commercial vehicle on site for approximately 3 hours
11. Only routine maintenance of a minor nature, such as servicing or wheel changing, is to be carried out on the subject property. No panel beating, spray painting or the removal of major body or engine parts is permitted.	The applicant acknowledges undertaking repairs to the fuel tank and to the brakes of a commercial vehicle; this may or may not be considered to be repairs of a major nature. It is therefore open to Council to determine if this condition has been breached.

Non-Compliance with Conditions of Approval	
Condition Summary	Staff Comment
19. As an alternative to satisfying conditions 17 and 18 of this approval, the applicant shall construct a solid screen fencing, where such fencing currently does not exist, along the common boundary with the adjoining Lot 5, to the satisfaction of the Manager City Planning. Such fencing is to be 2m in height above the natural ground level on Lot 4.	Mr Swetman has installed a Colorbond fence along a portion of the common boundary which has an average height of approximately 1.9m. Also, the Colorbond fence does not extend the whole length of the common boundary, with pre-existing fibre cement fencing of approximately 1.5m high being retained for the portion of the boundary closest to Victoria Road. This does not satisfy the requirements of the condition.

The City has advised Mr Swetman of the need to comply with Council's conditions of approval on numerous occasions, including in writing on 18 January and 8 February 2007. In response, Mr Swetman has stated that he is continuing to make an effort to comply with Council's conditions of approval although he is absent from the property for extended periods of time during intra and interstate haulage trips, making it difficult for him to attend to the required conditions quickly. Although this is a reasonable argument, staff do not accept this as a defence for parking commercial vehicles on the property in future (for more than two hours in any 24 hour period) without all conditions of Council's approval being met.

Because Mr Swetman has acknowledged two instances of unauthorised parking (ie periods over two hours) during a six month period since receiving Council's planning approval, Council can revoke the approval granted to him due to non-compliance with condition 19 on two confirmed instances and, subjectively, the possible non-compliance with condition 11. Non-compliance with these conditions in turn causes non-compliance with condition 2.

On the basis of reasonableness, staff consider that the breaches of the above-mentioned conditions of approval on two occasions, temporarily, since the approval was issued do no warrant revocation of Council's approval. However, any further breaches of conditions of approval would be considered unreasonable and would therefore warrant revocation of the approval as the proponent has been given ample forewarning of the need to comply with conditions of approval and of the consequences of non-compliance.

Nuisance or Annoyance

It is apparent from the multitude of complaints raised by Mr and Mrs Baraiolo that the parking activity at 15 Victoria Road is causing a nuisance and annoyance to them. Some of their complaints relate to containment of dogs on the property, the visibility of portions of the commercial vehicle(s) when parked on the property, the possible overlooking into their property from the elevated cab of the commercial vehicles when parked on the property, and manoeuvrability of the commercial vehicle(s) into and out of the property. Although these issues do not specifically relate to areas of non-compliance with Council's conditions of approval, Council can determine that the parking activity is causing a verifiable nuisance or annoyance to neighbours in the area, on the basis of these concerns. In forming this opinion Council should consider the following:

- Whether the basis of the complaints presented, and therefore the nuisance or annoyance, is specifically related to the approved parking of commercial vehicles on the property

- Revocation of the approval will not prevent commercial vehicles from still being brought onto and remaining on the property, providing the vehicle(s) do not remain on the property for more than two hours in any 24 hour period
- Whether revocation of the approval would remove the cause of the nuisance or annoyance
- Whether the nature of the complaints presented could still apply to any commercial vehicle parked (temporarily or otherwise) at 15 Victoria Road or at any other neighbouring property
- Whether the perceived nuisance or annoyance is experienced by other landowners
- Whether the perceived nuisance or annoyance is severe enough to warrant revocation of the approval

After considering these issues staff do not support revoking the approval on the basis of the perceived nuisance and annoyance to nearby neighbour(s), particularly as the City's previous letters to Mr Swetman concentrated on compliance with Council's conditions of approval and did not expressly outline the nature of any alleged nuisance or annoyance that needed to be rectified within 7 days. If Council forms the opinion that the nuisance or annoyance arising from the parking activity is verified then, in accordance with clause 5.11.3(c)(ii) and (iii), Mr Swetman must be given the opportunity to rectify that nuisance or annoyance within 7 days. If he fails to do so then Council may revoke the approval due to the nuisance and annoyance of the parking activity to neighbours.

CONCLUSION

The vehicle operator has failed to comply with condition 19 and possibly condition 11 of the planning approval granted for the commercial vehicle parking activity on the property on two confirmed occasions since the approval was issued, despite being given ample opportunity to do so. Non-compliance with these conditions in turn causes non-compliance with condition 2. Furthermore, numerous complaints have been received from the abutting landowner about the nuisance and annoyance caused by the parking of commercial vehicles on the property.

Although it is open to Council to revoke the approval due to non-compliance with conditions of approval, as outlined earlier, the occasional and temporary nature of the non-compliance to date are not considered sufficient to warrant revocation. Conversely, if Council considers that the nuisance and annoyance to neighbours caused by the parking activity is verified and unacceptable, then it must give the proponent the opportunity to rectify the source of that nuisance or annoyance within 7 days. However, after considering the various issues relating to this option staff do not consider revocation is warranted based on the occurrences to date.

FINANCIAL IMPLICATIONS

Nil.

STAFF RECOMMENDATION

Moved Cr D Griffiths Seconded Cr P Wainwright

That Council:

1. Not revoke the approval to park two commercial vehicle combinations and two additional trailers at 15 (Lot 4) Victoria Road, Kenwick, granted to Mr Ian G Swetman, under Resolution 482 of Council's meeting of 26 September 2006.
2. Advise Mr Swetman and the owners of 19 (Lot 5) Victoria Road, Kenwick, that this decision will not prejudice any future Council decision relating to any further substantiated non-compliance with Council's planning approval for the parking of commercial vehicles on the property, or nuisance or annoyance caused by that activity.

Foreshadowed Motion

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

"That Council revoke the approval to park two commercial vehicle combinations and two additional trailers at 15 (Lot 4) Victoria Road, Kenwick, granted to Mr Ian G Swetman, under Resolution 482 of Council's meeting of 26 September 2006."

if the motion under debate was defeated.

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

STAFF RECOMMENDATION AND COUNCIL RESOLUTION

148 Moved Cr D Griffiths Seconded Cr P Wainwright

That Council:

1. Not revoke the approval to park two commercial vehicle combinations and two additional trailers at 15 (Lot 4) Victoria Road, Kenwick, granted to Mr Ian G Swetman, under Resolution 482 of Council's meeting of 26 September 2006.
2. Advise Mr Swetman and the owners of 19 (Lot 5) Victoria Road, Kenwick, that this decision will not prejudice any future Council decision relating to any further substantiated non-compliance with Council's planning approval for the parking of commercial vehicles on the property, or nuisance or annoyance caused by that activity.

CARRIED 6/5

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

AGAINST: Cr O Searle, Cr J Henderson, Cr S Iwanyk, Cr J Brown and Cr W Barrett.

Notation

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

12. MINUTES OF COMMITTEE MEETINGS

13. REPORTS

13.1 CHIEF EXECUTIVE OFFICER'S REPORT

13.2 COMMUNITY ENGAGEMENT

13.2.1 NATIONAL COMMUNITY SAFETY AND SECURITY CONFERENCE – SYDNEY, 17 TO 18 MAY 2007

Author: A Brighthouse

Previous Ref: Nil

Appendix: 13.2.1A Community Safety and Security Conference 2007 Programme

PURPOSE OF REPORT

To seek the approval of Council for an Elected Member and the Safe City Initiative Community Safety Coordinator to attend the Community Safety and Security Conference to be held in Sydney from 17 to 18 May 2007.

BACKGROUND

This conference is aimed at providing insights into current safety and security strategies employed throughout Australia at a local government level and targeted to Community Development Managers and Community Safety Practitioners. The keynote speakers at this conference are the Director of Centre for Policing, Intelligence and Counter Terrorism, Macquarie University, and the Assistant Commissioner of Australian Federal Police.

Some of the topics of the conference include:

- A Practical Approach to CPTED (Crime Prevention Through Environmental Design)
- Tackling graffiti and vandalism
- Emergency Management Capabilities and Strategies
- Working with young people to reduce crime
- Building partnerships and community engagement
- CCTV systems for security and detection
- Community mobilisation against substance abuse and violence
- Diversity and bias related crime prevention
- Counter terrorism risk management
- Attitudes to crime from community and victims perspective

DISCUSSION

The national conference will provide insights into community security strategies adopted by local governments across Australia. The conference is heavily focused on case studies so as to enable delegates to draw important lessons from security and safety initiatives nationally. It will provide a unique opportunity to network with

community safety and development managers in local government from all parts of the country.

The conference will assist the City's Community Safety Branch achieving its goals as outlined in the Strategic Plan for the Future 2007 – 2010, by remaining up-to-date with current trends and ensuring best practice with regards to community safety and crime prevention programmes.

A copy of the conference programme is attached as Appendix 13.2.1A.

FINANCIAL IMPLICATIONS

The estimated cost per person is as follows:

Conference Registration	970
Return Conference Airfare	730
Accommodation (3 nights)	501
Out of Pocket Expenses	409
Total	<u>\$2,610</u>

Funds are available in Account JL 94-94001-3034-000 Elected Members' Training and Conferences, and Account JL 90-90300-3034-000 Community Safety Staff Training and Conferences for attendance at the conference by an Elected Member and Community Safety Coordinator respectively.

STAFF RECOMMENDATION

Moved Cr R Hoffman Seconded Cr R Croft

That Council authorise Councillor _____ and the Safe City Community Safety Coordinator to attend the Community Safety and Security Conference to be held in Sydney from 17 to 18 May 2007 at an estimated cost of \$2,610 per person with funds being met from Account JL 94-94001-3034-000 Elected Members' Training and Conferences, and Account JL 90-90300-3034-000 Community Safety Staff Training and Conferences respectively.

Nomination

Cr W Barrett nominated Cr P Wainwright to attend the Community Safety and Security Conference. Cr R Mitchell seconded the nomination.

Cr O Searle sought clarification as to the number of months prior to an election a Councillor can be nominated to attend a conference.

The Director Governance advised in accordance with Council Policy (5.4.12) six months for a Councillor whose term is due to expire at the next election, unless authorisation is granted by an absolute majority of Council.

The nomination resulted in the following amendment to the staff recommendation:

Moved Cr W Barrett Seconded Cr R Mitchell

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

“That Council authorise Councillor P Wainwright and the Safe City Community Safety Coordinator to attend the Community Safety and Security Conference to be held in Sydney from 17 to 18 May 2007 at an estimated cost of \$2,610 per person with funds being met from Account JL 94-94001-3034-000 Elected Members’ Training and Conferences, and Account JL 90-90300-3034-000 Community Safety Staff Training and Conferences respectively.”

CARRIED 9/2

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

AGAINST: Cr O Searle and Cr J Brown.

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

COUNCIL RESOLUTION

149 Moved Cr W Barrett Seconded Cr R Mitchell

That Council authorise Councillor P Wainwright and the Safe City Community Safety Coordinator to attend the Community Safety and Security Conference to be held in Sydney from 17 to 18 May 2007 at an estimated cost of \$2,610 per person with funds being met from Account JL 94-94001-3034-000 Elected Members’ Training and Conferences, and Account JL 90-90300-3034-000 Community Safety Staff Training and Conferences respectively.

CARRIED BY ABSOLUTE MAJORITY 9/2

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

AGAINST: Cr O Searle and Cr J Brown.

13.3 CORPORATE SERVICES

13.3.1 PAYMENT OF ACCOUNTS

Author: L Blair
Previous Ref: Nil
Appendix: Nil

PURPOSE OF REPORT

To advise Council of payments made for the period 1 March 2007 to 31 March 2007.

DISCUSSION

Payments of \$4,152,789.38 as detailed in the cheque and EFT payment listing for the period 1 March 2007 to 31 March 2007 which was circulated to Councillors under separate cover and will be tabled at the meeting, have been approved by the Director Corporate Services under delegated authority.

Notation

The Mayor tabled the cheque and EFT payment listing for the period 1 March 2007 to 31 March 2007.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION

150 Moved Cr R Hoffman Seconded Cr D Griffiths

That Council note the payment of accounts as shown in the cheque and EFT payment listing for the period 1 March 2007 to 31 March 2007.

CARRIED 10/1

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

AGAINST: Cr O Searle.

13.3.2 FINANCIAL ACTIVITY STATEMENTS – MARCH 2007

Author: F Sullivan

Previous Ref: Nil

Appendix: 13.3.2A Financial Activity Statement Report – March 2007

PURPOSE OF REPORT

For Council to adopt the Financial Activity Statement Report for the month of March 2007.

BACKGROUND

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

- Commentary and report on variances
- Operating Statement by Programme
- Balance Sheet
- Statement of Financial Activity
- Reserve Movements
- Capital Expenditure Detail
- Outstanding Debtor Information
- Investment Report

DISCUSSION

The Financial Activity Statement Report for the month of March 2007 is attached as Appendix 13.3.2A.

FINANCIAL IMPLICATIONS

Nil.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION**151 Moved Cr P Wainwright Seconded Cr J Brown**

That Council, in accordance with Regulation 34 of the Local Government (Financial Management) Regulations, adopt the following reports, contained in the Financial Activity Statement Report for the month of March 2007, attached as per Appendix 13.3.2A.

- A. Commentary and report on variances
- B. Operating Statement by Programme
- C. Balance Sheet
- D. Statement of Financial Activity
- E. Reserve Movements
- F. Capital Expenditure Detail
- G. Outstanding Debtor Information
- H. Investment Report

CARRIED 11/0

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

AGAINST: Nil.

13.3.3 BUDGET VARIATIONS

Author: F Sullivan

Reference: Nil

Appendices: Nil

PURPOSE OF REPORT

To seek approval from Council to adjust the 2006/2007 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.

FINANCIAL IMPLICATIONS

Account Number	Type	Account Description	Debit \$	Credit \$
JL92.91001.3126.000	Increase Expenditure	Library Book Purchases	2,000	
JL92.91001.3104.000	Decrease Expenditure	Stationery		2,000
	Reason:	To purchase resources for children's collections within City of Gosnells libraries		
JL11.50040.3800.000	Increase Expenditure	Capital Purchases	1,298	
GL41.1427.3210	Decrease Expenditure	Advertising & Promotions		1,298
	Reason:	Camera Purchase – High range 10 mega pixel camera for in-house promotional photographs to reduce photographic costs		
JL14.85016.3100.000	Increase Expenditure	Consumables	10,945	
JL14.85016.2506.499	Increase Income	Canning Vale ODP		10,945
	Reason:	Reimbursement for construction of Dual use Path, Fraser/Dumbarton Roads (Canning Vale ODP Common Infrastructure Works)		

Account Number	Type	Account Description	Debit \$	Credit \$
JL15.60080.3100.000	Increase Expenditure	Westfield Reserve – Wheeled Sports Facility	84,368	
GL31.1366.2412	Increase Income	Maddington/Kenwick Revitalisation Reserve		84,368
	Reason:	Outstanding amount from the \$200,000 commitment from the Maddington/Kenwick Sustainable Communities Partnership		
GL31.1050.3214	Increase Expenditure	Consultancy	4,963	
GL31.1050.1851	Increase Income	Other Revenue		4,963
	Reason:	Monies contributed in 2005/06 to WA Midge Research Group project returned to the City due to project cancellation		
GL31.1050.3278	Increase Expenditure	Programme Activities	32,396	
GL31.1050.1301	Increase Income	Government Grant		32,396
	Reason:	Grant Funds received from Swan River Trust Riverbank Programme		

STAFF RECOMMENDATION AND COUNCIL RESOLUTION

152 Moved Cr P Wainwright Seconded Cr J Brown

That Council approve the following adjustments to the Municipal Budget:

Account Number	Account Description	Debit \$	Credit \$
JL92.91001.3126.000	Library Book Purchases	2,000	
JL92.91001.3104.000	Stationery		2,000
JL11.50040.3800.000	Capital Purchases	1,298	
GL41.1427.3210	Advertising & Promotions		1,298
JL14.85016.3100.000	Consumables	10,945	
JL14.85016.2506.499	Canning Vale ODP		10,945
JL15.60080.3100.000	Westfield Reserve – Wheeled Sports Facility	84,368	
GL31.1366.2412	Maddington/Kenwick Revitalisation Reserve		84,368
GL31.1050.3214	Consultancy	4,963	
GL31.1050.1851	Other Revenue		4,963
GL31.1050.3278	Programme Activities	32,396	
GL31.1050.1301	Government Grant		32,396

CARRIED BY ABSOLUTE MAJORITY 11/0

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

AGAINST: Nil.

13.3.4 SUMMARY OF SIGNIFICANT BUDGET VARIANCE

Author: F Sullivan

Reference: Nil

Appendices: Nil

PURPOSE OF REPORT

To report to Council on the results of the summary of significant variance greater than 10% or \$250,000 undertaken at 30 June 2007 for the nine (9) month period 1 July 2006 to 30 March 2007.

BACKGROUND

The Budget Review as required by Regulation 33A of the Local Government (Financial Management) Regulations 1996 is completed for presentation to Council.

Regulation 33A of the Local Government (Financial Management) Regulations 1996 states:

- “(1) Between 1 January and 31 March in each year a local government is to carry out a review of its annual budget for that year.*
- (2) Within 30 days after a review of the annual budget of a local government is carried out it is to be submitted to the council.*
- (3) A council is to consider a review submitted to it and is to determine* whether or not to adopt the review, any parts of the review or any recommendations made in the review.*

**Absolute majority required.*

- (4) Within 30 days after a council has made a determination, a copy of the review and determination is to be provided to the Department.”*

DISCUSSION

Following is a summary of the material differences analysed by schedule.

The permanent differences are expected to remain to year end.

The timing differences are expected to be resolved by 30 June 2007.

Operating RevenueGovernance

Forecast revenue is expected to exceed budget by 19.5% or \$8,000. This is largely due to receipt of advertising rebate which is greater than expected. (Permanent difference).

General Purpose Funding

Forecast revenue is expected to exceed budget by 12.9% or \$764,000. This is due to strong credit and equity markets and increased developer contributions placed in planning reserves. (Permanent difference).

Economic Services

Forecast revenue is expected to exceed budget by 3.5% or \$100,000. Income from Building Licence Fees is greater than anticipated due to a larger than expected number of applications and higher value of building costs resulting from the current building boom. (Permanent difference).

Capital and Non Cash Items

Land and Buildings

Land and Buildings capital expenditure is below budget due to timing difference. Planning and preparation work on the new Civic Centre has commenced but will not be completed until next financial year. (Timing difference).

Road Infrastructure

Road Infrastructure capital expenditure is below budget due to timing differences. There has been significant expenditure on Nicholson Road and Garden Street. Footpath Construction and Rehabilitation is progressing well to date, as are some of the State Black Spot projects. (Timing difference).

Parks Infrastructure

Parks Infrastructure capital expenditure is below budget due to timing differences. There has been significant expenditure to date on stage 2 of Harmony Fields, Westfield Street Reserve and the Pioneer Park upgrade. (Timing difference).

Furniture and Equipment

The Furniture and Equipment replacement programme is below budget to date due to timing differences. The most significant expenditure will be on the IT Equipment Refresh programme. (Timing difference).

Contribution/Grants for Capital Construction

Grants Revenue is greater than budgeted due to grants being received in advance of works commencing and the receipt of developer contributions. (Timing difference).

Proceeds from Disposal of Assets

The proceeds from disposal of assets are below budget due to the timing of the Plant Replacement programme. (Timing difference).

Transfers to and from Reserve

Transfers to Reserves are greater than budgeted due to increased developer contributions. (Permanent difference).

FINANCIAL IMPLICATIONS

The forecast of cash surplus expected at 30 June 2007 is \$108,000 which is made up of \$8,000 largely from greater than expected budget advertising rebates and \$100,000 from greater than expected income from building licence fees.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION

153 Moved Cr D Griffiths Seconded Cr R Croft

That Council approve the following adjustments to the Municipal Budget:

Account Number	Account Description	Debit \$	Credit \$
JL12.10046.3800	Land Purchase – 12 Partridge Way Thornlie	4,500	
GL54.1425.2019	Reversal of funding for Graffiti operations from Building Construction Reserve	56,100	
GL43.1330.2619	Transfer to Civic Centre Construction Reserve	47,400	
GL40.0420.1853	Advertising Rebate		8,000
GL43.1330.1552	Building Licence Fees		100,000

CARRIED BY ABSOLUTE MAJORITY 11/0

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

AGAINST: Nil.

13.4 INFRASTRUCTURE

13.4.1 TELSTRA CORPORATION LIMITED - PROPOSED TELECOMMUNICATION MONOPOLE AND EQUIPMENT SHELTER LEASE - PORTION LOT 241 KELVIN ROAD, ORANGE GROVE (*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 PLANNING AND SUSTAINABILITY

13.5.1 PROPOSED AMENDMENT NO. 60 TO TOWN PLANNING SCHEME NO. 6 – FINALISATION AND PROPOSED OUTLINE DEVELOPMENT PLAN – YULE BROOK PRECINCT 1, BECKENHAM

Author:	R Hall
Reference:	Town Planning Schemes and Amendments and Outline Development Plan – Yule Brook Precinct 1, Beckenham
Application No:	PF06/00003 and PF06/00004
Applicant:	The Planning Group
Owner:	Various
Location:	Yule Brook
Zoning: MRS:	Urban
TPS No. 6:	Residential R17.5
Review Rights:	<ul style="list-style-type: none">• Nil for the Scheme amendment, however, final determination is with the Minister for Planning and Infrastructure.• Yes for the Outline Development Plan, to the State Administrative Tribunal or the Western Australian Planning Commission against any discretionary decision of Council.
Area:	12.29 ha
Previous Ref:	OCM 12 September 2006 (Resolution 459-461)
Appendices:	13.5.1A Proposed Yule Brook Precinct 1 – Outline Development Plan as advertised
	13.5.1B Proposed Yule Brook Precinct 1 – Outline Development Plan with modifications
	13.5.1C Scheme Amendment Map

PURPOSE OF REPORT

For Council to consider:

- i) adopting the proposed Yule Brook Precinct 1 Outline Development Plan (ODP) with or without modifications
- ii) final adoption of Amendment No. 60 to Town Planning Scheme No. 6 (TPS 6), to rezone the land bounded by Roe Highway, Kenwick Link, Ladywell Street and Brookland Street, Beckenham from Residential R17.5 to Residential Development.

BACKGROUND

Council at its meeting on 12 September 2006 resolved (Resolution 459) to adopt Amendment No. 60 to TPS 6 for the purpose of rezoning the land bounded by Roe Highway, Kenwick Link, Ladywell Street and Brookland Street, Beckenham from Residential R17.5 to Residential Development. Council also resolved (Resolution 460) to refer the amendment to the Environmental Protection Authority for comment and to advertise it for public comment.

Council at its meeting on 12 September 2006 also resolved (Resolution 461) that the proposed Yule Brook Precinct 1 ODP, as contained in Appendix 13.5.1A, was satisfactory for the purposes of advertising, subject to the ODP amendment documentation being modified to the satisfaction of the Director, Planning and Sustainability to address the following:

1. Cost sharing arrangements for the upgrading of development infrastructure
2. POS cash-in-lieu provisions
3. Options for screening Roe Highway and the elevated road infrastructure adjacent to the subject land
4. Opportunities to improve the pathway linkages between the ODP area and the abutting Principal Shared Path within the Roe Highway reserve

Proposed Amendment No. 60

In accordance with Council's Resolution 460 from 12 September 2006 Amendment No. 60 was referred to the Environmental Protection Authority (EPA) for comment prior to being publicly advertised. The EPA determined that no environmental assessment or comment was required.

Proposed Yule Brook Precinct 1 ODP

The proposed ODP was required to be amended to reflect and satisfy Council's Resolution 461 from its meeting of 12 September 2006 to address the four points (previously mentioned in 'Background') prior to being advertised. The following provides details on how the four points were addressed:

Point 1:

City Planning staff requested the applicant provide a table that identifies:

- the common infrastructure required to facilitate development in the subject area
- the costs of the common infrastructure as listed above
- who will provide the common infrastructure
- when the common infrastructure will be provided

The City requested these details to enable an appropriate assessment of the infrastructure required to facilitate development within the ODP area.

On 11 December 2006 a list of infrastructure required to facilitate development in the ODP area was provided. Based on discussions with the applicant and the consulting engineer on 1 November 2006, City staff consider that a development contribution arrangement (pursuant to Schedule 12 of TPS 6) will be required to facilitate the orderly and proper subdivision and development of the area. This is primarily due to the expense, size and co-ordination required for the upgrade of Ladywell Street and installation of arterial drainage in the ODP area, which cannot be achieved through the normal subdivision process alone.

The development contribution arrangement will need to be introduced by an amendment to the City's TPS 6.

The documentation provided is sufficient to satisfy the requirements of Point 1 of the above Council resolution.

Point 2:

City staff required additional text to be included in the ODP documentation in relation to Public Open Space (POS) to satisfy the requirements of Point 2 of Council's resolution.

The City requested a table to identify the properties that would:

- be required to contribute land for POS and the amount of land to be contributed
- not be contributing POS on subdivision as they will not yield three or more lots
- be required to contribute a cash in lieu of POS payment to the City
- be required to contribute both land and cash

This information has been provided in the ODP documentation and will enable landowners to identify the POS contributions associated with subdivision of their land. Therefore Point 2 of Council's resolution has been satisfied.

Point 3:

City staff advised the applicant that the ODP documentation would need to outline available options for screening Roe Highway and other adjacent road infrastructure, by way of noise walls, landscaping and the like, along with details of who will install this screening and when and for the location of the various screening options to also be reflected on the ODP plan itself.

The applicant has since revised the ODP text to reflect the necessary changes and has indicated on the ODP where landscaping will screen Kenwick Link, the pumping station and Roe Highway and the 2.8m high noise wall where visible from the public domain. For the most part, the noise wall on the boundary of private lots will provide a screen to Roe Highway and other associated road infrastructure and will merely form the back fence of private lots which each landowner will landscape in due course.

The revised documentation and changes to the plan satisfy Point 3 of Council's resolution.

Point 4:

City staff informed the applicant that to fulfill this requirement the ODP report and plan would need to identify where shared paths will be provided within the ODP area and how they will connect with the principal shared path in the Roe Highway reserve.

This has been indicated on the plan where the opportunities to improve the pathway linkages between the ODP area and the existing principal shared path are located. The plan shows a 2m wide shared path connecting onto the Roe Highway Principal shared path both via the central drain and at Brookland Street. The 2m wide path has also

been extended through the central POS reserve to provide all lots with a reasonable and direct access on to the Roe Highway path.

The revised documentation and changes to the plan satisfy Point 4 of Council's resolution.

On 10 January 2007 the City informed the applicant that the revised ODP documentation satisfies resolution 461 of Council's meeting on 12 September 2006 and that the proposal would be advertised for public comment.

Public Consultation

This section will deal firstly with the advertising of Amendment No. 60 to TPS 6 and secondly with the proposed Yule Brook Precinct 1 ODP.

Amendment No. 60

Following receipt of the EPA's determination, the proposal was advertised for 42 days by way of a sign at the intersection of Ladywell Street and Brookland Street, a newspaper advertisement in two newspapers circulating throughout the state and locally and letters to surrounding landowners within a 100m radius of the amendment area and overall land that is subject to the Yule Brook ODP in accordance with Council Policy No. 6.1.1.4. A total of six submissions were received in relation to Amendment No. 60 comprising four non-objections, one objection and one comment on the proposal. A summary of submissions received and staff comments thereon are included in the Schedule of Submissions below.

Schedule of Submissions

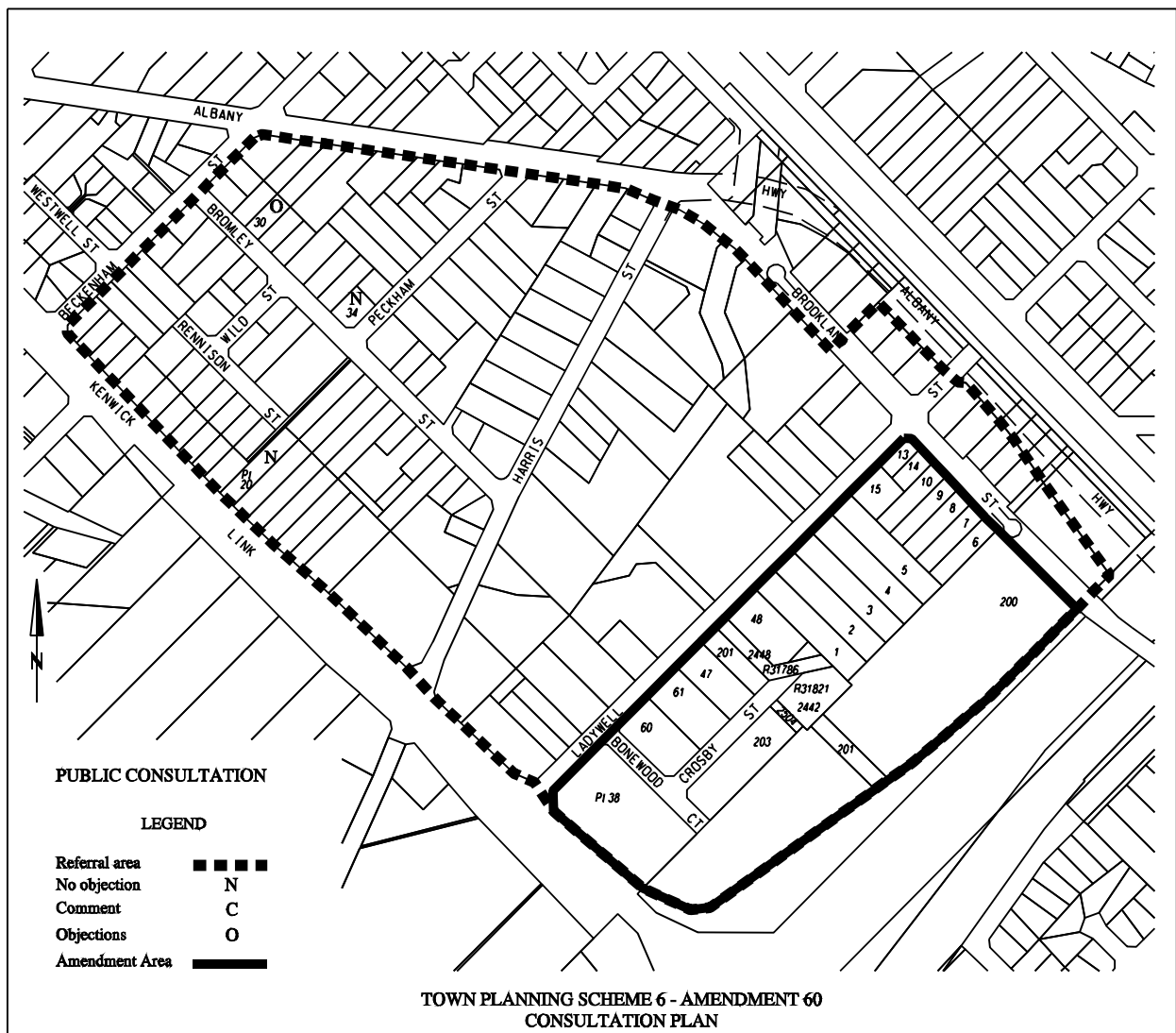
1	Name and Postal Address: S Jones 8 Bromley Street Beckenham WA 6107	Affected Property: 8 (Lot 30) Bromley Street Beckenham
Summary of Submission		Staff Comment
Object to the proposal		Noted.
1.1	Objects to high density because it will ruin the character of the area and lead to a higher crime rate.	The proposed Town Planning Scheme Amendment No. 60 does not propose high density. The amendment will, however enable the affected land to be subdivided and developed to the higher densities shown on the proposed Yule Brook Precinct 1 ODP. There is no evidence to suggest this scheme amendment will lead to a higher crime rate.
1.2	Concerned that the Yule Brook will be affected by the subsequent development and is unsure whether or not the existing drainage will be upgraded or made worse.	The drain within the subject area that feeds into the Yule Brook will actually be improved, thereby reducing erosion and pollution of the Brook by increasing the infiltration into the designated Public Open Space area on the proposed Yule Brook Precinct 1 ODP.

2	Name and Postal Address: S Colombini 9 Smythe Street Rockingham WA 6168	Affected Property: 62 (Lot 40) Wimbledon Street Beckenham
Summary of Submission		Staff Comment
No objection to the proposal		Noted.
3	Name and Postal Address: P A Synnerdahl 17 Morton Loop Canning Vale WA 6155	Affected Property: 25 (Lot 34) Peckham Street Beckenham
Summary of Submission		Staff Comment
No objection to the proposal		Noted.
The area is well located due to its location to Perth, Carousel and major services.		Noted.
4	Name and Postal Address: Alinta PO Box 8491 Perth BC 6849	
Summary of Submission		Staff Comment
Comment on the proposal		
4.1 All work carried out on Alinta's existing network to accommodate the proposed subdivision or any development will be at the proponents' expense.		Noted.
4.2 One month notice is required prior to the commencement of work on site to the Project Coordinator on 9499 5166.		Noted.
5	Name and Postal Address: Water Corporation PO Box 100 Leederville WA 6902	
Summary of Submission		Staff Comment
No objection to the proposal		
5.1 All design calculations and plans for the drainage of this area will have to meet Water Corporation's standards. This includes the provision of a 1,200mm pipe along Ladywell Street and where possible, retention of storm water on site.		Noted. This will be addressed at the subdivision stage.
5.2 The Water Corporation advises the presence of Acid Sulphate Soils (ASS) within the subject area. Disturbance of ASS may have adverse changes to the quality of the groundwater and nearby waterways, leading to acidification of the water and damage to existing infrastructure resulting in increased development and maintenance costs. It is recommended for the developer to have management procedures in place to prevent the potentially unacceptable impacts associated with the disturbance of ASS.		Noted. This will be addressed at the subdivision stage.

Summary of Submission	Staff Comment
5.3 The Water Corporation advises that the principle for funding subdivision and development is one of user pays and the developer is expected to provide all water and sewerage reticulation, contribute to head works and fund new works for the increased demand resulting from development.	Noted.

6	Name and Postal Address: Main Roads Western Australia PO Box 6202 East Perth WA 6892
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Summary of Submission	Staff Comment
No objection to the proposal	Noted.



Yule Brook Precinct 1 ODP

In accordance with Council's Resolution 461 from 12 September 2006, the proponent submitted a revised ODP incorporating the modifications required by Council, which was considered satisfactory for advertising by the Director Planning and Sustainability on 10 January 2007. The revised ODP was subsequently advertised for public comment, concurrently with Amendment No. 60, for 42 days by way of a sign at the intersection of Ladywell Street and Brookland Street, a newspaper advertisement in two newspapers circulating throughout the state and locally and letters to surrounding landowners within a 100m radius of the amendment area and overall land that is subject to the Yule Brook ODP in accordance with Council Policy No. 6.1.1.4. A total of four submissions were received in relation to the proposed ODP, comprising two non-objections and two comments on the proposal. A summary of submissions received and staff comments thereon are included in the Schedule of Submissions below.

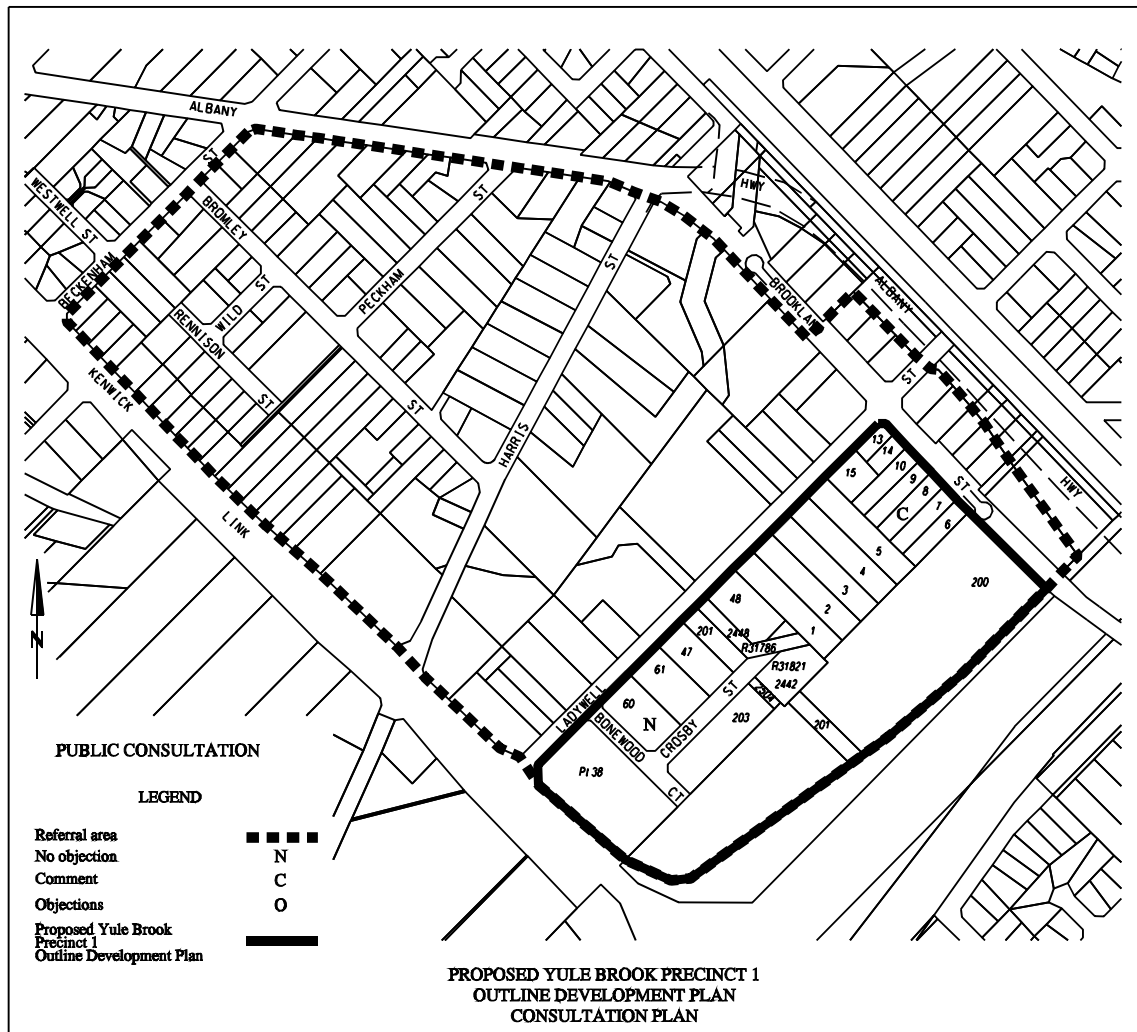
Schedule of Submissions

1	Name and Postal Address: G L Castles 15 Ladywell Street Beckenham WA 6107	Affected Property: 15 (Lot 60) Ladywell Street Beckenham
Summary of Submission		Staff Comment
No objection to the proposal		Noted.

2	Name and Postal Address: D Freeman 31 Brookland Street Beckenham WA 6107	Affected Property: 31(Lot 8) Brookland Street Beckenham
Summary of Submission		Staff Comment
Comment on the proposal		
2.1 Concerned about the implications of the planned road at the rear of their lot.		Noted.
<ul style="list-style-type: none"> • Will this road require any acquisition of land? • Will this road require any monetary contribution to its building cost? • Will landowners be forced to pay for a new fence if the rear boundary is moved to accommodate the road? 		<p>No, the land required for the road will have to be given up when the landowner chooses to subdivide.</p> <p>Yes. The road will need to be constructed by the landowner if and when they seek to subdivide or develop the land. This requirement will be imposed as a condition of subdivision or development approval.</p> <p>The rear boundary will not be moved unless the landowner wishes to subdivide or develop the land.</p>
2.2 Concerned about the increase in local traffic at the intersections of Brookland Street and Ladywell Street and Albany Highway.		Brookland Street, Ladywell Street and Albany Highway are considered suitable to accommodate the increase in traffic generated by development in accordance with this proposal. A traffic study has been commissioned by the proponent of the ODP which indicates that one entry point via Ladywell Street to Albany Highway is able to service the increased traffic that development of the area will generate.
2.3 Concerned about the required power and water infrastructure upgrades and how this will be paid for.		Essential infrastructure costs will be borne by those who develop their land.

3	Name and Postal Address: Water Corporation PO Box 100 Leederville WA 6902	
Summary of Submission		Staff Comment
<p>No objection to the proposal</p> <p>3.1 All design calculations and plans for the drainage of this area will have to meet Water Corporation's standards. This includes the provision of a 1,200mm pipe along Ladywell Street and where possible, retention of storm water on site.</p> <p>3.2 The Water Corporation advises the presence of Acid Sulphate Soils (ASS) within the subject area. Disturbance of ASS may have adverse changes to the quality of the groundwater and nearby waterways, leading to acidification of the water and damage to existing infrastructure resulting in increased development and maintenance costs. It is recommended for the developer to have management procedures in place to prevent the potentially unacceptable impacts associated with the disturbance of ASS.</p> <p>3.3 The Water Corporation advises that the principle for funding subdivision and development is one of user pays and the developer is expected to provide all water and sewerage reticulation, contribute to head works and fund new works for the increase demand resulting from development.</p>		<p>Noted. This will be addressed at the subdivision stage.</p> <p>Noted.</p> <p>Noted.</p>

4	Name and Postal Address: Alinta PO Box 8491 Perth BC 6849	
Summary of Submission		Staff Comment
<p>Comment on the proposal</p> <p>4.1 All work carried out on Alinta's existing network to accommodate the proposed subdivision or any development will be at the proponent's expense.</p> <p>4.2 One month notice is required prior to the commencement of work on site to the Project Coordinator on 9499 5166.</p>		<p>Noted.</p> <p>Noted.</p>



DISCUSSION

Modifications to the Proposed Yule Brook Precinct 1 ODP

Staff have made minor modifications to the advertised ODP as contained in Appendix 13.5.1B. A description and comment of the modifications has been provided below:

Alteration made		Reason/Comment
1.	Correction of a typographical error of the word Dual.	To provide a correct spelling.
2.	Depiction of all paths required in the ODP area.	Paths are shown to clearly identify their location.
3.	Modified the design of the proposed noise wall at the designated Pedestrian Access Way.	The noise wall is to follow the lot boundaries to increase permeability and passive surveillance of the accessway.
4.	Areas of land which require further Detailed Area Planning have been shaded in place of using asterisks.	Shading areas of land makes the requirement of further Detailed Area Planning clearer than the use of asterisks.

Alteration made		Reason/Comment
5.	The lots in Brookland Street that are within the Home Based Business 'precinct' have the requirement for further Detailed Area Planning removed.	It is anticipated that the existing housing stock will provide a suitable basis for future home based businesses and therefore not necessitate further detailed planning.

CONCLUSION

Amendment No. 60 to TPS 6 will provide greater flexibility for planning and development in Yule Brook Precinct 1 and will ultimately lead to the appropriate implementation of an ODP. A "Residential Development" zone is the most appropriate method to progress the orderly and proper planning of the subject land. This is the same planning approach used successfully by the City for the planning residential development of Canning Vale and Southern River.

The proposed Precinct 1 ODP with modifications provides a framework for orderly and proper planning within the Yule Brook "Large Lot" ODP precinct and satisfies all of the City's requirements.

It will therefore be recommended that Council adopt Amendment No. 60 to TPS 6 and adopt the Yule Brook Precinct 1 ODP shown in Appendix 13.5.1B.

FINANCIAL IMPLICATIONS

Nil.

STAFF RECOMMENDATION (1 of 2) AND COUNCIL RESOLUTION

154 Moved Cr R Croft Seconded Cr P Wainwright

That Council, pursuant to Town Planning Regulation 17(1), note the submissions received and endorse the staff comments in response to those submissions and pursuant to Town Planning Regulation 17(2)(a), adopt Amendment No. 60 to TPS 6 for the purpose of rezoning Lots 1-5, 15, Pt 38, 47, 48, 2001, 60 and 61 Ladywell Street, Lots 6-10, 13, 14 and 200 Brookland Street, Lot 203 Bonewood Court, Reserves 31786 and 31821 and portion of the Bonewood Court and Crosby Street Road Reserves, Beckenham from "Residential R17.5" to "Residential Development", as depicted in Appendix 13.5.1C.

CARRIED 11/0

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

AGAINST: Nil.

STAFF RECOMMENDATION (2 of 2) AND COUNCIL RESOLUTION
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155 Moved Cr R Croft Seconded Cr P Wainwright

That Council, pursuant to clause 7.4.7(a) of Town Planning Scheme No. 6 note the submissions received in respect of the proposed Yule Brook Precinct 1 Outline Development Plan and endorse the staff comments in response to these submissions and adopt the modified plan as contained in Appendix 13.5.1B, and refer it to the Western Australian Planning Commission for approval in accordance with clause 7.4.9 of the Scheme.

CARRIED 11/0

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

AGAINST: Nil.

13.5.2 AMENDMENT NO. 69 TO TOWN PLANNING SCHEME NO. 6 – FINALISATION - REZONING OF 168 (LOT 101) HOMESTEAD ROAD, GOSNELLS FROM RESIDENTIAL R17.5 TO RESIDENTIAL R30

Author: A Lefort
Reference: 222783
Application No: PF06/00008
Applicant: Dykstra Planning
Owner: David Western
Location: 168 (Lot 101) Homestead Road, Gosnells
Zoning: MRS: Urban
TPS No. 6: Residential R17.5
Review Rights: Nil, however final determination is with the Minister for Planning and Infrastructure
Area: 8,095m²
Previous Ref: OCM 28 November 2006 (Resolutions 588 and 589)
Appendix: Nil

PURPOSE OF REPORT

For Council to consider final adoption of Amendment No. 69 to Town Planning Scheme No. 6 (TPS 6) to recode 168 (Lot 101) Homestead Road, Gosnells from Residential R17.5 to Residential R30.

BACKGROUND

The proposed recoding of Lot 101 from R17.5 to R30 is likely to facilitate the development of 21 grouped dwellings on the site.

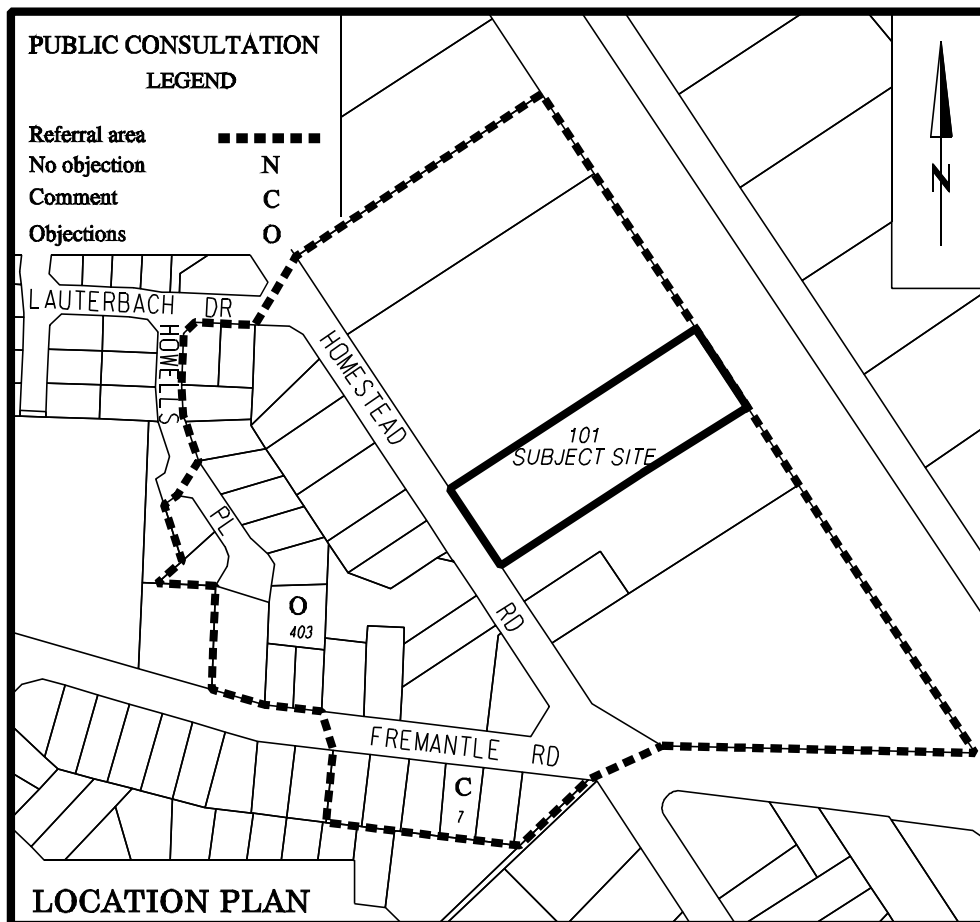
Council at its meeting on 28 November 2006 resolved (Resolutions 588 and 589) to adopt Amendment No. 69 to recode Lot 101 from R17.5 to R30 and to refer the amendment to the Environmental Protection Authority (EPA) for comment and then advertise it for public comment.

Consultation

In accordance with Council's Resolution 589 from 28 November 2006, the amendment was referred to the EPA for comment. The EPA determined that the assessment did not require further environmental assessment. The amendment was subsequently advertised by way of a newspaper advertisement, a sign on site and letters to surrounding landowners. Two submissions (one objecting to the proposal and one commenting on the proposal) were received. A summary of the submissions received and staff comments thereon are provided in the Schedule of Submissions below:

Schedule of Submissions

1	Name and Postal Address: G Francis 16 Howells Place Gosnells WA 6110	Affected Property: 16 (Lot 403) Howells Place Gosnells
Summary of Submission		Staff Comment
Object to the proposal		
1.1	I was told two years ago that Gosnells Council would not support spot rezoning.	Council can consider any proposal to rezone/ rezone land based on its individual merit. The planning justification for staff supporting, and Council ultimately adopting, Amendment No. 69 was included in the staff report to the Council meeting on 28 November 2006.
1.2	Believes that R30 is ludicrous and R20/25 is more appropriate as this area does not fall within the requirements to meet R30 density as it has no access across the railway tracks to the shopping precinct.	The proposal has demonstrated that its proximity to a range of services and facilities provides sufficient justification for the R30 density. This justification was outlined in the staff report to the Council meeting on 28 November 2006.
2	Name and Postal Address: F Parkinson 34 Fremantle Road Gosnells WA 6110	Affected Property: 34 (Lot 7) Fremantle Road Gosnells
Summary of Submission		Staff Comment
Comment on the proposal		
2.1	Concerned about the age of the new residents in the area. Expressed that there would be no problem if they were mature aged, but do not need anymore young drivers in the area.	Should the rezoning be gazetted and residential development occur, the age of potential residents of any future housing is not known and is not a valid planning consideration. This is not a proposal for the development of aged persons' housing, it is a proposal to increase the residential density of the property.
2.2	Concerned about the traffic safety at the intersection of Fremantle and Homestead Roads.	It is considered that the proposal, which may result in a maximum of 20 additional dwellings, would not create any traffic issues for the intersection of Fremantle and Homestead Roads.
2.3	Expressed general concerns about anti-social behaviour of youth in the area.	Noted, however, these comments are not valid in relation to the proposal.
2.4	Concerned that existing services could be compromised by an increase in population in the area.	The recoding and subsequent R30 residential development of the lot is in no way expected to compromise existing services or infrastructure in the area. If any infrastructure upgrades are required to cater for the resultant development then the developer will need to pay for such upgrade.



DISCUSSION

Strategic Context

Although the lot is not identified in the Local Housing Strategy (LHS) for a possible increase in density, it is located close to the range of services and facilities available in the Gosnells Town Centre. While the LHS provides a framework for increasing residential densities in the district, it does not prevent Council from increasing residential densities in areas not contemplated by the LHS, based on the individual merits of the proposal.

The subject site is within 400m of a range of services and facilities within the Gosnells Town Centre, such as the shopping centre, hotel, markets and is within the 800m walkable catchment of the Gosnells railway station. It is considered that this provides a sound planning basis for the proposed density increase.

CONCLUSION

It is recommended that Amendment No. 69 be finalised because:

- No substantial objections were raised during the advertising period

- This proposal represents a flexible approach to the implementation of Council's LHS and recommendations
- The subject land enjoys a level of accessibility to services and functions that warrants development at the R30 density

FINANCIAL IMPLICATIONS

Nil.

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

156 Moved Cr D Griffiths Seconded Cr J Brown

That Council pursuant to Town Planning Regulation 17(1), note the submissions received and endorse the responses to those submissions prepared by Council staff and, pursuant to Regulation 17(2) adopt Amendment No. 69 to Town Planning Scheme No. 6 and forward it to the Western Australian Planning Commission for final approval without modification, for the purpose of recoding 168 (Lot 101) Homestead Road, Gosnells from Residential R17.5 to Residential R30.

CARRIED 11/0

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

AGAINST: Nil.

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

157 Moved Cr D Griffiths Seconded Cr J Brown

That Council advise those persons who made submissions during the advertising of Amendment No. 69 to Town Planning Scheme No. 6 of its decision to adopt the amendment for final approval.

CARRIED 11/0

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

AGAINST: Nil.

13.5.3 TOWN PLANNING SCHEME AMENDMENT, PROPOSAL TO INITIATE AMENDMENT NO. 75 TO TOWN PLANNING SCHEME NO. 6 TO MODIFY THE BOUNDARY OF A LOCAL OPEN SPACE RESERVE ON TOWNCENTRE DRIVE, THORNLIE AND REZONE A PORTION OF LOT 9005 TOWNCENTRE DRIVE, THORNLIE FROM RESIDENTIAL R30 AND DISTRICT CENTRE TO RESIDENTIAL R80

Author: A Lefort
Application No: PF07/00013
Applicant: Greg Rowe and Associates
Owner: Don Russell Group
Location: Various Lots
Zoning: MRS: Urban
TPS No. 6: Residential R30, Local Open Space and District Centre
Review Rights: Nil
Area: Approximately 14.7ha
Previous Ref: 13 April 1999 (Resolution 222)
13 October 1998 (Resolution 1879)
Appendices: 13.5.3A Existing TPS 6 Zoning Map
13.5.3B Proposed TPS 6 Zoning Map

PURPOSE OF REPORT

For Council to consider initiating an amendment to Town Planning Scheme No. 6 (TPS 6), to modify the boundary of a Local Open Space reserve on Towncentre Drive, Thornlie, and rezone a portion of Lot 9005 Towncentre Drive, Thornlie from Residential R30 and District Centre to Residential R80.

BACKGROUND

Proposal

Greg Rowe and Associates, on behalf of the Don Russell Group, has submitted a proposal to amend TPS 6, by:

- Modifying the boundary of the Local Open Space reserve located between Towncentre Drive and Murdoch Road to reflect the existing and proposed parkland area
- Zoning existing residentially developed lots within the current Local Open Space reserve (south of the parkland) as Residential R30 reflecting their actual and surrounding density
- Rezoning approximately 3ha of Lot 9005 from Residential R30 and District Centre to Residential R80. The applicant has indicated that this density would enable the owner to submit an application to Council in the future to develop a combination of three and four storey multiple dwelling/apartment style buildings abutting the shopping centre site and overlooking the public open space and several single residential R60 lots with rear laneways abutting Murdoch Road and other future subdivision roads

Site Description

The subject land is bounded by Murdoch Road to the north, Towncentre Drive to the south and Forest Lakes Forum Shopping Centre to the east. The land contains an existing park with pedestrian pathway, drainage basin (artificial lake) and a playground. Land to the north of the park area abutting Murdoch Road is vacant and contains scattered sparse vegetation which is planned for future residential development. Residential subdivision and development has recently occurred to the south of the park area with a road network in place and several houses currently under construction.



Site History

- According to the Council Minutes of 13 April 1999, the current zonings and their configuration were put in place when the Forest Lakes area was first developed and the land was rezoned from Rural to allow subdivision to occur. The zonings and boundaries accorded with the subdivisional plan and development proposals approved by Council at the time
- Council's previous Town Planning Scheme No. 1 (TPS 1) was amended to rezone the entire subject site (formerly Pt Lot 11 Towncentre Drive) from Residential B and Parks and Recreation to Residential R30 (Amendment No. 511). It was intended that Public Open Space (POS), whilst still required, would be ceded when subdivision took place and the main reason justifying the rezoning was that it would provide more flexibility in the ultimate subdivision because zones would not be "locked in". The rezoning was finalised at Council's meeting held on 13 April 1999 and gazetted on 1 June 1999
- When Town Planning Scheme No. 6 (TPS 6) was gazetted on 15 February 2002, replacing TPS 1, the revised zoning was not carried across and a mapping error appears to have caused the TPS 6 scheme map to revert back to the pre-scheme amendment zoning which depicts an area of approximately 2.7ha zoned Local Open Space with the remainder of the land zoned Residential R30
- A Subdivision application (Reference No. 109117) which proposed to subdivide the entire site was approved by the Western Australian Planning Commission (WAPC) on 5 March 1999 and required 2.5ha of POS and drainage, of which a minimum of 1.5ha was to be allocated for useable open space. This subdivision was never enacted and expired on 5 March 2002
- Subdivision approvals for Stage 1 and 2 (Reference Nos. 126530 and 128229), which proposed residential subdivision on the southern portion of the subject land were issued by the WAPC on 3 December 2004 and 28 March 2006 respectively. Both applications have been endorsed and lots have been created, with 25 residential lots on Wiltshire Avenue and Claridge Circle inadvertently falling within the Local Open Space reservation and District Centre zoning

DISCUSSION

Local Open Space

A portion of the land currently reserved Local Open Space is being used as a park and maintained by the City but is still privately owned. The remaining portion of the current Local Open Space land consists of 25 residential lots and public roads. Council minutes from 13 October 1998 refer to the subject Local Open Space area and state that:

"This land is zoned Parks and Recreation, in a configuration that was set by previous structure planning and subdivision design which is no longer current."

According to Council's records, there was no previous formal structure plan for the area, but initial subdivision designs for the area required all future parks to be rezoned and shown on the Town Planning Scheme Map.

The proposed modification to the boundary of the Local Open Space reservation results in a total Public Open Space area of 2.06 hectares which consists of 1.5ha useable open space and 0.35ha for the artificial lake/drainage basin. The artificial lake is actually 0.56ha in size, but in accordance with WAPC Policy DC 2.3, up to 20% can be used as a credit in POS calculations. The applicant has argued that 10% of the total subdivisional area is 1.76ha and therefore the landowner is providing more than the 10% open space that is typically required for residential subdivision. However, Council's records do not provide sufficient information to confirm that the area of Public Open Space originally required by the WAPC in subdivision 109117 was just for the subject portion of land and not for a the greater area in Forest Lakes.

Residential R80 Density

A small portion of Lot 9005 Towncentre Drive (approximately 1,350m²) is currently zoned District Centre and this amendment proposes to rezone this 1,350m² portion plus an additional 9,500m² of the site from Residential R30 to Residential R80.

The applicant has provided the following justification for the R80 density:

- The developer's objective for the Forest Lakes Mixed Use Centre is to incorporate a variety of activities including commercial, civic and residential
- The residential component of the Forest Lakes Town Centre area has been developed with single houses and grouped dwellings at the R20-R30 density. A high density R80 development in the area is appropriate due to the close proximity to amenities, services and public transport links

Clause 5.8.4 of TPS 6 provides that where residential development is proposed in a commercially zoned area, Council is to have regard to a number of matters including the provisions of the Residential Design Codes (R-Codes) at the R80 density code and the objectives of the Scheme. However, due to the linear shape of the District Centre zoned portion of Lot 9005, development at the R80 residential density would not be possible. Application of an R80 density over the existing District Centre portion of Lot 9005 and rezoning an additional 9,500m² portion of Lot 9005 would facilitate a substantial R80 density development.

There are a number of sites around the City which have approval for or are currently being developed on commercially zoned sites at the R80 density. It should be noted that the proposed R80 area is not located within close proximity to any railway station, which has formed the main justification for areas identified as suitable for R60 in Council's Local Housing Strategy. However, the fact that the site abuts the Forest Lakes Forum District Centre which provides important shopping, entertainment and community facilities and major bus services is considered to provide sufficient justification for the proposed density increase. In addition, the applicant's argument for providing a range of housing densities and types in the area is considered to have reasonable merit.

CONCLUSION

The proposal is supported for the following reasons:

- A scheme amendment to TPS 1 to rezone the Local Open Space to Residential R30 was endorsed by the Western Australian Planning Commission and gazetted on 1 June 1999. It was previously Council's intention to deal with the shape of the public open space through subdivision applications. However, due to a mapping error the zoning was not carried over to TPS 6 when it replaced TPS 1 in 2002
- The modification of the boundary of the Local Open Space reserve area will reflect the true location of existing parkland areas. Also it will resolve the anomaly whereby 25 residential lots have currently been developed within a Local Open Space reserve
- The proposed R80 density on the northern portion of Lot 9005 abuts the existing District Centre and would provide an opportunity to increase the number of residents living within close proximity to services and amenities provided by the Forest Lakes Forum Shopping Centre and public transport links
- The proposed R80 density would provide the opportunity for multiple dwelling developments that would potentially increase the number of residents overlooking the public open space thus increasing passive surveillance

FINANCIAL IMPLICATIONS

All costs associated with the Scheme Amendment, including the documentation and advertising, will be borne by the applicant.

STAFF RECOMMENDATION (1 of 2) AND COUNCIL RESOLUTION
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158 Moved Cr R Mitchell Seconded Cr R Croft

That Council, pursuant to Section 75 of the Planning and Development Act 2005, adopt Amendment No. 75 to Town Planning Scheme No. 6 for the purpose of modifying the boundary of land zoned Local Open Space and rezoning a portion of Lot 9005 Towncentre Drive, Thornlie from Residential R30 and District Centre to Residential R80 as shown in Appendices 13.5.3A and 13.5.3B.

CARRIED 11/0

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

AGAINST: Nil.

STAFF RECOMMENDATION (2 of 2) AND COUNCIL RESOLUTION

159 Moved Cr R Mitchell Seconded Cr R Croft

That Council forward Amendment No. 75 to Town Planning Scheme No. 6 to:

- i) The Environmental Protection Authority (EPA) for comment, pursuant to Section 81 of the Planning and Development Act 2005; and
- ii) The Western Australian Planning Commission for information;

and subject to no objections being received from the Environmental Protection Authority, the amendment being advertised for comment pursuant to Regulation 25(2) of the Town Planning Regulations for a period of 42 days to the satisfaction of the Director Planning and Sustainability.

CARRIED 11/0

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

AGAINST: *Nil.*

13.5.4 PROPOSED MODIFICATION TO SOUTHERN RIVER PRECINCT 2 OUTLINE DEVELOPMENT PLAN

Author:	L Gibson
Reference:	Various
Application No:	PF07/00004
Applicant:	Roberts Day
Owner:	G Daws, T Emanuel and Daws and Sons Pty Ltd
Location:	Area bound by Furley Road, Southern River Road, Holmes Street and Balfour Street, Southern River
Zoning: MRS:	Urban
TPS No. 6:	Residential Development
Review Rights:	Yes. State Administrative Tribunal or the Western Australian Planning Commission against any discretionary decision of Council.
Area:	N/A
Previous Ref:	OCM 10 October 2006 (Resolution 512) OCM 26 April 2006 (Resolutions 180-182) OCM 14 February 2006 (Resolutions 36-38)
Appendices:	13.5.4A Adopted Southern River Precinct 2 Outline Development Plan 13.5.4B Proposed Modified Southern River Precinct 2 Outline Development Plan

PURPOSE OF REPORT

For Council to consider a proposed modification to the Southern River Precinct 2 Outline Development Plan (ODP) pursuant to Town Planning Scheme No. 6 (TPS 6).

BACKGROUND

Proposal

The proposal involves the following modifications to the Southern River Precinct 2 Outline Development Plan:

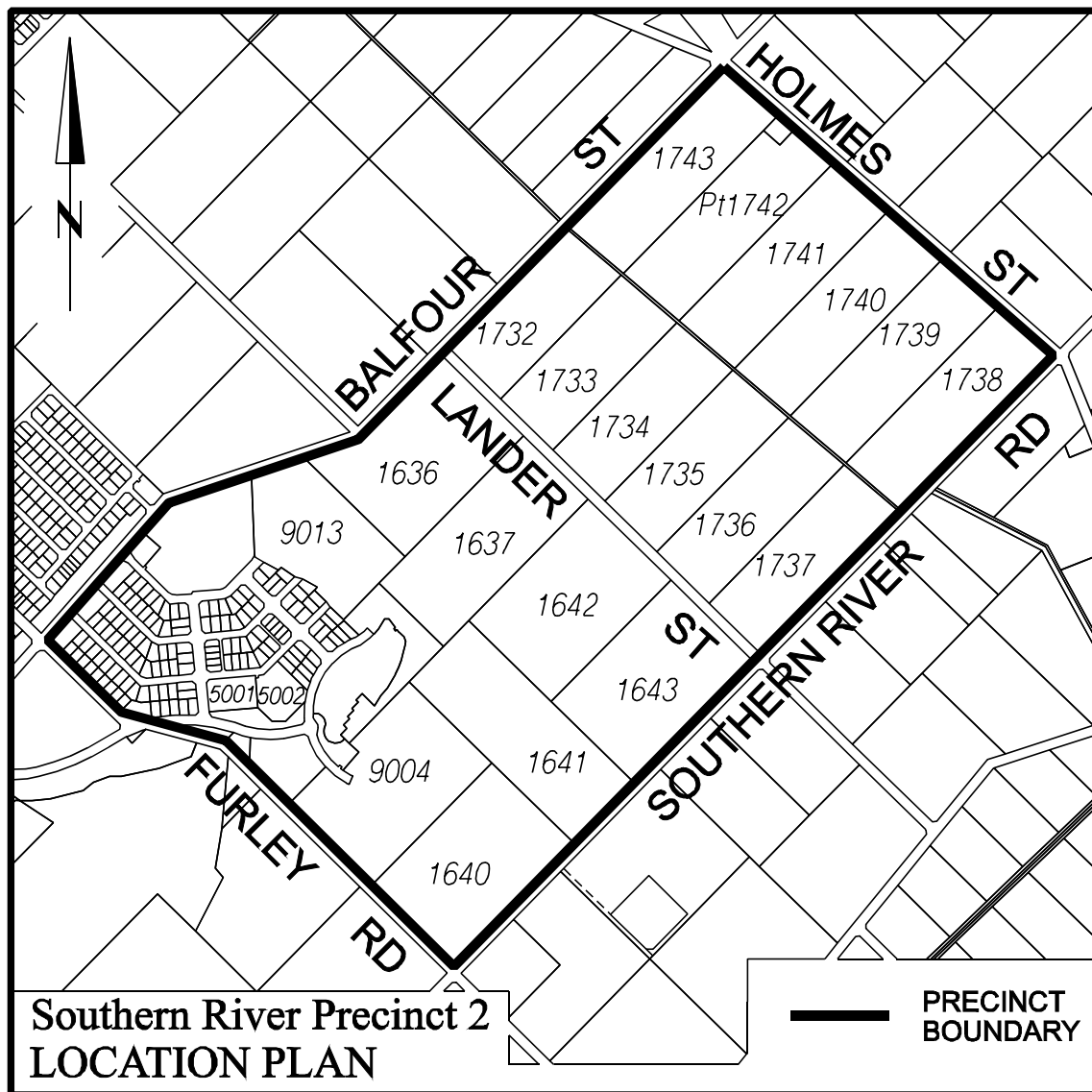
1. Deletion of the existing Mixed Business designation that is currently shown over Lots 1640 and 1641 Southern River Road and replacement with the Residential R20 designation.
2. Delineation of Lots 1736 and 1737 Lander Street and Lots 1738 and 1739 Holmes Street as "Subject to future planning", with the Outline Development Plan Principles being modified to include a notation stating that:

"Subdivision and development within the area hatched as "Subject to future planning" will not be supported until appropriate investigations have been undertaken to the City's satisfaction on the merits of relocating the "Mixed Business" designation previously shown on Lots 1640 and 1641 Southern River Road to within the hatched area; and, where Council determines that such designation should be included within the area that is "Subject to future planning" the ODP shall be amended accordingly."

3. A minor modification to the configuration of Lots 1640, 1641 and 1643 Southern River Road insofar as it relates to the location of the areas designated as Residential R30 and Local Open Space.
4. Recoding the areas of Lots 5001 and 5002 Daleford Way and Lot 1636 Balfour Street that are currently designated as Residential R40, to Residential R30.
5. Realigning the proposed subdivisional road and reconfiguring the proposed Local Open Space that is to be located on Lots 1640 and 9004 Furley Road.

Site Description

The Southern River Precinct 2 ODP applies to the area of land bound by Furley Road, Southern River Road, Holmes Street and Balfour Street, Southern River. The southwest portion of the ODP area has already been developed for residential purposes as part of the Bletchley Park estate, while the majority of the area is currently undeveloped.



DISCUSSION

Deletion of Existing Mixed Business Designation

The applicant is seeking to modify the Southern River Precinct 2 Outline Development Plan by deleting the existing Mixed Business designation that is currently shown over Lots 1640 and 1641 Southern River Road and replacing it with the Residential R20 designation. This is to allow the subject area to be developed for solely residential purposes. Following discussions with City staff, the applicant has also proposed that Lots 1736 and 1737 Lander Street and Lots 1738 and 1739 Holmes Street be delineated as "Subject to future planning", with the text of the Outline Development Plan Principles being modified to include the following notation:

"Subdivision and development within the area hatched as "Subject to future planning" will not be supported until appropriate investigations have been undertaken to the City's satisfaction on the merits of relocating the "Mixed Business" designation previously shown on Lots 1640 and 1641 Southern River Road to within the hatched area; and, where Council determines that such designation should be included within the area that is "Subject to future planning" the ODP shall be amended accordingly."

The purpose of the above notation is to give Council the surety that the planning merits of deleting or relocating the Mixed Business designation will be adequately investigated by the proponent prior to any subdivision and/or development occurring on Lots 1736 and 1737 Lander Street and Lots 1738 and 1739 Holmes Street. In this regard, City staff consider that the abovementioned area represents the most appropriate location for the potential future reinstatement of the Mixed Business designation, due to the existing Local Centre designation on Lots 1737 and 1738, and the potential for a consolidated commercial node at this location to enjoy greater viability than two separate commercial nodes. Furthermore, City staff consider that it may be advantageous for a Mixed Business designation to be located in close proximity to the Local Centre designation, as it would facilitate the development of Showrooms in that area, that would not otherwise be possible under the current ODP. This in turn would contribute to the commercial vibrancy of the Local Centre, once established.

City staff consider that the abovementioned approach is suitable as it preserves the opportunity to reinstate the Mixed Business designation in future while removing it from its current location to accommodate the staged development of residential lots in Bletchley Park.

Southern River/Forrestdale/Brookdale/Wungong District Structure Plan

The subject Mixed Business designation on the approved Southern River Precinct 2 ODP was originally depicted on the ODP to reflect the Southern River/Forrestdale/Brookdale/Wungong District Structure Plan (DSP). In this regard, it should be noted that the DSP provides very little guidance as to why the Mixed Business/Commercial designation was provided along each side of Southern River Road at its current location. Whilst the DSP does not provide specific justification relating to the location of the Mixed Business/ Commercial area, City staff consider that the land use allocation was intended to provide a transitional zone between the residential designation on the land to the west of Southern River Road and the light industrial designation on the land to the east of Southern River Road.

If the existing Mixed Business designation is deleted from the west side of Southern River Road, as proposed, the residential and mixed business designation would no longer “back on” to each other. By removing the Mixed Business designation from the ODP and replacing it with a residential designation, the interface will effectively be altered so that the uses are on opposite sides of Southern River Road. Such an interface is considered appropriate for the following reasons:

- The road reserve for Southern River Road is proposed to be widened to 32m, providing ample separation between the proposed residential designation west of Southern River Road and the Mixed Business/Industrial designation east of Southern River Road
- The proposed residential lots will not have direct frontage to Southern River Road, but rather will either ‘side’ onto that road (thereby reducing the visual impact of Mixed Business uses located on the other side of that road) or will front a parallel subdivisional road (which will effectively increase the separation distance between uses to a minimum of 44m)
- In the instance where the lots front a parallel subdivisional road, there will be sufficient opportunity to implement landscaping and other measures to further contribute to an appropriate streetscape

With regard to potential reinstatement of the Mixed Business designation in the vicinity of the proposed Local Centre, the DSP identifies the Southern River Road/Lander Street intersection as a Village Centre. The DSP also states that:

“Village centres and neighbourhood centres are proposed in accordance with the Liveable Neighbourhoods Community Design Code and would contain such retail, commercial and community facilities as would be appropriate based upon market requirements and demand.”

Based on the above, City staff consider that the proposal is consistent with the intent of the DSP insofar as it will provide the option to reinstate the Mixed Business designation in the vicinity of the proposed Local Centre, should it be appropriate, as determined by detailed investigations into (among other things) market requirements and demand.

Minor Modifications to ODP

In addition to the above modification to the existing Mixed Business designation, the proposal also involves the following changes to the Southern River Precinct 2 ODP:

- A minor modification to the configuration of Lots 1640, 1641 and 1643 insofar as it relates to the location of the areas designated as Residential R30 and Local Open Space
- Recoding the areas of Lots 5001 and 5002 Daleford Way and Lot 1636 Balfour Street that are currently designated as Residential R40, to Residential R30
- Realigning the proposed subdivisional road and reconfiguring the proposed Local Open Space that is to be located on Lots 9004 and 1640 Furley Road

With regard to the first dot point, the approved ODP facilitates the development of four areas of Residential R30 coded land that would have been capable of overlooking an area of Local Open Space. However, the proposed modification, if successful, will facilitate the development of two areas of Residential R30 coded land that will not directly overlook any Local Open Space. City staff consider that such a modification would still be consistent with the Local Housing Strategy which recommends provision of higher residential densities within close proximity to public transport facilities, community facilities, commercial/shopping facilities and areas of high amenity (such as local open space). In this regard, the subject R30 designations are proposed within 150m of the Local Open Space designation and direct line of sight, and as such, are consistent with the 'density based on accessibility' principles advocated by the Local Housing Strategy.

With regard to the second dot point, the proposed modification effectively recodes two areas of land currently identified as Residential R40, to R30. The proponent's justification for such modification is that they plan to develop land with lots ranging in size from 327m² to 516m² in area. At the current Residential R40 density, all lots over 440m² would maintain further development potential, thus potentially resulting in re-subdivision. By recoding the areas to Residential R30, it would still allow a minimum lot size of 270m², whilst eliminating the potential for lots over 440m² to be re-subdivided.

With regard to the third dot point, the proposed modification will result in a minor realignment of the proposed subdivisional road (between Castlewood Promenade and Furley Road) and the subsequent relocation of the proposed Local Open Space from the east side of the said subdivisional road to the west side. The proponent's rationale for the modification is to enable the ODP to be consistent with a subdivision design that has previously been lodged with the Western Australian Planning Commission.

City staff consider that the above proposed modifications are minor and will not compromise the orderly and proper planning of the area. The proposed modifications are therefore supported.

Statutory Process

With regard to the deletion of the existing Mixed Business designation from the approved ODP, Clause 7.5.1 of TPS 6 states that Council may adopt a minor change to or departure from an ODP if it is satisfied that the change or departure "does not materially alter the intent of the Outline Development Plan". In this regard, City staff believe the proposal will materially affect the intent of the ODP, which currently is to facilitate Mixed Business and Residential development on what is likely to be a prominent location in the future. As such staff consider that the proposal cannot be dealt with as a minor modification to the ODP and must therefore be dealt with in accordance with the procedures set out by Clause 7.4 of TPS 6.

Clause 7.4.2 of TPS 6 requires Council to determine if the proposed modification is satisfactory for advertising (with or without alterations).

Should Council determine that the proposed ODP modification is satisfactory for advertising, it is recommended the proposal be advertised for a period of 21 days, by way of written invitation to comment to all landowners within the Southern River Precinct 2 Outline Development Plan area and immediately opposite the ODP area on the eastern side of Southern River Road, in addition to an advertisement in a

newspaper circulating within the district. After the advertising period, all submissions will be summarised and collated in a report to Council to decide whether to adopt the ODP modification pursuant to Clause 7.4.7 of TPS 6 and forward it to the WAPC for determination.

CONCLUSION

The proposed modified Southern River Precinct 2 ODP (included as Appendix 13.5.4B) is not considered to compromise the orderly and proper planning of the area and is considered satisfactory for the purpose of advertising.

It is important to note that if Council determines that the proposal is satisfactory for advertising, it is in no way bound to adopt the plan when it is referred back to Council at the conclusion of the consultation period.

FINANCIAL IMPLICATIONS

Nil. All costs associated with advertising the proposed modified ODP will be borne by the applicant.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION

160 Moved Cr J Brown Seconded Cr D Griffiths

That Council, pursuant to clause 7.4.2(a) of Town Planning Scheme No. 6, determine that the proposed modified Southern River Precinct 2 Outline Development Plan (ODP), as contained in Appendix 13.5.4B is satisfactory for the purpose of advertising and is therefore to be advertised for public comment for a period of 21 days, to the satisfaction of the Director Planning and Sustainability, by way of written invitation to comment to all landowners within the Southern River Precinct 2 ODP area and immediately opposite the ODP area on the eastern side of Southern River Road, in addition to an advertisement in a newspaper circulating within the district.

CARRIED 11/0

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

AGAINST: Nil.

**13.5.5 DEVELOPMENT APPLICATION – TELECOMMUNICATIONS
INFRASTRUCTURE (MOBILE TELEPHONE BASE STATION) –
300 (LOT 241) KELVIN ROAD, ORANGE GROVE (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.

**13.5.6 CONSIDERATION OF REVOCATION OF PLANNING APPROVAL -
COMMERCIAL VEHICLE PARKING - 15 (LOT 4) VICTORIA ROAD,
KENWICK (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 third report in these Minutes.

13.5.7 DRAFT BIODIVERSITY CONSERVATION STRATEGY FOR WESTERN AUSTRALIA – SUBMISSION

Author: T Rees
Previous Ref: Nil
Appendix: 13.5.7A Submission on the State Government's draft "100 Year Biodiversity Strategy for Western Australia"

PURPOSE OF REPORT

For Council to consider a proposed submission on the State Government's draft "100 Year Biodiversity Strategy for Western Australia: Blueprint to the Bicentenary in 2029". A copy has been placed in the Councillors' Common Room.

BACKGROUND

The State Government has released for public comment its draft "100 Year Biodiversity Strategy for Western Australia: Blueprint to the Bicentenary in 2029". The strategy is proposed to provide a framework to guide action on biodiversity conservation and management in Western Australia. Phase one of the Strategy covers the period up to the bicentenary of the founding of the Swan River Colony in 2029.

The overall goal of the Strategy is to recover and conserve Western Australia's biodiversity within 100 years. It will focus on species and ecosystems currently under considerable pressure and on the verge of extinction. It will also aim to prevent the decline of biodiversity in ecosystems and landscapes that are currently in relatively good condition.

To achieve its objectives, the Strategy provides eight key strategic directions:

1. Building biodiversity knowledge and improving information management
2. Promoting awareness and understanding of biodiversity and related conservation issues
3. Engaging and encouraging people in biodiversity conservation and management
4. Improving biodiversity conservation requirements in natural resource use sectors
5. Enhancing effective institutional mechanisms and improving integration and coordination of biodiversity conservation
6. Establishing and managing the formal conservation reserve system
7. Recovering threatened species and ecological communities and managing other significant species/ecological communities and ecosystems
8. Conserving landscapes/seascapes for biodiversity through integrating on and off-reserve conservation and managing system-wide threats

DISCUSSION

The City's environmental staff from the Urban Regeneration Branch have reviewed the draft Strategy and support its overall objectives and direction. Specific staff comments on aspects of the Strategy that require further clarification and attention are included in the draft submission included as Appendix 13.5.7A.

Staff comments relate to stakeholder identification and consultation within the Strategy and also to institutional reform, bioregional planning and natural resource management coordination in the Strategy's Key Strategic Direction 5.

It will be recommended that Council endorse the draft submission contained in Appendix 13.5.7A as the City's submission on the State Government's draft 100 Year Biodiversity Strategy for Western Australia.

FINANCIAL IMPLICATIONS

There are no direct financial implications associated with this report.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION

161 Moved Cr R Hoffman Seconded Cr J Brown

That Council endorse the draft submission attached as Appendix 13.5.7A, as the City's submission on the State Government's draft "100 Year Biodiversity Strategy for Western Australia: Blueprint to the Bicentenary in 2029", and forward that submission to the Department of Environment and Conservation.

CARRIED 11/0

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

AGAINST: Nil.

The Mayor advised the meeting that Cr D Griffiths due to being a Council delegate to the South East Regional Energy Group (SEREG) had disclosed an Impartiality Interest in the following item in accordance with Regulation 34C of the Local Government (Administration) Regulations 1996.

13.5.8 SWITCH YOUR THINKING - INTELLECTUAL PROPERTY LICENCE AGREEMENT

Author: J Menzies
Previous Ref: OCM 23 May 2006 (Resolution 248)
Appendix: 13.5.8A Intellectual Property Licence Agreement – ***switch your thinking!***

PURPOSE OF REPORT

For Council to consider endorsing on behalf of the member Councils of the South East Regional Energy Group (SEREG) the Intellectual Property Licence Agreement drafted by solicitors Lewis, Blyth and Hooper to guide the expansion of the ***switch your thinking!*** brand to other Western Australian local governments.

BACKGROUND

The Cities of Armadale and Gosnells and the Serpentine Jarrahdale Shire have been working together since 1999 as the South East Regional Energy Group (SEREG) in the international Cities for Climate Protection™ (CCP) programme. The SEREG works to develop partnerships with business, industry and the community, to encourage energy efficient and waterwise behaviour, with the goal of reducing regional greenhouse gas emissions.

The comprehensive ***switch your thinking!*** programme was launched in June 2002 to enable SEREG Councils and their communities to implement measures that will save energy, water and operating costs, and reduce greenhouse gas emissions. The ***switch your thinking!*** brand was in return developed to ensure the programme was marketed and delivered under a recognisable and consistent brand that linked seemingly disparate projects and actions.

The programme has been strategically designed to engage the community in participating in achieving the regional emissions reduction target of 15% by the year 2010. The reduction target was established as part of SEREG Councils' participation in the CCP programme.

switch your thinking! has achieved significant recognition over the past 6 months, including:

- the National Environs Australia award for the most outstanding local government sustainability initiative in Australia
- the WA Environment Award for Local Government Leading by Example
- the WA Environment Award for Community Energy Efficiency

Due to the success of the ***switch your thinking!*** programme, SEREG has been approached by other Western Australian local governments seeking to use the ***switch your thinking!*** brand to help deliver environmental/behavioural change projects to their communities.

DISCUSSION

SEREG is keen to promote and grow the award winning ***switch your thinking!*** programme and identified the potential expansion of the brand as a Business Goal in the 2006/2007 – 2008/2009 SEREG Business Plan. The Business Plan was endorsed by Council at its meeting on 23 May 2006 (Resolution 248).

Under the endorsed Business Plan, other Western Australian local governments that licence the ***switch your thinking!*** brand from SEREG will receive the following:

1. Use of the ***switch your thinking!*** brand and logo to help deliver sustainability/greenhouse gas reduction related projects.
2. Opportunity to replicate ***switch your thinking!*** projects piloted by the SEREG, including:
 - Support from Regional Greenhouse Coordinator (RGC) with grant applications (ie previous grant submissions written by the RGC will be emailed through to other Councils upon request)
 - Access to SEREG's final reports and advice with regards to lessons learnt (ie reports will be emailed through to other Councils by the RGC upon request)
 - Opportunity to recruit local sponsors to help fund projects (to be pursued by individual Councils)
3. Special offers from ***switch your thinking!*** sponsors to promote to their community, such as Cool or Cosy rebates of up to \$300 on insulation and Solahart rebates of up to \$300 on solar hot water systems.
4. Marketing support, including:
 - Provision of brand and logo files in various electronic formats (ie files to be emailed through to other Councils by RGC once Intellectual Property Licensing Agreement has been signed)
 - Provision of artwork for billboard and tidy-bin advertising campaigns, or similar (ie artwork already on hand and previously used by SEREG throughout the region to be emailed through to other Councils by RGC)
 - Provision of a 12-week series of advertisements for local press (ie existing press series used by SEREG over the past 4-years to be emailed through to other Councils by RGC)
 - Funding opportunities explored and pursued, including preparation of grant applications on behalf of all Councils using the ***switch your thinking!*** brand, where appropriate, to assist in raising brand awareness etc.

5. Website support (www.switchyourthinking.com), including:
- Maintenance of the **switch your thinking!** website, including promotion of new **switch your thinking!** Councils (ie via logo link to individual Councils websites)
 - On-line registration facilities provided where appropriate (ie for Great Gardens workshops etc)
6. Technical support from RGC (via telephone) based on SEREG's experiences in relation to:
- Implemented and future projects
 - Funding opportunities, grants, and sponsorship
 - Marketing advice
 - Strategic initiatives such as street lighting

The Regional Greenhouse Coordinator will also seek to coordinate quarterly meetings involving all **switch your thinking!** Councils to assist with information transfer etc.

SEREG estimates that technical support provided by the RGC to other Councils taking on the **switch your thinking!** brand will account for no more than 5% of the RGC's time.

After considering investment in the brand and programme to date, SEREG engaged solicitors Lewis, Blyth and Hooper (LBH) to provide legal advice on issues relating to the proposed expansion of the **switch your thinking!** brand. LBH has drafted an Intellectual Property Licence Agreement (included as Appendix 13.5.8A) that will enable other selected Western Australian local governments to implement their own **switch your thinking!** campaigns under licence to the SEREG partner Councils.

The Licence Agreement covers all relevant licensing issues including Intellectual Property and Trade Marks, as well as general style guidelines.

The local governments currently seeking a licence for the **switch your thinking!** brand are:

- Town of Cambridge
- City of Nedlands
- City of Perth
- City of South Perth
- Town of Victoria Park

Under the licence agreement an annual contribution of \$5,000 per individual Council, or \$20,000 per regional group of Councils will be payable by the other local governments to the SEREG. The licensing fee will be reviewed by SEREG on an annual basis. In return, these Councils will be able to use the **switch your thinking!** brand and logo to promote energy and water efficiency initiatives to their communities.

It will be recommended that Council endorse the Intellectual Property Licence Agreement (included in Appendix 13.5.8A) as the means by which the use of the **switch your thinking!** brand may be licensed to other Western Australian local governments for approved purposes. An identical recommendation is being considered by each of the Councils of the City of Armadale and Serpentine Jarrahdale Shire, along with a recommendation for those Councils to agree to the City of Gosnells endorsing (signing) the Licence Agreement on behalf of the SEREG. This is necessary because SEREG itself is not an incorporated body or Regional Council and signing and applying the Common Seals of all three SEREG Councils to the Licence Agreement presents practical difficulties.

FINANCIAL IMPLICATIONS

The licensing of the **switch your thinking!** brand to other Western Australian local governments will generate income for the continued development and implementation of the **switch your thinking!** programme in the SEREG Councils.

Anticipated income, based on current expressions of interest by other Western Australian local governments, is \$25,000 per annum. LBH has advised that any income derived from the licensing of the **switch your thinking!** brand and programme is tax free.

STAFF RECOMMENDATION (1 of 2) AND COUNCIL RESOLUTION
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162 Moved Cr R Croft Seconded Cr R Hoffman

That Council endorse the Intellectual Property Licence Agreement, included as Appendix 13.5.8A, as the means by which the use of the **switch your thinking!** brand may be licensed to other Western Australian local governments for approved purposes, subject to such endorsement also being adopted by the Councils of the City of Armadale and Serpentine Jarrahdale Shire.

CARRIED 11/0

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

AGAINST: Nil.

STAFF RECOMMENDATION (2 of 2) AND COUNCIL RESOLUTION
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163 Moved Cr R Croft Seconded Cr R Hoffman

That Council endorse the signing and sealing of Intellectual Property Licence Agreements with other Western Australian local governments for the expansion of the **switch your thinking!** programme on behalf of the SEREG partners, the City of Armadale and Serpentine Jarrahdale Shire, subject to such endorsement also being adopted by the Councils of the City of Armadale and Serpentine Jarrahdale Shire.

CARRIED 11/0

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

AGAINST: Nil.

**13.5.9 ECONOMIC DEVELOPMENT AUSTRALIA BOARD MEETING –
NEWCASTLE, NEW SOUTH WALES, 13 JULY 2007**

Author: P White
Previous Ref: Nil
Appendix: Nil

PURPOSE OF REPORT

To seek Council approval for the Economic Development Manager, to attend an interstate board meeting of a newly formed national body, Economic Development Australia (EDA).

BACKGROUND

In late 2006 a professional association was established to promote economic development issues and service the needs of economic development professionals across Australia. The association initially grew from a Victorian not for profit economic development association, Economic Development Association of Victoria (EDAV) and has grown to over 220 members in less than six months.

DISCUSSION

In order to represent economic development nationally EDA requires board members from all States and from regional areas. To facilitate this requirement a larger than normal board of 18 members has been established with four board members from Western Australia (only two of which are from Perth Metropolitan local governments), including the City's Economic Development Manager who has been appointed as a Director of EDA through the Perth Economic Development Agency (PEDA). Hence, the City of Gosnells will be one of only two metropolitan local governments represented on the board, the other being the City of Belmont.

PEDA is a local association which was established several years ago by economic development professionals in the Perth metropolitan area to promote economic development, provide a networking and information sharing forum and act as a lobby group.

It is planned that PEDA will become the Western Australian Chapter of EDA.

EDA is and will continue to be comprised mainly of local government economic development professionals and provides a range of benefits to members and in turn to the local governments they work for. These include:

- National lobbying capability on economic development issues
- Regular newsletters highlighting economic development best practice
- Professional development for economic development professionals
- Annual National Conference
- Annual Economic Development Awards

Since its inception in October 2007 EDA meetings have all taken place by teleconference. At its February 2007 Board Meeting EDA decided that the board will require an all day face to face meeting on 13 July 2007 in order to complete tasks associated with Annual Awards and the EDA National Conference which will be held in Sydney in late October 2007.

As attendance at this meeting would require interstate travel and an overnight stay, Council approval is sought for the Economic Development Manager to attend this meeting.

FINANCIAL IMPLICATIONS

The costs involved in attending this board meeting include return travel to Newcastle, New South Wales and an overnight stay. The estimated costs are as follows:

	Estimated Cost (\$)
Return Economy Airfare	1,300
Hotel Accommodation (one night)	180
Out of Pocket Expenses	300
Total	1,780

The funds to meet the estimated cost of attendance are available in the Economic Development Budget in account 33-1360-3034 Staff Training/Conferences.

The Economic Development Manager has been unable to attend any training and development or conference sessions this financial year and there are no known worthwhile opportunities for such attendance for the remaining two months of the financial year. Attendance at the EDA Board Meeting on 13 July 2007 will provide the Economic Development Manager with valuable professional development that will contribute to the activities of the City's Economic Development Branch. The most significant cost for attendance at this meeting (approximately \$1,300 for return airfares) will be incurred in the current financial year with the remaining estimated costs of \$480 being incurred in the next financial year. This will ensure that sufficient funds are still available in the next financial year budget for attendance by the Economic Development Manager at other professional development courses or conferences.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION
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164 Moved Cr P Wainwright Seconded Cr J Brown

That Council approve the attendance of the Economic Development Manager at the 13 July 2007 Board Meeting of Economic Development Australia to be held in Newcastle, New South Wales, at an estimated cost of \$1,780 being met from account 33-1360-3034 Staff Training/Conferences.

CARRIED 11/0

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

***AGAINST:** Nil.*

13.6 GOVERNANCE**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

Nil.

18. CLOSURENotation

The Mayor, on behalf of Councillors, the Executive Team and staff extended best wishes to the Director Planning and Sustainability and his bride-to-be on their forthcoming wedding.

The Mayor declared the meeting closed at 8.41pm.